

THE TICKING CLOCK: PRESERVING ASIAN ETHNIC ENCLAVES WITHIN THE UNITED STATES

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Asian ethnic enclaves first formed in the United States due to a plethora of discriminatory federal and state legislation. However, in recent years, Asian ethnic enclaves have been rapidly disappearing due to gentrification and displacement. These changes have disproportionately affected older Asians, many of whom are low-income with limited resources.

This Note examines the importance of ethnic enclaves for older Asians living in the United States. Ethnic enclaves provide a crucial community for numerous older adults who rely on the tailored services provided in these areas. This Note draws attention to the various challenges that older Asians experience and how ethnic enclaves have addressed these issues. The Note concludes by making recommendations regarding safety, transportation, housing, language access, and healthcare.

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I. Introduction

In the United States, where the average apartment size for a new rental is 916 square feet,¹ it is difficult to fathom why someone would rather live alone in a tiny, eighty square feet room. The answer: community and independence. In the case of eighty-year-old Suzhu Mai, she continues to live alone in San Francisco's Chinatown after her husband passed away three decades ago.² She is able to live freely and see her friends every day.³ She can also find a doctor who speaks her dialect within a fifteen-minute walk—a vital resource for the aging community.⁴ Furthermore, there are many nearby Chinese restaurants and grocery stores available for Mai to choose from.⁵ Twenty-five percent of San Francisco's households in Chinatown have a resident who is sixty-five or older and living alone.⁶ A recent survey indicated that seventy-eight percent of 900 monolingual seniors living outside of Chinatown wanted to move back to Chinatown.⁷ Chinatown is just one of many examples of a community with shared characteristics, commonly known as ethnic enclaves.

Immigrant or ethnic enclaves are areas with high concentrations of specific racial or ethnic minority groups.⁸ In these enclaves, members of the community share a commonality: language, culture, ethnicity, and/or nationality.⁹ Ethnic enclaves also provide economic, social, and cultural resources to those within them.¹⁰ Ethnic enclaves are typically identified by the name associated with a country, such as Chinatown,

1. Alexandra Both, *Average Apartment Size Rebounds Nationally as More 2- & 3-Bedroom Rentals Are Built*, RENTCAFE (June 13, 2024), <https://www.rentcafe.com/blog/rental-market/market-snapshots/national-average-apartment-size/> [https://perma.cc/T3ET-N7TH].

2. Yujie Zhou, *For Some Chinatown Elderly, Living Alone Has an Upside: Chinatown*, MISSION LOC. (Dec. 15, 2022, 6:00 AM), <https://missionlocal.org/2022/12/elderly-chinatown-living-alone/> [https://perma.cc/GB3B-J9HS].

3. *Id.*

4. *Id.*

5. *Id.*

6. *Id.*

7. *See id.*

8. Jinwon Kim, *Manhattan's Koreatown as a Transclave: The Emergence of a New Ethnic Enclave in a Global City*, 17 CITY & CMTY. 276, 276 (2018); Sungwoo Lim, Stella S. Yi, Nneka Lundy De La Cruz & Chau Trinh-Shevrin, *Defining Ethnic Enclave and Its Associations with Self-Reported Health Outcomes Among Asian American Adults in New York City*, 19 J. IMMIGR. MINOR HEALTH 138, 138–39 (2017).

9. Kim, *supra* note 8, at 277.

10. Man Guo, Yi Wang, Hanzhang Xu, Mengting Li, Bei Wu & Xinqi Dong, *Is Living in an Ethnic Enclave Associated with Cognitive Function? Results From the Population Study of Chinese Elderly (PINE) in Chicago*, 62 GERONTOLOGIST 662, 663 (2022).

Little Tokyo, Koreatown, etc.¹¹ These communities can be the first step for new immigrants in America, but are also a step for Asian Americans to delve into their heritage.¹² Many immigrants, particularly older immigrants, choose to live in these enclaves because they have limited social connections and resources outside of the enclaves.¹³

It is a common misconception that Asians living in the United States are accurately depicted by movies like “Crazy Rich Asians.”¹⁴ In reality, Asian Americans are the most economically-divided racial group in the country.¹⁵ Between 1970 to 2016, top Asian earners experienced marked income growth.¹⁶ In 2016, the top Asian earners had over ten times more income than Asians who were at the bottom ten percent.¹⁷ This measure of inequality was notably greater than the ratio for any other race.¹⁸ One reason for this significant income disparity is widely varying education levels and incomes of Asians living in the U.S.¹⁹

Asian Americans are currently the fastest-growing population in the United States.²⁰ Asian Americans account for thirty-one percent of the U.S. elder immigrant population.²¹ In 2019, the Asian American population ages sixty-five and older was 2.49 million and is projected

11. Min Zhou, *Ethnic Enclaves and Niches*, in THE ENCYCLOPEDIA OF GLOBAL HUMAN MIGRATION 1, 1 (Immanuel Ness et al. eds., 2013), <https://onlinelibrary.wiley.com/doi/epdf/10.1002/9781444351071.wbeghm201> [<https://perma.cc/N5WQ-Y8ET>].

12. Maurice Berger, *Why Chinatown Still Matters*, N.Y. TIMES (May 16, 2016), <https://archive.nytimes.com/lens.blogs.nytimes.com/2016/05/16/why-chinatown-still-matters/> [<https://perma.cc/SKT7-C5R3>].

13. Guo et al., *supra* note 10.

14. Adeel Hassan & Audrey Carlsen, *How ‘Crazy Rich’ Asians Have Led to the Largest Income Gap in the U.S.*, N.Y. TIMES (Aug. 17, 2018), <https://www.nytimes.com/interactive/2018/08/17/us/asian-income-inequality.html> [<https://perma.cc/CTP4-9S2D>].

15. *Id.*

16. Rakesh Kochhar & Anthony Cilluffo, *Income Inequality in the U.S. is Rising Most Rapidly Among Asians*, PEW RSCH. CTR. (July 12, 2018), <https://www.pewresearch.org/social-trends/2018/07/12/income-inequality-in-the-u-s-is-rising-most-rapidly-among-asians/> [<https://perma.cc/W8MU-VUGW>].

17. *See id.*

18. *Id.*

19. Hassan & Carlsen, *supra* note 14.

20. The Learning Network, *What’s Going on in This Graph?: U.S. Asian Population*, N.Y. TIMES (Jan. 20, 2022), <https://www.nytimes.com/2022/01/20/learning/whats-going-on-in-this-graph-jan-26-2022.html> [<https://perma.cc/AGE6-VCPC>].

21. Bei Wu, *New Older Immigrants in the U.S.: Challenges, Coping, and Intervention Strategies*, GENERATIONS (Mar. 23, 2022), <https://generations.asaging.org/new-older-immigrants-us> [<https://perma.cc/LJ9H-DY4Z>].

to grow to 7.9 million by 2060.²² In the U.S, 12.6% of all Asian Americans are living below the poverty line.²³ The poverty rate for Asian Americans aged sixty-five and older was 9.3% in 2019, while the rate for all older Americans was 8.9%.²⁴ Asian American poverty is especially concentrated in large American cities with ethnic enclaves.²⁵ For example, in Seattle's Chinatown International District, 25% of the 3,500 residents are seniors, 34% of the residents live in poverty, and many speak limited or no English.²⁶ Although Asian homeownership rate is on the rise, Asians also have a lower homeownership rate than the U.S. public overall.²⁷ Homeownership challenges can be traced to 1913, when the first Alien Land Law was passed by the California state legislature, which prohibited foreigners from owning land.²⁸

This Note will explore the intersection between low-income older Asians and monolingual older Asians living in ethnic enclaves, as well as the challenges compounded by these factors. This Note analyzes the role ethnic enclaves have played in alleviating these challenges and the current threats residents in ethnic enclaves face. Part II will examine the history of selected East Asian ethnic enclaves, tracing their formation and their decline in the present day. Part III will highlight the various language, healthcare, and housing challenges Asian American older adults face and the role ethnic enclaves have played in mitigating these obstacles. Finally, Part IV will recommend changing housing laws by passing rent control laws, zoning reform laws, and increasing funding for affordable housing. Part IV also proposes expanding culturally and linguistically appropriate services in current ethnic enclaves, while

22. ADMIN. FOR CMTY. LIVING, 2020 PROFILE OF ASIAN AMERICANS AGE 65 AND OLDER 2 (2020).

23. Diane Ty, Raj Ahuja & Jennie Chin Hansen, *One Size Does Not Fit All: Asian Americans and Dementia Risk*, GENERATIONS (Jan. 10, 2023), <https://generations.asaging.org/asian-americans-and-dementia-risk-not-homogenous> [<https://perma.cc/C55L-V2GD>].

24. ADMIN. FOR CMTY. LIVING, *supra* note 22, at 4.

25. Hassan & Carlsen, *supra* note 14.

26. NAT'L COAL. FOR ASIAN PAC. AM. CMTY. DEV. & COUNCIL FOR NATIVE HAWAIIAN ADVANCEMENT, ASIAN AMERICAN & PAC. ISLANDER ANTI-DISPLACEMENT STRATEGIES 12 (2016).

27. Abby Budiman & Neil G. Ruiz, *Key Facts About Asian Americans, a Diverse and Growing Population*, PEW RSCH. CTR. (Apr. 29, 2021), <https://www.pewresearch.org/short-reads/2021/04/29/key-facts-about-asian-americans/> [<https://perma.cc/7Z99-VKN9>].

28. Alejandro Portes & Robert D. Manning, *The Immigrant Enclave: Theory and Empirical Examples*, in SOCIAL STRATIFICATION: CLASS, RACE, AND GENDER IN SOCIOLOGICAL PERSPECTIVE 47, 53 (David B. Grusky ed., 4th ed. 2018).

increasing support by community organizations to improve safety and transportation. The analysis of this Note will focus on the older residents of East Asian ethnic enclaves, specifically focusing on Chinatowns and Koreatowns.²⁹ Finally, Part V will summarize the Note, emphasizing the importance of raising awareness and directly addressing the concerns of this cast-aside group.

II. Background

To understand the importance of Asian American enclaves, it is necessary to understand the origins of Asian immigration to the United States and how these enclaves came into existence. Asians first came to the U.S. during the sixteenth century, but the first major wave of Asian immigration occurred in the mid to late nineteenth century.³⁰ Ethnic enclaves have historically offered a safe harbor where immigrants could have a sense of security and speak their native language.³¹ In fact, many Asian ethnic enclaves within the U.S. formed as a direct result of racial discrimination.³²

A. Discrimination and the Formation of Chinese Communities

In almost all major cities in the world, there is a neighborhood named “Chinatown” with a signature trademark of a large red arch and

29. Due to the limited confines of space and data, this Note will only capture a small glimpse into the challenges the Asian community face within the United States. Even the term ‘Asian American’ often leads to a misconception that there is one Asian experience or culture, when in fact, there are significant differences between Asian ethnicities. This Note focuses on East Asian ethnic enclaves, primarily Chinatowns, due to the limited data available.

30. James Gregory, *Asian American and Pacific Islander Migrations: History and Geography*, AM.’S GREAT MIGRATIONS PROJECT, https://depts.washington.edu/moving1/asian_migration.shtml [https://perma.cc/L5P8-CVK5] (last visited Jan. 28, 2025).

31. See *Archaeology of Change: Mapping Tales of Gentrification in New York City Chinatown*, MUSEUM OF CHINESE IN AM., <https://ohms.mocanyc.org/interviews.php?ProjectName=Archaeology+of+Change%3A+Mapping+Tales+of+Gentrification+in+New+York+City+Chinatown+> [https://perma.cc/G6NS-GRTW] (last visited Jan. 28, 2025).

32. Caitlin Yoshiko Kandil, *How 1800s Racism Birthed Chinatown, Japantown and Other Ethnic Enclaves*, NBC NEWS (May 13, 2019, 7:40 AM), <https://www.nbcnews.com/news/asian-america/how-1800s-racism-birthed-chinatown-japantown-other-ethnic-enclaves-n997296> [https://perma.cc/Y34U-HYFZ].

lion statues.³³ The United States is no exception. In the mid-1800s, Chinese immigrants arrived in California during the “Gold Rush” to help construct railroads in the West.³⁴ At the beginning, many Americans were generally welcoming towards the Chinese, but later became threatened after viewing Chinese immigrants as competition for gold and jobs.³⁵ Anti-Chinese hostility came not only from individuals, but also from local and state governments.³⁶ In 1850, the California legislature targeted Chinese immigrants and passed a Foreign Miners’ Tax, which required non-U.S. citizen workers to pay a tax every month for the right to mine.³⁷ The Chinese were also discriminated against in their workplaces because they were tasked with more dangerous jobs and given lower wages.³⁸ Eventually, the hostility culminated in the first and only major federal law that explicitly suspended immigration for a specific nationality—the Chinese Exclusion Act of 1882.³⁹ The first Chinatown in the U.S. was created in San Francisco as a sanctuary from racial discrimination and anti-Chinese legislation, as well as a means of survival after being pushed out of many labor markets.⁴⁰ In other words, racism created these ethnic enclaves.⁴¹

The Chinese formed these ethnic enclaves to survive the continued hostile environment in the U.S.⁴² After the transcontinental railroad

33. *History of San Francisco’s Chinatown*, HIST. (Aug. 21, 2018), <https://www.history.com/topics/immigration/san-francisco-chinatown> [https://perma.cc/6UUS-63EQ]; *China in Your Land: How the World’s Chinatowns Have Grown*, THE BULL. (Apr. 3, 2013, 1:40 PM), <https://www.thebulletin.be/china-your-land-how-worlds-chinatowns-have-grown> [https://perma.cc/7SXN-H4WA].

34. *Chinese Immigration and the Chinese Exclusion Acts*, OFF. OF THE HISTORIAN, <https://history.state.gov/milestones/1866-1898/chinese-immigration> [https://perma.cc/Z6K3-MM7Y] (last visited Jan. 28, 2025).

35. Michael Luo, *The Forgotten History of the Purging of Chinese from America*, NEW YORKER (Apr. 22, 2021), <https://www.newyorker.com/news/daily-comment/the-forgotten-history-of-the-purging-of-chinese-from-america> [https://perma.cc/YW29-57VX].

36. See Rachel Chang, *How American Chinatowns Emerged Amid 19th-Century Racism*, HIST. (May 15, 2023), <https://www.history.com/news/american-chinatowns-origins> [https://perma.cc/2GEP-D9NM].

37. *Id.*

38. See *id.*

39. Yuning Wu, *Chinese Exclusion Act*, BRITANNICA (Jan. 11, 2025), <https://www.britannica.com/topic/Chinese-Exclusion-Act> [https://perma.cc/ZT59-MHP2].

40. *The Story of Chinatown*, PBS, <https://www.pbs.org/kqed/chinatown/resourceguide/story.html> [https://perma.cc/4TJN-XP44] (last visited Jan. 28, 2025); see *Yick Wo v. Hopkins*, 118 U.S. 356 (1886); Chinese Exclusion Act of 1882, ch. 126, 22 Stat. 58-61 (1882) (repealed 1943); Chang, *supra* note 36.

41. See Kandil, *supra* note 32.

42. See *The Story of Chinatown*, *supra* note 40.

was completed in 1869, Chinese immigrants had to find a new way to support their families.⁴³ Some property owners refused to take Chinese tenants while other landlords demanded considerably higher rent than those paid by Christians, making it difficult for many Chinese to find housing.⁴⁴ The Chinese were pushed out of many labor markets, taking on jobs in restaurants and laundromats in Chinatowns.⁴⁵ Although Chinatowns offered some protection, it was not enough to combat the intense discrimination, leading both to increasing violence and the complete destruction of some Chinatowns through arson.⁴⁶ On October 24, 1871, almost ten percent of Los Angeles's Chinese population was wiped out when approximately twenty immigrants were lynched.⁴⁷ Chinatowns across the U.S. were also torched by hostile neighbors and even *firefighters*; in San Jose, California, the Chinatown was burned down four times.⁴⁸

Many Chinatowns are now shrinking because businesses are trying to move out of the area.⁴⁹ Some merchants are trying to move to nearby suburbs, where a single shopping center can house multiple Chinese eateries.⁵⁰ Compared to the prevalent vandalism and robbery attempts in older Chinatowns, these complexes feature massive car parks and are considered safe for visitors, even after dark.⁵¹

43. See Chang, *supra* note 36.

44. See Ligaya Mishan, *Saving Chinatown, While Also Making It Their Own*, N.Y. TIMES (Sept. 19, 2023), <https://www.nytimes.com/2023/09/19/t-magazine/manhattan-chinatown-neighborhood.html> [<https://perma.cc/7KFC-33FF>].

45. Chang, *supra* note 36.

46. See Catherine Thorbecke, *A Century After Arson Decimated Its Chinatown, San Jose to Apologize for Past Racism and Injustices*, ABCNEWS (Sept. 23, 2021, 5:30 PM), <https://abcnews.go.com/US/century-arson-decimated-chinatown-san-jose-apologize-past/story?id=80188124>. [<https://perma.cc/7SN6-2AS8>].

47. Kimmy Yam, *L.A. Groups Commemorate 1871 Massacre that Killed 10% of City's Chinese Community*, NBC NEWS (Oct. 22, 2021, 5:38 PM), <https://www.nbcnews.com/news/asian-america/l-groups-commemorate-1871-massacre-killed-10-citys-chinese-community-rcna3617> [<https://perma.cc/MJJ7-JRE7>]; Oct. 24, 1871: *Los Angeles Chinatown Massacre*, ZINN EDUC. PROJECT, <https://www.zinnproject.org/news/tdih/la-chinatown-massacre/> [<https://perma.cc/CG7G-6T3D>] (last visited Jan. 28, 2025).

48. Chang, *supra* note 36.

49. Ralph Jennings, *US Chinatowns Are Shrinking, and While Some Want to Fight, New Ones Are Springing Up*, S. CHINA MORNING POST (July 21, 2023, 12:00 AM), <https://www.scmp.com/economy/global-economy/article/3228357/us-chinatowns-are-shrinking-and-while-some-want-fight-new-ones-are-springing> [<https://perma.cc/EWS8-8AU6>].

50. *Id.*

51. *Id.*

B. Anchoring the Korean Community

The first Koreatowns in the United States have similar origins.⁵² The first wave of Korean immigration occurred between 1903 to 1949, when Korean immigrants arrived in Hawaii to work on pineapple and sugar plantations.⁵³ The plantation owners originally hired Chinese workers, but after the passing of the Chinese Exclusion Act of 1882, business owners started recruiting Korean laborers.⁵⁴ When Korean immigrants arrived in San Francisco, they were forced to settle in Chinatown because of the anti-Asian violence.⁵⁵

Due to discrimination, Koreans became unwelcome in San Francisco and dispersed throughout California and the West.⁵⁶ The first Koreatown in the U.S. was initially established in Riverside, California, by Ahn Chang Ho in 1905.⁵⁷ Ahn Chang Ho (Dosan), a Korean independence activist during the Japanese military occupation of Korea, founded the Riverside settlement, Pachappa Camp, after he was exiled from Korea.⁵⁸ He also founded a cooperative association, Gongnip Hyeophoe, a Korean Labor Bureau, and negotiated with citrus farmers to find work for Koreans who lived in the area.⁵⁹ But by 1918, Pachappa Camp had disappeared because the Great Freeze of 1913 ruined all the crops, and workers began relocating to other nearby towns.⁶⁰ Ahn moved his

52. See Emanuel Hahn, *What Koreatown Looks Like Across the US*, CONDÉ NAST TRAVELER (Dec. 8, 2023), <https://www.cntraveler.com/story/koreatown-dreaming-emanuel-hahn> [https://perma.cc/KD64-WBM3].

53. Soojin Chung, *History of Korean Immigration to America, from 1903 to Present*, BOS. UNIV., <https://sites.bu.edu/koreandiaspora/issues/history-of-korean-immigration-to-america-from-1903-to-present/> [https://perma.cc/RJ68-94HN] (last visited Jan. 28, 2025).

54. *Id.*

55. Sakshi Venkatraman, *The Story of the First Koreatown Was Lost to History*, NBC NEWS (Oct. 18, 2021, 7:47 AM), <https://www.nbcnews.com/news/asian-america/first-koreatown-us-was-buried-history-rcna2984> [https://perma.cc/RM62-EQ7A].

56. Matthew Wills, *The First Koreatown*, JSTOR DAILY (May 27, 2022), <https://daily.jstor.org/the-first-koreatown/> [https://perma.cc/3ZD9-QC2A].

57. Edward T. Chang & Hannah Brown, *Pachappa Camp: The First Koreatown in the United States*, 95 CAL. HIST. 46, 47 (2018).

58. Wills, *supra* note 56.

59. Chang & Brown, *supra* note 57.

60. Venkatraman, *supra* note 55; Lauren Moya Ford, *The First Koreatown in the US and the Activist Who Founded It*, HYPERALLERGIC (Nov. 16, 2021), <https://hyperallergic.com/681595/the-first-koreatown-in-the-us-and-the-activist-who-founded-it/> [https://perma.cc/NT8S-H8BH].

family to Bunker Hill in the center of downtown Los Angeles.⁶¹ In Los Angeles, he founded the Korean Presbyterian Church and the Korean National Association, creating another centralized settlement for the Korean community.⁶² However, it was another immigrant who was responsible for putting Koreatown on the map.

Hi Duk Lee, a Korean businessman, arrived in Los Angeles in 1968 and noted the lack of Koreatowns, despite the number of Chinatowns within the U.S.⁶³ He opened Olympic Market, one of the first Korean-owned groceries in Los Angeles.⁶⁴ He then purchased five additional blocks and built the Korean Village, an area with forty shops and restaurants.⁶⁵ He continued to build restaurants, a shopping center, and a hotel.⁶⁶ Due to Lee's efforts, Koreatown was recognized and declared an official neighborhood in Los Angeles County in 1980.⁶⁷

C. The Last Three Japantowns

The first major wave of Japanese immigrants, known as Issei, likewise arrived in Hawaii in the 1880s to work on sugar plantations.⁶⁸ In Hawaii, unlike the West Coast, Japanese immigrants did not have to be isolated and afraid of racial attacks.⁶⁹ Despite the cultural autonomy, many Japanese immigrants fled to the mainland because of the harsh working conditions on the plantations.⁷⁰ The Japanese faced many of the same struggles the Chinese had faced before them, including organized campaigns in the press and anti-Japanese legislation.⁷¹ The first

61. Joann Im, *The History of Koreatown: A Heartbeat of Los Angeles*, L.A. PUB. LIBR. (May 27, 2022), <https://www.lapl.org/collections-resources/blogs/lapl/history-koreatown-heartbeat-los-angeles> [<https://perma.cc/AU7V-KZXR>].

62. *Id.*

63. Alejandra Reyes-Velarde, *Hi Duk Lee, Visionary Who Founded Los Angeles' Koreatown, Dies at 79*, L.A. TIMES (Mar. 21, 2019, 3:20 PM), <https://www.latimes.com/local/lanow/la-me-ln-hi-duk-lee-dead-20190321-story.html> [<https://perma.cc/RRL2-7NPX>].

64. *Id.*

65. *See id.*

66. *See id.*

67. Im, *supra* note 61.

68. *Hawaii: Life in a Plantation Society*, LIBR. OF CONGR., <https://www.loc.gov/classroom-materials/immigration/japanese/hawaii-life-in-a-plantation-society/> [<https://perma.cc/776F-NFP9>] (last visited Jan. 28, 2025).

69. *Id.*

70. *Id.*

71. *Id.*

Japantown dates back to 1906 in San Francisco, California.⁷² Before the official creation of the first Japantown, the Japanese formed their own enclaves within the safety of Chinatown, similar to the Koreans.

Before World War II, there were over thirty Japantowns in California.⁷³ However, after Japanese Americans were forced into internment camps in 1942, many Japantowns were destroyed under the guise of redevelopment plans.⁷⁴ Although the impacted Japanese immigrants in San Francisco were given priority entry into reconstructed affordable housing, not enough housing was built, and many families had already moved on.⁷⁵ As of 2023, only three Japantowns remain in California.⁷⁶ In fact, the three remaining officially designated Japantowns in San Francisco, Los Angeles, and San Jose are the only three Japantowns remaining in all of the United States.⁷⁷

III. Analysis

Part III examines the displacement of Asian residents from ethnic enclaves, the challenges in receiving healthcare for non-English proficient residents, the impact of having political representation, the benefits of accessing services within walking distance for older adults, and the recent dangers of living within an ethnic enclave.

72. *San Francisco-Japantown, California*, ADVISORY COUNCIL ON HISTORIC PRES., <https://www.achp.gov/preserve-america/community/san-francisco-japantown-california> [https://perma.cc/J5XE-T98N] (last visited Jan. 28, 2025).

73. Devin Trubey, *Japantown to a Ghost Town: Sacramento Neighborhood Was Wiped Off the Map*, ABC10 (May 23, 2023, 5:25 PM), <https://www.abc10.com/article/entertainment/television/programs/to-the-point/sacramento-japantown-aapi-california-revitalization/103-98365020-2681-4cbd-a922-2fd534af26e3> [https://perma.cc/L7HB-3EMX].

74. Han Li, *The Oldest Japantown in the U.S. May Become the Newest*, S.F. STANDARD (Apr. 1, 2023, 8:00 AM), <https://sfstandard.com/2023/04/01/the-oldest-japantown-in-the-u-s-may-become-the-newest/> [https://perma.cc/PMD6-M3HP]; see Exec. Order 9066, 7 Fed. Reg. 38, 1407 (Feb. 19, 1942).

75. Li, *supra* note 74.

76. Trubey, *supra* note 73.

77. Claire Wang, *There Are 3 Japantowns Left in America. But They Could Be on the Verge of Vanishing.*, YAHOO!NEWS (Dec. 16, 2020, 10:43 AM), <https://news.yahoo.com/pandemic-threatens-destroy-americas-three-164345518.html> [https://perma.cc/Q8QY-DZJD].

A. Housing Challenges

1. GENTRIFICATION AND DISAPPEARANCE OF AFFORDABLE HOUSING

Although ethnic enclaves offer support and community, many low-income Asians are being pushed out of their own homes by rising housing costs.⁷⁸ As most ethnic enclaves are located in major cities with expensive markets, there is a greater risk of displacement, especially for the elderly.⁷⁹ Fourteen percent of older Asian households are “extremely low-income renters,” meaning they have an income at or below thirty percent of the area median income (AMI), or the Federal Poverty Level, whichever is greater.⁸⁰ A studio set aside as “affordable” in Los Angeles’ Chinatown is targeted at people with an income of \$20,350, while the median household income in the area is \$19,500.⁸¹ In Boston, affordable housing is targeted at people making eighty to one hundred percent of the AMI, but the calculated median income is much higher than the average income in its Chinatown because of the calculation formula.⁸²

Rising rents and scarce affordable housing have led to many residents moving away against their wishes.⁸³ This cycle can be never-ending. In Boston, many Chinatown residents have relocated to nearby suburbs.⁸⁴ However, developers continue to push residents further away by building luxury apartments in these suburban satellite Chinatowns.⁸⁵ Ultimately, residents who move in search of cheaper rent find

78. Sarah Ngu, *Will Luxury Towers Edge Out the Last of the Working-Class Chinese in New York’s Iconic Chinatown*, VOX (Sept. 25, 2019, 7:01 AM), <https://www.vox.com/the-highlight/2019/9/18/20861446/new-york-city-chinatown-gentrification-lower-east-side> [<https://perma.cc/UVK4-EL4Q>].

79. See Sandra Edmonds Crew, *Aging and Gentrification: The Urban Experience*, 1 URB. SOC. WORK 53, 58–59 (2017).

80. Patti Prunhuber & Vivian Kwok, *Low-Income Older Adults Face Unaffordable Rents*, JUST. IN AGING 5 (2021), <https://justiceinaging.org/wp-content/uploads/2021/02/Older-Adults-Rental-Housing-Burdens.pdf> [<https://perma.cc/LD3S-CVSL>].

81. Alana Semuels, *The End of the American Chinatown*, THE ATL. (Feb. 4, 2019), <https://www.theatlantic.com/technology/archive/2019/02/americas-chinatowns-are-disappearing/581767/> [<https://perma.cc/L7AT-CVB8>].

82. *Id.*

83. Noah Sheidlower & Pia Singh, *In Chinatowns Across the U.S., Tradition and History Collide with Luxury Development*, CNBC (May 14, 2023, 7:00 AM), <https://www.cnbc.com/2023/05/14/chinatown-rapid-luxury-development.html> [<https://perma.cc/4CJ9-PWS9>].

84. *Id.*

85. *Id.*

themselves back where they started, facing the same uncertainty about affording housing.⁸⁶

Although gentrification is a widely discussed topic, Asians are typically left out of the conversation.⁸⁷ Gentrification is the process of middle-class or affluent residents moving into a community, often increasing property values, and displacing poorer residents.⁸⁸ However, as many cities demonstrate, urban development and gentrification are largely responsible for the shrinkage and disappearance of many Asian ethnic enclaves.⁸⁹

In many cities, alternative housing options are disappearing by the day.⁹⁰ New York City drew many working-class Chinese in the 1960s, after the Chinese Exclusion Act was repealed in 1943, due to the large availability of manual labor and service jobs.⁹¹ In Manhattan, Chinatown is one of only two remaining working-class neighborhoods.⁹² In 2019, One Manhattan Square, a luxury apartment building, was constructed near Chinatown and the Lower East side.⁹³ In an area where the median family income is about \$40,000, bidding started at \$1 million to \$4 million per apartment.⁹⁴ In order to make room for One Manhattan Square, the only affordable grocery store for miles was demolished.⁹⁵ After much outcry, the developer committed to opening a full-

86. *Id.*

87. See, e.g., Jerusalem Demsas, *What We Talk About When We Talk About Gentrification*, VOX (Sept. 5, 2021, 7:00 AM), <https://www.vox.com/22629826/gentrification-definition-housing-racism-segregation-cities> [https://perma.cc/ER2T-U5LU]; Jacquelyn Kerubo, *What Gentrification Means for Black Homeowners*, N.Y. TIMES (Aug. 17, 2021), <https://www.nytimes.com/2021/08/17/realestate/black-homeowners-gentrification.html> [https://perma.cc/QA9J-K9WA]; Greg Iacurci, *Climate Change is Gentrifying Neighborhoods. In Miami, Residents Fear High Prices—and a Lost Soul*, CNBC (July 27, 2024), <https://www.cnbc.com/2024/07/27/climate-gentrification-fuels-higher-prices-for-longtime-miami-residents.html> [https://perma.cc/FS6J-ZMQB] (focusing on white population increases in Black neighborhoods).

88. Pete Saunders, *How to Understand Gentrification*, FORBES (Aug. 29, 2016, 12:35 PM), <https://www.forbes.com/sites/petesaunder1/2016/08/29/understanding-gentrification/?sh=61f6674435ec> [https://perma.cc/77CB-3MEJ].

89. Shawna Chen, Megan Rose Dickey & Keldy Ortiz, *Chinatowns Nationwide Resist Gentrification*, AXIOS (Mar. 30, 2023), <https://www.axios.com/2023/03/30/chinatowns-america-gentrification-immigrants> [https://perma.cc/6SKF-AG2Z].

90. *Id.*

91. Ngu, *supra* note 78; *Repeal of the Chinese Exclusion Act, 1943*, OFF. OF THE HISTORIAN, <https://history.state.gov/milestones/1937-1945/chinese-exclusion-act-repeal> [https://perma.cc/468N-UQJ3] (last visited Jan. 28, 2025).

92. *Id.*

93. *Id.*

94. *Id.*

95. *Id.*

service supermarket as part of the project.⁹⁶ The developer fulfilled their promise, opening a gourmet grocery store in 2022.⁹⁷

Chicago's Chinatown is one of the few Chinatowns in the U.S. continuing to grow.⁹⁸ According to the 2020 Census, Asians are the fastest-growing racial or ethnic group in Chicago.⁹⁹ The total Asian population in Chicago grew from 144,903 in 2010 to 189,857 in 2020, a thirty-one percent increase.¹⁰⁰

This growth is due to many factors. Chicago's Chinatown is feeling less of the pressures of gentrification because—unlike many other Chinatowns—it is located just outside of the downtown area.¹⁰¹ This is because Chicago's Chinatown has already experienced the displacement other ethnic enclaves are currently facing. Chicago's Chinatown was originally located downtown in the early 1870s but was forced out to its current location in 1912 because of rising rents and anti-Chinese sentiment.¹⁰² Housing is cheaper in the suburbs southwest of Chinatown, so residents are able to buy a home and remain close to their cultural hub.¹⁰³ Families have also moved from other Chinatowns to Chicago's Chinatown because of the city's nonprofits and the local job market.¹⁰⁴

Despite the growth of Chicago's Chinatown, rising costs are still forcing residents to leave the greater Chinatown area and migrate further to more affordable places.¹⁰⁵ Older adults in Chicago's Chinatown

96. *Extell Fulfills Promise with Grocer Brooklyn Fare Kitchen & Market Coming to One Manhattan Square*, CITYREALTY (Oct. 6, 2021), <https://www.cityrealty.com/nyc/market-insight/features/future-nyc/extell-fulfills-promise-grocer-brooklyn-fare-kitchen-amp-market-coming-one-manhattan-square/52945> [https://perma.cc/N4HM-TENZ].

97. *Id.*

98. Manny Ramos, *Chicago's Asian Population, Fastest Growing in City, is Booming out of Chinatown—Especially in Former Daley Stronghold*, CHI. SUN-TIMES (Nov. 9, 2021, 5:30 AM), <https://chicago.suntimes.com/2021/11/9/22751188/asian-american-population-bridgeport-archer-avenue-chinatown-2020-census-mckinley-park-armour-square> [https://perma.cc/9KUV-7MRW].

99. *Id.*

100. *Id.*

101. *Id.*

102. Cate Cauguiran, *Why Chicago's Chinatown Is Growing as Others See Asian Populations Decline*, ABC7 (May 18, 2022), <https://abc7chicago.com/chinatown-chicago-population-asian-month/11865709/> [https://perma.cc/D9AF-YT6V].

103. Ramos, *supra* note 98.

104. Sheidlower & Singh, *supra* note 83.

105. Yilun Cheng, *The Displacement of Chinatown's Low-Income Residents is Aggravated by COVID-19*, S. SIDE WKLY. (Feb. 3, 2021), <https://southsideweekly.com/the-displacement-of-chinatowns-low-income-residents-is-aggravated-by-covid-19/> [https://perma.cc/9862-V5FP].

also have a difficult time securing a spot in the area's limited senior housing facilities, typically having to wait eight to ten years before getting off the waiting lists.¹⁰⁶

Displacement is happening in major cities all over the U.S.¹⁰⁷ In Philadelphia, the proposal to build a new Philadelphia 76ers (Sixers) arena on the southern border of Chinatown has put the community on notice of the incoming gentrification.¹⁰⁸ The Sixers claimed that the arena would not harm or gentrify Chinatown, but would instead—somehow—revitalize the area without displacing businesses or homes.¹⁰⁹ Higher rents have already displaced low-income immigrants from Philadelphia's Chinatown and the percentage of residents who identify as "Asian alone" has dropped from fifty-one percent in 2011 to thirty-eight percent in 2021.¹¹⁰ Despite these concerns and an offer of \$400 million in tax breaks to build the site in Camden, the Philadelphia Mayor signed a deal with the Sixers to build a new \$1.3 billion arena downtown and sent it to city council.¹¹¹

Similar stadium schemes indicate that the Chinatown residents' fears are well-founded. In 1996, the construction of Capital One Arena in Washington, D.C., forced residents out of Chinatown.¹¹² The arena was blamed for the ensuing gentrification of the community, the decline in low-income housing, and the loss of residential properties.¹¹³

106. *Id.*

107. *Id.*

108. Jeff Gammage, *First Glimpse into Sixers' Arena Studies Shows a Chinatown Grappling with Higher Rents and Taxes*, PHILA. INQUIRER (Nov. 11, 2023), <https://www.inquirer.com/news/philadelphia/sixers-arena-consultant-chinatown-community-impact-20231111.html> [https://perma.cc/5QCZ-E9HJ].

109. *Id.*

110. *Id.*

111. *Philadelphia Mayor Strikes Deal with 76ers to Build New Arena*, ESPN (Sept. 18, 2024, 3:57 PM), https://www.espn.com/nba/story/_/id/41316668/philadelphia-mayor-strikes-deal-76ers-build-new-arena [https://perma.cc/DN8B-YGE4].

112. Audrey Hoffer, *In Fast-changing Chinatown, A Struggle to Preserve Traditions amid Development*, WASH. POST (Sept. 19, 2019, 7:30 AM), https://www.washingtonpost.com/realestate/in-fast-changing-chinatown-a-struggle-to-preserve-traditions-amid-development/2019/09/18/ed11db78-d659-11e9-86ac-0f250cc91758_story.html [https://perma.cc/YM26-RUUW].

113. Seth Kaplan, *After the Arena Came, the Asian Population of Washington's Chinatown Shrank*, CBS NEWS (Mar. 23, 2023, 10:21 PM), <https://www.cbsnews.com/philadelphia/news/sixers-arena-philadelphia-chinatown-market-east-washington-dc/> [https://perma.cc/87MY-M5Q8].

Before the construction of the Capital One Area, the population of Chinese Americans in the area was 3,000, which shrank to 300 in 2015.¹¹⁴

In a surprising turn of events, the Sixers decided not to go forward with their plan to build a new arena near Chinatown in 2025 after over two years of protests from the community.¹¹⁵ Due to the history between developers and the community, Chinatown locals are skeptical of the outcome.¹¹⁶ Residents previously defended Chinatown against other major development projects and will likely need to defend Chinatown in the future.¹¹⁷

2. RETAINING AND FINANCING LOW-INCOME HOUSING

One way that cities have tried to combat the displacement of low-income residents is to give them priority in purchasing the building.¹¹⁸ Tenant Opportunity to Purchase Acts (TOPA) give tenants the right to make the first offer on their building if the landlord decides to sell the property.¹¹⁹ TOPA laws exist in a few cities in the U.S., including Washington, D.C., San Francisco, and Minneapolis.¹²⁰ Washington, D.C., has the most comprehensive TOPA program, ensuring that low- to moderate-income District residents threatened with displacement are given the first opportunity to buy the building.¹²¹ The building price is typically set by the market or by the price a third party is willing to pay.¹²² However, when a building is set to be demolished instead of being sold,

114. Yanan Wang, *D.C.'s Chinatown Has Only 300 Chinese Americans Left, and They're Fighting to Stay*, WASH. POST (July 18, 2015, 7:39 PM), https://www.washingtonpost.com/lifestyle/style/dcs-chinatown-has-only-300-chinese-americans-left--and-fighting-to-stay/2015/07/16/86d54e84-2191-11e5-bf41-c23f5d3face1_story.html [<https://perma.cc/7YXR-WTFX>].

115. Kimmy Yam, *Philly Chinatown Says New 76ers Arena Plan Offers Relief, But Skepticism Remains*, NBC NEWS (Jan. 14, 2025, 3:00 PM), <https://www.nbcnews.com/news/asian-america/nba-philadelphia-76ers-arena-move-chinatown-reversal-rcna187486> [<https://perma.cc/L22P-B9VS>].

116. *Id.*

117. *See id.*

118. *See, e.g., Tenant Opportunity to Purchase Act*, HOUS. JUST. FOR ALL, <https://housingjusticeforall.org/our-platform/tenant-opportunity-to-purchase-act/> [<https://perma.cc/JSZ8-6YWG>] (last visited Jan. 28, 2025) (describing New York's attempt to combat the displacement of low-income residents).

119. *Id.*

120. *Id.*

121. *Id.*

122. *See* Martin Austerhuhle, *D.C. Court Backs Low-Income Renters in Fight with Developer Over Building*, WAMU (Sept. 27, 2016), https://wamu.org/story/16/09/27/dc_court_backs_residents_in_fight_with_developer_over_chinatown_building/ [<https://perma.cc/R84H-KXQX>].

the law only requires it to be a “bona fide” offer of sale, which means that the owner can name the price.¹²³ The D.C. Council passed legislation allowing tenants to get an independent appraisal of a property they want to buy if the property is going to be demolished or used for non-residential purposes when the building is sold.¹²⁴

In Washington, D.C., a Section 8 apartment complex, known as Museum Square, now houses roughly half of Chinatown’s Chinese residents—many of whom are elderly, low-income, and non-English-speaking.¹²⁵ Section 8 housing is a federal government assistance program that provides housing voucher subsidies for very low-income families, the elderly, and people with disabilities.¹²⁶ But in 2014, residents of Museum Square learned that their building would be demolished unless they paid \$250 million (estimating over \$800,000 per apartment unit) to purchase the property.¹²⁷ Housing-subsidy recipients have incomes rarely exceeding \$30,000.¹²⁸ The Museum Square building was appraised to be just under \$70 million.¹²⁹

The tenants brought a lawsuit alleging that the owner’s sale offer was not “bona fide” because the price had been inflated.¹³⁰ The D.C. Circuit upheld the rights of the Museum Square residents, affirming the trial court’s grant of summary judgement for the Museum Square Tenants Association.¹³¹ Still, affordable housing buildings are disappearing, and existing tenants are now forced to compete with voucher-holders and other low-income residents for affordable apartments.¹³² Residents who have Section 8 housing vouchers are already considered to be among the lucky ones. Households in the U.S. receiving housing assistance wait more than two years on average, while the average

123. *See id.*; D.C. Code § 42-3404.02(a) (1980).

124. D.C. Code § 42-3404.02(a-1)(1) (1980).

125. Aaron Wiener, *Bull in Chinatown: Developer Tells Section 8 Tenants to Pay Up or Get Out*, WASH. CITY PAPER (July 10, 2014), <https://washingtoncitypaper.com/article/373481/bull-in-chinatown-developer-tells-section-8-tenants-to-pay-up-or-get-out/> [<https://perma.cc/CXH6-QKPW>].

126. *Housing Choice Vouchers Fact Sheet*, U.S. DEP’T OF HOUS. & URB. DEV., https://www.hud.gov/topics/housing_choice_voucher_program_section_8 [<https://perma.cc/36YS-65UB>] (last visited Jan. 28, 2025).

127. Wang, *supra* note 114.

128. *Id.*

129. Austermuhle, *supra* note 122.

130. *Parcel One Phase One Assocs. v. Museum Square Tenants Ass’n*, 146 A.3d 394, 397 (D.C. 2016).

131. *Id.* at 405.

132. Wiener, *supra* note 125.

longest wait times can be up to eight years.¹³³ In fact, most housing authority agencies have closed their waiting lists to additional applicants.¹³⁴ Along with the loss of housing, it could mean the disappearance of the Chinese population in Chinatowns, scattering the population and fracturing the community.¹³⁵

The only other major affordable housing community for the Chinese population in D.C.'s Chinatown faced similar challenges when the owner decided to sell the apartment complex.¹³⁶ The Wah Luck House is a popular federally subsidized housing complex with a long waitlist for its 153 units, with most tenants waiting years before receiving notice to move in.¹³⁷ About seventy-five percent of the Wah Luck tenants are seniors who live solely on Social Security and other income assistance.¹³⁸ But in this case, the tenants exercised their rights under the TOPA.¹³⁹ In August 2017, Wah Luck House was sold to Wah Luck House Preservation LLC for \$55 million.¹⁴⁰ The tenants can remain in the building and pay affordable rent through the Section 8 housing voucher program after the sale, and the building will also undergo a renovation that will cost \$9 million in total.¹⁴¹ Although the current residents are temporarily saved by the sale—allowing them to stay in their homes, many residents are still skeptical, knowing that the apartment could be sold again after renovations are completed.¹⁴²

133. See Jared Kofsky & Maia Rosenfeld, 'I Just Cry': Families Spend Years on Subsidized Housing Waiting Lists, ABCNEWS (May 3, 2023, 8:40 AM), <https://abcnews.go.com/Politics/cry-families-spend-years-subsidized-housing-waiting-lists/story?id=99016513> [<https://perma.cc/8W4Z-26VC>].

134. Sonya Acosta & Erik Gartland, *Families Wait Years for Housing Vouchers Due to Inadequate Funding*, CTR. ON BUDGET & POL'Y PRIORITIES (July 22, 2021), <https://www.cbpp.org/research/housing/families-wait-years-for-housing-vouchers-due-to-inadequate-funding> [<https://perma.cc/2SFJ-RY2N>].

135. See Wiener, *supra* note 125.

136. Kristy Choi, *Residents of Wah Luck House Have Endured Difficult Living Conditions to Remain in Downtown D.C.*, WASH. CITY PAPER (Oct. 31, 2018), <https://washingtoncitypaper.com/article/183272/residents-of-wah-luck-house-have-endured-difficult-living-conditions-to-remain-in-downtown-dc/> [<https://perma.cc/LGT9-66NU>].

137. *Id.*

138. *Id.*

139. See *Tenant Opportunity to Purchase Assistance*, DEP'T. OF HOUS. & CMTY. DEV., <https://dhcd.dc.gov/service/tenant-opportunity-purchase-assistance> [<https://perma.cc/MQ2H-C5TV>] (last visited Jan. 28, 2025); D.C. CODE § 42-3404.02 (1980).

140. Choi, *supra* note 136.

141. *Id.*

142. *Id.*

Wah Luck was saved through funding by multiple partners including investment from a finance agency and through an investment using low-income housing tax credit equity by Wells Fargo.¹⁴³ The Low-Income Housing Tax Credit (LIHTC) subsidizes the acquisition, construction, and renovation of affordable rental housing for low-income tenants.¹⁴⁴ The LIHTC program was enacted as part of the 1986 Tax Reform.¹⁴⁵ The federal government issues tax credits to state governments, which then award the credits to private developers of affordable rental housing projects.¹⁴⁶ The developers, or more commonly the investors, will then claim the tax credit over ten years.¹⁴⁷

LIHTC directly addresses the affordable housing shortage and provides incentives for the private sector to invest and build housing for low-income tenants.¹⁴⁸ Developers typically qualify for LIHTCs by agreeing to rent units to people with income below 60% of the AMI and to charge rents that are no greater than 18% of the AMI.¹⁴⁹ Although the properties must commit to thirty years of affordability, the IRS can only recapture the credits for the initial fifteen-year compliance period, effectively only requiring affordability for the first fifteen years.¹⁵⁰ Between 2020 and 2029, as many as 8,420 LIHTC properties accounting for 486,799 affordable rental units will reach their thirty year expiration period.¹⁵¹ Although most LIHTC units are disproportionately located in neighborhoods with low desirability, approximately 10% of expiring

143. *Id.*

144. *What Is the Low-Income Housing Tax Credit and How Does It Work?*, TAX POL'Y CTR., <https://www.taxpolicycenter.org/briefing-book/what-low-income-housing-tax-credit-and-how-does-it-work> [<https://perma.cc/X2NV-X5EQ>] (last visited Jan. 28, 2025).

145. *Id.*

146. *Id.*

147. *Id.*

148. *Id.*

149. *What Happens to LIHTC Properties After Affordability Requirements Expire?*, OFF. OF POL'Y DEV. & RSCH., https://www.huduser.gov/portal/pdredge/pdr_edge_research_081712.html [<https://perma.cc/3UWD-H3XR>] (last visited Jan. 28, 2025).

150. Corianne Payton Scally, Amanda Gold & Nicole DuBois, *The Low-Income Housing Tax Credit*, URB. INST. 12–13 (2018), https://www.urban.org/sites/default/files/publication/98758/lithc_how_it_works_and_who_it_serves_final_2.pdf [<https://perma.cc/76L3-H93C>].

151. Andrew Aurand, Keely Stater, Dan Emmanuel & Kelly Mcelwain, *BALANCING PRIORITIES: Preservation and Neighborhood Opportunity in the Low-Income Housing Tax Credit Program Beyond Year 30*, NAT'L LOW INCOME HOUS. COAL. 14 (2018), <https://nlihc.org/sites/default/files/Balancing-Priorities.pdf> [<https://perma.cc/6GAR-977D>].

LIHTC units between 2020 and 2029 are located in high desirability neighborhoods and 5% are located in neighborhoods of very-high desirability.¹⁵²

3. RENT CONTROL AND ZONING LAWS

Affordable housing is just one part of the puzzle to maintaining stable housing. If rent prices become unaffordable, residents will also have no choice other than to move. This issue is evident in most ethnic enclaves.¹⁵³ Ethnic enclaves are in big cities where landlords are motivated to match their rents to rising market rates.¹⁵⁴ Residents are also displaced due to a lack of strong rent-control laws.¹⁵⁵ Even in areas with rent-control laws, residents might not know their rights or are too intimidated to push back because of their immigration status.¹⁵⁶

The term “rent control” is deceiving in name. Most modern “rent control” laws do not control the amount of rent that can be charged, rather they control the annual rent increase allowed—rent stabilization.¹⁵⁷ Rent control laws are highly controversial and preempted in many states.¹⁵⁸ Oregon and California are currently the only two states with a statewide rent control law, both enacted in 2019.¹⁵⁹ There are three main types of rent control: rent freeze (rents are capped and frozen during a specific period), vacancy control (rents cannot increase to market rates between tenants), and vacancy decontrol (rents can rise to market rates between tenants).¹⁶⁰

152. *Id.* at 15.

153. *See, e.g.,* Semuels, *supra* note 81 (discussing the rising costs of rents in Los Angeles’ Chinatown).

154. *See id.*

155. *See* Semuels, *supra* note 81.

156. *Id.*

157. *Research Examines Impacts of Rent Regulation and Implications for Inequality*, JOHNS HOPKINS CAREY BUS. SCH. (July 21, 2022), <https://carey.jhu.edu/articles/research/research-examines-rent-regulation-implications-inequality> [https://perma.cc/3T7K-RR8T].

158. Robbie Sequeira, *Cities Face Resistance as They Vie for Rent Control*, GOVERNING (Aug. 17, 2023), <https://www.governing.com/housing/cities-face-resistance-as-they-vie-for-rent-control> [https://perma.cc/GZ3Z-452U].

159. *Id.*

160. Cato Hernández, *Rent Control Explained: The History of LA’s Controversial Tenant Protections*, LAIST (Aug. 30, 2023, 5:00 AM), <https://laist.com/news/housing-homelessness/rent-control-california-los-angeles-tenant-protection-landlord-history> [https://perma.cc/BTB5-KZNZ].

California's 2019 Tenant Protection Act (TPA) protects current tenants by capping annual rent increases to ten percent.¹⁶¹ However, the TPA does not apply to housing built less than fifteen years ago or single-family homes owned by individuals.¹⁶² Currently, the biggest challenge to rent control laws in California is the 1995 Costa-Hawkins Rental Housing Act (Costa-Hawkins).¹⁶³ Costa-Hawkins prohibits cities and counties from limiting rental increases on apartments and single-family homes, and prohibits vacancy control laws.¹⁶⁴

Therefore, the TPA allows vacancy decontrol and does not protect against rent increases happening in between tenant changes, incentivizing landlords to vacate their units regularly to bring rents up to the market rate.¹⁶⁵ However, the TPA protects against frequent eviction by creating a just-cause (also known as "good cause") component.¹⁶⁶ Under the just-cause eviction requirement, landlords can only evict a tenant for a valid reason as long as the tenant has lived in the unit for at least twelve months.¹⁶⁷ Good cause eviction state laws have been passed in New Jersey, California, New Hampshire, Oregon, and Washington.¹⁶⁸ Eviction laws can be effective for addressing displacement by allowing tenants to remain in their apartments, however, the laws do not address the main issue of the housing shortage.¹⁶⁹

Building more housing is not the solution to the housing shortage because of zoning.¹⁷⁰ Zoning laws regulate how land can be used and

161. *Landlord-Tenant Issues*, OFF. OF THE ATT'Y GEN., <https://oag.ca.gov/consumers/general/landlord-tenant-issues> [<https://perma.cc/YK9E-737M>] (last visited Jan. 28, 2025).

162. *Id.*

163. Jenavieve Hatch, 'Where Are People Going to Live?' Californians Will Vote (A Third Time) On Rent Control, *SACRAMENTO BEE* (July 31, 2023, 9:54 AM), <https://www.sacbee.com/news/politics-government/capitol-alert/article277763643.html> [<https://perma.cc/N8ZS-PH5A>].

164. *Id.*

165. See Daniel M. Yukelson, *Under Attack Again: Costa-Hawkins—What is It and Why Should You Care?*, APARTMENT ASSOC. OF GREATER L.A. (Jan. 11, 2023), <https://members.aagla.org/news/under-attack-again-costa-hawkins---what-is-it-and-why-should-you-care> [<https://perma.cc/5UMG-7RCA>].

166. *Landlord-Tenant Issues*, *supra* note 161.

167. *Id.*

168. Lindsay Duvall & David Foster, *14-1 Advancing Tenant Protections: Just Cause Eviction Laws*, NAT'L LOW INCOME HOUS. COAL. (Feb. 7, 2023), <https://nlihc.org/resource/14-1-advancing-tenant-protections-just-cause-eviction-laws> [<https://perma.cc/X89W-NWHX>].

169. See Jerusalem Demsas, *I Changed My Mind on Rent Control*, *VOX* (Dec. 2, 2021, 10:20 AM), <https://www.vox.com/22789296/housing-crisis-rent-relief-control-supply> [<https://perma.cc/992S-828B>].

170. *Id.*

what can be built on the land.¹⁷¹ There are different types of zoning including commercial, residential, mixed-use (includes both business and residential units), and single-family zoning.¹⁷² Single-family zoning refers to a residential area where only one housing unit can be built on a piece of land.¹⁷³

In many American cities, it is illegal to build anything other than a detached single-family home on seventy-five percent of residential land.¹⁷⁴ Almost sixty percent of all residences in California are single-family homes.¹⁷⁵ The origins of single-family zoning trace back to Berkeley, California, in 1916, bearing an uncomfortable similarity to the formation of Asian ethnic enclaves—racism.¹⁷⁶ White neighbors wanted to push out two Japanese laundries, a Chinese laundry, and a Black dance hall, and accomplished this by creating single-family zoning.¹⁷⁷

In 1917, the Supreme Court banned race-based zoning because it violated freedom of contract under the Fourteenth Amendment.¹⁷⁸ However, in 1926, the Supreme Court upheld a zoning ordinance because there was valid government interest in connection to public welfare and the ordinance did not exceed the local government's police power.¹⁷⁹ The effects of single-family zoning laws are still felt today. Single-family zoning limited housing supply and raised housing prices.¹⁸⁰ As a result, it has become more difficult to build affordable housing because of additional requirements, including minimum lot size and added height requirements in certain municipalities.¹⁸¹

171. Jon Healey & Matthew Ballinger, *What Just Happened with Single-Family Zoning in California?*, L.A. TIMES (Sept. 17, 2021, 10:00 PM), <https://www.latimes.com/homeless-housing/story/2021-09-17/what-just-happened-with-single-family-zoning-in-california> [https://perma.cc/D94P-7ER8].

172. *Id.*

173. *Id.*

174. Nathaniel Meyersohn, *The Invisible Laws That Led to America's Housing Crisis*, CNN (Aug. 5, 2023, 3:12 AM), <https://www.cnn.com/2023/08/05/business/single-family-zoning-laws/index.html> [https://perma.cc/BZW6-59N2].

175. Healey & Ballinger, *supra* note 171.

176. See Katie Hyson, *How San Diego's 100 Years of Zoning Racially Segregated the City*, KPBS (Sept. 27, 2023, 6:00 AM), <https://www.kpbs.org/news/local/2023/09/27/how-san-diegos-100-years-of-zoning-racially-segregated-the-city> [https://perma.cc/2AAZ-9DLE].

177. *Id.*

178. *Buchanan v. Warley*, 245 U.S. 60, 82 (1917).

179. *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 397 (1926).

180. Meyersohn, *supra* note 174.

181. *Id.*

4. TENANT RIGHTS AND HABITABLE HOUSING

Housing is not a right in the United States.¹⁸² In fact, housing of a particular standard is also not a fundamental right or interest.¹⁸³ In *Lindsey v. Normet*, the Supreme Court stated that there was not “any constitutional guarantee of access to dwellings of a particular quality” and “adequate housing and the definition of landlord-tenant relationships are legislative, not judicial, functions.”¹⁸⁴ Although many cities have codes requiring housing conditions to be habitable, buildings with low-income tenants tend to have many unresolved code violations.¹⁸⁵

Within San Francisco’s Chinatown, roughly 13,000 residents live in single room occupancy units (SRO)—one-room units with shared bathrooms and kitchens that are typically eighty square feet in size.¹⁸⁶ They are largely occupied by many senior residents and Chinese families who have newly migrated to the U.S.¹⁸⁷ In 2015, the median household income in San Francisco was \$91,938, but in Chinatown, the median household income was \$25,909.¹⁸⁸

Even though many of these SROs are relatively affordable compared to nearby housing prices, these rooms often do not meet minimum living conditions.¹⁸⁹ Some SRO owners are trying to rebrand their buildings to make them attractive for young tech professionals and students.¹⁹⁰ Residents in a Chinatown SRO building who were mostly elderly were forced to live for months without working showers, sinks, and toilets.¹⁹¹ It is also common for building owners to threaten to fine

182. *Lindsey v. Normet*, 405 U.S. 56, 74 (1972).

183. *Id.*

184. *Id.*

185. See J.K. Dineen, *Chinatown Elderly Suffer During Building’s Conversion, Suit Says*, SFGATE (Jan. 26, 2017, 8:27 PM), <https://www.sfgate.com/bayarea/article/Chinatown-elderly-suffer-during-building-s-10887500.php> [https://perma.cc/GNW4-AXBV].

186. Cecilia Lei, *Chinatown Housing Group Feeds Vulnerable SRO Tenants—By Reviving Legacy Restaurants*, KQED (May 6, 2020), <https://www.kqed.org/news/11816116/chinatown-housing-group-feeds-vulnerable-sro-tenants-by-reviving-legacy-restaurants> [https://perma.cc/FHR3-PP9Q].

187. *Id.*

188. Katherine Kam, *Families Live Jammed into Chinatown Rooms, with No Hope of Leaving*, S.F. CHRON. (Nov. 30, 2015, 9:35 AM), <https://www.sfchronicle.com/bayarea/article/Families-live-jammed-into-Chinatown-rooms-with-6663902.php> [https://perma.cc/B8JN-9RTQ].

189. Dineen, *supra* note 185.

190. *Id.*

191. *Id.*

tenants and evict them for longstanding practices, like storing items in the hallway or using sinks to clean clothes.¹⁹²

Lawsuits against the owners of these mismanaged buildings are not a rare occurrence, although the result can lead to further uncertainty for the tenants.¹⁹³ In October 2023, the city of San Francisco filed a lawsuit against the owners of three Chinatown SRO hotels for health and safety violations and for creating a public nuisance.¹⁹⁴ Some of the code violations included broken plumbing, mold, pest infestations, unsanitary bathrooms, broken doors and locks, and damaged ceilings, floors, and walls.¹⁹⁵ In 2021, the City Attorney of Los Angeles filed charges against the owner of the Cathay Manor Apartments, a sixteen-story and 278-unit residential apartment building in Chinatown.¹⁹⁶ Cathay Manor was the first federally subsidized senior housing project in Chinatown, but the building has been plagued with violations for decades.¹⁹⁷

The previous owner of Cathay Manor Apartments owned the building through his nonprofit organization, the Chinese Community on Aging Housing Corporation, which received millions of dollars in subsidized rent from the federal government.¹⁹⁸ But for weeks, the only two elevators in the building were inoperable, trapping the elderly tenants and leaving them no way to get groceries or medical care.¹⁹⁹ The Los Angeles Fire Department also placed the building under a fire watch, since a fire would have been catastrophic for the large number of older adults unable to evacuate.²⁰⁰

The owner of the building wanted to sell the dilapidated housing complex for \$108 million to a related nonprofit that wanted to raise

192. *Id.*

193. *See id.*; Amy Larson, *San Francisco Files Lawsuit Against SRO Landlords in Chinatown*, KRON4 (Oct. 10, 2023, 4:52 PM), <https://www.kron4.com/news/bay-area/san-francisco-files-lawsuit-against-sro-landlords-in-china-town/#> [https://perma.cc/367C-BE9Q].

194. Larson, *supra* note 193.

195. *Id.*

196. Hayley Smith & Anh Do, *Low-Income Seniors 'Essentially Trapped' in Chinatown Building as Owner Is Charged for Inoperable Elevators*, L.A. TIMES (Oct. 28, 2021, 6:36 PM), <https://www.latimes.com/california/story/2021-10-28/cathay-manor-criminal-charges> [https://perma.cc/56NV-UB8T].

197. *Id.*

198. *Id.*

199. *Id.*

200. *Id.*

rents to \$2,700 a month, an increase of more than 146%.²⁰¹ Although the increase would be passed onto the U.S. Department of Housing and Urban Development (HUD) through the Section 8 program, the sale would unfairly reward the current owners with a substantial profit for their neglect and decades-long mismanagement of federal funds.²⁰² The building was sold in 2023 to another affordable housing developer for \$97 million.²⁰³ Although the new owner plans to make immediate upgrades to the building and aims for a full-scale restoration, the developer has also requested permission from HUD to increase monthly rent, setting a bad precedent for other landlords.²⁰⁴ Many older Asian adults continue to live in substandard housing in ethnic enclaves to maintain close access to other necessary services, including medical care.²⁰⁵

B. Linguistic Challenges in Receiving Healthcare Services

Many older Asian adults in the United States face language barriers when accessing vital services.²⁰⁶ Nearly seventy percent of Asian American adults were born outside of the U.S., and English is not always their first language.²⁰⁷ Among Asian Americans ages five and older, only fifty-eight percent of immigrants speak English

201. Connor Sheets, *Feds Urged to Reject Plan to Sell Troubled Chinatown Building for Low-Income Seniors*, L.A. TIMES (Oct. 27, 2022, 11:39 AM), <https://www.latimes.com/california/story/2022-10-27/cathay-manor-sale-proposal> [https://perma.cc/3E58-L2HD].

202. *Id.*

203. Jack Witthaus, *Los Angeles Building, Once Described by US Senators as Plagued by Rodents and Mold, Sells for \$97 Million*, COSTAR (July 6, 2023, 10:48 AM), <https://www.costar.com/article/1935466558/los-angeles-building-once-described-by-us-senators-as-plagued-by-rodents-and-mold-sells-for-97-million> [https://perma.cc/5A3C-QAJX].

204. Josie Huang, *New York Developer Acquires Troubled Chinatown Affordable Housing Complex*, LAIST (July 11, 2023, 5:00 AM), <https://laist.com/news/housing-homelessness/cathay-manor-affordable-housing-chinatown-ny-developer> [https://perma.cc/7M8M-4SRU].

205. See Katherine Li, *Lack of Cantonese Services Creates Health Care Obstacles in S.F.*, S.F. CHRON. (Mar. 24, 2023, 3:44 PM), <https://www.sfchronicle.com/health/article/cantonese-language-san-francisco-17828189.php> [https://perma.cc/NAE3-QG7Q].

206. Luis Noe-Bustamante, Lauren Mora & Neil G. Ruiz, *In Their Own Words: Asian Immigrants' Experiences Navigating Language Barriers in the United States*, PEW RSCH. CTR. (Dec. 19, 2022), <https://www.pewresearch.org/race-ethnicity/2022/12/19/in-their-own-words-asian-immigrants-experiences-navigating-language-barriers-in-the-united-states/> [https://perma.cc/33QS-8G33].

207. *Id.*

proficiently.²⁰⁸ A lower English proficiency level makes it more difficult to access and receive medical care, access government services, learn effectively in school, and find employment.²⁰⁹ Some non-English speakers may even struggle to complete simple activities, such as visiting stores, purchasing food, and taking public transportation.²¹⁰

1. LANGUAGE BARRIERS AND ACCESSING HEALTHCARE

Healthcare is essential for all populations, especially older populations, who tend to have greater healthcare needs.²¹¹ But when patients are unable to communicate effectively with their healthcare providers, they may receive diminished quality of care or possibly no care at all.²¹² Although translators provide a vital service, there is a shortage of qualified translators and typically a prolonged wait time.²¹³ Federal and state governments have tried to address these issues by enacting language requirement laws, which come with their own set of problems.²¹⁴

Ethnic enclaves have hospitals and non-profit organizations that are better equipped to address language and cultural differences in the community.²¹⁵ For example, North East Medical Services, a nonprofit community health center in the San Francisco Bay Area, offers linguistically-competent and culturally-sensitive healthcare services in many languages and dialects, including Cantonese, Mandarin, Toishan, Vietnamese, Burmese, and Korean.²¹⁶ But the health center is still limited in providing services when no one is available who can speak the patient's

208. *Id.*

209. *Id.*

210. *Id.*

211. Charles Jones & Mikael Dolsten, *Healthcare on the Brink: Navigating the Challenges of an Aging Society in the United States*, NPJ AGING (Apr. 6, 2024), <https://www.nature.com/articles/s41514-024-00148-2> [<https://perma.cc/65WH-B8BQ>].

212. See Hilal Al Shamsi, Abdullah Almutairi, Sulaiman Al Mashrafi & Talib Al Kalbani, *Implications of Language Barriers for Healthcare: A Systematic Review*, 35 OMAN MED. J. 122, 122–23 (2020).

213. Riya Dahima, Melinda Luo & Vrushali Dhongade, *Medical Interpretation in the U.S. is Inadequate and Harming Patients*, THE HASTINGS CTR. (May 22, 2023), <https://www.thehastingscenter.org/medical-interpretation-in-the-u-s-is-inadequate-and-harming-patients/> [<https://perma.cc/Y8AH-AM9M>].

214. See Mara Youdelman, *Summary of State Law Requirements Addressing Language Needs in Health Care*, NAT'L HEALTH LAW PROGRAM (Apr. 2019), <https://health-law.org/wp-content/uploads/2019/04/Language-Access-NHeLP-50StateSurvey.pdf> [<https://perma.cc/YER7-HNQE>].

215. See Lim et al., *supra* note 8.

216. *About Us*, NEMS, <https://nems.org/about-us/> [<https://perma.cc/P4U9-BHCC>] (last visited Jan. 28, 2025).

language.²¹⁷ When that happens, they have to connect with an interpreter over video or the phone; however, there is often a long wait for interpreters, which can exceed the appointment time, or there may be other technological difficulties.²¹⁸ Many providers fail to even attempt to offer these vital and federally required interpretation services.²¹⁹

Even when there are culturally and linguistically adequate services, many older Asian Americans are still unable to access these health services because of insurance coverage.²²⁰ The implementation of the Affordable Care Act was integral in eliminating coverage disparities for Asian Americans compared to non-Hispanic Whites.²²¹ A 2017 census found that the percentage of older Asian Americans who had both Medicare and supplemental private health insurance was twenty percent lower compared to all older adults.²²² Older Asian Americans were covered by both Medicaid and Medicare eleven percent more compared to all older adults.²²³

217. See Ali Rogin & Maea Lenei Buhre, *For Many Asian Americans, Medical Interpreters Are a Vital but Scarce Resource*, PBS (May 28, 2023, 5:40 PM), <https://www.pbs.org/newshour/show/for-many-asian-americans-medical-interpreters-are-a-vital-but-scarce-resource> [https://perma.cc/26KE-MBZC].

218. *Id.*

219. Andrew Royce, *It's Time to Raise Our Voice for Interpreter Reimbursement in Healthcare*, MEDCITY NEWS (Mar. 29, 2023, 9:00 AM), <https://medcitynews.com/2023/03/its-time-to-raise-our-voice-for-interpreter-reimbursement-in-healthcare/> [https://perma.cc/3HPD-8RFA].

220. See Sunmin Lee, Genevieve Martinez, Grace Ma, Chiehwen Hsu, Stephanie Robinson, Julie Bawa & Hee-Soon Juon, *Barriers to Health Access in 13 Asian American Communities*, 34 AM. J. HEALTH BEHAVIOR 21, 21–23 (2019).

221. ASSISTANT SEC'Y FOR PLAN. & EVALUATION, HEALTH INSURANCE COVERAGE CHANGES SINCE IMPLEMENTATION OF THE AFFORDABLE CARE ACT: ASIAN AMERICANS AND PACIFIC ISLANDERS 1 (May 24, 2021), <https://aspe.hhs.gov/sites/default/files/private/pdf/265581/aspe-uninsured-trends-aapi-ib.pdf> [https://perma.cc/BV4D-REQC].

222. ADMIN. FOR CMTY. LIVING, 2018 PROFILE OF ASIAN AMERICANS AGE 65 AND OVER 3 (Oct. 2019), <https://aspe.hhs.gov/sites/default/files/private/pdf/265581/aspe-uninsured-trends-aapi-ib.pdf> [https://perma.cc/JZC5-7NER].

223. *Id.*

2. FEDERAL LANGUAGE REQUIREMENT LAWS

Language requirement laws have a large impact on Asian communities and their access to healthcare.²²⁴ Roughly thirty percent of Asian Americans in California had difficulties accessing health services due to financial cost, not knowing options, lack of insurance, or limited English proficiency.²²⁵ In particular, fifty-nine percent of Chinese in California attributed their difficulty accessing health services to their limited English skills.²²⁶

On August 11, 2000, President Bill Clinton signed Executive Order 13166, titled “Improving Access to Services for Persons with Limited English Proficiency.”²²⁷ The order requires all federal agencies to examine the services they provide, identify the need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services.²²⁸ Federal agencies are required to adhere to the executive order to comply with Title VI’s prohibition against national origin discrimination.²²⁹

The executive order also requires federal agencies to “work to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.”²³⁰ This effectively means that any agency or organization receiving federal funding is required to take reasonable steps so that LEP persons are able to meaningfully access their services.²³¹ Under this directive, English written materials should also be provided in regularly-encountered languages other than English—especially vital documents that contain

224. Farah Yousry, *Language Barriers Limit Health Care Access for Asian American and Native Hawaiian/Pacific Islander Communities in the U.S.*, WYFI INDIANAPOLIS (Jan. 3, 2023), <https://www.wfyi.org/news/articles/language-barriers-limit-healthcare-access-for-asian-american-and-native-hawaiianpacific-islander-communities-in-the-us> [https://perma.cc/35AU-34HC].

225. HOWARD SHIH, RYAN VINH, KARTHICK RAMAKRISHNAN, TODD HUGHES & NINEZ PONCE, *THE POST-PANDEMIC AGENDA FOR COMMUNITY. WELL-BEING AMONG ASIAN AMERICANS, NATIVE HAWAIIANS, AND PACIFIC ISLANDERS IN CAL.* 2 (Feb. 2023), <https://drive.google.com/file/d/12CbKPMChH5yAHUAuJUX1RriD-FDd6P5g/view> [https://perma.cc/TJ8R-M2A2].

226. *Id.* at 21, fig.3.7.

227. Exec. Order No. 13166, 65 Fed. Reg. 159, 50121 (Aug. 11, 2000).

228. *Id.*

229. *Id.*

230. *Id.*

231. *Limited English Proficiency (LEP) Frequently Asked Questions*, VT. AGENCY OF TRANSP., <https://vtrans.vermont.gov/limited-english-proficiency-lep-frequently-asked-questions> [https://perma.cc/75EJ-EQ93] (last visited Jan. 28, 2025).

information critical for obtaining federal services and/or benefits.²³² In practice, however, these nondiscrimination provisions are ineffective due to a lack of enforcement and loosely defined terms.²³³

Hospitals often fail to provide translation services because language services are not always reimbursable to the hospitals.²³⁴ Although all providers who receive federal funding are required to make language services available, language interpretation services are not classified as “mandatory 1905 services.”²³⁵ Section 1905 of the Social Security Act specifies mandatory medical services that must be provided and covered by Medicaid.²³⁶ Therefore, states are not required to reimburse providers for the cost of language services.²³⁷ Instead, the healthcare providers are required to bear the costs.²³⁸ Currently, only fourteen states and the District of Columbia provide reimbursements for the cost of medical interpreters through Medicaid.²³⁹ As the law neglects to compel the government or insurers to provide interpretation services, many medical providers fail to comply with the law or to provide adequate interpretation services.²⁴⁰

232. *Commonly Asked Questions & Answers Regarding Executive Order 13166*, CIV. RTS. DIV. U.S. DEP’T. OF JUST., <https://www.justice.gov/crt/EO-13166> [<https://perma.cc/QA9X-9RR2>] (last visited Jan. 28, 2025).

233. Rogin & Buhre, *supra* note 217.

234. *Translation and Interpretation Services*, CTRS. FOR MEDICARE & MEDICAID SERVS., <https://www.medicaid.gov/medicaid/financial-management/medicaid-administrative-claiming/translation-and-interpretation-services/index.html#> [<https://perma.cc/7STE-BK8P>] (last visited Jan. 28, 2025).

235. *Id.*

236. Paul Gurny, Marilyn B. Hirsch & Kathleen E. Gondek, *Chapter 11: A Description of Medicaid-Covered Services* in HEALTH CARE FIN. REV. 1992 ANN. SUPPLEMENT 227–29 (1992), <https://www.cms.gov/Research-Statistics-Data-and-Systems/Research/HealthCareFinancingReview/Downloads/CMS1191224dl.pdf> [<https://perma.cc/48S2-SERS>].

237. See *Translation and Interpretation Services*, *supra* note 234.

238. Royce, *supra* note 219.

239. Mara Youdelman, *Medicaid and CHIP Reimbursement Models for Language-Services: 2024 Update*, NAT’L HEALTH L. PROGRAM (Mar. 19, 2024), <https://healthlaw.org/wp-content/uploads/2017/02/Medicaid-CHIP-LEP-models-FINAL.pdf> [<https://perma.cc/WY4A-CGH6>].

240. Jennifer Ludden, *Patient Interpreters Save Money, But Who Pays?*, NPR (July 27, 2009, 10:27 AM), <https://www.npr.org/2009/07/27/111066555/patient-interpreters-save-money-but-who-pays> [<https://perma.cc/H9HN-4J22>].

3. ADDRESSING LANGUAGE DISPARITIES WITHIN ETHNIC ENCLAVES

Ethnic enclaves offer a better chance of providing linguistically-competent healthcare services, but barriers to care persist in these areas.²⁴¹ In San Francisco, more than 110,000 Asian Americans and Pacific Islander residents have LEP, including 88,000 Chinese American residents.²⁴² However, even in the nearby San Francisco General Hospital, there was a lack of Cantonese services, despite Cantonese being the second most demanded language for language assistance.²⁴³ In contrast, Chinese Hospital, located just over four miles away in Chinatown, provides culturally competent and linguistically appropriate services.²⁴⁴ The hospital has a long history dating back to the late 1800s, providing healthcare to the underserved Chinese community when they faced discrimination and limited access to public services.²⁴⁵ Chinese Hospital is a community-owned, nonprofit organization that strives to deliver not only culturally sensitive care but also affordable healthcare.²⁴⁶ Linguistically appropriate services are important even for patients with basic English skills because they can have difficulties understanding the treatment and communicating effectively with the doctor, resulting in substandard medical care.²⁴⁷

Within the United States, for the more than 900,000 Chinese language speakers who do not speak English well or at all, there are only 388 certified Mandarin medical interpreters and 177 Cantonese certified medical interpreters.²⁴⁸ In a study conducted in Chicago's Chinatown, Chinese immigrant women reported long wait times, difficulty scheduling appointments, poor front desk customer service, provider

241. See Melissa A. Simon, Laura S. Tom, Shaneah Taylor, Ivy Leung & Dan Vencio, *'There's Nothing You Can Do . . . It's Like That in Chinatown': Chinese Immigrant Women's Perceptions of Experiences in Chicago Chinatown Healthcare Settings*, 26 ETHNICITY & HEALTH, Aug. 2021 893, 893–95.

242. Katherine Li, *Lack of Cantonese Services Creates Health Care Obstacles in S.F.*, S.F. CHRON. (Mar. 24, 2023, 3:44 PM), <https://www.sfchronicle.com/health/article/cantonese-language-san-francisco-17828189.php> [<https://perma.cc/NAE3-QG7Q>].

243. *Id.*

244. *Language Assistance Policy*, CHINESE HOSP., <https://chinesehospital-sf.org/chinese-hospital-language-assistance-policy/> [<https://perma.cc/QA68-MTZV>] (last visited on Jan. 28, 2025).

245. *History*, CHINESE HOSP., <https://chinesehospital-sf.org/history/> [<https://perma.cc/6QT7-ZT4P>] (last visited on Jan. 28, 2025).

246. *Id.*

247. Rogin & Buhre, *supra* note 217.

248. *Id.*

demeanor, and a host of other issues.²⁴⁹ Of the fifty-six participants, more than fifty-five percent of them were age sixty or older.²⁵⁰

Demographic change and a lack of formal education language programs are exacerbating the wait for translation services.²⁵¹ In many Chinatowns, the main language spoken was historically Cantonese.²⁵² However, in the San Francisco Bay Area, where Cantonese remains the most-spoken Chinese language, there are sparse opportunities to formally learn the language.²⁵³ There are few opportunities to pursue Cantonese in high school and beyond, where Mandarin becomes the only option to obtain foreign language credits.²⁵⁴ Cantonese is not a dialect of Mandarin, and the tonal languages are not similar or interchangeable.²⁵⁵ For older Chinese adults who primarily speak Cantonese, the predominance of Mandarin leaves many in Chinatowns across the U.S. unable to receive necessary services.²⁵⁶

This language disparity is magnified when it comes to mental health treatment for adults with LEP.²⁵⁷ When it comes to mental healthcare, beyond the heavy stigma of seeking professional help, there are still limited options in Asian languages.²⁵⁸ Although being able to communicate with healthcare providers is crucial, awareness about cultural beliefs and customs is just as important to providing effective care.²⁵⁹ Asian immigrants use mental health services at lower rates than other ethnic groups.²⁶⁰ Older Asian immigrants have higher rates of

249. Simon et al., *supra* note 241, at 900–02.

250. *Id.* at 898.

251. See Kirk Semple, *Chinese-Americans Learn a New Dialect*, HERALD-TRIB. (Oct. 21, 2009, 8:48 PM), <https://www.heraldtribune.com/story/news/2009/10/22/chinese-americans-learn-a-new-dialect/28897791007/> [https://perma.cc/87B4-YNMK].

252. *Id.*

253. Associated Press, *As Cantonese Language Wanes, Efforts to Preserve It Grow*, NBC NEWS (Sept. 28, 2022, 3:32 PM), <https://www.nbcnews.com/news/asian-america/cantonese-language-wanes-efforts-grow-preserve-rcna49870> [https://perma.cc/52KJ-ZU6S].

254. *Id.*

255. *Id.*

256. See Li, *supra* note 242.

257. Royce, *supra* note 219.

258. Jennifer Huizen, *Asian American Mental Health Stigma: Why Does It Exist?*, MED. NEWS TODAY (Jan. 29, 2021), <https://www.medicalnewstoday.com/articles/asian-american-mental-health> [https://perma.cc/22RV-9DFS].

259. See *id.*

260. Minsun Lee, Aisha Bhimla, Wenye Lu & Grace X. Ma, *Correlates of Mental Health Treatment Receipt Among Asian Americans with Perceived Mental Health Problems*, 48 J. BEHAV. HEALTH. SERV. RSCH. 1, 2 (2021).

generalized anxiety disorder compared to U.S.-born older Asians.²⁶¹ Southeast Asian refugees are also more at risk for post-traumatic stress disorder (PTSD); one study found that seventy percent of Southeast Asian refugees receiving mental healthcare were diagnosed with PTSD.²⁶²

Mental healthcare in the U.S. is approached from a Western perspective, so the care can also be less effective for older Asian Americans.²⁶³ Older Asian Americans are less likely to seek out mental health services; therefore, community organizations are integral to supporting these older adults.²⁶⁴ Unfortunately, there is still a scarcity of national data on older Asian Americans, mental health, and care.²⁶⁵ Large national data sets also aggregate all ethnic groups into the “Asian American” category, and they frequently fail to investigate how specific ethnic groups differ.²⁶⁶ Depending on the political representation in these communities, important issues like healthcare may fail to be addressed.²⁶⁷

C. Voting Rights and Representation Challenges

One reason why Asian immigrant enclaves in the United States are disappearing at a rapid pace is a lack of visibility within the political landscape.²⁶⁸ The specific needs of ethnic enclaves have been ignored because Asian communities have historically been gerrymandered and split among different legislative and representative districts.²⁶⁹

261. Giyeon Kim, Sylvia Y. Wang, Soohyun Park & Stacy W. Yun, *Mental Health of Asian American Older Adults: Contemporary Issues and Future Directions*, 4 INNOVATION IN AGING, 1, 3 (2020).

262. *Mental and Behavioral Health- Asian Americans*, OFF. OF MINORITY HEALTH, <https://minorityhealth.hhs.gov/mental-and-behavioral-health-asian-americans> [<https://perma.cc/5LQT-V6T2>] (last visited Jan. 28, 2025).

263. Lanvin Andres & Sojourning Cho, *Creating Inclusive Depression Care for Older Asian Americans: What Community Organizations Can Do*, NAT'L COUNCIL ON AGING (June 17, 2022), <https://www.ncoa.org/article/creating-inclusive-depression-care-for-older-asian-americans-what-community-organizations-can-do> [<https://perma.cc/5WWU-PVTP>].

264. *See id.*

265. Kim et al., *supra* note 261, at 6.

266. *Id.*

267. *See* Xuandi Wang, *Inside Chinatown's Century-Long Fight for Power*, S. SIDE WKLY. (Dec. 26, 2023), <https://southsideweekly.com/inside-chinatowns-century-long-fight-for-power/> [<https://perma.cc/BXP9-CD5Q>].

268. *Id.*

269. *See* Paul Ong & Albert J. Lee, *Asian Americans and Redistricting: Empowering Through Electoral Boundaries*, 8 AAPI NEXUS: POL'Y, PRACTICE, & CMTY. 87, 89–103 (2010).

Gerrymandering involves drawing boundaries with the intention of influencing who gets elected during redistricting, which is the once-a-decade process of redrawing legislative and congressional lines.²⁷⁰ Redistricting frequently excludes minority communities from political power by affecting how responsive elective representatives are to the interests of specific communities within their district.²⁷¹

Political representation and advocacy are integral to raising awareness on important issues and manifesting change.²⁷² The first Chinese immigrants settled in Chicago over one hundred and fifty years ago, but Asian Americans were only able to get representation on Chicago's City Council in the last few years.²⁷³ In 2021, finally given the opportunity for self-determination, Chinatown civic leaders pushed for the establishment of Chicago's first majority Asian American ward, consolidating Chinatown into one ward.²⁷⁴ In 2022, the first Chinese American was elected to the City Council of Chicago, and under the new ward maps, the 11th Ward also became the city's first Asian American majority ward.²⁷⁵ Representation that matches the demographics of the population is crucial to bringing awareness of specific issues affecting the community to political attention.²⁷⁶

270. Julia Kirschenbaum & Michael Li, *Gerrymandering Explained*, BRENNAN CTR. FOR JUST. (June 9, 2023), <https://www.brennancenter.org/our-work/research-reports/gerrymandering-explained> [https://perma.cc/48NS-JY7C].

271. ALL ABOUT REDISTRICTING: EMPOWERING OUR COMMUNITIES, ASIAN AMS. ADVANCING JUST. 1 (2021), <https://www.advancingjustice-aajc.org/sites/default/files/2021-08/Redistricting%20Fact%20Sheet%208-12-2021-compressed.pdf> [https://perma.cc/4DUT-5RRT].

272. *Id.*

273. Justin Ian Sia & Grace Chan McKibben, *Chicago's Asian Americans Demand a Voice and a Choice in Our Democracy*, CRAIN'S CHI. BUS. (Nov. 9, 2021, 12:16 PM), <https://www.chicagobusiness.com/opinion/chicago-asian-american-majority-ward-necessity-op-ed> [https://perma.cc/VP37-MMGH].

274. Mark Brown, *Chinatown Leaders Eye Daley Family's 11th Ward Stronghold for First Asian American-Majority City Ward*, CHI. SUN-TIMES (Sept. 24, 2021, 3:00 PM), <https://chicago.suntimes.com/columnists/2021/9/24/22691715/chinatown-remap-11th-ward-patrick-daley-thompson-redistricting-chicago-city-council> [https://perma.cc/3W33-VSPZ].

275. Todd Feurer, *Ald. Nicole Lee Declares Victory in 11th Ward Race Against Challenger Anthony Ciaravino*, CBS NEWS (Apr. 4, 2023, 10:31 PM), <https://www.cbsnews.com/chicago/news/ald-nicole-lee-wins-11th-ward-race/> [https://perma.cc/G6CN-CJK9].

276. See ALL ABOUT REDISTRICTING: EMPOWERING OUR COMMUNITIES, *supra* note 271, at 1.

In California, Asian Americans make up nearly fifteen percent of the population, but are a majority in just one district.²⁷⁷ In Los Angeles, Koreatown was divided into four city council districts for decades, diffusing and neglecting the specific needs of Koreatown.²⁷⁸ In *Lee v. City of Los Angeles*,²⁷⁹ five Koreatown residents sued the city of Los Angeles claiming that the alleged gerrymandering violated the Fourteenth Amendment, the City Charter, and the California Constitution.²⁸⁰ However, they were unsuccessful and the Court of Appeals affirmed the District Court's summary judgment in favor of the city because the city was not predominantly motivated by race in redrawing boundaries of the city district.²⁸¹ Despite this setback, in December 2021, council members approved a redistricting ordinance that placed Koreatown in a single council district for the next ten years.²⁸² Representation is critical to shining light on issues specific to many ethnic enclaves including the issue of having reliable transit.²⁸³

D. Transportation

Alternative modes of transportation are important for low-income individuals who are unable to afford a car and for older adults who are no longer able to drive.²⁸⁴ Driving becomes more difficult for

277. Sameea Kamal, *Local Communities Push State Redistricting Commission to Keep "Ethnic Enclaves" Together*, KQED (Oct. 14, 2021), <https://www.kqed.org/news/11892339/local-communities-push-state-redistricting-commission-to-keep-ethnic-enclaves-together> [https://perma.cc/G25T-XTQ4].

278. Claire Wang, *Amid Redistricting, L.A. Koreatown Looks to Consolidate Political Power*, NBC NEWS (Oct. 25, 2021), <https://www.nbcnews.com/news/asian-america/redistricting-l-koreatown-looks-consolidate-political-power-rcna3506> [https://perma.cc/G32Q-ENH3].

279. *Lee v. City of Los Angeles*, 88 F. Supp. 3d 1140, 1147–48 (C.D. Cal 2015).

280. Matt Reynolds, *Los Angeles' Koreatown Fights City Hall*, COURTHOUSE NEWS SERV. (Aug. 2, 2012), <https://www.courthousenews.com/los-angeles-koreatown-fights-city-hall/> [https://perma.cc/W352-U8QN].

281. *Lee v. City of Los Angeles*, 908 F.3d 1175, 1186–88 (9th Cir. 2018).

282. David Zahniser, *L.A. Approves Its Redistricting Map, Setting Political Boundaries for the Next Decade*, L.A. TIMES (Dec. 7, 2021, 4:30 PM), <https://www.latimes.com/california/story/2021-12-07/los-angeles-city-council-redistricting-vote> [https://perma.cc/Q5ZF-UX6D].

283. See discussion *infra* Section III.D.

284. See Wendy Heaps, Erin Abramsohn, Elizabeth Skillen, *Public Transportation in the US: A Driver of Health and Equity*, HEALTH AFFS. (July 29, 2021), <https://www.healthaffairs.org/content/briefs/public-transportation-us-driver-health-and-equity> [https://perma.cc/ZZ9K-8SF9].

older adults due to changes that alter a person's ability to drive safely.²⁸⁵ When older adults stop driving, the loss of independence can be jarring.²⁸⁶ Although there are many alternatives, these options are not feasible for everyone and can also be inconvenient.²⁸⁷ Rideshare or taxi services can be cost-prohibitive, especially for low-income older adults.²⁸⁸

Asian ethnic enclaves have historically been in large cities, where public transportation is a feasible alternative to owning a car.²⁸⁹ Although the U.S. remains a car-centric society, many ethnic enclaves offer the opportunity to retain independence without owning a car.²⁹⁰ Many adults in ethnic enclaves do not own a car or have a driver's license, so when they reach an age where they are not physically able to drive, the effects on older adults are modest.²⁹¹

In many ethnic enclaves, older adults turn to their family and friends, as well as non-driving transit options.²⁹² Immigrants living in ethnic enclaves are more likely to use alternative modes of transportation.²⁹³ Asian ethnic enclaves are typically located in big cities, and as a result, are walkable and transit-friendly.²⁹⁴ Koreatown in Los Angeles and Chinatown in Boston are considered some of the most walkable neighborhoods within top-rated walkable cities.²⁹⁵

A study of Chicago's Chinatown found that forty percent of residents did not have access to a vehicle.²⁹⁶ Many people, especially older

285. *Safe Driving for Older Adults*, NAT'L INST. ON AGING, <https://www.nia.nih.gov/health/safety/safe-driving-older-adults> [https://perma.cc/35NH-Y9F5] (last visited Jan. 28, 2025).

286. *Id.*

287. See Aleya Rentz, *Unreliable Mass Transit and American Public Health*, HUB (Jan. 19, 2024), <https://hub.jhu.edu/2024/01/19/cdc-report-unreliable-transportation-in-america/> [https://perma.cc/6SRU-83L5].

288. See *How to Get Free—or Low-Cost—Car Rides*, AARP FOUND., <https://my.aarpfoundation.org/article/affordable-transportation/> [https://perma.cc/5LZB-9N26] (last visited Jan. 22, 2025).

289. See CHI. METRO. AGENCY FOR PLANNING, CHINATOWN PARKING MANAGEMENT PLAN (May 26, 2021), https://www.cmap.illinois.gov/documents/10180/0/FY21-0032_Chinatown_Executive_Summary.pdf/92e60b73-a1ac-f538-88db-8d5d34290f65?t=1622230691488 [https://perma.cc/A3GN-LQ6M].

290. See Eun Jin Shin, *Unraveling the Effects of Residence in an Ethnic Enclave on Immigrants' Travel Mode Choices*, 37 J. OF PLAN. EDUC. & RSCH. 425, 425 (2017).

291. See *id.*

292. See CHI. METRO. AGENCY FOR PLANNING, *supra* note 289, at 3.

293. See Shin, *supra* note 290, at 425.

294. See *id.*

295. Ashar Jawad, *15 Most Walkable Cities in the US*, YAHOO (July 25, 2023), <https://finance.yahoo.com/news/15-most-walkable-cities-us-100615223.html> [https://perma.cc/J5K3-XANW].

296. CHI. METRO. AGENCY FOR PLANNING, *supra* note 289, at 3.

residents, typically walked for most trips; there are also many people who use bicycles for transportation.²⁹⁷ The study aimed to improve parking, and public spaces by purchasing outdoor exercise equipment and adding public seating for elderly citizens.²⁹⁸ However, in recent years, public transportation has become unsafe for older Asian adults due to an increase in racially targeted violence.²⁹⁹

E. Safety of Older Adults

Discrimination against Asians has a long history in the United States,³⁰⁰ but anti-Asian hate and violence drastically increased during the beginning of COVID-19.³⁰¹ A 2023 study found that, in the last year, about one in three U.S. Asians and Pacific Islanders faced racial abuse.³⁰² Many acts of hate targeted older Asian Americans, and these older Asians stayed at home—not because of the pandemic, but because of fear that they will be physically attacked.³⁰³ In July 2023, there were at least four highly-publicized cases of violence against Asian seniors in San Francisco, resulting in non-life-threatening injuries to two victims, massive internal bleeding for another victim, and the death of

297. COAL. FOR A BETTER CHINESE AM. CMTY., CHINATOWN WALKABILITY REP. 2 (2017), <https://cbcacchicago.org/past-work/2021/8/26/walkability-report> [https://perma.cc/GJ8H-65EA].

298. CHI. METRO. AGENCY FOR PLANNING, *supra* note 289, at 17, 21.

299. See *New Report: Elderly Asian Americans Report Significant Fear of Physical Assault, Stress, And Anxiety*, STOP AAPI HATE (May 24, 2022), <https://stopaapihate.org/2022/05/24/release-elder-report-2022/> [https://perma.cc/9A43-48FC].

300. See *Yick Wo v. Hopkins*, 118 U.S. 356 (1886); *United States v. Wong Kim Ark*, 169 U.S. 649 (1898); *Oyama v. California*, 332 U.S. 633 (1948); *Lau v. Nichols*, 414 U.S. 563 (1974); *Korematsu v. United States*, 323 U.S. 214 (1944); Chinese Exclusion Act of 1882, 22 Stat. 58, ch. 126 (1882).

301. Associated Press, *More Than 9,000 Anti-Asian Incidents Have Been Reported Since the Pandemic Began*, NPR (Aug. 12, 2021, 6:02 PM), <https://www.npr.org/2021/08/12/1027236499/anti-asian-hate-crimes-assaults-pandemic-incidents-aapi> [https://perma.cc/XZ72-CM3V].

302. Terry Tang & Linley Sanders, *1 in 3 U.S. Asians and Pacific Islanders Faced Racial Abuse This Year, Says AP-NORC/AAPI Data Poll*, PBS (Nov. 14, 2023, 6:39 PM), <https://www.pbs.org/newshour/politics/1-in-3-u-s-asians-and-pacific-islanders-faced-racial-abuse-this-year-says-ap-norc-aapi-data-poll> [https://perma.cc/XGX8-5L4Q].

303. See RUSSEL JEUNG, AGGIE J. YELLOW HORSE, THERESA CHEN, ANNE SAW, BOAZ TANG, ALISON LO, MIKA RO, LAYLA SCHWENG, SAMIKSHA KRISHNAMURTHY, WINNIE CHAN, MATTHEW CHU & CANDICE CHO, *ANTI-ASIAN HATE, SOCIAL ISOLATION, AND MENTAL HEALTH AMONG ASIAN AMERICAN ELDERS DURING COVID-19* 3 (2022), <https://stopaapihate.org/wp-content/uploads/2022/05/SAH-Elder-Report-526.pdf> [https://perma.cc/6DE8-S8ZL].

a sixty-three-year-old woman.³⁰⁴ A man convicted of assault on a sixty-two-year-old Oakland Chinatown community leader in 2021 was charged again in July 2023 with assault against an eighty-eight-year-old Asian woman in San Francisco.³⁰⁵

In 2021, President Biden signed the COVID-19 Hate Crimes Act to make reporting of hate crimes more accessible in response to the increase in violence against Asian Americans.³⁰⁶ Despite recent legislation, many incidents against Asians have not been charged as hate crimes or have not led to arrests.³⁰⁷ Hate crime statutes currently require prosecutors to prove that the offense was motivated by racist motives in committing a criminal act.³⁰⁸ As a result, hate crimes are very difficult to prosecute unless the attacker is explicit about their racial motivation in committing the crime.³⁰⁹ In most cases, the prosecutor would have to further investigate to see if there are any signs of bias through memberships or social media.³¹⁰ The extra investigative work involved and the uncertainty of whether the hate crime charge will prevail lead to the perpetrator not being charged with a hate crime.³¹¹ Unfortunately, hate crime statutes limit many of the cases against Asians, who are well accustomed to casual racism in the form of microaggressions or jokes.³¹²

304. Han Li, *San Francisco DA Condemns Attacks on Asian Seniors: 'We Will Not Stand for This'*, S.F. STANDARD (July 26, 2023, 4:30 PM), <https://sfstandard.com/2023/07/26/attacks-on-asian-senior-police-da-speak-up/> [https://perma.cc/MYK4-2FDU].

305. Carl Samson, *Hate Crime Charges Dropped Against Man Accused of Yelling Racial Slur During Assault on Chinatown Leader*, NEXTSHARK (Sept. 17, 2021), <https://nextshark.com/chinatown-leader-attacked-hate-crime-dropped> [https://perma.cc/VT2A-FF6L]; Jay Barmann, *Oakland Man Who Did Time For Attack On Chinatown Leader Charged With Assault on Elderly SF Woman*, SFIST (July 26, 2023), <https://sfist.com/2023/07/26/oakland-man-who-did-time-for-attack-on-another-asian/> [https://perma.cc/H4B7-HL8E].

306. See The COVID-19 Hate Crimes Act, 34 U.S.C. § 30501.

307. Nicole Hong & Jonah E. Bromwich, *Asian-Americans Are Being Attacked. Why Are Hate Crime Charges So Rare?*, N.Y. TIMES (Oct. 26, 2021), <https://www.nytimes.com/2021/03/18/nyregion/asian-hate-crimes.html> [https://perma.cc/4D7E-ZHDE].

308. See CAL. PENAL CODE §§ 422.55, 422.6, 422.7, 422.75 (West 2005); N.Y. PENAL LAW § 485.05 (2000); 720 ILL. COMP. STAT. 5/12-7.1 (2003); D.C. CODE § 22-3701 (1989).

309. Kiara Alfonseca, *Hate Crimes Are Hard to Prosecute, but Why?*, ABCNEWS (Apr. 13, 2021, 5:02 AM), <https://abcnews.go.com/US/hate-crimes-hard-prosecute/story?id=76926458> [https://perma.cc/VBY6-Y8YF].

310. *Id.*

311. *Id.*

312. Kimmy Yam, *How Hate Incidents Led to a Reckoning of Casual Racism Against Asian Americans*, NBC NEWS (June 23, 2021, 12:28 PM), <https://www.nbcnews.com/>

For monolingual older adults, this issue is further complicated because the victim may not understand English and is unable to know whether the attacker expressed racial animus.³¹³

IV. Resolution and Recommendations

Older adults should have the option to age gracefully in a place they are familiar with and wish to continue to live in. However, the reality is that many are unable to afford to live in familiar ethnic enclaves and will have to lose their independence and long-established routines.³¹⁴ Older adults living in ethnic enclaves face a variety of issues; therefore, a multifaceted approach is needed to tackle these problems.

A. Affordable and Safe Housing

As many residents are forced to relocate from ethnic enclaves because of the rising rents and proposed evictions, there must be an expansion of rent control laws, first right of purchase laws, and affordable housing alternatives. First, right of purchase laws have been critical in protecting existing affordable homes and reducing tenant displacement.³¹⁵ For instance, TOPA laws have been successful and already exist in D.C., San Francisco, Minneapolis, and other cities.³¹⁶ However, they are not a one-size-fits-all solution.³¹⁷ In cities like San Francisco, where Chinatown SRO units are among the only “affordable” units left, TOPA is unlikely to remedy the issue of housing.³¹⁸ Most SRO residents do not earn enough to qualify for a typical subsidized apartment owned

news/asian-america/how-hate-incidents-led-reckoning-casual-racism-against-asian-americans-n1271729 [https://perma.cc/MJJ7-JRE7].

313. *Id.*

314. Agnes Constante, *Asian Americans Facing High Risk of Displacement Mobilize to Fight Back*, NBC NEWS (Dec. 8, 2019, 6:01 AM), <https://www.nbcnews.com/news/asian-america/asian-americans-facing-high-risk-displacement-mobilize-fight-back-n1097306> [https://perma.cc/VV76-LF63].

315. See *Tenant Opportunity to Purchase Assistance*, *supra* note 139.

316. *Tenant Opportunity to Purchase Act*, HOUS. J. FOR ALL, <https://housingjusticeforall.org/our-platform/tenant-opportunity-to-purchase-act/> [https://perma.cc/9XUC-9YVZ] (last visited Jan. 28, 2025).

317. See Emma Craig, *Tenant Opportunity to Purchase Gains Traction*, NAA (May 22, 2024), <https://naahq.org/tenant-opportunity-purchase-gains-traction> [https://perma.cc/9MAT-MWBL].

318. See *id.*

by the city's nonprofits.³¹⁹ Most older adults in San Francisco are living below the poverty line and do not qualify for programs that provide supportive housing for formerly unhoused people.³²⁰ As shown in the Museum Square example,³²¹ there must be limits on what the property can be resold for in the future to ensure that it remains affordable and cannot be flipped and sold at an exorbitant price.³²²

Affordable housing within ethnic enclaves is rare but achievable.³²³ In Los Angeles' Koreatown, a Japanese Service Center, a Korean nonprofit organization, and a nonprofit affordable housing developer banded together to develop Durae Senior Apartments.³²⁴ The Durae Senior Apartments provide sixty-seven units of affordable housing for low-income seniors and the Korean Resource Center provides culturally specific services for the senior residents, including social and cultural services, as well as referrals to off-site health services.³²⁵ The apartments are designed to accommodate different mobility needs and units have grab bars, are pre-wired for emergency call systems, and feature no-slip surfaces.³²⁶ While affordable housing options for older adults are not new, the combination of affordable housing and vital programs brought on-site is innovative and a great step toward progress.³²⁷

Single-room occupancy units have continued to disappear and are often converted into condominiums or other luxury hotels.³²⁸ Between the 1970s and the 1990s, one million SRO units were lost because

319. J.K. Dineen, *A Wave of SRO Listings Have Set Chinatown on Edge: 'The Next Generation Doesn't Want Anything to Do with These Buildings'*, S.F. CHRON. (Mar. 22, 2022, 6:51 PM), <https://www.sfchronicle.com/sf/article/A-wave-of-SRO-listings-have-set-Chinatown-on-17019228.php> [<https://perma.cc/HGH8-JRXE>].

320. *Id.*

321. Aaron Wiener, *Museum Square Tenants Sue Property Owner Over Demolition Threat*, WASH. CITY PAPER (Oct. 30, 2014), <https://washingtoncitypaper.com/article/372695/museum-square-tenants-sue-property-owner-over-demolition-threat/> [<https://perma.cc/EY6C-PJ2C>].

322. *Key Considerations for Designing Tenant and Community Opportunity to Purchase Policies*, PUB. ADS., <https://publicadvocates.org/wp-content/uploads/2022/04/key-considerations-for-designing-topa-copa-policies.pdf> [<https://perma.cc/N74C-AXRB>] (last visited Jan. 28, 2025).

323. *See Durae Senior Apartments*, KOR. RES. CTR., <https://www.drupal-krcla.org/en/about/durae> [<https://perma.cc/7GYZ-MVZ9>] (last visited Jan. 28, 2025).

324. *Id.*

325. *Id.*

326. *Id.*

327. *See id.*

328. *See* Chris Burrell, *Tenants Pushed Out as Developers Buy Single-Room-Occupancy Properties*, NPR (Aug. 19, 2019, 7:20 AM), <https://www.npr.org/2019/08/19/752311809/tenants-pushed-out-as-developers-buy-single-room-occupancy-properties> [<https://perma.cc/VA9M-LSMF>].

policymakers disfavored the single-room residences.³²⁹ Although many remaining SROs leave much to be desired, it is the unfortunate reality that these units can be the only option for low-income individuals, especially retired older adults.³³⁰ The city of Chicago has an SRO Preservation Initiative and requires tenants living in an SRO to be notified when the property is being listed for sale.³³¹ The city of Chicago also meets with existing SRO owners to review financing opportunities including loans that support the preservation of affordable housing.³³² Other states can use Chicago as a model to create their own initiatives and promote LIHTC programs as a way to finance these SROs.³³³

Many important ballot initiatives have been proposed in states and in localities.³³⁴ In March 2024, an affordable-housing bond measure (Proposition A) passed in San Francisco.³³⁵ Housing bonds are debt securities, a type of municipal revenue bond issued by state or local governments to raise money for affordable housing development projects.³³⁶ The \$300 million housing bond will support the construction of affordable housing without raising property taxes.³³⁷ The housing bond will also provide affordable homes for families, seniors, residents of former public housing projects, and households experiencing homelessness.³³⁸ Low-income seniors are the single-fastest growing population in San Francisco, with the majority paying over seventy-five percent of their income to stay housed.³³⁹

329. Jake Blumgart, *SRO Housing, Nearly Zoned Out of Existence, Could Re-Emerge*, GOVERNING (June 8, 2022), <https://www.governing.com/community/sro-housing-nearly-zoned-out-of-existence-could-re-emerge> [https://perma.cc/M5CN-Y436].

330. *Id.*

331. *SRO Preservation Initiative*, CITY OF CHI. (Sept. 29, 2020), <https://www.chicago.gov/city/en/depts/doh/provdrs/developers/svcs/sro-preservation-initiative.html> [https://perma.cc/MS6T-AB2R].

332. *Id.*

333. *See id.*

334. *See, e.g.,* Aldo Toledo & J.K. Dineen, *S.F. Election: Prop. A, \$300 Million Affordable-Housing Bond, Passes*, S.F. CHRON. (Mar. 11, 2024, 11:37 AM), <https://www.sfchronicle.com/sf/article/sf-election-march-prop-a-affordable-housing-bond-18694615.php> [https://perma.cc/AT6N-LX6B].

335. *Id.*

336. James Chen, *Housing Bonds*, INVESTOPEDIA (Apr. 26, 2022), <https://www.investopedia.com/terms/h/housingbonds.asp> [https://perma.cc/KZY3-BHGT].

337. *Board of Supervisors Votes to Place Affordable Housing Bond on March Ballot*, SF.GOV (Nov. 7, 2023), <https://www.sf.gov/news--board-supervisors-votes-place-affordable-housing-bond-march-ballot> [https://perma.cc/8ZDJ-HCYG].

338. *Id.*

339. *Id.*

Many proponents also pushed for stronger rent control in the November 2024 elections.³⁴⁰ Although Massachusetts failed to collect the required signatures to include rent control on the ballot, California included a rent control ballot initiative in the elections.³⁴¹ The November 2024 ballot in California included Initiative 1942, known as the Justice for Renters Act.³⁴² The ballot measure would have repealed the Costa-Hawkins Rental Housing Act and allowed local jurisdictions to enact their own rent control laws, including vacancy control laws.³⁴³ The measure would have increased tenant protections in the worst housing shortage state and prevented further displacement.³⁴⁴ Unfortunately, the 2024 proposition failed to pass, just as similar propositions did in 2018 and 2020.³⁴⁵

Illinois introduced House Bill 4795 in February 2024, which would ban exclusive single-family zoning in any county or municipality with any population greater than 100,000 but less than 500,000.³⁴⁶ The Illinois Housing Development Authority would be in charge of implementing the Single-Family Zoning Ban Act and would be required to adopt zoning ordinances and zoning maps consistent with the Act by June 1, 2025.³⁴⁷ Passing these laws, combined with strong political representation, will highlight issues affecting ethnic enclaves while providing localities with the authority to enact tenant protection laws.³⁴⁸

340. Vanessa Rancaño, *Rent Control Is on the Ballot Again. Here's What to Know*, KQED (Oct. 9, 2024), <https://www.kqed.org/news/12008424/prop-33-rent-control-is-on-the-ballot-again-election-2024-california> [https://perma.cc/T22D-X7SQ].

341. *See id.*; Chris Lisinski, *Rent Control Advocates End 2024 Ballot Question Push*, WBUR (Nov. 13, 2023), <https://www.wbur.org/news/2023/11/13/rent-control-2024-ballot-question-end> [https://perma.cc/RFU8-PAA4].

342. Cameron Fozi, *Rent Control Will Be Back on the Ballot Next Year. What Could That Mean for San Diego?*, SAN DIEGO UNION-TRIB. (Aug. 12, 2023, 5:00 AM), <https://www.sandiegouniontribune.com/news/politics/story/2023-08-12/expanded-rent-control-ballot-costa-hawkins-what-it-means-for-san-diego> [https://perma.cc/3QG G-8R86].

343. *Id.*

344. *Id.*

345. *Id.*; Dean Fioresi, *California Voters Reject Proposition 33, A Measure to Expand Rent Control Across the State, AP Projects*, CBS NEWS (Nov. 6, 2024, 1:46 AM), <https://www.cbsnews.com/losangeles/news/california-proposition-33-rent-control-local-government-2024-election/> [https://perma.cc/7FJ7-H5ZG].

346. H.B. 4795, 103rd Gen. Assemb. (Ill. 2024).

347. *Id.*

348. *See id.*

B. Expanded Language Services

There are numerous language access laws; however, states and cities need to focus on enforcement of these laws.³⁴⁹ As of 2019, every state, along with the District of Columbia, has enacted multiple laws addressing language access, with California having the most comprehensive laws with a total of 257 provisions.³⁵⁰ Despite the numerous language access laws, many of these laws go unenforced and individuals have limited remedies.³⁵¹

California passed the Dymally-Alatorre Bilingual Services Act in 1973, which required state and local agencies to provide language services to non-English-speaking people who comprise five percent or more of the total state population and to hire a sufficient number of bilingual staff.³⁵² However, in 1999, California found that eighty percent of state agencies were not in compliance with the act and passed the Equal Access Services Ordinance in 2001, which required major departments to provide language translation services to LEP individuals who comprise five percent or more of the total city population.³⁵³

The Patient Protection and Affordable Care Act was signed into law in 2010, and while the law has been integral to increasing healthcare access, Section 1557 might be even more important in protecting individuals with LEP.³⁵⁴ Section 1557 prohibits exclusion from participation, denial of the benefits, and discrimination based on race, color, national origin (including LEP and primary language), sex, age, and

349. Jacobo Hoftstetter, Margie McHugh & Anna O'Toole, *A Framework for Language Access*, MIGRATION POL'Y INST. 23–25 (Oct. 2021), https://www.migrationpolicy.org/sites/default/files/publications/language-access-2021_final.pdf [https://perma.cc/37A3-KGAK].

350. Mara Youdelman, *Summary of State Law Requirements Addressing Language Needs in Health Care*, NAT'L HEALTH L. PROGRAM (Apr. 2019), <https://healthlaw.org/resource/summary-of-state-law-requirements-addressing-language-needs-in-health-care-2/> [https://perma.cc/TT28-SATQ].

351. *Id.*

352. See Dymally-Alatorre Bilingual Services Act, CAL. GOV'T CODE § 7291 (West 2024).

353. S.F., CAL., ch. 91, § 27-15, Language Access Requirements for Departments (2015).

354. Mara Youdelman, Wayne Turner, Abigail Coursolle, Elizabeth Edwards, Jennifer Lav & Madeline Morcelle, *Questions and Answers on the 2022 Proposed Rule Addressing Nondiscrimination Protections Under the ACA's Section 1557*, NAT'L HEALTH L. PROGRAM (Aug. 15, 2022), <https://healthlaw.org/resource/questions-and-answers-on-the-2022-proposed-rule-addressing-nondiscrimination-protections-under-the-acas-section-1557/> [https://perma.cc/YFB8-A7ZZ].

disability.³⁵⁵ The U.S. Department of Health & Human Services Office for Civil Rights is responsible for investigating complaints, and typically reaches voluntary settlement agreements with the provider.³⁵⁶ However, voluntary settlement agreements do not provide a remedy for patients previously affected by noncompliance.³⁵⁷ At the federal level, the 2001 Supreme Court decision in *Alexander v. Sandoval* held that there is no private right of action for a disparate impact claim under Title VI of the Civil Rights Act of 1964.³⁵⁸ However, Section 1557 authorizes a federal private right of action for claims of disparate impact discrimination using the language access provision of the Affordable Care Act.³⁵⁹

State-level statutes can also provide another avenue for individuals seeking a remedy through the court system.³⁶⁰ California's Section 1139 mirrors Title VI but also includes more protected categories and covers state agencies.³⁶¹ Section 1139 has an explicit private right of action and allows disparate impact claims by private parties.³⁶² Advocates can utilize Section 1139 to advance language rights not only in adversarial actions, but also through collaborative measures.³⁶³

Health service centers in areas with other regularly encountered languages should increase the number of in-person medical interpreters and staff members proficient in other languages. Governments can provide funding for interpretation services to relieve the financial burden on healthcare providers.³⁶⁴ Language requirement laws are largely

355. *Id.*

356. Thaddeus Mason Pope, *New Regulations Require Better Communication with Patients Who Have Disabilities and Limited English Proficiency*, THE ASCO POST (Jan. 25, 2019), <https://ascopost.com/issues/january-25-2019/new-regulations-require-better-communication-with-patients-who-have-disabilities-and-limited-english-proficiency/> [<https://perma.cc/PD32-JPMZ>].

357. Jessica Rubin-Wills, *Language Access Advocacy After Sandoval: A Case Study of Administrative Enforcement Outside the Shadow of Judicial Review*, 36 N.Y.U. R. L. & SOC. CHANGE 465, 465–66 (2012).

358. *Alexander v. Sandoval*, 532 U.S. 275, 293 (2001).

359. Pope, *supra* note 356.

360. Joann Lee, *Advancing Language Access Through State-Level Civil Rights Laws*, MPI, <https://www.migrationpolicy.org/programs/language-access-state-civil-rights-laws> [<https://perma.cc/5ZRB-TT64>] (last visited Jan. 28, 2025).

361. *Id.*

362. *Id.*

363. *Id.*

364. *Id.*

ineffective if the demand for language resources is much greater than the number of qualified translators.³⁶⁵

C. Improving Transportation and Safety for Older Adults

For Asian older adults who are forced to move out of their ethnic enclaves, it can be difficult for them to return regularly.³⁶⁶ Expanding public transportation to the city's surrounding areas can allow older Asian adults to maintain their independence.³⁶⁷ For older adults who continue to live in ethnic enclaves, public transportation can be refined by improving reliability and frequency of service.³⁶⁸ Public transit can also be improved by having covered benches for older adults to rest on while waiting for their bus to arrive.³⁶⁹ Asians can also feel unsafe in public, especially on public transportation.³⁷⁰

Hate crimes against Asians have gone down; however, these incidents are vastly under-reported because there is great reluctance among the community to report racism and harassment.³⁷¹ This can be due to language barriers or immigration status, as well as mistrust of police officers.³⁷² Community organizations in ethnic enclaves can help monolingual Asian victims by providing mental health services in their language, documenting these hate incidents, and assisting them in

365. Sheila Mulrooney Eldred, *With Scarce Access to Interpreters, Immigrants Struggle to Understand Doctors' Orders*, NPR (Aug. 15, 2018, 2:41 PM), <https://www.npr.org/sections/health-shots/2018/08/15/638913165/with-scarce-access-to-medical-interpreters-immigrant-patients-struggle-to-understand> [https://perma.cc/E4MR-WKC7].

366. See Madeline Lamanna, Christopher A Klinger, Anna Liu Razs & M. Mirza, *The Association between Public Transportation and Social Isolation in Older Adults: A Scoping Review of the Literature*, CAN. J. AGING, 393, 393 (2020).

367. See *id.*

368. See Jeong Park, *In Koreatown, A Lack of Bus Shelters Makes a Hot Summer Even Hotter*, L.A. TIMES (Sept. 4, 2023), <https://www.latimes.com/california/story/2023-09-04/koreatown-lack-of-bus-shelters-hot-summer> [https://perma.cc/KUN5-C7WA].

369. *Id.*

370. See Shruti Rajkumar, *New Study Suggests Anti-Asian Hate and Fear Remain High in New York City*, HUFFPOST (Mar. 8, 2024, 07:21 PM), https://www.huffpost.com/entry/asian-americans-report-fear-and-hate-crimes-new-york_n_65eb7542e4b05ec1ccd9ed69 [https://perma.cc/588P-M9MS].

371. Elvia Malagón, *Chicago Has Few Reports of Anti-Asian Attacks, But There Are Efforts to Boost Reporting, Awareness*, CHI. SUN-TIMES (Mar. 26, 2021, 10:00 AM), <https://chicago.suntimes.com/politics/2021/3/26/22340749/asian-american-hate-crimes-in-hecho-atlanta> [https://perma.cc/H6F8-FZ9Q].

372. *Id.*

navigating life after the attack.³⁷³ Improving housing, healthcare, and employment, while building community, can also be effective ways to reduce violence against older Asian adults.³⁷⁴

V. Conclusion

There is no doubt that racism played a pivotal role in the creation of ethnic enclaves. Even today, the needs of older Asian Americans continue to be overlooked.³⁷⁵ Although there are laws to protect this vulnerable population, enforcement is often slow, and complaints fail to be reported for various reasons.³⁷⁶ As older adults are forced to leave their homes of many years, state governments must examine alternative options to retain affordable housing and safe conditions.³⁷⁷ Federal and local governments can enact laws and provide funding to protect the underserved community of older Asian adults, while community organizations can fill in the gaps by providing culturally sensitive and linguistically appropriate care.³⁷⁸ The issues faced by Asian older adults are varied and require dedicated focus on their specific challenges, which can only be achieved with unwavering advocates behind the community.³⁷⁹

373. See Ko Lyn Cheang, *Attack in a S.F. Chinatown Bakery Stole Her Sense of Safety. Now She's Fighting to Rebuild Her Life*, S.F. CHRON. (Mar. 7, 2024), <https://www.sfchronicle.com/bayarea/article/aa-bakery-stabbing-chinatown-18652361.php> [https://perma.cc/2N3Z-MGCV].

374. Jane Shim, *To Stop Anti-Asian Violence, Invest in Communities, Not Police*, AM. CONST. SOC'Y (May 22, 2023), <https://www.acslaw.org/expertforum/to-stop-anti-asian-violence-invest-in-communities-not-police/> [https://perma.cc/2PKD-XNTD].

375. See *supra* discussion Part II.

376. See Malagón, *supra* note 371.

377. See Jennifer Molinsky, *Housing for America's Older Adults: Four Problems We Must Address*, JCHS (Aug. 18, 2022), <https://www.jchs.harvard.edu/blog/housing-americas-older-adults-four-problems-we-must-address> [https://perma.cc/QK8M-7DTP].

378. See JEUNG ET AL., *supra* note 303.

379. See *id.*