

# UNDOCUMENTED IN EL BARRIO: THREATS, VULNERABILITIES, AND RESOURCES FOR UNDOCUMENTED RESIDENTS IN GENTRIFYING EAST HARLEM

A supervised research project prepared by  
**Robin Basalaev-Binder**

In partial fulfillment of the requirements for the Master of Urban Planning degree

Supervisor: David Wachsmuth  
McGill University School of Urban Planning  
December, 2017

## ABSTRACT

This SRP explores the intersection of immigration and gentrification as they relate to formal and informal policies and processes affecting East Harlem, a gentrifying neighborhood in New York City with a large immigrant population. Previous research into immigration and gentrification allude to a correlation between the two, but a gap exists when identifying exactly how they affect each other and, in particular, how immigrants with vulnerable status are affected throughout the gentrification process. The report draws on past research into immigration policies in the United States, the current housing climate in New York City and State, as well as interviews with professionals working with immigrants and housing processes to determine the role for undocumented immigrants within the current landscape. While measures exist in place to protect the rights of immigrants with varying degrees of status, the present system does not enforce these protections and, coupled with a market-driven housing system, undocumented immigrants are more likely to face discrimination in all stages of the housing process, limiting their ability to participate in ongoing gentrifying processes. This study has thus identified housing – its policies, regulation, and the market forces – as the underlying link between immigration and gentrification and as a system that disproportionately disadvantages tenants with vulnerable immigration status. It further identifies potential avenues to address this imbalance as including action at the individual, community, and policy levels.

## RESUME

Ce projet aborde l'enjeu de l'intersection entre l'immigration et la gentrification, car il concerne les politiques informelles et formelles touchant East Harlem, un quartier en train de se gentrifier à New York avec une grande population d'immigrants. La recherche précédente sur l'immigration et la gentrification fait allusion à une corrélation entre les deux, mais un trou existe en identifiant exactement comment ils s'affectent et, particulièrement, comment les immigrants sans papiers sont affectés pendant le processus. Le report se base sur des recherches précédentes sur les politiques d'immigration aux États-Unis, le climat courant de l'habitation dans la ville et l'état de New York, ainsi que des entrevues avec des professionnels travaillant avec les immigrants et les processus de l'habitation pour déterminer le rôle des immigrants sans papiers dans le paysage actuel. Bien qu'il y ait de mesures en place pour protéger les droits des immigrants sans papiers, le système courant n'applique pas ces protections et, avec le système de l'habitation dirigé par le marché privé, les immigrants sans papier sont plus touchés par la discrimination dans chaque étape du processus de l'habitation, limitant leur habileté de participer dans le processus en cours de gentrification. Ainsi, ce projet a identifié l'habitation – ses politiques, régulations, et les dynamiques de marché – comme le lien sous-jacent entre l'immigration et la gentrification et, comme un système qui touche les locataires sans papiers d'une façon disproportionnée. De plus, ce report identifie les pistes potentielles pour répondre à ce déséquilibre, incluant l'action aux échelles individuelles, communautaires, et politiques.

## ACKNOWLEDGEMENTS

I would first and foremost like to extend my deepest gratitude to Dr. David Wachsmuth, my supervisor and mentor in this project, for his support, encouragement, and invaluable feedback throughout the process. His innovative thinking and expertise in the New York region and interdisciplinary socio-political issues helped me explore this research in-depth, while allowing me the freedom to explore and challenge myself independently.

I would like to thank the MUP program and its faculty and staff for providing a supportive environment encouraging of critical thinking and accommodating its students. Of course, I also thank my wonderful colleagues for creating an engaging and entertaining atmosphere. A special thanks to Miranda Sculthorp, Katherine Berton, and Chris Servidio for making it through Studio III and getting me through this last semester with some good laughs.

None of this would have been possible without the support of my wonderful parents, who have stuck through my academic journey with humor and warm hearts, and my incredible husband, who provided support and laughter during the most challenging moments. Thank you, Cesar, for your endless patience through this crazy time and exhausting long-distance traveling. We finally made it!

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## 1 . INTRODUCTION

New York City's East Harlem, also known as Spanish Harlem, or "el Barrio," due to its large Latino community, has gentrified rapidly since 2000. East Harlem contains a larger population of immigrants and, in particular, undocumented immigrants than other areas of New York, especially those in Manhattan. For decades, the cultural diversity of East Harlem has attracted tourists, but due to stigma as well as a number of contentious housing projects in the area, developer interest in East Harlem real estate only began somewhat later. Today, East Harlem is considered a prime real estate location, one of the last neighborhoods in Manhattan with opportunities for large developments and still-affordable prices.

The interest in East Harlem real estate has brought change to the neighborhood overall, as well as to the availability and affordability of housing (Dávila, 2003). The simultaneous decrease in percentage of Hispanic residents (from 52.8 percent to 48.4 percent) and increase in percentage of white residents (from 7.3 percent to 13 percent) between 2000 and 2015 is one indicator of the change in neighborhood make-up (Furman Center, 2016). Gentrification is sweeping through the neighborhood, as indicated by the compared increase of median price per condo units between 2000 and 2015. Prices in East Harlem saw the least drastic increase and remain lower than both the borough and city-wide median. For all of New York City, the median price increased from \$389,640 in 2000 to \$890,000 in 2015, in Manhattan from \$724,330 to \$1,527,380, and in East Harlem from \$577,240 to \$723,000 (Furman Center, 2016).

The first to feel the effects of gentrification usually include vulnerable residents (Maeckelbergh, 2012). In this case, gentrification has targeted the most marginalized members of the community, in particular those without legal immigration documentation. The presence of undocumented immigration in New York City and East Harlem is nothing new. However, the rapid rate with which the housing market in the neighborhood is changing, and the disproportionate threat that it poses to the undocumented community, raises a new necessity to address the problem. The election of Donald Trump to the White House has further heightened the risk for undocumented individuals and families through its racist comments and policies, reigniting discriminatory attitudes across the country and creating an immediate need to address the challenges facing this particular group of people.

New York City, along with New York State, has established rights and protections for their residents with vulnerable status. However, the fast pace of gentrification leaves little room for safety nets and places pressures on all actors involved to keep up, often leaving those most vulnerable behind. New York City's self-declared "Sanctuary City" status – used to refer to cities resisting the federal government's deportation efforts – has created the outward image of a safe, non-discriminatory place (Robbins, 2017). It is unclear whether this is indeed the case.

Research on East Harlem and organizations working there paint a picture of various forms of discrimination against undocumented immigrants in every step of the housing process (Dávila, 2003) leading to limited options and resources for people struggling to maintain their livelihoods. Ultimately, the results of discriminatory processes and regulation help to sustain a hostile environment. The subsequent



consequences for the individuals and families involved include lack of access to adequate or affordable housing, stressful living situations, harassment, homelessness and deportation.

Despite the scale of impact that gentrifying processes have in New York City, there remains uncertainty as to how they affect undocumented immigrants, and in what ways they can participate in or fight against them. In light of the current political climate in the United States, these issues have become increasingly relevant to the lives of the thousands of immigrants living in New York City and the rest of the United States. The arrival of Donald Trump to the White House has polarized the nation on the topics of immigration and immigrant rights. The fate of undocumented people in East Harlem is now tied directly to the question of their rights to the city and the economy to which they contribute. As identified in the literature review to follow, the intersection of gentrification and immigration leaves us with a gap in knowledge, providing a starting point to further research in related fields. This study aims to gain insight into the gap by addressing the following questions:

- 1) How are gentrification and immigration related in East Harlem?
- 2) How have these processes affected undocumented immigrants in East Harlem?
- 3) Who are the primary players involved in the process of and fight against gentrification in East Harlem?
- 4) How and to what extent do undocumented people participate in the fight against gentrification and displacement? In what other ways could they do so?
- 5) What resources are available to undocumented East Harlem immigrants when confronted with gentrification and growing hostility toward their presence in and rights to the city?

This study has identified housing – its policies, regulation, and the market forces – as the underlying link between the two and as a system that disproportionately disadvantages tenants with vulnerable immigration status. The methods used to explore these questions are: a review of literature and policies on immigration, housing policy, access to adequate housing, gentrification, and spatial differentiation in East Harlem; and in-depth interviews with those working on behalf of local low-income and undocumented residents. The literature attests to a complex system that creates vulnerabilities for those with limited incomes and vulnerable immigration status in the context of a growing real estate market, failures in the production of affordable housing, discriminatory practices, and unequal enforcement of biased

regulations. The interviews provided insight into the vulnerabilities created by this system and further pointed to ways to improve the system; recommendations focus on strategies at the institutional and local community scales; and ways for individuals and organizations to ease the pressures placed on tenants.

The report is organized in seven chapters, including this introduction. Chapter Two examines the previous research conducted addressing gentrification, taking into consideration the role of immigration. This chapter provides an overview of immigration trends in the United States, followed by an overview of research into gentrification, identifying the major themes and trends, before analyzing in greater detail the presence of immigration in the gentrification research.

Chapter Three outlines the methodology used to conduct this research, and measures adopted to ensure the research questions were answered ethically.

Chapter Four establishes the background and history to housing policy in New York City, placing present policy into the context of the major shift in housing policy in 1985. This background provides the necessary information to understand the specific policies affecting marginalized tenants in East Harlem in the contemporary period.

Chapter Five then delves into East Harlem itself. It places East Harlem into the context of its New York City surroundings and provides a history of immigration from post-colonial settlement of the land in the neighborhood. It also provides a comparison between East Harlem's 2000 and 2015 demographics, to paint an overall picture of the neighborhood's recent change.

Chapter Six explores the most prominent problems arising within New York City's housing system and access to affordable housing. The problems have been divided into eight sections: pressures from gentrification; pressures from landlords; housing court and its limitations; policy failures in the housing sector; representation and misrepresentation of East Harlem residents; local identity and changes to the community; New York as a "sanctuary city"; and additional challenges facing undocumented immigrants. The chapter analyzes how challenges in these eight areas affect access to housing and the experience of living in both New York and East Harlem as a marginalized tenant – and, specifically, as an undocumented immigrant – through the experiences of professionals who were interviewed.

Chapter Seven offers recommendations moving forward and concluding thoughts. It addresses the potential solutions to the problems identified in Chapter Six, drawing

on the recommendations of those interviewed. Solutions are proposed at the institutional and policy scale, as well as at the local, organizational, and individual scale. Recommendations point to ways to remedy the imbalance within the system and to explore possible methods to increase involvement of undocumented immigrants in the processes impacting every aspect of their lives.

## **2 . LITERATURE REVIEW:**

### **PAST RESEARCH INTO GENTRIFICATION AND IMMIGRATION**

#### **2.1 INTRODUCTION**

Since the coining of the term gentrification by Ruth Glass in 1964, what was once a new phenomenon has made its way across the globe to cities in all regions of the world. Scholars in numerous disciplines, from urban planning to public health and political science, have conducted literature reviews and extensive research into the

topic of gentrification. New York City in particular has drawn a lot of interest and research into its rapid gentrification, from upper Manhattan to Brooklyn and neighborhoods in between. The current research into gentrification in the United States examines aspects including displacement, employment loss, commercial development opportunities, revitalization, and the advantages of social mix. However, one area appears relatively absent from the research directly related to gentrification: immigration, and specifically, undocumented immigration.

In order to conduct this review, titles of articles and books were scanned on the basis of searches using the key words “gentrification,” “immigration,” “undocumented,” “city,” and “migration,” with “New York City,” and “East Harlem” added when appropriate to narrow search results. 92 titles published since 1980 (with the exception of Ruth Glass’s 1964 piece coining the term gentrification) were selected for abstract review, after which 42 were selected for inclusion in the research based on topical and geographic relevance.

There seems to be a potential relationship between immigration and gentrification, hinted at in some literature: that gentrification takes place in neighborhoods and areas with poorer residents and lower levels of municipal security. Many of these areas have large immigrant populations, and undocumented immigrants, especially, tend to live in poorer areas for a number of reasons. How are the processes of immigration and gentrification connected? How does the presence of immigrants affect gentrification? And how, in turn, does gentrification affect the local immigrant populations in the gentrifying area?

The objective of this chapter is (a) to examine the relationship identified in the literature between gentrification and immigration within a contextual understanding of the two processes, and (b) to identify potential areas for future research to examine the role of undocumented immigrants in gentrification. While this is not a literature review exclusively on gentrification, a preliminary overview will be included with the goal of understanding the process and its many far-reaching impacts.

## **2.2 AN OVERVIEW OF TRENDS IN IMMIGRATION**

It is important to understand the shifts in and influx of immigration to the United States throughout the past two centuries. Particularly relevant is the role these shifts play in the current climate of neighborhood mobility (the movement of people between districts or areas within a single city), intra-continental migration, and international immigration. The context within which immigration to the United States

occurs also clearly marks a shift in attitudes towards immigration at the national and local scales. The United States, a nation established through the immigration of persecuted groups and individuals from Europe, maintained essentially open borders throughout its first century of existence. Formal regulation and control of immigration into the country only began in the late 19<sup>th</sup> century with the 1891 Immigration Act, delineating individuals as eligible or ineligible for entry into the United States based on mental capacity, physical health, economic status, and criminal background (Messias et al, 2015). The practice of filtering incoming immigrants according to specified criteria continued and expanded into the current United States immigration system.

Steinberg (2001) identifies the first two major waves of immigration as taking place between 1840 and 1880, when more than eight million people arrived from Europe, and 1880 and 1930, when that number increased to beyond 23 million. These figures do not include the more than 2 million people previously imported to the United States through slavery (Steinberg, 2001). These waves coincided with the dramatic increase in the industrialization of the United States, resulting in enormous economic expansion. Based primarily upon the labor of new foreign arrivals, the trend established during the colonization of the continent and the slave trade, of foreigners, minorities, and people of color as working-class laborers continued (ibid). The effects on urban conditions could be seen in the rapid densification of Manhattan, New York's Lower East Side, where by 1910 540,000 people, mainly poor European immigrants, resided in close proximity to each other and to jobs (Smith, 1996).

After a decline in immigration to the United States in the late-1930s, it rose again dramatically following the 1965 Hart-Cellar Act. The Hart-Cellar Act "affirmed family connections as the principal basis for admission to permanent residence in the United States" (Waldinger, 1987: 212) and, with some minor changes, provides the basis for today's immigration system. An average of 374,000 people immigrated to the country per year between the introduction of this act and 1970, increasing to an average of 575,000 people per year in the next decade, with a vast majority moving to urban areas (Waldinger, 1987). Another spike in immigration occurred in 1989 and 1990, when an estimated 1.6 million people entered the country legally (Migration Policy Institute), bringing the total foreign-born population to an estimated 19.7 million (nearly 8 percent of the country's population). By 2010, the total foreign-born population in the United States reached 40 million people, 65 percent of whom reside in California, Florida, Illinois, New Jersey, New York, and Texas, primarily in urban settings (The Pew Charitable Trusts, 2014). The figures vary, however, once undocumented immigrants enter the picture. Estimates of undocumented residents

by the Pew Research Center (2017) were 11.1 million people today, down from an estimated 12.2 million in 2007. However, that figure has been debated, given underrepresentation of undocumented residents in research and data. Uncertainty surrounds the details of undocumented immigration and their impact in the United States.

The topic of immigration – not only undocumented immigration – has become increasingly controversial in the United States following the 2016 presidential election, Donald Trump’s arrival to the White House, and his direct attack on undocumented immigrants. For the undocumented and legal residents, there is increased urgency to address different aspects of the issue.

### **2.3 AN OVERVIEW OF RESEARCH INTO GENTRIFICATION**

The origin of the word gentrification as it is understood today goes back to Ruth Glass’s 1964 observation of central London where she describes, “One by one, many of the working-class quarters have been invaded by the middle class – upper and lower ... Once this process of ‘gentrification’ starts in a district it goes on rapidly until all or most of the working-class occupiers are displaced and the whole social character of the district is changed” (Glass, 1964). Glass’s description of gentrification revolves around the relationship between changing residential districts and their respective social composition. The discussion continued with arguments from Neil Smith and David Ley in the 1970s and 1980s, respectively, each taking slightly different approaches to the gentrification process.

Smith introduced the rent gap theory, linking gentrification to the difference between the economic potential of housing and its actual economic returns in an inner-city environment (Smith, 1979). Ley, on the other hand, theorized that the origin of gentrification lies in societal needs and demands, rather than changes in the housing market itself (Ley, 1986). The primary difference between Smith and Ley thus seems to be social needs versus structural changes. However, both refer to the concentration of effects within dense urban environments. Put more succinctly, Smith connects gentrification to new profit-making opportunities, while Ley argues its origin as changing middle-class tastes.

Schaffer and Smith (1986) later explore gentrification in terms of its costs and benefits, debating its effects as a small-scale or global process. With Harlem, New York, as a case study, they delve into detailed analysis of the indicators of gentrification, as well as key methodology using census data to gather evidence of

the process. The outcome of their research led to the acknowledgement of gentrification as a process with far-reaching impact on long-term urban restructuring. They also cite race factors, zoning regulation, and changes in housing market trends as indicators of future gentrification in specific areas (Schaffer and Smith, 1986).

After a brief period without much interest in gentrification and its effects, labeled the “post-gentrification era” (Bourne, 1993), renewed research into gentrification began to focus on its potential as a key urban strategy for some, with emphasis on social mixing, revitalization, and redevelopment, while others turned to focus on the negative impacts, in particular displacement (Smith, 2002). Here, the arguments diverge. Some scholars found little evidence of displacement of the original residents of gentrifying neighborhoods (Freeman, 2009; McKinnish, 2010), additionally concluding that those residents experienced the benefits of gentrification (Atkinson, 2002). Atkinson provides a table summarizing some of the costs and benefits of gentrification in his 2002 assessment of urban gentrification (see Table 1):

Table 1. Positive and Negative Aspects of Gentrification (Atkinson, 2002: 7)

Positive	Negative
	Displacement through rent/price increases
	Secondary psychological costs of displacement
Stabilisation of declining areas	Community resentment and conflict
Increased property values	Loss of affordable housing
Reduced vacancy rates	Unsustainable speculative property price increases
	Homelessness
Increased local fiscal revenues	Greater take of local spending through lobbying/articulacy
Encouragement and increased viability of further development	Commercial/industrial displacement.
Reduction of suburban sprawl	Increased cost and changes to local services
	Displacement and housing demand pressures on surrounding poor areas
Increased social mix	Loss of social diversity (from socially disparate to rich ghettos)
Decreased crime	Increased crime
Rehabilitation of property both with and without state sponsorship	Under-occupancy and population loss to gentrified areas
Even if gentrification is a problem it is small compared to the issue of: <ul style="list-style-type: none"> <li>- Urban decline</li> <li>- Abandonment of inner cities</li> </ul>	Gentrification has been a destructive and divisive process that has been aided by capital disinvestment to the detriment of poorer groups in cities.



Beginning in the early 2000s, another stream of researchers examined the role of state and municipal governments in gentrification. This stream identified gentrification as a process, following validation from previous research on the resulting benefits and potential for urban renewal.

Hackworth and Smith (2001) explore this perspective along with a parallel description of the trends in gentrification. Hackworth and Smith divide formalized gentrification into three phases. First-wave gentrification – “sporadic and state-led” – took place before the 1973 economic recession and was defined by reinvestment into “disinvested inner-city housing within the older north-eastern cities of the USA, Western Europe and Australia” (Hackworth and Smith, 2001: 466). Drawing attention to New York City as a case-study, they point to the economic downturn in the 1970s as cause for the shift towards productive sectors and reinvestment in “offices, recreation, retail, and residential activities” (ibid). Second-wave gentrification – “expansion and resistance” – followed the post-recession economic revival and lasted through the 1980s, when new neighborhoods became real-estate opportunities and gentrification became a widespread strategy in many cities. Gentrification was then validated and integrated into formal processes at the national scale (ibid).

Third-wave gentrification – “recessional pause and subsequent expansion” – began in 1989 with the crash of the urban center housing market, ceasing gentrification across US cities and leading to the presumed de-gentrification of cities. This pause, however, allowed renewed reinvestment and gentrification at even greater scales than before, even seeming “to have eclipsed cultural factors” toward corporate-led gentrification (Hackworth and Smith, 2001: 468). Perhaps most noteworthy of this third-wave is the decline of effective resistance to gentrification “as the working class is continually displaced from the inner city, and as the most militant anti-gentrification groups of the 1980s morph into housing service providers” (ibid) as well as increased involvement from the State. This involvement took the form of land assembly, tax incentives, and property condemnation strategies, along with more informal methods (Hackworth and Smith, 2001: 469).

In the 2013 book *Gentrification*, Lees, Slater, and Wyler argue that gentrification has evolved, expanded, and morphed significantly since the influential research mentioned above. While the authors acknowledge the validity of the reasons and arguments previously made, they add that gentrification has become global, that it is leading neoliberal urbanism, and that many forms of gentrification now exist. They further argue that gentrification is no longer restricted to the inner-city or to First

World cities; gentrification can now be seen in non-“First-World” cities, such as in Mexico or South Africa, as well as provincial cities, such as Manchester, England (Lees, Slater, and Wyly, 2013: 18, 22-24). Following the arguments identifying its rapid expansion came a new resurgence in interest in gentrification.

The most prominent new streams of gentrification are what are termed super-gentrification and new-build gentrification. Super-gentrification, defined by Lees (2003: 2487) as “the transformation of already gentrified, prosperous and solidly upper-middle-class neighbourhoods into much more exclusive and expensive enclaves,” took particular hold on global financial centers New York and London. While Lees identifies super-gentrification as another characterization of the already-general concept of gentrification, she points out the recognizable case of “restoring historic homes to their former glory” (ibid: 2496), removing the previously-gentrified, multi-family apartments in order to supply elite single-family homes.

New-build gentrification became solidified as a concept in response to a conference paper suggesting a distinction between residentialization and gentrification in the case of new-build residential developments in the United Kingdom (Lambert and Boddy, 2002). Davidson and Lees (2005) argue that gentrification should not be confined to the renovation of old, historic houses. While new-build gentrification “contrasts with previous rounds of gentrification because different groups of people are involved, different types of landscapes are being produced, and different sociospatial dynamics are operating” (ibid: 1169), it nevertheless “involves middle-class resettlement of the central city, the production of a gentrified landscape, and lower-income displacement in the adjacent residential communities” (ibid). Thus, Davidson and Lees make the case for new-build gentrification as a continuation of previous conceptualizations of gentrification.

## **2.4 THE INTERSECTION OF GENTRIFICATION AND IMMIGRATION**

With a general understanding of immigration and gentrification in the United States, we can now move forward to examine how the two have been connected in the literature. Considering the relevant conclusions from the two previous sections, especially the number of immigrants residing in urban areas where gentrification is common and the connection between immigrant workers and lower-wage employment, it is surprising that relatively little research has been conducted into the connection between immigration and gentrification. The research that does exist has three foci, as described below, namely: the relationship between the presence of immigrants and gentrification of an area; immigrants as necessary to and exploited

within the process of gentrification; and the importance of ethnicity in determining the effects and regulation of gentrification.

#### **2.4.1 THE PRESENCE OF IMMIGRANTS IN THE GENTRIFYING CONTEXT**

Examining the relationship between neighborhood ethnic change and gentrification, Hwang (2015) argues that the presence of specifically Asian and Hispanic immigrants in an area attracts gentrification. She cites the 1965 Hart-Cellar Act as the beginning of a wave of Asian and Hispanic immigration to select urban destinations in United States. She states that “racial and ethnic composition is an important factor in residential selection” (Hwang, 2015: 320) and that racial and ethnic diversity in neighborhoods – one of the results of the influx of Asian and Mexican immigrants – attracts gentrifiers by providing an alternative to the black, low-income neighborhood trope of gentrification. By Hwang’s logic, this non-black immigrant presence spurs economic growth in the area, and the presence of immigrants in a neighborhood can serve as an indicator of potential gentrification (ibid).

Hwang cites four approaches to how immigration shapes gentrification as relevant to her research. The first, revitalization, identifies the 1960s rise in immigrants as the initial stimulus for economic improvement and stability in the primarily low-income neighborhoods they moved to. The second approach, neighborhood “quality,” illustrates the attractions and desirability of having an immigrant presence within a neighborhood, such as reduced violent crime. Third, the approach of race-based residential preferences points to a racial hierarchy in which whites are the most desirable neighbors, then Asian and Hispanic neighbors, and then black people last. Much of this hierarchy comes from the presence of white people itself, shaping the subsequent presence of immigrants as favorable over black people in a gentrifying area (ibid). Fourth, the context of incorporation encompasses the historical context of immigration within a city to include potential stigma and other influences on gentrification. Hwang uses these four concepts to further understand the context of immigration and gentrification in different pathways in Chicago and Seattle. She concludes that while the arrival of immigrants to low-income minority neighborhoods indicates the potential for gentrification, the process itself perpetuates the race hierarchy already present in many US cities (Hwang, 2015).

Smith (1996) also refers to new immigrants as more likely to reside in areas connected to future gentrification due to acceptance of poor housing quality or overcrowding upon arrival. Additionally, Hackworth (2001) argues that immigration ensures increased demand for housing, indicating a demand for renewed investment

in housing. Therefore, the arrival of immigrants in an area can indicate that the area in question should be considered for real estate and development. Similarly, Ley, Tutchener, and Cunningham (2002) conclude that the key link between immigration and gentrification lies in housing demand. As they argue, immigrants arrive when declining in-migration and out-migration cause reduced housing demand. According to their study, the arrival of immigrants then determines trends in the housing market, and can be, in fact, the best predictor of real estate values (Ley, Tutchener, and Cunningham, 2002). They also point out the general focus on intra-metropolitan scale trends and lack of research into the neighborhood scale in relationship to gentrification, social polarization, and the housing market. In addition, they note the limited research into the seemingly conspicuous correlation between the number of immigrants and housing prices (ibid).

Nelson and Nelson (2010) make connections between the visibility of Latino communities in rural communities to the potential for gentrification, linking back to the legalization of more than two million Latino immigrants in 1986 and their then ability to seek legal employment in areas outside of the traditional urban destinations. In these cases, local industry often seeks out immigrant workers for job contracts, often aiding the rural gentrification process. This is often accomplished without adequate amenities for the new influx of minority residents, leading to class and racial tensions and the cultural marginalization and physical exclusion of the new arrivals (Nelson and Nelson, 2010). The work by Nelson and Nelson, while raising the issue of limited research into Latino immigrants and gentrification, does not consider the impact these factors have on immigrant communities, nor does it link these patterns to the parallel urban gentrification and its relationship to urban Latino communities.

The aforementioned authors make connections between the arrival and presence of immigrants and the resulting isolation and social implications. What becomes clear is that while immigrants may arrive in a neighborhood for many reasons, their presence often leads to a reaction from the white community with which they interact.

#### **2.4.2 THE IMPORTANCE OF IMMIGRANTS IN THE GENTRIFICATION PROCESS AND THEIR SUBSEQUENT EXPLOITATION**

This section examines publications dealing with the exploitation of immigrants and their role within the gentrification process. Curran (2004) explores the centrality of immigration in the success of the gentrification process. The industrialization of working-class areas has been a factor in determining land availability, a key component of gentrification in the New York City context. While gentrification has

often resulted in the loss of manufacturing jobs and industrial zones, it has also led to a rise in the informal economy necessary to the renovation and rehabilitation characterizing gentrification (Curran, 2004). The work essential to the promotion and success of gentrification – from construction to maintenance and cleaning – “often relies on informalized labor practices ... to keep costs low and profits high. Immigrant labor is a central part of this equation” (Curran, 2004: 1255). The outcome is a self-perpetuating cycle in the degradation of labor, threatening the jobs and livelihoods of the vulnerable workers. Because low-income and immigrant residents are often forced to take jobs wherever available, regardless of conditions, these residents face higher risks than other residents and have fewer options outside of the gentrification workforce (ibid).

Newman and Wyly (2006) point to the vital role that local residents, often low-income and immigrant, of gentrifying areas play in the process. In gentrifying New York City, there exists a visible pattern of these long-time residents taking measures and fighting battles to improve and revitalize their neighborhoods. These new improvements, thanks to the hard work and efforts of the local residents, then attract further investment, rapid development, and soon after new wealthier residents. This irony – that those same residents cannot enjoy the improvements they fought for – highlights the part these residents play in setting the stage for gentrification (Newman and Wyly, 2006).

Hackworth and Rekers (2005) provide a salient example of the role immigrants play in gentrification in *Ethnic Packaging and Gentrification*, where they question the very use of ethnicity and culture for economic gains, or “ethnic packaging.” Their examples of four neighborhoods in Toronto with ethno-cultural references in their names (Little Italy, Corso Italia, Greektown on the Danford, and Gerrard India Bazaar) illustrate this “dualism between culture and economy” (Hackworth and Rekers, 2005: 212). To what extent is districting used to achieve economic and cultural clout in the urban landscape, as opposed to accurately representing the residents of a neighborhood? In many cases, the commercial shifts away from those traditional cultural amenities, or commodities, coincided with the decline in residents of that ethnic background. Toronto’s Little Italy, for example, which had become an established ethnically and commercially Italian center by the mid-twentieth century, experienced a rapid decline of Italian residents, “paralleled by a similar though much less rapid decline of Italian commercial identity [...] during the same period” (Hackworth and Rekers, 2005: 218). What remains, then, is the ethnicity as a commodity without authenticity in residential or commercial identity. A parallel can be found to New York City’s Little Italy, which now consists of mainstream, inauthentic

“Italian” locales and is often contrasted to the “Real Little Italy” just over 10 miles north in the Bronx. The initial presence of authentic immigrant culture and ethnicity can therefore be seen as an opportunity for future economic benefit and attraction for gentrification. The problem arises in the exploitation and reproduction of ethnic culture with the purpose of consumption and selling real estate (ibid). While Toronto and other Canadian cities are part of a different dynamic of immigration and gentrification from American cities, the exploitation of ethnic cultures for economic purposes is not restricted to Canada. This research can therefore still provide valuable insight into ethnic neighborhoods in New York.

All three arguments mentioned in this section illustrate the role of immigrants’ contributions to their neighborhoods – the informal working economy, efforts toward neighborhood improvement and revitalization, and the rich impact of their cultural backgrounds on social and physical aspects of the neighborhood – in attracting gentrifiers to the area. The participation of immigrant residents in their own neighborhoods therefore leads to gentrifiers’ interest and, ultimately, the displacement of those same residents who contributed to the establishment of their neighborhoods.

#### **2.4.3 THE IMPORTANCE OF ETHNICITY IN DETERMINING THE EFFECTS AND REGULATION OF GENTRIFICATION**

In addition to the relationship between immigration and the start of gentrification, the presence of immigrants has played a role in impacting the effects of gentrification. Newman and Wyly (2006) challenge optimistic interpretations that favor social mixing and gentrification. In their analysis of New York City housing, they deemed displacement both an outcome of and an indicator of gentrification (Newman and Wyly, 2006: 49), despite somewhat limited statistics. The process of displacement remains complicated, involving the changing housing market and rental prices in New York City, interventions from the city, action on behalf of the landowners, and willingness or resistance from the tenants and first and foremost affecting low-income and immigrant populations (Newman and Wyly, 2006: 45). Rent-control in New York City is repeatedly cited as the most directly successful counter-measure of displacement. However, the amount of regulated housing has decreased significantly since 2000, leaving room for other players to achieve greater influence. Landowners, for example, have found ways to inconvenience, intimidate, and threaten tenants to evict them and raise rents (landlords can increase the rent of regulated apartments by 18 to 20 percent once vacant) (Newman and Wyly, 2006: 47). These measures include, but are not limited to, illegally charging higher rents for regulated units, threatening tenants with notices to leave, ceasing the provision of services, and

threatening to investigate the residents' immigration status (ibid). As the authors make evident here, immigrants, and in particular illegal immigrants, are at heightened vulnerability in the face of gentrifying factors such as increasing rents and displacement.

Newman and Wyly describe immigrant families post-eviction. The first step, especially within the Latino community, is often to move in with another family living in regulated housing. For many, however, as described by one community leader, many run out of money and go back to their country of origin, as was the case for several Mexican families facing eviction (Newman and Wyly, 2006: 49). The authors point to a discrepancy in the data, however; displaced families are hard to keep track of and often disappear from the map. Therefore, while displacement numbers may appear low, the possibility of many more displaced residents than accounted for is likely (ibid).

Smith (1996) also explores this trajectory in the context of Paris, France, where immigrant workers and residents were often forcibly removed from their apartments as rents rose with gentrification. They then received inferior housing opportunities in other areas, all this despite protestation and other attempts to defend their place in the city and access to decent housing.

Varsanyi (2008) explores grassroots immigration policing and informal measures of immigration control at the local municipal and state levels with several interesting conclusions. Although not directly examining the relationship between immigration and gentrification, many of the policies Varsanyi identifies in her research have relevance to this study and undocumented immigrants in particular. She pinpoints causes of local frustration with unauthorized immigration as including the high visibility of immigrants and assumed illegality in local contexts, leading to tensions in other issues. With the rise of tensions and resentment toward immigrants, many municipalities have instituted public space and land-use ordinances in order to target immigrant workers. These include three strategies: (a) limiting the development and expansion of day labor contractors, (b) the creation of ordinances including employer registration and illegal immigration relief acts, and (c) the introduction of unofficial enforcement strategies, such as harassment and intimidation carried out by police and informal groups (Varsanyi, 2008). The culmination of these actions results in the effective targeting of immigrants and their social exclusion. As the federal government retains sole authority over immigration policy, all of these ordinances and measures must take on the indirect disguise of having alternative intentions. The outcome, however, is that noncitizen status compromises claims to the city,

regardless of actual immigrant status for many individuals (ibid). The resulting attitudes, validated by the policies put in place, make it easier for landlords and building managers to discriminate against immigrants in housing, as well as to justify the discrimination.

Mirabal (2009), in her research into the displacement of the Latino community through gentrification in San Francisco's The Mission district, argues that streets, as a result of gentrification, have been converted into consumerist spaces that privilege consumption and disadvantage non-white occupants of the spaces. People of color and especially Latinos, are now less welcome, their presence questioned if not there specifically for consumption purposes (Mirabal, 2009). This erasure of presence, history, and Latino culture includes whitewashing cultural murals, outpricing renters and businesses so as to create commercial spaces for a white audience, patrolling of public spaces targeting people of color, and school language policies (Prop 227 requires all instruction to be only in English in public schools) (Mirabal, 2009; California Proposition 227).

Lees (2000) argues that immigrants and other minority groups can also play the role of perpetrating gentrification, acting as gentrifiers themselves. Lees uses the examples of black gay gentrifiers in the Castro area, San Francisco, as well as black residents of Harlem, New York. In the case of San Francisco, the arrival of one marginalized group (black gay men) to a neighborhood resulting in the displacement of another group of people contradicts the common perception of black people as 'victims' of gentrification (Lees, 2000). While not mentioned in the other gentrification literature cited here, Lees' argument offers an interesting perspective particularly relevant to East Harlem given its demographic shifts in different ethnic groups over time.

The regulation of housing and gentrification takes on many forms, and the context in which they are enforced, whether explicitly gentrifying or anti-immigrant, can determine their discriminatory effects on marginalized communities. While the federal government defines immigration policy at the national level, local municipalities can find their own methods of reinforcing discriminatory practices, which can greatly impact the local attitude towards immigrants, whether documented or undocumented. Throughout the complexities of the issue, however, it remains critical to place these instances into socio-political context, taking into consideration historical power dynamics and systemic oppression of certain groups, as seen in the local contexts discussed by Varsanyi, where racist anti-immigrant attitudes led to legitimized anti-immigration efforts (2008).



## 2.5 DISCUSSION AND GAPS IN THE RESEARCH

Throughout the research into the connection between immigration and gentrification in the literature, a clear trend materialized. While there is no shortage of research into gentrification in the United States in both urban and rural settings, in regard to displacement and other consequences, origins and causes, its relationship to immigration is absent in the literature. Newman and Wyly (2005) take note of this in their criticism of the collection of household information, where low-wage immigrants and refugees are under-represented in the figures. Atkinson (2000) alludes to this, as well, when he refers to “measuring the invisible” (163). Lees (2000) expresses similar concern, stating that “[gentrification] has sidelined other important issues too – in particular the complex issues of race and a relatively new process I have called ‘financification’” (392). She goes further to call on race and gentrification to be studied more empirically and to seek understanding of the causal factors affecting minorities.

While there does seem to exist a clear intersection between immigration and gentrification, even the research which has begun to address the two together is limited to very specific components of their relationship, namely the presence of immigrants in gentrifying neighborhoods and the social and regulatory consequences of their presence. The missing element within the research centers on the specific effects on immigrant communities, which communities are affected, and how. While displacement has been linked to immigrant populations more generally, the literature often generalizes across ethnic groups. It does so without distinguishing between intra-neighborhood cultural presence and excludes details on the status of families after displacement. Hwang (2015) provides a good example. While she does explore the relationship between the presence of immigrants and the gentrification process, she does not include follow-up on those affected.

Among the research addressing immigration and gentrification, a stark gap exists regarding immigrants who, arguably, bear greater consequences, face more vulnerability and higher risks, and have fewer options of mobility, work, and housing than other immigrant groups. Mirabal’s (2009) discussion on the impacts of gentrification on the Latino community, for example, provides valuable insight into the impact on the Latino community of The Mission. However, while it speaks extensively of the Latino community in San Francisco, it does not examine legal status or the potential consequences for undocumented Latino immigrants. Considering the staggering numbers of undocumented immigrants currently residing in the country (11 million, but, again, the figures are most likely under-representations (Migration Policy Institute)), especially the large number from Latin America (the largest

numbers estimating 6.2 million from Mexico and another 1.5 million from Guatemala, El Salvador, and Honduras (ibid)), it seems a necessary and logical area for future research.

Throughout the waves of interest in gentrification, New York City has provided examples for myriad perspectives in the debate. Williamsburg, Park Place, and recently Crown Heights in Brooklyn, the Lower East Side, the Bronx, and Harlem have all seen spikes in gentrification, rent price increases, and displacement. Although some research discusses the process in Harlem, a large percentage concerns central Harlem, or black Harlem. There has been some investigation into “el Barrio” or Spanish Harlem, east of Central Harlem, but it has the potential for more exploration, especially as an opportunity to include a more in-depth conversation about undocumented immigrants.

The topic of gentrification and undocumented immigrants poses a challenging and ethically complex situation. Ideally, narratives and oral histories could be collected from individuals or families having experienced the difficulties pointed to in previous research on gentrification. While interviews, focus groups, and surveys with immigrant populations in Spanish Harlem may prove difficult to achieve, there is room for exploring potential methodology, ways of contacting and reaching out to marginalized communities, as well as utilizing other entries into the community.

## **2.6 CONCLUSIONS**

This chapter has outlined the general trajectories of both immigration trends and gentrification in the United States. Immigration has seen several spikes since the late 1800s, leading to dramatic increases in immigration after the 1965 Hart-Cellar Act. The number of immigrant residents in the U.S. remains unclear and debatable, varying depending on Census information and estimates of undocumented immigrants. Regardless of legal status, immigrants coming to the country tend to reside in urban areas, in particular, California, Florida, Illinois, New Jersey, New York, and Texas.

Gentrification has also seen pointed increases and declines in momentum, with different scholars taking different approaches to understanding its origins and logic (Smith, 1986). It is generally acknowledged that gentrification has numerous negative consequences for certain groups of marginalized people (primarily lower-income residents and immigrants), with some people arguing for the benefits and growth opportunities of gentrification (Atkinson, 2002).

Using this background, a closer examination of research connecting the two processes revealed that, while some studies have been conducted relating immigration and gentrification, a general gap still persists. This gap widens when the question concerns undocumented immigrants, who do not appear in research very often, and usually only to cite difficulties in accurately representing them in numerical figures and data.

Finally, through this trend, an area for future research has been identified that could prove useful to the field of urban planning, as well as for understanding the long-lasting and extreme consequences for undocumented immigrants. East Harlem, New York City, with an exceptionally large proportion of Latino residents, poses an interesting site for future study in exploring the relationship between immigration and gentrification. The intersection of undocumented immigrants and participation in planning policy in the face of gentrification could serve as another potential entry into the discussion. Gentrification has seen more interest and analysis than many other areas in the field. This missing link, however, deserves a closer look and deeper debate in moving forward in search of a more comprehensive approach to urban planning.

### 3 . METHODOLOGY

This study addresses the following questions:

- 1) How are gentrification and immigration related in East Harlem?
- 2) How have these processes affected undocumented immigrants in East Harlem?
- 3) Who are the primary players involved in the process of and fight against gentrification in East Harlem?
- 4) How and to what extent do undocumented people participate in the fight against gentrification and displacement? In what other ways could they do so?
- 5) What resources are available to undocumented East Harlem immigrants when confronted with gentrification and growing hostility toward their presence in and rights to the city?

In order to answer the posed research questions, entwined in historically, politically, and socially complex processes, a total of fifteen interviews were conducted with people who work or interact with gentrification- or immigration-related issues tied to East Harlem in a professional capacity. These participants work in a range of related areas, falling into five broad categories: **housing-related agencies** (not-for-profit housing organizations, housing information providers, etc.); **service agencies** providing information and services to meet people's basic needs (food, healthcare, education, housing); **official government offices**; **legal services**; **social justice and advocacy organizations**, with some overlap between organization missions and work.

This study used an extensive list of relevant community and housing organizations, government officials, service agencies, legal aid services, and other individuals or organizations working in either immigration-related work or housing-related work in New York or East Harlem to find interview participants, coupled with the snowball technique. Individuals were identified at each organization and contacted by email or phone in order to request research interviews, along with an introductory explanation of the research being conducted. Following response from those individuals, a time was set to conduct the interview, either in person or by phone. For interviews conducted by phone, a consent form concerning anonymity and permission to record was sent prior to the interview.

For this research, semi-structured interviews were conducted. Each interview began with a short set of questions asking about the participant's work responsibilities, followed by questions adapted to each participant's role and relationship to the research topic. Some questions were prepared ahead of time, while room was left for unstructured questions and conversation based on the direction of each interview. Interviews lasted between 30 minutes and one hour. Interviews were recorded only with the participants' consent.

The recordings were then transcribed using standard audio playback programs, and the transcriptions were analyzed for themes and commonalities in order to answer the research question. Topics and subtopics were grouped together based on relation to each other and to the research questions, resulting in the organization of this written project. Some participants requested follow-ups once writing began, which was conducted throughout the process. Other participants were contacted for clarification or further questions by email when gaps or missing information occurred.

This atmosphere of common goals and shared interests facilitated the interview

process, allowing an extensive list of professionals to contribute to the understanding of the relationship between East Harlem's gentrification and its undocumented immigrant population. The findings from the interviews established definite trends in the relationship, composed of other complex processes contributing to gentrification and its consequences, and specific identifiable actions (or inactions) that have direct causal links.

As the goal of this research was to gain understanding into the topic through the experiences of professionals in the field, the results and analysis obtained rely heavily on their contribution, using this project as a way to connect the thoughts and experiences of various individuals and organizations within an informed and educated context. Additionally, ethical approval to conduct this research was received from the Research Ethics Board 1 (File number: 419-0317) on April 3, 2017.

A brief policy analysis was then conducted into housing in New York City, as well as relevant policies and regulations concerning immigration and immigrant rights in New York City and the United States to provide the necessary background information and context for understanding the information collected from interview participants (see Table 2).

Table 2. List of Organizations Types Interviewed

Interview #	Organization characteristics
1	Immigration service and advocacy organization
2	Legal aide
3	Immigration Advocacy and community outreach group
4	Community outreach and tenants' rights organization
5	Housing policy and advocacy organization
6	Real estate enterprise, anti-gentrification advocacy group
7	Advocate and community outreach group
8	Tenants' rights and economic justice organization
9	Community real estate development
10	Legal aide
11	Tenants' rights advocacy organization
12	Tenants' rights and immigration advocacy group
13	Community organization, advocacy, and anti-gentrification group
14	Local district's office
15	Legal aide

## **4 . RELEVANT HOUSING POLICY**

East Harlem, a currently gentrifying neighborhood, is experiencing a housing crisis that particularly affects its most vulnerable residents. The housing issues faced today stem from New York City's history with affordable housing and are further driven by the current administration's efforts to support the real estate industry. Despite New York City's laws giving rights to undocumented immigrants, the government does not fully exercise the protections for undocumented residents encoded in the law. As such, despite its reputation as a safe haven for undocumented immigrants, the city

falls short of its promises on behalf of this vulnerable group. To understand gentrification in East Harlem and its effect on undocumented immigrants, background on relevant city and state housing policies is helpful. This chapter provides the context in which East Harlem's present housing struggles take place.

Compared to other cities across the United States, New York appears to have much stronger housing policy with provision for affordable housing and tenants of all incomes. While the story begins in the 1970s with New York City's large population drop (over 800,000 residents), followed by the City's acquisition of over one hundred thousand units through tax foreclosures, a majority of the interview participants cited New York State Governor George Pataki's administration as the pivotal moment for affordable housing in the City. In particular, they cited his 1998 decision to pull state funding from many public housing and subsidy projects, leaving housing agencies without funding previously available through the State (NYCHA, 2017). While New York City, and most recently Mayor Bill de Blasio's administration, have numerous agencies, policies, projects, and guidelines where (affordable) housing are concerned, it is important to understand the fine print and operation as a network in order to place the East Harlem housing crisis into context.

Many trace a major shift in New York City's affordable housing to Mayor Koch's 1985 Ten Year Plan for Housing. The plan, which began as a five-year, \$4.4 billion program and extended to a ten-year, \$5.1 billion program, aimed to "renovate 82,000 units in occupied *in rem* buildings, rebuild 47,000 units in vacant *in rem* buildings, build 37,000 new units and upgrade 87,000 apartments in privately owned buildings" (Furman Center, 2006: 3), where *in rem* is a legal term, in this case referring to land whose title was vested in the city. The number of assisted units totaled 252,000, with the majority of funds coming from city sources and with a focus on neighborhood revitalization and community-building (ibid). The program led to partnerships between the Department of Housing Preservation and Development (HPD) and both non-profit and for-profit developers for developing, owning, and operating the housing (ibid). The program resulted in 34,000 newly constructed affordable units, 49,000 rehabilitated units, and subsidies for the renovation of 125,000 units in occupied buildings, with expenditures far less than other cities during the same period (ibid: 5, 6). Many call the program a success, citing its use of mixed-income neighborhoods and buildings, neighborhood revitalization, housing preservation, collaboration with residents and local institutions, and commitment over a substantial period of time on behalf of the City and other partners (Berger, 2013). While some may see these factors as success, the plan also resulted in a rise in property values surrounding the new housing and increased property taxes, causing some to attribute the rise in



gentrification to the plan (Berger, 2013, Petro, 2013).

The Regional Planning Association (RPA) delineates three categories of affordable housing stock currently available in New York City: public housing, which comprises 29 percent of housing in New York City, state-mandated rent stabilization, totaling 24 percent of New York's housing, and units subject to other restrictions (27 percent), usually with expiration dates, using funding and assistance from agencies such as the Federal Department of Housing and Urban Development, the Department of Homes and Community Renewal, the New York City Department of Housing Preservation and Development, and the Internal Revenue Service (RPA, 2016).

Housing policy in New York runs through agencies at both the city and state levels and directly affect's East Harlem's situation. At the state level, housing regulations are much more closely linked to the Federal Department of Housing and Urban Development (HUD) with decisions made by the New York State governmental officials. At the city level, the two largest organizations relevant to affordable and rental housing are the New York City Department of Housing Preservation and Development (HPD) and the New York City Housing Authority (NYCHA). The HPD aims to ensure the preservation and building of affordable housing in New York City primarily through administering loan and tax incentives, as well as enforcing housing regulations and requirements in New York. Section 8 vouchers are an example of an HPD subsidy program that aims to provide eligible renters with rental subsidy vouchers in order to rent from private owners. The HPD is also the agency responsible for the enactment of Mayor de Blasio's Five-Borough Ten-Year Plan to build or preserve 200,000 affordable units. HPD's role is thus to aid in the financing of affordable housing construction and preservation at the structural level. NYCHA, on the other hand, owns buildings and units throughout the city, as New York's largest landlord, and rents those out as public housing to eligible tenants.

Other rent-regulatory tools include rent-controlled housing and rent-stabilization. Rent control applies to tenants who have lived in an apartment continuously since 1971 (or passed down to eligible family members). These apartments, once vacated, generally leave rent-control and become rent-stabilized – usually if the building has more than six units – or leave rent-regulation altogether, if the building has fewer than six units (Rent Guidelines Board). About fifteen percent of rent-regulated apartments in East Harlem are under rent-stabilization (NYC Department of Housing Preservation and Development), compared with forty-five percent of all rental apartments in Manhattan (Rent Guidelines Board). Some landlords offer preferential rents – rent below the legal regulated rent for rent-stabilized apartments – which must be registered with a

state agency. Preferential rents should be indicated in the lease and may apply to a tenant's entire tenancy or only for one- or two-year cycles.

Other crucial components of New York City housing developed more recently, and which now play a large role in determining East Harlem's future, include Mayor de Blasio's Mandatory Inclusionary Housing Program (MIHP) and Zoning for Quality Affordability (ZQA), addressing changes to access to and regulation of affordable housing.

The MIHP, approved with amendments in 2016, applies to all new housing and gives the City Planning Commission and City Council two "levels of affordability" options, of which they can apply one or both to new housing. The first mandates twenty-five percent of the residential floor area as being for affordable units averaging 60 percent AMI. The second mandates thirty percent of the residential floor area toward affordable units averaging eighty percent AMI. The MIHP also includes further options to be applied in addition to the first two levels, addressing needs for residents with much lower income (averaging forty percent AMI) and a "Workforce Option," targeting middle-income individuals and families (averaging 115 percent AMI) with no other direct housing subsidies. The biggest change applied in the MIHP makes inclusionary affordable housing mandatory in new buildings and aims to set the minimum standards for affordable housing moving forward (Department of City Planning).

De Blasio's Zoning for Quality and Affordability, also called the "rezoning," was identified by interview participants as one of the biggest threats to East Harlem's housing situation under the current administration. The rezoning addresses New York City's rising population and limited housing supply. The plan targets certain zoning limitations, in particular those limiting use and size in the previous zoning laws. It aims to increase height limits to allow for much taller buildings. In areas like East Harlem, with historically low buildings, this component could prove to drastically change the neighborhood make-up. Another change addresses a height limit increase to individual floors, which would allow across-the-board commercial use on ground floors. Other components range through every facet of neighborhood planning, from parking to density restrictions. The plan repeatedly cites the alignment of zoning regulation with New York City housing goals, especially "livable" and revitalized neighborhoods. As these new proposals draw closer to implementation, residents and organizations continue to express their discontent with the City's actions and solutions to the housing crisis faced by the neighborhood's tenants.

In East Harlem's context – one with a high percentage of immigrants, and a large number of immigrants with vulnerable or no documented status – New York State's Fair Housing Act and Human Rights Law has particular power and the potential to work to the benefit of those immigrant residents. Under these laws, it is illegal to “(1) refuse to rent, sell, finance, insure or negotiate on the basis of certain protected characteristics; (2) set different terms or conditions or provide unequal services on the basis of certain protected characteristics; (3) make, print, public or circulate discriminatory statements or advertisements; (4) make false representations about the availability of dwellings on the basis of certain protected characteristics; (5) interfere, coerce or intimidate those seeking to exercise their rights; (6) retaliate; (7) refuse to make or provide information for a loan or impose different terms or conditions for a loan on the basis of certain protected characteristics; and (8) harass, threaten, intimidate or coerce anyone” (NYC Human Rights: Administrative Code, Title 8, Chapter 1).

The New York City Commission on Human Rights clarifies these protected characteristics as including “Age, Race, Color, Religion/Creed, National Origin, Gender, Pregnancy, Gender Identity and Gender Expression, Disability, Sexual Orientation, Marital or Partnership Status, Alienage or Citizenship Status (non-citizen or immigration status), Lawful Source of Income (including housing subsidies such as Section 8, and LINC and public assistance programs such as SSD and SSI), Lawful Occupation, Family Status (including Presence of Children), Status as a Victim of Domestic Violence, Sex Offenses or Stalking” (ibid). These requirements on the part of housing providers form an integral component of the housing problem, as will be discussed in a later section.

While New York cites these rights on behalf of people seeking tenancy, several barriers still exist preventing New York residents from accessing housing in its various forms. NYCHA, for example, requires that at least one member of an applicant's family have eligible legal status, such as either citizenship or permanent residency. Without this qualification, public housing in New York City remains off-limits to people without status or without a mixed-status family. In addition to this base requirement, rent rates change in cases of mixed-status families based on what NYCHA calls the “ratio of undocumented to documented household members” (New Destiny Housing). The application formula sheet includes what the subsidy amount would be if all members of the household are documented and proceeds to multiply that number by the aforementioned ratio. Due to this ratio inclusion, the subsidy received by the applicant decreases for mixed-status families, resulting in rents greater than the standard rent guideline (30 percent of income) (NYCHA). The same

formula applies to Section 8 vouchers.

Despite efforts to meet new affordable housing goals, many community organizations still see the City's actions as inadequately addressing the needs of lower-income and marginalized residents, in respect to unavailability of adequate affordable housing and access to information about the housing system. New mandates set forth by the de Blasio administration are facilitating gentrification, and those affected are left to navigate the intricacies of the system and its increasing pressures.

## **5 . BACKGROUND AND HISTORY OF EAST HARLEM**

East Harlem, a neighborhood in upper East-Central Manhattan and with a population of just over 120,000, currently faces significant housing pressures. Bounded by 59<sup>th</sup> Street to the South, 5<sup>th</sup> Avenue to the West, 132<sup>nd</sup> Street to the North, and the East River to the East (See Figure 1), East Harlem has a long history of settlement by different ethnic groups. Following Native American use of the lands, East Harlem became part of a Dutch settlement in the 17<sup>th</sup> century, retaining its Dutch name even after the English invasion in 1664.

Figure 1: Map of East Harlem



Once the East Harlem area became part of New York’s inner-city due to the expansion of the railroad system to the North in the late 19<sup>th</sup> century, a wave of Italian immigrants surged into the area, populating what then became the first Little Italy (East Harlem.com). Following the large Italian influx lasting until the 1930s, East Harlem soon became home to a large number of Puerto Ricans entering the United States and New York City (RPA, 2016). Although Puerto Ricans had been citizens of the U.S. since 1917, the increased migration into the country did not happen for a few more decades (Bourgois, 1996). This sudden change in demographics gave East Harlem the name “El Barrio” or “Spanish Harlem,” causing the area to lose its previous reputation as Little Italy.

What ensued in the following decades was economic decline of the neighborhood, overcrowding from the rapid influx of residents, changes in demographics, deteriorated buildings, worsening living conditions, and tensions between the different ethnic groups (Bell, 2010). In response, following World War II, East Harlem was targeted as part of new urban renewal projects, largely funded by the Housing

Act of 1949 and aimed at slum clearance (Government of NYC). NYCHA embarked on a mission to demolish old tenement housing and replace it with large block-like public housing buildings, still present in East Harlem today. The demolitions disrupted economic and social networks, prompting protests and further igniting tensions among residents. Despite the City's efforts, the quality of the new housing only worsened over the following decades, and much of it was abandoned (ibid).

Throughout the tumultuous deconstruction and renewal efforts in East Harlem, demographics in the area did not remain constant. Between 1950 and 2000 the population dropped by 100,000 (U.S. Census Bureau), much of which has been attributed to the Federal Slum Clearance Program, which also displaced many Puerto Ricans from the area. Since the 1990s, incoming residents have comprised mainly people of Latin American origins, with Mexicans and Dominicans forming the largest groups (ibid). While some residents have come together to fight common battles, others face tensions with people of different backgrounds. For example, while reputations about and academic research into East Harlem centers around drug-related issues concerning the Puerto Rican community, according to some participants, also residents of East Harlem, drug problems in the area have been long associated with the Dominican newcomers and have been the source of tensions between the two communities (Martinez, 2015; Cerutti, 2016).

According to 2015 American Community Survey data, East Harlem has a population of roughly 122,000 people, with just under half of those residents (48.4%) Hispanic, 30 percent non-Hispanic black and 13 percent non-Hispanic white (Furman Center, 2016). Additionally, 26 percent of residents in East Harlem are foreign born, and 20 percent have limited English proficiency. These numbers differ substantially from those of New York City as a whole for the same year, which determined 29 percent to be Hispanic or Latino, 25 percent to be non-Hispanic black, and 43 percent of residents to be non-Hispanic white (2015 American Community Survey). New York City as a whole has a higher percentage (37%) of foreign-born residents, and 23.5 percent of its population has limited English proficiency. As of 2013, East Harlem only had 13 percent of adults aged 25 or higher with college degrees (2013 American Community Survey), as opposed to 35.7 percent of New York City with the same educational attainment. In brief, compared to the city as a whole, East Harlem has a higher percentage of Hispanic residents and lower percentage of white residents, fewer foreign-born residents, and a significantly lower percentage of the adult population with post-secondary education.

The demographics in East Harlem itself have also changed over the past several

years, as shown in the following maps. Figure 2 shows the population density in 2000, and Figure 3 shows the changes in population density between 2000 and 2015. They demonstrate the significant change in population density in several areas of East Harlem, with several increasing by over 50 percent. The median household income also increased significantly in some areas from 2000 to 2015, as shown in Figures 4 and 5. While the majority of East Harlem previously had median incomes of under \$35,000, by 2015, many areas along the southern and western borders increased by more than 25 percent.

In terms of race, the percentage of Hispanic residents in East Harlem has increased overall in most areas of East Harlem, as demonstrated in Figures 6 and 7. Figures 8 and 9 show the percentage of Black residents, which has also increased, though not as noticeably as the Hispanic population. The white population shows the most noticeable change, with very low percentages (under 10 percent) in nearly all of East Harlem in 2000, increasing to between 11 and 35 percent in certain areas, and reaching over 50 percent along the southern border, also where the median income dramatically increased (see Figures 10 and 11). These changes point to a shift in East Harlem of an increased white population with higher incomes. While the Hispanic population also increased, in terms of overall percentages, the median incomes did not increase as dramatically in those areas as where the white population has increased. All of these changes indicate trends towards gentrification, with high increases in population and incomes, coupled with the dramatic shift toward a whiter population.



## Figures 2-5: Changes in population density and median household income between 2000 and 2015

Figure 2: Population Density, per acre, 2000

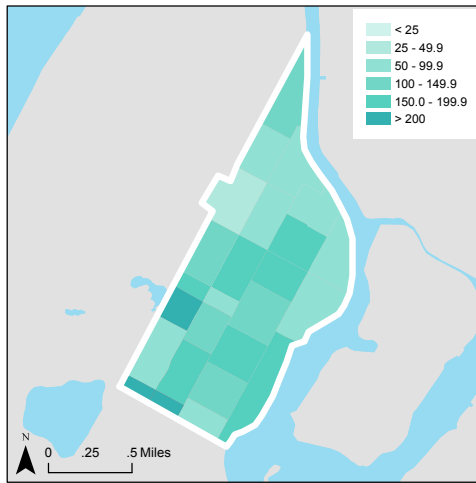


Figure 3: Change in Population Density, 2000 to 2015

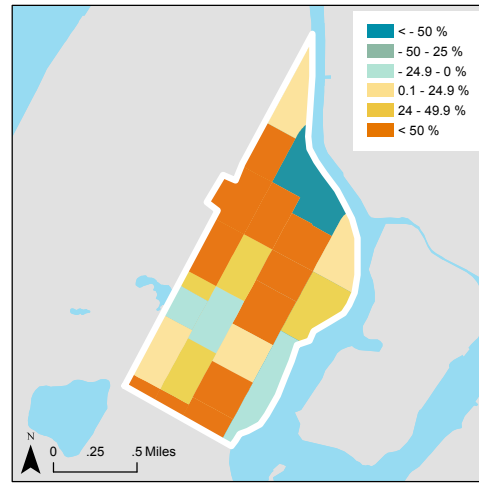


Figure 4: Median Household Income, 2000

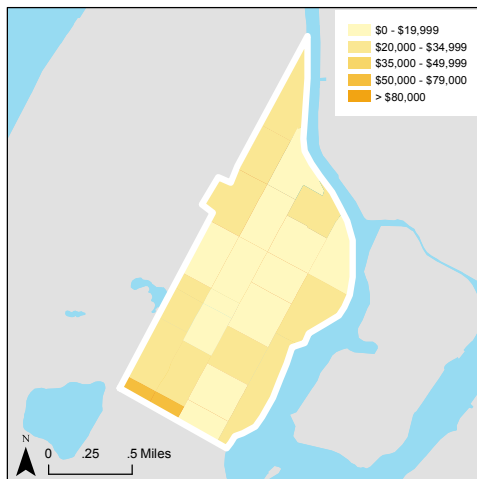
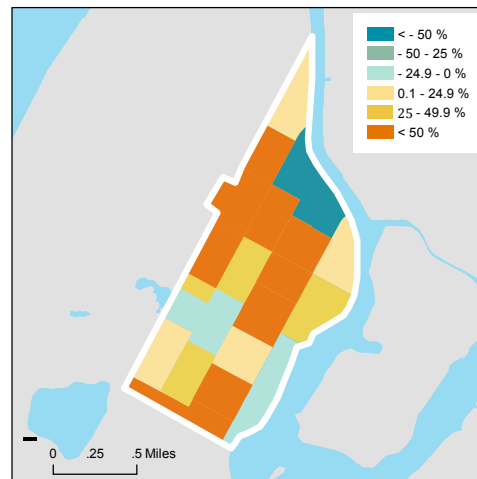


Figure 5: Change in Median Household Income, 2000 to 2015



## Figures 6-11: Changes in race between 2000 and 2015

Figure 6: Percentage of Hispanic residents, 2000

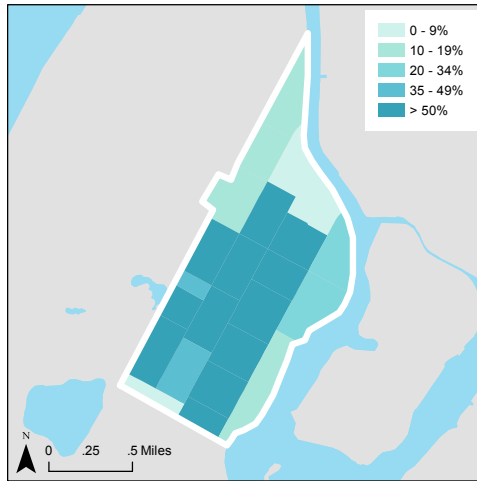


Figure 7: Percentage of Hispanic residents, 2015

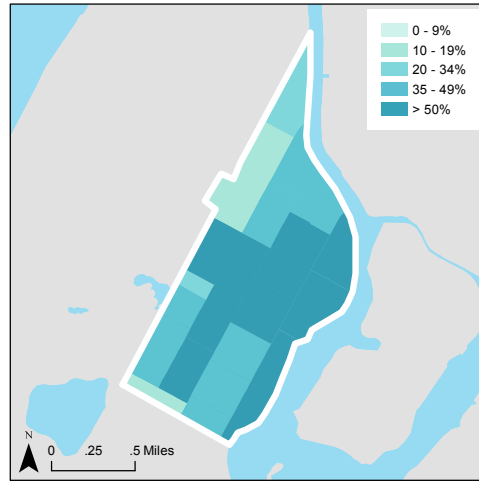


Figure 8: Percentage of black residents, 2000

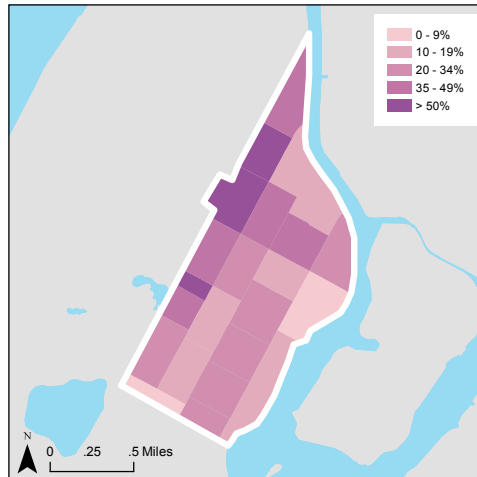


Figure 9: Percentage of black residents, 2015

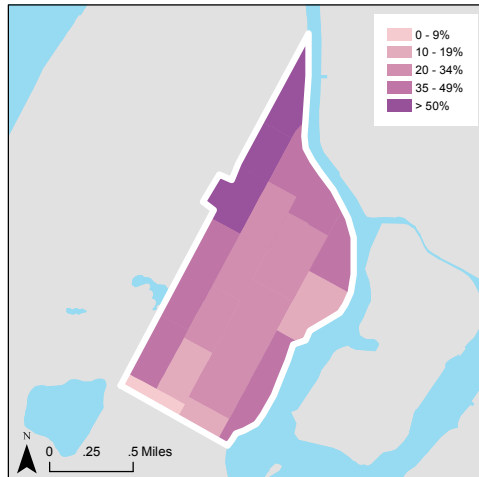


Figure 10: Percentage of white residents, 2000

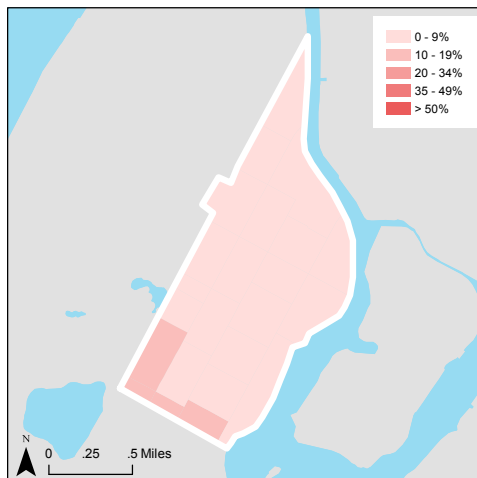
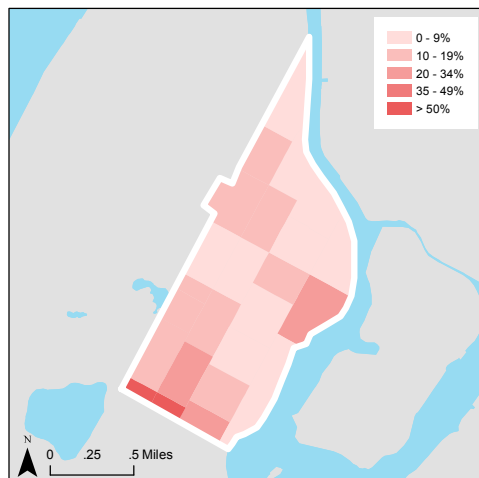


Figure 11: Percentage of white residents, 2015



The trends in immigration, both in New York City as well as in the United States overall, could also play a large role in the relationship among undocumented immigrants, the City's administration, and local and state policies impacting housing and immigrant rights. The numbers, however, remain uncertain, in part due to political pressures around the subject and the increase in polarized attitudes towards immigration. In the recent election, politicians repeatedly exploited the lack of public awareness on immigration to direct negative attention to the issue. They directed it particularly toward immigration across the United States' southern border with Mexico, using Mexican immigrants as scapegoats to make misinformed arguments concerning the shortcomings of immigration policy in the U.S. and heightening racial tensions (Beinart, 2017). In order to better understand East Harlem as a largely Latino neighborhood amidst a strained atmosphere in New York City, a closer look at the numbers will help.

According to the most recent immigration totals from the Department of Homeland Security in 2015, the total number of foreign-born people of all statuses is 43.3 million (Department of Homeland Security, 2016). The total number of undocumented immigrants in the US has hovered around an estimated 11.1 million since 2010 (Pew Research Center, 2016), making those without legal status roughly one quarter of the entire immigrant population. Contrary to the story told in politics, however, undocumented immigration to the United States has declined in the past decade. In 2007, the undocumented population was at a high of 12.2 million and has gradually declined since then. Again, the numbers remain somewhat uncertain given the lack of transparency involved with undocumented immigration (Pew Research Center, 2016). Various news sources have additionally reported that undocumented entry into the United States has further declined since 2015, especially from Mexico (Bearak, 2017; Connolly, 2017; Wang, 2017); the number of unauthorized immigrants from Mexico declined from 6.9 million in 2007 to 5.8 million in 2015, with more people leaving the country during that time period than entering it (Pew Research Center, 2016).

The numbers for New York City remain even less clear, but estimates seem to follow a similar trend as at the national scale. According to the New York City Department of City Planning, the number of unauthorized immigrants in New York State reached a peak of 799,000 in 2004, from which it has since gradually declined. In 2010, that number stood at 705,000 in the entire state, 499,000 of whom lived in New York City (City of New York, 2013). The Fiscal Policy Institute's (2017) estimate, based on the augmented 2014 American Community Survey data, estimated that that number had increased to 575,000 unauthorized individuals in New York City. Some sources,

however, think that number has since declined, particularly after Trump's election to the White House (ibid). To paint a cursory picture, if one takes East Harlem's percentage of Hispanic residents in New York City (2.6%) and applies that to the number of undocumented cities in the city overall, one can roughly extrapolate that there may be about 14,000 undocumented immigrants in East Harlem.

In fighting the battle against rising property values, gentrification, and discrimination against the immigrant population, several key organizations and players contribute. The relationship between and hierarchy of all the different stakeholders produce a complicated, interconnected web of voices and politics that continues to evolve as the neighborhood confronts new and ongoing changes. The East Harlem Community Board (Community Board 11) comprises 50 members – appointed and volunteer – to represent the community in its advisory role to City Council members. The community board holds open meetings once a month to discuss local and city-wide issues. The elected official, Council Speaker Melissa Mark-Viverito in El Barrio, represents the local constituency and receives recommendations from the community boards on legislation. While both entities aim to represent their constituents, respondents identified real estate interests, landlord defense groups, and other sources of political pressure as impeding the board and speaker from adequately representing vulnerable residents. Particular issue was raised with the Council Speaker's shifting interests in East Harlem. Respondents noted that local sentiment has perceived a change in the speaker's stance on issues such as the rezoning plan, halfway through her term, with Community Board 11 soon following suit.

Separate from the official city offices representing and engaging with East Harlem are the vast number of community organizations, agencies and services seeking to understand, represent, educate, advocate for, and collaborate with the residents of the neighborhood. The Little Sisters of the Assumption (LSA) is one example of a local organization providing numerous services to residents in East Harlem including language lessons and tests, GED preparation, food pantry access, and Know-Your-Rights advocacy and organizational work. Organizations such as the LSA provide much-needed services and hands-on legal and educational aid to residents who often have little other access to similar for-pay services or information. These organizations also establish support networks throughout the community and help to encourage local engagement with the most pressing issues facing residents.

As mentioned in the previous chapter, Mayor Bill de Blasio has put forth a rezoning plan, the ZQA, which was approved following modifications by the City Council on March 22, 2016. The rezoning cites outdated zoning laws, a rising population, and

unaffordability as its main motivations. In reality, the proposal includes “affordable senior housing and care facilities,” mixed-income housing, and transit-accessible affordable housing, without any mention of altering current affordability requirements. It also includes loosening height restrictions in order to undo current density limits in the rezoned neighborhoods (New York Department of City Planning).

In response to the initial rezoning plan and following widespread concern in East Harlem, a group of key actors created the East Harlem Neighborhood Plan Steering Committee to create an alternative to the ZQA with East Harlem’s community interests in mind. These actors included CB11, Community Voices Heard, Manhattan Borough President Gale A. Brewer, and the Office of City Council Speaker Melissa Mark-Viverito. The East Harlem Neighborhood Plan addressed the gentrification-friendly ZQA through a four-part participation process on six: education, housing preservation, economic and workforce development, zoning/land use, and environment, health and transportation. The final product comprised 232 recommendations to inform de Blasio’s rezoning process and other neighborhood-led projects, established long-term community-based goals, and sought government accountability to East Harlem residents for the future (East Harlem Neighborhood Plan). The plan was not successful, however, and while the CB11 initially opposed the rezoning, its members, as well as the City Council Speaker, now seem to be working not in opposition to it but alongside it. This has prompted criticism from community members, leaders and organizations who feel that CB11, as well as Speaker Mark-Viverito, do not truly have the community’s interests in mind, specifically where the rezoning is concerned.

The strong response to de Blasio’s rezoning project in East Harlem stems from the rapid and increasing gentrification of the neighborhood. Gentrification has already been present for many years in East Harlem. The beginning remains difficult to identify. Some, as stated in the last section, pin the origin on Mayor Koch’s housing plan. However, the first slum clearance and urban renewal projects, which drastically changed the composition of East Harlem’s built environment and social makeup, date back to the late 1940s. After Koch’s housing plan was implemented, property values and interest in the area increased, and now, due to the historical aesthetic, multicultural attractions, and potential for cheap land ownership and buyouts relative to the rest of Manhattan, that interest has only climbed. Residents see the sudden shift taking place in their neighborhood – the changing of the storefronts, access to amenities, unaffordability of new services, new and sometimes hostile residents – and understand that de Blasio’s rezoning project will further the trend. While stopping the rezoning does not necessarily mean the end of gentrification, allowing the

rezoning certainly can be seen as the acceleration of it.

Many researchers have chosen to investigate various aspects of Harlem, while fewer have turned to El Barrio. This gap in research and academic recognition, especially concerning the area's rapid gentrification, makes reliance on residents' perspective and experiences all the more important in understanding how affordable housing and gentrification have affected undocumented immigrants in East Harlem.

## **6 . PROMINENT ISSUES IN THE HOUSING SYSTEM**

This chapter reports on the findings from 15 interviews with community organizations, housing and tenants' rights advocates, legal aides, and other stakeholders in East Harlem in order to gain deeper insight into the effects of gentrification on undocumented immigrants, as well as their role in the process.

Throughout the fifteen interviews, participants shared experiences involving their clients and tenants, landowners, law enforcement, the court system, the city and state government offices, as well as with specific policies and regulations. Many also offered their opinions based on professional and personal experiences and interactions with the various stakeholders involved in New York City's rising gentrification and alleged protection of immigrant rights. Based on these interviews, the two topics prove to be inextricably connected. The community of stakeholders is also smaller than imagined before the start of this project; people across sectors and districts with both mutual and diverging interests shared contacts based on experiences and reputations. Individuals as well as agencies familiarize themselves with their potential allies and have established a network of professional support for themselves, as well as for their clients and the individuals and communities represented by their organizations.

During the interview process, each of the participants linked gentrification and immigration, in particular the specific targeting and increased vulnerability of undocumented immigrants within the gentrification process. One director at a city-wide organization added that "It's always been a problem that people who are undocumented feel like they don't have the right to enforce housing laws, so they've always been taken advantage of more than other segments of the population."

The patterns mentioned in the interviews can be broken down into the several different components comprising the ways in which gentrification applies pressure to and consequences for the vulnerable low-income community in general, and, more specifically, for undocumented and vulnerable-status immigrants. And while gentrification is not unique to East Harlem – nor is the presence of undocumented immigrants – it is one of the last places in Manhattan (as opposed to the outer boroughs) with low rents, affordable and regulated units, and the potential for increased zoning parameters. De Blasio's rezoning project, which includes East Harlem, will also increase property values in the area as discussed in previous chapters. As one lead lawyer from a legal services and justice organization stated, "When you rezone a neighborhood, property values go up. When property values go up, then anyone who buys them has to make more money off of them. It just results in more pressure against the tenants."

The chapter is organized into sections based on the ways in which the housing process affect vulnerable populations in East Harlem. The sections are as follows: pressures from gentrification; pressures from landlords; housing court and its limitations; failing policies and enforcement; representation and misrepresentation of



East Harlem residents; local identity and changes to the community; New York as a “sanctuary city”; and barriers to participation against gentrification for undocumented immigrants.

## **6.1 PRESSURES FROM GENTRIFICATION**

As discussed in the previous section, gentrification in East Harlem has become an increasingly pressing issue. Those interviewed repeatedly stressed that people in more vulnerable circumstances – primarily low-income residents, but especially low-income residents with no or vulnerable immigration status – are at higher risk of feeling the effects of gentrification directly. While other issues identified in this section may result from gentrification more indirectly, the following consequences can be seen as directly linked to the push to gentrify East Harlem.

While rising property values along with an increase in higher-income residents have put the entire low-income community at heightened risk in New York City in general, East Harlem experiences these pressures at a magnified scale, especially among immigrant residents.

One participant, a representative of a New York City official government office with stakes in the gentrification process, said that their office “definitely see[s] the pressures in East Harlem [with] landlords seeing the opportunities they have to increase rents and so on. It definitely seems to be a common thing.” The incentives lie in the resources East Harlem still has to offer – as seen by the real estate market. East Harlem still comprises primarily small buildings (3 to 10 stories), with many still under rent stabilization. As previously stated, through Vacancy De-Control, a policy introduced during the Pataki administration, landlords can increase rent by a certain percentage each time an apartment is vacated. Once the rent reaches the rent-stabilization cap (currently \$2700/month), the apartment may be removed from rent stabilization. The presence then of such a high number of rent-stabilized apartments in East Harlem presents an opportunity to de-stabilize the rents in question. The potential to raise them up to market-value and higher attracts increasing interest and pressure to acquire property in the area.

### **6.1.1 OVERCROWDING WITHIN THE IMMIGRANT COMMUNITY**

Of the fifteen individuals interviewed, several cited overcrowding as the biggest immediate problem impeding the quality of life of undocumented residents in East

Harlem. With rising rents, pressures from landlords, and discrimination in the rental process, undocumented families are more likely to live in crowded conditions than other families. Respondents cited up to three families or generations cohabitating one apartment. One interview participant who works in economic justice for low-income residents confirmed this. In recalling one recent project in East Harlem she noted, “One of the things we heard the most from people, usually from families, was that there was a lot of not just doubling up but tripling up in housing, and different family members and friends really in very small spaces, figuring out how to cohabitate to be able to afford rent.” This is particularly applicable to undocumented – or mixed-status – families as they have fewer options in housing choices.

A source from a legal agency made similar comments. She described worst-case-scenarios where children were taken away from their family due to overcrowded situations, or when some of the inhabitants in an apartment were forced out onto the street with no other housing options.

### **6.1.2 DISPLACEMENT**

Another large, direct result of the pressures of gentrification – sometimes also linked to overcrowding and poor housing conditions in East Harlem – is the displacement of the immigrant community into other neighborhoods. A member of the advocacy group El Barrio Unite! described it well:

[The system] is adding more money to fuel this whole cycle that’s generating speculation, increase in rent, that’s generating the increased push to displace, and generating greater gentrification presence of higher-income earning new residents, which then changes the total make-up of the community, the political system, and the service delivery systems. (Interview respondent)

His comment demonstrates how difficult it can be to separate certain issues from others within the system.

The representative at the LSA additionally stated:

The other thing about our immigrant population is that people are moving. Period. Because the rents are too high, because they’re doubled and tripled up. A lot of our population is now moving to the Bronx. It remains to be seen if everybody moves to the Bronx, we’ll still be [in East Harlem] with the projects. There’s a lot of folks there as well, and a lot of people who need

help, but a different population. (Interview respondent, LSA)

Despite so many people moving out of East Harlem due to these pressures, those same people return for the services still offered in East Harlem. This implies that the pressures of displacement outpace the ability for organizations like the LSA to provide necessary services in proximity to those who need them.

When asked how the residents feel about and how aware they are of all these pressures, the LSA representative replied:

They don't want to move. They don't want to go. Because there are a lot more social services [in East Harlem], probably the schools are better, they really don't want to move. And that's why they put up with these crazy overcrowded conditions, because some of them, [are] very attached to the agency. They're very attached to the school, the neighborhood, so they don't want to move. But when it gets to be too much, and they need more space or can't afford their rent, then they go to the South Bronx. That's the most typical case. (Interview respondent, LSA)

## **6.2 PRESSURES FROM LANDLORDS**

It would be impossible to discuss displacement or overcrowding without understanding the complex ways in which tenants and landlords interact. Of all the topics addressed in the interviews, participants cited pressures arising from tensions with landlords and landowners far more often than other problems faced by undocumented immigrants residing in East Harlem. The pressures range from negligence and passive threats to blatant harassment. The pressures come from individual landlords as well as large real-estate corporations, property owners, and predatory landlord businesses. Some interview participants spoke more generally about tactics to vacate apartments, but the majority spoke specifically to those used to target residents with vulnerable status. Undocumented individuals or those with shaky papers are particularly susceptible to targeted measures because landlords know that they have fewer options. The main fuel for landlords is the knowledge that undocumented tenants are more likely to avoid going to court, instead accepting harsher conditions or vacating apartments sooner. As one legal representative said, "They can fight in court, but if you're undocumented you might not want to go to court. So you might decide to just move out."

The director of social justice organization Community Voices Heard also emphasized

the desire for empty buildings and lots, creating incentives and opportunities for both small landlords and real estate giants to zero in on East Harlem and evict tenants. “In the current climate, around the rezoning, people would rather sell an empty building than a used building. They get more money. So folks will avail themselves to whatever tactics they can get away with using in order to empty a building,” she said. When considered in combination with Vacancy De-Control, the incentives to evict tenants is only rising, and people without legal documentation face heightened vulnerability in the face of these tactics.

The following four sections will detail the types of discrimination and harassment used by landlords to vacate apartments and target undocumented residents step-by-step.

### **6.2.1 DISCRIMINATION AGAINST UNDOCUMENTED TENANTS IN APARTMENT RENTAL**

Pressure from landlords begins at the very first step of the rental housing process: renting or leasing an apartment. As discussed in the section on relevant housing policy, tenants in New York City are protected by anti-discrimination rights laws. Unlike NYCHA, private landlords cannot create their own qualification requirements for tenants based on prejudice and *must* legally comply with those laws. In reality, however, landlords push the boundaries and often engage in blatantly discriminatory behavior when accepting tenants.

One lawyer interviewed said, “[The residents’] rights under New York law don’t change. New York has, at least on paper, pretty good laws that say you can’t discriminate in housing based on somebody’s immigration status. In reality however, those laws are rarely enforced, or the penalties are not strong enough.” This can manifest in different ways: some landlords require extensive information when applying for an apartment, which people with no or vulnerable status are often hesitant to provide, not knowing how their personal information might be used. Landlords also frequently ask tenant applicants to provide their documentation status in the paperwork process. The presence of this question alone deters many applicants from filling out the forms. Those who do complete the application may be weeded out if they reveal their vulnerable immigration status or chosen because of it for units below the minimum standard.

During an interview with the manager of several small-scale, affordable apartment buildings in East Harlem, he revealed that the application for renting apartments in his units asks applicants for their immigration status. He further implied that during

the application process, applications are denied to individuals without legally documented status. According to the interview, his units are privately owned by his respective corporation and would therefore need to comply with all New York anti-discrimination laws. Both the inquiry into someone's status and the refusal to rent based on status are illegal.

This case raises a particularly interesting point because the participant, as well as others working in his organization, also participates in advocacy work against the gentrifying forces in East Harlem. Yet, when it comes to their own units, they seem to be using discriminatory methods when screening people for unit rental. "The [rezoning] decision will be made within the next year, so we just keep fighting, getting the community involved," he said. When asked if the practices of his management contradict their political values and advocacy work, he declined to comment. It points to the contradictory ways people hold values when money is involved. It also raises the question of how widespread discrimination is toward undocumented tenants, even among organizations that claim to fight for tenant and immigrant rights.

#### **6.2.2 POOR CONDITIONS AND NEGLECTED REPAIRS TARGETED TOWARD UNDOCUMENTED TENANTS**

Following the discriminatory rental process, the most frequently used tactic by landlords is simply the failure to conduct standard maintenance and repairs on occupied apartments. This also provides the most passive method, requiring the least effort on the landlord's part, to inconvenience their tenants. Yet the consequences for the tenants can become dangerous. One housing lawyer made this clear when he said that "Without evicting them, tenants are pressured to move out by landlords withholding services or repairs."

He continued to describe that "[not making repairs] is the most commonly used [tactic]." He noted that many smaller buildings that get acquired come in terrible states of disrepair, "And they just completely leave them," he added, "and make sure sometimes that the conditions get even worse." Another participant described some poor conditions as including illegal dormitory style housing in basements, loose wires over beds, tearing out ceilings and leaving them like that for extended periods of time, ripping off apartment doors, and not providing heat in winter. He confirmed that lack of heat or hot water is the most common form of poor conditions seen by his firm. Again, multiple sources specified that undocumented immigrants are more likely to continue living under these types of conditions, as they have fewer resources and fewer alternative options.

One major real estate company is known for particularly bad conditions, and different advocacy groups and tenants' rights groups have begun an organizing movement against them, added the anonymous participant. There are many other poor landlords – in particular those using unethical and illegal practices – and, in fact, the Office of the Public Advocate in New York City compiles a list of the 100 Worst Landlords every year. While tenants do not often use this list personally, housing rights and advocacy organizations often use it as reference when helping clients.

### **6.2.3 THREATS AND HARASSMENT TOWARD UNDOCUMENTED TENANTS**

Along with neglecting safety codes and basic apartment standards, many landlords partake in threatening behaviors and harassment towards their tenants. These forms of harassment tend towards non-violent but toxic behaviors, preying on the fears and vulnerabilities of tenants, particularly those without documentation. Harassment and threats include threatening people verbally to call immigration agents on them or putting up posters with threatening measures. One attorney described posters put up in buildings saying things like “ICE is gonna visit tomorrow” and “Working without papers is a crime,” and things that he described as having nothing to do with being a landlord or a tenant. “It’s pretty obvious, I think, why the landlord is sticking those things up,” he added.

This participant is not the only one to have witnessed or overheard such cases; many of those interviewed described similar experiences among their clients, primarily in small-scale apartment buildings. One source also described landlords “doing background checks on everybody in the buildings, threatening to call immigration, bringing baseless proceedings against them, saying that they’re not occupying it as their primary residence, or other illegal [methods].” In more serious cases, landlords lock tenants out of their apartments without notice, start fires, or perform other egregious acts. Interview participants did not have examples of residents challenging landlords in these cases. Several did point out, however, that tenants’ rights and legal aid organizations try to address cases like these.

Another commonly seen case is for a landlord to threaten to take the tenant to housing court for eviction proceedings or to more generally “threaten eviction.” This measure often succeeds in getting tenants out quickly because it relies on the tenant’s ignorance where housing rights are concerned, especially in the cases of undocumented immigrants. Andrea Shapiro, program coordinator at the Met Council on Housing, who supervises a tenants’ hotline for housing concerns and Know-Your-

Rights information listed eviction threats as the most common housing problem facing tenants calling the hotline. “It’s usually not actually someone being evicted, but just general threats or a vague letter which scared people,” she added.

In bigger buildings with multiple floors and dozens of units, participants noted that it’s less likely that building management will know the immigration status of individual tenants. “But in a smaller building with a landlord that knocks on your door, collects your rent, or harasses you personally,” one source stated, “you can bet that he knows you’re undocumented and will use that to threaten and scare you.”

#### **6.2.4 ILLEGAL RENT INCREASES FOR VULNERABLE LOW-INCOME TENANTS**

Under New York City housing regulations, only two legal options exist to increase rents under rent stabilization (if an apartment has already reached \$2700 per month, the landlord may increase rents with greater flexibility). Every year, a landlord may increase the rent by a certain percentage according to current guidelines –zero percent (0%) increases for one-year lease renewals and two percent (2%) increases for two-year lease renewals, eighteen percent (18%) for one-year vacancy increases, and twenty percent (20%) for two-year vacancy increases (City of New York 2016). The second method occurs when landlords claim major repairs on a vacant apartment and then increase rent – according to the value they determine based on the repairs – before leasing to new tenants. Once the rent reaches the rent-stabilization cap (\$2700 per month), the apartment leaves rent-stabilization and can be rented at market value. “Illegal rent increases is [a] rampant tactic used by landlords to slowly increase the amount of rent they can charge for the apartment to push it toward the twenty-seven hundred-per-month level where it becomes deregulated,” said one source.

A legal representative put it succinctly when he said, “So the idea is to clear out the people living there, and once they’re gone, then [the landlords] repair, renovate completely, and they can jack up the rent. And how much they jack it up is really up to them.”

Landlords therefore have more incentive to find ways to increase rents, and oftentimes illegally. The most common methods mentioned in interviews by legal and housing advocates consist of claiming repairs that either never happened or that fall under the landlord’s basic responsibilities that they cannot legally charge extra for, such as maintaining paint conditions. The legal representative added, “Usually they will just increase the rent illegally and later claim they did improvements,” which can

be difficult to prove and places all the burden on the tenant.

Some landlords simply charge more rent than is legally allowed, pocketing the profit and reporting only the rent-stabilized amount to the City. In these cases, they deceive their tenants by failing to disclose that the apartment is under rent stabilization. Landlords rely on their tenants not knowing rent-stabilization laws. They also sometimes advertise the unit as a market-value apartment being rented to low-income tenants *below* market value. In many cases tenants do not know where to find the necessary information, such as whether or not a unit is rent-stabilized, and enter into invalid leases unknowingly, even thinking they found a good deal. Even when tenants do realize the illegality of rents being charged, the repercussions for landlords are often so minimal that the disincentive does not exist, leading us to the next important component of this section.

### **6.3 HOUSING COURT AND ITS LIMITATIONS**

While landlords have established numerous methods for pressuring tenants into paying illegally high rents or vacating, this remains only the first step in the housing process; the next involves going to housing court, a difficult process in a flawed system, riddled with obstacles and limitations that asymmetrically disadvantages tenants. While the system exists to maintain and serve justice, the reality in housing court places unequal burden on tenants in general and poses even further risks for undocumented tenants.

#### **6.3.1 UNDER-REPRESENTATION OF TENANTS BY ATTORNEYS**

As previously mentioned, landlords often threaten to evict tenants or take them to housing court. While all tenants are under-represented in housing court cases, the legal representatives interviewed cited few cases of undocumented tenants' legal representation.

According to the attorneys interviewed, most cases of tenants in housing court result from actions taken by landlords to evict the tenant or demand withheld rent money. For cases brought forth by landlords, ninety-eight percent of the landlords have legal representation, compared with the twenty-seven percent of tenants (Met Council on Housing). While no numbers were available for cases brought forward by tenants, the interview participants noted that tenants in those cases also rarely obtained legal representation. The under-representation of tenants by lawyers in housing court already establishes an imbalanced start to the process. Without legal representation



or aide, tenants are more likely to make deals outside of the courtroom or to experience confusion in the courtroom, often resulting in unfair deals or the landlords' lawyers taking advantage of tenants' ignorance. The under-representation of tenants then exacerbates other issues within housing court, unequally disadvantaging tenants. Undocumented tenants are even less likely to have representation due to language barriers and difficulty accessing trusted legal services.

### **6.3.2 LIMITED JURISDICTION AND POWER**

According to those interviewed, the housing court system also faces many limitations in terms of its jurisdiction and power, giving most tenants – documented or not – an unequal burden in all steps of the process and comprising a major contributing factor to the successful harassment by landlords.

The problem begins with the consequences for landlords violating housing regulation. The actual repercussions for landlords for housing violations often do not outweigh the profit made or advantages achieved by violating the regulations. "Housing court usually results in a fine, and a minimal one at that" said one attorney. Landlords and realty companies may be making thousands more per year in illegal rent increases or by vacating apartments and renting higher or selling out. The consequence of a fine thus pales in comparison to the damage landlords can cause in court.

Community advocates and legal aid services identify many bigger property management companies and real estate businesses as predatory. "They can just factor in [the fines] of just doing business," the attorney continued. These big players, which he referred to as speculative and predatory landlord businesses, wield a different kind of power that shields them from facing repercussions. He described them as very large businesses and companies:

They're not sleazy guys sneaking in the basement cutting the gas lines. They're upper middle-class or upper-class; they work in nice buildings; they wear nice suits; they're well spoken, and they have local and international connections. They consider themselves more in finance than landlords.  
(Interview respondent)

Going after these large businesses on an individual basis, for individual housing violations, does not stop them from committing the violations or from continuing their unethical practices. "It's like any of those claims that you can make at someone that's easy to claim and sounds horrific, and instantly creates a necessity to seek justice,

but you need to be aware that a judge has to look at evidence in order to make a ruling,” he added, indicating the reliance on hard proof and the lack thereof in harassment cases. And while harassment continues to affect many tenants, based on the experiences of those interviewed, sometimes with severe consequences: “the punishments that housing court can issue are not significant. You can count in one hand the landlords that have actually been jailed, arrested, or charged fines for egregious acts.” These established patterns of allowing landlords to continue their practices ultimately places greater burden and higher risk on undocumented tenants with limited recourse once a court case has been decided.

### **6.3.3 LIMITED OPTIONS FOR TENANT AFFIRMATIVE CASES**

The limited options facing tenants when bringing cases to court affect all tenants, not only undocumented immigrants. Many cases pursued by tenants do not fall within housing court’s jurisdiction, such as rent overcharge claims, which remains a persistent issue but cannot be brought as affirmative cases by tenants against their landlords. In these cases, where a housing violation has occurred that falls outside of the court’s jurisdiction, tenants can file their complaints with the Department of Housing and Community Renewal (HCR), the agency in charge of housing regulation enforcement. The forms are relatively simple, but recourse is often not pursued. “They take their sweet time to deal with you,” said one housing attorney.

Only certain “affirmative” cases fall under housing court’s jurisdiction, such as a landlord’s failure to complete mandatory repairs. Harassment also falls under this category, but the legal advocates interviewed made it clear that filing harassment charges are the most difficult to prove and often are only successful if the tenant can build an entire case with more “tangible” evidence. “For tenants to go and sue their landlord affirmatively on their own, they’re very unlikely to do it,” said one legal representative.

### **6.3.4 THE OVERALL EXPERIENCE IN COURT**

In addition to all the official constraints of the housing court system, the experience itself often provides reason enough to prevent tenants from understanding the process and navigating it successfully.

One housing attorney described it well:

I think for tenants, it’s so mystifying, the whole process. Even as a tenant

attorney, I'd forget how confusing it is to everybody what happens when you're in the courtroom. It feels like there's no real calendar call. You just end up standing around all day. All the attorneys know each other, so they're kind of chummy with each other even if they're on opposing sides. And then there's court attorneys and judges; it's hard to tell who's who and who's on what side. It has to feel like everybody knows what's going on except for you – from a tenant's side – that they're all in cahoots, and you're the one that's getting shafted. That's not really what's happening most of the time, but I'm sure it feels that way. (Interview respondent)

### **6.3.5 ADDITIONAL CHALLENGES FACED BY UNDOCUMENTED IMMIGRANTS IN COURT**

For undocumented immigrants, the limitations in housing court ring especially true. All three of the legal representatives interviewed saw that in their experience, tenants with no or incomplete immigration status felt hesitant and often unwilling to go to court. They perceive the court process – or any other process requiring them to identify themselves individually – as a heightened risk for them. One source noted that the risk is not as high as many tenants think. “[A person's immigration status] shouldn't matter in the courtroom; it's totally irrelevant to the issue in any of the proceedings,” he elaborated. However, court cases are open proceedings, available to the public, (and to ICE, should they want to look), so going to court does pose the risk of exposing oneself to the openness of the system. While interview participants did not identify ICE presence as having increased, several notable incidents have occurred since Trump's election demonstrating increased and aggressive ICE presence during unrelated court proceedings (Gonzales, 2017).

Additionally, under certain circumstances the landlord's attorney may request documentation – known as “discovery” – with the intention of exposing a tenant as undocumented. While they may not be used to sway the court decision, once a landlord knows a tenant's status, he can use it as leverage in the future. Those documents usually provide proof that a tenant has the right to live in the apartment in question, and the court usually grants the request. Usually, documents must be presented, but one can mitigate the number of documents and the level of information exposed. In those cases, the more general the documents (medical records, pay stubs), the safer the tenant is, but it is an opportunity for a fishing expedition: to find undocumented persons could reveal something else that could be used in a future eviction case.

Respondents observed that for tenants with active deportation cases, going to

housing court is out of the question as it immediately flags their name in the immigration system and puts them at risk of discovery. They must therefore resort to other means. In the case of eviction threats, they usually leave or tolerate sometimes unlivable condition.

Bias in the court room raises another concern for people with vulnerable or no status. One of the first questions asked about a case, said one attorney, is “Who’s the judge?” Some judges are known to be landlord-friendly, while others have reputations of leaning toward the sides of tenants. The judges’ prior jobs do not necessarily matter, said the attorney. Someone who used to work for a legal justice service might become a judge very biased toward landlords. Respondents speculated about the political pressure brought to bear on judges from pro-development or pro-landlord interests. In addition, they mentioned that some judges carry their personal prejudices into the courtroom, sometimes exhibiting racist behavior or clearly showing bias against people with limited English proficiency. Here, again, the presence or absence of legal representation can greatly affect the tenant’s chances in the courtroom.

New York City is currently coming to agreement on the conditions of a policy to address tenant representation in housing court. The Universal Access to Counsel bill would guarantee free legal counsel to tenants who qualify, which is currently planned at 200 percent of the poverty line. This bill would only apply to tenants facing eviction charges and not to tenants bringing affirmative action cases against landlords. The same legal representative also criticized the under-representation of tenants in court and that tenants who need to seek legal advice to bring charges against their landlords – for harassment or threats, in particular – are more likely to be undocumented and also less likely to have the necessary funds to pay for the legal services. Including tenant claims and expanding the kinds of cases heard by housing court could, in combination, provide relief to tenants.

With all of the obstacles facing tenants in housing court – both in getting to housing court, as well as the rest of the process – the number of tenants finding other means to improve their situations remains high. But there are few choices for the many who are targeted by their landlords. Failing to appear in court for an eviction notice results in a city marshal arriving at the apartment, armed with a gun to forcibly remove you from the apartment. From difficult access to legal services, the downfalls of housing court, and the potential for more trouble with landlords, the struggles facing tenants only worsen, leaving room for improvements in those areas of the system. The current measure proposed to improve tenant representation, mentioned above,

would not adequately address the many layers of the problem and leaves room for other proposals to come forward.

#### **6.4 FAILING POLICIES AND ENFORCEMENT**

In the interview with a spokesperson from El Barrio Unite!, one point repeatedly emerged: that New York City and State have become influenced by the capitalist real estate market, which they then solidify through legislation. Due to the nature of New York's policies – some blamed on the Pataki administration, others on de Blasio's failure to revamp them, the system favors wealthy real estate corporations and places higher burdens on tenants. Several of these pitfalls are described in the section on relevant housing policy, but interview participants repeatedly circled back to inadequate policies and enforcement as the biggest obstacle in the fight for tenant justice.

In terms of inadequate policies, the most commonly raised issues affecting undocumented tenants are the failure of the system to provide truly affordable housing for low-income tenants, and New York City's inconsistent protection of rights for people without full documentation. New York has relied upon rent-stabilization and regulation to provide affordable housing, however the sixty percent AMI used as a benchmark to calculate affordable prices for regulated rent does not accurately represent the needs of East Harlem residents. The spokesperson from El Barrio Unite! cited the several thousand new, middle- and middle-upper class residents moving into New York City real estate— while also displacing an equal number of lower-income residents – as raising the AMI to an “unaffordable number” for pre-gentrification residents. “We see this in the number of tenants now paying seventy-five, eighty, eighty-five percent of their income to rent” said director of Tenants & Neighbors.

Furthermore, she notes:

Every time rent laws come up for renewal at the state level, representatives make amendments to weaken laws and allow more leeway for real estate interests, putting more pressure on low-income residents. It's in the interest of real estate to get rid of regulation, of course, so they can charge as much as they want. Landlords and the entire real estate industry are on a mission to purge rent-regulated tenants out of those apartments. (Interview respondent, Tenants & Neighbors.

These pressures lead to the other problems mentioned in previous sections. Rent-stabilized apartments in East Harlem face similar threats in the policies. “Right now the most important thing is preserving current rent-stabilized units” said organizer at the Met Council on Housing, “And the current [de Blasio] administration is only allowing them to disappear.”

In addition to current housing policies in place, the current requirements to enter the system exclude undocumented immigrants. As mentioned, access to NYCHA housing and Section 8 vouchers is restricted to full-status individuals or mixed-status families. For mixed-status families, the rent calculated may not fall within their financial means as it calculates lower subsidies with higher numbers of undocumented members in the family. Renting from private owners does not shield undocumented tenants from discrimination, either, as seen in the harassment and discrimination techniques used by landlords. While all low-income residents now face increased restrictions and difficulty in finding affordable housing, those without documentation face even more ladders to climb in order to secure and maintain safe housing.

Along with policies and regulation come enforcement, and enforcement often contributes significantly to the success or failure of the policies in question. In the case of East Harlem housing policies and protections for tenants, every single interview participant raised enforcement as a major issue in the system.

As one lawyer stated, on paper, residents have several protections, and the city *is* required to provide certain baseline standards for affordable housing availability and condition. The division of jurisdiction and monitoring between the HCR and housing court creates a large gap that allows many actions to fall through the cracks. In Andrea Shapiro’s experience as a housing advocate and representative at the Met Council on Housing, she has realized that the system is unsustainable. “It’s a self-reported system. There are no fines. There’s no oversight, for the most part. And what enforcement there is and the protection unit the state does have, they’re so underfunded and overworked that they really can’t do very much,” she said. She described HCR as slow and landlord-friendly, along the same lines as the administration’s interests.

## **6.5 REPRESENTATION AND MISREPRESENTATION OF EAST HARLEM RESIDENTS**

Even within a flawed system with misguided policies there remains the potential for policy-makers and city officials to accurately represent its more vulnerable residents.

Residents, and those fighting for justice in East Harlem, however, don't find the neighborhood to have sufficient representation.

Issues with Melissa Mark-Viverito (East Harlem's City Council Speaker) were raised in an earlier section. Her perceived failure to adequately listen to the concerns of East Harlem's smaller, less represented groups also contributes to her being seen as failing to accurately represent those portions of the constituency. Similarly, Community Board 11 seems to have attracted skepticism about its ability to represent its minority and lower-income residents. As half-volunteer and half-appointed, CB11 consists of a variety of contributors, some of whom are more engaged and others who have little time or motivation to educate themselves on current issues and threats to the community, according to the district manager of CB11. "Because it's a huge area, the impacts are significant," he said.

While CB11 publicly likes to say it's "empowered by what the community is saying" through testimony letters, calls to the office, and research into community trends, the district manager also attacked local advocates for selling ideas only from their perspective. He argued that East Harlem has residents from the top of the income spectrum as well, and that CB11 must make decisions not only from the perspective of its low-income residents. This creates the potential to give unequal voice to those middle- and upper-income residents with fewer and *different* needs, diminishing the voice of those with tangible and immediate concerns. El Barrio Unite!, the LSA, and other community-based organizations expressed concerns about adequate representation of East Harlem's most vulnerable members, especially in the face of the rezoning project, which CB11 now seems to support.

Then there are groups such as Hope Community Inc., a non-profit housing organization, that face conflicted goals where development is concerned. According to their website, they don't want to participate in gentrification in the neighborhood, but they do have to deal with tax hikes and property values going up. Every organization faces the reality of rising real estate prices, but the possibility exists for organizations within a community to become inadvertent gentrifiers going against their values and objectives.

## **6.6 LOCAL IDENTITY AND CHANGES TO THE COMMUNITY**

While the exact sources of change are impossible to pinpoint, gentrification has the tendency to result in drastic neighborhood changes which affect all low-income residents. East Harlem residents and advocates from organizations across the city

have noticed many recent changes including, aside from the obvious hike in rent prices, changes to the demographics, changing storefronts, different and less affordable services and amenities, and the new needs and desires of wealthier residents impacting everyday quality of life for long-time East Harlemites. Of these, the most prominently mentioned during interviews was the last, the new needs and desires of wealthier residents and the consequent impacts on East Harlem.

With new, pricier stores, restaurants, and services opening, the streetscape has also changed in East Harlem. One participant with experience working with visible minorities and homeless individuals referred to clients' anxiety about fitting into the "new" neighborhood. "It's a matter of still being able to go outside and recognize and understand the store signs, hear familiar music, maintain a community network" he said. And with wealthier residents come the law enforcement officers to protect them. People going about their day-to-day business are no longer accepted by the new residents – something like listening to bachata music too loudly, or sitting on a building stoop for too long. "So, they'll pick up the phone and call 911, and all of a sudden the people who always lived there are constantly patrolled and policed" he said.

"So things like, oh, the block parties" added the director of a tenant advocacy group: "the music has to end earlier because white people complain more, so now we can't have our music. So, what does this mean for [residents]?" The important shift lies in the fact that residents are not breaking any laws and yet now face targeted action against their normal daily lifestyles – known as quality-of-life policing – from new residents and law enforcement.

Despite the increase in prices, a lack of affordable housing options, high-quality food and other amenities, people still maintained strong informal social networks of support. One tenant rights organizer in East Harlem also recalled instances of a few new, educated, "gentrifying" residents using their more-privileged status to help their less-privileged neighbors by joining tenants groups and sometimes helping neighbors find resources and learn about their rights.

When asked about tensions between long-time residents and newcomers, participants mentioned that long-time residents took stronger issue with the broad forces at play, the loss of sense of community, and the conflict with landlords than with the newcomers at an individual level. "I think it was more about them just wanting to stay and not be pushed out by the new developments and newcomers" said one economic justice advocate. "That and they felt the character of [their]



neighborhood is changing.”

## **6.7 NEW YORK AS A “SANCTUARY CITY”**

New York City, specifically Mayor Bill de Blasio’s administration, still calls itself a “sanctuary city,” the term generally given to U.S. cities helping to protect the rights of immigrants in the face of targeted immigration practices and crackdowns. Yet some of its policies and tactics on the ground are criticized as contradicting immigration protection, creating more uncertainty and insecurities for undocumented residents. “Broken-Windows Policing still plagues lower-income communities, especially where it’s largely minorities living” said the coordinator for the Met Council on Housing.

These policies especially affect undocumented low-income residents and, even more so, undocumented homeless individuals and families. New York City does not consider homeless shelters sensitive locations, leaving them unsafe from the police or ICE agents. “There have been police raids, ICE raids in shelters; they do lineups FROM the shelters for crimes, and the NYPD basically has unrestricted access to them” said one homeless and tenant advocate. Because shelters receive federal funding, there are also complications with people’s immigration applications; there are restrictions on accessing federal funds during immigration status changes, so using shelters (which are federally funded) may disqualify people from their immigration applications, or even land them on a deportation list. These restrictions also apply to NYCHA housing and Section 8 vouchers, should something happen to an individual’s immigration status during their tenancy.

The requirement for residents to provide detailed personal information also deters undocumented individuals from finding and using the services they may need, according to respondents. This applies to housing (NYCHA applications and funding vouchers), as well as access to banks and other institutions, without which remaining a legal tenant becomes more difficult. Many do not know whom to trust with their personal information and opt, instead, for informal alternatives that may lead to bigger problems in the future.

## **6.8 BARRIERS TO PARTICIPATION AGAINST GENTRIFICATION FOR UNDOCUMENTED IMMIGRANTS**

In a neighborhood consistently targeted by gentrifying forces, one might expect the residents affected to partake in demonstrations, community board meetings, reaching out to local organizations, or even reception to attempts to engage the community by

organizations. Throughout the interviews, participants noted a lack of local participation in East Harlem among the undocumented community in the face of gentrification and other oppressive forces affecting their livelihoods. What interview participants have found in their work in East Harlem is that the undocumented community remains largely skeptical of participation in the various spheres battling gentrification. This does not necessarily imply that these residents are unaware of or uneducated about the effects impacting them. According to El Barrio Unite!, based in East Harlem, which engages with locals on a regular basis, turnout at demonstrations does not reflect the numbers of residents affected. The district manager of Community Board 11 noted that public meetings have not been well-attended. And representatives from various housing and tenant advocate organizations have also experienced hesitance to participate by residents in East Harlem.

Some of this can be attributed to the usual constraints facing vulnerable residents: people with lower incomes are less likely to have the flexibility or opportunity to attend meetings or other events the cut into work and family time. However, something else seems to be infiltrating the community and affecting the ability for vulnerable-status residents to take part in the ongoing fight against gentrification. The culmination of the issues facing residents of East Harlem mentioned above has created something larger than simply the individual problems listed; it has created a hostile environment for people without immigration status, impacting every aspect of their daily lives as tenants, workers, and local participants.

Interview participants working in East Harlem with individual residents and community organizations noticed a lack of social cohesion, as well as difficulty trusting those organizations conducting outreach to help residents without documentation.. Those residents fear sharing their personal information and are skeptical of services and institutions that require information. Despite some residents having strong social networks in place, they do not always seem to use these social ties to participate. As noted by interview participants, however, direct social ties with community organizations and advocacy groups does encourage residents to participate and seek services. Participants observed a significant increase in this distrust of the community and organizations since Trump's inauguration in January. Whereas before, immigration threats and discrimination may have caused insecurity, they did not carry much weight in practice. Since the beginning of the Trump Administration, however, those threats incite real fear and concern for the personal safety of undocumented residents in East Harlem. One participant mentioned that, before Trump, "People had the feeling that if they kept their heads down, their mouths shut, and worked hard, they would be okay. But that feeling has disappeared

and a new insecurity has set in.” Efforts on behalf of New York City to protect undocumented immigrants from ICE have not eased their concerns, and the result is a deep mistrust toward any person or institution that has the possibility of identifying individuals or their family to the city, state, or immigration.

## **6.9 CONCLUSIONS**

The challenges facing undocumented immigrants in the face of gentrification are only growing. Throughout the many interview conversations, an overarching fear of exposure emerged. Undocumented tenants experience this fear when applying for housing, occupying housing, and when asserting their rights as tenants, at every stage in the process. Advocates, community leaders and organizers also face this fear when they represent people with vulnerable status; in some cases they may also be violating the law by assisting undocumented immigrants (although contradictory New York laws make this a difficult point to understand), and in others they may put clients or residents at risk while performing their jobs.

The relationship with the de Blasio administration has also determined the experience for people involved at all levels of the housing hierarchy. Some, such as El Barrio Unite! and Met Council on Housing are adamantly opposed to the de Blasio’s rezoning, arguing that it simply represents a ploy to increase zoning and height limits to build bigger luxury buildings. Others, such as the LSA, have had positive experiences with de Blasio’s policy changes overall. The power dynamics at play, between residents, community groups, advocates, the real estate industry, and city officials prove as complex as the gentrification process itself, and yet those at the bottom of the ladder only have so much control in defending their rights and their neighborhood.

Regardless of small policy changes, and even rezoning projects, one cannot ignore the changes sweeping over East Harlem and the problems they create for the neighborhood’s most vulnerable residents, problems in the system as a whole that cannot be solved individually. As shown in this and previous chapters, tenants face obstacles from every angle of the housing system, and the number of organizations and agencies fighting for their rights and for the improvement of a discriminatory system is a testament to the justice movement. While all low- to moderate-income New Yorkers struggle with gentrification and its effects, those without legal immigration status seem to bear an unequal part of the burden, despite often having

lived in their neighborhood for longer. Undocumented individuals have rights which are not enforced, face discrimination and harassment, do not have the same access to legal representation, and have fewer options compared to people who do have legal status, know what their rights are, and are not afraid to ask if they do not know. This burden prevents them from then participating in action against the forces oppressing them, further excluding undocumented people from the process of which they bear the consequences.

New York City's housing system, from the individuals seeking housing to those buying, owning, renting, and those enforcing regulation on paper and in court, does not serve its residents equally. Pressures from rising property values affect everyone involved, and the result is fewer options for vulnerable tenants and a greater burden on undocumented immigrants to fight for their place in the rental system than on other rental tenants. These take the form of landlords applying increased pressure and threatening their vulnerable tenants, inadequate access to information and legal services, and a system that generally disadvantages people without the legal status to participate and fight back.

## **7. RECOMMENDATIONS AND CONCLUSIONS**

The problems discussed in the previous chapter point to a multitude of processes and complicated power dynamics. These subsequently influence the agency of undocumented people in confronting their changing neighborhoods. It became clear that pinpointing the source of many of these problems proves difficult and often feeds back into more problematic processes or institutions. However, the solutions moving

forward resonated with clarity during the interview process. Not every problem needs to be addressed individually, according to participants. The potential solutions addressed two levels: policy-level changes, and community-level action. In other words, remedies within the larger institutions and systems at play enabling the gentrification process, advocacy work and action within community groups and residents to educate them to advocate for their own interests.

## **7.1 POLICY-LEVEL CHANGES**

When asked about solutions and remedies for the problems outlined, thirteen of the fifteen individuals and organizations interviewed had similar responses. “We talk about [New York City] being a tenant-friendly place; in reality, it is compared to places with no regulation. But its real estate interests are so big that they’re outsized by anything anyone can almost imagine” said organizer at the Met Council on Housing, pointing to a systemic problem skewing the policy-making against tenants’ rights. No individual policy change will fix everything. However, the combination of several changes may have enough power to shift the ease with which landlords, real estate companies, and city agencies continue illegitimate practices.

The first major step toward addressing a number of the flaws in the system lies in housing policy adaptation, suggests the organizer, who has worked extensively not only with housing concerns of residents but also with putting forth new legislation at the State level. This opinion was echoed by other individuals working professionally with housing and gentrification concerns.

“The first goal is to eliminate Vacancy De-Control,” asserted the organizer from Met Council on Housing. “This would eliminate one very big incentive to landlords to kick tenants out and raise rents.” She described it as a difficult, but feasible option. “Right now, the entire system functions to serve real estate, because that’s where the money is. The City gets money, de Blasio gets money that way, so that’s who they support” argued the director from Tenants and Neighbors. The spokesperson from El Barrio Unite! also blamed the greed of the real estate industry on surging prices, worsening conditions, and heightened risks for undocumented residents. The Met Council on Housing is particularly active at the policy-level. “Every year we run campaigns and put forth legislations that then interacts with the City and State governments,” said the participant. Action on Vacancy De-Control is not currently on the table, but the Met Council on Housing *is* currently putting forward and supporting legislation to tackle preferential rent, which allows landlords to conceal some of their less legitimate actions (such as illegal rent increases). Preferential rents can also

pose a problem for tenants because landlords sometimes use them to hide the fact that they may have registered an illegally high legal regulated rent for their rent-stabilized apartment.

According to many of those interviewed, these shifts must happen at the state level, which again puts advocacy groups and residents at a big disadvantage. “Everybody knows that whoever has the money has the power,” stated director of Tenants and Neighbors. “The only way to get change is to put pressure on elected officials, and that’s what we try to do.” Ms. Shapiro made similar comments, saying that New York (State and City) expect New Yorkers to tolerate unaffordably high rents and poor living conditions.

Other important policy-level changes concern the way in which the city addresses housing regulation violations and housing court. “The enforcement is horrible,” said Ms. Shapiro. As outlined in the last chapter, the lack of policy enforcement and the limited jurisdiction and capacity of housing court to give punishment to housing infractions contributes greatly to the increased burden on tenants to regulate and solve the issues they face. In order to change this and make a difference in tenants’ rights, the weight must be shifted so that the system itself functions and self-sustains, without requiring an asymmetrical contribution from tenants.

Allocating more funds to regulation and policy enforcement would have a large impact, but multiple interview participants noted that the city may not have this option. Especially with the new Federal administration threatening to cut funding to housing, it is more likely for funding to become scarcer. However, Shapiro thinks there is still room for better use of funds for enforcement.

More realistically speaking, addressing the flaws within the prosecution system for housing infractions has potential to significantly change the dynamics of the housing court system. Raising fines for landlords’ infractions to a high enough number would deter them from committing repeat violations, as well as raising funds that the city could put towards better enforcement. Making repercussions more severe would have an even greater effect. “There is potential for the system to change,” said one housing attorney. “The system is biased against the tenants; right now, we can see that in ninety-five percent of the cases in housing court,” he continued. The administration could also work towards increasing the number of charges under housing court’s jurisdiction in order to increase the opportunities for tenants to bring affirmative cases to court and avoid the slow-moving bureaucracy of city agencies.

Addressing potential bias in the courtroom in the form of power dynamics between landlords and judges could provide a step towards placing tenants on equal footing with landlords. One attorney suggested changing the structure of judges' terms so they do not fear pressure from outside forces, a change that could also leave judges unaccountable to many unethical decisions. Other options include providing sensitivity training to judges and courtroom officials, ensuring the presence of translators in the courtroom, and increasing tenants' access to legal representation.

Large predatory and speculative landlord businesses are particularly immune to the power of housing court and housing regulations. One legal aid worker strongly believes in the need to target them as businesses, not simply as landlords, in order to increase the consequences for their actions and to attack their businesses practices across the board. "The laws need to be changed to protect tenants across the board, more systematic approaches," he said, instead of going after these businesses on a tenant-by-tenant or apartment-by-apartment basis. The same goes for tenants: "If every tenant has a lawyer, that's going to have a real impact on their business model."

New York City and the de Blasio administration have particular influence over certain other components of the system, such as the rezoning and its position as a "sanctuary city." De Blasio's rezoning project in and of itself is not the cause of gentrification or of targeted discrimination tactics, "it only speeds the process along" said the legal aide. It serves as proof to them that de Blasio and his administration cater to the needs of real estate businesses, not to the concerns of East Harlem residents. "Broken Windows policing makes New York NOT a sanctuary city" argued the representative from Met Council on Housing. "The fact that you can jump a turnstile and end up with ICE knowing who you are doesn't protect [immigrants]." This is something that de Blasio could change, and yet it was under his administration that Broken Windows policing returned. Currently, the solution relies on strong community ties to individuals and businesses in East Harlem, allowing people to protect each other when such events occur.

A positive and successful advancement in New York includes the New York State hotline for immigrants, introduced by Governor Andrew Cuomo. The hotline provides assistance to immigrants, particularly with the rise of deportation threats and actions since the beginning of the Trump administration. While this does provide some relief regarding immigration concerns, New York City still lacks more comprehensive legal services and information where immigration *and* housing intersect.



## 7.2. COMMUNITY AND RESIDENT ACTION, ORGANIZATION, AND PARTICIPATION

Changes to the broader system take time, collaboration, and political power. While new policies currently go through the de Blasio administration as well as the State, administrative, individual and community action have their own parts to play in the fight for undocumented people's rights as tenants in East Harlem. These actions cannot be entirely separated from larger-scale action and policy changes as they support and contribute to each other's success. However, grassroots action and organization have the potential to influence the system and the strength of tenants within it. Interview participants emphasized adequate services and information, community strength and leadership, tenant organization, self-advocacy, and better legal representation as the most crucial grassroots actions in the fight for justice for vulnerable tenants. Not all of these specifically apply to undocumented immigrants living in East Harlem, but the strengthening of tenants' rights overall will also help to protect the most vulnerable at an individual scale.

Access to local community service agencies remains one of the top and most effective methods of empowering local residents. These agencies provide a multitude of essential services to East Harlem residents. The LSA alone offers housing and anti-poverty advocacy, know-your-rights information, free legal clinics, and connections to other potentially useful services and contacts. In addition, the LSA fosters a safe and trusting community, where local residents feel secure asking for help and discussing their housing crises. Community Action for Safe Apartments organizes tenants and focuses on community-building and accountability-building among its members – the accountability of members of a building or community to each other. Other organizations, such as Tenants and Neighbors, Picture the Homeless, and the Violence Intervention Program assist residents with immigration- and race-related discrimination and violence, deportation issues, and law enforcement conflicts. The majority of these organizations also provide assistance in Spanish and other languages to accommodate local needs. Above all, these organizations, established *for* the residents often *by* residents and allies, offer spaces and services which foster individual and community engagement and build long-term trust networks.

One legal source argued that access to service agencies is the most important resource when she stated:

I think that it's pretty much the only way to fight against some of the tactics that are used. Because if everybody is isolated, they don't know to stand up

when they're being harassed. Some of the organizations out there building power and tenants groups are really doing an absolutely amazing job.  
(Interview respondent)

These agencies establish trust in communities, which is essential for residents to actually engage with the services offered. They also act as a filtering system, referring residents to other local contacts who are trustworthy, such as banks that do not require much personal information, or legal counsel who work for justice rather than profit. Andrea Shapiro made a similar point when she suggested that tenants do not like to engage with community organizations, no matter how well-intentioned, that request too much personal information. "It sets off an alarm for many undocumented people, that someone might be trying to hurt them," she added.

Another important part of community organizations' work includes outreach. One tenants' rights advocate works primarily in outreach in East Harlem by knocking on doors, as also practiced by many other similar organizations. "I observed that tenants were hesitant to participate," he explained. He attributes that to two reasons. First, due to the radical demographics since the 1970s, shifting from Puerto Rican tenants to mostly-Mexican and potentially undocumented residents. Second, he has the impression that immigration status prevents these individuals from openly participating in organizing, whether with an organization, in a potential legal case, or in singling themselves out with the landlord to make requests or complaints. Because of the circumstances, the community outreach organizer has discussion-based interactions with tenants by first allowing them to talk about their individual problems, then trying to broaden the conversation to the building or the neighborhood. He supports and validates their concerns before encouraging them to take any sort of action. "Establishing trust with residents is the priority." In order to do this, he often collaborates with other local organizations who already have established networks, such as the LSA. Other participants, especially those from legal services, also collaborate with well-trusted community organizations in East Harlem. While other sources referenced East Harlem's tight-knit community and social support networks, this participant said he experienced fragmented groups, centered around long-established community organizations with strong local ties. "I didn't find any hostility, though" he said, and remains hopeful that East Harlem residents would organize more with more knowledge and awareness of their rights as tenants.

While it may prove difficult, access to information, knowledge, and awareness of the system, primarily through service agencies and outreach, can lead tenants to organize themselves and establish tenants' group. Every tenant having legal

representation would have a real impact. One community organizer agreed, stating she thinks one of the best solutions for housing issues is organizing: “there’s power in numbers. You’re more likely to be respected in whatever form you go to if you have a group, a block of folks, as opposed to one tenant.” In addition to commanding greater respect in housing court, making better cases against landlords, and pushing for new legislation, a tenants’ group also provides the buffer necessary for people with vulnerable status to feel secure in joining. Undocumented tenants are very hesitant to single themselves out, but they are much more likely to get involved if they are already part of a group, or if a group already exists, shielding them from individual attention or targeting from authorities.

Whether tenants organize into groups or attempt to bring cases against their landlords individually, legal representation remains a central issue. Broader, systemic changes that would grant people access through policy were addressed in the previous section, but better access to free legal services and counseling would also provide relief to tenants with vulnerable status. Service and advocacy agencies often act as the liaison, connecting tenants to legal help. However, those legal aid groups, such as MFY, Manhattan Legal Services, and Legal Aid Society, operate within their own constraints. Many attorneys can only take on cases that have high chances of winning in housing court, which typically exclude harassment cases and other cases brought forward by tenants. These constraints result in legal representation primarily for tenants with eviction cases brought against them by their landlords, which, again are the same people with access to legal services through New York City’s new proposed bill. One solution could involve City or State funding towards legal aid organizations directed at housing, specifically for people with vulnerable status.

With individual solutions spread across different stakeholders in East Harlem and New York City, the need for political power and connections weaves a common thread through the individual potential solutions. One of the ultimate objectives requires those with financial and political power to make decisions with tenants’ interests in mind, and this may contradict the goals of the real estate industry. Tenants hold only limited power, as things stand now, with protests and collaboration with different City offices often still leading to results against the community’s needs.

The efforts already exist, however. Organizations like Community Voices Heard, the Met Council on Housing, and Picture the Homeless give their clients and members agency and power by encouraging them to steer the campaigns and make legislated decisions. Community organizations with pre-established trust within East Harlem, such as the LSA, collaborate with external organizations in order to expand the

network of services available to their members. These local forces are working tirelessly to build community support networks and systems across different services and agencies, from immigration rights, tenant advocacy, and access to banking and financial services, with the intention of providing the largest possible trusted network to its vulnerable status residents. Residents, too, are making a difference. By educating one another and better informing themselves of their rights in New York City, residents of East Harlem are helping awareness increase from within. Local advocates are paving the way for participation among all residents, creating safe spaces and safety in numbers at rallies and community meetings. Engaging different levels of the system, from individual tenants to buildings, blocks, and neighborhoods, community organizations, and attorneys, while also tackling the issues from the bureaucratic and systemic levels has the potential to, at the very least, require better enforcement and respect for tenants' rights to live in peaceful homes.

### **7.3 CONCLUSIONS**

East Harlem, a diverse and largely Latino neighborhood in Manhattan, has seen rapid gentrification in recent years. New policies put forward by the de Blasio administration threaten to accelerate this process. Amidst the changing scenery in East Harlem, those most affected by gentrification and its consequences consistently include the area's undocumented residents. They face higher levels of discrimination in all stages of the housing process, from finding adequate apartments to housing court, and fewer resources to handle the difficulties of the system. Undocumented immigrants are also less likely to participate in resisting gentrification due to heightened risks in the current anti-immigrant political climate. Interview participants had several ideas to improve the system and encourage undocumented people to participate. These recommendations involve changes to city and state policies, as well as increased support at the local level to provide established and trusted resources to people with vulnerable status. Addressing the shortcomings of the system in protecting the rights of undocumented residents should therefore come from all levels of individuals and organizations involved in order to strengthen the ability for these residents to actively participate in the system they live in.

This study has revealed that the current housing system places unequal pressure on vulnerable tenants, and even more so on those without immigration documentation. The successful gentrification of East Harlem has played a large role in furthering already-discriminatory policies and facilitating the real estate industry in increasing their grasp of New York City through influence over the State. In the face of all the inequality in East Harlem and threats to the safe living of vulnerable communities,

multiple organizations and service agencies have been working with residents and legislature to better the imbalance. These organizations and agencies continue to establish trust in a neighborhood that lacks social cohesion among residents and organizations, and have made efforts to communicate with different levels of the City and State government. Undocumented immigrants have remained hesitant to participate in local efforts, largely due to the risks posed by uncertainty: uncertainty of their rights in New York City; uncertainty of the intentions of organizations involved; uncertainty of housing regulation and access to legal counsel; uncertainty of their futures as individuals and families; and uncertainty of their security in a city that claims Sanctuary status.

In East Harlem's context, a neighborhood with a history of changing demographics, tensions, and large immigrant communities, the rapid increase in property values in the area has placed pressures on an already-limited housing system. Those pressures then trickle down to landlords and property managers. With Donald Trump's recent appointment of Lynne Patton – event planner, and long-time Trump associate with minimal housing experience – as the head of the New York and New Jersey office of the HUD, those pressures will only increase, and most likely dramatically. Trump's indicated housing plan includes drastic cuts to federal housing aid, which will likely further obstruct adequate oversight and enforcement of housing policies and eliminate subsidies that help low-income residents. As confirmed through the experiences of interview participants, the result of the culmination of individual pressures is heightened risk and consequences for undocumented immigrants. The changes in the federal administration will almost certainly make the battle for non-discriminatory treatment and access to housing more difficult. However, as the difficulties increase, so do the number of individuals, groups, and organizations passionately fighting back to self-advocate and protect people who many believe *do* have a right to the city.

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