Title
Evictions: The Comparative Analysis Problem

Journal
Housing Policy Debate, 31(3-5)

ISSN
1051-1482

Authors
Nelson, Kyle
Garboden, Philip
McCabe, Brian J
et al.

Publication Date
2021-09-03

DOI
10.1080/10511482.2020.1867883

Housing Policy Debate

ISSN: (Print) (Online) Journal homepage: https://www.tandfonline.com/loi/rhpd20

Evictions: The Comparative Analysis Problem

Kyle Nelson, Philip Garboden, Brian J. McCabe & Eva Rosen

To cite this article: Kyle Nelson, Philip Garboden, Brian J. McCabe & Eva Rosen (2021) Evictions: The Comparative Analysis Problem, Housing Policy Debate, 31:3-5, 696-716, DOI: 10.1080/10511482.2020.1867883

To link to this article: https://doi.org/10.1080/10511482.2020.1867883

HOUSING POLICY DEBATE
2021, VOL. 31, NOS. 3–5, 696–716
https://doi.org/10.1080/10511482.2020.1867883

Routledge
Taylor & Francis Group

Evictions: The Comparative Analysis Problem

Kyle Nelson[a], Philip Garboden[b], Brian J. McCabe[c] and Eva Rosen[d]

[a]Department of Sociology, UCLA, Los Angeles, CA, USA; [b]University of Hawai`i, Honolulu, USA; [c]Department of Sociology, Georgetown University, Washington, DC, USA; [d]McCourt School of Public Policy, Georgetown University, Washington, DC, USA

ABSTRACT

Since 2003, when Hartman and Robinson identified eviction as "the hidden housing problem," a growing body of research has provided detailed, empirical analyses of the eviction process in specific locations. However, there has been little effort to systematically compare the legal regimes and institutional contexts governing eviction proceedings. Drawing on our research in four cities—Baltimore, Maryland; Dallas, Texas; Los Angeles, California; and Washington, DC—we consider how the legal regimes of landlord–tenant courts shape the eviction process for tenants and landlords. Specifically, we draw on fieldwork and administrative records from these four cities to identify how procedural and legal contexts differ by place, and the ways that these processes shape both eviction's institutional life and its underlying social meanings. Although the problem of eviction is no longer hidden in the housing literature, the explosion of eviction research has introduced a comparative analysis problem.

ARTICLE HISTORY
Received 15 March 2020
Accepted 19 December 2020

KEYWORDS
eviction; housing; legal

When Hartman and Robinson published "Evictions: The Hidden Housing Problem" in 2003, research on eviction was scant and scattered, consisting of just a few case studies and academic law review articles. Now, less than 20 years later, eviction scholarship has emerged as a subfield unto itself, with research from urban planners, sociologists, economists, and policy scholars interested in one of the most visible manifestations of the contemporary housing crisis. Researchers studying Milwaukee, Wisconsin (Desmond, 2016); Baltimore, Maryland (Garboden & Rosen, 2019; Purser, 2016; Rosen, 2020); Washington, DC (Fleming-Klink, McCabe, & Rosen, n.d.; McCabe & Rosen, 2020); Los Angeles, California (Lens, Nelson, Gromis, & Kuai, 2020; Nelson, 2021a; Sims, 2016); New York City, New York (NYU Furman Center, 2019; Seron, Ryzin, Frankel, & Kovath, 2001); Atlanta, Georgia (Immergluck, Ernsthausen, Earl, & Powell, 2020; Raymond, Duckworth, Miller, Lucas, & Pokharel, 2016); and Seattle, Washington (Thomas, 2017)—among many other places—have generated important insights into how eviction processes unfold and why they matter for low-income renters.

This work has not only produced important insights but also made manifest the vast heterogeneity in legal eviction processes. For decades, state and local courts lacked a set of best practices for handling eviction cases, leading them to shape processes and procedures in ways that aligned with their institutional needs and local political ideologies. Landlords have also adapted, making choices regarding eviction and screening based on a combination of market factors and legal regimes. These divergent contexts result in institutional definitions of eviction that are legally, materially, consequentially, and theoretically heterogeneous across the nation. Specifically, there is a substantial amount of variation in (a) when, how, and how often landlords file for eviction, including when the first legal

CONTACT Kyle Nelson kylenelson@ucla.edu
Supplemental data for this article can be accessed here.

record is created; (b) the informal tools used in courtrooms (e.g., court-incentivized mediation or settlement in lieu of trials) to adjudicate outcomes; (c) the consequences of varied enforcement of the implied warranty of habitability statute for the legal defenses offered by tenants fighting an eviction; (d) the ways that landlords respond to varied waiting times between steps in the eviction process; (e) the role of just-cause eviction ordinances (and other tenant protection policies); and (f) how the geographic location and the social organization of city-specific court structures impact both the filing process and the case outcomes. These challenges of comparative analysis have grown as researchers—such as those at Princeton University's Eviction Lab and the Anti-Eviction Mapping Project—work to centralize and visualize eviction records, provide interjurisdictional comparisons, and build a clearer, data-driven picture of eviction's impact on communities across the United States. Although bringing much-needed attention to the problem of eviction, this dynamic body of research raises critical questions about the degree to which comparative analyses of eviction that draw on data from multiple research sites can produce policy-relevant conclusions regarding landlords and tenants.

In this article, we employ a comparative case study approach to illuminate differences in the legal procedures and institutional contexts under which eviction proceedings unfold. Aside from the specific insights generated by these comparisons, our goal is to highlight challenges of comparability that must be taken seriously as researchers seek to generalize findings from specific field sites. We offer several empirical examples to explain the unique challenges of comparability in eviction research and conclude with recommendations for econometric analysis. For example, the process for filing cases is shaped by local administrative rules and legal regimes that impact the number of cases filed annually and thus the number of executed evictions. Differences in these legal regimes pattern eviction outcomes in ways that render simple comparisons—even those as simple as interjurisdictional filing rates—misleading when attempting to understand how legal, demographic and market contexts influence landlord-catalyzed involuntary mobility or housing-induced economic strain.

Whereas these critiques are not entirely new (e.g., Aiello et al., 2018), we offer empirical cases to demonstrate eviction's comparative analysis problem. Our case study analysis focuses on the eviction processes in four locations: Baltimore, Maryland; Dallas, Texas; Los Angeles, California; and Washington, DC. Each of the authors has conducted extensive field work or data collection in one or more of these cities. By peeling back the layers of the process, we highlight six ways that the eviction process differs across localities to shape the institutional life of eviction. First, we argue that state laws and court regulations shape landlords' decisions about when and how often to file for eviction. Second, we show that informal courtroom procedures often lead to outcomes (e.g., court-incentivized mediation or settlement in lieu of trials) that are not fully documented in administrative records. Third, we note that the implied warranty of habitability statute, which requires landlords to maintain a safe and habitable living environment, is interpreted and enforced differently across our field sites with consequences for tenants' legal defenses against eviction. Fourth, we discuss how landlords respond differently to variation in waiting times between steps in the eviction process. Fifth, we note that just-cause eviction ordinances and other tenant protection policies shape aggregate filing trends and must be considered when documenting the formal eviction process. Finally, we show how the geographic location and social organization of city-specific court structures are consequential for both the filing process and case outcomes over time. With these six propositions, our article offers guidance for researchers engaged in interjurisdictional research to consider how local regulations and procedures impact court filings and tenant outcomes.

The Challenges of Measuring and Defining Eviction

In just the last 10 years, researchers have pushed the field of eviction forward by studying a range of field sites, including eviction in the private housing market (Desmond, 2016), divided asset ownership markets such as trailer parks (Sullivan, 2018), and the eviction economy (Purser, 2016). This abundance of new research on eviction reveals that certain populations experience elevated risk of eviction. Complementing findings from earlier studies (see the review in Hartman & Robinson, 2003,

p. 467; Mosier & Soble, 1973), this new wave of eviction research finds that Black women (Desmond, 2016; Desmond & Valdez, 2012; Hepburn, Louis, & Desmond, 2020), Black renters generally (Lens et al., 2020; Medina, Byrne, Brewer, & Nicolosi, 2020), and families with children (Desmond, 2016; Desmond, An, Winkler, & Ferriss, 2013) are overrepresented in eviction court dockets relative to other sociodemographic groups.

Additional intersectional factors may also amplify the likelihood of receiving an eviction. Lempert and Monsma (1994) identify cultural discrimination as a factor that makes Samoan tenants in Hawaiian public housing more likely to be evicted than other tenants. Desmond (2012) points to similar interactional mechanisms that influence landlords' decisions to evict Black women in Milwaukee. Nuisance ordinances and third-party policing dynamics put Black women voucher tenants in Los Angeles County's Antelope Valley (Kurwa, 2015) and victims of domestic violence in Milwaukee (Desmond & Valdez, 2012) at heightened risk of being evicted. Consistently, these studies show that the most disadvantaged residents of a jurisdiction are more likely to end up in eviction court.

Although this article focuses on comparisons between U.S. cities, emerging work has highlighted even more significant transnational differences in eviction (Weinstein, 2020). Whereas research in the United States typically focuses on eviction from a housing unit, ethnographers studying cities outside of the United States describe eviction from formal and informal settlements where the state, operationalized as city government's "punitive arm," enacts mass eviction (in Argentina, see Auyero, 2010, 2012; in South Africa, see Levenson, 2017a, 2017b; in India, see Weinstein, 2014, 2017). Whereas the state plays a role in eviction in the United States, it does so by enforcing the contractual relationship between landlords and tenants, or directly in state-owned and operated public housing (Lempert & Monsma, 1994; Mock, 1998).

Research has also begun to identify how variation in landlord type can influence eviction rates. Corporate landlords, for example, are more likely to evict tenants without the level of flexibility traditionally offered by mom-and-pop landlords (Immergluck et al., 2020; Raymond et al., 2016). These larger professionalized landlords are also more likely to be serial evictors who file on the same tenants in the same units multiple times per year (Garboden & Rosen, 2019; Immergluck et al., 2020; McCabe & Rosen, 2020; Sims & Iverson, 2019). Often, these landlords have no intention of kicking the tenant out of the rental unit; rather, they use the filing process as a tool to collect rent owed.

Throughout this literature, however, the term eviction is used to describe different types of events, including broad housing insecurities, no-fault evictions at the end of a lease, eviction warnings, filings, court judgments, and the bodily removal of a family from their home by agents of the state. Hartman and Robinson, for example, focused on the terminal moment of an eviction process, which they define as follows: "a tenant is evicted when, following a process initiated by a property owner in the courts, a person empowered by a court executes an order to remove the tenant from the premises" (Hartman & Robinson, 2003, pp. 462–463). More recent research points to the harmful consequences for tenants when an eviction filing is initiated and the process unfolds, but the filing never results in a physical expulsion (Garboden & Rosen, 2019; Leung, Hepburn, & Desmond, 2020).

Given the multiple meanings of eviction, it is reasonable to think that Hartman and Robinson's put-out moment would be the most comparable across legal and demographic contexts, and that data on such events might be fairly reliable (see Porton, Gromis, & Desmond, 2020). But even in this circumstance, we argue that a cross-context comparison can be misleading. First and foremost, this moment occurs only when landlords choose to implement a formal eviction process rather than pushing a tenant out through other informal means (Desmond, 2016). It is common in some areas for landlords to implement a process of cash for keys—when a landlord pays a tenant to leave so that they can rehabilitate or sell the property without waiting for a lease to end or undergoing an extended eviction process. Such arrangements are often far from voluntary, but they do not necessarily constitute a formal eviction or show up in court records. Indeed, as Hartman and Robinson note:

> Any honest treatment of [eviction] must take into account all the ways tenants leave their homes involuntarily. The narrowest definition of eviction would cover only those that take place as the culmination of a legal proceeding

> with a marshal or sheriff coming to the tenant's door. A less stringent definition – any involuntary move that is the consequence of a landlord-generated change or threat of change in the conditions of occupancy of a housing unit – will produce a far larger set of numbers. Expanding our view of what constitutes an involuntary move to take into account other factors, such as government actions and moves caused by the precariousness of many renters' legal hold on their tenancy, will produce an even larger set of numbers. (2003, p. 466)

There are, however, some countervailing factors. Landlords in some cities are legally required to formally execute a court-ordered eviction against a tenant even if that tenant has voluntarily but unofficially departed (and thus eliminate the tenant's right to return). In these cases, the presence of law enforcement at the door serves only to ensure that the property is empty, not to remove a tenant.

Administrative data are thus likely to undercount evictions in ways that will not be consistent across jurisdictions. For example, in their comparison of how the American Housing Survey (AHS) and the Milwaukee Area Renters Study (MARS) measure eviction and forced moves, Desmond and Shollenberger (2015) found that a greater percentage of Milwaukee respondents reported experiencing forced moves in the MARS survey than did the nationwide sample of respondents interviewed for the AHS survey (p. 1762). These differences stemmed from respondents' strict definition of eviction in the AHS compared with the more expansive battery of questions in the MARS survey that included the full range of landlord-instigated involuntary mobility. For example, respondents in the AHS would be unlikely to classify a move to avoid a rent increase as an eviction even though the move is not wholly voluntary. Because the ability to raise rents is conditional on local policies (such as rent control) and local market dynamics (such as gentrification), the degree of bias in the AHS measure is likely inconsistent across the nation.

Although any apparent difference in the number of put-outs—measured by the number of times law enforcement evicts tenants—could be driven by true quantitative differences in evictions, it is likely to be confounded by differences in housing markets, legal processes, and even record-keeping efforts. Data limitations sometimes force researchers to operationalize eviction as the number of eviction filings or judgments, rather than the number of put-outs. It is often difficult to obtain granular data on put-outs (or to compare these data across jurisdictions) because administrative agencies maintain inconsistent data collection strategies, have limited capacity to make those data available (Keating, 2003), and abide by different record-sealing protocols (Kleysteuber, 2006). This variation in the scope and availability of data sometimes results in a naïve conflation of eviction filings, eviction judgments, and executed evictions (Garboden & Rosen, 2019; Immergluck et al., 2020), and neglects the underlying legal process and the outcomes produced along the way.[1] Although qualitative research usefully introduces nuance to the eviction process, it struggles to generalize across cases and to identify unique effects of institutional rules and procedures (Desmond & Shollenberger, 2015; Garboden & Rosen, 2019; Lempert & Monsma, 1994; Purser, 2016).

Methodology: The Institutional Life of Eviction

Comparisons between sites, or even comparisons of nominally similar data, are complicated by the institutional contexts in which eviction occurs. In this article, we refer to the *institutional life of eviction* to encompass legal guidelines that structure the landlord–tenant relationship; substantive and procedural laws that inform the eviction process on a local level; the institutional actors who collectively enact these laws and produce outcomes; the institutional histories that inform the contemporary sociospatial organization of eviction; and the local procedural idiosyncrasies that shape eviction processes in ways that defy simple analyses of eviction outcomes. Our aim is to highlight particular aspects of the institutional life of eviction that complicate comparative analyses.

We are not the first researchers to focus on these institutional dimensions of eviction. Purser (2016) shows how evicted tenants systemically become key labor in the eviction economy by assisting with lockouts (see also Seymour & Akers, 2021). Bezdek (1992) identifies how participating in the legal process opens tenants to institutionalized forms of discrimination and silencing. Lawyers' relational expertise, or their ability to navigate legal rules and procedures, can mitigate silencing by

helping represented tenants achieve better outcomes than those representing themselves (Sandefur, 2015; Seron et al., 2001). Whereas most studies focus on the supply-side implications of legal counsel for eviction outcomes (reviewed in Engler, 2009), others have studied demand-side barriers to accessing justice. Steinberg (2015) shows how legal policies and procedure complicate the legal eviction process in ways that put tenants at an inherent disadvantage and elevate the importance of legal counsel (see also Juricic, 2019; Shanahan & Carpenter, 2019; Summers, 2020). Relatedly, Nelson (2021a) identifies how the eviction process produces "interpretive disjuncture" between how tenants and courts understand eviction when eviction shifts from being an everyday housing trouble to a lawsuit and puts tenants at particular risk of defaulting.

This article considers the site-specific details of the eviction process gleaned from ethnographic observation and analysis of local eviction laws, procedures, and records. Drawing on our research in several field sites, we aggregate our collective knowledge about these cases to ask whether (and how) eviction is comparable across contexts. Our experience across four field sites, including detailed knowledge of their idiosyncrasies, are presented to yield caution when making cross-case comparisons. This article endeavors to lay out testable hypotheses gleaned from our comparative work and provide an agenda-setting pathway for future research on eviction's comparative analysis problem.

Our comparative case study analysis of the eviction regimes focuses on four research sites: Baltimore, Dallas, Los Angeles, and Washington, DC. The comparative case study methodology is uniquely suited to answer the questions posed by this article (Ragin, 2014; Yin, 2013). We utilize a small set of dissimilar cases to provide deep insight into localized institutional and legal contexts where eviction processes unfold; the four localities differ on a range of dimensions related to the institutional life of eviction, including the contours of landlord–tenant law, the robustness of the housing markets, and the degree of racial and ethnic diversity. Consistent with the primary scientific objective of qualitative research, we use our case studies for concept formation, elaboration, and refinement of the institutional life of eviction, rather than as a tool for theory testing or generalizing to a broad population (Ragin, 2014; Small, 2009; Yin, 2013). By examining four major American cities with unique urban histories, housing markets, and legal regimes, our analysis highlights key vectors in the eviction process that may impact the eviction process and outcomes for tenants in our focal cities and elsewhere.

Each coauthor has extensive experience in at least one of the field sites, collecting ethnographic observations, interviewing key actors, and analyzing secondary sources related to laws and practices. With the exception of Dallas, where we could not gain direct access to records, we also analyzed available eviction records, although their accessibility and comprehensiveness varies across locations. Nelson conducted 20 months of fieldwork in Los Angeles and completed 31 interviews with tenants and attorneys representing landlords and tenants. He supplemented these qualitative data with administrative data from the Judicial Council of California, the Los Angeles Superior Court, and the Los Angeles Department of Housing and Community Investment. Garboden and Rosen conducted in-depth qualitative interviews and observations with 157 landlords in Baltimore, Dallas, Cleveland,[2] and Washington DC, including multiple court observations. McCabe and Rosen processed detailed administrative records from the DC Court System that document over 175,000 filings in landlord–tenant court between 2014 and 2018. (For more detailed methods at each field site see Garboden & Rosen, 2018, 2019; Garboden, Rosen, Greif, DeLuca, & Edin, 2018; McCabe & Rosen, 2020; Fleming-Klink et al., n.d.).

As we will show through these case studies, our four cities are similar and different in ways that enable and constrain comparison. Table 1 shows how housing market characteristics, population demographics, and governance structures vary in ways likely to affect the eviction process and the outcomes produced.

The cases also reflect a variety of landlord–tenant policy regimes. Hatch (2017, p. 98) defines California, Maryland, and Washington, DC as "protectionist states" with the most prorenter laws. By contrast, Texas is a probusiness state with laws primarily designed to protect landlords. These categorizations reflect the legal regime in each case and are only weakly connected to eviction outcomes; other factors, including housing market tightness, tenant demographic characteristics,

Table 1. Comparison of characteristics across four cities.

	Baltimore, MD	Dallas, TX	Los Angeles, CA	Washington, DC
Population	622,454	1,260,688	3,900,794	647,484
Median household income ($)	42,241	43,781	50,205	70,848
Poverty rate (%)	18.96	20.50	17.77	14.33
% Renter households	52.88	57.70	63.16	58.76
Median gross rent ($)	951	863	1,209	1,327
% Rent burdened	32.80	29.20	36.50	29.50
Median property value ($)	152,400	135,400	471,000	475,800
Eviction filings (EL 2016)	Unavailable[a]	24,834	3,355[a]	27,434
Eviction rate (%)	Unavailable[a]	1.52	0.38	2.59
Eviction filing rate (%)	Unavailable[a]	8.71	0.39	15.67

Note. [a]The Eviction Lab (EL) does not have eviction filing data for Baltimore and significantly undercounts eviction filings in Los Angeles. Poverty rate is defined as the percentage of families earning below the Federal Poverty Threshold ($26,200 for a family of four). Rent burden is defined as households paying over 30% of their income in rent and utilities.
Sources: 2015 five-year estimates from the American Community Survey (first seven rows) and Eviction Lab (last three rows).

and data collection and reporting, also influence the observed rate at which tenants are evicted. The details of the legal process in each site are described below.

Case Studies: Eviction Procedures in Our Research Sites

For a typical case of nonpayment of rent (by far the most common reason for an eviction lawsuit), the overall institutional process proceeds somewhat similarly across all our jurisdictions, albeit with some key differences. The first step in the process is a notice to vacate, or a prefiling notice, served by the landlord to the tenant. Once served, the tenant has a certain number of days to voluntarily vacate their unit. If the notice expires and the tenant has neither paid their rent nor vacated the property, then the landlord (or their attorney) can pursue a lawsuit for an eviction. This is the eviction filing—referred to in our jurisdictions as a Forcible Entry and Detainer Lawsuit (Texas), Unlawful Detainer Lawsuit (California), Summary Ejectment (Maryland), or Verified Complaint for Possession of Real Property (DC). The landlord pays the filing fee, serves their tenant a summons and complaint, and receives a hearing date from the court. The court also serves the tenant a notice that the lawsuit is being filed.

At this point, several things can happen. In the majority of cases, the tenant will either pay the rent owed and stay in the property, or vacate. In states where there is a legal right to redemption, the landlord must accept any rent offered by the tenant, which will stop the eviction when paid in full. In states without this right, it is up to the discretion of the landlord to either accept rent or proceed with an eviction. In some states, including Texas, the landlord can still continue with the eviction even if they do accept late rent.

During this phase, a minority of tenants will contest the eviction and provide a legal defense. For example, the tenant may argue that the landlord did not follow the proper eviction procedure or did not wait the required number of days before filing. Tenants may also mount a defense based on the implied warranty of habitability by arguing that the landlord did not maintain a habitable living environment. As we will show, different interpretations of the warranty of habitability across states allow for rent withholding in some jurisdictions, but not others.

If the hearing proceeds, then the landlord (or their counsel) and the tenant (or their counsel) appear in front of the judge. If the tenant does not have an acceptable defense and the landlord demonstrates that the rent has not been paid, then the judgment will likely be in the landlord's favor. If the landlord wins, then there is a period in which the tenant can appeal. If the tenant has not vacated by the time this period is up, then the landlord files for a court order granting possession of the property (also known as a Writ of Possession in Dallas, a Writ of Restitution in DC, and a Warrant of Restitution or Writ of Execution in Los Angeles). Once the writ is issued, the sheriff appears in person (potentially that same day in Texas, or within 75 days in DC) to remove remaining tenants.

Beyond variations in the length, these top-level similarities mask important institutional differences between cities, as described below.

Baltimore, Maryland

All evictions in Baltimore are processed via the District Court of Maryland for Baltimore City, which everyone simply calls rent court. Of the 140,000–160,000 landlord–tenant cases processed by a single courthouse each year, nearly all of them are brought by the landlord because of unpaid rents (PJC, 2015). The high volume of eviction cases in Baltimore results, in part, from the fact that the city eschews the standard 3- or 5-day notice process; instead, it requires landlords to file with the court as soon as the tenant is in arrears (is late on rent).[3]

The institutional life of eviction in Baltimore is defined, almost entirely, by the extreme logistical burden generated by these filings. Neither tenants nor landlords routinely attend their trials—the former simply skipping the process, and the latter represented by an agent. When tenants do dispute a claim, the judge encourages them to work it out in the hall with the landlord's agent. Because of the early filing timeline and tenants' right to redemption, the 140,000 filings result in roughly 7,000 put-outs per year through a process delegated to the sheriff's office.

Dallas, Texas

Evictions in Dallas are presided over by Justices of the Peace within the Justice Courts. There are 10 such courts in Dallas County, which encompasses much of Dallas City. These courts also process small claims, misdemeanors punishable by fine, truancy cases, and civil cases up to $10,000. Since the eviction process in Dallas moves much more quickly than the process in our other three sites, it is generally considered to be pro landlord. Here, too, the vast majority of cases are for nonpayment of rent. Once the judge sides with the plaintiff, a tenant has only 5 days to appeal, at which point the eviction can happen immediately. The whole process—from failure to pay rent to being forcibly removed—can unfold in a matter of 2 weeks. According to the Eviction Lab, the City of Dallas had a total of 24,834 eviction filings, 4,345 evictions, a filing rate of 8.71%, and an eviction rate of 1.52% in 2016.

Los Angeles County, California

In Los Angeles, formal evictions are processed by the Los Angeles Superior Court (LASC) as summary civil litigation. The LASC system is the largest general jurisdiction trial court in the world; it serves the 88 cities and unincorporated areas that comprise Los Angeles County. Whereas substantive and procedural law structuring eviction proceedings are determined at the state level, local laws such as rent stabilization ordinances flow up from cities and affect legal processes. More so than in our other cases, therefore, the institutional life of eviction in Los Angeles County varies substantially by geography.

Despite a nationwide eviction epidemic, eviction filings in Los Angeles are, paradoxically, declining (Levin, 2019). At the Great Recession's peak in 2009, landlords filed 71,530 eviction lawsuits against their tenants; by 2019, however, filings had decreased by more than 43% to 40,572. It is difficult to determine precisely what accounts for this decline, although there are likely fewer foreclosure-related evictions and additional no-fault evictions (which are typically not processed in the LASC system). The rise of Los Angeles County's eviction defense industry and the passing of tenant protections also contributed to this decline. Increasingly, it appears that Los Angeles landlords have decided that the costs of eviction exceed the benefits of using the court system to evict tenants *en masse*.

Washington, DC

In Washington, DC, the Landlord and Tenant Branch of the Civil Division of the Superior Court hears all eviction cases. Although 60% of defendants come from the two poorest wards in the city, all cases are

held in a centralized courthouse downtown. As in other jurisdictions, the presiding judge explains the procedural timeline of the day and provides an overview of the basic procedures that govern landlord and tenant matters at the initial hearing (Fleming-Klink et al., n.d.). Each year, the court processes more than 30,000 cases filed by landlords against tenants. About 93% of cases in DC are filed for nonpayment of rent, although a landlord may evict a tenant for one of 10 reasons, as detailed by statute. Accounting for the prevalence of serial filing against tenants within a calendar year, McCabe and Rosen (2020) estimate that more than 10% of DC's renter households experience an eviction filing each year.

Findings: Rules, Regimes, and Procedures in the Eviction Process

In this section, we draw on findings from our research to consider how legal frameworks shape the meaning and content of eviction in terms of how it is experienced and how it is measured. We consider how local policies and regulations—for example, the presence of a right to redemption, the cost of filing an eviction, or the volume of cases processed by the court system—alter the context in which eviction cases are initiated and adjudicated. These comparative examples highlight the importance of attending to the institutional life of eviction. In the discussion, we use these analyses to hypothesize the impact of each aspect on the administrative records of eviction.

1. **State laws and court regulations shape landlords' decisions about when—and how often—to file for an eviction. Specifically, rules about the right to redemption and the cost of filing are centrally important in influencing landlord behavior.**

Baltimore offers an important example to understand the impact of court regulations on filing decisions. As we noted above, the Baltimore courts process 140,000–160,000 eviction filings per year, but this does not mean that poor tenants in Baltimore face exponentially higher rates of housing insecurity than poor renters elsewhere. Instead, the process by which the Baltimore District Court processes eviction filings illuminates how the looming threat of eviction goes largely unrecorded in other cities. Evictions in Baltimore involve the courts in the very first stage in the process: when a tenant becomes delinquent on their rent and is in arrears. Over the 2 months that the filing takes to work through the District Courts and the Sheriff's Office, most tenants will pay their arrearage. As a result, less than 5% of the initial filings result in a family being evicted. Although the magnitude of executed evictions is alarming for a city of Baltimore's size, the gap between the beginning and end of the process suggests that the vast majority of poor tenants who receive eviction notices are able to avoid eviction. From an institutional perspective, court rules and regulations that incentivize landlords to file early (and regularly) in Baltimore result in an extraordinarily high volume of eviction filings relative to other jurisdictions.

Across each of our field sites, landlords weigh a number of factors when deciding whether to pursue a court-ordered eviction when the final goal is not necessarily displacing the tenant (Garboden & Rosen, 2019; Shiffer-Sebba, 2020). This decision depends, in part, on the institutional costs of filing for eviction, which vary widely in terms of both financial and opportunity costs for landlords. In a city like Washington, DC, where the filing fee is only $15, the decision to file a complaint with the landlord–tenant court imposes a very low cost burden on landlords. In Los Angeles, however, the filing fee is $385, creating a real incentive for landlords to delay (or avoid) a formal process. Furthermore, most residential leases in Los Angeles cap attorney's fees that may be collected after trial. Therefore, a landlord who files regularly on a tenant to force them to make their late payments would face substantial material hardship without corresponding opportunities to recoup their losses. In Figure 1, we document the relationship between filing fees and the per capita filing rate for the 50 largest cities in the United States.[4] The figure suggests that the filing rate is negatively associated with the filing fee across cities. The degree to which this difference translates to residential insecurity, however, remains an open question, as landlords may simply be filing more selectively where fees are higher.

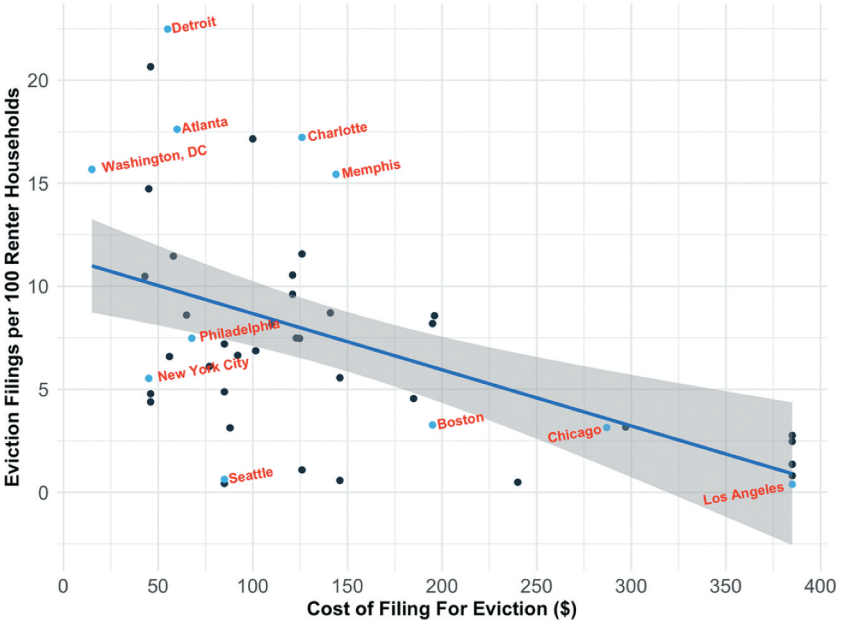

Figure 1. Eviction filing rate and filing fees across cities.

These findings are consistent with our qualitative evidence collected across field sites. In Baltimore and Washington, DC, the low burden to file pushes landlords to file early and often. Landlords in Washington, DC file more than 30,000 cases against tenants every year, although these filings are often against the same households who receive eviction notices multiple times within a calendar year (see also Garboden & Rosen, 2019). Only 1,690 of these cases in Washington, DC resulted in a tenant removed from their property. In contrast, landlords in Los Angeles are more likely to limit eviction filings to instances where they want the tenant to vacate the unit. Even then, landlords may be more likely to pursue a cash for keys agreement or other form of informal eviction, rather than navigating the judicial process.

2. **Informal courtroom procedures, including actions taken by judges, shape outcomes in ways that are not fully documented by administrative records. Certain types of outcomes, including negotiated settlements, defaults, or dismissals, may be more common in courtrooms with a higher volume of cases. These procedures may lead to settlement agreements with negative consequences for tenants.**

In Los Angeles, as a matter of tradition rather than statute, judges in the 11 eviction hub courts begin by suggesting—with varying degrees of coercion—that litigants settle cases. Whereas mediation is voluntary, settlement negotiations in Los Angeles are a form of institutionalized informality, which open litigants up to the possibility of settlement in cases where they would not otherwise consider negotiations (Abel, 1982; Nelson, 2021b). In DC, a similar process of judicial nudging pushes litigants to settle cases outside of the formal judicial process. After the morning roll call is conducted by the presiding judge, the court has a record of cases in which both the tenant and the landlord are present in the courtroom. When both the landlord (or their attorney) and the tenant are present, the judge asks them to proceed to a settlement negotiation. The outcome takes the form of either a consent judgment agreement or a settlement agreement. With the consent judgment agreement, the plaintiff is able to secure a judgment for possession against the defendant pending certain commitments by the parties; with a settlement agreement, both parties commit to certain actions,

but no judgment is entered in the case. Ethnographic observations of the court reveal that power asymmetries in this process shape the outcome for tenants (Fleming-Klink et al., n.d.). Tenants often enter into agreements with little knowledge of their legal rights and limited understanding of potential consequences. Nonetheless, nearly 20% of cases in landlord–tenant court end with a negotiated settlement prompted by a judicial nudge.

Although eviction courts are often deemed institutions that rubber-stamp filing claims, the process of informality we document across cases complicates this. In Los Angeles, fewer cases end in default or dismissal, and more cases conclude via settlement agreements, bench trials, and jury trials. Many tenants still do default (Larson, 2006; Nelson, 2021a), but settlement and trial are both common if tenants are able to avoid defaulting. Settlement and trial outcomes are so common because eviction has become progressively more expensive. Whereas most represented tenants receive either free or fixed sliding-scale legal counsel, landlords pay their attorneys either hourly or by court session. Since firms representing landlords rely on high volumes of cases, attorneys representing both landlords and tenants routinely handle multiple cases at once, and interactions between attorneys in high traffic courthouses frequently devolve into frustrated games of hide-and-seek that prolong negotiations and the time to disposition. Furthermore, judges expect attorneys and litigants to be ready for trial on their first court dates and may prolong cases depending on criteria for evaluating a case's readiness. For these reasons, cases will almost certainly be continued on already loaded dockets, and the resulting backlog can give tenants leverage in negotiating to retain possession of their unit or experience a soft landing.

Whereas the number of cases in Los Angeles has declined, the caseload in Baltimore has remained steady. Rent court is overwhelmed by the volume of cases it processes. Judges have only a few minutes to process each case. Eviction is reduced to an exercise in paperwork processing that relies on informal bargaining whenever a real dispute occurs. To keep the system working, rent court judges must avoid delays at any cost and thus largely refuse to hear counterarguments from tenants (Bezdek, 1992). In the rare moments when a tenant does appear to present counterclaims, they are asked by the clerk to step outside the courtroom with the landlord (or, more often, their agent) and try to work out a solution. This generally means agreeing to a payment plan. Despite the fact that such conversations are recommended by the court and occur within the court building, they are conducted in ways that do not afford either party the procedural fairness of a legal proceeding.

But actual tenant disputes are rare; the Baltimore Rent Court generally conducts its business in large batches of default judgments. By restricting its work simply to the question of whether a tenant has paid their rent (and limiting tenants' attempts to raise defenses), the court can quickly deal with a handful of disputed cases. For the other nearly 600 daily cases, the court simply issues default judgments for the landlord or dismisses the case when informed by a landlord that a tenant has paid. This reliance on default judgments and dismissals was also common in Washington, DC. Nearly two thirds of cases are dismissed by the court in Washington, DC without any effort to adjudicate claims between landlords or tenants.

3. **The implied warranty of habitability statute, which requires landlords to maintain a safe and habitable living environment, is interpreted differently across our field sites. Varying interpretations lead to different consequences for tenants and their ability to mount a defense.**

In all states, the implied warranty of habitability requires a landlord to maintain a safe and habitable living environment as part of the contract that they enter into with a tenant (Hatch, 2017). However, states interpret this differently. For example, it may require the safe working order of electrical, plumbing, sanitary, heating, ventilating, and air conditioning fixtures; mandate landlords to make reasonable repairs; or require them to supply running and hot water. Tenants in some states

are permitted to formally withhold rent when housing quality standards are not met. In Washington, DC, tenants are legally allowed to withhold rents if their rental units are not up to code. According to the Office of the Tenant Advocate, the landlord is required to maintain units and common areas in compliance with the city's housing code (14 DCMR §§ 301 & 400–999). In Los Angeles County, however, tenants are unable to withhold rent through the courts, but may be able to withhold rent through their city's housing bureaucracy. In the City of Los Angeles, tenants living in slum housing conditions can legally withhold rent through the Rent Escrow Account Program (REAP).[5] Landlords can and often do file eviction lawsuits against tenants while their units are in REAP, but tenants in these cases have obvious defenses that can help them achieve a favorable outcome.[6]

Baltimore allows for rent withholding—known locally as rent escrow because rent is paid into a third-party escrow account and released to the landlord once repairs have been made—but local advocates note that this is rarely used and substandard housing is not permitted as a *post facto* defense against eviction. Tenants almost never appear in court to argue their evictions, perhaps because they recognize that the court has no time to hear their concerns. In court, the rare tenant who insisted on a habitability defense was told they were welcome to file against their landlord for housing code violations, but that would be handled separately. Because tenants being evicted are necessarily behind on their rent, they are unable to maintain a rent escrow account.

There is no legal option for rent withholding in Dallas. Texas has a program called repair and deduct. If the tenant is up to date on rent and has sent two notices to the landlord about the conditions, and the landlord has not taken steps to resolve the issues, then the tenant may repair the conditions him or herself and deduct the costs from the next month's rent. This strategy is not very common, and the tenant can only deduct the lesser of $500 or one month's rent. In Los Angeles, tenants can theoretically repair and deduct if their landlord is unresponsive to requests for repairs within undefined reasonable amount of time standards, but can still be evicted for nonpayment of rent in the process.

4. **When jurisdictions have longer waiting times between steps in the eviction process, landlords are more likely to preemptively file evictions. However, this elongated process also allows tenants additional time to come up with the money to pay and avoid eviction.**

Data from our field sites reveal that the timing of the eviction process varies dramatically across locations. Landlords adjust their behavior depending on these anticipated timelines. The eviction process moves most quickly in Dallas, where landlords are less likely to preemptively file compared with landlords in other cities. Because they know they can get a tenant out relatively quickly, they can wait until they are certain that an eviction is necessary. In Baltimore, the time between a tenant being late on rent and their legal eviction varies wildly. When the process unfolds as intended, it typically takes 6–10 weeks. It often takes longer when the process is subject to weather conditions and workflow concerns within the notoriously understaffed Baltimore Sheriff's Office. In Washington, DC, the tenant is typically scheduled for a court appearance within 3 weeks of the filing, and the landlord must schedule an eviction with the U.S. Marshals Service within 67 days of the issue date of the writ. The landlord must deliver to the defendant a notice confirming the eviction date at least 14 days before the date of eviction.

The timeline for an eviction is of enormous importance for both landlord and tenants. For tenants, longer eviction processes increase the chance that a household will be able to pay back rent or identify a place to live after relocation. Landlords, by contrast, see every delay as a direct hit to the profitability of their investment. When the eviction process lasts for 10 weeks, landlords can lose 3 months of revenue from a property while still being responsible for monthly mortgage payments. Larger landlords are able to budget for such losses as a cost of doing business, but smaller landlords experience such situations as hardships. In Dallas, where a unit can be vacated and released within a single month, landlords are much more likely to pursue a hardline strategy

by refusing to accept late rent and utilizing eviction to simply replace one tenant with another. In Baltimore, the actual execution of an eviction is seen as a worst-case scenario by many landlords, who would much prefer to continually accept late payments than lose several months of income by executing an eviction.

5. **Just-cause eviction ordinances and other tenant protection policies are centrally important for understanding the formal, court-ordered eviction process. In areas without just-cause eviction ordinances, moves at the end of the lease term are simply not recorded, plausibly depressing recorded eviction rates relative to involuntary mobility. But just-cause ordinances, like any tenant protection, may also have the perverse effect of increasing informal eviction processes.**

The presence of just-cause ordinances and the legality of no-cause evictions can depress or inflate eviction filings. In just-cause eviction regimes, landlords may only evict tenants for a reason defined by the law. The landlord is not allowed to evict a tenant simply because their lease is up and, depending on the particular ordinance, is often limited in the amount by which they can increase rent at the end of the lease. This limits evictions to cases in which tenants are in violation of their lease, with nonpayment of rent being the most common. Tenants in just-cause eviction regimes may still be evicted without violating their lease, but the legal types of no-fault evictions are limited by local ordinance. Common examples of these no-fault evictions include landlord move-ins, condominium conversion, property condemnation because of code violations, and eminent domain (Maharawal & McElory, 2018). In jurisdictions without just-cause eviction protections, landlords may evict tenants at their own discretion at the end of a lease, regardless of whether the tenant is legally defined as at fault (Badger, 2019).

In Los Angeles, the most significant tenant protections are rent stabilization ordinances (RSOs), just-cause ordinances, and anti-tenant harassment ordinances. Prior to the passage of statewide just-cause tenant protections (California State Assembly Bill 1482), the presence and strength of local tenant protections accounted for much of the variation in the eviction process. For example, whereas the LASC system serves Los Angeles County's 88 cities, only a handful of cities had RSOs. Although each RSO is different, they all contain coverage dates and a list of exceptions, rent increase limits, just cause protections, and recourse for landlord violations of the RSO (Been, Ellen, & House, 2019). RSOs afforded tenants defenses (and their attorneys leverage) that they would not have otherwise, but in fewer than 10% of Los Angeles County's cities and only if their unit qualified. DC features similarly strong tenant protections that theoretically afford tenants with defenses in the cases against them.

In this way, available legal defenses may by vary jurisdiction. Los Angeles cases are assigned to one of the 11 eviction hub courthouses based on a property's zip code, which means that Los Angeles courts routinely process cases where units are covered by different tenant protections and tenants have either few or ample defenses at their disposal, depending on their unit's location. In jurisdictions covered by just-cause ordinances, there may be no-fault evictions, or cases where landlords can use policy loopholes such as The Ellis Act (1985) to circumvent local tenant protections. In no-fault evictions, tenants may be entitled to relocation assistance from their landlord. If tenants voluntarily settle or vacate prior to a no-cause eviction notice's expiration, then their eviction will not be counted in administrative data despite their forced removal. In DC, no-fault evictions are banned outright.

Without just-cause eviction protections, however, the nonrenewal of leases is common and few tenants even consider such an action is one that could be legally contestable (e.g., Badger, 2019; PolicyLink, 2002; Tenants Together, & Anti-Eviction Mapping Project, 2018). In probusiness court regimes like Texas, landlords simply expect tenants to move if they do not wish to renew the lease and can legally include clauses in their leases that allow for no-fault evictions at any point (*Texas Property Code*, Title 4, Chapter 24). These vast differences in how states handle no-fault evictions have

implications for eviction data. Where significant numbers of no-fault evictions are handled by the courts, the number of eviction records can be inflated for two reasons. Most obviously, areas that count lease nonrenewals as evictions will report higher numbers of evictions even if landlord and tenant dynamics are the same. Second, landlords who are aware that they can easily remove a tenant at the end of their lease may defer filing for a late payment on tenants with only a couple of months remaining, knowing that it easier to simply refuse to renew their lease.

6. **Both the geographic location and the social organization of court structure matter. These institutional features of the courts have consequences for how evictions are processed and for the outcomes of many cases.**

In 2013, the LASC system formally transitioned from 26 neighborhood-based courts to a regional hub model in which only five courtrooms processed evictions. At first, advocates suggested that hubbing put tenants with disability at a disadvantage because it reduced their physical access in ways that would increase default judgments (Branson-Potts, 2013). Over time, however, a paradox emerged. The neighborhood system made it difficult for attorneys to cover courthouses, but the hub system made it easier for attorneys to consolidate services and serve more tenants. Since 2013, LASC has expanded its hub to include 11 courthouses, which has once again made it more difficult for eviction defense firms to spread legal services across multiple courthouses, although it has made courts more physically accessible to tenants.

All eviction cases in Baltimore, however, are handled in a single building located in the downtown area of the city, near the Baltimore City Hall, the Department of Housing and Community Development, and other municipal structures. Decades ago, rent court was held at a different location, a courthouse along an arterial commercial strip (North Avenue) in a high-poverty community in East Baltimore. Although unverified, conventional wisdom suggests that this location was seen as inaccessible to families residing in West Baltimore, which also contains a large number of high-poverty neighborhoods. The court was relocated downtown in an attempt to serve all city residents equally. Although the new location may have been more equitable, the fact that a city of over 600,000 people is served by a single rent court creates transportation barriers to tenants wishing to attend their eviction hearings.[7]

Likewise, eviction cases are handled at a single courtroom in Judiciary Square in Washington, DC. Although centrally located in DC, the court is distant from the neighborhoods where most eviction filings take place. In 2018, 56% of filings occurred in Wards 7 and 8—the two wards with the highest poverty rates and the largest African American population—but the courthouse is located several miles from these neighborhoods (Fleming-Klink et al., n.d.). As ethnographic observations from Baltimore, DC, and Los Angeles show, tenants traveling to these courtrooms experience high opportunity costs, including the costs of childcare and the costs of missing work, that increase the likelihood of default.

Discussion

Like most processes devolved to local authority, eviction looks very different depending on where you live. We argue that these differences are meaningful in explaining how administrative data map onto the lives of poor families. Our four case studies suggest there is enormous variation in eviction policies across the country. Although this variation has previously been classified by the degree of tenant protection in landlord–tenant policies (Hatch, 2017), we show that these categories can only explain a portion of the heterogeneity across jurisdictions. Other aspects of the legal system provide differential protection to tenants in ways that matter to their case outcomes and thus to the recorded data.

Our analytic approach was designed to highlight the substantial differences in the institutional life of eviction across our four research sites and to describe the influence that these differences may have

on tenant and landlord behavior. Table 2 attempts to summarize this influence of the institutional life of eviction on five relevant outcomes: (a) the number of eviction filings; (b) whether tenants appear in court to mount a defense; (c) the percentage of filings that become judgments against the tenant; (d) the percentage of judgments that become put-outs; and (e) the number of informal or illegal evictions.[8] In each case, our hypothetical associations are purely theoretical; they are grounded in the cases described above, but represent starting points for empirical testing.

Perhaps the simplest example relates to the impact of higher filing fees. We expect that higher fees will provide a disincentive to landlords looking to use eviction filing as a way of coercing rent payments. This means that landlords who file for eviction are more likely to do so with the intent of removing a tenant from the home, thereby increasing the percentage of filings that will result in judgments and the percentage of judgments that will result in put-outs. Perversely, higher fees to legally file for eviction are likely to encourage landlords to execute informal or illegal evictions at least at the margins.

Previous work has pointed to the use of eviction filings as a rent collection mechanism (Garboden & Rosen, 2019; PJC, 2015), but this strategy is contingent on the policy context. In areas where it is cheap and easy to file, where tenants have the opportunity to pay back rent, and where the time difference between filing and a put-out is extended, landlords are more likely to consider filing a threat rather than a means to an end. This can inflate the number of filings in some jurisdictions and reduce the share of those filings that will result in tenants losing their homes.

In a similar way, when courts provide limited opportunities for tenants to make counterclaims, we expect that the court will side with the landlord more frequently. This is particularly true if tenants believe that mounting a defense is not worthwhile and if, as a result, they fail to appear in court. In contrast, jurisdictions that provide a guaranteed right to counsel, mandate mediation services, or support a cadre of well-funded fair housing lawyers are more likely to consider additional evidence, enforce tenants' rights, and issue judgments that favor the tenant.

One of the most difficult challenges for comparative analysis is the ability to measure or capture informal and illegal evictions, particularly as they consistently work as a hypothetical counter to policy efforts that make evictions more expensive or onerous. Although such policies are likely to disincentivize legal eviction and discourage landlords from using courts as a vehicle to file for rent collection, these protections are also likely to increase the chances that landlords seek extra-legal means to remove a tenant from a home. Any assessment of the effect of a policy on formal evictions must attempt to engage this potential perverse effect.

Beyond the procedures and legal regimes of the courts themselves, the housing markets of each jurisdiction matter too (Burawoy, 2017). In housing markets in which landlords can easily replace a tenant, landlords are much more likely to put them out than to negotiate a payment plan. In markets where a large number of units are professionally managed, tenants will experience stricter rules regarding late rent payments, increasing the number of eviction filings and judgments (Raymond et al., 2016). Smaller landlords may be more willing to negotiate and less inclined to invest resources in filing formal paperwork, but may be more likely to evict tenants for revanchist reasons or to attempt illegal evictions (Greif, 2018). Although this is not the focus of our article, it is worth acknowledging the way variation in market conditions influences eviction outcomes, as well.

Finally, our article highlights how the recorded data available to researchers often reflect different aspects of the eviction process and different subsets of cases. Some jurisdictions, like Baltimore, record filings very early on in the process, whereas others require landlords to provide notice before taking the case to court. In Washington, DC, eviction records are kept for all cases filed with the court system, whereas the court system in Los Angeles seals vast numbers of cases to protect tenants from credit consequences and housing discrimination. In terms of data availability, eviction data beyond aggregate filing counts is very difficult to collect in Los Angeles, whereas more detailed observations in filings are available to researchers in Baltimore and DC on a case-by-case basis. Recent work from researchers at the Eviction Lab has noted substantial errors in these administrative records and documented the nonrandom variation of these errors across locations (Porton et al., 2020).

Table 2. Theoretical impacts of the institutional life of eviction on administrative data.

	No. of filings	Tenant appearance in court	% of filings becoming judgments	% of judgments becoming put-outs	No. of informal/illegal evictions/ cash-for-keys
Right to redemption	(+) As eviction becomes an integral part of rent collection, filings will increase.		(-) Tenants will pay back rent prior to judgment.	(-) Tenants will pay back rent prior to put-out (and landlords will be required to accept it).	
Higher filing fees	(-) As fees increase, landlords are less likely to file, more likely to threaten informal eviction.		(+) Landlords who do file are more likely to do so with the intention of executing an eviction.	(+) Landlords who do file are more likely to do so with the intention of executing an eviction.	(+) Higher filing fees create a marginal incentive to avoid them through informal evictions.
Informally negotiated settlements		(+) If informal negotiations are part of the process, tenants have an incentive to attend court.	(-) Landlords and tenants who negotiate prior to court will reduce formal judgments.	(+) If negotiated settlements fail, the case is more likely to end in formal eviction.	
Warrant of habitability	(-) Landlords who know they will fail a habilitability challenge are more likely to avoid filing.	(+) If tenants can make counter claims based on habitability, they are more likely to attend court.	(-) If tenants can make counter claims based on habitability, they are more likely avoid negative judgments.		(+) Landlords who know they will fail a habitability complaint will be more likely to use informal eviction techniques.
Longer process timeline	(+) Landlords are more likely to file quickly when a tenant is in arrears if timelines are long.		(-) Longer prejudgment timelines will reduce the number of judgments.	(-) Longer preput-out timelines will increase the number of families able to pay back rent.	(+) Longer timelines will incentivize informal eviction practices.
Protections from removal at end of lease	(+) If the removal of a tenant at the end of a lease requires an eviction filing in court, filings will increase.		(+) Removal at end-of-lease filings are less likely to be resolved (by paying back rent, for example), and judgment rates will increase.	(+) Removal at end-of-lease filings are less likely to be resolved (by paying back rent, for example), and put-out rates will increase.	(-) If landlords cannot automatically remove a tenant at the end of a lease, they are more likely to pursue legal means.
Just cause eviction ordinance	(-) If landlords cannot remove a tenant for no cause, they will be less likely to file for eviction in those instances.		(+) No-fault evictions are less likely to be resolved (by paying back rent, for example), and judgment rates will increase.	(+) No-fault evictions are less likely to be resolved (by paying back rent, for example), and put-out rates will increase.	(+) Landlords wishing for a no-fault eviction will use informal means.
Accessibility of courtrooms		(+) If tenants can access courtrooms, they are more likely to appear.	(-) If more tenants appear, they are more likely to make counterclaims.		

(*Continued*)

Table 2. (Continued).

	No. of filings	Tenant appearance in court	% of filings becoming judgments	% of judgments becoming put-outs	No. of informal/illegal evictions/ cash-for-keys
Tenant legal representation		(-) If tenants are represented by counsel, they are more likely to believe in the value of attending court.	(-) If tenants are represented by counsel, they are more likely to avoid judgments against them.		(+) Landlords who know tenants have a right to counsel will be incentivized to pursue informal options.
Rent support	(-) Financial assistance reduces filings.		(-) Emergency rental assistance reduces judgments.	(-) Emergency rental assistance reduces put-outs.	(-) Financial assistance reduces informal evictions.

Note. Effects are hypothesized ceteris paribus; they are conditional on renter demographics and regional economy. Empty cells indicate the lack of a strong theoretical connection. Columns 2, 4, and 5 often have countervailing effects. There may be more filings but a smaller percentage of those filings result in put-outs. Whether these effects result in a net negative or net positive number of put-outs is beyond the scope of this article.

Conclusion

It is important to view eviction as a process reflecting a set of social relations, rather than a singular—and thus easily recordable—event. To imply otherwise would be to suggest that the relationship between landlord and tenant is purely one of financial exchange and not—as economic sociologists have described—an economically articulated, institutionally mediated, social relationship (Allen & McDowell, 1989; Zelizer, 1994). In other words, the meaning of eviction is more than a 5-day notice, a warrant of restitution, or the removal of a family from a home. It exists as an unbalanced process by which the rights to a home are contested, and in which the state intervenes to adjudicate disputes and enforce contracts (Garboden & Rosen, 2019).

For many poor families, this cycle is nearly perpetual. As soon as they are removed from one unit, the threat of eviction emerges afresh at the next (Edin & Shaefer, 2015; Garboden & Rosen, 2019). The fact that this process is only formally recorded at particular moments—when the insecurities of low-wage work combine with a threadbare social safety net to cause a rent arrearage—is largely inconsequential to our understanding of the phenomenon itself. Whereas the actual involuntary move may have particular salience in a family's life, it must be understood within the broader context.

We make this argument not only to deepen our theoretical understanding of eviction, but also because an understanding of eviction as a process should push researchers beyond a naïve interpretation of comparative data. The mistake we are insisting against is not the quantification and utilization of administrative data; rather, it is the failure to rigorously engage with its data-generating process with an eye to its institutional life—in other words, the failure to interpret these data in light of the process that created them and to utilize that understanding to produce unbiased estimates of eviction's causes and consequences. To that end, our arguments should not be read as a critique of existing efforts to collect eviction records and share these data with the public; understanding of the social world is never aided by obscurity. But it is equally true that data viewed without an awareness of the process that produces them is dangerous (Kitsuse & Cicourel, 1963). Neither the market context in which evictions occur, nor the court processes that record them, are independent of the phenomenon of eviction.

Fortunately, this is not an insurmountable challenge. Insofar as the majority of these factors are observable, a thoughtful econometric analysis can isolate true differences in eviction rates or assess the causal influence of policy reform by leveraging cross-site variation. The first step, however, is to clearly articulate what the researcher is attempting to operationalize through the use of eviction data. Myriad choices abound, ranging from housing insecurity to involuntary mobility, to eviction filings, to eviction judgments, to put-outs (legal, illegal, informal, or any combination thereof). Each of these represents a part of the eviction ecology, but each also has its own meaning for poor families and its own way of being reduced to administrative data. Does a family moving at the end of lease to avoid a rent increase constitute an eviction? What about a 5-day-notice that the family immediately pays off to stay? What if a family is paid to leave in the middle of their lease? What if a property is foreclosed upon? The answer to each of these depends on how the researcher defines eviction, but such *a priori* precision is key because it enables the development of a rigorous theoretical model outlining the causes and consequences of eviction.

The second step is to incorporate detailed data on the eviction ecology into the multivariate analysis. It is second nature for most researchers to incorporate tenant demographics into any comparison—one cannot compare rich renters with poor, students with voucher holders—but we argue that this is only a third of the story. Housing market dynamics and landlord characteristics must be included as well. Different types of landlords handle eviction filings in different ways, and both do so in ways contingent on the market niche in which they operate. Landlord characteristics interact with tenant demographics to drive outcomes; a family in a high-poverty neighborhood in Dallas is likely to have a different type of landlord than the same family in the same type of neighborhood in Baltimore.

Third, building off the focus of this article, it is necessary to develop a deep understanding of the rules and regulations associated with eviction in each area. The incorporation of these factors is aided

by new tools that summarize eviction regulations in cities across the country. In particular, Temple University's Center for Public Health Law Research tracks legal data on the 40 largest American cities.[9]

And, fourth, even if the legal environment is fully incorporated, it is important to understand how that legal environment produces and records administrative data. At what points in the process are the data points created? What data are excluded? How are serial evictions included? And which data are sealed? Here again, what is included is almost certainly nonrandom with respect to outcomes or tenant characteristics.

None of these steps reflects anything special about evictions, except insofar as they are administered through hyperlocal systems with nearly no data-reporting requirements. But this is certainly not a unique phenomenon for state and local policy. Fortunately, the process of collecting and curating both eviction data and eviction laws has begun in earnest, but we must not be seduced by the ease of access. As always, high-quality comparative data analysis must be built on a foundation of understanding the basic conditions on the ground.

Notes

1. Studies by Monsma and Lempert (1992), Larson (2006), and Greiner, Pattanayak, and Hennessy (2013) are notable exceptions.
2. For parsimony, Cleveland is not used in this analysis.
3. This unorthodox process is one of the reasons that the Eviction Lab does not incorporate data for Maryland.
4. Data on filing fees were collected individually from courts in the 50 largest cities. Data on eviction filings were collected from the Eviction Lab. Baltimore City, which fits the overall pattern, was excluded from the visualization because of its extremely high levels of filing.
5. In the context of eviction proceedings in the United States, escrow refers to an arrangement where a third party, typically court personnel or law firms in eviction proceedings, holds tenants' rental payments until agreed-upon conditions are met (e.g., a landlord corrects a code violation that was cited by a housing bureaucracy).
6. Tenants living in units protected under local rent stabilization ordinances, for example, can also raise habitability defenses under the theory that a landlord overstates the amount of rent owed in a notice if the unit is not worth the amount that the landlord is claiming. If these cases proceed to trial, then a judge will decide what percentage of rent a landlord can claim given a unit's condition.
7. Rail transportation in Baltimore runs primarily along a north–south axis, meaning that carless residents in East and West Baltimore must rely on the city's notoriously unreliable bus system. For those who do drive, parking downtown is expensive, hard to find, or both. For this reason, and myriad other reasons described below, only a miniscule fraction of defendants attend their court dates.
8. Importantly, we avoid claims regarding the influence of these policies on the volume of put-outs; many of the factors will increase filings while simultaneously decreasing the percentage of filings resulting in judgments and put-outs. Our data are not adequate to estimate the relative influence of these countervailing forces.
9. See lawatlas.org/datasets/eviction-laws-1530797420

Acknowledgments

The authors would like to thank the editors of *Housing Policy Debate* and the anonymous reviewers whose feedback improved this manuscript considerably. We would like to particularly thank Stefanie DeLuca and Katherine Edin who served as PIs on the HUD project, and Meredith Greif, a partner in the landlord data collection. Dianne Prado offered invaluable advice on the intricacies of California unlawful detainer law. We additionally appreciate Melody Boyd, Brianna Bueltmann, Hana Clemens, Mollie Cueva-Dabkoski, Jennifer Darrah, Christine Jang, Barbara Kiviat, Ann Owens, Ben Schwartz, Stephen Wong, Peter Durham, Isaiah Fleming-Klink, Ryan Kellner, Daniel Kim, Katy Li, Lukas Pisel, Emily Rencsok, and Kevin Wells for assistance with data collection, coding, cleaning, and analysis.

Disclosure Statement

No potential conflict of interest was reported by the authors.

Funding

This work was supported by the U.S. Department of Housing and Urban Development. Funding for portions of this project was provided by the Department of Housing and Urban Development, the Georgetown University Provost's Office, the Meyer Foundation, the NYU Furman Center, the MacArthur Foundation, the Horowitz Foundation for Social Policy, and the UC Consortium on Social Science and Law.

Notes on Contributors

Kyle Nelson is a PhD candidate in the Department of Sociology at the University of California, Los Angeles.

Philip Garboden serves as the endowed HCRC Professor in Affordable Housing Economics, Policy, and Planning in the Department of Urban and Regional Planning and the UH Economic Research Organization at the University of Hawai`i at Mānoa.

Brian J. McCabe is an associate professor of sociology at Georgetown University and an affiliated faculty member in the McCourt School of Public Policy.

Eva Rosen is an assistant professor at the McCourt School of Public Policy at Georgetown University and an affiliated faculty member in the Department of Sociology.

References

Abel, R. L. (Ed.). (1982). *The politics of informal justice: Vol. 1. The American experience*. New York: Academic Press.

Aiello, D., Bates, L., Graziani, T., Herring, C., Maharawal, M., McElroy, E., … Purser, G. (2018, August 22). Eviction lab misses the mark. *Shelterforce*.

Allen, J., & McDowell, L. (1989). *Landlords and property: Social relations in the private rented sector*. Cambridge: Cambridge University Press.

Auyero, J. (2010). Chuck and Pierre at the welfare office. *Sociological Forum*, *25*(4), 851–860.

Auyero, J. (2012). *Patients of the state: The politics of waiting in Argentina*. Durham, NC: Duke University Press.

Badger, E. (2019, December 12). Many renters who face eviction owe less than $600. *The New York Times*. https://www.nytimes.com/2019/12/12/upshot/eviction-prevention-solutions-government.html

Been, V., Ellen, I. G., & House, S. (2019). Laboratories of regulation: Understanding the diversity of rent regulation laws. *Fordham Urban Law Journal*, *46*(5), 1041–1081.

Bezdek, B. (1992). Silence in the court: Participation and subordination of poor tenants' voices in legal process. *Hofstra Law Review*, *20*, 533–608.

Branson-Potts, H. (2013, February 28). L. A. County courts plan will hurt poor tenants, advocates say. *Los Angeles Times*. https://www.latimes.com/local/la-xpm-2013-feb-28-la-me-court-hubbing-20130301-story.html

Burawoy, M. (2017). On Desmond: The limits of spontaneous sociology. *Theory and Society*, *46*(4), 261–284.

Desmond, M. (2012). Eviction and the reproduction of urban poverty. *American Journal of Sociology*, *118*(1), 88–113.

Desmond, M. (2016). *Evicted: Poverty and profit in the American City*. New York: Crown.

Desmond, M., An, W., Winkler, R., & Ferriss, T. (2013). Evicting children. *Social Forces*, *92*(1), 303–327.

Desmond, M., & Shollenberger, T. (2015). Forced displacement from rental housing: Prevalence and neighborhood consequences. *Demography*, *52*(5), 1751–1772.

Desmond, M., & Valdez, N. (2012). Unpolicing the urban poor: Consequences of third-party policing for inner-city women. *American Sociological Review*, *78*(1), 117–141.

Edin, K., & Shaefer, L. (2015). *Two Dollars a day: Living on almost nothing in America*. New York: First Mariner Books.

Engler, R. (2009). Connecting self-representation to Civil Gideon: What existing data reveal about when counsel is most needed. *Fordham Urban Law Journal, 37*(1), 37–92.

Fleming-Klink, I., McCabe, B., & Rosen, E. (n.d.). *'Gimme the eviction': The punishing disadvantages of hidden procedures in in Landlord-Tenant Court* (Unpublished manuscript).

Garboden, P., & Rosen, E. (2019). Serial filing: How landlords use the threat of eviction. *City & Community*, *18*(2), 638–661.

Garboden, P., Rosen, E., Greif, M., DeLuca, S., & Edin, K. (2018). *A research report: Urban landlords and the geography of opportunity*. Washington, DC: Department of Housing and Urban Development.

Garboden, P. M., & Rosen, E. (2018). Talking to landlords. *Cityscape*, *20*(3), 281–291.

Greif, M. (2018). Regulating landlords: Unintended consequences for poor tenants. *City & Community*, *17*(3), 658–674.

Greiner, D. J., Pattanayak, C. W., & Hennessy, J. (2013). The limits of unbundled legal assistance: A randomized study in a Massachusetts District Court and prospects for the future. *Harvard Law Review*, *126*(4), 901–989.

Hartman, C., & Robinson, D. (2003). Evictions: The hidden housing problem. *Housing Policy Debate*, *14*(4), 461–501.

Hatch, M. E. (2017). Statutory protection for renters: Classification of state landlord–tenant policy approaches. *Housing Policy Debate., 27*(1), 98–119.

Hepburn, P., Louis, R., & Desmond, M. (2020). Racial and gender disparities among evicted Americans. *Sociological Science*, *7*(27), 649–662.
Immergluck, D., Ernsthausen, J., Earl, S., & Powell, A. (2020). Evictions, large owners, and serial filings: Findings from Atlanta. *Housing Studies*, *35*(5), 903–924.
Juricic, H. (2019). A critique of DC's approach to eviction process and affordable housing measures. *Georgetown Journal of Legal Ethics*, *32*(4), 685–702.
Keating, W. D. (2003). Comment on Chester Hartman and David Robinson's Evictions: The hidden housing problem. *Housing Policy Debate*, *14*(4), 517–528.
Kitsuse, J. I., & Cicourel, A. V. (1963). A note on the uses of official statistics. *Social Problems, 11*(2), 131–139.
Kleysteuber, R. (2006). Tenant screening thirty years later: A statutory proposal to protect public records. *The Yale Law Journal*, *116*, 1344–1388.
Kurwa, R. (2015). Deconcentration without integration: Examining the social outcomes of Housing Choice Voucher Movement in Los Angeles County. *City & Community*, *14*(4), 364–391.
Larson, E. (2006). Case characteristics and defendant tenant default in a housing court. *Journal of Empirical Legal Studies*. *3*(1), 121–144.
Lempert, R., & Monsma, K. (1994). Cultural differences and discrimination: Samoans before a Public Housing Eviction Board. *American Sociological Review*, *59*, 890–910.
Lens, M. C., Nelson, K., Gromis, A., & Kuai, Y. (2020). The neighborhood context of eviction in Southern California. *City & Community*. doi:10.1111/cico.12487
Leung, L., Hepburn, P., & Desmond, M. (2020). Serial eviction filing: Civil courts, property management, and the threat of displacement. *Social Forces*. https://doi.org/10.1093/sf/soaa089
Levenson, Z. (2017a). Precarious welfare states: Urban struggles over housing delivery in post-Apartheid South Africa. *International Sociology*, *32*(4), 474–492.
Levenson, Z. (2017b). Living on the fringe in post-Apartheid Cape Town. *Contexts, 16*(1), 24–29.
Levin, M. (2019, December 22). A California housing crisis mystery: Rents are way up this decade but eviction filings are way down. *CalMatters*. https://calmatters.org/projects/california-eviction-filings-up-housing-crisis-mystery/
Maharawal, M. M., & McElroy, E. (2018). The anti-eviction mapping project: Counter mapping and oral history toward Bay Area housing justice. *Annals of the American Association of Geographers*, *108*(2), 380–389.
McCabe, B., & Rosen, E. (2020). *Eviction in Washington, DC: Racial and geographic disparitiesin housing instability*. Washington, DC: Georgetown University.
Medina, R. M., Byrne, K., Brewer, S., & Nicolosi, E. A. (2020). Housing inequalities: Eviction patterns in Salt Lake County, Utah. *Cities*, *104*(9), 102804.
Mock, N. H. (1998). Punishing the innocent: No-fault eviction of public housing tenants for the actions of third parties. *Texas Law Review*, *76*, 1495–1531.
Monsma, K., & Lempert, R. (1992). The value of counsel: 20 years of representation before a public housing eviction board. *Law and Society Review*, *26*(3), 627–668.
Mosier, M. M., & Soble, R. A. (1973). Modern legislation, metropolitan court, miniscule results: A study of Detroit's landlord-tenant court. *University of Michigan Journal of Law Reform*, *7*(1), 8–70.
Nelson, K. (2021a). The microfoundations of bureaucratic outcomes: Causes and consequences of interpretive disjuncture in eviction cases. *Social Problems, 68*(1), 152–167. doi:10.1093/socpro/spz050
Nelson, K. (2021b). *Institutionalized informality*: *Why landlords and tenants settle eviction cases in Los Angeles*. Manuscript in preparation.
NYU Furman Center. (2019). *Trends in New York City Housing Court Eviction Filings* [Data Brief]. https://furmancenter.org/files/publications/NYUFurmanCenter_TrendsInHousingCourtFilings.pdf
PJC. (2015). *Justice diverted: How renters in Baltimore are processed in the Baltimore City Rent Court*. Baltimore, MD: Public Justice Center.
PolicyLink. (2002). *Equitable development toolkit: Just cause eviction controls*. https://www.policylink.org/sites/default/files/just-cause-eviction-controls.pdf
Porton, A., Gromis, A., & Desmond, M. (2020). Inaccuracies in eviction records: Implications for renters and researchers. *Housing Policy Debate*, 1–18. Online. doi:10.1080/10511482.2020.1748084
Purser, G. (2016). The circle of dispossession: Evicting the urban poor in Baltimore. *Critical Sociology*, *42*(3), 393–415.
Ragin, C. C. (2014). *The comparative method: Moving beyond qualitative and quantitative strategies*. Berkeley, CA: Univeristy of California Press.
Raymond, E., Duckworth, R., Miller, B., Lucas, M., & Pokharel, S. (2016). *Corporate landlords, institutional investors, and displacement: Eviction rates in single- family rentals*. Atlanta, GA: Federal Reserve Bank of Atlanta.
Rosen, E. (2020). *The voucher promise: "Section 8" and the fate of an American neighborhood*. Princeton, NJ: Princeton University Press.
Sandefur, R. L. (2015). Elements of professional expertise: Understanding relational and substantive expertise through lawyers' impact. *American Sociological Review*, *80*(5), 909–933.
Seron, C., Ryzin, G. V., Frankel, M., & Kovath, J. (2001). The impact of legal counsel on outcomes for poor tenants in New York City's Housing Court: Results of a randomized experiment. *Law & Society Review*, *35*(2), 419–434.

Seymour, E., & Akers, J. (2021). Building the eviction economy: Speculation, precarity, and eviction in Detroit. *Urban Affairs Review*, *57*(1), 45–69.
Shanahan, C. F., & Carpenter, A. E. (2019). Simplified courts can't solve inequality. *Dædalus, the Journal of the American Academy of Arts & Sciences*, *181*(1), 128–135.
Shiffer-Sebba, D. (2020). Understanding the divergent logics of landlords: Circumstantial versus deliberate pathways. *City & Community*. doi:10.1111/cico.12490
Sims, J. R. (2016). More than gentrification: Geographies of capitalist displacement in Los Angeles 1994–1999. *Urban Geography*, *37*(1), 26–56.
Sims, J. R., & Iverson, A. A. (2019). Multiple eviction: An investigation of chain displacement in Dane County, Wisconsin. *Urban Affairs Review*. doi:10.1177/1078087419886114
Small, M. L. (2009). 'How many cases do I need?': On science and the logic of case selection in field-based research. *Ethnography*, *10*(1), 5–38.
Steinberg, J. K. (2015). Demand side reform in the poor people's courts. *Connecticut Law Review*, *47*(3), 741–807.
Sullivan, E. (2018). *Manufactured insecurity: Mobile home parks and Americans' tenuous right to place*. Berkeley, CA: University of California Press.
Summers, N. (2020). The limits of good law. *The University of Chicago Law Review*, *87*(1), 145–222.
Tenants Together, & Anti-Eviction Mapping Project. (2018). *Rent control for all: City rent control policies detailed*. https://www.arcgis.com/apps/Cascade/index.html?appid=66be4442010f405a86286bca44cc0a1
Thomas, T. A. (2017). *Forced out: Race, market, and neighborhood dynamics of evictions* (Ph.D. Dissertation). Department of Sociology, University of Washington.
Weinstein, L. (2014). *The durable slum: Dharavi and the right to stay put in globalizing Mumbai*. Minneapolis, MN: University of Minnesota Press.
Weinstein, L. (2017). Insecurity as confinement: The entrenched politics of staying put in Delhi and Mumbai. *International Sociology*, *32*(4), 512–531.
Weinstein, L. (2020). Evictions: Reconceptualizing housing insecurity from the global south. *City & Community*. doi:10.1111/cico.12503
Yin, R. K. (2013). *Case study research: Design and methods* (5th ed.). Thousand Oaks, CA: Sage Publications, Inc.
Zelizer, V. A. R. (1994). *The social meaning of money*. New York: Basic Books.