Eviction Practices in Subsidized Housing: Evidence From New York State

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Abstract

In response to growing evidence of the negative consequences of evictions, policymakers at all levels of government have directed a new effort toward eviction prevention in recent years. However, less attention has focused on evictions in subsidized housing, despite the low incomes of subsidized tenants and the arguably greater ability of government agencies to manage eviction practices in a stock they subsidize.

The authors aim to address this gap by leveraging multiple sources of administrative data to analyze patterns of nonpayment eviction filings and warrants in different types of place-based, subsidized housing in the state of New York between 2016 and 2022. Drawing on address-level eviction records from the New York State Office of Court Administration, unsubsidized property addresses from the New York City Department of Finance, subsidized property addresses from the National Housing Preservation Database, U.S. Department of Housing and Urban Development (HUD) administrative data, and the New York University Furman Center, the authors find that filing rates are consistently higher in public housing than in other types of subsidized housing. Filing rates in public housing are even higher than in unsubsidized multifamily properties, at least in New York City, where comparison data are available. However, the share of filings that result in a warrant is lowest in public housing, suggesting that public housing agencies (PHAs) may use eviction filing as a rent collection strategy. The analysis also uncovers substantial variation across cities and individual developments in New York City.

Introduction

The growing evidence on the cost of evictions has pushed policymakers at all levels of government in recent years to consider new efforts to prevent them (Collinson et al., 2023). At the city level, several cities, including New York, enacted new universal access to counsel laws for tenants facing eviction. At the state level, California and Oregon enacted statewide rent regulation (anti-rent gouging) laws in 2019. At the federal level, the U.S. Congress authorized the Emergency Rental Assistance program to assist individuals at risk of eviction across the country in response to the COVID-19 pandemic. However, surprisingly little scrutiny has been given to evictions in subsidized housing, even though government officials arguably have more policy levers to manage them and heightened interest in eviction practices within a stock they subsidize.

Several studies compare eviction patterns in subsidized and unsubsidized housing and find mixed results (Gromis, Hendrickson, and Desmond, 2022; Harrison et al., 2021; Preston and Reina, 2021). Previous research also identifies considerable variation in eviction patterns across markets and public housing agencies (PHAs). Among subsidized housing developments, eviction patterns may differ across properties depending on ownership, tenant incomes, and subsidy structures. The following section explains that higher eviction rates would be expected in privately owned developments, as well as those that serve lower-income tenants, and charge flat rents.

This article builds on this earlier work to compare eviction patterns in different types of place-based subsidized housing in New York City and in other cities and jurisdictions across New York State from 2016 through 2022. Observing whether patterns vary across different market conditions can be completed with this geographically diverse sample. Unlike earlier work, this article considers eviction filing rates and eviction warrants, permitting the examination of eviction filing outcomes. Across New York State jurisdictions, the authors can observe the share of eviction filings that lead to issued eviction warrants. In New York City, they can further determine the share of filings that resulted in executed warrants. Finally, the more recent data permit an examination of eviction patterns after the lifting of the COVID-19 moratoria.

In brief, eviction filing rates were consistently higher in public housing than in other types of subsidized housing in the prepandemic period. This finding is true in both New York City and the softer markets of upstate cities, although filing rate differences between public housing and low-income housing tax credit (LIHTC) developments were far lower within New York City. In New York City, eviction filings can also be observed in unsubsidized buildings and show that average filing rates in public housing were nearly three times as high as those for unsubsidized, multifamily buildings. In upstate cities, average filing rates in public housing were nearly four times as high as the overall filing rate for subsidized and unsubsidized buildings. That said, filing rates in individual public housing properties within New York City varied substantially, suggesting managerial discretion given that tenant incomes and demographics are very similar across the city's public housing developments. Importantly, the share of eviction filings resulting in issued warrants of eviction was consistently lower in public housing than in other stocks. In New York City, where data on executed warrants are available, approximately 1 percent of filings in public housing resulted in executed warrants. These facts, together with the lower dollar amounts sought, suggest that many PHAs use eviction filings as a strategy to collect back rent and underscore the value of administrative and policy reforms that might help to reduce these eviction filing rates and address nonpayment.

Theory and Background

Growing research illustrates the costs that evictions impose on individual households. Most notably, Collinson et al. (2023) use the random assignment of housing court cases to judges of varying leniency to estimate the impact of eviction on individual tenants. They show that an eviction order increases the risk of homelessness and hospital visits, reduces earnings, and increases indebtedness in the long term.

Even eviction filings themselves can harm tenants, regardless of whether a warrant is issued. Tenants threatened with eviction face both time and out-of-pocket costs associated with responding to court filings (Leung, Hepburn, and Desmond, 2021). Perhaps more significantly, filings can limit households' future housing options because many landlords use eviction records in screening prospective tenants (Desmond, 2016; Rosen, Garboden, and Cossyleon, 2021). Research documents the use of eviction filings as a rent collection strategy among private-sector landlords (Garboden and Rosen, 2019; Leung, Hepburn, and Desmond, 2021), a strategy that can lead to serial filings—repeated evictions filed against the same tenant. Such serial filings may compound the cost of evictions as each additional filing shows up on a tenant's record (Leung, Hepburn, and Desmond, 2021).

The federal government administers a range of subsidy programs that support the creation and operation of affordable developments for low-income renters. Eviction rates in place-based subsidized housing can be expected to differ from rates in unsubsidized rental properties for several reasons. On the one hand, receiving a housing subsidy may protect tenants from falling behind on rent and facing eviction, and owners of subsidized housing may be more reluctant to file evictions because of their perceived mission as service providers. On the other hand, tenants in subsidized housing generally have lower incomes and smaller saving buffers to manage income and expense shocks.

Depending on ownership, tenant composition, and rent structure, differences across properties may also be expected in the subsidized stock. In terms of ownership, although local government authorities own public housing, private entities own most subsidized housing in the United States. Private owners might be more apt than public agencies to file evictions and evict nonpaying tenants to maximize profits. If so, the expectation is that eviction rates would be lower in public housing compared with privately owned subsidized housing such as LIHTC and project-based Section 8 or 202 developments. However, not all private developers are for-profit owners—some are nonprofit or other mission-driven owners who may be less likely to pursue evictions.

It is also worth noting that PHAs may have additional administrative processes related to terminating tenancy. Leung et al. (2023) find some PHAs only file nonpayment cases in housing court after having exhausted their internal processes, which might lower filing rates. To the extent that required internal processes (for example, grievance processes) raise costs for PHAs in evicting tenants, it could also result in lower filings for those properties. That said, PHAs face additional programmatic incentives and requirements from the U.S. Department of Housing and Urban Development (HUD) in handling rent arrears. On the one hand, accounts receivable is one component of HUD's PHA assessment system, which puts pressure on PHAs to collect rent (HUD, 2015). On the other hand, evicting tenants and getting vacant units reoccupied is costly in terms of repairs and lost operating subsidy. Further, unit vacancy is also a component of a PHA's assessment, creating the dual pressures of maximizing rents collected and minimizing vacancies, which could lead to high filing rates but relatively lower executed evictions (Leung et al., 2023).

In addition, although HUD permits PHAs to enter into rental payment plans with public housing residents owing rent (and even encouraged such plans during the pandemic), HUD does not allow PHAs to forgive any portion of owed rent (HUD, n.d.; 2021). Hence, public housing tenants who fall behind may face increasing cumulative rental debt if they face another financial shock, perhaps contributing to additional eviction filings and higher rates of "serial" filings, consistent with Leung et al. (2023).

Tenant incomes may also shape eviction rates across subsidy programs. Within the subsidized stock, public housing and Section 8 developments house lower-income tenants who may be more likely to fall behind on rent due to lower savings and greater vulnerability to job loss or other financial shocks. However, income-based rents in public and Section 8 project-based housing provide greater stability, countering lower incomes. Tenants in these developments typically pay 30 percent of their income toward rent, so the tenant portion of rent should increase and decrease with income, assuming timely recertifications. In contrast, LIHTC tenants pay flat rents if they do not have other rent subsidies. Thus, if their income decreases, their rent burden increases.[1] The expectation is that LIHTC tenants would, therefore, be more likely to fall behind on rent than public and Section 8 project-based housing residents, holding all else constant. The same is expected for New York City's housing program-subsidized developments that typically charge flat rents as well.

Several recent studies have examined eviction practices in these types of place-based subsidized housing. The findings are somewhat mixed. Preston and Reina (2021) compared filing rates of federally subsidized and unsubsidized properties in Philadelphia. They found that between 2006 and 2017, annual eviction filing rates were one-third lower on average in subsidized multifamily properties than in unsubsidized multifamily properties.[2] Even after controlling for property and neighborhood characteristics, they found that tenants in public housing and project-based rental assistance properties were less likely to receive an eviction filing than unsubsidized renters in similar buildings and neighborhoods. Filing rates in LIHTC developments were higher than other subsidized properties and were closer to the citywide filing rate.

Gromis, Hendrickson, and Desmond (2022) found evidence of high filing rates, specifically in public housing. Using data on 1,243 PHAs in 26 states spanning from 2006 to 2016, they reported that PHAs file about 5.8 percent of eviction filings nationally, although only 3.5 percent of renters live in public housing. However, within individual markets, average PHA eviction filing rates are not significantly different from those of private landlords. In addition, they found considerable variation in eviction filing rates across individual PHAs, even within the same state or county,

[1] Otherwise, unsubsidized LIHTC tenants are also more likely to have income from employment and, hence, may be more likely to experience income shocks.

[2] As Leung et al. (2023) note, Preston and Reina (2021) do not appear to use HUD administrative data to capture all public housing addresses within a development, and they may undercount filings in public housing as a result.

suggesting that PHA-specific policies and practices are potentially quite important, although differences in local housing court practices could also contribute.

Harrison et al. (2021) examined filing rates in subsidized properties in Atlanta for 2016. They found that, on average, eviction filing rates were lower in subsidized buildings than in market-rate buildings. However, once they controlled for whether buildings targeted older populations, they saw no significant differences in filing rates between subsidized and unsubsidized properties. The most notable difference is between buildings targeting seniors and those serving families. Overall, senior multifamily developments had significantly lower annual average filing rates than non-senior developments.

Focusing specifically on eviction filings in public housing in 28 states, Leung et al. (2023) found that public housing residents face the same eviction filing risk as renters not residing in public housing but living in the same sets of census tracts that contain public housing. They also documented large variations across PHAs in their filing rates, even within the same state operating under the same tenancy laws. Their in-depth qualitative work on two PHAs in Ohio revealed very different eviction practices, with one PHA regularly filing eviction cases for each household that had not paid rent by the end of the month (as a rent collection strategy) and the other PHA only resorting to eviction filings after exhausting its internal administrative process.

Several of these studies also identified differences by race, suggesting racial discrimination and structural racism as additional factors in explaining filing rates across subsidized properties. Preston and Reina (2021) found that filing rates in subsidized properties are higher in census tracts where a greater share of subsidized households is African-American. Gromis, Hendrickson, and Desmond (2022) also showed that PHAs with greater shares of African-American residents have higher eviction filing rates on average, even after controlling for socioeconomic factors. Finally, Harrison et al. (2021) and Leung et al. (2023) showed that eviction filing rates are higher in properties in neighborhoods (either census tracts or block groups) with greater African-American population shares.

This article builds on the existing research to compare eviction patterns in subsidized housing in jurisdictions across New York State. The authors use individual eviction records with street addresses, allowing for the inclusion of precise controls for development attributes. Unlike earlier work, this study not only contains eviction filing data but also observes follow-on actions to cases, including the issuance of eviction warrants. It also draws on multiple years of data rather than a single year and observes more recent patterns. Finally, it compares eviction patterns across housing types in two very distinct markets: New York City and the softer markets of upstate cities.

This study examines four distinct types of place-based subsidized housing across New York State. Because it is possible for properties to have overlapping subsidy types, properties are grouped into four mutually exclusive categories for ease of analysis: (1) public housing; (2) project-based Section 8 but not Section 202 or public housing; (3) LIHTC but not public housing, Section 8, or Section 202; and (4) other federally subsidized housing.[3]

[3] The other federally subsidized category includes any other subsidy type listed in the National Housing Preservation Database, except for properties that have only project-based vouchers, including Section 236, HUD-insured properties, Section 202, Section 515, Section 538, HOME, and Moderate Rehabilitation properties.

In New York City, the authors have access to somewhat more detail on subsidy types and can also observe market-rate housing. Thus, they are able to compare evictions in seven different mutually exclusive categories for New York City: (1) public housing; (2) Section 202; (3) project-based Section 8, but not Section 202 or public housing; (4) LIHTC[4] but not Section 8, Section 202, or public housing; (5) other federally subsidized housing; (6) city-subsidized housing; and (7) unsubsidized multifamily (six or more units) housing. The authors separately analyze evictions in subsidized housing types for New York City to account for differences in market conditions in the city compared with the other cities in the state, which are far smaller and have much softer housing markets. Consider that in 2022, the U.S. Census Bureau-reported rental vacancy rate was 3.5 percent for the New York City metropolitan area compared with 9.2, 7.1, and 5 percent for the Albany, Buffalo, and Rochester metropolitan areas, respectively.

Eviction Process in New York State

Eviction cases in New York State are divided into two categories: nonpayment cases filed due to nonpayment of rent and holdover cases filed due to any violations other than nonpayment. This article focuses on nonpayment cases, which represent most eviction cases. During the study period, nonpayment cases represented 85 percent in New York City, 89 percent in Buffalo, 91 percent in Rochester, and 86 percent in Albany.

Before a landlord can begin a formal nonpayment eviction case, they must first send the tenant a notice of eviction indicating that rent is due. If the tenant does not pay the rent amount within 14 days, the landlord may then file a petition with the court to evict the tenant. Once the eviction case is filed, the tenant receives notice of the hearing. The tenant is then required to answer the petition orally or in writing, either before or at the hearing, depending on the jurisdiction.

Eviction cases in New York City are heard in the housing part of the New York City Civil Courts. Outside New York City, a lower-level civil court in the jurisdiction where the unit is located hears eviction cases. At the conclusion of a hearing, the court may enter a judgment in favor of the tenant, dismiss the petition, or enter a judgment of possession for the landlord. The court may also award a money judgment for the tenant's rent due. A judge may also enter a default judgment against a tenant if they fail to answer, fail to appear for their hearing, or fail to appear or respond at subsequent stages of the case. The eviction is stayed if the tenant pays their outstanding rent before warrant issuance, even if they pay after a judgment has been entered.[5]

Although eviction filings appear on tenants' records and may dissuade landlords from approving them in the future, filings do not constitute evictions, and most filings (60 percent) in New York State do not result in the issuance of a judgment. An eviction can only happen if the court enters a judgment of possession for the landlord, and then the landlord requests that the eviction be executed, and the court issues a warrant of eviction. A tenant may still ask the court to stay the eviction after issuing a warrant, and the court can approve such a stay. If no stay of the eviction is

[4] A version of the New York City analysis separated LIHTC 9 percent from LIHTC 4 percent properties. Filing rates and amounts sought were similar across these groups.

[5] Alternatively, the landlord and tenant may reach an agreement called a "Stipulation of Settlement" that outlines each party's rights and responsibilities for resolving the case. For example, the settlement may require the tenant to pay rent or cure lease violations and require the landlord to make repairs and list the dates and times when they will need to access the unit.

granted, a county sheriff, constable, or city marshal removes the people named in the judgment from the premises.

New York State does not permit nonjudicial termination of tenancy. Given this, any PHA administrative termination of tenancy process must operate *in addition* to housing court proceedings, rather than as a replacement. In New York State, public housing tenancies cannot be ended without an affirmative finding to do so through the housing court.

Various rental assistance and eviction prevention programs are available to tenants facing eviction in New York State. In New York City, short-term financial assistance is available through the Homebase homeless prevention program. In addition, tenants in New York City can access emergency loans through the Human Resources Administration (HRA). Although having a pending eviction case is not a requirement to qualify, tenants who receive an eviction notice can go to an HRA office within the court to potentially expedite the process.

Data

The analysis relies on a range of administrative data sources on both evictions and subsidized housing developments, as well as census data to capture neighborhood composition.

Office of Court Administration Eviction Data

Data on eviction cases come from the New York State Office of Court Administration (OCA). The data include address-level information on the case filing date, dollar amount sought, type of case (nonpayment versus holdover), and follow-on actions, including issuing an eviction warrant. In New York City, the data also include the date any warrant was executed. The data cover all eviction cases filed from 2016 to present in all city courts in New York State, Nassau, and Suffolk Counties. The data do not capture cases filed in other county courts against tenants living in rural areas, towns, or villages. The geographies included in the OCA data cover approximately 83 percent of renters in New York State overall and 53 percent of renters living outside New York City. This analysis focuses on New York City and upstate cities in the OCA data (see exhibit A-1). It excludes Nassau, Suffolk, and Westchester Counties because they have far fewer subsidized properties.

Subsidized Properties—Upstate Cities

The authors use the National Housing Preservation Database (NHPD) to identify subsidized properties in Upstate New York cities that OCA data cover. NHPD provides information on all subsidized properties in the state and identifies any properties with overlapping subsidies. One weakness of NHPD is that it provides only one street address per property, even for subsidized properties containing multiple buildings. These addresses are supplemented with additional addresses for public housing and LIHTC properties,[6] using HUD administrative data to address this weakness.[7] Because additional building addresses are only available for LIHTC properties that

[6] Note that other published papers do not appear to have utilized additional LIHTC building addresses, potentially undercounting filings in LIHTC properties.

[7] These additional addresses are merged using the HUD property identification field included in NHPD.

appear in HUD LIHTC tenant data, this analysis limits LIHTC properties in Upstate New York to the 82 developments (out of 403) included in HUD LIHTC tenant data.[8] Although public housing and LIHTC are the subsidy types most likely to be associated with multibuilding properties, other subsidized properties may also have additional addresses not in NHPD, which could downwardly bias estimates of their eviction filing rates if filings associated with all property addresses are not captured. The subsidy start- and end-date fields are used to determine the years in which each subsidy type was attached to the property.

Subsidized Properties—New York City

To identify subsidized properties in New York City, the authors use the Subsidized Housing Database from CoreData.nyc that the Furman Center maintains. This dataset lists subsidized properties at the borough-block-lot (BBL) level, including any overlapping subsidies and subsidy start and end dates. In New York City, unsubsidized multifamily rental properties can also be identified using the New York City Department of Finance Property Tax System. The authors estimate the set of BBLs likely to be rental properties by filtering out nonresidential properties, vacant land, condominiums, and co-ops, then limit the results to multifamily buildings defined as having six or more units. Properties from this filtered list that do not appear in the Subsidized Housing Database are considered unsubsidized.

Neighborhood Characteristics—American Community Survey

Eviction rates might be higher in developments with more economically vulnerable residents or more economically disadvantaged neighborhoods. Unfortunately, consistent information about tenant characteristics for all buildings is not available. To help control for population demographics and neighborhood factors identified in other research, the authors draw on 2016-2020 American Community Survey 5-year estimates to obtain characteristics of the surrounding census tract, including tract poverty rate and the shares of residents that are African-American and Hispanic or Latinx.

Methods

Analyzing eviction patterns across subsidized properties requires careful matching of eviction filings to buildings as well as calculating a variety of relevant eviction measures. The following section outlines the methods used to match evictions to properties and to estimate regressions that compare filing and other eviction outcomes across developments.

Geocoding and Matching Eviction Cases to Subsidized Properties

To match eviction filings to subsidized properties, the authors first parse and standardize all street addresses in OCA eviction data, New York State subsidized property data, and New York City subsidized property data to ensure addresses are consistently formatted across datasets. The addresses in each dataset are then geocoded. For upstate New York cities, eviction filings

[8] Developments in the study sample are in census tracts with very similar poverty rates and racial compositions to census tracts where other LIHTC developments in upstate cities are located. The included developments are somewhat more likely to be 4 percent LIHTC developments, however.

and subsidized properties are geocoded using the geocoder available from the Census Bureau. Eviction filings are matched to subsidized addresses using the standard address string assigned in the geocoding process.[9] In New York City, eviction filings are geocoded using New York City's Geoclient REST API. Then, eviction filings are matched to subsidized properties by BBL.[10] The eviction data are aggregated to the property level to compile a panel dataset at the property-year level, covering 2016 through 2022.

Calculating Eviction Measures

The authors calculate several different annual eviction measures at the property-year level. First, the *eviction filing rate*—the number of nonpayment filings in a year divided by total units at the property, including subsidized and unsubsidized units—is calculated. Second, the *average amount sought*, the total dollar amount sought divided by the total number of filings, is also calculated.[11] Third, the *issued warrant rate*, the number of issued eviction warrants divided by the total units at the property, and the *issued warrant share*, the share of eviction filings that result in an issued warrant, are also calculated.[12] Because a case can still be resolved after a warrant has been issued, it is not a precise measure of the number of evictions carried out but rather an indicator of whether the case progresses to the stage of a warrant. In New York City, an additional measure, the *executed warrant share*, which is the share of filings that result in warrants ultimately executed, can be calculated. This measure also allows for a comparison of the share of filings that result in executions across subsidy types within New York City.

Comparisons Across Subsidy Types

To compare these measures across subsidized housing types, the authors begin with simple descriptive statistics for eviction measures, shown separately for the two geographies: Upstate cities and New York City. This study focuses on the period between 2016 and 2019 to determine averages before pandemic-era eviction protections and court backlogs, but also considers later years to assess patterns during and after the pandemic.

Ordinary least squares regressions are then estimated to better control for local factors, including the economic and demographic characteristics of the property's neighborhood. Specifically, the authors regress each of the eviction measures on a categorical variable indicating the property subsidy type, controlling for the year and tract characteristics (poverty rate and shares of residents that are African-American and Hispanic).

These regressions are run separately for the two geographies. The upstate model includes a control for jurisdiction. In New York City, the authors also include a control for the community district, the 59 sub-city areas represented by local community boards, to better control for neighborhood conditions. The marginal means of each eviction measure are plotted by subsidy type in each year.

[9] Ninety-four percent of eviction filings and 93 percent of subsidized properties are geocoded successfully.

[10] Ninety-six percent of eviction filings are geocoded successfully within New York City.

[11] Small average amounts suggest potentially avoidable evictions (Badger, 2019).

[12] Eviction warrants may be issued weeks or months after the initial filing. For this analysis, an eviction filing that has a reported warrant issue date at any point after the filing date and before the summer of 2023 is considered to have an issued warrant.

The marginal mean represents the mean of the predicted value for each subsidy type in each year, holding the other factors constant. This value allows for the comparison of levels and trends in eviction filings, warrant shares, and the amount sought for properties with different subsidy types. The regression analysis includes all years from 2016 to 2022 to analyze both prepandemic and more recent trends.

Results

The following sections summarize key findings, starting with upstate cities. The tables present raw, uncontrolled means for the 4-year period extending from 2016 to 2019, and the event study exhibits show annual regression-controlled marginal means extending to 2022.

Upstate Cities

Exhibit 1 presents mean annual filings and mean share of filings that resulted in warrants for each subsidy type for upstate cities for filings occurring from 2016 through 2019. On average, during this 4-year period, public housing properties had by far the highest eviction filing rates of the subsidy types, with 40.5 filings per 100 units. Filing rates per unit were more than *10* times higher in public housing than in any other affordable portfolio. Public housing also has the highest issued warrant rate per 100 units, although the share of public housing filings resulting in warrants is the lowest among subsidized housing types.

Although eviction rates for individual unsubsidized properties in upstate cities are not available, these filing rates in subsidized housing can be compared with the overall filing rates in the same cities. On average, upstate landlords filed 10.5 evictions per 100 renter-occupied units each year, far fewer than PHAs but more than private owners of subsidized housing. In upstate cities, 44 percent of eviction filings resulted in warrants each year on average, identical to the share for LIHTC developments and significantly higher than the share for public housing.

Exhibit 1

Eviction Filings and Issued Warrants by Subsidy Type—Upstate Cities, 2016–19

Program	Number of Properties (2019)	Mean Annual Number of Filings (2016–19)	Mean Annual Filings per 100 Units (2016–19 Average)	Mean Annual Number of Issued Warrants (2016–19)*	Mean Annual Share of Filings Resulting in Issued Warrants (2016–19 Average)*	Mean Annual Issued Warrants per 100 Units (2016–19 Average)
Public Housing (PH)	106	7,652	40.5	2,249	29.4%	11.9
Section 8 but not Section 202 or PH	161	355	2.1	148	41.5%	0.8
LIHTC** but not Section 202, Section 8, or PH	73	192	3.5	85	44.1%	1.5
Other Subsidized	403	170	1.3	61	35.9%	0.5

**Represents the total number of eviction cases filed from 2016 to 2019 resulting in warrants by mid-2023 (the warrant date may be after 2019).*

***Only LIHTC properties included in U.S. Department of Housing and Urban Development tenant dataset.*

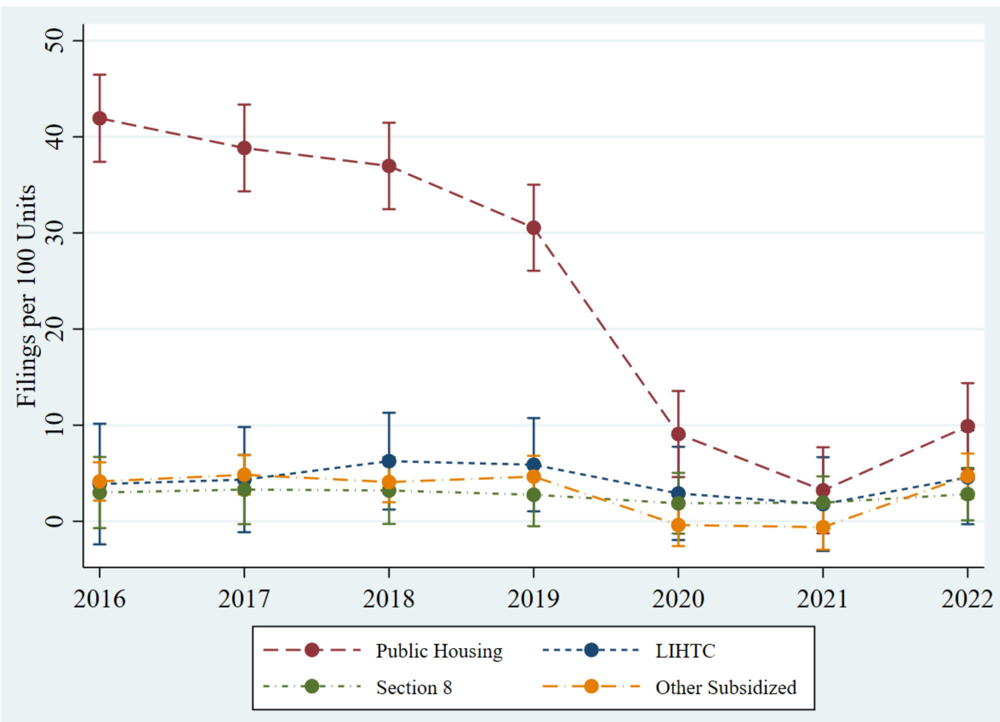
LIHTC = low-income housing tax credit.

Sources: National Housing Preservation Database; New York State Office of Court Administration

These same patterns hold once neighborhood characteristics, year, and city are controlled for in the regression analysis. Exhibit 2 plots the regression-controlled marginal means of filing rates by subsidy type for the years from 2016 through 2022, with 95-percent confidence intervals. Exhibit 2 plots the marginal means of the issued warrant rate per 100 units. Importantly, regression analyses also confirm that the share of filings that resulted in warrants is lowest for public housing. Exhibits 2 and 3 also show the sharp drop off of filings and warrants during the pandemic in 2020 and 2021. In 2022, filings and warrants in public housing were once again the highest among the subsidized housing types, but they have not returned to prepandemic levels, although the 2022 averages conceal considerable variation across cities.

Exhibit 2

Eviction Filings per 100 Units by Subsidy Type—Upstate Cities

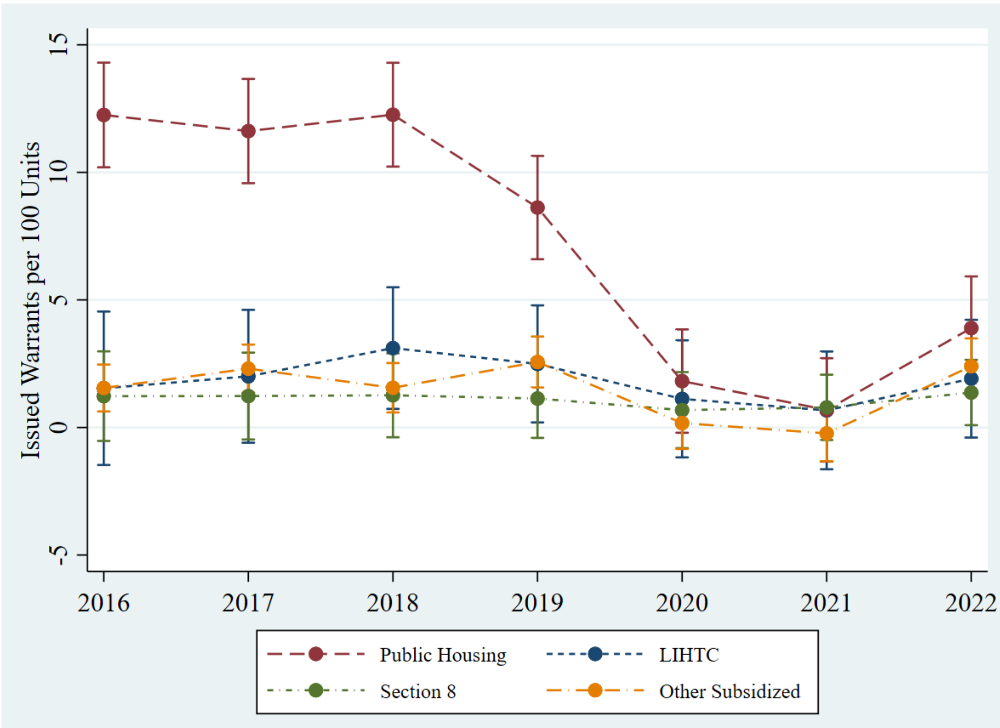


LIHTC = low-income housing tax credit.

Sources: National Housing Preservation Database; New York State Office of Court Administration; American Community Survey

Exhibit 3

Issued Warrants per 100 Units by Subsidy Type—Upstate Cities

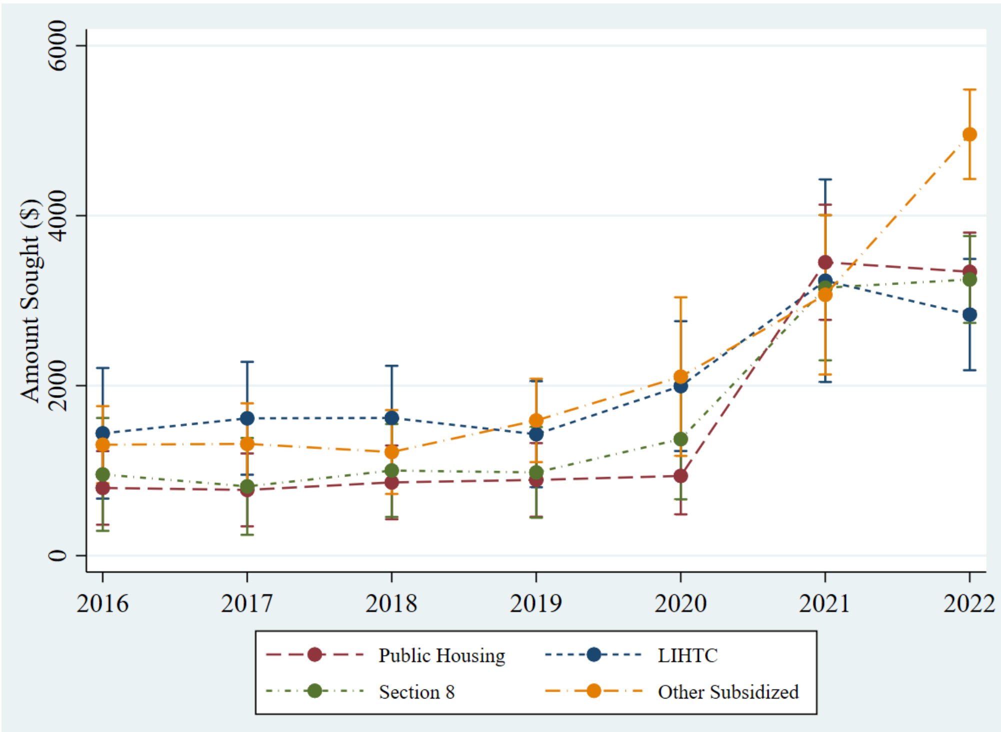


LIHTC = low-income housing tax credit.
Sources: National Housing Preservation Database; New York State Office of Court Administration; American Community Survey

Exhibit 4 displays the regression-controlled average dollar amount sought in nonpayment cases across subsidy types. Evictions filed at public housing properties had the lowest amount sought on average, perhaps due to lower rents. LIHTC and other subsidized properties tended to have relatively greater amounts sought, controlling for tract characteristics, year, and city. The amount sought in eviction cases increased in 2021, especially in public housing properties, which rose from approximately $1,000 in 2020 to nearly $3,500 in 2021. By contrast, the average rent public housing households paid in New York State barely increased during the same period, from $518 in 2020 to $523. The ratio of the average arrears sought in public housing cases relative to the average rent paid increased from slightly under 2.0 in 2020 to more than 6.5 in 2021.

Exhibit 4

Average Amount Sought in Nonpayment Cases by Subsidy Type—Upstate Cities



LIHTC = low-income housing tax credit.

Sources: National Housing Preservation Database; New York State Office of Court Administration; American Community Survey

New York City

Exhibit 5 presents mean annual filings and mean share of filings that resulted in issued and executed warrants for each subsidy type for properties in New York City from 2016 through 2019. Eviction activity in unsubsidized multifamily rental properties and other types of subsidized properties, including city-subsidized buildings and Section 202 properties, can be observed using additional city-specific data. Section 202 properties are grouped in the other subsidized category in the upstate cities analyses due to the small sample size.

Exhibit 5

Eviction Filings, Issued Warrants, and Executed Warrants by Subsidy Type—New York City, 2016–19

Program	Number of Properties (2019)	Mean Annual Number of Filings (2016–19)	Mean Annual Filings per 100 Units (2016–19 Average)	Mean Annual Number of Issued Warrants (2016–19)*	Mean Annual Share of Filings Resulting in Issued Warrants (2016–19)	Mean Annual Issued Warrants per 100 Units (2016–19 Average)	Mean Annual Number of Executed Warrants (2016–19)**	Mean Annual Share of Filings Resulting in Executed Warrants (2016–19 Average)	Mean Annual Executed Warrants per 100 Units (2016–19 Average)
Public Housing (PH)	505	31,424	19.2	11,611	36.9%	7.1	290	0.92%	0.2
Section 202 but not PH	100	156	2.3	66	42.5%	1.0	11	7.2%	0.2
Section 8 but not Section 202 or PH	386	2,530	12.5	1,194	47.2%	5.9	65	2.6%	0.3
LIHTC but not Section 8, Section 202, or PH	2,563	23,851	14.8	11,300	47.4%	7.0	960	4.0%	0.6
Other Federal Subsidized	317	1,537	5.3	736	47.9%	2.5	80	5.2%	0.3
City Subsidized	9,134	23,542	6.4	11,094	47.1%	3.0	1,211	5.1%	0.3
Unsubsidized (6 or more unit residential buildings)	44,333	74,713	6.5	35,079	46.9%	3.0	4,546	6.1%	0.4

**Represents the total number of eviction cases filed from 2016 to 2019 resulting in issued warrants by mid-2023 (the warrant date may be after 2019).*

***Represents the total number of eviction cases filed from 2016 to 2019 resulting in executed warrants by mid-2023 (the execution date may be after 2019).*

LIHTC = low-income housing tax credit.

Sources: CoreData.nyc; New York City Department of Finance Property Tax System; New York State Office of Court Administration

As in the case of other cities across the state, public housing developments in New York City had the highest eviction filing rates, although the difference between filing rates in public housing and the other subsidized types (particularly Section 8 and LIHTC) was smaller. Consistent with patterns elsewhere in the state, very few eviction filings in public housing resulted in actual evictions. Public housing developments had the lowest share of filings that resulted in issued warrants (36.9 percent). Because of their high filing rates, public housing developments still saw the highest issued warrant rate per unit (7.1 percent). But, the *executed* warrant rate per 100 units was lower in public housing than all but section 202 housing because only a very small share (less than 1 percent) of public housing filings resulted in an executed eviction.[13] Public housing developments had the lowest annual executed warrant rate per unit among housing types (0.2 executed warrants per 100 units, or one executed warrant each year per 500 units) and LIHTC developments had the highest (0.6 executed warrants each year per 100 units). Therefore, although New York City public housing developments generally saw more filings per unit than other housing types, they also saw the lowest rates of actual executed evictions per unit.

One potential contributor to the low warrant execution rates in New York City public housing is that the New York City Housing Authority (NYCHA) may file cases of chronic nonpayment as holdover evictions rather than nonpayment cases, which are this study's focus.[14] The exclusion of these chronic nonpayment cases from the data could bias the executed warrant rate downward. Unfortunately, this subcategory of holdover cases cannot be identified in the court filing data. However, only 3 percent of public housing eviction cases in New York City are holdover cases, and even if *all* holdover cases are included in the analysis, the executed warrant share rises only slightly, from 0.92 percent to 1.4 percent of all New York City public housing court filings.

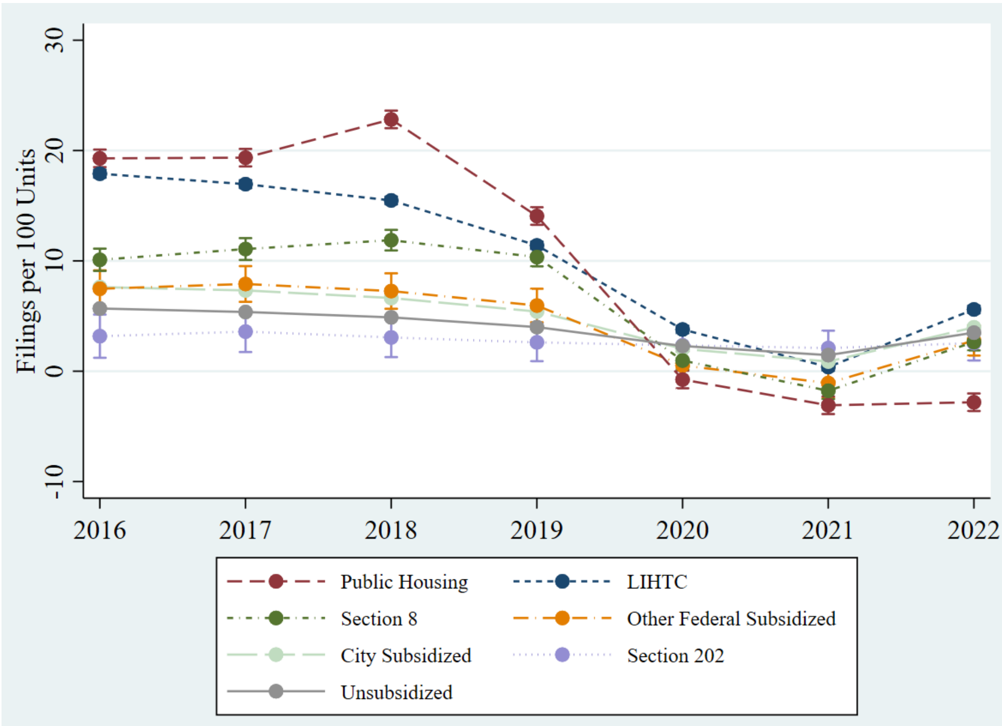
Notably, all subsidized housing portfolios except Section 202, which serves older adults who are typically on fixed incomes and do not see the same volatility in earnings, had higher average filing rates than unsubsidized multifamily housing. Although it may be due to the lower incomes of subsidized tenants, controls for neighborhood poverty rates and demographic composition should help to control for some of those tenant differences. As discussed further in the following section, it is possible that public housing agencies and owners of subsidized housing may be more likely than private-market landlords to file evictions as a rent collection strategy because they think it is the quickest way to get tenants access to rental assistance.

[13] On average, only about 5 percent of filings across types and less than 1 percent of public housing filings ultimately resulted in an executed warrant (not shown in table).

[14] A consent decree requires NYCHA to file chronic nonpayment cases as holdover cases if it chooses to use its administrative process to initiate terminating a tenancy based on chronic nonpayment, defined as failure to pay rent four times in a 12-month period. *Escalera v. NYCHA*, 425 F.2d 853 (2d Cir. 1970); *Tyson v. NYCHA*, 73 Civ. 859 (SDNY. 1976); *Randolph v. NYCHA*, 74 Civ. 1856 (SDNY 1976).

Exhibit 6

Eviction Filings per 100 Units by Subsidy Type—New York City



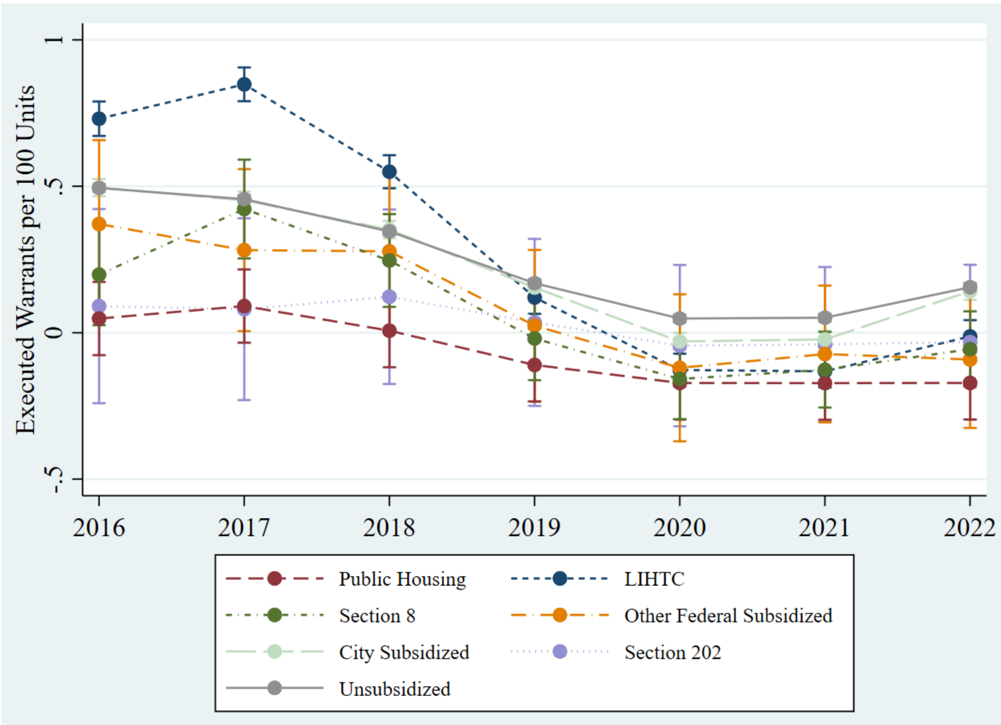
LIHTC = low-income housing tax credit.
Sources: CoreData.nyc; New York City Department of Finance Property Tax System; New York State Office of Court Administration; American Community Survey

As for trends over time, filing rates decreased across nearly all property types in 2019, even before the pandemic, with public housing properties seeing particularly sharp declines. All but Section 202 developments saw a sharper drop at the start of the pandemic in 2020. Filing rates in public housing have remained low since the pandemic, even as the other subsidized and unsubsidized types have started increasing again. This difference is likely due to a NYCHA decision to prioritize cases that involve more than 2 years of arrears and to centralize eviction decisions in the post-pandemic era to ensure more consistency across developments and encourage nonjudicial resolutions to nonpayment issues. In February 2022, NYCHA discontinued 90 percent of the 34,000 nonpayment cases pending in housing court (NYCHA, 2022).

Exhibit 7 plots the marginal means for the executed warrant rate (executed warrants per 100 units). Between 2016 and 2019, the executed rate was highest in LIHTC properties and lowest in public housing. All subsidized types other than LIHTC had executed rates below prepandemic unsubsidized multifamily properties. Since 2020, executed rates for all subsidy types have remained below the unsubsidized average, although not by much.

Exhibit 7

Executed Warrants per 100 Units by Subsidy Type—New York City

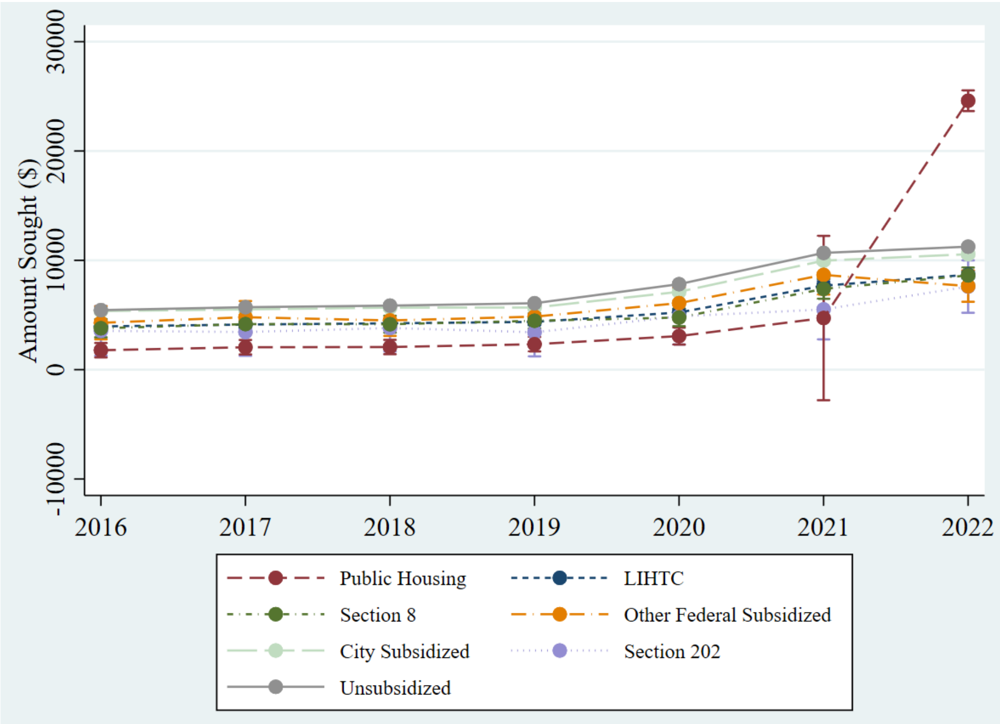


LIHTC = low-income housing tax credit.
Sources: CoreData.nyc; New York City Department of Finance Property Tax System; New York State Office of Court Administration; American Community Survey

Exhibit 8 shows the average dollar amount sought in nonpayment cases across subsidy types. In the prepandemic period, evictions filed at public housing properties were for the lowest amounts on average, similar to the results from the upstate cities. Eviction filings at unsubsidized (likely higher rent) properties tend to be for the highest dollar amount, as expected. NYCHA's shift to focus on higher arrears cases starting in 2022 also explains the sharp jump in the average amount sought for public housing.

Exhibit 8

Average Amount Sought in Nonpayment Cases by Subsidy Type—New York City



LIHTC = low-income housing tax credit.
Sources: CoreData.nyc; New York City Department of Finance Property Tax System; New York State Office of Court Administration; American Community Survey

Variation in Public Housing Eviction Patterns Across Upstate Cities and in New York City

The averages presented previously conceal quite a bit of variation in eviction actions in public housing, both across upstate cities and across developments in New York City. Exhibit 9 shows percentile cutoffs for these actions for public housing developments from 2016 to 2019.[15]

[15] Includes only cities with more than 20 total filings between 2016 and 2019.

Exhibit 9

Distributions of Eviction Measures in Public Housing by City and BBL in New York City (2016–19)

Geography	Measure	Minimum	10th Percentile	25th Percentile	50th Percentile	75th Percentile	90th Percentile	Maximum
Upstate Cities (jurisdictions with > 20 filings 2016–19, or 28 of 52 cities)	City-Level Mean Annual Filings per 100 Units—Public Housing (2016–19)	1.0	2.1	4.6	9.8	69.1	87.6	259.4
	City-Level Mean Annual Share of Filings Resulting in Warrants—Public Housing (2016–19)	0%	2.0%	22.0%	35.6%	50.0%	61.0%	75.7%
New York City	BBL-Level Mean Annual Filings per 100 Units—Public Housing (2016–19)	0	6.0	14.2	21.0	27.3	35.0	175.0
	BBL-Level Mean Annual Share of Filings Resulting in Executed Warrants—Public Housing (2016–19)	0%	0%	0%	0.3%	1.2%	2.3%	14.3%

BBL = borough-block-lot.

Sources: National Housing Preservation Database; CoreData.nyc; New York City Department of Finance Property Tax System; New York State Office of Court Administration

For upstate cities, one-half saw fewer than 10 annual filings per 100 units in public housing on average. At the other end of the spectrum, 10 percent of cities (two cities total) saw average filing rates of more than 100 filings per 100 units annually, indicating multiple (serial) filings issued to the same units in 1 year. Differences in rental arrears do not appear to drive these differences—filing rates are actually higher in PHAs where the amounts sought are lower. The differences in filing rates more likely reflect differences in approaches to managing arrears, consistent with Leung et al. (2023).

The share of filings receiving warrants was somewhat more evenly distributed across upstate cities, but it still ranged widely from 0 to 75.7 percent. Recall that an issued warrant does not necessarily mean that the eviction was ultimately executed. In New York City, only 10 percent of warrants issued in nonpayment cases were executed during the period of this study.[16]

Within New York City, variation is observed in eviction patterns across individual public housing properties, at least prepandemic, suggesting discretion on the part of individual property managers in deciding how quickly to file eviction notices when tenants owe back rent. The median number of filings per 100 units for New York City public housing properties between 2016 and 2019 was

[16] Whether warrants are executed in upstate cities is unobservable.

21.0, and most were clustered around this level; however, 10 percent of properties had filing rates of 35.0 or higher, and 10 percent of properties had rates of under 6.0 filings per 100 units.

The prepandemic median share of filings resulting in executed warrants in New York City public housing properties was only 0.3 percent. Ninety percent of public housing properties had executed warrant shares below 3 percent, although the executed warrant share reached 14 percent in one property, again suggesting managerial discretion. In 2022, execution rates across all properties are very low.

Serial Filings

The combination of high filing rates, low warrant rates, and even lower warrant execution rates in public housing suggest that PHAs use eviction filings more often as a rent collection strategy rather than a way to actually remove tenants. Indeed, some PHAs issue more eviction notices in a given year than total public housing units, with multiple filings against the same unit in a single year.

Exhibit 10 reports "serial" filings in New York State, defined as the number of cases filed against a unit that had already received a filing in that year. The table shows the share of eviction filings that are serial filings by subsidy type from 2016 to 2019.[17] Across both geographies, the highest rates of serial filing are in public housing. Serial filing rates in public housing are particularly high in upstate cities (exhibit 10).

Exhibit 10

Serial Filings (2016–19) (1 of 2)

Geography	Program	Mean Annual Number of Filings (2016–19)	Mean Annual Number of Filings With Nonmissing Apartment Number* (2016–19)	Mean Annual Number of Serial Filings (2016–19)	Mean Annual Share of Filings With Nonmissing Apartment Number That Are Serial Filings** (2016–19 Average)
Upstate Cities	Public Housing	7,652	4,969	3,058	61.6%
	Section 8 but not Section 202 or public housing	355	351	74	21.3%
	LIHTC** but not Section 202, Section 8, or public housing	192	179	29	16.6%
	Other Subsidized	170	155	27	17.6%

[17] Note that these serial filing rates can only be calculated for filings with nonmissing apartment numbers.

Exhibit 10

Serial Filings (2016–19) (2 of 2)

Geography	Program	Mean Annual Number of Filings (2016–19)	Mean Annual Number of Filings With Nonmissing Apartment Number* (2016–19)	Mean Annual Number of Serial Filings (2016–19)	Mean Annual Share of Filings With Nonmissing Apartment Number That Are Serial Filings** (2016–19 Average)
New York City	Public Housing	31,424	31,396	7,483	23.8%
	Section 202 but not public housing	156	156	10	6.6%
	Section 8 but not Section 202 or public housing	2,530	2,524	385	15.2%
	LIHTC but not Section 8, Section 202, or public housing	23,851	23,788	4,547	19.1%
	Other Federal Subsidized	1,537	1,533	229	15.0%
	City Subsidized	23,542	23,403	4,295	18.4%
	Unsubsidized (6 or more unit residential buildings)	74,713	74,567	13,909	18.7%

**Apartment number is nonmissing if (1) apartment number is listed; or (2) apartment number is listed but subsidized development is only one unit; or (3) apartment number is not listed, but the total number of unique addresses at a development is equal to the total units at the development (the development includes multiple single-family buildings, each with its own address).*

***A filing is considered serial if it is a subsequent filing in the same year against a unit that already had a filing in that year. The initial filing at that unit in that year is* not *counted as a serial filing.*

LIHTC = low-income housing tax credit.

Sources: National Housing Preservation Database; CoreData.nyc; New York City Department of Finance Property Tax System; New York State Office of Court Administration

Discussion and Policy Implications

This article hopefully shows the value of using and linking different sources of administrative data to analyze eviction patterns, including the outcomes of eviction filings. The analysis shows that eviction filing rates in subsidized housing in New York State are higher than many might expect. In New York City, eviction filing rates are higher in subsidized housing than in unsubsidized multifamily buildings. Eviction filing rates vary across subsidy types, with public housing having the highest filing rates across markets, even after controlling for neighborhood characteristics. However, public housing also has the lowest share of filings that result in eviction warrants. In New York City, less than 1 percent of filings in public housing result in executed warrants. Private owners of subsidized housing are less likely to file eviction notices than PHAs and are also somewhat more likely to follow them with court-issued eviction warrants.

High filing rates, low warrant rates, and even lower warrant execution rates in public housing suggest that PHAs use eviction filings more often as a rent collection strategy than private owners of other subsidized housing. Conversations with local housing agency officials and exhibit 10 provide some support for this hypothesis. However, this strategy is costly for both PHAs and tenants. In New York City, filing rates in project-based Section 8 and LIHTC properties are high, as well as in public housing. These high rates may result from landlords believing that filing an eviction is the best way for tenants to access emergency rental assistance from the city. Although an active eviction filing is not a formal requirement to access the program, many landlords believe that filing can facilitate faster approval (Chen, 2023).

It is worth noting that cities vary considerably in public housing filing and warrant rates, suggesting that local housing court regimes may shape outcomes or that individual PHAs within the same state may adopt different policies to address back rent. Filing rates even varied across individual public housing properties in New York City during the prepandemic period, reflecting the discretion traditionally afforded to individual property managers. Notably, since the 2022 NYCHA decision to begin prioritizing only cases involving several years of arrears, filing rates in New York City public housing properties have remained much lower than prepandemic averages and below rates of other subsidized and unsubsidized properties, with less variation across properties. In upstate cities, filing rates in public housing have begun to rise again, although the cities vary, perhaps due to differences in local policies.

This analysis shows the value of using administrative data to shed light on local eviction patterns. It also offers several policy implications. To start, HUD could take numerous steps to align better public housing management with affordable housing goals. The first is reconsidering its statutory interpretation that PHAs cannot forgive any portion of rent owed in public housing, removing a critical tool from the hands of the landlords housing our nation's most vulnerable populations.[18] The second is providing clear guidance strongly encouraging PHAs to exhaust other administrative routes to rent collection before filing evictions. It would likely lower unnecessary filings and lead to more consistency across developments and PHAs. Indeed, HUD could consider incorporating metrics into its PHA assessment system that incentivize using nonjudicial means of addressing rental arrears. Third, HUD should also require that PHAs provide data on their filings to permit HUD to monitor and study PHA eviction practices. Fourth, HUD could update its guidance on how landlords of any HUD-subsidized properties (and perhaps LIHTC properties) can—and cannot—use eviction records in screening prospective tenants. Akin to HUD's guidance distinguishing the use of arrest records from convictions and the importance of the specific context of a criminal conviction, HUD could provide guidance on a more nuanced use of eviction actions (HUD, 2016).

States could act, too. State housing finance agencies (HFAs) could add restrictions on using eviction filings in tenant selection, which could be incorporated into state Qualified Allocation Plans, as the state of Ohio has done for pandemic-era evictions. More generally, states could pass laws to expunge evictions automatically from public records after a certain number of years or when courts decide in favor of tenants. States could also reduce the fees and administrative barriers tenants face in requesting expungements.

[18] Private-sector landlords can forgive voucher households' past rent.

Finally, the findings suggest that PHAs across New York State—and across the country—should examine eviction patterns across their properties and compare them with those in the broader market, using data like those in this article. They should scrutinize their eviction practices and explore other administrative mechanisms to collect back rent. Housing agencies depend on rent revenues, but collecting rent through eviction filings is administratively costly and imposes significant burdens on tenants, even if they are not ultimately forced to leave their homes.

Appendix

Exhibit A-1

List of Upstate Cities in the Analysis

Albany	Middletown
Amsterdam	Newburgh
Auburn	Niagara Falls
Batavia	North Tonawanda
Beacon	Norwich
Binghamton	Ogdensburg
Buffalo	Olean
Canandaigua	Oneida
Cohoes	Oneonta
Corning	Oswego
Cortland	Plattsburgh
Dunkirk	Port Jervis
Elmira	Poughkeepsie
Geneva	Rensselaer
Glens Falls	Rochester
Gloversville	Rome
Hornell	Salamanca
Hudson	Saratoga Springs
Ithaca	Schenectady
Jamestown	Sherrill
Johnstown	Syracuse
Kingston	Tonawanda
Lackawanna	Troy
Little Falls	Utica
Lockport	Watertown
Mechanicville	Watervliet

Source: Authors

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