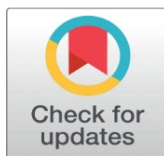


# EQUITY IN HOUSING: EXAMINING THE EFFECTIVENESS OF URBAN RENT LAWS

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## ABSTRACT

Despite growing debate about the efficacy of urban rent laws in promoting housing equity, however, the issue of affordability is critical in cities that are expanding quickly. These laws are meant to set limits on the prices of rent, prevent unfair evictions of renters, and secure access to affordable housing, especially for low and middle income families. Proponents say such laws can blunt the effects of escalating rents and housing instability, but critics warn they could result in market distortions, disincentives for new housing construction, or diminished property upkeep. In this paper I move beyond the simple dichotomy of making or breaking markets to encapsulate the multifaceted children of urban rent laws, in cities with a housing crisis, that foster equitable access to housing. Additionally, it assesses the performance of different rent control and stabilization models that have been implemented around the world, assessing their ability to produce long term housing affordability and equity. It also looks at unintended effects: The housing market by outsiders, the curtailment of some investments in housing quality, and the possibility of discriminatory effects in rental practices. In this thesis, I use analysis of case studies, empirical data, and a 'thought experiment' to test this hypothesis and to assess to what extent urban rent laws can balance affordable housing with the dynamics of urban producing real estate, from which one may draw conclusions about the viability of urban rent laws as a sustainable approach to housing inequality in contemporary cities.



## 1. INTRODUCTION

There was a rapid growth of housing shortage in many cities. As a central policy tool, urban rent laws become more important to solve the housing affordability problem. Rent control, rent stabilization, and eviction protections, meant to shield tenants from rising rents and mounting housing instability, are typically part of these laws. While urban populations grow and housing markets clamp, the difference between income growth and housing price tags marks only starting to get slimmer for low- and middle-income residents to find affordable places to live. Thus rent laws are seen as a key intervention in protecting these vulnerable populations from displacement, in keeping gentrification in check and in preserving community diversity. Yet how these laws will be implemented has given rise to a lot of debate over their effectiveness, fairness, and long term effects on the housing market.

Proponents argue that rent laws matter for protecting tenants and creating social equity, while critics argue that rent restrictions may have unintended negative consequences. For example, rent control may discourage investment in new construction or reduce the supply of housing available and may also lead to poorly maintained properties. Additionally, rent laws can make the housing crisis even worse by luring landlords to sell rental housing units into the luxury market thereby taking them off the market for the less fortunate. The question is how to strike that balance — protecting tenants' rights without killing the market for housing. This paper aims to investigate these complexities by examining the contribution of urban rent laws to narrowing disparities in equitable housing access. Through global case studies, empirical evidence and policy frameworks, the paper seeks to offer an informed explanation on whether these laws can be a sustainable solution to urban housing inequality or need to be reformed to achieve their objectives.

## Overview of urban housing challenges

One of the most important issues in cities around the world today are urban housing challenges caused by rapid urbanization, population expansion, and economic inequality. Demand for housing increases with cities as they grow, and often leads the supply of cheaper housing. Due to this imbalance, rent prices skyrocket, anyway, making it harder and harder for low middle class households to have access to decent housing. Around the country, the affordability gap has grown as the cost of living soars in many metropolitan areas while wages have failed to rise to meet them. In addition, housing markets often see speculation take over, by which real estate investors inflate property prices and rents at the expense of vulnerable people. Systemic problems like the amount public housing investment, insufficient land for low income housing projects, and zoning laws for limiting development also contribute to the lack of affordable housing. Due to new development and rising property values, long-term residents in previously affordable neighborhoods have been displaced as a result of gentrification. In tandem, home costs increase and so does homelessness, prompting a pressing call for policy answers to guarantee that everyone needs access to shelter that is secure, stable, and budgetary. The rising difficulty in securing land in urban areas, the preponderance of environmental views and political opposition to effective licensing are aggravating the challenge. In this case, proposed solutions for the adverse effects of unaffordable housing are urban rent laws, including rent control, rent stabilization, and eviction protection. But their ability to secure long term housing equity has been hotly contested with critics and advocates disagreeing over how to strike a balance between tenant protection on the one hand, and the health of the overall housing market on the other.

## Purpose and objectives of examining urban rent laws

This examines urban rent laws in order to determine the effectiveness of these laws in alleviating the rising housing affordability crisis in cities around the world. Urban populations are growing and the need for affordable housing has outpaced supply, driving up rents and displacement — particularly of low and middle income families. Solutions to the problem of housing that is not affordable typically included rent laws, such as rent control and stabilization policies. The focal point of this research is to find out if these laws are capable of ensuring equal rights of access to housing, offer protection to vulnerable tenants from evictions, and keep rent increases under control so as not to aggravate socio economic inequality.

Apart from this, in this examination the broader socio economic implications of the rent laws are also tried to be explored regarding their impact upon the community stability, the gentrification and the long term sustainability of housing markets. The research analyzes strengths and weaknesses of different rent regulation models using global case studies and empirical data to measure the characteristics needed to strike a balance between balancing tenant protection with a healthy housing market. Additionally, the study will provide a study of potential spillover effects of rent laws, including market distortions, potential depression in the provision of rental housing, and the proliferation of informal rental markets. In the end, this effort aims to give a more nuanced view of the role that urban rent laws play in housing equity and how reform can be made to their successful use today. The aim of this research is to provide insights into ongoing policy debates around housing inequality and to provide additional insight into the development of housing strategies to cities.

## 2. LITERATURE REVIEW

**Diamond, R., et al (2019).** The Effects of Rent Control Expansion on Tenants, Landlords, and Inequality: Using evidence from San Francisco, this work explores the impacts of expanded rent control policies in San Francisco with a focus on those that occur to tenants and landlords, as well as on the wider issue of inequality. While rent control delivers greater housing stability and affordability to tenants, the study finds, it also means unintended consequences for the rental market. Lower rents for tenants living in rent controlled units compared to market rates mean that the policy helps tenants currently living in rental units, but the policy probably discourages new construction of rental units and reduces the availability of rental housing in the long term. Rent restrictions force landlords to cut back on maintenance and investment in properties, which in turn tends to lower the quality of housing. The paper also examines how rent control can only further exacerbate the problem of inequality as those relatively richer households enjoy rent—controlled units while the relatively poorer households are unable to access affordable housing in the market at large.

**Fields, D., et al (2016).** The Financialisation of Rental Housing: The impact of financial markets and corporate investment in urban rental housing markets is examined for New York City and Berlin through a Comparative Analysis. Both cities are sites of rampant housing commodification and rising rents, reduced affordability, and displacement of

low income residents, said the study. In New York City, the financialisation engine is produced by a large real estate investment trust and private equity companies focused on short term profitability and not housing stability, making rent huge and a continuation of gentrification. However, in Berlin's housing market which, traditionally, was more regulated, financialization is occurring in recent years, resulting in rising corporate ownership, the influence of international investors pushing the rents upwards and contributing to the city's housing crisis. It finds that financialisation is a global phenomenon driving inequality, and that city policy responses contrast in the two cities.

**Bramley, G., et al (2009).** Urban Form and Social Sustainability: The result is a study focused on the role of density and housing type on social sustainability in cities. The research highlights that higher density areas will facilitate social interaction, community engagement and access to amenities, that are important factors of social sustainability. It then sheds some light on that density is not the only key, it also goes alongside having proper urban planning, so there is no overcrowding, and everyone has access to fields. The impact of different housing types—single family, multifamily, mixed use etc—on social cohesion are studied. For example, high density housing can promote diversity, inclusiveness and foster social mixing if the infrastructure and space for green space and community focused policies are in place to ensure adequate supply and that social fragmentation is avoided. The study proposes that the socially sustainable urban form is one that optimizes density around affordable housing, service accessibility, and the production of spaces to engage social interaction in long term urban resilience, and community wellbeing.

**Xiao, Y., Lu, Y., et al (2017).** Estimating the Willingness to Pay for Green Space Services in Shanghai: Value as place: implications for social equity in urban China analyses how residents of Shanghai value urban green spaces and explores the potential social equity implications of green space accessibility. Using a contingent valuation method, the study estimates the willingness to pay (WTP) for improvements in a variety of green space services, including improvement in air quality, recreational spaces and aesthetic benefits. We find that residents in higher income neighborhoods are willing to pay more for these services than residents in lower income neighborhoods, raising concerns about inequities in access to quality green spaces.

**Burton, E. (2000).** The Compact City: Just or Just Compact? The concept of the compact city, centered on high density urban living is analysed critically in a Preliminary Analysis that focuses on reducing sprawl, enhancing sustainability and achieving efficient use of resources. Other questions are raised about social equity of the compact city model: Is it truly 'just' or is it just 'compact,' is it really about affordability and being inclusive? Compact cities can have potential for environmental benefits including less carbon footprints, better public transportation, but they can also cause more valuable properties which lead to gentrification and social segregation. In fact, the study found that if the compact city model is not well managed, it may disproportionately favor higher income residents at the expense of low income and fragmented populations. The research urges a more nuanced urban practice, one that reconciles density with social justice, distributing the benefits of compactness equitably and providing low cost housing, public services and communal spaces for all residents.

**Massey, D. S., et al (2001).** Use of Black English and Racial Discrimination in Urban Housing Markets: In New Methods and Findings, the relationship between language use, including Black English, and racial discrimination in housing markets is explored. To explore landlord and real estate agent response to prospective tenants on the basis of their language patterns, this study introduces innovative methodologies like audit studies and linguistic analysis. We find that people who speak Black English or are perceived as speaking Black English sometimes get lower response rates, higher rental costs, and fewer rental options, even when they have the same qualifications as non-Black persons. The study suggests that racial prejudices are often subconscious, and are reinforced through language, in that Black English is unfairly connected with low social status or objectionable renters.

**Gyourko, J., et al (2015).** Regulation and Housing Supply examines the effect of government policies and regulations on the supply of housing relative to demand in urban areas. Specifically, the paper studies how zoning laws, building codes, rent controls and land use regulations affect the speed of housing development as well as the total amount of housing stock. In many cities strict regulations on new housing construction can too constrain supply to the point where prices rise. For example, housing shortages are exaggerated by strict laws regarding zoning, which prohibit high density development or require lengthy approval processes for new construction projects. Under this other hand, deregulation

or more flexible housing policies can potentially lower the efficiency of producing housing making that easier and cheaper to develop new homes. Deregulation, it says, can spur development but also cause 'overbuilding' in some neighborhoods and can lead to the displacement of lower income residents.

**Fischel, W. A. (2004).** *Zoning and a Cure for Its Exclusionary Effects: An Economic History of Zoning and a Cure for Its Exclusionary Effects* chronicles the evolution of zoning ordinances and examines how they have influenced urban development, with special focus on their exclusionary effects, in particular how they have been used to displace historically marginalized communities. An initial focus was on the origins of zoning regulations that were introduced early in the twentieth century to organize urban growth and protect property values. But over time, zoning laws lost their vision and became a tool of economic and racial segregation, limiting the development of affordable housing and concentrating the wealthier, mostly white population in some zones and low income with mostly minority groups in others where they live squeezed or in disrepair. What the research argues is that exclusionary zoning has crystallized enduring inequalities in housing access and opportunity. The study suggests such reforms as upzoning (authorizing more dense housing in places that are traditionally low density), inclusionary zoning (requiring developers to build subsidized housing), and relaxing particular ordinances regarding mixed income and multi-family housing. The goal of these measures, on the one hand, is to create more equitable urban growth and on the other, to reduce housing segregation.

### **Types of Urban Rent Laws**

Urban rent laws encompass a variety of regulatory measures designed to control rent levels, protect tenants, and maintain housing affordability in urban areas. These laws can be broadly classified into several key types, each with different approaches to managing the rental market. Below are the primary types of urban rent laws:

#### **1. Rent Control**

Rent control laws cap how much the landlord can charge the tenants for rent. These are usually used for older rental building, or those that were constructed prior to a stated date, and are intended to stop landlords from being able to greatly inflate prices for apartments. The purpose of rent control is to guard against tenants coming under undue pressure to move as rents increase precipitously and tenants are pushed away by higher and higher costs. However, these laws can reduce profitability of rental units leading to disincentives of building owners to maintain or upgrade structures.

#### **2. Rent Stabilization**

Rent control is a much more flexible form of rent stabilization that while allowing rent increases sets a limit on how much rent is allowed to rise during a given period. Often, rent stabilization laws are struck in an attempt to balance tenant protections with the need to encourage investment in the housing market. Rent increases occur on a regular basis, sometimes pegged to inflation or a percentage amount, and landlords may be allowed to raise rent between tenants to the market. Usually, rent stabilization laws cover a range of rental properties, from older to newer, and are intended to preserve their existence as housing affordable to some and a viable rental marketplace.

#### **3. Eviction Protection Laws**

Eviction protection laws make it illegal for landlords to evict tenants at will, forcing them to give good reason for the door to get kicked in. Under some of these laws, landlords must give tenants notice before they can be evicted (e.g., 'a week or a month's notice'), and other times the landlord must have 'just cause' to evict (e.g., failure to pay rent or violation of the lease terms) and is protected from carrying out retaliatory evictions.

#### **4. Rent Subsidy Programs**

Rent subsidy programs are programs intended to give help of financial kind to tenants who belong to low and moderate income groups to help pay out the rent. Direct subsidies, housing vouchers, or tax credits to lower tenants' rent burdens may be provided in these programs. These subsidies, although not strictly speaking a rent law in the traditional sense, are an important part of housing policy in many cities, and make housing affordable for people who are economically disadvantaged. Housing voucher programs, like the United States' Section 8, give tenants the power to pick their housing so long as the monthly rent does not exceed a certain percentage of the tenant's income.

### 5. Market Rent Adjustment Laws

Other cities pass laws that set guidelines for how much the market rent can be increased. Some of these laws cap how much rent can rise over a set time frame and also restrict how much that rise can exceed a percentage linked to inflation or a cost of living index. Market rent adjustment laws are less strict than rent control or stabilization, but they try to make sure landlords can't raise rent unreasonably in places where rental housing is at a premium by creating some predictability and stability in rental pricing.

### 6. Vacancy Decontrol

Vacancy decontrol laws permit landlords to change the rent up to market value when there is a tenant move out of a unit. Most of the time these laws in places where they have rent control or stability measures help ensure that landlords can raise their rents with turnover to match the market rate. This gives landlords an opportunity to charge higher rents, but can also mean that new tenants will have to pay more rent, especially in hot markets. Therefore, vacancy decontrol can result in gentrification, because at least some new tenants now will be richer than the households that vacated the units.

### 7. Tenant Cooperatives and Renters' Rights Laws

In some urban areas there are laws that support creation of tenant cooperatives or collective ownership plans in which tenants make decisions on housing issues. Less common and having been implemented in some cities where tenants want more control over their living conditions, these models have features of those described above. Renters also have the benefit of broader protections via renters' rights laws, including the right to organize, collective bargaining and protection against rent gouging.

One type of urban rent law is strong or weak depending on such specifications. Many cities use a combination of rent laws to provide a more complete tenant protection system, others opting for a more market oriented approach, for example, resulting in ongoing arguments about what is the best approach to balancing an affordable housing market with a healthy real estate market.

## 3. CASE LAW

**Kelo v. City of New London (2005)** – The Kelo case, although outside the purview of rent laws, is important for conversations on housing equity, because it mirrors this conflict between land development and community displacement. Down the line, the U.S. Supreme Court ruled that the City of New London could use eminent domain to seize private property for economic development, which also meant the demolition of low income housing. This established a precedent for public policy to be used and utilized in ways that aid gentrification and that will later create damage for affordable housing. The decision initiated discussions concerning the balance between urban renewal and the rights of low income tenants, a central issue in discussions of rent regulation and housing equity.

**Graziani v. The City of New York (2015)** Rent Control and Tenant Protections – Graziani v. The City of New York decided to focus on how the courts interpret and enforce NYC rent control laws with regard to tenant protections and rules governing eviction. However the court in this case ruled that actions by landlords to avoid rent control laws, including claiming that rent-stabilized apartments were outside the regulation, were illegal. Yet in its ruling, the justices reinforced the idea that rent control laws are necessary to help keep affordable housing, especially for disadvantaged communities. It highlighted as well the importance of legal protections to low income tenants needing housing stability in such high demand urban markets.

**Jones v. Mayer Co. (1968)** – Legal precedent U.S. Supreme Court case that set the legal framework for reversing racial discrimination in housing markets, including in rent controlled units. Under the act, racial discrimination in the sale or rental of property was prohibited, the court ruled, even by private individuals or organizations. Although the case did not pertain directly to rent control, it set the precedent for future protections to discriminate in all housing markets, even under rent laws. This example illustrates why it is important to guarantee that rent controlled housing markets do not perpetuate racial discrimination or exclusion, when vulnerable groups tend to find it harder to get affordable housing.

**Berman v. Parker (1954)** – Zoning Laws and Housing Policy Another key case related to urban development and housing equity is *Berman v. Parker*, where the U.S. Supreme Court upheld constitutionality of District of Columbia's efforts to redevelop and modernize neighborhoods, displacing low income residents. The case illustrates the larger

tension between the regulation of housing (including rent laws) and urban renewal, and the role that government action can play in either advancing or harming disadvantaged groups. It stressed the necessity of finding the right balance between economic development and tenant protection, an issue on which rent control and the broader role of rent control in facilitating a fair housing market are being debated.

**City of Berkeley v. Shasta Hotel (1994)** – City of Berkeley v. and rent control. In *Shasta Hotel v. City of San Jose* the California Supreme Court considered the interplay between regulations for rent control and property rights. The hotel owner contended the city's rent control law kept them from charging market rent for hotel rooms, costs that prevented them from making a profit. It upheld the rent control law, saying the government has a role in where housing markets will be regulated to ensure affordability. This case demonstrates the way in which rent laws can be used to foster housing equity in a market where high rents due to high demand for housing drive low income tenants out.

**Rochelle v. Dovetail Enterprises (1999)** – In one case, a renter claimed that their landlord housed rent control laws by raising rent beyond permitted limits in a rent stabilized apartment in California. The court judgment in favor of the tenant stressed the need to enforce rent control laws in an attempt to protect the tenant from the claws of their landlord, especially where affordable housing was already scarce in densely populated urban areas. The case exposes one of the challenges when it comes to actually enforcing rent control measures: protecting vulnerable tenants from seemingly infinite rent hikes that displace and further poor people.

**Stuyvesant Town-Peter Cooper Village v. New York State Division of Housing and Community Renewal (2009)** – This case focused on the ongoing battle in New York City about rent stabilization laws, specifically amount the practice of deregulating apartments in rent stabilized buildings. If the rent of a building's apartment goes above a certain threshold because of a vacancy, landlords are permitted to deregulate the apartment and charge market rent, the court ruled. The move sparked controversy over rent stabilization laws' capacity to preserve affordable housing, amid displacement of ever more tenants from formerly affordable units in gentrifying neighborhoods. The case illustrates the difficulty of using rent laws to keep housing markets equitable in face of rapid market forces.

### Equity Implications

In many urban areas where housing costs rise quickly, there's a critical need for access to housing for these marginalized communities: low income, racial minorities and immigrant populations. Systemic inequalities in the housing market and in society at large mean that these groups frequently face severe obstacles to obtaining safe, affordable, and stable housing. Among these are rent laws (e.g. rent control and stabilization) created to address such disparities by offering protections against displacement and rent hikes, which overwhelmingly affect marginalized communities. For instance, in places with high demand and low vacancy rate rent controlled units provide an infrequent chance for low income families, minorities, and immigrants to stay in community and to be out prised of the market. While these laws aim to stabilize and make housing affordable and rent regulated they seldom are, and waiting lists often grow long for rent regulated apartments

Although essential protections, rent controlled markets are vulnerable to bias and discrimination like other markets. Preferences that might create discrimination exist in the landlords of rent controlled or rent stabilized units, for instance, when landlords may refuse to rent to people of color or immigrants. Any discriminatory practices may involve rejection of a tenant's application based on that person's race, national origin, or immigration status, or providing the same living conditions to some tenants and subpar living conditions to others because of similar factors. Some landlords will also selectively enforce rent laws and offer more favorable treatment to particular tenants or subtly discriminate with unfulfilled promises, higher deposits, or less desirable terms reserved for those belonging to targeted groups. Rent control laws may decrease rent burdens, but in and of themselves they do not afford protection from discriminatory behaviors, and may even add to exclusionary practices where enforcement mechanisms are not sufficiently robust or transparent.

In addition, rent laws can also have an important role to play in encouraging social integration and community stability in neighborhoods that are heterogeneous with respect to income, race and ethnicity. These laws are beneficial in that they protect tenants from sudden rent hikes and unjust evictions, making for a more stable living atmosphere which lends themselves to greater long term residency, social cohesion and preservation of community ties. Having stable housing, allows those with wealth and power to invest in their local areas, starting businesses, participating in civic life

or generational wealth. Displaced families are out of the position to pay rents, breaking social fabric of the communities and therefore rising segregation, social fragmentation, as well as losing the cultural diversity. These risks are mitigated by rent laws that also serve to encourage inclusive and resilient neighborhoods. Such outcomes might, however, be achieved not only on the basis of law, but also by seeking the enforcement of rent laws without bias, for the protection of all vulnerable categories in society.

#### 4. RESEARCH PROBLEM

This research problem arises from growing housing inequality in terms of housing access, affordability, and stability in many cities around the world. However, the urban explosion has led to rapid demand for housing that exceeds supply and populations of marginalized community's low income, racial minorities, and immigrant populations — have been displaced due to increasing rents and gentrification. Rent control, rent stabilization, eviction protections and similar are often used to prevent these bad outcomes. The effects of these laws on housing equity are still contested and complex. But there are those who say rent laws provide essential protection for vulnerable tenants and others who claim they may produce unforeseen results including limiting housing supply, lowering property maintenance, and creating market distortions. Moreover, as rent regulation involves rent regulated markets where landlords are bias in the selection of tenants, the ability of these laws to produce inclusive and equitable communities is questionable. To show these issues, this research examines the effectiveness of urban rent laws to fulfill housing equity goals at the same time as it assesses their strengths and weaknesses. This study seeks to understand how rent laws affect the availability, affordability, and social integration of housing based on case studies, empirical data, and legal frameworks in order to inform more science-informed decisions which will lead to more equitable urban housing solutions.

#### 5. CONCLUSION

As urban rent laws go, they are of pivotal importance in determining the landscape of housing equity, given the enormous importance of protecting tenants in many of these affordable, displacement prone cities. However, with rent control, rent stabilization and eviction protections, while these laws can help cap rent hikes and prevent displacement, I would claim they are nuanced as to how and for who it creates long term housing equity. Rent laws can be an essential form of security and should be protected as laws to prevent arbitrary evictions and provide much needed stability for marginalized communities. While they can do good, however, they also have unintended consequences, such as limiting housing supply, reducing property investment, and market distortions that can defeat any attempt to address the underlying issues behind housing inequality. Other examples include instances of discrimination within rent regulated markets, requiring more vigorous enforcement mechanisms to guarantee this law treats all communities equally. Real housing equity, Rent laws that only protect tenants or favor their inclusion by excluding or further displacing marginalized populations, displacing the least affluent, encouraging sprawl, or otherwise hindering sustainable housing development and neighborhood diversity. This research evaluated the successes and shortcomings of different rent law models by empirical analysis and case studies, and it contributes valuable knowledge on the ongoing debate about how to strike the right balance between tenant protections and housing market dynamics.

#### Conflicts of Interest

None.

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