

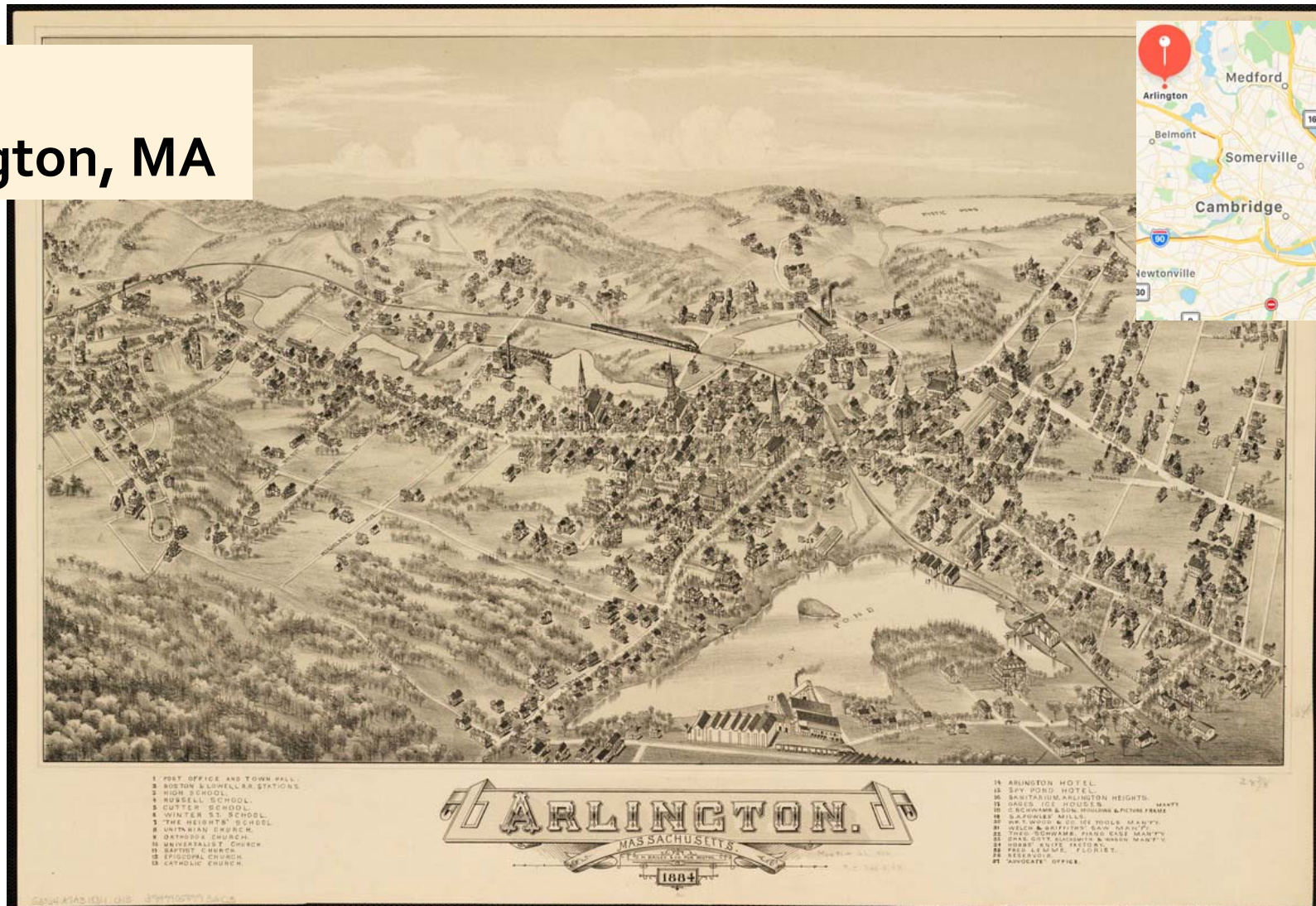
EXCLUSIONARY ZONING

through the lens of Fair Housing

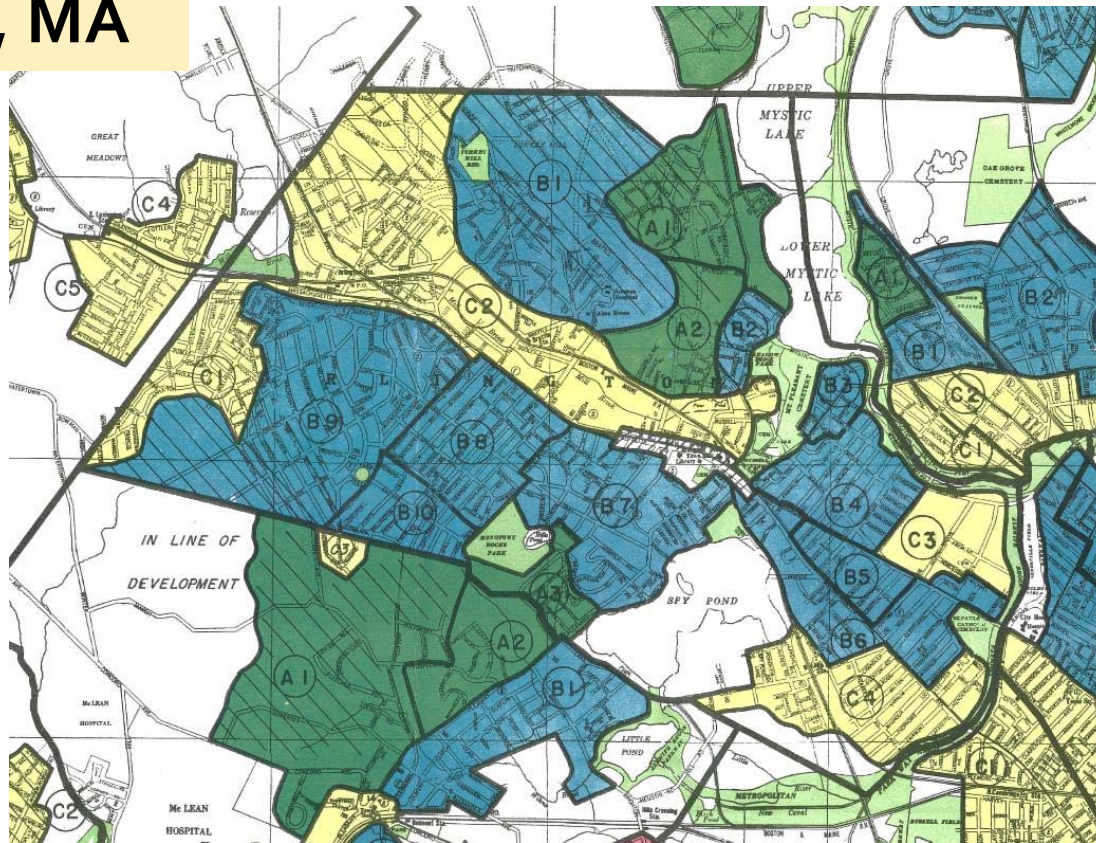
Shelly Goehring
Senior Program Manager



1884
Arlington, MA



1938 Arlington, MA



Home Owners'
Loan Corporation



Arlington district C-2

Why is it “declining?”

- **Area Characteristics**

- Detrimental Influences: “Obsolescence. Business and housing mixed together. Railroad tracks through neighborhood.”
- Trend of desirability next 10-15 years = DOWN

- **Inhabitants**

- Occupation: clerks –labor
- Estimated annual family income: \$1,500-2,500
- Foreign-born families: Italian
- Infiltration of: Lower class

- **Clarifying Remarks**

Little possibility of conversion of properties to business use.

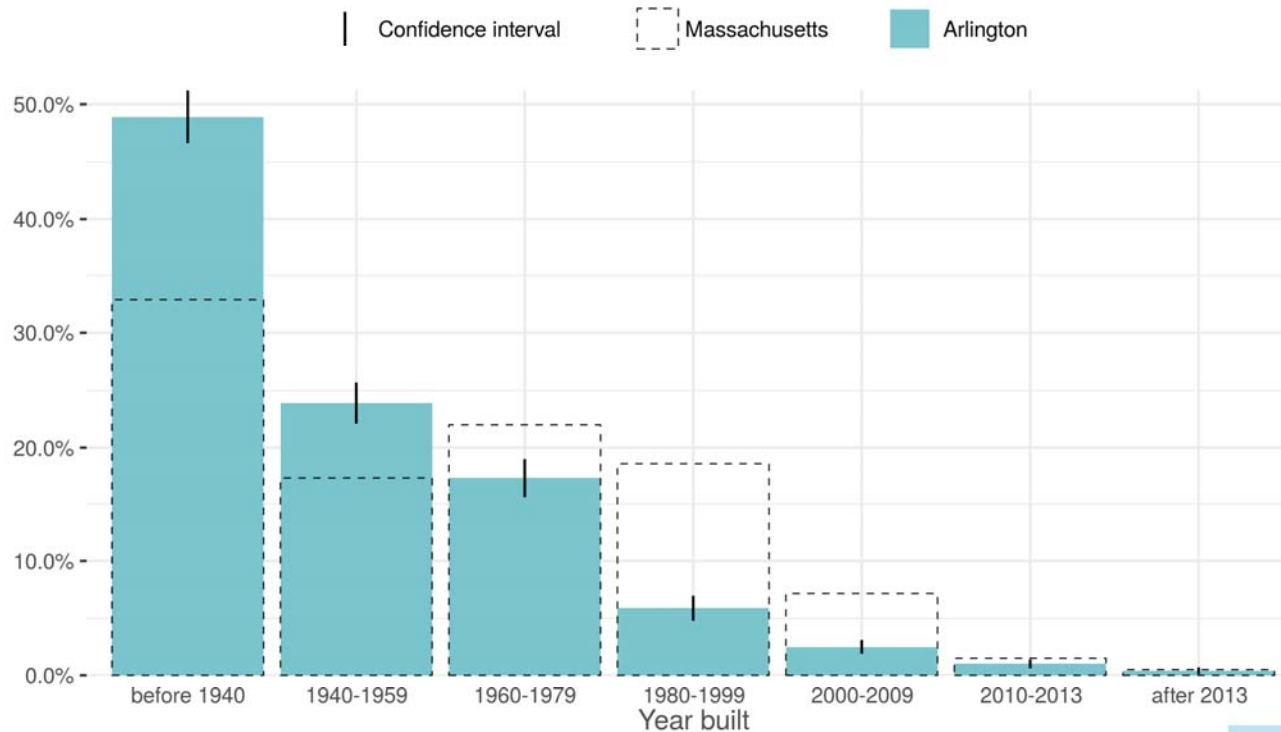
Arlington's First Zoning Map - 1924

Yet Arlington remained largely “pro-growth.”

1945 – district to allow four stories or 60' height
(10+ more created, largely in NE & 7 blocks along Pleasant)

Von Hoffman, Alexander. "Creating an Anti-Growth Regulatory Regime: A Case from Greater Boston." Joint Center for Housing Studies, Harvard University. Feb. 2006.

Housing stock by year built Arlington v. State



**Most of
Arlington's
housing was
built before
1980.**

Source: U.S. Census Bureau American Community Survey, 2013-2017 5-year estimates
Table S2504: Physical Housing Characteristics for Occupied Housing Units

Arlington Single Family Attached Homes

Sunnyside Avenue, Two-Family zoning district

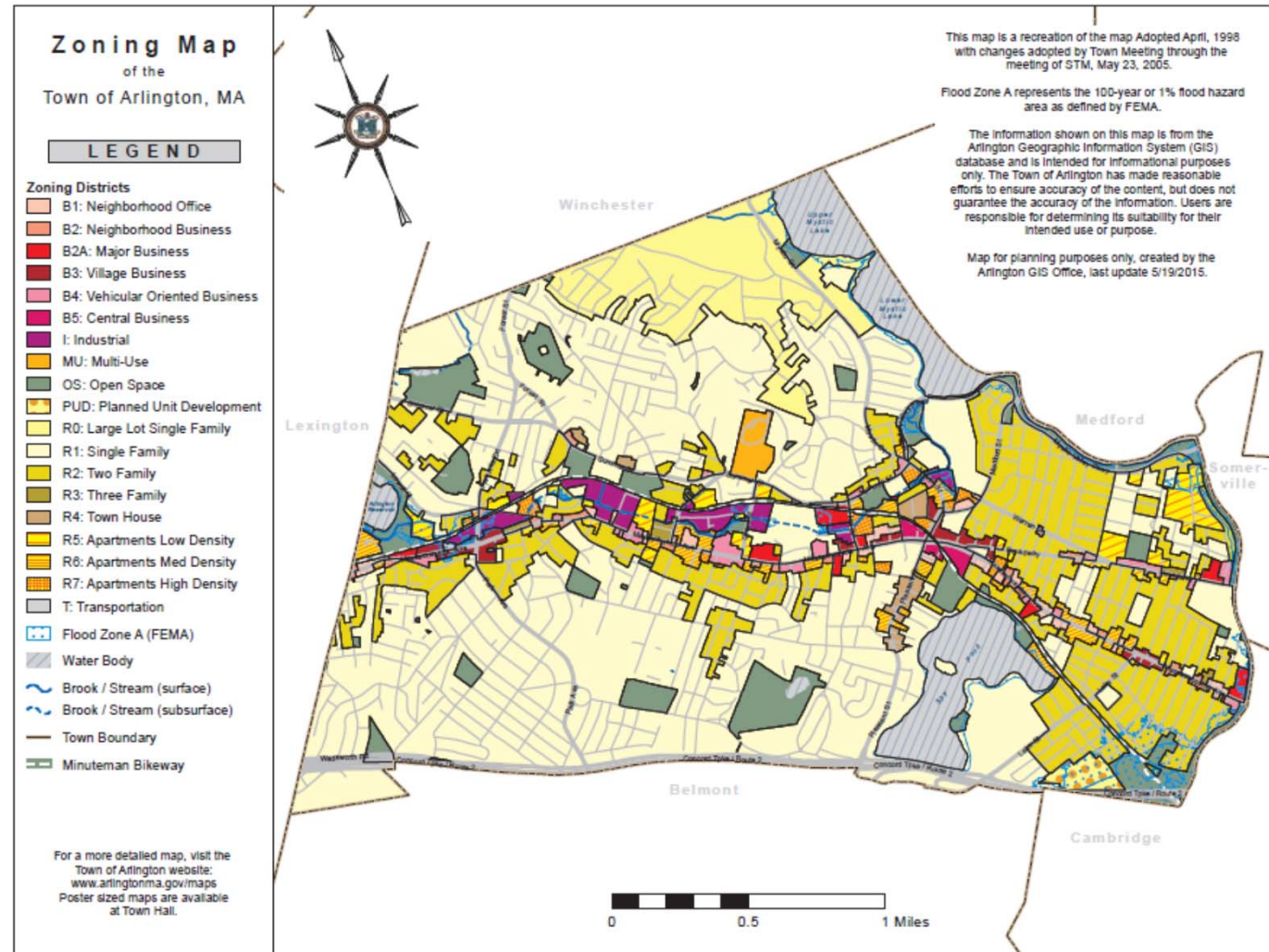
**Built in 1948 and
sold for \$6,250**

\$6,250 = \$65,366 in today's dollars



Source: Town of Arlington,
Bureau of Labor Statistics

2015 Arlington, MA Zoning Map



What
Changed?

The Arlington "Pillbox"



Conservation and Historic Movements

1960s and 1970s

- **1966 – Arlington Conservation Commission**

Enabled by state legislation – protect and develop the town's natural resources, conduct research, draw plans and recommend actions

- **1970 – Arlington Historical Commission**

Purpose to preserve & protect historic buildings, discourage demolition, advise town building inspector

Von Hoffman, Alexander. "Creating an Anti-Growth Regulatory Regime: A Case from Greater Boston." Joint Center for Housing Studies, Harvard University. Feb. 2006.

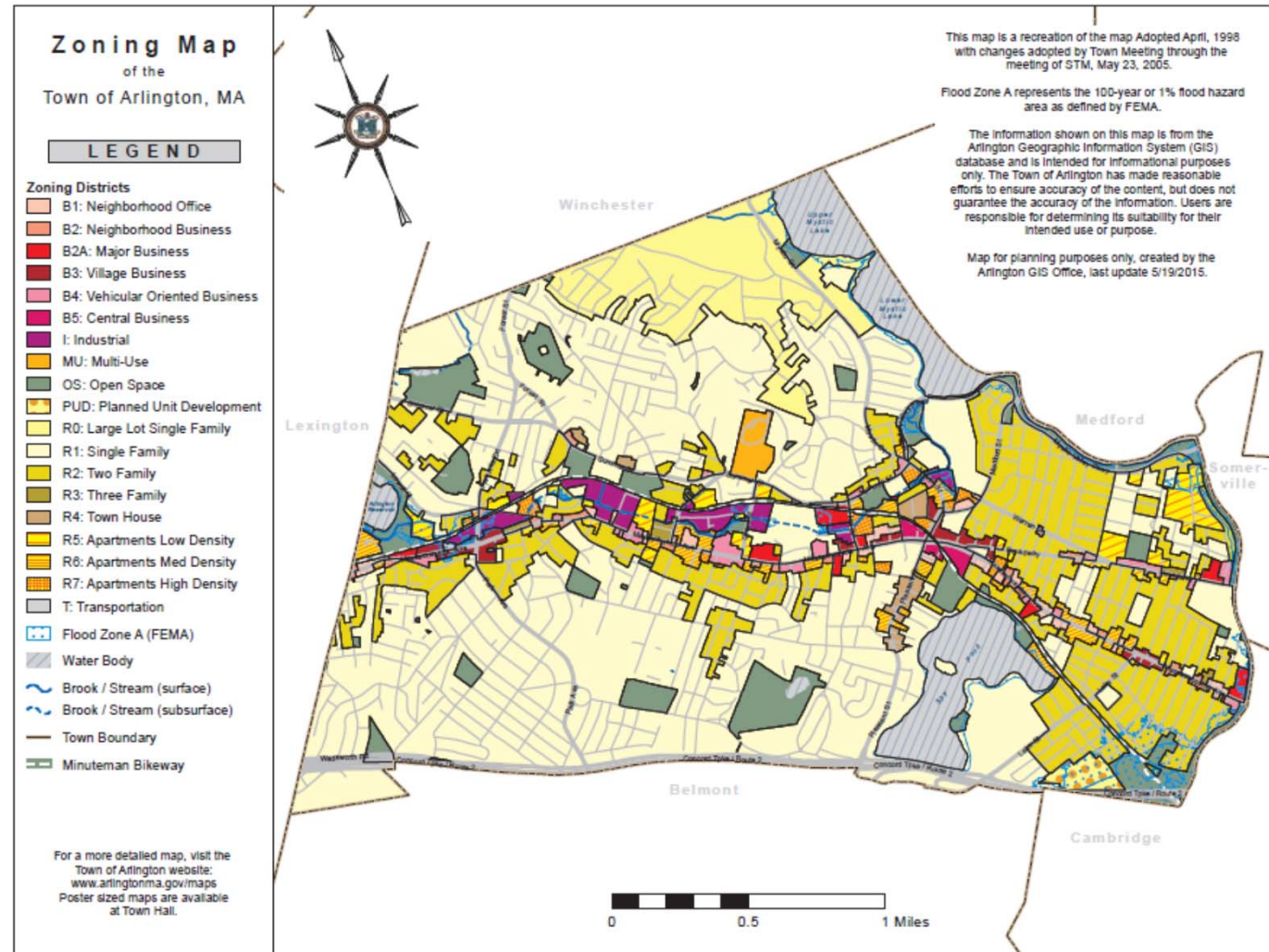
Arlington created a Redevelopment Board

- 1970s as “anti-growth” movement grew
- Reversed town’s “pro-growth” policy
- Two-year moratorium on multifamily development (154-17 TM vote)
- New zoning in 1975 – ↑ lot size, ↓ height, ↑ parking, ↑ zoning districts

“Residents should be the ultimate decision makers about how the area they live in should be developed.”

Von Hoffman, Alexander. “Creating an Anti-Growth Regulatory Regime: A Case from Greater Boston.” Joint Center for Housing Studies, Harvard University. Feb. 2006.

2015 Arlington, MA Zoning Map



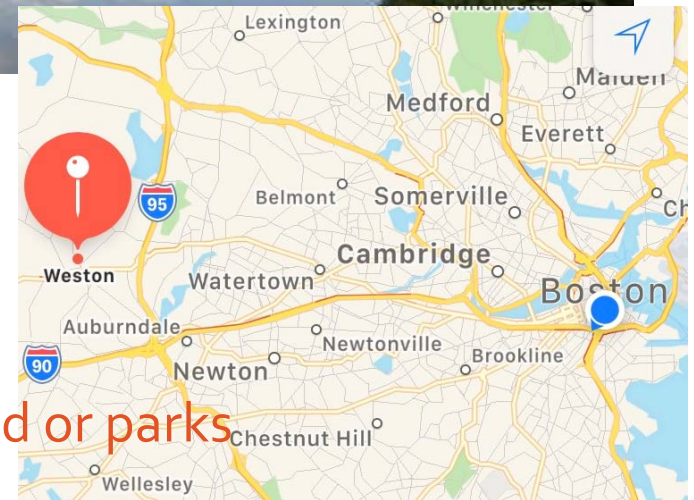
Many only develop in Arlington once.

--long-time Arlington real estate lawyer

Weston, MA



- ~15 miles from downtown Boston
- Three commuter rail stops -- Fitchburg line
- Access to 90, 95 and Routes 20, 30 and 117
- Almost 1/5 of land is public forests, conservation land or parks
- Much of the private land is woods, meadows and lawns
- No public sewer



Hastings Organ Factory



Built on farm fields in the Hastings family since the early 19th century. Near the railroad and Stony Brook.

What
Changed?

Resident Leadership Changed

- **1820s** Summer residents and gentlemen farmers move in. By late 1880s, began separating from others.
- **1890+** Began suppressing industry to protect scenery.
- **1954** New zoning designed to curb growth by increasing lot size. Remaining developable land put in Residential Class A (minimum 60,000 square feet). **Second growth control measure**, increased buying conservation land.
- **1955-75** Adds **1,300 acres** of open space to the 50 acres owned in 1945. **Almost 12% of Weston's total area.**

Weston

Minimum lot sizes

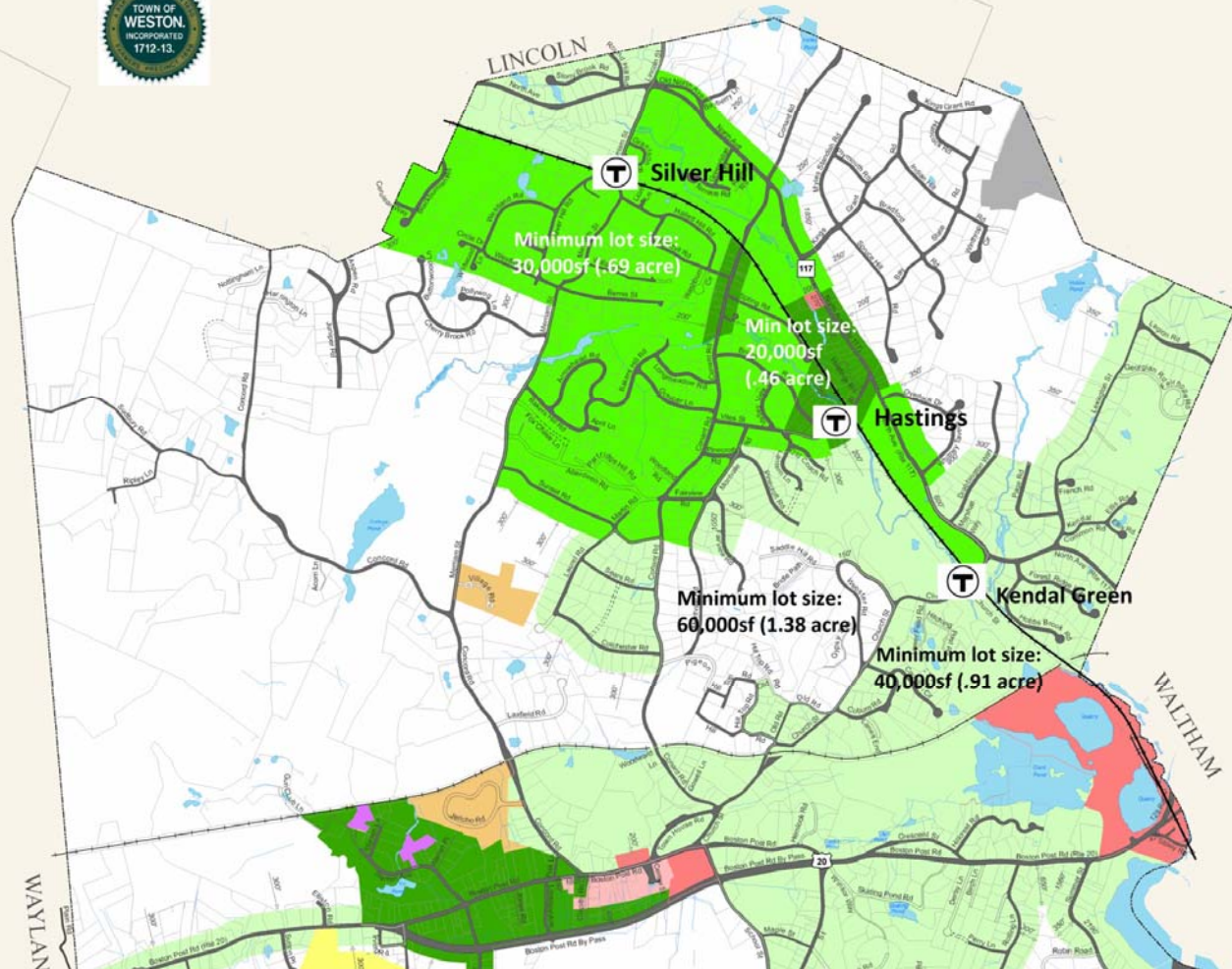
Dark Green = 20,000 square ft
(0.46 acre)

Bright Green = 30,000 square ft
(0.69 acre)

Light Green = 40,000 square ft
(0.91 acre)

White = 60,000 square feet
(1.37 acres)

TOWN OF WESTON Massachusetts ZONING MAP



Stations with the Lowest Utilization

Station	2012	2018	Growth	Percentage
Plimptonville	25	16	(9)	-36.0%
Silver Hill	101	21	(80)	-79.2%
Prides Crossing	28	36	8	28.6%
Plymouth	43	41	(2)	-4.7%
Hastings	38	42	4	10.5%
River Works	129	45	(84)	-65.1%
Mishawum	56	71	15	26.8%
West Gloucester	102	82	(20)	-19.6%
North Wilmington	152	148	(4)	-2.6%
Newmarket	-	163	-	-

28



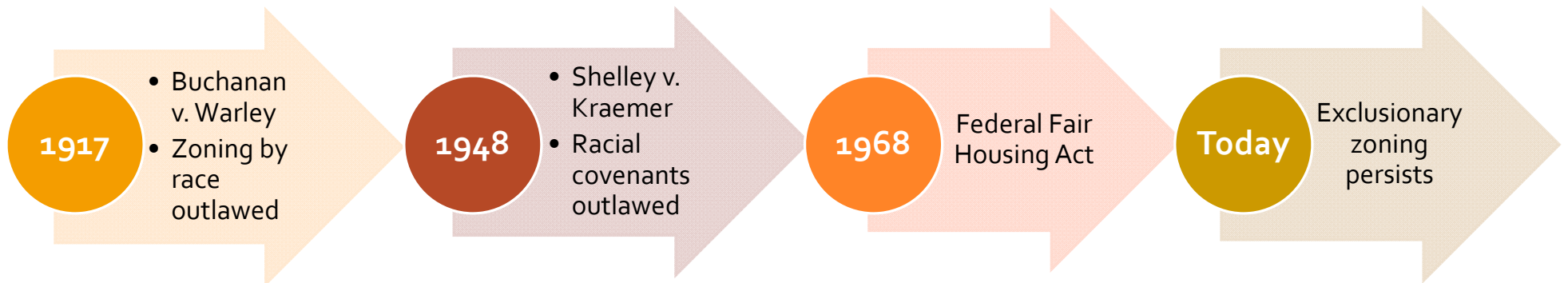
Weston Compared to Neighbors

Community	Total Area (square miles)	Population (est. 2018)	Population per Square Mile	Car Miles to Downtown Boston
Lincoln	14.4	6,797	472	18
Natick	15.1	36,229	2,399	21.1
Newton	18.1	88,904	4,912	9.7
Waltham	12.7	62,962	4,958	11.6
Wayland	15.2	13,882	913	20
Wellesley	10.2	29,673	2,909	16.7
Weston	17.0	12,134	714	15

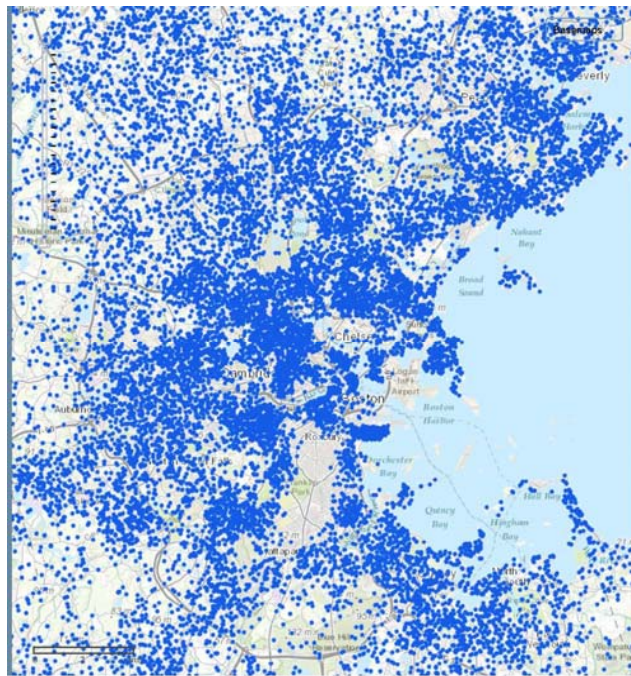
Boston

14,387

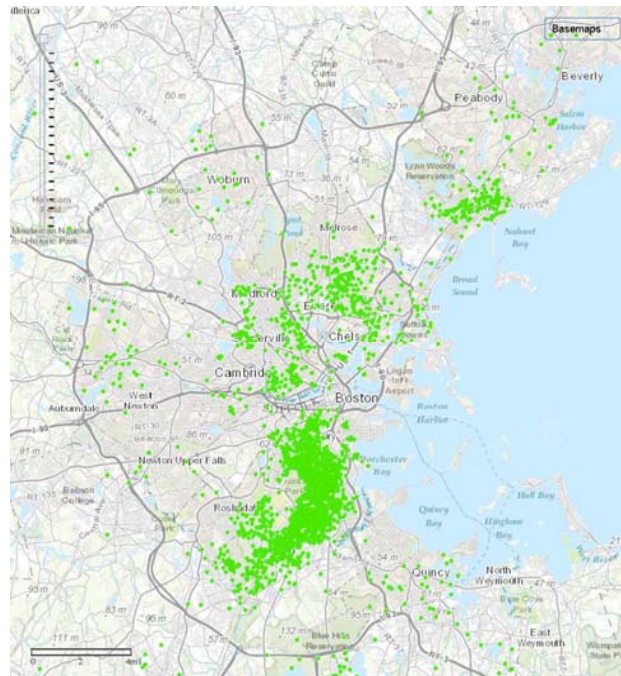
History of Housing Discrimination



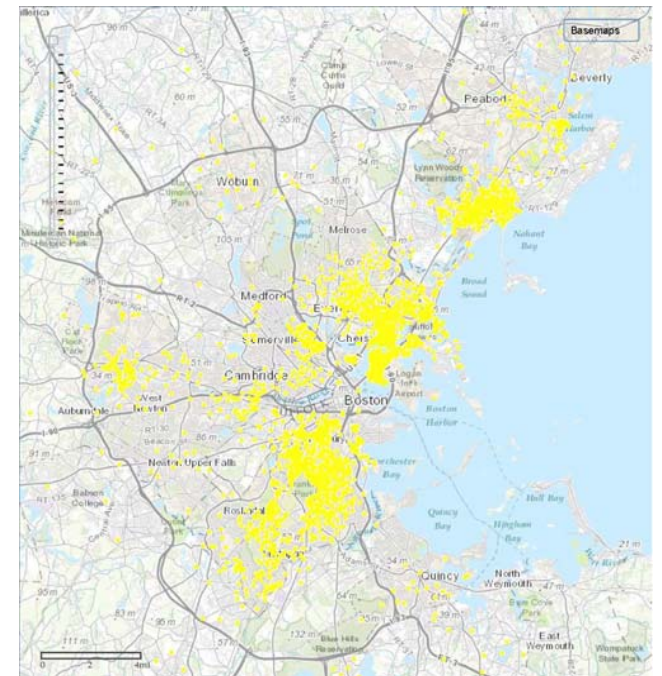
Whites



Blacks



Latinos



By 2010 in Massachusetts

Town/City	White (%)	African-American/Black (%)	Asian (%)
MASSACHUSETTS	80.4	6.6	5.3
Arlington	85.7	2.4	8.3
Belmont	83.5	1.8	11.1
Brookline	76.7	3.4	15.6
Canton	84.8	6.3	6.1
Cohasset	97.3	0.3	1.0
Dedham	88.4	5.4	2.6
Hingham	96.2	0.5	1.5
Milton	77.4	14.3	4.1
Needham	90.8	1.0	6.1
Newton	82.3	2.5	11.5
Stow	93.6	0.7	3.3
Sudbury	90.8	0.8	5.9
Weston	85.3	2.0	9.9

2010 Census

Exclusionary Zoning

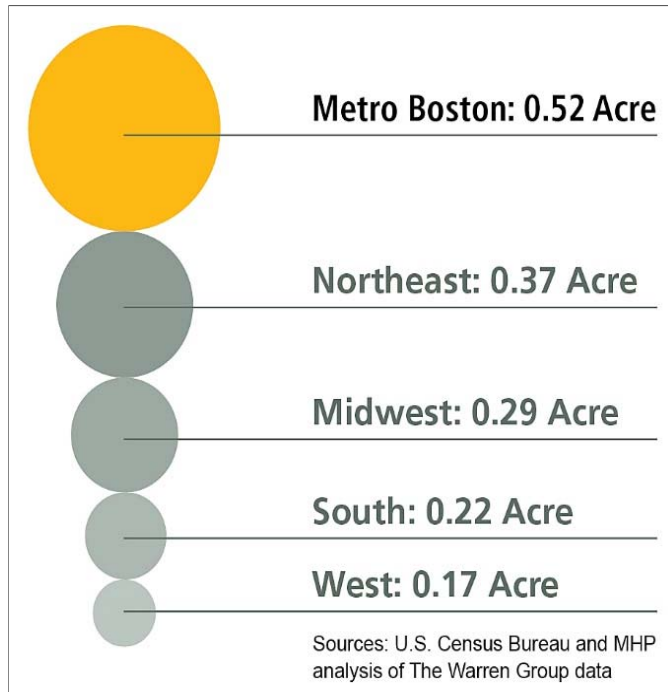
Use of zoning ordinances to exclude certain types of land uses from a given community.

What it looks like:

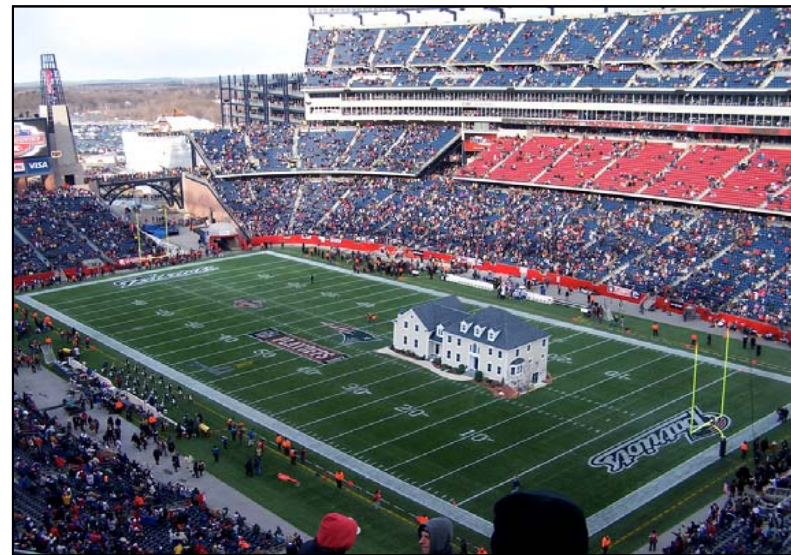
- Large minimum lot sizes
- Only one home per lot
- Low income housing only in currently low income (or less affluent) neighborhoods

Large lot zoning drives up costs.

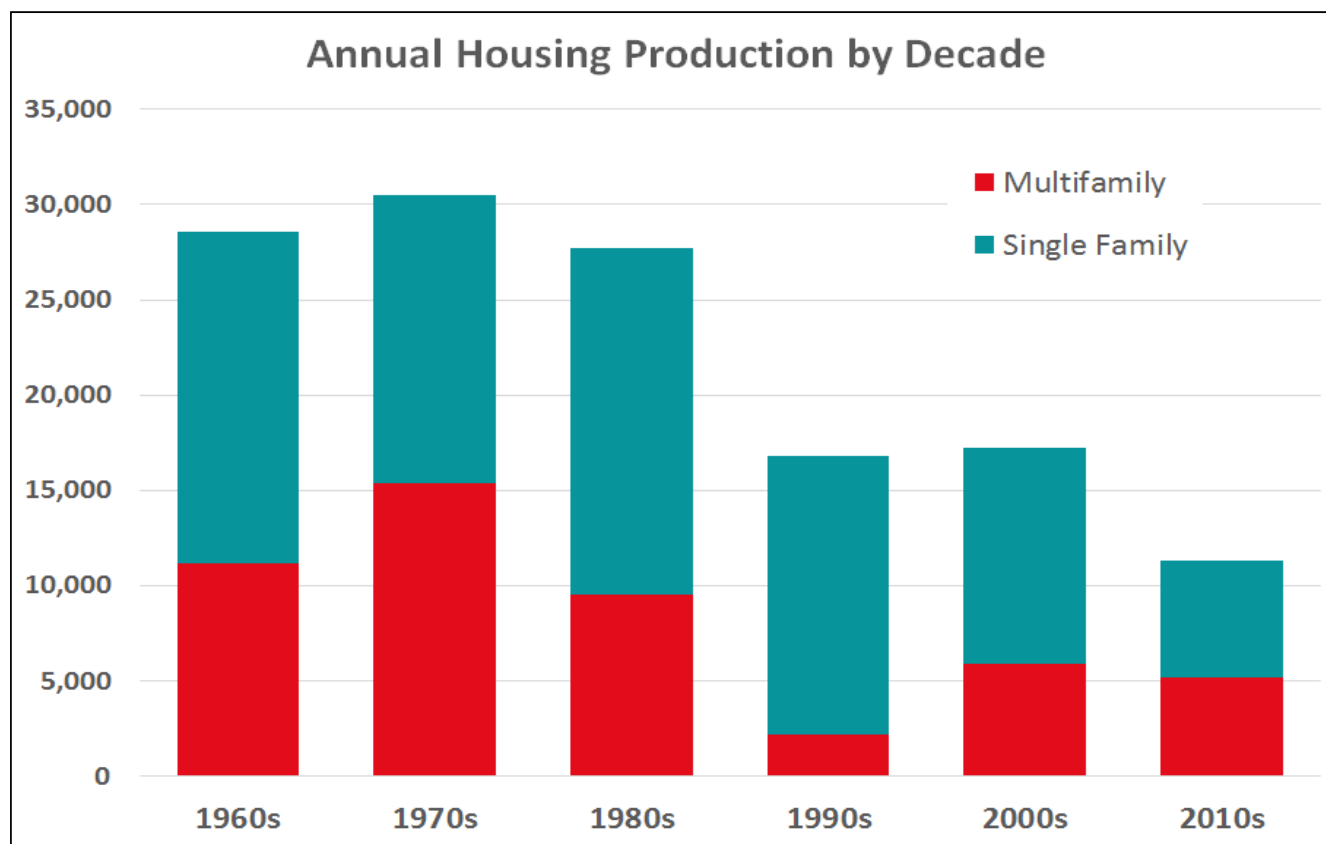
Greater Boston
median lot size:



Greater Boston
average lot size:



Limiting housing production.



These unlawful practices include zoning laws and other housing restrictions that function unfairly to exclude minorities from certain neighborhoods without any sufficient justification. Suits targeting such practices reside at the **heartland of disparate-impact** liability.

-- Justice Kennedy, *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.* (5-4 decision)

“Class” is not a protected class under the Fair Housing Act

Federal (Fair Housing Act)

- Race
- Color
- National Origin
- Religion
- Sex
- Familial Status
- Disability

State (M.G.L. c. 151B)

All federal bases plus:

- Ancestry
- Age
- Marital Status
- Source of Income/Public Assistance
- Sexual Orientation
- Gender Identity
- Veteran History/ Military Status
- Genetic Information

But class has
racial implications.

Racial Wealth Gap

Homeownership contributes

27% to racial wealth gap

(Single biggest share)

Difference in income contributes

20% to racial wealth gap

Homeownership policy

**Homestead
Act**

FHA
(redlining)

GI Bill
(post WWs)

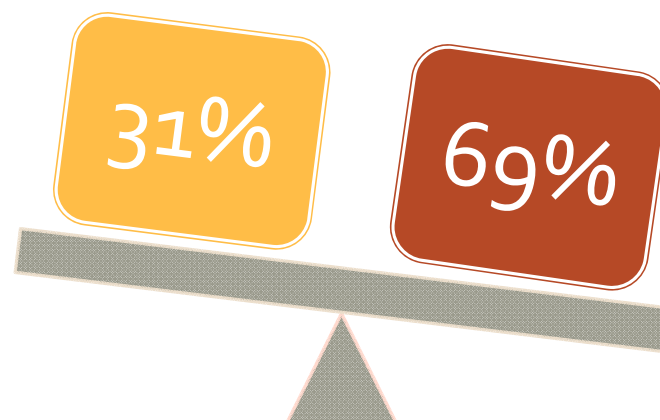
**Racial
covenants***
(Levittown)

Massachusetts Homeownership

Racial gap = 49th in nation

Households
of Color

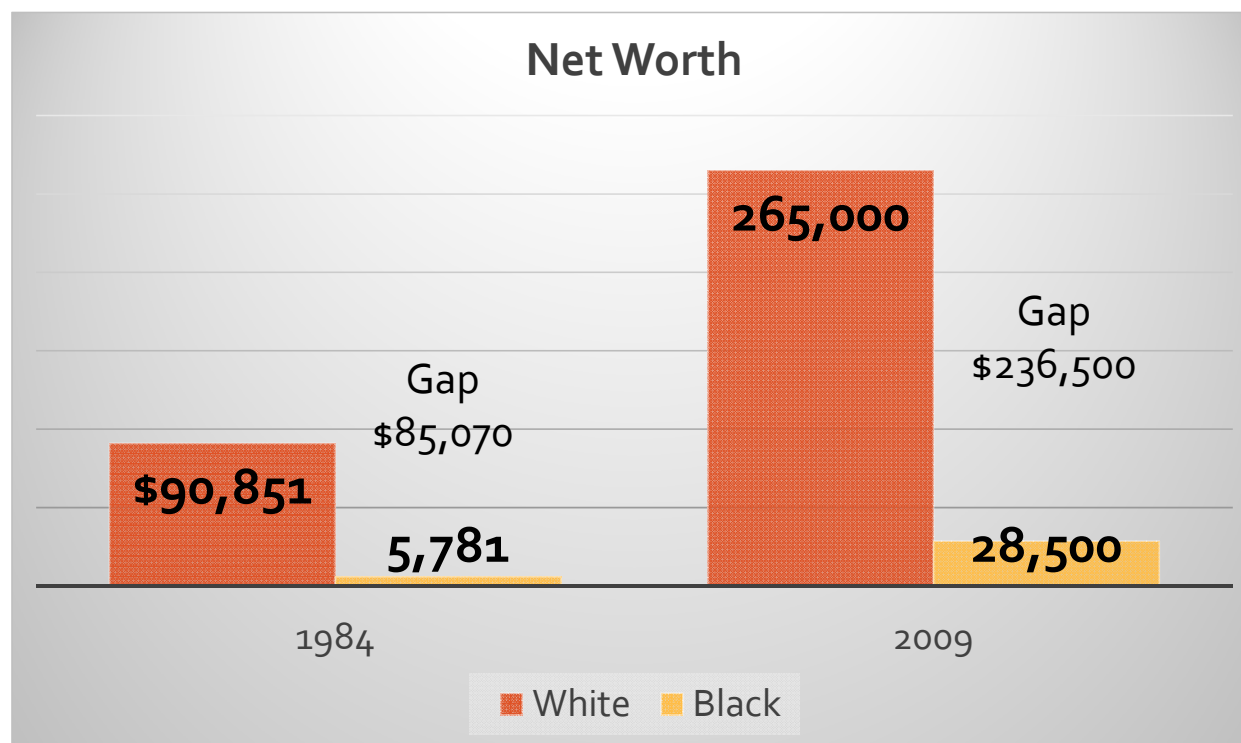
White
Households



The Consequences are REAL

- Takes 8 more years for A-A household to buy
 - Lower incomes and less inheritance
- Slower to accumulate equity
- More wealth in home
 - 53% Black vs 39% White
- Greater impact from housing market volatility

A Look at Net Worth



Brandeis Institute on Assets & Social Policy, "The Roots of the Widening Racial Wealth Gap: Explaining the Black-White Economic Divide," 2013.

The Color of Wealth in Boston

Federal Reserve Bank of Boston report

Table 9.
Comparison of white and nonwhite household median net worth

	Median net worth	
	Amount (U.S. dollars)	Nonwhite household percentage of white household median net worth
White	247,500	100.0
U.S. Black	8	0.0***
Caribbean Black	12,000	4.8***
Cape Verdean ^b	—	—
Puerto Rican	3,020	1.2***
Dominican	0	0.0***
Other Hispanic	2,700	1.1***
NEC ^a	12,000	4.8***

Source: NASCC survey, authors' calculations

Note: Difference in findings of nonwhite household median or mean net worth values were statistically significant at the ***99 percent level.

^a The "not elsewhere classified" (NEC) category includes mainly respondents that chose more than one race.

^b Net worth values for Cape Verdeans were not calculated because sample sizes were too small.

"Massachusetts has a history of being a welcoming community for absolutely everyone. We have a chance to once again clearly and loudly proclaim that everyone is welcome here in Massachusetts."

-- MA legislator