



# FORCED FROM HOME: A Human Rights Assessment of Displacement and Evictions in Boston's Chinatown







Photo Credit: Chinese Progressive Association

# Acknowledgments

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## **The Displacement Research + Action Network (DRAN)**

The Displacement Research + Action Network, based at MIT, is a global network on displacement and land rights that brings together activists, academics and policy makers to build new theory and evidence of the increase and intensity of mass internal displacement around the world due to development, conflict or climate disaster. DRAN draws on the interdisciplinary expertise of activists and communities, leading international organizations, as well as cross-school resources at MIT to create a shared research agenda, apply new tools and technologies toward understanding the consequences of displacement, impact law and policy, and prevent displacement that violates the economic, civil, cultural, social and political rights of affected populations on a global scale.



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# Executive Summary



# Executive Summary

## Overview

This report investigates the impacts of eviction and other forms of displacement on residents in Boston Chinatown using a human rights frame of analysis and methodology known as Displacement Impact Assessment (DIA). Chinatown, located near the center of downtown Boston, has been an historical locus of the Chinese community in the region, just as other Chinatowns and ethnic enclaves across the United States have been, offering critical access to housing, social networks, multilingual social services, job markets, and beyond. The rising tide of gentrification in the nation, fueled by a largely unbridled speculative housing market, along with a legacy of failed affordable housing policy, has created upward pressure on rents, making it impossible for many residents to remain in their neighborhoods. The displacement this has caused has reached crisis proportions. A recent study by the Eviction Lab at Princeton University estimated that a staggering 2.3 million legal actions for evictions were filed in the U.S. in 2016 — representing a rate of four every minute. While alarming in itself, this number undoubtedly undercounts the full magnitude of the crisis as it does not capture displacements which may not be processed through the courts or accounted for in city data, such as residents who move because of untenable rents, condo conversions, bad conditions and other speculative pressures.

In Boston, Chinatown is among the frontlines of these pressures, as luxury residential development, short term rentals, institutional expansion and rising rents are all affecting the housing stock and deepening the commodification of neighborhood land. This has had both visible and less visible impacts on the community, directly displacing residents from their homes and with it impacting health, weakening access to services and community assets, fragmenting community cohesion and beyond. In light of the developing situation in Chinatown, the MIT Displacement Research + Action Network (DRAN) partnered with the Chinese Progressive Association (CPA) to conduct a detailed analysis of the impacts displacement is having on residents and the neighborhood, tying these to international human rights standards to evidence the rights violations these impacts implicate. The partnership between the CPA and DRAN took course over several academic semesters through the work of DRAN-affiliated graduate students, faculty and staff members of the DRAN team, CPA staff, and community volunteers. The first part of this collaboration examined the conditions informing the contemporary displacement and eviction crisis in the neighborhood, through the

review of demographic and housing data and the application of mapping and spatial analysis. A human rights frame of analysis was used, leading to the development of a Displacement Impact Assessment (DIA) tool which could be used to further examine neighborhood displacement in the context of Boston Chinatown. The adaptation of the survey was done in a participatory manner, with relevant metrics identified by CPA and appropriate translation and formatting undertaken with community direction. Over the course of two semesters over 50 residents were surveyed in both Cantonese and Mandarin. Results of the survey were interpreted using directives from the Eviction Impact Assessment methodology and benchmarked to international human rights standards, particularly the UN Guidelines on Development Induced Evictions and Displacement and the International Covenant on Economic, Social, and Cultural Rights Guiding Framework on Adequate Shelter and Right to Adequate Housing.

## Structure of the Report

The report is organized into three sections: Background, Methodology, and Survey Analysis and Results. To situate the report analysis, Section One, Background, gives a brief overview on the context of national housing policy, Boston's Chinatown, and the local displacement crisis. This chapter also foregrounds the larger debate around urban development, one we see as the struggle between a vision of the 'World Class City' oriented to the interest of capital, and one that envisions a people-centered 'Right to the City'. Section Two, Methodology, outlines the human rights frame of analysis the report draws from and the methodology behind the Displacement Impact Assessment (DIA). Section Three, Survey Results & Analysis, presents the results of the DIA survey in Chinatown and interprets the results benchmarked to international human rights standards. Conclusions and recommendations at the end of the report outline what the displacement impact assessment indicates regarding the Chinatown displacement crisis, the human rights implications of the impacts residents are facing, and the broader lessons learned and action needed for future work on this topic.

## Conclusions

Boston, as other cities in the US, is going through an acute displacement crisis. This is particularly felt by minority communities which

# KEY FINDINGS

are historically disadvantaged, such as Chinese and Chinese-American residents. The pressure on land and housing, generated by unbridled speculation, luxury real estate development, and short term rentals, compounded by lack of adequate affordable housing, makes these communities highly vulnerable to displacement and they suffer from multiple human rights violations as a consequence. There is a dire need to understand the displacement crisis as a human rights crisis and to assist these communities with measures that will reduce their vulnerability to displacement. One of those measures is a displacement impact assessment, which we argue should be made mandatory as part of all major development approvals. The use of the impact assessment in this study has revealed the potential of human rights frameworks in sharpening our understanding of the ways displacement impacts households and communities writ large. The City of Boston and the State could show the way nationally by making such assessments compulsory.

In addition, the empirical findings of the report, as highlighted above and detailed in Section Three of this report, clearly indicate the need for legislative and policy measures to protect vulnerable groups, address the fundamental drivers of displacement, provide rental assistance to reduce financial burdens, address health concerns of those who are facing displacement, improve the physical conditions of private rental housing, better communicate the rights of people in the displacement process, and take other specific measures to improve tenure security and reduce vulnerability. Such comprehensive policy interventions are some of the concrete ways in which a human right to adequate housing can be realized in Boston and the US in a manner which will reduce the negative drivers and impacts of displacement. Even then, international human rights standards obligate cities and States to go much further by accepting greater and primary responsibility for protecting the human rights of all their residents against displacement. Such responsibility extends to improving systems of governance which limit the ability to respond to displacement to coming up with better measures to address the drivers of displacement and to ensure adequate access to affordable housing. A human rights-based approach to displacement reiterates this responsibility on cities, States and other actors. It is one of the major claims of this report that a rights-based approach is essential to examining the displacement crisis and provides an alternative to the conventional thinking around housing in the in the United States which avoids recognizing housing as a human right.

## Demographics

- **The** survey revealed a high number of households with **elderly members (58%) and children (40%)**.
- **The** average household surveyed earns **\$2,190 per month in income**, or an average of \$26,280 per year, which is just above the federal poverty guidelines for a household of four people. On average, **households spend \$1,058 per month on rent, or 48% of their income**.

## Adequate Housing

- **80%** of respondents indicated some kind of **current, past, or potential future housing insecurity**, with **affordability** as the primary root of this insecurity.
- **40%** do **not** have a **formal lease**.
- **40%** of survey respondents said that their **unit is in need of major repairs, including problems with pests, rodents, and lack of insulation**.

## Community Assets, Identity, + Participation

- **50%** of respondents said that they are concerned about their **children's sense of identity** if they have to leave Chinatown.
- **90%** say living in Chinatown keeps them **connected to their community**

## Health + Livelihoods

- **Over 60% of respondents have reported that experience** with eviction has affected their health, mainly in terms of **increased stress and anxiety**.

## Access to Information + Process

- **78% did not have access to information on their rights** as a tenant at the time of eviction
- **57%** of respondents who had faced eviction stated that their **eviction notices were served verbally**.





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# Introduction



# 2.1 Right to the City vs. World Class City

## Two Approaches to City-Making

Cities have long been sites of investment, with contested visions of what those investments should be, how they should take hold, and for whom. These investments have shaped city development, the planning that facilitates it, and the politics of governance. They have also been paralleled by systematic disinvestments, often in communities of color and low-income communities, where lack of resources often resulted in underdevelopment and inequitable access to services and opportunities. Today, as global flows of capital are leading to increased competition for investment in urban land and development, cities are deepening their drive to outbid one another and become more attractive sites for capital. Without the proper protections in place, and commitments to advance the human right to housing, this direction of city development necessarily marginalizes and excludes from the city those who cannot afford it, disproportionately impacting communities of color, low-income communities, and other historically marginalized groups. In response to the inequities taking hold in cities, communities have organized around a people, rights-centered approach to city-making. This Right to the City movement and frame of analysis is in direct contestation to the capital-centered “World Class City” logic that currently dominates urban development. The displacement crisis taking hold in Boston and other cities across the U.S. and the globe are representative of these differing views of city development.

## ‘World Class City’

The “World Class City” is not defined by what it is as much as it is defined by what it is explicitly not: a “third world city”. It is, in the words of one Forbes article, an “Anti-Lagos... Un- Caracas or...Not Manilla... [cities of] noise, traffic, a teeming population, dirt and crime.”<sup>1</sup> The characterization of the Western, modern,

civilized city, devoid of people, devoid of poverty, as “world-class,” has led urban governments around the world to aggressively remove those qualities that are seen as undesirable from their streets.<sup>2</sup> Creating a World Class City invariably entails the removal of people considered to be undesirable. In the Global South, this often means the mass displacement of residents from low income and informal areas to make way for large-scale infrastructure projects, resorts, or sports stadiums. While this term has been most commonly used to describe cities of the Global South, it provides instrumental framework for understanding processes in the Global North. In the Global North, the World Class City project is evidenced by banishing homeless populations through the criminalization of sleeping in public and by redeveloping or demolishing neighborhoods experiencing disinvestment. Often the process of the making of the World Class City entails major projects of concentrated capital investment such as the Olympics, the creation of Innovation Districts, the facilitation of public-private partnerships towards infrastructure development, and beyond. While investment itself is not necessarily bad, one that is centered around the interest of capital -maximization of profitability- is done at deep cost for those who don’t stand to benefit.

## Right to the City

In response to the deepening inequality this model of city development has created, a counter movement has evolved, invoking a people and rights-centered approach to urban development identified as the Right to the City. The Right to the City was originally theorized by Henri Lefebvre in *Le Droit a la Ville*, published in 1968, in which he argued that the right to the city is the right of the people to change themselves by changing the city.<sup>3</sup> Lefebvre was mainly concerned with the hegemony of industrially produced spaces and the inability of a weakened democratic process to change the city. Today, scholars such as David Harvey have elaborated on the Right to the City framework by examining the impact of neoliberal economics, often explicit in World Class City



Photo Credit: Chinese Progressive Association

making, on city planning processes. Harvey's reading of the Right to the City highlights the process of capital accumulation and investment in the development of urban property markets that consistently disadvantage those without access to capital.<sup>4</sup> This process means that not every citizen is able to equally contribute to the process of city making.

As a response, some groups have worked to apply LeFebvre's concept to current urban challenges such as housing availability and affordability. The U.S. Right to the City Alliance emerged in 2007 in order to prevent displacement of poor, minority, and vulnerable communities from their historic neighborhoods within cities.<sup>5</sup> Their Homes for all Campaign aims to expand housing for low and extremely low income households.<sup>6</sup> While this report touches on the role of the Right to the City in the U.S. context, it is important to note that the movement has its roots in efforts stemming from cities in the Global South. In 2001, Brazilian popular movements for urban reform successfully passed the City Statute into federal law. The City Statute is based on the concept of the Right to the City, and aims to prioritize the social function of land rather than its commercial value by privileging use for society over its sellable price. It also enshrines the concept of democratic urban governance through community participation in decision making. The Right to the City framework

serves as a guide to understanding the right of all members of society, especially the most marginalized and vulnerable, to inhabit cities and benefit from the opportunities that life in an urban community provides. It is closely tied to a human rights approach to community development and by its nature fundamentally shifts the notion of city development as one that is driven and oriented around market forces to one that is focused on people.

The absence of a rights-based approach to housing in the United States in both city planning and policy making practice has allowed for market driven approaches to development to dominate and shape city development processes. This report posits that a rights-based approach to housing, such as that expressed in the Right to the City movements, can help advance a better quality of life for all residents of a city, not just higher income households. As working class and historically marginalized communities in cities across the United States struggle for stability and the right to remain in their neighborhoods, we acknowledge that this is not only a contemporary challenge. Increased financialization and commodification of housing and land, alongside the continued disinvestment in public and subsidized housing, have been enabled by decades of discriminatory housing policy which has favored middle class home ownership over affordable housing for lower income urban households.



# 2.2 National Housing Context

## A Displacement Crisis

Shaun Donovan, President Barack Obama's first Secretary of the Department of Housing and Urban Development said during the late 2000s that the U.S. was undergoing the worst rental affordability crisis in the nation's history.<sup>7</sup> In fact, the crisis started years earlier and has continued to the present, and has affected renters, homeowners, and affordable housing programs alike. Rising housing costs, stagnating incomes, increased speculation and gentrification, and the sub-prime mortgage crisis of 2008 have resulted in a housing crisis. Nationally, close to half of renters are spending more than 30% of their income on housing costs, with more than 11 million households spending at least half of their incomes on housing, making them severely cost burdened. Owner households are facing affordability burdens too, with more than 7 million owner households paying more than half of their income on housing.<sup>8</sup> This contemporary housing crisis in the U.S. has led to increased displacement through foreclosure, eviction, or communities being priced out of gentrifying neighborhoods.

The displacement this has caused has, in itself, reached crisis proportions: a recent study by the Eviction Lab at Princeton University estimated that a staggering 2.3 million legal actions for evictions were filed in the U.S. in 2016, representing a rate of four every minute.<sup>9</sup> The full scale of the crisis is undoubtedly much larger, as this number does not account for displacements which may not be processed through the courts or accounted for in city data, including residents who move because of untenable rents, condo conversions, bad conditions, or other speculative pressures. While the magnitude of the contemporary crisis is severe, housing policies in the United States have always been unequal.

## Federal Housing Policy

Federal housing policy, which began during the 1930s to address hardships brought on by the Great Depression, is fundamentally rooted in ideas about home ownership and the private market. The primary objective of the Federal Housing Administration (FHA), founded in 1934, was to make home ownership more affordable by lowering down payments and interest rates through insurance subsidies, but its programs systematically excluded low income communities. A few years later the FHA began building publicly subsidized housing, but the 1937 Housing Act included several provisions to ensure that publicly subsidized housing would not compete with the private housing market. Such policies were often deeply harmful to communities as they enabled and justified neighborhood clearance projects which displaced thousands of households.

The Department of Housing and Urban Development (HUD) was created a few decades later in 1965. During the 1960s and 1970s, HUD structured Section 8 programs that offered low interest rates to private developers to rent to low income households with subsidies from the federal government. These measures greatly expanded the number of affordable units in the short term, but many units were turned back to the private market once HUD contracts expired. No truly new federal housing programs have been introduced since Section 8. To the contrary, the Federal government has continued to prioritize home ownership over affordable rental housing, which, even with subsidies, can only satisfy the demand of middle income households. For example, The National Affordable Housing Act of 1990 set for HUD lofty goals for housing affordability and accessibility, but continued to prioritize home ownership and thus failed to provide affordable housing for low-income households. In 2002, Federal subsidies for

homeowners through tax expenditures reached more than USD 120 billion.<sup>10</sup> However, while home ownership has continued to expand, the available stock of affordable rental units has shrunk. In the 1990s, the number of units available for rent for extremely low income households fell by approximately 15% and Federal investment in housing assistance has fallen from USD 80 billion in 1978 to 27.5 billion in 2002.<sup>11</sup>

## A Breaking Point

Indeed, policy, legislation and popular perception treat home ownership as the ticket to joining the middle class. However, as the crisis of 2007-2008 demonstrated, home ownership through sub-prime lending can expose low income families to great financial risk with deleterious consequences when interest rates increase or a sudden shock to a household's budget makes keeping up with mortgage payments impossible.<sup>12</sup> Housing concerns can also have resounding ramifications on other household expenditures. For example, the states most heavily impacted by the foreclosure crisis in 2008 saw caseloads for their Supplemental Nutrition Assistance Program (SNAP) go up by 20% in 2008.<sup>13 14</sup>

As Matthew Desmond points out, rising housing costs, stagnant incomes, and lack of federal housing assistance led to an untenable situation for low income households, which reached a breaking point when many lower income households with sub-prime mortgages or renting units purchased through such mortgages were evicted. Now, more than half of poor renting households spend more than 50% of their income on housing costs.<sup>15</sup> Federally subsidized housing targeted towards poor families comprised 3.5% of all housing in the U.S. in 2015, far below the widely accepted normative policy goal of providing public housing assistance to the poorest 20% of households.<sup>16</sup> All of these factors make lower income, renter households particularly vulnerable to living in substandard housing and to displacement or homelessness. This, coupled with poverty and a new influx of wealthy residents and unbridled speculative investment into cities, is resulting in a process of massive displacement of low-income communities out of city centers.

# IMMIGRANT NEIGHBORHOODS IN US HISTORY

Majority immigrant communities hold an important place in the history of U.S. cities. The 'ethnic enclave' was first recognized as an urban phenomenon in American cities during the postbellum era of the nineteenth century. The different ethnic, religious, and national groups that settled at this time often organized into their own neighborhoods, and the shared social networks, language, and customs made these unique areas critical for the social survival of newcomers as well as in promoting group cohesion. William Thomas, a Chicago School scholar, studied Polish communities in Chicago and observed how the disorientation of immigration could only be mitigated through the self-reinforcement of social, religious, and family institutions found in the Polish neighborhoods in the city. Likewise Louis Wirth, in his work on the Jewish ghetto, noted the high social costs facing members who left the geographically bounded community and were rebuffed by the largely hostile and unnavigable city at large. Their colleague, Robert E. Park noted that majority immigrant communities were "natural areas" of the city. He wrote that "our great cities turn out, upon examination, to be a mosaic of segregated peoples - differing in race, in culture, or merely in cult - each seeking to preserve its peculiar cultural forms and to maintain its individual and unique conceptions of life." While these early observers of majority immigrant urban neighborhoods cast an academic and sometimes patronizing gaze, they agreed that these urban communities were critical in providing security and opportunity for their members.

This is also true for Chinatowns, which provide both security and opportunity for residents and recent migrants. These neighborhoods also hold an important place because of the systematic racial discrimination and exclusion Chinese residents in the United States historically experienced when migrating in the late 1800s to work on large scale infrastructure projects. Chinese immigration was restricted by the 1882 Chinese Exclusion Act, but was eventually repealed during the Second World War. During and long after this time, Chinese communities faced significant discrimination in all aspects of life. When the Chinese Exclusion Act was repealed, Chinese citizens again began to migrate to the United States, often settling in established Chinese communities, where Chinese stores, schools, language media, and community organizations provided an essential safety net. Thus, these neighborhoods were and continue to be critical in providing resources and support for families as well as for maintaining the cohesion of the community in the city.

A century later, these neighborhoods are still foundational in providing that same security and opportunity along with a sense of belonging and identity to those who live within them. However, recent years have seen an increased 'peripheralization' of Chinese communities, as rising rents and diminishing availability of housing push families from the urban core to the suburbs. This dispersal can cause instability and hardship for those forced out of the neighborhood.

# 2.3 Boston Chinatown + the Local Displacement Crisis

## Boston Chinatown

The Boston Chinatown district, located near the center of downtown, is currently one of the most contested areas in the city. It is one of the most densely populated neighborhoods, with an estimated 12,000 residents, and known by many as the “social, cultural, political, and economic center of the broader Chinese community of New England.”<sup>17</sup> This has been the case historically, as Chinatowns, like other immigrant neighborhoods in American cities, have held an important place in the development and stability of community for immigrants and cultural or ethnic groups.

Because of its proximity to transit and to key downtown locations, Chinatown has become one of the hottest real estate markets in the city, a site where luxury residential development, institutional expansion and short term vacation rentals like AirBnB are booming and reshaping the neighborhood’s land base and housing stock. As data from the survey confirms, the very existence of the neighborhood’s Chinese community is under threat. The percentage of Asian-American residents has significantly decreased over the last decade, and with these changes has come the steady loss of community assets and livelihood opportunities for existing residents. As the discussion of the survey analysis will elaborate, families who have been displaced or under threat of displacement face not only increased financial burdens but impacts on health, sense of identity, access to resources and beyond.

The predicament of the Boston Chinatown neighborhood is an acute representation of a broader crisis of displacement taking hold in the city. According to data from the Princeton Eviction Lab, in 2016 over 2,700 formal (court ordered) evictions were filed in Suffolk County, Massachusetts.<sup>18</sup> This implicates that close to 3000 families, including young children and

other vulnerable populations like the elderly, faced direct housing instability and the threat of homelessness. These numbers were consistent over more than 5 years, with an average of 2000-2900 evictions occurring annually. It is likely that many more displacements have occurred as this data does not account for tenants who may have been forced to move from their homes due to rent increases, bad conditions, harassment or other conditions not reported to the city or processed through the courts. Additional data shows the severe cost burdens thousands of residents are facing. For example, a recent study found that nearly 45% of renters in the Boston metro area were “rent burdened,” meaning they spend more than 30% of their income on rent.<sup>19</sup>

Chinatown residents, like neighborhoods across the city, have engaged deeply with how this crisis is affecting their communities and in response advanced a multitude of advocacy strategies, including many policy interventions. The Chinese Progressive Association has been leading this struggle in the neighborhood and with it breaking new ground in innovative interventions on the displacement and housing crisis.

## The Chinese Progressive Association (CPA)

Since 1977, the Chinese Progressive Association (CPA) has been working in the Boston metropolitan area with the goal to “improve the living and working conditions of Chinese Americans and to involve ordinary community members in making decisions that affect [their] lives.”<sup>20</sup> CPA has extensive experience in organizing on workers’ rights, immigrants’ rights, affordable housing, and neighborhood concerns. They have been effective in organizing around





Photo Credit: Chinese Progressive Association

the preservation of community assets like the Chinatown library and in pushing for community voice in the neighborhood master planning process with the city. In recent years this work has turned to the struggle against gentrification and displacement in the Chinatown neighborhood and the right of residents to resist displacement.

To maintain Chinatown's place as a social, political, economic, and cultural center for the Chinese community in the Boston area, the Chinese Progressive Association joined forces with other area neighborhood groups to form the Chinatown Stabilization Campaign. The campaign is focused on stabilizing the working class residential core of Chinatown as the neighborhood faces pressure from increasing development. Through the Chinatown Stabilization Campaign, the CPA seeks to strengthen the voice of ordinary Chinatown residents and engage the broader community to participate in determining Chinatown's future through collective activism and participatory planning. The CPA has also worked to organize tenants to keep people in their homes and community and supported "coalition-building for policies that stabilize working class neighborhoods and reclaim [the] right to the city" (CPA Website). They are also a founding and anchor member of

the Boston Right to the City Coalition, a network of community organizations leading grassroots actions and policy interventions in face of the city's displacement crisis.

## DRAN + CPA Partnership

Beginning in 2015, DRAN founder Professor Balakrishnan Rajagopal, and DRAN advisor and UN Special Rapporteur on the Right to Adequate Shelter Miloon Kothari, in partnership with CPA, have led teams of MIT graduate students to examine the displacement crisis in Boston's Chinatown. The project has set out to explore: how a human rights framework could be applied to both document and understand the ongoing processes of gentrification and displacement; the development of a Displacement Impact Assessment, derived from the United Nations Guidelines on Development Induced Displacement and the Eviction Impact Assessment Tool; and spatial analysis and mapping to document changes in the neighborhood over time.



# Mapping Neighborhood Change

As can be seen from the maps on the right, in the last 15 years, Asian Americans in Chinatown and the surrounding neighborhoods went from being the majority ethnic population to less than 50% (Figure 1. Change in demographics in Chinatown between 2000 and 2013). In addition to the change in demographics, Chinatown also experienced a significant increase in median rent costs both within and surrounding the neighborhood between 2000 and 2013 (Figure 2. Change in Median Rent Cost in Chinatown between 2000 and 2013). Consequently, there has been a significant increase between 2000 and 2013 in the average percentage of income that Chinatown's residents spend on their rent, increasing the rent burden in the area (Figure 3. Change in Rent Burden in Chinatown between 2000 and 2013) .

In addition to the above analysis, DRAN also created an online mapping platform that showcases these changes. Through an interactive mapping interface, the maps show the connections between eviction sites, luxury residential development, loss of community assets, and loss of community properties. The digital platform also includes historical satellite maps of Chinatown, allowing users to explore physical changes in the built environment over time.

Gentrification in Chinatown is happening quickly, resulting in the disruption of the lives of many households and threatening the stability of the neighborhood. This speculative development capitalizes on the investment residents have made in the neighborhood, in their buildings and in their homes. The eviction of residents from the row houses of 101 and 103 Hudson street is exemplary of how displacement and threat of displacement is taking hold in the neighborhood and how residents are systematically disadvantaged in these processes.

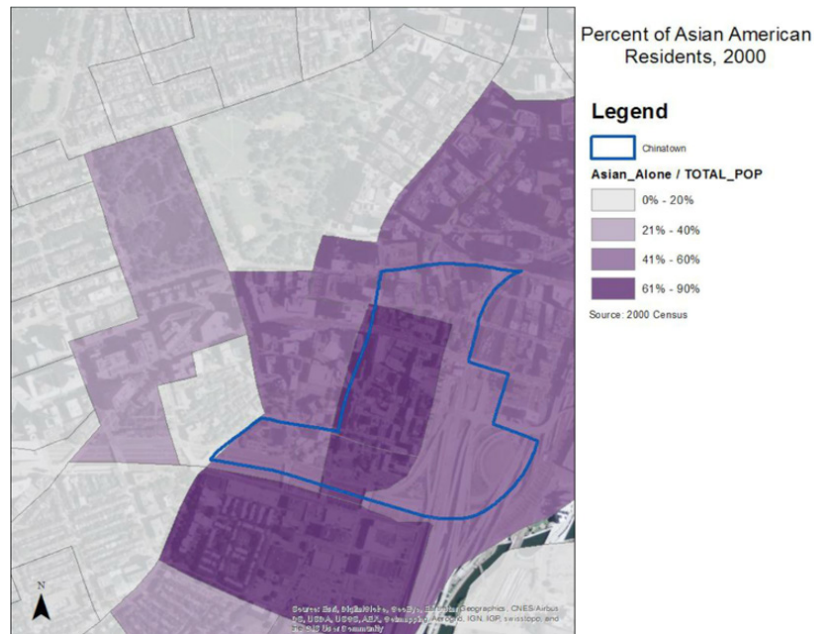


Figure 1

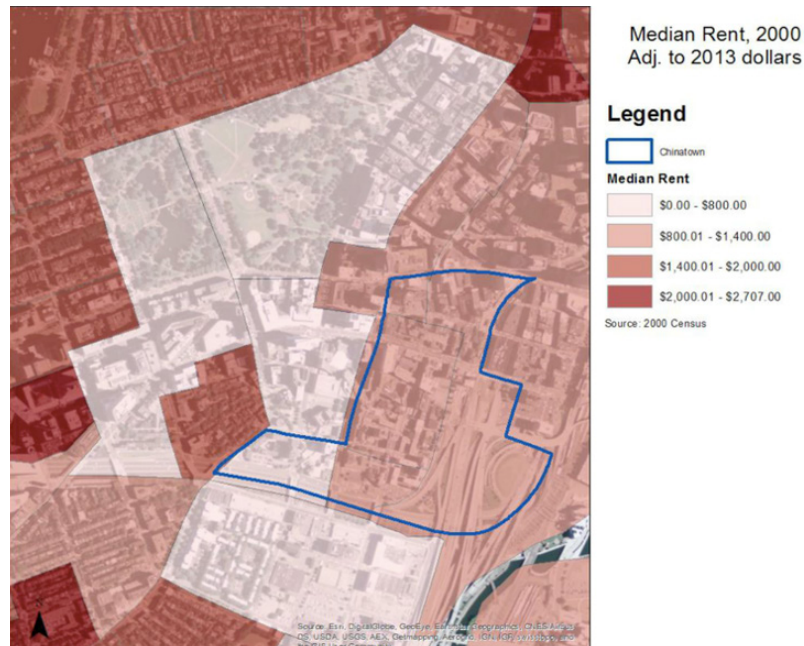


Figure 2

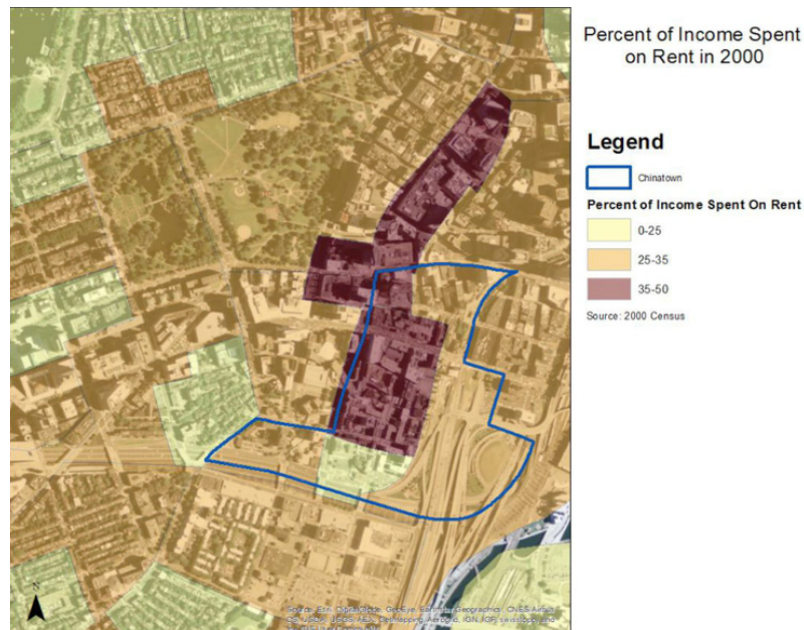
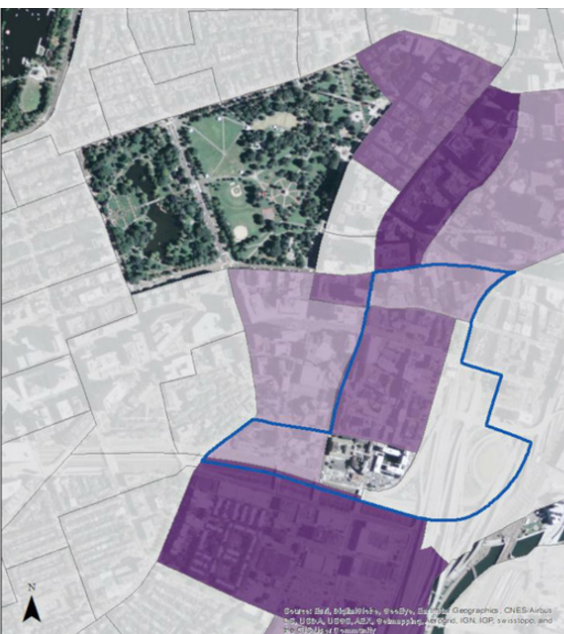


Figure 3



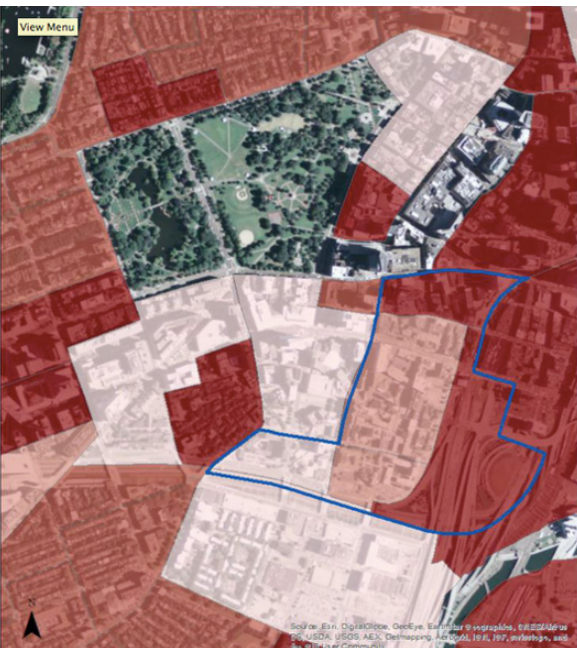


Percent of Asian American Residents, 2013

**Legend**

- Chinatown
- % Asian American**
- 0% - 20%
- 20% - 40%
- 40% - 60%
- 60 - 80%

Source: 2013 American Community Survey

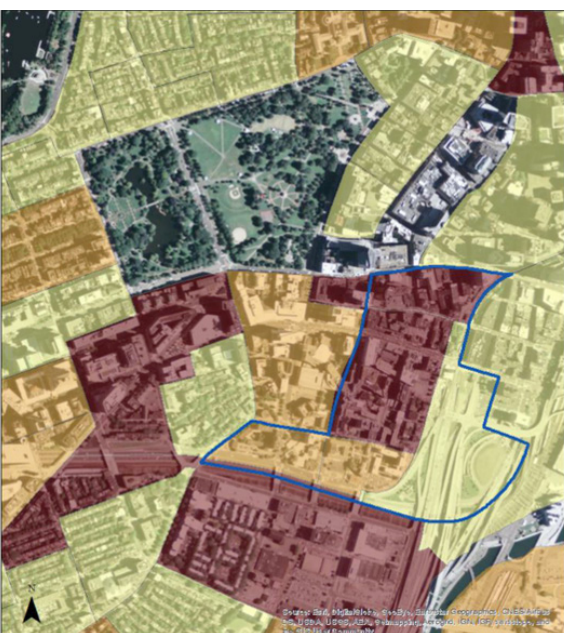


Median Rent, 2013 Adj. to 2013 dollars

**Legend**

- Chinatown
- Median Rent**
- \$0.00 - \$800.00
- \$800.01 - \$1,400.00
- \$1,400.01 - \$2,000.00
- \$2,000+

Source: 2013 ACS



Percent of Income Spent on Rent in 2013

**Legend**

- Chinatown
- Percent of Income Spent on Rent**
- 0-25
- 25-35
- 35-50

Source: 2013 American Community Survey

# Case Study: 101 and 103 Hudson Street

The row houses that until recently stood at 101 and 103 Hudson Street have been demolished and their former inhabitants are scattered around the Boston area. Before demolition, each building stood four stories high and was home to a mix of singles, couples, and family households. Despite there being little to no heating, frozen pipes in the wintertime, and unreliable water service, the tenants hesitated to notify the landlord for fear of being evicted. It was also in part due to the poor maintenance that the tenants were able to pay so little in rent while living just two blocks away from the Chinatown Gate and a short walk to local grocery stores and businesses. Even if the tenants had complained and the landlord had made repairs instead of evicting them, the rent would have increased. Instead, the tenants in 101 Hudson, who happened to have experience with construction work, invested their own time and money to make repairs. In 2015, First Suffolk LLC bought the properties from the landlord and told the tenants to leave, explaining that the properties would be rehabbed before they could move back in. The developer claimed that the former tenants were “living the American Dream” on account of his putting them up in a nice hotel in Quincy. But because they were now living without access to a car in a suburban hotel surrounded by parking lots over ten miles from their former home, they faced long and confusing commutes to work by shuttle, bus, and train and, without access to their local groceries and the stability of their own kitchens and community, subsisted mainly on pre-prepared sandwiches. Moreover, the investment that the former tenants had made in the form of repairs had been captured by the developer. Not only do these and other displaced tenants find it difficult to return to their community, but even the first generation of new tenants (mostly students and young professionals) who are able to pay high rents in renovated buildings are being displaced by short term renters using sites like AirBnB. The Chinese Progressive Association noted the addition of 100 AirBnB units in Chinatown between January and July of 2017. The CPA has also seen the rent at affordable properties adjacent to converted short term rental units skyrocket in a matter of months. When it became clear that they would not be able to move back, the former tenants of 101 and 103 Hudson Street applied to the affordable rental lottery for a new high-rise development across the street from their former home. There were almost 5,000 other applicants for the 95 affordable rental apartments at 66 Hudson, and only one of the former Hudson Street tenants got a unit. Two of the elderly former tenants received public senior housing. The rest remain without a clear resolution.

**Sources:** Interview with Baolian and Erin Chow, February 16, 2018; Sacchetti, Maria. “Chinatown, immigrant haven, fights for its future: Neighborhood confronts a construction boom” *Boston Globe*, April 1, 2015.; Gershon, Livia. “Who Owns Chinatown?” *BuzzFeed News*, March 13, 2016.





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A street scene in Chinatown, featuring a traditional Chinese gate structure with ornate roofs and a hot pot buffet restaurant. The gate has a large white number '3' overlaid on it. The restaurant sign reads 'Hot Pot Buffet 肥牛火鍋城'. The street is lined with buildings and cars, and a person is walking in the foreground.

3

# Methodology

# 3.1 A Human Rights Approach to Urban Eviction and Displacement

## Housing for People, Not for Profit

A human rights-based approach to housing can help advocates and policy-makers construct effective policy with the goal that all people have access to housing and adequate shelter. While domestic politics in the United States rarely adopt a human-rights based approach to issues of equity and inequality, the current housing crisis warrants a reevaluation of policy priorities. In particular, it is essential to confront the current market-driven approach to housing provision in urban areas because this development is not only failing to provide adequate housing for the most vulnerable communities, but it is actively displacing these communities in favor of higher income residents and investments.

The financialization and commodification of housing and land has positioned housing as a commodity for investment and profit maximization, not a right that residents and families should be entitled to. In contrast, a human rights-based approach to housing policy and city development prioritizes averting displacement, ensuring community stability and advancing the right to adequate housing including tenure security for renters. A human rights approach to displacement entails a comprehensive understanding of habitat as more than just shelter. It recognizes that in order for housing to be adequate and just, it must fulfill a number of conditions drawn on international law. To take a human rights approach is to benchmark against these standards. The right to adequate housing also includes the right against forced displacement from one's home.

## More Than Four Walls and a Roof

At the international level, there are several human right instruments and standards used to evaluate responses to housing and displacement. In 1948, the United Nations adopted the Universal Declaration of Human Rights, supported and led by the United States, in attempt to create a normative framework for ensuring the rights, livelihood and wellbeing of all people. Article 25.1 incorporated housing into this definition, stating that "Everyone has the right to a standard of living adequate for the health and well being of himself and his family, including food, clothing, housing, medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."

After the adoption of the Universal Declaration of Human Rights, the International Covenant on Economic Social, and Cultural Rights (ICESCR) is the second most pertinent instrument that recognizes the right to adequate housing at the international level, as it expands the definition of what housing is. The framework states that, "The right to housing should not be interpreted in a narrow or restricted sense which equates it with, for example, the shelter provided by merely having a roof over one's head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity."<sup>28</sup> Due to Cold War policies at the time, American exceptionalism and domestic politics, the United States has failed to sign the ICESCR.





Photo Credit: Chinese Progressive Association

## Addressing Internal Displacement

Despite the assurances through ICESCR that a person has rights outside of their country of origin, there was little formal acknowledgement of the issues of internal displacement within sovereign boundaries until the late 1990's. In 1997, the UN Human Rights Commission passed resolution 1993/77, affirming that forced evictions are prima facie violations of the human right to adequate housing. The following year, the UN published the UN Guiding Principles on Internal Displacement (1998). Since then, additional guidelines have advanced a more focused examination of the major drivers and impacts of displacement.

In 2007 the UN Special Rapporteur on Adequate Housing advanced the “Basic Principles and Guidelines on Development-based Evictions And Displacement”, which were formally acknowledged by the UN Human Rights Council a few months later. The UN Guidelines and Principles on Development Based Displacement and Evictions and the framework on the Right

to Adequate Housing and Forced Evictions were primarily developed to help secure the rights of persons affected by large scale infrastructure and development projects in the Global South.

Partially as a result of these efforts, combined with grassroots activism and organizing, large scale development and slum clearance projects have received increased scrutiny and attention over the years. However, less attention has been given to the impact of housing market fluctuations on vulnerable and low-income communities in the Global North. In the U.S., evictions and gentrification processes are not thought of within the context of internal displacement, and the rights of displaced persons are rarely considered. However, the wave of gentrification and urban redevelopment projects that are dramatically increasing the cost of living in cities such as San Francisco, Boston, New York, and Los Angeles, are impacting both the right to housing and other human rights of affected residents. Unlike in those projects, however, the causes of displacement may be much less clear, and are almost completely undocumented. A lack of data on market-driven displacement and gentrification in US cities means that it is difficult to bring evidence to

policy makers to advocate for change.

Thus, this report expands the issue of internal displacement to include the market-based forces of gentrification. And while the US federal government remains resistant to economic and social rights such as housing for all, there is no reason American cities cannot lead the way in tackling their own problems using global frameworks and best practices. The UN guidelines serve as a basis of understanding the responsibility that states (including cities) have to minimize development-induced displacement to the fullest extent possible, to ensure that such displacement does not disproportionately affect vulnerable or marginalized members of the community, and to include communities in the planning and decision-making process regarding neighborhood change. The basic principles also call for the application of an Eviction Impact Assessment tool, or EvIA. DRAN has learned from and further developed this tool for use in the context of the United States, where market-led processes result in displacement. In the United States, gentrification and displacement are impacting communities both at a household level and at a neighborhood level, disrupting community stability and cohesion. Gathering data on these processes and analyzing it from a human rights framework can help inform policy interventions at the top while documenting injustices on the ground.

advocacy groups in cities across the country are laying a foundation for housing rights through local ordinances and policy changes. In turn, local movements are cross-pollinating and encouraging the development of a stronger rights-based approach to housing policy at the national level. By using a human rights frame of analysis, we hope that this approach can precipitate a shift in the perception of housing and land from the market-oriented concern over the highest and best use to the rights-oriented concern over the universal necessity of access to and enjoyment of adequate shelter.

## A Note on the Obligations of States

It is important to note that only nation states can formally become parties to international treaties such as the ICESCR. While 168 countries have ratified the ICESCR, and thereby officially recognized the right to housing, to this date the United States has not taken legal steps to adopt this treaty. This lack of overt commitment to a rights-based approach to housing reflects how market and profit-driven interests have both dominated the construction of housing policy and directed housing development. The lack of federal support underscores the need for action at the local level, where cities can themselves perhaps make strides to uphold international human rights obligations. Local organizations such as the partners for this report and other



# International Covenant on Economic, Social, and Cultural Rights (ICESCR) Guiding Framework on the Right to Housing and Adequate Shelter

## 1. Legal security of tenure:

Regardless of the type of tenancy, occupants, renters, and homeowners should enjoy the protection of the law from eviction, displacement, or any form of trammelling of their property or tenancy rights.

## 2. Access to public goods and services:

This criterion entails that mere access to a residence does not satisfy the full right to housing if occupants lack access to essential services such as water, sanitation, heating, and lighting.

## 3. Affordability:

Occupants' freedom to enjoy their housing depends on the affordability of housing in order to enjoy a decent standard of living. This involves making sure that housing costs are harmonized with one's income. In cases of rent burden, subsidies and other alternatives remain important in satisfying this requirement.

## 4. Habitability:

This criterion aims to ensure that housing is safe enough to protect occupants from physical threats.

## 5. Physical accessibility:

This element speaks to whether the housing is physically accessible to the disabled and elderly.

## 6. Location:

A dwelling must be within a reasonable distance to workplaces, sociocultural loci, religious sites, schools, and other public facilities.

## 7. Cultural adequacy:

This criterion aims at ensuring that housing takes into account the space and environment for expressing one's identity and cultural values.

## 8. Access to information:

Persons affected by evictions should be fully informed of the circumstances as the situation developed and have the opportunity to be engaged in the project.

## 9. Access to water, land, and other natural resources:

Like the access to critical services, water, land, and other natural resources are essential to fulfill the right

to housing.

## 10. Participation:

This criterion entails that occupants should be entitled to 'active, free and meaningful participation as per the UN declaration on the Right to Development. From a human rights perspective, this criterion entails that stakeholders' participation and input is meaningfully implemented on the ground.

## 11. Freedom from dispossession, damage, and destruction:

Individuals should be protected from dispossession of their property and their means of livelihood

## 12. Resettlement, restitution, compensation, non-refoulement and return:

Here, the framework states that, irrespective of right to a property, any loss of personal, real, or other property must be adequately compensated in the case of a forced displacement. While restitution and return are often unlikely in the case of eviction due to property development, the choice to return in those cases where this is a viable option should be based on individual, free will and full conformity with the guidelines for resettlement.

## 13. Privacy and security:

Considering the vulnerability of internally displaced persons, individuals should be protected from any threat or harassment of any form. This includes the provision of safety and protection mechanisms to prevent physical or mental damage to the displaced persons.

## 14. Access to remedies:

Within the boundaries of international, national, and domestic laws, this criterion entails several judicial remedies such as fair hearing, access to legal counsel and legal aid as well as complaint and conciliation mechanisms.

## 15. Education and empowerment:

Displaced persons should have access to education and opportunity so they can fully exercise their social and economic rights.

## 16. Freedom from violence against women:

Women have different needs and interests that needs to be taken in account in the context of adequate housing. Beyond this, the intersectionality with factors such as race, class, and sexual orientation presents a compounding requirement in addressing women's need. Considering women's involvement in many cultures as primary caregivers in the household, they are exposed to various forms of violence during and after eviction. Hence, this criterion aims at addressing these specific needs.

# 3.2 The Displacement Impact Assessment Tool

## The Need for Documentation

In the application of a human rights framework to the examination of displacement, the Displacement Impact Assessment (DIA) methodology was developed to bring focused attention to the particular impacts households face under threat or upon eviction. The tool, originally called for in United Nations Basic Principles and Guidelines on Development-based Evictions and Displacement as Eviction Impact Assessments (EvIA), is structured as a series of metrics that seek to evaluate, and where applicable quantify, the range of both material and non-material losses associated with displacement and to benchmark those against human rights standards. In doing so the methodology seeks to evidence how displacement impacts are direct violations of human rights and to bolster communities (and their advocates') efforts to struggle for the right to remain or, when necessary, for just compensation and resettlement. The EvIA tool also challenges the traditional 'cost-benefit' analysis of how development is evaluated, by taking a rigorous and more comprehensive look at the 'costs' a community is facing in terms of the many dimensions of their residents' livelihoods and the community's collective assets. The adaptation and application of the Displacement Impact Assessment methodology in the Boston Chinatown study aims to bring this human rights frame of analysis to the current displacement crisis.

## History of the Eviction Impact Assessment (EvIA) Tool

Scholars and activists have long known that the impacts of displacement are multi-layered. Some of the risks of impoverishment associated with displacement are homelessness, landlessness, joblessness, marginalization, increased morbidity and mortality, food insecurity, loss of access to common property, and social disarticulation.<sup>32</sup> Other research has shown that displacement dislocates people not just physically, but also disrupts and confuses their cultural routine.<sup>33</sup>

As outlined in the previous section, while the international human rights standards have recognized the plight of peoples displaced through conflict or disaster, it is not until more recently that explicit attention has been given to the crisis of development induced displacement, that is communities facing displacement due to infrastructure projects, urban renewal, speculative practices and beyond. In 2007, thanks to the advocacy efforts of international housing and land rights organizations, the UN Basic Principles and Guidelines on Development-based Evictions and Displacement were recognized. It called for a comprehensive look at the human rights violations/cost that can occur upon displacement, the development of a mandatory eviction impact assessment tool to document the multifaceted impact of forced displacement and “[secure] fully the human rights of all potentially affected persons, groups and communities, including their protection against forced evictions”, and finally, for the responsibility of state action in face of forced evictions and displacement.<sup>34</sup>

The mandate for the EvIA was then articulated into an evaluative methodology by the United Nations<sup>35</sup> and further developed by the international NGO the Housing and Land Rights Network (HLRN).<sup>36</sup> The HLRN has led efforts internationally to apply the EvIA tool in cases of forced eviction, effectively supporting strategies to measure and bring attention to impacts being faced by communities and efforts to secure more just compensation and resettlement.





Photo Credit: Chinese Progressive Association

The EvIA tool is divided into four sections that document the effects of forced displacement before, during and after displacement. The close monitoring of the effect of evictions in all the stages of displacement allows for the adequate capture of material, personal and social costs experienced by victims and the extent of the housing rights violations they face. The tool begins with a Baseline Survey to assess the situation of a household pre-eviction and provides documentation to compare the effects of forced eviction with. The Pre-Eviction section uses the baseline information to document the effects that the threat of eviction alone has on the economic, social and psychological condition of the households. The third section assesses the effect of an eviction throughout the process and documents the immediate loss of materials, time, and social capital that a household faces. Finally, the fourth section documents the conditions of the household after an eviction has taken place. DRAN's Displacement Impact Assessment tool builds on this EvIA, transforms, and extends it.

## Adapting the EvIA Tool for the context of Boston Chinatown

Since its development, the EvIA tool has been primarily used to document the impacts of forced evictions and displacement in the global south, where evictions often occur at a large scale and are the result of explicit actions of the State. As the commodification of land and housing intensifies globally, many vulnerable communities in the Global North are also increasingly impacted through processes such as forced evictions, foreclosure, and gentrification. To help document, measure and evaluate how these market-led impacts are taking hold, the EvIA tool, which offers important metrics by which to conduct such assessments and interpret them through a human rights frame of analysis, needs to be transformed and adapted.

MIT Graduate students and DRAN members have worked with the Chinese Progressive Association in a participatory process to adapt the EvIA

tool to reflect and speak to the realities and conditions of the neighborhood and the impacts being experienced by residents in situations of displacement or threat of displacement. The process of restructuring the tool was an extensive collaboration between both partners, the stages of which are outlined below.

### **Stage I: Co-designing the Survey:**

As outlined above, the DIA tool is composed of series of site-specific questions that establish metrics documenting impacts before, during and after displacement. DRAN worked with CPA to identify which metrics from the EvIA tool were pertinent to the Chinatown community in Boston.

### **Stage II- Identifying Survey Group:**

CPA has been working in Chinatown for over 40 years and thus has a trusted relationship with local residents, allowing them a detailed understanding of where residents are facing displacement or risk of displacement. Because locating residents that were already displaced out of Chinatown is a challenging task, CPA decided to conduct the survey with neighborhood residents still in the neighborhood who are currently facing eviction, have recently been displaced, or are under threat of displacement. To ensure the survey pool was representative, DRAN also worked with CPA to consider how the group of residents identified for interviews were representative of the different household compositions in the neighborhood including households with children or elderly members.

### **Stage III – Application of survey:**

Following the identification of the households, DRAN worked with CPA to recruit Cantonese and Mandarin speaking volunteers to conduct the survey interviews. Over fifteen volunteers were recruited, many of whom were graduate and undergraduate college students active in the community or already engaged in questions of housing, displacement, and community development. As part of the preparation for the survey interviews, DRAN conducted training for volunteers to allow for discussion on how the survey tool is tied to human rights tools of analysis, why that approach is critical and what best practices are for engaging with community

members. The interviews were conducted at CPA Chinatown offices, a location familiar to and trusted by residents. In all over 50 residents were surveyed over the course of one year. The results were compiled into the digital platform Typeform that stored and uploaded responses to a server in real time, making them easier to share.

## **The Displacement Impact Assessment Tool (DIA)**

The transformation of the EvIA tool to that of a Displacement Impact Assessment (DIA) tool by DRAN reflects the fact that the dispossession and loss of housing rights that occurs in the Global North is combination of both evictions (i.e., deliberate steps taken by formal actors such as the state or the landlords through a legal process) and displacement (i.e., including both evictions as described, plus dispossession of land and housing rights due to market-led forces including speculation and gentrification). The adaptation of the tool in this circumstance marks the first time that the EvIA tool has been adapted for such use in an urban context in the Global North. By applying the EvIA methodology to measure displacement impacts, the study hopes to evidence the human rights implications of the costs of this type of development and unbridled speculation and gentrification.





Photo Credit: Chinese Progressive Association





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Survey  
Results &  
Analysis







# Survey Results & Analysis

As the previous sections describe, the US housing crisis is potentially violating the human rights of residents in the areas most impacted by gentrification and displacement. Paragraph 32 of the Basic Principles and Guidelines on Development-Based Evictions and Displacement states that:

*“Comprehensive and holistic impact assessments should be carried out prior to the initiation of any project that could result in development-based eviction and displacement, with a view to securing fully the human rights of all potentially affected persons, groups and communities, including their protection against forced evictions.”*

While this survey was not carried out prior to a specific project, it has been adapted in an attempt to more broadly capture the impacts that gentrification and displacement are having on residents of Boston Chinatown. The results shed an important light on the ways in which development in Chinatown has negatively impacted the human rights of residents and supports recommendations for policy makers and planners.

**52 households** were surveyed with responses broken down into five sections:

1. Demographics,
2. Housing Stability and Conditions (Including Public Housing and Public Assistance Programs),
3. Impacts on Health and Livelihood, Community Assets and Participation,
4. Procedural Questions and Access to Information,
5. Conclusions and Recommendations for the City of Boston and beyond.

Each section of the report is analyzed within the corresponding paragraphs of the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement.

# Demographics



## UN GUIDELINES REFERENCED

### Paragraph 7:

Forced evictions intensify inequality, social conflict, segregation and “ghettoization”, and invariably affect the poorest, most socially and economically vulnerable and marginalized sectors of society, especially women, children, minorities and indigenous peoples.

### Paragraph 33:

Impact assessments must take into account differential impacts of forced evictions on women, children, the elderly, and marginalized segments of society.

## Analysis

The Basic Principles state that forced eviction “invariably affect[s] the poorest, most socially and economically vulnerable and marginalized sectors of society, especially women, children, minorities and indigenous peoples” (Section I, Paragraph 7). Additionally, ethnic, religious, and racial minorities may face disadvantages in accessing affordable quality housing stock because of landlord bias or low socioeconomic status. Thus, collecting information on demographic composition is essential for understanding and documenting the impacts of gentrification on vulnerable or historically marginalized communities.

The survey revealed a high number of households with **elderly members (58%) and children (40%)**. The survey also revealed that 76% of residents have lived in Chinatown for more than five years. This speaks to the fact that many residents in Chinatown are not only well established but have deep ties to communities they have spent a great deal of their lives in.

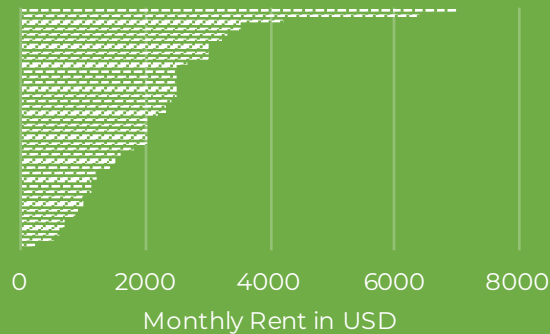


# Survey Results

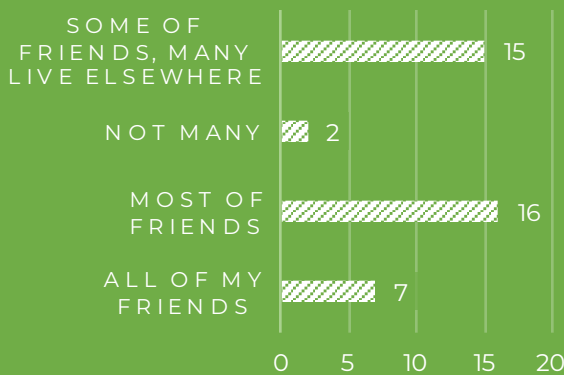
NUMBER OF RESPONDENTS:

52

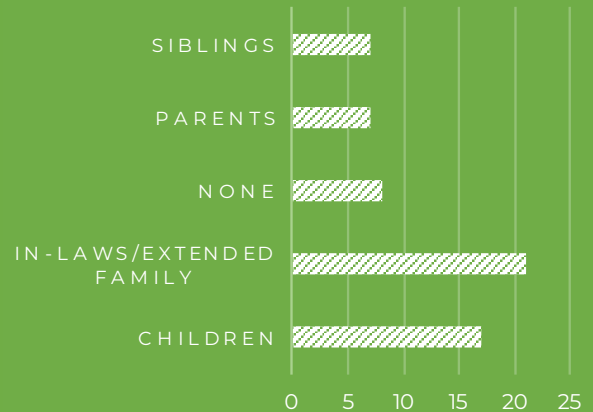
AVERAGE MONTHLY INCOME OF RESPONDANTS



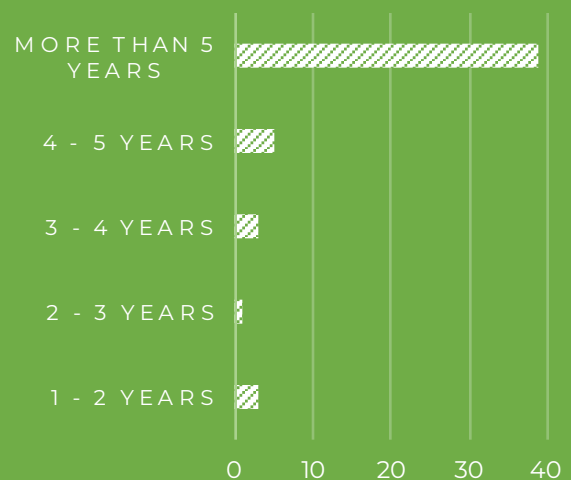
HOW MANY OF YOUR FRIENDS LIVE IN CHINATOWN?



WHICH MEMBERS OF YOUR FAMILY LIVE IN CHINATOWN?



HOW LONG HAVE YOU LIVED IN CHINATOWN?



Although many people have been in Chinatown for a significant period of time, a surprising half of respondents had moved in the last five years. This may mean that despite housing instability, there is a strong effort and desire among residents to stay in Chinatown. Unfortunately, the team was not able to survey households who had to move outside of Chinatown, so the data is unable to incorporate analysis for those groups.

Survey respondents shared great concern about the impacts that gentrification and displacement have on children and the elderly. Many parents expressed concern that their children risk losing a sense of cultural identity and heritage if they are forced to leave Chinatown, as described in detail in the quotes shown in this section.

For the elderly, however, the situation is different: communities such as Chinatown help ensure that elderly residents have access to culturally appropriate services provided in the Chinese language. For residents who do not speak English well, this is essential for their wellbeing and their ability to access services such as healthcare, housing, education, and livelihood opportunities, as well as social events.

Awareness of the demographic constitution of Chinatown should help policymakers and planners develop programs to ensure that children and the elderly are not disproportionately impacted by gentrification processes by ensuring that schools, elderly care facilities, language institutions, and public and cultural facilities are given high priority for preservation within the community.

Photo Credit: Prashant Thumma







Photo Credit: CRJNA

*“[It is] hard to teach about culture just within the family, but in Chinatown there are activities and programs for the kids to learn about Chinese culture (dance classes, hobbies, etc.)”*

*“I would like my kids, at least in their formative years, to be around other Chinese people and to understand the culture.”*

# Adequate Housing: Security, Affordability, and Habitability



## UN GUIDELINES REFERENCED

### Paragraph 5:

Forced evictions constitute a distinct phenomenon under international law, and are often linked to the absence of legally secure tenure, which constitutes an essential element of the right to adequate housing. Forced evictions share many consequences similar to those resulting from arbitrary displacement, including population transfer, mass expulsions, mass exodus, ethnic cleansing and other practices involving the coerced and involuntary displacement of people from their homes, lands and communities.

### Paragraph 6:

Forced evictions constitute gross violations of a range of internationally recognized human rights, including the human rights to adequate housing, food, water, health, education, work, security of the person, security of the home, freedom from cruel, inhuman and degrading treatment, and freedom of movement.

### Paragraph 8:

In the context of the present guidelines, development-based evictions include...housing renovation, city beautification, or other land-use programmes...; property, real estate and land disputes, unbridled land speculation...

### Paragraph 13:

According to international human rights law, everyone has the right to adequate housing as a component of the right to an adequate standard of living. The right to adequate housing includes, inter alia, the right to protection against arbitrary or unlawful interference with privacy, family, home, and to legal security of tenure.

### Paragraph 23:

States shall take steps, to the maximum of their available resources, to ensure the equal enjoyment of the right to adequate housing by all.

## Analysis

In addition to outlining proper procedures preventing and regarding forced evictions and displacement on particular groups, the Basic Principles also draw attention to the definition of adequate shelter. The right to adequate housing is considered a centerpiece of the fundamental human right to an adequate standard of living, which was first laid out in the 1948 Universal Declaration of Human Rights and again in the 1966 International Covenant on Economic, Social and Cultural Rights.

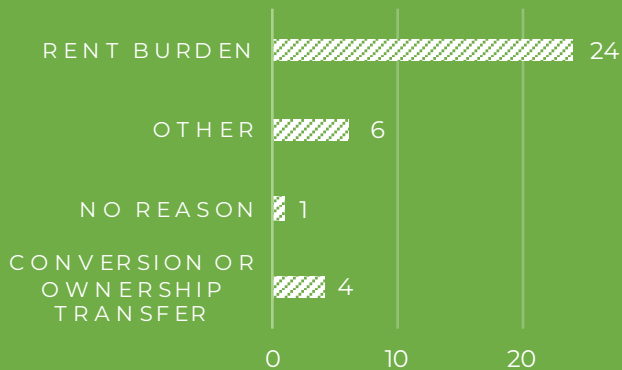
The right to adequate housing contains freedoms, including protection against forced evictions and displacement, which is the focus of this report, as well as entitlements to security of tenure, non-discrimination, and restitution, and other decisions related to housing, land, and property rights. Importantly, adequate housing is also recognized under international law as more than simply “four walls and a roof.” Thus, for housing to be considered adequate, it must meet at a minimum the following criteria: security of tenure, availability of services (including sanitary facilities and infrastructures for cooking, etc.), affordability, habitability, accessibility, suitable location, and cultural adequacy.

*...nearly half of respondents replied that they worry that they will soon be facing eviction or displacement.*

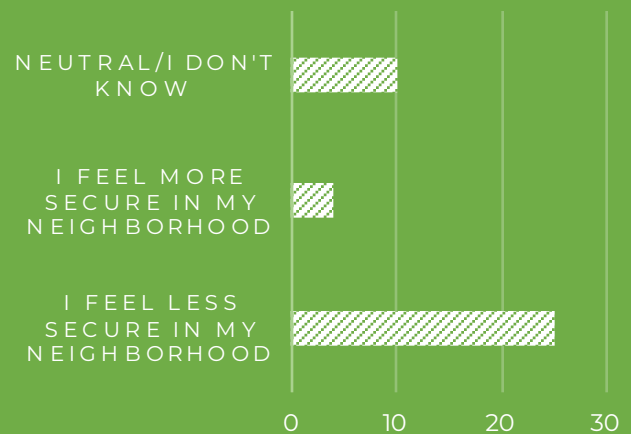


# Survey Results

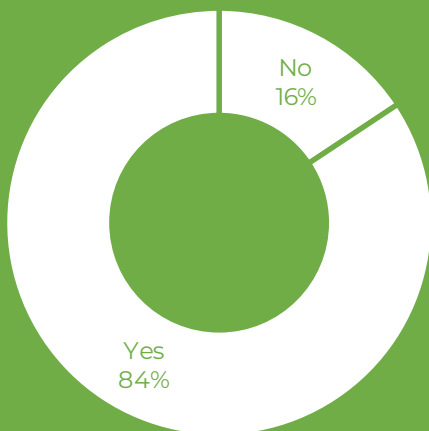
## WHAT WAS THE REASON FOR YOUR EVICTION



## HOW DO CHANGES IN YOUR NEIGHBORHOOD AFFECT YOUR SENSE OF SECURITY?



## HAVE YOU CONSIDERED OR APPLIED FOR SUBSIDIZED HOUSING DUE TO THE INCREASED HOUSING COSTS?



## RESPONDANTS IN A PRECARIOUS HOUSING SITUATION WHO HAVE A LEASE



The next set of survey questions and their responses speak to inadequate housing conditions in Boston Chinatown, with a particular focus on affordability, habitability, and security of tenure, as these were the most common concerns brought up in responses.

In all, 42 of 52 respondents to the survey living in Chinatown indicated some kind of current, past, or potential future housing insecurity, with affordability as the primary root of this insecurity. Approximately half of respondents moved at least once in the last five years, citing rent burden and poor housing conditions as the most common reasons for moving. In addition to feelings of insecurity across the entire survey group, nearly half of respondents replied that

*42 of 52 respondents to the survey living in Chinatown indicated some kind of current, past, or potential future housing insecurity, with affordability as the primary root of this insecurity.*

they worry that they will soon be facing eviction or displacement. Of those households, 100% stated that rent burden is the primary reason for their concern. Feelings of insecurity are not without reason: almost 40% of households reported an increase in rent in the past year. This number jumps to 59% of respondents reporting rent increases within a five year period.

As market prices increase, households may have a hard time keeping up with these costs, contributing to great instability. Other causes of concern include building conversion or ownership transfer, a common indicator of gentrification as buildings get redeveloped or converted into condominiums. Several respondents also directly indicated that landlords wanted to evict them to convert their unit into a condominium or to sell the building altogether.

Survey results indicate such conversions and redevelopments pose a direct threat to resident

wellbeing: for example, **25 of 39 respondents replied that new developments in their area make them feel less secure in their neighborhood.** In their responses, participants indicated an awareness that new developments and high end residential development were linked to increase costs of housing and that the changes to their neighborhood were not intended to benefit them. While planners and developers may argue that redevelopment will improve the quality and safety of neighborhoods such as Chinatown, testimonies such as those provided in this survey provide evidence on how development impacts are felt differently by existing and longer term residents, who overall see neighborhood changes as negative for their community.

Although forced evictions are often linked to the absence of secure tenure, results from the survey indicate that having a lease was not a direct indicator of housing security or stability -- residents both with and without formal leases are vulnerable to the impacts of increasing rental prices. **Additionally, only 35% of household reported that they receive documentation of rent.** This is a matter of concern because formal leases and documentation of rent payments may be helpful in the case of seeking legal recourse in court, particularly in seeking compensation, in the case of an eviction. Thus, the formal channels that can protect tenants' rights are not sufficient for extending protections to residents who may be living without formal leases. As a response, the city may need to develop other ways to prevent forced evictions outside of relying on formal documentation channels or enforce stronger regulations for mandating documentation.

In addition to questions of housing security and affordability, another significant issue affecting residents housing rights are housing conditions. **Overall, 40% (21 of 52) of survey respondents said that their unit is in need of major repairs, and of those households who reported having to move within the last 5 years, 38% cited "Bad Conditions" as a factor for their move.** Half of households reported issues with pests and rodents, as well as lack of insulation and problems with heat. Pests can cause serious health problems and landlord negligence on this issue is not only a violation of their maintenance obligations but is also a direct threat to the human right to health. Additionally, lack of insulation and problems with heating is of major concern for an area such as Boston, which has extremely cold winter weather conditions. 22% of





Photo Credit: Prashant Thumma

***... 40% of households reported an increase in rent in the past year***

respondents also said that their landlord is not responsive to their requests. Landlords seeking to increase rents may not provide regular upkeep or respond to maintenance requests in order to coerce lower-paying tenants into moving out, but poor housing conditions are a clear violation of residents right to adequate housing. These conditions are also stated in Massachusetts law (Sanitary Code).

The human right to adequate shelter and housing should ensure that residents, regardless of their race, income, or language, should have access to a safe and secure place to live. Results from this survey show that development pressures and gentrification significantly

contribute to a decline in housing security, both felt and realized. As part of their general obligations as part of the Basic Principles, city and local officials should take note to implement the strategies proposed to ensure that development projects do not jeopardize the right to secure and affordable shelter. It is also important to note that community advocacy groups and organizations such as CPA are critical resources for residents who are burdened with housing issues. These organizations are equally affected by gentrification and development pressures; if they are unable to remain in Chinatown, the impacts could be devastating for the people who rely on their assistance.

# Public Housing and Public Assistance

The importance of public housing programs in resolving housing insecurity is also clear from the survey results: **43 out of 52 respondents have considered or are applying for public or subsidized housing due to increased rental costs.** Wait times are a major concern, as many of these respondents have been waiting on up to 10 waitlists for up to 10 or more years. However, for those who are currently living in public housing, many indicated that they feel stable and secure, compared to those who live in unsubsidized programs. For those in precarious market-rate rentals, one respondent indicated that he was worried of eviction or displacement because of the expiration of a government rental voucher.

*“I have no choice, but to stay. I have nowhere to go. I am old and don’t know English. I have to stay here.”*

These responses must be understood against the backdrop of limited and under-resourced government housing programs, as it is likely that the majority of respondents experiencing housing insecurity will not be able to avail themselves of adequate public assistance.

Other forms of public assistance programs are also important. More than half of respondents indicated that they have requested public assistance sometime in the last five years or during the time they have lived in Chinatown due to increasing expenses. About half of these (a quarter of all respondents) had requested either assistance with utility bills or rental assistance.

The reliance of Chinatown residents, especially the elderly, on public assistance programs

speaks to the precariousness of their living situations in a rapidly changing neighborhood. Public assistance and public housing programs are essential support for low-income households and vulnerable residents, as they help with not only the cost of housing but also food and utilities. Displacement from Chinatown due to increasing rent costs may force residents to find cheaper housing elsewhere. As cities become increasingly expensive, some residents may be forced to consider moving to the suburbs, where they may end up far from their social networks, public assistance and community centers, and culturally appropriate grocery stores and cultural centers. However, the most vulnerable may not even be able to move in order to find cheaper housing.

One respondent said that he is “not worried about eviction or displacement because if they force me to leave...I have no choice, but to stay. I have nowhere to go. I am old and don’t know English. I have to stay here.” The elderly, those who do not speak English, and those with limited social networks will probably find it harder to attain housing security, controlling for financial resources. At worst, particularly vulnerable residents may be at risk of homelessness as a result, raising significant concerns for public health and human rights.

As aforementioned, public assistance and public housing programs have been systematically cut over the last 30-40 decades. The tightening of public assistance budgets has come even as cities are getting more expensive. The current wave of displacement in Chinatown therefore is particularly grave for residents who might lack the financial capital and, more importantly, the social capital, to find housing in the Boston market at large. Finding ways to ensure residents can stay in their own homes- and in the neighborhood- is essential to ensure the rights of these residents are protected.

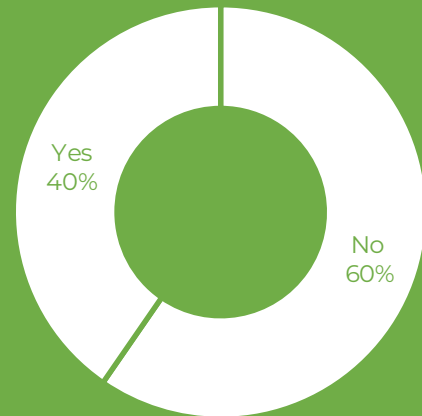


# Survey Results

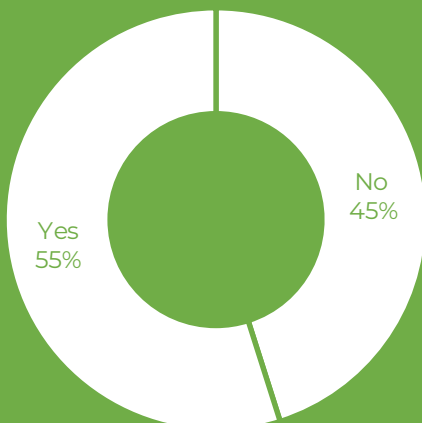
## HOUSING SECURITY



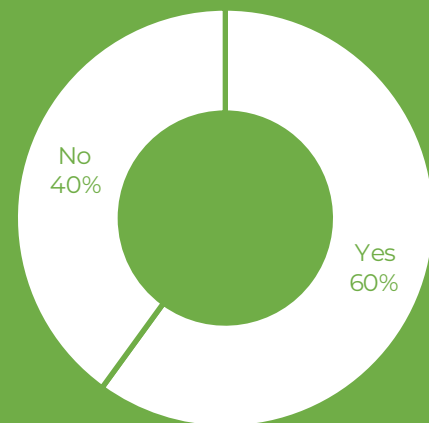
## IS YOUR UNIT IN NEED OF MAJOR REPAIRS?



## HAVE YOU APPLIED FOR PUBLIC ASSISTANCE OVER THE LAST 5 YEARS DUE TO INCREASED EXPENSES IN HOUSING AND COST OF LIVING ?



## DO YOU HAVE A LEASE?



# Impacts on Health and Livelihoods



## UN GUIDELINES REFERENCED

### Paragraph 6:

Forced evictions constitute gross violations of a range of internationally recognized human rights, including the human rights to adequate housing, food, water, health, education, work, security of the person, security of the home, freedom from cruel, inhuman and degrading treatment, and freedom of movement.

### Paragraph 54:

When necessary, evicted persons should have access to psychological and social services.

## Analysis

### Health

The basic principles acknowledge that forced evictions constitute a gross violation of human rights, including those to health. Forced evictions are known to have significant negative impact on health and wellbeing on affected people and communities, especially the most vulnerable. Housing insecurity is almost directly attributable to the growing feelings of stress and anxiety reported by survey respondents: as rent prices increase and the neighborhood changes around them, the fear of eviction or of not being able to pay higher rent costs each year can cause significant harm to mental health.

**In Chinatown, results from the survey show that 70% of respondents or members of their household have had negative health impacts from eviction or the threat of eviction.**

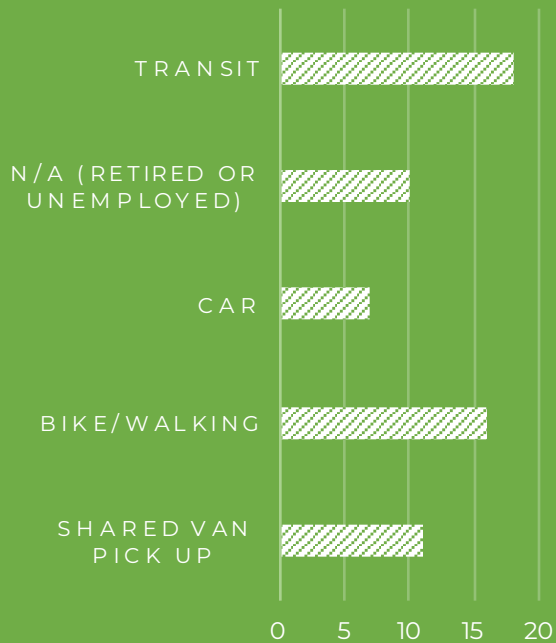
Among the most common negative impacts are increased stress and anxiety, loss of sleep, and loss of appetite. It is important to note that even those households who were not directly dealing with an eviction reported increased stress and anxiety. Thus, even if a person has not directly experienced eviction, the constant stress of living in a gentrifying neighborhood can cause negative health impacts. As people see their neighbors and friends being evicted, they begin to feel stress and anxiety about whether or not a similar event will happen to them.

Paragraph 54 of the UN Guidelines recommends that evicted persons should have access to psychological and social services. Although the survey did not ask respondents who are experiencing negative mental health consequences of gentrification or eviction if they are currently accessing mental health services or support, this question is an important note for policy makers.

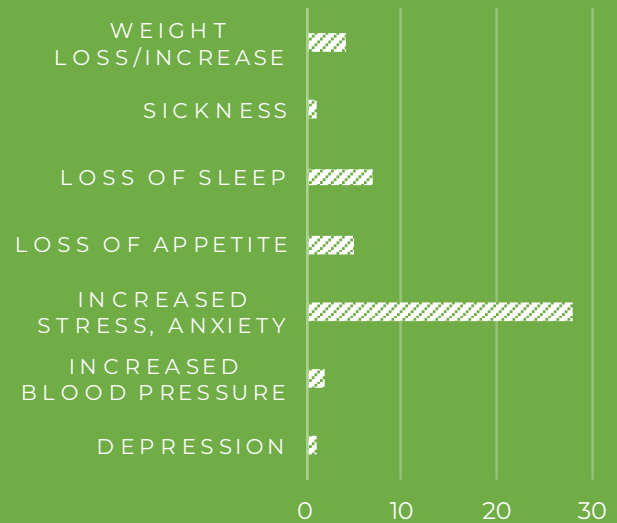


# Survey Results

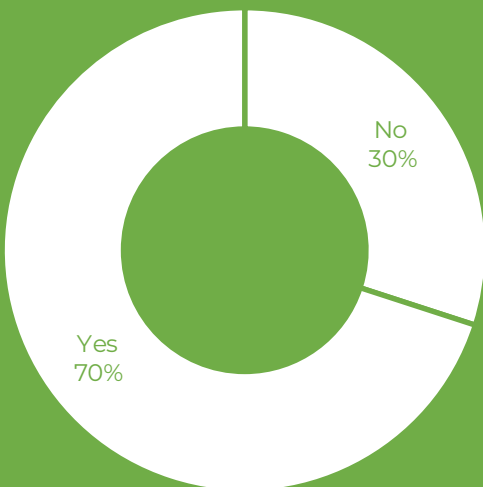
HOW DO YOU GET TO WORK?



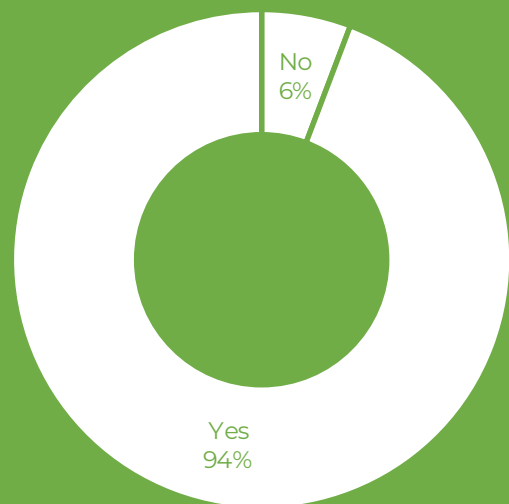
HOW HAS YOUR EVICTION/THE THREAT OF EVICTION IMPACTED YOUR HEALTH OR THE HEALTH OF YOUR FAMILY?



HAS EVICTION OR THE THREAT OF EVICTION IMPACTED YOUR HEALTH OR THE HEALTH OF YOUR FAMILY/HOUSEHOLD?



DO YOU SHOP AT GROCERY STORES WITH MAJORITY CHINESE PRODUCTS?



While the right to adequate housing is not often discussed as being tied to the right to health care, these two rights are inextricably linked, and proper legislative attention should be paid to ensuring access to both housing and comprehensive healthcare for all residents, especially those who have recently been evicted. But as one resident mentioned, health outcomes are directly related not just to housing but also to community spaces: “Without [community] spaces, the people of our community would not be connected. It is better for our health.” Thus, housing needs must be linked to community spaces if the right health is to be supported.

Apart from the negative mental health outcome caused by redevelopment, it is important to note that many residents, especially the elderly, rely on health care services located inside of Chinatown. These services, which are

almost always multilingual, are a critical asset for elderly residents. If services such as these diminish or if residents are forced to move out of the neighborhood due to rising rents, the elderly may lose ready access to culturally competent healthcare, which could have significant negative personal and community consequences for Boston’s Chinese residents.

*...70% of respondents or members of a respondent’s household have had negative health impacts from eviction or the threat of eviction*



Photo Credit: John C Lancey



## Livelihoods

As described in other parts of this report, many of the most vulnerable residents of Chinatown to displacement in Chinatown are the elderly. Some of the elderly residents that were surveyed were retired, but many of them still work, as do some of the younger families. Thus, work and livelihoods are a critical component of understanding gentrification and displacement effects, as eviction or the threat of eviction can impact local businesses and work opportunities, which in turn can have adverse effects on income and other dimensions of household security. Although most households did not spend more than 5 hours per week addressing their housing concerns, **17% of respondents said that they have had to take time off of work to address their housing concerns, which can have significant livelihood impacts.**

Results from the survey show that the vast majority of residents work within a one hour commute of their home, with many living within a 30 minute commute. The centrality of the Chinatown neighborhood to public transportation, walking and biking options means that many residents do not have to own cars to have strong mobility access. Survey respondents also mentioned that many use shared van services that come to the neighborhood daily to pick up employees. If residents are forced to move out of Chinatown, to communities on the periphery of the city or further, significant mobility challenges such as increased commute times or increased transportation costs will likely result. For residents who are most transit dependent, such as the elderly, youth, or mobility impaired residents, such transportation challenges can increase risk of isolation and add to the cost of living.

Access to affordable, culturally appropriate food is also of concern in a gentrifying neighborhood. **94% of respondents said that they were easily able to access food in the neighborhood that meets their needs and preferences, and 94% also said that they shop at stores with majority Chinese products.** At the same time, participants also responded that the costs of food have also increased over the last few years, speaking to the broader trends in increasing expenses throughout the neighborhood. This

*“Without [community] spaces, the people of our community would not be connected. It is better for our health”*

can adversely affect their enjoyment of the right to adequate food, which is closely connected to right to adequate housing.

Gentrification results in many of the affordable and culturally appropriate grocery stores and restaurants being replaced by more expensive chains and restaurants. Instead of being able to purchase ingredients or food from their own neighborhood, residents may have to travel farther distances to find their goods if Chinese owned and operated businesses are forced to close their doors because of the high cost of commercial leases and scarcity of available space. Additionally, since the food industry is a major employer of recent immigrants, the displacement of Chinese businesses is not only a detriment to the community character but can also impact economic opportunities for residents in the area. If restaurants close, it may force residents who live and work in Chinatown to find employment further away from their homes.

# Community Assets, Identity and Participation



## UN GUIDELINES REFERENCED

### **Paragraph 7:**

Forced evictions intensify inequality, social conflict, segregation and “ghettoization”, and invariably affect the poorest, most socially and economically vulnerable and marginalized sectors of society, especially women, children, minorities and indigenous peoples.

### **Paragraph 14:**

According to international law, States must ensure that protection against forced evictions, and the human right to adequate housing and secure tenure, are guaranteed without discrimination of any kind on the basis of race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth or other status.

### **Paragraph 19.**

States must recognize that the prohibition of forced evictions includes arbitrary displacement that results in altering the ethnic, religious or racial composition of the affected population.

*“Chinatown is a place full of history that is worth preserving. Furthermore, when an immigrant first arrives in America, it is like a station, a resting place before they need to venture into the rest of America. And of course, it allows the children to grow up in an environment where they are familiar with aspects of Chinese culture.”*

## Analysis

International law stipulates that States must ensure protection against forced evictions and ensure that right to housing and secure tenure are provided to all groups without discrimination (Paragraph 14). Although gentrification and displacement in Chinatown are not necessarily explicitly linked directly to a form of ethnic or racial cleansing, gentrification processes may result in adverse racial effects, as they often directly result in the loss of cultural identity and community cohesion in the targeted neighborhoods and disperse residents outside of the city center (Paragraph 19).

As development pressures increase, new, and predominately higher income residents move into otherwise established communities, causing significant social ruptures for residents as rapid changes occur in their neighborhood. The survey results and anecdotes shared by residents in this section highlight how deeply connected to





Photo Credit: Ted McGrath, Creative Commons License

Chinatown many in the neighborhood feel and how Chinatown itself constitutes an essential part of their social and cultural identity.

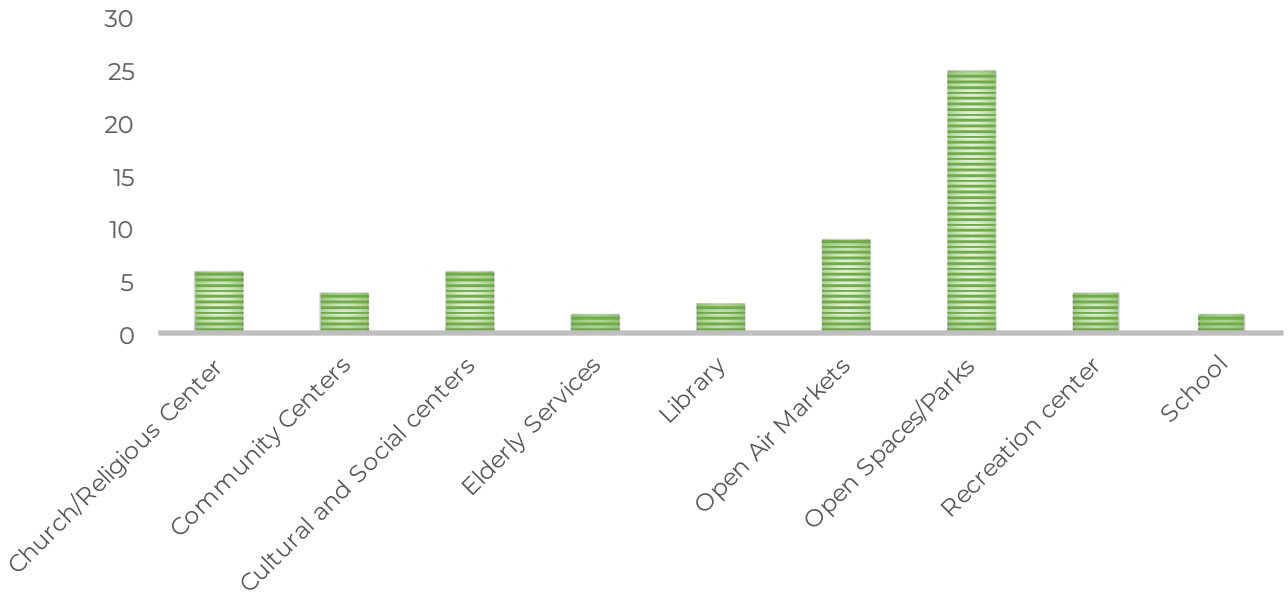
For many residents, living in Chinatown is an integral to their well-being, as the services provided there are often catered to their specific needs, whether it be through specialty grocery stores and markets, or multilingual social services for new immigrants and those whose primary language of communication is Chinese. **90% of respondents to the survey cited that living in Chinatown keeps them feeling connected to their community.** As one respondent put it, “[Chinatown] feels like my home. I am familiar with everything here.”

One way it keeps residents connected is through friends: **38 out of 40 respondents said that some, many, or all of their friends live in Chinatown**, with only 2 respondents saying “not many.” Also of importance are local social events: **60% of respondents said that they participate in local social events**, with the majority participating several times a year, such as on major holidays. This local connection to cultural events and identity helps maintain a sense of belonging and culture, especially

*“Living in Chinatown keeps me connected with friends. I also don’t have a drivers license so traveling to meet other Chinese-speakers would be much less convenient if I lived elsewhere. Living away from Chinatown would be terrible for me.”*

for the elderly. But the elderly are not the only ones for whom culture and identity is important: **50% of respondents said that they are concerned about their children’s sense of identity if they have to leave Chinatown.** Said one respondent “It would be more difficult for [my] son to go to school, [and] it’s better not to have him switch around schools. [The] school only started teaching Chinese last year, [and he]

## WHICH SPACES IN THE COMMUNITY ARE IMPORTANT TO YOU?



**Open spaces and parks are particularly important: nearly 50% of respondents cite these as very important places in the community.**

Open spaces and parks are particularly important: nearly 50% of respondents cite these as very important places in the community. In dense urban areas, these precious open spaces become ripe for real estate speculation and development as land values increase. Despite how important these spaces are to the community, parks and “undeveloped land” are often seen as failing to maximize profit in the real estate market. If the city prioritizes development and construction over open space, it can have seriously detrimental impacts for neighborhoods who rely on them for active lifestyles and socializing. Parks are of particular importance for the elderly and children. Many residents mentioned that the community spaces and feelings of cohesion are important factors for their families.

only speaks Chinese to parents. At least [my] son gets a sense of Chinese culture by virtue of living in Chinatown.” This broader concern for family cohesion is also important, as **85% of respondents reported having family in Chinatown, with extended family and children the most significant familial groups.**

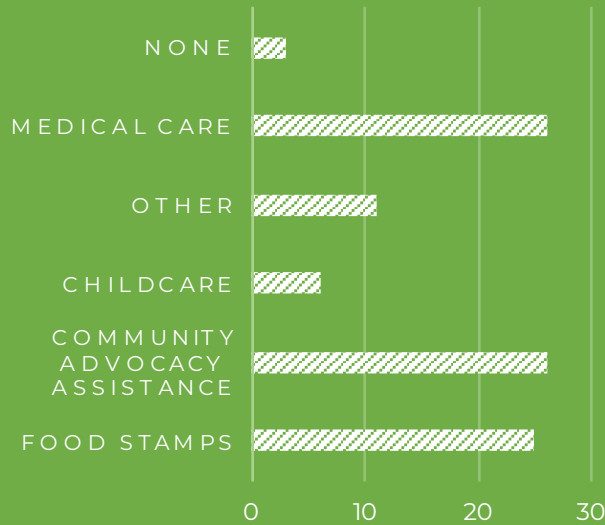
Just as the social fabric shapes residents sense of belonging and support in the neighborhood, so do specific sites. In addition to the importance of cultural centers, community centers, open air markets, and culturally appropriate grocery stores, food vending opportunities are cited by respondents as important community assets in their neighborhood.

For elderly residents, these social connections provide an essential safety net of support: one resident noted they are important because “Elderly congregate around these places and there aren’t many places for elderly to use.” For these reasons, special attention should be paid to prevent the development of open space into

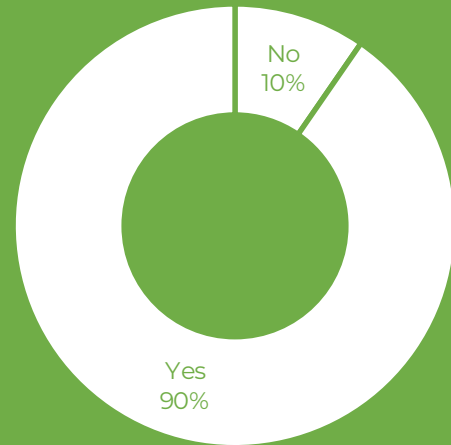


# Survey Results

## WHAT SERVICES DO YOU RELY ON IN THE COMMUNITY?



## DOES LIVING IN CHINATOWN KEEP YOU CONNECTED TO THE COMMUNITY?



### Why are these spaces important?

*"Kids get to see the Chinatown gate everyday, play in the park, participate in events like during Chinese New Year, and buy trinkets from street vendors."*

*"Elderly congregate around these places and there aren't many places for elderly to use."*

*"Many Chinese immigrants work in the food industry. Having spaces for food provides opportunities for work and for learning. Open spaces are important for working class residents to relax."*

### How does it keep you connected?

*"It feels like my home. I am familiar with everything here."*

*"I have friends living above and below and next doors, and we are each other's support networks. We try to help each other out."*

*"Living in Chinatown, I feel more free and comfortable when looking for help or doctors. It is easier to communicate and better for children to keep their culture and for education."*



Photo Credit: Prashant Thumma

## IF YOU HAD TO MOVE, HOW WOULD THIS AFFECT YOUR CHILDREN?

*"It would be more difficult for [my] son to go to school, [and] it's better not to have him switch around schools. [The] school only started teaching Chinese last year, [and he] only speaks Chinese to parents. At least [my] son gets a sense of Chinese culture by virtue of living in Chinatown."*

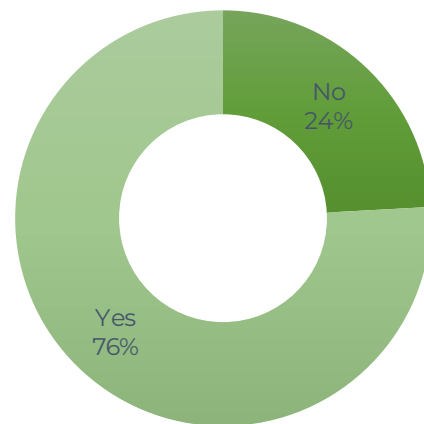
*"I would like my kids, at least in their formative years, to be around other Chinese people and to understand the culture."*

*"If I spoke better English, I would be able to make those connections better. They have never been to China and I worry they do not have a very good sense of their Chinese identity."*

*"He won't have as many friends who identify with Chinese culture. I like that he has Chinese friends here."*

*"[It is] hard to teach about culture just within the family, but in Chinatown there are activities and programs for the kids to learn about Chinese culture (dance classes, hobbies, etc.)."*

## ARE YOU CONCERNED ABOUT YOUR KIDS IDENTITY IF THEY LEAVE CHINATOWN?





**72% of survey respondents feel that they do not have representation in city and state government.**

built-up areas, as they deprive the community of an extremely valuable asset.

Other than particular spaces, **Chinatown also serves a function of providing essential services to people, especially the elderly. Of all of the services cited, medical care (50%), community advocacy assistance (50%), and food stamps (49%), were the most important services used by respondents.** Also important were childcare programs, legal services, and the community library. While some of these are physical spaces, many of the services provided speak to the broader community cohesion felt by many residents. It is also important that 90% of respondents said that these services were multilingual. The concentration of Chinese-speaking residents means that there is a higher likelihood that services will be available in a language they are able to communicate in. Without access to multilingual services, it is possible that residents, especially the elderly, will not be able to access human rights essentials such as healthcare. Housing advocacy is also an extremely important piece of the services puzzle: groups like CPA help to ensure that residents know they can fight against rent increases and eviction. One respondent said, “We didn’t know how to protect our rights before so we just paid whatever the landlord asked us to pay or we have to move to the suburb. But now we can ask CPA for help.”

The strength and importance of community ties in Chinatown should give residents a more active role in decision-making processes about development in the neighborhood. Although the City of Boston has some projects which claim to engage communities in planning processes, 72% of survey respondents feel that they do not have representation in city and state government. Although the reasons for feeling a lack of representation have not been specified, the city should do more to ensure that residents

feel empowered to take part in planning the future of their communities. Stronger citizen engagement in the development process will be essential for minimizing or avoiding forced evictions and can lead to positive outcomes for all parties involved.

They felt lack of representation in city government does not match the involvement of respondents in local issues. 40% said that they attend public meetings and protests about community issues in Chinatown, and 40% of respondents also said that they have become more involved in local issues since moving to Chinatown. 50% also said that they have been more involved since experiencing housing insecurity, either from eviction or through witnessing the processes of gentrification in their community.

*“To find out more, and know that we have the support of others to fight for our rights, we should also fight for the rights of others. When speaking up yourself, we need to have support.”*

# Procedure & Access to Information



## UN GUIDELINES REFERENCED

### **Paragraph 11:**

While a variety of distinct actors may carry out, sanction, demand, propose, initiate, condone or acquiesce to forced evictions, States bear the principal obligation for applying human rights and humanitarian norms, in order to ensure respect for the rights enshrined in binding treaties and general principles of international public law, as reflected in the present guidelines. This does not, however, absolve other parties, including project managers and personnel, international financial and other institutions or organizations, transnational and other corporations, and individual parties, including private landlords and landowners, of all responsibility.

### **Paragraph 35:**

States should ensure the dissemination of adequate information on human rights and laws and policies relating to protection against forced evictions. Specific attention should be given to the dissemination of timely and appropriate information to groups particularly vulnerable to evictions, through culturally appropriate channels and methods.

### **Paragraph 30:**

States should take specific preventative measures to avoid and/or eliminate underlying causes of forced evictions, such as speculation in land and real estate. States should review the operation and regulation of the housing and tenancy markets and, when necessary, intervene to ensure that market forces do not increase the vulnerability of low-income and other marginalized groups to forced eviction. In the event of an increase in housing or land prices, States should also ensure sufficient protection against physical or economic pressures on residents to leave or be deprived of adequate housing or land.

### **Paragraph 41:**

Any decision relating to evictions should be announced in writing in the local language to all individuals concerned, sufficiently in advance. The eviction notice should contain a detailed justification for the decision, including on: (a) absence of reasonable alternatives; (b) the full details of the proposed alternative; and (c) where no alternatives exist, all measures taken and foreseen to minimize the adverse effects of evictions. All final decisions should be subject to administrative and judicial review. Affected parties must also be guaranteed timely access to legal counsel, without payment if necessary.



## Analysis

The results of this survey indicate not only the importance of Chinatown for its many residents, but also the human rights violations associated with displacement pressures. Significant factors driving the displacement crisis are unbridled speculative real estate practices as well as a lack of protections for tenants. A direct impact of this can be seen in dramatic increases in rental prices, and as described by the results of this survey, rent burden is the most significant factor for residents of Chinatown and often results in eviction or displacement.

*“We didn’t know how to protect our rights before so we just paid whatever the landlord asked us to pay or we have to move to the suburb.”*

Anecdotes and responses from the community survey reveal that those tenants who were evicted had very little to no prior knowledge or warning about the possibility of eviction. The majority of respondents stated that their eviction notices were served verbally, directly from a landlord or property manager. Verbal notices are problematic because they do not allow for a paper trail of proper documentation of eviction notices or reasons for eviction threats if tenants wish to bring their eviction case to court.

This is systematic problem for neighborhoods like Chinatown where many residents are in month to month or more precarious leasing







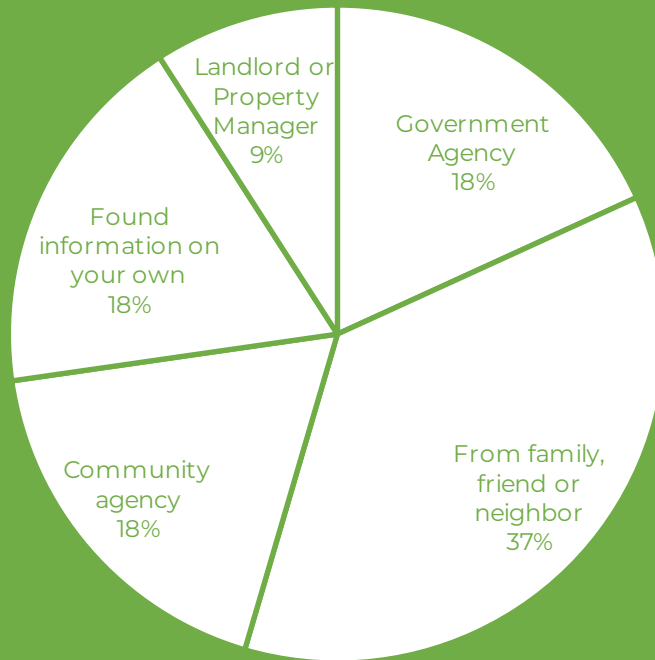
**Only 11 of 52 respondents replied that they have access to information about their rights as a tenant.**

arrangements, similar to what is referred to in international human rights law and development as “tenure insecurity”. Thus, written notices in the appropriate language, in advance, are required when notices are being served (Paragraph 41). When coupled with the fact that only 11 of 52 respondents replied that they have access to information about their rights as a tenant, this combination means that many residents are likely evicted without knowing the proper legal procedures in place to protect their rights (Paragraph 35). Despite the fact that most residents did not have access to information on their rights, it is a good sign that the information which was available was multilingual for most respondents (Paragraph 41).

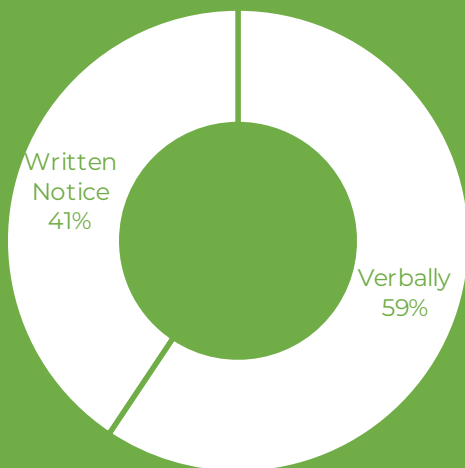


# Survey Results

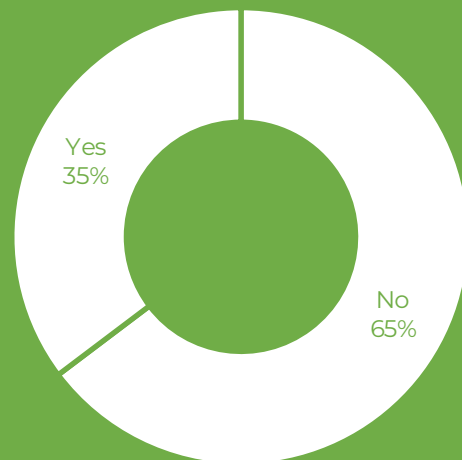
WHERE DID YOU FIND INFORMATION ABOUT YOUR RIGHTS AS A TENANT?



HOW DID YOU RECEIVE NOTICE THAT YOU WERE BEING EVICTED?



DO YOU RECEIVE DOCUMENTATION OF RENT?





公為

興盛糕  
HING SHING PASTRY

HUDSC

PARKING



5

# Conclusions



# 1.

## **Human Rights Violations as a result of gentrification and displacement**

The results of this survey reveal that a multiplicity of rights violations are occurring as a result of the displacement crisis in Boston Chinatown. The survey evidences the various ways displacement or threat of displacement presents difficulties for the livelihoods of residents and their families, from its effects on household health to longer term implications for community cohesion. It is particularly concerning that some of the most vulnerable members of the community- the elderly, young people and low income residents- are most impacted. These concerns in particular indicate that displacement - whether direct evictions or indirect displacement due to rent increase or poor housing conditions in Boston Chinatown -constitute a human rights crisis that deserves immediate attention from the city of Boston.

# 2.

## **Displacement Impact Assessments as part of development approval process**

An important way to gather pointed data on the potential impacts a development project may have on a community's stability is to incorporate a Displacement Impact Assessment survey as part of development approval process. Paragraph 32 of the Basic Principles states that "Comprehensive and holistic impact assessments should be carried out prior to the initiation of any project that could result in development-based eviction and displacement, with a view to securing fully the human rights of all potentially affected persons, groups and communities, including their protection against forced evictions." In addition to ensuring that due consideration of human rights impacts is prevented and monitored, Displacement Impact evaluation tools can also provide an opportunity to discuss and develop alternatives with residents that minimize harm (Paragraph 32) and that advance a community centered approach to development. A rights-based impact assessment requirement in Boston would also show the way for other cities and the US nationally, at a time when displacement is recognized as a national crisis.



# 3.

## The responsibility and role of the State

The Basic Principles and Guidelines on Development-Based Evictions and Displacement (see appendix), because they are grounded in international human rights law, place the primary burden of responsibility on states to prevent forced evictions and ensure that human rights are not violated during the process of displacement. This responsibility is joint and several, in that it exists simultaneously for cities, States and the Federal government. It is also a responsibility to respect, protect, and fulfill all rights relating to housing: to respect by not supporting arbitrary evictions or development policies which privilege private capital over people; to protect by securing against deprivation of rights by landlords or other private actors; and to fulfill by enacting positive measures to ensure affordable housing. In the context of Boston Chinatown and other areas which are also affected by the displacement crisis, this responsibility imposes an obligation on the State of Massachusetts to review its laws and policies to prevent obstacles in the way of anti-displacement policies and laws. While it is not the purpose of this report to analyze and point to such obstacles, it is well known that structural features of the system such as the limited home rule process, under which cities need legislative approval from the state legislature for many measures, frustrate even progressive efforts by cities to prevent and deal with displacement.<sup>37</sup>

In addition, Paragraph 11 notes that the primary responsibility of states “...does not, however, absolve other parties, including project managers and personnel, international

financial and other institutions or organizations, transnational and other corporations, and individual parties, including private landlords and landowners, of all responsibility. (Paragraph 11)”. As a result, landlords and developers should be held responsible for ensuring that their leases, leasing procedures, and projects do not violate the human rights of their tenants or existing residents. Human rights training should be considered for all people in the real estate market and property rental professions (Paragraph 34). While this tension fundamentally speaks to the challenges between private property rights and individual rights, much more can be done to protect the rights of the most vulnerable in precarious housing situations, especially the poor and the elderly.

Paragraph 21 holds that evictions should only occur in “exceptional circumstances.” Of fundamental importance to this question is whether or not redevelopment and gentrification processes are exceptional circumstances and if real estate speculation is truly a legitimate driver of displacement in vulnerable communities. It is a matter of fierce debate whether these projects are truly “promoting the general welfare; [or are] reasonable and proportional” (Paragraph 21) or if they are simply benefiting a few for the sake of profit. Even if development is to take place, results of this survey analysis show that residents who are priced out of their homes are not compensated, nor do the eviction procedures follow established guidelines and requirements for evictions.

Paragraphs 22, 24, and 28 all speak to the need for states to adopt legislative and policy measures to ensure that evictions can only be carried out

in exceptional circumstances and with proper procedures for ensuring human rights are not violated in the process. As the city of Boston considers legislation to manage the housing crisis it is currently facing, we heavily encourage the use of human rights standards as the baseline for all issues related to housing and displacement. Failure to do so can exacerbate an already deepening crisis and contribute to increased vulnerability among those that are already most at risk.

Legal security of tenure is a serious concern internationally, but results from this survey show that many residents even in cities such as Boston do not have formal leases. A lack of formal leasing agreements mean that residents may be vulnerable to evictions without due process. Although formalization can sometime reduce flexibility for renters, finding ways to ensure that rent payments are documented by tracking rent payments may be a way to ensure legal recourse is available in case of eviction threats (Paragraph 25).

One of the most important responsibilities of the state, as outlined in Paragraph 30, is to “take specific preventative measures to avoid and/or eliminate underlying causes of forced evictions, such as speculation in land and real estate.” (Paragraph 30). Forced evictions and displacement caused through the processes of gentrification do not happen overnight: they happen through the systematic approval of development projects in underserved and vulnerable communities as real estate prices rise and profit can be made. Cities, as arbiters of the development process, have a fundamental responsibility to their residents to ensure that development projects do not adversely impact residents in the neighborhood where projects are approved. The Principles also state that “States should review the operation and regulation of the housing and tenancy markets and, when necessary, intervene to ensure that market forces do not increase the vulnerability of low-income and other marginalized groups to forced eviction.” Fundamentally, the responsibility of cities and states is to ensure that the market does not violate the human rights of residents who are living in areas experiencing real estate speculation and development. Because housing is not enshrined as a right of citizens and residents of the United

States, more progressive legislation at the city level should be supported in order to ensure that cities are leading the charge against displacement by honoring the human right to housing as enshrined in international law. This means finding ways, through regulation and through the development approval process, to ensure that the poor and vulnerable are not deprived of housing as a result of real estate market fluctuations.

Paragraph 31 holds that “Priority in housing... should be ensured to disadvantaged groups such as the elderly, children and persons with disabilities.” The results of this survey show that the elderly are particularly vulnerable to the impacts of gentrification because of rising rent increases. They are also most vulnerable to the ill effects of stress and anxiety brought on by neighborhood change, and feelings of isolation or dislocation from services as new residents move in and older businesses move out. Information from the survey about the unreasonably long wait times for affordable housing mean that the city and the state are not doing enough to provide rapid construction of affordable housing, which is a priority for existing residents.

Residents should also play a stronger role in development project approval and the planning process (Paragraph 39). Information on human rights and local tenants’ rights should be included in public hearings related to development projects (Paragraph 35) and the processes of approval should include all of the elements listed in Paragraph 37, specially “...(d) opportunities and efforts to facilitate the provision of legal, technical and other advice to affected persons about their rights and options; and (e) holding of public hearing(s) that provide(s) affected persons and their advocates with opportunities to challenge the eviction decision and/or to present alternative proposals and to articulate their demands and development priorities.” This is reiterated in Paragraph 38, which also mandates that States should fully explore alternatives to evictions and that mediators may be necessary to arbitrate between residents and property owners in the case of eviction procedures.



# Current Policy Context

In response to the growing housing and displacement crisis in Boston and cities across the nation, municipalities are being called to examine new and long called-for strategies to expand affordable housing and stabilize neighborhoods. Community-based organizations and grassroots coalitions (alongside the leadership of affected residents) have played a particularly important role in advancing this political agenda through the articulation of local, translocal, statewide, and national anti-displacement and housing rights campaigns. These efforts have pushed elected officials and public authorities to reckon with the need for deepened interventions and solutions, not only for affordable housing but also in how city planning and neighborhood development are fundamentally being approached.<sup>38</sup> Attention to how increased commodification of housing and land has led to displacement and affordability crises has been a critical aspect of this work, and has contributed to a broadened dialogue on what displacement drivers need to be tackled, such as speculative practices in housing and land markets, as well as effective policy interventions to prevent such practices.

In local, statewide, and national contexts, a spectrum of policies and positions articulate this anti-displacement and housing rights platform. These include: inclusionary development policies, eviction protection policies, policies aimed at curbing speculation, community land trusts, regulations on commercial rentals, policies expanding and deepening affordability of subsidized housing programs, deep democratic reforms to planning processes, tenants 'right to purchase' policies, broader demands on city planning agencies to be more accountable, and beyond.

The acute expansion of luxury residential development and commercial short term rentals in cities like Boston, as highlighted in earlier sections of this report, has focused attention on policies aimed at curbing speculative practices. In June 2018, a citywide ordinance, "An Ordinance Allowing Short Term Residential Rentals"<sup>39</sup> was passed, putting in

place regulations on short term residential rentals to ensure they are not taking units out of the housing market and contributing to driving up costs. Cities like New York, San Francisco and Washington D.C have also increased attention to the impact rental platforms like AirBnB are having on the housing crisis and are putting in place measures to increase their regulation. The unbridled wealth accumulation underlying the luxury residential development boom has brought attention both to the speculation that is driving it as well as the measures that could be advanced to address it. A September 2018 report examining the twelve of the highest priced luxury housing developments in Boston found that over 35% of the units are owned by limited liability companies, trusts and shell corporations that "obscure the real owners and beneficiaries" and that 64% do not claim residential exemption.<sup>40</sup> The High End Real Estate Transfer Tax, Vacancy taxes, and 'Speculators Tax', such as the Speculation and Vacancy Tax proposed in British Columbia<sup>41</sup>, are among the types of policy interventions being implemented in response to such market conditions. It has also been proposed that the revenue from these taxes can then be directed to affordable housing linkage funds.<sup>42</sup>

Another policy intervention in the housing market that could represent important advances for expanding access to housing and stabilizing communities include the Tenant First Right of Refusal. Proposed in the Massachusetts State Legislature in 2017, this bill would allow tenants in multifamily housing the right of first refusal (or the first right to purchase) when their building goes on the market and also enables them to partner with a nonprofit, community land trust, or owners cooperative to take on responsibilities of ownership and the purchase cost. Washington D.C has a similar law it passed in the 1980s, albeit with certain differences.

Parallel to interventions in the housing market, advocates have made important calls for policies that advance greater community control of land. The Greater Boston Community Land Trust,

for example, has called for policies that would prioritize permanently affordable housing and local community-based economic development in public land disposition, centering community in Requests for Proposals (RFPs).

In its 2018 Housing Plan, *Housing A Changing City: Boston 2030*, the City of Boston explicitly affirms its commitment to housing affordability, mitigating displacement and reducing the number of evictions. It includes a series of 13 Development, and Tenant Support and Protection Actions specifically aimed at preventing displacement and supporting housing stability<sup>43</sup>:

### **Development Actions**

*1. Expand the use of the Acquisition Opportunity Program and other efforts to acquire 1,000 market rate rentals and convert them to affordable housing units with long-term affordability restrictions. (new)*

*2. Impose restrictions on practices which take units out of the housing market and drive up costs (e.g., short term rentals) (new)*

*3. Create preferences in housing lotteries so that Bostonians facing the highest degree of displacement pressure and housing cost burden have a priority status. (new)*

*4. Include a “Development without Displacement” selection criteria in all appropriate RFP’s for residential development on City owned land which evaluates the track record of the developer in preventing evictions as well as promotes redevelopment of the site in a way that will benefit local community members (new)*

### **Tenant Support and Protection Actions**

*5. Convene an Eviction Prevention and Tenant Stability Working Group to establish goals, understand best practices and implement strategies. (new)*

*6. Explore methodologies to better measure and track displacement trends within neighborhoods. (new)*

*7. Explore meaningful enhancements to tenant protections through legislative action. (new)*

*8. Create guides, toolkits and education materials to assist tenant stabilization and increase access to housing resources. (new)*

*9. Work with the largest property owners of both market and affordable housing to introduce strategies to preserve tenancies and prevent unnecessary evictions. (new)*

*10. Establish stronger mechanisms to understand the availability and risks of “Naturally Occurring Affordable Housing” in the rental market, as it provides moderate income households good housing options without the use of public subsidy. (new)*

*11. Continue improvements to application processes so as to expand access to income-restricted units, in conjunction with the MetroList. (new)*

*12. Work with smaller landlords to establish tools and strategies to make it easier to help them keep their tenants in place. (new)*

*13. Establish partnerships between the health care and housing development community to create programs that connect housing with health outcomes. (new)*

This action plan constitutes an important advancement from the 2014 Housing Plan and is informed by the demands and proposals advocates have brought to the city over the last several years. However, it remains to be seen whether this plan will be fully implemented. As the continued advocacy for other interventions and policy measures demonstrates, a more comprehensive and aggressive agenda is needed to turn the tide on the displacement crisis in the city and the human rights impacts being faced by residents, as evidenced by the Boston Chinatown experience. It is evident that to shift from development induced displacement to development without displacement, community voice, vision and decision-making must be central to the planning processes of neighborhoods and the city at large, accompanied by anti-speculative and other preventive anti-displacement policies. To what extent anti displacement and housing rights policies, like the ones outlined above, are accompanied by planning and development processes that effectively center community control as well as the needs and visions of residents most impacted by the displacement crisis, will determine if further advances are possible in the years that lie ahead.



# Limitations of the Study

While this study aims to reveal insights into the impacts of displacement on residents of Chinatown and the importance of the human rights frame of analysis in examining these impacts, the limitations in the scope of this study are important to recognize. There are three areas in need of further examination.

## **Need for Additional Surveying**

A larger survey of residents' experiences who have been displaced or are under threat of displacement could foster a more comprehensive understanding of the extent of vulnerabilities and impacts being faced. This could be achieved through a more extensive survey sample size as well surveying with residents over a longer period of time. Ideally, a survey would be done before, during, and after a displacement caused by one specific project to provide targeted feedback on impacts. Another limitation is the inability to survey former Chinatown residents who have already been displaced out of the neighborhood. This could lend significant insight into how displacement fragments communities and increase understanding on the spatial dynamics of displacement across the metropolitan region. Challenges around data collection present barriers to this type of surveying and engagement with residents. Thus, the survey results presented here should be seen only as a preliminary attempt to capture impacts.

## **Additional data points**

While metrics examined in the survey are arguably extensive in nature- from evaluation of housing impacts to questions of identity- a thorough development of these metrics with local normative frameworks in consideration could be a valuable part of further iteration and sharpening of the tool (for example, benchmarking against local guidelines around tenant rights, procedures for community participation in development review processes, local building codes and sanitary requirements,

etc). Also, further review of background data on the conditions in the neighborhood could provide deeper insight into the drivers behind the displacement crisis- in what specific ways are speculative practices taking hold in the neighborhood? What are the sources of financial flows into the neighborhood real estate development? How is this revealed in changes in property values over time? What can be seen around land acquisitions in the neighborhood over the last 5-10 years? While some preliminary results on these and other questions are discussed in this report, much more work remains to be done.

## **Examination of existing policy**

While this report posits the introduction of new tools of analysis in the examination of displacement, it is critical to take a detailed look at how existing domestic laws and policies are having an effect (or not) on addressing displacement and advancing residents right to adequate housing. At a municipal level this entails examining the barriers to implementing anti-displacement interventions at a legal, programmatic and departmental level by developing new policies and overhauling existing ones. Such an examination could help inform the articulation of a more comprehensive assessment of where policy and other systematic interventions most need to be focused.

This study offers its research on the impacts of displacement in support for of the important work of base building groups like Chinese Progressive Association, which are leading the struggle to advance residents' human right to housing and a vision for a people centered model of urban development, grounded in a community's fundamental right to the city.





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I lived in my apartment for six years and my neighbor has lived here for ten years. My landlord wants us out. If I move out of town I will face a lot of difficulties. I don't know how to take the subway, and I don't know how to survive.

son Street

我在這棟公寓住了十年，我的鄰居也住了十年。如果我要搬離這棟公寓，我會面臨很多困難。我不知道怎麼坐地鐵，也不知道怎麼生存。

-Oak

I lived in this apartment for over 8 years. In 2013, the building was sold to a new owner who wanted us to move out. We live here for survival. My husband takes a van to the suburbs and the van pick-up is in Chinatown. When he gets off of work at night, there is no transportation available to get to our apartment. Many residents like me live here for the purpose of survival.

-Oak

我在這棟公寓住了八年多。2013年，這棟建築被賣給了新的房東，他想要我們搬走。我們住這裡是為了生存。我的丈夫開著一輛小貨車去郊區，小貨車在唐人街接人。他晚上下班後，沒有交通可以讓我們回家。像我這樣的許多居民住這裡是為了生存。

BOSTON





