

Exclusionary Zoning

Origins, Open Suburbs, and Contemporary Debates

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Abstract

Problem, research strategy, and findings

In light of recent debate over upzonings and leveraging markets as means of expanding housing opportunity, I review the evolution of exclusionary zoning practices in the United States and provide an intellectual history of scholars' research into these practices. In the context of early 20th-century racial and class tension, American elites coveted the ability to use the states' police powers to sort out cities by housing type and gained this ability with legislative and judicial support for local land use zoning schemes that controlled residential densities and building forms. Many 20th-century U.S. planners upheld the resulting socially sorted city as an ideal outcome of good zoning practice. But in the postwar decades, a new breed of equity-focused advocacy planner sought to address racial ghettoization by using zoning reforms and other measures to open exclusive areas to low- and moderate-income housing. Wider shifts in housing policy since the 1970s and the increasing attention of economic scholarship to the myriad impacts of American zoning practices have, however, diluted the original equity-focused agenda of exclusionary zoning scholarship.

Takeaway for practice

Given the need for a common effort against business-as-usual zoning in the United States, planners can assert the ethics of the planning profession in debates about American zoning practices. Scholarly and professional efforts to dismantle exclusionary zoning can return to their roots in housing advocacy, becoming one part of a multipronged agenda aimed at expanding housing opportunity by a variety of means.

Exclusionary zoning refers to local land use zoning practices that effectively bar low- and moderate-income households from finding adequate housing. Exclusionary zoning does not look the same from place to place, nor is exclusionary zoning the only impediment to meeting housing needs. Its removal is a necessary, though insufficient, condition for providing adequate housing. It is arguably a bigger problem today than ever, with the United States producing less and less housing even as prices escalate, largely due to local opposition to new housing ("The House Loses," [2020](#)). It is now possible to talk of entire regions gentrifying as low- and moderate-income households are priced out of constrained metropolitan markets (Mangin, [2014](#)). Yet the fight against exclusionary zoning, which in the late 1960s and 1970s was at the forefront of the civil rights movement (Davidoff & Brooks, [1976](#)), is 50 years later increasingly cast as a pet

project of privileged White urbanists (Walker, [2020](#)) or, worse, a neoliberal scheme aimed at the purge of people of color from U.S. cities (Imbroscio, [2019](#)). Why did this happen?

To answer this question, I examine the evolution of exclusionary zoning practices in the 20th century and the course that scholarship on the subject has taken since the 1950s. Early 20th-century advocates touted the exclusionary potential of land use zoning, but the growing social polarization of the postwar American metropolis gave rise to equity-focused planners determined to “open the suburbs” to affordable housing development (Davidoff & Davidoff, [1971](#)). Since the 1980s, economists’ growing interest in American zoning practices has shifted the focus of scholarship away from equity toward the myriad costs of a constrained housing supply and an emphasis on leveraging markets to alleviate housing woes. Although such analysis helps to highlight the impacts of local zoning practices on an ever-growing share of U.S. housing consumers, some scholars (Angotti, [2016](#); Chakraborty, [2020](#); Imbroscio, [2019](#)) contend that efforts to undo existing zoning, especially within resurgent cities, disguise a violent neoliberal ethos, would fail to produce low- and moderate-income housing, or supercharge gentrification.

In this review I argue that scholars of exclusionary zoning cannot forget the limitations of leveraging markets to produce low- and moderate-income housing across diverse metropolitan geographies. In the spirit of the contemporary movement, led by Black Lives Matter, to rethink public spending priorities, and in recognition of younger generations’ attentiveness to progressive causes (Astor, [2020](#)), planning scholars and practitioners can assert their own professional ethics in exclusionary zoning debates as one part of a multipronged strategy to expand housing opportunity. This is given the acute need for a common effort against business-as-usual zoning practices that were designed to and continue to sort metropolitan areas by race and income.

I first discuss the origins of exclusionary zoning in the United States and its growing presence in postwar suburbia. I then discuss the activities of the Open Suburbs movement and limited 20th-century victories against exclusionary zoning. Finally, I consider the late 20th-century reframing of exclusionary zoning as market mismanagement and the contemporary debate around the merits of tackling exclusionary zoning across diverse geographies.

The Origins of Exclusionary Zoning

Prior to the mid-20th century, social segregation was a principal and often explicit goal of land use zoning schemes. The first example of land use zoning in the United States was California cities’ 1880s restriction of laundries to specific districts, which given the singling out of an industry in large part owned and operated by Chinese Americans, represented a clear if unstated effort to contain this group (Dubin, [1992](#); Feagin, [1989](#)). Use restrictions in New York City’s (NY) first-in-the-nation comprehensive zoning ordinance stemmed in part from the desire of Fifth Avenue retailers to shield their district from encroachment by garment factories and the southern and eastern European immigrants working in them (Feagin, [1989](#); Toll, [1969](#)). Zoning advocates

early on noted how height and bulk restrictions could effectively shut immigrant-packed tenements out of single-family districts, whether in New York City (Fischler, [1998](#)) or suburban Boston (MA; Comey, [1919](#)).

Early land use zoning schemes came into being during a period characterized by mass migration to U.S. cities from abroad and the rural American South, and it was axiomatic among urban elites that income, ethnic, and racial groups should be separated to maintain communities' social and economic value (Federal Housing Administration, [1939](#); Hirt, [2015a](#)). Public and private entities had other means of regulating construction types and their inhabitants, but these were deemed either inadequate or illegal. Private covenants forbidding apartment construction, renters, or residence by members of various racial or ethnic groups only covered an individual subdivision and eventually expired (Fogelson, [2005](#)). A number of southern cities zoned areas for White and African American residence, beginning with Baltimore (MD) in 1909, for the stated purposes of preventing social conflict and disease and preserving property values (Silver, [1991](#); Taylor, [2014](#)). Influential groups in northern cities, notably the Chicago Real Estate Board, also pushed for such racial zoning (Nightingale, [2012](#)), but the U.S. Supreme Court rejected its constitutionality in *Buchanan v. Warley* ([1917](#)), finding that it had violated a White Louisville (KY) man's right to sell his property to whomever he wished (Dubin, [1992](#); Sager, [1969](#)). This decision did not, however, stop several southern cities from enacting and enforcing racial zoning ordinances through World War II (Silver, [1991](#)).

Land use zoning could not directly control who lived in a given area, but if used to sort housing and business types into different neighborhoods, it could effectively achieve social segregation under the guise of "a progressive, technocratic veneer" concerned with market stabilization and infrastructure and service provision (Popper, [1981](#), p. 55). From the start, U.S. advocates of land use zoning argued that single-family and multifamily housing belonged in separate districts, with the latter "exist[ing] only in the neighborhood of factory and business districts" (Marsh, [1909](#), p. 130). This would prevent "enormous economic waste" in destroyed property values but, more important, protect "the civic spirit and social life" of single-family neighborhoods (Whitten, [1921](#), p. 25) from which these values flowed.

Land use zoning in the United States thus especially represented an effort to shield the detached, single-family homes of the country's urban elites from the more unsavory aspects of industrial production and commerce (e.g., traffic, pollution, places of low-income, immigrant, and/or minority employment or residence), while leaving the rest of the city as more open areas for property intensification and value extraction where all such undesirable things were relatively free to intermingle. This vision materialized in early "cumulative" zoning schemes that created exclusive zones of single-family detached housing for higher income subdivisions but allowed lower- and moderate-income accommodations to develop in industrial and commercial areas (Young, [2004](#)).

The racial and ethnic friction that characterized the United States in this period was instrumental in setting American zoning apart from that in other industrialized countries, where tools such as single-family zoning to this day remain either not as widespread or

altogether nonexistent (Hirt, [2015a](#), [2015b](#)). Although some of zoning's advocates undoubtedly saw zoning as an opportunity to improve the quality of working-class housing and neighborhoods (Cheney, [1920](#)), advocates were more often concerned with the depression of single-family home values and land use transition in areas where different class or racial groups mixed. They saw these trends as evidence of this mixing's undesirability (Comey, [1919](#)), not as reasons to confront elites' prejudices. Certainly school administrators or assessors saw practical reasons for making development more predictable through zoning (Munro, [1931](#)), but contemporaries knew that the construction of apartments in single-family districts, and the threat to social and economic value that entailed, was the greatest impetus for zoning's spread (Comey, [1919](#)). "The rank and file of the people are coming to look upon [zoning] as merely a matter of maintaining or increasing property values," stated one early critic (Munro, [1931](#), p. 203).

The lower court in *Euclid v. Ambler Realty Co.*, the U.S. Supreme Court test of zoning's constitutionality, openly recognized the undesirability of "colored or certain foreign races" in single-family residential areas (*Village of Euclid v. Ambler Realty Co.*, [1924](#), p. 313), and the Supreme Court (*Village of Euclid v. Ambler Realty Co.*, [1926](#)) ruled that the prospect of an apartment building coming to an area of detached single-family housing justified use of the police power to prevent it. Although the Supreme Court's ruling did not explicitly make a connection between apartments and the presence of ethnic or racial minorities, the court without a doubt understood the discriminatory potential of separating housing types. The lower court had made this connection, after all, and at least one prior Supreme Court case, *Yick Wo v. Hopkins* ([1886](#)), had recognized the potential weaponization of land use restrictions against minorities when it overturned San Francisco's (CA) laundry ordinance (Wolf, [2008](#)). The Supreme Court sidestepped the issue, preferring to frame an apartment building in an area of single-family homes as simply the right thing in the wrong place.

This had been a long road: Zoning advocates knew that separating housing types and classes of people may displease courts who saw it running afoul of *Buchanan v. Warley* ([1917](#)), and thus they had

to get the courts to see what we wish them to see...we should all popularize the idea of preserving the value of a man's house.... When you meet one of these judges tell him about it, so that when, bye-and-bye [sic], a case comes before him as a judge, it will be entirely familiar to him. (Purdy, [1918](#), p. 41)

Thus, judicial support for separating housing types rested upon elites' preferences regarding home desirability and value, with multifamily housing made "subject to independent and less favorable treatment" (Mandelker, [1971](#), pp. 35–36), whatever its identical function to single-family housing as a place of residence.

For decades, students of planning learned that the construction of any housing at a density higher than its single-family detached neighbors was abominable. One 1939 textbook instructed readers that this was an "invasion...bringing in people in a lower social level" (Lewis, [1939](#), p. 41). Planners were elites' allies in preventing this outcome,

if they were not elites themselves: “If only we could be sure that *our* home would always be in a district of homes of a quality similar to its own! This is one of the objectives of zoning through the police power...” (Lewis, [1939](#), p. 42, italics added). Nor did the early student of planning need to consider that this entailed unequal treatment of different segments of the public, because “[n]early all people like to feel that they are a part of a certain neighborhood. They like to keep such a neighborhood free from intrusion by those in other ranks of life” (Lewis, [1939](#), p. 46). Similarly, Robert H. Whitten ([1918](#)), who authored zoning codes and maps for Cleveland (OH) and Atlanta (GA), described apartments and single-family homes as “mutually antagonistic” (p. 35) and praised the class-segregating effect of separating housing types, writing: “The so-called industrial classes will constitute a more intelligent and self-respecting citizenship when housed in homogenous neighborhoods than when housed in areas used by all the economic classes” (Whitten, [1921](#), p. 27). This separation furthermore continued a “natural trend toward a reasonable segregation of economic classes” and as an extension of nature was “neither undemocratic nor anti-social” (Whitten, [1921](#), p. 28).

Such presumptions, analogous in their logic to contemporary “separate but equal” doctrine, allowed zoning’s advocates to frame housing type and resulting class, ethnic, and racial segregation as in the public interest. Over the years, as localities began to distinguish multiple single-family zones by lot size and other characteristics, it came to be that the American way of zoning did not merely separate apartment dwellers from single-family home dwellers but separated homeowners who can afford large yards and homes from those who cannot (Hall, [2007](#)). Trounstein ([2018](#)) has recently provided evidence that American zoning was born of geographical and social disunity for the purpose of maintaining it, finding that cities with higher levels of racial segregation, as well as renter–homeowner segregation, were more likely to adopt zoning in the early 20th century.

The hierarchical division of housing types had its critics who believed such a practice threatened social cohesion. Social worker and immigrant advocate Bruno Lasker ([1920](#)) asked,

Why, in this country of democracy, is a city government, representative of all classes of the community, taking upon itself to legislate a majority of citizens—those who cannot afford to occupy a detached house of their own—out of the best located parts of the city area, practically always the part with the best aspect, best parks and streets, best supplied with municipal services and best cared for in every way? (p. 677)

But such sentiments went unheeded. It was only “somewhere in the region [that] there must be adequate provision for *all* the types of uses which the community needs for habitation, recreation, and work” (Hubbard & Hubbard, [1929](#), p. 165).

A Suburban Phenomenon

Exclusionary practices spread quickly in the postwar decades after *Shelley v. Kraemer* ([1948](#)), in which the Supreme Court invalidated the public enforcement of

racial covenants (Brooks & Rose, [2013](#)). Average residential lot sizes in five suburban New York counties, for example, increased from 9,000 to 19,000 ft² between 1950 and 1957 as a result of zoning for larger lot sizes (National Commission on Urban Problems, [1969](#)). Although courts struck down home cost mandates, they upheld floor area requirements, which effectively set minimum costs for new homes, despite these requirements being well in excess of public health standards (Haar, [1954](#)). Localities could not explicitly cite racial or class bias as justifications for exclusionary practices, but fiscal concerns, environmental quality, or community character offered communities less controversial and often genuine reasons for restricting the construction of more affordable housing types (Clingermayer, [2004](#); Fischel, [2015](#)).

Fiscal concerns especially served as an oft-cited motivation for exclusionary practices (National Commission on Urban Problems, [1969](#)). Because of their reliance upon property taxes to fund various improvements, local governments may wish to repel uses, like apartments, that would perceivably produce more costs than revenue. Throughout the past century, small suburban communities incorporated and used exclusionary zoning to maintain a healthy fiscal capacity and deliver high-quality public goods (Gordon, [2019](#)). But fiscal justifications for zoning are neither ethical nor necessarily legal. Davidoff and Brooks ([1976](#)) wrote, "...Such a policy ...carried to its logical extreme, will eventually exclude upper-middle-class families" (p. 142). In *National Land and Investment Company v. Easttown Township Board of Adjustment* ([1965](#)), the Pennsylvania Supreme Court overturned a fiscally motivated zoning ordinance, opining: "Zoning is a means by which a governmental body can plan for the future—it may not be used to deny the future...to avoid the increased responsibilities and economic burdens which time and natural growth invariably bring" (p. 528).

Despite the array of relatively uncontroversial reasons for implementing exclusionary zoning in suburbia in the postwar years, observers of suburban land use politics doubted that a desire for class and racial segregation had disappeared. Perin ([1977](#)) approached exclusionary zoning as a cultural anthropologist, observing that many newcomers to suburbs were former city dwellers who saw anything aside from single-family detached housing as the "city moving in" (Perin, [1977](#), p. 87). Exclusionary zoning furthermore gave residents of high-priced areas a sense of achievement and superiority (Perin, [1977](#)). Perin doubted that fiscal concerns were the true motivation for exclusionary practices, pointing to evidence that denser housing layouts saved costs in terms of road, sewer, and water installation and maintenance. Babcock ([1966](#)) also doubted the genuineness of fiscal motives, arguing that the typical suburbanite spent more on frivolities in a month than any apartment house could add to their tax bill, summarizing, "Apartment development is a symbol of everything they fled in the city.... [T]heir...conclusion is based on a social judgment" (p. 31). Such a "social judgment" also helps to explain why exclusionary zoning can occur at the neighborhood scale in large cities (Chicago Area Fair Housing Alliance, [2018](#); Whittemore, [2012](#)), where households share in the tax burdens of big-city services, amenities, and infrastructure.

Occasionally, researchers have produced quantitative evidence that belies stated motivations of environmental or fiscal concern. Schmidt and Paulsen ([2009](#)), for example, show in a survey of open space conservation in New Jersey that localities

were more likely to acquire land with existing utility access, this land being more likely to be developed for denser, more affordable housing types. In some localities there is evidence that a desire for racial separation long remained paramount. I (Whittemore, [2018](#)) find in a study of Durham (NC) that areas rezoned for lower density in the four decades following World War II were significantly more White, though not significantly wealthier or with higher homeownership rates than areas that were upzoned for denser residential development.

The socioeconomic segregation resulting from local zoning practice has usually been immune from court scrutiny. As one legal scholar has put it, “With some exceptions, when it comes to zoning the police power is more or less whatever the local legislature says it is” (Hall, [2007](#), p. 919). Although a greater diversity and volume of housing may be in the interest of consumers overall, local legislatures are accountable to local residents, who tend to only perceive the costs of siting new housing in their vicinity (Monkkonen, [2016](#); Pendall, [1999](#); Scally & Tighe, [2015](#); Whittemore & BenDor [2019b](#)). As Mandelker ([1971](#)) points out, the Supreme Court’s decision in *Euclid v. Ambler* showed it was willing to presume the constitutionality of local decision making nearly regardless of its merits; he quoted the court: “If the validity of the legislative classification for zoning purposes be fairly debatable, the legislative judgment must be allowed to control” (p. 33). *Euclid v. Ambler* thus established court deference to local legislatures’ conceptions of the public interest as “near dogma” (Williams, [1989](#), p. 294).

The Open Suburbs Movement

Observing their postwar spread, legal scholar Charles Haar ([1953](#)) describes regulations including minimum lot sizes and house size rules as “exclusionary planning devices which are designed to accomplish...segregation...” (p. 1063), but it would take several more years for a literature and an advocacy movement to develop around “exclusionary zoning” per se. Both the National Commission on Urban Problems ([1969](#)) and legal scholar Lawrence Sager ([1969](#)) articulated the concept of exclusionary zoning and its typical regulatory components in 1969 publications. But the principal figure in the fight against exclusionary zoning was Paul Davidoff ([1965](#)), who modern students of planning tend to know as the originator of advocacy planning. Davidoff and Brooks ([1976](#)) explain that the movement against exclusionary zoning grew from the frustrations of civil rights advocates with federal programs aimed at expanding housing, job, and educational opportunities in racial ghettos. Decades of public investment in central cities had failed to bring industrial jobs back, and the suburbs still accommodated the vast majority of job growth in sectors available to lower income workers (Burns, [1974](#); Davidoff & Gold, [1970](#), [1971a](#), [1971b](#); King, [1978](#)). Davidoff and Gold ([1970](#)) wrote of the “false assumption...that because the problems of race and poverty are found in the ghettos...the solutions to these problems must also be found there” (p. 13). Davidoff believed that the most effective weapon against metropolitan class and racial inequity was in expanding locational choice for low- and moderate-income households.

Thus the so-called Open Suburbs movement was born of the urban crisis of the postwar decades; most significant, it expanded the narrative on urban problems to include the White suburbanites who created and maintained ghettos, first by leaving cities and then by erecting regulatory barriers that ensured they were not followed. Rather than continuing to pathologize African Americans and their neighborhoods, early critics of exclusionary zoning thus problematized Whiteness (Davidoff & Gold, [1970](#); Goetz et al., [2020](#)). The urban crisis became all Americans' crisis; Anthony Downs began his 1973 book *Opening Up the Suburbs* with the point that exclusion from safe and decent housing in job-, service-, and amenity-rich suburbs was undermining the American value of equal opportunity, if it did not undermine the cohesion of the nation altogether.

The first generation of exclusionary zoning scholarship was largely preoccupied with identifying the typical regulatory components of exclusionary zoning and surveying zoning codes and maps across metropolitan regions to understand the distribution of these regulations. Identified regulations included large lot zoning, minimum floor area requirements in excess of public health standards, prohibitions of anything but single-family detached housing, bans on mobile homes, and restrictions on the number of bedrooms in multifamily units (Burns, [1974](#); Davidoff & Brooks, [1976](#); Davidoff & Davidoff, [1971](#); Davidoff & Gold, [1971a](#); National Commission on Urban Problems, [1969](#); Sager, [1969](#)). Such regulations were especially prevalent in suburban areas. President Johnson's National Commission on Urban Problems ([1969](#)) reported that 99.2% of vacant residentially zoned land in the New York area was zoned for single-family homes. In Fairfield County (CT), 89% of vacant residentially zoned land was reserved for lot sizes of at least an acre (Babcock & Bosselman, [1973](#)). A 1971 study of four New Jersey counties found that less than 0.5% of 400,000 acres of vacant residentially zoned land was zoned for multifamily construction, and 83% of this land was covered by restrictions on the numbers of bedrooms; minimum floor area requirements and bans on mobile homes were nearly universal (Norman & Norman, [1971](#)). Such regulations effectively reserved the vast majority of vacant residential land for the wealthiest segment of the population. Furthermore, given high demand for multifamily housing, land costs in the limited area zoned for this use eliminated the possibility of developers building apartments affordable for low- and moderate-income households (Babcock & Bosselman, [1973](#)).

Open Suburbs advocates called these outcomes abuses of the states' police powers, saying, for example, that the country's wealthy "have not bought the land, but instead have done the cheap and nasty thing of employing the police power to protect their own interest in the land and to exclude the largest part of the population" (Aumente, [1971](#), p. 56). Davidoff and Gold ([1971b](#)) called exclusionary zoning "'Ivy League Socialism': excessive government intervention on behalf of not the poor but the rich" (p. 40). Importantly, these scholars recognized that exclusionary zoning does not look the same everywhere; Davidoff and Davidoff ([1971](#)) suggested that an exclusionary outcome is one in which zoning pushes housing out of reach of a household earning the national median income. Exclusion in northern New Jersey may look like a ban on attached or multifamily housing, whereas elsewhere it may look like a requirement that single-family homes sit on large lots.

Furthermore, Davidoff and Davidoff (1971) stressed that some groups (e.g., low-income or elderly people) tended to be inadequately housed everywhere, regardless of whether local zoning represented a binding constraint that inflated housing costs. Thus, he argued that tackling exclusionary zoning by itself would not expand opportunities to all Americans, and that the Open Suburbs movement could only achieve its goals if it also advocated the subsidy of low- and moderate-income housing in job-rich areas. Davidoff and Gold (1971b) summarized that “since the Industrial Revolution began dumping rural families into big-city slums, housing planners have recognized that public subsidy is needed to enable working-class families to live decently” (p. 40). Downs’s solution (Downs, 1973) also paired relaxed density restrictions with housing subsidies and mandatory inclusion of low- and moderate-income housing in new development.

Limited Victories

Open Suburbs advocates saw ways forward through legislatures and the courts. From the mid-1960s, in response to suits mostly brought by developers, some state courts began to check municipalities’ increasingly burdensome requirements, including 2-, 3-, and 4-acre minimum lot sizes, often citing regional housing needs as a factor in their decisions (King, 1978). But victories against any single exclusionary tactic (e.g., large lot zoning) did not mean that a defending jurisdiction would become open to low- and moderate-income housing development; jurisdictions could simply employ one of any other “innumerable and interchangeable” restrictive tools (Babcock & Bosselman, 1973, p. 7).

The Fair Housing Act (FHA; 1968) offered a means of attacking exclusionary zoning because its mandate to affirmatively further fair housing meant that local recipients of federal funds had to tackle segregation (Julian, 2017). The FHA put the Open Suburbs movement at the forefront of the civil rights movement, with National Association for the Advancement of Colored People (NAACP) Director Roy Wilkins framing suburbia as the next civil rights battleground (Davidoff & Brooks, 1976). An early victory came with *United States v. City of BlackJack* (1974), in which the U.S. Supreme Court ruled that the city of Blackjack (MO) had violated the FHA in rezoning land for low-density development to prevent the construction of subsidized housing (Davidoff & Gold, 1971b; King, 1978). The FHA has since provided one of the only solid foundations for suits against exclusionary zoning (Silverstein, 2015). Davidoff’s own Suburban Action Institute busied itself identifying suburban jurisdictions that forbid multifamily housing but had a growing number of jobs available to low- or semi-skilled workers and were proximate to large African American populations (Davidoff & Gold, 1970). Davidoff believed he could make the case in court that such zoning violated the equal protection clause of the 14th Amendment.

However, various U.S. Supreme Court rulings of the 1970s only strengthened the prerogative of local governments to regulate as they wished. In *James v. Valtierra* (1971) the court upheld local voter referendums on low-income housing (Williams, 1989). In *Village of Belle Terre v. Boraas* (1974), the Supreme Court upheld a regulation that capped the number of unrelated individuals who could live together

(Ritzdorf, [1997b](#)). Such restrictions effectively shut out many lower income or nontraditional household arrangements and by the 1990s had spread to nearly two-thirds of American communities (Ritzdorf, [1997a](#)). In *Warth v. Seldin* ([1975](#)), the Supreme Court denied standing to a group of low-income plaintiffs suing the town of Penfield (NY). The plaintiffs argued that the 0.3% of Penfield zoned for multifamily development was a violation of their right to free association, but the court ruled that the plaintiffs could not demonstrate that they themselves were directly excluded (Ritzdorf, [1997b](#)). Finally, in *Metropolitan Housing Corporation v. Village of Arlington Heights* ([1977](#)), the court ruled that a suburban Illinois community's refusal to rezone land for a moderate-income housing development failed to constitute racial discrimination despite having a discriminatory effect (Ritzdorf, [1997b](#)).

Davidoff's Suburban Action Institute did accomplish a momentous victory in New Jersey in a case it pursued with a local NAACP chapter against the town of Mount Laurel (*Southern Burlington County NAACP et al. v. Township of Mount Laurel*, [1975](#)). The court opined that the general welfare, as the justification for local zoning under the state constitution, "cannot be confined to the claimed good of the particular municipality" and instead must include the welfare of "all categories of people who may desire to live within its boundaries" (*Southern Burlington County NAACP et al. v. Township of Mount Laurel*, [1975](#), p. 179). Courts in New Hampshire and Pennsylvania have since made similar rulings asserting that municipalities must allow housing aimed at low- and moderate-income households (Choppin, [1994](#)). This was not necessarily unprecedented; even in *Euclid v. Ambler* ([1926](#)), the U.S. Supreme Court stated that under some circumstances the "general public interest would so far outweigh the interest of the municipality that the municipality would not be allowed to stand in the way" (p. 390). In 1985, after a second suit against Mount Laurel, New Jersey passed a state Fair Housing Act ([2013](#)). The Act required local jurisdictions to take on their "fair share" of low- and moderate-income housing. Unfortunately, the New Jersey Fair Housing Act was largely unsuccessful in opening the suburbs (Fennell, [2009](#); Ham, [1996](#)) and arguably created more problems than it solved; once communities met their quotas, they were free to be as exclusive as they wanted on the rest of their land (Fischel, [1999](#)).

Another piece of state legislation praised by Open Suburbs advocates was Massachusetts' 1969 "anti-snob zoning" law, known as Chapter 40B (Davidoff & Gold, [1971a](#), [1971b](#)). Chapter 40B emerged among a group of young legislators and housing activists wishing to tackle racial segregation (Krefetz, [2020](#)). It allows developers of affordable housing to contest local zoning regulations unless 10% of local housing is affordable to low- or moderate-income households or at least 1.5% of its land is zoned for such housing. While seeing 40B as a step in the right direction, Davidoff and Davidoff ([1971](#)) also called it "tacit approval of the continuation of exclusionary practices in the 98.5 percent of vacant developable land...unaffected by the statute" (p. 526). Despite decades of attacks by suburban legislators resentful of 40B's requirements, the legislation has survived and enabled developers to construct hundreds of affordable housing developments, although this has not come close to resolving Massachusetts' housing shortage (Krefetz, [2020](#); Silverstein, [2015](#)).

Inclusionary zoning represented another legislative approach that Davidoff favored (Davidoff & Davidoff, [1971](#)). Beginning in the late 1960s, local jurisdictions began to create incentives and/or require developers to include affordably priced units within their developments, in what has become another important pipeline for affordable housing construction in the United States (Benson, [2010](#); Mukhija et al., [2010](#)). Though the most ambitious inclusionary zoning schemes require developers to set aside a quarter or more units for low- and moderate-income households, requirements to set aside 10% or 15% are more typical (Goetz, [2019](#)). Such requirements are at once not ambitious enough and arguably backfire if they cause localities to ramp up exclusionary tactics elsewhere or cause developers to inflate the price of market-rate housing to cover the costs of providing affordable units. Inclusionary zoning does, however, along with Chapter 40B and the New Jersey Fair Housing Act, align with prevalent policy preferences of the late 20th and early 21st centuries because they leverage the market for the production of low- and moderate-income housing (Goetz, [2019](#)).

Enter the Economists

Whereas *Mt. Laurel* (1975) represented a landmark civil rights victory, and some state and local legislation gave Open Suburbs advocates cause for celebration, the 1970s offered more setbacks than it offered reasons to hope for more economically and racially integrated communities in the United States. On the heels of the FHA, the Department of Housing and Urban Development (HUD) attempted Operation Breakthrough, a program that would have pushed federally subsidized housing past local zoning rules. The strategy was planned without White House oversight and was halted when Nixon's advisors realized it could undermine his suburban support in the 1972 presidential election (Lamb, [2005](#)). Though the FHA has been useful in bringing to light and challenging millions of instances of rental, sales, mortgage, and insurance discrimination (National Fair Housing Alliance, [2008](#)), the federal government has never meaningfully pursued the Act's mandate to affirmatively further fair housing, with one legal scholar recently labeling the FHA "the most spectacularly successful disappointment in civil rights history" (Zasloff, [2018](#)).

After the setbacks of the 1970s and the death of Paul Davidoff in 1984, the study of exclusionary zoning shifted. Although legal scholars (e.g., Keating, [2010](#); Young, [2004](#)) have continued to produce work focused on the inequitable outcomes of American zoning practices, mainstream economists came to recognize that these practices represent a growing burden on U.S. consumers and on economic growth overall. If Paul Davidoff, civil rights activist and originator of advocacy planning, had the leading voice in exclusionary zoning scholarship in the civil rights era, this voice was from the 1990s onward replaced by that of an economist, perhaps Ed Glaeser's ([2011](#)), a scholar of land use zoning most well known for characterizing cities as hubs of creativity and economic growth. The target of exclusionary zoning scholarship has shifted from racial and class inequity to widely dysfunctional markets. If this represented a mainstreaming of the conversation on exclusionary zoning, it has also, some 3 decades on, alienated

progressives skeptical of the potential of leveraging markets for more equitable land use outcomes.

Economists' arguably overdue discovery of local zoning's impacts on housing markets was on the one hand a welcome development. As Levine (2006) shows, mainstream economic scholarship was in the mid- to late-20th century oddly tolerant of market-meddling land use regulations because they facilitated Tiebout's (1956) model of an efficient supply of public services in a decentralized metropolitan region. This scholarship explained that municipalities use zoning to bar residents who do not provide sufficient tax revenues to pay for the public services they consume (Bogart, 1993). Exclusion was therefore a solution to the presumed problem of "the poor following the rich in a never-ending quest for a tax base" and overburdening the high-quality services that come with that tax base (Hamilton, 1975, p. 205). This was somewhat of a riff on the age-old fiscal justification for exclusionary zoning; these economists ignored that public expenditures on housing, schools, parks, and so on might ever have any egalitarian purpose. Hamilton (1975) admitted, "I am not prepared to argue, on equity grounds, that local public services 'ought' to be distributed in accordance with market criteria" (p. 211).

Economists' response to the Open Suburbs movement was negative. Fischel (1985) lamented, "As economists were discovering that fragmented local government structure in metropolitan areas may have some efficiency advantages, a new reform movement attempted to eliminate most of the supposed advantages because they appeared unfair" (p. 316). Fischel went on to point out the costs of mandatory inclusion of affordable housing and to theorize a variety of problems with suburban acceptance of low-income housing such as higher transportation costs for low-income suburbanites and tension in schools.

But economists, Fischel (1999, 2001, 2004, 2015) included, have turned away from celebrating zoning's contribution to an efficient allocation of public goods because of the glaring inefficiencies it creates elsewhere. This shift has enormously influenced the tone of exclusionary zoning scholarship. Postwar scholars worked from legal or anthropological perspectives to understand the scope, content, and reasons for exclusionary practices and theorized their relationship to racial and economic segregation. More recent scholarship, however, tends to use econometric methods to describe the effects of stringent zoning across the breadth of American society, greatly solidifying the evidence that exclusionary practices facilitate segregation but pointing to other outcomes as well.

From the 1990s onward this scholarship has convincingly demonstrated that prevalent U.S. zoning practices create a binding constraint associated with lower housing output, lower production of multifamily and other affordable housing types in particular, increased home sizes, increased housing costs, and reduced homeownership rates (Chakraborty et al., 2010; Glaeser & Gyourko, 2002; Glaeser & Ward, 2009; Green, 1999; Ihlanfeldt, 2007; Malpezzi, 1996). Such studies use innovative measures of the "restrictiveness" of local land use regulation, enabling statistical analysis of regulatory impacts at the scale of an entire county, metropolitan area, or state (Glaeser

& Ward, [2009](#); Green, [1999](#); Ihlanfeldt, [2007](#)). The Wharton Residential Land Use Regulation Index (Gyourko et al., [2008](#)) is one resource that provides measures of local regulatory “restrictiveness” nationwide.

Far from creating efficiencies in service provision, contemporary scholarship finds that prevalent zoning practices redirect households to less desirable locations, often on the metropolitan fringe, creating costs in the form of new roads, new schools, and so on (Fischel, [1999](#); Glaeser, [2011](#)). The constriction of housing supply and the exclusion of so many households from already developed areas also results in development being pushed into lower income neighborhoods, where it is associated with gentrification and displacement; contemporary scholars of exclusionary zoning have argued that lifting density restrictions in wealthier areas will mitigate these outcomes (Manville et al., [2020](#); Wegmann, [2020](#)).

As scholarship on exclusionary zoning expanded to discuss an array of consequences of a broadly dysfunctional housing market, equity concerns did not disappear, but they have certainly lost their centrality. A 1991 HUD report demonstrated this shift, highlighting the exclusion of low-income, minority, elderly, and young households, but overall painting a broader picture of a faltering American Dream (Advisory Commission on Regulatory Barriers to Affordable Housing, [1991](#)). Elsewhere scholarship has emphasized how inflexible local zoning regimes retard economic growth by impeding the absorption of new workers in growing job markets (Hsieh & Moretti, [2017](#); Levine, [2006](#); Reeves, [2017](#)).

Equity’s loss of centrality was also a reflection of government cutbacks in social service provision in the late 20th century. For example, Pollak ([1994](#)) discusses the lack of affordable housing for elderly Americans, summarizing that “in the absence of significant government subsidies, attention has turned to use of the existing housing stock” (p. 521). When the chances of strong government investment in elderly housing provision are slim to none, focusing on how zoning can stymie market provision of group quarters or accessory unit construction, as Pollak does, is a pragmatic and constructive exercise, even if it only points to leveraging markets for improved outcomes rather than comprehensive solutions. There was also concern that advocacy of subsidized low- or moderate-income housing in exclusive jurisdictions backfired in causing suburbs to be more exclusive than ever and that, as Fischel ([1999](#)) put it, “The excessively low densities that result probably do more to isolate most of the poor than would a pro-development policy that nonetheless tolerated more-or-less homogeneous suburbs” (p. 152).

Thus, prescribed solutions have come to focus on ways to increase the diversity and supply of market-provided housing through various reforms. Fischel ([1999](#)), for example, would prefer to force governments to pay for reducing development rights, and elsewhere (Fischel, [2001](#)) suggests home equity insurance as a means of enticing homeowners to accept denser housing. Glaeser ([2011](#)) would prefer to see a simple fee system replace zoning, along with constraints on historic preservation and other local prerogatives. These are not solutions to housing inequity; Glaeser ([2011](#)) states that if deregulation brought housing costs down to some figure closer to construction costs, a

new apartment in Manhattan would still have cost a half million dollars at the time of his writing. Other scholars (Manville et al., [2020](#); Wegmann, [2020](#)) have recently argued for an end to single-family zoning, given its history and that it occupies most land area in so many localities (Badger & Bui, [2019](#)). Others see this as a one-size-fits-all solution or as impolitic (Etienne, [2020](#); Searle & Phibbs, [2020](#)) or argue that it would fail to produce low- and moderate-income housing (Chakraborty, [2020](#)). There is also the concern that studies focusing on constrained supply ignore the nature of demand in housing markets. For example, although scholars often point to Houston (TX) as an example of an alternatively regulated, less constrained, and therefore more affordable housing market, housing demand in Houston is driven largely by lower- and moderate-income households, not the high-wage earners who drive demand in the San Francisco Bay area or Boston (Mallach, [2020](#)).

Analysis today is not devoid of equity concerns. Scholars using econometric methods have, for example, provided evidence that exclusionary practices cause metropolitan areas to be more segregated by income, with middle- and upper-income individuals especially segregated, to their own benefit, in high-amenity municipalities (Lens & Monkkonen, [2016](#)). The efficiencies in service provision celebrated by a previous generation of economists are, in light of such findings, recast as “extranormal returns at the expense of everyone else” (Furman, [2015](#)). Reeves ([2017](#)) similarly frames exclusionary zoning as “opportunity hoarding” (p. 102), with access to high-quality schools and other services and amenities made conditional upon the ability to afford an expensive home. Nor has racial inequity altogether disappeared from the picture. Pendall ([2000](#)) finds that zoning for densities less than eight dwelling units per acre was consistently associated with a lower stock of rental housing, which in turn reduced housing opportunity for Black and Hispanic residents. Similarly, Rothwell and Massey ([2009](#)) and Rothwell ([2011](#)) find low-density zoning is associated with higher levels of racial segregation in U.S. metropolitan areas, with Rothwell and Massey ([2009](#)) arguing that this occurred because low-density zoning produces higher housing costs in relatively more White areas. But again, the implied solution in these studies is only a better-leveraged market.

Frug ([1996](#)) arguably went the furthest in maintaining the spirit of Davidoff’s work, advocating a new model of zoning that, by integrating places of work into residential areas and mixing housing types, would promote communities grounded in social and economic diversity and opportunity. Recognizing that conventional zoning practice has flowed from desires for insularity and separation, Frug’s zoning would promote a “new urbanism,” as he calls it (p. 1047)—an expansion on the new urbanism of architects favoring mixed use and walkability—that values pluralism. Frug expands upon Davidoff’s focus on racial division, writing, “even if America had no racism, zoning would still serve one of its purposes: protecting people from their fear of otherness” (Frug, [1996](#), p. 1083). Whereas Davidoff saw his work advocating for racial minorities and the poor (Davidoff & Gold, [1970](#)), Frug saw an opportunity for a broader coalition including women, the elderly, racial and ethnic minorities, environmentalists, singles, gays and lesbians, and even, presumably, those who harbor fear-based desires for homogeneity and insularity. In this way, Frug wedded advocacy for underrepresented

groups with Davidoff and Gold's (1970) notion of the "white advocate in suburbia" (p. 20) focused on changing the viewpoints of fearful suburbanites.

The Contemporary Debate

As stated above, it has been pragmatic for scholars to focus on the private housing market and its problems and prescribe market-based solutions, given that the private market provides most housing in the United States. But the focus of so much work on market impacts and solutions has led at least one scholar (Imbroscio, 2019) to argue that criticism of exclusionary zoning is so much neoliberal piffle. In the first place, this ignores that a rezoning for denser development is a prerequisite for the construction of virtually all types of affordable housing development (Kahlenberg, 2017). Although Glaeser (2011) and Fischel (1999) may prefer deregulation, Imbroscio's (2019) accusation ignores that the bulk of planning scholars who criticize exclusionary zoning do so not because it is overregulation but because it promotes racial and class segregation (Goetz, 2019). Planners have a responsibility, per their professional ethical code, "to expand choice and opportunity for all persons,...to promote racial and economic integration" and "urge the alteration of policies, institutions, and decisions that oppose such needs" (APA, 2005). Dismantling exclusionary zoning is, at least as planners see it and as Goetz (2019) points out, the replacement of one regulatory policy (low-density, single-use zoning) with an alternative scheme that has different social implications. Thus, Imbroscio's argument rests on a semantic blurring of two entirely different agendas (an antiregulatory agenda and a social justice agenda) simply because their targets overlap in their criticisms of low-density zoning. Imbroscio also labels state interventions such as Massachusetts' Chapter 40B legislation, aimed at curtailing the ability of local governments to exclude, as anti-democratic. In doing so he relies on the assumption that local governments could never be the source of anti-egalitarian, democracy-eroding agendas themselves (Whittemore & BenDor, 2019a), and above all an ignorance of the means (intervention by higher levels of government or courts) by which much civil rights progress has been made (Goetz, 2019).

Nevertheless, such criticism draws attention to long-standing sticking points in exclusionary zoning scholarship. The first is that in some cases, maintaining lower density zoning could help preserve existing affordable housing stock. Angotti (2016), for example, argues that rezonings allowing denser market-rate construction in gentrifying neighborhoods cause direct or indirect displacement of low-income households. Displacement has actually long been recognized as a potential outcome of upzoning for denser residential development in high-amenity urban areas (Davidoff & Davidoff, 1971; Dubin, 1992; Marcuse, 1985). Such an upzoning can resemble what Rabin (1989) terms "expulsive zoning": permissive zoning of minority or low-income residential neighborhoods that results in their displacement. Rabin focuses on cases in which minority residential areas were rezoned for commercial or industrial development, and it is necessary to expand the definition of expulsive zoning to include instances in which zoning for high-density market-rate residential development displaces low- or moderate-income households.

Second, it is important to highlight once again that higher density zoning would not by itself produce adequate housing affordable for low- and moderate-income households in many cases (Chakraborty, [2020](#)). Removing exclusionary zoning is a necessary but not sufficient tactic for providing adequate affordable housing and therein addressing housing inequity in the United States. Neither the deregulatory schemes advised by Fischel ([1999](#)) or Glaeser ([2011](#)) nor the blanket upzonings advised by some planning scholars (Manville et al., [2020](#); Wegmann, [2020](#)) will by themselves solve the problem. The Open Suburbs advocates understood that upzoning should be paired with public subsidy of affordable housing (Davidoff & Gold, [1971b](#); Downs, [1973](#)).

It is also worth noting that although the equity-focused agenda of the Open Suburbs advocates may be overdue for a revival, such a narrow geographical focus (i.e., a focus on suburbs) would be woefully out of date. Suburbs have become increasingly diverse in terms of race and income (Silver, [1986](#); Teaford, [2008](#)) in large part due to increasing affordability in many areas. This is hardly due to the removal of exclusionary zoning but rather by virtue of an aging housing stock within older suburbs and consequently its declining appeal to middle-income households (Gordon, [2019](#); Hanlon, [2010](#)). Meanwhile, central cities have changed too, and as Angotti's ([2016](#)) work shows us, low- to moderate-income households face the threat of expulsion in gentrifying neighborhoods and exclusion from alternative locations in resurgent central cities.

Exclusion thus exists across a wider variety of geographies than it did 50 years ago, and therefore the means of expanding housing opportunity through zoning reform is not so uniform as it once was. Widespread upzonings in middle- to upper-income areas, whether in suburbs or central cities, will allow developers to produce needed market-rate housing without causing displacement and even prevent displacement in low- to moderate-income areas by redirecting higher income households away from gentrifying areas (Manville et al., [2020](#); Wegmann, [2020](#)). But upzoning in low- to moderate-income high-demand areas can hasten the processes of displacement that Angotti ([2016](#)) documents. Minneapolis (MN) legislators paired that city's recent ban on single-family zoning with other measures, including tenant protections and increased public investment in affordable housing, to protect and expand existing affordable housing stock and prevent displacement (Mogush & Worthington, [2020](#)).

Certainly more research is needed to better understand the implications of increasing, decreasing, and maintaining permitted densities across neighborhoods of various physical, economic, and social characteristics, both when these actions are paired with tenant protections and funding for affordable housing and when they are not. Perhaps the most valuable research could investigate upzonings spanning areas of differing demographic characteristics and land costs, as has occurred in Minneapolis. Researchers could examine the amount, location, and type of housing produced before and after these actions, asking under which conditions (if any) such actions trigger low- or moderate-income housing production; whether such actions stimulate housing production most notably in high-demand, formerly exclusive areas; or whether pressures on gentrifying areas decline or increase.

Scholars must also remember that exclusionary zoning is not the only means of achieving income or racial segregation, and scholars cannot ignore that if the power to exclude via zoning were stripped away, communities could still turn to private covenants to limit the types and densities of new housing; these, too, remain effective means of exclusion (Berry, [2001](#)). But the prospect of the wealthy finding other means of excluding should not deter zoning reform; even though exclusion is a moving target, the fewer means of exclusion available, the better. I cannot imagine that the plaintiffs in *Shelley v. Kraemer* ([1948](#)) felt that they should leave racial covenants untouched only because communities were likely to (and did) find other means of maintaining racial segregation.

Conclusion

Paul Davidoff's brave, equity-focused agenda is overdue for resuscitation and already too late for millions of U.S. households. The FHA's mandate to affirmatively further fair housing has never been implemented because policymakers balked at confronting the fear- and status-driven preferences of privileged Americans in the 1970s. In the 40 years since the 1970s, scholars of exclusionary zoning, paralleling the movement of the nation overall, have largely retreated from criticizing the destructive ethic of social segregation and opportunity hoarding lying at the heart of American zoning practice. Uniquely among developed countries, owing to its long history of ethnic and racial pluralism and division, the very purpose of planning and zoning in the United States has been to "classify the population and segregate them according to their income or situation in life" (*Euclid v. Ambler*, [1924](#), p. 330), under the unfounded premise that this is the best arrangement for all. No other high-wealth country, for example, has the prevalence of single-family zoning that the United States has, if they have such zoning at all (Hirt, [2015a](#), [2015b](#)). Not zoning per se but the *American* way of zoning may have less controversial justifications such as preventing environmental degradation or traffic congestion, but it has failed to stop sprawl and traffic (Glaeser, [2011](#); Levine, [2006](#)) while remaining effective in its original project of social sorting (Lens & Monkkonen, [2016](#); Pendall, [2000](#); Rothwell, [2011](#); Rothwell & Massey, [2009](#)). It is time to stop pretending American zoning traditions were designed for, or could even achieve, some noble purpose.

In the spirit of the current movement, led by Black Lives Matter, to rethink local, state, and federal spending priorities, scholars and practitioners can ground their efforts to dismantle exclusionary zoning within a multipronged effort to create "opportunity for *all* persons, regardless of their class or race, to live within a community" (Davidoff & Brooks, [1976](#), p. 152). This involves, among other things, expanding the supply of publicly subsidized housing, integrating it into market-rate development, and increasing permitted densities and allowing multiple housing types wherever there is infrastructure to support this and where displacement can be prevented.

The contributions of economists and other scholars using econometric methods have been instrumental in explaining just how dysfunctional housing markets have become in the United States, and they represent a welcome departure from 20th-century

rationalizations of exclusion. But leveraging markets via widespread upzonings or home equity insurance, at least if pursued in isolation, offers at best improved outcomes, and at the cost of further disruption to vulnerable communities and the alienation of allies. Davidoff saw his crusade against exclusionary zoning as inseparable from direct public subsidy of housing; planners cannot fail to do the same today.

Nevertheless, Davidoff and Davidoff (1971) cautioned that the fight against exclusionary zoning should not be conditional upon other outcomes. Upzoning is a necessary antecedent not only for the inclusion of additional market-rate housing in “built out” areas where displacement is unlikely, but for the construction of affordable housing virtually anywhere. Planners know how to create a new American model of zoning based on the values in planners’ Code of Ethics (APA, 2005) instead of the values of 20th-century elites. Fifty years ago the fight against exclusionary zoning was at the forefront of the civil rights movement, and it belongs there again as a necessary component of a holistic strategy to adequately house Americans.

Additional information

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References

1. Advisory Commission on Regulatory Barriers to Affordable Housing. (1991). *Not in my back yard: Removing barriers to affordable housing*. Department of Housing and Urban Development. [\[Google Scholar\]](#)
2. American Planning Association. (2005). *AICP code of ethics and professional conduct*. <https://www.planning.org/ethics/ethicscode/> [\[Google Scholar\]](#)
3. Angotti, T. (2016). Land use and zoning matter. In T. Angotti & S. Morse (Eds.), *Zoned out! Race, displacement and city planning in New York City* (pp. 18–45). Terreform. [\[Google Scholar\]](#)
4. Astor, M. (2020, March 22). Young voters know what they want. But they don’t see everyone offering it. *New York Times*. <https://www.nytimes.com/2020/03/22/us/politics/young-voters-biden-sanders.html> [\[Google Scholar\]](#)
5. Aumente, J. (1971, January–February). Domestic land reform. *City*, 5, 56–58. [\[Google Scholar\]](#)
6. Babcock, R. F. (1966). *The zoning game*. University of Wisconsin Press. [\[Google Scholar\]](#)

7. Babcock, R. F., & Bosselman, R. P. (1973). *Exclusionary zoning: Land use regulation and housing in the 1970s*. Praeger Publishers. [\[Google Scholar\]](#)
8. Badger, E., & Bui, Q. (2019, June 18). Cities start to question an American ideal: A house with a yard on every lot. *New York Times*. <https://www.nytimes.com/interactive/2019/06/18/upshot/cities-across-america-question-single-family-zoning.html> [\[Google Scholar\]](#)
9. Benson, N. (2010). A tale of two cities: Examining the success of inclusionary zoning in Montgomery County, Maryland and Boulder, Colorado. *The Journal of Gender, Race & Justice*, 13(3), 753–777. [\[Google Scholar\]](#)
10. Berry, C. (2001). Land use regulation and residential segregation: Does zoning matter? *American Law and Economics Review*, 3(2), 251–274. <https://doi.org/10.1093/aler/3.2.251> [\[Crossref\]](#), [\[Google Scholar\]](#)
11. Bogart, W. T. (1993). “What big teeth you have!” Identifying the motivations for exclusionary zoning. *Urban Studies*, 30(10), 1669–1681. <https://doi.org/10.1080/00420989320081651> [\[Crossref\]](#), [\[Web of Science®\]](#), [\[Google Scholar\]](#)
12. Brooks, R. R. W., & Rose, C. M. (2013). *Saving the neighborhood: Racially restrictive covenants, law, and social norms*. Harvard University Press. [\[Crossref\]](#), [\[Google Scholar\]](#)
13. *Buchanan v. Warley*, 245 US 60 (1917). [\[Google Scholar\]](#)
14. Burns, M. M. (1974). Class struggle in the suburbs: Exclusionary zoning against the poor. *Hastings Constitutional Law Quarterly*, 2, 179–201. https://repository.uchastings.edu/cgi/viewcontent.cgi?article=1022&context=hastings_constitutional_law_quaterly [\[Google Scholar\]](#)
15. Chakraborty, A. (2020). Calls to end all single-family zoning need more scrutiny. *Journal of the American Planning Association*, 86(1), 123–124. <https://doi.org/10.1080/01944363.2019.1689015> [\[Taylor & Francis Online\]](#), [\[Web of Science®\]](#), [\[Google Scholar\]](#)
16. Chakraborty, A., Knapp, G., Nguyen, D., & Shin, J. H. (2010). The effects of high-density zoning on multifamily housing construction in the suburbs of six US metropolitan areas. *Urban Studies*, 47(2), 437–451. <https://doi.org/10.1177/0042098009348325> [\[Crossref\]](#), [\[Web of Science®\]](#), [\[Google Scholar\]](#)
17. Cheney, C. (1920). Removing social barriers through zoning. *The Survey*, 44(11), 275–278. [\[Google Scholar\]](#)
18. Chicago Area Fair Housing Alliance. (2018). *A city fragmented: How race, power, and aldermanic prerogative shape Chicago’s neighborhoods*. https://docs.wixstatic.com/ugd/e6d287_db004a4a61fe4350ba4b3b1c6e24be41.pdf [\[Google Scholar\]](#)
19. Choppin, T. J. (1994). Breaking the exclusionary land use regulation barrier: Policies to promote affordable housing in the suburbs. *The Georgetown Law Journal*, 82, 2039–2077. [\[Web of Science®\]](#), [\[Google Scholar\]](#)
20. Clingermayer, J. C. (2004). Heresthetics and happenstance: Intentional and unintentional exclusionary impacts of the zoning decision-making process. *Urban Studies*, 41(2), 377–

388. <https://doi.org/10.1080/0042098032000165307> [\[Crossref\]](#), [\[Web of Science ®\]](#), [\[Google Scholar\]](#)
21. Comey, A. C. (1919). *Residential zoning: Introductory statement* [Paper presentation]. 11th Conference on City Planning, Niagara Falls and Buffalo, NY, pp. 159–161. [\[Google Scholar\]](#)
 22. Davidoff, P. (1965). Advocacy and pluralism in planning. *Journal of the American Institute of Planners*, 31(4), 331–338. <https://doi.org/10.1080/01944366508978187> [\[Taylor & Francis Online\]](#), [\[Web of Science ®\]](#), [\[Google Scholar\]](#)
 23. Davidoff, P., & Brooks, M. E. (1976). Zoning out the poor. In P. C. Dolce (Ed.), *Suburbia: The American dream and dilemma* (pp. 135–166). Anchor Books. [\[Google Scholar\]](#)
 24. Davidoff, P., & Davidoff, L. (1971). Opening the suburbs: Toward inclusionary land use controls. *Syracuse Law Review*, 22(2), 509–536. [\[Google Scholar\]](#)
 25. Davidoff, P., & Gold, N. N. (1970). Suburban action: Advocate planning for an open society. *Journal of the American Institute of Planners*, 36(1), 12–21. <https://doi.org/10.1080/01944367008977275> [\[Taylor & Francis Online\]](#), [\[Google Scholar\]](#)
 26. Davidoff, P., & Gold, N. N. (1971a). Exclusionary zoning. *Yale Review of Law and Social Action*, 1(2), 57–63. [\[Google Scholar\]](#)
 27. Davidoff, P., & Gold, N. N. (1971b, November 7). The suburbs have to open their gates. *New York Times*, Section SM, 40. [\[Google Scholar\]](#)
 28. Downs, A. (1973). *Opening up the suburbs: An urban strategy for America*. Yale University Press. [\[Google Scholar\]](#)
 29. Dubin, J. C. (1992). From junkyards to gentrification: Explicating a right to protective zoning in low-income communities of color. *Minnesota Law Review*, 77, 739–801. [\[Web of Science ®\]](#), [\[Google Scholar\]](#)
 30. Etienne, H. F. (2020). The detached single-family home genie and its bottle. *Journal of the American Planning Association*, 86(1), 126–127. <https://doi.org/10.1080/01944363.2019.1689018> [\[Taylor & Francis Online\]](#), [\[Web of Science ®\]](#), [\[Google Scholar\]](#)
 31. Fair Housing Act. (1968). 42 U.S.C. Sec. 3601–3620. [\[Google Scholar\]](#)
 32. Fair Housing Act. (2013). New Jersey Revised Statutes, Section 52:27D-501. [\[Google Scholar\]](#)
 33. Feagin, J. R. (1989). Arenas of conflict: Zoning and land use reform in critical political-economic perspective. In C. M. Haar & J. S. Kayden (Eds.), *Zoning and the American dream: Promises still to keep* (pp. 73–100). American Planning Association. [\[Google Scholar\]](#)
 34. Federal Housing Administration (FHA). (1939). *The structure and growth of residential neighborhoods in American cities*. U.S. Government Printing Office. [\[Google Scholar\]](#)
 35. Fennell, L. A. (2009). *The unbounded home: Property values beyond property lines*. Yale University Press. [\[Crossref\]](#), [\[Google Scholar\]](#)
 36. Fischel, W. A. (1985). *The economics of zoning laws*. Johns Hopkins University Press. [\[Google Scholar\]](#)

37. Fischel, W. A. (1999). Does the American way of zoning cause the suburbs of metropolitan areas to be too spread out? In A. Altshuler (Ed.), *Governance and opportunity in metropolitan America* (pp. 151–191). National Academy Press. [\[Google Scholar\]](#)
38. Fischel, W. A. (2001). *The homevoter hypothesis: How home values influence local government taxation, school finance, and land-use policies*. Harvard University Press. [\[Google Scholar\]](#)
39. Fischel, W. A. (2004). An economic history of zoning and a cure for its exclusionary effects. *Urban Studies*, 41(2), 317–340. <https://doi.org/10.1080/0042098032000165271> [\[Crossref\]](#), [\[Web of Science ®\]](#), [\[Google Scholar\]](#)
40. Fischel, W. A. (2015). *Zoning rules! The economics of land use regulation*. Lincoln Institute of Land Policy. [\[Google Scholar\]](#)
41. Fischler, R. (1998). The metropolitan dimension of early zoning: Revisiting the 1916 New York City ordinance. *Journal of the American Planning Association*, 64(2), 170–188. <https://doi.org/10.1080/01944369808975974> [\[Taylor & Francis Online\]](#), [\[Web of Science ®\]](#), [\[Google Scholar\]](#)
42. Fogelson, R. M. (2005). *Bourgeois nightmares: Suburbia, 1870–1930*. Yale University Press. [\[Google Scholar\]](#)
43. Frug, J. (1996). The geography of community. *Stanford Law Review*, 48(5), 1047–1108. <https://doi.org/10.2307/1229380> [\[Crossref\]](#), [\[Web of Science ®\]](#), [\[Google Scholar\]](#)
44. Furman, J. (2015). *Barriers to shared growth: The case of land use regulation and economic rents*. The Urban Institute. https://obamawhitehouse.archives.gov/sites/default/files/page/files/20151120_barriers_shared_growth_land_use_regulation_and_economic_rents.pdf [\[Google Scholar\]](#)
45. Glaeser, E. L. (2011). *Triumph of the city: How our greatest invention makes us richer, smarter, greener, healthier, and happier*. Penguin Books. [\[Google Scholar\]](#)
46. Glaeser, E. L., & Gyourko, J. (2002). *The impact of zoning on housing affordability*. National Bureau of Economic Research, Working Paper 8835. <http://www.nber.org/papers/w8835> [\[Google Scholar\]](#)
47. Glaeser, E. L., & Ward, B. A. (2009). The causes and consequences of land use regulation: Evidence from Greater Boston. *Journal of Urban Economics*, 65(3), 265–278. <https://doi.org/10.1016/j.jue.2008.06.003> [\[Crossref\]](#), [\[Web of Science ®\]](#), [\[Google Scholar\]](#)
48. Goetz, E. G. (2019, June 5). Democracy, exclusion, and white supremacy: How should we think about exclusionary zoning? *Urban Affairs Review*. Advance online publication. <https://doi.org/10.1177/1078087419886040> [\[Crossref\]](#), [\[Web of Science ®\]](#), [\[Google Scholar\]](#)
49. Goetz, E. G., Williams, R. A., & Damiano, A. (2020). Whiteness and urban planning. *Journal of the American Planning Association*, 86(2), 142–

156. <https://doi.org/10.1080/01944363.2019.1693907> [Taylor & Francis Online], [Web of Science®], [Google Scholar]
50. Gordon, C. (2019). *Citizen Brown: Race, democracy, and inequality in the St. Louis suburbs*. University of Chicago Press. [Crossref], [Google Scholar]
51. Green, R. K. (1999). Land use regulation and the price of housing in a suburban Wisconsin county. *Journal of Housing Economics*, 8(2), 144–159. <https://doi.org/10.1006/jhec.1999.0243> [Crossref], [Web of Science®], [Google Scholar]
52. Gyourko, J., Saiz, A., & Summers, A. (2008). A new measure of the local regulatory environment for housing markets: The Wharton Residential Land Use Regulation Index. *Urban Studies*, 45(3), 693–729. <https://doi.org/10.1177/0042098007087341> [Crossref], [Web of Science®], [Google Scholar]
53. Haar, C. M. (1953). Zoning for minimum standards: The Wayne township case. *Harvard Law Review*, 66(6), 1051–1063. <https://doi.org/10.2307/1336995> [Crossref], [Web of Science®], [Google Scholar]
54. Haar, C. M. (1954). Zoning for whom? In brief reply. *Harvard Law Review*, 67(6), 986–993. <https://doi.org/10.2307/1337141> [Crossref], [Web of Science®], [Google Scholar]
55. Hall, E. (2007). Divide and sprawl, decline and fall: Comparative critique of Euclidian zoning. *University of Pittsburgh Law Review*, 68(4), 915–952. <https://doi.org/10.5195/LAWREVIEW.2007.77> [Crossref], [Web of Science®], [Google Scholar]
56. Ham, B. K. (1996). Exclusionary zoning and racial segregation: A reconsideration of the Mount Laurel doctrine. *Seton Hall Constitutional Law Journal*, 7, 577–616. [Google Scholar]
57. Hamilton, B. W. (1975). Zoning and property taxation in a system of local governments. *Urban Studies*, 12(2), 205–211. <https://doi.org/10.1080/00420987520080301x> [Crossref], [Web of Science®], [Google Scholar]
58. Hanlon, B. (2010). *Once the American dream: Inner-ring suburbs of the metropolitan United States*. Temple University Press. [Google Scholar]
59. Hirt, S. A. (2015a). The rules of residential segregation: US housing taxonomies and their precedents. *Planning Perspectives*, 30(3), 367–395. <https://doi.org/10.1080/02665433.2014.985602> [Taylor & Francis Online], [Web of Science®], [Google Scholar]
60. Hirt, S. A. (2015b). *Zoned in the USA: The origins and implications of American land-use regulation*. Cornell University Press. [Crossref], [Google Scholar]
61. The house loses. (2020, May 12). *The Economist*, 19. [Google Scholar]
62. Hsieh, C., & Moretti, E. (2017, September 6). How local housing regulations smother the U.S. economy. *The New York Times*. <https://www.nytimes.com/2017/09/06/opinion/housing-regulations-us-economy.html> [Google Scholar]

63. Hubbard, T. K., & Hubbard, H. V. (1929). *Our cities to-day and to-morrow: A survey of planning and zoning progress in the United States*. Harvard University Press. [\[Google Scholar\]](#)
64. Ihlanfeldt, K. (2007). The effect of land use regulation on housing and land prices. *Journal of Urban Economics*, 61(3), 420–425. <https://doi.org/10.1016/j.jue.2006.09.003> [\[Crossref\]](#), [\[Web of Science ®\]](#), [\[Google Scholar\]](#)
65. Imbroscio, D. (2019). Rethinking exclusionary zoning or: How I learned to stop worrying and love it. *Urban Affairs Review*. Advance online publication. <https://doi.org/10.1177/1078087419879762> [\[Crossref\]](#), [\[Web of Science ®\]](#), [\[Google Scholar\]](#)
66. *James v. Valtierra*, 402 US 137 (1971). [\[Google Scholar\]](#)
67. Julian, E. (2017). *The duty to affirmatively further fair housing: A legal as well as a policy imperative*. President and Fellows of Harvard College. https://www.jchs.harvard.edu/sites/default/files/a_shared_future_duty_to_affirmatively_further_fair_housing.pdf [\[Google Scholar\]](#)
68. Kahlenberg, R. D. (2017). An economic Fair Housing Act. *Poverty and Race*, 26(3), 1–12. [\[Google Scholar\]](#)
69. Keating, W. (2010). *The suburban racial dilemma: Housing and neighborhoods*. Temple University Press. [\[Google Scholar\]](#)
70. King, P. E. (1978). Exclusionary zoning and open housing: A brief judicial history. *Geographical Review*, 68(4), 459–469. <https://doi.org/10.2307/214217> [\[Crossref\]](#), [\[Web of Science ®\]](#), [\[Google Scholar\]](#)
71. Krefetz, S. P. (2020). The impact and evolution of the Massachusetts Comprehensive Permit and Zoning Appeals Act: Thirty years of experience with state legislative effort to overcome exclusionary zoning. *Western New England Law Review*, 22(2), 381–430. <https://digitalcommons.law.wne.edu/lawreview/vol22/iss2/5/> [\[Google Scholar\]](#)
72. Lamb, C. M. (2005). *Housing segregation in suburban America since 1960*. Cambridge University Press. [\[Crossref\]](#), [\[Google Scholar\]](#)
73. Lasker, B. (1920). Unwalled towns. *The Survey*, 43, 675–718. [\[Google Scholar\]](#)
74. Lens, M. C., & Monkkonen, P. (2016). Do strict land use regulations make metropolitan areas more segregated by income? *Journal of the American Planning Association*, 82(1), 6–21. <https://doi.org/10.1080/01944363.2015.1111163> [\[Taylor & Francis Online\]](#), [\[Web of Science ®\]](#), [\[Google Scholar\]](#)
75. Levine, J. (2006). *Zoned out: Regulation, markets, and choices in transportation and metropolitan land use*. Resources for the Future. [\[Google Scholar\]](#)
76. Lewis, H. (1939). *City planning: Why and how?* Longmans Green & Co. [\[Google Scholar\]](#)
77. Mallach, A. (2020, June 19). More housing could increase affordability—but only if you build it in the right

- places. *Shelterforce*. https://shelterforce.org/2020/06/19/more-housing-could-increase-affordability-but-only-if-you-build-it-in-the-right-places-urban_housing/ [Google Scholar]
78. Malpezzi, S. (1996). Housing prices, externalities, and regulation in US metropolitan areas. *Journal of Housing Research*, 7(2), 209–241. [Google Scholar]
79. Mandelker, D. R. (1971). *The zoning dilemma: A legal strategy for urban change*. The Bobbs-Merrill Co., Inc. [Google Scholar]
80. Mangin, J. (2014). The new exclusionary zoning. *Stanford Law and Policy Review*, 25(1), 91–120. <https://law.stanford.edu/publications/new-exclusionary-zoning/> [Google Scholar]
81. Manville, M., Monkkonen, P., & Lens, M. (2020). It's time to end single-family zoning. *Journal of the American Planning Association*, 86(1), 106–112. <https://doi.org/10.1080/01944363.2019.1651216> [Taylor & Francis Online], [Web of Science®], [Google Scholar]
82. Marcuse, P. (1985). To control gentrification: Anti-displacement zoning and planning for stable residential districts. *Review of Law and Social Change*, 13(4), 931–952. <https://socialchangenyu.com/review/to-control-gentrification-anti-displacement-zoning-and-planning-for-stable-residential-districts/> [Google Scholar]
83. Marsh, B. C. (1909). *An introduction to city planning: Democracy's challenge to the American city*. Privately published. [Google Scholar]
84. *Metropolitan Housing Development Corp. v. Village of Arlington Heights*, 429 US 252 (1977). [Google Scholar]
85. Mogush, P., & Worthington, H. (2020). The view from Minneapolis. *Journal of the American Planning Association*, 86(1), 120–120. <https://doi.org/10.1080/01944363.2019.1689012> [Taylor & Francis Online], [Web of Science®], [Google Scholar]
86. Monkkonen, P. (2016). *Understanding and challenging opposition to housing construction in California's Urban Areas*. White Paper. University of California Center. [Google Scholar]
87. Mukhija, V., Regus, L., Slovin, S., & Das, A. (2010). Can inclusionary zoning be an effective and efficient housing policy? Evidence from Los Angeles and Orange Counties. *Journal of Urban Affairs*, 32(2), 229–252. <https://doi.org/10.1111/j.1467-9906.2010.00495.x> [Taylor & Francis Online], [Web of Science®], [Google Scholar]
88. Munro, M. B. (1931). A danger spot in the zoning movement. *The Annals of the American Academy of Political and Social Science*, 155(2), 202–206. <https://doi.org/10.1177/0002716231115500226> [Crossref], [Google Scholar]
89. National Commission on Urban Problems. (1969). *Building the American city*. U.S. Government Printing Office. [Google Scholar]
90. National Fair Housing Alliance. (2008). *Dr. King's dream denied: Forty years of failed federal enforcement*. https://nationalfairhousing.org/wp-content/uploads/2017/04/2008_fair_housing_trends_report.pdf [Google Scholar]

91. *National Land and Investment Co. v. Easttown Township Board of Adjustment* (Pennsylvania SC 1965). 419 PA 504. [\[Google Scholar\]](#)
92. Nightingale, C. H. (2012). *Segregation: A global history of divided cities*. University of Chicago Press. [\[Crossref\]](#), [\[Google Scholar\]](#)
93. Norman, W. Jr., & Norman, T. (1971). Exclusionary land use controls: The case of North-Eastern New Jersey. *Syracuse Law Review*, 22(2), 475–507. [\[Google Scholar\]](#)
94. Pendall, R. (1999). Opposition to housing: NIMBY and beyond. *Urban Affairs Review*, 35(1), 112–136. <https://doi.org/10.1177/10780879922184310> [\[Crossref\]](#), [\[Web of Science ®\]](#), [\[Google Scholar\]](#)
95. Pendall, R. (2000). Local land use regulation and the chain of exclusion. *Journal of the American Planning Association*, 66(2), 125–142. <https://doi.org/10.1080/01944360008976094> [\[Taylor & Francis Online\]](#), [\[Web of Science ®\]](#), [\[Google Scholar\]](#)
96. Perin, C. (1977). *Everything in its place: Social order and land use in America*. Princeton University Press. [\[Google Scholar\]](#)
97. Pollak, P. B. (1994). Rethinking zoning to accommodate the elderly in single family housing. *Journal of the American Planning Association*, 60(4), 521–531. <https://doi.org/10.1080/01944369408975608> [\[Taylor & Francis Online\]](#), [\[Web of Science ®\]](#), [\[Google Scholar\]](#)
98. Popper, F. J. (1981). *The politics of land use reform*. University of Wisconsin Press. [\[Google Scholar\]](#)
99. Purdy, L. (1918). Comment. *Proceedings of the Joint Conference on City, Regional, State, and National Planning*, 10, 41–42. [\[Google Scholar\]](#)
100. Rabin, Y. (1989). Expulsive zoning: The inequitable legacy of *Euclid*. In C. M. Haar & J. S. Kayden (Eds.), *Zoning and the American dream: Promises still to keep* (pp. 101–121). American Planning Association. [\[Google Scholar\]](#)
101. Reeves, R. V. (2017). *Dream hoarders*. The Brookings Institution. [\[Google Scholar\]](#)
102. Ritzdorf, M. (1997a). Family values, municipal zoning, and African-American family life. In J. M. Thomas & M. Ritzdorf (Eds.), *Urban planning and the African American community: In the shadows* (pp. 75–92). Sage Publications. [\[Google Scholar\]](#)
103. Ritzdorf, M. (1997b). Locked out of paradise: Contemporary exclusionary zoning, the Supreme Court, and African-Americans. In J. M. Thomas & M. Ritzdorf (Eds.), *Urban planning and the African American community: In the shadows* (pp. 43–57). Sage Publications. [\[Google Scholar\]](#)
104. Rothwell, J. (2011). Racial enclaves and density zoning: The institutionalized segregation of racial minorities in the United States. *American Law and Economics Review*, 13(1), 290–358. <https://doi.org/10.1093/aler/ahq015> [\[Crossref\]](#), [\[Web of Science ®\]](#), [\[Google Scholar\]](#)
105. Rothwell, J., & Massey, D. S. (2009). The effect of density zoning on racial segregation in US urban areas. *Urban Affairs Review*, 44(6), 779–

806. <https://doi.org/10.1177/1078087409334163> [\[Crossref\]](#), [\[PubMed\]](#), [\[Web of Science ®\]](#), [\[Google Scholar\]](#)
106. Sager, L. G. (1969). Tight little islands: Exclusionary zoning, equal protection, and the indigent. *Stanford Law Review*, 21(4), 767–800. <https://doi.org/10.2307/1227567> [\[Crossref\]](#), [\[Google Scholar\]](#)
107. Scally, C. P., & Tighe, J. R. (2015). Democracy in action? NIMBY as impediment to equitable affordable housing siting. *Housing Studies*, 30(5), 749–769. <https://doi.org/10.1080/02673037.2015.1013093> [\[Taylor & Francis Online\]](#), [\[Web of Science ®\]](#), [\[Google Scholar\]](#)
108. Schmidt, S., & Paulsen, K. (2009). Is open-space reservation a form of exclusionary zoning? The evolution of municipal open-space policies in New Jersey. *Urban Affairs Review*, 45(1), 92–118. <https://doi.org/10.1177/1078087408331122> [\[Crossref\]](#), [\[Web of Science ®\]](#), [\[Google Scholar\]](#)
109. Searle, G., & Phibbs, P. (2020). Ending single-family zoning: Is there a plan B? *Journal of the American Planning Association*, 86(1), 121–122. <https://doi.org/10.1080/01944363.2019.1689013> [\[Taylor & Francis Online\]](#), [\[Web of Science ®\]](#), [\[Google Scholar\]](#)
110. *Shelley v. Kraemer*, 334 US 1 (1948). [\[Google Scholar\]](#)
111. Silver, C. (1986). Housing policy and suburbanization: An analysis of the changing quality and quantity of Black housing in suburbia since 1950. In J. A. Momeni (Ed.), *Race, ethnicity, and minority housing in the United States* (pp. 69–88). Greenwood Press. [\[Google Scholar\]](#)
112. Silver, C. (1991). The racial origins of zoning: Southern cities from 1910–1940. *Planning Perspectives*, 6(2), 189–205. <https://doi.org/10.1080/02665439108725726> [\[Taylor & Francis Online\]](#), [\[Google Scholar\]](#)
113. Silverstein, T. (2015). Overcoming land use localism: How HUDs new fair housing regulation can push states to eradicate exclusionary zoning. *University of Baltimore Journal of Land and Development*, 5(1), 25–56. <https://scholarworks.law.ubalt.edu/ubjld/vol5/iss1/3> [\[Google Scholar\]](#)
114. *Southern Burlington County NAACP et al. v. Township of Mount Laurel* (New Jersey SC 1975). 67 NJ 151, 336 A.2d 713. [\[Google Scholar\]](#)
115. Taylor, D. (2014). *Toxic communities: Environmental racism, industrial pollution, and residential mobility*. New York University Press. [\[Google Scholar\]](#)
116. Teaford, J. C. (2008). *The American suburb: The basics*. Routledge. [\[Google Scholar\]](#)
117. Tiebout, C. M. (1956). A pure theory of local expenditures. *Journal of Political Economy*, 64(5), 416–424. <https://doi.org/10.1086/257839> [\[Crossref\]](#), [\[Web of Science ®\]](#), [\[Google Scholar\]](#)
118. Toll, S. I. (1969). *Zoned American*. Grossman Publishers. [\[Google Scholar\]](#)
119. Trounstine, J. (2018). *Segregation by design: Local politics and inequality in American cities*. Cambridge University Press. [\[Crossref\]](#), [\[Google Scholar\]](#)

120. *Village of Belle Terre v. Boraas*, 416 US 1 (1974). [\[Google Scholar\]](#)
121. *Village of Euclid v. Ambler Realty Co.*, 297 F. 307 (ND Ohio 1924). [\[Google Scholar\]](#)
122. *Village of Euclid v. Ambler Realty Co.*, 272 US 365 (1926). [\[Google Scholar\]](#)
123. Walker, A. (2020, May 20). Coronavirus is not fuel for urbanist fantasies. *Curbed*. <https://www.curbed.com/2020/5/20/21263319/coronavirus-future-city-urban-covid-19> [\[Google Scholar\]](#)
124. *Warth v. Seldin*, 422 US 490 (1975). [\[Google Scholar\]](#)
125. Wegmann, J. (2020). Death to single-family zoning and new life to the missing middle. *Journal of the American Planning Association*, 86(1), 113–119. <https://doi.org/10.1080/01944363.2019.1651217> [\[Taylor & Francis Online\]](#), [\[Web of Science®\]](#), [\[Google Scholar\]](#)
126. Whittemore, A. H. (2012). Zoning Los Angeles: A brief history of four regimes. *Planning Perspectives*, 27(3), 393–415. <https://doi.org/10.1080/02665433.2012.681140> [\[Taylor & Francis Online\]](#), [\[Web of Science®\]](#), [\[Google Scholar\]](#)
127. Whittemore, A. H. (2018). The role of racial bias in exclusionary zoning: The case of Durham, North Carolina, 1945–2014. *Environment and Planning A: Economy and Space*, 50(4), 826–847. <https://doi.org/10.1177/0308518X18755144> [\[Crossref\]](#), [\[Web of Science®\]](#), [\[Google Scholar\]](#)
128. Whittemore, A. H., & BenDor, T. K. (2019a). Opposition to housing development in a suburban US county: Characteristics, origins, and consequences. *Land Use Policy*, 88, 104158. <https://doi.org/10.1016/j.landusepol.2019.104158> [\[Crossref\]](#), [\[Web of Science®\]](#), [\[Google Scholar\]](#)
129. Whittemore, A. H., & BenDor, T. K. (2019b). Reassessing NIMBY: The demographics, politics, and geography of opposition to high-density residential infill. *Journal of Urban Affairs*, 41(4), 423–442. <https://doi.org/10.1080/07352166.2018.1484255> [\[Taylor & Francis Online\]](#), [\[Web of Science®\]](#), [\[Google Scholar\]](#)
130. Whitten, R. H. (1918). The zoning of residence sections. *Proceedings of the Joint Conference on City, Regional, State, and National Planning*, 10, 34–39. [\[Google Scholar\]](#)
131. Whitten, R. H. (1921). Zoning and living conditions. *Proceedings of the Joint Conference on City, Regional, State, and National Planning*, 13, 22–30. [\[Google Scholar\]](#)
132. Williams, R. A. (1989). *Euclid's Lochnerian legacy*. In C. M. Haar & J. S. Kayden (Eds.), *Zoning and the American dream: Promises still to keep* (pp. 278–295). American Planning Association. [\[Google Scholar\]](#)
133. Wolf, M. A. (2008). *The zoning of America: Euclid v. Ambler*. University of Kansas Press. [\[Google Scholar\]](#)
134. *Yick Wo v. Hopkins*, 118 US 356 (1886). [\[Google Scholar\]](#)

135. Young, L. C. (2004). Breaking the color line: Zoning and opportunity in America's metropolitan areas. *The Journal of Gender, Race & Justice*, 8, 667–710. [\[Google Scholar\]](#)
136. Zasloff, J. (2018, April 11). How to make fair housing truly fair. *Slate*. <https://slate.com/business/2018/04/fix-the-fair-housing-act-by-paying-people-to-integrate-segregated-neighborhoods.html> [\[Google Scholar\]](#)

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