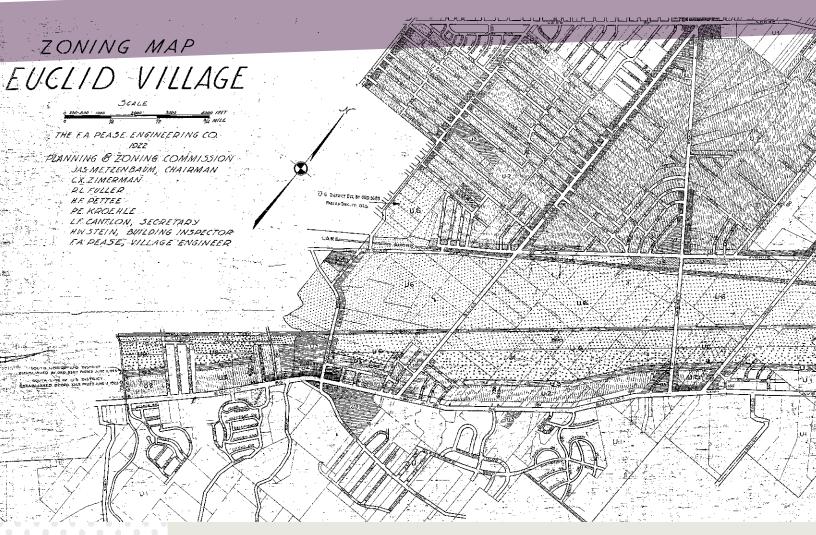
TEACHING UNVARNISHED



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?

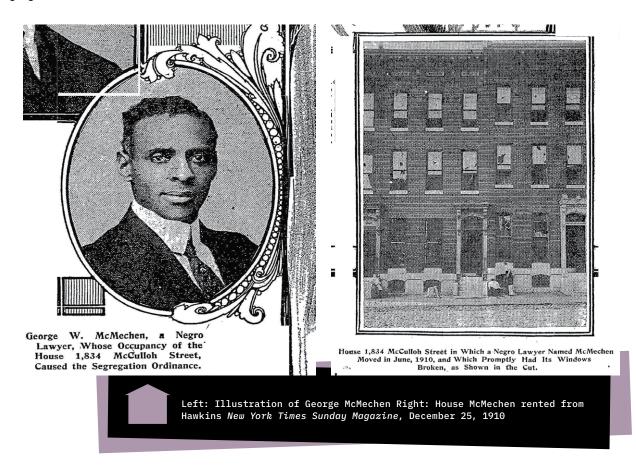
What neighborhoods near you seem like nice places to live? Which seem less desirable?

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

Cover: Zoning Map, Euclid Village. Courtesy of the City of Euclid, Ohio

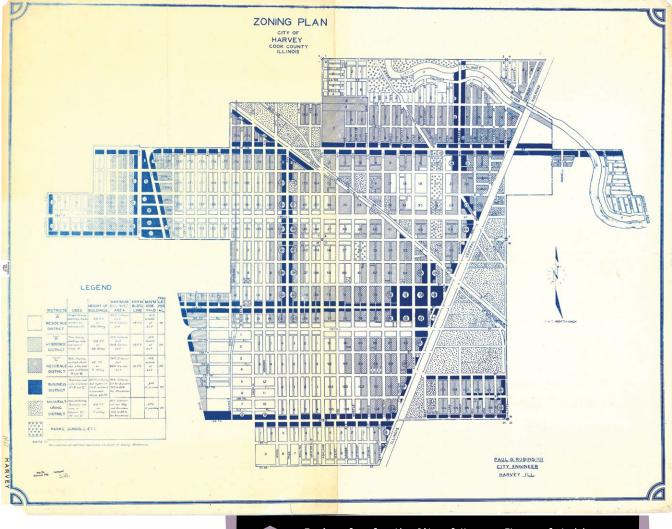
USING THE LAW TO SEGREGATE

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.



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.





Zoning plan for the City of Harvey, IL, completed by Paul G. Robinson, city engineer. The map includes three types of residential districts, a business district, and a manufacturing district as well as parks and schools. Courtesy of the University of Chicago Library

ZONING TAKES OFF

Baltimore's racial zoning ordinance failed legal challenges, but the idea still spread. Racially segregated zoning became common in places where Black property ownership was increasing. But zoning ordinances soon met with obstacles. In 1917, the city of Louisville, Kentucky's new racial zoning ordinance was swiftly challenged by the National Association for the Advancement of Colored People (NAACP). In **Buchanan v. Warley** (1917), the U.S. Supreme Court agreed with the NAACP. The court declared that racially segregated zoning violated the **14th Amendment**'s promise of equal protection under the law. Zoning could no longer restrict housing by race.

But cities still found ways to segregate using other rules. Berkeley, California is long regarded as the first city to enact single-family zoning in 1916, in an effort to keep Black and Chinese people from living and working in White neighborhoods. In 1919, the St. Louis city government decided that too many Black families were moving into certain areas. It changed those zones from residential to **commercial** so that no more housing could be offered. Seattle's 1923 zoning ordinance zoned some areas as commercial–only because Black and Chinese American families lived in them. Some rules set minimum and maximum lot and building sizes or the maximum 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?

© 2023 Naperville Heritage Society. All rights reserved. The Naperville Heritage Society permits the reproduction and distribution of these materials only for non-commercial educational use. Any other use of these materials, including reproduction, modification, distribution or republication, or any commercial use, without the prior written consent of the Naperville Heritage Society, is strictly prohibited.