NYU Furman Center

HOUSING CRISIS RESEARCH COLLABORATIVE

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Eviction practices across subsidized housing in New York State

A Case Study

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1. Introduction

The growing evidence on the cost of evictions (Collinson et. al, 2022) has pushed policymakers at all levels of government in recent years to consider new efforts to prevent them. At the city level, several cities, including New York City, have enacted new universal access to counsel laws for tenants facing eviction. At the state level, policies such as California and Oregon's statewide anti-rent gouging laws enacted in 2019 have been put into place. At the federal level, Congress authorized the Emergency Rental Assistance Program to provide assistance to individuals at risk of eviction across the country in response to the COVID-19 pandemic. However, there has been surprisingly little scrutiny of evictions in subsidized housing, even though government officials arguably have more policy levers to manage them and heightened interest in eviction practices within a stock that they subsidize.

The Housing Crisis Research Collaborative aims to address the longstanding inequities in access to safe, stable, and affordable rental housing that have been laid bare by the COVID-19 pandemic. We provide policymakers at all levels of government with the data and analysis they need to design, implement, and evaluate more equitable and effective rental housing and community development responses to pandemic and the ongoing rental housing affordability crisis. For more visit: housingcrisisresearch.org

The Housing Crisis Research Collaborative is supported by the Wells Fargo Foundation and JPMorgan Chase & Co., and managed by the Urban Institute. We are grateful to them for allowing the Collaborative to advance its goals.

Three recent studies examine eviction rates in subsidized housing. The findings are mixed. Using data on 1,243 public housing authorities (PHAs) in 26 states spanning 2006-2016, Gromis et al (2022) report that PHAs file about 5.8 percent of eviction filings nationally, while only 3.5 percent of renters live in public housing. But they also show that within individual markets, average PHA eviction filing rates are not significantly different from those of private landlords, highlighting the role of market conditions in eviction filings. That said, they find considerable variation across PHAs even within the same state or county, suggesting PHA-specific policies and practices are potentially quite important. Two studies compare PHAs to private landlords in individual markets. Harrison et al. (2020) examine housing targeted to older adults in the Atlanta metropolitan area and find that eviction filing rates are lower in subsidized properties than in market-rate properties serving seniors. Preston and Reina (2021) find that tenants in federally subsidized housing developments in Philadelphia were also less likely to receive an eviction filing between 2006 and 2017 than unsubsidized renters in similar housing in similar neighborhoods. Looking within the subsidized stock, they report that eviction filing rates were lower in Section 8/202 developments than in public housing and LIHTC developments.

This report builds on this earlier work to compare eviction patterns in different types of place-based, subsidized housing in New York City and in other cities and jurisdictions across New York State from 2016 to the present. With this geographically diverse sample, we can observe whether patterns vary across different market conditions. Unlike earlier work, we consider eviction filing rates as well as requests for eviction warrants, permitting us to examine different stages in the eviction process.

In brief, we find that eviction filing rates are consistently higher in public housing than in other types of subsidized housing. This is true in both New York City and softer-market upstate cities, though filing rate differences between public housing and LIHTC developments are far smaller within New York City. Within New York City, we show that average filing rates in public housing are nearly three times as high as those for unsubsidized, multifamily developments. That said, there is substantial variation across individual public housing properties, suggesting managerial discretion. And importantly, the share of eviction filings that result in a warrant of eviction is consistently lower in public housing than in other stocks. These facts, together with the lower dollar amounts sought, suggest that many public housing agencies view eviction filings as a strategy to collect back rent. Future work will explore potential administrative and policy reforms that might help to reduce these eviction filing rates while still addressing non-payment.

2. Brief overview of eviction process in NYS

Eviction cases in New York State are divided into two categories: cases commenced for non-payment of rent ("non-payment cases") and cases commenced for violations other than non-payment of rent ("holdover cases"). Non-payment and holdover eviction cases are summary proceedings that provide landlords an expeditious way to recover property. In both types of cases, the tenant is entitled to adequate notice, the opportunity to present certain defenses, and the right to demand a jury trial if factual disputes exist. Depending on the type of case, jurisdiction, and time period in question, procedural rules require a tenant to answer the landlord's petition either at or in advance of their hearing. An answer may be oral or in writing and contains a tenant's defenses and any counterclaims.

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We focus in this brief on non-payment cases, which represent the vast majority of eviction cases. Before commencing an eviction case for non-payment of rent, landlords must send tenants a notice by certified mail that their rent is due. If the tenant does not pay their rent within fourteen days, the landlord may file a petition with the court for recovery of the premises. A notice of the petition is delivered to the tenant alerting them of the time and place of their hearing, the type of relief being sought by the landlord, and informing the tenant that they must answer to avoid a default judgment being entered against them.

Hearings and Settlements

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

Alternatively, the landlord and tenant may reach an agreement called a "Stipulation of Settlement," which outlines each party's rights and responsibilities for resolving the case. For example, the settlement may require the tenant to pay rent or cure lease violations, and/or require the landlord to make repairs and list the dates and times when they will need to access the unit. The stipulation must be formalized in writing, signed by both the landlord and the tenant, and be certified by the court.

Eviction Warrants

While eviction filings still appear on tenants' records and may make it more difficult for them to be approved by landlords in the future, filings themselves do not constitute evictions, and many filings result in no further action in court. An eviction can only happen if the court enters a judgment of possession for the landlord, the landlord then requests that the eviction be executed, the court issues a warrant of eviction, and a county sherriff, constable, or city marshal removes the people named in the judgment from the premises. A tenant may request that the court stay the eviction by filing an Order to Show Cause and accompanying Affidavit, but the court would have to approve such a stay.

Rental Assistance and Eviction Prevention and One Shot Deals

Various rental assistance and eviction prevention programs are available to tenants facing eviction in New York State. Within New York City, short-term financial assistance is available through the Homebase homeless prevention program. In addition, tenants in New York City can access emergency loans known as "One Shot Deals" through the Human Resources Administration (HRA). Tenants can access these loans once per year and, in most cases, are required to repay the assistance they receive. While having a pending eviction case is not a requirement to qualify, tenants who receive an eviction notice can go to an HRA office within the court to potentially expedite the process.

3. Types of subsidized housing

The federal government provides both tenant- and property-level housing subsidies. Our focus here is on place-based subsidized housing. Place-based subsidized housing programs are not all alike, and we might expect to see different eviction rates in different affordable housing portfolios because of programmatic differences with respect to ownership, tenant composition, and rent levels.

In terms of ownership, while public housing is owned by local government authorities, most subsidized housing in the U.S. is owned by private entities. Private owners might be more apt to file evictions and evict tenants because they may be more determined to maximize profits by removing non-paying tenants. By this reasoning, we would expect to see lower eviction rates in public housing as compared to privately owned subsidized housing, such as LIHTC and Section 8/202 developments. Greater protections of tenants in public housing and other differential costs for public housing agencies may also result in lower filings or warrants for eviction in those properties. Of course, not all private developers are alike either–nonprofit and other mission-driven private owners may be less likely to file evictions and to follow through on executing them than for-profit owners.

In terms of income, renters with lower incomes may be more likely to owe rent as they are also likely to have fewer savings to fall back on if they lose their jobs or suffer other financial shocks. This suggests that lower-income renters, such as those who reside in public housing and Section 8 developments, may be more likely to fall behind on rent.

Countering these lower incomes, however, is the greater stability provided by the income-based rents charged in public housing and Section 8 housing. Tenants in such developments generally pay 30 percent of their income on rent, so rent should rise and fall with their incomes (assuming timely recertification). In contrast, LIHTC tenants, if they do not have other rent subsidies, pay flat rents that are not tied to income. Thus, as their incomes go down, their rent burdens will rise.[1] Holding all else constant, we would thus expect LIHTC tenants to be more likely to owe back rent than residents of public housing and Section 8 housing. We expect the same for developments subsidized by New York City housing programs, which typically charge flat rents as well.

We compare eviction patterns in cities and jurisdictions across the state in four types of subsidized housing:

- Public housing
- Section 8 project-based rental assistance
- LIHTC
- Other federally subsidized housing[2]

Within New York City, we have somewhat more detail on subsidy types, and we can also observe market-rate housing. Thus we can compare evictions in seven different categories of housing for New York City:

- Public housing
- Section 8 project-based rental assistance
- Section 202 housing for the elderly
- LIHTC
- Other federally subsidized housing
- City subsidized housing (often flat rents)
- Unsubsidized, 6+ unit rental buildings

1. Otherwise unsubsidized LIHTC tenants are also more likely to have income from employment, hence may be more likely to experience an income shock.

2. The Other Federally Subsidized category includes any other subsidy type listed in the National Housing Preservation Database except for properties that have project-based vouchers only. These include Section 236, HUD-insured properties, Section 202, Section 515, Section 538, HOME, and Mod Rehab properties.

For ease of analysis, we use mutually exclusive categories, even though some properties may have multiple types of subsidies that overlap. Specifically, we group properties into four mutually exclusive subsidy categories: (i) public housing; (iii) Section 8 but not Section 202 or public housing; (iv) LIHTC but not public housing, Section 8, or Section 202; and (iv) other federally subsidized housing.

Similarly, we categorize New York City properties into mutually exclusive subsidy type categories that are similar to the categories used for the New York State analysis. Because we have more detailed data within New York City, we add three additional categories: city subsidized, unsubsidized multifamily rental, and Section 202 properties. The New York City categories include: (i) public housing; (ii) Section 202 but not public housing; (iii) Section 8 but not Section 202 or public housing; (iv) LIHTC[3] but not Section 8, Section 202, or public housing; (v) Other Federal Subsidized; (vi) City Subsidized; and (vii) Unsubsidized Multifamily (six or more units).

We separately analyze evictions in subsidized housing types for three geographies in order to account for differences in market conditions across the state: Upstate Cities, Long Island/Westchester County, and New York City.

4. Data

Office of Court Administration Eviction Data

Data on eviction cases come from the New York State Office of Court Administration (OCA). The data include address-level information on the date the eviction case was filed, the dollar amount sought, the type of case (non-payment vs. holdover), and follow-on actions to the case including whether a warrant of eviction was issued. The data we use cover all nonpayment eviction cases filed from 2016 to the present in all city courts in New York State as well as county courts in Nassau and Suffolk counties. Cases filed in other county courts against tenants living in rural areas, towns, or villages are not captured in the data. The geographies included in the OCA data cover approximately 83 percent of renter households in New York State overall, and 53 percent of renter households living outside of New York City.

Subsidized Properties: Upstate Cities, Long Island, and Westchester

We use the National Housing Preservation Database to identify subsidized properties that are located in the geographies covered by the OCA data that are outside of New York City. This database provides information on all subsidized properties in the state and identifies any properties with overlapping subsidies. While some subsidized properties may consist of multiple buildings, the Preservation Database only provides one street address per property. We supplement these addresses with additional addresses associated with public housing and LIHTC properties using HUD administrative data. We merge these additional addresses using the HUD property ID field which is included in the Preservation Database. For LIHTC properties, only properties

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

that appear in the HUD LIHTC tenant data have additional addresses available. To ensure complete coverage of building addresses (and associated eviction cases), we limit our analysis of LIHTC properties to those that appear in the HUD LIHTC tenant data. This includes 102 of the 470 total LIHTC properties in New York State outside of New York City, slightly skewed 'downstate'.[4] It is possible that other subsidized properties have additional addresses not included in the Preservation Database, which could potentially bias our estimates of eviction rates at subsidized properties other than public housing and LIHTC if we do not capture evictions associated with all property addresses. However, public housing and LIHTC are the subsidy types most likely to be multi-building properties. We use the subsidy start and end date fields to determine the years in which each subsidy type was attached to the property.

Subsidized Properties: New York City

To identify subsidized properties within New York City, we use the Subsidized Housing Database from Coredata.nyc, maintained by the Furman Center. This dataset lists subsidized properties at the building-block-lot (BBL) level, including any overlapping subsidies and subsidy start and end dates. Within New York City, we are also able to identify unsubsidized, multifamily rental properties using the New York City Department of Finance Property Tax System. We estimate the set of BBLs that are likely to be rental properties by filtering out non-residential properties, vacant land, and properties with uses such as airports and parks. We then limit to properties with multifamily buildings, defined as having six or more units. Properties from this filtered list that do not appear in the Subsidized Housing Database are considered unsubsidized.

Neighborhood Characteristics: American Community Survey

For both New York City properties and New York State properties, we also use 2016-2020 American Community Survey 5-year estimates to obtain characteristics of the surrounding census tract including tract poverty rate, the share of residents who are Black, and the share of residents who are Hispanic or Latino.

5. Methods

Geocoding and matching eviction cases to subsidized properties

To match eviction filings to subsidized properties, we first standardize all addresses in the OCA eviction data, the New York State subsidized property data, and the New York City subsidized property data using the "postmastr" package in R to ensure addresses are consistently formatted across datasets. We then geocode the addresses in each dataset. For New York State outside of New York City, we geocode eviction filings and subsidized properties using the geocoder available from the Census Bureau. We match eviction filings to subsidized addresses using the standard address string assigned in the geocoding process.[5] Within New York City, we geocode eviction filings using New York City's Geoclient REST API. We then match eviction filings to subsidized properties by BBL.[6] We aggregate the eviction data to the property level to compile a panel dataset at the property-year level covering 2016-2021.

4. The HUD data include 82 of the 403 LIHTC properties located in Upstate Cities (20%), 14 of the 52 LIHTC properties in Nassau and Suffolk Counties (27%) and 6 of the 15 LIHTC properties in Westchester County (40%).

5. 92% of eviction filings are geocoded successfully; 93% of subsidized properties are geocoded successfully.

6. 96% of eviction filings are geocoded successfully within New York City.

Calculating eviction measures

We calculate three eviction measures of interest at the property-year level: (i) *eviction filing rate*: number of eviction filings divided by total units at the property (including subsidized and unsubsidized units); (ii) *issued warrant share*: the share of filings that result in a warrant;[7] and (iii) *average amount sought*: total dollar amount sought in non-payment cases divided by total number of non-payment filings. To allow adequate time for case outcomes, particularly in light of court closing and case backlogs, much of our analysis focuses on filings that occurred from 2016-2019.

To compare these measures across subsidized housing types, we begin with simple descriptive statistics for our eviction measures over our time period, grouped for three geographies: Upstate Cities, Long Island and Westchester (cities nearby New York City), and New York City. We use regression analysis to better control for local factors, including the economic and demographic characteristics of the neighborhood in which the property is located. Specifically, we regress each of these measures on a categorical variable indicating the property subsidy type, controlling for tract characteristics (poverty rate, share of residents who are Black, share of residents who are Hispanic) and year.[8]

We run these regressions separately for the three groups of geographies. In the Upstate and Long Island/Westchester models, we also include juridiction fixed effects. We plot marginal means of each eviction measure by subsidy type in each year. The marginal mean represents the mean of the predicted value for each subsidy type in each year, holding all other factors constant. This allows us to compare levels and trends in eviction filings, issued warrant shares, and amount sought for properties with different subsidy types.

7. Eviction warrants may be issued weeks or months after the initial filing. For the purpose of this analysis, an eviction filing that has a reported warrant issued date at any point after the filing date and before the fall of 2022 is considered to have an issued warrant.

8. Gromis et al (2022) report significant differences in PHA eviction rates depending on racial composition of local market.

6. Findings

Upstate Cities

Table 1 presents mean annual filings and mean share of filings that resulted in a warrant for each subsidy type for upstate cities for filings that occurred in the years 2016-2019. On average during this four-year period, public housing properties had by far the highest eviction filing rates of the subsidy types. Filing rates per unit were more than ten times higher in public housing than in any other affordable portfolio. This runs counter to theoretical expectations, given that public agencies have a lesser incentive to maximize profits and their tenants pay income-based rents. It's worth noting that the high filing rate in public housing may result in part from serial filings against the same non-paying tenants, but serial filings can of course occur in other properties as well. Note that these averages conceal considerable variation in public housing filing rates across cities (described below). Importantly, as compared to other types of subsidized housing, fewer of the filings issued to public housing tenants resulted in a warrant.

Table 1: Filings and Resulting Warrants by Subsidy Type - Upstate Cities, 2016-2019

	Number of properties 2021	Mean Annual Number of Filings 2016-2019	Mean Annual Filings per 100 Units (2016-2019 average)	Mean Annual Number of Issued Warrants 2016-2019*	Mean Share of Filings that Resulted in a Warrant (2016-2019 average)*
Public Housing	106	7,878	42.0	2,356	30.0%
Section 8 but not Section 202 or PH	234	404	2.4	178	44.0%
LIHTC** but not Section 202, Section 8, or PH	72	203	3.7	89	43.7%
Other Subsidized	331	186	1.5	72	38.5%

*This represents the total number of eviction cases that were filed in 2016-2019 that resulted in a warrant by the middle of 2022 (the warrant date may be after 2019).
**only LIHTC properties in HUD tenant data

These same patterns hold in regression analysis. Specifically, controlling for tract characteristics, year, and city, public housing properties had much higher filing rates on average than any other subsidy type. Figure 1 plots the regression-controlled marginal means of filing rates by subsidy type for years 2016-2021, with 95 percent confidence intervals. Importantly, regression analyses also confirm that the share of filings that resulted in a warrant is lowest for public housing.

Figure 1: Filing Rate by Subsidy Type - Upstate Cities

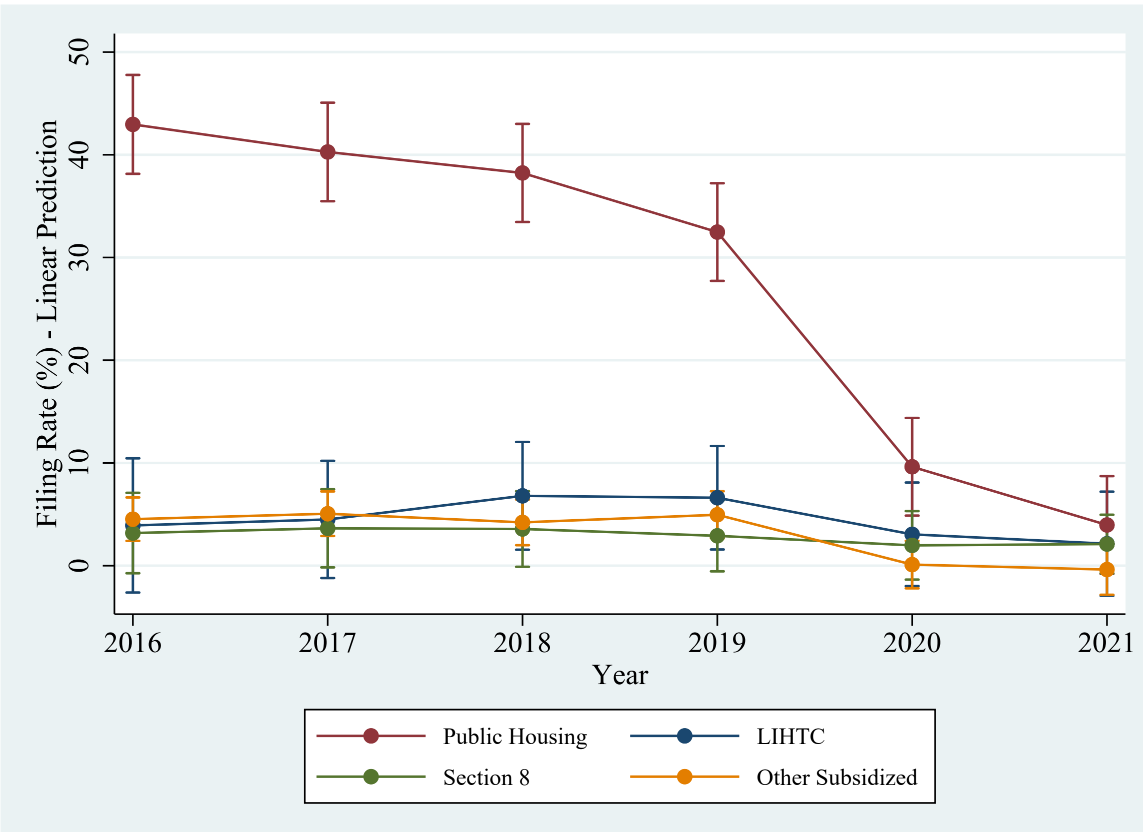
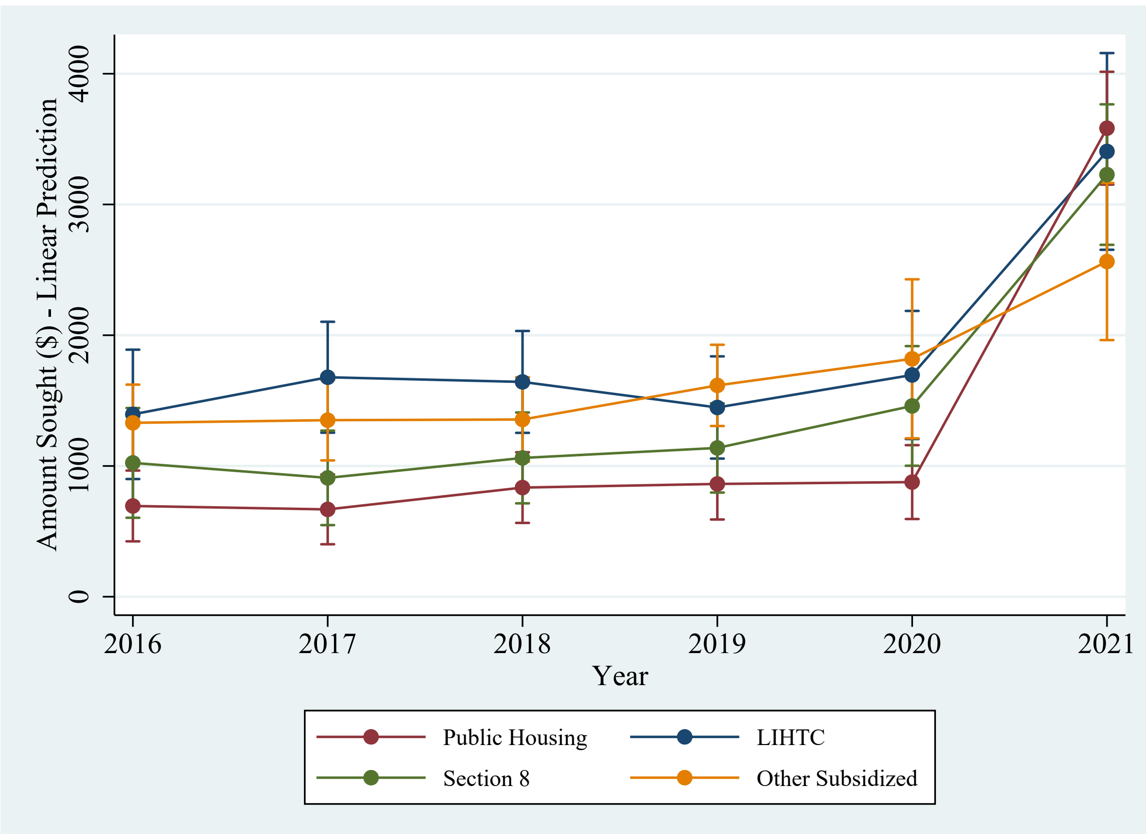


Figure 2 displays the regression-controlled average dollar amount sought in non-payment cases across subsidy types. Evictions filed at public housing properties had the lowest amount sought on average, perhaps due to lower rents, while LIHTC and Other Subsidized properties tended to have relatively higher amounts sought, controlling for tract characteristics, year, and city. The amount sought in eviction cases increased in 2021, especially in public housing properties, perhaps reflecting an accumulation of multiple months of rent arrears during the pandemic. Note that while the eviction data indicate the amount sought in each filing, there is no information on the number of months of rent this dollar amount represents.

Figure 2: Average Amount Sought in Non-Payment Cases by Subsidy Type - Upstate Cities



Long Island and Westchester

Table 2 presents mean annual filings and mean share of filings that resulted in a warrant for each subsidy type for Long Island and Westchester (defined as Nassau and Suffolk counties as well as all cities within Westchester County) in the years 2016-2019. Compared to upstate cities, the mean annual filings rate is relatively lower for public housing properties in these geographies, and relatively higher for the other subsidized housing types, though the filing rate in public housing developments is still the highest. The share of filings that result in a warrant is again lower in public housing than in any other subsidized housing portfolio.[9]

9. Regression results for filing rates and warrant shares are not displayed for Long Island/Westchester due to small sample size.

Table 2: Filings and Resulting Warrants by Subsidy Type - Long Island and Westchester, 2016-2019

	Number of properties 2021	Mean Annual Number of Filings 2016-2019	Mean Annual Filings per 100 Units (2016-2019 average)	Mean Annual Number of Issued Warrants 2016-2019*	Mean Share of Filings that Resulted in a Warrant (2016-2019 average)*
Public Housing	27	652	14.7	138	21.2%
Section 8 but not Section 202 or PH	107	358	5.3	140	39.0%
LIHTC** but not Section 202, Section 8, or PH	26	194	7.8	58	29.8%
Other Subsidized	94	316	6.5	88	28.0%

*This represents the total number of eviction cases that were filed in 2016-2019 that resulted in a warrant by the middle of 2022 (the warrant date may be after 2019).
**only LIHTC properties in HUD tenant data

New York City

Table 3 presents mean annual filings and mean share of filings that resulted in a warrant for each subsidy type for properties in New York City in the years 2016-2019. Using additional city-specific data, we are also able to observe eviction activity in unsubsidized multifamily rental properties as well as subsidized properties, including city-subsidized buildings and Section 202 properties. (Section 202 properties are grouped in the Other Subsidized category in the New York State analyses due to small sample size.)

As in the case of other cities, public housing developments in New York City had the highest eviction filing rates but the lowest share of filings that result in a warrant. However, public housing is less of an outlier within New York City. A notable difference between New York City and the New York State geographies is the much higher eviction filing rates at LIHTC properties and Section 8 properties within the city.

Table 3: Filing Rate and Issued Warrant Share by Subsidy Type -New York City, 2016-2019

	Number of properties 2021	Mean Annual Number of Filings 2016-2019	Mean Annual Filings per 100 Units (2016-2019 average)	Mean Annual Number of Issued Warrants 2016-2019*	Mean Share of Filings that Resulted in a Warrant (2016-2019 average)
Public Housing	505	33,059	20.2	12,323	37.3%
Section 202 but not public housing	117	195	2.8	82	42.1%
Section 8 but not Section 202 or public housing	469	2,760	13.6	1,289	46.8%
LIHTC but not Section 8, Section 202, or public housing	2,616	26,515	16.4	12,214	46.3%
Other Federal Subsidized	338	1,672	5.8	798	47.9%
City Subsidized	9,137	26,742	7.3	12,447	46.8%
Unsubsidized (6+ unit residential buildings)	44,156	83,887	7.3	38,812	46.6%

*This represents the total number of eviction cases that were filed in 2016-2019 that resulted in a warrant by the middle of 2022 (the warrant date may be after 2019).

Figure 3: Filing Rate by Subsidy Type - New York City

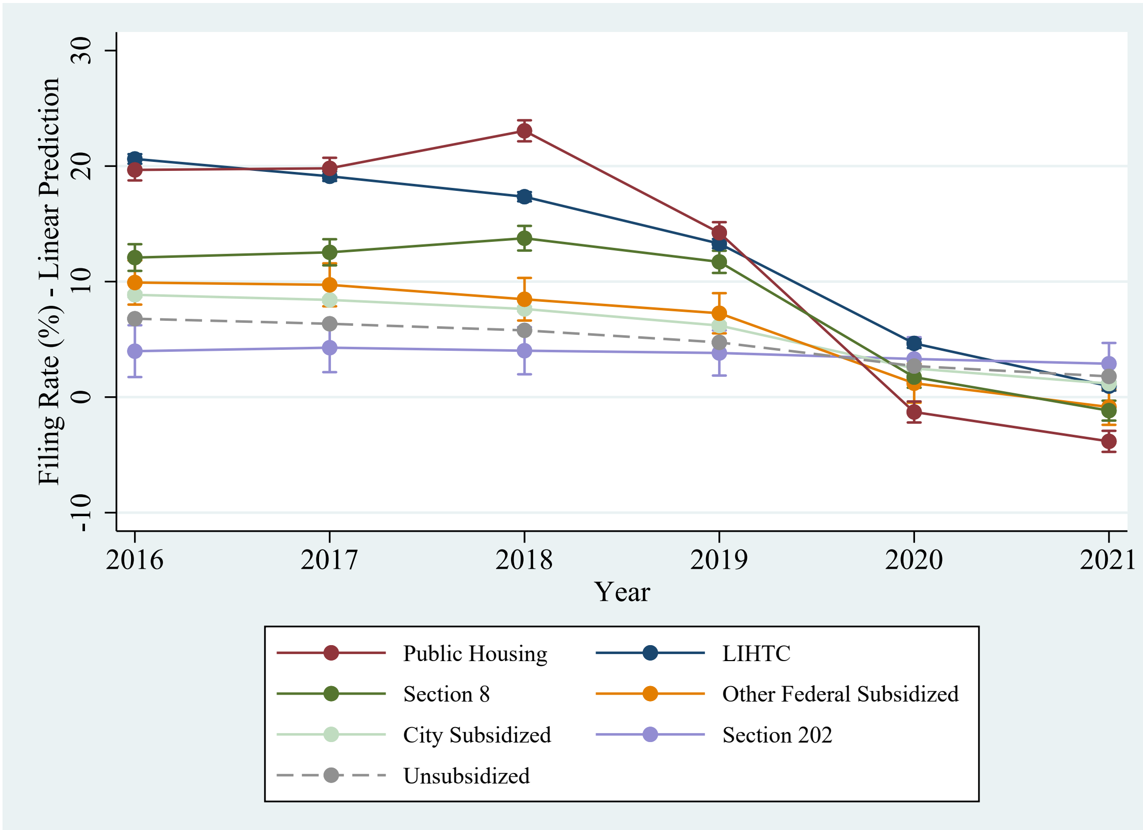


Figure 3 plots the regression-controlled marginal means of filing rates by subsidy type for years 2016-2021, with 95 percent confidence intervals. Note that predicted values in 2020 and 2021 are slightly below zero for some subsidy types, though these can be interpreted as zeros. Controlling for tract characteristics and year generally narrows but does not eliminate differences in filing rates by subsidy type. Public housing developments had the highest filing rates on average in the years prior to 2020, with LIHTC properties at similar rates or close behind in these years. Section 8 properties had filing rates above properties with city subsidies or other federal subsidies, but below public housing and LIHTC. Properties with Section 202 subsidies had the lowest filing rates across groups, perhaps due to their older populations who are more likely to be on fixed incomes.

Notably, all subsidized housing portfolios except Section 202 had higher average filing rates than privately owned rental housing. While this may be due to the lower incomes of subsidized tenants, our controls for neighborhood poverty rates and demographic composition should help to control for some of those tenant differences. As noted below, it's possible that PHAs and owners of subsidized housing file evictions as a rent collection strategy, and because they think it's the quickest way to get tenants access to rental assistance.

As for trends over time, filing rates dropped across almost all property types in 2019, even prior to the pandemic, with public housing properties seeing particularly sharp declines. All but Section 202 declined at the start of the pandemic in 2020.

Figure 4: Average Amount Sought in Non-Payment Cases by Subsidy Type - New York City

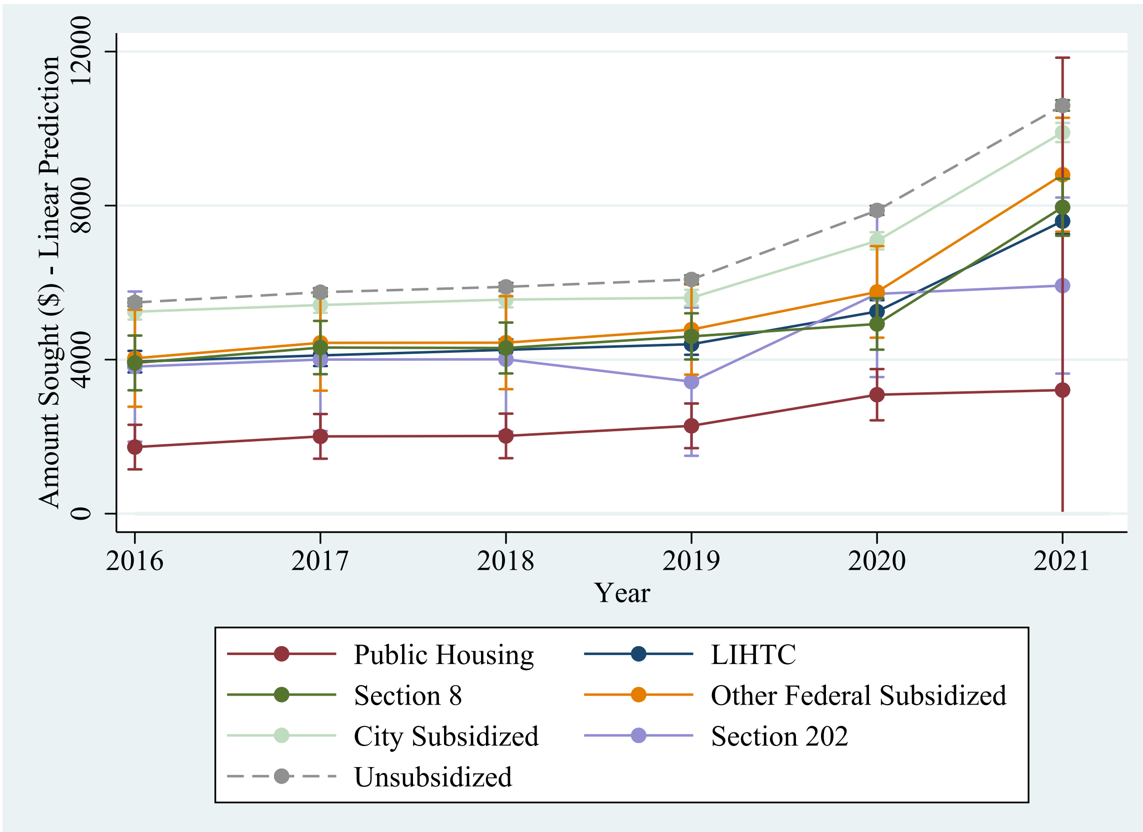


Figure 4 shows the average dollar amount sought in non-payment cases across subsidy types. Evictions filed at public housing properties were for the lowest amounts on average, similar to the result from the Upstate Cities and Long Island/Westchester. Eviction filings at unsubsidized properties tend to be for the highest dollar amount. While we are unable to determine the number of months of rent these dollar values represent, the finding that eviction cases would be filed for larger sums of money at unsubsidized (likely higher-rent) properties is expected.

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

The averages presented above conceal quite a bit of variation in eviction actions in public housing, both across upstate cities and Long Island/Westchester and across developments within New York City. Table 4 shows percentile cutoffs for these actions for public housing developments in 2016-2019. (Only cities with more than 20 filings in 2016-2019 are included).

For upstate cities, half of the cities saw fewer than 10 annual filings per 100 units in public housing on average. However, for 10 percent of cities (2 cities total), the average annual filing rate was over 100 filings per 100 units annually, likely due to serial filings issued to the same tenants. The share of filings that receive a warrant was somewhat more evenly distributed across upstate cities, but it still ranged widely, from 0 to 80 percent.

We also see considerable variation across Long Island/Westchester cities. More than half of the cities had annual public housing eviction rates of under 20 filings per 100 units, but several cities had notably higher rates. The share of filings followed by a warrant was clustered around 20-30 percent, as expected. But shares varied from a low of 0.2 percent to a high of 59.6 percent.

We also see variation in these eviction measures across individual public housing properties within New York City. The median number of filings per 100 units for New York City public housing properties was 22.1, and most are clustered around this level. But 10 percent of properties had filing rates of 35.9 or higher, and the maximum filing rate was well over 100, with more annual evictions filed on average in 2016-2019 than units at the property (suggesting multiple evictions were filed against the same unit in the same year). Meanwhile, 10 percent of properties had rates of under 6.5 filings per 100 units. While some of this may be driven by differences in arrears (the average amount sought in properties with high filing rates is higher), the variation likely also reflects discretion on the part of property managers in deciding how quickly to file eviction notices when tenants owe rent.

The median share of filings that resulted in a warrant in New York City public housing properties was 36.9 percent. However, these shares range from 0-100 percent across public housing developments, again suggesting considerable managerial discretion.

Table 4: Distributions of Eviction Measures in Public Housing by City and by BBL within New York City (2016-2019)

		Min	10th pctile	25th pctile	50th pctile	75th pctile	90th pctile	Max
Upstate Cities (jurisdictions with > 20 filings 2016-2019 - 28 of 52 cities)	City-Level Mean Annual Filings per 100 Units - Public Housing (2016-2019)	1.3	2.4	4.2	9.9	48.5	99.4	262.3
	City-Level Mean Annual Share of Filings that Resulted in a Warrant - Public Housing (2016-2019)	0%	1.9%	19.8%	36.5%	53.2%	63.2%	80%
Long Island and Westchester (jurisdictions with > 20 filings 2016-2019 - 13 of 68 cities)	City-Level Mean Annual Filings per 100 Units - Public Housing (2016-2019)	0	2.5	3.8	5.4	21.5	44.9	101.4
	City-Level Mean Annual Share of Filings that Resulted in a Warrant - Public Housing (2016-2019)	0.2%	8.6%	20.4%	29.8%	36.4%	48.3%	59.6%
New York City	BBL-Level Mean Annual Filings per 100 Units - Public Housing (2016-2019)	0	6.5	14.5	22.1	28.2	35.9	182.6
	BBL-Level Mean Annual Share of Filings that Resulted in a Warrant - Public Housing (2016-2019)	0%	21.0%	30.2%	36.9%	42.9%	50%	100%

7. Discussion

Our analysis shows that eviction filing rates in subsidized housing in New York State are higher than many might expect. In New York City, eviction filing rates in public housing, Section 8 developments, and LIHTC developments are higher than in unsubsidized, private market rentals. To some extent, the higher filing rates in subsidized housing may be due to the lower incomes of their tenants. But even after controlling for calendar year, city, and census tract characteristics, eviction filing rates prior to the pandemic were higher in public housing, Section 8 developments, and LIHTC developments than in private rental housing. Eviction filings are especially high in public housing properties. The gap between pre-pandemic annual filing rates in public housing and filing rates in other subsidized housing types is largest in upstate cities and smallest in New York City, but in all three geographies, public housing properties see more eviction filings per unit.

The high filing rates in public housing relative to other subsidized housing are surprising given that public housing tenants pay income-based rents and would therefore be expected to fall behind on rent less often than LIHTC or other subsidized tenants who pay flat rents. And filing rates in Section 8 properties are lower than in public housing properties despite housing similar tenants, charging income-based rents, and being privately owned. However, the share of these filings that are followed by an eviction warrant is consistently lower in public housing than in any other type of housing.

High filing rates but lower issued warrant rates in public housing may suggest that eviction filings are being used more often as a rent collection strategy by public housing authorities rather than a way to actually remove tenants. Indeed, some public housing agencies issue more eviction notices in a given year than there are total public housing units. This suggests the existence of multiple filings against the same tenant in a single year. While we cannot observe these serial filings in our data, lower rates of issued warrants in public housing indicate that many tenants that receive eviction notices are not being removed from their units and may continue to struggle making timely rent payments. Such serial filings against the same households in the same year may contribute to high levels of eviction filings in public housing (see Leung et al, 2021).

There is less evidence that owners of other subsidized housing view eviction filings as a strategy to collect back rent. Other owners are far less likely to file eviction notices than public housing authorities and also somewhat more likely to follow them with requests for warrants. In New York City, we see high filing rates in Section 8 and LIHTC properties as well as in public housing, which may result from landlords believing that filing an eviction is the best way to get their tenant access to a "One Shot Deal," which provide assistance to renters who can't pay rent due to an unexpected crisis.

The higher public housing filing rates could also reflect more rigid rules about back rent and evictions. HUD's Public Housing Assessment System includes measures of an agency's rent collection rates. But notably, we see considerable variation across cities in public housing filing rates and warrant rates, suggesting that individual PHAs within the same state may adopt different policies to address back rent. We even find considerable variation in filing rates across individual public housing properties within New York City, reflecting the discretion traditionally afforded to individual property managers. Notably, in the post-pandemic era, NYCHA has decided to centralize eviction decisions to ensure more consistency and encourage non-judicial resolutions to issues. In February 2022, NYCHA discontinued

90 percent of the 34,000 non-payment cases that were pending in housing court. Moving forward, NYCHA will now prioritize cases that involve over two years of arrears, rather than allowing individual property managers discretion in eviction filing decisions (New York City Housing Authority, 2022).

In future work, we aim to shed further light on the sources of the variation across PHAs. Such an analysis might help to pinpoint existing policies and management practices that contribute to lower filing rates. We will also explore institutional reforms that could help housing authorities collect back rent without resorting to housing courts.

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