

THE CONSERVATION OF HISTORIC COMMUNITIES:
HOW PROPERTY LAWS, ZONING ORDINANCES, HISTORIC DISTRICTING,
AND
CODE ENFORCEMENT, CAN BOTH PRESERVE AND HINDER A CULTURAL
LANDSCAPE

A THESIS

SUBMITTED ON THE FIFTEENTH DAY OF DECEMBER 2022

TO THE DEPARTMENT OF PRESERVATION STUDIES

IN PARTIAL FULFILLMENT OF THE REQUIREMENTS

OF THE SCHOOL OF ARCHITECTURE

OF TULANE UNIVERSITY

FOR THE DEGREE

OF


MASTERS OF

PRESERVATION STUDIES



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AN ABSTRACT

It is particularly important to study the history of regulations and laws within historic cities and districts to understand how human environments have been shaped over time. It is through such understanding that contemporary issues can be addressed that surface with the advent of new technologies, changing demographics, environmental challenges, and historic preservation efforts within the built environment. One such issue is the loss of affordable housing and the displacement of longtime residents.

By using a select neighborhood within the City of New Orleans, Central City, as a case study, and by looking nationally for comparative and distinguishable examples in other cities, this paper intends to show how laws intended to promote preservation, or simply manage landscapes, can sometimes hurt the historic integrity of and the communities that they have been designed to serve. Focus will be placed mostly on blight and possession laws, taxing, zoning within historic districts, the policing powers of eminent domain, and code enforcement that places unnecessary financial burdens on historic communities.

The study will explore how updating, modifying, or removing existing laws can help cities navigate current issues that have had negative effects on the historic built environment. This thesis will research historic and contemporary law, maps, documents, and demographics to better understand ways in which revising, rescinding, or keeping certain laws and ordinances can ultimately benefit the lives and landscapes of America's historic environments.

Preservationists must understand the laws that influence and shape the built environment to find creative ways that might benefit the *tout ensemble* of conservation. Saving historic communities should be linked with any preservation management plan. It is important to understand racist uses of early zoning practices, such as redlining, and the repercussions that persist today. To better influence the field, inclusion of underprivileged voices, housing equity, and community, conservation needs to be central to historic preservation.

By evaluating zoning, tax law, historic districting, and code enforcement, people can rediscover and reestablish positive influences on how to interact with inherited landscapes in the modern age thus helping to preserve historic communities.

ACKNOWLEDGMENTS

Thanks and gratitude are given to the faculty and staff of Tulane University's School of Architecture Historic Preservation Department for their encouragement regarding my studies. Pursuance of a Masters of Historic Preservation has been an amazing experience that has been guided by enthusiastic and supportive professors who instructed me and shared their passions regarding preserving historic built environments as well as interpreting history through a progressive and equitable lens. Without their shared expertise and guidance, my hopes and aspirations of making impacts in the field of historic preservation would be much further from fruition.

I would also like to thank my advisors, Brent Fortenberry, Laura Blokker, and Heather Veneziano regarding my thesis. Without their insight and support, much of this thesis would still be but an idea.

Also, I wish to convey special thanks to other professionals in the field including those who have answered emails and questions, which have proven necessary to creating a rounded study with numerous perspectives. Bryan Block and Joy Willig were gracious to meet with me to converse and give me insight regarding my thesis. Furthermore,

credit is also due to all the scholars and organizations whose works and efforts proved invaluable to writing this thesis.

Lastly, I would like to thank my friends and family who have been supportive throughout this process and have shared their own perspectives and motivations.

FORWARD

The idea for this thesis was developed out of the lived experience of calling New Orleans home for over a decade. Over these years I have not only witnessed many historic properties saved from demolition, but many succumb to it as well. Without the advocacy and efforts of historic preservation, the number of losses would be much greater.

Although there have been many successes as well as defeats in the preservation of New Orleans historic built environment, one ongoing failure has been the displacement of many of the city's long-term, historic, working-class residents. These residents have been underserved by the systems that purport to protect them.

The hope is that this thesis will assist these long-term residents to help maintain their footing in a city undergoing rapid change. It is to these bearers of cultural heritage that this paper is ultimately meant to serve. The hope is that the following study can assist and influence the goal of preserving New Orleans' culturally rich communities that are under attack. Historic buildings are but exclusionary walls if they cannot make space for the most underserved and underrepresented residents. It is for these residents that this thesis is dedicated.

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1. INTRODUCTION

Embodied within built environments are cultures, customs, and most importantly people. With any preservation plan, the protection of low- to moderate-income historic residents as well as affordable housing must be tantamount to the protection of cultural landscapes. It is not simply a past community that requires interpretation and memorialization, but those communities of the present, especially those facing hardship.

Avenues for the protection of communities and people within the built environment is not something reserved solely for sociologists. Historic preservation has many instruments at its disposal that can be adapted to better serve the needs of property owners, renters, and the businesses that comprise long-standing communities.

Buildings and landscapes require advocacy on their behalf for preservation. Similarly, underrepresented, historically oriented communities, whether past or present, require that preservationists advocate for them not only by constructing inclusive narratives that give descendants presence, power, and memorialization, but also for their protection within these landscapes.

The historic preservation of buildings, landscapes, and their memorialization can help protect a physical memory as well as cultural heritage that is intangible. There are protections, codes, and procedures that help preserve the built environment through local and federal historic nomination, section 106 review, tax credits, easements, as well as community land trusts. Mechanisms such as these can help stop or stall demolitions, protect the historic character of scale and density, give recognition to cultural heritage of underrepresented groups, and preserve heritage through the conservation of built cultural landscapes. But what of the existing residents who are generationally living in urban and rural environments that are often deemed to be a cultural landscape?

Buildings and landscapes are rarely abandoned by inhabitants that populate these historic areas. Many people within those old walls can be long-term, low- to moderate-income landowners or renters. In many urban landscapes, working class, historic residents have suffered from disinvestment, economic hardship, prejudice, and exploitation throughout their histories. Individuals and families, comprising these historic communities, have navigated time-worn streets, run longstanding businesses, garnered lived experiences as well as historical perspectives that are attributable to the cultural landscape.

With rapidity, historic communities are threatened with being displaced, replaced, and their cultural memories erased. People move, buildings often do not. Yet, Communities are destroyed one and the same as buildings; either can be neglected and disinvested in

until they are no longer existent. Economically disadvantaged working-class community needs are frequently ignored and require advocacy and effort toward their protection.

Historic preservation, as a community-engaged practice, has made many steps towards being inclusive, focusing on underrepresented voices in recent decades. Much of contemporary historic preservation scholarship revolves around the preservation of past legacies associated with underrepresented, working-class communities and notables of the past. Regrettably, research for this thesis uncovered little academic study, within the field of historic preservation, on the safeguarding of affordable housing, and less on the protection of long-term residents that inhabit historic districts and structures. That there are few texts and studies which focus on the need for preservation of working-class communities within modern urban landscapes that are facing many threats is alarming. It is this same disinvestment and disregard for historical, working-class, neighborhoods by governments and investors, that has led to the degradation of the integrity of these historic landscapes. In this regard, it is the intangible cultural present, and the stewards of that culture, that need safeguarding.

There must be advocacy for the preservation of physical structures, as well as those historic communities within. As stewards of cultures and people, as well as landscapes, it is critical that preservationists be more vigorous towards influencing, modifying, and changing public law and codes to better retain historic working-class neighborhoods within cities.

This thesis not only serves to encourage the preservation of historic, working-class communities but also to define those laws and policies that have negative impacts on that mission and make recommendations towards their protection. These strategies regarding ordinances and governance can ensure the stability of cultural landscapes and the protection of the historic working-class communities that reside therein.

The introduction will define “historic community” and explore the challenges that low-income and working-class neighborhoods, such as Central City, the focus of the thesis, face within the City of New Orleans. Following, will be a brief discussion of the laws and regulations that have an impact on people and communities, especially low- and moderate-income residents. The Introduction will conclude by summarizing the stated aims of this thesis and study.

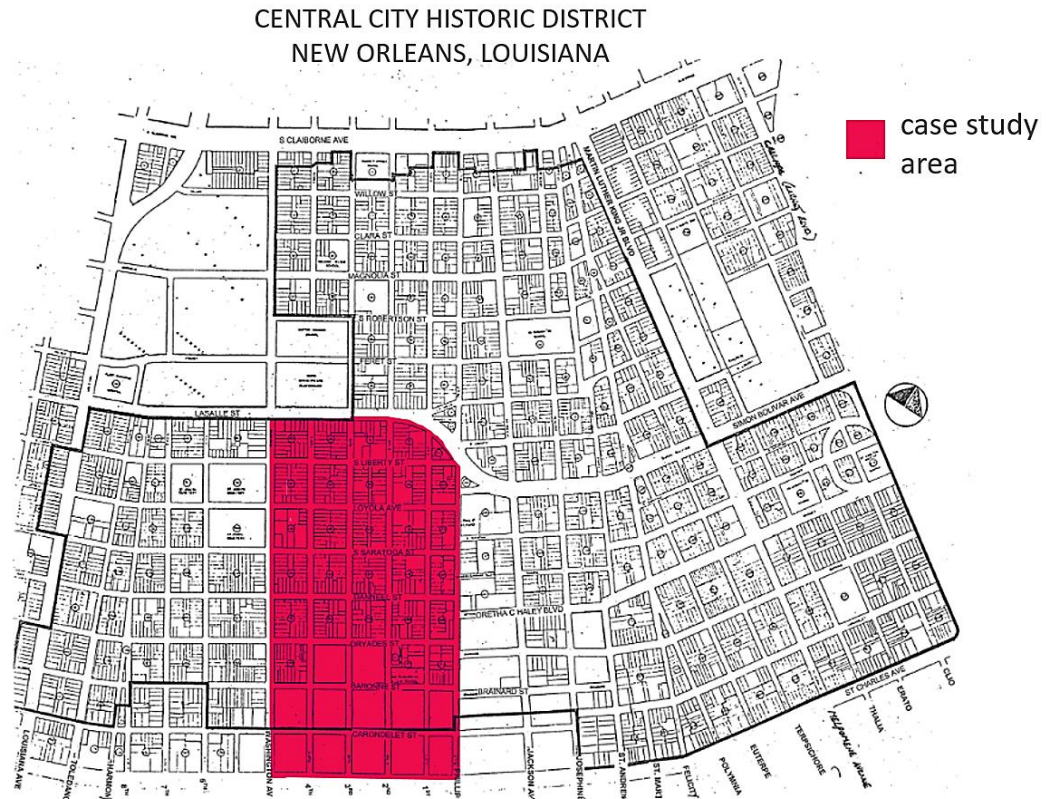


Figure 1: Central City Historic District, New Orleans, Louisiana with case study area highlighted in red (40 square blocks bounded by St. Charles Avenue, Washington Avenue, La Salle St/ Simon Bolivar Avenue, and First Street). Map provided by Louisiana National Register Staff, Division of Historic Preservation, and Preservation Resource Center of New Orleans. "Central City Historic District." *National Register of Historic Places Inventory-Nomination Form*, March 31, 1982.

<https://crt.state.la.us/dataprojectsVS/NRHP/PublicForms/ViewProperty/499?>

"Historic communities" defined

"Historic community", throughout this paper, will refer to long-term, working-class residents who have established a historical presence and have created a shared culture that is central to a specific built environment/cultural landscape. This is contrasted with neighborhoods that have dramatically shifted in demographics and are largely comprised of recent, oftentimes wealthier, transplants who are more likely to be transient and less likely to blend with the existing culture of the city and create a lasting

culture of their own. Cultures and communities will always change over time, but there are avenues that should be followed to ensure that low- and moderate-income, long-term residents can remain in their homes and in their neighborhoods without being displaced.

People can be dispersed throughout a city, while still maintaining the connection to a larger community and cultural identity. Furthermore, communities can reestablish themselves elsewhere and maintain cohesion, though there is no doubt that with displacement an extreme burden is placed on people, and their connections to historical landscapes can be lost in the process. Although there are a multitude of threatened communities throughout Louisiana, this thesis will focus on Central City, New Orleans, and the urgency to preserve the presence and values of this unique neighborhood.

Each urban landscape has its own set of histories and laws that define, as well as govern, the built environment. Low-income urban neighborhoods, inhabited by the working-class, are more commonly faced with environmental, social, and economic hardships, and are therefore the focus of this paper.

Historic communities in New Orleans are diverse and often crosscuts racial, economic, and environmental lines, but there are some neighborhoods that defined by those very demographics and boundaries. Regardless of race and income, there are many working-class residents that have disappeared post-Katrina. The Central City neighborhood of

New Orleans is mostly comprised of a native Black population that, so far, has mostly remained resilient to displacement though it is currently under threat. It is for this critical reason that efforts should be made to adapt laws and procedures to counteract the dissolution of this culturally significant community.

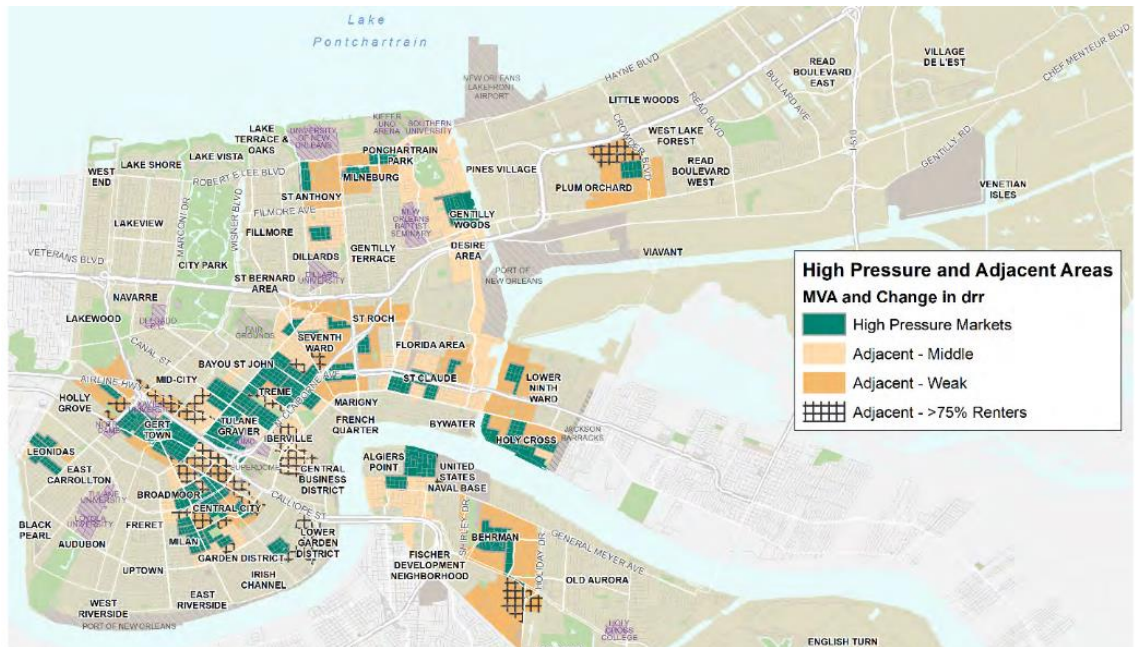


Figure 2: Areas with pressures of displacement. Note, Central city is dealing with a high displacement risk. Map by Emily Dowdall and Ira Goldstein. "New Orleans Market Assessment- Analysis of Trends and Conditions." *Reinvestment Fund*, June 2021. https://noraworks.org/images/ReinvestmentFund_NOLA-Market-Assessment-FINAL-6.25.21.pdf.

The need for protection

Many urban landscapes have witnessed changed demographics numerous times throughout their histories, but rarely before has it happened at such a cataclysmic pace as at present. Historically, white flight in New Orleans occurred in the 1950s, and many neighborhoods transitioned into largely minority communities, who have been stewards

and residents of these abandoned landscapes for over 50 years. According to the standards of the National Register of Historic Places, those communities are eligible for historic preservation.

Currently, there is a rising interest in attractive urban environments, such as New Orleans, by more affluent, and mostly white populations, that has led to increased displacement within these historic communities. This back-to-the-city movement by economically viable individuals and families is displacing those residents, who are largely disadvantaged people of color, that are struggling to survive because of housing unaffordability. Since 2000, New Orleans has lost almost 100,000 Black residents. Historically, blockbusting, redlining, government malfeasance, and disinvestment have negatively impacted these communities and now again these neighborhoods are becoming targets of new pressures associated with displacement.

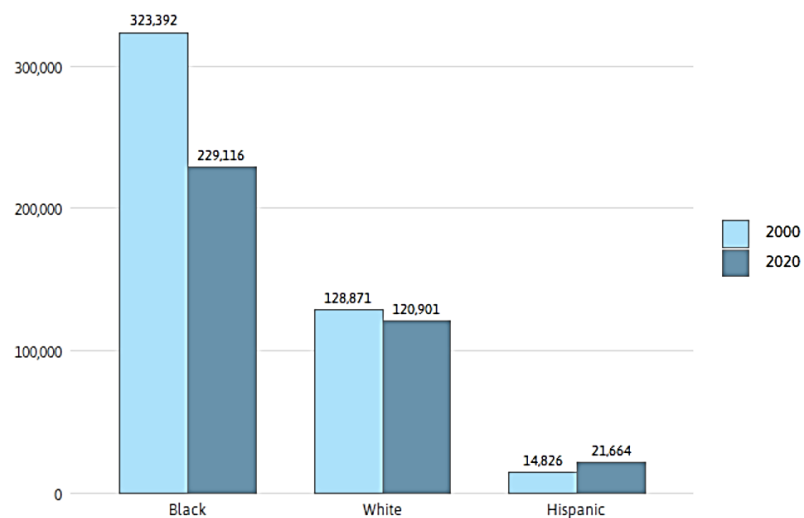


Figure 3: Demographic shift in New Orleans from 2000 to 2020. Graph by The Data Center. “Who Lives in New Orleans and Metro Parishes Now?” Accessed October 14, 2022.

<https://www.datacenterresearch.org/data-resources/who-lives-in-new-orleans-now/>.

People in historic communities retain much of the intangible and historic knowledge of their neighborhoods. With the displacement of long-term residents by housing and rent appreciation, comes the loss of those historical narratives and perceptions. As historic built environments lose these long-term residents, much of the lived experience and understanding of those landscapes also disappear. With the influx of new interest and capital into America’s cities, such as New Orleans, intangible heritage is vanishing at an unprecedented rate that once again will leave scholars trying to create narratives of historic landscapes and communities without the knowledge and experience of historic perspective.



Figure 4: Property sales in Central City from 2018-22. Map by the Orleans Parish Assessor’s Office. “Land Records Search Map.” City of New Orleans, Accessed November 1, 2022. <https://qpublic.net/la/orleans/search.html>.

For this reason, it is important that historic preservation efforts focus equally, if not arguably more, on preserving historic communities and their lived experience than with historic structures. There is no way to ensure that historic communities stay rooted to these historic landscapes, but neither are there any ways in which a NRHP nomination ensures that a building is protected either. Historic nominations help spark and guide interest in buildings and environments which can lead to increased efforts in preservation and automatically makes specific spaces eligible for tax credits, vouchers, healthy public interest, alongside of community-oriented investment. The question begs, why not apply a sociological lens to historic preservation to protect the stability of these communities and increase interest and investment in them?

The preservation of historic communities, such as Central City, is more pertinent than ever as many working-class neighborhoods throughout New Orleans and other United States cities are being dissolved by rapidly changing population movements. Whether or not the industrial and production base of many cities has transitioned to a service-oriented economy, socio-economic factors contribute to the persistence of low-paying jobs, and therefore necessitate a need for affordable working-class neighborhoods central within the urban environment.

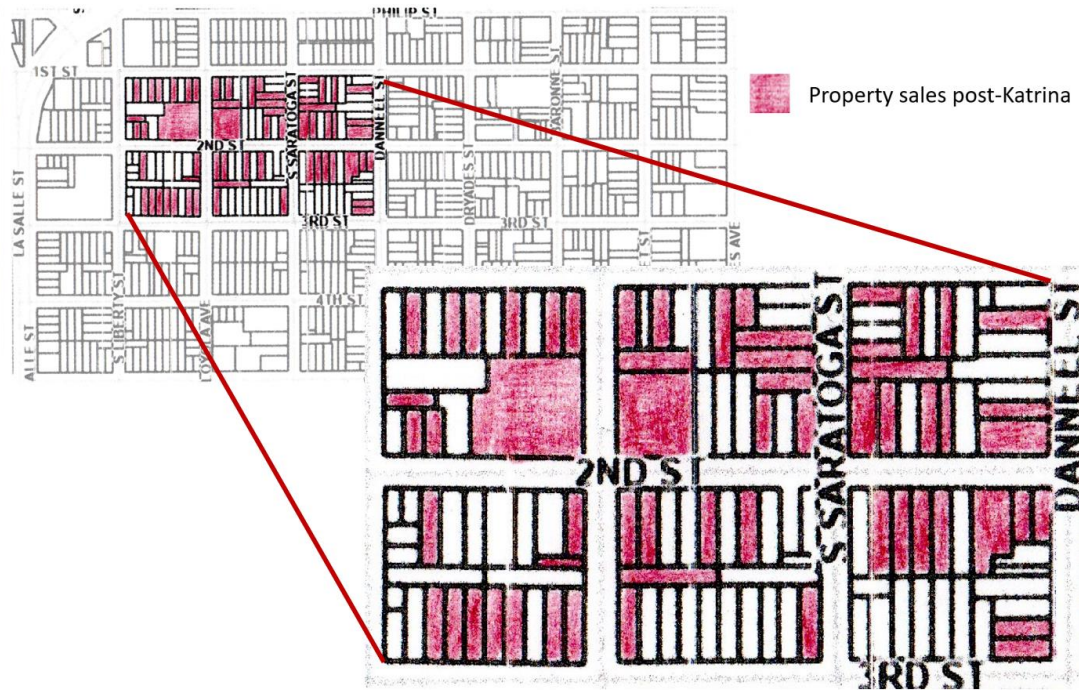


Figure 5: Long-term, pre-Katrina ownership, including successions (white), and new ownership post-Katrina (red), within six square blocks of Central City. Data and base map provided by the Orleans Parish Assessor's Office. "Land Records Search Map." *City of New Orleans*, Accessed November 1, 2022. <https://qpublic.net/la/orleans/search.html>.

Historically, cities such as New Orleans, largely hindered upward mobility for minority and inner-city communities which led to economic disenfranchisement. Even if families wanted to leave such depressed and stifling landscapes, they were unable to because of financial restraints. There are many reasons why residents would want to leave crumbling urban environments as seen in the obvious disinvestment and abandonment by developers and governments which ultimately repress chances of upward economic mobility and healthy environments. On the other hand, a strong reason for the desire to stay in urban built environments is the shared culture and heritage of a community.

With investment and infrastructure returning to cities, along with the influx of affluent inhabitants, long-term residents are witnessing investment in their neighborhoods. However, economics and gentrification are, seemingly forcibly, removing many of these established residents from their homes in conjunction with the associated changes. Although wealth is being invested in New Orleans, very little, if any, of that wealth is benefiting historic, low- and moderate-income residents. Some neighborhoods in New Orleans have been devoid of investment and speculation due to being situated on low-lying tracts of land and on or near contaminated sites associated with noxious industries. Long-term residents are not only being driven out, but they are not being valued properly for their stewardship, contribution, and maintenance of these important cultural landscapes.

In New Orleans, it is the culture that exists within these urban landscapes that can initially draw new residents into neighborhoods such as Central City. Long-term residents associated with those cultures in turn can be pushed out of neighborhoods due to increased desirability while their culture itself is consumed. Cultural cannibalism at its finest, where cultures are marketed and profiteers exploit their attributes, while those who embody those values do not realize any of the wealth but instead are dispelled altogether. In New Orleans, many cultural eccentricities have been commodified and sold to such an extent, that these icons have become shadows of themselves without any historical context.

Blights Out, a housing justice and advocacy group stated,

In New Orleans, the cultural traditions that inspire people to move here are being supplanted by zombified versions of themselves as rents go up, income stays low, and people struggle to survive. Iconic Second Lines have been hijacked and commodified for the pleasure of tourists and newcomers who are looking for a party but know nothing of the history of resistance infused in the art form. They suck life out through the gaze of their camera lenses and turn it into dollars that aren't shared with the keepers of the cultures.¹

Chuck Perkins, a native New Orleanian, spoke more specifically to Mardi-Gras Indian culture and the pressures upon its community,

Katrina shined a huge spotlight on New Orleans and her unique cultural artifacts. People wondered if we had lost them for good to the failed levees. I myself wasn't sure. Amid the uncertainty, documentarians of all kinds rushed in to capture the culture. Mardi Gras Indians became celebrities on Flickr and Facebook. Films were produced, articles published and dissertations written...

By now, the Mardi Gras Indians are no longer a mysterious subculture of the black working-class. These days, when I see the Indians parading on New Orleans streets, there are just as many white people as there are black. Tourists come to see big black men dressed in feathers and sequins and buy cold Heinekens from the neighborhood guys. Before Katrina, these neighborhood celebrations of the black working-class would be among the last places you would find white people or the black middle-class, let alone a tourist.

The white folks are coming. Not the ones coming to see the dancing, but the ones who are coming to purchase homes in their neighborhoods. Housing prices have skyrocketed in the neighborhoods where Indians and other working-class black folk have lived for decades. The custodians of the culture that made Tremé famous can no longer afford to live there. They get pushed out, and chased to New Orleans East, a land that was still a swamp in 1950.

¹ Blights Out. "Zombifying Neighborhoods: The Cultural Ramifications of Gentrification." *Shelterforce* 187, Summer 2017.

https://static1.squarespace.com/static/55ca7e6ae4b03aba01d106a5/t/5da355d12d11583e99a6a490/1570985432175/BlightsOut_Shelterforce.pdf.

I believe that we've lost Tremé and if we aren't careful, we will lose Central City, the Lower Ninth Ward, and other bastions of black culture in New Orleans. Gentrification is trying to do what Katrina couldn't.²

This presents a conundrum that while attempting to embrace and promote heritage through the preservation of buildings and landscapes as well as the creation of historic districts, many of the long-term residents, serving as stewards of these places, are ultimately being pushed out. Historic preservation should be as much of a social endeavor as a material conservationist effort. Without historic residents to contribute to a built environment, these spaces can become reminiscent of museums devoid of much, if not all, of their historic context. Consider certain house museums and how lifeless they seem; like captured spaces held within a vacuum.

On a larger scale than house museums, the Vieux Carré in New Orleans is a prime example where historic preservation has led to a neighborhood largely devoid of full-time residents, which is primarily oriented towards tourism.³ Some hold the opinion that this has led to an almost plastic replica of a neighborhood almost devoid of full-time residents, which has led itself to be solely governed by visitors.⁴ Although historic preservation was able to save the French Quarter, a unique cultural landmark, it was not able to protect it as a working-class community.

² Chuck Perkins. "10 New Orleanians on How Katrina Changed Their City." *Next City*, August 20, 2015. <https://nextcity.org/features/new-orleans-hurricane-katrina-local-stories-housing-gentrification-race>.

³ Kevin Fox Gotham. "Tourism Gentrification: The Case of New Orleans' Vieux Carré (French Quarter)." *Urban studies (Edinburgh, Scotland)*, 42, no. 7 (2005): 1099.

⁴ J. M. Souther. "The Disneyfication of New Orleans: The French Quarter as Facade in a Divided City." *The Journal of American history (Bloomington, Ind.)* 94, no. 3 (2007): 804–811.

There are many efforts to preserve the memory of communities through memorialization, collection of oral histories, and archeological research, but little research was found that aims to ensure the survival of existing communities through contemporary preservation practice. Ethnography can record the annals of inhabitants within these dense urban environments that are also rich with perspective and associations, but they are rapidly being replaced by new occupants who have just begun to write their own histories in these foreign places. Memorialization of the past must coincide with organization and collaboration with present historic communities to ensure their persistence within the cultural landscape.

Many communities under economic threat cannot afford to wait fifty years to meet NRHP designation standards to receive investment and recognition regarding their own value to society at large. Oftentimes, it is disinvestment that has led to the loss of the historical fabric of the built environment which can leave neighborhoods ineligible for nomination as well. The collection of oral histories should be actively pursued not to simply preserve the past, but to stimulate community engagement to preserve present communities.

The goal of preserving geographically located working-class communities, dictates the need for reframing preservation policy, zoning laws, taxation, and codes; to be reworked to acknowledge and offer levels of protection for long-term inhabitants of these historic areas. It is not just about the laws and regulations applied to buildings and

landscapes, but also the money that is allotted to these areas and communities which could guarantee their stability and protection. It is important that historic communities remain and thrive without being threatened with the pressures of displacement.

Architecture often is the embodiment of culture and human-scaled density within the built environment that is oftentimes intangible; consider stoop culture, mixed commercial and residential land use, shared courtyards, etc. The United Nations Education, Scientific and Cultural Organization (UNESCO) defines intangible cultural heritage as “traditions or living expressions inherited from our ancestors and passed on to our descendants.”⁵ With the destruction of built environments, the public loses historical context to heritage. With the dislocation of historic communities, society loses the stewards of unique cultures. As modern trends, technologies, and appetites have led to shifts in populations and demographics, so must there be changes to developmental planning, governmental decisions, and laws, alongside community input and considerations regarding the future of historic communities.

⁵ United Nations Education, Scientific and Cultural Organization. “What is Intangible Cultural Heritage?” Accessed December 14, 2022. <https://ich.unesco.org/en/what-is-intangible-heritage-00003>.; Intangible cultural heritage: “does not only represent inherited traditions from the past but also contemporary rural and urban practices in which diverse cultural groups take part,” “contributes to social cohesion, encouraging a sense of identity and responsibility which helps individuals to feel part of one or different communities and to feel part of society at large,” “thrives on its basis in communities and depends on those whose knowledge of traditions, skills and customs are passed on to the rest of the community, from generation to generation, or to other communities,” and “can only be heritage when it is recognized as such by the communities, groups or individuals that create, maintain and transmit it.”

Laws, codes, and regulations concerning community protection

Regardless of whether one is talking of zoning ordinances, historic district code enforcement, adjudicated properties, eminent domain, or even taxing, it comes down to possession. Land and history can be controlled on various levels and forms of possession as well.

With possession can also come dispossession. This lack of ownership can also take many forms from representation and exploitation to eviction and foreclosure. The goals and intentions of this study are to actively promote historic communities in an effort to retain possession and to offer strategies to resist displacement as well as be involved in the shaping of their own neighborhoods.

For renters, it is a most difficult prospect to resist dislocation, as ownership oftentimes rests on the balance of month-to-month non-contractual leases. Homeowners can find it too difficult to remain in their homes with increases in property tax as well as code enforcement fees that place further financial hardship in retaining ownership. Due to these, as well as many other reasons, historic preservations need to advocate for positive outcomes within the government that can aid in the preservation of historic communities.

Land management by local parishes and the State of Louisiana needs to be revisited and revised to assist those in socio-economic situations where property owners cannot afford to pay for insurance, property taxes, or house maintenance. Many of these properties become uninhabitable, demolished because of neglect, and/or are candidates for speculation and subsequent gentrification which further displaces historic neighborhoods and communities.

The following section briefly discusses laws associated with historic preservation that support or hinder efforts to maintain and sustain working-class, historic communities, the focus of this thesis. In reviewing these regulations and codes, the goal is to create a strategic plan that local governments can use to better ensure for the protection of long-term, working-class families and their environments. This study will primarily focus on laws and ordinances associated with Central City, New Orleans, but will also draw on general and national examples to aid in the formulation of a historic community conservation management plan. To assist in preservation efforts and in the establishment of new and updated laws and regulations, it is important to work with advocacy groups and organizations to help bring attention to the need for further preservation efforts.

Zoning Ordinances

In the United States, zoning is still in its infancy having only been used for around one hundred years. Focus will specifically be placed on those zoning laws or sections that have continuing repercussions on New Orleans residents, such as exclusionary racial zoning, redlining, land use, as well as even more recent uses of restrictive zonings, such as St. Bernard Parish's 'blood relative ordinance.'

Using this backdrop of contextualizing the past, current zoning laws will be explored that can be adapted to better ensure housing affordability, and in effect, enhance community preservation. This includes zoning laws pertaining to land use, such as short-term rentals, single-family home conversions, density, height restrictions, and commercial versus residential statuses as well as spot zoning. Recommendations will thus be extrapolated from the survey of the existing Comprehensive Zoning Ordinance pertaining to Central City.

Just as any city has a comprehensive zoning and management plan for landscapes, so should they be sensitive regarding an area's inhabitants. This in effect would be the incorporation of language and laws added to New Orleans' Master Plan to ensure for the survival of working-class neighborhoods.

Code enforcement

The Central City Historic District was listed on the National Register of Historic Places (NRHP) July 9, 1982. The Central City neighborhood is one of the few neighborhoods, riverside of Claiborne Avenue in New Orleans, that is not recognized as a local historic district and therefore controlled by a Historic District Landmarks Commission (HDLC).⁶

This lack of a local designation creates a situation where the district is not subject to HDLC reviews, code enforcement, as well as further zoning overlay regulations.

Conversely, listing this district on the NRHP allows eligibility for tax credits and section 106 review before development projects proceed, but these associated benefits mainly serve as honorary recognitions with very few associated protections.⁷

⁶ For a neighborhood to be listed as a local historic district there must be overwhelming community support of which there has been little to date.

⁷ Sarasota Herald-Tribune. "National Register Designation Is Largely Honorary." *Sarasota Herald-Tribune*, March 31, 2019. <https://www.heraldtribune.com/story/business/real-estate/2019/03/31/harold-bubil-national-register-designation-is-largely-honorary/5571214007/>.

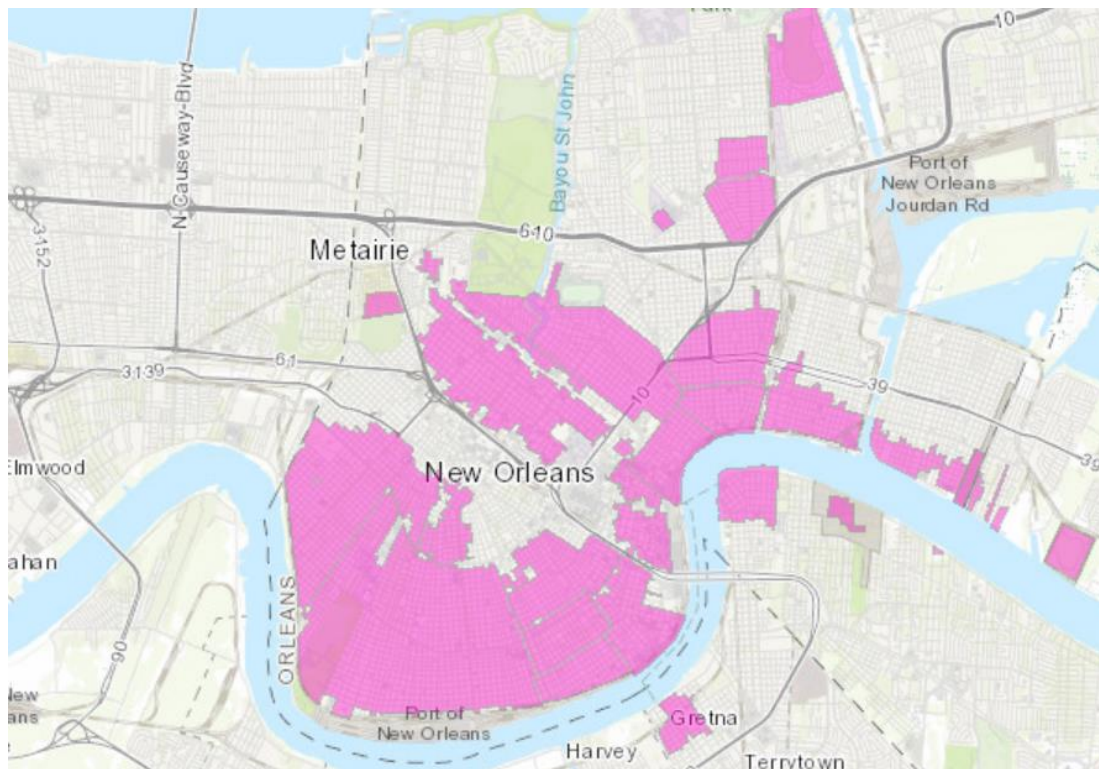


Figure 6: Designated National Register of Historic Places districts in New Orleans. Note, Central City is a designated historic district. Map by Louisiana Office of Cultural Affairs. "Louisiana National Register." <https://laocd.maps.arcgis.com/apps/webappviewer/index.html?id=99f5fe696cef4121904ee7841f9df862>.

Central City remains one of the more affordable areas within New Orleans and is dominated by low-income, working-class residents.⁸ Much of its historical fabric is retained, regardless of not being governed by an HDLC, and most long-term residents have resisted displacement through the back-to-the-city movement of populations. Code enforcement, although not considered a taking in the eyes of the law, often can create an undue burden on homeowners which is inevitably transferred to tenants

⁸ Emily Dowdall and Ira Goldstein. "New Orleans Market Assessment- Analysis of Trends and Conditions." Reinvestment Fund, June 2021. https://www.reinvestment.com/wp-content/uploads/2021/07/ReinvestmentFund_NOLA-Market-Assessment-1.pdf.; See also, Alan Berube and Natalie Holmes. "Concentrated Poverty in New Orleans 10 Years after Katrina." *The Avenue*, August 27, 2015. <https://www.brookings.edu/blog/the-avenue/2015/08/27/concentrated-poverty-in-new-orleans-10-years-after-katrina/>.

putting pressure on housing affordability and speculation. This all can lead to the displacement of historic communities.

An argument can be made that codes and enforcement associated with HDLCs can cripple housing affordability and lead neighborhoods to be cleared of their long-established, historic communities. Though there are other contributing factors to consider, many of the areas that have remained off of local HDLC purview are majority Black neighborhoods that have also remained largely working-class communities.

Property Tax and Historic Tax Credits

The final area of law of discussion that will be explored in the thesis surrounds taxes. The study will include areas of taxing authority that are not specific to Central City, but nevertheless have influence and impact on historic property owners. Although Central City Historic District is listed on the National Register of Historic Places and therefore eligible for available historic tax credits, these are only available for income-producing properties under a Louisiana resolution. Very few states offer historic tax credits to

homeowners, such as Maryland and Virginia and even in these instances the tax credits are not available to be applied to rental units within the home.⁹¹⁰

Historic tax credits must be revisited to find avenues that support homeowners regarding their maintenance of historic structures. Furthermore, these historic tax credits should be available to noncontributing structures within historic districts as well as support the goal of historic community preservation. This would in effect waive the fifty-year marker for historic tax credit availability. Other associated restrictive and discriminatory use of historic tax credits rests with accreditation, certification fees, project size, as well as budget.

Specific to Central City will be the subject of property tax increases and buildings that have been adjudicated by the city due to unpaid taxes or lack of clear title. Property tax increases especially can place a burden on homeowners and historic, working-class communities, ultimately leading to displacement.

Recommendations will include, tax relief and assistance given to families who owe back due taxes, as well as ideas of property tax assessment freezes and homestead

⁹ Maryland Historical Trust. "Homeowner Tax Credit." Department of Planning, Accessed September 12, 2022. https://mht.maryland.gov/taxcredits_homeowner.shtml; See also, Virginia Department of Historic Resources. "Rehabilitation Tax Credits." Commonwealth of Virginia, Accessed September 12, 2022. <https://www.dhr.virginia.gov/tax-credits/>.

¹⁰ Kristina Orrego. "Historic Tax Credits Allow Homeowners to Preserve Their Properties and Communities." The Washington Post, September 27, 2019. https://www.washingtonpost.com/realestate/historic-tax-credits-allow-homeowners-to-preserve-their-properties-and-communities/2019/09/26/7727eabc-d972-11e9-bfb1-849887369476_story.html.

exemptions. Through tax burden remediation, low-income communities and property owners are more likely to be able to stay and thrive within their native neighborhoods.

Closing Remarks

Gentrification is mostly defined by the replacement of working-class and minority communities with middle-class and upper income residents. In that regard, to stymie gentrification would be to protect and preserve working-class communities and neighborhoods against displacement. On the other hand, gentrification in a material sense, means such things as the addition of greenspace, improved housing standards, updated infrastructure, and better schools, all of which would benefit long-time historic families. Livelihoods and health would be improved and preferred by historic communities. In this material sense, reinvestment itself is not the issue but rather community displacement that often coincides with revitalization. The goal then would be to promote smart growth in areas which could positively influence and work toward the improvement of life for all residents, while also preserving the historic community and working-class affordable housing stock. Historic communities are more likely to remain within their neighborhoods if there are not extreme economic pressures that merit such a move.

Saving historic communities should be linked with any preservation management plan.

It is important to study laws that encompass zoning, acquisition, and ordinances in

relation to architectural, cultural, and community preservation. Preservationists must understand the laws that influence and shape the built environment to find creative ways that might benefit the *tout ensemble* of conservation which should be inclusive and protective of working-class, low-income residents.

It is important to also understand the racist uses of early zoning practices, tax regressivity, as well as displacement and the repercussions that persist today. To better influence the field of historic preservation, inclusion of underprivileged voices, housing equity, and community conservation needs to be central to historic preservation efforts.

In looking forward, preservationists should be cognizant of current laws and codes, especially those that can be creatively adapted to expel some of the negative impacts related to preservation. For instance, code enforcement income generation, through the collection fines and permit issuance, could be recycled back into the maintenance of households that fall under economic hardships within historic districts. This could ultimately be one step in reducing the negative impact that gentrification has had on historic communities. Furthermore, building codes could be rectified to allow for more affordable solutions.

This study begins with an overview of work that has been done surrounding issues ranging from representation, human-centered preservation, cultural heritage protection, housing affordability, gentrification, the commodification of culture, historic

and contemporary zoning, real estate speculation, and many other influencers that can either help or hinder community preservation. After exposure to broader works related to the subject in the Literature Review, a focus will be placed on New Orleans and more specifically Central City. The main body of the paper will consist of in field research and data collection associated with Central City in terms of taxes, blighted properties, eminent domain histories, demolitions, the Comprehensive Zoning Ordinance, code ordinances, and property laws. Assessments will be made as to what does and does not help preserve historic communities. The conclusion of the paper will make recommendations that can hopefully influence the local Master Plan, but also laws and regulations pertaining to historic preservation itself.

2. LITERATURE REVIEW

There is much scholarship associated with varying aspects regarding the preservation of historic communities. The following literature review defines and discusses those broader issues that relate to displacement and dispossession within low- to moderate-income, working-class neighborhoods.

Rural and urban landscapes have their own set of social pressures and the same can be said of specific locales as well. This project specifically focuses on a dense urban, historical landscape of New Orleans, Central City. It is culturally idiosyncratic and has its own formulaic set of governing rules. More specifically, Central City is located centrally within the city and has ample historic housing stock. Furthermore, it is also the residence of many of the city's low-income, and moderate income, working-class peoples.

With a focus on Central City, New Orleans, but also drawing from broad sources, the following discusses scholarship relating to issues such as NRHP nomination, tax incentivization, minimal restoration work, 'sweat equity,' restrictive covenants, redlining, land use, human-centered historic preservation, possession, and the takings

clause as they relate to community retention. This focus also requires an exploration of the word ‘gentrification’ and its associated ideas.

Many studies have been conducted that support the parameters of this paper, but none have yet used these to make detailed recommendations that cities, such as New Orleans, can and should adopt into their Master Plans to better protect housing affordability and communities tied to those changing landscapes. New Orleans’ current Master Plan, Goal 1, Strategy 1, Action 2, states its mission is to “ensure housing affordability and choice.”¹¹ There is no accompanying text as to how this will be accomplished. Also, there is no mention throughout the plan that advocates for retaining the historic communities tied to those affordable properties. The same pertains to scholarly works associated with historic preservation.

Having looked through many sources to compile the literature review, there has yet to be found any study or report that specifically defines laws and regulations that can assist low- and moderate-income communities to remain in their historic environments and structures. This study will identify laws, regulations, and planning ordinances that have detrimental effects (being aware of the positive impacts) on the conservation of built environments and historic communities to make suggestions that can be implemented by local governments through the adoption of progressive measures. This

¹¹ City Planning Commission. “Master Plan.” *City of New Orleans*, Accessed October 5, 2022. <https://masterplan.nola.gov/volume-2/13/#2-13-1-A>

can include restrictions on eviction and the displacement of renters as well as the strengthening of homeownership and strategies against the negative impacts of gentrification.

If these ideas remain theoretical, there is little they can do to change the dire, existing conditions that lead to the displacement of low- and moderate-income residents from working class neighborhoods. Very little, if any, research has examined federal as well as local laws and ordinances that govern historic preservation as a practice and how it impacts low- to moderate-income, working-class communities. This area of preservation needs attention to allow for the advancement of new ideas that can influence local governments, planners, preservationists, and economic stakeholders to better address the preservation of historic communities.

Those laws and regulations that put the most pressure on low-income and middle-class families are often associated with zoning ordinances, code enforcement, eminent domain blight reduction, land use, and environmental hazards. Preservation of historic, low- to mid-income, working-class neighborhoods also involve a deep understanding of the historicity of the allocation of resources, segregation of communities, exploitation of people, and the commodification of culture that has shaped a community. It is with this in mind that the following studies will be discussed.

Issues facing New Orleans' and Louisiana's historic communities

Many people are attracted to the City of New Orleans because of its culture, festivities, religious, and historical roots. Large numbers of domestic and international travelers come to visit and some elect to stay. New Orleans is, and has been, facing a perfect storm. Environmental and socio-economic pressures, including institutional racism, are threatening to change the character of this city; change its values; and change its architecture and historic communities which give it its unique character. Many of the threats and pressures have been historic and cumulative. Other disruptions to the city's character are more recent and driven by accumulated wealth, shifting demographics and opportunistic financial gain. It is a catastrophic situation and without appropriate planning and strategies, this cultural icon will change dramatically and perhaps no longer offer what its visitors seek out.

Social issues abound in New Orleans, be it housing affordability, unemployment coupled with low paying service industry jobs, aging city infrastructure, high crime, unchecked poverty, lack of opportunity for upward mobility, as well as poor health and healthcare access. Many of these issues are products of political neglect and corruption, government abandonment, disinvestment, failed urban planning experiments, the lack of a diverse economy, and prejudice. Many are systemic issues that have persisted throughout New Orleans history to the present.

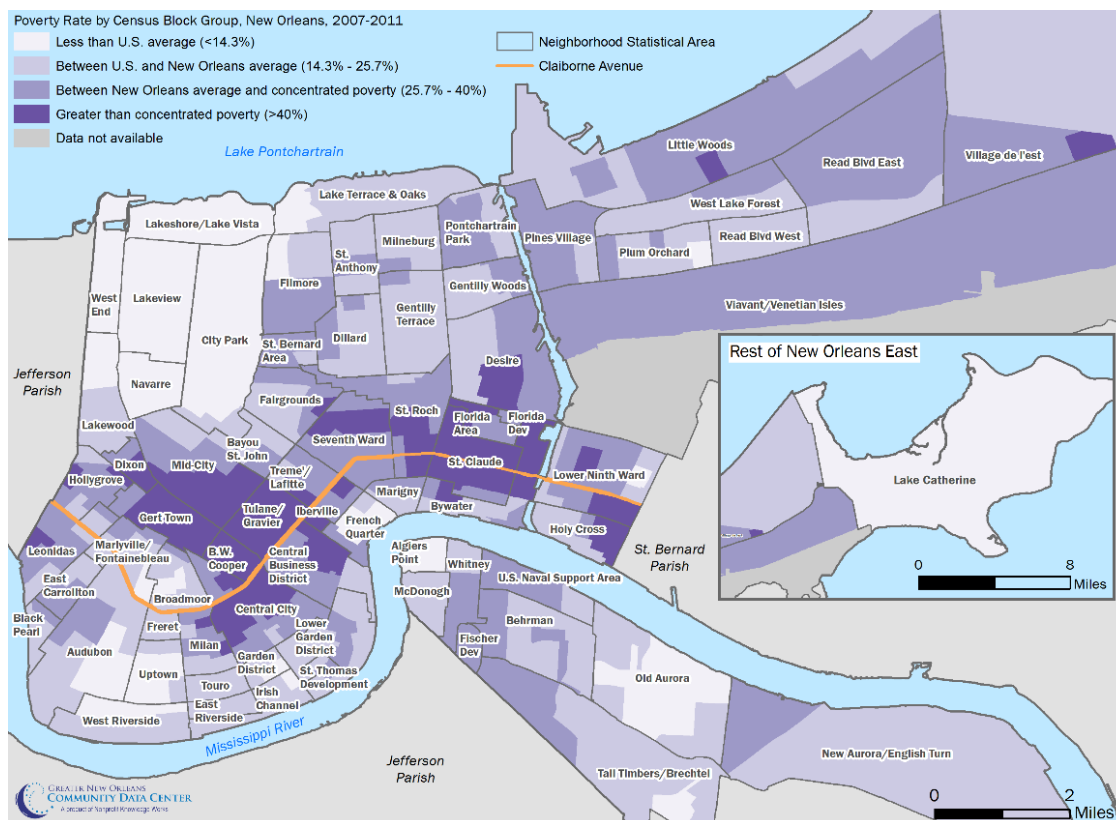


Figure 7: Concentrated poverty in New Orleans. Map by Ben Horwitz. "Poverty." *Greater New Orleans Community Data Center*, December 20, 2012. <https://www.datacenterresearch.org/a/wp-content/uploads/2014/02/Poverty-rate1.png>.

Prejudice and racism have extended from stolen native lands to the first arriving ship of enslaved people forcibly brought to New Orleans. It also existed in the raids on the Black Panther Party that lead to a shoot-out in the Desire projects to the Danziger Bridge murder by police. It was also be found in the lynchings, of the enslaved, formerly enslaved, their descendants, and even directed towards Sicilian immigrants by an angry mob. Prejudice was further seen in the anti-gay attitudes and homophobia that followed the aftermath of the Upstairs Lounge Fire.

These suppressions have been resisted as well in the efforts of Charles Deslondes' and over 500 enslaved people who marched towards New Orleans demanding freedom in the 1811 German Coast Uprising. There was also the 1866 march of formerly enslaved people demanding voting rights that horrifically ended with the Mechanic's Institute Massacre. Homer Plessy in 1892 boarding a whites-only to protest segregationist measures. The Congress of Racial Equality (CORE) and its sit-ins at Woolworths and the McCrory's in 1960 set to claim space in a racist society. Even children, such as Ruby Bridges and the McDonough Three, braved death threats and inhumanity to enter integrated schools.

These historic events are about resilience. Underprivileged, mostly Black, communities in New Orleans have persistently faced obstacles. Today, many residents, mostly renters, face further challenges once again, whether it is increased speculator interest, added economic hardships, or displacement that coincides with certain preservationist efforts. Therefore, it is important for historic preservations to not only be aware of historical wrongs that have created hardship but also to advocate for working-class neighborhoods and residents to right these wrongs. It is herein that lies the truth that historic preservation should be as much of a social justice practice as a conservationist one.

Economic issues also abound in New Orleans. Much of Louisiana's industry is based on oil and gas as well as the seafood industry. New Orleans historically has tended to focus

on relatively few commodities to support its economic base. When the oil bust happened in the 1980s, much of Louisiana including New Orleans' economy collapsed leading to large amounts of unemployment. "By March 1986, the oil bust had caused Louisiana's unemployment rate to hit 13.2 percent, the highest in the country and nearly 6 percentage points above the national average."¹² Over time many oil and gas companies have left New Orleans for other cities such as Houma and Houston. This was accelerated further after Katrina. Many manufacturers decided to relocate to avoid weathering out future hurricanes.

In 2010, to further complicate issues in the Gulf South, the Deepwater Horizon oil spill, caused by negligence of safety protocols by the British Petroleum Corporation, irreparably damaged aquatic life, fisheries, and shorelines from Texas through to Florida. Although temporary closures of the beaches along the Gulf of Mexico hurt local businesses, the devastation caused to fisheries will be felt for years to come and have ongoing impacts to the economy which is based in part on seafood that is shipped throughout the world.¹³

¹² Ryan Whirty. "From Boom to Bust: Louisiana Oil Industry Feels Pinch in the 1980s." *The Times-Picayune*, April 9, 2007. https://www.nola.com/300/article_ce4d0697-8bce-5a32-bbe9-b75a46d6714d.html

¹³ Lazaro Aleman. "BP Oil Spill's Ripple Effects." *850 Business Magazine*, June 8, 2016. <https://www.850businessmagazine.com/bp-oil-spills-ripple-effects/>; See also, Scott Walker. "Fisherman, Industry Struggle to Recover Five Years After BP Oil Spill." *WDSU6*, April 22, 2015. <https://www.wdsu.com/article/fishermen-industry-struggle-to-recover-five-years-after-bp-oil-spill/3376896>.

March 2020 further tested the city's ability to withstand shifts and upsets in the economy with the onset of the Covid-19 global pandemic. With oil and gas having largely vacated New Orleans, its largest industry is now tourism. Due to the lack of economic diversity, coupled with tourism being greatly reduced, New Orleans saw unemployment figures become higher than the national average.¹⁴ With many of the city's jobs being built off the tourism industry, unskilled, low-paying jobs without benefits and securities dominate. With restaurants closed and tourism at a standstill, out of work people were unable to make bill payments, keep up with rent or mortgages, and access affordable health care. This allowed the situation in New Orleans to become more dire than other cities that have higher paying jobs with benefits and that allowed employees to work remotely.

Although the long-term effects of the pandemic in many regards are yet to be determined, when the Federal Eviction Moratorium ended in August 2021, thousands of renters faced eviction and displacement from their homes. The first day after the expiration of the federal moratorium, the New Orleans 1st City Court witnessed the filing of 58 eviction orders, compared to an average of one per day pre-pandemic.¹⁵ Although federal funds have been made available to residents who are delinquent on their owed

¹⁴ Timothy Boone. "Baton Rouge, Lafayette, and New Orleans Unemployment Rate High Above National Average: Report." *The Advocate*, May 8, 2020. https://www.theadvocate.com/baton_rouge/news/coronavirus/article_002ae7b2-9168-11ea-b697-afdddeba33da.html.

¹⁵ Matt Sledge. "New Orleans Landlords Take Advantage of Eviction Moratorium's End, File to Eject Dozens." *The Times-Picayune*, August 2, 2021. https://www.nola.com/news/courts/article_39f6d33e-f3b9-11eb-98bf-2fdaefed6c10.html.

rent, there is not enough money to meet the need. "Based on the average payment and administrative costs, the city may serve 6,000 households. That is less than half of the applications received to date. The city will run out of funding before everyone is served."¹⁶ According to a report conducted in 2019 by the Jane Place Neighborhood Sustainability Initiative in conjunction with the Loyola University College of Law, 55% of all New Orleanians are renters.¹⁷

Ultimately, New Orleans has witnessed the need to diversify its markets and become more sustainable and resilient in the face of economic downturns. Whether it be social, economic, political, or environmental, New Orleans is vulnerable to aggressive changes and needs to better prepare itself to address these issues. This can also be framed as a historic preservation issue; future directions and efforts can help communities from their diminishment and/or disappearance.

Another area of concern is the geography and associated environmental impacts. Many historic communities are situated in lower elevation areas that are vulnerable to environmental impacts.¹⁸ Since the 1930s, the Mississippi River has been controlled by

¹⁶ City of New Orleans. "City Updates Residents on Rental Assistance and Eviction Moratorium." *City of New Orleans*, June 24, 2021. <https://www.nola.gov/mayor/news/june-2021/city-updates-residents-on-rental-assistance-and-eviction-moratorium/>.

¹⁷Jane Place Neighborhood Sustainability Initiative (JPNSI) and Davida Finger. "New Orleans Eviction Geography: Results of an Increasingly Precarious Housing Market". *Jane Place Neighborhood Sustainability Initiative, Loyola University New Orleans College of Law*, Research Paper No. 2019-14, June 19, 2019. <https://ssrn.com/abstract=3456929>.

¹⁸ Richard Campanella. "An Ethnic Geography of New Orleans." *Journal of American History*, 94 (Dec. 2007), 704–715. <http://archive.oah.org/special-issues/katrina/Campanella.html>.

the Army Corps of Engineers to keep it from largely diverting to the Atchafalaya River Basin.¹⁹ The reasoning behind this engineered marvel, that controls the river, was to keep New Orleans a viable port capable of handling large volumes of maritime traffic. Wanting to change course is a natural progression to the life of a river and it is how Louisiana received its geologic boot; many higher ridge lines of elevation in the city are prehistoric barrier islands. Without the river changing course, the coastline is not receiving new sediment. Instead, between 1985 and 2010, Louisiana has averaged a loss of a football field of coastal wetlands per hour.²⁰ The swamps and floating land along the Gulf of Mexico serve as a natural buffer that better protects New Orleans from the impacts of hurricanes.

To further complicate matters for New Orleans, much of its infrastructure has deteriorated and requires updating, with faulty, historic, aging pumps built in the 19th century that are keeping much of the city from water inundation. Land subsidence comes from pumping water out of low-lying areas, which also inevitably removes sediment. Furthermore, due to the artificial levee system, the land that comprises the city of New Orleans does not receive new alluvial deposits that came with the spillover

¹⁹ John McPhee. *The Control of Nature*. 1st ed. New York: Farrar, Straus Giroux, 1989.

²⁰ Tristan Baurick. "Is Louisiana Really Losing a Football Field of Land per Hour?" *The Times-Picayune*, May 12, 2007. https://www.nola.com/news/environment/article_3128024a-cc03-57a0-9b37-18f5eb519d4b.html.; See also, David Hammer. "Verify: Louisiana Is NOT Losing a Football Field of Land Every Hour," *4WWL*, May 10, 2017. <https://www.wwltv.com/article/news/verify/verify-louisiana-is-not-losing-a-football-field-of-land-every-hour/289-439310241>.

of the river during flooded spring months as forty percent of the United States flowed past.

Due to these challenges, both Louisiana's historic fabric and intangible heritage are at risk. Isle St. Jean Charles is one such community that has been forced to relocate further inland due to human-driven, climate-induced sea level rise and coastal erosion, having been reduced from 22,000 to 320 acres.²¹ Though not federally recognized, most of the island's inhabitants are of indigenous descent. Environmental catastrophe has directly led to a whole community being largely underwater and in peril of disappearing.

Louisiana, being an environmentally ravaged state, has challenges that severely affect generationally passed land, private and institutional properties, livelihoods, and communities, especially historic ones. Properties and people in Louisiana, especially in the New Orleans area, have experienced reoccurring damage from natural influences, more so than in most areas of the United States. Land subsidence, coastal erosion, flooding, hurricanes, tropical storms and associated damage, and insect damage such as Formosan termites on a consistent cycle, which continues to threaten properties, and property values, and especially places economic burdens on disenfranchised populations. These negative impacts have serious implications regarding the tenacity of cultures, protection of communities, and the preservation of the built environment.

²¹ Louisiana Office of Community Development. "The Story of Isle de Jean St. Charles." *Louisiana Division of Administration*, Accessed October 21, 2022. <https://www.isledejeancharles.la.gov/>

Water management infrastructure, including levee maintenance and water pumping issues also present challenges to infrastructure and safety.

Without evolving toward progressive and successful land management protection strategies, including those dealing with property taxation, blight, adverse possession, structure stabilization, maintenance, and zoning, Louisiana will continue to incur continual negative impacts to its historic fabric, both cultural and material. These adverse effects especially affect many historic, minority neighborhoods, many of which were constructed in the lower elevation areas of the city.

Central City

This thesis does not delve into the history of Central City, New Orleans, Louisiana, but rather explores issues connected to preservation, planning, codes, and taxing within.

Central City is used as a case study due to its demographics, which includes a majority Black population, large number of renters, as well as a large number of low-moderate income households. The Reinvestment Fund released reports in 2018 and 2021 that shows that Central City has extreme job employment risk, housing stress, elevated displacement pressure, moderate amount of subsidized housing, low- to moderate home values, high vacancy, high foreclosure rates, and sheriff tax auction sales.²² It is for

²² Emily Dowdall and Ira Goldstein. "New Orleans Market Assessment- Analysis of Trends and Conditions." *Reinvestment Fund*, June 2021. https://noraworks.org/images/ReinvestmentFund_NOLA-Market-Assessment-FINAL-6.25.21.pdf; See also, Reinvestment Fund. "New Orleans- Market Value Analysis."

these reasons that Central City was chosen as a case study for the protection of a low- to moderate-income, working-class community. It is for this same reason that there is a sense of urgency when looking at this neighborhood.

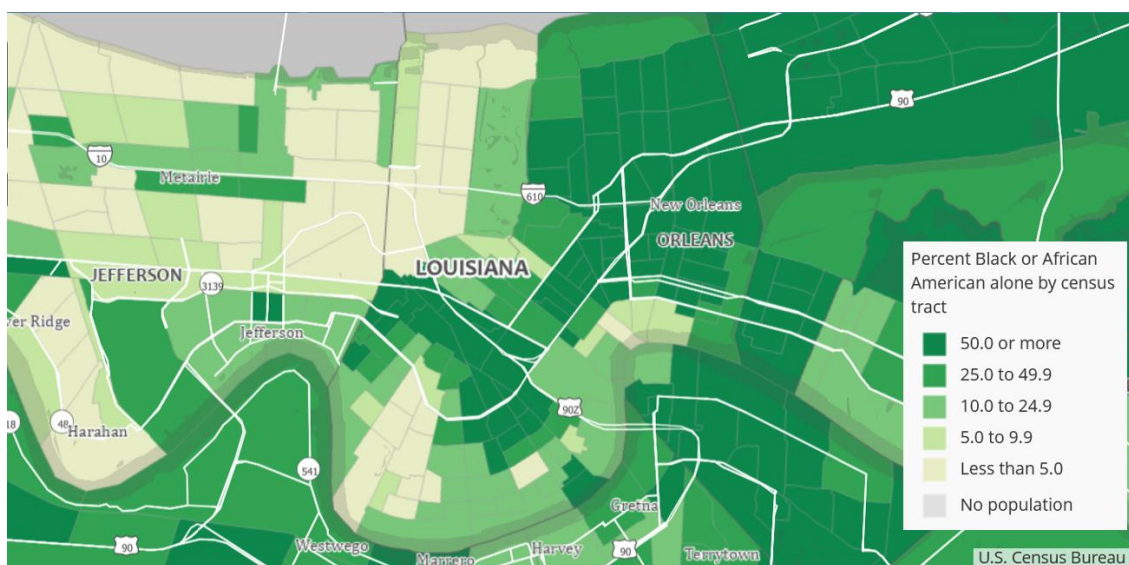


Figure 8: Distribution of Black population in New Orleans according to 2020 U.S. Federal Census. Note, Most of Central City is over 50% Black. Map by the U.S. Census Bureau. “2020 Census Demographic Data Map Viewer.” *United States Census 2020*, Accessed November 3, 2022. <https://mtgis-portal.geo.census.gov/arcgis/apps/MapSeries/index.html?appid=2566121a73de463995ed2b2fd7ff6eb7>.

For a detailed history of Central City, New Orleans, please refer to the numerous articles and scholarly works that examine the neighborhood and its legacy.²³

Reinvestment Fund and New Orleans Redevelopment Authority, June 11, 2018. <https://data.nola.gov/Real-Estate-Land-Records/Market-Value-Analysis-Final-Report-2018/svze-8ffj>.

²³ Louisiana National Register Staff, Division of Historic Preservation, and Preservation Resource Center of New Orleans. “Central City Historic District.” *National Register of Historic Places Inventory-Nomination Form*, March 31, 1982. <https://crt.state.la.us/dataprojectsVS/NRHP/PublicForms/ViewProperty/499?;> See also, Mike Scott. “A Brief History of Central City, the Forsaken Heart of New Orleans.” *The Times-Picayune*, June 13, 2018. https://www.nola.com/archive/article_789680b1-a045-5f1a-9d8a-241750dc8827.html; Preservation Resource Center of New Orleans. “Historic Neighborhood Spotlight – Central City.” *Preservation Resource Center*, August 20, 2017. <https://prcno.org/historic-neighborhood-spotlight-central-city/>; Greater New Orleans Community Data Center. “Central City Neighborhood Snapshot.” *Greater New Orleans Community Data Center*, June 23, 2004. <https://www.datacenterresearch.org/pre-katrina/orleans/2/61/snapshot.html>; Fay, Laurel M.

Urban landscapes

Historic Cities: Issues in Urban Conservation is a book focused on an understanding of urban city centers with works that range from interpretation of landscapes, the human-scale of urbanism, governance of planning projects, sustainability issues, preservation and districting, transformations over time, geographic diversity of cities, finding value, and gentrification, to the management of these dense built environments.²⁴ Although many of the articles lie outside the purview of the thesis' specific topic of community retention through adaptation of policy and law, the book gives a thorough understanding of urban built environments and their issues. The topics discussed directly pertain to the preservation of historic communities and affordable housing due to the interconnectedness of how cities changed overtime concerning the movements of people.

Human-Centered Historic Preservation

The book, *Human-Centered Built Environment Heritage Preservation: Theory and Evidence-Based Practice*, edited by Jeremy Wells and Barry Stiefel, is a collection of articles that seek to reimagine historic preservation by taking a human-centered

Preservation Practicum. Tulane School of Architecture Master of Science, Historic Preservation, December 2021.

²⁴ Jeffrey W. Cody and Francesco Siravo. *Historic Cities: Issues in Urban Conservation*. Edited by Jeffrey W. Cody and Francesco Siravo. Los Angeles: The Getty Conservation Institute, 2019.

approach.²⁵ The intent is to recognize that “heritage is in the present, not the past and that practice must address the present as well as conceivably the future to.”²⁶ The editors consider this endeavor of a human-centered approach as an “emancipated conservation practice.”²⁷ An effort to meld critical heritage studies with historic preservation and how the two should not be dislocated from one another, but rather both guide the practice. To “seek social justice from a more democratic and inclusive process of caring for old places.”²⁸

Although taking a human-centered approach, the book’s focus remains focused on the preservation of historic structures and not necessarily the historic communities associated with them as well. Regardless, the collection is extremely helpful to this study as it explores ideas surrounding the humanization of the field of historic preservation to take a more human-centered approach by adopting social science research methodologies. This approach frames the thesis’ goal of placing humans at the forefront of conservation efforts.

²⁵ The book is broken into four main areas: defining a human-centered approach, ways to collect evidence, using that evidence to influence historic preservation practice, and lastly, the responsibility of higher education in leading this new practice. Writings within the book include issues such as the objectivization of heritage practitioners, the standardization of heritage conservation regardless of the scenario, the bias toward vernacular architecture, community involvement, the lack of ethnography in cultural heritage practice, as well as genealogy research in schools to garner interest in the field of historic preservation.

²⁶ Jeremy C. Wells and Barry Stiefel. *Human-Centered Built Environment Heritage Preservation: Theory and Evidence-Based Practice*. Edited by Jeremy C. Wells and Barry Stiefel. New York, NY: Routledge, 2019: 1.

²⁷ *Ibid*, 3.

²⁸ *Ibid*, 6.

This resource is valuable in finding ways toward a more human-centered narrative when researching and practicing under the auspices of historic preservation. This paper, although concerned with human-centered preservation practice, also seeks to establish human preservation as well. This approach takes a non-compliance and policy driven framework for historic preservation and is more closely linked to critical heritage studies based largely in the United Kingdom.

This approach is opposed to “values-based” methods in heritage conservation that serve as a middle ground between human-centered preservation and compliance-driven approaches.²⁹ More specifically, Randall Mason conducted research examining cultural value in post-Katrina New Orleans:

Housing, the regional economy, racial discrimination, education, health care, environmental restoration, and public safety are the frequently listed key considerations in rebuilding the post-Katrina landscape. Cultural values are missing from the list. Often overlooked, they are difficult to measure and, by definition, “priceless.” New Orleans and the Gulf region, however, are places of immense cultural value—as distinct from their economic values—making the fate of culture an urgent issue in their redevelopment.³⁰

²⁹ Erica C. Avrami. *Values in Heritage Management Emerging Approaches and Research Directions*. Edited by Erica C. Avrami. Getty Publications, 2019.

³⁰ Randall Mason. “Promoting Cultural Preservation.” In *Rebuilding Urban Places After Disaster*, 259–. University of Pennsylvania Press, Inc, 2013: 259.

Gentrification

This review will briefly survey scholarly works centered around gentrification for the sake of clarity.³¹ The term will be explored through a historic preservationist lens that is aimed at protecting historic, working-class communities in the face of not only gentrification, but laws and codes, unchecked blight, and abandonment, NRHP designation coupled with subsequent interest, amongst many other issues.

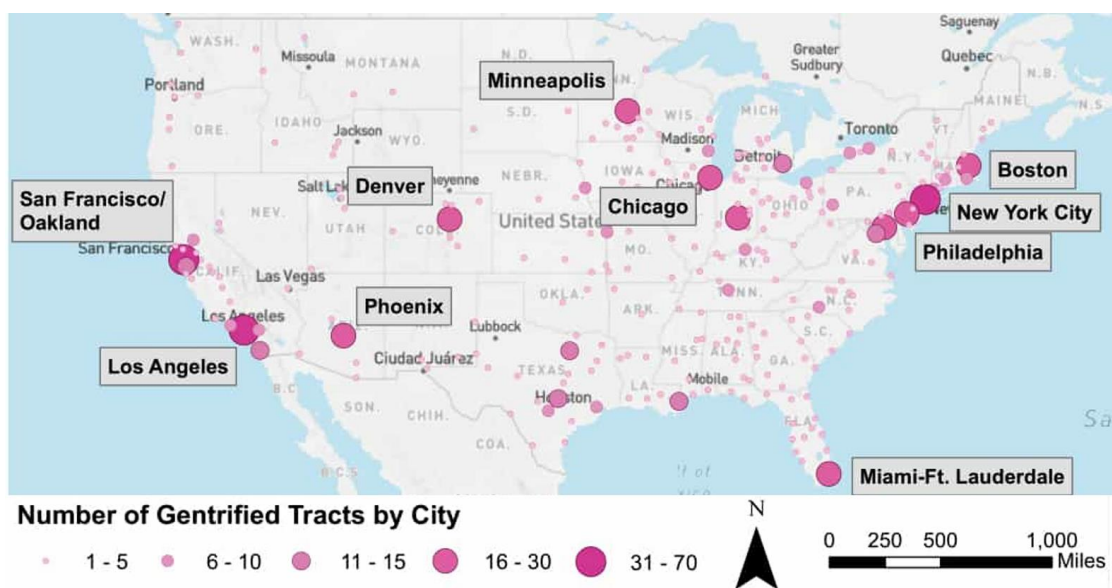


Figure 9: Cities in the United States with large areas of gentrified tracts of land (neighborhoods). Map by the National Community Reinvestment Coalition (NCRC). "Gentrification and Disinvestment 2020." <https://ncrc.org/gentrification20/>.

³¹ This paper largely tries to avoid the term 'gentrification,' as it can mean many things depending on the scope as well as the parameters set. Gentrification is not a catchall word but rather entails a multitude of factors such as economics, politics, racial bias, and environmental issues, amongst many other lenses. It is a loaded term that this paper will not attempt to fully define and pick apart. Gentrification for the sake of this paper will hold to its most simple meaning- the beautification and improvement of housing stock, services, city infrastructure, and health conditions. Gentrification is the result of reinvestment being placed into urban areas by developers, corporate or familial, and government entities. It isn't simply gentrification that pushes residents from their neighborhoods, it is a series of other issues, mainly laws, and the lack of protections that ultimately displace communities.

To begin, Richard Florida thoroughly explains “gentrification” while including the racial segregation, inequity, unaffordability of housing, that are associated with the word. Florida looks at the back-to-the-city movement starting in the 1960s and 70s, the “waves” of newcomers, and the earliest exhibited impacts on community displacement. The overview leads into the new back-to-the-city movement, beginning in 2000, which has led to more single, young professionals seeking out and establishing themselves in urban areas. Markus Moos coins as the “youthification” of cities.³² Alongside this is better transit, schools, park systems, and making “cities less urban and more suburban in character.”³³ Florida imagines a city-for-all approach that pushes for better living conditions, jobs, the building of affordable housing, as well as tax and zoning reform.³⁴

³² Richard L. Florida. *The New Urban Crisis: How Our Cities Are Increasing Inequality, Deepening Segregation, and Failing the Middle Class-- and What We Can Do About It*. New York: Basic Books, 2017: 62.

³³ Ibid, 67.

³⁴ Ibid.

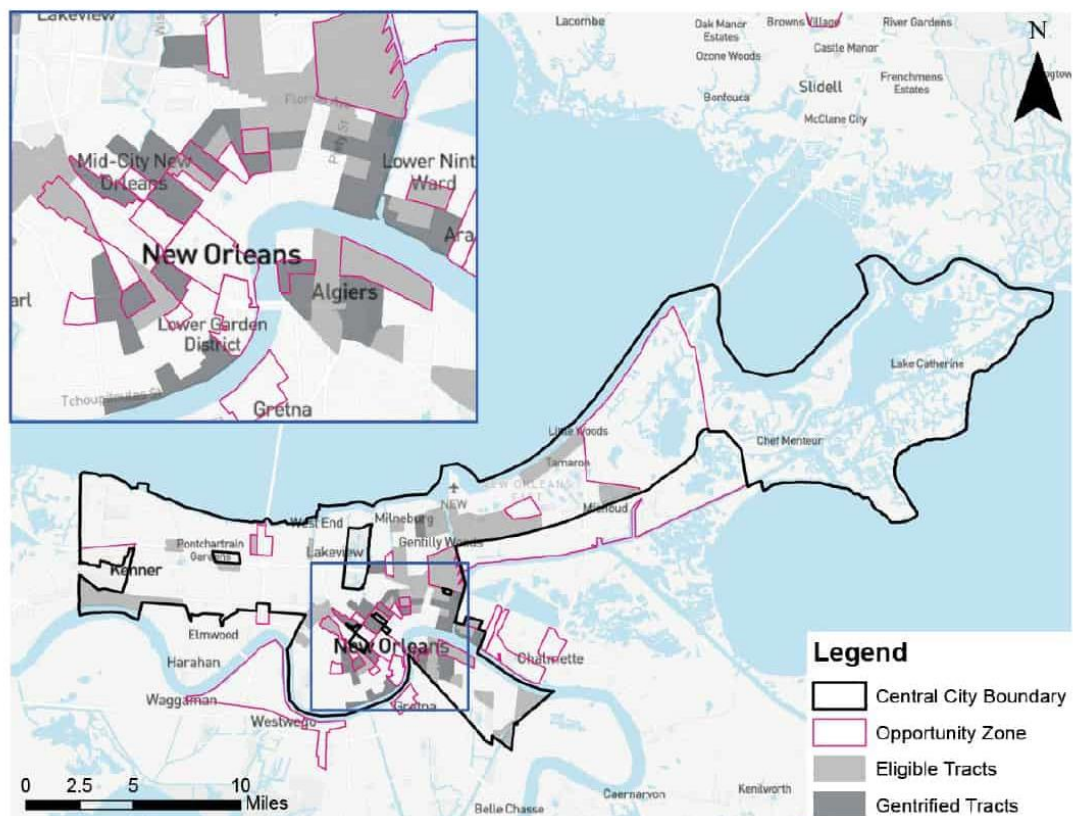


Figure 10: Gentrified tracts of land (neighborhoods) in New Orleans, LA. Map by the National Community Reinvestment Coalition (NCRC). "Gentrification and Disinvestment 2020."
<https://ncrc.org/gentrification20/>.

Richard Campanella, an urban geographer, gives a very picturesque though simplistic view of gentrification in New Orleans that has gathered momentum in the post-storm years following Hurricane Katrina. Although the article has limited scope, defined by its incredibly short narrative, it has generated much debate and shines a light on some aspects witnessed in New Orleans that have contributed to gentrification. The article does, through spatial mapping, shows the stark racial segregation that exists in New Orleans, where mostly white, affluent areas remain on higher ground and have stayed gentrified throughout the years; Campanella labels this as the "white teapot" due to its shape.

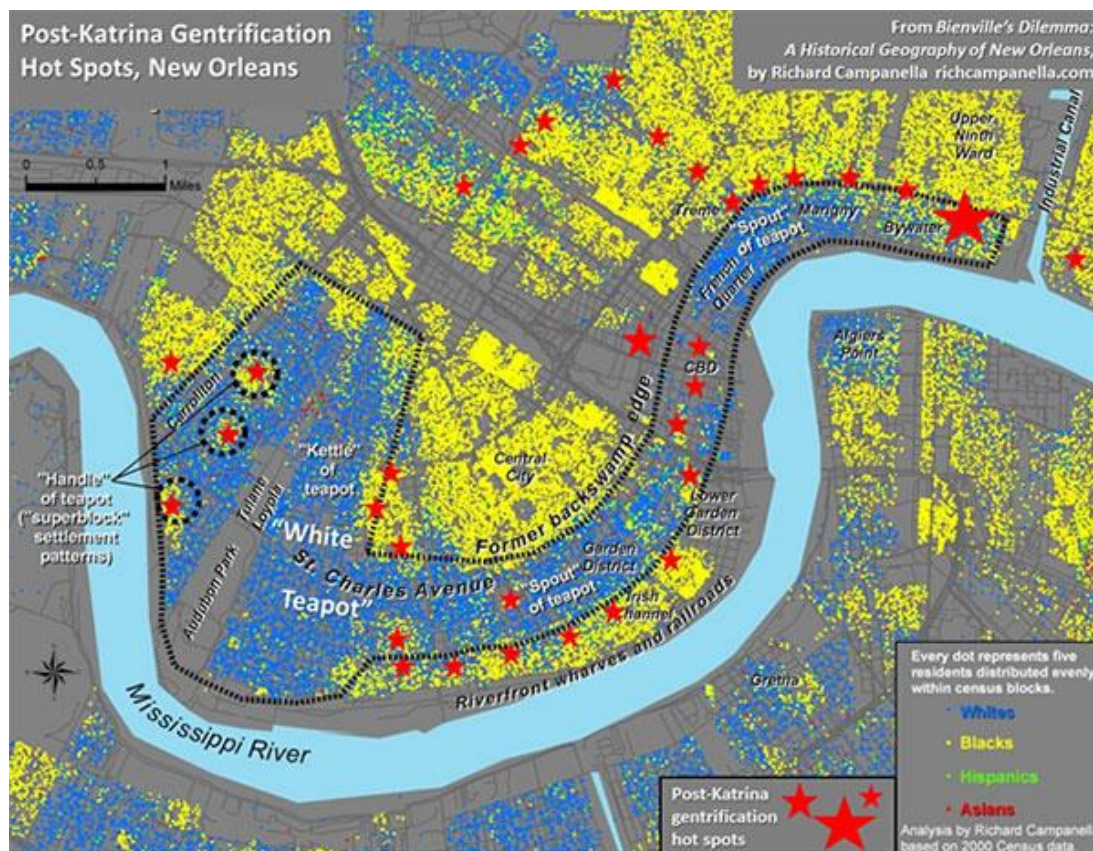


Figure 11: “Post Katrina Gentrification Hot Spots” and racial demographics. Map by Richard Campanella. “Gentrification and Its Discontents: Notes from New Orleans.” *New Geography* 1, March 2013. <http://www.newgeography.com/content/003526-gentrification-and-its-discontents-notes-new-orleans>.

Campanella notes that with gentrification, “native tenants fare the worst in the process, often finding themselves unable to afford the rising rent and facing eviction.” “Unless gentrified neighborhoods make themselves into affordable and agreeable places to raise and educate the next generation, they will morph into dour historical theme parks with price tags only aging one-percenters can afford” and the “neighborhood that once flourished gradually grows gray, empty, and frozen in historically renovated time.”³⁵

³⁵ Richard Campanella. “Gentrification and Its Discontents: Notes from New Orleans.” *New Geography*, February 28, 2013. <https://www.newgeography.com/content/003526-gentrification-and-its-discontents-notes-new-orleans>.

Cedric Johnson explores gentrification as a multitude of contributing factors. Johnson critiques pioneer narratives of the gentrifying process while noting that the “dynamics of reconstruction and resettlement cannot be reduced to an essential black–white conflict.”³⁶

Race remains a potent signifier of gentrification particularly within many American cities, but the natives versus settlers axis of conflict evoked most often in contemporary popular debate distracts us from the underlying forces at work, and the role of the investor class, which is multiracial in composition, in shaping the course of events.³⁷

The article’s focus is not on the race of a gentrifier but on institutional racism. Class difference is a major aspect that fuels gentrification. The article argues that racial aspirations, homeownership, and newcomers, are all variegated and disavows any arguments that casts these blanket assumptions over groups. Johnson notes that the process is largely economic. “The market-centric recovery has featured two interrelated projects, the relative empowerment and support of middle-class homeowners, landlords, and corporate developers, and the dispossession of renters, public housing tenants and the working class more generally.”³⁸

³⁶ Cedric Johnson. “Gentrifying New Orleans: Thoughts on Race and the Movement of Capital.” *Souls (Boulder, Co.)* 17, no. 3-4 (2015): 175–200: 178.

³⁷ *Ibid*, 183.

³⁸ *Ibid*, 186.

Johnson notes that,

The real beneficiaries of the demolition and new development, however, have been the construction companies, architectural firms, retailers, and lien holders connected to these emergent mixed income, mixed use projects.³⁹

[The article is] an interpretation that focuses on the underlying processes of real estate speculation and investment, and how race can be deployed, often in contradictory ways to further capital accumulation.⁴⁰

To remedy corporate speculation and racial disparity, Johnson notes that the “demand for the preservation of traditional communities displaced by gentrification must be expanded into a demand for decommodification and regulation of urban housing markets in a manner that ensures affordability and access to the city for all.”⁴¹

Carolyn Gallagher on the other hand takes a defeatist approach toward gentrification and displacement and sees it as an endless cycle of the replacement of people by other people.

It is useful to see gentrification, as we experience it today, in its broader historical context. Over this longer time frame, it becomes clear how neighborhoods continuously shift and change, going from residential areas to centers of commerce and industry and back, and from rich to poor and back again to rich. This process of neighborhood transformation is a natural, if wrenching, feature of cities, which are perpetual works in progress. As they grow and change, their demography and class structures shift. While their buildings may look the same from the outside, what goes on inside them changes substantially over time.⁴²

³⁹ Ibid, 191.

⁴⁰ Ibid, 195.

⁴¹ Ibid, 195.

⁴² Carolyn Gallagher. “Gentrification and Its Discontents.” *In The Politics of Staying Put*, 67–. Temple University Press, 2016: 61.

To offer critique of this stance one must reflect that modern cities are subject to many pressures that attribute to displacement trends, as well as the nature of laws and regulations that benefit the development and wealth over the retainment of historic communities and affordable housing.

Donovan Rypkema also deconstructs gentrification as a word that universally means 'change' and has different outcomes whether positive or negative. The positive aspect can include increased home ownership, improved public infrastructure, more commerce, reduction of blight, increased tax revenue and home value appreciation, whereas negative components include rising rents and property taxes, neighborhood loss of control and possession by long-term residents, prioritization of new arrivals over needs of historic residents. "In short, to be 'for' or 'against' *gentrification* obscures the issues. Reinvestment and economic integration are positive results and should be public policy priorities. Economic displacement is a negative result, and public policy tools are needed to mitigate it."⁴³ Rypkema also notes that some decidedly relocate and make rational economic decisions. This should not be wrongly labeled as displacement. Rypkema sadly strays from the topic and poorly generalizes those being displaced from squatting as solely drug dealers and sex workers.

⁴³ Donovan Rypkema. "The Oversimplification of Gentrification." *Forum Journal*, 18 (2004):26-34. <https://forum.savingplaces.org/viewdocument/the-oversimplification-of-gentrific>.

Stephanie Brown also investigates gentrification as a convoluted term that is used without looking at the root causes of what it entails. Ruth Glass' coinage of "gentrification" was defined as the movement of affluent people and developers into lower-income communities and shaping those areas to their tastes without concern for the long-term residents. To remedy gentrification, Brown proposes the "Inclusionary Model" to "anticipate and proactively respond to change," "develop a shared narrative around which the community can coalesce," "forge active partnerships," "develop conflict mediation mechanisms," and "advocate for legal tools to preserve housing affordability."⁴⁴

Brown's article includes ideas promoted in this thesis such as tax abatement, tenant opportunities at home ownership, homeowner assistance, inclusionary zoning, and campaigning, but falls short on addressing the root causes of gentrification, such as laws and regulation. Furthermore, although there is mention of community involvement, there is nothing about historic community preservation.

Another study looks at the unique nature of tourism gentrification in New Orleans as opposed to other gentrification trends that rely more on consumer interest and the movement of more affluent into low and middle-income neighborhoods.

⁴⁴ Stephanie Brown. "Beyond Gentrification: Strategies for Guiding and Redirecting the outcomes of Community Transition." *Historic Cities: Issues in Urban Conservation*. Edited by Jeffrey W. Cody and Francesco Siravo. Los Angeles: The Getty Conservation Institute, 2019: 524-29.

The paper contests explanations that view gentrification as an expression of consumer demands, individual preferences or market laws of supply and demand. It examines how the growth of securitization, changes in consumption and increasing dominance of large entertainment firms manifest through the development of a tourism industry in New Orleans, giving gentrification its own distinct dynamic and local quality.⁴⁵

Gotham views one of the major impetuses for gentrification in New Orleans as the ever-dominant tourism industry which commodifies local culture exploited by corporate entertainment interests and inevitably drives-up rent and pushes out residents from central hubs. Gotham particularly looks at the French Quarter from 1940 to 2000 and tracks the changes in demographics, income, property values, and rents to explore this topic.

This work is important in that tourism gentrification directly links to zoning and the rise of short-term rentals, as well as the fact many available jobs created by this service industry are low paying and without health or retirement-related benefits. As noted previously, many of these issues that relate to the preservation of affordable housing as well as communities are interconnected and blurry as to where to categorize.

Noha Nasser also explores tourism and subsequent gentrification within historic urban landscapes and places of heritage. Nasser first notes historic preservation's "primary concern is protecting the built and cultural heritage", "the exploitative nature of

⁴⁵ Kevin Fox Gotham. "Tourism Gentrification: The Case of New Orleans' Vieux Carré (French Quarter)." *Urban Studies (Edinburgh, Scotland)* 42, no. 7 (2005): 1099.

heritage tourism” and the goal of envisioning a new approach to cultural tourism that will “safeguard social equity and cultural values.”⁴⁶

As previously mentioned, New Orleans’ primary economy relies on tourism. As a result, ideas surrounding tourism gentrification are applicable to areas such as Central City and need to be considered. Tourism not only shapes the landscape with development and blight reduction, but is a major source of employment, and determines the types of businesses within certain areas of interest.

Preventing displacement

Jane Jacobs, in her re-release of the famous historic preservation classic, *The Death and Life of Great American Cities* in 1993, notes that

Planning for vitality must aim at unslumming the slums, by creating conditions aimed at persuading a high proportion of indigenous residents, whoever they may be, to stay put by choice over time, so there will be a steadily growing diversity among people and a continuity of community both for old residents and for newcomers who assimilate into it.⁴⁷

⁴⁶ Noha Nasser. “Planning for Urban Heritage Places: Reconciling Conservation, Tourism, and Sustainable Development. *Cities: Issues in Urban Conservation*. Edited by Jeffrey W. Cody and Francesco Siravo. Los Angeles: The Getty Conservation Institute, 2019.

⁴⁷ Jane Jacobs. “The Death and Life of Great American Cities (1961,1993).” *Historic Cities: Issues in Urban Conservation*. Edited by Jeffrey W. Cody and Francesco Siravo. Los Angeles: The Getty Conservation Institute, 2019: 164.

Stephanie Meeks replies to the often recited critique that historic preservation arrests “progress” and “transformation” by stating, “The job of preservation is not to prevent change- communities are always in the process of change” but that it can “mitigate the displacement of existing residents.”⁴⁸ Although community focus is not central to the book, Meeks goes on to list many tactics that are the subject of this thesis that include tax freezes, zoning, and districting as ways to assist residents in staying in their homes. Although Meeks mentions these subjects, there is no further discussion concerning those tactics. Rather, the avenues towards prevention of displacement that are detailed further are “community benefits agreements” that specify how large-scale projects are coordinated; “commercial protection and heritage business laws” that have been used in places such as San Francisco, that help historic business receive grant funds to pay staff as well as entice building owners to sign lengthy leases; and lastly “community land trusts” that makes ownership of buildings communal in places such as New York’s Chinatown that has helped stabilize rents and retain elderly populations.⁴⁹

Historic preservation is often targeted towards buildings and their renovation which in turn increases their marketability. “Preservation is thus understood to be an exclusive

⁴⁸ Stephanie Meeks and Kevin C. Murphy. *The Past and Future City: How Historic Preservation Is Reviving America’s Communities*. Washington D.C: Island Press, 2016: 222.

⁴⁹ Ibid, 223-33.

force of urban change that leads to gentrification, decline in affordable housing, and the displacement of low-income, marginalized populations”⁵⁰

Michael DeHaven Newsom notes that historic preservation is often seen as a way in which developers can exploit history and designation to drive up interest and value in investment properties, which leads to the eviction of low- and moderate-income residents in favor of wealthier counterparts.⁵¹ This thought has led to a push to protect not only structures of architectural merit and integrity but all buildings, including those vernacular structures of the historically disadvantaged as witnessed in Herbert J. Gans’ article, “Preserving Everyone's Noo Yawk.”⁵²

Housing affordability

Housing affordability in New Orleans and in other urban areas has been written about extensively and is often directly tied to ‘gentrification,’ zoning, regulations, and community displacement.

⁵⁰ Caroline S. Cheong. “Connecting Historic Preservation and Affordable Housing.”. *Preservation and Social Inclusion*. Edited by Erica C. Avrami. New York, NY: Columbia Books on Architecture and the City, 2020: 204.

⁵¹ Michael DeHaven Newsom. “Blacks and Historic Preservation.” *Law and Contemporary Problems* 36, no. 3 (1971): 423.

⁵² Herbert J. Gans. “Preserving Everyone's Noo Yawk.” *The New York Times*, Jan. 28, 1975: 33.

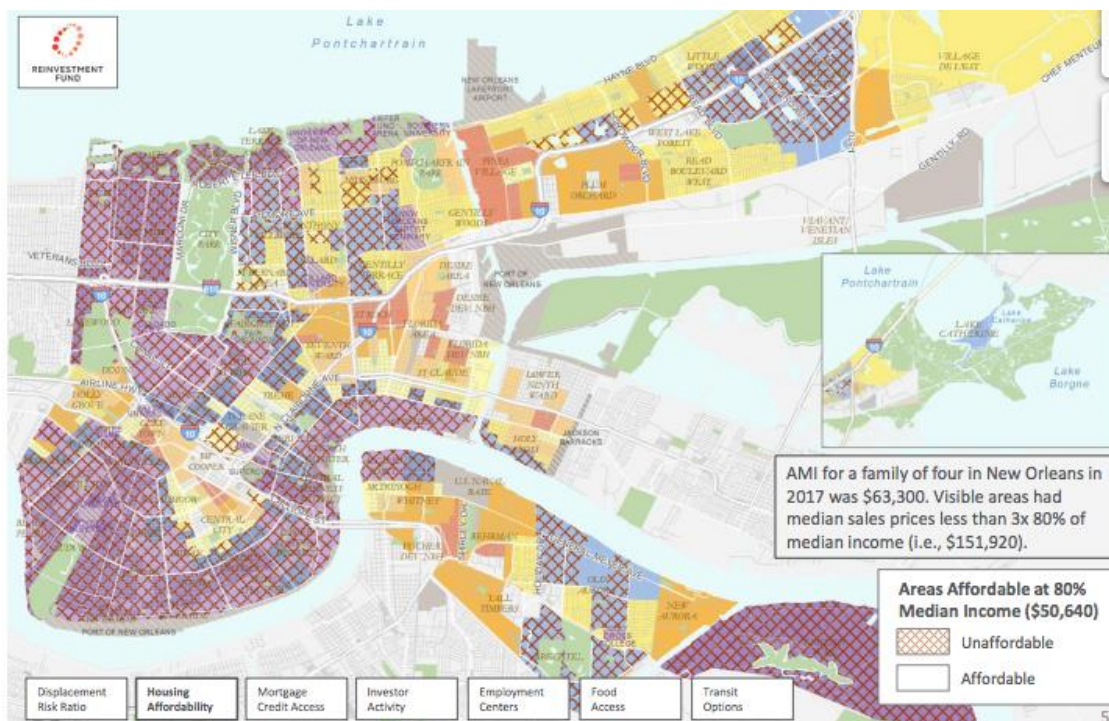


Figure 12: Housing unaffordability in New Orleans at 80% median income. Note, Central City is labeled as affordable. Map by the Reinvestment Fund. "Areas Affordable at 80% Median Income (\$50,640)." [https://nextcity.org/images/daily/resized/Screen Shot 2019-04-29 at 2.00.44 PM.png](https://nextcity.org/images/daily/resized/Screen%20Shot%202019-04-29%20at%202.00.44%20PM.png).

Much Scholarship mentions housing affordability within the context of preservation avoid mention of historic community retention. It is almost as if the goal of preservation cannot take on such a challenge. As previously noted, some view communities as ever changing and impossible to retain. Regardless of a tendency for populations to shift, no person should be forcibly displaced from their home due to economic inequity.

Established residents are more likely to stay in their homes if they remain affordable and well maintained. Housing affordability is simply one part of a larger whole when it comes to historic community preservation with there being many other attributing factors such as land use opportunities, community representation, ties with and knowledge of historic markers, and the social fabric of knowing one's neighbors.

Some arguments have gone as far as to suggest that historic districts should be done away with altogether. Not because of associated maintenance costs that limit housing affordability but rather because of limits on density.⁵³ Similar thoughts report that this directly leads to further drive displacement.⁵⁴ Other commentators have expressed interest in how developers are negatively impacted by height restrictive zoning laws which thwart both free market capitalism and new construction. “Growth, not height restrictions, keeps space affordable and ensures that poorer people and less profitable firms can stay.”⁵⁵

Although not specifically naming historic preservation, others argue that large development projects are not solutions to housing affordability but rather the “missing middle.” Amanda Kolson Hurley, in an article on the affordable housing crisis, notes that many cities have historic scale, mid-sized, low-unit housing that is densely placed, which can relieve pressures on housing.⁵⁶ In 2017, National Trust for Historic Preservation’s Research and Policy Lab discovered that in many cases, such as Los Angeles, Detroit, and

⁵³ Kriston Capps. “Why Historic Preservation Districts Should be a Thing of the Past.” *City Lab*, January 29, 2016. <https://www.bloomberg.com/news/articles/2016-01-29/michigan-and-wisconsin-state-republicans-are-crusading-against-historic-preservation-districts> .

⁵⁴ Elizabeth M. Tisher. “The Historic Housing for All: Historic Preservation as the New Inclusionary Zoning.” *Vermont Law Review* 41, no. 3 (2017): 610.

⁵⁵ Edward L. Glaeser. (Edward Ludwig). *Triumph of the City: How Our Greatest Invention Makes Us Richer, Smarter, Greener, Healthier, and Happier*. New York: Penguin Press, 2011: 147.

⁵⁶ Amanda Kolson Hurley. “Will U.S. Cities Design Their Way Out of the Affordable Housing Crisis.” *Next City*, Jan. 18, 2016. <https://nextcity.org/features/cities-affordable-housing-design-solution-missing-middle>.

Chicago that mid-scale, historic neighborhoods were more likely to be diverse with double the number of women and minority business and affordable housing.⁵⁷

Meeks sums up these various opinions concluding that developers are more enticed towards larger profit margins; “despite the outsized for affordable housing, new construction has been almost exclusively focused on luxury homes and apartments.”⁵⁸

Ned Kaufman best challenges the supply-and-demand theories of gentrification, noting that the government is culpable allowing policy “that subsidizes the construction of luxury apartments, bends planning and zoning rules to shoehorn them into low- and moderate-income neighborhoods, and then fails to control their impact on nearby rents” that “will inevitably produce less, not more, affordable housing. It will also destroy historically valuable buildings, networks of social connections, local traditions, and patterns of place affection- all vital dimensions of the city’s heritage.”⁵⁹

According to Emily Achtenberg and Peter Marcuse, to fix housing inequity and stability, it is necessary to have “a program that can alter the terms of existing public debate on housing that challenges the commodity nature of housing and its role in our economic

⁵⁷ Preservation Green Lab and the National Trust for Historic Preservation. “Untapped Potential: Strategies for Revitalization and Reuse.” *National Trust for Historic Preservation*, Washington, DC, 2017: 34-42.
<https://forum.savingplaces.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=a8afe694-4ea4-06db-a7d4-3ac98e470904&forceDialog=0>.

⁵⁸ Stephanie Meeks and Kevin C. Murphy. *The Past and Future City: How Historic Preservation Is Reviving America’s Communities*. Washington D.C: Island Press, 2016: 219-20.

⁵⁹ Ned Kaufman. *Place, Race, and Story: Essays on the Past and Future of Historic Preservation*. New York: Routledge, 2009: 327.

and social system, and that demonstrates how people’s legitimate housing needs can be met through an alternative approach,” one that would “provide every person with housing that is affordable, adequate in size and of decent quality, secure in tenure, and located in a supportive neighborhood of choice, with recognition of the special housing problems confronting oppressed groups.”⁶⁰

Hannah Dobbz views adverse possession, also commonly known as squatting, as a means of alleviating housing unaffordability amongst other pressures.⁶¹ The book also investigates housing cooperatives and community land trusts. Although the text does not mention historic preservation specifically, many of its theories and ideas will be directly applied to this thesis’ aim of protecting historic communities.

Minimal preservation work

Some early preservationist writings view minimal restoration work as a viable way of being able to continue renting to low- and moderate-income residents. The idea to meet minimum inspection requirements associated with historic buildings is disparate

⁶⁰ Cedric Johnson. “Gentrifying New Orleans: Thoughts on Race and the Movement of Capital,” 195.

⁶¹ Hannah Dobbz. *Nine-tenths of the Law: Property and Resistance in the United States*. AK Press, Oakland, USA, 2012.; Note, Adverse possession, known as inquisitive prescription in Louisiana, can be seen as an alternative form of ownership as compared to governmentally backed demolitions and displacement through eminent domain. Both are dependent on the applied approach of laws regarding ownership, blight, and abandonment. Squatting through the legal means of adverse possession as well as eminent domain can offer a step towards relieving housing pressures. Aside from the potential positive uses, inquisitive prescription and eminent domain have also historically been attributable reasons for displacement and abandonment, which negatively impacts communities and their preservation.

from slum landlords who do so at the expense of health and stability. In New Orleans, this is often done through various companies that rent on month-to-month leases for buildings that require waivers for health liabilities. Although affordable, these conditions can lead to health problems due to poor ventilation, mold, and unsanitary conditions, as well as a general feeling of instability without a long-term lease.

Arthur Ziegler recommends interventions such as studding drywall over plaster walls, painting over floors, keeping all kitchen and restroom sinks, bathtubs, and fixtures to cut costs. Ziegler also suggests having tenants assist with maintenance work to keep rents low.⁶² The author notes that this is a temporary measure to stabilize rents and improve living conditions for tenants, but that funding and subsidies are necessary for the long-term. Although the text was published before the Tax Reform Act that established preservation standards and tax credits, many of the suggested techniques of minimal restoration would be admissible under the Secretary of the Interior's standards for restoration.

Ziegler notes the need to protect low- and moderate-income, working-class residents. "There are only two ways to carry out historic restoration without dislocating all low-to-moderate income residents: minimal restoration work and subsidies for costs, rents, or sales." Ziegler sees the importance of keeping residents, though it is out of a matter of

⁶² Arthur P. Ziegler. *Historic Preservation in Inner City Areas; a Manual of Practice*. [1st ed.]. Pittsburgh: Allegheny Press, 1971.

respect and ownership, rather than retaining the culture and heritage held by historic communities. “In a sense, the neighborhood ‘belongs’ to those who live in it, and you owe to these residents a chance for them to remain there.”⁶³

Although some of the language is dated, the book’s focus is on retaining historic fabric through minimal restoration work while utilizing government and nonprofit assistance programs to keep housing affordable. Ziegler notes “Historic preservation groups across the country, from the 1930s up until today, remorselessly removed neighborhood residents regardless of their longevity in the proposed historic district or their commitment to that area”⁶⁴ A proposed way of combatting this is to engage the community more and find ways for proper representation and input from residents, both renters and owners.

Other texts discuss using “minimal renovation of older buildings, in order to remove real health and safety hazards without a cost so great as to throw a burden on low-income residents” as one of the “long neglected major opportunities in American housing policy.”⁶⁵ This gives note to the high costs associated with renovation projects and that being associated to higher rents or property values. Any costs, whether maintenance or renovation, fall onto renters instead of homeowners who should bear those costs.

⁶³ Ibid, 42.

⁶⁴ Ibid, 64.

⁶⁵ Norman Williams, Edmund Halsey Kellogg, and Frank B. Gilbert. *Readings in Historic Preservation: Why? What? How?* New Brunswick, N.J: Center for Urban Policy Research, Rutgers University, 1983: 291.

Historic Preservation and its impacts

Many studies have also explored how the impacts of becoming listed on the National Register of Historic Places or receiving a designation as a historic district can impact communities as well as housing affordability within those areas. Studies attest that simply nominating an area as a historic district attracts wealthy prospectors and buyers to that location and inevitably displaces residents.⁶⁶ Some of these critics rely on simple supply-and-demand scenarios, whereby having historic district restrictions, the amount of housing stock is kept low, which drives up values due to the demand for a limited supply.⁶⁷ Another study compares similar properties in and outside of historic districts noting that homes within a district are more valuable.⁶⁸

Urban renewal projects that involve clearance, as well as those of preservation and revitalization, can have the same outcome of dislocation.

To be sure, any displacement caused by historic preservation is gradual by comparison with a typical urban renewal or freeway project. But the frequency with which the displacement issue arises should suggest an underlying doubt

⁶⁶ Carol M. Rose. "Preservation and Community: New Directions in the Law of Historic Preservation." *Stanford Law Review* 33, no. 3 (1981): 473–534.; See also, Jon C. Dubin. "From Junkyards to Gentrification: Explicating a Right to Protective Zoning in Low-Income Communities of Color." *Minnesota Law Review* 77, no. 4 (1993): 739–. (Describes an investigation that revealed historic designation was explicitly sought to displace a minority community).

⁶⁷ Dan Bertolet. "When Historic Preservation Clashes with Housing Affordability." *Sightline Institute*, December 19, 2017. <https://www.sightline.org/2017/12/19/when-historic-preservation-clashes-with-housing-affordability/>.

⁶⁸ Andrew Narwold, Jonathan Sandy, and Charles Tu. "Historic Designation and Residential Property Values." *International Real Estate Review* 11 (2008): 83-95.

about historic districts, since an ostensible purpose of preservation programs is to foster community ties rather than disrupt them.⁶⁹

It is not simply ‘gentrification,’ but associated code enforcement costs that go along with property ownership within a historic district, as well as interested Real Estate speculators enticing historic families to leave their homes, and increased property taxes.

If preservation is viewed as a communitarian program, this governmental concern is entirely appropriate. Assistance to low-income residents can arrest or at least palliate the disruption that may occur with historic district designation and ‘gentrification’ and can at the same time preserve the best aspects of historic district designation: increased pride in community, education, and the discovery of ‘roots.’⁷⁰

To further these thoughts, not only should this assistance be offered to low-income residents, but laws should be preemptively tailored towards reducing costs altogether for moderate-income and elderly homeowners.

Aaron Passell looks at historic preservation as an exclusionary practice that caters to wealthy appetites by looking at Baltimore and Brooklyn. The designation of historic districts is often centered on “aesthetics, not affordability.”⁷¹ In Baltimore, it is shown, through data spanning from 1970 to 2010, that historic districts have higher vacancy rates. With the affluent working alongside the government, they get “institutional

⁶⁹ Carol M. Rose. “Preservation and Community: New Directions in the Law of Historic Preservation,” 515.

⁷⁰ Ibid, 516.

⁷¹ Aaron Passell. *Preserving Neighborhoods: How Urban Policy and Community Strategy Shape Baltimore and Brooklyn*. New York: Columbia University Press, 2021.

capital” and historic tax credits to incentivize development.⁷² In Brooklyn, the situation is different where preservationists are rushing to give properties NRHP status to slow neighborhood change. Also explored, is how “organizing around neighborhood preservation issues functions as a community-building exercise.”⁷³

Passell also focuses on ‘demolition by neglect’ that is associated with historic districts as a mechanism that developers will often use that leads to eventual collapse and opportunity for redevelopment. Passell notes the paradigm where historic designation is proven to guarantee change within a neighborhood, but that it is also one of the only options residents have that creates some sense of control. These issues vary depending on the city; “Baltimore is mainly about maintaining status and facilitating revitalization, whereas in Brooklyn it is a matter of mitigating gentrification and claiming some degree of community control.”⁷⁴ Ultimately historic districting can be seen as a way that drives up property values and rents, but also one of the few ways communities can limit large-scale development projects, which would then keep housing more affordable.

Ted Grevstad-Nordbrock investigates the history of historic preservation and how it has impacted landscapes, more specifically Chicago’s. It is noted that with the passage of the National Historic Preservation Act (NHPA) in 1966 came a large step toward the preservation of the nation’s history while also creating a sense of ownership regarding

⁷² Ibid Pg. 16

⁷³ Ibid Pg. 18

⁷⁴ Ibid, 195.

old and historic buildings. This was initially geared toward the protection historic urban landscapes from redevelopment and destructive highway projects. Originally, the injection of historic tax credits and economic interest proved a better way of revitalizing areas that had witnessed government-backed urban renewal projects and widespread demolition. Although this saved many buildings from demolition, it has also led to historic residents being pushed out, which for years has necessitated rethinking existing preservation tools of nomination and protection. Grevstad-Nordbrock advocates for adapting historic preservation regarding the current situation of U.S. urban landscapes. “Federal historic preservation policies and programs have indeed failed to keep pace with the changing social and economic realities of American cities.”⁷⁵

Decolonizing the National Register of Historic Places

Attributing to the retention of historic communities is providing long-term, historic, minority residents a sense of space and authority over their heritage. One study shows that “only 2% of the 95,000 entries on the National Register of Historic Places—the list of sites deemed worthy of preservation by the federal government’—focus on the experiences of African Americans”⁷⁶ Casey Cep notes, “To diversify historic preservation, you need to address not just what is preserved but who is preserving it—

⁷⁵ Ted Grevstad-Nordbrock. “Of Policy Lags and ‘Upgraded Neighborhoods.” *Human-Centered Built Environment Heritage Preservation: Theory and Evidence-Based Practice*. Edited by Jeremy C. Wells and Barry Stiefel. New York, NY: Routledge, 2019: 177.

⁷⁶ Aaryn Urell. “The Widespread Failure to Preserve African American History.” *Equal Justice Initiative*, January 31, 2020. <https://eji.org/news/widespread-failure-to-preserve-african-american-history/>.

because, as it turns out, what counts as history has a lot to do with who is doing the counting.”⁷⁷

One article points blame at the NRHPs rules of material integrity and architectural merit that have kept properties from being listed.

If the preservation profession is to truly embrace the nation’s multicultural heritage, it is imperative to have a range of techniques for identifying significant properties, engaging local communities, and valuing heritage that runs deeper than material fabric... Preservationists must continue to move beyond the field’s architectural bias.⁷⁸

Alden Fletcher, using Washington D.C. as a case study, investigates the disproportionate scope of historic preservation law and how it tends to benefit affluent, white areas more than low-income, minority neighborhoods.⁷⁹ The study investigates NRHP designation and the associated hurdles that low-income, minority communities face when trying to procure designation and nomination. With historical designation as a lens, the study seeks to show “how and why historic preservation law should be changed to allow communities to use it to prevent dispossession.”⁸⁰

⁷⁷ Casey Cep. “The Fight to Preserve African-American History.” *The New Yorker*, Jan. 27, 2020. <https://www.newyorker.com/magazine/2020/02/03/the-fight-to-preserve-african-american-history>.

⁷⁸ Stephanie Ryberg-Webster. “Beyond Rust and Rockefeller: Preserving Cleveland’s African American Heritage.” *Urban Publications Preservation Education Research* Vol. 9, 2017: 19.

⁷⁹ Alden A. Fletcher. “Forced Betting the Farm: How Historic Preservation Law Fails Poor and Nonwhite Communities.” *The Georgetown Law Journal* 109, no. 6 (2021): 1543–1576.

⁸⁰ *Ibid*, 1543.

Fletcher further notes,

Historic preservation laws, as currently structured, systematically fail to protect places of importance to relatively poorer, frequently nonwhite, communities. By focusing on aesthetic physical features and using a conception of historical "integrity" that prizes physical continuity, historic preservation laws exclude places that may have substantial history but have been deprived of the resources to create and maintain aesthetic physical features.⁸¹

Exclusionary and inclusionary laws and regulations

Other work has focused on how local regulations and building codes keep low-cost housing from being built which keeps many people from living within communities.

Anthony Downs declares many laws are in no means structured toward safety and health, but the only intent is to be exclusionary as in income. This goes along with the commonly held belief that property values are governed not solely by the affluent homeowner, but by the land and its uses in the surrounding areas. Planning, permits, lot and density requirements all push up the costs of properties because of their inherent associated costs.

Although Downs' critique is geared towards new construction in suburban areas, the same reasoning can be applied to the regulatory nature that coincides with being in an urban historic district. The report states that housing affordability can be achieved by

⁸¹ Ibid, 1545-46.

“reducing the minimum quality standards we demand, improving the terms of ownership, and reducing various regulatory barriers.”⁸²

Downs also notes that there should be more public participation in land use decisions as well as dismantling the bias that exists regarding housing policy. Unlike low-income renters, “homeowners receive large-scale income tax benefits that encourage investment in bigger dwellings” and “localities adopt laws concerning lot size, set-backs, building materials, rejection of multifamily units, and others that are by no means required for health and safety, but purely exclusionary in nature.”⁸³

Lastly, the National Trust for Historic Preservation released a book by Constance Beaumont that investigates “how state governments can help citizens preserve their communities,”⁸⁴ which proves to be an invaluable asset alongside the number of aforementioned texts. The book explores a variety of laws and regulations as well as case studies from around the United States to show how laws can benefit communities. Topics include easements, economic hardships, funding, tax incentivization, regulatory barriers, revitalization, property rights, transportation, and sprawl. Although the text’s focus is not aimed toward historic community retention and housing affordability,

⁸² Anthony Downs. “Local Regulations and Housing Affordability.” *Regulating Place: Standards and the Shaping of Urban America*. Edited by Ben-Joseph, Eran., and Terry S. Szold. New York: Routledge, 2005: 105.

⁸³ Ibid, 107.

⁸⁴ Constance Epton Beaumont. *Smart States, Better Communities: How State Governments Can Help Citizens Preserve Their Communities*. Washington, DC: National Trust for Historic Preservation, 1996.

Beaumont's work will be valuable in overviewing the many laws associated with historic preservation.

Conclusion

Preservation is not focused on keeping individuals out of neighborhoods or reinforcing segregation, but rather to add stability to historic core communities so that they can survive mounting pressures while maintaining a healthy built environment. With this mission comes the restructuring of systemic issues within society that have led to inequity in accessibility and stability. Recognition of these elements that have plagued historic urban communities is a necessary component to restructuring and creating strategies to preserve not only built environments but built cultures and traditions. Updating historic preservation practices to account for safeguarding communities while incorporating resident input is a necessary part in navigating toward equitable and sustainable neighborhoods.

Though there have already been many writings on taking a human-centered approach to preservation, there is no overarching survey, to my knowledge, of the laws associated with historic preservation that address the preservation of historic, low-income communities. The focus is not only a human-centered approach to historic preservation, but also the preservation of humans themselves in the scope of the communities they live in. The goal of this paper is to begin that process and, in effect, make suggestions

that could be followed by community organizations and governments to address how long-term, low-income residents and their associated environments can be protected and preserved alongside those historic buildings that are protected.

This study is not an overarching critique of the field of historic preservation, as that subject is much too broad and beyond the scope of this paper, but rather a look at those aspects associated with planning, zoning, and Real Estate practices and their detrimental or positive effects on historic communities. A survey of current laws, or lack thereof that protect historic communities from being displaced by what is commonly given the catchall “gentrification.” The goal of this study is not simply to name those negative impacts, but to generate a community preservation plan that hopefully regional governments can use to protect those generational families from being uprooted by gentrification and the like.

The idea is to be proactive, rather than merely reactive.

3. METHODOLOGY

Scope

The thesis will focus on historic preservation laws and policies and how they can impact communities and neighborhoods. A comprehensive approach will be employed to research historic and contemporary laws, maps, primary and secondary documents, court and city records, and demographic datasets to better understand ways in which revising, rescinding, or keeping certain laws and ordinances can benefit the lives and landscapes of America's historic environments.

To complete this study, Central City, New Orleans, has been selected as a case study. Central City stands out as being a neighborhood that has a large historic Black population and cultural presence, that has remained mostly resilient against the pressures associated with gentrification. Central City has also experienced less displacement than other neighborhoods within New Orleans. This is opposed to neighborhoods, such as the Tremé, which stand out as areas that have lost the majority of their historic community residents in recent years. There is a scope and urgency of reform for Central City, that by having maintained much of its original character and residents, it would benefit from a study geared towards the preservation of affordable

housing and the historic community. This effort coincides with advocating for healthy environments the upward mobility for those residents.

The paper will be sociological in nature with a historic preservation lens. Consistent with the belief that many inequities of the past have lasting ramifications on the present. Primary and secondary documents pertaining to redlining and blockbusting, eminent domain, zoning ordinance, gentrification, housing affordability, and disinvestment will be given attention. In other words, it is necessary for preservationists to not only be aware of the historical impacts that have led to the uprooting of communities, but also of the ways in which contemporary laws associated with planning and preservation still have negative effects on populations and how to remedy the inequitable restrictions, regulations, and land laws that continue to cause displacement.

Secondary sources

Secondary sources are detailed in the Literature Review and are essential in the writing of this thesis. Although many works to date have written extensively on subjects ranging from historic preservation critiques to housing affordability, few have had the stated purpose of historic community retention. A review of prior studies conducted surrounding historic misdeeds, such as redlining, connected to homeownership, disenfranchisement, prejudice, and poverty are not the primary focus of the paper. Rather these subjects merit a summary of their historical rulings, events, and theory

that is necessary to define the current displacement situation in the Central City neighborhood. Furthermore, secondary sources associated with preservation law, history, and policy will provide useful information to establish a historical narrative for Central City as well as influence recommendations set forth for economic burden reduction and the preservation of this community.

Primary sources

Primary historical records such as maps, newspaper articles, photographs, and city records will provide historic and current information on changes to the landscape and ownership in the study area. It is primarily these sources that lend to a robust and detailed thesis that draws from real-world data.

Maps, such as those of the Sanborn Fire Insurance Co. track changes in land use, growth, as well as declines within the area of study. US Geologic Survey maps have been utilized for geographic, topographic, and hydrologic knowledge. National Oceanic and Atmospheric Administration (NOAA) weather pattern maps, Federal Emergency Management Agency (FEMA) flood maps, and even US Department of Agriculture soil maps also proved useful in understanding the areas geographic and geologic makeup as well as limitations in land use.

Local newspapers, accessed through databases provided by Louisiana and New Orleans Public Libraries⁸⁵, Tulane University Library⁸⁶, and other websites, provided a plethora of public and community comments as well as opinions related to changes taking place within Central City. Primary documents such as newspapers were also invaluable in showing the marketing and sale of property, little-known histories, as well as information regarding the businesses and families that resided in the neighborhood throughout time.

U.S. Census records tracked changes in demographics. Invaluable to this study is the most recent U.S. Census of 2020 which offered new insights into population shifts as well as household incomes. Although further data sets, such as the Demographics and Housing Characteristics (DHC) files are to be released in May 2023⁸⁷, the information provided to date offers glimpses into population changes taking place around the country and in New Orleans, Louisiana. The U.S. Census Bureau's 2010 census data also proved to be useful in noting changes that has taken place in New Orleans, both pre- and post-Katrina.

⁸⁵ State Library of Louisiana. Accessed December 1, 2022. <http://lplibcon.state.lib.la.us/>.

⁸⁶ Tulane University Libraries. Accessed December 1, 2022. https://libguides.tulane.edu/news_newspapers/historical.

⁸⁷ U.S. Census Bureau. "Next 2020 Census Data Products to be Released in 2023." *U.S. Government*, Accessed December 1, 2022. <https://www.census.gov/newsroom/press-releases/2022/2020-census-data-products-schedule-2023.html>.

Historical land records research through the Land Records Division of the Office of the Clerk of Civil District Court for the Parish of Orleans with successions and improvements proved vital in tracking property ownership, sales, issues of clear title, as well as additions and renovations.⁸⁸ This coupled with ancestry websites⁸⁹ and Secretary of State⁹⁰ records also provided information regarding heritage and genealogical uses.

Further primary sources came from a multitude of government websites, non-profit data collection resources, and organizations involved in historic preservation and community advocacy. For example, the Louisiana State Historic Preservation Office will be able to help with location and identification of historically registered buildings and local histories within Central City.⁹¹ Advocacy organizations provided information regarding the work they are engaged in as well as offer opinions related to the services and needs of the community and ideas for innovative changes to laws regulations and advocacy for community health. Lastly, data collection by agencies offered insight into a wide array of statistics that will prove useful in determining best practices towards community preservation and low-income housing.

⁸⁸ Land Records Division. Accessed December 1, 2022. http://www.oreanscivilclerk.com/lr_home.html.

⁸⁹ Ancestry. Accessed December 1, 2022. <https://www.ancestry.com/>.; Family Search. Accessed December 1, 2022. <https://www.familysearch.org/en/>.

⁹⁰ Louisiana Secretary of State. Accessed December 1, 2022. <http://www.sos.la.gov/HistoricalResources/ResearchHistoricalRecords/Pages/OnlinePublicVitalRecordsIndex.aspx>.

⁹¹ Division of Historic Preservation. Accessed December 1, 2022. <https://crt.state.la.us/cultural-development/historic-preservation/louisiana-state-plan-shpo/index>.

Furthermore, New Orleans' Comprehensive Zoning Ordinance (CZO) for Central City was studied to ascertain allotted land use, density, and height restrictions within Central City. Only by thoroughly reviewing these regulations and ordinances, could the built environment of the neighborhood in question be fully understood. Recommendations towards low-income housing protections and preservation of historic communities will rely heavily on the rules set forth by the CZO and glimpses to how it can be adapted. The survey of rules and codes associated with the New Orleans Historic District Landmarks Commission (HDLC) was also studied.⁹² An assessment was generated as to the associated additive costs of living in a HDLC historic district, versus outside of one, as is the case of Central City. Studying these historic codes and permitting procedures exposed how much of a burden is placed on homeowners.

Also essential to this report were records from the Orleans Parish Assessor's Office.⁹³ These online records provided information on property tax increases, ownership, as well as adjudication. Data on such aspects of property value and ownership gave insight into the economic pressures of taxes that negatively impact long-term residents.

The New Orleans Safety and Permits website provided information regarding land use, work orders, hazard mitigation, amongst many other aspects of urban life that require

⁹² City of New Orleans Historic District Landmarks Commission. Accessed December 1, 2022. <https://www.nola.gov/hdlc/>.

⁹³ Orleans Parish Assessors Office. Accessed December 1, 2022. <https://www.qpublic.net/la/orleans/>.

approval.⁹⁴ Furthermore, permitting records offered information concerning homeowners that operate short-term rentals. This allowed insight into land use trends that shape the landscape and impact long-term residents.

The State of Louisiana Legislature provided the legal framework by which the state's authority rests in matters of property and possession laws and the maintenance of civil codes.⁹⁵ Law, being a large focus of this paper, demanded a general understanding of local and state laws that govern the built landscape and its inhabitants.

In-field research

Within a selected area within the Central City neighborhood, in-field research was conducted to identify blight, abandonment, and demolition as well as new construction. This helped shed light on the current levels of gentrification. By estimating the status of properties and the associated legal proceedings, impacts to communities such as affordable housing could be more readily addressed. As will be discussed further, housing could be made accessible to historic communities through adverse possession, eminent domain, as well as a significant number of historic buildings could be saved from demolition by neglect which protects the health of a community.

⁹⁴ Department of Safety and Permits. Accessed December 1, 2022. <https://www.nola.gov/safety-and-permits/>.

⁹⁵ Louisiana State Legislature. Accessed December 1, 2022. <https://www.legis.la.gov/legis/LawSearch.aspx>.

Google Maps Street View was useful to track changes in the study area over time that spans from August 2007 until March 2022.⁹⁶ In conjunction with Google Maps, reliance was placed on in-field documentation to more accurately track and detail the most current status of properties. This data was then mapped by overlaying data upon the Orleans Parish Tax map. The intention was to create a data-driven resource as well as visual resource that includes screenshots and images.

A portion of this study involved conducting interviews with professionals on issues of housing affordability, gentrification, dislocation, and other changes that are taking place within Central City. Through contacting non-profits in the surrounding area, this study aimed to gather voices of the historic community within Central City. Furthermore, interviews and email exchanges were directed at real estate attorneys, local and state officials, social justice organizations, tenants' rights groups, as well as local faith-based organizations. In performing this exhaustive task, the goal was to have an informed awareness of the Central City community and the issues that threaten its preservation.

The end goal was to not only summarize many of the studies and research conducted, but also to generate new information that is useful toward the goal of historic community stabilization. All these mechanisms of research were aimed at the purpose

⁹⁶ Google Maps. Accessed December 1, 2022.
<https://www.google.com/maps/place/Central+City,+New+Orleans,+LA/@29.9415654,-90.1053023,4855m/data=!3m1!1e3!4m5!3m4!1s0x8620a5c5a20d9b55:0x301d6a8ffbd2566b!8m2!3d29.9394073!4d-90.087617>.

of making recommendations that can be applied to a city's master plan to ensure that urban neighborhoods can be durable against mounting development pressures that have the most impact on low-income, historic communities. Other uses could be to generate information that federal agencies, such as the National Park Service, can take to create literature, such as a Preservation Brief, on how preservationists can better work with local governments and communities to protect low-income residents against the products of gentrification as well as resources to be made available to help guide underprivileged homeowners or tenants. Ultimately, the study looked at laws associated with Central City, regarding zoning, code enforcement, taxing, and possession. The thesis used this information along with primary, secondary, and conducted research to establish conclusive arguments and recommendations.

4. ZONING AND ITS IMPLICATIONS FOR HISTORIC COMMUNITIES

Introductory remarks

To fully understand historic cities before the twentieth century and how they operated, one must first dispel the notion that they were planned similarly as they are today. Immersing oneself in a historic city center makes it not uncommon to pass an industrial, commercial, and residential building within a single block. For better or worse, early built environments of the industrial revolution were organic and chaotic constructions of human ingenuity, focus, and determination. These historic American landscapes were alive with near unrestrained energy. Exchanges of money and culture were enlivened by a multitude of spoken languages, various smells of cultural cuisines, and displays of old-world traditions.

It is easy to be nostalgic for something outside of one's purview. Within American society there were profound ethnic and racial divides, profiteering industrialists disregarded public health and worker protections, and the economic disparity was pronounced. These early cities were densely populated with inadequate waste disposal, a lack of health standards and environmental protections, squalid conditions for the

destitute, and a daily struggle coupled with exploitation for many. In the case of New Orleans, many buildings were built with enslaved and low-paid immigrant labor.

When thinking about historic cities in the context of their lack of zoning laws, it is no wonder why a series of ordinances were passed by cities to put protections in place. Early zoning ordinances restricting land use were one such laws. Unfortunately, early zoning laws were not established for protecting the working class, but rather the wealthy and privileged. Also, minority populations were faced to bear the brunt of zoning inequity. Many of these original disparities continue to shape cities in a manner that is most detrimental to the underprivileged.

New technologies and habits also shape landscapes and how they are regulated. This in turn creates a constant need to adapt zoning to help mitigate change.⁹⁷ To better protect historic communities and low-income residents, laws pertaining to zoning must constantly shift with the times, such as changes caused by gentrification, disaster, land use, and the climate.

⁹⁷ New technologies constantly influence the built environment and face preservationists with new legal challenges. One such technology is the introduction of 5G to the French Quarter. It has led to creative solutions to be reached between preservationists and telecom companies. To avoid the construction of 40-foot poles, the 5G antennas have been largely hidden from view by their placement within light poles. The city has been forced to adopt “rules that govern 5G technology in the city, citing a need to ensure the devices better match the aesthetics of city neighborhoods.” (Jessica Williams. “5G Wireless Is Coming to New Orleans: These Rules Aim to Make Sure Towers Don’t Cause ‘Clutter.’” *The Times-Picayune*, March 30, 2021. https://www.nola.com/news/politics/article_eccd2f38-90b5-11eb-9be7-772b385c1e90.html).

Following a brief history of zoning, the remaining section will focus on ordinances and how they may hinder the preservation of historic, long-standing communities.

Suggestions will then be made on how zoning laws may be adapted to benefit low-income residents and housing affordability, which can aid in the goal of historic community retention.

Zoning History

Zoning is a relatively new effort in city planning that is still in its infancy, only over a hundred years since cities in the United States widely adopted it to control the built environment. In *Euclid v. Ambler* 27 US 365 (1926), William Taft former president then acting as chief justice stated,

Building zone laws are of modern origin... Until recent years, urban life was comparatively simple; but with the great increase and concentration of population, problems have developed, and constantly are developing, which require, and will continue to require, additional restrictions in respect of the use and occupation of private lands in urban communities.⁹⁸

Early zoning ordinances introduced in the United States included Washington D.C.'s limits on height in 1899, as well as Los Angeles' exclusion of industrial land uses from residential areas in 1908.⁹⁹ The first city to adopt a citywide comprehensive zoning

⁹⁸ William Howard Taft and Supreme Court of The United States. *U.S. Reports: Euclid v. Ambler*, 272 U.S. 365. 1926. Periodical. <https://www.loc.gov/item/usrep272365/>. At 386-87.

⁹⁹ Christopher Silver. "The Racial Origins of Zoning in American Cities." *Urban Planning and the African American Community: In the Shadows*. Edited by Manning Thomas, June and Marsha Ritzdorf. Thousand Oaks, CA: Sage Publications, 1997.

ordinance was New York on July 25, 1916. The New York City Board of Estimate and Apportionment passed “A resolution regulating and limiting the height and bulk of buildings hereafter erected and regulating and determining the area of yards, courts and other open spaces, and regulating and restricting the location of trades and industries and the location of buildings designed for specified uses and establishing the boundaries of districts for the said purposes.”¹⁰⁰

Shortly after that, Herbert Hoover, acting as the Secretary of Commerce, appointed The Advisory and Zoning Committee to draft, “*A Standard State Zoning Enabling Act*, under which municipalities may adopt zoning regulations.” Section I outlines the “Grant of Power—For the purpose of promoting health, safety, morals, or the general welfare of the community” to “regulate and restrict” land use, building heights, population density, and percentage of lot coverage.¹⁰¹

In a reprinted edition, a foreword by Hoover notes the popularity and immediate adoption of such laws by cities throughout the nation; “The discovery that it is practical by city zoning to carry out reasonable neighborly agreements as to the use of land has made an almost instant appeal to the American people.” They were popular and had legal standing as well; “Several of our States, fortunately, already have zoning enabling

¹⁰⁰ City of New York Board of Estimate and Apportionment. *Building Zone Resolution*. Adopted July 25, 1916. <https://www1.nyc.gov/assets/planning/download/pdf/about/city-planning-history/zr1916.pdf>

¹⁰¹ The Advisory Committee on Zoning. *A Standard State Zoning Enabling Act*. Washington D.C.: Washington Government Printing Office, 1924: 4-5.
<https://babel.hathitrust.org/cgi/pt?id=wu.89102081320&view=1up&seq=5>.

acts that have stood the test in their own courts. This standard act endeavors to provide, so far as it is practicable to foresee, that proper zoning can be undertaken under it without injustice and without violating property rights.”¹⁰²

The 1922 Zoning Enabling Act set standards for restrictions and enforcement codes, which laid the groundwork for much of the nation’s zoning ordinances today. The pillars of the zoning framework are height, land use, and population density. The preservation field can primarily benefit by understanding which of these pillars are restrictive or beneficial to low-income residents.

In 1923, New Orleans created an official city planning commission—being the first Southern city to do so—and quickly drafted a preliminary zoning ordinance. Two years later, the city created another advisory group, the Vieux Carré Commission, to suggest to city council ways ‘to protect the old colonial city from ‘the encroachment of modern business.’¹⁰³

Immediately following the zoning ordinances, New Orleans had many early court cases surrounding land use and its governance:

State ex rel. Dubos et al. v. City of New Orleans (No. 25592) 154 La. 287, 97 So. 445, ^[1] the relators are claiming the right to establish and conduct groceries -- specifically, "Piggly-Wiggly" stores -- in residence districts in which, by municipal ordinances, the establishment of the business is forbidden. In two other cases, *Liberty Oil Co. v. City of New Orleans* (No. 25676) 154 La. 288, 97 So. 446, ^[2] and *State ex rel. Traverse v. City of New Orleans* (No. 24706) 154 La. 289, 97 So. 446, ^[3] the relators are claiming the right to establish and conduct [154 La. 274] drive-in filling stations for the accommodation of automobiles, at opposite corners of the intersection of Esplanade avenue and Broad street, where the

¹⁰² Ibid, iv.

¹⁰³ *State ex rel. Civello v. City of New Orleans*, 25566 (1923). <https://case-law.vlex.com/vid/state-ex-rel-civello-898350821>.

establishment of the business is forbidden by another ordinance. In another case, *J. K. Boland et al. v. Charles Compagno* (No. 25540) 154 La. 469, 97 So. 661, ^[4] the plaintiffs are trying to prevent the defendant's conducting a vegetable and fruit stand, and an oyster counter, in a residence district, where the establishment of such business is forbidden by another ordinance. And in the sixth case, *State ex rel. Hayes v. City of New Orleans* (No. 25695) 154 La. 289, 97 So. 446, ^[5] the relator is claiming the right to establish an ice factory, where the business is specifically forbidden by another ordinance.¹⁰⁴

The above cases were all levied against the City of New Orleans within one week and were brought to trial in bulk. All failed to counteract the new regulatory arm of city planning. Shortly thereafter, further trials surfaced such as *Calvo v. New Orleans*, *Civello v. New Orleans*, *Blaise v. New Orleans*, as well as *Palma v. New Orleans*. With the establishment of the policing powers given to zoning laws, there was an immediate pushback from property owners as to what they could, and could not, do with their property.

Early zoning tended to favor the affluent and relegated noxious industrial and commercial industries in working-class areas. This, in effect, made these areas less desirable and exposed many of the disadvantaged to health hazards and a limited chance towards upward economic mobility. Two of the above cases, where zoning ordinances were challenged, were on Carrolton Ave. and Esplanade Ave., both historically affluent streets within New Orleans.

¹⁰⁴ Ibid.

One study involving Chicago in pre- and post-1923 comprehensive zoning ordinances shows “that industrial use zoning was disproportionately allocated to neighborhoods populated by ethnic and racial minorities.” The paper also notes that “understanding the link between zoning and disparities in access to public goods and exposure to pollution is critical for effective policymaking.”¹⁰⁵

Zoning was not simply a mechanism of the past that benefitted the wealthy while it underserved the working class, but contemporaneously it often tends to follow a similar inequitable pattern.

Zoning has limited the choices of certain groups as to where they can live, often relegating poor and discriminated-against people to the least desirable locations. In addition, rezoning an area where such people already live to permit heavier industrial uses or noxious non-manufacturing uses can further degrade the area and have adverse impacts on the people who live there.¹⁰⁶

Many majority-white neighborhood association groups uphold prejudices and influence zoning in similar ways.

¹⁰⁵ Allison Shertzer, Tate Twinam, and Randall P. Walsh. “Race, Ethnicity, and Discriminatory Zoning.” *American Economic Journal of Applied Economics* 8, no. 3 (2016): 217.

¹⁰⁶ Juliana Maantay. “Zoning, Equity, and Public Health.” *American Journal of Public Health* 91, no. 7 (July 1, 2001): 1033-104. <https://doi.org/10.2105/AJPH.91.7.1033>.

A HISTORY OF RACIAL ZONING

History is not created in a vacuum. The present is shaped by the past because of new technologies, wars, religious shifts, governmental change, or injustice. Not all of the past has implications for the present, though some historical events are still playing out to this day. One injustice that has had lasting implications in the modern age is racial zoning practices. Neighborhoods are governed by early exclusionary practices, such as redlining, and still experiencing the effects of prejudice. The following section gives an overview of racial zoning and its relation to Central City.

Early exclusionary practices

Not only were early zoning ordinances used to regulate land and its uses, but they were also enacted to determine who could use that land. Within a year of New Orleans' first zoning ordinances, restrictions were also placed along racial lines. In investigating historically Black neighborhoods, such as Central City, it is necessary to explore how such zoning laws of the past currently govern neighborhoods. Prejudices established by zoning a century ago are still having lasting ramifications on communities, especially those that were disadvantaged.

To fully understand historic neighborhoods of color in the United States, one must be cognizant of how racial zoning played a part in shaping many of these landscapes. With

historical understanding comes a more informed approach when it comes to helping low- and moderate-income families find ways to remain in historic communities if they so choose. In this way, positive changes towards community investment could lead to healthier urban renewal than those projects of the past associated with wholesale clearance.

One of the earliest instances of racial zoning was an ordinance in San Francisco from 1895 which excluded Chinese laundries from certain residential and commercial areas. “Such districting measures were defended because of fire hazards, poor drainage and the presumed moral hazards associated with Chinese laundries.”¹⁰⁷ “San Francisco’s 1885 prohibition against laundries in residential areas, were blatant attempts to prevent Chinese people from living in white neighborhoods.”¹⁰⁸

Although racial zoning was used across the nation, Southern states immediately seized upon planning and zoning to enact segregationist and exclusionary laws based on race. In 1916, the same year that New York City passed its comprehensive zoning ordinance, Louisville, Kentucky passed "An ordinance to prevent conflict and ill feeling between the white and colored races in the City of Louisville, and to preserve the public peace and promote the general welfare by making reasonable provisions requiring, as far as

¹⁰⁷ William M. Shenkel. “The Economic Consequences of Industrial Zoning.” *Land Economics* 40, no. 3 (1964): 260.

¹⁰⁸ Juliana Maantay, “Zoning, Equity, and Public Health,” 1033.

practicable, the use of separate blocks for residences, places of abode and places of assembly by white and colored people respectively."¹⁰⁹

William Warley, a Black NAACP attorney, entered a contract to buy a lot from Charles Buchanan with the intent to build a place of residence. Due to Louisville's ordinance, Warley backed out of the agreement due to his inability to make the land a site for residence as a result of race. Although Warley was able to purchase the land it was not legal for him to inhabit it and therefore was less valuable to him. This in turn prompted Charles Buchanan to take Warley to court for not going through with the purchase.

In the court ruling of *Buchanan v Warley*, it was determined that Louisville's ordinance was an inappropriate exercise of police power and violated the U.S. Constitution's Fourteenth Amendment.¹¹⁰ *Plessy v. Ferguson* was cited as a legal means to protect the "purity of races" in a manner deemed equal according to the law. In conclusion, the ruling noted that,

It is urged that this proposed segregation will promote the public peace by preventing race conflicts. Desirable as this is, and important as is the preservation of the public peace, this aim cannot be accomplished by laws or ordinances which deny rights created or protected by the Federal Constitution.¹¹¹

¹⁰⁹ *Buchanan v. Warley*, 245 U.S. 60 (1917). <https://supreme.justia.com/cases/federal/us/245/60/>.

¹¹⁰ *Ibid.*

¹¹¹ *Ibid.*

“The Buchanan decision undermined the use of zoning to segregate explicitly by race but not the use of the planning process in the service of” what Manning Thomas labels “planned apartheid.”¹¹²

Although the Supreme Court of the United States declared that local governments could not use police power to alienate the rights of individuals because of race, New Orleans set out to enact its own racial zoning law. On September 1924, New Orleans passed Ordinance No. 8037, C.C.S., which restricted residents of color from living in predominantly white neighborhoods, as well as white residents from living in neighborhoods with the majority people of color without the consent of the majority of the neighborhood.¹¹³

In 1925¹¹⁴, the lower Supreme Court ruled in favor of New Orleans’ racial zoning ordinance in *Tyler v Harmon* (1925). Chief justice Charles Austin O’Niell stated,

There is no difference in principle between an ordinance which restricts the use of property in residential districts to residential purposes, and an ordinance which restricts the use of property in white residential districts to white residential purposes, and in negro residential districts to negro residential purposes.¹¹⁵

¹¹² Christopher Silver, “The Racial Origins of Zoning in American Cities.”

¹¹³ *Tyler v. Harmon*, 158 La. 439, 462 (La. 1925). <https://casetext.com/case/tyler-v-harmon-1>.

¹¹⁴ When exploring racially restrictive and exclusionary zoning, it is important to understand what was happening in the United States at the time. August 8, 1925, was the Klu Klux Klan’s largest public display in history, when tens of thousands rallied in Washington D.C. When unravelling the threads of history, one begins to see that not all racism was so publicly displayed and much of it unfolded in courtrooms and boardrooms finding any way to subject and oppress a population of people.

¹¹⁵ *Tyler v. Harmon*, 158 La. 439, 462 (La. 1925).

These statutes of Louisiana, and this ordinance of the city of New Orleans, do not forbid a white man to sell his property in a white neighborhood to negro who intends to reside in it, or forbid a negro to sell his property in a negro neighborhood to a white man who intends to reside in it. The statutes and the ordinance merely forbid the purchaser in either case to carry out his intention, without the consent of a majority of the citizens of the other race residing in the neighborhood. To say that such a law takes away the freedom of contract would be the same as to say that the so-called zoning ordinances — by which, in many cities, business establishments are forbidden in residence districts.¹¹⁶

Citing *Plessy v. Ferguson*¹¹⁷, which handed down the infamous “separate but equal” clause, which was New Orleans’ most famous Jim Crow era court ruling. The Louisiana court stated that “equal *restrictions* are placed upon persons of *both* races, and equal *rights* (of exclusion) given to the majority residing in a section whether they be of the one race or of the other.”

The closing argument, by Judge John St. Paul, cited *Buchanan v. Warley* as being

A long step backwards in the march of civilization; not so much because it interferes with the segregation of the races (which will take care of itself), but more especially because it will serve in future as a precedent against still *other* restrictions on the use of property, which, in time, may become necessary in the public interest; and it ought, therefore, to be *overruled* before the rolling pebble becomes an avalanche.¹¹⁸

Full of prejudice and racism, the final opinions of the court also stated,

A man is none the less free because restrained in his personal conduct by wholesome laws; nor is his property any less valuable because restricted to such use as will best promote the general welfare. If this be not true, then the

¹¹⁶ Ibid.

¹¹⁷ *Plessy v. Ferguson*, 163 U.S. 537 (1896). <https://supreme.justia.com/cases/federal/us/163/537/>.

¹¹⁸ *Tyler v. Harmon*, 158 La. 439, 462 (La. 1925).

bushmen of Australia enjoy the *blessings of freedom* to a greater degree than do the citizens of this great republic; and property in central Africa ought to be more valuable than in London or New York.¹¹⁹

Zoning laws were now being described as a guarantor of freedom rather than as a method through which it was taken away. Now it had become about the freedom of racist determination and the exclusion of ‘undesirables’ made possible through zoning ordinances.

Tyler v. Harmon was overturned two years later with the United States Supreme Court decision of Harmon v. Tyler (1927) which determined the illegality of governments restricting access to neighborhoods based on race.¹²⁰ What the decision did not do was make it illegal for homeowners themselves to restrict access to their neighborhoods through mutual agreements called restrictive covenants.

Six years before the New Orleans case, in Washington D.C., a group of thirty white landowners entered a legally binding contract in 1921 that declared that none of them could sell to any person of color.¹²¹ A year later, a white woman, Irene Corrigan broke

¹¹⁹ Ibid.

¹²⁰ *Harmon v. Tyler*, 273 U.S. 668 (1927).

¹²¹ It is important to note that 1921 was the same year that the Tulsa Massacre occurred in which a white mob attacked and murdered African Americans around what had been labeled ‘Black Wall Street.’ (Chris M. Messer, Thomas E. Shriver, and Alison E. Adams. “The Destruction of Black Wall Street: Tulsa’s 1921 Riot and the Eradication of Accumulated Wealth.” *The American journal of economics and sociology* 77, no. 3-4 (2018): 789–819.; See also, Huddleston Jr, Tom. "'Black Wall Street': The History of the Wealthy Black community and the Massacre Perpetrated There". *Consumer News and Business Channel*, July 4, 2020.)

that contract to sell her property to Helen and Arthur Curtis, a Black couple.¹²² This prompted John Buckley, one of the cosigners of the racially restrictive covenant, to take the issue to court in the case of *Corrigan v. Buckley*.

The court case lasted years including an appeal by the NAACP. The case ultimately ended with a ruling in Buckley's favor in 1926. The court noted that the U.S. Constitution does "not in any manner prohibit or invalidate contracts entered into by private individuals in respect to the control and disposition of their own property."¹²³

This court decision paved the way for the legality of racially restrictive covenants that would come to dominate much of the American landscape. Regardless of the victory for Buckley, within a short time after the decision, the neighborhood shifted to a majority Black populace, spurring an early exodus of white homeowners in the area that years later would be commonly labeled as "white flight."¹²⁴

In a partial win for Civil Rights, the court case of *Shelley v. Kraemer* in 1948 determined that restrictive covenants violated the 14th Amendment and the Equal Protection Clause.¹²⁵ Although the ruling made racially restrictive covenants non-enforceable by

¹²² Virginia Law Review. "Constitutional Law. Covenant Prohibiting Sale of Property to Negro Is Constitutional." *Virginia Law Review* 11, no. 1 (November 1924): 68–69. <https://doi.org/10.2307/1065335>.

¹²³ *Corrigan v. Buckley*, 271 U.S. 323 (1926). <https://supreme.justia.com/cases/federal/us/271/323/>.

¹²⁴ Prologue DC, Brian Kraft, and Kevin Ehrman-Solberg. "Mapping Segregation in Washington DC." *Prologue DC*, 2022.

<https://www.arcgis.com/apps/MapJournal/index.html?appid=58c3e00881374a7b8acddade025ade64>.

¹²⁵ *Shelley v. Kraemer*, 334 U.S. 1 (1948). <https://supreme.justia.com/cases/federal/us/334/1/>.

the judicial government, the contracts could still be entered into by homeowners themselves. Racially restrictive covenants continued to be used by white property owners to exclude people of color, as well as minorities such as Jews, from neighborhoods up until their legality was finally fully overturned with the Civil Rights Act of 1968.¹²⁶

Redlining

As the built environment was being parceled out and regulated through zoning and restrictive covenants, other forces were also at play throughout the country in what has been labeled “redlining.” This method was not driven by individual property owners but by private investment and loan agencies with the help of the United States government. Redlining is defined as “the illegal practice of refusing to offer credit or insurance in a particular community on a discriminatory basis (as because of the race or ethnicity of its residents).”¹²⁷

The history of redlining largely started with Richard T. Ely who was a professor of Political Economy at Johns Hopkins University where he taught students such as Woodrow Wilson.¹²⁸ “During his eleven-year career at Hopkins, Ely trained more future

¹²⁶ Civil Rights Act of 1968 (Pub. L. 90–284, 82 Stat. 73, enacted April 11, 1968).

¹²⁷ Merriam-Webster Dictionary. “Legal Definition of REDLINING.” Accessed October 8, 2022. <https://www.merriam-webster.com/legal/redlining>.

¹²⁸ “As the first Southerner to ascend to the Presidency since before the Civil War, Wilson brought with him a segregationist ideology and sympathy for the “Lost Cause” narrative. With segregation laws

leaders in the social sciences than any other contemporary American economist.”¹²⁹

Later in his career, he went on to found the Institute for Research in Land Economics and Public Utilities at the University of Wisconsin as well as taught at Northwestern University. “We can clearly see in his work the theoretical and organizational roots of redlining: the hugely destructive practice of denying home mortgages on the basis of race (among other presumed risk factors).”¹³⁰

Ely went on to work in partnership with the National Association of Real Estate Boards (NAREB), today is known as the National Association of Realtors. One of Ely’s doctoral students, Ernest Fisher, wrote a textbook titled, *Principles of Real Estate* which stated, “the purchase of property by certain racial types is likely to diminish the value of other property in the section.”¹³¹

becoming more entrenched across the South —and segregation in northern states bolstered by redlining—Wilson gave his newly appointed cabinet the permission to segregate” (President Wilson House. “Wilson and Race.” Accessed August 14, 2022. <https://www.woodrowwilsonhouse.org/wilson-topics/wilson-and-race/>).

Wilson is also the president who famously screened D.W. Griffith’s *Birth of a Nation* at the White House. The film is a homage to the Confederate Cause and the upholding of slavery. Originally Titled *Clansmen*, it introduces the Klu Klux Klan to a broader public audience. Wilson also waged a war on immigrants with the signage of the Espionage Act which allowed the federal government to arrest and deport foreign-born individuals on the suspicion that they are radicalized socialists. Furthermore, Wilson greatly limited and attacked the press as well as imprisoned socialist Eugene V. Debs.

Emma Goldman, famous anarchist writer and advocate for women’s and worker’s rights noted, “It is not surprising that President Wilson cannot sense the pulse of time. He has been in colleges too long; he has been too long within closed doors; he has been too long at the historical books. He cannot sense the pulse of time.” (Emma Goldman. “Speech Against Conscription and War.” Delivered at Forward Hall, New York City, June 14, 1917. <https://www.lib.berkeley.edu/goldman/pdfs/Speeches-SpeechAgainstConscriptionandWar.pdf>).

¹²⁹ Clifford F. Theis and Gary M. Pecquet. “The Shaping of a Future President’s Economic Thought”. *The Independent Review*, v. 15, n.2, Fall 2010: 258.

¹³⁰Blights Out. “Zombifying Neighborhoods: The Cultural Ramifications of Gentrification.”

¹³¹ Todd Michney and LaDale Winling. “How Academia Laid the Groundwork for Redlining.” *Platform*, n.d. <https://www.platformspace.net/home/how-academia-laid-the-groundwork-for-redlining>.

Influenced by Ely's theory and works such as Fischer's, in 1924 NAREB would publish the *Code of Ethics* which was to be a manual for Realtors that deals with issues of honesty, morality, professionalism, and accountability.¹³² Article 34 stated,

A Realtor should never be instrumental in introducing into a neighborhood a character of property or occupancy, members of any race or nationality, or any individuals whose presence will clearly be detrimental to property values in that neighborhood.¹³³

The NAREB Code of Ethics was the oath of a profession newly defined as "Realtor." Those practicing within the field had a moral obligation to property owners and the public to be judge and jury of who should and shouldn't be given residence in communities. NAREB was a racially exclusionary organization that allowed only whites to become a "Realtor" (copyrighted), to differentiate itself from Black and other ethnic brokers of real estate.

In 1928, another one of Ely's students, Helen Corbin Monchow, wrote *The Use of Deed Restrictions in Subdivision Development*, which was published by The Institute for Research in Land Economics and Public Utilities. In the book she argues that although the 13th and 14th amendments protect individuals from racial segregation, this only applies to the Federal Government and not to private entities and citizens:

The general impression seems to be that an attempt to exclude members of a certain race from a given area is contrary to the law of the land or constitutes

¹³² National Association of Real Estate Boards. "1924 Code of Ethics." *National Board of Realtors*, June 6, 1924. <https://www.nar.realtor/about-nar/history/1924-code-of-ethics>.

¹³³ Ibid.

racial discrimination... The thirteenth and fourteenth amendments to the Federal Constitution are usually cited in this connection. But these amendments refer to state action or legislative measures and not to individual action based on the right of contract. The principle has therefore been established that legislation cannot segregate racial groups in a community.¹³⁴

She cites the court case of *Buchanan v. Warley*, which declared the illegality of the law in Louisville, Kentucky, that barred people of color from living in blocks where eight of ten residents were white. To justify her claim that private parties are not bound to the same edicts of law she cited the unruly Supreme Court case of *Corrigan v. Buckley*, in which racial restrictions were placed on the property through mutual agreement of owners not to sell to Black individuals.

In 1933, after the Great Depression, which saw markets fall drastically, which in turn crippled the economy, the federal government established the Home Owners Loan Corporation (HOLC) to assist the Federal Housing Administration (FHA) in aiding homeowners to refinance distressed and defaulted loans. By 1935, many homeowners who refinanced were defaulting once again. Over the next five years, the HOLC, with the help of realtors, local officials, and bank loan professionals, began to survey over two hundred cities in the United States to assess the risks associated with lending and the viability of neighborhoods. Maps were created that assessed the desirability of areas, house makeup, and age, appearance, and racial composition as well as other datasets that would help in the dispersion of loans and mortgages. Cities were broken

¹³⁴ Helen Corbin Monchow. *The Use of Deed Restrictions in Subdivision Development*. Institute for Research in Land Economics and Public Utilities, Chicago. 1928: 47.

up into four categories: ‘best,’ ‘still desirable,’ ‘definitely declining,’ and ‘hazardous.’ The Federal Housing Authority (FHA) also created maps, although to this day,⁵ none of them have been located. Most of the areas deemed ‘hazardous’ were Black and integrated neighborhoods. “These maps have become a visual shorthand for government-sponsored housing market discrimination in American cities.”¹³⁵

“The government’s racist theory - based on popular pseudoscience of the era - was that the presence of any population of Black residents was a sign of impending property value decline... private lenders started using the government’s map lines as well - effectively barring Black home buyers from qualifying for secure mortgages from many mainstream banks.”¹³⁶ The repercussions of disinvestment as well as the inability for many Black households to take out mortgages and build generational wealth are still apparent to this day.

A 2016 report from the Center for Investigative Reporting found that people of color still are denied mortgages at higher rates than white homebuyers in 61 U.S. metro areas. And a 2018 report from National Community Reinvestment Coalition found that nearly 75 percent of redlined neighborhoods in the U.S. remain low- to moderate-income areas, and people of color live in nearly 64 percent of those neighborhoods.¹³⁷

¹³⁵ Price V. Fishback, Jessica LaVoice, Allison Shertzer, and Randall Walsh. “The HOLC Maps: How Race and Poverty Influenced Real Estate Professionals’ Evaluation of Lending Risk in the 1930s.” *NBER Working Paper Series* 68 (2020): 2.

¹³⁶ Candace Jackson. “What Is Redlining?” *The New York Times*, August 17, 2021. <https://www.nytimes.com/2021/08/17/realestate/what-is-redlining.html>.

¹³⁷ Alex Woodward. “How ‘Redlining’ Shaped New Orleans Neighborhoods — Is It Too Late to Be Fixed?” *Gambit*, January 21, 2019. https://www.nola.com/gambit/news/article_215014ce-0c15-5917-b773-8d1d2fdaa655.html.

It is with this knowledge that focus is given to Central City, New Orleans, which was the product of these formulated inequities that continue into today.

Redlining in Central City

The HOLC assessment of Central City New Orleans was conducted on February 2, 1939.

The report gives several identifiers and descriptions of the housing makeup, demographics, employment, and areas slated for demolition in Central City.¹³⁸

The HOLC map for New Orleans shows very few 'best' (4%) and 'still desirable' (9%) areas within the city. Grade A ('best' green) denotes areas "good mortgage lenders with available funds are willing to make their maximum loans... up to 75-80% of appraisal" and Grade B ('still desirable' blue) as where "lenders will have a tendency to hold commitments 10-15% under limit (65% of appraisal)." Green and blue areas were most commonly in white and affluent neighborhoods such as parts of Uptown and near Lake Pontchartrain.

¹³⁸ Robert K. Nelson, LaDale Winling, Richard Marciano, Nathan Connolly, et al., "Mapping Inequality," *American Panorama*, Accessed October 5, 2022. [https://dsl.richmond.edu/panorama/redlining/\[YOUR VIEW\]](https://dsl.richmond.edu/panorama/redlining/[YOUR VIEW]).

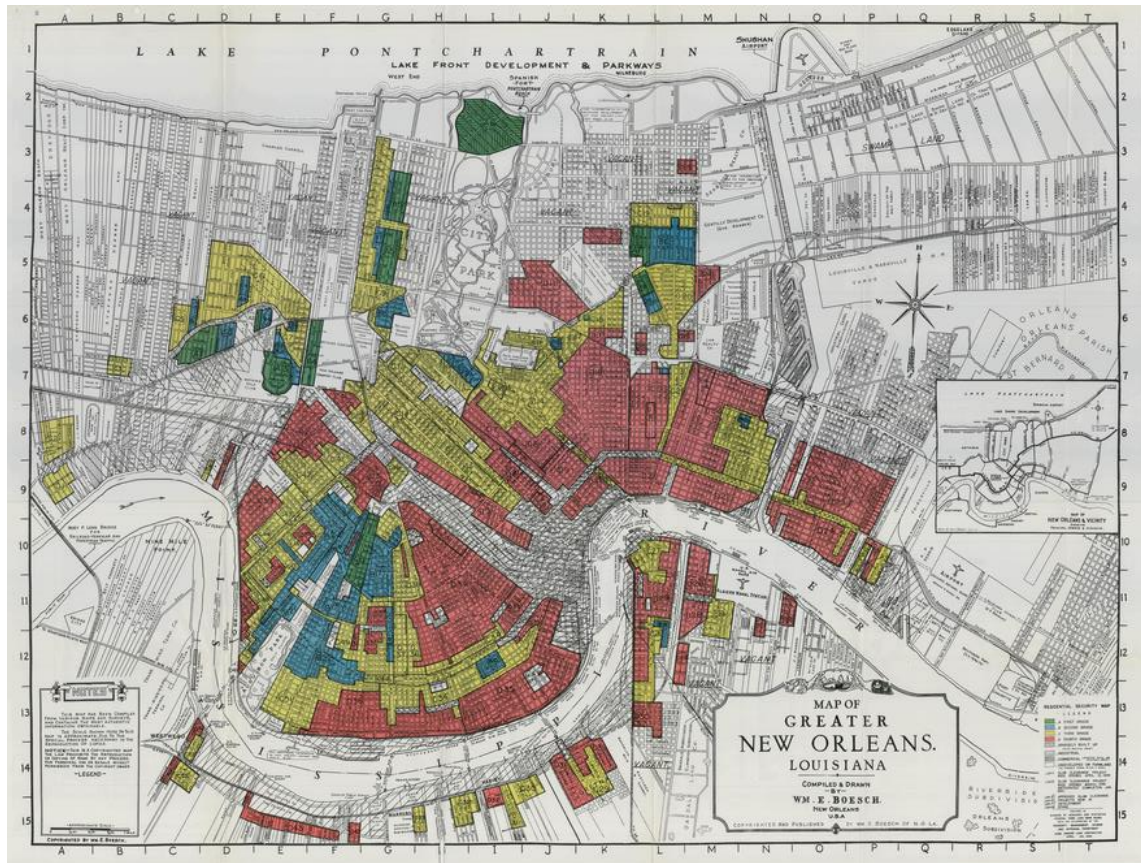


Figure 13: Redlining in New Orleans. Map provided by Robert K. Nelson, LaDale Winling, Richard Marciano, Nathan Connolly, et al. "Mapping Inequality." *American Panorama*, edited by Robert K. Nelson and Edward L. Ayers. Accessed October 5, 2022. [https://dsl.richmond.edu/panorama/redlining/\[YOUR VIEW\]](https://dsl.richmond.edu/panorama/redlining/[YOUR VIEW]).

Forty percent of New Orleans is labeled as 'definitely declining' (yellow on map), which is described as having "obsolescence [and] infiltration of lower grade population." These are areas where lenders are recommended to give out loans at a lower ratio than Grade A and B neighborhoods due to decline caused by lack of desirability and non-white and lower-income communities.

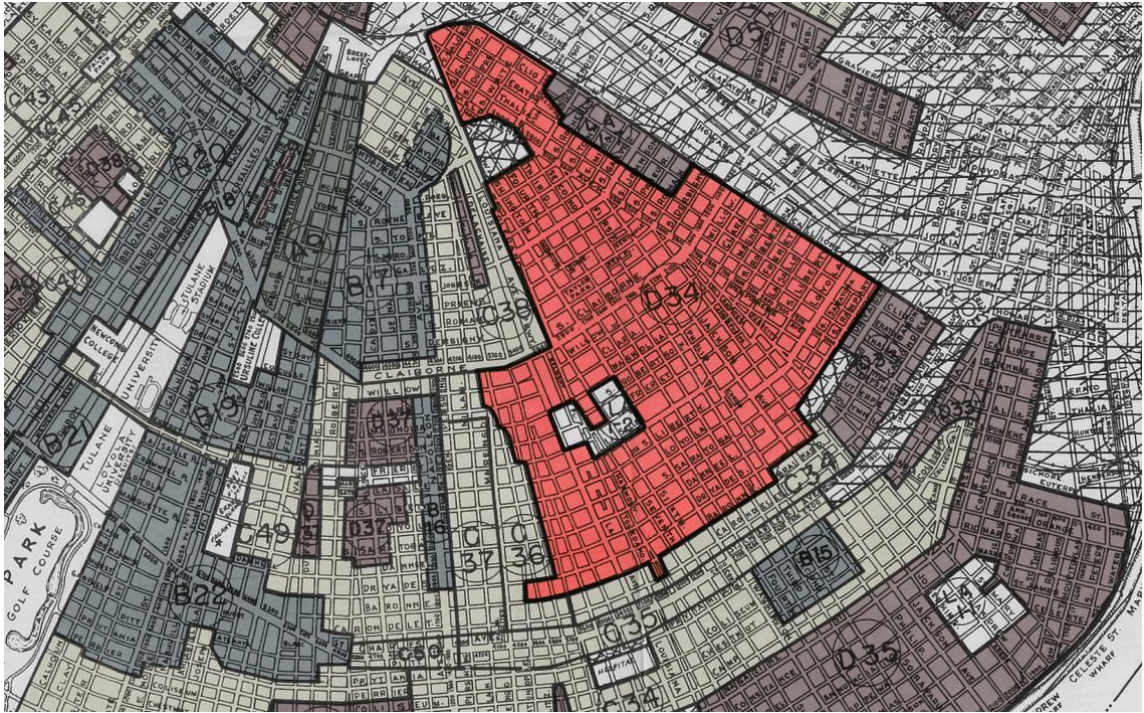


Figure 14: Redlining in Central City, New Orleans. Map provided by Robert K. Nelson, La Dale Winling, Richard Marciano, Nathan Connolly, et al. "Mapping Inequality." *American Panorama*, edited by Robert K. Nelson and Edward L. Ayers. Accessed October 5, 2022. [https://dsl.richmond.edu/panorama/redlining/\[YOUR VIEW\]](https://dsl.richmond.edu/panorama/redlining/[YOUR VIEW]).

Central City is classified as Grade D 'hazardous,' which made up the largest portion of New Orleans, being 45% of all assessed areas. The HOLC defines these sections as "characterized by detrimental influences in a pronounced degree" and having an "undesirable population or an infiltration of it." Lenders were recommended to "refuse to make loans in these areas [or] only on a conservative basis." These areas labeled as 'hazardous' were mostly Black, immigrant, Jewish, and mixed neighborhoods.

Central City was noted by the HOLC as being a static neighborhood undergoing very little change. The population was 90% African American: "All types of negroes, common laborers, wage earners, mechanics, WPA workers, domestics." "It is the largest area of

concentrated negro population in the city.” The “white population is largely in southern part and western part and is mixed with negro population.”¹³⁹ (appendix 1)

The HOLC redlining map also notes that 70% of the buildings are double cottages of 3 to 5 rooms, 15% single cottages with 3 to 5 rooms, and the remainder is two-story singles, doubles, tenements, and camelbacks amongst others. Central City is also noted to have scattered schools, businesses, and churches within these neighborhoods.

According to the HOLC survey, homeownership was described as low and ranging from 20-25%. Central City’s predominantly renter population appears to have remained consistent to this day. Utilizing the 2000 Census, the Greater New Orleans Community Data Center noted,

The houses in Central City were built specifically to be rental propert[ies]. Designed by contractors, not architects, most of Central City’s 2800 shotgun houses are one-story, frame construction, raised 2-4 feet above grade on brick piers (but still below sea level), and set very close together with porches and stoops right up against the sidewalk or street.¹⁴⁰

Also important is that the HOLC map and the survey notes two areas slated for slum clearance around Magnolia and Washington, as well as another near Claiborne and Calliope. After the demolition of these areas, the Housing Authority of New Orleans

¹³⁹ Ibid.

¹⁴⁰ Greater New Orleans Community Data Center. “Central City Neighborhood Snapshot.” *Data Center Research*, Accessed October 5, 2022. <https://www.datacenterresearch.org/pre-katrina/orleans/2/61/snapshot.html>.

went on to erect the C.J. Peete Public Housing Development (commonly known as the Magnolia Projects) and the B. W. Cooper Public Housing Development (commonly known as the Calliope Projects) respectively.

Modern issues of racial zoning in New Orleans

Income-Based and Racial Exclusionary Zoning

After Hurricane Katrina, St. Bernard Parish, just downriver from Orleans Parish, passed multiple exclusionary ordinances aimed at keeping out particularly low-income residents of color. The “blood relative” ordinance was aimed at

prohibiting property owners from renting to people who were not family members or related by blood. Since 93 percent of the homeowners are white, the provision was clearly aimed at residents in the adjacent, mainly African American parts of New Orleans that suffered some of the worst damage from the flood.¹⁴¹

Another exclusionary tactic used was the 2008 moratorium on the construction of multi-family units, which was also in direct violation of the Fair Housing Act.¹⁴² The exclusionary zoning tactic was explicit to limit affordable housing being built post-storm

¹⁴¹ The New York Times Editorial Board. “Time Runs Out for St. Bernard Parish.” *The New York Times*, March 30, 2011. <https://www.nytimes.com/2011/03/30/opinion/30wed3.html>.

¹⁴² Bob Warren. “Group Calls St. Bernard Parish Multi-Family Housing Moratorium Discriminatory.” *The Times-Picayune*, December 18, 2008. https://www.nola.com/news/article_bb4b41db-b972-5f58-9db6-64ebbe80ac98.html.

to keep low-income residents, oftentimes Black and minority, from resettling from the devastated portions of the urban centers.

St. Bernard Parish was largely settled by white homeowners after the integration of New Orleans' public schools. As a product of early prejudices, St. Bernard has gone to great lengths after Hurricane Katrina to maintain its majority white demographic. These ordinances were opposed and brought to court by fair housing groups and federal agencies.

St. Bernard claimed its legitimate governmental interest in enacting and enforcing its ordinance was that "the stabilization and restoration of St. Bernard Parish's pre-Katrina housing market required decisive action by the government."¹⁴³ More specifically, they state,

The purpose of the PUP Ordinance was to 'encourage single family residence owners to return, rebuild, and resume living in the parish and to reoccupy their homes ... to maintain the integrity and stability of established neighborhoods...' and 'to foster and encourage a community and family atmosphere in the neighborhoods of St. Bernard Parish.'¹⁴⁴

Ultimately, the claim to land as being established by bloodline is like the slogan "blood and soil," which was most recently shouted by neo-Nazis in Charlottesville, Virginia. The fact that racially restrictive covenants exist in modernity proves the need for diligence in

¹⁴³ *United States v. St. Bernard Parish*, CIVIL ACTION NO. 12-321 (E.D. La. Apr. 2, 2013).
<https://casetext.com/case/united-states-v-st-bernard-parish-1>.

¹⁴⁴ *Ibid.*

uprooting and destroying prejudice which will ultimately help preserve historic communities of color. Restrictive ordinances continue to reveal themselves as both past and present injustices that must be advocated against in the fight for the working class and communities of color.

Neighborhood Associations

Property owners to this day influence zoning decisions through committees commonly referred to as neighborhood associations. These associations are known to perpetuate prejudice towards what is built and for whom it is built. This oftentimes puts hazardous and noxious land uses outside of affluent neighborhoods and into low-income communities, especially those of color. A remedy to this issue is that “‘Not in my backyard’ must become ‘not in anybody’s backyard’”¹⁴⁵

There is no question that zoning protects some people better than others. Zoning is responsive to wealth, property, political power, and those areas or communities that are more politically empowered or connected clearly will be able to get done the zoning changes that they desire and to prevent the zoning changes they don’t desire. Less politically or economically empowered communities, even though you have a formal structure [for public participation], will be less able to impact on changes that are taking place to them or around them.¹⁴⁶

¹⁴⁵ Juliana Maantay, “Zoning, Equity, and Public Health,” 1039.

¹⁴⁶ Juliana Maantay, “Zoning, Equity, and Public Health,” 1038.

The Louisiana Fair Housing Action Center (LFHAC) released a report that showed that white-led homeowners association groups oftentimes perpetuate discrimination in their NIMBY stances when it comes to affordable housing. New Orleans' neighborhood associations at the time of the 2016 report had "killed 422 apartments for working-class New Orleanians and delayed another 184 that might already be under construction or completed were it not for sustained opposition. All total, 606 affordable homes are missing in New Orleans because of this opposition."¹⁴⁷

The report also notes,

neighborhood association boards are heavily skewed toward more affluent, whiter homeowners, despite New Orleans being a working-class, majority Black, and majority renter city. Families in need of affordable housing in New Orleans are also disproportionately Black, meaning that unrepresentative, disproportionately white neighborhood associations often have more say in affordable housing decisions than the Black residents those developments might serve.¹⁴⁸

The Louisiana Fair Housing Action Center lists many ways to protect communities, such as to "defend affordable housing against NIMBY opposition," "incentivize equitable representation on neighborhood association boards," and "further incentivize affordable housing in the comprehensive zoning ordinance."¹⁴⁹

¹⁴⁷ Louisiana Fair Housing Action Center. "Neighborhood Associations Lead the Charge Against Affordable Housing and Perpetuate Segregation in New Orleans." *Louisiana Fair Housing Action Center*, n.d.: 3. [https://lafairhousing.org/wp-content/uploads/2021/10/Delayed Until Downsized or Denied report FINAL 21.10.7-1.pdf](https://lafairhousing.org/wp-content/uploads/2021/10/Delayed_Until_Downsized_or_Denied_report_FINAL_21.10.7-1.pdf).

¹⁴⁸ *Ibid*, 4.

¹⁴⁹ *Ibid*, 25-27.

Within Central City, there is one Neighborhood association, Oretha Castle Haley Blvd. Merchants & Business Association, which is listed on the New Orleans government website.¹⁵⁰ The zoning for that area is listed as Historic Urban Neighborhood Mixed-Use District (HU-MU). Although the commercial corridor is limited to the two blocks adjacent to Oretha Castle Haley, the board is surely to have sway in the surrounding areas. It is safe to say that Oretha Castle Haley is one of the most, if not the most, gentrified areas of Central City. At the time of this paper there are numerous developments underway.

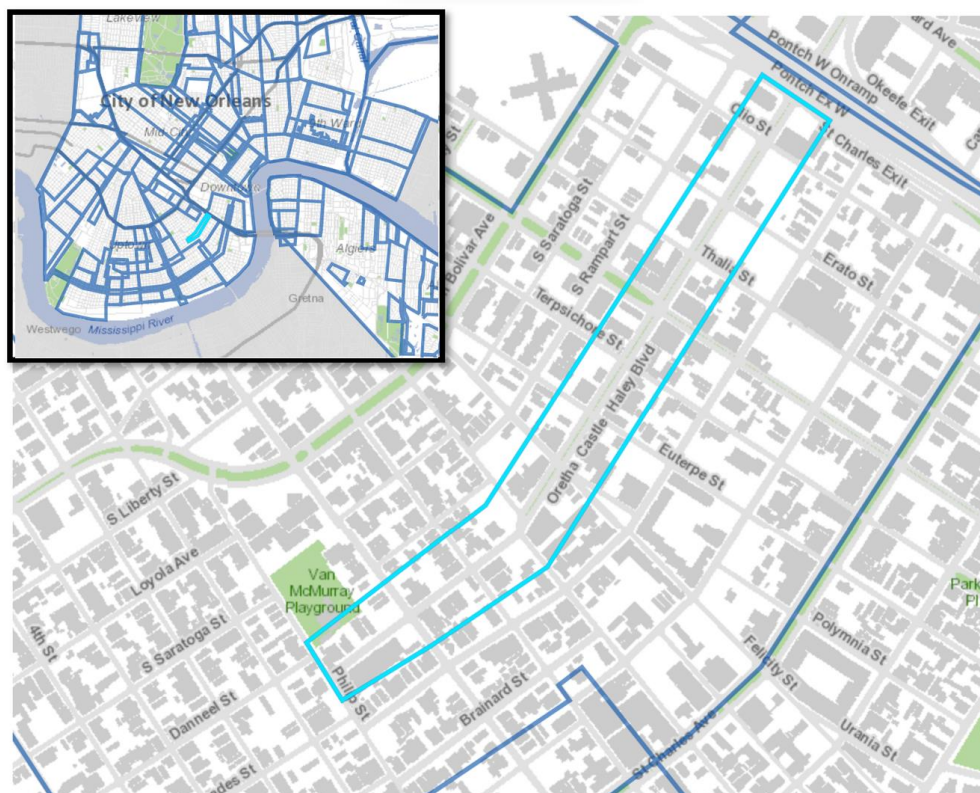


Figure 15: Oretha Castle Haley Blvd. Merchants & Business Association. Map by City of New Orleans. "Neighborhood and Community Organizations." Accessed October 17, 2022. <https://nola.gov/neighborhood-engagement/organizations/>.

¹⁵⁰ City of New Orleans. "Neighborhood and Community Organizations." Accessed September 13, 2022. <https://nola.gov/neighborhood-engagement/organizations/>.

In contrast to the findings by the LFHAC, the demographics of the Oretha Castle Haley Blvd. Merchants & Business Association organizational board is not predominantly white, making it an outlier.¹⁵¹ That said, this study is unaware of the financial status of board members and their income brackets. It should be noted that the neighborhood association board is not so much a neighborhood as it is a commercial district comprised of property owners and businesses.

The mission of the commercial neighborhood association is “Cultivating resources to support our member businesses, non-profits, and culture bearers in creating thriving commerce, cultural vitality, and economic opportunity that lifts up the legacy of this historic community.”¹⁵² Although the corridor of O.C. Haley Blvd. through massive renovations and less vacancy is largely gentrified, and there are spaces that do not cater to the historic community’s needs, there are many non-profits geared towards upholding and promoting community within the City of New Orleans. In this way, the buildings have not been given over to tourist and affluent tastes, although there are those businesses as well.

One of the best ways to establish community input in neighborhoods would be to help places, such as Central City, to establish a neighborhood association of historic

¹⁵¹ Oretha Castle Haley Boulevard Merchants and Business Organization. “Leadership.” Accessed September 13, 2022. <http://www.ochaleyblvd.org/leadership>.

¹⁵² Oretha Castle Haley Boulevard Merchants and Business Organization. “Mission.” Accessed September 13, 2022. <http://www.ochaleyblvd.org/mission>.

community residents. In doing this, working class neighborhoods could better establish and prepare themselves to face the challenges of gentrification as well as have representation to influence decision-making by local officials. By establishing an association board that is largely comprised of long-term, historic residents, valuable knowledge, as well as the intangible, can help guide policy. Furthermore, in preemptively establishing neighborhood association boards of long-term residents, will help protect the community from having a board of non-established short-term rental operators, developers, and transplants who will inevitably push decisions that do not account for the community itself.

Other contemporary issues in zoning

Short-term rentals (STRs)

“Urban land is among the most valuable of resources; decisions affecting land-use profoundly influence the life of a city.”¹⁵³ That said it is no surprise, that if allowed, properties will be used to their fullest economic potential by those who have the capital to do such. When a new land use is allowed to flourish throughout a whole city, impacting all neighborhoods, it must be expected that there will be unintended consequences.

¹⁵³ Roy Lubove. *The Urban Community: Housing and Planning in the Progressive Era*. Englewood Cliffs, New Jersey: Prentice Hall, Inc., 1967: 23.

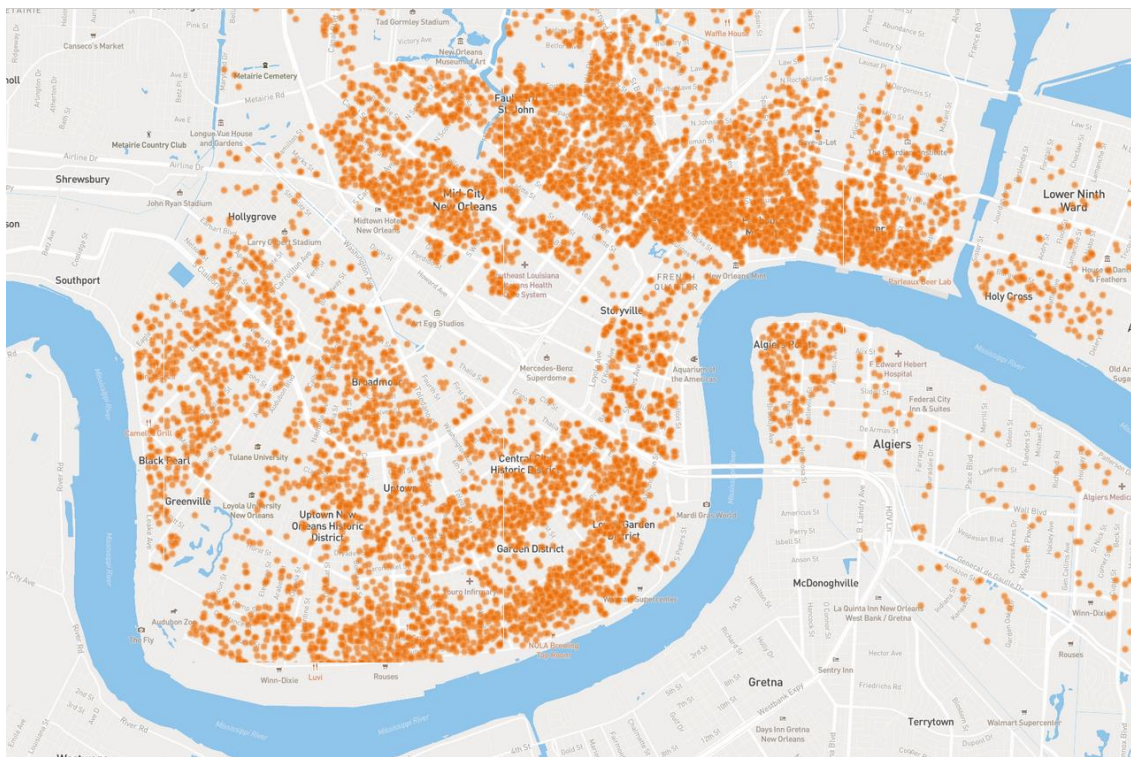


Figure 16: Short-term rental licenses in New Orleans, LA. Note, there is a high concentration in the riverside portion of Central City. Map by the City of New Orleans. “Map of Short-Term Rental Licenses.”. Accessed October 17, 2022. <https://data.nola.gov/Housing-Land-Use-and-Blight/Map-of-Short-Term-Rental-Licenses/j5u3-2ueh>.

Short-term rentals (STRs) are a land use trend that has challenged zoning boards worldwide with their introduction. Now tourists have near unlimited access to call anywhere home temporarily. “List any space. Apartments, boats, castles, islands, cabins, and more.”¹⁵⁴ STRs have challenged the very essence of the divide between commercial and residential zones. Many cities have embraced the trend, whereas a few have formally banned the practice.

¹⁵⁴ Airbnb. “Why Should I Host on Airbnb?” *Airbnb*, December 11, 2013. https://web.archive.org/web/20131211052758/https://www.airbnb.com/info/why_host.

New Orleans' City Zoning Ordinance (CZO) has been amended many times in efforts to control a business that has not only changed the character of many historic neighborhoods, but the associated communities tied to them as well. The government website for New Orleans concerning STRs gives a brief history of the changes in policy over time.

In August of 2015, the New Orleans City Council adopted a motion that directed the City Planning Commission (CPC) to study the regulation of STRs. At that point, rentals shorter than 30 days (or 60 days in the Vieux Carré) were illegal under City Code. That report was completed in January of 2016 and the City Council adopted a motion to enact STR regulations in October of 2016. Those STR regulations were signed into law in December of 2016 and became effective on April 1, 2017, when the City began issuing STR Permits.

After implementation of STR regulations under the December 2016 ordinance, the City Council noted growing concerns regarding the effects STRs have on the communities and neighborhoods in which they are located. In May of 2018, the City Council once again directed the CPC to study the STR regulations. That study, completed in September of 2018, recommended certain changes to the STR regulations to address these concerns. The changes recommended by the CPC became the basis for a new STR regulatory structure which was adopted by City Council in August of 2019 and signed into law by Mayor Cantrell that same month. These new STR laws [became] effective on December 1, 2019.¹⁵⁵

Platforms such as Airbnb, Vacation Rentals by Owner (VRBO), and Home Away, amongst others, have dramatically and drastically increased speculation of housing and made many areas unaffordable for low-income residents. "The 'Airbnb effect' is to some extent remarkably similar to gentrification in that it slowly increases the value of an area to the detriment of the indigenous residents, many of whom are pushed out due to

¹⁵⁵ Short Term Rental Administration. "Overview of Short-Term Rentals in New Orleans." *City of New Orleans*, Accessed November 1, 2022. <https://nola.gov/next/short-term-rental-administration/topics/overview-of-short-term-rentals-in-new-orleans/>.

financial constraints.”¹⁵⁶ People no longer live next door to neighbors, but next to patrons. Many residents of New Orleans voice their dissent by putting out signs near STRs that exclaim, “neighbors, not tourists.”¹⁵⁷

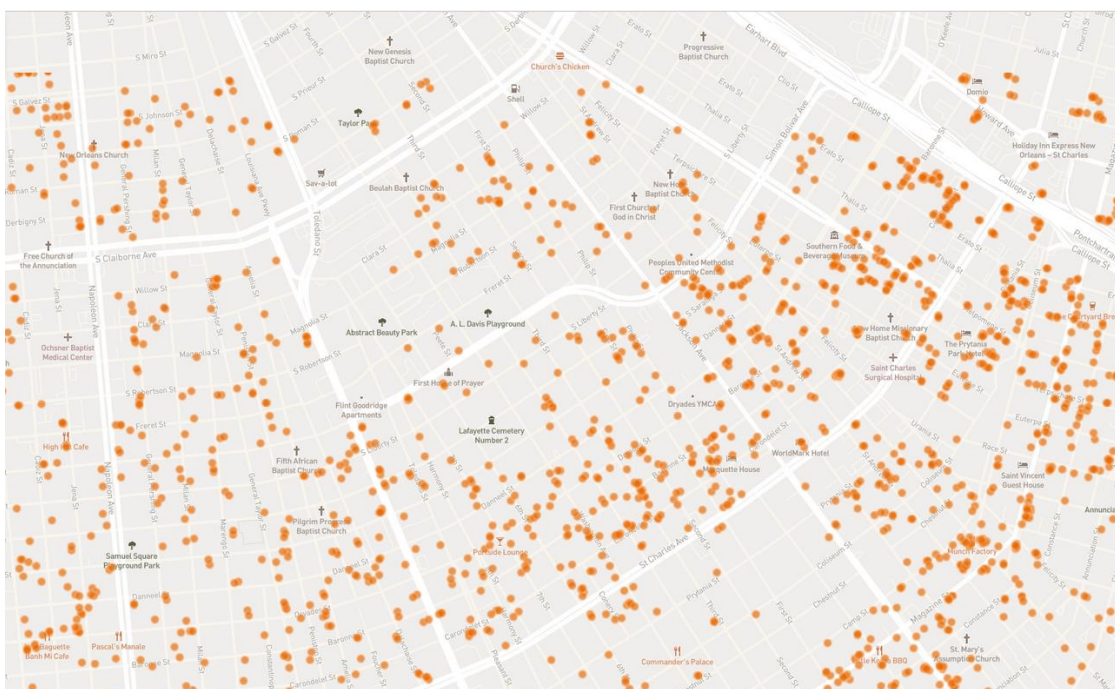


Figure 17: Short-term rental licenses in Central City, New Orleans. Note, there is a high concentration in the riverside portion of Central City. Map by the City of New Orleans. “Map of Short-Term Rental Licenses.” Accessed October 17, 2022. “Map of Short-Term Rental Licenses” in New Orleans. Provided by the City of New Orleans, <https://data.nola.gov/Housing-Land-Use-and-Blight/Map-of-Short-Term-Rental-Licenses/j5u3-2ueh>.

Housing affordability is as much of a historic preservationist issue as it is a societal issue.

Once established communities are priced out of an area, its character and cultural

¹⁵⁶ Gary Barker. “The Airbnb Effect on Housing and Rent.” *Forbes*, February 21, 2021. <https://www.forbes.com/sites/garybarker/2020/02/21/the-airbnb-effect-on-housing-and-rent/?sh=1f019a4c2226>.

¹⁵⁷ Cain Burdeau. “Is Airbnb a Detriment to New Orleans?” *Associated Press*, March 14, 2016. <https://www.theadvertiser.com/story/news/local/louisiana/2016/03/14/airbnb-detriment-new-orleans/81754824/>.

makeup changes regardless of whether buildings are preserved. To protect historic communities, STRs must be banned, or, as a minimum, further regulated and limited, or barred from operation within working-class communities such as Central City.

A June 2017 study out of the Department of Economics at the University of California at Los Angeles (UCLA), *The Sharing Economy and Housing Affordability: Evidence from Airbnb*, found that a 10% increase in Airbnb listings leads to a 0.42% increase in rents and a 0.76% increase in house prices. Using the mathematical model they developed, it is possible to calculate the impacts on rental and housing prices STRs are having in New Orleans. In Central City, for example, there has been an increase of 190% in Airbnb listings since 2015. If a 10% increase in listings causes a .42% increase in rent and a .76% in home prices, a 190% increase in listings could inflate rental prices by 7.98% and home prices by 14.44%. If the average rent for a three-bedroom apartment in Central City is currently \$1300, a 7.98% increase would mean an increase of \$103 per month. For a low- or moderate-income renter household in New Orleans, who can afford \$600 per month in rent, a \$103 increase is a substantial burden, particularly for households on fixed incomes like Social Security or Disability Benefits recipients.¹⁵⁸

The New Orleans CZO allows STRs in every zoning district within the city, save for portions of the Vieux Carré and the Garden District, where it is banned in sections. In this regard, some of the most gentrified and expensive areas of New Orleans are the only places protected from STRs. Here again, is a modern example of noxious land uses being kept from affluent neighborhoods while much of the working class and lower-income residents must deal with their adverse effects. A 2019, study of short-term

¹⁵⁸ Breonne DeDecker, Lydia Y. Nichols, and Shana M. Griffin. "Short-Term Rentals, Long-Term Impacts" *Jane Place Neighborhood Sustainability Initiative*, n.d. https://storage.googleapis.com/wzukusers/user-27881231/documents/5b06c0e681950W9RSePR/STR%20Long-Term%20Impacts%20JPNSI_4-6-18.pdf.

rentals by New Orleans states that it wasn't all bad in that STRs may help fight blight in the city due to incentivized investment by eager operators.¹⁵⁹

Shelley Landrieu, executive director of the Garden District Association, stated, "We love the tourists, but we want them during the day and to go home at night."¹⁶⁰ In the French Quarter, STRs are banned in those areas outside of entertainment districts, particularly the lakeside and downriver portions that are more residential.¹⁶¹ The Vieux Carré, before the introduction of STRs was already a difficult place to live for many working-class residents due to the rise in condos which often serve as snow-birding residences. The Vieux Carré has already dealt with its own displacement by losing much of its working-class character.

Short-term rental companies claim upward economic mobility for homeowners through their programs as well as housing affordability for homeowners and residents. In New York City, they claimed that 87% of hosts on Airbnb were renters "at the median income level and more than half of them depend on Airbnb to help them stay in their home."¹⁶²

¹⁵⁹ New Orleans Planning Commission. "Short-Term Rental Study." *City of New Orleans*, June 28, 2019: 92. <https://www.nola.gov/nola/media/City-Planning/Final-2019-STR-Study-with-Maps.pdf>.

¹⁶⁰ Kevin Litten. "Short-Term Rental Bans in French Quarter, Garden District Upheld." *The Times-Picayune*, May 16, 2019. https://www.nola.com/news/article_c8a3b2a0-9645-5dd0-a530-83639b6463c8.html.

¹⁶¹ City of New Orleans. Ordinance 28156, June 6, 2019: 4-6. https://nola.gov/nola/media/311/STR-CZO-MCS_1.pdf.

¹⁶² Airbnb. "Who We Are, What We Stand For," *Airbnb*, December 7, 2013. <https://web.archive.org/web/20131207024124/http://blog.airbnb.com/who-we-are/>.

The outcome of STRs has proven to be contrary to proponents' claims and has had a devastating effect on historic communities. Oftentimes, STRs create a housing market bubble of overvaluing property based on income generation potential that leads to many homeowners seeing more profit in renting a room for short-term increments than leasing for the long term.

Speculation in STRs has led to corporations being formed to purchase real estate and capitalize regarding this market. This has made many areas of formerly full-time resident-occupied homes to become only partly inhabited when intermittently booked by tourists.

In 2018, Jane Place Initiative released a report on short-term rentals that showed that 82% of all listings were whole-home rentals and that just 18% of operators controlled half of the permits given. Breonne DeDecker of Jane Place Initiative stated,

These operators are not strapped homeowners making ends meet by occasionally renting out space. And it is offensive for Airbnb and pro-short-term-rental lobbyists to pretend that these individuals and corporations are just homeowners trying to stay afloat.¹⁶³

The Report by Jane Place also noted that STRs were drifting from areas of tourism into other neighborhoods, especially historically Black working-class areas.

¹⁶³ Chad Calder. "New Orleans Group Says Airbnb 'Lie' Exposed: Not Home-Sharing, 'Hotelization of Residential Housing.'" *The Times-Picayune*, March 28, 2018. https://www.nola.com/news/article_807da98b-aa71-5a3c-b4fc-963225529092.html.

The geographic concentration of STRs has shifted away from neighborhoods more commonly associated with tourism (such as the French Quarter and the Marigny), towards the CBD and many working-class Black neighborhoods that are close to downtown, particularly the Seventh Ward, Tremé, and Central City.¹⁶⁴

From 2015 to 2018 there was a 178% increase in STRs within Central City rising from 117 to 328 rentals.

In trying to protect historic communities, policies and ordinances that have proven to be adverse to low- and moderate-income communities must be arrested immediately.

Community character and health must be placed at the forefront before profiteer and developer motives and desires are met. Communities need also to be rewarded for their culture, and not be continually exploited for the sake of tourism.

STRs are capitalizing on and contributing to the displacement of Black communities, making it more difficult for families to remain in or return to their neighborhoods as more and more housing units are dedicated away from housing and towards tourist use, causing overall housing prices for both renters and homeowners in the neighborhood to rise.¹⁶⁵

In 2019, after a report was released by New Orleans that had studies STRs, whole-home short-term rentals were banned from properties that were not owner-occupied.¹⁶⁶

Although New Orleans now restricts “whole-home” rentals, the damage had already been done in terms of displacement. Further impacts on neighborhoods were placed on

¹⁶⁴ Breonne DeDecker, Lydia Y. Nichols, and Shana M. Griffi. “Short-Term Rentals, Long-Term Impacts.”

¹⁶⁵ Ibid.

¹⁶⁶ New Orleans Planning Commission, “Short-Term Rental Study.”

businesses who lost long time patrons who were formerly residents to a new demographic of wealthy vacationers and “digital nomads”.

In August 2022, in a loss for historic working-class communities and renters, the First Circuit Court of Appeals deemed it unconstitutional for New Orleans to require that a property must be registered as a primary residence, to receive a short-term rental license.¹⁶⁷ Registry of a Homestead Tax Exemption was required as a way in which the city could prove that the building was owner-occupied. The court determined that this was unconstitutional as it interrupted interstate commerce for STR owners who reside elsewhere. New Orleans City Council member J.P. Morrell declared that short-term rentals "are destroying the fabric of our neighborhoods and pricing people out of their homes" and there being a need "to tighten regulations to protect our city's residents and unique culture."¹⁶⁸

STRs not only can take their toll on residents but stores as well. With a loss of historic residents, businesses lose clientele. STR companies claim that they inject money into the local economy and support small family business.¹⁶⁹ But with a loss of established long-term residents, it seems that business owners are worse off as they must change their

¹⁶⁷ Kevin McGill. "New Orleans Short-Term Rental Rule Struck Down by Court." Associated Press, August 23, 2022. <https://www.usnews.com/news/politics/articles/2022-08-23/new-orleans-short-term-rental-rule-struck-down-by-court>.

¹⁶⁸ Ibid.

¹⁶⁹ Airbnb. "Let's Shower Our Small Neighborhood Businesses with 'Local Love'!" *Airbnb*, December 7, 2013. <https://web.archive.org/web/20131207163302/http://blog.airbnb.com/local-business-love/>.

business model to cater to the new clientele or sell the property or business to someone who knows how to. STRs are clustered around the O.C. Haley boundary where the most capital has been located. Again, it is quite apparent that long term residents oftentimes do not get to enjoy the benefits of improved infrastructure and investment. Rather, amenities are put in place to cater to short-term residents that are in the city not to establish culture, but to consume it.

If complete abolishment is not an option for short-term rentals, New Orleans must at least make take further steps to ensure housing affordability is not jeopardized. Short-term rentals should be banned from areas that house the working-class, predominantly rental communities where homeownership has been historically low. Also, taxation of short-term rentals elsewhere in commercial corridors should be increased, and those revenues be cycled into helping fund homeownership and maintenance for low- and moderate-income residents.

Cultural consumption is largely what drives tourism in New Orleans.¹⁷⁰ Those residents who identify with the city's history and culture should be rewarded through taxes and city revenue generated through tourism to support historic working-class communities and offer subsidies to burdened tenants. STRs should at the very least be taxed as commercial properties. It is problematic for residential land used for a business that

¹⁷⁰ Kevin Fox Gotham. "Tourism Gentrification: The Case of New Orleans' Vieux Carré (French Quarter)." *Urban Studies (Edinburgh, Scotland)* 42, no. 7 (2005): 1099–1121.

caters to tourism be regarded as serving the same function as a long-time family residence. Because of speculation and the flourishing of STRs, property values, and therefore taxes have increased. One Tremé resident spoke to this situation, stating, “What I don’t love is having to pay more for other people fixing up their houses.”¹⁷¹

According to Orleans Parish Tax Assessor Erroll Williams, there is no set way to tax STRs as commercial properties: “Every other state, apartment complexes are treated as commercial property which would be because they’re renting it out. In Louisiana it’s treated as residential property. So, if I treated Short Term Rentals as commercial portion, I would have to know from the city what portion of the house they’re leasing out. And when the city grants these permits, they’re not necessarily giving us the square footage that’s allocated to that.”¹⁷²

To close, STR companies purport that they help foster community vibrance and allow tourists to access a culture more intimately. It is all about community. “We all agree that illegal hotels are bad for New York, but that is not our community. Our community is made up of thousands of amazing people with kind hearts,” citing STR operators who offered up homes to Hurricane Sandy victims.¹⁷³ If we care about communities and their

¹⁷¹ Jade Cunningham. “Short-Term Rentals Could Be Causing Big Property Tax Increases in New Orleans,” *4WWL*, July 6, 2019. <https://www.wwltv.com/article/news/local/orleans/short-term-rentals-could-be-causing-big-property-tax-increases-in-new-orleans/289-b061e6be-8d86-4aaf-83c9-cdb4d6c792c2>.

¹⁷² *Ibid.*

¹⁷³ Airbnb. “Who We Are, What We Stand For.” *Airbnb*, December 7, 2013. <https://web.archive.org/web/20131207024124/http://blog.airbnb.com/who-we-are/>.

health, these homes should not have to be made available to low-income renters in times of crisis but kept available in the first place. The only way to do this is by banning rentals in neighborhoods such as Central City.

EFFORTS TOWARDS EQUITABLE ZONING

Exclusionary to Inclusionary zoning

Many of historic preservation's most powerful tools are exclusionary, such as step-backs and set-back limits or laws governing scale. Exclusionary zoning not only comes in the form of height, density, and land use ordinances, but also to ban noxious impacts, which can include noise.¹⁷⁴ Unfortunately, exclusionary zoning as discussed, also involves racial and income-based prejudices.

¹⁷⁴ Zoning has proven to stifle not only areas of residence for historic communities, but employment opportunities for those who are the outlets of a unique culture.

One example of the policing power being used to control society through regulations placed on the environment is through noise ordinances. New Orleans is known for its live music, even conceiving its own style of jazz; it is part of its historicity that needs preservation. In 2014, New Orleans worked to pass a new comprehensive zoning ordinance that set new standards for heights (as mentioned prior) as well as limits on what zones live music could be performed in.

An article from the Times-Picayune stated, "Many musicians and their supporters say the ordinance goes too far in restricting where live music can be played in the French Quarter. Instead of regulating land use, they say, the document is dictating behavior and also cutting into musicians' earnings." (Jaquetta White. "Proposed New N.O. Zoning Law Stirs up Multiple Controversies." *The Times-Picayune*, October 24, 2021. https://www.nola.com/news/politics/article_8cb7fc1e-af27-5566-bcd0-e22123d46016.html.)

The comprehensive zoning ordinance not only affects the musicians, but the very historical community and culture that is its appeal. The modern field of historic preservation not only puts intent towards saving buildings and landscapes, but the communities that they serve as well.

One of the most utilized tools to exclude low-income residents from neighborhoods is through single family zoning. “American cities have designated large swaths of their land as exclusively for single-family detached housing, walling out anyone who can’t afford the price of entry to expensive neighborhoods and jurisdictions. Historically, US housing markets served low-income residents with low-cost housing options, such as single-room-occupancy residences and boarding houses.”¹⁷⁵ A founder of the popular short-term rental site Airbnb states he recalls his grandfather talking about when “travelers stayed in boarding homes, neighbors shared what they had, and ordinary people powered the economy.”¹⁷⁶

As for Central City, the neighborhood is comprised of many different zoning districts, and as mentioned previously a short-term rental overlay that allows them to operate. Zoning is listed according to the degree of use intensity, ranging from parks to commercial uses, that is, Neighborhood Open Space District (OS-N); Historic Urban Two-Family Residential District (HU-RD2); Historic Multi-Family Residential District, Historic Urban Neighborhood Business District (HU-B1); Historic Urban Mixed-Use District (HU-MU); Auto Oriented Commercial District C-2); and Medium Intensity Mixed Use District (MU-1).¹⁷⁷

¹⁷⁵ Emily Hamilton. “Inclusionary Zoning: A Growing Practice That Hurts More than It Helps.” *Better Cities Project*, September 23, 2019. <https://better-cities.org/community-growth-housing/inclusionary-zoning-hurts-more-than-helps/>.

¹⁷⁶ Airbnb, “Who We Are, What We Stand For.”

¹⁷⁷ City of New Orleans. “City of New Orleans Property Viewer.” <https://property.nola.gov/>.

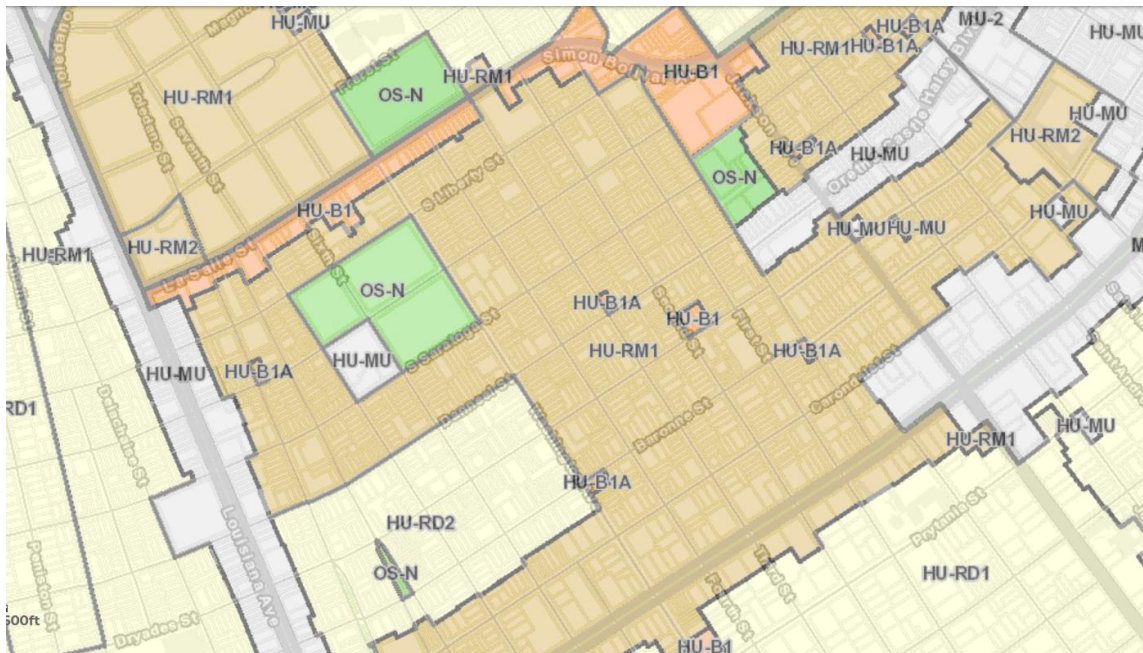


Figure 18: Zoning in Central City, New Orleans. Note, study area is mostly Multi-Family Residential District HU-RM1 which “is intended to provide for low to medium residential densities” and the Neighborhood Business District (HU-B1) which “is intended for commercial areas that predominantly serve the needs of the nearby residential neighborhoods.” (New Orleans Planning Commission. *New Orleans Comprehensive Zoning Ordinance, Article 11/ 12*. <https://czo.nola.gov/home/>) Map by the City of New Orleans. “Property Viewer.” Accessed October 19, 2022. <https://property.nola.gov/>.

Critics of exclusionary zoning laws state that they affect property values and housing affordability. By setting limits on height and density, developers cannot build larger and at a lower cost per lot size, therefore reducing affordable units.

One way that exclusionary zoning is being tackled is through inclusionary zoning.

Inclusionary zoning will “require or incentivize developers to designate a portion of new housing units as affordable for households making low or moderate incomes in

exchange for density bonuses, allowing developers to build more market-rate housing than they would otherwise be allowed.”¹⁷⁸

New Orleans CZO allows for density bonuses for new developments, much like the height bonuses, if the developer designates 10 percent of the units to be affordable housing units.

As with unchecked height limits, the problem is the scale of modern development in historic landscapes that is inconsistent with early building designs and patterns.

Developers no longer build to a historic scale and rather see imposed zoning limits as adverse to profit. In terms of zoning, preservationists and developers must compromise to find viable construction that is congruent with historic districts and supplies affordable housing.

Some critics do not see inclusionary zoning and density/ height bonuses as able to achieve more affordable housing:

The density bonuses that inclusionary zoning programs include to offset the cost of providing below-market-rate units derive their value from underlying exclusionary zoning that prevents developers from building as much housing as they would under more liberal zoning. If inclusionary zoning density bonuses don't fully offset the cost of requiring new development to include subsidized units, the policy may further exacerbate housing shortages, driving up prices for everyone who doesn't receive a subsidized unit.¹⁷⁹

¹⁷⁸ Emily Hamilton, “Inclusionary Zoning: A Growing Practice That Hurts More than It Helps.”

¹⁷⁹ Ibid.

The system of “optional inclusionary zoning is not a path to broad-based affordability”
“Inclusionary zoning provides huge benefits to a small percentage of low- and moderate-income households.”¹⁸⁰

Regardless of the critiques, the creation and maintenance of affordable housing are essential to preserving historic working-class communities. Everyone should be included and accounted for in every neighborhood, which can be helped through an effort to adapt zoning.

Greenlining

One of the ways to correct the wrongs of adverse zoning laws which negatively affect working class and communities of color is through Greenlining. As defined, Greenlining is “the practice of directing monetary flow into a specific area for the purpose of encouraging individual behaviors that will maximize net social benefits directly within the constraints of available resources.”¹⁸¹ The name, Greenlining, comes from the color on HOLC maps given to neighborhoods considered desirable and areas of a safe investment. Greenlining is a movement to spur investment in historically redlined areas, placed in hazardous sites near industry, and vulnerable to climate impacts.

¹⁸⁰ Ibid.

¹⁸¹ Daniel T. Friedson. “Greenlining Toward a Community of Local Entrepreneurship, Home Ownership, and Quality of Life.” *Journal of Affordable Housing & Community Development Law* 9, no. 2 (2000): 191.

One non-profit, the Greenlining Institute, founded in 1993, states that its mission is to work “toward a future when communities of color can build wealth, live in healthy places filled with economic opportunity, and are ready to meet the challenges posed by climate change. Our multifaceted advocacy efforts address the root causes of racial, economic, and environmental inequities in order to meaningfully transform the material conditions of communities of color.”

One way that the effects of redlining have been counteracted federally is through the Community Reinvestment Act (CRA) of 1977, which helps to educate banking institutions on ways to promote investment in low- and moderate-income communities and to remedy the effects of disinvestment and redlining. The CRA “remains one of the seminal pieces of legislation to address systemic inequities in access to credit.”¹⁸²

Recently, there have been efforts by the Federal Reserve Board (FRB) and the Federal Deposit Insurance Corporation (FDIC) to modernize and revamp the CRA to better assist communities of color and low- to moderate-income people.¹⁸³ “Under the proposal, the agencies would evaluate how banks perform across various activities to promote community engagement and financial inclusion and to emphasize smaller loans and

¹⁸² Office of the Comptroller of the Currency. “Community Reinvestment Act (CRA)” *United States Government*, July 23, 2022. <https://www.occ.gov/topics/consumers-and-communities/cra/index-cra.html>.

¹⁸³ Federal Deposit Insurance Corporation. “FDIC: Banker Resource Center: Community Reinvestment Act (CRA).” *United States Government*, Accessed October 21, 2022. <https://www.fdic.gov/resources/bankers/community-reinvestment-act/index.html>.

investments that can be highly impactful and responsive to the needs of LMI (low- and moderate-income) communities.”¹⁸⁴

To better protect historic communities, ways need to be found to inject capital into long-term residents’ hands to allow them to achieve the full potential of their neighborhoods. This is the idea behind Greenlining regardless of the way in which funding is procured.

FURTHER IDEAS

Land use and the protection of non-conforming historic commercial businesses

An area of historic preservation that could use more research is historic land use and its benefits and negative effects. Would making residential neighborhoods more mixed-use be beneficial to historic residents? Some long-established, non-conforming land uses hold communities together, such as corner markets, social aid and pleasure clubs, as well as other sites of the congregation.

One study looked at land use regulation and characteristic regulations and found that “that land-use regulations appear to ‘follow the market’ and do not appreciably affect

¹⁸⁴ Office of the Comptroller of the Currency. “The CRA.” *United States Government*, July 23, 2022. <https://www OCC.gov/topics/consumers-and-communities/cra/cra-npr-infographic-fact-sheet.pdf>.

housing values. In contrast... characteristics-zoning regulations have significant effects on housing values.” This report shows that code enforcements drive up home prices, but land-use changes have little impact on a property’s value.

The absence of land-use restrictions endowed cities with much of their character and layout that is celebrated and cherished by preservationists today. The following section focuses on land-use zoning and ways it can be remodeled regarding preservation and to promote historic communities and cultural fabric.

Land-use zoning ordinances can both help and hurt the preservation of an area and its community. Environmental zoning regulations in modern cities have significantly reduced pollution in historical centers, inevitably saving buildings and people from corrosive elements. On the other hand, zoning ordinances can destroy the very fabric of a community through spot zoning and the allowance of short-term rentals.

Historic cities underwent large-scale reconfigurations pertaining to land use with the introduction of zoning laws. Historically, before zoning ordinances, whole cities were multi-purpose, multi-use, mixed residential, commercial and industry. A walk through an old, intact city center will likely take one past a factory, a storefront, and a residence all within one block. This was the character and layout of many historic landscapes; what today is deemed ‘nonconforming’. To many residents, it would be ill-advised to return

polluting industries to neighborhoods. Public health and safety were, in fact, one of the main impetuses for cities to originally adopt zoning ordinances.

To see an example of a pre-zoning landscape, one can look to Houston, Texas which does not have a comprehensive zoning ordinance governing land-use, yet it does have historic districting which was ruled to not be a zoning law.¹⁸⁵

Historically, neighborhoods were more mixed-use, having basic services provided within residential areas as well as offering employment opportunities to nearby residents.

Many non-conforming uses today is disallowed in residential districts today such as

¹⁸⁵ Houston, Texas is an outlier in the United States. Houston has no comprehensive zoning ordinance. Land-use is completely unimpeded by zoning and developers can build rampantly throughout the city. Although there are no zoning ordinances, Houston does in fact have historic preservation codes. “The historic preservation ordinance was first adopted in 1995, just a few years after voters in Houston rejected a referendum to adopt zoning—the third such attempt in the city’s history.” (Matt Dulin. “Houston, the City of No Zoning, Lives to Plan Another Day.” *The Kinder Institute for Urban Research*, June 14, 2021. <https://kinder.rice.edu/urbanedge/2021/06/14/houston-zoning-historic-preservation>.) Since the adoption of the ordinance, Houston has listed 22 historic districts and 400 buildings.

Houston’s preservation ordinance has most recently been challenged as falling under zoning in *Kathleen Powell & Paul Luccia v. City of Houston*. The court defined zoning, using a Meriam-Webster dictionary, as pertaining to land-use and thus maintained the preservation ordinance was not in conflict with the city’s Charter (HOUSTON, TEX., CHARTER, art. VII-b, § 13). The court cited *Penn Cent. Transp. Co. v. New York City*, 438 U.S. 104, 107 (1978) and *Village of Euclid v. Ambler Realty*, 272 U.S. 365, 386 (1926) in determining if historic preservation was separate from zoning. The court noted, “By and large, zoning and historic preservation are complementary legal regimes” and “regulation of land use for historic preservation purposes is a valid exercise of the police power.” (Supreme Court of Texas. *Kathleen Powell & Paul Luccia v. City of Houston*. No. 19-0689. Argued January 25, 2021.).

In reference to the case, the mayor of Houston stated ““This ruling preserves the City’s critical power to protect its past while building its future.” (Matt Dulin, “Houston, the City of No Zoning, Lives to Plan Another Day.”). By looking at Houston, not as a litmus, but as an example of historic preservation in a city without zoning, it can provide lessons to learn from. A question for future study is in how to find balance between historic landscapes, with modern living standards. Preserving Houston’s culture and history as a place that has never adopted a comprehensive zoning ordinance is perhaps conservation after all.

autobody shops, corner stores, and all other businesses. Many low-income residents rely on such businesses to provide basic local services.

One aspect of gentrification is the disappearance and displacement of long-term businesses that either cannot renew leases or are pushed out because of rent increases. Any displacement is the loss of some cultural fabric of a neighborhood. Oftentimes, new businesses that appear in gentrified zones do not cater to the local populace. Furthermore, in many cities, zoning has helped create food deserts for low-income residents.

As a general matter, democracy is the best system to control the powers of government. But democracy in land use eliminates the desires of many, particularly poorer, people to exercise the freedom to live their lives as they deem best. Unfortunately, planners are oblivious to this....¹⁸⁶

Furthermore,

Displacement can be physical, cultural, and social - or a combination. Physical displacement involves involuntary movement when individuals can no longer afford to stay in a neighborhood due to factors such as higher rent and property taxes. Cultural and social displacement is a result of services and businesses changing to cater to the new populations that move into a neighborhood.

¹⁸⁶ Eran Ben-Joseph and Terry S. Szold. *Regulating Place: Standards and the Shaping of Urban America*. New York: Routledge, 2005: 219.

Through this change, residents can lose historic connection to the community. There can exist “people still living in a neighborhood where they feel displaced culturally because the institutions or the businesses that served them are no longer there.”¹⁸⁷

In comparing Sanborn insurance maps that show pre- and post-comprehensive zoning in Central City, there are numerous commercial, as well as industrial, uses that have disappeared from the neighborhood due to regulations. Like non-contributing structures in historic districts, non-conforming uses within zoning can serve important businesses and uses deemed an important part of the historic community and often provide working-class jobs while encouraging family businesses.

A land-use law in New Orleans is that pertaining to “historic neighborhood commercial establishments” which are considered permitted non-conforming uses within residential neighborhoods.¹⁸⁸ These are what are commonly referred to as “grandfathered-in” commercial use properties that would otherwise be disallowed under the current CZO. Other non-conforming uses include places of worship as well as recreational facilities.

¹⁸⁷ Katy Pickens and Rhea Rasquinha. “Gentrification and Displacement in Providence: Urban Renewal, Economic Markets, Historic Preservation.” *The Brown Daily Herald*, April 12, 2022. <https://www.browndailyherald.com/article/2022/04/gentrification-and-displacement-in-providence-urban-renewal-economic-markets-historic-preservation>.

¹⁸⁸ City of New Orleans. “Article 11 - Comprehensive Zoning Ordinance - City of New Orleans.” Accessed October 11, 2022. <https://czo.nola.gov/article-11/>.

Under this ordinance, non-conforming commercial properties that are inoperable for over 6 months lose their permitted use as a business. Article 25.3.C. of the CZO states,

A particular use that is established as nonconforming is deemed abandoned when that particular nonconforming use is discontinued or becomes vacant or unoccupied for a continuous period of one-hundred eighty (180) days. An abandoned nonconforming use may not be re-established or resumed regardless of intent. Any subsequent occupancy shall comply with all regulations of the zoning district in which the land or structure is located. Where a nonconforming use has ceased operation for renovations in conjunction with a lawfully issued building permit, the nonconforming use shall restore operation within one-hundred eighty (180) days of the cessation of the use.¹⁸⁹

It is not uncommon to see in New Orleans many former historic commercial properties, such as service stations, warehouses, and corner stores revert to residential uses. This places undue strain on commercial enterprises and hinders local businesses that could not otherwise afford exorbitant rents along better-established commercial corridors. Instead, the enclaves of predominately residential neighborhoods can provide incubation for small local businesses.

Although the ordinance's time frame "does not include any period of discontinuance caused by state of emergency, force majeure, or acts of public enemy," it does not account for financial hardships. In amending this ordinance to include economic burden would go great lengths to protect areas of congregation and cultural relevance as well

¹⁸⁹ City of New Orleans. "Article 25 - Comprehensive Zoning Ordinance - City of New Orleans." Accessed October 11, 2022. <https://czo.nola.gov/article-25/>.

as historic communities themselves. When talking of historic community protection, it is important to ensure that long-established commercial areas are also preserved.

After a state of emergency sunset date, such as a hurricane, an owner is required to reopen a business within six months' time if nonconforming. But what if a property owner, due to financial hardship, needs longer to accumulate enough capital to repair and reopen? In this case, the property will lose its nonconforming use. Furthermore, if a business shuts down for a period for maintenance, insurance clearance, payroll disputes, or any other financial hardship, it is not exempted from the 180 days requirement to reestablish commercial use.

Historic neighborhoods should incorporate a hybrid land use model that borrows from the Sanborn maps, much like the Vieux Carré sets height limits, to establish a more mixed-use layout. Furthermore, to protect non-conforming land uses, laws should better account for and address economic hardships as well as the time it takes to transfer, rehabilitate, and make operable a business. Land use zoning is an important aspect to consider adapting as it pertains to how historic communities can use land as deemed best.

Land use in Central City

When considering how to better preserve neighborhoods to remain as working-class communities, there is a necessity that they offer places of employment nearby.

Therefore, it is not simply the preservation of historic buildings, but the buildings use as well. Whenever a land use is changed, there is a ripple effect that can run through the community. Both job security and working-class residents can be impacted by the loss of businesses.

According to Google Street View, the study area of Central City has lost six areas of business between 2007 and 2022 (appendix 2). In some cases, these properties housed more than one business as well as hosted numerous services. Four of the businesses lost during this period have included “corner stores” which offered various services such as breakfast and sandwich counters, check cashing, basic grocery items, meats, newspaper stand, soda machines, and bill pay services. Also, two bars as and a restaurant were closed.

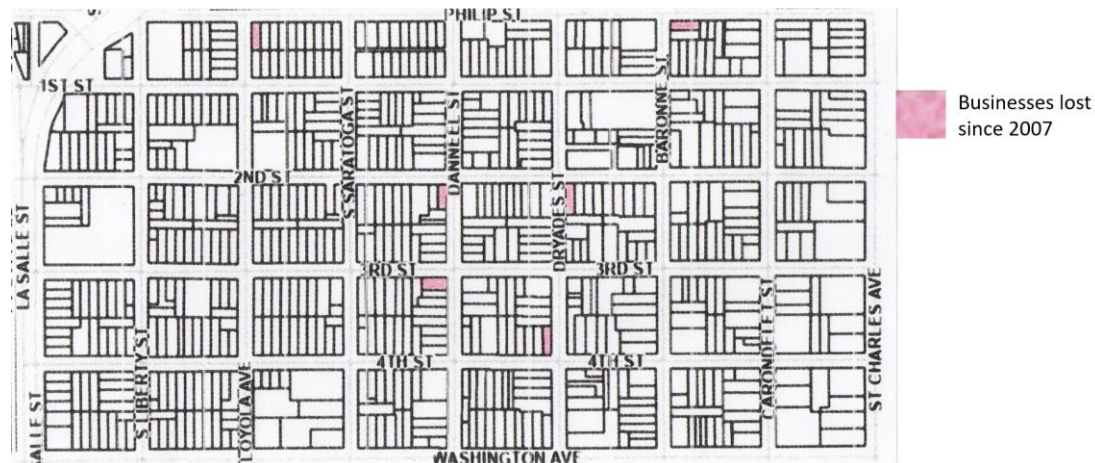


Figure 19: Businesses in Central City lost since 2007. Data overlaid on a map by the Orleans Parish Assessor's Office. "Land Records Search Map." City of New Orleans, Accessed November 1, 2022. <https://qpublic.net/la/orleans/search.html>.

Regardless of the type of businesses lost, all of them served an important function within the community by offering employment opportunities for both property owners and residents. Jobs within low-income and working-class neighborhoods are especially important as they offer employment that is not reliant on vehicle ownership or financially burdensome and costly cab services or public transportation for commuting.

As neighborhoods slowly lose businesses and properties that were commercially zoned, they become more residential in character. Employment opportunities are becoming located further from areas of affordable housing which can place added strain on already financially burdened communities. With each loss of a commercially zoned property is a loss of jobs and that are is especially important when it comes to protecting low-income communities from displacement. It has been noted that "job

creation is especially valuable because high concentrations of unemployed people tend to live in districts with many historic structures.”¹⁹⁰

The change from mixed-use to solely a residential use can greatly influence a neighborhood’s character. Businesses and employment opportunities are being pushed from residential areas to commercial corridors that are commonly distanced from where people live. This places reliance on commuting to acquire basic services and job opportunities that were historically nearby.

Business space that is relegated to commercially zoned corridors can oftentimes mean steeper rents. One attribute of mixed-use neighborhoods was that families oftentimes were able to find or create employment opportunities, build wealth, as well as provide important services to the community, all from where they lived. By having dispersed commercial properties throughout a neighborhood, oftentimes operating out of one’s own home, it was more feasible for working-class communities to create their own opportunities of employment that would have otherwise been unavailable or inaccessible on major thoroughfares.

It is not simply the placement of commercial properties within residential areas that make them attractive to working-class entrepreneurs, but the historic buildings

¹⁹⁰ Donovan D. Rypkema. *The Economics of Historic Preservation: A Community Leader’s Guide*. 1st ed. Washington, D.C: National Trust for Historic Preservation, 1994: 35.

themselves that promote job creation through their layout and size. “The type of space available in historic buildings is especially suited to small business and retail shops. These buildings typically provide a diverse supply of office and retail space at prices which attract small and start-up businesses.”¹⁹¹

Historic preservationists, by saving historic buildings from the wrecking ball, are helping preserve economic opportunity within an area. Contemporaneously, commercial spaces are commonly built to larger dimensions and by having larger square footage can attract larger rents. Historic scale is important to smaller family-run businesses that would otherwise not have the capital that box and chain stores have to take on exorbitant rents with long-term leases. In this regard, “historic preservation is an ideal economic development strategy for attracting and retaining small businesses” where “older buildings provide excellent incubator space for businesses of all types.”¹⁹²

Historic landscapes were comprised of mixed-use environments that placed the home near markets as well as work. The lack of zoning afforded an organic growth of built environments which were constantly shaped by the residents and the services offered. When looking at Sanborn maps it is immediately apparent that historic cities attracted many working-class families because of job opportunities that existed throughout every community. Each neighborhood, in a way, was its own micro community. Simply by

¹⁹¹ Ibid, 25.

¹⁹² Ibid, 25.

living within a mixed-use area, families could easily find their niche in offering goods and services to their community or find employment pocketed throughout.

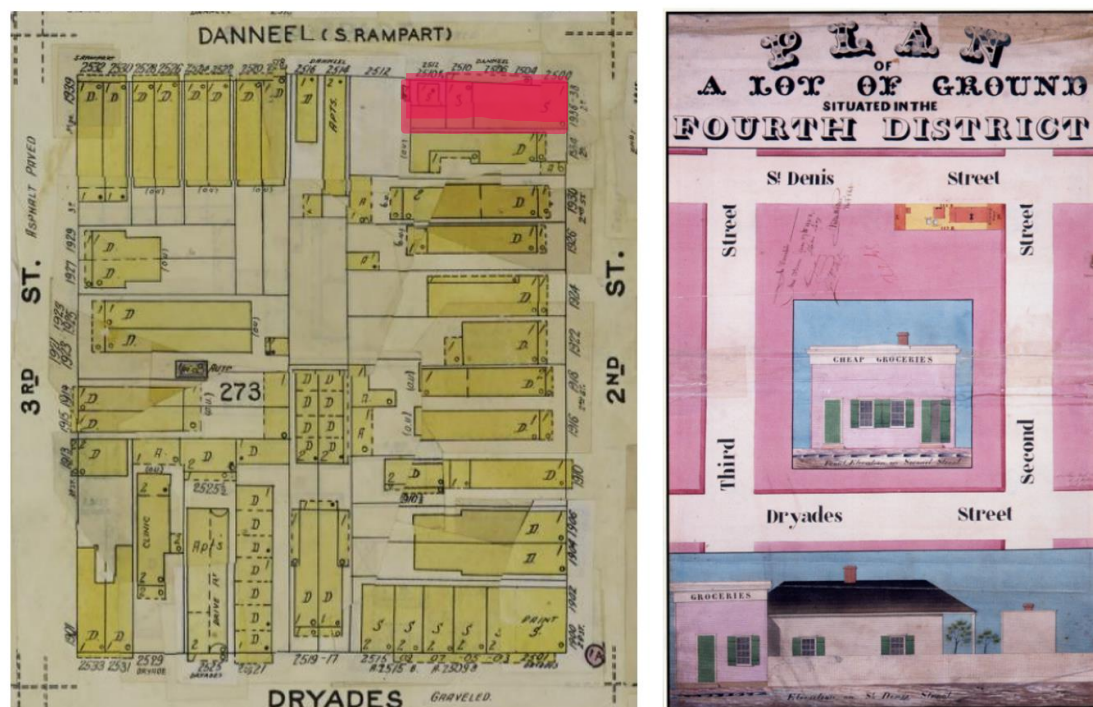


Figure 20: 1951 Sanborn Fire Insurance Map of Central City block and an advertisement from that block showing a mixed-use property. Map by *Sanborn Fire Insurance Map from New Orleans, Orleans Parish, Louisiana*. Sanborn Map Company, - Aug 1950; Vol. 4, 1951. Map. https://www.loc.gov/item/sanborn03376_028/.; Image provided by Andrea McCarthy. "Corner Culture: Corner Stores in the Black Pearl Neighborhood of New Orleans" (2010). *University of New Orleans Theses and Dissertations*. 1226. <https://scholarworks.uno.edu/td/1226>.

The 1951 updated Sanborn map shows numerous businesses spread throughout Central City that are no longer there. Today, there is only the hint of these former businesses as seen by historic corner entrances, shop windows, as well as other architectural features that attest to their former use. Many renovations oftentimes get rid of many of these features. Historic preservationists in restoring a building to a former time often discard

many features that are seen as noncontributing. These changes can often involve the changing of fenestrations, building circulation, as well as historic advertisements.

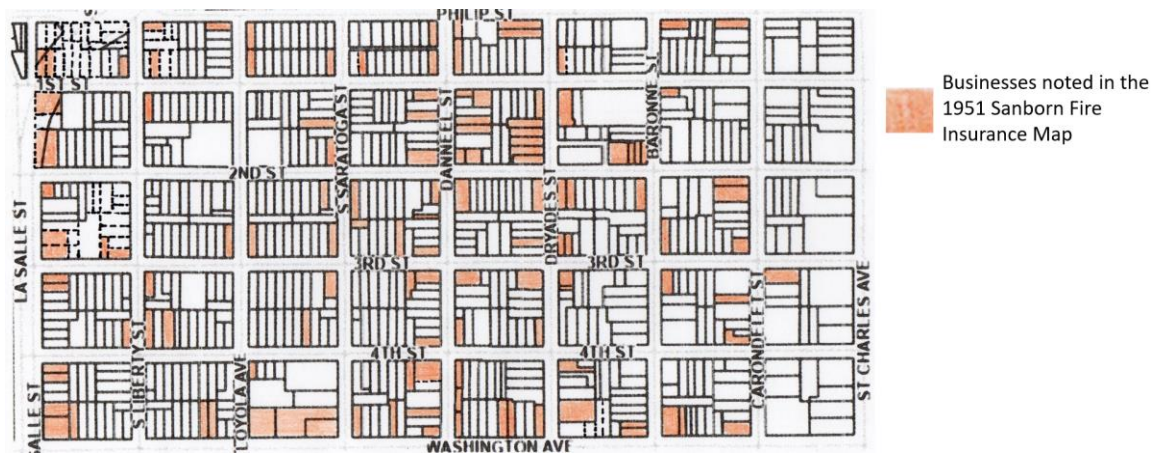


Figure 21: Businesses in Central City according to the 1951 Sanborn Fire Insurance Map. Data overlaid on a map by the Orleans Parish Assessor's Office. "Land Records Search Map." *City of New Orleans*, Accessed November 1, 2022. <https://qpublic.net/la/orleans/search.html>.

As of 2022, there are currently 27 lots that are commercially zoned within the subject area of Central City. In looking at the most recent Sanborn Fire Insurance map from 1951, there were four times as many areas of business within the subject area. Current businesses include three corner stores, a seafood market, clothing store, restaurant, bar, barber shop, beauty salon, tailor/ formal attire rental, printshop, vision center, bike tour company, and wedding venue; the latter two of which are the neighborhood's newest additions. Although the Sanborn Fire Insurance Maps do not always label the type of store on the maps, those that are listed within the subject area include numerous restaurants, drycleaners, laundries, filling stations, a tin and ironworking

shop, printshops, radio repair, halls, clinic, drugstore, paint store, club, autobody and repair, as well as two dance schools.

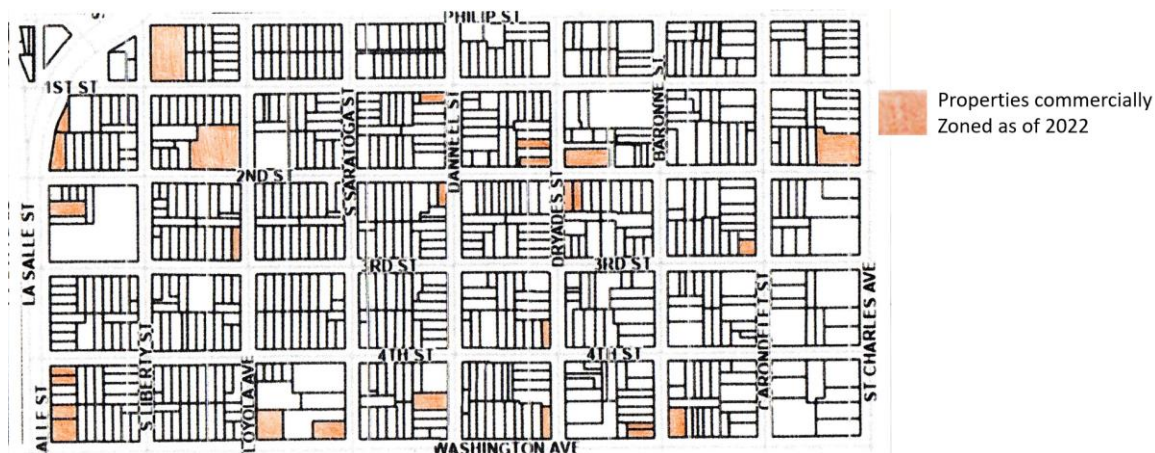


Figure 22: Commercially zoned properties in Central City as of December 2022. Data overlaid on a map by the Orleans Parish Assessor's Office. "Land Records Search Map." City of New Orleans, Accessed November 1, 2022. <https://qpublic.net/la/orleans/search.html>.

The City of New Orleans August 2010 Master Plan attests to a mission to create more mixed-use development:

Encourage small-scale neighborhood commercial uses within residential neighborhoods.

The Ordinance includes standards for small local business districts located within a predominantly residential area. Standards within the Ordinance mitigate the impacts of these business districts and require a small-scale, pedestrian-oriented form.

The Ordinance includes controls on the reuse of historic nonconforming commercial uses, such as the "corner store," so that compatibility with the neighborhood is maintained in areas where the continued existence of such uses is supported.¹⁹³

¹⁹³ City Planning Commission. *Master Plan*. City of New Orleans. Volume 2, Chapter 13, Section G: 2.13.G. <https://masterplan.nola.gov/volume-3/13/#>.

Although the City's Master Plan includes language that is in support of a more mixed-use neighborhoods, since being published in 2010, Central City has experienced the opposite effect. The neighborhood has become more residential since Hurricane Katrina with many businesses not returning or being priced out through subsequent gentrification. Although the land use trend for Central City has become less mixed-use, by placing language in the Master Plan that supports small commercial business interspersed with residential is an important step. It is up to the planning commission to not simply decide that it wants more small commercial businesses, but also what types of businesses it supports such as those operated by local residents. By focusing on helping long-term working-class residents by incubating small businesses is important. The city must also realize that the corner store is not simply a business, but an important aspect of the community's cultural heritage, so their support will help in retaining long-standing commercial establishments as well as residents.

Much of what is lost when a business closes is intangible. With the closure of any business comes the disappearance of part of the community fabric, identity, as well as areas of social importance. Each corner store, restaurant, and lounge serve as areas where residents can interact with one another, exchange information, and foster community collaboration. Regarding Sportman's Corner, a long-standing neighborhood bar in Central City and common stop for Second-line parades, one patron commented,

“I think it’s really important...Weekends you see all the members around here. You can go around there and call role. Most of them will be there”¹⁹⁴

One study focused on the importance of corner stores within the Black Pearl neighborhood of New Orleans and noted, “The New Orleans corner store is significant to the city both physically and culturally” and a loss “not only strips the buildings of their social and physical significance, but it also damages a part of the neighborhood fabric that made New Orleans a unique and diverse city.”¹⁹⁵ Another study notes that ““In the Creole Faubourgs, the corner storehouse is still very much part of the neighborhood pattern. Corner groceries, skilled craft shops, restaurants and bars are the rule”¹⁹⁶

The Preservation Resource Center (PRC) of New Orleans published an article noting the importance of corner stores as well as suggestions in support of them:

Thriving corner store buildings support stable, mixed-use neighborhoods that are attractive to new residents and provide the stability to retain long-term residents.

The social significance of corner stores within neighborhoods is recognized throughout New Orleans. Whether essential grocery providers, bars or restaurants, full of local character, these buildings have played numerous roles that have changed throughout time in response to development patterns,

¹⁹⁴ Rachel Breunlin, Abram Shalom Himelstein, Bethany Rogers, and Gareth Breunlin. *Cornerstones: Celebrating the Everyday Monuments & Gathering Places of New Orleans’ Neighborhoods*. 2nd ed. New Orleans: Neighborhood Story Project, 2008: 23.

¹⁹⁵ Andrea McCarthy. "Corner Culture: Corner Stores in the Black Pearl Neighborhood of New Orleans" (2010). *University of New Orleans Theses and Dissertations*. 1226. <https://scholarworks.uno.edu/td/1226>.

¹⁹⁶ Roulhac Toledano, Sally Kittredge Evans, Mary Louise Christovich, and Samuel Wilson Jr. *New Orleans Architecture Volume IV: The Creole Faubourgs*. Friends of the Cabildo, Inc. New Orleans, Louisiana, 1974: 77.

market pressures and land-use regulations. Quite a few of these traditional businesses still exist today as cultural institutions.

The reinstatement of these commercial establishments has a profound effect on their surroundings, helping to preserve the thriving, unique neighborhoods that represent New Orleans.¹⁹⁷

In moving forward, New Orleans should assist working-class long-term residents and establishments to catalyze further growth and investment in small neighborhood businesses. Mixed-use not only implies that properties can be put to a variety of purposes, but also that they support and influence a variety of people that crosses demographic and racial lines. It is by looking towards historical land use patterns, that cities may find more effectual ways to preserve working-class communities and their ways of life.

Height and density

The aesthetic and historicity of the built environment is dependent on historic preservation and its efforts. The character and integrity of historic landscapes have been kept intact through program monitoring, as well as laws, ordinances, and regulations associated with their protection. Zoning laws associated with historic preservation are made through CZO overlay districting. Associated ordinances within historic preservation often address height, density, as well as land use.

¹⁹⁷ Andrea McCarthy. "Corner Culture: The Rebirth of the Neighborhood Corner Store," *Preservation Resource Center of New Orleans*, October 1, 2021. <https://prcno.org/corner-culture-rebirth-neighborhood-corner-store/>.

Height and density limits help protect historic districts by limiting the scale of buildings and developments to be in character with the *tout ensemble* of the surrounding neighborhood. Without such zoning ordinances, there would be little to stand in the way of large developments, box stores, and parking garages. One needs only to look from the French Quarter towards the Central Business district to see how height and density limits can drastically protect historic scale. In Philadelphia, one can see the late-stage transition of historic skylines due to changes in height limits.¹⁹⁸

Like any law or ordinance, restrictions are not set in stone; they can be amended, appealed, and rescinded within courts, city councils and committees.¹⁹⁹ It is this very

¹⁹⁸ With the completion of Philadelphia's City Hall in 1901, a statue of William Penn was placed atop the 584-foot tower, making it the tallest structure in the city. Penn's statue became the very focus of view that his original city plans had avoided.

In Philadelphia up until the 1980s there was a "gentlemen's clause" that set a height limit on buildings to be lower than Penn's hat that towers above. This agreement had no legal bindings but was long respected by city developers.

In 1984, Rouse and Associates, laid out plans to build the skyscrapers One and Two Liberty Place to a height that broke with the respected clause. Immediately the public voiced opposition to the proposal. Polling by Philadelphia Daily News showed that people, by factor of 2 to 1, disagreed with the plans to build higher than City Hall. In response to the proposed plans, city planner Edmund Bacon stated, "It's a total disaster... it absolutely decimates the scale of Center City, and once it's been done there's no stopping it." (John Kopp. "30 Years Ago, One Liberty Place Reshaped the Philadelphia Skyline for All Time." *Philly Voice*, April 18, 2017. <https://www.phillyvoice.com/30-years-ago-one-liberty-place-reshaped-the-philadelphia-skyline-for-all-time/>.) To no avail, the city council was won over by the promise of development, and plans were approved that would forever change Philadelphia's unassuming, historic skyline. As forewarned by Bacon, there was an almost immediate, precipitous building of skyscrapers that quickly blocked Penn's view over the historic city.

Whereas in Philadelphia, there were no legal limits to set height restrictions in the city's downtown, many cities have comprehensive zoning ordinances that limit building heights through zoning. It is these very height limits that display the stark difference in scale that many downtown areas have to their surrounding neighborhoods. From New Orleans' French Quarter, one can see the dramatic change in scale when looking towards the Central Business District.

¹⁹⁹ In 2012, a battle unfolded in the Marigny and Bywater neighborhoods in New Orleans over height limit increases. A campaign called "Size Matters" was established, and headed by Councilmember Kristen Palmer, to uphold height restrictions in a legally binding way. The group managed to successfully defeat a 75-foot building that was planned for the riverfront overlay district in the Marigny. "The opposition was not surprising from residents of two of the city's oldest neighborhoods, where historic preservation often

fact that keeps height restrictions within zoning a persistent battleground. To protect the historic character of cities and districts, preservationists continually push to uphold and set height limits.

It is essential to set height limits within historic districts to preserve their character and aesthetics. New Orleans' Comprehensive Zoning Ordinance states its purpose is "to provide for promotion of the civic amenities of beauty and visual interest, for preservation and enhancement of historic buildings and places."²⁰⁰ The Vieux Carré zoning district has the strictest guidelines in the city, which rely on the use of Sanborn maps to determine height limits for specific properties (10.3.B), a case where historic information helps guide present building threats.

Density limits are also necessary to preserve historic urban landscapes. These restrictions effectively limit the number of units within a given block and the percentage of lot space that can be developed.

Zoning ordinances are effective and necessary preservation tools and should be expanded to include adapting existing laws and regulations to further promote housing affordability. As aforementioned, these limits are also exclusionary. Some critics believe

is favored over new development." (Jaquetta White. "Bywater Group Splits on Position." *The Times-Picayune*, September 2, 2014. https://www.nola.com/news/article_c6497654-3993-53fe-88f9-b13608d7f27b.html).

²⁰⁰ New Orleans City Planning Commission. *Comprehensive Zoning Ordinance*. Accessed October 24, 2021. <https://www.nola.gov/city-planning/czo/>.

that zoning laws associated with height and density stifle affordable housing and drive-up construction costs, values, and rents. Proponents of zoning limits on density and height argue they stabilize rents and create affordable housing.

Zoning laws are often blamed for gentrification and issues of housing affordability. Height and density limits are often seen by critics as a roadblock to the construction of affordable housing. A study, which surveyed twenty-five metropolitan areas, found that low-density zoning has “consistently reduced rental housing [and] in turn, limited the number of Black and Hispanic residents.”²⁰¹ Another study in 2003 showed that “measures of zoning strictness are highly correlated with high prices” and although “evidence is suggestive, not definitive, it seems to suggest that this form of government regulation is responsible for high housing costs.”²⁰² “As for the effects of regulation, most studies have found substantial effects on the housing market. In particular, regulation appears to raise house prices, reduce construction, reduce the elasticity of housing supply, and alter urban form.”²⁰³

²⁰¹ Rolf Pendall. “Local Land Use Regulation and the Chain of Exclusion.” *Journal of the American Planning Association* 66, no. 2 (2000): 125.

²⁰² Edward L. Glaeser and Joseph Gyourko. “The Impact of Building Restrictions on Housing Affordability. (Session 2: Affordable Housing and the Housing Market).” *Economic Policy Review - Federal Reserve Bank of New York* 9, no. 2 (2003): 21–.

²⁰³ Joseph Gyourko and Raven Molloy. “Chapter 19 - Regulation and Housing Supply.” *Handbook of Regional and Urban Economics* 5: 1289–1337. <https://doi.org/10.1016/B978-0-444-59531-7.00019-3>.

Urban density and height restrictions have also been proven to contribute to suburban sprawl around city centers.²⁰⁴ Due to height and density limitations, developers oftentimes will build outside of regulated zones because of cheaper land and less restrictions. In Houston, a city without zoning ordinances, research showed that low-income individuals are more likely to be against zoning ordinances than middle-income and upper-income groups.²⁰⁵

Another study shows that land use restrictions help property owners of developed land by increasing their value whereas owners of vacant land lose money due to rising construction costs.²⁰⁶ This leads to lobbying by owners of developed and undeveloped land to influence planning officials on land use regulations.

Zoning restrictions are shown to not affect the homeownership of those with tenants because costs are passed on to the renters.²⁰⁷ Similarly, developers also pass down extra costs associated with codes requiring new construction to provide amenities and meet code restrictions. In this way, parking spaces and the requirement that they be built for

²⁰⁴ Edwin S. Mills. "Why Do We Have Urban Density Controls?" *Real estate economics* 33, no. 3 (2005): 571–585.; See also, Alain Bertaud and Jan K. Brueckner. "Analyzing Building-Height Restrictions: Predicted Impacts and Welfare Costs." *Regional science and urban economics* 35, no. 2 (2005): 109–125.

²⁰⁵ John F. McDonald. "Houston Remains Unzoned." *Land Economics* 71, no. 1 (1995): 137–40. <https://doi.org/10.2307/3146764>.

²⁰⁶ Christian A. L. Hilber and Frédéric Robert-Nicoud. "On the Origins of Land Use Regulations: Theory and Evidence from US Metro Areas." *Journal of urban economics* 75 (2013): 29–43.

²⁰⁷ François Ortalo-Magné and Andrea Prat. "On the Political Economy of Urban Growth: Homeownership Versus Affordability." *American economic journal. Microeconomics* 6, no. 1 (2014): 154–181.

new construction, whether residential or commercial, can further incentivize the inflation of home and rental values.²⁰⁸

A common change that happens to homes throughout New Orleans is the conversion of double shotguns to single-family homes.²⁰⁹ This is often done at the expense of a family renting out the other half of a double for increased privacy, more square footage, as well as making space for modern amenities.

Historically, in New Orleans, it was more common for an owner to add a “camelback”, two-story addition to the rear of a double shotgun to increase square footage.

“Camelback additions aren’t a new phenomenon in New Orleans. They’ve added square footage to shotgun houses since the 19th century, and they help to maintain the streetscape by reducing the visibility of a second-story addition from the street.”²¹⁰

Instead of converting a double shotgun into a single-family home, a “camelback” addition allows buildings to maintain their multi-family design.

²⁰⁸ New Orleans Planning Commission. *New Orleans Comprehensive Zoning Ordinance*. City of New Orleans, Accessed November 3, 2022. <https://czo.nola.gov/article-22/>.

²⁰⁹ Bruce Irving. “The New Orleans House.” *This Old House*, February 1, 2002. <https://www.thisoldhouse.com/new-orleans-house/21017384/the-new-orleans-house>; See also Susan Langenhennig. “A Creative DIY Renovation Transforms a Run-down Shotgun into a Contemporary Family Home.” *The Times-Picayune*, January 28, 2015.

https://www.nola.com/entertainment_life/home_garden/article_bec7d2ac-49b2-5c92-b5ed-1772b4cde124.html; See also, Sue Strachan. “Double down: A Smart Renovation Transforms an Uptown Shotgun Double into a Spacious Single.” *The Times-Picayune*, November 2, 2017.

²¹⁰ Allen Davis. “Smart Renovations Transform Historic Shotgun Houses into Modern Family Homes,” *Preservation Resource Center of New Orleans*, March 19, 2019. <https://prcno.org/smart-renovations-transform-historic-shotgun-houses-modern-family-homes/>.

Conversions of multi-family homes into single-family homes not only largely affects population density, but also reduces rentable housing stock, which puts pressures on affordability. Communities themselves cannot maintain their character with the disappearance of housing units.

Conversions also commonly wreak havoc on the historical designs and layouts of homes. Changes, whether conversions or additions, can commonly involve tearing down interior walls, the removal of fireplaces, addition of new fenestrations, destruction of interior detailing such as cornices, chair rails, and floorboards, as well changing the original circulation of the building.

Another issue specific to New Orleans is the “Doubles to Dormitories” taking place around Tulane and Loyola campuses. Many double shotguns, which are common throughout the area of Uptown surrounding the campuses, are being converted from two-family homes to multiple units to house students. A common way that developers add additional units is by raising double shotguns in order to create an extra floor below, thus creating more rental units.



Figure 23: Raised up double shotgun to create a dormitory type of residence. Photo by David Grunfeld. “We’re Fed Up’: Uptown Homeowners Say ‘Doubles to Dorms’ Replacing Longtime Residents with Students.” *The Times-Picayune*, October 5, 2022. https://www.nola.com/news/business/article_86abdaf0-4366-11ed-a6d2-8b243904731f.html.

Residents complain of not only the parking issues created by the conversions, but that it creates an unfair housing market where intending residents are often outbid by developers who see profitability; “Developers are pivoting and finding different ways to just shoe-horn more student housing into residential neighborhoods”²¹¹

²¹¹ Stephanie Riegel. “We’re Fed up’: Uptown Homeowners Say ‘Doubles to Dorms’ Replacing Longtime Residents with Students.” *The Times-Picayune*, October 5, 2022. https://www.nola.com/news/business/article_86abdaf0-4366-11ed-a6d2-8b243904731f.html.

Here is an example where increased density has an opposing effect on housing affordability, where would be homeowners are price out due to competition by developers for off-campus housing. A real Estate Agent in reference to “Doubles to Dorms” stated “The loss of affordable housing is really a problem. It's pricing people out.” Another resident exclaimed, “We’re fed up. No one wants to live here anymore. No one can afford to live here.”²¹²

To some, underlying issues of affordable housing is the commodification of housing. One resident stated that this trend is “completely converting housing stock so people cannot live there unless they’re students. This is commodifying housing and trying to make as much money as possible and push people out of their homes.”²¹³ Others hold differing opinions that housing should be left to free-market capitalism, otherwise there is a loss in freedom:

Housing is a “commodity” is it not? Are people to be prohibited by law from bidding on real estate? Of course, bidders, all of them, without exception, are “trying to make as much money as possible” just like all of the rest of us. There is nothing whatsoever wrong with that.

There are those who are opposed to gentrification and make no bones about it. They think that righteousness is on their side. It is not. They are simply sore losers who lost out in a bidding war. What is gentrification? It is the purchase of homes and businesses in a poor town, or a not so nice area in a large city, by people wealthier than those already there. Namely, they are successfully outbidding the locals for their property.²¹⁴

²¹² Ibid.

²¹³ Ibid.

²¹⁴ Walter Block. ““Doubles to Dorms’ Isn’t a Scandal but Prohibiting Bidding on Real Estate Would Be.” *FEE Stories*, October 22, 2022. <https://fee.org/articles/doubles-to-dorms-isn-t-a-scandal-but-prohibiting-bidding-on-real-estate-would-be/>.

One writer notes the parallels that exist with short-term rentals and “Doubles to Dorms”:

Short-term rentals and D2D dorms share many similarities. Both involve transient renters who have little connection to the neighborhoods. Both rely on increased density to maximize profit, and both lead to soaring property values and displacement of long-term residents.²¹⁵

There are many ways that density and height can correlate with affordable housing in New Orleans. In some instances, a decrease in density can displace residents, whereas in another example, density and height increase are seen as a contributor to housing unaffordability.

As discussed, prior, cities such as New Orleans, look to inclusionary zoning to alleviate issues of housing affordability. A small portion of New Orleans that stretches from the Lower Garden District through the Bywater is governed by Mandatory Inclusionary Zoning (MIZ), which requires certain affordable housing units to be built. New Orleans Comprehensive Zoning ordinance states that a MIZ is meant to include “a full range of housing choices for households of all income.”²¹⁶ The MIZ district allows developers to construct to an increased density (up to 50%) with the inclusion of 10% of the units being affordable housing. If the developer does not wish to include affordable housing

²¹⁵ Chunlin Leonhard. “‘Doubles-to-Dorms’: Another Threat to New Orleans Neighborhoods.” *The Lens* (blog), October 30, 2020. <https://thelensnola.org/2020/10/30/doubles-to-dorms-another-threat-to-new-orleans-neighborhoods/>.

²¹⁶ New Orleans Planning Commission. *New Orleans Comprehensive Zoning Ordinance, Article 28*. City of New Orleans, Accessed November 3, 2022. <https://czo.nola.gov/article-28/#28-1>.

units a fee can be paid. According to New Orleans Comprehensive Zoning Ordinance (28.6.A),

a reduction in the amount of required affordable housing unit(s) for developments located within an MIZ District may be granted conditioned upon payment of a fee-in-lieu per unit not constructed on-site. Such payment shall be placed into a City fund to be used by the City for the acquisition, construction and maintenance of affordable housing.²¹⁷

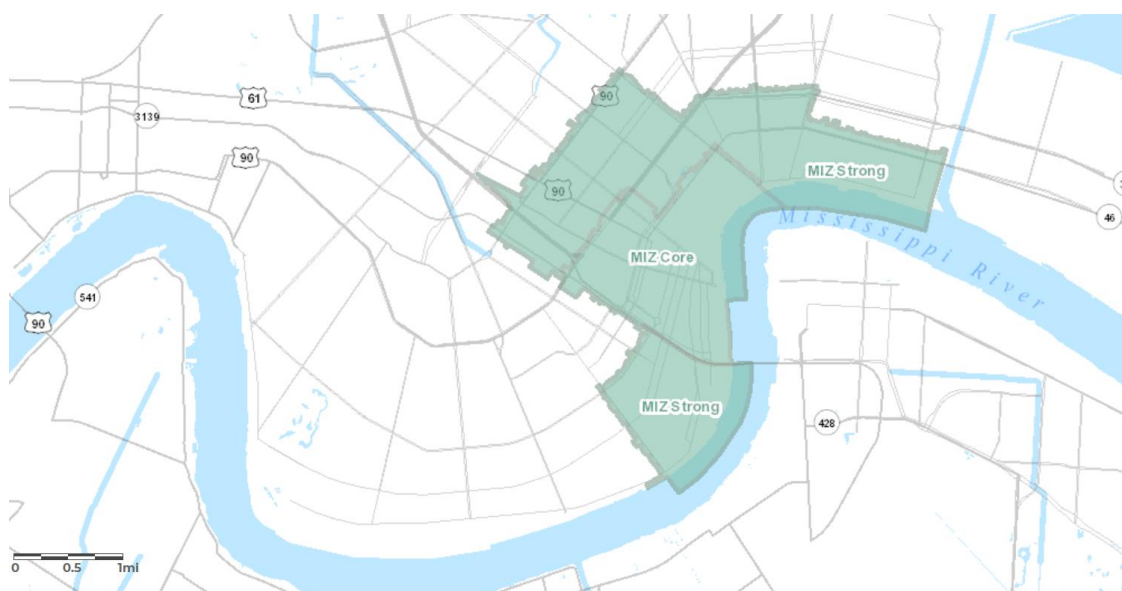


Figure 24: Mandatory inclusionary Zoning (MIZ) in New Orleans, LA. Map by the City of New Orleans. "Property Viewer." Accessed November 1, 2022. <https://property.nola.gov/>.

Central City is not within the MIZ, but the study area is largely zoned as a Multi-Family Residential District (HU-RM1). Multi-Family zoning allows for low to medium densities therefore allowing for up to three story buildings such as townhomes. The allowance of density not afforded in districts can allow for increased housing affordability.

²¹⁷ Ibid.

Historic Urban Neighborhoods - Townhouse

Historic Urban Neighborhoods - Multi-Family (3-6 Units)

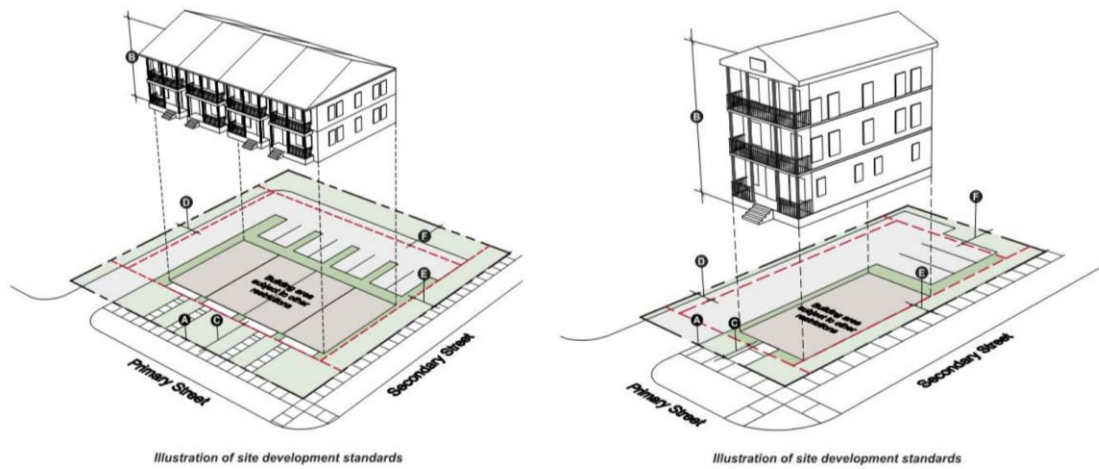


Figure 25: Examples of heights and densities allowed in a Multi-Family Residential District. Images by the City of New Orleans Planning Commission. *Comprehensive Zoning Ordinance*. Article 11. <https://czo.nola.gov/article-11/>.

Central City is special in that due to the amount of open vacant lots, exclusionary zoning laws of height and density would not create as much of an issue as in densely built areas. Buildings could continue to be built at a historic scale to meet housing demand while providing affordable housing. One benefit to having vacant land is that exclusionary zoning will not place as many cost restraints on building inclusionary affordable units.



Figure 26: Map of vacant lots in Central City as of March 2022. Data overlaid on a map by the Orleans Parish Assessor's Office. "Land Records Search Map." City of New Orleans, Accessed November 1, 2022. <https://qpublic.net/la/orleans/search.html>.

When discussing height and density zoning, more studies should be conducted concerning how such ordinances impact low- and moderate-income neighborhoods. It is important for preservationists to be aware that some well-intentioned zoning laws to protect buildings, could be inadvertently impacting housing affordability.

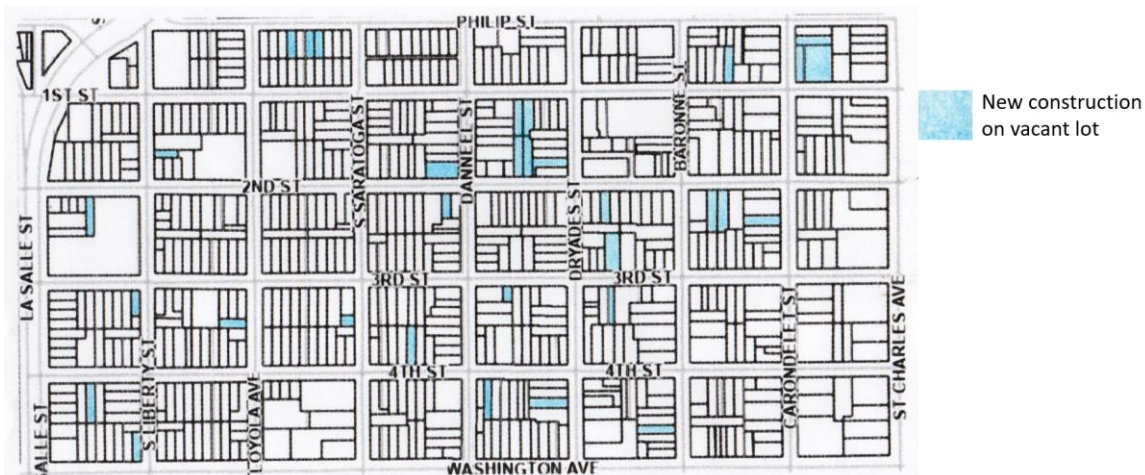


Figure 27: New construction in Central City from 2007 to 2022 on lots that were vacant prior to 2007. Data overlaid on a map by the Orleans Parish Assessor's Office. "Land Records Search Map." City of New Orleans, Accessed November 1, 2022. <https://qpublic.net/la/orleans/search.html>.

Conclusion on zoning

There needs to be further discussion on how land use and zoning can be restructured to allow for more affordable housing as well as the recognition of long-term residents and their needs. “If policy advocates are interested in reducing housing costs, they would do well to start with zoning reform”²¹⁸

There are numerous ways in which zoning can be remedied to better address historic preservation and current social injustices. Moving forward, there should be more research regarding zoning and the implementation of best practices to ensure the stability of neighborhoods and their residents. Concerning short-term rentals, discriminatory practices, exclusionary restrictions of scale, and how property is used, zoning laws are essential in enabling cities to protect low- and moderate-income residents.

²¹⁸ Edward L. Glaeser and Joseph Gyourko. “The Impact of Building Restrictions on Housing Affordability. (Session 2: Affordable Housing and the Housing Market).” *Economic Policy Review - Federal Reserve Bank of New York* 9, no. 2 (2003): 19.

5. PROPERTY TAX AND HISTORIC TAX CREDITS

Taxation has existed since early Greeks and Romans with consumption taxes and have continued through today.²¹⁹ Historically, property, goods, livestock, glass windows, bonds, polls, and sadly the enslaved were all taxed.²²⁰ In New Orleans, early taxing was even levied on chimneys under the Spanish period of rule as an early way of generating income to rebuild as well as limit the hazards of future fires.²²¹ Taxation is largely what kicked off the American Revolution and the establishment of the United States. To this day, taxation is the way in which federal, State, and local governments all finance public services, programs, and infrastructure.

Three of the most common contemporary taxes are property tax, sales tax, and income tax. Universal federal income tax itself didn't exist in the United States until 1913 after 16th amendment was passed.

²¹⁹ Fritz Neumarkand and Charles E. McLure. "History of Taxation." *Britannica*. Accessed October 2, 2022. <https://www.britannica.com/topic/taxation/History-of-taxation>.

²²⁰ National Park Service. "Tax Day in Early 19th Century (U.S. National Park Service)." *U.S. Department of the Interior*. Accessed September 27, 2022. <https://www.nps.gov/articles/tax-day-in-early-19th-century.htm>.

²²¹ Winston De Ville. *The 1795 Chimney-Tax of New Orleans: A Guide to the Census of Proprietors and Residents of the Vieux Carré*. Ville Platte, La: Smith Publications, 1994.; The fire of Good Friday 1788 destroyed roughly 80% of New Orleans. This led to some of the earliest building codes under the Spanish that required anything over one-story to be built of brick and plaster. The second fire of 1794 further wiped out all but one remaining French period building.

Having one of the lowest property taxes as a state, Louisiana makes up for revenue through sales tax. Currently, Louisiana's combined state and local sales tax makes it the highest in the nation.²²² With the added local sales tax, cities such as New Orleans, are as high as 9.55%, adversely affecting low- and moderate-income residents. In 2013, the governor at the time, Bobby Jindal, was advocating for getting rid of the state's income tax and raising the sales tax by 3 percentage points.²²³ The plan would have raised the "total tax rate in New Orleans to 12 percent, raising concerns that his plan [would] shift the tax burden from the wealthy to the poor. Low-income people pay a higher proportion of their incomes in sales taxes."²²⁴

²²² KTBS 3. "Louisiana Has Highest Combined Sales Tax in the Nation." *ABC*, June 27, 2022. https://www.ktbs.com/news/louisiana-has-highest-combined-sales-tax-in-the-nation/article_4c5d4240-0d91-11ed-b0cb-2716ae07bd05.html.

²²³ Tyler Bridges. "Economist: Jindal Plan to Raise Sales Taxes Would Hurt the Poor." *The Lens* (blog), January 11, 2013. <https://thelensnola.org/2013/01/10/economist-raises-concerns-about-jindals-plan-to-raise-sales-tax-cut-income-taxes/>.

²²⁴ *Ibid.*

Combined State & Average Local Sales Tax Rates, July 2022

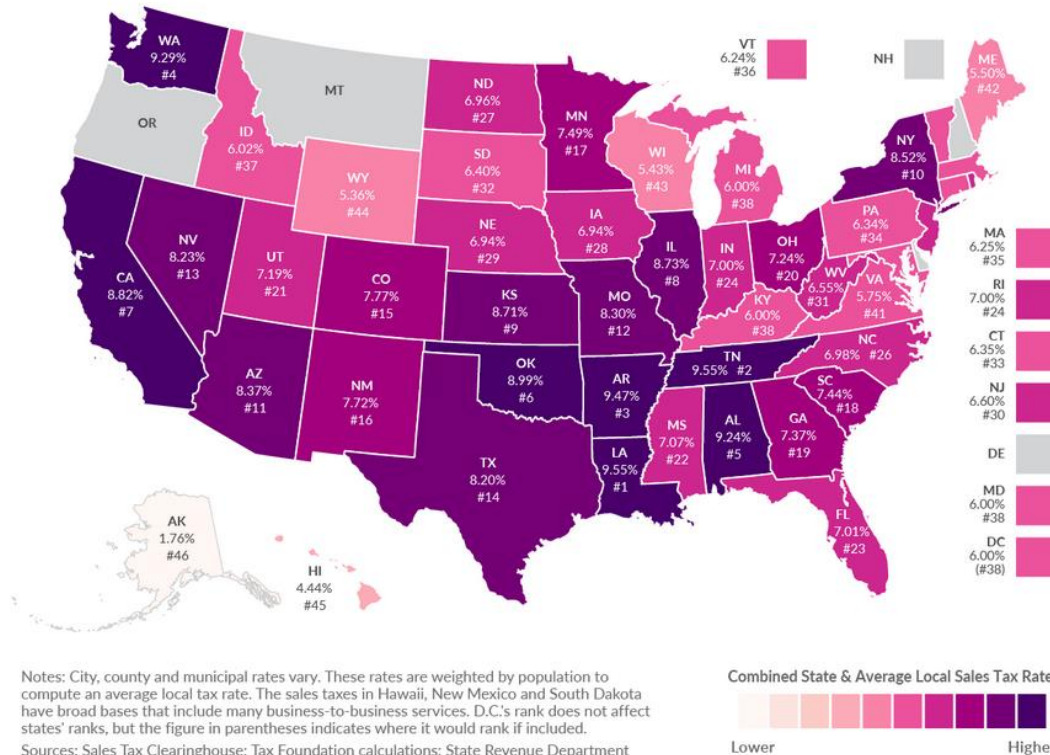


Figure 28: Map of the United States showing states with the highest sales tax. Louisiana is the highest. Map by the Tax Foundation. "Louisiana Has Highest Combined Sales Tax in Nation." *KTBS3*, July 27, 2022. https://www.ktbs.com/news/louisiana-has-highest-combined-sales-tax-in-the-nation/article_4c5d4240-0d91-11ed-b0cb-2716ae07bd05.html.

Whereas income-tax is both a state and federally applied tax, property tax rests with local and state governments. Income-tax does not exist for all states, while property tax has been adopted by all states, including Louisiana. Louisiana ranks as having one of the lowest property taxes in the nation. Orleans Parish ranks as 2nd, after St. Tammany Parish, as the highest median property tax in the State of Louisiana.²²⁵ These taxes are generated for schools, fire departments, and infrastructure including roads, pay for

²²⁵ Property Tax 101. "Orleans Parish, Louisiana - Property Tax Rates." Accessed September 27, 2022. <https://www.propertytax101.org/louisiana/orleansparish>.

public employees, as well as funding for the State Historic Preservation Office and HDLCs.

A common quip is that taxes benefit the wealthy and burden lower-income people. Throughout United States history, this inequity in taxation has often proved to be true, where corporations and the wealthiest families are able to hire tax attorneys that can greatly reduce the percentage of tax owed, whereas taxes often remain regressive where a higher percentage of revenue come from working-class Americans. As will be discussed, New Orleans property tax assessments as well as federal and state historic tax credits equally hold a similar bias towards benefitting the affluent.

Property tax

Taxation of property in New Orleans and Louisiana is a regressive tax, meaning, “a tax applied uniformly, taking a larger percentage of income from low-income earners than from high-income earners.”²²⁶ Critics of property tax have also pointed out that low- and moderate-income, as well as elderly and minority populations are often more burdened: “More expensive properties are undervalued, while less expensive properties are overvalued. The result is that wealthy homeowners get a big tax break, while less

²²⁶ Julia Kagan. “Regressive Tax.” *Investopedia*, April 29, 2021. <https://www.investopedia.com/terms/r/regressivetax.asp>.

affluent homeowners are paying a higher price for the same public services.”²²⁷ It is important to note that increased tax burdens on property owners are commonly passed down to renters.

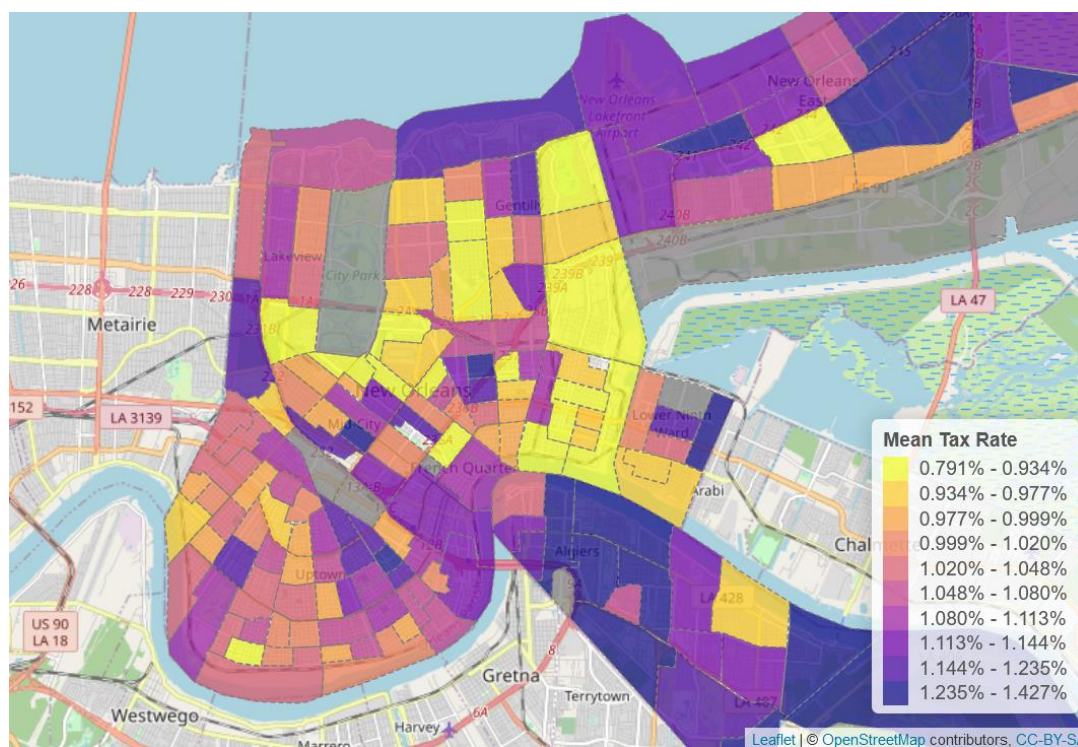


Figure 29: Property tax regressivity in New Orleans. Provided by Christopher Berry. *An Evaluation of Property Tax Regressivity in Orleans Parish, Louisiana. Policy Brief.* The University of Chicago, Center for Municipal Finance, 2020. https://s3.us-east-2.amazonaws.com/propertytaxdata.uchicago.edu/nationwide_reports/web/Orleans%20Parish_Louisiana.html

A bias and subsequent burden is that properties are often taxed not by their market price, but by a fair market-assessed value by the tax assessor which often favors higher-valued properties. Whereas buyers and realtors have access to interiors as well as

²²⁷ New York Times Editorial Board. “How Lower-Income Americans Get Cheated on Property Taxes.” *The New York Times*, April 3, 2021. <https://www.nytimes.com/2021/04/03/opinion/sunday/property-taxes-housing-assessment-inequality.html>.

knowledge of any improvements that have been made, adding value to a property, a tax assessor has limited data on specifics of condition and other determiners of value. That said, a property of the same size and in the same neighborhood will be taxed similarly, whether it is in dire need of repair or immaculately maintained and with value enhancement.

In this situation, an assessor does not want to have assessments be too high or too low. This keeps low-income more tax burdened while keeping higher-valued homes considerably low, thus benefiting the wealthy.



Figure 30: 2019 property tax increases in New Orleans, LA. Map by Jeff Adelson and Dan Swensen. "Property Values Are Surging in New Orleans. This Map Shows Where." *The Times-Picayune*, August 15, 2019. https://www.nola.com/news/article_a4435d3e-bf7c-11e9-ad9a-b3fda49fe495.html.

“In 2020, the most expensive homes (the top decile) were assessed at 7.0% of their value and the least expensive homes (the bottom decile) were assessed at 9.1%. In other words, the least expensive homes were assessed at 1.29 times the rate applied to the most expensive homes. Across [a] sample from 2005 to 2020, the most expensive homes were assessed at 6.7% of their value and the least expensive homes were assessed at 11.2%, which is 1.66 times the rate applied to the most expensive homes.”²²⁸

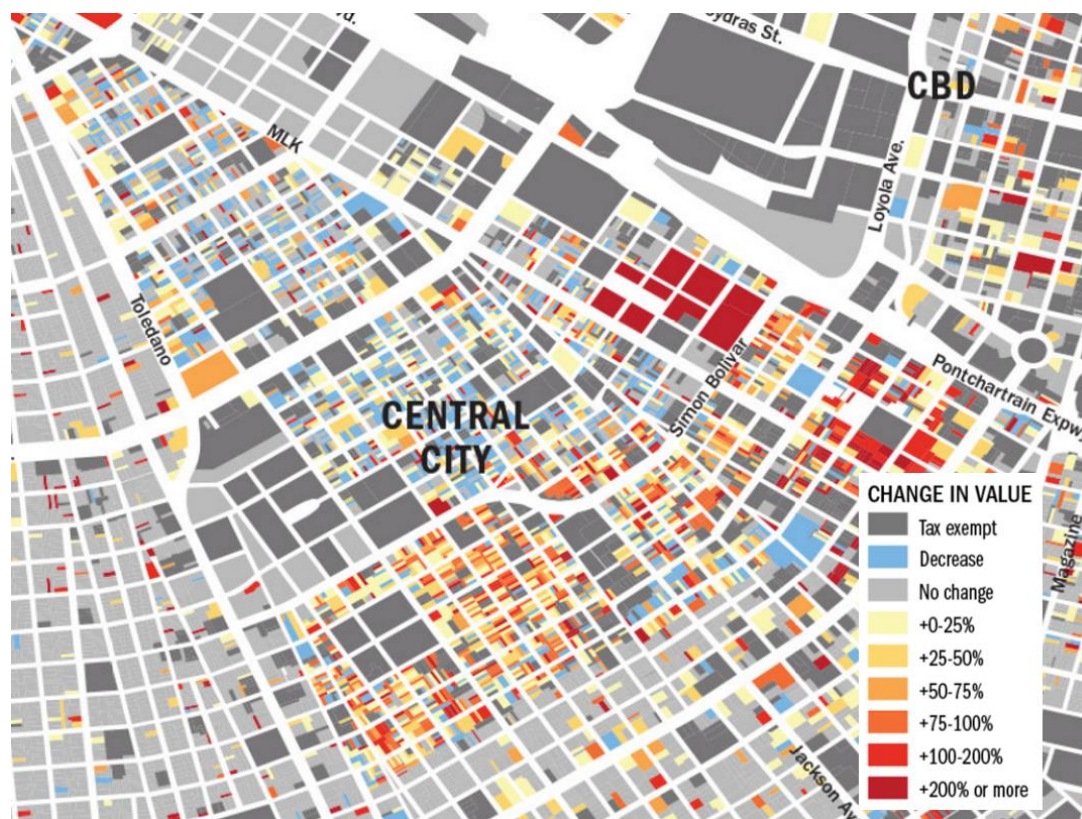


Figure 31: 2019 property tax increases in Central City, New Orleans. Provided by Adelson, Jeff and Dan Swensen. “Property Values Are Surging in New Orleans. This Map Shows Where.” NOLA.com. Accessed September 22, 2022. https://www.nola.com/news/article_a4435d3e-bf7c-11e9-ad9a-b3fda49fe495.html.

2019 property tax increases in Central City, New Orleans. Map by Jeff Adelson and Dan Swensen. “Property Values Are Surging in New Orleans. This Map Shows Where.” *The Times-Picayune*, August 15, 2019. https://www.nola.com/news/article_a4435d3e-bf7c-11e9-ad9a-b3fda49fe495.html.

New Orleans' Central City is a neighborhood that has seen some of the largest tax increases in the city since its reassessment by the New Orleans Tax Assessor.²²⁹ Some studies have noted that tax assessment disproportionately affects low-income residents. In 2020, the New Orleans Tax Assessor office did not get around to reassessing 18% of the city where properties are supposed to be reevaluated every 4 years. "27,201 (17.9 percent) of the 152,254 residential and commercial properties that should have been reappraised in the tax year 2020, and 7,076 (26.0 percent) of the 27,201 had not been reappraised in more than four years."²³⁰ Advocacy groups have pointed out that the unassessed properties were in majority affluent neighborhoods, which has led to further inequity.²³¹ When looking at the map released by the Louisiana Legislative Auditor map, one can see that those unassessed properties are mostly in New Orleans' upriver section of uptown which is historically affluent.²³²

²²⁹ Jeff Adelson and Dan Swenson. "Property Values Are Surging in New Orleans. This Map Shows Where." *The Times-Picayune*. August 15, 2019. https://www.nola.com/news/article_a4435d3e-bf7c-11e9-ad9a-b3fda49fe495.html.

²³⁰ Orleans Parish Assessor. "Analysis of Residential and Commercial Appraisals in Orleans Parish for Tax Year 2020." *Louisiana Legislative Auditor*, March 27, 2020. [https://app.lla.state.la.us/PublicReports.nsf/0/E74813728A12B92086258538006D4F4D/\\$FILE/Orleans_Parish_Assessor.pdf](https://app.lla.state.la.us/PublicReports.nsf/0/E74813728A12B92086258538006D4F4D/$FILE/Orleans_Parish_Assessor.pdf)

²³¹ Christopher R. Berry. "Reassessing the Property Tax." *SSRN Electronic Journal*, March 9, 2021. <https://doi.org/10.2139/ssrn.3800536>.

²³² Louisiana Legislative Auditor. *Analysis of Residential and Commercial Appraisals in Orleans Parish for Tax Year 2020*. State of Louisiana, n.d. [https://app.lla.state.la.us/PublicReports.nsf/0/E74813728A12B92086258538006D4F4D/\\$FILE/Orleans_Parish_Assessor.pdf](https://app.lla.state.la.us/PublicReports.nsf/0/E74813728A12B92086258538006D4F4D/$FILE/Orleans_Parish_Assessor.pdf).

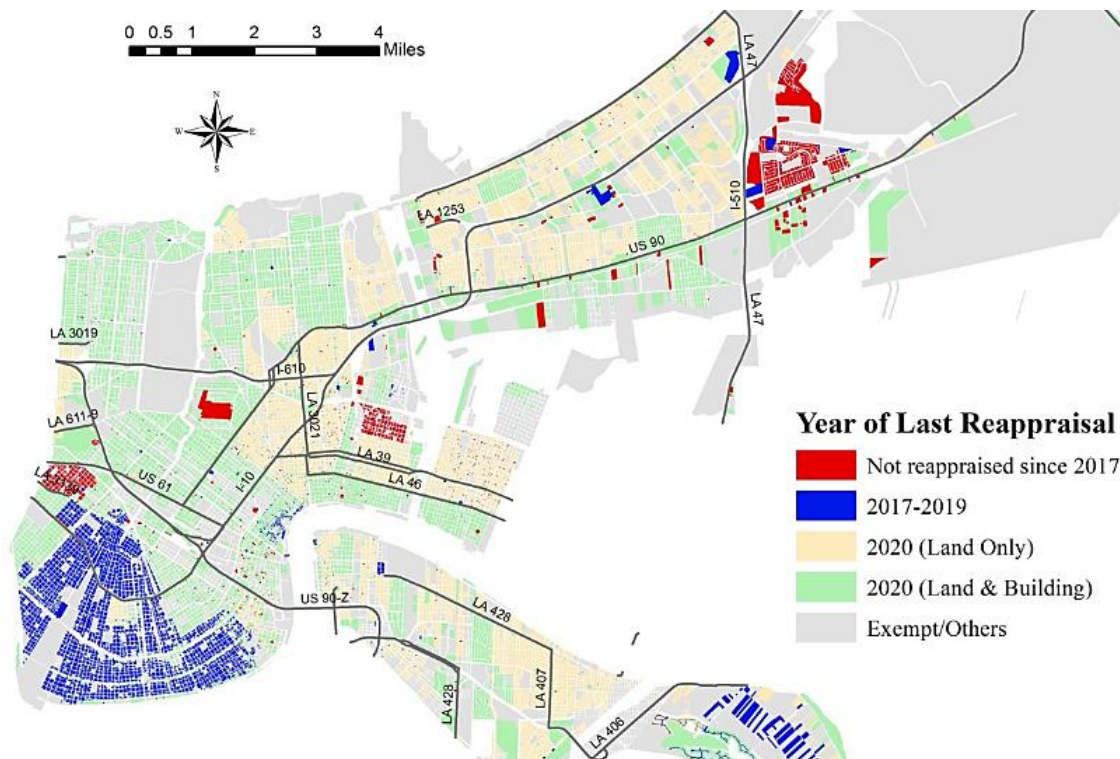


Figure 32: “Map of Properties Not Reappraised in Tax Year 2020.” Provided by the Orleans Parish Assessor’s Office. *Analysis of Residential and Commercial Appraisals in Orleans Parish for Tax Year 2020*. Louisiana Legislative Auditor. March 27, 2020. [https://app.lla.state.la.us/PublicReports.nsf/0/E74813728A12B92086258538006D4F4D/\\$FILE/Orleans_Parish_Assessor.pdf](https://app.lla.state.la.us/PublicReports.nsf/0/E74813728A12B92086258538006D4F4D/$FILE/Orleans_Parish_Assessor.pdf).

Numerous studies have shown that not only are overvalued assessments more common with lower valued homes, but also with Black and minority populations. One study conducted shows that the “assessment gap places a disproportionate fiscal burden on minority residents: within the same tax jurisdiction, Black and Hispanic residents bear a 10–13% higher property tax burden than white residents” which “for the median minority homeowner, the differential burden is an extra \$300–\$390 annually.”²³³

²³³ Carlos F. Avenancio-León and Troup Howard. “The Assessment Gap: Racial Inequalities in Property Taxation.” *The Quarterly Journal of Economics* (2022).

Christopher Barry of Chicago University stated,

While there are inherent limitations to any assessor's ability to fully redress the problems at the local level, the reality is property taxes in America are regressive and create clear economic and racial disparities. It is a clear example of structural racism, but it is also much more than that. Even in places without significant minority populations, owners of low-priced homes are getting a raw deal.²³⁴

Not only are lower-income, largely Black and minority populations, taxed more, but these demographics are also the least likely to appeal an overassessment, win the appeal, and receive a greater reduction after appeal.²³⁵

Further critiques of New Orleans property tax law are of the tax breaks given to large corporations while higher taxes are levied against the average citizen. The New Orleans tax assessor gave tax exemptions to many large corporations due to the toll that the pandemic had on tourism.²³⁶ The largest recipients of the tax breaks were hotels with a 57% property tax reduction; Harrah's being the largest beneficiary. New Orleans Tax Assessor stated that the reason for the cuts was that residential property values rose while commercial properties declined from the Covid-19 pandemic.²³⁷

²³⁴ Harris School of Public Policy. "Property Tax Burdens Fall on Nation's Lowest-Income Homeowners." *University of Chicago News*, March 9, 2021. <https://news.uchicago.edu/story/property-tax-burdens-fall-nations-lowest-income-homeowners-study-finds>.

²³⁵ Carlos F. Avenancio-León and Troup Howard, "The Assessment Gap: Racial Inequalities in Property Taxation."

²³⁶ Anthony McAuley. "Property Taxes for New Orleans Homes Have Surged; Now Businesses Could Get a Huge Tax Cut." *The Times-Picayune*, October 23, 2020. https://www.nola.com/news/business/article_2ca4668e-0e21-11eb-baa6-d347096060f2.html.

²³⁷ Jeff Adelson. "New Orleans Property Tax Breaks Unfairly Benefit Out-of-State Corporations over Residents, SPLC Says." *The Times-Picayune*, March 30, 2021. https://www.nola.com/news/politics/article_a52e3174-90e5-11eb-9c6a-7339c21daff0.html.

A court case brought forward by the Southern Poverty Law Center stated that almost no residential properties or properties of many smaller commercial businesses saw tax deductions while larger commercial properties disproportionately benefitted from tax relief.²³⁸ Injustice clearly lies in the fact that employees as well as employers were both hurt due to the pandemic's tolls on tourism and industry. Relief needed not to go towards wealthy corporations that could weather the economic upset versus the many low- and moderate-income families that could have greatly benefitted from any assistance, especially burdensome property tax. The result is that millions of dollars less in collected tax revenues came from large corporations while taxes collected for homeowners steadily increased.

Perspectives and statements came from community advocacy groups concerning the inequity of New Orleans' most recent property tax decreases and exemptions:²³⁹

M.A. Sheehan of the Lower 9th Ward Homeownership Association stated, "People in the Lower 9th Ward lose their homes for a few thousand dollars in unpaid taxes. To see huge corporations get tax breaks of a few hundred thousand dollars is an affront to the soul of the city."

Oji Alexander of Homes by Hand noted, "The notion that the low- and moderate-income homeowners of this City are bearing an undue share of the tax burden while large companies aren't paying their fair share is unconscionable."

²³⁸ Southern Poverty Law Center. "Orleans Parish Residents Sue Assessor over Reassessment of Wealthy Commercial Properties, While Ignoring Regular Property Owners." *Southern Poverty Law Center*, March 29, 2021. <https://www.splcenter.org/presscenter/orleans-parish-residents-sue-assessor-over-reassessment-wealthy-commercial-properties>.

²³⁹ Ibid.

Cashauna Hill of the Louisiana Fair Housing Action Center commented, “We need relief for renters, homeowners, and small landlords, not more tax breaks for giant corporations.”

There are also critics concerning the lower taxation of vacant lots than those with buildings, which undervalues land greatly. “Currently, the office reflects higher property values largely by increasing the value of buildings, with lesser increases to the value of the land they sit on. That process undervalues land, the group argues, essentially giving favorable tax treatment to vacant parcels and parking lots compared to buildings.”²⁴⁰

This leads to an excess of empty land, which can be devastating to the *tout ensemble* of any neighborhood. This also curtails neighborhood potential and vitality by land from being used by communities.

A low-income or elderly pensioned homeowner can often only see the benefits of home valuation increase if they can afford to stay in their house to begin with, thus allowing those owners to build equity and generational wealth. “Higher tax rates on lower-priced properties make it harder for the families living in those homes to build wealth and save for the future.”²⁴¹ Homeownership itself is a main generator of middle-class wealth and equity accounts for over 60 percent of a family’s worth.²⁴²

²⁴⁰ Jeff Adelson. “New Orleans’ Reassessment, Spiking Tax Bills Will Force out Many Residents, Advocacy Group Says.” *The Times-Picayune*, August 26, 2019. https://www.nola.com/news/article_9fd8547c-c821-11e9-99ea-fb6441bffd63.html.

²⁴¹ Christopher Ingraham. “Homes in Poor Neighborhoods Are Taxed at Roughly Twice the Rate of Those in Rich Areas, Study Shows.” *Washington Post*, March 12, 2021. <https://www.washingtonpost.com/business/2021/03/12/property-tax-regressive/>.

²⁴² Edward N. Wolff. “Household Wealth Trends in the United States, 1962 to 2019: Median Wealth Rebounds... But Not Enough.” *National Bureau of Economic Research*, Cambridge, MA, 2021. <http://www.nber.org/papers/w28383>.

Property taxes affect ownership patterns, and therefore community retention as well. A study shows that property tax increases disproportionately fall upon Black and minority homeowners due to the being of lower valued property and that taxes are often double in tax rate than more expensive properties.²⁴³ New Orleans released data analysis showing that lower valued homes have tax increases that are considerably more than higher valued properties.²⁴⁴ Homes under \$200,000 were taxed 20% more than homes over \$5 million, which also saw 59% less assessed value than sale price.

THE HIGHER-VALUE THE ASSESSMENT, THE LOWER THE ASSESSMENT IS RELATIVE TO RECENT SALES OF COMPARABLE PROPERTIES			
Value cohort	Avg recent sale price	Avg 2020 assessment	% variance from sale price
Below \$200K	\$124K	\$150K	+ 20%
\$200K to \$500K	\$326K	\$309K	-5%
\$500K to \$999K	\$662K	\$578K	-13%
\$1M to \$5M	\$1.7M	\$1.2M	-26%
\$5M +	\$23.1M	\$9.5M	-59%

(Sales comps are from 2015 to 2019 from same assessment area in same value cohort.)




Figure 33: Graphic showing property tax increases relative to the sale price. Image by Together New Orleans. 2019. *The Good, the Bad & the Just-Plain-Not-Legal: An Impact & Equity Analysis of New Orleans' 2020 Provisional Property Tax Rolls*. TNO, 2020. <https://bloximages.newyork1.vip.townnews.com/nola.com/content/tncms/assets/v3/editorial/b/0a/b0a6b592-c82f-11e9-a71c-17b52eefe923/5d6425b84688a.pdf>.

²⁴³ Christopher R. Berry. "Reassessing the Property Tax." *SSRN Electronic Journal*, 2021. <https://doi.org/10.2139/ssrn.3800536>.

²⁴⁴ Together New Orleans. "The Good, the Bad & the Just-Plain-Not-Legal: An Impact & Equity Analysis of New Orleans' 2020 Provisional Property Tax Rolls." *Together New Orleans*, August 26, 2019. https://d3n8a8pro7vhmx.cloudfront.net/togetherbr/pages/2752/attachments/original/1566851973/2019-8-26_TNO_Good_Bad_and_Ugly.pdf?1566851973.

It is not solely property taxes and valuation issues that lead to displacement, but they are contributing factors. When referring to New Orleans' tax increases, Reverend Joe Connelly noted, "When you add all that together, there's no way folks can continue to live here even if they make a decent wage,"²⁴⁵

Property tax burden in Louisiana is abated through a homestead exemption to all owner-occupied residential properties.²⁴⁶ A homestead exemption relieves the first \$75,000 of a property's market value, or \$7,500 of the assessed value, from being taxable. This is universally beneficial to all owner-occupied residences and can offer even more relief to those who have lower valued assessed homes.

Other property tax abatement measures include property tax freezes, that keep taxes from increasing due to hardship. which are available as an Age Freeze for those over 65 years of age, a Disability Freeze, as well as a Veteran 100% Disability Freeze.²⁴⁷ These tax freezes lock assessment valuation in place, which can greatly benefit elderly historic residents limited to pensions. The current system requires that those seeking tax freezes do so yearly prior to an established deadline in August to submit exemption forms.

Homestead exemptions, which shelter a portion of the assessed value of a primary residence from taxation, can help to offset the systemic overvaluation of

²⁴⁵ Jeff Adelson. 2019. "New Orleans' Reassessment, Spiking Tax Bills Will Force out Many Residents, Advocacy Group Says." *Times-Picayune*, August 26, 2019. https://www.nola.com/news/article_9fd8547c-c821-11e9-99ea-fb6441bffd63.html.

²⁴⁶ Louisiana State Legislature. "Const 7 20." *State of Louisiana*, Accessed November 23, 2022. <https://legis.la.gov/Legis/law.aspx?d=206550>.

²⁴⁷ Orleans Parish Assessor's Office. "Orleans Parish Assessor's Office." *City of New Orleans*, Accessed November 23, 2022. <https://www.qpublic.net/la/orleans/apprequirements.html>.

low-end properties. Many homeowners, particularly in lower-income communities, do not claim those exemptions, likely due to the lack of education on available assistance and tax write-offs. Local governments can encourage use of the exemptions or apply them automatically.²⁴⁸

When property values rose for many New Orleans homeowners during the 2020 assessment period, many elderly owners found themselves scrambling to submit required forms to keep their tax at pre-reassessment values. One resident in the Fairgrounds neighborhood stated, "I don't understand how they expect the elderly to afford the money that they're asking for." Whereas another resident said, "I think that's what they want most people to do is just sell. They talk about gentrification, and me personally I think that's what it is, but what you gonna do?"²⁴⁹

Whereas there are homestead exemptions and property tax freezes for the elderly, disabled, and disabled veterans, there are not tax abatement programs specifically geared towards low- and moderate-income residents. Low- and moderate-income homeowners need assistance in not being burdened by rising property values and subsequent higher assessments fueled by what is commonly deemed gentrification.

²⁴⁸ The New York Times Editorial Board. "How Lower-Income Americans Get Cheated on Property Taxes." *The New York Times*, April 3, 2021. <https://www.nytimes.com/2021/04/03/opinion/sunday/property-taxes-housing-assessment-inequality.html>.

²⁴⁹ Caresse Jackman. "How to Apply for an 'Age Freeze' after New Orleans' Property Assessment." *4WWL*, August 12, 2019. <https://www.wwltv.com/article/news/local/orleans/how-to-apply-for-an-age-freeze-after-new-orleans-property-assessment/289-09f0b803-17f1-421b-b16f-1eb5cd533e49>.

Taxation appeared in four Louisiana amendments that were voted on in the 2022 Midterm Elections that happened on November 8th.²⁵⁰ Two tax focused amendments that passed in Louisiana involved expanding property tax exemptions to include disabled veterans that are not 100% disabled (Amendment 2) as well as ending a requirement that necessitates that permanently disabled residents must resubmit income figures annually for property tax exemptions. Amendment 6 was narrowly defeated which would have limited the amount that a home value could be reassessed to 10% per year, which could have lessened economic burden from dramatic reassessments that can sometimes add hundreds if not thousands property tax owed. Another defeat was Amendment 8 which would have allowed local governments to adjust the millage rate, while not being required to charge once every four years the maximum.

Taxation, and more specifically property tax, which is a local governance issue, should be adapted to better reduce the burden that is placed upon lower income, long-term residents. The policy change could adopt better strategies for property assessment so that lower valued homes are not overtaxed, tax exemptions are automatically applied to those who are eligible, tax freezes are made available to income burdened homeowners, as well as back taxes being waived for those who have unpaid bills due to financial hardship.

²⁵⁰ The New York Times. "Louisiana Election Results." *The New York Times*, Accessed November 15, 2022. <https://www.nytimes.com/interactive/2022/11/08/us/elections/results-louisiana.html>.; See also, Politico. "Louisiana Ballot Measures 2022 Live Election Results." *Politico*, Accessed November 25, 2022. <https://www.politico.com/2022-election/results/louisiana/ballot-measures/>.

Historic tax credits

Historic rehabilitation tax credits are different than other forms of assistance in that they are not cash given, but rather a reduction of cash owed on taxes. This limits the ability for a property owner to put money up front for historic restorations to have future returns made from savings in taxes owed. This inherently demands excess capital or accreditation that many homeowners and small businesses do not have access to.

Research found no study that looks at historic tax credits and their possible exclusionary nature in terms of accessibility and affordability for low- to moderate-income, working-class property owners.

Historic tax credits are available in many states, including Louisiana. Some states do not offer historic tax credits at all while other states restrict them to commercial properties. Louisiana offers historic tax credits solely to income-producing properties which includes rental properties.

The following explores tax credits, abatements, and easements and how they may be adapted as a better resource to assist low- to moderate income communities in Louisiana.

Federal

The Federal Historic Preservation Tax Incentives Program provides tax relief through the restoration of historic buildings. These tax credits are administered through the National Park Service in conjunction with the Internal Revenue Service with assistance of the State Historic Preservation Offices. Federal rehabilitation tax credits are given to buildings that are individually listed on the NRHP or are within a district and considered to be a historic and contributing building. They are not, however, available to properties that are deemed non-contributing to the historic landscape, which in turn excludes many buildings that may have current significance to historic communities, as mentioned before in the section on code enforcement.

A property owner can receive 20% in tax deductions on the cost of approved and certified renovation costs. The tax credits are limited to commercial, income producing buildings which include rental properties. Historic tax credits are not available to owner-occupied properties that are not income producing. This means that homeowners, especially low- and moderate-income owners that reside in historic homes are not given tax assistance to renovate a historic house of residency.

Furthermore, there is a bias in federal tax credits that place project size requirements on recipients. This can hinder smaller businesses with less available capital from taking

advantage of the monetary assistance in restoration of a historic building.²⁵¹ This allows large scale developers to be main recipients of available tax credits due to the available capital at hand. The investment must be “substantial” and the “cost of rehabilitation must exceed the pre-rehabilitation cost of the building.”²⁵²

Also, those associated fees and costs that coincide with required specialized labor needed for submissions, drawings, and executions of the restoration make historic tax credits exclusionary to many property owners. To be eligible for historic tax credits a commercial property owner must adhere to the Secretary of the Interior’s Standards for Rehabilitation.²⁵³ These standards can often require more specified materials and specialized skill to meet guidelines, which also adds to the limiting scope of preservation, being a cost burden on many businesses.

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials.²⁵⁴

Lastly, the building must remain an income producing property for five years after the completed rehabilitation. That means that these buildings could then revert to private residence after the required time has passed.

²⁵¹ National Park Service. “Eligibility Requirements.” *U.S. Department of the Interior*. Accessed September 29, 2022. <https://www.nps.gov/subjects/taxincentives/eligibility-requirements.htm>

²⁵² Ibid.

²⁵³ Morton W. Brown, Anne E. Grimmer, and Kay D. Weeks. *The Secretary of the Interior’s Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings*. Washington, D.C: U.S. Dept. of the Interior, National Park Service, Heritage Preservation Services, 1997.

²⁵⁴ Ibid, vii.

“The Preservation Tax Incentives can also help create moderate and low-income housing in historic buildings.”²⁵⁵ This is accomplished by using the historic tax credits in conjunction with the low-income housing credit as established by the Tax Reform Act of 1986 (IRC Section 42). The low-income housing credit can offer up to 9% credit for ten years and can be combined with historic tax credits. A compliance period of fifteen years, however, is required to receive low-income housing credits.

Nowhere throughout any of the historic tax credit programming is there any mention regarding current residents and how to ensure they are not cost burdened by neighborhood change and taxation. A stated benefit of historic tax credits in conjunction with low-income housing credits is to “create moderate and low-income housing,” yet nothing is mentioned of maintaining the status of current residents. Renovation often requires the uprooting of residents during the construction period. What is to ensure that people displaced by renovation projects spurred by historic tax credits will return once the project is completed? Also, once renovation is complete, will the property be as affordable and will the lessor offer renewed leases to those original tenants.

A proposal would include that along with owners of rental properties receiving tax credits, commercial and residential tenant rents would be subsidized for residents

²⁵⁵ Division of Historic Preservation. “State Commercial Tax Credit.” *Office of Cultural Development*, Accessed October 23, 2022. <https://crt.state.la.us/cultural-development/historic-preservation/tax-incentives/state-commercial-tax-credit/index>.

during construction periods, and they be given first opportunity to re-sign lease contracts upon finalization. These leases could also include stipulations that promoted long-term and rent controlled leases for long-term residents. If historic preservation tax credits incentivized the preservation of long-term residents, the benefits of renovation would be passed down to these pre-construction residents. The overall health of a community would also benefit by keeping long-term residents.

State

An additional tax credit program is offered through the Louisiana State Historic Preservation Office and the Department of Revenue. Louisiana Commercial Tax Credits are applied to buildings older than 50 years that are within a Downtown Development District. It is less rigorous than federal tax crediting in that it does not have to be a historically landmarked building but rather be a historic building within a cultural district or Downtown Development District that allows for buildings that fall outside of NRHP nomination. Like federal tax credits, construction must adhere to the Department of the Interior's Standards for Rehabilitation. The tax credits given are 20% of the total approved renovations associated with a project which must exceed \$10,000, which can be cost restrictive to smaller businesses.²⁵⁶ Furthermore, the base fee to apply for

²⁵⁶ Division of Historic Preservation. "State Commercial Tax Credit Application Fees." *Office of Cultural Development*, Accessed October 7, 2022. <https://www.crt.state.la.us/Assets/OCD/hp/taxincentives/state-commercial-tax-credit/Fee-Worksheet-10-15-14.pdf>.

historic tax credits, subject to approval, costs a minimum of \$250 and increases with project size.²⁵⁷

Although state historic tax credits in Louisiana are available to a wider range of commercial properties, the minimum project size is more restrictive. Similar to federal historic tax credits, the Louisiana commercial tax credits are unavailable to non-income producing, owner-occupied, residential properties. The Louisiana commercial tax credit can be used in tandem with federal historic tax credits, which can mean larger savings for income-producing development projects.

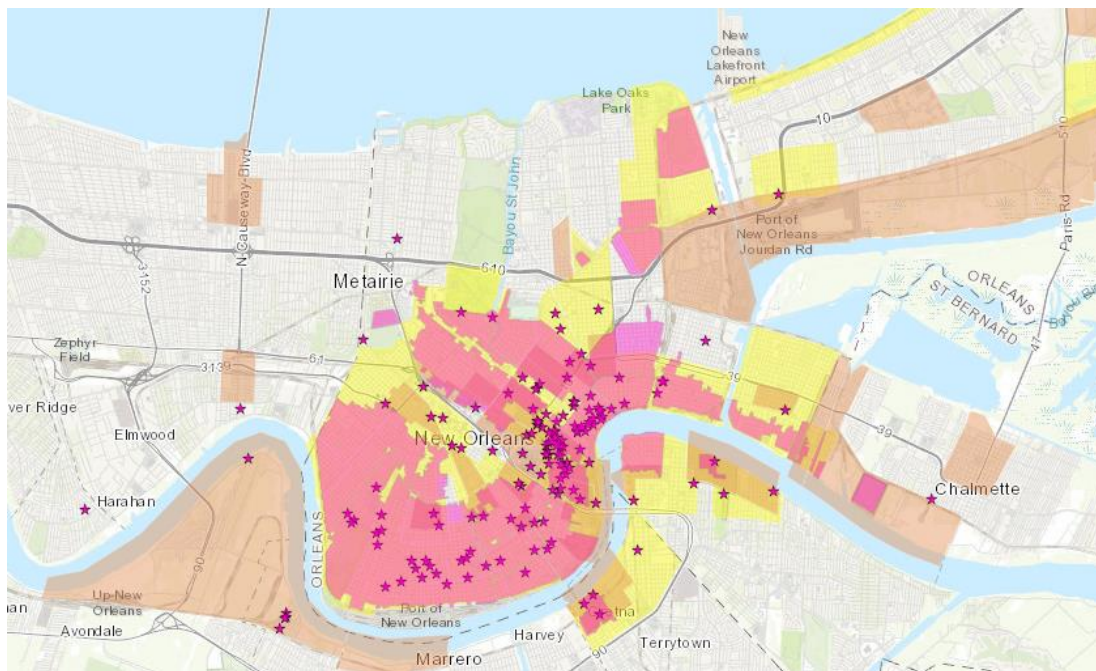


Figure 34: Areas eligible for tax incentives in New Orleans Metro. Map by the Division of Historic Preservation. “LA Tax Incentives Map.” Office of Cultural Development. Accessed November 1, 2022. <https://DCRT-MAIN/cultural-development/historic-preservation/tax-incentives/index>.

²⁵⁷ Division of Historic Preservation. “Tax Abatements.” *Office of Cultural Development*, Accessed October 7, 2022. <https://DCRT-MAIN/cultural-development/historic-preservation/tax-incentives/tax-abatements/index>.

Other tax incentivization programs available to Louisiana residents

Historic tax credits are not the only options for incentivization in Louisiana. Other options can include abatements and easements.

In terms of preserving historic communities comprised of low- to moderate-income residents, the tax abatement is not only available for commercial properties, but owner-occupied residences as well. For commercial properties there are no project size requirements to be eligible, which is an exclusionary aspect of federal tax credits. "That is, for most projects, there is no set minimum amount of money an owner must spend in order to qualify. In most cases any project, however small, would be acceptable."²⁵⁸ This is a benefit to smaller, family-operated businesses that can apply for tax abatement, regardless of the money being put towards a project. The tax credit is also available for additions, which is different from the federal tax incentive.

Although the State Restoration Tax Abatement Program can be used by owner-occupied properties, commercial properties are still favored. Whereas there is no required financial eligibility for income-producing buildings, owner-occupied buildings must spend 25% of the total assessed value of the property, which is 10% of the fair market value in Orleans Parish. Therefore, if a home was assessed at \$200,000 (uncommon in the current real estate market) the assessment value would be \$20,000. Under the

²⁵⁸ Ibid.

current laws program, a homeowner of a property worth \$200,000 would have to spend at least \$5,000 on a project to be eligible for the tax abatement program.

Although homeowners can utilize this tax credit as a non-income producing property, it is restrictive in its requirement for a project size minimum of 25% of the properties total tax assessment value. This is an obvious exclusionary mechanism that makes this program inaccessible to many low- and moderate-income, working-class homeowners. Many owners who would benefit greatly from a couple hundred dollars of minimal repairs, are kept from saving capital due to the lack of income to commit to required larger projects.

If a low-income homeowner does have the financial means to restore their home to a healthier and more beautified state, there is still the possibility of a property tax increase. This inevitably punishes low-income residents for improvements made to the property. The Louisiana Division of Historic Preservation gives credence to this stating, "if an owner improves, renovates or adds on to a building, the assessed value goes up and so do the property taxes."²⁵⁹ Because of this burden, the tax abatement allows properties to have their property tax frozen to pre-renovation levels for a period of five years with a possibility to renew another 5 years.

²⁵⁹ Ibid.

Another tactic that could greatly help low- and moderate-income homeowners is receiving income tax reductions for a façade easement donation. By creating a façade easement and donating it to a preservation group, a homeowner could receive an income tax write off. “Internal Revenue Code Section 170(h) and Department of the Treasury Regulation Section 1.170A-14 provide for income and estate tax deductions for charitable contributions of partial interests in historic property (principally easements).”

The preservation of the entire exterior to historic standards is required, which could place long-term burden on property owners. The easement donor must enter into a written contract with the organization receiving the façade easement in order to receive a tax deduction, which also is a cost burden. One restriction is that if the amount of donation exceeds \$10,000 there is a fee of \$500 that must be submitted to the IRS which could limit low-and moderate-income homeowners from being able to make this claim. Further limiting is that low- and middle-class households do not receive enough income to merit a \$10,000 deduction in income tax. Under the IRS code, charitable contributions by individuals can be used against 50% of the taxable income for that tax year and any excess will carryover for the following five years.²⁶⁰

²⁶⁰ Internal Revenue Code Section 170(h) and Department of the Treasury Regulation Section 1.170A-14.

Conclusive arguments

In exploring property taxes and historic tax credits the goal is to make recommendations as to how they may be adapted to better serve the working class and make assistance readily available. Property taxation and tax crediting are historic preservation issues because they are associated with the built environment and its inhabitants. Property taxes have been proven to burden low- and moderate-income homeowners, the elderly, as well as those with disabilities. Historic tax credits on the other hand play a role in the gentrification of neighborhoods that comes with development and investment.

Taxes, much like code enforcement, gentrification, historic districting, zoning, are among many contributing factors that can put pressures upon historic working-class communities. It is a multifaceted process that can contribute to the displacement of long-term residents.

Property tax burdens could be reduced and remediated through the incorporation of certain mechanisms. Relief could be provided to low- and moderate-income property owners by expanding tax freezes to include financial hardships. Also, already existent homestead exemptions, and tax freezes could be applied to those who are eligible. This would remedy the issue where many low-income and elderly folks are unaware of exemptions and avenues to appeal property tax assessment decisions. Low- and

moderate-income property owners would greatly benefit from assistance in navigating property tax and being educated on what assistance programs are available.

Other ways that property tax could be remedied is through updating how assessments are made and finding ways to make assessors more aware of their overvaluing lower-valued homes and undervaluing the most luxurious homes. Additional factors could be included in assessments that could also account for household income and economic hardships caused by reassessment. Ultimately, long-term residents should not be displaced because of property tax increases.

Lastly, protocols could be adopted to better ensure that economically disenfranchised property owners do not have their properties seized through adjudication from the inability to pay those property taxes levied.

Historic tax credits could be modified to include owner-occupied properties as well as non-contributing structures. This change would provide low-income residents in historic districts with tax credits generated from projects such as roof restoration among other house improvements. Fees and renovation thresholds could be waived to allow for better accessibility to historic tax credits by working-class property owners.

Furthermore, the fifty-year marker for National Register of Historic Places nominations could be adapted to allow for exceptions to be made based on value and integrity of the present when looking at historic communities.

Historic tax credits show a clear imbalance where income-producing properties, including short-term rentals, receive tax relief through the restoration of historic buildings yet owner-occupied buildings do not receiving this benefit. Public funds are used towards the development and revitalization of historic buildings and districts, that largely offsets costs for developers and property owners as well as increases the value of their property. With gentrification of commercial buildings values appreciate which can increase property tax assessments. This can benefit the owners of those buildings more than the homeowners surrounding the development project.

Beautification of historic districts plays a role in the gentrification of neighborhoods. With this realization there should be an effort towards assisting low-income residents in those areas to receive aid, tax reduction, and abatement. The reward of rising home values is not of concern to a homeowner if they cannot afford to keep up with rising property taxes due to a reassessment that was triggered by rising sale prices. These rising home prices may have in part been caused by gentrification that was accelerated with the use of historic tax credits. When awarding historic tax credits, mechanisms should be put into place that ensure surrounding properties affected by development and gentrification are not cost burdened.

Although this thesis does not purport to have solutions regarding the stated problems surrounding tax and historic properties, it does find that there are many avenues which should be explored and phased in to reduce the burden of ownership for low- and

moderate-income property owners. Reducing those costs associated with property taxation and expanding the historic tax credit program to include homeowners could greatly reduce economic burdens on historic working-class communities. Projects receiving historic tax credits should be required to follow procedures that better account for the perceived impacts of large developments on affordability as well as plan as to how to aid low-income residents to deal with associated changes. Historic preservationists can work to help low- and moderate-income property owners better understand the exemptions they are eligible for as well as receive help in the process of appealing overvalued assessments. Also, preservationists should advocate for the inclusion of owner-occupied properties as well as non-contributing buildings to be eligible for historic tax credits.

Accounting for property taxation and historic credits is just another step that historic preservation efforts could take to better relieve pressures of displacement from historic communities.

6. HISTORIC DISTRICTS, CODES, AND THEIR ENFORCEMENT

Introductory remarks

In 1977, the effects of historic preservationist efforts were being studied concerning their effect on historic and low- to moderate-income working-class communities in *Neighborhood Diversity: Hearings before the Committee on Banking, Housing, and Urban Affairs, United States Senate, Ninety-Fifth Congress, First Session*. This was just eleven years after the passage of the National Historic Preservation Act of 1966, which created the National Register of Historic Places (NRHP),²⁶¹ and just one year after the 1976 Tax Reform Act was passed, which made historic tax credits available for the sake of rehabilitation of historically designated properties.²⁶²

The meeting concerning the effects of historic preservation and districting was held on July 7th and 8th 1977. Many professionals as well as community members and organizations were allowed to voice their opinions and concerns pertaining to the impacts of historic districting at the meeting.

²⁶¹ National Park Service. "National Historic Preservation Act." *U.S. Department of the Interior*, Accessed October 15, 2022. <https://www.nps.gov/subjects/historicpreservation/national-historic-preservation-act.htm>.

²⁶² Al Ullman. "H.R.10612 - 94th Congress (1975-1976): Tax Reform Act." Legislation, October 4, 1976. <http://www.congress.gov/>.

One such speaker, Rita McCurley, spoke on behalf a coalition operating under the moniker Coalition for Human Preservation. The title chosen was a confrontational position to the idea that historical preservation is seemingly most concerned for buildings than for the occupants of those buildings.

Her account of development, housing affordability, eviction, amongst other ills associated with historic preservation should be read by all interested in the field of historic preservation. The feelings expressed and facts stated are as pertinent today as they were back in 1977.

McCurley introduced herself to Senator Proxmire:

I am from southwest Baltimore. I live in an area referred to as the human resources preservation area. We are the people who have been discussed here today; we are the people that have been suppressed. We are really the grass roots, and the majority of us have been in this area about 20 years. The education level goes from the fourth grade to college. Most of us have an eighth-grade education. We have worked, all our people. Most of the people are renters. I am a renter myself. We were aware of historical preservation vaguely and what it meant. We knew there was a particular area in our community that got preferential treatment, better services, better police protection. But we learned to live with this.²⁶³

McCurley goes on to describe the population, which is over fifty percent renter (similar to Central City where economic burdens commonly trickle down to tenants), along with

²⁶³ *Neighborhood Diversity: Hearings before the Committee on Banking, Housing, and Urban Affairs, United States Senate, Ninety-Fifth Congress, First Session ... July 7 and 8, 1977, 1977: 55.*

the changes that took place in her neighborhood since a portion had become a historic district. The coalition was formed against a proposal set towards increasing the footprint of the district by a factor of 3. The coalition also tracked speculation and sales within the neighborhood through tax assessments, deeds, and mortgage records to help their cause.

We became aware of the fact there was a lot of transactions going on and that houses were being resold. They were being resold for much more than they had been purchased for.

We were about as welcome as a fly in milk, but we went, and we put up with this abuse. And we came up with some questions for our people because it was really important to us that our people know.

We were hard put to think, maybe 5 or 10 years from now we would find there was no place for us here. We didn't want to be uprooted and thrown out. So, we are still in the process of being educated.²⁶⁴

The Coalition for Human Preservation was not only opposed to the tripling of a historic district in Northwestern Baltimore, but also stood firmly against Section 2124 of the 1976 Land Reform Act which had given funding to make available historic tax credits.

The coalition notes that historic tax credits,

[are] the speculator's dream and the poor person's nightmare. It provides an incentive not to preserve buildings and architecture, but to make money. Lots of money. Section 2124 allows the speculator/investor to restore property in a historical preservation area, and then hide behind the tax shelter provided and regain the investment through accelerated depreciation. It only benefits those who are into preservation as a business venture.

²⁶⁴ Ibid, 55-56.

We feel that Congress should study the whole concept 'historical preservation' first, then propose legislation that would truly help to preserve history and serve all the people of our society, those who own property as well as those who rent.²⁶⁵

Another individual, Robert Schur, spoke in front of the advisory board for the hearings on neighborhood diversity to the process of gentrification and the loss of diversity and culture.

Unfortunately, once the revitalization process actually gets under way, it tends very rapidly to become overwhelmingly complete. Realty values then rise so precipitously, that virtually no one can stem the tide. Even the owner who is satisfied with his old tenants may be forced to act through having to pay higher real estate taxes as the neighborhood becomes "upgraded" and properties are re-assessed. Thus, if nature is allowed to take its course, these older neighborhoods, whether they were previously all-Black, all Hispanic or integrated, soon become all middle-to-upper-income and therefore either all or overwhelmingly white. The eviction of the older inhabitants, regardless of race or ethnic character, will tend to approach one hundred percent.

The ultimate result, of course, is that not only are people driven from their old houses and neighborhoods and thereby bereft of their settled friends, relatives, associations, schools and community organizations, but also that the cherished goal of urban redevelopment of integrated and diversified communities is once again defeated.²⁶⁶

It is with these opinions surrounding historic preservation, that codes, and districting are discussed as to how they may impact historic, working-class communities. To reiterate in agreement with Rita McCurley, there is a need to "study the whole concept 'historical

²⁶⁵ Ibid, 57.

²⁶⁶ Ibid, 50.

preservation' first, then propose legislation that would truly help to preserve history and serve all the people of our society.”

Historic districts, codes, and the effects of nomination

It must be stated that historic preservation is a field that one should hold in great esteem. As a profession and as a pursuit by enthusiasts, this field has made many positive influences on the built environment by protecting buildings and sites for the mission of heritage interpretation. Furthermore, historic preservation has also made important steps in the representation as well as inclusion of underprivileged and minority voices and narratives. Many of the landscapes we hold dear have been protected through the disciplines associated with conservation/ preservation of natural and built environments.

A local historic district such as New Orleans' Historic District Landmark Commission (HDLC) does much to protect the fabric of the historic built environment. In fact, much of the protection that a building receives comes from local historic districting nomination. HDLC nomination gives buildings extra protections and considerations that can help keep them from unchecked demolition. Also, through enforcement, developers can be influenced by local governments, oftentimes HDLCs and permitting agencies, to arrest decay of a structures caused by demolition by neglect. Furthermore, as with any nomination, a historical record of the property or landscape is produced that details its

historical significance and integrity. New Orleans' HDLC also provides property owners with helpful recommendations on repairs and maintenance, while stressing the benefits of stewardship.²⁶⁷

That noted, protections oftentimes stop at the buildings themselves and do not apply to the homeowners or tenants needs or concerns. In acknowledging the positive aspects of local historic districting, it also benefits the field to look at the potential negative impacts of a nomination. This includes housing affordability being impacted through beautification as well as the undue economic burden placed on low- to moderate-income homeowners to adhere to required standards.

This is not to say that Central City should not become a more protected historic landmark through HDLC nomination. Rather, the question begs, should protections first be established for low- and moderate-income residents before it is given HDLC status?

Communities and preservationists are largely aware of the positive and negative effects that historic districting can have on neighborhoods. In a positive way, historic districting can allow a community to feel a sense of authority of its heritage and history. One

²⁶⁷ City of New Orleans Historic District Landmarks Commission. "Guidelines for Exterior Maintenance." *City of New Orleans*, January 2019.
https://www.nola.gov/nola/media/HDLC/Guideline%20Update/20190111/2019-01-11_04-Exterior-Maintenance.pdf.

negative would be subsequent property value increases that coincides with beautification and developer/ buyer interest.

With a more human-centric approach to historic preservation, protections and efforts should first be given to preserving the current community fabric and then the built environment. This could be done preemptively by giving low- and moderate-income residents support and financial assistance to resist displacement through gentrification, as well as educating the public on what to expect, positively and negatively, concerning historic districting and inclusion within the HDLC's control.

To reiterate, historic districting and HDLC and NRHP nomination is an admirable and necessary pursuit that has much importance in the field of historic preservation.

Although having merits, it must be noted that certain flaws have been exposed regarding gentrification and coinciding speculation. Although historic districting is not the main reason for displacement, it is one of many parts that supports it. Historic districting in urban environments, if centrally located and not gentrified prior to nomination, can often see property values rise that puts pressure on working-class individuals and families, especially tenants. It attracts wealth and business, but does any of that capital benefit low- and moderate-income residents?

When looking at Central City, one needs only to focus on Oretha Castle Haley Blvd to see how low- to moderate income needs are often unmet in historically renovated and

restored buildings. Although O.C. Haley Blvd. is the home to many important nonprofit projects, such as the Youth Empowerment Project and Bike Easy, it has many businesses that market to tourism and more affluent tastes. Consider the Dryades Market which was open from 2016 until its closure in 2019 due to the lack of community interest. The upscale grocery started with house made cocktails and an oyster bar which was clearly marketing towards a particular demographic. With a lack public appeal and affordable options for residents, the market quickly tried to sell general staples, but it was too late. As a manager stated, "I've been in the grocery business a long time, and it's hard to get people back if they come in and feel like you didn't have what they need."²⁶⁸

Another example of disregard for resident preference and established tastes was exhibited regarding a restaurant aptly named Primitivo which was self-described as "open-hearth urban caveman cooking"²⁶⁹ The restaurant closed within two years of its grand opening due to lack of interest, and not being a resource utilized by the surrounding community.

With the current trends of more affluent newcomers moving to Central City, either aforementioned business would likely be more viable on O.C. Haley Blvd. in its current

²⁶⁸ Ian McNulty. "Dryades Public Market, Grocery with a Mission in Central City, Has Closed." *The Times-Picayune*, August 29, 2019. https://www.nola.com/entertainment_life/eat-drink/article_9b061524-c853-11e9-bcac-bbddb2b66189.html.

²⁶⁹ Todd A. Price. "Primitivo Restaurant in Central City Closes Saturday." *The Times-Picayune*, May 18, 2017. https://www.nola.com/entertainment_life/eat-drink/article_23f034dd-9dd6-539e-9f0c-e060ed335cb7.html.

state, which is further fueled by short-term rentals and new developer interest in serving this new demographic. Back in 2017, the chef and owner of Primitivo upon its closure stated, "I think maybe we miscalculated a bit on our end," he said. "The real estate has to move more to retail and get more foot traffic down there." To conclude he mentions, "It's definitely a much better place than when we got there," he said. "It's moving in the right direction, but it's too slow for me."

There is no question that HDLC nomination would assist in the preservation of the historical architectural integrity of Central City. Preservation has helped revitalize historic areas and save many architectural gems from demolition even if they are not filled with businesses appropriate to the existing community. Without local historic districting protections there are developments that are incompatible with the historic *tout ensemble*, which is an argument for local historic districting under the HDLC.

Development has reached a new peak as of the writing of this paper, which has had numerous new properties built that are grossly out of character with the surrounding historic buildings. This creates the need to accelerate actions and focus to save historic buildings and landscapes from new development and demolitions. At the same time, will historic districting arrest the displacement of historic communities or further its decline?

Within the sphere of historic districting, an undue burden on historic residents can come from speculation, liens and levied fines, property tax increases, maintenance fees,

among other actions. It would be absurd to not recognize those restraints and liabilities which are added to homeowners and tenants through historic recognition and districting.

The HDLC website posits a frequently asked question followed by an answer: “Will designation as a local historic district make repairs and alterations to my building more costly? Many property owners think that a local designation requires the owner to make costly improvements, or that they will be forced to spend more money to comply with the appropriate preservation treatments than they would otherwise spend. While in some cases the initial changes may be more costly, it is hoped that those changes, if done correctly, will save money in the long run and increase the value of the building.”²⁷⁰

This is a roundabout way of saying that extra costs are sometimes associated with full control of the HDLC. In terms of application fees, there are also additive costs when applying for permits that are associated with being in an HDLC. “The HDLC does not collect fees, however an additional 50 percent surcharge is added to the permit fee and the plan checking fee collected by Safety and Permits.”²⁷¹

²⁷⁰ City of New Orleans. “HDLC - FAQ.” *City of New Orleans*, Accessed September 22, 2022. <https://www.nola.gov/hdlc/faq/>.

²⁷¹ City of New Orleans. “OneStop - Building - Construction - Certificate of Appropriateness - Certificate of Appropriateness-Review (HDLC).” *City of New Orleans*, Accessed September 22, 2022. <https://www.nola.gov/onestop/building/construction/certificate-of-appropriateness-review-hdlc/>.

Other additive costs come from the need for exterior maintenance which can sometimes be coupled with the involvement of high-cost skilled labor. Also, if maintenance is a more complicated process, an owner would likely need to hire more specialized contractors that can readily submit historic design plans to the HDLC and attend review board meetings. In some cases, the use of more expensive materials is necessary for guideline adherence. The Vieux Carré Commission, New Orleans' oldest local historic advisory body, enacts the strictest standards in the city that govern numerous requirements of material, paint color, maintenance standards, amongst many other building restrictions.

Demolition by neglect gives the HDLC the ability to recommend a levy of fines on the property owner and, if uncorrected, a lien can be placed upon the property.²⁷² If a property has fallen into complete decay and is deemed a health hazard the city can demolish the structure and also place those fines upon the property owner. Fines can be placed on properties for demolition of historic properties without approval, but only can carry a fine of up to \$10,000, which is a small cost for some developers.²⁷³ Fines could possibly be placed on a property for as minor an infraction as paint on exterior

²⁷² City of New Orleans. "HDLC - Topics - Frequently Asked Questions." *City of New Orleans*, Accessed October 15, 2022. <https://nola.gov/next/hdLC/topics/frequently-asked-questions/>.

²⁷³ City of New Orleans Historic District Landmarks Commission. "Administrative Rules, Policies, & Procedures." *City of New Orleans*, n.d. https://nola.gov/nola/media/HDLC/Guideline%20Update/20190111/2019-01-11_16-Rules-Regulations.pdf; Originally set as a penalty in 1978, the fine has recently been amended to be \$25,000 or 15% of the property value.

woodwork. There are no apparent avenues or mention of economic hardship within the HDLC’s literature as associated with fines.

Contrary to the fact that there are more codes being enforced within HDLCs, the most policed and fined areas in New Orleans are low- to moderate-income neighborhoods, which commonly lie outside of HDLC purview. A 2018 report by the Reinvestment Fund, “New Orleans- Market Value Analysis,” shows that areas such as Central City and Gert Town are the most inspected and fined.²⁷⁴

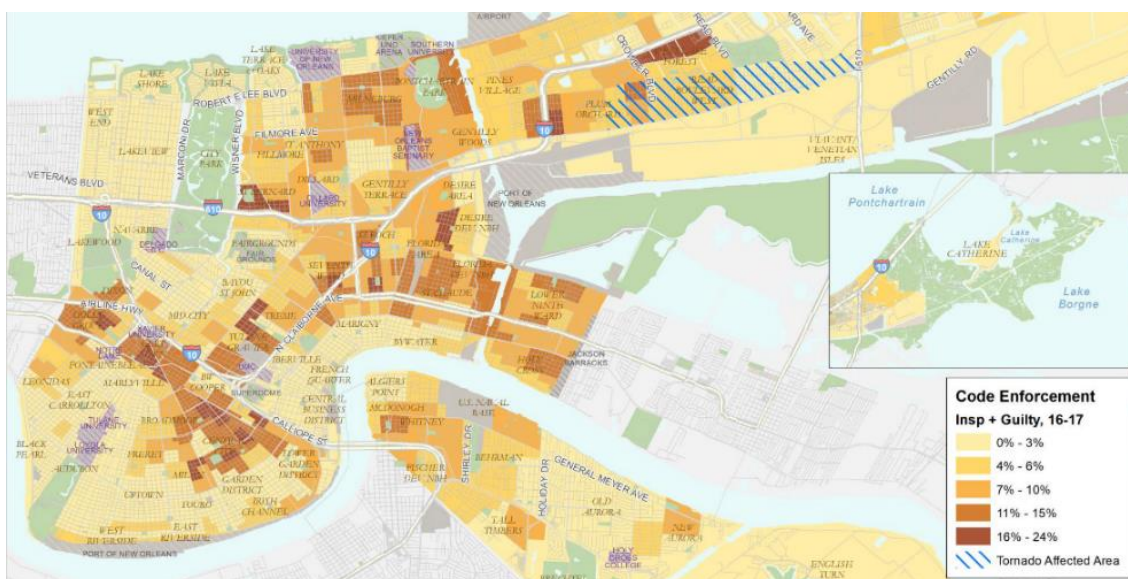


Figure 35: “Code Enforcement Inspections and Guilty Findings.” Reinvestment Fund. “New Orleans- Market Value Analysis.” *Reinvestment Fund and New Orleans Redevelopment Authority*, June 11, 2018. <https://data.nola.gov/Real-Estate-Land-Records/Market-Value-Analysis-Final-Report-2018/svze-8ffj>.

²⁷⁴ Reinvestment Fund. “New Orleans- Market Value Analysis.” *Reinvestment Fund and New Orleans Redevelopment Authority*, June 11, 2018. <https://data.nola.gov/Real-Estate-Land-Records/Market-Value-Analysis-Final-Report-2018/svze-8ffj>.

Although HDLCs can enforce more codes and charge higher fines, there are the least number of violations found within those areas. Race, wealth, and gentrification all influence this and the correlation of these contributing factors to policing is alarming. The areas in need of the most assistance are neighborhoods that see the most economic burden caused by property fines. Further research should be conducted concerning this troubling issue of disparity.

Another issue, aside from additional fees and upfront monetary costs, is the time allotted to complete form submittals and repairs. Following the often-used adage, “time is money,” the filling out and filing of documents or the production of scaled drawings and measurements can all create undue financial strain on low- to moderate-income residents. According to the City of New Orleans, “review and approval process for Certificates of Appropriateness and Review will take approximately 6-10 weeks.”²⁷⁵ This can put restraints on many working-class homeowners to take time off from work, to make numerous submittals (application, architectural drawings, etc.), schedule meetings, and sometimes to attend HDLC architectural review board meetings.

To address this situation, there needs to be the adoption of a manual that helps residents navigate new regulatory procedures and to learn how to upkeep standards associated with the nomination of historic districts. Also, there was no easily found

²⁷⁵ City of New Orleans. “OneStop - Building – Construction - Certificate of Appropriateness - Certificate of Appropriateness-Review (HDLC).” *City of New Orleans*, Accessed September 22, 2022. <https://www.nola.gov/onestop/building/construction/certificate-of-appropriateness-review-hdlic/>.

mention in any of New Orleans' HDLC literature that directs those landowners facing economic hardship on how to find assistance concerning tax liens associated with blight remediation and exterior code enforcement. This lack of available information favors prioritization concerning the urban fabric over the needs of those long-term residents who are facing financial instability.

There also needs to be a reinterpretation of the idea of non-contributing structures. Demolition according to the HDLC is immediately granted to properties that are non-contributing and less than 1000 square feet or in eminent danger of collapse.²⁷⁶ It shows a bias towards what is deemed contributing based on historical and architectural merit and against non-contributing structures that are seen to lack integrity.

It is important to ask the question, contributing to what and whom? What of buildings that contribute to a community's character that are not historically or architecturally endowed? This would include buildings that house businesses and that serve the low- to moderate-income communities, for instance, groceries, laundromats, corner stores, pharmacies, etc. Non-contributing also includes residential properties that were built prior to historic zoning regulation that are not aesthetically pleasing or historically important, other than supplying long-term residents with more affordable housing options.

²⁷⁶ City of New Orleans Historic District Landmarks Commission. "Guidelines Introduction." *City of New Orleans*, n.d. https://www.nola.gov/nola/media/HDLC/Guideline%20Update/20190111/2019-01-11_01-Introduction.pdf.

This is an issue that places hierarchy merit not in community resource and use, but instead architectural. Non-contributing structures are more likely to be redeveloped and essentially gentrified due to their lack of protections. Those redeveloped parcels of land are unlikely to carry the same businesses and function. Commercial properties are sought out as investments by developers interested in capital gains and affluent patrons. In the end, developers have the money and time to make changes to properties and build new construction to code within an HDLC.

HDLC opportunities towards the preservation of low- to moderate income communities can begin with a few policy changes. Application fees, code enforcement fines, and regulations could be waived for those financially strained property owners. Also, gentrification could be arrested to some degree by extending protections to all buildings, including utilized 'non-contributing,' regardless of architectural merit. Capital gathered from HDLC operations could also be cycled back into alleviating financial hardships of those living in a historic district. This could come in the form of maintenance assistance as well as resolving title disputes. Also, literature and guidelines for low- and moderate-income property owners can assist them in locating assistance and funding. Long-term residents could be assisted with clear title property disputes, tax liens and maintenance. Lastly, families could be helped in writing wills so that their estates, including personal and real property are not governed by intestate laws which could have unfavorable outcomes for families and relatives.

There is not much writing, since the inception of the modern United States historic preservation movement, which mentions gentrification correlating with historic landmarking which leads to displacement of historic communities. It is almost as if preservation avoids acknowledging the elephant in the room. By evading this important issue, historic preservation has not adapted its methods regarding this modern problem. This limits preservation to memorializing and interpreting communities of the past rather than listening and advocating for those historic communities in the present.

7. DEMOLITION BY INTENT, NEGLIGENCE, AND HARDSHIP

Demolition comes in many forms, whether by bulldozer, lack of maintenance, or deliberately letting a building decay over time. There are many avenues in which buildings can be saved from demolition and demolition by neglect, such as adjudication by governments, tax sales, HDLC protections, easements, as well as inquisitive prescription of abandoned property, most commonly known as adverse possession outside of Louisiana.

Demolition by neglect is not always of ill intent, but sadly it is oftentimes due to a lack of capital for stewardship, as well as ownership being in limbo as in clear title disputes. This section argues that much of what is commonly labeled as 'demolition by neglect' may in fact rather be labeled 'demolition by hardship.' By defining it as being a product of economic disparity and separating it from intentional decay, the hope is to draw attention to an issue facing many low-income property owners. Cities, such as New Orleans, must find ways to assist financially burdened communities with costly maintenance for historic properties.

With demolition one must speak of possession. Alongside demolitions of the past and present comes dispossession. Each demolition of a historic landscape or natural

environment creates a layer of control that is governed by an idea of ownership. Who has ownership of history? Can an owner of a property do whatever they want without recourse? At what point can government use takings to justify dispossession?

Displacement and the replacement of peoples and communities began with the first Europeans arriving on this country's shores. To talk of the ownership of property, one must first give credence to the indigenous of North America that were robbed of their lands. New Orleans itself rests upon *Bulbancha*, which means 'land of many languages' or "tongues" as it was used by numerous indigenous populations of the Gulf Coast.²⁷⁷

Dispossession oftentimes coincides with displacement of peoples and cultures.

Whole communities can experience dispossession from eminent domain. Consider the neighborhoods that were cleared in the name of slum clearance or redevelopment.

Entire communities throughout the United States have been gutted by wholesale clearance as well as locating interstate systems right through the heart of neighborhoods.

Congress enacted the Housing Act that created the Federal Slum Clearance and Urban Renewal Program. This program was designed for the benign purpose of eliminating urban blight by eliminating noncompliant slumlords. However, federal slum clearance effectively uprooted and dislocated thousands of poor Americans and then confined the displaced poor to segregated and inferior relocation housing.²⁷⁸

²⁷⁷ Jeffery U. Darenbourg and Pippin Frisbie Calder. *Bulbancha Is Still a Place: Indigenous Culture from New Orleans. Issue #1 the Tricentennial Issue*. New Orleans, Louisiana: POC Zine Project, 2018.

²⁷⁸ Daniel T. Friedson. "Greenlining Toward a Community of Local Entrepreneurship, Home Ownership, and Quality of Life." *Journal of affordable housing & community development law* 9, no. 2 (2000): 191.

In New Orleans, demolitions impacted the Tremé, Gallatin Street, Milneberg, lower Mid City, the lower Ninth Ward, as well as Central City. Historically, demolition is unfortunately nothing new to Central City and its residents (appendix 3). As mentioned previously, multiple blocks of the community's historic fabric were razed for the public housing developments of C.J. Peete (Magnolia Projects) and B. W. Cooper (Calliope Projects). This had large scale impacts on the neighborhood. "Historic residential neighborhoods accommodate a mix of household incomes. We have learned that isolating the poor from everyone else does not work."²⁷⁹All of New Orleans housing projects have been demolished since Hurricane Katrina. In both of these areas people's homes were demolished to build public housing which were then demolished once again to be redeveloped as mixed-income housing. In other words, twice residents have been displaced and communities jeopardized in the same area of Central City.

But those are not the only clearances within Central City. The reorientation of La Salle Steet into Simon Bolivar Avenue, between Second Street and St. Philip Street, that saw the demolition of numerous properties in the area. Or the filling in of the canal that would become Claiborne Avenue. Contemporaneously, the post-Katrina years saw New Orleans demolish numerous buildings throughout the city to rid the city of blighted properties. Currently demolitions are still happening through neglect, hardship, and redevelopment within Central City.

²⁷⁹ Donovan D. Rypkema, *The Economics of Historic Preservation: A Community Leader's Guide*, 65.

It may also be the destruction of a name that can also lead to displacement of communities and their memory. Consider Congo Place that was once a triangular pocket park located between South Liberty and Loyola Streets on St Phillip Street in Central City. The name itself harkened to the historic Black community that comprises much of Central City, as well as the origin of heritage for many of the enslaved that were brought to Louisiana from West Africa. It also attests to a gathering place that existed for the community, much like Congo Square located just outside the French Quarter, now considered by many as the birthplace of jazz rhythms. In losing certain street names, businesses, and historic residents comes another form of demolition, the demolition of historic memory.

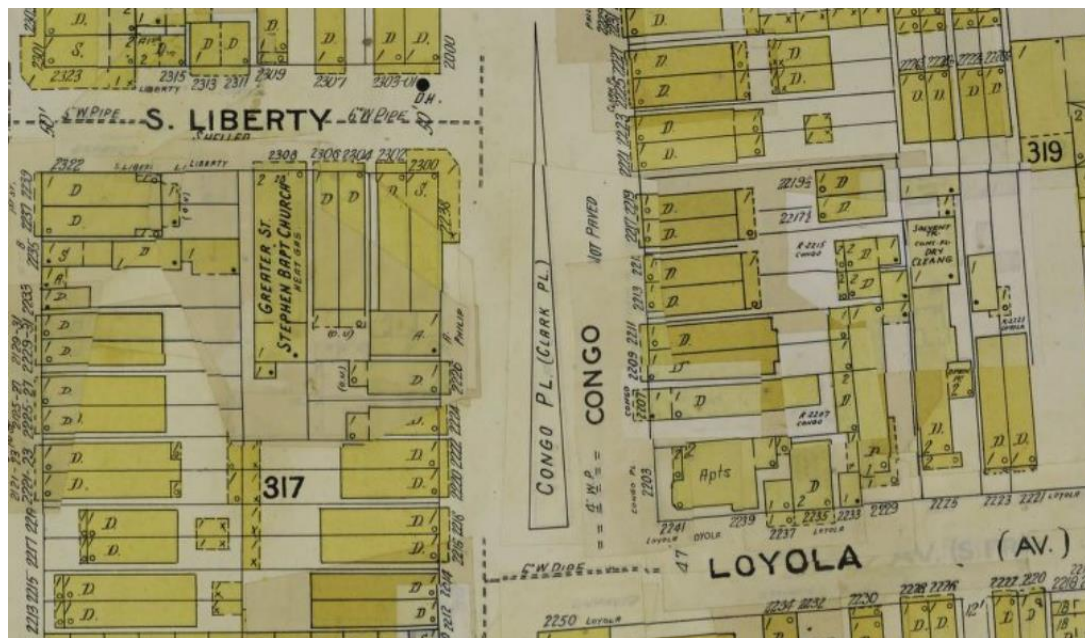


Figure 36: 1951 Sanborn Fire Insurance Map showing Congo Place in Central City, New Orleans. Map provided by *Sanborn Fire Insurance Map from New Orleans, Orleans Parish, Louisiana*. Sanborn Map Company, - Aug 1950; Vol. 4, 1951. Map. https://www.loc.gov/item/sanborn03376_028/.

According to Google Streetview, there have been a total of sixty-eight demolitions from 2007 through to 2022 in the subject area of Central City (an area of forty blocks). Forty-four of the demolitions have remained as vacant lots whereas the remaining twenty-four lots have had new construction built in their place. Conversely, thirty-two vacant lots that existed prior to 2007 have had new buildings constructed on them. Overall, there are a total of one hundred and fifteen vacant lots within the subject area of Central City.

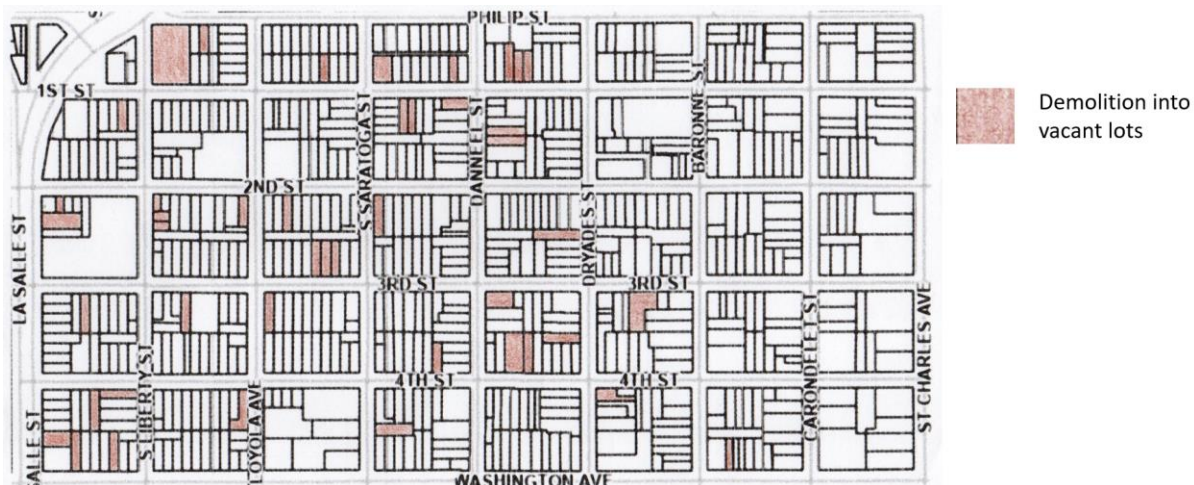


Figure 37: Demolitions into vacant lots in Central City from 2007 to 2022. Data overlaid on a map by the Orleans Parish Assessor's Office. "Land Records Search Map." City of New Orleans, Accessed November 1, 2022. <https://qpublic.net/la/orleans/search.html>.

Many of the vacant lots are owned by churches and non-profits, which means many of them are tax-exempt. Furthermore, many vacant lots in New Orleans itself are commonly used for event-parking during the Mardi Gras season (appendix 4). These parking lots, due to their low maintenance costs and their ability to generate income, remain as such, regardless of them being zoned for residential properties.

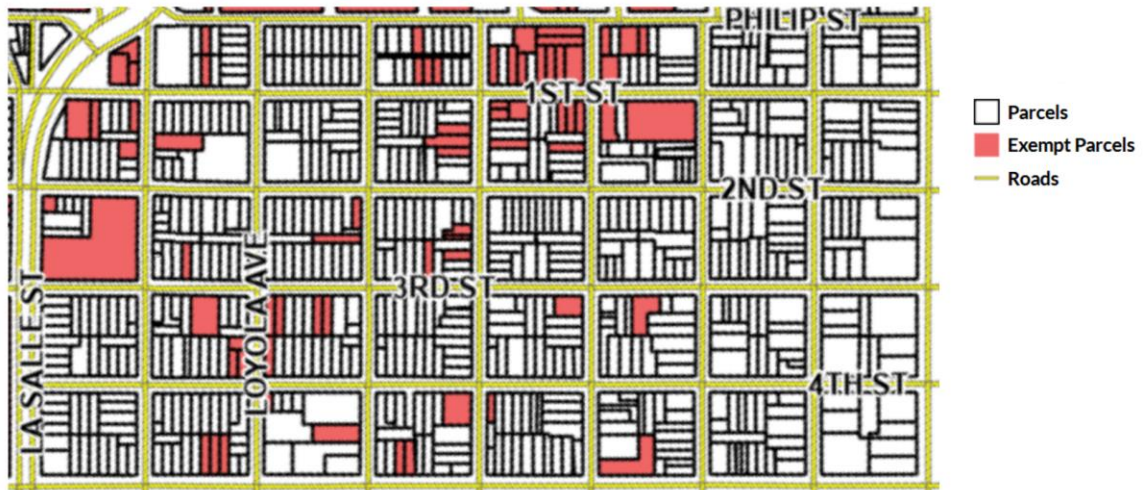


Figure 38: Tax exempt properties in Central City, New Orleans. Map by the Orleans Parish Assessor's Office. "Land Records Search Map." City of New Orleans, Accessed November 1, 2022. <https://qpublic.net/la/orleans/search.html>.

The large-scale demolitions as well as out of character new construction within Central City is in part due to most of the neighborhood being unprotected by local preservation laws that are enforced through the HDLCs. Within the subject area of Central City, there are two HDLC districts, the Garden Partial Control District and the St. Charles Full Control District. The two districts cover as small portion of properties that face Carondelet Street up to St. Charles Avenue, which is generally a little over a block running lakeside from St. Charles Avenue. The rest of the subject area of Central City is outside of HDLC control and has none of its associated protections other than those granted to individually designated buildings. Within the local historic district portion of the subject area there has been the least amount of change.



Figure 39: Demolitions for new construction in Central City from 2007 to 2022. Data overlaid on a map by the Orleans Parish Assessor’s Office. “Land Records Search Map.” City of New Orleans, Accessed November 1, 2022. <https://qpublic.net/la/orleans/search.html>.

Although most of Central City remains outside of HDLC jurisdiction, there are thirteen individual properties that appear on the HDLC website within the subject area. Of those properties, twelve have been designated local landmarks and one has been nominated. The nominated property at 2309-11 Second Street was being renovated as of March 2022. These individual properties, like the districts themselves, receive added protections and considerations through the HDLC. One of the designated buildings, 2037 First Street, was demolished in 2018 due to eminent danger of collapse. Two other buildings, the Buddy Bolden House at 2309-11 First Street and the First African Baptist Church at 2216 Third Street, are in states of accelerated decay through demolition by neglect. The other listed buildings have been well preserved and restored, which again attests to the power of local historic designation and its ability to generate interest in historic properties and assists in their renovation.



Figure 40: Historic District Landmarks Commission (HDLC) individual listings as well as the Garden Partial Control District (green) and the St. Charles Full Control District (orange). Map by the Historic Districts Landmarks Commission. "Historic Landmarks and Districts." *City of New Orleans*. Accessed October 19, 2022. <https://nola.gov/next/hdlc/topics/landmarks-and-districts/>. Images provided by Google Maps. "Street View." Accessed November 13, 2022. <https://maps.google.com>.

The remaining section uses case examples of the Buddy Bolden House and 2037 First Street to investigate demolition, demolition by neglect, as well as demolition through hardship.

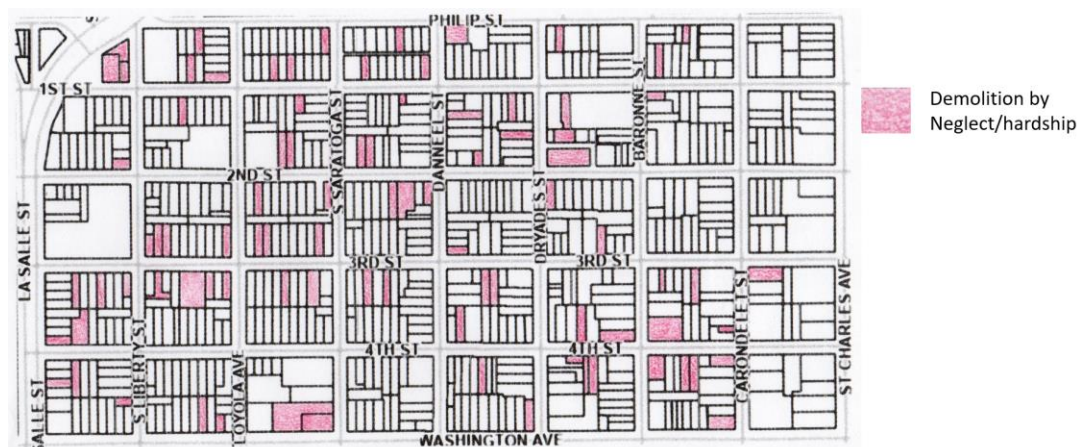


Figure 41: Demolition by neglect/ hardship (excludes overgrown lots) in Central City as of March 2022. Data overlaid on a map by the Orleans Parish Assessor's Office. "Land Records Search Map." *City of New Orleans*, Accessed November 1, 2022. <https://qpublic.net/la/orleans/search.html>.

Buddy Bolden House (demolition by neglect)

On October 25, 2022, the City of New Orleans seized the Buddy Bolden House from Greater St. Stephen Ministries, a church that had acquired the property after Hurricane Katrina. Buddy Bolden had lived at 2309-11 First Street and is considered by many historians to be the “first real jazz musician.”²⁸⁰ The property is locally listed through the HDLC, yet it has been in violation of minimum property maintenance standards and cited to be in demolition by neglect. The property was recently seized by the city due to fines being unpaid. The building is set to be auctioned off by New Orleans’ government on February 16, 2023.

The son of the Bishop for Greater St. Stephens Ministries, Grammy winning R&B musician P.J. Morton of Maroon 5, had previously made promises to turn the historic property into a museum and recording studio with the help of the Preservation Resource Center (PRC). But, according to Director of the Preservation Resource Center,

The PRC advised Morton on best practices for historic preservation, bringing in construction experts to tour the building and providing information on possible financing mechanisms available for historic renovations. Unfortunately, despite the PRC’s best efforts, the owners of this historic treasure let it deteriorate, not only risking this building’s loss but also contributing to blight in this historic neighborhood.²⁸¹

²⁸⁰ Doug MacCash. “Buddy Bolden House Slapped with \$100 per Day Fine as PJ Morton Promises Restoration.” *The Times-Picayune*, November 18, 2019.

https://www.nola.com/entertainment_life/article_5e9ff634-0a4f-11ea-b738-235c4f7410ef.html.

²⁸¹ Doug MacCash. “Jazz Pioneer Buddy Bolden’s Blighted House Seized by New Orleans, Might Be Sold at Auction.” *The Times-Picayune*, November 10, 2022.

https://www.nola.com/entertainment_life/music/article_4a949c4a-6068-11ed-b4cc-07dbb6dea2e0.html.

Back in 2019, the city had threatened the owners with fines up to \$100 a day for the deterioration of the historic structure.

At a code enforcement hearing, Devon Hulbert, one of the city's code violation case specialists, said the owners of the 19th-century building may have 'put some lipstick on the front of the house,' but that they had failed to begin the substantial repairs required by the city code, including the replacement of defective gutters, piers and weatherboards.²⁸²

Three years later, the building continues to fall into disrepair. HDLC designation has in fact helped the building owners to receive added pressure to restore the property from demolition by neglect, but also this example shows that even with added protections the enforcement arm of the local historic committee only extends so far. The church can acquire the property back from the City before auction if delinquent fines are paid off.

In many instances a citation of demolition by neglect, plus the added pressure of the HDLC, can lead to historic, blighted properties receiving repairs, and preserved, with violations being abated. In the case of the Buddy Bolden House, the property has been allowed to continue to rot due to its owners having the financial means to keep up with those fines levied thus far. The case of the Buddy Bolden House is a clear example of intentional demolition by neglect. Both the church and the Grammy nominated R&B musician most likely have the financial means to put up the capital for repairs, especially seeing that thus far fines through the code enforcement agency have been paid

²⁸² Doug MacCash, "Buddy Bolden House Slapped with \$100 per Day Fine as PJ Morton Promises Restoration."

ultimately allowing ownership by the church to continue up until the recent seizure by the City of New Orleans.

But what of those residents that have an economic hardship that leads to demolition by neglect and eventual adjudication and/ or demolition? As previously mentioned, there should be a clear distinction made between 'demolition by neglect' and what will be defined by this thesis as "demolition by hardship." Many properties, especially older ones, can require specialized materials and skillsets, such as lathe and plastering, repair of handmade windows, and tuckpointing, that many modern buildings do not require. As seen in the following example, maintenance itself can be costly, but imagine large scale maintenance needed for a building owned by a low-income resident as well as a complicated heirship and title.

2037 First Street (demolition by hardship and demolition due to imminent danger of collapse)

The property at 2037 First Street is a clear case where an HDLC designated property, due to safety and health reasons, caused by 'demolition by hardship,' was eventually demolished (appendix 5). There is much that can be garnered from a case study of 2037 First Street. A city employee cited the HDLC designated property with demolition by neglect. Through unpaid fines associated with those violations, liens were then placed upon the owners. Then due to advanced decay the property was given approval by the

HDLC for demolition due to safety and health concerns. The building was demolished by the city and the occupants were made homeless and forced to live in a tent on their property. The owner of the property was then cited with illegal habitation within an unapproved structure as well as cited and fined for issues involving refuse, sanitation, and vegetation which led to more fines being placed on the property.

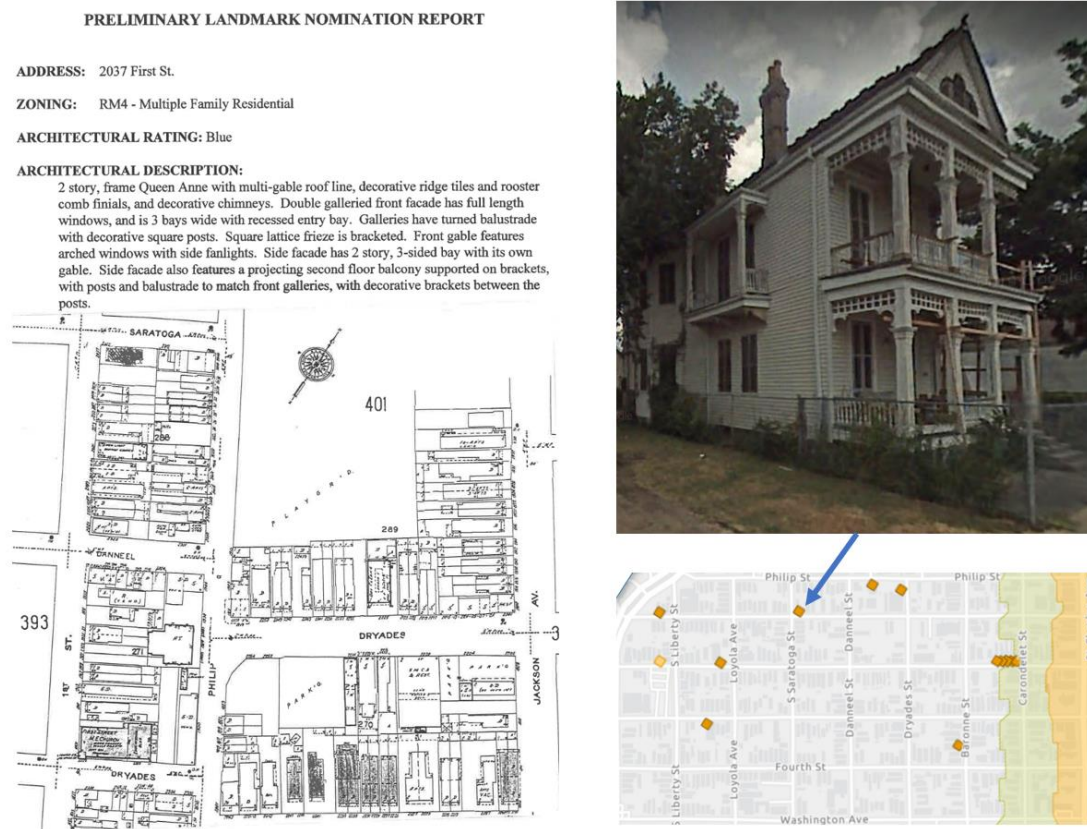


Figure 42: Historic District Landmarks Commission (HDLC) nomination form, and photo of 2037 First Street located on the HDLC map. Nomination form and map provided by the Historic Districts Landmarks Commission. "Historic Landmarks and Districts." *City of New Orleans*. Accessed October 19, 2022. <https://nola.gov/next/hdlc/topics/landmarks-and-districts/>. Images provided by Google Maps. "Street View." Accessed November 13, 2022. <https://maps.google.com>.

According to records obtained through New Orleans City Government's One Stop App, the building was initially cited for 'demolition by neglect' August 2, 2016, by an HDLC inspector.²⁸³ NOHDLC demolition by neglect violations included porch decking, railings, columns, windows, weatherboards, flashing/ parapet, roof shingles, gutters/ downspouts, soffits/ fascia, vegetation, and other. The violations on the form are noted being abated at the time.

Months later, another issuance of demolition by neglect and minimum property maintenance was filed February 2, 2017.²⁸⁴ The print summary notes that the property at the time of the violation issuance was owner occupied. Although it does not name the occupants specifically, the filing does list the succession of Harry Williby which included 15 heirs to the three story, three bay, Queen Anne residence.²⁸⁵ Commonly in Louisiana, clear title can be obscured and complicated without a proper will being drawn up leaving properties intestate. In Louisiana, without a will, succession is divided up equally among all surviving heirs which can greatly complicate ownership and clear title. Likely in this case, due to the number of heirs to the property, it was difficult to determine clear title and ultimately no single heir could claim the property or feel

²⁸³ The City of New Orleans. "Code Incident #16-07419-DBNNO." *One Stop APP*, August 2, 2016.

<https://onestopapp.nola.gov/SummaryContent.aspx?type=Code%20Incident&id=214779>.

²⁸⁴ The City of New Orleans. "Code Incident #17-00789-MPM." *One Stop APP*, February 2, 2017.

<https://onestopapp.nola.gov/SummaryContent.aspx?type=Code%20Incident&id=221525>.

²⁸⁵ Harry Williby, The Succession of Harry Williby Sr, Harry Williby Jr, of His Successors, Heirs and Assigns, Eloris W Mills, Roland Williby, Aisha Williby Malik, Adeline B Williby, or Her Successors, Heirs or Assigns, Carcelia Clayton James, Alfred Clayton Jr, Thomasina Clayton, Charlestine Marie Williby, Patrice Williby Thomas, Demetrius Williby, Samynthia Williby Thomas, Harriet Williby Allen, Anika W Beasley, Deandrealise Williby.

confidence in putting up the maintenance costs to bring the property out of demolition by neglect. Also, there is the likelihood the resident did not have the financial means to maintain the property as seen in work trying to be done without the use of a contracted construction company.

2037 First Steet is a clear example of demolition by hardship as opposed to neglect.

Looking at Google Streetview one can see a clear effort on the part of the resident to put time and repairs into the property (scaffolding, ladders, support boards and beams, as well as tools are all visible up until the date of demolition). Clearly, there was not the financial means to hire a professional, and due to the size of the property, the burden was too great to bear. The Streetview of 2011 also shows alongside the maintenance efforts, a resident who is sitting on the porch.

In the February 2, 2017 filing, the total costs associated with the demolition by neglect, including fines, court costs, and the examination, amounted to \$7,576.50. The exorbitant fine, likely due to lack of financial means as well as clear title, went unpaid.

Due to the fines and violations from the February 2, 2017, filing of demolition by neglect not being abated, a demolition permit was issued by City of New Orleans Housing Code Enforcement on March 16, 2017.²⁸⁶ A Certificate of Appropriateness for Imminent

²⁸⁶ The City of New Orleans. "Permit #17-09030-DEMO." *One Stop APP*, March 16, 2017. <https://onestopapp.nola.gov/SummaryContent.aspx?type=Permit&id=708504>.

Danger of Collapse Demolition permit was issued by the NO HDLC on March 22, 2017.²⁸⁷

The work orders declared that residents must vacate the property for the building to be demolished.

The City of New Orleans contracted Durr Heavy Construction, who won the bid, to coordinate the demolition of the property. According to records, the city paid \$7,858.78 to demolish the building, remove concrete and debris, as well as fill in the lot with sand. Instead of the city receiving money through code enforcement and fines it instead paid money to have the building at 2037 First Street demolished. That is \$7,858.78 that could have been given to the resident of the building towards minimum maintenance that could have kept the building from 'demolition by hardship' as well as retained a historic resident.

Imagine if the city could have been awarded ownership, turned all three stories into low-income housing, while also giving perpetual inhabitation to the original owners and residents. Instead, the residents of the building were made homeless through the actions of disinvestment and government malfeasance. Furthermore, it is important to consider the lasting effects of redlining in neighborhoods, such as Central City, that kept property owners from building generational wealth through mortgages and loans.

²⁸⁷ The City of New Orleans. "Permit #17-09030-HDLC." *One Stop APP*, March 22, 2017. <https://onestopapp.nola.gov/SummaryContent.aspx?type=Permit&id=709261>.

After the demolition, another filing by a city employee from August 10, 2018, notes,

Tent larger than 150 sq ft has been permanently set up. Property owners are living in the tent without a permit and no fire safety plan. People using the tent are cooking and going to the bathroom within the tent. Concerned about the fire hazard and health violations the property is posing to the neighborhood.²⁸⁸

Later, another filing dated October 30, 2019, states,

Occupants living in a large tent on the property without a permit. Occupants are cooking near or within the tent, causing a potential fire hazard. The occupants are improperly disposing human waste, causing a smell especially in damp conditions, which is a direct threat to the health of residents in the neighborhood.²⁸⁹

The most recent code violation was filed on August 26, 2022, where a “citizen called to report high grass. Grass is 6 ft tall and has not been cut in months.”²⁹⁰ The incident was recorded using New Orleans reporting number 311. With this incident, Chapter 66 was applied which allows “The City of New Orleans’ can cut the grass on private property when the owners’ fail to do so.” Thereby “improving quality of life for all residents, creating safer, healthier neighborhoods, protecting property values” and “stimulating economic development.”²⁹¹ Ultimately, the city can “recover costs by billing the property owners for the cuts” which can also further burden already financially

²⁸⁸ The City of New Orleans. “Code Incident #18-07636-ILGUS.” *One Stop APP*, August 10, 2018. <https://onestopapp.nola.gov/SummaryContent.aspx?type=Code%20Incident&id=243715>.

²⁸⁹ The City of New Orleans. “Code Incident #19-10608-ILGUS.” *One Stop APP*. October 30, 2019. <https://onestopapp.nola.gov/SummaryContent.aspx?type=Code%20Incident&id=259283>.

²⁹⁰ City of New Orleans. “Code Incident #22-04930-CH66.” *One Stop APP*. August 26, 2022. <https://onestopapp.nola.gov/SummaryContent.aspx?type=Code%20Incident&id=281170>.

²⁹¹ Division of Code Enforcement. “Chapter 66.” City of New Orleans, Accessed November 15, 2022. <https://nola.gov/next/code-enforcement/programs/chapter-66-grass-cutting-program/>.

pressured homeowners and which can also lead to liens being placed on properties and eventual adjudication.

It is in reading of cases such as this, that we can see the lack of humanity and care that can come with dispossession of property through demolition as well as adjudication.

Furthermore, here is an example where preservationist efforts failed both the building and the historic owner. In demolishing the building, there inevitably was not a reduction in blight, but rather the generation of more issues of vegetation, refuse, and waste build up on the lot. Furthermore, with the demolition of the property was the displacement of historic residents from their community through dispossession.

Demolition by hardship is an ongoing problem in Central City. Many economically disadvantaged homeowners, without available assistance, are unable to afford maintenance costs. Central city has witnessed disinvestment, Hurricane Katrina, Federal Emergency Management Agency (FEMA) trailers, blight, and most recently Hurricane Ida. By using 2022 satellite imagery and aerial maps one's Office records reveal that the majority of the properties with blue tarps can see numerous blue tarps on rooftops over after Hurricane Ida. Orleans Parish Assessor are historic, pre-Katrina residents. Many low- to moderate-income residents are forced to live in dire conditions caused by demolition by hardship. Local governments and organizations should first look to these areas to give assistance and support.

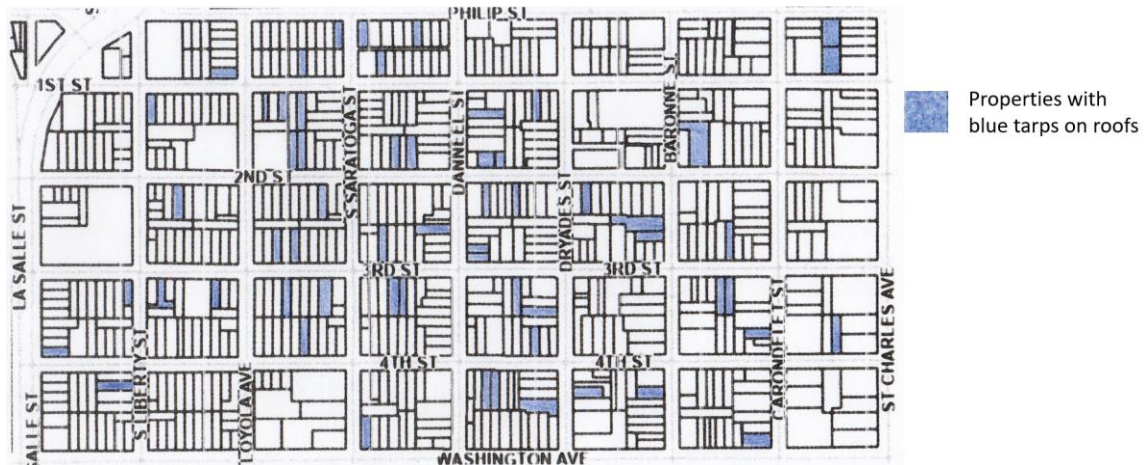


Figure 43: Homes with blue tarps determined from 2022 satellite imagery and aerial maps. Note, property records show that most of the properties with blue tarps are historic, pre-Katrina residents. Data provided by Google Maps. "Satellite View." Accessed November 23, 2022. <https://maps.google.com/>; And base map and contributing data by Orleans Parish Assessor's Office. "Property Record Search." Accessed November 23, 2022. <https://qpublic.net/la/orleans/>.

A recent study has exposed the failures of the Road Home assistance program that was launched after Hurricane Katrina to assist homeowners with rebuilding costs not covered by insurance. The program gave monetary assistance based on home values, which left predominantly low-income "homeowners with lower property values with fewer resources to rebuild."²⁹² Founder of the advocacy group Citizen's Road Home Action Team, Melanie Ehrlich, stated that with the disparity in the programs, "the victims of Hurricane Katrina were being victimized again."²⁹³ Unless efforts are made toward equity within disaster management, storms will continue to displace people or worse leave them homeless.

²⁹² Jeff Adelson and Richard A. Webster. "The Road Home Program Shortchanged Low-income Homeowners in Louisiana. New Data Proves It." *The Times-Picayune*, December 11, 2022. https://www.nola.com/news/katrina/how-louisianas-road-home-program-shortchanged-the-poor/article_b61193f0-773e-11ed-b339-1fb6f4dbaa42.html.

²⁹³ Ibid.

Homelessness

As of November 10, 2022, the City of New Orleans has demolished a total of sixty-seven buildings in 2022.²⁹⁴ Although blight clearance is attributed to rising property values, there are also the unintended consequences of displacement and the loss of historic structures. Unfortunately, demolition is still deemed the solution to blight removal and vacancy. “After razing miles of dilapidated cityscape, bureaucrats have discovered that appearances can be deceiving, and some very good things can be destroyed in the name of urban renewal- particularly cheap housing and complex webs of social support.”²⁹⁵

As discussed above, dilapidated buildings are not necessarily always vacant. Just because a property appears to be abandoned does not mean that it is not supplying a low-income resident with housing. Some advocates of demolition and clearance of blighted buildings in New Orleans use population figures as to why there is still a surplus of homes throughout the city (New Orleans in 1960 had over 600,000 residents and according to the 2020 Census is just under 400,000). Yet New Orleans has a large homeless population coupled with housing affordability issues that widen economic disparity and the wealth gap.

²⁹⁴ Erika Ferrando. “N.O. Says It Has Demolished 67 Abandoned Buildings This Year - There Are Thousands Left.” *4WWL*, November 9, 2022. <https://www.wvltv.com/article/news/local/orleans/calls-demolition-abandoned-homes-rise-amidst-safety-economic-concerns/289-6069e3af-adae-49b8-be9f-cc53166d7708>.

²⁹⁵ Donovan D. Rypkema, *The Economics of Historic Preservation: A Community Leader’s Guide*, 35.

A study conducted by “UNITY, a homeless advocacy group in New Orleans, [] conservatively estimated that, in 2011, there were at least 6,000 squatters and about 11,000 homeless individuals in the city” as well as “approximately 43,000 abandoned structures.”²⁹⁶ The rise in homelessness was largely caused by Hurricane Katrina which was at its peak in 2005 and has been declining since. “The city had more than 11,000 homeless in 2007, largely those displaced after the storm and subsequent flooding, which destroyed much affordable housing.”²⁹⁷ Although homelessness in New Orleans has been reduced by 90% over the years,²⁹⁸ other added pressures of housing unaffordability is likely to cause an upward trend once again. “Intense gentrification in New Orleans since Katrina has caused rent and housing prices to climb, more than doubling in many neighborhoods, even those that for decades before Katrina were considered affordable by low-income wage earners.”²⁹⁹

A Different Approach to Ownership

To conclude, when considering property, one should question the system of property ownership itself. Possession and ownership tend to be largely governed by capitalism and speculation. Some advocates for housing reform believe that in order to reduce

²⁹⁶ Hannah Dobbz. *Nine-tenths of the Law: Property and Resistance in the United States*. AK Press, Oakland, CA 2012: 118.

²⁹⁷ Stacey Plaisance. “New Orleans at ‘Crossroads’ as Newly Homeless Numbers Rise.” *AP News*, April 26, 2019. <https://apnews.com/article/f85bb3d93ecf4022a591ca734ea4f8c3>.

²⁹⁸ Jeremy Hobson. “How New Orleans Reduced Its Homeless Population By 90 Percent.” *WBUR*, February 19, 2019. <https://www.wbur.org/hereandnow/2019/02/19/new-orleans-reducing-homeless-hurricane-katrina>.

²⁹⁹ Stacey Plaisance, “New Orleans at ‘Crossroads’ as Newly Homeless Numbers Rise.”

displacement as well as make ownership more equitable, community land trusts are a solution.

Community Land Trusts are called such because they entrust communities to care for themselves, together. That trust is what is missing from today's housing policy. Governments, corporations, and developers don't trust communities- particularly poor communities- with self-determination, and instead unconsensually compel citizens to live with a manufactured set of discriminatory ownership assumptions. Within those assumptions, alternatives seem impossible. But, say the whole world were composed of community land trusts- perhaps then we'd not only be better stewards of our properties, but also of each other. Caring for a place should not necessitate owning it.

This arrangement necessarily eliminates the property-as-commodity paradigm, permitting only equity built through improvements to the property, and is never affected by external factors since the land has been removed from the market and all of its volatility. In this way, CLTs are perhaps the most democratic form of property owning, rendering absentee ownership and land monopolies impossible. Even gentrification becomes obsolete when the community members involved are able to directly control the development of the land, vetoing projects that decrease affordability or otherwise violate the CLTs mission. The land remains accessible to the people who live on it, in ways that most patterns of landownership forbid. And because this land is held by the trust in perpetuity, it can legally never return to the market or be used for any other purposes.³⁰⁰

Community land trusts are just one more piece to the puzzle that can help in the preservation of historic working-class communities.

³⁰⁰ Hannah Dobbz, *Nine-tenths of the Law: Property and Resistance in the United States*, 194-5.

8. CONCLUSIVE ARGUMENTS

A conclusion is not necessarily an ending. The hope is that this research can influence policy alongside the many other calls for social and economic equities. It serves as a small thread amongst many, advocating for low- and moderate-income, working-class communities within the field of historic preservation. This thesis is influenced by the many countless efforts of others with hopes to serve as a form of guidance in future endeavors aimed towards a more human-centric approach to historic preservation, as well as the protection and elevation of disenfranchised peoples.

Historic preservation has made great steps towards heritage protection and the memorialization cultural icons. Preservation shares much with archaeology in the sense that both have helped to unearth histories we may have not known or to shed further knowledge on those we are aware of. As a consequence, heritage conservation can help give closure to tragic events through interpretation and commemoration. Every historic marker and nomination form can help document important pasts and allow communities to discover themselves and feel a sense of authority regarding their history. Yet that is where it often stops, with the past.

If anything, this is a call for historic preservation to be equally concerned with the present, with a spotlight on residents within historic communities. This is a simple goal that does not need policy change to happen. Each and every preservationist can incorporate it into their practice by conducting more thorough historical surveys that look at the contemporary landscape, documenting the importance of 'non-contributing' buildings that in fact contribute to a community's integrity, educating low-income residents within gentrifying historic districts of the available resources for assistance, helping coalesce neighborhood associations of low-income and historic residents, and influencing officials to aid in the preservation of historic communities and affordable housing.

It is because local and federal historic districts are already allowed to govern neighborhoods under their purview that they would make them great candidates for instituting progressive policies.

There is also a great need for historic preservation to become more conscious of its own biases. With low figures in minority recognized NRHP listings, there is an obvious need keep discussing and striving to adapt laws and procedures associated with the practice of conservation.

Historic preservation must adapt its laws and methods to account for the apparent gentrification that commonly occurs alongside historic listings. Low- and moderate-

income folks must have easily accessible funding and resources available to withstand the pressures of gentrification that is oftentimes spurred by preservation attempts. The preservation of historic, working-class communities should be preemptive and coincide with any conservation management plan. Historic preservationists must have an active role in preserving existing communities by documenting not only the historic, but the intangible lived experience and culture of historic communities contemporaneously.

With thoroughness, there would be a more exact and measured understanding of historic areas and their current residents. These residents must be seen as contributing to the landscapes and being factored into the integrity of a place. In any historic preservation plan this should be a foremost concern in the maintenance of the cultural fabric.

In the call for a more human-centered approach to preservation is the belief that the practice should be more sociological in nature. It is not simply historical or sociological though, as when dealing with oppressed communities and jeopardizing affordability/ usability of homes as well as neighborhoods, it is psychological as well. Instability is unsettling to anyone and can cause associated traumas.

Therefore, historic preservationists should do just as much investigation of current needs and desires of residents as towards the historical narrative when nominating properties and districts. One way to do this better would be to lend assistance in the

creation of neighborhood associations that have representation of historic and low-income community members. With residents discussing these neighborhoods, feelings, associations, as well as knowledge of the intangible would present itself to historic preservationists.

Knowledge of the intangible present would be gained from listening to community members and making them a part of the process. In doing so, aspects that would otherwise not be apparent in most general area assessments, would present themselves and allow for a more educated approach to preservation. This would include knowing which spaces currently hold community interest and historical memory. Buildings deemed non-contributing due to a lack of architectural merit or age may in fact be contributing in very important ways to the historical and cultural landscapes. These 'non-contributing' buildings must be protected as well if communities are to be allowed to thrive.

Cultural heritage sites often have communities tied to or surrounding those spaces. As stewards who continue to influence the urban landscape's legacy, historic preservationists when entering these spaces must be equally concerned about cultural wellbeing along with the historical fabric.

Whether residents or public officials, many people oftentimes think what they are doing is best for the neighborhood. Perhaps it is the lack of education and not ill intent that shapes many impactful decisions.

Existing preservation laws are designed largely to protect the physical aspects of cultural and historical heritage. In the field's infancy, many of the questions of equity and representation were not in focus. It is through witnessing changes over time and becoming more cognizant of issues within preservation that the field has adapted. In this process, there more attention has been given to the effects of gentrification and housing affordability that was an unforeseen consequence of districting and zoning for the protection of the built environment.

But how about the environment and its inhabitants, whoever they may be? People move from neighborhoods, but are these decisions derived from financial and other pressures? Low-income property owners may sell their homes and benefit from increased property value, but that is assuming they are not priced out before that time comes. Furthermore, would that family be more likely to stay if its community was still intact and had integrity of feeling and association alongside of the location of the culture.

Laws need to be changed regarding zoning, codes, historic districting, funding, and taxing. In Louisiana, laws associated with clear titles should be remedied to better

ensure that properties are not part of intestate heirships and remain unusable empty lots that could be devoted towards offering more housing availability. Historic preservation in district nomination surveys and reporting could include helping homeowners understand succession of title, not simply for the historical knowledge of the building, but for more clarity to ownership that could strengthen claims. Clear title assistance as well as offering help with the creation of wills for homeowners could prove to be invaluable in protecting historic residents. Clear understanding can also better prepare low-income property owners to weather climatic events, such as hurricanes and pandemics.

New Orleans is just shy of its pre-Katrina population level and has been shown that there is a great disparity in displacement and population loss. Although the African American population within New Orleans has increased since Katrina, in comparing the 2000 and 2020 Census, there are still 94,276 fewer than before. This is substantial for a city whose total population was 392,300 in 2000 and according to the 2020 census now at 383,997.³⁰¹

Population and demographics data can expose a lot as to why it is as important as ever to strive to preserve historic working-class neighborhoods which are also commonly Black and minority. A 23% decline in New Orleans' African American population is a

³⁰¹ The Data Center. "Who Lives in New Orleans and Metro Parishes Now?" *Data Center Research*, October 31, 2022. <https://www.datacenterresearch.org/data-resources/who-lives-in-new-orleans-now/>.

devastating loss that shows failure not on the part of historic preservation, but of society as a whole and many of its discriminatory components. In a city that has much of its area under historic districting, historic preservation has a lot of control and should be at the forefront in striving to preserve historic communities. If historic preservation efforts concern restoring buildings and sites, they should also help restore communities after times of disaster. Historic preservation had huge successes post-Katrina in leading opposition against large scale clearances proposed under Ray Nagin who declared, “If you are in a historic area, there's a whole other set of rules. Maybe this will force us to now look at that process and maybe streamline the historic demolition process also.”³⁰²

Look to Central City and one can see a plethora of potential preservation projects in clearing up titles and settling adjudications to get properties back in the hands of working-class residents and owners. Historic community residents also need to be given assistance in becoming homeowners. Historic residents could be given long-term lease agreements that are rent controlled, as well as property tax freezes and forbearances.

The Federal government has used slum clearance in the past to demolish large chunks of historic fabric throughout cities. “Federal slum clearance effectively uprooted and

³⁰² WDSU. “Nagin Hopes to Speed Up Hazardous Home Demolition Process,” *WDSU6*, July 17, 2008. <https://www.wdsu.com/article/nagin-hopes-to-speed-up-hazardous-home-demolition-process/3344976>.

dislocated thousands of poor Americans and then confined the displaced poor to segregated and inferior relocation housing.”³⁰³

Slum clearance efforts should not look to demolition as an answer but rather to restoration. The numerous abandoned homes could be fixed up and turned into affordable housing. This effort would both help rescue buildings and communities from demolition by neglect. Ideas of possession and abandonment should be rethought in order to see in the case of Central City and other parts of the city, if there is plenty of space and buildings that could be repurposed into affordable housing for first-time homeownership opportunities. Additionally, reinvestment must be placed back into areas that were redlined as an effort to combat inequity.

According to the 2020 New Orleans Census, the current population is still over 200,000 residents shy of its 1960 peak of 627, 525.³⁰⁴ The available space for historic scaled new construction of affordable housing is not an issue. It is the willingness to take steps to remodeling the systems that make it difficult for historical communities to remain in place or age with dignity. Therefore, a mission to protect historic residents should be adopted by cities’ Master Plans to guide historic preservation efforts towards

³⁰³ Daniel T. Friedson. “Greenlining Toward a Community of Local Entrepreneurship, Home Ownership, and Quality of Life.” *Journal of Affordable Housing & Community Development Law* 9, no. 2 (2000): 191.

³⁰⁴ Bureau of the Census. “New Orleans, LA.” *U.S. Department of Commerce*, 1961.
<https://www2.census.gov/library/publications/decennial/1960/population-and-housing-phc-1/41953654v6ch8.pdf>.

community protection alongside the mission simply towards affordable housing. Historic community preservation adds an extra layer to an already complicated task.

Robert Shultz, Executive Director of the Association of Neighborhood Housing Developers, Inc., at the *Hearings before the Committee on Banking, Housing, and Urban Affairs, United States Senate, Ninety-Fifth Congress, First Session* listed ways in which low-income housing could be deployed to stop displacement and opined ways in which this could be orchestrated:

First, a special pool of funds should be established to assist, by means of low. interest loans and, where necessary, grants, the acquisition and improvement of existing housing by and for low-income residents of neighborhoods where pressures on the housing stock are present or imminent by reason of the actual or expected immigration of higher-income persons...

Second, special set-asides of Section 312 rehabilitation loan funds and Section 8 housing assistance allowance subsidies (perhaps a separate category of the latter should be established to encourage acquisition by residents and non-profit community groups and moderate level rehabilitation) should be established for these neighborhoods of special concern.

Third, cities should be encouraged to use... programs to utilize unemployed residents in the rehabilitation of housing for low-income persons, thereby reducing or eliminating entirely the need for further subsidies...

Fourth, the federal government, by adding as an eligible. Community Development Activity, or by separate appropriation, should provide funds on a revolving long-term loan or grant basis, to local non-profit community housing groups to permit them to acquire and warehouse vacant or under-occupied residential buildings in neighborhoods where in-migration of higher-income groups is likely to occur. These groups could thus acquire properties before the pressure of speculation and rising prices put these properties out of reach of lower-income residents. The properties could also be sealed and maintained by the local groups until funds became available for their renovation and re-use.

Fifth, the Federal Housing Administration should be directed to insure mortgage loans on properties (especially 1 to 4 family structures) which are suitable for renovation and occupancy by lower-income families in neighborhoods where values are likely to rise in the future as higher-income families enter the housing market.

Finally, non-profit community-based housing groups should be made eligible for government funding to cover their direct overhead and administrative expenses in planning and implementing projects to provide individually or cooperatively owned or non-profit rental housing, by acquisition and renovation of existing facilities for low- and moderate-income residents of these neighborhoods.³⁰⁵

We have been aware of gentrification and displacement of low- and moderate-income communities for long enough to be still talking about its effects. These ideas were being promoted back in 1977, forty-five years ago, from the writing of this thesis, and they are as pertinent today as they were back then. Although historic protections tend to kick in after the fifty-year marker, let us hope these issues needing attention do not have to wait a single year more.

By including the above quote, the intention is to show that this thesis does not claim to offer only original ideas. Rather, the ideas are mirrored on the writings and works of those referenced throughout. In a large way this gives comfort, that this call for historic working-class community retention is not alone but has the backing of a crowd of voices. The thesis began with having strong opinions regarding the subject of study and ends with an even stronger conviction now supported by others.

³⁰⁵ *Neighborhood Diversity: Hearings before the Committee on Banking, Housing, and Urban Affairs, United States Senate, Ninety-Fifth Congress, First Session ... July 7 and 8, 1977, 53-54.*

Central City and its residents are a place and community that should be given immediate attention concerning the retention of its historic character and the people who are and carry the culture. The main hope is that the many calls for equity do not continue to fall short or communities may be left to history.

9. APPENDIX

1. Description of redlined area.

AREA DESCRIPTION			
Security Map of <u>New Orleans, La.</u>			
1. POPULATION:	a. Increasing _____	Decreasing _____	Static Yes _____
	All types of negro, common laborers, wage earners,		
	b. Class and Occupation <u>mechanics, WPA workers, domestics</u>		
	c. Foreign Families <u>0 %</u>	Nationalities <u>--</u>	d. Negro <u>90 %</u>
	e. Shifting or Infiltration <u>None</u>		
2. BUILDINGS:	PREDOMINATING <u>70 %</u>	OTHER TYPE <u>15 %</u>	
a. Type and Size	<u>Double cottages 3-5 rms</u>	<u>Single cottages 3-5 rms</u>	
b. Construction	<u>Frame</u>	<u>Frame</u>	
c. Average Age	<u>35 yrs.</u>	<u>35 yrs.</u>	
d. Repair	<u>Poor</u>	<u>Poor</u>	
e. Occupancy	<u>96%</u>	<u>95%</u>	
f. Owner-occupied	<u>20%</u>	<u>25%</u>	
g. 1935 Price Bracket	<u>\$ 1000-3800</u> % change	<u>\$ 900 - 2200</u>	% change
h. 1937 Price Bracket	<u>\$ 1000-4000</u> +6 %	<u>\$ 900 - 2500</u>	+6 %
i. Jan. '39 Price Bracket	<u>\$ 1000-4000</u> 0 %	<u>\$ 900 - 2500</u>	0 %
j. Sales Demand	<u>Good</u>	<u>Good</u>	
k. Predicted Price Trend (next 6-12 months)	<u>Steady</u>	<u>Steady</u>	
l. 1935 Rent Bracket	<u>\$ 8 - 22</u> % change	<u>\$ 8 - 18</u>	% change
m. 1937 Rent Bracket	<u>\$ 10 - 25</u> +12 %	<u>\$ 10 - 20</u>	+12 %
n. Jan. '39 Rent Bracket	<u>\$ 10 - 25</u> 0 %	<u>\$ 10 - 20</u>	0 %
o. Rental Demand	<u>To \$15</u> Good	<u>To \$15</u>	Good
p. Predicted Rent Trend (next 6-12 months)	<u>Steady</u>	<u>Steady</u>	
3. NEW CONSTRUCTION (past yr.) No. _____	Type & Price <u>None</u>	How Selling _____	
4. OVERHANG OF HOME PROPERTIES:	a. HOLC. <u>54</u>	b. Institutions <u>--</u>	
	1937-1938		
5. SALE OF HOME PROPERTIES (2-yr.)/	a. HOLC. <u>11</u>	b. Institutions <u>96</u>	
6. MORTGAGE FUNDS: <u>Limited</u>	7. TOTAL TAX RATE PER \$1000 (1939) <u>\$.39,75</u>		
8. DESCRIPTION AND CHARACTERISTICS OF AREA: *Remainder of area (15%) is composed of 2 story singles and doubles, some camel backs, some negro tenements, a conglomeration of everything. It is the largest area of concentrated negro population in the City. Schools, churches and stores scattered throughout area. White population is largely in southern part and western part and is mixed in with negro population. As a whole properties present a very dilapidated appearance throughout the entire area. Industrial area on east provides employment for many occupants of the area, and the better areas to the west provide employment for many of the domestics. Located in the western portion, at Magnolia St. and Washington, is a negro slum clearance area. (Not colored on the map) for which bids have been received and properties are now being bought. On the eastern side of the area at S. Broad and Calliopo is another proposed slum clearance area (surrounded by black lines on map) but no activity as yet in this latter one. This latter proposed area is largely vacant and most of the vacant land is owned by the Illinois Central R. R. Conveyance records for 1937 show 7 sales of vacant lots at prices from \$4 to \$30 per front foot, and 144 improved properties, 124 of which indicate prices of \$4000 and under, and including 77 double cottages and 36 single cottages; for 1938, 4 vacant lots from \$17 to \$40 per front foot, and 60 improved properties, 52 of which indicate prices of \$4000 and under, and including 35 double cottages and 12 single cottages.			
9. LOCATION <u>New Orleans, La.</u> SECURITY GRADE <u>4th</u> AREA NO. <u>D-34</u> DATE <u>2-2-39</u>			

Redlining Description of Central City. Provided by Robert K. Nelson, LaDale Winling, Richard Marciano, Nathan Connolly, et al., "Mapping Inequality," *American Panorama*, ed. Robert K. Nelson and Edward L. Ayers, accessed October 5, 2022, [https://dsl.richmond.edu/panorama/redlining/\[YOUR VIEW\]](https://dsl.richmond.edu/panorama/redlining/[YOUR VIEW]).

2. Businesses lost in Central City from 2007 to 2022. Images provided by Google Maps “Street View.” Accessed November 13, 2022. <https://maps.google.com>.



2007



2022

Central City Grocery (2300 Loyola Avenue, New Orleans, LA 70113)- currently zoned residential



2007



2022

Super Fresh Meat Market (2501 Danneel Street, New Orleans, LA 70113)- currently zoned commercial with no business

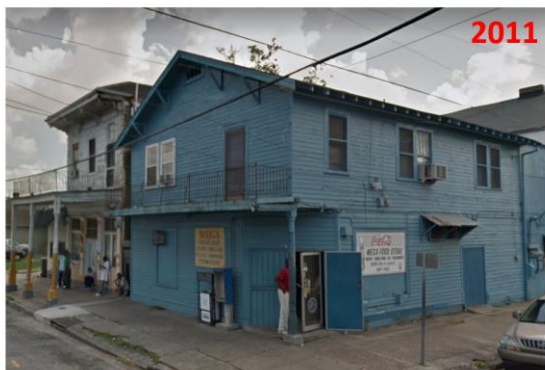


2013

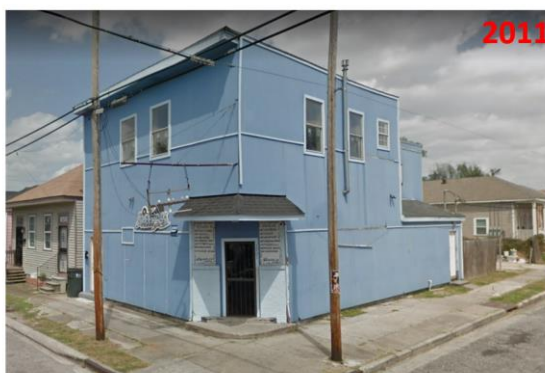


2022

Miss Lexis Chicken/ Uptown Bar (2601 Danneel Street, New Orleans, LA 70113)- currently zoned residential



MEGA Food Store Grocery (1824 Second Street, New Orleans, LA 70113) – currently zoned commercial with no business



Sleepy's Lounge (1901 Fourth Street, New Orleans, LA 70113) – currently zoned commercial with no business



Baronne Grocery (2300 Baronne Street, New Orleans, LA 70113) – currently zoned residential

3. Changes in Central City from 2007 to 2022. Images provided by Google Maps. "Street View." Accessed November 15, 2022. <https://maps.google.com>.



FEMA trailers, renovation, demolition, new construction from 2007-2022 (1810-26 Third Street, New Orleans, LA 70113)



FEMA trailers, demolition, new construction from 2007-2022 (1823-35 Third Street, New Orleans, LA 70113)



Demolition from 2007-2022 (2401 Danneel Street, New Orleans, LA 70113)



Renovation and new construction from 2007-2022 (2715-33 Danneel Street, New Orleans, LA 70113)



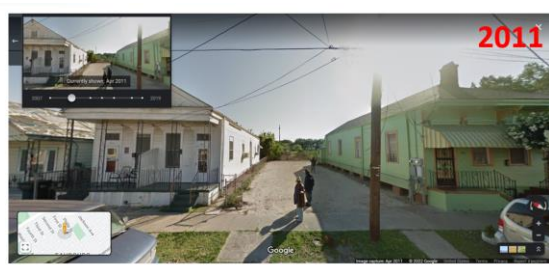
Demolition from 2007-2022 (1927 First Street, New Orleans, LA 70113)



Demolition from 2007-2022 (2414-16 Danneel Street, New Orleans, LA 70113)



Demolition from 2014-2022 (1800 Second Street, New Orleans, LA 70113)



Demolition from 2007-2011 (1213 First Street, New Orleans, LA 70113)



Demolition and new construction from 2007-2019 (1934 Second Street, New Orleans, LA 70113)



Demolition by neglect/ hardship from 2007-2022 (2010 Second Street, New Orleans, LA 70113)



Demolition and new construction from 2007-2022 (2514-18 Dryades Street, New Orleans, LA 70113)



Renovation, demolition, and new construction from 2007-2022 (2005-21 First Street, New Orleans, LA 70113)

4: Tax-exempt, vacant lots used as special event parking.

CITY OF NEW ORLEANS ONE STOP PERMITS & LICENSES		Special Events Permit	Date 22-04507
			Tracking Number 22-04510
SPECIAL EVENT PERMIT APPLICATION		MASTER APPLICATION	
EVENT INFORMATION			
Event Name <u>Pressing Onward Baptist Church Mardi Gras Parking</u>			
Event Location <u>2413 Danneel St & 2416 Danneel St</u>			
Number of Expected Attendees _____		Preferred Rain Date _____	
Event Set Up (or Formation) Date _____		Time <u>6:00</u> <input type="radio"/> AM <input type="radio"/> PM	
Event Start Date <u>2-18-22</u> Time _____ <input type="radio"/> AM <input type="radio"/> PM		Event End Date <u>3-1-22</u> Time <u>11:59</u> <input type="radio"/> AM <input type="radio"/> PM	
Event Break Down (or dispersal) Date _____		Time <u>11:59</u> <input type="radio"/> AM <input type="radio"/> PM	
Event Description Provide a narrative description of the full scope of your event with as much detail as possible in the box below.			
<u>Special Event Parking</u>			
APPLICANT INFORMATION		VENDORS FOR EVENTS: FILL OUT THIS FORM AND SUPPLEMENT A	
Name <u>Arlette A. Jackson</u> Phone Number <u>(504) 439-0462</u>			
Company or Organization Name (if applicable) _____			
Mailing Address <u>4755 Deanne St</u>			
City <u>New Orleans</u> State <u>LA</u> Zip <u>70126</u>		Email <u>amrsjackson@aol.com</u>	
PRIMARY CONTACT INFORMATION		SAME AS APPLICANT <input checked="" type="checkbox"/>	
Name <u>Arlette A. Jackson</u> Phone Number <u>(504) 439-0462</u>			
Mailing Address <u>4755 Deanne St</u>			
City <u>New Orleans</u> State <u>LA</u> Zip <u>70126</u>		Email <u>amrsjackson@aol.com</u>	
LOCATION OWNER INFORMATION		SAME AS APPLICANT <input type="checkbox"/>	
Name <u>Pressing Onward Baptist Church</u> Phone Number _____			
Mailing Address <u>P.O. Box 750477</u>			
City <u>New Orleans</u> State <u>LA</u> Zip <u>70175</u>		Email _____	
ACKNOWLEDGMENTS			
I certify that the above information is true and correct to the best of my knowledge. I understand that the City of New Orleans is authorized to suspend or revoke a permit or license issued under the provisions of its Municipal Code wherever a permit or license is issued in error or on the basis of incorrect, inaccurate or any false statement or misrepresentation, or in violation of any ordinance or regulation or any of the provisions of the City of New Orleans Municipal Code, the Comprehensive Zoning Ordinance, the International Construction Code or International Fire Code as adopted by the City of New Orleans. Fines and penalties for misrepresentation of material facts will be assessed in accordance with City of New Orleans ordinances and State of Louisiana Revised Statutes. I understand that any change in the scope or cost of the work must be reported to the Department of Safety and Permits and additional permits may be required.			
Applicant Signature <u>Arlette A. Jackson</u>		Date _____	
1300 PERDIDO ST, NEW ORLEANS, LA 70112 • (504) 658-4000 PAGE 2 OF 2			



Summary

Tax Bill Number	412202209
Municipal District	4
Location Address	2416 DANNEEL ST
Property Class	ER - EXEMPT - RESIDENTIAL
Special Tax District	
Subdivision Name	
Zoning District	Show Viewer (41037246)
Land Area (sq ft)	3750
Building Area (sq ft)	0
Revised Bldg Area (sq ft)	0
Square	272
Book	02
Lot/Folio	8/049
Line	013
Legal Description	1. SQ 272 LOT 8 DANNEEL ST 2. 30X125 = 3750 SQ FT 3. DBLE 2416/18 DANNEEL ST 4. 4118/05 BLDG PERMIT 05COM- 5. 00433 GEN RENOV... 6. ACCESSORY FELLOWSHIP HALL
Assessment Area	CENTRAL CITY COM 42 Show Assessment Area Map
Parcel Map	Show Parcel Map

Owners

[PRESSING ONWARD BAPTIST CHURCH](#)
P O BOX 750477
NEW ORLEANS LA 70175 0000

Special event permit application (left), tax-exempt status and image for vacant lot at 2416 Danneel Street (right). Images provided by Department of Safety and Permits. "One Stop APP." City of New Orleans, Accessed November 11, 2022. <https://onestopapp.nola.gov/>; And Orleans Parish Assessor's Office. "Property Record Search." City of New Orleans, Accessed November 11, 2022. <https://qpublic.net/la/orleans/search.html>.

City of New Orleans
Safety and Permits
 1300 Perdido St., Rm 7E05
 New Orleans, LA 70112

Receipt Number: 22-04609
Associated Location: Second Mt. Carmel Baptist Church Mardi Gras Parking 2022 - 1816 3rd St.
Payment Date: 2/18/2022
Payment Amount: \$95.00
Payment Method: Check #3489
Payer Name: Collins B. Lewis
Payer Address: 1816 Third Street, New Orleans, LA 70113
Cashier Name: Wanda E Bryant

TYPE	DESCRIPTION	REVENUE CODE	AMOUNT
Permit 22-05385-SPMA (SPMA-N/A)	Special Event Occupancy (Non-Profit)	00126026061911	\$95.00
<i>(A 2.45% convenience is applied to online Credit Card Transactions.)</i> Total Amount			\$95.00
Total Amount Paid			\$95.00



Summary

Tax Bill Number	412201018
Municipal District	4
Location Address	1816 3RD ST
Property Class	ER - EXEMPT - RESIDENTIAL
Special Tax District	
Subdivision Name	
Zoning District	Show Viewer (41223545)
Land Area (sq ft)	8110
Building Area (sq ft)	0
Revised Bldg Area (sq ft)	0
Square	260
Book	D2
Lot/Folio	4B & G/031
Line	009
Legal Description	1. SQ 260 LOT 4 B THIRD ST 2. 32/2-30X55/45-10-1760 SQ LOT G THIRD ST 3. 50X127 - 6350 INCLS, 1824 THIRD ST
Assessment Area	CENTRAL CITY COM 43 Show Assessment Area Map
Parcel Map	Show Parcel Map

Owners

SECOND MT CARMEL BAPTIST CHURCH
 2601 DRYADES ST
 NEW ORLEANS LA 70113 0000

Special event permit payment (left) and tax-exempt status and image for vacant lot at 1816 3rd Street (right). Images provided by Department of Safety and Permits. "One Stop APP." City of New Orleans, Accessed November 11, 2022. <https://onestopapp.nola.gov/>; And Orleans Parish Assessor's Office. "Property Record Search." City of New Orleans, Accessed November 11, 2022. <https://qpublic.net/la/orleans/search.html>.

5. 2037 First Street, New Orleans, Louisiana.

Inspections:

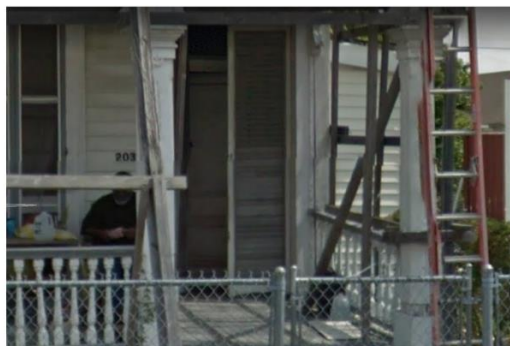
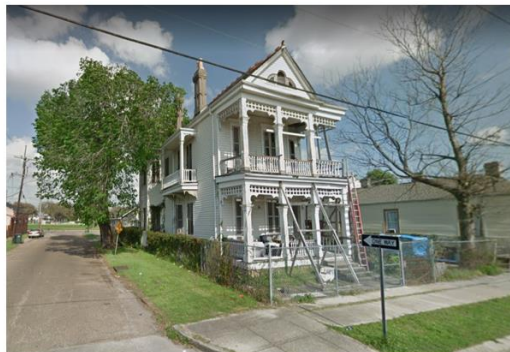
Inspector	Date	Status
Devra Goldstein	8/1/2016 10:14 AM	Violation: No WIP

Open Violations

CCNO 84-108: NOHDLIC DbyN
CCNO 84-108: Porch Decking
CCNO 84-108: Railings
CCNO 84-108: Columns
CCNO 84-108: Windows
CCNO 84-108: Weatherboards
CCNO 84-108: Flashing/parapet
CCNO 84-108: Roof shingles
CCNO 84-108: Gutters/downspouts
CCNO 84-108: Soffits/fascia
CCNO 84-108: Vegetation
CCNO 84-108: Other

Fees:

Type	Amount	Paid
One Time Fine	\$6,500.00	Paid: No
Court Costs	\$75.00	Paid: No
Daily Fines	\$500.00	Paid: No
Abstract-Examination	\$501.50	Paid: No



Code violations, administered fines (totaling \$ 7576.50), and images of 2037 First Street demolition by hardship with resident on the porch in 2011. Images provided by The City of New Orleans. "Code Incident #16-07419-DBNNO." *One Stop APP*, August 2, 2016.

<https://onestopapp.nola.gov/SummaryContent.aspx?type=Code%20Incident&id=214779.>; See also, The City of New Orleans. "Code Incident #17-00789-MPM." *One Stop APP*, February 2, 2017.

<https://onestopapp.nola.gov/SummaryContent.aspx?type=Code%20Incident&id=221525.>; And Google Maps. "Street View." Accessed November 13, 2022. <https://maps.google.com>.

City of New Orleans
Code Enforcement and Hearings Bureau

IMMINENT DANGER PROPERTY
Metro/Durr Group
Bid Proposal NO: 7803-01852

Property Address 2037 1st
Work Order 182
NTP Date 3/14/2017

Item	Width (feet)	Length (feet)	Quantity (\$/Units)	Units	Unit Price	Cost
Main Building	28	63	1616	SF	\$ 3.90	\$ 6,302.40
Concrete	32	34	1084	SF	\$ 0.40	\$ 433.60
Lot Size	60	86	5190	SF		
Sand Fill			95.56	CY	\$ 11.75	\$ 1,122.78
TOTAL AUTHORIZED WORK ORDER						\$ 7,858.78

Emergency Demolition **C&D**

Authorized: 
Hillary Carriere
Demolition Coordinator

Authorized: 
Chad G. Dyer
Director of Code Enforcement

3/14/2017
Date

17-09030-HDLC

2037 First St

3/24/2017

AFFILIANT: JOHN ORTEGA

ISSUED BY: ANNA PEREIRA


OWNER:

HISTORIC DISTRICT LANDMARKS COMMISSION

CERTIFICATE OF APPROPRIATENESS

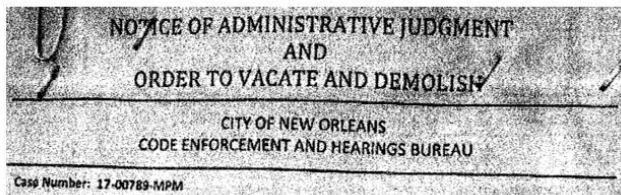
WORK APPROVED:


1. Demolish two story, residential building due to imminent danger of collapse. Site shall be leveled and cleared of all debris.



NOT VALID UNLESS POSTED ON SITE

By posting this notice, the owner of the property certifies that they understand all work described above, and acknowledge that they are legally responsible for ensuring that all work performed has been approved prior to execution and is completed in accordance with approved drawings. For questions regarding this approval or to schedule a final inspection call the number below. **THIS FORM MUST REMAIN POSTED UNTIL WORK IS CERTIFIED AS COMPLIANT BY HDLC STAFF**
1300 Perdido Street, Room 7W03 • New Orleans • LA • 70112 • (504) 658-7040 • www.nola.gov/hdli
SOLO EL TRABAJO DESCRITO ANTERIORMENTE PUEDE REALIZARSE LEGALMENTE EN ESTE EDIFICIO




APPROVED FOR DEMOLITION
DISAPPROVED FOR DEMOLITION

Demolition work orders, Historic District Landmarks Commission certificate of appropriateness, order to vacate and demolish, and demolition approval. Images provided by The City of New Orleans. "Permit #17-09030-DEMO." *One Stop APP*, March 16, 2017.
<https://onestopapp.nola.gov/SummaryContent.aspx?type=Permit&id=708504>; And the City of New Orleans. "Permit #17-09030-HDLC." *One Stop APP*, March 22, 2017.
<https://onestopapp.nola.gov/SummaryContent.aspx?type=Permit&id=709261>.



Incident Number:	18-11035-MPM
Type:	Minimum Property Maintenance
Department:	CE
Location:	2037 First St
Owner:	Harry Williby
Description:	Occupants living in a large tent on the property without a permit. Occupants are cooking near or within the tent, causing a potential fire hazard. The occupants are improperly disposing human waste, causing a smell especially in damp conditions, which is a direct threat to the health of residents in the neighborhood.

2037 First Street as of March 2022 (top left), occupied tent in 2018 after demolition of the house (bottom left), aerial of lot as of 2022(top right), and code enforcement violation in 2019 (bottom right). Images provided by Google Maps. "Street View." Accessed November 13, 2022. [https://maps.google.com.](https://maps.google.com;); And the City of New Orleans. "Code Incident #19-10608-ILGUS." One Stop APP. October 30, 2019. <https://onestopapp.nola.gov/SummaryContent.aspx?type=Code%20Incident&id=259283>.

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