

THE END OF EVICTION

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Introduction

Very few orders of our civil courts are as harsh, violent, disruptive, and damaging as orders to evict. Very few orders deprive people of something as central to our well-being as a home. An eviction is executed by an armed official, usually with a deadly weapon, who orders a tenant and their family out of their home and removes their possessions. Often, the eviction executioner simply places a family's belongings — photos, knick-knacks, furniture, the accumulations of a life — on the sidewalk to be lost or damaged. And even when tenants vacate prior to the physical act of eviction, their lives are disrupted and destabilized.

The violence of eviction is always implicit and too often explicit. It is both physical, emotional and economic. Evictions can result in armed conflict and death. Evictions trigger suicides. There were press accounts of at least 30 deaths related to evictions in the United States in 2023 alone.¹ The short and long-term consequences of evictions and displacement are devastating. They damage physical and mental health, disrupt education, cause job loss and homelessness and dislodge people from community and place in the world. And, because of a centuries-long pattern of racist and sexist government policy and discriminatory private action that have deprived women, Black people, and other people of color, of economic opportunity

¹ Juan Pablo Garnham & Deanna Pantín Parrish, *Evictions Can Kill: How U.S. Communities are Trying to Break the Cycle of Violence*, THE GUARDIAN (2023).

and political voice, evictions are racialized and feminized: they are visited on Black people, particularly Black women and other women of color, in vastly disproportionate numbers.

The word “evict” derives from the Latin word *evincere*, which means to “conquer” or “overcome completely.”² By design, summary eviction proceedings reinforce a power relationship that maintains the landlord—or “lord of the land”—in a dominant position and the tenant in an inferior position in court. It’s no accident that we still use terminology that harkens back to feudalism. In the early nineteenth century, white male property owners—the only people permitted to vote or hold office at the time—first devised summary eviction proceedings to serve their own purposes, to provide themselves with a quick remedy exempt from the normal requirements of civil litigation to conquer, to vanquish—to evict—their tenants. Of course, it bears noting that the property owned by these white male property owners had been acquired in the first place by overtaking and displacing indigenous peoples from their ancestral lands.

Our system of truncated summary eviction proceedings, in their original unfair design and their ongoing race-based application, reflect the dominant power relationship landlords hold over tenants. The summary eviction process is a relic of a long bygone era, crafted in the early days of the republic when landlord-tenant relations were, in most respects, a vestige of medieval feudal land tenure norms.³ Tenancies, for the most part, are no longer rural or land-based. A tenant is far more likely to live in an urban apartment than on an acreage of land. With the growth of cities in the two centuries since the advent of summary proceedings, landlord-tenant

² *Evict*, OXFORD ENGLISH DICTIONARY (2020)

³ For discussion of the origins and history of summary eviction proceedings, also known as forcible entry and detainer statutes, see DeGraffe, *supra* note, at 131; Spector, *supra* note, at 139; Richard H. Chused, *Landlord-Tenant Court in New York City at the Turn of the Nineteenth Century*, ARTICLES & CHAPTERS 411, 413–420 (2000), https://digitalcommons.nyls.edu/fac_articles_chapters/1222.

law has become vastly more complex. These changes include housing, building, and zoning codes; the evolution of the lease from a conveyance to a contract; a host of local, state, and federal housing and benefit programs; the doctrines of warranty of habitability and constructive and retaliatory eviction; anti-discrimination legislation at the federal, state, and local levels; good-cause eviction requirements; and rent and eviction regulations. Yet the feudal landlord-tenant power dynamic persists.

Evictions do not take place in a vacuum. Much needs to be in place (or fail to be in place) for evictions to happen. Evictions are the end-product of a complex system involving courts, laws, policies, and public and private agencies and institutions, as well as individual actors. Evictions involve the use of judicial authority to maintain existing power dynamics between landlords and tenants and to discipline and punish. The eviction system exalts profit over human need. It denies tenants the legal and financial safeguards and supports that are needed to avert the types of conflicts that lead to eviction. It depends upon unfair, biased, one-sided court processes that mostly fail to provide tenants with legal counsel or a meaningful opportunity to be heard. It relies on modern-day bounty-hunters to execute. The eviction system denies tenants dignity and respect, negates their humanity, and disregards the devastating impact of eviction on lives and livelihoods.

It does not have to be this way. We know what to do to disrupt the eviction system and stop evictions. There are tools and approaches already in use around the world, and increasingly in the U.S., that can avert evictions, minimize their likelihood, and mitigate their harm. Ironically, it took the pandemic to help open a vision for — and to some extent a methodology for achieving — a world without eviction. The federal government and states

declared moratoriums on evictions, closed their courts, and took other measures that prevented or slowed evictions.⁴ The federal government also enacted an emergency rental assistance program and appropriated billions of dollars to pay rents for tenants who fell behind due to the pandemic.⁵ Local jurisdictions established a proliferation of court-ordered eviction diversion programs.⁶ Even if these measures were undertaken primarily to prevent the spread of COVID-19 and protect profits for property owners – and not out of genuine concern for tenants – they showed that the eviction process is not sacrosanct, that with political will and novel policy measures, we could halt evictions and the world would not fall apart. But most pandemic-related measures were rescinded by 2024⁷ and evictions immediately began to approach pre-pandemic levels.

Yet, there are other positive signs. A growing number of jurisdictions – 5 states and twenty-two localities as of 2026-- have been adopting the right to counsel for tenants facing eviction.⁸ Legal defense for tenants levels the playing field in court and gives tenants a fighting chance to avoid eviction. In 2024, for example, 86% of the tenants assisted by Maryland's right to counsel program who wanted to stay in their homes were able to do so, 92% of the tenants assisted by San Francisco's right to counsel program avoided homelessness, and the number of

⁴ See, Emily Benfer, et al, *COVID-19 Housing Policy: State and Federal Eviction Moratoria and Supportive Measures in the United States During the Pandemic*, Housing Policy Debate, Vol 33, 2023, Issue 6, <https://www.tandfonline.com/doi/full/10.1080/10511482.2022.2076713>;

⁵ See U.S. Department of the Treasury, *Emergency Rental Assistance Program*, <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/emergency-rental-assistance-program> [<https://perma.cc/FD4P-MKQN>] (last visited May 31, 2024)

⁶ See generally Stanford University Legal Design Lab, *Eviction Diversion Programs*, EVICTION INNOVATION.ORG, <https://evictioninnovation.org/innovations/eviction-diversion-programs/> [<https://perma.cc/7DJC-ASU4>] (last visited April 25, 2024).

⁷ See National Low-Income Housing Coalition, *National Eviction Moratorium*, <https://nlihc.org/coronavirus-and-housing-homelessness/national-eviction-moratorium> [<https://perma.cc/5QDM-5KVH>] (last visited Mar 22, 2024).

⁸ National Coalition for Civil Right to Counsel, *Tenant Right to Counsel*, http://civilrighttocounsel.org/highlighted_work/organizing_around_right_to_counsel (last visited Feb. 6, 2026).

evictions dropped by 21% in Kansas City.⁹ A right to counsel for tenants who face eviction is a major step forward that demonstrates the strength and effectiveness of the tenants' rights movement.¹⁰ But, while a right to counsel is a necessary component of any strategy to abolish evictions, it is not sufficient. Much more could — and should — be done to stop evicting.

The publication of Matthew Desmond's 2016 sociological study, "Evicted: Poverty and Profit in the American City," helped place long-overdue popular focus on the harmful role of eviction.¹¹ Desmond's vivid portrayal of the role of eviction in the lives of eight Milwaukee families in the early twenty-first century demonstrated in detail the vicious spiral that ensues when a family is evicted: belongings are lost, children miss critical schooling, jobs are lost, illness and depression follow. Data collection and academic literature addressing eviction has exploded since the publication of *Evicted*.¹²

Other countries, particularly the wealthier industrialized countries of the global North, handle evictions better than we do in the United States. One of the most important of these measures is the obligation of the government to ensure proportionality — that the consequences of eviction for both landlord and tenants be considered by a court. Another is the principle of no evictions to nowhere — that is, no eviction unless and until there is alternative housing for the tenant.¹³ Other countries also guarantee counsel to tenants, bar

⁹ National Coalition for Civil Right to Counsel, *Tenant Right to Counsel*, http://civilrighttocounsel.org/highlighted_work/organizing_around_right_to_counsel (last visited Feb. 6, 2026).

¹⁰ See, e.g., The Right to Counsel NYC Coalition and TakeRoot Justice, *Organizing is Different Now — How the Right to Counsel Strengthens the Tenant Movement in New York City*, March 2022, <https://takerootjustice.org/wp-content/uploads/2022/03/Organizing-is-Different-Now-0322.pdf> [<https://perma.cc/H2GB-X62V>].

¹¹ See generally MATTHEW DESMOND, *EVICTED* (Crown, 2016).

¹² Desmond's project, the Eviction Lab, founded in the wake of publication of *Evicted*, has become the preeminent research institute on eviction. EVICTION LAB, <https://evictionlab.org> (last visited Aug. 8, 2022).

¹³ Sarah Fick & Michel Vols, *Best Protection Against Eviction: A Comparative Analysis of Protection Against Evictions in the European Convention on Human Rights and the South African Constitution*, 3 EUR. J. COMP. L. & GOVERNANCE 40, 58 (2016). See generally EVICT, <https://www.eviction.eu> (last visited Sept. 23, 2022).

wintertime evictions, and provide grants and social services where needed to assist tenants in avoiding eviction.¹⁴ Americans hold on dearly to the notion of American exceptionalism and often resist ideas from abroad, but it is important to look to other countries as well as innovations in the U.S., and to replicate good practices wherever they come from.¹⁵ These more tenant-friendly approaches in other countries often center the importance of home and a right to housing. They reflect a very different balance between the powers and rights of owners and tenants than we see in the U.S., reflecting a difference in values as well as in policies.

The call to stop evicting is not a call for anomie and chaos. Far from it. Legitimate claims for rent arrears must be addressed. Disruptive behavior that affects the health, comfort, and safety of tenant communities must be dealt with. Violations of reasonable requirements of leases and law must have consequences. But the manner in which these issues are addressed must have a different framing: one that takes into account the importance of home to human well-being and the considerable harms of eviction and displacement both in threat and execution. An approach that creates norms that avoid or resolve conflicts in the first place by addressing their underlying causes. An approach that requires that all parties be treated with fairness, dignity and respect when conflicts do arise. And when conflict becomes simply impossible to resolve, an approach that prioritizes the centrality of home over profit, and finds alternatives to the damage and trauma wrought by the act of eviction.

¹⁴ Note that the United States has adopted many progressive housing policy ideas from abroad — cooperatives, rent regulation, public housing (often known as social housing). Also, see Part 3 below.

¹⁵ See Stephen M. Walt, *The Myth of American Exceptionalism*, THE ECONOMIST, <https://foreignpolicy.com/2011/10/11/the-myth-of-american-exceptionalism/> [<https://perma.cc/B2XE-BFZW>] (last visited Mar. 22, 2024).

The goal of stopping evictions and the use of term “abolition” in this book are presented with the full recognition that eliminating eviction will not be an easy task. Evictions are so entrenched in the economic, political, and social psyche of our culture with respect to landlord-tenant relations that it is hard to imagine a world without them. They are so baked-in to our understanding of how the world works and have always been so, that they are stunningly “normal” and the task ahead is to de-normalize them. The challenge is to envision a world in which eviction is obsolete. And it is the very vision of a future in which there is no violent, forcible removal of people from their homes that creates a framework for a radical re-thinking and shift in perspective, and for devising an overall strategy for ending eviction and the specific steps to get there.

Putting an end to eviction is hardly a novel idea. Community organizers, tenant leaders and activists have long called for an end to evictions. In the 1980’s, City Life/Vida Urbana, a housing rights organization in Boston, sought to establish “eviction free zones” in Jamaica Plain, Roxbury, East Boston and Cambridge. They kept hundreds of families in their homes using a “sword and shield” organizing strategy. The “sword” involved public pressure, community organizing, protests, and rent strikes. The “shield” involved legal defense and tenant counseling. The strategy was replicated in other cities.¹⁶ More recently in New York City, the Right to Counsel NYC Coalition, a housing rights coalition, and JustFix, an organization that uses technology to advance tenants’ rights, have called for an “eviction free NYC.”¹⁷ Housing and

¹⁶ City Life/Vida Urbana, Our History, <https://www.clvu.org/history#:~:text=In%202007%20CL/VU%20started,families%20won%20their%20homes%20back>. Last visited Jan. 13, 2026.

¹⁷ cite

community organizers and tenant leaders and activists know full well the importance of developing strategies for ending eviction.

Change is possible. The laws, rules and policies that shape our world are often adopted or changed because people see needs – or problems -- faced in real life and they shape a vision for how things could be and a strategy for getting there. They make noise and they make it more uncomfortable to keep things as they are than to change things. And when people do those things together – collectively making the noise, objecting, obstructing, demanding a change in the narrative and reordering of priorities, change happens. To the extent that the evolution of the laws rules and policies have moved us in any way toward a right to housing – by protecting tenure rights, affordability and quality of housing -- that has only come about because activists had a vision and took action to realize it.

The End of Eviction explains why and how evictions are violent, damaging, unfair and racialized. It calls for re-framing eviction-related policy and law around the fundamental need for, and ultimately the right to, a home, rather than the quest for profit. It presents specific tools and approaches that are already being used or that could be used to abolish evictions and diminish their harm. The ideas in this book are intended as a departure point for thought and discussion and are not intended to be either comprehensive or prescriptive. To the extent that community leaders, advocates, tenants and policymakers set out to develop strategies to abolish eviction, they will, no doubt, come up with new and better ideas.

Abolishing eviction may seem like an overwhelming challenge, but it's no more daunting than abolishing pillories and stockades, ending child labor, establishing social security, putting a formal end to Jim Crow, and many other economic, social, and political measures that have

been successfully achieved against formidable opposition. The strong and growing national movement for a right to counsel in eviction cases demonstrates that the tenants' rights movement and its allies are capable of winning big, transformative reforms. Developing a vision and strategy for abolishing evictions can be based on what we know and what we prioritize. Ending eviction is doable.

Chapter 1 of this book (Eviction is Violent and Harmful) discusses what is at stake in eviction – the home's obvious centrality to most other aspects of life - to family, comfort, education, health, employment, political life and to the fundamental human need to belong to place and community. This chapter looks at what philosophers, poets, social scientists, and others have said about the notion and significance of home. Chapter I also discusses the violence of both the physical act of eviction and of the threat of eviction. It describes the confrontations caused by eviction that can lead to physical injury and death, and it describes the lives and circumstances of tenants involved in incidents where eviction has been harmful, even fatal. It also discusses the various ways in which eviction has been resisted.

Chapter 2 (Eviction has Devastating Consequences) discusses the wide-ranging devastation wrought by eviction on individuals and families, both short- and long-term. These include homelessness with its attendant consequences, damage to physical, mental, and emotional health, disruption of education and employment, impoverishment, and other grave losses.

Chapter 3 (The Eviction Process Harms People of Color and Women Disproportionately) traces the racialization of tenancy in the U.S. after the abolition of slavery through a conspiracy

between public policy (Jim Crow, redlining, public housing segregation, urban renewal, etc.) and private discrimination that has deprived people of color of the opportunity for homeownership. The chapter also addresses the feminization of poverty, which has led to the feminization of tenancy. As a result of this racialization and feminization of landlord-tenant relations, the violence and devastation wrought by eviction is visited far more on Black and other people of color than on white people and on women far more than men.

Chapter 4 (The Eviction Process is Unfair) traces the origins of the modern-day eviction process to early 19th century legislation enacted by property-owning white men who were the only people legally able to vote or hold office. This privileged minority enacted self-serving statutes that set forth swift and streamlined “summary” legal processes that were exempt from the normal strictures of civil litigation – processes that move far faster, constrain legal defenses, and limit legal tools like discovery and motion practice. And the chapter discusses how the legal processes in use, and the Eviction Courts and other forums where eviction cases are heard, have become structurally racist and sexist.

Chapter 5 (The Narrative Must Shift) argues that, to move away from the use of eviction, we need to reorder our hierarchy of values, and that public policy and law that addresses landlord-tenant conflict must treat the fundamental human need for – and right to have – a home as a priority, over the quest for profit. This chapter argues that it’s time to assure that tenants have a voice and real power in devising the rules that govern eviction and landlord-tenant relations. And the chapter profiles tenant leaders and community organizers who have been asserting power successfully in the courts, legislatures, and policy arena. This chapter also examines how the notion of eviction has been framed in the U.S. -- in press, literature, and

public policy -- as a question of business and profit, and contrasts that framing with a framing based on a vision of a right to housing as is the case in many parts of the world. Chapter 5 also examines eviction as an entrenched system with a range of players like lawyers, judges and court personnel, as well as “eviction executioners” like sheriffs and marshals, who will strive to maintain the eviction system as it is and will resist change and disruption.

Chapter 6 (The Process Must Be Fair) presents a range of measures that are already being taken in the U.S. and elsewhere in the world – as well as measures that could be taken -- to shift the focus of the laws, policies and practices that govern the eviction process away from fostering eviction and toward preventing eviction. These measures include resolving disputes before they get to court, providing a right to counsel for tenants who face eviction, repealing our rapid-fire summary eviction proceedings laws and handling landlord-tenant disputes in the same manner as other civil litigation, addressing the lack of dignity and respect in the treatment of tenants in Eviction Courts and other eviction forums, and separating claims for money and for possession. , and

Chapter 7 (Build in Buffers and Protections and Restrain Eviction Executioners) argues that there must be buffers and protections built into the dispute resolution process that avoid eviction in the instances – that will be rare but unavoidable - when a tenant has been found after a fair process to no longer have the right to remain in the home. These would include allowing tenants to “pay to stay,” i.e., an opportunity to pay rent arrears and avert eviction any time prior to execution of the eviction, providing emergency rent relief, prohibiting, “evictions to nowhere,” and barring evictions in winter or at night. This chapter also addresses the problems with our eviction executioners. It argues that the bounty-hunter-style practice

throughout the U.S. of paying eviction executioners such as sheriffs and marshals a fee for each eviction performed only incentivizes the execution of eviction and should be abandoned. It also argues that, if evictions are executed, eviction executioners must be trained to de-escalate, rather than escalate, conflicts, and that measures must be adopted to protect people's belongings from loss.

Finally, Chapter 8 (The Underlying Causes of Eviction Must Be Addressed) discusses the longer-term and broad-based measures that must be taken to address the major structural problems that lead to eviction and landlord-tenant conflict. These include: developing a sufficient supply of affordable housing; stabilizing homes and communities and protecting tenure rights by assuring that tenants have a right to remain in their homes absent a good cause to remove them; addressing the massive housing affordability crisis with rent subsidies and rent limitations; and assuring that housing is safe and habitable and that communities are secure and stable by enforcing housing codes and building standards.

CHAPTER ONE – EVICTION IS VIOLENT

“Housing is a necessary of life”

Eviction is a violent, brutal act that deprives people of their homes. So, it’s worth stating the obvious: a home is a precious thing to lose. A home could not be more essential to well-being for every single one of us. The argument for ending eviction must start with this incontrovertible fact. Home is our refuge, our place of privacy from the rest of the world. Home is the space in which we grow up, raise our own children, take care of our elders, and live out our older years. Home is where we rest, cook, eat, hang out, entertain. Home situates us in a community, anchors us in a turbulent world, gives us place and voice in the political sphere. Home is our base, the place we leave from and return to for our work, our education, our consumption, our interactions with others and with the world. Home is the place we can be ourselves.

A home is so elemental a need and such a vital component of our existence that it is often simply taken for granted. But because it is so essential, so central to our lives, home is also the subject of endless rhapsodic (and sometimes not-so-rhapsodic) quotes from everyone from Benjamin Franklin—“A house is not a home unless it contains food and fire for the mind as well as the body”—to 1960’s comedian Joan Rivers—“I told my mother-in-law that my house was her house, and she said, ‘[g]et the hell off my property’”¹⁸ -- to the uber-familiar folk lyric from the 1823 ditty ,Home Sweet Home, massively popularized by Dorothy in the Wizard of Oz that “there’s no place like home.” When we feel something strongly, it hits home. When we are finally coming to the end of something taxing, we’re in the home stretch, and when we get there,

¹⁸ *Home Quotes*, BRAINY QUOTE, <https://www.brainyquote.com/topics/home-quotes> (last visited Sept. 23, 2022);.

we're home free. Baseball, our national pastime, is all about making it to home. The word "home" also pairs well with other words to make compound words that evoke deep connection or warmth and affection – homebody, homeboy, homebred, homecoming, homeland, homemaker, homeowner, homesick, homespun, homestead, hometown, homeward . . .

It's true, of course, that a home does not and cannot, alone, make for happiness and satisfaction. A home cannot, by itself, provide physical and emotional well-being for everyone all of the time. A home can lack suitable amenities for the health and safety we need and the comfort we all crave – shelter from the elements, sufficient space, safety and security, water and electrical power. And a home can be a place of tension and conflict between members of the household, a place to run away from rather than run to. A home is never by itself sufficient for our well-being, but is always necessary.

For most of us, home provides a structure for the physical comfort we seek, but it also addresses our deep psychological and emotional needs for security, continuity, privacy, self-expression, personal identity, social relationships and warmth. It "shapes emotional, cognitive, and relational development."¹⁹ Our homes don't just occupy a space in the world, they define our place in the world. "Space" is a matter of physical dimension occupied, physical location, and geography. "Place" evokes an emotional chord and represents the cultural, economic, and social interactions that give a "space" identity and meaning for the people who occupy it. That "place," write Deborah Archer and Joseph Schottenfeld, provides us with "community equity . . . a framework that advances the equitable distribution of benefits and harms across communities;

¹⁹ Michelle Quirk, review of Roni Beth Tower, *The Meaning of "Home"*, Psychology Today, Nov.4, 2021, <https://www.psychologytoday.com/us/blog/life-refracted/202111/the-meaning-of-home>

recognizes the collective investments that community residents make over time to build a sense of security, well-being, and belonging,”²⁰ Our homes are “foundational to happiness and life satisfaction.”²¹ They provide “a platform for collective action to defend community interests.”²²

Philosopher and humanist bell hooks has pointed out that the home – or “homeplace” -- has had particular resonance for Black Americans because their very presence in the US is rooted in enslavement and displacement from home and place. As hooks puts it, “Historically, African-American people believed that the construction of a homeplace, however fragile and tenuous (the slave hut, the wooden shack) had a radical political dimension. Despite the brutal reality of racial apartheid, of domination, one’s homeplace was the one site where one could freely confront the issue of humanization, where one could resist.”

Hooks points out that a homeplace in the world for Black people has often been the creation of Black women, who, the contemporary data shows, are far more likely to be evicted than anyone else. In hooks’ words, “In our young minds, houses belonged to women, were their special domain, not as property, but as places where all that truly mattered in life took place—the warmth and comfort of shelter, the feeding of our bodies, the nurturing of our souls. There we learned dignity, integrity of being; there we learned to have faith.” Homes, says hooks, are

²⁰ See, Deborah N. Archer and Joseph R. Schottenfeld, *Defending Home: Toward a Theory of Community Equity*, University of Chicago Law Review, 2025, p. 11. (p. 2.)

²¹ Rosendorfer, M., *The Impact of Housing on Happiness: A Comprehensive Review Journal of Student Research*, (2023) <https://academic.oup.com/book/1678/chapterabstract/141251929?redirectedFrom=fulltext>

²² Deborah N. Archer and Joseph R. Schottenfeld, *Defending Home: Toward a Theory of Community Equity*, University of Chicago Law Review, 2025, p. 2

sites of resistance, where, even when enslaved, “Black women resisted by making homes where all black people could strive to be subjects, not objects.”²³

As much as we take the home and the state of having a home for granted, the state of lacking a home has come to define people. The word we use for lacking a home in our current lexicon, the term “homeless,” has taken on a double meaning. It is no longer simply an adjective that describes people who suffer the condition of not having a home. Homeless has morphed into a noun that defines people. We refer to “the homeless,” as if that noun is a legitimate demographic category, an identity, rather than a circumstance people find themselves in; as if a person is defined by the condition, rather than experiencing it. The move toward the use of the adjectives “unhoused” or “houseless” instead of “homeless” is intended to deflect the stigma and dehumanization caused by defining people by their condition. It acknowledges that, even without all that having a house means, people still can make a home. It is intended to imply that being unhoused is a condition that results from the failings of social policy and not the fault of the individual. But whichever adjective is used, there’s no denying that the act of eviction forcefully, abruptly, and intentionally deprives people of home.

Kim Hart, a community activist in New Haven, Connecticut, knows full well the meaning of home. Almost two decades ago, Kim and her then-seven-year-old son Arthur were evicted from a third-floor apartment that she really loved. She had a federal Section 8 voucher that helped her pay the rent, but the electric bill was sky high because the heating and the appliances in the apartment were all electric and Kim couldn’t afford both the rent and the electric bill. Torn

²³ bell hooks, *Yearning: Race, Gender, and Cultural Politics* (New York, Routledge, 2015 [1990]), p. 42

between living in the dark or on the street, Kim stopped paying the electric bill and when the account was shut off she opened a new account in the name of her adult son Marquise who lived with her at the time. But Marquise moved out and Kim kept the bill in his name anyway and that was a violation of the Section 8 rules so she lost the Section 8 benefits and then really couldn't pay both the nonsubsidized rent and the electric bill so the electricity was shut off again and for a while she was able to get electricity from a helpful and generous second floor neighbor by stringing an extension cord along the common hallway, but that wasn't enough to keep the apartment warm and then a very unhelpful first floor neighbor who didn't like her called the New Haven child welfare agency and a social worker and a policeman showed up at her apartment at night and accused Kim of neglect and threatened to take Arthur away from her because they were living without electricity but Kim knew the local Alderperson who lived across the street and the Alderperson came right over and arranged for Kim and Arthur to move to an emergency family shelter so Kim got to keep custody of Arthur but with all the distraction she lost her telemarketing job and stopped paying the rent and they were evicted.

On their first night in the spartan room they shared in the shelter, Kim put Arthur in his bed and kissed him good night and, as Kim tells it, "when I got in my bed, he says. 'Mom?' I say 'yes.' He says, 'if you're scared, I can come over there and get in the bed with you,' I just, my god, I was crying but I just had to laugh silently, you know, he didn't know I was crying ... so I said, yeah, I'm a little bit scared, I said, come on, get in the bed with me."

After a three-year Kafkaesque sojourn through the New Haven shelter system, Kim was finally able to obtain a Section 8 housing subsidy and find an apartment and after a series of moves, she finally found her current place, which she loves. To Kim, "home is where you can put

a key in the lock and it turns. Home is somewhere where you feel the love coming in. Home is being able to cook and have the aroma coming throughout the whole house and just, you know, just being able to do what you really want to do as an adult.”

Because home is so necessary, the home figures prominently in our jurisprudence. The constitution fundamentally recognizes the sanctity of our homes. The Fourth Amendment to the Constitution protects our homes from a warrantless search and seizure. The Fifth Amendment guarantees us due process from the federal government and the Fourteenth Amendment guarantees us due process from the states when government action could deprive us of our homes. Our due process rights mean that our home – whether owned or rented -- can’t be taken from us without, as the courts have held, “adequate notice” and “a meaningful opportunity to be heard.”

Importantly, the fundamental need for a home also provides the foundation for government to exercise its so-called “police power,” the power to regulate matters for the public good. The public purpose to be served in enabling people to be housed provides ample justification for regulation of the housing industry and housing market. It justifies expending resources, adopting laws, establishing policies and taking other measures to protect people’s ability to secure and retain a home. This principle is longstanding. Over a century ago, in the midst of World War I and during its aftermath, the cities of Washington D.C. and New York both enacted the earliest rent control statutes in the nation. Workers were flooding into American cities for the jobs created by US involvement in the “Great War.” Workers were needed before we entered the war to manufacture arms and other supplies as were preparing for war and supplying our allies, and even more workers were needed to supply our own military after we

joined the conflict. Housing was in short supply and owners exploited the unregulated market to charge exorbitant rents. Because they could. Demand far exceeded supply.

But tenants rebelled. In New York City in particular, tenants formed building-wide, borough-wide and city-wide tenants associations, organized rent strikes involving thousands of tenants and lobbied the City Council and State Legislature for reform.²⁴ Taking advantage of the severe housing shortage in 1918 and 1919, New York City landlords were raising rents by as much as 100 percent. Tenants organized rent strikes in neighborhood after neighborhood to protest the rent hikes and try to negotiate less onerous increases. While some landlords were amenable to negotiation, the rent strikes met with minimal success. But the movement grew. The tenants were supported by labor unions, settlement houses, civic groups, newspapers and clergy. In 1919, two-hundred-thousand tenants were rumored to be preparing to strike in the community of Brownsville, Brooklyn alone.²⁵

Government entities – the federal government in DC (which mostly runs the city) and the State legislature in New York – responded to the agitation and political pressure and sought to curb rapidly escalating rents. They turned to rent control -- a legal and policy measure that had already been adopted by European nations. This new legislation and methodology of “rent control” limited rent increases and permitted tenants to stay in their homes after their leases expired as long as they paid the rent and complied with the lease terms. Those two complimentary legislative goals – limitation on rent increases and a right to remain -- are the basic components of any rent control ordinance and must both be there for rent control to be

²⁴ Sara Katherine Copeland, *“Down With the Landlords”: tenant Activism in New York City 1917-1920*, Master’s Thesis submitted to the Department of Urban Studies and Planning of the Massachusetts Institute of Technology, June, 2000, <https://dspace.mit.edu/bitstream/handle/1721.1/65254/47911995-MIT.pdf?sequence=2&isAllowed=y>

²⁵ Robert M. Fogelson, *THE GREAT RENT WARS: NEW YORK 1917-1929*, Yale University Press, 2013, 112

effective in protecting tenants. A statute that limited rents but denied tenants the right to renew their leases when they have paid the rent and complied with the rules would allow landlords to simply expel tenants from their properties at will and for no reason at all as leases expire, completely defeating the statute's goal of stability. And a statute that provided a requirement for a renewal lease but didn't place limits on rents would just as effectively undermine the statute's purpose because all a landlord would need to do to get a tenant out, in spite of a right to renew the lease, would be to jack up the rent.

In 1919, Julius Block was a tenant living in the cellar and first floor of a building owned by Louis Hirsh in Washington, DC when the city's rent control law was adopted by Congress. Hirsh wanted to evict Block but was stymied by the new law, so Hirsh challenged the new law in court, claiming that the regulation was unconstitutional. He argued that, by interfering with the free market price he was able to command, the law limited his profits and consequently "took" his property without compensation, without a valid public purpose, and without due process, in violation of the constitution's Fifth Amendment. This challenge foreshadowed an approach that landlords have taken at almost every turn in which landlord-tenant regulation impinges on the so-called free market. Any reduction in profit as a result of government action is challenged as a "taking." Like many such challenges, Hirsh's challenge to the law failed. The Supreme Court sided with Block. It upheld the constitutionality of this early version of rent control in 1921. In his opinion, using language that continues to resonate today, noted Supreme Court Justice Oliver Wendell Holmes famously wrote that "[h]ousing is a necessary of life. All the elements of a public interest justifying some degree of public control are present."²⁶ In effect, the court held that a

²⁶ Block v Hirsh, 256 U.S. 135 (1921)

home – Block's or anyone's - is so fundamental to life and well-being, that it was an appropriate function of government, a "public purpose," and constitutionally permissible to intervene in the free market and regulate the businesses that determine whether or not people are able to be housed.

A duty of government

The notion that housing, the ability to have a home, the necessity of a home, is one of the spheres of life that justifies and authorizes government to regulate – to exercise the police power -- is a notion that is firmly ensconced in our jurisprudence. Ever since our first laws were adopted in the late 18th century requiring landlords to provide running water to apartments and to comply with housing and building codes to assure housing is safe and sanitary, the federal, state, and local governments have passed countless laws and policies that directly or indirectly determine who gets housed. These laws affect every aspect of housing. Government regulates housing development through measures like tax benefits, mortgage supports and direct subsidies. It regulates housing affordability through measures like rent control, public housing, and rent subsidies. It regulates housing quality through housing and building codes, the warranty of habitability and licensing of landlords. It regulates the terms of tenure through lease and mortgage term requirements and protections like good cause eviction standards. It prohibits discrimination against protected classes of tenants or would-be tenants. And it regulates the procedures and requirements for eviction. But the government role in determining what housing gets developed and where, who gets access to that housing, and the cost and quality of housing, is hardly limited to housing-specific laws and policies. Zoning rules, taxation policies,

transportation and other infrastructure projects all have a very direct effect on housing. And other spheres of public policy and law that intervene in the free market, like employment, education, environmental and public health policies, play a role as well. Indeed, there is no true free market in housing in the Adam Smith sense if there ever was one. The laws and policies of government play the dominant role in determining who can be housed and where. The truth is that an unregulated free market alone has never, ever, anywhere, anytime in U.S. history, provided decent affordable housing in safe communities for significant numbers of low-income people. To the extent that low-income people have been able to secure safe, decent affordable housing, it has been the public policies and laws that affect quality, price and availability – agitated and advocated for on the streets, in the courts, and in the legislatures -- that have made it possible.

The courts have made it clear for generations that government has the authority to impose regulations that protect people's ability to have housing, but at least one court, New York State's top court, the Court of Appeals, held during the Depression that government not only has the power to use the tools of government to address housing needs, it has the *obligation* to do so. The first public housing program in the U.S. was developed in New York City during the Great Depression under the administration of Mayor Fiorello LaGuardia. This was before the federal public housing program was created. The City sought to use the power of eminent domain to take title to property from its then-owners to construct apartment buildings that would house low- and moderate-income New Yorkers. The owners were to be compensated, as is required for the exercise of eminent domain. However, the constitution not only requires compensation, it mandates that property may only be taken by eminent domain for "public use." Andrew Muller

owed two tenement houses on New York City's lower east side that the city sought to acquire to create public housing. Muller sued. He argued that taking his property to create affordable public housing for individual families was not a "public use" because it would not be used by the public. He lost. The court held that clearing slums and creating low-income housing was indeed a valid public use because enabling people to be housed would substantially benefit society. The court went further, stating that "[w]henver there arises, in the state, a condition of affairs holding a substantial menace to the public health, safety, or general welfare, it becomes the *duty* of the government to apply whatever power is necessary and appropriate to check it."²⁷

It is worth stating the obvious importance and centrality of home, because evicting tenants from their homes deprives them of that "necessary" of life through a process that is swift, harsh, and demeaning. Our system of eviction reflects neither respect nor consideration for the enormous value of what is taken. The eviction system is, by design, intended to achieve the goal of dispossession as rapidly as possible, under the threat of violent removal by public officials, without the trappings of normal civil litigation, and in service of a "remedy" that leaves people devastated and damaged. Since 1820, when the first summary eviction law in the US was adopted in New York, every aspect of the eviction process has been created by government legislation and policy in its exercise of the police power. That same power, that awesome police power, could and should be used to render evictions obsolete.

"One of the harshest decrees known to the law."

²⁷ *New York City Housing Authority v. Muller*, 270 N.Y. 333 (Court of Appeals, 1936) (emphasis added)

The act of eviction is, by its very nature, violent. A public official shows up at a home with a lethal weapon and orders the tenant and their family to leave. The lock is changed. The tenant's property is removed, often lost. The courts have recognized just how violent. In a concurring opinion in the case of *Braschi v. Stahl Associates Co.*, Judge Joseph Bellacosa called eviction "one of the harshest decrees known to the law."²⁸ In 1989 -- twenty-six years before the Supreme Court's *Obergefell v. Hodges* decision legalizing same sex marriage -- New York's highest court held, in *Braschi*, that Miguel Braschi could remain in the rent-controlled home he had shared with his same sex partner Leslie Blanchard after Blanchard died of AIDS, even though Braschi's name was not on the lease. New York law at the time permitted immediate family members who lived with the tenant of record to succeed to the rights to a rent-controlled apartment only if they were either the "surviving spouse of the deceased tenant or some other member of the deceased tenant's family who has been living with the tenant." In permitting Braschi to succeed to Blanchard's tenancy rights, the court endorsed an expanded understanding of family that "include[d] two adult lifetime partners whose relationship is long term and characterized by an emotional and financial commitment and interdependence."

Judge Bellacosa was correct. An eviction is a seriously "harsh decree," carried out -- or "executed" in legal parlance -- by an armed public official: a sheriff, a marshal, a constable, or someone with some other official title. These "eviction executioners" are authorized to act on behalf of the government to execute a court's eviction order - a court-issued mandate to

²⁸*Braschi v. Stahl Associates Co.*, 74 N.Y.2d 201, 544 N.Y.S.2d 784, 543 N.E.2d 49 (Ct. of Appeals 1989)

physically remove people and their possessions from their home. And eviction executioners not only wrest people from their homes, they wrest people from their place, from their community. And sometimes, from their lives.

Dr. Yan Li was shot to death in the course of an eviction in 2022. She was shot at close range with multiple bullets by a group of ten San Diego County Deputy Sheriffs and San Diego police officers. An immigrant from China, Dr. Li had received her doctorate in biostatistics from the Yale School of Public Health in xxxx, winning one of the school's most prestigious student awards. According to her colleagues at Yale, after earning her doctorate, she went on to have a distinguished career in her field, in both academic institutions and the pharmaceutical industry. For the 10 years before she was killed, she worked in San Diego and lived in Unit #503 in The Acqua Vista, an 18-story condominium complex downtown that contains 382 units. At some point, Dr. Li had a mental breakdown. She stopped paying the condominium fees and, according to her neighbors in the condominium, appeared to be in distress. She would walk around talking to herself and at one point kicked another resident's dog as the dog and owner stepped into an elevator.

The condominium board brought an eviction case against Dr. Li. She failed to appear in court and they obtained a default judgment against her. Defaults are common in eviction proceedings throughout the U.S. More people default and fail to show up in court for their eviction cases than appear. DATA

On the afternoon of March 3, 2022, a San Diego County Deputy Sheriff, armed with a gun and accompanied by other deputies, knocked on the door of Dr. Li's condo unit to serve her with an eviction notice. She answered the door holding a meat cleaver, told the officer she thought

he was an intruder, asked to see his badge, asked the deputies to call the police and said other things that an investigative report from the San Diego District Attorney's says were "unintelligible." The officer pointed a gun at Dr. Li and handed the eviction notice to her. Dr. Li threw it out into the hallway and shut the door. The officer called for reinforcements. He did not call for the assistance of mental health professionals.

Within 40 minutes, there were eleven law enforcement officers in the hallway outside the apartment - seven San Diego Sheriff's Department deputies and four San Diego police officers, including a police officer with a K-9 police dog. All were armed. They had with them at least three 9mm Glock 17-semi-automatic pistols, one 9mm Sig Sauer model 225 Elite semi-automatic pistol, a bean bag gun, a flash-bang gun (also known as a non-lethal distraction device) and assorted other pistols. They did not have a mental health professional with them. Dr. Li continued yelling from inside her apartment in a language, presumably Chinese, that the officers told investigators they couldn't understand. A neighbor showed up hoping to help and told the law enforcement officers he knew her and had a friendly relationship with her. He urged them to have a psychologist present because, he said, Dr. Li's "mental instability is so ferocious right now." The law enforcement officials ignored his suggestion. Dr. Li was agitated and continued to yell through the door that she didn't believe they were officials. She demanded to see their IDs and asked them to call the police. The officers didn't back off. Instead, they obtained a key to the apartment from the building's management and entered. Dr. Li then came out of a room holding a kitchen knife. Again, the officers didn't back off. They shouted at her to drop the knife. Dr. Li moved toward the officers holding the knife. Yet again, they didn't back off. A melee ensued. An officer shot at and hit Dr. Li with four rounds from a bean bag gun. Another officer

deployed flash bang rounds, which set off a bright light and loud noise intended to disorient a target. In spite of the assault on her, Dr. Li continued to move toward the officers holding the knife. They still didn't back off. And in the melee, two officers got hurt. One officer was stabbed by Dr. Li in the shoulder and later received 5 stitches for his minor wound. Another officer tripped and fell and was bitten on the buttocks by the police dog. The officers still didn't back off or call in a mental health professional. Instead, they opened fire on Dr. Li, killing her. At least thirteen bullet casings were recovered. She was 47 years old.

After investigating the incident, the San Diego District Attorney's office, chose not to indict any of the officers, finding that, "it is reasonable to conclude that Li was experiencing a mental health crisis, however, her actions constituted an imminent threat to the peace officers, resulting in her tragic death," The San Diego District attorney's office posted heavily edited, horrific footage on the internet from the officers' body worn cameras.²⁹

Reacting to her death, Dr. Li's colleagues from Yale wrote in an opinion piece in the San Diego Union-Tribune that "Dr. Li's killing suggests to us the need for both better non-lethal crisis intervention training for law enforcement officers and for embedded staff specializing in mental health and social services to assist officers in de-escalating crises and avoiding tragic deaths."³⁰ In a widely circulated statement, the Alliance of Chinese Americans San Diego maintained that

²⁹ Letter from Summer Stephan, District Attorney, County of San Diego to Sheriff Kelly Martinez and Chief David Nisleit, San Diego Police Department, May 9, 2023, <https://www.sdcda.org/content/MediaRelease/2023/Li%20OIS%20Letter.pdf> (SDDA letter describing incident); Channel 7 San Diego City News Service, San Diego DA Clears 3 Deputies, 1 Officer of Criminal Liability in Deadly Shooting of Woman in Little Italy Condo, May 20, 2023, <https://www.nbcsandiego.com/news/local/san-diego-da-clears-3-deputies-1-officer-of-criminal-liability-in-deadly-shooting-of-woman-in-little-italy-condo/3235009/>

³⁰ Drs. Vermund, Desai and Zhang, Police and deputies shot our colleague in her apartment. She should still be alive today. San Diego Union-Tribune, March 21, 2023, <https://www.sandiegouniontribune.com/2022/03/21/police-and-deputies-shot-our-colleague-in-her-apartment-she-should-still-be-alive-today/>

the deputy sheriff who delivered the eviction notice should simply have left once that had been done.³¹

Dr. Li's son, a UC Berkeley student at the time she was killed, filed a wrongful death lawsuit against the law enforcement officials and the city of San Diego alleging that, when she was initially contacted, Dr. Li's behavior showed she was "exhibiting signs of being mentally ill" and "clearly in a state of mental crisis." The lawsuit also states she was holding the knife because she had been cooking when the deputy arrived. Dr. Li's son's lawsuit was settled in 2024 for \$825,000 with no admission of wrongdoing by the defendants.³²

What propelled the officers to respond so aggressively and not to back off? Why did they refuse to seek the assistance of a mental health professional? Why such urgency to evict?

The killing of Dr. Li was hardly an isolated incident. Tragically, the violence of eviction, always implicit, all-too-often becomes explicit. The truth is that we simply don't know how many times evictions move from implicit to explicit violence. There is no comprehensive data on evictions that end in violent encounters. The closest thing to comprehensive data is the work done by the Eviction Lab at Princeton University, which has, for several years, been collecting accounts of eviction-related violence that show up in the press. The data is limited, because the Eviction Lab is only able to track incidents that appear in press reports. We don't

³¹ Jeff He, The Last Day of Dr. Yan Li – What and Why, Alliance of Chinese Americans, San Diego, March 30, 2022, <https://www.acasandiego.org/journalism-blog/the-last-day-of-dr-yan-li-what-and-why>, last viewed Jan. 23, 2026; Alliance of Chinese Americans, San Diego, Justice for Dr. Yan Li, <https://www.acasandiego.org/justice-for-dr-yan-li.html>, last viewed Feb. 5, 2026

³² Dorian Hargrove, San Diego County settles for \$825,000 in shooting death of a UCSD scientist, CBS8, March 23, 2024, <https://www.cbs8.com/article/news/investigations/san-diego-county-pays-825000-for-shooting-death-of-a-ucsd-scientist/509-53ac5fd6-c425-4da4-99b5-41e5677f9d2d>

know how many incidents involve death or injury yet don't get reported. And incidents that involve violence but don't result in death or injury are apparently not deemed news-worthy and don't get reported at all, so they don't appear in the database. It is certainly reasonable to assume that, if there are scores of incidents where evictions turn violent and result in injuries or death that do make it into the press each year, there must be many more violent encounters that do not result in death or physical harm and that don't get accounted for.

However, even with these limitations, what the Eviction Lab has found shows that violence and even death as a result of eviction is not uncommon. The Eviction Lab, found 353 press accounts of violent evictions that resulted in death or injury between July, 2021, when the Eviction Lab started maintaining a database of press incidents, and January 2026. These accounts reported at least 165 eviction-related deaths over the period in 121 separate incidents. They found accounts of at least 30 deaths related to evictions in 2023 alone.³³ Reported deaths involved shooting, stabbing and arson. There were XX reports of non-lethal injuries over the collection period. Quite a large number – twenty-eight -- of the deaths involved suicides, including ten incidents of murder-suicides.

Notably, these press reports demonstrate that the violence of an eviction provokes a violent response by people who will not, because of a sense of shame and humiliation, or due to confusion or anger, or whatever their reason, accept being forcibly removed from their homes. For instance, a police officer in Lufkin, Texas told an East Texas TV news reporter in 2022 that, while responding to a house fire at close to 10:00 p.m. one January night, he was

³³ Juan Pablo Garnham & Deanna Pantín Parrish, [Evictions Can Kill: How U.S. Communities are Trying to Break the Cycle of Violence, THE GUARDIAN, \(Dec. 10, 2023, 11:00 AM\)](https://www.theguardian.com/society/2023/dec/10/housing-evictions-physical-violence-alternative-programs)
<https://www.theguardian.com/society/2023/dec/10/housing-evictions-physical-violence-alternative-programs>
[<https://perma.cc/9FA2-NEFC>].

approached by a man who said he had started the fire. The police officer asked the man why and he said he was going to be evicted the next day and had no place to go, so he poured gas on his bed and lit it with a cigarette lighter. The man was arrested for first degree felony-arson.³⁴

The pain and shame of an eviction can lead to truly awful things. In the early morning hours of September 16, 2023, Matthew Richards, aged 41, stabbed and killed his family, including his wife and the couple's five children, before setting their Shawnee, Missouri house on fire. Richards was a youth pastor at the local Crossroads Christian Church. He and his family were scheduled for eviction that day. According to an affidavit he gave to police, he had not told his family about the financial situation leading to the eviction or that they were going to lose their home, which led him to formulate his plan to burn the house down. On the day of the scheduled eviction, the family had not packed anything and no one in the family other than Richards knew they were to be evicted.¹² Richards stated that he "believed his family would be better off dead than learning the truth."³⁵

The press accounts of eviction-related violence tell one miserable story after another. In Sarasota, Florida in 2022, three sheriff's deputies showed up to evict a 65-year-old man named Jeremiah Evans from a condominium. Mr. Evans had been served with a summons and complaint a month earlier. When the deputies arrived and entered the apartment, Mr. Evans

³⁴ Stephanie Frazier, *Lufkin man set bed on fire because 'he was being evicted, had nowhere to go,' police say*, KLTV, Jan 17, 2022 <https://www.kltv.com/2022/01/17/lufkin-man-set-bed-fire-because-he-was-being-evicted-had-nowhere-go-police-say/>

³⁵ Tod Palmer, *Pending eviction prompted Shawnee youth pastor to stab family, burn house: Affidavit*, KSHB 41 (September 25, 2023) <https://www.kshb.com/news/crime/pending-eviction-prompted-shawnee-youth-pastor-to-stab-family-burn-house-affidavit>

was seated at the kitchen table. He held a knife and said he had a “third amendment” right to stay. Instead of de-escalating the conflict, a sheriff’s deputy insisted he drop the knife. When Mr. Evans stood up, the deputy shot and killed him.³⁶

Gavin Lee Stansell, a tenant, opened fire and killed four people, including himself, when he was served with an eviction notice in Tucson, Arizona in 2022.³⁷ William Hardison was fatally shot in Pittsburgh in August of 2023 when seven deputies went to his house to execute an eviction.³⁸ Kristafer Graves was killed, and the sheriff’s deputy who was attempting to serve eviction papers on Graves was wounded, in a suburb shoot-out outside Portland, Oregon in 2023.³⁹ Theresa Cain shot and killed her husband and two of her children, then killed herself minutes before deputies arrived to evict them from their Ohio Township home in 2023.⁴⁰ Martin Wirth was killed and two deputies who showed up to evict him were wounded in a

³⁶ Melissa Pérez-Carrillo, *Veteran Sarasota Deputy Cleared in Shooting of 65-year-old Man During Eviction*, SARASOTA HERALD-TRIBUNE (June 28, 2022, 4:15 PM) <https://www.heraldtribune.com/story/news/local/2022/06/28/state-attorney-rules-sarasota-deputys-shooting-eviction-case-justified-marsys-law/7470304001/> [https://perma.cc/4TMA-6S9Y]; see also *Sarasota Eviction Notice Leads to Fatal Deputy-involved Shooting*, (Apr. 4, 2022, 11:00 AM) <https://www.mysuncoast.com/2022/04/01/scso-confirms-deputy-involved-shooting-sarasota/> [https://perma.cc/J49E-LHMN].

³⁷ Sarah Lapidus, Laura Daniella Sepulveda & José Ignacio Castañeda Perez, “*Horrifying and inexcusable*”: Tucson Constable Shooting Leaves 4 Dead, THE ARIZONA REPUBLIC (Aug. 26, 2022, 3:50 PM) <https://www.azcentral.com/story/news/local/arizona-breaking/2022/08/26/pima-county-constable-shooting-tucson-deborah-martinez-garibay/7904922001/> [https://perma.cc/9P3S-KBDR].

³⁸ Danny Freeman, Holly Yan & Steve Almasy, *Suspect in Hourslong Pittsburgh Standoff After Deputies Tried to Evict Him is Dead, Police Say*, CNN (Aug. 23, 2023, 10:08 PM) <https://www.cnn.com/2023/08/23/us/pittsburgh-police-shooting-garfield/index.html> [https://perma.cc/HGH2-JHN4].

³⁹ Associated Press, *Deputy in Critical Condition After Eviction-related Shooting in Oregon Suburb, Suspect Dead*, U.S. NEWS, (July 26, 2023); Associated Press, *Man Suspected of Shooting Oregon Deputy During Eviction Identified, Deputy Still Critical* (July 27, 2023).

⁴⁰ Jennifer Edwards Baker, *Sheriff: Mom Shot family minutes before deputies arrived to evict them from foreclosed Ohio Township Home*, CINCINNATI ENQUIRER (Mar. 3, 2023).

shootout in the course of an eviction in Bailey, Colorado in 2016.⁴¹ In Brooklyn, Connecticut, police shot and tased Bryon Harvey while trying to evict him from his home in 2023.⁴²

Evictions take their toll on the eviction executioners as well as on tenants. The reported deaths and injuries collected by the Eviction Lab are as often of the people executing the evictions as they are of tenants being evicted. When those whose jobs involve executing evictions are killed or injured, they are at the receiving end of the violence generated by the eviction system and are also the victims of that system. In 2024, Drexel Mack, a Jackson County process server, and Police Officer Cody Allen were shot and killed while attempting to execute an eviction on a former owner who lost title to his home for failure to pay property taxes in Independence, Missouri. Mack and two other officials knocked on the door of the former owner, Larry D. Acree. When no one answered, they began removing the locks to the door and were met with gunfire. Mack, the process server, fell to the ground inside the front entrance. When police officers arrived and tried to retrieve Mack, Officer Allen was shot and killed and other officers were wounded. The police returned fire and they were able to take the former owner into custody. He was charged with multiple felony counts, including two charges of first-degree murder.⁴³ Two years prior to this incident, Jackson County Court deputies shot a man in Blue Springs, Missouri while serving an eviction notice. The deputies alleged that he had

⁴¹ Kelly Werthmann, *Sheriff's Office Didn't Think Eviction Would Come to Violence*, CBS NEWS (Feb. 25, 2016).

⁴² Abigail Brone, *Housing Evictions in CT are Rarely Violent, But There are No Rules to Track Them*, CONNECTICUT PUBLIC (June 12, 2023). (“[T]here is no real method or system in place to keep track of the number of evictions that require police involvement [in Connecticut]”).

⁴³ Joseph Hernandez, *A Jackson County Civil Process Server Was Killed During an Eviction. What is Their Job?*, The Kansas City Star, March 1, 2024, <https://www.yahoo.com/news/jackson-county-civil-process-server-184258110.html>

pointed a gun at them. After the shooting, Capt. Jeff Sargent with the Blue Springs Police Department said that it was “common for violence to occur during an eviction process.”⁴⁴

One horrific eviction four decades ago led New York City to examine and revise its procedures for executing evictions.⁴⁵ In 1984, police shot and killed an elderly Black woman named Eleanor Bumpurs in the course of an eviction.⁴⁶ Ms. Bumpurs, who was alleged to be mentally ill, was renting a New York City public housing apartment for \$96.85 per month and fell behind in the rent. The Housing Authority sued her for eviction and when she didn’t show up in court, the Housing Court issued a default judgment against her.⁴⁷ She refused to open the door when a New York City marshal came to evict her, so the marshal called the police for assistance.⁴⁸ When the police arrived, they punched out the lock to the door to Ms. Bumpurs’s home, barged in, and shot her twice with a 12-gauge shotgun.⁴⁹ She died instantly. An indictment against Officer Steven Sullivan, the police officer who pulled the trigger, was dismissed in 1986.⁵⁰ Protocols adopted in New York City after the killing of Eleanor Bumpurs called for the use of tasers in lieu of shotguns in police encounters with emotionally disturbed

⁴⁴ Cortlynn Stark and Robert A. Cronkleton, First and Foremost, Disengage: How Jackson County Court Deputies Train for Evictions, *The Kansas City Star*, January 29, 2021, <https://www.kansascity.com/news/local/crime/article248632570.html>

⁴⁵ Selwyn Raab, *Autopsy Finds Bumpurs was Hit by Two Blasts*, N.Y. TIMES (Nov. 27, 1984); Karen McVeigh, *Police Face Lawsuits I shootings of three emotionally disturbed people*, THE GUARDIAN (Oct. 23, 2013), <https://www.theguardian.com/world/2013/oct/23/police-lawsuits-shootings-mentally-ill> [https://perma.cc/R6AX-AFR6].

⁴⁶ See Selwyn Raab, *Officer Indicted in Bumpers Case*, N.Y. TIMES (Feb. 1, 1985); *People v. Sullivan*, 503 N.E.2d 74, 75–76 (1986).

⁴⁷ Selwyn Raab, *Officer Indicted in Bumpers Case*, N.Y. TIMES (Feb. 1, 1985).

⁴⁸ Selwyn Raab, *Civilian Describes the ‘Struggle’ Before Shooting of Bumpurs*, N.Y. TIMES (Jan. 14, 1987), <https://www.nytimes.com/1987/01/14/nyregion/civilian-describes-struggle-before-shooting-of-bumpurs.html?searchResultPosition=14>.

⁴⁹ Greg B. Smith, *Eleanor Bumpurs’ Namesake Kin Inherits Legacy of NYCHA Neglect and Disrepair*, THE CITY, (Jan. 24, 2021), <https://www.thecity.nyc/2021/1/24/22247526/eleanor-bumpurs-nycha-disrepair-bronx-nypd> [https://perma.cc/W3GH-RFEU]; Selwyn Raab, *supra* note 55; Selwyn Raab, *Autopsy Finds Bumpurs was Hit by Two Blasts*, N.Y. TIMES (Nov. 27, 1984).; Leonard Buder, *Police Kill Woman Being Evicted; Officers Say She Wielded a Knife*, N.Y. TIMES, Oct. 30, 1984.

⁵⁰ *Sullivan*, 503 N.E. 2d at 78 (dismissing indictment)

persons, but those protocols have been criticized because they did not call for involvement of mental health professionals, and police violence in encounters with emotionally disturbed people in New York City remains a serious problem.⁵¹ The killing of Eleanor Bumpurs is a particularly horrifying and graphic reminder of the potential for violence inherent in every act of eviction.

“An exquisitely shameful experience.”

The violence of eviction is often turned inward. The limited available data suggests that evictions regularly trigger suicides. Sadly, it seems that each year many people kill themselves rather than face the possibility they will be evicted. No comprehensive data is collected about eviction-related suicides either, so we don't know how many there are. However, the Eviction Lab does track news reports that mention eviction-related suicides and finds them to be a regular occurrence. In the period from July, 2021 to January, 2026 the Eviction Lab found press accounts of 28 eviction-related suicides. These are only press accounts, and suicides don't attract the same kind of press attention as killings, so the number of eviction-related suicides may well be quite large. In 2015, the American Journal of Public Health undertook a comprehensive national study of housing instability as a risk factor for suicide. The study identified 929 eviction- or foreclosure-related suicides, which accounted for 1 to 2 percent of all suicides and 10 to 16 percent of all financial-related suicides from 2005 to 2010.⁵² In 2006,

⁵¹ Karen McVeigh, *supra* note 48; *see also*, Randolph M. McLaughlin & Debra S. Cohen, *The NYPD and the Mentally Ill*, N.Y.L.J. 1053 (2017) <http://digitalcommons.pace.edu/lawfaculty/1053/>. [<https://perma.cc/W94F-3DJU>].

⁵² Katherine A. Fowler et al., *Increase in Suicides Associated With Home Eviction and Foreclosure During the US Housing Crisis: Findings From 16 National Violent Death Reporting System States, 2005-2010*, 105(2) AM. J. PUB. HEALTH 311, 313–14 (2015).

several psychotherapists wrote a letter to the editor of *Psychiatric Services*, a journal of the American Psychiatric Association, noting the connection between eviction and suicide and calling for eviction prevention as a suicide prevention measure. Three mentally ill patients in New York City had killed themselves within a two-month period. Each had committed suicide within 5 days of a scheduled eviction. They were all middle class and none of them faced homelessness. The therapists concluded that, “[ev]iction must be considered a traumatic rejection, a denial of one's most basic human needs, and an exquisitely shameful experience.”⁵³

There are other indications as well that eviction-related suicides are numerous but go unreported. In a press interview following the suicide of a 42 year old woman who faced eviction, Constable Thomas Schenek of Precinct 7 in Pima County, Arizona said that he had seen a half dozen or so eviction-related deaths by suicide while executing evictions over the course of several years.⁵⁴ This is an estimated number of suicides seen by one constable in one county in one state. There are 3,143 counties in the United States.⁵⁵ Do the math.

Poor training of eviction executors no doubt leads to increased violence in evictions. In 2023, several people were shot and hit or shot at during evictions in Philadelphia that were executed by individuals holding the position of Landlord-Tenant Officer.⁵⁶ The Landlord-Tenant

⁵³ [Michael J. Serby, M.D., David Brody, M.D., Shetal Amin, B.A., and Philip Yanowitch, M.D.](#) Eviction as a Risk Factor for Suicide, *Psychiatric Services*, Vol 57, No. 2, Feb. 1, 2006, <https://www.psychiatryonline.org/doi/10.1176/appi.ps.57.2.273-b>

⁵⁴ Joel Foster, *Pima County Constable's Office urges eviction support following tragic suicide*, KGUN News, Feb. 11, 2025, <https://www.kgun9.com/news/community-inspired-journalism/sahuarita-and-green-valley-news/pima-county-constables-office-urges-eviction-support-following-tragic-suicide>

⁵⁵ National Association of Counties website. <https://www.naco.org/page/what-are-counties>. Last visited Nov 13, 2025..

⁵⁶ Marco Cerino, *Legislators, Litigators Target Landlord-tenant Office for Violent Evictions* (2023), THE PHILADELPHIA TRIBUNE (July 25, 2023); https://www.phillytrib.com/news/local_news/legislators-litigators-target-landlord-tenant-office-for-violent-evictions/article_e5f268ce-b4c7-562c-ac1b-db005a5cfdd1.html

Office was a private for-profit business that was designated by the Philadelphia eviction court to execute evictions. The office had little oversight and its staff had little training. Their employees would show up to execute evictions without wearing law enforcement uniforms, which was confusing and caused tenants to be suspicious.⁵⁷ On March 29th, 2023, Angel Davis was shot in the head by a Philadelphia Landlord-Tenant Officer during an eviction and suffered a traumatic brain injury.⁵⁸ On June 28th, 2023, a Philadelphia Landlord-Tenant Officer shot at a dog while executing an eviction, and missed.⁵⁹ In July 2023, Latese Bethea was shot in the knee while being evicted by a Philadelphia Landlord-Tenant Officer after she allegedly threatened officers with a knife, a claim she denied.⁶⁰ A news report explained, “[t]he sheriff’s office does some evictions, but landlords often hire the LTO [Landlord-Tenant Office] because it’s faster and cheaper.”⁶¹ These shootings, all within a period of four months, led the Philadelphia City Council to suspend evictions temporarily and examine the new position of Landlord-Tenant Officer.⁶² The position had been created shortly after state law had authorized private, for-profit sector armed agents who are neither trained nor certified to execute evictions.⁶³ One

⁵⁷ Interview of Kadeem Morris, Co-Managing Attorney of the Housing Unit at Community Legal Services, Philadelphia, Dec. 23, 2025, transcript on file with the author.

⁵⁸ *See id.*

⁵⁹ Max Marin, *Philly landlord-tenant officer discharges firearm during eviction fo the second time in months*, THE PHILADELPHIA INQUIRER (June 28, 2023)

⁶⁰ Chad Pradelli, *Philadelphia Landlord and Tenant Office resumes evictions, implements changes*, 6ABC ACTION NEWS, Aug. 23, 2023, <https://6abc.com/philadelphia-evictions-landlord-and-tenant-office-municipal-court-philly-eviction-violence/13680844/#:~:text=Latese%20Bethea%20was%20shot%20in,knife%20before%20she%20was%20shot.&text=It%20was%20the%20third%20incident,had%20opened%20fire%20this%20summer>.

⁶¹ *See id.*

⁶² *See* Marco Cerino, *Legislators, Litigators Target Landlord-tenant Office for Violent Evictions* (2023), THE PHILADELPHIA TRIBUNE (July 25, 2023); https://www.phillytrib.com/news/local_news/legislators-litigators-target-landlord-tenant-office-for-violent-evictions/article_e5f268ce-b4c7-562c-ac1b-db005a5cfdd1.html; *See also*, David Chang & Brian Sheehan, *Officials suspend evictions in Philly after 3 reported shootings in 4 months*, NBC10 PHILADELPHIA (2023). *See also*, Marco Cerino, *Landlord-tenant office releases new eviction guidelines*, The Philadelphia Tribune, Aug. 18, 2023.

⁶³ *See* Marco Cerino, *Legislators, Litigators Target Landlord-tenant Office for Violent Evictions* (2023), THE PHILADELPHIA TRIBUNE (July 25, 2023); https://www.phillytrib.com/news/local_news/legislators-litigators-target-

Philadelphia City Councilmember stated at a press conference that this cluster of eviction-related violence reflected “a system that terrorized and traumatized many women and families.”⁶⁴

The spate of shootings in Philadelphia sparked protests and lawsuits and the Landlord-Tenant Office came under political fire. Injured tenants sued the Landlord-Tenant Office, but so did Angelize Rodriguez, a maintenance administrator in the housing development where Latese Bethea had been shot, blaming the Landlord-Tenant Office for “negligent and reckless conduct” that resulted in her being knocked unconscious during an eviction-related confrontation.⁶⁵ In response to these incidents and the demands of activists, the Philadelphia City Council passed the Angel Davis Accountability Act, which requires eviction executioners to provide proof of insurance and obtain licenses from the city. Eviction executioners must also complete annual trainings in firearm safety, crisis intervention, and cultural diversity in order to obtain a license. The legislation gave the City the authority to suspend or revoke licenses when private contractors violate safety standards or put people at risk. These were similar to Philadelphia requirements already in place for the licensing of other private businesses, such as bouncers, pawn brokers, and masseuses, whose activities can also pose threats to well-being. Six weeks after the bill passed, the Landlord-Tenant Office ceased operations, presumably because they

[landlord-tenant-office-for-violent-evictions/article_e5f268ce-b4c7-562c-ac1b-db005a5cfdd1.html](https://www.phillytrib.com/news/local_news/legislators-litigators-target-landlord-tenant-office-for-violent-evictions/article_e5f268ce-b4c7-562c-ac1b-db005a5cfdd1.html); See also, David Chang & Brian Sheehan, *Officials suspend evictions in Philly after 3 reported shootings in 4 months*, NBC10 PHILADELPHIA (Jul. 29, 2023); see also, Marco Cerino, *Landlord-Tenant Office Releases New Eviction Guidelines*, The Philadelphia Tribune, Aug. 18, 2023.

⁶⁴ See Marco Cerino, *Legislators, Litigators Target Landlord-tenant Office for Violent Evictions* (2023), THE PHILADELPHIA TRIBUNE (July 25, 2023); https://www.phillytrib.com/news/local_news/legislators-litigators-target-landlord-tenant-office-for-violent-evictions/article_e5f268ce-b4c7-562c-ac1b-db005a5cfdd1.html

⁶⁵ Aaron Moselle, *Philadelphia Property Management Worker Files Suit Over Assault During 2023 Eviction*, WHYY, Jan. 20, 2025, <https://whyy.org/articles/philadelphia-property-management-worker-lawsuit-violent-eviction-2023/>

were unable to meet the new requirements. The sheriff's office took over the responsibility for executing evictions.⁶⁶

Humiliation, fear, and the threat of eviction

The violence of eviction does not have to result in physical injury or death to take its toll. Take, for example, the eviction of Donya Williams by federal marshals in Washington DC in 2015, which probably only garnered press attention because the ACLU sued on her behalf. According to her federal court complaint, Ms. Williams, her daughter and a friend were in her apartment when federal marshals entered her home shouting and with guns drawn. They burst into her bedroom even though she told them she was naked. Ms. Williams was only able to quickly put on clothing that was ripped and didn't adequately cover her body before she was marched out of the apartment with her daughter, who was not allowed to change from her short-bottomed pajamas that she otherwise would not have worn in public. Ms. Williams had to walk past an eviction crew of 20 men. The family's belongings were dumped outside their building. They lost valuable items and other items were ruined.⁶⁷ Ms. Williams settled her lawsuit for damages and in the wake of the litigation, the Marshals Service announced two new

⁶⁶ Matt Coughlin, *Philadelphia's Landlord-Tenant Office ceases eviction operations, faced with new license, insurance requirements*, KYW Newsradio, July 30, 2024, <https://www.audacy.com/kywnewsradio/news/local/philadelphia-landlord-tenant-office-ceases-eviction-operations-angel-davis>

⁶⁷ Complaint, Donya Williams v. United States of America, US District Court for the District of Columbia, Case 1:18-cv-00202-KBJ.

policy directives: one to provide tenants better notice of upcoming evictions and the other to prevent tenants' belongings from being dumped on the sidewalk by an eviction crew.⁶⁸

In an incident in Los Angeles in January of 2025 involving a conflict related to a lead-up to an eviction that was caught on video, Raymon Isaac, a landlord, terrorized a mother and daughter. He shoved open the door of tenant Jessica Ramirez's apartment, scaring her and her 3-year-old daughter. Outside the apartment, Isaac was videorecorded threatening to kill everyone in the building. Although the mother and child were not physically harmed, the daughter hid under a blanket afterwards and was reported to have continued to show signs of distress over the following weeks. The landlord had terminated his Section 8 housing subsidy contract with the city, which meant the family lost their housing subsidy and couldn't pay the rent. They were evicted in March of 2025.⁶⁹

The ultimate act of the eviction system, the eviction itself, is always violent because it involves the forcible removal of people and their possessions from their homes by an armed official. But in all eviction cases, including those that don't result in an executed eviction, the threat of being evicted itself, of having life and place disrupted, being displaced from home and thrust into homelessness, causes immeasurable stress and fear. Of course, the threat of eviction is not only traumatic, the threat of eviction itself displaces many more households than the actual execution of evictions. When tenants believe, or know, that eviction is inevitable, they will leave if they are able, to avoid the devastation wrought by a physical eviction, even if

⁶⁸ Williams v. United States – Challenging Conduct of U.S. Marshals Who Forced Resident Out of Her Home in State of Undress During Eviction, ACLU, District of Columbia, Jan. 30, 2018, <https://www.acludc.org/cases/williams-v-united-states-challenging-conduct-us-marshals-who-forced-resident-out-her-home/>

⁶⁹ Matthew Hall, LA Landlord Threatens to Kill Tenants During Argument of Water Damaged Unit, Santa Monica Daily Press, April 18, 2025, <https://www.smdp.com/la-landlord-threatens-to-kill-tenants-during-argument-over-water-damaged-unit/>

they cannot avoid the destructive impact of forced displacement. They may leave when a proceeding is merely threatened, when they are served with preliminary predicate notices, when a proceeding is commenced, or after a judgment.

Unfortunately, there is very little data, if any, on the numbers of people displaced in advance of the execution of an eviction, but it is quite likely that the numbers of households that leave before an eviction is executed greatly exceeds the number actually evicted. And it's obvious that the threat of eviction is more likely to leave their homes without putting up a fight when they are not aware of their rights. A Windham Connecticut tenant, interviewed for an evaluation of that state's Right to Counsel program in 2023, said that when her landlord told her to leave her apartment, she didn't "even know my rights, to be honest with you. So I don't know if legally they could have done that to me or my child. ... I don't really know why he wanted me to leave. I don't know if it's because I couldn't pay the rent [or] because I ended up getting back on the methadone clinic. . . . I've never been evicted. So I don't know. And I left the same day. I didn't even, like didn't even bother. I was like, 'I'm out.'" And a Hartford tenant, interviewed for the same report, said, "There's a lot of people that just leave their place because they don't know . . . I have young people in my building who really left their apartment and I tried to explain to them, 'No, that's just the Notice to Quit. It has to go through a process,' but they're so scared and the landlord keeps harassing them. Do you know what I'm saying? But they're just like . . . I gotta go and then they end up homeless."⁷⁰

⁷⁰ Annie Harper, Danya Keene and Gaby Olea Vargas, *Connecticut Eviction Right to Counsel: A qualitative Evaluation*. Connecticut Bar Foundation (2023), <https://evictionhelpct.org/wp-content/uploads/2024/01/RTC-Qualitative-Report-Sept-26.pdf>

Not all tenants lose their homes when they are sued for eviction. At least some evictions are averted in all states, and in states with robust tenant protections, many, even most, evictions can be averted. There are many ways a tenant can avert eviction. A tenant can avert eviction by winning in court. A tenant can avert an eviction by settling an eviction case with a landlord on terms that permit the tenant to stay, often by paying back rent. In fact, most cases are settled between the parties and not decided by a judge. And in some jurisdictions, especially when there is a right to counsel for the tenants, the terms of most settlements allow tenants to stay in their homes. **ADD DATA** In most jurisdictions, however, the terms of settlements do not permit tenants to stay. An eviction can also be averted even when the landlord wins the case, because the tenants are able preserve their home by paying rent that the judge determined was owed or by curing a lease violation or taking some other step required by the court. This is permissible in some jurisdictions, but many jurisdictions do not allow a tenant to pay to stay, to cure a lease violation or correct behavior that has been deemed to be a nuisance.

Even when tenants manage to stay in their homes, or agree to move with sufficient time to find another place – a so-called “soft landing,” the threat of eviction causes fear and distress that can have both short and long-term effects. Randy Dillard, a single parent of five kids, fared better than many when his landlord sought to evict him from his South Bronx apartment. After a long ordeal, he was able to negotiate a soft landing. Randy has a disabling case of COPD from his years as a two- or three-pack a day smoker. He receives federal disability benefits. Ten years ago, his lung collapsed and he spent three months in the hospital. Two days after he got home from the hospital, he was served with a notice informing him that he could be evicted

anytime after 72 hours from service of the notice had passed. He later learned, but didn't know at the time, that the landlord had commenced an eviction proceeding against him in Bronx Housing Court while he was in the hospital. The landlord claimed that Randy had not been paying the rent. In fact, he had been paying his portion of the rent, but his Section 8 rental subsidy had been discontinued because the landlord failed to keep the apartment in good repair. No one had received the legal papers at home and the landlord took a default against him.

One of the lucky ones, Randy happened on a flyer about a tenant advice clinic at Community Action for Safe Apartments (CASA) a tenants' rights group in his neighborhood, and was able to get a lawyer, a good lawyer. The case got reopened and got very complicated. There was the subsidy issue, and since long before his hospitalization, he had been fighting the landlord to get repairs. Among other conditions, he had a steady leak in the bathroom that meant he and his kids had to hold an umbrella to use the toilet. His lawyer fought for the repairs and for his housing subsidy that had been taken away. The case was litigated for two-and-a-half-years and Randy finally agreed to move out within 5 months, with the landlord giving up any claim for the years of back rent.

Randy was able to get a new subsidy and move to a decent apartment where he now lives. But the experience was hard on him and his kids and had lasting effects. As he puts it, for the whole time, "I was just worried. With five kids, where were we gonna lay our heads?" As the court case lingered on, Randy's daughter went from an A and B student to a C and D student. An older son dropped out of college. Knowing they might be evicted to the streets, the younger kids were acutely aware that they could end up in a homeless shelter and, as

Randy said, they were “afraid of these shelters and how kids get teased and screwed about being in the shelter,” They were also afraid of being stigmatized, as Randy put it, of being told by other kids, “your mama ain't got no money, you ain't got any money, you in the shelter, you ain't got no home. . . It's ridiculous, but it happens in school, it's horrible.. “ And the move to the new place wasn't smooth. “It's hard to uproot. and move to a whole new, different neighborhood, new school, you understand? They gotta meet new friends.” And shortly after they moved in, his teenage son got jumped coming in to the new building. But in spite of the problems, Randy and his kids were lucky compared to so many others. They got a lawyer. They didn't end up on the streets or in a shelter. They were able to save money to move because the landlord waived his claim for back rent, and they found a decent place. Also, the experience led Randy to join CASA and become a tenant leader, a housing rights activist, and a central figure in the successful campaign in New York City to win a right to counsel for low-income tenants who face eviction.⁷¹

A subtle, but profoundly disorienting result of the act of eviction as well as the threat of eviction, is that it deprives people of agency. When an armed public official executes an order of a court that removes people from their home, that act removes a tenant's control over their home, it disempowers, it deprives people of any say over where they live -- one of the most basic decisions affecting life.

In addition, when a tenant is evicted, their possessions — the accumulations of a life — are, in most places in the United States, simply put out on the street. Even in jurisdictions that require possessions to be stored in a warehouse, property is often lost, stolen or damaged.

⁷¹ Interview of Randy Dillard by the author, December 3, 2025. Transcript on file with author.

Losing one's possessions leaves people further devastated and traumatized. Too often, tenants lose everything. And if their belongings get piled up on the sidewalk while they're at work or otherwise out of the house, scavengers will likely have picked through the pieces of their lives by the time they arrive. Driver's licenses, passports and Social Security cards go missing. Because most homeless shelters require identification, they may not have the option of staying in a shelter. Losing a home sets off a disastrous domino effect.

Resistance

Sometimes the exercise of power through eviction is met with powerful pushback. Throughout US history, people have fought off evictions and the act of eviction – or the attempted act -- has sometimes become the site, the focal point, of organized resistance to the raw exercise of power. Resistance by tenants who simply refuse to leave as individuals and have the support of neighbors, of tenant and community organizations. Resistance by tenants who band together, withhold their rent and refuse to leave collectively. And resistance as political struggle over the laws and policies that lead to and permit eviction, or that define the landlord-tenant relationship. The US has a rich tradition of organized resistance to eviction that has often led to law and policy change but that has also often led to violence.

One little known and rarely taught, yet extraordinary, chapter of early American history is the anti-rent wars in upstate New York in the mid-nineteenth century. At the end of the American revolution, most of the land in the Catskills and the Hudson Valley north of New York City was owned by a handful of families who had originally obtained the land through land grants from the British or the Dutch colonial powers after it had been taken from the

indigenous people who were living there before the Europeans arrived. Some of the family names of those landowners, like Livingston and Van Rensselaer, are familiar in New York and New Jersey because they continue on as town names or street names or institutional names. Much of the land owned by these families after the revolution was occupied by tenant farmers whose relationship to the landlord, sometimes still known as the “patroon” from the Dutch word, was feudal. The tenants were permitted to live on the land in exchange for providing their landlords with the major portion of the produce from their farms. There were no provisions under which the tenants could acquire title to the land for themselves.

Starting in the 1830’s, some of these tenant farmers banded together and organized resistance to this feudal system. They refused to pay the rent to their landlords and when the sheriff and his deputies arrived to evict, the farmers would blow tin horns that could be heard across the mountains to call their neighbors. Neighboring farmers, also on rent strike, would show up with arms, wearing calico masks made by their wives to hide their faces, and physically block and prevent the eviction. The sheriff and his deputies would usually back off. This rebellion lasted for decades, until finally, the New York State legislature passed legislation that required the feudal landlords to sell their land to their tenants.

The New York State anti-rent wars were one of the most widespread, militant, violent and impactful episodes of organized resistance to eviction in our history, but they are far from the only example. Tenants and their allies have blockaded evictions of the unemployed, have organized rent strikes, refused to pay rent, and then fought off evictions to challenge their landlords’ actions or to challenge public policies for more than a century.

During the height of the Great Depression, the communist party organized Unemployed Councils in about 340 cities and towns. These UCs claimed to have 150,000 members in 1933. The UCs sought to address the most urgent needs of unemployed people. One of their tactics was to physically prevent evictions. The Chicago UC chapter, which claimed to have 22,000 members in 45 local branches, was particularly active. Eviction protesters would march to the site of an eviction, most often on Chicago's South Side. Sometimes, the presence of a large crowd would alone deter police from interfering and landlords would give up trying to evict. Other times, protesters would move an evicted person's furniture back inside their home after an eviction and then disperse. In one Chicago incident in 1931, when Diana Gross, a 72-year-old Black woman was being evicted, violence broke out between police and the crowd that was there to defend Ms. Gross's home. Shots were fired from both sides. Three Black protesters were killed and three police officers and a fourth protester were wounded. The city declared a temporary eviction moratorium shortly after. The moratorium lasted two years.⁷² The UCs declined in membership after Franklin Roosevelt was elected in 1933. New federal unemployment relief as well as the moratorium caused the number of evictions in Chicago to decline from 63,152 in 1932 to 8,876 in 1934.⁷³

Not all resistance to eviction has met with success. But no incident of organized resistance to eviction in the US has ever turned more devastating than when the Philadelphia

⁷² Annie Howard, When the Unemployed Fought Back, Shelterforce, February 24, 2022, <https://shelterforce.org/2022/02/24/when-the-unemployed-fought-back/#:~:text=Mass%20refusal%20of%20evictions%20was,residents%20faced%20eviction%20and%20homelessnes> ss.

⁷³ Harry Katz, The Chicago Unemployed Movement's Protests for Food and Housing, Commodities, Conflict, and Cooperation, Fall 2016 & Winter 2017; <https://sites.evergreen.edu/ccf/foodhousing/the-chicago-unemployed-movements-protests-for-food-and-housing/>

police department fire-bombed a West Philly block in an attempt police to drive the MOVE organization's members out of their home at 6221 Osage Avenue. MOVE was a political and religious organization founded by John Africa that advocated for a return to a hunter-gatherer society, for animal rights, for racial justice, and for avoidance of modern medicine and technology. Neighbors had complained to the city about unsanitary conditions at the Osage Avenue building where the group's members lived, and about the group's loud broadcasting of its message through a bullhorn night and day. The city also received complaints that the group was not sending their children to school. On May 13, 1985, police arrived at the building and demanded that the group send the children out of the home. When the group failed to comply, the police flooded the basement, blew holes in the walls to shoot tear gas into the house, and shot thousands of rounds of ammunition into the house. When none of that worked, the police dropped high-powered C-4 explosives on the house out of a helicopter. Eleven people, including five children ages seven to 13, were killed in the attack and the bomb sparked a fire that destroyed 61 neighboring homes, displacing hundreds of people.⁷⁴

More recently, tenant and community organizations in major urban centers are increasingly using eviction blockades to challenge evictions.

Mother of 4 was arrested in El Sereno; protestors arrested- [Article](#)

Sometimes, eviction resistance is performative and without any real expectation that the eviction can be stopped. As one Los Angeles tenant organizer put it in 2019, the “whole

⁷⁴ Beverly C. Tomek, MOVE, The Encyclopedia of Greater Philadelphia, <https://philadelphiaencyclopedia.org/essays/move/>, last viewed Feb. 1, 2026

process [of eviction] typically works in such a way that it is very seamless for the landlord, very friction-less.” An anti-eviction action is intended to make the “violence visible,” and make things uncomfortable for the eviction executioners. In 2019, the Pepper family, two white, middle-class professionals and their young daughter Madeline, was evicted from the apartment in the Silver Lake area of Los Angeles that they had called home for seventeen years. Their landlord was in the midst of renovating their building and increasing rents by over two-hundred percent, apartment by apartment, when he chose to bring a “no-fault” eviction case against them. The Peffers chose to make things uncomfortable. As the day of the eviction approached, they chalked messages like “Our home, not your quick buck”, “‘Market rate’ took my housing away”, and “Human Rights > Property Rights” on the walls of the apartment. And they invited friends to join them in an “anti-eviction camp-out” in the apartment on the day of the eviction. When four sheriff’s deputies arrived with a locksmith, the Peffers and their allies chose to leave rather than be arrested, taking with them the Peffers’ few remaining possessions.⁷⁵

Evictions affect multitudes

Evictions affect multitudes in the US. Unlike with crime statistics or economic data, there is no comprehensive governmental collection of national data on evictions in the United States. In many ways, our nation is crazy-obsessed with data. We can find out any number of inconsequential statistics, like As devastating as eviction is for those who experience it first-

⁷⁵ Faiza Moatasim, Direct Action at Home: Performative Spaces of Tenant Resistance in Los Angeles, *Antipode: A Radical Journal of Geography*, June 25, 2024, <https://onlinelibrary.wiley.com/doi/10.1111/anti.13075>; Jessica Goodheart, Madeline’s Amazing Cool Room: A Silver Lake Eviction Tale, *Capital & Main*, Feb. 12, 2019, <https://capitalandmain.com/a-silver-lake-eviction-tale-0212>

hand and for the general well-being of communities, it's shocking that there is no national governmental source of comprehensive data on evictions. A 2025 GAO report found that eviction data from courts is challenging to collect and aggregate on a national level, in part, because of the local nature of evictions.⁷⁶ Many jurisdictions don't even keep eviction statistics. The failure of most jurisdictions to maintain accurate and accessible data on evictions and the lack of a requirement to do so is a reflection of the invisibility and generally cavalier attitude about eviction.

Fortunately, the Eviction Lab at Princeton has stepped into the void. In the absence of a federal mandate to the states and localities that would collect truly comprehensive national data, the Eviction Lab makes the most out of limited sources. It tracks evictions in ten states and 34 cities where there is data available, and found that there were 1,136,284 eviction filings in the 12 months ending in January, 2026 in those localities alone.⁷⁷ Extrapolating this data from specific localities, the Eviction Lab estimates that there are approximately 3.6 million eviction proceedings filed in courts in the US each year affecting 7.6 renters, many of them children.⁷⁸ That's almost four million evictions annually affecting some twelve million people, or over nine eviction proceedings filed every minute of the work week. Cities with the highest eviction rates in the US include: North Charleston, SC with 16.5% of the renter population facing eviction each year; Richmond, VA, with 11.4% of the renter population facing eviction each year; and Hampton,

⁷⁶ GAO Report to Congressional Committees, *Evictions: National Data Are Limited and Challenging to Collect*, February, 2024, <https://www.gao.gov/assets/d24106637.pdf>

⁷⁷ *Eviction Tracking System*, EVICTION LAB, <https://evictionlab.org/eviction-tracking/> [<https://perma.cc/F4AR-PJ8M>] (last visited Feb. 4, 2026).

⁷⁸ The Prevalence, Concentration , and Geography of Eviction, Eviction Lab, <https://evictionlab.org/research/>; (last visited Feb. 4, 2026)

VA, with 10.49 of the renter population facing eviction each year.⁷⁹ While the Eviction Lab's data gives us a decent estimate of the number of eviction cases filed, there is no source that collects data on the numbers of evictions actually executed.

In fact, we evict more people in the United States than are evicted in other countries in the developed world. A study done by the Organization for Economic Cooperation and Development (OECD) found that, among the member states studied in 2023, the United States had the highest rate of eviction cases initiated, at 4.8 percent of all renter households. We also had and the highest rate of eviction orders issued by the courts at 1.8 percent of all renter households.⁸⁰ In contrast, several European countries (Denmark, Spain, Portugal, Latvia and Sweden) had eviction initiation rates below 1 percent. And no European country, with the exception of France and Poland, had an eviction order rate above 1 percent⁸¹

Evincere – to conquer and vanquish

It's no wonder the word "eviction" derives from the Latin, *vincere*, from Latin *evictus*, past participle of *evincere* meaning "overcome and expel, conquer, subdue, vanquish; prevail over."⁸² An eviction, in fact, remains a violent act of domination, an expulsion, a conquest. In

⁷⁹ Top Evicting Cities in the US Ranked by Eviction Rate, Eviction Lab, <https://evictionlab.org/rankings/#/evictions?r=United%20States&a=0&d=evictionRate&l=0>; (last visited Feb. 4, 2026)

⁸⁰ DIRECTORATE-GENERAL EMPLOYMENT, SOCIAL AFFAIRS & INCLUSION, EUR. COMM'N, *supra* note **Error! Bookmark not defined.**, at 11.

⁸¹ ORG. FOR ECON. COOP. & DEV. – SOC. POL'Y DIV., HC3.3 EVICTIONS 2 (2023), <https://www.oecd.org/content/dam/oecd/en/data/datasets/affordable-housing-database/hc3-3-evictions.pdf>.

⁸² *Evict*, ONLINE ETYMOLOGY DICTIONARY, <https://www.etymonline.com/word/evict> [<https://perma.cc/Z4JY-9WBL>] (last visited Mar. 22, 2024).

many parts of the country, the word dispossess is used to refer to evictions. No euphemisms here either. Dispossess, is another word that bluntly describes the essentially violent act of depriving people of that which they possess.

In pop culture, there's a macabre fascination with the violence of eviction. At least two TV series - *World's Worst Tenants*, an American production, and *Nightmare Tenants*, *Slum Landlords*, a British production – seek to titillate their audiences with tales of landlord-tenant conflict and violent evictions. The popularity of shows such as these probably says something profound about the state of popular culture and the psyche of those who are fans. Regardless, the fact that these shows get produced and find an audience at all, at the very least demonstrates the strength and popularity of the hold on the popular culture of the eviction as violence narrative.

Yet far from entertaining, witnessing an eviction up close and in real life that turns violent can be extremely traumatic. Washington DC uses US Federal Marshals as its eviction executioners because the court system is federal. Until recently, the city had a heavily criticized system for executing evictions. The Marshals would show up to execute an eviction with as many as twenty-five day laborers, who were paid piddling sums – sometimes as little as ... per hour – to rapidly remove a tenant's property after the marshals took possession of a home. The marshals even had a protocol that involved a formula for how many day laborers were needed per eviction – xx for a one-bedroom, etc. The marshals would find the laborers at sites where homeless people, undocumented immigrants, and others desperate for work gather, hoping to pick up any short term job. Dupree Cross was homeless and did this work for years, but he says he mostly stopped because "I got emotional with it after someone shot his

head off.” “We were evicting someone and the wife came out screaming: ‘He shot his head off!’ After that I said, ‘I can’t do this work anymore.’”⁸³

To be sure, the violence of eviction is mostly so banal and commonplace that it’s barely noticed. The Eleanor Bumpurs case, the Dr. Yan Li case and the other reported cases of death and injuries in the course of eviction executions were, of course, exponentially more violent than ordinary evictions. And eviction-related killings, shootings, arson and suicide are exceptional, rather than common. But the thousands of mundane evictions executed in the United States daily by armed public officials or their designees are, by their very nature, always violent. Each eviction is a violent disruption of someone’s home life. Each eviction is executed by an armed public official. Each eviction carries the threat of escalating violence. Each eviction causes humiliation and deprives people of agency. And, the more desperately a tenant wants to hold on to their home, the more profoundly a tenant fears the consequences of an eviction, the more likely there will be physical violence. The possibility of harm from an armed individual executing the eviction, using force to break into a home, changing the locks, and removing personal possessions, and the damage to and disposal of those possessions makes every eviction a violent and psychologically traumatic act. An eviction is a routine exercise of raw power that separates people from their homes and personal property. Matthew Desmond’s description in *Evicted* of one typical eviction in Milwaukee around 2008–09 captures the commonplace banality of that violence:

⁸³ Elizabeth Flock, *Eviction Companies Pay the Homeless Illegally Low Wages to Put People on the Street*, Washington City Paper, Feb. 23, 2017, <https://washingtoncitypaper.com/article/192058/eviction-companies-pay-the-homeless-illegally-low-wages-to-put-people-on-the-street/>

John hung up the phone and waved the movers in. At that moment, the house no longer belonged to the occupants, and the movers took it over. Grabbing dollies, hump straps, and boxes, the men began clearing every room. They worked quickly and without hesitation. There were no children in the house that morning, but there were toys and diapers. The woman who answered the door moved slowly, looking overcome. A sob broke through her blank face when she opened the refrigerator and saw that the movers had cleaned it out, even packing the ice trays. She found her things piled in the back alley. Sheriff John looked to the sky as it began to rain and then looked back at Tim. “Snowstorm. Rainstorm. We don’t give a shit.” Tim said, lighting a Salem.⁸⁴

It doesn’t really matter whether the acts of overt violence associated with evictions are acts of desperation or rebellion by tenants who face the imminent loss of their home or acts of anger, frustration and panic by those responsible for and determined to execute the eviction. And it doesn’t really matter that the everyday implicit violence of eviction is not covered by the press and doesn’t garner much attention at all. What matters is that we recognize the implicit and explicit violence of eviction, and that we refuse to accept that violence as normal and inevitable. What matters is that we recognize that it’s time we look for strategies for resolving landlord-tenant disputes that are not centered on the use of the violent act of eviction.

⁸⁴ *Id.* at 114–15.