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EQUITY-BASED COMPREHENSIVE PLANS (eCPs)—THE FIRST GENERATION

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Introduction

Local governments are beginning to acknowledge and confront racist land use policies within their jurisdiction that have contributed to existing income, wealth, health, and education inequities. Government sponsored housing segregation in the 20th century, combined with decades of racist land use policies, have resulted in racially segregated neighborhoods throughout the United States.¹ Decades of these land use practices created impoverished neighborhoods where low-income communities of color experience multi-generational inequities, as well as the unfortunate reality that a person's zip code is the "greatest predictor of health and well-being in America."²

This article focuses on one solution that begins to address the inequities created by racist land use policies and practices: equity-based comprehensive plans, or "eCPs." Comprehensive plans have different names and various implementations depending on the state,³ but they all have one common principle: they serve as the guiding document for their communities, directing growth through specific goals that set standards for future land use decisions.⁴ They serve as blueprints for communities, reflecting the communities' purposes and values. Most states require that future zoning be in accordance with a comprehensive plan.⁵ Local

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governments in all regions of the country are responding to the national demand for racial equality by incorporating equity-focused goals and implementation measures into their comprehensive plans: these are what we are defining as equity-based comprehensive plans, or “eCPs.”

At the Pace University Law School Land Use Law Center starting in 2021, students have been researching the impacts of four coexisting pandemics on land use: 1) Covid-19; 2) racism; 3) climate change; and 4) the housing crisis. An extension of these efforts led to this article through an examination of whether the increased national focus on social inequities, in part due to the nationwide protests for racial equality in 2020, was being incorporated in local government comprehensive planning.⁶ The results are astounding and raise the prospect that these eCPs are harbingers of a new era of comprehensive planning.

The eCPs evaluated in this article all

contain government acknowledgements that historic racism caused racial inequities in their communities, and they centered their planning goals and objectives on achieving equity for all residents.⁷ These eCPs portend extraordinary change in land use planning. As the “first generation” of such plans, they recommend that land use policies, which discriminated against people of color and low-income residents, can now serve as part of the solution to redress the disparate impacts that resulted from these past racist government policies.

Part I of this article introduces equity goals in planning. Part II provides background for the need for eCPs and explores common themes identified in these first generation eCPs, including: a) government acknowledgement of past racism causing current inequities; b) the recognition of the need to increase both the diversity and supply of housing; and c) increased access to community opportunities. Part III highlights the community involvement necessary for a successful eCP. Part IV looks ahead to what else is on the horizon, with a brief discussion of how changes occurred in the city of Louisville, Kentucky.

Part I. Equity-based Planning

Since at least 2016, planning professionals have been ethically required to apply principles of equity in all of their work.⁸ In 2022, this ethical obligation was expanded to require planning professionals to focus on equity principles and implement planning that will achieve, “changes which can help overcome historical impediments to racial and social equity.”⁹ In fulfilling this “equity in all policies approach,”¹⁰ planners must view policies and practices through an equity lens in order to challenge, “those

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planning practices and actions that disproportionately impact and stymie the progress of certain segments of the population.”¹¹ The impetus for applying an equity lens is to “explicitly remove barriers in policies and regulations that perpetuate inequity in the United States,”¹² in part due to the role the planning profession had in “creating and perpetuating discriminatory practices against communities of color . . .” such as establishing exclusionary zoning that prohibited certain groups from single-family neighborhoods and limited the establishment of multifamily dwellings.¹³

These equity considerations apply to planning professionals working on comprehensive plans. However, comprehensive plans are adopted by local legislatures who often hire professional planners to help them achieve their community’s goals. While planners may provide their expertise regarding equity, an eCP ultimately reflects the will of the community and its government.

A 2020 study of 48 comprehensive plans in one state found that equity objectives were not prominent, and fewer than half of the plans reviewed even used the word “equity.”¹⁴ This article, however, introduces several comprehensive plans from throughout the nation that are centered in equity. These seemingly contradictory findings make sense because we are in a period of transition where swift and transformative change in comprehensive planning is beginning to happen throughout the country.

The eCPs are comprehensive plans that make equity an “organizing principle,”¹⁵ with the objectives and goals of the plans founded on equity concerns. Generally, people and neighborhoods who are most vulnerable because of past discrimination

are identified, and the eCPs recommend purposefully prioritizing the distribution of resources in those communities in order to foster equity. The role of zoning and housing in creating and segregating high-density and low-density neighborhoods are addressed in eCPs. Efforts to integrate and reconnect divided neighborhoods are woven throughout the plans. The eCPs seek more equitable access to transportation and economic opportunities, while ensuring that green infrastructure and open spaces benefit all residents and neighborhoods. The referenced eCPs differ from standard comprehensive plans because planning elements and policies are viewed towards achieving equity where none existed before.

Equity is not equality. As the eCP in Charlotte, North Carolina explains, “Equality provides everyone with the same opportunities regardless of their needs. Equity provides people with the opportunities necessary to meet their specific needs.”¹⁶

The eCPs follow the principles advocated by the American Planning Association (“APA”)¹⁷ and ethically required by the planning profession,¹⁸ as the proposed goals are viewed through an equity lens.¹⁹ Charlotte’s eCP clarifies:

The Comprehensive Plan is crafted through a lens of equity and with a commitment to thinking of our most vulnerable populations first with a vision of helping our city become a place where all residents can thrive, regardless of race, income, age, ability, or where to live.²⁰

Anne Arundel County explains the concept in its eCP: “[e]quitable policies actively mitigate the disproportionate harm faced by certain communities. In an equitable society, a person’s access to basic resources such as education, employment, housing, clean

air, clean water, and recreation and parks is not strongly linked to a person's race, ethnicity, or economic class."²¹ Loh and Rose provide a more concise description: it is the job of the planner to make equity goals so apparent that the community evaluates whether the land use makes "the vulnerable people in our community better off or worse off?"²²

The following section examines the parallel objectives of the eCPs as they navigate redressing historic wrongs while planning for sustainable growth in fairer and more just ways.

Part II. Common Themes

A. BACKGROUND

Local government controls all residential land use through zoning, and single-family zoning has perpetuated racially segregated neighborhoods throughout the United States.²³ By restricting the use of the majority of residential land in the United States, single-family zoning also contributes to the nation's housing crisis as it definitionally prohibits the development of anything other than a single detached house on a minimum size lot.²⁴ By limiting housing supply, single-family zoning artificially raises housing prices,²⁵ preventing affordable housing in these higher opportunity neighborhoods.²⁶

Where one lives determines available government services such as police, fire protection, and waste removal, in addition to exposure to crime, quality of education, social status, job opportunities, peer groups, recreational opportunities, and open space. One's neighborhood is more important than ever "in determining one's chances" in life.²⁷ By creating areas of concentrated wealth and concentrated poverty, racial segrega-

tion through exclusionary zoning results in increased disparities between the neighborhood environments of the segregated communities.²⁸ Single-family neighborhoods are predominantly white, with higher college education and employment rates.²⁹ These same neighborhoods have the highest opportunity indicators which disproportionately accrue to its white residents.³⁰ With its lower density, these single-family neighborhoods are "often the safest and healthiest neighborhoods" whose amenities include the most sought-after public schools and accessible open and public space.³¹

Fewer resources are available in poorer neighborhoods, resulting in underperforming schools, declining infrastructure and physical environment, higher exposure to crime and litter, and substandard housing.³² Socioeconomic conditions can affect residents' physical and mental health and safety.³³ Lack of access to parks and trails, nutritious foods, health services, and transportation all influence health and increase health inequities.³⁴ The geographic segregation of communities of color is highly correlated to increased exposure to environmental hazards from air and water pollution, lead poisoning, and the siting of landfills, industrial polluters, and toxic waste with its own harmful health impacts.³⁵

Segregation is self-perpetuating, as those suburbs that were historically white currently have the most restrictive land use policies furthering racial segregation,³⁶ and the concentration of single-family homes increased in white neighborhoods with high employment.³⁷ The continued impact of segregation is profound as residential location is correlated to educational attainment, physical and mental health, earnings, and

its effects are multi-generational.³⁸ The ability of low-income Black people to gain social and economic mobility to leave segregated neighborhoods is thwarted by the lack of employment opportunities, good education,³⁹ and the inability to accumulate wealth through growing home equity.⁴⁰

The eCPs confront the racism inherent in exclusionary zoning, emphasize the importance of using land use policy to create affordable housing for all residents, and recognize the need to improve community opportunities and amenities for those residents who were marginalized by systemic racism.

B. GOVERNMENT ACKNOWLEDGEMENT OF PAST DISCRIMINATION CAUSING CURRENT INEQUITIES

New York City (“NYC”) acknowledges that, “The legacy of segregation and racist policies continues to cast a shadow over New York City,”⁴¹ and, “[f]ifty years after the federal Fair Housing Act . . . many neighborhoods across New York City are still segregated along racial lines.”⁴² NYC’s 9 volume eCP is replete with admissions, such as the “. . . policies and practices based on institutionalized racism led to an unfair distribution of resources across the city. . . . [leaving] a deep legacy of inequity.”⁴³ NYC government affirms what many residents experience daily:

Inequities in neighborhood conditions have been shaped over decades by historical and ongoing racism. Discriminatory policies such as redlining, as well as lack of investment in neighborhood sustainability, have historically disadvantaged many communities, particularly low-income communities of color, leaving these communities without adequate local services, housing, parks, or playgrounds, which contributes to health.⁴⁴

Across the country on the west coast, Portland’s government promises in its eCP to, “Specifically recognize, address and prevent repetition of the injustices suffered by communities of color throughout Portland’s history,”⁴⁵ and “provide[s] a framework to ensure Portlanders more equitably share in the benefits and burdens of growth and development. This includes recognizing and taking past inequities into account when making decisions.”⁴⁶ Also in the Pacific Northwest, from Seattle’s eCP:

Historically in the city of Seattle and throughout the nation, the people have been denied equal access to education, jobs, homes, and neighborhoods because of their race, class, disabilities, or other real or perceived differences. While such practices are now illegal, some groups still do not enjoy access to the same job opportunities, security, and freedoms that other Seattle residents have. The benefits and burdens of growth are not distributed equitably.⁴⁷

The government of Richmond, Virginia, where the largest business in the 19th century was the selling and trading of enslaved people,⁴⁸ admits that “local, state and federal policies and ordinances did much to shape Richmond, especially laws based on racial segregation and policies that prescribed where investments should be made.”⁴⁹ More directly apologetic is the government of Charlotte whose eCP states:

The City believes it must take responsibility for its role in creating, perpetuating, and otherwise turning a blind eye to this system of structural racism and that there are opportunities to be more accountable in its decisions around future growth and to better understand the consequences (intended and unintended) of those decisions.⁵⁰

Charlotte’s government also recognizes how institutional racism limits economic and other opportunities for some: “Charlotte

has offered a balanced quality of life with reasonably priced homes, diverse job opportunities, access to nature, and transportation choices. Yet, for those who were born in this city into in a Lower-income or Black household, the economic boom has been largely inaccessible.”⁵¹ The first goal in Minneapolis’ eCP is to eliminate disparities that created such intergenerational inequities.⁵² Minneapolis acknowledges these inequities between People of Color and Indigenous people compared with white people in “nearly all measurable social aspects.”⁵³ The eCP provides charts and data demonstrating predictable employment and income differences due to educational disparities and the interrelationship between homeownership, wealth development, and health.⁵⁴ In the mid-Atlantic region, Anne Arundel County government specifically recognizes the federal government’s role in racist land use as its eCP creates a framework “. . . to overcome the many problems we continue to experience due to our history of slavery and federally financed segregated living patterns.”⁵⁵

While Charlotte “cannot reverse the wrongs of two and a half centuries, it can acknowledge those injustices and set a clear direction for change, establish goals for more equitable growth, and provide a lens through which to evaluate a deliberate and concerted effort to make a more inclusive and equitable Charlotte.”⁵⁶

The unabashed admissions of past racist policies combined with purposeful equity goals allows communities to prioritize resources toward those people and areas identified as having been burdened by historic discrimination. Denver recognizes in its eCP that, “. . . many youths and adults do not have equitable access to the

key amenities, services and opportunities that advance quality of life,”⁵⁷ and “[t]o achieve our vision of an equitable city, with the promise of opportunity for all Denverites, we must focus on the needs of our most vulnerable residents.”⁵⁸ Portland suggests that to advance equity, decisions must be, “. . . based on awareness of how past decisions have affected equity.”⁵⁹ In order to “undo the legacy that remains from racially discriminatory housing policies,” Minneapolis will direct, “City and other resources—dollars for transit, for affordable housing and business development, for education, and for health and safety programs—to the geographic areas most in need”⁶⁰ While NYC summarizes the need to prioritize resources as follows:

Addressing persistent inequities in income, wealth, education, and health is necessary in order to bring living standards across the city in alignment and provide equal opportunity to all New Yorkers. Without both an economic system that promotes equitable growth and a concerted effort to improve services and access to care in historically neglected communities, New York City will fail to overcome the ‘tale of two cities’ narrative that has plagued us for decades.⁶¹

C. CREATE ACCESSIBLE HOUSING BY INCREASING DIVERSITY AND SUPPLY

Minneapolis’ goal by 2040 is that “all Minneapolis residents will be able to afford and access quality housing throughout the city.”⁶² Minneapolis became the first city in the nation to effectively eradicate single-family zoning when its eCP created, “new opportunities for people to live throughout the city by allowing and encouraging the development of new multifamily housing of various sizes and affordability levels, including in areas that today contain primarily single family zones.”⁶³ The Minneapolis eCP

provides a model for increasing housing supply by allowing housing in nearly all areas of the city and: 1) increasing multifamily housing on select public transit routes; 2) allowing new housing in neighborhoods already containing a mix of housing types; 3) allowing the highest-density housing in the downtown area; and 4) allowing up to three dwellings on individual lots in areas farthest from the downtown that are primarily single-family homes.⁶⁴

Similar to Minneapolis, Seattle's eCP allows residential use in a great number of zones⁶⁵ and increases housing units in its single-family areas by allowing for accessory dwelling units (ADUs) or backyard cottages in those areas. Its goal is to "[e]ncourage accessory dwelling units, family-sized units, and other housing types that are attractive and affordable, and that are compatible with the development pattern and building scale in neighborhood residential areas in order to make the opportunity in single-family areas more accessible to a broad range of households and incomes, including lower-income households."⁶⁶ The eCP suggests ultimately reclassifying single-family neighborhoods as "urban villages" to allow for zoning changes that will further increase housing supply.⁶⁷

Denver seeks to increase housing, "as a continuum to serve residents across a range of incomes, ages and needs," and includes creating "a greater mix of housing options in every neighborhood for all individuals and families."⁶⁸ Its strategy is to "[e]nsure city policies and regulations encourage every neighborhood to provide a complete range of housing options."⁶⁹

Charlotte seeks to overcome exclusionary zoning by allowing duplexes, triplexes, ADUs, and small footprint homes, in all

neighborhoods, even where single-family housing is allowed.⁷⁰ It encourages the development of infill small-scale single-family and duplex residences.⁷¹ The eCP also calls for fourplexes along major thoroughfares and on 'lots fronting arterials' where single family dwellings existed before if advancing affordable or workforce housing goals.⁷²

Charlotte's eCP not only expands the use of ADUs, but also requires reducing barriers to their implementation, such as setback requirements,⁷³ and similarly calls for reducing or eliminating barriers to the development of middle housing such as, "the need to rezone, reduced application fees, expedited processing, density bonuses, reduced or eliminated parking requirements, and reduced or waived inspection fees."⁷⁴

Richmond's eCP requires that zoning ordinances be updated to allow ADUs 'by right' in all residential zones,⁷⁵ as well as the development of middle housing 'by right' near certain transit stops.⁷⁶ Denver's eCP requires "land use regulations to enable and encourage the private development of affordable, missing middle and mixed income housing."⁷⁷

Portland has already passed zoning changes implementing the middle housing goals set forth in its eCP.⁷⁸ Its eCP's original goal encouraged the development of middle housing, including "multi-unit or clustered residential buildings that provide relatively smaller, less expensive units; more units; and a scale transition between the core of the mixed-use center and surrounding single family areas."⁷⁹

Some of the eCPs reveal government encouragement for innovative housing types

and choices beyond ADUs and tiny homes by including, “prefabricated homes such as manufactured, modular and mobile homes; co-housing; and clustered housing/clustered services.”⁸⁰ Removing obstacles to these creative housing solutions, as well as to new construction techniques such as, “3D printing and other emerging technologies,”⁸¹ will help increase housing supply.

NYC’s eCP showcases its approach to affordable housing with a mandatory inclusionary housing policy that requires developers to set aside a portion of new housing as permanently affordable in exchange for rezoning approval,⁸² and also extends affordable housing requirements to rental properties.⁸³ Creative methods for increasing the housing supply in NYC includes an experimental basement conversion pilot program that will transform certain basement and cellar apartments into safe, legal affordable homes,⁸⁴ and a shared housing initiative that promotes income diversity with independently occupied rooms and shared kitchens or bathrooms.⁸⁵

By applying an equity lens to development and growth, these localities are definitionally working to ensure that the burdens of growth do not displace people and communities of low to moderate income or those who have already experienced the disproportionate burdens of development. Revitalization in the absence of equity, “can be a contributing factor to the rising inequality in the nation’s metropolitan areas.”⁸⁶

The eCPs examined propose the use of traditional land use techniques to retain existing affordable housing while mitigating the displacement that can occur with new growth and development. For example, some try to preserve naturally occurring affordable housing by designating Cultural

Districts “to stop displacement . . . and advance racial equity”⁸⁷ while others suggest the implementation of “neighborhood character overlay zoning . . . to reduce or mitigate changes to community character, while balancing needs to diversify the City’s housing stock.”⁸⁸ Seattle’s eCP even recommends using the State Environmental Policy Act “to require that new development mitigate adverse impacts on housing affordable for lower-income households.”⁸⁹

A general commitment to evaluating new development for the potential to cause displacement of low and moderate-income households⁹⁰ can extend to small business owners as well.⁹¹ Tools to retain small businesses include 1) incorporating affordable commercial tenant space in new developments; 2) regulations reducing barriers to alternative uses of space for small businesses; and 3) reducing barriers to relocation of businesses in new developments.⁹²

D. INCREASE COMMUNITY OPPORTUNITIES FOR THE DISADVANTAGED

Disproportionate harm from racial segregation includes lack of access to the natural environment. Anne Arendel’s eCP recognizes that “[a]reas with the most degraded environmental conditions have lower median incomes and disproportionately higher concentrations of minorities than the rest of the County.”⁹³ Park access and open space requirements become prioritized for underserved areas⁹⁴ as local governments identify neighborhoods that lack open spaces and park accessibility from prior growth.⁹⁵ In order to achieve its goal for all residents to live within a 10-minute walk of a park, Richmond’s eCP suggests zoning revisions to include green space minimums,⁹⁶ while

Charlotte's eCP recommends regulations in neighborhood zoning districts that require publicly accessible open spaces in private developments.⁹⁷

The potential of climate change to have greater impact on under-served communities is also addressed in eCPs. New York City acknowledges that in the next 30 years, "climate change will have increasingly severe consequences for our health, our economy, and our quality of life, with a disproportionate burden falling on the city's most vulnerable populations and communities."⁹⁸ Denver's eCP addresses the impact climate change will have on under-served communities, and its plans include, ". . . special attention to the city's most vulnerable populations."⁹⁹

Ensuring marginalized communities do not suffer disproportionately from climate hazards often includes focusing on risks from excessive heat and flooding. For example, requiring developments and landscaping to reduce urban heat island effects¹⁰⁰ can include increasing tree canopy first in those areas with the least coverage¹⁰¹ or with the highest heat vulnerability index rating.¹⁰² Seattle's eCP suggests identifying and reducing flooding "through improvements to drainage and wastewater systems and reductions in impervious surfaces and runoff, particularly in traditionally under-served areas."¹⁰³ Supporting recovery after extreme climate events for these same communities is equally important,¹⁰⁴ which is repeated in Portland's eCP, "[c]ertain populations, including low-income households, communities of color, people with disabilities, renters and older adults may be less able to prepare for and recover from impacts from natural hazards, economic disruptions and climate change impacts."¹⁰⁵

Measures to ensure access to healthy food, arguably a first step in remedying health inequities, are detailed in the various eCPs. Local governments can set-aside land for grocery stores that provide for all socioeconomic groups,¹⁰⁶ or expand where grocery stores or farmer's markets are permitted.¹⁰⁷ Minneapolis suggests regulatory changes, "to allow and promote more innovative practices such as mobile food markets and mobile food pantries or food shelves that can bring food closer to under-resourced customers."¹⁰⁸ Minneapolis also suggests regulations that would "discourage unhealthy food outlets."¹⁰⁹

Another solution to increasing access to a healthy food supply envisioned in the eCPs is to produce food locally. Charlotte suggests working "with property owners to implement community gardens, food forests, and farmers' markets on vacant parcels in neighborhoods with deficient access to healthy food opportunities,"¹¹⁰ and supports regulations that would reduce obstacles to growing food locally in the zoning districts.¹¹¹ Richmond's eCP seeks to expand where urban agriculture may be permitted by-right.¹¹²

Portland's eCP suggests that ". . . community gardens are allowed in areas close to or accessible via transit to people living in areas zoned for mixed-use of multi-dwelling development, where residents have few opportunities to grow food in yards."¹¹³ However, not all neighborhoods have access to public transit. Equity in public transit means expanding service to underrepresented communities¹¹⁴ that may have been isolated because of historic inequities.¹¹⁵

Because eCPs are centered on achieving equity, equity is addressed throughout the

plans' components. An overall goal in Seattle's eCP contextualizes this all-encompassing equity challenge: "Evaluate new land use regulations to determine if there are potential adverse outcomes that may affect marginalized populations or other groups or individuals unfairly, and seek to avoid or mitigate such potential outcomes."¹¹⁶

Part III. Community Involvement

Comprehensive Plans have always relied on community involvement, but community participation was not historically inclusive.¹¹⁷ Cities have relied on the involvement of neighborhood groups to provide input, but, "More recently, cities are realizing these neighborhood power structures have been dominated by single-family homeowners who are often predominantly white and above median income."¹¹⁸ A challenge to garnering the voices of everyone in the community is that those who attend and speak out at community meetings tend to be white homeowners threatened by reform.¹¹⁹

A significant difference in this new generation of eCPs is that the governments creating them advanced innovative, creative, and complete community engagement efforts to ensure that all voices in the community were heard and included, with a specific focus on those communities that were historically disadvantaged. Once a locality commits to focusing on equity, it then must make efforts to "create diverse and inclusive opportunities for communities to participate in planning."¹²⁰ Richmond recognized that traditional community meetings were insufficient so it developed "a set of unique and targeted engagement methods, beyond conventional surveys and town halls, to

engage traditionally under-represented groups in the planning process."¹²¹ Seattle sought to engage "historically underrepresented communities" in its evaluation and development of the land use and housing policies in order, "to help reverse known trends of social and racial inequity."¹²² Charlotte's government understood that, "the values of the community must be central to the process and outcomes" and made an effort to "meet people where they are"¹²³ with innovative engagement techniques that reached over half of a million community interactions with more than 40 different methods of engagement.

Complete community involvement should not stop once the eCP is created, and Minneapolis' goals include an "equitable civic participation system" that will "work to maximize the involvement of renters, people with disabilities, people of color and others who have been historically underrepresented in civic life."¹²⁴ Since NYC is "still grappling with the legacy of historic discrimination and urban renewal policies that neglected community perspectives and exacerbated patterns of residential segregation, environmental racism, racial wealth gaps, and inequities among neighborhoods," it is ". . . committed to a planning that gives communities a voice, values local knowledge, and ensures plans are guided by an equity imperative."¹²⁵

Part IV. This First Generation of eCPs is Only the Beginning

A. WHAT'S NEXT?

The eCPs referenced in this article are likely only the tipping point. The social justice and police brutality protests of the summer of 2020 caused some local jurisdic-

tions to revisit their own comprehensive plans for equity concerns.¹²⁶ For example, the Newport City Council was inspired by the civil unrest following the murder of George Floyd to review its own comprehensive plan for any unintentionally unfair racial outcomes.¹²⁷ These same racial justice protests increased Connecticut's focus on reforming local zoning regulations.¹²⁸

As this article goes to press, there are many more eCPs waiting for adoption by local governments. These preliminary eCPs contain exciting new tools for achieving equity, including the use of a racial equity analysis tool for governmental decision making that will evaluate policies and practices, such as "perceived access" to public recreational and cultural resources.¹²⁹ Another preliminary eCP includes mapped "equity focus areas" which provides visual guidelines for prioritizing resources and implementing equity achieving objectives.¹³⁰

B. THE EXAMPLE OF LOUISVILLE, KENTUCKY

The city of Louisville, Kentucky, is emblematic of the current shift to eCPs in land use policy by some governments. It was in Louisville, Kentucky, where one of the seminal court cases regarding racially restrictive zoning in the United States began. Louisville's 1914 racial ordinance prohibited Black people from occupying residences on blocks where a majority of homeowners were white. The challenge to this ordinance was ultimately decided by the United States Supreme Court in 1917 in *Buchanan v. Warley*, when the Supreme Court overturned the ordinance and held that such racial zoning was unconstitutional.¹³¹

It was also in Louisville, Kentucky, in March 2020, where Breonna Taylor was

murdered by undercover officers while asleep in her own bed. Her killing began months of nightly protests in Louisville¹³² while fueling protests nationally that grew larger when George Floyd was murdered by a uniformed police officer in Minneapolis in May, 2020.¹³³

While Louisville had already adopted a new comprehensive plan in 2019, these local, ongoing protests about police brutality and racial inequities caused the city to again review its Land Development code "to find and root out any land use regulations or policies that have 'inequitable impacts.'" ¹³⁴ The results in only one year are changes to the Land Development Code that increase housing diversity and supply and facilitate access to healthy food.¹³⁵

Significantly, the Louisville Planning Commission also created an interactive story map on its government website entitled, "Confronting Racism in City Planning & Zoning." This exhibit educates viewers and increases awareness of the intentional racial segregation in Louisville that followed the decision of *Buchanan v. Warley* and lasted for decades: an intentional racist segregation of land use that contributed to the current racial inequities in the city.¹³⁶

The approach, acknowledgement, and speed with which Louisville, Kentucky, created even more solutions to racist land use practices exemplifies what is happening in some localities throughout the nation in response to the increased public reckoning with current racial inequities caused by historic and purposeful racism.

C. CONCLUSION

The purpose of this article is to introduce

a significant positive trend in land use policy. This first generation of eCPs, with genuine acknowledgements of racist land use, extensive identification of the resulting disparate impacts, and innovative wide-ranging solutions, is indicative of something larger happening in land use planning and policy in the United States. A rapid shift is occurring where some local governments are more willing than ever before to bring principles of fairness and justice to sustainable growth and development.

It is exciting to witness such serious and significant advancements reflecting the popular voice. As Richard Rothstein, author of the seminal book, *Color of Law* argues:

Remedies that can undo nearly a century of *de jure* residential segregation will have to be both complex and imprecise. After so much time we can no longer provide adequate justice to the descendants of those whose constitutional rights were violated. Our focus can be only to develop policies that promote an integrated society, understanding that it will be impossible to fully untangle the web of inequality that we've woven.¹³⁷

After detailing over a century of intentional private and purposeful government sponsored residential segregation, Rothstein states it is the moral and constitutional obligation of all Americans to reverse the resulting racial segregation. As this article demonstrates, both the planning profession and local governments are taking up Rothstein's challenge in the form of eCPs.

The APA acknowledges the contribution planners made to racial segregation and has made clear its commitment to addressing the resulting racial inequities with its "equities in all policies" approach.¹³⁸ The APA further admonishes that failure to correct these past injustices "institutionalizes

inequity."¹³⁹ Additionally, the AICP recently expanded the ethical obligation for planners to include addressing historical obstacles to racial and social equity.¹⁴⁰ Meanwhile, the first generation of eCPs are local governments centering their community's goals on achieving equity in order, "to not just *prevent* further harm and discrimination, but to also *actively address* past harms of segregation and racist policies, intentional or not."¹⁴¹

The success of the first generation eCPs will ultimately depend on the adoption of subsequent land use and zoning changes that help achieve the stated equity goals. The impact of this trend toward greater equity in land use planning will also depend upon the speed with which more localities commit to reversing past land use injustices through transformative land use policy in a subsequent generation of eCPs. However, these first generation eCPs are a policy solution that can begin unravelling the racial injustices embedded in our land use policies and practices that have contributed to the immense racial inequities present in society today.

ENDNOTES:

¹RICHARD ROTHSTEIN, *THE COLOR OF LAW: A FORGOTTEN HISTORY OF HOW OUR GOVERNMENT SEGREGATED AMERICA* 37 (2017) (The U.S. Commission on Civil Rights concluded, in 1973, "Government and private industry came together to create a system of residential segregation.").

²Shireen K. Lewis, *An Interview with Dr. Robert D. Bullard*, 43 *THE BLACK SCHOLAR* 4 (2016).

³John R. Nolon, *Comprehensive Land Use Plan.: Learning How and Where to Grow*, 13 *PACE. L. REV.* 351, 361-4 (1993).

⁴John R. Nolon, *Comprehensive Land Use Plan.: Learning How and Where to*

Grow, 13 PACE. L. REV. 351, 364 (1993).

⁵John R. Nolon, *Comprehensive Land Use Plan.: Learning How and Where to Grow*, 13 PACE. L. REV. 351 (1993).

⁶Examples exist of local governments referencing the social justice movement of 2020 in their planning documents. “During the drafting of this comprehensive plan the nation witnessed social and political unrest and a cultural shift leading to wider participation in the fight against inequity and injustices. . . . This Comprehensive Plan reflects the city’s commitment to incorporating racial equity and social justice . . .” CITY OF ROCKVILLE, COMPREHENSIVE PLAN OF THE CITY OF ROCKVILLE, MARYLAND 2040 ELEMENTS AND PLAN. AREAS 3 (2021) [https://www.rockvillemd.gov/DocumentCenter/View/42815/City-of-Rockville-Comprehensive-Plan—Cover-and-Intro—single-page-SQUARE](https://www.rockvillemd.gov/DocumentCenter/View/42815/City-of-Rockville-Comprehensive-Plan—Cover-and-Intro—single-page-SQUARE;);

⁷The eCPs referenced throughout this article were adopted in the following localities (in alphabetical order): Anne Arundel County, MD; Charlotte, NC; Denver, CO; Minneapolis, MN; N.Y., NY; Portland, OR; Richmond, VA; and Seattle, WA.

⁸LYNN ROSS ET AL., AM. PLAN. ASS’N, PLAN. FOR EQUITY POLICY GUIDE, 4 (2019), https://Plan.-org-uploaded-media.s3.amazonaws.com/publication/download_pdf/Plan.-for-Equity-Policy-Guide-rev.pdf (The American Institute of Certified Planners (AICP) requires planners to “seek social justice by working to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of the disadvantaged and to promote racial and economic integration,” citing *AICP Code of Ethics and Pro. Conduct*, AM. PLAN. ASS’N. (2016) <https://Plan.-org-uploaded-media.s3.amazonaws.com/document/add38c5d-71d4-4915-92d6-650140adf7fbAICP-Code-of-Ethics-and-Professional-Conduct-2021.pdf>).

⁹*AICP Code of Ethics and Pro. Conduct*, AM. PLAN. ASS’N. (Nov. 20, 2021) (“Incorporate equity principles and strategies as the foundation for preparing plans and implementation programs to achieve more socially just decision-making. Implement, for existing plans, regulations, policies and procedures, *changes which can help overcome historical impediments to racial and*

social equity.”) (emphasis added).

¹⁰LYNN ROSS ET AL., AM. PLAN. ASS’N, PLAN. FOR EQUITY POLICY GUIDE, 6 (2019), https://Plan.-org-uploaded-media.s3.amazonaws.com/publication/download_pdf/Plan.-for-Equity-Policy-Guide-rev.pdf.

¹¹LYNN ROSS ET AL., AM. PLAN. ASS’N, PLAN. FOR EQUITY POLICY GUIDE, 6 (2019), https://Plan.-org-uploaded-media.s3.amazonaws.com/publication/download_pdf/Plan.-for-Equity-Policy-Guide-rev.pdf.

¹²LYNN ROSS ET AL., AM. PLAN. ASS’N, PLAN. FOR EQUITY POLICY GUIDE, 3 (2019), https://Plan.-org-uploaded-media.s3.amazonaws.com/publication/download_pdf/Plan.-for-Equity-Policy-Guide-rev.pdf.

¹³LYNN ROSS ET AL., AM. PLAN. ASS’N, PLAN. FOR EQUITY POLICY GUIDE, 3 (2019), https://Plan.-org-uploaded-media.s3.amazonaws.com/publication/download_pdf/Plan.-for-Equity-Policy-Guide-rev.pdf.

¹⁴Carolyn G. Loh & Rose Kim, *Are We Planning for Equity?*, 87 J. AM. PLAN. ASS’N 181, 189 (2020).

¹⁵Carolyn G. Loh & Rose Kim, *Are We Planning for Equity?*, 87 J. AM. PLAN. ASS’N 181, 192 (2020) (“Overall, plans need to make equity an organizing principle of the plan.”)

¹⁶CITY OF CHARLOTTE, CHARLOTTE FUTURE 2040 COMPREHENSIVE PLAN OUR CITY. OUR PLAN. OUR FUTURE. 6 (2021), https://www.cltfuture2040plan.com/docs/01-CF2040_Policy-Plan.pdf.

¹⁷LYNN ROSS ET AL., AM. PLAN. ASS’N, PLAN. FOR EQUITY POLICY GUIDE, 7-22 (2019), https://Plan.-org-uploaded-media.s3.amazonaws.com/publication/download_pdf/Plan.-for-Equity-Policy-Guide-rev.pdf (Providing guidance on achieving equitable outcomes by applying an equity lens to a number of topics, including: health, housing, climate change, public space and transportation). *See also* OFFICE OF PLAN. AND ZONING, PLAN 2040 VOLUME 1: ANNE ARUNDEL COUNTY GEN. DEV. PLAN 15 (2021) (“Following the recommendations of the Planning for Equity Policy Guide prepared by the American Planning Association (APA), Anne Arundel County has tried to consider equity in all policies.”), <https://www.aacounty.org/departments/Plan.-and-zon>

[ing/long-range-Plan./general-development-plan/plan2040-voll-adopted/](#).

¹⁸LYNN ROSS ET AL., AM. PLAN. ASS'N, PLAN. FOR EQUITY POLICY GUIDE, 4 (2019), https://Plan.org-uploaded-media.s3.amazonaws.com/publication/download_pdf/Plan.-for-Equity-Policy-Guide-rev.pdf.

¹⁹LYNN ROSS ET AL., AM. PLAN. ASS'N, PLAN. FOR EQUITY POLICY GUIDE, 6 (2019), https://Plan.org-uploaded-media.s3.amazonaws.com/publication/download_pdf/Plan.-for-Equity-Policy-Guide-rev.pdf.

²⁰CITY OF CHARLOTTE, CHARLOTTE FUTURE 2040 COMPREHENSIVE PLAN OUR CITY. OUR PLAN. OUR FUTURE.15 (2021), https://www.cltfuture2040plan.com/docs/01-CF2040_Policy-Plan.pdf.

²¹OFFICE OF PLAN. AND ZONING, PLAN 2040 VOLUME 1: ANNE ARUNDEL COUNTY GEN. DEV. Plan 14 (2021), <https://www.aacounty.org/departments/Plan.-and-zoning/long-range-Plan./general-development-plan/plan2040-voll-adopted/>.

²²Carolyn G. Loh & Rose Kim, *Are We Planning for Equity?*, 87 J. AM. PLAN. ASS'N 181, 182 (2020).

²³JESSICA TROUNSTINE, SEGREGATION BY DESIGN: LOCAL POLITICS AND INEQUALITY IN AMERICAN CITIES 92-97 (2018).

²⁴Michael Manville, Paavo Monkkonene & Michael Lens, *It's Time to End Single-Family Zoning*, 86 J. AM. PLAN. ASS'N 106, 107 (2020) (single-family zoning is not problematic because it only allows single-family homes, "it is problematic because it does not allow anything else").

²⁵Michael Lens, *Low-Density Zoning, Health, and Health Equity*, HEALTH AFFS. (Sept. 30, 2021) <https://www.healthaffairs.org/doi/10.1377/hpb20210907.22134/full/>.

²⁶John Infranca, *The New State Zoning: Land Use Preemption Amid a Housing Crisis*, 60 B.C.L.REV. 823, 873-4 (2019).

²⁷DOUGLAS S. MASSEY ET AL., CLIMBING MOUNT LAUREL: THE STRUGGLE FOR AFFORDABLE HOUSING AND SOCIAL MOBILITY IN AN AMERICAN SUBURB, 1-2 (2013).

²⁸Douglas S. Massey, *American Apartheid: Segregation and the Making of the Underclass*, 96 AM. J. SOCIO. 329, 333

(1990). *See also* David R. Williams & Chiquita Collins, *Racial Residential Segregation: A Fundamental Cause of Racial Disparities in Health*, 116 PUB. HEALTH REP. 404, 406 (2001); Elliott Anne Rigsby, *Understanding Exclusionary Zoning and Its Impact on Concentrated Poverty*, THE CENTURY FOUND. (June 23, 2016).

²⁹ELIZABETH KNEEBONE & MARK TRAINER, TERNER CTR. HOUS. INNOVATION, HOW HOUSING SUPPLY SHAPES ACCESS TO OPPORTUNITY FOR RENTERS 10-11 (2019).

³⁰ELIZABETH KNEEBONE & MARK TRAINER, TERNER CTR. HOUS. INNOVATION, HOW HOUSING SUPPLY SHAPES ACCESS TO OPPORTUNITY FOR RENTERS 10-11 (2019).

³¹Michael Lens, *Low-Density Zoning, Health, and Health Equity*, HEALTH AFFS. (Sept. 30, 2021) <https://www.healthaffairs.org/doi/10.1377/hpb20210907.22134/full/>.

³²David R. Williams & Chiquita Collins, *Racial Residential Segregation: A Fundamental Cause of Racial Disparities in Health*, 116 PUB. HEALTH REP. 404, 410 (2001).

³³CATHERINE CUBBIN ET AL., ROBERT WOOD JOHNSON FOUND., WHERE WE LIVE MATTERS FOR OUR HEALTH: NEIGHBORHOODS AND HEALTH (2008).

³⁴CATHERINE CUBBIN ET AL., ROBERT WOOD JOHNSON FOUND., WHERE WE LIVE MATTERS FOR OUR HEALTH: NEIGHBORHOODS AND HEALTH (2008).

³⁵Robert D. Bullard, *Overcoming Racism in Environmental Decisionmaking*, 36 ENV'T: SCI. & POL'Y FOR SUSTAINABLE DEV., 10, 11 (1994). *See also* Sarah J. Adams-Schoen & Edward Sullivan, *Reforming Restrictive Residential Zoning: Lessons from an Early Adopter*, J. ENV'T L. & LITIG. 10, 43 (2021).

³⁶JESSICA TROUNSTINE, THE GEOGRAPHY OF INEQUALITY: HOW LAND USE REGULATION PRODUCES SEGREGATION 29 (2018).

³⁷ELIZABETH KNEEBONE & MARK TRAINER, TERNER CTR. HOUS. INNOVATION, HOW HOUSING SUPPLY SHAPES ACCESS TO OPPORTUNITY FOR RENTERS 11 (2019).

³⁸Michael Manville, Paavo Monkkonene & Michael Lens, *It's Time to End Single-Family Zoning*, 86 J. AM. PLAN. ASS'N 106, 107 (2020).

³⁹CATHERINE CUBBIN ET AL., ROBERT WOOD JOHNSON FOUND., *WHERE WE LIVE MATTERS FOR OUR HEALTH: NEIGHBORHOODS AND HEALTH* 6 (2008).

⁴⁰Michael Manville, Paavo Monkkonene & Michael Lens, *It's Time to End Single-Family Zoning*, 86 J. AM. PLAN. ASS'N 106, 107-108 (2020).

⁴¹THE CITY OF N.Y., ONE NYC 2050 BUILDING A STRONG AND FAIR CITY 26 (2019) <https://1w3f31pzvdm485dou3dppkcq-wpengine.netdna-ssl.com/wp-content/uploads/2020/01/OneNYC-2050-Full-Report-1.3.pdf>.

⁴²THE CITY OF N.Y., ONE NYC 2050 BUILDING A STRONG AND FAIR CITY 31 (2019) <https://1w3f31pzvdm485dou3dppkcq-wpengine.netdna-ssl.com/wp-content/uploads/2020/01/OneNYC-2050-Full-Report-1.3.pdf>.

⁴³THE CITY OF N.Y., ONE NYC 2050 BUILDING A STRONG AND FAIR CITY 37 (2019) <https://1w3f31pzvdm485dou3dppkcq-wpengine.netdna-ssl.com/wp-content/uploads/2020/01/OneNYC-2050-Full-Report-1.3.pdf>.

⁴⁴THE CITY OF N.Y., ONE NYC 2050 BUILDING A STRONG AND FAIR CITY: HEALTHY LIVES 6 (2019), <https://1w3f31pzvdm485dou3dppkcq-wpengine.netdna-ssl.com/wp-content/uploads/2019/05/OneNYC-2050-Healthy-Lives.pdf>.

⁴⁵CITY OF PORTLAND, 2035 COMPREHENSIVE PLAN i-23 (2020), <https://www.portland.gov/bps/comp-plan/2035-comprehensive-plan-and-supporting-documents#toc-2035-comprehensive-plan-as-amended-through-march-2020->.

⁴⁶CITY OF PORTLAND, 2035 COMPREHENSIVE PLAN i-23 (2020), <https://www.portland.gov/bps/comp-plan/2035-comprehensive-plan-and-supporting-documents#toc-2035-comprehensive-plan-as-amended-through-march-2020-> See also BUREAU OF PLAN. AND SUSTAINABILITY, HISTORICAL CONTEXT OF RACIST PLAN.: A HISTORY OF HOW PLAN. SEGREGATED PORTLAND 4 (2019) (“Portland, like many U.S. cities, has a longstanding history of racist housing and land use practices that created and reinforced racial segregation and inequities.”) <https://www.portland.gov/sites/default/files/2019-12/portlandracistPlan.historyreport.pdf>.

⁴⁷CITY OF SEATTLE, SEATTLE 2035 COMPRE-

HENSIVE PLAN MANAGING GROWTH TO BECOME AN EQUITABLE AND SUSTAINABLE CITY 2015-2035 4 (2020), <http://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/SeattlesComprehensivePlan/ComprehensivePlanCouncilAdopted2021.pdf>.

⁴⁸RICHMOND PLAN. AND DEV. REVIEW, RICHMOND 300 A GUIDE FOR GROWTH 12 (2020), http://www.rva.gov/sites/default/files/2021-03/R300_Adopted_210331_0.pdf.

⁴⁹RICHMOND PLAN. AND DEV. REVIEW, RICHMOND 300 A GUIDE FOR GROWTH 13 (2020), http://www.rva.gov/sites/default/files/2021-03/R300_Adopted_210331_0.pdf.

⁵⁰CITY OF CHARLOTTE, CHARLOTTE FUTURE 2040 COMPREHENSIVE PLAN OUR CITY. OUR PLAN. OUR FUTURE. 3 (2021), https://www.cltfuture2040plan.com/docs/01-CF2040_Policy-Plan.pdf.

⁵¹CITY OF CHARLOTTE, CHARLOTTE FUTURE 2040 COMPREHENSIVE PLAN OUR CITY. OUR PLAN. OUR FUTURE. 5 (2021), https://www.cltfuture2040plan.com/docs/01-CF2040_Policy-Plan.pdf.

⁵²DEPARTMENT OF COMMUNITY PLAN. AND ECONOMIC DEV., MINNEAPOLIS 2040—THE CITY'S COMPREHENSIVE PLAN 8-12 (2020), https://minneapolis2040.com/media/1488/pdf_minneapolis2040.pdf.

⁵³DEPARTMENT OF COMMUNITY PLAN. AND ECONOMIC DEV., MINNEAPOLIS 2040—THE CITY'S COMPREHENSIVE PLAN 8-12 (2020), https://minneapolis2040.com/media/1488/pdf_minneapolis2040.pdf.

⁵⁴DEPARTMENT OF COMMUNITY PLAN. AND ECONOMIC DEV., MINNEAPOLIS 2040—THE CITY'S COMPREHENSIVE PLAN 8-12 (2020), https://minneapolis2040.com/media/1488/pdf_minneapolis2040.pdf.

⁵⁵OFFICE OF PLAN. AND ZONING, PLAN 2040 VOLUME 1: ANNE ARUNDEL COUNTY GEN. DEV. Plan 6 (2021), <https://www.aacounty.org/departments/Plan.-and-zoning/long-range-Plan./general-development-plan/plan2040-vol1-adopted/>.

⁵⁶CITY OF CHARLOTTE, CHARLOTTE FUTURE 2040 COMPREHENSIVE PLAN OUR CITY. OUR PLAN. OUR FUTURE. 20 (2021), https://www.cltfuture2040plan.com/docs/01-CF2040_Policy-Plan.pdf.

⁵⁷CITY OF DENVER, COMPREHENSIVE PLAN

2040 DENVER'S PLAN FOR THE FUTURE 27 (2019), https://denvergov.org/files/assets/public/community-Plan.-and-development/documents/Plan.-general/comprehensive-plan/denver_comprehensive_plan_2040-print.pdf.

⁵⁸CITY OF DENVER, COMPREHENSIVE PLAN 2040 DENVER'S PLAN FOR THE FUTURE 28 (2019), https://denvergov.org/files/assets/public/community-Plan.-and-development/documents/Plan.-general/comprehensive-plan/denver_comprehensive_plan_2040-print.pdf.

⁵⁹CITY OF PORTLAND, 2035 COMPREHENSIVE PLAN i-24 (2020), <https://www.portland.gov/bps/comp-plan/2035-comprehensive-plan-and-supporting-documents#toc-2035-comprehensive-plan-as-amended-through-march-2020->.

⁶⁰DEPARTMENT OF COMMUNITY PLAN. AND ECONOMIC DEV., MINNEAPOLIS 2040—THE CITY'S COMPREHENSIVE PLAN 12 (2020), https://minneapolis2040.com/media/1488/pdf_minneapolis2040.pdf.

⁶¹THE CITY OF N.Y., ONE NYC 2050 BUILDING A STRONG AND FAIR CITY 30 (2019). <https://1w3f31pzvdm485dou3dppkq-wpengine.netdna-ssl.com/wp-content/uploads/2020/01/OneNYC-2050-Full-Report-1.3.pdf>.

⁶²DEPARTMENT OF COMMUNITY PLAN. AND ECONOMIC DEV., MINNEAPOLIS 2040—THE CITY'S COMPREHENSIVE PLAN 19 (2020), https://minneapolis2040.com/media/1488/pdf_minneapolis2040.pdf.

⁶³DEPARTMENT OF COMMUNITY PLAN. AND ECONOMIC DEV., MINNEAPOLIS 2040—THE CITY'S COMPREHENSIVE PLAN 17 (2020), https://minneapolis2040.com/media/1488/pdf_minneapolis2040.pdf.

⁶⁴DEPARTMENT OF COMMUNITY PLAN. AND ECONOMIC DEV., MINNEAPOLIS 2040—THE CITY'S COMPREHENSIVE PLAN 105-107 (2020), https://minneapolis2040.com/media/1488/pdf_minneapolis2040.pdf.

⁶⁵CITY OF SEATTLE, SEATTLE 2035 COMPREHENSIVE PLAN MANAGING GROWTH TO BECOME AN EQUITABLE AND SUSTAINABLE CITY 2015-2035 47 (2020), <http://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/SeattlesComprehensivePlan/ComprehensivePlanCouncilAdopted2021.pdf>.

⁶⁶CITY OF SEATTLE, SEATTLE 2035 COMPREHENSIVE PLAN MANAGING GROWTH TO BECOME AN

EQUITABLE AND SUSTAINABLE CITY 2015-2035 51-52 (2020), <http://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/SeattlesComprehensivePlan/ComprehensivePlanCouncilAdopted2021.pdf>.

⁶⁷CITY OF SEATTLE, SEATTLE 2035 COMPREHENSIVE PLAN MANAGING GROWTH TO BECOME AN EQUITABLE AND SUSTAINABLE CITY 2015-2035 51 (2020), <http://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/SeattlesComprehensivePlan/ComprehensivePlanCouncilAdopted2021.pdf>.

⁶⁸CITY OF DENVER, COMPREHENSIVE PLAN 2040 DENVER'S PLAN FOR THE FUTURE 28 (2019), https://denvergov.org/files/assets/public/community-Plan.-and-development/documents/Plan.-general/comprehensive-plan/denver_comprehensive_plan_2040-print.pdf.

⁶⁹CITY OF DENVER, COMPREHENSIVE PLAN 2040 DENVER'S PLAN FOR THE FUTURE XX (2019), https://denvergov.org/files/assets/public/community-Plan.-and-development/documents/Plan.-general/comprehensive-plan/denver_comprehensive_plan_2040-print.pdf.

⁷⁰CITY OF CHARLOTTE, CHARLOTTE FUTURE 2040 COMPREHENSIVE PLAN OUR CITY. OUR PLAN. OUR FUTURE. 75 (2021), https://www.cltfuture2040plan.com/docs/01-CF2040_Policy-Plan.pdf.

⁷¹CITY OF CHARLOTTE, CHARLOTTE FUTURE 2040 COMPREHENSIVE PLAN OUR CITY. OUR PLAN. OUR FUTURE. 101 (2021), https://www.cltfuture2040plan.com/docs/01-CF2040_Policy-Plan.pdf.

⁷²CITY OF CHARLOTTE, CHARLOTTE FUTURE 2040 COMPREHENSIVE PLAN OUR CITY. OUR PLAN. OUR FUTURE. 74-75 (2021), https://www.cltfuture2040plan.com/docs/01-CF2040_Policy-Plan.pdf.

⁷³CITY OF CHARLOTTE, CHARLOTTE FUTURE 2040 COMPREHENSIVE PLAN OUR CITY. OUR PLAN. OUR FUTURE. 75 (2021), https://www.cltfuture2040plan.com/docs/01-CF2040_Policy-Plan.pdf.

⁷⁴CITY OF CHARLOTTE, CHARLOTTE FUTURE 2040 COMPREHENSIVE PLAN OUR CITY. OUR PLAN. OUR FUTURE. 75 (2021), https://www.cltfuture2040plan.com/docs/01-CF2040_Policy-Plan.pdf.

Middle housing is a range of buildings with multiple units that are compatible in

scale to detached single-family homes. They are called ‘middle’ because they are in-between detached single-family homes and mid-rise apartment buildings, and often called ‘missing’ because they have not been allowed for decades. See MISSING MIDDLE HOUSING, <https://missingmiddlehousing.com/about> (last visited Feb. 12, 2022).

⁷⁵RICHMOND PLAN. AND DEV. REVIEW, RICHMOND 300 A GUIDE FOR GROWTH 152 (2020), https://www.rva.gov/sites/default/files/2021-03/R300_Adopted_210331_0.pdf.

⁷⁶RICHMOND PLAN. AND DEV. REVIEW, RICHMOND 300 A GUIDE FOR GROWTH 152 (2020), https://www.rva.gov/sites/default/files/2021-03/R300_Adopted_210331_0.pdf.

⁷⁷CITY OF DENVER, COMPREHENSIVE PLAN 2040 DENVER’S PLAN FOR THE FUTURE 28 (2019), <https://denvergov.org/files/assets/public/community-Plan.-and-development/documents/Plan.-general/comprehensive-plan/denver-comprehensive-plan-2040-print.pdf>.

⁷⁸In accordance with the eCP, and in order to increase the supply of more affordable housing to overcome the disparities in homeownership and wealth due to racial segregation, Portland adopted The Residential Infill Project in August 2020 which changed zoning to allow up to six dwellings per lot. CITY OF PORTLAND, RESIDENTIAL INFILL PROJECT (2021), <https://www.portland.gov/bps/rip> (last visited Feb. 12, 2022). See also Michael Andersen, *Portland Just Passed the Best Low-Density Zoning Reform in U.S. History*, SIGHTLINE INSTITUTE (August 11, 2020), <https://www.sightline.org/2020/08/11/on-wednesday-portland-will-pass-the-best-low-density-zoning-reform-in-us-history/>, (last visited Feb. 12, 2022). (A Portland City Council Commissioner “cited it as a step toward repairing what the city government now describes as its own history of ‘creating and enforcing racial segregation and inequities.’”).

⁷⁹CITY OF PORTLAND, 2035 COMPREHENSIVE PLAN GP5-6 (2020), <https://www.portland.gov/bps/comp-plan/2035-comprehensive-plan-and-supporting-documents#toc-2035-comprehensive-plan-as-amended-through-march-2020->

⁸⁰CITY OF PORTLAND, 2035 COMPREHENSIVE PLAN GP5-6 (2020), <https://www.portland.gov/bps/comp-plan/2035-comprehensive-plan-and-supporting-documents#toc-2035-comprehensive-plan-as-amended-through-march-2020->

[v/bps/comp-plan/2035-comprehensive-plan-and-supporting-documents#toc-2035-comprehensive-plan-as-amended-through-march-2020-](https://www.portland.gov/bps/comp-plan/2035-comprehensive-plan-and-supporting-documents#toc-2035-comprehensive-plan-as-amended-through-march-2020-)

⁸¹CITY OF CHARLOTTE, CHARLOTTE FUTURE 2040 COMPREHENSIVE PLAN OUR CITY. OUR PLAN. OUR FUTURE. 76 (2021), https://www.cltfuture2040plan.com/docs/01-CF2040_Policy-Plan.pdf.

⁸²THE CITY OF N.Y., ONE NYC 2050 BUILDING A STRONG AND FAIR CITY: THRIVING NEIGHBORHOODS 7 (2019), <https://1w3f31pzvdm485dou3dppkq-wpengine.netdna-ssl.com/wp-content/uploads/2019/05/OneNYC-2050-Thriving-Neighborhoods.pdf>.

⁸³THE CITY OF N.Y., ONE NYC 2050 BUILDING A STRONG AND FAIR CITY: THRIVING NEIGHBORHOODS 8 (2019), <https://1w3f31pzvdm485dou3dppkq-wpengine.netdna-ssl.com/wp-content/uploads/2019/05/OneNYC-2050-Thriving-Neighborhoods.pdf>.

⁸⁴THE CITY OF N.Y., ONE NYC 2050 BUILDING A STRONG AND FAIR CITY: THRIVING NEIGHBORHOODS 11 (2019), <https://1w3f31pzvdm485dou3dppkq-wpengine.netdna-ssl.com/wp-content/uploads/2019/05/OneNYC-2050-Thriving-Neighborhoods.pdf>.

⁸⁵THE CITY OF N.Y., ONE NYC 2050 BUILDING A STRONG AND FAIR CITY: THRIVING NEIGHBORHOODS 11 (2019), <https://1w3f31pzvdm485dou3dppkq-wpengine.netdna-ssl.com/wp-content/uploads/2019/05/OneNYC-2050-Thriving-Neighborhoods.pdf>.

⁸⁶LYNN ROSS ET AL., AM. PLAN. ASS’N, PLAN. FOR EQUITY POLICY GUIDE, 7 (2019), https://Plan.org-uploaded-media.s3.amazonaws.com/publication/download_pdf/Plan.-for-Equity-Policy-Guide-rev.pdf.

⁸⁷DEPARTMENT OF COMMUNITY PLAN. AND ECONOMIC DEV., MINNEAPOLIS 2040 - THE CITY’S COMPREHENSIVE PLAN 177 (2020), https://minneapolis2040.com/media/1488/pdf_minneapolis2040.pdf.

⁸⁸CITY OF CHARLOTTE, CHARLOTTE FUTURE 2040 COMPREHENSIVE PLAN OUR CITY. OUR PLAN. OUR FUTURE. 103 (2021), https://www.cltfuture2040plan.com/docs/01-CF2040_Policy-Plan.pdf.

⁸⁹CITY OF SEATTLE, SEATTLE 2035 COMPREHENSIVE PLAN MANAGING GROWTH TO BECOME AN EQUITABLE AND SUSTAINABLE CITY 2015-2035

105 (2020), <http://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/SeattleComprehensivePlan/ComprehensivePlanCouncilAdopted2021.pdf>.

⁹⁰CITY OF PORTLAND, 2035 COMPREHENSIVE PLAN GP5-8 (2020), <https://www.portland.gov/bps/comp-plan/2035-comprehensive-plan-and-supporting-documents#toc-2035-comprehensive-plan-as-amended-through-march-2020->.

⁹¹CITY OF PORTLAND, 2035 COMPREHENSIVE PLAN GP6-18 (2020), <https://www.portland.gov/bps/comp-plan/2035-comprehensive-plan-and-supporting-documents#toc-2035-comprehensive-plan-as-amended-through-march-2020->.

⁹²DEPARTMENT OF COMMUNITY PLAN. AND ECONOMIC DEV., MINNEAPOLIS 2040—THE CITY'S COMPREHENSIVE PLAN 193 (2020), https://minneapolis2040.com/media/1488/pdf_minneapolis2040.pdf.

⁹³OFFICE OF PLAN. AND ZONING, PLAN 2040 VOLUME 1: ANNE ARUNDEL COUNTY GEN. DEV. Plan 22 (2021), <https://www.aacounty.org/departments/Plan.-and-zoning/long-range-Plan./general-development-plan/plan2040-vol1-adopted/>.

⁹⁴THE CITY OF N.Y., ONE NYC 2050 BUILDING A STRONG AND FAIR CITY: THRIVING NEIGHBORHOODS 19 (2019), <https://1w3f31pzvdm485dou3dppkq-wpengine.netdna-ssl.com/wp-content/uploads/2019/05/OneNYC-2050-Thriving-Neighborhoods.pdf>.

⁹⁵DEPARTMENT OF COMMUNITY PLAN. AND ECONOMIC DEV., MINNEAPOLIS 2040—THE CITY'S COMPREHENSIVE PLAN 224 (2020), https://minneapolis2040.com/media/1488/pdf_minneapolis2040.pdf.

⁹⁶RICHMOND PLAN. AND DEV. REVIEW, RICHMOND 300 A GUIDE FOR GROWTH 168 (2020), https://www.rva.gov/sites/default/files/2021-03/R300_Adopted_210331_0.pdf.

⁹⁷CITY OF CHARLOTTE, CHARLOTTE FUTURE 2040 COMPREHENSIVE PLAN OUR CITY. OUR PLAN. OUR FUTURE. 97 (2021), https://www.cltfuture2040plan.com/docs/01-CF2040_Policy-Plan.pdf.

⁹⁸THE CITY OF N.Y., ONE NYC 2050 BUILDING A STRONG AND FAIR CITY 32 (2019) <https://1w3f31pzvdm485dou3dppkq-wpengine.netdna-ssl.com/wp-content/uploads/2020/01/On>

[eNYC-2050-Full-Report-1.3.pdf](http://www.nyc.gov/html/plan/plan_2050/html/one-nyc-2050-full-report-1.3.pdf).

⁹⁹CITY OF DENVER, COMPREHENSIVE PLAN 2040 DENVER'S PLAN FOR THE FUTURE 52 (2019), <https://denvergov.org/files/assets/public/community-Plan.-and-development/documents/Plan.-general/comprehensive-plan/denver-comprehensive-plan-2040-print.pdf>.

¹⁰⁰CITY OF PORTLAND, 2035 COMPREHENSIVE PLAN GP4-16 (2020), <https://www.portland.gov/bps/comp-plan/2035-comprehensive-plan-and-supporting-documents#toc-2035-comprehensive-plan-as-amended-through-march-2020->.

¹⁰¹CITY OF SEATTLE, SEATTLE 2035 COMPREHENSIVE PLAN MANAGING GROWTH TO BECOME AN EQUITABLE AND SUSTAINABLE CITY 2015-2035 34 (2020), <http://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/SeattleComprehensivePlan/ComprehensivePlanCouncilAdopted2021.pdf>.

¹⁰²RICHMOND PLAN. AND DEV. REVIEW, RICHMOND 300 A GUIDE FOR GROWTH 172 (2020), https://www.rva.gov/sites/default/files/2021-03/R300_Adopted_210331_0.pdf.

¹⁰³CITY OF SEATTLE, SEATTLE 2035 COMPREHENSIVE PLAN MANAGING GROWTH TO BECOME AN EQUITABLE AND SUSTAINABLE CITY 2015-2035 135 (2020), <http://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/SeattleComprehensivePlan/ComprehensivePlanCouncilAdopted2021.pdf>.

¹⁰⁴CITY OF SEATTLE, SEATTLE 2035 COMPREHENSIVE PLAN MANAGING GROWTH TO BECOME AN EQUITABLE AND SUSTAINABLE CITY 2015-2035 136 (2020), <http://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/SeattleComprehensivePlan/ComprehensivePlanCouncilAdopted2021.pdf>.

¹⁰⁵CITY OF PORTLAND, 2035 COMPREHENSIVE PLAN I-30 (2020), <https://www.portland.gov/bps/comp-plan/2035-comprehensive-plan-and-supporting-documents#toc-2035-comprehensive-plan-as-amended-through-march-2020->.

¹⁰⁶CITY OF PORTLAND, 2035 COMPREHENSIVE PLAN GP4-16 (2020), <https://www.portland.gov/bps/comp-plan/2035-comprehensive-plan-and-supporting-documents#toc-2035-comprehensive-plan-as-amended-through-march-2020->.

¹⁰⁷RICHMOND PLAN. AND DEV. REVIEW, RICH-

MOND 300 A GUIDE FOR GROWTH 172 (2020), https://www.rva.gov/sites/default/files/2021-03/R300_Adopted_210331_0.pdf.

¹⁰⁸DEPARTMENT OF COMMUNITY PLAN. AND ECONOMIC DEV., MINNEAPOLIS 2040—THE CITY'S COMPREHENSIVE PLAN 203 (2020), https://minneapolis2040.com/media/1488/pdf_minneapolis2040.pdf

¹⁰⁹DEPARTMENT OF COMMUNITY PLAN. AND ECONOMIC DEV., MINNEAPOLIS 2040—THE CITY'S COMPREHENSIVE PLAN 203 (2020), https://minneapolis2040.com/media/1488/pdf_minneapolis2040.pdf

¹¹⁰CITY OF CHARLOTTE, CHARLOTTE FUTURE 2040 COMPREHENSIVE PLAN OUR CITY. OUR PLAN. OUR FUTURE. 73 (2021), https://www.cltfuture2040plan.com/docs/01-CF2040_Policy-Plan.pdf.

¹¹¹CITY OF CHARLOTTE, CHARLOTTE FUTURE 2040 COMPREHENSIVE PLAN OUR CITY. OUR PLAN. OUR FUTURE. 91 (2021), https://www.cltfuture2040plan.com/docs/01-CF2040_Policy-Plan.pdf.

¹¹²RICHMOND PLAN. AND DEV. REVIEW, RICHMOND 300 A GUIDE FOR GROWTH 172 (2020), https://www.rva.gov/sites/default/files/2021-03/R300_Adopted_210331_0.pdf.

¹¹³CITY OF PORTLAND, 2035 COMPREHENSIVE PLAN GP4-16 (2020), <https://www.portland.gov/bps/comp-plan/2035-comprehensive-plan-and-supporting-documents#toc-2035-comprehensive-plan-as-amended-through-march-2020->.

¹¹⁴CITY OF PORTLAND, 2035 COMPREHENSIVE PLAN GP9-12 (2020), <https://www.portland.gov/bps/comp-plan/2035-comprehensive-plan-and-supporting-documents#toc-2035-comprehensive-plan-as-amended-through-march-2020->.

¹¹⁵DEPARTMENT OF COMMUNITY PLAN. AND ECONOMIC DEV., MINNEAPOLIS 2040—THE CITY'S COMPREHENSIVE PLAN 137 (2020), https://minneapolis2040.com/media/1488/pdf_minneapolis2040.pdf.

¹¹⁶CITY OF SEATTLE, SEATTLE 2035 COMPREHENSIVE PLAN MANAGING GROWTH TO BECOME AN EQUITABLE AND SUSTAINABLE CITY 2015-2035 44 (2020), <http://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/SeattleComprehensivePlan/ComprehensivePlanCouncilAdopted2021.pdf>.

¹¹⁷LYNN ROSS ET AL., AM. PLAN. ASS'N, PLAN. FOR EQUITY POLICY GUIDE, 9 (2019), https://Plan.org-uploaded-media.s3.amazonaws.com/publication/download_pdf/Plan.-for-Equity-Policy-Guide-rev.pdf

¹¹⁸LYNN ROSS ET AL., AM. PLAN. ASS'N, PLAN. FOR EQUITY POLICY GUIDE, 9 (2019), https://Plan.org-uploaded-media.s3.amazonaws.com/publication/download_pdf/Plan.-for-Equity-Policy-Guide-rev.pdf.

¹¹⁹Richard D. Kahlenberg, *How Minneapolis Ended Single-Family Zoning*, THE CENTURY FOUND. (October 24, 2019) (According to a study of one town where the population was 75% Latinx, over a three year period only one resident with an Hispanic surname ever spoke at Plan. and zoning meetings.)

¹²⁰CITY OF DENVER, COMPREHENSIVE PLAN 2040 DENVER'S PLAN FOR THE FUTURE 35 (2019), <https://denvergov.org/files/assets/public/community-Plan.-and-development/documents/Plan.-general/comprehensive-plan/denver-comprehensive-plan-2040-print.pdf>.

¹²¹RICHMOND PLAN. AND DEV. REVIEW, RICHMOND 300 A GUIDE FOR GROWTH 106 (2020), https://www.rva.gov/sites/default/files/2021-03/R300_Adopted_210331_0.pdf.

¹²²CITY OF SEATTLE, SEATTLE 2035 COMPREHENSIVE PLAN MANAGING GROWTH TO BECOME AN EQUITABLE AND SUSTAINABLE CITY 2015-2035 96 (2020), <http://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/SeattleComprehensivePlan/ComprehensivePlanCouncilAdopted2021.pdf>

¹²³CITY OF CHARLOTTE, CHARLOTTE FUTURE 2040 COMPREHENSIVE PLAN OUR CITY. OUR PLAN. OUR FUTURE. 11-15 (2021), https://www.cltfuture2040plan.com/docs/01-CF2040_Policy-Plan.pdf. See also THE CITY OF N.Y., ONE NYC 2050 BUILDING A STRONG AND FAIR CITY 38-41 (2019) <https://1w3f31pzvdm485dou3dppkq-wpengine.netdna-ssl.com/wp-content/uploads/2020/01/OneNYC-2050-Full-Report-1.3.pdf> (In its first stage of the eCP, oneNYC2050 workers took to the streets in all five boroughs of N.Y. City).

¹²⁴DEPARTMENT OF COMMUNITY PLAN. AND ECONOMIC DEV., MINNEAPOLIS 2040—THE CITY'S COMPREHENSIVE PLAN 52-53 (2020), https://minneapolis2040.com/media/1488/pdf_minneapolis2040.pdf

polis2040.pdf Minneapolis2040 at 52-53.

¹²⁵THE CITY OF N.Y., ONE NYC 2050 BUILDING A STRONG AND FAIR CITY: THRIVING NEIGHBORHOODS 30 (2019), <https://1w3f31pzvdm485dou3dppkcg-wpengine.netdna-ssl.com/wp-content/uploads/2019/05/OneNYC-2050-Thriving-Neighborhoods.pdf>.

¹²⁶James Merolla, *Comp Plan May Get Rewrite*, NEWPORT THIS WEEK NEWPORT NOW (Mar. 4, 2021) <https://www.newportthisweek.com/articles/comp-plan-may-get-rewrite/> (last visited Feb. 13, 2022).

¹²⁷James Merolla, *Comp Plan May Get Rewrite*, NEWPORT THIS WEEK NEWPORT NOW, Mar. 4, 2021, <https://www.newportthisweek.com/articles/comp-plan-may-get-rewrite/> (last visited Feb. 13, 2022).

¹²⁸Kathleen McWilliams, ‘*It perpetuates segregation*’: *Racial justice protests bring calls to reform Connecticut zoning laws that restrict affordable housing*, HARTFORD COURANT, June 14, 2020, <https://www.courant.com/news/connecticut/hc-news-connecticut-zoning-segregation-20200614-dkwbi7gfkjckflh7lrjg2kgdai-story.html> (last visited Feb. 13, 2022).

¹²⁹TOWN OF CARRBORO, CARROBORO CONNECTS 2022-2042 PRELIMINARY DRAFT COMPREHENSIVE PLAN CREATE COMMUNITY TOGETHER 114, 123 (Sept. 17, 2021), <https://www.teskaassociates.com/wp-content/uploads/2021/09/CARRBORO-CONNECTS-PRELIMINARY-DRAFT-PLAN-20210917-1.pdf> (asking whether members of the BIPOC community and women feel welcomed in public spaces when evaluating equitable access).

¹³⁰THE MARYLAND-NAT’L CAP. PARK AND PLAN. COMM’N, THRIVE MONTGOMERY 2050 LET’S PLAN OUR FUTURE. TOGETHER PLAN. BOARD DRAFT 119, 147 (Apr. 2021) <https://montgomeryplan.org/wp-content/uploads/2021/04/Thrive-Plan-Board-Draft-web.pdf>.

¹³¹*Buchanan v. Warley*, 245 U.S. 60, 38 S. Ct. 16, 62 L. Ed. 149 (1917) (the racial ordinance violated the Fourteenth Amendment of the United States Constitution).

¹³²Austyn Gaffney, *Louisville Protesters Mourn Breonna Taylor by Taking to the Streets*, ROLLING STONE, Sept. 24, 2020, <https://www.rollingstone.com/culture/culture-features/breonna-taylor-louisville-charges->

[protest-1066060/](https://www.rollingstone.com/culture/culture-features/breonna-taylor-louisville-charges-protest-1066060/) (last visited Feb. 13, 2022).

¹³³Amber Jamieson & Caroline O’Donovan, *There Were Massive Protests Around the Country for A Second Night in Response to the Killings of George Floyd and Breonna Taylor*, BUZZFEEDNEWS, May 30, 2020, <https://www.buzzfeednews.com/article/amberjamieson/george-floyd-breonna-taylor-friday-protests> (last visited Feb. 13, 2022).

¹³⁴Marty Finely, *Amid protests, Louisville Metro calls for full review of city development code*, LOUISVILLE BUSINESS FIRST, July 14, 2020, <https://www.bizjournals.com/louisville/news/2020/07/14/review-land-development-code.html> (last visited Feb. 13, 2022).

¹³⁵PLAN. AND DESIGN SERVICES, LOUISVILLE METRO LAND DEV. CODE REFORM CONFRONTING INEQUITIES IN LAND USE POLICIES, REGULATIONS AND PRACTICES (Jan. 2021), <https://louisvilleky.gov/government/Plan.-design/lc-reform-recommendations> (last visited Feb. 13, 2022) (Specifically, the revisions make ADUs available ‘as a right’ with ministerial review processes, reduce front yard setback requirements to help increase housing options, remove floor area ratio requirements from residential zones, and allow two-family residential use on all lots in identified districts, while also reducing obstacles to market and community gardens.).

¹³⁶LOUISVILLE METRO PLAN. & DESIGN SERVS., *Confronting Racism in City Plan. and Zoning* (Sept. 1, 2021), <https://www.lojic.org/confronting-racism-city-Plan.-and-zoning> (the page describes its purpose as confronting the racism “that is entrenched in our land use policies and practices”).

¹³⁷RICHARD ROTHSTEIN, *THE COLOR OF LAW: A FORGOTTEN HISTORY OF HOW OUR GOVERNMENT SEGREGATED AMERICA* 197-198 (2017).

¹³⁸LYNN ROSS ET AL., AM. PLAN. ASS’N, PLAN. FOR EQUITY POLICY GUIDE, 3 (2019), https://Plan.org-uploaded-media.s3.amazonaws.com/publication/download_pdf/Plan.-for-Equity-Policy-Guide-rev.pdf (“It is important for planners to recognize the past and present role the planning profession has played in creating and perpetuating discriminatory practices against communities of color . . .”).

¹³⁹LYNN ROSS ET AL., AM. PLAN. ASS’N, PLAN. FOR EQUITY POLICY GUIDE, 4 (2019), https://Plan.org-uploaded-media.s3.amazonaws.com/publication/download_pdf/Plan.-for-Equity-Policy-Guide-rev.pdf

[n.-org-uploaded-media.s3.amazonaws.com/publication/download_pdf/Plan.-for-Equity-Policy-Guide-rev.pdf](https://www.amazonaws.com/publication/download_pdf/Plan.-for-Equity-Policy-Guide-rev.pdf)

¹⁴⁰*AICP Code of Ethics and Pro. Conduct*, AM. PLAN. ASSOC. (November 20, 2021).

¹⁴¹BUREAU OF PLAN. AND SUSTAINABILITY, HISTORICAL CONTEXT OF RACIST PLAN.: A HISTORY

OF HOW PLAN. SEGREGATED PORTLAND 4 (2019)
<https://www.portland.gov/sites/default/files/2019-12/portlandracistPlan.historyreport.pdf>.

<https://legal.thomsonreuters.com/>

