

Behind closed doors: illegal apartments and housing informality in New York City

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In New York City, illegal dwellings—that is, apartments that violate zoning laws, occupancy regulations, fire codes, or that have been illegally subdivided—are an increasingly common phenomenon. Due to limited availability of affordable options in the formal housing market, illegal dwelling units have become a de-facto affordable housing option for many of New York’s poorest, most vulnerable citizens—new and undocumented immigrants in particular.

Using existing housing violations data from the New York City Department of Buildings (DOB) and the New York City Department of Housing Preservation and Development (HPD), combined with interviews and participant observation with key stakeholders such as city officials and regulators, housing advocates, and immigrant community leaders, this research seeks to answer four key questions. First, what is the spatial distribution of illegal dwellings and what factors influence this distribution in the city? How is the phenomenon of illegal apartments regulated and managed by the state? And finally, how is this system of management experienced and challenged by residents and landlords (many of whom are working class immigrants themselves) of illegal apartments?

Initial research suggests a few key findings. Illegal apartments tend to be concentrated in immigrant-heavy outer borough neighborhoods where demand for housing is high and zoning laws limit the construction of multiple dwellings. Second, the illegal housing market does not exist entirely “underground” nor is it invisible from the perspective of the state. Rather, illegal housing is managed by the state through a strategy of “informed neglect”. By informed neglect, I refer to a situation in which city officials and politicians are aware of the problem, yet pursue an approach of general avoidance. Rather than enact wholesale policy change that would address the lack of

housing affordability, the dangerous conditions created by illegal apartments, or the precarious situation of their residents, policy makers and officials simply allow the situation to persist, interspersing periods of permissiveness with targeted crackdowns on the practice—a policy approach that makes the precarious lives of new and undocumented immigrants even more so.

On a theoretical level, this study seeks to connect the study of illegal apartments—a phenomenon common to many U.S. cities with high levels of immigration and tight housing markets—to the issue of informal urbanism more broadly. The idea that informality is an important mode of urbanization is often limited to the context of cities of the global South. This paper will show that, while existing in a different form and at different scales than in cities of the South, illegal housing in the North represents an important chapter in the broader story of informal housing more globally. Additionally, through an analysis of the strategy of informed neglect, this paper will demonstrate that, as in the South, in the North, management of urban informality operates through novel methods of regulation and control which are decentralized, informalized, flexible, negotiable and are well suited for the management of poverty and spatial inequality in the neoliberal city.