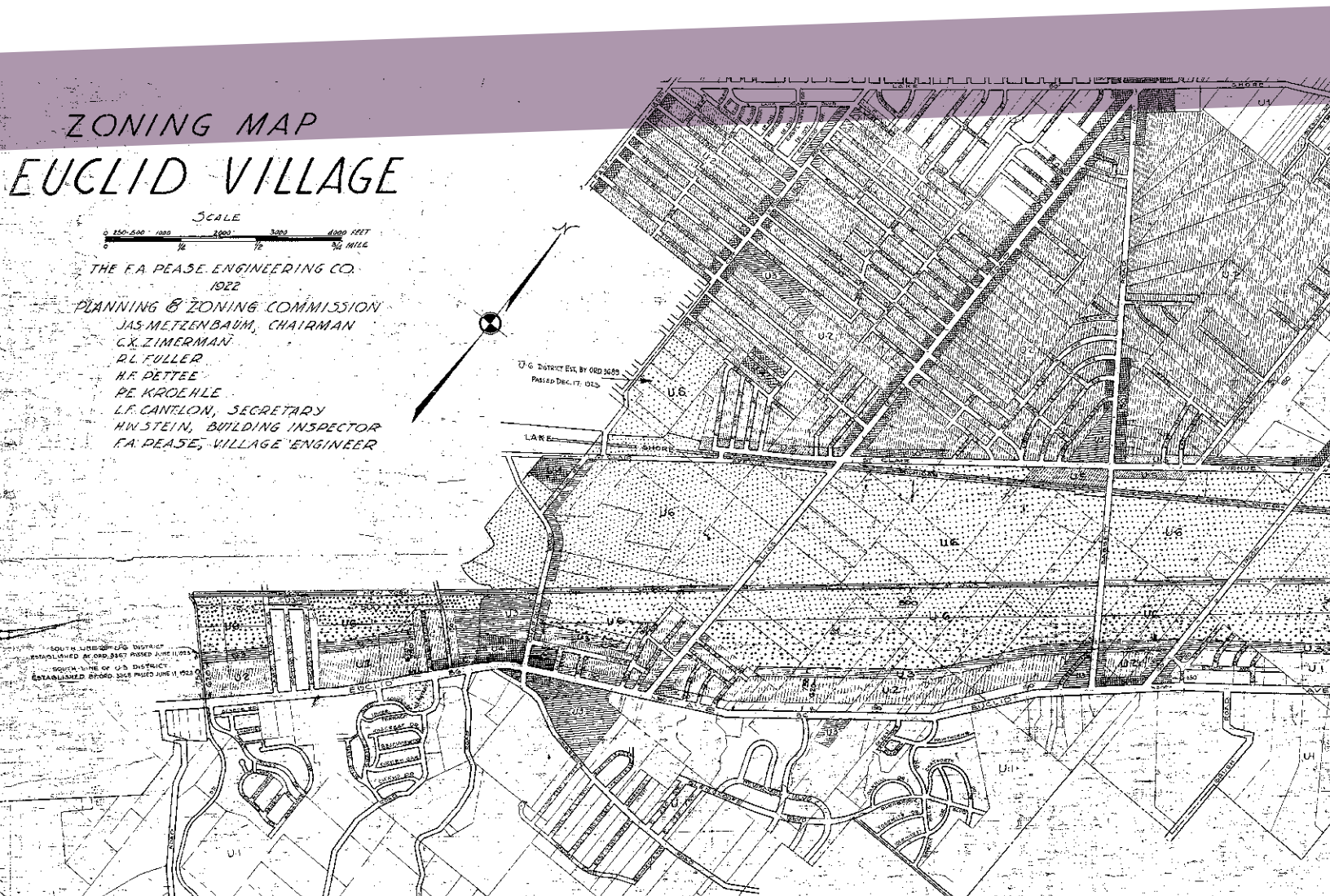


DISCRIMINATORY ZONING



Courtesy of the City of Euclid, Ohio

WORDS TO KNOW

municipal

industrial

housing units

zoning

residential

14th Amendment

Buchanan v. Warley

ordinance

commercial

exclusionary zoning

James v. Valtierra

THINK BEFORE YOU READ

**Have you ever heard the phrase
“There goes the neighborhood!”? What does it mean?**

**What neighborhoods near you seem like nice places to live?
Which seem less desirable?**

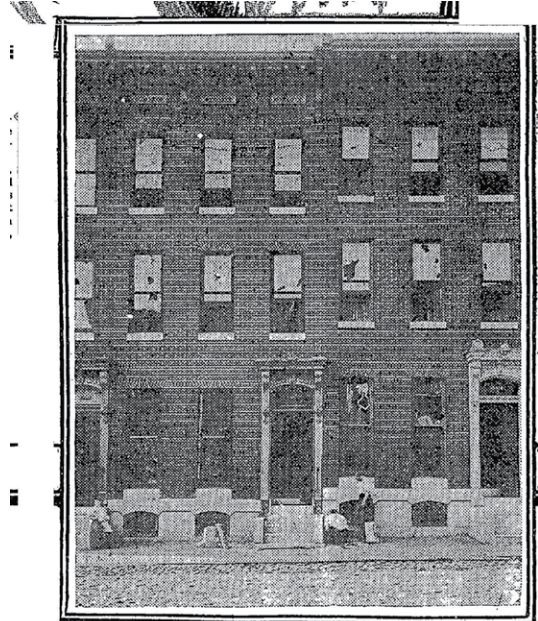
**Should local governments be able to control
what types of housing are available?**

USING THE LAW TO SEGREGATE

In June 1910, W. Ashbie Hawkins, a Black lawyer, bought a house in one of Baltimore's finest neighborhoods. He rented it to his law partner George McMechen and his family. Both men were moving up in the world, part of an emerging Black middle class. McMechen was the first Black resident on the all-White block.



George W. McMechen, a Negro Lawyer, Whose Occupancy of the House 1,834 McCulloh Street, Caused the Segregation Ordinance.



House 1,834 McCulloh Street in Which a Negro Lawyer Named McMechen Moved in June, 1910, and Which Promptly Had Its Windows Broken, as Shown in the Cut.



Left: Illustration of George McMechen Right: House McMechen rented from Hawkins *New York Times Sunday Magazine*, December 25, 1910

Neighbors were enraged. They believed that having Black residents on the block would make their own homes worth less. They formed a neighborhood association that pushed the City of Baltimore to take action. The City created the nation's first racially based **municipal** segregation law. It divided Baltimore into "white blocks" and "colored blocks." Moving onto a block designated for the other race brought a \$100 fine (about \$3,000 today) and up to one year in jail.

Baltimore's law was an early instance of **zoning**. Zoning **ordinances** are local laws that draw boundaries around districts and control how properties within them can be used. Cities use zoning to arrange landscapes by function—such as living areas, business districts, open space, and factory areas. Each zone can have different requirements for building size, fire protection, allowed uses, and even paint colors. Many of these regulations help make cities and towns safer, cleaner, more attractive places to live. For example, separating heavy **industrial** zones from **residential** ones ensures homes are built away from noisy, possibly dangerous, factories. But in cases such as McMechen's and many others, zoning has also been used to exclude.

number of **housing units** in a building. Other rules restricted how many people could live in one home. Still others made it hard to build multi-family homes, rental apartments, or smaller, more affordable houses.

At the time of the *Buchanan v. Warley* decision, only eight cities had zoning laws of any kind. Twenty years later, more than 1,200 did. In 1926, another U.S. Supreme Court decision supported the right of towns and cities to conduct zoning. The federal government now allowed all cities to plan and shape the future landscape.

THE FIGHT FOR FAIR ZONING

In the 1970s, the NAACP launched a campaign to fight exclusionary zoning. They helped to argue the U.S. Supreme Court case of **James v. Valtierra** (1971), a California case about affordable housing. The state required that affordable housing projects in certain zones had to be approved by a popular vote. Black and Mexican families objected, saying that White residents often voted down these projects. The court determined that requiring voter approval hurt all poor people, so, in their eyes, it was not racially discriminatory. To this day, housing discrimination based on a person's income is not illegal. Modern housing advocates still struggle with a system that locks poor people out of many neighborhoods based on income, not race, even though the population of poor people often includes a larger share of people of color.



While zoning has many good and important roles in addressing land use and building for the common good, it can also be used to exclude people.

The multi-family housing pictured here are still excluded today under single-family zoning. (Left) The Martin Parelius Fourplex (left) built in 1911 in Portland, Oregon is now on the National Register of Historic Places. (Right) Triple-deckers line the streets of Dorchester, a neighborhood in Boston, Massachusetts. Triple-deckers (also known as three-deckers) were built throughout New England during the late 19th and early 20th centuries to house waves of newcomers, many from Eastern and Southern Europe, who were drawn to the jobs in the factories and textile mills. Targeted as part of the early 20th century anti-immigrant sentiment, by about 1920 over 36 communities in Massachusetts outlawed triple-deckers, calling them a "three-decker menace." Cities in other New England states soon followed suit. From coast to coast, these types of affordable housing were seen as a threat to "well mannered" communities.

Left: Courtesy of the Oregon Parks and Recreation Department, State Historic Preservation Office, NRIS# 89000112, photographed by Patrick Smith, August 1988

Right: Courtesy of the Getty Images, Photograph, *The Boston Globe*

QUESTIONS TO CONSIDER

- Should every community be required to offer housing for all income levels and home types? Why or why not?
- What might happen if communities used no zoning at all?
- Do you think zoning has had an influence on housing in your own area? What are some signs that you might look for?