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## Staying Put in the New DC

“**W**e were very afraid.” —Shirley Lawson, tenant leader at Mayfair Mansions, describing her reaction to the news her apartment building had been contracted for sale

### A Unique Way to Stay Put

This book is about the effort to stay put in a fast-gentrifying city. There are, of course, different ways to stay put. Some people make compromises—they stay in apartments they have outgrown (through marriage or kids) because they are near public transportation or work. Others resort to the court system to fight intimidation from landlords trying to force them out. Still others rely on government intervention to stay put, using housing vouchers to afford out-of-reach rents or winning leases in units set aside by city ordinance for those with low incomes.

This book focuses on a formal, city-sponsored initiative to help people stay put, a law in the District of Columbia (DC) that allows tenants in apartment buildings contracted for sale the right to refuse the sale and purchase the building instead for the contracted sale price. The law, the District’s Tenant Opportunity to Purchase Act (TOPA), was initially passed in 1980 in response to a spate of condo conversions then occurring in Washington’s gentrifying inner core (Proscio 2012; R. Eisen 1993; Grim 2006a, 2006b). Its goal was to prevent displacement by allowing tenants to become owners in

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a two-step process—first, by having the tenants' association purchase the property and, second, by converting the property to a condominium or co-operative so tenants could buy their existing units (R. Eisen 1993).

Condos have long been a flash point in battles over gentrification. They are usually seen as gentrification's leading edge, the manifestation of public and private efforts to spur urban reinvestment (Kern 2010; Kern and Wekerle 2008; Gotham 2005). And because condos are often built for, and marketed to, well-paid professionals, they are seen as a harbinger of displacement to come (Fujitsuka 2005; Gotham 2005).

Opinions about condo conversion are less common but similar in tone where they exist (N. Smith 1996; Feagin and Parker 2002; Slater 2010). Scholars complain, for example, that condo conversion reduces the rental housing stock on which the poor and working class depend (Feagin and Parker 2002; Fine 1980). The late renowned geographer Neil Smith (1996) once identified condo conversion as a process elites employ to "take back" cities from the poor and working class so that they can be used by the wealthy for their own housing, leisure, and investment.

Given this context, TOPA is somewhat remarkable. It uses a process—condo conversion—to help those usually harmed by it. Perhaps not surprisingly, given the unusual marriage of who is helped (tenants) and how they are helped (condo conversion), TOPA presents all sorts of interesting contradictions. This book examines these incongruities empirically and theoretically.

Empirically, it examines the degree to which TOPA does what it is meant to do—mitigate displacement. It analyzes seven tenants' associations that attempted to purchase their buildings, tracking their level of success and, where applicable, highlighting practices surrounding the law that work at cross purposes to its stated goal. It also looks at a shadow case to put these results into wider relief. Specifically, the case follows the legal fallout that ensued after a local landlord sold eleven of his properties without alerting his tenants of their right to refuse the sale (these so-called TOPA notices are required under the statute<sup>1</sup>). This case highlights external constraints that can limit TOPA's effectiveness.

While these findings are specific to DC, they are relevant for other cities as well. A number of municipalities and states regulate condo conversions in tenant-friendly ways. In the late eighties Bernard Keenan (1987) estimated that nearly 50 percent of states regulated condo conversions to help tenants

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1. The formal name for a TOPA notice is an "offer of sale notice." The city's Department of Housing and Community Development (DHCD) provides a standardized "offer of sale" form that may be customized by landlords to account for property-specific details (e.g., total number of units, contracted buyer, etc.).

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subject to displacement. Some municipalities required landlords to pay the moving costs of affected tenants. Others placed caps on how many apartment buildings may convert to condominium per year. Since then, cities have continued to regulate conversions in tenant-friendly ways. In 2013, for example, the San Francisco City Council placed a ten-year moratorium on condo conversions in exchange for permitting a backlog of two thousand tenancy-in-common home owners the right to convert (Jones 2013).<sup>2</sup>

Unfortunately, the relative success or failure of most programs has never been evaluated. As a result, localities considering enacting or strengthening the regulation of condo conversion in tenant-friendly ways have few studies to consult as they consider their options. Moreover, though DC's TOPA program has been evaluated, most studies are dated (Lauber 1984; J. Eisen 1979; Harrison Institute for Public Law 2006) or focused on narrower elements of the program (Howell 2013; Huron 2012; Diamond 2013). Given that DC's program is routinely described as one of the most tenant-friendly laws in the country,<sup>3</sup> a comprehensive analysis of what does and does not work about it is in order. Such an analysis can also be of use to other, fast-gentrifying cities.

Theoretically, this book is meant to nuance how we understand the role of condo conversion in the gentrification process. Unfortunately, there is no cohesive literature on condo conversion. Most of the work is in the field of law and focuses on specific statutes and legal issues pertaining to condo conversions rather than how they fit into wider processes of urban change (Keenan 1987; Chabot 2008; Kahan, Leshem, and Sundaram 2012). Social scientists have examined condo conversion only sporadically (van Weesep 1984; Hamnett and Randolph 1988; Hamnett and Whitelegg 2007; Huron 2012; Diamond 2013). As a result, much of what we know about condo conversion is largely anecdotal or based on empirically untested theoretical assumptions. Condo conversion is often treated as a singular phenomenon where tenants are always on the losing end of the bargain (for exceptions, see Howell 2013 and Huron 2012). However, the presence of tenant-friendly conversion mechanisms demonstrates that condo conversion can unfold in various, sometimes unexpected ways. Indeed, the fact that TOPA was designed to protect *in situ* tenants suggests that tenants do not always have to be on the losing end of urban reinvestment.

Before highlighting these contributions in more detail, however, it is worth considering how DC came to need a displacement mitigation strategy.

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2. San Francisco used to run a conversion lottery that permitted up to two hundred conversions per year. Given the pace of conversions prior to the 2013 law, the moratorium was seen as a clear win for tenants (Jones 2013).
  3. Although they agree on little else, TOPA's advocates (Lazere and Pohlman 2008) and opponents (Gelman 2010) tend to agree that TOPA is one of the most pro-tenant laws in the country.

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Although the city experienced a round of gentrification in the early 1980s, disinvestment was the norm for the two decades that followed. And though DC's changing fortunes are broadly consistent with those in other gentrifying cities, its story is (as every city's is) uniquely its own (for information on New York, see Osman 2012, DeSena 2009, and Freeman 2011; on San Francisco, see Beitel 2013; on New Orleans, see Crutcher 2010; on Chicago, see Bennett 2010 and Hyra 2008; and on Mexico City, see Walker 2008).

### Urban Rock Bottom

In 1998, the year I moved to DC, the city was not far from rock bottom. Three years earlier Congress had enacted the District of Columbia Financial Responsibility and Management Assistance Act, which put the city under the control of a presidentially appointed panel called "the authority." Although most city residents referred to the panel with a more mundane moniker—"the control board"—the Orwellian-sounding name for the panel fit its scope of power (Barras 1998). The authority had ultimate power over the city's budget and legislative process. Though the mayor was still tasked with drawing up an annual budget, the control board had to give its final stamp of approval before it could be implemented. The control board also had the power to block any legislation it believed would negatively affect city finances.

The Orwellian nature of the bill notwithstanding, the city's finances were truly in shambles and had been for some time (Barras 1998). Like many U.S. cities at the time, the District had experienced decades of population loss, as middle-class citizens of all races headed for the suburbs. The city reached its population zenith in 1950, when 802,178 people resided within its borders; by 2000 the population had declined by nearly 29 percent to 572,059 (Gibson and Jung 2005; Benfield 2013). Not surprisingly, the city's tax base took a beating in the process.

Declining population and the flight of investment that followed were hard on the city. Poverty increased and so did crime (Gillette 2006). The city felt obligated to increase spending, especially on social programs. And to offset persistent unemployment, the city created thousands of jobs in its bureaucracy (Loeb 1998). The goal was to buttress the city's middle class,<sup>4</sup> although critics argued that the result was to make the city "an employer of last resort" (Fisher 2011, B1). The numbers bear out the trend. In 1980, the city payroll included just over forty-four thousand workers (Robinson 1981).

4. Although the idea of beefing up city bureaucracies to stave off middle-class flight is derided today, the idea had traction in academic and policy circles in the early and mid-seventies (see Harrison and Osterman 1974).

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By 1990 that number had grown to nearly fifty thousand, even though the city's population had declined during the same period (Walters 2002).

By the late 1980s, the city's finances were in dire straits, and its bureaucracy seemed inept despite all the resources poured into it. City leaders appeared unable or unwilling to deal with the city's problems. Things came to a symbolic head in January 1987 during a pair of back-to-back snowstorms (Loeb 1998). Roads went unshoveled for days, and the city's subway—the Metro—had only sporadic service because its third rail was not properly weatherized. Residents and commuters from Virginia and Maryland struggled to get to work, with some journeys taking several hours. Complaints poured into city offices. Mayor Marion Barry, who was on a Super Bowl vacation in California at the time, offered a dismissive response, telling reporters that "it doesn't snow here very often" (McGrory 1987, A2).

More substantive signs of trouble were not far behind. A three-part series in the *Washington Post* two years later found that city leaders were dealing with cash shortages by illegally transferring funds between government agencies to meet immediate needs as well as purposefully underestimating spending (Abramowitz and Greene 1989). A U.S. Government Accountability Office (GAO) audit of the city in 1994 found a similar pattern under the mayorship of Sharon Pratt Kelly, accusing the city of using accounting gimmicks such as "deferrals" and "optimistic assumptions" to balance its budget (*Financial Status* 1994, 2). By the time the city approached Congress for help in 1995, it found an unsympathetic audience. The new Republican majority's response was the opposite of what the city had requested. Instead of granting a bailout, Congress imposed an austerity program on the city.

The city's bleak financial condition was mirrored on the streets. A crack epidemic had torn through the city in the mid- to late 1980s, shredding a social fabric already frayed by poverty and limited opportunity (Lusane 1999; Waller 2000). Addiction strained and eventually tore apart many families. Battles over turf for lucrative open-air drug markets across the city left residents feeling like they were living in a war zone. For five consecutive years (1989–1993) the city recorded annual homicide figures above four hundred. In 1990 and 1991, DC recorded more homicides per capita than any other city in the country, earning it the dubious title of the nation's murder capital (Weil and Escobar 1991).

Flash forward to the present. The control board, which wrapped up its work in 2001, is a distant memory. City finances are in good shape despite the 2008 recession. And for the first time in sixty years the city is growing again. In 2010 the city recorded a net increase of nearly thirty thousand residents (Morello and Keating 2010), and new residents keep pouring in. In the first twenty-seven months after the 2010 census was taken, the Census Bureau estimates an additional thirty thousand new residents moved to the

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city (DeBonis 2012a). Violent crime is down as well. In 2013 the city recorded 104 murders—a 75 percent reduction from the murder capital years (Metropolitan Police Department 2013).

### Change on the Landscape

In DC there is no better place to see the changes that have swept the city than in the U Street and Columbia Heights neighborhoods.<sup>5</sup> In 1998 I took a day off from work to photograph these and other city neighborhoods. I was teaching an introduction to human geography course, and I thought it would be nice to use pictures from DC for an upcoming module on urban geography. My goal was to help students visualize the city's stark socio-economic divide, and these neighborhoods provided a good contrast to the tony area where my university was located.

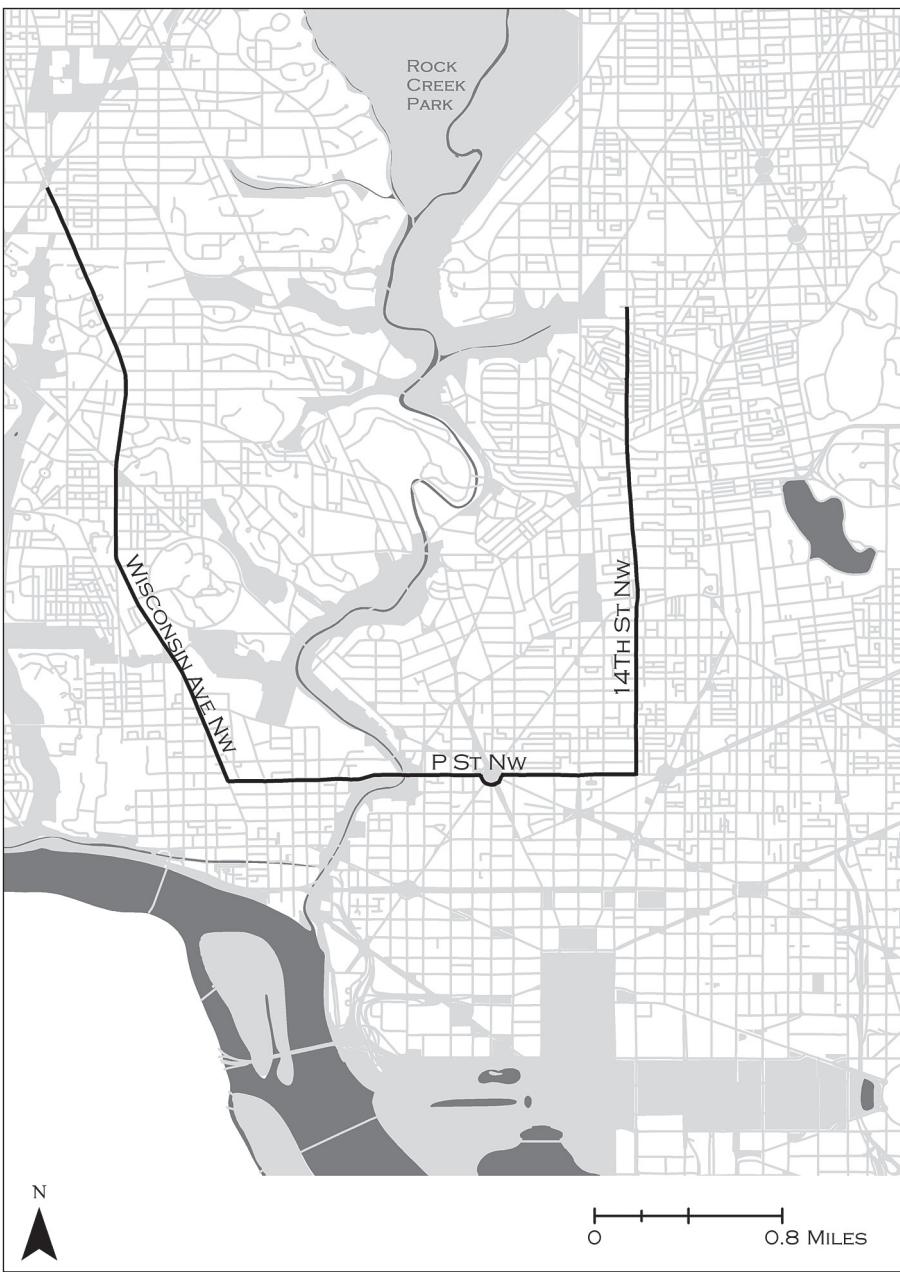
I started my journey on Wisconsin Avenue, near my university, traveling south toward the Georgetown neighborhood (Figure 1.1). Once there I parked and started taking pictures of its high-end boutiques and picturesque side streets. These photos, I thought, would help my students see what a fully gentrified neighborhood looked like. Although there was little obvious evidence left of it on the landscape, Georgetown had a sizable working-class black population (approximately 30 percent) as recently as the 1940s (Lesko, Babb, and Gibbs 1991).

I returned to my car and headed east on P Street. I crossed Rock Creek Park and found myself just north of downtown. In DC poverty tends to increase as you move from west to east, and historically, Rock Creek Park was a point of demarcation between the city's haves and have-nots. As I maneuvered through the southern end of Dupont Circle, tidy, compact row houses gave way to empty lots, liquor stores, and undefined buildings.

As I crossed 15th Street, I saw a run-down grocery store, the Food Rite Metro Supermarket (Figure 1.2), and parked the car. I was unsure Food Rite was actually a grocery store, but if it was, I wanted a picture. I remembered what an urban geography professor had told me years before. Inner-city neighborhoods often have a dearth of grocery stores, and the ones they do have are not much to look at. I suspected few of my students knew what an inner-city grocery store looked like, and Food Rite fit the bill. Despite the sign, the front of the building looked like a warehouse, with loading docks facing the street. I had to search for the entrance, tucked off to the side of the

5. U Street is technically the commercial strip of the Shaw neighborhood. However, the names "U Street corridor" and "Shaw" are often used interchangeably. I use the term "U Street" because it is more recognizable to people outside DC. However, my discussion of changes here refers to the Shaw neighborhood as a whole.

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**Figure 1.1** My route for taking pictures of DC neighborhoods. (Map by Meagan Snow.)

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**Figure 1.2** Food Rite Metro Supermarket, near the corner of 14th Street and P Street NW in Washington, DC, autumn 1998. (Photo by the author.)

building. Across the street stood a liquor store with black metal grating over the door. The sign above the door—“Liquor”—was no-nonsense (Figure 1.3).

After snapping a few shots, I got back in my car and turned left onto 14th Street. I saw the classic signs of what sociologists and geographers call the “zone in transition.”<sup>6</sup> The term describes the area between downtown and the first residential neighborhood in most cities. Usually, these areas have an eclectic mix of low-rent activities. A beat-up storefront sign had a simple message: “Free Evangelistic Church, Founder, Pastor Theresa” (Figure 1.4). Farther up the street, on the east side, a used-car lot announced a sale. A few cars and a truck sat behind a fence with barbed wire along the top (Figure 1.5).

Soon, I reached the intersection of 14th and U. At the time I had no idea how important this intersection was in the city’s history. During the Jim Crow era, the intersection was in the middle of the city’s black downtown, a thriving retail and cultural center (Ruble 2012; Gillette 2006). The city’s black middle class came here to shop, eat, and dance. Jazz greats like Duke Ellington and Cab Calloway used to play in the area’s live-music venues, and

6. The zone in transition was first described by the so-called Chicago School of Urban Studies (see Park, Burgess, and McKenzie 1925).

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**Figure 1.3** Liquor store near the corner of 14th Street and P Street NW in Washington, DC, autumn 1998. (Photo by the author.)

go-go greats like Chuck Brown got their start there.<sup>7</sup> During the civil rights era it would become a flash point for social unrest. After Martin Luther King Jr. was assassinated in 1968, riots broke out in cities across the country. In DC, some of the worst rioting occurred at the intersection of 14th and U Streets. Things got so bad that President Lyndon B. Johnson called in National Guard troops to restore order (Figure 1.6).

When I got to the intersection that day in 1998, I did not know any of this history. Even if I had, it would have been easier to point to the legacy of rioting than to the rich heritage that preceded it. A modern-looking glass-fronted municipal building gleamed in the sun on the northwest corner, an effort, I later discovered, to spur rebuilding in the area, but the building on the opposite corner sat vacant, with strips of paper littering the windows. Vacant storefronts dominated the street I could see from my car.

7. Go-go is a musical genre born in DC that blends elements of funk, rhythm and blues, and soul. Go-go music is energetic, danceable, and political. Writer Natalie Hopkinson argues, for example, that go-go was not only “the beating heart of the Chocolate City” but also a “metaphor for the black urban experience in the second half of the twentieth century” (2012, 2). Although go-go music remains a largely local genre of music, some of its songs have received a national audience, including “Bustin’ Loose” by Chuck Brown and the Soul Searchers (1978) and “Da Butt” by Experience Unlimited (E.U.; 1988).

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**Figure 1.4** An advertisement for a storefront church on 14th Street NW in Washington, DC, autumn 1998. (Photo by the author.)



**Figure 1.5** Used-car lot on 14th Street NW in Washington, DC, autumn 1998. (Photo by the author.)

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**Figure 1.6** National Guard troops in DC after Martin Luther King assassination riots, 1968. (Photo by Warren K. Leffler. Courtesy of the Library of Congress Prints and Photographs Division.)

I kept driving, heading up a fairly steep hill. At the top I found myself in Columbia Heights. The street was wide, and I was clearly in a retail corridor, but things looked empty. On the east side of the street I saw an old theater with the sign still on top—Tivoli Theatre. From the looks of it, there had not been a production in Tivoli’s hall for quite some time. The streetscape was just as bleak on the west side.

Since I first made my trek in 1998, the U Street and Columbia Heights neighborhoods have been radically transformed. The Food Rite Metro Supermarket has vanished. The block on which it sat has been turned into a mixed-used development with apartments and street-level retail (Figure 1.7). Across the street from its former location is a new Whole Foods Market, an upscale grocery chain (Figure 1.8). The liquor store across the street from Food Rite still remains, but the metal grating on the windows has disappeared and a yoga studio has moved in next door (Figure 1.9).

The corner of U and 14th is also thriving. The retail space across from the municipal center now has a tenant, as do many of the formerly empty buildings along the street. New apartment buildings line the main drag, and new condos and refurbished row houses grace side streets. Things are just as bright in Columbia Heights. A few years after I first drove along its business corridor, the city announced the arrival of big-box retailer Target

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**Figure 1.7** New mixed-use development on P Street NW between 15th Street and 14th Street NW in Washington, DC—the site of the old Food Rite Metro Supermarket—spring 2014. (Photo by the author.)



**Figure 1.8** Whole Foods, an upscale grocery chain, opened on the same block of P Street NW as the Food Rite Metro Supermarket, spring 2014. (Photo by the author.)

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**Figure 1.9** The P Street liquor store post-gentrification, spring 2014.  
(Photo by the author.)

(Figure 1.10). The space, which includes several other retail chains, also sits across the street from a new mixed-use development. And a block north, the Tivoli Theatre was redeveloped with a small theater and several restaurants and bars.

### Placing the Changes

Although this book is about displacement mitigation, it can be understood only in the wider context in which it becomes necessary—gentrification. There are often heated debates about how to define gentrification and, by extension, what does and does not count as an example of it, but I use a simple definition here. Gentrification is the process by which a working-class or poor neighborhood is converted into a middle- or even upper-class area (Hackworth 2002; Lees, Slater, and Wyly 2008; Slater 2010).

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**Figure 1.10** Big-box retailers come to Columbia Heights in Washington, DC, spring 2014. (Photo by the author.)

As the quick then-and-now photo tour here suggests, gentrification leaves a substantial visual trace—you can literally see it as you walk down the street. An old house gets a new roof and a fresh coat of paint. A vacant storefront finally gets a tenant. A red-light business disappears, and a higher-end one takes its place. A new building pops up with a sign announcing “luxury condominiums for sale.” Streetlights are built, or repaired, and the local bus stop gets a covered waiting area. In isolation, none of these changes constitutes gentrification. However, when they occur near one another, and in roughly the same time frame, you have gentrification.

You can also feel the impact of gentrification on your wallet. Not only do rents and home prices rise; the costs of everyday items like groceries do as well. Before the Food Rite store on P Street closed down, the *Washington City Paper* asked its longtime customers what they thought about the new Whole Foods store across the street. One customer was shocked at how little she could buy there. “Me and my husband go to buy groceries over there and come out, easily—without meat included—and it’s, like, \$60” (Flores 2001).

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Scholars usually see contemporary gentrification as part and parcel of a wider political-economic process known as neoliberalism, which began in the early 1970s. Neoliberalism is often described as an ideological rebuttal to Keynesianism (Harvey 2005).<sup>8</sup> Unlike Keynesians, who argued that the state should intervene in markets to ensure particular outcomes, neoliberals contend that societal needs are best met through a free market in which state involvement is minimal (Harvey 2005).<sup>9</sup> Indeed, neoliberal ideology rejects the idea that the state should intervene on behalf of groups on the losing end of capitalist competition, such as the urban poor, minorities, or even particular industries. Neoliberals believe that state intervention on behalf of such groups creates a dependency that in its own right amounts to a form of oppression (Hayek 1944).

To be fair (and clear), scholars do not believe that neoliberalism caused gentrification, at least in the first instance. Rather, they see gentrification as the eventual by-product of suburbanization, a process that began after World War II well before the advent of neoliberalism (N. Smith 1979; DeFilippis 2004). As James DeFilippis explains, “Long-term disinvestment in inner-city areas created the potential for profitable reinvestment in some of those very same disinvested areas” (2004, 88). However, most scholars agree that the advent of neoliberalism ushered in a set of economic and political practices that were ideal for gentrification to occur.

On the economic front, the rise of the so-called FIRE sector (Finance, Insurance, and Real Estate) during the 1980s facilitated the integration of property and financial markets. Housing stopped being a fixed asset with small, if steady gains and instead became something on which to speculate (Shiller 2008; Gramlich 2008). Financial deregulation in the mortgage industry, which began in the 1980s and accelerated in the 1990s, also meant that people formerly kept out of the housing market could now enter it (Holt 2009; Wyly and Hammel 2001). The influx of potential new customers provided an incentive for developers to build and banks to fund their projects. In this context, the disinvested inner city became ripe for redevelopment.

It is also worth noting that the postwar disinvestment in cities primed their leaders to accept neoliberalism in the 1990s. After years of population decline and shrinking tax bases, cities were desperate for reinvestment. Most knew they could no longer rely on the federal government to fill budget gaps caused by disinvestment. In the 1980s Ronald Reagan engineered a

8. Although neoliberal ideas were in circulation in the mid-1940s, the crisis of Keynesianism in the late 1970s afforded an opening for advocates of neoliberalism (Peck, Theodore, and Brenner 2009). The crisis of Keynesianism is often attributed to a declining rate of profit, which in turn put social spending into question (Lipietz 1992).

9. Most neoliberals believe that the state should confine itself to defending property rights and ensuring national security (see Harvey 2005 for an overview).

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number of cuts to federal assistance for cities, and the drawdown continued under George H. W. Bush (a Republican) and Bill Clinton (a Democrat), a signal that cities could not wait for a party change to rebuild their budgets. In short, city governments were forced to adopt what David Harvey calls “urban entrepreneurialism,” slashing social services they could not afford without federal assistance and actively courting developers by offering them tax incentives and agreeing to assume some of their risk (1989, 4).<sup>10</sup>

Although gentrification stems from macroeconomic processes, it could not have happened without the participation of individuals who decided to move into disinvested or transitioning urban neighborhoods. And though there is no such thing as a prototypical gentrifier, commentators often define them that way. In the 1980s, for example, it was common to hear gentrifiers referred to as “urban pioneers” (N. Smith 1996). The term is still in use today (Broadwater 2011; Gratz 2010). At times the “pioneer” label has been used with admiration. Urban pioneers are applauded for taking a chance on the city. Subjecting themselves to an unwelcome, difficult environment (high crime, hostility from longtime residents, incompetent city bureaucrats), urban pioneers are seen to risk their own comfort to bring life back to the city (Gratz 2010). In other tellings, urban pioneers are seen as interlopers and castigated for displacing existing residents. As Neil Smith explains, “The idea of urban pioneers is as insulting applied to contemporary cities as the original idea of ‘pioneers’ in the US West. Now as then, it implies that no one lives in the areas being pioneered—no one worthy of notice, at least” (1996, 30).

Individual gentrifiers have also been described as members of the so-called creative class. Richard Florida first coined this term in 2002 to describe what he deemed a “new social class.” “If you are a scientist or an engineer, an architect or designer, a writer, artist, or musician, or if you use your creativity as a key factor in your work in business, education, health care, law, or some other profession, you are a member” (2002, ix). Florida argued that the creative class is flocking to cities, which should do everything in their power to encourage them. Unlike previous epochs, during which workers were expected to move where the jobs were, businesses now follow highly skilled workers. Cities that embrace the creative class will see urban reinvestment. Those that fail to embrace it face stagnation (for a critique of the “creative class” concept, see Peck 2005 and Leslie and Catungal 2012).

More recently, individual gentrifiers have been described in demographic terms. In DC, for example, the term “gentrifier” is often used synonymously with the word “millennial,” the label given to people born in the 1980s and early 1990s. A recent article in the *Washington Post Magazine* about the

10. For an extended analysis, also see Peter Eisinger’s (1988) book *The Rise of the Entrepreneurial State*.

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city's changing fortunes notes that nearly all of the city's growth between 2000 and 2010 consisted of people in this age bracket, observing that this is "Washington's millennials moment" (Chang et al. 2013, 14).

### Dealing with the Changes

Although no one likes urban disinvestment, especially those forced to live through it, the problem with urban reinvestment is that it often results in displacement (N. Smith 1996; Feagin and Parker 2002; DeFilippis 2004; Slater 2006, 2009). In DC displacement happens in multiple ways. A *Washington Post* series in 2008, for example, identified hundreds of cases of landlords trying to empty buildings so they could sell them to developers (Cenziper and Cohen 2008). They turned off the heat, refused to repair leaking pipes, and failed to treat vermin infestations. Some even tried to get tenants to leave by sending them threatening letters.

Displacement can also happen when property taxes go up (Fujitsuka 2005). New development often leads to increased property taxes, leaving home owners on fixed incomes struggling to make higher payments. In DC when home owners fall behind on their taxes, the city places liens on their properties and then sells the liens to debt collectors. A recent *Washington Post* investigation discovered that a majority of the city's tax liens were sold to one company, Aeon Financial, which aggressively pursued collection by charging exorbitant fees and threatening foreclosure to settle debts (Cenziper, Sallah, and Rich 2013). Between 2005 and 2010, nine hundred homes were threatened with foreclosure proceedings by Aeon.<sup>11</sup> Often targeted were elderly residents who owned their homes outright and whose original tax bills were usually less than \$2,000 (Sallah and Cenziper 2013).

Displacement can also happen after a child is born. It is not unusual for renters with new children to look for larger apartments. In many cities, however, renting a two-bedroom apartment is out of reach for people in lower income brackets. In DC a family needs to earn at least \$60,240 a year to afford a two-bedroom apartment at fair-market rent. According to the National Low Income Housing Coalition (2012), a low-income renter in DC would have to work 3.5 full-time, minimum-wage jobs to meet that threshold. Although some families stick it out in one-bedroom apartments—sleeping on the couch and filling every spare corner with storage—many move to suburban locations where rents per square foot are cheaper. In short, whether the

11. Since 2005, tax lien debt collectors have foreclosed on 509 homes. There are, however, 1,598 cases pending (Sallah, Cenziper, and Rich 2013). After the *Washington Post* investigation, the city canceled all tax lien sales for the year (2013), and the city council started working on legislation to curb such abuses (DeBonis, Sallah, and Cenziper 2013).

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issue is an unscrupulous landlord, a property tax hike, or cramped sleeping quarters, many people living in fast-gentrifying cities find that their only option is to leave.

We also cannot look at displacement without acknowledging the cultural interpretations that surround it. As noted previously, DC is getting wealthier, which comes with a cost to minorities that is often downplayed if not outright ignored. When DC mayor Marion Barry pinched Parliament's 1985 album title *Chocolate City* and made it his own, he did so affectionately. For Barry's peers who came up during the civil rights era, the nickname suggested DC was a haven, a place where black people could control their destiny despite their minority status. It was also, at times, a rhetorical cudgel, a signal to DC's then-white political elite that their time at the helm had passed (Barras 1998). By 2011, however, Parliament's ode to DC no longer applied. That year, the census announced that African Americans accounted for less than 50 percent of city residents, down from a high of just over 70 percent in 1970 (Morello and Keating 2010; Tavernise 2011). That shift is painful for many of DC's black residents—a symbol that the safe spot, and the dream it afforded, is lost (Prince 2014; Crockett 2012a, 2012b).

In this context, staying put is often a political act. It is a process of staking a claim to the city, and a home within it, even if one does not own that home. It is a recognition that people have ties to the city that are more than economic—they are familial, cultural, and emotional—and that these connections should count for something when gentrification arrives. Chester Hartman argues, for example, that tenants should have a “right to stay put,” that there should be “a kind of tenure guarantee for those who do not own their own homes” (1984, 306). Unfortunately, a right to stay put is easier to assert than achieve, especially in the context of gentrification. The sacrosanct nature of private property in the United States means that landlords of multifamily housing can usually convert their buildings to condominium with little concern for what existing tenants want.

DC is a notable exception. In 1980 the city created TOPA, a legal mechanism for tenants hoping to stay put. Although TOPA is the focus of this book, it is actually part of a wider statute, the Rental Housing Conversion and Sale Act (RHCSA). RHCSA contains two parts, both of which are designed to regulate condo conversion in tenant-friendly ways. The first part, the Conversion of Rental Housing to Condominium or Cooperative (CRHCC), allows landlords to convert their buildings to condo only if more than 50 percent of tenants vote for conversion in a city-administered election. The second, TOPA, gives tenants' associations in residential properties for sale the right to buy their buildings and, if contracted sales have already been arranged, the right to refuse the sales (the so-called right of first refusal) and purchase the properties instead for the same price.

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The statute also allows tenants to assign their TOPA rights to a third party to assist with financing. Most tenants' associations cannot afford to purchase their buildings outright, and few banks will extend credit to groups with no business experience. As a result, most tenants' associations seek the assistance of developers (for- and nonprofit) to help with financing. Low-income tenants usually work with nonprofits and are eligible for city assistance, such as short-term loans to cover the cost of conversion or grants to help low-income tenants afford purchase. Middle-income tenants usually work with for-profit developers and engage in "horse trading" to win concessions. Tenants, for example, typically give a developer the right to offer buyouts to incumbent tenants in exchange for insider (i.e., below-market) prices for those staying put. Bought-out units are then usually sold at market rates (see Appendix 1 for a glossary of TOPA-related terms).

While TOPA is often viewed from the outside as a mechanism for fostering home ownership, the city's tenants have also used the right of first refusal to select third parties willing to buy their buildings and keep them rental. Buyouts are common in these cases as well. Indeed, tenants who want their buildings to stay rental still need something to entice developer assistance, and the right to offer buyouts usually suffices since DC law allows landlords to increase rents at slightly higher-than-allowed rates in units where leases are terminated early (Department of Housing and Community Development 2013).

The city council introduced TOPA in response to a boom in condo conversion in the city's inner core (J. Eisen 1979; Robinson 1981; Grim 2006a, 2006b). And its sponsors cited "discourag[ing] the displacement of tenants through conversion or sale of rental property" as the bill's primary objective (Rental Housing Conversion and Sale Act of 1980, D.C. Code §42-3401.02). Although TOPA was crafted in response to conditions in the late seventies, it would be a mistake to view it as a relic of another era. TOPA has actually taken on heightened importance in recent years. Between 2000 and 2007, for example, 1,147 buildings, with 26,645 apartments, were converted to condominium.<sup>12</sup> These units amount to nearly 10 percent of the District's occupied housing units and 18 percent of its rental units as of 2000.<sup>13</sup> These contemporary figures are greater than those used to justify the original bill, which found that 4.5 percent of the city's rental stock was deemed to have been lost to conversion between 1977 and 1980.

12. These data were provided to me by the Department of Consumer and Regulatory Affairs in the summer of 2007.

13. These figures were calculated by dividing the number of converted units by the number of occupied housing units (2000) and the number of renter-occupied housing units (2000), respectively. The census data used in these calculations were dynamically generated using the U.S. Census Bureau's American FactFinder website (<http://factfinder2.census.gov>).

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Although the city does not record how many buildings have been converted to condo by tenants, their right to do so under TOPA is especially meaningful when we consider that contemporary gentrification in DC has gone into “overdrive,” contributing to what one *Washington Post* reporter describes as DC’s “gilded age,” in which cocktails sell for \$16, rents in gentrification hotspots average \$2,700 per month, and two-bedroom condos sell for nearly \$1 million (Shin 2013).