

# Retracing our history – how did we get here and where are we going?

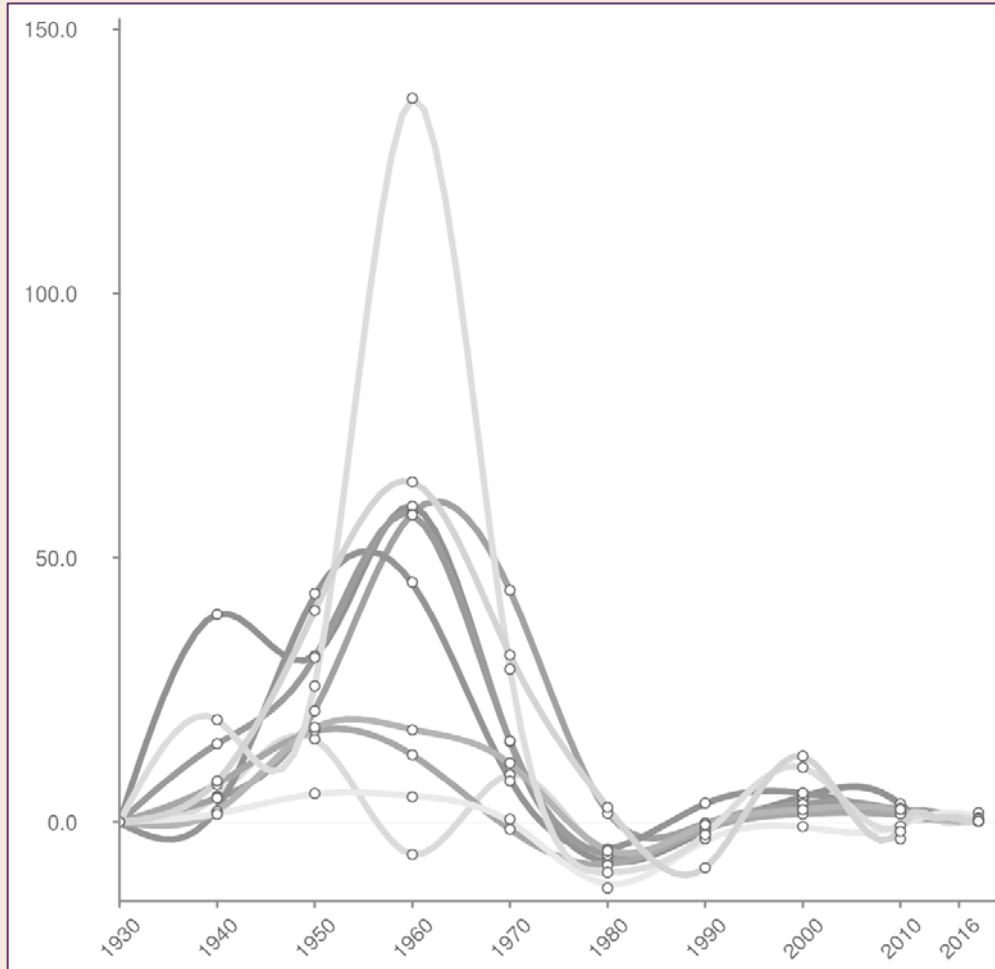
Jennifer Raitt

January 14, 2021 | Housing in Wellesley: Our Past, Our Present, Our Values

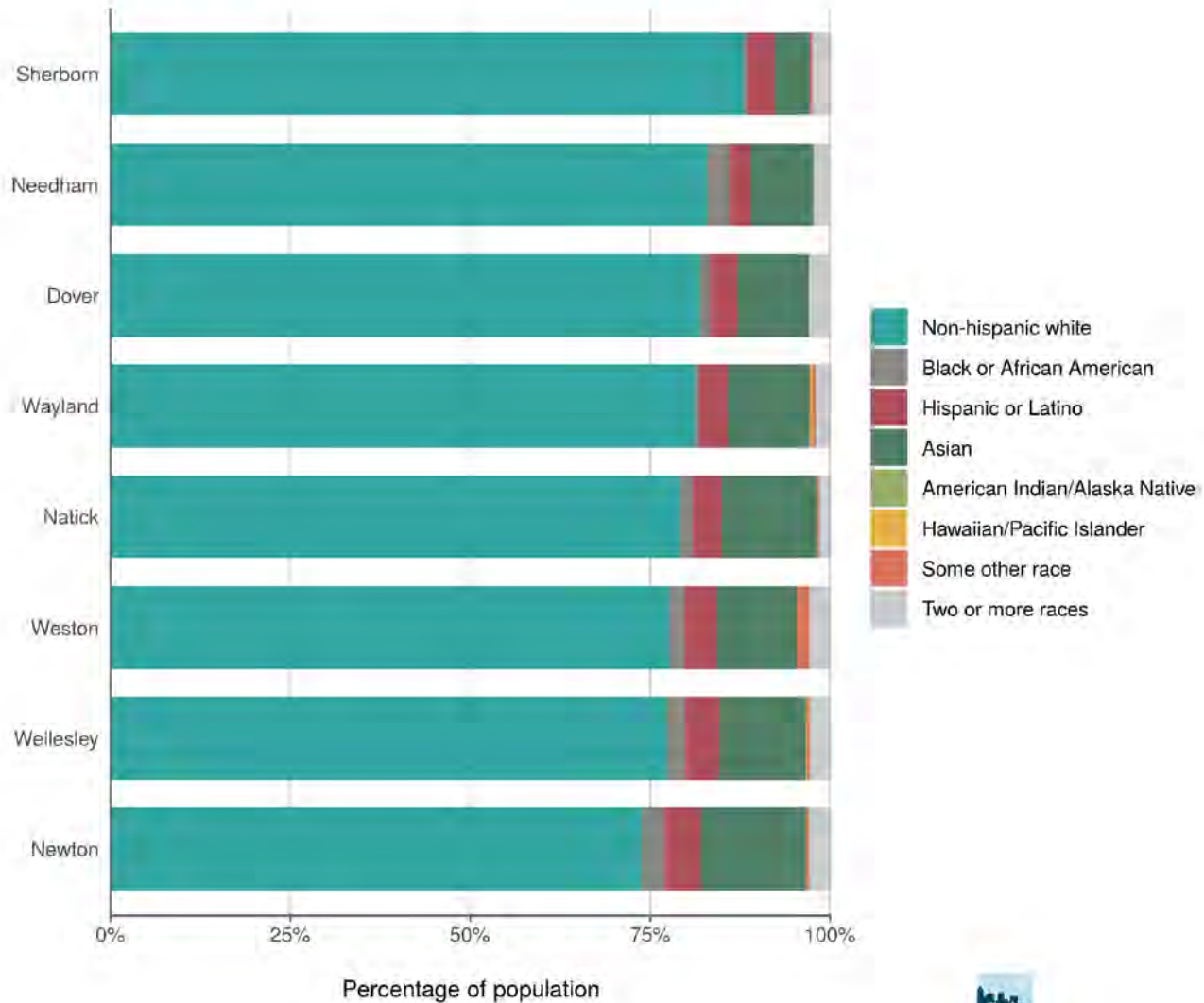
Discussion with The League of Women Voters of Wellesley



# Assessing Existing Conditions



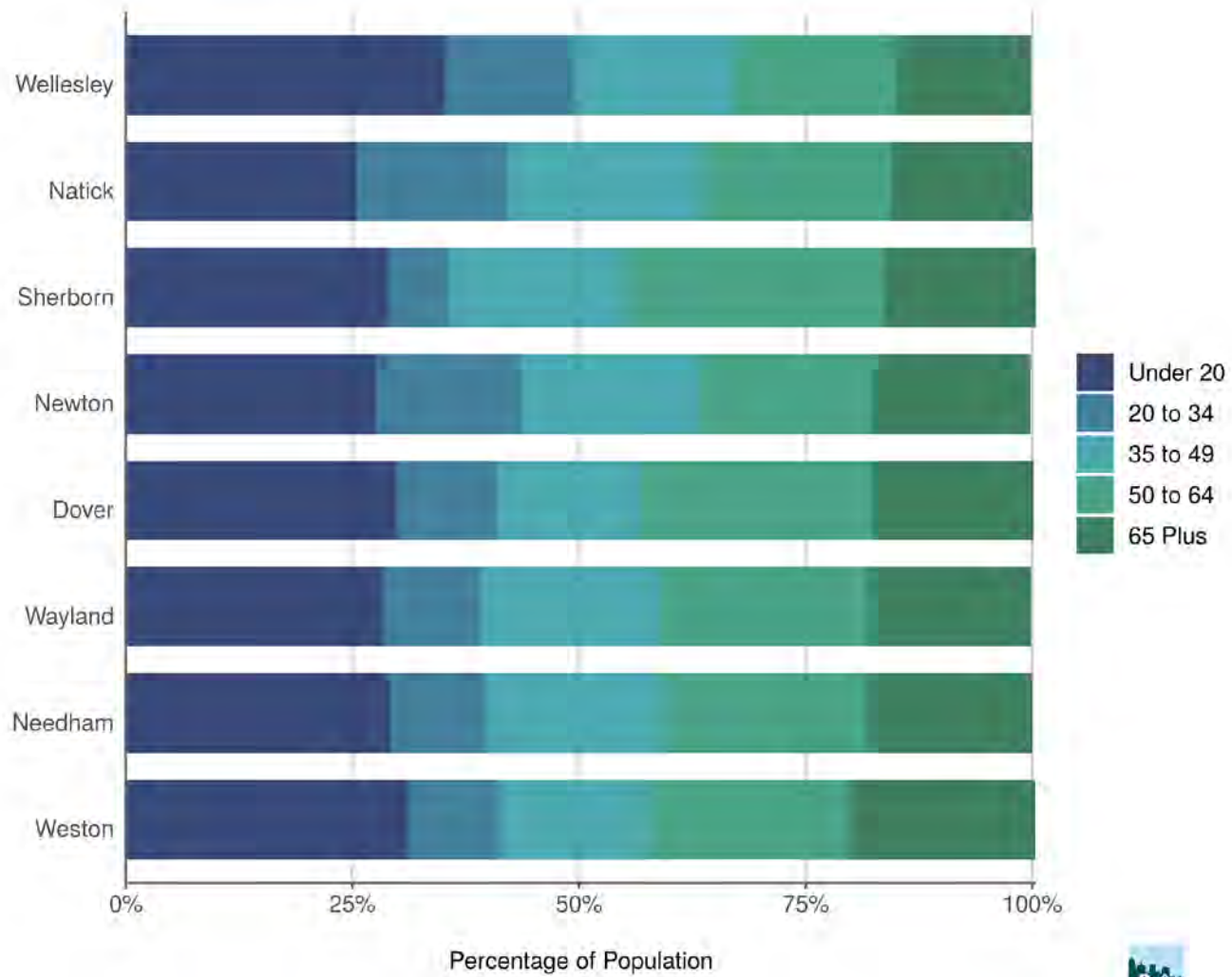
## Race & ethnicity



Source: U.S. Census Bureau American Community Survey, 2014-2018 5-year estimates.  
Table DP05: ACS Demographic and Housing Estimates

# Age distribution

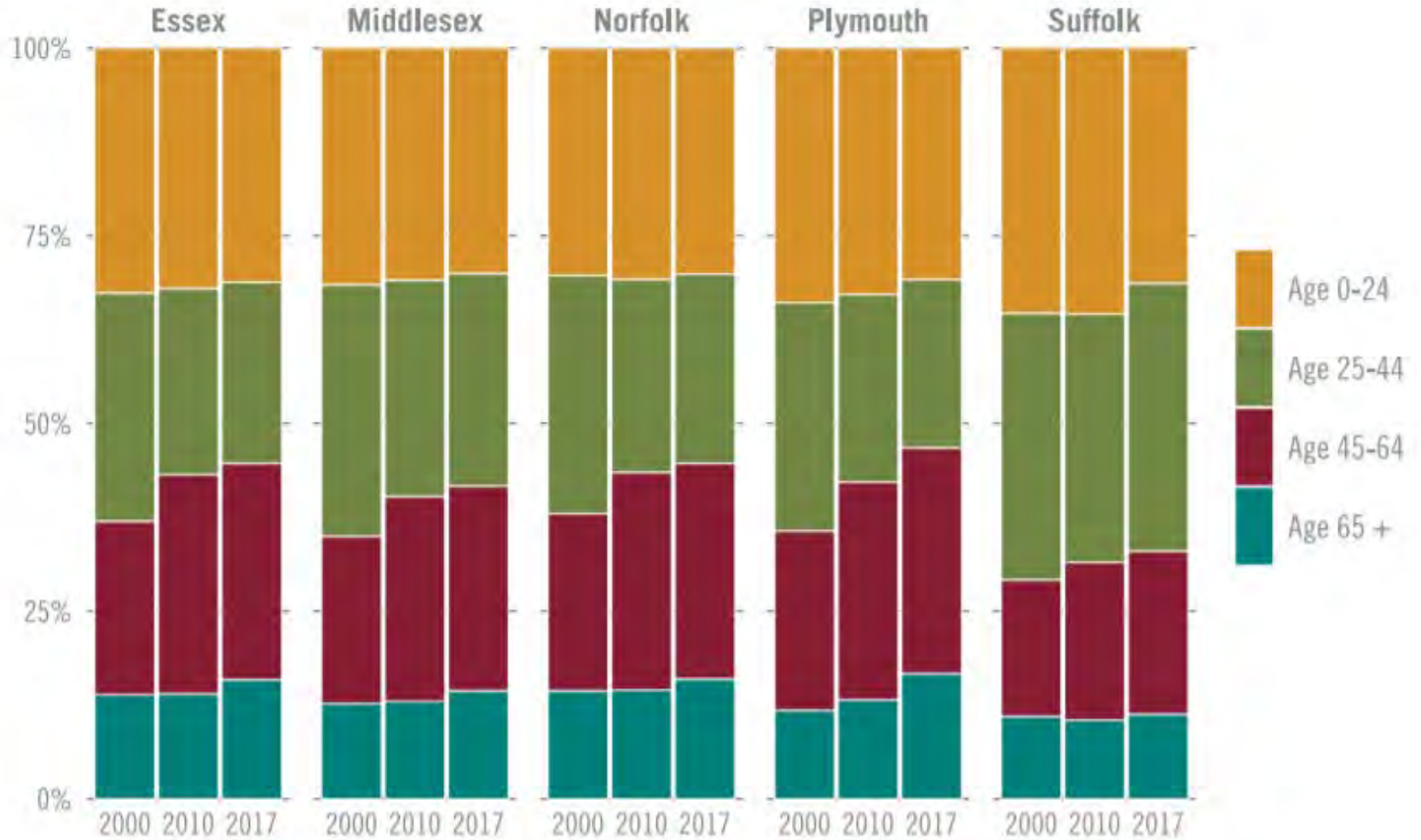
2014-2018 ACS



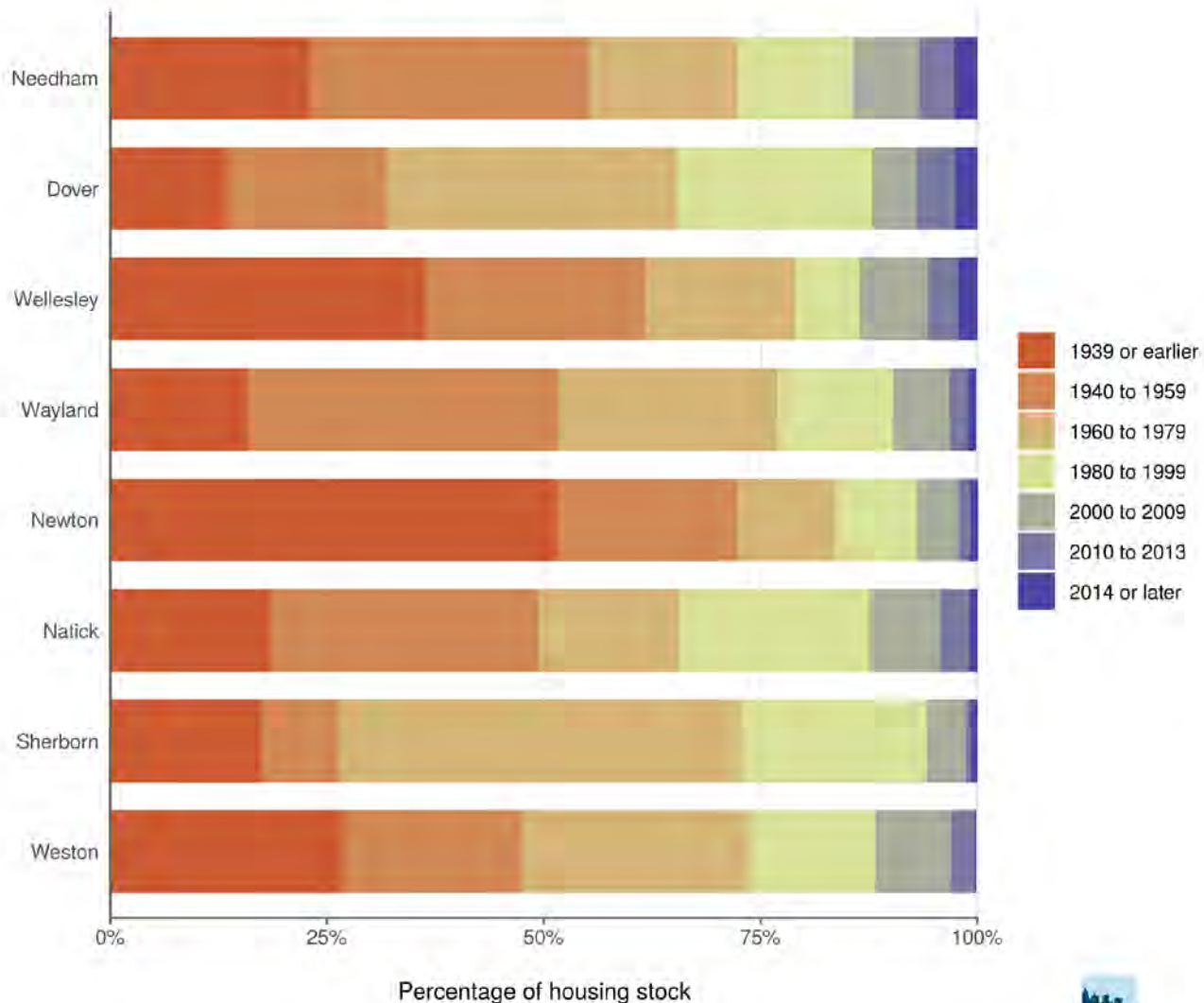
Source: U.S. Census Bureau: Decennial Census 1990-2010 & American Community Survey, 2014-2018 5-year estimates. Table S0101: Age and Sex



## Age Distribution across the 5 Counties in the Greater Boston Area



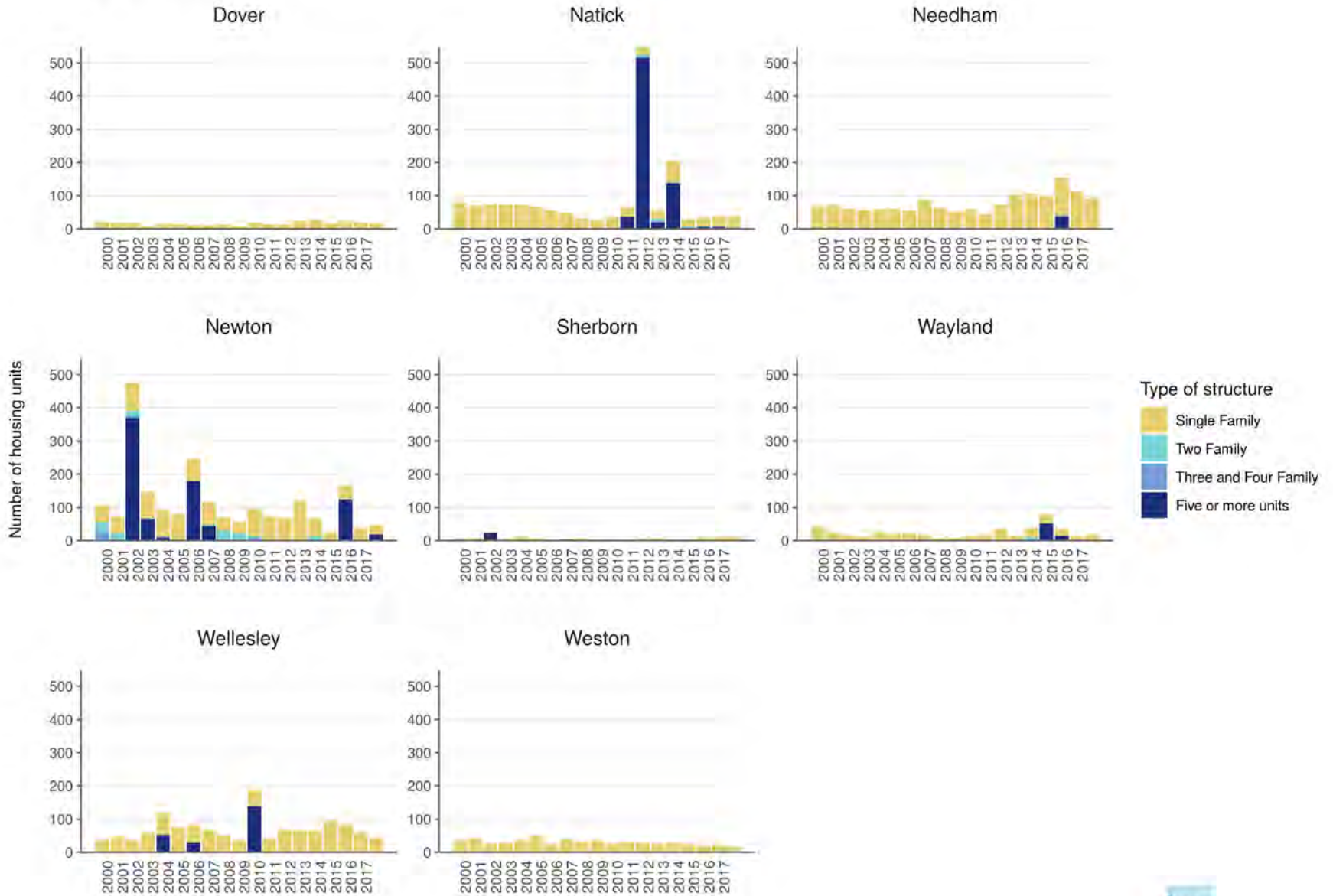
## Housing units by year built



Source: U.S. Census Bureau American Community Survey, 2014-2018 5-year estimates, Table S2504: Physical Housing Characteristics for Occupied Housing Units



# Housing units permitted by structure type



Source: U.S. Census Bureau - Annual Building Permit Survey (Reported and Imputed)



In the last decade,

**45%**

Job growth in our inner 15 cities and towns.

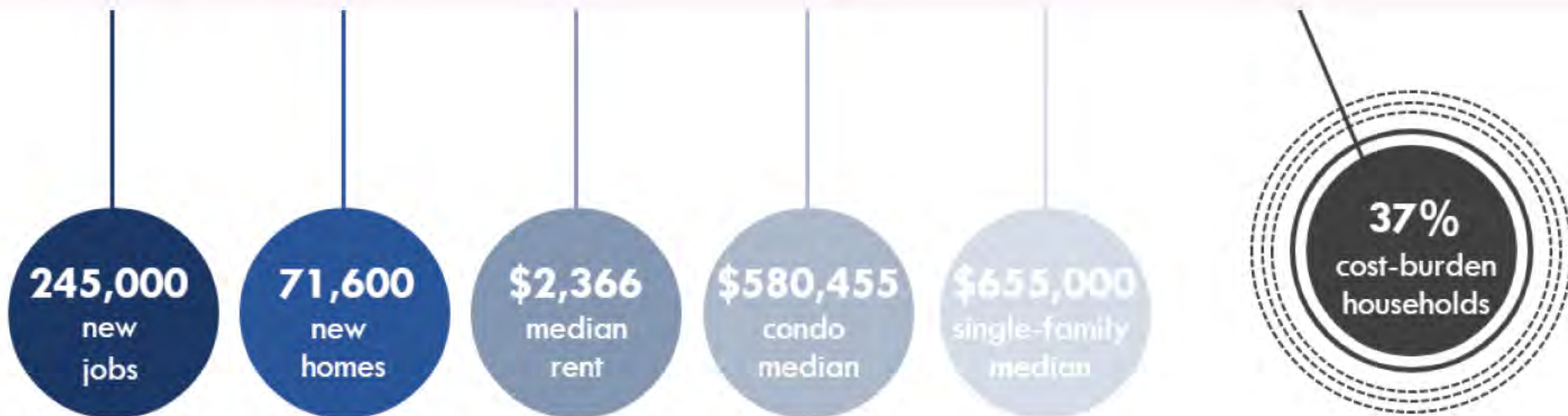
**245,000**

new jobs!

But...only

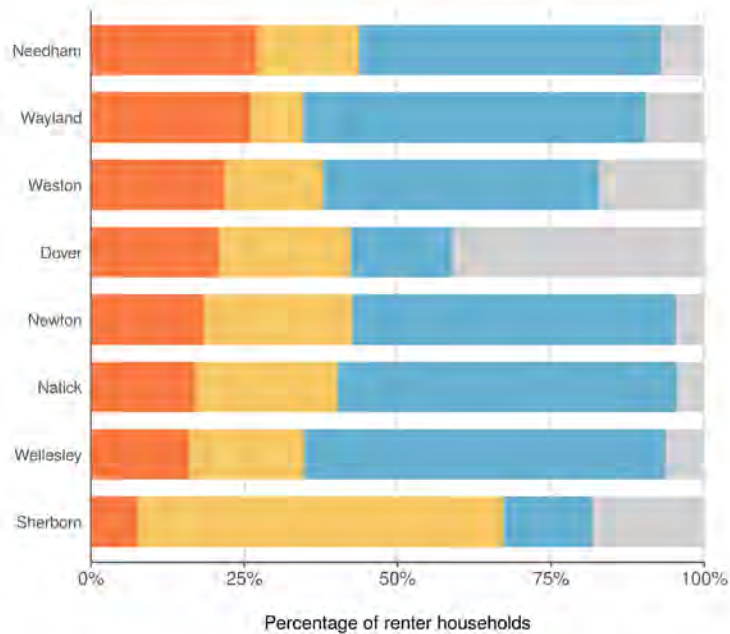
**71,600**

new homes built.

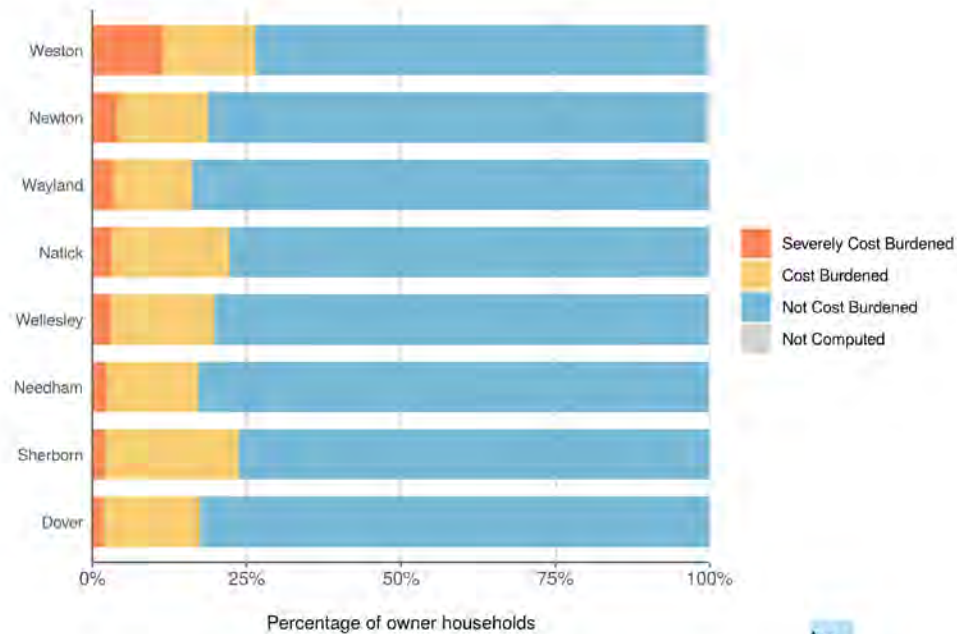




### Renter households by cost burden



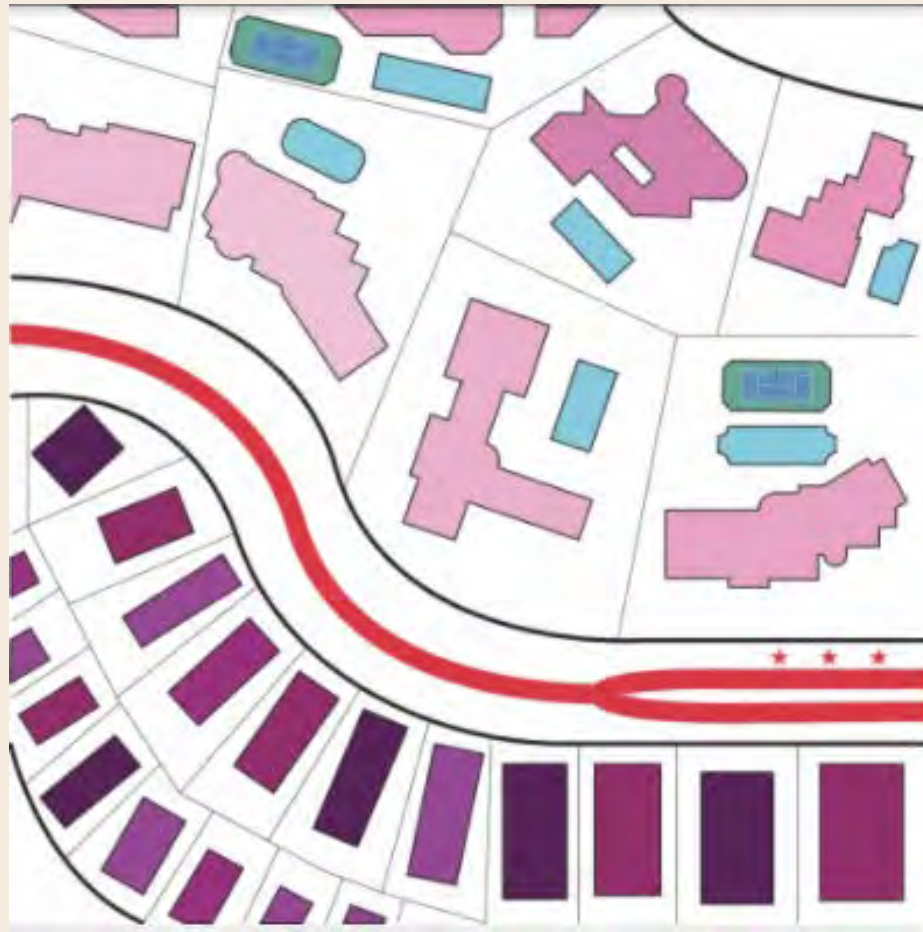
### Owner households by cost burden



Source: U.S. Census Bureau American Community Survey, 2014-2018 5-year estimates.  
Tables B25070 & B25091

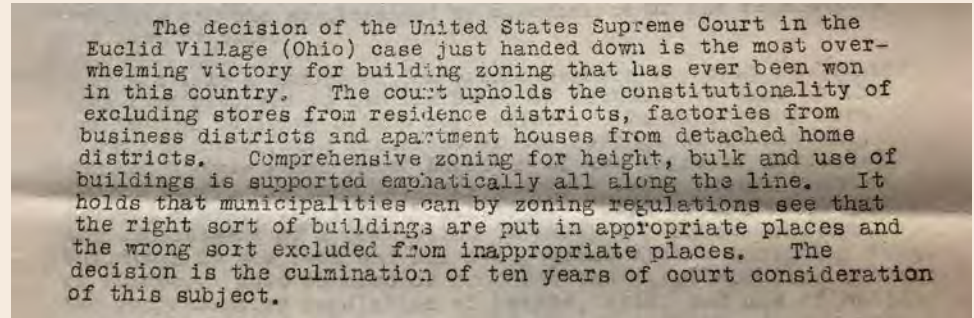


# + Historic Patterns of Growth and Segregation



# What is zoning?

- Zoning has been the primary tool used by municipalities (and occasionally states and counties) to impose conditions and restrictions on how private property is used
- Zoning intends to balance values: the entitlements of private property as well as the public good
- Zoning is considered to be a legitimate “police power”



The decision of the United States Supreme Court in the Euclid Village (Ohio) case just handed down is the most overwhelming victory for building zoning that has ever been won in this country. The court upholds the constitutionality of excluding stores from residence districts, factories from business districts and apartment houses from detached home districts. Comprehensive zoning for height, bulk and use of buildings is supported emphatically all along the line. It holds that municipalities can by zoning regulations see that the right sort of buildings are put in appropriate places and the wrong sort excluded from inappropriate places. The decision is the culmination of ten years of court consideration of this subject.

National Conference on City Planning paper, 1926

# What is zoning?

- In the early 1900s, race- and class-based motives were used when communities began adopting zoning
- This led to the landmark 1917 Supreme Court case, *Buchanan v. Warley*.
- Municipal ordinances which, on their face, promoted residential racial segregation were deemed unconstitutional via the Buchanan decision — but not because they were racially discriminatory... because they violated a property owner's contractual rights.

## ZONING UPHELD BY THE UNITED STATES SUPREME COURT

was advancing and popularizing this subject which by 1917 gradually acquired the name of zoning. During several succeeding years and before zoning had spread to many other cities the National Conference on City Planning worked on a formulation of a statement of principles of zoning. Although these "principles" were never adopted probably because of the rapid progress of the science and different needs of different parts of the country, they were widely distributed and undoubtedly had considerable effect in fixing the principles of sound zoning. When the Euclid Village case arose in the Federal Court in Ohio the Ohio State Conference on City Planning requested Alfred Bettman, of Cincinnati, to represent it before the court as amicus curiae. Mr Bettman also generously consented to represent as amicus curiae the National Conference on City Planning. He filed carefully prepared briefs both in the lower court and in the United States Supreme Court.

It will be seen from the foregoing that the National Conference on City Planning was not only an observer, but took a helpful part in the shaping of the entire growth of zoning from its inception in Chicago in 1912 until the final overwhelming victory attained by the Euclid Village decision in the highest court of the nation.

National Conference on City Planning paper on annual conference 1926

# What is zoning?

## Generations of equity lost

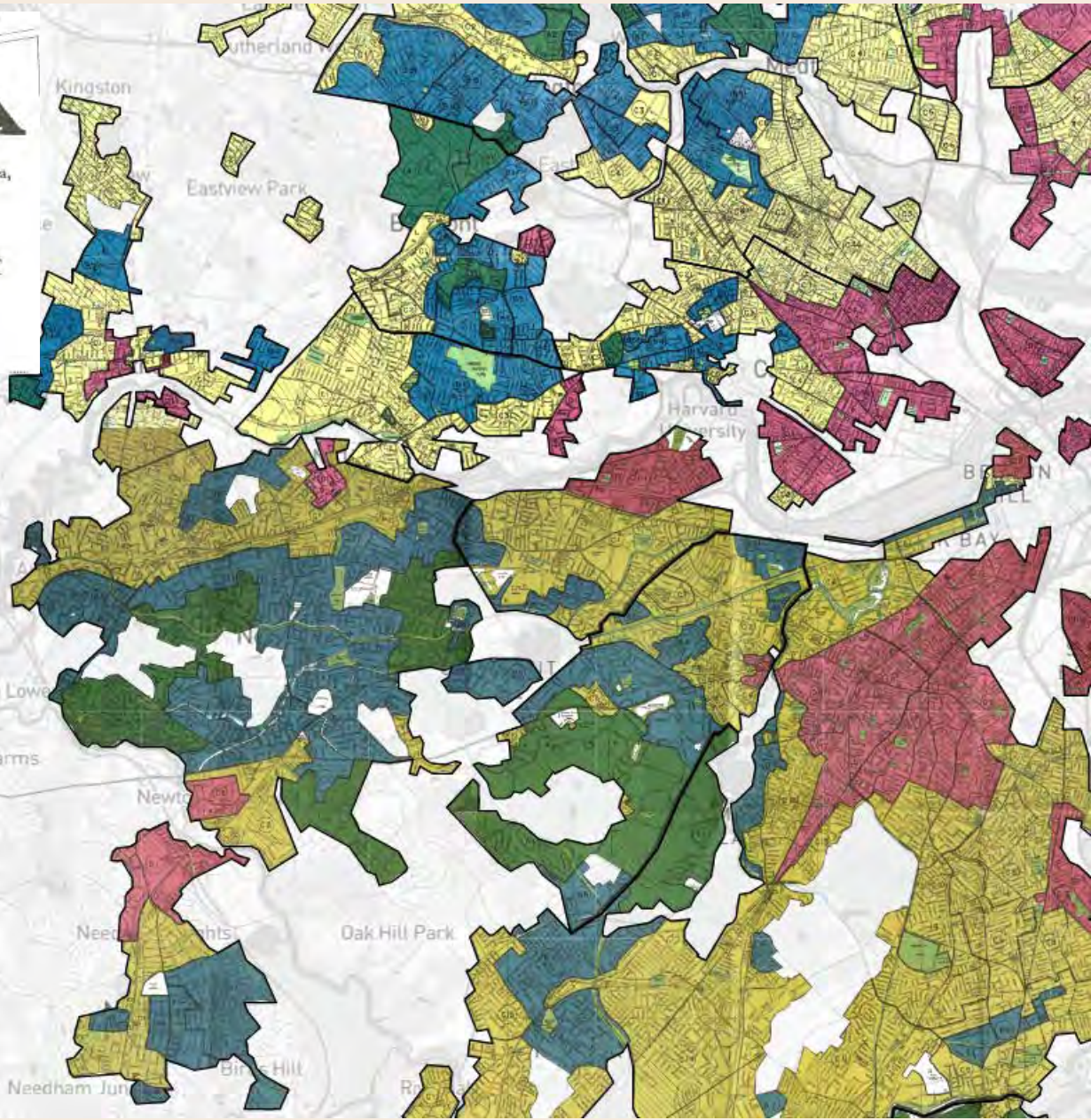
- *Buchanan* did not address racially-discriminatory private, restrictive covenants and deeds which barred nonwhites, primarily African Americans, from purchasing, leasing, or occupying properties in majority white neighborhoods.



**Cram's Street Map of the BOSTON AREA**  
 260 Square Miles  
 Including Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Dedham, Everett, Lexington, Malden, Medford, Melrose, Milton, Needham, Newton, Quincy, Revere, Somerville, Waltham, Watertown, Winchester and Winthrop

SHOWING  
 Streets, Roads, Boundaries, Wards, Transportation Lines, Park Systems, Boulevards, Golf and Country Clubs, Schools, Libraries, Cemeteries, Police and Fire Stations.

COMPLETELY INDEXED  
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 INDIANAPOLIS, INDIANA  
 De Witt C. Carney & Co.  
 10077100  
 Boston, Mass.



**RESIDENTIAL SECURITY MAP**

**LEGEND**

- A FIRST GRADE
- B SECOND GRADE
- C THIRD GRADE
- D FOURTH GRADE
- SPARSELY BUILT UP (COLOR INDICATES GRADE)
- INDUSTRIAL
- COMMERCIAL (IMPORTANT RETAIL AND WHOLESALE AREAS)
- UNDEVELOPED OR FARMLAND (NO PROBABLE CHANGE WITHIN 5 YEARS)

PREPARED BY  
 DIVISION OF RESEARCH AND STATISTICS  
 WITH THE CO-OPERATION OF THE  
 APPRAISAL DEPARTMENT  
 HOME OWNERS' LOAN CORPORATION  
 FEB. 1, 1938

Home Owners' Loan Corporation map of Greater Boston 1938. National Archives and Records Administration, Mapping Inequality



# + Racial Zoning



**REDLINING**

# Government programs and policies driving segregation

- 1930s (Redlining begins)

The New Deal (public housing, redlining, suburban investment required racial covenants)

- 1940s (Redlining continues)

The GI Bill (home loan guaranty administered by VA, adoption of FHA standards for underwriting)

1948 Supreme Court case, *Shelley v. Kraemer*, deemed restrictive covenants unconstitutional.

# Government programs and policies driving segregation

- 1950s (Redlining takes new shape in the form of White Flight and Urban Renewal)  
Housing Act – incentives to redevelop “slum” and “blight”  
Federal Highway Act
- 1960s (Transformation on Social Issues, More Restrictive Zoning Takes Shape)  
Fair Housing Act

# The impact of segregation policies

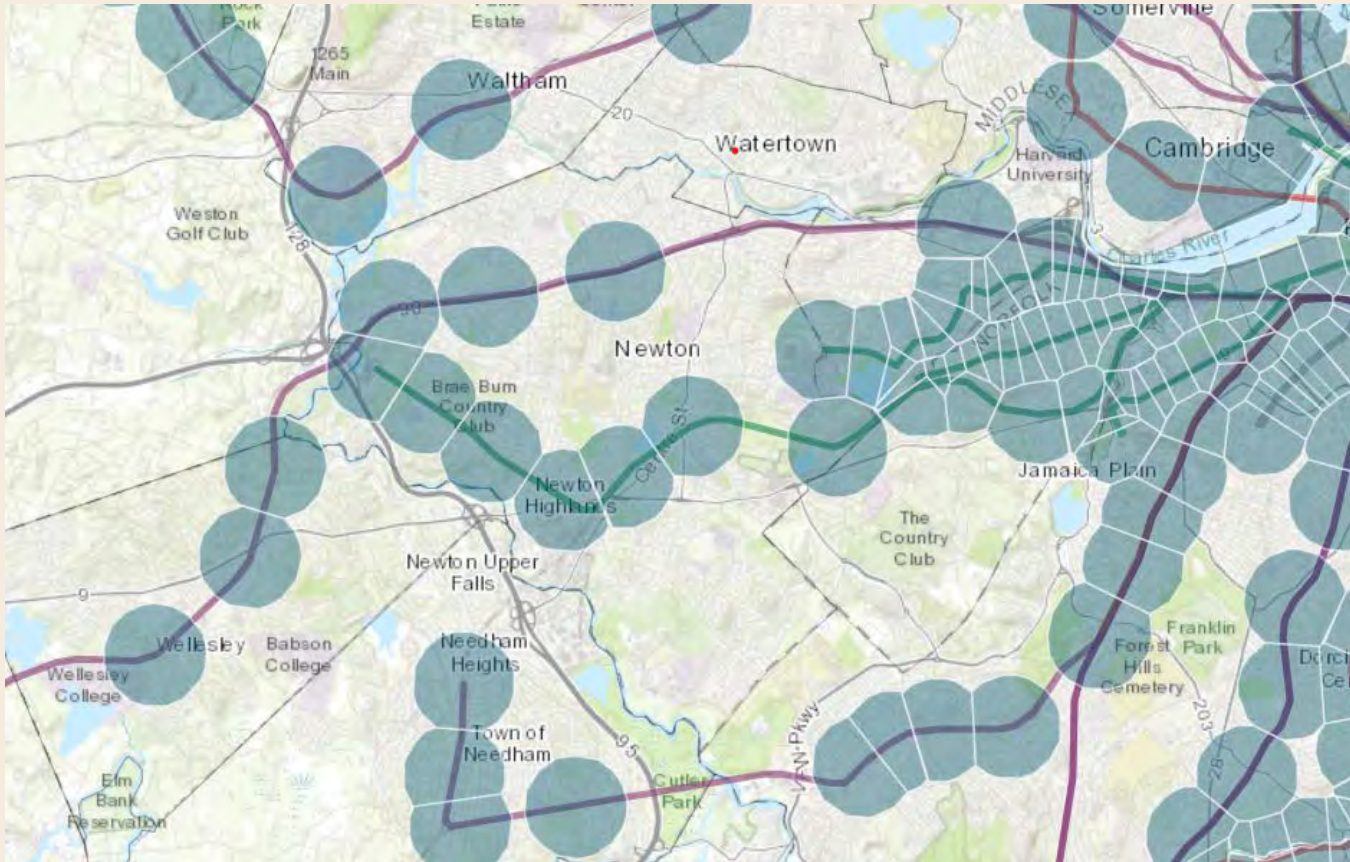
- Local land use and zoning controls were major drivers of residential segregation working in conjunction with federal policies and the real estate and banking industries.
- This has led us to what we now see as an increased need for affordability and availability of housing throughout Greater Boston as well as displacement, eviction, and housing instability burdens in significant numbers of low-income communities of color – the same communities that experienced urban renewal and disinvestment generations earlier.
- Both of the increased need for housing and protections for those at risk of displacement are due to the discriminatory effect and impact of exclusionary policies and practices.



# Fair housing and “anti-snob zoning”

- The Fair Housing Act and the Civil Rights Act of the 1960s gave advocates the legal tools to challenge exclusionary zoning.
- Massachusetts adopted MGL Chapter 40B to allow affordable housing developers to by-pass local zoning in municipalities where less than 10% of year-round housing is deed-restricted affordable to individuals and families earning a low- to moderate-income.
- Mount Laurel cases in New Jersey set landmark standards requiring all municipalities to provide a “fair share” of affordable housing.
- Many other cases since have aimed to challenge local zoning ordinances that violate the federal Fair Housing Act and state fair housing and anti-discrimination laws.

# + Our Current Growth and Planning Trajectory



# Coming together



- Group have come together because of Black Lives Matter and acknowledgement of the need for anti-bias work and racial equity planning throughout our communities

# Aspirations transformed into action

## Municipalities throughout MA working on

- Zoning to increase housing affordability and availability
- Equity and engagement plans
- Leveraging funding to protect those most in need
- Preserving existing housing and other anti-displacement measures
- Working regionally to address long-term affordability and availability of housing
- Aligning housing with other issues, including transportation, economic security, + climate.



# Places that foster inclusion

- Are places that acknowledge and challenge bias and systems that reinforce racism
- Are places that intentionally intervene with institutions and structures that continue to perpetuate racial inequities
- Are places that implement policy change at multiple levels and across multiple sectors to drive larger systemic change
- Are places that utilize tools to explicitly integrate racial equity into all operations
- Are places that align decisions with racial equity goals and clear, measurable outcomes



# Aspirations transformed into action

- Local planning exercises may provide opportunities to study racial equity issues and identify areas to advance diversity and inclusion
- Develop a framework that applies to every project or policy change:
  - Structural Equity: *What historic advantages or disadvantages have affected residents in the given community?*
  - Procedural Equity: *How are residents who have been historically excluded from planning processes being authentically included in the planning, implementation, and evaluation of the proposed policy or project?*
  - Distributional Equity: *Does the distribution of civic resources and investment explicitly account for potential racially disparate outcomes?*
  - Transgenerational Equity: *Does the policy or project result in unfair burdens on future generations?*

# Aspirations transformed into action

- Focus on the “we”
- Encourage ongoing and regular community discussions and education/ awareness
- Share your awareness of existing housing, barriers, and the potential for growth
- Educate yourself and others about fair housing
- Support increased diversity and representation on boards and committees and staff
- Actively address challenges (regulatory and non-regulatory) to building new housing and then aim for results that actually build new housing by reforming zoning
- Work collaboratively to advance multiple community priorities: transportation, economic development, housing, and climate.
- Advocate for a public process that brings in all voices



What kind of community do we want to be?

