

**Informal Housing in New York City:
A Spatial History of Squats, Lofts, and Illegal Conversions**

By

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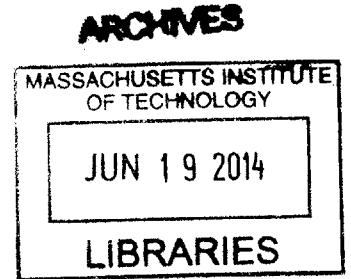
Submitted to the Department of Urban Studies and Planning
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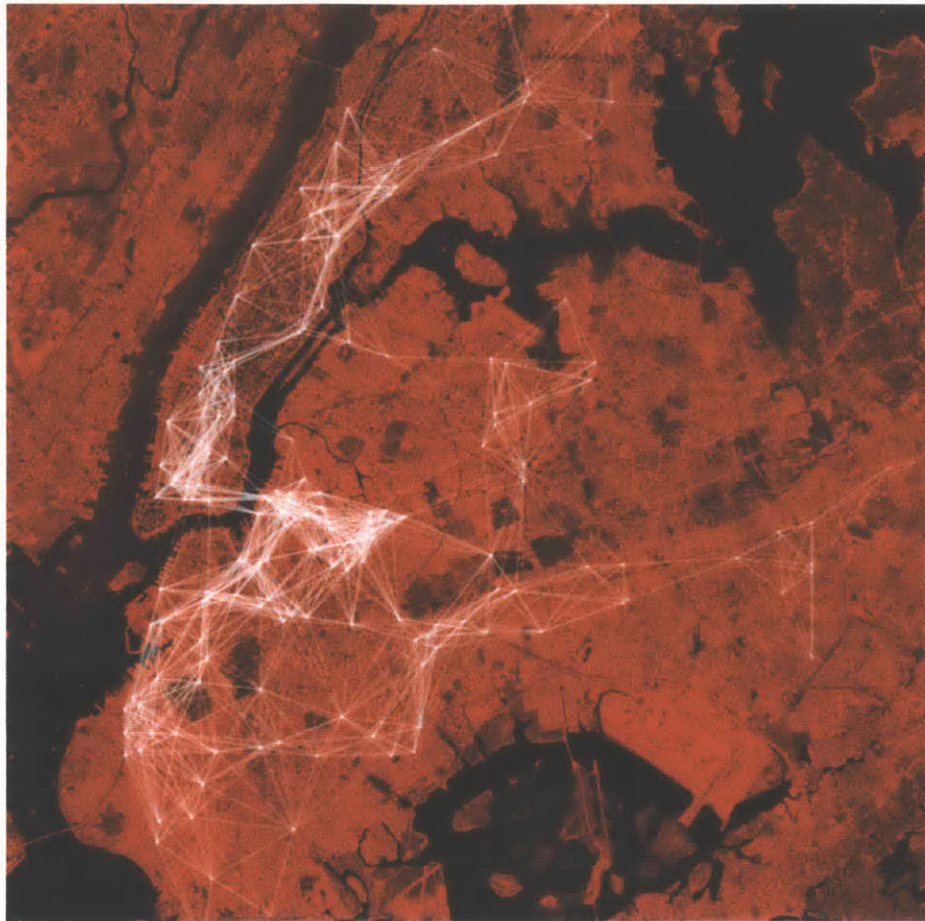
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This thesis seeks to demonstrate that the notion of informal urbanization—normally applied to discussions of cities in the developing world—is equally effective in describing a range of housing practices in New York City, one of the wealthiest, most prototypically urban cities in the globe. The model of a binary, or gradient, between the “formal” and “informal” cities has been remarkably productive in many contexts, but has seen little use in the study of U.S. Cities. The thesis provides a definition of informal housing, based upon that of the international development community, and applies this definition to three instances in New York City it proposes fit. By unifying diverse practices and histories, I argue that informal housing in the city has been a persistent element that can be found across classes, architectural typologies, geographies, and historical moments.

The methods of the thesis include consulting from primary sources (news reports and planning studies), secondary academic planning texts, conducting interviews with participants and planners, and producing my own relevant photographs and maps. These materials are synthesized into four chapters. The first provides background on the notion of informality, and offers a modified definition of the phenomenon that unifies the New York examples with their international counterparts. Chapter two charts the birth of informality with the codification, in the late years of the 19th century, of moral and physical standards in the immigrant-populated tenements of the Lower East Side of Manhattan. It then charts the reoccupation of those same tenement spaces, without capital or legal tenure, by the often politically motivated squatters in the Upper West and Lower East Sides in the latter half of the 20th century. Chapter three provides a history, from 1960 to the present, of the informal transformation of commercial loft spaces to residences in SoHo and Brooklyn and describes the effects of these conversions on the neighborhoods in which they occurred. Chapter four demonstrates how the low density built form of Queens was developed in reaction to the tenement era, and how it is currently being informally reconstructed into a dense, urban space for marginal immigrants, despite some typical (and atypical) challenges to that informal use.

The thesis concludes by arguing that in each case—despite differences in built form, geography, users’ incomes and the historical context—informality, as understood in the developing world, is present in New York. Further, it argues that the official reactions to these liminal cases of housing—variously, repression, neglect, and accommodation—provides a history of the planning regime’s shift from prescription to acceptance of unofficial action. It calls for a greater unity of discussion and collaboration between those planners, architects, and urban thinkers working on cities in the U.S. and those whose expertise centers on cities in the global south. Finally, the thesis closes by summarizing some potential lessons from the experience of informal housing in New York City over its long and varied history, and offers guidance, informed by these lessons, on how the city might address its present informal housing boom.

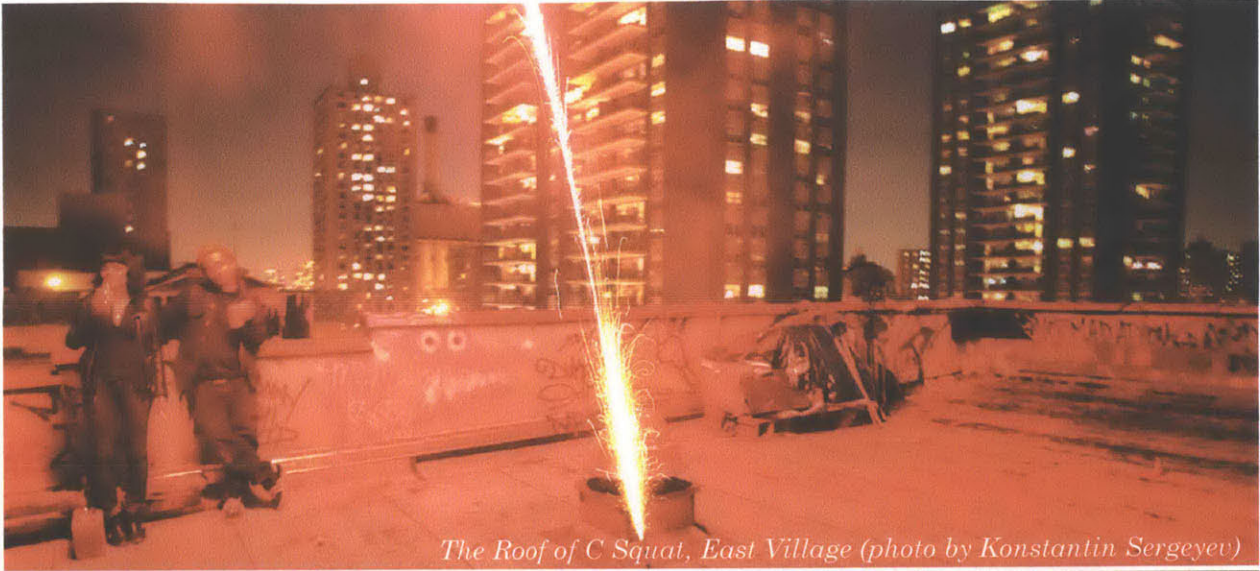
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The Roof of C Squat, East Village (photo by Konstantin Sergeyev)



Informally Converted Loft, Brooklyn



Illegal Garage Apartment, Jackson Heights

Chapter I — An Introduction to Informality

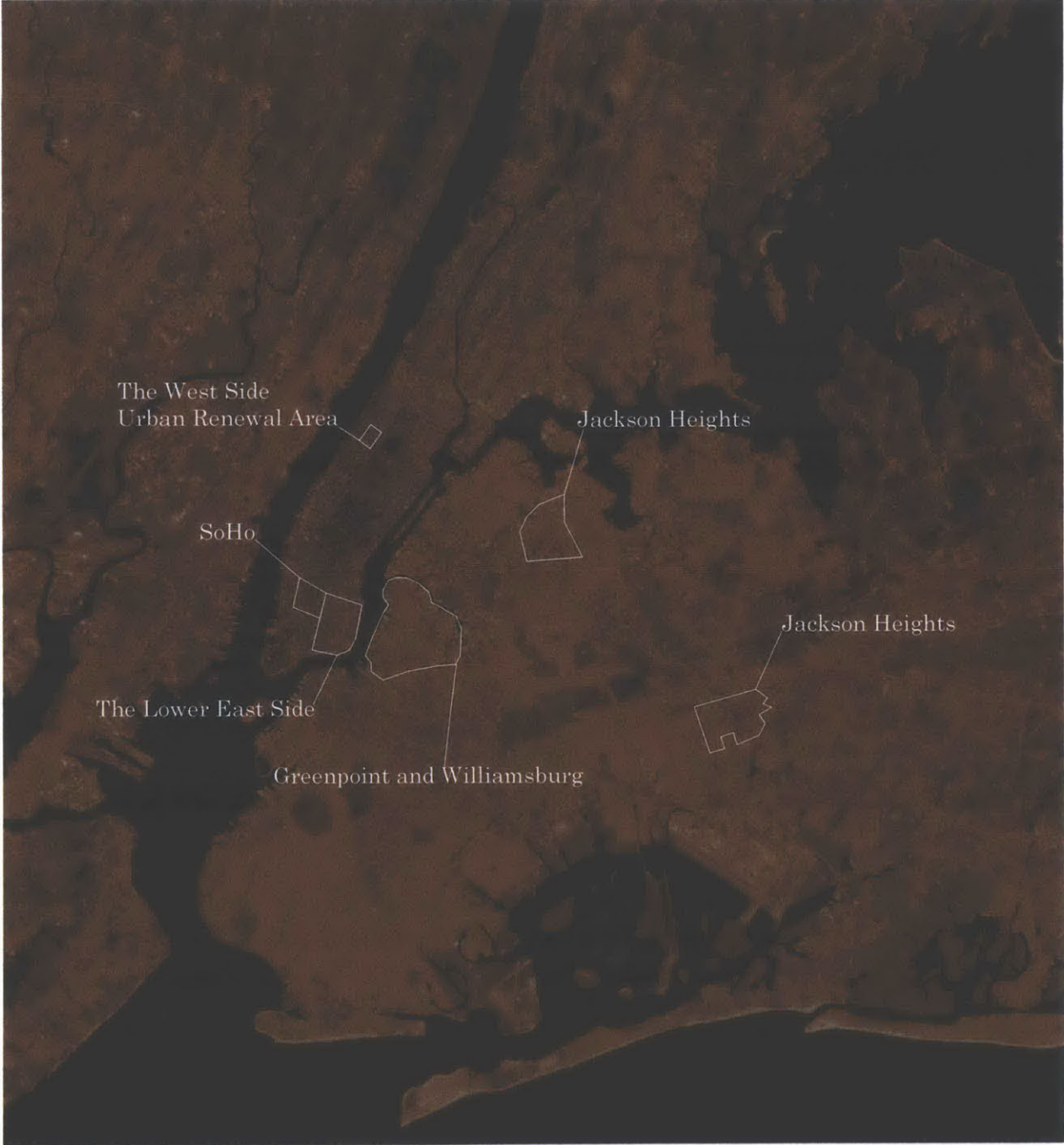


Figure 1: Case Studies of New York

“The shelters...generally violate legal standards as well as the most minimal human standards; they are often a chaos of dense-occupied hovels lacking the most rudimentary utilities; they are generally fire hazards...[and they challenge the solvency of governments as agencies for maintaining order and law.]”¹ “Tens of thousands...have already been forced by deepening poverty and a dwindling supply of inexpensive [housing into circumstances] that are cramped, squalid, illegal or even dangerous.”² “Incomes are too low or too inconstant to pay the costs they require either for purchase or rental.”³ “Utilities are lacking. Water must be carried from a distance.”⁴ “They carried water upstairs from fire hydrants.”⁵ “Central location of a...site has its advantages for making a living and for access to the city’s enterprises and adventures, but it is simultaneously a likelier candidate than an outlying site for clearance operations.”⁶ “With a show of force befitting a small invasion, the Police Department seized two...[buildings] overwhelming a defiant group...who had resisted city efforts to retake the buildings for nearly nine months.”⁷

“But it’s not stealing. It’s recycling and transforming and building community. We were not anarchists, not anti-establishment. We were struggling to survive—period.”⁸ “In short, the motivations...are as complex as the human spirit. They are pardonable and unpardonable with variations in the circumstances that

1 Charles Abrams, “Squatting: The Problem and the Opportunity” (U.S. Department of Commerce, January 1, 1965), 2.

2 Deborah Sontag, “A Weak Housing Agency Seems to Be a Step Behind,” *New York Times*, October 7, 1996.

3 Charles Abrams, “Squatting: The Problem and the Opportunity,” 16.

4 *Ibid.*, 20.

5 Colin Moynihan, “Homesteading a Little Place in History; Archive Documents Squatters’ Movement on Lower East Side,” *New York Times*, December 8, 2003.

6 Charles Abrams, “Squatting: The Problem and the Opportunity,” 35.

7 Shawn G. Kennedy, “Riot Police Remove 31 Squatters From Two East Village Buildings,” *New York Times*, March 31, 1995.

8 Neuwirth, Robert, “Squatter’s Rites,” *City Limits*, September 1, 2002, <http://www.citylimits.org/news/articles/2799/squatters-rites>.

should enter into any judgment. When law is uncertain, enforcement is fluctuating, and when property rights are unprotected, a vacuum is created which will tend to be filled.”⁹

The above passage collapses a narrative of marginality, struggle, and innovation in the housing markets of diverse places and historical moments. It stretches from the mid-sixties until the present, and from rapidly urbanizing cities in Turkey, Peru, Mexico to the United States. In the last fifty years—since the publication of Charles Abrams’ 1965 “Squatting: The Problem and the Opportunity,” quoted above—irregular, unplanned, and unsanctioned housing has been one of the most discussed aspects of international development, and one of the most visible signs of global urbanization. Informal housing, as the phenomenon has come to be referred to as early as 1972, is palpable in the hillside shanties of Caracas and Rio de Janeiro, in the townships outside Durban and along the canals of Ho Chi Minh City. But, if an inclusive definition can be provided, so too can it be perceived throughout New York City—in the squatted tenements of the Lower East Side, the illicitly occupied and converted industrial lofts of SoHo and Brooklyn, and in the basements and attics of low-density homes in Queens.

This thesis will demonstrate that informal housing—defined herein in such a way as to be equally applicable to domestic and international instances—has been a persistent feature in New York’s historical and contemporary landscape. After its definition, implicitly, by the progressive regularization of the anarchy of housing in the tenement era, informality has arisen in a number of different forms. In each, the informal sector has produced housing contrary to the norm and usefully supplementary to it—if not superior. Informal housing in New York has been met with a variety of responses from the official planning regime—a regime that in its earliest days defined not only where people should live, but indeed

9 Charles Abrams, “Squatting: The Problem and the Opportunity,” 20.

also how they should live. As successive informal movements emerged, the thesis argues that planners were progressively more receptive, to a point at which its most recent incarnation is likely to meet with a holistic acceptance. In the face of this, it would seem as if urban thinker Richard Sennett's challenge that "the city must be conceived as a social order of parts without a coherent controllable whole form" has to some degree been met. Borrowing from his early, distinguished work—*The Uses of Disorder*—this thesis offers a narrative of often radical, always unsanctioned housing praxis in the consummate belief that "this disorder is better than dead predetermined planning."¹⁰

Nomenclature and History

In his popularization of the informal moniker, the Peruvian economist Hernando de Soto in his 1989 book *The Other Path* describes the informal sector of housing simply as that amount "acquired, developed, and built...outside of or in defiance of state laws."¹¹ A later writer on the matter, calls it "informal urbanization," and defines it as those "forms of urban development that take place outside the legal, planned, and regulated channels of city making."¹² Both these of these broadening definitions link back to Charles Abrams' original notion of a vacuum being filled in the face of imperfect governance.

For Abrams, though he took pains in his 1965 report to describe some of the positive attributes of informal settlements, what he called "the squatter house is a slum and so is the settlement of which it is a part."¹³ Citing risks of fire, challenges to livability from darkness and overcrowding, and the looming threat of disease that could not only harm the slum dwellers but the formal city as well, Abrams seems to

10 Richard Sennett, *The Uses of Disorder: Personal Identity & City Life* (New York: W.W. Norton, 1992).

11 Hernando de Soto, *The other path: the economic answer to terrorism* (New York: Basic Books, 2002), 17.

12 Jose Castillo, "Urbanisms of the Informal: Spatial Transformations in the Urban Fringe of Mexico City" (Harvard Design School, 2000), 23.

13 Charles Abrams, "Squatting: The Problem and the Opportunity," 23.

offer relatively little hope for cities struck by the blight. Though he stopped short of calling the squatter settlements a cancer, as was common in planning and housing rhetoric of the time, he did term them an invasion.¹⁴

It was not until John F.C. Turner's publication in the seventies of his landmark works *Freedom to Build* (editor and contributor, 1972) and *Housing by People* (author, 1976) that a more positive, supportive view of informal settlements was defined. An English architect trained at the Architecture Association in London who had worked for housing agencies in Peru for eight years before coming to the U.S. to teach and write, Turner and a small group of academic compatriots launched a strident defense of what he liked to call "self-help housing," one that has been called not only "extremely influential in both academic writing and in planning and development agencies [but one that] became the paradigm for institutional housing policies in most of the developing world."¹⁵ Turner's scholarship was at once a careful economic study of the benefits afforded to urbanizing migrants in Lima's informal *barriadas* as well as a condemnation of official housing policies and typologies. Where Charles Abrams had called for governments to reform, and likely demolish much of the informal housing stock they felt challenged by in favor of a formal, "more rational settlement," Turner posited instead that "squatter settlements manifest a natural ordering of household priorities which government housing projects only manage to distort."^{16 17} In any case, the point is somewhat moot, since as both Turner and Abrams agree, this third sector is the "major producer of low-income housing" in most rapidly growing cities.

The cover of *Freedom to Build* states, in no uncertain terms, that "where dwellers are in control, their homes are better and cheaper than those built through

14 Susan Sontag, *Illness as Metaphor* (New York: Farrar, Straus and Giroux, 1978).

15 Castillo, "Urbanisms of the Informal," 24.

16 Charles Abrams, "Squatting: The Problem and the Opportunity," 79.

17 John F.C. Turner, "Housing as a Verb," in *Freedom to Build*, ed. John F.C. Turner and Robert Fichter, 1st ed. (New York: Macmillan Company, 1972), xi.

government programs or large corporations.” The essays within the book draw mostly on the developing world, as does *Housing by People*, but there is in the former several studies of homesteading and self-building in the United States—all of them rather supportive. One, a comparative study of two self-building assistance programs in Rochester New York by Rolf Goetze noted that “home ownership through the process of owner-building still thrives in rural and suburban areas of the United States. It is also a feature of cities in the so-called Third World, even though land tenure in squatter settlements may be legally precarious.”¹⁸ This legal distinction is accurate, at least between government sponsored homesteading programs in Rochester and home-building on squatted land in the developing world, but equally accurate is Goetze’s drawing together self-built and self-renovated homes in domestic and international contexts. Where he falters, though, is supposing that in urban America, there is no agency for people to produce their own housing through extra-legal means; the experience of informal housing in New York demonstrates this. While it may be true that “the have-nots largely wait in vain and in substandard quarters” the contemporary experiences related in Chapter IV may make prove to make his claim less accurate than ever before.¹⁹

A Definition of Informal Housing in Five Characteristics

Though informal settlements are oft discussed, and a short intellectual history can be traced through Abrams, Turner, De Soto, and others (Antonio Azuela, Ananya Roy, and Akhtar Hameed Khan), a unitary definition is not easily derived from the body of research. De Soto’s broad definition of any form of housing produced outside or against the law is a starting point, but it is perhaps too broad. The United Nations Human Settlements Program (UN-Habitat), perhaps the single

18 Rolf Goetze, “Urban Housing Rehabilitation: Two Approaches Contrasted to Illustrate Productive and Meaningful Dweller Participation,” in *Freedom to Build*, ed. John F.C. Turner and Robert Fichter, 1st ed. (New York: Macmillan Company, 1972), 53.

19 Ibid., 54.

leading agency in international development and housing defines what it refers to as “slums” as those districts that lack durable housing, are overcrowded, lack easy access to clean water, lack adequate sanitation facilities, and face evictions because of insecure tenure.²⁰ This thesis will modify that definition somewhat, but in building upon it, will demonstrate that the difference between developing cities and developed ones may not be as stark as they immediately seem. It is also worth considering that the UN-Habitat definition of slums could easily describe the tenements of late 19th century New York, and so many of the city’s laws are already specifically positioned to combat these conditions.

The UN definition can be somewhat simplified and transposed to fit New York’s conditions: firstly, there is a risk of eviction for living contrary to city laws (including but not limited to living on taken land or buildings). Second, while rather few in the contemporary United States live without the basics of clean water and sanitary facilities, many live in circumstances where they lack basic government services. These services might include clean water or sewer provision, or, as in the informal settlements under the United Nations purview, they might be electricity, or facilities for garbage, or schools.

Third, borrowing from Goetze and Turner, there is some social or spatial affordance for self-built or self-designed housing. While a city-sanctioned renovation of a distressed urban property might not fit the overall definition of informality, rebuilding and occupying a dilapidated city-owned property without first asking permission certainly does. Both occurred in the same district, as will be seen in Chapter II, and while they have much in common, only the latter should be considered informal.

The fourth also draws upon Turner: informal housing is more affordable than the formal stock. In *Housing by People*, Turner demonstrates that informal

20 “UN-Habitat State of the World’s Cities 2006/7” (United Nations Human Settlement Program, 2007), <http://ww2.unhabitat.org/mediacentre/documents/sowcr2006/SOWCR%205.pdf>.

housing—what he calls “the supportive shack”—in Mexico provides decent conditions and for social mobility at a low price for its builder/users.²¹ While researchers as far back as Abrams have noted that there are a variety of reasons for which people choose to live in informal housing, there is little question that the low costs are a consistent draw in a number of international examples.

Finally, the fifth defining characteristic of informality in the formulation of this thesis is its necessitation and facilitation of community activism. The Orangi Pilot Project in Karachi, Pakistan is one prominent example of how informal settlements, in order to gain access to infrastructure must organize themselves together to be recognized as legitimate.²² Research on Mexico City demonstrates a similar point, as do the millions of organized landless workers in Brazil, South Africa, and India.²³

These five characteristics—affordability, community capacity, self-building, risk of eviction and a lack of government services—make up a definition of informal housing that recognizes some of its risks and challenges while also acknowledging some of its tangible benefits. It is hoped that this definition provides a common understanding of a phenomenon with which phenomena in the global South and the global North can together be associated. Further, it is with these characteristics in mind that the three case studies identified below are treated.

A Note on Methodology

This thesis has been produced through interviews with residents of informal housing and city planning officials of New York, first hand observation and photographic production in the neighborhoods in question, review of historical

21 John F. C Turner, *Housing by People: Towards Autonomy in Building Environments* (New York: Pantheon Books, 1977), 20.

22 Anne Whiston Spirn, “From the West Philadelphia Landscape Project to Orangi and Back Again” (presented at the Conference on The Orangi Pilot Project & The Legacy of Architect Perween Rehman, MIT, April 11, 2014).

23 Castillo, “Urbanisms of the Informal.”

primary sources, the distillation of spatial information into maps, and a synthesis of planning literature. In so working, it was inspired by two contemporary academic works produced by architects pursuing doctoral degrees; though they did not seek to address the confluence of international and United States urbanisms through the lens of the informal, their works were particularly relevant.

Per-Johan Dahl and “Code Manipulation”

Per-Johan Dahl received a Ph.D. in 2012 from the Department of Architecture and Urban Design at UCLA, working under Dana Cuff. In his dissertation, “Code Manipulation: Architecture In-Between Universal and Specific Urban Space,” he investigates accessory development units in Los Angeles, artists lofts in downtown Manhattan, and a newly developed luxury condo building in New York’s Chelsea district. In each, he follows how architectural design is able to subvert city building and zoning codes and how, in so doing, design serves to “inform policy makers about lucrative potentials and tendencies being repressed by their own rules.”²⁴ He studies, in depth, the relationships between the designers and the regulators of a given architectural space in each area of focus, and compellingly demonstrates how innovative design has the ability to elucidate planning policy.

The wider implications of his given case studies are striking: Richard Meier’s conversion of a loft building in Manhattan was not only the first legal conversion, but the impetus for the city’s first special zoning district. The promise of allowing densification of neighborhoods by incrementally filling underused backyard spaces in Los Angeles shows great potential for providing needed affordable housing, as does the creativity in fitting a given administrative building envelope in the case of Chelsea. And while Dahl’s latter two examples falter in delivering the scalability of the ideal from two individual luxury projects in ritzy areas to meet the needs of rent-burdened residents in less-tony areas, his reasoning that their lessons could,

24 Per-Johan Dahl, “Code Manipulation: Architecture In-Between Universal and Specific Urban Space” (UCLA, 2012), iii.

and should be expanded is admirable. Working through mapping, photography, interviews, historical documents and theory, Dahl produces an absorbing narrative at the intersection of planning and designing housing. Crucially, too, it is a narrative on two of the largest, wealthiest cities in the world that provides a moral argument akin to Turner's—though Dahl does not use Turner's work directly. Dahl's own narrative points to a larger lesson that this thesis will endeavor toward as well: that “informal activities tell a story about existing discrepancies between current planning praxis and the needs of prevailing lifestyles. Indeed, from the discipline of urbanism, there seems to be a discrepancy between the way urban development is regulated and the way life is cultivated.”²⁵

Jose Castillo and the “Urbanisms of the Informal”

In his writing on Mexico City, architect and scholar José Castillo has spent much of his career investigating the sprawling neighborhoods at the edges of that megalopolis—what he termed in the title of his doctoral dissertation the “Urbanisms of the Informal.” His work is based on first-hand investigation, and takes a critical lens on the common conceptions of the spaces most often referred to as “informal settlements.” His work to challenge the common misreadings of these spaces is critical to draw upon for the purposes of this paper, and his stated purpose in studying these districts functions as a marker of a broader important shift in planning culture and urban research. That is, Castillo's dissertation encapsulates the shift from condemnation of “slums” toward the acceptance of informal spaces as worthy of study: “To present [this work] is to inform city-making with a social and political dimension, to relinquish the obsession of control as a desirable tool, and to recognize the limits of form. It is also a call for a practice of urbanism that is able to embrace the real, the everyday, the generic, and the built without prejudices and biases.”²⁶

25 Ibid., 135.

26 Jose Castillo, in *Praxis: Mexico City Projects from the Megacity*, ed. Amanda Reeser and Ash-

With the rise of Urban Planning as a discipline in the beginning of the 20th century, Castillo argues, certain aspects of the city began to be rationalized. Simultaneously, those spaces that operate outside of the new paradigm are implicitly labeled informal, or out of step with the planned norm. He points to the beginnings of a notion of informality with Charles Abrams and John F. C. Turner in the sixties, and notes the first use of the term in official policy documents in 1972.²⁷ More interesting is what Castillo terms his “return to space”—his effort to bring back to the fore, in research, the physical and spatial characteristics of the informal phenomena.²⁸ When he deals with the distinct neighborhoods in Mexico City, Castillo endeavors to describe them as living spaces, constantly in flux, and born of different geographies and histories. So too will this thesis seek to highlight the importance of space—of architecture and geography—in its conversation on New York.

In his research into three districts at the edges of Mexico City, Castillo takes pains to clearly outline the ways in which naïve notions of informal settlements are lacking, or faulty. The first, and perhaps most crucial, is that informal practices are unplanned practices. The early idea of the informal neighborhood as “organic” or as a “cancer” in early 20th century records implies that these districts spring up through almost cellular action, without direction or foresight. This misconception serves to bolster the wrong-headed (by Castillo’s estimation) idea of any kind of delineated binary between formal and informal urbanism. Indeed, in Castillo’s research he found that the informal districts of Mexico City had often been carefully planned both by professionals and residents. Designers drew up street grids, while newcomers to the neighborhoods organized and found ways to pressure the government into providing needed infrastructure. While these processes

ley Schafer, 2, 2001, 111.

27 Castillo, “Urbanisms of the Informal,” 24.

28 Ibid., 5.

by definition operated outside of the legal frameworks of city development in Mexico, they were “a series of decisions, strategies, and policies that, if minimal or unorthodox, amount to a form of planning.”²⁹

While the above misconception may be the most important to the present study of New York, Castillo’s others are similarly instructive. The second is the idea that “informal urbanization is only self-built housing.” Instead, he contends that while self-built housing is an integral part of informal development processes, informality takes its form at the neighborhood and district scales. In his case studies, informal designers consider areas left for public space and for public programming, and the districts as a whole are products not only of an assemblage of housing, but of “myriad strategies and forms that configure urbanity.”³⁰

Finally, Castillo argues that the beliefs that informal urbanization is illegitimate, undesirable, and will ultimately disappear are wrongheaded and detrimental to the study of Mexico City. The long history of his city’s informal housing market and the repeated failures of large-scale, more formal development are a testament to his critique—although other examples of now-forgotten informal development, such as Hong Kong, may point to this critique being specific to Mexico City. In that city though, it seems certain that the informal aspects of the city show no sign of dissolution or deceleration. Castillo demonstrates that Mexico City as a whole has been enveloped by a spirit of informality.

As will be seen, the scope of informal urbanism in New York does not even begin to approach the scale of informality in Mexico City. But, building on Castillo’s framework and methodology of tracing urban form through historical narrative and looking to informality to educate the entirety of the urban design and development process, this thesis seeks to transpose his work onto New York City.

29 Ibid., 12.

30 Ibid.

Chapter II — From Immigrants to Squats: Tenements and the Rise and Fall of the Rational City

A Typical Tenement, from an 1873 edition of Harper's



A TENEMENT-HOUSE IN MULBERRY STREET.

“A hundred years ago, yes, less than that, seventy-five years ago, there was no such thing as a tenement house in New York City. It is a modern invention of the devil.”³¹

-Jacob A. Riis

13th Street Squats, 1995 — Photo by Peter Spagnuolo



"Irregularity enters our consciousness the moment that the State decides to normalize practices once considered marginal."³²

-Francois Tomas and Antonio Azuela

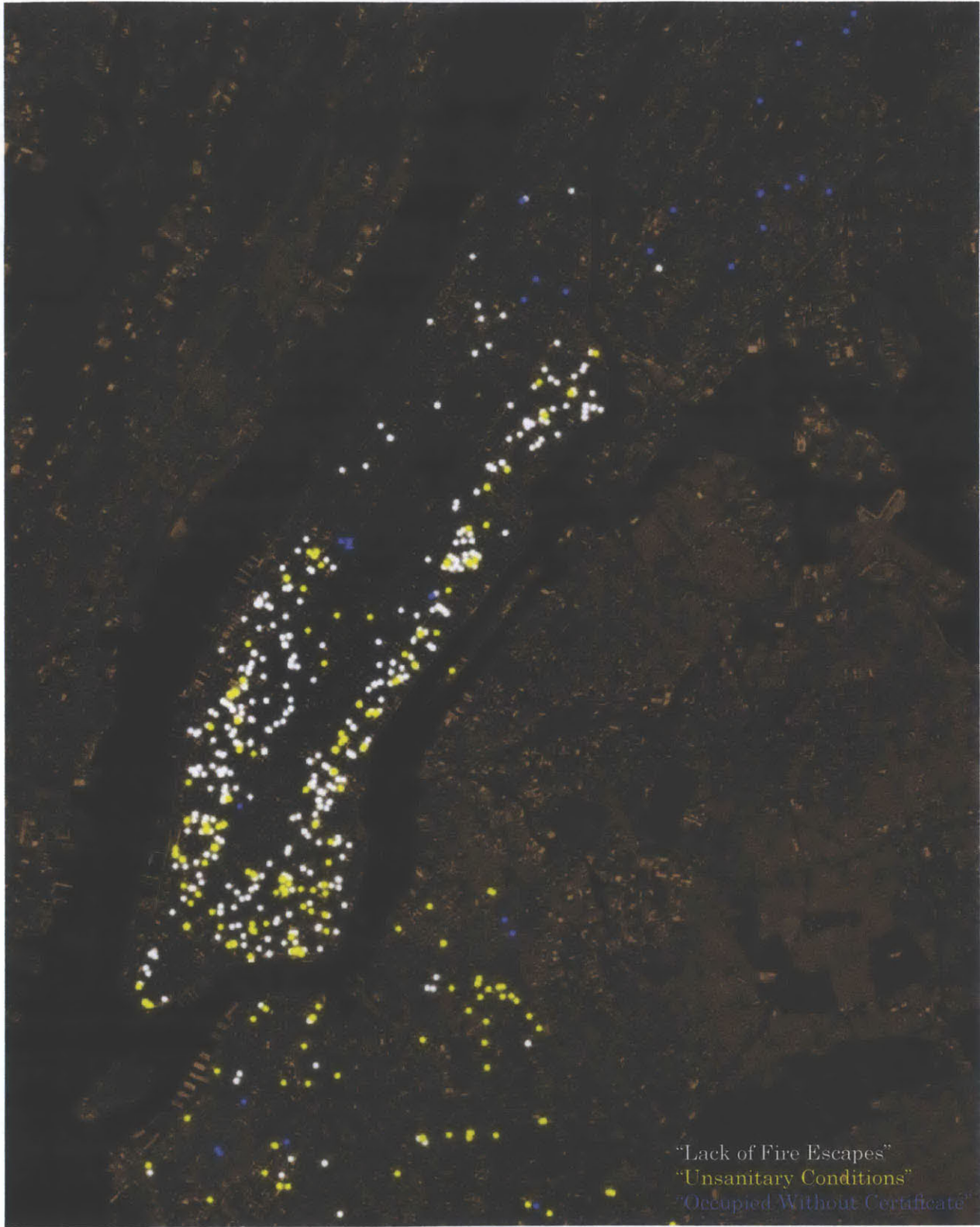


Figure 2: "Buildings Reported for Vacation of Occupants"
(Official evictions conducted and cause given by the Tenement House Department, 1906)

The field of urban planning as known today was born from the knowledge of just how bad the city's housing really was. In the early 20th century, the primary typology for providing substandard housing was purpose-built for the task—the tenement house. These were essentially the largest, tallest, bulkiest buildings that could be crammed into the parcels of the city without regard for the livability of the units. In a time before zoning, before floor area ratios, and before the myriad rules concerning light, crowding, and air that today constitute a “standard” dwelling unit, tenement housing was developed en masse across the city, and especially in Manhattan's downtown core. The market, in constant negotiation with private advocacy groups and (at an increasing rate) the government, produced domiciles that, however hellish, housed generations of first-generation Americans and enabled those immigrant communities to assimilate into the city.

While the agency of individuals and families in the tenement era in New York City was far less than that which residents in informal settlements in the 21st century city of the global south command, their circumstances are in many ways similar. Both groups are made up largely of migrants. Both groups were willing to sacrifice certain things that others might imagine as necessities in housing in order to work toward a better life for themselves and their families. And, most importantly, both groups were thought of as informal not because of any inherent aspect of their actions, but instead are understood as such only in their diametric relationship to the formal. In New York City, the tenements were the cause of the rise of building codes and city planning as a discipline, and so were the first form of housing to be declared in opposition to the (legally-constructed) norm and therefore made informal. With each law, rooted as it was in cultural constructs and evolving real estate markets, an incrementally new form of housing would emerge to fit its

31 Illustrated lecture, Jacob A Riis. 1894

32 Francois Tomas and Antonio Azuela, eds., *El Acceso de Los Pobres Al Suelo Urbano* (Mexico, DF: PUEC, UNAM, 1997).

ever more constrictive requirements, and the extant practices with which people had already (over)filled the residential units, attics, and basements of structures became informal—extant, necessary, but illegal.

Of course, before the invention of the tenement house, and indeed contemporaneously with its development through the latter half of the 1800s, a clear counterpoint existed on the northern reaches of the city. While they were not ever documented to the same extent that the tenement houses and their forebears were, squatter's settlements—known as shantytowns—flourished on Manhattan. The *New York Times* in 1864 recorded a population of “20,000 on this island that pay neither rent for the dwellings they occupy, nor municipal taxes as holders of real estate.”³³ “Built promiscuously over the ground, without the least regard to order,” these shanties numbered in the thousands in 1865, were most often one room dwellings, shaped from “rough boards,” built on the ground “or but little raised above it,” perhaps “lathed and plastered” and in the opinions of the Citizen's Association Council of Hygiene, utterly incompatible with “domiciliary and personal cleanliness.”³⁴ The clear appeal for the thousands that chose it was of course its affordability. Beyond the savings of living on heretofore unclaimed land rent-free, the architectural typology was, even in the words of its critics, “the cheapest and simplest domicile constructed in civilized communities.” These communities were among the first “squatters” in New York City, and perhaps the first subset of the population easily understood by the 21st century scholar as informal city-makers. But they would by no means be the last. While the form of the tenement would wholly displace the self-built house from Manhattan, in a hundred years time, like a virus injecting itself into a cell, the self-built home would rise again within the

33 Richard Plunz, *A History of Housing in New York City: Dwelling Type and Social Change in the American Metropolis*, The Columbia History of Urban Life Series (New York: Columbia University Press, 1990), 53.

34 Ibid., 54.

tenement typology itself.

The first tenement house in New York was born in 1832, and within about a decade followed the first private organization set to fight for their improvement: the Association for Improving the Condition of the Poor.³⁵ By 1863, the first city-wide survey found that half a million people were being housed in 15,000 tenements, with another 15,000 residents living in cellar apartments.³⁶ In a cycle that would be repeated throughout the history of the New York City government's engagement with housing, this report would shock the public and its lawmakers and spur them into reformist action. Those who read the report were shocked at the conditions in the tenements, a segment of buildings that were defined for the first time in the law that emerged as any that housed more than two families. While the root causes of exclusionary zoning were brought to light by this survey—the coexistence of noxious industries like fat-rendering and slaughterhouses with dense worker's housing—the first exclusionary zoning laws would not arise for another half century. Instead, the 1867 tenement legislation offered the first tentative steps toward the legislation of the physical form of housing in the city: the many windowless rooms in the centers of the buildings would have interior windows cut to lead to the light at the front and rear of the building, there would be a wooden ladder for fire escape purposes, and there would be no fewer than one toilet for every twenty inhabitants.

The letter of the 1867 law was followed, but its effect was nil; every room would have a window, perhaps to a room, perhaps to a hallway, but little light would make it to the inner rooms.³⁷ It accomplished even less for the provision of fresh air. In the meantime, architectural experimentation took the form of a

35 M. Christine Boyer, *Dreaming the Rational City: The Myth of American City Planning* (Cambridge, Mass: MIT Press, 1983), 29.

36 Ibid.

37 DeForest, Robert W. and Lawrence Veiller eds. *The Tenement House Problem: Including the Report of the New York State Tenement House Commission of 1900* vol. II (New York:MacMillan 1903)

“dumbbell tenement” designed in the 1870s by James Ware and so called for its adoption of a narrow airshaft driven vertically through the center of the building and intended to provide a modicum of light and air. The innovation was so compelling to city patricians that they codified its adoption in an 1879 tenement law. These dumbbell-shaped buildings would come to be known as “Old Law” tenements, when the passage of a further law would consign them to the past. For a moment in the late nineteenth century, though, the early planners must have rested on the strengths of their architectural achievements. As a letter to the editors of the *New York Times* recounted, the ingenious design, put together by the “architects and wealthier classes” and selected by a committee of “well-known gentlemen and experts” would give “the poorer classes who are compelled to inhabit them...the benefit of a home where some scientific skill has been applied...which will render their existence at least endurable.”³⁸

From this era, a clear linkage was drawn between the ineffable “adequate amount of light and air” and the “moral and physical well-being” (emphasis added) of the poor of the city. Just as the development of parks was seen as a method of providing both physical health benefits and a positivistic socialization, so too were the design implications of the growing body of building codes perceived to have implications for bettering the behavior of tenement inhabitants. The requirements of light and air were embedded in this historical moment deep into New York City housing law, and are even in the 21st century amongst the most basic tenets of what can be considered decent housing as sanctioned by the city. The framers of those requirements were thinking not only of ensuring physical health, but instead engaging in a seemingly typical 19th century behavior of imagining poor people to be somehow categorically different than others, and positioning housing as a contributing factor to this failing.

38 Bergh, Henry, “Letters to the Editor: The Tenement House Question,” *New York Times*, March 7, 1879.

With the 1879 law passed, the city apparatus moved to inspect the tenements with representatives both of the Department of Buildings and the Department of Health, and to see just how far the buildings would have to come. A small story in the *New York Times* from August of that year is indicative of the amount of effort the city would be able to muster. “Very little actual work was done by the members of the corps of inspection, and a considerable proportion of them did not report for duty at all.”³⁹ The first area they chose to inspect was what would, in about a hundred years, be known as the East Village, and was then simply referred to as “an average district in the Seventeenth Ward,” an area “bounded on the south by Fourth-street, on the west by Second-avenue, on the north by Fourteenth-street, and on the east by the East River.” While it was “by no means...the most squalid quarters of the City,” a term likely reserved for the Five Points area nearer to City Hall, this area gave them “a clear impression of what is meant by the term tenement-house.”⁴⁰ The future East Village was then a typical tenement district, like the Lower East Side as a whole; in the 19th Century it was a showpiece of the struggle between legislating a better life for the poor and (as will be seen) in the 20th, a battleground for the eventual collapse of what M. Christine Boyer eloquently terms the dream of the “Rational City.”⁴¹

Media and the 1901 Tenement Law

The proto-planning efforts encapsulated in the 1867 and 1879 Tenement laws were quickly—and vividly—proven to be failures. With the rise of photographic media in the waning years of the 19th century came proof, in stark silver nitrate prints, of just how bad conditions still were in the tenement houses. By 1890, the 15,000 tenement buildings of the 1860s had given way to some 37,000, and

39 “Inspecting the Tenements: Work Begun under the New Law—scope of the Inspection,” *New York Times*, August 2, 1879. *New York Times*, August 2, 1879

40 Ibid.

41 Boyer, *Dreaming the Rational City*.

within them, argued one reformer, an estimated 1.2 million poor people, largely immigrants, were subject to a crowded, unsanitary “nursery[ies] of crime.”⁴² 1.2 million people in a city as a whole populated by 1.6 to 1.7 million people total.⁴⁴ The reformer, Jacob Riis, was an immigrant himself, a Dane that had immigrated to the U.S. in 1870, lived through extreme poverty in New York, later found employment as a journalist and, in 1888 had begun to dedicate himself to photography. With his early adoption of the photographic flash, Riis was able to penetrate deep into those sections of the City and its alleys and dwellings from which sunlight itself was so often barred. What he saw there and how he represented it spurred a new cycle of housing reform—a new set of laws that would, by codifying an aspirational standard, suddenly deem the overwhelming majority of immigrants homes informal.

The photographs, stark in their black and white relief, were offered to support Riis’ profoundly pessimistic view of the housing conditions for the poor in Manhattan. In widely lauded illustrated lectures beginning in 1890 and a number of books published in that decade—including the landmark “How the Other Half Lives” in 1890—Riis’ photographs and words captured a world populated by the colorfully described “street arabs” (homeless children), “Dens of Death” (wooden firetraps) and “piggeries,” single room homes constructed of “old boards and discarded roof tin” into any available open space downtown. The photographs of menacing figures massed in the “Bandit’s Roost” frightened, and the photographs of the interiors of the tenements elicited a mix of fear and pity. A room thirteen feet squared on Bayard Street was photographed with a dozen people, stacked in bunks and bunched on all square feet of the floor.⁴⁵

Families might rent the room and, finding themselves unable to pay the

42 “Matters We Ought to Know,” *New York Times*, n.d., January 4, 1891 edition. *New York Times*, January 4, 1891

43 Jacob A. Riis, *How the Other Half Lives*, 1st ed. (New York: Garrett Press, Inc., 1970), 2.

44 “Matters We Ought to Know.” *New York Times*, January 4, 1891

45 Jacob A. Riis, *Jacob A. Riis: Photographer & Citizen* (Millerton, N.Y: Aperture, 1974), 80.

full rent, be forced to take in lodgers—in the case of the Bayard Street unit, they could pay 5 cents for the space. In the time just before mass electrification of the city, Riis “trod upon a baby” in one dark tenement staircase—“a regular means of introduction” he insisted in a later text. Worse even than the darkened interior rooms, in the photographer’s estimation, were the cellars and attics of the buildings. In the attics, there was “scarcely enough room to turn around,” much less get a photograph, even “by placing the camera outside the open door.”⁴⁶ Presumably, these attic units were among the deadliest in the event of a fire. Worse yet, those that could only afford to live in the “mouldy cellar, where the water was ankle deep on the mud floor” were utterly deprived of light, and “looked more like hideous ghosts than living men... [they were] buried, literally, alive.”⁴⁷

Riis recorded the challenge to reform: “it will require the steady vigilance of the police for many months to make sure that the cellar is not again used for a living-room. Then...in all probability...the Sanitary Police in their midnight tours will find it a bedroom for mayhap a dozen lodgers, all of whom ‘happed in,’ as the tenant will swear the next day.”⁴⁸ The informal cellar units were hugely attractive to immigrants, to a point at which enforcement had to be extremely heavy handed in order to eliminate it. In case and point, Riis’ research prior to the 1890 book, work that detailed one of the worst blocks in lower Manhattan—the “Mulberry Bend”—led to the demolition of all structures on one side of the street. In their place came not some new ideal of housing, but a park. So long as the structures stood, seemingly, their affordability would, by drawing desperate renters, trump all other concerns, real as they were. Riis wrote of the early days of the tenement that “in its beginning, [the affordable units] became a real blessing to that class of industrious poor whose small earning limited their expenses, and whose employment in

46 Riis, *How the Other Half Lives*, 12.

47 Riis, *Jacob A. Riis*, 132.

48 Ibid.

workshops, stores, or about the warehouses and thoroughfares, render a near residence of much importance.”⁴⁹ As the explosion of manufacturing and commercial lofts in the 1880s in what would later become SoHo testified (as will be seen in Chapter III), the symbiosis of the tenement house and nearby spaces of work continued.

Riis’ photographic and written work was at the forefront of discussion at the turn of the century; the quarter of the city that lived outside of the tenement system and that, by dint of class, was empowered to legislate the ways in which people lived within those tenements, was aghast. The 1901 New York State Tenement House law that emerged from the flurry of debate set off by Riis’ work was far more proscriptive than the laws that preceded it. The details of what was to be restricted seem to match the floridness of Riis’ writing: wallpaper was not to be placed upon the wall unless all prior wallpaper will be removed first; goats were not to be kept in tenement houses; fat was not to be rendered on the premises without adequate fire protection. More fundamentally, crowding was to be restrained to a point at which every person was to be afforded six hundred cubic feet of air; no cellars (defined by the law as those that sat more than one half below the level of the curb) were to be lived in; fire-escapes made of “proper iron slats or floors” were to be directly accessible to each apartment; and “no room in a now existing tenement house shall hereafter be occupied for living purposes unless it shall have a window” that does not give onto the street or legal yard or court. The law restricted the ways in which people could use their spaces—undoubtedly for an eye for their betterment—and spelled out for the first time architectural rules for all new buildings housing more than two families. The 1901 law laid out height restrictions, construction materials, and even, by way of minimum yards, building envelopes.

In the immediate reaction to his work, the *Times* agreed that it is true, as

49 Riis, *How the Other Half Lives*, 8.

Riis declared, “that one-half of the world does not know how the other half lives.” But the paper’s editors went further; they asked of the other half, “Does it care?”⁵⁰ The strongest reforms yet in the realm of housing, and an unprecedented concern for the architectural standards of housing in the city seem to point to, at the least, an effort put forth by city leaders. There was a marked increase in enforcement of the laws that pertained to standing buildings: almost a thousand buildings were vacated in the first six months of 1902. And in 1903, two years after the passage of the act, the first commissioner of the newly-created Tenement House Department claimed that at least 500 new-law structures had been built: “there is not a single room which has not more light.”⁵¹

Civic Infrastructure and the End of an Era

Further, the annexation of the outer boroughs in 1898 had led to infrastructural development at an unprecedented scale at just the moment of the 1901 Law. The Brooklyn Bridge, as of its construction in 1883 the only East River crossing (aside from ferries), was to be joined by the Manhattan and Williamsburg bridges, both under construction in 1901 and set to connect Brooklyn directly to the densest tenement districts of the Lower East Side. Consolidation of the five boroughs had also led to a strong push for the development of the subway, sponsored by the city government and on track to link Manhattan to the other boroughs. The Tenement commissioner suggested in 1903 that these improvements in infrastructure would “probably solve [the] problem [of congestion] and give the people a chance to get homes where land is cheaper.”⁵² History has largely born out his hunch; the population of the Lower East Side would peak in the 1910 census, and its population density would be less than a quarter of that 1910 peak a hundred

50 “Matters We Ought to Know.” *New York Times*, January 4, 1891

51 “Tenement Law Defended,” *New York Times*, February 1, 1903.

52 Ibid.

years later.⁵³

The infrastructural interventions connecting the tenement districts to the broader city led to development of housing throughout the city—both new, large-scale tenements in Brooklyn, upper Manhattan, and especially the Bronx, and smaller one and two family homes would, over the following decades, spread throughout the city limits. New tenement districts, like those in the south Bronx, would necessarily build to the limits of the 1901's architectural prescriptions, but as they grew in number with the availability of developable land serviced by transit infrastructure, their rents would fall, and with them, crowding. By 1917, the Tenement House Department would cite the appeal of what he called the “suburbs”: “splendid transportation and accommodation...the little detached cottage with the garden patch” as contributing to a dramatic drop in demand for tenement accommodation.⁵⁴ While this certainly had negative implications for the owners of the tenements (both New and Old Law) in downtown Manhattan, who could no longer count on a profoundly marketable commodity, it was supposed that the light and air would be a boon to the newly mobile lower classes. No longer would they be obliged to live in “homes [that] had ceased to be sufficiently separate, decent, ... [and] wholesome influences of home and family” as the tenements had been in the opinion of the proto-city planners.⁵⁵

This sort of architectural determinism—the idea that the tenement buildings themselves produced not only physical but mental dangers in their residents—would be put to the test in two ways in the time since the emptying of the Lower East Side. That is, it would be tested both in seeing whether the developing ideal of the suburban home in the outer boroughs would necessarily lead to moral

53 Ira Rosenwaike, *Population History of New York City* (Syracuse, N.Y.: Syracuse University Press, 1972), 131.

54 William H. Abbott, “The Tenement Problems. Many Vacancies Found in Cheap Grade of Houses,” *New York Times*, September 30, 1917.

55 “Matters We Ought to Know.”

living, and in how the use of the tenements evolved through the 20th century. In the first quarter century of the 1900s, prototypically light, airy neighborhoods of varying densities would be planned and built in Queens: Jamaica, Jackson Heights, Woodside and Forest Hills chief amongst them. As we shall see in chapter IV, the panoply of architectures in these districts—especially in the former two—comprised of a single, dual, and multi-family homes; detached, semi-detached, and attached; have not had the effort of stamping out informal uses. Indeed, quite the opposite; in Richmond Hill, a low-density neighborhood now part of Queens where Jacob Riis lived while conducting his work in the slums, and where he could “shut out” what he had seen is now a prime example of immigrants to New York City informally remaking the metropolis in the 21st century. Fittingly enough, they do so in direct conflict with the 1901 law that his photographs in the crowded cellars and attics of the tenements spurred. Equally indicative, though, of the resurgence of informality in the Lower East Side was the rash of highly public squatting

Squatting, Renewal, and “Urban Renewal”

Squatting can perhaps best be defined as free living. While there are several informal housing arrangements in New York, as in the world, that occur outside of the standardized housing norm, squatters are distinguished by their ability to find housing without paying rent. In the words of its most distinguished investigator, Dutch sociologist Hans Pruijt, “squatting is living in – or using otherwise – a dwelling without the consent of its owner.” While this is the most commonly understood usage of the term in the built-out cities of the global north in the 21st century, squatting is also used extensively to refer to people living in dwellings they in effect own (by dint of having built them themselves) on land to which they have no legal claim. This second scenario is overwhelming encountered in the developing world (and in Manhattan, at least in the 19th century). For its incomparable affordability, its clear risks of eviction, and as will be described, its inability to gain

official city services, its necessitation of self-built or renovated architecture, and its reliance on communality, squatting in New York is a clear example of informal urbanism.

To distinguish squatting in the global north from squatting in the global south is a necessary step in discussing the two together, but it can quickly prove to be unnecessarily particularizing. To be certain, in each case a putative owner of the land is not the occupant, and has not given full legal permission to the occupant to be there. “Putative” is here a necessary adjective given the amount of anarchist logic—of the “all property is theft” tack—that surrounds these actions and their chosen explanations. This landholder may be a private individual, the government, a corporation, or, especially in some cases in contexts outside of the U.S., a form of communal land holding. This latter case is particularly key in the discussion of informal settlements around Mexico City, and incidentally forms a useful example of inherent legal and cultural differences between New York and other places where squatting occurs, differences that often have profound spatial and formal consequences.

In these international informal settlements, questions of enforcement and cultural tolerance have meant, in many cases, that informal settlements have de facto ownership over their land. The writer Robert Neuwirth, in his acclaimed squatter compendium *Shadow Cities* describes the favelas and gecekondus of Brazil and Turkey, where residents openly construct their homes on open land to which they have no legal claim. As he describes, some squatter communities without legal land tenure outside the U.S. have operated for the better part of a century. He describes being laughed at for at first failing to understand the ownership systems at play in Istanbul—asking, in that case, whether the residents owned their land (“‘we do’ [they said] choking back tears”) and then whether they held deeds (“they

roared.”)⁵⁶ In his words (in this case speaking on Brazil) “no one contests their possession”—the on-the-ground actions have often completely subsumed legal discussion.⁵⁷ Of course, as Hannah Dobbz’ history of squatting in the U.S. argues, the story of land tenure in the United States since the nation’s formation could be well summed-up as the contestation of land possession—especially if the settlement of the American West is considered.⁵⁸

Toward a Theory of Squatting

The history of squatting in New York City and the U.S. as a whole is marked by a much less friendlier reception than that experienced in Europe, much less those in Turkey, Brazil, or Mexico. Much of this is effectively chalked up to a society and legal structure particularly concerned with private property and a historical distrust of communalism. But, all the same, squatting in New York City has been a fixture throughout the city’s history. The early cases of self-built homes erected, rent-free, on borrowed land in Manhattan’s northern fringes have already been described. While these seem to have been wholly non-political actions, the reactions from the popular press make clear how radical the landed portions of the city’s perceptions of them were. In a national culture where private ownership of the single family home has a cultural aura propped up by hundreds of years of government action, from the Homestead Act to the mortgage interest deduction, squatting has always been understood as political.

Squatting has happened in two major spurts in 20th century New York City: in the seventies, after the rise and fall of the tenement era, ironically on the same grounds that once hosted some of the city’s 20,000 shanty dwellers in the mid 19th century, and from the eighties to the present day (more or less) in the Lower

56 Neuwirth, Robert, *Shadow Cities: A Billion Squatters, a New Urban World* (New York: Routledge, 2005), 19.

57 Ibid., 3.

58 Dobbz, Hannah, *Nine-Tenths of the Law: Property and Resistance in the United States* (Oakland, Calif.: AK Press, 2012).

East Side. These two movements, while admittedly minor in scale in comparison to the poorly-documented shanty era or to contemporary squatter's movements in other countries, nonetheless are indicative of a number of housing issues in the city through time and are especially interesting in regards to the different official responses experienced by the two movements. The two instances of New York squatters, like the loft dwellers before them, have been covered extensively by the popular press and have drawn surprisingly little attention from planning theorists and historians. Indeed, there is very little theory written on the experience of squatting in the United States; as such, it is necessary to rely in some ways on the frameworks provided by European scholars.

Hans Pruijt posits a model of five configurations of squatting: deprivation-based squatting, squatting as an alternative housing strategy, entrepreneurial squatting, conservational squatting, and political squatting. His model is based on his histories of actions in Europe: in his native Netherlands, in the UK, Germany, and Italy—in each case, the site of high-profile squatter's movements throughout the 20th century. Again, while the scale, in terms both of number of people involved and of buildings occupied dwarfs those to be described in this chapter, his model well describes both movements, and indeed, I will argue, can be extended even to those cases, like SoHo, where the occupations cannot be strictly described as squatting.

By 1970, the tenement era, as described in the first half of this chapter, had utterly come to an end. Even the infrastructures that are taken for granted as part of the historical fabric of the city—the bridges across the East River and the subway system—had had the effect of reducing Manhattan's population density, as was noticed as early as 1917. As New Law tenements were constructed in the Bronx and in Brooklyn in great numbers in the 1910s and 20s, the residents of the Lower East Side dissipated; by the era of über-planner Robert Moses and his new parkways

and bridges that enabled the development of suburbs up to the city limits (and indeed far beyond them) vast areas of the city were left to society's least mobile. More recent immigrants from the American south and from Puerto Rico had yet to attain the modicum of income that would allow them to buy cars, and in any case were largely barred from the new class of suburbs on account of their race, came to inhabit much of the tenements districts of Manhattan, the Bronx, and Brooklyn.

Basta Ya: "Urban Renewal" and Squatting as Resistance

Moses' era was also marked by the invocation of urban renewal, wherein a glut of post-war federal funds were leveraged to create new, modern housing and public amenities that, it was hoped, would lure wealthy residents back to the city, and keep those that threatened to leave. The Washington Square Village development for example, produced in partnership with New York University in the area directly to the north of SoHo in the late 1950s, was an early example of the destruction of historical urban (in that case industrial) fabric for the purposes of inserting modernist middle-income housing blocks into the city. Another high-profile case was the destruction of now-aging tenement blocks on the Upper West Side to develop both housing and a new home for the city's fine arts establishments at Lincoln Center; the displacement of hundreds of Puerto Rican families for the production of space for one of the most patrician of the performing arts—opera—starkly demonstrates for whom the federal funds were targeted.⁵⁹ Massive middle-income housing projects, like Stuyvesant Town and Peter Cooper Village to the north of the Lower East Side, and housing for the poor, constructed under the auspices of the New York City Housing Authority on the Lower East Side and many other places throughout the city demonstrate a far more mixed group of beneficiaries, albeit with the same concomitant displacement of the poor and destruction of aging buildings.

59 Samuel Zipp, *Manhattan Projects: The Rise and Fall of Urban Renewal in Cold War New York* (Oxford ; New York: Oxford University Press, 2010).

Urban renewal was most often a costly process of “slum clearance.” Federal funds for renewal in New York, as elsewhere, were used mainly in the demolition of structures and neighborhoods that were seen as outmoded.⁶⁰ The West Side Urban Renewal Area, as the area between 87th and 97th streets and Central Park and Amsterdam Avenue was dubbed, was to be a \$100 million remaking of a district. It would pair the destruction of a number of “old-law tenements” with the rehabilitation of “decaying brownstones, many of which were used as single-room-occupancy hotels,” and the construction of a number of high-rise “basically middle-income buildings.”⁶¹ Estimates in 1960, when the project was initiated, supposed that more than 10,000 households would need to be relocated in the process; while the responsible parties in city government (the City Housing and Redevelopment Board) assured residents of a right to the new units, the total destruction of the nearby neighborhood for the Lincoln Center project led many to distrust the city. After all, the neighborhood that had been gutted to be remade as the new home of the arts had once been called “San Juan Hill” for its preponderance of Puerto Ricans—that is, before some five hundred buildings were destroyed and six thousand families were evicted around 1958.⁶² When it was delineated in 1959, the West Side Urban Renewal Area was similarly inhabited by Puerto Rican immigrants and their children.

The descriptions of the district contained within the preliminary plan—essentially the point of view that sought to justify widespread demolition of the neighborhood—in many ways harken back to the descriptions tenement era. The

60 Lang, Robert E., and Rebecca R. Sohmer., “Legacy of the Housing Act of 1949: The Past, Present, and Future of Federal Housing and Urban Policy.,” *Housing Policy Debate* 11, no. 2 (2000): 291–98.

61 Kaufman, Michael T., “West Side Debate Echoes Forest Hills,” *New York Times*, December 21, 1971.

62 Maeder, Jay, “Displaced Persons Lincoln Center, September 1962,” *New York Daily News*, April 4, 2001, <http://www.nydailynews.com/archives/news/displaced-persons-lincoln-center-september-1962-chapter-314-article-1.901868>.

neighborhood had experienced profound white flight in the years leading up to the study; white population had dropped from 93.8% to 57.5% between 1950 and 1956. Mistreated by their landlords, some of whom would describe their immigrant tenants as late as 1971 as “not completely civilized,” Puerto Ricans accounted for a third of the tenants in 1956.⁶³ They crowded into the existing fabric in order to afford rent, as the marginal occupants of the Lower East Side tenements had before them—between 1950 and 1956, the overall population of the area had increased by 16 percent.⁶⁴ Many of the new residents of the neighborhood lived in (in both the tenement structures and the brownstones) in single room occupancy units, “often occupied by entire families.”⁶⁵ Later, when radical action had brought press attention to the district, there were stories of deprivation-based informal settlement of the sort that Riis had once documented, such as “one building where a woman was living in the cellar behind the boiler with seven kids.”⁶⁶

In April of 1970, after the old law tenements had largely been vacated, and after many of the rowhouses in the neighborhood had begun to be bought by relatively upper-class newcomers to the neighborhood, radical self-housing action erupted for the first time in upper Manhattan since the “squatter’s” shanty houses of roughly a hundred years before had been cleared. Prompted in part by the death of a young Puerto Rican boy from carbon monoxide poisoning in a first-floor apartment nearby, some twenty nine families, aided by various activists wielding crowbars, took up residence in nine vacant, boarded up buildings condemned for demolition under the WSURA regime.⁶⁷ The city’s immediate response was to

63 Shipler, David K., “Shortage of Housing Here Expected to Grow Worse,” *New York Times*, August 10, 1970.

64 The City of New York Urban Renewal Board, “Preliminary Plan for the West Side Urban Renewal Area,” 1959.

65 Ibid.

66 Shipler, David K., “Squatters Cast Doubt on Housing Plans,” *New York Times*, October 11, 1970.

67 Muzio, Rose, “The Struggle Against ‘Urban Renewal’ in Manhattan’s Upper West Side and the Emergence of El Comité,” *Centro Journal* 21, no. 2 (Fall 2009): 110 – 141.

“threaten eviction...and [send crews] with sledgehammers and crow-bars to break up fixtures” to discourage the squatters.⁶⁸ One woman now occupying a six-room apartment with her nine-member family described the “one big room” on 80th street that she had moved from.⁶⁹ The movement, dubbed “Operation Move-In” by some of its organizers who operated from a squatted storefront they had found vacant, eventually grew to encompass two hundred families on the Upper West Side.⁷⁰

The movement encompassed several actions, purposefully unified by the methodology of occupying space that did not belong to the occupants; as such, they can be described by several of Pruijt’s proposed configurations of squatting. As the various actors argued both for the preservation of the old-law buildings, which they saw as “paradoxically...in better condition than many that will be left standing outside the area,” they could be described both as “conservational squatting.”⁷¹ As Pruijt notes in several European examples, squatting has often been utilized in the “conservational” mode: “as a tactic used in the preservation of a cityscape or landscape against efficiency-driven planned transformation.”⁷² As the buildings are cleared of residents in order to be demolished, there are often opportunities in such cases for occupation, and, Pruijt argues, the actions are often successful in gaining concessions, if not in protecting the buildings themselves.

The “West Side squatters,” as they came to be called in the press rarely spoke with a single voice, but activists associated with the actions pressed—in the event that the squatted buildings were not preserved for the needy occupiers—that there be an increase in the number of low-income units in the eventual government-

68 Shipler, David K., “Poor Families Taking Over Condemned Buildings,” *New York Times*, April 24, 1970.

69 Ibid.

70 Muzio, Rose, “The Struggle Against ‘Urban Renewal’ in Manhattan’s Upper West Side and the Emergence of El Comité.”

71 Pruijt, Hans, “The Logic of Urban Squatting,” *International Journal of Urban and Regional Research* 37, no. 1 (January 2013): 19–45.

72 Ibid., 19.

funded construction, from 13% in the original plan to 30%—an unprecedented number at the time for the federally funded urban renewal projects. By summer 1971, when the *New York Times* reported that some 200 squatters were still occupying buildings, the city began to offer the squatters the right to stay, should they only begin to pay rent to the city, and announced that the city would construct 946 more low-income housing units.⁷³

The results of the actions were mixed. By 1982, “of at least 8,000 to 9,000 families displaced from substandard apartments demolished during the renewal, [a representative of a neighborhood group] said, only about 2,000 have returned.”⁷⁴ Meanwhile, the brownstones in the area had seen some 2500 units renovated and occupied by “middle- and upper-class tenants,” many of whom organized and argued stridently against the construction of low income housing—a cry of “let them go back to Puerto Rico!” was heard in 1971 public meeting.⁷⁵ The portions of the Puerto Rican activist community that had occupied a storefront from which to organize had undoubtedly enacted Puijijt’s squatting configuration of “entrepreneurial squatting,” by which he means the creation of community spaces “without the need of large resources or the risk of becoming mired in bureaucracy.”⁷⁶ Seen at large scales in Italy, in the Netherlands and in the UK, such “social centers” have a long history in Europe, and indeed an crucial, if limited experience in New York—as practiced here and in the Lower East Side, as we shall see. In Europe, Puijijt writes, the social centers have a key role in a broad range of anti-establishment activities, and in building community ties more generally. In the case of the WSURA activists, the occupied storefront mentioned above was a key meeting place for the Puerto Rican activists during the actions themselves, and provided a space where, it has

73 Weisman, Steven R., “Squatters Asked to Pay City Rents,” *New York Times*, June 14, 1971.

74 Blumenthal, Ralph, “Renewal of the West Side A Slow-Moving Story,” *New York Times*, September 29, 1982.

75 Kaufman, Michael T., “West Side Debate Echoes Forest Hills.”

76 Puijijt, Hans, “The Logic of Urban Squatting,” 19.

been demonstrated, an important Puerto Rican activist organization with aims far beyond Manhattan was able to form.⁷⁷

After the Squats—The Upper West Side

Indisputably, the neighborhood was given over to the brownstone dwellers, whose homes now form some of the most expensive blocks in the city. The tenement buildings that saw the most squatting action were demolished, and replaced with modernist high-rise structures for both middle- and upper-income housing. The actions of the West Side squatters were able, through their resistance, to eke out more housing for their communities than it seems would have been provided by the original urban renewal plan; in the process, they were able to form a more cohesive community than had been seen under similar circumstances, as in the Lincoln Center evictions. The plight of the marginalized communities, left to make do in cellars and single rooms as their immigrant forebears in the Lower East Side had done in Riis' time, was again brought to the media forefront by the public actions. But the West Side squatters are not often remembered, and while urban renewal is simply not done in the city in the way it was practiced in the middle of the 20th century, it would be irresponsible to credit the squatters with that change. The city's response to the squatters was measured, but the outcome was essentially that which the planners had laid out in the WSURA preliminary report: the dissipation of a Puerto Rican population, and the demolition of existing, seemingly outdated structures in order to produce new housing.

At precisely the same moment that the squatters sat in units from which they could be evicted at any moment, attempting to live with fixtures that had been smashed by city employees, the City Planning Commission voted 4 to 0 to permit artists to live in informal lofts in SoHo. One form of informal settlement was normalized, while another was repressed. After all the squatters had left, and the

⁷⁷ Muzio, Rose, "The Struggle Against 'Urban Renewal' in Manhattan's Upper West Side and the Emergence of El Comité."

tenements in which they lived torn down, in 1976, the city was landmarking SoHo, ensuring that no building could be demolished or even externally altered without permission. We will come to the question of why one succeeded when another failed later, but the synchronicity of the occasions is important to note. Where the city's position was one where the "best thing [they could] do [was] to leave SoHo the way it is," (at least physically, giving the artists free reign to the interiors) seemingly the best thing that the City could do to the Upper West Side was to utterly physically remake the neighborhood, inside and out.

Disinvestment on the Lower East Side

While the West Side Urban Renewal Area had seen capital disinvestment paired with increased density in the mid fifties, and rehabilitation and gentrification paired with clearance during the urban renewal regime in the seventies, large parts of New York City in the same period saw only despair. In the years between 1969 and 1976—a period that includes the crisis brought on by the 1973 oil embargo—half a million jobs were lost.⁷⁸ Manufacturing jobs in particular, the foundation of employment, income, and social mobility in the poorest tenement neighborhoods in the city's early modern era, had declined from a post-war high of 1 million to little more than half that number in 1975.⁷⁹ In 1979, the Department of Buildings estimated that 70,000 buildings were vacant, that most of them had been subject to "stripping" by scavengers, and that 11,000 of the number were structurally unsafe.⁸⁰ The city itself had come to own some 6000 vacant buildings through seizure on the grounds of unpaid taxes.⁸¹ In 1973, the Fire Department recorded 11,300 fires of

78 Starr, Roger, "Making New York Smaller: The City's Economic Outlook Remains Grim.," *New York Times*, November 14, 1976.

79 Bram, Jason and Anderson, Michael, "Declining Manufacturing Employment in the New York-New Jersey Region: 1969-99," *Current Issues in Economics and Finance* 7, no. 1 (January 2001).

80 Maruca, Janice, "Scavenging for Metal and Fixtures in Deserted New York Buildings," *New York Times*, March 11, 1979.

81 Dobbz, *Nine-Tenths of the Law*, 87.

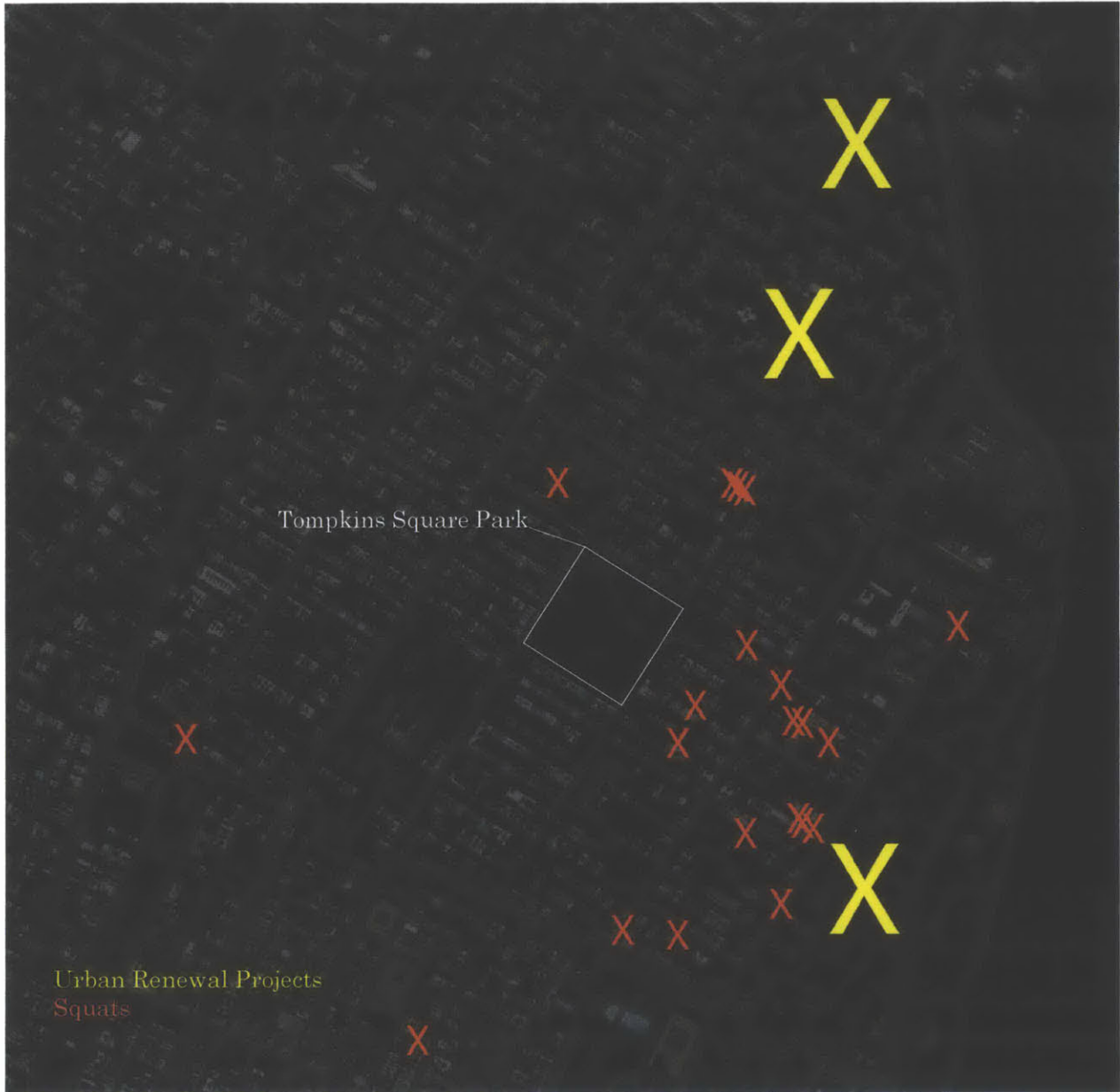


Figure 3: Urban Renewal Projects and the 21 extant Squats in the year 2000 in the East Village

“non-accidental origin;” whole blocks of tenements in the South Bronx and Brooklyn were being gutted by arson.⁸² An estimated sixty million dollars of property were being lost to arson annually.⁸³ The nadir came in 1975, when the city was nearly forced to declare bankruptcy and was famously rebuffed by President Gerald Ford when it sought federal loans to balance its budget, at least at first; a loan of some \$2.3 billion would later help the city to avoid total economic collapse.⁸⁴ An aide to Mayor Abe Beame, Roger Starr, publicly proposed a policy of “planned shrinkage,” wherein the city would “thin out services” in districts that were losing population with the hopes of accelerating the trend.⁸⁵ The plan would roundly denounced by both the public and the Beame administration, but, as that aide predicted, the city continued to lose population as a whole. From 1970 to 1980, New York would lose to 600,000 people’s homes to fire and abandonment.⁸⁶

Physically and financially, then, the city writ large faced huge challenges in the mid seventies. The Lower East Side, an area once typified by immense densities and an insatiable demand for any semblance of tenement housing, faced instead a trend of abandonment, arson, and crime. While Starr called out the Lower East Side as a neighborhood where there was a “continued willingness to live” and where planned shrinkage might not be as necessary as in the South Bronx or Brownsville, the neighborhood was still, in 1971, targeted for urban renewal.⁸⁷ The city report that “envisioned” (in the *Times*’ words) a “new Lower East Side” declared that some 35,000 apartments in the neighborhood “are not fit to live in” and that they should

82 Shapiro, Fred C., “Raking the Ashes of the Epidemic of Flame,” *New York Times*, July 13, 1975.

83 Ibid.

84 Jen Chung, “Ford’s ‘Drop Dead’ Tactics Actually Helped the City,” *Gothamist.com*, December 28, 2006, http://gothamist.com/2006/12/28/fords_drop_dead.php#.

85 Joseph P. Fried, “City’s Housing Administrator Proposes ‘Planned Shrinkage’ of Some Slums,” *New York Times*, February 3, 1976.

86 Joe Flood, *The Fires: How a Computer Formula Burned down New York City--and Determined the Future of American Cities* (New York: Riverhead Books, 2010), 18.

87 Fried, “City’s Housing Administrator Proposes ‘Planned Shrinkage’ of Some Slums.”

be torn down.⁸⁸ The findings of the report, “Forging a Future for the Lower East Side,” found that forty per cent of households depend on welfare, social security or related benefits, the district had lost 26,000 residents in twenty years. It found that in ten years, 10,000 low rent tenements were lost, 7000 of them by urban renewal and new projects; of the 8773 new apartments replacing them, only 1877 were low-rent.⁸⁹ The rest was moderate income housing occupied by whites, even though the white population declined during this period by 23 percent. Puerto Rican population, on the other hand, had quadrupled to 37% of the area.⁹⁰ There were hundreds of vacant tenement buildings, and after 1967, a 20-acre block of vacant land along Delancey Street, at the landing of the Williamsburg bridge, that had been cleared for as part of a “Seward Park Urban Renewal Area.”⁹¹

The neighborhood between Delancey and 14th street, and between Second Avenue and the East River—roughly the same neighborhood that had been surveyed as a typical tenement district in the 1870s, as mentioned above—was again in the seventies typical of many tenement districts in the city. It had by this time become a district of vacant land where buildings had been torn down or collapsed, burned out husks, occupied tenements, and a smattering of urban renewal projects like the Jacob Riis Houses, a City Housing Authority project of 19 modernist brick apartments on the East River. A large park, Tompkins Square, took up several blocks in the neighborhood and has formed one of the largest public open spaces in Manhattan below 14th street since its formation in the late 18th century. Photographs from the seventies show brick-strewn lots, broken-out tenement windows, and children in the streets; in the face of the disinvestment, Puerto Rican

88 Steven R. Weisman, “A New Lower East Side Envisioned in City Report,” *New York Times*, n.d., 5/23/1971 edition.

89 Ibid.

90 Ibid.

91 Russ Buettner, “They Kept a Lower East Side Lot Vacant for Decades,” *New York Times*, March 21, 2014.

families remained.

Early Notes of Gentrification

There was an influx of other newcomers types in the neighborhood as well—as early as 1964, there are *New York Times* reports of an “affluent set” of “artists and writers” moving into tenement housing in what was beginning to be known as the East Village: the portion of the neighborhood to the north of Houston Street. In earlier times, the whole of the neighborhood had been known as the Lower East Side, but building off the cachet of Greenwich Village, a rebranding of sorts was in effect.⁹² Others, even if they weren’t settling in the neighborhood, were lured by what the *Times* described as cheap drinks and “atmosphere.” There was a brief, albeit highly visible hippie moment in the neighborhood, occupying some tenement dwellings and spending summers in Tompkins Square.⁹³ In 1966 and 1967, some two thousand young, middle class hippies—in the *Times*’ judgment: “some beatniks, some intellectuals, and some genuine intellectuals” were estimated to have moved into tenements around Tompkins Square.⁹⁴ The tide broke only when an eighteen-year-old girl from upper-class Greenwich, Connecticut and her boyfriend, a hippie known as “Groovy” were found murdered in a tenement basement, and the tone turned dramatically.⁹⁵ What Lower East Side historian Christopher Mele terms the “brief real estate revival” of the mid-sixties screeched to a halt.⁹⁶ In the words of one resident, “the neighborhood was built as a slum—and that’s what it still is.”⁹⁷

But the “slum” remained attractive to many outsiders, as well as to the

92 Charlotte Curtis, “The Affluent Set Invades the East Village,” *New York Times*, November 29, 1964.

93 Christopher Mele, *Selling the Lower East Side: Culture, Real Estate, and Resistance in New York City*, Globalization and Community, v. 5 (Minneapolis: University of Minnesota Press, 2000), 161.

94 Paul Hofmann, “Hippies Heighten East Side Tensions,” *New York Times*, June 3, 1967.

95 Emanuel Perlmutter, “Girl, Youth Slain in ‘Village’ Cellar,” *New York Times*, October 9, 1967.

96 Mele, *Selling the Lower East Side*, 168.

97 *Ibid.*, 177.

Puerto Rican and Black residents that weathered the various fads. Middle-class whites, seeking good deals on brownstones as they had in the WSURA area, bought homes that they described as among the last to buy in the “\$12,000 to \$20,000 category,” well aware that none of them were “poor compared to the neighborhood.”⁹⁸ The homeowners interviewed by the *Times* were writers, dancers, composers, and podiatrists, all of them white, and certainly rich in “cultural and social capital, [if] not in economic capital,” to borrow Pruijt’s description of the squatters that would follow these paying newcomers.⁹⁹ The residents noted “an incredible number of gutted buildings and squatters,” and seem to place themselves in opposition to that latter phenomenon, then in its early stages in the neighborhood.¹⁰⁰

Indeed, as in the West Side Urban Renewal Area, their choice of architectural typology to inhabit—the rowhome, instead of the Old- & New-law tenement structures—set them apart from the tenement squatters, and from the legal tenement dwellers. It was as if only part of the neighborhood was “built as a slum:” the tenements themselves. Perhaps the rowhomes had only gone unloved. However, the rowhome gentrifiers share much in common with the squatters that would come to occupy the tenements: they sought out the Lower East Side because they could not afford to live elsewhere, they took a great deal of pride in the fact that they “broke [their] backs fixing them up,” (as one of the homeowners described) and they were able to find a small, affordable space of their own because of the same lack of capital flowing into the neighborhood. According to another resident of the neighborhood in the 1974 article, “nobody wants to lend money in this neighborhood,” whether because of coordinated bank redlining or ad hoc distrust

98 Carter B. Horsley, “Lower East Side Tests Homeowners,” *New York Times*, January 6, 1974.

99 Hans Pruijt, “Is the Institutionalization of Urban Movements Inevitable? A Comparison of the Opportunities for Sustained Squatting in New York City and Amsterdam,” *International Journal of Urban and Regional Research* 27, no. 1 (March 2003): 143.

100 Horsley, “Lower East Side Tests Homeowners.”

in the neighborhood's long-term vitality. This meant, for these newcomers as well as for the squatters, that there was no economic competition from real estate development, and that they would be forced to, in terms of physically remaking their homes, make their own way.

From 1970 to 1980, as Mele demonstrates through census records, almost half of the private housing in the eastern half of the neighborhood was destroyed. At the close of the seventies, there was a great deal of open-air drug dealing: “a robust underground economy of heroin and cocaine” for the whole tri-state area, but there were also the first community gardens in a neighborhood.¹⁰¹ The neighborhood was bifurcated: some vacant lots turned into spaces for plums and cherries by activists, others for drug markets; some tenements used to house the working poor, others makeshift hangouts for addicts. It was in this space, simultaneously a still active immigrant community (though now comprised largely second generation or later Puerto-Ricans) and a district filled with empty buildings and vacant lots—with spatial opportunities for action.

Homesteading and/or Squatting

Broadly speaking, the practice of renovating the tenements of the East Village were divided between those working within city legal structures and those working outside of them. The former is termed homesteading, while the latter is called squatting. There is, little certainty as to when the latter began—one author on the subject traces squatting back to the phenomenon of “crash pads” during the hippie period while also conjecturing a connection to the ethnically linked West Side squatters.¹⁰² Small notes in the *New York Times* date persistent squatting in the Lower East Side to at least 1970; the record of the townhouse gentrifiers in

101 Mele, *Selling the Lower East Side*, 197.

102 Andrew Van Kleunen, “The Squatters: A Chorus of Voices... But Is Anyone Listening,” in *From Urban Village to East Village: The Battle for New York's Lower East Side*, ed. Janet L. Abu-Lughod, 1st ed. (Cambridge, Mass: Blackwell Publishers, 1994), 288.

1974 also mentions the term.¹⁰³ It's been argued that the homesteading movement found "much of its inspiration in the defiant illegality of squatting."¹⁰⁴ In any case, squatting in Manhattan in the sense of occupying vacant tenements dates back at least to the prominent West Side actions in 1970, and if similar actions occurred on the Lower East Side in the early seventies, they were at a small scale and certainly less organized and prominent.

Hannah Dobbz' excellent history of squatting in the United States places homesteading in New York City in the broader context of federally-funded homesteading projects, run by the federal Department of Housing and Urban Development (HUD) in the wake of the discontinuation of large scale urban renewal in 1975.¹⁰⁵ Nationally, in cities as prominent as Philadelphia and Baltimore and as mundane as Islip, New York and Nanticoke, PA, HUD provided a framework for cities and private benevolent agencies within those cities to enable people to renovate distressed, publicly-owned properties and eventually gain clear title to them. In the program's heyday before 1984, hundreds of single-family homes were transferred to private homesteaders.¹⁰⁶ Given the prevailing architectural typologies of Baltimore and Philadelphia, these were rowhomes of the sort that were being renovated with private funds on the Upper West Side and in the East Village. (Though it should be said that, as distinct from the image in the press of the New York renovators, the homesteaders nationally were more often black than white, and in Baltimore and Philadelphia, they were almost exclusively black.¹⁰⁷

The net benefit to the government (as consultants hired to evaluate the homestead project wrote in their 1981 summary report) was that the "rehabilitation and reoccupancy of homestead properties... [has] a direct, positive influence on the

103 "Phone Company Gets Writ Barring Building Squatters," *New York Times*, October 6, 1970.

104 Van Kleunen, "From Urban Village to East Village," 288.

105 Dobbz, *Nine-Tenths of the Law*, 68.

106 *Ibid.*, 80–82.

107 *Ibid.*, 75.

immediately surrounding properties and an overall impact on the stabilization of the homesteading neighborhoods.”¹⁰⁸ In other parts of the summary, HUD noted that socioeconomic decline was slowed or stopped, that the homesteaders had generally performed a substantial proportion of the repairs, and had produced “high quality workmanship” in doing so.¹⁰⁹ Very few (61 of 1932) dropped out of the program and 81% nationally said that they had been given adequate support from the agency that helped them.¹¹⁰ By the end of the eighties, though, as housing markets in many cities recovered, the legislation was repealed, and federal money going to private homeowners to rehabilitate distressed properties was effectively outlawed.¹¹¹

Still, in Dobbz’ (admittedly radical) critique, the national program did not go far enough. It carefully selected the people to whom support would be given, those that she characterizes as “poor, but not too poor... “an anomaly, serendipitously floating into just the right crack between middle-class and poverty.”¹¹² Further, the program was well suited for single-family homes, but the neighborhoods of New York in greatest need of rehabilitation were those that had inherited large multi-family buildings: most often tenements. For a neighborhood like the Lower East Side to survive, the tenements themselves would either have to be rehabilitated, or else cleared and the whole fabric reimaged.

The Urban Homesteading Assistance Board

The City of New York’s Department of Housing Preservation and Development (HPD) was charged with administering the federal dollars, and to do so, HPD created the Urban Homesteading Assistance Board (UHAB). UHAB

108 Anthony J. Blackburn, Molly Beals Millman, and Ann B. Schnare, “Evaluation of the Urban Homesteading Demonstration Program: Final Report” (U.S. Department of Housing and Urban Development, March 1981), 7.

109 Ibid., 5.

110 Ibid., 49.

111 Dobbz, *Nine-Tenths of the Law*, 82.

112 Ibid., 75.

would work with groups of people—often tenants that were left in buildings after their landlord had abandoned their property or failed to pay taxes—to rehab the buildings and form cooperatives. The residents, with some amount of “sweat equity”, or self-provided labor, and with money funneled through UHAB, would eventually be able to gain legal title to their apartments. Specifically, as part of the predominant cooperative ownership model of New York’s multiple-unit buildings, tenants would be granted shares in the building as a whole, which would correspond to their unit. The city, in turn, was able to divest itself of some of the numerous buildings they had inadvertently obtained through the urban crisis, and return them to the tax rolls. Further, and more abstractly, it was hoped that tenants would, in the words of UHAB head Ian Donald Turner, “get involved at every stage and [would be able to] control their own destinies” in the process.¹¹³ Between 1984 and 1992, UHAB rehabilitated 45,000 units in vacant city-owned buildings. The average per unit cost was \$65,000, an amount that exceeded the HUD maximum of \$57,856; UHAB and its parent, the HPD, had to pay the difference.¹¹⁴

“Then the Squatters Came”¹¹⁵

In the same period that the city-sanctioned homesteading program operated, between 1973 and 1992, other groups set upon the same task of occupying city-owned tenement buildings in the East Village and transforming them from vacant structures into homes. Effectively, the only difference was that they did not seek permission from the city, nor did they pay rent. They chose to target only city-owned properties because the city, so over its head with budget crises, arson, and other symptoms of the “urban crisis” had little ability to monitor its thousands of properties. The new squatters were often white, a fact that set them apart

113 Rita Reif, “Some Subsidized Co-Ops Far From Pioneers’ Ideal,” *New York Times*, January 25, 1976.

114 Malve von Hassell, *Homesteading in New York City, 1978-1993: The Divided Heart of Loisa-ida*, Contemporary Urban Studies (Westport, Conn: Bergin & Garvey, 1996).

115 Ibid.

from much of the neighborhood, and certainly from most tenement dwellers, though many sought the inclusion of the people of color in the neighborhood, and the movement was, to an extent diverse. While the interaction between white newcomers to the neighborhood and Puerto Rican radicals inspired by the West Side activists does not seem well documented, it seems hard to imagine that the two would not have crossed paths or collaborated. Many of the new squatters were radical leftists; they positioned themselves against the homesteading movement, dismissing the idea of working within the system. By the middle of the eighties, there were 500 squatters living in 32 buildings on the Lower East Side.¹¹⁶

The buildings, like those that had been occupied through the homesteading program, were in need of intensive rehabilitation. One squatter who moved into a building on Avenue C found it without a roof.¹¹⁷ Entire floors would have to be structurally repaired, the rotted joists replaced. Residents in some cases had to build the stairs of the building, to deal with pigeons flying in and out of the broken windowframes; “it was like camping.”¹¹⁸ Like the shanty-dwellers of a hundred years prior, the squatters lived without water and electricity; one resident recalls “lugging five gallons of water up the stairs...and lugging five gallons of urine down and dumping it in the sewer.”¹¹⁹ The squatters undoubtedly had varied reasons for choosing to live in these conditions—radical politics being a commonly cited assumption—but the affordability could hardly be matched. In the same breath, a squatter building their own homes could brag of being able to complete the renovation for less than the \$75,000 per unit the homesteaders were spending, and also take pride in removing the housing “from the commodity system.”¹²⁰

A single mother living in a squat in the nineties, noting that she earned too

116 Pruijt, “Is the Institutionalization of Urban Movements Inevitable?,” 139.

117 Amy Barrett, “Abandon It, And They Will Come,” *New York Times*, October 6, 2002.

118 Ibid.

119 Ibid.

120 Van Kleunen, “From Urban Village to East Village,” 297.

little to quality for low-income housing as priced by the HPD, claimed the only “real low-income housing being developed in [the] area [were] the squats.”¹²¹ One family recalls living in a squatted building while participating in the construction of an official homestead project, only to abandon the government program when they realized how little they would have to live on once they relied on government support in the HPD-administered homestead. Another squat, when it was evicted in 1989, played host to “a Puerto Rican poet, an artist, a ‘professional slam-dancer,’ a local activist, and the family of a former coal miner from West Virginia.”¹²² The homes were subject to eviction at any moment the city chose.

Where, as Dobbz’ writes, the homesteading system was ill-prepared to support the most needy New Yorkers, the squatters sought to support the highly visible homeless population in Tompkins Square Park and in the vacant lots further east. Squats played host to the formerly homeless, and (whether through a generalized antipathy for the police or a genuine concern for the plight of the least fortunate) fought to defend them. The squatters thought of themselves “organizing around space”(in the words of squatting leader Frank Morales) and the domain of that space seemed to begin with the buildings themselves and envelope the whole neighborhood and its centerpiece, Tompkins Square.¹²³ When the city came in 1988 to clear out the camp of “nearly 150 homeless,” more than 150 protestors—many of them squatters—marched out of the tenements and into the park, “waving banners proclaiming “Gentrification is Class War.” The night culminated in a riot, with protestors throwing bottles and police covering their badges and beating many in the crowd; the headline of the staff editorial read “Yes, a Police Riot.”¹²⁴ The three

121 Ibid., 296.

122 Mele, *Selling the Lower East Side*, 103.

123 Sarah Ferguson, “The Struggle for Space: 10 Years of Turf Battling on the Lower East Side,” in *Resistance: A Radical Political and Social History of the Lower East Side*, ed. Clayton Patterson, Joe Flood, and Alan Moore, Seven stories press 1st ed (New York: Seven Stories Press, 2007), 142.

124 “Yes, A Police Riot,” *New York Times*, August 26, 1988.

hundred homeless men removed from the park were not given formal housing in the city's overburdened housing for the poor, and so they filtered further through the informal system, moving into local squats, into "shantytown communities...erected" on vacant lots to the east of the park, or into "existing collections of shanties under the Brooklyn, Manhattan, and Williamsburg Bridges."¹²⁵

A Fight for Space

Conflicts between the squatters and the city had been rising since the early 80s, and can be roughly correlated to an increase in investment interest in the district. The squatters organized for the social preservation of the neighborhood as a whole. The Christadora, a high-rise building sitting adjacent to Tompkins Square Park was sold for redevelopment for upwards of \$3 million in 1984; the same article that recorded the uptick in real estate development interest noted, almost incidentally, a large police crackdown on drugs in the district, dubbed "Operation Pressure Point," that had begun that year.¹²⁶ The gentrification of the neighborhood's extant physical spaces was a paradigmatic of the phenomenon; geographer Neil Smith used the East Village in his crucial study of gentrification, 1994's "The New Urban Frontier." As late as 1978, the *Times* wondered, in a report on a proposal to use a minor architectural intervention to modernize a block of old-law tenements "what, after all, can be done with a hodgepodge of scattered and antiquated 19th-century walkups, built as railroad flats with inadequate light and air." That is, "if from a social standpoint there is a neighborhood to be 'saved'."¹²⁷ In 1971, the plan that envisioned a "new Lower East Side," to be accomplished by clearing half of the neighborhood's buildings, was motivated (in the words of its

125 Neil Smith, *The New Urban Frontier: Gentrification and the Revanchist City* (London; New York: Routledge, 1996), 6.

126 Anthony DePalma, "Can City's Plan Rebuild the Lower East Side," *New York Times*, October 14, 1984.

127 Alan S. Oser, "Tenement Rehabilitation Test Due for Lower East Side Area," *New York Times*, June 23, 1978.

authors) by a fear that “the slums cannot be contained. No urban neighborhood will be protected enough, no suburb will be remote enough to escape the crime, addiction, and disease bred in the city’s slum communities.”¹²⁸ Dramatic physical action was necessary to avoid finding out what would happen “what will become of the Lower East Side and communities like it if apathy, neglect, and indifference are allowed to continue.”¹²⁹ Social action was not considered, not even gentrification; the Lower East Side was, in the waning years of the mid-20th century urban renewal mindset, to be remade through physical, architectural action, or lost forever.

Post-Renewal

The city’s sponsorship of homesteading through the UHAB marks a profound shift away from demolition and modernization and toward a less drastic reforming action. The experiment of funding tenant-controlled rehabilitation was undertaken in the neighborhood, but does not seem to have been the terminal strategy for the district. Had it been, one would imagine that a targeted sweep to illegal the drug markets might have occurred in concert with the UHAB-sponsored occupations. A 1981 proposal by then mayor Ed Koch to turn abandoned tenements into middle-income housing for artists seemed a cynical attempt to capitalize on the ongoing gentrification of SoHo (see chapter III)—blaming “avaricious landlords” displacing the original artists that did “all the work” in SoHo, he proposed the city retrofit some of the vacant buildings and sell them to artists. Just not the sort “with no dollars at all,” although he said that should it work with artists of some means, “maybe we’ll try a program for those who are totally impoverished.”¹³⁰ Compared with this sort of top-down, city-bureaucracy administered approach, much less the urban renewal plan for demolition, the squatters of the East Village were not so

128 Harry Schwartz and Peter Abeles, *Planning for the Lower East Side*, 1st ed. (New York: Praeger Publishers, 1973), 195.

129 *Ibid.*, vi.

130 Grace Glueck, “The Mayor’s Lower East Side Story: Tenements into Co-Ops for Artists,” *New York Times*, August 11, 1981.

diametrically opposed to city action as it might have initially seemed. The difference was, primarily, that the UHAB-sponsored homesteaders, with their higher costs and HPD overhead could not match the low cost of renovation that the squatters, dealing with more or less identical architectures, were able to achieve informally.

In any case, Koch's arts plan would never come to pass, although the arts would have a strong presence in the East Village for some time in the 80s. Many galleries opened, some famous artists emerged, in Keith Haring and Jean-Michel Basquiat, and art shows were held in places as far away as Santa Barbara and Amsterdam on the East Village scene.¹³¹ Christopher Mele writes extensively on the encapsulation of the radical Lower East Side culture into something marketable, and while the role of squatting in causing gentrification is something that is, in the opinions of squatters especially, contentious, there is little doubt that in the case of the East Village they preceded it. The salient cultural identity of the area was one of "grit" and affordability—characteristics the squatters fully embodied. Pruijt, an expert on squatting generally, is unconvinced of the Lower East Side squatters' causal role, but is certain that "if squatters did in any way stimulate gentrification, this was contrary to their intention."¹³² The evidence seems to support his claim—time and time again after the Tompkins Square Riot of 1988, the squatters fought not only to defend their own homes, but against gentrification as they saw it manifest in police crackdowns in the parks, in the condominium conversion of the Christadora building on Tompkins Square Park, and the ineffable feeling of encroaching gentrification. These communal actions, if in this case fractious and often violent, are a defining feature of informal settlements.

Terminal Institutionalization

In the nineties, as development was brought to the East Village by the

131 Mele, *Selling the Lower East Side*, 232.

132 Pruijt, "Is the Institutionalization of Urban Movements Inevitable?," 18.

gradually, inexorably expanding housing market in Manhattan, by the successful repression of the crime, and by the rise in the marketability of the East Village brand, squatting itself had been transformed by its surroundings. As Dobbz eloquently puts it, squatting went from a “successful method of utilizing a surfeit of abandoned structures in the all-but-forgotten inner city... [to] an embattled tactic for the poor in an untamed housing market.”¹³³ With the shutdown of the homesteading program in 1991, UHAB’s homesteading actions in the neighborhood had largely evaporated, and with it, any natural comparison to a legitimate practice sponsored by the city. The radical direct action that the squatters had cultivated against the police was successful only in ensuring that when their evictions came, they would come in force. A set of five buildings on 13th street, occupied by perhaps 100 squatters, was put out by 250 police officers with armored cars in 1995—then Mayor Giuliani stated simply that “the fact is you can’t occupy city buildings and not pay rent, have them in the conditions that these buildings were in, which were dangerous.”¹³⁴ In 1996, other squatters recalled “surprise inspections” wherein police broke down doors.¹³⁵ Another building housing 20 informal dwellers was demolished, despite a court order to the contrary, after a small fire in 1997.¹³⁶ A third building was evicted in 1999; one resident, sensing the end of the squat era, reportedly moved to Bushwick to convert (surely illegally) industrial buildings in what the *New York Times* at that moment described as “another poor, long-neglected neighborhood.”¹³⁷ In the heyday at the beginning of the nineties, there were thirty-two city-owned buildings being squatted in the East Village; by the end of that decade, only a dozen were left.¹³⁸

133 Dobbz, *Nine-Tenths of the Law*, 93.

134 Kennedy, “Riot Police Remove 31 Squatters From Two East Village Buildings.”

135 Cari Luna, “Squatters of the Lower East Side,” *Jacobin*, April 2014, <https://www.jacobin-mag.com/2014/04/squatters-of-the-lower-east-side/>.

136 Anthony Ramirez, “Building Gone; Dust Is Unsettled,” *New York Times*, February 16, 1997.

137 John Leland, “On Avenue C, Renewal and Regret,” *New York Times*, August 3, 2000.

138 Evelyn Nieves, “Squatters in City Buildings Face Eviction by the Landlord,” *New York*

By 2002, a resident of 278 E Seventh Street chose to describe herself as a homesteader—in the words of the *Times* reporter, “squatter is a slur, and does not apply to her... ‘it connotes somebody who just claimed the land and did nothing but lower the value... a homesteader spent years building it up and improving it.’”¹³⁹ In the old dichotomy of city-sanctioned homesteaders and illegal squatters, though, she would have been the latter. As of that year though, 11 of the remaining squats were regularized. The properties, still owned by the city as they had always been, were turned over for a nominal \$1 to the UHAB, which arranged to allow the residents of 167 units to stay.¹⁴⁰ They would, like the earlier UHAB spearheaded homesteads, eventually own their buildings in the sense of holding shares in low-income cooperatives set up for each building, though in the absence of the federal money that had once paid for physical work had long lapsed, and so the squatters-cum-homeowners were forced to take on loans to finance the work.¹⁴¹ Many were unhappy with the details, and, given their more radical past, with being part of the mainstream system of debt and ownership—albeit with HPD mandated restrictions on their equity in the buildings.

Pruijt has classified the UHAB transfer “terminal institutionalization,” as there were essentially no more buildings that could be squatted on the Lower East Side.¹⁴² And so, with dues needing to be paid, with the police no longer knocking on the door, with the remaining work to be done by contractors, the (former) squatters no longer fit the informal model. The transformation of the district, without even touching on the question of what role the squatters played, could not be described as anything less than complete when compared to the district in the sixties.

Times, October 20, 1991.

139 Michael Wilson, “Squatters Get New Name: Residents,” *New York Times*, August 21, 2002.

140 Ibid.

141 Scoopy, “Scoopy’s Notebook,” *The Villager*, June 30, 2010, http://thevillager.com/villager_375/scoopysnotebook.html.

142 Pruijt, “Is the Institutionalization of Urban Movements Inevitable?,” 142.

Gentrification was in full swing, and apartments in the buildings once described as unlivable in the modern era by proponents of urban renewal are now being rented at prices out of the reach of most middle-class residents of the city, much less by recent immigrants. The residents of these 11 buildings would pay a modest rent for their spaces in perpetuity; one building on Avenue C has even been able to open a Museum of Reclaimed Urban Space in their ground floor space to chronicle their unique history and provide community space.

Social action, not architectural intervention was necessary for the “re-envisioning” of the Lower East Side. Squatting, homesteading, and even traditional, market-driven gentrification prove this point. Unsanctioned housing actions have been described as “urban renewal by individuals,” and on the Lower East Side the term seems particularly apt—beyond the concrete physical changes enacted by the informal squatters in the district, their force in the cultural remaking of the neighborhood, as Mele demonstrates, had a real effect in preserving the form of the district. One wonders how the Upper West Side might differ, had the UHAB existed in the time of the West Side squatters. The form of those blocks, now marked by modernist high-rises built over the demolished tenements would certainly be different, but the social landscape might not be so different; Pruijt notes, in his writings on preservational squatting, that squatters “may spearhead preservation, which may be a precondition for gentrification.”¹⁴³ His case studies in Europe support this view, and the East Village of the present day seems to as well. However, the point stands—marked throughout its existence by affordability, tenuousness, community, self-built construction, and a lack of city services, the squats on the Lower East Side are an instance of informal housing in the heart of formal New York City.

143 Pruijt, Hans, “The Logic of Urban Squatting,” 32.

Chapter III — The Residential Conversion of Industrial Buildings and its Contents

Crosby Street, 1978 — Photograph by Thomas Struth



Rational men do not deliberately choose chaos.¹⁴⁴

-Chester Rapkin

Donald Judd's former home and studio at 101 Spring



In the area now delineated as the “SoHo-Cast Iron Historic District,” and much of Northern and Western Brooklyn, a key aspect of informality has been the unpermitted and most often clandestine transformation of buildings designed and built for industry and warehousing into a unique and influential residential typology. These two case studies of this aspect of informal urbanism in New York City are separated in time and in space, as well as by the particulars of the governmental response, but, importantly, are unified in their architectural typology, and in their overall pattern of absorption into the city’s legal framework.

SoHo (so-called today for its location South of Houston Street) is an area of roughly fifty square blocks in lower Manhattan, bounded by robust automobile traffic on Houston Street to the North and Canal Street to the south. Walking the district today, Broadway, replete with shopping-bag toting tourists and the spacious clothing stores that serve them, emerges as a clear focal point for the neighborhood. The surrounding streets are lined with tall, ornate buildings with tall windows and sculpted façades. On AirBnb, a service that allows property owners and renters to, in effect, lease out their apartments as hotel rooms by the night, accommodations in the district can be found for “\$3,750 per night (low season) to \$4,750 (high season).”¹⁴⁵ A penthouse unit in a landmarked 1880 loft building on Mercer Street was recently listed for sale \$39.9 million—admittedly an outlier, though the median sales price in SoHo over the first half of 2014 was \$3.2 million, nearly twice the citywide average of \$1.14 million.¹⁴⁶¹⁴⁷

144 Chester Rapkin, “The South Houston Industrial Area; A Study of the Economic Significance, the Physical Quality of Buildings, and the Real Estate Market in an Old Loft Section of Lower Manhattan” (City of New York City Planning Commission, February 1963), 284.

145 “FAMOUS SOHO ‘MERCER ST.’ PENTHOUSE!,” accessed May 15, 2014, <https://www.airbnb.com/rooms/964001>.

146 Sara Polsky, “Bon Jovi’s Penthouse Stops Living on a Prayer, Cuts Price” (Curbed.com, September 10, 2013), http://ny.curbed.com/archives/2013/09/10/bon_jovis_penthouse_stops_living_on_a_prayer_cuts_price.php.

147 “SoHo Market Trends” (trulia.com, n.d.), http://www.trulia.com/real_estate/SoHo-New_York/5233/market-trends/.

That is to say, the district is among the most expensive and desirable on an island that is particularly expensive and desirable for a city that is known internationally for its wealth and prominence. At street level in the early 21st century, there seems to be very little to point to that merits a discussion at all similar to those around the hand built homes on the outskirts of Mexico City. But the immense value that has been placed on this district of New York City belies aspects of its nature that are indisputably informal, marginal, and tenuous in its recent history and even into the present. That the building on Mercer Street has been operating under a temporary certificate of occupancy since at least 1983, or that it is zoned (almost) exclusively for manufacturing use has done little to dampen its immense residential valuation. These vestigial rules are markers of a unique and important chapter of the history of planning New York City—a process of government adaptation to (illegal) private action that begs for investigation.

The Rapkin Report and South Houston's Industrial Roots

Delivered to the Department of City Planning in 1962, the “South Houston Industrial Area Report,” subtitled the “A Study of the Economic Significance, the Physical Quality of Buildings, and the Real Estate Market in an Old Loft Section of Lower Manhattan” gave an accounting of the district. Citing that historical moment’s “advances in technology, economic organization, and human relations,”¹⁴⁸ Chester Rapkin, an economic consultant and professor at the University of Pennsylvania retained by the city, interviewed stakeholders in the area and set out to estimate the costs and benefits of various redevelopment schemes. Contradicting in some ways the findings of the documents of his time—such as the reformist City Club’s report in the same year, “The Wastelands of New York”—Rapkin found that the area’s “dingy exteriors...conceal the fact that the establishments operating

148 Rapkin, “The South Houston Industrial Area,” 1.

within them are, for the most part, flourishing business enterprises.”¹⁴⁹

The report provides the early history of the district as he distilled it from a number of sources. In a building spurt contemporary to that of the tenements of the nearby Lower East Side (as referenced in chapter II), the loft buildings that would come to make up the district were built in only a few short decades starting in the late 1870’s.¹⁵⁰ The land was valuable for its proximity to shipping on the river and for the vast supply of immigrant labor that it could draw from the nearby tenements, and so the buildings were developed five to ten stories in height. Even as early as “the beginning of World War I,” though, major industries had to some degree decamped for what is now known as the Garment District.¹⁵¹

It is around this time that the historical narratives begin to diverge: the documents that would in 1973 argue for the creation of one of the first historical district in the city, describe a state of “limbo of small industrial and commercial enterprises...[awaiting a] “new movement.”¹⁵² Rapkin, conversely, found some 12,700 workers in around 650 firms, occupying “almost 50 standard industrial classification[s]” that ranged from garment work, printing and engraving, machining, shipping, and even textile scrap recycling.¹⁵³ He also notes a small number of eating and drinking places, mostly catering to workers and truckers, signs of a district wherein people could socialize and relax, as well as work. The “South Houston Industrial Area,” in the eyes of the report, represented an agglomeration of “incubators” of small firms, albeit ones that inhabit a “canyon-like” area of “old, worn-out buildings.”¹⁵⁴

The identity of SoHo, then, from the days of its transformation in the sixties

149 Ibid., 8.

150 Ibid., 10.

151 Ibid., 11.

152 New York City Landmarks Preservation Commission, “SoHo - Cast Iron Historic District Designation Report,” 1973, 8.

153 Rapkin, “The South Houston Industrial Area,” 16–17.

154 Rapkin, “The South Houston Industrial Area,” 1.

and seventies, then, has been contested. Rapkin saw a district with people, jobs, and a built form that merited, at the very least, some consideration, while the historic preservationists of the time saw a neighborhood in some ways ripe for an artistic renaissance. Others, including the famous artists that would come through the sixties to inhabit the lofts, saw a blank canvas. Chuck Close, a major figure in 20th century painting, said that “SoHo barely existed when [he] moved there in ’67. There were maybe 10 people living between Canal and Houston Streets.”¹⁵⁵ He was, incidentally, wrong—while the actual numbers of people living in the area are impossible to know for certain (on account of the secretive nature of their conversion) it has been estimated that by the “beginning of the sixties, estimates of the number of artists living and working lofts ranged between three thousand and five thousand.”¹⁵⁶ Even by the late seventies, when “it is possible that over fifty thousand artists and non-artists were living” in converted lofts, a city study found that 91.5 percent of all loft conversions in Manhattan were illegal.¹⁵⁷

According to one geographer, “no one can accurately date the first time an artist moved into an industrial loft space to use it as a combination of work area and residence.”¹⁵⁸ In the whole of the literature on the informal conversion of the neighborhood, none step forward to claim the mantle of first to move in. The 1963 Rapkin report make no note of artist residence outside of a brief supplement at the close of the report, wherein photographs and captions describe “a graceful atmosphere for working and living,” developed by a “man of creativity and taste.”¹⁵⁹ Thus, one of the first primary sources recording the conversion seems to find it

155 Claudia Gould and Valerie Smith, *5000 Artists Return to Artists Space: 25 Years* (Artists Space, 1998), 31.

156 Sharon Zukin, *Loft Living: Culture and Capital in Urban Change*, Johns Hopkins Studies in Urban Affairs (Baltimore: Johns Hopkins University Press, 1982), 6.

157 New York City Planning Commission, “Lofts: Balancing the Equities,” 1983.

158 James R. Hudson, *The Unanticipated City: Loft Conversions in Lower Manhattan* (Amherst: University of Massachusetts Press, 1987), 30.

159 Rapkin, “The South Houston Industrial Area,” photo supplement.

agreeable, though it makes no other note of the importance of the phenomenon. In the same supplement, Rapkin and his photographer also capture a small, discrete sign posted at the building's exterior—"A.I.R. 4," or Artist in Residency, fourth floor. In a district susceptible enough to fires to be called by some "Hell's Hundred Acres,"¹⁶⁰ these signs served as a warning to fire-fighters responding to any potential calls that people might be sleeping inside.

Community Activism and the Beginnings of Recognition

The Artist's Tenants Association, founded in 1960-61 was formed by several hundred signatories to a petition supporting live-work status in the district, and almost immediately began organizing against the Buildings and Fire Departments against eviction.¹⁶¹ The A.I.R. signs were often the only visible markers of residential use in the district, first as a subtle, unofficial marker for emergency services, and from 1961 on (thanks to the efforts of ATA in lobbying) a city-supported exception to zoning regulations. A.I.R. was created by an executive order from then-Mayor Robert Wagner to the Department of Buildings (which was, as in tenement times, largely responsible for evictions) and not an actual change in any law. The semi-recognition afforded by the A.I.R. program signified, in one scholar's words, "the space in-between legality and illegality," and it marked the beginning of a peculiar, informal legal status that persists to some extent to the present.¹⁶²

The next major step came in 1964, thanks to further effort from the A.T.A. The 1964 amendment to Article 7-B of the State Multiple Dwelling Law defined what an artist was, and then permitted that artist to occupy certain units of certain buildings in a certain district of the city—SoHo. While Article 7-B did allow for de facto residential use of loft space in lower Manhattan, crucially, it did not allow

160 Ibid., 152.

161 Zukin, *Loft Living*, 49.

162 Dahl, "Code Manipulation: Architecture In-Between Universal and Specific Urban Space," 74.

buildings to obtain (otherwise legally requisite) residential certificates of occupancy, nor did it make any gesture toward changing zoning. Instead, the law presented itself as a temporary measure, with a sunset provision setting itself to expire in 1968. It limited its effects of residential semi-normalization to a small district and excluded all those seeking housing in the district save for artists. It seems likely that the city thought little of the long-term effects—according to one influential text on the neighborhood, “when artists moved into SoHo loft spaces, few if any of those responsible for ‘saving the city’ recognized that their individual efforts could significantly change land-use patterns. The entire ideology of 1950s urban renewal was based on large-scale development. The illegal conversion of lofts did not have any place on the agenda.”¹⁶³

Further, likely drawing from the lessons of the Rapkin report, the 1964 amendment took a number of steps to ensure that residential uses would not displace industrial concerns. Artists could not take up residences in buildings which were at all still occupied by manufacturing, and conversion standards, especially in terms of fire safety and light and air access requirements were seen by residence-seekers as unduly “stringent and economically prohibitive.”¹⁶⁴ In any case, they were still attempting to get along with building owners that had little experience or interest in the residential housing business, and struggled to bring their spaces to the physical standards of the 1964 law.

And so they just flouted the laws. Throughout the sixties—that is, once the city began to pay attention to downtown Manhattan’s industrial districts—the effective organizing of the A.T.A. and the lack of consistent and meaningful code enforcement in SoHo meant that the actions of semi-legal residents in the district remained a step or two ahead of the law. Windows were blacked out at night, mail

163 Hudson, *The Unanticipated City*, 80.

164 Willkie, Farr & Gallagher, “Housing for Artists: The New York Experience” (Volunteer Lawyers for the Arts, 1976), 17.

was sent to friends outside the district, and children were registered at addresses that actually corresponded to schools. Knocks on doors went unanswered, for fear that the caller might be a DOB inspector.¹⁶⁵ Beds had to be capable of being hidden away, in order to better support an image of a work-only space in the case of an inspection. Garbage had to be surreptitiously spread throughout the industrial detritus of the street, as residential garbage pickup in the neighborhood would not be provided by the city until 1971—at least a decade after the first residential tenants.

Making Space

Within the structures themselves though, the artists were free to (or obliged to) build out their spaces to their likings. Perhaps they would be unable to control the noise of trucks outside their windows at all hours, or the dust and chemical smells of the activity in their buildings, but they had more agency in the design of their home's interiors than most others renters—in New York City or elsewhere. In the words of one inhabitant, "'Raw space' was the epithet for a loft with cracked walls and ceilings, broken or leaky windows, an abundance of garbage, and lumpy floors. 'Renovation' was the name of the procedures necessary to make it usable, if not livable."¹⁶⁶ Artists struggled to make spaces that had been well suited for work in the 19th century, and that remained well suited for producing large sculptures or paintings into the 20th century, into domestic spaces. Their semi-legal status, even after the passage of Article 7-B, did little to protect them from landlords, with whom the tenants either entered into verbal, off-the-books agreements or commercial leases. Neither of those arrangements offered the protections that formal residential leases—which were, by dint of zoning, still forbidden in SoHo—had afforded to

165 Willkie, Farr & Gallagher, "Special Space: A Guide to Artist's Housing and Loft Living" (Volunteer Lawyers for the Arts, 1981).

166 Richard Kostelanetz, *Soho: The Rise and Fall of an Artists' Colony* (New York: Routledge, 2003), 15.

tenants after the clear abuses of the tenement era and later, in the face of wartime inflation. Loft tenants, who weren't protected by the rent stabilization, could see their rents double or triple when it came to renew a lease, and were usually unable to extract physical improvements from the building owners. While this led to some real ingenuity, such as artist owned cooperatives, like the famed Fluxus artist George Maciunas' building 80 Wooster Street, and interesting anecdotes of famous composers learning the building trades to fix up their and their friends' lofts, it also meant that tenants could spend their time and money transforming their homes only to be evicted and have their improvements go toward raised rents for the next tenants.¹⁶⁷ The marginal tenancy concomitant with the informality of the district was by no means ideal, especially when inhabitants were willing to bankroll upwards of \$10,000 in renovations.¹⁶⁸ "The landlords don't give leases because the living is illegal. The artists fix up their pads, put money into plumbing and wiring. Then the landlords evict them to take advantage of what they've accomplished to raise the next tenant's rent."¹⁶⁹

The Planning Regime and Informality in SoHo

The 1963 Rapkin Report to the City had offered four alternatives without strong argument for a preferred course of action. They were: a) to totally clear the SoHo Study Area for some kind of Title I-funded housing or for modern industrial facilities, b) to find public money to renovate the structures, c) to renovate the industrially-desirable portion of the district and clear the rest, or d) to increase enforcement of the existing codes and regulations. While later reports commissioned by the A.T.A. have credited Rapkin with recognizing the worth of the architectural heritage of the neighborhood, his text seems more ambivalent: total clearance,

167 Roslyn Bernstein and Shael Shapiro, *Illegal Living: 80 Wooster Street and the Evolution of SoHo* (Vilnius, Lithuania: Jonas Mekas Foundation, 2010).

168 Willkie, Farr & Gallagher, "Housing for Artists: The New York Experience," 10.

169 Grace Glueck, "Neighborhoods: SoHo Is Artists' Last Resort," *New York Times*, May 11, 1970.

for example, “has much to commend it.”¹⁷⁰ What is certain, in the opinion of the Rapkin paper, is that a fifth alternative—totally withdrawing “public concern and attention” from the area—was utterly beyond study or consideration. “This would mean ignoring an existing body of law and administrative regulations as well as continuing serious hazards to the rest of the community, so it cannot be considered an alternative worthy of analysis.”¹⁷¹

Rapkin’s report was prescient in a number of ways, but here he was wrong. The city may not have totally withdrawn its attention from the district, but in many ways it did deliberately choose chaos. The A.I.R. practice, as designated by Mayor Wagner before the report’s publication was already utterly contrary to the city’s zoning law, and when the 1964 law didn’t go far enough for the loft dwellers, instead of their abandoning the effort, they redoubled it, and pressured the city and state’s legal structure to catch up. Article 7-B, set to cease effect in ’68, was instead extended, its definition of artist was loosened, and its fire-safety requirements, including mandatory fire escapes, were largely compromised. Code enforcement continued throughout the sixties more or less at the same sporadic levels it always had, even as residential use exploded. Ten years after the Rapkin report, industrial employment had declined from nearly 13,000 to closer to 8000 jobs, and records of residential telephones (a necessary, if imperfect proxy measure of residential use) had increased over 300%.¹⁷²

Cultural Bloom and Zoning for Accomodation

While the number of people involved in living informally in industrial spaces in SoHo was small, its impact on the city’s culture was massively outsized, and that impact had definite economic dimensions. Undeniably, the artists that settled in SoHo in the sixties and seventies had phenomenal impacts upon the art world.

170 Rapkin, “The South Houston Industrial Area,” 285.

171 Ibid., 284.

172 Hudson, *The Unanticipated City*, 37.

Yoko Ono, David Byrne, John Chamberlain, Gordon Matta-Clark, Philip Glass, Robert Wilson, Richard Serra, Chuck Close, Laurie Anderson, Trisha Brown, George Maciunas, Nam Jun Paik, and Donald Judd all lived extra-legally in the neighborhood in the sixties, and while their cultural outputs are outside the scope of this study, they are certainly considerable, and their histories provide a useful bellwether for the neighborhood. Judd, a renowned abstract sculptor, bought a five story, 8,500 square foot former textile factory at 101 Spring Street in 1968 for \$40,000; the property is now (conservatively) assessed at \$7.25 million.¹⁷³ In a 1970 *Times* article that quotes “real estate people” citing buildings that “sold for \$30,000 ten years ago [were] now going for \$150,000,” also gave a sense for the city’s attitude toward the illegal actions in the wake of clear real estate value changes.¹⁷⁴ “Right now, the best thing we can do is to leave SoHo the way it is [said city planner Mike Levine]. The artists are an extremely vital cultural industry and we hope and plan to do something to legitimize their residence.”¹⁷⁵

In 1971 that something—a new zoning resolution for SoHo—was approved, a decision that rezoned the district into M1-5A and M1-5B districts. These zoning designations would nominally remain solely for manufacturing (the “M1” in the title) but would, for the first time, also be zoned for artist live-work space (the 5A). Size restrictions were set: a minimum of 1,200 square feet for single loft units, and a maximum of 3600 square feet of lot size—both were intended to save the largest buildings for manufacturing and storage purposes (as firms still valued these large buildings) and to ensure that the buildings could not be subdivided into more traditionally small dwelling units. Simultaneously, Article 7-B to the state Multiple Dwelling Law was amended once again to “liberalize the fire-protection and

173 “Restoring 101 Spring Street,” *Architectural League of New York*, June 2013, <http://archleague.org/2013/06/restoring-101-spring-street/>.

174 Glueck, “Neighborhoods: SoHo Is Artists’ Last Resort.”

175 Ibid.

building occupancy restrictions on converted lofts,” recognizing for the first time the unique architectural characteristics of dwelling in lofts.¹⁷⁶ The state gave the city Department of Cultural Affairs the responsibility of certifying artists—a process that had already been required for tenancy under previous Article 7-B residency, but had yet to be put into practice. Finally, the 1971 amendment to the state law eliminated any sunset clauses from the state law—so long as units were up to the new fire codes and the occupants were artists, they were free to occupy their units permanently.

Of course, not all residents of the district rushed to get their artist certifications, and those that were turned down were under no real pressure from the DCA to vacate the premises. But the 1971 shift meant that much of the subterfuge evaporated; the garbage began being picked up, and windows no longer had to be blacked out. Tenancy would still be under commercial leases, and therefore without rent control protections, though, and as the image of the SoHo loft was spread throughout the city, the demand for this previously unknown market was spurred. In 1970, the first articles in glossy lifestyle magazines selling what Zukin has called the “loft lifestyle” appeared in *Life* and *New York* magazines.¹⁷⁷ Zukin traces the increasing pace of publications about the real estate in the area through the seventies; while legal changes after 1971 affected adjacent areas that came to be known as NoHo and TriBeCa, at that moment the laws governing tenancy in the district were solidified. Paired with the adoption of the SoHo Cast Iron Historic District in 1973 by the Landmarks Commission, the district’s form was ossified; that, paired with the end of legal shifts in residential tenancy, served to stabilize most aspects of the district’s residential market. That is to say, after 1973, transformations of the district’s housing can be seen as products of the market

176 Willkie, Farr & Gallagher, “Housing for Artists: The New York Experience,” 24.

177 Zukin, *Loft Living*, 62.

and existing government stricture.

With the birth of a “loft lifestyle,” the lofts became attractive to more than just artists; they may always have been, in fact, but the marginality of the dwellings pre-1971 were likely enough to keep away the non-adventurous. But into the seventies, as many SoHo buildings were bought by their tenants and converted to cooperative ownership in the more typical middle-class New York housing model, rents and prices rose. While buildings were still often without the residential Certificates of Occupation required by the Department of Buildings (DOB), Hudson’s telephone study showed continuous growth. Those artists that were able to buy shares in the new coops stayed, while others moved further afield.¹⁷⁸ The New York Real Estate Board in 1975 argued in the *Times* that industrial exodus from Manhattan would continue unabated, and that new districts should be opened to residential use; at the same time, the City Planning concerns over industrial displacement began to fade.¹⁷⁹ The rezoning of TriBeCa in 1976 was the first to allow two kinds of reuse—the now-traditional Article 7-B artist live-work arrangement, and “loft dwellings” in mixed-use zones that could be occupied by the general public. In SoHo, the M1 zoning remained in place, though it seemed to have less and less effect, as it became clear that inspections of certified artist status were unlikely to occur. This collective realization gave rise to the “SoHo letter,” which, with a wink and a nod, testified to a co-op board that, should the DOB ever come knocking, the resident would be able to prove their legitimacy as artists under the Article 7-B.

Crossing the Line

The addition of Article 7-C to the state Multiple Dwelling law in 1982 (commonly called the “Loft Law”) marked another stage of incremental legalization

178 Dennis Hevesi, “Prices Send Loft Pioneers In Search of New Frontiers,” February 21, 1999.

179 Alan S. Oser, “Zoning Revisions to Expand Loft Conversions Are Urged by New York Real Estate Board,” n.d.

of residences in formerly industrial buildings—legalizing some new residences for non-artists outside of SoHo, leaning on landlords to bring their buildings to code and somewhat expanding their ability to raise rents. Through the eighties and nineties, though, prices in SoHo continued to rise, and the identity of the district as meant only for artists began a decline. As informality (at least in its manifestations of limited services and insecure tenure) waned, so too did its aspect of affordability. The letter of zoning law even by the turn of the new millennium was still written to protect industrial firms and, in its strangely modified form, artists, but began to be invoked expressly for protecting the latter. The artists, who had come to be seen as, in the words of one planning commissioner, “a new form of industry,” were no longer seen as the displacing force.¹⁸⁰ Those that hadn’t been able to gain ownership of their homes, however, were commonly understood to be moving, along with much of the arts infrastructure, to West Chelsea, the gentrifying Lower East Side, and Williamsburg in Brooklyn.¹⁸¹ But the process had of dispersal was still in its early days. The enacting of Article 7-C in 1982 brought to light more than 800 buildings in Manhattan, but only 30 in Brooklyn.¹⁸²

While gentrification, in the sense of increasingly moneyed residential succession, had not been a part of the discussion in SoHo in the sixties, it became part and parcel of the story of Lower Manhattan within several short decades. “Sometime in the nineties” residents noticed that things had changed: the streets began to be filled with upscale retail, and in the late nineties, especially with the advent of the tech boom along the Broadway Corridor in SoHo (which Rapkin had in 1963 noticed was most desirable for business owners), lofts began to appreciate in double digit percentages annually.¹⁸³ Tenants fears, captured in a 1972 local

180 Freiberg 76 (in NY Post, in VLA 76 appendix C-12)

181 Kostelanetz 215

182 <http://nymag.com/nymetro/realestate/features/4479/>

183 Hevesi, “Prices Send Loft Pioneers In Search of New Frontiers.”

newsletter, that “a new breed of merchant, attracted by...the ‘scene’” could come to displace the “hardware stores, rag establishments” and presumably, them, seemed to be coming true.¹⁸⁴

Though its most informal days seemed behind it by the 2000s, the accumulation of laws that made the space only semi-legal remained on the books in SoHo. When the Department of Buildings began to demand that a resident in each unit in SoHo coops be a certified artist in that year, it came as a shock to the market. Buildings that were once able to obtain temporary certificates of occupancy began to get pushback from the city, and units in the aforementioned 158 Mercer street, at the core of Rapkin’s study area, were forced to slash prices dramatically to find buyers. Owners were, even into the 21st century denied home equity loans on the grounds that SoHo was still technically a “manufacturing area.”¹⁸⁵ Surely these impediments were of little importance to flush buyers who could pay in cash and still largely live without fear of being evicted for not “demonstrat[ing] a serious, consistent commitment to his or her art form” as per Article 7-B. But these laws are at the very least markers of a complex, informal past, and more than likely strong evidence that city policy in SoHo has been a history of neglect and uneven application.

SoHo: “Urban Renewal By People”

Jane Jacobs, in her landmark *Death and Life of Great American Cities*, wrote of gradual money and cataclysmic money.¹⁸⁶ The former, like the sweat equity and arts-based funding that enabled conversions through the sixties in SoHo, fosters “steady, continual growth” in neighborhoods that were in her time still

184 “SoHo Newsletter: Re: Zoning” (SOHO Artists Association, April 28, 1972), http://www.aaa.si.edu/assets/images/collectiononline/sohoarti/fullsize/AAA_sohoarti_1833820.jpg.

185 Kostelanetz, *Soho*, 16.

186 Jane Jacobs, *The Death and Life of Great American Cities*, Vintage Books ed (New York: Vintage Books, 1992).

referred to as slums.¹⁸⁷ Archetypally, in Boston's North End, the local community funded (however slowly) the rehabilitation of their properties without seeing mass displacement—what Jacobs called “unslumming.” Cataclysmic money came in the form of sudden spurts of government spending, enabling “slum clearance,” and urban renewal: the construction of modern architectural typologies atop the rubble of displaced people's homes. The Rapkin Report on SoHo offered city planners a clear choice between Jacobs' two models: the district could be razed and some form of housing constructed, or the district could be preserved as industrial workspace. Rapkin saw a successful enough industrial ecosystem, and in particular identified in SoHo a set of incubators that enabled small and mid size businesses to grow. In downtown Manhattan, New York University had already used federal subsidies to demolish a swath of industrial lofts to construct high-rise modernist housing slabs at what it called Washington Square Village. The option of total clearance through federal funds was very much on the table.

What happened instead was described by one SoHo denizen as “urban renewal by individuals.”¹⁸⁸ Without even being able (without legal certificates of occupancy) to gain home loans then so freely given to the growing suburbs, the loft dwellers poured funds and effort in their homes without assurance of tenure or services. Seemingly unbeknownst to planners and the department of buildings, and certainly without their written consent, the neighborhood was informally remade. When those informal tenants organized and fought for services and stability, the city went on record as willing to recognize them on a de facto basis. Certainly this conversion was a process that was not without the cost of the displacement of industry (though their long term survival through the nationwide decline in manufacturing employment in the same period was far from assured).¹⁸⁹ But

187 Ibid., 294.

188 Kostelanetz, *Soho*, 31.

189 Bram, Jason and Anderson, Michael, “Declining Manufacturing Employment in the New

the transformation, replete with community space and support, pride in de facto ownership, and agency in design was stunning in its effect upon the preservation urban form of the district. Today, the transformation is perhaps best known as one of wholesale gentrification—“the production of urban space for progressively more affluent users”—and it undoubtedly had dramatic, compounding effects upon real estate values in downtown Manhattan.¹⁹⁰ In 2013, new residential projects constructed adjacent to the historic district were ready-made, not for people who, in the words of a real estate broker, “want the [now well understood] real loft experience... [but for] guys in financial services who don’t have two seconds to rub together.”¹⁹¹

But the lasting importance to the whole of the city of the transformation of SoHo may prove instead to be the shifts of the spirits and laws of planning. For the first time in the city’s history, the official planning apparatus seemed comfortable allowing things to happen without their domination of praxis. For the first time, zoning had been retrofitted to fit peoples subversions of zoning’s intentions. When the successive laws proved to have little effect in stopping the tide of illegal occupation, most every pretense of enforcement was abandoned, and the new use of the district’s spaces gradually emerged. Buildings were preserved, not only because of protections granted to them by land marking, but also (and especially before the historic district was formally delineated) by the banishment of cataclysmic money from the informal landscape. The full infrastructure of the city—sanitation, electricity, schools, and public safety—was brought to bear. And, crucially, an ad hoc methodology of regularizing illegally dwelling was established, and a precedent for doing so was established—if only so far for a relatively privileged class of the

York-New Jersey Region: 1969-99.”

190 Jason Hackworth, “Postrecession Gentrification in New York City,” *Urban Affairs Review* 37, no. 6 (July 2002): 815–43.

191 Ronda Kaysen, “Glass and Steel to Invade Cast-Iron SoHo,” *New York Times*, October 18, 2013.

city's residents.

Converting Brooklyn

As the lofts in SoHo, NoHo, and TriBeCa filled, whether with the lower-income artist residents that had made the spaces since the early sixties or with wealthier residents enabled either by newer spaces legally designated for non-artists or by landlords subverting the laws, the phenomenon spread outward. Elsewhere in Manhattan, raw spaces were converted by sweat equity and increasingly ample private funds into high-end housing, and so those still seeking the loft lifestyle were left to seek it out in formerly industrial neighborhoods in the outer boroughs of Queens, the Bronx, and most of all, in Brooklyn.

The market for the loft lifestyle was, by the time of the 1982 loft law, a proven real estate bet. The first major outpost of artist living in formerly industrial Brooklyn sat across the East River from the Lower East Side in what would become known as Dumbo for its location “down under the Manhattan Bridge overpass.” David Walentas, an untraditional investor bankrolled by wealthy individuals, purchased two million square feet of industrial space at the Brooklyn waterfront in 1979—in effect, an entire neighborhood.¹⁹² Though the buildings contained some 1,700 industrial jobs, and the whole of them were zoned for manufacturing, Walentas, and his firm, Two Trees undoubtedly, given the scope of his investment, imagined a more mixed-use district. While the zoning would not come into line with this residential vision until 1997, buildings around his domain would be converted, whether informally or (less commonly) through official variances as early as the eighties.¹⁹³ In the words of Walentas, described as the “mayor’ of Dumbo” by the *New York Times*: “It’s like the land settlement in the West. You go and you

192 Caleb Melby, “Brooklyn Billionaire: How One Man Made A Fortune Rebuilding Dumbo,” *Forbes*, January 22, 2014, <http://www.forbes.com/sites/calebmelby/2014/01/22/brooklyns-billionaire-how-one-man-made-a-fortune-rebuilding-dumbo-next-up-williamsburg/2/>.

193 Ibid.

Photo Supplement — Observed Residential Growth





Figure 4: "Observed Residential Use"
(Department of City Planning Map of Informal Industrial Conversions, 2003)



70 and 99 Commercial have applied and become regularized under the Loft Law





221 Banker Street, above, became legal while 79 Quay Street, below, has not yet applied



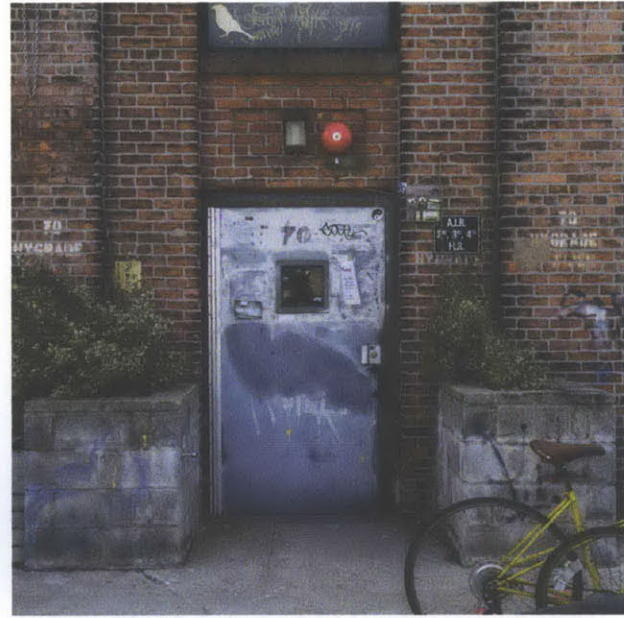


Now-legal converted buildings on the Greenpoint waterfront overlook new public space development





Though they've had no legal meaning in fifty years, A.I.R. signs are common in North Brooklyn





One loft on West Street undergoes a capital-rich conversion, while another is built from scratch





475 Kent, below, saw 150 tenants evicted in 2008 when an illegal matzo factory was discovered





Converted loft buildings, (legally, below or informally, above) drive demand for new construction





Residential 239 Banker, in an official industrial zone, has a rooftop view of nearby development



homestead, and you should get the land.”¹⁹⁴

135 Plymouth Street, a 186,492 square foot factory in Dumbo (though not owned by Walentas) that once housed machinery concerns, is in many ways the ur-Brooklyn loft. Where in SoHo a legal distinction between the small cast-iron buildings with less than three units and those with more units once had meaningful implications for the industrial viability of that structure, 135 Plymouth, with its fifty-plus units, marks the meaninglessness of those differentiations in Brooklyn. While there are certainly small buildings being converted throughout the borough, behemoth structures like this one have been informally occupied en masse—without punitive city action—for decades.

135 Plymouth carries the illegal loft conversion into the present day, where re-zonings like that of the neighborhood no longer concern themselves with industrial retention, but with spurring the development of affordable housing. A time in which the *Times*' coverage of a building in which “of course, it's illegal to live in” is not in the metro section of the paper, but in the section entitled “Great Homes and Destinations.”¹⁹⁵ Many parts of the history are familiar: units that, upon move-in, were caked in garbage, a culture where each of the units in the “immense and complicated” building were built out by their own occupants, and, implicitly, where a knock on the door from the Department of Buildings could evict the whole population.¹⁹⁶ Meanwhile, as in SoHo, the neighborhood writ large changed dramatically around the building; in 2012, a residential unit carved out from a nearby Dumbo building was listed as the most expensive apartment in Brooklyn at \$25 million, and office spaces in Two Trees owned buildings rented at a premium.¹⁹⁷ In 2011, an incubator in this former manufacturing hub no longer meant a space for

194 Penelope Green, “The Art of Digging In,” *New York Times*, April 24, 2013.

195 Ibid.

196 Ibid.

197 Josh Barbanel, “No Need to Wear a Watch,” *New York Times*, August 7, 2009.

small manufacturers to grow, but instead was a city-sponsored office space for new participants in the growing technology-based office hub.

While the 1982 Loft Law extended protections of loft tenants outside the once exclusive zone of SoHo, it did so only for buildings in which three or more units were being used for residences in 1980—and therefore not for a majority of loft buildings residentially occupied in 2010, and not for 135 Plymouth. By the mid 2000s, when Dumbo was designated the city’s 90th Historic District and had seen its buildings filled (in one way or another), the Department of City Planning published a map of the neighborhoods of Greenpoint and Williamsburg entitled “Residential Growth.” These neighborhoods, which make up most of Brooklyn’s administrative Community Board 1, were beginning to see the same kinds of attentions paid to them that Dumbo, the East Village, and Lower Manhattan had seen before them, as the map made clear.

Demonstrating Residential Use

A broad swath of waterfront and waterfront-adjacent properties north of the Williamsburg Bridge were highlighted, and within it were drawn those buildings with “observed residential use.” The yellow parcels were the modest workers’ homes that had once served the numerous factories in the area, while the orange parcels were those formerly industrial buildings that the city, presumably from walking the streets, had noticed were being used as residences. While these hundred or so parcels had not all been converted informally, a large amount of them had. Like buildings further east in Bushwick along the superfund-designated Newtown Creek, artists and others had taken to the raw spaces of North Brooklyn, conveniently located only one stop on the L train away from the gentrifying East Village. In the words of one transplant in the nineties, the spaces offered much for the price, so long as you could, in the words of one resident, “walk quickly from the subway to

the loft. Don't look at anyone. Don't come alone."¹⁹⁸

The orange buildings on the represented the pent-up residential demand of the city enacted upon North Brooklyn's industrial spaces. They represented the continued effect that a lack of government intervention (namely Department of Buildings code enforcement) had upon industrial space. The question of industry—especially the kinds of heavy, noxious industry that the M3 zoning of the waterfront set it aside for—was largely a dead issue. The warehouses sat vacant, and the Domino sugar refinery on the river's edge, the large employer that had once enabled the dense, mixed-use neighborhood of workers homes, was an iconic husk of bygone jobs when it finally closed in 2003 after a long decline.¹⁹⁹ The city's 2003 map was a new chapter of the movement toward accommodation in the planning regime; it was drawn up as part of an effort to rezone the North Brooklyn waterfront for new residential towers. As in Dumbo, the question of industrial preservation on Brooklyn's waterfront was no longer the main concern; instead, the shift of the waterfront to residential use was a foregone conclusion. The only fight would be over how much affordable housing to push developers to provide. The fight over industry had not disappeared, however. It had only been transposed slightly away from the waterfront.

The Case of 239 Banker Street

One of these orange parcels in the city's map was 239 Banker, a large loft building at the border of Greenpoint and Williamsburg that has been informally converted into residential use over the last ten years. In its physical qualities and its legal status, it is not so different from 135 Plymouth street; the main difference between the two buildings, aside from their different neighborhood forms

198 Robert Anasi, *The Last Bohemia: Scenes from the Life of Williamsburg, Brooklyn*, 1st ed (New York: Farrar, Straus and Giroux, 2012), 32.

199 Diane Cardwell, "Familiar Domino Sugar Refinery Will Shut Much of Its Operation," *New York Times*, August 21, 2003.

and histories, is that while the Dumbo conversion happened largely in secret, the process of illegal conversion on Banker street has been floridly detailed in contemporary media and is plainly visible from the street.

239 Banker was formerly a sweater factory, and sits at an intersection where the small-parceled residential fabric meets the industrial landscape. The other three corners of Banker and Meserole are occupied by one and two story warehouses, the sort still desirable by contemporary industrial concerns. The businesses are still active—one tenant of 239 Banker who lives on the first floor said that he was often awoken at six in the morning to the shouts of foremen directed trucks up onto the sidewalk just outside his window in order to maneuver their semi-trailers into a garage across the street.²⁰⁰ If this tomato distributor, or the granite and marble warehouse on the same corner weren't enough of an indication, the small orange sign in front of number 239 makes it altogether clear: "IBZ Greenpoint Williamsburg Industrial Business Zone."

The IBZ, a set of 21 districts designated by the Bloomberg administration in 2005 that together form a strange legal layer above zoning: an admission, in effect, that manufacturing zoning was not enough to actually prevent informal residential conversion.²⁰¹ In the precursor area to the North Brooklyn IBZ, at the eastern edges of Greenpoint and Williamsburg where the Newtown Creek spurred the growth of an industrial district dating back to the 1850s, industry advocates decried the loss of 500,000 square feet of industrial space to illegal transformation. These effects of these illegal loft conversions was described (colorfully) by the Times as "The Affluent Meet the Effluent," and while new residents in industrial areas are by no means uniformly wealthy, when New York residential rents are on average, triple that of industrial rents their very existence certainly does mark a change in the

200 Anonymous Resident of 239 Banker, March 15, 2014.

201 Diane Cardwell, "City Is Backing Makeover for Decaying Brooklyn Waterfront," *New York Times*, May 3, 2005.

abstract sense of real estate valuations, and in the urban form.^{202 203}

The New York Industrial Retention Network (NYIRN), the sort of media savvy organization that SoHo industrial firms never had, employs unofficial inspectors of sorts, people to walk the neighborhoods designated as zones for industrial protection and document the traces of the informal: in the upper windows of buildings zoned as industrial, “curtains and plants.”²⁰⁴ While informal dwelling in lofts is, in the mid-2000s still not totally out in the open, the days of blacking out windows are past. Entrances have lists of tenants’ names, while dogs and groceries are paraded past labeled mailboxes and hanging chandeliers. The still illegal behavior has been so utterly normalized that residents are often not even aware that their practices are subversive; one resident said of the provision of government services: “garbage day is a little weird...they come late at night.”²⁰⁵

As ever, the causes—as noted by NYIRN in a 2004 report—are much the same as they were in the days of SoHo: “an awareness that enforcement by the DOB is practically non-existent,” and a penalty structure that ensures that fines for violations are a laughably paltry deterrent.²⁰⁶ “Fines are not generally imposed. When [fines] are imposed, they are rarely collected. When they are collected, they are [in their magnitude] inadequate to deter illegal conversions.”²⁰⁷ Now, this summary of the situation was written before the inception of the IBZ plan, which combined state funding for manufacturers with a “promise that [the city] won’t propose rezonings,” nor support individual variances toward residential use.²⁰⁸ But

202 William Neuman, “The Affluent Meet the Effluent,” *New York Times*, July 31, 2005.

203 Cara Buckley, “That Cheap, Roomy Loft Can Now Be a Legal One, Too,” *New York Times*, July 25, 2010.

204 Michael Brick, “Nancy Drew and the Hidden Loft,” *New York Times*, April 16, 2005.

205 Ibid.

206 The New York Industrial Retention Network, “Illegal Residential Conversions in the East Williamsburg In-Place Industrial Park” (The New York Industrial Retention Network, May 2004).

207 Ibid.

208 ^N“Does NYC Industrial Zoning Policy Preserve Local Manufacturing?,” *Thirteen—PBS WNET*, March 19, 2009, <http://www.thirteen.org/uncertainindustry/content/does-nyc-industrial-zon->

even after the IBZs were designated in 2006, conversion continued unabated, and, though it almost goes without saying in the general tide of the city's industry giving way to residential uses, the informal shift was not rolled back. None of the buildings that the NYIRN had pointed out were converted back to industrial use.

239 Banker is a microcosm of the continued informal conversion process in the face of the gestures toward IBZ designation and protection. The Williamsburg-Greenpoint IBZ boundaries even seem to jog slightly out of their way to include the building, but in a series of actions documented by a local blogger, Heather Letzkus (at www.newyorkshitty.com), the building was surreptitiously converted by its owners Israel Perlmutter and Menachem Stark. Members of the introverted Satmar sect of Orthodox Jews in South Williamsburg, Stark and Perlmutter had, in the runup to the 2008 financial crisis, broad ambitions for the remaking of North Brooklyn. Publicly implicated in the ownership and management of a drug-riddled residential hotel nearby, and with possession of multiple vacant lots awaiting development.²⁰⁹

Rezoning: Changing and Protection

The two would get their chance when, with varying amounts of support from the neighborhood Community Board and others, the desire for residences that the city's 2003 map of illegal growth had represented culminated in a 2006 DCP rezoning of most of the Brooklyn waterfront. Wide swaths of formerly manufacturing land, both directly on the East River and extending various blocks inward were zoned for high rise residences and mixed use development. At the river, floor area ratios were permitted as high as 8, with additional heights permissible should the developers opt to build affordable housing in tandem with their luxury units. Large waterfront public spaces were also drawn out, which,

ing-policy-preserve-local-manufacturing/.

209 Nicholas Confessore, "Cheap Rooms, and 'a Drug for Every Floor,'" *New York Times*, January 1, 2006.

when developed, would both provide public amenities to the current (legal and illegal) residents of the neighborhood, and induce residential demand for both new and old residences.

The zoning changes were adopted at roughly the same time that the IBZs were designated; in particular, the Greenpoint-Williamsburg IBZ, in which 239 Banker was purposefully included, formed a sort of a donut hole of industry within the newly updated residential zones. Stark and Perlmutter obtained permission from the DOB to convert 239 Banker to a hotel—a use that is, under New York City zoning law, permitted as-of-right in manufacturing zones. As Letzkus was quickly (and loudly) able to prove, though, the building was advertised from the start as a typical loft residence, combining all the trappings (laundry on every floor, mailboxes) with what they described in Craigslist ads as a *mélange* of “class rawness and rustic industrial design.”²¹⁰ The DOB, likely under fire from complaints from the residents around the building, and public condemnation from a popular media outlet, denied permits for construction, issued dozens of violations, and repeatedly fined the owners thousands of dollars.²¹¹ Eventually, in September 2009, with a half dozen open DOB violations, the city authorities ordered the building vacated; young people stood despondent, their belongings on the street, the Red Cross was called to help house the displaced, and Letzkus was on scene to photograph the whole occasion.²¹² While the owners were cited on that occasion for the illegal conversion, the cause for the vacate order turned out to be the owners’ decision to seal water sprinklers above drop ceilings—a situation so dangerous that the Fire Department felt it could not look the other way.²¹³

210 Letzkus, Heather, “BREAKING: The Sweater Factory Lofts Gets DOB’d Again!,” September 24, 2009.

211 Vivian Yee, “At Loft Conversion, City ‘Stop Work’ Order Failed to Stop It for Long,” *New York Times*, December 3, 2012.

212 Letzkus, Heather, “BREAKING: The Sweater Factory Lofts Gets DOB’d Again!”.

213 Vivian Yee, “At Loft Conversion, City ‘Stop Work’ Order Failed to Stop It for Long.”

This eviction was not unprecedented. Prior to 239 Banker, the law-and-order administration of Mayor Rudolph Giuliani had, in 2000, evicted 60 people from an informally converted building, 247 Water Street, in Dumbo. The city cited severe concerns from fire department inspectors in taking the dramatic actions, but the image of tenants left out in the cold during the mid-December eviction did little for the city's public relations. Further, the city noted that a list—never published—of some 120 additional loft buildings being used as residences in Brooklyn had been passed on to the Department of Buildings, and were under inspection. One lawyer posited that those 120 represented only the “tip of the iceberg,” estimating that there were probably a thousand buildings in Brooklyn and 10,000 informal tenants within them.²¹⁴ Giuliani's administration never moved to evict those further tenants en masse, though the fire department list likely helped draw the “observed residential use” map used in rezoning the North Brooklyn waterfront. In a more fatalistic echo of planners' views on SoHo decades before, a North Brooklyn councilman summed up the prospect of Brooklyn lofts in the 21st century well: the neighborhoods had already “been transformed, a de facto rezoning from a heavy-industry series of neighbors to a mixed-use and residential neighborhood...there's no way to roll the clock back.”²¹⁵

The concern remained, though—“no matter how much space or how cool the nabe, it's not a good deal to live in a firetrap.”²¹⁶ But it was; the informal residences were a compelling deal for thousands. The illegality of the arrangement, along with the ability to subdivide space to one's needs, made the loft apartments affordable. This was equally true for buildings that were illegal to live in for their fire safety failures as those that were simply zoned differently; the vast majority of buildings

214 Bruce Lambert, “247 Water Street Evictions Illuminate Issue Of Illegal Loft Apartments,” *New York Times*, December 27, 2000.

215 Ibid.

216 Ibid.

fit into both categories in any case. Again, this was as true in Brooklyn as it was in the early days of SoHo, when, at street level, the neighborhood seemed similarly marginal, and the possibility of eviction still loomed. Some typical explanations of why people would choose to live in loft spaces were recorded in a 2004 *New York Times* report. While the young women had implicit understandings of the now-classic loft lifestyle, invented before they were even born, saying “it was bohemian... you had to be crafty to live there,” they were drawn more than anything else by low prices. Their illegal apartment offered them creative control, sure, but it also offered a space for living that was almost half as cheap as other standard apartments that they considered.²¹⁷

That canonical story of newcomers to the city finding affordable space in the margins was oft-repeated in the press in the 2000s, and was repeated to this author in interviews conducted in 2014 at 239 Banker. While the aforementioned conflict with the industrial neighbors’ early morning noise wasn’t ideal, the resident in his mid-twenties (who declined to give his name) was drawn to the building by the price. He was able to ascertain that the building’s legal status was tenuous when he moved in, but saw a great deal of opportunity in the raw space on the ground floor. The building manager with whom he dealt agreed to help the resident and his roommates build out their unit to their specifications; while they regretted that their common areas were not given to more natural light, they themselves made the decision to cede the light to the bedrooms, and to construct enough of those bedrooms so as to make their space affordable. The five roommates had to contend with issues beyond that which their SoHo forebears might have—their ground floor apartment flooded during Hurricane Sandy, and have (as one might imagine) struggled somewhat to get compensated by their landlord for the trouble. For this fight, though, and for the now-ongoing regularization process, though, the resident

217 Penelope Green, “20-Something Trio Sings the Praises of Loft Life,” *New York Times*, May 9, 2004.

interviewed has found a great deal of help in a self-organized tenants group in the building; having 74 units under a single roof and dealing with a single owner seems to have produced an ideal space for community-based activism and mutual support.

New Accommodations: The 2010 Loft Law

In 2010, after the IBZ encircled 239 Banker, after North Brooklyn was rezoned for a future as a higher-density, almost certainly higher income district, and after the whole building was vacated, a route for these residents to stay indefinitely in the apartments they had built for themselves was opened up. Through the efforts of powerful Brooklyn Democrat Vito Lopez, the 1982 Loft Law was revived, passed by the New York State Legislature, and extended to be open to any building in which people were living for at least year during 2008 or 2009—including 239 Banker. Lopez and Mayor Bloomberg fought over whether or not buildings that had already been converted within the IBZs should be covered, and eventually reached a compromise wherein 13 of the 16 that existed at that time would not allow for a path toward legalization under existing Loft Laws.²¹⁸ The three in which Lopez ensured informal conversion could be protected were those that had seen thus far the greatest informal activities, including the North Brooklyn IBZ, and the donut hole left by Bloomberg's 2006 rezoning, the Greenpoint-Williamsburg IBZ.

The residents on the first floor of 239 Banker were now free to apply (together with their compatriots in the building) for the same rent-stabilization and fire protection standards as tenants with normal residential leases. When the law passed, the tenants felt as if they had the landlords' full support; after all, they had had little hope of staying below the DOB's radar, as previous successful conversions were often able to do. If they so chose, they could now bring their building to code

218 Erik Engquist, "Late-Night Law Reshapes NYC's Loft Landscape," *Crain's New York Business*, June 22, 2010, http://www.craigslist.com/article/20100622/REAL_ESTATE/100629954/late-night-law-reshapes-nycs-loft-landscape.

and obtain an official Certificate of Occupancy, and even in the meantime, with a temporary C of O, they were de facto free to continue to advertise their building openly. As it so worked out, though, one of the owners, Menachem Stark, would not live long enough to see the late stages of his persistent flouting of the city's laws. His smoldering body was found in a Long Island dumpster on January 3, 2014, after being abducted from his office from unknown assailants. The media widely presumed money issues—after all, he and Perlmutter had defaulted on a \$29 million loan in 2009, and he was continuing to rack up thousands of dollars of fines on the Banker street property alone. The irascible *New York Post* asked in their profoundly indelicate cover story on the subject: “Who didn’t want him dead?” He left behind, among other properties and a bereaved family, a large building in Greenpoint with a pending application for protection under Lopez’ new round of the Loft Law and \$15,000 in outstanding fines for DOB violations.²¹⁹

Stark, Perlmutter, and 239 Banker represent the new generation of informal developers, one wherein landlords are no longer happy to simply provide a wink and a nod, but are willing to put their lives and livelihoods at risk for the promise of quick illegal returns and, if the historical pattern holds, long-term stable rental income. Landlords now actively solicit dwellers, offer opportunities for creative decoration and the prices that allow for creative activity. The activities remain informal in those periods when the conversions outpace the city’s ongoing, sporadic program of accommodation, given the risk of eviction and the continued affordances of agency in units building out their units, even in such capital-intensive conversions as 239 Banker, though much of surreptitiousness that once marked conversions has evaporated over its fifty years of history. The lack of planning and even city knowledge continues unabated, however; a senior City Planner described the ongoing conversion of lofts as “contained,” perhaps referring to the residential

219 Larry Celona, Jamie Schram, and Aaron Short, “Slain Slumlord Found in Trash Has Enemies List a Mile Long,” *New York Post*, January 5, 2014.

rezoning of North Brooklyn, or the 2010 reinvocation of the Loft Law. The continued conversion of properties since the 2008 cutoff the newest Loft Law provision, far outside the bounds of the rezoned Brooklyn waterfront, however, suggests that the regularization process, in spurts and bounds, will continue unabated.

In 2008, a non-profit group in Queens, the Chhaya Community Development Corporation, working with Pratt University, published two reports on the subject of “the housing underground” across the city of New York, with a focus on two neighborhoods in Queens: the garden apartment neighborhood of Jackson Heights, and Briarwood, a neighborhood largely made up of single-family, detached homes adjacent to and very similar to Jamaica. They defined the question at hand broadly as “units that have been created in spaces that are not approved for living. They include private homes that have been cut into rooming houses, two-family homes with unauthorized basement apartments that house an illegal third family, unapproved residential conversions of commercial lofts, and other types of unlawful construction.”²²⁰ Broadly, the two reports seek to get at a sense of the scale of the “housing underground” and to think on ways to regularize these dwellings. Known as “accessory dwelling units” in other cities (like Santa Cruz, California) wherein they have already been legalized, Chhaya and the Pratt Center argue that these housing arrangements offer badly needed affordable housing, especially to immigrants.

What is particularly interesting, for the purposes of this thesis, is how the various instantiations of informality in the housing sector in New York’s history are linked to this contemporary concern. Chhaya’s work is targeted toward effecting changes in the city’s enforcement policies, zoning laws, and financial incentives that would support this sector of the housing market; as such, they provide a

220 Neuwirth, Robert, “New York’s Housing Underground: A Refuge and Resource” (Pratt Center for Community Development and Chhaya Community Development Corporation, March 2008), 1.

221 Plunz, *A History of Housing in New York City*, 120.

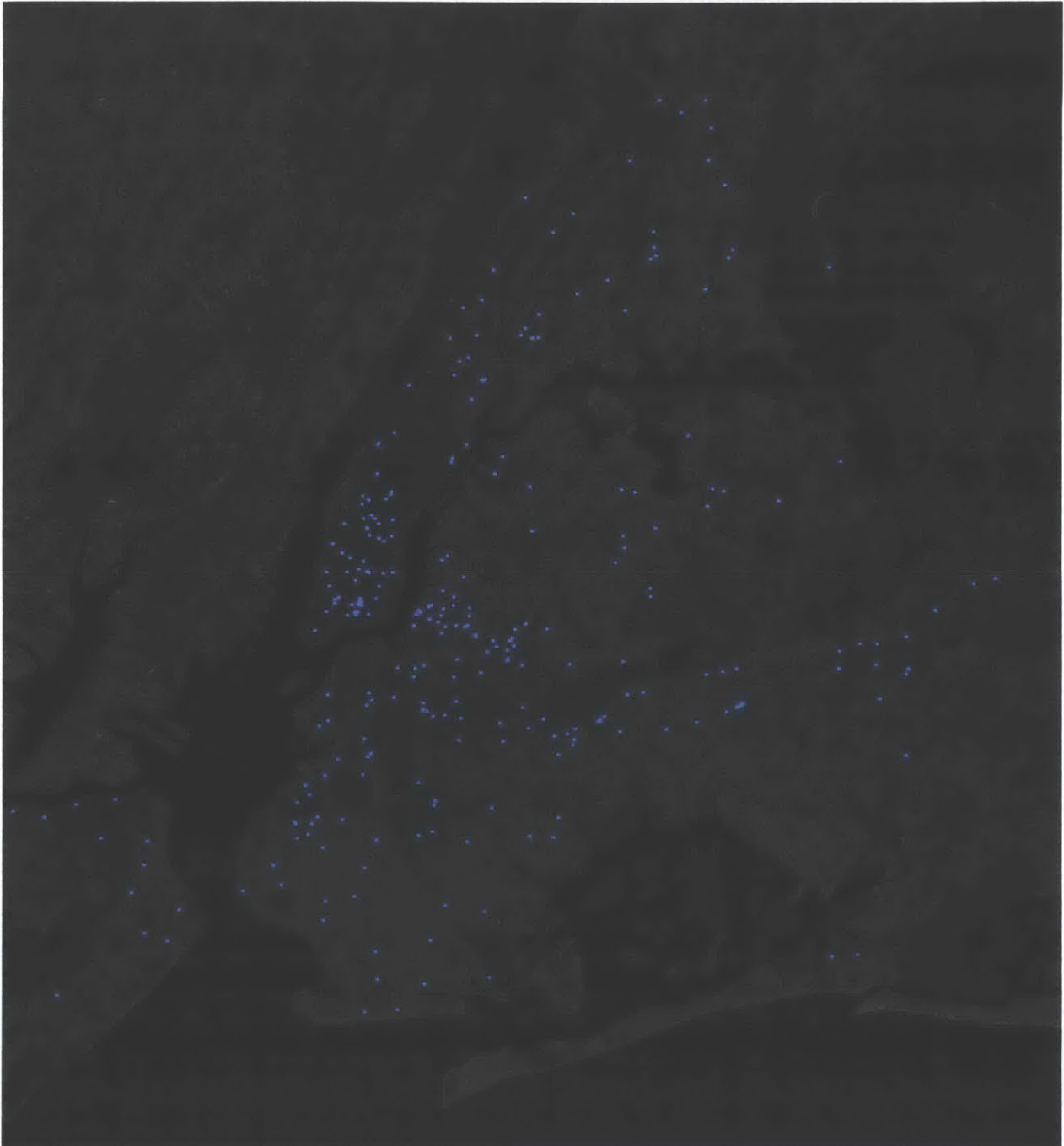


Figure 5: Active complaints, via 311, of conversions from industrial to residential use, 2014

Chapter IV — Out of the Tenements, into the Basements: The Recent Scene on the Fringes of NYC



"It's a very fine word -- illegal...It's like crossing in the middle of the street. That's illegal, because you're supposed to do it at the corner. But everybody does it anyway, so it almost becomes legal."²²²

- Angelo Langdakis, Queens Real Estate Agent



The conversion of garages to housing in Jackson Heights





Hidden areas, accessed by alleys and originally designed for cars, now hold informal housing





Jackson Heights' low built density necessitates informal conversions, and fosters communities





Single family homes in Jamaica, Queens often show signs, like extra satellite dishes of conversion



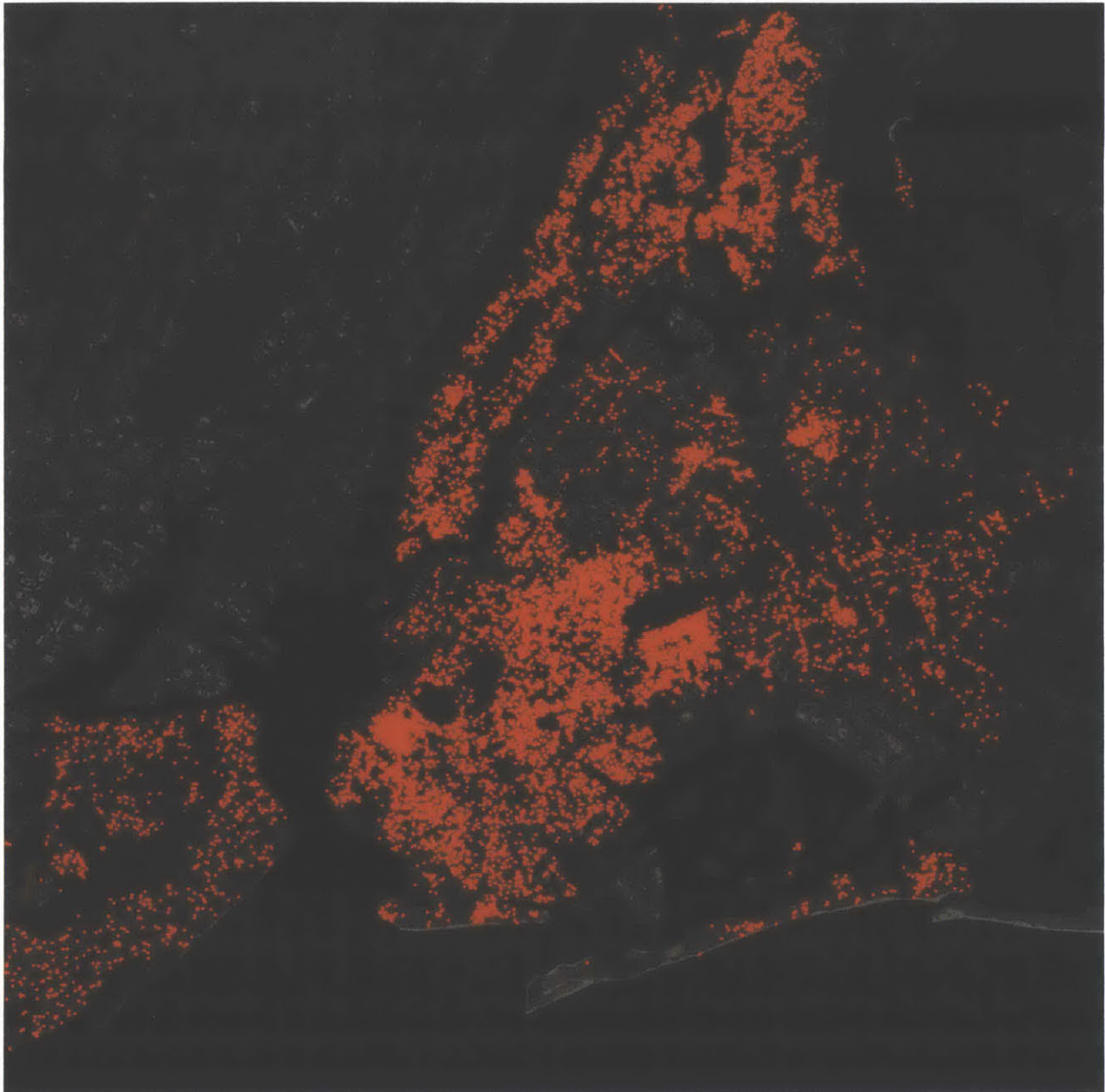


Figure 6: Anonymous complaints of “Illegal Conversions” to 311, a city tipline. 2012-2014

number of recommendations for further action. But their arguments are based in research, fundamentally produced through fieldwork, that they are perhaps uniquely equipped to undertake in the communities in which they work. Gifted with a network able to assemble a survey team that spoke “Bengali, Chinese, Haitian-Creole, Hindi, French, Nepali, Punjabi, Urdu, and Spanish,” they were able not only to walk the neighborhoods and conduct visual surveys of buildings, but also to talk to residents and owners of informal dwellings.²²³ The importance of the visual survey is interesting in and of itself—a testament to the power of careful observation (looking for markers of illegal conversions like extra mailboxes, extra garbage cans) in teasing out the true extent of self-building in neighborhoods that, on first glance, are visually dominated by signifiers of traditional American nuclear family living. And while their policy proposals for these homes and neighborhoods will not be fully addressed, their research is striking, unprecedented, and of great interest for those attempting to understand informal housing in New York.

Chhaya’s research, in conjunction with and alongside the work of other groups like the Pratt Center for Community Development and the Citizens Housing and Planning Council, has spurred a renewed interest in the informal housing market in the outer boroughs, especially (given Chhaya’s community ties) in Queens. With new mayor Bill de Blasio’s promise to “end the practice of pretending these homes and their families don’t exist,” and admission that he himself lived in a basement apartment in Queens in ‘80s that he “can’t say for sure” was legal, the promise of reform of these spaces seems closer than before.²²⁴ And while the existence of what can be defined as informal housing has been demonstrated to

222 Frank Bruni and Deborah Sontag, “Behind a Suburban Facade in Queens, A Teeming, Angry Urban Arithmetic,” *New York Times*, October 8, 1996.

223 Chhaya Community Development Corporation, “Illegal Dwelling Units: A Potential Source of Affordable Housing in New York City,” April 2008, 5.

224 Mireya Navarro, “Looser Rules on Illegal Housing Sought,” *New York Times*, October 13, 2013.

exist throughout the city's history in previous chapters, the case of these units outer borough immigrant communities transposes that narrative to a new typology, a new historical moment of planning thought, and into new physical and social neighborhood contexts.

The Development of Queens

The history of development in Queens is distinct from that of SoHo or the Lower East Side, and its particular built form has direct implications on the contemporary informal housing scene. Forest Hills Gardens was laid out in 1908, and over the course of its history has been formed into once of the most famous portions of a collage of middle-class housing in the outer boroughs of New York City.²²⁵ In the first three decades of the twentieth century, a huge portion of the city's fabric was planned, developed, and constructed. Whether they were single family, detached homes of the sort that might be found in Cleveland or Detroit, or of the new Garden City model then being propagated in England, or indeed of New-Law tenements, a panoply of residential typologies spread outwards from the population centers of downtown Manhattan to cover the city to its bounds. As discussed in Chapter II, these new residences offered a new rung on a sort of spatial ladder that the successful residents of the Old Law tenements—so many immigrants from Europe—could grab hold of and lift themselves onto. New city infrastructures, chief among them new bridges across the East River and the dramatically expanded public transit system of subways and elevated trains enabled a physical mobility that reshaped the cultural and social form of a city so visibly made up of neighborhoods defined by the ethnic heritages of its denizens.

Richard Plunz' monumental history of the built forms of housing in the city—*A History of Housing in New York City: Dwelling Type and Social Change in the American Metropolis*—is an indispensable resource on the paired formal and

225 Plunz, *A History of Housing in New York City*, 117–119.

intangible development of the city, and this study is indebted to his fine-grained research. As he narrates the exodus from the Lower East Side, he captures a sense both of the diversity of built forms and the desires of the communities that either helped planned them or ultimately inhabited them. The histories here also function to provide another perspective on the emptying of the parts of Manhattan that were ultimately the subjects of homesteading and squatting as seen in Chapter III. The Lower East Side, after all, lost 53 percent of its population between 1910 and 1930.²²⁶ As Plunz recounts, as the Jews left the Lower East Side, they settled throughout the City; new communities appeared in parts of Brooklyn (for example, in Williamsburg just across the new bridge, where large numbers remain to this day), and in the Bronx, where by 1930 Jews made up 585,000 of a total population of 1,300,000: the highest concentration in the country.²²⁷ Plunz argues that the high densities they settled in in the South Bronx represented a sort of suburban development to a population that had been “released from...the most concentrated urban agglomeration in the world.”²²⁸ To his mind, the tall courtyard apartments that private developers and Jewish-run trade unions developed demonstrated that the “urbanistic legacy of the Lower East Side could not be easily eradicated.”²²⁹ Culture (both historically-born and developed in the last generation) for those that were empowered to make their own spaces had direct implications on the built form.

In some ways, though, the Jewish community, with the power they had amassed in trade unions, was the exception. There were certainly other groups, not possessed of economic means, that were obliged to remain in the old-law tenements or, as the program emerged in the 1930s, into public housing. Still others had perhaps no interest in communal living; the single-family home forms enough of

226 Boyer, *Dreaming the Rational City*, 248.

227 Plunz, *A History of Housing in New York City*, 132.

228 Ibid.

229 Ibid.

a powerful ideal in the U.S. that its history need not be covered here. Though in the worst moments of the tenement era, it may have been impossible for many residents of the city to picture a transition between those structures and the single-family home, for some the move would happen within a single lifetime. While the Tenement House Department concerned itself with the maintenance or potential reimagination of the old and new-law tenements (to little avail), private developers set about building much of Brooklyn and Queens from the ground up.

Though the styles and, to a lesser extent, the densities of these neighborhoods would differ from developer to developer, the distribution of uses within them would be standardized to a degree that had largely not been seen in Manhattan. With the advent of zoning in 1916, which specified “the allowed uses of land and buildings, the intensity or density of such uses, and the bulk of buildings on the land” for the purposes of maintaining “public safety, health, morals, and general welfare,” those neighborhoods in the outer boroughs that were constructed after that point were obliged to hide the uses from one another. Where not ten years before, the tenement house laws had banned only certain noxious industries from the same buildings as residences, such as the rendering of fat or sheltering of goats, the 1916 law, along with developing tastes for bucolic, semi-separated homes, ensured that—by law—residences would no longer have to suffer adjoining industry. Spaces of work would remain on the waterfronts or in the dense center of Manhattan, where a more mixed-use fabric would be grandfathered in and remain for later reconfiguration, or it would leave the city entirely.

At the height of the crush of tenement construction and occupation, in 1880, a prominent member of the American Institute of Architects’ chapter in New York expressed his (at the time far-fetched) hopes that “independent homes for many of the better sort who now live in tenement houses, which...might well be in the

shape of disconnected cottages.”²³⁰ In Plunz’s words, this “vision was to become the dominant national design ideology for housing the working class in the next half century.”²³¹ And it began rather quickly after such sentiments were expressed, albeit likely not due to their efforts. By way of a typical example, the private City and Suburban Homes Company began in 1898 to develop 530 lots in Brooklyn, calling them Homewood. These were detached cottages” that, with subway service arriving around fifteen years later, Homewood (later simply a part of the neighborhood of Borough Park) was, for a five cent fare, only fifty five minutes from City Hall.”²³² Single-family detached homes predominate in much of the furthest reaches of Queens and Brooklyn, including Jamaica, East Flatbush, and Richmond Hill. Briarwood, one of the neighborhoods in which illegal conversions were studied by the Chhaya CDC, is so called for its original developer, the Briarwood Land Company, which laid out the neighborhood in 1907.²³³

Bricks and Morals

Larry Vale, writing on the origins of public housing, has argued that “design standards [of those projects]...were clearly related to the behavioral standards expected of the intended occupants and embraced the very high expectations about the ability of low-rent dwellings to serve as a tool for social betterment.”²³⁴ While private developers may not have been concerned with social mores to the same degree as public housing advocates, the above opinion of the AIA (and others, as investigated in chapter II) point to a general expectation that, with single-family homes in the outer boroughs, a better moral standard would emerge. Simply put, in Vale’s words, “those who produce, promote, and manage housing have always linked

230 Ibid., 28.

231 Ibid.

232 Ibid., 115.

233 Diana Shaman, “If You’re Thinking of Living In/Briarwood; Queens Area Gaining a Stronger Identity,” *New York Times*, July 14, 2002.

234 Larry Vale, “Standardizing Public Housing,” in *Regulating Place: Standards and the Shaping of Urban America*, ed. Eran Ben-Joseph and Terry S. Szold (New York: Routledge, 2005), 67.

the quality of physical environments to the character of those expected to live in them.”²³⁵

In the city as a whole, especially before the height of the public housing and urban renewal movements in the middle of the century, private actors, many of them housing developers operating on unprecedented scales, remade the fabric of the city. Whether or not they intended to inculcate a different moral structure is impossible to say, but the physical structure they produced would have real effect in that realm. Plunz again: “the 1920s produced a volume of new housing which has never again been equaled, quantitatively or qualitatively. Between 1921 and 1929 420,734 new apartments, 106,384 one-family houses and 111,662 two-family houses were constructed.”²³⁶ While it is something of a simplification of the spatialization of these types, largely, Manhattan and the Bronx saw denser apartment development, Queens largely single and two-family homes, and Brooklyn a mix of all three. “By 1920 2,028,160 New Yorkers (of a total of 5,620,048) were first generation immigrants,” and their economic successes allowed them to demand middle class homes, rather than tenement.²³⁷ This led not only to new construction, but also to limited redevelopment of the already built parts of the city. “From 1920 to 1929, 43,200 Old Law tenements were removed.”²³⁸ Provided that it was provided for in the 1916 Zoning, “the Tenement House Act was revised in 1919 to permit conversion of large single-family houses such as brownstones into apartments for less affluent occupants.”²³⁹ Numerous back-buildings that had been crammed into the Lower East Side were demolished. Studies proposing dramatic renovations of the tenement stock occurred around 1920, with proposals from within the Board of Standards and Appeals to add extra stories on to the tenements (forming seven story walkups),

235 Ibid., 69.

236 Plunz, *A History of Housing in New York City*, 122.

237 Ibid., 123.

238 Ibid.

239 Ibid.

though it would take decades for radical action to remake the tenement districts in the ways described in the previous chapter.²⁴⁰

Remaking the tenement district in that moment was a challenge; though there had been out-migration, the neighborhood was still densely built and densely occupied. In contrast, in 1920, Queens was ripe for development—of its 115 (at the time) square miles, 78 were productive farms.²⁴¹ When the subway reached what would become Jackson Heights in 1917, it put some of that farmland a twenty-five minute, five cent commute from Midtown Manhattan.²⁴² Edward MacDougal's Queensboro Corporation set about developing what it called "the largest community of cooperatively owned garden apartment homes under single management in the world."²⁴³ Through targeted marketing and social pressures, Richard Plunz argues, the development was restrictively sold; Plunz quotes a Jackson Heights resident in 1975 recalling that, in those early days, there were "no Catholics, Jews, or dogs."²⁴⁴ The built forms of Jackson Heights somewhat diverse—there were important plans drawn up for five and six story elevator buildings wrapped around ornate courtyards, intended for the most elite residents, as well as more middle class walkup apartment buildings.²⁴⁵ Increasingly, too, the neighborhood would see attached single family homes.

Retrofitting The Garden City

Lewis Mumford's residence, Sunnyside Gardens, was prominent addition to the landscape of Queens in the 1920s. Completed in 1928 just west of Jackson Heights along the shared subway lifeline, Sunnyside's density was "the lowest of

240 Ibid., 127.
241 Ibid., 130.
242 Ibid.
243 Ibid.
244 Ibid., 131.
245 Ibid., 143.

any garden apartment development completed in the 1920s.”²⁴⁶ Although the blocks of the development contained large, shared courtyard spaces, the street frontage is immediately understood as a set of single family homes with private entrances. Though Sunnyside was an early example of party-wall, one-family rowhomes in the area around Jackson Heights, it would be joined by others in later years. Further, as the twenties came to a close, car ownership in Queens (and indeed in the U.S. as a whole) were increasing dramatically; Plunz eloquently describes the automobile as “the most momentous consumer product of all,” and even in a study of relatively car-independent New York, describes the automobile as “the single most revolutionary force in the urbanism of housing in this century.”²⁴⁷ In Jackson Heights, this meant that developers were increasingly obliged to provide garages for homes without compromising the artistry of their incipient neighborhood. A handful of architectural responses to the challenge emerged, but one in particular proves to be important for the study of informal housing at hand.

Though only a few different basic typologies emerge in Jackson Heights, given its rather planned nature, a major differentiation was established between the car-friendly rowhome and the rather more pre-car elevator buildings. It turns out to be a division that has direct implications on the informal housing market in the present day. Plunz describes a typical block in Jackson Heights—70th Street between 34th Avenue and Northern Boulevard, built in 1927. In the front of the buildings the public facing gardens and private entrances are maintained but at the ends of blocks are gaps in the rows of housing that allow cars to navigate to a sort of courtyard space, albeit one given over for parking. There, behind the block of buildings and somewhat sunken below them, each unit is given a garage at the cellar level. In contrast to the publicly shared green space in the front of the block,

246 Ibid., 171.

247 Ibid., 200.

the literal picket fences and visible, if inaccessible fronts steps, the garages are hidden from the public eye, barely visible down the alley-like breaks in the rows. Where in the late 1920s these spaces were meant to accommodate the perceived necessity of cars without compromising the garden city image, in 2014, as we will see, they instead offer opportunities for discrete informal conversions to meet the needs of 21st century Queens residents.

The Newest New Yorkers

In the seventies, when neighborhoods like the Lower East and Upper West Sides of Manhattan were undergoing dramatic shifts related to population loss and physical abandonment, immigration proved to be a continuously confounding variable. As the suburbs to the north, west, and east of the city grew with an influx of first and second generation European immigrants, New York City lost population overall and white population in particular. But as the city's official report on international immigrants, entitled *The Newest New Yorkers*, demonstrates, immigrants dramatically offset the net population loss. Some 1.15 million people left the city, but 783,000 immigrants came to the city—in the words of the city report, “opportunities envisioned by immigrants to the city were preferable to those in their countries of origin.”²⁴⁸ Indeed, in each decade since 1970, “net migration to the city has been negative, despite the huge flow of immigrants. Given continued net domestic outflows [both flight to the suburbs and out of metro area] the city would have sustained huge population losses were it not for the entry of immigrants.”²⁴⁹ The city is more ethnically diverse than it has ever been; once 63% of the population (in 1970), the number of non-Hispanic whites in the city was little over half the city's total in 1980, and in 2011 made up only one third of the population. Though still a plurality, white non-Hispanic residents—like all other ethnic backgrounds

248 New York City Department of City Planning, “*The Newest New Yorkers: Characteristics of the City's Foreign-Born Population*” (New York City Department of City Planning, 2013), 179.

249 *Ibid.*, 180.

in the city—are distributed unequally across the city. According to a report on the subject produced by NYU’s Furman Center for Real Estate and Urban Policy, non-Hispanic whites are “the most concentrated of all racial/ethnic groups,” representing a majority of about a quarter of census tracts in the city wherein more than half of the white population lives.²⁵⁰

Some of these tracts where more than 50% of the residents are non-Hispanic white are comprised of immigrants or their children, as in the Polish enclaves of Greenpoint, or of older populations with still-strong ethnic roots, as in the Satmar districts of south Williamsburg. Others have no apparent shared immigrant tradition—including the aforementioned loft districts of SoHo and TriBeCa, the gentrified East Village, the former West Side Urban Renewal Area, and the historically white Upper East Side.²⁵¹ While there are exceptions to the rule—especially in the Dominican neighborhoods of Washington Heights and Chinatown—Manhattan, even with its remaining tenement districts, is no longer a magnet for international migrants. Again with some exceptions, Manhattan, with only 29% of its total population foreign-born in 2011 is a far cry from the immigrant mecca it was at the beginning of the 20th century. Manhattan accounts for only 15% of the total foreign born population of the city; Brooklyn, the most populous borough, claims 30.9% of the number, and Queens, the largest by area, houses 35.5%. All told, 3.1 million New Yorkers of a total of more than 8 million were born outside the U.S., and approximately 6 in 10 New Yorkers are either immigrants or the children of immigrants. Queens, with its relatively low-density form built under the strictures of zoning and various planning fads has been pressed upon to house the immigrants that the tenements might once have accommodated. Undoubtedly,

250 The Furman Center for Real Estate and Urban Policy, “The Changing Racial and Ethnic Makeup of New York City Neighborhoods” (The Furman Center for Real Estate and Urban Policy, May 2012), 30.

251 The Furman Center for Real Estate and Urban Policy, “The Changing Racial and Ethnic Makeup of New York City Neighborhoods.”

were they to be used in the way that their builders had intended, the homes of Jamaica and Jackson Heights would prove to be wholly inadequate to house these masses. And yet they function; the people are there.

The Scale of Informality

Estimates of illegally converted units in Queens vary widely, and so too do the estimates of the number of New Yorkers housed within them. Chhaya and the Pratt Center looked at a combination of Census data and Department of Buildings certificates of occupancy to get to their estimate of around 114,000 housing units created without permits from the city. The 2000 Census listed 210,358 housing units more than the 1990 Census; over the same time, the DOB had paperwork to match 114,000 fewer units. 48,000 of this “unaccounted for” number of informal units were created in Queens, and, when added with official construction paired with certificates of occupancy, the informal housing sector represented 73 percent of all housing built in the borough in that period.²⁵² Citywide, the Chhaya/Pratt Center report estimates in turn that those ten years of unpermitted construction accounts for four percent of the total housing units of the city, and likely houses 300,000 to 500,000 New Yorkers. By more official counts, the Department of Buildings has received over 57,000 complaints of illegal conversion through their 311 tipline since April 2013 alone.

These units are spread throughout the four boroughs outside of Manhattan, and indeed are more commonly found as the distance from the city’s core increases. In the words of the Pratt Center, they are found in “stable working- and middle-class neighborhoods that are home numerous immigrant groups...that have, on average, larger family sizes” than the rest of the city.²⁵³ Though the report does not make note, they are also largely recorded in neighborhoods that were set aside for

252 Chhaya Community Development Corporation, “Illegal Dwelling Units,” 2.

253 Ibid., 3.

lower-density housing at the time of their zoning and development.

The effects of this mass of conversions at a neighborhood scale can be understood of in a number of ways. The ethnic character of a neighborhood like Jamaica, where firefighters estimated in 1996 that “as many as 80 percent of the homes...have been unlawfully subdivided” and where numerous Caribbean immigrants have settled in recent decades is immediately apparent in the stores selling roti and doubles on Rockaway Boulevard.²⁵⁴ Their presence is perhaps less visible on the cottage-lined side streets. Jackson Heights’ South Asian population is known across the city for its sari shops, Bangladeshi restaurants and Indian groceries on 82nd street, near the elevated tracks of the 7 train; it is nearly invisible at the bucolic, Garden City-styled street frontage of 71st Street. When Chhaya (and on another occasion, this author) walked behind the buildings, though, to the sunken garage court, it quickly becomes clear that not only automobiles are being housed. Chhaya’s report on the study area found that 39% of the homes in the district had compelling signs of conversion.²⁵⁵ In Richmond Hill, where Jacob Riis lived comfortably apart from his subject matter while compiling his famous study of Manhattan squalor, an Indo-Caribbean neighborhood of immigrants from Guyana make themselves known with dancing schools, mosques, temples and political clubs; the blossoming real estate market they’ve kickstarted makes itself known through the numerous realty agencies on central Liberty Avenue. In 1998 a journalist recorded “no fewer than 10 realty offices, three mortgage companies and a trio of insurance brokers.”²⁵⁶ Meanwhile, housing inspectors estimate that “more than half” the apartments have illegal apartments, “the vast majority of them in basements.”²⁵⁷

254 Frank Bruni and Deborah Sontag, “Behind a Suburban Facade in Queens, A Teeming, Angry Urban Arithmetic.”

255 Chhaya Community Development Corporation, “Illegal Dwelling Units,” 1.

256 Glenn Thrush, “The Battle of Richmond Hill,” *City Limits*, December 1998.

257 Ibid.

“It Manifests Itself in People Dying”²⁵⁸

In any case, even if those units had been created above ground, skirting the 1906 law against living in any space “more than one half below the level of the curb,” they would still be illegal. Across the city of New York, apartments cannot exist within wood-frame houses—a law that dates to Riis’ time, and his horrific descriptions of the multi-story wooden “rookeries” that predated the brick tenements in downtown Manhattan and, in the eyes of the 19th century planner, gave rise to villainy, despair, and the inevitable deadly fire. Fire is not the only problem associated with the informal conversions in Queens, but it is the gravest. Lethal fires are often the first signs to the broader public that conversions are happening, and sobering reminders of the risks associated with letting the phenomenon go unregulated. A 1997 fire in low-density Maspeth, Queens that killed four Polish immigrants showed not only that the house in question had been occupied by many more people than was legal, but that the risks in allowing them to do so without requiring fire escapes and multiple points of egress could be deadly.²⁵⁹

So too, in the end, was the necessity of running electricity from the legal upstairs unit to the basement, done with “lots of extension cords...a lot of exposed wires.”²⁶⁰ The fire in Maspeth triggered an increase in penalties for illegal conversions, but as Chhaya observed ten years later, that there was no reduction in reported complaints of illegal housing. A fire in an unwarranted basement residence of a wooden house in the Queens district of Woodside that killed three men in 2009 again demonstrated the risks of a basement dwelling with a single exit and bars on the ground-level windows. In this case, the DOB response, when it was called out to a block with numerous residents that knew “many houses on the block...had ‘extra

258 Karen Zraick, “After Fatal Fire, City Vows Crackdown on Illegal Apartments,” *New York Times*, April 26, 2011.

259 Frank Bruni, “4th Body Found in Fire; City Says House Had Illegal Units,” *New York Times*, April 22, 1997.

260 Ibid.

rooms' in their basements" was to evict eight rooms in the building next door. One displaced informal resident was quoted: "where are we going to go? It makes me angry."²⁶¹ Indeed, fires seem to have some relationship with illegal conversions; in an article on the subject entitled "Not Just Shabby and Dismal, Illegal Apartments Can Kill," a *New York Times* reporter noted that the combination of missing exits, inadequate wiring and wood frame buildings contributed to the fact that Community Board district encompassing Jamaica saw more fire-related deaths than any other from 1986 to 1995.²⁶² The fires that Giuliani's administration had feared would erupt in Brooklyn's informal lofts never came, at least to that architectural typology. But when paired with another informally occupied structure, it proved deadly. Put another way, "Hell's Hundred Acres," as SoHo had previously been termed, had been transposed out of Manhattan, and expanded a thousand-fold.

An Acceptable Risk?

The same *Times* article noted that though "shabby and dismal," an illegal attic apartment in a detached home on 156th street in Jamaica was the only affordable option for one single mother living on less than \$500 of government support each month. The building owners, who had created eight units in the three story home to support their mortgage stand in for the numerous homeowners that, several accounts attest, produce informal housing in order to make ends meet. The rents for some of the spaces that burned in the late nineties were indeed staggeringly cheap: \$107 a month for a basement space in Woodside, \$150 a month for an attic in Maspeth.^{263 264} In the late 2000s, Chhaya, estimating an average rent per unit in Queens at \$700, in a city with a median rent (counting public housing) of

261 Karen Zraick, "After Fatal Fire, City Vows Crackdown on Illegal Apartments."

262 Frank Bruni, "Not Just Shabby and Dismal, Illegal Apartments Can Kill," *New York Times*, October 8, 1996.

263 Karen Zraick, "After Fatal Fire, City Vows Crackdown on Illegal Apartments."

264 Frank Bruni, "4th Body Found in Fire; City Says House Had Illegal Units."

\$1,550.²⁶⁵ Totaled across the borough, this would mean that informally rented units in Queens contributed almost \$3 million to owners.²⁶⁶ A 1996 article in the *New York Times*—“For Landlords, Hard Numbers and Obligations”—captured both sides of the bargain; for residents, spaces that are “passable for those with no choice,” and for landlords at risk of losing their buildings to tax delinquency, a semblance of an income.²⁶⁷ Chhaya posits that an increase in complaints and DOB violations have helped drive Queens homeowners who counted on the rental income to afford their homes toward losing their homes to mortgage defaults in the 2008 financial collapse.²⁶⁸

Inspections on the city’s part, as in SoHo throughout that district’s residential history, are spotty. In the case of the Maspeth house, fire inspectors had noticed the illegal conversion prior to the lethal blaze, but the violations levied stopped short of demanding the building vacated. According to a Fire Department spokesperson at the time, there was no suggestion of an “imminent threat to people’s lives.”²⁶⁹ Many times, the conversions go totally uninspected, due to laws stating that buildings officially understood as single or two family residences may not have their interiors entered at an inspector’s will, as in buildings with more than two units on the books. Even if the DOB or Fire Department suspect that a home has been converted, court cases has held that one and two family homes are “a man’s castle,” and cannot be inspected without permission or a warrant.²⁷⁰ While orders to vacate buildings have increased in recent years, from around 738

265 Nick Moroni, “Illegal Solution for More Housing?,” *Crain’s New York Business*, February 17, 2013, http://www.crainsnewyork.com/article/20130217/REAL_ESTATE/302179985/illegal-solution-for-more-housing.

266 Chhaya Community Development Corporation, “Illegal Dwelling Units,” 4.

267 Dan Barry, “For Landlords, Hard Numbers and Obligations,” *New York Times*, October 10, 1996.

268 Chhaya Community Development Corporation, “Illegal Dwelling Units,” 4.

269 Frank Bruni, “4th Body Found in Fire; City Says House Had Illegal Units.”

270 Frank Bruni and Deborah Sontag, “Behind a Suburban Facade in Queens, A Teeming, Angry Urban Arithmetic.”

in 2006 to 1300 in 2011, a high ranking source in the Department of City Planning interviewed in 2014 that inspectors are often loathe to put already needy residents out on the street in situations that stop short of posing immediate threats.²⁷¹ In that staffer's own experience in neighborhoods as different in intention from affordable housing as Gerritsen Beach (developed as a district of vacation bungalows in the southeastern reaches of Brooklyn) demonstrated clear signs of density far beyond what it was zoned and built for. On the whole, in fact, he communicated a sense that the city has a sense, however nonenumerated, that the conversions are happening everywhere on the city's edges. And while he does not represent the bodies of the city administration responsible for inspecting the buildings and neighborhoods of the city, he implied that that understanding was widespread, and that those responsible let most offenses pass without censure, like they had the lofts before them.

Regularization and Ignorance

In the (likely optimistic) view of Chhaya, 33% of the informal units that they found could be safely legalized.²⁷² In some cases that they related, basement homes with multiple modes of egress and humane amounts of light and air were ordered vacated and their residential features permanently removed for sitting a matter of inches below the legal grade. Their team was ultimately able to speak only to forty-seven owners and seven tenants, even under conditions of total anonymity and with their status as a non-governmental community. From those respondents, though, they found that in those cases that 98% of the units had, in addition to the main entrance, at least one window for an adult to pass through. In the physical public realm, a community as different in intended use from present use as that living in Jackson Heights has apparently succeeded in retrofitting the

271 Karen Zraick, "After Fatal Fire, City Vows Crackdown on Illegal Apartments."

272 Chhaya Community Development Corporation, "Illegal Dwelling Units."

form to its community's needs. In the purest sense of providing affordable housing for immigrants, Jackson Heights has also apparently succeeded—Chhaya found that the majority of the tenants they were able to speak to were in fact new to the country, and that they often were comfortable enough in the units to stay for over two years. It would seem as if the risk of fire was very real, if only for the horrific, high profile, and lethal fires that periodically force the problem into the public eye. Chhaya and its compatriots fighting for regularization of the tenancy surely recognize this reality, and are arguing for it to be an integral part of any transition to normality. For others, though, the danger of fires and the architectural inadequacy in protecting residents from the worst of their effects seem to function as a convenient excuse.

In the words of Corey Bearak, the president of the Queens Civic Congress, an umbrella group of local associations, “it’s not just about taxing sewer lines and overcrowding in schools and parking. Ultimately, what happens with these fires, it manifests itself in people dying, and it’s absolutely outrageous.”²⁷³ Speaking on the occasion of the 2009 fatal fire in Woodside, Bearak’s choice to speak first to the other, less catastrophic effects of informal conversion in the borough is telling. A 1996 *New York Times* story captures the argument well—“urban tensions encroach[ing] on a quasi-suburban refuge.”²⁷⁴ One resident since 1970, Ezio Benini, was quoted: “at one time, if you moved to Queens, you were moving to a better neighborhood...now, it’s the same as all the neighborhoods.” Surely, there are real, economic concerns for a city struggling through its entire history to provide public services; “the house that used to send two kids to school sends eight... this has created havoc with the quality of life in our community.” resident Maria Thompson said. She was also quoted saying that “a lot of times the illegal renters

273 Karen Zraick, “After Fatal Fire, City Vows Crackdown on Illegal Apartments.”

274 Frank Bruni and Deborah Sontag, “Behind a Suburban Facade in Queens, A Teeming, Angry Urban Arithmetic.”

are undesirable people.” Another resident, Benjamin Bohland, who’d been living in Richmond Hill for four decades complained “why should we have to listen to what I call that mau-mau music during these 72-hour weddings.” He specifically called out “Indian or Hispanic” real estate brokers who “don’t care who they sell the house to.” In this account and others, there is a real racially-based concern with immigrant newcomers, “boom boxes at hours of the night when quiet was once a given,” a frightening, urban “sense of anarchy.”²⁷⁵

Bill de Blasio’s election as Mayor on a progressive platform, including the widely publicized, albeit vague promise to put an end to the official, practiced ignorance of informal conversions has mobilized resident protests in 2013. In published accounts in the 21st century, political correctness has limited explicit talk of race. Bob Harris, writing in the local *Queens Times Ledger* mentions fires once in his editorial “Illegal apartments lead to decline in area’s quality of life,” before warning of the risks of “violating” the zoning that had created a neighborhood with “trees, lawns, bushes...[and] garbage cans not overflowing.” But as illegal apartments “affect first one house, then another...[soon] the next blocks[sic] starts to look disreputable and then a whole area turns into a slum.”²⁷⁶ In another story by the same publication, Queens Community Board 11 voted to “stand against legitimizing any illegally zoned housing units,” citing difficulty finding street parking.²⁷⁷ In both cases, anonymous commenters on the stories make the immigration concerns explicit. “Our mayor is going to give ID papers to criminals who stole into our country;” “tell these foreigners that if they can’t find legal housing in NYC to live, then move somewhere else;” “those not born here who only came to make \$\$ tend to have less respect for laws. Includes disobeying cert of occupancy,

275 Ibid.

276 Bob Harris, “Illegal Apartments Lead to Decline in Area’s Quality of Life,” *Queens Times Ledger*, October 26, 2013, http://www.timesledger.com/stories/2013/43/harris_all_2013_10_24_q.html.

277 Kelsey Durham, “CB 11 Unites to Oppose Illegally Zoned Housing,” *Queens Times Ledger*, April 10, 2014, http://www.timesledger.com/stories/2014/15/cb11_bt_2014_04_11_q.html.

riding bikes on sidewalks...stay home, stop ruining our quality of life.”

Another local publication, the *Queens Chronicle*, in an article entitled “Basement apt. plan angers civics,” captures a telling sentiment. A community leader, Richard Hellenbrecht argues that “there’s a reason for zoning. Our neighborhoods are designed to be lived in by a certain occupancy...if [the mayor] said, all of a sudden, you can develop basement apartments...I’m gone. I’ll move out tomorrow if that happened.”²⁷⁸ The dimensions of the movement toward regularization in Queens will be political, physical, and economic, certainly, but they will also be cultural. Zoning and the built form of the borough are engrained, it would seem, but the informal actions of immigrant have already proven the feasibility of flexible use of space, and its necessity for the city to continue to grow and incorporate a foreign influx, as it always has.

And if it doesn’t? “I’d be in the streets, down and simple,” said Mr. Frasier, a nervous man with pleading eyes. “So, if that were your situation, what would it matter if you had stains on the carpet? If you didn’t have heat for most of the winter? You hear the steam rushing up the pipes to the first floor, but you get used to it. And, you know, the block is very nice.”²⁷⁹

278 Christopher Barca, “Basement Apt. Plan Angers Civics,” *Queens Chronicle*, January 30, 2014, http://www.qchron.com/editions/queenswide/basement-apt-plan-angers-civics/article_86e6f512-eee0-5af3-a81c-fb45f4aec786.html.

279 Frank Bruni and Deborah Sontag, “Behind a Suburban Facade in Queens, A Teeming, Angry Urban Arithmetic.”

Conclusion

This thesis has sought to demonstrate, simply, that informal housing—housing that is produced and occupied out of step from the legal norms—exists in New York City. In planning focused on the developing world, conversations around informal housing, squatting, land title regularization, provision of infrastructure, and out-of-control urbanization have predominated the conversation for close to half a century. While the image of the informal districts of Medellín and Mumbai is very different from that of downtown Manhattan or outer Queens, in terms of the key characteristics of the homes—their affordability, their capacity for self-building, the concomitant risk of eviction, and the lack of city services—the informal housing markets of New York and the global South have much in common. By providing a definition of informal housing that decouples the image of self-built shacks in the hills from the essential characteristics of these housing arrangements, a variety of marginal housing arrangements in New York can be unified with the better-understood examples abroad.

While the first instances of informal housing in New York City that come to mind might be those that share vocabulary—squatters in Rio de Janeiro drawing parallels to squatters in the East Village—a primary goal of this thesis, beyond simply demonstrating the existence of the phenomenon, is to bring to light the numerous types of housing that can be usefully described as informal. From the shanty-towns in pre-urban upper Manhattan, to the cellars of the turn of the century Lower East Side; from the SoHo artist's lofts to the spate of contemporary industrial conversions in Brooklyn; and from the squatted, rehabbed tenements to, most recently, the garages, attics, and subdivisions of the suburban outer reaches of the city, informality cuts across a huge number of the city's subdivisions. In grouping together a number of disparate instances of housing against the norm,

instances that have existed across the city's history, I hope to have shown that the practice of informal housing in New York exists in diverse neighborhoods, cultures, architectural typologies, historical contexts, and even income groups.

Many of the examples of informality discussed in the thesis are no longer extant, or have been regularized to a point of formality. The West Side squatters are long gone; the squatters in the East Village find themselves transformed into city-sanctioned residents of limited-equity housing cooperatives. The SoHo lofts have been de facto legalized to a point at which only the most well-heeled residents—artists or not—can enter the market, while the second and third generation of informal loft conversions in Brooklyn and Queens are currently being formalized under the 2010 reincarnation of the state Loft Law. While anecdotal information from primary research and the limited data derived from complaints of illegal residential conversions indicate that informal and unrecognized loft residences are still being produced in the outer boroughs, the ongoing legal recognition of these spaces means that the importance of informality in understanding these spaces is waning.

The final question that must be posed in this thesis, then: what is to be done? If squatting has been terminally accommodated, and lofts have been, thanks to the tireless efforts of activists and residents, de facto legalized, then the subject of chapter four—the informal densification of semi-suburban neighborhoods at the city's fringes—still remain to be tackled. Perhaps a hundred thousand units have been created through these means, and the city is positioned in the very near future to accommodate these spaces. Marginal living in the tenements was progressively, legally prohibited, lofts were given the benefit of purposeful governmental negligence, and the squats were repressed through police activity before their remnants were accommodated; how will the authorities intervene in the prototypical Queens home turned multiple dwelling? Through informal means,

never sanctioned and often not even recognized by the authorities, these buildings and the neighborhoods they comprise have been transformed into immigrant communities reminiscent of the tenement districts of Riis' time.

Surely the approach of the twentieth-century planners, of eviction and later, demolition and modernization, will not be called into action again. That historical moment seems decidedly to have passed. While many in the Queens neighborhoods in question likely wish to see the zoning laws and the intangible precepts of their neighborhoods' built forms respected, the informality in Queens have demonstrated that another way of living is possible. Artists in SoHo demonstrated that a district built for commerce and industry could also function as a space for living; squatters (and the Puerto Rican communities around them) demonstrated that the tenement buildings of the Lower East Side were desirable, that their destruction and modernist reimagination was not necessary to make them places to live. Likewise, immigrants in Jackson Heights have demonstrated that a district built for naturalized immigrants to live as nuclear families with gardens and cars could function equally well as a space for working-class recent immigrants in larger family units. In each case, the shifts in the built and social forms of the neighborhoods occurred without the necessary legal changes.

In the historical cases in Manhattan, legal recognition of the de facto changes followed. In SoHo, the residence was first permitted, and then made legal, provided that landlords or the residents, as cooperatives, brought their buildings up to a standard of fire safety. This mirrored a portion of the formalization of living in the tenements—making the extant dwellings safe for its inhabitants by requiring the construction of fire escapes—while conspicuously leaving out the paternalistic strictures that accompanied those safety rules. That is, planners did not legislate morals, did not attempt to determine whether it was right for people to live where they worked as they had once legally restricted how many people could live in one

room. It recognized that people had taken to living in the lofts (and likely saw some economic value in this transformation) and simply set about ensuring that living in a loft building could be done without the risk of dying in a fire.

The conversion of garages, attics, basements in Queens has doubtlessly created challenges to public safety for the informal residents. A small number of high profile, lethal fires in these unwarranted conversions have pointed to a lack of safe egress from these illegal units. Reading the news reports of these deaths, of children dying of smoke inhalation and immigrant men desperately hiding under rugs to escape the burning heat, there can be little question that there is a problem at hand that needs to be addressed. In such circumstances: the creation of a huge amount of affordable housing that supports the lives of hundreds of thousands of immigrants to a city that depends on their labor, the idea that the zoning laws cannot be changed is inconceivable. The idea (propounded by some residents and community boards in the neighborhoods in question) that the built form of Queens cannot reasonably support these communities is out of step with reality; the shift is already happening. If the ultra-confrontational squatters deserved recognition, and the rather less marginal SoHo artist community earned recognition, so too do the working newcomers of the outer boroughs. That legal recognition and regularization must occur and it must be accompanied, as it has in the past, with a legal requirement for the units to be made safe.

Physically making these spaces safe will by no means be simple. For example, allowing for two egresses from a basement never designed for such an affordance could require significant capital investment for construction; fire escapes for attics in two story, detached homes has not as of yet been seen in New York City. Still, in terms of physical renovation, Chhaya estimated that over a third of the buildings it inspected in Queens in its 2008 study could easily be made safe, were the laws

adjusted.²⁸⁰ There are perhaps more legal impediments to regularizing the outer boroughs than physical ones, but, as has been demonstrated, many of the laws that govern these structures are woefully out of date. The ban on cellar units date to the tenement era, and was motivated by the risk of diseases like cholera—widespread in New York in the 19th century, but all but unknown in the U.S. today. Wooden buildings are forbidden from being used as residences with more than two units—another relic from the 19th century, when fires in the large, multi-story “rookeries” of lower Manhattan were endemic. The largest impediment to the regularization of neighborhoods like Jamaica, though, is its zoning, which expressly forbids the density at which the neighborhood is actually used. Again, though, the example of SoHo shows that the city may be willing to use zoning to regularize informality.

One thing that emerges from this research is the connection between affordability and informality. It stands to reason: even if two units were to be physically identical, the fact that a resident could be evicted from (legal) apartment and not from another (unwarranted) apartment would constrain demand for that latter apartment. Many informally produced units are less desirable than those built to code—they may get less light than is required, perhaps, or be worse ventilated, but the lofts informally produced in SoHo and still converted today prove that units created out of step with the legal requirements may be rather desirable. The question of whether regularizing informal housing leads to gentrification has not been answered in this thesis, but the connection between the two is striking: in the Lower East Side and loft districts in Brooklyn and Manhattan, informal housing preceded, if only slightly, exploding real estate valuation of the neighborhoods around them. Again, it seems that, as it became publicly clear that lofts were physically desirable, and as the less desirable aspects of informality—a lack of sanitation infrastructure; the risk of eviction—subsided, demand for the

280 Chhaya Community Development Corporation, “Illegal Dwelling Units,” 1.

semi-regularized lofts exploded. Property owners were able to take advantage of improvements built by tenants upon removing them, and when the law required those owners to bring their buildings up to fire code, they were permitted to pass those costs on to their tenants in increased rents. There is a very real risk that, should any regularization of the informal dwellings in the outer boroughs occur it will lead to increased prices and gentrification of the communities. A better understanding of the relationship between the spectra of informality and affordability seems necessary, and demands further research.

As always in this discussion, an international perspective is enlightening—Ciudad Neza, one of the largest informal settlements in Mexico City, has seen gentrification in recent years, as government services and amenities have approached that of the formal city. While a majority of the buildings are still self-built, and are still being added onto, the neighborhood now has a Wal-Mart, and a Burger King. Many migrants to the city are unable to afford living in Neza, and instead reside in further-out districts that are still poorly served by infrastructure. The point is not crucial in and of itself, but it brings up perhaps the most important conclusion of this thesis—that if informality is truly a global phenomenon, it demands concerted collaboration between planners and urban thinkers that work on cities on the global North, and those who concentrate on cities of the global South. That enough New Yorkers have immigrated from Ciudad Neza that, in the staid, single-family home districts of Staten Island and Queens Tacos Neza and Tortas Neza are a familiar sight in the outer reaches of the city should demonstrate that a unified discourse on informality is coming, and that it is necessary.²⁸¹

281 Seth Kugel, "Urban Tactics; Destination, Neza York," *New York Times*, February 15, 2004.



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