

20-3366

United States Court of Appeal

for the

Second Circuit

COMMUNITY HOUSING IMPROVEMENT PROGRAM, RENT STABILIZATION
ASSOCIATION OF N.Y.C., INC., CONSTANCE NUGENT-MILLER, MYCAK
ASSOCIATES LLC, VERMYCK LLC, M&G MYCAK LLC, CINDY REALTY LLC,
DANIELLE REALTY LLC, FOREST REALTY, LLC,

Plaintiffs-Appellants,

– v. –

CITY OF NEW YORK, RENT GUIDELINES BOARD, DAVID REISS, CECILIA JOZA,
ALEX SCHWARZ, GERMAN TEJEDA, MAY YU, PATTI STONE, J. SCOTT WALSH,
LEAH GOODRIDGE, SHEILA GARCIA, RUTHANNE VISNAUSKAS,

Defendants-Appellees,

N.Y. TENANTS AND NEIGHBORS (T&N), COMMUNITY VOICES HEARD (CVH),
COALITION FOR THE HOMELESS,

Intervenors.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

BRIEF FOR *AMICI CURIAE*, CENTER FOR HEALTH POLICY AND LAW AT
NORTHEASTERN UNIVERSITY SCHOOL OF LAW, EMILY A. BENFER, KIM M.
BLANKENSHIP, KATHERINE L. CHEN, GREGG GONSALVES, PETER HEPBURN,
DAYNA E. KEENE, KATHRYN LEIFHEIT, MICHAEL Z. LEVY, JULIA RAIFMAN,
VINCENT J. REINA, & DAVID VLAHOV ON BEHALF OF DEFENDANTS-APPELLEES
AND INTERVENORS

Counsel for Amici Curiae

Legal Interns:

Ruth Hirsch, Emilia Todd

EMILY A. BENFER
WAKE FOREST UNIVERSITY SCHOOL OF LAW
1834 Wake Forest Road, Winston-Salem, NC 27109
Telephone: (336) 758-5430
Email: benfere@wfu.edu

Legal Interns:

Shana Hurley, Adam Kinkley
Jacqui Oesterblad, Ann Sarnak
Evan Walker-Wells

JEROME N. FRANK LEGAL SERVICES ORGANIZATION
YALE LAW SCHOOL
J.L. Pottenger, Jr.
127 Wall Street, New Haven, CT 06511
Telephone: (203) 432-4800
Email: j.pottenger@ylsclinics.org

This brief has been prepared by a professor associated with Wake Forest University School of Law and a clinic operated by Yale Law School, but does not purport to present the schools' institutional views, if any.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1, counsel for *amicus curiae* state that nongovernmental corporate entity Center for Health Policy and Law at Northeastern University School of Law has no parent corporation and no publicly held corporation owns 10% or more of the stock of this entity.

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INTEREST OF *AMICI CURIAE*

The 12 *amici* include: organizational and individual *amici* who are sociologists, epidemiologists, doctors, nurses, and public health, law, nursing, and medical school faculty. They are some of the nation's foremost authorities on the connection between eviction, housing, and health. Based on their extensive research and work in this area, all *amici* recognize that housing is critical to protecting public health and ensuring health equity.

CENTER FOR HEALTH POLICY AND LAW AT NORTHEASTERN UNIVERSITY

SCHOOL OF LAW advances law and policy reforms to strengthen population health, reduce health disparities, nourish public health programs and enhance access to affordable, high-quality healthcare.

EMILY A. BENFER, J.D., LL.M., is a visiting Professor of Law at Wake Forest University School of Law and a national expert on housing law, health justice, and the COVID-19 eviction crisis. Professor Benfer is the appointed chair of the American Bar Association's COVID-19 Task Force Committee on Eviction. She is the co-creator of the COVID-19 Housing Policy Scorecard with the Eviction Lab at Princeton University and the principal investigator in a nationwide study of COVID-19 eviction moratoriums and housing policies and an investigator in a study of state eviction moratoriums and COVID-19 infections and mortality rates.

KIM M. BLANKENSHIP, Ph.D., is a professor in the American University Department of Sociology, the Founding and Acting Director of the Center on Health, Risk and Society, an associate dean of research in the College of Arts and Sciences, and a co-director of the Developmental Core of the District of Columbia Center for AIDS Research (DC CFAR).

KATHERINE L. CHEN, MD, is a fellow in the National Clinician Scholars Program as well as the Specialty Training and Advanced Research Program at the University of California – Los

Angeles. She is also pursuing a Ph.D. in Health Policy and Management at the UCLA Fielding School of Public Health. She is American Board of Intern Medicine certified.

GREGG GONSALVES, Ph.D., is an assistant professor of epidemiology of microbial diseases, Yale School of Public Health and associate professor (adjunct) of law, Yale Law School. A 2018 MacArthur “Genius” Fellow, he works at the intersection of human rights and public health research to address social inequities.

PETER HEPBURN, Ph.D., is post-doctoral statistician and quantitative analyst for the Eviction Lab. His research examines the ways that employment practices and public policies affect children and low-income families.

DANYA E. KEENE, Ph.D., is an associate professor of public health at the Yale School of Medicine. She is a leading expert on how public policy contributes to or ameliorates health inequities, with a focus on the relationship between housing and health.

KATHRYN M. LEIFHEIT, Ph.D., is an epidemiologist and postdoctoral fellow at the University of California Los Angeles Fielding School of Public Health and an expert on the effects of eviction on child and population health. She is a principal investigator in a study of expiring eviction moratoriums and COVID-19 infection and mortality rates.

MICHAEL Z. LEVY, Ph.D., is an associate professor of epidemiology at the Perelman School of Medicine of the University of Pennsylvania. He specializes in developing methods to model and control the transmission of infectious diseases in cities. He has worked on housing policy and is the principal investigator of a model estimating how evictions drive COVID-19 spread.

JULIA RAIFMAN, Sc.D., is an assistant professor of Health Law, Policy & Management at the Boston University School of Public Health. Her expertise is in health and social policy drivers of population health and health inequities. She is an investigator in a study of COVID-19 related

stressors and suicidal ideation and in a study of state eviction moratoriums and COVID-19 infections and mortality rates.

VINCENT J. REINA, Ph.D., MBA, MSc., is an associate professor in the Department of City and Regional Planning at the University of Pennsylvania. His research focuses on urban economics, low-income housing policy, household mobility, neighborhood change, and community and economic development.

DAVID VLAHOV, Ph.D., RN, is a professor of nursing at the Yale School of Nursing and a professor of epidemiology of microbial diseases at the Yale School of Public Health. He is also the co-director of the National Program Office for the Robert Wood Johnson Foundation's Culture of Health: Evidence for Action Program.

Individual amici participate in this brief in their individual capacity and based on their expert opinions. The views expressed by amici herein do not necessarily reflect the policies or positions of host institutions or employers.

INTRODUCTION AND SUMMARY OF ARGUMENT¹

Public health research shows that housing affordability and neighborhood stability promote tenant and community health. High rent is one of the most significant stressors on neighborhood stability and is itself associated with health burdens. Renters across the country, particularly in the New York area, face high rental housing costs that can dramatically increase year-to-year. Persistently high and increasing rent burdens may lead to housing instability in the form of forced moves and evictions.

High housing costs, frequent moves, and especially eviction erode the residential and social stability of entire neighborhoods; together these forces cause significant and well-documented harms to individual health. First, rent typically “eats first” in renter budgets, meaning that rent-burdened tenants may be forced to forego essentials like food and medicine. Second, forced moves have detrimental effects on long-term health. Third, housing instability has particularly long-lasting effects on the health of children. Notably, these adverse health impacts disproportionately bear on people of color, particularly Black and Latinx renters.

Public health research makes clear that housing unaffordability and instability undermine tenant and community health. Because rent stabilization measures prevent dramatic rent increases and enhance both household- and neighborhood-level housing security, they shield protected tenants from harmful health outcomes. As such, laws like the Housing Stability and Tenant Protection Act have an important, rational connection to the promotion of public health.

¹ Counsel for the parties have not authored this brief. The parties and counsel for the parties have not contributed money that was intended to fund preparing or submitting the brief. No person other than the amicus curiae contributed money that was intended to fund preparing or submitting this brief.

ARGUMENT

I. Neighborhood Stability Supports Physical and Mental Health

Rent stabilization measures like the Housing Stability and Tenant Protection Act protect affordability and enhance neighborhood stability; in doing so, they shield protected tenants from the adverse health effects associated with high housing costs and housing instability.

A. Housing Stability Promotes Health in Neighborhoods

“[N]early every academic study” on rent stabilization shows that it “increases housing stability for rent-stabilized residents,” especially for older tenants and long-term community residents.² Rent regulations “help to ensure community continuity, aging in place, and retention of a workforce in high-cost cities.”³

Research has documented the health benefits to individuals who have longer residential tenure as well as the benefits to individuals of living in a neighborhood where there is less residential turnover. A large body of literature has documented the important role that social networks play in providing both material and social support,⁴ particularly in low-income communities where pooling resources is often a critical survival strategy.⁵ Longer residential

² Manuel Pastor, Vanessa Carter & Maya Abood, *Rent Matters: What are the Impacts of Rent Stabilization Measures?*, Univ. of S. Cal. Dornsife Program for Enviro. & Regional Equity 16 (2018), <https://bit.ly/3xeL45Q>.

³ *Id.*

⁴ See, e.g., Lisa F. Berkman & S. Leonard Syme, *Social Networks, Host Resistance, and Mortality: A Nine-Year Follow-Up Study of Alameda County Residents*, 109 *Am. J. Epidemiology* 186 (1979) (finding associations between reduced social ties and increased mortality); Christina Mair, Ana V. Diez Roux & Sandro Galea, *Are Neighbourhood Characteristics Associated with Depressive Symptoms? A Review of Evidence*, 62 *J. Epidemiology & Cmty. Health* 940, 952 (2008).

⁵ Danya Keene, Michael Bader & Jennifer Ailshire, *Length of Residence and Social Integration: The Contingent Effects of Neighborhood Poverty*, 21 *Health & Place* 171, 175-76 (2013) [hereinafter Keene et al., *Length of Residence and Social Integration*]; Arline T. Geronimus, *To Mitigate, Resist, or Undo: Addressing Structural Influences on the Health of Urban Populations*,

tenure is associated with more social support, local friendships, and participation in local organizations, all of which are critical determinants of health and well-being.⁶ Additionally, research connects neighborhood stability in childhood with self-rated health later in life.⁷

The health benefits of rent control policies are analogous to those of housing assistance. Public housing assistance is associated with better self-rated health and reduced rates of psychological distress in adults;⁸ the receipt of any form of rental assistance is associated with fewer cost-related unmet health care needs.⁹ In New York City, housing stability through public housing is associated with health benefits for diabetes.¹⁰ Children living in households that receive housing assistance experience particular physical and mental health benefits.¹¹

90 Am. J. Pub. Health 867, 867 (2000); *see also* Carol B. Stack, *All Our Kin* (1974) (describing kin networks).

⁶ John D. Kasarda & Morris Janowitz, *Community Attachment in Mass Society*, 39 Am. Socio. Rev. 328, 335 (1974); Robert J. Sampson, *Local Friendship Ties and Community Attachment in Mass Society: A Multi-Level Systemic Model*, 53 Am. Socio. Rev. 766, 778 (1988); Amy J. Schulz et al., *Discrimination, Symptoms of Depression, and Self-Rated Health Among African American Women in Detroit: Results from a Longitudinal Analysis*, 96 Am. J. Pub. Health 1265, 1269 (2006) (hypothesizing that relationships serve as protective factors against the harms of discrimination); Kristin Turney & Kristen Harknett, *Neighborhood Disadvantage, Residential Stability, and Perception of Instrumental Support Among Mothers*, 31 J. Fam. Issues 499, 518 (2010); Keene et al., *Length of Residence and Social Integration*, *supra* note 5, at 175.

⁷ Regina M. Bures, *Childhood Residential Stability and Health at Midlife*, 93 Am. J. Pub. Health 1144 (2003).

⁸ Andrew Fenelon et al., *Housing Assistance Programs and Adult Health in the United States*, 107 Am. J. Pub. Health 571, 575-78 (2017).

⁹ Alan E. Simon et al., *HUD Housing Assistance Associated with Lower Uninsurance Rates and Unmet Medical Need*, 36 Health Affs. 1016, 1021 (2017).

¹⁰ Sungwoo Lim et al., *Housing Stability and Diabetes Among People Living in New York City Public Housing*, 11 Population Health (Aug. 2020).

¹¹ Katherine A. Ahrens et al., *Housing Assistance and Blood Lead Levels: Children in the United States, 2005-2012*, 106 Am. J. Pub. Health 2049, 2054 (2016) (finding that children whose families received rental assistance had significantly lower blood lead levels than a comparable group of children who did not receive assistance); Michel Boudreaux et al., *Association of Childhood Asthma with Federal Rental Assistance*, 174 JAMA Pediatrics 592, 596 (2020) (finding a reduction in emergency department visits among children receiving rental assistance, as compared to children who were waiting to receive rental assistance). *See generally* Andrew

B. Housing Instability Harms Neighborhoods—Which Undercuts Health

Neighborhood instability is itself a negative input for health. Community connection and interpersonal ties are important determinants of health and well-being. Existing research finds that high rates of residential turnover weaken interpersonal relationships and disrupt social infrastructure.¹² Residential instability among low-income families harms social relationships, neighborhood investment, and school stability.¹³ Neighborhood stability bolsters mental health through meaningful emotional investment in home, neighborhood, and community relationships.¹⁴

However housing instability can have direct physical and mental health effects, as Section III will explore in depth. For instance, one recent study found that adults with cost-related moves had 38% higher risk of unmet medical needs than those who stayed in place.¹⁵ A Michigan-based study found that individuals who had moved for cost reasons in the past three years were more likely than those not experiencing housing instability to report a recent anxiety attack.¹⁶ Even for those not individually impacted by a recent move, research suggests that residential displacement can have neighborhood-level impacts. For example, with respect to

Fenelon, Natalie Slopen, Michel Boudreaux & Sandra J. Newman et al., *The Impact of Housing Assistance on the Mental Health of Children in the United States*, 59 *J. Health & Soc. Behav.* 447 (2018) (finding children living in public housing have better mental health outcomes).

¹² Robert J. Sampson, Jeffrey D. Morenoff & Felton Earls, *Beyond Social Capital: Spatial Dynamics of Collective Efficacy for Children*, 64 *Am. Soc. Rev.*, 633, 642 (1999).

¹³ Matthew Desmond & Rachel Tolbert Kimbro, *Eviction's Fallout: Housing, Hardship, and Health*, 94 *Soc. Forces* 295, 296 (2015).

¹⁴ *Id.*

¹⁵ Katherine L. Chen, Lauren E. Wisk, Teryl K. Nuckols, Joann G. Elmore, W. Neil Steers, & Frederick J. Zimmerman, *Unmet Medical Needs Among Adults Who Move due to Unaffordable Housing: California Health Interview Survey, 2011–2017*, *J. Gen. Internal Med.* (Dec. 28, 2020).

¹⁶ Sarah A. Burgard, Kristin S. Seefeldt, & Sarah Zelner, *Housing Instability and Health: Findings from the Michigan Recession and Recovery Study*, 75 *Soc. Sci. & Med.*, 2215, 2219 (2012).

displacement of homeowners, foreclosures may have neighborhood-wide health impacts that are not restricted to those who lose their homes. Heart attacks have significantly higher one-day case fatality rates among those residing in neighborhoods with high residential turnover.¹⁷ Living near a foreclosed property is associated with increases in body-mass index even after accounting for other risk factors.¹⁸ A systematic literature review found that foreclosure has adverse health impacts not only at the individual level, but also at the community level, because “increasing degradation of the neighborhood environment ha[s] indirect, cross-level adverse effects on health and mental health.”¹⁹

Access to affordable, stable housing leads to better health outcomes for families and children, as well as for entire neighborhoods. The remainder of this brief explores the interrelated relationship between housing affordability, residential stability, and health outcomes in greater depth. These connections demonstrate the importance of rent stabilization measures, which prevent sudden rent increases and forced moves, for promoting individual and community health.

II. New Yorkers Face High Rent Burdens and Neighborhood Instability, but Rent Stabilization Helps to Mitigate These Impacts

Neighborhood instability caused by high rent is a severe problem nationally and especially in New York State. A full-time minimum wage job is not enough to affordably rent a

¹⁷ Basile Chaix, Maria Rosvall & Juan Merlo, *Neighborhood Socioeconomic Deprivation and Residential Instability: Effects on Incidence of Ischemic Heart Disease and Survival After Myocardial Infarction*, 18 *Epidemiology* 104, 108–09 (2007).

¹⁸ Mariana Arcaya et al., *Effects of Proximate Foreclosed Properties on Individuals’ Weight Gain in Massachusetts, 1987-2008*, 103 *Am. J. Pub. Health* e50, e54 (2013).

¹⁹ Alexander C. Tsai, *Home Foreclosure, Health, and Mental Health: A Systematic Review of Individual, Aggregate, and Contextual Associations*, 10 *PLOS ONE* 1, 1 (2015).

one-bedroom apartment in any state; in many areas, nearly two full-time jobs are needed.²⁰

Nationally, one in four renters spent over half their income on housing before the pandemic due to stagnant wages, rising rents, and lack of federal financial support.²¹ The cost burden is even greater among households in poverty: one in four spent over 70% of their income on rent in 2018.²²

New Yorkers face the extreme end of these national housing pressures. In more affordable parts of New York State with a minimum wage of \$11.80, two full-time minimum-wage jobs are not enough to afford the fair market rent for a one-bedroom apartment.²³ In New York City’s extremely high-cost housing market, over half of renter households are rent-burdened, spending more than 30% of their income on rent.²⁴ Rent burden is disproportionately concentrated and more severe among low-and moderate-income households.²⁵ As a result of

²⁰ *About Out of Reach*, Nat’l Low Income Hous. Coalition <https://reports.nlihc.org/oor/about> (last visited Apr. 17, 2021) (indicating that in some states, 80 or more hours of work—equivalent to two full-time 40-hour-per-week jobs—would be needed). “Affordable” rent is considered 30% of a renter’s income. *Id.*

²¹ 10.9 million renter households (25% of all renter households) were spending over 50% of their income on rent each month in 2018. Joint Ctr. for Housing Stud. of Harv. Univ., *America’s Rental Housing 2020*, 4, 26 (2020), <https://bit.ly/3iJ95tx>.

²² U.S. Census Bureau, *American Housing Survey (2020)*, <https://bit.ly/3iFzF6H> (select area: national; year: 2019; table: “Housing Costs”; Column Variable 1: “Poverty Level”; Tenure Filter: “Renter”; and click “Get Table.”) (reflecting fraction of renters paying between 70% and 99% of their monthly house-hold income as housing costs, among renters earning < 100% of the federal poverty level who report positive income, nonzero rent, and who do not report paying 100% or more of total household income as total housing costs).

²³ *Out of Reach 2020: New York*, Nat’l Low Income Hous. Coalition, <https://reports.nlihc.org/oor/new-york>.

²⁴ *Selected Housing Characteristics, ACS 5-year estimates, 2019*, U.S. Census Bureau, <https://bit.ly/3xiBT4G>.

²⁵ Almost all rent-burdened households in the city earn less than 80% of area median income, and nearly two-thirds of extremely low-income renters are severely cost-burdened, spending more than half of their income on rent. *CHAS 2013-2017 Data for New York City*, Dep’t of Hous. & Urb. Dev., <https://www.huduser.gov/portal/datasets/cp.html> (select Geographic Summary Level: Place; State: New York; Place: New York City).

widespread unemployment and income shortfalls,²⁶ the pandemic has exacerbated these burdens.²⁷

Rent burdens and sudden increases put New Yorkers at high risk for eviction. In 2012, New York City Housing Court saw almost 80 evictions for nonpayment of rent a day.²⁸ Over 100,000 city residents a year are forced out of their housing by evictions, foreclosures, changes in ownership, or building condemnations.²⁹ By 2017, rent nonpayment constituted the grounds for nearly 85% of all private landlord eviction cases in New York City.³⁰ Although eviction filings have decreased slightly over time, New York City still saw 139,614 eviction filings in 2019, over 80% of which were for nonpayment.³¹ And although New York State instituted an eviction moratorium during the pandemic, New York has still seen 53,811 eviction filings since

²⁶ New York's unemployment rate reached 15.7% in June 2020 and dropped to only 8.5% in March 2021. In New York City, the unemployment rate was even higher, reaching a peak of 20.3% in June 2020 before falling only to 11.7% in March 2021. *Massachusetts, New Jersey, and New York Had Highest Unemployment Rates in June 2020*, U.S. Bureau of Lab. Stats.: The Econ. Daily (July 22, 2020), <https://bit.ly/3gBN426>; Nick Reisman, *New York's Unemployment Declined in March; See Breakdown of Lost Jobs Since Pandemic Began*, Spectrum News (Apr. 15, 2021, 1:47 PM), <https://bit.ly/3namOgT>; Ulrike Nischan, *Uneven Impact: What Job Loss During COVID-19 Means for New Yorkers Now and Into the Future*, N.Y.C. Dep't of Consumer & Worker Prot. 6 (2020), <https://on.nyc.gov/3tJQALJ>; *Local Area Unemployment Statistics: New York City*, U.S. Bureau of Labor Stats., <https://bit.ly/3n7XBn0>.

²⁷ Of renters surveyed by the U.S. Census Bureau in March in New York, 43% of households with children had slight or no confidence in their ability to pay next month's rent, leaving them at heightened risk of eviction, as compared to just 17% of renter households without children. Black renters report being at risk of eviction nationally and in New York at much higher rates than white renters. For example, in New York, 35% of Black renter households had slight or no confidence in their ability to pay April rent, far more than 9% of white renter households. U.S. Census Bureau, *Week 27 Household Pulse Survey: March 17 – March 29* (Apr. 7, 2021), <https://bit.ly/3gtN4Bj>, at Housing Table 2b.

²⁸ Matthew Desmond & Monica Bell, *Housing, Poverty, and the Law*, 11 Ann. Rev. L. Soc. Sci. 15, 24 (2015).

²⁹ Sophie Collyer & Lily Bushman-Copp, *Forced Moves and Evictions in New York City*, Robin Hood (May 2019), available at: <https://bit.ly/32CJ3Ta>.

³⁰ N.Y.U. Furman Ctr., *Data Brief: Trends in New York City Housing Court Eviction Filings*, 10 (2019), <https://bit.ly/3n9bIsa>.

³¹ *State of the City 2019: Eviction Filings*, N.Y.U. Furman Ctr., <https://bit.ly/3n91zvK>.

March 2020.³² In April 2021, over 222,000 eviction cases for 222,000 households—more than the population of Rochester³³—were active across the state; this is likely an undercount.³⁴ In New York City, “those who are forced to move are more disadvantaged across a host of measures of well-being... they are more likely to be in poverty (29%), experience a material hardship (55%) such as running out of food or having utilities cut off due to nonpayment, and be rent burdened (53%).”³⁵ Without a legal regime that protects New Yorkers from dramatic rent increases, rents burdens would likely be even higher and mass evictions even more likely.

Rent protection disproportionately shields New Yorkers who otherwise would be most vulnerable to rent increases and concomitant housing instability. Rent-stabilized units in New York City tend to house lower-income renters: In 2011, 65.8% of tenants in these units qualified as low-income (i.e., earning less than 80% area median income), in contrast to the 53.1% of market-rate tenants who meet this definition.³⁶ Seniors are also disproportionately represented among tenants in rent-regulated units as compared to market rate units—17.4% of rent-regulated and only 7.9% of market rate units.³⁷ City-wide, households of color occupy a greater share of rent-regulated units than they do market-rate units—64.7% compared to 57.0%.³⁸ There is a significant variation by neighborhood. In Manhattan, where the difference is starkest,

³² Lucy Block, *220,000 Tenants on the Brink and Counting*, Ass’n for Neighborhood & Hous. Dev. (Mar. 17, 2021), <https://bit.ly/3dGEYmY>. This includes both commercial and residential evictions.

³³ Stefanos Chen, *NY Renters in Covid Hot Spots are Four Times More Likely to Face Eviction*, N.Y. Times (Mar. 30, 2021), <https://nyti.ms/3tGCbA0>.

³⁴ Block, *supra* note 32. Towns and villages report evictions differently, so they are not included in this number. Some of these cases were filed before the pandemic began, but remain active. *Id.*

³⁵ Collyer & Bushman-Copp, *supra* note 29 (citations omitted).

³⁶ N.Y.U. Furman Ctr., *Fact Brief: Profile of Rent-Stabilized Units and Tenants in New York City*, 1, 4 (2014), <https://bit.ly/3auTLzm>.

³⁷ *Id.* at 7.

³⁸ *Id.* at 7-8.

householders of color occupy about one-quarter of market rate units, but just over one-half of rent-regulated units.³⁹ Elsewhere, research shows that tenant households in rent-regulated units tend to be headed by single mothers.⁴⁰

Rent stabilization also protects tenants in areas facing neighborhood churn. In 2016, over one-third of low-income households in the New York metropolitan area lived in neighborhoods at risk of or experiencing displacement or gentrification; this proportion represented over 1.1 million low-income households who could experience housing instability.⁴¹ Luckily, under the current rent stabilization regime, hundreds of thousands of units eligible for rent stabilization are located in neighborhoods undergoing displacement or gentrification.⁴²

In sum, high housing costs and sudden rent increases threaten renters' housing security, particularly in the New York area. Rent stabilization measures serve to protect already-vulnerable individuals, households, and neighborhoods from forced moves and displacement. This protection also helps renters avoid the adverse health impacts that high rent burdens, forced moves, and housing instability bring.

III. High Rent Burdens, Forced Moves, and Housing Instability Harm Health

A large and growing body of research shows that high rental cost burdens generate significant and adverse health consequences. High rent alone undermines physical and mental health. In New York City, researchers found that higher rent burdens are associated with worse

³⁹ *Id.*

⁴⁰ Pastor, Carter & Abood, *supra* note 2, at 20.

⁴¹ *Mapping Displacement and Gentrification in the New York Metropolitan Area*, Urb. Displacement Project, <https://bit.ly/3dB8g6B>.

⁴² Madeleine Parker & Karen Chapple, *Revisiting Rent Stabilization in the Neighborhood Context: The Potential Impact of Rent Regulation on Community Stability and Security in the New York Metropolitan Region*, 46 *Fordham Urb. L.J.* 1137, 1140, 1172 (2019).

self-reported health.⁴³ This relationship is particularly strong for severely rent-burdened households.⁴⁴ Other studies have also found that high housing costs and self-reported challenges with paying the rent are associated with numerous adverse health outcomes, including increased odds of high blood pressure,⁴⁵ greater likelihood of depression,⁴⁶ medication non-adherence,⁴⁷ and increased acute healthcare use.⁴⁸ Rental cost burdens are also associated with worse academic outcomes for children, with implications for children’s cognitive achievement.⁴⁹

High rent causes displacement, forced moves, evictions, and housing instability, adversely affecting health in numerous ways. Rent-burdened households are frequently forced to spend money on rent before healthcare or food. Large bodies of research suggest adverse health effects from unstable neighborhoods, whether the person studied is the one consistently moving or merely lives in a neighborhood with frequent churn and instability. These health effects are particularly pronounced for forced moves and for children.

A. Rent “Eats First,” Displacing Spending on Essentials Like Food and Medicine

Cost-burdened households must make difficult trade-offs between the roof over their heads and basic necessities such as food and medications—and the rent usually “eats first.”⁵⁰ This effect of high rental cost burdens directly undermines physical and mental health.

⁴³ Rachel Meltzer & Alex Schwartz, *Housing Affordability and Health: Evidence From New York City*, 26 Hous. Pol’y Debate 80, 81 (2016).

⁴⁴ *Id.*

⁴⁵ Craig Evan Pollack, Beth Ann Griffin & Julia Lynch, *Housing Affordability and Health Among Homeowners and Renters*, 39 Am. J. Preventive Med. 515 (2010).

⁴⁶ *Id.*; Burgard et al., *supra* note 16.

⁴⁷ Margot B. Kushel, Reena Gupta, Lauren Gee, & Jennifer S. Hass, *Housing Instability and Food Insecurity as Barriers to Health Care Among Low-Income Americans*, 21 J. Gen. Internal Med. 71, 75 (2006).

⁴⁸ *Id.*

⁴⁹ Sandra J. Newman & C. Scott Holupka, *Housing Affordability and Child Well-Being*, 25 Hous. Pol’y Debate 116, 146-47 (2015).

⁵⁰ Matthew Desmond, *Evicted* 31 (2016).

Rent-burdened households regularly have no choice but to decide whether to pay for housing or other essential needs. Research among low-income renters with type 2 diabetes demonstrates the frequency of these dilemmas. One study participant who was spending 80% of her income on rent described how hard it was to balance even small expenses such as the modest copay for her diabetes medication. She explained, “So do I get the food for the kid or do I get my medication so I can stay alive and take care of him? It’s a toss-up.”⁵¹ A 2019 nationwide survey of renters found that more than half of respondents said they delayed medical care like preventative check-ups, treatment for illness, and over-the-counter medication, because they could not afford it.⁵² The effect was even more pronounced among severely rent-burdened tenants.⁵³ In New York City, the higher the rent burden, the higher the likelihood of postponing medical services for financial reasons.⁵⁴

The COVID-19 pandemic has intensified financial dilemmas. For instance, a survey of Los Angeles households showed that 56% of rent relief applicants had cut back on food, 40% on utilities, 22% on educational expenses, and 27% went without medicine or seeing a doctor.⁵⁵

B. Forced Moves Harm Long-Term Health

⁵¹ Danya E. Keene, Monica Guo & Sascha Murillo, “*That Wasn’t Really a Place to Worry About Diabetes*”: *Housing Access and Diabetes Self-Management Among Low-Income Adults*, 197 J. Soc. Sci. & Med. 71, 71–77 (2018).

⁵² Enterprise Health Begins with Home Initiative, *Renters Report Housing Costs Significantly Impact Their Health Care*, Enterprise Cmty. Partners, Inc. (Apr. 3, 2019), <https://bit.ly/3axwOvv>.

⁵³ *Id.*

⁵⁴ Meltzer & Schwartz, *supra* note 43, at 81. The researchers used data from the Housing Vacancy Survey, a representative sample of 16,000 New York City households, to estimate the effect of rental cost burden on health and healthcare. *Id.* at 80.

⁵⁵ Vincent Reina, Claudia Aiken & Sydney Goldstein, *The Need for Rental Assistance in Los Angeles City and County*, Hous. Initiative at Penn (2021), <https://bit.ly/3grNA2H>.

Eviction is associated with decreased access to primary and specialty medical care, regardless of an individual's housing status post-eviction.⁵⁶ Evictions and other forced moves are also associated with HIV risk behaviors,⁵⁷ sexually transmitted infections,⁵⁸ drug use,⁵⁹ and suicide.⁶⁰ Evictions and housing instability are associated with higher mortality regardless of cause,⁶¹ as well as poor self-reported health generally.⁶² Evicted individuals are also more likely to visit emergency rooms.⁶³ Those facing eviction have difficulty prioritizing their health needs while fighting to maintain housing.⁶⁴

Forced moves cause amplifying and cumulative health effects. Low-income renters who experience forced mobility once—whether due to eviction, landlord foreclosure, or building

⁵⁶ See Mary Clare Kennedy, Thomas Kerr, Ryan McNeil, Surita Parashar, Julio Montaner, Evan Wood & M-J Milloy, *Residential Eviction and Risk of Detectable Plasma HIV-1 RNA Viral Load Among HIV-Positive People Who Use Drugs*, *AIDS & Behav.*, Mar. 2017, at 681, 683 (2017). Eviction may lead to decreased engagement in healthcare, resulting in missed appointments and lack of adherence to prescribed treatment. See Linda M. Niccolai, Kim M. Blankenship & Danya E. Keene, *Eviction From Renter-Occupied Households and Rates of Sexually Transmitted Infections: a County-Level Ecological Analysis*, 46 *Sexually Transmitted Diseases* 63, 66 (2019).

⁵⁷ Allison K. Groves, Linda M. Niccolai, Danya E. Keene, Alana Rosenberg, Penelope Schlesinger, & Kim M. Blankenship, *Housing Instability and HIV Risk: Expanding our Understanding of the Impact of Eviction and Other Landlord-Related Forced Moves*, *AIDS & Behav.*, Jan. 2021, at 1-10.

⁵⁸ Niccolai, Blankenship & Keene, *supra* note 56.

⁵⁹ Adreas Pilarinos, Mary Clare Kennedy, Ryan McNeil, Huiru Dong, Thomas Kerr, & Kora DeBeck., *The Association Between Residential Eviction and Syringe Sharing Among a Prospective Cohort of Street-Involved Youth*, 14 *Harm Reduction J.* 1, 1, 3 (2017).

⁶⁰ Matthew Desmond, Carl Gershenson & Barbara Kiviat, *Forced Relocation and Residential Instability Among Urban Renters*, 87 *Soc. Serv. Rev.* 227, 230 (2015).

⁶¹ Yerko Rojas, *Evictions and Short-Term All-Cause Mortality: A 3-Year Follow-Up Study of A Middle-Aged Swedish Population*, 62 *Int'l J. Pub. Health* 343, 346 (2016).

⁶² Hugo Vásquez-Vera, Laia Palència, Ingrid Magna, Carlos Mena, Jaime Neira, & Carme Borrell, *The Threat of Home Eviction and Its Effects on Health Through the Equity Lens: A Systemic Review*, 175 *J. Soc. Sci. & Med.* 199, 202-05 (2017).

⁶³ Robert Collinson & David Reed, *The Effects of Eviction on Low-Income Households* 25-26 (2018).

⁶⁴ Keene, Guo & Murillo, *supra* note 51.

condemnation—go on to experience higher rates of unforced mobility, as well.⁶⁵ Forced moves compel renters into substandard housing, which drives them to continue moving in search of a stable environment. This is especially true of households with children, who often feel additional pressure to accept the first available housing when forced to move.⁶⁶ The worse the quality housing in New York City, the more likely a resident is to suffer from depression.⁶⁷ And the health impacts of forced moves endure over time. A recent study finds that evictions have both short-term (12 months) and medium-term (7-8 years) impacts on overall self-rated health and mental health.⁶⁸ People who have moved because of unaffordable rent are more likely to skip or delay medications and medical care than those who have moved for other reasons or not moved at all.⁶⁹

When households are evicted, they not only experience the trauma of lost housing, they also face considerable barriers to finding new housing.⁷⁰ They often must settle for inadequate conditions replete with health hazards such as mold, lead paint, and broken plumbing.⁷¹ Many prospective tenants marked with an eviction record are unable to find housing at all and consequently end up homeless or doubled up with family and friends. These arrangements are

⁶⁵ Desmond, Gershenson & Kiviat, *supra* note 60.

⁶⁶ *Id.*

⁶⁷ Sandro Galea, Jennifer Ahern, M. Sasha Rudenstine, Zachary Wallace, & David Vlahov, *Urban built environment and depression: A multilevel analysis*, 59 *J. Epidemiology & Cmty. Health* 822 (Nov. 2005).

⁶⁸ Megan E. Hatch & Jinhee Yun, *Losing Your Home is Bad for Your Health: Short- and Medium-Term Health Effects of Eviction on Young Adults*, *Hous. Pol’y Debate*, Oct. 2020, at 1-21.

⁶⁹ Katherine L. Chen, Lauren E. Wisk, Teryl K. Nuckols, Joann G. Elmore, W. Neil Steers, & Frederick J. Zimmerman, *Unmet Medical Needs Among Adults Who Move due to Unaffordable Housing: California Health Interview Survey, 2011–2017*. *J. Gen. Internal Medicine* (2020).

⁷⁰ Desmond, *supra* note 50.

⁷¹ *Id.*; *supra* note 11 and accompanying text (detailing health hazards of lead-based paint).

unstable, crowded, and often stressful, and these conditions can wear on the health of both guests and hosts.⁷²

For women, eviction is also associated with physical and sexual assault, drug use, and related harms.⁷³ Evictions may be especially painful for parents or expecting parents. Evictions are associated with significant increases in maternal depression, parenting stress, and poor child health.⁷⁴ For example, mothers with a recent eviction reported higher rates of depression and worse health outcomes for their children.⁷⁵ Moreover, a recent study found that eviction during pregnancy was associated with adverse birth outcomes like reductions in infants' weight and gestational age at birth.⁷⁶

A recent longitudinal study of over 1,000 low-income California residents found that those reporting a forced move due to cost in the past year slept on average 32 fewer minutes per night and experienced worse sleep.⁷⁷ Sleep is one of the most critical parts of health—racial disparities in sleep may help drive unequal rates of cardiovascular disease and obesity among

⁷² Desmond, Gershenson & Kiviat, *supra* note 60.

⁷³ See Nihaya Daoud, Flora I. Matheson, Cheryl Pedersen, Sarah Hamilton-Wright, Anita Minh, Janice Zhang & Patricia O'Campo, *Pathways and Trajectories Linking Housing Instability and Poor Health Among Low-Income Women Experiencing Intimate Partner Violence (IPV): Toward a Conceptual Framework*, 56 *Women & Health* 208 (2016); Alexandra B. Collins, Jade Boyd, Will Damon, Sandra Czechaczek, Andrea Krüsi, Hannah Cooper & Ryan McNeil, *Surviving the Housing Crisis: Social Violence and the Production of Evictions Among Women who use Drugs in Vancouver, Canada*, 51 *Health & Place* 174 (2018).

⁷⁴ Desmond & Kimbro, *supra* note 13, at 304.

⁷⁵ *Id.* at 312.

⁷⁶ Gracie Himmelstein & Matthew Desmond, *Association of Eviction With Adverse Birth Outcomes Among Women in Georgia, 2000 to 2016*, *JAMA Pediatrics*, Mar. 2021, at E1-E7.

⁷⁷ Robert Bozick, Wendy M. Troxel, & Lynn A. Karoly, *Housing Insecurity and Sleep Among Welfare Recipients in California*, *SLEEPJ*, Feb. 2021, at 1–6.

Black and Latinx Americans.⁷⁸ These moves may act as a source of trauma and stress that adversely affects psychological well-being.⁷⁹

Research on natural disasters points to health costs of forced displacement. A study of Hurricane Katrina evacuees found that those who remained unstably housed (moving from place to place) or relocated to new communities experienced higher levels of psychological distress than those who returned to New Orleans.⁸⁰ But displacement need not be so drastic to have adverse effects. Studies also find adverse health impacts among residents who are displaced from gentrifying urban neighborhoods. Residents displaced from gentrifying or gentrified tracts are more likely to visit emergency rooms and experience hospitalization due to drug and alcohol intake and mental health, as compared to residents who remain in these neighborhoods.⁸¹ Studies of former public housing residents who were relocated from buildings that were demolished also find evidence of marked health declines.⁸²

⁷⁸ See Kieren J. Egan, Kristen L. Knutson, Alexandre C. Pereira, & Malcolm von Schantz, *The Role of Race and Ethnicity in Sleep, Circadian Rhythms and Cardiovascular Health*, 33 *Sleep Med. Rev.* 70 (2017); Chandra L. Jackson, Susan Redline, & Karen M. Emmons, *Sleep as a Potential Fundamental Contributor to Disparities in Cardiovascular Health*, 36 *Ann. Rev. Pub. Health* 417, 418 (2015); Girardin Jean-Louis, Shawn Youngstedt, Michael Grandner, Natasha J. Williams, Daniel Sarpong, Ferdinand Zizi, & Gbenga Ogedegbe, *Unequal Burden of Sleep-Related Obesity Among Black and White Americans*, 1 *Sleep Health* 169, 170 (2015).

⁷⁹ Mindy Thompson Fullilove & Rodrick Wallace, *Serial Forced Displacement in American Cities, 1916–2010*, 88 *J. Urb. Health* 381, 384 (2011).

⁸⁰ Elizabeth Fussell & Sarah R. Lowe, *The Impact Of Housing Displacement on the Mental Health of Low-Income Parents After Hurricane Katrina*, 113 *Soc. Sci. & Med.* 137, 138 (2014).

⁸¹ Sungwoo Lim, Pui Ying Chan, Sarah Walters, Gretchen Culp, Mary Huynh, & L. Hannah Gould, *Impact of Residential Displacement on Healthcare Access and Mental Health Among Original Residents of Gentrifying Neighborhoods in New York City*, *PLOS ONE*, Dec. 2017, at 1–12.

⁸² These residents were displaced when their buildings were demolished as part of the HOPE VI program in the early 2000s. See, e.g., Danya E. Keene & Arline T. Geronimus, *‘Weathering’ HOPE VI: The Importance of Evaluating the Population Health Impact of Public Housing Demolition and Displacement*, 88 *J. Urb. Health* 417 (2011). In one study, among adults aged 65+, the percent reporting poor or fair health increased from 45% to 65% in the 8 years

The COVID-19 pandemic shows how housing instability can affect the health of entire communities. Eviction forces families into transiency and crowded residential environments. Crowded housing arrangements are especially problematic in the context of the current pandemic, as residential crowding increases the likelihood of spreading respiratory and infectious diseases such as COVID-19.⁸³ Moreover, transiency caused by eviction can also increase the likelihood of spreading COVID-19 if individuals cannot isolate.⁸⁴

following relocation, compared to stable rates in the general population (22%) and in a nationally representative sample of black women (42%). *Id.* at 428.

⁸³ See Eric Lofgren, N. H. Fefferman, Y. N. Naumov, J. Gorski, & E. N. Naumova, *Influenza Seasonality: Underlying Causes and Modeling Theories*, 81 *J. Virology* 5429, 5431 (2007) (“The person-to-person spread of virus-laden aerosol particles is greatly enhanced by having a dense population of susceptible individuals surrounding each infective subject, thereby maximizing the potential for the spread of infection.”); see also B. L. Gleason et al., *Geospatial Analysis of Household Spread of Ebola Virus in Quarantined Village—Sierra Leone, 2014*, 145 *Epidemiology & Infection* 2921, 2921 (2017) (showing that an increasing number of persons per household was a risk factor for household Ebola acquisition); Michelle Kermode, Nick Crofts, Bryan Speed, Peter Miller, & Jonathan Treeton, *Tuberculosis Infection and Homelessness in Melbourne, Australia, 1995–1996*, 3 *Int’l J. Tuberculosis & Lung Disease* 901, 901, 905 (1999) (finding the case incidence rate among males experiencing homelessness to be roughly thirteen times the state-wide figure, and higher among those accommodated in crowded living environments); Andrew R. Zolopa, Judith A. Hahn, Robert Gorter, Jeanne Miranda, Dan Wlodarczyk, Jacqueline Peterson, Louise Pilote, & Andrew Moss, *HIV and Tuberculosis Infection in San Francisco’s Homeless Adults: Prevalence and Risk Factors in a Representative Sample*, 272 *JAMA* 455, 458 (1994) (finding significant relationship ($p < 0.01$) between “high contact” living situations like shelters and tuberculosis infection among sample of homeless San Francisco residents).

⁸⁴ Michael Z. Levy, Justin Sheen, Anjalika Nande, Ben Adlam, Andrew Greenlee, & Daniel Schneider, *COVID-19 Eviction Simulations*, Github (2020), <https://bit.ly/2GE4Pyf>; see also Justin Sheen, Anjalika Nande, Emma L. Walters, Ben Adlam, Andrei Gheorghe, Julianna Shinnick, Maria Florencia Tejeda, Andrew J. Greenlee, Daniel Schneider, Alison L. Hill, & Michael Z. Levy, *The Effect of Eviction Moratoria on the Transmission of SARS-CoV-2* (2021), <https://bit.ly/35qOdUw> (finding a strong relationship between evictions and COVID-19 infections).

Research directly links eviction rates to COVID-19 incidence. One study found evidence that lifting state policies that prevented evictions during the pandemic was associated with higher COVID-19 incidence and mortality in those communities.⁸⁵

C. Housing Instability Is Particularly Harmful to Children

Residential instability is associated with particularly significant adverse health outcomes in children. A recent review of 22 studies finds that residential mobility is associated with higher levels of behavioral and emotional problems, increased teenage pregnancy rates, accelerated initiation of illicit drug use, adolescent depression, and reduced continuity of healthcare.⁸⁶ Forced relocation also increases the likelihood of lead exposure⁸⁷ and food insecurity⁸⁸ and can result in overcrowding that can affect children's sleep and concentration.⁸⁹ These effects may reverberate beyond childhood. One study found that changing neighborhoods during childhood was associated with a higher probability of reporting poor self-rated health in adulthood.⁹⁰

Housing instability also causes school instability, which can result in worse performance and reduce children's likelihood of graduating.⁹¹ Frequent family relocation is associated with

⁸⁵ Kathryn M. Leifheit, Sabriya L. Linton, Julia Raifman, Gabriel Schwartz, Emily Benfer, Frederick J. Zimmerman & Craig Pollack, *Expiring Eviction Moratoriums and COVID-19 Incidence and Mortality* 4 (2021), <https://ssrn.com/abstract=3739576>.

⁸⁶ T. Jelleyman & N. Spencer, *Residential Mobility in Childhood and Health Outcomes: A Systematic Review*, 62 *J. Epidemiology & Cmty. Health* 584, 584 (2008).

⁸⁷ Case Western Reserve Univ., *Homelessness Just 'One of the Concerns' When Someone is Evicted*, *Newswise* (Jan. 28, 2020), <https://bit.ly/3au98rP>.

⁸⁸ Kathryn M. Leifheit, Gabriel L. Schwartz, Craig E. Pollack, Maureen M. Black, Kathryn J. Edin, Keri N. Althoff, & Jacky M. Jennings, *Eviction in Early Childhood and Neighborhood Poverty, Food Security, and Obesity in Later Childhood and Adolescence: Evidence From a Longitudinal Birth Cohort*, 11 *SSM Population Health* 1, 6 (2020).

⁸⁹ Desmond, Gershenson & Kiviat, *supra* note 60.

⁹⁰ Bures, *supra* note 7, at 1147.

⁹¹ Desmond & Kimbro, *supra* note 13, at 296.

failing a grade and with displaying multiple behavioral problems in school.⁹² Students with high levels of residential instability “perform worse on standardized tests, have lower school achievement and delayed literacy skills, are more likely to be truant, and are more likely to drop out.”⁹³ They also display higher rates of adolescent violence.⁹⁴ The evidence is clear: child health and housing security are closely intertwined.⁹⁵

IV. Black and Latinx New Yorkers Disproportionately Face High Rental Burden and Housing Instability, Exacerbating Existing Health Inequities

The housing instability impacts discussed above disproportionately fall on New York’s communities of color. Research has demonstrated that families of color are more vulnerable to eviction. Recent studies of eviction filings and COVID death rates in New York demonstrate how these communities are vulnerable to multiple crises, including housing instability.

⁹² David Wood, Neal Halfon, Debhra Scarlata, Paul Newacheck, & Sharon Nessim, *Impact of Family Relocation on Children’s Growth, Development, School Function, and Behavior*, 270 JAMA 1334 (1993).

⁹³ Matthew Desmond, Weihua An, Richelle Winkler, & Thomas Ferriss, *Evicting Children*, 92 Soc. Forces 303, 320 (2013).

⁹⁴ *Id.* at 306.

⁹⁵ See generally Council on Cmty. Pediatrics, *Providing Care for Children and Adolescents Facing Homelessness and Housing Insecurity*, 131 J. Am. Acad. Pediatrics 1206 (2013).

African Americans have experienced housing displacement for generations.⁹⁶ For people of color, who have one-twelfth the wealth accumulation of white people⁹⁷ due to decades of racially discriminatory U.S. housing policy,⁹⁸ the loss of employment or an unexpected emergency can precipitate housing instability. Over 70% of Black and Latinx adults entered the pandemic lacking emergency funds to cover expenses compared to half of white adults.⁹⁹

Gentrification and rising housing costs create a risk of displacement that disproportionately impacts New Yorkers of color. A recent study notes that the majority of neighborhoods affected by rent regulation across the tristate area are low-income (neighborhoods with a median household income below 80% of the tristate area median income), and are undergoing processes of gentrification, displacement, or both.¹⁰⁰ As noted in Section II, people of color occupy a higher share of rent-regulated units than market units.¹⁰¹

Evictions disproportionately impact communities of color in New York. A 1993 New York City study found that 86% of the tenants facing eviction in housing court were Black or

⁹⁶ For example, in the 1950s–70s, many African American communities were displaced as part of urban renewal projects that demolished large swaths of “blighted” housing to make room for the construction of highways, art centers and other projects. Many residents displaced by urban renewal efforts were housed in newly-constructed public housing developments only to be displaced in the 1990s through large scale demolition of public housing across the US. The foreclosure crisis in the mid 2000s had a disproportionate impact on African American homeowners, contributing to another wave of home loss. See Fullilove & Wallace, *supra* note 79, at 382-83.

⁹⁷ Janelle Jones, *The Racial Wealth Gap: How African-Americans Have Been Shortchanged Out of the Materials to Build Wealth*, Econ. Pol’y Inst. (Feb. 13, 2017, 12:01 PM), <https://bit.ly/32xVkrY> (comparing median wealth of white and black families).

⁹⁸ See Richard Rothstein, *The Color of Law* (2017) (reviewing how de jure segregation and wealth inequality was shaped by government-directed redlining and home-ownership programs).

⁹⁹ Mark Hugo Lopez, Lee Rainie, & Abby Budiman, *Financial and Health Impacts of COVID-19 Vary Widely by Race and Ethnicity*, Pew Res. Ctr. (May 5, 2020), <https://pewrsr.ch/3gziruj>.

¹⁰⁰ Parker & Chapple, *supra* note 42, at 1137, 1140, 1172.

¹⁰¹ *Fact Brief*, *supra* note 36 at 7–8.

Latinx.¹⁰² More recently, research by the Community Service Society found that before the pandemic, Latinx tenants in New York were most likely to be threatened with an eviction.¹⁰³ Between 2017 and 2019, tenants living in majority-Black ZIP codes in New York were three times as likely and tenants in majority-Latinx ZIP codes twice as likely to be evicted as those living in majority-white ZIP codes.¹⁰⁴ The Furman Center also found that in 2019, the areas of New York City with the highest eviction filing rates had the highest share of Black and Latinx residents.¹⁰⁵ The risk of eviction is also gendered, with Black women facing the highest risk.¹⁰⁶ In 17 out of 36 states studied, they face double the rate of eviction filings as white renters.¹⁰⁷

These disparities have continued and become more pronounced during the pandemic. First, Black and Latinx people have died of COVID-19 at higher rates than white people.¹⁰⁸ Black and Latinx people are also disproportionately financially affected by the pandemic, with one study finding a higher proportion of Black and Latinx households unable to pay rent.¹⁰⁹ Moreover, recent reporting highlights how pandemic hardship exists side by side with housing instability in New York City and how both of these hardships disproportionately burden

¹⁰² Chester Hartman & David Robinson, *Evictions: The Hidden Housing Problem*, 14 Hous. Pol’y Debate 461, 467 (2003) (discussing a 1993 study from the New York Community Training and Resource Center and City Wide Task Force on Housing Court, Inc.).

¹⁰³ Oksana Mironova, *Race and Evictions in New York City*, Cmty. Serv. Soc’y (2020), <https://bit.ly/3dB8bzU>.

¹⁰⁴ *Id.*

¹⁰⁵ *State of the City 2019*, *supra* note 31.

¹⁰⁶ Peter Hepburn, Renee Louis, & Matthew Desmond, *Racial and Gender Disparities Among Evicted Americans*, Eviction Lab (2020), <https://bit.ly/3dEPR91>.

¹⁰⁷ Sophie Beiers, Sandra Park, & Linda Morris, *Clearing the Record: How Eviction Sealing Laws Can Advance Housing Access for Women of Color*, ACLU (Jan. 10, 2020), <https://bit.ly/3tq1q9w>.

¹⁰⁸ *COVID-19 Racial and Ethnic Health Disparities*, CDC (Dec. 10, 2020), <https://bit.ly/3dGxDUC>.

¹⁰⁹ Paul M. Ong, *Systemic Racial Inequality and the COVID-19 Renter Crisis* fig.3 (2020), <https://bit.ly/3v7gJEA>.

communities of color. The neighborhoods with the highest COVID death rates have also seen the most eviction filings—around 15,000, compared to around 4,000 for the neighborhoods with the lowest COVID death rates.¹¹⁰ Landlords are filing 3.6 times faster in ZIP codes with the highest death rates.¹¹¹ In these most affected areas, around 68% of residents are people of color.¹¹² This research shows how “people of color are bearing the brunt of multiple crises”¹¹³—and how eviction can exacerbate or layer on top of existing challenges.

CONCLUSION

Stable, affordable housing promotes household and community health, while high rent burdens, sudden rent increases, and concomitant housing instability have demonstrated adverse health impacts on renters. These impacts are particularly severe for children and communities of color. Especially in high-cost areas like New York, rent stabilization measures like the Housing Stability and Tenant Protection Act promote housing affordability, individual- and neighborhood-level stability, and protect already-vulnerable renter households. As such, these measures have an important and rational connection to the promotion of public health.

¹¹⁰ Chen, *supra* note 33.

¹¹¹ Block, *supra* note 32.

¹¹² Chen, *supra* note 33.

¹¹³ Block, *supra* note 32.