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From the Selected Works of Michael E Lewyn

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Using Youtube to Explain Housing

Michael Lewyn



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ZONING AND LAND USE PLANNING

Using Youtube to Explain Housing

Michael Lewyn*

I. Introduction

In 2021, I ran for Borough President ("BP") of Manhattan, primarily because this position has significant influence over land use. The BP can hold public hearings on rezoning petitions, appoints a member to New York's city planning commission (which reviews zoning applications), and appoints members of community boards¹ (which must also be consulted on land use issues).² As a minor-party candidate, I did not expect to be elected.³ I did, however, hope to publicize my views on housing issues.⁴ In particular, I sought to gain publicity through a succession of Youtube videos describing

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¹See David Cruz, What does a Borough President Actually Do?, *Gothamist*, Feb. 4, 2021, at <https://gothamist.com/news/what-does-borough-president-actually-do>.

²See NYC Community Boards, Land Use and Zoning, at <https://www.nyc.gov/site/communityboards/mandates/land-use-and-zoning.page>.

³I had originally hoped to run as a Republican; however, the Manhattan Republican Party had recruited a more experienced candidate by the time I decided to run for office. Fortunately, I knew a local Libertarian who helped me get the Libertarian nomination.

⁴These views are well known to readers of this journal. See, e.g., Michael Lewyn, Land Costs and New Housing, 50 *Real Est. L.J.* 692 (2022) (criticizing suggestions that new housing raises rents by raising land costs) ("Land Costs"). Michael Lewyn, A Euclid Dissent, 48 *Real Est. L.J.* 372 (2019) (criticizing Supreme Court decision allowing municipalities to ban apartments in some residential zones); Michael Lewyn, Do You Believe

my views. The purpose of this article is (1) to describe the evolution of these videos and (2) to discuss their value.

II. In The Beginning . . .

My first few videos were designed to introduce myself and my platform in a general way. I began in March with a video describing what the BP does, and how my experience as a land use scholar makes me qualified for that position.⁵ My second video explained my platform: in particular, I explained that zoning should be, if not abolished, made more lenient in order to allow more housing construction.⁶ I added that my slogans were “less zoning, more housing . . . [and] more housing, lower rents.”⁷

A third video went into more detail about New York’s housing crisis.⁸ I explained that less housing is built in New York than in less expensive cities,⁹ partially because New York’s zoning process is more cumbersome than that of other cities.¹⁰ A fourth video focused on one particular element of the BP’s

in Ghost Apartments?, 48 Real Est. L.J. 234 (2019) (criticizing claim that use of apartments as second homes for the rich justifies restrictive zoning); Michael Lewyn, Deny, Deny, Deny, 44 Real Est. L.J. 558 (2016) (criticizing claims that less restrictive zoning will not lower housing costs); Michael Lewyn, Against the Neighborhood Veto, 44 Real Est. L.J. 82 (2015) (asserting that neighborhoods have too much power over housing construction). For a more concise summary of my views, see my Ballotpedia page, Michael Lewyn, Ballotpedia, at https://ballotpedia.org/Michael_Lewyn (“Lewyn Ballotpedia”).

⁵ See Michael Lewyn, Video 1—Introductory Video, at <https://www.youtube.com/watch?v=70Fp9C7w7aU>.

⁶ See Michael Lewyn, Video 2—My platform, at https://www.youtube.com/watch?v=dy2_BokilIQ.

⁷ Id. (at 2:14).

⁸ See Michael Lewyn, Video 3—Why is New York so expensive and what can be done about it?, at <https://www.youtube.com/watch?v=PAeG9gGq31U>.

⁹ Id. (at 0:37).

¹⁰ Id. (beginning at 1:53) (noting that rezoning applications in New York are reviewed not only by city council, but by borough president and community boards; in addition, city bureaucracy has restricted housing supply by proposing downzonings).

duties: appointing community boards.¹¹ In particular, I suggested that because community board members were dominated by homeowners, they are more likely to favor policies that lead to higher housing prices.¹² I also speculated that because community board members were older than the community as a whole, they were more likely to own cars than most Manhattanites, and thus more likely to support policies that favored drivers over nondrivers.¹³ To remedy these deficiencies, I proposed to appoint members who shared my vision for housing, and to appoint more renters and carless citizens to those boards.¹⁴

III. In The Middle: Responding to Counterarguments

As spring turned into summer, my videos became more sophisticated. Rather than merely describing my own support of new housing, I focused on responding to arguments for the status quo and against zoning deregulation.

I began in July, by focusing on a mayoral candidate's remarks.¹⁵ The candidate criticized new development in a Queens neighborhood, apparently because the proposed new buildings were out of scale with the existing neighborhood.¹⁶ I responded that if every building on a street had to look the

¹¹See Michael Lewyn, Video 4—Community Boards, at <https://www.youtube.com/watch?v=fCnCcTn8e4k>.

¹²Id. (at 2:00).

¹³Id.

¹⁴Id. at 2:48. I notice that some of my proposals have been adopted by the ultimate winner of the BP election, Mark Levine. See Levine Announces Community Board Appointments, Chelsea News, May 18, 2022, at <https://www.chelseanewsny.com/news/levine-announces-community-board-appointments-BC2073223> (new community board members younger than their predecessors, are more likely to rent than own, and mostly do not own cars).

¹⁵See Michael Lewyn, Video 5—criticizing something Curtis Sliwa said (guest starring Bella the parrot), at <https://www.youtube.com/watch?v=sN-q7BJqmEo> ("Video 5"). Shortly thereafter, I criticized Sliwa's Democratic opponent, Eric Adams, who had opposed an upzoning in another part of the city. See Michael Lewyn, Video 8—Should Eric Adams move to Iowa?, at <https://www.youtube.com/watch?v=kbugsci-m8>.

¹⁶Or at least this was how I interpreted the candidate's remarks. See Video 5, *supra* note 15 (at 0:56) (inferring this from the fact that candidate described five-story building as a "monstrosity" even though he lives in a neighborhood with many taller buildings).

same, a city could never grow: someone has to build the first building that was taller or denser than the last building.¹⁷ Even in an area dominated by single-family homes, the first house would have been out of scale with the pre-existing farmland or wilderness; thus, a prohibition on “out of scale” buildings, if consistently applied, would ban all housing. Moreover, I rejected the notion that buildings of different heights are incompatible; I myself once lived on a Manhattan block where 20-story buildings coexisted with townhouses, with no obvious negative consequences.¹⁸

In my next video, I addressed a common argument against new construction: the “supply skeptic”¹⁹ argument that New York has already had a building boom, without any corresponding reduction in rents.²⁰ I responded to this claim in a variety of ways. First, I pointed out that as a general matter, “some” housing is not necessarily enough housing to respond to demand. Just because a few dozen buildings were built here and there (or even a few hundred, or even a few thousand) does not mean that the amount of new housing is sufficient to meet demand or hold down rents.²¹ Second, I pointed out that New York City’s housing supply had grown at a glacial pace in recent decades; over 60,000 housing units were built in 1963, while the highest 21st-century increase in housing units was only 27,000.²² Finally, I reiterated my argument that New York’s housing supply has grown at a glacial pace compared to other growing American cities.²³ This video was one of my longer videos (running over 5

¹⁷ Id. (at 1:55). Of course, the city could allow new buildings on vacant land—but in a built-up area with few vacant lots, the city could not add very much new housing if this was the only type of new construction that was allowed.

¹⁸ Id. at 2:42.

¹⁹ C.f. Vicki Been, City NIMBYs, J. Land Use & Envtl. L. 217, 245 (2018) (supply skeptics are “skeptical that additional supply will help reduce the rate at which rents are increasing across a city”).

²⁰ See Michael Lewyn, Video 6—responding to the “building boom” counterargument, at https://www.youtube.com/watch?v=sJpkHPeX2_Q&t=45s.

²¹ Id. (at 0:58).

²² Id. (at 1:36).

²³ Id. (at 2:36). See also notes 9–10 and accompanying text (addressing same issue in earlier video).

minutes) and full of text-dense Power Point slides²⁴—so I also made a shorter version of the video, which ran less than 2 minutes and contained no slides.²⁵

A related counterargument is restricted to market-rate housing: the claim that even if so-called “affordable” housing (i.e. nonprofit housing for lower-income renters)²⁶ holds down rents, expensive, market-rate new housing does not. I devoted an unusually long video to this argument, making three major points.²⁷ First, I argued that if enough new housing was built, the price of new housing would come down; in support of this view, I pointed out that in cities that allow more new housing than New York, even new housing is less expensive than in New York.²⁸ Second, I suggested that even expensive new housing reduces demand for older housing, thus making older housing less expensive.²⁹ Finally, I noted that the events of 2020 (when the COVID-19 pandemic caused some people to leave New York City) proved that the law of supply and demand does in fact apply to housing: as people fled New York City or stopped moving there, demand for housing declined, and rents went down as well.³⁰ In a later video, I argued that if market-rate housing was abundant enough, government-subsidized affordable housing might actually be easier to build, for two reasons.³¹ First, if private housing is abundant enough to reduce demand for affordable housing, cities would be able to spend less money

²⁴Id.

²⁵See Michael Lewyn, Video 6a—a less scholarly version of Video 6, at <https://www.youtube.com/watch?v=EHM7frRvj9k>. This video received only 11 views; thus, it appears that the “shorter video” idea was not successful in increasing public interest in my work.

²⁶See Devon Thorsby, What is Affordable Housing?, U.S. News & World Report, Sept., 13, 2022, at <https://realestate.usnews.com/real-estate/articles/what-is-affordable-housing> (term is “colloquially used as a general term to refer to housing assistance for low-income individuals . . .”).

²⁷See Michael Lewyn, Video 7—explaining why new housing holds down rents even if it is expensive, at <https://www.youtube.com/watch?v=d0Th0Y4Cs88> (“Video 7”).

²⁸Id. (at 2:03).

²⁹Id. (at 3:43).

³⁰Id. (at 6:27).

³¹See Michael Lewyn, Video 17—what about public housing?, at <https://www.youtube.com/watch?v=3XhARo27Bu0> (“Video 17”).

on the latter.³² Second, private construction means more tax revenue for the city, and thus more of a tax base to support affordable housing.³³

Sometimes, new housing requires taller buildings, which in turn leads to claims that taller buildings reduce sunlight available to city-dwellers.³⁴ I made two videos in response to this argument. The first defended tall buildings generally, pointing out that even my neighborhood in Midtown Manhattan, which has numerous tall buildings, seems to have a decent amount of sunlight.³⁵ I also noted that as temperatures increase due to global warming, shade will become more necessary than in the past, and thus justifies shade-producing taller buildings.³⁶ A second video focused more narrowly on one sunlight-related problem: the effect of tall buildings on nearby small parks.³⁷ One of my opponents had suggested that tall buildings might reduce sunlight in Madison Square Park in Manhattan,³⁸ so I visited that park and shot a video on location, walking through the park to show that it was not starved of sunlight.³⁹

A common argument against more permissive zoning is that upzoning leads to gentrification, which leads to higher

³²Id. (at 1:10).

³³Id. (at 1:19). I also questioned whether voters had any appetite for the type of tax increases that might be necessary to support huge amounts of new public housing. Id. (at 2:05).

³⁴See, e.g., Henry Grabar, *Welcome to the permanent dusk: sunlight in cities is an endangered species*, Salon, April 20, 2014 at https://www.salon.com/2014/04/20/welcome_to_the_permanent_dusk_sunlight_in_cities_is_an_endangered_species/ ("As American cities grow taller and denser . . . natural light becomes a more precious commodity").

³⁵See Michael Lewyn, Video 10—the case for shade (starring Bella the Parrot), at <https://www.youtube.com/watch?v=WaKMx0HN164> (at 0:33). Interestingly, this was my only video to get over 100 views; among the earlier videos, only my first video got over 80.

³⁶Id. (at 1:38).

³⁷See Michael Lewyn, video 10a—tall buildings and small parks, at <https://www.youtube.com/watch?v=M9V-mF8jSSk> ("Video 10a").

³⁸See MNN NYC, *Decision NYC: Manhattan Borough President General Election Debate*, at <https://www.youtube.com/watch?v=UEDY0jKaKkY> (issue raised at 23:20).

³⁹See Video 10a, *supra* note 37.

rents.⁴⁰ For example, it could be argued that the new housing created by upzoning induces demand for that housing and even nearby housing, thus increasing rents.⁴¹ My video on this argument began by noting that if more housing led to higher rents, the law of supply and demand would be the opposite of empirical reality—that is, rents would go up when supply increased.⁴² Obviously, this is not the case. As I pointed out, cities that have allowed more housing than New York City generally have lower rents.⁴³ Moreover, if upzoning increased rents, cities that downzoned (that is, reduced the amount of allowable housing in the city) would have experienced reduced rents. But this was not the case; New York and Los Angeles downzoned in the late 20th century, and yet rents rose significantly.⁴⁴ For example, before New York's 1961 zoning amendments, the city was zoned to permit housing for 60 million people—five times the city's capacity after the amendments.⁴⁵

I added that although some New York neighborhoods upzoned and became more expensive in the early 21st century,⁴⁶ these upzonings were accompanied by downzonings, often just a few blocks away from the upzoned blocks.⁴⁷ Furthermore, areas that have not upzoned have also become more expensive; New York's West Village neighborhood has been repeatedly downzoned in recent decades, and yet is one

⁴⁰ See Michael Lewyn, Video 11—responding to the common claim that new housing creates higher rents and gentrification, at <https://www.youtube.com/watch?v=8bNY6PMFt0s> (discussing argument at 0:36) (“Video 11”).

⁴¹ Id. (at 12:10).

⁴² Id. (at 1:07).

⁴³ Id. (at 1:07 and 12:10). I added that high-cost cities such as New York, Boston and San Francisco added fewer housing units per metro area job than less expensive cities. Id. (at 4:18).

⁴⁴ Id. (at 5:58). See also Land Costs, *supra* note 4, at 698–99 (New York and Los Angeles are among nation's most costly cities).

⁴⁵ See Video 11, *supra* note 40. I also listed numerous relevant studies in a Power Point slide, adding links to each study. Id. (at 7:35).

⁴⁶ Id. (at 8:02).

⁴⁷ Id.

of the city's most expensive areas.⁴⁸ On a more theoretical matter, I added that even if new housing did lead to increased demand for one neighborhood, it need not lead to increased demand citywide: instead, demand might shift from one area to another, reducing rents in less fashionable areas.⁴⁹

In my video on gentrification, I also addressed the "rent gap" theory: the idea that there is a gap between the rates landlords actually charge and the highest possible rate they can charge, and that new housing will cause landlords to learn what the highest possible rent is and raise their rents accordingly.⁵⁰ I pointed out that the rent gap theory overlooks one question: what makes market rents so high in the first place?⁵¹ I answered this question by suggesting that restrictions on housing supply actually create rent gaps by creating high market-rate rents.⁵²

My next video addressed the issue of "financialization"⁵³—a vague term that is often blamed for high rents.⁵⁴ I began by trying to define that word, suggesting that the term might refer to wealthy investors' decisions to purchase real estate,

⁴⁸ Id. (at 10:20).

⁴⁹ Id. (at 12:10).

⁵⁰ Id. (at 17:40).

⁵¹ Id.

⁵² Id. I also made two short, Power-Point free videos on the gentrification issue: one briefly summarizing the longer gentrification video, and another suggesting that zoning actually causes gentrification by causing people priced out of rich areas to move into less affluent areas. See Michael Lewyn, video 11a on gentrification and displacement; at <https://www.youtube.com/watch?v=KNwFSt7-zqY>; Michael Lewyn, video 12—how zoning actually causes gentrification, at <https://www.youtube.com/shorts/uBApuE5FAPQ>.

⁵³ See Michael Lewyn, video 13—is financialization the real cause of high housing costs?, at <https://www.youtube.com/watch?v=DZvNdfojllk&t=1s> ("Video 13").

⁵⁴ See, e.g., Dr. Charles J. Reid, Jr., *Pandemic of Inequality: An Introduction to Inequality of Race, Wealth and Class, Equality of Opportunity*, 14 U. St. Thomas J.L. & Public Policy 1, 31 (2020) (blaming rising rents on "financialization"); Shannon Price, *Stay at Home: Rethinking Rental Housing Law in an Era of Pandemic*, 28 Geo. J. L. & Pub. Policy 1, 7 (2020).

driving up demand and prices.⁵⁵ I then explained that blaming investors for high rents confuses cause and effect,⁵⁶ because if rents and housing prices were not rising, it would make no sense to invest in real estate.⁵⁷ It logically follows that if zoning deregulation stopped rents from rising, this sort of financialization would be far less common.⁵⁸

A related argument is that because the number of vacant apartments exceeds the number of homeless people, there is no need for new housing. In another video, I critiqued this argument on a variety of grounds.⁵⁹ First, the argument is based on the assumption that the only people who suffer from high rents are homeless people.⁶⁰ But this assumption is transparently false: even non-homeless people suffer from high rents, because they may have to live with roommates or leave a neighborhood to get housing.⁶¹ Second, vacancies are normal in a free market; apartments are often vacant while they are being renovated or while they are up for rent.⁶² In fact, cities with low vacancy rates are usually *more* expensive than cities with high vacancy rates.⁶³

Another vacancy-related argument is the claim that new market-rate apartments will not reduce rents, because they are likely to be purchased by investors who will use them as second homes (or not even use them at all) rather than renting them out to local residents.⁶⁴ I made a separate video asserting that this argument is meritless, for several reasons. First, even the most expensive new condominium buildings

⁵⁵ See Video 13, *supra* note 53 (suggesting that some commentators think of "financialization" as the purchase of housing by wealthy investors, which drives up costs).

⁵⁶ *Id.* (at 0:53).

⁵⁷ *Id.* (at 1:19).

⁵⁸ *Id.* (at 1:47).

⁵⁹ See Michael Lewyn, Video 14—the vacancy myth, at <https://www.youtube.com/watch?v=DP3VMrCQ6yM>.

⁶⁰ *Id.* (at 0:34).

⁶¹ *Id.* (at 0:43).

⁶² *Id.* (at 1:15).

⁶³ *Id.* (at 1:50).

⁶⁴ See Michael Lewyn, Video 15—in defense of supertalls, at https://www.youtube.com/watch?v=vLennGo_aze (at 1:30).

in New York to local residents for-sale apartments, expensive high-end condominiums, although one study owned by billions of residents, by billions of people, incurring costs, even if the condominiums thus would be buildings.

In my recent comment unreeling, by attributing overburdening, even if it costs actual business (which they) and survive financial crowding out, rather than, for example, burdening I also note people from increases

⁶⁵ *Id.* (at 1:19).

⁶⁶ *Id.*

⁶⁷ *Id.* (at 1:19).

⁶⁸ *Id.* (at 1:19).

⁶⁹ See Michael Lewyn, *infra* note 10.

⁷⁰ *Id.* (at 1:19).

⁷¹ *Id.* (at 1:19).

⁷² *Id.* (at 1:19).

in New York City have units that were likely to be affordable to local residents such as law firm partners,⁶⁵ and most new for-sale apartments were far less expensive than the most expensive buildings.⁶⁶ Second, there is little evidence that high-end condo units were in fact not used by local residents; although no relevant studies come from the United States, one study from London showed that 70 percent of foreign-owned units in new luxury buildings were rented to local residents.⁶⁷ Third, even if new condos were in fact purchased by billionaires and left empty, they still might reduce housing costs by reducing demand for existing buildings.⁶⁸ Finally, even if the argument made sense as opposed to for-sale condominium units, it would be irrelevant to rental units, and thus would not justify restrictions on rental apartment buildings.

In my next video, I responded to an anti-housing argument unrelated to housing costs: the claim that new housing, by attracting new residents, creates overcrowding and overburdens local infrastructure and is thus undesirable even if it brings rents down.⁶⁹ I responded that high housing costs actually cause overcrowding, by increasing homelessness (which causes people to crowd sidewalks by living on them)⁷⁰ and forcing people to live with roommates in order to survive financially.⁷¹ I added that the homelessness and overcrowding caused by high rents actually burdens infrastructure rather than reducing infrastructure expenses; for example, a homeless person who sleeps on the street is burdening that street by creating less space for pedestrians.⁷² I also noted that to the extent zoning succeed in excluding people from the most desirable neighborhoods, it still increases infrastructure costs *somewhere*. For example, if

⁶⁵Id. (at 2:00).

⁶⁶Id.

⁶⁷Id. (at 5:16).

⁶⁸Id. (at 7:49).

⁶⁹See Michael Lewyn, Video 16—housing and overcrowding and infrastructure, oh my!, at <https://www.youtube.com/watch?v=mvkUMi6SF10>.

⁷⁰Id. (at 0:59).

⁷¹Id. (at 1:48).

⁷²Id. (at 4:36).

high rents exclude a few thousand people from Manhattan and they move to Brooklyn instead, those people burden the infrastructure of Brooklyn instead of Manhattan.⁷³

Shortly thereafter, I made a video addressing one of the more sophisticated anti-housing arguments: the claim that more permissive zoning increases land costs and thus makes housing more expensive.⁷⁴ I rejected this argument on two grounds. First, higher land costs need not lead to higher rents; for example, even if the cost of a landlord's land doubles due to an upzoning, the landowner can still profitably charge less rent per unit as long as it can build more than twice as many apartments.⁷⁵ Second, this argument proves too much: if upzoning increased rents, it would logically follow that downzoning prevented rent increases—and yet, when New York and Los Angeles downzoned in the late 20th century, rents continued to grow.⁷⁶ And in both metro areas, land costs have risen as well.⁷⁷ On the other hand, in more permissive cities, housing costs are far lower than in New York and Los Angeles.⁷⁸

I then addressed a non-economic argument for zoning: the idea that zoning is more democratic than free markets.⁷⁹ One might argue that because neighborhoods are closer to the public than city or state governments, neighborhood leaders should decide what gets built where.⁸⁰ I responded that an individual landowner is the lowest possible level of decision-making, and is thus even more democratic than rule by

⁷³Id. (at 3:54).

⁷⁴See Michael Lewyn, Video 18—Land Costs, at <https://www.youtube.com/watch?v=2sZl72Bo0XU>.

⁷⁵Id. (at 1:09) (giving example of a landowner who rents 10 houses for \$1000 each, while before upzoning it could rent two houses for \$2000 each; in this situation, landowner makes profit even if land costs rise somewhat).

⁷⁶Id. (at 3:41).

⁷⁷Id. (at 5:13).

⁷⁸Id. (at 5:30). I later wrote an article in this journal, addressing the land costs argument in more detail. See Land Costs, *supra* note 4.

⁷⁹See Michael Lewyn, Video 19—Is zoning more democratic than free markets?, at https://www.youtube.com/watch?v=mE5MwcV_BFg&t=1s.

⁸⁰Id. (at 0:30).

neighborhood.⁸¹ Thus, zoning is less democratic than deregulation. Moreover, just as individuals should not be able to harm other individuals with impunity, neighborhoods should not be able to harm other neighborhoods with impunity either—and when neighborhoods “protect” themselves by using zoning to limit the housing supply and thus increase regionwide housing costs, they harm other neighborhoods in the region.⁸²

IV. The End: Closing Statements

In the last few weeks of the campaign, I made two videos which responded directly to my opponents and made the final case for my campaign. In the first of these videos, I discussed two debates between myself and the other two candidates (a Democrat and a Republican).⁸³ I said that my two Democratic and Republican opponents weren't necessarily anti-housing, but were more willing than I was to balance the public interest in new housing against neighborhood interests.⁸⁴ By contrast, I believe that because of New York City's dire housing crisis, the public interest in reducing housing costs took priority over the interests of people who were privileged enough to have stable housing.⁸⁵ I added that high rents were not just an evil in themselves, but also had negative side effects such as increased homelessness, a loss of talent as would-be New Yorkers were priced out of the city, and increased pollution from people who cannot afford to live in the most walkable areas and instead move to suburbs where car ownership is universal.⁸⁶ I also reiterated my view that market-rate housing was just as important as

⁸¹Id. (at 0:44).

⁸²Id. (at 1:56). See, e.g., *supra* note 73 and accompanying text (when people priced out of one neighborhood move to another, they burden new neighborhood infrastructure).

⁸³See Michael Lewyn, Video 20—responding to my opponents and learning from the debates, at <https://www.youtube.com/watch?v=HBuWKKGIa5c>.

⁸⁴Id. (at 1:13).

⁸⁵Id.

⁸⁶Id. (at 3:36).

lower-income housing, for the reasons stated in my videos on affordable housing and public housing.⁸⁷

My final video, two days before the election, was essentially a closing statement summarizing my views.⁸⁸ I pointed out that there were three big ideas underlying my campaign: (1) that the law of supply and demand applies to housing;⁸⁹ (2) therefore, building more supply would stabilize rents;⁹⁰ and (3) reducing rents was so important that it was worth inconveniencing New Yorkers who already own housing.⁹¹ I added that even though I was unlikely to win, I hoped that if I received a decent number of votes, the ultimate winner of the election would be more pro-housing than his predecessor.⁹²

V. Did It Work?

I had hoped that my videos would attract public attention to my campaign. However, only one of my videos received over 100 page views,⁹³ and if my videos received any media attention, I am unaware of it.

Nevertheless, I think my videos were useful for an entirely different reason: because my video project forced me to speak about my views and about arguments against those views, the videos forced me to clarify my thinking and to consider opposing arguments more carefully. As a result, I have been

⁸⁷Id. (at 5:18). See also Video 7 *supra*; Video 17, *supra*.

⁸⁸See Michael Lewyn, Video 21—my closing statement, at <https://www.youtube.com/watch?v=UZMNXXESYC8&t=69s>.

⁸⁹Id. (at 0:22).

⁹⁰Id. (at 0:45).

⁹¹Id. (at 1:10).

⁹²Id. (at 1:58). I use the word “his” because all three candidates in this election were men. See Lewyn Ballotpedia, *supra* note 4. I received 1.9 percent of the vote, significantly more than the 2017 Libertarian candidate for Manhattan Borough President. See Board of Elections of the City of New York, Election Results Summary 2017, at <https://vote.nyc/page/election-results-summary-2017> (Libertarian nominee Brian Waddell received 3,430 votes as a Libertarian, or just over 1.3 percent of the 253,430 votes cast; in addition, he received just over 1,200 votes on another party’s ballot line).

⁹³See Michael Lewyn, Videos, at <https://www.youtube.com/@michaell Lewyn4099/videos> (Video 10 on shade received 122 views, and the second most popular video received 85).

able to address issues related to zoning and housing costs more deeply in my scholarship.⁹⁴

⁹⁴Including one in this journal. See Land Costs, *supra* note 4.

Why Avoid Dealer Status When Holding Real Estate?

What is Dealer and Why Avoid Dealer Status?

I. Why is Dealer Status of Concern for Owners of Real Estate?

The question of Dealer status is not important and not relevant for many individuals and entities. However, in some instances, the status of being a Dealer could be costly—it can be critical to a transaction. Real estate owners, among others, must be very concerned with whether the property they are selling is considered, for Federal and state tax purposes, as a disposition of Dealer property.

If the cost can be very imposing by being classified as a Dealer, it would seem important to first answer the basic question: Who or What is a Dealer?

There is confusion in various fields of the law as to what it means to be a Dealer.

The use of the term "Dealer" may be referring to one who sells autos, other goods, real estate, or many other products.

Each activity may be perfectly permissible under the law; however, such status may require permits, licenses, other approvals by government bodies, or other actions to comply with the law.

A Dealer in real estate is someone who is engaged in the business of selling real estate. This is not a simple definition, as it can be involved along with various activities. This Note is not intended to provide a comprehensive analysis of the term "Dealer," but rather to provide a brief overview of the term and its use in the real estate industry.

The term "Dealer" is used in various contexts in the real estate industry. It can refer to a person or entity that is engaged in the business of selling real estate. This can include a variety of activities, such as buying and selling property, leasing property, and managing property.

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