

A Step in the Right Direction: Chicago's Expansion of Vacant Building Registrations



Spencer M. Cowan, Senior Vice President of Research
Woodstock Institute

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ABOUT THE AUTHOR

Since joining Woodstock in December 2011, Spencer M. Cowan has published numerous reports, including ones on the correlation between neighborhood demographics and small business loans in the Chicago six county region, negative equity in communities of color, and access to employment-based retirement savings plans in Illinois. Before coming to Woodstock Institute, Mr. Cowan was a Senior Research Associate for nine years at the Center for Urban and Regional Studies at the University of North Carolina at Chapel Hill. His research at UNC included an evaluation of the effectiveness of mortgage foreclosure prevention programs and an examination of the evolving, hybrid model for public housing in the United States. He has published peer-reviewed articles in the Housing Policy Debate, Housing Studies, and the Journals of Urban Affairs, and has written papers for the Federal Reserve Banks in Richmond and Boston, the Ford Foundation, and the United States Department of the Treasury. Mr. Cowan received his Ph. D. in City Planning from UNC Chapel Hill, an M.A. in Urban and Regional Planning from the University of Florida, a J.D. from Boston University School of Law, and an A.B. from Columbia University. Before beginning his work as a researcher, Mr. Cowan practiced law, worked as a management consultant for privately-held companies, and served as a county zoning board administrator.

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EXECUTIVE SUMMARY

The foreclosure crisis exacerbated longstanding problems with vacant buildings contributing to blight in parts of the City of Chicago that had experienced population loss and disinvestment. Faced with a growing number of vacant properties stuck in the foreclosure process with no party taking responsibility for upkeep, the City of Chicago amended its vacant building registration requirements in 2011 to require mortgagees to register vacant properties, pay a fee, and secure and maintain the building during the foreclosure process. The amendment went into effect in November, 2011, but a federal court ruled the following April that the city could not require the Federal Housing Finance Agency (FHFA) to comply with the ordinance. The city and FHFA then agreed that it would help the City identify vacant properties it would have been required to register if not exempt, an agreement that applied to about 258,000 properties.

This report examines data from the Chicago vacant building website, of which the vacant building registry is a part, and compares those data with vacant property address data from the United States Postal Service (USPS) and the Department of Housing and Urban Development (HUD). This report also looks at extent to which the change to the City of Chicago vacant building registration requirements affected registrations overall and the income and racial composition of the census tracts in which the properties are located.

Comparing the Chicago vacant building dataset with HUD/USPS data shows substantial differences in the number of units reported, although those may be largely the result of the differences in the reporting criteria for the two datasets. Despite the differences in reporting criteria, both datasets reflect the effects of decades of disinvestment and population loss that have been concentrated in lower-income neighborhoods and communities of color within the city, the disproportionate impact of the foreclosure crisis in those same neighborhoods, and the failure of those neighborhoods to benefit from the recovery of the real estate market in other areas of the region.

Analysis of the source data shows that the vacant building registry provides 25.1 percent of all entries for the vacant building website, with the distribution of units being similar to the overall distribution of units reported on the website with respect to the income and racial composition of the census tracts. Both the website overall and the vacant building registry have a relatively higher percentage of units reported from low- and moderate-income and census tracts that are 80 percent or more non-white.

Requiring mortgagees to register vacant buildings has had a positive impact in informing the city and the public about vacant buildings and is a positive step in dealing with the problems that vacant and abandoned buildings can create for neighborhoods. The city needs to continue its efforts to determine where vacant buildings are in order to

determine the magnitude of the problem and develop better ways to deal with the negative impacts they create.

BACKGROUND

The foreclosure crisis exacerbated longstanding problems with the concentration of vacant properties in parts of the City of Chicago that had already experienced population loss and disinvestment. Lenders targeted those neighborhoods for the subprime, predatory mortgages that helped trigger the foreclosure crisis, and so that is where the initial impact of foreclosures was most apparent.¹ The foreclosure crisis added to the concentration of vacant properties in two different ways.

First, over 95 percent of properties that completed the foreclosure process and were sold at auction between 2008 and 2012 ended up being bought by the lender, becoming Real Estate Owned (REO). REO properties are almost inevitably vacant for some period, either because the previous owner moves out before the foreclosure process is completed or because the lender displaces the former owner when it takes title to the property at auction. Many lenders did not have good systems in place for managing the properties as rentals, and so many of the REO properties remained vacant for extended periods of time, increasing the risk that the property would become blighted, vandalized, or a haven for criminal activity. Woodstock Institute documented this phenomenon in a report, *Roadblock to Recovery: Examining the disparate impact of vacant lender-owned properties in Chicago*.²

When a property became REO, the ownership and responsibility for the property was clear: the lender owned the REO and was responsible for maintaining the property as required by Chicago ordinances, including keeping the building secure and the exterior maintained. In theory, the lender would comply, and the property would not blight the neighborhood, although *Roadblock to Recovery* showed that the reality was not the same as theory. In many areas of the city, especially in lower-income neighborhoods and communities of color, REO properties were not well-maintained and contributed to neighborhood distress.

Second, some owners vacated their properties before the foreclosure process was completed, although they were not legally required to do so. This created a more complicated situation. The people who owned the properties and were legally responsible for maintaining and securing them were gone and were, in most cases, not taking care of the property which they reasoned would soon belong to the lender or buyer at auction. Logically, owners who cannot afford to pay their mortgages are unlikely to have resources and be willing to put them into properties they think they will lose in foreclosure. The lenders, however, did not have title to the properties and had no legal obligation to do anything to maintain or secure them. As a result, many properties

¹ Woodstock Institute, in collaboration with partner organizations, documented the pattern of targeting predatory loans in lower-income neighborhoods and communities of color, in Chicago and other cities across the country, in a series of six reports, the *Paying More for the American Dream* series, available at www.woodstockinst.org/research/paying-more-american-dream-vi-racial-disparities-fhava-lending, for example.

² Smith, Geoff, and Sarah Duda, Woodstock Institute, September 2009. Available at <http://www.woodstockinst.org/research/roadblock-recovery-examining-disparate-impact-vacant-lender-owned-properties-chicago>.

in foreclosure sat vacant, with no person or entity taking responsibility for securing or the long-term maintenance of the property.

Woodstock Institute examined the relationship between properties in foreclosure and vacant buildings in a report, *Left Behind: Troubled Foreclosed Properties and Servicer Accountability in Chicago*,³ and found that nearly 70 percent of the properties on the city's vacant buildings index were associated with a foreclosure, although most of those had either been transferred to a new owner or sold at auction. Of the nearly 1,900 properties still in the foreclosure process, about 40 percent had been in foreclosure for an extended period, and over 71 percent were in predominantly African American neighborhoods, while less than seven percent were in majority white neighborhoods.

Faced with a growing number of vacant properties stuck in the foreclosure process with no party taking responsibility for upkeep, the City of Chicago amended its vacant building registration requirements in 2011. Under the old provisions, owners were required to register vacant buildings with the city, pay a fee, and make sure the property was secured, with the possibility of fines for violations. The amendment directly addressed the problem of vacant properties stuck in the foreclosure process by imposing similar registration requirements on mortgagees,⁴ making them responsible for registering, paying a fee, and securing and maintaining the building, despite the fact that they were not the legal owners of the buildings, making Chicago one of the first jurisdictions in the country to do so.⁵ Failure to comply with the requirements of the ordinance would subject the mortgagee to fines for violations.

The amendment went into effect in November, 2011. In December, 2011, the Federal Housing Finance Agency (FHFA) filed suit to block the application of the ordinance with respect to properties it controlled as conservator of Fannie Mae and Freddie Mac. The FHFA alleged that the federal law that created it in 2008 prevented the city from imposing the fee and because it was exempt from local taxation. In August, 2013, the federal district court ruled in favor of the FHFA, exempting it from the registration requirements. The City and the FHFA reached a settlement in April, 2014, exempting the 258,000 properties in which the FHFA had an interest from the requirements of the ordinance, in exchange for which the FHFA agreed to help the City identify vacant properties it would have been required to register if not exempt. Considering that Fannie Mae and Freddie Mac owned or guaranteed about half of all mortgages in 2010, the exemption clearly had a potentially significant impact on mortgagee registrations.

³ Smith, Geoff, and Sarah Duda, Woodstock Institute, January 2011. Available at: <http://www.woodstockinst.org/research/left-behind-troubled-foreclosed-properties-and-servicer-accountability-chicago>.

⁴ The requirements applicable to mortgagees are found in sections 13-12-126 to 13-12-128 of the Municipal Code of Chicago, effective November 19, 2011.

⁵ Buitrago, Katie, Woodstock Institute, June 2013. Available at: <http://www.woodstockinst.org/research/deciphering-blight-vacant-buildings-data-collection-chicago-six-county-region>.

ISSUES

The primary research question is to assess the extent to which the change to the City of Chicago vacant building registration requirements, to make mortgagees responsible for registering vacant buildings if the owner did not, affected registrations. Ancillary questions are about the distribution of properties in the Chicago vacant buildings data by the income and racial composition of the census tracts in which the properties were located.

METHODOLOGY

This analysis is based on data on vacant buildings in the Chicago registry, including the source (Demolition Court, 311 Calls, Wreck by City, and Vacant Building Registry – omitting two categories that had virtually no entries, Wreck by Owner and Boarded Up), downloaded in November, 2015.⁶ Those data were then linked with data from the Department of Housing and Urban Development (HUD) and the United States Postal Service (USPS) vacant address dataset (HUD/USPS dataset)⁷ and income and race data from the Federal Financial Institution Examinations Council (FFIEC)⁸ to determine the income level and racial composition of the census tracts in which the reported properties were located. The data on reporting sources is from a randomly generated, one-in-ten sample of properties reported in the vacant building registry. The detailed records for each of those properties were examined to determine the source of the reported vacancy, whether the property was registered by the mortgagee or by some other entity.

FINDINGS

Comparing Chicago’s Vacant Buildings Website with HUD Aggregated USPS Administrative Data On Address Vacancies (HUD/USPS data)

Comparing the number of vacant buildings reported on Chicago’s website with the number of addresses reported as vacant in the HUD/USPS dataset shows that the Chicago website contains only a relatively small percentage of the number of addresses

⁶ The data were downloaded from <https://ipiweb.cityofchicag.org/VBR>.

⁷ Officially called the HUD Aggregated USPS Administrative Data On Address Vacancies. The dataset is available at <https://www.huduser.gov/portal/datasets/usps.html>. The data are compiled quarterly, and the figure used on the analysis are an average of the data for all four quarters of 2014, the last full year for which data were available.

⁸ The FFIEC is a formal interagency body empowered to prescribe uniform principles, standards, and report forms for the federal examination of financial institutions. As part of its responsibilities, the FFIEC publishes the official income and race data that regulated financial institutions use for regulatory compliance. The data are based on the American Community Survey (ACS) 5-year data for the period 2006-2010. The data are available at <https://www.ffiec.gov/censusproducts.htm>. I chose not to use the ACS 5-year data directly because of the large margins of error for estimates at the census tract level, which were 100 percent of the estimate for 44.2 percent of census tracts in Chicago.

that go into the HUD/USPS data. The Chicago records contain 18,170 unique addresses, while the HUD/USPS dataset contains 132,799 properties, which means that the Chicago dataset contains only about 13.7 percent as many properties as the HUD/USPS dataset overall.

Differences in the reporting criteria between the two datasets may account for much of the disparity. The Chicago website vacancy data are for “properties,” while the HUD/USPS data are for “addresses.” That distinction may have an impact on the number of units reported for a variety of reasons. For example, a three-flat with one vacant unit would probably not appear as a vacant “property” in the Chicago data, but the individual unit might appear as a vacant “address” in the HUD/USPS data. A vacant multi-family building might be reported as a single vacant property with multiple vacant addresses. Homes that are not occupied but undergoing renovation for an extended period of time, or homes that have been demolished to make way for new buildings, might not be considered vacant properties but would be included as vacant addresses. In all three of those situations, the Chicago vacant building website would not capture units that would likely be in the HUD/USPS dataset.

A potentially related difference is that buildings in the Chicago vacant building dataset may be more likely to be reported because of externally visible signs of neglect than if they are well-maintained; addresses in the HUD/USPS dataset are reported based on non-receipt of mail. Again, the example of the vacant unit in a three-flat shows how the two datasets might differ with respect to the unit. Without obvious external deterioration, the vacant unit might not be reported to the Chicago dataset, but the lack of mail delivery could result in the unit being included in the HUD/USPS dataset. Even if a property is actually vacant, if it is well-maintained, the building might not be reported to the Chicago database as vacant because of the lack of any obvious signs of neglect to alert neighbors and trigger a report.

Despite the differences in reporting criteria, both datasets reflect the effects of decades of disinvestment and population loss that have been concentrated in lower-income neighborhoods and communities of color within the city, the disproportionate impact of the foreclosure crisis in those same neighborhoods, and the failure of those neighborhoods to benefit from the recovery of the real estate market in other areas of the region. As prior research has shown,⁹ vacant properties tend to be clustered in lower-income neighborhoods and communities of color in Chicago. Over 85 percent of the units in the Chicago dataset are in low- or moderate-income census tracts and in majority non-white census tracts, with 63 percent in low- or moderate-income census tracts and 57 percent in majority non-white census tracts in the HUD/USPS dataset (Table 1).

⁹ See the reports cited in footnote 3 and footnote 5.

Table 1: Percent of reported units, by census tract income level and racial composition

Income Level	HUD/USPS ¹⁰	Chicago	Percent Non-White	HUD/USPS	Chicago
Low	36.7%	50.0%	Less than 20	11.2%	3.4%
Moderate	26.7%	35.4%	20 to less than 50	31.0%	11.0%
Middle	18.0%	11.1%	50 to less than 80	12.6%	13.2%
Upper	18.4%	3.5%	80 or more	44.9%	72.4%

Sources: Chicago vacant building data as of November, 2015. HUD/USPS vacant address data as of 2014. Income level and racial composition based on 2014 data from the Federal Financial Institutions Examination Council (FFIEC).

While the distribution of reported units in both the HUD/USPS and Chicago datasets skew toward census tracts with lower incomes or higher percentages of non-white residents, the extent of the skew is different, with the Chicago dataset having a greater percentage in those census tracts than the HUD/USPS dataset (Table 2). For example, the Chicago website contains 9,080 reported properties in low-income census tracts, or 18.6 percent of the 48,748 vacant addresses reported in those tracts in the HUD/USPS dataset, while the Chicago website has only 640 properties in upper-income census tracts, or 2.6 percent of the 24,385 vacant addresses reported in those tracts in the HUD/USPS dataset.

Table 2: Units reported in Chicago Vacant Building and HUD/USPS Vacant Address Datasets, by census tract income level and racial composition

Income Level	HUD/USPS	Chicago Website	Chicago as Percent of HUD/USPS
Low	48,748	9,080	18.6%
Moderate	35,417	6,433	18.2%
Middle	23,927	2,017	8.4%
Upper	24,385	640	2.6%
Percent Non-White			
Less than 20	14,844	616	4.1%
20 to less than 50	41,198	2,002	4.9%
50 to less than 80	16,773	2,397	14.3%
80 or more	59,662	13,155	22.0%

Sources: Chicago vacant building data as of November, 2015. HUD/USPS vacant address data as of 2014, the last full year for which data were available. Income level and racial composition based on 2014 data from the FFIEC.

¹⁰ The percentages for the HUD/USPS dataset do not total to 100 percent because a small number of reported vacant addresses are in census tracts with no population, meaning that they have no income or racial composition characteristics.

The difference in the numbers of units reported in the two datasets vary by the income level of the census tract in a way that is consistent with visible evidence of neglect being a factor in reporting to the city database, assuming that properties in higher-income census tracts are better maintained than properties in lower-income census tracts. In low-income census tracts, the Chicago website has about 18.6 percent as many units reported as in the HUD/USPS dataset, compared with only about 2.6 percent as many in upper-income census tracts (Table 2). The variation by the racial composition of the census tract may be at least partially attributable to the correlation between income or wealth and race,¹¹ as well as the population loss that has disproportionately affected predominantly non-white neighborhoods in Chicago.¹² In addition, properties in lower-income neighborhoods are less likely to be occupied by people who might leave for extended periods of time, for example to spend the winter in Florida or Arizona, than properties in higher-income neighborhoods. If the absence is long enough, the property may be reported as vacant for part of the year.¹³

Comparing Chicago’s Vacant Building Registry with the Vacant Buildings Website

Data for the vacant buildings website come from several different sources, including demolition court records, 311 calls,¹⁴ city demolition data, and the vacant building registry. Analysis of the source data shows that the vacant building registry provides 25.1 percent of all entries for the vacant building website, with the distribution of units being similar to the overall distribution of units reported on the website with respect to the income level and racial composition of the census tracts (Table 3). Both the website overall and the vacant building registry have a relatively higher percentage of units reported from low- and moderate-income census tracts and census tracts that are 80 percent or more non-white.

¹¹ Shin, Laura, 2015. The Racial Wealth Gap: Why a Typical White Household Has 16 Times the Wealth of a Black One. *Forbes*, March 26, 2015.

¹² Eltagouri, Marwa, 2016. Chicago area sees greatest population loss of any major U.S. city, region in 2015. *Chicago Tribune*, March 24, 2016.

¹³ The HUD/USPS data are reported quarterly, and so some properties may be reported as a vacant address for part of a year. Part-year reporting is one reason that vacancy rates may appear exceptionally high for recurring quarters in seasonal resort communities, for example.

¹⁴ 311 calls are for non-emergency municipal services, such as reporting building code violations or potholes.

Table 3: Units reported on Chicago Vacant Building Website and Vacant Building Registry

Income Level	Reported on Website (% of website)	Vacant Building Registry (% of VBR)	VBR as % of All Reported on Website (col 3/col 2)
Low	9,080 (50.0%)	1,644 (36.0%)	18.1%
Moderate	6,433 (35.4%)	1,868 (40.9%)	29.0%
Middle	2,017 (11.1%)	836 (18.3%)	41.4%
Upper	640 (3.5%)	217 (4.8%)	33.9%
Percent Non-white			
Less than 20	616 (3.4%)	221 (4.8%)	35.9%
20 to less than 50	2,002 (11.0%)	709 (15.5%)	35.4%
50 to less than 80	2,397 (13.2%)	693 (15.2%)	28.9%
80 or more	13,155 (72.4%)	2,942 (64.4%)	22.4%

Sources: Chicago vacant building data as of November, 2015. HUD/USPS vacant address data as of 2014. Income level and racial composition based on 2014 data from the FFIEC.

The differences between the distribution of units on the vacant building website and in the vacant building registry suggest that owners or mortgagees of vacant buildings in higher-income or predominantly non-white census tracts are more likely than owners or mortgagees in lower-income or predominantly white census tracts to be the source of data on vacancies on the website. For example, the vacant building registry is the source of data on 41.4 percent of units reported in middle-income census tracts on the website, but only 18.1 percent of units in low-income census tracts.

The reasons for the differences are not clear. The city and residents may be more willing to seek out and report properties in lower-income neighborhoods than properties in more affluent areas, which would lead to a higher percentage of properties being reported by a third-party (demolition court, the city, or 311 calls) and relatively fewer by owners and mortgagees. Alternatively, owners and mortgagees of properties in more affluent areas may be more willing to register because they can more easily afford the registration fee and upkeep expenses required for registered properties than owners and mortgagees of properties in less affluent areas.

Source of Reported Properties in the Vacant Building Registry

One purpose of the vacant building registry was to make mortgagees of vacant properties responsible for registering and maintaining properties during the foreclosure process if the residents vacated the premises. Although the FHFA secured an exemption for properties on which it holds the mortgage and so is not required to register those properties or pay the registration fee, it agreed to help the city identify vacant properties. Other mortgagees were not exempt, and individual owners could also register properties to avoid potential fines for failure to comply with ordinance.

Analysis of data for a random sample of 456 properties listed as being in the vacant building registry shows that 46.5 percent of properties in the vacant building registry were registered by mortgagees. Projected over the entire vacant building registry

component of the vacant building website, the data suggest that the change to the vacant building ordinance resulted in an additional 2,122 properties being added to the website, or 11.7 percent of the total number of buildings on the website. Other sources for registrations include private owners (including bank-owned REO properties) constituting 37.5 percent of the registry, with the government and unknown sources making up the remaining 16 percent.

Discussion and Policy Implications

The change that Chicago made to its vacant building ordinance, to require mortgagees to register properties, appears to have resulted in a substantial increase in the number of properties that the city knows are vacant.¹⁵ Any assessment of the impact of the change, however, must consider the environment within which the requirement for mortgagees to register vacant properties operates.

First, the exemption for properties with mortgages held by Fannie or Freddie means that a majority of vacant properties that mortgagees might be required to register are exempt from the requirement. The exemption is perhaps the largest single factor that limited the impact of the mortgagee registration requirement.

Second, to be required to register a property, the mortgagee must know that the property is vacant. Illinois law allows owners in foreclosure to remain in the home until the judicial process is complete, which means that those properties become vacant only if the owner decides to leave. If the owner does decide to vacate the premises before the foreclosure process is complete, he or she is under no obligation to notify the mortgagee. These two factors create uncertainty for the mortgagee because, without notice from the owner, it cannot be certain whether any given property in its portfolio is actually vacant, subjecting it to the registration requirement. Even a periodic visual inspection of a property may not provide conclusive evidence that the property is vacant because the owner may simply be away temporarily.

Third, the number of properties that mortgagees registered is not necessarily all of the properties in foreclosure in the vacant building registry. An owner who decides to leave, making the property vacant, could also register the property, eliminating the need for the mortgagee to register the property. A neighbor or other person could have reported the vacancy with a 311 call before the mortgagee found out the property was vacant, which would also eliminate the need for the mortgagee to register the property.

Requiring mortgagees to register vacant properties in which they have an interest has resulted in more properties being registered than without the requirement despite the factors that would tend to hold down the number of properties that mortgagees register. To that extent, the change in the registration ordinance has had a positive impact in informing the city and the public about vacant buildings.

¹⁵ In addition, the city received \$619,000 in fines in the first three months of 2012 alone, according to an article in the *Chicago Tribune*, May 3, 2012, by Mary Ellen Podmolik.

The City of Chicago vacant building website is a positive step in dealing with the problems that vacant and abandoned buildings can create for neighborhoods because it lets people know where the buildings are. The difference between the number of properties reported on the website and the number of vacancies reported in other data sources, such as the HUD/USPS dataset or the American Community Survey (ACS), suggests that the website is capturing only a fraction of the number of vacant properties. The number of properties on the website, 18,170, is a far cry from the 132,799 vacant addresses in the HUD/USPS data or the 68,489 “other vacant” properties in the ACS 1-year estimates for 2014.¹⁶

The city needs to make more of an effort to get vacant properties registered because they represent a threat to public safety and a drain on the city’s fiscal resources.¹⁷ The city currently has a mechanism that allows residents to report vacant buildings, through 311 calls, and those calls account for 21.6 percent of properties on the website. The city should publicize that option widely, including to community-based organizations, and especially to organizations that are providing counseling services to homeowners who are in foreclosure or at-risk of foreclosure. The city might also consider providing an incentive to report vacant properties, perhaps by using some of the fines and registration fees imposed on mortgagees who failed to register properties, to those organizations.

Chicago has made efforts to find out where vacant buildings are, going so far as to require mortgagees to register properties that they do not own. Despite those efforts, the city’s database of vacant properties appears to contain significantly fewer properties than are actually vacant. Efforts to address the negative impacts that vacant properties create are likely to fall short without a better understanding, based on accurate data, of the dimension of the problem in both quantity and location. The city needs to expand its efforts to find other sources of data to determine where vacancies exist.

¹⁶ The ACS has one-year estimates for large geographies, such as the City of Chicago, but has only 5-year estimates for smaller geographies, such as census tracts. The vacancy data in the ACS include: the total number of vacant properties, broken down by category, such as properties for sale, properties for rent, properties sold but not occupied, properties rented but not occupied, properties for migrant workers, properties for seasonal/recreational/ occasional use, and other vacant. In general, the “other vacant” is the category most likely to be properties that are vacant in the sense that the vacant building ordinance covers.

¹⁷ Immergluck, Dan, and Geoff Smith, 2006. The Impact of Single-family Mortgage Foreclosure on Neighborhood Crime, in *Housing Studies*, 21:6, 851-866. Apgar, William C., and Mark Duda, 2005. *Collateral Damage: The Municipal Impact of Today’s Mortgage Foreclosure Boom*. Minneapolis, MN: Homeownership Preservation Foundation.