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Rethinking Exclusionary Zoning or: How I Stopped Worrying and Learned to Love It*

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David Imbroscio¹ 

Abstract

Everybody, in the academic/activist world at least, seems to hate exclusionary zoning (EZ). In this intervention, I question this prevalent sentiment, especially as held by urban/housing scholars dedicated to the pursuit of social (or housing) justice. I find that the effort to curtail EZ—the Anti-Exclusionary Zoning (Anti-EZ) Project—embraces a set of pernicious normative values giving rise to sociopolitical outcomes far more detrimental to social justice than EZ’s actual adverse effects. Most saliently, while the practice of EZ is often a manifestation of the ubiquitous and enduring presence of racism in America, the Anti-EZ Project inflicts an even greater degree of racialized harm upon the disadvantaged. I thus find that, strategically, the Anti-EZ Project stands in polar opposition to what the pursuit of social/racial justice demands, and I briefly sketch the basic contours of this alternative strategy, pointing to, *inter alia*, some affinities with the Movement for Black Lives platform.

Keywords

exclusionary zoning, neoliberalism, local democracy, housing justice, progressive urban policy

¹University of Louisville, Louisville, KY, USA

*Title taken with all apologies to SK.

Corresponding Author:

David Imbroscio, University of Louisville, Ford Hall, Louisville, KY 40292, USA.

Email: imbroscio@louisville.edu

Not unlike the semi-fictional young Chris Rock, everybody—in the academic and activist world at least—seems to hate exclusionary zoning (EZ). Prominent among this group are those American urban and housing policy analysts and scholars dedicated to a broad array of normative goals associated with the pursuit of “social justice” (sometimes further specified as “housing justice”), namely, economic equity, racial fairness, equality of opportunity, and the empowerment of the powerless. Such analysts commonly see the practice of EZ as a key impediment to the realization of these goals and hence as a significant barrier to the realization of social justice itself in U.S. urban (metropolitan) areas.¹

At the heart of this intervention lies an aspiration to debunk this common (mis)understanding of EZ—so that, in Strangelovian terms, we might stop worrying and learn to love it. Here I am of course being deliberately provocative and more than a bit facetious: There are no doubt real harms associated with EZ, and the history of its deployment is clearly fraught with contemptible motives often rooted in irrational fears that are racist and classist to the core (see, for example, Rothstein 2017). My actual plea, then, is not that we learn to love it, but rather that we come to accept it. This acceptance is imperative, I demonstrate below, because the effort to eliminate it—what I refer to as the *Anti-Exclusionary Zoning (Anti-EZ) Project*—embraces a set of pernicious normative values that give rise to sociopolitical outcomes far more detrimental to the cause of social justice than the actual adverse effects of EZ. Thus, my overarching thesis is that we can rightly say of the Anti-EZ Project’s quest to eliminate EZ what James Madison (in *Federalist #10*) famously said of the destruction of liberty to address the problem of faction: The cure is clearly worse than the disease itself.

Some Preliminaries

The term *exclusionary zoning* is a catchall term for (usually local) land-use (and related) regulations, and the political processes in which they are administered, many of which do not involve “zoning” per se. In accordance, the target of Anti-EZ Project also extends beyond “zoning” in the narrow sense. Key to this Project is the idea that these local regulations and processes are largely unnecessary and overly cumbersome, and result in (artificially) limiting the supply of housing the (undistorted) market would otherwise provide. These supply limits, in turn, increase housing’s overall per-unit price, making it less affordable to those with low or moderate incomes. The result is the “exclusion” of many who (it is presumed, often without direct evidence; see Goetz 2018) desire to move to a given community or jurisdiction but cannot afford to because of the price-increasing effects of EZ.

In the suburban context, where EZ has traditionally been most pronounced, the usual suspects here have been regulations that limit multi-family dwellings, or that require even single-family homes to be large (in terms of living space and lot size) and built according to strict building codes, along with political and administrative procedures that give local residents and their representatives the ability to shape development patterns in their communities (see, for example, Pendall et al. 2006). Some Anti-EZers like longtime critic Anthony Downs (1993, p. 257) add an expensive array of “regulatory barriers to [housing] affordability,” including prevailing union wage requirements, regulations governing developers’ hiring practices, historic preservation regulations, environmental regulations (protecting wetlands and endangered species; impact statement requirements), impact fees and exactions, rent controls, regulations on mobile homes, and a plethora of others. All of these government regulations, Downs (1993, p. 256) points out, raise housing costs and thus “tend to aggravate . . . housing affordability problem[s], since they make it harder for households with any given income to occupy housing units of any given quality level.” Thus, in definitional terms, it is important to remember that, while communities may block the development of affordable housing using a variety of means, EZ itself (broadly understood as Downs’s notion of “regulatory barriers to affordability”) involves *one particular means*—namely, price increases stemming from local regulatory regimes.

The list of societal ills seen to be caused by EZ is as long as its supposed harms are deep. First among these harms is that EZ is seen as a strong contributor to America’s high (and rising) degree of residential economic segregation (see, for example, Kahlenberg 2017a; Lens and Monkkonen 2016; Massey et al. 2013). According to the Anti-EZ Project, by adopting EZ measures the affluent can, in essence, wall themselves off from the less affluent and poor. These walls supposedly have the dual effect of not only spatially concentrating those with relative wealth and privilege; on the flip side they also supposedly work to segregate the poor into areas of high poverty, who are seen as being trapped in such areas because they are unable to move to affluent areas (see Downs 1993; Dreier, Mollenkopf, and Swanstrom 2014; Jargowsky 2015; Rigsby 2016). And because race is so intertwined with class in the United States, EZ is seen by the Anti-EZ Project as a key source of racial segregation as well, working to maintain a system of what has powerfully been labeled “American Apartheid” (Massey and Denton 1993; also see Pendall 2000; Rothwell and Massey 2010). In fact, a recent joint statement proffered by a group of “fair housing experts” cites “restrictive and exclusionary land use policies” as “the most pernicious force” currently working to maintain racial and economic segregation (Cashin et al. 2018; also see Massey et al. 2013).

It is the supposed *effects* of this segregation that drives the Anti-EZ Project to vilify EZ most severely. Specifically, by walling themselves off through land-use regulation, the affluent are seen as preventing the poor and disadvantaged from experiencing a decent quality of life and, most importantly, significantly diminishing the life chances of disadvantaged children (to achieve upward social mobility). Regarding the latter, in a highly influential recent book, Richard Reeves (2017) of the Brookings Institution contemptuously brands the affluent as so-called “dream hoarders,” who, by blocking entry into their privileged communities and thus “hoarding” opportunities for their own children, selfishly prevent the children of the less fortunate from having a fair shot at the so-called American Dream. The supposed result, according to the Anti-EZ Project as a whole, is that both economic and racial inequalities are severely exacerbated (see, for example, Dreier, Mollenkopf, and Swanstrom 2014; Rothwell 2012).

Beyond these regressive distributional effects, of late the Anti-EZ Project has turned some of its ire to EZ’s more aggregate impacts. Widely cited here is urban economists Chang-Tai Hsieh and Enrico Moretti’s (2017) dramatic claim that a “creeping web” of land-use regulations “has smothered wage and gross domestic product growth in American cities by a stunning 50 percent over the past 50 years” (also see Florida 2017; Ganong and Shoag 2017; Glaeser and Gyourko 2018). Specifically, by driving up housing prices in “high productivity areas,” land-use regulations (hypothetically, they surmise) have prevented workers from relocating to such areas, something they contend would have increased the U.S. gross domestic product (GDP) by some US \$1.4 trillion—“which would mean, for the average American worker, an additional US \$6,775 in annual income.”² Another widely seen aggregate impact of EZ involves its supposed role in the exacerbation of environmental degradation, including its adverse effects on the climate, given that it prevents housing density in areas near an abundant supply of jobs. This lower density development is, in turn, seen to necessitate the proliferation of suburban sprawl, leaving workers with long, environmentally destructive commutes while gobbling up open spaces at alarming rates (see, for example, Dreier, Mollenkopf, and Swanstrom 2014; Glaeser 2011; Levine 2006; Orfield 1997).

In sum, then, the Anti-EZ Project portrays EZ as being the cause of massive levels of *both* inequality and inefficiency, as well as significant ecological damage. Given the widespread acceptance of this portrayal (in academic circles at least), it is not at all surprising that the abhorrence for EZ among urban and housing scholars and analysts is near universal. It would thus seem injudicious at best, perhaps bordering on the absurd, to proffer a sympathetic

reassessment of something so widely seen as deplorable. Nevertheless, that is what I shall attempt to do below.

In doing so, I speak most directly to those urban scholars and housing policy analysts who see the eradication (or severe curtailment) of EZ as a viable and desirable path toward the realization of social justice. Centrally, I contend that, while EZ clearly has some adverse impacts—and in general can at times be quite galling to prevailing liberal sensibilities—the effect of the effort to dismantle it (i.e., the Anti-EZ Project) is far more detrimental to the cause of social justice than EZ itself—or, in the Madisonian formulation referenced above, the cure is clearly worse than the disease. This is not to gainsay the indisputable fact that the institutionalization of EZ, like so many spatial practices in the United States, including most significantly for my argument the massive underinvestment in poor urban neighborhoods, was often a manifestation of the ubiquitous and enduring presence of racism in America (see, for example, Rothstein 2017). Rather, my key contention is that, upon close (and critical) scrutiny, it becomes clear that the project to eradicate EZ inflicts an even greater degree of racialized harm upon disadvantaged people of color than EZ itself.

While the Anti-EZ Project has of late turned its attention to the so-called “new exclusionary zoning” in high-demand central cities (see Mangin 2014), where the so-called YIMBY (Yes In My Backyard) movement has been most focused, my analysis here in contrast focuses mostly on EZ as practiced by affluent suburban jurisdictions (sometimes referred to as the “favored quarter” of metro areas), which have been the traditional and long-standing target of Anti-EZ animus.³ In specific terms, I find that a deep commitment to two particularly pernicious normative standpoints animates the Anti-EZ Project, both with quite troubling consequences. The first, and most crucial, is the ideology of neoliberalism; the second is the profound skepticism about the fundamental value of grassroots democracy.

In light of these findings, I suggest that the Anti-EZ Project, with these two central normative attributes, actually stands in *polar opposition* to how we should go about pursuing what the call for social (or housing) justice demands. What is instead required is a counter-hegemonic project involving (1) the grassroots mobilization of democratically empowered local communities that (2) fights against neoliberalism by deploying a range of public and community-based powers in service of a robust anti-poverty/inequality policy agenda. To conclude, I offer a brief sketch of what this agenda might look like on the ground, pointing to, *inter alia*, some affinities between it and the platform recently put forward by the Movement for Black Lives and the emergent “new municipalism” associated with the rise of so-called “Fearless Cities” (Russell 2019).

A final prefatory word is in order. While some may construe my argument below as giving affluent, White-dominated suburbs license to maintain their privilege—a “pass,” colloquially speaking—this would be a mistake. Instead, what I am arguing for is a different means by which to attack their privilege in what are, ultimately, more fundamental (or radical) ways (cf. Goetz 2018; Shelby 2016). To give up the fight against EZ is *not* to give up the fight for social and racial justice; rather, it is the prerequisite to employing a superior strategy to achieve that justice. Because the Anti-EZ Project has achieved next to nothing in almost a half-century (see Mangin 2014), it is past time we consider more radical alternatives to it.

The Critique of the Anti-EZ Project: Neoliberalism

That the Anti-EZ Project is underlain by a deep commitment to neoliberalism is an often-overlooked point. This is perhaps because many of the key theorists of neoliberal urbanism (its manifestation at the urban scale), who themselves are deeply dedicated to the pursuit of social justice, fail to question the conventional understanding of EZ. Moreover, as I will make clear below, many Anti-EZers, especially those with a social justice orientation, support many modifications to standard neoliberal practices (such as mandated regulatory measures and governmental subsidization efforts that are redistributive in nature), and thus the Anti-EZ Project, taken as a whole, can be understood as a *hybrid* manifestation of neoliberalism. Nonetheless, even with these modifications, for reasons I explain below the general thrust (or impulse) of the entire Anti-EZ Project is decidedly neoliberal in nature, *even if many practicing Anti-EZers—who come to that project with progressive values devoted to social justice—are themselves unwitting (or perhaps reluctant or accidental) neoliberals.*⁴

To begin to understand the Anti-EZ Project’s deep commitment to neoliberalism, consider first the nature of neoliberal ideology. As the foremost theorists of neoliberal urbanism explain, the essence of neoliberal ideology is the belief that “open, competitive and unregulated markets, liberated from state interference and the actions of social collectivities, represent the optimal mechanism for socioeconomic development” (Peck, Theodore, and Brenner 2009, p. 50; also see Hackworth 2007; Harvey 2005). In sync with this worldview, the general thrust (or impulse) of the Anti-EZ Project holds that, socio-economically, an optimum results from rolling back governmental (or state) interference (specifically certain supposedly unnecessary or overly cumbersome rules and regulations governing land use), as well as limiting the ability of social collectivities (most notably an engaged local public) to slow the intensification of land use in their communities (by, for example, expediting or

otherwise limiting administrative review processes). With the deconstruction of the (local) regulatory state and the enfeeblement of social collectivities, the (newly liberated) market for housing can work in less fettered ways (specifically by supplying more housing to meet market demand). In classic neoliberal fashion, the disadvantaged are then seen to be empowered by this unleashing of market forces, as developers respond to supply-side incentives (embodied in a deregulated land-use regime) by building more low cost housing in desirable areas (sometimes called “opportunity communities”). Because this housing is more affordable due to the elimination of an artificial or unnatural (i.e., non-market) scarcity, the poor and less well-off can more freely move to such areas as empowered market consumers, supposedly enhancing their well-being (or utility) across a variety of dimensions (see, for example, Rothwell and Massey 2010). Also in classic neoliberal fashion (see Bronstein 2017; Hackworth 2007; Slobodian 2018), to effectuate this process the Anti-EZ Project calls not only for a reduction of governmental action (the “roll back” stage of neoliberalism) but also its corresponding augmentation to foster market forces and outcomes (the “roll out” stage). Most common here is the idea that the governments of the American states (or possibly even the federal government) should, as leading Anti-EZer Edward Glaeser (2017) advocates, “rewrite local land use powers” in strongly market-facilitating directions, something endorsed by a host of Anti-EZers from *all* political orientations (see, for example, Dreier, Mollenkopf, and Swanstrom 2014; Ihlanfeldt 2004; Lens and Monkkonen 2016).

This clear neoliberal standpoint of the Anti-EZ Project, with its view that less fettered market forces lead to individual empowerment, finds a parallel in a variety of policy domains. In a prominent example, neoliberals deploy a similar rationale to decry minimum wage laws as keeping the poor and less off from obtaining employment. Such government regulations raise the price of labor, they argue, which has the effect of pricing the poor out of labor markets as employers can now attract middle-class workers (especially suburban teenagers) at the (artificially) high minimum wage rate (see, for example, Goodman and Dolan 1985). Just as with the limiting of EZ land regulations, the limiting of labor regulations like the minimum wage is seen to allow market-empowered poor workers to, in a similar fashion to poor housing consumers, more freely move into positions of employment.

Yet, in accordance with the basic features of a neoliberalized political economy, there are usually strict confines to this kind of market empowerment—confines set, not surprisingly, by the market itself (see, for example, Harvey 2005; Monbiot 2016; Peck, Theodore, and Brenner 2009; Weaver 2016). Akin to the case of gutting the minimum wage (see, for example, Bernstein and Spielberg 2017), in regard to the reduction of EZ these limits

are usually quite stark. Take, for example, the recent policy prescription of Richard Kahlenberg (2017a, p. 29), a well-known public intellectual and one of the most prominent politically liberal (or progressive) opponents of EZ. In broad accordance with the prescriptions of *all* progressive Anti-EZers (see, for example, Cashin et al. 2018; Dreier, Mollenkopf, and Swanstrom 2014; Jargowsky 2015; Lens 2019; Massey et al. 2013), Kahlenberg calls for an “Economic Fair Housing Act” (to be implemented first by progressive states and then the federal government) “that seeks to diminish or even end exclusionary zoning.” Explaining how the effects of this Act would play out, he writes that at “the individual housing unit level, free market forces would continue to discriminate by income” because “that simply is what markets do.” But, he adds, “government zoning policies should not, on top of that, discriminate based on income . . .” (in fact, he adds, “the government should get out of the way and allow individuals to build at greater density levels than exclusionary zoning allows”). What is especially revealing here about the Anti-EZ Project’s neoliberalism is that this Project seeks only the elimination of housing discrimination caused by *governments*. Market-based discrimination is left unchallenged—and even endorsed as “simply . . . what markets do.”

In the end, then, the Anti-EZ project, like all neoliberal projects, embraces the so-called judgment of the market in regard to what is considered to be a just and legitimate basis for discrimination in housing. From this vantage point, it is acceptable to deny housing to families with limited means as long as this lack of affordability results from market, rather than political, processes—a case of “market justice” trumping “political justice” (see Lane 1986). Yet, as a wealth of recent research has well documented, it is these same market processes that generate the massive inequalities in income and wealth that lead to most of the housing affordability problems in the first place (see, most recently and prominently, Piketty 2014). Arguably, then, those problems of affordability caused by local government land-use regulations—which occur, in Kahlenberg’s words, “on top of that” (i.e., market processes)—are residual. They pale, for example, in comparison with the market-generated inequalities that have left the entire bottom 60% of the population with just about 2% of all of American wealth vis-à-vis the whopping 90% owned by the top quintile (Wolff 2017). Thus, the market empowerment that would result from the neoliberal Anti-EZ Project, while likely real, would nonetheless be overwhelmed by the broader market dynamics that lie at the heart of the neoliberal order itself.

Of course, as intimated above, many Anti-EZers, especially the subset with a progressive orientation spurred by a concern for social justice, understand well these obvious limits to neoliberal market empowerment. As such,

they recognize the need to modify market processes via political (e.g., mandated governmental regulatory or subsidization) actions to enhance housing affordability, especially in areas of high demand (thus re-injecting a measure political justice back into the equation). Kahlenberg (2017a, p. 35) himself, for example, joins a chorus of progressive Anti-EZers in recognizing that market-induced “density by itself does not equal affordability” (see, for example, Mangin 2014; Pendall et al. 2006), and therefore advocates that “the phase out of [EZ] should be accompanied by inclusionary zoning [IZ] policies.” In contrast to the deregulatory thrust at the heart of the Anti-EZ Project, these inclusionary zoning (IZ) policies, like a related program called linkage, pull in the opposite direction by instead imposing obligations on developers of market rate (often luxury) housing to create some affordable housing. Likewise, other progressive Anti-EZers also call for the (mandated) creation of additional affordable units in high-cost areas via direct subsidization programs like the Low Income Housing Tax Credit (LIHTC), a commonly built form of quasi-public housing (see, for example, Galster et al. 2003; Orfield et al. 2015).

The Anti-EZ Project thus represents a *hybrid* form of neoliberal urbanism, which is unsurprising given how rare (and unstable) “pure” forms appear to be (Peck, Theodore, and Brenner 2009, p. 54; also see Hackworth 2007). Yet while clearly endorsing these market-modifying regulatory and subsidization programs as a means to create affordable housing, the Anti-EZ Project remains fundamentally neoliberal in nature because it also advocates that the role of such programs be highly circumscribed.

Instead, for the Anti-EZ Project the real game of enhancing affordability, in terms of producing significant benefits, is seen to be the general rollback of governmental actions. For example, while recognizing some marginal benefit in states and localities using public measures to promote affordable housing in high-priced jurisdictions, leading Anti-EZer Jonathan Rothwell (2012, p. 22) nevertheless sees clear limits to this approach. “Unfortunately,” he writes, “inclusionary zoning [IZ] and various other pro-affordable housing policies must co-exist with more *powerful and sweeping* laws that block affordable housing . . . where it is most needed” (emphasis added). Likewise, in an illuminating recent discussion appearing in the influential community development magazine *Shelterforce* (Axel-Lute 2017), Rick Jacobus, another strong voice in the Anti-EZ camp, notes that IZ “has been taking off,” adding that “it’s great to see so many cities thinking hard about how to do some *small portion* of low-income housing” (emphasis added). Yet what is really needed, he believes, is a wider Anti-EZ strategy for “the whole market.” In the same discussion, affordable housing expert Alan Mallach similarly sees the key problem as being that past government affordability policies only have

entailed “a very narrow carve out” for “affordability-controlled [and] means-tested” units, rather than a broader “vehicle for reducing the regulatory burden, so people could simply build housing that was less expensive.”⁵

The latter observation highlights an important distinction between two related but separate policy agendas often, wrongly, conflated in the affordable housing literature. Namely, the Anti-EZ Project is, at its core, about a *particular means* to get affordable housing built (neoliberal market deregulation), rather than about the fight for affordable housing more broadly (including strong non-market measures). Along these lines, in a clear articulation of the Anti-EZ Project’s essence, perhaps its leading scholarly voice—the progressive sociologist Douglas Massey—argues that it “is more restrictive density zoning in suburbs that makes the difference” between the racial composition of cities versus suburbs. “The lower the density allowed, the fewer housing units get built, and the higher the home prices. High home prices keep the poor out . . .” (as quoted in Vock, Charles, and Maciag 2019; also see Lens 2019; Rothwell and Massey 2010).

In fact, for the Anti-EZ Project, with its strong neoliberal dispositions, the creation of affordable housing via modifications to market processes faces inherent limitations, precisely because these measures modify market processes (in ways undermining market incentives, with the widespread hostility to rent control being most notorious; see Blumgart 2015). For example, even when Anti-EZers are supportive of regulatory policies like IZ and linkage, such measures are approached with great circumspection if not outright suspicion. Typical here is Rolf Pendall’s (2008, p. 236) concern that such policies, if they are mandatory, may “add a layer of regulation in already complex and discouraging development environments,” and if that is indeed the case, “they are likely to further discourage development rather than produce much new affordable housing” (also see Bertolet and Durning 2016; Glaeser and Gyourko 2018). Moreover, and further in accordance with neoliberal prescriptions, to compensate for this erosion of market incentives, the Anti-EZ Project holds that any obligation (like IZ or linkage) placed on developers must be offset by a corresponding rollback of other regulations to properly incentivize investment (most commonly, zoning rules about project size in the form of density bonuses as well as other incentives including the circumvention of normal planning processes; see A. F. Schwartz 2010).

Thus, while the Anti-EZ Project includes some modest deviations from the general neoliberal urbanist model, its overwhelming ideological orientation is, in fact, decidedly rooted in the theory and practice of neoliberalism. At some level, this observation should come as little surprise, as two of this Project’s most prominent enthusiasts are Richard Florida (especially via his *CityLab* venture) and Edward Glaeser, representing both the progressive and

libertarian wings of urban neoliberal ideology (see, for example, Jamie Peck's penetrating critiques of each on these grounds; Peck 2005, 2016).⁶ Nonetheless, it is clearly the case that many practicing Anti-EZers are not themselves committed neoliberals, and instead see their work as a continuation of the great civil rights struggles for "open housing" in the 1960s (see Goetz 2018). In fact, my overarching aim in this intervention into the discourse is to expose that posture as admirable but misguided—while pointing to superior strategies for realizing racial equality. In short, in their fervent desire to eradicate EZ, these social justice-oriented Anti-EZers too often embrace (or at least proffer "aid and comfort") to what is, to the core, an agenda steeped in both the theory and practice of neoliberalism.

Six Key Consequences

One might ask—appropriately—so what? If neoliberal measures can, for example, help break down the persistence of racial and economic segregation and thus lessen the hoarding of opportunities by affluent White suburbanites, why is the Anti-EZ Project wrong in pursuing such a policy agenda? For if the goal is to further the cause of social/racial justice, should we not look to any means necessary to realize it?

These are, undoubtedly, legitimate questions. The difficulties with the Anti-EZ Project's neoliberal orientation are, however, manifold. They give rise to at least six especially acute problems that, taken together, clearly demonstrate the perniciousness of its agenda. In sum, then, and as anticipated at the outset, the Anti-EZ Project's neoliberal cure turns out to be worse than the disease (of EZ) itself.

Faces strong limits to market empowerment. The first and most serious problem is rooted in the fact that, while the neoliberalism of the Anti-EZ Project empowers the disadvantaged via the harnessing of market forces, the resulting empowerment is, as sketched above, actually quite restricted. Most of the economic barrier pricing the disadvantaged out of affluent residential areas comes from the massive inequalities generated by the market itself (see, for example, Piketty 2014). As pointed out above, these market processes have left the entire bottom 60% of the population with only about 2% of American wealth and, even worse, have also left an astounding number (43.5%) of *all* Americans either in poverty or as "low income,"⁷ according to the Supplemental Poverty Measure (Anderson et al. 2018). Yet, given that these affluent areas are often the sites of intense bidding wars to enter, especially because of the quality of public schools (see, for example, Frank 2007), even the cheaper multi-family housing constructed by Anti-EZ Project's unleashing of

market forces is still likely to be quite expensive, perpetuating the exclusion of the disadvantaged. Thus, in practice, what the neoliberal Anti-EZ agenda is likely to do is open up these privileged areas, now dominated by those in the top 10% of the wealth distribution (see Stewart 2018), only to the moderately less affluent (cf. A. F. Schwartz 2010).⁸ While the disadvantaged can of course enter these affluent areas with the expansion of IZ and the mandating of other explicitly means-tested affordability measures, as noted above these subsidization measures cut against the neoliberal, market-oriented emphasis of the Anti-EZ agenda and thus are only a narrow “carve out” within it.

Augments the ideological legitimization of neoliberalism. Even these timid steps toward spatial integration might be welcome, as they still open up privileged residential areas to a (small) portion of the disadvantaged (and moderately less affluent) now excluded. Nonetheless, the embrace of the Anti-EZ Project by social justice advocates to accomplish this otherwise laudable goal is tantamount to—it can be said with only slight hyperbole—making a deal with the devil. Specifically, by embracing the Anti-EZ Project, these advocates contribute to that Project’s ideological legitimization of a fundamental tenet of neoliberalism—namely, that market processes empower the poor and disadvantaged (Peck 2010; Weaver 2016). Thus, in doing so, they help legitimate the very pro-market ideology that creates most of the exclusion (via the massive economic inequalities that drive housing unaffordability) in the first place.

One of the key ways the Anti-EZ Project legitimates neoliberal ideology is through its tendency to see market processes in naturalized ways. As alluded to above, this Project sees governmental land-use controls mostly as non-natural “distortions” of these market processes. Summarizing the Anti-EZ perspective on the issue, Kahlenberg (2017b) points out, correctly, that “economists across the political spectrum agree that current exclusionary policies create an *artificial* scarcity of housing, driving up prices beyond what the market would *naturally* dictate” (emphases added; also see other progressive Anti-EZers on this point such as Massey et al. 2013 and Lens and Monkkonen 2016). These regulations, he continues, thus amount to an unnatural, inorganic process of “social engineering,” which leads to “unwarranted” property values that must, via the rollback government regulations, be adjusted to “genuine market levels” (Kahlenberg 2017b).

The real problem here is not just that these claims are empirically wrong, given that markets are fundamentally unnatural and must be laboriously socially constructed and maintained.⁹ Instead, most deleterious is the *political effect* of this ideological legitimization. For once the market comes to be ideologically naturalized in this way—that is, seen as the natural state of

affairs—it becomes extremely problematic politically to pursue non-market (i.e., governmental) actions *at all* (see DeFilippis 2017), as neoliberalism casts such actions as artificial, even alien. The result would likely be that even “good” regulations like IZ become a tough political sell, let alone the more profound governmental interventions into market processes coming from deeper subsidization programs like LIHTC or traditional public housing. Indeed, this is exactly the tack employed by right-wing critics such as the Manhattan Institute’s Howard Husock, who assails such artificial subsidization efforts as community-destabilizing to the natural order of things. Specifically, Husock (2016) sees this subsidization as unnaturally “overriding the powerful dynamic of the American housing market, in which residents earn [in the market] their way up the socioeconomic rungs of a ‘housing ladder.’” Hence, whatever small advances in social justice the triumph of the neoliberal Anti-EZ Project might bring, its retrograde ideological impacts reinforcing the belief systems of neoliberalism would vastly outweigh them.

Fosters excessive mobility. At the heart of the Anti-EZ Project thus lies a normative vision embracing a neoliberalized state with its market-dampening efforts attenuated and its market-deepening aspects augmented. Another key part of the normative vision of the Anti-EZ Project, also deeply rooted in its neoliberalism, is an emphasis on amplifying the spatial mobility of people. The key problem with EZ for the Anti-EZ Project is that, by restricting development in market-favored areas, it inhibits the ability to decamp to those areas, something that will, ostensibly, increase individual utility (see, for example, Downs 1993; Galster 2019). The broader neoliberal view of which this is a part was recently articulated prominently by Jason Furman, former chairman of President Obama’s Council of Economic Advisors. In this view, market empowerment comes through maximal mobility, while disempowerment results when people are “stuck” in a place (or a situation of any kind). The enemy for Furman, perhaps best known for his research lauding Walmart as a “progressive success story,”¹⁰ as well as for other like-minded neoliberal thinkers, is “frictions” that hamper (presumably desired) mobility by placing barriers on easy exit and entry, of which land-use regulations are seen as a key source (Furman 2016; also see Schleicher 2017).

The problem with this worldview is not only that it assumes (without evidence) that disadvantaged families possess a desire to move, stripping away much of their agency (Imbroscio 2010). More broadly consequential is the fact that, while in a free society it should be a normative priority to ensure individuals never be stuck in a residential living situation against their will, it is also the case that some degree of “friction” inhibiting movement is actually quite beneficial to the broader society (see, for example, Dagger 1997;

Schoenbaum 2017; Walzer 1998). Frictions, for example, are both the source and the result of attachments to place—be it a neighborhood or a city; they strengthen familial ties as well (see Cox 2001; Deneen 2018; Swanstrom 1993). Frictions thus can be the building blocks of both social capital and community. A world without frictions where exit and entry are seamless in ways that facilitate a high degree of individual mobility would thus be plagued with a multitude of social and political problems (see, for example, Deneen 2018; Putnam 2000). Moreover, as Albert Hirschman (1970) famously explained, high levels of political engagement (or voice) are most strongly facilitated when various frictions limit exit, hence creating the conditions for loyalty (and solidarity).¹¹ In cities, for example, empirical analyses find that residential stability facilitates this increased political engagement, as well as the development of local associations and social networks (Sampson 1999; Williamson 2010). More generally, it was the dramatic lessening of frictions—by, most notably, the building of the interstate highway system in tandem with massive suburban subsidization—that drove the excessive post-War out-migration from American central cities in the first place. This dynamic greatly exacerbated the deterioration of urban neighborhoods and multiplied the social and economic difficulties their inhabitants still acutely experience today (see Dreier, Mollenkopf, and Swanstrom 2014).

Embraces meritocratic ideals. The neoliberal normative vision of the Anti-EZ Project also leads it to embrace the morally questionable principle of meritocracy. As noted at the outset, a key goal of this Project is to prevent so-called “opportunity hoarding,” where those parents living in communities with EZ supposedly act as “dream hoarders” keeping the privileges of good schools, job opportunities, and productive social networks all for their own children (Reeves 2017). Specifically, because EZ is seen to prevent disadvantaged families from moving to these communities, the distribution of what Reeves (2017, p. 13) calls “market merit” is supposedly “rigged” against their children. This situation, in turn, perpetuates inequality by inhibiting fair competition (or equality of opportunity) among all children, denying the ability of some to demonstrate they are meritoriously deserving of the market rewards flowing to the top end of the income distribution. The curbing of EZ, then, is seen to be part of a broader effort to unrig these “markets for merit,” thus equalizing opportunities for the disadvantaged to rise.

While this vision seems at first normatively appealing—to fix a rigged system so that disadvantaged children can have a fair shot at the so-called American Dream—it is nonetheless beset with significant problems. For one, its mechanism for achieving equity and social justice is a brutal—and highly individualistic—competitive struggle, a “rat race” that is zero-sum in nature

as some must perforce fall to make room for merit-demonstrating others (see, for example, Reed and Chowkwanyun 2012; Schaar 1967; Wylie and Dhillon 2018). Most heart breaking is that, in practical terms, it simply sets up most disadvantaged children to fail, save perhaps the extraordinarily talented. This is because upper-middle-class parents, greatly fearing their own children's fall, routinely deploy an arsenal of ancillary resources to solidify the advantages their children already enjoy (see Garland 2013). Race and racism present additional barriers as well (see Silverman 2016). For example, based on a recent study that "tried to identify neighborhoods where poor black boys do well" (Badger et al. 2018), its lead author, the celebrated researcher Raj Chetty, concluded that "that there are essentially no such neighborhoods in America." (as quoted in Badger et al. 2018; see Chetty et al. 2018). Moreover, even if a meritocracy could be established, or its ideal approached, this would have the significant downside of undermining social support for those unable to succeed, because their failure would now rest squarely on their own supposed lack of merit (instead of the broader structural impediments to their success; see, for example, McNamee and Miller 2004; Schaar 1967). In short, then, rather than relying on the disadvantaged's *individual* meritocratic achievement to realize social justice, as the Anti-EZ Project does, it is normatively superior to instead focus on the uplift of whole disadvantaged *communities*, most of which are in central cities or inner-ring suburbs (see Imbroscio 2016; cf. Goetz 2018).

Relies strategically on urban growth. Neoliberalism, as noted above, sees competitive unregulated markets free from state interference as the optimal means for maximizing social utility. And the most common vehicle by which unregulated markets produce this utility is through the augmentation of economic growth, which is understood to produce widespread societal benefits. Likewise, to address urban social problems, the Anti-EZ Project similarly relies on growth, especially as manifested in the intensification of established land-use patterns. Specifically, its core strategy is to foster growth in affluent areas by boosting market incentives (potential profits) for developers of high-density, less expensive housing. The realization of this growth is seen by the Anti-EZ Project as thus allowing the poor and less affluent to live in these areas, something that supposedly will enhance their social well-being in a number ways (see Downs 1993; Rothwell 2012).

Yet, as is well understood in the urban political economy literature, the utilization of growth strategies to combat urban ills is notoriously fraught with pitfalls. As Logan and Molotch (1987, p. 85) demonstrate in their now-classic analysis, "for many places and times, growth is at best a mixed blessing and the growth machine's claims are merely legitimating ideology, not

accurate descriptions of reality.” Lamentably, they continue, people “are often deceived by the extravagant claims that growth solves problems.” Especially in light of the climate and other ecological crises, when many are calling for the pursuit of de-growth or a post-growth or a steady-state economy, the pursuit of growth strategies to address our social problems seems acutely problematic (see Alperovitz 2013; Jackson 2017; Monbiot 2016; Speth 2012).

As a retort to this critique, the Anti-EZ Project advances the central contention that the urban growth it promotes is nonetheless salutary. This growth, it is claimed, leads to a densification of land-use patterns rather than increased urban sprawl, as more people can now live in relatively compact (and relatively central) suburbs rather than needing to venture further out to the metropolitan fringe (see, for example, Pendall et al. 2006). Yet, what is left out of the Anti-EZ Project’s neoliberal narrative is a proper understanding of the larger regional growth dynamics at work in the post-War political economy of American cities. Specifically, while most Anti-EZers do not seem cognizant of it, the root cause of their urgency to intensify land-use patterns in affluent suburbs stems from the spectacular post-War failure to manage uneven growth processes elsewhere in urban regions, especially in central cities and some inner-ring suburbs (see Hackworth 2007). The result of this failure was either massive disinvestment leading to urban abandonment and decay or, more recently, over-investment leading to urban gentrification and serial displacement (see, for example, Elliott-Cooper, Hubbard, and Lees 2019; Feagin and Parker 1990; Williamson, Imbroscio, and Alperovitz 2002). Both of these phenomena—under-investment and over-investment—spurred (and continue to spur) the often-desperate need for the disadvantaged to flee cities (and now many distressed inner-ring suburbs; see Dreier, Mollenkopf, and Swanstrom 2014). And the Anti-EZ Project’s “solution” to these problems of mismanaged, uncontrolled capitalist growth is to incentivize additional growth elsewhere (affluent so-called “high opportunity” suburbs) so that those fleeing the ravages of unregulated capitalism have desirable places to go, post migration.

Yet, what is missed by the neoliberal Anti-EZ Project is an adequate understanding of the enormous costs that stem from these wider regional growth processes. Namely, either the established built environment and its infrastructure is simply “thrown away” and must be rebuilt elsewhere (see Jakle and Wilson 1992; Williamson, Imbroscio, and Alperovitz 2002), or enormous human and social deprivations are experienced by gentrification’s displaced populations (see Fullilove 2004; Lees, Slater, and Wyly 2008). It is thus a far more sustainable solution (both socially and economically) to manage uneven neoliberal growth patterns properly *in the first place*,¹² rather than

cleaning up the mess after-the-fact by promoting additional growth in affluent suburbs (via Anti-EZ measures).

Confronts the “social limits” to growth. The neoliberal Anti-EZ Project’s reliance on augmented growth (especially in the form of intensified land use) to ameliorate problems of urban poverty and inequality not only confronts growth’s *material* contradictions and limitations. Less well understood is its confrontation with what Fred Hirsch (1976) identified as the *social* limits to growth. Specifically, the places where the Anti-EZ Project wants to spur growth—affluent suburban jurisdictions of the favored quarter—are “positional goods,” which in contrast to material goods can be provided only to a limited number of persons. In essence, such goods are inherently scarce due to a process of crowding that, beyond some point, diminishes the very qualities that made them attractive in the first place, for example, high-quality schools or an aesthetically pleasing built or natural environment (see Frank 2007; Imbroscio 2012).

For example, in a widely cited study touting the benefits of Montgomery County, Maryland’s long-standing IZ program, H. Schwartz (2011)—not surprisingly—found that children who lived in the public housing produced by that program but who attended low-poverty schools “significantly outperformed their peers . . .” But, more consequentially, she also found that “the academic returns from this economic integration diminished as school poverty levels rose.” Specifically,

children in public housing who attended schools where 20 to 35 percent of students qualified for a free or reduced price meal performed *no better* academically over time than public housing children who attended schools where 35 to 85 percent of students qualified for a free or reduced price meal. (H. Schwartz 2011; emphasis added)

Thus, while it is clear some children’s academic performance can be improved by boosting the kinds of *material* growth in affluent residential areas that creates somewhat greater economic integration (via the production of less expensive housing and higher density), it is equally clear that the *social* limitations on the capacity of this growth to produce *widespread* benefits are quite profound. Given that by 2013 *over half* of all public school children (51.3%) qualified for a free or reduced price meal,¹³ and that the decline of much of suburbia has made affluent suburban areas an increasingly smaller proportion of the American metropolitan landscape,¹⁴ it is clear that the Anti-EZ Project fits the neoliberal pattern of proffering solutions to urban

poverty and inequality that pale in the face of the enormity of the problem (see Peck, Theodore, and Brenner 2009; Weaver 2016).

The Critique of the Anti-EZ Project: Democracy Skepticism

Related¹⁵ yet conceptually distinct from its neoliberalism is a second major problem with the Anti-EZ Project: It is imbued with a strong skepticism about the fundamental value of democracy. Its chief enemy is a localized system of political representation, where elected officials heed the two key norms of a healthy democratic polity—responsiveness and accountability to their constituents. Specifically, the Anti-EZ Project regularly excoriates these officials for dutifully attending to popular demands to regulate development within their local communities. This skepticism of democracy, which at times borders on outright hostility, plagues not only the more libertarian-oriented wing of the Anti-EZ Project with its strong property-rights focus, whose democracy skepticism is well understood (see Wilkinson 2017). More interesting, and more central to my analysis here, is its embrace by the Anti-EZ Project's more politically liberal (or progressive) social justice-oriented wing, whose chief focus is on equity.

Even more striking is that this democracy skepticism extends beyond democratic processes in their *representative*—or what the late Benjamin Barber (1984) aptly called “thin”—form. For the Anti-EZ Project, what is most problematic are those democratic procedures more direct and participatory in nature, specifically a democratically engaged and mobilized grassroots populace abetted by the array of “institutions that empower the public to participate in land use development” (Einstein, Glick, and Palmer 2017, p. 4). Expressing the typical Anti-EZ perspective regarding these grassroots-empowering institutions, Michael Schill (2005, p. 12) laments the fact that the intensification of land-use patterns often requires “discretionary government approvals, which frequently will be influenced by public pressure” as “each government approval provides citizens with the opportunity to raise concerns, voice opposition, and bring lawsuits against a project.” Similarly, Einstein, Glick, and Palmer (2017, pp. 5–6) lament how these citizen-empowering institutions “create [additional] costs for developers” because their compliance with land-use regulations takes time, for example, “frequently requiring multiple public meetings.” Moreover, the broader problem, as they see it, is the “neighborhood-level [that is, grassroots] focus” of the development process that empowers neighborhood groups and even individual community members who wish to “challenge and slow down development”

(Einstein, Glick, and Palmer 2017, p. 6; also see Fischel 2004; Hankinson 2018; Marble and Nall 2017). In fact, it is this *localized* democratic engagement that the Anti-EZ Project is most troubled by, exactly because, as Schill (2005, p. 15) notes, “direct participation by citizens tends to be most intense and effective with respect to local governments.”

Furthermore, in diametric opposition to the traditional “growth machine” formulation (Logan and Molotch 1987), if these mobilized grassroots groups fighting to control land-use patterns in their communities are the ultimate villains, the heroes of the Anti-EZ story are often developers seeking to realize profits by capturing rents. The “home-building and real estate industries,” Schill (2005, p. 15) points out, are “unfortunately” in his view “the only vocal groups consistently advocating for [regulatory] barrier removal” to allow intensified local growth in more affluent communities.¹⁶ Pendall (2008, p. 235) also emphasizes the key role these growth machine interests play, citing the well-known *Mount Laurel II* ruling in New Jersey. “Market rate builders,” he points out, “were key players” in the challenge to EZ resulting from that case “since they responded so hungrily to the incentives set out by the state supreme court.” More specifically, the Anti-EZ Project strongly endorses the so-called “builder’s remedy,” instituted by New Jersey as well as other states such as Massachusetts (Pendall 2008; Rothwell 2012). With this procedure, developers desiring to build in jurisdictions deemed to have too little affordable housing can have local land-use controls overridden at the state level, if their proposed market-rate developments include a minimum share of more affordable units. Anti-EZ Project applauds as “both the New Jersey and Massachusetts laws are frequently invoked by developers seeking to build higher-density housing in wealthy suburban areas,” while decrying that these efforts “often face fierce resistance from local governments and residents” (Freeman and Schuetz 2017, pp. 221–222).

Finally, the builder’s remedy points to the Anti-EZ Project’s solution to the problems caused when local inhabitants exercise democratic control over their community’s development and growth: This control needs to be usurped by higher level governments. As noted above, in regard to the Anti-EZ Project’s neoliberalism, what is called for, then, is not the absence of government action but rather market-promoting government policies (such as the builder’s remedy)—imposed from above—that work to abrogate local democracy by greatly weakening local land-use powers. While some Anti-EZ voices call for this abrogation to be on the federal level (see Kahlenberg 2017a), for constitutional and political reasons most see actions from state governments as most appropriate (see, for example, Glaeser 2017; Ihlanfeldt 2004; Lens 2019; Lens and Monkkonen 2016; Rothwell 2012). Thus, what is

called for by the Anti-EZ Project, in the name of advancing social justice, is the same undemocratic cudgel—state preemption—that is currently being used by the right wing throughout much of the nation to stymie social justice (as states take away the power of their localities to pass minimum wage laws, protect workers and immigrants, promote lesbian, gay, bisexual, transgender, transsexual, and queer [LGBTQ] equality, and even prevent discrimination against housing voucher recipients; see Schragger 2018).

Justifications and Their Problems

What leads the Anti-EZ Project's politically liberal (or progressive) adherents to cast off the democratic empowerment of communities in favor of both the growth machine and state preemption? First of all, at a deep philosophical level no doubt lies the primordial liberal fear and mistrust of localized political power (see, for example, Levy 2017). Secondly, and less abstract, others claim that localized processes to control land use are internally flawed, as the mobilized inhabitants fighting development in their neighborhoods or communities are seen to be generally unrepresentative of the community's political will (Einstein, Glick, and Palmer 2017). Yet the primary justification, which often implicitly incorporates the first two, is that those democratically empowered to control local land use are selfish NIMBYs (often holding racist presuppositions), who are able through mechanisms of decentralization and public participation to effectuate their parochial interests via EZ (whether that be the preservation of the character of their communities and its quality of life or, more crassly, the property values of their homes).¹⁷ While (perhaps) adopted by processes that are internally democratic, these local land controls are seen by the Anti-EZ Project as imposing external costs on others (see, for example, Glaeser 2017; Hankinson 2018) with, as noted above, the so-called hoarding of opportunities being chief among them (see Reeves 2017).

At a surface level, the visceral reaction of progressive Anti-EZers to these injustices impelling it to condemn local democracy seems well justified. There are, for example, a plethora of cases of affluent White communities using their democratic empowerment to block affordable housing in their communities (see, for example, Galster et al. 2003; Scally and Tighe 2015). The key problem with this perspective, however, is that—once again—the cure may be worse than the disease. Most notably, the use of state preemption to abrogate or greatly weaken the power of grassroots groups to shape land use in their communities would no doubt have its most harmful impact *not* on these affluent communities, who will always find ways to exclude,¹⁸ but instead on many of the most vulnerable, usually minority neighborhoods struggling to fight the growth machine and slow gentrification as well as,

more generally, extract benefits from both city hall and developers (see, for example, Arnold 2007; Hartman 1991; Lees, Slater, and Wyly 2008). As anyone who understands the modern history of American cities knows all too well, these powers were won only after decades of struggle during the devastating urban renewal era and its aftermath (see Angotti 2008; Badger 2016; Fullilove 2004; Stone et al. 2015). They stand as crucial, if often inadequate, bulwarks against ongoing abuses (see Schragger 2016; Tobias 2018). In short, using state preemption to strip land-use powers from affluent suburban communities' democratic control sounds like a great idea until one contemplates that the democratic powers of vulnerable minority neighborhoods would also be stripped, leaving them even more defenseless against dispossession in its various ongoing forms.

The likely retort by Anti-EZers, especially its politically liberal (or progressive) social justice-oriented wing, would be a call to only eliminate the democratic power of local communities to enact *exclusionary* land-use practices, that is, practices that block others from moving in. Yet, much of the fight undertaken to slow residential gentrification and upscale commercial development is similarly exclusionary in nature, in that these efforts also prevent wealthier (often White) would-be gentrifiers from entering poorer communities of color. While blatant racial exclusion can be prevented within the established legal framework (see, for example, Goetz 2018), the more indirect exclusion that occurs because of democratic choices made to regulate (limit) development (whether in the form of EZ or anti-gentrification measures) goes at the heart of local control. In essence, then, *some potential exclusion is clearly the necessary, if lamentable, price we must pay for democratically empowering grassroots control over inhabitants' own neighborhoods and local communities* (see Spinner-Halev 2010 for an excellent exposition).

Enter the Right to the City (RTTC). To understand and fully appreciate the value of this grassroots control, of late many have drawn upon the French philosopher Henri Lefebvre's formulation of an RTTC. As Mark Purcell (2003) explains, the RTTC understands local inhabitants to possess two main rights—the right to appropriate urbanized space and the right to participate centrally in the production of that space. Increasingly recognized globally to be a basic (and universal) human right (see De Paula 2016), it is the idea that all people should be democratically empowered with the ability to fundamentally control (i.e., appropriate and produce) their local built environment (usually operationalized as a neighborhood). Thus, a key problem with the Anti-EZ Project is that it seeks to deny this basic human right by usurping local control over land use via, for example, state preemption.

Of course, the RTTC not only entails that all people be afforded the right to control the appropriation and production of their living spaces, it also, as leading RTTC scholar Neil Brenner (2017, p. 126) points out, “requires us . . . to produce spaces of open access.” Yet, because local control can lead, by necessity, to forms of exclusion if inhabitants democratically choose to place limits on land-use intensification, a fundamental dilemma emerges between the two key elements of the RTTC (i.e., the right of local appropriation/production of space and the right of open access/inclusion). The existence of this dilemma hence demands the need to make normative trade-offs between these elements.

Given the general democracy skepticism of the Anti-EZ Project and what it sees as the high costs of exclusion from EZ, it clearly regards the need for largely unfettered inclusionary access as paramount (hence its advocacy of state preemption to stop EZ). To make this case most vigorously, the Anti-EZ Project, as noted above, frames opposition to the kind of land-use intensification that produces less expensive housing in affluent (often White) residential areas as coming from privileged (and selfish) NIMBYs. In particular, these NIMBYs are unwilling to accept their “fair share” of the region’s (often minority) poor into their communities and, by doing so, greatly exacerbate regional problems of poverty and inequality (see Downs 1993; Orfield 1997; Pendall 2008). Indeed, it is this NIMBYism that the social justice wing of the Anti-EZ Project finds so incensing, turning them against local democracy and, at times, into the arms of the growth machine (see Einstein, Palmer, and Glick 2019; Galster et al. 2003; Pendall 2008; Scally and Tighe 2015; Schill 2005).

Rethinking NIMBYism. At first glance, the widespread practice of this NIMBYism by members of privileged communities would seem to justify curtailing the RTTC by eviscerating (via state preemption) their ability to appropriate and produce local space. The costs “traded-off” by allowing privileged communities to exercise these rights are, as the Anti-EZ Project holds, simply too great. It turns out, however, that the whole idea of NIMBYism as traditionally presented is being increasingly rethought, even challenged (see, for example, Gibson 2005; Lake 1993; McClymont and O’Hare 2008). Much of this rethinking grows out of Robert Lake’s (1993, p. 87) gestalt-shifting observation that “the NIMBY characterization is built on two inherent premises”: (1) that what is opposed is “needed to provide an important social benefit” and (2) that “selfish local parochialism prevents realization of that societal good.” When these premises are examined critically and systematically, it turns out one can often, as Lake (1993, p. 87) does, “call them seriously into question.”

Take the case at hand—the Anti-EZ Project’s assertion that, to address problems of racialized urban poverty and inequality in significant ways, the NIMBYism of privileged suburban communities justifies the abrogation of their right to democratically control local land use. While this formulation seems initially powerful, it turns out that, empirically, it violates both of the inherent premises identified by Lake.

First, it turns out that what is opposed by so-called NIMBYs—the usurpation of local control to facilitate the intensification of land use so that the urban poor can relocate to privileged areas—is not actually needed to provide the “important social benefit” of significantly reducing urban poverty and inequality. In fact, an abundance of research has shown the severe limits of trying to disperse the urban poor into suburban areas to combat these problems.¹⁹ While one widely cited study—referred to in the dispersal literature as the [Raj] Chetty study (after its lead author; see Goetz 2018)—showed some benefits to persons who moved to lower poverty areas when they were under 13 years of age (see Chetty, Hendren, and Katz 2016), the gains documented still left these movers in deep poverty, going from being “very poor instead of extremely poor” (Vale and Kelly 2016). Moreover, it is far from clear that the benefits from dispersal identified by the Chetty study are superior to those that would stem from serious place-based anti-poverty measures (see, for example, Goetz 2018; Imbroscio 2010; Vale and Kelly 2016). Thus, the second premise of NIMBYism—that is, “selfish local parochialism” that “prevents realization of the societal good” (of significantly addressing poverty and inequality)—also does not hold. Moreover, this second premise is especially negated by the fact that dispersal strategies by their very nature can only work on a small scale, given the workings of the “social limits to growth” dynamic elucidated above.

Given this negation of NIMBYism’s two inherent premises, it is thus wrongheaded, as Lake (1993, p. 88) observes, to characterize NIMBYs as “irrational and reactionary” as “this characterization places the onus for policy failure entirely on selfish local communities, obfuscates the interests of capital [such as the growth machine], and deflects attention away from the fundamental causes of societal problems.” In terms of urban America’s deep problems of racialized poverty and inequality, these fundamental causes can be traced most basically to systematic racism (see Shelby 2016; Smith 2010), as well as the basic unequal and unfair organization of the corporate capitalist political economy (see Alperovitz 2013; Slater 2013) and the resultant radically skewed distribution of political influence leaving poorer people of color largely powerless (see DeFilippis 2017; Goetz 2018). Yet the Anti-EZ Project does virtually nothing to address these conditions and, given its neoliberalism, actually can exacerbate them (see, for example, Wacquant 2010). So, for

example, while Anti-EZers see themselves as heroically fighting NIMBYs to further the cause of racial justice by promoting residential integration (see, for example, Cashin et al. 2018; Massey et al. 2013), in his recent book Edward Goetz (2018, p. 26) powerfully demonstrates that, because this integration fails to “alter existing power dynamics in American society,” it only works to “spatially rearrange households in a way that [some] people of color get to experience a portion of the privilege that white communities routinely experience.” As a result, it does “little to address the fundamental reasons behind racial injustice” (also see Pattillo 2014; Shelby 2016; Smith 2010). Similarly, as pointed out above, a key driving force behind the Anti-EZ Project’s imperative to intensify suburban land-use patterns is the systematic failure to manage uneven capitalistic growth patterns elsewhere in urban regions (see Hackworth 2007). Thus, rather than addressing the fundamental causes America’s deep problems of racialized urban poverty and inequality, the Anti-EZ Project instead stands, at best, as a palliative to alleviate (some of) its symptoms.

In sum, then, the effects of NIMBY behavior by communities employing EZ—while no doubt marginally harmful to the goal of ameliorating racialized urban poverty and inequality (and, it should be said, oftentimes expressed in generally distasteful and mean-spirited ways)—are much less significant to realizing that amelioration than is commonly depicted. Thus, *the normative justification for abrogating local democracy in general, and the rights of local appropriation/production of space (the RTTC) in particular, is drained of much of its moral potency.*

Moreover, as Timothy Gibson (2005, p. 386), channeling Lake (1993), helpfully points out, one of the perils stemming from the focus on NIMBYism is that it “has the effect of suppressing a discussion of alternatives, of *how else . . .* a thorny social problem might be solved” (emphasis in original). Indeed, it is perhaps this suppression that constitutes the most serious damage inflicted by the Anti-EZ Project’s hegemony (in academic discourse), given its near obsession with the parochialism of affluent communities. Thus, rather than being fixated on the actions of these NIMBYs, what is instead needed most desperately is an inclusive, comprehensive, and forthright discussion of a full range of alternatives to address the “thorny social problem” of racialized urban poverty and inequality.

Alternatives to the Anti-EZ Project

While engaging that discussion in any serious and comprehensive way must be left for another intervention, I want to conclude this one by suggesting that the general path set out by the Anti-EZ Project—rooted in a strengthening of

neoliberalism (via deregulation) and the crippling of local democracy—is the *polar opposite* of how we should proceed (and what social justice demands). Instead, *mobilized and democratically empowered local communities should employ a full range of public/community-controlled regulatory powers toward the construction of a robust affordable housing and anti-poverty/anti-inequality urban policy agenda*. A corollary is the admonition to stop seeing entry into affluent suburban communities as vital to this agenda, and instead focus on the spaces that disadvantaged people of color already inhabit (see, for example, Goetz 2018; Imbroscio, 2019; Pattillo 2014). As noted at the outset, this approach does not give affluent White-dominated suburbs a “pass” as much as it points to another, potentially more effective strategy to attack their privilege.

Regarding this strategy’s specifics, many of the regulatory initiatives constituting it are familiar and long-standing. These include rent regulations, including rent control/stabilization and anti-eviction measures, as well as the imposition of linkage fees on market-rate development and even the IZ embraced by elements of the Anti-EZ Project (see Hartman 1991). All of this, in fact, is gaining new momentum from grassroots mobilization efforts rising to vigorously contest the current, neoliberalism-fueled housing crisis (see, for example, Tobias 2018). In addition, local regulatory powers form the basis of what urbanist and law professor Richard Schragger (2016, p. 149) dubs “land-use unionism,” where cities use these powers to increase organized labor’s strength within their jurisdictions. More broadly, local regulatory powers (over land use specifically as well as in more general forms) are often the basis upon which Community Benefit Agreements are built, a now widespread movement in American cities where democratically mobilized community groups have been able to extract significant benefits from developers (see Parks and Warren 2009). Likewise, in a particularly innovative example of the use of local regulatory powers, the Dudley Street Neighborhood Initiative (DSNI) in Boston used the powerful regulatory tool of eminent domain granted by the city to assemble properties into, among other community-oriented uses, a community land trust creating affordable housing in the face of gentrification pressures (Loh 2015). In fact, the DSNI is especially suggestive of what is possible once regulatory powers are fully embraced and decentralized to democratically controlled citywide networks of neighborhood development groups or other community-controlled organizations (see Imbroscio, 2019). Most notably, DSNI was able to exercise effective control over neighborhood land use in accord with its own development plan (King 2004), in essence appropriating urbanized space and affording the community a central role in the production of that space as called for by the RTTC.

Looking beyond just regulatory powers per se, there are also a variety of other measures that mobilized and democratically empowered local communities can undertake to attack urban poverty and inequality directly while enhancing community control (see, for example, Green with Hanna, 2018). Many of these measures, such as the efforts to build worker co-ops in cities like Cleveland, Ohio and Jackson, Mississippi, fit with the general idea of building a “solidarity economy” in American cities (Scher 2015), or the “new municipalism” emerging from the rise of so-called “Fearless Cities” (Russell 2019; also see McInroy 2018). Community land trusts, such as created by the DSNI, are another example, as well as public banks and community finance institutions, consumer co-ops, and a variety of municipal and community-owned business enterprises (see Alperovitz 2013; Imbroscio 2010; Williamson, Imbroscio, and Alperovitz 2002). Moreover, while broader in scope, the recently developed policy platform put forth by the Movement for Black Lives shares a strong affinity with these efforts, particularly in its call to direct governmental resources to “support the development of cooperative or social economy networks.”²⁰

Much more could be said in regard to what this robust anti-poverty/inequality urban policy agenda might entail. But more important than the specifics is the general principle: Rather than enfeebling local powers and local democracy in the name of social (or housing) justice as called for by the neoliberal Anti-EZ Project, in the current urban crisis what social justice instead demands is the kind of grassroots democratic organizing that can marshal the political will to harness these localized powers in service of this justice. Marshaling this political will is a complex and arduous task, of course. Yet it is likely no more problematic than the politics of the Anti-EZ Project, which has accomplished little over the last half-century even in favorable contexts (see Mangin 2014; Provo 2009). Even ideological liberals and renters (as opposed to just homeowners) tend to oppose the Anti-EZ Project’s deregulatory land-use agenda (see Hankinson 2018; Marble and Nall 2017). None of this should be terribly surprising, perhaps, given the widespread political unpopularity of neoliberalism more generally around the globe, which often must be imposed via authoritarian means (see Harvey 2005; Monbiot 2016).

In the end, then, despite the Strangelovian title of this article, we need not “love” EZ—as clearly there are harms that cannot (and must not) be denied. It is also the case that the rhetoric and actions of many privileged denizens of communities practicing EZ are at times contemptible, often rooted in irrational fears that are racist and classist to the core. My plea here is more modest: that we (i.e., those striving to enhance social or housing justice in America’s metro areas) simply learn to live with it. Or, to return to Madison’s

formulation, what needs to be understood and embraced is the reality that the costs of eliminating EZ—the neoliberal/anti-democratic *cure*—are clearly greater than the EZ *disease* itself, especially given that there are alternative, normatively superior ways to further the social justice we are all fighting for.

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ORCID iD

David Imbroscio  <https://orcid.org/0000-0002-9660-0718>

Notes

1. A very partial list of clear statements includes Rothstein (2017); Jargowsky (2015); Dreier, Mollenkopf, and Swanstrom (2014); Massey et al. (2013); Pendall (2008); Reeves (2017); Kahlenberg (2017a); Florida (2017); Schill (2005); Cashin et al. (2018); Rigsby (2016); Orfield (1997); Levine (2006); and Lens and Monkkonen (2016).
2. Although much of this appears to be rather easily debunked; see Bronstein (2017).
3. See Orfield (1997, p. 5). This animus goes back over a half-century (see Babcock 1966; Danielson 1976).
4. Most notably, this rather awkward posture arises because, to realize their social justice goals, those Anti-EZers with this orientation often embrace the neoliberal tenets of the Anti-Exclusionary Zoning (Anti-EZ) Project (though this embrace, it should be noted, is often largely strategic rather than foundational)—a case of

what Weaver (2018, p. 234) smartly labels “neoliberalism by default” rather than “by design”; for example, if they had their druthers, many would likely prefer the kind of non-neoliberal solutions—including the mandated building of traditional (state-owned) public housing in affluent communities—that are marginalized within the Anti-Project itself.

5. And, not surprisingly, Freeman and Schuetz (2017, p. 225) report that inclusionary zoning (IZ) “has contributed only a modest amount of affordable housing.” Also see A. F. Schwartz (2010).
6. Likewise, among current prominent politicians, this same kind of bipartisan neoliberalism is well reflected in the Anti-EZ pronouncements of both Senator Cory Booker, a darling of the neoliberal corporate wing of the Democratic Party, and Dr. Ben Carson, Housing and Urban Development secretary in the Republican presidential administration of Donald Trump (see Gray 2018).
7. Defined as households making less than twice the poverty line.
8. For example, in the San Francisco Bay area, the Department of Housing and Urban Development (HUD) now defines the “low income” threshold as households making less than US \$117,400.
9. As any good Polanyian knows, see, for example, Block and Somers (2014) and Polanyi (1944).
10. See <https://www.adamsmith.org/blog/wal-mart-a-progressive-success-story>.
11. Insightfully discussing Hirschman (1970), what he rightly calls “among the most perceptive books yet written,” the political philosopher Patrick Deneen (2009) explains,

Where exit is harder and not simply the default, we are more likely to foster relationships of loyalty and thereby find firm ground in which to exercise voice. Finding voice, we thereby build relationships that increase loyalty. A society of voice born of loyalty is one of greater civic solidarity. It is more likely to be one of neighborliness and mutual assistance . . . What is needed is less exit, and instead, more loyalty and voice . . . It won’t be what the economists wish of us, and it’s a good thing too. There is more on heaven and earth than is dreamed in their philosophy . . .

12. By, for example, pursuing a host of anti-gentrification measures to mitigate problems from over-investment (see, for example, Lees, Slater, and Wyly 2008) or facilitating public/community-controlled urban redevelopment in areas suffering chronic disinvestment (see, for example, Williamson, Imbroscio, and Alperovitz 2002). I return to these policy alternatives in the concluding discussion.
13. See https://nces.ed.gov/programs/digest/d14/tables/dt14_204.10.asp.
14. See Dreier, Mollenkopf, and Swanstrom (2014); Leinberger (2008); and Orfield and Luce (2012). As Orfield and Luce (2012, p. 12) report, only 18% of the residents of large U.S. metropolitan areas live in predominately (over 80%) White suburbs, which are areas showing “little fiscal or social stress.”
15. See, for example, Slobodian (2018) on the relationship between neoliberalism and democracy skepticism.

16. Although this is changing now in some places like California with the so-called YIMBY (Yes In My Backyard) movement, this movement appears to be backed heavily by growth machine interests (see Narefsky 2017).
17. See, for example, Scally and Tighe (2015), Whittemore and BenDor (2019), and Fischel (2001, 2004).
18. Think, for example, of the Houston case, with no zoning but plenty of racial exclusion (see DeFilippis 2017).
19. See Goetz and Chapple (2010) for a comprehensive review.
20. See <https://policy.m4bl.org/platform/>.

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Author Biography

David Imbroscio is professor of political science and urban affairs at the University of Louisville. He is author and editor of six books, including *Urban America Reconsidered: Alternatives for Governance and Policy* (Cornell University Press). He is a past recipient of the College of Arts and Sciences Award for Outstanding Scholarship, Research, and Creative Activity at the University of Louisville.