Data and Tenant Choice: Exploring the Relationship Between Limited Liability Company Ownership and Block Conditions in Norwood, Bronx

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Data and Tenant Choice: Exploring the Relationship Between Limited Liability Company Ownership and Block Conditions in Norwood, Bronx

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

by
Albert Rosario-Pichardo

Annandale-on-Hudson, New York
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Dedication

I dedicate this project to all the young kids of color who think they are less than because of where they come from or the color of their skin. You are strong. You are powerful. You are beautiful. It took me far too long to realize that the consequences of colonialism cannot be unpacked in a day, and I hope it doesn’t take you nearly as long to realize that too.

Additionally, I would like to dedicate this project to the 17 people who perished in the tragic Bronx fire on January 9th, 2022. I promise I will do my best to ensure such kinds of tragedies are only events of the past. May you all rest in peace.
Acknowledgements

Quiero agradecer a mi madre y padre. No creo que ustedes entiendan lo mucho que los aprecio, pero quiero que sepan que sin ustedes yo no estaría donde hoy estoy. Te amo, mama. Te amo, papa.

I want to thank my dearest Wynnter. You believe in me like no one else. Your warmth and kindness always guides me to do the best that I can. May it continue to do so for years to come.

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I want to thank my board member, professor, and academic advisor, Peter Klein. Thank you for introducing me to the complex history and theory of urban systems. Thank you for teaching me about environmental justice in an increasingly urbanizing world. Thank you for giving me the opportunity to do good work with the Ulster County Coalition for Housing Justice in Kingston. I would not be an EUS major if it were not for you.

I want to thank my board member, and Geographic Information Systems professor, Susan Winchell-Sweeney. Thank you for providing me with such a powerful tool to make change. Thank you for thinking and talking so highly of me, your words of encouragement and praise have made my day on more than one occasion. Mostly, I want to thank you for your kindness and patience which kept me coming back to class excited to learn. I promise to use what you have taught me for the good and to carry that same kindness to those that I may teach in the future.

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Introduction

During the beginning of my senior year, I believed that my motivation for a project on barriers to tenant choice sprang from my time sitting in class, learning about Limited Liability Companies and later realizing while scrolling through ZoLA, New York City’s interactive zoning map, that my building was owned by one. It wasn’t until halfway through the year that I realized my motivation did not come from just that moment, but rather from the collective experiences I’ve had over my 18 years of living in that apartment. At the time of writing, my family lives in a private pre-war building owned by Avni Realty LLC. We have a Section 8 Voucher that allows us to afford the rent. Having lived in our apartment for 18 years, we’ve gone through mold and pest-infested conditions, including both cockroaches and rats. My mother has been wanting to move out for years now, but unfortunately due to money constraints we don't have much choice but to stay. Even though financial constraints are the most tangible barrier, I’ve come to learn that this was not the only obstacle in our personal story regarding a lack of tenant choice.

Unfortunately, our story is not unique.

Growing up, I had accepted that the conditions my family lived in was just a normal way of New York City living. It wasn’t until later on that I started to notice differences in the quality of living conditions in various NYC neighborhoods. I began to ask questions. I questioned why I lived in the conditions I did. I questioned why I was anxious about my friends who lived in wealthier neighborhoods coming over. I questioned why my family and I lacked the power to control so many things regarding our living situation. Was it because I lived in an LLC owned building, a home under a legal mechanism that possibly allowed my landlord to leave my family in poorly maintained conditions? Was it because the nature of urban life itself doesn’t allow for
one to have full control of their setting? Where did our lack of agency come from? What could I
do as a tenant to find power in my position? These are all questions I aimed to answer with my
senior project.

Since we couldn’t move, I came to the conclusion that these conditions were unjust.
Likewise, it is unjust for any tenant to be forced to live in substandard conditions. It is unfair that
tenants have to deal with housing conditions that are caused by factors out of their control, which
landlords are largely responsible for. However, what’s even more unfair is the anxiety and stress
that these situations can impose on a tenant. The stress and anxiety that can be caused by living
with pests like rats and cockroaches, the negative health consequences that can be caused by
proximity to mold, and the negative self-image that one may associate themselves with living in
deteriorating conditions, are all negative consequences from lack of tenant choice.¹ ²

Yet some may argue that those living in substandard conditions could just move, and that
therefore tenants do have choice. However, prices of rent in New York City have risen more than
double the national average between January 2021 and January 2022, rising higher than
pre-pandemic levels.³ Given NYC’s already infamously high cost of living, one cannot
realistically expect most lower-income tenants, especially those who rely on federal housing
vouchers, to have free reign over where they live. Consider too that the average wait time for

¹ Snehal N Shah et al., “Housing Quality and Mental Health: The Association between Pest Infestation and
Depressive Symptoms among Public Housing Residents,” Journal of urban health : bulletin of the New York
² Tiina Reponen et al., “High Environmental Relative Moldiness Index during Infancy as a Predictor of Asthma at 7
Years of Age,” Annals of allergy, asthma & immunology : official publication of the American College of Allergy,
Asthma, & Immunology (U.S. National Library of Medicine, August 2011),
housing vouchers is around two and a half years.\textsuperscript{4} Considering both rent increases and housing voucher wait times, the lack of tenant choice – the ability for a renter to move out of their tenement and into another – is ubiquitous.

Out of all municipalities that suffer from urban inequities and a lack of tenant choice, the experimental part of the project will primarily focus on New York City. As a lifelong NYC resident from the Bronx—often regarded as the poorest of the five boroughs—my interest for this project lies in exposing potential inequities and injustices that some of the city’s most impoverished residents face and highlighting how data can help shed light on and narrate tenancy problems for the general public.

I begin with Chapter One, where I explain the source of our dependency, lack of power, and control as a tenant. I start with the feudal origins of the modern day tenant-landlord relationship and the unbalanced power dynamic within it. I explain how non-royal authority over manorial estates paved the way for landlords to express superior property rights over serfs who were taxed with what eventually became rents. The notion of dependency on a Lord who had the right to property extended into the American legal framework. We see this in court cases over property and specifically to references of the tenant’s “lack of rights” against property owners. It extends further into legal references suggesting tenants to use consumer statutes and frame themselves as a consumer to protect themselves, a move that I argue comes from weak protective tenant statutes. We see these frameworks come into play in the comparison between housing and civil rights movements in black Chicago during the mid-twentieth century. The inability for a lawyer to push against and outlaw the action of predatory private realtors and property owners in

Chicago showcases the difficulty of regulating a private institution permeated with racist cultural norms. While Martin Luther King and the civil rights movement did not have much more success in regulating private actors, his group did find success in challenging the public sector, ultimately leading to the desegregation of public housing in Chicago. The inability for both King and the aforementioned lawyer to succeed against private actors in the housing market illustrates the difference in difficulty in regulating both private and public institutions in America.

In Chapter Two, I go on to describe various public, private, and architectural barriers that the urban poor have and continue to face regarding their choices of living conditions. I use rats as the subject to illustrate a tangible consequence of the lack of tenant choice, one that residents have historically been forced to live with. I then argue that open and public facing data is a viable tool to rebalance the unbalanced power dynamic between tenants and landlords. A tool that should continue to be used in creative ways to inform tenants.

In Chapter Three, I go through and explain the process of creating my own housing conditions survey, complete with ratings and a guide for elements to look out for. Furthermore, I use the survey to go and collect data in my own neighborhood in the Bronx, Norwood. Given an idea I introduce in Chapter Two regarding LLCs and the disincentivization of keeping a maintained building, I use the data I collected to answer my main research question: How does the concentration of LLC ownership relate to block conditions? I use ArcGIS Pro to visualize the survey data and provide several maps to give the reader an idea of how the two may correlate in my neighborhood.
Chapter 1: Origins of The Unbalanced Power Dynamic Between Tenants and Landlords

The origin and modern aspects of the unbalanced power dynamic between tenant and landlord can be understood through the legal and cultural framing of the tenant as a “dependent.” Legally, a dependent generally refers to an individual who relies on support from another individual. Dependents usually cannot exist or sustain themselves independently without the aid of someone else. They exist within the independent’s private sphere and are protected from certain risks. In exchange, dependents are often prevented from exercising or consenting to certain rights. The most common example of a legal dependent is a child who lives in the private sphere of the independent adult, whether it be their parent or other guardian. As the independent citizen residing over dependent children, parents and guardians are responsible for making decisions in regard to the upbringing of their children. Whereas, the dependent child is not considered capable of handling the same rights and responsibilities as independent adults. There are many restrictions regarding children exercising certain rights until they grow older, including the right to vote, and in some cases including the rights to consent to medical treatment or purchasing property.\(^5\)\(^6\) Similarly to how children are seen as dependent on adults as independent citizens, tenants are seen as dependents and therefore without certain rights.

The dependency framing extends back to the medieval era of serfs and lords. It becomes especially evident in the mid-twentieth century in the varying levels of success found by the civil rights movement and the efforts to expand tenant rights in Chicago. The distinction between the

independent citizen seeking civil rights and the dependent tenant who relies on a landlord for their living condition begins to reveal how the power dynamic between tenant and landlord has historically been maintained. Specifically, the distinction illustrates the difficulty in regulating private as opposed to public actors in American society, a difficulty that perpetuates the lack of tenant choice in the face of apathetic landlords.

To more deeply understand the origins of the landlord dynamic and how it perpetuated to the modern day, as well as the distinction between the independent citizen and dependent tenant, one must look back at the feudal era in Western Europe. It begins with the expansion of non-royal authority under the manorial regime. To provide some context, manors were estates in feudal society inhabited by a lord’s subjects. These feudal lords had a “superior real property right which [they] claimed over the cottage, the arable, and the meadow of the villein.”

The superior property right included the right to impose taxes and lawfully confiscate land and tenements held by their subjects or dependents. The manorial system began in countries influenced by Roman institutions, where estates had been parceled out, attracting free cultivators and simultaneously giving rise to types of ‘grants’ that were eventually given out for free tenements. Essentially, people were allowed to live on the land under the lord in exchange for cultivating the land. However, more contributions aside from cultivation were to be included later on, including a rent in the form of a tax. Originally, compulsory services and rents were a shared burden only by those under a village chief, the head of a tribe or clan, or a patron – leaders who would all eventually transform into lords.

Even in Germanic regions where manorial expansion wasn’t at the same point, slaves, freedmen, and free farmers were

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8 Id, 243
establishing themselves on the estates of the powerful in exchange for rents and services. Here is where we see the beginnings of a parallel between feudal relationships and current landlord-tenant relationships.

These feudal relationships eventually expanded as the manorial regime did, allowing non-royal officials to hold authority over estates. Under the Frankish empire, non-royal authority came to be through the tendency for increasing manorial expansion, specifically through the combination of different types of tenancy. Before the expansion, “freemen” held allods, meaning they had no feudal responsibilities to any person. However, the increasing manorialization included the acquisition of new powers by the manors. A crucial element of the manorialization was the transference of many allods to the control of a lord. The transfer meant that former sovereigns and freemen were now under the subjection of a lord, becoming serfs. Additionally, the manorial regime was expanding on the outset of the Frankish empire, creating more manors.

Those in power were more concerned with asserting authority over small cultivators instead of depriving men of their land. The administrative structure of the Frankish empire assisted them in doing so. Regarding freemen, “Whoever still enjoyed complete freedom from any seigniorial authority was, in theory, directly dependent on the king; which meant, in practice, on his officials.” The Frankish empire’s new structure meant that anyone who maintained an alod was now under the subjection of the king, becoming dependent on him. Increasing subjugation allowed the king to tax their dependents who previously owed no responsibilities to any feudal authorities. Eventually becoming customary in the manor, the process of imposing taxes was often done under the facade of a gift or a voluntary service. Furthermore, the division

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9 Id, 244
10 Ibid
of royal authority among subordinates and vassals led to alodialists who, now subject to rents and labor services, ended by merging with the manorial mass and had their fields transformed into tenements.11 After some time, it became unnecessary to hold office to exercise a portion of public authority. Through a Frankish legal system known as ‘immunity,’ many religious and non-royal lords found themselves with partial judicial power through delegation. The immunity system paved the way for non-royal lords to garner profit by subjecting their dependents to taxes.

The expansion of the manorial regime which allowed non-royal authority to own land over dependents makes the parallel between the feudal system and modern day landlord-tenant relationships evident. Those who were part of lower social orders in these times found themselves under the control of a lord who subjected them to rents in return for tenements. Almost indistinguishable from the way modern day property owners require rents from tenants to live on their property.

Additionally, the concept of feudal dependency extends into modern day landlord and tenant relationships through the lease agreement. Lease agreements are often put in place to protect tenants from risks that property owners might face and limit the rights of tenants, rights which property owners would normally be able to enjoy in their own home. One example is a lease limiting the length of stay for guests, forbidding the tenant to have overnight stays for a certain period of time. A rule put in place to protect the landlord from any liability incurred by a long staying guest.12 In addition, an example of how a lease agreement can harm a tenant may be seen in the mid-twentieth century in anti-LGBTQ living spaces. Due to tenancy laws which

11 Id, 245
favored families consisting of heterosexual parents, and discrimination against LGBTQ tenants, many couples were not allowed to live together as they were not considered a family unit. One can therefore see why lease restrictions such as a limitation on overnight guests could be problematic, since this would be the only way non-heterosexual couples could live with each other. These restrictions have historically contributed to the creation of specific racialized, gendered and sexed homes, not allowing many non-heterosexual couples to live together. These tenants pay rent to live on someone’s property but are denied the ability to live with their partners. In short, contemporary landlord-tenant relationships mimic feudal dependency by limiting the rights of their tenants, making them abide by their rules. Similarly to how lord’s offered freemen tenements in exchange for rents and other services which they were often forced to comply with.

If a tenant or serf didn’t pay, the lord could utilize their superior property right to “lawfully” confiscate or evict tenants from their tenement. In the modern day, we see landlords exercise their superior property right in the form of their right to exclude, specifically through the action of evicting tenants who withhold rent. The right to exclude is often regarded as one of the most essential elements in property law. Therefore, the feudal relationship between serfs and lords can be used to understand the cultural framing of tenants as dependents on their landlord for their “superior right” to the property, or in other words, for their right to exclude others.

A useful example of “superior property right” emerges in Smith v. Hawkes court case in Ohio during 1862. This case between the tenant as the plaintiff, and landlord as the defendant,

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14 Id, 241
emphasized the landlord’s superior property rights over their tenant. A right extremely similar to the one feudal lords held over their serfs. The fundamental question of the case, “Has a landlord, after the expiration of a tenant’s term, the right, without legal process, to enter the premises, remove the goods of the tenant and take possession?” While the court decided that a forcible entry would be deemed trespassing, it ultimately asserted “that no man can recover upon a claim of right to property against another, whose rights to the subject matter are superior to those of the person so claiming damages for a violation of his supposed rights.” The court deemed it a foundational truth that no one can rightfully claim property against someone who has superior rights to that property than the person claiming damages for a violation of their rights. The landlord has legal grounding to remove the plaintiff’s things peacefully and in their absence due to their superior rights to the property. However, the court case deemed that in regards to being on the property past the plaintiff’s term expiration, “she had no right, but on the contrary was occupying wrongfully.” According to the Smith v. Hawkes case, the tenant had no right to be in their home after the expiration of their term, while the landlord had the right to go in and remove the tenant’s possessions from the property peacefully. Legally, the landlord has the right to exclude, the same way feudal lords could “lawfully” confiscate land from their serfs.

The relationship between dependency and the right to own property can additionally be explored through coverture, a legal doctrine in common law. Under coverture, a married woman was a dependent, like an underage child, and could not own property in her own name. She was ultimately dependent on her husband. The married woman had no right to exclude, unlike her

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16 Bloch, 241
17 Smith v. Hawkes, 2 Ohio Dec.Reprint 733 (1862)
18 Ibid
19 Ibid
husband, or the feudal lord whose superior right to property allowed him to exclude and confiscate from others.\textsuperscript{20} A married woman’s lack of a right to exclude was illustrated by the lack of spousal sexual assault laws until the 1970s.\textsuperscript{21} Married women had no right to exclude their husbands from their most intimate form of property, their bodies. Similarly, serfs were dependent on lords who legally had rights to property. In both examples, the lack of rights to property are a critical element of dependency, a notion which extends onto more modern landlord and tenant relationships.

While it becomes clear that tenants dependent status comes from a lack of tangible property rights relative to landlords, it is further supported by the fact that property law references suggest tenants to use alternative statutes aside from remedies they have under landlord-tenant law. In property law, legal experts recommend tenants to pursue remedies through consumer protection statutes, bringing claims against landlords as consumers of housing services as opposed to utilizing legislation meant to regulate landlord-tenant relationships.\textsuperscript{22} In these cases, courts commonly hold that a service of rental housing is provided to tenants as consumers, enabling them to sue under these consumer protection statutes. The benefit of doing so is that “some unfair trade practices or consumer protection statutes provide for multiple damages or reimbursement for attorneys’ fees or both.”\textsuperscript{23} It becomes clear that the legal rights of tenants are so ineffective that consumer approaches are suggested instead, as they cover for a wider range of damages. While not always successful, unfair trade practices covered by

\begin{itemize}
  \item \textsuperscript{23} Singer et al., 812
\end{itemize}
consumer protection statutes have constituted retaliatory evictions and failures to maintain rental housing in habitable conditions.\textsuperscript{24} The suggestion of using consumer protection implies that tenants have more success in consumer protection due to their relatively weak foundational rights. The cultural and legal framing of tenants as “dependents,” and therefore without any legal right to exclude, limits their ability to advocate for themselves in both legal courts and the court of public opinion. The tenant’s lack of advocacy becomes all too clear when looking at the failures of a housing rights movement in black Chicago.

During the mid-twentieth century, many black Chicagoans found themselves in housing schemes perpetuating black containment in certain neighborhoods. These included both violent and non-violent methods. The violent ones included threats, and bombing of properties rented by blacks in whiter areas of Chicago. Non-violent methods included the formation of “neighborhood improvement associations” that were meant to pressure white realtors and owners into refusing to do business with black Chicagoans.\textsuperscript{25} Additionally, the Chicago Real Estate Board organized voluntary block clubs in white neighborhoods which aimed to ensure that blacks who were looking to buy homes could only do so in certain areas. Segregation through block clubs was a method that was eventually adopted nationwide.\textsuperscript{26} All the aforementioned modes of black containment contributed to the creation of the black ghetto, which subsequently created pressure to leave for black families.\textsuperscript{27}

The Boltons were an example of a family looking to escape the black ghetto. They found their chance in a white real estate agent named Jay Goran, when he offered the family a home in

\begin{thebibliography}{9}
\bibitem{26} Ibid
\bibitem{27} Id, 41
\end{thebibliography}
a predominantly white neighborhood. The home was being sold on contract and Goran’s reassuring approach convinced the Boltons to buy. After the installment contracts were signed, Goran added extra charges to their monthly payments. He refused to speak to them when they attempted to call. They were then bombarded with housing code inspectors about various issues like removing their wooden shutters and rebuilding their porches. Eighty-five percent of the buildings that black Chicagoans purchased near whiter neighborhoods were sold in a similar manner, through contracts.\textsuperscript{28} Unfortunately, just like their purchase, their outcomes were not unique. The way these schemes worked involved contract sellers making large amounts of money through contract buyer’s down payments and installment payments. Many sellers would sell their contracts to other investors for a price that was less than what the contract buyer owed on the building. The investors would acquire an income generating contract at a discounted price, while the contract sellers would receive more cash. They could use the cash they gained to pay for more properties to sell through contracts.\textsuperscript{29}

As planned by Goran, the expenses became too much for the Boltons to handle and they fell behind on their payment. Once they stopped payments, Goran responded immediately and filed an action of forcible detainer against them. In simpler terms, they were being evicted.\textsuperscript{30} The family received legal help from Mark Satter. He became the attorney for the Boltons as well as many other families who found themselves in similar situations. Satter used various legal arguments to defend families who found themselves victims of contract sale schemes. One legal argument Satter used was the judicial flat, the notion that a court would stop something if they thought it was immoral. In utilizing the judicial flat angle, Satter and his partner, Favil Berns

\textsuperscript{28} Id, 38
\textsuperscript{29} Id, 59
\textsuperscript{30} Id, 39
“[acknowledged] that the Boltons were ‘without an adequate remedy at law’” and therefore they decided to go against Goran, claiming that his actions were immoral.\textsuperscript{31} Satter argued that Goran and other speculators violated the “confidential and fiduciary relationship” that should be held between client and broker, a relationship in which a broker should have a fair and open dealing with the consumer without fraud. A fiduciary relationship would also require the broker to communicate all information which had come to them about the property.\textsuperscript{32} Eventually, it was ruled that the relationships between contract buyers and sellers were not fiduciary relationships. The reasoning being that the price that contract sellers placed on the buildings were not a misrepresented fact but rather an opinion. The judges ruled in favor of Goran.\textsuperscript{33} The argument used against the Bolton family was repeated with great success.

Eventually, Satter attempted to use the Civil Rights Act of 1866 which stated that, “all citizens … shall have the same right … as is enjoyed by white citizens … to inherit, purchase, lease, sell, hold, and convey real and personal property.”\textsuperscript{34} He believed that it would give him grounds to go after the racially discriminatory practices of most banks and loan providers. In addition to this, Satter argued that General Federal, a savings and loans organization chartered by the federal government had “knowingly participated in a practice which was calculated to make such financing of homes well nigh impossible.”\textsuperscript{35} Since the right to hold property was controlled almost exclusively by the federally insured savings and loans industry, General Federal, by refusing to give out loans to black customers, denied them the same right to purchase property that white citizens had, Satter assured. Unfortunately, this method also proved to be ineffective as

\textsuperscript{31} Id, 57
\textsuperscript{32} Id, 68
\textsuperscript{33} Id, 77
\textsuperscript{34} Id, 87
\textsuperscript{35} Ibid
the U.S. District Court stated that the Civil Rights Act of 1866 only applied to governmental interference to the right of all citizens to purchase property and that the act “does not protect one from the invasion of private rights by individual action,” ultimately insisting that the organization was a private, not a governmental actor.\textsuperscript{36}

The mostly unsuccessful endeavors of Satter and Berns to help those on the receiving end of the contract buying scheme offer a valuable look into the difficulties of expanding tenant and housing rights. Satter and Bern’s acknowledgement that the family maintains no adequate remedy at law perfectly encapsulates the fact that tenant’s lacked the fundamental property right to exclude. Additionally, their dependence on the contract sellers parallels that of feudal lords, as both used their power over tenants to exclude, whether it be for arable land or for maintaining property values through racial segregation. In other words, Satter’s difficulty largely came from the lack of a sufficient legal stance from his clients. A description stated that the rulings, “reflected the cleverness of the speculators, who kept most of their action within the law.”\textsuperscript{37}

Given that tenants had no right to exclude and that speculators were considered to be acting within the law, their lack of punishment is not surprising. So too existed a cultural reasoning behind Satter’s dismissed rulings. Satter described the judges overseeing these cases as men which had, “neither grasp nor concept of the tremendous burden carried by the Negro people.”\textsuperscript{38}

Clearly, not only was there a legal reasoning behind Satter’s inability to fight for tenant rights but there was also a cultural one, a reasoning which would persist with the civil rights movements in the North.

\textsuperscript{36} Id, 88  
\textsuperscript{37} Ibid  
\textsuperscript{38} Id, 89
Satter’s inability to protect Black contract buyers in Chicago was matched by the failure of the direct action movement in Chicago, by Martin Luther King. After his success in the South, King and his group went to Chicago. There they formed a civil rights group known as the Chicago Freedom Movement. In January of 1966, they launched a non-violent war on slums.\(^{39}\) King continued on with various non-violent marches. A notable march was the rally at Soldier Field on July 10th of that same year. Five thousand people marched with King to city hall in suffocating heat. King taped a list of demands on the door calling for city action to end discrimination against black people in Chicago. Following the march, movement leaders met with the mayor. Despite a meeting with the mayor, no commitments were made.\(^{40}\)

After the unsuccessful attempt, the Freedom movement took their protests out of the slums and into white neighborhoods. They charged realtors, banks, and insurance companies with blockbusting, a term generally used to describe a real estate practice where realtors manipulate homeowners to sell their homes at a lower price as they convince sellers that changing racial composition will negatively affect property value. While they were able to culturally delegitimize the process of blockbusting, they mostly considered their charge attempt a failure because no legislation was passed. Within months some neighborhoods completely changed from all white to all black, and thereafter social services in those neighborhoods decreased.\(^{41}\) The Freedom Movement continued marching into all white neighborhoods. There was eventually a plan for a march into the all white neighborhood named Cicero, which was known as an extremely hostile community towards black people. After the claim, there were

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\(^ {40}\) Id, 10:30

\(^ {41}\) Id, 16:25
many demands to stop the marches brought on by the Freedom Movement. King agreed to stop marches if an agreement could be met. On August 26th, 1966 both sides came to an agreement. The city promised to enforce its open housing laws and desegregate public housing. Despite this, no laws were passed that demanded a change in behavior for banks or realtors, resulting in what many considered a failure due to the inability to regulate the private housing sector.

The difference between the fight for civil rights in the South and housing rights not only comes down to dependency, but extends onto the differing powerful cultural influence holds over the private and public sectors. For the civil rights fight, there was a dependence on federal and local governments for change. The federal government, for example, had laws put in place like the Civil Rights Act of 1964 to ensure that discrimination based on race, color, religion, sex, etc was not allowed. That is not to say that these laws actually ensured the equal treatment of all, but rather that people had a legal grounding to stand on given to them by the federal government. It’s imperative that people recognize the cultural influence normalized racism had in the 1960s. Racism’s effects were made evident by those who had not experienced them when President Lyndon B. Johnson had appointed an advisory committee to determine a cause and solution for the riots in Detroit a few years after. During March 1st, 1968, the committee published a report which stated that, “The need is not so much for the government to design new programs, as it is for the nation to generate new will.” It was clear that civil rights had a legal standing to ground itself on, one which was challenged by the norms of racism.

While the need for a “new will” was clear, the perpetuating veil of racism in private institutions was firm. Given how difficult the private sphere is to regulate, racism has a much

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42 Id, 24:40
43 Id, 52:50
stronger hold in private institutions. This is where the distinction between the feudal origins of both royal and non-royal authority owning land, innately having a superior property right, can become problematic. What we see in the 1960s in Chicago are homes being sold to black families in an attempt to take advantage and profit off of them. Jay Goran, the real estate agent who sold a home to the Bolton family, is a prime example of the difficulty of regulating private actors who undoubtedly held racist ideologies. As Satter tried to argue about the unfair and predatory nature of the contract selling scheme, most sellers felt justified in their actions due to beliefs backed in racist ideologies. “In the 1950s, mainstream opinion held that blacks in cities like Chicago struggled because of their faulty culture … Blacks were not exploited, conventional wisdom held. They simply lacked the character structure needed to handle Northern urban life.”

In the absence of legal success, the previously mentioned explanations for the failure of Black communities remained a crucial influence in the court’s decisions, consequently downplaying the role of landlord behavior in poor living conditions for tenants in that community. Satter’s failed legal attempts to hold Goran accountable for his profiteering off of the Bolton’s makes the power that private agents hold clear.

Make no mistake, this is not to say that those fighting in the civil rights movement were not fighting against racism that existed only in a housing movement, but rather that the cultural norm of private property held stronger influence and weight in American institutions. In the realm of private actors such as landlords and property owners, perpetuating cultural norms of racism are dangerous as they can often limit tenant choice and force people to live in substandard conditions.

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44 Satter, 74
Chapter 2: Living with Rats: Consequences of Present-Day Barriers to Tenant Choice

Whether it be post-WWII urban renewal policies and the destruction of slums, or the lack of access to housing amenities voided by apathetic, and sometimes racist, landlords, the urban poor—often low-income communities of color—have long been subject to many inequities in urban spaces. The relationship between tenancy and landlords holds a power dynamic that has historically led to the exploitation of tenants, especially those who were marginalized. This is illustrated through the lack of tenant choice and the terrible living conditions that impoverished urban communities were forced to live in. One example of a substandard living condition was rodent infestation, which was a symbol for the unequal living conditions that many were forced to suffer through, along with the physical and mental side effects of such conditions.

However, more recently the use of data has presented the idea of a more balanced relationship between tenants and landlords. Given that nowadays tenants can utilize public-facing data from sites like WhoOwnsWhat and NYC’s 311 OpenData Portal, information and trends which might indicate predatory landlord behavior are much easier to spot now than in the 1960s. For instance, Satter’s attempts in using the fiduciary relationship argument required a full history of his clients’ properties which would require him to subpoena bank records from trustee banks, as these properties were usually held in land trusts. However, he did not have much time to do so since many of his clients were under threat of eviction. His lack of time resulted in a “hastily written and weak” initial complaint against the speculators. While the information provided by the aforementioned open data sites are slightly different from

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45 Who owns what in nyc? (justfix.nyc)
46 Satter, 79
what Satter would have needed, the argument still remains that they offer more information, and therefore power, to the tenants side. Anyone can go on NYC’s Open Data portal and find out which buildings have the most rodent complaints and use that to make an informed decision on where to live. Therefore, data can be utilized in a way which provides tenants with more agency, possibly preventing them from finding themselves in an unsuitable living condition they could not escape. The agency provided by data is something which might be particularly helpful for groups of people which might suffer from a lack of tenant choice the most.

Historically, many marginalized groups were forced into poor housing conditions which has had detrimental mental effects on those communities. Unfortunately, that has not changed today. Due to poverty struggles and poor housing conditions, many socioeconomically challenged families, often those in marginalized groups, are forced to live in substandard housing. A study conducted in 2017 showed that 25% of Black New Yorkers and 23% of Hispanic New Yorkers who live in rental units experience three or more maintenance deficiencies as compared to 18% of renters citywide, and 9% of both White and Asian/Pacific Islander renters. This statistic illustrates a clear difference in living conditions that many black and hispanic renters face. With rodent infestation being a symbol for poor housing conditions in the 1960s, I will use that framing to explore some of the inequities that communities in NYC currently face. As of November 5th, there have been over 21,000 rat sightings reported to NYC’s 311 system—a service provided by the NYC government to provide its residents with a resource.

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for assistance and information outside of emergencies—compared to 15,000 in the same period in 2019.  

**Health Consequences of Rat Infestation**

There are numerous disadvantages to rodent infestation. Rodents such as Rats and Mice can spread over thirty-five diseases worldwide. These can be spread to people directly, either through contact with feces, urine, saliva, or through bites. Some of the notable diseases are Hantavirus Pulmonary Syndrome, Leptospirosis, and Rat Bite Fever. The disadvantages of living with a rat infestation extend far beyond the physical. Chronic rat exposure can have negative impacts on the mental health of those exposed. The presence of rats in homes can cause distress and uneasiness amongst residents living with them. Exposure to rats is associated with feelings of anxiety, fear, and worry. Rats can be a chronic and often uncontrollable stressor for residents who are exposed to them. A study conducted on urban stressors found that chronic stressors such as rat exposure can negatively affect mental health status, especially in adolescents. Chronic stressors can often be more stressful than more “eventful” stressors—those that are associated with one stressful event—resulting in continuous psychological distress and depression. Due to the nature of the rodent infestation in urban

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spaces, one singular tenant cannot control whether or not rodents are present in their homes. Therefore, constant and unavoidable stressors out of one’s control can lead to feelings of hopelessness, especially among urban youth.  

History of Rat Infestation

Amidst mid-twentieth century urban reform, rats were a symbol for the unequal living conditions forced onto black residents. Rat attacks on children were regularly reported in black media at the time as rat infestations in black neighborhoods were at an extreme. By the end of the 1960s, there were an estimated 90 million rats in the United States, primarily within urban areas. The prevalence of rats in black households was made dismally clear through the normalization of vermin among black youth. In the 60s, African American children from Chicago neighborhoods were given a vocabulary test and asked to identify different household objects. Over 60% of the children misidentified a rat as a teddy bear. Jesse Gray, a housing activist who organized the Rats to Rockefeller campaign, described the seriousness of the rat problem: “I’ve seen kids try to pet them. They don’t know what they are.”

A few years later in 1967, Congress rejected a two-year $40-million bill aimed to help exterminate rats in Chicago’s inner city. Despite the clear need for a rat bill, a majority of representatives voted against it with some Republican legislators mocking the bill. When interviewing a Puerto Rican couple in East Harlem, Washington Post columnist Jimmy Breslin

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55 Taylor, 29
56 Id, 25-26
described the sounds made by the rats in their home: “And when you are young, and you sleep on the side of the bed next to the wall and the rats scratch against the wall at your ear, you carry the sound with you for the rest of your life. It is something that is heard by people in every poor neighborhood in every city in the Nation.”\textsuperscript{57}

This was the case for many impoverished communities of color in the 1960s. Such was the case of Thelma Earl, an African American mother of ten who had foregone reporting her own rat bites out of fear that it would lead to eviction: “... I never reported it because I was afraid an eviction would happen. But you got no choice when you go to the hospital. Now I can’t find another place to live and sometimes I think I should have died of rat poison at home.”\textsuperscript{58} Shortly after leaving the hospital, her landlord sent Thelma an eviction notice. It’s easy to see how frequent exposure to rats can lead to hopelessness when the options are suffering through rat infestation or eviction and possibly homelessness. Yet, Thelma had no reasonable choices to make, as was the case for many during the 1960s. Nowadays, civic data exists which aims to help democratize knowledge and to rebalance the unfair power dynamic between tenants and landlords. Despite this, many people still live in rat infested homes and dilapidated apartments for which they bar reporting for fear of eviction. There are still present day barriers to tenant choice that are not only perpetuated by property owners, but by the dense nature of city life itself.

\textsuperscript{57} Id, 26
\textsuperscript{58} Id, 26
Architectural Barriers to Tenant Choice and the Rat Problem

Tenants have minimal control over the rat infestation problem. In NYC, taking care of pest infestations is primarily the responsibility of landlords per Local Law 55, requiring property owners with three or more apartments in their property to keep their tenants' apartments free from mold or pest. Therefore, in many cases it is unjust for tenants to face the chronic stressors of rat exposure in their urban homes. Due to the nature of renting in an apartment building, a tenant does not have control over many aspects of their life. However, a lack of control does not justify poor living conditions. As one of the agencies enforcing legal responsibilities between tenants and owners, the NYC Housing and Preservation Department (HPD) offers a guide to housing rules and regulations. This guide explains that tenants should expect to live in safe, well maintained buildings free from pests, leaks, and mold. They should also expect basic services such as heat, hot water, cold water, and electricity. Unfortunately, many basic housing services which should be expected are often out of their control and for poorer tenants, can lead to the absence of necessities such as hot water, heat, and a clean and safe environment. This also means that no matter how clean tenants are, they cannot control whether there are pests or rodents if a neighbor is messy or if a building is poorly maintained. Densely packed living quarters along with thinner walls and gaps within them can make it easy for rats to travel between different apartment units. Therefore, all it takes are a few messy residents and a poorly maintained property to attract rats to a building in which they can easily travel around. Old, multi-unit housing like pre-war buildings are particularly prone to pests like rodents due to the amount of

holes and empty space within the walls of the building. Openings between floors and in partitions made for the passage of pipes and wires are often a cause for rat infestation in city buildings. The old pipes and infrastructure found in pre-war buildings are also easy for rats to chew through, making it very easy for rats to travel between them.

Incompetence of Public Housing in NYC

Rat infestations are notoriously present in public housing. The New York City Housing Authority (NYCHA) acts as NYC’s largest public landlord, and maintains a separate reporting system for building complaints and violations than the municipality’s 311 reporting system. To The 311 line is a service provided by the NYC government to provide its residents with a resource for assistance and information outside of emergencies. 311 can be called if a tenant has an issue with their apartment and their landlord has been unresponsive, which can lead to a maintenance complaint being made. The 311 system does not accept calls about NYCHA properties, which make up the largest public housing system in the country. Due to NYCHA’s status as a New York State public-benefit corporation, it’s exempt from many city and state laws, including housing regulations which apply to private landlords. This means that housing complaint data for NYCHA housing, often in some of the lowest-income areas in the city, are not present within the 311 data set. NYCHA logs complaints separately from the 311 database.

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While NYCHA does publish their data into metrics used to measure the authority’s performance, there doesn’t seem to be any publicly available complaint data. NYCHA’s metrics include information such as number of occupied and vacant apartments, and the number of Section 8 Units under lease by Borough. There’s also data on the number of work orders that are still open by the end of the month, yet no indication of what these work orders are exactly. One can filter through 311 Data to find all the requests made for a specific complaint type, but NYCHA does not offer this specificity. Oddly enough, NYCHA does maintain some datasets on the 311 open data portal regarding various information: Map of NYCHA Developments, Electric Consumption and Cost, Water Consumption and Cost, NYCHA Facilities and Service Centers, NYCHA residential addresses, etc. Yet, maintenance complaints for NYCHA buildings are nowhere to be found, not even within NYCHA development maps. Given that many of NYCHA’s developments are in some of the lowest-income areas in the city, it seems backwards and unjust to not publicly offer this type of data.

Additionally, NYCHA has historically failed to provide adequate housing in the past. In June 2018, Manhattan U.S. district attorney Geoffrey S. Berman, along with the Secretary of the U.S. Department of Housing and Urban Development (HUD), Ben Carson, the Administrator of the U.S. Environmental Protection Agency (EPA), Scott Pruitt, among others, all filed complaints against NYCHA for violating basic federal health and safety regulations. This included regulations requiring NYCHA to provide decent, safe, and sanitary housing. The authority accepted responsibility for various regulation failures, including the large rodent population with over 90,000 mouse work orders and nearly 36,000 rat work orders between the years 2013-2016.
The regulation failures were just one issue among the many that Berman brought against the authority. Failure in regulations regarding lead paint inspection, and 80% of their public housing population losing heat in the 2018 winter are two more notable examples of the negligence that Berman cited against them.

The complaints were part of a larger settlement agreement, ultimately resulting in a consent decree that imposed a strong federal monitor onto the authority and required that the city pay them $1.2 billion in additional funding within the next five years. A few months later in January 2019, HUD secretary Ben Carson, former NYC mayor Bill de Blasio, and NYCHA came to an agreement that fueled NYCHA’s most recent attempts to address the rodent issues. The agreement set a requirement for NYCHA to achieve a 50% reduction in rat population across all of its developments, along with a 40% reduction for both mice and roaches. The requirement is to be achieved by January 2022.

Despite the attempt to pick NYCHA up from its past failings through federal monitoring of the program and extra funding from the city, NYCHA is failing to meet their own self-imposed guidelines. A promise made to get rid of garbage and dispose of trash that may attract rodents in every development every 24 hours fell through. NYCHA also attempted to seal off compactor rooms for rats by placing barriers below doors in a number of developments.

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65 Id
66 U.S. Department of Justice, NYCHA Agreement
However, it’s been reported that Housing Authority staff improperly installed dozens of seals. According to the federal monitor report responsible for overlooking NYCHA’s adherence to the consent decree, only 17 installation sites out of the 98 had properly installed door seals. The monitor also found that some sites had no installations despite being listed as ‘complete’ by NYCHA.

Historically, NYCHA has failed and continues to fail in delivering their promise for decent, safe, and sanitary housing. Their failures combined with their insufficient lack of publicly available complaint data recreates the historically unbalanced power dynamic present between tenants and landlords. The lack of easily accessible data regarding specific maintenance complaints disadvantages NYCHA residents who are looking for safe homes. The irony is present in NYCHA’s position as a public corporation which claims to be committed to transparency and accountability. Yet, even as the city’s largest landlord, they’ve had no problem in the past making false statements to HUD regarding maintenance failures. Even after abiding by the consent decree and accepting responsibility for the complaints filed against them, NYCHA continues to provide false information as shown by the federal monitor. Their failure to maintain accurate data, provide open data in regards to specific maintenance complaints, and adhere to the agreements of the 2018 consent decree place their tenants back into an uneven power dynamic.

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\(^{68}\) Ibid

\(^{69}\) Ibid

\(^{70}\) Transparency & reports - NYCHA, accessed December 7, 2021, [https://www1.nyc.gov/site/nycha/about/reports.page](https://www1.nyc.gov/site/nycha/about/reports.page)
Public Housing Data through NYC’s 311 System

In comparison to NYCHA’s lack of information regarding specific maintenance complaints, one can find over 60,000 complaints regarding Rodent infestation made since January, 2020 on NYC’s 311 OpenData Portal. 311 can be called if a tenant has an issue with their apartment and their landlord has been unresponsive. This can lead to a maintenance complaint being made. Nowadays, 311 service request and complaint data is publicly available in a massive dataset containing almost 27 million rows of information, each pertaining to a single 311 service request. The access to publicly available crowdsourced data appears to give tenants a facet of control which did not exist for them in the mid-twentieth century, disrupting the regular power dynamic. Tenants can pinpoint buildings which have received rodent complaints and use this information to decide where to rent.

While publication of crowdsourced data regarding requests for municipal services transforms how not only tenants, but activists and policy-makers view the urban welfare of NYC, it is important to consider how people should make sense of what’s represented in the data. Critiques of NYC’s 311 system program mention the difficulty of answering questions about the data with certainty. For example, are blocked bike lanes really more prevalent in Manhattan and Brooklyn, or are the residents in those boroughs more inclined to express concerns to the 311 system? Does my building in the Bronx really have more complaints regarding lack of hot water than any other building, or were the tenants in my building part of a renters activism group? There is also no way to track repeat callers due to the anonymity of reports and calls. So if there are twenty noise complaints filed against a bar, there’s no way to tell if it’s twenty distinct residents or the same person calling twenty times. People who are interested in tearing down a
business can easily skew the 311 data in their favor. Another consequence of the anonymity and form of data collection is that there’s no way to check whether individuals from certain socioeconomic groups call more frequently than others. The common assumption made by city officials, policy makers, and activists is that higher-income and higher-educated individuals are more likely to report an issue to 311.

Data-based representations of the city are structured according to a set of rules that bounds what becomes knowable in a certain space. While it initially seems like the 311 data infrastructure democratizes information and prioritizes quality of life concerns with no political bias, some critics believe that it is influenced by the political landscape of the city. This is even acknowledged among several NYC community groups which regularly use 311 data as statistics for measures of urban welfare. The uncertainty surrounding the legitimacy of 311 data seemingly troubles the restructuring of the power dynamic between landlords and tenants that quantitative data usually helps to balance.

Consequently, it seems as if data ambivalence creates a paralysis in the establishment of an issue. If a municipal organization is ambivalent towards data, it’d make sense that they want to understand the most they could about the dataset before acting on it. This is reflected in BetaNYC, a civic tech organization aimed at improving the lives of New Yorkers: “I often heard representatives acknowledge that while it was useful, they were hesitant to rely on 311 statistics alone to measure urban problems.” A community board representative also expressed this same

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73 Id, 971
74 Id, 972
75 Id, 987
sentiment, mentioning that their community was one of three that received money for rat infestation, despite another board having more complaints. Yet, many people in their own board don’t find it worthwhile to complain as they don’t trust the government. This ambivalence towards data challenges the paradigm of empirical data democratizing knowledge. However, this does not make the data completely unusable. In fact, data ambivalence provokes communities to critically reflect on its uncertainty: “Data-based ambivalence troubles the power imbalances that privilege quantitative ways of knowing over other ways of knowing because individuals disposed to ambivalence acknowledge that metrics never represent ‘Truth’ but may still be used strategically and rhetorically validate forms of situated knowledge.” Paradoxically, data’s ambivalence may make it a viable ground for creating narratives.

**Limited Liability Companies**

Despite data’s ambivalence still helping to rebalance the relationship between landlords and tenants, private landlords still find ways to maintain a hold on the historically unfair power dynamic between both parties. Limited Liability Companies (LLCs) have reshaped the legal scene of rental ownership. LLCs became widely available for use in the 1990s and are recognized as an easy-to-use business entity that combines investor limited liability of traditional corporations with pass-through tax treatment. While a traditional corporation protects shareholders from liabilities incurred by the business, the corporate form comes with the cost of an extra tax on corporate income. Essentially, LLCs keep the liability protection while

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76 Id, 988  
77 Id, 989  
79 Id, 651
eliminating the tax burden. LLCs also provide shareholders with a source of anonymity. All of these factors have made LLC ownership very attractive to real estate investors and landlords over the last twenty years. In 1991, 92 percent of all rental properties in America were held by individual unincorporated owners whose names were easily available to tenants. As of 2015 that number has gone down to 74 percent, largely due to the growth of the LLCs. The anonymity allows for one person to secretly be behind multiple LLCs, making it difficult for people to know which property owners hold the most code violations. Anonymity makes it virtually impossible for city officials to aim resources at the most problematic owners.

Due to the protection LLCs offer, landlords can place each of their properties in a single company to avoid taking full responsibility for housing code violations. An example of this would be landlords using LLCs to engage in defaulting their property once it amasses enough liabilities, avoiding much of the cost of collecting large amounts of violations. The way this works involves landlords buying up property and making minimal to no repairs. After receiving complaints, building inspectors can call for repairs to be made. At this point, municipal judges can issue fines but often give property owners an extended payment schedule. Owners then continue to pay the minimum amount on the fine, while some may not pay at all. As they continue to rack up fines, landlords can stop paying property taxes to default their properties, which wipes out their tax debt. All this occurs while they continue to profit off rent payments.

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82 Horner, 654

83 Cary Spivak, “As Fines Pile up, Problem Landlords Buy More Homes,” Landlord Games | A Watchdog Report - As fines pile up, problem landlords buy more homes with cash - and neighborhoods pay the price, accessed December 7, 2021,
The anonymity provided by LLCs makes it difficult for cities to hold specific people accountable, and even then, their ability to insulate owners from liability protects the assets of the property owner. Therefore, their personal assets cannot be seized to cover the debts of assets placed within an LLC. While not all landlords placing their properties in LLCs participate in this activity, those who do engage in predatory behavior are able to feed and profit off tenants while keeping themselves protected. Protection from liabilities further weakens the incentive for landlords to repair properties which may need it.

The dynamic between the strategic default of property and the lack of incentives for keeping properties maintained results in the shrinking of affordable housing stock and increases the bargaining power of landlords over tenants. This is illustrated by the story of Sherrena, a landlord in Milwaukee, Wisconsin who had rented a dilapidated apartment to the Hinkston family. The family had called the apartment “the rat hole.” The apartment was in terrible condition, it had a door with a broken hinge, holes in the wall, broken windows, a sagging ceiling, and a roach infestation. The Hinkston family moved to their current apartment as a result of eviction from their previous home. Their old landlord was willing to let the Hinkston family pay off their back rent gradually. However, after a building inspector fined the building for a maintenance issue, their landlord ran out of patience and evicted them, forcing the family to find another home. Eventually, the apartment’s plumbing stopped working completely. When the family complained, Sherrena responded by pointing out that the oldest daughter, Patrice, was


Ibid
Horner, 654
Matthew Desmond, “Rat Hole,” in Evicted (Crown/Archetype, 2016), 64.
Id, 68
living in the apartment in violation of the lease. She had originally moved into the apartment upstairs, but became frustrated with the state of repairs and decided to withhold half of the rent until her own apartment was completely fixed. Sherrena stopped making repairs as she waited for Patrice’s full payment of owed rent. She was eventually evicted. The family then considered calling a building inspector but decided against it since that was what led to their previous eviction. The Hinkstons’ story clearly shows the lack of tenant choice that plagues poor inner city residents and how landlords can bargain their power despite the poor housing conditions. Sherrena was able to bargain her power and leave the Hinkstons in a dilapidated apartment. She didn’t have to worry about amassing the fines on the building as she would eventually “let ‘em go back to the city.” Her ability to do so was enabled by her strategy of putting each of her properties into a separate LLC. In the case of Milwaukee, when the city repossesses a building, it tends to demolish it and diminishes Milwaukee’s affordable housing stock. Ultimately, the Hinkstons made a deal with their landlord, agreeing to pay an extra $550 over four months with no guarantee that their living conditions would improve. That extra strain on the family’s income further limited their ability to find a better apartment and limited the choices they had to escape their current living conditions. The story of Sherrena and the Hinkstons illustrates how landlords can use LLCs to take advantage of their renters and garner profit while not having to worry about amassing a large sum of fines, while consequently limiting the choice of the tenants and holding power over them.

88 Id, 75-76  
89 Id, 354  
90 Ibid  
91 Ibid
Sherrena’s use of a single-property LLC is a strategy used by many landlords to avoid full liability for their properties, resulting in problematic, potentially predatory behavior which strengthens an unfair power dynamic that landlords hold over their tenants. Normally, if a landlord’s property were to reach a point of no repair, they would be unable to sell the property for profit. The other options would be for the landlord to pay somebody to take the property, or to walk away from it. If the landlord were to walk away and hold the property individually, then the landlord would be personally liable and the government would be able to go after all of the landlord's other assets. If a landlord were to put all of their properties under a single LLC, the government would be able to foreclose on their other properties to recover the unpaid fines. However, through the use of the single-property LLC strategy, placing each of their properties into their own LLC, landlords are able to avoid full liability for failing to make repairs. The strategy would prevent municipalities from suing for all of their buildings, instead only allowing municipalities to sue for one building. The only loss that the landlord takes from the housing code enforcement is one single property being worthless, avoiding full liability and protecting their other assets and properties.

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92 Horner, 658
93 Id, 658-659
Example of Single-Property LLC Strategy

Figure 1: All of these six properties are listed under different LLCs, some of which match the address almost exactly, but are owned by the same Head Officer, Yizhaq Ivgi, the individual owner of the properties.

The single-property strategy has multiple negative consequences on tenants. Firstly, landlords are disincentivized to make repairs on their property because they know they have the liability protection from the LLC structure. This can lead to tenants living in poorly maintained buildings. Additionally, LLCs allowing landlords to avoid the full brunt of housing code violations makes it more economically practical for the landlord to neglect repairs in exchange

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94 Horner, 661
for less money during rent.\textsuperscript{95} Thus shifting considerable power to the landlord, since in most jurisdictions landlords can evict a tenant for not paying rent even if the dwelling violates a housing code.\textsuperscript{96} Which allows landlords to let properties fall into deep states of disrepair if the tenant is only even slightly behind on rent, giving landlords an opportunity to extract large amounts of profit. This is why the most run-down properties tend to be the most profitable, because they’re below code.\textsuperscript{97} Finally, another negative consequence of landlord LLC usage is that it can increase neighborhood blight and reduce the supply of affordable housing stock.\textsuperscript{98} As landlords strategically default their properties, they leave them in the possession of the city. Unfortunately, city governments are often poor managers of properties acquired through the defaulting process which often leads to the abandonment of these properties.\textsuperscript{99}

\textsuperscript{95} Id
\textsuperscript{96} Desmond, 362
\textsuperscript{97} Horner, 654
\textsuperscript{98} Id, 664
\textsuperscript{99} Desmond, 354
Chapter 3: Block Conditions Survey: Exploring How LLC Density and Block Conditions Relate in Norwood, Bronx

With the limited liability legal structure disincentivizing landlords from making repairs on buildings, possibly leaving tenants in deteriorated living conditions, I was curious to see: Was there any visible correlation between LLC ownership and building conditions in my neighborhood? Therefore, I decided that I would perform a block conditions survey. The purpose of the survey would be to collect observational information about exterior building conditions in my neighborhood. The survey would be modeled off of housing condition surveys.

These surveys have been used to collect data on housing conditions within many neighborhoods as assessments for housing needs, neighborhood plans, or for grant applications. Housing condition surveys often involve observing the exterior of residential properties to assess quality through a rating system. Elements of exterior housing that are often looked at in surveys are the roofing, windows and doors, exterior paint, foundation, and walls. Aside from structural exterior conditions, housing surveys also collect information about ground and public infrastructure conditions. Different methods of rating are used and ratings are often categorized into 5 different categories ranging from Excellent, Good, Substandard, Deteriorated, and Seriously Deteriorated. Properties are attributed into the proper category based on how closely they match the descriptions of categories.  

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A block conditions survey is a useful experiment to perform to categorize different residential properties based on their exterior conditions. The data derived from the survey can be a powerful tool in making observational analyses on an entire neighborhood, especially concerning an analysis in ownership and possible correlation with building quality. The housing conditions survey format is also useful due to the inaccessibility of viewing building interiors. Without being a resident of the building, it’d be difficult and time-consuming to try to enter multiple buildings in a neighborhood. Due to my familiarity and proximity with the location, I chose to perform this survey on my home neighborhood Norwood, Bronx.

**Introducing Norwood**

Norwood is a working class, residential neighborhood located in the northwest Bronx. According to the New York State Tax Parcel data, there are about 300 LLC owned buildings within this neighborhood. Norwood, along with the adjacent Bedford & North Fordham neighborhood make up Bronx Community District 7.

While census data does not report information for individual neighborhoods, it does for community districts. Therefore, statistical data from the census will be described for both neighborhoods, Bedford & North Fordham and Norwood. The district has a population of 151,684 people. The per capita income is $19,441 and the median household income is $41,336. About 22.6% of people living in District 7 live under poverty, nearly double the rate in the United States, which is around 12.8%. There are around 53,228 housing units in both neighborhoods.\(^{102}\)

\(^{102}\) "Census Profile: NYC-Bronx Community District 7—Bedford Park, Fordham North & Norwood Puma, NY,” Census Reporter, accessed April 26, 2022,
In addition to census data, some statistics for the Norwood neighborhood were also determined using mySidewalk. mySidewalk is a software program which provides various tools for users to create simple data visualizations. According to mySidewalk, Norwood has a population of 39,290 people. It is primarily composed of Black and Latino families. 24,539 of the people in Norwood identify as Latino, 7,176 identify as Black, and 3,871 identify as Non-Hispanic or Latino White. The neighborhood is home to 10,966 people and 2,305 families below the poverty line. The median year of construction for buildings in the neighborhood is 1950. The percentage of LLC ownership in Norwood is about 27.1%.103

Demographic information regarding Norwood was not immediately available as the neighborhood is part of the larger Community District 7 along with the Bedford Park & Fordham-North neighborhoods. The statistical information for Norwood was obtained through mySidewalk’s block apportionment. This allows the website to look up decennial census information for all of the census blocks contained within a custom boundary. In this case, the custom boundary was the Norwood neighborhood boundary.

Methodology

In order to get a neighborhood boundary onto mySidewalk I used a feature service from ArcGIS online containing neighborhood boundaries from the NYC Department of City Planning. I filtered to isolate the Norwood polygon and added it to my content. I used the feature layer from ArcGIS Online in ArcGIS Pro and used the Feature Class to Feature Class geospatial analysis tool to change the feature layer into a feature class. I then used the Feature Class to

103 This data was calculated in ArcGIS
Shapefile tool to change the feature class into a shapefile to upload onto mySidewalk. I used the website mygeodata.cloud to convert the shapefile (pertaining to the .shp, .shx, and .dbf files) into a geojson file. I then uploaded the geojson file to get the Norwood boundary onto mySidewalk. In doing all this, mySidewalk was able to provide demographic information for the neighborhood.

The percentage of parcels with buildings owned by LLCs was calculated using ArcGIS Pro and the NYS Tax Parcel data. Firstly, the LLC count was found by filtering the PRIMARY_OWNER field to those that contain the text, LLC. Then, a new shapefile was created with the LLC owned parcels. This shapefile was later joined to the Neighborhood shapefiles, creating a join count field with the amount of parcels joined to the neighborhood. I renamed this field to num_LLCS. I did the entire process again with all the NYC parcels and renamed them the join count field to Parcels. Then, I calculated a new field called Percent_LLCL_owner using the num_LLCS field and Parcel field.

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\text{Percent LLC Ownership} = \frac{\text{numLLC}}{\text{Parcels}} \times 100
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The platform chosen for the block conditions survey is ArcGIS Survey123, a website and app that can be used to create, share, and analyze data from surveys. There are multiple reasons why ArcGIS Survey123 was chosen. The main reason was its compatibility with ArcGIS. All the data captured by the Survey123 application is made immediately available in the ArcGIS platform, making for a seamless experience when collecting data to visualizing it. Another important factor was the accessibility of the mobile app version, Survey123. Using the app
would make it easy to go out and collect data with just a mobile device. It also allows for the tracking of location, potentially making it easier for location based data collection. The survey was created using the website version while the survey was taken primarily with the mobile app version.

The first step in creating the survey was to figure out what to look out for. In order to make a comprehensive rating system for the block condition survey, it’s imperative to recognize exactly what common building characteristics we are looking at. The facade, or front face of the building is one of the most important characteristics to look out for in the survey. The significance of facade quality on a building derives from the nature of the neighborhood when it comes to building density. Densely packed buildings make it difficult to look at the side quality, as they often leave no space in between. With the facade being the front-face of the building, it is also arguably the largest contributing factor to one’s impression walking down a block. Additionally, there are tendencies for buildings to have wood-and-steel wrapped sidewalk sheds to prevent deteriorated facade structure from falling. Over the past decade, landlords have ignored $31 million in fines over unsafe facades.104

With landlords allegedly ignoring fines over unsafe facades, looking for elements that show signs of a facade being unsafe is critical. One important structural component to observe is the presence of cracks. They result from the stresses in the masonry, whether it be brick or concrete. Additionally, brick spalling or delamination is something else to look for. This looks like an uneven break in the outer surface of the masonry, with bricks falling or about to fall out.

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Loose or detached bricks in the facade are also of concern. Loose bricks are often caused by a washout of mortar that leaves a brick without any bond to the rest of the masonry. A structural element that can also be indicative of dilapidated internal structure are wet walls. Water stains on the masonry wall, indicative of different coloring, can be caused by dampness rising from the foundation or problems with the mechanical or plumbing system. Terracotta was a commonly used facade material to build with during the 1880s to 1930s. Over half of the housing units in Norwood are in buildings built before 1939 according to mySidewalk. Therefore, broken, cracked or even missing terracotta units are something to look out for. Possible causes of cracked terracotta units are stress concentration or water penetration. Broken terracotta units can lead to easier water exposure and accumulation in the masonry, leading to more loose units. Additional building elements that may contribute to the experience of walking down a block include the quality of the paint. Fresh coats of paint without any shedding give the sense of a well-maintained building. Adversely, large coats of paint chipping off the side of a building may give off a sense of disrepair or neglect. Paint is also commonly used as a way to prevent steel from rusting. So loose and flaking paint may also expose corroding steel. Despite paint being a factor, it’s important to recognize that the median year of construction for the buildings

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106 Ibid, 35.
107 Ibid, 27.
108 Ibid, 74.
110 Ibid, 102.
in Norwood is 1950 and that deteriorating paint might be more indicative of age than building quality.

The quality of windows are also something to look out for. The most extreme thing to possibly observe would be cracked or broken glass on the windows. The condition of window frames on a building may also give an impression of the quality of a window. There are various things to look out for concerning frames. The separation and displacement of a window frame from the brick masonry. The deterioration of the frame itself, including the condition of the paint and material from which the frame is made of. Wooden frames may result in decay due to aging and weathering.\textsuperscript{111} While there are numerous other things to consider when looking at building exterior, the elements mentioned previously are those which I think are critical to look out for as they contribute greatly to the general experience of walking down a block. These elements were the main ones considered when creating the survey rating guide and table.

**Norwood Block Conditions Survey Rating Guide 2022**

5. Excellent

Buildings on the block are in well-maintained condition. Most if not all of the buildings have no visible signs of open cracks. If there are cracks in the masonry, they’ve been repaired with the application of a filler or sealant. If the facade or walls of the buildings are painted, there looks to be complete coats of paint with no chipping or peeling. There is minimal to no discoloration on the facade. Windows and frames are firmly placed within the brick masonry, ensuring that there’s no displacement. Any additional decorative structures on the building’s

\textsuperscript{111} Ibid, 114
exterior such as terracotta units are in good condition and well maintained. If there’s any vegetation or garden front then it is well-maintained and clean.

4. Good

Buildings on the block have minor wear. This includes slight but noticeable discolorations of the walls and minimal chipped paint. Hairline cracks in the facade or masonry have not been repaired. The building has minimal to none larger cracks. There is no displacement of window frames and no broken glass in the buildings. There are minimal stains around the window. Additional decorative structures are well-maintained with finer details showing slight wear. The overall appearance of the building is pleasant to look at and gives off the sense that it is frequently maintained. The garden-front is well-maintained with healthy vegetation.

3. Standard

The building has moderately visible wear. The masonry or facade of the building is greatly discolored in multiple areas. There is significant chipping of paint. The building may have multiple larger cracks in the facade that have not been repaired. There are no broken windows and very few to no displaced window frames. There are stains around most of the windows. Decorative structures such as terracotta units are sound but show visible wear and possibly some damage. The garden-front looks to be maintained with some healthy looking vegetation.

2. Substandard
The building has significant wear and major noticeable flaws. This includes numerous cracks or chipping of paint in the facade. There may be loose masonry within the facade. There are several displaced window frames. The presence of the wood and steel sidewalk sheds with no indication of active or recent construction also fall into the substandard category. These sidewalk sheds are major eyesores for the block, and apart from construction they’re placed to prevent residents from being hurt by an unsafe facade. Decorative structures show damage and are breaking apart. Major maintenance is needed to fix multiple aspects of the building. Any garden-front has minimum healthy vegetation and displays more brown than green.

1. Poor

The building is uninhabitable. There may be numerous broken or missing windows. Cracks in the masonry and facade are clearly visible and result in loose bricks that could easily fall out. There is discoloration all over the masonry due to water exposure, burn damage, moss overgrowth or more. Large wood and metal sheet shed taking up the majority of the sidewalk without any sign of recent construction. Decorative structures are completely ignored and evidently not maintained. Any garden-front has mostly dead to no vegetation.
### Norwood Block Levels Condition Guide - 2022

<table>
<thead>
<tr>
<th>Grade</th>
<th>1 - Seriously Deteriorated</th>
<th>2 - Deteriorated</th>
<th>3 - Substandard</th>
<th>4 - Maintained</th>
<th>5 Excellent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical Conditions</td>
<td>Unusable/ Dangerous</td>
<td>Significant Maintenance needed</td>
<td>Maintenance needed, sound structure</td>
<td>Maintained</td>
<td>Well-maintained/ New development</td>
</tr>
<tr>
<td>Facade &amp; Masonry</td>
<td>Multiple mid-large size cracks resulting in loose bricks. Heavy discoloration due to water damage, burns, moss, etc. Sidewalk shed present with no sign of recent construction.</td>
<td>Mid to slight cracks present in the facade. Visible discoloration due to water damage, burns, moss. Sidewalk shed partially present on the front of the building.</td>
<td>Mid to slight cracks are present in the facade. Visible discoloration due to water damage, burns, moss. Few slight cracks present. Discoloration is still visible. No sidewalk shed.</td>
<td>Slight cracks present in the facade, most have been filled in with sealant. Minimal discoloration or weathering visible on the exterior.</td>
<td>No open cracks present in the facade. Previous cracks have been filled with sealant. No discoloration or weathering visible.</td>
</tr>
<tr>
<td>Paint</td>
<td>Heavily chipped paint on the facade, masonry, or window frame. Extensive deterioration.</td>
<td>Chipped or peeling paint on the exterior. Slight deterioration or weathering of facade, masonry, or window frame.</td>
<td>Slight amount of chipping or peeling of paint. No deterioration.</td>
<td>There is no chipping or peeling of paint on the exterior, but there is some fading. May need fresh paint.</td>
<td>All exterior walls are painted with no fading.</td>
</tr>
<tr>
<td>Windows</td>
<td>Numerous broken or boarded up windows. Displaced, missing, or seriously deteriorated window frame.</td>
<td>Few broken/boarded up windows. Frames are severely broken or deteriorated.</td>
<td>All windows are in place, no broken windows. Frames show signs of deterioration. Only a repaint is needed.</td>
<td>All windows are in place. No broken windows and minimal to no deterioration. Only a repaint may be needed.</td>
<td>All windows and frames are in good condition. No deterioration on the window frame.</td>
</tr>
<tr>
<td>Garden-front</td>
<td>Garden-front has no greenery/ completely dead vegetation. Decorative structures are completely ignored or not maintained.</td>
<td>Garden-front has withered to no greenery. Decorative structures are not well maintained.</td>
<td>Garden-front has some greenery. Plants are in decent condition with only a few wilted. Decorative structures are in decent condition.</td>
<td>Garden-front has mostly healthy greenery with little to no wilting plants. Decorative structures are in good condition.</td>
<td>Garden-front has healthy greenery with no signs of wilting plants. Decorative structures are well-maintained, or new.</td>
</tr>
</tbody>
</table>

### Block Geography

The next step in creating the block conditions survey was creating the map with the block geography. For this survey, a front-facing block geography was created. Front-facing refers to the front of buildings, meaning that the polygons being drawn on the map would pertain to which way the buildings on the block face. In the case where the front of the building wasn’t made
obvious by the building footprint, or where there were multiple entrances shown in the footprint, the building was placed in a block geography based on where the adjacent buildings were facing.

The actual creation of the front-facing block geography was done in ArcGIS Pro. Polygons were made using the Construct Polygons tools, one pertaining to each block. These would typically be created by tracing over the parcel polygons from the NYS Tax Parcel data. Naturally, some blocks were much larger than others, some only contained two or possibly even one parcel due to the layout of the street and neighborhood boundaries. The block geography was symbolized using a transparent color to make the building footprint visible for the survey. Most of the blocks in the neighborhood were included. While the purpose of the survey is to observe conditions for residential properties, some of these properties are connected to storefronts in commercially zoned streets. Therefore, some commercial streets were included in the block geography. The parcel where the hospital, Montefiore Medical Center, is located was not included.

**Question Design**

Firstly, the survey would open up with the Norwood Block Levels Condition Guide table as well as a short description of what a housing conditions survey is. The idea behind having the guide in the beginning is so that it would serve as a reminder for the grading criteria as well as a quick reference. Thus, there’d be no need for a printed out rubric as the user could just swipe up on the survey for the guide.

The survey questions were designed specifically with data visualization in mind. The first and arguably most important question would ask for the location of the building. The location
would be framed as a map question, where the user would identify where the survey was being taken on the map. The question would utilize the block geography basemap and had two options for inputs. Either the user could manually place a point on the map and corresponding building footprint, or the user could input the name of the address for the question to place the point on the building footprint. Additionally, the question would take the device location once the survey would open up to streamline the process. Once the survey was completed, this question would add that point onto the map and store the scores associated with it as well as its location.

The next set of questions were determined by the rating guide and the table. These questions would ask the user to rate the different elements of the building based on a score from 1 to 5, where 1 was poor and 5 was excellent. These elements were facade & masonry, windows, paint, and garden-front. For the components which buildings did not always have, like paint and garden-front, 0 was also an option for non-applicable scenarios. Numbers were chosen for the ranking to make data visualization easier afterwards, specifically to symbolize the data using graduated colors based on numerical grades.

After the standard grading questions, there would be a question asking whether or not there is a sidewalk shed on the front of the building. The options made available were Yes, No, and Other. While the facade score touches on the sidewalk sheds, visualizations on the presence of sidewalk sheds alone would be an interesting factor to consider given how many fines landlords ignore regarding facade structure.  

Finally, the survey would end with two optional questions. One question asks for any optional images. This question wasn’t included for any data visualizations, but rather to catalog

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any interesting observations made that couldn’t be accurately described by any of the scores or grades in the table. The last question would just ask for any additional information that would best be described by a written note or description. This would just be used for notable things or also explanations of scores that don’t necessarily follow the guidelines listed in the rubric but feel justified nonetheless.

Visualizing Results

After the survey was completed, the results were exported as a shapefile and imported into the block geography map. The points collected from the Block Conditions Survey were exported as a feature layer and added to the Block geography map on ArcGIS Online. Using ArcGIS Pro I performed a spatial join, connecting the Norwood Parcels with the survey points. The spatial join performed was a one to many join since a small number of parcels had more than one building on it and therefore had more than one rating. This is a notable detail as the individual parcel symbology will only take the value of the first point. However, this only affects a few of the parcels, most of which shared similar facade conditions. I therefore chose to ignore it for the individual parcel facade symbolization. Afterwards, I symbolized the parcels using graduated color symbology based on the given facade score.

To create the map visualizing the average facade score on the block level, the survey points were spatially joined to the block geography using a many to one join, creating a new feature layer titled BlockConditionSurvey_Spatial1. The attribute table for this layer was exported as a csv file. RStudio was then used to find the average facade score. When importing the data, the column containing the BlockIDs was renamed to Block_ID,N,19,11. The column
was renamed back to BlockID for simplification purposes. Then, I used the group_by function to limit the data operations to individual BlockIDs. To find the mean score, I used the summarize(mean()) function on the Facade column labeled Facade_Mas,N,19,11. This calculated the mean score for each BlockID. The mean facade score was later renamed to Avg_Facade, and was then exported as a csv file and imported into ArcGIS Pro as a table. The table was joined to the Block polygon layer with the BlockID as the join field. Then the Block layer was symbolized using gradient color values. These steps were repeated for all of the different elements of the survey such as window condition, garden condition, and paint condition. However, before the garden and paint conditions could be averaged out. The 0 values were replaced with null in RStudio in order to not mess with the averaging and provide a lower score.

RStudio was also used to create the sum index, which was just a sum of all the average scores of one block. The process was done by grouping up the averages for each element by BlockID and summing them all up. The sum index was meant to be a measure of overall average block conditions. It was exported as a csv and joined to the Block polygon layer with the BlockID as the join field.

The LLC index was created by filtering the New York State Parcel GIS and exporting the features which only contained LLC in the Primary_Owner field. The LLC parcels were further filtered by those which were inside of the Norwood polygon feature layer. Then, the parcels were spatially joined to the block polygons in which they were located. The same was done for all of the parcels in the neighborhood. The two fields added by the join were named LLCParcels and TotalParcels respectively. These were used to create an LLC Index, a measure of the percentage of LLCs on a given block.
Results

Figure 2: This map shows the result of the Block Conditions Survey. A total of 657 total data points were collected in the Norwood, Bronx neighborhood.
Figure 3: This map shows the average facade score of the data-points taken on each block polygon. The legend on the bottom left shows what colors correspond to what score.

Figure 4: This map shows the sum index score for each block polygon. The sum index was calculated by adding up all the condition scores for the facade, window, paint, and garden-front. Therefore, a building with a lower sum index would theoretically have lower than average conditions for the neighborhood.
Figure 5: This map shows the LLC count for each block polygon. This map was created by performing a spatial join on the LLC owned parcels to the blocks.

Figure 6: This map shows the LLC Index for each block polygon. This map was created by dividing the LLC owned parcels on a block by the total number of parcels on a block as a form of normalization. This creates a number that correlates with a percentage of LLC ownership and different blocks. An index of 1 would mean 100% LLC ownership, meaning that all the parcels on the block are owned by LLCs.
Figure 7: This map shows the bivariate relationship between LLC count and sum index. The dark gray correlates to high LLC count and high index. The yellow blocks correlate to high LLC count and low sum index. The blue correlates to high sum index and low LLC count.

Figure 8: This map shows the bivariate relationship between the LLC Index and Sum Index, measures of percentage of LLC ownership and building condition respectively. The yellow blocks correlate to a high percentage of LLC count and low sum index, while light blue indicates a high sum index and low LLC index.
Discussion

In total, 657 points of data were collected over three days. Unfortunately, due to time limitations, the goal to complete a survey for each building in the neighborhood was unsuccessful. This is the reason for many of the figures missing block polygons, as these are the blocks which did not have any building information. The survey took over 16 hours of walking throughout the neighborhood. There were some unexpected challenges the first day of surveying. Phone battery was a limiting factor on the first day. Another challenge was the speed of the survey. Occasionally, when reloading the survey it would take minutes to load. This slow speed was usually followed by a slow-loading basemap which made it difficult to input the location onto the mapping question. Once the survey was completed, the data was visualized using both RStudio and ArcGIS to create various maps as shown in the results. The maps created and shown were those which I thought were most relevant to building conditions. These maps included one displaying the average facade score per block, a one displaying the block sum index containing the aggregate sum of all condition scores included in the table, two maps portraying LLC density in different blocks through LLC count and an LLC index, and finally two maps illustrating the bivariate correlation between the sum index and both measures of LLC density. Information gathered from these maps were valuable in making broader observations about Norwood.

Starting off on Figure 2, all 657 points are shown on the blocks in which they were taken. The blocks which do not have points are either commercially zoned blocks and therefore have no to minimal survey data present, or were blocks that were omitted due to time constraints. Blocks which do have points but seem to be missing some on building footprints often had non-residential properties on them that were not included in the survey. Jerome and Bainbridge
Ave, the north tip of the neighborhood, was an example of a block which was composed of mostly non-residential properties with some apartment buildings being present. Additionally, the block in the middle with a missing polygon was the local hospital, so a block polygon was not made for it and no surveys were taken.

Continuing onto Figure 3, most of the blocks had an average facade score between 3 and 4 which is signified by the light gray. There are a cluster of blocks near the oval park in the center of the neighborhood and hospital which were darker gray. Given that the hospital owns many of the buildings near its vicinity, higher quality and better maintained buildings were expected in the area nearby. However, the cluster of blocks near the park were not expected to have such a high score. The reason for this may be that these blocks contained lots of single-family homes which was surprising. There were many more of these single-family homes than expected and they generally appeared to be more well-maintained than many of the apartment buildings. The buildings and homes near the hospital were single-family homes that, like the apartment buildings, were made out of brick. So they were graded more similarly to apartment buildings as opposed to the single-family homes. The one red block polygon in the northern part of the neighborhood, on Bainbridge and East 212th, corresponded to two buildings which shared a parcel. The reason for its score was due to the block having one parcel which contained a building that had a sidewalk shed present without any construction. This correlates to an automatic score of one. Interestingly enough, these two buildings in the parcel are owned by the same company, Ivory Bainbridge LLC.

Aside from the one red block in the northern part of Norwood, most of the lower facade scores generally appear to be in the southern part of the neighborhood. Figure 4 also depicts
measures of condition through the sum index, a total measure of the conditions of buildings on a block. The red and orange colors depict a lower total quality amongst most other buildings in the neighborhood. We see a similar trend in the blocks around the hospital and the oval park as they seem to contain buildings with overall higher indices. Given that the sum index takes the facade score into account, a correlation is expected. We see this on the other side of the spectrum too, as it appears that two of the blocks that appear yellow in Figure 3 have some of the lowest sum indices.

Figure 6 shows that the eastern side of Norwood generally has a lower percentage of LLC ownership compared to the south and northwestern side. Overall, most of the longer blocks seem to have an index ranging from .25 - .4, indicating an LLC percentage between 25% and 40%, which is higher than the national average of 15%. There were only 11 blocks which fell under that statistic.

Another interesting thing to point out is that the blocks under the hospital show a lower LLC index. The same blocks show a higher average facade score and block sum index in figures 4 and 5 respectively. We see this correlation in Figure 8, the map showing the bivariate relationship between the sum index and LLC index. The blocks under the hospital show a low high sum index and low LLC count, meaning that the buildings in these blocks are mostly not LLC owned and have better conditions overall. This is also evident to the right of the park. There are 5 blocks which are all light blue indicating a high sum index and low LLC index.

Interestingly, on the outskirts of the neighborhood, many of the blocks seem to show an opposite trend, particularly in the south and northwest. We see a mid to high LLC index with a low sum

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113 Badger, “Anonymous Owner, L.L.C.: Why It Has Become So Easy to Hide in the Housing Market”
index on the same blocks, meaning they have a relatively high LLC count for the amount of parcels on the block and have worse condition scores than the average buildings in the neighborhood.

When switching over to Figure 7, which shows the bivariate relationship between LLC count and sum index, we see high LLC counts and a low sum index in the same southern and northwestern blocks. However, some blocks on the eastern part of the neighborhood also have a high LLC count and low sum index. In both Figure 7 and Figure 8, there seems to be some slight correlation between high amounts of LLCs and relatively lower condition scores. There also seems to be slight correlation between higher sum indices and lower LLC percentage in Figure 8 around the park and hospital, meaning that buildings on the blocks tended to have higher conditions scores and less LLCs. While there seems to be a small pattern, it’s worth noting that many of the blocks around East Mosholu Parkway North (the western street bounding the neighborhood by the west) have mid-to-high sum indices with high LLC indices. This illustrates a high LLC percentage throughout the blocks further away from the park and the hospital.

Ultimately, more data is needed to make any conclusive statements. However, I do believe that more data would show a trend of high LLC ownership throughout the entirety of NYC, given the city’s unique real estate scene. In regards to any correlation between LLC ownership and building conditions, it is difficult to tell without more data. There are some small trends that indicate the presence of LLCs may be correlated with a lower sum index, or lower than average conditions for the neighborhood. Conversely, there’s a slightly stronger trend towards better overall conditions and lower LLC ownership. Nevertheless, more data, time, and research are needed for more conclusive statements to be made.
Conclusion

While there are numerous limits to a tenant’s choice, I chose to focus on the legal structure of the LLC. The anonymity provided by the LLC is a problem, shielding landlords from tenants organizing against them. While corporate veil piercing has been suggested as a way to regulate problematic landlords and make their shareholders personally liable for the debts of the corporation, it seems like it’d be a mostly unsuccessful process.\textsuperscript{114}

In any solution to the LLC problem, data has a clear role in providing information to tenants and rebalancing the historically unequal power dynamic held in the tenant-landlord relationship. We see this with civic data tools like Who Owns What, and their approach to LLC mapping and landlord tracking. The information provided could produce a much needed foundation for tenants unions around the city.

While my research did not showcase any major conclusive find, there were some interesting trends that I believe are worth digging into further. This is supported by the fact that even state legislators are looking to incorporate LLC legislation. As of February 28th, 2022, New York State Assemblymember Emily Gallagher, and New York State Senator Brad Hoylman introduced new legislation that aims to shine a light on secretive LLCs. The bill would require LLCs to disclose their owners to the NYS Department of State and to include that information on their annual tax returns. Additionally, it would require the Department of State to create a public database where people would be able to find out which LLCs share common ownership. This is

\textsuperscript{114} Horner, 674 - 675
in an effort to reveal the secretive nature of real estate investment in NYC.\textsuperscript{115} The need for more data and research on LLC information is clear. The method of measuring correlation between building conditions and LLC ownership would be a crucial one to expand citywide in support of this legislation.

Furthermore, the introduction of this legislation pairs perfectly with NYC’s Local Law 78 which states, “To amend the administrative code of the city of New York, in relation to requiring a citywide equitable development data tool and racial equity reports on housing and opportunity.” The goal of the law is to develop strategies that allow for more housing and job opportunities while protecting people from displacement.\textsuperscript{116} The Equitable Development data tool could be an excellent way for NYC to keep track of LLCs in a database. As a tool that aims for housing and opportunity, and having spoken and illustrated the ways in which LLCs may limit opportunities for tenants, it seems like an appropriate fit that could greatly benefit all tenants in NYC.

While no definitive conclusions came out of the survey results, understanding the history of tenancy, and being able to use various data tools like Who Owns What and ArcGIS has given me a lens through which I can understand the conditions that I and many other tenants in NYC live within. Whether it’s through a civic tech website run by activists or a state run database, it’s clear that data has and will continue to play a substantial role in helping tenants gain agency, and towards creating a more equitable future in NYC.


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