

Empty Homes, Homeless People: The Politics of Vacant Housing in the United States

By

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Abstract

The United States is facing a housing affordability crisis. Housing costs continue to rise, outpacing both inflation and wage growth.¹ In December of 2022, the U.S. Census Bureau estimated that over forty percent of American renter households—over nineteen million households—were rent-burdened, meaning they spent over thirty percent of their income on rent.² Harvard University’s *State of the Nation’s Housing* report estimated that thirty percent of all households—including those who own their own homes—spend more than thirty percent of their income on rent or mortgage payments.³ In such a broadly unaffordable housing market, it becomes pertinent to analyze where homes are being left empty. Vacant and underutilized housing is a perplexing problem that underscores the pitfalls of the commodification—specifically the hyper-commodification—of housing. The number of vacant housing units in the United States far exceeds the homeless population, according to data collected by the US Postal Service in partnership with the Department of Housing and Urban Development.⁴ In response to this paradox, housing reclamation movements have sprung up across the country, practicing a highly politicized form of squatting. My thesis asks: what are the causes of vacant housing in the United States, what can municipalities and state governments do to address vacant housing, and what activist work is being done in response to vacant housing? Ultimately, I argue that vacant

¹Gregory Schmidt, “Wages Can’t Keep up with Spike in Housing Prices,” *The New York Times* (The New York Times, May 5, 2022), <https://www.nytimes.com/2022/05/05/realestate/housing-prices-affordability.html>.

Taylor Candiloro, “Why Millennials Can’t Afford Homes: Housing Prices vs. Inflation,” Anytime Estimate, September 12, 2022, <https://anytimeestimate.com/research/housing-prices-vs-inflation/>.

²US Census Bureau, “More Than 19 Million Renters Burdened by Housing Costs,” Census.gov, accessed January 16, 2023, <https://www.census.gov/newsroom/press-releases/2022/renters-burdened-by-housing-costs.html>.

³Habitat for Humanity, “2022 State of the Nation’s Housing Report: 4 Key Takeaways for 2022,” *Cost of Home*, accessed January 16, 2023, <https://www.habitat.org/costofhome/2022-state-nations-housing-report-lack-affordable-housing>.

⁴United States Department of Housing and Urban Development, HUD Aggregated USPS Administrative Data On Address Vacancies, <https://www.huduser.gov/portal/datasets/usps.html>

housing exists in the United States because of the hyper-commodification of housing. The relationship between housing hyper-commodification and vacant housing manifests itself in a two-tiered process: in low-income areas, homes are abandoned because their owners are unable to extract monetary value from them in the private housing market, and in high-cost cities, out-of-town real estate investors purchase homes for investment purposes and do not live in them. These two processes have disparate impacts on surrounding communities: in low-income areas, vacant and abandoned properties create blight and encourage further disinvestment, while in high-cost cities, out-of-town home purchases exacerbate cities' existing affordability crises as empty condominiums eliminate the use of these crucial and often sparse housing resources. Government redresses to vacant housing must be targeted to the type of housing vacancies an area deals with. However, policy choices that aim to remedy the prevalence of housing vacancies in both contexts contribute to the partial de-commodification of housing. Finally, housing takeovers and political squatting in low-income communities raise the fundamental contradiction between homelessness and vacant housing and, if expanded, have the potential to disrupt our profit-based housing system, further promoting the de-commodification of housing.

Table of Contents

Abstract	ii
Introduction: Vacancies and the Commodification of Housing	1
<i>Research Questions</i>	3
<i>Historical Context: The 2008 Financial Crisis and its Effects on Vacant Housing</i>	3
<i>Literature Review and Conceptual Framework</i>	4
Natural/Equilibrium Vacancy Rates	4
The Commodification and Financialization of Housing	5
Out of Town Home Purchases	8
Vacancy and Abandonment in Low-Income Areas.....	11
Social Movement Theory	12
Housing Takeover Movements.....	20
<i>Methods and Thesis Outline</i>	25
<i>Significance</i>	29
Chapter One: The Distribution of Vacant Housing in the United States.	31
<i>Vacant and Abandoned Housing in Low-Income Areas</i>	32
<i>Vacant Housing in Global Cities: New York as a Case Study</i>	38
Median Household Income and Vacant Addresses in New York City Census Tracts	42
Census Tract 159, New York County, New York	49
Census Tract 137, New York County, New York	55
Chapter Two: Municipal, County, and State Government Redresses to Vacant Housing	62
<i>Strategies for Reducing Vacancies in Low-Income Housing Markets</i>	63
Land Banks	64
Community Land Trusts	72
Tax Foreclosure Reforms	79
<i>Vacancy Taxes: A Tool to Reduce Vacancies in High-Cost Housing Markets</i>	85
France	86
The United Kingdom	91
Spain	93
Australia.....	95
Canada	97
United States	106
Chapter Three: Squatter Activism as a Method of Decommodification	114
<i>Overview of Case Studies</i>	118
The Chicago Anti-Eviction Campaign, Chicago, IL	118
Philadelphia Housing Action/OccupyPHA, Philadelphia, PA	121
Reclaiming Our Homes, El Sereno, CA	124
<i>Motivations for Takeovers</i>	126
Personal Experiences with Housing Insecurity	127
Problems with Existing Systems	128
Connections to Other Social Movements	131
<i>Planning and Tactics</i>	133
Timing and Conditions	133
Publicity	135

Legal Knowledge and Understanding of Local Housing Systems	137
Building Selection and Repair Work.....	139
Resident Selection and Accountability	142
<i>Challenges</i>	<i>145</i>
Interactions with State Agents and Law Enforcement	145
Community Outreach and Response	148
<i>Negotiations and Outcomes</i>	<i>153</i>
<i>Coalition Building and Institutionalization</i>	<i>159</i>
<i>Conclusion</i>	<i>161</i>
Conclusion	164
Bibliography	170

Introduction: Vacancies and the Commodification of Housing

All human beings need a place to live: a roof over their heads, a bed to sleep in, a place to call home. Article Twenty-Five, Section One of the United Nation’s Universal Declaration of Human Rights states that: “Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including...housing.”⁵ Which entities and individuals have an obligation to provide housing—people themselves, their governments, non-governmental organizations, religious organizations—is a subject of debate, and the allocation and distribution of housing varies vastly by nation. Some countries have comprehensive social housing/public housing systems, in which the government provides housing for many of its citizens and residents. In the United States, “a decent home and a suitable living environment for every American family” has been a declared housing policy goal since 1949.⁶ However, the United States does not have widespread social housing, though limited public housing for low-income individuals and families does exist. Instead, as urban planner Peter Marcuse and sociologist David Madden argue in their seminal work *In Defense of Housing: The Politics of Crisis*, housing in the United States has been commodified: its economic value as real estate dominates its other uses.⁷ Marcuse and Madden go a step further and argue that housing in the United States has been hyper-commodified:

Under hyper-commodification, all the of the material and legal structures of housing—buildings, land, labor, property rights—are turned into commodities. In the process, the capacity of a building to function as a home becomes secondary. What matters is how a building functions in circuits of economic accumulation.⁸

⁵United Nations, “Universal Declaration of Human Rights,” accessed January 16, 2023, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

⁶ “Declaration of National Housing Policy,” Pub. L. No. 171, § 2 (1949).

⁷David Madden and Peter Marcuse, *In Defense of Housing: The Politics of Crisis*, 1st ed. (London: Verso, 2016), 17.

⁸Madden and Marcuse, *In Defense of Housing*, 26.

While all capitalist countries commodify housing in some form, the degree of hyper-commodification that Madden and Marcuse describe sets the United States apart. Hyper-commodifying housing in this way is at the core of the United States' housing crisis, Madden and Marcuse argue, as housing has become a commodity many people cannot afford.⁹

America's housing crisis is widespread and continues to worsen, as exorbitant prices exclude many people from the fundamental right to shelter. Five to six hundred thousand people experience homelessness on a given night in the United States.¹⁰ Many more pay an unsustainable amount of their income on housing: almost a third of American households pay more than thirty percent of their income on rent or mortgage payments.¹¹ The unaffordability of housing is widely thought to be a supply problem: there is simply not enough housing to go around. However, there are a lot of vacant homes in the United States. According to data collected by the United States Postal Service and aggregated by the Department of Housing and Urban Development, there were over three million vacant residential addresses in the United States in the fourth quarter of 2021.¹² This apparent disconnect between empty housing and those who struggle to afford housing is a paradox that exemplifies the pitfalls of the hyper-commodification of housing. As I will argue over the course of this project, vacant housing exists in the United States because of the hyper-commodification of housing, as the profit-making ability of homes is prioritized over whether homes serve their social purpose of housing people.

⁹Madden and Marcuse, *In Defense of Housing*.

¹⁰Bruce Meyer, Angela Wyse, and Kevin Corinth, "The Size and Census Coverage of the US Homeless Population," Becker Friedman Institute for Economics at the University of Chicago, June 30, 2022, <https://bfi.uchicago.edu/insight/finding/the-size-and-census-coverage-of-the-us-homeless-population/>.

¹¹Habitat for Humanity, "2022 State of the Nation's Housing Report."

¹²HUD Aggregated USPS Administrative Data On Address Vacancies.

Research Questions

The core question that motivates this research project is: why does vacant housing exist in the United States, given that housing is an essential human need, housing resources are limited, and many Americans struggle to afford housing? I address this question in chapter one, where I explain vacant housing in two tiers: abandoned homes in low-income areas because of disinvestment, and empty apartments in high-cost cities because of an overinvestment in out-of-town home purchases. Both processes, I argue, are a result of the commodification of housing.

This leads me to the second question motivating this study: what can legislators, specifically at the municipal and state levels, do to remedy vacant housing? I address this question in chapter two, where I examine the use of land banks and Community Land Trusts (CLTs) in low-income areas, and of vacancy taxes in high-cost cities.

My third chapter addresses the question: what social movements exist to address vacant housing? In this chapter, I analyze the phenomenon of “housing takeovers” or “squatter activism,” in which activists take over vacant properties in their communities to house the unhoused and call attention to inequities in the housing system. I use three case studies in this chapter, and analyze movements’ motivations, tactics, challenges, and successes.

Historical Context: The 2008 Financial Crisis and its Effects on Vacant Housing

The state of vacant housing in the United States is informed by the 2008 financial crisis and the subsequent foreclosure crisis. Foreclosure is a driving force in the creation of vacancies. In “The Effect of Foreclosure on Vacancy At the Neighborhood Level,” Masters candidate Min Na finds a positive relationship between foreclosure rates and vacancy rates in the Atlanta

metropolitan area.¹³ In the foreclosure crisis that began in 2008, over six million households were foreclosed upon.¹⁴ In turn, there was an increase of nearly one million vacant residential addresses, according to HUD-aggregated USPS data: in September of 2008, HUD recorded 3,963,211 vacant residential addresses.¹⁵ By September of 2010, this figure had risen to 4,885,123.¹⁶ Clearly, this massive amount of foreclosures created a glut of vacant homes.

In addition, the financial crisis of 2008 created an incentive for cities to attempt to generate revenue via luxury condominium development. In “Safe Havens: Overseas Housing Speculation and Opportunity Zones,” Architecture scholars Jae-Yong Chung and Kevin Carpenter use New York, London, and Melbourne as examples of global cities that developed “safe havens,” or luxury real estate investment zones designed to attract global real estate investment in the post 2008 period.¹⁷ Condominiums in these areas are largely vacant, as their use as homes is secondary, or even irrelevant, to their function to store global capital. In Chapter One, I further examine the distribution and proliferation of vacant housing in the post-2008 period.

Literature Review and Conceptual Framework

Natural/Equilibrium Vacancy Rates

¹³Min Na, “The Effect of Foreclosure on Vacancy At the Neighborhood Level,” Georgia Institute of Technology, 2012.

¹⁴“Starting Over: Michael Ohlrogge Tracks Post-Foreclosure Outcomes during the Great Recession | NYU School of Law,” accessed April 17, 2023, <https://www.law.nyu.edu/news/ideas/michael-ohlrogge-great-recession-foreclosures>.

¹⁵HUD Aggregated USPS Administrative Data On Address Vacancies.

¹⁶HUD Aggregated USPS Administrative Data On Address Vacancies.

¹⁷Jae-Yong Chung and Kevin Carpenter, “Safe Havens: Overseas Housing Speculation and Opportunity Zones,” *Housing Studies* 37, no.8 (November 2020): 1–29. <https://doi.org/10.1080/02673037.2020.1844156>.

Before analyzing when, how, and why vacant housing becomes a problem, it is worth noting that some level of vacancy is considered essential to a functioning housing market. In “Rental Housing Markets, the Incidence and Duration of Vacancy, and the Natural Vacancy Rate,” economists Stuart Gabriel and Frank Nothaft analyze the duration and incidence of vacancies in urban housing markets and assess the impact of changing levels of vacancy on rental affordability. They find that a healthy level of vacancy in a functioning housing market is “in the 4 to 4.5% range.”¹⁸ If the vacancy rate for a metropolitan area is significantly lower than four percent, residents will struggle to move and find housing when they need to, because of a lack of available housing. If the vacancy rate is significantly higher than four percent, municipalities risk abandonment and deterioration. Vacancy rates for Metropolitan Statistical Areas (MSAs) are closely measured and analyzed to assess the health of an area’s housing markets. However, it is crucial to consider the fact that these vacancy rates do not include units that are owned and legally occupied by individuals or corporate partnerships but are left empty. Vacant housing becomes a problem when there is either too much vacant housing that produces blight—typically in low-income areas—or when the vacant housing that exists in tight housing markets is not made available or affordable for people to live in—in the case of investment condominiums in high-cost cities.

The Commodification and Financialization of Housing

The issue of vacant properties exists as part of a larger fundamental problem: the financialization and commodification of housing. Multiple scholars have analyzed the

¹⁸Stuart A. Gabriel and Frank E. Nothaft. “Rental Housing Markets, the Incidence and Duration of Vacancy, and the Natural Vacancy Rate,” *Journal of Urban Economics* 49, no. 1 (January 2001): 121–49, <https://doi.org/10.1006/juec.2000.2187>, 145.

development of the real estate industry and the impact of profit-making on the construction and allocation of housing. One of the most prominent works of literature on this topic is *In Defense of Housing* by sociologist David Madden and urban planner Peter Marcuse. Madden and Marcuse argue that private ownership and the commodification of housing—when the exchange value of housing is prioritized over its use value—is the underlying issue promoting today’s housing crisis.¹⁹ I will argue that vacant housing in the United States is a product of the commodification of housing that Madden and Marcuse describe. When profit is the main incentive in the development and distribution of housing, housing becomes a commodity that’s primary purpose is to be bought and sold, rather than lived in. When housing is commodified, whether homes are lived in becomes less important to their owners than to whether they are producing profit. This structure spurs the phenomenon of vacant housing.

Historians Jeffery Hornstein and Sara Stevens both analyze how the growth of real estate as a profession impacted the development of housing. In *A Nation of Realtors®: A Cultural History of the Twentieth-Century American Middle Class*, Hornstein argues that the professionalization of real estate brokerage in the early twentieth century contributed to the economic, political, and cultural invention of the American middle class, as real estate brokers developed the suburbs and inextricably linked a middle-class identity with homeownership.²⁰ In *Developing Expertise: Architecture and Real Estate in Metropolitan America*, Sara Stevens demonstrates how several prominent figures in early US real estate development utilized personal characteristics, sales craft, design, and curated expertise to influence public policy and public funding in favor of their profit margins while promoting downtown redevelopment and

¹⁹Marcuse and Madden. *In Defense of Housing*.

²⁰Jeffrey M. Hornstein, *A Nation of Realtors®: A Cultural History of the Twentieth-Century American Middle Class*, (Durham: Duke University Press, 2005), <https://doi.org/10.2307/j.ctv11sn0rc>, 6, 202, 206.

suburban sprawl.²¹ She argues that “networks of power” were not simply “contaminating influences on pure design,” but made design decisions themselves for the promotion of profitability, and “ultimately turned tracts of land into both architecture and profit.”²² Large developments in cities, Stevens notes, were often financed by out-of-town investors, many of whom were life insurance companies, with little geographical connection to the area they were re-developing.²³ These profiles of the impact of the financial and real estate sectors and their profit incentives on our housing system support Madden and Marcuse’s understanding of housing commodification.

In *From Boom to Bubble: How Finance Built the New Chicago*, urban planner, political economist, and economical geographer Rachel Weber analyzes how the financial sector impacted the built environment of downtown Chicago. While Weber focuses on commercial real estate, rather than residential real estate, her analysis informs how the finance industry influences building construction in general. Weber finds that in Chicago in the 2000s, commercial real estate was built “not because potential occupants demanded new buildings, but because financial markets were making more capital available.”²⁴ This relationship between capital and construction, rather than local demand and construction, helps us understand why important housing is left vacant in high-cost cities. As residential real estate markets in high-cost cities have become globalized, greater global capital is available, prompting local construction, regardless of local demand for high-cost condominium buildings.

²¹Sara Stevens, *Developing Expertise: Architecture and Real Estate in Metropolitan America*, (Cumberland, United States: Yale University Press, 2016), <http://ebookcentral.proquest.com/lib/mtholyoke/detail.action?docID=4734140>, 4.

²²Stevens, *Developing Expertise*, 137.

²³Stevens, *Developing Expertise*, 129.

²⁴Rachel Weber, *From Boom to Bubble: How Finance Built the New Chicago* (Chicago: The University of Chicago Press, 2015), 1-2.

Out of Town Home Purchases

As Madden and Marcuse make clear, housing has been commodified and turned into a good to be bought and sold for the purpose of storing and reproducing capital.²⁵ In cities, this is made abundantly clear by the phenomenon of out-of-town (OOT) home buyers. In this study, I build off Madden and Marcuse’s framework to analyze the politics surrounding vacant housing and understand the political-economic factors that drive housing vacancies. OOT home buyers—which can include corporate entities such as LLCs²⁶—are major drivers of vacant housing, as, by definition, they do not live in the cities where they buy housing. In “Out-of-Town Home Buyers and City Welfare,” finance professors Jack Favilukis and Stijn Van Nieuwerburgh develop a statistical model to measure the hypothetical impact of an increase in OOT home buyers on several economic conditions of a hypothetical city and its housing market. Their model is calibrated to represent an average city, based on data from the 75 largest Metropolitan Statistical Areas (MSAs) in the U.S.. The housing supply elasticity and the OOT buyers’ demand elasticity in the model match that of the averages from these 75 MSAs.²⁷ Favilukis and Van Nieuwerburgh find that an increase in OOT investors has an upwards effect on home prices for owner-occupied housing, and find the effect on rents is even greater.²⁸ They find that low-income households, particularly the young and the elderly, bear more of the negative financial effects of the OOT inflow, as they are more likely to be renters, and are more vulnerable to cost of living increases.²⁹ This study highlights the impact of housing commodification on communities that actually use

²⁵Marcuse, and Madden. *In Defense of Housing*.

²⁶Jack Favilukis and Stijn Van Nieuwerburgh, “Out-of-Town Home Buyers and City Welfare,” *The Journal of Finance* 76, no. 5 (2021): 2577–2638. <https://doi.org/10.1111/jofi.13057>, 2632.

²⁷Favilukis and Nieuwerburgh, “Out-of-Town Home Buyers and City Welfare,” 2578.

²⁸Favilukis and Nieuwerburgh, “Out-of-Town Home Buyers and City Welfare,” 2603.

²⁹Favilukis and Nieuwerburgh. “Out-of-Town Home Buyers and City Welfare,” 2609.

housing as homes. The study opens space for further research on the mechanisms by which OOT demand encroaches on housing supply in cities with limited housing and affordability crises.

In addition to creating vacancies, out-of-town demand is correlated with increases in housing costs and can cause local housing prices to decouple from local incomes. In “Misinformed Speculators and Mispricing in the Housing Market,” finance scholars Alex Chincó and Christopher Mayer use panel auto vector specification models to analyze the relationship between out-of-town demand, housing price appreciation, and mispricing over 21 Metropolitan Statistical Areas between 2000 and 2007. They find a correlation between out-of-town second house-buyer demand and home price appreciation and find that a reverse causal relationship—i.e., that price appreciation prompts out-of-town demand—is statistically unlikely.³⁰ In “Reconnecting the Housing Market to the Labour Market: Foreign Ownership and Housing Affordability in Urban Canada,” political scientist Joshua Gordon analyzes extreme increases in the home-price-to-income ratios in Toronto and Vancouver between 2000 and 2018. Using publicly available data on market conditions, Gordon finds that local demand did not significantly increase over this period, and new construction of housing—i.e., the supply of housing—did not cease or slow down over this period. Therefore, Gordon argues, the increases in home-price-to-income ratios can only be explained by an increase in foreign demand for real estate in Toronto and Vancouver.³¹ According to Gordon, “Foreign ownership helps decouple the housing market from the labour market, pushing market prices for prized forms of housing beyond what local incomes can afford,” often creating housing crises.³² While Toronto and

³⁰Alex Chincó and Christopher Mayer, “Misinformed Speculators and Mispricing in the Housing Market,” *The Review of Financial Studies* 29, no. 2 (2016): 486–522, 487-488.

³¹Joshua C. Gordon, “Reconnecting the Housing Market to the Labour Market: Foreign Ownership and Housing Affordability in Urban Canada,” *Canadian Public Policy* 46, no. 1 (March 1, 2020): 1–22, <https://doi.org/10.3138/cpp.2019-009>, 5.

³²Gordon, “Reconnecting the Housing Market to the Labour Market,” 1.

Vancouver are outside of the United States, Gordon's analysis, along with Chinco and Mayer's, demonstrate the negative impacts of out-of-town and foreign demand on the affordability of local housing markets, in addition to the creation of vacant housing.

An important idea in this realm is the concept of global cities as "safe deposit boxes" or "safe havens" for the hoarding of global wealth through real estate. In "London and New York as a Safe Deposit Box for the Transnational Wealth Elite," geographers Rodrigo Fernandez, Annelore Hofman, and Manuel B. Aalbers utilize the term "safe deposit box" to describe the phenomenon of non-primary residences in London and New York being used to store wealth for the wealthy transnational elite. They argue that certain socio-cultural features of the two cities, the perception of real estate in these cities as highly liquid, and the organization of the cities' real estate industries and markets function to create this "safe deposit box" effect.³³ The "safe deposit box" framework explains much of the geographic concentration of vacant property within Midtown Manhattan in New York that I will explore in this study. Architecture Professors Jae-Yong Chung and Kevin Carpenter build off of Fernandez et al.'s work and coin the term "safe havens" to describe "districts designed as a harbor for global capital; a place of refuge during market uncertainty; and a place offering favorable conditions for capital growth."³⁴ They identify luxury areas in New York, London, and Melbourne as prime examples of safe havens that emerged after the 2008 financial crisis, as cities vied for outside investment to increase municipal revenue and recover from the crisis. Chung and Carpenter create a model to explain the development of safe havens in these three cities:

³³Rodrigo Fernandez, Annelore Hofman, and Manuel B Aalbers, "London and New York as a Safe Deposit Box for the Transnational Wealth Elite," *Environment and Planning A: Economy and Space* 48, no. 12 (December 1, 2016): 2443–61. <https://doi.org/10.1177/0308518X16659479>, 2443.

³⁴Chung and Carpenter, "Safe Havens" 1.

(1) capital funneled into local housing through government incentivization; (2) vacancy increased in areas with rapid price rises; and (3) new investment zones were constructed to accommodate overflows of safe-haven demand and fuel recovery from the financial crisis.³⁵

Their case studies suggest that city planners, while not evidently purposefully promoting vacant development, “allowed finance to take the lead.”³⁶ It is evident through Chung and Carpenter’s analysis that the phenomenon of vacant apartment units in major cities is driven by global capital through purchases from individuals, private equity firms, and financial institutions alike. In this study, I aim to utilize Chung and Carpenter’s analytical framework to understand the distribution of vacant housing in major cities and build on their work by drawing connections between vacant housing in high-cost metropolitan areas and vacant housing in low-income cities.

Vacancy and Abandonment in Low-Income Areas

Distinct from the phenomenon of vacant apartment units in high-cost areas of major cities, an inverse issue of vacancy exists in low-income areas. Following the foreclosure crisis of 2008, coupled with systemic disinvestment in low-income neighborhoods, U.S. housing vacancies were at a major high in the early 2010s.³⁷ While many cities have mostly recovered from this crisis, the recovery has not been uniform, leaving many cities in the rust and sun belts “chronically vacant” alongside low-income areas of cities that have otherwise recovered from the crisis.³⁸ There has been significant scholarship analyzing vacant properties in low-income areas; properties that are often abandoned and/or deteriorated.

³⁵Chung and Carpenter, “Safe Havens,” 1.

³⁶Chung and Carpenter, “Safe Havens,” 20.

³⁷Austin Harrison and Dan Immergluck, “The Battle of the Belts: Comparing Housing Vacancy in Larger Metros in the Sun Belt and the Rust Belt since the Mortgage Crisis, 2012 to 2019” in *Tackling Vacancy and Abandonment: Strategies and Impacts after the Great Recession*, eds. Robert E. Finn, Lisa Nelson, Sarah Stein, (Flint, MI: The Center for Community Progress, 2021) 25-46.

³⁸Harrison and Immergluck. “The Battle of the Belts”

In “Housing Vacancy and Urban Growth: Explaining Changes in Long-Term Vacancy after the US Foreclosure Crisis,” urban studies scholars Kyungsoon Wang and Dan Immergluck use the HUD-USPS address vacancy data that I utilize later in this study to perform multivariate analyses to identify factors and patterns that contributed to housing vacancy rates between 2010 and 2014. Wang and Immergluck typologize three types of metropolitan areas: “weak growth metros,” “strong growth metros,” and “hard hit metros”—meaning cities where home prices significantly declined in the U.S. foreclosure crisis of 2008-2009.³⁹ They find that weak growth metros, followed by hard-hit metros, had the highest mean rates of long-term vacancy between 2010 and 2014.⁴⁰ It is clear here that vacancy rates are indicative of an area’s financial recovery from the 2008 housing crisis. However, as Wang and Immergluck note, as part of recovery efforts, “entrepreneurs and politicians have sought to increase [the] exchange value [of housing] for profit that spurs more growth, and revenue tends to go to growth-machine activists rather than to communities, resulting in uneven development.”⁴¹ In other words, when cities invest solely in growth, many neighborhoods are left behind because they are not profitable. Whereas housing is kept vacant in high-cost areas because it is profitable to do so, homes are left vacant in low-income areas because it is not profitable to house people in them.

Social Movement Theory

In chapter three, I discuss housing takeover movements, a powerful activist tactic where organizers take over vacant homes to house the unhoused and protest inequities in the housing

³⁹Kyungsoon Wang and Dan Immergluck, “Housing Vacancy and Urban Growth: Explaining Changes in Long-Term Vacancy after the US Foreclosure Crisis,” *Journal of Housing and the Built Environment* 34, no. 2 (June 2019): 511.

⁴⁰Wang and Immergluck, “Housing Vacancy and Urban Growth,” 522-523.

⁴¹Kyungsoon, and Immergluck, “Housing Vacancy and Urban Growth,” 529.

system. To properly understand these movements, we must understand existing scholarly research on social movements. In “The Political Consequences of Social Movements,” Edwin Amenta et. al. defines social movements as “actors and organizations seeking to alter power deficits and to effect social transformations through the state by mobilizing regular citizens for sustained political action.”⁴² For Charles Tilly, a social movement

...consists of a sustained challenge to power holders in the name of a population living under the jurisdiction of those power holders by means of repeated public displays of that population's worthiness, unity, numbers, and commitment. At a minimum, social movements involve continuous interaction between challengers and power holders.⁴³

Both Tilly and Amenta’s definitions here are relevant to squatter activism. Squatter activists seek to alter power deficits and display their own worthiness. Tilly argues that displays of “worthiness, unity, numbers, and commitment” are key to social movement action.⁴⁴ All four of these characteristics are important but claims of what Tilly describes as worthiness seem to be especially crucial to housing takeovers. According to Tilly, displays of worthiness in social movements include displays of “Sobriety, propriety of dress, incorporation of priests and other dignitaries, endorsement of moral authorities, evidence of previous undeserved suffering.”⁴⁵ By asserting their own worthiness, activists lend legitimacy to their demands. An example of this is the Black Lives Matter movement. Worthiness is particularly important to squatter activists, as they use often illegal tactics, and must present themselves as justified in doing so.

⁴²Edwin Amenta et al., “The Political Consequences of Social Movements,” *Annual Review of Sociology* 36 (2010): 287–307, 288.

⁴³Charles Tilly, “Conclusion,” In *How Social Movements Matter*, edited by Marco Giugni, Doug McAdam, and Charles Tilly, Volume 10, University of Minnesota Press, 1999. 253-270. 257.

⁴⁴Tilly, “Conclusion,” 260.

⁴⁵Tilly, “Conclusion,” 261.

Individuals opt to engage in social movement activity for a variety of reasons, both political and personal. Ted Robert Gurr's understanding of relative deprivation as an impetus to political violence is relevant here. Relative deprivation, as Gurr defines it, is:

Actors' perception of discrepancy between their value expectations and value capabilities. Value expectations are the goods and conditions of life to which people believe they are rightfully entitled. Value capabilities are the goods and conditions they think they are capable of getting and keeping.⁴⁶

In other words, individuals are relatively deprived when what they think they deserve (e.g.: access to social mobility, housing, healthcare, and quality education) is not what they have or are able to attain. Gurr argues that relative deprivation is a precursor to political violence,⁴⁷ and while the activists I spoke to consider themselves non-violent, the relative deprivation of housing motivates them to take over vacant properties, which some may view as violence against private property rights.

Mobilizing structures—i.e., the tactics social movements use to promote participation—are considered by many scholars to be key determinants of movement success. Social movements that can mobilize “resources and membership” gain political influence in doing so, however, “organizations designed to mobilize people and resources behind a cause may not be best suited to engage in the tasks of political influence, persuasion, or litigation.”⁴⁸ John D.

McCarthy defines mobilizing structures as:

...those agreed upon ways of engaging in collective action which include particular tactical repertoires, particular social movement organizational forms, and modular social movement repertoires. I also mean to include the range of everyday life micro

⁴⁶Ted Robert Gurr, “Relative Deprivation and the Impetus to Violence,” in *Why Men Rebel*, (Princeton: Princeton University Press, 1970), 22-58, <https://doi.org/10.4324/9781315631073>, 24.

⁴⁷Gurr, “Relative Deprivation and the Impetus to Violence,” 38.

⁴⁸Amenta et al., “The Political Consequences of Social Movements,” 296.

mobilization structural social locations that are not aimed primarily at movement mobilization, but where mobilization may be generated.⁴⁹

McCarthy typologizes two dimensions of movement mobilizing structures: informal versus formal structures—referring to the degree of organization, and non-movement versus movement structure—whether the mobilizing structure (ex: a community group) is connected to the movement and views itself as political.⁵⁰ Amenta et. al. outline social movement literature’s “three main determinants of mobilization,” or key factors that impact social movements: “resource mobilization and organizational forms or ‘mobilizing structures’...framing strategies...and political opportunities and contexts.” These factors, which aid social movement mobilization, also positively affect their ability to impact political change.⁵¹ While mobilization structures are crucial to movement success, they are not static. Amenta et. al. argue that the leaders of social movement organizations must alter their mobilization structures and framing strategies when negotiating with “political decision makers or courts,” or they must cede these negotiations to like-minded policymakers.⁵² The ability to develop and adapt mobilizing structures is therefore central to movement success.

Social movement researchers commonly discover that the influence of the movements they study is “contingent on favorable political or other circumstances.”⁵³ David S. Meyer argues that political context, including a variety of exogenous factors, influences both the goals, strategies, and tactics of social movements, and the outcome of social movements. Meyer argues

⁴⁹John D. McCarthy, “Constraints and Opportunities in Adopting, Adapting, and Inventing,” In *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings*, by John D. McCarthy and Mayer N. Zald, 141-151, Cambridge Studies in Comparative Politics, Cambridge University Press, 1996. 142.

⁵⁰McCarthy, “Constraints and Opportunities in Adopting, Adapting, and Inventing,” 145.

⁵¹Amenta et al., “The Political Consequences of Social Movements,” 289.

⁵²Amenta et al., “The Political Consequences of Social Movements,” 297.

⁵³Amenta et al., “The Political Consequences of Social Movements,” 295-6.

that the activists' agency and the decisions they make must be understood within the political structure they operate within.⁵⁴ Scholars refer to these structures and contexts as political opportunity structures. Meyer notes that political opportunities are not static and can be altered during a movement by state responses to movement action.⁵⁵ Doug McAdam identifies “four general types of “expanding cultural opportunities” that appear to increase the likelihood of movement activity:

These four are (1) the dramatization of a glaring contradiction between a highly salient cultural value and conventional social practices, (2) “suddenly imposed grievances,” (3) dramatizations of a system’s vulnerability or illegitimacy, (4) the availability of an innovative “master frame” within which subsequent challengers can map their own grievances and demands.”⁵⁶

McAdams finds the following “highly consensual” list of political opportunity dimensions in a broad set of social movement theory literature:

1. The relative openness or closure of the institutionalized political system. 2. The stability or instability of that broad set of elite alignments that typically undergird a polity. 3. The presence or absence of elite allies. 4. The state’s capacity and propensity for repression.⁵⁷

Still, McAdam argues that scholars must be careful not to confuse the “structural changes and power shifts” that constitute political opportunities with movements’ work of interpreting and framing these changes. McAdam points out that there are instances in which favorable political opportunities do not yield collective action, and instances in which collective action emerges

⁵⁴David S. Meyer, “Protest and Political Opportunities,” *Annual Review of Sociology* 30 (January 1, 2004): 125–45, <https://doi.org/10.1146/annurev.soc.30.012703.110545>. 126-128.

⁵⁵Meyer, “Protest and Political Opportunities,” 141.

⁵⁶Doug McAdam, “Conceptual Origins, Current Problems, Future Directions,” In *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings*, by John D. McCarthy and Mayer N. Zald, 23–40, Cambridge Studies in Comparative Politics, Cambridge University Press, 1996, 25.

⁵⁷McAdam, “Conceptual Origins, Current Problems, Future Directions,” 27.

without favorable political opportunities.⁵⁸ While some scholars consider political opportunities to be a form of movement resources, McAdam argues it is better to keep political opportunities distinct from resources to better understand how the two concepts influence movements separately.⁵⁹

In *Fighting for Abortion Rights in Latin America. Social Movements, State Allies and Institutions*, political scientist Cora Fernandez Anderson studies three abortion rights social movements in Latin America and analyzes how movements were able to work with state allies and institutions in pursuit of their political goals. She presents two hypotheses that are applicable to a variety of social movements: first, “co-operation between a social movement and sympathetic government officials increases the chances for comprehensive policy reform,” and second, “The stronger the social movement, the better the possibility of generating support from government officials and establishing a close co-operation with them that will lead to policy reform.”⁶⁰ In this sense, social movement success and government sympathy are co-constitutive. Similarly, McAdam describes the relationship between social movements and political opportunity structures as “fluid, reciprocal, unpredictable, and crucially important,” noting that political opportunity structures “simultaneously constrain and facilitate collective action.”⁶¹

While many social movement scholars understandably focus on movement outcomes as an area of study, success can be difficult to define. Marco Giugni writes that while movement “success” is an interesting subject for analysis, it can be a problematic concept:

First, it assumes that social movements are homogeneous entities. Thus, success or failure tends to be attributed to an entire movement. This may hold true in some cases,

⁵⁸McAdam, “Conceptual Origins, Current Problems, Future Directions,” 25-26.

⁵⁹McAdam, “Conceptual Origins, Current Problems, Future Directions,” 26.

⁶⁰Cora Fernandez Anderson, “Introduction,” In *Fighting for Abortion Rights in Latin America: Social Movements, State Allies and Institutions*, 1–31, New York: Routledge, 2020.

⁶¹McAdam, “Conceptual Origins, Current Problems, Future Directions,” 37.

but often there is little agreement within a movement as to what goals must be pursued.... Second, to concentrate on success raises the problem of subjectivity. Briefly put, success is often not assessed in a single manner by everyone.... Third, to talk about success is problematic because it overemphasizes the intention of movement participants in producing certain changes.⁶²

In *The Consequences of Social Movements*, Lorenzo Bosi, Marco Giugni, and Katrin Uba argue that the “unintended consequences” of social movements, like contesting cultural values, educating and mobilizing activists, and promoting ongoing awareness are significant outcomes of social movements that extend beyond the specific stated goals of individual campaigns.⁶³ Similarly, in “Making an Impact: Conceptual and Methodological Implications of the Collective Goods Criterion,” sociologists Edwin Amenta and Michael P. Young argue that movement success can be understood beyond the achievement (or lack thereof) of a movement’s stated goals. They argue a key component of movement success is the concept of “collective goods,” which they define as “those groupwise advantages or disadvantages from which nonparticipants in a challenge cannot be easily excluded,” and note that these goods can be both material and intangible/symbolic.⁶⁴ In addition, impacts on individual activists’ lives can be understood as a type of movement outcome, according to McAdam in “The Biographical Impact of Activism.” McAdam notes that the “biographical consequences” of movement activity include both sustained activism of individual movement participants and “aggregate-level change in life-course patterns” resulting from movement activity.⁶⁵ In his study of the life events of participants

⁶²Marco Giugni, “Introduction,” In *How Social Movements Matter*, edited by Marco Giugni, Doug McAdam, and Charles Tilly, Volume 10, University of Minnesota Press, 1999, xiii-xxxiv. xx-xxi.

⁶³Lorenzo Bosi et. al., *The Consequences of Social Movements*, (Cambridge: Cambridge University Press), 2016, 7.

⁶⁴Edwin Amenta and Michael P. Young, “Making an Impact: Conceptual and Methodological Implications of the Collective Goods Criterion,” In *How Social Movements Matter*, edited by Marco Giugni, Doug McAdam, and Charles Tilly, Volume 10, University of Minnesota Press, 1999, 22-41. 22-24.

⁶⁵Doug McAdam, “The Biographical Impact of Activism,” In *How Social Movements Matter*, edited by Marco Giugni, Doug McAdam, and Charles Tilly, Volume 10, University of Minnesota Press, 1999, 117-146. 117.

of the New Left movements of the 1960s and 1970s, McAdam finds that former activists were disproportionately likely to follow “non-normative” life paths—i.e. were more likely to get married later in life, remain unmarried, or not have children.⁶⁶

A particularly relevant piece of social movement literature that informs my study of squatter movements is Frances Fox Piven and Richard Cloward’s seminal text, *Poor People’s Movements: Why They Succeed, How They Fail*. While many squatter activists view their impact as widely relevant to people of all classes, they are first and foremost, movements of the poor. In *Poor People’s Movements*, Piven and Cloward analyze the Unemployed Workers’ Movement, the Industrial Workers’ Movement, the Civil Rights Movement, and the Welfare Rights Movement, to find features of these movements that encouraged, or discouraged, their success.⁶⁷ According to Piven and Cloward, social movements and movements of the poor are most powerful in “moments of madness”—when the dispossessed mobilize, somewhat chaotically, out of a common need, or as a response to social and economic deprivation—rather than when they first attempt to formally organize.⁶⁸ In my interviews with squatter activists, this rings true: activists say they began their work out of a both material need to provide housing for themselves or others, and that timing was a crucial factor. Relative deprivation also played role, as activist recognized that the agency or banks that were the targets of takeovers owned swaths of empty homes, while they and/or their fellow organizers were unhoused. These activists also cite frustrations with formalized non-profit organizations that advocate for housing, which are limited in their ability to use radical tactics like housing takeovers.

⁶⁶McAdam, “The Biographical Impact of Activism,” 143.

⁶⁷Frances Fox Piven and Richard A. Cloward, *Poor People’s Movements: Why They Succeed, How They Fail*, 1st ed. (Pantheon Books, 1977), xxiii.

⁶⁸Piven and Cloward, *Poor People’s Movements*, xxi-xxii.

Piven and Cloward also analyze how elites in power respond to poor people's movements. Elites may ignore or repress movements,⁶⁹ coopt their demands or undermine their sympathies,⁷⁰ conciliate,⁷¹ or concede.⁷² These outcomes are familiar to squatter activists. In the same instance, a squat may be repressed, ignored, and then coopted or conceded to. The three squatter activists I spoke with were all able to negotiate with the owners of the vacant properties, which were either government agencies or banks. In all three instances, residents were able to remain in their homes, constituting concessions.

Overall, social movements are characterized by their mobilizing structures, the political opportunity structures they operate in, and their outcomes. Movement success can be difficult to define, and is often a controversial topic in political science—between those who emphasize material and policy successes and those who stress the importance of psychological and cultural successes.

Housing Takeover Movements

In response to the widespread phenomenon of vacant housing and the contradiction between this problem and the levels of homelessness, or as some activists say, houselessness, in the U.S., organizations have sprung up across the country focused on reclaiming vacant homes. These organizations, like the Chicago Anti Eviction Campaign, Reclaiming Our Homes in Los Angeles, and Philadelphia Housing Action in Philadelphia, enter abandoned homes often illegally, perform necessary repairs, and place homeless or housing insecure adults and families

⁶⁹Piven and Cloward, *Poor People's Movements*, 27.

⁷⁰Piven and Cloward, *Poor People's Movements*, 30.

⁷¹Piven and Cloward, *Poor People's Movements*, 17.

⁷²Piven and Cloward, *Poor People's Movements*, 25.

in them.⁷³ Their actions are radical challenges to a system that prioritizes private property rights, housing's exchange value over its use value, and they assert that housing is a human right.

There is limited literature on squatting movements, their tactics and organization, and their outcomes, though most of this work is focused on movements in Western Europe. In *No Trespassing!: Squatting, Rent Strikes, and Land Struggles Worldwide*, political scientist Anders Corr analyzes global land struggles to attempt to understand squatting as political action.

According to Corr, the purpose of squatting is “to redistribute economic resources according to a more egalitarian and efficient pattern.”⁷⁴ He defines “renters, the landless and homeless, and the indigenous dispossessed” as dispossessed of spatial control, and argues that these groups are united in their struggle for better standards of living and spaces to live on this earth.⁷⁵ In my interviews with squatter activists, some identified the potential for solidarity with indigenous groups and renters who struggle with affordability, which is consistent with Corr's understanding of these groups' commonalities.

Corr finds that land and housing movements must resist cooptation from elites, as Piven and Cloward outline.⁷⁶ At the same time, Corr notes that the complete failure of housing activists to compromise with those in power usually results in repression. He stresses that bargaining while avoiding cooptation is the mechanism by which housing activists can gain success and create “long-term improvements in community life.”⁷⁷ Corr also finds that larger movements

⁷³“About Us,” Chicago Anti Eviction Campaign, accessed December 27, 2022, <https://www.chicagoantievictioncampaign.com/our-story>.

Reclaiming Our Homes, “About,” accessed December 26, 2022, <https://reclaimingourhomes.org/about/>.
Wiley Cunningham, “About – Philadelphia Housing Action,” accessed December 29, 2022, <https://philadelphiahousingaction.info/about/>.

⁷⁴Anders Corr, *No Trespassing! : Squatting, Rent Strikes, and Land Struggles Worldwide*, 1st ed. (South End Press, 1999).

⁷⁵Corr, *No Trespassing!*, 4.

⁷⁶Piven and Cloward, *Poor People's Movements*, 30.

⁷⁷Corr, *No Trespassing!*, 139.

tend to be more successful, and movements grow more easily when “large sectors of the population feel an identical pressing need.”⁷⁸ This suggests that housing and land struggles have a greater opportunity for success during economic recessions when unemployment is high, and housing is therefore more difficult to afford.

In “Counter Hegemony, Popular Education, and Resistances: A Systematic Literature Review on the Squatters’ Movement,” Ballesteros-Quilez et. al. reviews the academic literature on squatting movements—literature that primarily focuses on 1960s-80s Europe and 1970s New York—to find consensus among academics. They find that transnational emulations and the personal networks of activists together constituted social and political networks that lead to the expansion of squatting movements after the 1970s.⁷⁹ In addition, Ballesteros-Quilez et. al. finds a consensus that squatting inherently resists the commodification of housing, challenges private property and institutional authorities, and resists the hegemonies of capitalism and neoliberalism; even when participants do not have stated political goals, the creation of an alternative to the capitalist housing market is a political action.⁸⁰ However, there is an important distinction between the sometimes unintentional politics of squatting and the targeted political squatter activism that I study in Chapter three.

According to Ballesteros-Quilez et. al., repression and stigma are key constraints on squatter movements.⁸¹ This idea is reflected in the case studies later in this chapter. Ballesteros-Quilez et. al. find that the key contributions of squatting movements are their direct responses to detected social needs—i.e., the need for housing—and the social transformations of movement

⁷⁸Corr, *No Trespassing!*, 146.

⁷⁹Julia Ballesteros-Quilez, Pablo Rivera-Vargas, and Judith Jacovkis, “Counter Hegemony, Popular Education, and Resistances: A Systematic Literature Review on the Squatters’ Movement,” *Frontiers in Psychology* 13 (2022), <https://www.frontiersin.org/articles/10.3389/fpsyg.2022.1030379>, 2.

⁸⁰Ballesteros-Quilez et. al., “Counter Hegemony, Popular Education, and Resistances,” 9.

⁸¹Ballesteros-Quilez et. al., “Counter Hegemony, Popular Education, and Resistances,” 11.

participants through work with other social movements. According to Ballesteros-Quilez et. al., squatting movements are commonly linked with migrant and anti-racist movements, and both support and draw participants from these camps. Squatters who were not previously involved in these movements may be introduced to and educated about them through squatter activism.⁸² In this framework, it is clear how squatter activism can be a coalition-building tool for movements across the left. The ties between squatting, anti-capitalism, anti-racism, and migrant rights were repeatedly articulated by participants in this study, as I will explore.

In “The Logic of Urban Squatting,” sociologist Hans Pruijt studies squatting in the Netherlands, the UK, Italy, and Germany through interviews and a review of descriptive literature.⁸³ He develops a typology of urban squatting, where squatter activists fit into one of five categories: deprivation-based squatting, squatting as an alternative housing strategy, entrepreneurial squatting, conservational squatting, and political squatting.⁸⁴ The squatter activists I interviewed most cleanly fit the category of deprivation-based squatting, though their actions have elements of both squatting as an alternative housing strategy and political squatting. In deprivation-based squatting, the primary objective is to provide housing for “needy” people.⁸⁵ While all squatting is political, as I have explained, for deprivation-based squatters, political motivations are secondary to the need to provide housing for those in need. This form of squatting includes instances where the severely housing-deprived setup squats for themselves and instances where there is a distinction made between the activists who set up squats and the individuals and families who end up living in them.⁸⁶ According to Pruijt, this distinction avoids

⁸²Ballesteros-Quilez et. al., “Counter Hegemony, Popular Education, and Resistances,” 12.

⁸³Hans Pruijt, “The Logic of Urban Squatting,” *International Journal of Urban and Regional Research* 37, no. 1 (2013): 19–45, <https://doi.org/10.1111/j.1468-2427.2012.01116.x>, 21.

⁸⁴Pruijt, “The Logic of Urban Squatting,” 21.

⁸⁵Pruijt, “The Logic of Urban Squatting,” 23.

⁸⁶Pruijt, “The Logic of Urban Squatting,” 24.

accusations of “queue-jumping” and selfishness on the part of activists, as they help others, and not themselves.⁸⁷ Additionally, in deprivation-based squatting, activists can target buildings owned by actors with a perceived responsibility to help the needy, “and would therefore be embarrassed to be seen evicting squatters,” such as churches and the state. According to Pruijt, “the better the condition of the buildings, the more embarrassing it is that the owners have left them empty.”⁸⁸ Pruijt argues that deprivation-based squatters may be more successful than other categories of squatters because of this ability, which counteracts arguments defending property rights.⁸⁹

Squatting as an alternative housing strategy, in Pruijt’s typology, is a relatively decentralized form of squatting—though forms of leadership may exist. Squatters in this category come from a variety of economic backgrounds and are not exclusively low-income. These squatters see themselves as a counter to the mainstream housing market, and “derive pride from a self-created housing solution.”⁹⁰ Squatting as an alternative housing strategy is largely practiced by young people and people in non-normative professions, such as the arts. These squatters sometimes frame their actions as protests against shortages of affordable housing, and use this framework to mobilize public support, though not universally.⁹¹

Political squatting, according to Pruijt, is when squatters’ primary motivation is political, specifically “building up a counter-power to the state.”⁹² These squatters are not primarily motivated by the need for housing, but rather have “an ulterior anti-systemic political motive.”⁹³

⁸⁷Prujt, “The Logic of Urban Squatting,” 24.

⁸⁸Prujt, “The Logic of Urban Squatting,” 24.

⁸⁹Prujt, “The Logic of Urban Squatting,” 40.

⁹⁰Prujt, “The Logic of Urban Squatting,” 24.

⁹¹Prujt, “The Logic of Urban Squatting,” 29.

⁹²Prujt, “The Logic of Urban Squatting,” 23.

⁹³Prujt, “The Logic of Urban Squatting,” 36.

Pruijt finds treason to be a recurring theme in political squatting.⁹⁴ As arguably the most radical category of squatting, Pruijt argues, political squatters are often the least successful at achieving their goals, often carrying “the risk of triggering internal conflict and a repressive backlash.”⁹⁵ While all of my interviewees had political motivations for their squats, I argue that deprivation-based squatting is a more accurate category, as providing housing to their target communities was often the more important goal.

Afro-American Studies scholar Toussaint Losier profiled the Chicago Anti-Eviction campaign—an organization he co-founded with Willie “J.R.” Fleming—in *Housing Justice in Unequal Cities*, calling the organization a “people’s housing authority.”⁹⁶ Otherwise, little academic attention has been paid to housing takeover groups in the United States in the post-financial crisis period. My goal for this study is to illustrate the power and significance of these movements and identify recurring tactics that make them successful.

Methods and Thesis Outline

In chapter one, I outline the distribution of vacant housing in the United States and its causes. I argue that vacant housing in the United States exists in a two-tiered structure, the result of disinvestment and abandonment in low-income areas, and of out-of-town real estate investment in high-cost cities. In low-income areas, vacant housing is largely an effect of the deindustrialization of American cities from the 1950s to the present, which has created so-called “shrinking cities” like Detroit, Baltimore, St. Louis, and Cleveland. The financial crisis of 2008

⁹⁴Pruijt, “The Logic of Urban Squatting,” 36.

⁹⁵Pruijt, “The Logic of Urban Squatting,” 38, 41.

⁹⁶Toussaint Losier, “Towards a ‘People’s Housing Authority’: Human Rights, Decommmodification and Community Control in the Praxis of the Chicago Anti-Eviction Campaign,” in *Housing Justice in Unequal Cities*, ed. Ananya Roy and Malson Hilary (Los Angeles, CA: Institute on Inequality and Democracy at the University of California, Los Angeles, 2019), 59–67.

further debilitated these areas, creating a pipeline of foreclosed and abandoned homes. In high-cost cities, vacant housing is largely concentrated in the most expensive areas of these cities, a result of purchases of significant swaths of the housing stock by foreign, out-of-state, or out-of-town individual homebuyers, who keep these valuable homes empty. In addition, multiple scholars conclude that out-of-town and foreign demand for real estate in high-cost cities can contribute to these cities' affordability problems, as housing prices at the affluent level become detached from local incomes, ultimately creating an upward effect on all housing prices. I argue that both tiers of vacant housing are at their core caused by the same process: the financialization and commodification of housing.

Using data on vacant addresses collected by the U.S. Postal Service and aggregated by the U.S. Department of Housing and Urban Development (HUD-Aggregated USPS Administrative Data on Address Vacancies <https://www.huduser.gov/apps/public/usps/login>), I analyze how the number of vacant addresses in the United States has changed between 2008 and 2021 and the relationship between the number of vacant addresses and the median household income, by census tract. Finally, I use New York City as a case study of vacant housing in high-cost cities. I map the distribution of vacant housing across NYC census tracts and find that vacant housing is concentrated in luxury neighborhoods. I then explore deed records for notable condominium buildings in NYC census tracts with high numbers of vacant addresses and find that a significant proportion of condominium units in these buildings are owned by individuals with out-of-town addresses, or by limited liability corporations or partnerships (LLCs, LLPs, or LPs, or LTDs), which obscure the true ownership of these units. I argue that absentee ownership in luxury investment zones is the key driver of vacancy in New York and constitutes an inefficient use of the city's scarce housing resources. At its fundamental level, this process is a

result of the financialization and commodification of housing—the same commodification and financialization that leaves low-income cities with a surplus of abandoned homes due to a lack of perceived financial value.

In the second chapter, I examine governmental strategies that address and attempt to reduce the quantity of vacant housing in the United States. I argue that because vacant housing has different effects—albeit the same cause: the commodification of housing—in low-cost and high-cost areas, different legislative tools are needed to remedy vacant housing’s ill effects. I first explore municipal land banks, Community Land Trusts (CLTs), and tax foreclosure reforms as tools to address systemic vacancies in low-income areas. Using existing scholarly research and a personal interview with a land bank expert, I argue that land banks are important tools for vacancy reduction, especially when partnered with Community Land Trusts (CLTs). I argue that the practices of land banks, particularly when paired with CLTs, constitute the partial decommodification of housing, as they generally see maximum revenue generation as secondary to ensuring productive and equitable uses of properties over. This constitutes partial, and not complete decommodification, as CLTs and land banks do not entirely eliminate the revenue-generating function of housing. Ultimately, both land banks and CLTs must receive sufficient funding from their municipality and their community partners, function effectively and address community goals. This is in line with the agreement among housing scholars that increased state subsidies are necessary to address the nation’s housing crisis, and to decommodify housing.⁹⁷ I then examine the role of property tax foreclosure systems in community disinvestment and argue

⁹⁷Alex F. Schwartz, “Conclusions,” in *Housing Policy in the United States*, Third Edition (New York: Routledge, 2015), 443–52, 444.

Emily Paradise Achtenberg and Peter Marcuse, “Toward the Decommodification of Housing,” in *Critical Perspectives on Housing* (Philadelphia: Temple University Press, 1986). 447.

that to reduce vacancies, these systems must prioritize owner-occupation and affordable rentals and avoid predatory speculators.

In high-cost cities, I argue that vacancy taxes are a key tool to reducing the accumulation of empty housing by out-of-town real estate investors. Vacancy taxes are a form of housing regulation, and can be redistributive, depending on how the revenue they generate is used. Using a comparative framework, I examine vacancy taxes and foreign buyer taxes in high-cost cities in Europe, North America, and Australia. While this paper focuses on vacant housing in the United States, other nations have seen the benefits of vacancy taxation and U.S. policymakers should learn from these policies. I find that legislators often cite affordability concerns when advocating for vacancy tax measures and argue that these taxes are efficiency-increasing and revenue-generating. I conclude with a discussion of the barriers to this form of legislation in a U.S. context and investigate why vacancy taxes have been successfully implemented in California, but not in other states.

Overall, I argue that tools to address vacancies in both low-income areas—land banks, and Community Land Trusts—and in high-cost cities—vacancy taxes—constitute the partial decommodification of housing. By prioritizing use over profit, land banks and Community Land Trusts support partial decommodification. By financially disincentivizing the practice of hoarding empty apartments for monetary gain, and by promoting the use of housing as homes, vacancy taxes support partial decommodification.

In chapter three, I study the phenomenon of “housing takeovers” or “squatter activism,” an activist tactic in which organizers take over vacant buildings that are widespread in their communities, because of disinvestment and abandonment. In this sense, housing takeovers offer a solution to the issue of vacant housing in low-income communities. These activists are not

silent about their actions, and actively lobby local governments and financial institutions to turn these homes over to the unhoused people who are occupying them. Housing takeovers, I argue, challenge the commodification of housing by using these homes, but not paying for them or using them for financial gain.

To understand these movements, I interviewed three leaders of housing takeovers: Willie “J.R.” Fleming of the Chicago Anti-Eviction Campaign, Wiley Cunningham of Philadelphia Housing Action, and Martha Escudero of Reclaiming Our Homes in El Sereno, CA. While both Cunningham’s Philadelphia Housing Action and Escudero’s Reclaiming Our Homes took over vacant publicly owned homes to protest how local government agencies were using these homes, I argue their actions still challenge the decommodification of housing by preventing these government organizations from auctioning off their homes to the highest bidder, and by using these homes regardless of monetary exchange. In this sense, Reclaiming Our Homes and Philadelphia Housing Action prevented their municipalities from becoming implicated in the proliferation of housing’s exchange value, as typically occurs when local governments dispose of their property.

Over the course of the chapter, I walk through activists’ motivations for beginning this work, their planning processes, and the tactics they use, their challenges, and ultimately their outcomes. Overall, I argue that squatter activism is a powerful tactic to challenge the commodification of housing and eliminate harmful vacant housing.

Finally, in my conclusion, I discuss what the complete decommodification of housing might look like. Ultimately, I draw on existing scholarship to imagine a future where the social purpose of housing takes priority over its ability to produce financial gain.

Significance

This thesis matters because it explains what causes housing vacancy, and how effective social movements and policymakers are in addressing the problem. I identify a two-tier framework to explain how the commodification of housing creates vacant homes in distinct manners in low-income areas and high-cost areas—which can even exist within the same city or metropolitan area. The analytical combination of vacancies in disenfranchised areas and in high-cost areas is a novel framework that relies on mixed methods. In addition, little scholarly attention has been paid to housing takeover movements and squatter activism, which I argue are powerful tactics to challenge the commodification of housing. While post-2008 housing takeover movements have been studied individually—notably, Toussaint Losier’s profile of the Chicago Anti-Eviction Campaign⁹⁸—cross-organizational analyses have not been done. The issues of vacancies in luxury housing and in low-income housing are often seen as separate issues with disparate causes. While there are distinct factors at play in these two levels of vacancy, the core political-economic motivation is the same: in American real estate, profits are prioritized over housing people, creating massive inequalities and inefficiencies in the investment, development, and distribution of housing.. This research is significant because it exposes this underlying problem of the American housing system—which is at the heart of the affordability crisis—and suggest paths forward.

⁹⁸Losier, “Towards a “People’s Housing Authority.”

Chapter One: The Distribution of Vacant Housing in the United States.

According to data collected by the United States Postal Service and aggregated by the Department of Housing and Urban Development, there were 3,485,203 vacant residential addresses in the United States in the fourth quarter of 2021.⁹⁹ For comparison, HUD estimates that 326,000 people slept in US homeless shelters on a single night in 2021,¹⁰⁰ and a 2020 report by the Urban Institute found that 200,000 people experience unsheltered homelessness in the United States each night.¹⁰¹ It is clear, therefore, that homelessness in the United States does not exist because of a lack of available housing. It is also clear that vacant housing does not exist because of a lack of demand for housing, a fundamental human need. Rather, as I will argue in this chapter, vacant housing exists because of a decades-long disconnect between the production and allocation of housing for financial investment purposes and the social purpose of housing: to house people.

In this chapter, I will demonstrate that the distribution of vacant housing in the United States falls into two distinct, yet fundamentally related patterns. The first is the phenomenon of vacant, abandoned, and deteriorating housing in economically distressed areas. Many scholars have analyzed the effects of deindustrialization and the exodus of manufacturing from American cities like Detroit, Cleveland, and Baltimore—so-called “shrinking cities”—from the 1950s to the present, and deindustrialization’s effects on both residential and commercial vacancies.¹⁰² In

⁹⁹United States Department of Housing and Urban Development, HUD Aggregated USPS Administrative Data On Address Vacancies, <https://www.huduser.gov/portal/datasets/usps.html>

¹⁰⁰HUD.gov / U.S. Department of Housing and Urban Development (HUD). “HUD Releases 2021 Annual Homeless Assessment Report Part 1,” February 4, 2022. https://www.hud.gov/press/press_releases_media_advisories/hud_no_22_022.

¹⁰¹Samantha Batko, Alyse D. Oneto, and Aaron Shroyer, “Unsheltered Homelessness: Trends, Characteristics, and Homeless Histories” (The Urban Institute, December 2020).

¹⁰²Chloe Ahmann, “Introduction,” *Anthropological Quarterly* 95, no. 2 (Spring 2022): 1–36, <https://doi.org/10.1353/anq.2022.0015>.

addition, residential vacancy and abandonment have further been spurred by the foreclosure crisis of 2008, which created a glut of empty homes owned by banks and other financial institutions.

The second pattern that is crucial to the understanding of vacant housing in the United States is the prominence of seasonal vacancy and under-utilized “safe deposit box”¹⁰³ housing in high-cost cities like London and New York. Vacant housing in global, high-cost cities is largely concentrated in the most expensive areas of these cities, a result of purchases of significant swaths of the housing stock by foreign, out-of-state, or out-of-town individual homebuyers, who keep these valuable homes empty, hoarding swaths of a city’s often sparse available housing. While these two patterns of vacant housing exist in vastly different settings and circumstances, I will argue that they are at their core caused by the same process: the financialization and commodification of housing. While all capitalist countries commodify housing to some degree, the complete lack of social housing in the United States constitutes hyper commodification, as Madden and Marcuse argue.¹⁰⁴ Ultimately, vacant housing exists to such a degree in the United States, compared to other capitalist countries, because of this degree of hyper commodification.

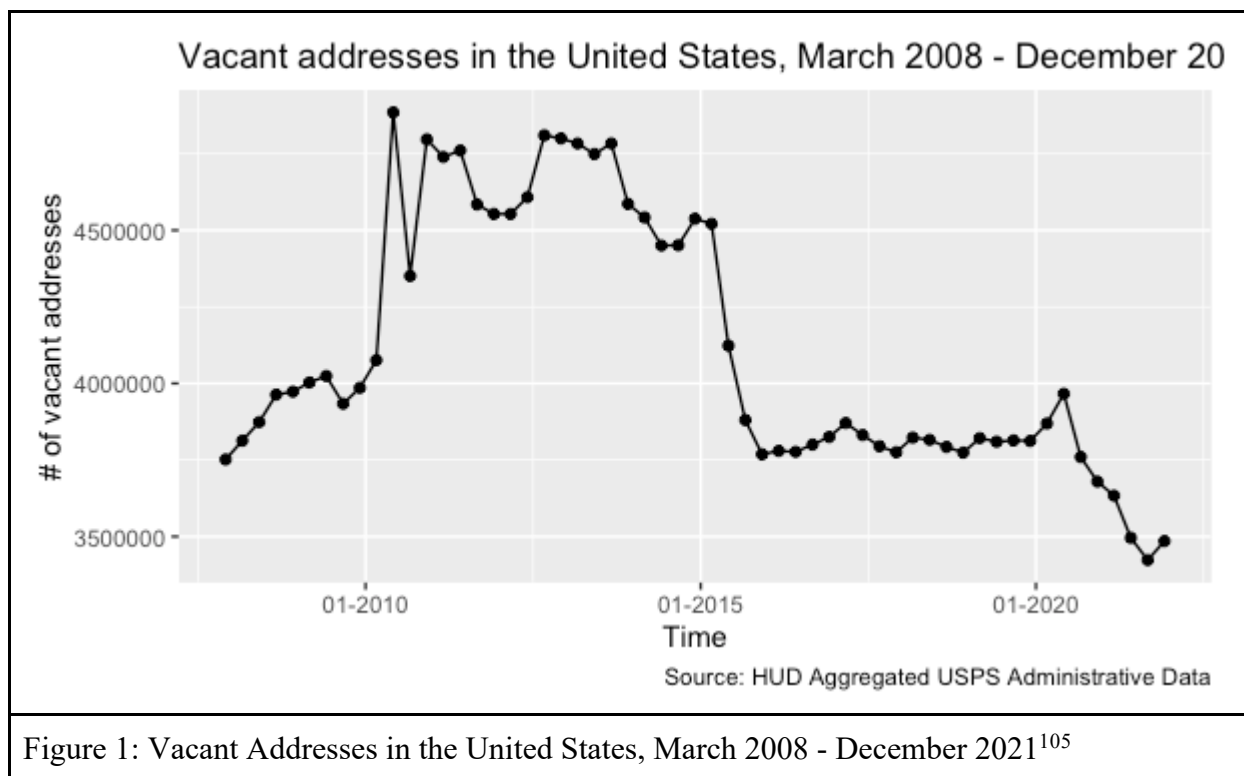
Vacant and Abandoned Housing in Low-Income Areas.

Vacant housing because of abandonment is the predominant form of housing vacancy in the U.S. This phenomenon is a significant concern for municipalities, federal agencies, and academics alike. The foreclosure crisis of 2008 prompted a wave of abandoned properties, leaving communities and local governments to deal with their ill effects. As demonstrated in

¹⁰³Fernandez et. al., “London and New York as a Safe Deposit Box for the Transnational Wealth Elite.”

¹⁰⁴Marcuse and Madden. *In Defense of Housing: The Politics of Crisis*.

figure 1, the number of vacant addresses in the United States sharply increased sharply in 2010 and remained high through much of the 2010s.



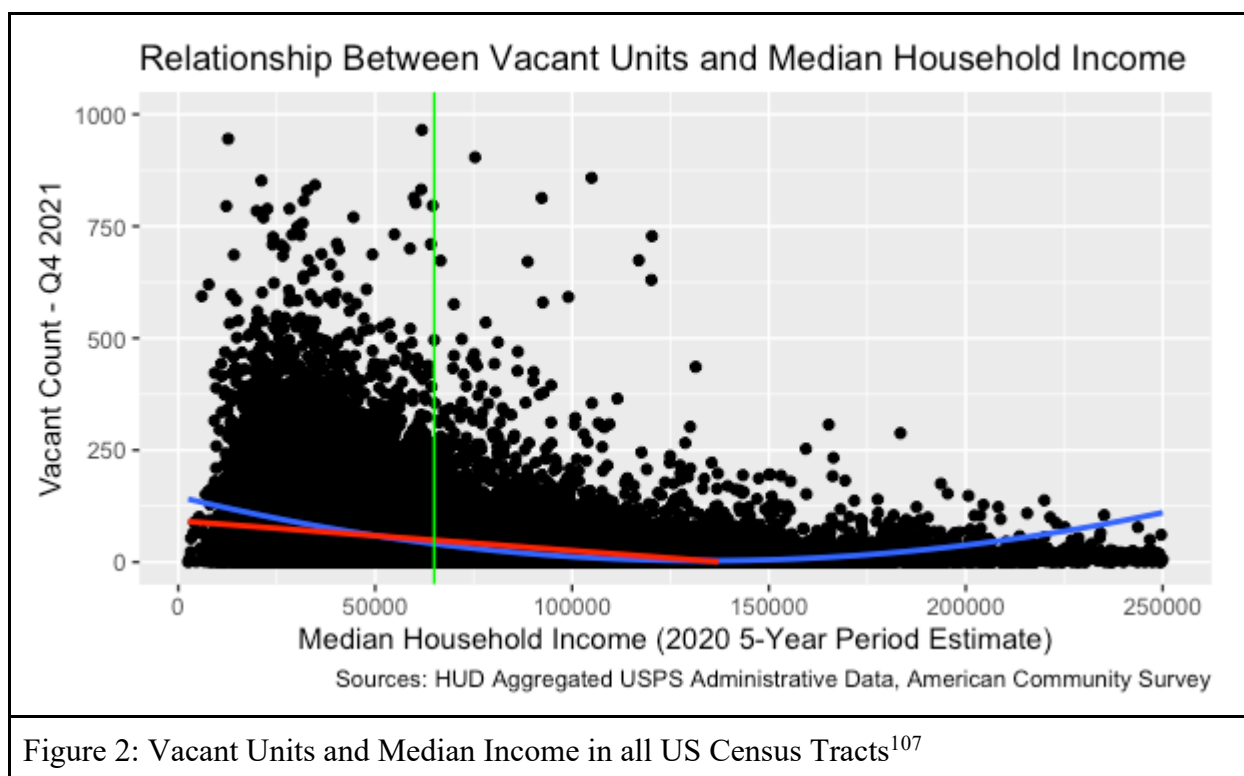
In “The Effect of Foreclosure on Vacancy At the Neighborhood Level,” Masters candidate Min Na utilizes statistical modeling methods to understand the relationship between foreclosure rates and vacancy rates in the Atlanta metropolitan area. Na finds that vacancy rates increase with the foreclosure rate but increase at a slower rate at higher foreclosure levels.¹⁰⁶ This relationship demonstrates the power that financial institutions like banks and credit unions have on the creation of vacant housing. When a bank forecloses on a property and evicts the individual or family who lives there, they eliminate and criminalize that family’s ability to live in

¹⁰⁵United States Department of Housing and Urban Development, HUD Aggregated USPS Administrative Data On Address Vacancies, <https://www.huduser.gov/portal/datasets/usps.html>

¹⁰⁶Min Na, “The Effect of Foreclosure on Vacancy At the Neighborhood Level,” Georgia Institute of Technology, 2012.

the home. These properties often remain unsold, underutilized, and vacant because of a lack of perceived financial value. Therefore, financial institutions, by their very nature, prioritize the exchange value of homes in low-income communities over their use value, leaving homeless families and family-less homes in their wake.

Because of this process, most of the vacant housing in the United States is concentrated in low-income areas. Figure 2 plots the number of vacant addresses by census tract in the fourth quarter of 2021 (the most recent data available) against the American Community Survey estimates for median household income for each census tract for the 2016-2020 5-year period.



¹⁰⁷United States Department of Housing and Urban Development, *HUD Aggregated USPS Administrative Data On Address Vacancies*, <https://www.huduser.gov/portal/datasets/usps.html>
The United States Census Bureau, *American Community Survey, 2020*, distributed by The United States Census Bureau, data.census.gov

It is clear in this graph that most census tracts with more than 250 vacant addresses are census tracts where the median household annual income is less than \$100,000, and in a significant portion of these census tracts, the median household income is less than \$50,000. The green vertical line represents the median annual household income for the United States for the 2016-2020 period, as estimated by the American Community Survey: \$64,994.¹⁰⁸ The majority of census tracts with more than five hundred vacant addresses are to the left of this line, meaning that census tracts with lower median household incomes are more likely to have a greater number of vacant addresses. This is indicative of the relationship between foreclosures and vacant housing in low-income communities. City and regional planning scholars Dan Immergluck and Geoff Smith study the relationship between foreclosures and crime on the neighborhood level, finding that “higher neighborhood foreclosure rates lead to higher levels of violent crime at appreciable levels.”¹⁰⁹ According to Immergluck and Smith, vacant properties are the mechanism by which foreclosures have an impact on crime, as foreclosures create vacancies, and vacant and abandoned structures are thought to promote crime.¹¹⁰ Additionally, Immergluck and Smith note that foreclosures have a greater effect on long-term vacancies in low-income areas compared to high-income areas, as foreclosed properties are less likely to quickly be sold and re-occupied in areas experiencing economic distress, given the lower number of potential buyers.¹¹¹ It is through this process of bank foreclosure and eviction that the majority

¹⁰⁸The United States Census Bureau, *American Community Survey*

¹⁰⁹Dan Immergluck and Geoff Smith. “The Impact of Single-Family Mortgage Foreclosures on Neighborhood Crime,” *Housing Studies* 21, no. 6 (November 2006): 851–66. <https://doi.org/10.1080/02673030600917743>, 863.

¹¹⁰Immergluck and Smith, “The Impact of Single-Family Mortgage Foreclosures on Neighborhood Crime,” 854.

¹¹¹Immergluck and Smith, “The Impact of Single-Family Mortgage Foreclosures on Neighborhood Crime,” 854.

of vacancies in the United States are created, negatively impacting low-income communities because of a perceived lack of financial value.

In “Housing Vacancy and Urban Growth: Explaining Changes in Long-Term Vacancy after the US Foreclosure Crisis,” Immergluck and Kyungsoon Wang use the HUD-USPS address vacancy data that I utilize in this study to perform multivariate analyses to identify factors and patterns that contributed to housing vacancy rates between 2010 and 2014 in three different types of metropolitan areas: “weak growth metros”, “strong growth metros” and “hard hit metros,” meaning cities where home prices significantly declined in the U.S. foreclosure crisis of 2008-2009.¹¹² They find that weak growth metros, followed by hard-hit metros, had the highest mean rates of long-term vacancy between 2010 and 2014.¹¹³ It is clear that vacancy rates indicate an area’s financial recovery from the 2008 housing crisis.

The red line in Figure 2 illustrates an OLS linear regression model of the relationship between median household income and the number of vacant addresses, by census tract.¹¹⁴ Table 1 outlines the regression results for this model.

Constant	92.35 (0.6057) ***
Median Income	-0.0006651 (0.00007915) ***

R-squared: 0.1035

Number of Observations: 61,166

*Standard errors are reported in parentheses. *, **, *** indicates significance at the 90%, 95%, and 99% level, respectively.*

Table 1: Regression Results for the Linear Model of All US Census Tracts

¹¹²Wang and Immergluck, “Housing Vacancy and Urban Growth,” 511.

¹¹³Wang and Immergluck, “Housing Vacancy and Urban Growth,” 522-523.

¹¹⁴For all census tracts recorded in HUD-USPS data sets. This does not cover all U.S. census tracts.

This model indicates that there is a slightly negative relationship between median household income and vacant addresses, meaning that as census tracts get richer, the number of vacant properties is expected to decrease. The multiple R^2 , or the proportion of the variability in our independent variable (the number of vacant addresses in a census tract) that can be explained by this linear model, is 0.1035, or 10.35%. This is not an insignificant proportion; however, our model could be stronger.

The blue line in Figure 2 represents a quadratic model of the relationship between a census tract's median household income and the number of vacant addresses. Table 2 reports the regression results for this model.

Constant	146.1 (1.089) ***
Median Income	-0.002131 (0.00002615) ***
Median Income ²	0.000000007948 (0.0000000001355) ***
R-squared:	0.1513
Number of Observations:	61,166

*Standard errors are reported in parentheses. *, **, *** indicates significance at the 90%, 95%, and 99% level, respectively.*

Table 2: Regression Results for the Quadratic Model of All US Census Tracts

The multiple R^2 for this quadratic model is 0.1513, or 15.13%, which is a higher R^2 than that of the linear model. This means that the quadratic model is statistically stronger than the linear model. This is consistent with Immergluck and Smith's assertion that foreclosures have a stronger detrimental effect in low-income neighborhoods than in middle and high-income

neighborhoods¹¹⁵. Additionally, the quadratic nature of this model raises the idea of significant vacancies in very high-income areas, a topic I will explore further in the next section.

Overall, most vacant housing in the United States exists in low-income communities because of systemic disinvestment, spurred by the foreclosure crisis of 2008. Through the process of eviction and foreclosure, banks and speculators have eliminated the use value of large swaths of housing and have abandoned these homes because of a perceived lack of exchange value. Speculators hold onto these abandoned properties indefinitely until they believe they can return a profit on their sale. These homes stand as physical reminders of the consequences of disinvestment and are especially ironic to community members who struggle to afford housing. In the next section, I will examine the fundamental contradiction of the phenomenon of vacant housing in one of the country's least affordable cities: New York.

Vacant Housing in Global Cities: New York as a Case Study

The less discussed pattern of housing vacancy in the United States is the post-2008 financial crisis trend of vacant apartment units in global, high-cost cities. Unlike vacant housing in low-income areas, these apartments are not abandoned, and they have extremely high real estate exchange values. However, these vacant apartments are typically condominium units owned by out-of-town, out-of-state, or out-of-country investors. These investors buy housing as *pieds-a-terre*¹¹⁶ that are left empty for most of the year, or simply as investment properties that will never be occupied. This phenomenon is exemplary evidence of Madden and Marcuse's thesis that the commodification of housing, in which housing's exchange value is prioritized over

¹¹⁵Immergluck and Smith, "The Impact of Single-Family Mortgage Foreclosures on Neighborhood Crime," 854

¹¹⁶A *pied-a-terre*, meaning "foot on the ground" in French, is a small housing unit, often an apartment or a condominium, that is a non-primary residence, and used only occasionally.

its use value, is at the core of the housing crisis in the United States.¹¹⁷ In high-cost cities where housing is scarce, apartments are being left empty, eliminating their use value, while generating exchange value for their owners.

Geographers Rodrigo Fernandez, Annelore Hofman, and Manuel B. Aalbers utilize the term “safe deposit box” to describe this phenomenon. In “London and New York as a Safe Deposit Box for the Transnational Wealth Elite,” they argue that in London and New York, real estate is perceived as a highly liquid asset, enabling the real estate industry to promote the purchases of pieds-a-terre and unoccupied investment properties by global high net worth individuals, creating a “safe deposit box” effect in these cities’ housing markets.¹¹⁸ While global cities like New York and London are distinguished by their high-cost luxury housing markets that in many ways are entirely disparate from the low-income areas with high amounts of vacant properties, both contain empty housing as a result of the dominance of perceived financial value, or a lack thereof, overtaking the inherent value of housing as simply places to live.

Architecture Professors Jae-Yong Chung and Kevin Carpenter build off Fernandez et al.’s work and coin the term “safe havens” to describe areas of global cities that developed to accommodate global absentee ownership¹¹⁹ They identify luxury areas in New York, London, and Melbourne as prime examples of safe havens that emerged after the 2008 financial crisis, as cities vied for outside investment to increase municipal revenue and recover from the crisis. Their case studies suggest that city planners, while not evidently purposefully promoting vacant development, “allowed finance to take the lead” in the development of new neighborhoods to

¹¹⁷Marcuse and Madden. *In Defense of Housing: The Politics of Crisis*.

¹¹⁸Fernandez et. al., “London and New York as a Safe Deposit Box for the Transnational Wealth Elite,” 2443.

¹¹⁹Chung and Carpenter, “Safe Havens,” 1.

accommodate global luxury demand.¹²⁰ It is evident through Chung and Carpenter’s analysis that the phenomenon of vacant apartment units in major cities is driven by global capital through purchases from individuals, private equity firms, and financial institutions alike.

Rachel Weber’s analysis of the financialization of the Chicago commercial real estate market in the 2000s is relevant here. Weber’s work informs how the financial sector influences building construction. Weber finds that in Chicago in the 2000s, commercial real estate was built “not because potential occupants demanded new buildings, but because financial markets were making more capital available.”¹²¹ This relationship between capital and construction, rather than local demand and construction, helps us understand why important housing is left vacant in high-cost cities. As residential real estate markets in high-cost cities have become globalized, greater global capital is available, prompting local construction, regardless of local demand for high-cost condominium buildings.

As discussed in the Introduction of this paper, out-of-town demand is correlated with increases in housing costs and can cause local housing prices to decouple from local incomes. In “Misinformed Speculators and Mispricing in the Housing Market,” finance scholars Alex Chincio and Christopher Mayer find a correlation between out-of-town second-house-buyer demand and home price appreciation and find that a reverse causal relationship—i.e. that price appreciation prompts out-of-town demand—is statistically unlikely.¹²² In “Reconnecting the Housing Market to the Labour Market: Foreign Ownership and Housing Affordability in Urban Canada,” political scientist Joshua Gordon argues that increases in home-price-to-income ratios in Toronto and

¹²⁰Chung and Carpenter, “Safe Havens,” 20.

¹²¹Weber, *From Boom to Bubble*.

¹²²Chincio and Mayer, “Misinformed Speculators and Mispricing in the Housing Market,” 488.

Vancouver can only be explained by an increase in foreign demand for real estate.¹²³ While Toronto and Vancouver are outside of the United States, Gordon’s analysis, along with Chinco and Mayer’s, demonstrate the negative impacts of out-of-town and foreign demand on the affordability of local housing markets, in addition to the creation of vacant housing.

Notably, pieds-a-terre and unoccupied apartments used for investment purposes are typically not available for rent, so they are not included in a Metropolitan Statistical Area’s rental vacancy rate, despite being physically vacant for most of the year, or for multiple years at a time. Rental vacancy rates are important tools used by municipalities as an indicator of the health of a city’s housing market. Experts estimate that the equilibrium rental vacancy rate of a well-functioning housing market is between 4 and 4.5%,¹²⁴ but in New York, the rental vacancy rate was only 1.8% during each of the first three-quarters of 2022.¹²⁵ This low vacancy rate indicates that there is not enough available housing to meet demand in New York. In turn, this shortage of available housing drives up housing costs for renters. Forty-two percent of New Yorkers are rent-burdened, meaning that they pay more than 30% of their income in rent.¹²⁶ City officials, urban planners, and real estate developers in New York engage in ongoing, seemingly constant debates about how to address this crisis and increase the city’s housing supply, but the phenomenon of vacant apartments is rarely discussed.

¹²³Gordon, “Reconnecting the Housing Market to the Labour Market.”

¹²⁴Gabriel and Nothhaft, “Rental Housing Markets, the Incidence and Duration of Vacancy, and the Natural Vacancy Rate,” 145.

¹²⁵Paul Bergeron, “NYC Multifamily Vacancy Rate Hovers at Two-Decade Low,” *Globest*, September 12, 2022, <https://www.globest.com/2022/09/12/nyc-multifamily-vacancy-rate-hovers-at-two-decade-low/?slreturn=20220918203204#:~:text=New%20York%20City%20just%20marked,metric%2C%20Marcus%20%26%20Millichap%20reported.>

¹²⁶Where We Live NYC, “Housing Conditions,” The City of New York. <https://wherewelive.cityofnewyork.us/about/team/>

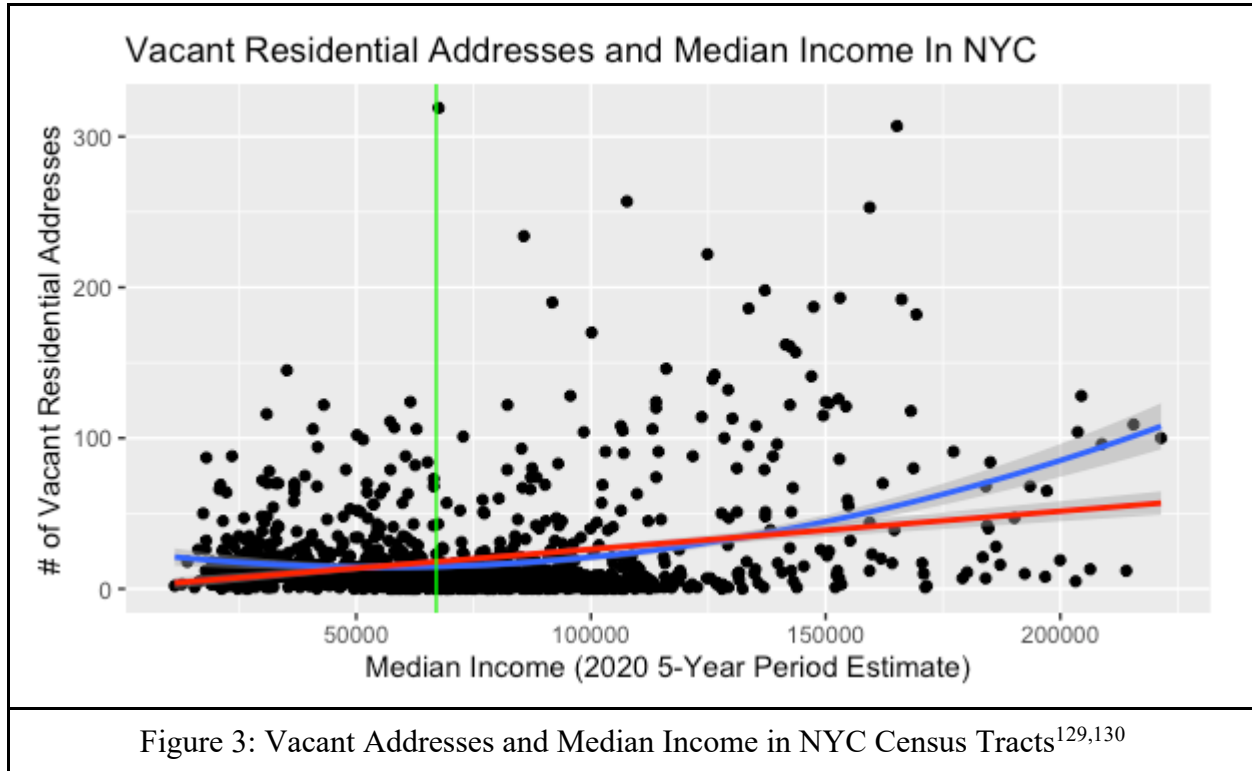
The glaring contradiction between the shortage of housing and vacant housing in New York is a fascinating area for further research and a clear sign that Madden and Marcuse are correct in their assessment that the commodification of housing is at the core of the US housing crisis.¹²⁷ In the following section, I examine the relationship between median household income and the number of vacant apartments by census tract in New York.

Median Household Income and Vacant Addresses in New York City Census Tracts

Figure 3 plots the 2016-2020 median household income estimate from the American Community Survey against the count of vacant residential addresses from HUD Aggregated USPS Administrative Data for the 2,168 census tracts within the five boroughs of New York City. In contrast to the data for the whole United States plotted in Figure 2, most census tracts with high counts of vacant addresses are census tracts where the median household income is greater than \$100,000. The green vertical line represents the median household income for New York City, \$67,046.¹²⁸

¹²⁷Marcuse and Madden, *In Defense of Housing: The Politics of Crisis*.

¹²⁸“US Census Bureau QuickFacts: New York City, New York,” census.gov, The United States Census Bureau, July 1, 2021, <https://www.census.gov/quickfacts/fact/table/newyorkcitynewyork/HSG010221>



The red line in figure 3 represents a linear model of the relationship between median household income and vacant addresses in New York City. The blue line represents a quadratic model of this relationship. The shaded regions around the red and blue lines represent a 95% confidence interval for the model parameters. Table 3 contains the regression results for the linear regression (OLS) model of this relationship. Table 4 contains the regression results for the quadratic regression model of this relationship.

¹²⁹United States Department of Housing and Urban Development, *HUD Aggregated USPS Administrative Data On Address Vacancies*, <https://www.huduser.gov/portal/datasets/usps.html>

¹³⁰The United States Census Bureau, *American Community Survey*.

Constant	1.120 (2.182)
Median Income	-0.0002518 (0.00002623) ***

R-squared: 0.06886

Number of Observations: 1,248

*Standard errors are reported in parentheses. *, **, *** indicates significance at the 90%, 95%, and 99% level, respectively.*

Table 3: Regression Results for the Linear Model of NYC Census Tracts

Constant	24.98 (3.810) ***
Median Income	-0.0003802 (0.00008747) ***
Median Income ²	0.000000003406 (0.0000000004507) ***

R-squared: 0.1097

Number of Observations: 1,248

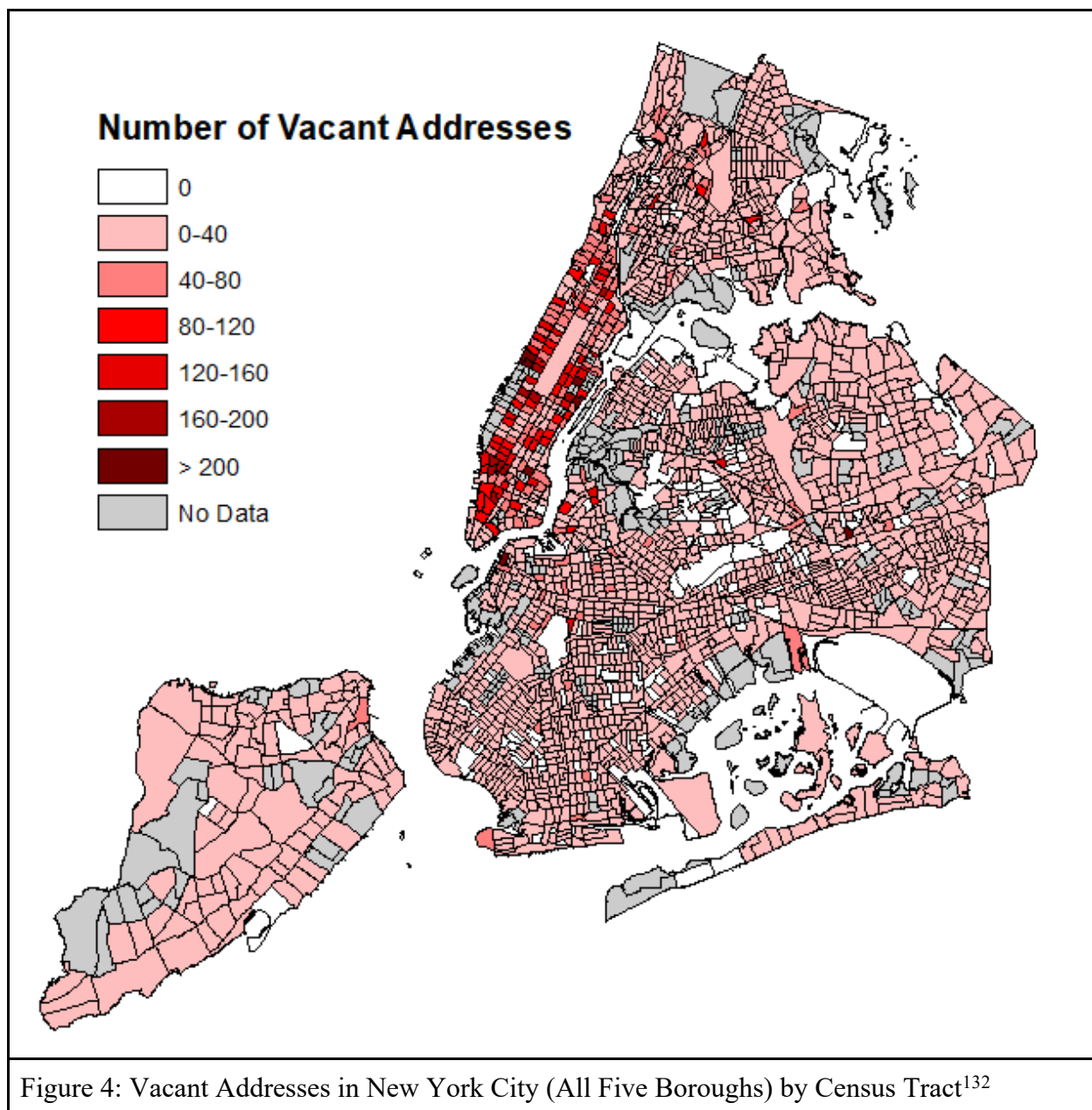
*Standard errors are reported in parentheses. *, **, *** indicates significance at the 90%, 95%, and 99% level, respectively.*

Table 4: Regression Results for the Quadratic Model of NYC Census Tracts

Because the p-value of the median income coefficients of both models are so small ($\alpha < 0.01$), we can say there is a statistically significant relationship between median household income and the number of vacant addresses in New York City census tracts. The R^2 for the linear model is 0.06886, meaning that the model explains 6.8% of the variability in the number of vacant addresses by census tract. The R^2 for the quadratic model is 0.1097, meaning that this model explains 10.97% of the variability in the number of vacant addresses by census tract. While it is clear median household income is not a perfect indicator of the number of vacant addresses in a census tract, there is a statistically significant relationship between the two variables.

Vacant housing in New York is not evenly distributed across all areas of the city. In fact, of the 2,021 New York City census tracts recorded in the HUD aggregated USPS Administrative Data for the fourth quarter of 2021, the 172 census tracts with the highest counts of vacant addresses had a nearly equivalent, and slightly greater, number of vacant addresses (16,366) as the remaining 1,849 census tracts, which contained 16,091 vacant addresses, distributed across the city.¹³¹

¹³¹United States Department of Housing and Urban Development, *HUD Aggregated USPS Administrative Data On Address Vacancies*, <https://www.huduser.gov/portal/datasets/usps.html>



¹³²United States Department of Housing and Urban Development, *HUD Aggregated USPS Administrative Data On Address Vacancies*, <https://www.huduser.gov/portal/datasets/usps.html>

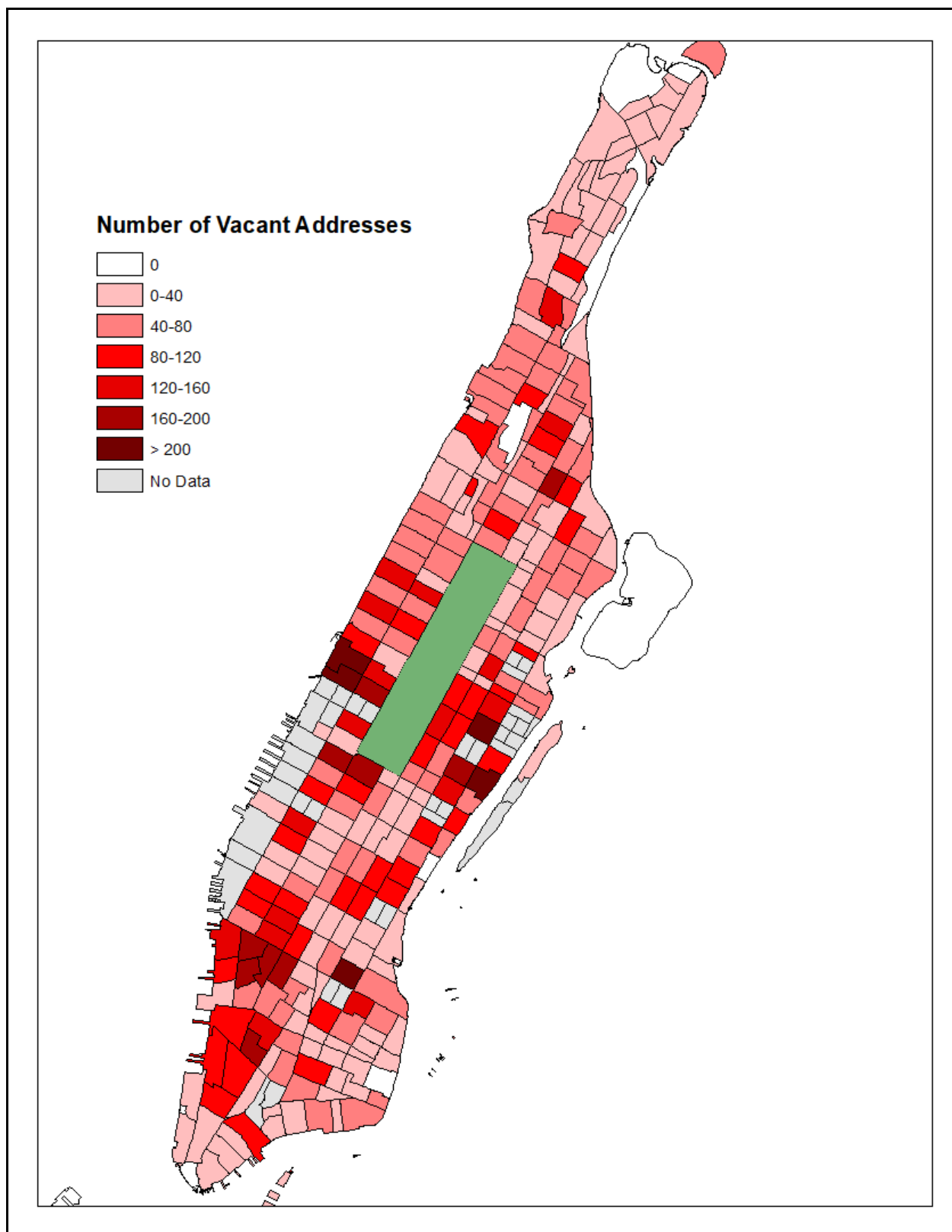


Figure 5: Vacant Addresses in Manhattan by Census Tract ¹³³
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Figures 4 and 5 above are maps illustrating the distribution of vacant addresses across the 2,021 census tracts in New York City, according to HUD Aggregated USPS Administrative Data on Address Vacancies. The lightest pink and white sections of the map represent areas that contain 40 or fewer vacant addresses, and these areas make up the geographic majority of the city. Particularly in more affordable areas of The Bronx, Staten Island, Brooklyn, and Queens, vacant addresses are hard to come by as renters vie for a limited supply of reasonably priced rents. As indicated in Figure 5, which illustrates Manhattan specifically, the most vacant census tracts are concentrated in the center of the city, in expensive neighborhoods surrounding Central Park. This pattern is indicative of both Fernandez et. al.'s "safe deposit box" framework,¹³⁴ as well as Chung and Carpenter's "safe haven" analysis¹³⁵ of global financial investment in major cities. On a more basic level, this pattern reflects the hyper-commodification of housing that Madden and Marcuse describe—high-value apartment units are held and traded primarily for financial gain, but are kept empty, eliminating their ability to house people.¹³⁶

In the next subsection, I take a deeper look at two NYC census tracts that have high counts of vacant addresses, 36061015900, in Manhattan's Upper West Side above Lincoln Center, and 36061013700 in Manhattan's Midtown, south of Central Park. I chose these two census tracts for closer analysis because of their high vacancy levels, and because I feel they are clear examples of the development of "safe havens" that Chung and Carpenter describe. Using

¹³³United States Department of Housing and Urban Development, *HUD Aggregated USPS Administrative Data On Address Vacancies*, <https://www.huduser.gov/portal/datasets/usps.html>

¹³⁴Fernandez et. al., "London and New York as a Safe Deposit Box for the Transnational Wealth Elite," 2443–61.

¹³⁵Chung and Carpenter, "Safe Havens."

¹³⁶Marcuse and Madden. *In Defense of Housing: The Politics of Crisis*

deed records from New York City’s Automated City Register Information System (ACRIS),¹³⁷ I analyze the ownership of condominium units in these two census tracts and explain how patterns of condominium ownership can help us understand the causes of vacant housing in New York.

Census Tract 159, New York County, New York

Census Tract 36061015900, or New York County (Manhattan) census tract 159, is an eight-city block area that contained 307 vacant addresses in the fourth quarter of 2021.¹³⁸ For comparison, the mean number of vacant addresses per NYC census tract during this quarter was 16.06, and the median was 7.¹³⁹ Condominium units in this neighborhood tend to be in older buildings, built to attract captains of industry and the localized New York wealthy. Table 5 lists the five condominium buildings in census tract 159 that I found via google Maps and selected for deed-level analysis.



The Fitzgerald Condominium (Photo by Author)

Building Name	Year Built	# of Deed Records
The Fitzgerald Condominium	1992	90
The Ansonia Hotel	1902	368
Level Club Condominiums	1926	157

¹³⁷New York City Department of Finance, Office of the City Register, *Automated City Register Information System (ACRIS)*, <https://a836-acris.nyc.gov/DS/DocumentSearch/Index>

¹³⁸United States Department of Housing and Urban Development, *HUD Aggregated USPS Administrative Data On Address Vacancies*

¹³⁹United States Department of Housing and Urban Development, *HUD Aggregated USPS Administrative Data On Address Vacancies*

212 West 72 nd Street	2010	30
235 West End Avenue	1930	141

Table 5: Census Tract 159 Condominium Building Names, Year Built,¹⁴⁰ and Number of Deed Records¹⁴¹

In total, I studied deed records for 786 condominium units in New York County census tract 159. For each unit, I recorded whether it was owned by an individual, the building itself, or a financial intermediary like an LLC, an LLP, an LP, a Trust, or a bank.¹⁴² I also recorded the year of the sale on the deed record, and whether the owner's address was a New York City address, a domestic non-NYC address, or a foreign address. Table 6 displays the number of condominium units by owner type.



The Ansonia Hotel (Photo by Author)

Owner Type	# of Condominium Units
Individual	546 (69.47%)
Intermediary	182 (23.16%)
Owned by Building	58 (7.38%)

Table 6: CT 159 Condominium Units by Owner Type

¹⁴⁰StreetEasy, *NYC Real Estate Search*, <https://streteasy.com/>

¹⁴¹New York City Department of Finance, Office of the City Register, *Automated City Register Information System (ACRIS)*, <https://a836-acris.nyc.gov/DS/DocumentSearch/Index>

¹⁴²An LLC is a limited liability corporation, an LLP is a limited liability partnership, and an LP is a limited partnership. These entities have slightly different corporate governing structures and legal abilities, but all have the effect of obscuring the true ownership of real estate.



Level Club Condominiums (Photo by Author)

While the ownership type in this sense does not explicitly tell us whether a condominium unit is vacant, LLC and other financial intermediary ownership may indicate that a property is primarily used for investment purposes. Table 7 lists the number of condominium units in the above-mentioned buildings in census tract 159, grouped by the location of their owner's address.

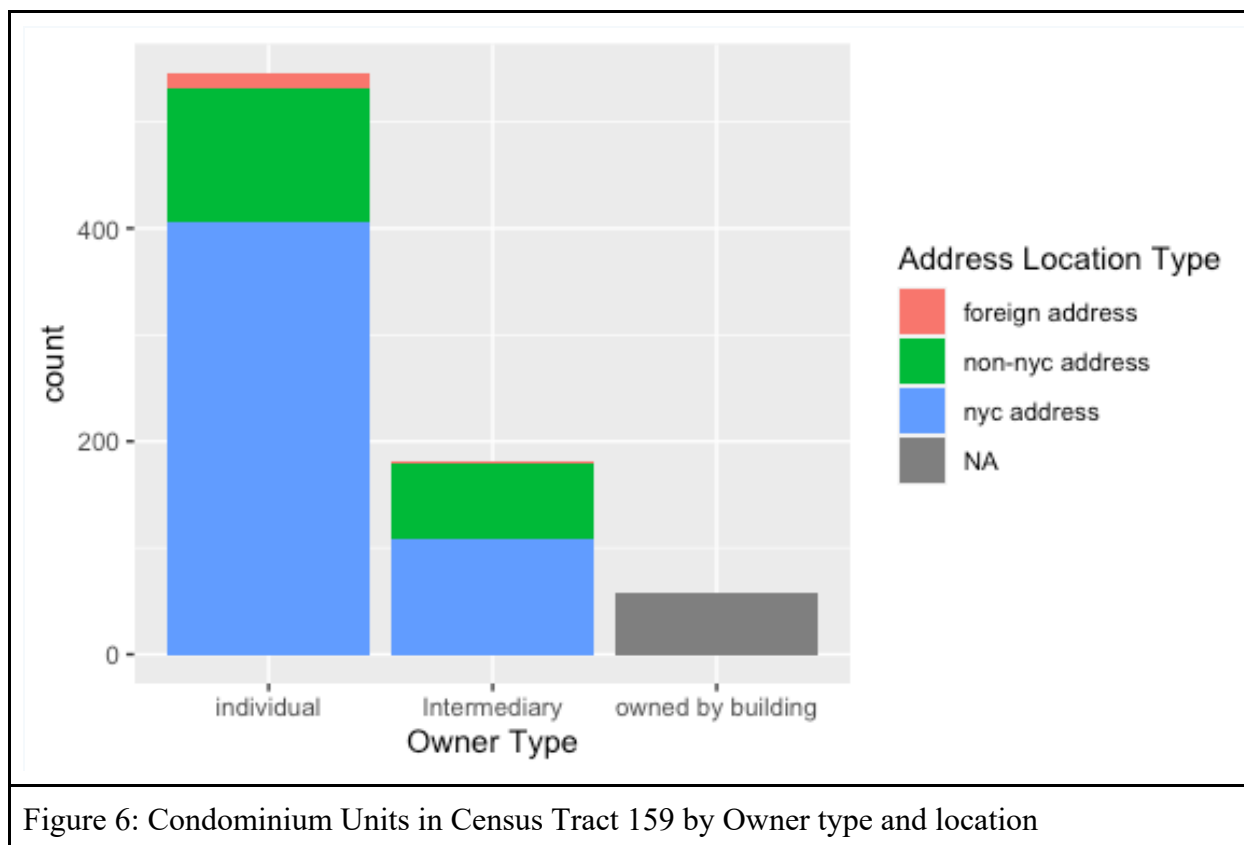
Address Location Type	# of Condominium Units
NYC Address	513 (65.27%)
Non-NYC US Address	198 (25.19%)
Foreign Address	17 (2.16%)
N/A (Owned by Building)	58 (7.38%)

Table 7: # of Condominium Units by Address Type, CT 159

It is notable to mention that in a census tract with 307 vacant addresses in the fourth quarter of 2021,¹⁴³ these five buildings contain 323 condominium units that are owned by either individuals with foreign or non-NYC addresses, or by financial intermediaries. While some of these units may be occupied, these 323 condominium units are likely candidates for the 307 vacant units in this census tract, due to the phenomenon of absentee ownership. Figure 6 plots

¹⁴³United States Department of Housing and Urban Development, *HUD Aggregated USPS Administrative Data On Address Vacancies*

the condominium units in these five buildings, grouped by owner type and color-coded by owner location.



It is clear through this analysis of the types of owners of condominium units in census tract 159 that purchases by out-of-town individuals and financial intermediaries may be a driving cause of vacancies in this census tract. This is consistent with the idea that vacant housing is produced through the commodification of housing, as out-of-town owners and financial intermediaries hold these units vacant, eliminating their use value while prioritizing their exchange value. Chung and Carpenter’s understanding of “safe havens” illustrates this phenomenon by which global capital promotes vacancies. They outline a three-step process by which safe havens developed following the 2008 financial crisis:

- (1) capital funneled into local housing through government incentivization;
- (2) vacancy increased in areas with rapid price rises;
- and (3) new investment zones were

constructed to accommodate overflows of safe-haven demand and fuel recovery from the financial crisis.¹⁴⁴

Census Tract 159 is an area that exemplifies steps 1 and 2 of Chung and Carpenters model. Condominium units in the Upper West Side have attracted very wealthy residents for a long time, but after the 2008 financial crisis, financial intermediaries and out-of-town individuals started buying more and more of these condominiums. Figure 7 plots owner types by year of purchase, according to ACRIS deed records. After 2008, the number of condominium units owned by financial intermediaries, as colored in orange, saw a significant increase.



212 West 72nd Street (Photo by Author)

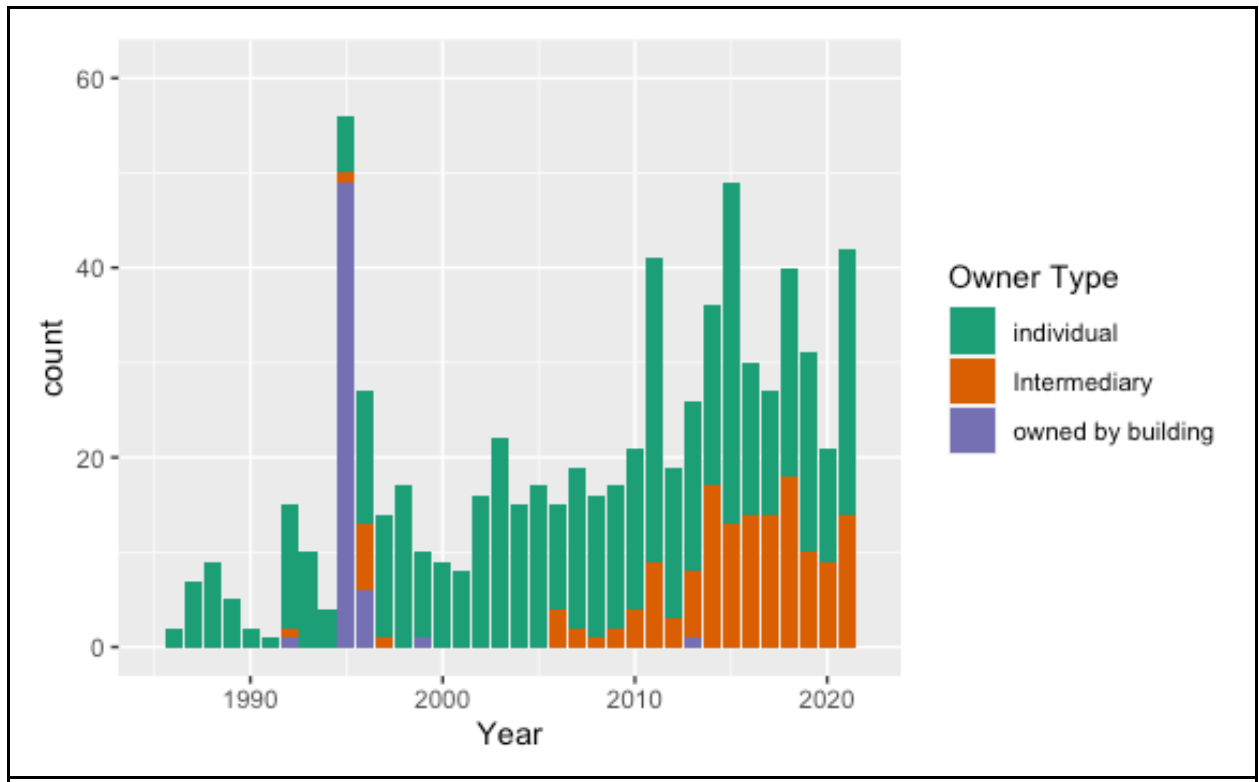


Figure 7: Condominium Purchases in CT 159 by owner type, 1985-2022

¹⁴⁴Chung and Carpenter, “Safe Havens,” 1.

Figure 8 plots owner address location types by year of purchase, according to ACRIS deed records. After 2008, both foreign addresses (in red), and domestic non-NYC addresses (in blue) increased.

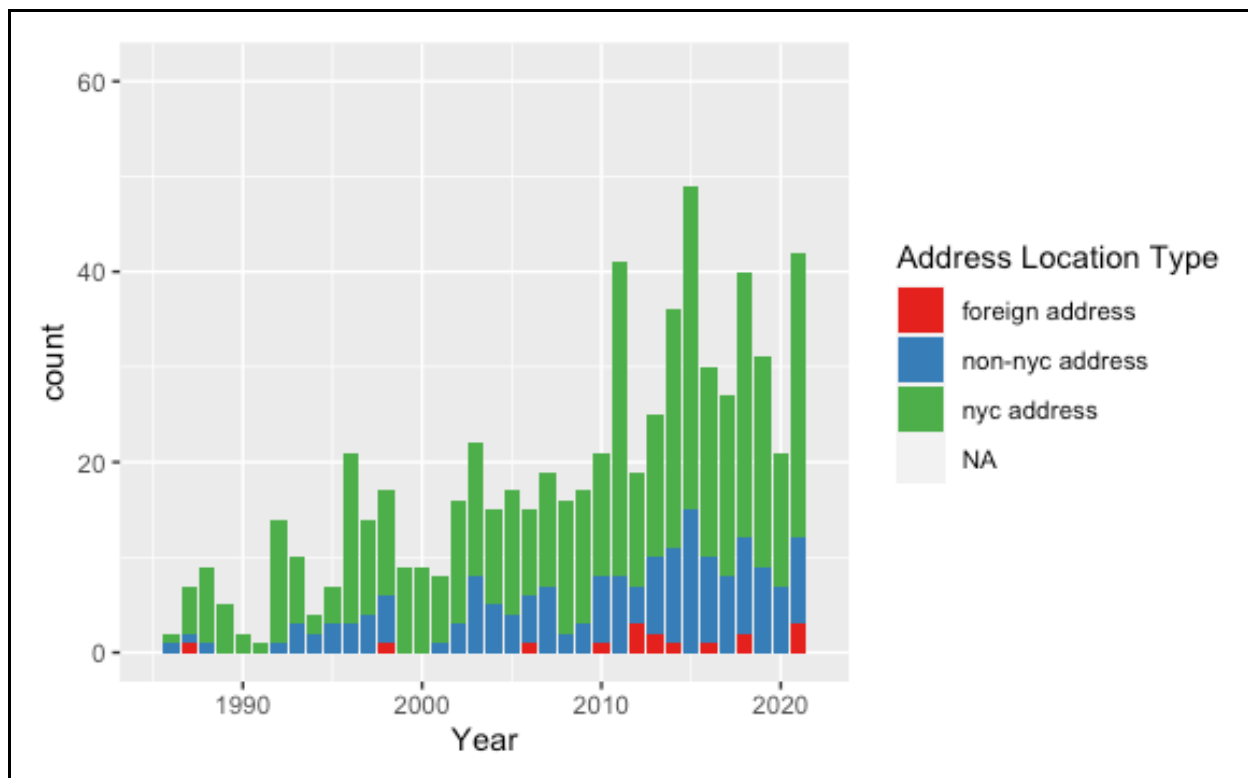


Figure 8: Condominium Purchases in CT 159 by owner address location type, 1985-2022



235 West End Avenue (Photo by Author)

It is clear through this analysis that vacant addresses in census tract 159, one of New York’s most vacant census tracts, are driven by purchases by financial intermediaries and out-of-town buyers, who leave valuable housing empty. In my next subsection, I will analyze condominium ownership in New York County census tract 137, which exemplifies a “new investment zone to accommodate overflows of safe-haven demand,” as

Chung and Carpenter outline in their model of safe haven development.¹⁴⁵

Census Tract 137, New York County, New York

Census tract 36061013700, or New York County census tract 137, NY, is a 0.1 square mile area encompassing ten city blocks in Midtown Manhattan, south of Central Park. The census tract is bounded by Central Park South to the north, 6th Avenue to the east, West 54th Street to the south, and 8th Avenue to the west. The census tract has an extremely wealthy population: the census estimates median household income in the census tract was \$166,194 in 2020.¹⁴⁶ For comparison, in 2020, the median household income estimate for New York County (Manhattan) was \$89,812, the estimate for New York State as a whole was \$67,046, and the estimate for the nation as a whole was \$64,994.¹⁴⁷ In recent years, this census tract has been the site of “Billionaire’s Row”: a set of high-cost super-tall luxury condominium buildings along West 57th Street. Chung and Carpenter identify Billionaire’s Row in particular as a “safe haven” built to accommodate demand from non-resident investors following the 2008 financial crisis.¹⁴⁸ Using American Community Survey data, Chung and Carpenter find that vacancies in New York City were concentrated in and around Billionaire’s Row, making the five census tracts surrounding Billionaire’s Row 48%



220 Central Park South (Photo by Author)

¹⁴⁵Chung and Carpenter, “Safe Havens,” 1.

¹⁴⁶The United States Census Bureau, *American Community Survey*

¹⁴⁷The United States Census Bureau, *American Community Survey*

¹⁴⁸Chung and Carpenter, “Safe Havens,” 9.



Central Park Tower (Photo by Author)

vacant in 2017.¹⁴⁹ The American Community Survey provides estimates for the number of vacant housing units in a particular area based on a survey sample,¹⁵⁰ whereas HUD-Aggregated USPS Administrative Data provides the number of vacant addresses in a census tract based on USPS records on whether an address is vacant or not for mail purposes,¹⁵¹ and may provide a more accurate picture of the prevalence and distribution of vacant housing. According to the HUD-Aggregated USPS administrative data, there were 192 vacant addresses in CT 137 in the fourth quarter of 2021, compared to the city average of 16.06.¹⁵²

Table 8 lists four condominium buildings that are part of Billionaire’s Row in census tract 137 that I found via Google Maps and selected for deed-level analysis. All these four buildings were built after the 2008 financial crisis. Chung and Carpenter argue that the 2008 financial crisis facilitated the development of luxury real estate zones like Billionaires’ Row, as municipalities searched for new streams of investment and revenue to recover from the crisis.¹⁵³ These four buildings are exemplary of this phenomenon.

¹⁴⁹Chung and Carpenter, “Safe Havens,” 9.

¹⁵⁰The United States Census Bureau, *American Community Survey*, “American Community Survey and Puerto Rico Community Survey - 2021 Subject Definitions”.

¹⁵¹United States Department of Housing and Urban Development, *HUD Aggregated USPS Administrative Data On Address Vacancies*

¹⁵²United States Department of Housing and Urban Development, *HUD Aggregated USPS Administrative Data On Address Vacancies*

¹⁵³Chung and Carpenter, “Safe Havens,” 5.

Building Name	Year Built	# Of Units in ACRIS
One57	2013	130
111 West 57 th Street	2020	57
220 Central Park South	2016	116
Central Park Tower	2020	176

Table 8: Selected Condominium Buildings in CT 137

Figure 9 displays the 473 units in these four buildings by owner type (individual, financial intermediary, or owned by building) and by owner address location type (NYC, US non-NYC, and foreign). Notably, there were 161 apartment units that were listed on the NYC Digital Tax Map available through ACRIS but did not have deed records associated with them. This may indicate that these units have not been sold and is consistent with reports that developers have overestimated the demand for these types of luxury condominium units, resulting in vacant, unsold, apartments.¹⁵⁴



One57 (Photo by Author)

¹⁵⁴Stefanos Chen “One in Four of New York’s New Luxury Apartments Is Unsold.” *The New York Times*, September 13, 2019, sec. Real Estate. <https://www.nytimes.com/2019/09/13/realestate/new-development-new-york.html>.

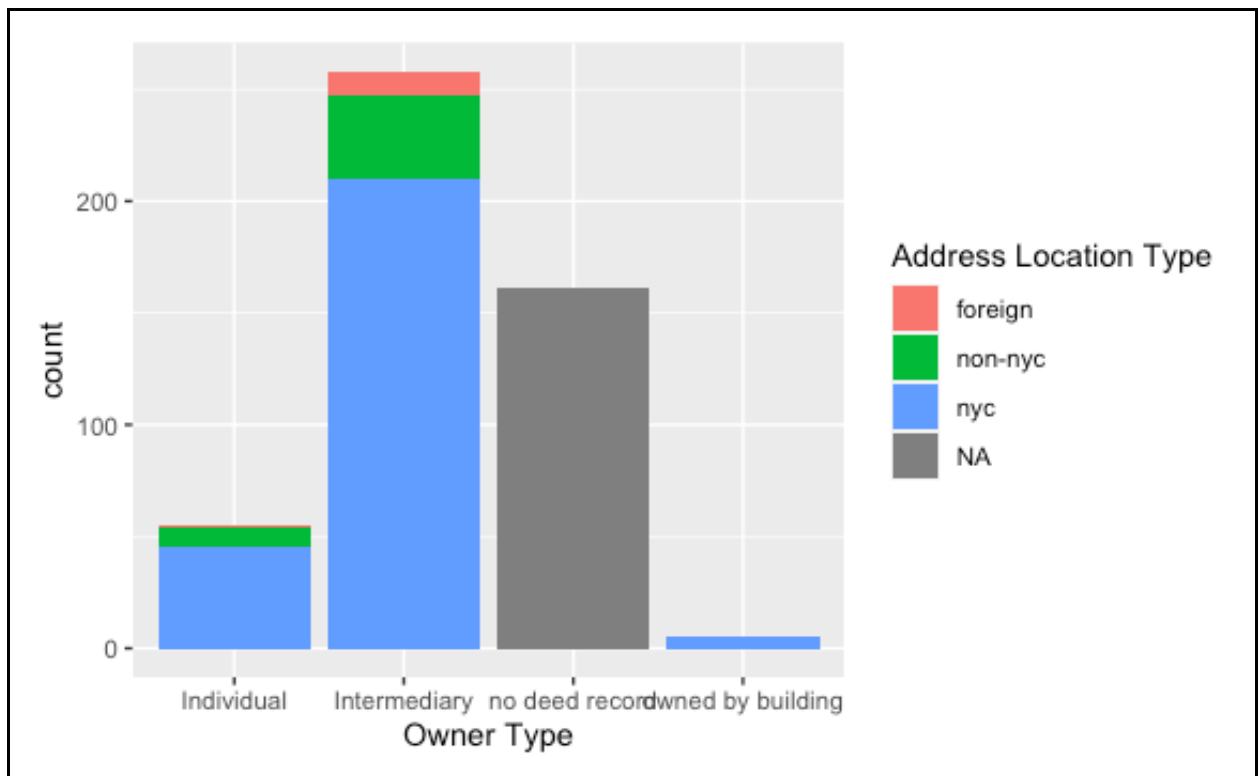


Figure 9: Apartments by Owner Address Type and Location, selected buildings in Census Tract 137



111 West 57th Street (Photo by Author)

Compared to the graph of apartment units in census tract 159 (figure 4), it is evident that many more apartments in census tract 137 are owned by financial intermediaries, which serve to conceal apartment unit’s true individual owners. Considering the year of these building’s construction and the year of these purchases, this evidence from deed records supports Chung and Carpenter’s framework for the development of safe havens: demand is first funneled into existing wealthy areas (CT 137, for example), and new luxury investment zones like Billionaires’

Row are created to accommodate further demand.¹⁵⁵ This demand may be overestimated, as was reported in *The New York Times* in 2019.¹⁵⁶ This overbuilding to available capital is reminiscent of Weber’s analysis of office building construction in Chicago in the 2000s.¹⁵⁷ Figure 10 illustrates deed records in the four Census Tract 137 buildings by year and owner type.

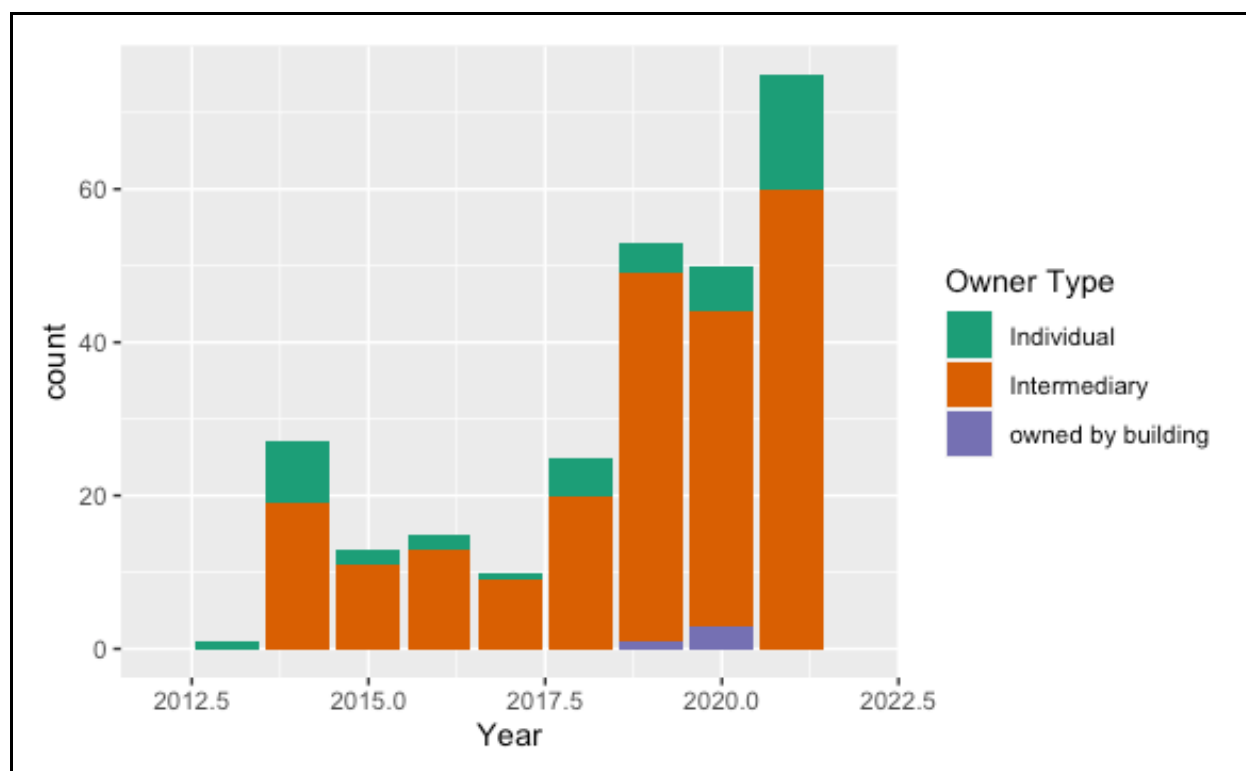


Figure 10: Apartment Owner Type by Year, 2012-2022, Census Tract 137

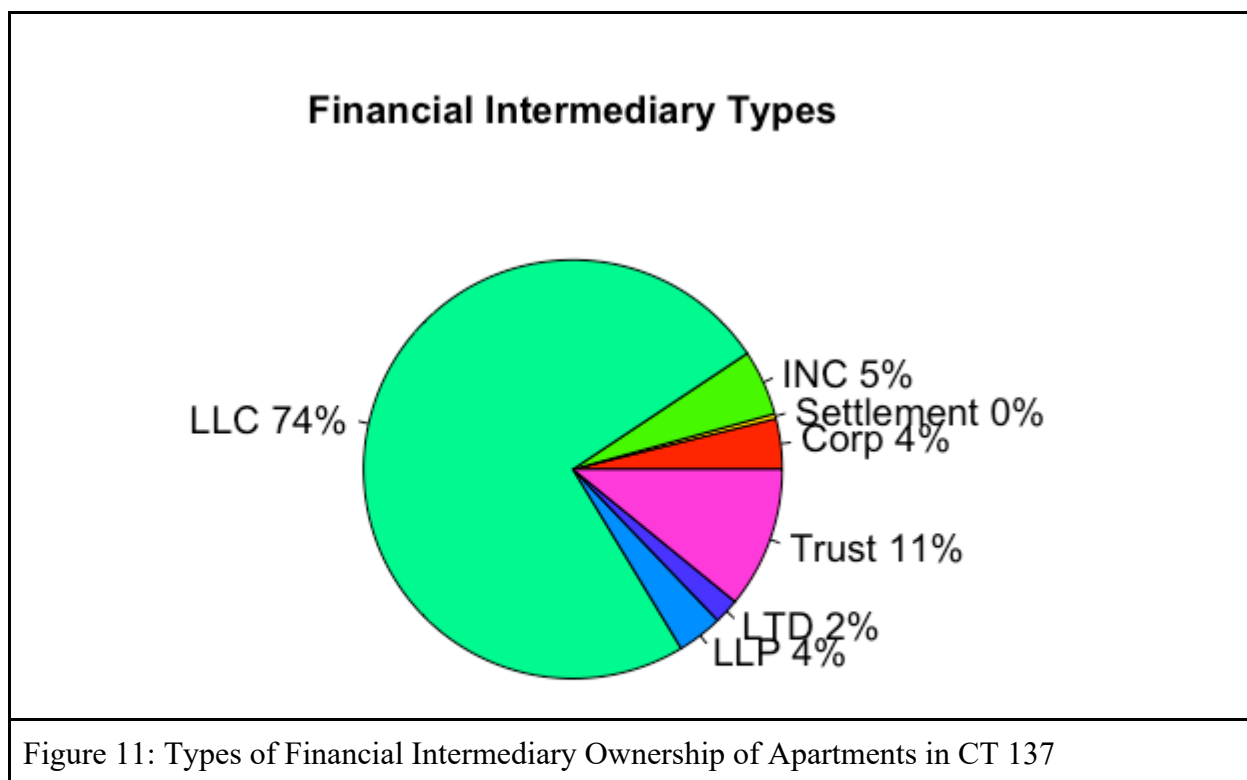
In total, there are only 45 apartment units in these four buildings that are owned by individuals with New York City addresses, according to ACRIS records. The remainder (428) are owned by financial intermediaries, the building themselves, or out-of-town individuals, or do not have deed records in ACRIS. Because of their ownership statuses, these 428 units are likely

¹⁵⁵Chung and Carpenter, “Safe Havens,”5.

¹⁵⁶Chen, “One in Four of New York’s New Luxury Apartments Is Unsold,” September 13, 2019.

¹⁵⁷Weber, *From Boom to Bubble*.

candidates for the 192 vacant addresses in CT 137.¹⁵⁸ Figure 11 breaks down the “financial intermediary” category further, illustrating the types of financial intermediaries that own apartment units in these four buildings.



By synthesizing data on address vacancies by census tract and publicly available deed records for high-cost Manhattan condominium buildings, it is clear that vacant housing in New York City is driven by absentee owners buying valuable apartment units and leaving them vacant. To aid affordability across the city, legislators should make efforts to curb and regulate this practice of empty apartments. In an ideal system, these units would become available income-restricted affordable rental housing, however, the neighborhoods these apartments are in have extremely high costs of living, and low-income and moderate-income tenants may struggle

¹⁵⁸United States Department of Housing and Urban Development, *HUD Aggregated USPS Administrative Data On Address Vacancies*

to afford other necessities in these areas and may be disconnected from their communities in other regions of the city. Nonetheless, making these empty apartments available to the wider housing market, regardless of income restrictions, would in theory improve affordability in the NYC housing market under a basic supply and demand model. In theory, even if these vacant units were truly occupied by upper and upper-middle income renters, this would open up additional housing to subsequent income segments, thus improving affordability at a broader scale.

It is evident through the above analysis that the phenomenon of vacant housing in the United States is driven by the financialization and hyper-commodification of real estate. In low-income areas, vacant housing is created through foreclosure and eviction, and housing remains vacant because of its perceived lack of financial value. In high-income areas and global cities, housing sits vacant because it can create financial value for financial intermediaries and out-of-town investors without being occupied. In both scenarios, the use value of housing, or the ability of housing to house people, meeting a basic human need, is ignored. The exchange value of housing, or the ability of housing to produce financial value in the real estate market, is prioritized, with highly detrimental consequences to housing affordability and to communities in general. In the next chapter, I will explore a variety of legislative and non-profit solutions to reduce vacant housing and its effects. Ultimately, however, the phenomenon of vacant housing cannot be solved without the de-commodification of housing, or stronger regulation to make more housing available and put downward pressure on housing costs.

Chapter Two: Municipal, County, and State Government Redresses to Vacant Housing

As discussed in the previous chapter, the quantity of vacant housing is surprisingly high in the United States, occurring in both low-income and high-income communities, albeit in different ways. In low-income communities, vacant homes are the result of abandonment and disinvestment, and their proliferation further contributes to communities' economic and social destabilization. In high-income/high-cost areas, vacant housing is caused by investment in local real estate by corporations and out-of-town high-net-worth individuals, and its existence is a glaring contradiction to deep seeded affordability issues. Both forms of vacant housing are symptoms of the commodification and hyper-commodification of housing. Housing's hyper-commodification simultaneously extracts financial value from housing in low-income communities, leaving abandoned properties and evicted residents, and artificially elevates the financial value of housing in high-cost cities, making many residents struggle to afford to live in their communities because of the upward pricing pressure created by artificial vacancies at the top of the market. However, because vacant housing has different effects in low-cost and high-cost areas, different legislative tools are needed to remedy their ill effects.

In the first section, I examine municipal land banks and tax foreclosure strategies as tools to reduce vacancies. Drawing from existing scholarly research and a personal interview with a land bank expert, I argue that land banks are important tools for vacancy reduction, especially when partnered with Community Land Trusts (CLTs). I argue that the practices of land banks, particularly when paired with CLTs, constitute the partial decommodification of housing, as they typically prioritize productive and equitable uses of properties over maximum revenue generation. However, both land banks and CLTs must be sufficiently supported by their municipality to function effectively and address community goals. I then examine the role of

property tax foreclosure systems in community disinvestment and argue that to reduce vacancies, these systems must prioritize owner-occupation and affordable rentals and avoid predatory speculators.

In the second section, I examine the use of vacancy taxes and foreign buyer taxes in high-cost cities in Europe, North America, and Australia. While this paper focuses on vacant housing in the United States, other nations have had successful experiences with vacancy taxation, which I argue U.S. policymakers should learn from. I find that legislators often cite affordability concerns when advocating for vacancy tax measures and argue that these taxes are efficiency-increasing and revenue-generating. I conclude with a discussion of the barriers to this form of legislation in a U.S. context and investigate why vacancy taxes have been successfully implemented in California, but not in other states.

Strategies for Reducing Vacancies in Low-Income Housing Markets

“You have to protect something that everyone said had no value, except for the people that were left behind.”

— Shawn Edwards, Executive Director,
Augusta Land Bank Authority, Augusta, GA.¹⁵⁹

Communities that have faced historic disinvestment and the worst ramifications of the foreclosure crisis experience unique challenges with vacant housing. The Center for Community Progress, a national nonprofit organization that supports communities dealing with vacant, abandoned, and deteriorating properties, focuses on what they call “systemic vacancy”. Systemic vacancy, according to the Center for Community Progress, is the community experience of widespread poverty and vacancy caused by the combined actions of people, policies, and

¹⁵⁹Brian Larkin and Shawn Edwards, “Land Banking 101” (Presentation, Reclaiming Vacant Properties Conference, Chicago, IL, USA, September 7, 2022).

processes.¹⁶⁰ In many communities, systemic vacancy is a result of historic disinvestment and the disappearance of crucial industries from the local economy. The 2008 foreclosure crisis further prompted systemic vacancy, says Brian Larkin, head of the National Land Bank Network, a subsidiary of the Center for Community Progress:

Around 2008, there was the national mortgage foreclosure crisis. And we saw just a rampant number of people falling behind in their homes and walking away from them. And the communities were not prepared to deal with this influx.¹⁶¹

Systemic vacancy in low-income communities can be especially difficult to manage and resolve, as funding is limited and there is little financial interest in these communities from the private market.

Land Banks

In response to systemic vacancy, many municipalities have utilized land banks to manage and revitalize vacant properties. A land bank is a public authority, often structured as a quasi-public non-profit organization, which maintain vacant properties and focus on the conversion of vacant, abandoned, and tax-delinquent properties into productive use.¹⁶² Land banks are funded by state and municipal governments, and allow these governments to outsource the maintenance and management of vacant properties, free of political interference or the need to call a city council vote to decide the outcome of each and every vacant parcel of land in the area. Land banks are unique to the United States and are a relatively new type of organization: 80% of land

¹⁶⁰Brian Larkin and Shawn Edwards, “Land Banking 101.”

¹⁶¹Brian Larkin (Director of the National Land Bank Network, Center for Community Progress) in discussion with author, October 24, 2022.

¹⁶²Brian Larkin and Shawn Edwards, “Land Banking 101.”
Jessica de Wit, “Revitalizing Blighted Communities with Land Banks,” n.d.,
<https://static.spokanecity.org/documents/projects/mayors-housing-quality-task-force/additional-materials/revitalizing-blighted-communities-with-land-banks.pdf>.

banks were established after 2008.¹⁶³ Still, land banks are a crucial tool to manage and combat systemic vacancy in a community and reduce its ill effects. Land banks' powers and responsibilities vary by state and the legislation which created them, but key commonalities include the abilities to purchase tax-foreclosed properties cost-effectively, extinguish tax liens, and clear property titles.¹⁶⁴ Land banks work for the public good and are policy-driven, transparent, and accountable to local governments.¹⁶⁵ These specifications make land banks useful tools for municipalities struggling with systemic vacancy, and can aid the decommodification of housing.

Seventeen states—New York, Michigan, Ohio, Georgia, Nebraska, Missouri, Tennessee, Alabama, Delaware, Virginia, West Virginia, Indiana, Pennsylvania, Kentucky, Connecticut, New Jersey, and Maryland—have passed land bank legislation.¹⁶⁶ The specific goals of individual land banks vary by state, and the power of land banks can be expanded or restrained by their enacting legislation, the funding that is available to them, and the agendas of the political administration that they operate within.¹⁶⁷ Land banks are able to enact a variety of property disposition strategies—ways that a property is revitalized, donated, sold, destroyed, or reinvented—based on their location-specific community goals.¹⁶⁸ These community goals can include things like promoting racial equity, which is key to land bank leaders, according to a survey by the Center for Community Progress.¹⁶⁹ In “Land Bank Strategies for Renewing Urban Land,” legal scholar Frank Alexander studies land banks in St. Louis, Cleveland, Louisville,

¹⁶³Brian Larkin and Shawn Edwards, “Land Banking 101.”

¹⁶⁴Brian Larkin and Shawn Edwards, “Land Banking 101”

¹⁶⁵Brian Larkin and Shawn Edwards, “Land Banking 101.”

¹⁶⁶National Land Bank Map. Center for Community Progress, March 22, 2022.

<https://communityprogress.org/resources/land-banks/national-land-bank-map/>.

¹⁶⁷Brian Larkin and Shawn Edwards, “Land Banking 101.”

¹⁶⁸Brian Larkin and Shawn Edwards, “Land Banking 101.”

¹⁶⁹Brian Larkin and Shawn Edwards, “Land Banking 101.”

Atlanta, and Flint, and finds that while land banks face a variety of legal and financial challenges due to location specific housing laws and the funds granted to them by their authorizing municipalities, “land banks have become essential tools in the hands of local governments to convert abandoned properties from liabilities into assets.”¹⁷⁰

Land banks’ disposition strategies are flexible and are generally motivated not by the maximum amount of revenue a land bank can receive from selling a property, but by the best outcome for the community.¹⁷¹ Many land banks strive to have community members and residents on their governing boards, alongside leaders of community-based organizations. According to Larkin and the Center for Community Progress, most land banks sell properties for less than fair market value and prioritize community residents as their number one recipient of properties. This process constitutes the partial decommodification of these properties. Disposition strategies can be creative and extremely thoughtful, as Larkin explains:

We like to share some of those best practices that will show ‘hey, look, this organization sold this property to a resident there for about four thousand less than they could have got from the out-of-state investor. But look at this long-term...impact. You have community gardens, you have all these other things that are springing up: more walkability...neighbors knowing neighbors...We have programs where some of our larger capacity land banks...they're receiving inventory parcels and they themselves could fix the homes up...but instead, what they do is they partner with local charities and nonprofits that support maybe returning citizens, or aged-out foster care youth...where they partner with these charitable organizations and they provide the house, or the structure, but then also a matching grant. So now, say if you're an organization and you have a home in your inventory, you yourself could fix it up for eighty thousand and sell it for it to be an affordable home. Or you can set aside this thirty thousand grant, partner with the charity, while it may take longer, you now have this good steward relationship, you're helping out building up the capacity of your local nonprofits, building more partners, and creating more diverse neighborhoods.¹⁷²

¹⁷⁰Frank S. Alexander, “Land Bank Strategies for Renewing Urban Land,” *Journal of Affordable Housing & Community Development Law* 14, no. 2 (2005): 140–69.

¹⁷¹Brian Larkin and Shawn Edwards, “Land Banking 101.”

¹⁷²Brian Larkin, in discussion with author, October 24, 2022.

The adaptability of land banks to meet specific community needs is a key strength of this form of anti-vacancy program. Because of this adaptability, land banks can manage, revitalize, and redistribute vacant housing and empty land parcels in areas with systemic vacancies.

In “Spotlight on the Main Actors: How Land Banks and Community Development Corporations Stabilize and Revitalize Cleveland Neighborhoods in the Aftermath of the Foreclosure Crisis,” urban planning scholar Yasuyuki Fujii analyzes the outcomes of property transfers in low-income areas of Cleveland, Ohio between individuals, city and state governments, Fannie Mae and HUD, investors, Cleveland’s two land banks, and community development corporations. Fujii finds that properties that were transferred from the two land banks—City of Cleveland Land Bank and Cuyahoga County Land Reutilization Corporation—or from a local community development corporation—Slavic Village Development—had better outcomes, and owners were less likely to fall into tax foreclosure, compared to foreclosed-upon properties that were only transferred between Fannie Mae, investors, and other government entities, without the involvement of the land banks or the community development corporation.¹⁷³ Further, Fujii finds that “inappropriate property transfer practices by financial institutions and speculator-type investors negatively impacted neighborhoods,”¹⁷⁴ and “If it were not for CCLRC, [Cuyahoga County Land Reutilization Corporation] the City of Cleveland could not adequately deal with ever increasing abandoned houses in the aftermath of the foreclosure crisis.”¹⁷⁵ Fujii’s case study in Cleveland demonstrates the positive impact of land banks in communities struggling with high amounts of vacant and abandoned properties.

¹⁷³Yasuyuki Fujii, “Spotlight on the Main Actors: How Land Banks and Community Development Corporations Stabilize and Revitalize Cleveland Neighborhoods in the Aftermath of the Foreclosure Crisis,” *Housing Policy Debate* 26, no. 2 (March 3, 2016): 296–315, <https://doi.org/10.1080/10511482.2015.1064460>, 307.

¹⁷⁴Fujii, “Spotlight on the Main Actors,” 310.

¹⁷⁵Fujii, “Spotlight on the Main Actors,” 307.

While land banks can be important tools, they are not a “silver bullet,”¹⁷⁶ and their administrators face many challenges while pursuing the land bank’s mission. Maintaining and revitalizing vacant land and houses can be expensive, and if land banks do not have sufficient funding, it limits their ability to pursue community goals. Eighty-seven percent of lots in land banks inventories are structure-less parcels, which land banks steward and maintain while brainstorming ideas for reuse.¹⁷⁷ According to the Center for Community Progress, maintaining properties is the number one expense of inventory-heavy land banks, and sixty percent of land banks say they do not receive enough funding from their local governments to cover basic expenses.¹⁷⁸ While pursuing community goals is the mission of most land banks, revenue generated from selling properties at market rates can fund this expensive maintenance. This often creates a contradiction between land banks’ stated goals and their practices, as limited funding pressures land banks to continue the commodification of their properties through auctions or sales. Larkin explains the difficult choices land bank administrators must make when they have a lot of properties to maintain, with limited budgets from their municipalities:

Aligning with community goals is the number one most important thing for us as an organization, and land banks across the country, for the most part, get that. But you're on the ground, and you're dealing with the realities, we're thinking about it from a conceptual level. And I am positive that there are transactions that occur that ultimately are the ones that provide the most revenue for the organization. Also, land banks are less able to kind of stick to these lofty goals when they don't have the resources....you're dealing with the toughest properties to deal with...and you're not receiving any regular support from government—whether it's your local government, state, or federal—you have to figure out a way to keep the lights on...So that's the ideal on the line: completely with the community. In practice, organizations oftentimes have to do what they have to do to remain sustainable.¹⁷⁹

¹⁷⁶Brian Larkin and Shawn Edwards, “Land Banking 101.”

¹⁷⁷Brian Larkin and Shawn Edwards, “Land Banking 101.”

¹⁷⁸Brian Larkin and Shawn Edwards, “Land Banking 101.”

¹⁷⁹Brian Larkin, in discussion with author, October 24, 2022.

In theory, a national housing policy could assist in funding land banks, helping them to perform their best and not be as concerned about revenue. While not perfect, land banks are a necessity in many communities, particularly those with a high inventory of homes that are un-sellable or cannot garner market-rate rents. They combat systemic vacancy, managing properties that have been altogether abandoned by the private real estate market, which views housing as a commodity, due to the lack of monetary exchange value of these properties.¹⁸⁰ The land banks that are most successful are the ones that are well-funded and supported by their municipalities.

The National Land Bank Network, which Larkin leads, is a trade organization and a subsidiary of the Center for Community Progress. It supports over 250 land banks across the U.S., and shares resources and successful disposition strategies with its member organizations.¹⁸¹ According to Larkin, local land banks have been extremely responsive to the formation of the national network:

It has been overwhelmingly positive. Because land banking as a practice, the way we conceive of it today is a really, really new profession...the majority of land banks are 10 years old or younger...Most of them exist either at a county level or municipal level, which means they don't have a lot of nearby peer organizations. So, you're doing new work that nobody in your community has done before, and you don't have a lot of people right around in your neighboring areas to talk to and think of these things through. So, when we come through with a conversation about a national network, I mean, they're jumping at the opportunity to finally there's someone else to talk to—I'm not alone in this, it can be isolating work, that people look at you funny and aren't really sure about how what you're talking about. And so, the network, bringing folks together is—has been really, really well received.

The National Land Bank Network is a coalition of land banks that aids the success of its member organizations. The success of the National Land Bank Network points to the coalition-building

¹⁸⁰Marcuse and Madden. *In Defense of Housing*.

¹⁸¹Brian Larkin, in discussion with author, October 24, 2022.

potential of land banking. Land bank leaders work in individual communities but are stronger when they join the National Land Bank Network, which can conduct research and advocate on their behalf. A land bank itself operates in a similar, coalition-like structure, convening community organizations, urban planners, developers, landowners, and residents, under the common goal of managing a community's vacant properties and bringing them back into productive use. Land banks may own many parcels of abandoned land in a community, and often can influence other private owners of vacant land to come to the table. They also act as a public authority and can work with the municipal government to extinguish tax liens, and typically don't have to pay property taxes on the land they own, as a public entity. Because of their status as a quasi-governmental authority with influences in the private market, land banks can control, or otherwise influence many parcels of land in a community and can be more successful at widespread revitalization than individual, unconnected, profit-motivated developers when there are many abandoned parcels in close proximity to each other in a community.¹⁸² This ability demonstrates land bank's impact in the partial decommodification of housing as they influence large amounts of housing and prioritize established community goals over profit.

While land banks have a tremendously useful ability to manage, maintain, and reuse vacant and abandoned properties, some argue that their practices are harmful to municipalities. Two researchers from the Mackinac Center for Public Policy, a Michigan-based think tank focused on the principals of the free market and limited government, argue against the expansion of land banks in Michigan.¹⁸³ In "Land Bank Powers Abused, Costly to Taxpayers" researcher

¹⁸²Brian Larkin, in discussion with author, October 24, 2022.

¹⁸³Audrey Spalding, "Land Bank Powers Abused, Costly to Taxpayers," Mackinac Center, accessed January 11, 2023, <https://www.mackinac.org/17407>.

Russ Harding, "Analysis: Genesee County Land Bank Threatens Private Property Rights," Michigan Capitol Confidential, August 5, 2010, <http://www.michigancapitolconfidential.com/13297>.

Audrey Spalding argues that land banks' ideal of "partnering with community stakeholders" or "centering community goals" can be vague, and some decisions made by land banks can be costly to taxpayers if a land bank makes repairs to a property that ultimately becomes re-abandoned. Spalding argues that vacant properties are costly liabilities that are not worth investing in, that the outcomes of these investments are uncertain, and that these investments are a waste of taxpayer funds.¹⁸⁴ In "Analysis: Genesee County Land Bank Threatens Private Property Rights," researcher Russ Harding is critical of the fact that land banks can end up amassing huge numbers of vacant lots and homes, citing The Genesee County Land Bank, which in 2010 owned "7,000 properties, including 2,300 abandoned homes." Harding also argues that a market-based approach would be more attractive to potential investors, thereby more efficient.¹⁸⁵ What both Harding and Spalding fail to recognize is the cost vacant properties can have on communities when they are left to continue to deteriorate. The private housing markets have already largely abandoned these properties because they are unable to turn a profit on them. If the government, through a land bank, does nothing about these properties, particularly in communities where they are abundant, the property values for neighboring homeowners will continue to decline, businesses will avoid investment in the community, and these properties will continue to be at best an eyesore, and at worst a venue for various forms of crime. Managing these vacant properties is a cost for municipalities, but this is a much lesser cost than the cost to communities should vacant and abandoned properties continue to deteriorate.

Harding additionally argues that land banks threaten the right to private property, which is enshrined in both the U.S. and Michigan constitutions.¹⁸⁶ However, properties that come into

¹⁸⁴Spalding, "Land Bank Powers Abused, Costly to Taxpayers."

¹⁸⁵Harding, "Analysis: Genesee County Land Bank Threatens Private Property Rights."

¹⁸⁶Harding, "Analysis: Genesee County Land Bank Threatens Private Property Rights."

the possession of land banks have typically already been abandoned and tax-foreclosed upon. Municipalities are not illegally claiming properties or using eminent domain to evict residents or take over properties so that land banks have greater property stocks; rather, land banks manage existing abandoned properties. Further, as Wiley Cunningham, a homelessness and housing rights activist whose methods I explore in the third chapter argues, a stringent defense of private property rights—a necessary precondition to housing’s commodification—is at the core of urban housing crises.¹⁸⁷

Ultimately, despite critiques, land banks are crucial tools for municipalities that struggle with systemic vacancies, though they must be well-funded by their authorizing governments, and their decisions must be thoughtful and in line with community goals. In the next subsection, I explore Community Land Trusts (CLTs), a creative model for long term neighborhood affordability that many land banks transfer properties to, and that the housing activists I discuss in chapter 3 advocate for.

Community Land Trusts

A Community Land Trust (CLT) is a community-based organization that is typically structured as a private non-profit organization. CLTs have a corporate membership that is open to any resident of the CLT’s service area; the majority of CLTs’ governing boards are elected by these corporate members, and seats on governing boards are allocated among people living on CLT land, service areas residents that do not live on CLT land, and other representatives of the public interest.¹⁸⁸ CLTs own and manage parcels of land to preserve long-term neighborhood

¹⁸⁷Wiley Cunningham, conversation with author, August 10, 2022, see quote on page 149.

¹⁸⁸John Emmeus Davis, “Origins and Evolution of the Community Land Trust in the United States,” 2014, <https://cltweb.org/wp-content/uploads/2022/06/Origins-Evolution-CLT.pdf>, 13.

affordability.¹⁸⁹ Some CLTs do this through the sale of land and properties to low-income residents, creating deed covenants that restrict the price of future sales of the property.¹⁹⁰ However, the most common way that CLTs protect housing affordability is through the establishment of ground leases.¹⁹¹ In this model, a CLT owns land in a community, and families or individuals purchase a home on this land at an affordable price, as they are buying just the home, and not the land. The CLT leases the plot of land to the homeowners in a long-term (typically 99-year), renewable—and often inheritable—lease for a small monthly fee generally ranging from ten to seventy-five dollars. If the homeowners want to sell the home, they can do so, but at a restricted rate, so the home remains affordable in perpetuity. Different CLTs have different formulas they use to calculate the rate homeowners can sell their homes at, but these sales are typically the initial purchase price, adjusted for inflation, plus some amount of equity homeowners can extract from the home, though not the full market value, plus the value of any improvements made to the home over the homeowners tenure.¹⁹² CLTs often provide homeowner education, mortgage counseling, and can negotiate with banks to ensure leaseholders get proper mortgage financing.¹⁹³ Some CLTs lease land to building purchasers to establish

¹⁸⁹Local Housing Solutions, “Community Land Trusts,” Local Housing Solutions, accessed January 8, 2023, <https://localhousingsolutions.org/housing-policy-library/community-land-trusts/>.

¹⁹⁰Local Housing Solutions, “Community Land Trusts.”

Chicago Housing Trust, a.k.a. Chicago Community Land Trust, “CCLT Fact Sheet 2019,” April 2019, https://www.chicago.gov/content/dam/city/depts/doh/general/CCLT_Fact_Sheet_2019.pdf.

David Abromowitz and Kirby White, “Deed Restrictions and Community Land Trust Ground Leases: Protecting Long Term Affordable Homeownership,” *Housing News Network* 22, no. 1 (2006): 7-10.

¹⁹¹Local Housing Solutions, “Community Land Trusts.”

Grounded Solutions Network, “Community Land Trusts,” Grounded Solutions Network, accessed January 8, 2023, <https://groundedsolutions.org/strengthening-neighborhoods/community-land-trusts>.

Abromowitz and White, “Deed Restrictions and Community Land Trust Ground Leases.”

¹⁹²Grounded Solutions Network, “Community Land Trusts.”

Framework Homeownership, “How Community Land Trusts Work (an Affordable Home Option),” Framework, April 20, 2022, <https://frameworkhomeownership.org/how-community-land-trusts-work>.

Local Housing Solutions, “Community Land Trusts.”

Abromowitz and White, “Deed Restrictions and Community Land Trust Ground Leases.”

¹⁹³Abromowitz and White, “Deed Restrictions and Community Land Trust Ground Leases.”

Chicago Housing Trust, a.k.a. Chicago Community Land Trust, “CCLT Fact Sheet 2019.”

affordable rental housing, depending on the needs of the local community, though most prioritize owner occupation.¹⁹⁴

Because CLTs prioritize the use of homes over their market value in the name of protecting affordable housing, they constitute a method of partial de-commodification in housing. In *Reinventing Real Estate: The Community Land Trust as a Social Invention in Affordable Housing*, sociologist James Meehan outlines the development of community land trusts as a social invention to solve the social problem of unaffordable housing, from the 1960s to the early 2010s. Meehan analyzes the common ideologies and goals of CLTs:

The CLT embodies values that seem to cut across common ideologies and thus has a multiplicity of goals: community ownership and de-commodification of land; private ownership but limits to commodification of housing; internal democracy, with open membership and egalitarian participation; and external democracy, as a vehicle for citizen participation in land-use planning and economic development. While seeking to fulfill these fundamental goals, the CLT has been visualized as being applicable to diverse practical purposes as well, such as maintaining affordable housing, contributing to economic development of low-income urban or rural areas, and protecting environmental quality.¹⁹⁵

Meehan's identification that CLTs both de-commodify land and limit the commodification of housing is crucial here. In a similar manner to land banks, CLTs pose a challenge to the commodification of both land and housing by enabling community ownership and centering stated community goals. As Meehan points out, this commitment to de-commodification is key to why CLTs have been successful in diverse environments.¹⁹⁶ Like Meehan, sociologist and community development scholar John Emmeus Davis analyzes the development of CLTs in "Origins and Evolution of the Community Land Trust in the United States." Davis argues that

¹⁹⁴Local Housing Solutions, "Community Land Trusts."

¹⁹⁵James Meehan, "Reinventing Real Estate: The Community Land Trust As a Social Invention in Affordable Housing," *Journal of Applied Social Science* 8, no. 2 (September 2014): 79–151, <https://doi.org/10.1177/1936724413497480>, 150.

¹⁹⁶Meehan, "Reinventing Real Estate," 150.

much of the culture of American housing is defined by an “ethic of speculation,” encouraging land and homeowners to speculate and extract the maximum amount of monetary value from their property and accumulate as much property as they can. However, another ideology exists in American housing culture, Davis argues, which motivates the creation and actions of CLTs:

There has persisted another tradition in the United States – less obvious, less dominant, but just as old. This is an ethic of stewardship, where land is treated as a common heritage: encouraging ownership by those who are willing to live on the land and to use the land, not accumulating more than they need; emphasizing right use and smart development; capturing socially created gains in the value of land for the common good.¹⁹⁷

This “ethic of stewardship” that Davis describes is an apt description of de-commodified land and housing: land and housing are seen as community good, and their use is prioritized over their ability to extract profit.

While in general, CLTs help protect housing affordability, their specifications must be thoughtful and tailored to community needs. In “Deed Restrictions and Community Land Trust Ground Leases: Protecting Long Term Affordable Homeownership,” affordable housing lawyer David Abromowitz and advocate Kirby White examine the types of restrictions CLTs place on homeowners, and the vehicles for enforcing these restrictions. They find that the most common types of restrictions that CLT implement are buyer eligibility restrictions—i.e. resale buyers must be within specific income ranges—occupancy and use restrictions—i.e. homes must be primary residences and proper maintenance is required to prevent deterioration—and resale price restrictions.¹⁹⁸ These price restrictions are “established through formulas that allow the seller to

¹⁹⁷Emmeus Davis, “Origins and Evolution of the Community Land Trust in the United States,” 5-6.

¹⁹⁸Abromowitz and White, “Deed Restrictions and Community Land Trust Ground Leases,” 7-8.

recoup her original investment plus some amount of appreciation.”¹⁹⁹ Abromowitz and White group these formulas into three categories: appraisal based formulas—the original purchase price plus a specified percentage of the original purchase price—itemized formulas—the original price plus improvements and inflation adjustments—and indexed formulas—the resale price is greater than the original price in proportion to increases of financial indexes, such as the consumer price index or the Area Median Income (AMI).²⁰⁰ Abromowitz and White analyze the challenges and advantages of the two vehicles for restriction enforcement: the sale of properties with deed restrictions/covenants, and ground leases. They find that deed restrictions are seen as “simpler and easier” than ground leases, but they may not be as effective “means of implementing restrictions in the long term.”²⁰¹ Some states limit the length of deed restrictions, while few states allow perpetual deed restrictions. Additionally, deed restrictions may be missed if title work is not done carefully enough at resale, and the state must enforce these restrictions through the court system, which is an additional step that can be forgotten. Generally, deed restrictions are wiped in the event of foreclosure.²⁰² Ground leases, on the other hand, typically create a longer term and ongoing relationship between the lease holder and the CLT, making restrictions more enforceable. Additionally, ground lease-based CLTs are more likely to provide additional resources to homeowners, such as mortgage counseling and monetary support for repairs.²⁰³ This is not always the case, however: the Chicago Housing Trust—a CLT that an activist group I profile in chapter three helped establish—uses a deed restriction model and provides homeowner

¹⁹⁹Abromowitz and White, "Deed Restrictions and Community Land Trust Ground Leases," 7.

²⁰⁰Abromowitz and White, "Deed Restrictions and Community Land Trust Ground Leases," 7.

²⁰¹Abromowitz and White, "Deed Restrictions and Community Land Trust Ground Leases," 8.

²⁰²Abromowitz and White, "Deed Restrictions and Community Land Trust Ground Leases," 8.

²⁰³Abromowitz and White, "Deed Restrictions and Community Land Trust Ground Leases," 8-9.

education, mortgage counseling, and other resources to deed holders.²⁰⁴ A challenge of the ground lease model, Abromowitz and White note, is that this structure is less familiar to prospective homeowners than the deed restriction model, which might make it more difficult to find residents.²⁰⁵ While the challenges and advantages of these two models must be carefully considered by municipalities establishing CLTs, CLTs in general are widely successful at their stated goal of promoting affordability and protecting homeowners in depreciating housing markets, as Davis explains:

Beginning in 2003, a series of data-based evaluations began to appear that closely examined...the performance of portfolios of resale-restricted, owner-occupied housing held by CLTs. Two issues loomed the largest in these studies, testing the proposition that CLTs are effective in both hot-market and cold-market situations: Do community land trusts preserve affordability for low-income households who are hoping to buy CLT homes in the future, while allowing households who choose to sell their CLT homes a fair rate of return and an opportunity to build wealth? Do CLTs enhance security for low-income homeowners, reducing the incidence of mortgage foreclosure, while allowing mobility for homeowners who want to leave the CLT? These studies answered in the affirmative, providing hard data that the specialized focus on the post-purchase stewardship of owner-occupied housing, adopted by many CLTs, was delivering the goods. CLT homes were less likely to be lost over time. That was true when hot markets threatened affordability. That was true when cold markets threatened security of tenure....The model's documented success, showing that stewardship works, has helped the movement to grow.²⁰⁶

Overall, Community Land Trusts partially de-commodify housing and land that comes into their possession and can ensure long term affordability and neighborhood stability in both appreciating and depreciating housing markets.

While Community Land Trusts are not specifically designed to combat housing vacancy, they can be effective at doing so when partnered with land banks and when available to land banks as a disposition outcome. Land banks typically acquire and hold vacant properties in the

²⁰⁴Chicago Housing Trust, a.k.a. Chicago Community Land Trust, "CCLT Fact Sheet 2019."

²⁰⁵Abromowitz and White, "Deed Restrictions and Community Land Trust Ground Leases," 9.

²⁰⁶Emmeus Davis, "Origins and Evolution of the Community Land Trust in the United States." 51-52.

short-term and are focused on their maintenance and disposition. CLTs, while also focused on maintenance, are more long-term stewards, and have more long-term relationships with eventual residents than land banks. In “Land Banks and Community Land Trusts: Not Synonyms or Antonyms. Complements,” housing researchers Emily Thaden, Kim Graziani, and Annie Stup argue that land banks and CLTs work best together: land banks acquire abandoned properties through tax foreclosure and donations, maintain them, and organize their transfer to Community Land Trusts, which ensure their long-term affordability.²⁰⁷

Together, land banks and CLTs support the partial decommodification of housing and help reduce housing vacancies and their ill effects while promoting affordability. In “Bringing permanent affordable housing and community control to scale: The potential of community land trust and land bank collaboration,” scholars Jeffery S. Lowe, Natalie Prochaska, and W. Dennis Keating utilize three case studies of CLT-land bank partnerships to analyze the effects of these partnerships on the affordability and community control of housing. They find that such partnerships have “the potential to scale up more equitable community control of land and permanent affordable housing,” however case study cities “do not envision CLT housing as being the major way to address the affordable housing crisis.”²⁰⁸ Therefore, while CLTs and CLT-Land Bank partnerships are able to achieve their goals of promoting affordability and community control of local housing, they are not a silver bullet to address housing vacancies and the United States’ affordability crisis. Additional methods of housing decommodification are needed.

²⁰⁷Emily Thaden, Kim Graziani, and Annie Stup, “Land Banks and Community Land Trusts: Not Synonyms or Antonyms. Complements,” *Shelterforce*, November 10, 2016, <https://shelterforce.org/2016/11/09/land-banks-community-land-trusts-not-synonyms-or-antonyms-complements/>.

²⁰⁸Jeffrey S. Lowe, Natalie Prochaska, and W. Dennis Keating, “Bringing Permanent Affordable Housing and Community Control to Scale: The Potential of Community Land Trust and Land Bank Collaboration,” *Cities* 126 (July 1, 2022): 103718, <https://doi.org/10.1016/j.cities.2022.103718>.

Tax Foreclosure Reforms

While land banks are crucial tools to manage and revitalize abandoned properties, they acquire most of their properties through the tax foreclosure system, and therefore must be paired with reasonable and equitable tax foreclosure policies to ensure low-income homeowners who struggle to pay property taxes can remain in their homes. All states have tax foreclosure laws in which properties with unpaid property taxes are transferred from one owner to another via government mediation, but the details of these programs vary by state.²⁰⁹ City officials, such as treasurers, who administer these tax foreclosure policies can have profound impacts on the creation and regulation of vacant properties, particularly in areas experiencing depopulation as a result of disinvestment.²¹⁰ Decisions made by tax foreclosure administrators can contribute to abandonment and deterioration in a community, but have the potential to alleviate these conditions as well.

In “Disinvesting in the City: The Role of Tax Foreclosure in Detroit,” urban planning scholars Margaret Dewar, Eric Seymour, and Oana Druță examine the implementation and effects of the property tax foreclosure process in Detroit, Michigan.²¹¹ Detroit is the subject of a great deal of scholarly and government research on foreclosures, tax foreclosures, and abandonment because of its economic conditions—characterized by high levels of poverty—following periods of disinvestment, the exodus of the auto industry from the city, and the

²⁰⁹Margaret Dewar, Eric Seymour, and Oana Druță, “Disinvesting in the City: The Role of Tax Foreclosure in Detroit,” *Urban Affairs Review* 51, no. 5 (September 1, 2015): 587–615, <https://doi.org/10.1177/1078087414551717>. 588-589.

²¹⁰Margaret Dewar, Eric Seymour, and Oana Druță, “Disinvesting in the City: The Role of Tax Foreclosure in Detroit,” 588-589.

²¹¹Margaret Dewar, Eric Seymour, and Oana Druță, “Disinvesting in the City: The Role of Tax Foreclosure in Detroit.”

foreclosure crisis of 2008. With this context, many scholars see Detroit as an exemplary case study to examine housing policies aimed at preventing blight and abandonment.

Dewar et. al explain the property tax foreclosure process as follows:

“Property changes hands in the property tax foreclosure process at three points: (1) the taking of properties from private or nonprofit owners through foreclosure; (2) the exercise of the right of refusal by city, county, and state; and (3) the sales at auctions.”²¹²

The right of refusal in this context refers to the right of the government which holds the tax lien or liens against a tax-delinquent property, to identify a purchaser of this property:²¹³ potentially a private developer or landlord, a non-profit developer or community organization, or a land bank—which in turn maintains the property and makes further decisions about its future. The decisions made by local bureaucrats at each step of the tax foreclosure process, as described above, can have significant real-life ramifications for tax-delinquent properties in a community. In communities with many low-income homeowners who struggle to pay taxes, these decisions have a much broader impact. Dewar et. al. finds that under Detroit’s foreclosure system, administrators encouraged disinvestment and abandonment:

(1) foreclosures took many owner-occupied properties; (2) the sale of properties to government entities was small and did not promote reuse; and (3) the foreclosure auctions disadvantaged purchasers who would become owner-occupants, channeled properties in strong neighborhoods to investors at low prices and sold properties disproportionately to destructive buyers.²¹⁴

²¹²Margaret Dewar, Eric Seymour, and Oana Druță, “Disinvesting in the City: The Role of Tax Foreclosure in Detroit,” 593.

²¹³Local Housing Solutions, “Rights of First Refusal,” Local Housing Solutions, accessed December 8, 2022, <https://localhousingsolutions.org/housing-policy-library/rights-of-first-refusal/>.

²¹⁴Margaret Dewar, Eric Seymour, and Oana Druță, “Disinvesting in the City: The Role of Tax Foreclosure in Detroit,” 587.

Dewar et. al. defines these destructive buyers using a typology created urban planning scholars Chris Walker and Allan Mallach. In “Using Data to Address the Challenge of Irresponsible Investors in Neighborhoods,” Walker and Mallach typologize real estate investors in low-income areas into four categories: “rehabbers,” “flippers,” “milkers,” and “holders.” In Walker and Mallach’s framework,

Rehabbers...buy properties in poor condition, rehabilitate them, and sell them in good condition to home buyers or other investors.... Flippers...buy properties in poor condition and sell quickly (flip) to buyers in as-is or similar condition, perhaps using unethical or illegal practices.... Milkers...buy properties in poor condition for very low prices and rent them out in as-is or similar condition with minimal maintenance, perhaps to problem tenants.... Holders...buy properties and rent them out in fair to good condition, usually following responsible maintenance and tenant-selection practices.²¹⁵

The actions of tax foreclosure administrators that Dewar et. al. describes, informed by Walker and Mallach’s typology, can have tremendous consequences on a community—both in terms of the level of homeownership and owner occupation, and in terms of the condition and distribution of affordable rental housing. These negative consequences that Dewar et. al describe are rarely the result of particularly callous or anti-homeowner city administrators, but of city administrators whose major priority is to generate revenue for the municipality. When cities are strapped for cash, the replacement of tax-delinquent homeowners with corporate owners and developers who consistently pay property taxes is a tool to generate revenue that could, in theory, be invested back into the community. However, these practices disregard the potential power of encouraging low-income homeowners to remain in their homes or transferring these properties to land banks.

²¹⁵Chris Walker and Allan Mallach, “Using Data to Address the Challenge of Irresponsible Investors in Neighborhoods,” Federal Reserve Board: Putting Data to Work, April 4, 2012, <https://www.federalreserve.gov/publications/putting-data-to-work-using-data.htm>.

Maintaining owner-occupation to reduce vacancies should be a priority of municipalities that enforce tax foreclosure. According to Dewar et. al., changes made to Detroit's tax foreclosure policies in 1999

...speeded up the process of taking property from owners who did not pay their taxes, it increased the possibility that owner-occupants could lose their homes. The procedures did not distinguish between property owners who intended to walk away or at least not to pay taxes and owner-occupants who did not want to abandon their homes but who did not understand their situation or faced temporary financial hardship.²¹⁶

While the expediency of Detroit's tax foreclosure system is informed by the municipal government's financial strait, speeding up this system only further contributed to the urban decline in the city by evicting owner-occupants. Furthermore, Dewar et. al. found that notifications to owners about their properties contained legalese that was difficult to understand, hindering owners' abilities to respond to notices.²¹⁷ Based on this evidence, cities that aim to reduce the prevalence of vacant housing should carefully consider and analyze their tax foreclosure processes to ensure owner-occupants are protected. Still, as Brian Larkin of the National Land Bank Network and the Center for Community Progress notes, tax foreclosure processes that are overly slow and arduous can hinder the progress of land banks:

When [property] is no longer...valuable, these systems that are protecting the user—systems such as...taking a really long time for tax foreclosure, which makes sense if you think of, when land is valuable, the last thing you want is the government coming in there

²¹⁶Margaret Dewar, Eric Seymour, and Oana Druță, "Disinvesting in the City: The Role of Tax Foreclosure in Detroit," 596.

²¹⁷Margaret Dewar, Eric Seymour, and Oana Druță, "Disinvesting in the City: The Role of Tax Foreclosure in Detroit," 596.

and sweeping it away from people...after two missed payments, right? So, we have these systems in place that protect you and you get more and more time, and you get to provide notice and do all this, just to make sure that we're not taking this valuable thing from you. What the systems weren't ever prepared for, though, is when the person decides I don't want this at all. It doesn't have value. These same systems that protect buyers harm the neighboring community because they have to sit longer and longer and then this disrepair starts to spread.²¹⁸

Therefore, municipalities must be careful and extremely thoughtful when designing and enforcing their tax foreclosure processes.

In the second step of the tax foreclosure process, in which governments can exercise the right of refusal to identify a buyer for a tax-delinquent property, municipalities should prioritize transferring properties to land banks, who can maintain properties while they find a responsible and impactful long-term steward. However, Dewar et. al. finds that city, county, and state governments in Detroit exercised their right to refusal for only 2% of tax-foreclosed properties between 1999 and 2010, instead opting to auction properties in the private market.²¹⁹ Still, while Dewar et. al find that the local Wayne County Land Bank was able to purchase only a small number of properties through the right-to-refusal system, the land bank undertook productive actions with the properties they obtained: transferring them to non-profit housing developers, non-profit community organizations, and a medical center, applying for state brownfield subsidies for the properties, and generally preventing profit-motivated speculation.²²⁰ This is evidence of the potential land banks have to promote productive reuse and prevent exploitative speculation when governments properly support them.

²¹⁸Brian Larkin, in discussion with author, October 24, 2022.

²¹⁹Margaret Dewar, Eric Seymour, and Oana Druță, "Disinvesting in the City: The Role of Tax Foreclosure in Detroit," 598.

²²⁰Margaret Dewar, Eric Seymour, and Oana Druță, "Disinvesting in the City: The Role of Tax Foreclosure in Detroit," 599.

Finally, when tax-foreclosed properties are sold at auction, owner-occupation should again be prioritized, and irresponsible speculative investors should be avoided. However, Dewar et. al. finds that in Detroit, the sale of tax-foreclosed properties at auction resulted in a decrease in owner-occupied homes: In 2002 to 2003, only “about 17% of the houses sold at auctions likely went to owner-occupants”.²²¹ In Detroit, Dewar et. al. finds that “priority on raising revenues and the rules of the auction enabled bulk buyers to dominate the purchases [of tax foreclosed homes].”²²² Dewar et. al. analyzes the purchases of these ‘bulk buyers’ using Walker and Mallach’s framework, and find they typically either ‘rehabbed,’ ‘milked,’ or ‘flipped’ the tax-foreclosed properties.²²³ All three of these categories of real estate investors treat housing as a commodity while disregarding the use value of these homes, treating them solely as sources of income. These practices of real estate investors further contribute to the commodification of housing in these communities, as Madden and Marcuse describe.²²⁴ In addition, milkers and flippers contribute to the deterioration of communities by using unethical practices in their real estate business, aiming to extract the maximum amount of monetary value from these properties, while disregarding residents. Allowing these types of purchasers to own large swaths of land in a community has significant negative consequences, and municipalities should avoid transferring properties to those who see disinvested communities as money-making opportunities.

In conclusion, land banks offer municipalities creative and practical remedies to property abandonment in areas of historic disinvestment but must be paired with careful and equitable tax

²²¹Margaret Dewar, Eric Seymour, and Oana Druță, “Disinvesting in the City: The Role of Tax Foreclosure in Detroit,” 600.

²²²Margaret Dewar, Eric Seymour, and Oana Druță, “Disinvesting in the City: The Role of Tax Foreclosure in Detroit,” 605.

²²³Margaret Dewar, Eric Seymour, and Oana Druță, “Disinvesting in the City: The Role of Tax Foreclosure in Detroit,” 605.

²²⁴Marcuse, Peter and David Madden. *In Defense of Housing: The Politics of Crisis*.

foreclosure policies to promote owner occupation and avoid harmful real estate speculation. In the next section, I examine an important tool to reduce vacancies in high-cost cities.

Vacancy Taxes: A Tool to Reduce Vacancies in High-Cost Housing Markets

As vacancies increase in high-cost cities with housing crises, municipalities across North America, Europe, and Australia have implemented or considered the idea of “vacancy taxes”. Sometimes called “empty homes” “empty dwellings” or “pied-a-terre” taxes, these types of tax policies require owners of residential buildings and condominiums to self-report—often under penalty of perjury—whether their properties are vacant for a specified amount of the year, and if they are vacant, pay an additional property tax. Proponents of vacancy taxes argue that owners will either rent out their underutilized properties if they want to avoid the additional tax, or they will keep their properties vacant but pay the tax, generating revenue for the municipality. While vacancy taxes generally do not stipulate mechanisms by which underutilized housing becomes truly affordable—or include affordability requirements at all—this type of policy can help reduce the amount of vacant housing in high-cost cities. In addition, promoting residential use of otherwise unoccupied apartments and discouraging the accumulation of empty property for financial gain challenges the hyper-commodification of housing that exists in these high-cost areas.

Economists Charl Chan and Jian Ping design a hypothetical vacancy tax and use economic modeling methods to examine such a tax’s influence on housing rental and sale prices. They find that a vacancy tax with their model parameters “should work to alleviate the irrational use of housing resources” and recommend levying such a tax “to improve the utilization

efficiency of housing resources.”²²⁵ Similarly, economists Jack Favilukis and Stijn Van Nieuwerburgh use economic models to determine whether policies that tax out-of-town investors will offset the negative effects of out-of-town investment, in terms of housing cost increases. They find that taxes that target out-of-town purchases are generally welfare-increasing for the municipality but have varying redistributive effects based on how the tax revenue is spent.²²⁶ Generally, vacancy taxes are good ideas for municipalities that want to generate tax revenue, reduce vacancies, and more efficiently use their housing stock.

While this paper focuses on vacant housing in the United States, multiple international cities have implemented vacancy taxes, particularly those whose housing markets demonstrate a “safe haven” effect for the protection of global wealth, as Chung and Carpenter describe.²²⁷ In all capitalist countries, housing is commodified to some degree, but the existence of a social housing sector partially de-commodifies housing. The United States is distinct in that it does not have a significant and sustainable social housing sector, and housing is therefore hypercommodified.²²⁸ In high-cost cities around the globe, housing is hyper-commodified, as its overwhelmingly prioritized purpose is to store and create financial value. In each country that implements a vacancy tax, these taxes present a challenge to the hyper-commodification of high-cost housing within each national context. The next section explores vacancy taxes in global cities to determine the benefits of these taxes and asks what American lawmakers hoping to reduce vacancies in high-cost cities can learn from these laws.

France

²²⁵Charl Chan and Jian Ping, “Concept and Imposition Scheme of Vacancy Tax and Tax Rate Design,” paper presented at *International Conference on Economics and Management Innovations*, July 15-16, 2017, Bangkok, Thailand, <https://doi.org/10.26480/icemi.01.2017.33.35>, 34-35.

²²⁶Favilukis and Van Nieuwerburgh. “Out-of-Town Home Buyers and City Welfare.”

²²⁷Chung and Carpenter, “Safe Havens.”

²²⁸Madden and Marcuse, “*In Defense of Housing*.”

France was the first country to implement a tax penalty for unoccupied housing. In 1999, the first version of *taxe sur les logements vacants* (TLV), was implemented. As Mariona Segú explains in “The Impact of Taxing Vacancy on Housing Markets: Evidence from France”:

The tax concerned only those municipalities belonging to urban units of more than 200,000 inhabitants and with a “substantial disequilibrium” between supply and demand at the expense of low-income people....It included 680 municipalities in eight urban units: Paris, Lyon, Lille, Bordeaux, Toulouse, Montpellier, Nice, and Cannes-Grasse Antibes...A vacant unit was defined as a unit that has been inhabited for less than 30 consecutive days during the previous two years. The TLV had an increasing tax rate which base was the rental value, this is, the potential annual rent that the property could produce had it been rented. The TLV was 10% of the rental value during the first year when the tax was due (after 2 years of vacancy), 12.5 % for the second year (between 3 and 4 years), and 15% for longer periods (more than 4 years of vacancy).²²⁹

The initial definition of what counts as vacant in this version of the TLV was strict: a only units that were self-reported as occupied for less than 30 days over the past 2 years were liable for the tax. This definition limited the number of properties that this tax applied to, impacting the scope of this new policy. In addition, the selection of the eight urban units limited the geographic scope of the tax. In 2006, a new tax program—*taxe d’habitation sur les logements vacants* (THLV)—was created, which allowed municipalities that were not part of the initial eight urban units to implement this new version of a vacancy tax, based on a vote by their municipal council.²³⁰ However, the new THLV only taxed units that were vacant for more than five years, instead of two, and allowed municipalities to determine their tax rates.²³¹ The increase in the minimum amount of time a property must be vacant for the THLV, compared to the TLV, limited the number of applicable properties. The thought behind the distinction between the specifications of

²²⁹Mariona Segú, “The Impact of Taxing Vacancy on Housing Markets: Evidence from France,” *Journal of Public Economics* 185 (May 2020): 104079. <https://doi.org/10.1016/j.jpubeco.2019.104079>. 6.

²³⁰Segú, “The Impact of Taxing Vacancy on Housing Markets,” 6.

²³¹Segú, “The Impact of Taxing Vacancy on Housing Markets,” 6.

Segú notes that the average tax rate that municipalities which implemented the THLV chose was 10%.

the THLV and the TLV is that the TLV applies to municipalities that are considered “tense” areas (i.e., high-cost cities with more limited supplies of housing), and therefore should have stricter specifications. Interestingly, the THLV exists to remedy vacancies in less urban areas, not only in high-cost cities. While vacancy taxes are generally seen as an aid to the issue of vacancies and housing inefficiencies in tight, high-cost, housing markets, the logic of the THLV suggests this method could also aid issues of speculative vacancy in low-income areas where there is less financial real estate demand.

The TLV was revised and bolstered in 2013,²³² indicating the success of the program. The minimum period of vacancy for the tax to apply was lowered from two years to one year.²³³ The tax rate was increased to 12.5% of the rental value for the first year and 25% for each subsequent year.²³⁴ The threshold of municipality population for compulsory implementation of the TLV was lowered from 200,000 to 50,000, meaning that the tax became compulsory in 1151 municipalities in 28 urban units (the 1999 version of the TLV applied to 680 municipalities in 8 urban units).²³⁵ This re-affirmation and strengthening of the TLV indicates that the program was politically popular, and to at least some degree, successful in its goals of increasing the efficiency of France’s housing supply.

In “The Impact of Taxing Vacancy on Housing Markets: Evidence from France”, French Economist Mariona Segú studies the impact of the 1999 version of the TLV. Because some urban units initially implemented the tax and others did not, Segú argues that this creates a clear control group (the municipalities that did not implement the tax in 1999) and a treatment group

²³²Segú, “The Impact of Taxing Vacancy on Housing Markets,” 6.

²³³Segú, “The Impact of Taxing Vacancy on Housing Markets,” 6.

²³⁴Segú, “The Impact of Taxing Vacancy on Housing Markets,” 6.

²³⁵Segú, “The Impact of Taxing Vacancy on Housing Markets,” 6.

(the municipalities that did). Segú found that, “there were 40,000 less vacant units in treated municipalities than there would have been without the tax implementation.” To put this number in perspective, there were 86,000 homeless people in France in 2001.²³⁶

Segú also finds that the tax had a significant and positive effect on housing prices,²³⁷ challenging the idea that vacancy taxes could aid affordability. However, as Segú notes, the rate of new construction was not significantly different in the control and treatment urban units, and the housing supply in treatment areas did not decrease in the six years following the tax’s implementation. This means that while the tax did reduce vacancy rates, in theory making more housing available, it did not do so at a rate greater than the increasing demand for housing in the tight urban housing markets where the tax was implemented. Segú also noted that the positive effect on prices could be due to other confounding factors.²³⁸ Therefore, this increase in housing prices may be an effect of larger market forces and the increasing cost of living—confounding factors—and not directly the tax itself.

In addition to the TLV and the THLV, which tax homes that are vacant for less than 30 days over a specified number of years, France taxes second homes through the *taxe d’habitation*, meaning Housing Tax or Residence Tax. Like the TLV and the THLV, the *taxe d’habitation* is calculated as a percentage of the property’s potential rental value, at a rate set by local councils.²³⁹ Historically, the *taxe d’habitation* has applied to both primary and secondary

²³⁶European Federation of National Organisations Working with the Homeless, *France: FEANTSA Country Fiche* (Brussels) Accessed November 15, 2022, https://www.feantsa.org/download/france_final1217215808435700822.pdf

²³⁷Segú, “The Impact of Taxing Vacancy on Housing Markets,” 14.

²³⁸Segú, “The Impact of Taxing Vacancy on Housing Markets,” 14.

²³⁹“Information about TAXE D’HABITATION (Residential Tax) French Riviera Property by Lafage Transactions: Villas and Properties for Sale on the French Riviera News Detail,” (FrenchRivieraProperty.Com), accessed November 17, 2022, <https://www.french-riviera-property.com/en/news-detail/3851-information-about-tax-dhabitation-residential-tax.cfm?&RGPG=1>.

residences, typically with higher rates for secondary residences.²⁴⁰ However, France is gradually phasing out its housing tax for primary residences—the equivalent of a US property tax. By January 1st, 2023, the *taxe d'habitation* will only be paid by owners of secondary (or tertiary, and so forth) residences.²⁴¹ This effort by the French government to phase out property taxes for owners of primary residences and not secondary residences indicates a commitment by the French government to create a more equitable property tax system that promotes the efficient use of the country's housing resources.

The rates for the *taxe d'habitation* are determined by local councils, allowing municipalities to adjust this tax for the needs of their local housing markets. In 2017, Paris raised its *taxe d'habitation* rate for second homes from 20% to 60%.²⁴² This is the highest *taxe d'habitation* rate in France and is indicative of the tight housing market in Paris. In January 2017, when the tax was increased, Paris Deputy Mayor and Housing Secretary Ian Brossat told Le Monde:

In a city as dense as Paris, where it is very difficult to build, controlling the occupation of housing is strategic. Taxing secondary residences more will encourage their owners to sell or rent them year-round, which will increase the rental supply. Our goal is that these accommodations primarily benefit Parisians.²⁴³

Identifying increasing rental supply as an express goal of this legislation is key. While the tax has the additional benefit of generating revenue for municipalities, its most crucial benefit is

²⁴⁰French Legal and Administrative Information Directorate, “Do you have to pay the house tax for your second home?” Accessed November 17, 2022. <https://www.service-public.fr/particuliers/vosdroits/F34715?lang=en>.

²⁴¹French Legal and Administrative Information Directorate, “Taxe d'habitation,” Accessed November 17, 2022, <https://www.service-public.fr/particuliers/vosdroits/F42>

²⁴²Feargus O'Sullivan, “Paris Taxes Second Homes to Free up More Housing,” Bloomberg.com, Bloomberg, January 26, 2017, <https://www.bloomberg.com/news/articles/2017-01-26/paris-taxes-second-homes-to-free-up-more-housing>.

²⁴³Jérôme Porier, “A Paris, La Surtaxe Sur Les Résidences Secondaires Va Passer De 20 % à 60 %,” Le Monde.fr, Le Monde, January 25, 2017, https://www.lemonde.fr/argent/article/2017/01/25/a-paris-la-surtaxe-sur-les-residences-secondaires-va-passer-de-20-a-60_5068843_1657007.html.

Translated from French via Google Translate

dissuading property owners from keeping homes vacant. In this sense, the *taxe sur les logements vacants*, the *taxe d'habitation sur les logements vacants*, and the structure of the *taxe d'habitation* all challenge the hyper-commodification of housing in France by dissuading the practice of hoarding empty homes for financial gain.

The United Kingdom

In the UK, all residents over age 18, with some exemptions, pay a Council tax based on the valuation of the property they reside in, at a percentage calculated by local councils.²⁴⁴ In most rental agreements and leases in the UK, the renter is responsible for paying this tax, rather than the landlord.²⁴⁵ Furnished non-primary residences that are not occupied full-time are also liable for a full council tax, at a rate set by the locality. In addition, some municipalities charge a premium for properties that are empty for more than two years.²⁴⁶

The City of London is one of the municipalities that levy this premium. As of 2022, a property that has been empty for more than two years but less than five years carries an additional 100% council tax, meaning the Council Tax that the property owner is liable for is twice what it would be if the home were not empty. For a property that has been empty for more than five but less than ten years, the additional charge is 200% of the Council Tax, meaning the total tax is three times what it would be if the property were occupied. If a property is empty for

²⁴⁴Gov.UK, "How Council Tax works: Working out your Council Tax," accessed November 26, 2022, <https://www.gov.uk/council-tax>.

²⁴⁵Urban Jungle, "Do you pay Council Tax if you rent?" Urban Jungle Blog, published May 5, 2021, <https://myurbanjungle.com/explore/blog/do-you-pay-council-tax-if-you-rent/#:~:text=Typically%2C%20council%20tax%20must%20be,the%20tenant%2C%20not%20the%20landlord.>

²⁴⁶Gov.UK, "How Council Tax works: Second homes and empty properties," accessed November 26, 2022, <https://www.gov.uk/council-tax>.

more than ten years, a 300% additional tax is applied, meaning the total tax is four times what it would be if the property were occupied.

Bromley, a borough in the greater London area which has its own council, and therefore sets its own Council Tax rates, does not charge an empty homes premium as of January 2023. However, the Bromley Council is considering implementing an empty homes premium and created a webpage to collect input from the public on their proposal, which would set the same empty home premium rates as The City of London.²⁴⁷ The way the premium is explained on this webpage can give us insight into the perceived benefits of an empty homes premium from the perspective of lawmakers. These lawmakers seem to have a negative perception of empty homes, describing them as “a wasted resource,” “an eyesore,” and “a nuisance.” Negative impacts of vacant properties in both low-cost (issues of neglect) and high-cost areas (issues of affordability) are cited:

...if homes are neglected, the value of surrounding properties tends to be reduced as a result of the neighbourhood not being perceived as a good place to live. In many areas where there is a high demand for housing, empty homes brought back into use could become an important source of homes for households who need them.²⁴⁸

In addition, the webpage explains that empty homes can be returned to use via either market rate sale—challenging hyper-commodification—or through social renting as affordable homes,²⁴⁹ thereby decommoifying these homes. Based on this description, the Council of Bromley sees a potential empty homes premium as widely beneficial, having the potential to increase the efficiency of housing resources and decrease the negative effects of vacant homes in economically diverse areas. This reasoning is similar to the reasoning behind the French empty

²⁴⁷London Borough of Bromley, “Empty Homes Premium for unoccupied dwellings,” accessed November 26, 2022, <https://www.bromley.gov.uk/empty-properties/empty-homes-premium-unoccupied-dwellings>

²⁴⁸London Borough of Bromley, “Empty Homes Premium for unoccupied dwellings.”

²⁴⁹London Borough of Bromley, “Empty Homes Premium for unoccupied dwellings.”

homes taxation system as described above and is recurring in empty home tax policies globally. Framing empty homes taxes as efficiency-increasing and revenue-generating is a popular and successful framework for the adoption and introduction of these taxes. Ultimately, empty homes premiums in the U.K. challenge the hyper-commodification of housing in the U.K. by dissuading real estate hoarding.

Spain

Vacant housing regulation in Spain is notable as, in some regions, municipalities not only tax vacant properties but negotiate with financial institutions to demand below-market rate sales. Prior to 2022, Spanish municipalities were hypothetically able to levy an additional 50% property tax for unoccupied housing units under the Local Finance Act, but local legislators were not legally able to define what an “unoccupied” unit meant, barring them from practically implementing this premium.²⁵⁰ This conflict demonstrates the importance of a clear and thoughtful definition of words like “unoccupied,” “empty,” and “vacant” when creating vacancy tax legislation. The condition (i.e., furnished, unfurnished, abandoned, etc.) and the minimum amount of time (i.e., six months, a year, two years, five years) that makes a property be considered vacant for taxation purposes can have a massive impact on the number of units this type of legislation applies to. In turn, this affects the number of units that will become occupied to avoid a vacancy tax penalty and the amount of revenue that is generated by the tax.

In Barcelona, financial institutions and individuals can be compelled to sell vacant housing to the government, which then turns this housing into social housing, directly decommodifying these homes. In Barcelona’s *Plan for the Right to Housing, 2016-2025*,²⁵¹ the

²⁵⁰Mariona Segú, “Does the Taxation of Vacant Properties Improve Housing Affordability in Cities?” In *IEB’s Report on Fiscal Federalism and Public Finance*, 31–33, Institut d’Economia de Barcelona, 2018, https://ieb.ub.edu/wp-content/uploads/2019/03/INF-IEB-FFFP_2018-1.pdf#page=31.

²⁵¹Translated from Catalan via Google Translate: *PLA PEL DRET A L’HABITATGE 2016-2025*

mechanism by which these purchases are made is outlined. First, the owner is notified that their property is on the list of empty homes and is informed about the laws that vacant housing is subject to. As part of this process, Barcelona offers aid for the physical rehabilitation of properties that may be vacant because they are not suitable to live in.²⁵² If the home remains vacant after this step, it is declared an ‘anomalously used’ home and the owner must pay fines ranging from 5,000 to 15,000 euros. If the home continues to be vacant, the sanctioning process begins, in which the government purchases the home for between 90 and 100 percent of the property’s value, depending on the number of empty homes that the individual, or more commonly, the financial institution, owns.²⁵³ In addition to this sanctioning procedure, the Barcelona City Council has entered into agreements with 4 financial institutions that own empty housing in Barcelona to rent out these empty homes as social housing, resulting in the turnover of 22 empty homes into productive use between 2013 and 2015.²⁵⁴

Barcelona’s vacant housing policy is one of the most aggressive and comprehensive in the world: it provides real mechanisms for vacant homes to be used as affordable homes. In a journal, *Qüestions d’Habitatge*, published by the Barcelona City Council to explain its 2016-2025 housing plan, promoting the use value of housing over its exchange value, and providing housing for all residents are cited as motivations for the sanctioning program:

Housing needs to fulfil the social function that it is created for if its proper use is to be ensured; in other words, it has to meet its original residential function and no other. The plan is a key element for ensuring that all city residents have a decent home to live in,

²⁵²Barcelona City Council Department of Housing, *Pla Pel Dret a L’Habitatge 2016-2025 (Plan for the Right to Housing 2016-2025)*, Volume 1, Barcelona: Barcelona City Council, [https://www.habitatge.barcelona/en/strategy/right-to-housing-plan#:~:text=The%20right%20to%20access%20decent,period%2C%20from%202016%20to%202025.](https://www.habitatge.barcelona/en/strategy/right-to-housing-plan#:~:text=The%20right%20to%20access%20decent,period%2C%20from%202016%20to%202025.,), 246.

²⁵³Barcelona City Council Department of Housing, *Pla Pel Dret a L’Habitatge 2016-2025 (Plan for the Right to Housing 2016-2025)*, 171.

²⁵⁴Barcelona City Council Department of Housing, *Pla Pel Dret a L’Habitatge 2016-2025 (Plan for the Right to Housing 2016-2025)*, 171.

especially in a metropolis like Barcelona...given that housing is an essential component that gives neighbourhoods their form and identity. To preserve this identity and ensure that everyone has a home in appropriate conditions, the City Council considers it necessary to protect the proper use of habitual housing and prevent dysfunctions in the face of the pressure mounted by the property sector, especially where it attempts to extract greater yields from flats with uses linked to tourism, luxury housing, offices or the replacement of members of the population with others with higher incomes.²⁵⁵

The ultimate strength of Barcelona's vacant housing regulation market is that it is paired with a strong commitment to social housing. Legislators in Barcelona understand that housing is a human right and that empty homes in a city where many struggle to afford to live is a threat to that right. The language of Barcelona's 2016-2025 Right to Housing plan is indicative of a clear priority to provide housing, regardless of the real estate industry's bottom line. Barcelona's commitment to social housing demonstrates the city's ability to de-commodify its housing, in line with larger national policies. In fact, Spain as a nation has seen significant benefits of challenging the commodification of housing. In 2022, the per capita unhoused population in Spain was 0.07, compared to 0.18 in the United States.²⁵⁶ These figures underscore the importance of comprehensive social housing.

Australia

Under Australia's *Foreign Acquisitions and Takeovers Regulation 2020* and *Foreign Acquisitions and Takeovers Fees Imposition Act 2015*, all foreign individuals and business entities who purchase residential land, agricultural land, commercial land, tenements, businesses, or business entities in Australia must pay the national government a Foreign Investment

²⁵⁵Gemma Martí, "Right to Housing Plan 2016-2025. The Challenge of Turning Housing into a Public Service," *Qüestions d'Habitatge*, no. 12 (April 2018): 13–52.

²⁵⁶Kim Thelwell, "9 Facts About Homelessness in Spain," The Borgen Project, July 2, 2020, <https://borgenproject.org/homelessness-in-spain/>.

"Homelessness in America 2023: Statistics, Analysis, & Trends," *Security.Org* (blog), accessed March 20, 2023, <https://www.security.org/resources/homeless-statistics/>.

Application Fee based on the value of their purchase. For residential land, these fees can range from \$4,000 for land worth less than \$75,000 to \$1,045,000 for land worth more than \$40 million.²⁵⁷ In December 2017, a vacancy fee was introduced for foreign owners, as part of the Australian Government's comprehensive housing affordability plan. If a foreign owner owns a residential dwelling that is not occupied for 183 or more days (six months or greater), they are liable for the annual vacancy fee, which is an equivalent amount to the one-time Foreign Investment Application Fee applied to their property.²⁵⁸ According to the Australian Taxation Office's website, this fee is "intended as a financial incentive for foreign owners to make their dwelling available for rent and increase available housing in Australia."²⁵⁹ This identification of the connection between vacancy regulations and an area's housing stock is similar to the language used by legislators in other countries who introduce vacancy regulations.

In the state of Victoria, Australia, legislators have implemented an additional vacant residential land tax for the city of Melbourne and the surrounding suburbs. In sixteen council areas in the Melbourne region, owners of residential land that is vacant for more than six months of the calendar year must pay a tax equivalent to 1% of the property's value to the government of Victoria.²⁶⁰ While 1% may not seem like a significant percentage, this is in addition to the federal vacancy fee and is targeted for the tightest housing market in the state. According to the state's revenue office, the purpose of this tax is to "help address the lack of housing supply in

²⁵⁷Australian Government Foreign Investment Review Board, *Guidance 10: Fees on Foreign Investment Applications*, last updated July 29, 2022, https://firb.gov.au/sites/firb.gov.au/files/guidance-notes/GN10_Fees_2.pdf, 3-6.

²⁵⁸Australian Government Australian Taxation Office, "Vacancy fee for foreign owners," last modified July 29 2022, <https://www.ato.gov.au/General/Foreign-investment-in-Australia/Vacancy-fee-for-foreign-owners/>.

²⁵⁹Australian Government Australian Taxation Office, "Vacancy fee for foreign owners."

²⁶⁰State of Victoria State Revenue Office, "Vacant residential land tax," last modified November 23, 2022, <https://www.sro.vic.gov.au/vacant-residential-land-tax>

Victoria.”²⁶¹ Victoria also utilizes an absentee owner surcharge to prevent the proliferation of empty housing. Any property owner who is considered an absentee owner, an absentee corporation, or an absentee trust, must pay an additional 2% surcharge on their property taxes.²⁶² Overall, these measures demonstrate Australian legislators’ understanding of the relationship between foreign property investment, empty housing, and housing affordability, and of the need to address the hyper-commodification of housing.

Canada

Three types of legislation exist in Canada to curb the impacts of absentee ownership and vacant housing: foreign buyer taxes in Ontario and British Columbia, the speculation and vacancy tax in British Columbia, and an empty homes tax in the City of Vancouver. In British Columbia, the foreign buyer tax is a 20% tax of the property’s fair market value, which applies to home purchases made by foreign buyers in the Capital Regional District, the Fraser Valley Regional District, the Metro Vancouver Regional District, the Regional District of Central Okanagan, and the Regional District of Nanaimo.²⁶³ The foreign buyer tax was announced in July 2016, and it had a significant cooling effect on the Vancouver housing market. According to political scientist Joshua Gordon,

The extent of dropping sales volume—30–40 percent in the months that followed relative to the past year—indicates that the tax discouraged not only foreign buying but also local domestic speculative buying. By January 2017, prices had fallen around 5 percent in the

²⁶¹State of Victoria State Revenue Office, “Vacant residential land tax.”

²⁶²State of Victoria State Revenue Office, “Absentee owner surcharge,” last modified November 23, 2022, <https://www.sro.vic.gov.au/absentee-owner-surcharge>

²⁶³Government of British Columbia, “Additional property transfer tax for foreign entities and taxable trustees,” accessed December 1, 2022, <https://www2.gov.bc.ca/gov/content/taxes/property-taxes/property-transfer-tax/additional-property-transfer-tax>.

detached market and stabilized in the townhouse and condo markets in the six months since the tax's introduction.²⁶⁴

Similarly, the Ontario government introduced the Non-Resident Speculation Tax (NRST) in April of 2017, which applied to any purchase of residential property in Ontario by individual foreign nationals or foreign corporations.²⁶⁵ Initially, the surcharge was set at 15% of the property's value, but was raised to 20% in March of 2022, and then to 25% in October 2022.²⁶⁶ This continued reinforcement and strengthening of the NRST, as evidenced by the increased tax rate, is indicative of the program's success in limiting foreign speculation and generating revenue. Gordon writes of the NRST, that the tax:

...profoundly shifted market expectations, not only initiating a sharp slowdown in sales but also generating a sudden increase in new listings. The consequence was steeply rising inventory. By August 2017, four months after the tax, inventory had surged around 100 percent, and prices began dropping steeply: in December 2017, the average sale price was down roughly 20 percent from the peak in April 2017.²⁶⁷

The sudden increase in listings that Gordon describes after the implementation of the NRST implies that real estate brokers were unable to attract foreign home purchasers after the NRST, making a broader array of listings available to the localized public at more affordable prices. Foreign buyer taxes in Canada are successful at aiding affordability in tight housing markets. They can restrict the ability of foreign home purchasers to inflate housing prices for residents by holding important housing for predicted financial gain, thereby further commodifying Canada's housing stock. Challenging this behavior of foreign real estate investors constitutes a challenge to the hyper-commodification of Canadian housing.

²⁶⁴Gordon, "Reconnecting the Housing Market to the Labour Market," 13.

²⁶⁵Ontario Ministry of Finance, "Non-Resident Speculation Tax," published April 6, 2022, last updated October 28, 2022, <https://www.ontario.ca/document/land-transfer-tax/non-resident-speculation-tax>

²⁶⁶Ontario Ministry of Finance, "Non-Resident Speculation Tax."

²⁶⁷Gordon, "Reconnecting the Housing Market to the Labour Market," 14.

However, this form of tax is not without its weaknesses. In “Policy Forum: Taxing Non-Residents’ Residences — A Critical View of the Laws Behind the New Realty Taxes in British Columbia and Ontario,” Canadian tax lawyers Noah Sarna and Zheting Su critique British Columbia’s Foreign Buyer Tax for not clearly defining terms such as “immediately after,” “beneficial interest,” “taxable trustee,” and “beneficial owner”, leading to implementation issues of the tax, as it is not entirely clear to auditors who precisely the tax applies to.²⁶⁸ Administrative confusion can hinder the economic efficiency benefit of vacancy tax programs, making it ever more important to clearly define crucial terms. Gordon notes that foreign buyer taxes do not sufficiently address “the long build-up of foreign ownership” which causes local housing markets to be decoupled from local labor markets because they only apply to new purchases, not existing foreign ownership.²⁶⁹ Therefore, while foreign buyer taxes can be effective at dissuading future foreign real estate holdings, they do not eliminate vacant housing or restrict the commodification of housing, as vacancy taxes do.

In addition to the foreign buyer tax, British Columbia introduced the Speculation and Vacancy Tax (SVT²⁷⁰) in 2018. For the 2018 tax year, the tax applied to residential property—in specified urban areas with tight housing markets—that was not a principal residence at a rate of 0.5% of the property’s assessed value²⁷¹. In 2019, the tax rate was raised to 2% for foreign owners but remained at 0.5% for Canadian citizens or permanent residents of Canada.²⁷² The 2%

²⁶⁸Noah Sarna and Zheting Su, “Policy Forum: Taxing Non-Residents’ Residences-A Critical View of the Laws Behind the New Realty Taxes in British Columbia and Ontario,” 2018. 560-562

²⁶⁹Gordon, “Reconnecting the Housing Market to the Labour Market,” 13-14.

²⁷⁰The tax program is referred to as both the Speculation and Vacancy Tax (SVT) and the Speculation and Vacancy Tax Act (SVTA) in various reports and articles. For simplicity’s sake, I will be referring to this tax program as the SVT.

²⁷¹Exemptions are made for properties owned by the government, charities, and indigenous nations.

²⁷²Parliament of British Columbia, “Speculation and Vacancy Tax Act” (2018), <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/18046>.

tax rate also applies to so-called “satellite families” or “untaxed worldwide earners,” where one or more members of a family which owns a property may be a Canadian citizen or permanent resident, but the majority of their family income is earned.²⁷³ According to the B.C. Ministry of Finance’s website, “the speculation and vacancy tax is designed to turn empty homes into housing for British Columbians, and ensure foreign owners and those with primarily foreign income contribute fairly to B.C.’s tax system.”²⁷⁴ The Ministry of Finance also recognizes that “everyone deserves an affordable place to call home, yet house prices and rent have skyrocketed out of reach for too many people,”²⁷⁵ making increased housing affordability an implied goal of the tax. The goals of this tax, to turn empty homes into useful housing, to increase housing affordability, and to promote fair tax contributions by foreign owners, are similar to the stated goals of other vacancy tax programs around the world.

Economic analyses have demonstrated that the Speculation and Vacancy Tax have been largely successful at its goals. In terms of re-occupying empty homes, The British Columbia Ministry of Finance estimates that the tax has helped to add over 20,000 units to British Columbia’s long-term rental market.²⁷⁶ In addition, the Ministry of Finance commissioned real estate finance scholars Tsur Somerville and Jake Wetzel to analyze the success of the SVT. Somerville and Wetzel found that in general, the SVT has “moved housing into rental tenancy

²⁷³British Columbia Ministry of Finance, “Terms and Definitions for the Speculation and Vacancy Tax - Province of British Columbia” (Province of British Columbia), accessed December 4, 2022, <https://www2.gov.bc.ca/gov/content/taxes/speculation-vacancy-tax/how-tax-works/terms-definitions#untaxed-worldwide-earner>.

²⁷⁴British Columbia Ministry of Finance, “How the Speculation and Vacancy Tax Works - Province of British Columbia” (Province of British Columbia), accessed December 4, 2022, <https://www2.gov.bc.ca/gov/content/taxes/speculation-vacancy-tax/how-tax-works>.

²⁷⁵British Columbia Ministry of Finance, “Speculation and Vacancy Tax - Province of British Columbia” (Province of British Columbia), accessed December 4, 2022, <https://www2.gov.bc.ca/gov/content/taxes/speculation-vacancy-tax>.

²⁷⁶British Columbia Ministry of Finance, “Speculation and Vacancy Tax Act: Review of Act and Regulations” (British Columbia, Canada: British Columbia Ministry of Finance, June 2022), https://news.gov.bc.ca/files/Speculation_Vacancy_Tax_Review.pdf. 6.

and increased the number of units in primary residences.”²⁷⁷ They note that the number of properties that were not exempt from the SVT—i.e., that were not primary residences—declined for all three property types. The number of non-exempt single-family properties declined by 52 percent, the number of non-exempt row houses/duplexes declined by 43 percent, and the number of non-exempt condominium units declined by 35 percent.²⁷⁸ This is a notable decline across these types of properties and indicates that the tax is, in fact, encouraging owners to turn their properties into primary residences by either moving in or renting them out. In addition, Somerville and Wetzel find that “across all three property types, the average decline in foreign buyer share in the specified areas is at least three times that of the change in other areas in the province.”²⁷⁹ This means that the decline in the percentage of housing occupied by foreign buyers—in the specified area that the tax targets—is unlikely to be due to external factors, other than the SVT. However, Somerville and Wetzel find that the number of non-exempt properties decreased at a lesser rate between 2019 and 2020 than they did between 2018 and 2019, indicating that this decline may be “leveling off”.²⁸⁰ As owners of unoccupied properties sell, rent out, or move into their properties to avoid the SVT, there are fewer owners who will make this choice in subsequent years. This is not necessarily a bad thing, and in some ways is indicative that the SVT has met its goal of reducing vacant properties. Somerville and Wetzel

²⁷⁷Tsur Somerville and Jake Wetzel, “An Assessment of the Effectiveness of the Speculation and Vacancy Tax Act in Addressing Rental and Ownership Affordability and Foreign Investment in Housing: Report to the British Columbia Ministry of Finance” (British Columbia, Canada: British Columbia Ministry of Finance, May 12, 2022), https://news.gov.bc.ca/files/Speculation_Vacancy_Tax_Review.pdf, 81.

²⁷⁸Somerville and Wetzel, “An Assessment of the Effectiveness of the Speculation and Vacancy Tax Act in Addressing Rental and Ownership Affordability and Foreign Investment in Housing,” 84.

²⁷⁹Somerville and Wetzel, “An Assessment of the Effectiveness of the Speculation and Vacancy Tax Act in Addressing Rental and Ownership Affordability and Foreign Investment in Housing,” 115.

²⁸⁰Somerville and Wetzel, “An Assessment of the Effectiveness of the Speculation and Vacancy Tax Act in Addressing Rental and Ownership Affordability and Foreign Investment in Housing,” 157.

recommend that the BC Government raise the rate of the SVT if they want the number of non-exempt properties to continue to decline²⁸¹.

The SVT also appears to meet its second goal of generating revenue for the Province and ensuring that “foreign owners and those with primarily foreign income contribute fairly to B.C.’s tax system.”²⁸² According to the BC Ministry of Finance, the SVT generated approximately \$231 million in revenue between 2018 and 2020.²⁸³ In addition, 37% of this revenue came from foreign owners, 31% of this revenue came from satellite families, 10% of this revenue came from residents of British Columbia, and 7% of this revenue came from non-BC Canadians.²⁸⁴ Foreign owners and income earners are paying this tax more than BC residents and Canadians, helping them “contribute fairly” to the British Columbian tax system.

There is significant evidence to suggest that the SVT has increased housing affordability. However, as Somerville and Wetzel note, the tax’s implementation overlapped with the COVID-19 pandemic, so it is not entirely clear that the measures of affordability that changed between 2018 and 2020 were indicative of the SVT’s effect, or solely a result of the pandemic’s economic impact.²⁸⁵ Nonetheless, there is clear evidence that housing affordability in the targeted areas of British Columbia where the tax was implemented improved between 2018 and 2020. Several key markers of housing affordability either decreased in SVT-targeted areas in this period or

²⁸¹Somerville and Wetzel, “An Assessment of the Effectiveness of the Speculation and Vacancy Tax Act in Addressing Rental and Ownership Affordability and Foreign Investment in Housing,” 157.

²⁸²British Columbia Ministry of Finance, “How the Speculation and Vacancy Tax Works - Province of British Columbia” (Province of British Columbia), accessed December 4, 2022, <https://www2.gov.bc.ca/gov/content/taxes/speculation-vacancy-tax/how-tax-works>.

²⁸³British Columbia Ministry of Finance, “Speculation and Vacancy Tax Act: Review of Act and Regulations” (British Columbia, Canada: British Columbia Ministry of Finance, June 2022), https://news.gov.bc.ca/files/Speculation_Vacancy_Tax_Review.pdf, 27.

²⁸⁴British Columbia Ministry of Finance, “Speculation and Vacancy Tax Act: Review of Act and Regulations” (British Columbia, Canada: British Columbia Ministry of Finance, June 2022), https://news.gov.bc.ca/files/Speculation_Vacancy_Tax_Review.pdf, 27.

²⁸⁵Somerville and Wetzel, “An Assessment of the Effectiveness of the Speculation and Vacancy Tax Act in Addressing Rental and Ownership Affordability and Foreign Investment in Housing,” 40, 81.

increased at a slower rate than they did in non-SVT-targeted areas. Housing payments for owner-occupied housing as a percentage of owner income dropped by 8 percentage points in the targeted areas but fell by only 2.3 percentage points in B.C. areas where the tax was not implemented and by 2.2 percentage points in non-B.C. provinces.²⁸⁶ The disparity between these decreases indicates that the price drop in the targeted areas was not solely a result of the pandemic, which affected all of Canada and the world, but of the SVT. Furthermore, Somerville and Wetzel found that within SVT-applicable areas, house prices rose by a smaller percentage in areas that had a greater share of non-exempt (i.e., vacant) properties than in areas that had smaller shares of non-exempt properties.²⁸⁷ This indicates that the tax had a greater impact on affordability in areas that had higher rates of vacancy prior to the SVT. Additionally, Somerville and Wetzel found that renter burdens (i.e. the percentage of their income that renters pay on rent, on average) rose notably less in areas that the tax did apply to than in areas where it did not.²⁸⁸ Finally, Somerville and Wetzel found that after the SVT tax rate increase for foreign owners and satellite families, these owners sold their property at 1.2 percent to 4.0 percent discount, compared to other sellers.²⁸⁹ This is evidence that the SVT was effective at discouraging foreign owners and satellite families from owning unoccupied properties in British Columbia.

While the tax has successfully accomplished many of its stated goals, it is not without criticism. In “Speculation and Vacancy Tax in British Columbia, Canada” data scientists Mark Lokanan and Abhimanyu Uppal analyze 236 statements made by SVT stakeholders

²⁸⁶Somerville and Wetzel, “An Assessment of the Effectiveness of the Speculation and Vacancy Tax Act in Addressing Rental and Ownership Affordability and Foreign Investment in Housing,” 40.

²⁸⁷Somerville and Wetzel, “An Assessment of the Effectiveness of the Speculation and Vacancy Tax Act in Addressing Rental and Ownership Affordability and Foreign Investment in Housing,” 82, 112.

²⁸⁸Somerville and Wetzel, “An Assessment of the Effectiveness of the Speculation and Vacancy Tax Act in Addressing Rental and Ownership Affordability and Foreign Investment in Housing,” 106.

²⁸⁹Somerville and Wetzel, “An Assessment of the Effectiveness of the Speculation and Vacancy Tax Act in Addressing Rental and Ownership Affordability and Foreign Investment in Housing,” 135.

(homeowners, renters, real estate industry insiders, and politicians) about the SVT on popular Canadian news sources between 2010 and 2020. They group these statements into five major themes and find that:

The most reoccurring theme was that “SVT is working”, it was represented 106 times (42.9 percent). Second most popular theme came out as “SVT is scaring money away”, it occurred 42 times (17 percent). On the third spot, repeating 35 times (14 percent) was the theme “Indifferent to impact of SVT.” Lastly, the two themes “Housing market is complex, SVT alone won’t make much difference” and “SVT is a coercion to liberty and equality” occurred 32 times (12.9 percent) each.²⁹⁰

While the most predominant theme was in support of the SVT, and many stakeholders were indifferent, the critiques of the SVT are worth examining. The idea that SVT is scaring money away from the province is reflective of the larger idea that the ultra-wealthy are crucial to the economies in which they live and spend their money, and that taxes targeted against them encourage them to move, thereby hurting the economy. However, a 2012 study by sociologists Cristobal Young and Charles Varner on the impact of increased millionaire-targeted wealth taxes on millionaire migration out of New Jersey found that the ultra-wealthy did not migrate in or out of the state in a significantly different manner than the general population after the tax was increased.²⁹¹ This is evidence that increasing taxes that target the rich does not scare them away. While the SVT is not a wealth tax, it does target the wealthy over the general population, as the wealthy can afford to own multiple homes and keep some empty.

The critique that the SVT is a coercion to liberty and equality presumes that the wealthy have a right to make financial decisions that may harm the local economy and the communities

²⁹⁰Mark Lokanan and Abhimanyu Uppal, “Speculation and Vacancy Tax in British Columbia, Canada,” *Real Estate Finance (Aspen Publishers Inc)* 38, no. 1 (2021): 87.

²⁹¹Cristobal Young and Charles Varner, “Millionaire Migration and State Taxation of Top Incomes: Evidence from a Natural Experiment,” *National Tax Journal* 62, no. 2 (June 2011): 255–84, <https://doi.org/10.17310/ntj.2011.2.02>.

around them. Imposing restrictions that make it less financially beneficial to hold empty housing, therefore, is a violation of the liberty of the wealthy. This is a recurring critique of vacancy tax programs. However, I would argue that the phenomenon of vacant housing while housing is not guaranteed, and many are homeless while many others struggle to afford homes, is a violation of the liberty of the tax-paying public. The question then becomes, which is a worse violation of liberty, and whose liberty is more important?

Critics of the SVT are right that the housing market is complex, and that the SVT alone will not solve all its problems. Therefore, for vacant housing to be eliminated, housing must be de-commodified and affirmed as a human right. However, the SVT and similar vacancy tax programs do in fact have a significant impact on vacancy rates and affordability, as examined above.

Finally, the City of Vancouver has its own empty homes tax, which was introduced in 2017. The tax applies to all property in Vancouver that is no one's primary residence, with exemptions for people who work in Vancouver full-time, people who are in long-term care facilities, and properties undergoing construction.²⁹² In 2017, the tax rate was set at 1 percent of the property's assessed value, but it was raised to 3 percent in 2021 and to 5 percent in April of 2022.²⁹³ The bolstering of the tax between 2017 and 2021 indicates that the tax has been at least somewhat successful at its goals, and politically popular, and opposition has been unsuccessful. Between 2017 and 2018, when the tax was first implemented, the number of properties declared

²⁹²City of Vancouver, "Does the Empty Homes Tax Apply to You?," accessed December 5, 2022, <https://vancouver.ca/home-property-development/empty-homes-tax-questionnaire.aspx>.

²⁹³The Canadian Press, "Vancouver Hikes Empty Homes Tax to 5% of Assessed Value | CBC News," CBC, April 28, 2022, <https://www.cbc.ca/news/canada/british-columbia/vancouver-empty-homes-tax-5-1.6434178>.

vacant decreased by 15 percent.²⁹⁴ In addition, the tax raised \$38 million Canadian dollars in its first year.²⁹⁵ Former Vancouver Mayor Kennedy Stewart explained some of the reasoning behind the empty homes tax on the This is VANCOLOR podcast:

The worry is that all kinds of people who don't need housing are buying it up and speculating on it. And so that drives up prices. So, we have brought in so many demand side measures.... Because you spend all this time approving condo buildings, you have developers that take maybe four years to build them, you put them out in the market, and then someone buys a floor and leaves it empty. So that defeats the purpose [of approving construction].²⁹⁶

The language Stewart uses is similar to other justifications for vacancy tax programs. He identifies that empty housing is inefficient, and it limits the scope of other housing measures, such as approving new construction. Overall, the Vancouver empty homes tax supplements both B.C.'s foreign buyer tax and the speculation and vacancy tax to disincentivize vacant housing. Financially disincentivizing vacant housing and promoting the use of housing, in turn, constitutes partial housing decommmodification in Canada.

United States

Vacancy tax programs are less common in the United States than in Europe, Australia, and Canada. A foundational premise of vacancy taxes is that the government should regulate the distribution of housing resources so that housing is more accessible to everyone. In countries like

²⁹⁴Tiffany Crawford, "City of Vancouver Says Number of Vacant Homes Down," Vancouver Sun, February 6, 2019, <https://vancouversun.com/news/local-news/city-of-vancouver-says-number-of-vacant-homes-down>.

²⁹⁵Adele Peters, "Taxing Empty Apartments Could Ease the Housing Crisis," Fast Company, February 12, 2019, <https://www.fastcompany.com/90305242/taxing-empty-apartments-could-ease-the-housing-crisis>.

²⁹⁶Mo Amir, "Kennedy Stewart (Forward Together)," This Is VANCOLOR, April 25, 2022, https://www.forwardvancouver.ca/listen_kennedy_returns_to_vancouver_podcast.

Spain, for example, where housing is considered a human right,²⁹⁷ this premise is easier to sell to voters, and in some ways is already baked into political discourse. The U.S., however, does not have a social housing program, and housing is not widely considered a right. The ideology of the private market is deeply ingrained in American politics, and government intervention in the private market—for the purposes of affordability and accessibility, rather than for profit—is hard to sell. Madden and Marcuse argue that housing in the United States has been commodified, and is treated as a product, rather than an essential human need. In the U.S., legislators proposing a vacancy tax not only have to convince the public that the tax would improve affordability, generate revenue, and increase economic efficiency but fight against the deeply entrenched idea that it is inappropriate for governments to regulate the purchases of private actors to promote affordability through taxation, a form of state regulation for the public interest.

Still, vacancy taxes have found success in California and have repeatedly been proposed in New York. In the Bay area of California, which has particularly tight housing markets in its cities, three municipalities have passed vacancy taxes via ballot measure in recent years: Oakland, Berkeley, and San Francisco. Article XIII C of the California Constitution, which was added in 1996, mandates that new taxes and tax increases must be approved by most voters via ballot measure.²⁹⁸ This means that vacancy taxes in California must be approved via ballot measure, unlike foreign vacancy taxes, which were approved via national and provincial governments.

The Oakland ballot measure, establishing the Vacant Properties Tax (VPT), passed in November of 2018, and defines a vacant property as any property used less than 50 calendar

²⁹⁷Spanish Constitution, Art. 47, available at <https://www.boe.es/legislacion/documentos/ConstitucionINGLES.pdf>

²⁹⁸California Constitution art. XII C, §2, https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=CONS&article=XIII%20C

days in a year.²⁹⁹ This is a relatively tight definition, compared to the six-month criteria used in Canada, but is more comprehensive than France’s 30-day criteria. The tax applies to not only residential vacant properties: it applies a flat fee of \$3,000 per vacant unit for condos, duplexes, or townhomes under separate ownership, and for “Parcel[s] with ground floor commercial activity allowed but vacant,” and a flat fee of \$6,000 for residential, non-residential, and undeveloped properties.³⁰⁰ Oakland’s Vacant Property Tax is distinctive because the tax’s value is not a percentage of the property’s value, and it does not only apply to residential properties. In November 2019, after owners of vacant properties complained en masse at public meetings about the tax, the Oakland City Council reduced the tax to \$3,000 for properties in areas of the city with strict zoning restrictions, and introduced 10 exemptions to the tax.³⁰¹ According to *Mercury News*, 2,941, or 67.4 percent of Oakland’s 4,366 vacant parcels in 2019 were eligible for the reduced tax due to zoning restrictions.³⁰² The backlash to and eventual scaling back of the tax in Oakland is indicative of the difficulty of introducing vacancy taxes in the U.S., compared to other countries. This is not to say that backlashes and real estate opposition to these taxes in other countries do not exist, but rather that vacancy taxes are typically more politically successful in countries with a strong social housing foundation. Despite this difficulty, the number of units that the Oakland tax applied to (i.e., vacant units) fell from approximately 1,700 in 2019 to 1,300 in 2021.³⁰³

²⁹⁹City of Oakland Finance Department, “VPT Vacant Property Tax,” City of Oakland, accessed December 5, 2022, <https://www.oaklandca.gov/topics/vacantpropertytax>.

³⁰⁰City of Oakland Finance Department, “VPT Vacant Property Tax.”

³⁰¹Ali Tayadon, “Most Oakland Vacant Parcel Owners Get a Tax Break,” *The Mercury News*, November 11, 2019, <https://www.mercurynews.com/2019/11/11/most-oakland-vacant-parcel-owners-get-a-tax-break>.

³⁰²Tayadon, “Most Oakland Vacant Parcel Owners Get a Tax Break.”

³⁰³Tayadon, “Most Oakland Vacant Parcel Owners Get a Tax Break.”

In November 2022, both San Francisco and Berkeley passed vacancy taxes via ballot measure. In Berkeley, the tax goes into effect on January 1st, 2024, and applies to residential units vacant for more than 182 days, with exemptions for non-profit or religious organizations and properties under construction.³⁰⁴ Similarly to the Oakland tax, the Berkeley tax sets a flat fee of \$3,000 for each vacant condominium, duplex, single-family dwelling, or townhouse, which increases to \$6,000 a year after the first year of vacancy, and a fee of \$6,000 for all other residential units, which increases to \$12,000 a year after the first year of vacancy.³⁰⁵ The Berkeley measure, known as Measure M, passed with 64.86% of the vote on November 8, 2022.³⁰⁶ The measure's electoral success may have been affected by the measure's wording, which references the fact that the tax is expected to generate "between \$3,900,000 and \$5,900,000 annually."³⁰⁷ The revenue-generative nature of the vacancy tax appears to have been appealing to Berkeley voters.

The San Francisco ballot measure, coincidentally known as Proposition M, passed on November 8, 2022, with 54.51% of the vote.³⁰⁸ The measure enacts a vacancy tax beginning on January 1, 2024, and applies only to owners that own three or more housing units across the city that have been vacant for more than 182 days.³⁰⁹ This is a somewhat unique provision for a

³⁰⁴Berkeley City Council, "Measure M - November 8, 2022 Election" (2022), <https://berkeleyca.gov/sites/default/files/documents/Measure%20M%20-%20November%208%2C%202022%20Election.pdf>.

³⁰⁵Berkeley City Council, "Measure M - November 8, 2022 Election."

³⁰⁶"Berkeley, California, Measure M, Vacant Residential Property Tax Measure (November 2022)," Ballotpedia, accessed December 6, 2022, [https://ballotpedia.org/Berkeley,_California,_Measure_M,_Vacant_Residential_Property_Tax_Measure_\(November_2022\)](https://ballotpedia.org/Berkeley,_California,_Measure_M,_Vacant_Residential_Property_Tax_Measure_(November_2022)).

³⁰⁷Berkeley City Council, "Measure M - November 8, 2022 Election."

³⁰⁸"San Francisco, California, Proposition M, Create Tax on Certain Vacant Residential Units Initiative (November 2022)," Ballotpedia, accessed December 6, 2022, [https://ballotpedia.org/San_Francisco,_California,_Proposition_M,_Create_Tax_on_Certain_Vacant_Residential_Units_Initiative_\(November_2022\)](https://ballotpedia.org/San_Francisco,_California,_Proposition_M,_Create_Tax_on_Certain_Vacant_Residential_Units_Initiative_(November_2022)).

³⁰⁹Alex Shultz, "San Francisco Voters Back Prop. M, a Vacancy Tax on Landlords," SFGATE, November 14, 2022, <https://www.sfgate.com/politics/article/san-francisco-voters-vacancy-tax-17584082.php>.

vacancy tax, and it targets larger-scale vacant property owners, rather than owners of any vacant property. For units less than 1,000 square feet, the applicable tax is \$2,500 for the first year of vacancy, \$5,000 for the second year of vacancy (defined as occupied for less than 182 days a year), and \$10,000 for the third and each following year. For units between 1,000 and 2,000 square feet, the tax is \$3,500 for the first year of vacancy, \$7,000 for the second year of vacancy, and \$14,000 for the third and each following year. For units larger than 2,000 square feet, the tax is \$3,500 for the first year, \$7,000 for the second year, and \$14,000 for the third and each following year.³¹⁰ This tax is based on the size of the property and how long it has been vacant, rather than the value of the property, as we have seen in other vacancy tax programs. This seems to suggest that the primary objective of the tax is to penalize and discourage long-term vacancy, rather than generate revenue. This makes sense for San Francisco, which has a notoriously tight housing market and was recently ranked the third most unaffordable housing market in the United States, in a report by the Urban Reform Institute and the Frontier Centre for Public Policy. San Francisco may have a greater motivation to improve its housing resource efficiency, given its housing market conditions. Still, the City and County of San Francisco's Controller's Office estimates that the tax will generate \$9 million in tax revenue in 2024, \$13.2 million in 2025, and \$15.4 million in 2026 and each subsequent year.³¹¹

The success of vacancy taxes in California via ballot measures is interesting to compare to other American vacancy tax programs that state legislators have attempted to pass but have failed yet. In New York, State Senator Brad Hoylman has proposed versions of Senate Bill 4199,

³¹⁰City and County of San Francisco Comptroller's Office, "Residential Vacancy Tax: Economic Impact Report" (San Francisco, CA, September 29, 2022), https://sfcontroller.org/sites/default/files/Documents/Economic%20Analysis/RVT_economic_impact_final.pdf.

³¹¹City and County of San Francisco Comptroller's Office, "Residential Vacancy Tax: Economic Impact Report."

which, “imposes an additional tax surcharge on certain non-primary residence class one and class two properties in a city with a population of one million or more,” in each legislative session since 2013.³¹² The bill has several co-sponsors but has remained in committees and has not been put on the Senate Floor. The progressive wing of New York’s Democratic Party has put a lot of political effort into trying to legislate a Good Cause Eviction program and is less focused on other housing measures, such as SB 4199. Still, this bill’s lack of success in New York compared to the success of vacancy tax ballot measures in California suggest that ballot measures may be a more successful method of introducing a vacancy tax than through the typical legislative process. New York is comparably unaffordable to California, with New York City ranking as the 11th most unaffordable city in the nation. There is no clear evidence that vacancy taxes would not work as well in New York as they have in Californian cities, or that New York voters find this idea less appealing than California voters. The success of vacancy tax ballot measures in California indicates that the ideology of the private real estate market and the resistance to regulating it does not come from voters, who have approved vacancy taxes, but from elected officials and the people and organizations who fund their campaigns.

Ultimately, vacancy taxes can be successful tools to reduce vacancies in high-cost cities but must be carefully planned to maximize their impact. These taxes challenge the hyper-commodification of housing and constitute partial de-commodification by discouraging speculation and real estate hoarding through tax penalties, promoting a higher supply of housing and creating downwards pressure on costs. American legislators should learn from the successes and failures of vacancy taxes in Europe, Australia, and Canada, and implement similar strategies to reduce the amount of unoccupied housing in their communities and promote affordability.

³¹²Brad Hoylman, “NY State Senate Bill S4199,” Pub. L. No. S4199 (2021), <https://www.nysenate.gov/legislation/bills/2021/s4199>.

In conclusion, vacant housing has different consequences in low-cost and high-cost housing markets and must be addressed differently in these areas. In low-income communities, land banks can be crucial tools for managing and reducing an area's vacant land stock, but must be sufficiently supported by their municipality, paired with Community Land Trusts, and coupled with equitable tax foreclosure policies. In high-cost cities, vacancy taxes can effectively reduce the amount of underutilized housing and generate revenue for municipalities, but the specifications of these taxes can limit or expand their scope. In the United States, vacant housing reform can be particularly politically difficult because of entrenched ideas against government interference in private markets.

Land banks, Community Land Trusts, tax foreclosure reforms, and vacancy taxes have the potential to reduce the quantity of vacant housing in the United States and partially de-commodify housing by transferring properties for less than market value and imposing taxes to reduce speculation. However, vacant housing cannot be truly eliminated without the full decommodification of housing, including comprehensive social housing. When housing is understood as a product that is bought and sold on the private market for financial gain, housing will be vacant until it is profitable to be occupied, and not when the surrounding community needs it to be occupied, as its use is not a priority. Under this system, low-income communities will continue to be abandoned and exploited, and the ultra-wealthy will continue to hike prices in global cities. Land banks, Community Land Trusts, and vacancy taxes can attempt to repair these issues and constitute partial decommodification but will not completely solve America's housing crisis without the establishment of strong and comprehensive social housing, tenant protections, and the full decommodification of housing, as I will explore in the conclusion chapter.

In the next chapter, I will discuss the activist groups that are springing up across the U.S. against the phenomenon of vacant housing. These groups, which I call squatter activists and housing takeover groups, publicly occupy vacant homes and place homeless individuals and families in them, so that they have places to live. These groups understand that housing is a human right and present a direct challenge to its commodification.

Chapter Three: Squatter Activism as a Method of Decommodification

As I have established, vacant housing is shockingly commonplace in the United States, a nation that is struggling with a housing affordability crisis. Vacant housing is largely the result of the commodification of housing: houses are abandoned due to a lack of financial exchange value, and expensive condominiums are kept empty because their owners prioritize their exchange value over their use value. Policy solutions like vacancy taxes and the establishment of land banks and community land trusts constitute partial decommodification of housing and can be useful tools to reduce the prevalence of vacant housing. However, to truly eliminate vacant housing, the full decommodification of housing is necessary.

When vacant and abandoned housing is prevalent in an area where people struggle to afford places to live, or are unhoused or homeless,³¹³ vacant housing is not only an economic inefficiency but an immoral use of housing resources. This contradiction between empty homes and unhoused people is glaring to people sleeping on the streets or in shelters. As a result, in low-income areas across the country, homeless individuals and groups often take over vacant properties and become squatters, illegally trespassing, and sometimes breaking and entering. Squatting is not a new phenomenon and has arguably existed for as long as private property has. Since the turn of the century and the financial crash of 2008, more and more homeless activists have turned to squatting as a political tactic. Housing takeover movements in this sense operate

³¹³There is some debate over whether “homeless”, “houseless”, or “unhoused” is the most appropriate term to refer to sheltered or unsheltered poor people without a permanent address. Some unhoused activists argue that they are not without a “home”: they have families, community ties, and important connections to the areas they live in, and they consider their home, it is a house that they are missing. In addition, “homeless person” may denote that homelessness is a characteristic of the individual person, whereas “unhoused person” implies that they are not housed by the system they live under. However, academics and government agencies that study homelessness, as well as some homeless people themselves, still use the term homeless. I use “unhoused” and “homeless” somewhat interchangeably in this paper, except in instances where the activists I spoke with specifically prefer “unhoused” to “homeless”.

in low-income areas and areas of disinvestment—not in high-cost cities. Ultimately, these activists visibly and publicly take over vacant housing, dually to temporarily house homeless individuals and families, and to advocate for the right to housing.

Squatting as a political tactic, and the “squatting movement” has its origins in 1960s western Europe.³¹⁴ It found transnational success across Europe and parts of the United States in the 1970s, 1980s, and 1990s, particularly in cities experiencing relative economic decline.³¹⁵ Few accounts of political squatting in the early 2000s exist. Following the 2008 foreclosure crisis, as whole swaths of communities were evicted after defaulting on mortgages and vacant properties proliferated, political squatting has regained popularity, with movements with varying levels of formal organization occupying vacant housing across the country. In this chapter, I will argue that squatter activism, also known as housing takeovers, is a meaningful and often successful tactic to challenge the commodification of housing and de-commodify housing in low-income areas, and analyze how these activists often advocate for community controls of vacant properties through Community Land Trusts (CLTs).

Table 9 outlines several notable squatting movements in the United States, the cities they acted in, and the years they were active. This is not meant to be a comprehensive list of all the squatting movements in the United States, but rather it is meant to provide a snapshot of housing reclamation movements to illustrate the distribution of squatting movements across cities and time. “Years Active” refers to the years when the organizations took over vacant buildings or organized others to do so. Some organizations that are no longer taking over vacant buildings are still active in housing justice activism in other ways.

Organization Name	City	Years Active
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³¹⁴Ballesteros-Quilez et. al., “Counter Hegemony, Popular Education, and Resistances,” 2.

³¹⁵Ballesteros-Quilez et. al., “Counter Hegemony, Popular Education, and Resistances,” 2.

Operation Move-In	New York, NY	1970 ³¹⁶
Homes Not Jails	San Francisco, CA	1992-Present ³¹⁷
Kensington Welfare Rights Union	Philadelphia, PA	1994 ³¹⁸
Take Back the Land	Miami, FL	2007-2009 ³¹⁹
The Chicago Anti-Eviction Campaign	Chicago, IL	2009-Present ³²⁰
Moms4Housing	Oakland, CA	2019-Present ³²¹
Philadelphia Housing Action/OccupyPHA	Philadelphia, PA	2020 ³²²

³¹⁶Rose Muzio, "The Struggle against "Urban Renewal" in Manhattan's Upper West Side and the Emergence of El Comité." *Centro Journal* XXI, no. 2 (2009):109-141. Redalyc, <https://www.redalyc.org/articulo.oa?id=37720842006>

Edith Evans Asbury, "Squatter Movement Grows As Housing Protest Tactic," *The New York Times*, July 22, 1970, <https://www.nytimes.com/1970/07/22/archives/squatter-movement-grows-as-housing-protest-tactic.html>.

³¹⁷"Squatting (Homes Not Jails)," San Francisco Tenants Union, accessed December 24, 2022, <https://sftu.org/hnj/>.

Anders Corr, *No Trespassing! : Squatting, Rent Strikes, and Land Struggles Worldwide*, 1st ed. (South End Press, 1999), 20-31

Homes Not Jails was most active in the 1990s, however, they have published resources on the ethics of squatting and advice to squatters as recently as 2013. Their affiliate organization, the San Francisco Tenants Union, still has a page about Homes Not Jails on their website, and claims they are still actively setting up "squats for people who are homeless," but it is unclear when this webpage was last updated, and there is no news coverage of recent squats by Homes Not Jails.

³¹⁸Paul Maryniak, "HOMELESS FAMILIES EVICTED SQUATTERS BOOTED FROM HUD HOUSES," *Philadelphia Daily News*, September 24, 1994, 1st edition. Archived at <https://inquirer.newsbank.com/doc/news/0EB2A1B6689E64E8?pdate=1994-09-24>.

³¹⁹"Take Back the Land: Miami Grassroots Group Moves Struggling Families into Vacant Homes," *Democracy Now!*, December 19, 2008, https://web.archive.org/web/20090327115309/http://www.democracynow.org/2008/12/19/take_back_the_land_miami_grassroots.

Tamara Lush, "Homeless Advocates 'liberate' Foreclosed Houses," *San Francisco Chronicle*, December 21, 2008, <https://web.archive.org/web/20081222035134/http://www.sfgate.com/cgi-bin/article.cgi?f=%2Fc%2Fa%2F2008%2F12%2F20%2FREU514F8BD.DTL>.

³²⁰"Chicago Anti Eviction Campaign," Chicago Anti Eviction Campaign, accessed December 24, 2022, <https://www.chicagoantievictioncampaign.com/>.

Kira Leadholm, "An Eviction Crisis Looms in Chicago. The Chicago Anti-Eviction Campaign Has a Solution" *Redacted Magazine*, February 14, 2021, <https://redactedmagazine.com/2021/02/01/eviction-crisis/>.

Ben Austen, "The Death and Life of Chicago," *New York Times Magazine*, May 29, 2013, <https://www.nytimes.com/2013/06/02/magazine/how-chicagos-housing-crisis-ignited-a-new-form-of-activism.html/>.

³²¹"Moms 4 Housing," Moms 4 Housing, accessed December 24, 2022, <https://moms4housing.org/>.

Sarah Ravani, "Moms 4 Housing Took a Stand against Oakland's Housing Crisis. Now Their Home Has Its First Residents," *San Francisco Chronicle*, February 12, 2022, www.sfchronicle.com%2Ffeastbay%2Farticle%2FHomeless-families-are-moving-into-the-Oakland-16846137.php.

³²²Philadelphia Housing Action, "Philadelphia Housing Action," accessed December 26, 2022, <https://philadelphiahousingaction.info/>.

Reclaiming Our Homes	El Sereno/Los Angeles, CA	2020-Present ³²³
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Table 9: Summary of Notable Squatting Movements in the U.S., 1970-Present.

In this chapter, I examine three housing takeover movements: the Chicago Anti-Eviction Campaign in Chicago, IL, Philadelphia Housing Action in Philadelphia, PA, and Reclaiming Our Homes in El Sereno, a neighborhood of Los Angeles, CA. I first provide a general overview of each movement and then get into recurring themes from interviews with movement leaders. In general, these activists were motivated to undergo this work because of prior experiences with housing insecurity, problems with established housing systems, and connections to other social movements. Planning was often rushed to get residents into homes, but timing, publicity, legal knowledge, understanding of the housing system, building selection, repair work, and resident accountability emerged as crucial factors for activists to consider. Activists tended to prioritize mothers and children as residents of occupied homes, which both provided housing for this special population and distanced activists from negative stereotypes of squatters. Housing takeover leaders faced many challenges in their work, including interactions with law enforcement, and navigating community outreach. Movement outcomes tended to prioritize the transfer of vacant properties to community-controlled community land trusts, which can work in

Emma Ockerman, “Homeless People Are Moving Into Vacant Homes in Philly and Fixing Them Up,” *Vice* (blog), July 10, 2020, <https://www.vice.com/en/article/935dy5/homeless-people-are-moving-into-vacant-homes-in-philly-and-fixing-them-up>.

Robin Kaiser-Schatzlein et al., “How Housing Activists Took On Philadelphia and Won,” *The New Republic*, March 29, 2021, <https://newrepublic.com/article/161730/housing-activists-took-philadelphia-won>.

Henry Brannan, “Activist Use of Militant Tactics to ‘Takeback’ Housing Scores Wins,” June 2, 2021, <https://www.streetsensemedia.org/article/homelessness-public-housing-occupation-activism/>.

³²³Reclaiming Our Homes, “About.”

Liam Dillon, “They Seized Vacant El Sereno Homes at the Start of the Pandemic. Now, They Face Eviction,” *Los Angeles Times*, October 25, 2022, sec. Housing & Homelessness, <https://www.latimes.com/homeless-housing/story/2022-10-25/housing-seizures-el-sereno-tenants-face-eviction-pandemic>.

Steve Appleford, “As Eviction Notices Arrive, Reclaimers Brace for Last Christmas in El Sereno,” *Capital & Main*, December 23, 2022, <https://capitalandmain.com/as-eviction-notice-arrive-reclaimers-brace-for-last-christmas-in-el-sereno>.

tandem with housing takeovers, though this process is often slow and complicated. Additionally, squatter activists build and rely on coalitions throughout their work. Ultimately, I argue that the key strength of squatter activism and housing takeovers is their direct challenge to the commodification of housing.

Overview of Case Studies

Over the course of my research, I interviewed three individuals who lead squatter activist movements: Willie “J.R.” Fleming of the Chicago Anti-Eviction Campaign in Chicago, IL; Wiley Cunningham of Philadelphia Housing Action in Philadelphia, PA; and Martha Escudero of Reclaiming our Homes in El Sereno, CA. Interviewees were contacted via email, and interviews were conducted via phone and transcribed using Otter.ai software. I then organized the content of these interviews into recurring themes and notable outcomes. My goal is to determine whether the experiences of these activists fit into existing squatting frameworks, and further extrapolate what we can learn from these movements. In the following subsections, I first summarize each of these movements and then move into a cross-organizational analysis.

The Chicago Anti-Eviction Campaign, Chicago, IL

The Chicago Anti-Eviction Campaign (CAEC) was founded in 2009 by Willie “J. R.” Fleming and Toussaint Losier, in partnership with residents of Chicago’s Cabrini-Green public housing projects and their community allies.³²⁴ Fleming was a resident of Cabrini-Green, and first got involved in housing rights activism through the Chicago-Gary chapter of the National Union of the Homeless, which in 1990 organized a takeover of vacant public housing, including

³²⁴“About Us,” Chicago Anti Eviction Campaign.

in Cabrini Green.³²⁵ In 2009, Losier was a doctoral candidate at the University of Chicago studying the Western Cape Anti-Eviction Campaign in South Africa and their direct-action tactics. The Western Cape campaign had been physically blocking evictions from taking place and establishing makeshift settlements on underutilized land. Fleming and Losier met when a leader of the Western Cape Anti-Eviction Campaign toured Cabrini-Green, and they founded the Chicago chapter of the group. Like its South African counterpart, the Chicago Anti-Eviction Campaign works to prevent homes from becoming empty in the first place, when members physically block evictions from taking place.³²⁶ Preventing evictions in this manner is a core tactic of housing justice movements across the country. The key difference between the two Anti-Eviction Campaigns is that the Western Cape Anti-Eviction Campaign takes over vacant land, whereas, in Chicago's South Side, where abandoned, foreclosed-upon properties are widespread, the CAEC takes over vacant buildings. The transnational connection between the two organizations is consistent with Ballesteros-Quilez et. al.'s view that squatter movements are often formed through transnational networks,³²⁷ though this is not the case for all squatter movements.

The Chicago Anti-Eviction Campaign took over its first building in 2011. Deutsche Bank had filed a foreclosure suit against the property, and its owner had become frustrated with mortgage modification negotiations with the bank and its lawyers, abandoned the building, and relocated to Philadelphia.³²⁸ The foreclosure was one of 1700 foreclosure actions which, at the time, were frozen in Cook County Circuit Court proceedings, after lawyers representing the

³²⁵Austen, "The Death and Life of Chicago."

³²⁶Austen, "The Death and Life of Chicago."

³²⁷Ballesteros-Quilez et. al., "Counter Hegemony, Popular Education, and Resistances," 2.

³²⁸Don Terry, "Foreclosed Home Is a Risky Move for Homeless Family," *The New York Times*, June 25, 2011, sec. U.S., <https://www.nytimes.com/2011/06/26/us/26cnchomeless.html>.

foreclosing banks admitted to altering documents.³²⁹ Martha Biggs, now a member of the Anti-Eviction Campaign’s advisory board, moved into this home, making her the first resident of a home reclaimed by the CAEC.³³⁰ Biggs, a single mother, previously slept in a van with her four children and knew Fleming through the Cabrini-Green community. After being connected with the campaign, which had identified the building, Biggs herself worked on renovations and repairs, investing an estimated nine thousand dollars in labor and materials into the home.³³¹ Biggs and the CAEC publicly occupied this building in Chicago’s South Side, even holding a press conference on its front lawn.³³²

Since then, the Chicago Anti-Eviction Campaign has liberated hundreds of empty homes and placed homeless individuals and families in them.³³³ CAEC works in the South Side of Chicago, a low-income neighborhood with a lot of vacant properties. Fleming describes himself as a matchmaker, connecting people who have lost housing with houses that have lost people.³³⁴ The campaign’s success has given it leverage to negotiate with major players in the Chicago real estate market. The CAEC has worked with Fannie Mae and Freddie Mac to “increase property donations and acquisitions to community groups.”³³⁵ The CAEC worked with the City of Chicago to create a land bank and a community land trust in Chicago, which tackles much of the CAEC’s work in terms of restoring abandoned buildings to productive use via more legal methods.³³⁶ The CAEC even negotiated with Bank of America and convinced the bank to spend

³²⁹Terry, “Foreclosed Home Is a Risky Move for Homeless Family.”

³³⁰Austen, “The Death and Life of Chicago.”

³³¹Terry, “Foreclosed Home Is a Risky Move for Homeless Family.”

³³²Terry, “Foreclosed Home Is a Risky Move for Homeless Family.”

³³³Austen, “The Death and Life of Chicago.”

³³⁴Willie “J.R.” Fleming, in conversation with author, August 18th, 2022.

³³⁵“About Us,” Chicago Anti Eviction Campaign.

³³⁶“About Us,” Chicago Anti Eviction Campaign.

a million dollars to develop fifty properties for the community land trust. In addition, The CAEC has created two programs: Ladders of Opportunity and Hood for Humanity, which teach community youth valuable construction and repair skills through work on abandoned homes.³³⁷ The CAEC is currently focused on strengthening its Hood for Humanity program, and providing “transitional housing to support re-entry programs for ex-offenders and women fleeing domestic violence” while “leveraging their existing properties, and making these a stable permanent housing solution for men and women trying to rebuild.”³³⁸

Philadelphia Housing Action/OccupyPHA, Philadelphia, PA

Philadelphia Housing Action began in the winter of 2019-2020 as a coalition of homeless activist groups, including OccupyPHA, Black and Brown Workers Cooperative, and the Revolutionary Workers Collective. According to a 2020 press release by the coalition, the group was founded “to assist the homeless in seeking shelter in the thousands of vacant city-owned properties.”³³⁹ The late Jennifer Bennetch, a longtime Philadelphia housing and homelessness activist, lead OccupyPHA: two homeless protest encampments in Philadelphia, active in the summer and fall of 2020. Occupy PHA’s encampments were known as Camp Teddy—in a vacant lot across from the Philadelphia Housing Authority’s headquarters, and Camp James Talib Dean on the Benjamin Franklin Parkway. According to Bennetch, the encampments had “the goal of pressuring PHA to come to the table regarding the housing crisis in Philadelphia and

³³⁷“About Us,” Chicago Anti Eviction Campaign.

³³⁸“About Us,” Chicago Anti Eviction Campaign.

³³⁹Wiley Cunningham, “Philadelphia Housing Action Defends Homeless Family from Illegal Ejectment – Philadelphia Housing Action,” July 10, 2020, <https://philadelphiahousingaction.info/2020/07/10/philadelphia-housing-action-defends-homeless-family-from-illegal-ejectment/>.

to discuss uses for long-term vacant PHA properties.”³⁴⁰ At a similar time, Bennetch and a team of other homeless activists and organizers like Wiley Cunningham began taking over vacant properties owned by the Philadelphia Housing Authority. These properties were scattered public housing units, not massive buildings that are prototypical public housing. These homes were in North Philadelphia and West Philadelphia, largely low-income areas, though sections of North Philadelphia and West Philadelphia have recently experienced gentrification pressures.

While these homes were publicly owned, and arguably not commodified on the private market, Cunningham notes that many of the buildings Philadelphia Housing Action took over were slated for auction on the private market.³⁴¹ By taking over these homes and demanding they be used to house low-income community members, Philadelphia Housing Action was able to prevent these homes from becoming commodities. Further, targeting properties owned by a public, taxpayer funded organization with the mission of providing affordable housing gave Philadelphia Housing action a greater justification to take over these homes to house people.

According to Cunningham, in March 2020, when Philadelphia issued a shelter-in-place order, cities had been issued guidance by public health authorities not to interfere with homeless encampments during the onset of the COVID-19 pandemic. Still, authorities in Philadelphia evicted a local homeless encampment, which prompted the activists who formed Philadelphia Housing Action to act:

We confronted homeless services about that, and they didn't care. They said they knew about it, and just didn't care. We were pretty upset and later that day we started moving

³⁴⁰CBS News Philadelphia, “Philadelphia Housing Authority, OccupyPHA Reach Agreement To End Encampment Across From PHA Headquarters,” October 5, 2020, <https://www.cbsnews.com/philadelphia/news/philadelphia-housing-authority-occupypha-reach-agreement-to-end-encampment-across-from-pha-headquarters/>.

³⁴¹Cunningham, conversation with author, August 10, 2022.

people into houses, taking about ten houses before we even, like, talked about it, probably.³⁴²

The timing was key to Philadelphia Housing Action’s housing takeovers and to housing takeovers initiated by Reclaiming Our Homes in El Sereno, CA, as I will discuss in-depth later in this chapter.

Philadelphia Housing Action claimed that the Philadelphia Housing Authority owned thousands of vacant homes across the cities, with hundreds concentrated in a few blocks of a low-income area of North Philadelphia.³⁴³ In June of 2020, Bennetch announced Philadelphia Housing Action had taken over homes for ten families who had previously been living on the street, at a press conference in front of the Philadelphia Housing Authority headquarters.³⁴⁴ With the two protest camps and the occupied homes as leverage, Bennetch, Cunningham, and their team went into negotiations with the Philadelphia Housing Authority and the City of Philadelphia in July 2020.³⁴⁵ During the negotiation process, Philadelphia Housing Action continued taking over vacant homes and facilitating homeless people to move in: by September, Philadelphia Housing Action had housed fifty “homeless mothers and children” in fifteen “vacant city-owned homes.”³⁴⁶ By October, the City, the Housing Authority, and the activists came to an agreement: the encampment residents would voluntarily vacate, and the City and the

³⁴²Cunningham, conversation with author, August 10, 2022.

³⁴³Wiley Cunningham, “About – Philadelphia Housing Action,” accessed December 29, 2022, <https://philadelphiahousingaction.info/about/>.

“Homeless Philadelphians Moving Into Vacant City-Owned Homes,” *UNICORN RIOT* (blog), June 22, 2020, <https://unicornriot.ninja/2020/homeless-philadelphians-moving-into-empty-city-owned-homes/>.

³⁴⁴“Homeless Philadelphians Moving Into Vacant City-Owned Homes.”

³⁴⁵Robin Kaiser-Schatzlein et al., “How Housing Activists Took On Philadelphia and Won,” *The New Republic*, March 29, 2021, <https://newrepublic.com/article/161730/housing-activists-took-philadelphia-won>.

³⁴⁶Philadelphia Housing Action, “RELEASE: Philadelphia Housing Action Claims Victory after 6 Month Direct Action Campaign Forces City to Relinquish 50 Vacant Homes to Community Land Trust. – Philadelphia Housing Action,” September 26, 2020, <https://philadelphiahousingaction.info/release-philadelphia-housing-action-claims-victory-after-6-month-direct-action-campaign-forces-city-to-relinquish-50-vacant-homes-to-community-land-trust/>.

Housing Authority would transfer 50 properties to a community land trust founded by the encampment residents.³⁴⁷ The agreement established a three-phase process by which the properties would be transferred, but, according to Cunningham in August of 2022, this process has been slow: “We still don't have the houses. We have two, there's more coming. But Jenn [Bennetch] died in February. That was sort of like the, really the major mover behind everything.”³⁴⁸

Reclaiming Our Homes, El Sereno, CA

In El Sereno, California, a low-income and historically Latino neighborhood in Los Angeles, Caltrans, The California Department of Transportation, owns approximately two hundred vacant properties they bought as part of a now-scrapped planned extension of the 710 Freeway.³⁴⁹ Martha Escudero, who grew up in Los Angeles, returned to the area with her two daughters after relocating to Chile for two years.³⁵⁰ Escudero found that rent in the El Sereno area had increased due to gentrification pressures, and she was no longer able to afford housing. Escudero and her daughters were couch surfing at a friend's house when she learned about Moms4Housing, an activist group that took over a vacant home for unhoused families in Oakland, CA in 2019. Escudero was inspired by the group. Through The Eastside Café, a local community organization and cultural space, Escudero connected with other El Sereno community members and local activists. Some of these activists had been active in an effort to

³⁴⁷City of Philadelphia Mayor's Office and City of Philadelphia Office of Homeless Services, “City, PHA And JTD Camp Representatives Reach Agreement to End Parkway Encampment | Office of Homeless Services,” City of Philadelphia, October 13, 2020, <https://www.phila.gov/2020-10-13-city-pha-and-jtd-camp-representatives-reach-agreement-to-end-parkway-encampment/>.

³⁴⁸Cunningham, conversation with author, August 10, 2022

³⁴⁹Steve Appleford, “Homeless Moms Seize Houses as Coronavirus Rages,” March 20, 2020, <https://capitalandmain.com/homeless-moms-seize-houses-as-coronavirus-rages-0320>.

³⁵⁰Appleford, “Homeless Moms Seize Houses as Coronavirus Rages.”

stop Caltrans' proposed expansion of the 710 Freeway, out of concerns about its impact on the community. In December 2019, Reclaiming Our Homes was born, when Escudero and her fellow activists—the Reclaimers—began researching and identifying vacant Caltrans-owned homes in the area as potential spaces for takeovers. They reached out to the Alliance of Californians for Community Empowerment, a non-profit community organization that had aided Moms4Housing. On March 14, 2020, as counties and states across the country were issuing stay-at-home orders in response to the COVID-19 pandemic, Reclaiming Our Homes began taking over homes.³⁵¹ The team would end up reclaiming thirteen homes over the next few days—though were quickly removed from one—and were able to house over a dozen unhoused and housing-insecure community members and families.³⁵²

Escudero's connections to other community members through the Eastside Café is an example of a mobilizing structure, as McCarthy outlines.³⁵³ Escudero was politically active prior to making these connections, as were her fellow community members. However, they did not mobilize around vacant homes in their communities until connecting with each other through the Eastside Café. The Eastside Café would be an example of a formal, non-movement mobilizing structure, as it is a formal organization, but the organization did not specifically aim to mobilize a housing takeover movement.³⁵⁴

Similarly, to Philadelphia Housing Action, Reclaiming Our Homes took over government-owned homes that were not in the private housing market, and were arguably not commodified. Still, like the homes PHA targeted, Caltrans had plans to sell these homes based

³⁵¹Martha Escudero, conversation with author, November 8, 2022.

³⁵²Steve Appleford, "As Eviction Notices Arrive, Reclaimers Brace for Last Christmas in El Sereno," December 23, 2022, <https://capitalandmain.com/as-eviction-notices-arrive-reclaimers-brace-for-last-christmas-in-el-sereno>.

³⁵³McCarthy, "Constraints and Opportunities in Adopting, Adapting, and Inventing," 145.

³⁵⁴McCarthy, "Constraints and Opportunities in Adopting, Adapting, and Inventing," 145.

on bids at auction, ultimately re-commodifying these homes.³⁵⁵ By taking over and drawing attention to these vacant homes, Reclaiming Our Homes was able to delay their commodification.

After a series of negotiations, Reclaiming Our Homes made an agreement with CalTrans and the Housing Authority of the City of Los Angeles (HACLA): the Reclaimers could live in vacant CalTrans homes as part of a transitional housing program managed by HACLA. Some repair work was done on the homes with HACLA funding. A master lease was executed in June 2020, but it is not permanent, and the residents will have to vacate the homes in June 2023. Negotiations are ongoing to extend the Reclaimers' eviction date or find the residents permanent housing, but as of January 2023, the lease is limited.³⁵⁶ The Reclaimers also say that the transitional housing agreement put many "carceral" restrictions on them: banning them from having pets or keeping alcohol in their homes.³⁵⁷ While the outcome of Reclaiming Our Homes' takeover did not meet all of the group's demands, they still were able to house whole families who would have otherwise not had homes.

Motivations for Takeovers

While each housing takeover is in part a reaction to the time and location-specific context of housing in activists' cities, there are common underlying motivations for this type of activist work.

³⁵⁵ Appleford, "As Eviction Notices Arrive, Reclaimers Brace for Last Christmas in El Sereno."

³⁵⁶ Steve Scauzillo, "Many 'Reclaimers' Living in Caltrans-Owned Homes along Defunct 710 Freeway Extension Face Eviction," *Daily News*, October 15, 2022, <https://www.dailynews.com/2022/10/15/many-reclaimers-living-in-caltrans-owned-homes-along-defunct-710-freeway-extension-face-eviction>.

Appleford, "As Eviction Notices Arrive, Reclaimers Brace for Last Christmas in El Sereno."

Escudero, conversation with author, November 8, 2022.

³⁵⁷ Escudero, conversation with author, November 8, 2022.

Personal Experiences with Housing Insecurity

Two of the three activists that I spoke with had prior experience with homelessness,³⁵⁸ and one grew up in public housing.³⁵⁹ These experiences inform these activists' political ideologies and make the fight for the right to housing ever so personal. Wiley Cunningham of Philadelphia Housing Action says he had experience squatting on his own prior to his work with Philadelphia Housing Action but was not completely aware of his rights as a squatter:

I was a squatter in Philadelphia for a little while. I was illegally rejected from my squat by the housing authority—they didn't go to court and they sort of just kicked the door in, and told me to get the [expletive] out, which is not how that's supposed to work.... I was too young at the time to know exactly why that didn't feel right.³⁶⁰

Homelessness and squatting in an seemingly non-political sense can be a form of political socialization. Inequitable distributions of power, resources, and importantly, property, are clearer to the unhoused than too many other groups, which motivates many unhoused people to engage in left-wing activism. The activists I spoke with also participated in other left-wing social movements, such as Black Lives Matter, Occupy Wall Street, and housing rights activism outside of their takeover work.³⁶¹ In this sense, organized squatting and housing takeovers become both practical and powerful methods to engage in activism for the unhoused. This is reflective of Gurr's argument that relative deprivation: perceived discrepancies between what

³⁵⁸Escudero, conversation with author, November 8, 2022.

Cunningham, conversation with author, August 10, 2022.

³⁵⁹Fleming, in conversation with author, August 18th, 2022.

³⁶⁰Cunningham, conversation with author, August 10, 2022.

³⁶¹Cunningham, conversation with author, August 10, 2022.

Escudero, conversation with author, November 8, 2022.

Fleming, in conversation with author, August 18th, 2022.

people feel they are entitled to (in this case, housing) and what they have or can attain leads to political violence, or, more generally, political action.³⁶²

Problems with Existing Systems

Because of their experiences with homelessness, many squatter activists have interacted with existing social services for the homeless and housing insecure. Problems with local Housing Authorities—government bodies that control state and municipal public housing stock and aid low-income community members in applying for federal housing programs—homeless shelters, and the treatment of the street homeless by the police lead many to consider squatting to be their best option. Both Cunningham of Philadelphia Housing Action and Escudero of Reclaiming Our Homes critique the Housing Authorities in their cities—Philadelphia and Los Angeles, respectively—for placing too many restrictions on residents and being inflexible to resident’s needs:

The services that they have for homeless people are generally carceral in nature, you know, where it's transitional housing...here's a curfew and you get searched, you can't have a guest, and you can't smoke a cigarette, or whatever. And for a lot of the people, we work with, they're like, hell no, I'm never going to that or anything like it. And they're not going to participate in it.³⁶³

That's the thing with these housing entities I don't think they see you as a full human being. They just see you as a beggar that should be happy with the scraps they give them. And we're actually picky beggars, and we need things that are going to work for us like I need to be in the geographical area because I'm a single mom, and I need a support system.³⁶⁴

³⁶²Gurr, “Relative Deprivation and the Impetus to Violence,” 38.

³⁶³Cunningham, conversation with author, August 10, 2022.

³⁶⁴Escudero, conversation with author, November 8, 2022.

In addition, both Cunningham and Escudero view their local Housing Authorities as disconnected from the communities they serve, despite receiving massive amounts of funding:

Why are there nice houses sitting empty? The Housing Authority's position was that doesn't exist, and we were proving them wrong. And I think it's likely that they're still getting subsidies from HUD for those to be used as housing... The housing authority is such a big entity. They get like four hundred and fifty million dollars a year from the Feds. They have thousands of employees—tens of thousands of tenants. They're the worst landlord in the state.³⁶⁵

A lot of these housing entities are really just poverty camps—and making money off of people being poor and unhoused and are not giving better solutions that are financially better for everybody in the long run. [Housing entities are] pretty much detached from the community and are profiting off of people's poverty. Like HACLA, [President and CEO] Douglas Guthrie, he makes about four hundred thousand dollars a year and he's a white man. He really is making money off of poor people and people of color.³⁶⁶

Housing Authorities become key antagonists for squatter activists. The more mismanaged a Housing Authority is the greater room for critique and the greater leverage for activists. Squatter activists hold leverage over a mismanaged Housing Authority when the vacant homes they target are owned by the local Housing Authority, like in the case of Philadelphia Housing Action,³⁶⁷ or managed by the local Housing Authority, as in the case of Reclaiming Our Homes.³⁶⁸ While these homes are publicly owned, and not commodities on the private market, in both instances, the authority that owned the homes had plans to auction the properties, therefore re-commodifying them. Reclaiming Our Homes and Philadelphia Housing Action were able to delay these auctions, thus challenging the commodification of these properties. In addition, living in a property without paying to do so—and preventing anyone from extracting financial

³⁶⁵Cunningham, conversation with author, August 10, 2022.

³⁶⁶Escudero, conversation with author, November 8, 2022.

³⁶⁷Cunningham, conversation with author, August 10, 2022.

³⁶⁸Escudero, conversation with author, November 8, 2022.

value or revenue from your residence—challenges the commodification of housing in and of itself, regardless of who owns the property.

In addition to problems with local Housing Authorities, squatter activists recognize a wide range of issues in the housing market, motivating them to act. The narrative of deprivation-based squatting, as Pruijt describes,³⁶⁹ allows squatter activists to dually justify their squats out of necessity, and fiercely critique many inequities and inefficiency in the existing housing systems. For example, Escudero of Reclaiming Our Homes critiques the way HACLA employees offered insufficient or uncertain alternatives to squatting. She says she was encouraged to apply for a federal Section Eight housing voucher through HACLA, which she did repeatedly. However, because HACLA distributes Section Eight vouchers via a lottery system, it was “not for sure” and Escudero ultimately did not receive a voucher.³⁷⁰ Section Eight Housing Choice Vouchers are not guaranteed because of HACLA’s lottery system that requires home seekers to remain on a waiting list for an indefinite period—and therefore are not stable alternatives to squatting. Furthermore, both Cunningham and Escudero are critical of the treatment of the street homeless by local law enforcement agencies.³⁷¹ Philadelphia Housing Action’s two protest encampments were under “perpetual warnings and threats of eviction,” says Cunningham.³⁷² Escudero is particularly critical of Los Angeles’ “41.18 ordinance,” which bans sleeping on streets.³⁷³

There's about five people that die a day on the streets now because they go to more dangerous, obscure places outside of community, and they get harassed by law enforcement and people that don't like the unhoused and don't want to see them around.

³⁶⁹Prujt, “The Logic of Urban Squatting,” 23.

³⁷⁰Escudero, conversation with author, November 8, 2022.

³⁷¹I discuss squatter activists’ experiences with law enforcement in squats later in this chapter.

³⁷²Cunningham, conversation with author, August 10, 2022.

³⁷³City of Los Angeles Municipal Code, Sixth Edition, Chapter IV, Art. 1 § 41.18 (2022)

And they did this ordinance supposedly for safety, but it's actually creating a lot of unsafety, especially for the unhoused community which are more vulnerable than the housed community and gets attacked on a frequent basis and people don't even see that.³⁷⁴

Overall, squatting as an activist tactic allows for a broad critique of local housing systems, their inequities, and their inefficiencies.

Connections to Other Social Movements

The radical nature of squatting as an activist tactic allows activists to make connections to other social movements, in addition to critiquing issues with the housing system. All the three activists I spoke with had engaged with or protested in other left-wing movements before and during their housing takeover work.³⁷⁵ Cunningham says housing connects to many social movements and has become a more and more pressing issue for many people:

I think housing relates to—and links to—almost every social movement that's out here. And it's sort of like, where a lot of things meet and it's also people's like biggest expense.... It's trending in the opposite direction where rents are up and up and up, and people are struggling harder and harder, and displacement and gentrification pressures are like ratcheting up constantly.... I think everyone feels it.³⁷⁶

To J.R. Fleming of the Chicago Anti-Eviction Campaign, housing, and access to it is a human rights issue. Fleming views himself as a human rights enforcer: his organization protects the human right to housing when the government does not.³⁷⁷ Protecting human rights through organized squatting is a framework that allows groups like the Chicago Anti-Eviction Campaign to gain sympathy from the government employees they negotiate with and the neighbors of their

³⁷⁴Escudero, conversation with author, November 8, 2022.

³⁷⁵Cunningham, conversation with author, August 10, 2022.

Fleming, conversation with author, August 18th, 2022.

Escudero, conversation with author, November 8, 2022.

³⁷⁶Cunningham, conversation with author, August 10, 2022.

³⁷⁷Fleming, conversation with author, August 18th, 2022.

targeted properties. This is consistent with Pruijt’s view that “deprivation-based” squatters are able to avoid criticisms of “selfishness.”³⁷⁸

Squatter activists view their works as fights not just against local housing agencies, vacant property owners, and banks, but as part of the fight against oppression in general. Escudero of Reclaiming Our Homes says that people’s struggle to afford stable housing is not an individual issue, but is reflective of larger forms of oppression and of a system that is “failing everyone”:

It's not an individual issue right now. It's a systemic issue of all the systems of oppression: like capitalism, patriarchy, and white supremacy. Because it's a reflection of who we see on the streets. We're really criminalizing and policing people for being poor. And a lot of these people are black people, are women, are trans women. It's people that are the most vulnerable and are punished and criminalized for not being able to be productive in a system that's really failing everyone.³⁷⁹

Fleming of the Chicago Anti-Eviction Campaign agrees that the American housing system fails everyone and is a tool of oppression. He calls America “an equal opportunity oppressor” and argues that the foreclosure crisis and America’s failing housing system impact everyone:

This has nothing to do with race, right? Although Blacks and Latinos are disproportionately affected. There's a lot of white folks being put out. For instance, we always use the case of Wilkes-Barre, Pennsylvania. Because I did work with groups down there.... Where it's majority—ninety-eight, ninety-nine percent white town, steel factory town. And they were wiped out—decimated. They were decimated by the foreclosure crisis.... So, we just continue to make the connection that when people move beyond their isolated identities around gender, around classism,...around race, all these things, and realize everybody was a paycheck away from being homeless. Then and only then did we have a movement.³⁸⁰

³⁷⁸Pruijt, “The Logic of Urban Squatting,” 24.

³⁷⁹Escudero, conversation with author, November 8, 2022.

³⁸⁰Fleming, conversation with author, August 18th, 2022.

Fleming's assessment that only after connecting people "beyond their isolated identities" demonstrates the coalition-building potential of housing activism in general and squatter activism in particular. Housing is an essential human need that has been commodified, leading to today's housing crisis.³⁸¹ This process of commodification impacts everyone who needs a roof over their head, regardless of race, gender, religion, or sexual orientation. By calling attention to the paradox of vacant housing in a housing crisis, squatter activists pose a challenge to the commodification of housing, and the systems of oppression it intersects with.

Planning and Tactics

While each squatting movement acts within its own local context, there are commonalities between each movement's tactics and planning processes. Timing, publicity, and knowledge of the law and the housing system repeatedly emerged as important considerations for the takeover organizations. The planning process is sometimes rushed to get a family into a home, but selecting and repairing buildings, selecting residents, and developing means of resident accountability are key steps in a housing takeover.

Timing and Conditions

Time is an important consideration for housing takeovers, but it is often limited. Escudero says she wished she and Reclaiming Our Homes had more time to talk to neighbors about their takeovers, but the need to get the unhoused individuals and families into the homes quickly meant the process had to move quickly.³⁸² Furthermore, both Reclaiming Our Homes

³⁸¹Marcuse and Madden, *In Defense of Housing: The Politics of Crisis*.

³⁸²Escudero, conversation with author, November 8, 2022.

and Philadelphia Housing Action took over their first homes when the COVID-19 pandemic first began.³⁸³ Homeless shelters became dangerous as the disease spread, motivating the unhoused to find alternative forms of shelter. When local governments issued shelter-in-place orders, it provided additional justification for unhoused activists to take over vacant homes.

Cunningham says the death of George Floyd and the following protests against racial justice in the summer of 2020 contributed to the ultimate success of Philadelphia Housing

Action:

Everything kind of accelerated when the George Floyd riot happened and one of the people, we were working with on the houses got really excited about starting a protest encampment for housing and did it. There wasn't really a lot of planning.... The timing, sort of... caught on. A lot of people were out in the street marching for racial justice.... The timing is huge.... We're working on a campaign right now and it's very much harder to get people to come out to this sort of stuff.

The urgency of the takeovers, the COVID-19 pandemic, and the George Floyd protests all contributed to the timing of housing takeovers. It is difficult to determine the extent to which these time-sensitive elements contribute to takeover success, but it was clearly important to both Reclaiming Our Homes and Philadelphia Housing Action.³⁸⁴

All three housing takeover movements began in instances of economic downturn: the 2008 financial crisis in the case of the Chicago Anti-Eviction Campaign,³⁸⁵ and the COVID-19 pandemic in the cases of Philadelphia Housing Action³⁸⁶ and Reclaiming Our Homes.³⁸⁷

Economic instability, in this sense, appears to be a key political opportunity for housing takeovers. This is consistent with McAdam's argument that "suddenly imposed grievances," in

³⁸³Escudero, conversation with author, November 8, 2022.

³⁸⁴Cunningham, conversation with author, August 10, 2022.

³⁸⁵Fleming, conversation with author, August 18th, 2022.

³⁸⁶Cunningham, conversation with author, August 10, 2022.

³⁸⁷Escudero, conversation with author, November 8, 2022.

this case widespread economic challenges, is a key dimension of political opportunities which contribute to the success of social movements.³⁸⁸

Publicity

When an activist group publicly takes over a vacant home, it often makes the local, state, and sometimes national news. These activists raise banners³⁸⁹ and hold press conferences,^{390, 391} their takeovers are explicit and public facing. Cunningham of Philadelphia Housing Action says social media and press coverage can protect squatter activists against the legal system by getting the public on their side. There is some benefit, Cunningham says, to not publicizing takeover locations immediately to hide from law enforcement. However, Cunningham is in touch with another squatter group who was squatting in secret and was recently discovered by their local housing authority:

We were telling them: ‘they know where you're at, and you need everyone else to know about it now. Right? There's no more hiding. You have to go public, you know, and be very public and you need people who can be associated with it and have a public face to it. And just get on camera, be in front of the camera, and...protect yourself and the people.’...They were kind of a little caught up in this like, ‘well do we have like a legal strategy?’ and all this kind of stuff. And we're like, ‘no.’ [Laughter] ‘You don't. There's nothing in the law that's gonna protect you. We don't win in court. You have to win in the court of public opinion, like a political thing. You have to make it compelling, where it's like, whatever the law says, everyone kind of understands you're on the right side and the people in power are not supporting it like they should.’ And that's how you get movement and build pressure.³⁹²

³⁸⁸McAdam, “Conceptual Origins, Current Problems, Future Directions,” 25.

³⁸⁹Appleford, “Homeless Moms Seize Houses as Coronavirus Rages.”

³⁹⁰“Homeless Philadelphians Moving into Vacant City-Owned Homes.”

³⁹¹Terry, “Foreclosed Home Is a Risky Move for Homeless Family.”

³⁹²Cunningham, conversation with author, August 10, 2022.

Fleming of the Chicago Anti-Eviction Campaign also appreciates the value of media coverage, but is careful to utilize it selectively:

Media plays a key role in awakening the public and the powers that be, of what is going on.... Sometimes it can be a detriment.... I always tell people: you don't want to telegraph everything you doing sometimes, right? Because then these corporations and banks or law enforcement can adjust to it, as they have with takeover stuff.³⁹³

Fleming's wariness about corporations, banks, and law enforcement 'adjusting' to takeovers³⁹⁴ mirrors Piven and Cloward's assessment that poor people's movements must resist the cooptation of their demands and their activism by those in power.³⁹⁵ Overall, housing takeover leaders and squatter activists see social media, news coverage, and publicity in general as a tool that can aid movement success but must be used carefully.

The time-specific conditions that these movements operate within contributed to the public's, and the media's, generally positive perception of these movements, ultimately aiding their success. The Chicago Anti-Eviction Campaign was able to take advantage of the financial crisis of 2008,³⁹⁶ while Philadelphia Housing Action and Reclaiming Our Homes were able to take advantage of COVID-19 shelter-in-place orders, the precipitating economic turmoil, and of widespread protests in the wake of George Floyd's killing.³⁹⁷ These context-specific conditions may explain why housing takeovers are not as widespread as could be. The time-sensitive and context-specific nature of these cases raises the question: will there be more housing reclamation movements without dramatic economic crises? I would argue that the ongoing housing crisis

³⁹³Fleming, conversation with author, August 18th, 2022.

³⁹⁴Fleming, conversation with author, August 18th, 2022.

³⁹⁵Piven and Cloward, *Poor People's Movements*, 30.

³⁹⁶Fleming, conversation with author, August 18th, 2022.

³⁹⁷Cunningham, conversation with author, August 10, 2022.

Escudero, conversation with author, November 8, 2022.

across the United States constitutes a material economic crisis, and squatter activism raises a solution—though not an all-encompassing one—to the nation’s housing crisis and poses a challenge to the commodification and hyper-commodification that precipitated the crisis. Additionally, as I will explore later in this chapter, these activists argue for the creation of local Community Land Trusts (CLTs), that foster more sustainable community control of these otherwise vacant properties.

The time-sensitive and context-specific conditions of these cases are additionally consistent with Piven and Cloward’s assessment that social movements are most successful in “moments of madness.” However, Piven and Cloward’s framework raises doubts about the long-term sustainability of movements that grow out of “moments of madness,” after these moments have passed.³⁹⁸ While the “moments of madness” that these three movements grew out of contributed to their success, I would argue that housing takeovers as a social movement tactic offers a more sustainable model than more typical forms of protests. Housing takeovers act as both social movements and mutual aid groups, providing homes for housing insecure community members. In this sense, movement participants have important needs met by participating in housing takeovers, which may reduce the eventual participant burnout that befalls many social movements. Regardless of their continued engagement with movement politics, participants have real material motives to continue participate in housing takeovers, simply by staying in their homes.

Legal Knowledge and Understanding of Local Housing Systems

³⁹⁸Piven and Cloward, *Poor People’s Movements*, xxi-xxii.

Another tool that housing takeover leaders view as crucial to the success of their movements is knowledge of local housing systems, and legal knowledge in general. Housing Authorities sometimes receive federal funding and manage applications for federal programs but are typically administered by municipalities. Activists who protest against the mismanagement of housing resources often end up acting as liaisons between disparate housing entities who struggle to communicate with each other. Trespassing laws and adverse possession laws—known as squatter’s rights laws—are often buried in the legalese of municipal codes. These complicated legal systems pose a challenge for activists. When I asked what advice J.R. Fleming of the Chicago Eviction Campaign would give to other housing takeover activists, he said, “Check the law. Check the law. Check the law and organize.”³⁹⁹

Wiley Cunningham of Philadelphia Housing Action says legal knowledge and knowledge of existing housing programs is crucial to avoid taking a bad deal in negotiations, and that it is important to target the correct stakeholders in protest activities:

I would definitely say that we were successful, primarily because of both the timing and having people involved in the leadership who really knew a lot about how the system worked or were good at doing their own research and understood how the whole homeless services and housing system actually functions and what the laws were. And I say that because the city government tried really hard to put out publicly that like what we were asking for was...not actually possible. And we were able to overcome that because we knew the law. We had HUD on record saying that what we were asking for was totally possible, they do it all time.... You have to understand the system and the housing system, the homeless system, the housing authority, all that kind of stuff. They'll try to just offer you something that's like they're...trying to make it sound new and good, but it's actually something they already do, that doesn't work.... What's important is having people who...you got to know who your targets are, what your demands are...who are the important decision-makers...How do you leverage some kind of pressure on them to get that?”⁴⁰⁰

³⁹⁹Fleming, conversation with author, August 18th, 2022.

⁴⁰⁰Cunningham, conversation with author, August 10, 2022.

Municipal housing systems can be notoriously complicated, making direct protests against them difficult. However, squatter activists can research and understand what agencies or organizations to target, and how. These determinations are crucial when activists select buildings to occupy.

Building Selection and Repair Work

Squatter activists take over specific buildings that are owned by local stakeholders that are the targets of their activism and own vacant homes in the area. Reclaiming Our Homes occupied vacant homes owned by CalTrans (The California Department of Transportation), who owns approximately 200 unoccupied homes in El Sereno as a result of a scrapped freeway extension plan.⁴⁰¹ Philadelphia Housing Action occupied vacant homes owned by the Philadelphia Housing Authority.⁴⁰² J.R. Fleming of the Chicago Anti Eviction campaign says that through extensive research and connections to the community, he was able to locate and occupy vacant buildings that were owned by banks that had contributed to the foreclosure crisis in Chicago:

I particularly targeted houses, that was all about particular banks...that had a lot of fraud involved, where the homeowner didn't know that they were facing evictions. So, we tried to elevate and escalate that need, particularly.... Research, research. I use various systems to track this, including the county system, other data sources, MLS.⁴⁰³ And then, of course, homeowners accounts. Most of the properties I took over, we took over was based off a need by the community and a request from the community to do something about the vacant properties.⁴⁰⁴

Being discerning about which vacant properties to take over is important for squatter activists, especially in areas where “it wasn’t like you have to go that far to try to find one,” as

⁴⁰¹Appleford, “Homeless Moms Seize Houses as Coronavirus Rages.”

⁴⁰²Cunningham, conversation with author, August 10, 2022.

⁴⁰³MLS refers to Multiple Listing Service, a website where users can view and search through real estate listings, including foreclosure and pre-foreclosure listings: <https://www.mls.com/>.

⁴⁰⁴Fleming, conversation with author, August 18th, 2022.

Cunningham describes Philadelphia.⁴⁰⁵ Vacant homes can be in various conditions, from fully operational with appliances, to having a few drywall and plumbing issues, to stripped of all wiring and structurally deteriorating. According to Cunningham, the conditions of the buildings Philadelphia Housing Action took over and moved people into depended on the needs of potential residents and the time-sensitivity of their housing needs:

As far as like, criteria, what was important to me was that one, if there's gonna be like moms and kids in there, everything needs to work, you know? It needs to have running water...hot water, you have to have heat, you have to have electricity, good space, all that kind of stuff needs to be good because otherwise, they run the risk of having their kids taken from them. When it came time to clearing the parkway on an unreasonable deadline, it was more like, these are grown people. The house needs to be able to be secured. The roof needs to be good, and people need to wash their hands and go to the bathroom. And that was sort of like a little more of the criteria. So, it's just, you know, entering the house and seeing like what condition it's in, is it something that can be remediated quickly, or is it...a much bigger effort? And so, if it was something that was just going to take a lot more time, we didn't have the time, so we just kept moving, finally. There were a lot of houses in pretty good shape, that were just sitting empty, which is sort of, I think, has something to do with getting away with it. Why are there nice houses sitting empty?⁴⁰⁶

If buildings needed repair or renovations before they were occupied, housing takeover leaders would need to coordinate materials and labor, and often did the work themselves. Escudero of Reclaiming Our Homes says the homes that her group occupied were mostly in good condition, though minor repairs and some plumbing work were done by the occupants, people they knew, and people from the community who “came through and helped us.”⁴⁰⁷ Both Cunningham of Philadelphia Housing Action and Fleming of the Chicago Anti-Eviction Campaign had experience in building and construction and applied those skills in their takeover

⁴⁰⁵Cunningham, conversation with author, August 10, 2022.

⁴⁰⁶Cunningham, conversation with author, August 10, 2022.

⁴⁰⁷Escudero, conversation with author, November 8, 2022.

work.^{408, 409} Plumbing was an issue for all three organizations,⁴¹⁰ but Cunningham says

Philadelphia Housing Action found ways to fix plumbing, wiring, and appliance issues quickly and cost-effectively:

The most common thing in any of these houses [was]...people had broken in there at some point and stolen the copper, for scraps.... Many of these houses, we didn't have to break in, they were already opened.... They were not secured, and stuff had been taken out. The main thing would be the plumbing, but that's actually, like on the scale of things...a lot of times it's just the pipes taken out. They can reconnect with modern materials, and you can actually repair that rather quickly for really cheap. I think it's like 50 cents a foot or less for a hex plastic pipe or whatever sort of newer material. And they come in 300-foot rolls. Very easy, kind of like anyone can do it. And beyond that, you know, we'd have to maybe get them some appliances, like a fridge or something. Or a stove that was missing or whatever. Just get that off Craigslist. But the houses were great, like once people were in a house like they didn't really need our help. For the most part.⁴¹¹

Both Cunningham and Fleming worked on the houses with other members of their networks and communities who had construction skills and wanted to help. For the Chicago Anti-Eviction Campaign, this led to the creation of the Hood for Humanity program, where community youth are taught construction and repair skills through work on local vacant homes:

Different property, different things. Mainly drywall, plumbing was always stripped out.... That was kind of easy to address. I'm a skills man myself. So, a lot of the skills...that we needed done, I did, and a lot of other skills-men around. The work was easier to get done because while we were doing that, our organization was also training young men and women in the community to learn rehab skills, and even sometimes if the homeless person had an adult child, they would—they will help.”

The coordination and completion of repair work by housing takeover leaders demonstrates both the commitment to this work of these leaders and the broad support from

⁴⁰⁸Fleming, conversation with author, August 18th, 2022.

⁴⁰⁹Cunningham, conversation with author, August 10, 2022.

⁴¹⁰Fleming, conversation with author, August 18th, 2022.

Cunningham, conversation with author, August 10, 2022.

Escudero, conversation with author, November 8, 2022.

⁴¹¹Cunningham, conversation with author, August 10, 2022.

neighboring communities. By and large, housing takeover leaders brought together people in their networks, other activists, and community members to rehabilitate homes for the homeless and housing-insecure individuals and families. While repairs can be a challenge for housing takeover movements, the ability to successfully rehabilitate a home reveals the strength of these movements.

Resident Selection and Accountability

Squatters, in general, have a bad reputation. They are commonly associated with drug use, anti-social behavior, vandalism, and burglary. Fleming of the Chicago Anti-Eviction Campaign distinguishes his work from the behavior of other ‘squatters’ who sell drugs and commit other crimes in vacant buildings:

A lot of the community people appreciated us for doing this work.... Appreciate not having, you know, vacant buildings in their neighborhoods, where squatters can...squat and do illegal drug activity, right? They appreciated us for a lot of the work we did. Cause again...a lot of rapists, gang activity going on in a lot of these communities.

To gain community acceptance, activists who use squatting tactics are motivated to distinguish themselves from criminal and anti-social squatters and avoid common squatter stereotypes. In *No Trespassing!*, political scientist Anders Corr argues that squatters do not deserve their anti-social and criminal reputation, and it is more effective and ethical to criminalize anti-social behavior than to criminalize squatting itself:

Evicting squatters has less of an effect on anti-social behavior than does targeting the anti-social behavior itself. If squatters litter their yards and play more loud music than their rent-paying or homeowners neighbors, if they steal from neighbors, this behavior should itself be targeted. To evict an entire household of squatters when one or two of their number are responsible for anti-social behavior violates the basic legal principle that rejects group punishment for the crimes of an individual. Even though most squatters take a position against crack houses, neighbors associate squatters of any stripe with the

deterioration of a neighborhood, as wealthier and more stable neighbors sell their homes to speculators who leave them vacant. Yet neighborhood deterioration invites squatters more than squatters deteriorate a neighborhood.⁴¹²

Fleming’s negative view of “illegal drug activity” in squats supports Corr’s assessment that most squatters take a position against so-called “crack houses”. To further distance themselves from negative stereotypes of squatters, squatter activists commonly prioritize families, particularly mothers with children, as residents of reclaimed homes. Both Fleming and Cunningham say their organization focused on women with children at first, and later began housing individual adults.^{413, 414} Escudero herself is a single mother of two, and worked to house other mothers and older people in vacant homes.⁴¹⁵ Centering unhoused mothers and children, who are often viewed as the most ‘deserving’ group of unhoused people, allowed the squatter activists I spoke to gain greater sympathy in news coverage and with the public, and allowed them to navigate around the negative reputation squatters typically carry. This focus on ‘deserving’ residents, often mothers and children, exemplifies Tilly’s assertion that a key aspect of social movement activity is expression of participant’s own worthiness, often through sobriety, cleanliness, and affiliations with religion.⁴¹⁶

In addition to prioritizing mothers and children to gain community support—and prevent community rejection—squatter activists must develop plans for resident accountability. In Pruijt’s “deprivation-based” framework to understand squatting in Europe, the behavior of squatters is crucial:

⁴¹²Corr, *No Trespassing!*, 71.

⁴¹³Fleming, conversation with author, August 18th, 2022.

⁴¹⁴Cunningham, conversation with author, August 10, 2022.

⁴¹⁵Escudero, conversation with author, November 8, 2022.

⁴¹⁶Tilly, “Conclusion,” 261.

To the extent that there is a division of roles between activists and squatters.... It is also very important that squatters in this configuration have no other serious problems beyond homelessness, such as substance abuse, dealing or stealing, sexual or domestic violence. If they do, additional risks of repression loom, and activists supporting squatters who have multiple problems run the risk of turning into unpaid social workers.⁴¹⁷

While most participants in housing takeover movements make concerted efforts to avoid any disruption to the neighborhood, mistakes happen. Escudero recommends that other housing takeover leaders “have some plan for accountability or conflict resolution” amongst organizers and residents.⁴¹⁸ The Chicago Anti-Eviction campaign creates “Good Neighbor contracts” that residents must agree to, and that they can show to neighbors. Fleming says these contracts help neighbors understand and agree with the Campaign’s efforts.⁴¹⁹ Cunningham, in some instances, became the “unpaid social worker” that Pruijt describes, and had to re-explain to some residents their role in Philadelphia Housing Action’s activism:

There were squats that became nuisances. People that moved in there and start getting a lot of like police calls and the housing authority would be getting calls from the police and councilperson, and then eventually, they may have to take action.... There were houses, that got disbanded, or people left or got themselves caught up with like a legal thing. Because of bad interactions with neighbors, you know. That is unfortunate, but...it didn't seem like there was actually a whole lot I can do so like, you go talk to people and tell them you know, you got to like, shape up or whatever.... They're gonna put your ass out if you don't stop—I don't know, screaming in the street or whatever it is...in the middle of the night, and they keep doing it. Not much you can do...on that. We're pretty big on the personal responsibility and this stuff. You see the people who are already adults and have small children. It's sort of like...[laughter]—we're not your social workers. Like we don't get paid...this isn't a charity, it's part of a protest movement. We need people who are going to be participants.

In general, squatter activists distance themselves from negative stereotypes about squatters to gain acceptance from the surrounding community and empathy from law

⁴¹⁷Prujt, “The Logic of Urban Squatting,” 25.

⁴¹⁸Escudero, conversation with author, November 8, 2022.

⁴¹⁹Fleming, conversation with author, August 18th, 2022.

enforcement and building owners like banks and Housing Authorities. Squatter activists create this distance by prioritizing families, particularly mothers with children, and creating plans for resident accountability. While the three squatter activists I spoke with viewed their work as successful, it was not without its challenges, and outcomes were not perfect. In the next section, I elaborate on challenges for squatter activists.

Challenges

Two notable challenges that housing takeover leaders face are surveillance and eviction from law enforcement and interactions with surrounding communities.

Interactions with State Agents and Law Enforcement

Low-income parents who struggle with housing insecurity often face their risk of losing custody of their children, and this was a concern for parents involved in these movements. Government case workers and social workers sometimes appeared at squats to check on the living conditions of children, says Cunningham, which meant these homes had to be in excellent condition.⁴²⁰ While interactions with children’s welfare services did not ultimately prevent activists with children from taking over homes, it was something they had to consider and plan for.

In addition to interactions with social workers, there was a lot of police presence at housing takeovers, and some residents were evicted, says Escudero of Reclaiming Our Homes:

There was a lot of presence, but we had a lot of supporters on the outside and I just pretty much try to stay in as much as possible....The first house we were in...we got taken out by law enforcement, and they [the police] just gave us the resources,⁴²¹ they didn't really

⁴²⁰Cunningham, conversation with author, August 10, 2022.

⁴²¹Escudero says these “resources” were information about local homeless shelters and other housing programs, which Escudero feels were already inadequately meeting her needs.

do anything else....There was another [takeover] in November 2020, where it wasn't successful, around this corridor as well. And after that, they were running highway patrol cars at every vacant home just guarding the house, an empty house.... So, there were millions of our tax dollars being spent in like guarding empty homes instead of like fixing them and making them available for people.⁴²²

Escudero's assessment that tax dollars were being wasted patrolling vacant homes instead of fixing them points to the power of squatter activism as a challenge to private property. To the police, it did not matter whether these homes were legally occupied or immorally vacant while families slept in dangerous shelters: these properties had owners (in this case, CalTrans), and the police were there to enforce the property rights of these owners. Escudero's experience with the police in her housing takeover work is demonstrative of Doug McAdam's theory that "the state's capacity and propensity for repression" is a key dimension of political opportunity structures that impact movement success.⁴²³

In Chicago, Fleming found that police were often sent to patrol squats, but he found ways to convince officers to empathize with squatters:

It was a lot of struggle, a lot of interaction with the police, but again, being very familiar with the law, always reminding the police that they were police and not shareholders. That wasn't their job or duty. And one of my favorite lines to use on them was 'Listen, the banks bankrupted America, right? Stole your pension money. You know, so little brother's gonna fight these guys, so why don't you be supportive of that?' So, we received a lot of support from the police on that end, because we reminded them that the banks can't do what they do without your support. That made the banks hire security guards.... We always were very aware of the law.... Shortly after doing this work, law enforcement was trained to not interact and not get involved, that this was a civil matter...which allowed us to really exploit that loophole and do something about the vacant buildings.⁴²⁴

⁴²²Escudero, conversation with author, November 8, 2022.

⁴²³McAdam, "Conceptual Origins, Current Problems, Future Directions," 27

⁴²⁴Fleming, conversation with author, August 18th, 2022.

The responsibility of monitoring and evicting squatters changing hands between the police, private security guards, and civil courts that Fleming outlines is emblematic of the complicated nature of housing law and property rights, that vary by municipality and state.

Philadelphia is unique in the way it polices squatters. Unlike most other cities, the Philadelphia Housing Authority has its own police force, as Cunningham describes:

The Housing Authority has their own police in Philadelphia, most major cities disbanded their housing authority police. It's sort of more of like a relic from the time where public housing towers were more the focus.... But we still have a seventy-member Housing Authority police department that has jurisdiction in and upon the ground for the Housing Authority but would regularly exercise outside of that jurisdiction.... There's so many people squatting the Housing Authority, that like the Housing Authority sort of got into this normalized practice:...showing up at a squat and telling people 'Get out right now, we're arresting you for felony trespassing.' And they had their own police that could do that. But the Philadelphia police, if they showed up at a squat, they would tell the owner. There's a civil court process for this, you have to file in court and go to court, just like an eviction.... As long as the person can demonstrate that they actually lived there, and there's not some other crime taking place.... But the Housing Authority police, they would just take the position of 'we're gonna arrest you for felony trespassing unless you leave right now.' And do these summary extra-judicial ejectments. So, there were...at least three instances where the police showed up at one of our squats, and every time Jen [Bennetch] was able to get there pretty quickly.... By virtue of having many years of protesting and fighting the housing authority, they knew who she was. She would show up and flip out, and be streaming it on Facebook, and there's a bunch of videos on her Facebook page of her like stopping mid-process evictions from taking place, where she just showed up and screamed at them and called the police on them, and they leave....No one got evicted by the police during the course of our campaign, even though they found a few of the houses.⁴²⁵

Though faced with a harsher Housing Authority police force than the police force of the City of Philadelphia, Philadelphia Housing Action activists like Cunningham and Bennetch were able to prevent evictions by directly confronting the police. Interactions with police forces and other government agents require squatter activists to be not only thoughtful and prepared, but brave.

⁴²⁵Cunningham, conversation with author, August 10, 2022.

Community Outreach and Response

Acceptance from neighbors and the local community can be key to the success of squatter activism. In *No Trespassing!*, Corr finds that ties to the surrounding community are key for squatter success in general.⁴²⁶ The activists I spoke to had varying approaches to interacting with the community surrounding their squats. Cunningham of Philadelphia Housing Action says he and his fellow organizers “talked to neighbors a little more directly” at their first squat, but generally left it to the residents of squats to decide if they wanted to inform their neighbors, while recommending that they do so.⁴²⁷ In El Sereno, Escudero wishes in retrospect that Reclaiming Our Homes had more time to canvas the local community and talk to neighbors, but the need to quickly house unhoused people meant that this process was neglected.⁴²⁸ For Fleming of the Chicago Anti-Eviction Campaign, community outreach is a priority. CAEC often takes over particular vacant homes at the request of neighboring community members, and Fleming says the will of the surrounding community drives CAEC’s work:

Make sure it's the will of the people, not the will of the organization, and make sure that the people are leading the process...the community close, that you're addressing. The people directly affected.... It's the people that are making decisions.⁴²⁹

The variation in these three groups’ level of community outreach likely contributed to the ultimate response of the community, though the local and time-specific contexts played a major role.

Fleming says the support that the Chicago Anti-Eviction Campaign received from the community they operated within was “ridiculous” and “unbelievable” in a positive way. Some

⁴²⁶Corr, *No Trespassing!*, 155.

⁴²⁷Cunningham, conversation with author, August 10, 2022.

⁴²⁸Escudero, conversation with author, November 8, 2022.

⁴²⁹Fleming, conversation with author, August 18th, 2022.

homeowners even donated supplies, materials, and even their own time and labor to help rehabilitate homes and support the campaign.⁴³⁰ Community members were supportive dually because they may have supported the campaign’s work and political motivations, and because they were glad to see a group addressing the blight in their neighborhood, thereby stabilizing the area and raising their own property values. Similarly, Cunningham says some neighbors and community members unaffiliated with Philadelphia Housing Action wanted to support the residents of occupied houses:

People...would reach out to us sometimes to be like, ‘Hey, do any of these moms need this?... And we try to connect them...have them have their own relationships. And some of that support continued well after the protests, depending on who the people were and what their relationships are like.’⁴³¹

This level of community support is a major win for housing takeover movements. When neighbors actively support a housing takeover by showing up to prevent evictions or donating time or materials for repairs, activists know they will not call the police on their squats or make other efforts to remove them. This level of support may be aided by the fact that the families CAEC placed in homes generally had the same racial and class backgrounds as their new neighbors—namely, they were black and working class, like most of Chicago’s South Side population. Still, Fleming says building a multi-racial movement was and is important to him—he sees housing insecurity as an oppressive force that impacts people across racial backgrounds, though “Blacks and Latinos are disproportionately affected.”⁴³²

Cunningham says that most neighbors were noticeably neutral, and did not ask questions about the squats:

⁴³⁰Fleming, conversation with author, August 18th, 2022.

⁴³¹Cunningham, conversation with author, August 10, 2022.

⁴³²Fleming, conversation with author, August 18th, 2022.

I'd say on most blocks, people know which ones are the Housing Authority property, how long they've been sitting empty, and know a lot more about the history of it than I would have....People would poke their head out and ask, 'what are you doing next door?'...I'd be like 'Oh, I'm surveying vacant owned city property, for emergency housing.'... 'Oh, Okay, that makes sense.' And in the context of everything that everyone is going through at that moment. I don't think people...thought about it much more beyond that. They didn't ask if I worked for the city. they didn't ask if I worked for the Housing Authority, they were like, 'oh, that makes sense'.... I didn't do much in a way of like, going out of my way to talk to neighbors. If [they] didn't have questions, I didn't bring it up.... When I'm showing up, I don't know that people thought twice about it.... Opening a board and going in there and not taking stuff out, but bringing stuff in.⁴³³

This neutrality may be due to the specific housing context of the areas of Philadelphia that Philadelphia Housing Action operated in. Cunningham attributes the general neutrality of the neighbors he interacted with to both neighbors' awareness of the vacant city-owned properties, and of Philadelphia's squatting history.

There's a history of squatting in Philly, there's like a culture that people know, and maybe know someone who's done it. There was a much bigger movement in the late eighties and early nineties...but I feel like there's generally an understanding...I think for people it doesn't really matter to them if people are squatting or not, it's like: "are they a good neighbor, are they not? Are they bringing a bunch of drama into the block or are they not? Are they in my way?" ... Ownership is less the issue. It's more like: "what kind of person are you?"⁴³⁴

Cunningham's assessment that "Ownership is less the issue," illustrates an understanding of housing's use value from neighbors and surrounding communities. Neighbors of Philadelphia Housing Action's squats were able to recognize the value in otherwise vacant properties being occupied by housing insecure families and individuals, regardless of monetary exchange.

While Cunningham recognizes that residents sometimes were met with negative responses from neighbors, most didn't ask questions or reacted positively, which is likely at least

⁴³³Cunningham, conversation with author, August 10, 2022.

⁴³⁴Cunningham, conversation with author, August 10, 2022.

partially due to the general attitude around squatting in Philadelphia.⁴³⁵ Charles Koppelman's 1984 documentary *Squatters: The Other Philadelphia Story* follows squatters in Philadelphia in the 1980s. Similar to squatters of today, these squatters were unable to access housing in the private market or through social services. At the time, there were somewhere between twenty-two-thousand and twenty-four-thousand vacant homes in Philadelphia, the largest number of vacant homes of any municipality in the country.⁴³⁶ These squatters were large in number, and like today's squatters, decided to act and use these homes to house themselves and their families, simultaneously solving their own housing insecurity and preventing these building from further deterioration.⁴³⁷ As Cunningham explains, this history informs how Philadelphians react to squatting today.

Escudero of Reclaiming Our Homes, on the other hand, received more negative responses from neighbors than she would have hoped for. Escudero says that this was, in part, due to misinformation about who the Reclaimers were, and why they were occupying these vacant Caltrans owned homes:

Some of the neighbors did know what was going on, some were informed, but we had—like mixed. We had people that were supportive and then we also had people that were really against it and a lot of it was based on misinformation. They thought there was a list that Caltrans was waiting on and a lot of them have family members that have previously been evicted or just left their homes, so they thought that their family had priority over these houses. But all this is like not true because there's no such a list.... There was like no priority for anyone.... They also assumed that people were putting family members in, based on similar last names. But they just shared last names.⁴³⁸

⁴³⁵Cunningham, conversation with author, August 10, 2022.

⁴³⁶*Squatters: The Other Philadelphia Story*, directed by Charles Koppelman, Short Documentary (The John D. & Catherine T. MacArthur Foundation, 1984), www.youtube.com/watch?v=4GuPIJewdMg.

⁴³⁷*Squatters: The Other Philadelphia Story*.

⁴³⁸Escudero, conversation with author, November 8, 2022.

This misinformation impacted how neighbors viewed the Reclaimers, says Escudero.⁴³⁹ The urgency of Reclaiming our Homes actions meant they did not explain their work to the surrounding community before moving in,⁴⁴⁰ which could have prevented the spread of misinformation. Negative reactions from misinformed community members demonstrates the need for activists attempting housing takeovers to perform substantial community research and outreach. Escudero says the misinformation about the Reclaimers in El Sereno worked in tandem with negative attitudes about the unhoused and strict reverences for the law to turn some neighbors against the Reclaimers:

The mentality that the people have... 'pick yourself up from your bootstraps' mentality and saying 'well, like, I work hard for this' type of thing. But I feel like that's really unfair because... the housing crisis has really increased astronomically here in California. You could work two jobs and still not even be able to afford rent.... I feel like a lot of people are really stuck on 'oh, we have to follow the rules and the law, everything has to be in order' type of stuff but I'm trying to see like whoa like if these laws are unjust, or immoral, that causes harm, but can we like just undo them? Can we have more compassion and empathy and really think through like; you don't have to follow rules just because they're rules, we have to like really figure out 'do they align with my value system? Are we doing the right thing?'⁴⁴¹

Both Fleming and Cunningham—while perhaps receiving more positive responses from neighbors than Escudero—also dealt with critiques that taking over homes was ‘unfair’ and that they were not justified in breaking the law. Fleming found a counter argument that seemed convincing to many neighbors:

I mean, we—only when some neighbors who disagree, that it wasn't fair that they had to pay rent and mortgages and other people get to live rent-free. So, we, it wasn't all Kumbaya, all glory, and no struggle.... We try to use the terminologies with neighbors,

⁴³⁹Escudero, conversation with author, November 8, 2022.

⁴⁴⁰Escudero, conversation with author, November 8, 2022.

⁴⁴¹Escudero, conversation with author, November 8, 2022.

like ‘well, if the rats, roaches, and raccoons can live in there rent-free, why not human beings?’⁴⁴²

For Cunningham, the argument that the rights of owners of private property supersedes the needs of the homeless to take over vacant homes is hypocritical and misguided:

Private property is just sort of the [expletive] problem here. And as long as housing is based off of a market...be it a voucher or for low-income people or a tax credit for a private landlord or whatever, we're gonna have this housing crisis.... People are crying about infringement on property rights and all that kind of stuff. But the truth is, city governments also use eminent domain all the time to take property away from black people and give it to private interests. Our city just did that in 2015. They took thirteen hundred properties in a black neighborhood and gave it to the housing authority, to build, to redevelop the neighborhood. But to me, I'm like, it's always poor black people who get their [expletive] taken. And then when it's a wealthy white landlord...everyone wants to care about property rights and are talking about that.⁴⁴³

Members of surrounding communities may be committed to the ideas of rugged individualism and private property, and therefore ideologically against squatter activism. Additionally, community members can be key supporters of squatter activists, and may aid their efforts. Community outreach is a crucial step in squatter activism and can prevent the spread of misinformation and encourage community members to empathize with squatter activists and potentially support them.

Negotiations and Outcomes

Scholars of social movements often have a difficulty defining movement success. In *The Consequences of Social Movements*, Lorenzo Bosi, Marco Giugni, and Katrin Uba argue that the “unintended consequences” of social movements, like contesting cultural values, educating and mobilizing activists, and promoting ongoing awareness are significant outcomes of social

⁴⁴²Fleming, conversation with author, August 18th, 2022.

⁴⁴³Cunningham, conversation with author, August 10, 2022.

movements that extend beyond the specific stated goals of individual campaigns.⁴⁴⁴ Similarly, in “Making an Impact: Conceptual and Methodological Implications of the Collective Goods Criterion,” sociologists Edwin Amenta and Michael P. Young argue that movement success can be understood beyond the achievement (or lack thereof) of a movement’s state goals. They argue a key component of movement success is the concept of “collective goods,” which they define as “those groupwise advantages or disadvantages from which nonparticipants in a challenge cannot be easily excluded,” and note that these goods can be both material and intangible/symbolic.⁴⁴⁵ This being said, all three of the housing takeover leaders that I spoke with consider their activism successful.⁴⁴⁶ These activists all demanded the transfer of vacant properties to a community-controlled community land trust.⁴⁴⁷ That being said, the outcomes of specific properties and specific action vary by organization, and often from home to home.

The Chicago Anti-Eviction campaign is different from the other two case studies because activists targeted vacant properties owned by a variety of banks, not owned by one public institution like both Philadelphia Housing Action (which targeted buildings owned by the Philadelphia Housing Authority) and Reclaiming Our Homes (which targeted buildings owned by Caltrans) did.⁴⁴⁸ Fleming was able to negotiate with banks, and convince them that funding a citywide Community Land Trust was good for their bottom line:

⁴⁴⁴Bosi, Lorenzo, et. al. *The Consequences of Social Movements*, 7.

⁴⁴⁵Amenta and Young, “Making an Impact.”

⁴⁴⁶Fleming, conversation with author, August 18th, 2022.

Cunningham, conversation with author, August 10, 2022.

Escudero, conversation with author, November 8, 2022.

⁴⁴⁷Fleming, conversation with author, August 18th, 2022.

Cunningham, conversation with author, August 10, 2022.

Escudero, conversation with author, November 8, 2022.

⁴⁴⁸Fleming, conversation with author, August 18th, 2022.

Cunningham, conversation with author, August 10, 2022.

Escudero, conversation with author, November 8, 2022.

Although I was told that no bank is going to support deed-restricted properties, we were able to pull it off. Not just with the bank, but with our city, local government. And it became a process of negotiation. That's all like, it behooves you do this because you're—how do we say it, for those of your clients who can afford a mortgage? Right? For those who can afford a mortgage, what would it look like, if these vacant properties that you own next to them drive down their property value? This is how people end up underwater. So, I think that kind of resonated with them.⁴⁴⁹

Through this process of negotiation with banks and the City of Chicago in the late 2000s and early 2010s, The Chicago Anti-Eviction Campaign was able create major change in how vacant properties are treated in Chicago. The organization helped establish the Cook County Land Bank Authority in 2013, where vacant properties across Chicago are held and brought into productive reuse through long term affordable leases and income-restricted deed restrictions.⁴⁵⁰ CAEC was also able to form a Community Land Trust, funded by banks and financial institutions, as Fleming explains:

Bank of America would later support our Community Land Trust effort in Chicago.... I would say, getting the banks to finance the deed-restricted property, getting the local government to buy into it [is one of CAEC's biggest successes]. Creating...a community buyer program with Fannie Mae and Freddie Mac, with FHFA [Federal Housing Finance Agency], they give community groups like myself, and community folks, the opportunity to get these foreclosure properties...they do a Community Land Trust, cooperative development...or provide affordable housing models.... I think one of the greatest successes is having a Chicago Community Loan, which is our host for the Community Land Trust. Having a community development financial institution, banks, community groups, and the government coming together to form a Community Land Trust, I think is one of the great successes.⁴⁵¹

The connection between the CAEC and the Community Land Trust model is key here. Fleming and the campaign recognized the ability of CLTs to reduce the quantity of vacant properties in an area while maintaining community control and preventing community displacement. Besides the

⁴⁴⁹Fleming, conversation with author, August 18th, 2022.

⁴⁵⁰“About Us,” Chicago Anti Eviction Campaign, accessed March 22, 2023, <https://www.chicagoantievictioncampaign.com/our-story>.

⁴⁵¹Fleming, conversation with author, August 18th, 2022.

establishment of the Community Land Trust, which Fleming says shows “what a true public and private partnership to stabilize communities looks like,” Fleming says the biggest accomplishment of the Chicago Anti-Eviction Campaign was “building partnerships and a people-centered movement.”⁴⁵²

In Philadelphia, Cunningham says Philadelphia Housing Action was in negotiations with the city for five months after the encampments began:

The city's opening position was that they weren't going to do anything for any of our demands, couldn't do anything...and that they didn't have any power over the Housing Authority. Which we knew to be untrue. And then it took surviving one eviction attempt...and the city backing down.... The negotiation sort of went like: “we can't do this.” Eventually...it came to: “we can do this, but we don't want to.” And then came: “okay, here, we're giving you what you want.” But it took a lot. An incredible amount of effort and spectacle. Including visiting people's homes and harassing them in front of your neighbors. Blocking an important street for like months, with barricades, that kind of stuff. And by the end...it was: “we have to clear all these people off of the encampment within a certain period of time, in order to get houses in the future.” And so, we took over more vacant housing authority houses without really asking.⁴⁵³

In October of 2020, Philadelphia Housing Action reached an agreement with the Philadelphia Housing Authority and the City of Philadelphia, that was announced on October thirteenth. Under the agreement, Philadelphia Housing Action voluntarily vacated its two protest camps, and the City and the Housing Authority promised to transfer fifty properties to a community land trust, Philadelphia Community Land Trust, run by members of Philadelphia Housing Action. The agreement stipulated that:

Within five days of the resolution of the camp and establishment of the Land Trust, the City will enter into an agreement to provide site control and access, on a temporary basis, to up to 10 properties to the Land Trust. Within six months of the resolution of the camp, the City will enter into agreements to transfer up to an additional 40 city-owned properties identified by the Land Trust. Of those 40, 25 will be transferred to the City

⁴⁵²Fleming, conversation with author, August 18th, 2022.

⁴⁵³Cunningham, conversation with author, August 10, 2022.

within 45 days by PHA, using properties from closed Rental Assistance Demonstrations (RAD) transactions. The remaining 15 properties will be city-owned properties identified by the Land Trust and which the City agrees are suitable for transfer to the Land Trust.⁴⁵⁴

This agreement, on paper, was a success for Philadelphia Housing Action, and a real commitment by the City and the Housing Authority to ensure community control of vacant properties. However, two years after this agreement was made, Philadelphia Housing Action has only received two of the homes they were promised.⁴⁵⁵ The process of identifying homes for the trust has been slow moving and was further stalled by the passing of Jennifer Bennetch in February of 2022. Still, members of Philadelphia Housing Action who now serve on the board of the Philadelphia Community Land Trust continue to pressure the city to honor their agreement.⁴⁵⁶

In El Sereno, Reclaiming Our Homes was able to enter into a temporary agreement with the Housing Authority of Los Angeles (HACLA) and People Assisting the Homeless (PATH), a non-profit organization that supports the unhoused in Los Angeles, so Reclaimers could stay in the homes, albeit for a limited period:

We...chose these homes to bring out that attention: why aren't these homes being used? So, they were quick enough to build a whole new program that wasn't viable before because we called this attention, so they created this new program, including these houses as temporary housing structures.... We went into negotiations with the city and find a three-year contract of temporary housing through HACLA and PATH, housing entities here in Los Angeles. And currently, mine and Benito's, another Reclaimer, our contract is up, but they haven't found any permanent stable housing for us. So, we're fighting for an extension...or to create a program that we can transfer in place and be able to have permanent housing in the homes that we already have.⁴⁵⁷

⁴⁵⁴City of Philadelphia Mayor's Office and City of Philadelphia Office of Homeless Services, "City, PHA And JTD Camp Representatives Reach Agreement to End Parkway Encampment | Office of Homeless Services,"

⁴⁵⁵Cunningham, conversation with author, August 10, 2022.

⁴⁵⁶Meir Rinde, "New Philly Land Trust Was Promised Dozens of Homes; How's It Going?," Shelterforce, October 25, 2022, <https://shelterforce.org/2022/10/25/new-philly-land-trust-was-promised-dozens-of-homes-hows-it-going/>.

⁴⁵⁷Escudero, conversation with author, November 8, 2022.

Escudero and some of her fellow reclaimers have eviction notices, as their three-year contracts expire.⁴⁵⁸ Still, Escudero and others are fighting and negotiating to stay in the homes, and may be able to remain until the summer or fall of 2023, as negotiations are still ongoing, and Reclaimers say it is unclear to them when they are required to vacate.⁴⁵⁹ Caltrans is in the process of transferring the homes to community organizations who are bidding on the properties, among them the El Sereno Community Land trust, which is aligned with the Reclaimers and would allow them to remain in the homes as low-income renters.⁴⁶⁰ For Escudero, the land trust is the ideal option.⁴⁶¹

There is an argument to be made that organizing against state agencies, as in the El Sereno and Philadelphia cases, is more effective than organizing against disconnected banks, as in the Chicago case, as state governments may be more responsive to public protests than financial institutions. Still, The Chicago Anti-Eviction Campaign was able to find success in targeting bank-owned properties by appealing to financial institution's bottom line and arguing that occupation of abandoned properties would prevent further deterioration.⁴⁶² This may suggest that activists can use the commodification of real estate to their benefit, even as they attempt to decommodify it. If keeping properties vacant creates financial losses for the financial institutions that own them, these financial institutions may be more receptive to creative re-use of these properties, as in the Chicago case.

Overall, while the outcomes of housing takeovers are rarely perfect, squatter activists have real power to negotiate with local stakeholders and ensure the equitable use of vacant

⁴⁵⁸Appleford, "As Eviction Notices Arrive, Reclaimers Brace for Last Christmas in El Sereno."

⁴⁵⁹Scauzillo, "Many 'Reclaimers' Living in Caltrans-Owned Homes along Defunct 710 Freeway Extension Face Eviction."

⁴⁶⁰Appleford, "As Eviction Notices Arrive, Reclaimers Brace for Last Christmas in El Sereno."

⁴⁶¹Escudero, conversation with author, November 8, 2022.

⁴⁶²Fleming, conversation with author, August 18th, 2022.

properties. Community land trusts are prioritized, and steps can be taken to ensure these homes can resist both gentrification and deterioration pressures in the future. Ultimately, the central success of squatter activism is the threat it poses to the commodification of real estate. These activists know that the value of houses as homes is more important than their potential monetary value. By squatting, these activists reject any financial claims others may have to a property and prioritize properties' use by housing people.

Coalition Building and Institutionalization

The activists I spoke to were supported by a variety of other community groups and relied on coalition building throughout their work. Cunningham describes Philadelphia Housing Action as “briefly a coalition of a few different groups” and says the group had a relatively informal organizational structure:

It also was big enough where people did things that I still don't know about.... We sort of set up an umbrella framework of like, these are the demands, this is the campaign, what we're trying to do....And then people took their own actions in support of that....I've found that over the years to be the more effective way of organizing, even though it can have its own challenges....I'll still hear stuff now, years later, about people having had conversations or engaged their networks or their contacts or used their influence in support of the overall demands. Or to build some pressure in some way behind the scenes.⁴⁶³

The Chicago Anti Eviction Campaign was also able to build coalitions around its work, using human rights as an underlying connector:

We use human rights as the umbrella, right? Whether you're fighting for the human rights to education, right? The public school system has so many homeless people in it, right, homeless children. Here's a way to combine that. When you're talking about education, all the teachers that was getting laid off nationally, eventually will end up in foreclosure. That's why there was a need to organize with CTU the Chicago Teachers Union and have them join in on the fight. National Nurses United even joined in our fights. Connecting healthcare. Like this is what causes trauma and family mental health issues and things of

⁴⁶³Cunningham, conversation with author, August 10, 2022.

that nature—violence, domestic violence—is these types of issues right? So, we just kept kind of connecting the dots. With the student debt, the same thing. All these kids coming home with student debt, we told them during the Occupy movement, “hey look, it sucks that you went to school for four, five years, developed two hundred thousand dollars plus of student debt. And then you come home. They closed the factory, that your father worked at because of automation. And then your mom got laid off as a teacher, now you're bringing your ass home with all this debt, can't nobody get a career.” So, it's easy to make that connection.⁴⁶⁴

Escudero says Reclaiming Our Homes came together through interpersonal connections between community members, some of whom had been involved with the effort to stop the 710-freeway expansion. They then reached out to California left wing organizations for their support, and were able to form a coalition of organizations, that ultimately gave them the power to begin taking over vacant homes:

The core groups that we started with...in the beginning were LATU [Los Angeles Tenants Union], ACCE [Alliance of Californians for Community Empowerment], LACCLA [Los Angeles Center for Community Law and Action], DSA [Democratic Socialists of America], and then it also grew with other alliances. J-Town Action and Solidarity, Street Watch, Unhoused Tenants Against Carceral Housing, Services, Not Sweeps! So, we have a broad coalition of people that have supported our organization.⁴⁶⁵

Coalition building can strengthen a movement but relying too heavily on non-profit organizations can result in the cooptation of the movement by these organizations. Becoming a formal non-profit organization through institutionalization can stifle a movement. Fleming says the non-profit community was hesitant to support the Chicago Anti-Eviction Campaign because of its broad, inter-movement, calls for change:

Gaining the support from the nonprofit community, the foundation community, that was one of the biggest struggles you know, struggling with “is this the right time to do this?” A lot of people thought that by mixing movements at the time, we was gonna lose the message. A lot of people thought, by combining our work with other organizations...we might be getting into some trouble.⁴⁶⁶

⁴⁶⁴Fleming, conversation with author, August 18th, 2022.

⁴⁶⁵Escudero, conversation with author, November 8, 2022.

⁴⁶⁶Fleming, conversation with author, August 18th, 2022.

For Cunningham, the informal nature of Philadelphia Housing Action was a strength:

The first couple of months, Philadelphia Housing Action was like three people. We were driving the politics of it and doing all the negotiation. And we each had our own networks to draw upon...What we were doing was like, outside of the bounds of like what a formal organization can do. We were doing things that were illegal and we were also being very aggressive about them needing to respond to us and meet our demands. And I find that is very challenging for an organization that is formal and legal and has ongoing...relationships to maintain with the same people that you're targeting. Like a legal aid group is only going to go so far. Because they still have to talk to those people the next day...By virtue of being like nothing on paper. We were able to advocate a lot more aggressively.

Ultimately, the activists I spoke to were able to draw on personal and activist networks to form broad coalitions in support of their campaigns. They were also able to resist formal institutionalization, which allowed them to maintain their radical tactics.

Conclusion

Housing takeovers and squatter activism are fascinating activist tactics that warrant further study. As part of this project, I spoke to three housing takeover leaders, with the hopes of finding common tactics, themes, and outcomes amongst them. I found that location and time-specific contexts were important to the actions of squatter activists and the outcomes of their work, but common themes did emerge. Two of the movements whose leaders I spoke with specifically targeted government owned property (Philadelphia Housing Action and Reclaiming Our Homes),^{467, 468} while the other targeted foreclosed-upon properties (Chicago Anti-Eviction Campaign).⁴⁶⁹ Activists were largely motivated to undergo this work because of prior experiences with housing insecurity, problems with established housing systems, and

⁴⁶⁷Cunningham, conversation with author, August 10, 2022.

⁴⁶⁸Escudero, conversation with author, November 8, 2022.

⁴⁶⁹Fleming, conversation with author, August 18th, 2022.

connections to other social movements. Planning was important but was often rushed to get residents into homes. Timing, publicity, legal knowledge, understanding of the housing system, building selection, repair work, and resident accountability emerged as crucial factors for activists to consider. Mothers and children were often prioritized as residents for occupied homes, which both provided housing for this special population, and distanced activists from negative stereotypes of squatters. Housing takeover leaders faced many challenges in their work, including interactions with law enforcement, and navigating community outreach. The establishment of community-controlled land trusts, and the transfer of vacant properties to these trusts were key demands of these activists, which were sometimes met. Finally, squatter activists build and rely on coalitions throughout their work.

The South Side of Chicago, North Philadelphia, and West Philadelphia, and El Sereno are all historically low-income areas with significant amounts of both vacant and abandoned housing and homelessness. These neighborhood characteristics appear to be key to housing takeover success, as it provides additional justification for violating property rights in occupying these homes. When many community members experience homelessness and housing insecurity while walking by abandoned homes which are often community eyesores, squatting appears like the logical choice. With these conditions in mind, housing takeovers may not be a successful tactic in high-cost cities, where vacant properties are maintained, in expensive condominium buildings, profit-generating, and difficult to access. Still, housing takeovers and squatter activism is a powerful tactic to challenge specifically vacancy and abandonment, and more broadly the commodification of housing, in low-income areas.

The key strength of squatter activism is in its ability to directly challenge the hyper-commodification of housing. When the exchange value of housing—i.e., its ability to generate

profit in the housing market—is prioritized over housing’s use value—i.e., its ability to be a home for people—housing is hyper-commodified.⁴⁷⁰ As I have argued in previous chapters, vacant housing in the United States exists as a product of this process of hyper-commodification. Hyper-commodified real estate simultaneously creates empty expensive condominium units in high-cost cities that are owned by absentee investors, and leaves behind massive swaths of vacant and abandoned homes in communities where real estate is no longer profitable. Housing takeovers pose a direct threat to this process of hyper-commodification, specifically in low-income areas. They increase a home’s use value—by using it to house people—and reduce its exchange value—by not paying anyone to do so. Squatting is a radical tactic that rejects the supremacy of private property in today’s housing system. Squatter activists successfully bring stakeholders to the table because of the threat they pose to the mainstream housing market and the commodification of real estate. Squatting has incredibly powerful potential as an activist tactic, as housing takeovers have demonstrated. Still, says Martha Escudero of Reclaiming Our Homes, activists must be brave when planning and enacting a takeover: “I think one of the main ones is to lose fear, that's really key, but also to prepare, like I think one of the ways to lose that fear is to prepare.”⁴⁷¹

⁴⁷⁰Marcuse and Madden, *In Defense of Housing: The Politics of Crisis*.

⁴⁷¹Escudero, conversation with author, November 8, 2022.

Conclusion

In the United States, vacant housing is surprisingly widespread, despite the country's high rates of homelessness, housing insecurity, and housing cost-burdened households. In this sense, homelessness and housing insecurity does not exist because of a lack of homes, but rather a disconnect between building homes and housing people. Over the course of this thesis, I have argued that vacant housing in the U.S. is a symptom of the commodification and hyper-commodification of housing that exists in the United States. This process simultaneously spurs the nation's housing crisis, as Madden and Marcuse argue,⁴⁷² and creates vacancies. In a system where both the creation and abandonment of housing is purely financially motivated, the wealthy will hoard vacant homes in high-cost cities, and homes will be abandoned in low-cost areas because they are not financially valuable, despite their ability to be lived in. In a country where so many struggle to afford a roof over their heads, vacant housing is not only an economic inefficiency, but an immoral contradiction.

In chapter one, I outlined my two-tier typology to explain how housing commodification has resulted in vacant homes. In low-income areas, vacant housing is an effect of the disinvestment and economic decline and was further spurred by the foreclosure crisis of 2008. In these areas, homeowners and financial institutions cannot extract monetary value from homes and abandon them, leading to their deterioration. This phenomenon is a product of housing commodification because while these homes are still livable, they are abandoned because they are no longer profitable. In high-cost cities, vacant housing is concentrated in extremely high-cost luxury investment zones. Condominium units are built because of available capital for development, and are bought by foreign, out-of-state, or out-of-town individual

⁴⁷²Madden and Marcuse, *In Defense of Housing*

homebuyers, who keep these homes empty, while they appreciate in monetary value. This phenomenon is a product of housing commodification as they are left empty because their use is not important compared to their ability to store capital. In cities where many long-term residents struggle to afford housing, crucial housing stock is used in this manner, further heightening prices. While these two processes are different from each other in many ways and have different ill effects—furthering blight in low-income areas and worsening affordability in high-cost cities—they are at their core caused by the same process: the commodification of housing.

In chapter two, I analyzed governmental strategies that address and attempt to reduce the quantity of vacant housing in the United States. I first analyzed policies that address vacancy and abandonment in low-income areas: land banks, Community Land Trusts, and tax foreclosure reform. I found that these entities and reforms can be useful tools to manage and reduce vacancies, especially when working in tandem with one another. However, these policies must be thoughtfully enacted with community members at the table, representing their interests, and must be sufficiently funded to work as intended. Land banks and Community Land trusts are successful because they partially de-commodify housing, removing homes from the private market and transferring them to community members and community organizations for less than their total market value. I then analyzed vacancy taxes as a tool to address and attempt to reduce vacancies in high-cost cities. Drawing from international examples, I argued that these policies are generally successful at reducing vacancies and improving affordability. Like policies in low-income areas, vacancy taxes are successful at addressing vacant housing because they constitute partial decommodification. By penalizing extreme housing commodification, municipalities that implement vacancy taxes make it clear that their cities' housing resources are for people to live in, not solely to extract profit from. While the policies I analyzed in chapter two are generally

successful at their stated goals, the elimination of vacant housing will not occur without the total de-commodification of housing.

Finally, in chapter three, I examined housing takeovers and squatter activism. I found that squatting can be a powerful tactic for housing justice activists, as it challenges the commodification of housing by using homes but not paying for them or extracting monetary value from them. While some housing takeovers target publicly owned homes to protest government mismanagement, and these homes have arguably not been commodified, this practice still constitutes de-commodification as residents do not pay for homes and prevent them from becoming commodified through auctioning. I interviewed three leaders of housing takeover movements: Willie “J.R.” Fleming of The Chicago Anti-Eviction Campaign, Wiley Cunningham of Philadelphia Housing Action, and Martha Escudero of Reclaiming Our Homes. I found that these leaders had similar motivations for taking over vacant homes, had to consider the same factors when planning takeovers, and faced similar challenges. All three of these movements operate or operated in low-income areas with significant amounts of vacant housing, which is a key condition for housing takeover success.

Where do we go from here? What would reform look like? As I have outlined in Chapter Two, legislators around the country and around the world are getting creative with new models of housing and land ownership and taxation regimes to curb context-specific vacancies—e.g., “safe deposit box” vacancies⁴⁷³ in high-cost areas, or vacancies as a result of abandonment in low-income areas of disenfranchisement. In either realm of vacancies, legislators must make addressing vacant properties a political priority. Land banking, Community Land Trusts, and vacancy taxes have an incredible potential to help communities manage and reduce vacant

⁴⁷³Fernandez, Hofman, and Aalbers, “London and New York as a Safe Deposit Box for the Transnational Wealth Elite.”

properties in their communities. Land banks and Community Land Trusts in particular need comprehensive funding from their local governments in order to be successful. Meaningful reform would include these strategies with sufficient funding. Still, while these strategies offer tangible challenges to the proliferation of vacant properties, they can feel piecemeal when they are not paired with comprehensive efforts to decommodify housing and affirm housing as a human right.

What would full decommodification look like? Activists and scholars have been imagining what a truly de-commodified housing system might look like for decades. In 1986, scholars Emily Paradise Achtenberg and Peter Marcuse outlined a seven-step program for housing decommodification in “Towards the Decommodification of Housing.” The primary goal of this program, according to Paradise Achtenberg and Marcuse, was, “To provide every person with housing that is affordable, adequate in size and of decent quality, secure in tenure, and located in a supportive neighborhood of choice, with recognition of the special housing problems confronting oppressed groups (especially minorities and women).”⁴⁷⁴ Achtenberg and Marcuse’s plan includes creating social ownership of housing, social production of housing, public financing of housing, social control of land, resident control of neighborhoods, affirmative action and housing choice, and equitable resource allocation.⁴⁷⁵

Most relevant to this study of vacant housing is the social control of land, which Paradise Achtenberg and Marcuse define as “Control speculative private use and disposition of land, and preserve and expand the supply of land under public control and ownership.” This model is reminiscent of the Community Land Trust model, a form of shared equity homeownership, in

⁴⁷⁴Emily Paradise Achtenberg and Peter Marcuse, “Toward the Decommodification of Housing,” in *Critical Perspectives on Housing* (Philadelphia: Temple University Press, 1986). 467.

⁴⁷⁵Paradise Achtenberg and Marcuse, “Toward the Decommodification of Housing.” 477-480.

which a non-profit or quasi-governmental organization lead by community members owns land in a community and leases it out to homeowners so that the homes on the land can remain affordable.⁴⁷⁶ All three of the activist groups I studied in Chapter Three called for the vacant properties they targeted be transferred to a Community Land Trust.⁴⁷⁷ This model, particularly when paired with land banks to combat systemic vacancies in communities, offers a pathway to partially de-commodified, community controlled housing. Community Land Trusts can help manage vacant properties and ensure that these properties are used by community members, not hoarded by speculators.

Furthermore, just as J. R. Fleming of the Chicago Anti-Eviction Campaign sees his work as “human rights enforcement,”⁴⁷⁸ a future of de-commodified housing must include housing as a basic human right that has been long neglected, as part of a more comprehensive human rights agenda. In “Housing and Economic Security,” in *A Right to Housing: Foundation for a New Social Agenda*, Urban Planning scholar Rachel G. Bratt argues that the right to housing does not exist in a vacuum. Bratt suggests it be paired with broader social reforms,⁴⁷⁹ like a “truly progressive Federal Income Tax system,”⁴⁸⁰ enhanced state and local minimum wages and living wages,⁴⁸¹ comprehensive welfare payments,⁴⁸² and the elimination of “self-sufficiency” requirements for housing assistance.⁴⁸³ Bratt argues that housing and welfare are inextricably linked and that federal programs to provide housing and welfare should be more legally

⁴⁷⁶Local Housing Solutions, “Community Land Trusts.”

⁴⁷⁷Fleming, conversation with author, August 18th, 2022.

Cunningham, conversation with author, August 10, 2022

Escudero, conversation with author, November 8, 2022.

⁴⁷⁸Fleming, conversation with author, August 18th, 2022.

⁴⁷⁹Rachel G. Bratt, “Housing and Economic Security,” in *A Right to Housing: Foundation for a New Social Agenda* (Temple University Press, 2006), 399–426, <https://www.jstor.org/stable/j.ctt1bw1kqb.24>, 401-405, 414-416.

⁴⁸⁰Bratt, “Housing and Economic Security,” 401-403, 415.

⁴⁸¹Bratt, “Housing and Economic Security,” 403-404, 415.

⁴⁸²Bratt, “Housing and Economic Security,” 404-405, 415.

⁴⁸³Bratt, “Housing and Economic Security,” 415.

connected.⁴⁸⁴ Bratt outlines the need for “a new social contract between government and individuals that would encompass a series of rights and responsibilities for both. A Right to Housing would be a centerpiece of this new contract.”⁴⁸⁵ In a country where a housing is considered a right of all Americans, any vacant housing would be less economically inefficient and morally appalling, as homelessness and housing insecurity would not be as prevalent as they are today.

Imagining a future where all Americans have a right to quality housing, and vacant housing is community-controlled may seem far-fetched, but activists like J.R. Fleming, Wiley Cunningham, and Martha Escudero prove that this vision is one that compels organization. Highlighting the inherent contradiction between the nation’s housing crisis and the prevalence of vacant homes has the potential to ignite greater housing justice activism and calls for vacancy taxes, Community Land Trusts, and broadly, a right to housing. This contradiction can be remedied if it is acknowledged and addressed by lawmakers and housing justice advocates alike. Following the lead of housing justice activists can lead the nation towards a brighter future.

⁴⁸⁴Bratt, “Housing and Economic Security,” 405-410

⁴⁸⁵Bratt, “Housing and Economic Security,” 414.

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