TENANTS UNITED:
NAVIGATING ALLIES AND ADVERSARIES IN HOUSING MOVEMENTS

BY

Caitlin Waickman

B.A. Fordham University, 2012

THESIS

SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE
OF MASTERS OF ARTS
IN THE DEPARTMENT OF URBAN STUDIES AT FORDHAM UNIVERSITY
NEW YORK

May, 2014
Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title Page</td>
<td>1</td>
</tr>
<tr>
<td>Table of Contents</td>
<td>2</td>
</tr>
<tr>
<td>Introduction</td>
<td>3</td>
</tr>
<tr>
<td>Renters in the United States</td>
<td>5</td>
</tr>
<tr>
<td>The Context of Current Housing Activism</td>
<td>12</td>
</tr>
<tr>
<td>Background of Sunset Park</td>
<td>22</td>
</tr>
<tr>
<td>Rent Strike in Sunset Park</td>
<td>26</td>
</tr>
<tr>
<td>1904 Housing Activism</td>
<td>44</td>
</tr>
<tr>
<td>Take Back the Land</td>
<td>50</td>
</tr>
<tr>
<td>Allies in the Housing Movement</td>
<td>56</td>
</tr>
<tr>
<td>Conclusion</td>
<td>62</td>
</tr>
<tr>
<td>Bibliography</td>
<td>65</td>
</tr>
<tr>
<td>Appendix</td>
<td>68</td>
</tr>
<tr>
<td>Abstract</td>
<td></td>
</tr>
<tr>
<td>Vita</td>
<td></td>
</tr>
</tbody>
</table>
Introduction

When a tenant in a rental property notices that their building needs some repair or maintenance, she would first call the super of her building or write a note to her landlord. What happens when, long after the need for repair has been pointed out, the property owner still fails to take action? Buildings throughout New York City are falling into disrepair for a variety of reasons, but in all cases, tenants are left in a precarious situation. Many tenants, especially immigrants, are unaware of their own rights as tenants. Even when those rights are evoked, the official process to hold a landlord responsible for a building is long and difficult.

Tenants rely on networks of information and support to help them through their housing disputes. Nonprofits, activist groups, politicians, and other community members serve as valuable allies, but they can also complicate efforts to establish safe and affordable housing, since each actor is subject to their own opinion and vision for the property. Since the housing crash in 2008, tenants have also faced an increasingly complicated network of banks, lenders, and landlords when fighting for their rights.

As I will discuss in this work, tenants must learn to navigate a shifting network of supporters and enemies in order to pursue their goals for their building. Supporters provide unique skill sets and backgrounds, but they also come with their own agendas and ideas for the future of the building. In tenant activism, the supporters must work together, with delegated roles, or risk a power dynamic that is detrimental to the movement. Targets of tenant activism must also be carefully considered, as the current rental crisis has led to a revolving door of landlords and lenders, which leaves tenants grasping to identify who should be held responsible for the conditions of the building.
In order to analyze the complexity of the tenant movement, I will be discussing multiple cases of housing activism in New York City. First and foremost, I will discuss a rent strike in Sunset Park, Brooklyn, where a tenant association among three buildings protested dangerous housing conditions. Allies in their struggle included nonprofits, a local activist group, and politicians. Each of the allies lent a unique form of support, but tenants struggled to maintain their own vision for the building, while moving among supporters with very different methods and opinions.

I will also discuss comparable housing movements, including a rent strike that dates back to 1904 and a foreclosure-defense organization that is still active nationwide. Like the Sunset Park rent strike, both movements rely on a variety of actors, with their own skill sets. For the rent strikers on the Lower East Side in 1904, their movement evolved from a small group of women to a network of tenants heavily influenced by the Socialist Party, which led to irreparable divisions among the tenants. For the foreclosure protesters with Take Back the Land, the network of actors serves as a well-oiled machine, where each supporter has a clear role.

In order to pursue this research, I conducted multiple interviews with participants in the movements. Their names have been changed in this work in order to protect their identities. I also attended meetings and protests to observe their progress and collected data from censuses and secondary sources. In order to research the 1904 rent strike, I relied on both secondary and primary sources. I provide a context and narrative of each movement in order to make clear the chain of events and network of actors that affected the progress of each one. This interdisciplinary approach, with a combination of sociological and historical research, allows me present very recent housing movement narratives, while still acknowledging that their struggles are strongly linked and very similar to housing struggles in New York City’s past.
Renters in the United States

Renters in the United States today have to face continual changes in cost and quality, with very little control or possible action that can be taken. Allan Heskin argues that tenants in the United States are treated as second-class citizens, with fewer rights and tax benefits than homeowners and a negative portrayal in the media.¹ According to Capek and Gilderbloom, “[Renters’] housing is typically older and in poorer condition than that of homeowners, although tenants pay a greater proportion of their income for such housing.”² Renters are disproportionally likely to be of low-income, minority, elderly, and nonunion status, as well as members of households headed by single women.³

Tenants are paying increasing percentages of their incomes on rent as well. As rents skyrocket in cities in the US, renters' incomes have not kept up with the change.⁴ According to Petinas and Belsky, "From 1993 to 2003, for example, the median income of renters in the bottom quintile of all renters increased nominally by only 20 percent, while the median rents paid by the lower-income renters increased by 62 percent."⁵

As renters continue to pay more for their housing, the quality of the housing stock decreases. Renters are forced to live in low-quality, aging buildings in order to limit their costs. Other renters choose to move into overcrowded apartments so they can split costs as many ways as possible. Overcrowding and poor-quality housing brings their own unique set of risks. Tenants in precarious housing situations are at an increased risk for chronic health problems, higher

---
³ Ibid.
⁵ Ibid. 29.
medical expenses, lower community participation, and worse outcomes for their children. Poor housing puts unhealthy stress on residents' bodies and family dynamics.

The problem for many tenants is that the way they experience space and their need for autonomous, constant space is neglected. Space is more than just shelter. It has been defined as the need for “secure bounded space in which one is free to ‘be oneself’ and keep at a distance the capriciousness and intrusions of the outside world.” According to Capek and Gilderbloom, many tenants’ residences cannot be considered ‘home territories’ because of their vulnerable and transient statuses. They continue, “The rent may go up, the buildings may be converted, repairs may no longer be made, or the tenant may be evicted. All of these possibilities are usually out of the control of tenants, with the result that, unlike the homeowner, the tenant’s need for a dignified space does not materialize.

When tenants organize around housing, the spatial component makes it unique from other movements. There is a tangible goal (safe housing) with a definite location (the address). Capek and Gilderbloom go on, “Housing rights are played out in a disputed social space—most often urban—which suggest a specific geography of such movements.” In cities, the geography of these movements can be identified by neighborhood. In my research, I focus on immigrant neighborhoods, principally Sunset Park in Brooklyn.

According to Hector Cordero-Gúzman, there are three broad types of organizations in immigrant communities. First, there are immigrant groups, associations and clubs. These include hometown associations, membership organizations, and formal and informal clubs. These groups

---

8 Ibid.
9 Ibid.
10 Ibid, 47.
provide valuable social contacts and economic ties, but do not provide services. Second, there are immigrant organizations, which are formally incorporated as nonprofit organizations. Lastly, there are large metropolitan level service providers. These large organizations provide services for a wide variety of clients in a large geographical area.\(^{11}\)

Nonprofits also provide a wide variety of services in neighborhoods, as well as advocacy work. The functions of nonprofits can be broken down into seven basic categories. (1) Act as a community center where various generations can interact and retain ethnic identities; (2) Provide social services where the government does not, including housing, legal, educational, financial, health, legal, and youth services; (3) Encourage financial independence and both find jobs for and employ immigrants in the neighborhood; (4) Act as advocates and promote civic engagement; (5) Act as government liaisons; (6) Partner with other organizations to build networks and coalitions to benefit the community; and (7) Serve as channels through which funders and government agencies can reach out to immigrants.\(^{12}\)

Nonprofits are in an interesting position, in that they often operate between the market, individual households, and the government.\(^{13}\) They must understand their constituents in the neighborhood, but also understand how the market will affect job prospects and coming immigrant movements. They receive their funding through various means, but most rely on government grants. As a result, they have to function on limited financial resources.\(^{14}\)

---


\(^{13}\) Ibid, 20.

Financial resources are really the key to the housing debate. As nonprofits struggle to find grant money and private funding, tenants struggle with the increasingly neo-liberal housing market. Residential space is not just shelter, it is a valuable commodity, especially in cities in the US. According to Capek and Gilderbloom, "Tenants find themselves locked in a contest for shelter rights as they make an effort to reclaim community space for their own use as 'life space' rather than as 'abstract urban space' that is for sale to the highest bidder."\(^\text{15}\) The commodification of space puts the exchange value of a building and the apartments in it over the use value of the homes.\(^\text{16}\)

The commodification of housing and the 'second class citizen' status of tenants are not only catalysts of dissent, but also commonalities between tenants throughout the city. Capek and Gilderbloom refer to Heskin's proposal that "tenant consciousness develops when the following conditions are met: (1) tenants view themselves as a group sharing similar problems; (2) they have a collective political purpose which responds effectively to these problems."\(^\text{17}\) Where there is a shared tenant consciousness, there is the opportunity to organize and demand change. Grassroots housing activism comes in many forms in urban neighborhoods, but rent strikes, when tenants collectively stop paying their rent, are often used to get the landlord's attention and demand better housing conditions. According to the caseworkers' manual *How to Fight the Slum Landlord*, "There is no doubt that the most effective means of getting repairs in a really bad building is a rent strike. But a rent strike takes time and organization."\(^\text{18}\)

Rent strikers must come together, often through a tenant association, and decide on a strategy. While many rent strikes are informal and consist of no more than a refusal to pay rent, 

\(^{15}\) Stella Capek and John Gilderbloom, *Community Versus Commodity*, 50.
\(^{16}\) Ibid, 48.
\(^{17}\) Ibid, 31.
there are official, legal ways to approach rent strikes. How to Fight the Slum Landlord lays out the possible legal routes that rent strikers can pursue. The first and foremost priority for rent strikers, or any tenant association attempting to hold their landlords responsible for building conditions, is legal counsel.

According to Section 755 of the Real Property Actions and Proceedings Law, tenants that prove in court that their landlord has failed to make serious repairs can pay rent to the court instead of the landlord. This situation continues until the violations have been fixed. If they are not fixed, the tenants can petition to make the repairs themselves and receive reimbursement from the accumulated rent money in the possession of the court.19 This process can be very effective, but only after a long court process and a lot of time spent waiting on the landlord to make the repairs.

Article 7A of the Real Property Actions and Proceedings Law allows tenants to petition for an administrator to be appointed to the building to collect rent and make the necessary repairs. Tenants must have one-third participation of the building and proof of unsafe building conditions, but they can quickly initiate the process once organized. The effectiveness of this approach is largely affected by the cost of the repairs, though. If the violations are serious and expensive, it may take a significant amount of time to collect enough rent money to fund the repairs.20

Section 302A of the Multiple Dwelling Law allows tenants to withhold rent if there are serious violations in the building, if the landlord has been notified of the violations and has failed to make the necessary repairs. The tenants should deposit the rent with a court clerk until an official hearing, at which point the landlord must either prove that repairs have been made and

19 Alexander Boyer, et al "How to Fight the Slum Landlord," How to Fight the Slum Landlord, 8.
20 Ibid, 9.
collect the rent from the court, or the tenants must prove that necessary repairs have not been made and the rent is returned. This method may sound simple, but it is rarely used because of the lack of violations that are officially considered 'rent-impairing' and the many loopholes that landlords' lawyers can take advantage of during court hearings.\(^{21}\)

If tenants simply stop paying rent, they are subject to eviction. If they are properly organized and have the necessary legal defense, though, they may be able to dispute the eviction because of violations in the building. For violations to be officially documented, tenants should lodge complaints with the city, which prompts an inspector to come and visit the building.

Many housing activist movements rely not only on city inspections and court hearings, but on media attention and public opinion. Tenants are empowered to create their own image via the media.\(^{22}\) This image has the potential to rally the support of other tenants throughout the city and gain the attention of politicians. Because of the potential power of the media image, though, some organizations spend more time on their media presence than their actual, local presence. According to Harry Brill, grassroots organizations in poor neighborhoods are often larger in the media than in reality. Organizations that have relatively few participants can still garner large amounts of sympathetic public attention. The actual size and representation of a tenant movement is largely determined by its leaders and whether they consider themselves organizers or spokesmen.\(^{23}\)

Movements are also affected by which allies the tenants choose to work with. Allies can be politicians, nonprofits, other activists, or other tenant associations. While any of these allies can be valuable assets to housing activists, they also come with their own ideas of what sort of

---


\(^{22}\) Stella Capek, and John Gilderbloom, *Community Versus Commodity*, 144.

action is acceptable and effective. Nonprofits are unwilling, at times, to participate in radical activism, including rent strikes, because it could risk their funding or their amiable ties to the official establishment.24 Tenants also rely on social relationships to develop allies in the neighborhood, but activism takes courage, especially in neighborhoods with large numbers of undocumented immigrants or informal workers. Community solidarity and support is necessary to make other neighborhood activists feel secure when publically calling attention to themselves and their living situation.25

Below, I discuss housing movements and their interactions with supports and enemies in their communities. Before I can discuss specific movements, though, the current housing context must be made clear. The economic crash in 2008 was heavily influenced by the housing market, and tenants are still living with the results of the crash and it continues to affect their quality of life.

25 Stella Capek, and John Gilderbloom, Community Versus Commodity, 144.
The Context of Current Housing Activism

The current economic state of the US is highly influenced by the recent financialization of its economy, especially in regards to the housing market. Financialization refers to the increase of importance of credit, banking, and finance, both globally and nationally, with the goal of expanding the new economy.\textsuperscript{26} Much of this was done in the early 2000s through the involvement of banks and lenders in the housing market. Home mortgages became the “raw product necessary for the production of securities, derivatives and the related products of a financialized economy.”\textsuperscript{27}

Home mortgages were considered stable investments for decades prior to the crash, since a value of a home was always trusted to rise. Large banks began buying mortgages and bundling them into mortgage-backed securities to be sold on the market to investors. This process of creating a mortgage-backed investment security is called “securitization.”\textsuperscript{28} Since mortgages were safe investments, mortgage-backed securities were considered to be low-risk, high-return investments.\textsuperscript{29} As demand for mortgage-back securities increased, more and more loans became available for potential home-owners.

The most prevalent of these loans were sub-prime, which offered large amounts of money with few requirements, but their stipulations were often not clear and they tended to have separate pay for services such as credit checks, appraisals, and underwriting analysis. They also featured escalating-payment formulas that trapped borrowers into ever-increasing monthly


\textsuperscript{27} Ibid, 315.

\textsuperscript{28} The Association for Neighborhood and Housing Development. \textit{The Next Sub-Prime Loan Crisis: How Predatory Equity Investment Is Undermining New York’s Affordable Multi-Family Rental Housing}, http://www.anhd.org/resources/the%20next%20sub-prime%20loan%20crisis.pdf.

\textsuperscript{29} Kathe Newman, "Post-Industrial Widgets: Capital Flows and the Production of the Urban," 315.
bills. These loans often came from non-bank lenders that aggressively advertised their mortgage loans in low income neighborhoods. People that would not be able to afford homes were aggressively offered loans that would allow them not only to buy a home, but to borrow more on top of it. Banks were involved as partners, investors, and securitizers of these unregulated lenders. Sub-prime loans were bundled together with more stable loans and continued to be sold as safe investments.

In 2008, the unsustainable system of sub-prime loans collapsed and the speculative housing bubble burst. Borrowers were unable to keep up with the payments on their sub-prime loans and ended up owing more on their mortgages than the real estate was worth. These ‘underwater’ properties were foreclosed on at a rate of 25,000 homes a week. The majority of the neighborhoods affected were low-income minority communities that were left with entire blocks in foreclosure.

One aspect of the housing crisis that is not often discussed is the rental market. About one third of the U.S. population rents, and that figure is on the rise since the housing bubble burst. According to Steven Hasty, “Experts estimate that more than 20% of the rentals nationwide are rentals and in New York City, more than half the families affected by foreclosures are renters.” There has also been a burgeoning migration, especially of young people, to cities, where rentals are more common than mortgages. The rising cost of rentals, though, is worsened by the fact that production of rental units has not kept up with demand, leading to skyrocketing rents that have

30 James Lardner, Beyond the Mortgage Meltdown: Addressing the Current Crisis, Avoiding a Future Catastrophe (New York: Demos, 2008), 9.
32 James Lardner, Beyond the Mortgage Meltdown: Addressing the Current Crisis, Avoiding a Future Catastrophe, 9.
33 Steven Hasty. "Protecting Tenants at Foreclosure by Funding Needed Repairs," 592.
34 James Lardner, Beyond the Mortgage Meltdown: Addressing the Current Crisis, Avoiding a Future Catastrophe, 1.
risen 4 percent in 2012 alone. One in four renters now spends more than half of her monthly income on housing.\textsuperscript{36}

This underproduction of affordable rental units continues despite the urgent demand. One Fannie Mae analysis predicts that there would be 1.7 million new renters between 2011 and 2013 in the US, but the country only produces 200,000 new affordable multifamily units per year.\textsuperscript{37} That number may even be optimistic, since construction was started on only 109,000 multifamily units in 2009. If construction does not drastically increase, the problem will only worsen, since the analysis predicts that there could be as many as 2.3 million new renters between 2015 and 2020. To add to the deficit, affordable housing units built as part of a federal housing program in the 1970s and 80s are reaching the end of their subsidy periods, when they must remain affordable. Nearly 15 percent of the nation’s affordable housing stock could be lost to more expensive, competitive real estate markets within the next few years.\textsuperscript{38}

In part, the slowed construction of affordable units is due to the new difficulties that investors are encountering in securing financing for real estate activity through private equity. Private equity, like residential sub-prime loans, is based on the often irresponsible assumption that the borrower will be able to pay back the loan because a property value is trusted to always increase.\textsuperscript{39} Lisa, a tenant organizer from the Urban Homesteading Alliance Board (UHAB), a housing advocacy nonprofit, gave the example of buildings that her organization worked with. She described, “affordable buildings that had some regulatory agreements, but were being sold at

\textsuperscript{37} Ibid.
\textsuperscript{38} Ibid.
these outrageous prices because the owners knew that they would have the opportunity to opt out in the order to be able to try to get higher rents.” Predatory equity mortgages were bundled and sold just as sub-prime mortgages were, so they played a similar role in the financial crisis. While loans like these are not available to the same degree today, investors that did buy and borrow at highly speculative rates before the bust are unable to finance their real estate investments and default on their mortgages. The Association for Neighborhood and Housing Development (ANHD) found that 60% of predatory equity loans have been placed on a loan servicer watch list for being in danger of default.

These defaults are due largely to loans based on the assumption made by investors that owners would be able to flip the buildings and rapidly produce an increased income from renters. According to Hasty, “During the latest real estate boom, investors bought up properties in New York and other cities with low rent rolls, hoping to evict tenants paying below market rents, remove apartments from rent regulation, and re-rent units at market rate.” The loans made available to these investors were inappropriately large, often based on aggressive appraisals, which used data and comparisons to optimistically estimate the future value of a property. ANHD found that the average estimated annual rate of return proposed by funders was 14%-20%. The rental income of the building was often expected to increase by a factor of two or three

---

40 The Association for Neighborhood and Housing Development. *The Sub-Prime Loan Crisis in New York Apartment Housing*, 4.
42 The Association for Neighborhood and Housing Development. *The Sub-Prime Loan Crisis in New York Apartment Housing*, 2.
to cover the debt, which would be impossible in rent stabilized apartments unless the apartment was vacated and new residents move in.45

These developers are not interested in being long-term owners. The goal of ownership is to be able to sell it for a profit as soon as possible.46 When investors are unable to increase the rents in the building, they are unable to make the payments on their predatory loans and do not profit at all. Instead of proceeding with their original plan of redeveloping the building and drawing in new tenants for more money, investors let the building fall into disrepair, leaving the original tenants to deal with deteriorating living conditions. According to the Community Service Society of New York, as many as 250,000 people were affected by these predatory investors in New York City in 2009.47

In order for predatory lenders to successfully flip these buildings for a profit, it is necessary for them to displace the current residents and bring in wealthier tenants who would be able to pay higher rents. This process is referred to by the investors as “recapturing” the units.48 Tenants are harassed by their landlords to leave the building or pay higher rent. Landlords also slow repairs to the building, making it more uncomfortable and less safe for the current residents to stay. They have also been known to offer aggressive buy-out offers and even threaten to call immigration authorities.49 Lisa describes her experience with one landlord. “The guy who took over refused to give out leases to people, so people lose their subsidy,” she said, “He refused to cash their checks and evicted tenants.”

45 The Association for Neighborhood and Housing Development. The Next Sub-Prime Loan Crisis: How Predatory Equity Investment Is Undermining New York’s Affordable Multi-Family Rental Housing, 5.
47 Tracy Munford and Community Service Society. “Closing the Door 2009: Risks of Boom and Bust.”
48 The Association for Neighborhood and Housing Development. The Next Sub-Prime Loan Crisis: How Predatory Equity Investment Is Undermining New York’s Affordable Multi-Family Rental Housing, 5.
49 Ibid, 2.
According to ANHD,

The most common form of harassment includes bringing repeated, baseless legal actions against the tenant in housing court. The intention of this approach is to intimidate tenants, 90% of whom are not represented by counsel, into signing away their rights without cause or making a procedural error that causes them to lose their apartment.\footnote{The Association for Neighborhood and Housing Development. \textit{The Next Sub-Prime Loan Crisis: How Predatory Equity Investment Is Undermining New York’s Affordable Multi-Family Rental Housing}, 2.}

In its research, ANHD found that if a landlord brings ten tenants to court, regardless of the legitimacy of the claims, four of those tenants will likely sign away their rights because of their lack of awareness of their legal rights or their lack of counsel. In March of 2008, Mayor Michael Bloomberg signed Local Law 7, which made it illegal for landlords to illegally pressure a tenant to vacate an apartment, especially through the use of baseless court proceedings.\footnote{Ibid., 2.} Even after the law passed though, there were still many reported cases of illegal harassment from landlords.

When overleveraged properties are not successfully flipped and the landlord is unable to make the necessary payments on the property, it goes into foreclosure. When a building enters into foreclosure, the bank holding the note still owns the mortgage on the property, but a receiver is named to act as a temporary manager and caretaker, collecting rents and maintaining the building while the foreclosure goes through court proceedings.\footnote{Steven Hasty, "Protecting Tenants at Foreclosure by Funding Needed Repairs," 588.} According to Lisa from UHAB, receivers do not have to be qualified in any way to manage the building. Instead, they are often appointed as a favor from a judge. Receivers also work with a limited budget, since they are
paying all of the bills of the building and working on repairs with only the money made from the rent role.\textsuperscript{53} 

Steven Hasty argues that the cost of repairs and maintenance should not fall on the shoulders of tenants during foreclosure. Instead, he argues, major repairs should be made with the financial assistance of the owner or mortgage holder.\textsuperscript{54} There is historical precedence for this suggestion. In 1996, a New York court ordered a foreclosing bank to make necessary repairs to a neglected property.\textsuperscript{55} This makes sense on multiple fronts. A building in good condition would better serve a mortgage holder’s purposes than one in disrepair since it would sell for more, so it would be reasonable to hold the mortgage holder accountable for major repairs and maintenance.\textsuperscript{56} Also, it would force large lending institutions to be more aware of the properties that they hold the notes for. Foreclosure payments would discourage “reckless lending.”\textsuperscript{57} While there is precedence for mortgage holder payments, they are not currently legally required and the receivership method continues to be the norm.

At the end of the foreclosure process, which often take years, the building is auctioned off to the highest bidder. For many housing advocates, this is a valuable time to end the cycle of irresponsible building owners. Lisa describes “really seeing foreclosure as an opportunity to intervene in the cycles of seeing buildings going through this predatory equity cycle and seeing the foreclosure as a way to break the cycle because though the foreclosure you would have the opportunity to kind of get rid of the excess debt and set the building up . . . with a good responsible owner or to become a coop or whatever those residents wanted.” Community based organizations are getting more involved in purchase after foreclosure as well. Some

\textsuperscript{53} Steven Hasty, “Protecting Tenants at Foreclosure by Funding Needed Repairs,” 582.  
\textsuperscript{54} Ibid, 585.  
\textsuperscript{55} Ibid, 606.  
\textsuperscript{56} Ibid, 617.  
\textsuperscript{57} Ibid.
organizations purchase distressed properties and turn them into affordable housing for the community.\footnote{Steven Hasty, "Protecting Tenants at Foreclosure by Funding Needed Repairs," 603.}

Oftentimes, though, the mortgages are sold off before the foreclosure has been completed. Lisa describes this process as “Debt Dumping.” In her words, it is a process “where a bank, mid-foreclosure, ends up selling the mortgage on the building to, like, a private group or even a private equity company who’s taking that mortgage on and usually those groups usually have the intention to go through the foreclosure and become the owners, or they want to flip the building after the foreclosure and sell it again.”

When asked where she saw the largest concentrations of buildings caught in this cycle of overleveraging, Lisa said that it is common throughout the city, but that in her experience, it manifests itself differently in different neighborhoods. She said, “In the Bronx and in upper Manhattan we see a lot of bigger buildings that are overleveraged, like 100 unit buildings, 50 unit buildings that are overleveraged, and kind of these bigger portfolios. . . More units, bigger buildings that are very overleveraged. In Brooklyn, it’s interesting. It’s a lot of smaller buildings that are overleveraged and in foreclosure. In Brooklyn a lot of the buildings are less than 20 units.” She mentions that the largest concentrations that she’s seen in Brooklyn have been in neighborhoods such as Flatbush and Crown Heights.

Tenants in these neighborhoods continue to face deteriorating living conditions and harassment as their neighborhoods change around them. Blight in buildings has increased dramatically since the housing crisis.\footnote{Ibid, 625.} According to Angela, a tenant advocate at a housing nonprofit in Sunset Park, as rent costs rise and neighborhoods gentrify, longtime residents are finding that the necessary repairs are not being made and their bills are going up.
Tenants that choose to bring their landlords to court face a whole new set of challenges. Tenants in housing court are not guaranteed legal counsel, so the vast majority of tenants represent themselves. Some providers do offer legal counsel pro bono for certain cases, but tenants must know how to reach out to these providers or get in touch with nonprofits that will help to match them up. According to Angela, tenants that do not speak English and require a translator often end up waiting for hours in housing court before their case can be heard. She continues, “We learned that the less popular language [translators] are only there once a month, but we don’t even know what day they’re there. It’s definitely not communicated to the tenants.” These tenants stand in long lines and wait for hours for their cases to be heard, but they often know very little about their rights.

Tenants are at a disadvantage in housing court, where landlords have the law on their side and are far more likely to have legal representation. Landlords can be prosecuted in criminal court for failing to repair hazardous conditions, but they will usually choose to just pay a fine instead of making the repairs, since fines are often much less than what the repairs would cost. When I asked Angela if, to her knowledge, a landlord had ever been sent to prison for violations in a building, she simply responded “No.” According to the manual How to Fight a Slumlord, “Although it is almost impossible to get a conviction under this law . . . it can be a successful harassing tactic since the landlord has to go to court and bring an expensive lawyer.”

Tenants are left navigating a complicated legal system in a complicated housing context, with limited assistance. They rely on neighborhood resources and supporters to attract the legal help and public attention necessary to hold their landlords and lenders accountable for the status of the building. Below, I discuss a rent strike in Sunset Park, where tenants struggled to establish

---

60 Alexander Boyer, et al "How to Fight the Slum Landlord," How to Fight the Slum Landlord, 7.
61 Ibid.
the contacts and allies necessary to confront those responsible for the deteriorating conditions in their buildings as it went through the foreclosure process.
Background of Sunset Park

The neighborhood of Sunset Park is bounded by 39th Street to the North (just one block South of Greenwood Cemetery), 65th Street to the South, 9th Avenue to the East, and the Bay Ridge Channel to the West. It is known for its park, which goes by the same name as the neighborhood, and its ethnic areas.

The 2010 Census reported that Sunset Park’s population was 51.5% Asian, 32.2% Hispanic, and 13.4% White for a total population of 72,340 people. The vast majority of the Asian population is Chinese. The neighborhood is known as the Chinatown of Brooklyn, with Chinese restaurants, stores, and markets lining many of its avenues. The Hispanic population is heterogeneous, with 38.4% Mexicans, 24.2% Puerto Ricans, 14.4% Dominicans, 10.4% South Americans, and 6.6% Central Americans. The median age is 31.5, with an average family size of 4 people.

Most of the households in Sunset Park (76.5%) are made up of families. 44.3% of families have children under the age of 18 in the house, and 52.1% of families consist of married couples. 21.7% of households have someone 65 or older. The housing stock of Sunset Park is made up of 77.7% renter-occupied units and 22.3 percent owner occupied units. In 2010, Sunset Park had a 5.6% vacant housing unit rate, the majority of which were for rent.

A walk around Sunset Park reveals a mix of two and three story row houses and six to eight unit buildings. Most of the neighborhood is on a hill, sloping towards the water. Residents take the DNR subway lines or travel by bus. Most of the businesses in the neighborhood run along the North/South Avenues, where there is a notable mixture of Chinese and Latino food

62 US Census Bureau, 2010 Census.
63 Ibid.
64 Ibid.
options. The eastern portion of the neighborhood is mostly populated by Chinese businesses. The West Side of Sunset Park has a notable number of Puerto Rican flags on buildings and in business windows.

Daniel, a local activist, describes Sunset Park as a working class neighborhood that serves as a transition space for new waves of migrant populations that come to New York City. The neighborhood has been home to Finnish, Norwegian, Irish, and Puerto Ricans. Each group came in search of better lives in a better economy. “They’re trying to survive and look for a better education for their children and better jobs,” Daniel declared. His own mother came from Puerto Rico to Sunset Park in the 1970s and worked in a factory in the neighborhood.

He worries that the cycle of working class migrants has been broken, though. He worries about “folks who come already with degrees: artists and professionals, who are really the ones who are paving the way for the first wave of gentrification. The artists came in and a lot of them, naively, wanted to participate and help the community . . . now they’re being displaced . . . And these big corporations, these conglomerates are coming in, people with all kinds of money, pushing everyone out.”

According to Angela, there are large corporations flooding into the neighborhood. “They’re buying up these rent stabilized buildings” she says, “knowing that they’re a gold mine if you can get rid of the tenant that’s currently living there, paying the low rent.” She continues, “We’re also seeing when these large corporations are buying these buildings, there are a lot of baseless lawsuits that, in this poor community, will scare people enough into just giving up their apartments.” This is exacerbated by the fact that these tenants are not given legal counsel in court.
There is also new development in the neighborhood. Angela describes the increasingly common occurrence of brownstones being torn down to make space for the construction of six unit buildings. Not only are these buildings new and attractive, they are not regulated, so high-paying renters enter the neighborhood through these new developments.

Sunset Park is considered an “up and coming” neighborhood, which means that the residents who are flooding into the neighborhood are able to pay more in rent than the current tenants. Displacement has become one of the main worries of the neighborhood, as landlords begin to utilize harassment techniques similar to those found in neighborhoods such as Flatbush, Crown Heights, and Bedford Stuyvesant.

According to Angela, the housing stock of Sunset Park makes issues with rental housing unique from much of the rest of the city. In her words, “There’s a lot of unregulated apartments in this neighborhood because there’s a lot of private houses. So they rent out a lot of their homes and these apartments are unregulated, meaning there is no defense against an eviction. If you have a lease, then you’re protected . . . Once the lease expires, then you’re living month to month so the landlord can decide from one month to another whether or not they want you in the apartment and they can start eviction proceedings and there’s no defense for this.” In that situation, the landlord can also decide month to month whether or not to raise the rent. A lease is the only way that tenants are really protected.

Another unique aspect of housing in Sunset Park is the significant rate of overcrowding. According to Angela, “Because there isn’t enough space and because people are in need of the extra income, people that have an apartment are starting now to rent out a bedroom. And because there’s more and more of those situations, we’re starting to see the problems between these two tenants.” Tenants are legally permitted to have a roommate, but complications arise when there
is no lease between the two tenants. Oftentimes the new tenants will try to bring even more people in to live in their bedroom to subsidize the rent, which increases the overcrowding.

The deteriorating housing conditions, overcrowding, and high rents have forced tenants to educate themselves on their rights. While some tenants adjust to their housing, others choose to demand more from their landlords. They form tenant associations and demand safe and reliable living conditions, although their possible defenses are limited. Tenants voice their opinions with a variety of housing movement tactics, including marches, protests, and rent strikes. Much of the current radical activism in New York City's neighborhoods can be tied to Occupy Wall Street, which I discuss further in the next chapter.
Rent Strike in Sunset Park

One of the largest activist movements of late is Occupy Wall Street (OWS), which I will be discussing further in my case study in Sunset Park. OWS was an activist movement that began in New York City with the goal of confronting the large corporations and capitalist structures that have contributed to the vast inequality in the country. Their message was delivered through occupations of public and spaces, marches, demonstrations, teach-ins, and a wide variety of other protest forms.

In David Harvey’s Rebel Cities: Right to the City, he describes the events of Occupy Wall Street in 2011 as a meaningful step towards reclaiming the city for the poor and working class. In his words,

The aim of [Occupy Wall Street] in the United States is simple. It says: ‘We the people are determined to take back our country from the moneyed powers that currently run it . . . We are the 99 percent. We have the majority and this majority can, must, and shall prevail. Since all other channels of expressions are closed to us by money power, we have no other option except to occupy the parks, squares, and the streets of our cities until our opinions are heard and our need attended to.’

In the summer and fall of 2011, scores of activists banded together to camp out and demonstrate in Zuccotti Park in Lower Manhattan. The occupation of Zuccotti grew into a fully functioning camp with a division of labor, an organized communication system, and scheduled events. Activists chose to either stay in the park or join in whenever available. Daily activities

---

65 David Harvey. Rebel cities: From the right to the city to the urban revolution. (Brooklyn, NY: Verso, 2012), 162.
included marches, teach-ins, and drum circles. The movement grew rapidly in New York City and expanded out into the rest of the country.

As the movement continued to grow and organize, cities developed unique responses to OWS. The actions of the occupiers in New York were carefully monitored, and the legality of their encampment was called into question. Zuccotti Park is a privately owned public space, allowing the owners to set hours and rules that would limit the occupation. The sanitary safety of the camp was also called into question. In the middle of the night on November 15th, 2011, NYPD raided the Occupy camp and evicted all of the activists. The Occupiers, so long devoted to communal living and horizontal leadership, found themselves without a home.

There weren’t many options for new residences. While the city allowed the encampment to stay for months, it would not allow a new one to pop up. Park hours were enforced and Occupy marches continued to be monitored closely by the NYPD. Winter descended on the city and the occupiers retreated into their homes to evaluate any possible next steps.

The eviction of the Occupiers from Zuccotti Park is widely considered to be the end of Occupy Wall Street, but Occupiers will tell you that its far from over. Instead, smaller, local Occupy groups formed, devoting their attention to neighborhood issues. The Occupy network continued to function, but meetings took place in small community groups, instead of the rallies of hundreds of people. The local Occupy groups communicated with each other and swapped ideas.

The localization of OWS efforts in 2012 also meant that Occupiers were developing more focused, direct goals. One of the most prominent criticisms of Occupy Wall Street was that there was no unified message. The movement had no specific complaints or demands, instead encouraging all those unhappy with the modern economic dynamics to participate. This included
environmentalists, anarchists, union workers, unemployed people, and a variety of other people with diverse hopes and wishes for the future of the country. Occupy Wall Street was all encompassing, but local Occupy groups were located in neighborhoods with communities with immediate needs.

It was in the summer of 2012 that Occupy Sunset Park was formed by a small group of activists that were already very vocal in the neighborhood. On Martin Luther King Day of 2012, many of them marched to the Community District Building, where they posted “foreclosure” notices on the building. The building is not serving its true purpose, they argued, so it was being reclaimed by the public. Police monitored their nonviolent protest, and the activists handed them leaflets that said they “have the right to remain nonviolent.”

Members of Occupy Sunset Park met at La Casita, a local community center, to regularly discuss event planning and organization. Meetings were modeled after the Occupy format, with no leader of the group or director of the meetings. Instead, a schedule was democratically decided upon at the beginning of the meeting, with specific time slots for each discussion point. One person was then in charge of time keeping, while another person took meeting notes. All decisions were made democratically.

Soon after the birth of Occupy Sunset Park, the small group became aware of a rent strike happening nearby. In July of 2012, the occupiers noticed that there were multiple buildings covered in signs on 46th Street. The signs were emblazoned with messages demanding that the landlord be held responsible for the building. In both English and Spanish, the colorful signs make it very clear to passersby what is going on in the building. They demanded that the landlord “Get Out” and urged other residents to participate in the strike. According to Daniel,
“We just knocked on the door one Saturday morning after a general assembly to ask, how can we support?”

The situation on 46th Street was dire. Three buildings (545, 553 and 557), fell into disrepair for years, to the point where the buildings themselves were safety hazards. One activist told me the fuse box was kept cool by a fan and trash was piling up in the basement instead of being properly taken out. The electricity would cut out with no notice, leaving residents without light, refrigeration, or air conditioning in the hot summer months.

The unhappiness with the condition of the buildings is clear from the complaints logged with the New York City Department of Buildings during the summer of 2012. Residents of 553 complained that the emergency fire door at the back of the building was kept locked at all times, and had been damaged. While no violation was issued for that complaint, the defective wiring did catch the city’s attention. A violation was served for the burnt wires found in the fuse box in the basement. The following day, a violation was issued for unlicensed electrical work on the building. The landlord, Orazio Petitio, was charged $25,000. The specific violation condition was the “replacement of existing service switch w/ a new 60 amp service switch. Reconnection of service entrance feeders. Service feeders improperly reconnected in a hazardous and unbonded condition. Smoke & fire condition.”

In the summary of another violation issued the same day for $2,500, the inspector “observed rubble. Stone retaining wall @rear yard defective. Wall is leaning out of Plumb 8-10 in w/ some missing stones and mortar joints.”

557 46th Street has a log of similar complaints. Another $25,000 unlicensed electrical work violation was issued, as well as multiple violations for failure to maintain building code. There were also complaints and violations for the obstruction of fire exits with the storage of

---

66 NYC Department of Buildings.
67 Ibid.
household debris and garbage cans. Another resident called in to complain about a cracked stone lintel on the 3rd floor, which they feared would collapse and fall on people below. The list continues in 545 46th St. An $8,000 violation was issued for work without a permit, when a first floor apartment’s plumbing lines were removed and the ceiling was replaced without the necessary permits. As the building continued to fall to pieces, the landlord, Orazio Petito, was unresponsive.

At the time when Occupy got involved with the rent strike, the residents were already working with a local nonprofit. The organization provides advocacy and guidance for tenants and first time home buyers, especially regarding foreclosure prevention. According to Angela, a tenant advocate and organizer for the nonprofit,

“We provide one on one counseling to residents in the community. That includes just answering some questions about their rights, to helping them get repairs if they’re needed, fight harassment, help them navigate housing court with their attorneys. . . We also do organizing in buildings, residential buildings. We’ll help them form tenant associations as well as help with group actions they may need, whether they need repairs or the building is being foreclosed and the landlord’s not taking care of business and things like that.”

The organization also helps residents to find free legal counsel.

When Occupy approached the residents of 46th Street, they had already formed a Tenants’ Association and were trying to figure out what their next steps would be. According to Daniel, the residents said that “local officials and local nonprofits . . . and these politicians have all told them not to go to the media, not to have a protest, that they will help them. And have

---

68 NYC Department of Buildings.
69 Ibid.
basically been putting their hopes on these so-called community leaders who delayed or abandoned the struggle, or ignored them. And they felt like they weren’t being heard.”

This is where Occupy Sunset Park saw an opportunity to support the rent strikers. They knew how to draw public attention and had learned from Occupy Wall Street and other actions that public attention put pressure on leaders to make an effort to enact real change. Occupy Sunset Park began meeting regularly with the rent strikers and holding regular vigils in front of the buildings on 46th Street. The vigils were publicized over facebook and OWS list serves, encouraging anybody with free time to come and be present in front of the buildings.

One of the largest frustrations among the tenants was their lack of legal knowledge and guidance. They felt that progress with the neighborhood nonprofit was too slow and the lawyer from South Brooklyn Legal Aid that the nonprofit had set them up with was unresponsive. They had been informally withholding rent for months, but they knew they needed strong legal guidance if they were to move forward, especially with their increasing press coverage. This was especially important because of the number of undocumented immigrants living in the building. They feared that Petito would call immigration authorities if they publically challenged him. There was also the fear that conditions of the building would be deemed unsafe and unlivable and there would be an order to vacate from the inspector. The tenants knew that the building was in bad condition, but they didn’t want to leave. They wanted to see improvements.

The vigils continued, ranging widely in the number of participants. The tenants and their supporters planned a Sleep In for Wednesday, July 18th. HPD gave Petito a deadline of Thursday, the 19th, to make the necessary repairs, and residents wanted to publically await the repairman and make sure there was press coverage. If the repairman failed to show, they would
perform a People’s Inspection, going through every part of the building and documenting the safety hazards.

One of the largest concerns was access to the basement. Tenants and their supporters had been calling 311, the Department of Buildings, and the Housing and Preservation Department (HPD) to log complaints against Petito. Inspectors came regularly, but the Super of the building was always careful to keep the basement door locked. He was never around when the inspectors arrived, so they were unable to inspect the basement. Daniel couldn’t believe the inspectors were so limited in what they were able to do:

This started happening for a month, you know, two months, and the inspectors would show up every day, every other day, but you know, never saw anything. And we would ask them, you know, “Why don’t you get a warrant? Why don’t you force them to open the doors?” And it was like, “There’s a process, and that could take a year.”

On the morning of the 19th, after the Sleep In, electricians arrived, but were unable to access the fuse box because the basement was, again, locked. The activists decided to take the situation into their own hands and forced the door of the basement open. The super tried to stop Daniel and one of the tenants, from entering. In his efforts to stop them, the super hit the tenant in the head, knocking her to the ground. The tenant is an older woman who walks with a cane, and the blow to her head caused her to stroke. She was carried out of the basement on a stretcher. Both Daniel and the Super were arrested for 3rd degree assault for fighting each other. The mood among the activists was somber and worried, but the media was able to enter the basement and document the conditions. A picture of the tenant in the filth, garbage-filled basement became the most widely used picture in covering the rent strike.
Media coverage of the rent strike continued to grow. Daniel’s charges were dropped and the tenant returned from the hospital, still feeling fragile but eager to get back to rent strike activities. At Occupy Sunset Park meetings, guests from other Occupy groups and nonprofits offered their help. A march was planned for July 22nd, starting with a service at Lutheran Trinity Church. During the service, held in Spanish, the pastor commended the women in black and Latino communities. He said that, in his experience, the women are the ones that continually refuse to back down in their fights to better the neighborhood. The vast majority of tenants participating in the rent strike were women. The march of about 50 people traveled from the Church to the front of the buildings. A line of news cameras ran along the route as activists chanted “The People United Will Never be Defeated!” Speeches were given by the tenants in front of the building, with pleas for more tenant participation and support from the city.

The vigils started to grow as the rent strike got more coverage. People dropped by just to spend time and get to know some of the residents. Some activists expressed frustration at the lack of action though. Vigils were not enough, they argued. There had to be more rallies and demonstrations that would grab media attention. Any change in the building was happening slowly, and activists worried that it would slow down even further if there was no pressure from the media. Electricians did drop by the building to work on the fuse box and electrical problems, but not all of the problems were fixed and the electricians’ visits were becoming more infrequent. The garbage was still in the basement. Very little had changed, despite all of the press coverage and support for the tenants.

At an Occupy Sunset Park general assembly in mid-August, the activists discussed Congresswoman Nydia Valesquez’s Chief of Staff’s offer to send a letter to HPD and the District Attorney’s office regarding the conditions of the buildings on 46th and the necessity of
immediate repairs. Daniel requested that the letter be open and public, so the media could cover it and the activists could use it as a show of support. Instead, Nydia placed a private phone call to petition for the buildings. The Occupiers were frustrated that they were not made aware of what happened in the phone call. They felt cut out of the cause.

The tenant association began to favor the more compliant approach that public officials encouraged them to use. They worried that the incendiary methods of Occupy were hurting the potential support from politicians. They wanted to cooperate with HPD and follow the instructions from their lawyer from South Brooklyn legal services. Some of the tenants found the Occupy approach to be confusing and frustrating, since meetings often went on for a long time without decisions.

According to Daniel, “Some of the tenants started working with local politicians and there was not enough work, on our side, being done. Being critical of ourselves, not enough education was done.” Another Occupier agreed, when she pointed out at a meeting, “We’re not a housing rights organization.” Daniel continued, “Politicians, when they see a movement like this, a lot of them, they split us up by listening to us by saying, ‘we’re gonna help you out. Who’s the leader?’ Occupy, being a leaderless organization, forced politicians to speak to whole groups and await deliberation. Instead, according to Daniel they “mak[e] certain people feel special . . . picking a side and kind of being with some of them and make them feel special, you, know, ‘I’ll give you a job. Don’t work with those guys. Occupy people are troublemakers.’” The tenants continued to petition HPD for assistance with the garbage problem in the basement. After a few months of pressure from the tenants and media, HPD hired a contractor to clear out the basement.
Vigils and demonstrations died down as the weather grew cold in the fall and the tenants devoted more of their time to working with their lawyer and attending their court cases against Petito. Media coverage of the rent strike continued, though, and the legal status of the 46th Street buildings continued to evolve. Occupiers reached out to other organizations that might be able to offer more concrete advice than they were able to provide. George, an activist involved in multiple housing movements throughout the city, reached out to the Urban Homesteading Assistance Board (UHAB) to invite them to get involved on 46th Street.

When UHAB entered the movement, Petito was no longer the biggest problem for the rent strikers. He was unable to pay bills for the 46th Street buildings, including the fines issued with violations, and the buildings were foreclosed on. The foreclosure proceedings began in housing court, a process that takes years. Petito already allowed the buildings to fall into unsafe condition, so there was concern that he would do even less while the buildings were in foreclosure. He no longer had any incentive to care for the buildings or the people inside. The 46th Street buildings were being taken away, and he could not be trusted to maintain them until the proceedings were over.

The court named a receiver to collect rents and make repairs to the building during the foreclosure proceedings. According to a Lisa, an organizer from UHAB, “a judge appointed this third party to come in, collect rents, make repairs, keep the building running until the foreclosure is figured out.” It seemed like this receiver might be able to initiate some much needed repairs on 46th Street, but as Lisa pointed out “there really is no qualification process for receivers, so they can be anyone.”

The receiver was appointed on 46th St. and began to make some repairs, but did not make progress on the full extent of repairs that were needed in the buildings. According to Lisa,
“When a building’s in foreclosure, it’s really hard to get the kind of work that’s really needed because no one’s going to put in the kind of investment when a building is in foreclosure.”

Unfortunately, the situation on 46th St. is not uncommon. Lisa has seen it many times before.

You would think on paper the receivership process makes sense, right? A building goes into foreclosure. You appoint a receiver. The receiver collects rent and uses that money to make repairs and keeps the buildings afloat. The foreclosure ends. Everyone’s happy. But when a building’s severely distressed like these buildings are, it’s just, the amount of repairs that are needed are just much more than you’re going to collect from the rent role.

The receiver is not blameless in the process though. Lisa says the 46th St. receiver is definitely not the worst she’s seen, but he definitely hasn’t been responsive and hasn’t made an effort to do everything in his power to make the necessary changes.

Astoria Federal foreclosed on Petito’s property when he defaulted on his payments, but halfway through the foreclosure process, sold the mortgage to Seryll LLC. Astoria ‘Debt Dumped’ the 46th St. buildings onto another entity so they would no longer have to go through the foreclosure or deal with the buildings. Seryll basically became the bank in the foreclosure, even though it is not a bank. It doesn’t own the building, but it does own the mortgage on the building, with the hopes of owning the building at the end of the foreclosure process. The building is still in foreclosure, but there are more actors incorporated than there were previously.

These legal proceedings significantly affected the rent strike. Tenants began paying rent to the receiver again, but conditions in the building did not improve. Some small changes were made, but there was still much to be done. At this point, however, it was unclear to whom one would even petition for the changes. Was it the receiver’s fault, even though he had limited
funds? Should the city be doing more to improve conditions? They had already cleaned out the garbage and were overloaded with cases. Nonprofits were limited in what they could do. Should the tenants be demanding that Seryll make improvements? Seryll doesn’t technically own the building.

Tenants wanted more transparency and responsibility in the foreclosure process. UHAB worked with them to find more information on Seryll, but it was difficult to find any history on the company. According to Lisa, “This group, Seryll, is somewhat of an unknown entity. . . there’s some partners that were named that are invested in Seryll that have ties to this group in Baltimore that’s made a lot of condos over there. But in New York we really haven’t found [anything].” Seryll was unresponsive to phone calls and only communicated through lawyers, which made tenants nervous about the future of the building.

Seryll’s lawyers said that its intention was to buy and keep the building after foreclosure, which is better than immediately trying to flip the building and sell it for more, but worried tenants that Seryll would just try and kick them out of the building to attract higher paying tenants. The amount that Seryl paid for the mortgage of the 46th St. buildings will not be disclosed until the foreclosure process is complete, so activists don’t know how much money Seryll put into buying the note. If they paid more than they would ever be able to justify with the current amount of rent being collected from the building, it can only be assumed that they have plans to charge more for apartments.

According to Daniel, some of the tenants have already been harassed and urged to leave their apartments. If the current rent-regulated tenants leave and apartments are renovated, the landlord can increase the rent in the unit. He thinks that the receiver is already starting to push people out of the building, to ease the process for the next owner. Tenants who were fed up with
living in unsafe conditions gave up and moved out and their apartments were remodeled and rented out for higher rates. “There are apartments in there with exposed brick and brand new kitchens,” Daniel said, “and then at the same time there’s apartments... like Charlie, this World War II veteran, 85 years old, and his apartment has no ceiling. There’s mold all over the bathroom and kitchen.” Daniel thinks the owner will just wait for Charlie to move out or die, and then his apartment will be fixed up and renovated. Until then, tenants were still living in unsafe apartments in a building that continued to fall apart.

The tenants continued to voice their concerns to the media and to public officials, which conveniently coincided with the mayoral race in 2013. Christine Quinn and Bill DeBlasio, two mayoral candidates, were quick to voice their support for the tenants. Christine Quinn spoke at a press conference in front of the buildings in June of 2013. She said, “This is not an isolated problem... It needs to be taken incredibly seriously. Astoria should never have given this type of a loan that put these buildings in such jeopardy. But Seryll now owns the loan, and if you own it you own it. You bought all of these violations... So don’t try to give us some legal mumbo jumbo that you only own the note, you don’t own the building. You own the building.”

She continued on to say that now that the city was aware of the situation in the buildings, Seryll would not be able to flip it easily for a profit. Instead, HPD would be heavily involved in its rehabilitation. Then, she said that the city planned to sue Seryll for the money owed to the city and take the building if necessary, in which case it would be sold to a responsible developer because “we are not letting these buildings go and we are not letting you off the hook.”

Her strong voice of support had very little backing, though, especially since she was not elected mayor. The fact was that Seryll really didn’t own the building and was not legally required to make repairs. As Daniel put it, “[Politicians] came and made all kinds of stops here,
made all kinds of claims that they’d help these tenants. . . They were trying to promote themselves and look like they were fighting for these tenants and all they did was create photo ops.” He felt that Occupy was pushed out of the efforts to advocate for the building and the tenants were used by the politicians.

A few repairs were made to the buildings on 46th St. in 2013. According to Lisa from UHAB, the receiver made some repairs to the façade of the buildings. HPD also stepped in, helping to install a much needed boiler. There still wasn’t heat during portions of the winter of 2013/2014, though, because, according to Lisa, the receiver failed to put enough oil in the boiler. The receiver should be taking care of day to day needs in the building, since there is currently no super. There has been vandalism in the buildings because the doors don’t properly lock. There are still many urgent needs in the buildings, but the funds and services necessary still have not been provided.

As mentioned above, the mortgage holder is not required to put any funds towards the buildings during the foreclosure process, but in 2014, Seryll made a unique, and somewhat puzzling, offer. According to Lisa, “Seryll has made this agreement in court, which I’ve really never seen before . . . Seryll basically volunteered to do a lot of very [substantial] work with the buildings to fix the electrical problems, to fix . . . the roof and floors and a lot of major problems with the buildings.” This seems like a very generous offer from a company that is not required to provide the funds for those repairs. If Seryll does plan to keep the 46th St. buildings, it would be in its best interest to fix up the buildings, but the repairs that need to be made cost more money than Seryll will be able to recuperate in a timely fashion on the current rent roll. The tenants and organizers are uneasy at Seryll’s willingness to provide so much money up front.
Daniel is especially concerned. He described the situation: “They are going to shell out the millions of dollars towards making repairs to the electricity, the water, the structure of the building, everything.” He is incredulous that their offer is as generous as they are making it sound. “They’re just good people that just want to dole out free money,” he said sarcastically, “They said that there’s no strings attached. There’s nothing binding that they’re forced to do this. It’s simply that they’re interested in later on being considered to have a judge grant them ownership of the buildings.” I asked if he was concerned about Seryll pushing the tenants out and he responded that in his opinion, the receiver is already pushing tenants out, acting as a middleman for the future owner.

Lisa is also concerned about what Seryll has in mind for the 46th St. buildings’ future. “It brings up a lot of questions about Seryll’s intentions,” she says, “Like it strikes me that if they’re willing to put this much money that it’s probably true that they plan to own the buildings, you know, the more you invest into the property, the less likely you’re willing to walk away. So it seems like they do have some sort of plan for the buildings. What it is, we still are trying to find out.” The repairs will be monitored by HPD, but no one knows what will happen with the buildings in the coming years.

I asked Lisa if her specific concern was that Seryll would try to force out the current residents and attract a higher paying rent role in order to recuperate the costs of the repairs. She said that, yes, if Seryll is going to overleverage the debt again and overestimate the amount of rent that they will be able to pull in from the buildings, the only option that they will have to keep the buildings afloat will be to push people out of their current apartments. She continues, “And Sunset Park is a neighborhood where you could see that potential of people thinking that
they could find higher paying tenants than the long term tenants who have lived in the buildings.”

It does not help the tenants and organizers’ unease that Seryll continues to be very difficult to get in contact with. The only other buildings that UHAB has been able to connect Seryll with in New York had the same previous owner, Orazio Petitio. The situation is very similar. The buildings went into foreclosure, Seryll bought the note, then offered to pay for the necessary repairs despite having no legal responsibility. It is important that the repairs are made, and many of the tenants feel good about the deal, but it is also necessary to thoroughly examine Seryll’s reasons for offering to provide so much funding voluntarily. None of that will be clear until the foreclosure proceedings are fully completed though, and that could take until the end of 2014.

In the meantime, tenants continue to organize among themselves and with their supporters. Occupy Sunset Park no longer meets, but many of the members have since joined with other activists to form a new organization. Daniel describes the transition, “We would do these Unity Days, yearly events on Martin Luther King’s birthday. And the last time around, we opened it up so we could invite local organizations to participate with up and it became the Unity Day Coalition.” The coalition creates events to promote popular education about rights and organization. It connects with other activist groups, both locally and nationally. Daniel sees the coalition as a way to tap into the expertise and experience of other organizations. For example, he doesn’t consider himself a tenant advocate, but he does want to support local tenant efforts, so the Unity Day Coalition has paired up with movements like Take Back the Land, a national anti-eviction campaign, which I discuss further below.
More local community members have also gotten involved in the movement. According to Daniel, “It’s evolved with more folks from the neighborhood involved, especially people of color, poor people, and other folks from the neighborhood as well as who I personally see as gentrifiers: hipsters that are a part of the occupy movement.” The numbers of tenants attending meetings has been increasing. Daniel attributes the increase to the progress made by the tenants so far and the lack of retribution against undocumented immigrants. “There’s a lot of them who didn’t believe that this rent strike would work, would be effective,” he says, “but when tenants realized that they could have withheld rent, they started believing in the movement. The tenants weren’t aware of the rights that they had.

As tenant participation has increased, though, activist participation has wavered. Many of the tenant leaders and Occupy activists feel tired out from the past two years, but there is still much to be done. Daniel describes the situation: “There was a division of tenants before. They’re there now. They want to learn. We’re in a struggle where a lot have people have been strained out. They’re tired . . . So it’s time for new energy.” He hopes that a new wave of activists, from the neighborhood, will step up to organize and bring new hope to the movement. If they learn from the mistakes of the past, they can keep it moving forward.

A new group of activists has stepped in to support the tenants, made up entirely of people from outside the neighborhood. The Anti-Eviction Tenant Network recently formed and wants to meet regularly with the 46th St. tenants to get an idea of what is needed and offer their support. They met with tenants in March to discuss possible actions for the future. The Network is made up of young professionals and academics, most of who were involved in Occupy Wall Street. They come from a variety of cities and countries. When they learned of the rent strike, they
offered to help in any way possible, though it is not currently clear what that support will look like.

The tenants continue to meet regularly and attend their court dates, regardless of who is working with them at the time. Over the course of the rent strike, they worked with the neighborhood nonprofit, Occupy Sunset Park, Brooklyn Legal Services, Christine Quinn, Nydia Valesquez, UHAB, Unity Day Coalition, Take Back the Land, and many other organizations. While all of this support has been valuable in some way, it also required tenants to stay focused on their goals for the building and their activist efforts. This is especially important as the target of their efforts has changed from Petito, to the City of New York, to the receiver, to Seryll. They are navigating an every-changing building status, which is especially difficult since they do not know who will own the building in at the end of 2014. I will discuss these dynamics further below, but first I would like to give a few other examples of tenant activism in New York.
1904 Housing Activism

Rent Strikes in New York City can be traced back to the early 1900s, when a small group of women on the Lower East Side organized against rising rents. Much like the rent strikers on 46th Street, the strikers in Manhattan had the support of a variety of political and community-based organizations, which were at times both helpful and detrimental to the cause.

The Lower East Side erupted in protests in the Spring of 1904. Prior to this point, landlords held decision making power over tenants, since both law and demand were on their side. Much like immigrants today, the Jewish working class families that immigrated to the neighborhood were not always familiar with their rights in the United States regarding rent and housing conditions. Tenants did not have leases and rents were subject to change from month to month. Also like tenants today without leases, they were subject to sudden price jumps that they often could not afford. According to Weissman Joselit, “Some landlords had a minhag (custom) of determining the rent according to family size, charging 50 cents additional per child above the base rent. Still others routinely raised the rent after making alleged improvements in the building.” Landlords found any reason to drive up the rent at the time when there was high demand.

Tenement housing was in short supply in 1904, and the immigrant populations in the Lower East Side grew fourteen percent in five years, leading to “a famine in the supply of

---

available tenements.\textsuperscript{72} Public works, including the building of the Williamsburg Bridge and the construction of parks and schools, led to the clearance of the homes of over seventeen thousand residents of the Lower East Side.\textsuperscript{73} When the demand rose on the Lower East Side, lessees demanded higher rents. Although the demand was caused by shortage of housing, instead of gentrification, the effect on the housing market was similar in many ways. Tenants were under pressure to accept whatever housing conditions they could get.

The majority of tenants were seasonal garment trade workers and small businessmen, who barely made enough to cover the rent, which took up one-quarter to one-third if their incomes on average, not too different from the income percentage of current poor tenants.\textsuperscript{74} Tenement life was dictated by the landlord, who had control of rents and little regulation on the housing market, leaving tenants at his mercy, since they had limited options elsewhere.\textsuperscript{75}

Passive attitudes on the Lower East Side turned, however, when landlords began taking advantage of a decided shortage in rental housing, and increased tenement house rents by an additional 20 to 30 percent.\textsuperscript{76} This led to thousands of evictions and public outcry from working class women on the Lower East Side.\textsuperscript{77} These women began to stage organized protests in April of 1904, as the traditional May 1\textsuperscript{st} moving day was approaching and rents were rapidly increasing.\textsuperscript{78} One of the principal organizers of the protests was seventeen-year-old Bertha Liebson, a daughter of a labor organizer. Bertha was dubbed the “new Joan of Arc” by local papers and aided in the formation of the New York Rent Protective Associations.”\textsuperscript{79} She and

\textsuperscript{72} J. Joselit Weissman, “The landlord as czar: Pre-world war I tenant activity,” 40-41.
\textsuperscript{73} Ibid, 41.
\textsuperscript{74} Ibid, 39.
\textsuperscript{75} Ibid, 40.
\textsuperscript{76} Ibid, 39.
\textsuperscript{78} Ibid.
\textsuperscript{79} Ibid.
other women went from tenement to tenement, drawing in new supporters and forming individual tenant unions in each building.\(^\text{80}\)

Tenants staged rent strikes, blocked evictions, and picketed landlords’ homes. They made cards, in both English and Yiddish, warning other Lower East Side residents not to rent at buildings with tenants on strike, in order to put further pressure on lessees.\(^\text{81}\) The language of the demonstrations reflected the political and labor rhetoric of the time. They “referred rather self-consciously to themselves as ‘strikers,’ to their non-cooperating neighbors as ‘scabs,’ to building-level tenant groups as ‘tenant unions,’ and to the withholding of their rent as a ‘rent strike.’”\(^\text{82}\) This language was not only familiar to residents of the Lower East Side, but carried with it associations of organization and power for the working class. The trade union movement had used the same language to gain power and influence in the area, and the rent strikers were hoping for the same.

Men began to step forward in more leadership positions once the strikes were under way, as was the case with the 46\(^{\text{th}}\) St. rent strikers.\(^\text{83}\) Male delegates from the United Hebrew Trades, the Workmen’s Circle, and other locals united to form the New York Rent Protective Association (NYRPA).\(^\text{84}\) The role of the NYRPA was to collect dues from members to provide small amounts of money to evicted tenants on the Lower East Side.\(^\text{85}\) It also provided legal counsel and support during court proceedings and spearheaded rent strikes in the neighborhood. It also meant that rent strikers had to communicate with multiple groups and come to a consensus, though, which took some of the control away from the original rent strikers.

\(^{\text{80}}\) J. Joselit Weissman, “The landlord as czar: Pre-world war I tenant activity,” 42.
\(^{\text{81}}\) Ibid, 39.
\(^{\text{82}}\) Ibid. 41.
\(^{\text{83}}\) Ibid, 43.
\(^{\text{84}}\) Ibid.
\(^{\text{85}}\) Ibid.
Protesters also formed alliances with local groups, including Socialists, who were very active in the neighborhood. One of their most important Socialist allies was the head of Jewish Charities in New York and a known social activist, Abraham Cahan. Relations between Socialists and tenant activists turned rocky, though, when Socialist leaders began to take control of the movement and the NYRPA became politically divided. The original tenant organizers lost further control of the efforts. Liebson and the other women felt that the movement was going the wrong direction. They were phased out as more men took leadership positions in the movement. Some members argued that a political approach was necessary to make any progress with the tenement movement, while others argued that they were acting as tenants, not Socialists, and did not want to mix the message. The Socialist members eventually split from the group and the NYRPA dissolved soon after. Like the 46th St. rent strikers, the tenants were divided among themselves and their supporters because of diverse opinions about how political and radical the movement should be.

The influence of the Socialist party also affected the public opinion of the strikes. The Mayor and Chief of Police were less sympathetic to the movement and Municipal court judges were warned not to allow cases to be affected by overcrowded court calendars or fear of violence from demonstrators.

The plan was to “overwhelm the courts with eviction cases and force judges to dismiss them en masse.” Tenants became well versed in legal technicalities and delays and used them

---

87 Jared Day, Urban castles: Tenement housing and Landlord Activism in New York City, 1890-1943, 75.
88 Ibid, 76.
89 Ibid.
90 J. Joselit Weissman, “The landlord as czar: Pre-world war I tenant activity,” 43.
91 Ibid.
92 Jared Day, Urban castles: Tenement housing and Landlord Activism in New York City, 1890-1943., 76.
93 Ibid.
to their advantage in their efforts to flood the courts.\textsuperscript{94} They grew tired of the lack of progress though, and began making deals with their landlords. Other tenants lost faith in the legal efforts and resorted instead to violence, small riots, attacks on landlords, and conflicts with the police.\textsuperscript{95} Those who pursued the legal tactic often faced judges who could do little to help them, since the law was on the side of the landlord. According to one judge, “the court is bound to enforce the law and if the tenant will not pay the increased rent, his only alternative is to go elsewhere.”\textsuperscript{96}

Tenant leaders were often singled out for evictions among a wave of similar court cases. Bertha Liebson was quickly evicted from her apartment, although other tenants in a similar situation were allowed to stay.\textsuperscript{97} With tenants abandoning the movement and leaders targeted by the courts, the movement tapered and ended in a stalemate. Judges and police were pressured by city and state officials to delay some evictions, a short term victory for residents.\textsuperscript{98} Many lessees had to reduce rent in the end, since delays left them financially vulnerable.\textsuperscript{99} Some landlords even signed year-long leases with their tenants with a guaranteed stable rent during that time.\textsuperscript{100} No changes were made to landlord-tenant law, though, and in many ways, very little changed.\textsuperscript{101}

The rent strikers in 1904 have a surprising amount in common with the tenants in 2012. Both activists groups were started by a small group of women in the working class who were the victims of unfair housing conditions. Both groups organized their neighbors and gathered enough support to gain the attention of other neighborhood leaders and organizers, mostly men. As both movements continued to grow and garner attention, other neighborhood groups offered their

\textsuperscript{94} Jared Day, \textit{Urban castles: Tenement housing and Landlord Activism in New York City, 1890-1943.}, 76.
\textsuperscript{95} Ibid.
\textsuperscript{96} Ibid.
\textsuperscript{97} Ibid.
\textsuperscript{98} Ibid, 77.
\textsuperscript{99} Ibid.
\textsuperscript{100} J. Joselit Weissman, “The landlord as czar: Pre-World War I tenant activity,” 43.
\textsuperscript{101} Jared Day, \textit{Urban castles: Tenement housing and Landlord Activism in New York City, 1890-1943}, 77.
support. Some of these support groups were more political and radical than the tenants had originally been, though, and their involvement affected not only how the movements functioned, but also how they were viewed by the media. In both 1904 and 2012, tenant activists had to educate themselves and navigate a confusing combination of supporters. The supporters, for the most part, had the best intentions, but they also had their own agendas.

Networks of supporters are difficult, but what about the targets of rent strikes? The rent strikers in 1904 knew who their landlords were and could bring them to court. They did not have the same resources as their landlords, but they were able to put faces to their housing struggles. Modern tenant activists are in a much more complicated position, though. Buildings, especially those in foreclosure, do not always have one, clear owner who can be held accountable. Oftentimes, a chain of banks, lenders, landlords, supers, and receivers make it difficult to target those responsible for housing conditions. Tenants have to stay constantly informed of the status of their building and hold all parties accountable.

Present-day housing activists are navigating the complicated post-crash context with the help of legal representation, public records, and the use of the media. They are still utilizing many of the same activist tactics than were used in the early 1900s, though. Not only are they rent striking, they are blocking evictions. While early tenants were being evicted because of price hikes, many modern tenants and homeowners are being evicted because of foreclosures. In the next chapters, I will discuss an organization that works to block the eviction of tenants and homeowners through housing activism.
Take Back the Land

Rent strikes are hardly the only way that residents express dissatisfaction with their housing conditions. As a result of the recent housing crisis, residents of foreclosed single family homes and apartment buildings are banding together to demand that larger entities be held responsible for the current economic conditions of the country. Much like Occupy Wall Street, these efforts have spread throughout the country and throughout the world. Also like Occupy, these efforts often do not have one clear target that they can protest against. Residents throughout the United States must navigate a confusing trail of banks, non-bank lenders, owners, and politicians in order to reach the root of their problem.

The Unity Day Coalition in Sunset Park has made an effort to establish ties with Take Back the Land, an anti-foreclosure network. The focus of Take Back the Land evolved with time, starting with moving homeless people into foreclosed homes and reaching the point where they focus on foreclosure defense activism. Take Back the Land reclaims foreclosed homes in two steps. First, volunteers look through court records and online sources to find out who owns different properties. They don’t take over privately owned properties. Instead, they focus on idle city property or bank properties that haven’t been taken care of due to backlog. Then, they drive around and look at all of the possible properties, inspecting them to see if they are habitable and accessible. They also help people to stay in their homes that are being evicted, by staging demonstrations, chaining themselves to the home, moving the people back in after being evicted, and getting as much media attention as possible.

Take Back the Land has evolved from an on the ground initiative to an umbrella organization. According to the Take Back the Land website, the “Take Back the Land Movement... is not one single national campaign, but, rather, one thousand independent, but interconnected, local campaigns directed towards the common objectives of community control over land and elevating housing to the level of a human right.”\textsuperscript{103} They refer to their organization as ‘trans-local’, or connections between multiple grassroots movements. Local movements don’t answer to a central committee, but rather are run by Local Action Groups (LAG) who share experiences, but operate independently. There is a Leadership Committee that facilitates those connections and provides technical support\textsuperscript{104}

While all of these groups vary in their focus and some of their methods, they are united in the belief that housing is a human right and that it is better for a family in need to squat in a home and protect its value, thus protecting the value of the neighborhood, than to let it sit like an open target in foreclosure.\textsuperscript{105} Take Back the Land demands that banks hand over foreclosed homes to democratically controlled community land trusts so affordable housing can be provided in communities that need it most.\textsuperscript{106}

Take Back the Land, while based on local grassroots efforts, recognizes the importance of media attention and public outcry. For every major action that they take, like the 46th Street rent strikers, they put out a press release and try to get as many media outlets as possible to come to the demonstration. One of the most successful and attention-grabbing efforts of Take Back the Land took place in Rochester, New York.

\textsuperscript{104} Ibid.
\textsuperscript{105} Paul Reyes. "Opportunity Knocks."
Catherine Lennon was living in a house with ten family members when her husband died in late 2008. Lennon's husband, holding title to the property, died without a valid will, so payments that Lennon made were not accepted by Fannie Mae because the property was not in her name. Lennon continued to try to make payments, but financial circumstances prevented her from doing so. Lennon claimed that Bank of America, her lender, had refused to work with her.

Lennon was approached by Take Back the Land-Rochester, who offered to help her protest her eviction set for March 14, 2011. Members of the TBL Rochester group reached out to community members and activists such as George, a member of the Take Back the Land national movement and housing activist, who I interviewed in July 2012. According to George, “They did an eviction defense. They moved about eighty people in the house and kept the marshal away for about a week. The following week the marshal and Rochester police came with a SWAT team, 25 police cars, and physically removed Catherine Lennon from the house.”

Lennon was evicted in March of 2011, but in May it was decided that Take Back the Land would help Lennon to move back into her house. In George’s words, “So on Mother’s day of last year, we gave Catherine Lennon the ultimate Mother’s Day present. We did a very public move in. . . . We called the press, we called the police, but we said publically to the police, ‘If you continue to support private institutions with public funds, meaning Bank of America, with taxpayer money to keep people out of their homes, we will not only make it public, but it’s not gonna be cost effective because every time you evict a family, you can believe Take Back the Land-Rochester and its resources from all over the country will be here to move her back in.”

---


Catherine moved back into her home and still lives there today. She did get second and third eviction notices, though. Bank of America’s official statement at the times was:

*It’s unfortunate that Ms. Lennon finds herself in this position. Bank of America has serviced her mortgage since the acquisition of Countrywide in July 2008. The loan was already delinquent at the time of the acquisition. As we do with all customers facing financial hardship, we send offers to assist with modifications. Foreclosure is a lengthy process and many legal requirements need to be completed before it is completed as required by the state of New York.*

The third eviction was postponed, however, when a judge ordered that Bank of America come to court with evidence that the foreclosure was legal. According to George, Bank of America has been unable to provide this evidence. The case has been postponed indefinitely in the hopes that a settlement will be found out of court.

Take Back the Land-Rochester and Lennon had many supporters involved to help out in their efforts. When Lennon’s situation started to gain media attention, US Congresswoman Louise Slaughter (NY-28) reached out to Fannie Mae as a mediator and asked that Lennon’s case be reviewed. Much like the activist efforts of 46th Street, politicians were eager to get involved when the movement started to gain significant media attention. George was also contacted by international partners who offered their help. According to him, “one of the hits we got was from the International Alliance of Inhabitants, which is a groups based overseas that we had met at the US Social Forum. And their leader, Cesare Ottolini, emailed me and said, ‘we want to figure out a way to help you with this Catherine Lennon situation.’” George didn’t ask for

---

111 Maxwell Strachan. "Police Team Evicts Grandmother, Arrests Neighbors And Activists ."
help until they got word of Lennon’s second eviction. He called Cesare and right away, “they started picking up the phone. They embarked on a campaign from around the world. They have 12,000 members; I don’t know how many people called. . . They started calling Chuck Schumer and Kirsten Gillibrand,” the two senators of New York. An example phone call would be, “This is Cesare Ottolini. I’m in Italy and I want to know why you’re evicting Catherine Lennon from 9 Ravenswood Avenue in Rochester New York.” They put as much pressure on politicians and financial organizations as possible to negotiate with Catherine Lennon.

Take Back the Land also made connections with academics, especially in New York City, that helped in understanding property law and the technicalities of the formation of a land trust. George mentioned such names as Peter Marcuse, Tom Angoti, David Harvey, and Neil Smith, all names known well in the field of Urban Studies. George enlisted the help of Harvey and his classes for research that is then used by Take Back the Land in the facts and information that they put out to the public. These facts and statistics have become an important part of the media attention that Take Back the Land receives, since it allows them to provide concrete evidence in their arguments and counter the criticisms that they constantly receive from those unsympathetic to their cause.

The media is a constant actor in the Take Back the Land movement. Take Back the Land is careful to call news stations and make press releases, but not all of their efforts have caught the public attention. Only a few actions, including that of Catherine Lennon, have caught and held the interest of the public. Lennon’s move-in is considered one of their strongest local actions to date.

Take Back the Land navigates a wide variety of supporters from diverse political perspectives. They mission of Take Back the Land is applicable to a variety of political

---

112 Maxwell Strachan. "Police Team Evicts Grandmother, Arrests Neighbors And Activists ."
ideologies. While it is considered a radical liberal movement, the language that is used is comparable to language used by conservatives and libertarians regarding the right to settle and control land without government intervention. The community land trusts that Take Back the Land intends to establish would not be controlled by the government, but by the people in the community.

Take Back the Land's wide network of supporters has been beneficial to their efforts, since each actor has played a very specific role. International supporters make phone calls, academics provide data analysis, activists attend protests, and the media publicizes the efforts. Take Back the Land is also facing a wide network of targets. Not only are they holding banks and lenders accountable, but calling on cities to step in and defend their residents. Since they cast such a wide net in their activism, they rely on allies to keep them informed and in the public eye.
Allies in the Housing Movement

During housing movements, tenants work with a variety of different supporters, including nonprofits, activist groups, and politicians. While a support structure is necessary for a successful movement, tenants must also be aware that their supporters may have a different perspective than their own. Diverse points of view and opinions about the goals of a tenant movement can lead to divisions within the organization. Tenants have to be able to navigate the diverse opinions of all those involved, as well as carefully pick who they will associate with. Allies can sway public opinion, which has a major effect on the movement itself.

In the case of the 46th Street rent strikes, the tenants initially worked with a local nonprofit. The nonprofit was a part of an original organization of the tenants, but it were going through some major changes of its own during that time. According to Angela, after the economic recession, many of the financial institutions that used to fund the nonprofit or provide grants no longer existed. It was left with significant budgetary issues, and decided to merge with another local nonprofit. They downsized and cut some of their services. Angela says that it is increasingly difficult to provide more than one-on-one counseling, since she and her coworkers have trouble finding time to leave the office and meet with tenant groups. She continues, “It takes a lot of work to organize a building because you first have to build relationships individually with people and then communicate with all of them.”

It’s clear that the nonprofit felt overwhelmed by the changes in its own organization and the amount of work that needed to be done. The tenants felt neglected, though, and their supporters grew frustrated. When Occupy Sunset Park got involved, the tenants told them that the neighborhood nonprofit had discouraged them from going to the media. Instead, tenants were
encouraged to rely on official channels out of the public eye. Occupy disagreed completely, and immediately started helping tenants with their media presence.

As Occupy Sunset Park became more involved in the rent strike, the nonprofit continued to take steps back. According to Angela, “We did start the process and we were starting to gather complaints and things like that and then slowly Occupy Sunset became more and more involved. At that point we already had gotten attorneys who were involved.” The nonprofit set the tenants up with a lawyer from South Brooklyn Legal Services. With both legal help and an active team of supporters, the team at the nonprofit decided that they were no longer needed. “At that point we didn’t have the capacity to be in the buildings,” Angela continues, “and we thought that they were in a good place as well. They were with attorneys and they were with this group who had the time and the ability to help them.”

The Occupiers and tenants felt abandoned and ignored, though. While they wanted to help the tenants, the activists in Occupy Sunset Park also readily acknowledged that they were not professional tenant advocates. Daniel expressed frustration at one vigil: “It’s sad how little the organizations in the area are stepping up.” Months passed with no action from the local nonprofit. At one Occupy meeting, activists found out that the tenants’ lawyer was on vacation and could not be reached. They grew frustrated with the nonprofit and the lawyer that they found through the organization, and began looking elsewhere for support.

As tenants grew jaded with their experience with nonprofits, more Occupy activists got involved in the rent strike actions. Occupy Sunset Park offered support, time, and attention to the tenants when local nonprofits would not. The activists were also willing to stir up media attention and use more radical protest tactics. The nonprofits had to worry about maintaining a good image in public and keeping their funding, but Occupy Sunset Park wanted to shake things
up and get the attention of as many politicians and news organizations as possible. In the end, this made some of the tenants uncomfortable, as they decided to work with politicians rather than occupy their offices and call them out in the media. A similar situation could be found in the 1904 movement, when tenants divided between the radicalism of the Socialist Party and the safety of negotiating with landlords.

Many tenants and neighbors in Sunset Park were wary of Occupy in the first place, because of its portrayal in the media. According to Daniel, “A lot of people from the neighborhood, average people, they don’t identify with it because it’s always looked as if it was a white movement because of the media.” Daniel doesn’t think that Occupy is as homogenous as it was portrayed, but he also thinks that there is a strong association with Occupy and elitism. Many of the white Occupiers were professionals or academics, and he feels that minority community members were intimidated and quieted by their presence.

He worries about a “savior-type mentality,” where “conversations get dominated by so many well-meaning people.” He felt frustrated that white members of Occupy Sunset Park were unwilling to discuss race dynamics in the group and in the neighborhood. Activists didn’t want to be seen as gentrifiers or racists, but Daniel doesn’t feel comfortable ignoring the very real racial component of change in the neighborhood. He continues, “People [being] from a place of privilege doesn’t mean that they can’t partake in the struggle. It means that there’s roles to be played and there’s respect that has to be given and it takes a level of understanding . . . We have to start with having this dialogue and its being overlooked.”

The balance of power between the tenants and the Occupy activists was a delicate one. The Occupiers had a lot of ideas and experience with protest movements, but the rent strike belonged to the tenants. Some of the tenants began to feel overwhelmed by the presence of the
Occupiers and their opinions. Most of the tenants were not in Occupy Sunset Park, so they were not present for many of the General Assemblies, even though the rent strike was a regularly discussed topic at these meetings. It was decided in August that the Occupiers would no longer discuss the rent strike without the tenant organizers present, in order to guarantee that they had a voice in all decisions.

The dynamic of the Socialists and the tenants in 1904 also led to a difficult balance of power. The Socialist Party had large numbers and an established organization system with regular meetings, which meant that their voice often dominated that of the tenants. As neighborhood leaders and organizations got more involved in the rent strikes, the tenants themselves dissociated from the movement and it stagnated.

The structure of Occupy Sunset Park was also difficult for some allies to work with. Politicians, for example, often looked for a spokesperson or leader of the movement. Occupy is a horizontally structured organization, though, and there is no one leader. There is no one person making all of the decisions. As tenants became more involved with politicians, a few of them were singled out as the voice of the building, which led to some discomfort among the Occupiers.

The politicians are not always on the same page as the tenants, though, and oftentimes, as was the case with Bill De Blasio and Christine Quinn, the tenants feel used. Tenant movements can be great photo opportunities for politicians trying to attract the votes of tenants and working class community members, but public support does not always translate into actual change.

Local government should be a supporter of safe housing for tenants, but tenants are often not represented. According to Angela, there is a housing committee of the Community Board in Sunset Park, but it’s mostly made up of older Anglo men who own their homes, and possibly
other properties. The conversation of tenants’ rights and what it means to be a good landlord has only recently begun to be discussed at Community Board meetings.

The tenants of 46th Street continued to reach out for support from other groups, and were put in touch with UHAB, a tenant advocacy nonprofit. According to Lisa from UHAB, they had previously heard of the rent strike in Sunset Park, but had hesitated to reach out and offer support because there were already other nonprofits in the neighborhood involved. They hesitate to step in and complicate matters when there is already another organization involved. Angela expressed a similar mentality. In her words, “For the most part we do start to defer to whatever organization has the expertise with whatever the issue is.” She says that the organizations in the neighborhood do occasionally communicate with each other and offer support. She has to reach out to Asian organizations in Sunset Park when she has meetings with tenants and she needs help with translation. Take Back the Land has successfully worked with other organizations with a similar division of labor, where groups have clear roles.

Organizing in an immigrant neighborhood can also lead to difficult relations between tenants. A significant number of the tenants in the 46th St. buildings are undocumented immigrants, which leaves them in a vulnerable position. Many of them are hesitant to get involved with activism, since it will call attention to themselves and their families. In Angela’s experience, landlords will use tenants’ legal status against them as a tool of intimidation. They threaten to call immigration on tenants that file complaints or court cases against them. She does not know if immigration has ever actually been called, but she doubts that one landlord's call would launch an INS investigation. Undocumented tenants are still hesitant to get involved in the rent strike, though.
Other tenants in the building also resisted the rent strike because of illegal activities and conditions in the building. According to Lisa, tenants participating in illegal activities, such as selling drugs, are resisting the rent strike because it calls attention to the building and gets authorities involved. Some of the tenant organizers’ doors were vandalized. Lisa hasn’t seen any significant effort on the part of the receiver to remove people from the building for illegal activities. Daniel thinks the receiver is compliant with the drug dealers because it makes the current tenants feel uncomfortable and unsafe, which speeds the process of getting them out of the building.

Suspicion among tenants and their supporters hinders their ability to unite against a complicated target. As politicians, activists, tenants, and nonprofits attempt to work together, they must also stay on top of ever changing building owners and managers. For both the 46th Street rent strikers and the Take Back the Land activists, the modern housing context makes it necessary for them to be well-versed on the buildings' status and legal proceedings. Activists rely on supporters to make sure they are properly informed of tenants' rights throughout this complicated process. At the center of all of these networks, though, are the tenants and their need for safe, reliable housing.
Conclusion

The dynamics of the supporters and targets of housing activism present both a benefit and challenge to the tenants themselves. Low income renters today face deteriorating housing conditions, increased rents, and pressure from their landlords to leave their homes. Most tenants do not know their rights in these situations and are afraid of legal recourse against them. Housing court would be difficult for anyone without representation, and most low income tenants do not have the resources to hire counsel. They are left to navigate a difficult system with limited information.

If tenants do decide to organize and hold their landlord responsible for building conditions, they have to navigate a new field, public activism and media attention, as well as legal recourse. Tenants look to supporters to provide them with the information and resources necessary to call attention to their housing conditions and hold the landlord responsible. Choosing what supporters to rely on can be another difficult process, though, since allies come with their own opinions of activism and their own visions for the future of the neighborhood.

In the case of the 1904 rent strike, tenant organizers wanted to limit the rent hikes by organizing other renters on the Lower East Side en masse. As the movement grew and won media attention, though, other organizations, namely the Socialist Party, got involved to both lend support and political ideals. While the Socialist Party was able to provide valuable manpower and economic resources, it also polarized media attention and caused a split among the activists themselves. Many of the housing organizers wanted to continue the strike, but felt uncomfortable doing so with a political message. Others thought that the rent strike should be a
Socialist effort. In the end, the divides were too large, and tenants either radicalized or gave in and made deals with landlords.

The 46th St. Rent Strike faced similar difficulties. The small group of women that originally began the rent strike quickly became involved with a variety of organizations that weren’t necessarily willing to work with each other. They were supported by an established nonprofit in the neighborhood, but its lack of progress caused the tenants to look elsewhere for a more vocal, radical approach. They began to work with Occupy Sunset Park, which could offer plenty of time and people, but not enough knowledge and experience in regards to tenant activism. As Occupiers struggled to navigate the power dynamics with tenants and within their own group, the tenants looked out for other support options.

Local politicians offered their help, which seemed promising to many of the tenants, but ended up falling flat. Tenants felt used for publicity stunts and saw very little change in their building. They continue to work with a variety of activists and organizations, including UHAB and the Unity Day Coalition, although they feel that there is not much to be done until they know who will own their building. They have received plenty of public attention and support, but that has not translated into change in the building.

While a diverse team of allies can provide a useful skill-set, it is important that they work together to provide only the type of support that the tenants would want. In the case of Take Back the Land, allies have very specific roles. Some activists research foreclosed properties in the neighborhood and reach out to tenants and homeowners. They also participate in protests and occupations of the buildings. International supporters are available to pressure politicians with phone campaigns. Academics are on hand to help with data collection and analysis. While Take
Back the Land does not have leaders or a formal structure, it is a network of organizations that clearly communicate with each other about what seems to work and what doesn’t.

A clear network of supporters is necessary, especially when navigating the complicated legal statuses of many of today’s rental properties in New York City. The 46th Street buildings are not unique. Rental buildings throughout the city and country are in foreclosure, leaving tenants in a precarious position. Building owners are unlikely to maintain properties that they will most likely lose, so receivers are named to collect rent and make repairs. The rent roll will usually not cover major repairs, though, and building conditions often do not improve. When mortgage holders ‘Debt Dump’ properties and sell the note to prospective buyers, it puts tenants in an even more precarious position. Throughout the foreclosure process, it is unclear what will happen to the building and its tenants. By analyzing the 46th Street rent strike and comparable housing movements, this project provides and new perspective on housing activism in the complicated housing environment following the economic crisis of 2008.

Renters have very little power over their own living space, which threatens the quality of life of an already low income population. They do have rights though, and they do have the power to hold their landlords responsible through both legal methods and public ridicule. In order to understand the complex status of their buildings and successfully organize in the neighborhood, tenants need the support and resources of allies that are willing to not only work towards the tenants’ hopes for the building, but also work with other organizations to make sure that all needs are being met by those most qualified to meet them. Large banks and corporations will always have the resources to buy properties in a capital driven housing market, but if tenants and their supporters effectively unite, their collective experience and knowledge will make them a formidable opponent.
Bibliography


Barnhart, Rachel. "Woman Now Squatting in Former Home." *13 Wham.*


Appendix A

Sunset Park Rent Strike Location

Census Tract Map
Abstract

Caitlin Waickman

BA, Fordham University
MA, Fordham University

Tenants United: Navigating Allies and Adversaries in Housing Movements

Thesis directed by Emily Rosenbaum, Ph.D.

This work investigates the current dynamics of participants in housing movements in New York City. Through case and context analysis, this project seeks to provide insight to the difficulties that tenants face in not only fighting for fair housing, but in working with the activists, politicians, and nonprofits that seek to help their efforts. Through literature, history, and social research, this project provides a timely analysis of the current state of rental housing and the efforts to improve it.

Rental properties continue to be affected by the housing crisis of 2008. Overleveraged or foreclosed buildings leave tenants at risk of deteriorating conditions or pressure to leave, so owners can attract higher paying occupants. Tenants in Sunset Park, Brooklyn responded to their own unfair housing conditions with protests, supported by other community actors. While supporters provided much needed experience and exposure, they also came with their own agendas and ideas for the direction of the movement. Tenants were challenged to keep a clear vision of their wants and needs as the legal status of their building changed multiple times.

Similar dynamics can be found in a 1904 rent strike in New York, as well as a modern foreclosure prevention movement. Through comparative analysis of the movements and their actors, this project provides insight into the roles and division of actors in housing movements.
Caitlin Waickman was born in Cleveland, Ohio, in 1990 to Marianne and Joe Waickman. After graduating from Magnificat High School in 2012, she entered into Fordham University at the Rose Hill Campus in the Bronx, New York. She was named a Trinity Research Fellow in 2011, which allowed her to research and complete her thesis on interethnic relations as a strategy for community empowerment in the Bronx neighborhood of University Heights. She studied abroad in Santiago, Chile and was accepted into the accelerated Masters of Arts program in Urban Studies at Fordham University in 2011. In 2012, Caitlin graduated cum laude with Bachelor of the Arts degrees in Urban Studies and Latin American Language and Literature. As she continued to pursue her Master’s degree, she was awarded an Urban Studies Graduate Assistantship in 2012. In 2013 Caitlin was elected and served as the Vice President of the Graduate Student Association of the Graduate School of Arts and Sciences until her graduation in 2014.