

# Trends in New York City Housing Court Eviction Filings

Policymakers in New York City and across the country are working to understand and reduce the prevalence of residential evictions.<sup>1</sup> Although low-income renters are disproportionately affected,<sup>2</sup> high housing costs combined with slowly growing and sometimes volatile incomes<sup>3</sup> can leave a wide set of households vulnerable to an eviction. As policymakers, advocates, and practitioners work to advance eviction prevention measures and improve housing stability for renters, it is critical to examine the scale of the issue to inform the most appropriate and targeted interventions.

This data brief provides a descriptive overview of residential evictions filed in New York City from 2010-2017. The data show the prevalence and location of eviction filings, the types of cases, and changes over time. This analysis provides a baseline to better understand the scale of eviction cases in New York City and to provide a benchmark for tenant protection efforts going forward.

<sup>1</sup> A study of filings in Philadelphia between 2015 and 2017 showed there were close to 2,000 fewer evictions filed each year compared to each of the previous five years. (Reinvestment Fund. (2019). Policy Brief: Evictions in Philadelphia: A Data & Policy Update. Retrieved from [https://www.reinvestment.com/wp-content/uploads/2019/10/ReinvestmentFund\\_PHL-Evictions-Brief-Oct-2019.pdf](https://www.reinvestment.com/wp-content/uploads/2019/10/ReinvestmentFund_PHL-Evictions-Brief-Oct-2019.pdf).) In Washington, D.C. evictions made a modest but steady decline between 2011 and 2017, aside from a slight increase from 2015 to 2016. (Brennan, Maya. (2018). DC's Eviction Filings Are Down. Are High Rents to Blame? Retrieved from <https://greaterdc.urban.org/blog/dcs-eviction-filings-are-down-are-high-rents-blame>.) In Kansas City, eviction filings declined slightly from 2011 to 2016 and rose from 2016 to 2017, with the total number of filings for any given year between 9,000 and 10,000. (Kansas City Eviction Project. (n.d.) Retrieved from <https://www.evictionkc.org/project>.)

<sup>2</sup> Matthew Desmond, Tracey Shollenberger. Forced displacement from rental housing: prevalence and neighborhood consequences *Demography*, 52 (2015), pp. 1752-1772.

<sup>3</sup> Anthony Hannagan, Jonathan Morduch. (2015). Income Gains and Month-to-Month Income Volatility: Household evidence from the US Financial Diaries. Retrieved from [stlouisfed.org/~media/files/pdfs/community%20development/econ%20mobility/sessions/morduchpaper508.pdf](http://stlouisfed.org/~media/files/pdfs/community%20development/econ%20mobility/sessions/morduchpaper508.pdf). Karen Dynan, Douglas Elmendorf, Daniel Sichel. The Evolution of Household Income Volatility. *The B.E. Journal of Economic Analysis & Policy*, 12-2 (2012), pp. 1935-1682.

## Background

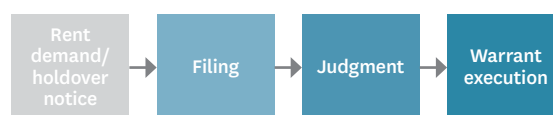
In this brief we use records from the New York State Office of Court Administration to provide information on landlord-initiated cases filed in housing court.<sup>4</sup> Some of these filings become judgments and then some of these judgments become warrants for eviction. Taken together, just over half of all filings end up as judgments and an even smaller subset end up with an executed warrant for eviction. There is much nuance to this entire course of action with varying amounts of information recorded at each step. We focus on cases filed by landlords of private rental housing and exclude cases filed by the New York City Housing Authority.<sup>5</sup> We also exclude cases involving co-ops and condos.<sup>6</sup>

## Housing Court and the Eviction Process

There are two types of lawful eviction in New York City: nonpayment cases, in which the landlord makes a claim to some amount of rent owed, and holdover cases, in which the landlord makes some other claim (i.e., the tenant violated the lease, stayed after the lease ended, or never had a lease). Both types of eviction require the landlord to first warn the tenant that they will file and then wait a designated period of time for the tenant to correct the problem. If the tenant complies with the

landlord's request (i.e., pays the rent owed, stops doing what the landlord claims they are doing, or moves out), the case ends at that point. Otherwise, the landlord can move forward with the case. The number of rent demands and holdover notices made each year is unknown, making it difficult to quantify the number of impacted households or estimate how many households move out in response.

**Figure 1: Main stages in the eviction process**



A case only appears in our dataset when the landlord files for an eviction. This is the first of three major steps in the eviction process (see Figure 1 for a basic diagram and Appendix A for the complete process). Many cases simply end after the filing without indicating what happened or whether the tenant remained in the unit. Even without further action, filings may result in lasting consequences that affect housing choices for tenants going forward. For example, tenants may end up on a “tenant blacklist” regardless of the outcome of the case.<sup>7</sup> Additionally, if the tenant does not respond to the filing, they are at risk of a default judgment which allows the landlord to move forward with the eviction without the court hearing from the tenant.

<sup>4</sup> Other types of displacement are sometimes referred to as unlawful, illegal, self-help, constructive, or informal eviction. Since these “evictions” are not filed with the court, they are not accounted for in the Office of Court Administration’s data.

<sup>5</sup> We will study and report on public housing cases in a future brief.

<sup>6</sup> With condos, owners can be evicted through housing court for not paying their maintenance fees. With co-ops, owners technically own shares of the company that owns the building and simply lease their units within that building, creating a traditional landlord/tenant relationship. In both cases it is also possible that a unit within a building of co-ops or condos could be leased as a traditional rental unit. For our analysis, though, these units are not included in counts of total rental units in an area and their fees are not incorporated into median rents. Since much of our analysis relies on these statistics, we dropped cases involving co-ops and condos entirely.

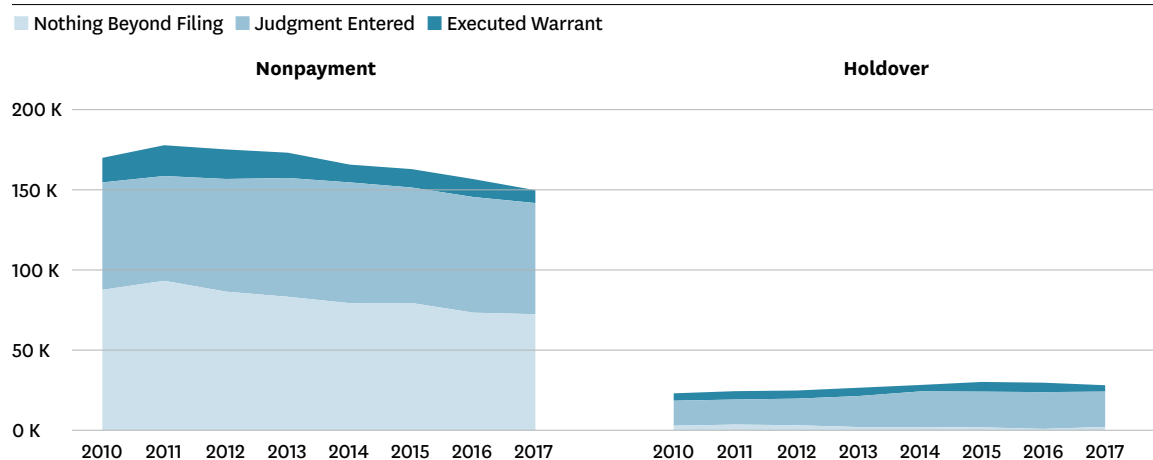
<sup>7</sup> Though it is now illegal under the Housing Stability and Tenant Protection Act of 2019, tenant blacklists have historically been used to screen out tenants entering into new lease agreements as a result of their housing court history. New York State Bar Association. (2018). LEGALEase: The Use of Tenant Screening Reports and Tenant Blacklisting. Retrieved from <https://www.nysba.org/TenantLE/>.

Once the case is open, the parties have the opportunity to either negotiate an agreement through the court or litigate the issue in a trial resulting in a judgment, the second major step in the eviction process (see Figure 1). Many of the cases that move from filing to this step end with an agreement negotiated through the court, and the data do not specify the terms of the agreement or whether the tenant is allowed to remain in the unit. Even when the court enters a clear judgment in favor of one of the parties, it is not always possible to determine whether the tenant moved or just complied with the landlord's initial request. A judgment entered against the tenant, even if the tenant remains in the unit, may negatively impact the tenant's credit score and could result in judgment collection through wage garnishment and asset seizure.

A landlord can only evict a tenant, the third and final step, after receiving a judgment in their favor, obtaining a warrant for eviction from the court, and then requesting a city marshal or sheriff to execute the warrant (see Figure 1). The marshal or sheriff executes the warrant by physically removing the tenant's belongings from the unit and changing the locks. Before executing the warrant, the tenant will have time to comply with the landlord's initial request to prevent the eviction and will be notified by the marshal or sheriff before the eviction as a final warning. If they are not going to comply or do not have the option, tenants may choose, if they can afford it, to move out on their own rather than wait to be forcibly removed. Tenants also have the option to make motions to the court requesting to delay or prevent an eviction before execution and reverse an eviction after execution. The only action recorded in the data is the actual execution of the warrant.

In this brief we present trends for eviction filings, judgments (including settlement agreements), and executed warrants.

**Figure 2: Citywide private eviction filings by case type and outcome**  
New York City, 2010–2017



Sources: New York State Office of Court Administration's Universal Case Management System, NYU Furman Center

## Findings

**Citywide, the total number of eviction filings started to fall in 2011 and continued to decrease through 2017.** In 2017, private landlords initiated 176,590 eviction filings. This represents a decrease of 4.6 percent from the previous year (2016) and a decrease of 7.8 percent from the start of the period we analyzed (2010) (see Figure 2).

**The vast majority of filings are nonpayment cases,<sup>8</sup> however the share of filings that are nonpayment cases has decreased slightly over time.** In 2017, nonpayment cases made up 84.3 percent of all cases. While the number of nonpayment filings has continuously decreased since 2011, the number of holdover cases increased annually until 2016 and then declined from 2016 to 2017.

**Despite a decrease in filings, the overall number of cases that resulted in a judgment increased.** Of all cases filed in 2016,<sup>9</sup> 111,526 (60.3%) resulted in a judgment.<sup>10</sup> This represents an increase of only 0.2 percent from cases filed in the previous year (2015), but a 9.4 percent increase from cases filed at the start of the period we analyzed (2010). The share of holdover cases resulting in a judgment rose even faster with 47.2 percent more cases resulting in a judgment in 2016 than in 2010 (see Figure 3). The number of nonpayment cases resulting in a judgment initially increased from 2010 to 2013 and then decreased through 2016, though not as fast as filings decreased.

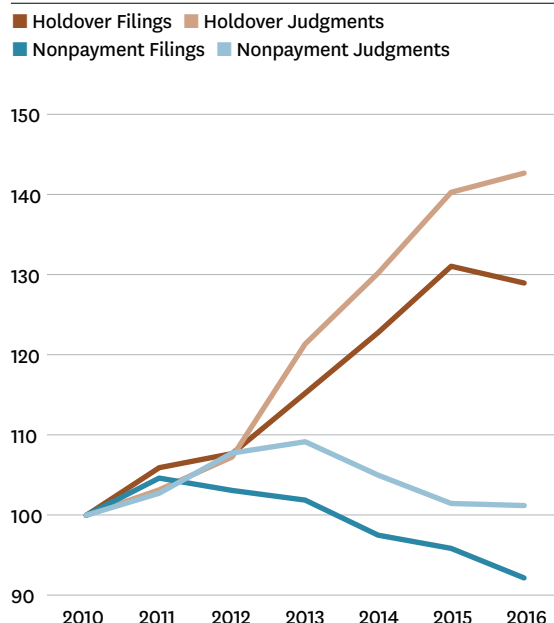
<sup>8</sup> This is consistent with a national renter survey that showed 77.3 percent of eviction filings were due to nonpayment of rent. Salviati, C. (2017). Rental Insecurity: The Threat of Evictions to Renters, Apartment List, <https://www.apartmentlist.com/rentonomics/rental-insecurity-the-threat-of-evictions-to-americas-renters/>.

<sup>9</sup> Although we have a complete count of the cases filed in each year from 2010–2017, we only have information on each case up until the date we received the data in 2018. Thus, we are still missing final outcomes for many cases filed in 2017.

<sup>10</sup> “Judgment” used here means any recorded outcome by the court including a stipulation of settlement, a judgment for one of the parties, or a dismissal of the case.

**Figure 3: Index of private eviction filings and judgments**

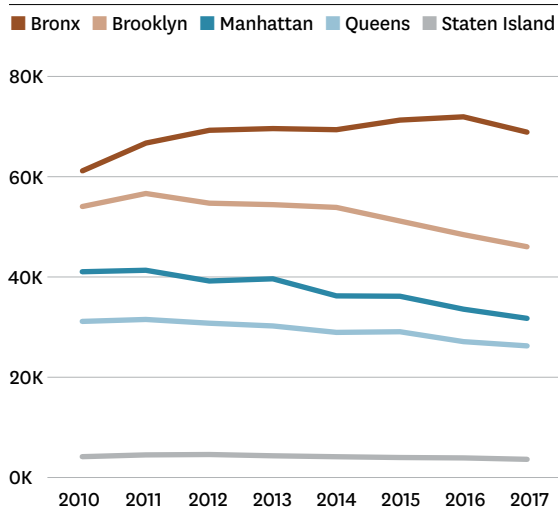
New York City, 2010–2017 (Index = 100 in 2010)



Sources: New York State Office of Court Administration's Universal Case, Management System, NYU Furman Center

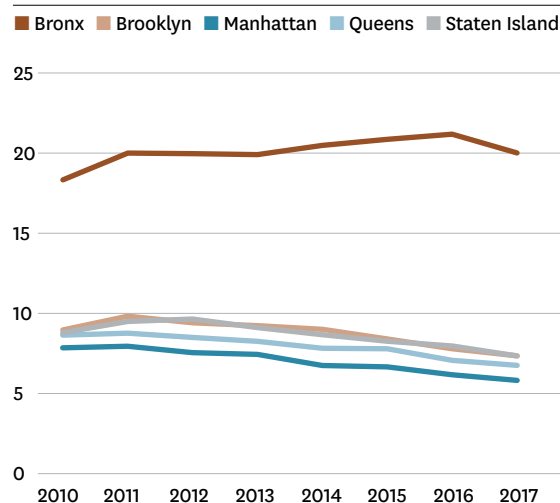
**The overall number of cases that resulted in an executed warrant for eviction decreased.** Of all cases filed in 2016, 16,958 resulted in an executed warrant. This represents a decrease of 2.9 percent from cases filed in the previous year (2015) and a decrease of 14.4 percent from cases filed at the start of the period we analyzed (2010). The number of nonpayment cases resulting in an executed warrant fell by 27.1 percent between 2010 and 2016 while the number of holdover cases resulting in an executed warrant increased 27.7 percent over that same period, though there was a decrease of 3.1 percent from cases filed in 2015 to cases filed in 2016.

**Figure 4: Private eviction filings by borough**  
New York City, 2010–2017



Sources: New York State Office of Court Administration's Universal Case Management System, NYU Furman Center

**Figure 5: Private eviction filings per 100 private rental units by borough**  
New York City, 2010–2017



Sources: New York State Office of Court Administration's Universal Case Management System, NYU Furman Center

Note: Estimated months of rent sought is calculated by first dividing the total amount sought in each case by the median gross rent in that sub-borough area for the filing year, then calculating the median of these estimated months by borough.

### Geographic Differences in Eviction Filings

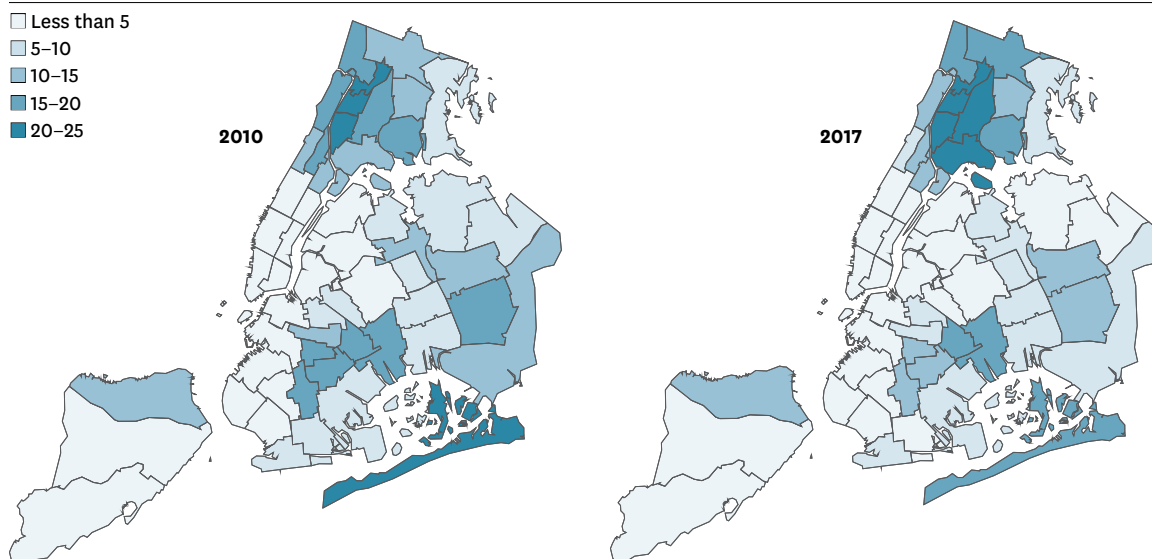
**While eviction filings are down citywide, patterns vary across boroughs.** Figure 4 presents the number of filings by borough for each year.<sup>11</sup> In 2017, 68,935 filings (39.0%) came from the Bronx; 46,050 filings (26.1%) came from Brooklyn; 31,749 filings (18.0%) came from Manhattan; 26,252 filings (14.9%) came from Queens; and 3,604 (2.0%) came from Staten Island. Although the data show that all of the boroughs experienced a decline in filings in the last year of the study period, the Bronx was the only borough that deviated from the citywide trend with an increasing number of filings between 2010 and 2016 and then ended in 2017 with more filings than in 2010. Normalizing these trends by the number of private rental units further highlights the Bronx as an outlier in both trend and scale (see Figure 5).

**As overall eviction filings have fallen, the relative distribution by sub-borough area<sup>12</sup> remained stable between 2010 and 2017.** The Bronx was the only borough with a sub-borough area that experienced an increase in filing rate and, in fact, all sub-borough areas within the Bronx saw the same or an increased filing rate between 2010 and 2017. In Manhattan, the northern sub-borough areas of Morningside Heights/Hamilton, Central Harlem, East Harlem, and Washington Heights/Inwood continued to have a noticeably higher filing rate than the rest of Manhattan, though the difference decreased between 2010 and 2017 as the rate dropped in Morningside Heights/Hamilton and Washington Heights/Inwood. Similarly, though fewer than 2 percent of filings came from Staten Island, St. George/Stapleton had a higher filing rate

<sup>11</sup> We determined the borough based on the court where the case was filed, so all cases were located in one of the boroughs.

<sup>12</sup> We defined sub-borough areas as Public Use Microdata Areas (PUMAs) created by the Census, which roughly match Community Districts. After geolocating the address of each filing (using the New York City Department of City Planning's Geosupport Desktop Edition), 14,518 (0.95%) of cases were not located within a sub-borough area.

**Figure 6: Private eviction filings per 100 private rental units**  
Sub-borough areas



Source: New York State Office of Court Administration's Universal Case Management System, New York City Housing Authority, New York City Department of Finance, NYU Furman Center

than the rest of Staten Island and higher than many other sub-borough areas in the city. The sub-borough areas with the highest eviction filing rates in Brooklyn were concentrated in central and eastern Brooklyn, though rates have declined there except for Brownsville and East New York/Starrett City. In Queens, Rockaway/Broad Channel had one of the highest filing rates in the city in 2010, equal only to the Bronx, but had a lower rate in 2017.

### Rent Amount Sought in Eviction Filings

**When adjusted for inflation to 2018 dollars, the amount of money sought in private nonpayment cases was consistent over time, increasing less than 1 percent from \$3,144 in 2010 to \$3,169 in 2017.<sup>13</sup>** To estimate the number of months of rent owed, we divided the amount sought in each filing by the median gross rent of the sub-borough area for the year of the filing.<sup>14</sup> Aside from Staten Island, which had too many cases missing data to accurately analyze a trend, the estimated number of months due remained between 2.5 and 3.0 months for each borough each year.

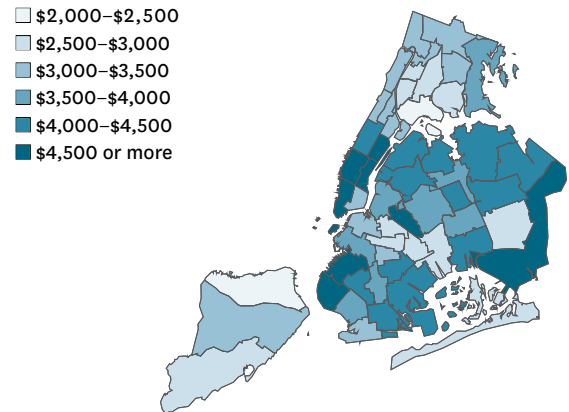
<sup>13</sup> Of all the nonpayment cases, 23,219 (1.76%) were missing information on the amount sought by the landlord and an additional 3,466 (0.26%) reported that the total amount sought was \$0.

<sup>14</sup> We obtained the median gross rent for each sub-borough using the American Community Survey (ACS). This is an imperfect measure since the ACS estimate has a margin of error that increases at smaller geographies, the median gross rent of the entire sub-borough area is likely higher than the median gross rent of the subset of the sub-borough area that ends up in housing court, and the amount sought could represent partial rent or include other fees.

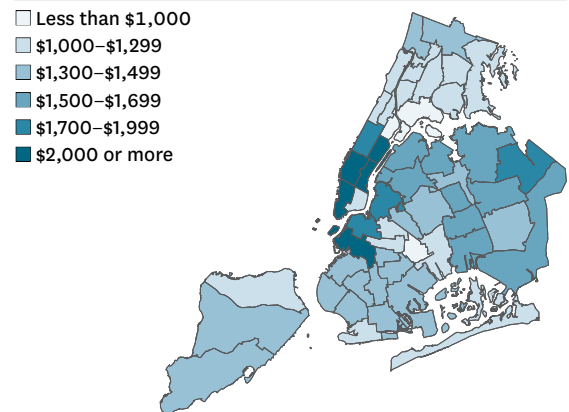
Disaggregating the median amount sought by sub-borough area (see Figure 7.A) shows that the amount sought largely follows the median gross rent of the respective area (see Figure 7.B). Therefore, filings from sub-borough areas in lower Manhattan where rents are high tend to have higher claims of rent owed while filings from sub-borough areas in the Bronx where rents are lower tend to have lower claims of rent owed.

Figure 7.C shows that the median estimated months owed for most sub-borough areas is near the citywide range of two to three months. Greenpoint/Williamsburg, Fort Greene/Brooklyn Heights, and Park Slope/Carroll Gardens in Brooklyn are below this range. This may suggest one of two things: (1) either cases are filed earlier in those sub-borough areas and the median amount sought does represent less than two months, or (2) the rent paid by the residents of those areas who end up in housing court is lower than the typical rent in those areas and therefore the amount sought is actually closer to two to three months. The opposite is true for Throgs Neck/Co-op City in the Bronx; East Harlem and Lower East Side/Chinatown in Manhattan; Queens Village in Queens; and Bushwick, East Flatbush, Coney Island, Sunset Park, and Bay Ridge/Dyker Heights in Brooklyn, where either landlords wait longer to file or the median rents of tenants ending up in housing court in those areas are higher than the typical rent in that area.

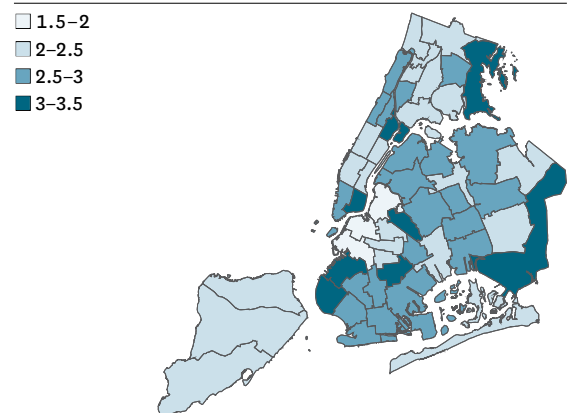
**Figure 7.A: Median amount sought in private nonpayment eviction filings, 2017**  
Sub-borough areas (2018\$)



**Figure 7.B: Median gross rent, 2017**  
Sub-borough areas (2018\$)



**Figure 7.C: Estimated months of rent sought in private nonpayment eviction filings, 2017**  
Sub-borough areas



Sources: New York State Office of Court Administration's Universal Case Management System, NYU Furman Center

Note: Estimated months of rent sought is calculated by first dividing the total amount sought for case by the median gross rent in that sub-borough area in 2017, then calculating the median of these estimated months by sub-borough area.





## Conclusion

Eviction filings by private landlords decreased from 2010 to 2017, a time of economic expansion and the launch of numerous eviction-prevention efforts in the city. The number of cases resulting in an executed warrant for eviction also declined. However, the number of cases resulting in a judgment increased and our analysis reveals considerable variation between and within boroughs. The Bronx in particular stands out both for its high rates of eviction filings and the increase in those rates during the period we analyze.

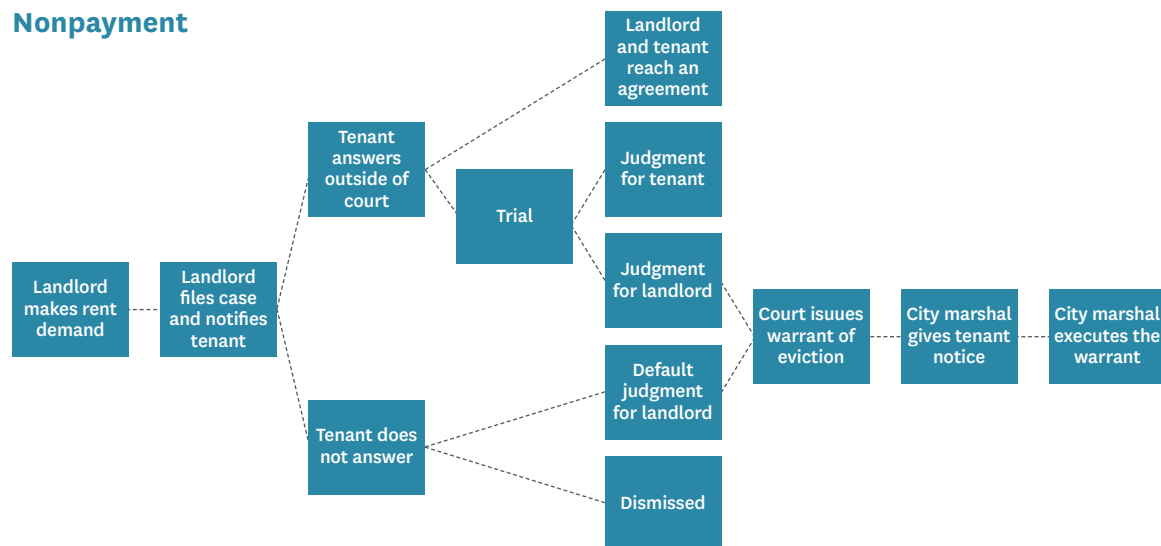
While this dataset does not capture displacement that occurs outside of the court, eviction filings serve as an important measure of renter instability. Additional analysis is needed to understand what may be driving differences in the prevalence of filings by location as well as the relationship of these filings to population demographics and to building and neighborhood characteristics. We intend to explore this variation as well as eviction filings from the New York City Housing Authority in a series of forthcoming briefs.



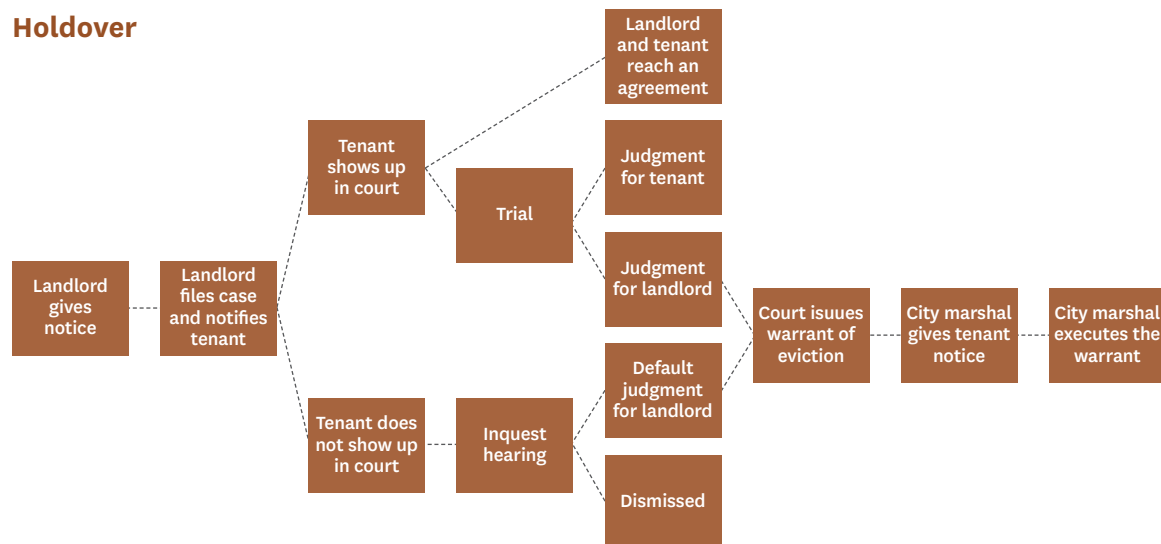
## Appendix A

This figure represents an overview of the eviction process to help contextualize our findings. The New York State Unified Court System,<sup>15</sup> Housing Court Answers,<sup>16</sup> and other organizations provide additional detailed descriptions of the lawful eviction process.

### Nonpayment



### Holdover



<sup>15</sup> See <https://www.nycourts.gov/courts/nyc/housing/procedural.shtml>.

<sup>16</sup> See <http://housingcourtanswers.org/>.

## Appendix B

	<i>Cases filed</i>		
	<i>All</i>	<i>Nonpayment</i>	<i>Holdover</i>
2010	191,619	168,850 (88.1%)	22,769 (11.9%)
2011	200,809	176,686 (88.0%)	24,123 (12.0%)
2012	198,603	174,079 (87.7%)	24,524 (12.3%)
2013	198,283	172,044 (86.8%)	26,239 (13.2%)
2014	192,623	164,659 (85.5%)	27,964 (14.5%)
2015	191,722	161,877 (84.4%)	29,845 (15.6%)
2016	185,021	155,652 (84.1%)	29,369 (15.9%)
2017	176,590	148,791 (84.3%)	27,799 (15.7%)

	<i>Cases ending with a judgment</i>			<i>Percent of cases filed</i>		
	<i>All</i>	<i>Non-payment</i>	<i>Holdover</i>	<i>All</i>	<i>Non-payment</i>	<i>Holdover</i>
2010	101,953	81,867	20,086	53.2%	48.5%	88.2%
2011	104,840	84,116	20,724	52.2%	47.6%	85.9%
2012	109,774	88,227	21,547	55.3%	50.7%	87.9%
2013	113,759	89,379	24,380	57.4%	52.0%	92.9%
2014	112,120	85,963	26,157	58.2%	52.2%	93.5%
2015	111,254	83,072	28,182	58.0%	51.3%	94.4%
2016	111,526	82,863	28,663	60.3%	53.2%	97.6%
2017	102,764	76,905	25,859	58.2%	51.7%	93.0%

	<i>Cases ending with an executed warrant</i>			<i>Percent of cases filed</i>			<i>Percent of cases with a judgment</i>		
	<i>All</i>	<i>Non-payment</i>	<i>Holdover</i>	<i>All</i>	<i>Non-payment</i>	<i>Holdover</i>	<i>All</i>	<i>Non-payment</i>	<i>Holdover</i>
2010	19,814	15,235	4,579	10.3%	9.0%	20.1%	19.4%	18.6%	22.8%
2011	24,300	19,109	5,191	12.1%	10.8%	21.5%	23.2%	22.7%	25.0%
2012	23,371	18,331	5,040	11.8%	10.5%	20.6%	21.3%	20.8%	23.4%
2013	20,819	15,671	5,148	10.5%	9.1%	19.6%	18.3%	17.5%	21.1%
2014	15,039	11,034	4,005	7.8%	6.7%	14.3%	13.4%	12.8%	15.3%
2015	17,465	11,429	6,036	9.1%	7.1%	20.2%	15.7%	13.8%	21.4%
2016	16,958	11,110	5,848	9.2%	7.1%	19.9%	15.2%	13.4%	20.4%
2017	11,934	7,983	3,951	6.8%	5.4%	14.2%	11.6%	10.4%	15.3%