Bajo el Mismo Techo

The Latino Community in Suburban Chicago: An Analysis of Overcrowded Housing

By Benjamin J. Roth
Last year Latinos United engaged in a broad consultation process with 500 leaders from across the Chicago metropolitan region to identify the main issues impacting the quality of life of Latino families. Housing, education and immigration were identified as the top issues. Subsequent interviews were carried out with community residents, elected officials and experts in each of these areas to find the specific components of a policy and advocacy agenda. This process helped us identify housing overcrowding as one of the greatest challenges facing communities with large numbers of Latino residents. The tensions that this issue generates among old and new residents have prompted municipalities to take action, primarily by enforcing housing occupancy codes. However, these codes, and the manner in which they are enforced, have been an insufficient—and sometimes arbitrary—approach for addressing such a complex issue.

In response, Latinos United began collecting data on housing overcrowding that could inspire sound policies and practices. This study constitutes a first step in that direction. To our surprise, few studies in the US shed light on this issue and its impact on Latinos and the communities where they live. Under the circumstances, existing policies seem to come more from habit than from properly documented facts. Our study, Bajo el Mismo Techo (Under the Same Roof), analyzes this current complexity by looking at issues of housing affordability and design as well as community education and integration. We hope that our preliminary findings inspire new efforts on the part of researchers, municipalities, policy analysts, and communities to develop practices and policies that deal with overcrowding on a pro-active basis.

Overcrowding has become particularly important in suburbs with high rates of Latino growth. Demographic changes and the lack of policies and programs to integrate new comers have made such issues more controversial in these municipalities. Although this report focuses on the entire metropolitan region, we examined the cases of Elgin, Addison and Blue Island in more detail, primarily because the mayors of these localities were open to our study and made their staff and records available to us.

This report provides a summary of available knowledge on housing overcrowding and some of the issues involved in policy development. It gives voice to Latino residents directly impacted by tensions and practices in the municipalities impacted. Study participants acknowledged the differences of perspective on this issue but suggested that both Latinos and non-Latinos in these municipalities should seek solutions together and use this as an opportunity to build community. Both groups agreed that they had a common stake in this issue and wished to collaborate in its solution.

The challenges municipalities experience due to the changes in demographics and the economic realities of the region, require strong leadership to integrate new residents into their new communities and to maintain social harmony while ensuring economic prosperity for all.

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**The Mission of Latinos United**

To build the power, influence, and leadership of the Latino community through collective action to transform public policies that ensure the well being of our community and society as a whole.
1. Introduction

In 1980, for the first time in nearly half a century, national rates of household overcrowding began to rise. An analysis of 2000 Census data shows that overcrowded households increased by 900,000 in the 1980s, followed by another jump of 1.5 million households in the subsequent decade.¹ This increase has not happened uniformly across regions, or equally among all people, however. Overcrowded households tend to be low-income, foreign-born immigrants from Latin America and are more likely to be renters than homeowners.² In absolute numbers, American Housing Survey data show that overcrowded Latino households doubled between 1985 and 2005.³ In contrast, during that same period the number of overcrowded households decreased by 33 percent among non-Hispanic whites and by 45 percent among non-Hispanic blacks (figure 1).⁴

Paralleling the national trend, overcrowded households⁵ in Chicago’s suburbs are also on the rise, and Latinos are particularly affected. In nine of Chicago’s suburban communities with large Latino populations,⁶ the number of overcrowded housing units leapt by an average of 133 percent between 1990 and 2000 (figure 2). Census data from 2000 show that an average of 75 percent of these overcrowded units were occupied by Latinos (figure 3).⁷

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¹ Simmons (2002).
² Myers et al. (1996); HUD (2007); McConnell & Ready (2003); Lipman (2003).
⁴ Ibid.
⁵ More than one person per room (PPR).
⁶ Addison, Aurora, Berwyn, Blue Island, Carpentersville, Cicero, Elgin, Joliet, and Waukegan.
⁷ 2000 Census.
1. Introduction

**Figure 2**

**Percent Increase in Overcrowded Units from 1990 - 2000**

1990 and 2000 Census

- Addison: 118%
- Aurora: 69%
- Berwyn: 296%
- Blue Island: 69%
- Carpentersville: 213%
- Cicero: 179%
- Elgin: 91%
- Joliet: 42%
- Waukegan: 117%

**Figure 3**

**Percent of Overcrowded Units Occupied by Latinos**

2000 Census

- Addison: 67%
- Aurora: 80%
- Berwyn: 68%
- Blue Island: 67%
- Carpentersville: 79%
- Cicero: 92%
- Elgin: 84%
- Joliet: 56%
- Waukegan: 81%
Data show that Latinos in the suburbs are most likely to be affected by overcrowding, but descriptive statistics do not necessarily tell the full story of why rates among Latino households are so high. Are Latinos more likely to be overcrowded because of culturally-driven choices? Is it because low-wage jobs and the high cost of suburban housing entice them to share the rent or mortgage payment? Is it an effort on the part of Latino extended families to pool their resources to purchase a home for all of them to live? Or are there combined or alternative explanations?

Although Census data describe the profile of who tends to be overcrowded, they do not explain why overcrowding is a problem per se. Is it a public health problem that endangers overcrowded occupants? Is it largely a quality-of-life problem for neighboring homeowners who resent it? Is it true that overcrowding causes property values to decrease? Or is overcrowding a more complex societal issue that includes—and transcends—public health and quality-of-life concerns?

Without adequate information about overcrowding to answer these questions, it is difficult to craft an effective policy response. Municipal interventions in several Chicago suburbs have centered on occupancy code enforcement mechanisms. But aggressive enforcement practices have triggered lawsuits alleging discrimination against Latino residents. These allegations call into question whether occupancy code enforcement protects the well-being of Latinos or poses a barrier to integrating Latinos into the social and political fabric of these suburban communities.

This report explores the issue of household overcrowding in Chicago’s suburbs to provide a more complex framework for understanding why it happens, why it tends to affect Latinos, and what to do about it. We would like this framework to serve as a useful guide to design more effective solutions to overcrowding.

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2. Central Questions

This study addresses the following questions:

- What is the basis for current housing occupancy standards?
- What are the causes and consequences of overcrowding?
- Why are overcrowding rates so high among Latinos in the suburbs?
- Why does overcrowding persist despite occupancy code enforcement efforts?
- What can be done to lower overcrowding rates?
- Is there room for proactive, innovative approaches to the issue of overcrowding?

We began by examining the overcrowding literature. We learned that there is relatively little empirical research on household overcrowding. Aside from several policy reports (the majority from Southern California), there are few rigorous studies that specifically address overcrowding among Latinos—or any other group for that matter—in the suburbs.

Given the inadequacy of the extant research on overcrowding, we designed a research instrument to help us address these questions. We examined Census data for nine suburban municipalities with large Latino populations and targeted three of them for a finer level of analysis. We conducted over 30 semistructured interviews with elected officials, city planners, housing experts, school officials, and academic researchers between June and August 2007.

We also conducted two focus groups with Latino residents—both native- and foreign-born immigrants—and interviewed several others individually. We collaborated with local social service organizations in two municipalities to arrange the focus groups. Of the 20 participants in the two groups, several were currently living in substandard housing conditions; many of them had experienced overcrowding at some point since they arrived in the United States; and all of them had a link to someone in their immediate social network that lived in overcrowded households.

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10 We limited in-depth analysis to three because of time constraints. The three were chosen because mayors from these municipalities expressed that they are concerned about the problem and willing to collaborate with Latinos United to find a solution.
3. Goals & Limitations

This report has several goals. First, we aim to clarify misconceptions about overcrowding by drawing on available empirical research. Second, we seek to provide new information about overcrowding. We are particularly interested in the voice of the Latino residents who are most likely to experience household overcrowding. Third, we intend for this report to underscore the need for collaboration among municipalities, local institutions, and regional bodies to incorporate Latinos into their Chicago suburban communities. To this end, we provide policy and practice recommendations that we hope will improve the housing conditions for all overcrowded residents.

Our data is a unique and useful starting point for deriving a new framework to understand housing overcrowding. It is also the first time that such a study has been undertaken in the Chicago region. However, this report is exploratory and therefore limited in scope and depth. Further research is needed across metropolitan Chicago to provide a more detailed account of the causes and consequences of overcrowding that maybe unique to this social and economic context. In particular, there is a need for additional qualitative research on household overcrowding that focuses on the views of long-term residents and Latino immigrants.
4. Summary of Findings

The literature on overcrowding states that occupancy standards are based on an *arbitrary household density maximum* and that little is known about the effects it has on occupants—or what causes it in the first place. This has created confusion about the nature of overcrowding and the threat it poses: while some code inspectors we interviewed stated that household overcrowding is not a priority safety concern, for example, several elected officials named it as a major safety threat. We find that this confusion has led to misguided policies and practices in Chicago’s suburbs that have discriminated against Latinos rather than protected their right to decent, affordable housing.

We determine that overcrowding cannot be solved through more aggressive code enforcement. Instead, we find that the cultural and economic factors associated with household overcrowding merit a more nuanced policy instrument that can distinguish between when residents are overcrowded because of cultural preference versus economic necessity.

Our analysis reveals that overcrowding among Latinos in the suburbs of Chicago is a social—not just an individual—phenomena. As a complex issue related to multiple factors, overcrowding merits a comprehensive, community-level response that merges educational outreach and effective code enforcement with a broad, long-term policy strategy to modify and enhance the way suburban communities receive and incorporate Latinos, principally through affordable housing and incorporating Latino residents into the local governance structure.
The most common measure of overcrowding is based on a calculation of the number of persons per room (PPR). According to the U.S. Census, for instance, a dwelling with more than 1.0 PPR is considered overcrowded. This is not the only way to measure overcrowding, but Census data is commonly used by housing overcrowding researchers. The suburban municipalities that we focused on for this report define overcrowding using a slightly more complicated measure derived from a code manual called the International Property Maintenance Code. The occupancy standards in this manual are based on assumptions about the minimum amount of square feet needed for each occupant. As one mayor we interviewed explained, he has little time and limited resources to develop a comprehensive set of codes for building construction, so his municipality adopts wholesale many of the guidelines in the International Property Maintenance Code.

Occupancy standards first emerged in the United States in the 1900s as a reaction to the perceived association between negative health outcomes, moral decay, and household density. Social reformers such as Jacob Riis, appalled by the living conditions among European immigrants in tenements in New York City, advocated for standards that would improve the health and general living conditions for families in the poorest, most densely populated neighborhoods of America’s growing cities.

The reformers were radical for their time because they thought decent housing was a right, not a privilege—but they also used occupancy standards as a mechanism for assimilating new immigrants. These standards rearranged the immigrants’ “domestic social and spatial relations to conform to the reformers’ sense of moral order, emphasizing individualism and a belief in the necessity of privacy.” The reformers determined that middle-class ideals of privacy and individualism were compromised by residential overcrowding among immigrants in the cities. Therefore, they modeled occupancy standards after the ideal of suburban households to determine the minimum square footage of space per person beyond which a housing unit was deemed overcrowded.
Regardless of the measure, a review of the overcrowding literature shows that overcrowding is a normative standard with no scientific basis. In other words, there is no reliable, empirical data to explain why professional and governmental bodies have adopted certain occupancy standards. But if a “scientific basis for establishing overcrowding standards has never existed,” how much crowding is too much? Although they are arbitrary, occupancy standards are often viewed as irrefutable, and the municipalities we studied are not reconsidering their occupancy standards. Their unquestioned status makes these codes powerful, either as standards that protect householders or mechanisms that discriminate against unwelcome minority groups. As we will show below, these standards and their enforcement have implications for “the availability and affordability of housing, and by extension, coercive racial and ethnic segregation, and access to services.”

**Resident Profile**

Two years ago one Latina respondent and her family were looking for a less expensive apartment:

“[We] were four adults, one child, and I was pregnant. We saw in the paper a two bedroom apartment for $620. My husband saw it and thought it looked inexpensive, so we went to see it. The four of us went—my mom, dad, my husband and I. When [the landlord] saw us, he asked us who was going to rent the apartment. We told him the four of us. The man—he was Polish—told us ok, the rent is $750. We asked him how that could be since in the paper it is listed for $620. ‘Yes, but for one married couple—you’re four people, and we have to charge you extra for the additional two adults. And I’ll also have to charge you extra for the additional parking space.’ We asked him why, since for a two bedroom apartment two parking spaces should be included. ‘No;’ he said, ‘the other space is an extra $50 a month.’ It seemed like fraud to us. This was three years ago. I was pregnant at the time. When I went to the bathroom, the man told my husband, ‘you’re going to have a baby. It’s going to be $20 more.’ My husband asked him why and he said it’s because you’re going to have another family member. We didn’t take the apartment.”

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18 See Myers et al. (1996); Myers & Lee (1996); Alexander (2005); Simmons (2002); Pader (1994).
20 Pader (2002).
There is minimal research on the dynamics causing overcrowded housing. Information from the few available causal studies we identified roughly falls into two categories: overcrowding linked with cultural preference and overcrowding related to economic factors.

The cultural preference perspective

First, some researchers argue that overcrowding is a matter of cultural preference or habit. This argument is based on the premise that tolerance for household density—the value-based determinant for occupancy standards—is culturally relative. Thus, immigrant households that are overcrowded according to U.S. standards may not necessarily feel overcrowded. They may be accustomed to larger families, smaller dwellings, or both. This is illustrated by the fact that Latino immigrants tend to live in overcrowded conditions, even though they could afford a larger dwelling, and despite the fact that there is available affordable housing in the area. Furthermore, there is some evidence that these cultural standards persist among immigrants, even after decades of living in the United States.

According to the cultural preference perspective, restrictive occupancy codes can be used to discriminate against cultural outsiders. Indeed, lawsuits over discriminatory occupancy codes and their selective enforcement—even in Chicago’s suburbs—make it clear that these codes are not always neutral.

This perspective implies that municipal authorities and planners need to be intimately familiar with the cultural context of overcrowding before crafting a policy intervention. One study concludes that “[b]y the traditional definition of overcrowding, the problem is growing, but at the same time the policy issues it presents are changing. The resurgence of overcrowding exposes deep cultural differences among Americans in their living arrangements and preferred standards.” These cultural differences are growing starker in Chicago’s suburbs as the Latino presence there continues to grow and may have implications for housing design and park space that accommodates the culturally unique demands of Latino residents.

The cultural preference perspective of overcrowding is important, but it offers an incomplete accounting of why overcrowding occurs among Latinos in Chicago’s suburbs. In fact, in our interviews, respondents often contested the cultural explanation of overcrowding. Of her caseload of 30 families in a Chicago suburb, 90 percent are Mexican and 75 percent live in overcrowded conditions. She stated that all her clients who are overcrowded have the goal of moving out of overcrowded conditions as soon as they can afford to do so. Being Mexican herself, she explained, “in our culture you want to live close to family, not on top of family.”

24 Myers et al. (1996).
25 Ibid.
28 Myers et al. (1996), p. 82.
Indeed, it is potentially hazardous if municipalities assume that all Latinos who are overcrowded live that way out of cultural preference. If Latinos tend to be overcrowded because they want to be overcrowded, municipalities may erroneously assume that the best policy intervention is simply to educate Latinos about local occupancy codes. While educating residents about current codes is very important, it is insufficient to address the issue of overcrowding. Code awareness does not address the broader economic factors that may also contribute to household overcrowding.

**The economic perspective**

The second perspective on the explanation of overcrowding concerns economic and social context. One study found that Mexican immigrants who live in overcrowded conditions do not do it out of cultural preference but rather of economic necessity. According to this perspective, overcrowding is a function of the interrelationship between low wages, the high cost of housing, and social marginalization.

From this standpoint, unscrupulous landlords, substandard housing conditions, and the economic factors that cause housing overcrowding are closely related. Some of the immigrant respondents we interviewed said that landlords threatened to report them to immigration officials if they complained about being overcharged or subjected to substandard conditions. One mayor interviewed for this report said overcrowding is predominantly caused by absentee landlords. He reasons that building owners who do not live in the community are interested primarily in making money. These landlords have minimal concern for tenant well-being and neighborhood quality of life.

Municipal housing policy should hold landlords accountable for overcrowding and the substandard housing conditions that pose a physical threat to families. Market logic holds that landlords would not be in a position to exploit tenants if adequate affordable housing were available. Therefore, local housing policy should prioritize the construction and preservation of affordable housing stock.

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Resident Profile

Many Latino residents spoke to us about substandard housing conditions and being taken advantage of by landlords:

“My husband and I both work, but I’m not working at the moment because I’m pregnant. So in order to continue paying the rent, [my husband] has to work two jobs—one in the morning and one in the evening.

“When I first came [to Chicago] I rented a place from an Italian. He charged us $1000/month for a bad apartment. My friends couldn’t believe it. It was deteriorated. It had cockroaches. And we had to pay $1000. The same happened to my mom. She was in a bad apartment, too, with lots of cockroaches. She talked with the city to have them inspect it. The owners of the apartment told her that the city had come to check the apartment, and the landlady kicked her out of the apartment. My mom returned to the city and told them what had happened, and the city told her that they couldn’t kick her out of the apartment for this reason—if there are cockroaches, they have to call the inspectors.

“A lot of other people won’t advocate for themselves like this because they’re afraid. [Landlords] threaten that if they go to the city they’ll have to leave the apartment tomorrow. The people are afraid. They don’t want to complain or say anything.”

At the regional level, affordable housing is linked with macroeconomic factors, such as wages. For this reason, the paucity of affordable housing is likely to become more of a problem, especially for low-income immigrants in the suburbs who are increasingly burdened by housing costs.31 A recent report on the state of housing in 2007 issued by Harvard’s Joint Center for Housing Studies states that even when the new minimum wage increase (passed in January 2007 by Congress) is fully implemented in 2009, a household headed by a single minimum wage earner will be unable to afford a two-bedroom apartment at today’s rents anywhere in the country.32 The study finds that the rise in cost-burdened households—those paying more than 30 percent of household income for housing—will result in more people being channeled into housing options that require overcrowding.

In our analysis of these studies and the data we gathered, we find that both causal explanations are plausible. We posit that cultural preference and economic factors are two explanations for household overcrowding that require distinct, yet concurrent, policy responses. Given this complexity, policy makers need to be fully informed about the contextual factors in their municipalities that are associated with household overcrowding among Latinos. These factors include cultural preference for household density; exploitative landlords; and the availability of decent, affordable housing.

31 See Ready (2006). He finds that 46 percent of Latino households were cost-burdened in 2003, up from 41 percent in 1999, and 20 percent were severely cost-burdened in 2003—paying more than 50 percent of household income for housing—up from 18 percent in 1999.

We analyzed the effects of household overcrowding at two levels: its effect on individual household occupants and its effect on the community. First, in contrast to the perception of many interview respondents, the literature on overcrowding does not provide definitive evidence of the direct effects of overcrowding on social, health, or education outcomes among occupants. Research on household crowding does suggest that it is associated with a range of health and social problems, but “caution must be applied when interpreting associations between household density and human health and behavior.”

This is not to suggest that high household density levels—crowding—do not have a negative effect on occupants. Rather, policymakers should proceed with care when ascribing certain health and behavioral outcomes to household overcrowding, because they may stem from other factors known to be causally linked to such outcomes, such as substandard housing. This corroborates our earlier assertion that overcrowding policy should target substandard housing conditions, unscrupulous landlords, and the social conditions that may relegate low-income Latino immigrants to inadequate housing.

Second, beyond having consequences for overcrowded occupants themselves, overcrowding may also have an effect on the larger community. We learned through our interviews that there are at least two perceptions about the external effects of overcrowding: public services and neighborhood conflict. As with the effects discussed above, we found that perceptions of how overcrowding affects the community are not always accurate.

**Public services**

Some respondents associated household overcrowding among Latino immigrants with a drain on public services. They associated household overcrowding with school overcrowding and strained resources for social services. Our interviews with social service providers and school officials contradicted this claim, however. The executive director of a large suburban-based nonprofit organization stated that housing overcrowding among Latino immigrants actually saves money that would otherwise be spent on homeless services. He explained that instead of a drain on public social service dollars, overcrowding is a protective measure that keeps immigrants from falling into the shelter system.

The school superintendent we interviewed stated that the number of overcrowded homes with more than the estimated number of children (about 2.5) is balanced out by the homes occupied by individuals without children. Another school official explained that school overcrowding is caused by the housing boom in the suburbs, not housing overcrowding. In other words, school overcrowding is a function of the mismatch between new home construction and insufficient schools to accommodate the influx of children, not household overcrowding among Latinos.

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33 Lepore (1998). See also a study commissioned by England’s Office of the Deputy Prime Minister to identify the effects of overcrowding on health and education outcomes. It is recognized in a recent HUD report as the most comprehensive report available on the impact of overcrowding on health and education. The study identified and reviewed a body of 80 research articles on the effects of overcrowding in the United States and internationally and finds that there is no evidence to prove a causal link between overcrowding and negative health, mental health, or education outcomes.


35 Krieger & Higgins (2002). Substandard conditions include inadequate plumbing, kitchen, and heating facilities.

36 This does not mean that overcrowding is positive, however. An alternative explanation for why few Latinos seek shelter services may be because they are not aware of such services or are misinformed about their eligibility for them.
Conflict between neighbors

We found in our interviews with elected officials and code inspectors that a major consequence of overcrowding is the tension it ignites between neighbors, especially between Latinos and non-Latinos. Long-term residents—mostly white homeowners—associate overcrowding with a threat to property values, congested street parking, overflowing rubbish containers, and other quality-of-life concerns. As one mayor explained, “the concern is more about the tendency that overcrowded homes lead to disorder outside,” at which point a private issue—overcrowding—becomes a public concern. The implication is that as long as it does not bother the neighbors or pose a fire hazard for occupants, the consequences of housing overcrowding may not be that worrisome. As one study suggests, “it is still in question whether so-called overcrowding is harmful to the people affected, or merely socially distasteful to outsiders who observe its presence among others.”

Considered from this angle, household overcrowding among Latinos in the suburbs may not be merely a question of affordable housing, economic need, or cultural preference, but rather an example of how growing diversity in the suburbs can result in interpersonal tensions among neighbors. As such, it does not seem to be overcrowding, per se, but the symptoms of overcrowding—parking, noise disturbance, and lawn maintenance—that fuel tensions.

We acknowledge that overcrowded Latino residents new to the community and long-term residents are mutually responsible for negotiating these tensions. Just as Latinos must learn and respect the quality-of-life norms of their new community, municipal leaders and established non-Latino residents must be intentional about providing Latinos with information about these norms and working collaboratively with them to forge a community identity that truly celebrates diversity.

In our analysis, occupancy code enforcement is important because it helps protect occupants from fire hazards and substandard housing conditions. But code enforcement mechanisms are unable to address the economic and social integration factors that are at the root of overcrowding among Latinos. In this section, we highlight how code enforcement practices can be employed to discriminate against Latinos instead of protect their safety.

Accurate information about the causes and effects of overcrowding is paramount for developing appropriate enforcement practices. As stated above, some elected officials we interviewed justified aggressive occupancy code enforcement practices based on safety concerns. Indeed, the most worrisome overcrowded cases are situations—bedrooms in a basement without a fire exit, for example—that could be life threatening in the event of a disaster. But these extreme cases are infrequent. In fact, from the perspective of the inspectors responsible for code enforcement, household overcrowding is not a priority safety concern. Inspectors in one municipality stated that a far more pressing code issue is when occupants take batteries out of smoke detectors. Likewise, according to a 2003 HUD report, relative to other housing needs “overcrowding is not counted as a severe problem that constitutes a potential worst case need.”

Appropriate code enforcement practices must ensure safety and the rights of tenants without discriminating against occupants. Housing occupancy standards are intended to protect occupants from unsafe conditions and exploitative landlords. Unless they are adequately enforced, these standards are unable to accomplish either goal. Code enforcement can also be a tool for discrimination, however. Historical examples of biased code enforcement practices are a sobering reminder of how enforcement practices can divide a community as much as ensure its safety. Clearly, code enforcement is a powerful tool that ought to be used carefully to avoid discriminatory practices.

In the absence of adequate information about the causes and effects of overcrowding, further analysis of enforcement practices is particularly imperative. We suggest that code enforcement practices may be analyzed as two separate processes:

- **The process of identifying occupancy code violations**
- **The process of ensuring code compliance**

This distinction is useful because discriminatory practices are a risk during each of these processes. In this report, we focus on the first process. The second—ensuring code compliance—is equally important but is beyond the scope of this report. We strongly recommend further research on both aspects of code enforcement practices.

We found that the process of identifying occupancy code violations varies according to housing tenure. Most importantly, regardless of whether it affects homeowners or renters, the process of identifying occupancy code violations may not always work as intended.

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38 Several Latino immigrants we interviewed stated that they lived in basement bedroom conversions with inadequate egress when they first moved to the suburbs, suggesting that such conditions continue to be a problem.
41 See www.fairhousing.org for a clearinghouse of articles on discrimination cases stemming from household overcrowding.
42 Renters versus homeowners.
Renters

Some municipalities systematically check all rental units for code violations on a regular (often annual) basis. This mechanism ostensibly eliminates discriminatory code enforcement because all rental units are inspected, regardless of who lives there. Code inspectors we interviewed in two municipalities reported that an annual inspection of rental units is an unbiased approach to identifying occupancy code violations among renters. They emphasized that landlords are largely held accountable for overcrowding, not tenants.

Our interviews suggest that this mechanism for identifying overcrowding among renters may punish tenants instead of landlords, however. Immigrant residents and housing advocates we interviewed provided anecdotal information about immigrant tenants in overcrowded conditions who were displaced by the code enforcement process. In one situation, a family moved locally from one overcrowded apartment to another on two occasions because the family’s landlord issued an eviction notice following code inspection. In other cases, overcrowded tenants evade code inspectors. A head inspector explained that they give landlords a 30-day notice prior to inspection. On the day of the inspection, overcrowded occupants sometimes hide evidence that more people are living in the apartment than is allowed by code. They stow extra mattresses, for example, or take family members off the premises “to McDonald’s.”

43 Interview with head inspector.
Homeowners

In contrast to rental units, occupancy code enforcement of single-family homes depends largely on a complaint-based system whereby residents call in grievances about their neighbors. This system may inadvertently facilitate discrimination among neighbors. An inspector in one suburban municipality estimated that of all the complaints about overcrowding fielded by his department, only 50 percent are valid. The other 50 percent of overcrowding complaints are neighbor disputes that are unrelated to overcrowding. Are Latinos—whether overcrowded or not—being targeted by complaints? Are complaint-based code enforcement mechanisms effective at resolving conflicts that arise between neighbors, especially conflicts rooted in ethnic or cultural differences? We recommend further research on the complaint-based code enforcement system to explore these types of inquiries.

Code enforcement mechanisms risk being discriminatory unless homeowners are aware of the occupancy limit of their dwellings. Our interviews with housing advocates show that Latino homeowners who violate occupancy codes sometimes do so unwittingly because of misleading information provided by real estate agents. In one example, a Latino family purchased a home that had been advertised as a three-bedroom dwelling. They were not informed that the previous owners had illegally converted the attic to a bedroom. When code inspectors informed them that the home was not large enough to accommodate their family, they put the house up for sale. A comprehensive policy solution that addresses overcrowding must address the challenge of ensuring that all homeowners have accurate information about occupancy limits.

In addition, the process of identifying occupancy code violations may become discriminatory if inspectors and household occupants are unable to communicate in the same language. Interacting with a monolingual inspector puts a primary Spanish-speaking Latino immigrant at a disadvantage. But in at least one municipality where we interviewed, the code enforcement department does not have the resources to pay for a translator. The municipal authorities we spoke with do not see this as a problem.

44 They stated that inspectors rely on bilingual children in the home to translate, communicate with basic Spanish words, or call into the office to ask a staff person to translate by phone.
Latinos are the fastest-growing segment of the U.S. population, and the U.S. Census Bureau predicts that the Latino population will increase by another 34 percent by 2010.\textsuperscript{45} The Latino population in Chicago’s suburbs parallels this positive trend, presenting municipalities with exciting new opportunities and challenges.\textsuperscript{46} One perplexing issue is the rise of household overcrowding among Latinos. In several suburban municipalities overcrowding and what to do about it has become a point of friction. Some municipalities have become wary of the issue because of allegations that certain code enforcement practices discriminate against Latino residents. How they respond to overcrowding is critical, however, because overcrowding brings together key elements for incorporating Latinos—particularly foreign-born immigrants—into suburban communities. These elements include affordable housing, tenant rights, homeownership, civic participation, and dispute resolution between neighbors with different cultural backgrounds.

This report attempts to identify the facts about overcrowding and to highlight the risks posed by certain myths. We established that there is little empirical evidence about overcrowding to guide policymakers as they craft a response. The lack of accurate information exacerbates the risk that policies and practices aimed at curbing household overcrowding may be ineffective. At worst, rather than incorporate Latinos, they may further marginalize them.

This report outlines a new orientation to housing overcrowding among Latinos that reflects the complexity of the issue. First, occupancy codes are not absolutes. Municipalities should question whether these standards as they are currently written and enforced represent the best interest of their diversifying communities. Second, overcrowding among Latinos is not uniform because the reasons for overcrowding vary. Some Latinos are overcrowded because of cultural preference, others out of economic necessity. In addition, while many Latinos who are overcrowded are renters, rates of overcrowding are also significant among Latino homeowners. Third, aggressive code enforcement is a risky and ineffective approach to lower rates of overcrowding. It tends to hold occupants responsible for overcrowding instead of exploitative landlords, and sends a clear message to Latinos that they are not welcome. Fourth, overcrowding is not merely an issue that affects individual households; it produces symptoms that affect the quality of life and social cohesion of entire neighborhoods.

Given that overcrowding is so complex, an effective policy response should be multipronged. In the final section, we outline a range of recommendations that illustrate key components of such a response.
9. Conclusions & Recommendations

What can be done?

The following recommendations fall loosely into two categories: housing quality and affordability; and integrating Latinos in the social and political fabric of their communities.

Municipalities should address explicitly Latino housing needs in their housing action plan, especially the availability of affordable housing

Latino housing needs should be identified and represented in municipal housing strategic action plans. Primary among these needs is affordable housing. The availability of affordable housing is a critical concern for many suburban communities and ought to be addressed collaboratively as a regional issue.47

The cost of housing has implications for all residents—not just Latinos—yet research in this area specific to Latinos is necessary to identify how their needs may be distinct. One example of Latino housing needs is the demand for large housing units. 2003 Census data suggests that Latinos are more likely than non-Latinos to live in multi-generational households, so the availability of large, affordable housing units is critical.48

A potentially important opportunity for local governments to take Latino housing concerns into account is when planning documents are drawn up for new developments. This may mean enforcing inclusionary zoning practices that ensure new developments offer a balance of housing options for all income levels.

The layout of living space is also important to Latino housing needs.49 More research needs to be done on the housing preferences of Latinos. The built environment in suburban Chicago may need to be adapted or reconstructed to accommodate the particular spatial and cultural needs of multigenerational Latino households.

Housing quality is an urgent concern for Latinos and Latino foreign-born immigrants who live in overcrowded conditions due to economic necessity. Housing quality and overcrowding are interrelated and should be addressed in tandem.50

Further research is needed to develop a model occupancy ordinance and enforcement mechanism

Although more affordable housing may ultimately reduce household overcrowding, building or creating more affordable housing stock can take a long time. An immediate response to overcrowding is to challenge the occupancy codes that set the standard for crowding. Occupancy codes should be flexible. Overcrowding requires a distinct response depending on whether it stems from cultural preference or economic need.

50 Friedman and Rosenbaum (2004).
Our review of the overcrowding literature and correspondence with researchers and housing experts did not provide clear direction for a model occupancy ordinance, however. Current codes should be evaluated to determine whether they adequately protect the health and safety of occupants. The enforcement of a model occupancy code should hold landlords accountable for overcrowding and the substandard housing conditions that pose a physical threat to families.

We recommend that a regional discussion about housing occupancy standards and their enforcement be collaborative, ongoing, dynamic, and creative. This discussion should include a broad range of key stakeholders, including community-based organizations, housing experts, and Latino residents. The outcome of this dialogue is critical for Chicago’s suburbs, but it may also provide an example for other municipalities nationally who are facing similar housing and immigrant integration challenges.

**Develop educational materials—in both English and Spanish—to provide basic information about housing codes**

Engaging Latinos and foreign-born immigrants is a process over time, not a singular outreach effort. Thus, a strategy for communicating information effectively to Latino residents—the content of the communication and the way to deliver it—must be a long-term, dynamic initiative that adapts to the shifting needs of the population. Some respondents expressed frustration because many Latino residents do not attend public meetings or attend them sporadically. Instead of blaming the Latino community for lacking interest if turnout for a meeting is low, municipalities should reevaluate their engagement strategy.

First, educational materials about housing occupancy codes need to be in English and Spanish. Importantly, these materials should be clear regarding maximum housing density but should also include information regarding tenant rights. They may be written pamphlets but could also be videos, information kits, etc. They should be developed with the assistance of local residents so that the content of the materials is clear.

Second, the content of the informational materials is not useful unless it actually reaches the Latino residents. Public meetings are one way to disseminate information concerning housing codes and tenant rights. These meetings should be conducted in Spanish (or with a translator), held in venues where Latinos are likely to gather, and scheduled at times convenient for residents. Such venues may include local schools, public libraries, places of employment, churches, and ethnic institutions. These are locations where new residents feel comfortable and tend to seek information.
Another way of disseminating information is through flyers and pamphlets. Local governments should maximize schools as information conduits: flyers can be sent home with children or made available where parents register their children. We concur with one school superintendent we interviewed who fully supports the idea of his municipality sending information for parents home with students. We recommend that schools and municipal officials pursue such collaborations.

Effective mediums for communicating information are not always obvious, especially when the target audience is skeptical or overwhelmed with multiple jobs and other commitments. Some officials who we interviewed were frustrated because the immigrants they attempted to attract to an educational event only came if there was a tangible benefit or stopped coming after the first session. We reiterate that outreach to Latino residents—many of whom may be reticent to engage with government officials for a variety of reasons—should be an ongoing process.

Deconversion of multifamily historic homes back to single-family residences is not recommended if it reduces the availability of affordable housing. Some municipalities provide financial incentives for owners to return historic homes to their original state as single-family dwellings. One suburban community prioritizes such deconversions and reimburses up to $33,000 per unit that is converted. A local leader we interviewed from that community warned that such programs increase the rate of overcrowding by eliminating affordable housing units. We caution against elevating historical landmark status over the housing needs of low-income residents. We recommend further research on how the historical integrity of a house can be preserved even as a multifamily dwelling.

Municipalities can provide neighbor dispute mediation services

Effective mediums for communicating information are not always obvious, especially when the target audience is skeptical or overwhelmed with multiple jobs and other commitments. Some officials who we interviewed were frustrated because the immigrants they attempted to attract to an educational event only came if there was a tangible benefit or stopped coming after the first session. We reiterate that outreach to Latino residents—many of whom may be reticent to engage with government officials for a variety of reasons—should be an ongoing process.

Neighborhood mediation services help to resolve culture-clash problems stemming from overcrowding that code enforcement alone is unable to address. Code enforcement is necessary to ensure compliance with critical safety standards, but many of the complaints that neighbors make about overcrowding are actually social disputes that can be more effectively addressed through mediation.

There are excellent models around the country of city-supported mediation departments staffed by trained volunteers. The city of Beaverton, Oregon, provides a useful mediation model that illustrates how code enforcement and mediation complement each other. Based on an Oregon statute, this Portland suburb has developed a mediation program that works in concert with the code enforcement department to identify code violation cases that could be better resolved by mediating the conflict between neighbors.

53 See dispute resolution page at www.beavertonoregon.gov.
Municipalities should take a proactive, long-term approach to appointing Latinos and Latino immigrants to various city boards and commissions\textsuperscript{54}

Sustained, strategic efforts to integrate immigrants into the local governance structure will strengthen the legitimacy and effectiveness of local government. This, in turn, will increase the likelihood that more minority residents will run for elected positions. A more representative government is critical for the housing interests of Latinos and Latino immigrants.

Municipal leaders should increase outreach efforts and work collaboratively with existing institutions to increase civic participation among foreign- and native-born Latinos

The municipal officials we spoke with lamented that Latino residents are inconsistently involved with civic concerns: They come to civic meetings irregularly, if at all, and tend to stop attending when the issue they are concerned about is resolved. Outreach strategies should include language accessibility, convenient meeting times and places, and special consideration for the employment schedules of low-income residents who may work several jobs. Perhaps most importantly, outreach needs to be persistent, regular, and creative.

We discovered a range of strengths and deficits in outreach tactics among the municipalities we analyzed. Almost every city official we spoke with about their efforts to engage the Latino community expressed discouragement and frustration. Municipal authorities throughout the region should continue to learn from one another about successful strategies for engaging these residents.

Greater collaboration is needed between local government and institutions that are engaged with the Latino community. We found that schools and religious institutions are invaluable mediums for communication with Latinos, for instance. Many Latinos attend church and have school-age children. Community meetings hosted by elected officials in these neighborhood-based facilities are less intimidating than city hall.

Regardless of where meetings are held, communication with Latino residents should be available in Spanish. Live translation at public meetings and written translation of municipal documents should be available regularly.
More community-based organizations and ethnic associations are needed that can provide culturally relevant social services for Latinos

Nonprofit organizations are well positioned to address the multifarious concerns of overcrowded Latino residents, but there are few of them in Chicago’s suburbs. These institutions interface regularly with a range of community residents, so they can be intermediaries between local government and Latino residents. Additionally, they are able to establish a strong rapport with immigrant residents who may be socially marginalized and less willing to participate actively in local politics.

Emergency shelter and advocacy services are needed for Latino families who are displaced due to occupancy code violations. Municipalities need to provide a safety net for these families with services in Spanish that address the economic factors associated with household overcrowding. Otherwise code enforcement mechanisms may simply drive families from one overcrowded apartment to another.

Efforts should be made to increase the level of neighborhood services available to Latinos

Municipalities should evaluate certain public services—parks, schools, parking facilities, and rubbish collection—and carefully consider how they meet the unique needs of Latino residents. Enhancing certain services accomplishes two objectives relevant to the Latino community, particularly those who are overcrowded due to cultural preference. First, better services will accelerate the integration of Latinos into local communities. For example, parks with more playground equipment for children and additional soccer fields will provide more facilities for Latinos that are tailored to their interests and needs.

Second, enhanced services may reduce overcrowding complaints by addressing the external symptoms associated with overcrowding. Examples of such services include additional rubbish collection services and parking facilities. This approach may have a significant, long-term impact on overcrowded households and the cross-cultural tension between neighbors stemming from the symptoms of overcrowding.

56 Myers et al. (1996).
Works Cited


