

Presentation for Legislative Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions

The Role of Race in Zoning: A History & Policy Review

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Metropolitan Housing and Communities Policy Center

Introductions



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**OUR MISSION IS TO OPEN MINDS,
SHAPE DECISIONS, AND OFFER
SOLUTIONS THROUGH ECONOMIC
AND SOCIAL POLICY RESEARCH.**

Agenda

- What is zoning?
- Why was zoning developed?
- What are the consequences of zoning—especially in terms of racial equity?
- How can zoning policy serve as a mechanism for positive change?
- Q&A

What is zoning?

Zoning is a key tool by which governments can regulate land use and building form

Zoning map

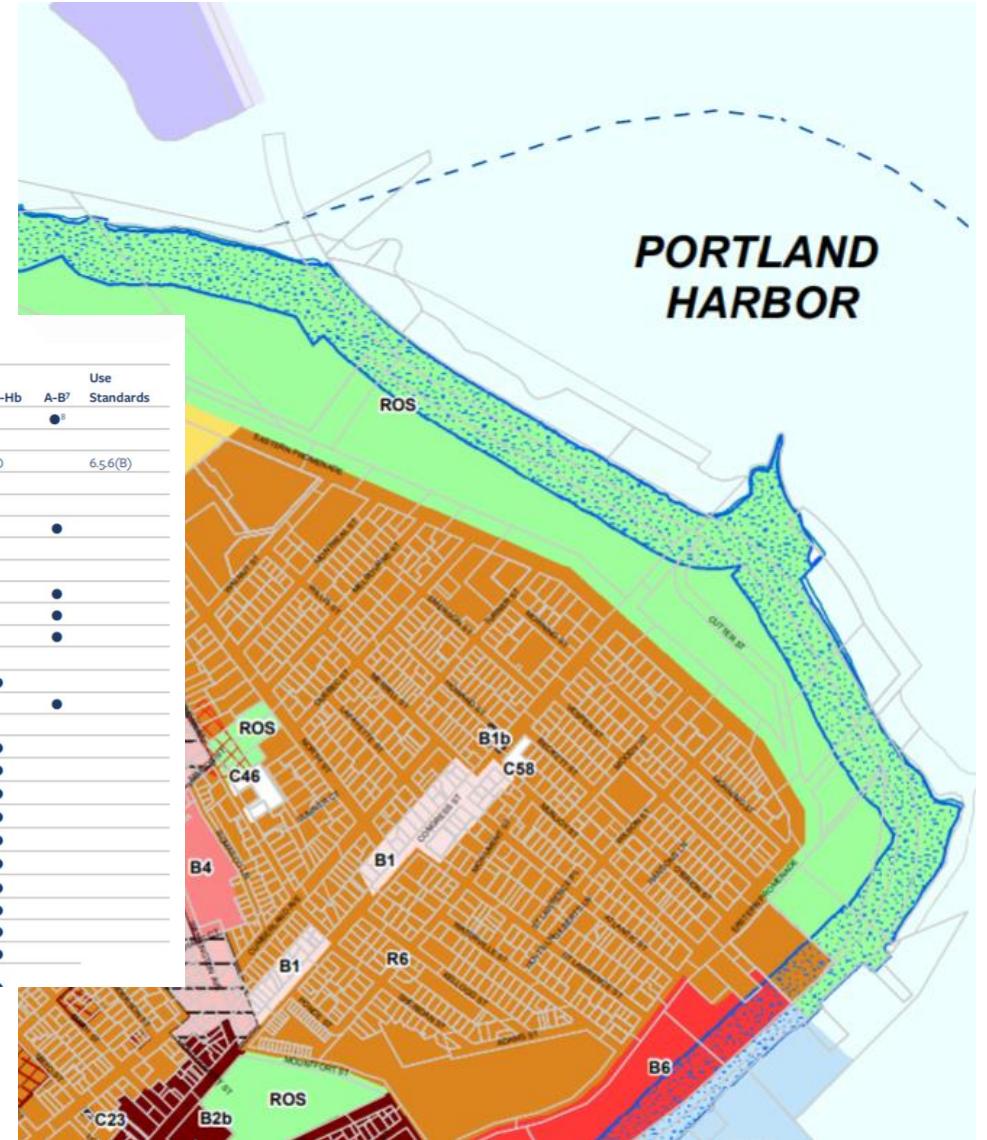
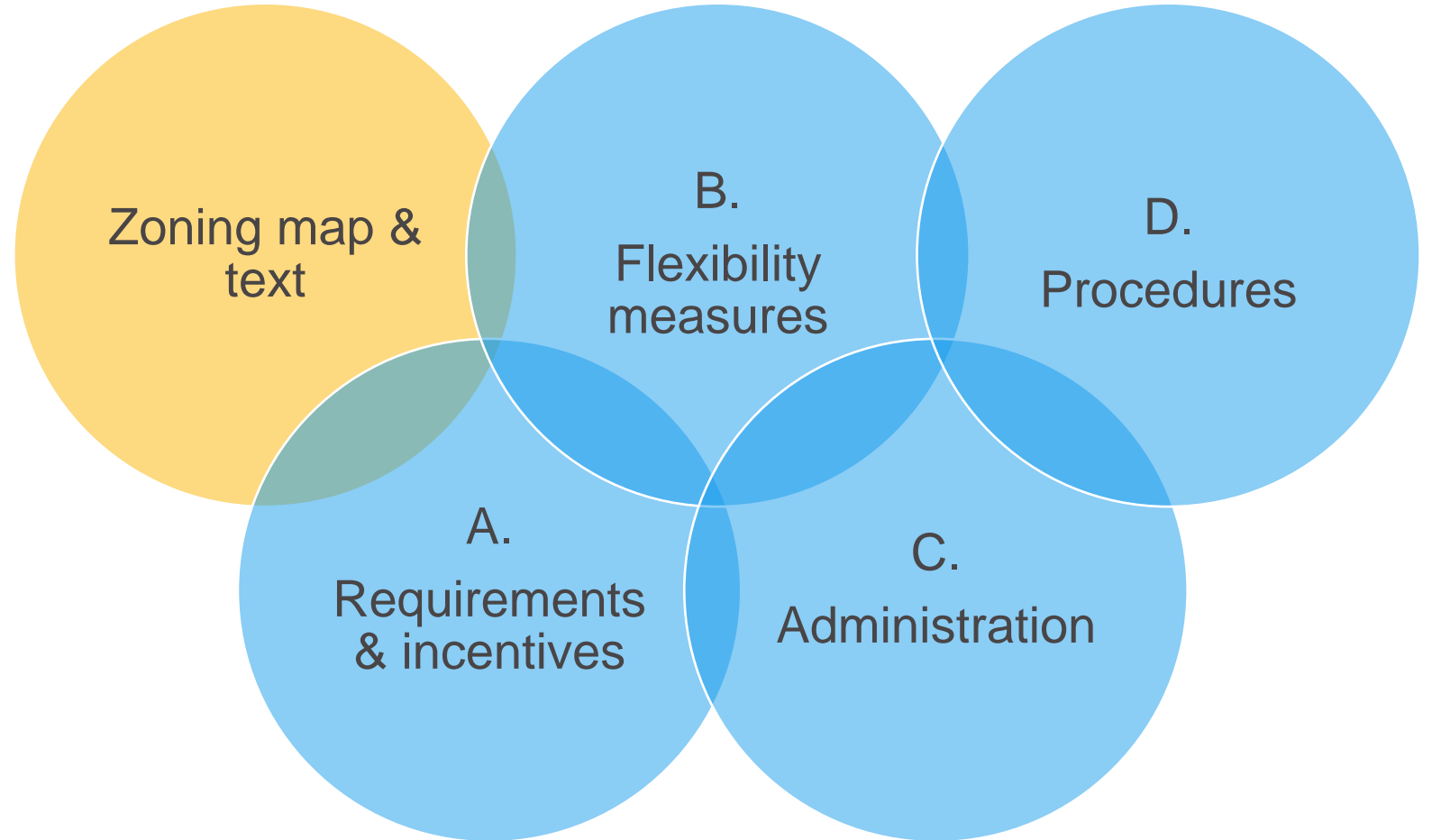


TABLE 6-E: PERMITTED AND CONDITIONAL USES IN INDUSTRIAL & AIRPORT ZONES

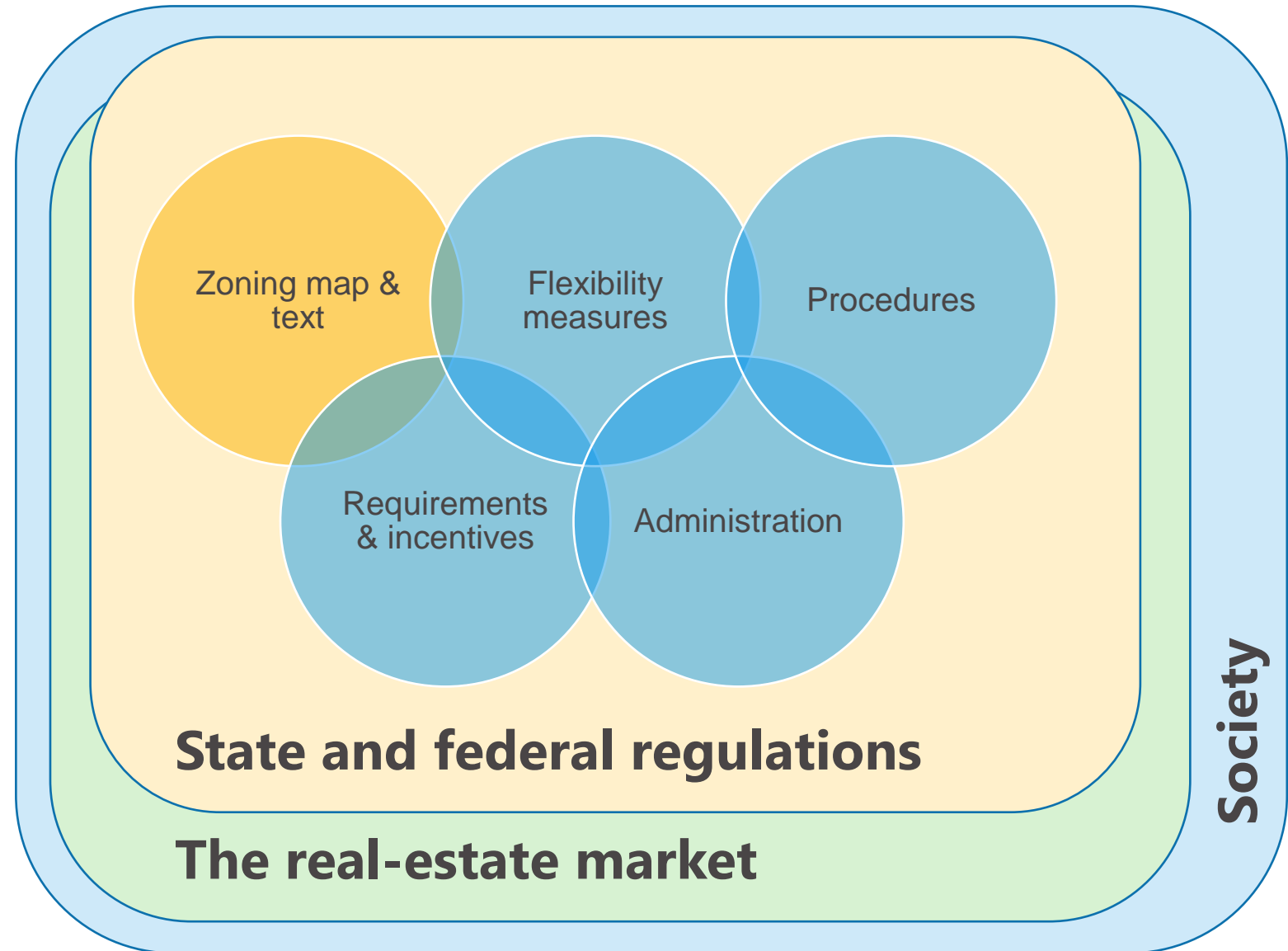
	I-L/I-Lb	I-M/I-Mb	I-H/I-Hb	A-B'	Use Standards
Institutional					
Airports				•*	
Preschool facilities	•	•			
Emergency shelters	•	•	•		6.5.6(B)
Intermediate care facilities		•†			
Places of assembly (<10,000 SF)	•				
Commercial/Services					
Bars				•	
General offices (<5,000 SF)	•*	•			
General offices (>5,000 SF)	•*	•			
General services (<5,000 SF)				•	
General services (>5,000 SF)				•	
Hotels				•	
Recreation and amusement centers	•	•			
Repair services	•	•	•		
Restaurants				•	
Animal-related services	•*				
Construction & engineering services	•	•	•		
Dairies	•	•	•		
Fish waste processing				•	
Food & seafood processing, packing, and distribution		•	•		
High-impact industrial uses			•		
Intermodal transportation facilities	•	•	•		
Laboratory and research facilities	•	•	•		
Low-impact industrial	•	•	•		
Lumber yards	•	•	•		
Marijuana cultivation facility (<2,000 SF plant canopy)	•	•	•		
Marijuana cultivation facility (2,000-7,000 SF plant)		•	•		

Zoning text

Elements of zoning



Local zoning in context



Why was zoning developed?

Planning is an ancient tradition



Timgad, Algeria, built ~100 CE

The idea of dividing cities into “zones” for developers is about 150 years old

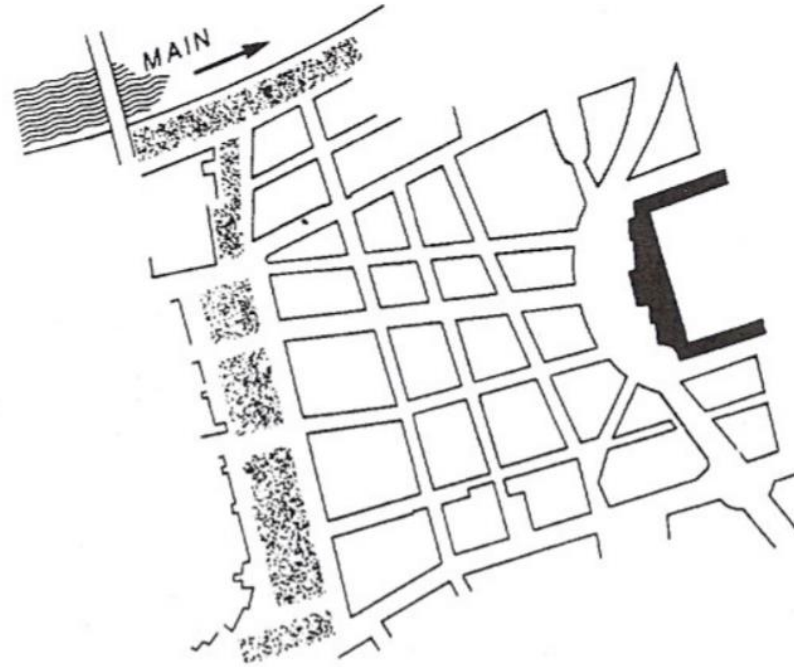
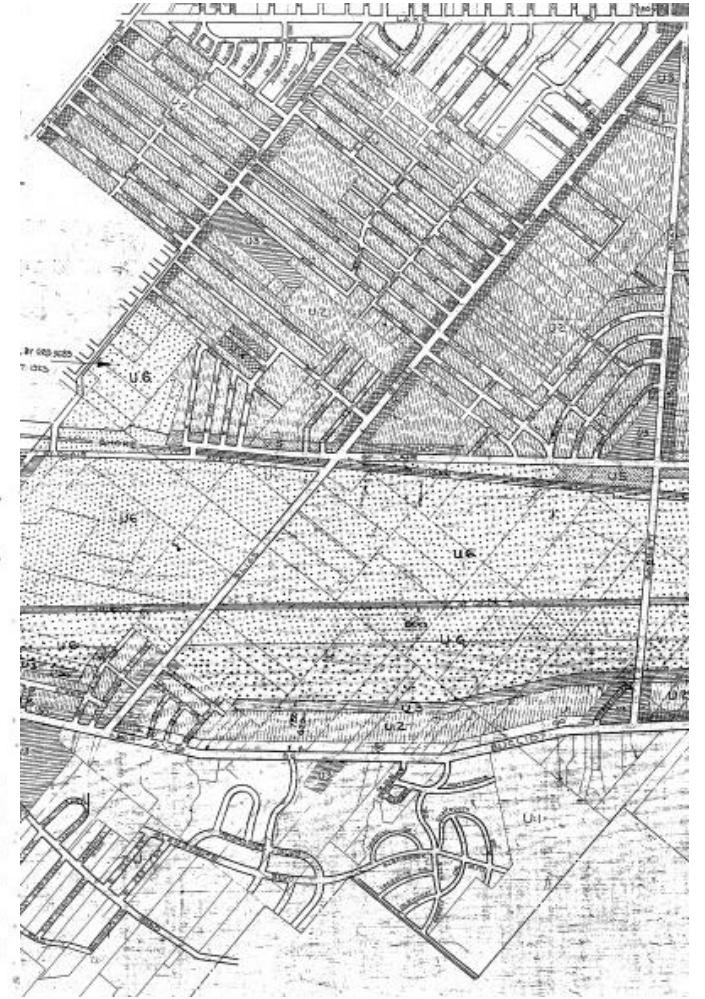


Plate One: *The Hauptbahnhof Quarter.* It was added to the city beginning in the late 1870's. A contrast can be made between the “pack donkey” street pattern of Medieval times and the geometric-regularist approach of the Baumeister-Stubben advocates of the last quarter of the nineteenth century.

Frankfurt, 1870s



Euclid, OH, 1922

Sources: City of Euclid (<http://www.cityofeuclid.com/community/development/PlanningandZoningDivision/EuclideanZoningHistoricDocuments>); ARL (<https://www.arl-net.de/de/content/planning-system-germany-11-history-building-law>)

Why zoning?



Crowding

- Address the perception that closely knit communities were bad for health

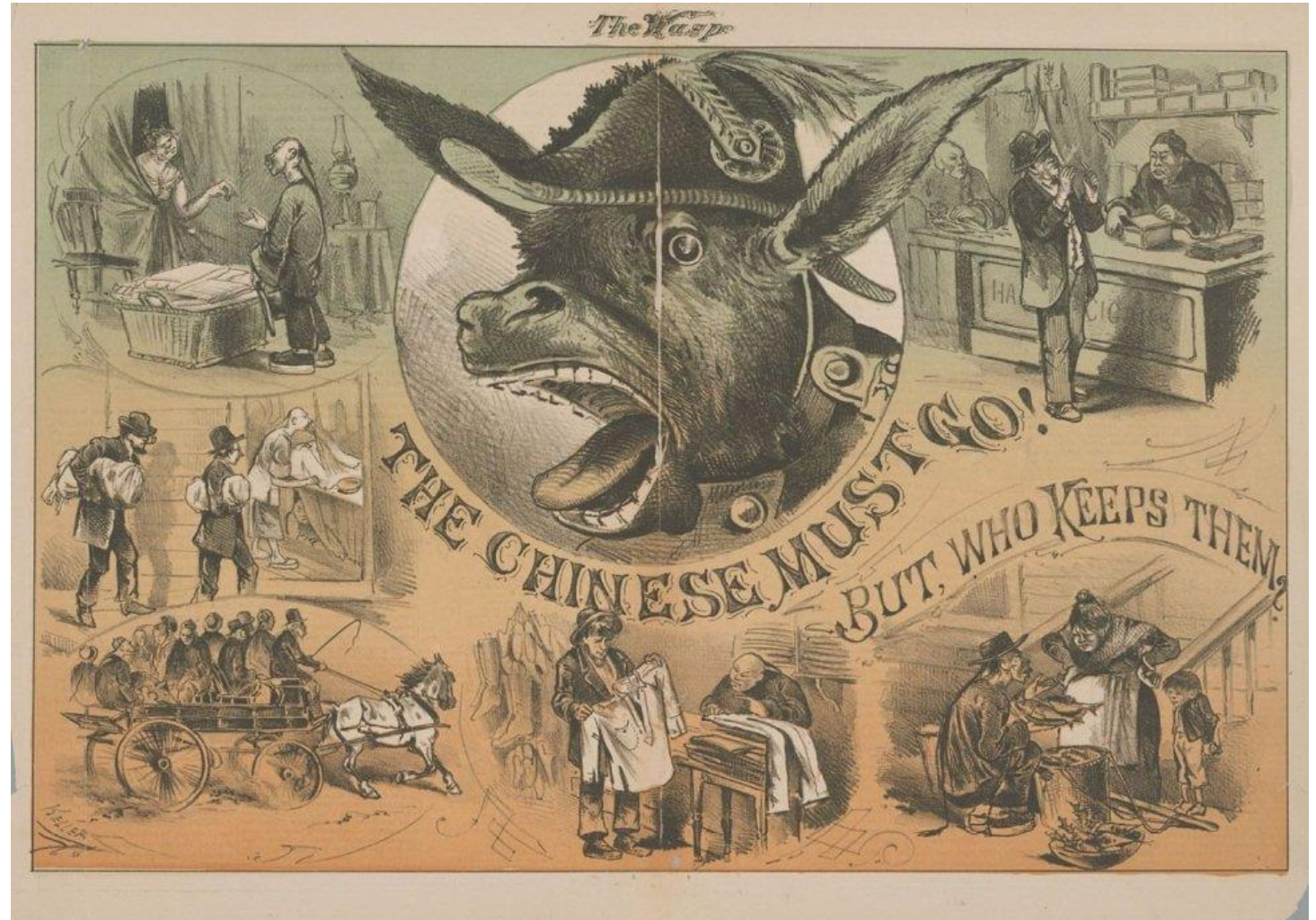


Pollution

- Address the negative impacts of living near industrial uses

Why zoning?

- The earliest zoning codes were implemented with racist motivations
- Zoning out industrial uses was motivated by stopping integration



An 1878 anti-Chinese cartoon in S.F.

Why zoning?

- Anti-density standards were premised on inaccurate claims of environmental determinism
- They had racially disparate effects



Arguments against apartments in San Diego

The real-estate market and the public also contributed to racist land use

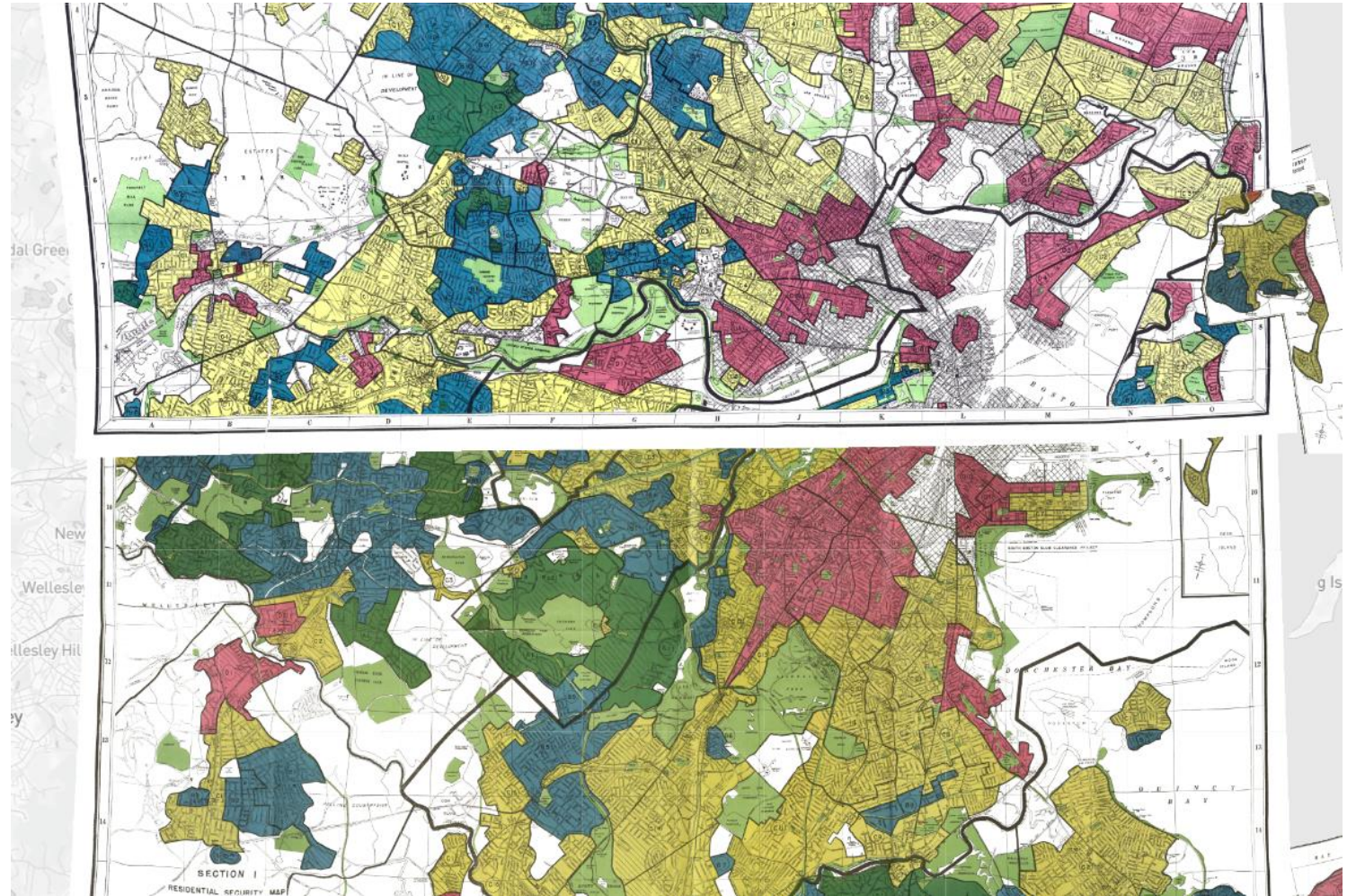
- Landlords advocated for single-family zoning and used covenants to prevent people of color from living in certain neighborhoods



Claremont Court, Berkeley, California

The real-estate market and the public also contributed to racist land use

- Government officials and real-estate industry used racist and classist logic to underinvest in poor, minority neighborhoods

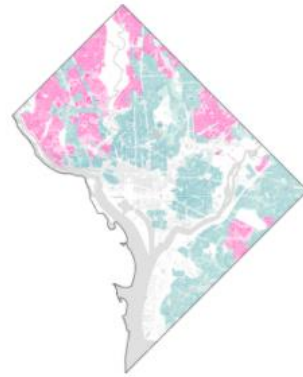


Neighborhood ratings, Boston, MA, 1933

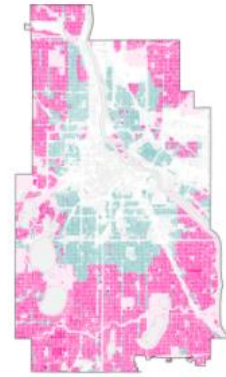
What kinds of cities has zoning produced?

- Most neighborhoods in cities nationwide continue to be zoned only for single-family homes

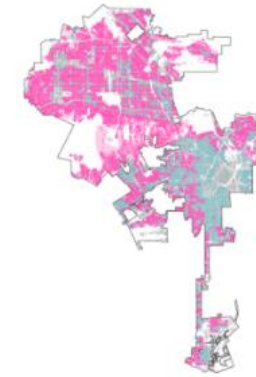
Residential land zoned for: ■ detached single-family homes ■ other housing



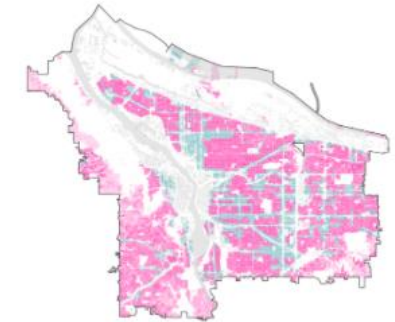
Washington 36%



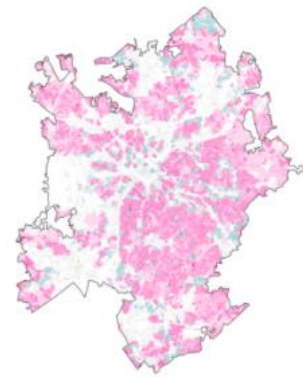
Minneapolis 70%



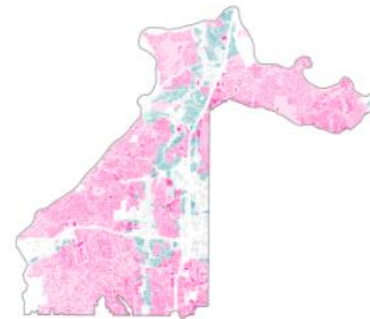
Los Angeles 75%



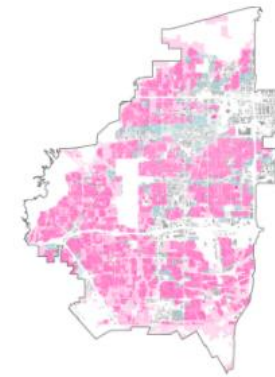
Portland, Ore. 77%



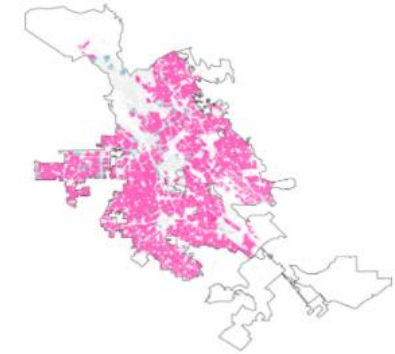
Charlotte, N.C. 84%



Sandy Springs, Ga. 85%



Arlington, Tex. 89%



San Jose, Calif. 94%

Single-family zoning in major US cities

What are the consequences of zoning—particularly for racial equity?

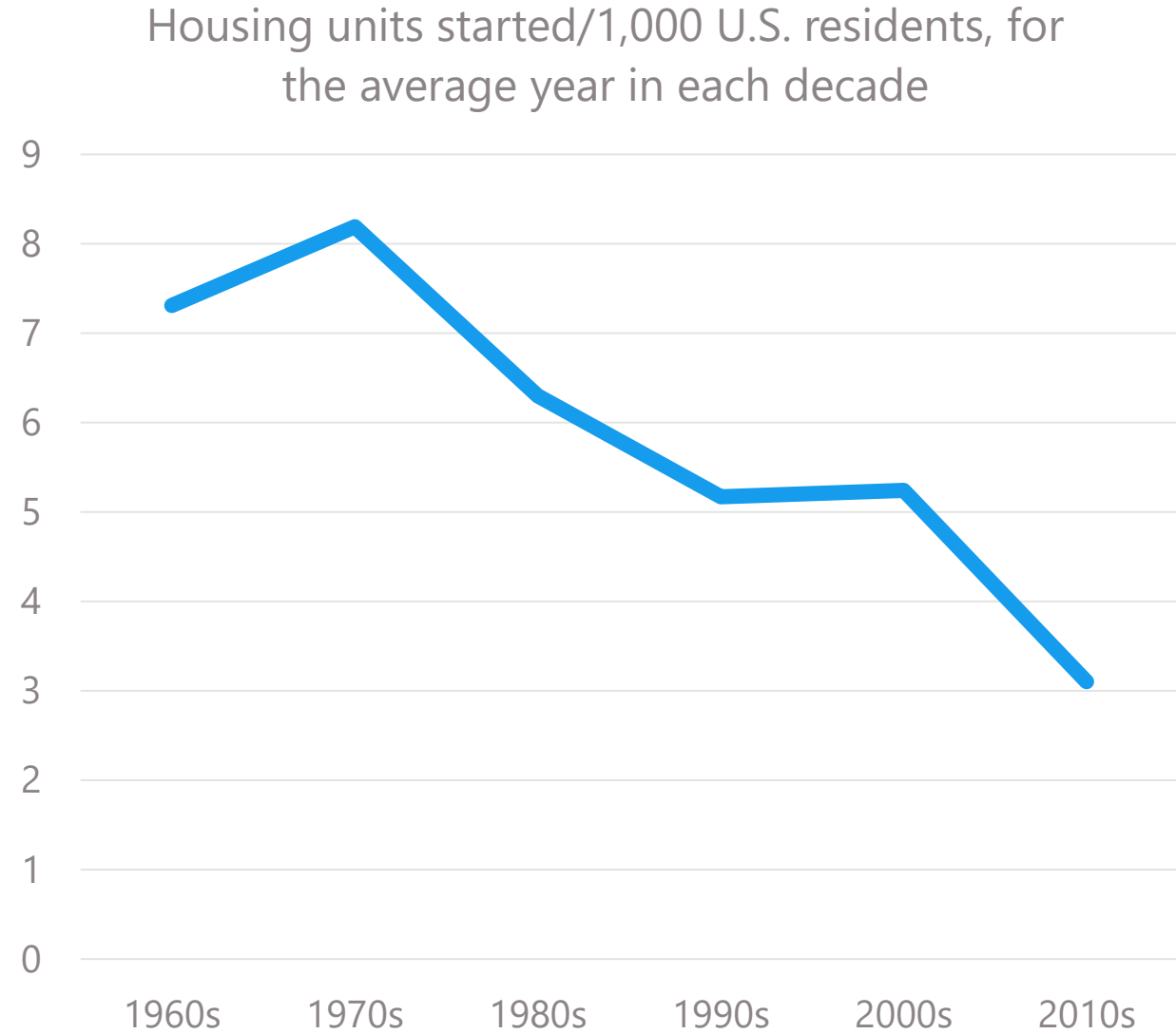
The problems with single-family home requirements

- Increases costs.
- Limits options.
- Exacerbates segregation.
- Encourages car use.
- Makes alternatives difficult to build.

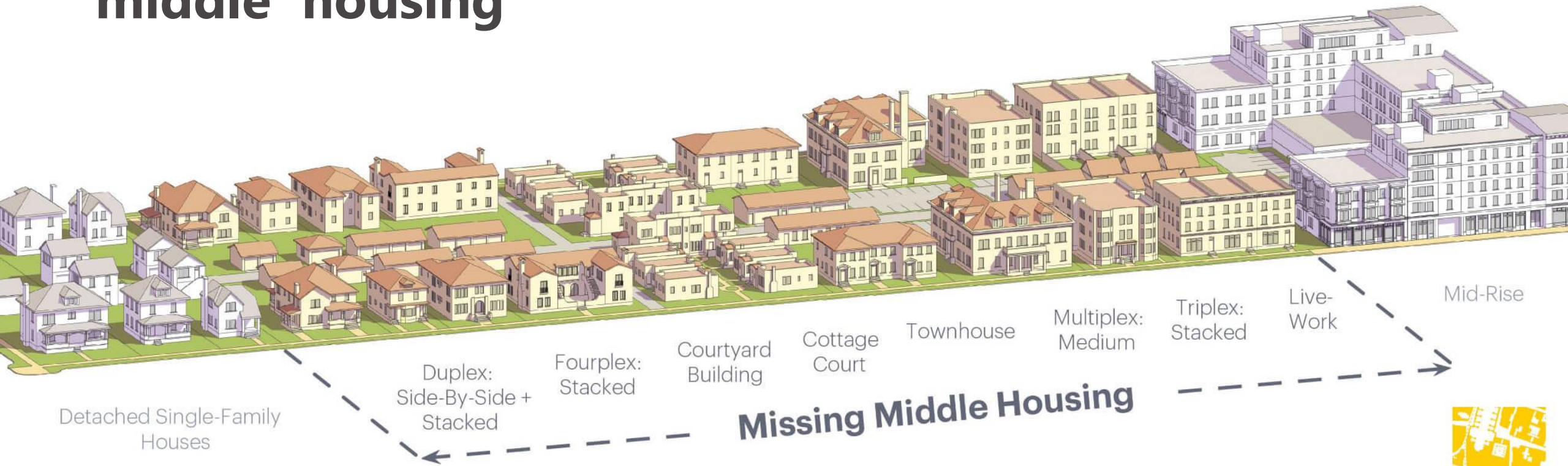


The US is not building enough housing

- The US built half as many units per capita in the 2010s as it did in the 1960s through 1980s



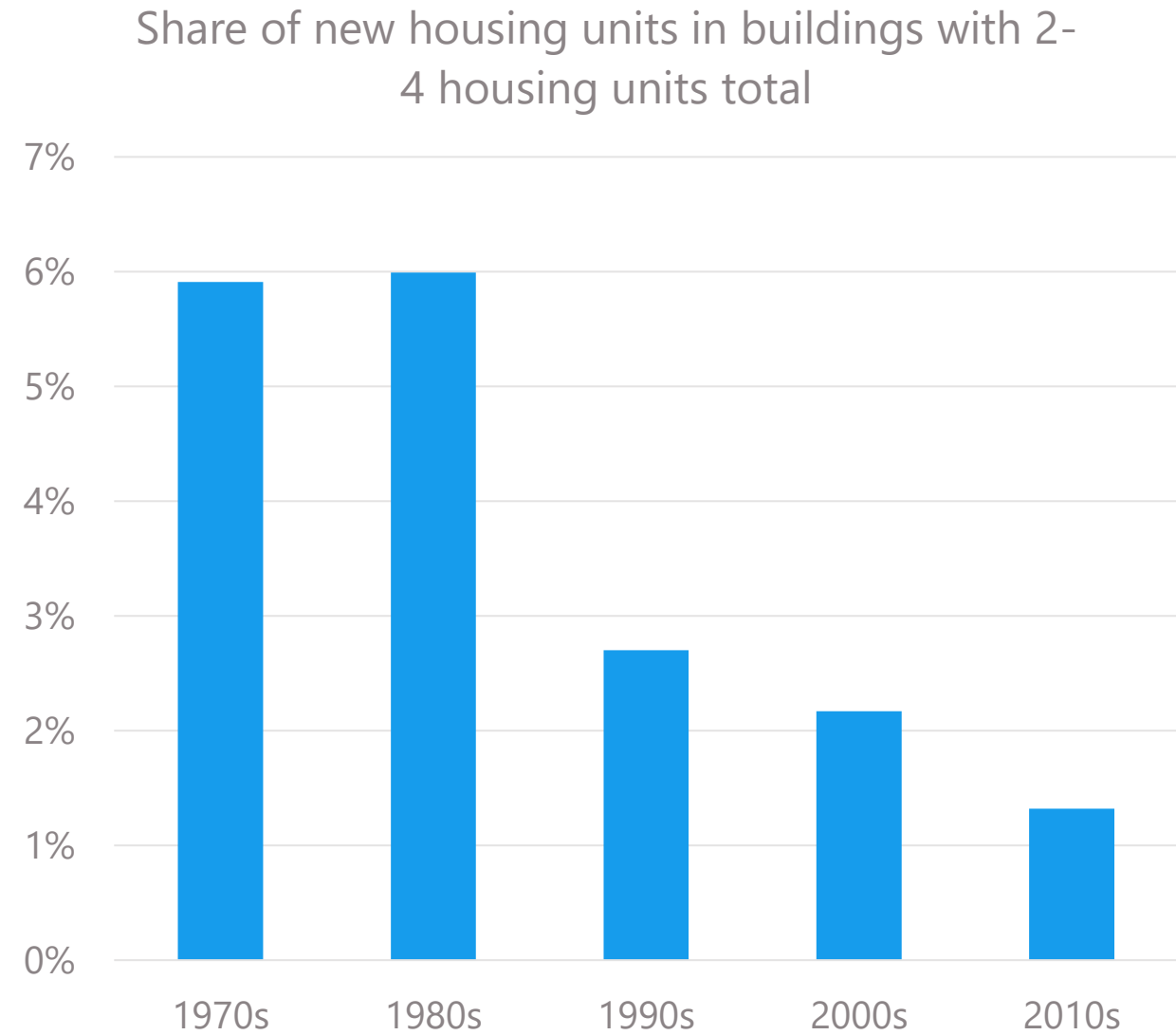
The US has a gap in 'missing middle' housing



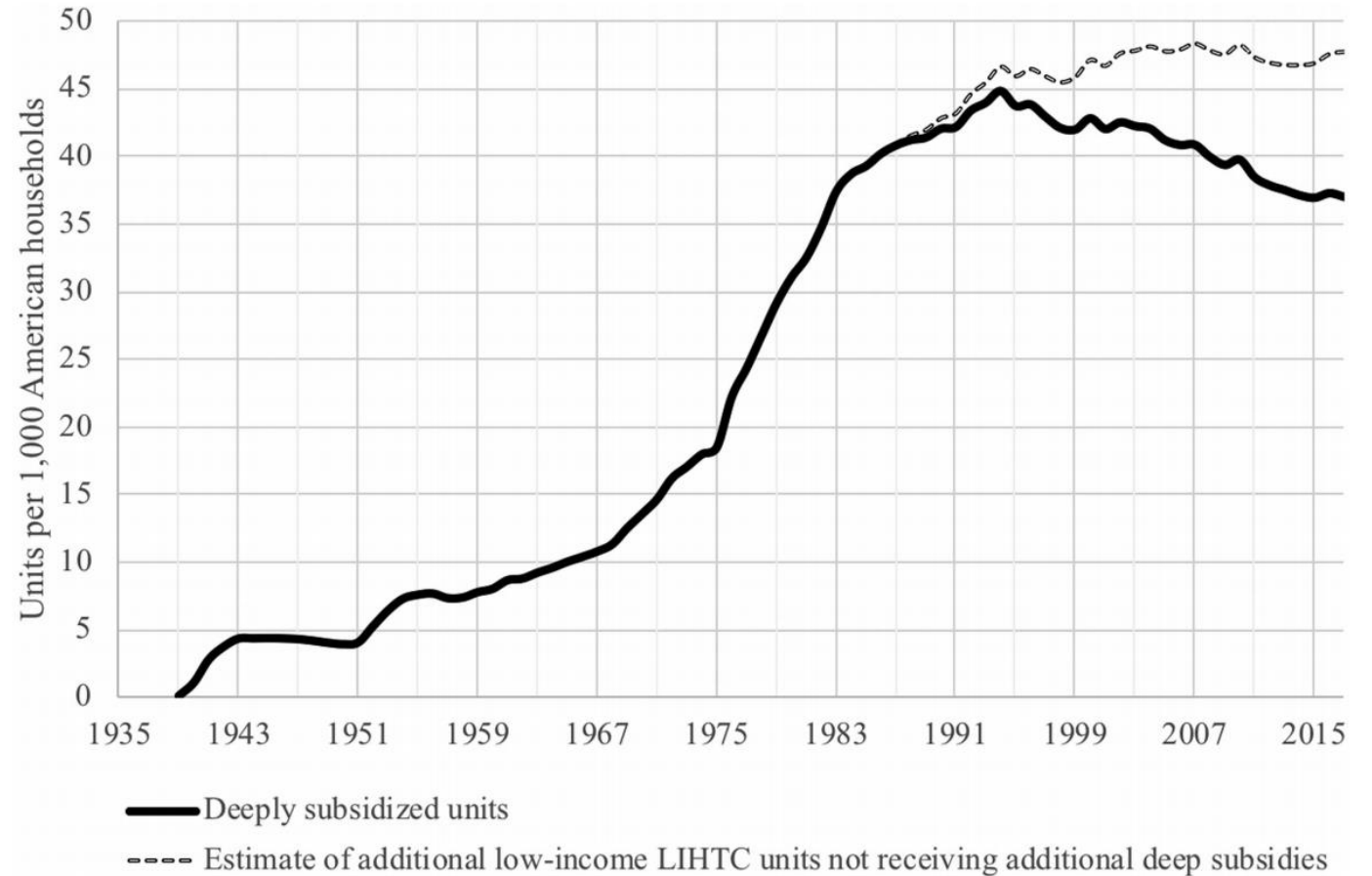
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The US has a gap in 'missing middle' housing

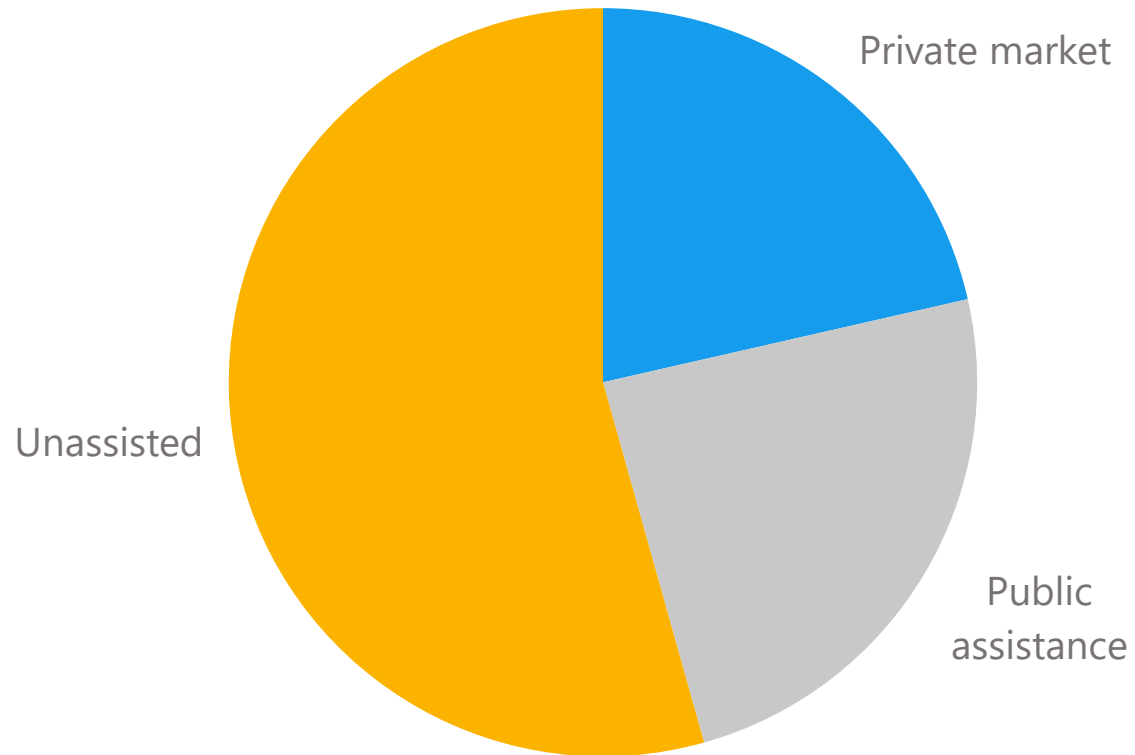


US affordable housing construction is declining



Most Americans who need affordable housing—by which we mean paying <30% of incomes to rent—don't have it

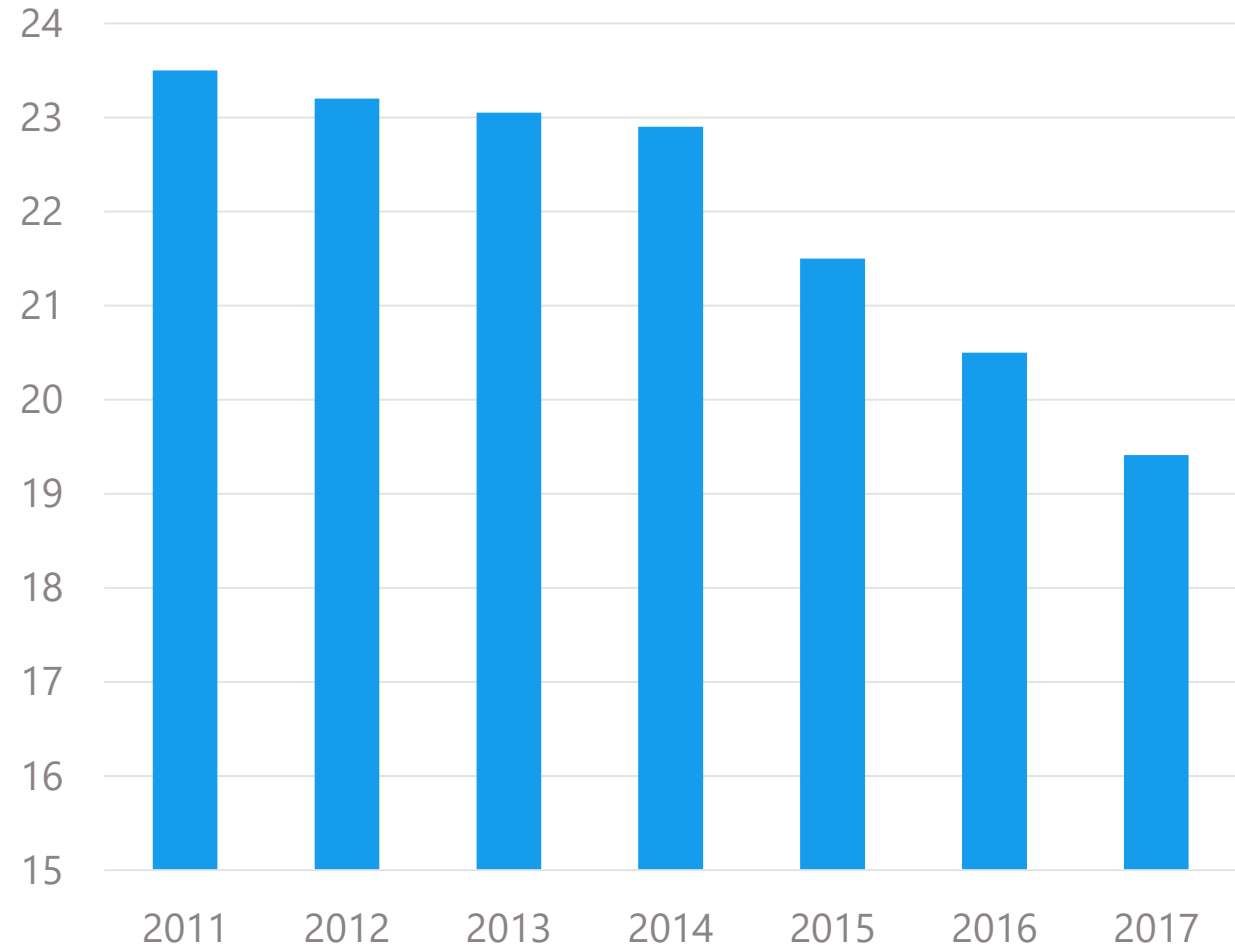
Of 12 million extremely low-income families in the United States, more than half are paying too much for housing



The stock of affordable rental housing is shrinking rapidly

- The number of cheap rental units declined by 4 million between 2011-2017.

The stock of housing units in the U.S. renting for \$800 or less (2017\$)



People of color are disproportionately renters

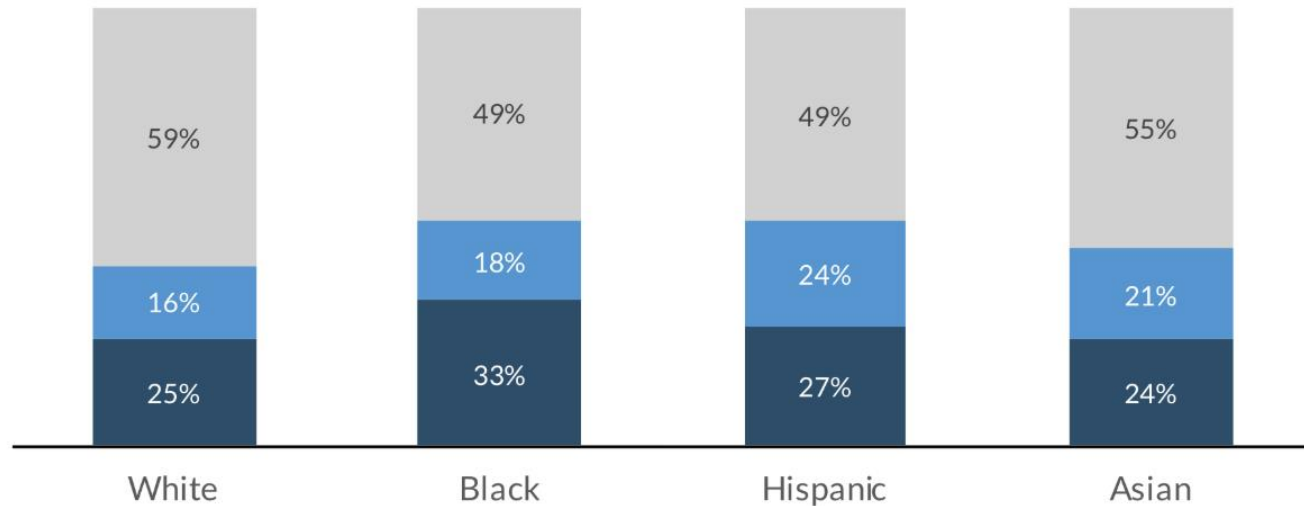
Share of Renters and Their Financial Status, by Race or Ethnicity

	White	Black	Hispanic	Asian
Renter share	27.8%	58.3%	52.5%	40.5%
Median income	\$43,000	\$30,000	\$39,000	\$58,500
Median liquid assets	\$9,000	\$1,600	\$2,808	\$9,300
Unemployment rate	4.1%	7.2%	4.4%	3.1%

People of color are more likely to have difficulty paying rent

Do You Experience Difficulty Paying Rent?
By race or ethnicity

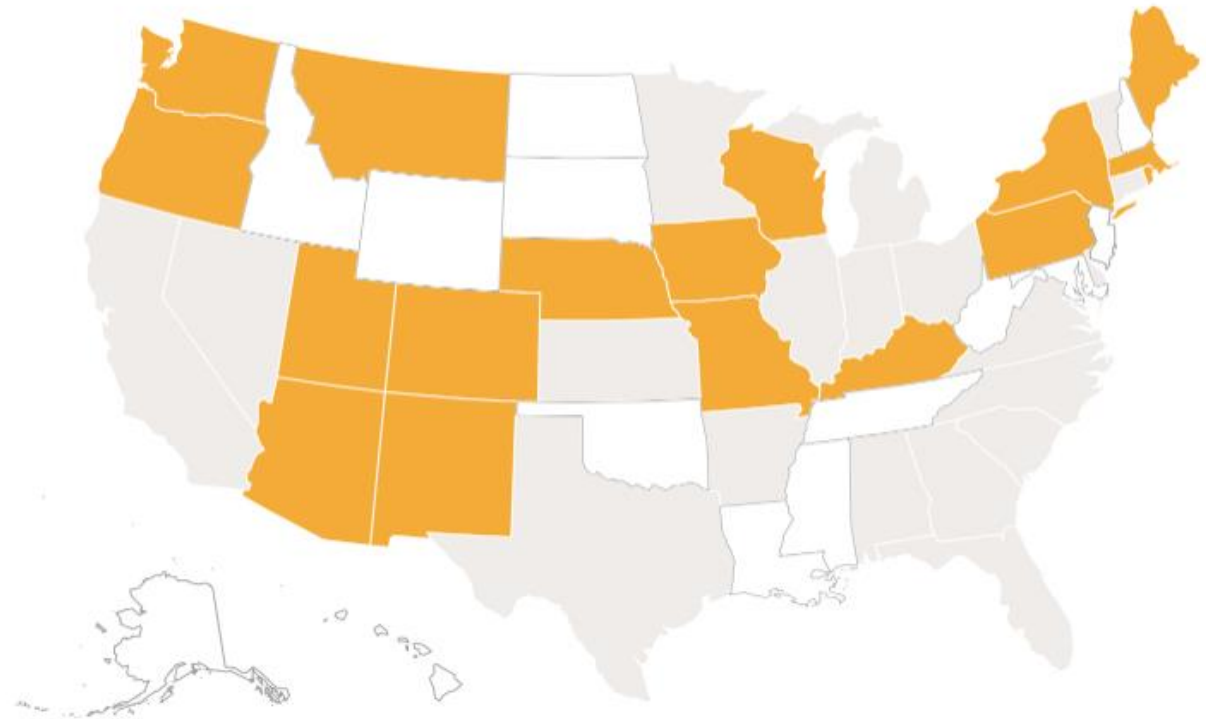
■ Often or sometimes ■ Rarely ■ Never



Black renters experience high rates of evictions

BLACK FEMALE RENTERS WERE FILED AGAINST FOR EVICTION AT DOUBLE THE RATE OF WHITE RENTERS OR HIGHER IN 17 OF 36 STATES

- 2+ times rate of white filings
- < 2 times rate of white filings
- None/not enough data available



Data source: The Eviction Lab. Counties without data² were excluded from the analysis. States where all counties were excluded or where the sum of all counties' Black populations were less than 1%, are shown in white with a grey border. Five states: Delaware, Georgia, South Carolina, and Vermont filed white tenants for eviction at slightly higher rates than Black women. Ratios were rounded to the nearest tenth.

The combination of:

- Restrictive local zoning codes
- Low construction overall
- Limited investment in affordable housing
- Rising real estate prices...

Limits **access to opportunity**, making it difficult for low-income people, particularly people of color, to access public services, jobs, and other essential needs.

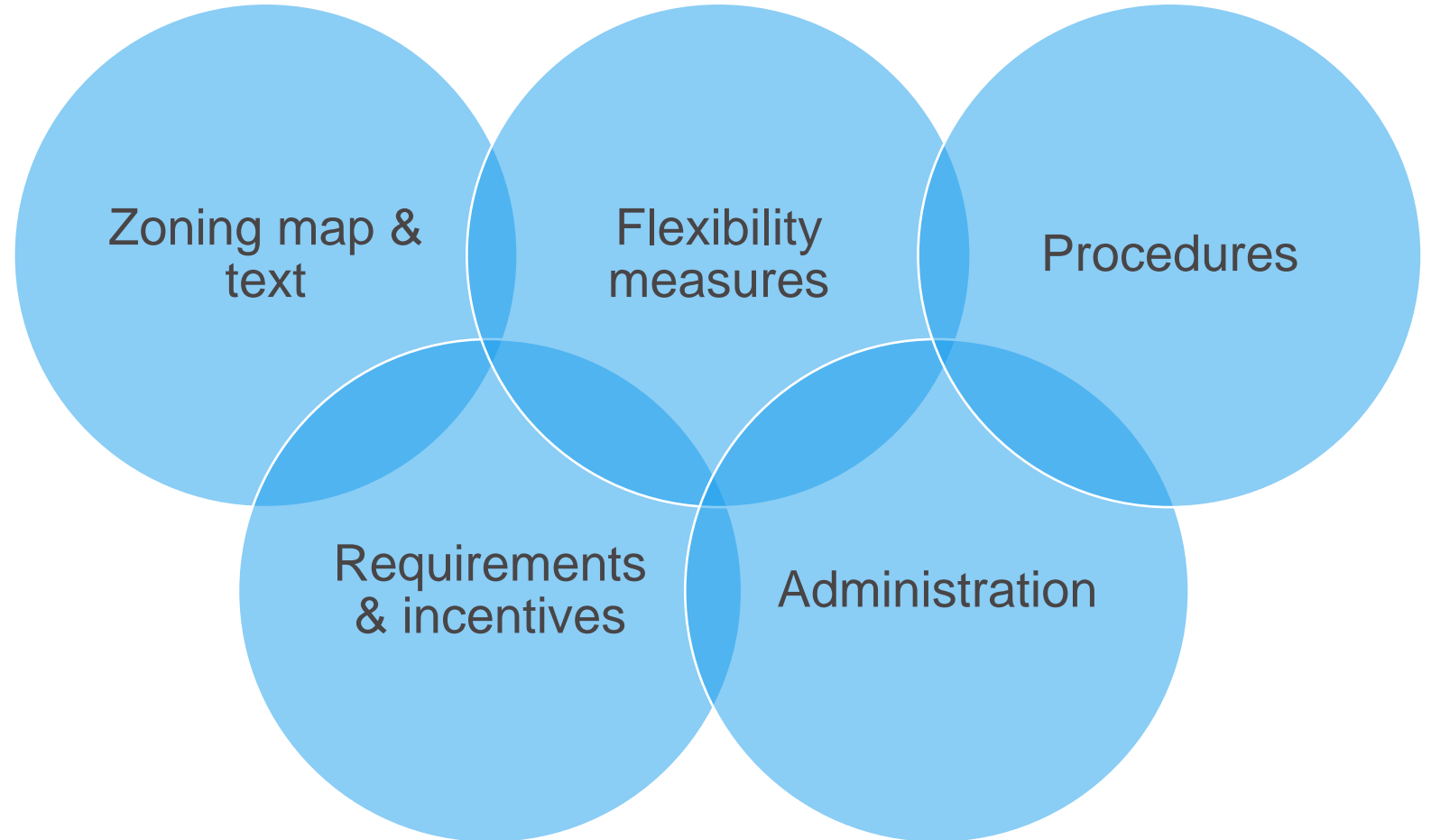
Enabling low-income folks to move to opportunity communities has significant positive impacts

- **Increase in income**
- **Less incarceration**
- **Amenities are more available**
- **Better mental and physical health outcomes**

How can zoning policy serve as a mechanism for positive change?

Elements of zoning

- **All elements of zoning must be addressed to increase racial equity in communities**



Zoning innovation

- New momentum
- New coalitions
- New approaches

Recent examples

- California SB 9
- Oregon SB 2001
- Minneapolis 2040



NEIGHBORHOODS, CITIES, AND METROS

How Communities Are Rethinking Zoning to Improve Housing Affordability and Access to Opportunity

Local governments are increasingly recognizing that restrictive zoning can suppress housing supply.

Cut the red tape

- Streamline review
- Reduce discretion



Allow increased density

- Build bigger
- Build smaller



Identify the means to boost affordability

- Inclusionary zoning
- Density bonuses
- Eliminating parking requirements
- Disposition of public land



Recenter race in zoning policy

- **Rigorous enforcement of state and federal fair housing laws**
- **Renewed commitment to public subsidies**
- **Pair reforms with tenant protections to prevent displacement**
- **New decision-making tables and robust community engagement**
- **Regional approaches and state oversight**
- **Data, metrics and accountability**

Questions & Answers



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