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# The Tenant Movement in New York City, 1904-1984

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## BOOK REVIEWS

**THE TENANT MOVEMENT IN NEW YORK CITY, 1904-1984.** Edited by Ronald Lawson, with the assistance of Mark Naison. New Brunswick: Rutgers University Press, 1986. Pp. 289.

Reviewed by Anne Jaffe\*

This much-needed book outlining the tenant movement in this century serves to highlight the void in literature and analysis of a social movement which affects most New York City residents. It is a fascinating overview of a movement that, although vigorous for eighty years, appears a failure today. We live with over 60,000 homeless people, including whole families and even the employed, who simply cannot afford to rent an apartment in the City after they lose one; continuous shrinkage of available rental housing except at luxury prices; rapid transformation of entire neighborhoods by gentrification and the prospect that soon only the rich will live in Manhattan; and the dominance of real estate interests in state and local politics. Yet tenants have a magnificent history of struggle against powerlessness, a history of mass activity springing from creative housewives and leading to huge city-wide federations, whose rises and falls dot the movement's development.

We have a lot to learn. To one who has observed the tenant movement for over twenty years, the most shocking revelation in this book is that the tendencies which competed in 1919-20, within law and government and within the tenant movement itself, are the same tendencies and battles which have been repeated every decade since. They threaten the homes of all renters today.

At the same time, the advantages of a historical overview are undercut by the method by which this book was written. The five chronological chapters of the book were written by five

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different people, each with his or her own perspective, and the editor, an Australian who is to be thanked for putting together a study no American had seen fit to do, nevertheless leaves us without any theoretical framework or even many political conclusions. The authors sometimes<sup>1</sup> disagree with each other. For example, the largest tenant federation, Metropolitan Council on Housing, is found to have been too legally and legislatively oriented by Joel Schwartz in his chapter on 1943-71,<sup>2</sup> whereas Ronald Lawson with Ruben E. Johnson III, authors of the chapter on 1970-84, fault the same organization for having been "shrill" and alienating the legislature.<sup>3</sup>

Another disadvantage of this broad a history is the lack of details. One would have gotten more of a flavor of the movement in different periods by more quotations from the primary sources, principally newspaper accounts and interviews of tenant activists. This is especially needed because of the lack of information in other available literature.<sup>4</sup>

1. THE TENANT MOVEMENT IN NEW YORK CITY, 1904-1984, at 165-72 (R. Lawson & M. Naison eds. 1986) [hereinafter TENANT MOVEMENT].

2. *Id.* at 220.

3. I do not refer only to accounts of the early movement. How is it that, with so many books written on the social movement of the 1960s, there is so little mention of the tenant movement, which had its highpoint in that decade, when the Civil Rights Movement came North and shook up every aspect of New York City life, especially schools and housing? Many discuss the problems of slum housing and dislocation of the poor blacks during the 1960s, see e.g., KENNETH B. CLARKE, DARK GHETTO (1965) and ROBERT C. WEAVER, DILEMMA OF URBAN AMERICA (1966), but few describe the resistance to it. The Congress of Racial Equality (CORE) was the major civil rights group in New York City and its chapters participated in rent strike activity all over the City during the '60s, yet August Meier and Elliott Rudwick's CORE, A STUDY IN THE CIVIL RIGHTS MOVEMENT (1975), devotes less than two pages to the subject, concluding quite inaccurately, "[b]y the autumn of 1964 the New York rent strike movement had practically disappeared." *Id.* at 245. Richard A. Cloward and Frances Fox Piven devote ten pages to the rent strike movement in a 1967 chapter of THE POLITICS OF TURMOIL, but include only three pages on the nationwide 1930s rent riots, and one footnote on New York in the 1960s, in their oft-quoted 1978 work, POOR PEOPLE'S MOVEMENTS. This is in spite of the fact that half of that book was devoted to the Civil Rights Movement and the Welfare Rights Movement, both of which were heavily intertwined with the tenant movement in New York in the 1960s. Ironically, one book which attempts to give the tenant movement a historical context (beginning with the settlement of the country and particularly interesting regarding New York State tenant farmers in the last century) and a theoretical analysis (the author's version of the concepts of the Marxist philosopher Gramsci), is a case study of little Santa Monica, California, TENANTS AND THE AMERICAN DREAM, by Allen David Heskin (1983).

4. TENANT MOVEMENT, *supra* note 2, at 1.

*The Tenant Movement* whets a tenant lawyer's appetite for companion volumes to give us more history and analysis of the movement's relationship to the law. The book teases us with but the briefest information about the functioning of the judiciary in earlier times, such as the fact that on one day in 1918, Judge Robitzek of the Bronx Municipal Court heard twelve hundred "dispossess motions." Even the section on the 1960s attributes "legal chaos" in part to "idiosyncratic judges," which hardly enlightens us about that turbulent period.

From even this cursory history of the movement, it is apparent that the movement makes leaps when it is massive and militant. The central and repeating theme is the rent strike. Whereas the rent strike had very different purposes in different periods—in the first three decades it was a response to the inability of tenants to pay increases at a time when there were no controls, only later being a tactic to improve conditions, and now being but one tool in the arsenal of a building which may have multiple legal problems—mass tenant activity in every decade brought forth whatever improvements New Yorkers won. The historic conclusion that *The Tenant Movement* reveals is not so much progress in the law, as the author-editor concludes, but rather the defeat of tenants' power with the declining effect of the rent strike.

Although the historic overview makes clear a relationship between the tenant movement and various leftist movements in United States history, the book does not truly fulfill its editor's introductory statement that: "[i]t offers new insights into the continuities and dividing points in the history of American radicalism between working-class and student protest and into the emergence of different ethnic constituencies for radical activity and the role of women in protest."<sup>5</sup> Lawson singles out the transformation of the rent strike as a central theme, but does so in a very different way than this writer, seeing its development in the late 1960s and onward as an achievement of its "full legitimacy and safety within the law."<sup>6</sup> With this view, he confuses

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5. TENANT MOVEMENT, *supra* note 2, at 3.

6. In contrast, a passing reference to the movement places it in historical context in the pamphlet *Frantz Fanon, Soweto & American Black Thought*, by Lou Turner and John Alan (Chicago: News & Letters 1986):

What marked the great and historic decade of the '60s was the mass nature

legality with effectiveness.

In the 1960s, the rent strike movement was a development of the civil rights movement going north and attacking economic issues. There were rent strikes in every corner of New York City, many more than those mentioned by author Joel Schwartz. He correctly credits the innovative work of tenant lawyers such as Richard L. Levenson and Judge Lester Evens in aiding the movement, but overemphasizes the importance of the legal battles<sup>7</sup> and misses the enormity of the movement and its effect on the population.<sup>8</sup>

This book demonstrates the power of a mass movement in every period. It begins with 1904, when the Lower East Side housewives, who had organized a community boycott of kosher butchers two years earlier and forced down the price of meat, used their organizing skills for the first rent strikes of the century. In 1907-08, thousands of tenants in Manhattan and Brooklyn struck against rent increases. By early 1919, twenty-five thousand tenants had affiliated with the Tenant League. Tenants did not even have leases and could be evicted in a few days, so rent strikes were conducted with picket lines, predominately in Jewish socialist immigrant workers' neighborhoods of the Lower East Side and the Bronx. Those who won were able to keep new tenants out by picketing their buildings.

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of the Black revolt—its self-activity, self-organization and self-development. . .

It is this very mass character and strength out of which the disillusion began, and not only in the South, but in the North as well. The Rent Strike movement which swept the New York slums in the winter of 1963-64 involved over 100,000 people under the slogan "no rent for rats." Yet the leadership led the mass demonstrations into the arena of the landlord-tenant courts, where things bogged down interminably. Six months later, CORE demonstrations were taken over by Harlem youth and the 1964 Harlem rebellion was on. . . .

*Id.* at 30.

7. In contrast to this book's overall view of the 1960s movement as ending in failure, a pamphlet by the Chicago Urban Research Corporation in 1969, entitled *The Tenants' Rights Movement*, declared: "[w]hen the history of the tenants' rights movement is written, it is likely that 1969 will be regarded as the year when isolated tenant activity suddenly exploded into a multi-class, nationwide movement." *Id.* at 2. The group cites as proof the formation of the National Tenant Association composed of eighty organizations in twenty-five cities, half of the organizations not having existed the year before; a rent strike by one thousand families against the public housing authority of St. Louis; and twelve hundred college students on rent strike for rights in off-campus housing at the University of Michigan in Ann Arbor.

8. TENANT MOVEMENT, *supra* note 2, at 69.

In that period of radicalism and the red scare, the government was terrified of revolution in New York City. We learn that some municipal court judges had begun to allow small rent reductions to offset tenant fuel expenditures as early as 1918. In 1920 the state legislature passed the first laws permitting tenants to challenge large rent increases. The Socialist Party played a major role in tenant organizing, and in the same year the legislature passed the first reform legislation, it also expelled the five Socialist members who had been elected to it. Reform came, not unlike the Housing Court Act of 1972, when the courts became clogged (96,623 families faced eviction proceedings in 1919), and the judges appealed to the legislature. "Somebody must stand between [the landlords] and the Bolsheviki of this state."<sup>9</sup>

What is startling to this practitioner is that the April Rent Laws, as the first statutes of 1920 were called, contained the same contradictions as subsequent legislation. By requiring landlords to justify increases of greater than twenty-five percent, the legislature assured that all landlords would raise their rents by twenty-five percent and the courts would not interfere.<sup>10</sup> Pressure mounted from mass tenant campaigns, and later that year the first Emergency Rent Laws were passed with mild rent controls. By the end of the 1920s, however, rent control was phased out. Needless to say, the rise and fall of rent control corresponded to the strength of the tenant movement.

In the Great Depression, of course, the non-payment of rent was a necessity of life, and New Yorkers responded, particularly Harlemites, by forcibly preventing evictions or moving evictees and their property right back into the premises from which they were removed. The book describes how these and earlier resis-

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9. Ever since, every law seems to have given with one hand and taken back with the other. The Omnibus Housing Act of 1983 has brought this process to dizzying heights. You may now have a roommate (Real Property Law § 235-f), but it has become increasingly difficult to prove a co-tenancy. You may now sublet (Real Property Law § 226-b), but you must follow a procedure which permits a landlord to "unreasonably" refuse and place the burden of litigation on you. Rents are now registered, but the agency which is supposed to tell you your rent and calculate it in a dispute, the State Division of Housing and Community Renewal, barely functions. One could go on similarly through every section of that law.

10. The documentary film *With Babies and Banners* depicts the role of women in the first sit-down strikes in the auto plants of Flint, Michigan, that resulted in the formation of the United States Auto Workers Union.

tance actions were aided by solidarity with the movers' union, who sometimes refused to cross picket lines; even numbers of marshals and police were no match for crowds of hundreds or thousands. In certain neighborhoods, the rent strikes could be broken only by martial law. In this exciting period, the rent strike battles appear to be much like those around the formation of the CIO, including the crucial role of women,<sup>11</sup> who interposed themselves between the police and the men by remaining in their apartments to resist eviction.<sup>12</sup>

Author Mark Naison takes a strangely benign view of the authorities during the class warfare of this period, in his chapter on the depression. He found the "municipal judges, city officials and police normally quite sympathetic to tenants in distress," but angered by the militant tactics of the Communist Party; such sympathy was often repressed.<sup>13</sup> The authorities responded to the strikes and "riots" by criminal conspiracy indictments against rent strike leaders, injunctions against picketing, and a declaration by City Corporation Counsel Edward Hilly that police could arrest picketers of apartment houses because "there

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11. Rose Chernin describes tenant resistance in 1932 in Kim Chernin's *IN MY MOTHER'S HOUSE* (1983):

You know how people lived in that time, in the tenements of the Bronx. There were brick buildings, most of them without elevators, old houses with dark staircases and narrow corridors. There were people in the basement apartments, people crowded into small spaces, living together, sometimes without a bedroom, sharing kitchens and toilets, and afraid to lose the little space they had.

But these places, which no one would call exactly a castle, were better than the street. If a man would lose the job, a week later you'd see his whole family sitting out on the street. So we decided to ask for a reduction. An entire apartment house or a whole tenement would refuse to pay the landlord until the rents were reduced for everyone in the building. . . .

On the day of the eviction we would tell all the men to leave the building. We knew that the police were rough and would beat them up. It was the women who remained in the apartments, in order to resist. We went out onto the fire escapes and spoke through bullhorns to the crowd that had gathered below.

In the Bronx you could get two hundred people together if you just looked up at the sky. As soon as the police came to begin the eviction, we roped off the street and people gathered. The police put machine guns on the roofs, they pointed them down at the people in the street.

The women appealed to the crowd and to the moving men, and locked themselves in the apartments. If the furniture was moved out, the crowd would move it back in and the landlord would have to start over again.

12. *TENANT MOVEMENT*, *supra* note 2, at 100.

13. *Id.* at 110

was no such thing known to law as a rent strike."<sup>14</sup>

The City-Wide Tenants Council was a massive federation during this period. By the mid-1930s, the tenant movement was strong enough to win concessions in the legislature (upgrading the Multiple Dwelling Law), and in the courts (development of mediation programs and postponement of evictions). City-Wide had more than one hundred volunteer lawyers from the National Lawyers Guild. It used the rent strike only after having violations recorded, attempting negotiations, and escrowing the rent money. By the end of the 1930s, judges permitted picketing and generally declined to evict tenants if they had paid the back rent on demand. In short, rent strikes began to fit into the legal system.

One theme of the early tenant movement brought out by this book was the demand for public housing. By the late 1930s, the movement had enough force to generate some public housing and to win rent control in the following decade. During the massive "urban renewal" of the City in the 1950s, the promise of better accommodations in public housing frequently diffused tenant resistance to dislocation.

To an activist of the 1960s, by which time public housing had become veritable slums, the breeding ground of youth gangs and an ill-designed blight on the urban landscape, the early movement's belief that public housing was the savior of the poor seems strange. In the 1980s, with no new public housing being built and thousands on waiting lists, it may seem utopian. Even so, the question of public housing is germane to the debates of the past twenty years over the solution to the housing crisis, whether by public ownership, tenant ownership, tenant management, or some other system.<sup>15</sup> One area of the book which could

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14. See Metropolitan Council on Housing's position in Peter Hawley's 1978 pamphlet, *Housing in the Public Domain*; the City's short-lived policy of tenant-coops which collapsed with the 1975 fiscal crisis; and the plethora of books following the 1960s movement on do-it-yourself housing. Today, of course, when real estate is much too valuable to build housing for the working class let alone those on public assistance, the degenerate state of public housing can be seen in the case of Eleanor Bumpers, who was killed by a policeman carrying out her eviction. No one seems concerned with the underlying question of why the City of New York was evicting her. She was evicted for non-payment of four months rent. The Housing Authority has a vast system of social work which is supposed to aid people in danger of eviction from low-rent apartments; not only did Eleanor Bumpers "fall through the net," but a social worker was present at her eviction.

15. See Robert A. Caro's biography of Moses, *POWER BROKER*.

well be expanded upon is the relationship between the tenant movement and "development." Joel Schwartz' chapter, entitled "Tenant Power in the Liberal City, 1943-1971", emphasizes the devastation of the City and the changes in all the rules regarding housing occasioned by the Robert Moses era.<sup>16</sup> This is a question which was never separate from that of race, as blacks were quick to see that urban renewal equalled "Negro removal,"<sup>17</sup> and Moses redrew the map of New York to favor certain groups. To accomodate one community, the Belt Parkway was split into two to go around Bay Ridge and leave the neighborhood untouched and isolated from the rest of Brooklyn. In the creation of Lincoln Center, however, blacks were simply removed. Moses' redevelopment plans forced at least one hundred thousand people from their homes by 1960. At one point he planned to put an arterial highway through Washington Square. Only the strong resistance of community groups prevented even more dislocation.

The book takes up much of the period since World War II in terms of the struggle to enforce and save rent controls, which began as a wartime measure. Joel Schwartz describes the process, beginning in the late 1940s, when tenant groups and the American Labor Party devoted themselves to filling out forms, as rent controls became more complex, and weaker. After criticizing the divergent tendencies in the movement in the 1950s for rendering the fight against urban renewal ineffective, Schwartz details the formation of the Metropolitan Council on Housing in 1959. Neighborhood organizers such as Jane Benedict, Esther Rand, and Jane Wood forged an organization which, along with liberal politicians and planners, had enough strength by the early 1960s to stage mass demonstrations to "save" rent control. Even so, Schwartz claims, "Met Council's attitude towards tenant mobilization remained stodgy and conservative, until it was swept along by the civil rights movement in 1963."<sup>18</sup>

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16. Robert C. Weaver, who later became the first black cabinet member as Secretary of Housing and Urban Development, was originally skeptical of urban redevelopment for that reason. See R.C. WEAVER, *THE NEGRO GHETTO*, (1948). It contains the story of how the United Nations tried to challenge the exclusion of blacks from newly built Stuyvesant Town, where it had rented six hundred units for employees. "The United Nations proved to be no match for the Metropolitan Life Insurance Company." *Id.* at 320.

17. TENANT MOVEMENT, *supra* note 2, at 172.

18. See *Amanuensis v. Brown*, 65 Misc.2d 15, 318 N.Y.S.2d 11 (Civ. Co., N.Y. Co.

Schwartz's description of the rent strike movement of the 1960s, although frequently inaccurate and incomplete, should be read by those who did not live through it, in order to have some background on the state of both landlord-tenant law and the movement today. From the anti-poverty programs to the squatters movement (barely discussed in this book), to the Mitchell-Lama movement (not discussed at all), the same or similar activities continued, and/or have left us a legacy.

The final chapter of the book, "Tenant Responses to the Urban Housing Crisis, 1970-1984," only touches on the effects of mass abandonment (over five hundred thousand units since 1965), gentrification, cooperative conversion, and the attempts at tenant control by "sweat equity" rehabilitation, tenant management and squatting. Too much of that final chapter is devoted to praising the lobbying efforts of the New York State Tenant and Neighborhood Coalition, whereas the changes in the rent and eviction laws over the last sixteen years have done little except to prevent the total elimination of all controls.

The book is inadequate in tracing the legislative reforms that followed every upsurge in the tenant movement. It is perfectly legitimate for this book to concentrate on the tenant movement rather than the details of the law, but it is not acceptable to define the success of the movement by its ability to influence the legislature, as Lawson does in the final chapter, yet at the same time fail to analyze the effect of those laws properly.

In this writer's view, there has been no change in the law in the past twenty-five years, and a study all the way back to the creation of summary proceedings in the middle of the last century that was not a response to demands of the tenant movement, would probably extend this statement. The law attempts to control the social situation, either by institutionalizing a necessary reform or by closing a wedge that a mass movement has forged. This has been true of all recent reforms, which started with the agitation of tenants, then in liberal judicial decisions, and lastly in legislation. For example, the warranty of habitability law, Real Property Law § 235-b, permitting an abatement of

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1971). By the time the governor signed RPL § 235-b into law, his message admitted that tenants had already "utilized the doctrine affirmatively as well as defensively, as a counterclaim, set-off and defense in non-payment proceedings." N.Y.L.J. August 6, 1975, at 1, col. 4.

rent for failure to repair, was passed in 1975, after decades of demand and increasing court rulings that the obligations of landlord and tenant have some mutual dependency.<sup>19</sup> The retaliatory eviction law, Real Property Law § 223-b, was passed in 1979, after the same result was reached by judicial decisions invoking the right not to be evicted for making complaints of illegal conditions to governmental authorities. Rent and eviction controls for loft tenants, Multiple Dwelling Law Article 7-C, were passed in 1982 after the courts refused to evict many loft tenants by finding their buildings to be illegally unregistered *de facto* multiple dwellings.<sup>20</sup>

This writer would go even further in tracing this historic progression to show that it is not necessarily progress. Many laws were passed in response to the mass movement of the 1960s, but they have generally failed to make a dent in the problems of housing in New York City. Article 7-A of the Real Property Actions and Proceedings Law, for example, permits tenants to petition the court to appoint an administrator to control their building when conditions are hazardous to life, health and safety. It has produced extensive litigation over how to define that standard and whether all necessary defendants have been served. It has failed to solve the problems of how to get a competent administrator appointed and how to pay, out of the current rent roll, for the extensive repairs necessitated by years of the landlord "milking" the building.

The codification of the warranty of habitability and retaliatory eviction has not particularly aided their usefulness today. At least in Manhattan and the desirable neighborhoods elsewhere, the collection of rent is often of little importance, because landlords are interested only in possession, whether to raise the rent to what the market will bear, to control a co-op conversion, or to renovate or demolish the building. Having the

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19. *E.g.*, *Lipkis v. Pikus*, 99 Misc.2d 518, 416 N.Y.S.2d 694 (App. Term 1st Dep't 1979), *aff'd* 72 A.D.2d 697, 421 N.Y.S.2d 825 (1st Dep't 1979); 155 Wooster Street Assoc. v. Bengis, N.Y.L.J., July 2, 1979, at 12, col 1 (App. Term 1st Dep't).

20. The Appellate Division, First Department has recently recognized harassment-by-litigation by strengthening the tort of intentional infliction of mental and emotional distress, holding that landlords' lawyers as well as landlords may be liable for bringing baseless eviction proceedings. *Green v. Fischbein, Olivieri, Rozenholc & Badillo and David C. Walentas*, 119 A.D.2d 345, 507 N.Y.S.2d 148 (1st Dep't 1986). Extensive Supreme Court litigation, however, is hardly a practical solution.

defense of breach of warranty of habitability is of little use to tenants whose buildings are allowed to run down in order to force them out, and who, when they stop paying rent, are not sued for it. Retaliatory eviction is a superfluous defense in desirable neighborhoods where every landlord is trying to evict every tenant, whether or not he has made a complaint, and a common tactic is multiple baseless lawsuits.<sup>21</sup> It generally comes into use only in apartments which are not rent controlled or rent stabilized, although its provision for civil suit is also useful as a grounds for awarding tenants attorney's fees where they might not otherwise be entitled to them. The Spiegel Law, Social Welfare Law § 143-b, is another reform which is rarely used. It authorizes the Department of Social Services to withhold a welfare recipient's rent when his living conditions are dangerous to life or health. In fact, the department not only fails to take the initiative, it frequently eliminates a recipient's rent allowance if he goes on rent strike, and in this age of Reaganism, welfare recipients believe they will be thrown off welfare completely if they go on strike.

In fact, legislative "reforms" have often marked the assault by big real estate against the tenant movement, with the courts being used to truncate the movement. *The Tenant Movement* correctly singles out 1971 as the legislative nadir of the movement. It was the year of the introduction of vacancy decontrol,<sup>22</sup> the Maximum Base Rent system,<sup>23</sup> the first non-primary resi-

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21. Now Admin. Code of the City of N.Y., § 26-403e(2)i(9); the law phases out Rent Control in apartments which become vacant after June 30, 1971. Although tenant agitation forced the legislature, just three years later, to add decontrolled apartments to those covered by the Rent Stabilization Law of 1969; that law was and continues to be a weaker form of control in most respects. There are now a hundred thousand or fewer rent controlled apartments left.

22. Admin. Code of the City of N.Y., § 26-405a(3) *et seq.* The MBR system has enabled landlords to raise most rent controlled rents every year starting in 1972. It is so complex that it has proved impossible to administer, and by now makes it virtually impossible for a tenant to determine what his rent should be. Rent stabilized tenants, of course, have never been able to determine their legal rents, because there was no registration of rents until 1984; now you cannot find out what your rent is until after you have become the tenant, and by then it is probably too late to correct past errors.

23. Admin. Code of the City of N.Y., §§ 26-403e(2)i(10) and 26-504a(1)f. The law now permits landlords to bring eviction proceedings in court against both rent controlled and rent stabilized tenants after giving the tenant a thirty-day notice that he is not using his apartment as his primary residence. Landlords sometimes blitz an entire building with notices just to see who will leave without a fight or come forward with an explanation of

dence law, whose present incarnation is a favorite means of harassment-by-litigation,<sup>24</sup> and the Urstadt Law.<sup>25</sup> The Omnibus Housing Act of 1983 is a more recent legislative enactment that is also destructive of tenants' rights. For example, by placing rent control and rent stabilization under the State Division of Housing and Community Renewal (DHCR), it further removed controls from local influences and enabled the Governor to render the agency nearly completely dysfunctional. The DHCR often does not honor judicial subpoenas, let alone process and decide cases properly.

Just as *The Tenant Movement* fails to emphasize the importance of the color of New Yorkers in transforming the tenant movement in the 1960s, so it fails to see race and class discrimination dominating New York City housing policy in 1971,<sup>26</sup> and ever since. The editor-author concludes in the final chapter, "[t]he improved political outlook for tenants is a dramatic indication of greater movement influence", but his own description of current affairs gives the lie to this statement. In spite of increasingly large and active city-wide, state-wide and even national tenant organizations, New York City is characterized by the shrinkage of affordable housing, rampant gentrification, and increasing rents, housing code violations, and eviction proceedings. It is regrettable that this book failed to supply us with more useful conclusions about how to fight back.

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why his other residence is not his primary one, thus giving the landlord evidence on which to maintain a proceeding against him. Many proceedings are started with no evidence, simply because it is worth the landlord's while to try, especially since proceedings may be brought with no factual allegations necessary.

24. N.Y. UNCONSOLIDATED LAWS § 8605 forbids the City from passing laws which are "more stringent or restrictive" than those already existing, and has been used to void all attempts by the City to ameliorate rent and eviction problems without specific authorization from the state.

25. The Rand Institute's 1971 study, *Rental Housing In New York City, Volume 2*, discusses the trouble in the housing market at that time as due to increased costs of building and the increase in the black and Puerto Rican populations. Its statistics show there had been little change in the number of inhabitants in New York City over the previous twenty years, but the immense turnover from white to black and Puerto Rican population since 1950 had changed everything about rental housing.

26. TENANT MOVEMENT, *supra* note 2, at 269.