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LENGTH: 31096 words**ARTICLE:** Giving Them the Old "One-Two": Gentrification and the K.O. of Impoverished Urban Dwellers of Color**NAME:** John A. Powell and Marguerite L. Spencer***BIO:**

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SUMMARY:

... A Fresh Fields has come to my neighborhood, and in spite of my instincts I'm tickled and excited. ... In the process, HUD has called for the "demolition of existing public housing units and converting larger projects into [scattered site, mixed-used, mixed-income,] small-scale communities with site-based management to promote self-sufficiency" This push toward demolition without adequate replacement is exacerbated by an extreme lack of affordable housing and a predominant anti-poor sentiment. ... How can these households choose to remain in place and absorb any increases in rent or property taxes, much less the exponential ones that typify gentrifying areas, when on a fixed income? How can they choose to relocate when there is a severe affordable housing crisis, when they are not welcome and even discriminated against in certain areas because of their race, and when they have no credit or rent deposit? In the Forest City neighborhood of Oakland, for example, a recent redevelopment project was underway that included only 220 affordable units out of 1,000. ... This sentiment expressed by Carmen Pola, a long-time Mission Hill resident who witnessed the displacement of Hispanics by students, captures the downside of gentrification that Julianna Malveaux can only imagine as she stands in the Fresh Fields. ...

TEXT:

[*433]

INTRODUCTION

A Fresh Fields has come to my neighborhood, and in spite of my instincts I'm tickled and excited. I walked down the street, the day after the store opened, to be dazzled by the open space, wide aisles, shining fruit. I snacked on cheeses and vegetables It has, a neighbor says to me ... improved the quality of life in the neighborhood. I want to ask him if it improves the quality of life for everyone, but I am too busy munching to engage in debate. The fact is that his comment has made me uneasy, as has the coming of Fresh Fields. It signals a change in the neighborhood, a shifting demographic, a different population I have even developed an index of demographic shift, which is the "white boy walking dog" index [and] it is rising Will those who see the neighborhood as gleaming and upscale now try to get rid of others who see the neighborhood, simply, as the place where they live and survive? How does a gleaming Fresh Fields accommodate the men who begin to line up at the mission on 14th and R, trying to find out if they have a bed for the night. How does it coexist with the two or three men who fold themselves and their belongings into the top of the stairs at the Methodist church on

14th and Corcoran? While we who [*434] throng to Fresh Fields enjoy food as display art, are we crowding out those who feel that food is simple fuel, survival? n1

Julianne Malveaux's experience of gentrification in D.C. differs from the one described and defended by J. Peter Byrne in his article, Two Cheers for Gentrification. n2 A self-admitting gentrifier living in the same city, Byrne examines the phenomenon through a decidedly white, upper-class, market-driven lens. In his article, Byrne makes two central claims. First, because gentrification increases the numbers of affluent and well-educated residents, it is plainly good for cities, and good on balance for the poor ethnic minorities that remain, even if gentrification does produce some negative outcomes. n3 Second, rather than regulate the basic functions of the market in pursuit of more egalitarian results, we should merely expend more public moneys to provide for the housing needs of those who cannot afford to pay market rates. n4 Byrne's argument is both confusing and ambiguous. He insists on a private definition of gentrification and questions one of the most salient problems with gentrification, displacement. He argues that we cannot be sure that gentrification causes displacement and, even if it does, there should be no special protection from it for low income "minorities." n5 In so doing, he comfortably adopts the classic economic defense of the market as fair.

We reject both of Byrne's claims and resist his obfuscation of the issue. Gentrification is good for neither cities nor the poor (nor for gentrifiers like Byrne for that matter), unless we disrupt the market in pursuit of a more egalitarian goal: the creation of integrated life opportunities for all people in all places. The state is already manipulating the housing market to the benefit of gentrifiers and is not poised to redistribute resources to better serve impoverished urban dwellers of color. In Part I of our response to Byrne, we paint a more textured picture of gentrification employing the multiple lenses of race, class, space and time; lenses that Byrne himself acknowledges as relevant, n6 but then largely ignores. In Part II, we further contextualize the gentrification [*435] experience by examining choice, mobility, and the costs of allowing gentrification to go unmitigated. We then take up our methodological concerns with Byrne's portrayal of gentrification in Part III, particularly as they relate to the measurement and evaluation of displacement. Finally, in Part IV we provide regional strategies for equalizing life opportunities for all, including those that mitigate gentrification. Our focus, however, will be on people rather than place, and on justice rather than the status quo.

I. REFINING OUR UNDERSTANDING OF GENTRIFICATION

As Julianne Malveaux points out, there is more to gentrification than one might suspect. The benefits beguile, but they are far from benign. Byrne acknowledges that gentrification is a complex phenomenon, but proceeds to limit it to the self-gratifying process "by which people of higher incomes move into lower income urban areas and seek to change its physical and social fabric to better meet their needs and preferences." n7 As part of his definition, he consciously rules out displacement, and perhaps less consciously, race and class. We attempt to provide "a more updated and rigorous deconstruction of the process" as well as a more inclusive discourse on gentrification. n8

Typically, we focus on several causes of gentrification: rapid job growth in the center or periphery of a city along with increasing preference for city amenities; housing market dynamics; disillusionment with suburban traffic and commutes; and sometimes, public sector policies. We also focus on several positive outcomes including increasing housing values, tax revenues, income mixing and deconcentration of poverty. n9

Byrne focuses on two negative outcomes of gentrification: displacement (which we take up later) and the changing essence of a neighborhood, both of which he discounts. n10 But there are many other negative consequences associated with gentrification including changes in power structures, institutions, voting power and losses of local businesses, social networks and services. n11 It is much too easy, [*436] however, to appropriate these changes by claiming that "no neighborhood remains frozen in some ethnic or class essence" n12 or that "great moments of neighborhood vitality may occur at unpredictable points during a transition" as Byrne does. n13 Rather, as University of Chicago Policy Analyst John J. Betancur argues in a study of West Town Chicago, gentrification is really a struggle between community and accumulation for which we must assume responsibility: n14

There is an aspect of gentrification that mainstream definitions ignore. Descriptions of gentrification as a market process allocating land to its best and most profitable use, or a process of replacing a lower for a higher income group, do not address the highly destructive processes of class, race, ethnicity, and alienation involved in gentrification The right to community is a function of a group's economic and political power The hidden hand is not so hidden in the process of gentrification and that in fact, it has a face – a set of forces manipulating factors such as class and race to determine a market outcome The most traumatic aspect of this analysis is perhaps the destruction of the elaborate and complex community fabric that is crucial for low-income, immigrant, and minority communities – without any compensation. n15

A. Through a Racial Lens

Although studies of it often ignore ethnicity and race, n16 gentrification has a very clear racial component. Commonly, higher-income white households replace lower-income minority ones, n17 often in the [*437] very same neighborhoods that experienced "white flight" and urban renewal in the 50s and 60s. n18 Where there is displacement then gentrification can be seen as a double insult – a "one-two" knock – out of urban dwellers of color. White middle class flight initially causes low-income minority neighborhoods to become isolated and undervalued. Then at some point in the future, and in part because the neighborhood values are depressed, whites move back in and force residents to leave, often to strange neighbors that are in distress. Even if minority residents remain, they fear their way of life will not be the same. n19 In Atlanta's Kirkwood, East Atlanta, Grant Park, Hunter Hills, Cascade, Collier Heights, Peyton Forest neighborhoods, for example, "the children and grandchildren of those whites who fled to the suburbs are drifting back into the city in small but significant clumps. It's white flight in reverse." n20 And while nonwhites can also be the agents of gentrification, they too can be pushed out, as the black gentrifiers in Park Slope, Brooklyn, are now being replaced with whites. n21

Indeed, the racializing dynamics in gentrifying neighborhoods are quite complex. The first wave of gentrifiers in the 1970s who embraced tolerance and diversity n22 for the most part no longer exist. n23 Rather, uncolored gentrifiers now often shun low-income residents of [*438] color, and even exhibit open hostility and racism toward them. n24 For example, in what one local scholar calls "ethnic cleansing," the city of Chicago and the University of Illinois have eradicated the nearby landmark black business district, Maxwell Street, of "a type of clientele the city and university do not want." n25 Similarly, in Oakland, where the eviction rate has risen 300% since 1998, 75% of those evicted are people of color. n26 Whites also exhibit a sense of entitlement toward the areas they gentrify, pushing through an agenda that marginalizes current residents. In one neighborhood in D.C., white in-movers sued the historical black Baptist church for unencumbered use of a ball field adjacent to a local school that the church had traditionally been using for parishioner parking. As a result, the church is now reluctantly planning to move to the suburbs. n27

To divert attention away from these types of racial conflicts, developers construct an image of ethnic harmony. The terms "multiculturalism" and "diversity" are marketed by developers to avoid "ranking oppressed groups in terms of the justness of their claims." n28 This strategy sanitizes, ignores, and reifies the realities of racial discrimination and social injustice. n29 Ironically, when whites move into traditionally nonwhite areas, in stark contrast to the experiences of nonwhites entering white areas, there is no record of crimes against their person or property. Rather, this relatively peaceful process "reflects disparities in power and resources, with whites having the ability [*439] to buy into an 'upgrading' neighborhood and change its racial composition." n30

One such change is occurring in Minneapolis' Phillip's neighborhood. With rising rents, low vacancy rates, and an incoming light rail transit system, there is increasing concern that the Native American population may be gentrified right out of the area. Having arrived in the 1970s from Minnesota, and the Dakotas' reservations, there was a 43% decline in population in the 2000 census, while overall population in the area increased 14.18%. n31 This was accompanied by an 11% decline in available housing units from 1990–2000. n32 The Native community wants to preserve its collective access to the neighborhood, its transportation and employment centers, but is struggling to do so. n33

Any definition of gentrification, then, must take whiteness and white privilege into account. As George Lipsitz argues,

White supremacy is usually less a matter of direct, referential, and snarling contempt than a system for protecting the privileges of whites by denying communities of color opportunities for asset accumulation and upward mobility. Whiteness is invested in, like property, but it is also a means of accumulating property and keeping it from others ... the artificial construction of whiteness almost always comes to possess white people themselves unless they develop antiracist identities, unless they disinvest and divest themselves of the their investment in white supremacy. n34

While we stop short of accusing those who support gentrification of racism, we do argue that being white contributes to and draws benefits from the privileges and entitlements associated with the "white face" of gentrification. n35 Whites cannot give up white privilege by remaining the passive beneficiaries of this racial hierarchy. Instead, they can help to dismantle the racialized structures, rationalizations, and forms of power upon

which gentrification rely.

[*440]

B. Through a Class Lens

Gentrification is bound up in class, as well as race. In his seminal work, *The New Urban Frontier: Gentrification and the Revanchist City*,ⁿ³⁶ Neil Smith describes the historical trajectory of class conflict in our inner city neighborhoods. Largely abandoned during postwar suburban expansion as reservations for poor racial and ethnic minorities, the suddenly and "perversely" valuable gentrifying areas now make up our "new frontier" – imagery, which has proven useful for developers. Focusing on New York City's Lower East Side in the 1980s and early 90s, Smith documents how the increasingly Hispanic neighborhood was labeled "Indian country, the land of murder and cocaine."ⁿ³⁷ When a stand-off between local residents and police occurred in 1988ⁿ³⁸ over gentrifying efforts, it was likened to Custer's last stand and further cliched as an attempt to tame the Wild, Wild West.ⁿ³⁹ As a new frontier, notes Smith, "the gentrifying city since the 1980s has been oozing with optimism. Hostile landscapes are regenerated, cleansed, reinfused with middle-class sensibility; real estate values soar; yuppies consume; elite gentility is democratized in mass-produced styles of distinction. So what's not to like?"ⁿ⁴⁰ Yet, Smith contends that this frontier imagery is not innocent:

Insofar as gentrification infects working-class communities, displaces poor households, and converts whole neighborhoods into bourgeois enclaves, the frontier ideology rationalizes social differentiation and exclusion as natural, inevitable. The poor and working class are all too easily defined as "uncivil." On the wrong side of a heroic dividing line, as savages and communists As such, the [*441] frontier ideology justifies monstrous incivility in the heart of the city.ⁿ⁴¹

Smith goes as far as to claim that gentrification "portends a class conquest of the city," whereby "new urban pioneers seek to scrub the city clean of its working-class geography and history."ⁿ⁴² They do this by remaking the geography and rewriting the social history – slum tenements become historic brownstones, their "class and race contours sandblasted clean."ⁿ⁴³

This class conquest is about whiteness as well – about "the continuation of the myth of the all white city."ⁿ⁴⁴ Historically, as M. Christine Boyer argues, our early twentieth-century American planners were fearful of the crowded, congested, and disorderly "urban masses," so city planning was focused on disciplining and regulating their lives.ⁿ⁴⁵ Boyer claims that purity was associated with whiteness and whiteness with cleanliness and orderliness.ⁿ⁴⁶ Similarly, Stephen Nathan Haymes argues that, while early city planners attributed moral and behavioral decay to European immigrants, today's urban planners attribute it to blacks.ⁿ⁴⁷ "In the contemporary city, the urban has become a metaphor for race, for black people ..." and urban restoration, the euphemism for the fight against what is seen as a disruptive, threatening form of the racial and economic "other."ⁿ⁴⁸ Today's efforts at gentrification reflect this desire to purify our environment and eliminate the blights associated with segregation and concentrated poverty.ⁿ⁴⁹

In fact, with its displacement of low-income residents, gentrification and perpetuation of concentrated poverty are not opposite trends, but actually operate similarly and recursively. Both push low-income people of color away from resources, opportunities and vital institutions. Displaced low-income families are given no other option [*442] in today's housing market than to relocate to other areas where affordable housing exists, areas which are more often than not, as a result of regional forces, also unstable, declining, and economically isolated from the opportunities of high performing schools, employment growth, and a strong municipal tax base. Moreover, these relocations adversely affect them to a greater degree than those with more economic resources.

Like Byrne, public policymakers often confusedly view gentrification as an antidote to concentrated poverty. After all, gentrification can transform a neighborhood into one characterized by a strong commercial base, high value housing, and low rates of crime. But low-income families, often of color, will more than likely not be living there to enjoy the new amenities. As a result, neighborhoods that are gentrifying are not on the pathway to being stable, mixed-income, and multi-racial. Rather, they are ones in which racial and economic changes occur rapidly, often fueled by various governmental policies and actions. In addition to the demolition of existing low-income and public housing, these policies can include tax incentives offered for middle-class homebuyers, and exclusionary zoning that limits the quantity and location of affordable housing in an area. Gentrification, then, is starkly distinguishable from "revitalization" which enables residents to remain in a neighborhood to experience the increasing opportunities.

At the same time that gentrification ignores concentrated poverty by pushing it elsewhere, it ignores and actually intensifies concentrated wealth. Suburban economic growth continues unabated, as gentrification recreates the

same discriminatory opportunity patterns in city neighborhoods. Serious biases in policies seek to deconcentrate poor households in gentrifying neighborhoods without seeking to deconcentrate wealthy households in wealthy neighborhoods. n50

C. Through a Spatial Lens

A discussion of race and class leads to a consideration of the spatial dimensions of gentrification, for the sources of inequality and division are necessarily "expressed in space." n51 Throughout our history, overt and covert "racializing" strategies have been employed to create [*443] and maintain racially and economically segregated spaces and to determine which groups win and lose. n52 Indeed, argues Kevin Fox Gotham, "as the history of urban renewal, gentrification, and urban expressway building shows, central city disinvestment and reinvestment are part of the dynamics of urban race relations, with blacks and other minorities having to bear the brunt of displacement and neighborhood destabilization." n53 As a result, urban spaces become "hierarchicalized" and "normalized"; this form of spatial racism "works in peculiarly seductive ways with whiteness because of the way it seems rooted in commonsense" rather than ethnic difference, n54 particularly when it equates land value with whiteness, and declining value and deterioration with the presence of blacks. n55 Indeed, the assertion of group identity through an association with territory is an important part of gentrification. n56

Related to this normalization process is the commodification, homogenization, and privatization of space. Malveaux addresses these processes when she describes the gleaming attractiveness of the Fresh Fields market. n57 Although tempted to take the racial bribe as she samples the perfectly arranged cheeses and melons, she asks herself what will happen to the less spacious grocery store down the road, or the decidedly seedy all-night mart on the corner, or more importantly the people who rely on the thrift provided by these businesses. n58 Gentrification transforms "public spaces into privatized consumption" spaces. n59 Urban leaders, developers and economic elites provide a package of shopping, dining, and entertainment within a themed and controlled environment which some scholars have called "Disneyfication." n60 In Portland, for example, things have changed so much because of recent gentrification that well-known corporate faces one [*444] might expect to see in the suburbs, such as the Nike Factory Store and Stellar Coffee, are now springing up. n61 Although some of these businesses are minority-owned, and although residents hope that this development will result in more jobs, n62 the homeownership rate for blacks has dropped between 1% and 4% citywide between 1990 and 2000. n63

Developers also market culture, designate artist quarters, redevelop historic areas, and transform derelict spaces to meet the desires of the gentry. In so doing they "reduce the multiple dimensions and conflicts of culture to a coherent visual representation" that can be "displayed, interpreted, reproduced, and sold in a putatively universal repertoire of visual consumption." n64 This commodification of culture is perhaps most jarring in Harlem, where recent redevelopers have packaged race as culture and art, using frontier motifs to "tame" the neighborhood while keeping it exotic enough to attract consumers. n65 David Ley describes this process, which is now largely controlled by multinational corporations, n66 as secularization: "In its secularized form, social life ... in the 1990s is expressed in a public landscape of conviviality and recreation ... superficial, garish, tasteless, deceitful, and manipulative, an unusually simplistic world where a homogenous and tightly controlled public culture is projected unproblematically onto a passive citizenry." n67

[*445] Ley underestimates, however, the amount of effort and spatial reconfiguration it actually takes to preserve such an aseptic environment. Gated communities, in particular, reflect this effort and are increasingly part of the gentrified urban landscape. As Judith Bodnar describes them: "Walls are erected around frightened urban middle-class neighborhoods [and] ... public space where various social groups could encounter one another is extinguished or privatized...." n68 For example, the 740 acres on Detroit's Eastside is a town within a city with its own police force, garbage pickup, and schools. n69 Sometimes labeled "fortress cities," these enclaves militarize space through segregative zoning, security, and regulation to keep out the urban underclass. n70 The use of war rhetoric to stigmatize the homeless amplifies these tactics, as does the collaboration with law enforcement to increase selective vigilantism against other undesirables. In the end, the privatization of public space defines what is "normal" behavior and what is a "good" city. n71 It also transforms what should be a common good – housing – into a private commodity that is then subject to inequitable market forces.

A third way in which space relates to gentrification is captured in what Loretta Lees calls the "geography of gentrification." n72 Different regions experience gentrification differently, and so the analysis and response to these trends must differ. n73 The framework for analysis we [*446] suggest here examines whether a city is rich, poor, or middle-class and the degree to which it is jurisdictionally fragmented.

Rich cities are those that are closely comparable to or even exceed the surrounding region in terms of per capita income, property values, poverty rates, vacant land, and populations of color. n74 For example, San Francisco and Seattle have not experienced depopulation and job loss, nor do they contain many concentrated poverty census tracts; rather, they are economically thriving. n75 But tight housing markets also play a crucial role. n76 In rich cities such as these, gentrification results in the pricing out, or displacement of low-income residents from the central city and possibly from the region as a whole into areas that are economically isolated. n77 This is the

most devastating form of gentrification, and calls for regional anti-displacement strategies and increased affordable housing opportunities within the central cities.

Poor cities compare negatively to their surrounding region with respect to the indicators listed above. They are cities with low property values, larger quantities of concentrated poverty tracts, and often times large amounts of vacant land. n78 For example, Cleveland and Detroit need some influx of middle-class residents in order to attain economic viability. n79 Moreover, because there is sufficient available land in these types of cities to accommodate the influx of higher income residents, displacement need not occur. n80 Instead, new and rehabilitated housing can fill in the gaps created by the depopulation of poor cities. Revitalization can occur with limited displacement of low-income residents to other areas that are economically isolated, particularly if the right planning is conducted and communities of color are engaged in the revitalization process.

The third type of city is the middle-class city, the category in which, for example, Chicago best fits. Middle-class cities have a median per capita income and fiscal capacity that is roughly sixty to [*447] ninety percent of the regional average. n81 They fall between rich and poor cities in terms of their degrees of job decentralization, racial segregation, and concentrated poverty. n82 For example, in Chicago, the percentage of blacks living in concentrated poverty merely doubled from 1970 to 1990, while in Detroit the percentage increased fivefold. n83

When gentrification occurs in a middle-class city it is likely to be a city-level phenomenon. For example, a survey of housing stakeholders in the Chicago region revealed that those areas experiencing increased investment, rehabilitation of properties, and an influx of higher income residents were neighborhoods within the city of Chicago. n84 As a result, those residents who are displaced will find it very difficult to find housing within the city, and may be forced to relocate to poor areas outside of the central city, often in depressed suburbs, again experiencing concentrated poverty and isolation from both the opportunity in the region and the emerging opportunity in their former city. n85 Such trends can relocate areas of oppression, disrupt communities, and create segregation on an inter-jurisdictional level. n86 This segregation is more problematic than neighborhood level segregation because of the consequences that it can have for the tax base and public services of an area. n87

In Chicago and other similar cities, middle-class in-fill projects are still valuable to low-income neighborhoods that contain many vacant lots. n88 Yet, middle-class cities must also watch carefully to ensure that gentrification and displacement do not occur on a large scale. Public housing demolition and mixed-income housing programs in the [*448] city, billed as the panaceas for concentrated poverty in the city, can only be successful if planning protects against displacement of low-income residents and opportunity-based housing is created. n89

In addition to whether a city is rich, poor, or in between, the degree to which it is fragmented from other jurisdictions within the metropolitan region is significant. Fragmentation is a term that refers to the proliferation of separate political jurisdictions, with autonomous control over zoning and planning among other issues. n90 In fragmented regions, jurisdictions are not able to control the overall affordable housing supply and limit the access of low-income residents to other important opportunity structures without collaboration between municipalities. n91 The result of fragmentation and exclusionary policies is that regions with higher degrees of fragmentation have higher levels of racial and economic segregation. n92 We most often consider fragmentation an issue when considering concentrated poverty and urban sprawl--or the ways in which affordable housing is concentrated in the central city and inner-ring suburbs and relocation of opportunities to the suburbs is facilitated through by tax breaks and grant programs. n93 But gentrification actually reifies fragmentation by further isolating low-income residents from opportunities - in both cases leaving them without the benefits of affordable housing linked to good schools, transportation, jobs, or an adequate tax base.

D. Through a Temporal Lens

Finally, we need to examine the temporal dimensions of gentrification. Typically, we view gentrification as having occurred in three waves. The first wave, in the 1950s through the mid 1970s, resulted in [*449] widespread, sporadic reinvestment, largely relying upon public subsidies and urban renewal to counter rapid suburbanization and a decline in the private housing market. n94 The second wave, in the post-recession 1970s, resulted in an "aggressive entrepreneurial spirit," public-private partnerships, and laissez-faire subsidies and an integration into national and global economic and cultural processes. n95 And the third wave, in the post-recession early 1990s, resulted in revived inner-city housing markets and resurgent capital investment. n96

However, Jason Hackworth and others argue that gentrification has changed significantly since the early 1990s in four important ways. n97 First, large development corporations are more commonly the initial gentrifiers or "pioneers" n98 in what is now a global phenomenon in a global playing field. For example, "highly capitalized neighborhoods, such as Brooklyn Heights in New York City, are now experiencing "financification" wherein workers and capital from the finance industry pour into already gentrified neighborhoods, accentuating previous levels of exclusivity." n99 Also known as "super-gentrification," the fortunes from the financial services and technology industries provide the emerging elite with the means by which to undertake high-end renovations, pushing even the working classes out. n100 This is especially true in Silicon Valley where educators and police

officers are being priced right out of their neighborhoods. n101

Growth of transnational corporations; enhanced mobility of goods, services and money; the restructuring of national and urban economies toward recreation and consumption; and new forms of power beyond the reach of federal regulatory agencies further undermine the scope and role of the welfare state and depress standards of living. In the context of gentrification, this means a loss of local autonomy, displacement, socio-economic polarization, racial and ethnic [*450] conflict, and the homogenization discussed earlier. n102 As Neil Smith argues, these larger global shifts have transformed gentrification from a marginal preoccupation to "the cutting edge of urban change." n103

Second, the state, at various levels, is fueling the process of gentrification more directly than in the past, largely due to increased devolution. n104 It sets the rules for development and is, with a few notable exceptions, more a part of the urban problem than of the solution. n105 And despite claims to the contrary, including Byrne's, the private sector could not possibly succeed in gentrifying without government support for major infrastructural improvements and public intervention in the form of historical designation, code enforcement, zoning changes and conversions. n106 As John Betancur argues in the context of West Town in Chicago, "by no means does the process ... resemble the 'free' market model of supply and demand in real estate claimed by mainstream economists. On the contrary, it reveals extreme forms of manipulation of the real estate market through racism, abuse of public office, and utilization of criminal and other 'nonmarket' intimidation strategies." n107 Consider Washington, D.C., where over thirty apartment complexes were put on the "hot list" in 2000 as not being up to code, requiring residents to relocate immediately. n108 After protests, the hot list was rescinded, but repairs were not made and none of the landlords prosecuted. n109

The state also fuels gentrification through inaction n110 and court sanction. For example, under a short-lived Seattle ordinance, any [*451] landlord in the city who demolished low-income housing was required to replace the same number or contribute to the State Housing Trust Fund; but the ordinance was struck down by the state supreme court in 1992. n111 And most recently in HUD v. Rucker, n112 the Supreme Court ruled that local housing authorities could evict tenants of public housing when household members or guests were in violation of anti-drug policies, even if the tenant was unaware of drug activity.

Moreover, since there are fewer easily gentrified areas left, the state directly assists in gentrification by removing barriers to redevelopment in mixed-use land parcels, remote locations, and public housing projects. n113 These state-sanctioned shifts now expose "a broad swath of the inner city to gentrification pressures in new and troubling ways." n114 As Gotham puts it, "the redevelopment of public housing is a form of 'exclusive' redevelopment that is designed to exclude the very poor from the revitalized spaces and render them safe for resettlement by the wealthy and affluent." n115 In Harlem, for example, the influx of whites has led to a "critical shortage of affordable and decent housing." n116 "Mayor Michael Bloomberg's recent proposed budget cuts of social programs and services to close the city's \$ 4 billion budget deficit will only place greater hardship on the backs of poor and working families" n117 It is impossible, therefore, to discuss gentrification today without taking into account public housing policy.

The Department of Housing and Urban Development ("HUD"), once a barrier to gentrification, now emphasizes privatization, integration of assisted and market-rate housing, and reliance on the "virtues of the market process ... [to further] socially desirable public goals." n118 As Gotham argues, the "centerpiece of all federal housing [*452] policy since the 1970s has been retrenchment, and devolution of authority, responsibility, and funds" from federal to state to local governments. n119 In the process, HUD has called for the "demolition of existing public housing units and converting larger projects into [scattered site, mixed-used, mixed-income,] small-scale communities with site-based management to promote self-sufficiency" n120 This push toward demolition without adequate replacement is exacerbated by an extreme lack of affordable housing n121 and a predominant anti-poor sentiment. As a result, low-income housing policy has been reinvented to the detriment of low-income residents and to the benefit of middle and high-income gentrifiers.

This is most starkly apparent under HUD's Homeownership and Opportunity for People Everywhere ("HOPE VI") program initiated in the 1980s. n122 HOPE VI builds new mixed-income neighborhoods in place of concentrations of low-income households. In every case, however, "islands of affordable housing are cut essentially in half or to a third." n123 It is premised on the ready availability of places to which former residents might relocate: other moderate rate rental apartments in decent locations. But, except for elderly, there are long waiting lists for public housing – the shortage of which is an extreme crisis [*453] throughout the country. n124 This program, therefore, plays right into the gentrifiers' pressure to convert public housing to market-rate. n125 HUD continues to maintain, however, that HOPE VI reduces isolation by "providing opportunities for employment and education" for residents in the community. n126 Others are not so convinced and decry the massive demolition without replacement. n127 Moreover, even if it admits the negative effects of its strategies, the government believes that higher property taxes resulting from gentrification will eventually be redistributed, for a net gain for everyone. But with the current budget deficit, drastic cuts in services, and tax cuts for corporate capital, this does not seem plausible. In fact, rather than describing gentrification as creating "islands of renewal in seas of decay," Wyly and Hammel believe it is best described as leaving behind "islands of decay in seas of

renewal." n128

The third recent development in gentrification sees the economics of inner-city investment altered in ways that accelerate certain types of neighborhood change. n129 In a recent study of eight large cities, Wyly and Hammel discovered that new methods for financing home purchases have led to rapid reinvestment in once redlined areas. This resurgence can be measured in conventional mortgages: between 1992 and 1997, total mortgage lending to "core" gentrifying neighborhoods in these cities increased from \$ 358 million to \$ 763 million. n130 [*454] Though small compared to suburban investment, the increases confirm gentrification's dramatic rebound. In fact, in the mid 1990s, these neighborhoods attracted mortgage capital at a rate outpacing suburbs by a factor of 2.3. n131 There is also a reduced likelihood of denial when applying for a mortgage in these areas. While this restructuring of the national system of housing finance opens up home mortgages to low-and moderate-income households, it also has "unleashed powerful gentrification forces." n132 The apparent benefit to lower-income households, however, refers only to non-Hispanic whites who are ready to purchase homes through prime lending institutions. In fact, core gentrified neighborhoods are now places of racial exclusion. Black homebuyers face more severe discrimination in gentrifying areas than in other parts of the city. n133

Finally, anti-gentrification social movements are currently being marginalized, as pro-gentrification city leaders keep activism from the political sphere. Neighborhood resistance is also subsiding with the gutting and privatizing of city services. Moreover, as gentrification continues, an oppositional collective consciousness is becoming less viable because the benefits of population density are no longer present. n134 These changes, along with other negative consequences of gentrification experienced by the gentrified, are what we turn to now.

II. THE EXPERIENCE OF GENTRIFICATION CONTEXTUALIZED

A. The Gentrified Experience: Limited Choice and Limited Mobility

Gotham argues that activists offer competing constructions of urban reality that go beyond elite definitions and interpretations. n135 We suggest that these constructions of reality also go beyond the one experienced and described by Byrne. The apparent benefits that Byrne claims gentrification brings to the "poor residents" of his neighborhood are indeed hard to prove, as he admits. n136 Rather, we argue that gentrification is not such a good thing for the gentrified.

[*455] To begin with, the gentrified do not experience choices in the way gentrifiers do. Relying upon a study by Jacob L. Vigdor, n137 Byrne implicitly argues that they do. There Vigdor claims that low-status households possess a "set of choices" to remain in gentrifying areas and adjust their land and housing consumption, to relocate if moving costs are low, or to remain in place if moving costs are too high. n138 But this claim is completely out of context with the economic realities and lived experiences of low-income households, particularly those of color. How can these households choose to remain in place and absorb any increases in rent or property taxes, much less the exponential ones that typify gentrifying areas, when on a fixed income? n139 How can they choose to relocate when there is a severe affordable housing crisis, when they are not welcome and even discriminated against in certain areas because of their race, and when they have no credit or rent deposit? In the Forest City neighborhood of Oakland, for example, a recent redevelopment project was underway that included only 220 affordable units out of 1,000. n140 When displacee Al Wienberger, a long-time member of Sheet Metal Workers Union Local 104, was offered \$ 230 a month, and up to \$ 12,000 to relocate, he could not make it. n141 Even a two-bedroom in nearby Fruitvale, a neighborhood foreign to him, would cost him \$ 3,000 a month. n142

As Robert Halpern argues, "what for most American communities is a genuine choice can become for poor and excluded communities a false choice ... they have had no choice but to rely on their own efforts to counter the effects of their exclusion - to make something good of marginality." n143 Indeed, choice can only be understood in relative terms. The problem with the gentrification process is that the choice is both racialized and class sensitive. The very choices gentrifiers exert to meet their needs and preferences in the current market are the ones that constrain the choices of the gentrified. That is [*456] the very nature of choice. Indeed, whites often exercise their choices with the expectation that in doing so they will limit or drive out the other. Adelaide Robinson, of the Greater U Street Community, Northwest D.C., captures this imbalance of choice well: "I would hate to see whites take over this city. Blacks don't have the money to do gentrification, as the whites do, so you will find a lot of them going because of the lack of money to fix up these properties." n144

Even choices that appear to be open to the gentrified turn out to be in some way coerced. Boston NAACP president Leonard Alkins notes that working-class people of color who are faced with the choice of selling their homes in escalating real estate markets are not forced to do so to wealthier whites, but often the potential profit leads them to sell. What they do not realize, Alkins claims, is the degree of instability the sale can bring. Often they don't think the decision through and then are faced with limited choices of where to relocate given the steeply rising cost of housing. They may not know many people outside their neighborhoods either. While they may even want to move to an integrated neighborhood, most often they have little choice to do so. n145

Middle class residents in gentrifying areas possess little choice either. In Oakland, for example, homecare workers are being evicted and have no affordable place to live. n146 Other service workers are being pushed out into the suburbs where they cannot easily rely on public transportation. These are largely women of color and immigrants who attend to people in their homes making only \$ 7.82 an hour. n147 Similarly, the middle-class renters in Cambridge, Boston are the ones being squeezed out of the market, not just blue-collar workers, but people who are employed by social service agencies – largely single women with children. n148 Yet nobody talks about this, including Byrne. Prioritizing the notion of "choice" can obscure the legacy and persistence of racial discrimination in housing and falsely suggest that there is now a level-playing field in the housing market rather than [*457] one that actually coerces impoverished people of color. As such, the defining principle of a regional housing strategy should not be choice, but rather racial and economic justice.

An extension of this limitation of choice among the gentrified is the experience of a limited ability to move or to stay put. That is, gentrification is not the same for the gentrified and the gentrifier. In his book, *City Making*, Gerald Frug falls into the same trap as Byrne, by asserting that mobility affects whites and impoverished nonwhites similarly. He compares exclusionary zoning in the suburbs (to keep the impoverished persons of color out) with anti-condominium conversion legislation (to prevent gentrification) and says that efforts to pass the latter

Demonstrate[] that the instinct for exclusion is not limited to the suburbs. Feelings of race and class privilege, desires to protect "home and family, property and community," and allegiance to separateness exist on both sides of the central-city/suburb boundary. Many blacks would see the weakening of the city boundary line as an attack on the political power they have gained in central cities, and many residents of ethnic neighborhoods fear that rising housing prices will destroy their community. The prevention of gentrification, like exclusionary zoning, enables people to preserve comparatively homogeneous communities and advances the interests that the members of the community have in common. Central-city and suburban residents thus have similar reasons to protect territorial identity: racial pride, feelings of community, fear of outsiders, and preference for their own way of life over that lived on the other side of the border n149

He makes this claim, even though he admits that the courts are far more willing to support anti-condominium conversion legislation than they are willing to prohibit exclusionary zoning. But what he fails to grasp is that whites with means have choices, and those that are struggling against gentrification do not. They are often fighting to survive, not to meet their preferences and desires by living somewhere that appeals to them. Consider Harlem. Rental rates have been rising there for at least the past two years, and the black population cannot compete with what they describe as the "deep-pocketed yuppies" in an overheated market. n150 As Malveaux points out, tensions between rich and poor have come to many urban centers, and as long as the [*458] contest is a simple one between those with money and those without it, the rich (or the upper middle class) will be the ones that win. n151

B. The Costs of Gentrification

Byrne paints a picture of gentrifiers as liberal and tolerant. But there are a number of things wrong with this picture. First of all, the gentrifying process cannot be understood nor addressed by simply looking at individual attitudes. Indeed, there is much to suggest that even if Byrne's portrayal were accurate, there would still be many of the negative consequences of gentrification along racial and class lines. n152 Of course, white people moving into gentrifying neighborhoods simply do not fit Byrne's favorable description. n153 Peter Williams and Neil Smith capture the realities of gentrification more accurately:

The conservative argument traditionally plays down the extent of gentrification and the effects of restructuring, claiming no reversal of suburbanization trends at the national level. For residents of targeted neighborhoods, however, national statistical trends are rather abstract in the face of rising rents and landlord harassment. Once the process begins in a neighborhood, and rents begin to increase more rapidly, the gentrification develops a momentum of its own on the private market. It is in recognition of this that many residents anticipate the process with fear n154

Indeed, even the gentrifiers can suffer social costs of sudden growth including increasing traffic, skyrocketing housing costs, and sewage and garbage problems, for example.

In Byrne's own city, Washington D.C., in the U Street/Cardozo and Columbia Heights neighborhoods, residents

welcome the upgrades that are following the completion of the Metro's green line: new homes costing \$ 400,000 and low-income housing being converted into highly-courted condos. But the low and moderate-income residents are increasingly vulnerable. "We don't have any control," they say, "we are being forced out. They need to listen to the people." n155 Indeed, the trend to push people out has increased. Between 1990 [*459] and 2000 more than 56,000 blacks have left the city, with departing black residents accounting for nearly all the city's population loss. n156 In one ward, the departure of nearly 10,000 people has been attributed to an exodus of low-income families displaced when public housing complexes were demolished. n157 At the same time, housing prices in gentrifying areas have risen 50% in comparison to 15% citywide. And while 100,000 city residents qualify for housing assistance, approximately 25,000 to 40,000 are currently on the waiting list. n158 We offer the following vignettes of gentrification in poor, middle-class and rich cities to illustrate more fully the ambiguity of the gentrification process.

1. Detroit: A Poor City

Despite being what we categorize as a poor city, even Detroit is experiencing some of the negative consequences of gentrification, particularly those associated with race. In Brush Park near downtown, for example, the Brush Park Citizen District Council is suing the city, claiming that mostly black residents were forced out of the neighborhood so white suburban developers could take over their properties. According to Richard Clay, co-chair of Michigan African American Leadership Summit ("MAALS"), gentrification is a major cause of homelessness because people cannot afford to pay house notes or rent. n159 In 1999, residents of Graimark, near the Detroit River, were removed, and the land was given to a development company to build expensive housing. n160 The city administration and the Economic Growth Corporation, representing a "partnership" between the city and business interests, agreed with the developer that it was impossible to allow "infill housing" or a mix of the old and new. n161 The rich do not want to associate with the poor. Some suggest this "Titanic principle" has led to what Professor Wolfe Wolfensberger calls "deathmaking" or the destruction of "devalued" human beings by unconscious [*460] neglect. n162 Fears of gentrification are surfacing near Wayne State University as well. n163

2. San Francisco: A Rich City

In San Francisco, the tight real estate market is driving an aggressive gentrification process. As told by researcher Chester Hartman, housing costs there are among the nation's highest. n164 The 1999 median monthly rent for a two-bedroom apartment was \$ 2,500 compared with \$ 1,100 in 1995. n165 This requires a resident to earn \$ 28.06 an hour to afford one. n166 Much of the lower income housing has been lost – between 1975 and 1985 more than 17,000 affordable rental units were demolished, converted to condominiums or commercial use; n167 and there has also been a virtual disappearance of direct federal subsidy programs for new housing. Affordable housing is very scarce; there were recently 5,700 applicants for fifty-five affordable housing units at a new development in the Mission district. n168 New housing is being built at a rate far below what is needed, and mostly for the middle and upper-class. Fortunately, Proposition R, which would have increased the number of apartment conversions permitted by the city from 400 to 3,400, was defeated on the 2002 election ballot. n169

The principal cause of this housing crisis has been the expansion of the downtown office-based economy, which has brought in new workers who can outbid older residents. n170 Many young affluent Silicon Valley implants who prefer to live in San Francisco are flowing in as well. As one newspaper article described the process: "Wealthy young computer programmers are stampeding into poor neighborhoods here, snatching any apartment they can find and pressuring city officials to clean up the blight. Rents are soaring and evictions are rising as property owners rush to profit from the migration ..." n171 In fact, formal eviction rates rose from 2,000 in 1971 to 9,500 in 1992. n172

[*461] Entire neighborhoods have become largely enclaves for households labeled "DINKS" – "double-incomes, no kids." n173 A city that was once known for diversity and pluralism has become hollow. n174

To see the space in which those things were incubated, homogenized into just another place for overpaid, but overworked producer-consumers is to witness a great loss ... privatization becomes not just an economic issue but a social attitude The sense of the city as home is eroding as the public sphere ceases to be a place where people feel at home ... the new arrivals seem to lie in it as though it were a suburb. n175

In the Mission district, where many residents are poor, what was a port of entry for Hispanics is now changing by the day. Rents have jumped from \$ 600 – \$ 1800 between 1996 and 1999 for a two-bedroom apartment. n176 More tenants have been evicted in those three years than any other time, mainly via a city ordinance allowing eviction if the owner or owner's relative plans to move in. n177 In 1998, 1,400 apartments were emptied this way. n178 As one former resident put it: "I've been displaced from everything I knew. I had a plot in a community

garden. I had my doctors, my grocery stores, my restaurants. I used to go to the stores and buy things on credit I also miss the transportation It's not that the Mission was any utopia, but it was my home." n179

3. Boston and Chicago: Middle-Class Cities

Boston exhibits the attributes of both a rich and middle-class city in its gentrification process. Its fiscal capacity is the same as its suburbs in terms of its housing values, but it has a median household income of about 70% of the metropolitan area. n180 As such, it exhibits some of the same housing pressures as San Francisco and some of the same racial and class tensions as Chicago. Gentrification is particularly problematic in the South End. What is happening there, argues [*462] Mel King, long time resident of the area and former state representative, "is a preview of what is happening to neighborhoods across the city and country. The 'displacement' of people of color has resulted from racism and government policy." n181 Government programs are helping people who already have access to resources, to the detriment of those without. n182 King admits, that "although the people who return to the city are often an unconscious part of this process, they nevertheless help to recreate the sterile and homogenous communities they supposedly left behind in the suburbs." n183 The resistance to subsidized housing, he concludes, is "but another manifestation of northern style racism, compounded by the rising cost of commuting and the fashionable trend toward city living." n184

Between 1996 and 2001, HUD landlords converted 5,700 subsidized housing units to market rate before their contracts expired by paying off the mortgage balance. Eight thousand more affordable units could be lost in the near future. n185 According to King, the Boston Redevelopment Authority intended 12,000 people should be displaced "to reduce undesirability 'density.'" n186 In neighborhoods such as Roxbury, pressures are mounting to force blacks out, and since rent control was abolished in the 1990s, rates have shot up. n187 As Laura Younger of Project RIGHT, a coalition of neighborhood associations, claims: "There is really no place else for people to go. I don't see any other part of the city that's affordable." n188 Looking at the city census, in a five to seven year period, the income and occupations of the people living in parts of the South End has changed radically. n189 Indeed, consultant Peter Munkenbeck predicts that all of South Boston will eventually be gentrified. n190

"When white people began to move into the South End, all of a sudden, the land became valuable because they valued it," says King; [*463] "We live on valuable land now." n191 Millions of dollars have been recently invested in roads, sewers, street lamps, brick sidewalks for higher income newcomers that were not expended for current residents. The subsidy issue, continues King "is merely a cover for the racism which is part of the basis for redevelopment schemes" n192 Shirley Kressel co-founder and vice-president of the Alliance of Boston Neighborhoods argues that the city must re-think its "trickle-down" development thrust ... giving big businesses tax breaks. n193 "The money never really trickles down. We have a decade of boom and the day the recession starts we are impoverished. We don't have a nickel." n194

Similarly, according to one study:

Redevelopment in Chicago has been synonymous with displacement. City Hall has followed the lead of downtown corporate interests and the real estate industry in a redevelopment drive that produced one of the biggest construction booms in the nation between 1950 and 1980... . As a result, low income pockets or communities standing in the way were and continue to be removed. City Hall has not taken the initiative to protect the interests of low-income residents. n195

Indeed, Betancur claims that, according to City Hall, "the future of the city's neighborhoods depends on the success of gentrification. Meanwhile, for the low-income and working-class population, the success of gentrification is their loss of community." n196

Wealthy areas are quickly impinging upon impoverished sections and surveys continue to show that housing construction is fueling gentrification. n197 At the same time, the affordable housing stock is shrinking. Currently a city-wide gap of 155,000 affordable housing units exists, and over 16,000 project-based Section 8 units will see their contracts expiring by 2005, many of whose owners will likely be opting [*464] out. n198 Compounding this shortage is a tight rental market with a mere 4% vacancy rate, and a loss of 46,000 rental units over the last decade, despite a population increase of 112,000. n199

Traditional working class communities close to the city center (for example, Lake View, Wicker Park) are experiencing rapid gentrification. Census tracts which have had a high percentage of vacant housing, high poverty rates, and high percentages of black or Hispanic households, experienced higher home appreciation than other locations in the 1990s. "New, expensive housing is being built" n200 and "concentrations of poverty [are] going farther west, southwest and to the inner ring of suburbs." n201

The Pilsen neighborhood, one of the strongest Mexican/Hispanic neighborhoods in Chicago, is facing gentrification pressure from its alderman, the mayor, the city and the University of Illinois–Chicago. Many Mexicans have been displaced from their barrio and do not consider the east side of Pilsen as part of the neighborhood anymore. According to one activist, Liliana Cortez, the newest trends of "take-over" have seen cafes catering to the Anglo, rather than the Hispanic, luring many residents "into their meaningless world." n202

Additionally, in the infamous Cabrini Green development, Daniel Bassil of Cabrini Connections, a tutoring and mentoring organization for at-risk youth, claims that, gentrification is clearly causing displacement. "As the cost of housing goes up," he argues, "affordable properties for us to rent are less available, our expenses go up and we're able to serve fewer kids. Poor people are being forced to move someplace else where programs such as ours don't exist." n203

Our point in featuring these descriptions of the gentrification process is to suggest that it is plainly not as good as Byrne believes it is. When viewed through the lenses of race, class, space and time, the benefits of gentrification appear to outweigh the costs. Whether this [*465] is true or not is beside the point: the benefits and costs are so unevenly distributed that one has to look not at some overall equation but at different segments of the population. "There are distinct losers as well as winners, and the consistent losers are the poor and working class who will be displaced as gentrification proceeds, and who will confront higher housing costs in tight markets." n204 If we persist in "representing middle-class gentrifiers as inadvertent instruments of abstract economic forces," as Byrne and others do, then we "unintentionally absolves them of any responsibility for their actions." n205 Rather than focusing on a politics of parochial self-interest and giving up on our public-housing residents, we should adopt a more just form of the social contract in our metropolitan regions. n206 Before we discuss strategies to achieve a more equitable distribution of people-centered life opportunities, we flesh out our methodological concerns with Byrne's dismissal of displacement.

III. METHODOLOGICAL CRITICISMS

Byrne claims that the empirical evidence of the extent of displacement is rather inconclusive. n207 One can only wonder if this were true, whether it would affect his view of gentrification. While many researchers admit that measuring displacement is more problematic than the "white boy walking dog" index developed by Malveaux, they do not give up on it as easily as Byrne. Certainly the various types of displacement complicate the process. There is private n208 versus public displacement; n209 and direct/voluntary/primary versus indirect/involuntary/secondary displacement. n210 We must also distinguish between renters and homeowners when measuring displacement, and consider the spatial dimension of the neighborhoods experiencing it. As indicated earlier, displacement is more likely to occur in rich to middle-class, highly dense areas in which high demand for scarce land raises economic value of property above its use value, for example, Chicago's [*466] West Town. n211 Interjurisdictional displacement may also occur in these areas. Displacement is less drastic in many other low-income, low-density neighborhoods in Chicago where development can take place without exerting displacement pressures, for example Woodlawn and Garfield Parks. n212

A. Studies That Indicate Harmless Displacement

There are several older studies not mentioned by Byrne that document some of the benefits of middle and upper-class influx. In one such study of urban redevelopment projects undertaken in the 1970s and 1980s in Atlanta, Portland, Oregon, New Orleans and Minneapolis, it was found that privately sponsored "supportive" redevelopment, emphasizing business and community involvement, in three of four neighborhoods, n213 far from leading inevitably to gentrification, managed to produce more racially mixed, generationally vital, and occupationally competitive central-city communities. n214 On the other hand, it was found that publicly sponsored "active" redevelopment, emphasizing strong public sector role in both planning and funding, and making use of local, state and federal funds to implement, in two of the four neighborhoods n215 led to no discernable revitalization, but rather additional social and economic disinvestment. n216 The researcher concluded that we must undertake a nuanced approach to development. n217

In another study during the early 1980s of nine neighborhoods in five cities – Boston, Cincinnati, Denver, Richmond, and Seattle – several unexpected results surfaced. n218 Although the poor, the unemployed, and Hispanics were especially susceptible to being displaced, [*467] blacks were not. n219 In addition, being elderly and having a low educational attainment were not causally related to being displaced. n220 While on the whole, households that moved for reasons other than displacement were more satisfied, most displaced households, other than the unemployed and the transient, did not seem to suffer severe hardship as a result of displacement. n221 The researchers hypothesized that displacement is not especially burdensome because the neighborhoods from which they are being gentrified do not appear to be closely knit, but instead are marked by segregation and concentrated poverty. n222 In the process of being forced to relocate, it appeared that many actually upgrade their condition. n223

Byrne relies heavily upon a similar, but more recent study of displacement among renters in New York in the 1990s by Lance Freeman and Frank Branconi claiming that despite a 5.47% displacement rate, there was actually

a 24% decrease in mobility rates in gentrifying areas, compared to non-gentrifying areas. n224 From this data the study's authors conclude that the "improving housing and neighborhood conditions appear to encourage the housing stability of low-income households to the degree that they more than offset any dislocation resulting from rising rent." n225 There are several weaknesses in this study, however. In regards to the displacement data, it is significant that the study fails to measure the homeless, the numbers of whom are increasing in our major cities, largely due to increases in rent. It also fails to measure those who move out of the city, or those who experience interjurisdictional displacement, the numbers of whom are also increasing as gentrification takes hold of ever greater portions of rich and middle-income cities. Furthermore, the displacement data is merely a static snapshot of an ongoing gentrifying process that will indirectly lead to the gradual shrinking of the pool of low-rent housing. n226

The study also contains weaknesses in regards to the mobility data. Here again it is extremely significant that the study does not [*468] measure households living in public housing, which the authors' claim are not the types of units one would expect "to be affected by gentrification pressures." n227 This is an incorrect and dangerous assumption, particularly in light of the more recent intrusive state role in fostering gentrification discussed earlier, and in the wake of HOPE VI, which is demolishing public housing in gentrifying areas at a far greater rate than it is replacing it.

The nature of interpreting and generalizing mobility rates is also quite nuanced. To begin with, the spatial dynamics of an area, as well as the type of gentrification going on there, can affect the mobility rate. For example, if the city is a poorer one and in-filling is the predominate form of creating middle-to upper-income housing, then mobility rates may remain lower. Lower mobility rates may also suggest fewer affordable choices within an area, rather than greater housing stability. Finally, in gentrifying areas mobility rates may be lower, but low-income households of color are most likely to be permanently replaced by higher income, white households, whereas in nongentrifying areas, although the mobility rates may be higher, the households are most likely to remain poor and nonwhite. Therefore, to claim from this data that "gentrification actually suppresses, rather than raises, the probability that a disadvantaged household will move out of its apartment," n228 is far too sweeping.

We certainly accept the proposition that middle and even upper-class influx into a neighborhood and city can be a good thing and need not cause displacement. But most people refer to this process as revitalization not gentrification. There would be no need for concern with Byrne's article if it were titled Two Cheers for Revitalization. In one of the most important housing cases in the country's history, the court went to great lengths to distinguish between revitalization and gentrification. n229 Byrne seems intent on obscuring this important difference.

[*469]

B. Studies that Indicate Harmful Displacement

On the other hand, many older studies and meta-studies document the harmful realities of displacement. Acknowledging the difficulties involved in measuring it, n230 one particular researcher was nonetheless able to make a preliminary estimate of displacement in New York City for the period 1970-1980 as between 10,000 and 40,000 households. n231 Assuming an average household size of 2.5 persons, this would mean between 25,000 and 100,000 persons. n232

A broader survey was undertaken by Richard T. LeGates and Chester Hartman, drawing upon sixteen displacement studies of the late 1970s which sought demographic profiles of in-movers and out-movers of various gentrifying neighborhoods throughout the country, and information on the location, cost and adequacy of out-movers post-move shelter. n233 Although a "ragged jigsaw puzzle," the researchers were able to paint a picture of gentrification-caused displacement that was "quite clear." n234 First, a great deal of gentrification-caused displacement was indeed occurring. In contrast to the 1979 HUD study upon which Byrne placed much misguided weight, n235 and in which no more than one to two hundred households annually were found to have been displaced, LeGates and Hartman estimated that the total annual displacement in the U.S. was "approximately, and conservatively, 2.5 million persons." n236 Byrne also fails to acknowledge that in HUD's 1981 update, n237 a more comprehensive view of displacement was adopted, acknowledging that moves induced by rent increases (secondary displacement) are for the most part considered displacement n238 and that in 1979, as many as 2.4 million Americans [*470] were displaced by private activity alone, most of them being from poor, female-headed households. n239

Elsewhere Neil Smith and Michele LeFaivre argue that HUD has made little effort to compile the necessary data about displacement it says does not exist. Moreover, they contend that the 1981 update continues to insist that gentrification accounts for only a small proportion of the total occurrences of displacement, and this is used to justify the government's policy of benign neglect (through its minimal support for displacees), and deliberate attempt to encourage gentrification (through its substantial subsidy of rehabilitation and redevelopment, for example, HOPE VI). n240 Indeed, like Byrne, HUD considers gentrification a "natural" effect of the free market. n241 The report never states directly for whom gentrification is positive or efficient, but "the discriminatory intent,

both racial and class, makes it clear that "the urban system is made efficient by attracting the middle class and displacing the poor and working class." n242

In a separate study, Hartman was also able to determine the destinations of outmovers. As early as 1964, from a review of thirty-four case studies, he found that as many as 86% of relocatees were placed in substandard. n243 He asserts that there is no reason to assume it has a different effect today. n244 In addition, LeGates and Hartman, found that most in-movers (an average of 64%) moved from within the city and not surrounding suburbs or other jurisdictions rendering the "back-to-the-city" practice a misnomer. n245 In-movers were, nonetheless, relatively homogenous in age and principally young single adults or couples, with few children, largely due to the quality of schools in the area. n246 Most in-movers were white; n247 no study showed significant numbers of racial minorities moving into gentrifying neighborhoods. n248 [*471] In-mover's incomes were "concentrated in the middle to upper end, well above the city and ... [metropolitan averages] and much higher than the income of ... [those living] in gentrifying neighborhoods." n249 And most were employed in a professional or managerial capacity, with the next most frequent category being clerical and sales. n250 Virtually no craftspersons, operatives or laborers, were reported. n251

There was a wider range of characteristics among outmovers. Family structure n252 and age varied, although a significant proportion were elderly. n253 Most were white, although a substantial and growing number were nonwhite, as gentrification began to touch some predominantly minority neighborhoods or as the large minority subpopulations in some gentrifying neighborhoods were disproportionately displaced. n254 The average income was in the lower to middle range, although substantial ranges from very low to quite high were also documented, which some studies attribute to distinct subpopulations, for example, rooming house tenants versus middle-income renters, black renters versus white renters. n255 Most household heads were either blue-collar or low-status white-collar workers; n256 although there were also a large number of unemployed and welfare-dependent households, as well as a large number of higher-status professional households. n257

As for what happened to displacees, the 1979 HUD Report only cited two case studies, noting that outmovers quickly found alternative shelter. n258 The more detailed studies of LeGates and Hartman showed that displacees tended to cluster, resettling close to, or even within the same neighborhoods ("outmover" was, at least then, a misnomer). Those who did move out, tended to cluster in adjoining suburbs, [*472] and there was well-documented evidence that some households were "repeatedly displaced as the boundaries of urban renewal projects were expanded." n259 There was little evidence that significant numbers of nonwhites were settling in the suburbs. n260 Mixed hardship was also found. Some outmovers did find satisfactory and even better housing; many others found the same quality; and a substantial number found even worse. It was discovered, however, that outmover satisfaction was inversely correlated with income. n261 Shelter costs almost always increased, sometimes severely, and those with the lowest incomes fared the worst, both subjectively and objectively. n262

Five of the sixteen studies that provided data on racial dynamics suggested that "gentrification produces racial conflict and will not necessarily promote integration." n263 For example, a study of Washington, D.C. neighborhoods found that "virtually all the original resident blacks were ultimately pushed out." n264 Blacks in Boston's South End, who once had been living in a number of both segregated and integrated census tracts, were "largely relocated to assisted-housing projects at the fringes of the neighborhood," particularly near Roxbury - which is being gentrified today, perpetuating the cycle of displacement. n265 Opposition by middle and upper-class white in-movers was also documented. For example, a survey of in-mover attitudes in New Orleans showed a strong correlation between increasing income and the expectation of living in all - or nearly all-white neighborhood. n266 The same survey also showed that the in-movers generally opposed mixed-income housing policies, which by implication included racial mixing. n267

Other, individual studies documented displacement as well. A 1983 targeted survey of nine revitalizing areas of five American cities showed that 23% of the tenants had been displaced over a two-year period. n268 A 1981 study showed that in Seattle, rent increases or the changing status of their building, led to the involuntary movement of [*473] 25% of the tenants and 24% of the elderly over a five-year period. n269 A 1984 study measuring the distribution of displacement of sixty metropolitan areas between 1974 and 1976, due to private redevelopment still found that displacement occurred disproportionately among elderly and lower-income movers, although it was marginally higher among black and female-headed households than their advantaged white and male counterparts. n270 The concentration of blacks inside the central city boundaries represented the single strongest determinant of displacement rates and ratios. n271 Similar to current trends, the frequency of displacement manifested itself as a metropolitan-wide, rather than inner city, problem. n272

Finally, a 1988 study examined income changes outside of gentrifying areas. n273 If income growth rates in most non-gentrifying tracts were close to national averages, gentrification might aid cities without disproportionately displacing poor residents. n274 But if income growth was sharply below the national average in non-gentrifying tracts, then improvements within gentrifying areas might be causing less growth in other areas as well as causing displacement. n275 Seven cities with gentrification tracts with at least 10% of the city population were studied. n276 The effects on non-gentrifying tracts were not so bad in San Francisco, Minneapolis-St. Paul, Cincinnati, or Providence. n277 In Philadelphia, Washington D.C. and Boston, however, much higher proportions of the non-

gentrifying poor tracts were relatively poorer. n278 Washington, D.C., in particular, showed strong evidence of "decidedly uneven development." n279

In each city other than San Francisco, "poor residents shifted from gentrifying tracts at higher rates than did the total population," from which the study concludes that, "both the origins and the destination of the above-average net shifts of poor population are consistent with claims that poor residents were being disproportionately [*474] displaced from gentrifying tracts." n280 Disparities were most marked in Boston. The share of the city's poor population living in gentrifying tracts fell by one-sixth, even though the relative share of total city population in these tracts was growing by one-fourth. n281 Moreover, within each city, poor residents disproportionately shifted from gentrifying tracts to tracts with slower income growth, three of them with poverty concentrations already in place (Washington D.C., the Twin Cities, and Providence). n282 This suggested that new concentrations of poverty were forming, consistent with the claim that "lower class areas of converting old cities may experience further 'decline' and devalorization as they absorb the [displaced] population." n283 While some lower-income households were gaining better housing, as Byrne might wish to believe, only in Providence was the proportion of poor shifting into upper-income tracts slightly higher than those shifting into lower-income tracts. n284

Among more recent studies, David Ley surveys various data within Canada during the 1980s to conclude that the profile of tenants facing displacement has broadened since the first round of gentrification in the 1970s, and more middle-class households are now also at risk. n285 Although they can relocate more readily than low-income households, a displaced group in Toronto was shown to have had to pay up to 43% more in rent. n286 Gentrification is also spreading to the suburbs. n287 Among Canada's larger cities, n288 there is an interlocking relationship between inner-city reinvestment for the middle class and tenant displacement and erosion of affordable housing. n289 While the magnitude of dislocation is unknown, the scale of renovation, demolition, and condominium conversion implies that tens of thousands of households have been involuntarily displaced through various forms of gentrification since the 1970s. n290 During the same period, rental [*475] vacancies in each city, except Montreal, rarely exceeded 3%. n291 Unlike Byrne, Ley concludes that there can be "little doubt that in the housing-market gentrification is a zero-sum game." n292

A similar recent study conducted by Rowland Atkinson measuring the geography of displacement in London found that the active and extensive process of gentrification in the 1980s lead to profound displacement of working-class, inactive and elderly groups. n293 The losses were dramatically above the metropolitan average and occurred in areas which have been extensively professionalized. n294 Although the research could not pinpoint exactly whether this was because of rental increases, landlord harassment, or the decision simply to move on, it was self-evident that such flows could not be wholly due to choice or chance. n295 Atkinson argues that the figures presented should remind us that displacement implies a social cost, likely to be in the form of increased housing need, overcrowding in 'hidden households' and homelessness. n296 Neighborhood effects, in the form of impaired social networks and reduced service provision, adversely affect groups less able to cope with the psychological and financial costs of displacement. He argues further that displacement "rearranges rather than ameliorates the causes of poverty, environmental decay and the loss of neighborhood vitality – problems are moved rather than solved." n297 And, citing Hartman he concludes, as if addressing Byrne directly: "It is true that we do not have good estimates of the precise magnitude of the current displacement problem [] ... [but] those who claim that recent analogous history is not necessarily true of today's displacement problem must prove otherwise." n298

To end this discussion of displacement a little closer to home and with our racial lens on, we note that reversals in racial compositions of gentrifying neighborhoods in Chicago between 1980 and 1990 show white residents are gaining, while black residents are losing. n299 The Near West Side's black-white ratio, for example, fell from 6:1 to 3:1; the number of childless young professionals increased; the proportion [*476] of residents under age twenty-five declined; and the higher average levels of education increased. n300 While crime rates have declined significantly and the number of retail establishments grown, the residents of color are being pushed out. n301 Who will be left to enjoy these opportunities as gentrifying forces proceed?

But the salient question may not be whether gentrification causes displacement, but rather what our response should be to people being displaced and isolated from opportunity, especially low-income people of color. Byrne remains, at best, ambivalent on this key question. Serving tenants already displaced and funneling more money into public housing n302 will not be enough, particularly in this time of fiscal crisis. Rather, we need to re-examine our current housing policies and adopt more proactive strategies to decrease displacement and increase life opportunities for all.

IV. STRATEGIES FOR EQUALIZING LIFE OPPORTUNITIES FOR ALL

[Gentrification] will scramble Latinos all over the city and state Our children will lose out and language will be the first thing to go. We want our area to become more modern, but we can't in turn sacrifice an entire group of

people. We have to take everyone into account. n303

This sentiment expressed by Carmen Pola, a long-time Mission Hill resident who witnessed the displacement of Hispanics by students, captures the downside of gentrification that Julianna Malveaux can only imagine as she stands in the Fresh Fields. Whereas Byrne and others argue that gentrification will not cause social and class conflict and will produce neighborhoods which are an exciting mix of different races, classes and life-style groups, we recognize that it will continue to force low-income groups of color out of desirable inner-city neighborhoods, to less desirable ones, reducing their quality of life and diffusing their political power. n304

Our research has unearthed both empirical and anecdotal evidence of the nuanced harms gentrification can produce when left to an unregulated market and an over-interventionist state. We agree with [*477] Ms. Pola, and in the words of Bruce Katz of the Brookings Institute, argue that, "whatever path is chosen, the unifying theme is to invest in people and, through people, in the places where they live." n305

In this section we explore strategies to fight what gentrification has become: "a back-to-the-city movement by capital rather than people." n306 Market forces continue to commodify housing, as well as to limit and falsify the choices of impoverished urban dwellers of color, particularly when the state supports gentrification. Justice and fairness require us to recover a more equitable distribution of what should be a common good. This entails more than mere tinkering with the market. Rather, it requires us to acknowledge how our institutional structures benefit some over others and to transform them to serve impoverished communities of color. n307

In emphasizing people development rather than real-estate development, n308 we also strive to achieve truly integrated communities where life opportunities such as housing, employment and education are equalized among all. Our nation's changing demographics require us to resist the assimilative processes of gentrification and embrace a more equitable model of development. As Sheryll Cashin reminds us, "sometime after mid-century, no one racial or ethnic group will be in the majority in the United States. America therefore has two choices in terms of how it will respond to complex diversity. It can forge a new, exciting, multi-cultural identity. Or it can balkanize." n309

Maureen Kennedy and Paul Leonard, formerly of HUD, concur that by reframing the issue of gentrification in a productive way federal, state and local officials, advocates, private sector developers, businesses and neighborhood residents can work together to build vital communities that work for all stakeholders: ones in which the benefits of neighborhood change are optimized and the downsides minimized. n310 Such an effort will require us to influence the thousands of annual homebuyers and sellers that, out of self-interest, individualism, materialism or simply private enterprise and strong [*478] will, tend to segregate themselves based on income and race. n311 Balanced development will also require us to consider the spatial dimensions of community: central city along with suburb, neighborhood along with global economy. We will need to proceed more equitably, both procedurally, by bringing in all those affected by development into decision-making process; and substantively, by striving for a redistribution of resources and responsibilities. n312 As John Calmore points out, there must be a genuine collaboration among all parties if there is to be any meaningful attempt to link justice with the social movements and dislocation caused by gentrification. n313 Joy Aruguete, a community activist in Chicago, sums up the action we must take in this way:

Policies drive markets as well, and sound housing and community development policies should exist and be holistic in nature. If we truly value diverse and mixed income communities, then policies must be targeted toward creating the conditions for this to occur. In the absence of these kinds of policies, we do not address the underlying problems in low and moderate income communities, rather pockets of poverty merely get pushed around. And mixed income becomes a euphemism for communities in transition where affluent people are moving in and poor people (mostly minority ...) are getting kicked out. n314

A. Opportunity-Based Housing and Regionalism

So, how do we achieve equal life opportunities for all, and particularly for impoverished urban dwellers of color? There are two overarching paradigm upon which we can hang all other gentrification-mitigating strategies: opportunity-based housing and regionalism. Opportunity-based housing is driven by the reality that ensuring housing throughout a metropolitan area results in improvements in other life areas. n315

This model suggests that the creation and preservation of affordable housing must be deliberately and intelligently connected on a regional [*479] scale to high performing schools, sustaining employment, necessary transportation infrastructure, childcare, healthcare and institutions that facilitate civic and political activity. This means both pursuing housing policies that create the potential for low-income people to live near existing opportunities and pursuing policies that tie opportunity creation in other areas to existing and potential affordable housing. Simply put, recognizing that opportunity is not evenly distributed, opportunity-based housing deliberately connects housing with the other opportunities throughout a metropolitan region. n316

To mitigate gentrification, then, once a neighborhood shows signs of improvement, policies must limit displacement and increase education, employment and other life opportunities for all residents, not just those who can afford to remain or who those who already have the education to succeed. At the same time, policies must increase the ability of low-income residents of color to integrate the areas in which these opportunities currently exist.

In order to achieve this equalization of opportunities linked to housing, a regional approach to policy making is required; regionalism offers policy makers a way to reconceptualize metropolitan areas for the common good of all residents. n317 Instead of calling upon each jurisdiction within a region to take responsibility for itself, regionalism views the entire region as an organic system of interdependent parts. The whole will prosper only if all jurisdictions are able to. The surest way to equalize opportunities throughout the total metropolitan area is to create effective, visionary metropolitan governments or, if the region is too large, to require that all local governments pursue common policies. n318

A regionalist approach traditionally fosters several policies, some of which we elaborate upon below, including land-use reform that stems urban sprawl and provides adequate funding to older areas; "fair share" housing policies that encourage, or better yet, require the [*480] construction and maintenance of low-and moderate-income housing in all jurisdictions; housing assistance policies to disperse low-income families to small-unit, scattered-site housing projects, and to rent-subsidized private housing throughout a diversified metro housing market; fair employment and housing policies that ensure full access by persons of color to the job and housing markets; tax-base sharing arrangements between the central city and its suburbs; n319 welfare reform focusing on job creation and readiness; and until affordable housing is available region-wide, metropolitan-wide desegregation efforts in the schools.

Federal and State Government can also foster regionalism, n320 but effective local regional bodies require the building of enduring political coalitions between the urban core and the inner-ring suburbs. They also require the active participation of communities of color. Yet regionalism often meets resistance from these very communities who fear gentrification and the dispersal of their members throughout an area so as to weaken their political and cultural power while doing little to disrupt the existing white, suburban opportunity structures and the developing gentrifying inner-city enclaves. n321 Proponents of regionalism must present metropolitan efforts, not as competition for resources and power, but as complementary to them. They must also convince them that regional opportunity-based housing strategies do not force minority communities to disperse, but allow individuals a real choice to remain and find increased opportunities or seek opportunities elsewhere. n322

Adopting this frame of analysis and applying political pressure can result in policies and laws that promote opportunity-based housing throughout a metropolitan area. In the Twin Cities, for example, [*481] jurisdictions that receive Community Development Block Grant funding from HUD came together in 2001 to produce a regional analysis of the impediments to fair housing choice. n323 In the past, each jurisdiction receiving these funds prepared a separate assessment. By coordinating their efforts and seeking community input, individual jurisdictions are beginning to think of fair housing from a regional perspective.

Other policies that equalize life opportunities include striving for a national urban agenda that invests in working families and their children, n324 and fostering economic development strategies and income-raising tools. n325 These tools can include earned income tax credits; individual development accounts to help working families accumulate wealth; n326 living wage provisions that ensure public employees are paid adequate wages in line with housing cost increases in gentrifying areas; n327 and progressive income tax to redistribute wealth and opportunity and channel some of benefits of high-tech and corporate booms to the working class. n328 Employer-assisted housing can also increase life opportunities by helping employers recruit and retain quality workers, assisting employees purchase their first homes near the workplace, and anchoring community service providers. n329 Equitable transportation planning and funding that better serve low-income communities can build job-housing links as well. n330 Finally, sharing equity in business development can allow community residents to build a local enterprise that meets their needs. n331

Economic development strategies directly related to gentrification can include linking short and long-term employment to larger public facilities development, and connecting original residents with jobs in new small

businesses and those generating gentrification. n332 [*482] For example, the Cruz Development Corporation in Roxbury, Boston, committed to providing a minimum of 60% of jobs resulting from a development to qualified local community members and initiated an apprentice program to receive training and employment in construction. n333

In the following section, we outline in greater detail other gentrification-mitigation strategies. All of them should be viewed and implemented with opportunity-based housing and regionalism in mind. More importantly all the "development efforts should focus on improving the quality of life for existing residents" n334

B. Gentrification-Mitigation Strategies

1. Assessment and Monitoring

Strategies to mitigate gentrification can take many forms, but proper assessment and monitoring of regional growth and displacement processes are essential. Like environmental impact statements, gentrification assessment tools can facilitate the engagement of communities of color in the region and inform a regional plan for the equalization of life opportunities. n335 This process can be applied to specific projects or developments or can be used to guide the overall mission and activities of public and private actors engaged in housing and land use planning. n336 When a new development or policy is proposed, an assessment can be made of the racial, economic, spatial and temporal status of the area to be impacted. The particular needs and priorities of existing community members can be gathered through data analyses and qualitative methods, such as in-depth interviews with focus groups and public hearings. n337 A nuanced determination, informed by impacted communities, can then be made of the match or disconnect between projected outcomes of the proposal and the unique needs of community members. n338

[*483] For example, regional assessment tools measuring growth utilized by the Urban Habitat Program in the San Francisco Bay Area called for a regional report on gentrification. n339 The report involved an historical analysis of forces driving gentrification; a highly comprehensible break-down of the phases of neighborhood change; a close examination of those sectors of the region affected by it (as well as those likely to receive displaced tenants); and a careful analysis of the policy and legal implications behind it. n340 Urban Habitat's study is a very valuable tool for assessing key trends and creating a baseline for informed decision-making. Community mapping can also be useful tool. n341 And as gentrification proceeds, more nuanced measures of displacement and other monitoring techniques can be developed and maintained.

2. Development

Assessment and monitoring will lead to more equitable development strategies, which first and foremost, open up the entire metropolitan region to affordable housing. An amended Fair Housing Act n342 can prevent exclusionary zoning of residential areas and require all communities to construct their "fair share" of housing to accommodate low-and moderate-income families. n343 Commercial linkage strategies can also require developers of new commercial properties to pay fees to support affordable housing, n344 and zoning and land use controls can limit the influx of development associated with gentrification. n345 For example, Proposition M in San Francisco mandated zoning and land use changes, which encouraged preservation of affordable housing, neighborhood-serving retail and services, and blue-collar intensive industrial uses. n346 In addition, statutory remedies [*484] for low-income households can hold communities accountable for zoning decisions that fail to provide for affordable housing. n347

Successful strategies also protect affordability and limit displacement in gentrifying areas. In-fill incentives, density bonuses, and brownfield development can foster current land usage; n348 community land trusts and land banks can create private non-profit corporations to acquire and hold land for the community, mainly to preserve affordability; n349 non-profit ownership, in the form of Community Development Corporations ("CDCs") can develop low-income housing; n350 homeownership with permanent affordability can ensure that publicly funded new affordable housing developments remain so into the future; n351 and expiring use policies can prevent subsidized housing from reverting to the private market. n352 Condominium conversion legislation; n353 careful monitoring of historic preservation incentives; n354 and tax increases on vacant buildings and lots to discourage speculation and delinquencies can also reduce displacement and preserve affordable housing stock. n355

Finally, equitable development strategies preserve businesses and other characteristics of gentrifying neighborhoods. Public and private assets such as office spaces and service facilities can be decoupled from market pressures and used to spur development consistent with a vision of neighborhoods. And moratoriums on evictions and zoning overlays can protect indigenous commercial, nonprofit, art and cultural institutions that provide services to low and moderate-income households. n356

[*485]

3. Homeownership n357

Strategies to mitigate gentrification also involve increasing the ability of low-income residents to own and maintain homes. Some strategies operate on the home itself. Homeownership rights of first refusal can require all private market property owners who plan to sell to first offer the property to tenants or CDCs. n358 Resale controls linked to titles placed on public land can require mixed-income, high-density uses and limited return on resales. n359 Disclosure laws that require revelation of the price that the seller paid can deter flipping. n360 Lease-purchase home ownership arrangements undertaken by non-profit or housing cooperatives can allow them to rehabilitate homes for lease at affordable rates to families with a first option to buy or with limited resale values built in. n361 And "accessory housing programs [can] encourage property owners to create and maintain carriage houses ..." as single-family dwellings; and "reversal of zoning restrictions" can allow for the creation of duplexes and triplexes. n362

Other strategies operate on the homeowner. Property tax reform can provide tax relief for long term homeowners and owners who provide affordable rental housing; n363 local, state, and federal homeowner rehabilitation programs can offer low-interest loans, and grants; n364 and home ownership subsidy programs can help lower income families purchase homes through subsidized purchase prices, waived fees, and limited down payments. n365 For example, the Purchase Price Assistance Program in Chicago "helps those with moderate incomes buy homes in market-rate developments" in gentrifying neighborhoods. n366 Home-buying and selling workshops can assist homebuyers get full [*486] value for their property, n367 and predatory/sub prime lending protection can assist residents in making informed financial decisions and avoid unscrupulous lending practices among lenders who commonly serve low-income minorities and lenders. n368

4. Rental

Renters in particular require protection in gentrifying areas. Rent control laws, although controversial, remain the primary tool to restrict rent increases and limit displacement, either throughout a city or in at-risk neighborhoods. n369 Some allow increases only in certain circumstances, as when ownership is transferred. n370 And some, like those in New York City restrict landlords' ability to raise rents, unless significant capital improvement has been made and only to apartments with greater than three units. n371 San Francisco's Rent Stabilization Ordinance provides similar control, although loopholes are regularly abused. n372 Some economists argue for new rent control strategies, including requiring approval for landlord improvements and stricter warranty-of-habitability laws to prevent landlords from decreasing maintenance. n373 "Security of tenure" laws can also provide important assurances to lower income and long-term residents that landlords cannot evict them without "cause," legal notification, and an appeals process. n374 Of course, these laws are only as strong as they are enforced.

Other strategies that help preserve rental property include maintaining single-room occupancy ("SRO") stock; n375 compelling public housing authorities to utilize their authority to convert vouchers to project based Section 8 housing; n376 preserving units that may otherwise be lost to displacement if not sufficiently heated or repaired through heat receivership programs and other housing abandonment [*487] prevention programs; n377 and enacting local "one-for-one replacement" ordinances. n378 Strategies that assist renters directly range from assisting with moving costs – which we consider a last resort – to providing rent subsidies, which include Section 8 certificates, and direct subsidies to renters in selected apartments. n379 One such effort, also being undertaken in Portland, aims at preventing displacement among renters by "providing short-term financial assistance to threatened low-income households in conjunction with housing planning and appropriate social services." Funded by the city and delivered by a ministerial alliance, the Displacement Prevention and Housing Stabilization Project packages and allocate financial assistance "to eligible households to prevent evictions and foreclosures, to help transition families to sustainable, affordable housing and to avert projected short-term housing crises." n380

5. Federal Strategies

The federal government, despite the ambivalent position it has adopted thus far towards gentrification, can also employ gentrification-mitigation strategies. Most importantly, it can revise HOPE VI by eliminating the deconcentration principle in gentrification areas. Rather, it can allow local housing authorities to renovate a public housing site as 100% public housing with few, or even no middle-income units, if it can show that the end product is mixed as a result of a location within a gentrifying area, rather than a result of demolition. n381 It can allot points to proposals that will maintain housing affordability into the indefinite future, n382 reward local housing authorities for undertaking one-for-one or even higher replacement in tight markets, and consider idiosyncratic needs of a particular neighborhood. n383 It can raise Section 8 rent levels to allow residents to relocate to high-income neighborhoods, n384 and even stop awarding [*488] grants in hot market cities by funding distressed properties in weak markets instead. n385 Finally, it can revise its scoring system to emphasize enhanced social services.

There are several other programs with gentrification-mitigation potential. The Uniform Relocation Act n386 can provide aid to individuals being displaced by federally funded initiatives. Services can include referrals to

comparable replacement homes; moving expenses; housing assistance; down payment assistance. Housing Tax Credits can assist in the rehabilitation or building of low-income housing, providing there is a set-aside of 20% affordable units. n387 Unfortunately tax credits do not guarantee quality housing in terms of location and size, nor do they give tenants control over their own housing. n388 The HOME Program, n389 can aid displacees through its rules and regulations, including rules on the length of affordability for HOME funded units. The Low Income Housing Preservation Act of 1995 n390 can provide tax incentives to encourage the preservation of low income housing, particularly the subsidized projects coming to the end of their term. In addition, the Community Reinvestment Act of 1977 n391 can require federal agencies that supervise financial institutions to encourage them to help meet credit needs of low and moderate-income families and individuals.

6. Other Strategies to Empower Potential Displacees

Lastly, it is appropriate to feature other gentrification-mitigation strategies that empower potential displacees. Using the law to their advantage is an important, though often underutilized, tool. Certainly current residents can ensure that existing requirements under tenant/landlord laws, n392 "just cause" eviction controls, n393 and building codes are met. n394 They can also institute class action lawsuits to fight displacement. For example, residents of color near the new White Sox [*489] Park in Chicago charged that its location was racially motivated (fewer white persons would have been displaced if it were moved to the north and west of the current location). n395 Similarly, Hispanic families in Addison, Illinois, challenged the use of a Tax Increment Financing District designation to displace them. n396 Registration of homeless populations to gauge housing shortages can also be attempted. n397

More importantly, however, potential displacees and their advocates can anticipate the pressures of gentrification and capture its benefits. They can organize; engage in wide-spread public education about affordable housing needs; support planning processes that empower local residents to determine the course of development; create a unified vision, take local politics out of affordable housing development so local officials cannot block their efforts or misuse federal funds; n398 and squat if necessary. n399 As one activist noted in Boston, "The neighborhoods that have been most successful in fighting gentrification are neighborhoods that are organized." n400 Residents of gentrifying areas in Chicago are doing just that; they have urged the city to develop a "City of Chicago Development Without Displacement Policy" which would require each and every redevelopment proposal in the city to include a plan addressing displacement. n401

CONCLUSION

We began our examination of gentrification with Julianne Malveaux taking pause in the homogenized, gentrified world in which she found herself. By holding up racial, class, spatial and temporal [*490] lenses, we have attempted to show that Byrne is wrong and that gentrification is not a good thing when left to market forces. We have painted a more textured picture of the experience of gentrification and tried to empirically document the realities of displacement. Lastly, we have outlined multiple strategies with which to mitigate the negative effects of gentrification and create more equitable life opportunities for all residents of any given region. Although the advance of gentrification is a tribute to its power, "the difficulties described here show how vulnerable it can be to people's struggle for a home." n402

In the course of this examination, we hope to have caused others, including Byrne, to pause as well. More importantly, we hope to have convinced others that the fight for more even and transformative development is worthy of our collective efforts and commitment.

FOOTNOTES:

n1. Julianne Malveaux, *Malveaux At Large: Gentrification; Personal Reflections*, Sun Reporter, Aug. 23, 2001, at 6.

n2. J. Peter Byrne, *Two Cheers for Gentrification*, 46 *How. L.J.* 405 (2003).

n3. See *id.* at 406.

n4. See *id.*

n5. *Id.* at 413. We put "minorities" in quotations because it can be used to politically disenfranchise and marginalize people of color. If we are moving toward a more inclusive notion of development, then it is contradictory to refer to either a majority or a minority. See Steve Martinot, *The Rule of Racialization, Class, Identity, Governance*, 146–49 (2003).

n6. Byrne, *supra* note 2, at 417–18.

n7. *Id.* at 406.

n8. Loretta Lees, *A Reappraisal of Gentrification: Towards a 'Geography of Gentrification,'* 24 *Progress in Human Geography* 389, 404 (2000).

n9. Maureen Kennedy & Paul Leonard, *Gentrification: Practice and Politics* 3 (July 2001), available at http://www.liscnet.org/resources/2001/09/gentrification_540.shtml.

n10. Byrne, *supra* note 2, at 410–12.

n11. See *id.* at 415–16.

n12. *Id.* at 410.

n13. *Id.* at 431.

n14. John J. Betancur, *The Politics of Gentrification: The Case of West Town in Chicago*, 37 *Urb. Aff. Rev.* 780, 807 (2002).

n15. *Id.*

n16. Lees, *supra* note 8, at 399–400.

n17. In Park Slope, Brooklyn, there recently has been a significant 'whitening' of the population. In the 1970s, the school population was equally divided between white, black, and Hispanic; today it is 52% white. See *id.* at 400. This whitening is accompanied by displacement and resegregation. For example, a study commissioned by the National Center for Poverty Law found that displaced residents of Chicago's demolished high-rise housing projects were relocated to other city neighborhoods that are just as segregated and as poor as the ones they left. See Paul Fischer, *Where Are the Public Housing Families Going?: An Update*, at 1 (Feb. 15, 2003), available at http://www.povertylaw.org/advocacy/fischer_study.doc. The study tracked more than 3,200 Section 8 families from 1995 to 2002. It found that about 83% of the residents moved to neighborhoods that were at least 90% black, *id.* at 3, and that nearly 50% of the families moved to neighborhoods of concentrated poverty. *Id.* at 5–6.

While some families moved to slightly improved housing, their new neighborhoods had high crime, poor schools and substandard housing overall. See John W. Fountain, *Suit Says Chicago Housing Renewal Plan Perpetuates Segregation*, N.Y. Times, Jan. 24, 2003, at A18; see also, Paul Fischer, *Racial and Locational Patterns of Subsidized Housing in the Chicago Suburbs*, 1 *Geo. J. on Fighting Poverty* 384 (1994).

n18. Kennedy & Leonard, *supra* note 9, at 2; see also Jesse Long-Bey, *Middle-Class Needed to Build Detroit*, *The Mich. Citizen*, April 27, 2002. According to University of Chicago Public Policy Analyst Dr. John J. Betancur, "it is usually communities of color that are gentrified and people of color who are displaced." *Id.*

n19. Jonetta Rose Barras, *Hey D.C., It's Not a Black and White Issue*, *Wash. Post*, Aug. 11, 2002, at B03.

n20. Hal Lamar, *White Flight in Reverse*, *Atlanta Trib. Mag.*, Apr. 30, 2000, at 51. Black residents are predicting this influx will put a new face on politics and lead to a loss of a majority in city elections. *Id.*

n21. Lees, *supra* note 8, at 403.

n22. Portland Development Commission on Gentrification, *Economic Revitalization and Involuntary Displacement in North-Northeast Portland: An Issues Analysis*, at 2-3 (Sept. 2002), available at http://www.pdc.us/pdf/pubs/dev/interstate_gentrification.pdf. Gentrification typically occurs in stages, with different types of people moving into the neighborhood and varying degrees of involuntary displacement. *Id.* at 2. The first stage of gentrification is often typified by "rogue gentrifiers" who may themselves be only marginally middle-class, but who often have a higher earning potential: young, highly-educated, single persons, childless couples, unmarried couples, artists, and gays and lesbians. *Id.* at 2-3. They are drawn to the low-cost housing opportunities as well as the diversity. During the second stage, more middle-class households move into the neighborhood once it has been established as "up and coming." *Id.* at 3. In this stage, property values increase rapidly as new residents feel certain they will see a return on their investment. *Id.* Realtors, private developers and outside investors also become more interested and sales, renovation and new development increase dramatically. *Id.* The last stage represents the critical transformation. *Id.* The neighborhood is no longer identified as a low-income or working-class neighborhood, but rather is defined by its new middle-and upper-class residents and the new businesses that serve them. *Id.*

n23. See Lees, *supra* note 8, at 402.

n24. Betancur, *supra* note 14, at 802.

n25. Annah Dumas-Mitchell, *Maxwell Street Closing a Little More of its Allure*, *Chi. Defender*, Jan. 24, 2001, at 5.

n26. See Michael Vizcarra, *Get Up, Get Down, There's a Houzin' Crisis in This Town*, *Poor Magazine Online*, (Oct. 22, 2002) at <http://www.poormagazine.com/index.cfm?L1=news&category=32&story=979>.

n27. See Barras, *supra* note 19.

n28. Kevin Fox Gotham, *Redevelopment for Whom and for What Purpose*, [hereinafter Gotham, *Redevelopment*] in 6 *Research in Urban Sociology: Critical Perspectives on Urban Redevelopment* 443 (Kevin Gotham, ed. 2001)

[hereinafter Critical Perspectives]; see also William. G. Holt, III, Distinguishing Metropolises: The Production of Urban Imagery, in 5 Research in Urban Sociology: Constructions of Urban Space (Ray Hutchison, ed., 2000); Peter K. Eisinger, The Politics of Bread and Circuses: Building the City for the Visitor Class, 35 Urb. Aff. Rev. 316 (2000); Sheila. L. Croucher, Constructing the Image of Ethnic Harmony in Toronto, Canada: The Politics of Problem Definition and Nondefinition, 32 Urb. Aff. Rev. 319 (1997).

n29. Gotham, Redevelopment, *supra* note 28, at 443. Byrne does his share of sanitizing and reifying when he assumes relationships between gentrifiers and existing residents will be "enriching," Byrne, *supra* note 2, at 423, and when he describes his serene participation in the "community day" at the end of his article. Byrne, *supra* note 2, at 431.

n30. Leonard S. Rubinowitz & Imani Perry, Crimes without Punishment: White Neighbors' Resistance to Black Entry, 92 J. Crim. L. & Criminology 335, 413-14 (2001).

n31. See Daune Stinson, Fighting Phillips Gentrification, *The Circle*, Sept. 30, 2002, at 12.

n32. *Id.*

n33. *Id.*

n34. George Lipsitz, *The Possessive Investment in Whiteness: How White People Profit From Identity Politics*, at viii (1998)

n35. Martinot, *supra* note 5, at 204-08 (claiming that an "entire segment of white society would have to step outside the white class structure and become ... ex-white" and "the white corporate state that concretizes [whiteness] would have to be demolished").

n36. Neil Smith, *The New Urban Frontier: Gentrification and the Revanchist City* (1996); see also Nathalie P. Voorhees Center for Neighborhood & Community Improvement, *Gentrification in West Town: Contested Ground* (2001) (describing the increasingly polarized and contested community struggle between classes and races in West Town, Chicago). Conflicts are documented between: working class whites and incoming middle class Hispanics and blacks; "urban pioneers" and Hispanics and blacks; Hispanic and black homeowners and lower income Hispanic and black renters; and residents of the same class but of different races. *Id.* at 36. In addition, gentrifiers often explain their actions in racial terms, for example, as "saving the area from (minority) low-income residents" whose organizations are "protecting drug pushers and promoting concentration of poverty and social degradation." *Id.* Meanwhile, the number of non-Hispanic whites is rising dramatically. The increase in newly constructed expensive condominiums, lofts, and single-family homes and the 6% decrease in rental housing units between 1990-2000 will only worsen this whitening process. *Id.* at 37.

n37. Smith, *supra* note 36, at 8.

n38. *Id.* at 3.

n39. *Id.* at 11-13. Colonel Custer was the "hero" behind the Black Hills expedition against the savage Sioux of

South Dakota. Id. at 11.

n40. Id.

n41. Id. at 17–18.

n42. Id. at 10–11.

n43. Id.; see also David Ley, *The New Middle Class and the Remaking of the Central City* 310 (1996) ("The argument for historic preservation conceals the fact that with gentrification almost nothing is preserved. The original households are replaced, and the meaning of the structure is redefined from a working-class use value to an aestheticized symbolic value.").

n44. Stephen Nathan Haymes, *Race Culture, and the City: A Pedagogy for Black Urban Struggle* 101 (1995).

n45. Id. at 101 (citing M. Christine Boyer, *Dreaming the Rational City* 16 (1986)).

n46. See id. at 102.

n47. Id. at 103.

n48. Id.

n49. Byrne's description of his wife's efforts to tidy up the modest yard sale wares of his nonwhite neighbors may reflect this same desire. See Byrne, *supra* note 2, at 431.

n50. See Lynn E. Cunningham, *Islands of Affordability in a Sea of Gentrification: Lessons Learned From the D.C. Housing Authority's HOPE VI Projects*, 10 *J. Affordable Hous. & Cmty. Dev. L.* 353 (2001).

n51. Gotham, *Redevelopment*, *supra* note 28, at 441.

n52. Id.; see, e.g., *Gendering the City: Women, Boundaries and Visions of Urban Life* (Kristine B. Miranne & Alma H. Young eds., 2000).

n53. Gotham, *Redevelopment*, *supra* note 28, at 442; see, e.g., Joe R. Feagin, *Building American Cities: The Urban Real Estate Game* (1990); Gregory D. Squires, *Capital and Communities in Black and White: The Intersections of Race, Class, and Uneven Development* (1994); Kevin Fox Gotham, *A City Without Slums: Urban Renewal, Public Housing, and Downtown Revitalization in Kansas City, Missouri*, 60 *Am. J. of Econ. & Soc.* 1

(2001).

n54. Haymes, *supra* note 44, at 104.

n55. Gotham, *Redevelopment*, *supra* note 28, at 442.

n56. See Linda McDowell, *Gender, Identity & Place: Understanding Feminist Geographies* 104 (1990) (noting gay men as the key group of single gentrifiers).

n57. See Malveaux, *supra* note 1.

n58. *Id.*

n59. Gotham, *Redevelopment*, *supra* note 28, at 439.

n60. See Bart Eeckhout, *The Disneyfication of Times Square: Back to the Future?* in *Critical Perspectives*, *supra* note 28, at 379, 380.

n61. Will Emerson, *Business Owners See Gentrification as Necessary Part of Development*, *The Skanner*, Dec. 29, 1999, at 1.

n62. *Id.*

n63. Will Emerson, *Homeowners Still Affected by N.E. Gentrification: Plan Focuses on Area's Displacement Issues*, *The Skanner*, Aug. 16, 2000, at 1. Byrne attempts to normalize the opening of Starbucks in a gentrifying area by appropriating it into national retail trends. See Byrne, *supra* note 2, at 420. But a Starbucks in a new suburban development is quite different from one that overtakes a long established local bodega. Byrne even goes as far as suggesting this process will "improve shopping" for low-income people. See *id.* Unfortunately, as he acknowledges earlier, the more upscale goods and services provided by gentrification are those only the "more affluent new residents can afford." *Id.* at 419.

n64. Gotham, *Redevelopment*, *supra* note 28, at 439.

n65. *Id.* at 442.

n66. See Gotham, *Redevelopment*, *supra* note 28, at 440. For example, Disney, Universal, Time-Warner, and Sony control almost every aspect of redevelopment processes. *Id.*

n67. Ley, *supra* note 43, at 337, 342; see also Squires, *supra* note 53, at 99. Gregory Squires paints an even more pessimistic picture of our postmodern city:

At every turn barriers to growth become occasions to tighten social control, to build new hedges around citizen rights, to insulate bureaucracies from popular pressures while opening them to corporate influence, to rationalize work processes, to impose austerity on vulnerable constituencies Growth, previously seen as the means to realization of the good life, has become a system imperative to which elements of the good life are sacrifice.

Id.

n68. Judith Bodnar, *On Fragmentation, Urban and Social*, in *Critical Perspectives*, *supra* note 28, at 173.

n69. Meseeu, *Seeing Eye: Yuppietown – the City Po' Folk Will Build*, *The Mich. Citizen*, Oct. 13, 1990, at 6. Several new communities are gated in Washington, D.C., as well. See Barras, *supra* note 19.

n70. *Gotham, Redevelopment*, *supra* note 28, at 438.

n71. Haymes, *supra* note 44, at 104–5; see also, Adalberto Aguirre, Jr. & Jonathan Brooks, *City Redevelopment Policies and the Criminalization of Homelessness: A Narrative Case Study*, in *Critical Perspectives*, *supra* note 28, at 75.

n72. Lees, *supra* note 8, at 391; see also, Elvin K. Wyly & Daniel J. Hammel, *Neoliberal Housing Policy and the Gentrification of the American Urban System*, (Feb. 16, 2003) available at <http://www.gla.ac.uk/departments/urbanstudies/gentpaps/ew.doc>. Wyly and Hammel examine twenty–three large U.S cities to measure the geography of inter–urban variations in the class character of gentrification. Their "taxonomy" relates the intersection of neo–liberal federal housing policy, local politics, capital flows, anti–homeless ordinances, the affordable rental housing crisis, the strength of white, male, elite gentrification forces, and the severity of racial discrimination in lending in gentrified neighborhoods. They find contextual variation, anchored by commonalities of racial and economic exclusion and segregation. For example, blacks face clear barriers in the East and South; Hispanics face greater exclusion in the West; and homebuyers of the same racial or ethnic identity face varying levels of discrimination in different cities. Id at 27–29.

n73. See john a. powell, *Sprawl, Fragmentation and the Persistence of Racial Inequality: Limiting Civil Rights By Fragmenting Space* [hereinafter *powell, Sprawl*], in *Urban Sprawl: Causes, Consequences, and Policy* 95 (Gregory Squires ed., 2002) [hereinafter *Urban Sprawl*].

n74. Id.

n75. Id. at 96.

n76. Id. at 94.

n77. Id. at 104.

n78. Id. at 96, 102.

n79. See generally Cameron McWhirter, Detroit, State Unite to Fight Urban Blight, Det. News, Mar. 8, 2002, at A1 (noting that Detroit has over 44,000 vacant land parcels, many of which have turned into illegal dumps).

n80. powell, Sprawl, supra note 73, at 102.

n81. Id. at 96.

n82. Id.

n83. Id. at 98.

n84. See Thomas J. Lenz & James Coles, Housing Trends and the Geography of Race, Poverty, and Neighborhood Renewal (1999), at <http://www.metroplanning.org/resources/95intro.asp?objectID=95>. These neighborhoods include the Near West Side and Kenwood–Oakland. Id.

n85. powell, Sprawl, supra note 73, at 92.

n86. Id. at 93.

n87. Id.

n88. If only two–thirds of Chicago's 9,800 acres of vacant land were redeveloped for housing, it would enable an additional 203,636 persons to live in the city. See Openlands Project, Under Pressure: Land Consumption in the Chic. Region, 25 (Jan. 1999), at <http://www.openlands.org/reports/pages1–8.pdf>. This figure assumes a relatively low urban density of twelve units per acre, and 2.6 persons per household. See id. Also, the total quantity of acres of vacant land in Chicago is actually higher than the average for cities in the Midwest, according to a recent study by the Brookings Institution. See Michael A. Pagano & Ann O'M. Bowman, Vacant Land in Cities: An Urban Resource, 6 (Jan. 2001), available at <http://www.brookings.org/dybdocroot/es/urban/pagano/paganofinal.pdf>.

n89. See powell, Sprawl, supra note 73 at 114; infra Part IV.

n90. Paul A. Jargowsky, Sprawl, Concentration of Poverty, and Urban Inequality, in Urban Sprawl, supra note 73, at 66.

n91. See Stephanie Shirley Post, Local Government Cooperation, The Relationship Between Metropolitan Area Government Geography and Service Provision, 1 (2002), available at <http://www.fsu.edu/localgov/papers/archive/PostStephanie.pdf>; Cameron Y. Yee et al., There Goes the Neighborhood: A Regional Analysis of and Community Stability in the San Francisco Bay Area 17 (1999) (on file with author, available from Urban Habitat Program, PO Box 29908, Presidio Sta., SF, CA 94129, (415) 451-3333).

n92. See generally David Rusk, Cities Without Suburbs (1993). In the Chicago region, there are over 265 communities and 1,200 local taxing districts. See Julia Parzen, The Chicago Metropolitan Region At The Crossroads (Apr. 1997), at http://info.cnt.org/mi/ch_briefing.htm.

n93. E.g., Daniel J. Hutch, The Rationale for Including Disadvantaged Communities in the Smart Growth Metropolitan Development Framework, 20 Yale L. & Pol'y Rev. 353, 359 (2002). A recent estimate put combined federal, state, and local investments in mainly new water and sewer facilities at \$ 250 billion since 1970, which "influences private real-estate markets toward ex-urban development." *Id.*

n94. See Elvin K. Wyly & Daniel J. Hammel, Housing Policy, and the New Context of Urban Redevelopment [hereinafter Wyly & Hammel, Housing], in *Critical Perspectives*, supra note 28, at 217.

n95. *Id.* at 217-18.

n96. *Id.* at 218.

n97. Jason Hackworth, Postrecession in New York City, 37 Urb. Aff. Rev. 815, 815 (2002).

n98. *Id.* at 820. Hackworth describes the consolidation of large inner-city developers, real estate investment trusts and mortgage brokers with smaller firms, to achieve more global reach and more integrated finance capital. *Id.*

n99. *Id.*

n100. Lees, supra note 8, at 398.

n101. *Id.* at 392, 398; see, e.g., Squeezed Out: The California Housing Market: The Western Housing Crunch, *The Economist*, July 22, 2000, available at 2000 WL 8142883.

n102. See Gotham, Redevelopment, supra note 28, at 434-35.

n103. Smith, supra note 36, at 7.

n104. See Hackworth, *supra* note 97, at 822 (noting that local government can now consort more readily with real estate capital to facilitate growth without political consequences).

n105. See Bruce Katz, *Enough of the Small Stuff: Toward a New Urban Agenda*, *Brookings Rev.*, Summer 2000, at 4–9.

n106. Hackworth, *supra* note 97, at 820.

n107. Betancur, *supra* note 14, at 806. Betancur describes how aldermanic redistricting split West Town into four wards, weakening opposition which was primarily Puerto Rican, and uniting gentrifying areas with non-gentrifying ones. *Id.* at 803. Most aldermen worked closely with the real estate industry to prevent development of low-income housing. The City's department of buildings was also accused of questionable practices: selective application of regulations, and unusually high local inspections for code violations. *Id.* at 804. The police were suspect too: using loitering ordinances to harass Hispanic youth; block club vigilantism; intimidation of low-income owners and tenants (for example, targeted searches); unresponsiveness to low-income calls for protection; and complaints of low-income tenant police abuse. *Id.*

n108. See Azure Thompson, *Renovations Spark Gentrification*, *Wash. Afr.–Am.*, Sept. 19, 1992, at 1.

n109. *Id.*

n110. See Betancur, *supra* note 14, at 806. In West Town, Chicago, the following practices were condoned: arson; intimidation of property owners to sell or of low-income minority tenants to leave; eviction of tenants without notice; schemes to deplete property values to then acquire them cheap; identifying buyers for properties that were not up for sale, securing signed offers from them, and then pressuring the owner into selling; targeting vulnerable populations and hounding them into and then purchasing their properties at dirt-low prices; flipping and targeting of specific blocks or buildings of minority concentration for concerted action to push them out. *Id.* at 804–05.

n111. The Nathalie P. Voorhees Center for Neighborhood and Community Improvement, *Development Without Displacement* 18 (1995), available at <http://www.uic.edu/pwright/dwd.html> [hereinafter *Development Without Displacement*].

n112. 535 U.S. 125 (2002).

n113. Wyly & Hammel, *Housing*, *supra* note 94, at 218.

n114. *Id.* at 219.

n115. Gotham, *Redevelopment*, *supra* note 28, at 437.

n116. Herb Boyd, *Affordable Housing Key to Rebuilding City*, N.Y. *Amsterdam News*, Mar. 20, 2002, at 5.

n117. *Id.*

n118. Wyly & Hammel, *Housing*, *supra* note 94, at 218.

n119. Kevin Fox Gotham et al., *Abstract Space, Social Space, and the Redevelopment of Public Housing*, in *Critical Perspectives*, *supra* note 28, at 313.

n120. *Id.*

n121. At present, the nation faces a growing affordable housing shortage. As of the mid-1990s, according to the Center on Budget and Policy Priorities, the number of low-income households exceed the number of affordable rental units in the United States by 4.4 million, with nearly two low-income renters for every low cost unit. See Press Release, Center on Budget and Pol'y Priorities, National Low-Income Housing Coalition, *In Search of Shelter: The Growing Shortage of Affordable Rental Housing*, at 1-2, at <http://www.cbpp.org/615hous.htm> (last visited Mar. 7, 2003); see also National Low-Income Housing Coalition, *2000 Advocate's Guide to Housing and Community Development Policy*, at <http://www.nlihc.org/advocates/publichousing.htm> (last visited Mar. 7, 2003). Family units with sufficient numbers of bedrooms are also greatly lacking. See, e.g., Susan J. Pokin & Mary J. Cunningham, Urban Institute, CHAC Section 8 Program: Barriers to Successful Leasing Up (Apr. 1999), at <http://www.urban.org/url.cfm?ID=409003>; see also Lynn E. Cunningham, *Managing Assets/ Managing Families: Reconceptualizing Affordable Housing Solutions for Extended Families*, 11 *J. Affordable Hous. & Cmty. Dev. L.* 390 (2002). This deficit, along with federal policies that favor owning over renting, profoundly hampers the ability of low-income families to access housing and other opportunity structures. One third of America's households are renters, yet our commitment to ensuring decent, safe, and affordable housing for every family has waned. See National Low Income Housing Coalition, *Rental Housing For America's Poor Families: Farther Out of Reach Than Ever*, at 4 (2002), at <http://www.nlihc.org/oor2002/introduction.htm>.

n122. See Cunningham, *supra* note 50, at 353, n.1; see also Office of Pol'y Dev. & Res., U.S. Dep't of Housing & Urban Dev., *An Historical and Baseline Assessment of Hope VI*, at <http://www.huduser.org/publications/pdf/hopevi vol1.pdf> (last visited Mar. 7, 2003).

n123. Cunningham, *supra* note 50, at 358.

n124. *Id.* at 353. As of 2001, there were approximately 20,000 households on waiting lists for public housing and Section 8 housing in the D.C. area alone. *Id.* at 359, n.44.

n125. *Id.* at 361.

n126. Gotham, *Redevelopment*, *supra* note 28, at 436.

n127. See Wyly & Hammel, *Housing*, *supra*, note 94, at 236-43; see also, Elvin K. Wyly & Daniel J. Hammel, Fannie Mae Foundation, *Cities and the Reinvestment Wave: Underserved Markets and the Housing Policy*, 2 *Housing Facts & Findings* 1 (2002), available at <http://www.fanniemaefoundation.org/programs/hff/v2i1->

reinvestment.shtml [hereinafter Wyly & Hammel, Cities and Reinvestment]. Upon examining HOPE VI grant applications between 1993 and 1998 for the eight cities studied, Wyly and Hammel found that of the ten plans that had no market-rate redevelopment, most were not near gentrification activity. Wyly & Hammel, Housing, supra note 94, at 236. Of the six plans with explicit provisions for market-rate housing, four were within or immediately adjacent to gentrified neighborhoods and in every case the plans acknowledged the importance of private-market activity. Id. In Chicago, the evidence is particularly striking: for example, on the North Side the Cabrini-Green housing projects are almost completely surrounded by upscale residential and retail activity and the Chicago Housing Authority's redevelopment plan involves a new reduction of 79% of the public units and a final neighborhood mix of 30% public housing 20 percent for moderate-income and 50 % for market-rate units. Id. at 240-41.

n128. Wyly & Hammel, Cities and Reinvestment, supra note 127.

n129. See Hackworth, supra note 97, at 815.

n130. Wyly & Hammel, Cities and Reinvestment, supra note 127. The cities studied included Boston, Detroit, Chicago, Milwaukee, Twin Cities, Philadelphia, Seattle, and Washington, D.C. Id.

n131. Id.

n132. Wyly & Hammel, Housing, supra note 94, at 219.

n133. Id.

n134. See Hackworth, supra note 97, at 825.

n135. Gotham, Redevelopment, supra note 28, at 443; see also, Thomas F. Gieryn, A Space for Place in Sociology, 26 Ann. Rev. of Soc. 463 (2000).

n136. Byrne, supra note 2, at 418-19.

n137. Jacob L. Vigdor, Does Gentrification Harm the Poor (Dec. 14, 2001), available at <http://www.pubpol.duke.edu/people/faculty/vigdor/index.html>.

n138. Id. at 10-11.

n139. See Jumana Farouky, Rising Rents Could Be a Threat to Latinos in J.P., Bay St. Banner, Apr. 22, 1999, at 9. The rents for apartments in the Jamaica Plain neighborhood in Boston have increased 65% between 1996 and 1999, and the sale prices for three-family homes doubled. Id.

n140. Brown's Master Plan Displaces Local Residents, Oakland Post, Mar. 11, 2001, at A1.

n141. Id.

n142. Id.

n143. Robert Halpern, Rebuilding the Inner City: A History of Neighborhood Initiatives to Address Poverty in the United States 12 (1995).

n144. LaWanda Johnson, The 'Black Broadway' is Reborn, But Longtime Residents Feel They're Being Displaced, Wash. Afr.-Am., August 7, 2001, at A1.

n145. See Jeremy Schwab, Study: Segregation Persists in Boston, Bay St. Banner, June 6, 2002, at 1 [hereinafter Schwab, Study]. According to a study of the Boston area by Gary Orfield, co-director of the Civil Rights Project, only 9% of minorities want to live in all-minority neighborhoods. Id.

n146. See Brown's Master Plan Displaces Local Residents, *supra* note 140, at A1.

n147. Id.

n148. See Yawu Miller, Central Square Activists Fear Displacement, Bay St. Banner, Nov. 20, 1997, at 1.

n149. Gerald E. Frug, City Making: Building Communities without Building Walls 82 (1999).

n150. Malveaux, *supra* note 1, at 6.

n151. See *id.*

n152. See *powell*, Sprawl, *supra* note 73.

n153. Cf. *Lees*, *supra* note 8, at 403. See *Byrne*, *supra* note 2.

n154. Peter Williams & Neil Smith, From Renaissance to Restructuring: The Dynamics of Contemporary Urban Development, in *Gentrification of the City* 222 (Neil Smith & Peter Williams eds., 1986) [hereinafter *Gentrification of city*].

n155. Thompson, *supra* note 108.

n156. D'Vera Cohn & Manny Fernandez, Black Exodus Drove District's Population Loss, *Wash. Post*, Mar. 31, 2001, at A1.

n157. *Id.*

n158. Thompson, *supra* note 108.

n159. Jesse Long-Bey, Middle-Class Needed to Build Detroit, *The Mich. Citizen*, Apr. 27, 2002, at A3.

n160. Ron Seigel, CDC Fears Poor People May be Shoved Out from WSU Area, *The Mich. Citizen*, Mar. 13, 1999, at A1.

n161. *Id.*

n162. *Id.*

n163. See *id.*

n164. Chester Hartman & Sarah Carnochan, *City For Sale: The Transformation of San Francisco* 325 (2002).

n165. *Id.*

n166. *Id.*

n167. *Id.* at 327.

n168. *Id.* at 326.

n169. Rachel Gordon, San Francisco Condo Measure Loses, *San Francisco Chron.*, Nov. 6, 2002, at A27.

n170. Hartman & Carnochan, *supra* note 164, at 328.

n171. Id. at 328.

n172. Id. at 329.

n173. Id.

n174. Id.

n175. Id. at 397 (quoting Rebecca Solnit, *The Siege of San Francisco and the Crisis of American Urbanism* (2001)).

n176. Id. at 330. There is so much tension over the influx of gentrifiers that some long-time residents have plastered the neighborhood with fliers calling for a "Yuppie Eradication Project." Id. at 328.

n177. Id.

n178. Id.

n179. Id. at 330.

n180. SOCDS Census Data: Output for Boston, MA, 2003 HUD User, State of the Cities, available at <http://socds.huduser.org/scripts/odbc.exe/census/incpov.htm>.

n181. Mel King, *Chain of Change: Struggles for Black Community Development* 207 (1981).

n182. Id. at 208.

n183. Id. at 209.

n184. Id.

n185. Jeremy Schwab, *Tenants: Affordable HUD Units Are at Risk*, Bay St. Banner, Oct. 10, 2002, at 11.

n186. King, *supra* note 181.

n187. Jeremy Schwab, *New Homes Abound, Few are Affordable*, Bay St. Banner, Aug. 15, 2002, at 3.

n188. Jeremy Schwab, *Community Activists Discuss Gentrification*, Bay St. Banner, June 13, 2002, at 1 [hereinafter Schwab, Community].

n189. King, *supra* note 181, at 209.

n190. Schwab, *Community*, *supra* note 188.

n191. Yawu Miller, *Roxbury Buzzing with Talk of Gentrification*, Bay State Banner, Mar. 18, 1999, at 1.

n192. King, *supra* note 181, at 209.

n193. Schwab, *Community*, *supra* note 188.

n194. *Id.*

n195. *Development Without Displacement*, *supra* note 111, at 42.

n196. Betancur, *supra* note 14, at 806.

n197. Pierre de Vise, *Chicago's Spreading Gold Coast and Shrinking Ghetto: Shifts in the Chicago Area's Geography of Wealth and Poverty 1980 to 1990*, Hyde Park Citizen, Apr. 25, 1993, at 12; see also Billy Montgomery, *Rich Areas Swallowing Poor: Study*, Chi. Weekend, Feb. 7, 1993, at 1.

n198. *Hearing Before the Millennial Housing Commission (Chicago, Apr. 30, 2001)* (testimony of Joy Aruguete, Executive Director of Bickerdike Redevelopment Corporation and President of Chicago Rehab Network), at <http://www.mhc.gov/hearings/chicago.html> [hereinafter Hearing].

n199. *Id.*

n200. Daniel P. McMillen, *The Center Restored: Chicago's Residential Price Gradient Reemerges*, 26 J. Econ. Persp. 1, 7 (2002).

n201. Joe Ruklick, *Displacement of Cabrini Kids Threatens Tutoring Program*, Chi. Defender, June 18, 2001, at 3.

n202. Liliana Cortez, *Open Gate: Creating and Saving Our Spaces*, *El Sol de Texas*, Mar. 29, 1997, at 2.

n203. Ruklick, *supra* note 201.

n204. Peter Williams & Neil Smith, *From Renaissance to Restructuring: The Dynamics of Contemporary Urban Development, Gentrification of City*, *supra* note 154, at 220.

n205. Lees, *supra* note 8, at 399.

n206. See Sheryll D. Cashin, *Drifting Apart: How Wealth and Race Segregation Are Reshaping the American Dream*, *Vill. L. Rev.* 595, 600-01 (2002).

n207. Byrne, *supra* note 2, at 411.

n208. For example, landlord eviction.

n209. For example, local housing code enforcement, construction of roads and public facilities, government urban renewal and community development activities.

n210. For example, higher-income residents displace current low-income ones; or rents and property income taxes increase so as to displace low-income residents.

n211. See *Development Without Displacement*, *supra* note 111, at 24.

n212. See Sean Zielenbach, *The Art of Revitalization: Improving Conditions in Distressed Inner City Neighborhoods* 50, n.7 (2000).

n213. *Underground Atlanta; Loring Park, Minneapolis; and New Orleans' Central Business District*.

n214. Michael D. Goodman, *The "Growth Machine" Reconsidered: Revitalization, and the Culture of Urban Redevelopment*, 129-39 (2000) (Ph.D. dissertation, Boston University), available at <http://80-wwwlib.umi.com.ezproxy.stthomas.edu/dissertations/results?set num=1>.

n215. *Minneapolis, Downtown West and East; and Portland's CBD*.

n216. Goodman, *supra* note 214, at 129-30.

n217. Id.

n218. See Michael H. Schill & Richard P. Nathan, Revitalizing America's Cities: Neighborhood Reinvestment and Displacement 61, 118 (1983). The neighborhoods included: Boston – North End and South End; Cincinnati – Corryville, Mulberry–Vine–Sycamore; Denver – Baker; Richmond – Jackson Ward and Oregon Hill; and Seattle – Mann–Minor and North Beacon Hill. Id. at 61.

n219. Id. at 118.

n220. Id. at 119.

n221. Id.

n222. Id.

n223. See id. These findings will be disputed below.

n224. Lance Freeman & Frank Branconi, Gentrification and Displacement, 8 Urban Prospect 1 (2002), available at <http://www.chpcny.org>.

n225. Id. at 4.

n226. Id.

n227. Id. at 3.

n228. Id.

n229. *Gautreaux v. Landrieu*, 523 F. Supp. 665, 669 (N.D. Ill. 1981); see also Willam P. Wilen & Wendy L. Stasell, Gentrification and Chicago's Public Housing Crisis: The Conflict Between Achieving Integration and Providing Decent Housing for Very Low Income African Americans, *Clearinghouse Rev.*, Jul.–Aug. 2000, at 124, n.62.

n230. See Peter Marcuse, Abandonment, Gentrification, and Displacement: The Linkages in New York City, in *Gentrification of City*, supra note 154, at 159. Changes in absolute numbers of high–or low–income households in the city are inadequate because gentrification also results more from movement within the city than from outside it. Id. Mobility figures provide little information on causes. Id. Figures are often limited to physical displacement, rather than economic. Exclusionary displacement can be deduced from demographic figures, but must rely on broad assumptions about what would have happened without gentrification. It is hard to distinguish

between various causes of price increases. *Id.*

n231. See *id.* at 161.

n232. *Id.* at 161–62.

n233. Richard T. LeGates & Chester Hartman, *The Anatomy of Displacement in the United States*, in *Gentrification of City*, *supra* note 154, at 178.

n234. *Id.* at 179.

n235. See Byrne, *supra* note 2, at 411.

n236. LeGates & Hartman, *supra* note 233, at 197 (indicating that these estimates were based on four city-level studies from Denver, New Orleans, Portland City, and Seattle and other data).

n237. See *id.*

n238. *Id.*

n239. *Id.*

n240. Neil Smith & Michele LeFaivre, *A Class Analysis of Gentrification*, in *Gentrification, Displacement and Neighborhood Revitalization* 55 (J. John Palen & Bruce London eds., 1984).

n241. *Id.*

n242. *Id.*

n243. *Id.* at 57.

n244. *Id.*

n245. LeGates & Hartman, *supra* note 233, at 180.

n246. See *id.* at 181, 183; T. Pattison, *The Process of Neighborhood Upgrading and Gentrification* (1977) (unpublished M.A. Thesis, Massachusetts Institute of Technology). In New Orleans, for example, where the schools in the entire metropolitan area were viewed as poor, the in-movers assumed their children would attend private or parochial schools. *Id.* at 181–82; *Back to the City: Issues in Neighborhood* (Shirley Bradway Laska & Daphne Spain eds., 1980).

n247. Smith & LeFavre, *supra* note 240, at 57.

n248. See LeGates & Hartman, *supra* note 233, at 182. For example, in St. Louis, 79% of in-movers were white; in New Orleans, 90%; and in St. Paul, 97%.

n249. *Id.* at 182.

n250. *Id.* at 183.

n251. *Id.*

n252. *Id.* at 188.

n253. For example, in St. Paul the age range are as follows: 29% were 1–18; 14% were 19–29; 24% were 30–39; 11% were 40–49; 9% were 50–59; 6% were 60–69; and 5% were 70 or older. See *id.* at 185; see also Sonia Mattson Sands, *Relationship Between Housing Renovation and Population Change in St. Paul's Historic Ramsey Hill Area*, Center for Urban and Regional Affairs (CURA), University of Minnesota (1979).

n254. LeGates & Hartman, *supra* note 233, at 186.

n255. *Id.* at 187.

n256. *Id.* at 189.

n257. *Id.*

n258. *Id.* at 190.

n259. *Id.* at 191.

n260. *Id.* at 190–91.

n261. Id. at 192.

n262. Id. at 194.

n263. Id. at 195; see also Eileen Zietz, *Private Urban Renewal: A Different Residential Trend* (1979).

n264. LeGates & Hartman, *supra* note 233, at 195.

n265. Id. at 195.

n266. Id. at 195–96.

n267. Id. at 196.

n268. Ley, *supra* note 43, at 66; see also Sands, *supra* note 253, at i.

n269. Ley, *supra* note 43, at 66.

n270. Barret A. Lee & David C. Hodge, *Social Differentials in Metropolitan Residential Displacement* 148, 161 (1984).

n271. Id.

n272. Id.

n273. Kathryn P. Nelson, *Gentrification and Distressed Cities: An Assessment of Trends in Intrametropolitan Migration* 126 (1988).

n274. Id.

n275. Id.

n276. Id. at 127.

n277. Id.

n278. Id.

n279. Id.

n280. Id. at 133–34.

n281. Id. at 134.

n282. Id.

n283. Id.

n284. Id. at 135.

n285. Ley, *supra* note 43, at 70.

n286. Id. Almost a third of a group of tenants in metropolitan Toronto who received eviction notices in 1988 earned over \$ 40,000 and included a range of age groups. Id.

n287. Id. In metropolitan Toronto 183 rental units were demolished for condominium redevelopment in the suburb of North York. Id.

n288. Toronto, Montreal, Vancouver and Ottawa.

n289. Ley, *supra* note 43, at 70.

n290. Id.

n291. Id.

n292. Id.

n293. Rowland Atkinson, Measuring Gentrification and Displacement in Greater London, 37 Urb. Studies 149, 163 (2000).

n294. Id.

n295. Id.

n296. Id. at 164.

n297. Id.

n298. Id.

n299. See Zielenbach, *supra* note 212, at 115.

n300. Id.

n301. Id.

n302. Byrne, *supra* note 2, at 425.

n303. Farouky, *supra* note 139.

n304. LeGates & Hartman, *supra* note 233, at 194.

n305. Katz, *supra* note 105, at 8.

n306. Smith, *supra* note 36, at 24.

n307. See John Rawls, *Justice as Fairness: A Restatement* (Erin Kelly ed., 2001); Amartya Sen, *Development as Freedom* (1999).

n308. Jeanne Goldie Gura, Preserving Affordable Homeownership Opportunities in Rapidly Escalating Real Estate

Markets, 11 J. Affordable Hous. & Cmty. Dev. L. 78 (2001).

n309. Cashin, *supra* note 206, at 595.

n310. Kennedy & Leonard, *supra* note 9, at 2.

n311. Schwab, Study, *supra* note 145.

n312. Squires, *supra* note 53, at 124–25.

n313. Deliah D. Lawrence, Can Communities Effectively Fight Displacement Caused by Gentrification, 11 J. Affordable Hous. & Cmty. Dev. L. 357, 368 (2002) (citing John O. Calmore, Racialized Space and Culture of Segregation: "Hewing a Stone of Hope from a Mountain of Despair," 143 U. Pa. L. Rev. 1233 (1995)).

n314. Hearing, *supra* note 198.

n315. john a. powell, Opportunity–Based Housing, 12 J. Affordable Hous. & Cmty. Dev. L. 190, 191 (forthcoming 2003) [hereinafter powell, Housing].

n316. *Id.*

n317. See Myron Orfield, *Metropolitics: A Regional Agenda for Community and Stability* (1997).

n318. Myron Orfield, a Minnesota legislator, calls this process of achieving regionalism "metropolitics." See generally *id.* at 104–155. Numerous metropolitan regions across the country acknowledge the regional nature of the housing market and the affordable housing need, for example, stakeholders in the Chicago region have taken important steps including the regional analyses of affordable housing needs. See Metropolitan Planning Council, *For Rent: Housing Options in the Chicago Region* (Nov. 1999), at <http://www.metroplanning.org/resources/61intro.asp?objectID=61>; Chicago Metropolis 2020, *Measuring Progress Toward Shared Regional Goals* (2001), at <http://www.chicagometropolis2020.org/indicators/cm-2020/toc.htm>.

n319. See Orfield, *supra* note 317, at 11, 87–90; Rusk, *supra* note 92, at 85–87, 123.

n320. Rusk, *supra* note 92, at 90–115. The federal government can provide incentives to promote the formation of these metropolitan governments and provide them with bonuses in grants–in–aid formulas. State governments can facilitate city–county consolidation, require all local governments to have "fair share" affordable housing laws, utilize state aid as a revenue–equalizing mechanism, and require a minimum guaranteed income or minimum living wage. Community collaboratives can also tackle the problem of regional equity. Policy Link, for example, advocates targeting public funding for infrastructure, transportation systems, education and brownfields redevelopment, and services to support equitable outcomes for areas affected by disinvestments. Chicago Metropolis 2020, a coalition of business leaders, is also a promising collaborative.

n321. See Cornel West, *Keeping Faith: Philosophy and Race in American* 282 (1993); Lani Guinier, *More Democracy*, 1995 U. Chi. Legal F. 1, 6 (1995); Orfield, *supra* note 317, at 169.

n322. Orfield, *supra* note 317, at 169.

n323. powell, *Housing*, *supra* note 315, at 205.

n324. Katz, *supra* note 105, at 4–9.

n325. PolicyLink, *Equitable Development Toolkit: Beyond Gentrification – Income & Asset Creation*, at <http://www.policylink.org/EquitableDevelopment> (last visited Feb. 26, 2003) [hereinafter *Income Toolkit*].

n326. *Id.*

n327. *Id.*

n328. See Schwab, *Community*, *supra* note 188.

n329. PolicyLink, *Equitable Development Toolkit: Beyond Gentrification – Affordable Housing*, at <http://www.policylink.org/EquitableDevelopment> (last visited Feb. 26, 2003) [hereinafter *Housing Toolkit*].

n330. Alice M. Burr, *The Problem of Sunnyvale, Texas, and Exclusionary Zoning Practices*, 11 *J. Affordable Hous. & Cmty. Dev. L.* 203, 219 (2002).

n331. *Income Toolkit*, *supra* note 325.

n332. Kennedy & Leonard, *supra* note 9, at 6. While Byrne acknowledges the potential of increased employment opportunities for low-income residents as a result of gentrification, he condemns these residents to a permanent underclass of "opportunities that do not require much education," and performing "support functions" appropriate to "lower educated persons." Byrne, *supra* note 2, at 419–20.

n333. Yawu Miller, *Roxbury Buzzing with Talk of Gentrification*, *Bay St. Banner*, Mar. 18, 1999, at 1.

n334. *Development Without Displacement*, *supra* note 111, at 41.

n335. powell, *Housing*, *supra* note 315, at 205.

n336. Id.

n337. Id.

n338. Id.

n339. See Urban Habitat, *There Goes the Neighborhood: A Regional Analysis of and Community Stability in the San Francisco Bay Area* (1999) available at <http://www.urbanhabitat.org/publications.htm>.

n340. Id.

n341. PolicyLink, *Equitable Development Toolkit: Beyond Gentrification—Controlling Development*, at <http://www.policylink.org/EquitableDevelopment> (last visited Feb. 26, 2003) [hereinafter *Development Toolkit*].

n342. Fair Housing Act, 42 U.S.C. 3601–3619, 3631 (1999); see also, John Charles Boger, *Toward Ending Residential Segregation: A Fair Share Proposal for the Next Reconstruction*, 71 N.C. L. Rev. 1573 (1993).

n343. *Development Toolkit*, supra note 341. Inclusionary zoning, which include housing set asides ensure a percentage (usually 15–20%) of affordable housing units in all upscale developments. See *id.*; see also Hearing, supra note 198.

n344. *Development Toolkit*, supra note 341.

n345. Id.

n346. *Development Without Displacement*, supra note 111, at 19–20.

n347. Alice M. Burr, *The Problem of Sunnyvale, Texas, and Exclusionary Zoning Practices*, 11 J. Affordable Hous. & Cmty. Dev. L. 203, 219 (2002).

n348. *Development Toolkit*, supra note 341.

n349. *Development Without Displacement*, supra note 111, at 10–11.

n350. Id. CDCs have developed and own 320,000 units of affordable housing as of 1999. Id.

n351. Housing Toolkit, *supra* note 329.

n352. *Id.*

n353. Development Without Displacement, *supra* note 111, at 20. The Minnesota Uniform Condominium Act, Minn. Stat. 515A.1–101 (2002), empowers municipalities to apply subdivision controls to condominium conversions if there is a shortage of low and moderate-income housing rentals.

n354. Development Toolkit, *supra* note 341.

n355. Development Without Displacement, *supra* note 111, at 20–21.

n356. Development Toolkit, *supra* note 341.

n357. As a recent Harvard study found "homeownership is not a magic bullet for wealth creation." See Gura, *supra* note 308, (quoting Eric Belsky and Mark Duda, Asset Appreciation, Timing of Purchases and Sales, and Returns to Low Income Homeownership, Joint Center for Housing Studies of Harvard University 6–8 (Aug. 2001)). The study, "conducted in four metropolitan areas between 1983 and 1999, concluded that roughly half of all home purchasers lost money upon resale" *Id.*

n358. Development Without Displacement, *supra* note 111, at 22.

n359. Kennedy & Leonard, *supra* note 9, at 6.

n360. Development Toolkit, *supra* note 341; see also John J. Ammann, U.S. Supreme Court Rules on Rucker Case, 11 J. Affordable Hous. & Cmty. Dev. L. 335, 337 (2002).

n361. Development Without Displacement, *supra* note 111, at 13–14.

n362. Cassandra Netzke, Rethinking Revitalization: Social Services in Segregation and Concentrations of Poverty, 23 Hamline J. Pub. L. & Pol'y 145, 179 (2001).

n363. Hearing, *supra* note 198.

n364. Kennedy & Leonard, *supra* note 9, at 6.

n365. Development Without Displacement, *supra* note 111, at 23.

n366. Chinta Strausberg, New Housing Plan for Moderate Income Residents, *Chi. Defender*, Apr. 7, 2001, at 3.

n367. Kennedy & Leonard, *supra* note 9, at 2.

n368. Income Toolkit, *supra* note 325.

n369. See Development Without Displacement, *supra* note 111, at 19.

n370. *Id.*

n371. *Id.*

n372. *Id.* at 21. One such loophole allows rent increases if relatives move in.

n373. See Lawrence, *supra* note 313, at 362–63.

n374. Development Without Displacement, *supra* note 111, at 20.

n375. Housing Toolkit, *supra* note 329. SROs serve mostly the disabled, the elderly, the homeless, and the victims of domestic violence.

n376. Hearing, *supra* note 198.

n377. Development Without Displacement, *supra* note 111, at 12. For example, Chicago has implemented the Housing Abandonment Prevention Program ("HAPP") to deal with other code violations. *Id.*

n378. *Id.* at 11.

n379. *Id.* at 23.

n380. Press Release, Albina Ministerial Alliance, City Awards Funding to Albina Ministerial Alliance to Prevent Residential Displacement in Inner Northeast Portland, (Oct. 17, 2002) (on file with author). For questions about AMA, project implementation, or to access services, contact Albina Ministerial Alliance at 503–285–0493.

n381. Cunningham, *supra* note 50, at 363.

n382. *Id.*

n383. *Id.* at 365.

n384. *Id.*

n385. *Id.*

n386. Surface Transportation and Uniform Relocation Assistance Act of 1987 100 Pub. L. No. 17, 101 Stat. 132.

n387. See 26 U.S.C.A. 42 (2003).

n388. See Lawrence, *supra* note 313, at 360.

n389. Created by Title II of the National Affordable Housing Act of 1990, 12 U.S.C. 1707 (2003).

n390. Pub. L. No. 101-625, 104 Stat. 4249, 12 U.S.C. 4101 (2003).

n391. 12 U.S.C. 2901 (2003).

n392. Kennedy & Leonard, *supra* note 9, at 6.

n393. Housing Toolkit, *supra* note 329.

n394. *Id.*

n395. Development Without Displacement, *supra* note 111, at 15.

n396. *Id.* at 14.

n397. *Id.* at 25. Such a strategy is being employed in St. Petersburg. More recently, in January, 2003, a federal lawsuit was filed on behalf of thousands of forcibly displaced Chicago public housing residents who claim that the Chicago Housing Authority ("CHA") violated the Fair Housing Act and the 1964 Civil Rights Act when it steered them to mostly black, high-crime and impoverished neighborhoods on the South and West sides as part of a plan to demolish the city's high-rise housing projects. See *Fountain*, *supra* note 17. Displaced residents also claim that the CHA failed to provide them with adequate relocation services or counseling; and refused their requests to help them move to more integrated communities. *Id.*

n398. See *Kennedy & Leonard*, *supra* note 9, at 5; see also *Hearing*, *supra* note 198; *Development Without Displacement*, *supra* note 111, at 25-26.

n399. *Development Without Displacement*, *supra* note 111, at 14-15. Squatting as a political action has been used by some tenant alliances such as the Boston /HUD Tenant Alliance, Committees of Social Self-Management in Moscow, Mad Housers in Chicago. *Id.*

n400. Yawu Miller, *Activists Focus on Low Income Displacement in Dorchester*, *Bay St. Banner*, June 6, 2002, at 1.

n401. *Development Without Displacement*, *supra* note 111, at 42.

n402. *Betancur*, *supra* note 14, at 808.

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