



LOUISIANA
**FAIR HOUSING
ACTION CENTER**

**Not In My Backyard:
Exclusionary Zoning, and
Community Opposition's, Role in
Perpetuating Residential
Segregation**

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Louisiana Fair Housing Action Center



The Louisiana Fair Housing Action Center works to eradicate housing discrimination and segregation throughout Louisiana. LaFHAC **challenges discriminatory housing policies and practices** through **policy advocacy and litigation**, and also provides **foreclosure prevention counseling** and **educational offerings**.

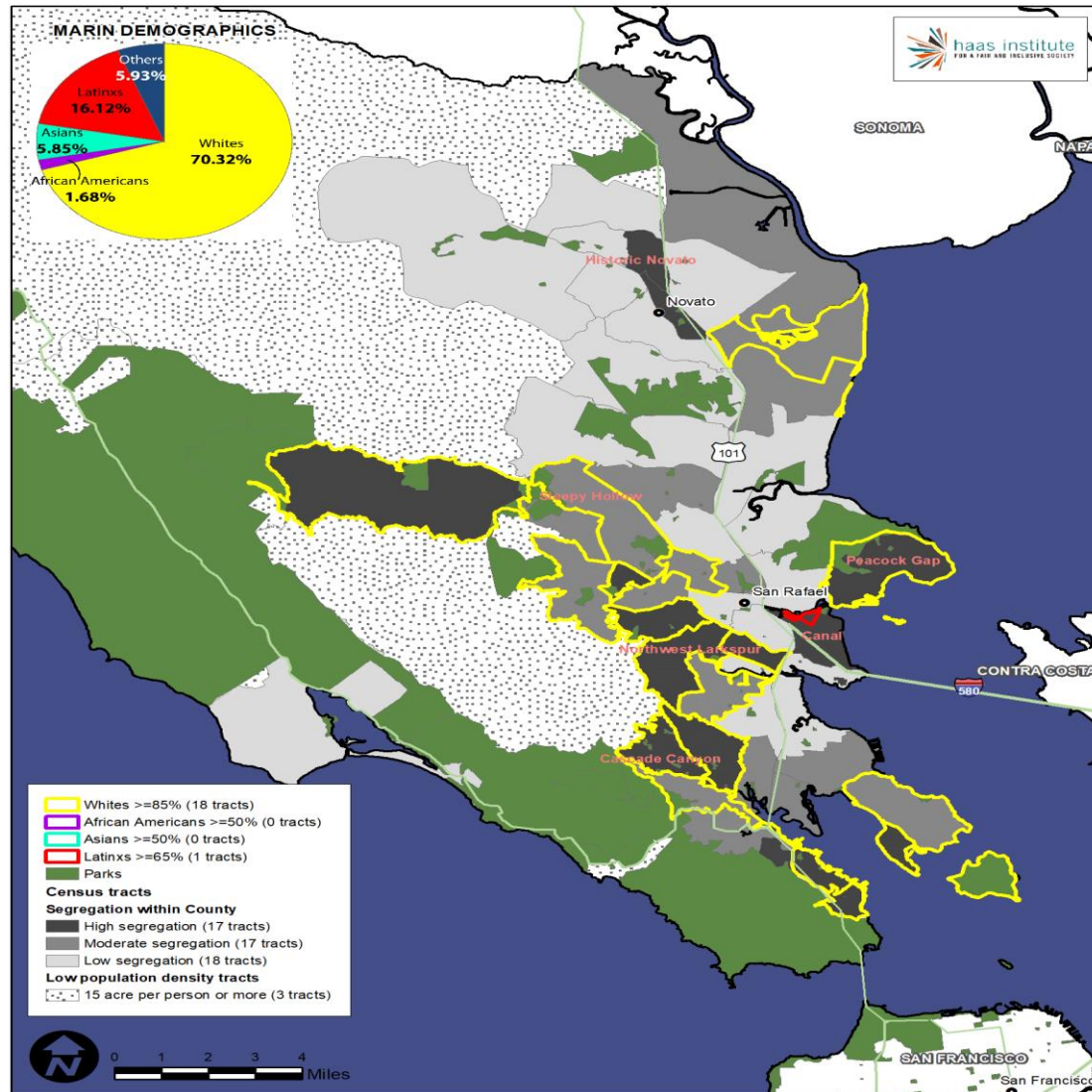
Cashauna Hill has served as Executive Director at Louisiana Fair Housing Action Center since 2015. She is a frequent contributor to CLEs and conferences, and has written extensively about fair housing and civil rights. Cashauna is a graduate of Spelman College and Tulane Law School.

What the Fair Housing Act Does:

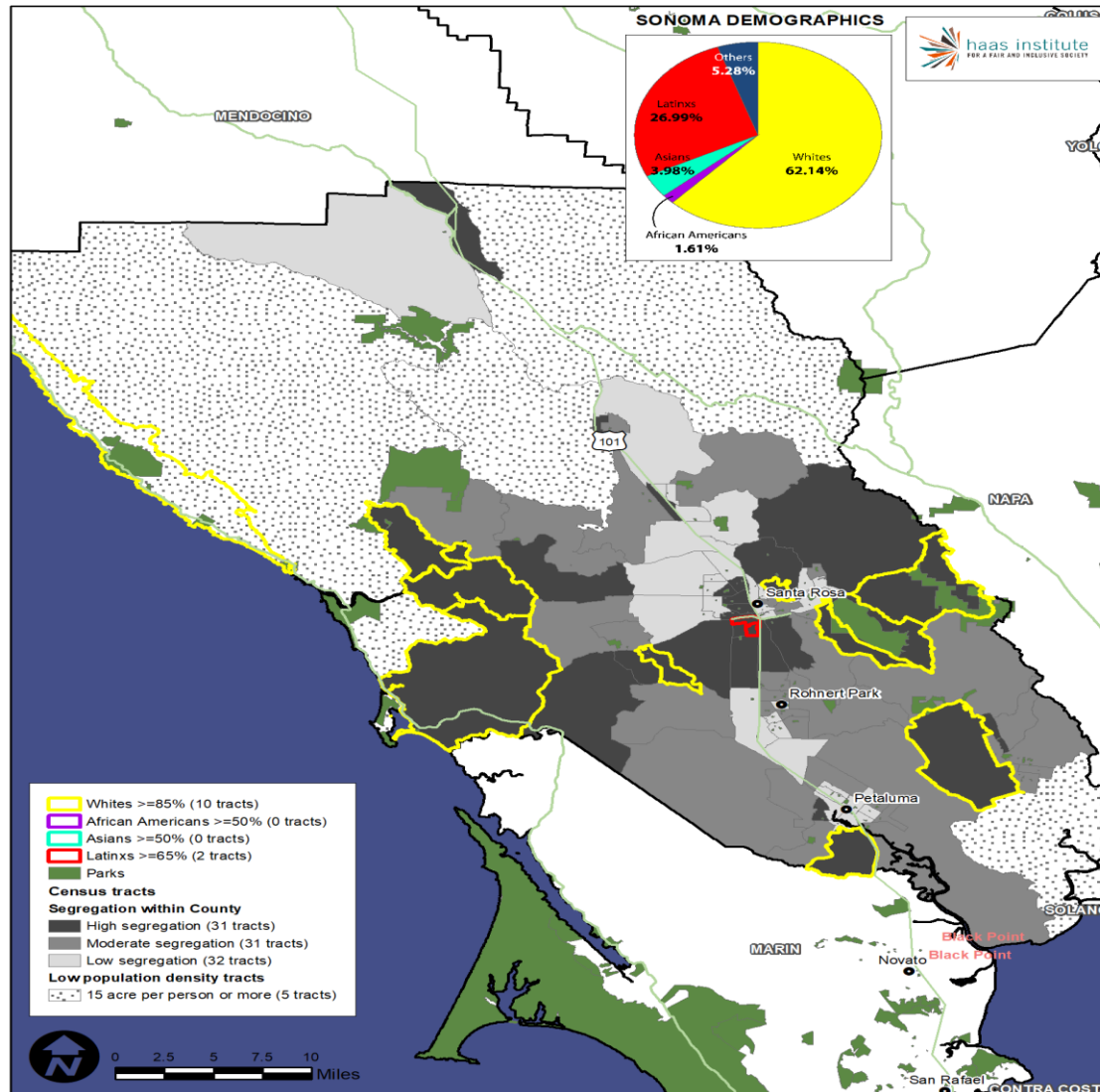
Two Goals

- Makes individual acts of housing discrimination illegal.
- **Requires** local governments to address the legacy of discriminatory housing policy and work to create **open, integrated communities**.

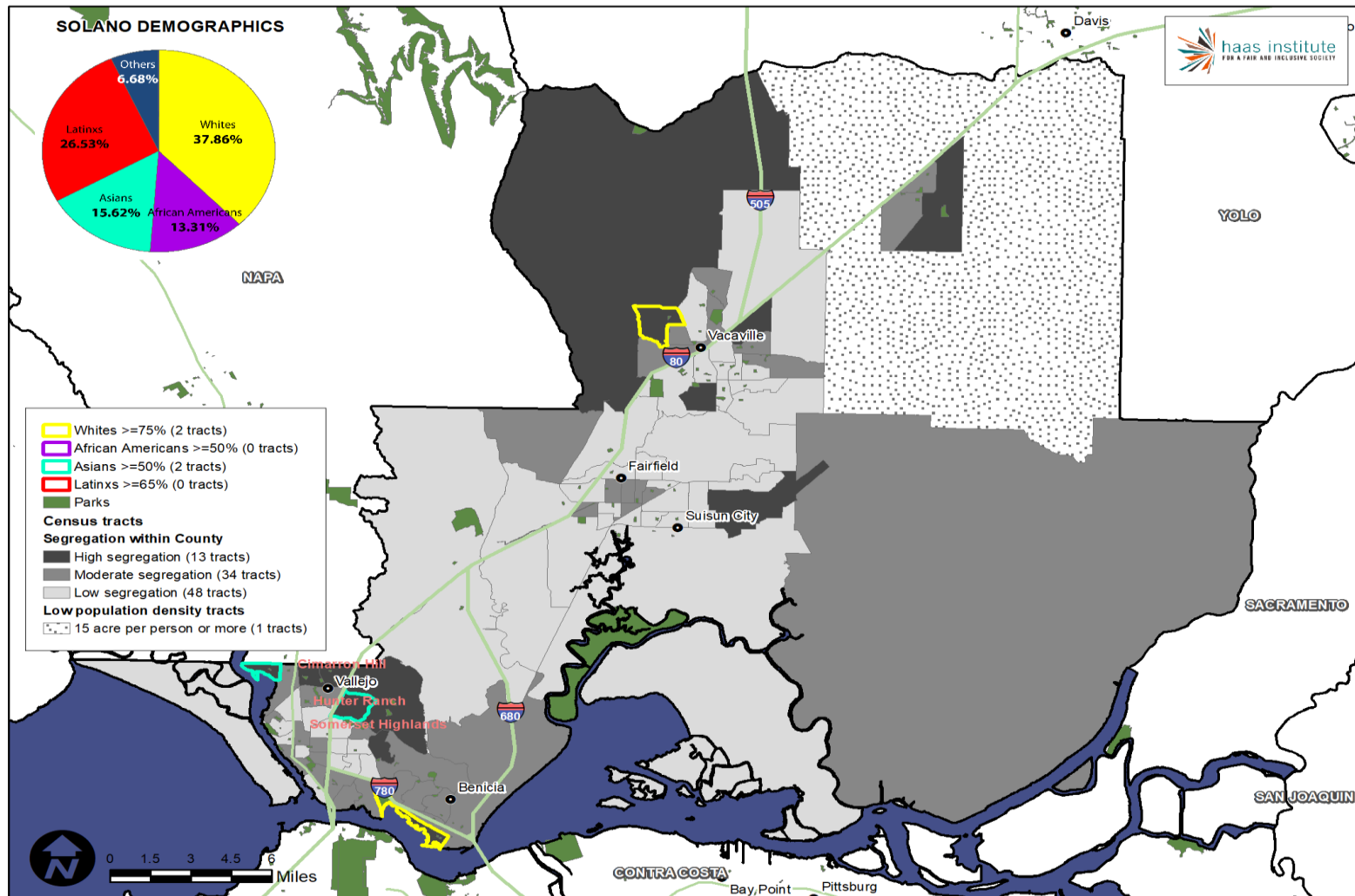
Residential Segregation in Marin, Sonoma, and Solano Counties



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Exclusionary Zoning as an Indicator of Residential Segregation

- According to scholars Jonathan Rothwell and Doug Massey, exclusionary land-use policies are the single biggest predictor of residential segregation in a community.

* Rothwell J, Massey DS. The Effect of Density Zoning on Racial Segregation in U.S. Urban Areas. Urban Affairs Review. 2009;44(6):779-806. doi:10.1177/1078087409334163

What Do Courts Say About Exclusionary Land Use Policies?

- *Resident Advisory Board v. Rizzo*, 564 F.2d 126 (3d Cir.1977).
- *Smith v. Town of Clarkton*, 682 F.2d at 1061–65 (4th Cir.1982).
- *Atkins v. Robinson*, 545 F.Supp. 852, 871–72 (E.D.Va.1982)
- *Huntington Branch, N.A.A.C.P. v. Town of Huntington*, 844 F.2d 926, 937–38 (2d Cir. 1988).
- *Stewart B. McKinney Foundation, Inc. v. Town Plan and Zoning Com'n of Town of Fairfield*, 790 F.Supp. 1197, 1212 (D.Conn. 1992).
- *Greater New Orleans Fair Housing Action Center v. St. Bernard Parish*, 641 F.Supp.2d 563, 571 (E.D.La. 2009).

The Impact of Exclusionary Land Use Policies on People with Disabilities

- A 1999 United States Supreme Court case, based on the Americans with Disabilities Act (ADA), made clear that persons with disabilities have the right to live in **integrated community settings**.
 - “Integrated” means a setting where individuals with disabilities can live and interact with individuals without disabilities to the fullest extent possible.
- Unjustified segregation of individuals with disabilities violates ADA, when necessary services could be reasonably provided in integrated, community-based settings.
 - Example: based on well-established Fair Housing Act and ADA case law, homes serving people with disabilities may not be allowed to operate only in commercial zones.

NIMBY Sentiment: The Common Thread

- “[Elected official] volunteered us for the **ghetto.**”
- ““The **drug addicts** are going to be here, believe me. There will be a lot of riffraff...you need **security guards** in the area.””
- “If **you people** can’t afford to live in our town, then you’ll just have to **leave.**”
- “We welcome affordable housing, but **we don’t want the residents to overwhelm the neighborhood** - I mean, we don’t want the density to overwhelm the neighborhood.”
- “It’s gonna be a **ghetto!**”
- “[tenants would be] the **homeless**, people with **mental illness**, **HIV/AIDS**, people with a history of **drug usage**... NO facility of this nature should be located in a residential neighborhood, particularly an **Historic Residential Neighborhood!!!!!!**”

SAMPLE POLICY PRIORITIES FOR CREATING INCLUSIVE COMMUNITIES

- Pass and implement **inclusionary zoning** policies to ensure that new market rate housing built in well-resourced communities also includes affordable units.
- Pass and implement **higher density zoning** in low-poverty neighborhoods.
- Pass “**fair share**” distribution of low-income housing across neighborhoods.
- Commit public lands in well-resourced communities for **affordable housing development**.
- Institute and follow a **reasonable accommodations request process** for the development of housing for people with disabilities.

MORE SAMPLE POLICY PRIORITIES FOR CREATING INCLUSIVE COMMUNITIES

- In neighborhoods susceptible to gentrification: couple neighborhood investments in fresh food, retail, and other amenities with **affordable housing investments and property tax freezes** to ensure **long-term residents** can stay and enjoy the new amenities.
- Require **homestead exemptions for short-term rentals** to restrict the income-producing opportunities to long-term residents.
- Implement **Housing Authority policies** designed to address segregation of voucher holders:
 - Flexibility in setting rents at the zip code level.
 - Recruit landlords in low-poverty areas.
 - Consider ways to streamline entry into the program for new landlords.