Eviction Filings, Housing Code Violations, & Racial Segregation

Presentation to City of Madison Housing Strategy Committee

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Introduction

Research presentation outline

1. framing current research* within the literature on eviction
2. background on existing empirical research on eviction in Madison and motivations for current research project
3. introduction to data and methods
4. results
5. conclusions and recommendations

Introduction

Conclusions and recommendations up front

1. evictions are complicated, filings are just as important as judgements
2. comprehensive, organized, accessible data on housing code violations
3. a proactive, targeted rental inspection program
4. implications for housing theory and policy

Background and motivations

Trajectory of the literature on eviction: **from tenants to property owners**

- Chester Hartman and David Robinson. 2003. Eviction: **The Hidden Housing Problem**. *Housing Policy Debate* 14(4): 461-501

- Matthew Desmond. 2016. ***Evicted**: Poverty and Profit in the American City*. New York: Crown

- Matthew Desmond & Nathan Wilmers. 2019. **Do the Poor Pay More for Housing? Exploitation, Profit, and Risk in Rental Markets**. *American Journal of Sociology* 124(4): 999-1325

- Philip M.E. Garboden & Eva Rosen. 2019. **Serial Filing: How Landlords Use the Threat of Eviction**. *City and Community* 18(2): 638-661

- Brian Y. An, Andrew Jakabovics, Antony W. Orlando, Seva Rodnyansky & Eunjee Son. 2024. Who Owns America? **A Methodology for Identifying Landlords' Ownership Scale and the Implications for Targeted Code Enforcement**. *Journal of American Planning Association* pre-publication

Background and motivations

gentrification- / new build*-induced eviction
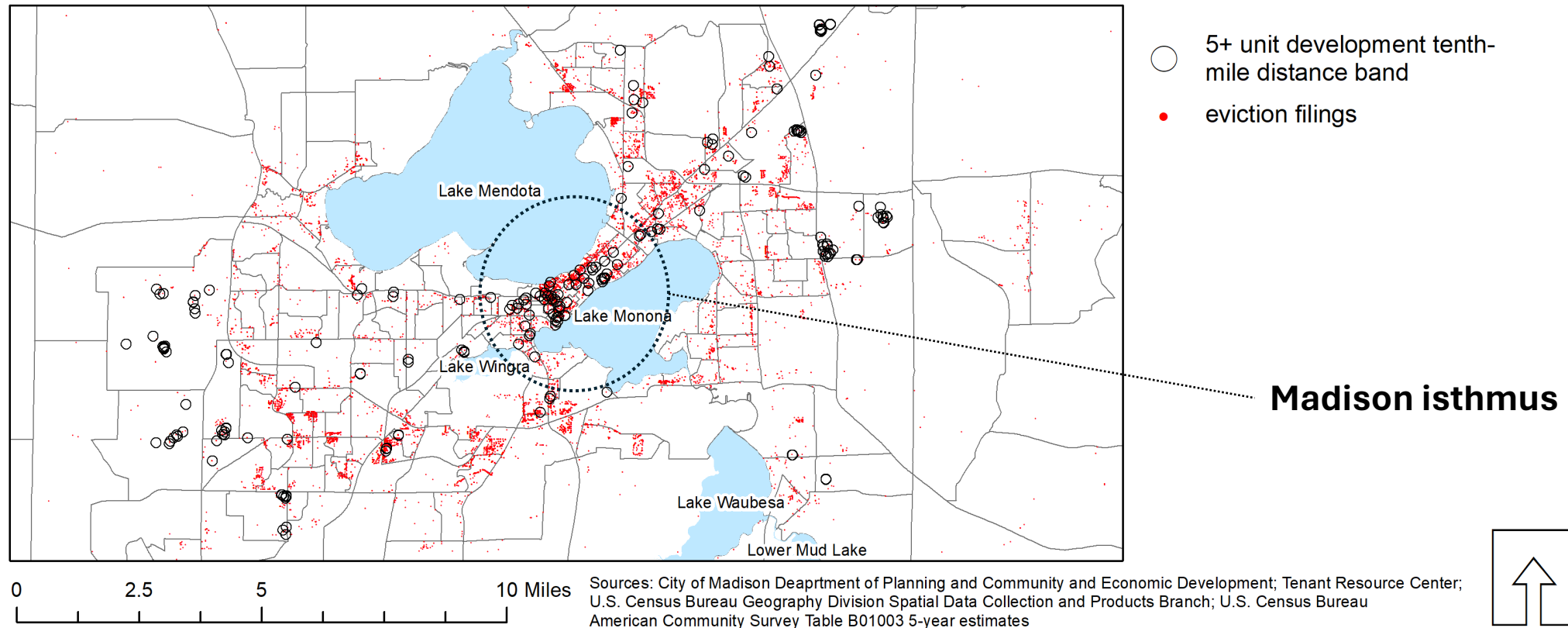
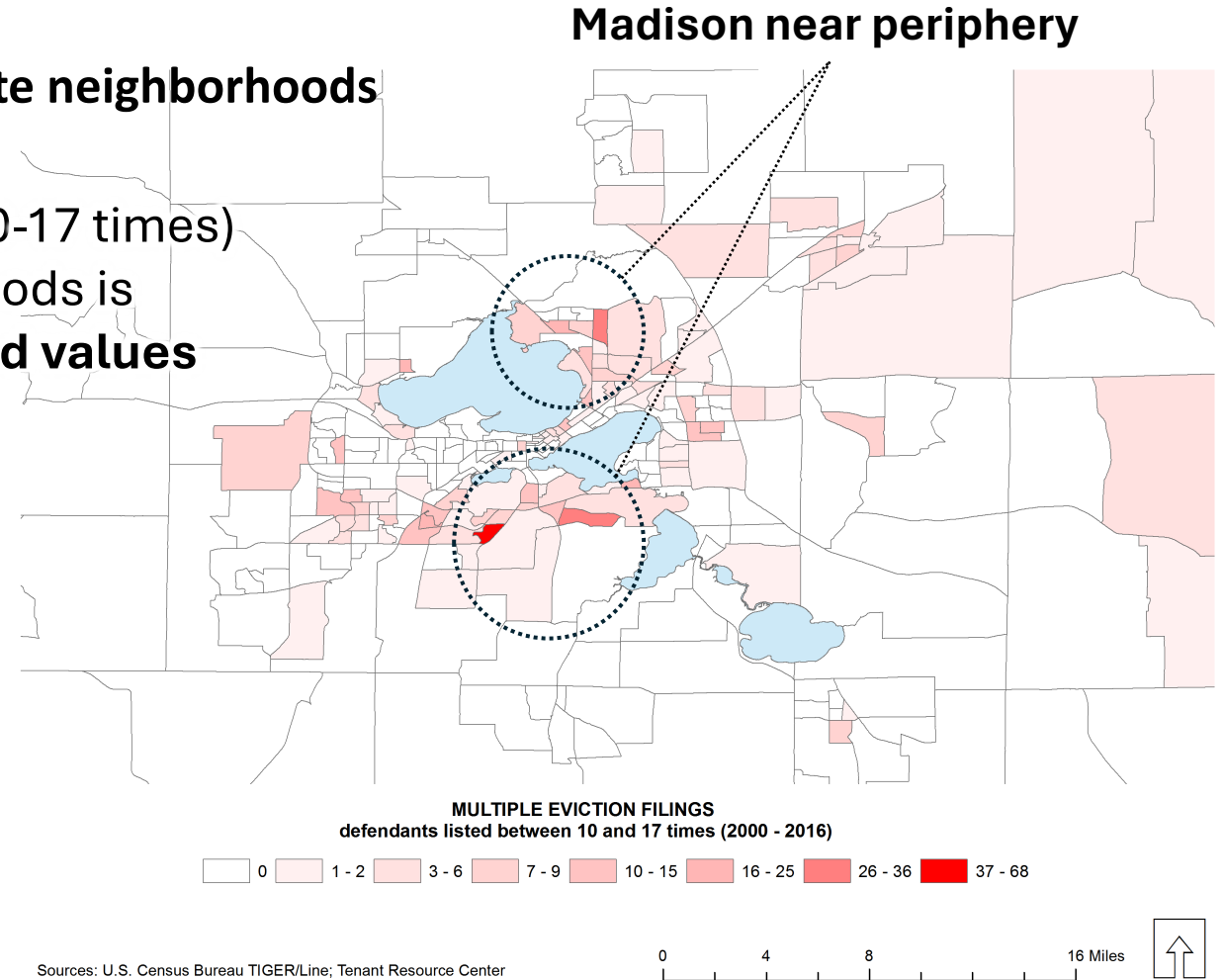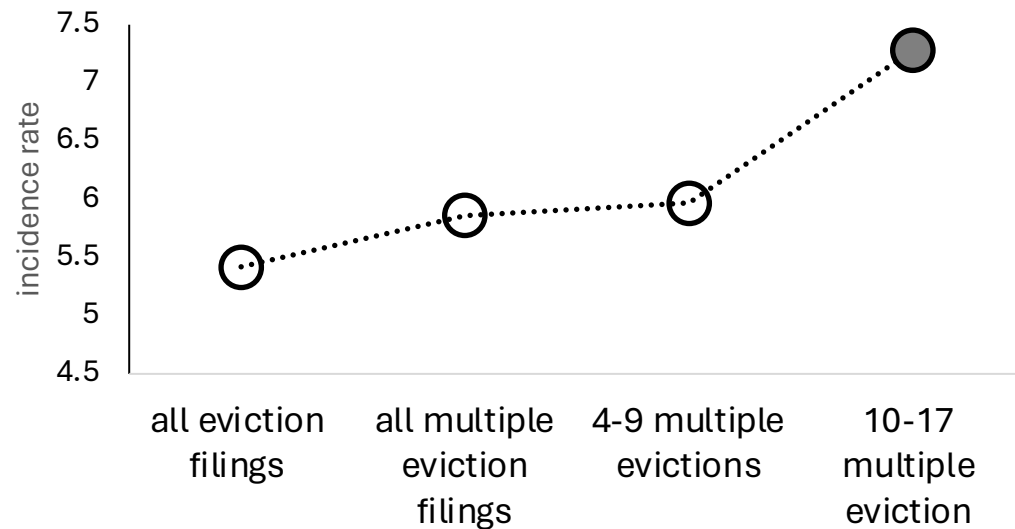J. Revel Sims. 2021. Measuring the effect of gentrification on displacement: Multifamily housing and eviction in Wisconsin's Madison urban region. Housing Policy Debate 31(3-5)

*The term, "new-build" gentrification is associated with the work of Mark Davidson and Loretta Lees (2005). They hypothesize that new construction, rather than rehabilitation, is the primary spatial form of third-wave gentrification beginning in the 2000s.

Background and motivations

serial filing* in chronically high-poverty, nonwhite neighborhoods

incidence of extreme multiple eviction filing (10-17 times)
in continuously extremely high-risk neighborhoods is
7.28 times all other neighborhoods' predicted values

Madison near periphery

MULTIPLE EVICTION FILINGS
defendants listed between 10 and 17 times (2000 - 2016)

| 0 | 1 - 2 | 3 - 6 | 7 - 9 | 10 - 15 | 16 - 25 | 26 - 36 | 37 - 68 |

Sources: U.S. Census Bureau TIGER/Line; Tenant Resource Center

0   4   8   16 Miles

J. Revel Sims & Alicia A. Iverson. 2019. Multiple Eviction: An Investigation of Chain Displacement in Dane County, Wisconsin. Urban Affairs Review 57(6)

*In a national study of evictions, Leung, Hepburn, & Desmond (2021) show that "each eviction filing translates into approximately $180 in fines and fees for the typical renter household, raising their monthly housing cost by 20%".

Background and motivations

housing submarket theory

market segmentation rather than undifferentiated unity explains different circumstances relating to the exchange and consumption of housing

hypothetical urban housing market

Submarket A

gentrification- and/or development-induced eviction neighborhoods

[more judgements, relatively fewer occurrences]

Submarket B

chronic high-poverty and exploitation-induced eviction neighborhoods

[more seriality, relatively greater frequency of occurrences]

Data and methods

Dimension	Data and source	Description
housing insecurity	**eviction filing data** (TRC)	an accurate* dataset of residential eviction filings from the Tenant Resource Center between the beginning of 2010 through the end of 2017 that has been cleaned, georeferenced, and joined to parcel polygons using a 2010 parcel shapefile
housing quality	**housing code violations data** (DPCED)	obtained through a Public Records Act request to the Building Inspection and Code Enforcement Division of the City of Madison's Department of Planning and Community Economic Development (DPCED)
building features	**property data** (CoreLogic)	number of units, year of construction, ownership, land and improved values, sale prices
neighborhood features	**Block Group data** (ACS)	demographic and housing attribute data from the US Census at the Block Group-level as a reasonable proxy for neighborhood features from the 2013-2017 5-year American Community Survey (ACS).

* The data on historical eviction filings maintained by the TRC is more reliable than data from the court system. The reasons for this are that the records of many eviction cases are removed from the court record access system after two years and eviction cases filed in court may also be redacted, sealed, or converted, all of which can make result in them not being included in searches of the court's own record system

Data and methods

three primary variables:

1. **eviction filings (DV1)**

2. **housing code violations (DV2)**

first-level analysis:
- aggregated (all)

second-level analysis:
- long-term orders
- intermediate-term orders
- rent abatement-eligible orders
- rent abatement hearing scheduled

Data and methods

three primary variables:

3. **racial segregation (IV)**
   relative, county-based, local measure of ethnoracial concentration: location quotient (LQ)

   LQ_{ix} = (# demographic group$_x$ in BG$_i$ / # total population in BG$_i$) / (# demographic group$_x$ in County / # total population in County)

   two ethnoracial groups: (non-Hispanic) African American/Black and Latino/Hispanic populations

   values range from 0 to infinity

   0 indicates no residents of demographic group$_x$ living in the Block Group$_i$

   values more than 1 mean a greater proportion of demographic group$_x$ living in the Block Group$_i$ than the same group at the county level

Data and methods

three methods:

1. **regression analysis**
    - series of estimations (negative binomial) that regress eviction filings and housing code violations on predictors
    - first without and then with interactions with ethnoracial concentration (LQs)
2. **machine learning**
    - weighted random forest models
    - trained on entire dataset
    - first without and then with interactions with ethnoracial concentration (LQs)
3. **exploratory spatial analysis**
    - visual inspection of distribution of high percentiles of African American/Black LQ, eviction filings, and housing code violations

Results

explaining **eviction**

strong relationships

code violations

a consistent, statistically significant positive predictor of eviction filing

eviction filings are expected to increase by a rate of **1.15*** for every additional housing code violation in a property

racial segregation

eviction filings are expected to increase by a rate of **1.34*** to **1.21*** times for each additional one-unit increase in the black LQ

*significance at 0.001 level

Results

explaining **housing code violations**

a less convincing relationship

eviction filing

housing code violations are expected increase by **1.01*** times for every eviction filing in a building

racial segregation

for every one unit increase in the black LQ, housing code violations are expected to increase from **1.04*** to **1.05*** times

*significance at 0.001, 0.05, and 0.01 levels, respectively

Results

explaining **housing code violations**

severity of violations appears critical to the relationship

long-term orders (least severe)

- both eviction filings and black ethnoracial concentration are shown to be statistically significant positive predictors of long-term orders

- the only building feature variable that is shown to confidently impact long-term orders is the interaction between five-or-more unit buildings and black ethnoracial concentration that is expected to increase the incidence of these violations by **1.14*** times

*significance at the 0.05 level.

Results

explaining **housing code violations**

severity of violations appears critical to the relationship

rent abatement-eligible orders (most severe)

- the interaction of five-or-more-unit structures and black ethnoracial concentration is expected to increase the incidence of the most severe orders by **1.42*** times.

- Latino/Hispanic ethnoracial concentration is shown to be statistically significant positive predictor of the most severe housing code violations, increasing the incidence by **1.12*** to **1.19*** times
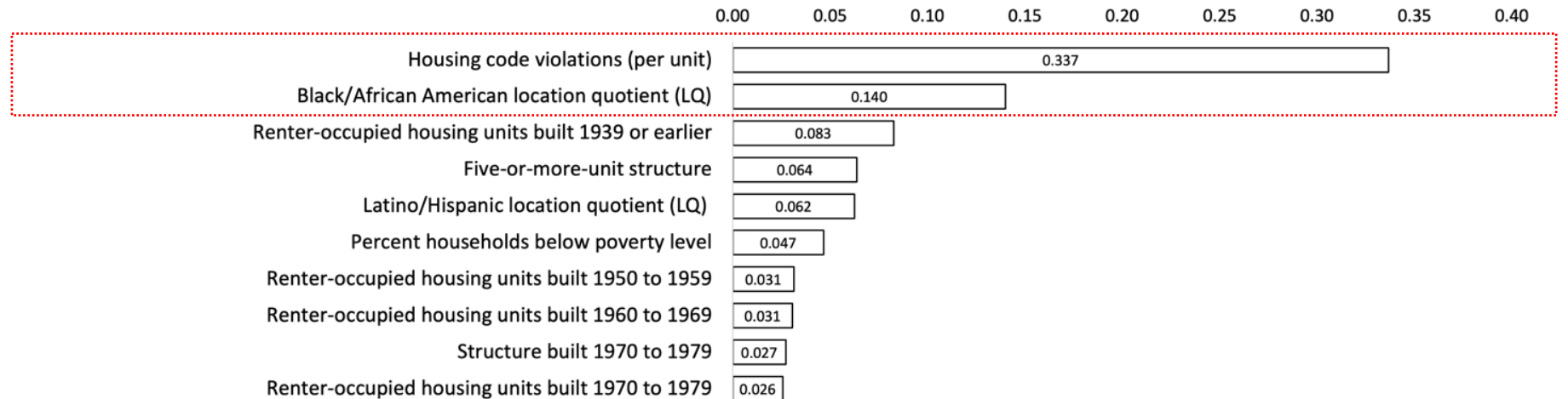
suggestive of a discriminatory local housing market rather than a neighborhood of nonwhite, ethnoracial affinity

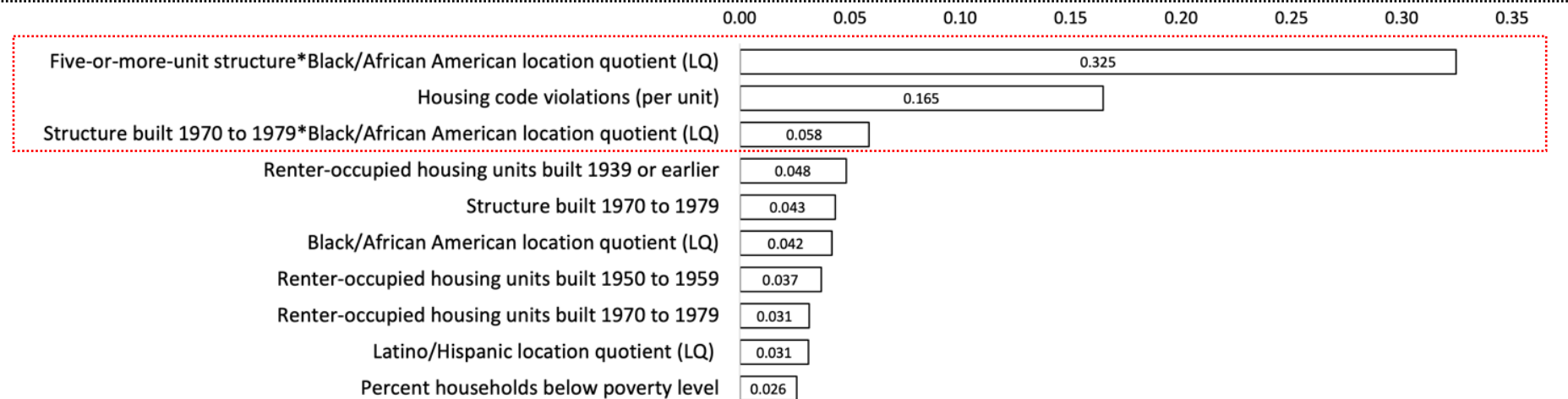*significance at the 0.05, 0.05, and 0.001 levels, respectively.

Results: racial segregation

explaining **eviction with machine learning**

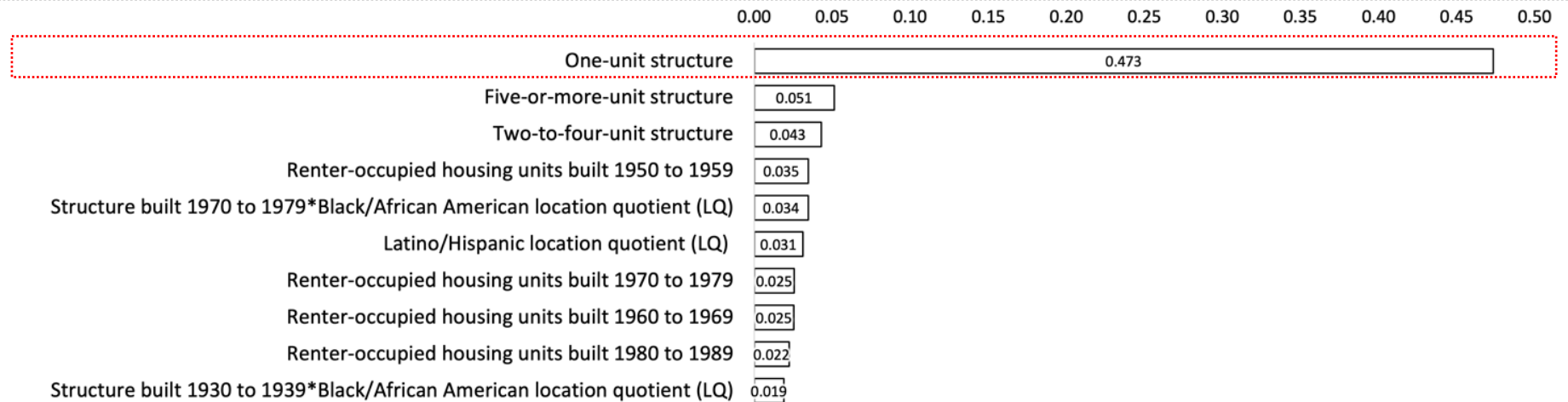**without interactions with segregation**

	0.00	0.05	0.10	0.15	0.20	0.25	0.30	0.35	0.40

Housing code violations (per unit) — 0.337
Black/African American location quotient (LQ) — 0.140
Renter-occupied housing units built 1939 or earlier — 0.083
Five-or-more-unit structure — 0.064
Latino/Hispanic location quotient (LQ) — 0.062
Percent households below poverty level — 0.047
Renter-occupied housing units built 1950 to 1959 — 0.031
Renter-occupied housing units built 1960 to 1969 — 0.031
Structure built 1970 to 1979 — 0.027
Renter-occupied housing units built 1970 to 1979 — 0.026

with interactions with segregation

	0.00	0.05	0.10	0.15	0.20	0.25	0.30	0.35

Five-or-more-unit structure*Black/African American location quotient (LQ) — 0.325
Housing code violations (per unit) — 0.165
Structure built 1970 to 1979*Black/African American location quotient (LQ) — 0.058
Renter-occupied housing units built 1939 or earlier — 0.048
Structure built 1970 to 1979 — 0.043
Black/African American location quotient (LQ) — 0.042
Renter-occupied housing units built 1950 to 1959 — 0.037
Renter-occupied housing units built 1970 to 1979 — 0.031
Latino/Hispanic location quotient (LQ) — 0.031
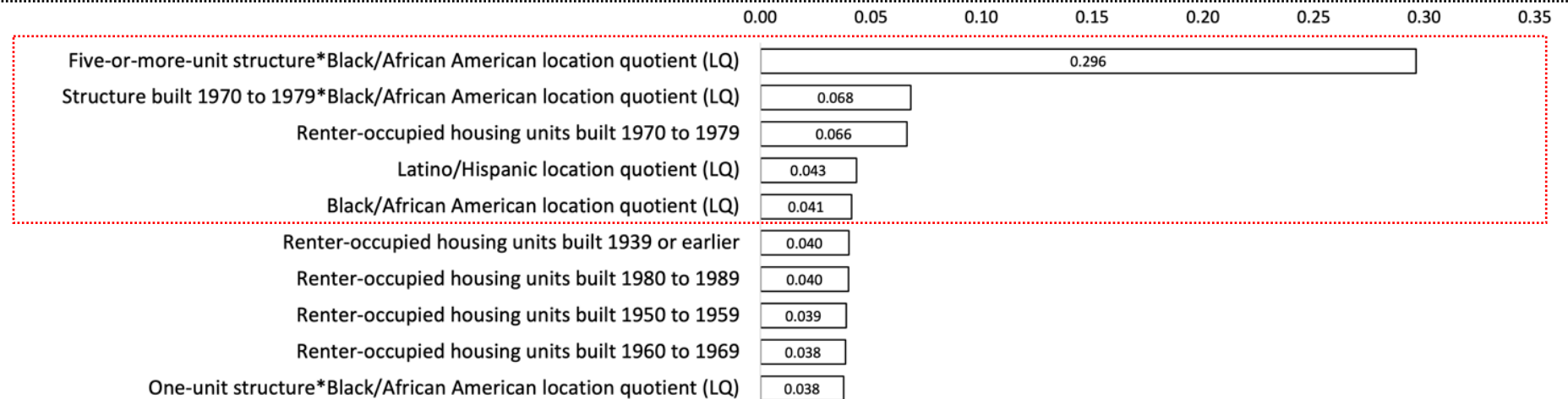Percent households below poverty level — 0.026

Results: racial segregation

explaining **housing code violations with machine learning**

long-term orders
with interactions
with segregation
(least severe)

Feature	Value
One-unit structure	0.473
Five-or-more-unit structure	0.051
Two-to-four-unit structure	0.043
Renter-occupied housing units built 1950 to 1959	0.035
Structure built 1970 to 1979*Black/African American location quotient (LQ)	0.034
Latino/Hispanic location quotient (LQ)	0.031
Renter-occupied housing units built 1970 to 1979	0.025
Renter-occupied housing units built 1960 to 1969	0.025
Renter-occupied housing units built 1980 to 1989	0.022
Structure built 1930 to 1939*Black/African American location quotient (LQ)	0.019

(Axis: 0.00 0.05 0.10 0.15 0.20 0.25 0.30 0.35 0.40 0.45 0.50)

rent abatement-
eligible orders
with interactions
with segregation
(most severe)
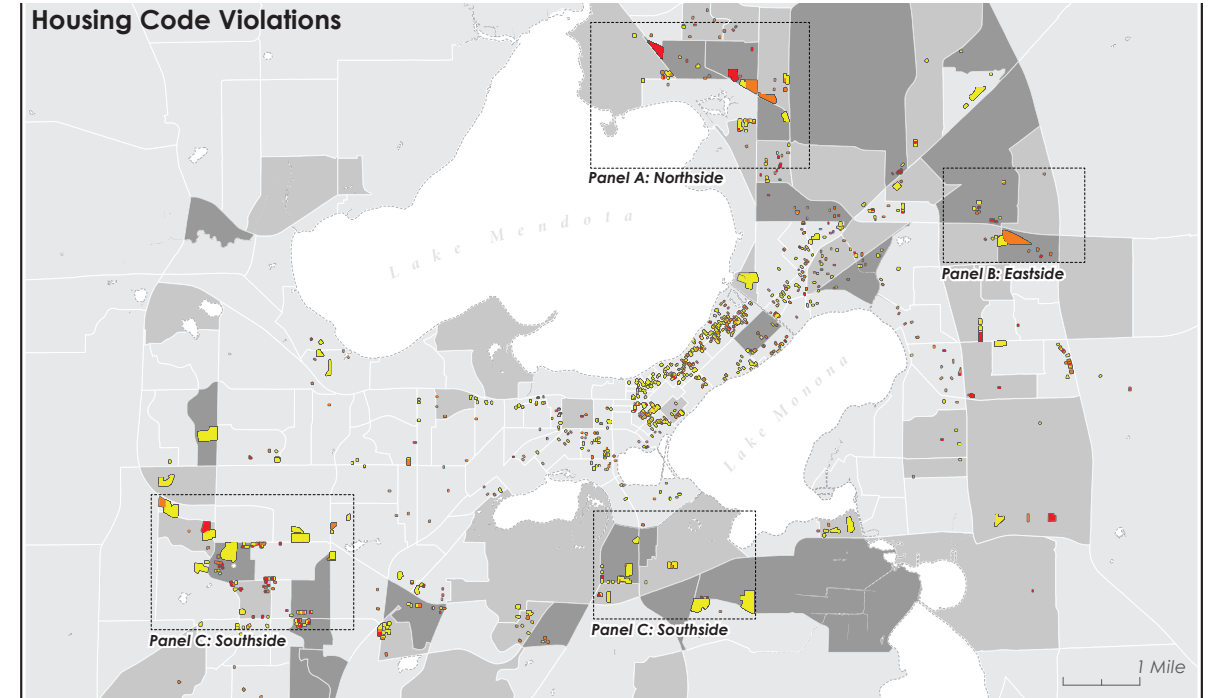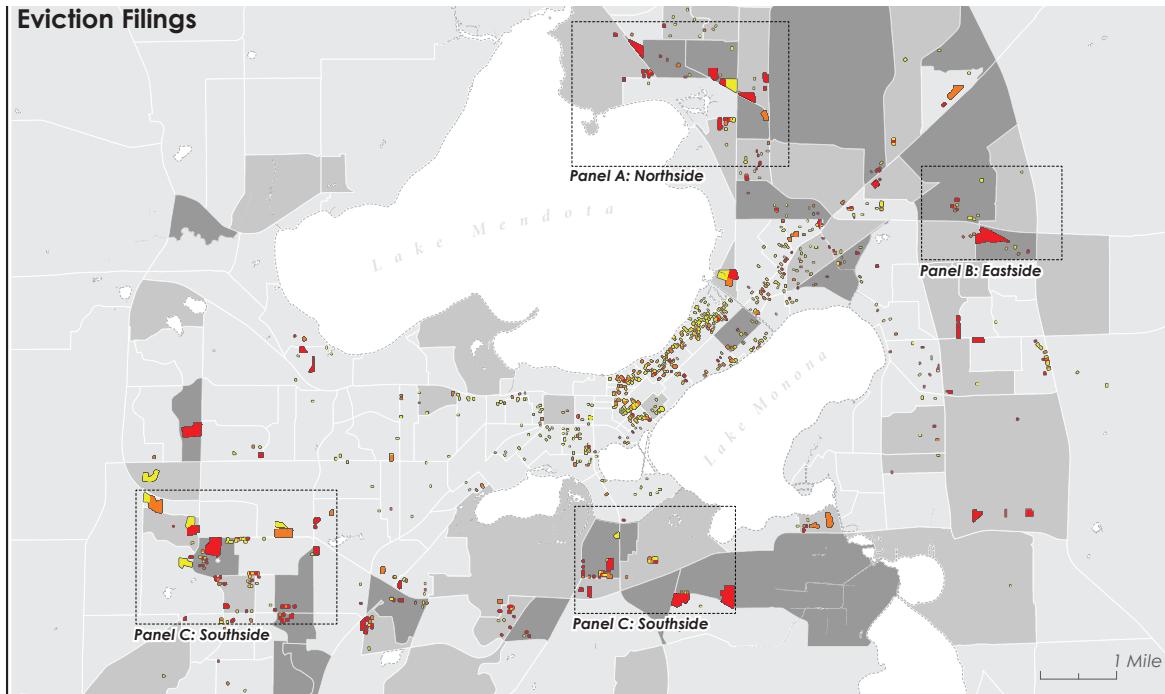
Feature	Value
Five-or-more-unit structure*Black/African American location quotient (LQ)	0.296
Structure built 1970 to 1979*Black/African American location quotient (LQ)	0.068
Renter-occupied housing units built 1970 to 1979	0.066
Latino/Hispanic location quotient (LQ)	0.043
Black/African American location quotient (LQ)	0.041
Renter-occupied housing units built 1939 or earlier	0.040
Renter-occupied housing units built 1980 to 1989	0.040
Renter-occupied housing units built 1950 to 1959	0.039
Renter-occupied housing units built 1960 to 1969	0.038
One-unit structure*Black/African American location quotient (LQ)	0.038

(Axis: 0.00 0.05 0.10 0.15 0.20 0.25 0.30 0.35)

Results: concatenation and clustering

**Parcels by percentile rank of eviction filings (per unit)
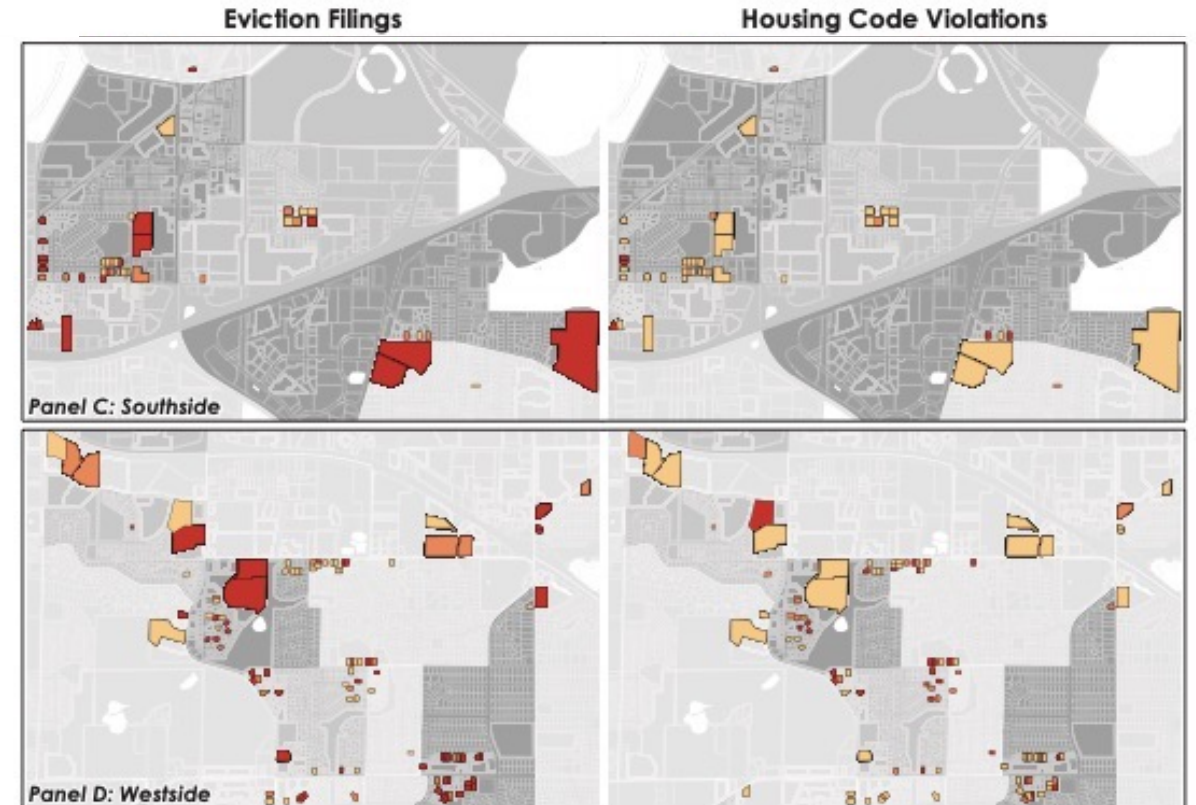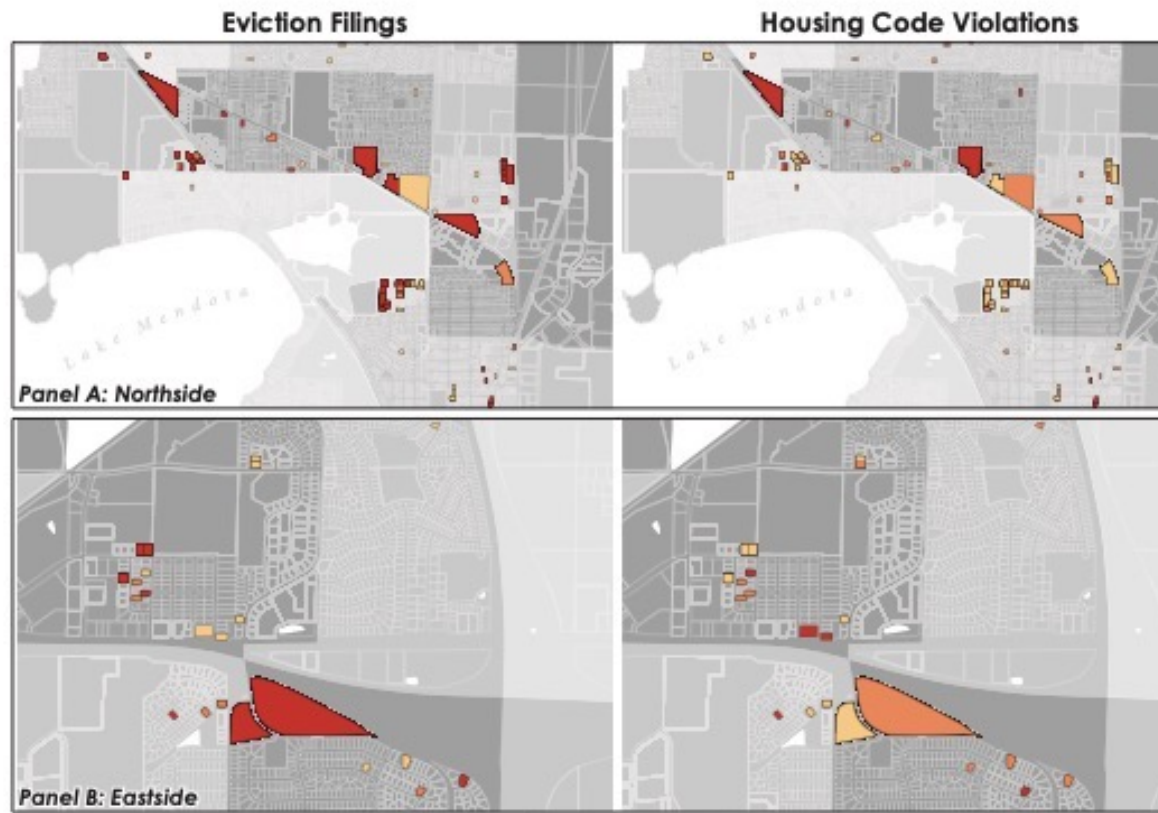or housing code violations (per unit)**

- 🟥 75–100
- 🟧 50–75
- 🟨 0–50
- ⬜ Other parcel boundaries (see inset panel maps)

2010 US Census Block Group

- ⬛ Black/African American location quotient above 90th percentile
- ▪️ Black/African American location quotient >75th & <90th percentile
- ⬜ Black/African American location quotient below 75th percentile

- ⬚ Water

Results: concatenation and clustering

Parcels by percentile rank of eviction filings (per unit) or housing code violations (per unit)

- 🟥 75–100
- 🟧 50–75
- 🟨 0–50
- ⬜ Other parcel boundaries (see inset panel maps)

2010 US Census Block Group

- Black/African American location quotient above 90th percentile
- Black/African American location quotient >75th & <90th percentile
- Black/African American location quotient below 75th percentile
- Water

Conclusions and recommendations

1. Evictions are complicated, filings are just as important as judgements

filings are trending up

judgements are trending down
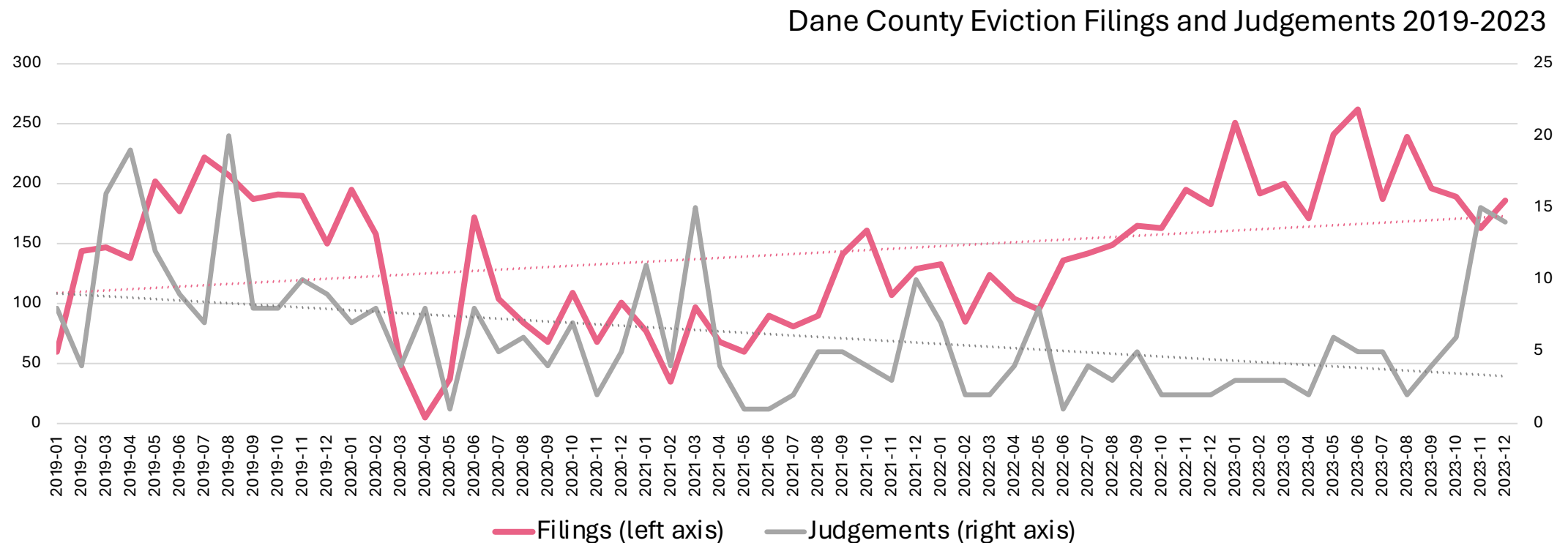
Dane County Eviction Filings and Judgements 2019-2023

Conclusions and recommendations

1. Evictions are complicated, filings are just as important as judgements

filings in these four submarkets* make up, on average, **47% of all filings** in Dane County

judgements in these four submarkets* make up, on average, **30% of all judgements** in Dane County

Dane County Eviction Filings and Judgements 2019-2023

Filings (left axis)   Judgements (right axis)
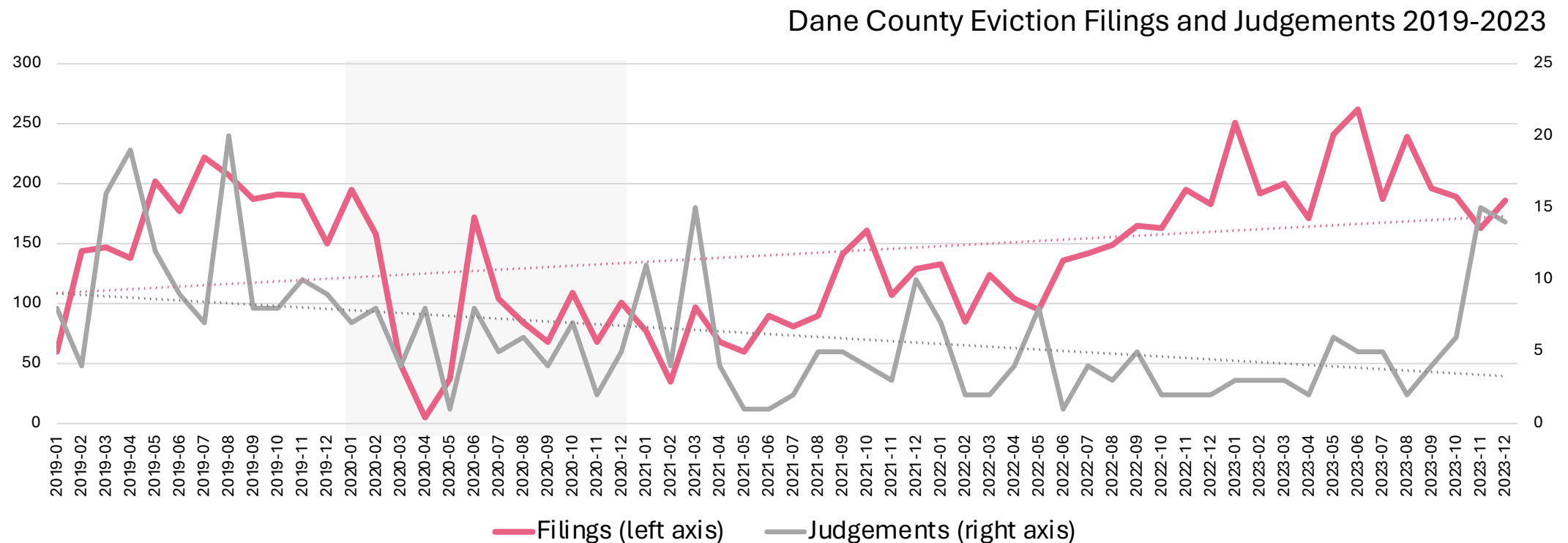
*Zip Codes = 53704 (northside), 53711 (westside), 53713 (southside), 53714 & 53716 (eastside) for 2020 only. There are 62 Zip codes in Dane County.

Conclusions and recommendations

2. Comprehensive, organized, accessible data on housing code violations

The major limitations of this study were unreasonable:

- unnecessarily laborious data collection, cleaning and grappling

- unnecessarily limited universe of properties (n=1074) based only on those properties with a recorded housing code violation

there is a strong (growing?) public interest in housing quality

cities that collect data on habitability should make that data available to the public in a variety of formats suitable for research, popular consumption and use

Conclusions and recommendations

3. a proactive, targeted rental inspection program

"Between 2011 and 2018, the City of Madison, Wisconsin, has been subjected to 37 instances of state preemption across a host of policy areas"*

rental properties or units may now only be inspected **after a person registers a complaint** with a Building Inspector

represents a **fundamental shift** from what was formerly a basic function of the municipality to a burden that must now be shouldered by each individual tenant

this research provides evidence that the regulatory shift also represents a **significant increase in risk** for tenants in racialized rental housing submarkets seeking to make homes habitable

*The report from the National League of Cities (2019, p. 10) lists the the changes in statute through preemption that specifically targeted rental housing: 2011 WI Act 108, 2013 WI Act 76, and **2015 WI Act 176**

Conclusions and recommendations

3. a proactive, targeted rental inspection program

Wisconsin Statute Section 66.0104(2)(e) allows municipalities to "establish a rental property inspection program" within **designated districts**

regular inspection districts are those "in which there is evidence of blight, **high rates of building code complaints or violations**, deteriorating property values, or increases in single-family home conversions to rental units"

building designated districts from our dataset:

- **268 parcels** at or above the 75th percentile of eviction filings
- **165 parcels** at or above the 75th percentile of housing code violations
- **64 parcels** that meet both criteria

Conclusions and recommendations

3. a proactive, targeted rental inspection program

Wisconsin Statute Section 66.0104(2)(e) also defers to what is required under state and federal law

Wisconsin Bureau of Consumer Protection, statute ATCP 134.04

disclosure requirements:

(2) Code violations and conditions affecting habitability.
Before entering into a rental agreement or accepting any earnest money or security deposit from the prospective tenant, the landlord shall disclose to the prospective tenant:

(a) Any building code or housing code violation to which **all of the following apply**:
1. The landlord has **actual knowledge** of the violation.
2. The violation **affects the dwelling unit** that is the subject of the prospective rental agreement or a common area of the premises.
3. The violation presents a significant **threat to the prospective tenant's health or safety**.
4. The **violation has not been corrected**.

Conclusions and recommendations

3. a proactive, targeted rental inspection program

Community-based and enriched inspection with community members, organizations, lawyers

Conclusions and recommendations

4. Implications for housing theory and policy

our findings suggest that filtering will have limited impact on residents in racialized rental housing submarkets

filtering assumes there are no barriers to movement

renters who are trapped in racialized housing submarkets will consistently face worse housing conditions and, possibly, increasing relative costs due to monopoly powers

new residents and new households are more likely to occupy more "bottom rung" housing as it becomes available through filtering—not existing (racialized) tenants

a housing policy built on filtering without also guaranteeing housing quality, access to full information, or a reduction in the harms caused by the use of eviction for revenue is unjust and threatens to strengthen racial disparities in housing within a growing urban region

Questions

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Appendix : Wisconsin Statute Section 66.0104(2)(e)

- **(e)** No city, village, town, or county may enact an ordinance that does any of the following:
- **1.** Requires that a rental property or rental unit be inspected except upon a complaint by any person, as part of a program of inspections under subd. 1m., under s. 66.0119, or as required under state or federal law.
- **1m.** A city, village, town, or county may establish a rental property inspection program under this subdivision. Under the program, the governing body of the city, village, town, or county may designate districts in which there is evidence of blight, high rates of building code complaints or violations, deteriorating property values, or increases in single-family home conversions to rental units. A city, village, town, or county may require that a rental property or rental unit located in a district designated under this subdivision be initially inspected and periodically inspected. If no habitability violation is discovered during a program inspection or if a habitability violation is discovered during a program inspection and the violation is corrected within a period of not less than 30 days established by the city, village, town, or county, the city, village, town, or county may not perform a program inspection of the property for at least 5 years. If a habitability violation is discovered during a program inspection and the violation is not corrected within the period established by the city, village, town, or county, the city, village, town, or county may require the rental property or unit to be inspected annually under the program. If a habitability violation is discovered during an inspection conducted upon a complaint and the violation is not corrected within a period of not less than 30 days established by the city, village, town, or county, the city, village, town, or county may require the rental property or unit to be inspected annually under the program. If, at a rental property or unit subject to annual program inspections, no habitability violation is discovered during 2 consecutive annual program inspections, the city, village, town, or county, except as provided in this subdivision, may not perform a program inspection of the property for at least 5 years. No rental property or unit that is less than 8 years old may be inspected under this subdivision. A city, village, town, or county may provide a period of less than 30 days for the correction of a habitability violation under this subdivision if the violation exposes a tenant to imminent danger. A city, village, town, or county shall provide an extension to the period for correction of a habitability violation upon a showing of good cause. A city, village, town, or county shall provide in a notice of a habitability violation an explanation of the violation including a specification of the violation and the exact location of the violation. No inspection of a rental unit may be conducted under this subdivision if the occupant of the unit does not consent to allow access unless the inspection is under a special inspection warrant under s. 66.0119.

Appendix: Wisconsin DOA eviction data 2019-2023

	Filings	Judgements	Judgement rate (per total filings)	Combined submarket filings	Submarket filing rate (per total filings)	Combined submarket judgements	Submarket Judgement rate (per total judgements)
MIN	5	1	0	2	0	0	0
MAX	262	20	2	103	1	4	1
AVERAGE	140.87	6.17	0.07	46.83	0.46	1.83	0.31
ST.DV.	58.49	4.41	0.20	32.12	0.08	1.21	0.20