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Unwilling Subjects of Financialization

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Keywords: financialization, real estate, rental housing, private equity, New York

Abstract

This paper seeks to advance debates about the financialization of housing by focusing on the emergence of rental housing as a frontier for financialization, a dynamic that is increasingly relevant since the global financial crisis. Situated in New York City, the research focuses on an aggressive wave of investment in affordable, rent-stabilized properties by private equity firms, their efforts to release value from these properties, and the implications of the 2008 financial crisis for their investment strategies and thus for tenants' experience of home. Through detailed empirical analysis tracing the connections between how rental housing has been constituted as a new site for private equity investment globally, the local conditions facilitating this process in New York, and how it reshaped everyday life for tenants, the article theorizes tenants as unwilling subjects of financialization. Yet unwillingness does not necessarily translate to being overtaken; it also connotes reluctance, and indeed struggle. This novel conceptualization highlights the ways in which financialization meets with dissent, and its necessarily contingent and incomplete nature. The paper therefore moves forward the wider intellectual project of understanding financialization not as a monolithic and inevitable process, but as one characterized by resistance from without and contradiction from within.

Introduction

The US foreclosure crisis and global economic downturn it ignited in 2008 brought attention to low- and moderate-income families' dwellings and neighborhoods as sites of capital extraction for global investors (cf. Newman, 2009; Sassen, 2009). Indeed while financial capital is integral to the urban process, including residential real estate (Aalbers and Christophers, 2014; Harvey, 1985; Moreno, 2014), the crisis underlined how the imperatives of accumulation often cultivate boom-and-bust cycles of real estate speculation by financial interests (Wissoker et al., 2014). Urban space and residential real estate represent prime sources of the ongoing supply of assets on which financial capital depends to generate new income streams (Leyshon and Thrift, 2007), but the hunt for yield also entails increasingly risky strategies that can trigger a wider asset crash. Financialization has increasingly drawn together the fates of households and local housing markets and global capital markets. The crisis-prone nature of this link influences the tenor of life at home in ways that reflect and reproduce broader inequalities in the social relations of housing, as when predatory mortgage lending practices disproportionately infuse the home life of women, people of color, and low-income families with stress and insecurity (Cuevas, 2012; Saegert et al., 2009; Wyly et al., 2012).

The bulk of research dealing with the financialization of housing addresses home ownership. But today rental housing constitutes an important new node for financializing projects globally, most noticeably in the US single-family market and other markets suffering extreme real estate downturns due to the global financial crisis, including Spain and Ireland (Beswick et al, 2016; Mendez and Pellicer, 2013). Private equity funds have taken advantage of steep discounts, surging rental demand, and constrained mortgage credit to buy distressed real estate assets, convert them to rental housing, and roll out novel rent-backed financial instruments (Fields et al., 2016). Tenants' homes may be subject to financialization though residents themselves do not hold mortgages. This paper explores the emergence of rental housing as a new frontier for financialization, how this process

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unfolded the years leading up to and immediately after the 2008 financial crisis in New York City, and how it reshaped tenants' social, emotional and embodied experience of home.

Whereas private equity firms only discovered single-family rental after the 2008 financial crisis, they made a big entrance to New York City's rental market in the years leading up to the crisis. New York has been characterized as a testing ground for neoliberal urban restructuring, experimentation made possible by its 1970s fiscal crisis (Harvey, 2005; Moody, 2007). Three decades later, the city's mid-2000s real estate boom, together with the incomplete dismantling of postwar-era state rent protections in the 1990s, created the conditions for another round of experimentation. Under these conditions, private equity firms, in concert with local banks and landlords, set about transforming the city's rent-regulated housing¹ into a novel asset class for capital in need of investment opportunities, subjecting tenants to harassment, displacement, and unsafe living conditions to extract financial yield. Staged in the heart of global finance, this experiment, which housing advocates soon dubbed "predatory equity", represents an important step toward incorporating rental housing into global circuits of capital. Considering its outcomes will therefore advance thinking about the financialization of rental housing more generally.

Drawing on New York City's experience of private equity investment in its affordable rental sector, this paper develops the linkages among rental housing as a new frontier for private equity funds globally, the local conditions facilitating this process, and the experiences of tenants as subjects of financialization. In the remainder of this paper I first address the changing political economy of housing in the context of financialization, how the retreat of the welfare state in advanced economies has opened up opportunities for financializing affordable rental housing globally, and the transformation of New York's rent-regulated housing from financial backwater to frontier for capital from the 1990s through the early to mid-2000s. I then discuss tenants as unwilling subjects of financialization, and how this process transforms the social relations of home. After an overview of methods and data,

¹ Rent regulations help tenants in the city's older (built before 1974) multifamily (6 or more units) rental housing assert claims on space by protecting them from unpredictable rent increases and giving them the right to renew their leases, a process I explain in more detail later in the paper.

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I show how the financialization of rent-regulated housing proceeded during the mid-2000s boom years, how the 2008 financial crisis tipped many such investments into financial distress, and the resulting impacts on tenants.

Taking inspiration from Langley's (2007) account of "uncertain" middle-class subjects of financialization, I conclude by reflecting on tenants as unwilling subjects of financialization, swept into the process without their consent. Predatory equity deals relied on "voodoo economics" (Christophers, 2010): the fallacy of neatly extracting financial value without disturbing the use values with which it is inevitably and inextricably enmeshed. The investments appear to exemplify Sassen's (2014a) thesis that advanced capitalism seeks to 'cast ordinary people out of what had been their lives'. Yet Sassen (2014b), locating contemporary expulsions and dispossessions in the breakdown of Keynesian capitalism, neglects today's existing opportunities for contestation and transformation (Gillespie, 2015). In contrast, Hodgkinson (2012) reveals enclosure (the other side of the expulsion coin, the canvas for accumulation achieved through expulsion) as an ongoing capitalist process, arguing "capital must enclose because we are continuously resisting and moving outside its logic" (p. 515). This perspective supports understanding financialization as a fragmented and incomplete project (Langley, 2008) rather than a top-down and hegemonic one. Consequently when I speak of tenants as unwilling subjects of financialization, I emphasize unwillingness not just as lack of consent, but also refusal. This moves us toward an understanding of how financialization generates subjectivities of dissent through collective lived experiences.

Rental housing as new global frontier for financialization

Since the 1990s and 2000s liberalized national financial markets and advances in telecommunications have afforded unprecedented levels of global capital mobility and integration of financial markets (Harvey, 2010; Obstfeld and Taylor, 2004; Stockhammer, 2010). Financial products including real estate investment trusts, allowing investors to buy shares of real estate on public exchanges, and mortgage securitization, offering the ability to buy a share of future income from bundled mortgage payments, have gone mainstream and

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global. By opening real estate investment to actors (such as sovereign wealth funds and pension funds) without knowledge of local market conditions these developments transform the political economy of housing. That is, institutional investors can take advantage of real estate investment opportunities at a global scale, capitalizing on advantageous market conditions wherever they may exist. In the low-yield, high liquidity global economic context of the mid-2000s, it was institutional investors' search for yield via real estate-backed financial products such as mortgage derivatives that helped fuel the subprime mortgage crisis of 2007-2008 (Ashton, 2009; Newman, 2009).

In tandem with the globalization and financialization of real estate, states have offloaded responsibility for affordable rental housing to the market. For advanced capitalist states, subsidizing or regulating rental housing may not offer a strategic advantage: in Sassen's (2014b) view, the transition from industrial to advanced capitalism has devalued people as workers and consumers because accumulation is no longer organized around mass production and mass consumption. Many advanced capitalist nations have scaled back social welfare, limiting the "availability and desirability of socialized housing" (Roberts, 2013, p. 23) through neglect and undermaintenance, demolition, privatization, and deregulation (Aalbers and Holm, 2008; Crump, 2002; Turner and Whitehead, 2002; Wyly et al., 2010). As a replacement for social welfare, asset-based welfare, particularly homeownership, serves the needs of financial capitalism by providing a steady stream of debtors attempting to secure their futures, and thus the raw materials for mortgage-backed securities (Montgomerie and Büdenbender, 2014; Newman, 2009; Roberts, 2013).

The shift of social housing to the private market has also created opportunities for financialization within the rental sector. Privatization of German public housing companies in the 1990s led to entire portfolios being transferred to private equity firms (Bernt, in press; Fields and Uffer, 2016). Meanwhile loosened state regulations have allowed social housing associations in the Netherlands to use their real estate holdings and rental income as collateral for complex investments in financial instruments (Aalbers et al., in press). The financialization of homeownership ensured homes could become "a site of accumulation and

an object of leveraged investment” (Allon, 2010, p. 368; Langley, 2007; Martin, 2002). But these examples confirm that even a resource like affordable rental housing, which has historically offered some security against unfettered market forces, is not impermeable to similar financial accumulation strategies. They also highlight how efforts to transform rental housing into an investment object for finance capital are geographically and historically contingent, shaped in part by local institutional contexts, processes I to which I now turn.

Rent-stabilized housing: from financial backwater to frontier for capital

The mid-2000s explosion of global liquidity led investors to higher risk and opportunistic strategies, fueling a private equity boom (Acharya et al., 2007). Pressured to find new deals, private equity firms paid inflated prices for companies they loaded with debt just ahead of the 2008 crisis (Blundell-Wignall, 2007; Creswell, 2008). This dynamic also characterizes private equity’s mid-2000s entrance into New York’s rent-stabilized housing. In an example of the financialization of a non-financial sector (cf. Aalbers, in press), firms acquired thousands of large, old multifamily buildings, pursuing “value-added” and/or “opportunistic” private equity real estate investment strategies. These strategies emphasize high rates of return (12-18% for value-added, 18%+ for opportunistic) through rent growth (value-added) and heavy leverage (opportunistic) (Kaiser, 2005; Shilling and Wurtzbaach, 2012).² But without the partial deregulation of rent-regulated housing, it is unlikely private equity firms would have seen the possibility to liberate value “trapped” within the properties.

New York State rent regulations have been in place since the 1940s. They apply only during a “housing emergency” (defined as a vacancy rate of less than 5%), but are an enduring feature of the New York City housing landscape because of its historically tight rental market (New York State Division of Housing and Community Renewal, 1993).

Regulations on rent-controlled and rent-stabilized units³ mediate between tenants seeking

² Without access to investment prospectuses, it is difficult to definitively classify the strategies of firms entering the rent-regulated market in New York City; it is likely that both value-added and opportunistic strategies were in play and that the boundaries between the styles are fuzzy (cf. Kaiser, 2005).

³ Rent control is an older system of rent regulations applying to apartments in multiunit buildings constructed before 1947 and in which the tenant has been in continuous residence since before 1971. Today there are fewer than 40,000 rent-controlled apartments in New York City. The more recent and larger system of rent-stabilization

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secure tenure, habitability, and protection from excessive rent increases, and property owners seeking a return on their investment (Collins, 2014). Tenant and landlord advocates on the Rent Guidelines Board Rent set increases for rent-stabilized units (45% of the city's private rental stock, nearly a million units as of 2011) annually. For low- and moderate-income renters, the regulations make an otherwise unaffordable market more bearable, giving them a claim to space in a city the last mayor sought to position as a luxury product (cf. Brash, 2011). The limits on rent increases that make rent-stabilized housing a haven from the market also historically made it a low-pressure, low-competition "financial backwater": annual returns are low but relatively stable, encouraging long-term ownership rather than the short-termism more characteristic of private equity funds (Association for Neighborhood and Housing Development, 2009, p. 7, hereafter ANHD).

The possibility for this financial backwater to become an investment object for private equity firms is linked to the state's changing stake in social reproduction. After the urban crisis of the 1970s and turbulent 1980s, capital began to flow back into New York's urban core in the 1990s as housing and neighborhood conditions improved (in large part due to significant public expenditure on rehabilitation of vacant and abandoned land and housing, cf. Schill et al., 2002) and the financial and business services sectors grew. However advocates of making government smaller, more efficient, and more entrepreneurial viewed the state as slow to adapt to the city's changing market context, and thus an obstacle to further capital investment (Allred, 2000; Andersen, 1995).

Framing rent regulations as a symbol of big government, the real estate sector successfully lobbied to scale back the state-level laws, with Republican lawmakers extracting key decontrol provisions when rent regulations were up for renewal in 1993 (Dreier and Pitcoff, 1997). The most important provision was high rent/vacancy decontrol, under which units renting for \$2000 or more upon vacancy⁴ may be deregulated entirely to

applies to multiunit buildings constructed between 1947 and 1971, or those built before 1947 where tenants moved in after 1971. This paper focuses on rent stabilized buildings.

⁴ This ceiling was raised to \$2500 in 2011 and \$2700 in 2015.

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rent at whatever rate the market will bear. In 1997, the price of extending rent regulation laws at all was the institution of allowances entitling landlords to increase rents by 20% upon vacancy (more when longtime tenants depart) (Collins, 2014).⁵

The 1990s weakening of rent regulations was positioned just ahead of the dual surge, from 2000-2008, of new residential development (much of it luxury housing) and home mortgage financing (particularly subprime loans). Made possible, respectively, by extensive rezoning under the Bloomberg mayoral administration (Brash, 2011) and expanded credit and loosened underwriting nationally, these trends “pressured and surrounded the city’s low-cost rental market” with “overheated, highly leveraged ownership” (Wyly et al., 2010, p. 2611). Meanwhile, deregulation of rent-stabilized units had become a viable reality, and vacancy bonuses provided a mechanism to move rents toward deregulation and onto the open market.

The 2000s development and mortgage booms and the partial deregulation of rent protections in the 1990s therefore worked in synergy, transforming rent-regulated housing from financial backwater to frontier for capital (see Bernt, in press, for further discussion of interactions between financialization and local and national state restructuring). The former brought opportunities to circulate capital through the built environment near saturation point; the latter attracted new financial actors motivated to release value from buildings where legal protections that kept rents below market rates had been softened. From the perspective of private equity firms, possibly emboldened by a local political context that privileged corporate and financial interests, (cf. Brash, 2011), rent-stabilized properties represented an underperforming asset they could release or redevelop for enhanced yield. Of course, as Christophers (2010) argues, this is a mystification that obscures how these assets are “messily entangled with everyday use” (p. 102); financializing projects proceed by such mystifications.

⁵ Vacancy allowances and bonuses were significantly limited in 2015.

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The space between underperformance and enhanced yield for asset managers is also the space between stable and precarious housing for tenants in rent-stabilized buildings. The investment strategy that came to be known as predatory equity shows how financialization can incorporate even spaces and populations heretofore difficult to enroll in finance, such as rental housing and tenants. While the rise of finance and the turn toward asset-based welfare has increasingly normalized investment and calculation as part of everyday life for the middle class and its aspirants (Martin, 2002), the loss of homes in the foreclosure crisis underlines how “uncertain” these subjects of financialization are: their performance as investors is easily compromised by needs called into being by identities as parents, caretakers, and providers (cf. Langley, 2007, 2008). As financialization encloses new territories, these processes of subjectification also shift. Unlike homeowners, tenants are not merely uncertain subjects of financialization, but unwilling ones, almost incidental to a process taking place without their knowledge or consent.

The effort to extract yield by closing the space between tenants’ security and precarity speaks to the role stable housing plays in self-identity and well-being. The threat of losing one’s housing undermines its defining features as material context for familial life and everyday activities, site of refuge and control, and identity and social status constructed in and through the home (Dupuis and Thorns, 1998; Hiscock et al., 2001; Saegert et al., 2009). In other words, housing made precarious contradicts the very ontology of home, putting well-being at risk by de-stabilizing that which “gives shape and meaning to people’s everyday lives” (Imrie, 2004, p. 746). This draws our attention to how normative traditional associations of home with rootedness, belonging, and comfort are—and their neglect of how home is often the site of fear, alienation, and ambivalence (Blunt and Varley, 2004; Manzo, 2003). Further, the ability to have (or provide) a home conforming with this normative ontology of home is heavily contingent on race, gender, class and geographic location. Thus predatory equity investments represent precarity and alienation both at the scale of individual relationships with home, and in a broader sense: to treat this affordable housing

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resource as a financial asset is to further fray the already tenuous claims the working poor have on place in New York, and thus their place *in* the city. In the remainder of this paper, I detail how and where predatory equity unfolded in the boom years before the 2008 crisis, the downturn such deals took afterwards, and how this reshaped tenants' social, emotional and embodied experience of home. But first, an overview of the methods and data informing this account of rental housing as a new frontier for financialization.

Research context

The three subsequent empirical sections incorporate several primary and secondary data sources. The first section relays how predatory equity unfolded by drawing on reports produced by community-based organizations, including the Association for Neighborhood and Housing Development (ANHD), the University Neighborhood Housing Program (UNHP), and the Center for Urban Pedagogy in conjunction with the Urban Homesteading Assistance Board (UHAB) and Tenants Together. These groups were at the forefront of building awareness of predatory equity and worked closely with affected tenants. This section also maps the geography of predatory equity with primary data from the Overleveraged Property Database, provided by the Local Initiatives Support Corporation. The database includes approximately 1100 buildings UHAB and ANHD identified as over-leveraged, i.e. indebted beyond what rental income could support. Built from the ground up based on grassroots efforts to track market activity, research property owners, and organize tenants, the database is necessarily incomplete and includes not only private equity owners, but a broader group of landlords engaged in irresponsible real estate practices. Nevertheless it remains the best measure of a difficult to measure phenomenon (see Fields, 2015).

The second empirical section uses primary data to highlight changes in property distress from 2008 to 2010 for all multifamily properties in New York City, properties in neighborhoods with a high prevalence of overleveraged buildings, and properties directly affected by overleveraging. The data comes from the Building Indicator Project (BIP), a holistic measure of distress in multifamily properties based on public data on housing code violations and property liens. UNHP developed the BIP to monitor the status of affordable

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multifamily housing as real estate prices started rising in the early 2000s (UNHP, 2011). BIP data from 2008 to 2010 cross-referenced with the Overleveraged Properties Database shows how the financial crisis affected distress levels of rent-regulated properties purchased by predatory investors. This section also includes a case study of the Ocelot portfolio, a group of 25 Bronx buildings a private equity firm purchased immediately before the crisis, and which unraveled after 2008. The case study shows how financialization prolonged tenants' suffering in the aftermath of the crisis.

The final empirical section draws on three focus groups conducted in 2011 with 14 tenants of a group of Bronx buildings private equity real estate firm Milbank purchased in 2007, and which went into foreclosure in 2009. As a method that promotes interaction and exchange through participants' conversations about their shared experience (Morgan, 1995; Wilkinson, 1999), focus groups mirrored the meetings of the tenants association (to which most participants belonged) where tenants discussed the issues they faced and debated how to act on their situation. With participants' buildings in physical and financial distress in the wake of the 2008 financial crisis, the aim of the focus groups was to understand how the unraveling of these investments affected tenants' social, emotional, and embodied experience of home. Representing six of the 18 Milbank portfolio buildings, all participants were Black (five participants) or Hispanic (nine participants) and 10 were female. Participants ranged from 25-75 years old, with a median age of 41. While some participants had only moved in since 2008, others were longtime residents of 25 years or more. I analyzed the focus group transcripts for themes relating to the material and socio-emotional characteristics of the home, and how these aspects of housing connected to health and family and social relationships.

The entrance of private equity

Private equity firms began to aggressively target the city's rent-stabilized housing around 2005, part of the larger private equity boom riding a wave of low-interest credit and an "unprecedented supply of leverage" supplied by petrodollars, Asian government surpluses, and pension, foundation and private wealth (Acharya et al., 2007, p. 46). Firms like Milbank

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Real Estate, a firm typically more given to commercial and retail than residential opportunities, framed New York's last bastions of affordable rent as "positioned to undergo significant gentrification" (Milbank Real Estate, 2007). They identified poorly managed rent-stabilized properties as assets that would have "added value for investors" after infusing capital and "aggressively pursuing the collection of past-due rents" to improve the tenant base and increase rental income (Milbank Real Estate, 2007). Firms such as Ocelot Capital Group, Dawnay Day, SG2, Apollo, and BlackRock Realty Advisors also assembled portfolios of rent-stabilized properties in large package deals, often by taking over portfolios of operators who spent decades amassing large property holdings and cashed out at the height of the market (Haughney, 2009).

Affordable housing advocates estimate private equity firms purchased 100,000 units, or about 10% of the city's rent-regulated housing between 2005 and 2009 (ANHD, 2009). Expectations of increased rental income like those outlined on Milbank's website inflated purchase prices beyond even the booming property values characterizing the mid-2000s, loading properties with high levels of debt. An analysis of ten major portfolios covering 27,000 rental units involved in such deals found an average of only 55 cents of income for every dollar of debt service (ANHD, 2009), suggesting the pursuit of opportunistic investment strategies. Mortgages in such cases were underwritten "pro forma", or based on projected income growth rather than historical or current rates of return (Teresa, 2016; University Neighborhood Housing Program, 2011). Investors sought to release untapped value by closing the gap between lower, stabilized rents and higher, market-rate prices. Meeting expectations for income growth required repositioning properties by promoting tenant attrition and upgrading units until they were released from rent regulations (Center for Urban Pedagogy, 2009).

Predatory equity strategy exemplifies how capital market expectations for asset growth are frequently incompatible with single-digit growth in real product markets (Froud et al., 2000, cited in Leyshon and Thrift, 2007). Whereas double-digit yield targets and a short time frame (as short as three years in the case of opportunistic funds) characterize real

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estate private equity (Ernst & Young, 2002), annual returns on rent-stabilized properties are generally no more than 7-8% due to regulations on rent increases (ANHD, 2009). Extracting larger returns over a shorter time frame would depend on increasing rents to the point of deregulating stabilized units, either by passing on the cost of major capital improvements to tenants or garnering vacancy bonuses. While turnover of rent-stabilized units is typically 5-10% per year, many deals assumed tenant turnover rates of 20% to more than 30% a year (ANHD, 2009). Meeting these investment objectives would entail significant disruption to tenants' lives and fragmentation of social communities anchored by longtime residents.

Indeed, as private equity funds made headway into the rent-regulated sector, community-based organizations confronted rising harassment complaints from tenants in the neighborhoods targeted for investment, including parts of upper Manhattan, the west Bronx, and central and south Brooklyn (see Figure 1). With rent-stabilized tenants standing in the way of projected returns, investors sought to promote attrition and secure vacancy bonuses by refusing to make repairs inside units, issuing building-wide eviction notices and baseless lawsuits for unpaid rent, making aggressive buy-out offers, and threatening to call immigration authorities (ANHD, 2009; Morgenson, 2008; Powell, 2011). Housing advocates termed the investments "predatory equity" to highlight the actors involved, their aggressive tactics, and the extractive nature of investments that depended on reducing the stock of affordable rental housing in a city where half of tenants are burdened by housing costs (Furman Center for Real Estate and Urban Policy, 2014). Predatory equity may therefore be considered an effort to generate capitalist wealth by 'plundering the very spaces of existence of the working poor' (Wright, 2014, p. 3).

[FIGURE 1: Percent of rental units overleveraged due to private equity investment as of 2011, New York City sub-borough districts]

Figure 1 caption: Prevalence of overleveraged private equity investments in NYC rental properties, 2011. Data sources: overleveraged properties database, Local Initiatives Support Corporation; occupied rental units, New York City 2008 Housing and Vacancy Survey.

A crisis of excess finance capital

Once the 2008 financial crisis hit, many funds could (or would) not cover both debt service and property maintenance, particularly as price declines and the credit freeze made refinancing untenable. Several large portfolios went into foreclosure, effectively abandoned by their private equity owners. Harassment and undermaintenance gave way to rapid, extreme property deterioration. As one tenant organizer described, before the financial crisis bad conditions were clearly a tactic to induce tenant turnover, but after 2008, conditions deteriorated quickly as firms ran out of money and faced heightened scrutiny from city agencies (prompted by complaints of tenant harassment). Tightened credit and heightened financial strain increased the rate of distress (as measured by BIP data) from 2.8% to 5.5% of all multifamily properties in the city between 2008 and 2010, but neighborhoods and properties affected by predatory equity started off with higher rates of distress and experienced much greater increases in distress. In the 11 neighborhoods with the highest prevalence of predatory equity investments, the distress rate for multifamily properties increased from 4.3% to 9.6% from 2008 to 2010. But within those neighborhoods, the rate of distress on properties directly affected by highly-leveraged purchases skyrocketed from 7% to 21% over the same period (see figure 2).

[FIGURE 2: Changes in percent of NYC multifamily buildings in physical and financial distress from 2008 to 2010]

Figure 2 caption: Changes in multifamily distress as measured by property liens and housing code violations. Data sources: LISC overleveraged properties database and Building Indicator Project.

These data suggest investors may have targeted poorly maintained and managed properties—a relic of earlier generations of landlords, who profited from lax documentation and leasing, overlooking tenants whose names weren't on the lease in exchange for a steady stream of rent payments and residents keeping quiet about skimpy maintenance and repairs. In this sense the deals correspond to an opportunistic real estate private equity

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strategy of acquiring distressed assets. The history of poor management of rent-stabilized properties was a resource private equity firms could use to enhance yield, often in illegal ways, e.g. systematic harassment to promote tenant attrition. The neighborhoods targeted most heavily for investment are predominantly African-American and Hispanic (80% of residents from high-prevalence neighborhoods came from one of these minority groups, compared to about half of New York City as a whole) and low income (across high-prevalence neighborhoods, the median income was below 200% of poverty). Consequently the impact of predatory equity fell most heavily on poor neighborhoods of color. Residents of directly affected buildings experienced several waves of exploitation: first, poor property maintenance and disrepair under earlier owners; second, a forcible effort, guised as revitalization, to subvert the legal protections allowing them to remain there; finally, after the financial crisis, a new threat to their claim to space as those unwilling or unable to move saw their homes crumbled around them.

Three decades after disinvestment and urban capital flight transformed the city's rental housing into a landscape of burned-out, abandoned, and deteriorated buildings, some buildings physically resembled those of the 1970s. However this time the crisis was caused not by capital flight, but an excess of finance capital. Unlike the 1970s, properties affected by predatory equity were not only physically distressed, they were also weighed down by multi-million dollar mortgages. Divergent responses to this financial distress ultimately prolonged the time tenants spent in a precarious housing situation in two ways.

The first occurred as "good actors" like community-based developers and affordable housing companies sought to assume ownership of distressed buildings for preservation as affordable housing. This process takes years, requiring the ability to leverage large amounts of capital, buy and complete foreclosure on the distressed mortgage, and rehabilitate the properties (Fields, 2015). In 2006 New York-based Ocelot Capital group bought a group of 25 Bronx buildings for \$39M with Israeli private equity backing and financing from Deutsche Bank and Dime Savings Bank, but by 2007 "virtually all services came to a complete stop" as the debt proved unsupportable and Ocelot went bankrupt (Levy, 2011). Left holding a

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\$29M Deutsche Bank mortgage on 19 properties (Dime Savings Bank held another loan on six remaining buildings), Fannie Mae initiated foreclosure proceedings in early 2009. Public pressure from tenant advocates and local politicians prevented Fannie Mae from auctioning the distressed mortgage on Debt-X, an online debt trading site for large financial institutions and institutional investors. Once the city stepped in with rehabilitation funds, Fannie Mae agreed to take a substantial loss on a sale to a preservation buyer, and in 2010, 14 of the 19 buildings were transferred to for-profit affordable housing company Omni New York (Fields, 2015). Omni purchased the debt for \$5M (a discount of more than \$20M), agreeing to rehabilitate the properties and adhere to affordability requirements for 40 years (Levy, 2011). Although technically a “win”, in this scenario tenants were subject to inhumane living conditions and kept in limbo for years as government agencies, community housing advocates, and financial institutions debated how best to dispose of unsustainable debt.

However, distressed mortgages also became objects of speculation for “vulture funds” purchasing debt at a discount. This high-risk but potentially high-payoff investment strategy hinges on funds turning the enterprise around or reselling the debt at a markup. While beneficial for banks able to unload distressed debt and attractive for investors, this process heightened and prolonged the precarity of tenants’ existence. In 2009 Dime Savings Bank transferred \$13.5 million of distressed debt on six of the Ocelot portfolio properties (containing 260 dwellings) at face value to Hunter, a property management company backed by a Japanese private equity fund, which soon began to buckle under the weight of the mortgage (Levy, 2011). After Hunter defaulted on the mortgage in 2010, the debt changed hands again, going to the Bluestone Group for \$10M; despite the 26% discount from the debt’s face value, the price generated concerns Bluestone would be unable to fund repairs at the properties, which then had 2,936 outstanding housing code violations (Massey and Fung, 2010).

But Bluestone didn’t intend to hold on to the debt, marketing it as \$16M less than a year later despite the properties’ 1,384 outstanding housing code violations (Massey and Fung, 2011). Though clearing another 1000 violations by the time the debt (and thus the

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properties) sold to a local landlord for \$18M (a 30% markup from the original \$13.5 million mortgage), Bluestone did little to address the properties' underlying, systemic problems (Pincus, 2011). By this point, tenants remaining at the six buildings had been exposed to dangerous, nearly uninhabitable living conditions for over three years, and were fearful the purchase price would prevent the new owner from addressing major systems in dire need of repair (Chiwaya et al., 2011). This case underlines how the divergence between the exchange value of housing-backed financial assets and the use value of housing itself exposes the working poor to violence that contradicts their ability to carry out their everyday existence. I now turn to a more detailed examination of tenants' experience as investments fell apart in the post-2008 context, focusing on the Milbank portfolio.

A struggle for everyday existence

In 2007 Milbank Real Estate purchased 18 buildings in the Kingsbridge area of the northwest Bronx with a \$35M mortgage from Deutsche Bank. The loan was securitized and sold on to La Salle Bank after origination, then sold to Wells Fargo Bank in 2008. By March 2009 Milbank defaulted on their mortgage obligations. Based on the terms of the security's pooling and service agreement LNR Property Corporation became special servicer for the debt, foreclosure proceedings began, and the court appointed a receiver for the properties. While the buildings were by then in an extreme state of disrepair, it took a needs assessment finding it would cost \$19M to restore livable conditions (Baer Architecture Group, 2010), a subpoena from the city for information on ownership, management, and maintenance, and an order from the Bronx Supreme Court before LNR devoted \$2.5M toward repairs in 2010 (Barbanel, 2010). The city's Department of Housing Preservation and Development also filed liens against the properties for \$80,000 of public funds spent on emergency repairs. In February 2011 Scarsdale, NY landlord Steven Finkelstein purchased the properties for \$28M, assessing they needed only \$6.8M in rehabilitation. I held focus groups with Milbank tenants in the spring and summer of 2011, as Finkelstein was taking control of the properties.

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In line with the quantitative data on property distress cited in the preceding section, longtime residents noted their buildings experienced inept management under various owners since the 1980s, but that a wholesale deterioration in their living conditions began just after the financial crisis. Participants had the impression Milbank was poorly run at best or exploitative at worst: the company sometimes told tenants they hadn't received their rent checks when in fact they had already cashed them, and while Milbank management told tenants they were *"trying to get the books together to give us heat and hot water and do the necessary repairs that had to be done"*, the repairs never happened. Participants marked the winter of 2009-2010 as the low point of their experience, when they often went for weeks without heat or hot water. As a result they were prevented from carrying out basic tasks of life: *"You come home, and you're frustrated already because for the last three days you haven't been able to take a decent bath...you really don't want to turn around and have to warm up water to carry it to the bathroom to wash up"*. The lack of heat and hot water meant home was incompatible with rest and relaxation: *"You can't be comfortable—you don't even have an apartment where you can go and listen to music because it's so freezing in the house"*. Many relied on friends and family members to provide a warm place to sleep or hot water for showers, experiencing this time as both miserable and infuriating.

It was common for ceilings to cave in due to water damage, and for gaps and holes in walls to go unrepaired, allowing infestations of rats, mice and cockroaches to spread easily. A young man living with his mother and sister described how wearying it was for his family to adjust their routines to accommodate this deterioration: *"Always have to be buying mousetraps, and putting them all around in the kitchen, in the hallways, so that was very, very tiring...you can't even leave food, to this day, on top of the stove because rats come in through the stove."* Another participant explained how unpredictable elevator service intersected with her asthma to complicate basic errands: *"I'm on the fifth floor, so when we didn't have the elevator, that got tiring. I'm an asthmatic. That killed me some days to walk up and down the stairs...I couldn't go food shopping properly, because I couldn't do anything properly"*. Elevator service also affected the mobility of elderly tenants: *"I use a cane...You*

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come downstairs on the elevator—‘oh, I can go shopping’—go shopping, come back, and no elevator”, and those with physical disabilities: “The lady upstairs has a son in a wheelchair. She has to bring him down the stairs for school...a lady, carrying her son down the stairs because the elevators don’t work”.

All Milbank tenants were more or less accustomed to some level of wear and tear in their housing: many had lived in the Bronx through its most intense years of disinvestment, and most reported incomes that would limit their housing options to the low end of the market. But even these seasoned tenants characterized their living conditions as inexcusable: *“You always find with buildings that something breaks...they have a leak, or got some walls falling, things deteriorate, and that’s understandable...what happened in my building, none of that should have happened. That’s too much”*. At the same time, needing to keep a roof over their heads, many continued to pay rent, despite feeling *“mad at the world”* for the way they were living: participants’ low incomes and the high cost of housing and moving limited their options. Giving voice to the extractive nature of the investments, participants felt investors *“just saw opportunity... all they want is the money, and take the money out of the neighborhood, out of the community, and they don’t spend nothing on any upkeep or nothing.”* Home became something participants had to bear, certainly not a source of comfort, dignity, and respite from the world. Beyond this, they were also aware their experience was the result of investors viewing their humanity as incidental to meeting targets for yield.

The collapse of financially unsustainable investments was borne out not just in burst pipes, electrical fires, and elevator failures, but in tenants’ physical health, kin relationships at home, and social relationships outside the home. In terms of physical health, those with asthma described flareups they attributed to mold and mildew from unrepaired leaks, infestations of rodents and other vermin, and increased dust, plaster and paint in the air from degraded walls and ceilings: *“At one point I went to the emergency room...if those conditions weren’t there, then I probably wouldn’t have had to go to the emergency room, or my doctor several times”*. Others also described family members developing symptoms of asthma. But

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many participants and their families simply felt constantly sick and run down: “[My kids] *always got some kind of cold or something, because those fumes or whatever, and the dust coming in...*”

The stresses accompanying these living conditions strained family relations and social relationships outside the home. Young people coped by staying away: “*When a lot of that was happening, I wasn’t coming home a lot. I would stay out...I would hang out outside until 1:00 in the morning. I would sleep at my friend’s house...my mom would think that I was dabbling in drugs.*” One participant painted a vivid picture of how, after bathing with water he’d heated up himself, “*smoke is coming out of your nose because you’re so frustrated... And there’s the fight, there’s the stress, there’s the arguments, there’s the destruction of family life.*” As difficulties with the most basic tasks of everyday life piled up, patience ran short, resulting in familial tensions. Tenants’ social relationships also began to break down. Not only did participants not want to be at home themselves, they didn’t want to invite friends into their homes: “*I didn’t want to come home. I wouldn’t bring anyone to my house*”. Others echoed this sentiment, feeling “*ashamed*” and “*embarrassed to bring friends home, because the place is so falling down.*”

In the wreckage of investors’ efforts to transform rent-regulated housing into a new vehicle for capital accumulation, tenants felt powerless and stripped of dignity as they struggled to sustain the activities of everyday life. Whether remaining out of determination to assert their claim on space or a lack of other options, tenants faced daily challenges in caring for themselves and their families. This threatened their roles as parents, spouses, caretakers and providers, leading to frayed kin and social relations. The experiences of tenants affected by predatory equity link the global process of the financialization of rental housing with its on-the-ground consequences for life at home.

Conclusions

In many advanced capitalist economies, it is increasingly possible to treat rental housing that has historically given poor people a claim on urban space as a financial asset.

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Connecting this global trend with how it has unfolded in a particular place, this paper examined the financialization of rent-regulated housing in New York City in the boom years leading up to the 2008 financial crisis, and how the subsequent collapse of this wave of private equity buyouts subjected tenants to years of living in amidst inhumane living conditions and in limbo as to the fate of their homes. The piece advances the literature on the financialization of home at a moment when rental housing is emerging as a frontier for this process. By developing the ties between predatory investment strategies, the poor and minority neighborhoods they most affected, and how tenants experienced financialization on a bodily, emotional and relational level, this timely research moves the study of financialization beyond the sites and voices of financial elites (Pollard, 2012).

Yet it is crucial to do so without treating “housing merely as a “commodity”” or reducing “relations between people--the people who own, build, rent, and *live in* houses...to the politically and analytically impoverished status of relationships between things” (Aalbers and Christophers, 2014, p. 7, emphasis in original). While the case of predatory equity *can* be read as a textbook example of an attempt to accumulate by dispossession, such a reading risks reifying finance as an inexorable force, subordinating social relations, and closing off potential for contesting and making conflict with financialization (Allon, 2010; Langley, 2008). To conclude then, I reflect on how financialization generates dissent by bringing the concepts of fictitious capital and voodoo economics (Christophers, 2010) and the value model on which private equity to bear on tenants as unwilling subjects of financialization.

At the core of predatory equity investments was the conceit it would be possible to release, then extract value that (weakened) rent regulations trapped within apartment buildings, as seen in the framing of rent-stabilized apartments as “underperforming assets” that could generate value through being repositioned on the open market (Milbank Real Estate, 2007; Powell, 2011). These discourses exemplify Christophers’ (2010) contention of “voodoo economics”, or the mystification that it is easily possible to draw a “hard-and-fast line between properties and the acts of living in them” (p. 103). Voodoo economics enable

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financializing policies and practices, such as, in this case, leveraging capital based on assumed tenant turnover rates that far outpaced reality in rent-stabilized units (20-30% vs. 5-10% annually). Going further, as Teresa (2016) argues, like “all capital circulating through land”, the capital leveraged for predatory equity investments, based on anticipation of future rents yet to be extracted, “is inherently fictitious” (p. 468). In the contradiction at the heart of voodoo economics and the uncertainty that defines fictitious capital are sources of fragilities within the process of financialization and limits from without. Especially where capital gains are pursued through highly leveraged purchases, as with opportunistic real estate private equity strategies, falling prices spell catastrophic results (Christophers, 2015b). Such fragilities ensure financialization is not inevitable, but always a practical accomplishment in the making (Christophers, 2015a; Langley, 2008; Ouma, 2016).

Indeed the dissolution of the speculative promise of fictitious capital in the wider financial crisis pulled back the curtain on the voodoo economics propelling predatory equity investments, revealing the dangers of reducing the urban landscape to a set of financial criteria. The inability of investors to meet mortgage obligations, struggles between different actors over how to best resolve troubled mortgages, and the targeting of the same troubled mortgages as investment objects by “vulture funds” all spilled over into renters’ lives, rendering home increasingly precarious and insecure. Subjecting spaces of everyday life and social reproduction to financial imperatives leaves urban inhabitants vulnerable to “the vicissitudes of the gains enterprise” (Christophers, 2015b, p. 11). In this sense we can understand tenants as *unwilling* subjects of financialization. Where Langley (2007) stresses the contradictions that make middle-class investors and homeowners *uncertain* subjects of financialization, here I emphasize how financializing practices constitute other segments of society as subjects without their knowledge or consent. However these attempts at enclosure are not always successful, and inevitably instantiate opposition (Hodkinson, 2012). Unwillingness does not necessarily translate to being overtaken; it also connotes reluctance, opposition, and struggle.

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As predatory equity deals failed and the brick and mortar properties attached to distressed loans deteriorated, political opportunities emerged. For example, in the face of Fannie Mae's attempt to auction the Ocelot portfolio's distressed mortgage debt tenants and community organizations insisted on the materiality of housing and its ontological status as home, conducting guided tours of deteriorated buildings for local politicians and posting signs warning speculators to stay away (Fields, 2015). Such direct actions to contest the financialization of home hinged on tenants' *collective* experience of predatory equity and how these experiences brought their unwilling subjectivity into being: "*They need to know that we are together. We're going to work together, and we're going to fight together*". Thus a defining element of tenants as unwilling subjects of financialization is shared exposure to and experiences of this process, which can cultivate a critical and oppositional consciousness that motivates coordinated action to disrupt financializing projects (cf. Colau and Alemany, 2014). The concept of tenants as unwilling subjects of financialization developed in this paper provides an entry point for analyses of how this process meets with dissent in the form of organized urban activism (for more in-depth analyses see Fields, 2015; Teresa, 2016).

As financialization processes continue to colonize the spaces of everyday life in the wake of the global financial crisis, this research confirms social reproduction as a fundamental site for contemporary urban social struggles (Aalbers and Christophers, 2014; Harvey, 2012; Wright, 2014). Yet its rootedness in a specific time and place raises questions about the extent to which this case study can shed light on the broader financialization of rental housing taking place in the post-crisis landscape of the US and elsewhere. First, it must be noted that New York has a long history of tenant struggles and uprisings (Lawson and Johnson, 1986), and the infrastructure of community groups that emerged in response to the disinvestment of the 1970s played an important role in contesting predatory equity (Fields 2015; Teresa, 2016). The legacies of earlier struggles are 'baked into' the urban landscape politically and materially (such as the tenant-owned cooperatives created in New York's earlier period of disinvestment); as such studies of the urban politics of

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financialization must be adequately historicized. Second, the consequences of predatory equity are very much linked to the broader market context of a housing boom and the inflated prices investors paid; conditions quite different to the weakened housing market in which private equity firms are buying and renting out repossessed homes. This work highlights clearly how applying riskier value-added and opportunistic investment strategies to rental housing can have devastating consequences for tenants if the underlying asset is mismanaged or fails to appreciate, or if extreme economic events occur.

More generally, this paper demonstrates how financialization is always contingent, as are the subjectivities it cultivates (Langley, 2007), pointing to the ever-present possibility for calling the process into question and building alternative political economies of housing. Here, one of the distinctive aspects of how finance capital pursues capital gains also suggests a potential limit to the financialization of rental housing. The construction of new asset classes relies on aggregation at “unmatched” scale (Christophers, 2015b, p. 10; Leyshon and Thrift, 2007), but while private equity landlords assemble rental portfolios of distressed real estate in the US and Spain, they are also aggregating unwilling subjects. Hence to operate at the scale needed to establish rental housing as an asset class is also to scale up contentious subjectivities, as last year’s coordination of three global days of action against private equity landlords by US and Spanish activists shows (McShane, 2015). Such struggles make clear the ways in which property—particularly housing—can only ever be, in Coakley’s (1994) terms, a quasi-financial asset: contestation over value will always limit the possibility for housing to be realized as a pure financial asset.

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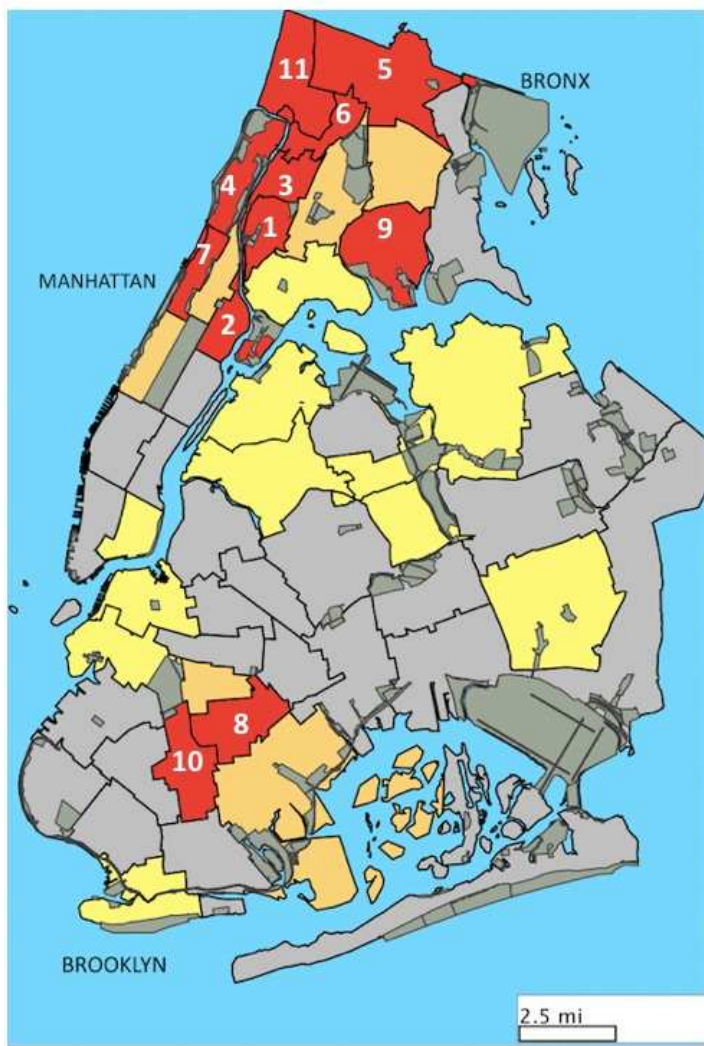
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Unwilling Subjects of Financialization

Figure 1



Neighborhoods with highest prevalence of overleveraged units		Percentage of rental units affected	
1. Highbridge/Concourse (Bronx)		9.29	
2. East Harlem (Manhattan)		8.14	
3. Morris Heights/Mount Hope (Bronx)		8.02	
4. Inwood/Washington Heights (Manhattan)		7.96	
5. Wakefield/Williamsbridge (Bronx)		7.69	
6. Bedford Park/Norwood (Bronx)		6.94	
7. West Harlem/Morningside Heights (Manhattan)		6.84	
8. East Flatbush (Brooklyn)		6.75	
9. Castle Hill/Parkchester (Bronx)		6.24	
10. Flatbush/Midwood (Brooklyn)		5.37	
11. Riverdale/Kingsbridge (Bronx)		5.06	
5-10% of all rental units (11 neighborhoods)	2.01-4.99% of all rental units (6 neighborhoods)	1-2% of all rental units (11 neighborhoods)	Less than 1% of all rental units (27 neighborhoods)

Figure 2:

