Locked Out:
Foreclosure, Eviction and Housing Instability in Lexington, 2005-2016

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October 2017

On behalf of the Lexington Fair Housing Council

LFHC

www.lexingtonfairhousing.com

Executive Summary

- From 2005 through 2016, a total of 5,603 residential foreclosures were carried out in Lexington, equivalent to an average annual foreclosure rate of 0.48%. The number of foreclosures each year is, however, highly volatile and closely tied to broader trends within the national economy and housing market. While the number of foreclosures peaked in 2012 at 772, they have since fallen below pre-foreclosure crisis levels to just 223 in 2016.

- At the same time, a total of 43,725 residential evictions were carried out across Lexington, equivalent to a citywide average annual eviction rate of 6.33%. Taking into account estimates that just one in three evictions are captured in official court records, as many as 19% of Lexington renter households could be evicted in the average year. Unlike foreclosures, the number of evictions has remained largely stable over the last twelve years, regardless of broader economic circumstances.

- Foreclosures and evictions exist throughout Lexington, but are highly concentrated and clustered together in a relatively small number of places. Spatial concentrations of foreclosures are much larger, and clearly overlap with the location of both non-white and relatively poor residents, a likely result of their targeting by subprime mortgages prior to the foreclosure crisis. Evictions are concentrated in many of these same neighborhoods, but tend to be concentrated at a much smaller scale, often centered on a single street or apartment complex controlled by an individual landlord.

- A relatively small number of individuals, companies and public entities are responsible for many of the city's foreclosure sales and eviction filings. The top 10 purchasers of foreclosed properties are responsible for roughly half of all residential sales at foreclosure auction. The top 10 landlords, meanwhile, were responsible for 21% of all eviction cases in Fayette District Court, with over half of all eviction filings initiated by landlords with more than 100 eviction filings. Some of the most active purchasers of foreclosed homes are also among the most frequent evictors, demonstrating linkages between the experience of housing instability among both renters and homeowners.

- Given that some of the more effective means of combating housing instability would require action by the state legislature, we recommend that Mayor Gray appoint a special task force to explore alternative policy interventions in lieu of more direct actions on strengthening renters' rights or anti-predatory lending law. In particular, we suggest that the city create and fund some kind of eviction intervention programming to educate renters and connect them with necessary resources. Given that tenants are represented in and win just 1% (or less) of all eviction cases, we recommend the city level the playing field in eviction court by recognizing a right to counsel for tenants and working to increase resources available to legal aid organizations representing low-income renters. We also recommend the city provide vastly increased resources to expand the city's stock of housing affordable to the city's poorest residents through the adoption of a source of income protection and increased investment in affordable housing construction.

About the Lexington Fair Housing Council

The Lexington Fair Housing Council is a nonprofit civil rights agency that investigates complaints of housing discrimination throughout Kentucky. The Lexington Fair Housing Council investigates complaints of discrimination in housing and lending practices. LFHC also provides advocacy and legal assistance to people who have been victims of housing discrimination in Kentucky. The Lexington Fair Housing Council does not charge for its services.

About the Author

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Acknowledgments

We would like to thank the staff of the Commonwealth of Kentucky's Administrative Office of the Courts, especially Daniel Sturtevant of the Research and Statistics Office, for their assistance in obtaining data on evictions in Lexington. We would also like to acknowledge Texas A&M University's Geocoding Services for the use of their software in preparing the data for analysis.

I. Why Foreclosure and Eviction?

It is increasingly recognized that housing plays a crucial role in shaping the outcomes of any number of other social processes and domains, from health and education to wealth and poverty. But fundamental inequalities in housing – especially along racial and class lines but also based on disability, family status, immigration status and nationality – mean that the benefits of quality housing accrue unequally to different groups of people living in different types of neighborhoods. One of the key ways this inequality is manifest is in housing instability, or the vulnerability to losing possession of one's home.

Arguably the most commonly discussed and researched form of housing instability is mortgage foreclosure. Made visible by the 2007-2008 financial crisis, more than 9 million families in the United States have lost their homes to foreclosure since 2006. While not exclusively due to the rash of predatory, subprime loans that emerged in the early years of the 2000s, the concentration of these loans in certain neighborhoods had the effect of turning what would have been personal hardships into disastrous effects on entire neighborhoods and communities. As Immergluck and Smith (2006a, b) have shown, each additional foreclosure within one-eighth of a mile of a single family home results in a roughly a 1% decline in the value of that home, and that a 1% increase in the foreclosure rate at the Census tract scale is expected to increase the number of violent crimes in that area by 2.33%. That is, regardless of the cause of a given foreclosure, the negative effects of foreclosure extend far beyond those directly involved in the original transaction.

While the ongoing effects of the foreclosure crisis in Lexington are deserving of further attention, they also don't represent the only, or even the primary, means by which housing instability and dispossession is manifest. Until relatively recently, the problem of eviction has gone relatively unremarked upon, at least in part because of a paucity of accessible data, but also because of the general emphasis within American housing policy on the needs and interests of homeowners rather than renters (Hartman and Robinson 2003). But buoyed by the Pulitzer Prize-winning work of sociologist Matthew Desmond, a number of cities around the United States have turned their attention to eviction as not simply a *consequence* of poverty, but also a major *cause* of poverty (cf. Desmond 2012a, 2016).

Evictions can have a number of lasting effects on one's life. This is especially true with respect to one's ability to find safe and secure housing in the future. Because having an eviction on one's record can impact credit scores, Desmond et al (2015) estimate that while the average renter has a 50-50 chance of experiencing long-term housing problems, renters who have been evicted have a 70% chance of experiencing housing problems in their next residence. At the same time, they estimate that the chance of a renter moving (voluntarily or involuntarily) within a given year increases from 26% to 40% after having been evicted, meaning that housing instability is likely to beget more housing instability. Even when one is able to find another place to live on short notice and with limited resources after having been evicted, the average renter who has been evicted is likely to move into a neighborhood with higher poverty and crime rates as compared with their previous neighborhood or those of the average renter who moved voluntarily (Desmond and Shollenberger 2015). This effect is especially acute for black renters, even the most-advantaged of whom are likely to still live in neighborhoods with higher poverty rates than the *least*-advantaged white renters.

Eviction's impacts aren't limited to one's ability to find future housing. Desmond and Gershenson (2016) find that all else being equal, an individual who has recently been evicted is 11-22% more likely to also experience subsequent job loss. Perhaps contrary to conventional wisdom, the loss of stable housing has a greater impact on one's employment than the loss of employment has on the ability to maintain stable housing. The experience of eviction is also a contributor to familial instability (Desmond and Perkins 2016), physical and mental health problems for adults (Desmond and Kimbro 2015), and decreased school performance amongst children (Cohen and Wardrip 2011).

Besides sharing in the same destabilizing effects on individuals, families and neighborhoods, both foreclosure and eviction also represent an exacerbation of longstanding patterns of racial inequality in housing. Desmond and Shollenberger (2015) have shown in the case of Milwaukee that non-white renters were more likely to experience eviction, with 9% of white renters, 12% of black renters and a full 23% of Hispanic/Latino renters having been evicted in the previous two years. In Philadelphia, for every 1% increase in the black population at the Census tract scale, there is an associated 0.35% increase in the eviction rate (The Reinvestment Fund 2016). At the same time, the foreclosure crisis has been shown to have been significantly shaped by patterns of racial segregation. Not only were cities with high rates of racial segregation more likely to have been targeted by the predatory, subprime loans that precipitated the crisis (Rugh and Massey 2010; Hyra et al 2013), but so were racially segregated neighborhoods (Smith and Duda 2009; Saegert et al 2011; Niedt and Martin 2013; Pfeiffer and Molina 2013; Ellen et al 2015). In fact, as Hall et al (2015) note, it wasn't just racially segregated neighborhoods that were hard hit by the foreclosure crisis, but also racially *diverse* neighborhoods with practically *any* significant presence of non-white residents.

Foreclosure and eviction are not only similar in cause and effect, they are often functionally intertwined. Immergluck and Law (2014) have demonstrated how the foreclosure crisis enabled investors to target low-income neighborhoods and low-value properties within them, allowing neighborhoods to transition from being largely owner-occupied to having many single-family rentals controlled by absentee landlords. Raymond et al (2016) examine this dynamic further, demonstrating that among these post-foreclosure single-family rental properties, larger-scale investors are more likely to evict tenants than are mom-and-pop landlords, even after controlling for a variety of contextual factors. The dual processes of foreclosure and eviction therefore play an important role in shifting the housing tenure and demographic composition of some neighborhoods. In some cities, these forms of housing dispossession are used as a tool to facilitate gentrification, providing a means by which landlords, developers and other speculators can facilitate relatively rapid transitions in the housing market and demographic make-up of a given neighborhood. And though much of the nascent discussion around housing inequality in Lexington has focused on the gentrification of Lexington's Northside and East End neighborhoods, this report suggests the need to expand our view to the more mundane, and also more widespread, ways that landlords, financial institutions, and various levels of government work to produce housing instability and concentrate it in particular locations throughout the city.

Urban scholars David Madden and Peter Marcuse have written that while "[e]viction may be instigated by a landlord and foreclosure by a lender…they are two versions of the same story of dispossession" (Madden and Marcuse 2016: 65). Given the underlying similarities between these two processes outlined above, we choose to look at foreclosure and eviction simultaneously, rather than treating each issue in isolation. To our knowledge, this report represents the most comprehensive effort to date to analyze longer-term trends in foreclosure and eviction in Lexington, and the only such effort known with regards to eviction. Based on 12 years of data, this analysis not only documents the broader trends of different forms of housing instability in Lexington, but also where housing instability is most concentrated and in what forms it is manifest in different neighborhoods. While both foreclosure and eviction are commonly seen as being the result of individual failures, the concentrations of these dispossession events in certain locations, at certain points in time and with many of the same key actors, suggests that they are not exclusively the result of individual actions, but part of broader social processes operating within local housing and labor markets and deliberate choices by powerful actors and institutions (Sims 2016). As such, the report points to those locations within the city where both financial and human resources might be concentrated in order to address ongoing issues of housing instability, ensuring that Lexington's renters and homeowners alike are able to maintain safe and secure homes in which to live. The report closes by suggesting possible policies and approaches that might be helpful in addressing and ameliorating the effects of housing dispossession and instability.

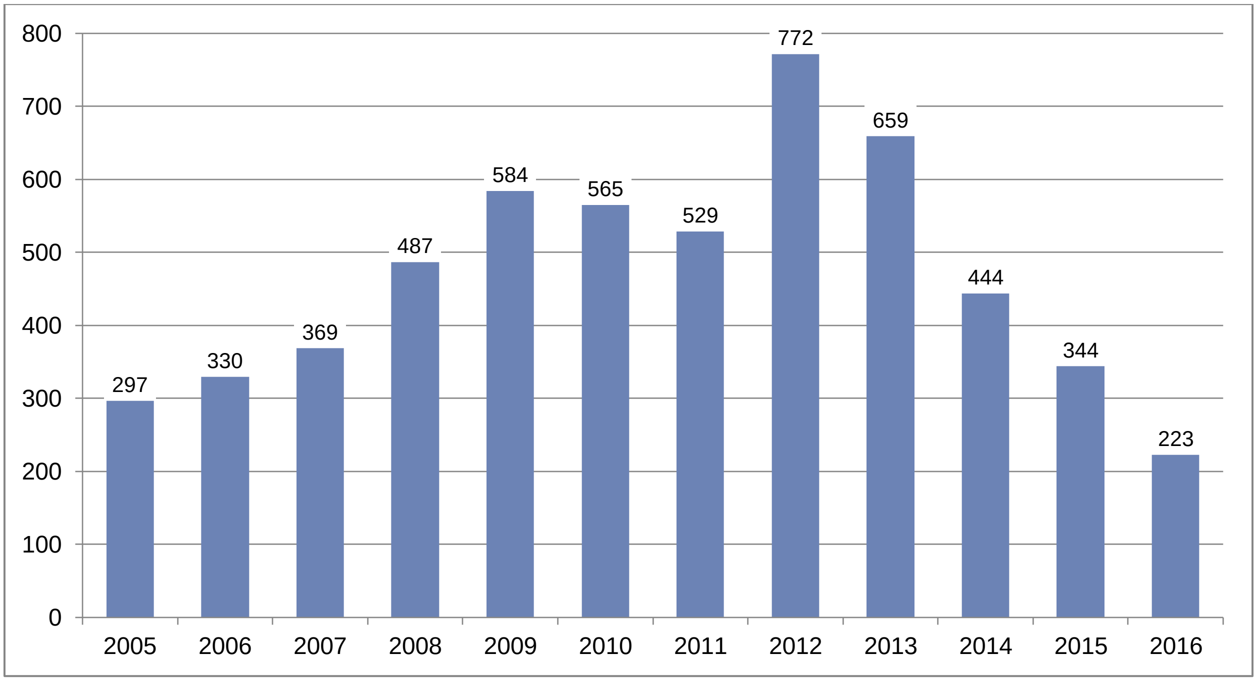
While national trends or findings from other cities inform this analysis, understanding precisely how these forms of housing instability are manifest within Lexington is important because Lexington's housing market is substantially different than any of the 'ideal types' that have been studied previously. Lexington represents neither the over-heated housing market of a New York City or San Francisco where affordable housing is all but completely absent, nor the boom-and-bust markets of Sunbelt cities like Atlanta or Phoenix, much less the perennially-depressed Rust Belt locales like Detroit, Cleveland and Baltimore, where the foreclosure crisis exacerbated macroeconomic trends of deindustrialization and capital flight that have meant massive housing vacancy and land abandonment. Though none of these trends apply perfectly to Lexington, this report demonstrates that the city has still experienced aspects of each of these dynamics in some form or fashion.

II. Trends in Housing Instability Before and After the Financial Crisis

In order to address Lexington's foreclosure and eviction problem, it is first necessary to understand the general scope of the problem and how it has evolved over time. By analyzing 12 years worth of data, we are able to capture not only the immediate past, but also the lead-up to the 2007-2008 financial crisis, the resulting fallout and the beginnings of recovery. This time period thus provides us with an understanding of how macro-scale trends, especially related to mortgage lending and financial deregulation, help to shape the more micro-scale results on Lexington's residential landscapes.

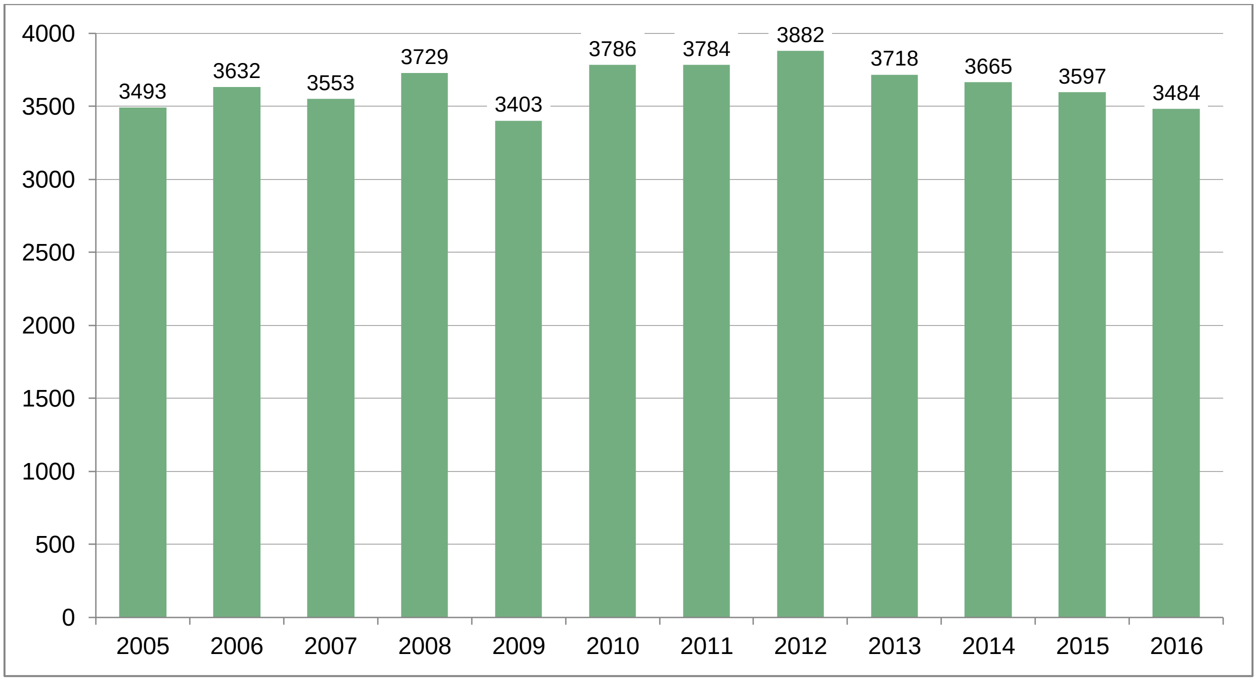
From 2005 through 2016, we are able to identify a total of 5,603 residential foreclosures in Lexington. Normalizing this figure by the 98,198 residential parcels within the city, this amounts to an aggregate foreclosure rate of 5.71% from 2005-2016, or an average annual foreclosure rate of 0.48%. But, as Figure 1 demonstrates, the number of foreclosures has varied widely over the past decade-plus. Lexington saw a steady rise in foreclosures leading up to the financial crisis, nearly doubling from 297 foreclosures in 2005 to 584 in 2009. As was noted in an earlier analysis of Lexington's foreclosure problem (Lexington-Fayette Urban County Human Rights Commission 2013), a brief lull in the number of foreclosures was seen in 2010 and 2011, though the end of a moratorium on foreclosures saw the city's total reach a peak in 2012 when 772 residential properties were sold at foreclosure auction. While 2013 still saw a large absolute number of foreclosures, it also marked a reversal in trend, as the number of foreclosures in the city has decreased every year since. As of 2016, the number of foreclosures was even lower than it was in the years prior to the foreclosure crisis.

Figure 1: Number of Residential Foreclosures by Year



Turning to evictions, we are able to identify a total of 43,725 residential evictions in Lexington from 2005 through 2016, demonstrating that evictions are substantially more common and widespread a problem than are foreclosures. While it is generally unsurprising for the number of evictions to be greater than the number of foreclosures, the 780% discrepancy of evictions to foreclosures even significantly exceeds hypothesized discrepancies of 250-500% (see Hartman and Robinson 2003). But unlike the historical trends in mortgage foreclosure, which tend to be much more volatile and track closely with the broader state of the financial and housing markets, Figure 2 also shows that evictions in Lexington are much more stable over time. While the maximum variance in foreclosures per year was 71% within our study timeframe – a high of 772 foreclosures occurred in 2012, with just 223 in 2016 – the number of evictions per year never varied by more than 13%, with a maximum of 3,882 in 2012 and a minimum of 3,403 in 2009. While both foreclosures and evictions peaked in 2012 and have been on downwards trajectories since, the fact that evictions have remained largely stable, even in the face of massive changes within the national and local economy, suggests that this is a particularly persistent and pernicious problem in need of serious attention.

Figure 2: Number of Residential Evictions by Year

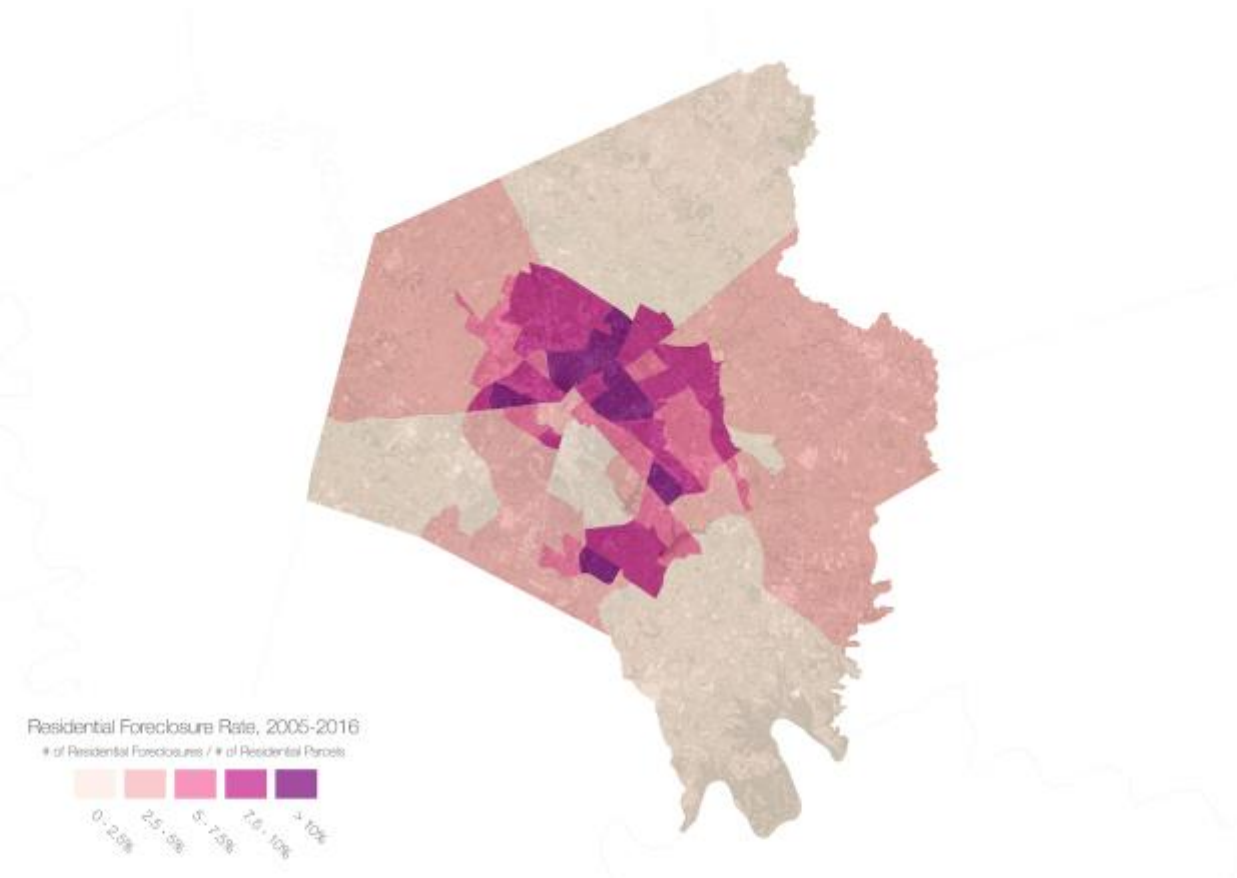


The scope of the eviction problem is made even more evident by calculating the rate of evictions. While we have opted to normalize the number of evictions by the number of residential addresses in our maps below, this is surely not the only, or even best indicator by which to do so. Indeed, we have chosen this measure primarily in order to calculate this rate at a finer spatial scale than would be possible using other measures (see Figure 6 below). Using the total number of residential addresses, we find an aggregate eviction rate over the study period of 29.32%, or roughly 2.44% per year. But if we only want to calculate the eviction rate at the citywide scale, we can instead use the number of renter-occupied housing units, which is arguably a more appropriate measure, albeit one not available at a scale smaller than the Census tract. According to the 2015 American Community Survey's five-year estimates, there were 57,558 renter-occupied housing units in Lexington, as compared to the much larger total of 149,103 residential addresses. So while our 2.44% average annual eviction rate represents the most conservative estimate possible, it is likely more accurate to say that 6.33% of renter households are evicted in Lexington each year. But, as Matthew Desmond has argued, "for every eviction executed through the judicial system, there are two others executed beyond the purview of the court, without any form of due process" (Desmond 2016: 331). Given these estimates, we might reasonably assert that in a given year, nearly one in five renter households are forced to move.

III. Geographies of Housing Instability

In addition to understanding temporal trends in foreclosures and evictions, it's also important to understand how these dispossession events are spatially distributed and concentrated within Lexington. In order to do this, we calculated aggregate foreclosure and eviction rates across the city, dividing the total number of residential foreclosures by the total number of residential parcels within the city, while dividing the total number of residential evictions by the number of residential addresses. By locating where these events are more likely to take place we can not only provide more effective short-term assistance to people in these places, but also infer the mechanisms that are working to concentrate foreclosures and/or evictions in those places. While a single foreclosure or eviction can represent a tragedy for those directly affected, a cluster of foreclosures and/or evictions within one place can ultimately lead to increases in crime, decreases in property values and a loss of social ties.

Figure 3: Residential Foreclosure Rate by Census Tract

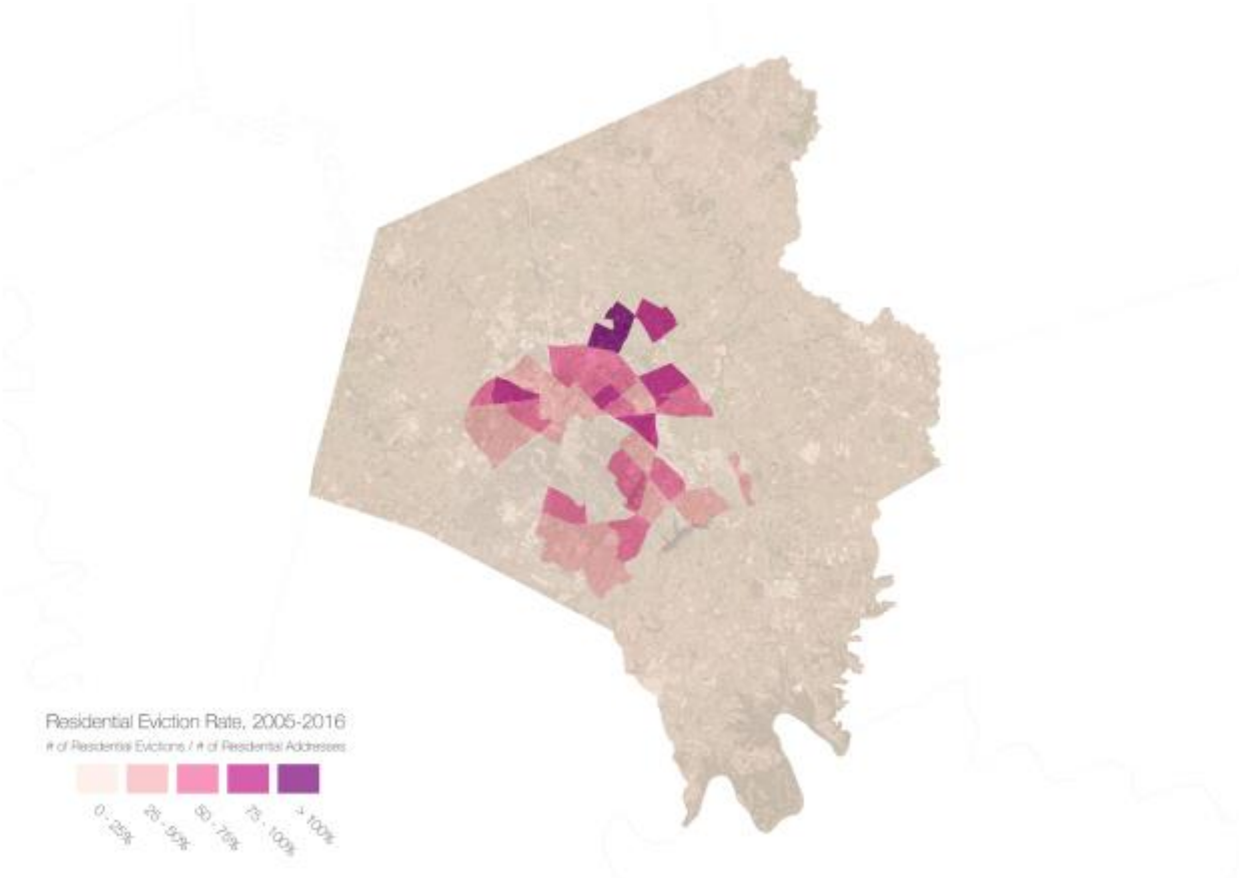


Comparing the high foreclosure tracts seen in Figure 3 to those racially/ethnically concentrated areas of poverty analyzed in our report released earlier this year (Shelton 2017), we can see that there is a clear overlap. Indeed, of the 10 tracts with the highest foreclosure rates – all exceeding 10%, or roughly double the citywide foreclosure rate – all 10 are classified as areas of a racially concentrated poverty or adjacent to such tracts. The only such tract from our analysis of concentrated poverty to *not* be among the city's 10 highest foreclosure tracts is tract 20.02 in Cardinal Valley, which had an aggregate foreclosure rate of 7.79%, still above the citywide average. Looking at the eight tracts identified as having some degree of racially/ethnically concentrated poverty together, their aggregate foreclosure rate in our study period is 11.78%, again more than twice the citywide rate. Meanwhile, the 19 tracts identified in our earlier report as having some degree of racially/ethnically concentrated *affluence* have an aggregate foreclosure rate of just 3.27%, with just two such tracts having foreclosure rates that exceed 5%.

This substantially increased likelihood of foreclosures in relatively poor and non-white neighborhoods, simultaneous with the considerable absence of foreclosures from relatively white and affluent places within the city, runs counter to earlier findings regarding the racial dynamics of residential foreclosure in Lexington. In the Lexington-Fayette Urban County Human Rights Commission's 2013 *State of Fair and Affordable Housing* report, it was argued that there was no particular spatial concentration of foreclosures in Lexington, and further that there was "no correlation between race and foreclosure rates" (Lexington-Fayette Urban County Human Rights Commission 2013: 20). Based on a simple tract-level correlation between the aggregate foreclosure rate and the percent of the population that is non-white, the observed R-squared value is 0.624 with a p-value < 0.001, indicating a great degree of statistical significance. While the conclusions from the 2013 report were drawn from just a single year of data, our longer time series demonstrates that residential foreclosures are *clearly* more likely to be concentrated in neighborhoods that are majority non-white and relatively poor.

Applying the same analytical techniques to our data on residential evictions in Figure 4, we can see a somewhat different spatial pattern emerge. While seven of the eight areas of racially concentrated poverty from our earlier report were among the top 10 tracts for foreclosure rates, just four are among the top 10 tracts by eviction rate, with another five tracts being adjacent to such areas. That being said, among those four tracts are the two tracts with the highest aggregate eviction rates in the city: tract 38.04, which covers the Winburn neighborhood, at 101.26%, and tract 3, which includes the North Limestone area, at 85.95%. Again, these sub-urban eviction rates are based on the most conservative estimates possible, so it is likely that some of these neighborhoods have even higher renter turnover. The top 10 tracts for eviction rates account for 15,440 of the evictions in our dataset, or roughly 35% of the citywide total, despite being home to just 13% of the city's residential addresses. When comparing this to the comparable figures for foreclosures mentioned above, we can say that evictions are *even more* spatially concentrated at the Census tract scale than are foreclosures.

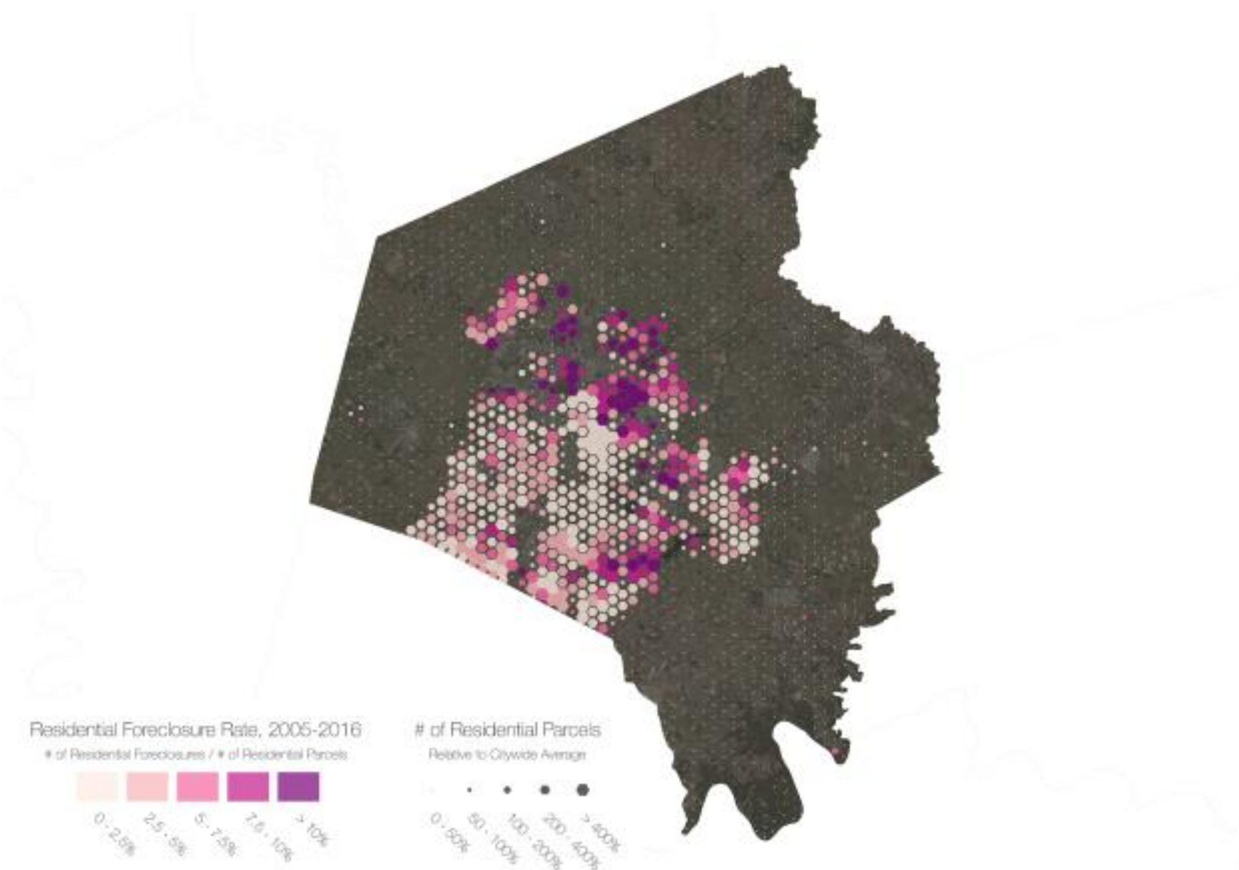
Figure 4: Residential Eviction Rate by Census Tract



That being said, eviction rates are *not* as closely correlated with racial and class segregation as are foreclosure rates, though areas of racially concentrated poverty tracts *do* have generally higher than average rates of eviction. Of the four racially concentrated poverty tracts not in the top 10 for evictions, all are among the top 15 tracts, with each exceeding an aggregate 12-year eviction rate of 50%. Together, Lexington's eight racially concentrated poverty tracts have an eviction rate of nearly 75%, while the comparable 19 tracts of racially concentrated affluence have an aggregate eviction rate over 12 years of just 5%. So while residents of Lexington's predominantly low-income black and Latino neighborhoods are evicted at over twice the average rate for all Lexingtonians, renters in Lexington's more affluent and predominantly white neighborhoods are evicted just one-sixth as often as the average Lexington resident.

While these maps of foreclosure and eviction rates at the Census tract scale allow us to cross reference these patterns with our earlier analysis of racially/ethnically concentrated areas of poverty and affluence, as well as other social indicators available from the Census, the Census tract isn't necessarily the most appropriate scale for examining these patterns. Because of the relatively arbitrary nature by which Census tracts are delimited, patterns that occur at finer scales, and especially those that cross the boundaries of Census tracts, are disguised within the resulting maps. In order to address this issue, we also performed the same analyses as above, but rather than aggregating the data to Census tracts, we use a uniform grid of hexagonal cells covering the city. Figures 5 and 6 below therefore highlight concentrations of high foreclosure and eviction rates at finer scales than our maps of Census tracts above, and indeed demonstrate that the geography of dispossession events rarely follow the statistical geographies we are accustomed to using in our analyses of these events. While the shading on the maps visualizes the intensity of dispossession events, the hexagonal symbols are sized proportionally to the total number of residential parcels or addresses in those cells, allowing areas with higher residential densities to be emphasized relative to those with relatively few residential properties or housing units.

Figure 5: Residential Foreclosure Rate by Hexagonal Cells



While both maps demonstrate that housing dispossession can be quite acutely concentrated, this is especially notable in the case of evictions. Whereas there is a greater degree of spatial clustering of high foreclosure rates, even at this finer scale of analysis, very few of the high eviction tracts shown in Figure 4 experience a uniform coverage of eviction as seen in Figure 6, with notable exceptions on the Northside, in Cardinal Valley and along Eastland Parkway. Instead, evictions tend to be isolated in smaller corners of a neighborhood, often a single street or even a single multi-family apartment complex, as highlighted by the isolated dark purple hexagons scattered across the map. This is especially the case for some of the highest eviction areas, such as Winburn in north Lexington, the Woodhill neighborhood off of Richmond Road, particular streets like Centre Parkway in the Southeastern Hills neighborhood, and complexes like several in the Lakeshore Drive/Fontaine Road area or the Continental Square Apartments off Winchester Road, not to mention any number of mobile home parks around the city, each of which has aggregate eviction rates greater than 100%.

Figure 6: Residential Eviction Rate by Hexagonal Cells

In order to demonstrate the interconnection of foreclosure and eviction within different neighborhoods across Lexington, Figure 7 provides a synthetic representation, highlighting those areas with above and below average numbers of foreclosures and evictions. While the Northside and East End receive much of the attention devoted to housing inequality in Lexington due to historical inequalities related to racial segregation and ongoing gentrification pressures, this typology of housing instability shows simultaneously that gentrification isn't the only form of housing instability faced by these neighborhoods, nor are they alone within the city in facing these processes. Figure 7 also shows that some of the highest combined concentrations of foreclosure and eviction within Lexington *don't* exist in the urban core, but have instead been pushed out into the city's inner ring suburbs. This pattern is visible as a kind of 'backwards C' shape that follows the path of New Circle Road, stretching from Versailles Road in the west clockwise around to Nicholasville Road to the South. Besides the Northside and East End, significant concentrations of both foreclosure and eviction exist in places like

Winburn and Eastland Parkway in north Lexington, the Latino enclave of Cardinal Valley to the west, Woodhill to the east, and the areas surrounding the Gainesway and Kirklevington neighborhoods to the south (roughly encompassing the area between New Circle Road and Man o' War Boulevard, from Alumni Drive to New Circle Road).

Figure 7: Typology of Housing Instability

While many of the higher density, low eviction-low foreclosure areas seen in Figure 7 overlap with Lexington's more white and affluent neighborhoods, it's worth noting that practically no residential neighborhood in the city is *completely* immune from these forms of housing dispossession. But when foreclosure or eviction *do* hit relatively affluent and white neighborhoods, these events tend to be relatively isolated, thus limiting the negative effects of widespread housing vacancy and abandonment noted earlier in the report. But as is evidenced by the significant number of high eviction-high foreclosure areas within the city, these two processes are commonly co-located, typically in those places characterized by both higher degrees of poverty and a larger proportion of non-white residents. Given their concentration in already marginalized neighborhoods, foreclosure and eviction represent key means by which social inequality is perpetuated and exacerbated through a process of what Saegert et al (2011) call 'asset extraction by serial displacement', which has contributed significantly to the growth of the racial wealth gap across the United States (Burd-Sharps and Rasch 2015; Sullivan et al 2015).

IV. Local Players in Housing Instability

Beyond knowing *where* housing dispossession is most concentrated within the city, it's also worth exploring *who* is most involved in these processes and who may profit from them. While the purchase of an individual foreclosed home or a single eviction filing can have perfectly legitimate reasoning behind it, these tools are often wielded as methods to extract more money from a property without concern for the well-being of the individuals and neighborhoods being effected. The purchase of dozens of foreclosed homes or the filing of hundreds or thousands of evictions points to something beyond a simple circumstantial need for these tools to be used. As the figures below demonstrate, some individuals and companies have been particularly reliant on these methods for personal gain, buying up dozens of foreclosed properties and/or evicting hundreds, or even thousands, of tenants.

In order to identify the actors involved in these processes, we use additional information gleaned from the same sources as our analysis above, with some variations. For foreclosures, we're focused on the *buyers* of residential properties sold at foreclosure auction. While this doesn't fully address who the *lender* was that facilitated the transaction, the large volume of properties bought back by institutional purchasers shown in Figure 1 can provide some insight into lenders, though this is imperfect given the way mortgages were being bundled and sold between different institutions that helped to precipitate the crisis. But this approach is particularly apt for looking at private purchasers of foreclosed properties, whether individuals or companies, who in turn flip or rent out the properties bought at auction. For evictions, our data is based on all eviction *filings*, rather than only definitive court judgments for residential properties as above. Because of duplicate case identification numbers in the database provided by the Administrative Office of the Courts, we are unable to successfully link the plaintiffs filing for eviction to either the final case disposition or property type. Nonetheless, we believe the number of filings to provide significant insight into the problem, if for no other reason than signaling which landlords are most likely to rely on the eviction process, even if each case doesn't ultimately end in a court-ordered eviction. It is also worth noting that there are a total of 70,964 plaintiffs listed in the dataset, meaning that some cases have more than one plaintiff listed. In our aggregation of individuals with their associated companies, we have not controlled for these multiple plaintiff cases due to the aforementioned case identification issues. The numbers presented are therefore best estimates, and may not be exact.

Table 1 lists the top 10 institutional buyers of residential foreclosures, or those banks, lending or insuring institutions who ultimately bought back the properties at auction that they had initially loaned money for. Several of the biggest buyers are public institutions such as the US Department of Housing and Urban Development and Department of Veterans Affairs, which have the right to buy back foreclosed properties that had been insured by the VA or Federal Housing Administration, or the so-called 'government sponsored enterprises' of Fannie Mae and Freddie Mac. While each of these properties is ostensibly returned to the market at prices and terms more favorable than those offered by private sellers and lenders, this process is not always so straightforward. In many instances, these public and quasi-public institutions have been quick to get rid of their portfolios of property, even selling them to predatory companies (Stevenson and Goldstein 2016). In other cases, they've failed to adequately maintain foreclosed properties in poor and minority neighborhoods, leading the National Fair Housing Alliance to file a lawsuit against Fannie Mae last year alleging widespread discrimination (National Fair Housing Alliance 2016).

Table 1: Top 10 Institutional Buyers of Residential Foreclosures, 2005-2016

#1	US Department of Housing and Urban Development	748
#2	Federal National Mortgage Association	665
#3	Federal Home Loan Mortgage Corporation	297
#4	US Bank	209
#5	Deutsche Bank	173
#6	Bank of New York Mellon	166
#7	HSBC Bank	146
#8	Wells Fargo Bank	132
#9	US Department of Veterans Affairs	99
#10	Community Trust Bank	73

Similarly, of the banks buying up foreclosed homes in Lexington, nearly every one has been singled out as playing a significant role in the national foreclosure crisis, occasionally with respect to discriminatory behavior in both subprime lending and in their subsequent upkeep of foreclosed properties in their portfolios. Earlier this year, Deutsche Bank, the fifth-largest institutional buyer of foreclosed homes in Lexington, agreed to a settlement of $7.2 billion with the US government, the largest such settlement ever to be paid out by a single entity (Freifeld 2017). US Bank and Wells Fargo Bank, the 4th and 8th most active buyers, were both sued by the National Fair Housing Alliance in 2012 for their failure to adequately maintain REO properties in predominantly black and Latino neighborhoods, which resulted in a $39 million settlement with Wells Fargo (Currier 2012; HUD 2013). Just last year, HSBC Bank was fined $470 million for its role in the fraudulent robo-signing of mortgages (Neate 2016). The Bank of New York Mellon, meanwhile, was sued not over the origination of subprime mortgages, but over its questionable practices as a trustee for over $2 billion in mortgage-backed securities (Ax 2015). Together, the involvement of these large institutional actors in buying back foreclosed properties at auction signals that even though Lexington was not *as* hard hit by the foreclosure crisis as many cities around the country, many of the same actors behind the predatory loans that precipitated the crisis have been active in shaping Lexington's housing landscape in the last decade-plus.

And while the nature of the foreclosure auction process means that the holder of the delinquent mortgage is most likely to end up repossessing the property, a number of private individuals have also been extremely active in buying up foreclosed properties. In fact, the #1 individual purchaser of residential foreclosures in Lexington, Lawrence Morton of Morton Properties, has bought 115 different properties at foreclosure auction between 2005 and 2016, or more than all but a handful of private banks. Similarly, business partners Daniel Harpe and Eli Mashni have together bought 78 foreclosed properties at auction. Of particular note is the fact that these individuals, along with Dennis Anderson, are among both the most frequent individual purchasers of residential foreclosures at auction, while also being some of the most frequent eviction filers in the city, as seen below in Table 3 (Daniel Harpe and Eli Mashni fall just outside of the top 10 eviction filers at #11, with a total of 786 eviction filings).

Table 2: Top 10 Private Buyers of Residential Foreclosures, 2005-2016

#1	Lawrence Morton Morton Properties	115
#2	Daniel Harpe, Eli Mashni and Ted Brandewie Harpe and Mashni / Harpe Properties / HouseBuyersEtc.com / Innovation Plant	78
#3	Dennis Anderson Anderson Homes for Rent / Anderson Campus Rental Properties	66
#4	Kirk Griggs 326 Group Inc. / Barton Creek Holdings / Wind Dance Properties / Zuni Bear	60
#5	Chuck Hendricks Leasing Solutions LLC	50
#6	Rasoul Taghizadeh Omead Properties	29
#7	Richard and Lori Haley Haley Investments	26
#8-T	Matthew Whitman Prominent Property LLC	23
#8-T	Eric Friedlander Dane Marshall LLC	23
#10	James Mischner	22

Among the other landlords in the top 10 for eviction filings are the owners of many of the apartment complexes identified as hotspots in Figure 6 above. Norwood Cowgill, Jr., the second most frequent eviction filer, is the owner of the Continental Square Apartments off Winchester Road, as well as Omni Place off of South Broadway and the Gatehouse Apartments on Liberty Road. Two complexes owned by landlord Fred Burns – the Matador North and Fox Run Apartments – comprise the vast majority of the eviction cluster in the Winburn neighborhood. The Raintree Apartments on North Locust Hill Drive, owned by a opaque foreign corporation with no individual owners listed by the Kentucky Secretary of State, alone represents the ninth largest concentration of eviction filings by landlord. Cumulatively, these top 10 landlords represent 21% of all eviction filings in Fayette County during our study period. Based on a conservative estimate, over half of all eviction filings are made by landlords who filed more than 100 evictions in the last twelve years.

Table 3: Top 10 Landlords for Eviction Filings, 2005-2016

#1	Dennis Anderson Anderson Properties / Anderson Homes for Rent	2,761
#2	Norwood Cowgill, Jr. Continental Square Apartments / Omni Place / Gatehouse / Cove Lake Village	2,442
#3	Fred Burns Matador North Apartments LLC / Fox Run LLC	2,304
#4	Ball Homes Ball Realty	1,485
#5	Lexington-Fayette Urban County Housing Authority	1,368
#6	Lawrence Morton Morton Properties	1,069
#7	Don Poole and James Jefferson Poole and Jefferson / Parkway Plaza Apartments	982
#8	Tracy Clinkinbeard Blackburn Properties	857
#9	Jason S. Brown Augusta Green LLC / Bradford Green LLC / Preakness Apartments	850
#10	Raintree Kentucky Apartments LP	791

So while eviction can wreak havoc on individuals, families and neighborhoods regardless of who is doing the evicting, it is evident that the disparate impact comes from a relatively small number of landlords who own a relatively small number of multi-family properties. That being said, some individual landlords who own a large number of smaller properties, such as the Waller family and Joe Johnson, who both rank just outside our top 10 list of eviction filers, are also especially prone to relying on eviction. And while many of the landlords on this list are present due to the simple fact that they are more likely to rent to tenants with modest incomes, the concentration of eviction filings among these landlords remains a cause for concern, and a point of possible intervention. Just as the maps presented above show which neighborhoods in Lexington are in most need of assistance with combating housing instability, these lists suggest where those resources might also be concentrated in terms of landlords, property managers and financial institutions. Should the city wish to curb the number of evictions taking place, focusing attention on these landlords and large apartment complexes would represent arguably the easiest way to make a significant impact, as opposed to attempting to monitor and intervene in the workings of hundreds or thousands of ‘mom-and-pop’ landlords around the city who may only rarely be involved in eviction proceedings.

V. Policy Recommendations

While understanding the broader contours of housing instability in Lexington is an important first step in ameliorating these problems, it's also important to consider what kinds of concrete steps can be taken. At a general level, it's important that any policies designed to address housing instability move beyond an exclusive focus on homeownership, whether as the site of, or solution to, housing problems, and instead support people regardless of their housing tenure (Wegmann et al 2017). For instance, while nascent efforts from members of the Urban County Council to address gentrification in the Northside and East End through property tax relief for longtime homeowners are a positive step in addressing that particular problem (cf. Musgrave 2017), this policy does little to address the fact that homeowners are in a significant minority among residents of these neighborhoods. Not only are renters more numerous in gentrifying neighborhoods (and low-income neighborhoods more generally), they also occupy an even more precarious position in relation to their housing, such that any policy focused exclusively on homeowners will do little for those most affected (Martin and Beck 2016).

As our analysis here has shown, the number of evictions is both substantially higher and more consistent over time than the number of foreclosures within Lexington, a fact that is also true within the city's gentrifying neighborhoods. But even beyond the imperative of addressing renters' needs, the concentration of foreclosures within Lexington's black and Latino neighborhoods demonstrate that for many, homeownership doesn't necessarily mean housing stability in the first place. As Wyly et al (2009) argue, the "[m]illions of home 'owners' drawn into the subprime system are, in material and housing-class terms, barely distinguishable from renters. In the subprime market, homeowners are simply paying rent to the new landlord, subprime mortgage capital. In these circumstances, the cultural symbolism of homeownership is nothing more than a deceptive illusion" (338). Homeownership *can* be a meaningful path to both housing and more general financial stability, but it isn't a one-size-fits-all solution that will always yield the same results for different people. While the systemic nature of the foreclosure crisis exceeds the scope of what the Urban County Council can do to effect change in this area, one policy the city could advocate for is stronger state-level anti-predatory lending laws, which have been shown to have had a significant impact on curbing neighborhood-level clusters of foreclosed properties (Ding et al 2011). Any discussion of increasing homeownership in these neighborhoods must simultaneously address the historic and contemporary role of predatory and exclusionary lending unless it wants to repeat these past mistakes.

Given the need to more directly address the needs of Lexington's renters, it's important to critically assess where current landlord-tenant regulations fall short. The Uniform Residential Landlord Tenant Act (URLTA), initially enacted by the state legislature and adopted by the Urban County Council in 1982, currently governs landlord-tenant relationships in Lexington. And while Lexington is one of just a handful of Kentucky cities and counties that provide this level of clarity to rental housing disputes[1], elements of URLTA continue to place the balance of power in the hands of landlords. For instance, while tenants are allowed to withhold rent for a period of time while awaiting major repairs to be made to their units, they are required to document multiple attempts to address the situation before withholding rent and pay all of that rent to the landlord upon such repairs being completed, regardless of the length of time taken to make them. So, in effect, while tenants can temporarily withhold rent in order to force landlords to make repairs, they are still ultimately required to pay for a unit that doesn't meet basic standards of habitability. Some Lexington housing attorneys have also noted that even given the limited scope of these protections, District Court judges have failed to consider such URLTA counter-claims by tenants in eviction proceedings, ruling in favor of landlords as long as there was non-payment of rent. In short, tenants are held to strict compliance with the law while landlords are not. So while strengthening tenants' rights beyond what is prescribed by URLTA *should* be a key priority for the city, the law ultimately precludes the Urban County Council from taking this issue up on its own. According to the current URLTA statute, "No other ordinance shall be enacted by a city, county or urban-county government which relates to the subjects embraced [herein]" (KRS 383.500). Given the current makeup of the state legislature, it remains unlikely that URLTA will be expanded statewide (cf. Stewart and Smither 2012), much less strengthened.

In lieu of such a strengthening of tenant protections, LFUCG should explore alternative possibilities for reducing eviction, and housing instability more broadly. Ultimately, we would recommend that Mayor Gray convene a special task force to take up the issues presented in this report in greater depth, beginning with a consideration of some of the following policies. First, LFUCG should support the creation of citywide eviction intervention programming, likely in the form of a coordinating agency that could work with the city, the courts, legal services providers, social workers and landlords to provide services to tenants at risk of eviction. One of the primary tasks this organization could be responsible for is providing direct services to tenants, a task that is currently spread across a variety of agencies in Lexington, where there are few avenues of assistance for tenants seeking to prevent an eviction.

While mediation is a frequent option in small claims court, eviction court offers no similar option when the stakes are actually much higher. That eviction hearings are summary proceedings often means that that the legal system provides as much consideration to whether someone should lose their home as whether someone was speeding on their way to work. By establishing relationships with all of the different relevant actors, including both the courts and some of the biggest landlords and most frequent evictors listed above, this kind of coordinating agency could provide a stop-gap measure by educating and empowering tenants and mediating disputes with landlords, all in an effort to discourage eviction as the primary means by which landlord-tenant disputes are settled. Such an intermediary organization might also be able to play a crucial role in

[1] See https://www.hhck.org/healthyhomes/ for more information on the Homeless and Housing Coalition of Kentucky's Healthy Homes Coalition, which seeks to extend URLTA protections to the entire Commonwealth.

maintaining publicly-available data on eviction and rental housing issues, tracking the efficacy of particular interventions or priorities, providing a single point of contact for the various financial assistance programs run by different social services agencies, managing a payee program that could ensure tenants on fixed incomes stay up-to-date on their rent, or even facilitating a smooth transition for tenants who were unable to stave off eviction. And while largely targeted at helping tenants, each of these programs would have potential benefits for landlords, as well. Because evictions can also be costly and time-consuming for landlords, a system that provided meaningful alternatives to eviction would yield benefits for both parties, whether through such direct services or through providing a broader, more complete understanding of Lexington's housing landscape.

Second, we recommend that the Urban County Council enshrine a right to legal counsel for tenants, especially in eviction proceedings (Scherer 1988)[2]. As is the case across a number of other American cities, Lexington tenants have formal legal representation in only a small number of cases, while landlords are considerably more likely to have legal representation, or at least be more familiar with the relevant laws and processes themselves (cf. Engler 2009). This imbalance between landlords and tenants in court helps contribute to the vast disparities in outcomes in eviction proceedings described in the Appendix below, where *at most* 1% of all eviction cases result in a judgment in favor of the tenant.

Simply providing tenants with legal representation would provide a disincentive for landlords to rely on eviction, while also ensuring that tenants aren't at a major disadvantage when they make it into the courtroom. Should Lexington pursue this avenue, it wouldn't be alone. Earlier this year, both New York City and Philadelphia announced that plans to implement a right to counsel in all eviction proceedings. The District of Columbia and State of California have also been in the midst of pilot projects to explore the impact of tenants' right to counsel on a smaller scale before fully implementing it. An earlier pilot project in New York City even demonstrated that the costs for expanded legal services were *more than* offset by savings on temporary shelter costs for evicted tenants (Desmond 2012b). Even in lieu of a statutory right to counsel, the mayor and Urban County Council should consider the possibility of providing supplementary financial resources to Legal Aid of the Bluegrass in order to handle a larger number of cases.

Finally, one of the most important things Lexington can do to curb housing instability is to promote greater housing choice for its low-income residents. This is especially urgent in the wake of a proposed $6 billion cut to the US Department of Housing and Urban Development's budget, including cuts to the Section 8 voucher program that currently represents the largest subsidy to low-income renters nationwide. Given that Lexington has an increasingly constrained rental housing market, especially at the low-end, there is little disincentive for landlords to evict tenants; even if one tenant leaves, there remains a captive market of other tenants willing to take their place, at least for a time.

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[2] See http://www.civilrighttocounsel.org/ for a more general discussion of the right to counsel in non-criminal proceedings.

Two key policy interventions could expand housing choice for low-income tenants and provide an indirect disincentive for landlords to pursue eviction actions. First, we support the passage of an ordinance outlawing housing discrimination based on source of income, which would greatly increase the number of housing options available to holders of Section 8 vouchers. Second, we recommend the city increase funding for the construction of affordable housing. In accordance with a proposed resolution by the Central Kentucky Council for Peace and Justice, the Lexington Fair Housing Council has already called for the Urban County Council to double funding allocations for the Affordable Housing Trust Fund to $4 million per year[3], which would still represent just 40% of the recent commitment made to affordable housing by the Louisville Metro Government this year. Given the promise of the community land trust model for creating permanently affordable housing, we would also encourage the city to explore ways to expand on the model already being created by the Lexington Community Land Trust in Davis Park, including implementing it in other areas of the city.

VI. Appendix

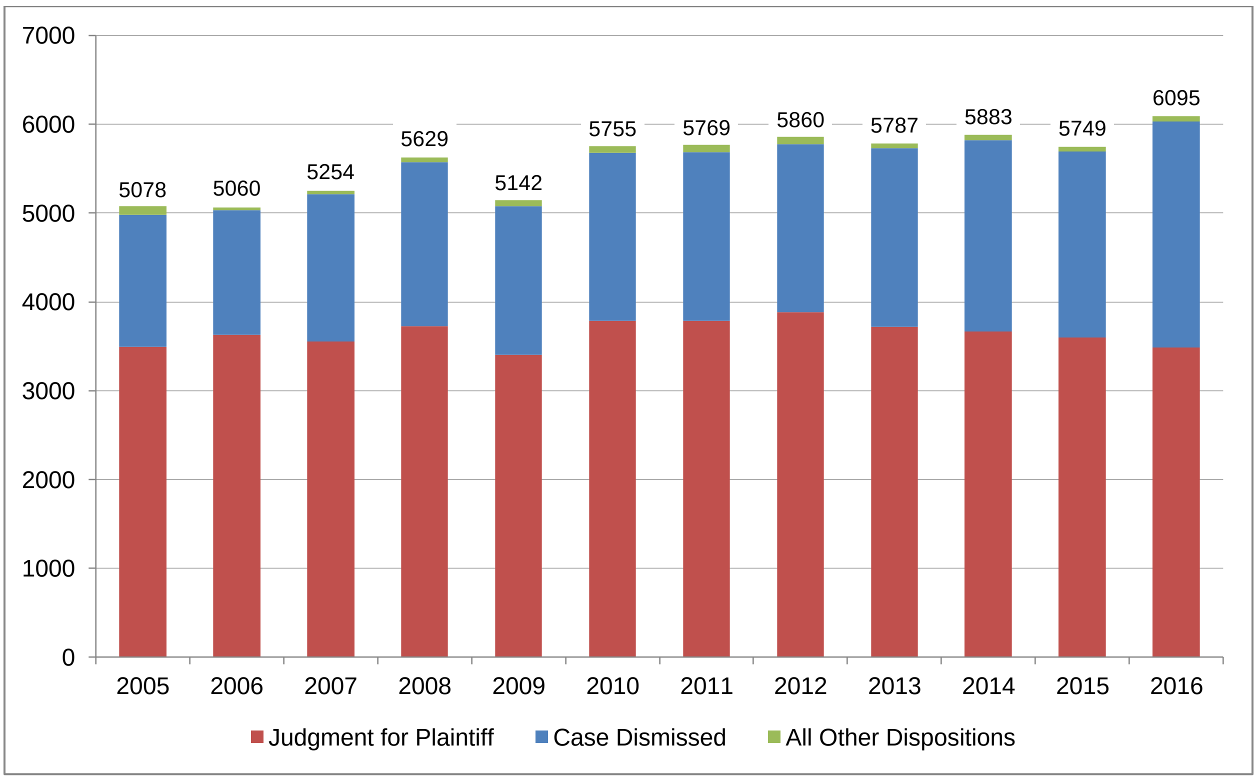
In this report, our focus has been on *completed* housing dispossession events. While we use the shorthand of 'foreclosure' or 'eviction' throughout, the analysis presented above looks only at residential properties sold at auction via Master Commissioner's Sale and at residential eviction filings where a court judgment was rendered in favor of the plaintiff. That is, instances where the legal process was played out to its conclusion, resulting in the loss of housing for either homeowner or tenant. Data on foreclosure sales was gleaned from property transaction records from the Fayette County Property Valuation Administrator, selecting records where the transaction type is listed as "Master Commissioner's Sale" and where the property type is identified as "Residential" or "Multi-Family", with sale dates listed between January 1, 2005 and December 31, 2016. These figures differ slightly from the number of foreclosures reported in Lexington-Fayette Urban County Human Rights Commission (2013), though the discrepancy is quite small and both sets of numbers track the same overall trajectory. Data on evictions was provided by the Commonwealth of Kentucky's Administrative Office of the Courts. While data provided by the AOC included all eviction filings in Fayette District Court that had a final disposition between 2005 and 2016, the analysis above includes only those records where the disposition ordered is a judgment in favor of the plaintiff.

The original dataset provided by the Administrative Office of the Courts included a total of 68,260 filings of Forcible Detainer actions that had reached their final disposition between January 1, 2005 and December 31, 2016. Of these records, 415 (or 0.61%) had unidentifiable locations. After geocoding the remaining 67,845 records, 67,061 (or 98.84%) were determined to be residential evictions. There is, however, some imprecision in this method. First, there is potential that the address listed in each case

[3] See http://fayettealliance.com/wp-content/uploads/2017/03/CKCPJ-Housing-Justice-Project-Affordable-Housing-proposal-with-endorsements.pdf for text of the resolution.

may not be the address of the property in question, but rather another address that was provided for the defendant in a given case. Cross-referencing a sample of the plaintiffs and listed addresses with property ownership records leads us to believe with a great deal of confidence that the listed addresses *are* in fact the addresses where evictions were carried out. Second, the process of geocoding the address records – of turning addresses into latitude and longitude coordinates – is imprecise because of inferences necessary to clean the original dataset and of the geocoding software itself. Because the geocoding process is crucial not only to map the location of these evictions in the first place, but also to help differentiate between residential and non-residential properties, the figures we present in our analysis may not be exact. That being said, the relatively small number of records eliminated from our database due to unidentifiable locations or to being non-residential properties suggests that even where errors are present, they would be unlikely to cause a substantial deviation in our findings.

Figure 8: Number of Residential Eviction Cases by Disposition Type and Year



While the analysis presented in this report focuses only on the 43,725 residential evictions that were actually carried out between 2005 and 2016, the cleaned dataset of 67,061 residential eviction filings provides additional insights into the imbalance of power between landlords and tenants in eviction proceedings. In residential eviction cases, those 43,725 evictions represent the 65% of all filings that result in definitive judgments in favor of the landlord as seen in Figure 8. At the same time, a total of just three total cases in the entire dataset are identified as having a definitive judgment in favor of the tenant. While approximately 33% of all cases were dismissed before going to trial – which could mean a variety of different tangible outcomes for both landlord and tenant – a total of 1.1% of cases in our dataset have no discernible definitive judgment. But even were *all* of these cases decided in favor of the tenant, there would still be a 65-to-1 discrepancy in the likelihood of victory for tenants facing evictions. It is also worth noting that while the analysis presented earlier in the report shows that the number of residential evictions peaked in 2012, the total number of eviction *cases* actually peaked in 2016 at the end of our time series, representing a general upward trend in the total number of eviction filings in Lexington at the same time as the number of foreclosure sales has dramatically decreased.

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