



# Beyond the right to stay put Fighting for housing remunicipalization in Chinatown, Los Angeles

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## **Abstract**

Citizen-led remunicipalization campaigns have gained momentum globally over the past two decades. A notable example is the five-year campaign by the Hillside Villa Tenants Association in Chinatown, Los Angeles. Facing severe rent increases after the expiration of a LIHTC affordability covenant in 2018, tenants pursued a novel strategy of forcing city council to remunicipalize their building through eminent domain, re-politicizing the law to prevent displacement and ensure decommodification and tenant control. Although they achieved a significant victory in May 2022 when city council voted to acquire their building, this decision was reversed two years later, with city council opting instead to pay the landlord \$15 million to extend the affordability covenant. This article explores the tactics employed by the tenants, the struggle's inflection points, and the unique challenges associated with housing remunicipalization in the 'real estate state,' contributing new strategic perspectives for tenants facing displacement by LIHTC or other mechanisms.

## **Keywords**

Housing remunicipalization, eminent domain, tenant associations, Los Angeles, LIHTC

## **Introduction**

One of the primary legacies of decades of neoliberal governance has been the systematic privatization of the public sector. Operating on a belief in the generative potential of unregulated free markets, states across the globe have implemented neoliberal governance programs emphasizing deregulation, austerity, commodification, and privatization (Moody, 1997; Peck & Tickell, 2002). Such programs have been implemented with particular intensity at the urban level, as cities have increasingly become strategically important spaces in national and global economies and the primary laboratories for neoliberal policy interventions (Harvey, 1989; López-Morales, 2010). Brenner & Theodor describe how neoliberal programs

have been ‘directly “interiorized” into urban policy regimes’ (2002, p. 368), prompting the privatization of public space, public infrastructure, and public services, which have been subject to competition, marketization, and commodification, creating emerging multinational oligopolies, increasing costs and inequalities, and typically diminishing the quality of services (Kishimoto et al., 2020; Cumbers & Paul, 2022).

In response to these transformations, citizens across the globe have carried out remunicipalization campaigns, reflecting support for an alternative path to neoliberalism. Beginning in Latin America, in the 1990s, and subsequently spreading to other continents, remunicipalization has become a popular strategy to reverse the privatization and commodification of infrastructures such as water, sanitation, energy, and transit, and social provisions including housing, education, and other public services (Kishimoto & Petitjean, 2017). Like the process of neoliberalization, which has varied significantly across spatial scales and regions, both socially and geographically as well as in its institutional forms and sociopolitical configurations (Brenner & Theodor, 2002), remunicipalization campaigns and remunicipalizations themselves are shaped by local legislative and political contexts and existing organizational ecologies (Cumbers & Paul, 2022; Vollmer & Gutiérrez, 2022). While most remunicipalizations are carried out by states and state authorities, usually following the expiration of contracts (Kishimoto et al., 2020; Warner & Aldag, 2021), many are the product of political mobilization among organized labor or citizen-led initiatives.

Such citizen-led campaigns have predominantly taken the form of mass mobilization in support of deprivatization or socialization culminating in public referenda or forced political change (Terhorst et al., 2013; Becker et al., 2016; Kusiak, 2021); however, the Hillside Villa Tenants Association (HSVTA) in Chinatown, Los Angeles exemplifies a different approach. For five years, this single tenant body fought for City Council to use eminent domain—legislation that enshrines the state’s right to seize private property for public use while compensating the property owner—to acquire their 124-unit apartment building. The affordable housing complex was built in 1988 through the Low-Income Housing Tax Credit (LIHTC) program, which provides federal subsidies in exchange for a percentage of temporarily affordable units being folded into for-profit developments. When the affordability covenant expires, however, landlords can raise rents to market rate, which occurred at Hillside Villa in 2018. The landlord issued 200-300 percent rent-increase notices, putting the majority of tenants at risk of displacement. As tenants faced displacement by a mechanism of the policy that had provided them with affordable homes in the first place, they formed a tenants association and launched a fight to remunicipalize their homes through eminent domain.

HSVTA’s struggle distinguishes itself from other citizen-led remunicipalization efforts through its scale and tactics. This struggle, carried out by a single tenant body through organizing as opposed to mass mobilization and pursuing a strategy of ‘critical legal engineering’ (Kusiak, 2021) through their demand for eminent domain, contributes new strategic perspectives to the existing remunicipalization literature. It also provides a potential pathway for other tenants facing displacement as a result of expiring LIHTC affordability covenants—a situation that, nationally, will affect nearly 500,000 units by 2030 (National

Low-Income Housing Coalition, 2018). In May 2022, after four years of organizing, the tenants secured a historic victory when LA City Council voted unanimously to approve funds to purchase their building, directing the city's housing department to initiate the acquiring process. Nevertheless, two years later, city council reversed this decision, approving a deal negotiated by the housing department to pay HSVTA's landlord \$15 million to extend the affordability covenant until 2034, effectively eliminating the possibility of eminent domain. This article explores the tactics and strategies pursued by HSVTA, the turning points and critical moments of their campaign, and the potential and limitations of small-scale housing remunicipalization campaigns in the 'real estate state' (Stein, 2019). Although the tenants have not won remunicipalization, the considerable victories secured throughout the campaign, including the unanimous city council vote, indicate that pursuing a strategy of critical legal engineering based on eminent domain, simultaneously politicizing the law and housing provision, can offer a pathway toward decommodification and democratic control for individual tenant associations, provided they engage in persistent, militant organizing practices. Moreover, their struggle provides key lessons for other groups seeking to replicate the strategy, highlighting the importance of ensuring legally binding language in city council directives to ensure follow-through in the political process.

This article draws on 13 semi-structured interviews, both individual and in groups, with tenants and organizers carried out primarily via Zoom, numerous in-person informal conversations, and participant observation at several meetings and protests in LA during two fieldwork stays in 2022 and 2023. It also uses publicly available reports, documents, and newspaper articles, recordings of city council and committee meetings, and documents received from tenants directly such as email communications with the landlord, politicians, and the housing department. Additionally, I have collaborated with HSVTA on multiple public writing projects, contributing to politicization and public pressure through media interventions. What follows uses data collected through these different avenues, seeking to consolidate the insights into a contribution on the potential of housing remunicipalization through eminent domain.

The article is structured around four sections. The first reviews the literature on the neoliberalization of housing provision in the US before situating HSVTA's struggle within the remunicipalization literature. The second focuses on the tactics and strategies pursued in HSVTA's campaign. The third explores the campaign's inflection points and discusses constraints on housing remunicipalization in the real estate state. It concludes by considering the broader potential of eminent domain and how HSVTA has helped reshape the discourse on housing (re)municipalization in California.

### **Neoliberalization of housing provision and citizen-led remunicipalization**

For much of the 20th century, the provision of low-income housing in the US centered around the federal public housing program. The program was adopted amid growing concerns about dilapidated housing conditions, unemployment, poverty, and social unrest, and after persistent pressure from the public housing movement (Parson, 2005).

Implemented as part of the Wagner-Steagall Housing Act alongside other New Deal policy interventions, the program would create over 1.4 million units between its passage in 1937 and the mid-1970s, making it one of the most expansive public works projects in US history (Goetz, 2013). Although federally funded, public housing was and remains owned and managed by public housing authorities at the municipal level.

The public housing program was never without its critics, ranging from the real estate lobby opposing the federal government competing with the private market (Vale & Freemark, 2012) and elected officials denouncing public housing as a Trojan horse for communism (Parson, 2005) to white Americans fearing the program would integrate their neighborhoods (Rothstein, 2017). As a consequence, write Vale and Freemark (2012), its passage was premised on significant compromises that would determine the location, design, budget, and demographics of the projects. What resulted was a program with strict limits on construction costs and tenant income levels that was folded into larger slum clearance and urban renewal agendas and implemented primarily in segregated neighborhoods to appease both the real estate industry and white residents (Goetz, 2013; Rothstein, 2017). Despite these concessions, criticism of the program intensified over the course of the 20th century, abetted by sensationalist media narratives about the program's most dysfunctional outliers, and, in 1973, President Nixon proclaimed to Congress that the federal government had become the 'biggest slumlord in history,' arguing instead that 'the most promising way to achieve decent housing for all of our families at an acceptable cost appears to be direct cash assistance' (Fried, 1973). Nixon instituted a moratorium on federal spending for public housing construction and introduced the first iteration of the Section 8 Voucher Program designed to expand choice and encourage private-sector construction and provision of housing to low-income tenants, signaling the dawn of the neoliberalization of US housing policy.

Over subsequent decades, housing policy at the federal, state, and municipal level has undergone distinct 'process[es] of neoliberalization' (Brenner & Theodor, 2002) through deregulation, privatization, commodification, and various strategic interventions aimed at stimulating gentrification and financialization. Across the US, states have systematically rolled back tenant protections to remove obstacles to capital accumulation (Madden and Marcuse, 2016) through policies like California's 1995 Costa-Hawkins Rental Housing Act, which exempts units from rent control, allows landlords to reset rents on rent-controlled units when a tenant vacates, and restricts municipal rent control ordinances. At the federal level, in addition to the reinforced commitment to promote homeownership, the roll-out of rental housing subsidies through Section 8 and developer subsidies through LIHTC have been combined with the subsidized dismantling of existing public housing stock through the 1992 HOPE VI program and its 2010 successor the Choice Neighborhoods Initiative (Eriksen & Rosenthal, 2010). Moreover, to preclude future expansion of public housing stock and prevent purported 'government interference,' the Faircloth Amendment was passed as a provision of the Quality Housing and Work Responsibility Act of 1998, prohibiting federal funding for projects that increase the number of units owned, assisted, or operated by public housing agencies as of 1 October 1999. Municipal governments,

meanwhile, restricted from expanding public housing and, in California, regulating rents are charged with delivering neoliberalized federal housing policy, including LIHTC and Section 8, while also taking an increasingly ‘entrepreneurial’ approach to urban governance and planning practices to attract investment and stimulate land values and rents, deepening the commodification of housing (Harvey, 1989; López-Morales, 2010).

As the government has divested itself of direct responsibility for the provision of housing, a massive transfer of resources from the public sector into the private for-profit housing market has followed. The 2024 budget for the US Department of Housing and Urban Development (HUD) includes \$10 billion for LIHTC, \$32.7 billion for Section 8, and under \$8 billion for public housing (HUD, 2023). Currently, 2.2 million households receive ‘tenant-based’ Section 8 vouchers, while an additional 260,000 receive ‘project-based’ Section 8 vouchers, under which vouchers are tied to the unit as opposed to the tenant. Additionally, 3.65 million units have been placed in service through LIHTC since its passage in 1986 rendering the program the primary funding mechanism for acquisition, rehabilitation, or new construction of affordable rental housing targeted at lower-income tenants (Eriksen & Rosenthal, 2010). Since the 1990s, more than 260,000 public housing units have been sold to private owners or demolished through HOPE VI or the Choice Neighborhoods Initiative, with no requirement to rehouse original tenants, bringing the current number to 917,000 units serving a majority extremely low-income population (HUD, 2023).

The subsidized dismantling of public housing has effectuated considerable displacement, as has the privatized affordable housing programs meant to take its place. For instance, the Section 8 voucher program, which is billed as a demand-side subsidy for tenants but functions as a direct ‘landlord subsidy’ by bridging the gap between 30 percent of tenants’ income and so-called fair market rents, has been shown to raise overall neighborhood rents to the detriment of unsubsidized low-income tenants (Susin, 2002). In addition, LIHTC, under which state and local governments are issued tax credits by the federal government and award them to private developers in exchange for folding a percentage of temporarily affordable units into for-profit projects, has a built-in eviction clause when the affordability covenants expire and landlords can raise rents to market rate, affecting 500,000 units nationwide by 2030. While HUD is required to issue an ‘enhanced voucher’ to ensure that tenants can stay in their homes when a Project-Based Section 8 voucher expires and rents are raised to market rate—typically after 20 years unless the landlord applies for an extension—no such requirement exists for LIHTC units, effectively displacing tenants at the point of expiration. These forms of ‘state-led eviction’ (Cooper & Paton, 2018), wherein the government’s emphasis on privatization and financial incentives accelerates the displacement of working-class tenants, reveal the costs and consequences of the neoliberalization of housing provision at the federal level. These consequences are only exacerbated by state policies like Costa-Hawkins and municipal policies and practices—such as the emphasis on ‘highest and best use’ in zoning and land use decisions (Stein 2019)—which intertwine with federal policies to stimulate profit maximization, producing displacement pressures and worsening rent burdens in the process.

The Hillside Villa building is a case study for how these displacement mechanisms work. In 2018, when the building's 30-year LIHTC affordability covenant expired, the landlord issued 200-300 percent rent increase notices to 37 households. (The remaining tenants have Section 8 vouchers, securing the landlord over \$1 million in annual rental subsidies (Housing Authority of the City of LA, 2022)). Many of the tenants had lived at Hillside Villa for decades, unaware that their restricted rent was temporary, or that the program that had provided them with affordable housing had a built-in mechanism to catalyze their displacement. Unable to afford their new rents, or rents anywhere in the city, they formed a tenant association and launched a fight to force the city to seize the building from their landlord through eminent domain and subsequently transfer ownership to a nonprofit that would convert it to a co-op or community land trust (CLT) to ensure decommodification and tenant control. With that, they joined scores of other groups and organizations seeking to de-privatize or socialize a former public good or service through remunicipalization.

Successful remunicipalization campaigns have been carried out by citizen-led initiatives across the globe, but especially in Latin America and Europe, in realms such as water, energy, transit, and education (Kishimoto & Petitjean, 2017; Cumbers & Paul, 2020). Efforts led by popular initiatives have usually involved mass mobilization of the urban public—what McAlevey (2016) calls ‘technology of turnout,’ requiring short-term participation of a wider constituency to carry out a strategy developed by a small group of organizers—who partake in protests, sign petitions, and vote in referenda, politicizing a public resource and using sustained pressure or direct democracy instruments to force political change (Becker et al., 2016; Terhorst et al., 2013; Kishimoto et al., 2020). Such campaigns, which seek to reverse the deleterious impact of neoliberalization and increase public ownership and control, along with the resulting remunicipalizations, have been described as instances of ‘reverse privatization’ (Warner & Hebdon, 2001), ‘pushback’ against neoliberal reforms (Warner & Clifton, 2014), and a ‘search for post-neoliberal pathways’ (Terhorst et al., 2013). However, as Lobina et al. (2021) note, citing radically different motivations and outcomes, not all remunicipalizations or their resulting governance structures are transformative. Some instances, such as Paris’s water remunicipalization, mark a clear departure from neoliberal governance, decommodifying while enshrining democratization and participatory governance, whereas others, such as Berlin’s water remunicipalization, initially restored state ownership while still being managed as a profit-oriented holding, and without emphasizing public participation (*ibid.*, p. 17). Cumbers and Paul (2022) suggest that remunicipalizations should be viewed more fluidly, as spatially differentiated points of contestation within a broader conjuncture of mutating neoliberalism, which merge with local political-economic trajectories to produce new political configurations. This spatial and political-economic variation is evident in the US context where remunicipalizations are typically less politicized and more ‘pragmatic’ solutions pursued by local governments, primarily driven by cost savings and quality and efficiency concerns, not political pressures (Warner & Aldag, 2021). Although there are instances of politicized (re)municipalizations—for instance a successful citizen-initiated ordinance to protect water and sewer utilities from planned privatization in Edison, New Jersey (Kratovil, 2019)—HSVTA’s campaign distinguishes itself by politicizing

not just a public resource in the form of housing provision but also the legal tool they pressured city council to use to remunicipalize their homes.

Eminent domain, which is regularly used by municipal governments for highway expansion or to facilitate for-profit projects such as stadium construction or urban renewal efforts, usually results in the displacement of low-income communities of color in the process (Davis, 1990; Parson, 2005; Rothstein, 2017). Yet by calling for eminent domain, HSVTA engage in what Kusiak (2021) calls ‘critical legal engineering’: politicizing and co-opting the legal system, utilizing it to lend legitimacy to agendas such as housing expropriation that would otherwise be perceived as ‘too radical.’ In this sense, Hillside Villa’s campaign bears similarities to the Deutsche Wohnen & Co Enteignen campaign, which sought to expropriate Berlin’s corporate landlords by using Article 15 of the German Basic Law (*Grundgesetz*) in response to the city privatizing large swaths of public housing stock after reunification, resulting in a 40 percent reduction of state-owned units and the rapid commodification of the city’s housing market (ibid.; Vollmer & Gutiérrez, 2022). Both of these campaigns have emphasized reappropriating existing legislation to secure public ownership beyond the state to expand and enshrine tenant control and participation, not merely through the state but in practice. In both cases, the legal mechanism facilitating remunicipalization is a path toward decommodification and tenant control, not the end goal. As such, remunicipalization is invoked as a strategic intermediary step in which the city, seizes control of housing provision back from for-profit actors, but delivers it in a novel form through a subsequent process of socialization and democratization.

There are examples of US municipal governments pursuing eminent domain as remunicipalization strategy. In 2017, the City of Missoula, Montana used eminent domain to seize control of its water system from the international private equity firm The Carlyle Group (Mann & Warner, 2019). And, in 2019, the King County Housing Authority in Washington state acquired five multifamily properties at risk of losing their affordability covenants for \$245 million using eminent domain (Poverty and Race Research Action Council, 2020). New York City, meanwhile, paid \$173 million for 17 buildings owned by a notorious slumlord and previously used as a ‘cluster-site’ for unhoused families, converting them to permanently affordable housing (Neuman, 2019). Although there was public pressure to de-privatize the water system in Missoula and strong tenant movements fighting for permanently affordable housing in King County and New York City, eminent domain was ultimately pursued by the municipal governments themselves as pragmatic, cost-saving solutions. This is different from the case of Hillside Villa, where the demand is made *of* a municipal government *by* its constituents to force radical change, resembling citizen-led campaigns in which implementation of remunicipalizations requires, as Terhorst et al. write, ‘interaction between movements and governments that respects the autonomy of the people, reduces predominant capitalist dependencies, and transforms the state’ (2013, p. 55)—although in this case, the pressure on the government comes from a single organized tenant body as opposed to a mass mobilized public. Moreover, the municipal government’s support for HSVTA’s remunicipalization wavered, with city council voting unanimously to approve the funds to purchase the building in 2022 before rescinding on the decision two years later. This

reluctance to remunicipalize housing was also evident in Berlin after the successful referendum in 2021 when the SPD-led government refused to implement the result, although a different SPD-led coalition had remunicipalized the water supply after a referendum a decade prior, financed by a €1.208 billion thirty-year loan to be repaid by water consumers (Becker et al., 2016; Lobina et al., 2021). These examples indicate that remunicipalization struggles emerging within a broader crisis of neoliberal urban governance prompt mutations, yet not necessarily departures from neoliberalism (Cumbers & Paul, 2022), while suggesting specific challenges associated with housing remunicipalization in what Stein (2019) calls the ‘real estate state,’ characterizing the outsize influence of real estate interests within the neoliberal state, particularly at the municipal level where they overdetermine urban policy and planning due to their centrality to urban economies (see also Lefebvre, 2003; Lopez-Moralez, 2010). Kirk describes LA as ‘a real estate state parasitically enmeshing the interests of city planning and private development capital (both domestic and transnational capital) ... [with] immiserating results for existing populations whose lifeways and spaces have been devalued and deemed degenerate’ (2023, p. 7). Housing remunicipalization directly contradicts this paradigm, in which the use value of a place to live is fundamentally at odds with its hypothetical value as real estate (Madden & Marcuse, 2016), by insisting that urban life trumps that of real estate, positioning it as a uniquely challenging struggle.

As such, HSVTA’s struggle provides two contributions to the literature on remunicipalization. First, it offers an empirical example of a small-scale housing remunicipalization campaign employing organizing as opposed to mass mobilization and appropriating the legal system by repoliticizing eminent domain, suggesting a radical strategy for individual tenant associations facing displacement by the LIHTC program or other mechanisms of the capitalist housing market. Second, it provides important perspectives on the confines of housing remunicipalization campaigns imposed by neoliberal urban governments whose allegiance to real estate capital undermines their regard for ‘the autonomy of the people,’ while also showing how broader conjunctures and local political events shape and reshape alliances, allegiances, and the political terrain tenants must navigate to succeed.

### **‘Eviction notices masquerading as rent increases’**

In the spring of 2018, the Hillside Villa tenants received letters from their landlord, Tom Botz, notifying them of upcoming rent increases. The tenants, who are Black, Latinx, Asian, older people with chronic health issues, and families on fixed incomes, and many of whom had lived in the building for decades, could not afford the rent hikes. When they searched for apartments, it was clear that few would be able to remain in Chinatown, which was rapidly gentrifying, or in the city at all. With LA rents increasing 65 percent between 2010 and 2019, 75 percent of LA tenants were rent burdened even prior to the pandemic (Miller, 2020). Rene AlexZander, a 22-year tenant, remembered the chaos surrounding those days:

These letters came and everybody was going crazy trying to figure out what was going on. And then we decided to start knocking on doors and told everybody to meet in the



courtyard—let's get together and figure this out. The problem in the very beginning was the language barrier. We have an Asian community and a Hispanic community, and everything was written in English. Some of those individuals were not able to read the documents [from the landlord], which made it even more difficult.

The tenants contacted two local organizations for assistance: Chinatown Community for Equitable Development (CCED) and the LA Tenants Union (LATU). Organizers from the two groups brought legal expertise, organizing experience, volunteer translators, and simultaneous interpretation devices to help bridge the language barrier. Language justice protocols, rooted in the notion that everyone should be able to organize in the language in which they feel most comfortable, are a core pillar of the city's tenant movement, and all LATU and CCED events are offered in multiple languages through simultaneous interpretation. The tenants began holding weekly meetings in their courtyard in English, Spanish, and Cantonese, founding HSVTA the following winter and announcing it to Botz in a letter (2019) listing their demands:

We speak in many languages, but we formed the Hillside Villa Tenants Association to respond with one voice to these eviction notices masquerading as rent increases ... What do we want? We want these buildings to remain low-income units and Section 8 so that families aren't forced into homelessness; we want quality repairs; we do not need armed security; we want new management; we want our children to be treated as such and be allowed to play in the common areas ... and we want respect. Above all, we want to stay in our homes.

These demands addressed both long-term maintenance issues and recently imposed rule and lease changes. But Botz refused to negotiate. Instead, he began an aggressive campaign to pressure tenants to sign the new lease or vacate. Leslie Hernandez, who has lived at Hillside Villa for over 30 years, recalled his response:

As soon as they noticed that we were organizing, [Botz's daughter] started knocking on doors with the new lease saying, 'If you are willing to stay at the new rent, here is the lease, sign it. Or, if you know you cannot pay, here is \$3,000, give me your keys.' So it became cash-for-keys. But it was not like you had an option. They put pressure on you to leave. And they knew that they would be able to scare people because the word 'eviction' is very heavy, especially in our Latino community and older Asian community—that if you get evicted, it stays on your record for seven years, and that ruins your chances of renting a new place. So what do you do? You take those \$3,000 and you walk.

While some tenants left as a result of Botz's intimidation campaign, others resolved to get their city councilmember, Gil Cedillo, involved. They repeatedly went to Cedillo's office at City Hall and confronted him at public events until eventually he agreed to attempt negotiations. In July 2019, after legal aid attorneys had demonstrated in court that Botz's rent increase notices didn't comply with state law, forcing Botz to negotiate, Cedillo issued a press release announcing a tentative deal extending Hillside Villa's affordability covenant for ten years. In exchange, the city would forgive the remainder of the \$5.4 million interest-free loan

issued for the development of Hillside Villa in the 1980s. The tenants remembered feeling excited and relieved, but two months later, members of HSVTA convened on the steps of City Hall, announcing that Botz had reneged on the deal by issuing a 5.5 percent rent increase to take effect on 1 September 2019. Although Cedillo was furious and threatened legal action, the deal he had struck in July was verbal and non-binding. The tenants were disappointed and exhausted, but at their September press conference, they declared: ‘We will continue to fight Thomas Botz and his attorney until all evictions and rent increases are cancelled as promised.’

Meanwhile, some tenants, alongside LATU and CCED organizers, had begun discussing the potential of eliminating Botz from the equation altogether by forcing the city to expropriate the building using eminent domain. This move signaled a significant shift in demands from their original letter, as tenants continued organizing with each other and the wider tenant movement—their ambitions were moving beyond the right to stay put (Hartman, 1984), toward radically changing the terms and conditions of their housing. Alex Zander said of the decision: ‘The idea seemed far-fetched, but we also said, this will be a battle no matter what. We might as well secure our homes forever as opposed to just having affordable rents. Not just for us but for our kids.’ The tenants launched a campaign combining contained and transgressive forms of contention (McAdams et al., 2021) to politicize neoliberalized affordable housing policy, expose the city’s history of exploitative and dispossessive eminent domain use, and shed light on the potential of using eminent domain as a strategy for decommodifying housing and divesting control from landlords, reclaiming housing as a public good.

When tenants began pursuing eminent domain in 2019, Cedillo immediately shut them down, calling it impossible. Then, tenants and organizers began calling for and writing about the proposal publicly, garnering attention from local (and later national) media, while also confronting councilmembers at public events, forcing them to respond to their demand for eminent domain and streaming the interactions live on Instagram. Annie Shaw, an organizer with CCED, spoke about this tactic: ‘The politicians aren’t able to get out of it if we corner them. We put it out there in public, so they have to address it publicly.’ In addition to using conventional and social media and repeatedly raising eminent domain during ‘public comment’ sections of city council meetings, they scaled up their public actions, staging protests in front of city councilmembers’ homes, weekly sit-ins at City Hall, and protests at strategic sites such as Frank Gehry’s Walt Disney Concert Hall at Bunker Hill, which was built on land seized through eminent domain, holding signs that read ‘public money public use,’ ‘keep Hillside Villa permanently affordable,’ and ‘eminent domain now.’ Such actions served to expose and politicize past eminent domain use, which has typically served for-profit developers to the detriment of working-class communities of color. Bunker Hill, for instance, a once-exclusive enclave of Victorian mansions that became a working-class neighborhood during the interwar period, was deemed ‘blighted’ by city council, seized through eminent domain in 1959, and then sold to private developers to spur a ‘renaissance’ of Downtown, razing 7,310 units (Davis, 1990). Similarly, HSVTA began collaborating on actions with Buried Under the Blue, a group of descendants of the Palo Verde, La Loma,

and Bishop neighborhoods, which make up the area commonly referred to as Chavez Ravine, who are demanding reparations for the 1,800 primarily Mexican-American families that were violently displaced by eminent domain in 1949, resulting in the construction of Dodger Stadium (Parson, 2005). And tenants have highlighted that several Hillside Villa residents only moved to the building after their homes were seized through eminent domain and demolished in the 1980s to facilitate the LA Convention Center expansion.

Jacob Woocher, an eviction-defense attorney and organizer with LATU, explained the purpose of invoking these and other eminent domain examples: ‘The idea is to say, look at how the city uses eminent domain to help the rich, and now we’re asking them to help the poor. So why aren’t they doing it? There is a lot of case law that low-income housing is easily a public purpose. So legally, there is really no question that preserving affordable housing and stopping evictions is a public purpose.’ Using these examples to delineate an urban governance paradigm that has long seen its remit as facilitating profit maximization with little concern for the people displaced as a result, the tenants sought to demonstrate this paradigm’s consequences for working-class tenants like themselves while simultaneously articulating the potential of reframing what constitutes public use under eminent domain, and reclaiming it to reposition housing as a public good and thus ‘re-politicizing’ (Kusiak, 2021) the law.

In reclaiming and redefining eminent domain, the tenants have combined a political argument calling for public money for public use with calls for a right to control their homes and continue to co-exist with their neighbors and in the Chinatown community more broadly. ‘Public money public use’ refers to the re-politicization of eminent domain, but also LIHTC and Section 8, under which public subsidies generate wealth for private developers and landlords like Botz who continuously raise Section 8 rents and effectively evict tenants when affordability covenants expire, shining a light on the inherent flaws of affordable housing programs relying on the for-profit housing sector to house those with low incomes. Rosario Hernandez, a Section 8 tenant who moved to Hillside Villa in 1988 after her home was expropriated as part of the LA Convention Center expansion and has repeatedly had her rent increased by Botz, said: ‘There is no end to [Botz’s] greed. He knows he can get money from the government, and he is taking advantage of that situation.’ The tenants also emphasize the potential of eminent domain as a strategy to eliminate landlords and decommodify housing beyond Hillside Villa and LIHTC. AlexZander says: ‘Our initial fight was just to save our homes, but it has become more than just us now. It has become a fight for all affordable housing here in LA and about creating a new model for the rest of the country.’ The tenants have engaged in coalition building with local nonprofits—fifty of which have signed statements in support of their proposal—and organize with housed and unhoused tenants across the city, supporting other struggles and mutual aid efforts and carrying out actions against shared targets, demonstrating how disparate tenant struggles are connected and result from mechanisms of the capitalist housing system. The broader tenant movement, in turn, has consistently supported Hillside Villa, emphasizing the importance of an existing organizational ecology already engaged in politicization of housing issues and

tenant rights lending organizing experience and support to individual campaigns such as this one (Vollmer & Gutiérrez, 2022).

As such, the Hillside Villa tenants have built a movement around eminent domain, which is nevertheless sustained by a single tenant body engaged in continuous organizing practices—as opposed to what McAlevey (2016) terms ‘advocacy’ and ‘mobilizing,’ respectively—in their fight for radical change. While citizen-led remunicipalization campaigns often rely on mass mobilization and academic or nonacademic experts as well as lawyers for public relations and interactions with political actors (Kusiak, 2021), the Hillside Villa tenants themselves have led the movement throughout, shaping strategy and tactics, meeting with elected officials, speaking to media and at public actions, and developing reports and responses to requests for information from city council and the housing department, with assistance from CCED and LATU organizers. Leadership being located with the people most directly affected by the struggle’s outcome has lent endurance and militancy to a protracted campaign that has mutated and shifted its tactics and targets over time—including using mobilization as a tactic at various points to draw supporters to actions or city council meetings.

Although each step was characterized by obstacles, dodges, delays, and repeated requests for information, tenants ultimately forced Cedillo to introduce a motion to city council in January 2020, requesting a report on the feasibility of city council using eminent domain to acquire buildings with expiring affordability covenants. In February 2021, after continuous pressure from the tenants, city council instructed financial analysts to find the money needed to purchase the building, at the time an estimated \$46 million. After another year of protesting, city council voted unanimously to approve an allocation from the city’s General Fund Reserve to purchase the building in May 2022, an unprecedented move by a city council and a historic victory for the tenants. The motion granted the LA Housing Department (LAHD) authority to order an appraisal and initiate the process of acquiring the building with the intention to subsequently transfer ownership to a nonprofit that would convert it to a co-op or CLT. The language in the motion would come to define the next phase of the struggle and its outcome, as would the sentiments and judgements of LAHD General Manager Ann Sewill alongside certain local political developments, ultimately leading to city council changing course and approving a deal that eliminates the possibility of eminent domain. In April 2024, it was made public that LAHD, rather than acquiring the building, had negotiated a deal with Botz giving him \$14.95 million to extend the affordability covenant by 15 years from its original expiration, until 2034. Botz will also get a 10-year extension on repaying a \$3.5-million redevelopment loan to the city with 1 percent interest, while a second \$1.85-million loan will be forgiven if Botz adheres to the terms of the deal. As a further provision, tenants are obligated to repay nearly \$1.5 million plus 3 percent interest in accumulated rent debt, incurred during the pandemic when tenants were on rent strike. Meanwhile, the deal, which city council approved in a unanimous vote on 19 April 2024, did not require Botz to drop the eviction lawsuits against 36 households for nonpayment of rent. Those eviction cases, however, were dismissed in September 2024 after

a Superior Court judge ruled that the rent increases Botz issued were in violation of state law.

The contentious trajectory of the struggle, the historic vote, and the subsequent deal illustrate both the challenges associated with housing remunicipalization and the specific local political dynamics and conjunctures tenants are engaging. What follows explores how this resonates with Cumbers and Paul's 'conjunctural' approach, which 'situates remunicipalization within longer-term processes, while being attentive to the more immediate fluid political currents of particular moments' (2022:198), stressing the spatially differentiated contexts remunicipalization campaigns emerge within and attempt to change.

### **Housing remunicipalization in pandemic times**

According to Cumbers and Paul's framework, critical moments and turning points shape remunicipalization struggles and the trajectory of mutating neoliberal municipal governance. For HSVTA, several local political events shaped tenants' engagement with the municipal government and their relationship with Cedillo, a notoriously pro-landlord and pro-developer councilmember who long championed the gentrification of Chinatown over objections from the community. While tenants attribute his involvement to what they jokingly call a 'public harassment campaign,' they believe that Botz renegeing on the publicized deal with Cedillo embarrassed and infuriated the councilmember, making him more inclined to support tenants in a decidedly anti-landlord campaign. Moreover, because of Cedillo's position as a long-serving councilmember, he could leverage the support of other conservative-leaning councilmembers for a radical proposal that would have otherwise been inconceivable, helping secure the tenants' victory in the unanimous May 2022 vote. Another influential factor was likely also the COVID-19 pandemic. While rising rents and eviction filings helped articulate the crisis HSVTA and many others experienced, serving as leverage to force political action (Vollmer & Gutiérrez (2022) describe a similar dynamic in Berlin), the COVID-19 pandemic was a defining turning point that, at least temporarily, reshaped urban policy, prompting interventions that departed from decades of systematically rolled-back tenant protections. In LA, these included temporary eviction moratoria and rental assistance programs, the passage of permanent "just-cause" eviction protections, and a "mansion tax" on real-estate transactions exceeding \$5 million, using the revenue for affordable housing and rent relief. Moreover, at a time when the city's emergency tenant protections were still in place, voting against Cedillo's eminent domain motion could have read as voting for tenants' eviction, contradicting public sentiment and health advisories during a global pandemic. However, city council sentiment appeared to shift as the pandemic entered a less urgent phase, punctuated by a vote in December 2022 to lift all pandemic tenant protections beginning in April the following year.

After city council passed Cedillo's motion in May 2022, the struggle entered a new phase, effectively leaving tenants' fate in the hands of unelected bureaucrats at the LAHD, which, under Ann Sewill's direction, has routinely been criticized by the tenant movement for hostility to tenants and failure to enforce the building code, the rent stabilization

ordinance, and existing tenant protections (Gustavussen, 2022). The motion authorized LAHD to obtain an updated appraisal, assess the feasibility of purchasing the building, and negotiate with Botz and the Housing Authority of the City of LA (HACLA), which would place the offer on the building. However, acquisition through or under threat of eminent domain was seemingly never pursued. Although Botz repeatedly indicated his refusal to sell, LAHD only filed a petition with the city attorney to secure the appraiser access to the building six months after the vote in November 2022—following HSVTA protests outside the LAHD office and Sewill’s home—and instead pursued negotiations with Botz to extend the building’s affordability covenant. In March, 2023, a representative from CD1, HSVTA’s city council district, informed tenants privately that such a deal was being negotiated and that eminent domain was effectively off the table, although details of the deal were kept secret. An LA Public Press investigation of emails between LAHD and HACLA secured through a California Public Records Act (CPRA) request shows bureaucrats declining to pursue eminent domain and blaming HSVTA for making negotiations with Botz more difficult (Tso, 2024).

Tenants repeatedly demanded to be part of the negotiations to no avail, while also increasing pressure on elected officials to force LAHD to pursue eminent domain. Cedillo, however, was no longer in office. In July 2022, Cedillo conceded defeat in his reelection campaign, losing to Democratic Socialists of America-endorsed Eunisses Hernandez who had voiced support for eminent domain and held a campaign event at Hillside Villa. Since becoming elected, however, Hernandez, although generally more aligned with the tenants politically, appeared limited in her willingness or ability to force action on eminent domain. In fact, a CPRA’d email shared with me by HSVTA shows Hernandez’ administration deciding “not to lead negotiations” on Hillside Villa, instead letting LAHD proceed, effectively refusing to try to influence the process to protect tenants’ interest.

Tenants also tried to pressure Karen Bass, a former organizer in South LA elected Mayor in November 2022, who likewise campaigned at Hillside Villa but did little to support the motion or force LAHD action after taking office. HSVTA carried out a three-day occupation outside the mayor’s mansion in April 2023, after they had been informed that a deal was being negotiated, during which Bass declined to pursue eminent domain, telling reporters: ‘Eminent domain—I know that so many of the tenants would like for us to do that. But you know very well, eminent domain can take years’ (in Wagner, 2023). Before a private meeting after the occupation, tenants sent Bass information about King County and New York City as examples of housing remunicipalization through eminent domain and highlighted the city’s frequent expedited eminent domain use to facilitate for-profit projects, arguing that the city’s allegiance to landlords and developers appears to supersede the needs of working-class and unhoused tenants. Moreover, in January 2024, tenants wrote an open letter addressed to Bass and Hernandez, describing the impending mass eviction brought on by their inaction and imploring them to act:

When you needed our votes, each of you came to our courtyard and promised to support bold measures to preserve our housing, like using eminent domain against abusive landlords such as Tom Botz. Once in office, you have turned your back on us

and have refused to speak in support of us publicly. You must take aggressive action to move forward eminent domain for Hillside Villa. Take note: we outlasted Gil Cedillo, we outlasted [former Council President] Nury Martinez, and we can outlast you, too.

Card (2022), writing about LA, argues that recently-elected ‘tenant-friendly’ activists in government can secure ‘direct channels of communication’ and ‘reforms from-the-inside.’ In this case, however, tenants’ experience more closely approximates Martínez and Wissink’s suggestion that even in instances when former activists become elected, social movements’ influence on policy is frequently limited by ‘constraints exerted by other government levels and the dynamics of capitalism,’ especially corporate influence on urban governance (2021, p. 15). As the eminent domain examples outlined in the previous section suggest, LA’s municipal government has long prioritized for-profit developments over working-class constituents. However, since real estate capital replaced manufacturing as the primary mode of capital accumulation in urban centers in the 1970s (Lefebvre, 2003), its influence on urban governance has been unparalleled. Stein writes: ‘real estate’s gargantuan growth manages to overdetermine cities’ economic, political and demographic futures, pricing out certain actors and industries while encouraging others’ (2019, p. 46-47). López-Morales argues that this influence is realized through a two-way process: ‘active state engaged in real estate business but also openly involved business elites and other groups of interests into strategic spheres of the state and urban planning systems’ (2010:150). Kirk documents the LA ‘real estate state’ in practice, ‘parasitically enmeshing the interests of city planning and private development capital’ (2023, p. 12), describing the legal and extra-legal tactics pursued by developers and lobbyists that contributed to the city approving \$1 billion in developer tax incentives between 2005 and 2018. In this context, wherein ‘government, particularly at the municipal level, becomes increasingly obsessed with raising property values and redistributing wealth upward through land and rents’ (Stein, 2019, p. 13), housing remunicipalization campaigns directly contradict the reigning urban governance paradigm and the interests of top donors by insisting that the value of urban life trumps that of real estate capital or the potential for rent extraction. While remunicipalization campaigns generally contradict the neoliberalization of cities, due to the unparalleled centrality of real estate to urban economies and governance, housing remunicipalization appears more precarious and challenging than remunicipalization of infrastructure or other services, occurring seldom and usually as a cost-saving government intervention (Kishimoto & Petitjean, 2017) or as part of a municipalist strategy to build *new* homes (Kishimoto et al., 2020). Both in Berlin and LA, municipal governments have refused to implement remunicipalizations, seemingly concerned with the broader implications of expropriating housing due to tenant pressure, imposing constraints on social movements’ ability to influence public policy (Wissink & Martinez, 2022; Vollmer & Gutiérrez, 2022). Even in HSVTA’s case where tenants have managed to force a unanimous vote, and where the ‘tenant-friendly’ mayor and city councilmember expressed support for eminent domain during their campaigns, the struggle resulted in an unfavorable, much-delayed deal in which tenants still face eviction lawsuits and substantial rent debt while the landlord reaps more than \$15 million in public funds—in addition to the \$1 million received annually through Section 8—and debt forgiveness.

As such, HSVTA's campaign holds important lessons for other tenants pursuing similar campaigns. Their fight demonstrates that the success of small-scale housing remunicipalization campaigns is contingent on the militancy and endurance of an organized tenant body, its ability to adjust tactics, build solidarity with the wider tenant movement, and pressure targets to act while politicizing eminent domain and housing provision publicly by demonstrating the flaws and contradictions of neoliberal urban governance and the affordable housing program. It also provides important lessons about insisting on the language necessary to ensure enforcement of radical motions by unelected bureaucrats unaccountable to tenants and therefore hard to influence—although tenants did multiple times secure movement via actions at LAHD's office and Sewill's home. Had the original motion passed by city council in 2022 explicitly directed LAHD to pursue acquisition through or under threat of eminent domain—which the city, as described, invokes frequently and swiftly—the outcome would not have been left to the discretion of LAHD. A similar conclusion seems to apply in Berlin, where a campaign is currently underway for a new referendum, this time with legally binding language to ensure implementation, demonstrating the endurance as well as legal and political proficiency required to win housing remunicipalization through citizen-led efforts.

Moreover, as government inaction produced the protracted timeline, which encompassed the pandemic during which temporary protections enabled tenants to remain in their homes while on rent strike, this campaign suggests the necessity for tenants to pursue eminent domain well in advance of their affordability covenant's expiration—a significant limitation since many, like the Hillside Villa tenants, might be unaware that their restricted rent is temporary and that the affordable housing program has a built-in 'eviction clause.' This implies a need for tenant movements and advocacy groups to proactively investigate affordability covenants and begin organizing tenants of the approximately 500,000 LIHTC units that will convert to market rate by 2030. Finally, the costs associated with remunicipalization through eminent domain, considering today's inflated real estate prices, pose another challenge. LAHD only carried out its appraisal in March 2024, 22 months after the unanimous vote, determining a purchase price of \$67,500,000, an enormous sum, which is, nevertheless, a fraction of police budgets (\$1.9 billion for 2023-2024), the tax incentives awarded to developers, or the city's \$600 million annual Section 8 budget. While the city would recoup the majority of that cost when the building was eventually sold to a nonprofit or CLT, the spending contradicts the reigning governance paradigm and likely becomes cost-prohibitive at scale. There are, however, funding mechanisms that could be utilized for this type of acquisition, such as LA's 'mansion tax' and Oakland's 2016 Affordable Housing and Infrastructure Bond, which provide funds for anti-displacement efforts and affordable housing preservation.

The specific trajectory of this remunicipalization struggle provides important insights into the potential and limitations of such campaigns and the ways in which macro turning points—in this case a global pandemic, which at least temporarily altered neoliberal governance—and local political events shape and reshape alliances and allegiances, while creating opportunities for and imposing constraints on radical change. As the tactics and



targets shift over time, these circumstances underscore the importance of endurance, militancy, tactical adaptability, and legally binding language in small-scale housing remunicipalization campaigns.

## **Conclusion**

With 500,000 households set to lose their LIHTC affordability covenants by 2030, an unprecedented ‘state-led eviction’ tsunami appears to be looming. As HSVTA has shown, the moment of expiring affordability contracts is a key opportunity for organizing around remunicipalization, providing a tentative blueprint for individual tenant bodies facing displacement by LIHTC—or other mechanisms of the capitalist housing system—and demonstrating the potential of pursuing eminent domain as a strategic step toward decommodification and tenant control. Moreover, a national movement for remunicipalization of expiring LIHTC units modeled after HSVTA could mitigate the impending disaster and have transformative effects on local housing markets. Tenants have shared their knowledge and experiences widely, for instance at an event with the Autonomous Tenant Union Network—a North American collective of autonomous tenant unions—exemplifying the burgeoning collaboration and strategic exchange between tenant unions at scale. Within LA, HSVTA continues to build solidarity through LATU and CCED and fight for a better deal, debt relief, and fight for a better deal and debt relief. The day after city council approved the deal, HSVTA hosted an event where tenants from across the city were invited to envision what a ‘people’s LAHD’ might look like. After weeks of protests outside her home, Sewill handed in her resignation in March 2024, opening the door for such a reimagining.

Although the municipal government ultimately did not invoke eminent domain, HSVTA, alongside groups like Moms for Housing and LA Reclaimers, who have occupied vacant homes owned by large investors and the California Department of Transportation, respectively, since 2019 and 2020, have reshaped the discourse on housing (re)municipalization and state acquisition in California. California Senate Bill 555, passed in July 2023, for instance, aims to expand the state’s social housing stock through new production and acquisition of market-rate housing, while the City of LA expanded its Adaptive Reuse Ordinance, which explores converting publicly owned structures into housing. However, because the Faircloth Amendment currently precludes a substantial expansion of public housing stock, housing (re)municipalization at scale would likely entail proliferation of social housing models including CLTs, limited equity co-ownership, and housing cooperatives, which provide mechanisms for decommodification and tenant control—although not all iterations prioritize the latter equally. Potential post-remunicipalization configurations, especially how to ensure tenant control in practice, as well as possible funding sources, provide important areas of future research. Such research would also supply important logistical and legal insights for other tenants’ associations or municipal governments attempting to replicate the strategy pioneered by HSVTA.

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