ZONING LAW

Segregationist History

Clustering “Compatible” Land Uses

“Missing” Middle Housing

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Zoning

The division of a municipality into districts (zones) and assignment of permitted uses to each district.
SEGREGATIONIST HISTORY

1. Express racial zoning
2. Low-density residential zoning as *Buchanan v. Warley* (1917) work-around
3. Racially restrictive covenants
4. Federal mortgage programs promote home ownership for White families and create barriers to home ownership for families of color
Two programs under the New Deal helped middle-class families buy and retain their ownership interest in single-family houses—one program helped families who were at risk of foreclosure refinance under favorable terms and the other program helped first-time buyers.

Both programs were available to white families only because federal underwriting policies classified Black mortgagors as poor risks, favored mortgages for houses in areas where White residents were separated from Black residents by natural or artificial barriers, and classified mortgage lending in neighborhoods with integrated schools as risky.

For more than 25 years, federal underwriting policies prevented banks from issuing mortgages to middle-class Black purchasers with good credit ratings or to White purchasers deemed likely to rent to Black people.
CLUSTERING COMPATIBLE LAND USES

- Zoning’s focus → “Compatible land uses”
- Clustering of nuisance or undesirable land uses
- Multi-family residential land uses have been equated with nuisances & clustered
Euclid v. Ambler Realty Co. (US 1926)

**Multi-family residences** are like “mere parasite[s]” that, in a residential neighborhood, “come very near to being nuisances.”

“Separation of residential, business (including apartments), and industrial land uses promotes the public welfare, by amongst other things preserving “the **residential character of neighborhood[s]** and [their] desirability as a place of **detached residences.**”
“Missing middle” housing
• Where housing demand is high, R1 inflates home values

• Higher property values for owners mean higher rents for tenants

• Increase homeowner wealth

• Reduce renter real incomes

• Increase existing wealth gaps

• Shifts housing demand to urban fringe
$236,600
Median Home Value

ONLY 13 HOMES FOR SALE AT OR BELOW PRICE MEDIAN VALUE – ALL CONDOMINIUMS

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source: zillow.com
THANK YOU

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