

EVICTED: POVERTY AND PROFIT IN THE AMERICAN CITY, MATTHEW DESMOND, (NEW YORK: CROWN PUBLISHING GROUP, 2016)

In *Evicted: Poverty and Profit in the American City*, Harvard sociologist Matthew Desmond produces a striking portrait of the causes and impacts of housing insecurity amongst financially vulnerable tenants living in Milwaukee, Wisconsin.¹ He does this by weaving together the stories of individuals, who are evicted from their rented homes, with statistics and social theory. It is a beautifully rendered account of a sombre subject. As jurisdictions, including Alberta, mount new efforts to provide stable, affordable housing, Desmond's work provides important insights into the contours of the problem of housing insecurity, as well as potential solutions.

A central takeaway from *Evicted* is that being forced from one's home is a common experience for impoverished individuals. Desmond's research revealed that one in eight Milwaukee renters had experienced a forced move in the two previous years.² Evictions have not always been so common. Desmond tells us that in the 1930s, attempts to evict a family could spark a riot.³ Now, they hardly raise an eyebrow. And yet, despite the ubiquity of evictions, they have not been the subject of much scholarly interest. Desmond describes them as "one of the least studied processes affecting the lives of poor families."⁴

Desmond has started to address this gap by producing a significant body of research on evictions. He carried out ethnographic research: he spent four months living in a trailer park in South Milwaukee, home to many poor whites, and ten months living in an inner-city black neighbourhood.⁵ He supplemented his ethnographic research with a survey of renters living in Milwaukee, a review of eviction court records, a survey of tenants appearing in eviction court, and an analysis of records from the Milwaukee Police Department.⁶

Evictions operate as a pivot point in Desmond's analysis. He draws on his wealth of data to explain why and how they happen, and then to trace the impacts of evictions on the tenants forced to leave their homes, and the communities through which they transition. He finishes on a hopeful note, by providing concrete innovations that could enable tenants to establish stable households, and build more cohesive communities.

I. WHY EVICTIONS HAPPEN

Evictions happen because people cannot pay their rent.⁷ Part of the problem is that low-income Americans have experienced stagnating or decreasing incomes. Milwaukee is located on Lake Michigan in the middle of the industrial Rust Belt. Like many cities where

¹ Matthew Desmond, *Evicted: Poverty and Profit in the American City* (New York: Crown Publishing Group, 2016).

² *Ibid* at 5, 330.

³ *Ibid* at 3–4.

⁴ *Ibid* at 295–96.

⁵ Desmond moved into the trailer park in May 2008, lived there for four months and then moved to the Northside neighbourhood, where he lived until June 2009 (*ibid* at 317, 319–20).

⁶ The Milwaukee Area Renters Study was carried out between 2009 and 2011 and involved 1,100 tenants being asked 250 survey questions by professional interviewers and had an 84 percent response rate (*ibid* at 329). The Milwaukee Eviction Court Study was carried out in 2011 and involved 250 tenants being surveyed immediately after their hearings. It had a 66 percent response rate (*ibid* at 331).

⁷ Desmond found that 92 percent of renters in tenancy court had missed rental payments (*ibid* at 97).

manufacturing drove the economy, Milwaukee has been shedding well-paying, union jobs and having them replaced instead with lower paying, service industry jobs.⁸ Those on welfare have seen the real value of their income eroded by inflation.⁹ At the same time, costs have soared. Since 2000, fuel and utility prices have increased by 50 percent.¹⁰ Desmond reports that “the majority of poor renting families in America spend over half their income on housing, and at least one in four dedicates over 70 percent to paying the rent and keeping the lights on.”¹¹ Renters are struggling to cover the bare necessities — keeping themselves in a home and keeping that home warm.

When living close to the edge financially, an unexpected expense can cause a tenant to fall behind on rent. Desmond tells a story about a renter who lost her job after her car broke down, and she could not afford the cost of repairs.¹² Others were sent into a financial tailspin by medical costs, the costs of attending a funeral, or the cost of repaying the government after inadvertently being overpaid welfare benefits.¹³ Few individuals had a cushion of savings to fall back on — and even if they did have family members who might be able to help them out financially, tenants were reluctant to ask for assistance to ward off an eviction. They worried that asking for help would invite others to judge them as failures, or that they would exhaust their social network and have no one to turn to if a more serious catastrophe occurred.¹⁴

Non-payment of rent is not the only reason for which tenants get evicted. With distressing clarity, Desmond traces how the adoption of nuisance laws in many American communities have resulted in victims of domestic violence being evicted for calling the police. Nuisance laws encourage landlords to police the behaviour of problematic tenants. The police identify problematic properties based on the number of 911 calls from or about a residence within a given period of time: in Milwaukee “the threshold was three or more calls within a thirty day period.”¹⁵ Once a residence is deemed to be a nuisance property, the landlord must provide the police with a plan setting out how it proposes to abate the nuisance. Abating the nuisance often means evicting the renter. Landlords who fail to comply with nuisance laws face penalties including “fines, license revocation, property forfeiture, or even incarceration.”¹⁶ Between 2008 and 2009, the third most common nuisance designation in Milwaukee was domestic violence.¹⁷ Domestic violence victims are put in an impossible situation: “[K]eep quiet and face abuse or call the police and face eviction.”¹⁸

⁸ *Ibid* at 24.

⁹ *Ibid* at 58.

¹⁰ *Ibid* at 15.

¹¹ *Ibid* at 4 (these statistics are based on information from US, Census Bureau, *American Housing Survey* (1991-2013)).

¹² Desmond, *ibid* at 51.

¹³ *Ibid* at 26, 62, 80.

¹⁴ *Ibid* at 75, 154, 181.

¹⁵ *Ibid* at 190.

¹⁶ *Ibid* at 190–91.

¹⁷ *Ibid* at 191.

¹⁸ *Ibid* at 192.

II. HOW EVICTIONS HAPPEN

A quarter of renters subject to forced moves were formally evicted, meaning the landlord applied to court for an eviction order.¹⁹ Half are informally evicted: a landlord may give the renter a financial incentive to vacate the premises, or, more bluntly, may hire “a couple of heavies throw [the renter] out” or remove a door from the premises, making it unfeasible for the renter to remain.²⁰ Close to a quarter of tenants were evicted as a result of a foreclosure action against the landlord, meaning the landlord had fallen behind on mortgage payments on the rental premises.²¹

If a landlord wants to formally evict a tenant, he or she must take the tenant to court. Landlords rarely face an opposing party: in 70 percent of court cases in Milwaukee, the tenant did not show up to challenge the landlord’s eviction application.²² The tenant may not be able to attend court, because they cannot afford to take time off work or find adequate childcare.²³ They may also be intimidated by the prospect of defending themselves against a landlord who is “more educated, more familiar with the law, and more comfortable in court.”²⁴ Even when they do appear in court, tenants still struggle to articulate their position in a way that carries weight with the decision-maker. They may not be aware of possible defences, or are “too nervous and intimidated to mount a strong argument.”²⁵ Desmond describes a court appearance by a tenant who was behind on rent. The tenant immediately conceded that grounds existed for an eviction and failed to advance evidence that might support her position, instead concluding, “I would say something, but I’m not even gonna go there. I’m alright.”²⁶

Once an order has been granted, the tenant may leave voluntarily or the landlord will hire a sheriff and moving crew to attend at the rental premises and evict the tenant. During an eviction, tenants are given a choice: they can either have their belongings piled on the curb or trucked away to storage. If they opt for storage, they become responsible for paying a monthly storage fee. At one of the commonly used storage facilities in Milwaukee, the company’s policy was to dispose of a person’s belongings if the person fell more than 90 days behind on their payments. Desmond reports that 70 percent of tenants who opt for storage end up losing their property as a result of late payment. Evictions often result in tenants losing some or all of their household goods.²⁷

III. FINDING HOUSING AFTER AN EVICTION

Once evicted, tenants struggle to find new housing. The wait for public housing can last years, and having an eviction decreases one’s chances of being selected.²⁸ A previous eviction also impairs one’s ability to find housing in the private rental market. Private

¹⁹ *Ibid* at 330.

²⁰ *Ibid* at 5, 330.

²¹ *Ibid* at 330.

²² *Ibid* at 95.

²³ *Ibid* at 96.

²⁴ *Ibid* at 99.

²⁵ *Ibid* at 304.

²⁶ *Ibid* at 106.

²⁷ *Ibid* at 296.

²⁸ *Ibid* at 59, 297.

landlords in Milwaukee can access a tenant's history of legal proceedings through a searchable online database.²⁹ Many landlords screened out tenants with previous evictions or convictions, which made it very difficult for some segments of the population to find housing and has the effect of relegating poor renters and those involved in criminal activities to the same, depressed neighbourhoods.³⁰ Moreover, in a nation where the individuals being incarcerated or evicted are disproportionately black, these screening practices have a disproportionately negative impact on African American tenants.³¹

Because they are under time pressure to find somewhere new to live, and are being screened out by landlords, many recently evicted people often find themselves living in "degrading and sometimes dangerous housing."³² Desmond's subjects sought refuge in shelters, slept in public spaces such as train stations, moved in with family or friends (sometimes triggering further evictions), or reluctantly rented substandard housing.³³ As compared to other low-income renters, tenants who had experienced an eviction were 25 percent more likely to experience problems with a lack of maintenance in their new homes, including broken appliances, pest infestations, or no heat.³⁴

Renters with families face particular challenges when looking for housing. One of the renters Desmond followed had four daughters, and was pregnant when she was evicted from the trailer park. She was turned down by a number of landlords, who were trying to maintain "adult only" buildings, who were concerned about children being noisy, or who did not want to rent a two bedroom apartment to a large family (though anything larger was unaffordable for the renter).³⁵ This discrimination was practiced openly, despite being illegal under federal law: "Families with children were turned away in as many as 7 in 10 housing searches."³⁶ Renters with families were also more likely to live in deficient premises and to be evicted.³⁷ In analyzing data from his survey of tenants appearing in eviction court, Desmond found that "even after accounting for how much the tenant owed the landlord — and other factors like household income and race — the presence of children in the household almost tripled a tenant's odds of receiving an eviction judgment."³⁸

Beyond forcing tenants into the difficult process of finding replacement housing, evictions are disruptive to their lives and the social fabric of their communities. Evictions rob tenants of "psychological stability, which allows people to invest in their home and social relationships."³⁹ Desmond links evictions to an increased risk of suicide, suggesting that

²⁹ *Ibid* at 87. Private companies also offer tenant screening services (*ibid* at 4, 88).

³⁰ *Ibid* at 89, 246.

³¹ *Ibid* at 252.

³² *Ibid* at 69.

³³ *Ibid* at 260. Desmond refers to eviction contagion, the phenomenon of an evicted person moving in with another renter and triggering a second eviction (*ibid* at 52, 76).

³⁴ *Ibid* at 69, citing Matthew Desmond, Carl Gershenson & Barbara Kiviat, "Forced Relocation and Residential Instability Among Urban Renters" (2015) 89:2 Social Service Rev 227.

³⁵ Desmond, *ibid* at 229.

³⁶ *Ibid* at 231.

³⁷ *Ibid* at 76. Desmond documents many instances of evictions being triggered by children. The book opens with a child throwing a snowball at a passing vehicle, and the driver retaliating by kicking in the door of the child's rented home, resulting in an eviction (*ibid* at 1). Later, the same child triggers another eviction when he kicks his teacher and is followed home by police (*ibid* at 287). Another family is asked to leave a homeless shelter after their child pulls the fire alarm (*ibid* at 259).

³⁸ *Ibid* at 332.

³⁹ *Ibid* at 296.

people experience it as a “traumatic rejection” and “an exquisitely shameful experience.”⁴⁰ Children forced to move homes are often forced to move schools as well, and this disruption can negatively impact their education.⁴¹ Adults forced to move homes are more likely to lose their jobs, because being evicted causes them to miss work, or they perform less well when preoccupied with finding replacement housing.⁴²

Evictions also disrupt community bonds, by contributing to a churn of individuals moving in and out of a community. Desmond tells the story of Doreen, the matriarch of a large family, who lived for seven years in a house, and put down roots: “[She] got to know the other families on her block. She would rock and laugh with the grandmothers and yell at the neighborhood boys when they terrorized stray cats.... Every so often, Doreen would host a party and invite everyone.”⁴³ But then she was evicted, and forced to move her large family. Doreen did not re-establish the same types of social bonds in the new neighbourhood. Her old neighbourhood “lost a steadying presence — someone who loved and invested in [it], who contributed to making the block safer,” and she did not adopt such a role in her new neighbourhood.⁴⁴

IV. WHAT IS TO BE DONE?

Desmond advocates that America needs to recognize housing as a basic right. He offers a number of potential interventions, ranging from small fixes to “slow-going and costly” changes that could make a right to housing a reality for low-income Americans.⁴⁵

On the smaller end of the spectrum, Desmond recommends funding lawyers to represent low-income tenants facing eviction, with the goal of preventing unnecessary or ill-founded evictions. He cites the example of a legal aid program for tenants run in the South Bronx between 2005 and 2008. The program prevented evictions in 86 percent of the cases it was involved in. While the cost was substantial — \$450,000 to serve 1,300 families — the savings were even more substantial. New York City saved an estimated \$700,000, just in shelter costs.⁴⁶

On the larger end of the spectrum, Desmond recommends expanding the existing housing voucher program, which provides low-income families with a voucher that they can use to subsidize their rent.⁴⁷ The voucher program has been used in other countries — he cites the examples of Great Britain’s Housing Benefit and Netherland’s Housing Allowance —

⁴⁰ *Ibid* at 298, citing Michael Serby et al, “Evictions as a Risk Factor for Suicide,” (2006) 57:2 *Psychiatric Services* 273.

⁴¹ Desmond, *ibid* at 296. One child followed by Desmond changed schools five times between grade seven and eight (*ibid* at 283).

⁴² *Ibid* at 227. Desmond reports that workers who have been evicted are 15 percent more likely to be laid off, *ibid* at 296.

⁴³ *Ibid* at 67.

⁴⁴ *Ibid* at 70.

⁴⁵ *Ibid* at 303.

⁴⁶ *Ibid* at 304–305, citing Seedco, *Housing Help Program, South Bronx, NYC* (New York: Seedco Policy Center, 2010).

⁴⁷ Desmond, *ibid* at 308, Desmond does note that the existing program would need to be reworked to address overcharging for rental premises by landlords (*ibid* at 147–49, 308, 311).

because it allows governments to provide housing to a large number of impoverished tenants, on a national scale.⁴⁸

V. MEANWHILE IN ALBERTA

Housing policy is having a moment in Alberta. The provincial legislature has been active on the topic. Bill 202, a private member's bill introduced to legislature by NDP MLA Robyn Luff, would establish an Affordable Housing Review Committee tasked with preparing a report on how the province can improve "the access of all Albertans to safe, appropriate and affordable housing."⁴⁹ In December 2015, the Alberta Legislature passed a private member's bill put forward by NDP MLA Deborah Drever, which makes it easier for victims of domestic violence to break a lease, if they are leaving an abusive relationship.⁵⁰ NDP MLA David Shepherd has been raising awareness of the need to protect families with minor children from discriminatory housing policies, such as adult only buildings.⁵¹ The executive branch of the provincial government also has the power to significantly reshape the practice of residential tenancy law in Alberta, as a number of the regulations under the *Residential Tenancies Act* are set to expire in the next 12 months.⁵²

How applicable is Desmond's research to Alberta? His research was carried out exclusively in Milwaukee, but he challenges the reader who would dismiss the research on that basis. He argues that Milwaukee is comparable to other American cities, and then he questions whether the quest for "generalizable research" sometimes operates as a cop-out: "Maybe what we are really asking when we ask if a study is "generalizable" is: Can it really be this bad everywhere? Or maybe we're asking: Do I really have to pay attention to this problem?"⁵³ But a Canadian reader might legitimately question whether the magnitude and contours of housing insecurity in Canada are the same as in the United States, given the different economic, social, and legal contexts in the two countries. Canada and the United States have different histories of racial inequality and discrimination. Desmond tells stories about black and white renters; a Canadian account of housing insecurity would be incomplete without the stories from Indigenous and immigrant tenants. The scope and strength of the two countries' social safety nets differ. The countries have tasked different levels of government with responsibility for housing. Whereas the United States has adopted a national housing voucher program, in Canada housing policy is primarily a provincial responsibility, with the federal government providing some funding.⁵⁴

⁴⁸ *Ibid* at 309.

⁴⁹ Bill 202, *Alberta Affordable Housing Review Committee Act*, 2nd Sess, 29th Leg, Alberta, 2016, s 3 (second reading 11 April 2016).

⁵⁰ *Residential Tenancies (Safer Spaces for Victims of Domestic Violence) Amendment Act, 2015*, SA 2015 c 20.

⁵¹ Ryan Tumilty, "Edmonton MLA David Shepherd targets adult-only buildings" (7 March 2016) *Metro* online: <www.metronews.ca/news/edmonton/2016/03/07/edmonton-mla-david-shepherd-targets-adult-only-buildings.html>.

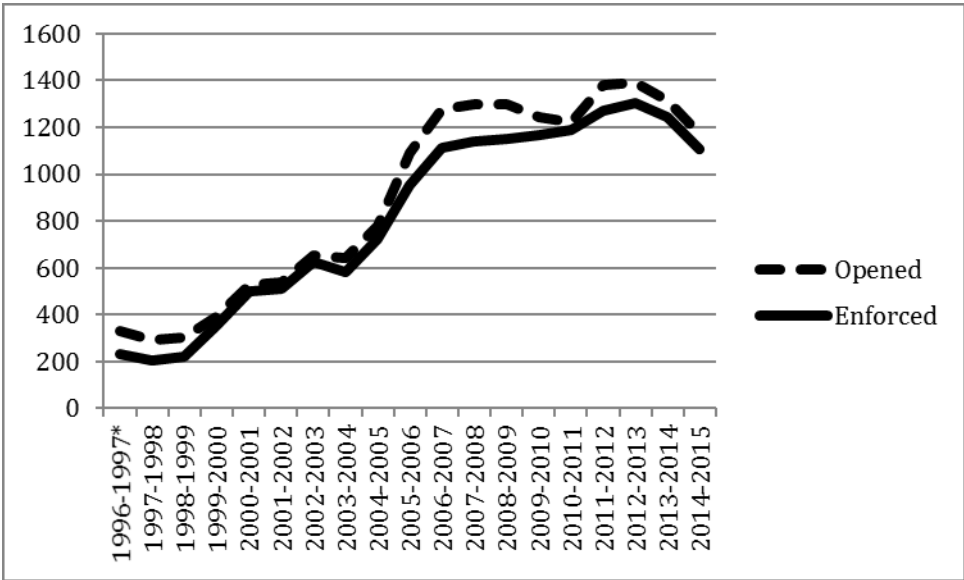
⁵² *Residential Tenancies Act*, SA 2004, c R-17.1 [RTA]. The *Residential Tenancy Dispute Resolution Service Regulation*, Alta Reg 98/2006 was set to expire on 30 April 2016, but was extended to 30 April 2017 by Alta Reg 55/2016; the *Residential Tenancies Exemption Regulation*, Alta Reg 189/2004 and the *Residential Tenancies Ministerial Regulation*, Alta Reg 211/2004 were set to expire 31 July 2016, but were extended to 31 July 2018 by Alta Reg 117/2015 and Alta Reg 118/2016; and the *Subsidized Public Housing Regulation*, AR 191/2004 will expire 31 March 2017.

⁵³ Desmond, *supra* note 1 at 334.

⁵⁴ Marion Steele, "Canadian Housing Allowances" in Peter A Kemp, ed, *Housing Allowances in a Comparative Perspective* (Bristol, UK: The Policy Press, 2007) 61 at 61, 69–70.

There is some data on the rates of evictions in Alberta. A landlord who wishes to carry out a formal eviction must get an order and hire a civil enforcement agency, and then the agency in turn must hire a bailiff.⁵⁵ The Office of the Sheriff — Civil Enforcement oversees the civil enforcement agencies and keeps statistics on the number of formal evictions carried out. In the 12 months between April 2015 and March 2016, civil enforcement agencies opened 1151 eviction files, and enforced 1092.⁵⁶ As evidenced in Figure 1, these numbers have remained relatively steady for the past decade.

FIGURE 1: ALBERTA CIVIL ENFORCEMENT AGENCY EVICTION FILES, OPENED AND ENFORCED, BY YEAR (APRIL 1 - MARCH 31)⁵⁷



These numbers suggest that every day in Alberta about three households are evicted from their rented premises by a civil enforcement agency. These numbers do not capture those tenants who leave earlier in the formal eviction process, such as after an eviction order is granted, or when they are served with a written notice from the landlord terminating their tenancy.⁵⁸ These numbers also do not capture those tenants who are informally evicted. In

⁵⁵ The order may be granted by the court, or an officer of the Residential Tenancy Dispute Resolution Service, see *RTA*, *supra* note 52, s 34.1; *Civil Enforcement Act*, RSA 2000, c C-15, s 1(1)(g), 2, 9(4).
⁵⁶ Resolution and Court Administration Services, “Civil Enforcement Agencies ‘ Activity: April 2015 to March 2016,” online: <<https://albertacourts.ca/docs/default-source/default-document-library/civil-enforcement-agencies'-activity---current-year-report.pdf?sfvrsn=60>>.

⁵⁷ See Resolution and Court Administration Services, “Civil Enforcement Agencies’ Activity: Past Year’s Report 1996/97 - 2014/15” (22 April 2015) online: <<https://albertacourts.ca/docs/default-source/default-document-library/civil-enforcement-agencies'-activity---past-years-annual-report.pdf?sfvrsn=4>>. Note that the statistics from 1996 to 1997 cover a 15 month period between 1 January 1996 and 31 March 1997. All other years cover a 12 month period from 1 April to 31 March.

⁵⁸ A landlord can terminate a tenancy by providing written notice at least 14 days in advance of the proposed termination date; however, the notice is of no effect if the tenant provides the landlord with a written objection or, where the tenancy is being terminated for nonpayment of rent, brings his or her rent up to date (*RTA*, *supra* note 52, s 29).

other words, they do not provide a clear picture of the magnitude of the phenomenon of evictions in Alberta, nor of the negative impacts on individuals and communities and, ultimately, the costs for governments resulting from evictions. Desmond's work suggests the problem may be much bigger than these numbers indicate.

As Albertans work to provide families with stable, affordable housing, they can use *Evicted* as a springboard for further research into housing insecurity in this province, and to develop innovative solutions to address this problem. But the book is not written solely for researchers and policy wonks. Desmond renders heartbreaking accounts of the human fallout from housing instability, and the dehumanizing experience of being poor. He invites the reader to empathize with the suffering of the people he documents. He ends his book by beseeching his readers to remember the people behind the statistics and social theory: "I hope that when you talk about this book, you talk first about Sherrena and Tobin, Arleen and Jori, Lorraine and Scott and Pam, Crystal and Vanetta — and the fact that somewhere in your city, a family has just been evicted from their home, their things piled high on the sidewalk."⁵⁹

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⁵⁹ Desmond, *supra* note 1 at 335.