

# Housing Insecurity in North America: A Comparative Study of Tenant Protection Laws and Eviction Rates

Dani Benavente

Department of Political Science

McGill University

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## Abstract

The post-pandemic era has heightened awareness of the housing crisis across North America, with rising rents and evictions becoming pressing social issues. This thesis investigates the effectiveness of tenant protection laws in mitigating eviction rates and safeguarding tenants' rights while considering landlords' interests. Grounded in political science and sociology literature, the research fills a crucial gap in housing policy studies, particularly regarding eviction dynamics. Through case studies of Montreal, Quebec, Canada, and Los Angeles, California, USA, the thesis examines the intricate interplay between state/provincial laws, municipal regulations, and eviction processes. By delving into the nuances of "renovictions" in Montreal and the impact of the Ellis Act in Los Angeles, the research reveals systemic challenges to affordable housing and the disproportionate effects of eviction on communities and individuals. Ultimately, the thesis underscores the urgent need for equitable housing solutions and informs potential interventions to address housing insecurity and poverty.

## Résumé

L'ère post-pandémie a renforcé la prise de conscience face à la crise du logement en Amérique du Nord, la hausse des loyers et les expulsions devenant des questions sociales pressantes. Cette thèse étudie l'efficacité des lois de protection des locataires dans la réduction du taux d'expulsion et la sauvegarde des droits des locataires tout en tenant compte des intérêts des propriétaires. Fondée sur la littérature en sciences politiques et en sociologie, la recherche comble une lacune cruciale dans les études sur la politique du logement, en particulier en ce qui concerne la dynamique des expulsions. À travers des études de cas à Montréal (Québec, Canada) et à Los Angeles (Californie, États-Unis), la thèse examine l'interaction complexe entre les lois étatiques/provinciales, les réglementations municipales et les processus d'expulsion. En approfondissant les nuances des "rénovations" à Montréal et l'impact de l'Ellis Act à Los Angeles, la recherche révèle les défis systémiques du logement abordable et les effets disproportionnés de l'expulsion sur les communautés et les individus. Enfin, la thèse souligne le besoin urgent de solutions équitables en matière de logement et éclaire les interventions potentielles pour lutter contre l'insécurité du logement et la pauvreté.

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## List of Abbreviations

1. CAQ: Coalition Avenir Québec
2. CBO: Congressional Budget Office
3. CMHC: Canada Mortgage and Housing Corporation
4. FMR: Fair Market Rent
5. FRAPRU: Le Front d'action populaire en réaménagement urbain
6. JCO: Just Cause for Eviction Ordinance
7. MNA: Member of the National Assembly
8. OMHM: Office municipal d'habitation de Montréal
9. RDCLALQ: Regroupement Des Comités Logement et Associations de Locataires Du Québec
10. RSO: Rent Stabilization Act
11. TAL: Tribunal administratif du logement
12. TPA: Tenant Protection Act
13. UCLA: University of California Los Angeles
14. URLTA: Uniform Residential Landlord-Tenant Act

## Introduction

In the post-pandemic world, the housing crisis and the unaffordability of rising rents has quickly become a pressing social issue. Even though the security of housing has been a subject of conversation in various shapes and forms for decades, the pandemic magnified the topic, bringing to light longstanding problems that characterize the existing system. A prime example of the realities of the housing crisis recently occurred in downtown Los Angeles, where unfinished luxury skyscrapers were “bombed” by graffiti artists from around the city in early February of this year.<sup>1</sup> The Oceanwide Plaza was being developed by a Chinese company but was abandoned five years ago due to a lack of funding; the property is now a mere skeleton of what the vision originally was.<sup>2</sup> Graffiti artists covered at least 40 stories in alias names; when drone images of the buildings went viral on social media, it prompted a global reaction and forced the city’s government to respond. Now that the building’s history has come to light, questions about the property are being raised: Will the government buy the property and invest in housing for the city? Are the buildings for sale and will they continue to become luxury housing? What role does the government have when development projects like this are abandoned?

In both the United States and Canada, all levels of government participate in the housing market in various ways. Specifically in the U.S., the federal government “...plays a substantial role...by providing significant tax subsidies for homeownership and by guaranteeing many mortgage loans”<sup>3</sup> according to the Congressional Budget Office (CBO). Canada also has a national organization called the Canada Mortgage and Housing Corporation (CMHC), which provides services such as mortgage insurance, housing assistance, and funding for development

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<sup>1</sup> Corina Knoll. “The Abandoned Luxury Towers That Graffiti Exposed.”

<sup>2</sup> Knoll. “The Abandoned Luxury Towers That Graffiti Exposed.”

<sup>3</sup> CBO. “Housing.”

across the country. These federal governments participate in ensuring the stability of housing systems in each respective country, having a "...large element of control over the volume of residential construction, the type, location and size of housing units constructed, residential mortgage loan terms, the planning of new and the replanning of older residential areas".<sup>4</sup> The importance of housing is so significant that the regulation of it by the government was long ago deemed necessary; however, over the last two decades this system has been faltering. In 2007, the housing market crashed in the United States and soon reached several other countries including Canada later in 2008. Financial institutions collapsed leading to millions of people losing their homes or unable to afford the increasing mortgage payments.<sup>5</sup> To assist in the recovery, the U.S. Federal Reserve Bank "provided unprecedented financial accommodation"<sup>6</sup> and Congress passed several "...major reforms for banking and financial regulation,"<sup>7</sup> increasing government oversight of these systems.

Housing is considered one of the three necessities to survive, alongside water and food. Without stable and secure housing, other areas of life become a struggle.<sup>8</sup> The stability of housing extends past the direct need for shelter; it is entangled in a person's mental and physical health, the ability to maintain a job, capacity to build relationships within a community, and every other aspect of social, political, and economic life. Dominant societal narratives regarding housing security center around homeownership, mainly because the primary message has been that property ownership equals housing and financial security. However, this excludes a vast majority of the population that chooses not to own, cannot afford to own, or is denied access to

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<sup>4</sup> Paul F. Wendt. *The Role of the Federal Government in Housing*. 2

<sup>5</sup> John Weinburg. "The Great Recession and Its Aftermath"

<sup>6</sup> Weinburg. "The Great Recession and Its Aftermath"

<sup>7</sup> Weinburg. "The Great Recession and Its Aftermath"

<sup>8</sup> David Madden & Peter Marcuse. *In Defense of Housing*. 67

ownership of a home for various reasons. The precarity of housing security for those who rent is overlooked in a society that prioritizes ownership. In turn, the unequal and traumatic events of an eviction from one's home is disregarded as a pressing social and political phenomenon.

Landlords benefit from their status as property owners because the majority of housing laws support and protect their rights, compared to the tenants who pay to reside in these properties.

The power dynamic between the landlord and tenant has continued to go back and forth relying on local and state/provincial governments to intervene and enact laws that attempt to balance this dynamic. A crucial component of this power dynamic is the practice of evicting tenants. Up until 2016, the recording of eviction data was not required and did not exist; this is particularly notable in comparison to the collection of data on home foreclosures. Only in the last decade has there been a movement for studying patterns of eviction and accumulating data to better comprehend the issue at a larger scale.

Matthew Desmond's research on eviction and its link to systemic inequality became a crucial starting point for the permanent collection of data for evictions across the United States and later Canada following the publication of his ethnography, *Evicted: Poverty and Profit in the American City* (2016). An eviction is defined as the removal of a tenant from a rental property by the landlord, but the scholarly literature differentiates between two forms of evictions in practice. Formal evictions go through the legal processes, whereby courts create records and collectable data on evictions, while informal evictions happen outside the law, by landlord coercion and sometimes financial payout to the tenant.<sup>9</sup> For many, both processes are traumatic. Experiences can include the time burden of attending eviction court, having a sheriff escort you from the premises, the landlord locking the tenant out until rent is paid in full, or returning to the

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<sup>9</sup> Ashley Gromis, and Matthew Desmond. "Estimating the Prevalence of Eviction in the United States". 281



residence and finding all the tenant's items on the street. An eviction is the loss of a home and has been shown to be extremely harmful; it causes "...depression and illness, compels families to move into degrading housing in dangerous neighborhoods, uproots communities, and harms children."<sup>10</sup> Although data has only begun to be collected in the last decade, evictions are certainly not a new phenomenon, and they happen more frequently than the public is aware. Within the United States, "3.6 million evictions were filed in 2018 against 2.7 million unique households,"<sup>11</sup> most of these occurring in and impacting neighborhoods with higher levels of poverty.

This project will assess the effectiveness of existing tenant protection laws in reducing eviction rates and further analyzing the impact eviction may have on the population of the unhoused. Political science often overlooks the study of eviction, with housing policy being a particularly neglected area of research especially compared to more commonly explored areas of social policy such as the welfare state or healthcare. However, housing is clearly a political issue and this project is founded on the notion that there is significant potential for political science to benefit from broadening its research scope to include eviction-related studies. Given the challenges of data collection, rather than seeking to predict outcomes, the project adopts a descriptive approach, and seeks to provide a comprehensive account of the institutional landscape of housing policy and eviction in these cases.

Additionally, this thesis seeks to understand the impact that tenant protection laws have in practice. Through an analysis of the overarching state/provincial laws and the local municipal laws pertaining to eviction processes and protections, I seek to provide a better understanding of the dynamics of housing politics in two North American cities. More specifically, this project

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<sup>10</sup> Matthew Desmond. *Evicted: Poverty and Profit in the American City*. 5

<sup>11</sup> Juan Pablo Garnham, et. al. "New Data Release Shows That 3.6 Million Eviction Cases Were Filed"

reveals the systemic effect of various housing laws, draws connections between eviction and the cycle of poverty, and demonstrates the need for more and better data collection for more robust indicators of the socioeconomic welfare of a nation and its citizenry. My research questions are as follows: Do tenant protection laws have enough enforcement and support behind them to sufficiently decrease eviction rates and protect tenants from landlords? Why do eviction rates rise in areas with robust tenant protection laws intended to reduce their frequency? And do eviction protection laws primarily benefit landlords or genuinely safeguard tenants?

To try and answer these questions, I examine two cases that have very similar strong tenant protection regimes: Los Angeles within the state of California and Montreal within Quebec, Canada. The preliminary research demonstrates an escalation in eviction rates in both major metropolitan cities. This escalation can be attributed to various factors including rent hikes, post-pandemic economic shifts, and local political dynamics. The assumption commonly found in the scholarship surrounding housing policy is that tenant protection laws decrease the rate of evictions, provide a level of security in housing, and keep landlords from taking advantage of tenants. But the implicit comparison is frequently between jurisdictions that possess these laws and those that do not. How do jurisdictions with comparably strong tenant protection regimes fair in comparison to one another? In essence, this project will: a) provide an overview of the existing state/provincial laws and the local municipal laws in each jurisdiction; b) analyze the effectiveness of these laws in reducing eviction rates; and c) identify any underlying factors that contribute to the persistence, amelioration, or augmentation of these dynamics. This study underscores the overlooked significance of eviction and housing policy within political science research, advocating for a broader examination of the effectiveness of tenant protection laws in reducing eviction rates and their impact on tenants and landlords.

To provide a structured overview of the critical discussions and analyses contained within this thesis, the following section outlines the content and primary focus of each chapter, guiding the reader through the comprehensive examination of eviction and systemic inequality in the United States and Canada. This introduction has set the stage, establishing the significance of researching eviction in the field of political science and presents the case selection. In chapter 1, I delve into the theoretical underpinnings that inform my study, drawing from the literature available from political science and sociology that reveal a gap in housing policy research specifically for evictions and provides more information about the cases. Chapter 2 provides an overview of the Montreal case study. This circumstance is interesting because throughout my time gathering data, a movement spread across the city protesting what is called “renovictions” as well as the introduction of a new housing bill. The Montreal research demonstrates that renovictions are a prolific, but illegal practice that has systematically diminished affordable housing across neighborhoods for several years. Chapter 3 follows with the case study of Los Angeles. This case is intriguing because there is a single law, the Ellis Act, that allows for the eviction of an entire building and is categorized as “just cause”. Throughout my research it became evident that this law has consistently been used for the economic interests of the property owners, harming communities, and individuals across the city without recourse. Finally, Chapter 4 engages in a comparative analysis of the two cases focusing on the main themes found throughout both studies: the commodification of housing; eviction process and impact of institutional differences between the two cases; tenant organizations and their relative power vis-à-vis landlords and the state; and lastly, the outcomes of these policies. Housing policies have a tangible impact on a day-to-day basis in both the U.S. and Canada, equitable access to shelter can have a tremendous effect on an individual or family. A deeper understanding of these impacts

can significantly enhance the effectiveness of potential solutions for housing as well as the linked social issue of poverty.

## Chapter 1: Literature Review

Housing politics encompass the intricate interplay of policies, regulations, and societal dynamics surrounding the provision, distribution, and management of housing within a given community or society. At its core, housing politics address issues such as affordability, access, quality, and sustainability of housing for individuals and communities. “Among the most important of these nonresidential roles is that housing is an instrument for politics...In all social settings, dwelling space structures power relations.”<sup>1</sup> The power relations this study focuses on are between landlords and tenants, which are inextricably linked to the government action/inaction through public policy. The research surrounding housing politics is typically concentrated on effectiveness of public housing, the “Not in my backyard” movement, zoning laws for development, and viability of anti-poverty programs like ones “...that provide low-income families with decent housing.”<sup>2</sup> Political scientists and sociologists confirm that public policy can play a role in alleviating or exacerbating inequality broadly speaking; I am interested in how these inequalities manifest in Montreal and Los Angeles, two significant urban centers where tenant protection laws have been framed as a solution to the housing problem. Overall, the literature has significantly expanded over the last decade across both Canada and the United States. There are not as many studies found in Canada on evictions in comparison, but with the recent focus on eviction research being done in the U.S., scholars in Canada have followed suit. Most of the literature in Canada concentrates on examining the demographics of those evicted and the effects of evictions on individuals, families, and communities.

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<sup>1</sup> Madden & Marcuse. *In Defense of Housing*. 85

<sup>2</sup> Desmond. *Evicted: Poverty and Profit in the American City*. 302

## Canada

The literature on evictions in the Canadian context is sparse, with a few notable exceptions. Vakili-Zad (2004) compares public housing in Toronto to the United States and the United Kingdom, examining how the public housing laws evolved to individualize responsibility and decrease the assistance being provided by the government. They critique the process through which public housing policies have continued the cycle of homelessness in Toronto by allowing for the evictions of low-income residents who are unable to pay the already subsidized rent. This was an early study of eviction in Canada, but it is significant for emphasizing the link between homelessness and eviction. Most of the quantitative data used in the study were obtained from the Toronto Community Housing Corporation; however, the paper was also based on information collected through qualitative interviews from individuals who worked on the property management staff for specific public housing properties in Toronto. Similarly, Lynn McDonald's (2011) "Examining Evictions through a Life-Course Lens" used qualitative analysis to "examine the individual and structural circumstances"<sup>3</sup> that follow an eviction at different phases of a person's life. This study assesses age groups ranging from the early 20s, 30-40s, and 50+, asking the interviewees what led to their eviction and how their lives have been impacted ever since. The author recognizes that in both Canada and the international sphere, "evictions act as a marker of housing instability and point to a major social problem of which little is known because of the scarcity of data."<sup>4</sup> The study is an important contribution to what little information is known about the significant impacts an eviction can have on an individual and the ripple effects that can occur across a lifetime.

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<sup>3</sup> Lynn McDonald. "Examining Evictions through a Life-Course Lens". 2

<sup>4</sup> McDonald. "Examining Evictions through a Life-Course Lens". 2

Quantitative studies of eviction have become more prevalent over the last few years. In 2020 Scott Leon and James Iveniuk published a paper for the Wellesley Institute, a think tank that advances health equity in the Greater Toronto Area, entitled “Forced Out: Evictions, Race, and Poverty in Toronto.” The main purpose of the study was to increase the data pool for the city of Toronto for formal eviction applications from 2010-2018. The report found that evictions are linked to race and poverty, as did the work of Xuereb (2021). His is the “first attempt to estimate eviction rates nationally and for various demographic groups and geographic regions in CA[nada]”.<sup>5</sup> Xuereb used the survey data from the 2018 housing survey to estimate the percentage of renters who were evicted during the five years before data collection began, he found that “1.3% of renters, approximately 127,000 people, were evicted in 2018”<sup>6</sup> and “Approximately 965,000 Canadian renters’ most recent move was an eviction.”<sup>7</sup> Besides the housing questions, the surveys given also asked respondents about their overall physical and mental health, financial status, and how satisfied in life they were. Following other research, Xuereb (2021) finds that there are long-lasting consequences of eviction, including how it impacts an individual life path, and which groups it affects most. For example, single fathers, households with children, and individuals ranging in age from 45-54 have a higher rate of eviction than other groups.<sup>8</sup> In line with American research, Xuereb found “evidence that evictions are related to increased economic hardship, and lower self-reported health, mental health, and life satisfaction.”<sup>9</sup> Lastly, Alison Smith’s book *Multiple Barriers: The Multilevel Governance of Homelessness in Canada* was published in 2022 and is a federalism- and

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<sup>5</sup> Silas Xuereb. “Understanding Evictions in Canada through the Canadian Housing Survey”. 18

<sup>6</sup> Xuereb. “Understanding Evictions in Canada”. 18

<sup>7</sup> Xuereb. “Understanding Evictions. In Canada”. 18

<sup>8</sup> Xuereb. “Understanding Evictions in Canada”. 18

<sup>9</sup> Xuereb. “Understanding Evictions in Canada”. 19

governance-centered approach to the study of homelessness. Smith focuses on the dynamics between the federal and provincial governments in crafting (or failing to craft) social housing policy and homelessness governance paradigms, ultimately calling for “increased funding and system reforms as necessary measures in fighting and preventing homelessness.”<sup>10</sup>

The literature highlights the connection between eviction, homelessness, and housing instability in Canada. Studies reveal that evictions disproportionately affect marginalized groups, including those facing poverty and racial discrimination. Evictions have long-lasting consequences on physical and mental health, economic stability, and overall life satisfaction. There is a pressing need for policy reforms to address housing insecurity and prevent homelessness, including increased funding and system reforms at both federal and provincial levels. Despite advancements in understanding eviction dynamics in Canada, significant gaps in research persist, “There is a tension between the immediate solution enabled by rent supplements and the longer-term solution and preventative measure of increased social housing investments.”<sup>11</sup> The growing population of the unhoused in Canada has been treated as a separate problem parallel to eviction, the literature is lacking research focusing on eviction as a cause of homelessness and link to chronic poverty.

### United States

The most significant work in the American context is by Matthew Desmond, specifically his 2016 ethnography, *Evicted: Poverty and Profit in the American City*. Throughout the book, Desmond follows eight families who are struggling to pay rent during the financial crisis in

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<sup>10</sup> Alison Smith. *Multiple Barriers: The Multilevel Governance of Homelessness in Canada*. 5

<sup>11</sup> Smith. *Multiple Barriers*. 207



2007-08 in the most impoverished parts of Milwaukee, Wisconsin. Eviction was at the forefront of the lives of these families, who were constantly aware of the insecurity of housing and the consequences of being unhoused. Desmond found eviction to be a driving force for the cycle of poverty in America and all it can entail, as demonstrated in his earlier study, “Eviction and the Reproduction of Urban Poverty” in 2012, and a collaborative project with Rachel Kimbro in 2015, “Eviction’s Fallout: Housing, Hardship, and Health.” Both studies examine the ramifications eviction has on those living in poverty in the United States. Narrowing down the drivers of the housing crisis to increased housing costs, incomes stagnating or decreasing, and the consistently shrinking welfare assistance. Desmond’s cumulative research argues that there is a direct link to eviction and the cycle of poverty. Although the work done by Desmond has impacted this field of study significantly, it doesn’t provide an analysis of the varying landlord-tenant laws across states and the impact these laws have on the rate of eviction.

The increased awareness of eviction is beneficial to understanding the bigger picture of housing insecurity. Peter Marcuse, an urban planner and David Madden a sociologist wrote *In Defense of Housing* (2016), focusing on the unaffordability of housing and asking “...who and what housing is for, who controls it, who it empowers, and who it oppresses.”<sup>12</sup> Marcuse and Madden discuss the political and economic ties to housing and discuss the necessity of the radicalization of policy in order to solve the problem. In 2003, Chester Hartman and David Robinson published “Eviction: The Hidden Housing Problem” noticing that “evictions are a major housing problem that disproportionately affects lower income and minority tenants”<sup>13</sup> but there is no database used to collect this information at the national or state level. The authors focus on the need for such a database and the importance it could have on eviction being fully

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<sup>12</sup> Madden and Marcuse. *In Defense of Housing*. 6

<sup>13</sup> Chester Hartman & David Robinson. “Eviction: The Hidden Housing Problem”. 461

recognized for how impactful and significant it can be on an individual's social and economic well-being. Here, the assumption is that if enough attention were finally brought to the problem of evictions, then there may be a better chance of decreasing eviction rates throughout the United States and finding viable policy solutions to housing insecurity more generally. On the topic of a national database, Ashley Gromis and Matthew Desmond (2021) analyzed the newest version of the American Housing Survey which included additional questions that targeted forced displacement among rental households. Gromis and Desmond examined the data, explaining the differences between formal and informal evictions that lead to discrepancies in the data collection. Overall, however, they conclude that the survey "expanded national measurements of eviction."<sup>14</sup> The collection of data on evictions would be extremely beneficial for showing how large-scale the problem is, allowing for individual states to create policy better adept to their housing governance structures.

There are challenges to collecting these data due to the various ways in which eviction is categorized in surveys. For example, the recognition of a formal eviction but not an informal one, the former involving a landlord going through the legal process of having a tenant evicted versus the latter entailing a forced move where a tenant was coerced into moving out by the landlord through fear or financial incentive, outside the legal system can greatly skew the numbers. David Robinson and Justin Steil realize that the "growing scholarship on evictions generally groups together all types of evictions"<sup>15</sup> but recognize that the variations of these evictions matter. In "Eviction Dynamics in Market-Rate Rental Housing," (2020) Robinson and Steil suggest that policies should take into consideration "owner-occupancy status, property age and value," and the demographics of the neighborhood to be more effective in mitigating

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<sup>14</sup> Gromis & Desmond. "Estimating the Prevalence of Eviction in the United States". 9

<sup>15</sup> David Robinson & Justin Steil. "Eviction Dynamics in Market-Rate Multifamily Rental Housing". 647

evictions.<sup>16</sup> Robinson and Steil's study could be useful if a state was, for example, in the process of reforming policies already in place or considering the creation of eviction protection laws; however, the analysis of laws and policies already in place is missing. An inquiry into landlord-tenant laws was conducted by Merritt and Farnworth (2020). The authors examine whether "state landlord-tenant legislation may influence local evictions and whether those laws may influence eviction-related outcomes within communities of color."<sup>17</sup> Asserting that legislation shapes the relationship between the tenant and landlord, the authors also acknowledge that systemic racism influences the process of evictions. Although the analysis of state tenant-landlord policies is part of my research, the authors were focused more "on the implicitly racialized nature of housing and landlord-tenant policy,"<sup>18</sup> and how to address and eliminate systemic racism in landlord-tenant legal regimes through policy reform.

"But My Lease isn't Up! Finding Fault with 'No-Fault' Evictions" by Eloise Rodriguez-Dod (2013) reviewed a type of eviction in which the tenant is forced to move "for actions or events outside of the tenants' control" and how policies have been set up to allow for something like this to happen.<sup>19</sup> This research uses a more legalistic approach to the study of evictions; the author reviews a brief history of landlord-tenant relations and concludes that there is still a grey area "as to whether American landlord-tenant law is governed by contract principles or property law."<sup>20</sup> Another legal perspective in the literature is "Evictions: The Comparative Analysis Problem" by Kyle Nelson, Philip Garboden, Brian McCabe, and Eva Rosen (2020). The authors attempt to "systemically compare the legal regimes and institutional contexts governing eviction

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<sup>16</sup> Robinson & Steil. "Eviction Dynamics in Market-Rate Multifamily Rental Housing". 647

<sup>17</sup> Breanca Merritt & Morgan Farnworth. "State Landlord-Tenant Policy and Eviction Rates". 562

<sup>18</sup> Merritt & Farnworth. "State Landlord-Tenant Policy and Eviction Rates". 562

<sup>19</sup> Eloise Rodriguez-Dod. "But My Lease isn't Up! Finding Fault with "No-Fault" Evictions". 839

<sup>20</sup> Rodriguez-Dod. "But My Lease isn't Up!". 848

proceedings,”<sup>21</sup> examining the courts and how they impact the eviction process for tenants and landlords respectively. The comparison of various state legal systems assists the authors in this examination of the disparities of eviction courts and how different systems impact the process itself. An important finding was that local and state court didn’t have “...a set of best practices for handling eviction cases, leading them to shape processes and procedures in ways that aligned with their institutional needs and local political ideologies”<sup>22</sup> for several decades. Without a set of norms for eviction court and legal practices, the study found that it is extremely difficult to compare eviction practices and data between different states.

### Significance of the Cases

Both Montreal and Los Angeles are embedded in democracies with federal structures and boast stringent tenant laws that secure renters' housing. The balance between rental and owner-occupied housing in both cities promotes a tenant-friendly political environment, underpinned by movements for housing reform and enhanced protections. Montreal stands out for its relatively low eviction rates among major Canadian cities, while California's eviction rate is about half that of the national average in the U.S. The significant economic and political clout of Los Angeles, akin to Montreal's influence within Canada, plays a crucial role in shaping national policy debates. Yet, both cases are also experiencing a significant housing and affordability crisis, especially following the pandemic, without a clear indication of when or how these concerns will be resolved.

The literature about evictions in Montreal stems mostly from housing organizations designed to protect tenants from landlords, which additionally take on the responsibility of

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<sup>21</sup> Kyle Nelson, et. al. “Evictions: The Comparative Analysis Problem”. 696

<sup>22</sup> Nelson, et. al. “Evictions”. 696

serving as a watchdog for the public. Including Le Front d'action populaire en réaménagement urbain (FRAPRU), Regroupement des comités logement et associations de locataires du Québec (RDCLALQ), and borough specific branches throughout the city. Data on eviction can be found through these organizations' websites, some government sites, and several news outlets that have published stories in the last few years trying to shed light on the issue. A consistent theme found across research on the respective roles of both the provincial and municipal government was the issue of "renovictions," the process of illegally evicting a tenant, renovating the dwelling, and putting it back on the market at a higher price point, often double the cost of the previous rent. This is intriguing because this practice is illegal but, has continued to increase the number of evictions at a faster rate over the last few years as well as drastically changing the cost of rent across the city. Another theme that continues to appear is the need for better or stricter tenant protection laws so tenants can feel more secure in their housing position. The puzzle of evictions in Montreal is that it benefits from stringent provincial housing protection laws, which grant tenants more power than commonly assumed, while illegal evictions have surged, largely unchecked by the city, ostensibly placing the burden on tenants to be aware of their rights and act assertively against landlords.

Much of the literature on California also focuses on increasing different types of tenant protection laws, even though in comparison to several states across the nation it is one of the most "safeguarded" legal regimes for tenants. There is much more information regarding the statistics on eviction and the rate at which they occur in the Californian context. Several tenant/housing protection organizations are strong resources as well that provide information on rights, legal help, and published articles for up-to-date material to read on government action, stats, etc. These data were compiled through grassroots surveying, city records, and census

information. Housing policy reform seems to be the main concern in literature on California, including the cost of rent, the lack of regulation of the market itself, and the link between the stagnation of rent versus income. The information about eviction specifically is focused on the rates, the process of eviction court in the state, as well as the link between the supply of housing and the decrease in affordability. California has continued to reform housing protections and the rate of eviction is still almost half the national rate. In theory, the rate of eviction should be sustained or decrease, but in practice, there has been an uptick.

In both cases, there is an assumption that the stricter or longer list of tenant protection laws implemented should decrease the insecurity of eviction, protecting tenants from the landlord. However, what is happening to the landlords who break these laws and continue unlawful practices when renting? The enforcement of tenant protection laws does not seem to be a substantive focus of this literature. The tenant must take the initiative to fight for their housing security, but landlords face no real repercussions besides being forced to let tenants stay or not being able to raise the rent more than they are allowed following post-pandemic economics, and local politics. In effect, these laws may not be sufficient to prevent eviction in times of economic uncertainty and housing precarity. Through an in-depth exploration of the interplay between public policy and inequality, this thesis seeks to set the stage for future studies to develop and test hypotheses concerning the roles of institutions (e.g. tenant protection laws) in the increase or reduction of eviction-related issues, as well as the exploration of potential solutions to this facet of the housing crisis in urban settings. By embracing this approach, the project not only contributes to the broader understanding of eviction dynamics but also advances the discourse on effective strategies to address them.

## Theoretical Framework

The main concept of tenant protection rights is to ensure that the population of people who rent their homes are protected from the property owners; enforcing contractual obligations to be met (i.e. rent is paid, property is maintained), and generally reducing the power imbalance between the landlord and tenant. More specifically, these laws directly control the justifications and processes in which tenants can be evicted from their homes which can vary significantly depending on the state or province the residence is in. Presumably, the more legal protections are in place the harder it is for a landlord to control their tenants and the more secure the tenant is in their home. However, this did not explain the current phenomenon of major cities known for progressive housing policies facing growing homeless populations and movements against unjustified evictions. If there are tenant laws in place is there a system of enforcement of the law? Is there a direct causation of eviction and the unhoused?

Approaching the literature through an institutional lens was crucial to assess the effectiveness of eviction policy. Mathew Desmond (2016) was the most similar examination of this relationship albeit focused on locations with weak protection laws and strong property laws. Desmond found that eviction is an outcome of policy decisions and an important cause of socio-economic inequality. The ethnography centers on public policy and the relation of evictions to the cycle of poverty, systemic racism, and homelessness. Additionally, Alison Smith (2022) focuses on the governance dynamics of Canada, analyzing the impact it has on the homeless population and the social protections that effect this group as well. My research going forward was based on both Smith and Desmond's institutional framework, attempting to find studies focusing on comparative cases of strong tenant protection laws and their impact on local eviction rates. Moreover, comparing the United States to Canada provides a more robust understanding of

the underlying legal systems and how these interactions with the social and political culture effect public policy in each respective country.

### Methodology

This study will use a focused comparative analysis, relying on qualitative and quantitative data on evictions in both cases from government websites, census records, housing associations, Matthew Desmond's Eviction Lab, and local news outlets. The realm of eviction research and the collection of pertinent data are both expanding, but the current availability of data is somewhat constrained. This project aims to serve as an initial endeavor to compile the available information on these cases, delving into the nuances of ongoing national-level debates surrounding eviction. Due to data collection beginning around 2016 in the United States, there is much more information available in comparison to Canada, which makes the search for and comparison of empirical evidence difficult. Data used for the city of Montreal heavily relies on sources such as tenant organizations and local media outlets. Municipal government data can be found for both cases, however, Los Angeles has more comprehensive and transparent statistics whereas Montreal does not seem to have documentation available yet.

Rather than seeking to predict outcomes or identify causal factors, the project adopts a descriptive approach and seeks to provide a comprehensive account of the institutional landscape of housing policy and eviction in these cases. For this comparative study, opting for the most similar systems design<sup>23</sup> is fitting due to the commonalities between the two cases including progressive tenant protection laws, rising eviction rates, growing unhoused populations, and tenant organization. Much of the existing data and research focus on locations that do not have

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<sup>23</sup> Carsten Anckar. "On the Applicability of the Most Similar Systems Design". 389; A MSSD is a comparative method strategy predicated on comparing very similar systems which differ in their dependent variables.



explicit laws in place that protect the tenants from their landlords. The intention behind this thesis is to extend the reach of the initial research in the social sciences by examining whether one proposed policy solution – greater tenant protections – has resulted in successful outcomes. What I expect to find is that the laws do in fact decrease the rate of eviction on average in both cases in relation to the data collected on cases without protective laws. However, my preliminary research shows that the rate of eviction has increased in both Montreal and Los Angeles with several factors contributing to the issue such as rent increases, post-pandemic economics, and local politics. In effect, these laws may not be sufficient to prevent eviction in times of economic uncertainty and housing precarity. Through an in-depth exploration of the interplay between public policy and inequality, this thesis seeks to set the stage for future studies to develop and test hypotheses concerning the roles of institutions (e.g. tenant protection laws) in the increase or reduction of eviction-related issues, as well as the exploration of potential solutions to this facet of the housing crisis in urban settings. By embracing this approach, the project not only contributes to the broader understanding of eviction dynamics but also advances the discourse on effective strategies to address them.

## Chapter 2: Montreal

### Context

The province of Quebec is home to approximately 9 million people<sup>1</sup> with almost half the population residing in the city of Montreal. With a population of around 4.3 million<sup>2</sup> Montreal is the second largest city in Canada, following Toronto with a population of 6.4 million.<sup>3</sup> According to the 2021 census, the national rate of homeownership was 66.6% while the renter rate was 33.4%, a significant difference between the two categories. In contrast, the rate of homeownership versus renter occupied for the province of Quebec has the lowest average ownership rate at 59.9%.<sup>4</sup> In addition, the Montreal renter population in 2016 was 43% and has since grown closer to 50% over the last several years<sup>5</sup> effectively converging with the homeownership rate of 54.4%.<sup>6</sup> Given Quebec's provincial wide pattern of a much higher rate of renting, the province has implemented tenant protection laws over time with very strict criteria of proof the landlord needs to have to evict their tenants as well as a percentage cap on yearly rent increases for renewing lessees. This chapter will delve into the particulars of the case and examine in greater detail the politics, legal framework, and efficacy of the existing tenant protection laws.

Several provincial-wide and city-wide tenant organizations and associations provide resources to those who need help and/or don't know their rights. Two of the most impactful tenant organizations are the Regroupement des comités logement et associations de locataires du

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<sup>1</sup> Institut de la statistique du Québec. "Population Estimates as of January 1 and July 1 and Growth Indicators"

<sup>2</sup> Macrotrends. "Montreal, Canada Metro Area Population 1950-2023"

<sup>3</sup> Macrotrends. "Toronto, Canada Metro Area Population 1950-2024"

<sup>4</sup> Daniel Rowe. "Quebec's Homeownership Rates Are the Lowest in Canada."

<sup>5</sup> Government of Canada, Statistics Canada. "Census Profile, 2021 Census of Population Profile Table"

<sup>6</sup> Statistics Canada. "Homeownership Rate in the 10 Largest Census Metropolitan Areas and Canada, 2021."

Québec (RDCLALQ) and the Le Front d'action populaire en réaménagement urbain (FRAPRU). Montreal has been a well-established tenant-friendly city for several decades, contributing to a relatively low eviction rate that has allowed for a diverse and thriving city culture. Nonetheless, it is worth noting that over the past five years, there has been a substantial increase in eviction cases. In 2019, Montreal's vacancy rate hit a record low of 1.5%, the lowest it has been since 2005 and with an increase in average rent up 3.6%.<sup>7</sup> The rising rents citywide have reached a point where they've become unaffordable for many residents, necessitating involuntary relocations. In 2021, housing committees across the province of Quebec filed 875 evictions or reclamation of home documents which was an increase of 50% from 2020, with the majority coming from Montreal.<sup>8</sup> How has one of the most affordable and historically housing-secure cities in Canada make such a dramatic change in less than a decade?

Much of the infrastructure created to protect the city's tenants include proactive grassroots housing organizations whose resounding presence is beneficial in Montreal as well as across the province. Established in 1969, the Office municipal d'habitation de Montréal (OMHM) was the first housing office in Quebec and has remained the largest association to this day.<sup>9</sup> In 1978, several separate housing committees decided to form a province-wide organization to build a better balance of power with the Quebec government on the housing issue.<sup>10</sup> The coalition's first campaign was to put a stop to the rising rent and at the time it was increasing by 10% annually, becoming the face of the "freeze rent" movement since then.<sup>11</sup> Contrary to popular belief, there is no rent control in Quebec. If tenants don't object to an abusive rent

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<sup>7</sup> CMHC. "Rental Market Report 2020"

<sup>8</sup> Frédéric Lacroix-Couture. "Evictions Going up in Quebec, Housing Rights Group Says"

<sup>9</sup> OMHM. "History"

<sup>10</sup> RCLALQ. "Working for Housing Rights since 1978"

<sup>11</sup> RCLALQ. "Working for Housing Rights since 1978"

increase, landlords can go about their business. The burden of opposing illegal rent increases rests on the shoulders of the tenants, meaning the landlords propose abusive hikes with little risk of any repercussions or conflict, however, there is a new issue spreading across the city that has become a major root cause in rent increases: “renovictions”. This is defined as a landlord evicting tenants, renovating the dwelling, and then putting it back on the market for double the price or using it as a designated Airbnb apartment/building.<sup>12</sup> This practice is now becoming one of the fastest ways in which people are being forcibly removed from their homes across Montreal.

A major consequence resulting from this trend of renovictions is the exponential increase in rent following the renovation, sometimes being placed back on the market for twice the amount the last tenant was paying. There are guidelines for how much a landlord can increase the rent each year for renewed leases and tenants have access to an official government calculation tool as well. These guidelines state: “At the time of the renewal of the lease, a lessor is free to ask a rent increase that he deems just and reasonable in his notice that he remits to his lessee. The lessee has the right to accept or to refuse that increase within one month following the receipt of the lessor’s notice.”<sup>13</sup> However, if a tenant moves out, there is a window between the prior and succeeding tenant where the landlord can increase the rent at their own discretion. This also drives up the rate of unaffordable housing and manipulates the market values of the surrounding areas. The consensus housing organizations and media provides is that there is not much interference at all unless the tenant takes the initiative and fights the landlord through the legal processes available. The only other known strategy for maintaining the initial lower rent would be a lease transfer, wherein the current tenant finds a new lessee and transfers the responsibility of the lease. Bill 31, recently passed in the Quebec National Assembly and further examined later

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<sup>12</sup> Sabrina Jonas. “Soaring Rents in Quebec Significantly Underestimated by Official Data”

<sup>13</sup> Tribunal Administratif du Logement. “Eviction”

in this case analysis, threatens the use of lease transfers across the province. Lease transfers have assisted in slowing down the exaggerated increases in rent between tenants.

In 2019, the conversation over “renovictions” was beginning to pick up attention, finally reaching the political stage. Ruba Ghazal, a member of the National Assembly representing the Mercier district in Montreal which includes Mile-End and Plateau Mont Royal, responded to the prevalence of protests against renovictions in this borough: “Landlords are exploiting loopholes in the housing law to get rid of occupants so they can jack up rents, repurpose apartments as short-term tourist rentals or turn them into condos”.<sup>14</sup> In 2019 the MNAs pushed for a moratorium on “evictions for the purposes of altering or repurposing housing units in areas where the vacancy rate is under three percent,”<sup>15</sup> calling for an emergency government committee to help the displaced tenants, and to revise Quebec’s civil code on eviction.

Due to the increasing costs of rent across the city and stagnant wages fewer people are moving to new, potentially bigger spaces than their current dwelling, which is causing a supply and demand tension as well. Those who are evicted and must find a new residence may have to face the choice of an apartment with an unaffordable rent or to be temporarily unhoused until they are able to find a more permanent solution. Like any social issue, there are vulnerable pockets of the population that are most at risk for eviction. These groups include “the elderly, immigrants and low-income residents”<sup>16</sup> who, more often than not, leave without challenging the eviction either because they don’t know their rights, or it is too much to handle by themselves. With a dwindling vacancy rate, the supply of housing is not being replenished fast enough to support the growing demand, leaving many people to make very difficult decisions. For example,

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<sup>14</sup> Marian Scott. “An Unprecedented Number of Montreal Tenants Are Being Evicted”

<sup>15</sup> Scott. “An Unprecedented Number of Montreal Tenants Are Being Evicted”

<sup>16</sup> Scott. “An Unprecedented Number of Montreal Tenants Are Being Evicted”

the city's downtown center has seen a growth in infrastructure such as luxury condos over the last several years but is facing a housing shortage of affordable units in the Greater Montreal area.<sup>17</sup> According to the city council, "affordable housing" is under the jurisdiction of the municipality while "social housing" is under provincial jurisdiction. The City of Montreal wants to renegotiate with the province to have more power to implement social housing, stating that the province has to increase its own funding for the city while also allowing for more autonomy in decision making regarding development.<sup>18</sup> In addition, over the last two years the city council has had to face a growing unhoused population and the realities of unchecked tenant grievances. The mayor, Valérie Plante, and her government have implemented a rental registry with the intention of increasing the transparency of safety and cost of rent of buildings eight units or larger in the city while also prioritizing money in the 2023 budget to be allocated to developing affordable housing.<sup>19</sup>

The Bylaw for a Diverse Metropolis, implemented in 2021 and originally created as a way to increase affordable units of housing across the city, has already been proven to be ineffective. Developers were incentivized to include social and family housing within their new projects and if they failed to do so, would have to pay a fine, hand over the land, or give the building/units to the city to then turn them into social housing. However, developers have been paying the fine and building with little to no social or family housing.<sup>20</sup> So, the efficacy of the new promise is seemingly futile, according to tenant organizations. The prioritization of funding for affordable housing at the government level is the unfortunate response to an ever-growing unhoused population throughout the city. Tent communities and groups of unhoused people have

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<sup>17</sup> Frédéric Tomesco. "Lack of Affordable Housing Is Driving Poverty in Montreal"

<sup>18</sup> Laura Marchand. "Montreal's 2023 Budget in a Nutshell"

<sup>19</sup> Ainslie MacLellan. "Montreal Launches Rental Price Registry, Certification of Landlords"

<sup>20</sup> Cole Fortner. "Montreal Bylaw Aimed at Increasing Social and Affordable Housing a Failure"

become extremely visible to those walking in parks, passing alleyways, and driving along major streets scattered around the downtown area. A recent study on homelessness done by the Institut national de santé publique du Québec in October 2022 revealed that there are at least 10,000 unhoused people in Quebec and half of this population are in the city of Montreal.<sup>21</sup> Interim Liberal leader Marc Tanguay has stated that “the premier denied the housing crisis for four years,” while Québec solidaire co-spokesperson Gabriel Nadeau-Dubois added the premier “let the renovations slide.”<sup>22</sup> Nicole Dionne, coordinator of the Bureau d’animation et information logement du Québec métropolitain, stated “approximately 25% of situations of homelessness are the result of an eviction.”<sup>23</sup> There has been a clear link made between eviction and homelessness by city officials who have acknowledged the consequential impact an eviction and lack of affordable housing has.

Another issue involving the unhoused population that has not been given enough attention is the eviction of an individual or community who are living in makeshift shelters. Typically, the term ‘eviction’ is used to describe the forced removal of a tenant from their housing situation by the landlord or owner of the property. However, this does not include the eviction of people who are categorized as homeless but have resided in encampments in areas such as under overpasses, city parks, alleyways, etc. by the municipal government vis a vie law enforcement. Encampments have been increasing steadily in Montreal since 2020 “when the price of renting an apartment in the city increased by 4.6 per cent – the highest jump since 2003.”<sup>24</sup> With a growing homeless population, encampments are the closest thing to a community unhoused people have in the city and enforcing an eviction, places these individuals

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<sup>21</sup> Philip Authier and Jason Magder. “Half of Quebec’s 10,000 Unhoused People Are in Montreal”

<sup>22</sup> Authier and Magder. “Half of Quebec’s 10,000 Unhoused People Are in Montreal”

<sup>23</sup> Marie-Ève Martel. “Quebec Housing Bill ‘a Serious Step Backward for Tenants”

<sup>24</sup> Christopher Curtis, et al. “Montreal Police Raid Another Homeless Encampment”

into more desperate situations. This is an important factor in the study of eviction because this form of eviction places individuals and families in an even more precarious and harmful situation than they already were without providing alternative living options. Recently, the city lobbied and received a court order to allow for the eviction of an encampment of 15 individuals nearby the Villa-Marie expressway and advocates argued that without providing an alternative living space or any other resources would split up and isolate this community.<sup>25</sup> The Montreal municipal government has chosen to remove any encampments in highly visible areas around the city, forcing these residents into potentially perilous situations, taking away the last personal affects they have, and separating the community that had been established. Yet, these forms of shelter will only continue and will become much worse given the Quebec government has announced its decision to abandon the subsidized housing program.<sup>26</sup>

### Legal Landscape

The eviction laws in Quebec are extremely limiting and only allow for a few circumstances in which a landlord is legally permitted to evict tenants: 1) to subdivide the unit, 2) to demolish the building, 3) to enlarge the dwelling, or 4) to change its use.<sup>27</sup> One last category that is separate from the first four is when a landlord wants to move back into their home, also known as “repossession of an apartment.”<sup>28</sup> However, the act of a “renoviction” is explicitly deemed illegal and a tenant cannot be evicted simply because of renovations.<sup>29</sup> The TAL, Tribunal administratif du logement, is the main institution used to handle housing conflicts

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<sup>25</sup> Phil Carpenter. “Majority of Unhoused Campers Evicted from Montreal Overpass Still without Shelter”

<sup>26</sup> Curtis, et al. “Montreal Police Raid Another Homeless Encampment”

<sup>27</sup> Educaloï. “Eviction”

<sup>28</sup> Educaloï. “Eviction”

<sup>29</sup> Educaloï. “Eviction”



in Quebec and it provides information on the rights of both tenants and landlords. “Under Quebec law, a lessee can stay in their dwelling for as long as they wish, provided that they comply with all the conditions of their lease. This is known as the right to maintain occupancy,”<sup>30</sup> however, the right to property, recognized by the Civil Code of Quebec, very often threatens that of the right to remain in the premises.

The City of Montreal has listed on the official government site two ways in which tenants can be evicted from their residence and provides additional resources that lead to the TAL and Éducaloi websites as well as the FRAPRU and RCLAQ websites. The first, “eviction by a bailiff,” allows owners to file a complaint with the tribunal when rent is overdue by 21 days, rent is often paid late, or the “tenants disturb the peaceful enjoyment of other tenants.” The eviction notice will then be sent to the tenant and the bailiff will coordinate the eviction within the borough. The second way in which a tenant can be evicted is if the landlord initiates a “major project or change of use of a dwelling.” The tenant is then instructed to check with the borough specific laws to see if the landlord’s project falls into one of the legal categories allowing for eviction. By law, the landlord must compensate the tenant with 3 months of rent as well as any “reasonable costs” involved with the move such as boxes, moving truck, transferring hydro, etc. once the tenant has provided proof of receipts, bills, etc.<sup>31</sup> These specific types of eviction are considered “in good faith,” meaning the landlord’s intentions behind the eviction were specific to the context of the situation and legally viable.

There are also protections for what is known as an “eviction in bad faith.” This describes a situation in which the landlord “carried out the eviction for a purpose other than the one stated

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<sup>30</sup> Tribunal Administratif du Logement. “Eviction”

<sup>31</sup> Éducaloi. “Eviction”

in the eviction notice or simply to harm a tenant.”<sup>32</sup> For example, if the tenant later finds out that instead of the reason listed on the eviction notice the landlord evicted the tenant to sell the building to be converted into condominiums, the tenant can sue for damages. This can be done within three years of the eviction and is permissible for tenants who had accepted the eviction notice. However, there is one restriction on the right to evict listed and covers three different scenarios: “The lessor of a dwelling may not evict a lessee if the lessee, or the lessee’s spouse, at the time of the eviction, is 70 years of age or over, has occupied the dwelling for at least 10 years, and has income equal to or less than the maximum threshold to qualify for a dwelling in low-rental housing.”<sup>33</sup> The TAL can also reject eviction filings and the lease will resume as usual and if this decision is made after the lease renewal date, the tenant’s lease is automatically renewed as well.<sup>34</sup>

In June of 2023, new housing legislation by the Coalition Avenir Québec (CAQ) government was tabled and in February 2024, it officially passed in the House. Bill 31 is “an act to amend various legislative provisions with respect to housing” brought in by the Quebec Minister Responsible for Housing, France-Elaine Duranceau. Some of the new changes impact eviction processes by placing the burden of proof onto the landlord instead than the tenant. If a tenant does not respond to an eviction notice within the given time sanctioned, it is assumed the tenant refused it. This forces the landlords to go to the TAL and plead their case for eviction instead of the tenant having to go to the TAL to refuse the notice.<sup>35</sup> The required compensation for eviction has been increased, requiring landlords to pay up to one month’s rent per year of

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<sup>32</sup> Educlo. “Eviction”

<sup>33</sup> Tribunal Administratif du Logement. “Eviction”

<sup>34</sup> Tribunal Administratif du Logement. “Eviction”

<sup>35</sup> Erika Morris. “Landlords Could Cancel Rental Lease Transfers under New Quebec Bill”

continuous residence in the dwelling up to 24 months.<sup>36</sup> Criticism of Bill 31 include housing rights organizations expressing for the government to do more for tenants in respect to renovations, repossessions, and rent increase.<sup>37</sup> All three of these issues, the organizations argue, have an impact on eviction rates and create obstacles to finding affordable housing which directly impacts the number of people who are unhoused in Montreal.

The main objective of Bill 31 is to allow for landlords to reject all lease transfers without a reason and instead end the current lease and draw up a new one for the next tenant. With a new lease comes a higher rent cost and no consequential rebuttal. As stated previously, lease transfers were one of the very few strategies tenants had to help control the cost of rent and the new bill takes it away. Removing this tool gives landlords the ability to increase the rent at a much faster rate which in turn will leave even more people unable to find a place to live and consequently pushing more people into homelessness. Although the bill gives more power to landlords and the lease transfer section was welcomed, it was initially rejected by both tenants and landlords; each group saying that there weren't enough protections and more should be done.<sup>38</sup> Given that this is a new law, there will be many years before the impacts of it can be fully felt and recorded but taking away a primary resource from tenants is detrimental and will seemingly be harmful in the long run.

### COVID-19 Impact

Quebec had the strictest pandemic rules and lockdowns out of all provinces in Canada which consequently resulted in a limited income for most of the residents and an inability to pay

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<sup>36</sup> Morris. "Landlords Could Cancel Rental Lease Transfers under New Quebec Bill"

<sup>37</sup> Franca Mignacca. "Quebec's Bill 31 Puts Social Housing at Risk"

<sup>38</sup> Joe Bongiorno and Kwabena Oduro. "Tenants Take to Streets of Park Ex to Protest Quebec Housing Bill"

rent at all or on time. The government websites that provided the information regarding the temporary housing policies are no longer available, but the information can be found in multiple local news sources. Starting in March 2020, the Régement du logement cancelled and suspended any hearings besides those involving “the health and safety of a tenant or ones involving access to a rental unit, along with those involving exceptional intervention.”<sup>39</sup> The moratorium only lasted until July 2020 and although the Canadian federal government had begun dispersing unemployment insurance, many people were still having to make the choice to either pay rent or buy essentials such as groceries. The pandemic continued for another year and a half, the eviction hearings became virtual, and “according to the Quebec rental board, as of July 15, there were more than 6,000 applications provincewide for nonpayment of rent.”<sup>40</sup> While trying to avoid catching a virus that had killed thousands, these individuals and families also had to endure the stress of finding an affordable place to live.

The RCLALQ says there was a rise of 40% in households whose landlords wanted them evicted in 2020. Of the 597 attempts at eviction, 60% involved a new landlord whose motive is assumed by the association to be turnover to increase rent revenue and half of those tenants have lived in these locations for the last 10 years and pay less than neighbors in rent.<sup>41</sup> An unofficial but widely followed practice in Montreal where the majority of all leases in the city end June 30<sup>th</sup> and new ones begin July 1<sup>st</sup>, “moving day”. Eviction notices are typically dispersed in December which provides the legal 6-month window landlords must give tenants. At this point, the lessee must either refuse the notice and fight against the eviction, or they must ensure a new residence by moving day. However, on July 1<sup>st</sup>, 2020 in the midst of the pandemic, the ability to find a new

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<sup>39</sup> The Canadian Press. “Montrealers Face Added Complications of COVID-19, Renovictions on Moving Day”

<sup>40</sup> Phil Carpenter. “Advocates Say Lifting of Eviction Moratorium in Quebec Means Trouble for Tenants”

<sup>41</sup> Cristina Sanza. “The COVID-19 Housing Threat - Affordable Housing in Montreal”

apartment was extremely difficult due to “...low vacancy rates, rising rents and a wave of tenants being displaced” by landlords trying to repossess the property.<sup>42</sup> The provincial government provided several financial supplements and relief to those in more vulnerable positions during the pandemic, but this was a short-term plan for a much longer-term problem. Those who were receiving support through the provincial and federal aid programs during the pandemic would eventually lose the aid and have to pay back the money through taxes a year later. Leaving individuals and families in the same, if not worsened, position they were in prior to the pandemic.

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<sup>42</sup> The Canadian Press. “Montrealers Face Added Complications of COVID-19, Renovictions on Moving Day”

## Chapter 3: Los Angeles

### Context

The state of California, between the years 2018 and 2020 was estimated to have a rate of 55.6 percent of home ownership and 46.2 percent specifically in the city of Los Angeles.<sup>1</sup>

California is home to a little over 39 million people with 10.1 million people residing in Los Angeles County alone;<sup>2</sup> almost 50 percent of residents are tenants across both the city and state. Los Angeles is the second most populated city in the United States closely competing with New York City with a little over 4 million people at its core, not including the extended metropolitan areas. Even with such a large population, in 2018 the eviction filing rate was at a low 2.3 percent in comparison to the United States average of 5.49 percent.<sup>3</sup> When you consider the size of the population, this is no small feat, especially in comparison to several cities above the national average (such as New York City) or just below it. The question then is, how has a city with one of the largest populations and an above-average renter percentage kept its eviction rate at almost half the national average? And can this rate be maintained? This chapter will focus on the specifics of the case as well as look more closely at the politics, legal framework, and effectiveness of the tenant protection laws in place.

The housing supply in Los Angeles is waning in comparison to its population growth over the last several decades and the city has become increasingly unaffordable. In 1978 Proposition 13 was passed, significantly decreasing property taxes which also resulted in lack of funding for municipal services and disincentivized housing development in the city in the

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<sup>1</sup> U.S. Census Bureau: “Los Angeles County, California”

<sup>2</sup> Mathew Desmond’s Eviction Lab data

<sup>3</sup> Desmond’s Eviction Lab data

following years.<sup>4</sup> Multifamily housing, such as apartment buildings, duplexes, etc. are ways in which people from different socioeconomic backgrounds can coexist in a city like Los Angeles at a cost that is more attune to their income. However, according to the Los Angeles Chief of Sustainability, the movement for explicit single-family zoning laws (typically voted on by those living in single family homes) removed the ability for mixed housing to be built in urban and exurban areas which ultimately led to increased housing costs due to lack of development. This practice also maintained largely segregated neighborhoods across the city as the population continued to grow between 1980-2010 by 31.3 percent while housing units grew by 20.6 percent.<sup>5</sup> The UCLA Luskin Institute on Equality and Democracy has found that the majority of the working class in Los Angeles County are renters and they carry the second heaviest rent burdens of all urban areas in the United States.<sup>6</sup> The lack of affordable housing forces individuals and families to spend much more of their income on rent and even then, eviction is a looming threat.

Several tenants' rights organizations and political actors have taken on the escalating issue of eviction as a response to the ever-growing unhoused population scattered across the city. There are three major offices in the city's government focused on housing and tenant/landlord policies: the LA County Housing and Tenant Protections Bureau, the LA Board of Supervisors, and the LA County Development Authority. Partnerships with nonprofit organizations providing housing relief and development help to expedite bureaucratic timelines. For example, Brilliant Corners, is contracted with the city government to work as a real estate organization working to find homes for the unhoused population.<sup>7</sup> Elected officials such as the mayor, Karen Bass,

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<sup>4</sup> Becky Nicolaides. "Opinion: Can't Afford a House in L.A.? Here's How That Happened"

<sup>5</sup> Nicolaides. "Opinion: Can't Afford a House in L.A.? Here's How That Happened"

<sup>6</sup> Gary Blasi. "UD Day: Impending Evictions and Homelessness in Los Angeles"

<sup>7</sup> Jennifer Ludden. "To Tackle Homelessness Faster, La Has a Kind of Real Estate Agency for the Unhoused"

campaigns on promises to provide resources to the unhoused as well as the removal of the tent encampments found in many areas around Los Angeles. The initiative is called “Inside Safe”, a process in which people who are living in encampments are moved to temporary housing in hotels where resources such as mental health support, social services, etc. are supposed to be provided to help ease these individuals into societal living and permanent housing.<sup>8</sup> After the encampment is cleared of residents, the city will then come through and remove the whole camp and anything that was left behind. Inside Safe has been in operation for the last calendar year and the biggest obstacles that it faces are the lack of housing units available at affordable rates and the long waitlist already in place for the few social housing units left.<sup>9</sup>

### Legal Landscape

Every state in the U.S. has a state-wide tenant-landlord law; many of them used the national Uniform Residential Landlord-Tenant Act of 1972 as a model and in 2008, 21 states adopted this as their state law. This policy created a minimum standard of what the contractual relationship between landlord and tenant should be framed as. The jurisdiction lies with the states to then build off the basic model to either protect the landlord or the tenant more. In California, many laws have been put in place both at the city and state levels to protect tenants from landlords. Efforts to create and maintain tenant organizations that provide resources both legal and extralegal have also had a significant impact on the spread of rights awareness as well as empowering the tenants in their security of housing. The most recent law was The Tenant Protection Act of 2019, protecting renters from unjust evictions and unfair rent increases. Coincidentally, the TPA was enacted on January 1st, 2020, just 3 months before the COVID-19

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<sup>8</sup> Marisa Kendall. “L.A.’s New Homeless Solution Clears Camps but Struggles to House People”

<sup>9</sup> Kendall. “L.A.’s New Homeless Solution Clears Camps but Struggles to House People”



pandemic shut down the economy for the rest of the year, prompting both the national government and several state governments to enact, albeit temporary, eviction moratoriums and rent controls.

There are two ways in which a landlord can file for an eviction in California; just cause or no fault. A “just cause” eviction is a relatively recent addition to tenant protections for rent controlled units in Los Angeles, codified in the Rent Stabilization Ordinance (RSO) in 2019. In 2023, the Just Cause for Eviction Ordinance (JCO) was passed to protect the rest of the tenants who are not living in rent-controlled units in Los Angeles.<sup>10</sup> The JCO authors recognized that “Evictions destabilize communities by disrupting longstanding community networks, uprooting children from their schools, forcing low-income residents to pay unaffordable relocation costs, and pushing City residents away from important public services. Additionally, arbitrary evictions are a key driver of homelessness.”<sup>11</sup> Under the JCO, there are only a short list of faults the landlord can use to evict a tenant including not paying rent, not following the rules listed in the lease agreement, illegal activity in the dwelling, or if categorized under the Ellis Act. If the landlord is filing a “no fault” eviction, the tenant must be financially accommodated based on the guidelines provided by the ordinance to assist in finding a new residence. Another important requirement of the JCO is obligating the landlord to provide every new tenant with a “Notice of Renters’ Protections” following January 27, 2023, and is required to be in common spaces in the building as well. The assumption being that tenants who are aware of their rights will be more empowered to advocate for themselves if the landlord posts a notice of eviction on their door.

There are various types of notices a tenant will receive by the eviction court once the landlord has filed a “Summons and complaint -Unlawful detainer” suit against the tenant. The 3-

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<sup>10</sup> LAHD. “Just Cause for Eviction Ordinance (JCO)”

<sup>11</sup> LAHD. “Just Cause for Eviction Ordinance (JCO)”

day notice is specific to “pay or move out”, following rent not being paid 3 days after the 1st of the month. While anything longer such as a 30, 60, or 90-day notice is a deadline to move out without much of a choice for the tenant to get back to good standing with the landlord. The 3-day notices had the highest percentage of filings with 90.94 percent with 30-day notices following at 7.25 percent and 96 percent were filed for nonpayment of rent in 2023.<sup>12</sup> In other words, almost all eviction notices are for nonpayment of rent within the first few days of the month and in 2023 alone that was 71,429 notices.<sup>13</sup> Criticisms regarding the JCO focus on a tenant owing an amount exceeding one month of Fair Market Rent (FMR), qualifying a landlord to file for an eviction. The argument being that the city uses an arbitrary measurement of rent by the number of rooms in a given dwelling. Between February and October of 2023, 11,461 notices were filed under the JCO for rent owed below the FMR.<sup>14</sup> If the tenant goes to court and fights the suit, the eviction is usually extended, or the tenant wins in court and the file is thrown out. However, if the tenant does not show up for any given reason, the landlord wins out of default and the court sends a sheriff to assist in the eviction. Unfortunately, in Los Angeles around 3 percent of renters have legal representation while 88 percent of landlords do.<sup>15</sup> Without representation, tenants are vulnerable and face a much higher rate of eviction.

Although the use of an eviction notice is used by landlords to panic tenants into paying rent, the notices are less harmful than what has now been named an “Ellis eviction”. This has now become one of the fastest ways in which people have been evicted across Los Angeles. The Ellis Act, implemented in 1985 was a major law that allowed for landlords to evict every single tenant within the dwelling and remove their property from the market. This provided an option

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<sup>12</sup> Kenneth Mejia. “Eviction Notices (February - October 2023)”

<sup>13</sup> Mejia. “Eviction Notices (February - October 2023)”

<sup>14</sup> Mejia. “Eviction Notices (February - October 2023)”

<sup>15</sup> Kyle Nelson. “A Judicious Investment: Right to Counsel Is a Cost-Effective Way to Solve Los Angeles”

for landlords to leave the business of providing housing and making the property their personal homes. An “Ellis eviction” is categorized as a “just cause” eviction under the state housing ordinances and prevents the building from being re-rented in the same capacity it previously was. However, in the last decade there have been a plethora of Ellis evictions across California and specifically in large cities such as Los Angeles. There is a loophole that landlords have found that allow for the rental units to be converted into condos or private homes to then be placed back on the market for sale. In 2007, Los Angeles had 40 properties (285 units) removed from the market via the Ellis Act and for several years following, the rate was averaging the same each year.<sup>16</sup> Starting in 2013 94 (347 units) properties had been removed from the market and the number continued to steadily grow hitting a high of 1,748 units (449 properties) removed in 2018, reaching its peak in 2019 with 460 properties (1579 units) removed.<sup>17</sup> All of these units had individuals and families in them who were evicted from their homes as “just cause” reasoning and forced to find another home in an extremely competitive and expensive market.

According to the Coalition for Economic Survival and the Anti-Eviction Mapping Project, since 2001, there has been a staggering 28,467 rent-controlled units destroyed in L.A. With around 2.8 people per household in the city, roughly 79,000 tenants have been forced out of their affordable homes over the past 22 years.<sup>18</sup> The organizations have also found that following the COVID-19 pandemic, there has been a rise in Ellis evictions across the city as the eviction and rent moratoriums have lifted in the last year. In an effort to combat this problem, in 2022 city governments including Los Angeles and San Francisco signed Assembly Bill 854 to stop a landlord from using the Ellis Act to evict tenants in rent controlled buildings but, it was shut

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<sup>16</sup> LAHD. “Report Dashboard for Ellis”

<sup>17</sup> LAHD. “Report Dashboard for Ellis”

<sup>18</sup> Patrick Range McDonald. “Ellis Act Evictions Dramatically Rise in Los Angeles”

down by the real estate lobbies and state government.<sup>19</sup> The majority of the areas in which these types of evictions are happening are impacting neighborhoods with higher concentrations of low income and minority renters who are finding it increasingly harder to stay in the city while the cost of living and housing continues to increase drastically. Resulting in an increased unhoused population that has now become a bigger public conversation given the increasing amount of tent encampments that can be found all around the city.

Addressing what seemed to be a shortage in housing development and a continuous rise in homelessness, Proposition HHH was implemented in 2016. The Homelessness Reduction and Prevention, Housing, and Facilities Bond allowed for city officials to distribute \$1.2 billion in bonds for the development of permanent housing units for people experiencing homelessness.<sup>20</sup> Unfortunately, only 14 percent of projects have been completed while 54 percent are still in construction with almost a 3rd in predevelopment. So, the city has recently taken an alternative approach to the lack of housing units readily available: legal tent cities and micro homes. Instead of expediting the development of affordable housing units on a designated plot of land, Los Angeles has partnered with an organization called Urban Alchemy to build and maintain a tent village on said plot of land.<sup>21</sup> Costing \$4 million to build the encampment with bathrooms, tents, fences, etc. but yearly maintenance costing around \$3 million for staffing and catering services. The site opened officially in February 2022 and has since been at almost full capacity yet, only 2% of residents have been able to find permanent housing (which the organization blames on the affordability of living in the city).<sup>22</sup> Again, temporary housing is being provided for an unknown number of years at a high cost yet, the motivation to build permanent housing on allocated land

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<sup>19</sup> Gabby Magaña. “Ellis Act Evictions”

<sup>20</sup> Local Housing Solutions. “Los Angeles Proposition HHH”

<sup>21</sup> Nick Gallagher. “L.A. Built a Licensed Tent City for Its Homeless”

<sup>22</sup> Gallagher. “L.A. Built a Licensed Tent City for Its Homeless”

is halted. The Ellis evictions have removed thousands of low-cost units that would have kept thousands of people housed and/or could have been an option for initiatives to house people.

From 2018 to 2021, the cost of living, including necessities such as food and housing increased by 20 percent in LA.<sup>23</sup> Currently, 3 out of 4 households are paying more than 30 percent of their income on rent and utilities. The city is facing an inflation rate of roughly 9 percent, impacting the cost of essentials which leaves people in vulnerable positions of having to choose between buying food for the week or paying bills. Currently there are about 4.1 million people paying more than 30 percent of their income to cover housing costs in California, this leads to an increased risk of poverty and becoming homeless.<sup>24</sup> In 2020, California had 161,548 unhoused people (28 percent of the state's population); accounting for more than half of the country's unsheltered population (113,660 people) which is 70 percent of the state's unhoused population.<sup>25</sup> Los Angeles is home to approximately 23,000 chronically homeless individuals and is ranked second for the largest unhoused population in the nation.<sup>26</sup> Nearly all eviction cases are for non-payment of rent. In most cases, the tenant simply has insufficient money. In other cases, the tenant is willing to pay rent, but the landlord believes that another tenant will pay more rent and seeks to remove the tenant to make that possible.<sup>27</sup> The social impact of the lack of affordability crisis in Los Angeles was amplified by the world pandemic and continues to systematically harm those in disenfranchised communities.

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<sup>23</sup> Ron Galperin. "L.A.'s Cost of Living Crisis"

<sup>24</sup> Ron Galperin. "The Problems and Progress of Prop. HHH"

<sup>25</sup> United States Congress. *The 2020 Annual Homeless Assessment Report*. 10

<sup>26</sup> Galperin. "The Problems and Progress of Prop. HHH"

<sup>27</sup> Blasi. "UD Day: Impending Evictions and Homelessness in Los Angeles"

## COVID-19 Impact

The last three years were the lowest the national eviction rate has been in decades but the actual statistic on this data is unknown since eviction filings have only just recently begun to be recorded. Both the national government and several state governments chose to enact, albeit temporary, eviction moratoriums and rent controls to help aid in the financial burdens following the economic shut down. The housing shortage and unaffordable cost of living in Los Angeles was exacerbated by the pandemic, causing a ripple effect in housing policy changes including an eviction and rent moratorium lasting for almost 3 years. The Tenant Protection Act was implemented on January 1st, 2020, a statewide protection similar to the JCO in Los Angeles but with a ten-year expiration date, limited rent increases, and explicitly states that a tenant may not waive their rights to this protection.<sup>28</sup> After announcing a state of emergency, Los Angeles passed the COVID-19 Tenant Protections Resolution in March 2020 which placed a moratorium on rent payments if tenants were unable to pay (although rent debt was allowed to accumulate), eviction filings and eviction court was put on hold, and rent increases were paused.<sup>29</sup>

During the pandemic, thousands of people lost their jobs, and many were placed in the difficult position of having to choose how to spend their limited income. The ability to not have to pay rent for a few months allowed for individuals and families to not worry about being able to buy groceries every week. Rental assistance programs and extended rent repayment periods provided temporary resources and time. With an eviction moratorium, people were not having to face the threat of becoming homeless if they were unable to pay their rent. Placing less stress on the social programs set up to help those who had been unhoused prior to COVID-19 and were facing the pandemic from an already vulnerable position. However, by the end of March 2023 all

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<sup>28</sup> LA Rent Board. "The California Tenant Protection Act of 2019 (AB 1482)"

<sup>29</sup> LA County. "About L.A. County's Covid-19 Tenant Protections Resolution"

pandemic protections were lifted and the laws in place prior to COVID became the legal status once again. At the time, the prediction in 2020 was estimated to be that 365,000 renter households were in imminent danger of eviction once the current restrictions on evictions expired.<sup>30</sup> Post pandemic eviction rates have increased exponentially, aside from the moratorium, the other financial aid individuals and families were receiving is no longer being distributed, placing even more people in precarious positions of losing their homes.<sup>31</sup> Although an argument by landlords is that there will be a higher rate than usual for a few months because the last 3 years were record lows due to the moratoriums,<sup>32</sup> rates of eviction in Los Angeles have been higher than the pre-covid rate.

In April 2023, following the removal of pandemic assistance and moratoriums, 10,516 eviction notices were filed and in May 10,120 notices were filed. Both these months had at least 2000 more notices filed than the rest of the months this year.<sup>33</sup> Even before the pandemic, the lack of adequate income to pay rapidly increasing rent was already the leading cause of homelessness in Los Angeles County.<sup>34</sup> Besides the direct impact of the housing supply and its affordability, the city is facing a much larger crisis in affordability. The cost of living in Los Angeles has increased exponentially, pushing people farther out or onto the streets following eviction for being unable to afford their rent. Even though the city has done a great deal to combat the unhoused crisis and continues to push campaigns for protective housing policy, the continuance of laws such as the Ellis Act will overshadow all other efforts.

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<sup>30</sup> Blasi. "UD Day: Impending Evictions and Homelessness in Los Angeles"

<sup>31</sup> Jeanne Kuang. "Across California, Eviction Cases Have Returned to - or Surpassed - Pre-Pandemic Levels"

<sup>32</sup> Kuang. "Across California, Eviction Cases Have Returned to - or Surpassed - Pre-Pandemic Levels"

<sup>33</sup> Mejia. "Eviction Notices (February - October 2023)"

<sup>34</sup> Blasi. "UD Day: Impending Evictions and Homelessness in Los Angeles"

## Chapter 4: Case Comparison

Montreal and Los Angeles make for an interesting comparison. Fundamentally, both are large municipalities within democratic federalist systems and each case has very explicit and strict tenant protection laws that allow for the security of housing for those who rent. Both cases also have a very similar rate of renter-occupied homes versus owner-occupied homes, which has allowed for the political culture surrounding housing to remain in favor of tenants through housing reform movements and their advocacy for better protections. Both cases are similar in that Montreal has lower rates of eviction than the other large metropolitans across Canada and California's eviction rate is estimated to be nearly half the national average. California's largest city has a very heavy influence on national-level politics due to its size and economy in a very similar way that Montreal is a major Canadian city with a significant impact on national politics. Given the existence of protection laws and the institutional acknowledgement of tenant associations and organizations, this thesis asks two questions: 1) why eviction rates have begun to increase in both locations and 2) have these protection laws been used in practice the way they were initially intended? In this chapter, the cases will be broken down by the major themes found in both: the commodification of housing, the different institutional processes of eviction, why tenant organizations and dynamics of power matter, and lastly, the outcomes of the housing laws currently in place.

### Commodification of Housing

In both cases, evictions are used to increase the amount of money a landlord or corporate landlord can receive for the unit and/or the property as a whole. David Madden and Peter



Marcuse argue “the pursuit of profit in housing is coming into conflict with its use for living,”<sup>1</sup> more broadly understood as the commodification of housing. By changing the function of housing from a place to live to purely real estate, “housing’s role as an investment outweighs...right, need, tradition, legal precedent...or the ethical and affective significance of the home.”<sup>2</sup> The commodification of housing has shifted the narrative of what it means to own property, apartment buildings, single family homes, etc. in the last two decades. Housing policy such as the Ellis Act in California has become a means to an end for financial gain. Although Ellis evictions are legal, they have contributed to the removal of thousands of people from their rent controlled, affordable homes for several years. When a landlord invokes the Ellis Act, removing people from their homes with the intention of using the property as real estate, the economic interest supersedes the humanitarian issue of tenants being evicted. The withdrawal of several thousand housing units from the market for reclassification significantly raises their costs, rendering them unaffordable to previous residents. This action also drives up market prices in the neighborhood, adversely affecting the affordability for remaining inhabitants.

Similarly, renovictions in Montreal are another example of economic interests being prioritized over providing a home. Landlords are attempting and succeeding at increasing the cost of rent by pushing one tenant out, breaking a more affordable lease and finding a new tenant to sign a much more expensive lease. The economic interests of the landlords systematically impact all the other tenants in the building, raising the market rent and cost of living throughout the boroughs. The necessity of housing makes having to pay a higher rent less of a choice and instead a burden on the tenant. For those who live in rental units, the economic interests of landlords, corporate holding companies, and often political actors hold tremendous power over

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<sup>1</sup> Madden & Marcuse. *In Defense of Housing*, 17

<sup>2</sup> Madden & Marcuse. *In Defense of Housing*, 17

the security of tenants. The commodification of housing has not only changed the definition of what home is but has also added more tension to the power dynamic, expanding the gap of inequality between landlord and tenant relationships.

### Institutional Processes of Eviction

The most consequential display of this unequal power dynamic is the eviction of a tenant. Eviction notices and court proceedings varied substantially in each case. The fundamental differences are based on the foundations of legal proceedings as well as being influenced by the societal culture of each country which underly the comparison below. For the purposes of this research paper, the variances include the intention and use of eviction notices, the amount of time a tenant has until evicted, the court processes, and the necessity of representation. The only similarity between the two cases is the outcome: a much lower average eviction rate in relation to the rest of each respective country. In Los Angeles, landlords can use three-day eviction notices for residents that missed the rent payment on time, usually the first of the month. This is typically not used as anything other than a scare tactic. Most eviction notices will lead to court hearings if they are for longer than three days and the burden is placed on the tenant to take control of the suit. Unlike the standard legal structures of the United States, representation in eviction court is not guaranteed but is necessary. If the tenant is unable to afford a lawyer or find one in time for court, there is a much higher chance for losing the suit and having to face eviction. If you do not show up for court, you will also lose the case. Having representation and the time to go to court in person are privileges that are not distributed equally. Placing systemically disadvantaged communities most at risk for facing eviction and losing in court. The eviction court system in Los Angeles is detrimental and discriminatory, with the default outcome

benefiting the landlord much of the time.<sup>3</sup> Many of the American state courts carry the official judgement “evicted” on public record which in turn creates a new obstacle for an individual or family to find housing in a safe neighborhood because landlords will reject an application based on the record<sup>4</sup>.

In contrast, Montreal landlords must legally provide notice of eviction six months prior to the end of the lease. Since Bill 31 has recently passed, the burden of proof is now placed on the landlord to push the eviction forward; if the tenant does not respond it is now assumed the tenant has refused the notice. There are no repercussions to eviction notices for the tenant and the six months allows for the capacity to find a new apartment or overturn the suit. The TAL oversees the court cases for eviction, extenuating circumstances notwithstanding, tenants do not need lawyers to win a case against the landlord. What is most important is being able to provide the correct documentation for said court case as well as maintaining a record of correspondence with the landlord for evidential proof to support your case. The cases present two very different processes of handling an eviction once the notice is provided. Even if the notice was for a legally sound reason, the required 6-month window providing time for the tenant to find a new apartment and/or fight the case in Montreal is seemingly a more beneficial system. An eviction has already been shown to have detrimental impacts on the health of tenants, but the given time is much more conducive to an easier transition compared to a 30, 60, or 90-day notice in Los Angeles.

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<sup>3</sup> Nelson. “A Judicious Investment: Right to Counsel Is a Cost-Effective Way to Solve Los Angeles.” <sup>4</sup>

<sup>4</sup> Matthew Desmond, “Unaffordable America: Poverty, Housing, and Eviction.” <sup>4</sup>

## Tenant Organizations and Dynamics of Power

To fight against evictions and decrease other tenant-landlord conflicts, both cities have established tenant organizations throughout the neighborhoods to aid in spreading awareness of rights, assisting tenants in advocating for themselves and finding help when they need it the most. Similar to workers' unions, tenant unions and associations have historically been able to protect themselves from harmful legislation and illegal overreach of landlords even having to lobby against policy that tries to deem unionization against the law. These organizations attempt to balance the power dynamic through breaking the systemically unequal pressures placed on tenants especially when it comes to the threat of being evicted from your home. Ricardo Tranjan, author of *The Tenant Class* (2023), has coined the term “tenant class” as a way to describe the current dynamic between landlords and tenants.<sup>5</sup> Tranjan explains how the necessity of having and maintaining tenant unions is proof of the inequalities faced by tenants in the housing market, given that landlords have much more political and economic influential power even without participating in their own associations.<sup>6</sup> These organizations are the driving forces for continuing to fight against city and state/provincial housing policies as well as providing substantial education and aid for tenants facing conflicts with landlords. The organizations also protest the building of new development that is harmful to neighborhoods, gather data regarding evictions and the impacts of previous housing laws.

Tenant housing organizations in Montreal have made it a concern to lobby the government to enforce tenant protections through protests, petitions, and media outlets. Tenant organizations in Montreal are legally protected and were integrated into provincial law. This provided a union, lobbying and educational power for most of the population given almost half

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<sup>5</sup> Ricardo Tranjan. *The Tenant Class*. 8-9

<sup>6</sup> Tranjan. *The Tenant Class*. Chpt. 5

are renters. The organizations provide a shield for tenants and without them there would be a faster rate of renovictions, demolitions, and lack of awareness of tenant rights. For example, when Bill 31 was initially brought to the table as a potential new law last summer, tenant organizations throughout the city began campaigning against it for several months. Spreading awareness to tenants across the boroughs and protesting in the streets in order to protect current and future renters. They are the backbone of the tenant population and will continue to be necessary given the state of the housing issue in Montreal.

In contrast, Los Angeles tenant organizations do not have the protection of the law to secure their ability to fight for their rights nor do they have a guaranteed right to exist. The Los Angeles Tenants Union has chapters across the city to respond to any injustices by landlords and tenants can start associations within their own buildings as well. The grassroots approach spreads awareness of rights and empowers tenants to take on conflicts with their landlords as well as with the city, "...organizing against landlord harassment, mass evictions, and displacement".<sup>7</sup> An important aspect of the grassroots strategy is that it targets each neighborhood at a community level, relating to their collective and individual needs which can be extremely difficult for such a vast city. Additionally, a benefit of having the opportunity to start a union within a single building also creates a network of neighbors making it easier to respond to an issue with the landlord. There are also state-wide organizations that take on lobbying the state and city governments alongside the local associations. The significance of tenant housing organizations and lobbying are imperative to both cities' successes when standing against new potential laws as well as reversing old housing policies.

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<sup>7</sup> LATU. "Who We Are"

## Outcomes

Although both cases have different processes in which eviction is handled, people are still being evicted and removed from their residences with many unable to find another home following a forced removal. For those who have a record of eviction and continue to be rejected by landlords or for those who are unable to find a place within budget, the threat of homelessness becomes a closer reality. What happens to those who are unable to find another place to live in cities where the affordability and supply of housing is dwindling? The link between eviction and the unhoused population are direct and in some ways the solutions provided may actually be hindering the ability to fix the problem. Even if an individual does not face homelessness after being evicted, there is still the financial stress of using savings for a deposit, taking time from work (if possible) to move furniture, clothes, etc. to the new residence. Other than for the landlord, an eviction is very harmful for a person both mentally and physically. Eviction does not always mean homelessness; but, when it does it is a cataclysmic event that will change the course of someone's life. Depending on the circumstances, eviction pushes a person into a cycle of poverty that can be extremely difficult to get out of for the average person let alone communities that have been systemically discriminated against. Both cities are facing an exponential increase in the unhoused population and are trying to combat it with short term solutions, such as resources to help the unhoused, fund shelters, and providing programs for those living in poverty. In order to fully address the relationship between poverty and homelessness, longer-term solution must be developed to address the core issue of housing affordability.

Although both city governments have taken on the challenge of increasing social and affordable housing, the financial backing of luxury housing continues to be prioritized. For

example, in downtown Los Angeles there was a project for three high rise luxury condo buildings to be developed next to the Crypto Stadium in 2014 and recently it has come to light that this project was abandoned by the developers in 2019 leaving empty, unfinished housing in the middle of the city.<sup>8</sup> Downtown LA is home to thousands of unsheltered, unhoused people, and at the beginning of February of this year, locals brought attention to the buildings by covering every floor of windows in graffiti as a protest against the project as well as bringing to light the hypocrisy of the housing crisis in Los Angeles.<sup>9</sup> The demonstration speaks for itself, the city's wealth divide is startling and the inability for the city to prioritize housing that the people actually need is unacceptable to those living there. Social housing is very difficult to come by in both cities, the number of units has depleted due to lack of development enforcement, removal through housing policy such as the Ellis Act, and funding for the programs. The waitlists in Los Angeles for public housing average between six to seven years<sup>10</sup> meaning, those who are waiting either have to find a residence that is not affordable or be temporarily unhoused until another opportunity comes their way. While waiting for any form of housing, there are unhoused people with jobs who have to find a way show up on time, be presentable, and have a clear mind to take on the effort and energy it takes to work. If there are children involved, the juggling becomes greater for the parent as well as the child trying to maintain assignments, peer relationships, etc. Housing policy such as Bill 31, the Ellis Act, and the failed incentivized development programs have placed many people in vulnerable positions of housing insecurity and precarity. The cost of living compounded by inflation following the pandemic, insecurity of employment and wages, and the increase in rent is becoming too much; people are having a difficult time keeping up.

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<sup>8</sup> Gustavo Arellano. "Column: Vandalism or Street Art?"

<sup>9</sup> Arellano. "Column: Vandalism or Street Art?"

<sup>10</sup> Housing Authority of the City of Los Angeles. "Data & Dashboards"

With an affordability crisis, both cases are witnessing the unhoused population grow increasingly worse, though the proposed solutions for homelessness in Montreal and Los Angeles differs. Montreal has chosen to remove any encampments due to “health and safety” reasons whereas Los Angeles has embraced the concept of encampments so long as they are created and maintained by the city. Legal encampments and tiny house lots are popping up around the city with the intent to control the population’s movement and numbers. However, there are legal and illegal encampments across the city which allows for the mistreatment of those in nonpermitted ones by the government through law enforcement. Without providing alternative housing, the city of Montreal is causing harm to individuals who have nowhere else to go and need help that is not being offered. People have become more reliant on emergency nonprofit organizations dedicated to providing housing, food, and other resources even while housed due to the inability to afford the cost of living. With the responsibility to provide aid being taken on by nongovernmental organizations, the capacity for assisting those in need seems to further stray from the government over time. The aid being produced by the government usually is distributed to the shelters, which in the short term is beneficial to those using the resources but will continue to be a band-aid to the real problem of providing more permanent housing. The indifference given to evictions has made them invisible to the public including the “...lack of attention given to solutions, especially compared with the attention paid to homeowners’ problems, can be partially understood by the lesser favor shown toward renters as opposed to homeowners in American culture and policy”.<sup>11</sup> The dichotomy between the housed and unhoused is becoming increasingly stark, yet there are thousands of people who are living paycheck to paycheck being threatened with an eviction at the first of every month.

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<sup>11</sup> Hartman & Robinson. “Evictions: The hidden housing problem, Housing Policy Debate.” 461



## Concluding Remarks

Montreal and Los Angeles are two major cities that have done a great deal of work to maintain low eviction rates, yet they are facing a rising unhoused population and an increase in eviction cases. Although there are numerous tenant protections, housing laws implemented for the benefit of the landlords are systematically removing affordable and social housing units, allowing for the rising rent costs, and increasing the chances of individuals and families to be evicted. Landlords do not seem to face significant consequence since they continue to follow the same pattern with a new tenant or building, perpetuating the cycle of eviction. Studying housing, specifically eviction policy and its impact, is crucial because it is the root of a person's life let alone one of the three necessities humans need to survive. The issue of eviction is important and should be a topic of vigorous debate in political science because of its systemic nature and direct link to government authority and decision-making bodies. Throughout this study, the consistent underlying theme was that the system itself must be changed dramatically for any potential solutions to take root.

Ultimately, my research has shown that the implementation of tenant protection laws does assist in balancing the power between landlords and tenants broadly speaking. However, the belief that enacting stricter or more robust tenant protection laws would significantly alleviate or reverse the housing crisis in either case has proven incorrect. In both Los Angeles and Montreal, eviction cases have surged despite the presence of tenant protection laws. A notable observation across these two cases is the emphasis on housing policies favoring property ownership, such as the Ellis Act and Bill 31. These policies appear to hold considerably more weight and seem to compromise the efficacy of existing protective tenant legislation. Lastly, while eviction protection laws can shield tenants, their effectiveness hinges on tenants' awareness of their rights

and their ability to advocate for themselves, perpetuating systemic inequalities and housing practices.

Based on my findings, going forward, emergency funding cannot be the singular solution to the problem of affordability and homelessness anymore. The investments must be placed into permanent housing and resources dedicated to making it accessible to all. Without long-term plans coming into fruition such as social and affordable housing development, the crises including housing, homelessness, and affordability, will maintain a state of emergency relying on spurts of short-term aid which may actually be more expensive in the long term. Tenant organizations and rights can provide a barrier, protecting individuals and families but without government interference through policy reform or creation, the societal challenge of housing and homelessness will persist. The legal systems of each case must also be considered when discussing reform. If the system is structured to inherently favor landlords, as it does in Los Angeles, it will perpetuate the systemic inequality rooted in housing policy. Montreal's TAL system is a more equitable legal process and can be used as an example for potential restructuring of housing tribunals. Lastly, homeownership has been supported by the government for decades, providing numerous benefits to those who have the opportunity to buy a home. Similar aid, recognition and normalization of renting may result in the destigmatization of the tenant class and shift the way housing is viewed and used; no longer centering it as an economic asset and instead redirecting it back to a home. Housing is political, national, state, and local governments have created systems in which people can obtain or be barred from it. Government at every level have the potential to regulate housing policy, and these laws in turn affect individuals and communities.

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