

Weaponized Code Enforcement

Present day legacy of historic policies and practice

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Part I: Racial Origins of Zoning in American Cities

- Policy Origins of Zoning
- Case Law Review
- Today's Impact
- Potential Remedies



Race Based Ordinances

- Buchanan v. Warley, 245 U.S. 60, 38 S. Ct. 16 (1917).

RACE SEGREGATION LAW IS ATTACKED

Louisville Case Argued in
Supreme Court; Other
Cities Affected.

WASHINGTON, April 10.—Constitutionality of race segregation ordinances was argued Monday before the supreme court in a case investigating the validity of the Louisville, Ky. regulation, mak-

ing it unlawful for any negro to occupy a residence in any block in which a greater number of houses are occupied by white folk and unlawful for a white person to occupy a residence in a negro block. The decision is expected to affect all cities having similar ordinances.

Pointing out that segregation ordinances now are in force in Baltimore, Richmond, St. Louis and many other cities and towns, counsel emphasized that a decision would have a sweeping effect, especially throughout the south. Pendleton Beckley, Louisville city attorney, and Stuart Chesaller of Louisville, defending the validity of the ordinance argued that its object was reciprocal and would tend to preserve race integrity and to avoid race conflict.

Clayton B. Blakey of Louisville and Moorfield Storey of Boston contended that it violated the rights of negroes, having as a predominant purpose to prevent them from approaching a condition of social equality.

Origins of Zoning

- Mechanism for shaping the built environment
- Exclusion of incompatible uses
- Combat urban congestion, improve the conditions of working class neighborhoods
- Transitioned to a mechanism for protecting property values and excluding undesirables

Case Law Review

- Hadacheck v. Sebastian, 239 U.S. 394, 405, 36 S. Ct. 143, 143 (1915)



Case Law Review: Case Study

- Rezoning of Miami post *Euclid*



Case Law Review

- Berman v. Parker, 348 U.S. 26, 75 S. Ct. 98 (1954)
- Amy Lavine, Urban Renewal and the Story of Berman v. Parker, 42 Urb. Law. 423 (2010)



Case Law Review

- Vill. of Arlington Heights v. Metro. Hous. Dev. Corp., 429 U.S. 252, 252, 97 S. Ct. 555, 556 (1977)

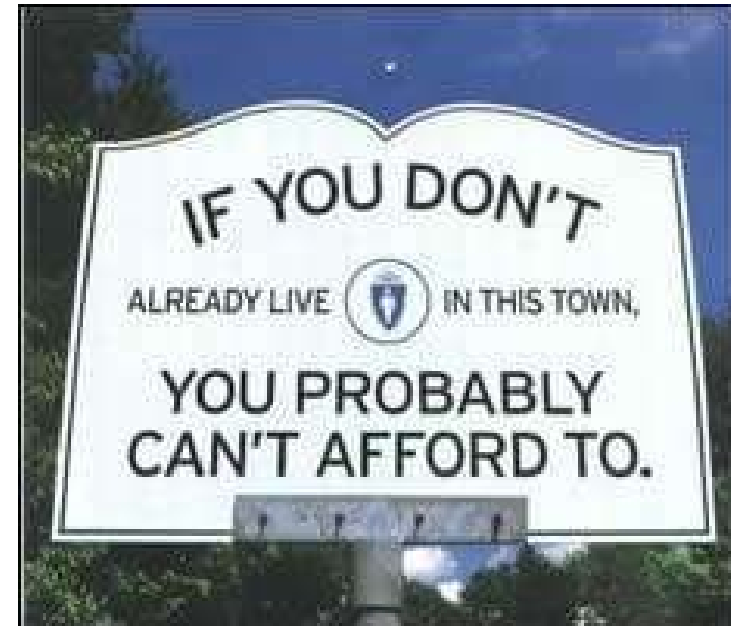


Case Law Review

- Kelo v. City of New London, Conn., 545 U.S. 469, 469, 125 S. Ct. 2655, 2657 (2005)



Exclusionary Zoning



Remedies- What Comes Next?



- Minneapolis 2040
- American Jobs Plan: \$5 Billion competitive grant program that incentivizes reform of exclusionary zoning
 - Note: Commodification and financialization of housing

Part II: Redlining and Racial Covenants



Just Deeds Project

A Coalition for Change

Founding Members



Edina Realty Title

Participating Cities

- Golden Valley
- Robbinsdale
- Crystal
- New Hope
- Minnetonka
- Minneapolis
- Hopkins
- Rochester
- Richfield
- St. Louis Park
- Edina

Our Mission

What?

Acknowledge the racist practices that established and perpetuate segregated housing. Be honest about the roles of our industries in this practice.

Why?

To understand who benefits from racial covenants, and that their legacy still shapes access to homeownership, health outcomes, education, policing patterns, etc.

How?

By discharging racially restrictive covenants, educating communities and individuals, and investing in solutions that create equity.

What are Discriminatory Covenants

Racially restrictive covenants refer to contractual agreements that prohibit the purchase, lease, or occupation of a piece of property by a particular group of people.

F. - No persons of any race other than the Caucasian race shall use or occupy any building or any lot, except that this covenant shall not prevent occupancy by domestic servants of a different race domiciled with an owner or tenant.

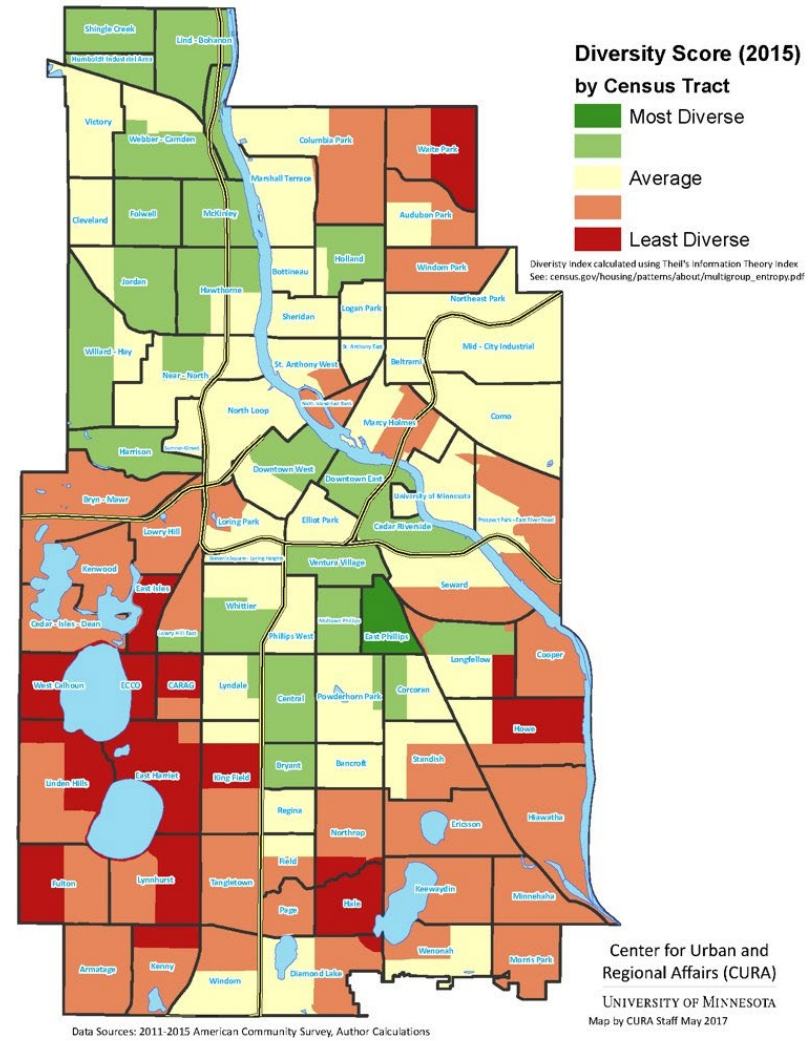
Important Legal Milestones

- 1940s: NAACP launched a sustained legal campaign against covenants.
- 1948: U.S. Supreme Court rules covenants are unenforceable in the landmark case *Shelley v. Kramer*.
- 1953: Minnesota Legislature prohibited the use of racial restrictions in real estate documents.
- 1968: Federal Fair Housing Act made racially restrictive covenants explicitly illegal.
- 2019: Minnesota Legislature passed law allowing property owners to reject racially restrictive covenants (Minn. Stat. § 507.18).

Demographic Impacts

- Covenants divided our community by race. These residential segregation patterns persist today. This physical segregation is the foundation of our contemporary racial disparities.
- Restrictive covenants erected barriers that limit access to housing, credit, education, and wealth.

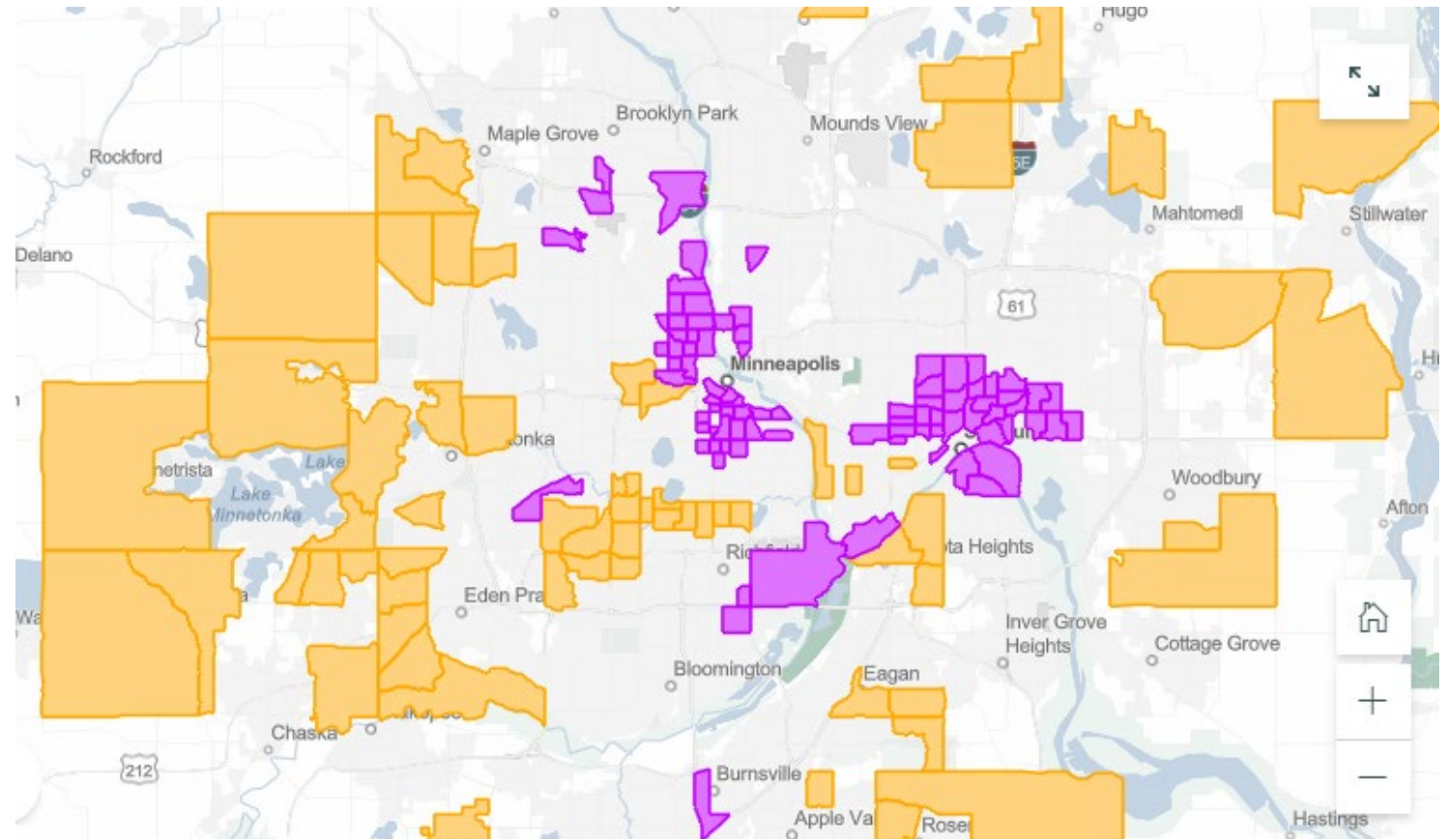
Minneapolis Racial & Ethnic Diversity Index (2015)



Economic Impacts

Due to early economic investment, residents of formerly restricted neighborhoods benefitted socially causing disparities in areas like:

- Access to environmentally healthy space
- Access to well-funded, quality educational
- Wealth accumulation through homeownership and real estate appreciation
- Wealth accumulation business opportunities
- Access to stable, well-paying employment
- Access to quality health care



Concentrated areas of poverty and concentrated areas of affluence

Health Impacts Impacts

Zip code is the single best indicator for life expectancy. Zip codes that were redlined have been shown to have more exposure to environments that harm health and less access to resources that improve health, for example:

- More exposure to air pollution and toxins
- Closer proximity to landfills
- Less access to green space
- Less access to healthy foods
- Less access to medical care

Life expectancies at birth, by census tract (2007)

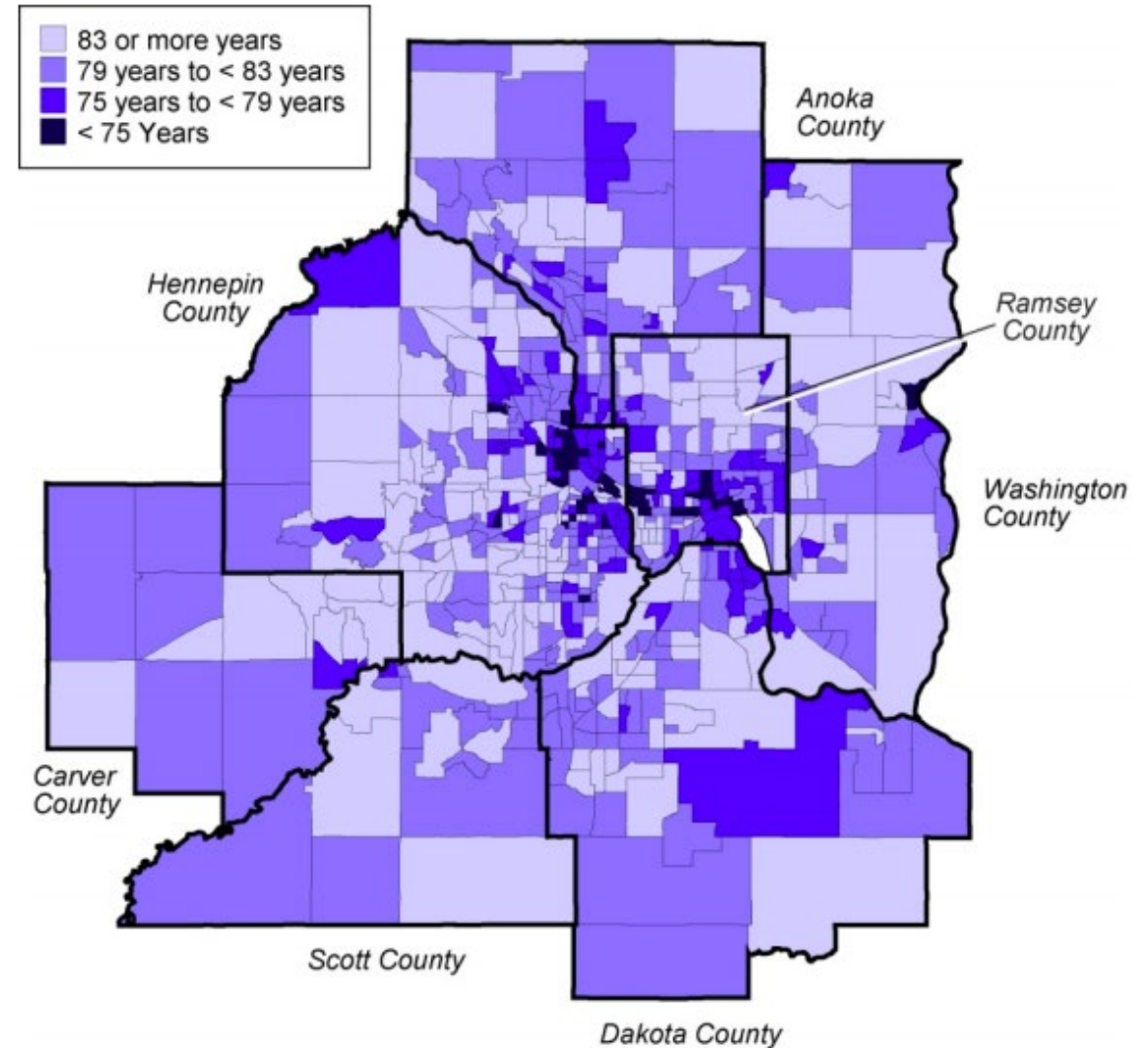
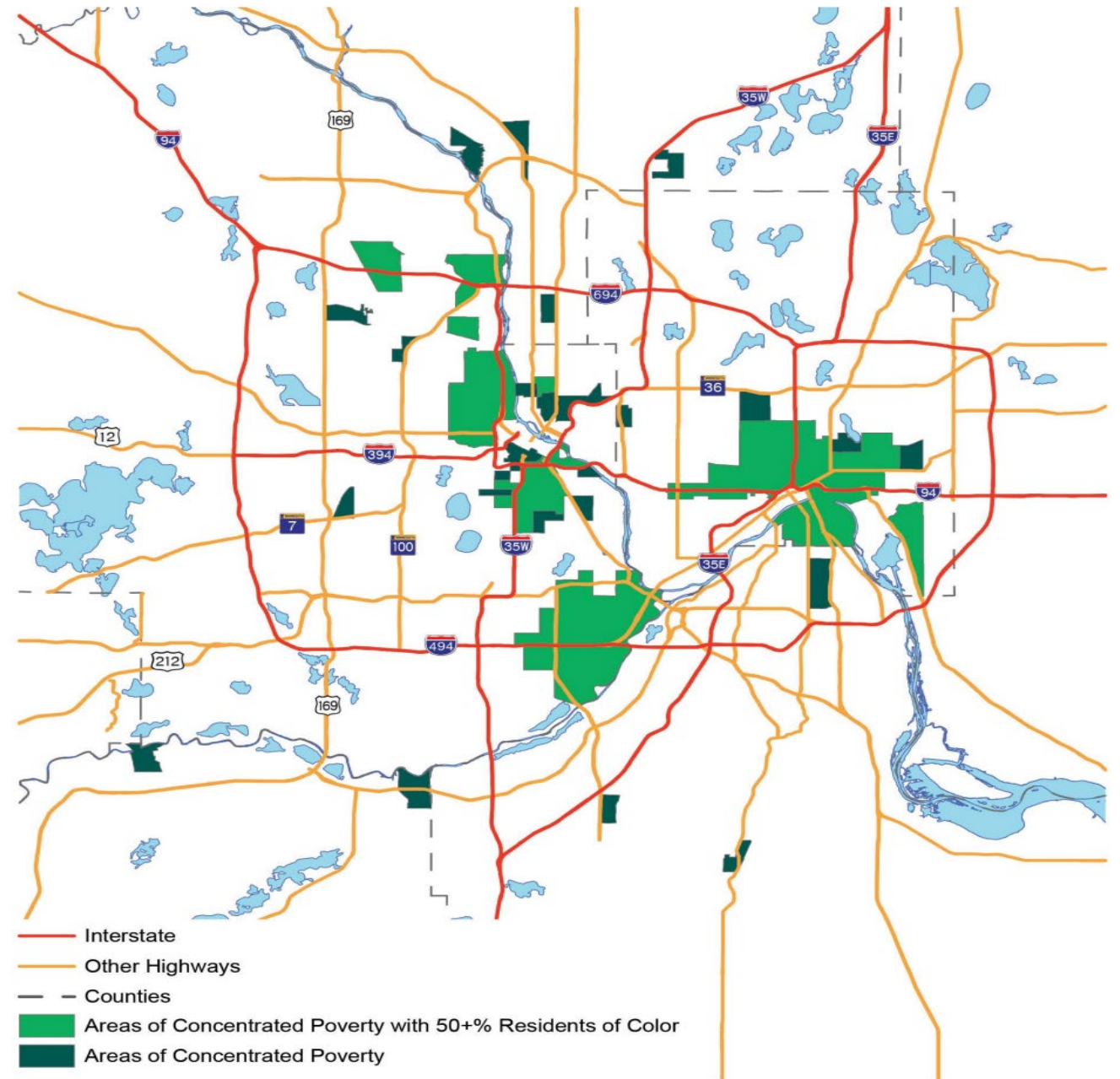


Figure 9: Areas of Concentrated Poverty and major highways in the Twin Cities Metro

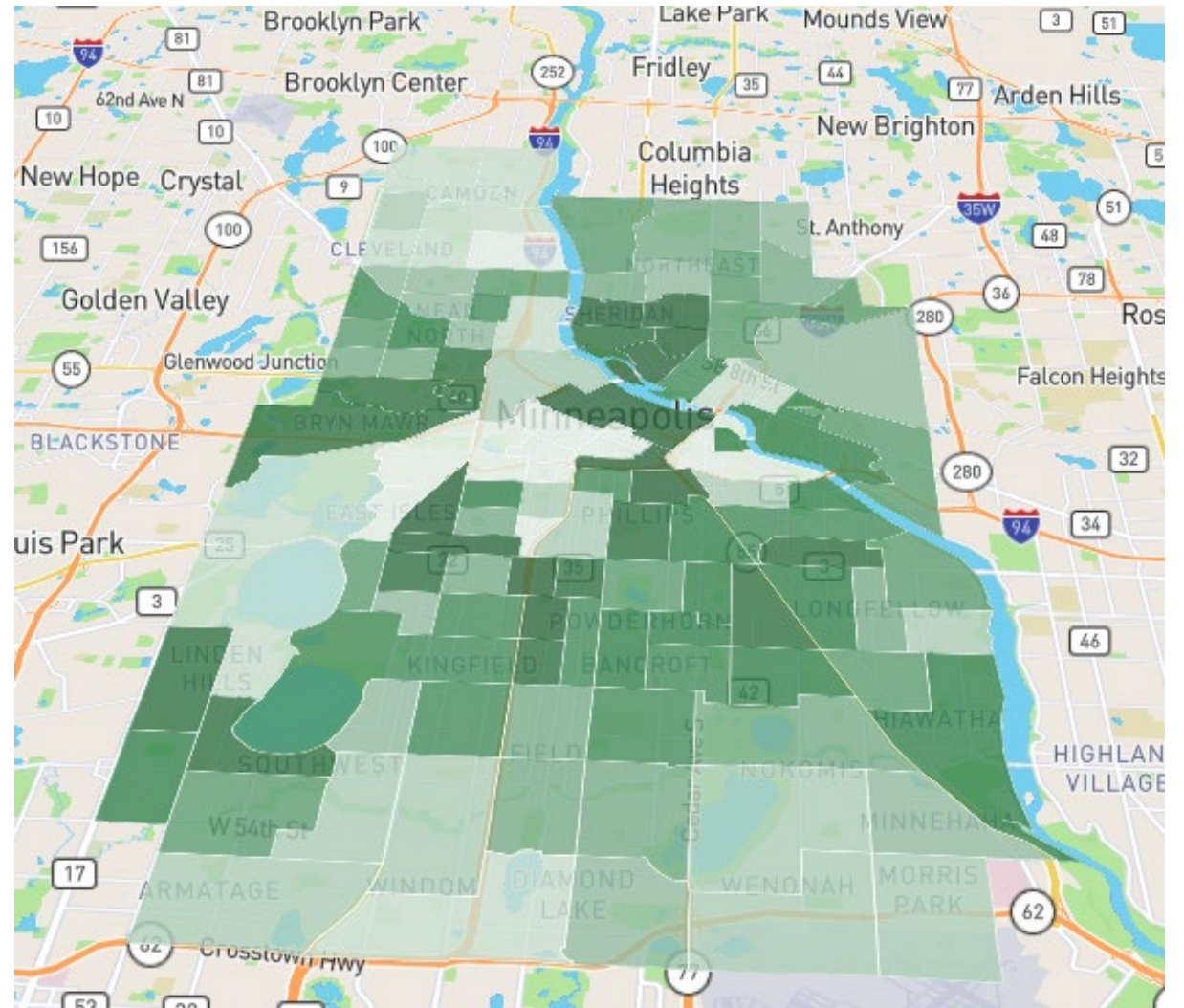
Infrastructure Impacts

State and local governments expanded the metro highway system through established BIPOC neighborhoods, for example the Rondo neighborhood in St. Paul, and through areas of concentrated poverty.



Impact on Wealth Accumulation

Homes in neighborhoods that were restricted are worth more today than homes in neighborhoods that were not restricted.



Home appreciation by Zip Code
Source: Neighborhood Scout

Connections to Mortgage & Real Estate

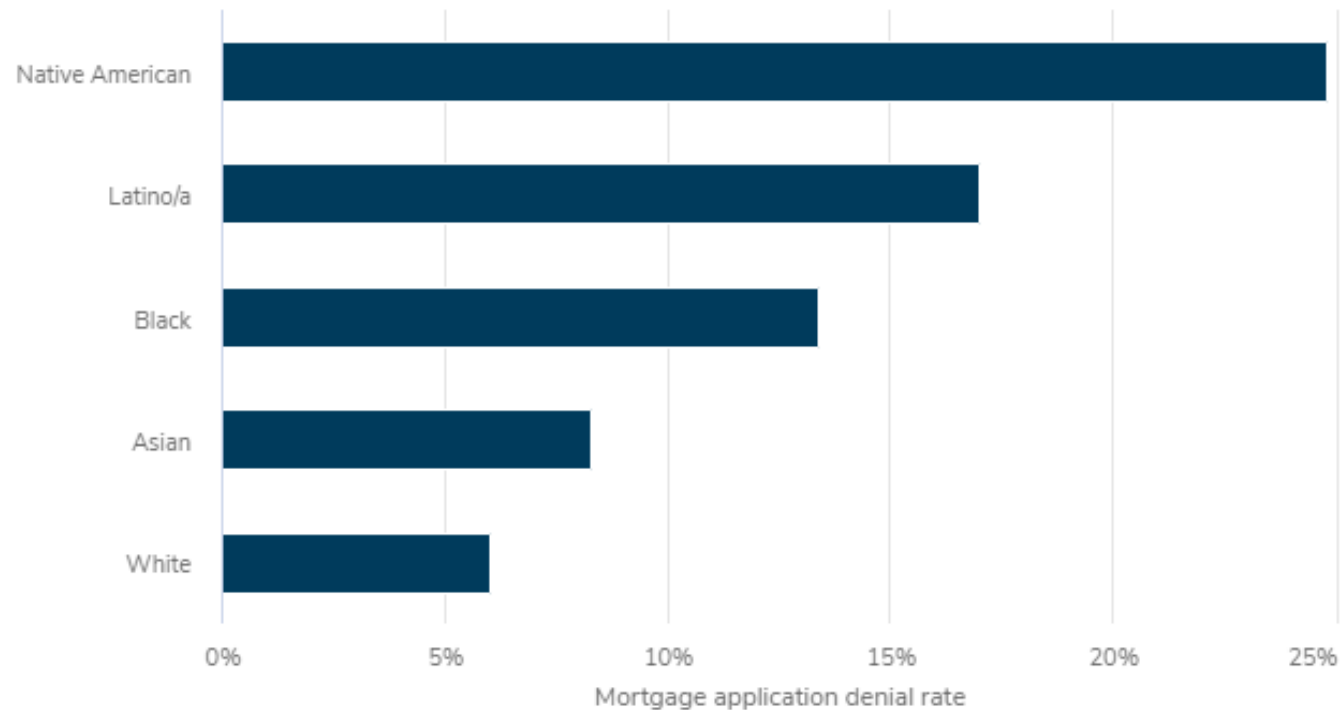
TABLE 1

Selected characteristics of loan originations for black and white home mortgage borrowers

Loan characteristics	Postrecession, 2013–2017		Pre-recession, 2003–2007	
	Black borrowers	White borrowers	Black borrowers	White borrowers
Number of loan originations	849,986	9,580,441	1,349,001	11,276,764
Share of total originations	6%	67%	7%	63%
Percentage of loans by census tract income level				
Low (up to 80 percent of area median income)	25%	12%	30%	11%
Moderate (81 percent to 120 percent of area median income)	45%	47%	47%	52%
High (more than 120 percent of area median income)	30%	41%	23%	38%
Average percentage of residents of color across census tracts where black/white borrowers purchased homes	51%	22%	49%	18%
Average percentage of black residents across census tracts where black/white borrowers purchased homes	32%	7%	34%	6%
Median percentage change in the home price index	-6%	3%	-7%	2%

Connections to Mortgage & Real Estate

White households in Minnesota have a higher rate of approved mortgage applications than households of other races and ethnicities



Connections to Modern Zoning

3. The following restrictions will be placed upon the property which will govern building, etc.:

- a. No dwelling to be built at a cost of less than \$7,500.00.
- b. Garages must be under the same roof or attached to the house.
- c. All lots restricted to one family dwellings.
- d. No excavation dirt shall be moved from the subdivision without permission of the corporation.
- e. All building owners must contribute equal shares on fire bond posted with the Minneapolis Fire Department.
- f. All buildings erected on these premises shall be completed within six months after starting and tar paper or building paper shall not constitute outside finish.
- g. That the premises conveyed shall not at any time be sold, mortgaged or leased to any person or persons of Chinese, Japanese, Moorish, Mongolian or African blood or descent.
- h. All buildings to be true to their particular style of architecture.
- i. All buildings to be constructed in accordance with the Mpls. Building Code.
- j. Combination of cess-pool and septic tank will be used.

Noticing's

1. Single Family Zoning
2. Minimum home price
3. Architectural standards

Why Covenants Matter Today

- Covenants divided our community by race and created segregation patterns that persist today.
- Racial restrictions depressed homeownership rates for Black Minnesotans. This has intergenerational consequences. Today the Twin Cities metropolitan area has the one of the lowest African American homeownership rate in the country.
- Obstacles to property ownership made it hard for Black families to amass wealth. Today the average white household in the United States has ten times as much wealth as the average Black household.
- Racial covenants provide tangible examples of structural racism. Awareness of historical injustice is the first step towards real change.
- Understanding these racial exclusions supports transformative policymaking.

5 Minute Break!

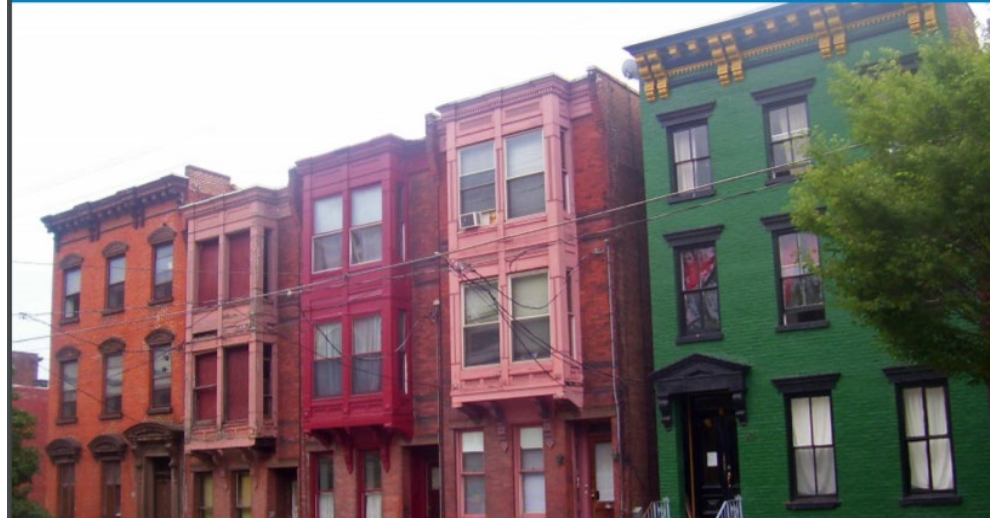
PART III: Weaponized Code Enforcement

- Collaborative Scenarios
 - Angry Neighbor
 - Practical Violation
 - Peeling Paint and Maintenance Issues

Cities Rise: *Cities for Responsible Investment and Strategic Enforcement*

The Power & Proximity of Code Enforcement: a Tool for Equitable Neighborhoods

JUNE 2019



Process

- Phase I: Data Collection
- Phase II: Community Engagement and Individual Assessment
 - Site Visits: reviewing the history of each city, existing process, engagement with residents, staff, landlords
 - Ride along with Code Enforcement Officers
- Phase III: Recommendations

Equitable Code Enforcement

- **RESTORATIVE:** Understands that legacies of racial inequality manifest in neighborhoods today and works to redress the impact of systemic and institutional discrimination to avoid further harm and disparate impacts on already vulnerable communities;
- **EVIDENCE-BASED:** Employs data from across departments to gain a more complete picture of neighborhood strengths and challenges; understands that quantitative data alone never tells the full picture of a neighborhood, and depends on community partnerships to gather relevant on-the-ground information;
- **COLLABORATIVE:** Connects code enforcement to broader policy initiatives and city agencies focused on neighborhood revitalization, community development, economic development, social service provision, public health, and racial equity, among others;
- **COMMUNITY-CENTRIC:** Develops and maintains close relationships with service providers, community-based organizations, neighborhood associations and residents to understand local issues, priorities, and needs and engages residents in program and policy design and decision-making;
- **PROACTIVE:** Uses methods that address systemic issues related to code enforcement prior to a complaint or the issuance of a violation

Policy into Practice

- Review of Collaborative Scenarios