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Constructing The Landlord Identity: An Analysis of Kingston's Eviction Crisis

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Constructing The Landlord Identity: An Analysis of Kingston's Eviction Crisis

Senior Project Submitted to
The Division of Social Studies
of Bard College

by
Elsa Ackerman

Annandale-on-Hudson, New York

May 2022

Dedication

To Liam & Sabine,
Who always make me smile, even on the hardest days.

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Introduction

I was newly pregnant with twins when we purchased our house on a tree-lined block of Kingston. We were drawn to the town's smallness, walkability, its racial diversity (in the overwhelmingly white Hudson Valley, Kingston is nearly 70 percent white, the rest an amalgam of Black, Latino, Asian, Indigenous American and other non-white groups), and its natural surroundings: mountains, farms, woodlands, and the majestic Hudson River. With my husband, a chef, newly employed by the Phoenicia Diner, a popular upstate restaurant, we finally had the push to leave the city, a move I'd been impatient to make for years.¹

Thus writes Sarah Franklin in her 2020 *New York Times* article, "Kingston: A City Remade by the Coronavirus." Before the onset of the COVID-19 pandemic in 2020, Kingston was already experiencing an affordable housing shortage, rising eviction rates, and the budding signs of gentrification. These issues were catalyzed by the mass influx of New York City residents in the spring of 2020 looking to get away from what was then considered the hot spot of the pandemic. In fact, an article describing the housing crisis in *The KingstonWire* states, "*The New York Times*, crunching data from the USPS, found that Kingston was the second-most popular place to move to in the last year in the entire country, second only to Hudson."² Another article describing "The Racialized Brooklynization of New York's Hudson Valley" writes, "Kingston demonstrates the latest, market-driven momentum of amenity development in a region

¹ Sara B. Franklin, "Kingston: A City Remade by the Coronavirus," *The New York Times*, August 14, 2020, <https://www.nytimes.com/2020/08/14/realestate/kingston-coronavirus-new-residents.html>.

² Editorial Team, "Editorial: Not All Who Wander Are Trespassing," *KingstonWire*, April 27, 2021. https://kingstonwire.com/opinions/2021/04/27/editorial-not-all-who-wander-are-trespassing/874yiP?open=1&force_ignore_preferences=1.

whose small cities and rural landscapes are ‘on the map of metropolitan visitors.’”³ In 2022, this phenomenon of urban displacement and development is at an extreme, but it is by no means new. For decades, small towns and cities within The Hudson Valley have essentially functioned as far reaching suburbs of New York City. Cities and towns such as Hudson, Beacon, Rhinebeck, and Kingston appeal to wealthy New Yorkers looking for the amenities and politically liberal environment of Brooklyn or Manhattan while offering a more quaint and less financially strenuous living environment. Ulster County legislator Abe Uchitelle describes the state of housing in Kingston prior to 2020, stating, “Kingston has been in the center of a regional explosion of recent real estate development since IBM left. Until recently, Kingston has been very economically depressed and most residents are still functioning in a low-wage economy.” For New York City transplants with expendable income, the cheaper cost of upstate living is a driving force to pursue a second home, business venture, or weekend getaway. To quote the owner of Kingston’s bar-bookstore, Rough Draft: “Opening this kind of business would have been close to impossible in Brooklyn.”⁴ Continuous upstate migration stemming from affluent New York City neighborhoods has been exacerbated by the public health concerns and financial impacts of COVID-19. A recent study found that since 2019, housing prices in Kingston have gone up 18%, and in the short span of time between July and August, 2020, the median home sale price rose from \$318,000 to \$345,250.⁵ Adding fuel to the fire, two *New York Times* articles were published in 2021 appealing to affluent prospective home buyers and describing the city’s

³ Leonard Nevarez & Joshua Simons, “Small-City Dualism in the Metro Hinterland: The Racialized ‘Brooklynization’ of New York’s Hudson Valley,” *City & Community*, 2020.

⁴ *Ibid*, 31.

⁵ Connor Goodwin, “Urban Removal: Kingston’s Housing Crisis,” *Chronogram*, 2020, <https://www.chronogram.com/hudsonvalley/urban-removal-kingstons-housing-crisis/Content?oid=11883079>.

“affordable lifestyle,” “quaint charm,”⁶ and “revitalization efforts.”⁷ Along with a growing number of Airbnbs in the city to satisfy this recent boom of upstate tourism, native Kingston residents face a crisis of gentrification, housing insecurity, and eviction.

This project examines Kingston’s housing crisis by exploring how the cultural constructions of “landlords” and “tenants” influence the eviction process. Specifically, it details the ways in which housing policy has been shaped by discourses that position the landlord as more vulnerable than the tenant.

Chapter 1 describes how the occupational landlord was repositioned as a social identity through rent control battles of the 20th century. It examines how this crafted social identity influenced housing policy through appropriation of Civil Rights Movement rhetoric and claims to social vulnerability.

Chapter 2 examines the efficacy of current eviction protections through an analysis of Kingston’s Good Cause Eviction law and small town politics. It discusses how Good Cause Eviction was critiqued through rhetorical employment of the vulnerable landlord identity, or the “mom-and-pop” landlord.

Chapter 3 details my personal experiences of data collection and court observation within Kingston’s government institutions as I examine the validity of theoretical housing justice discourse through an empirical analysis. It functions as an investigative narrative, highlighting

⁶ Sara B. Franklin, “Kingston: A City Remade by the Coronavirus,” *The New York Times*, August 14, 2020, <https://www.nytimes.com/2020/08/14/realestate/kingston-coronavirus-new-residents.html>.

⁷ Dave Caldwell, “Kingston, N.Y.: A Historic Hudson City ‘Preparing for Better Opportunities’,” *The New York Times*, December 1, 2021, https://www.nytimes.com/2021/12/01/realestate/kingston-ny-a-historic-hudson-city-preparing-for-better-opportunities.html?smid=fb-share&fbclid=IwAR21VS238ygCqgP_S-1GsnhlGhl55lat2ohZuG-Z85NLhTUmcHyT4JaI15w.

barriers to information accessibility through my material encounters with online databases, courthouse staff, and local housing activists.

Together, these chapters reveal a history of how identity movements have shaped housing policy and convoluted political debates. This history implores us to consider how we must continue the pursuit of housing justice given the inherent biases and barriers to information within our government systems.

CHAPTER 1: Discursive Constructions of The “Landlord” as Identity, The Political Efficacy of “Mom and Pop” Discourse

Introduction

In order to understand the housing crisis, it is necessary to examine the process of eviction. It is a violent experience, a failure of mediation, a circumstance of class hierarchies, and an ever-looming threat to those who face it. To fight such an intricate and constant process of displacement, tenants are expected to provide frequent evidence of their stable financial situation and upstanding residential etiquette. The landlord, on the other hand, is not subject to the same level of scrutiny when it comes to house maintenance and safety measures. This stark difference between expectations of proof and accountability speak to the ways in which the housing market (and our social institutions) impose a level of public criticism and surveillance specifically targeting members of lower financial classes while upholding a protective curtain of privacy for wealthy individuals.

The contradictory nature of the lease agreement and home space further complicates the landlord/tenant relationship. A lease agreement is a legally binding business transaction between two parties. The home exists in stark contrast to the nature of the formal and impersonal lease agreement. It is a personal, emotional, and sacred space for people to shelter themselves from pressures of the outside world. The landlord may feel an attachment to the property as its owner and caretaker, while the tenant develops a sense of safety and comfort in the home as an internal dweller. These feelings of attachment morph the legal and financial transaction into something more, forcing a complicated dynamic in which an inherent power imbalance is often masked by emotions, sociability, and judgements of one’s character and behavior. Thus, in order to understand the current state of the housing crisis and the reasons one chooses to evict, we must

also understand the collective mental state of “the landlord,” an identity and group mentality that has been culturally constructed through New York’s battle for rent control and eviction protections.

I. A History of New York Tenant Legislation

Since the early 20th century, tenant advocacy groups have fought against notorious evictors with the aid of local and federal government initiatives. Although a plethora of protective tenant legislation was passed in the decades following WWI, it has been, and remains today, an near impossible feat to prevent the unfair/immoral displacement and eviction of tenants from their homes. Even when aided by federal and state governments, those opposing eviction have faced massive difficulties regulating the behavior of landlords. Recently introduced Good Cause Eviction (GCE) legislation aims to regulate the reasons for which landlords may pursue eviction, as well as capping rent increases in order to keep current tenants in their homes. The arduous fight for Good Cause Eviction in Kingston, and throughout the Hudson Valley is a response to this long history of attempts at landlord regulation and subsequent landlord retaliation. The concessions and sacrifices made by GCE advocates during the bill’s passage into law points to the collective political power of landlords and property owners that has been amassed through decades of housing battles with tenant advocates. To understand the current state of the housing crisis, we must first understand the collective mental state of “the landlord,” an identity and group mentality that has been culturally constructed through New York’s (multi decades) battle for rent control.

During WWI, several rent/eviction control laws were implemented by city and state governments. It was during WWII that Congress instituted the first federal tenant protection

legislation through the Emergency Price Control Act of 1942, which established measures to control rental increases and eviction in over 600 national “defense rental areas”.⁸ Congress would go on to pass three rent regulation acts between 1947 and 1949 that transferred regulatory power from the federal government to local advisory boards. These protections would be prolonged by the Korean War into June 1952, which marked the end of federal rent control.⁹ New York State, however, implemented its own rent controls shortly thereafter for all units constructed before 1947.¹⁰ Following the implementation of the Department of Housing and Urban Development (HUD) as a federal agency in 1965 and the congressional passage of the Fair Housing Act of 1968, further local measures, such as the Rent Stabilization Act of 1969, were implemented in New York City to reestablish controlled rents by placing 400,000 previously exempt units under a system of regulation.¹¹ This wave of housing reform would eventually be met with pushback and the gradual deregulation of previously controlled dwellings within the state of New York. This was accomplished through Rockefeller’s “vacancy decontrol” which automatically deregulated any vacant, previously regulated, units¹², as well as The Urstadt Law, which remains in effect today and “removes provisions prohibiting N.Y. city from strengthening rent regulation laws to provide more comprehensive coverage than state laws”.¹³ With vacancy decontrol in full swing, landlord’s profited by raising rents, leaving thousands of New York tenants at risk of being evicted. Tenant’s rights groups pushed back against vacancy

⁸ Tobias Armbrorst, Daneil D'Oca, Georgeen Theodore, and Riley Gold, *The Arsenal of Exclusion and Inclusion*, New York, NY: Actar D.Inc., 2017. 307.

⁹ Ibid.

¹⁰ New York City Rent Guidelines Board, <https://web.archive.org/web/20170913155942/http://www.housingnyc.com/html/resources/faq/rentcontrol.html>.

¹¹ Ibid.

¹² Michael Cavadis, "A Brief History of Rent Regulation in New York," *Hypocrite Reader*, no. 81, December, 2017, <http://hypocritereader.com/81/rent-regulation-nyc>.

¹³ S1492, 2013-2014 (N.Y.), <https://www.nysenate.gov/legislation/bills/2013/S1492>.

decontrol and in 1974 gained victory with Governor Malcolm Wilson's signing of the Emergency Tenant Protection Act (ETPA). This legislation is the backbone of tenant protective legislation in New York and is summarized by Michael Cavadis:

The ETPA immediately ended vacancy decontrol and placed all units that had been deregulated between 1971 and 1974 (provided they were in buildings with 6 or more units) back under rent stabilization. Upon vacancy, rent controlled units would become rent stabilized units, thus slowly phasing out rent control. Units built after 1974 would be unregulated. This began the basic structure we know today, where units in buildings with six or more apartments built before 1974 are generally rent stabilized.¹⁴

Although the ETPA has continued to function as the basis for tenant protections, it would not hold up to the stratagems of landlords seeking loopholes within the system through backdoor evictions and manipulative rental practices. Ultimately, it would serve as a catalyst for a decades-long war between landlords and tenants as each group attempted to gain financial and social security through government regulation. Since rent regulation legislation is examined/renewed every 2-3 years under the ETPA's "sunset provision,"¹⁵ and is simultaneously dependent on the declared existence of a "housing crisis,"¹⁶ pre-existing debates over rent control/regulation were rekindled every time existing protections came up for review and renewal. As the state of New York, and the country, continued to wade through an ongoing

¹⁴ Cavadis, "A Brief History of Rent Regulation in New York".

¹⁵ Here "sunset provision" refers to the legal provision stipulating the automatic termination of ETPA unless actively renewed by the legislature. For more information see September Jarrett, "Appendix B: The Rent Regulation System in New York City," In *Rent Regulation in New York City: A Briefing Book*, Accessed on Tenant.Net, <http://tenant.net/Oversight/Briefing/appendb.html>.

¹⁶ The term "housing crisis" is variably defined by municipalities. It is often determined by a vacancy rate of less than 5%, but determining factors can also include the supply of housing stock, new units, etc. Here, the term is borrowed from The Real Estate Board of New York who utilizes the definition of a vacancy rate less than 5%.

housing crisis, the longevity and tenant protections of ETPA were never secured or guaranteed. Consistent amending of the 1974 ETPA under shifting state partisan leadership continued through the 1990s as the balance of power between landlords and tenants swayed from side to side with every passing legislation.

In 1983, the Omnibus Housing Act represented a major gain for tenants as it enforced a rent registration system that allowed for transparent landlord financial practices and increased state rent regulation.¹⁷ This would be combatted, however, through the Rent Regulation Reform Act of 1993. This act renewed rent regulation, but allowed landlords to deregulate apartments with rents over \$2000 if they became vacant between July 7 and October 1st of that year.¹⁸ In 1997, as landlords continued making improvements to raise the market rent of their units over \$2000, the New York City Council attempted to close this loophole, but ultimately compromised with landlord advocates, leading to further vacancy decontrol, which continued to erode the number of previously regulated New York apartments through the early 2000s. Every advancement for tenant rights following the 1974 implementation of the ETPA faced a backlash of landlord outcry; state politicians acted accordingly to please anxious property owners; tenants subsequently faced a renewed, but equally unfair system of housing conditions; tenant's rights groups pushed back with more protections and legislation; and the cycle would repeat.

II. The Vulnerable Inner City Landlord, From the Right and Left

¹⁷ Michael deCourcy Hinds, "For Rent Regulation, a New Beginning: Code's Future Cloudy as State Takes Helm for Rent Regulation, a New Beginning," *The New York Times*, Mar 25, 1984, Accessed via ProQuest Historical Newspapers, <https://www.proquest.com/historical-newspapers/rent-regulation-new-beginning/docview/122330647/se-2?accountid=31516>.

¹⁸ Cavadis, "A Brief History or Rent Regulation in New York".

The formation of the landlord identity has been ongoing since the start of the housing reform movement. Concurrent with the housing battles taking place in courts and politician's offices, fierce debates over housing laws seeped into the discourse of everyday life, appearing in newspaper opinion columns, television programming, and around family dinner tables. In response to their villanization by tenant activists, landlords asserted their individualism, vulnerability, and morality. To this end, the rent control opposition movement crafted an argument against tenant legislation based on three main principles, which came to form the basis of the landlord identity in the public eye:

- The defense of personal property rights and opposition to government interference.
- The assertion that pre-existing tenant protections are sufficient.
- (Ultimately) The landlord's claim of economic/social vulnerability is equal to (or more than) the economic/social vulnerability of the tenant.

The rhetoric and terminology of each principle would differ slightly, depending on the context, but the three pillars remained consistent, and aimed to highlight landlord determination, morality, and individualism in the face of public critique from tenants. While these arguments may not have necessarily been crafted consciously or with intention, they did serve to sway public opinion toward the best interests of landlords and away from the best interests of tenants. This is an example of what housing policy researcher, Sarah Bierre, refers to as "distorted communication."¹⁹ Borrowing this term from philosopher Jürgen Habermas, Bierre expands on his theory of communicative action: an analysis of power's role within social discourses that

¹⁹ Sarah Bierre, Philippa Howden-Chapman, and Louise Signal, "Ma and Pa' Landlord and the 'Risky' Tenant: Discourses in the New Zealand Private Rental Sector," In *Housing Studies*, 25:1. 2010.

ultimately argues for greater public awareness of the assumptions and distortions within our own forms of rhetoric.²⁰ She then applies this same logic to the landlord/tenant discourse. To quote

Bierre:

Our experiences and understandings can be shaped by concealed actions of power and violence, commonly referred to as ‘distorted communication.’ Distorted communication in discourse occurs where people or organizations pursue their strategic interests rather than seeking understanding and ‘the best solution’ through reasoned debate.²¹

She goes on to distinguish between two forms of action within such distorted forms of discourse as outlined by sociolinguist, Norman Fairclough. Again, alluding to instances of covert “strategic action” within landlord/tenant debates Bierre writes:

Identifying instances of distorted communication or strategic action within texts can indicate the use of power and persuasion in language; ‘what appears to be communicative action can be covertly strategic action.’²²

Keeping Bierre’s construction of the distorted communication in mind, we can analyze how the personal desires of landlords actively manifest within housing discourse and subsequently influence legislative policy through covert strategic action.

A *New York Times* article published by Kenneth J. Gould in the 1982 Westchester Opinion section (eight years after the implementation of ETPA) exemplifies a form of distorted communication which highlights the three aforementioned landlord principles which governed tenant discourse throughout the late 20th century. Critiquing tenant opposition to newly

²⁰ Jürgen Habermas, *Knowledge and Human Interests*, London: Heinemann Educational, 1972.

²¹ Bierre et al., 24.

²² Norman Fairclough as quoted in Bierre et al., *Analysing Discourse, Textual Analysis for Social Research*, London: Routledge, 2003.

converted condominium buildings in the early 1980s, Gould covertly asserts his own personal agenda through a superficial attempt of collective mediation, an act of strategic communication. Gould's column and its accompanying political cartoon are significant because they highlight the social formation of the landlord identity and the public discourse surrounding the cultural implications of such a self-proclaimed title. Three quotes from Gould's piece, in which he argues against rent control and the ETPA, are listed below, each emblematic of one of the three principles intrinsic to forming the landlord identity:

There is a great myth being perpetrated by the tenant advocates that a "majority rule" of the tenants, or 51 percent, should determine if an owner can proceed with an eviction plan. These people seem to ignore the fact that the tenants do not own the buildings, the owners do. They are the ones who invest their capital and take the risks inherent in building ownership. They should be permitted the option of offering to sell apartments to those tenants who wish to buy them. Why should some tenants be able to dictate to others that they cannot own their own apartments, with the resultant tax benefits and profit potential?²³

Here, Gould asserts his property rights, arguing that his ownership of the building should permit him (and not tenants or the government) to do whatever he likes with the property as he was the one to take on the inherent risks and financial sacrifices. He also asserts his economic vulnerability as he mentions "the risks inherent in building ownership."

²³ Birre et al.

It is said that tenants in cooperative and condominium conversions are being taken advantage of; nothing could be further from the truth. Tenants are now afforded significant and adequate protections, and no additional tinkering with the “balance of power” is necessary.²⁴

In this passage it is asserted that pre-existing tenant protections are sufficient. Therefore, tenants are either lying or exaggerating when they claim to be taken advantage of. Gould suggests that there is no need to implement further protections because the “balance of power” has been forever equalized, and further “tinkering” (regulation) would only put landlords at a disadvantage.

We have all seen the terrible effect that rent control laws have had upon our housing stock...by further restricting the rights of owners to convert (and of willing tenants to buy) we will drive the final nail into the coffin of our already dead residential housing industry and prevent many of our young people seeking a home of their own from buying that home.²⁵

Here, Gould claims a state of social vulnerability for the collective landlord identity as he mentions the further restriction of owner’s rights. By crafting a false narrative which claims that owner’s have repeatedly been stripped of their rights and represent an “already dead residential housing industry," Gould equates the collective landlord struggle to that of systematically oppressed groups. This comparison positions the landlord as a social identity rather than a chosen occupation and implies that government protection is necessary in order to shield the

²⁴ Kenneth J. Gould, "Case for Landlords on Conversions," *The New York Times*, May 23, 1982, Accessed via ProQuest Historical Newspapers.

²⁵ Ibid.

supposed vulnerable landlord apparatus from the looming fate of the dying residential housing industry.

This cyclical debate is illustrated in the cartoon accompanying Gould's article²⁶ (pictured below). The cartoon depicts five tenants on the left

side of a building physically pulling the structure away from a single landlord on the opposite side. This cartoon speaks to the ways in which the spatial structure of the home is imagined through debates relating to property rights and tenancy. Gould emphasizes that his rights as a property owner derive from the fact that he took the risk of investing in property. His willingness to take financial risks, and subsequently succeed in the market system, affords him privileges and rights exclusive to those who have



engaged in similarly risky (yet successful) capitalist behavior. Those who have not “taken the risk” or “worked their way up” (i.e. tenants) are not worthy of the same rights and privileges. The cartoon accompanying Gould's piece highlights this point through emphasizing the “tenant majority rule” against the erasure of collective landlord action/labor.

However, it can represent another narrative from an altered perspective. If we recognize the bank as a third party holding stake in residential dwellings, the cartoon can symbolize a landlord/tenant dispute for the imagined physical space of the apartment building that

²⁶ Ibid.

(financially) is not controlled by either landlord or tenant. It is ultimately controlled by the bank. From this perspective, being a landlord is less a form of employment or set of duties, but an identity to attain social and economic status through one's responsibility to the bank and control of their property and the people occupying it.

Gould's article received a critical response from Larchmont, New York resident Don Brown, which was published in *The New York Times* on June 20, 1982. Brown writes:

Yes there are bad landlords, and there are bad tenants. But to do away with rent controls of some kind would only leave the rich to live in New York City... These people are being faced with getting pushed out onto the streets every day. Don't we all owe something to these people? Then there's people like me. I live in Larchmont Acres in Larchmont, N.Y. Let's say these buildings want to go condominium sometime in the future; I do not want to buy. Where am I going to find a place to live? I'm not a lawyer. I can not afford million-dollar rents like you can. Get the picture?²⁷

Brown's criticism highlights another key feature of rent control debates through the decades when he writes: "These people are being faced with getting pushed out onto the streets every day. Don't we all owe something to these people?" Although managing rental units may function like a business, Brown echoes the calls of past and future tenants rights advocates when he implies that all of us (landlords included) owe something more to the people being forced out of their homes and onto the streets as a result of unaffordable housing costs. This question expresses a view of landlording less as a business venture, and more as a moral duty to provide and sustain housing for the benefit of the common good. Gould, however, likely does not see it

²⁷ Don Brown, "There Is No Fairness In Conversions," *The New York Times: Letters to the Westchester Editor*, WC25, June 20, 1982, Accessed via ProQuest Historical Newspapers.

this way. As he rekindles the defense of property rights argument and writes: “These people seem to ignore the fact that the tenants do not own the buildings, the owners do”. Likely for Gould, and many others like him, the title of landlord is a means to enforce control and ownership of a space and the people within it. This privilege is earned through successful risk taking, financial gambling, and climbing the ranks of the capitalist market system. He references this when he writes: “They (landlords) are the ones who invest their capital and take the risks inherent in building ownership”. While Gould opposes tenant legislation on the grounds of supporting owner property rights, his very next sentence suggests that he is economically vulnerable through his financial risk taking. Additionally, he is financially liable through his mortgage payments to the whims of the bank and national economy. Thus, in attempting to oppose rent control by simultaneously claiming property rights and personal financial vulnerability, Gould manages to contradict himself, unintentionally pointing to the fact that he himself is not fully in control or ownership of his property, the bank is. Therefore, the basis of Gould’s argument seems to be rooted more in a fundamental desire for control and recognition of economic status than a rights based appeal to property or morality.

Similar discourse extended to landlords across the political spectrum. While Gould leans more to the conservative side, he could easily find alliance with liberal inner city landlords. This is represented through Hal Ashby’s 1970 film, *The Landlord*. Adapted from Kristen Hunter’s 1966 novel and set in 1969 New York City, the film features Beau Bridges as Elgar Enders, a wealthy young white man who, using his parent’s allowance, decides to buy a tenement in the gentrifying, predominantly Black neighborhood of Park Slope. His original plan is to convert the building into his personal luxury home, but after meeting and befriending several of the

building's residents, he decides to fix up the property, remain its landlord, and rebel against the wishes of his racist WASP parents. What follows is a narrative which many critics have claimed "provides a penetrating, wise and exact meditation on race relations at the end of the 1960s,"²⁸ but ultimately epitomizes white saviorhood through the construction of the benevolent landlord figure. This depiction contributes to landlord identity building discourses of its time, highlighting the struggles Elgar must overcome mentally and physically as he manages tenant expectations alongside critique from his own family, who view his business venture as both revolting and shamefully charitable. In other words, Elgar feels constantly misunderstood, hated, judged, and does everything in his power to make up for it within his tenant relationships. Ultimately this desire to please forces him to eventually give up his role as landlord and pass the duties on to another family in the building.



The Landlord (00:39:23)

²⁸ John Patterson, "Hal Ashby's *The Landlord*: The Classic Film Evicted from Cinema History," *The Guardian*, 2012, <https://www.theguardian.com/film/filmblog/2012/oct/04/hal-ashby-the-landlord-classic>.

Fans of this film sing its praises in the comments below the Youtube video, writing things such as “still relevant today” or “very risque for that time”. One comment in particular perfectly remarks upon the message and overall tone Ashby intended to convey: “The earnest, hopeful tone--and above all, the honesty and feeling for human dignity and fallibility: a legacy of Sixties-era openness and generosity of spirit.”²⁹ Following the Civil Rights movement, white progressive property owners across the country embraced such emotional sentiment, yet often remained complicit in forms of racial violence. This is epitomized through Elgar’s actions as he initially gentrifies, and later attempts to befriend members of a Black community in order to retaliate against his own family. While Elgar interacts with his tenants with a kind, open, and caring heart, he remains complicit in family activities that exploit the labor of Black people and perpetuate racist stereotypes. At one point, when discussing the tenants of Elgar’s building at a family event, Elgar’s mother says: “I just don’t understand your sudden interest with those kinds of people dear! I mean we’re all liberals...”³⁰ The Ender family seems to embrace a form of liberalism that emerged during the 1940s and ‘50s emphasizing the importance of individual morals over structural underpinnings of segregation and inequality. Lily Geismer writes:

The increasing popularity of psychology in the 1940s and 1950s accentuated this focus on individualism, injecting a new emphasis and vocabulary of the self and therapeutic ethos into politics of postwar liberalism. Psychoanalytic theories became especially important to liberal ideas about race and racism during the postwar period, and reinforced

²⁹ Youtube comment section, https://www.youtube.com/watch?v=_BZncZK9qk4.

³⁰ *The Landlord*, directed by Hal Ashby, 1970, 00:57:15.

the idea that racism was the product of personal prejudice and moral deficiencies, rather than public policy of the directives of the market.³¹

Following this logic, Elgar's character effectively appeals to the values of postwar liberalism through his role as the landlord. Fighting against his parent's racism, prejudice, and general moral deficiencies, Elgar's undertakings as a landlord are viewed by the audience as honorable, just, and progressive, similar to that of the small business owner as discussed above. In this way, *The Landlord* pushes a narrative which positions the property owner on the side of progressive and liberal values. This portrayal does not aim to villainize tenants, but rather to suggest that landlords can be a friend rather than an enemy. As Elgar says to many of the building's residents: "I intend to be a good landlord as long as you're here."³² The film also suggests that in taking on this amicable position as a property owner, the landlord carries an immense burden of maintenance and tenant management which they continue to carry out of the sheer goodness of their heart.

³¹ Lily Gesimer, *Don't Blame Us: Suburban Liberals and the Transformation of the Democratic Party*, Princeton University Press, 2015, 9.

³² *The Landlord*, 00:18:58.



The Landlord (01:22:50)

A close examination of Gould’s anti-regulation argument alongside Ashby’s depiction of Elgar’s character reveals the ways in which attempts by landlords to appear vulnerable within the public eye often face the problem of self contradiction. It is difficult to claim economic precarity when you have already reaped many benefits of economic success. Why then, did these arguments prove so successful that they continued to permeate housing discourse for years to come? A possible answer is that the landlord occupies a unique position that commodifies the basic human need of housing into an intimate, two-person business transaction. The intimate relationship and mutual reliance between parties complicates the nature of ownership and vulnerability, making the landlord appear as a singular force struggling against masses of tenants and a multitude of shifting economic factors. Furthermore, the commodification of housing makes the role of the landlord lucrative, but also a social necessity. This tension between business and necessity is exemplified through the figure of the self-proclaimed “mom-and-pop landlord,” those who claim to be the polar opposite of “slumlords” and the antithesis of large,

corporate, unnamed landlords. This subgroup of landlords seems to understand the abusive nature of many landlord tenant relationships and attribute such neglect to managing an overwhelming amount of residential properties, arguing that managing only one or two local properties directly produces a more caring and respectful landlord/tenant relationship. Opposers of tenant legislation often cite the mom-and-pop landlord figure, arguing regulatory measures will harm these supposed benevolent landlords. Where did this term originate, and how has its rhetorical employment halted so many discussions regarding rent control measures?

III. The Small Business Owner & The Mom-and-Pop Landlord

The “Mom and Pop” landlord is situated within the broader historical context of the small business owner, or the “Mom and Pop Shop”. Similarities between the two groups exist within the cultural implications of the small business and how Americans have come to view, admire, and protect the economic “moms” and “pops” as instantiations of these patriotic and capitalist ideals. These same values extend to the more ubiquitous title of the small business owner, a role within the United State economy that is often regarded admirably as emblematic of American values of honesty, integrity, and perseverance/success within the free market system. The mom-and-pop shop goes one step further, embodying such small business values through the intimate roles of mother and father while emphasizing a quaint and casual nature through the dialectical employment of the term “mom and pop”. To quote Mansel Blackford’s *A History of Small Business in America*:

Many Americans have seen the owners of small businesses as epitomizing all that is best about the American way of life. Even as they embraced what they viewed as the superior efficiency and productivity of big business, Americans continued to revere small business

people for their self-reliance and independence. Indeed, twentieth-century Americans have frequently differentiated between small business, which they have seen as inefficient and backward, and small business people, whom they have continued to admire. In the period after World War II, the small business owner was often pictured as a bastion of political as well as economic democracy in the Cold War between the United States and the Soviet Union.³³

As Blackford analyzes how global conflicts of the 20th century encouraged a resurgence of patriotism, especially through the depiction of small business owners, I suggest a historical parallel which extends the perceived patriotism of the small business owner to that of the mom-and-pop landlord. Shaped by the historical backdrop of 9/11, the housing bubble of the early 2000s, and the subsequent Great Recession, the label of “mom and pop landlord” mirrors the rhetorical function of the small business owner in its ability to represent the perseverance of American ideals through global and economic turmoil.

Ronald Reagan’s 1984 presidential campaign heavily utilized the figure of the small business owner as an emblem of individual perseverance, a trait he promised to protect. In his address to the nation on the eve of the election, Reagan emphasized his reverence for small business owners after he highlighted similar quotidian figures who uphold national values: “The greatness of America doesn't begin in Washington; it begins with each of you -- in the mighty spirit of free people under God, in the bedrock values you live by each day in your families, neighborhoods, and workplaces.”³⁴ He goes on to list recent economic reforms aimed at

³³ Mansel G. Blackford, *A History of Small Business in America* 2nd ed, Chapel Hill: University of North Carolina Press, 2003, 4.

³⁴ National Archives, and Ronald Reagan Presidential Library & Museum, comps, “Address to the Nation on the Eve of the Presidential Election”.
<https://www.reaganlibrary.gov/archives/speech/address-nation-eve-presidential-election>.

protecting the hardworking American: “(We) reduced estate taxes for family farms and small businesses, reduced the marriage tax penalty, and increased the child-care credit, the rate of return for small savers”³⁵, and then circles back to praising these heroes of “Main Street America” as the driving force to “making us (America) great again”:

If anyone is looking for heroes, let them look at Main Street America -- all of you who during these past 4 years proved that the big leagues aren't with the Washington establishment. The big leagues are out in the heartland with you -- small business men and women, teachers, farmers, ranchers, blue-collar workers, homemakers, and high-tech entrepreneurs. You brought America back, and you're making us great again. All we did was get government out of your way.³⁶

Here, the rhetorical employment of the “small business owner” is used to make the opponent of government regulation seem sympathetic, recognizable, and intimate to the American people. The “small business men and women, teachers, farmers” are recognizable within every community and function as emotional and personal appeals to Reagan’s anti-regulation sentiment.

Similar rhetoric positioning the small business owner as the victim of government regulation is continued a decade later in Newt Gingrich’s 1994 speech, “A Contract With America.” Gingrich's Eighth proposed bill is to “...force Congress to live under the same laws as every other American”³⁷. He states, “Let us slash regulations that strangle small business and let us make it easier for people to invest in order to create jobs and increase wages”³⁸.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Newt Gingrich. "A Contract With America," 1994, Accessed via <https://legalelectric.org/f/2016/11/Gingrich-CONTRACT.pdf>

³⁸ Ibid.

Emerging out of the Civil Rights Movement, Reagan and Gingrich's sympathetic appeals to the (white) small business owner speak to a much broader discourse surrounding one's right/ability to claim vulnerability as a means to achieve social and economic gains. If black Americans could obtain a form of liberation by forcing white America to recognize their collective vulnerability within the state apparatus, the Reagan Revolution asked, why couldn't the same be done for working class white Americans? As Bortsdoff and Zoldwig argue:

The president attempted to change Americans' perspectives on civil rights by invoking the memory of Martin Luther King, Jr., in strategic ways. More specifically, the president employed King's words to argue that equality of opportunity in the United States had already been accomplished, and furthermore, that individuals-rather than the government-now had to take responsibility for any additional progress that was needed.³⁹

This idea of progressive individualism was a common theme in American politics following the Civil Rights movement and is very visible within the Ender family dynamics of *The Landlord*. Such vulnerability politics would lay the stage for future political/rights discourse based in protecting the generic, and ever-changing population of "America's most vulnerable". This would lead to a conflated understanding of "struggle/inconvenience" versus "oppression" within housing politics especially. Pre-existing claims of landlord vulnerability would be strengthened through the intersection of individualistic Reaganite discourse and the emerging mom-and-pop landlord identity, ultimately producing a rhetoric devoid of any structural analysis relating to race or class.

³⁹ Denise M. Bostdorff and Steven R. Goldzwig, "History, Collective Memory, and the Appropriation of Martin Luther King, Jr.: Reagan's Rhetorical Legacy," *Presidential Studies Quarterly* 35, no. 4, 2005, 661-90. <http://www.jstor.org/stable/27552723>.

An examination of tenant protection legislation of the 20th century such as The Price Control Act, The Fair Housing Act, and The Emergency Tenant Protection Act, produces a narrative as to how the landlord identity was crafted through the rhetoric of housing battles. Through this history we are able to historically contextualize arguments for, and against, present day forms of tenant legislation. This legislative history coupled with events prior to the 2008 housing bubble and subsequent recession produces an understanding of Kingston's (and post-2008 Recession America's) collective psychological investment within the mom-and-pop narrative and the subsequent desire to oppose or uphold tenant protection legislation. The following chapter will continue analysis of the mom-and-pop landlord within the context of Kingston's fight for Good Cause Eviction law, and will address the ways in which overarching formulations of housing rhetoric and legislation vary within a small town context.

CHAPTER 2: Claims of Landlord Vulnerability: Good Cause Eviction in Kingston

Introduction:

The previous chapter examined the formation of the landlord identity and how crafted narratives of vulnerability and progressive individualism influenced the history of housing policy within New York City. An analysis of present day tenant protections such as Kingston's Good Cause Eviction (GCE) law of 2022 and the Emergency Tenant Protection Act of 2019 reveal current manifestations of historic landlord/tenant rhetoric that hold influential power in Kingston's political debates and housing legislation.

Critiques of Good Cause Eviction were articulated from the moment it was presented. Opposition to GCE was discussed in ways that directly mirror the rent control debates of the 1970s and '80s. A major part of that opposition sought to defend "struggling mom-and-pop landlords." As discussed in the previous chapter, mom-and-pop landlords often regard themselves as local homeowners who are more intimate and casual than large and anonymous realty companies. Bierre writes similarly of the "Ma and Pa landlord":

'Ma and Pa' landlord—a term used to refer to a non-professional lay landlord with one or two properties which, through a divergence from traditional stereotypes of the unscrupulous landlord, is no less problematic.⁴⁰

Following this logic, it would seem plausible that mom-and-pop landlords generally Following this logic it would seem plausible that mom-and-pop landlords cultivate more amicable relationships with tenants, thus causing less conflict, and therefore lowering the chance of eviction. However, in community discussions and Common Council hearings preceding

⁴⁰ Sarah Bierre, Philippa Howden-Chapman, and Louise Signal, "'Ma and Pa' Landlord and the 'Risky' Tenant: Discourses in the New Zealand Private Rental Sector." In *Housing Studies*, 25:1. 2010. 21-22.

Kingston's passage of the Good Cause Eviction bill, Kingston's mom-and-pop landlords represented some of the legislation's most stringent opposition. The following chapter examines the unique economic position of mom-and-pop landlords through a study of Kingston's fight for Good Cause Eviction legislation, and the arguments supporting, and more importantly, opposing, such legislation. It explores this particular group's relationship to the act of eviction, explaining how their intention of fostering close tenant relationships is able to exist alongside a general opposition to beneficial tenant legislation.

I. Good Cause Eviction in Kingston

Good Cause Eviction was first introduced to the Kingston Common Council Laws and Rules Committee on September 29, 2021 by Kingston's director of housing initiatives, Kevin Corte. The proposed legislation aimed to respond to a variety of housing justice issues including rising rents, growing numbers of tenant evictions, and increased development in Kingston following a mass influx of New York City residents amidst the COVID-19 pandemic. Although the statewide Emergency Protection Act of 2019 already provided some of these protections, GCE set out to prevent displacement for vulnerable tenants by capping rent increases and providing concrete guidelines for the legal process of eviction. This was accomplished by providing nine distinct ways in which a tenant could be evicted. If, and only if, a tenant's behavior matched one of these circumstances, a judge could request a warrant of eviction to be carried out on the landlord's behalf. Corte's nine proposed grounds for eviction as outlined in his presentation to the Common Council are listed below. Opponents of proposed GCE legislation often emphasized the unfairness of specific regulations that did not actually exist within the GCE bill. Because of this prevalent misinformation, all nine grounds for eviction under GCE are listed

below in order to provide a thorough understanding of what behaviors the bill does (and does not) regulate. Grounds eight and nine are the biggest changes to existing eviction law under and sparked the most debate within Common Council hearings:

1. The tenant is violating a substantial obligation of their tenancy
2. The tenant is committing or permitting a nuisance in such housing accommodation
3. Occupancy of the housing accommodation by the tenant is in violation of or causes a violation of law and the landlord is subject to civil or criminal penalties
4. The tenant is using or permitting the housing accommodation to be used for an illegal purpose
5. The tenant has unreasonably refused landlord access to the housing accommodation for the purpose of making necessary repairs or improvements required by law
6. The landlord seeks in good faith to recover possession of a housing accommodation located in a building containing fewer than twelve units because of immediate and compelling necessity for their own personal use and occupancy as their principal residence
7. The landlord seeks in good faith to recover possession of any or all housing accommodations located in a building with less than five units to personally occupy
8. Where the owner-landlord has notified the tenant in writing of the owner-landlord's intention not to renew a written lease not less **than five months**

in advance of the non-renewal date **and the tenant consents**, provided that at the time of filing of an eviction proceeding the landlord has in good-faith entered into an enforceable lease agreement with a different party in **an arms-length transaction** for the premises occupied by the tenant.

9. **The tenant has failed to pay rent** due and owing, provided, however, that the rent due and owing, or any part thereof, did not result from a rent increase or pattern of rent increases which, regardless of the tenant's prior consent, if any, is **unconscionable** or imposed for the purpose of circumventing the intent of this article.

i) the rate of the increase relative to the tenant's ability to afford said increase

ii) improvements made to the subject unit or common areas serving said unit,

iii) whether the increase was precipitated by the tenant engaging in the activity described at section 223-b (1(a)-(c) of the Real Property Actions and Proceedings Law (complaints, enforcement of rights, organizing

iv) significant market changes relevant to the subject unit,

v) the condition of the unit or common areas serving the unit.

It shall be a rebuttable presumption that the rent for a dwelling not protected by rent regulation is unconscionable or imposed for the purpose

of circumventing the intent of this article **if said rent has been increased in any calendar year by a percentage exceeding five percent,**⁴¹

The main takeaway from this proposed legislation is that it intends to prohibit landlords from terminating leases for the purpose of flipping, Airbnb-ing, renovating, or any action that generally caters to wealthier tenants. It targets “back door evictions” in which landlords raise the rent to increasingly unaffordable rates, forcing their tenants to seek more affordable housing elsewhere.

It also responds to shifts in the housing market while considering a tenant’s relative ability to respond to these changes by setting a defined limit of “unconscionable rent increase” at 5%.⁴²

The proposed measures sparked a wave of pushback, ranging in critique from disintegration of property rights to economic decline to a rekindling of rent control. Ultimately, this pushback all rested within a desire to protect Kingston’s mom-and-pop landlords.

Opponents of Good Cause Eviction also repeated the claim that existing tenant protections were sufficient, emphasizing that The Housing Stability and Tenant Protection Act (HSTPA) had been implemented only two years earlier. However, even after HSTPA took effect, Kingston residents continued to face displacement as a result of rising rents and landlord discrimination. The following section will take a brief detour in order to examine the validity of this claim by analyzing the effective (and ineffective) components of HSTPA. This analysis will

⁴¹ “A Local Law Amending Ch. 332 Entitled “Rental Properties” of the Code of the City of Kingston to Prohibit Evictions Without Good Cause,” Section 6, 2021, As initially presented in Kingston Common Council meeting streamed on Zoom/YouTube, “Common Council Laws & Rules Committee Meeting 9-29-2021,” Video posted September 29, 2021, <https://www.youtube.com/watch?v=VvE83sSq7n8>.

⁴² Under GCE, an “unconscionable rent increase” is defined as 5%. However, a judge may determine whether the increase of 5% or more is justified given the landlord’s individual circumstances.

emphasize why the passage of Good Cause Eviction was crucial for protectioning tenant's rights in Kingston.

II. Small Town Politics & The Housing Stability and Tenant Protection Act

In 2019, Governor Cuomo signed The Housing Stability and Tenant Protection Act (HSTPA) into law. This legislation significantly strengthened a number of existing tenant protections in relation to eviction proceedings and rent increases as outlined by the 1974 Emergency Tenant Protection Act. It also attempted to close loopholes for landlord interference and provided security for new HSTPA protections with the removal of 1974 legislation's Sunset Provision.⁴³ Some of the most significant changes enforced by HSTPA as outlined by New York Department of Homes and Community Renewal (HCR) include:

- Makes the laws permanent
- Establishes rent stabilization as an option for localities statewide
- Repeals high rent vacancy deregulation and high income deregulation
- Repeals vacancy decontrol and longevity increases
- Reforms rent increase system for rent control tenants
- Establishes stronger tenant protections statewide with changes to security deposits and eviction guidelines
- Bans owners from refusing leases to tenants who have been involved in housing court cases.⁴⁴

⁴³ Noted in Chapter 1, "sunset provision" refers to the legal provision stipulating the automatic termination of ETPA unless actively renewed by the legislature. For more information see September Jarrett, "Appendix B: The Rent Regulation System in New York City." In *Rent Regulation in New York City: A Briefing Book*. Accessed on Tenant.Net. <http://tenant.net/Oversight/Briefing/appendb.html>.

⁴⁴ New York Homes and Community Renewal, "Strengthening New York State Rent Regulations: The Housing Stability and Tenant Protection Act of 2019," Powerpoint presentation accessed via HCR website, <https://hcr.ny.gov/system/files/documents/2020/02/rent-regulation-hstpa-presentation.pdf>.

Although HSTPA did establish stronger tenant protections through the banning of unlawful screenings and tenant blacklists, while enforcing clearer eviction guidelines, it did not provide regulatory measures to protect tenants from facing eviction in the first place. Some of the key points summarizing HSTPA's specific initiatives in relation to eviction and statewide tenant protection are as follows:

- Bans use of tenant screening bureaus, which prevent tenants who've challenged unfair landlords from finding apartments
- Prohibits landlords from evicting tenants for filing complaints on code violations
- Includes a wide variety of protections for tenants during the eviction process, including strengthening protections against retaliatory evictions
- Creates the crime of unlawful eviction, where a landlord illegally locks out or uses force to evict a tenant
- Provides tenants more time in eviction proceedings to get a lawyer, fix violations of the lease, or pay rent owed.⁴⁵

While these measures and regulations are beneficial to residents facing eviction, they mostly aim to provide transparency and clear communication between landlords, tenants, and the state, allowing more time for eviction notifications/proceedings and encouraging tenants to seek

⁴⁵ Ibid.

housing/repairs without fear of retribution. The HSTPA seeks to reduce evictions by providing tenants with adequate time, legal support, and knowledge to “fight back”. However, such remedies cannot effectively combat eviction. As we have seen, many landlords find legal avenues for eviction despite regulations, even if they are not “fair”. Furthermore, it is unlikely a landlord will pursue an eviction if they do not think it will succeed in removing the tenant. Therefore, even if a tenant is afforded adequate notice of eviction and time to attempt remediation of the situation, the odds are not usually in their favor.

Although HSTPA is in effect across the state of New York, a number of its eviction protections do not hold up within the framework of small town legal and social dynamics. This is certainly the case in Kingston. While certain practices may be outlawed, there are informal means to keeping illegal practices alive and well, especially within a smaller, less regulated system.

For example, although HSTPA bans the use of tenant screening bureaus, a local group called “Kingston Landlord Support” curates a publicly accessible archive of past tenant addresses using asterisks to denote previous warrants of eviction.⁴⁶ Private Facebook groups such as “Kingston area landlords” allow for similar information to be exchanged within an exclusive setting (I attempted to join several of these groups but was consistently denied access).

In addition, HSTPA prohibits landlords from evicting tenants for filing complaints of code violations, but such complaints may result in a residence being condemned by the building department, effectively evicting the tenants. Unreported code violations may also cause major safety hazards, further damaging the building to the point of disrepair, and subsequently

⁴⁶ Kingston Landlord Support, <http://www.kingstonlandlordsupport.org/index.html>.

displacing tenants, as well. Such is the case of Kingston's Elizabeth Manor, a boarding house which caught fire in 2020, displacing 37 residents indefinitely.⁴⁷ The house was then put on the market at the beginning of 2022 for \$725,000.⁴⁸ Elizabeth Manor was eventually acquired by the City of Kingston in March 2022 to reconstruct as a boarding house, but the process was not due to finish until at least March 2023, leaving previous residents who could not secure new permanent housing in a state of indefinite displacement.

Finally, HSTPA creates the crime of unlawful eviction, defined above as "a landlord illegally locks out or uses force to evict a tenant." Many evictions are not technically "unlawful" but still impose a level of violence similar to the force described above. There have been reports of landlords shutting off tenant's electricity, neglecting dangerous structural problems, and imposing massive rent increases with little to no warning. One Kingston resident described their experience of displacement on the Kingston Mutual Aid Facebook group:

Well it's official! We are being evicted. More victims of the country's shittiest housing market. Our landlord came over today to give us our 30 day eviction notice but we have two issues (we have more than two issues with this but let's just start with these) with this: first, isn't there still an eviction moratorium until august 31st? Second, we have lived in this apartment for 3 years and it's our understanding that since we've been here that long we actually have 90 days. Im hoping someone here can help me understand and confirm that this is an illegal eviction

This tenant's situation ended up not constituting a formal eviction, but a non-renewal of a month-to-month lease (a lease format becoming increasingly popular as housing demand grows). Because of this, the tenant was still forced to move in a very short period of time if they did not want to be eventually served with an eviction warrant. Circumstances such as these illustrate

⁴⁷ Diane Pineiro-Zucker, "Fire in Kingston boarding house displaces 37 residents," *The Daily Freeman*, November 19, 2020, <https://www.dailyfreeman.com/2020/11/19/fire-in-kingston-boarding-house-displaces-37-residents/>.

⁴⁸ Jesse J. Smith, "Elizabeth Manor Put Up for Sale." *Kingstonwire*, January 25, 2022, https://kingstonwire.com/news/2022/01/25/elizabeth-manor-put-up-for-sale/303SoW?open=1&force_ignore_preferences=1.

how tenants may be forcibly displaced even if it is not through a formal eviction. They also highlight how HSTPA fails in its ability to prevent displacement in the first place.

These examples illustrate how tenant protections outlined through HSTPA are not always effective, especially within the context of small towns with limited resources. Another discrepancy between small and large municipalities is the local government's role in enforcing statewide measures. The history of rent control battles in New York City shows the government working to meet the demands of both landlords and tenants in different instances. In Kingston, the local government appears more biased toward landlords. Why? In smaller towns interpersonal relationships often bleed into council meetings and government affairs. Landlords tend to occupy a high economic class, positioning themselves closer to politicians, government officials, and authority figures than the most tenants. Therefore, in a small town setting, a type of class collision takes place in which financial and legal business becomes intertwined with friendship and social relations. Furthermore, unlike large cities, eviction cases in more rural settings, such as The Hudson Valley, often take place in town or village courts, often referred to as justice courts. Judges of these courts are not required to have law experience or training, they simply need to be elected and complete a one week training course. As a result, many of these judges may also have a primary role as a liquor store, deli, or small business owner within the town. Justin Haines, a supervising attorney at Legal Service of the Hudson Valley emphasized that within Justice courts "judge's that don't understand the law give a great deal of difference to local attorneys." He went on to describe situations where small town legal matters have been finalized in a judge's living room, or their own personal residence. Such circumstances

exemplify interpersonal collusion within small town political affairs, pointing to the ways landlords may receive preferential treatment in town courts.

Kingston also lacks strong tenant organization to combat preferential treatment within the judicial system. There are tenant defense groups and grassroots housing activism efforts in Kingston, but they do not have sufficient membership to effectively retaliate in the ways New York City groups are able. Thus, while HSTPA provided necessary measures to combat eviction and housing injustice, it did not do enough, especially for small towns. This is why Kingston tenant advocates pushed so hard for the introduction and passage of the Good Cause Eviction bill.

III. Colloquial Employments of Housing Justice Terminology: Opposition to Good Cause Eviction

Understanding the ways in which pre-existing tenant legislation, such as HSTPA, failed to adequately combat forced displacement disproves the anti-GCE argument claiming the sufficiency of existing tenant protections. However, several other oppositional arguments were discussed during Common Council meetings, often mirroring housing debates of the late 20th century, as well as traditional landlord values as outlined in the previous chapter. Therefore, I argue that the morals and rhetoric grounding the mindset of Kingston's anti-GCEers exists within a larger historical framework of suburban liberalism and the protection of personal property rights. Their argumentation subscribes to Pierre's construction of "strategic action," as outlined in the previous chapter, taking on a facade of collective progressivism while simultaneously subscribing to traditional values of individualism, materialism, and divestment from class-consciousness. The following section closely analyzes the rhetorical underpinnings of

Kingston's Good Cause Eviction debates, examining the implicit connotations of terms such as "Mom and Pop," "Housing Justice," and "Pro-Housing."

Alderman Patrick O'Reilly was the first Common Council member to harshly critique this proposed legislation in the guise of "pro-housing". He stated in the meeting: "This almost sounds like it might create its own housing crisis. So I'm thinking about a space I have I want to rent for a year, and you're saying don't do it because you may have to rent that space forever."⁴⁹ O'Reilly goes on to defend the binding nature of the tenant/landlord contract, arguing that GCE legislation will essentially void lease agreements, discouraging people from becoming landlords, and thereby reducing available housing within the city. He concludes with a libertarian appeal, stating:

The government has taken over [a property owner's] property and they no longer have the power of deciding what to do with their property. That sounds not like something that would be pro-housing, it actually sounds like the opposite.⁵⁰

Alderman Rennie Scott-Childress, who is in favor of GCE legislation, responded by stating that the intended purpose of GCE is to clarify tenancy laws, provide housing mediation, and balance the power dynamic in the landlord/tenant relationship by affording tenants more rights. He states a crucial point which speaks to the privilege and responsibility landlords possess as property owners and housing providers: "I think it's really important to remember that housing providers have a grave responsibility that sets them apart from the people who sell trinkets and tchotchkes. They have the service of providing not just a house, but a home."⁵¹ While Childress and O'Reilly

⁴⁹ Selected quotes from City of Kingston Common Council meeting streamed on Zoom/Youtube,"Common Council Laws & Rules Committee Meeting 9-29-2021," 01:27:11.

⁵⁰ Ibid, 01:28:13.

⁵¹ Ibid, 01:42:21.

both claim to make “pro-housing” arguments, there is a clear distinction between their ideologies. O’Reilly’s stance is based in principles of individualism, property rights, and anti-government intervention, ultimately catering to the best interests of landlords, while Childress argues on behalf of tenants by highlighting inherent power discrepancies and appealing to equality through government mediation. O’Reilly continues to argue within this school of thought, directly responding to Childress’ appeal to tenant/landlord equality:

You have to remember when you’re giving rights to someone you can’t take away rights from someone else. The landlord is an owner of a property. They have property rights. This is their property. They shouldn’t have to have a forever tenant in their property just because they want to do the right thing and rent out an apartment for a year.⁵²

From Childress and O’Reilly’s opposing views we can see that “housing justice” is a term that takes on different meanings and conflicting viewpoints, depending on context, speaker, and intended message. The same rhetorical shifts are true for the term “mom and pop landlord”. These phrases are important to analyze because the housing crisis is wrapped in layers of jargon, colloquialisms, and anecdotal fear-mongering. To uncover the more personal decisions that shape a landlord, citizen, or lawmaker’s position on matters of housing, it is essential to understand how phrases such as “mom and pop landlord,” “pro-housing,” and “housing justice” are used in these conversations, and how these ubiquitous terms may trigger emotions of fear, judgment, and jealousy that lie at the root of an individual’s decisions and beliefs.

There is no agreed-upon definition of the terms “pro-housing” and “housing justice,” though many organizations have their own versions based on their agenda and mission statement.

⁵² Ibid, 01:44:56.

Therefore, in an attempt to not fall prey to yet another corporately defined buzzword that is undoubtedly colloquially rooted in some element of “progressive capitalism,” I have decided to write my own definition. My definition is contextually based, meaning I have come to understand these terms specifically through the lens of Kingston housing conversations within the two year span of 2020-2022. That being said, in many housing conversations I believe there is a clear difference between arguments supporting “pro-housing” versus arguments supporting “housing justice.” I believe this difference can be found by understanding who/what is being protected, by the “pro-housing” or “housing justice” argument at hand. From my observations of Good Cause Eviction hearings, I argue that Pro-Housing arguments tend to advocate for increased development and the construction of housing units while Housing Justice arguments tend to advocate for increased legislation, tenant protections, and regulations on how existing physical properties are to be managed. Although the two terms are often conflated and seem to function interchangeably, there is a clear distinction in the sense that Pro-Housing discourse tends to advocate for the protection and construction of property, while Housing Justice discourse tends to advocate for the protection of tenants. My definition of these two terms follows such a distinction:

“Housing Justice: The ability of everyone, regardless of race, class, gender, religion, sexual orientation, or any other social identity to easily obtain safe, comfortable, affordable, and consistent housing without fear of being evicted/displaced for reasons outside of their control. This can be accomplished through a variety of methods including legislation, housing development, tenant aid networks.

Pro-Housing: The active support of the construction of housing units. Somewhat synonymous with “YIMBY”⁵³. Encourages the development of affordable housing as a solution to the housing crisis. Can be an element of “Housing Justice,” but not necessarily. Encourages increased residential development and often discourages regulations that impose on the creation of more residential units.

Returning to O’Reilly’s previous quote with these definitions in mind, we can see how O’Reilly employs the term “pro-housing” above in order to oppose GCE while supposedly working towards a solution for the housing crisis. If we are to follow my definition of pro-housing, O’Reilly is correct. This legislation is the opposite of pro-housing in the sense that it does not incentivize the creation of new residential units. It instead provides legislation in support of tenants by regulating the behavior of landlords. O’Reilly’s claim about the government taking over a property is mostly exaggeration and property rights hysteria. It is true that through this legislation the government would be able to intervene in how properties are managed by their owners, but the landlord is still able to “decide what to do with their property,” just with some new stipulations in place for respecting their tenant. So while O’Reilly seems to be supporting the mission of housing justice, his fears and exaggeration feed into a narrative that centers property rights over human experience. This is the deceptive pro-housing narrative we hear repeatedly from Good Cause Eviction opponents. So, following my own definitions, I agree with O’Reilly and his supporters that Good Cause Eviction is not pro-housing. It focuses on tenant experience and quality of life through regulation rather than the protection of property rights and the easing of regulations to create more housing. But the proponents of GCE never

⁵³ YIMBY ACTION, <https://yimbyaction.org/2021/>.

claim to be pro-housing. Their proposed legislation is, instead, in line with the ideals of housing justice.

However, whether the pro-housing argument is aligned with the mission of the housing justice argument depends on context. Most landlords tend to think it is (but will often oppose the creation of affordable housing when it interferes with their own rental properties). I spoke with a Kingston landlord (“Landlord 1”) who embraces the pro-housing stance and is stringently opposed to GCE, calling it “a horrible, terrible idea” and a “confiscation of private property.” He also believes the pro-GCE narrative is promulgated by a “vocal minority” who “put hysterical things on Facebook and have a disproportionate effect on the law,” and that those vocally oppose it, including local politicians and the mayor, get “slammed” on social media. It is worth noting the ways in which advocates of GCE are described here because the rhetoric is reminiscent of Kenneth Gould’s opinion piece discussed in the previous chapter. Landlord 1’s subsequent belief that such a “vocal minority” has the capacity to silence opposers, influence politicians, and shape an entire narrative parallels Gould’s notion of “tenant majority rule” as well. Given the historical parallel in rhetoric, is Landlord 1’s distrust toward these groups and his opposition to GCE legislation based in a desire to achieve housing justice, or a personal desire to control his own space, property, and public perception?

I spoke on the phone with Landlord 1 for almost an hour regarding his experiences as a landlord and his opinions on the new legislation as it affects mom-and-pop landlords. His argument strongly echoed those of past rent control opponents, repeating collective landlord values relating to private property, vulnerability, and sufficient tenant protections. He expressed disapproval for potential implications of GCE within his personal property, stating: “Good Cause

Eviction is confiscation of private property. The property that I own can't be used in a manner it was used two years ago. If I want the unit for my children, I can't use it or sell it." He then stated: "It's like owning a car and saying you can only drive it between 5 and 7 at night, and other people use it all day, and you are paying for all the gas and insurance." Landlord 1 also emphasized the financial difficulty he faced during past eviction proceedings as an argument against further eviction regulation: "Owning rental property is a business. It's not something I do from the goodness of my heart. Landlords are empathetic and understanding, but at the end of the day it's a business." Finally, Landlord 1 asserted a pro-housing argument similar to that of Alderman O'Reilly, stating: "I fully understand what they're trying to do. If stable housing is the goal, the government should be building more stable housing. The city is in no position to do it. It takes away all incentive for private constructions."

I spoke to Ulster County legislator and Good Cause Eviction proponent, Abe Uchitelle to assess the accuracy of Landlord 1's claims. Uchitelle somewhat echoed Landlord 1's belief that local politicians may face retribution for speaking out against GCE. However, he described it as a conflict of interest rather than a fear, stating, "Many of my colleagues are landlords and have been advised to not participate in the Good Cause Eviction conversation." Uchitelle went on to highlight the primary goals of Good Cause Eviction and who it is intended to benefit/regulate. He made a point to emphasize that Good Cause Eviction only dictates what happens in the courtroom of an eviction hearing and does not automatically punish or restrict landlord behavior. Instead it provides a set of guidelines a judge may use to determine whether an eviction is lawful. Thus, Uchitelle explained, while GCE may strengthen regulations of landlord behavior, a judge ultimately has the power to determine if, and how, the regulations are enforced. This ultimate

judicial power seems potentially beneficial to landlords as a result of small town collusion between landlords and government figures, so I asked Uchitelle to elaborate on some of GCE's local landlord opposition.

Uchitelle discussed GCE's effects on mom-and-pop landlords and Landlord 1's claim that the legislation represents an infringement of personal property rights. While opponents of the legislation often claim its creators have no regard for the struggles of local landlords, Uchitelle said, "Quite frankly, our intention is to be fair to landlords. We have to protect small landlords for no other reason than preserving their part in the fabric of the rental market...you will see a lot of accommodations for smaller landlords in the laws that are passed." An example of such accommodations can be seen within Amendment 5A of Good Cause Eviction which exempts units with less than 4 units from regulation.⁵⁴ Uchitelle went on to emphasize this exemption, clarifying that GCE specifically aims to target large corporate landlords: "A lot of the landlords complaining are the ones that this legislation doesn't apply to." Finally, Uchitelle addressed Landlord 1's concerns of financial vulnerability and property rights, arguing that financial risk and changing regulations are inherent components of property ownership, not consequences specific to GCE or housing reform:

The flavor of this whole argument about landlords is that these people in our community made investments and spent their money. They believe we are changing the game on them in a way that doesn't respect the fact that they may have put their life savings in these houses. We shouldn't hurt their investment. But sometimes the rules change around investments. That's the nature of the market.

⁵⁴ "A Local Law Amending Ch. 332 Entitled "Rental Properties" of the Code of the City of Kingston to Prohibit Evictions Without Good Cause," 2021.

Uchitelle's statements disprove many of Landlord 1's claims regarding the widespread implications of Good Cause Eviction. While fragments of his argument may be true for some individuals, they do not apply to all, or even most, of Kingston's landlords. Thus, it appears that many critiques of GCE do not accurately reflect material consequences of the legislation, but project individual desires for control and fears of government imposition.

Through an analysis of the Good Cause Eviction debate and associated ubiquitous housing terminology, I argue that the Pro-Housing stance (as previously defined) is ideologically akin to that of Landlord 1 and much of Good Cause Eviction's opposition. That is, both positions assert a kind of dissemblance or strategic action within their argument, utilizing eviction as a means to exercise personal control over land and space rather than a necessary action to preserve their financial well-being. The following chapter will examine possible implicit motivations behind the act of eviction as well as how a desire for property control leads to contestation of the home between landlords and tenants.

CHAPTER 3: Evictions Within The Eviction Moratorium: An Examination of Housing Data and Barriers to Accessibility

Introduction

The previous chapters examined the state of Kingston's housing crisis through narrated experiences of both landlords and tenants. This analysis revealed the convoluted nature of housing discourse and the ways in which landlord intentions are often obscured through discursive terminology. In order to investigate the validity of prominent landlord/tenant claims in relation to eviction, a different form of analysis is required. Examining the state of Kingston's eviction crisis through an analysis of quantifiable and accessible data is one method we can use in order to better understand the rate of evictions, who is carrying them out, and where they are occurring. This constitutes the beginning of a geographical and numeric analysis that has the potential to tell us which parts of town are experiencing displacement at the highest rates, which landlords are notorious evictors, and which tenants are experiencing difficulty in sustaining consistent housing. This chapter utilizes such an investigative approach to understanding Kingston's housing crisis through personal testimony regarding my experiences of court watching, digital mapping, and data collection. However, as discussed in Chapter 2, there are limited resources and barriers to accessibility in small town political frameworks. Through a discussion of my own experiences navigating Kingston's city court system, the following chapter simultaneously examines barriers the city/courts place on accessing housing information, how such barriers obstruct tenant advocacy, and ultimately how this labor of information gathering contributes to systemic inequality within the housing market.

I. Tenant Advocacy & The Eviction Moratorium

In order to combat increased upstate migration and the ongoing process of forced displacement, there are a number of community efforts currently underway in Kingston such as The Real Kingston Tenants Union and The Eviction Defense Coalition. The passage of The Federal Eviction Moratorium in March 2020 was a major victory for these groups. This legislation granted protection from eviction if tenants were unable to pay rent as a result of financial hardship created by the COVID-19 pandemic. In September 2021, New York state extended this protection through January 15, 2022. This legislation has led many people to the false belief that evictions are not currently taking place in New York. They are right in the sense that evictions based on non-payment of rent as a result of financial hardship are not currently legal under the moratorium. However, landlords are still legally allowed to evict based on lease violations, unlawful tenant behavior, or by proving the tenant has not experienced significant financial hardship. This narrower range of justifications for eviction has led some landlords to falsely accuse tenants of the aforementioned behaviors in hopes of carrying out an eviction so they may turn a higher profit through raising rent, selling the house, converting the property into an AirBnb, etc. Such false accusations may also stem from personal and financial tension within the landlord/tenant dynamic. As discussed in chapter 1, the informal nature of the landlord/tenant relationship forces an intimate power dynamic of ownership and possession within the home. Housing researchers John Allen and Linda McDowell have described this “uneasy relationship created between landlords and tenants due to claims of possession made by both”⁵⁵ while also

⁵⁵ John Allen & Linda McDowell as quoted in Bierre et al., *Landlords and Property: Social Relations to the Private Rental Sector*; Cambridge University Press, 1989.

describing “the existence of a personal aspect to the relationship, beyond the traditionally accepted economic and legal relationship.”⁵⁶ Such opposing claims to property and ownership often surface when presented in eviction court proceedings. The following section will detail my own observations of Kingston City eviction court, examining financial and social tension between landlords and tenants, evidentiary burdens of eviction proceedings, and forms of data inaccessibility in small town court systems.

II. Observations From Housing Court

I attended Kingston City eviction court in early October 2021 to better understand the proceedings and interactions that take place in front of a judge after a landlord has filed a lawsuit against their tenant. During the COVID-19 pandemic, all eviction court cases took place online. The Eviction Defense Coalition had been virtually attending and monitoring some of these cases for a brief period in 2020, so although the city court website did not contain information on observing online court, I knew it was possible. I checked the court schedule and, seeing no online access link, planned to attend in-person on Thursday from 2-4:30pm, when Judge Kirschner was scheduled to hear six landlord/tenant eviction cases. Upon walking in the door, I was greeted by two security guards sitting behind a metal detector and X-ray belt. They asked why I was there. I explained that I was a student hoping to observe Judge Kirscher’s eviction cases that were scheduled for that afternoon. One of the guards looked at the other one and said, “Eviction court is still online, right?” He replied, “Yeah I think so. It should all be online until October 7th, but check with the eviction lady. She knows.” The first guard turned back to me and said, “Yeah, it’s not here. It’s still online right now I think, but hang on one second while I call

⁵⁶ Ibid.

and check.” She picked up the phone and spoke to someone briefly. She hung up the phone, turned back to me and confirmed that eviction proceedings were taking place virtually that week, but if I came back the following week, I would be able to sit in the courtroom and observe. I thanked her for the information and asked if there was any way I could observe the virtual court that was happening that day. She replied, “They don’t have it set up on the computer so that the public can observe. But come back next week and you can walk right in there and observe for as long as you’d like.” I knew this information was false, but I clearly wasn’t going to get more information from the two guards, so I thanked them and left with the intention to return again the following week for the first in-person eviction court session in several months.

On October 7th, 2021, I returned to Kingston City Court intending to observe seven scheduled eviction cases from 2-3:30pm. I explained my intentions to the guards as I had before, placed my coat on the x-ray scanner, walked through the metal detector, was searched and patted down by one of the guards, and was instructed to turn off my phone, keep my mask on, and quietly take a seat at one of the unmarked benches in the courtroom. I sat in the second row from the front. The courtroom was small, brightly lit, and quiet. Judge Kirschner sat at the front, looking at his phone, the reporter sitting in the box next to him. One guard stood at the front, one at the door. There was one man sitting across the aisle from me and one in the row in front of me. After sitting down, Kirschner examined me, and asked if I was one of the defendants for the next case. I explained that I was there to observe, and the guard at the door confirmed that I was a student observer. A couple minutes later, Kirschner called the plaintiff and defendant of the 2pm case to the stand. The two men sitting near me stood up, walked to the front, and proceeded to answer Kirschner’s questions for approximately three minutes. Even sitting in the second row of

the tiny courtroom, it was very difficult for me to make out Kirschner's words as he spoke quickly and quietly from behind his mask. With my limited understanding of the legal jargon of small claims court, this is what I could make out of the proceedings: Kirschner stated that the case was a "holdover," asked the two parties if "there had been any attempts at possible resolution," to which the tenant responded, "No, but I expect to be out by November 10th". Judge Kirschner mumbled a few things to the reporter and said, "I recommend trying to reach a possible resolution. I'll adjourn this for two weeks". The landlord and tenant nodded and quickly left the room.

This interaction was confusing to me. The two parties did very little talking, so I felt that as an observer, I had limited context for the case I had just witnessed. The next four cases proceeded in a similar fashion. There were long, silent breaks between each, as they are scheduled for fifteen minute blocks and usually take less than five minutes to reach a decision. The two parties typically arrived within these long stretches of silence, although some arrived much earlier than their scheduled appearance time. To mark the end of the break, Kirschner would look at those seated on the benches and ask if both parties were present. If they were, they would approach the stand. If they weren't, the court would sometimes wait, or allow the next case to go ahead. For every case, Judge Kirschner would state the nature of the dispute, and immediately ask both parties, "Have there been any attempts/discussions toward resolution?" At this point, one party would always respond with "No" and proceed to elaborate on the details of the landlord/tenant dispute.

A common theme was the discussion of "ERAP," or "Emergency Rental Assistance Program," which is defined by the New York State website as

...an economic relief program developed to help eligible households in New York State request assistance for rental and utility arrears accumulated during the COVID-19 crisis. The program will provide significant economic relief to low- and moderate-income tenants and will help landlords obtain rents due.⁵⁷

Despite good intentions, the distribution of New York's Emergency Rental Assistance Program has been a nightmare. Almost every housing justice advocate I spoke to, as well as several Kingston tenants, commented on the logistical problems and inaccessibility of the application process. In August 2021, an article in *Oswego County News* wrote:

Unfortunately, the program was painfully slow to be established, and since being set up by the state has been riddled with glitches. As a result, only a small fraction of the earmarked cash has been distributed — as of this week, only \$177,000 out of the total \$2.4 billion in emergency funding has found its way to renters and landlords. That's the worst in the nation and completely unacceptable.⁵⁸

System glitches are not the only thing preventing the distribution of these funds. In order to receive funding, both landlord and tenant must collectively agree to apply for ERAP. In some cases, landlords are hesitant or unwilling to apply with the tenant because they are skeptical of the program, do not believe their tenant deserves government assistance, refuse to aid the tenant because they want to find someone else who will pay a higher rent, etc. As a result, many of the

⁵⁷ The Official Website of New York State,
<https://otda.ny.gov/programs/emergency-rental-assistance/faq.asp#faq-benefits-q1>.

⁵⁸ Will Barclay, "New York's Rent Relief Program is Failing, Billions Have Yet to be Distributed," *Oswego County News Now*, August 2, 2021,
https://www.oswegocountynewsnow.com/columnists/barclay-new-yorks-rent-relief-program-is-failing-billions-have-yet-to-be-distributed/article_ea6dcb3e-f3b2-11eb-a122-73d573cdcef0.html.

eviction cases I observed in court revolved around some sort of dispute or confusion over the process of obtaining ERAP funding. Three of the cases I observed on October 7th centered around a dispute over late rent payments after the tenant had applied for ERAP funding. The landlord had filed for eviction while the tenant was still waiting for their application to be approved/processed or had experienced difficulties filing within the system. In two of the cases I observed, there was a dispute over the validity of the tenant's financial hardship declaration. The tenant wanted to apply for ERAP and had prepared a declaration detailing their financial struggles and subsequent inability to pay rent, but their landlord was unwilling to apply with them because they were doubtful the tenant was in as much financial distress as they declared on paper. This was a major point of contention in the final case I observed, in which a tenant owed almost a year of back rent. In response to the tenant's hardship declaration, where he explained his position as a self-employed contractor who had lost his insurance, worker's compensation, and much of his business in the pandemic, the landlord said to the judge, "But he owns a new truck. He's working all the time. I see him buying things for himself and his business. I don't know why he doesn't make an attempt to give me my money."

This scrutiny and questioning of a tenant's financial position is a common theme for eviction cases within the moratorium and implementation of ERAP. Although the tenant seemed to be making purchases to sustain his business, and not for personal leisure, the landlord could not seem to justify any new purchases while he was still owed money. Theoretically, if the tenant in question had been occasionally purchasing goods for leisure and enjoyment, the costs of such goods is still miniscule to that of substantial back-rent payments. Yet the very action of minor self indulgence was flagged by this landlord as behavior not in accordance with someone in a

position of financial struggle. This example highlights why the requirement of joint landlord/tenant participation in ERAP often results in disputes regarding the validity of tenant hardship applications. Therefore, in order to obtain funds from the state tenants faced with eviction are forced to carry the evidentiary burden of financial strain throughout legal proceedings. Failure to do so may result in rejection of their hardship application and subsequent eviction.

Following this discussion over the tenant's purchases and financial needs within the pandemic, Judge Kirschner briefly explained the benefits of ERAP to the landlord and encouraged both parties to work together on an application, stating he would adjourn the case for two weeks to see if they could work toward a resolution.

Through my observations of eviction court I learned three things. First, it is difficult to obtain accurate data regarding the state of eviction proceedings within Kingston city court. The court website does not provide details on specific cases and even through direct observation, it is difficult to ascertain the outcome of a case, especially when the majority of proceedings are extended weeks into the future. Second, filing an eviction notice is a time consuming process that often does not result in eviction. As a result, many landlords consider other avenues to remove a tenant before settling on formal eviction. Therefore, the decision to evict arguably represents the moment at which a landlord becomes unable to tolerate the tenant's presence any longer. Finally, many landlords argue in court that barriers to cordial tenant relations are due to overdue rental payments and the subsequent lack of revenue, which threatens their own financial security: "I have a mortgage to pay!" or "I have maintenance to keep up with," and therefore the relationship is no longer tenable. Knowing the primary reasons for why landlords choose to

evict, I now wanted to find out where evictions were occurring, and how frequently. This process will be outlined in the following section.

III. “Cracking the Code”: Uncovering The Small Town Data Mystery

My investigation of Kingston’s housing market and eviction crisis was originally inspired by the work of “The Anti-Eviction Mapping Project,” a “data-visualization, critical cartography, and multimedia storytelling collective documenting dispossession and resistance upon gentrifying landscapes”⁵⁹ based in San Francisco. I knew how dire the housing crisis was in Kingston following the mass influx of New Yorkers during the initial stages of the COVID-19 pandemic, and I wanted to create something similar that utilized mapping, data collection, and personal stories to track where, when, and how evictions were happening in Kingston. I was drawn to The Anti-Eviction Mapping Project’s 2019 interactive map of evictions in New York City. The map uses public eviction records to pinpoint singular sites of family evictions throughout the year. The eviction sites are represented by circles whose size is dependent on the number of families evicted from the site during 2019. If you click on the circle, you are given the address, name of the landlord, and how many families they evicted during the year. You then can view the landlord’s portfolio and see information about their building such as the identity of the property manager, the number of violations per building, and how many total evictions have been carried out in the building. There is also a link under “Are you having issues with this building?” in which the user is redirected to Justfix.nyc to file complaints and lawsuits against their landlord as well as research their building’s rent/eviction history. All these features are built with data from New York City public records. Landlords are required by New York City law to

⁵⁹ Anti-Eviction Mapping Project, <https://antievictionmap.com/about>.

annually register their buildings with Housing Preservation & Development, thus supplying the public with information on who owns what buildings, where their offices are located, etc. My vision was to construct a similar interactive map within the digital mapping platform, ARCGIS, to uncover information on landlords and their properties as well as create a list accessible to the public of “Kingston’s worst evictors”. By collecting and consolidating this information, I hoped to uncover trends in the spatially represented data that could show which parts of Kingston are experiencing evictions at the highest rate, and most rapidly. In Kingston, providing housing information is not enforced as effectively or thoroughly, and therefore leads to large gaps in public records. These evidentiary gaps, I quickly discovered, were much larger than I originally thought. This section details the many roadblocks and evidentiary gaps I encountered in my search to uncover Kingston’s past and current eviction data.

In order to understand the steps taken in my search for eviction evidence, let me first outline the logistical process of an eviction, and the subsequent paper trail that is (supposedly) created.

STEP ONE: NOTICE OF LEASE VIOLATION

In New York state, a tenant may be evicted for a number of reasons, the most common being violation of the lease agreement or nonpayment of rent. In order for a landlord to begin the process of eviction, they must first notify the tenant of the lease violation/nonpayment. If the tenant is accused of violating the lease terms, the landlord must provide the tenant with a ten-day notice to fix the violation. If the tenant does not fix the violation within this period, the landlord may give the tenant a notice of termination that states the tenant has 30 days to move out of the residential unit. If the tenant has not vacated the premises within this 30 day period, the landlord

can file an eviction lawsuit with the court.⁶⁰ If a landlord desires to evict a tenant for nonpayment of rent, they must first give the tenant a fourteen day notice, or demand for rent which states they have fourteen days to either pay rent, or move out. If the tenant has not paid the rent owed or moved out of the unit within this fourteen day period, the landlord may then file an eviction lawsuit with the court.⁶¹ After a lawsuit has been filed by the landlord, the court will set a date and time for the landlord and tenant to appear in front of the judge who will determine if eviction proceedings will continue.

STEP TWO: COURT ISSUES WRIT OF EXECUTION

Once the landlord has filed an eviction lawsuit with the court, the tenant must be served with a petition of eviction 10-17 days prior to the court hearing.⁶² If the tenant fails to appear in court they may lose the case automatically. If the judge rules in favor of the landlord during the court hearing, a writ of execution will be issued several hours or days after the proceedings allowing the tenant 10-14 days to vacate the property.⁶³

STEP THREE: SHERIFF FORCIBLY REMOVES TENANT

If the tenant has not vacated the premises 10-14 days after the writ of execution is issued, a warrant of eviction may be issued to the sheriff, who will then forcibly evict the tenant.

Because this process is quite lengthy and includes a number of official petitions, warrants, notices, etc. It seems there would be a database to track and store all this information. And because court proceedings are supposed to be available and accessible to the general public,

⁶⁰ Beth Dillman, "Tenant Defenses to Evictions in New York," *Nolo Legal Encyclopedia*, <https://www.nolo.com/legal-encyclopedia/tenant-defenses-evictions-new-york.html>.

⁶¹ N.Y. Real Prop. Acts § 711(2).

⁶² Dillman, "Tenant Defenses to Evictions in New York."

⁶³ "New York Eviction Process". Ipropertymanagement. <https://ipropertymanagement.com/laws/new-york-eviction-process>.

I assumed I would find a list of recent evictions without much trouble. This was not the case. I began looking for this database on New York's ecourt system. First problem. There is no way to search for "eviction". I could search cases by index number (which would return a single case), plaintiff/defendant name (again, returning a single case), attorney/firm name (more helpful perhaps, but most tenants are not legally represented), and judge name. Kingston City Court currently has six judges, and with a little digging, I was able to determine that The Honorable Philip M. Kirscher handles eviction cases that are abbreviated as case type "LT" for "Landlord/Tenant". It was through searching Kirschner's "LT" cases that I was able to generate a list of 50 active eviction cases. Great, this is a major step, I thought. I had the list of active eviction cases, now I would return to my original search filtering search results by previous years to generate a complete list containing eviction cases from the past two years. Second problem. Every search turned up "no cases found," even when I searched for the 2021 data. I tried to remedy this issue by searching under "court calendars" instead and looking for Kirschner's calendar of hearings from June, 2021, but a notice appeared informing me I could not search for any calendar data more than two weeks prior. In fact, the list of recent eviction cases I was able to generate under "judge search" was only 50 entries long because the oldest cases had been replaced by the newest ones, leaving me with an incomplete list whose data was constantly being erased in order to remain at a maximum of 50 entries. Why the lack of data? Why does Kingston City Court maintain such a platform if it can only be searched two weeks into the past? I connected with several Kingston housing advocates in hopes they might have some answers for me.

Phil Erner and Amanda Sisenstein are the leaders of Kingston's Eviction Defense Coalition, a group formed during the COVID-19 pandemic and eviction crisis of 2020. The

group aims to fight evictions in Kingston through data gathering (in the form of eviction court watching), eviction defense training for community members, and on the ground demonstrations/eviction barricades. After meeting Phil and Amanda at a Wednesday Walk For Black Lives event, I contacted them to ask if they knew about the lack of publicly accessible eviction data. Both responded that while they had been keeping a log of eviction court cases during the winter of 2020, they didn't have much information regarding current eviction data (or lack thereof) and suggested I reach out to Rashida Tyler, a Kingston resident and housing advocate who is also a member of the coalition. I met with Phil, Amanda, and Rashida over Zoom in October 2021 to discuss their experiences with eviction court watching and determine if Rashida could provide insight into tracking down past eviction records. Rashida provided important information about Kingston's housing crisis, but when I asked her about my search for eviction records, she directed me to the eCourts online tracker I had already been using and told me she didn't have any explanation for the large data gaps or any prior knowledge of such an issue. I did learn from Phil that the two week search restriction is a relatively new feature and did not exist several months ago when The Eviction Defense Coalition was beginning their court watching work.

I left this meeting feeling stuck and confused. I had met with three of Kingston's central housing justice advocates and none of them seemed aware of the massive eviction data gap I was describing. It seemed to me that despite the work being done in Kingston to combat evictions on the ground and through social media, there is little action being taken within the realm of data collection and analysis. Perhaps the lack of civilian pressure for accessible eviction data has led the courts to limit the availability of information to obscure the state of evictions without civilian

pushback, but there are certainly other potential reasons which will be examined shortly. After this meeting, I realized I would need to devise a method to (at least partially) map evictions in Kingston. I decided to work with the fifty eviction cases I had access to. I created my own spreadsheet with all fifty cases, updating it every few days as one or two new cases were added to the online court system. The spreadsheet was created on October 27, 2021 and as of December 9, contains 72 entries. Through this method I was able to retain the oldest cases on the ecourt list as they ceased to appear online. This is where I encountered problem number three. There were no addresses associated with eviction cases, only the court name, index number, case status, plaintiff name, plaintiff firm name, defendant name, appearance date, and judge (as shown below).

Please click the number in the first column or the index number to view case details.

	Court	Index Number	Case Status	Plaintiff	First Plaintiff Firm	Defendant	First Defendant Firm	Appearance Date	Judge/Part
51	Kingston City Court	LT-068626-21/KN	Active	The Stockade Group, LLC	Rebecca Ann Millouras-Lettre	Dan Fuller		11/04/2021	Honorable Philip W. Kirschner Civil

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Without the address I had no way of knowing where the eviction was taking place. This issue, I realized, could be remedied thanks to the Ulster County tax parcel datasets and recently created GIS tax parcel layer. The name of each plaintiff in an eviction case corresponds to the property owner, or landlord, of at least one Ulster County tax parcel. By searching the Ulster County tax parcel database for the names of every eviction case plaintiff, I could identify an address for each eviction case that the property owner was associated with. Through this method, I could pinpoint the location of every current eviction case in Kingston. If a plaintiff's name corresponded to more than one property, I would use analysis functions in ARCGIS called a One to Many Spatial

Join⁶⁴ as well as the Dissolve feature⁶⁵ in order to group several properties together as a singular data point, thus representing all the properties owned by one landlord within a single eviction case.

Having invented my own patchwork method for eviction mapping within the data constraints of a small town court system, I decided to research the state of eviction data in other cities, as well as other Ulster County institutions. I decided to look into step three of the eviction proceedings, in which a warrant of eviction is issued for the sheriff to forcibly remove a tenant from the property. On the Ulster County Sheriff's website, there is a prominently displayed tab titled "Active Warrants". Clicking on it directs you to an "Outstanding Warrant List" containing 31 pages, each ten entries long, of active warrants within Ulster County. The charge for the warrant is listed on the right side and includes crimes such as "AGGRAVATED HARASSMENT-2," "CRIMINAL MISCHIEF - 4," "UNLAWFUL POSSESSION OF MARIHUANA," "DEFENDANT TO APPEAR IN COURT FOR DELINQUENCY DETERMINATION"⁶⁶ and several others. The warrant list is searchable, but a search for "EVICTION" yields zero results. I called the sheriff's office to ask about the absence of eviction warrants, but after ringing three times, the phone line sounded several long and high pitched

⁶⁴ As described on esri technical support: "A join between two tables in ArcMap can be done only with a one-to-one or many-to-one relationship between the 'Main' table and the 'Other' table (whose attributes are being joined to the Main table). For each record in the Main table, if there are multiple matching records in the Other table, only the first matching record from Other is joined." Esri, "How To: Create a one-to-many join in ArcMap," <https://support.esri.com/en/technical-article/000010848>.

⁶⁵ As described on esri technical support: "Dissolve may result in multipart features being created. A multipart feature is a single feature that contains noncontiguous elements and is represented in the attribute table as one record. The state of Hawaii is a common example of a feature represented as a multipart feature." Esri, "How Dissolve (Data Management) Works," <https://pro.arcgis.com/en/pro-app/2.8/tool-reference/data-management/h-how-dissolve-data-management-works.htm>.

⁶⁶ "A Message From The Sheriff-Ulster County." <https://ulstercountyny.gov/sheriff/active-warrants?page=23>.

beeps before disconnecting. No answering machine. No option to leave a message. I called the line again two more times and experienced the same issue. I sent an email to the address listed on the website asking about the state of active eviction warrants and received the following response:

“Good Evening,

We don't post active eviction warrants to our website as they are not a matter of public safety. Our agency will post active bench/arrest warrants on our website under the

“Outstanding Warrant List” icon. These warrants pertain to pending criminal charges.

Any warrants of eviction our agency has are filed with the Civil Division by attorneys or landlords requesting enforcement. These warrants originate in the local justice or city courts.

A request for information can be made by submitting a FOIL request. The directions to do so are listed under the “How Do I” section of our website.

Regards,

Jarrid E. Blades, Esq.”

The FOIL form (Freedom of Information Request Form) allows the public to request records from New York State government agencies. This is accomplished by providing one's name and address, as well as the name and birthdate of the person for whom information is being requested. This type of information request is not useful for the purpose of locating all active eviction warrants because it is intended for a single person. I responded to Jarrid's email explaining this and asked if there was a way to submit a public information request for all active eviction warrants rather than one specific warrant. I am still awaiting a response.

Having run into dead ends with the Kingston courts website and the Sheriff's Department, I tried to find another avenue for obtaining Kingston City court records. There is another online platform, "Search IQS," that is managed by Nina Postupack, the county clerk. Clicking on it, you are directed to a page where you can register for a subscription to use the service for \$100/month (in state) and \$200/month (out of state). You are able to use this service as a guest, but I could only search by individual name's again, not case types. I attempted to work around the search restrictions in multiple ways to see if I could yield new or interesting results: specifying all civil cases within Kingston City Court, searching for a specific LLC that had appeared on the eviction court calendar multiple times, looking for some sort of similarity in the filing information for eviction cases I could locate. All of my attempted searches yielded either one or zero results.

I called the county clerk's office to ask if I could access eviction records by coming in person and, after being transferred two times, put on hold for approximately 15 minutes, hung up on, calling again, and finally being transferred to someone within the clerk's office, I was told: "Well, there is a moratorium on evictions at the moment so there are no eviction records because no evictions are happening right now." It is unclear if this person was aware that evictions are still proceeding within the current moratorium under different circumstances, or if they were lying to me to quickly put an end to our phone call. Whatever the case may be, it is concerning that I was given false information by a government employee in charge of maintaining and providing legal records to the public.

After almost four months of calling, emailing, searching the web, and updating my own spreadsheet of eviction court data, I began digitally mapping the 68 eviction cases that had

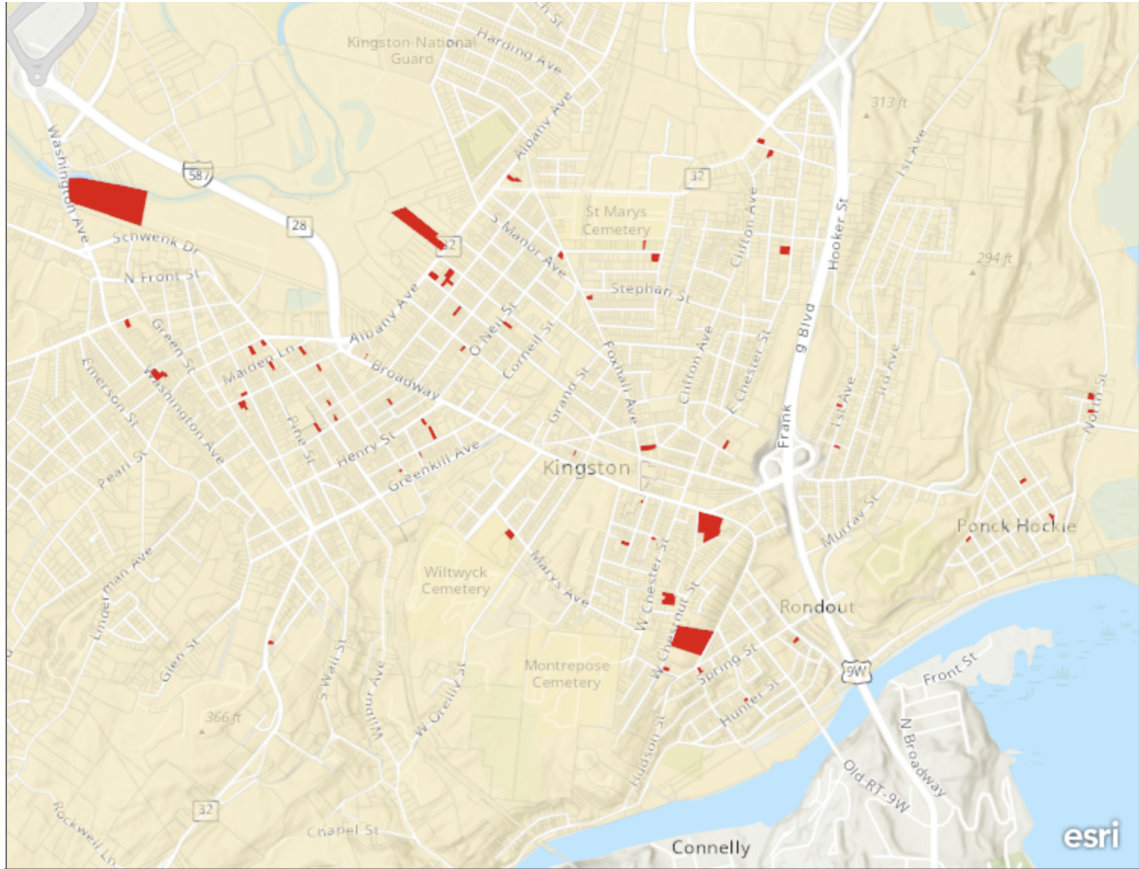
occurred between October 27, 2021 and December 6, 2021. I followed the steps in the process I outlined above, but quickly encountered another issue in data formatting. In order to run a successful match between court data and tax parcel data, the listed names of the plaintiff/landlord needed to be exactly the same within both datasets. While Kingston City Court lists a plaintiff's name as FIRST NAME LAST NAME, the Ulster County tax parcel database often lists a property owner's name as LAST NAME, FIRST NAME. However, the data formatting of the tax parcel database is also inconsistent. A property owner's name may be listed as LAST NAME, FIRST NAME; LAST NAME FIRST NAME; FIRST NAME LAST NAME; or FIRST NAME, LAST NAME. Occasionally, a middle name, initial, or nickname must be accounted for (e.g., Nicholas in court, Nicola in the tax parcel). Sometimes a property owner will be listed as two separate entries, one with a comma between the first and last name, and one without. A corporation or LLC owner will often be listed as it appears in court data, but occasionally will be under a different name in the county database (e.g., Royal Gardens LLC was listed as Sunset Gardens LLC in the Ulster County database), or will be listed under a person's name instead. There is an enormous amount of data formatting discrepancies, which to resolve took several hours of reformatting, or "data massaging". The "massaging" was a painstakingly slow process of searching the last name of each plaintiff in the tax parcel data, finding the corresponding name (or two) in the format listed, and revising the name in the court data to match exactly. There are several names I simply could not find in the tax parcel data despite multiple attempts at search query revision. These entries are not included in the current map. This process of "data massaging" was tiresome enough with 68 entries. It simply would not be possible with a greater quantity, and given the scope of data formatting inconsistencies within Ulster County's tax parcel

database, it would be nearly impossible for anyone with an external dataset to utilize the county's housing data in conversation with their own.

The dataset and corresponding map pictured below is the result of this work.⁶⁷ The red parcels indicate the properties owned by landlords who appeared in Kingston City eviction court between October 27 and December 6, 2021. There is no geographical correlation between sites of eviction, but the data is also very limited. This lack of data is indicative of the massive housing evidence barriers that exist within the government agencies of both Kingston and Ulster County.

⁶⁷ The webmap can be viewed through the following link: <https://arcg.is/1OvnjS0>.

OBJECTID	COUNTY	MUNI_NAME	PARCELADDR	CT_NAME	PRMY_OWNER
1	Ulster	Kingston, City	500 Washington Ave	Kingston	J Dutch Village LLC
2	Ulster	Kingston, City	26 Lucas Ave	Kingston	Foo Ken
3	Ulster	Kingston, City	256 Washington Ave	Kingston	Stockade Group LLC
4	Ulster	Kingston, City	728 Broadway	Kingston	Pugliese, David
5	Ulster	Kingston, City	39 Vanburen St	Kingston	Miller Gregryon S
6	Ulster	Kingston, City	36 Henry St	Kingston	CIK LLC
7	Ulster	Kingston, City	73 Liberty St	Kingston	Caserta Robert
8	Ulster	Kingston, City	85-87 Franklin St	Kingston	Caserta Robert
9	Ulster	Kingston, City	105-107 Franklin St	Kingston	Michael Sanders Rlty Co
10	Ulster	Kingston, City	18 Maiden Ln	Kingston	Guido, Mark
11	Ulster	Kingston, City	36 St James St	Kingston	Keegan Kgn Realty Corp
12	Ulster	Kingston, City	2 Pearl St	Kingston	CIK LLC
13	Ulster	Kingston, City	52 Maiden Ln	Kingston	CIK LLC
14	Ulster	Kingston, City	18 Pearl St	Kingston	CIK LLC
15	Ulster	Kingston, City	177 Fair St	Kingston	CIK LLC
16	Ulster	Kingston, City	134 St James St	Kingston	CIK LLC
17	Ulster	Kingston, City	130 St James St	Kingston	CIK LLC
18	Ulster	Kingston, City	84 Cedar St	Kingston	Hylton, Francine L
19	Ulster	Kingston, City	17 Prospect St	Kingston	Hylton, Francine L
20	Ulster	Kingston, City	132 Boulevard	Kingston	Bennett Clinton
21	Ulster	Kingston, City	90 Fairview Ave	Kingston	Fairview Gardens LLC
22	Ulster	Kingston, City	56 Crane St	Kingston	Joice Jessica
23	Ulster	Kingston, City	35 Grove St	Kingston	Kingston Renovates Inc.
24	Ulster	Kingston, City	6-12 Willow St	Kingston	Miah, Mohammed U.
25	Ulster	Kingston, City	165 North St	Kingston	Faas, Alden
26	Ulster	Kingston, City	95 First Ave	Kingston	Lambert Joyce
27	Ulster	Kingston, City	42 First Ave	Kingston	Reznikov Yuri
28	Ulster	Kingston, City	82 Highland Ave	Kingston	Meyer, Edward
29	Ulster	Kingston, City	55 Sycamore St	Kingston	Hirsch, Frederick
30	Ulster	Kingston, City	85 Broadway	Kingston	Ramz Real Estate Co LLC
31	Ulster	Kingston, City	33 Hone St	Kingston	33 Hone Street Corp
32	Ulster	Kingston, City	112 W Pierpont St	Kingston	112 W Pierpont LLC
33	Ulster	Kingston, City	295 Broadway	Kingston	Landmark Preservation Housing Develop Fund
34	Ulster	Kingston, City	9 Brewster St	Kingston	Viola Peter
35	Ulster	Kingston, City	50 Staples St	Kingston	Forgione Christopher
36	Ulster	Kingston, City	61 Brewster St	Kingston	Madsen, Michael
37	Ulster	Kingston, City	109 Orchard St	Kingston	OConnor, Joy
38	Ulster	Kingston, City	166 W Chestnut St	Kingston	Chestnut Mansion LLC
39	Ulster	Kingston, City	206 W Chestnut St	Kingston	Safer, Johann
40	Ulster	Kingston, City	175-177 Marys Ave	Kingston	Pugliese, David
41	Ulster	Kingston, City	171-173 Marys Ave	Kingston	Pugliese, David
42	Ulster	Kingston, City	133 Jansen Ave	Kingston	Ma, Oscar
43	Ulster	Kingston, City	44 Foxhall Ave	Kingston	Charest, Timothy
44	Ulster	Kingston, City	49 Park St	Kingston	Charest, Timothy
45	Ulster	Kingston, City	57 Cedar St	Kingston	Hylton, Francine L
46	Ulster	Kingston, City	159 Tremper Ave	Kingston	Tverskoy Dmitry
47	Ulster	Kingston, City	227 Smith Ave	Kingston	Meyer, Edward
48	Ulster	Kingston, City	114-116 Oneil St	Kingston	CIK LLC
49	Ulster	Kingston, City	121-123 Elmendorf St	Kingston	Safer, Johann
50	Ulster	Kingston, City	258 Smith Ave	Kingston	Safer, Johann
51	Ulster	Kingston, City	238 Albany Ave	Kingston	Kingston Albany LLC
52	Ulster	Kingston, City	191 Bruyn Ave	Kingston	Safer, Johann
53	Ulster	Kingston, City	193 Bruyn Ave	Kingston	Safer, Johann
54	Ulster	Kingston, City	277 Albany Ave	Kingston	Charest, Timothy
55	Ulster	Kingston, City	392 Albany Ave	Kingston	Tucci, Joseph Samuel
56	Ulster	Kingston, City	214 Oneil St	Kingston	Guler, Kemal
57	Ulster	Kingston, City	210 Oneil St	Kingston	Kingston Renovates Inc.
58	Ulster	Kingston, City	97 Gage St	Kingston	Guler, Kemal
59	Ulster	Kingston, City	106-118 Gage St	Kingston	D&G Prop Mngmnt LLC
60	Ulster	Kingston, City	244 Foxhall Ave	Kingston	Viola Peter
61	Ulster	Kingston, City	325 E Chester St	Kingston	DeCicco Jamie
62	Ulster	Kingston, City	157 Tammany St	Kingston	Altomare, Nicola
63	Ulster	Kingston, City	339 Flatbush Ave	Kingston	Derr, Dennis G & George R Jr
64	Ulster	Ulster	152 Flower Hl	Ulster	Pugliese, David
65	Ulster	Ulster	87 Yarmouth St	Ulster	Altomare Nicola
66	Ulster	Ulster	45 Birch St	Ulster	Sunset Gardens LG Associates L
67	Ulster	Ulster	45 Birch St	Ulster	Sunset Gardens Lg Associates L



My experiences observing eviction court proceedings and attempting to fill in the evidentiary gaps created by the government institutions of Ulster County were lengthy, frustrating, and taxing. Through two and a half months of work, I was able to produce only a very narrow and constrained picture of Kingston’s eviction crisis because of these barriers. Such data constraints concerning the state of evictions are not limited to Kingston, but are found nationwide, especially in smaller towns and cities that, like Kingston, are dealing with mass influxes of new residents amidst the COVID-19 pandemic.⁶⁸ Therefore, while the final results of this geographic analysis may be inconclusive, the restrictive nature of my process and the limitations to data collection in small towns collectively narrate how government institutions

⁶⁸ Michael Friedrich, “We Need to Talk About Rural Gentrification,” *The New Republic*, April 26, 2022, https://newrepublic.com/article/166201/need-talk-rural-gentrification-heaven-place-earth-book-review?fbclid=IwAR233yVMBKan92_McfmfkBPJMerQLhg7l_gOHq1U7XYwuf0iLE-S34pALys.

perpetuate systemic housing inequality by obscuring the nature of Kingston's housing crisis.

Such barriers to housing/eviction data function in conjunction with the paradigm of the landlord identity, masking the empirical nature of eviction through a dissemblance of rhetoric, identity politics, and public inaccessibility.

Conclusion:

The long history of housing legislation in New York has shaped cultural constructions of “the landlord identity” through political rhetoric and landlord/tenant debate. These discursive formations of identity and individual vulnerability have influenced policy-making and public perception of the housing market/crisis in Kingston and throughout the United States. This convoluted discourse as well as the lack of available housing data represents a class issue that reinforces systemic inequality through barriers to knowledge and a required labor of information gathering. Future pursuits of housing justice must, therefore, must address this systemic issue in order to enact material progress moving forward. To accomplish this we must combat biased rhetoric and crafted social identities by shifting our focus to methods of quantitative research and data analysis. Specifically, we must solve the “data mystery”; that is, understanding barriers the system erects to obtaining reliable information and the required labor to “crack the code” and achieve widespread data accessibility.

If we are to “crack this code”, a thorough quantitative approach to housing inequality is possible and has the potential to locate regions experiencing high rates of displacement, pinpoint populations most affected by economic/legislative shifts, and identify factors prohibiting one’s access to housing. Applied correctly, this knowledge could streamline legislative processes and community debates, directly measuring the efficacy of current and proposed solutions to housing inequality without bias or rhetorical manipulation. The debates surrounding Good Cause Eviction reveal the ways in which personal intentions can manifest through a facade of progressivism and dissemblance in political discourse. Because of limited information and accessible data, it is difficult for residents to form opinions on housing matters such as Good

Cause Eviction without relying on pre-existing arguments in which opinion, fact and personal desires are often indistinguishable from one another. Widespread access to housing data could give less power to such convoluted arguments, empowering citizens to craft their own judgements through direct examination of empirical data and projected impact reporting.

Furthermore, the results of data compilation and information labor could allow residents to make conscious individual choices that are in line with housing justice goals and have lasting material effects. For example, when searching for a new home, a Kingston resident could avoid landlords who are notorious evictors or properties that have a history of code violations. New residents to the area could lessen the effects of gentrification by avoiding neighborhoods with high displacement rates and rising rents. A long term analysis could allow tenant activists to present numeric data and maps depicting eviction rates, rent increases, and market prices to contextualize and solidify arguments for housing reform.

Ultimately, an accessible and data-driven approach to housing justice has the potential to deconstruct the historically crafted paradigm of landlord sympathy and vulnerability by devaluing biased claims made within political debates. In this way, enhanced data-driven pursuits of housing justice could ultimately shift public perception of stereotypical landlord/tenant identities, reconfiguring the ways in which we collectively view the responsibilities required of either role. By exploring different avenues to housing justice we are able to bridge methodologies and analytical frameworks, paving the way for tenant's rights through the decentering of identity politics.

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