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**Conditional Use Regulations on Multi-Family Housing and Patterns of
Segregation in Auburn, Alabama**

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Segregation in Auburn, Alabama**

by

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Report

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Abstract

Conditional Use Regulations on Multi-Family Housing and Patterns of Segregation in Auburn, Alabama

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The U.S. Department of Housing and Urban Development (HUD) recently passed a new rule that requires entities that receive federal funding from HUD to take steps to “affirmatively further” fair housing. HUD’s new rule includes an Assessment of Fair Housing (AFH). One of the requirements in the AFH is to examine segregation and integration in the city and to determine if zoning and land use laws have contributed to patterns of segregation. This paper looks specifically at the city of Auburn, AL and its zoning and conditional use regulations on multi-family housing. It examines patterns of racial segregation and ways in which zoning and land use laws, specifically conditional use regulations on multi-family housing, have perpetuated segregation in the city.

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CHAPTER 1: INTRODUCTION

Patterns of racial segregation are present across all parts of the United States. It is a lasting effect of laws that mandated segregation and practices that were allowed to promote it until the passing of the Fair Housing Act in 1968. While policies and practices that were outright discriminatory have been outlawed, there are still housing and land use regulations that have the indirect effect of promoting segregation.

These rules and regulations encourage segregation when they determine where affordable housing developments are able to be constructed and where they are not. The separation or concentration of affordable housing in one town or part of a city, leads to segregation by socioeconomic class and race, as minorities are more likely to be of a lower socioeconomic background. The U.S. Department of Housing and Urban Development (HUD) recently released a new rule that requires entities that receive funding from HUD to “affirmatively further fair housing” in such a way that works against persisting patterns of segregation.

This paper looks specifically at the city of Auburn, Alabama and addresses the question of how its zoning laws, and particularly conditional use regulations on the construction of multi-family housing, have encouraged patterns of racial segregation to persist. This is done by tracking the quantity and location of conditional use applications filed to construct multi-family housing since the city’s new zoning ordinance was passed in 1984. These data are overlaid and compared to the location of concentrations of the Black population in Auburn over the same time period. Relationships are drawn between the amount and location of conditional use applications filed for multi-family housing and the location of the Black population in Auburn.

In the next chapter, a background on the city of Auburn will be presented. This includes an overview of growth of the city, the city’s characteristics, and the city’s demographics. The

background given on the city of Auburn will also go over its zoning history. The city's use of performance zoning to model its zoning ordinance in 1984 and that ordinance's shortcomings will be discussed.

Chapter Three examines existing conditions of multi-family housing in Auburn and the residents' resistance to its construction. It will generally discuss land use regulations on multi-family housing and their potentially discriminatory effects, before turning to look specifically at land use regulations on multi-family housing in Auburn. Next, an overview of HUD's new Affirmatively Further Fair Housing Rule will be given and then there will be an overview of Auburn's provision of affordable housing.

Chapter Four of this paper describes the methodology that will be used to answer the outlined question of how zoning and conditional use regulations on the construction of multi-family housing have promoted patterns of racial segregation in Auburn. The next chapters of the paper present the collected data and analyze existing relationships between the location of conditional use applications filed to construct multi-family housing and race in the city.

In the fifth chapter, an overview of the historical location of the Black community and the white community in Auburn is given. The chapter then examines how the locations of these populations have changed over time and become more segregated. It then draws a connection between the location of multi-family housing in the city and the location of the Black population.

Chapter Six begins by underscoring the large amount of land in the city that requires a conditional use application to construct multi-family housing, and compares it to that for single-family detached. The data for the amount of conditional use applications filed are displayed, and the zones with the highest frequency of applications are highlighted. The

location of these zones in the city are then pointed out, and attention is drawn to their correspondence with higher concentrations of the Black population in Auburn.

The location of applications for multi-family housing and single-family attached housing, and their acceptance or rejection, is generally gone over before delving into a conversation regarding Auburn residents' attitude towards the development of multi-family housing in their neighborhoods. Then, the occurrence of conditional use applications is mapped from 1984 through 2015 and compared to the location of the Black population at the time they were filed.

In the seventh chapter, a portion of HUD's Assessment of Fair Housing (AFH) is used to analyze the effects of Auburn's zoning and conditional use regulations on racial segregation in the city. The steps laid out by the AFH for assessing integration and segregation are completed for Auburn using the information presented in this paper.

The final chapter of this paper concludes with a summary of its findings. It gives an overview of the relationship found between locations of the Black population and areas of the city for which conditional use applications were most frequently filed. The conclusion targets how this relationship plays a role in perpetuating patterns of racial segregation in Auburn and results in having a disparate impact on the Black population. It also includes recommendations for the City of Auburn for overcoming segregation in the city.

CHAPTER 2: BACKGROUND ON AUBURN, AL

A. AUBURN: A COLLEGE TOWN

Auburn, Alabama is a part of Lee County, located in the central-eastern area of the state, near the Georgia border. Auburn can be classified as an American college town. It is home to Auburn University and has a population of about 60,534 (Economic Development Department, 2016) people, 25,912 of which are students at the university (Enrollment Statistics, 2015). This means students make up almost 43% of the population of the town of Auburn. This leads to the university being a defining feature of the city. The local high school shares the same mascot, a tiger, as the university. Auburn University's football stadium, Jordan-Hare, holds more people than live in the city of Auburn. The economic success of local businesses is dependent on the success of Auburn University sports teams, particularly football. For example, the City of Auburn readjusts its budget to allow for more spending if the Iron Bowl, the football matchup between Auburn University and the University of Alabama, will take place in Auburn that year (Gumprecht, 2009).

The university's influence on the town also contributes to making Auburn an attractive place to live. In his book, *The American College Town*, Gumprecht (2009), highlights common characteristics that distinguish college towns. Many of these characteristics are positive and ones that Auburn exemplifies. Like other college towns, Auburn residents have a higher educational attainment than residents of surrounding areas. Auburn also experiences lower unemployment rates, and higher home values and household income than similarly sized towns without a major university. The presence of a university also provides Auburn with amenities common to other college towns that create a higher quality of life (Gumprecht, 2009). Auburn has an active and lively downtown, a public school system that consistently ranks as one of the highest in the state, and access to high quality recreational facilities and programs (CompPlan 2030, 2011).

B. GROWTH OF THE CITY

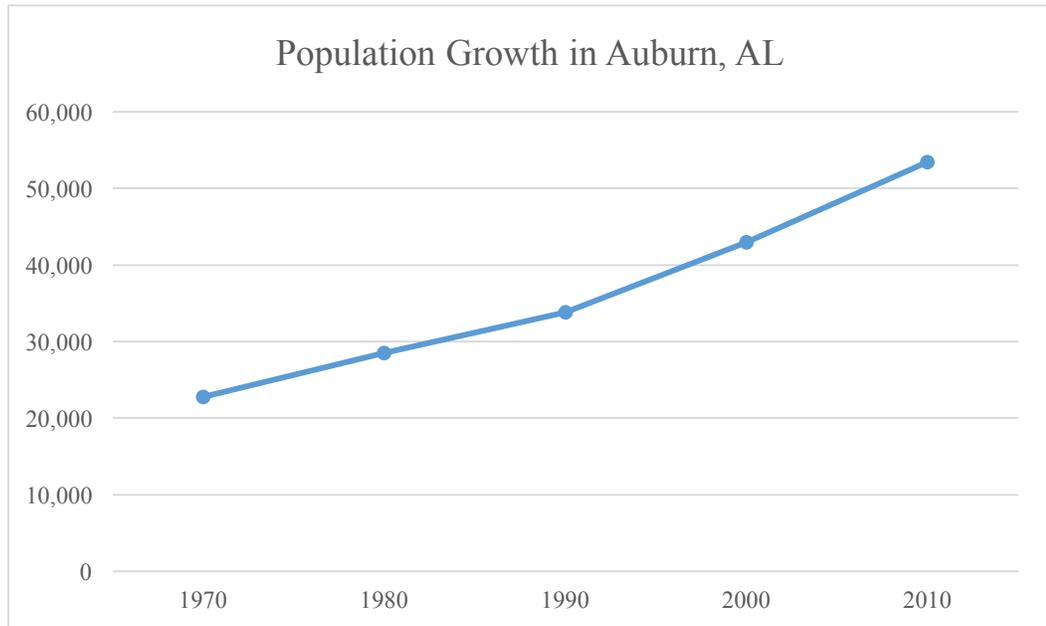


Figure 2.1 Source: *CompPlan 2030, 2011*

The city of Auburn has grown and continues to grow rapidly, with a population projection of 87,916 by 2030 and with an average of more than a 3% increase per year since the 1960s (CompPlan 2030, 2011). Auburn’s growth since 1970 is closely linked to the increasing size of the university. However, likely because of many of the “college town” characteristics presented above and specific economic development efforts on the part of the City of Auburn, the city has seen an increase in population not directly tied to the university (CompPlan 2030, 2011). Today, Auburn is the fastest growing city in the state, and the 20th fastest growing city in the nation from 2010-2014 when ranked by percentage change (Woodham, 2015).

Auburn was incorporated in 1839. Fifteen years later, an institution of higher learning, the East Alabama Male College (EAMC), was established. Eventually, the school became property of the State of Alabama by way of the Morrill Act and its transformation into a land-grant university. In 1899, EAMC was renamed the Alabama Polytechnic Institute

(API) (CompPlan 2030, 2011). The university's evolution into a state owned land-grant university, led to a dramatic increase in its size, spurring the growth of Auburn as a town. In 1910, the population was 1,831 and by the 1920s it was 3,338. The population, amount of businesses, and the size of the school experienced another boom after World War II. Facilitated by the GI Bill, enrollment in API almost quadrupled from 1945 to 1947. In the 1960s, the Polytechnic Institute became Auburn University. The construction of Interstate 85 began around the same time, connecting Auburn to major cities and furthering its growth. The population of Auburn has grown steadily from the 1960s with an average of more than a 3% increase per year (CompPlan 2030, 2011).

From 1970 to 1980 Auburn saw 26% increase in population, growing from 22,770 residents to 28,610 (Juster, 1997). This growth continued into the 1980s as Auburn began gaining attention for its high performing public schools while the university simultaneously gained higher rankings and more notoriety. Because of this, the 1980s witnessed a surge in residential development, both in the amount of apartments for an increasing student population and in the amount of houses for incoming families (CompPlan 2030, 2011). This spark in development provided the impetus for Auburn's 2000 Plan and the switch to performance zoning that will be further discussed in the following section (Gumprecht, 2009). The 1980s also saw the City of Auburn begin work to create other means of economic growth and sustainability that were not directly linked to the university. Public and private partnerships were formed and the Department of Economic Development made efforts to attract other industries to the city and were successful. In the 1990s multiple manufacturing companies began to locate in Auburn, leading to a large increase in the number of industrial jobs and the development of building plants in industrial parks in Auburn (CompPlan 2030, 2011). Since 1994, industrial development in Auburn has created almost 6,600 jobs and generated approximately \$1.25 billion in investment capital (Economic Development Department, 2016).

C. AUBURN IN CONTEXT OF ITS SURROUNDINGS

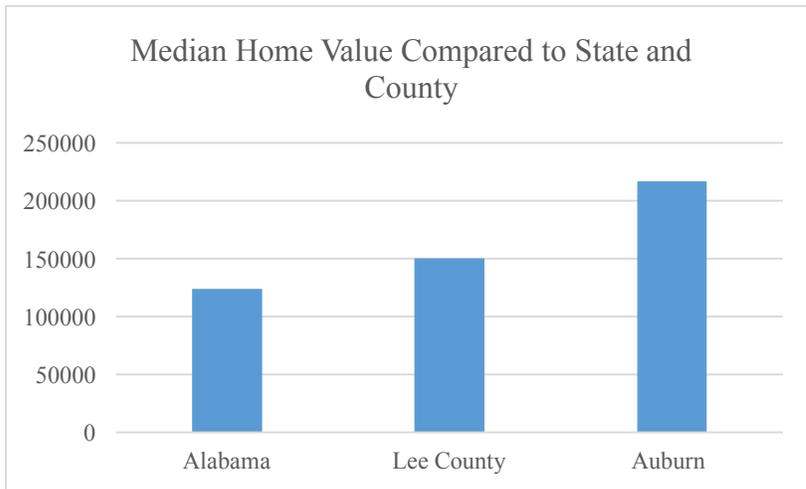


Figure 2.2 Source: 2014 U.S. Census Data

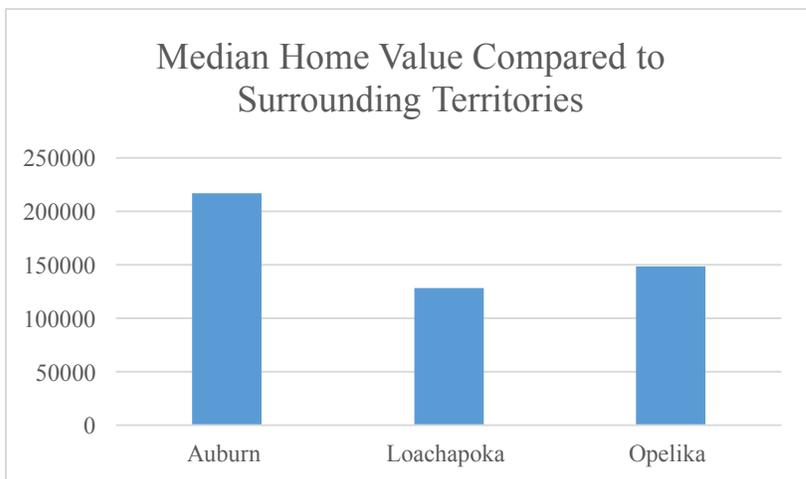


Figure 2.3 Source: 2014 U.S. Census Data

This section is meant to provide the city of Auburn with some context by highlighting its differences in relation to the state and county, and its surrounding territories. As can be seen in Figure 2.2, Auburn has higher home values compared to Alabama and Lee County as a whole. The median home value is \$123,800 for the state and \$150,100 for the county. These are both substantially lower than Auburn's median home value of \$216,800.

When compared to the town of Loachapoka, located outside of the city of Auburn, and Opelika, Auburn’s sister city, median home values for Auburn are also comparatively higher. This is illustrated by Figure 2.3. The median home value for Loachapoka is \$128,600 and for Opelika it is \$148,300.

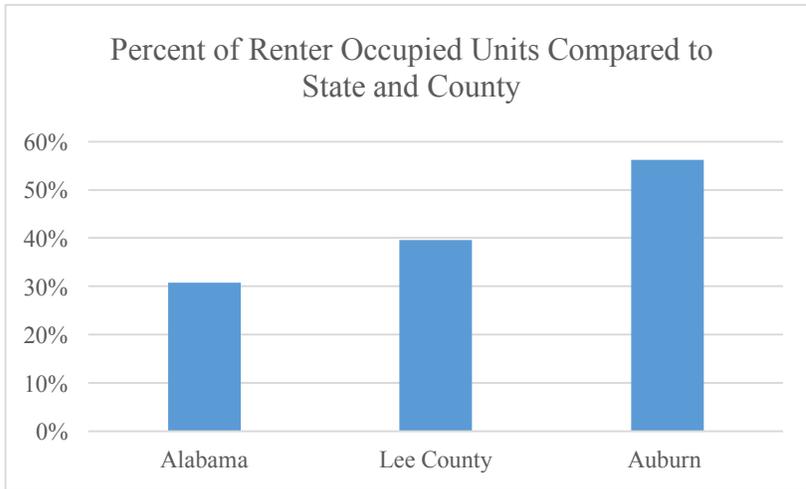


Figure 2.4 Source: 2014 U.S. Census Data

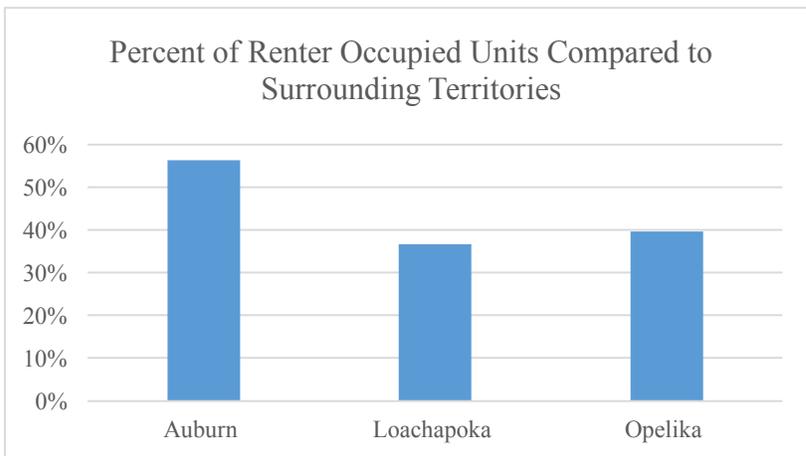


Figure 2.5 Source: 2014 U.S. Census Data

Auburn has a higher number of renters compared to the state and county due to its high student population. Fifty-six percent of units in Auburn are rented, while 31% of housing

units in the state of Alabama as a whole and 40% of housing units in Lee County are renter-occupied. This is seen in Figure 2.4.

Figure 2.5 shows the higher percentage of renter-occupied units in Auburn compared to the surrounding areas of Loachapoka and Opelika. Loachapoka has 37% of units that are occupied by renters and Opelika has 40%.

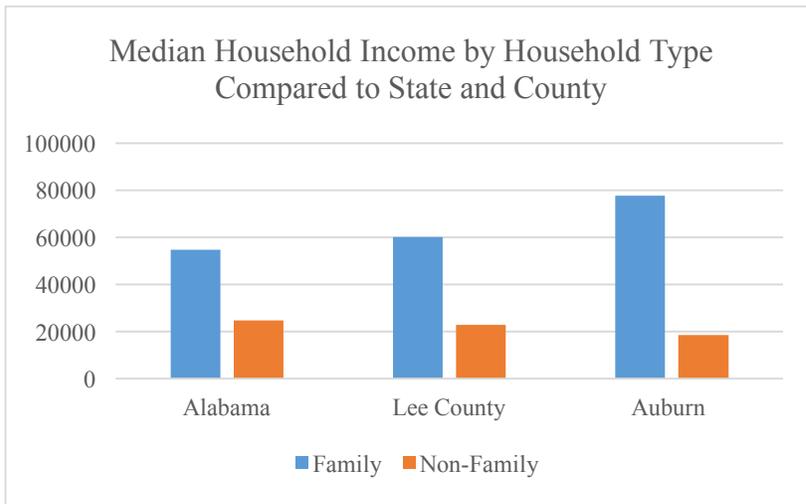


Figure 2.6 Source: 2014 U.S. Census Data

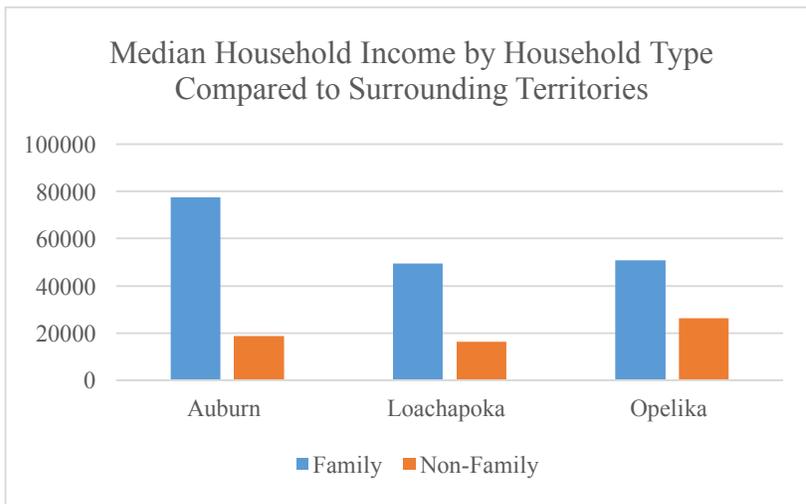


Figure 2.7 Source: 2014 U.S. Census Data

In Figures 2.6 and 2.7, median household income is illustrated by breaking down household type into family and non-family households. This is to control for the high student population in Auburn whose low incomes distort the income composition of Auburn as a whole. When comparing family households in Auburn to the state and county as a whole, Auburn's median household income is the highest at \$77,638. This compares \$60,237 for the county and \$54,724 for the state. This can be seen in Figure 2.6.

Figure 2.7 compares Auburn's median household income to its surrounding areas. Auburn's median household income is significantly higher than that of Loachapoka's at \$49,375 and Opelika's at \$50,832

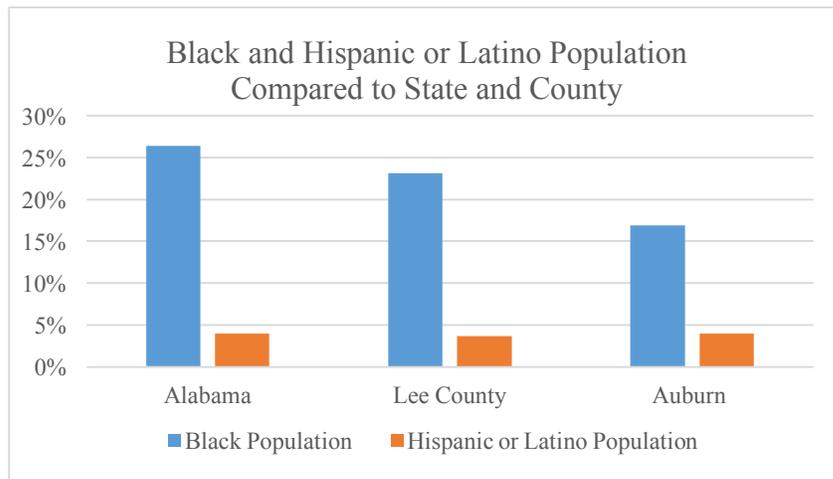


Figure 2.8 Source: 2014 U.S. Census Data

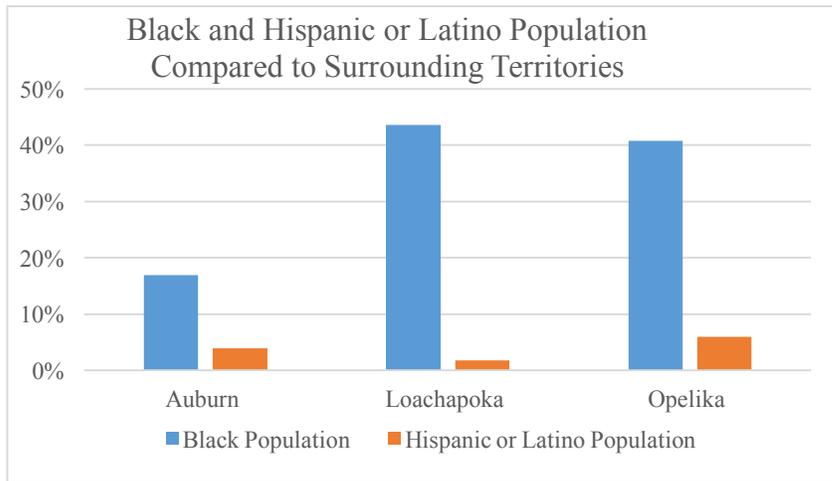


Figure 2.9 Source: 2014 U.S. Census

The percent of Auburn’s population that is African American is lower than the percentage of the population that is Black in the state and county as a whole, while the percentage of the population that is Hispanic remains constant around 4% across the geographies. Figure 2.8 shows Auburn’s Black population to be 17% compared to 23% for Lee County and 26% for Alabama.

Figure 2.9 illustrates the more drastic differences in Auburn’s Black population when compared to the territories that surround it. Auburn’s Black population is 27% less than Loachapoka’s which is 44% African American. Opelika’s Black population makes up 41% of its population, compared to Auburn’s 17%. Auburn also has a lower percentage of a Hispanic population than Opelika, but it is less significant of a difference. Auburn’s Hispanic population is 3.95% compared to Opelika’s 5.92%. Auburn’s percentage of a Hispanic population is higher than that of Loachapoka’s at 1.76%.

D. AUBURN ZONING

The tremendous growth in development that Auburn began experiencing around 1980, shed light on the need for the city to update its current land development code and to plan for the future. In 1982, Jan Dempsey was elected as mayor with the need for a new plan and land development code as a key part of her platform. Once in office, she began work on the comprehensive plan for the city, *Auburn 2000*.

Considering advice from the planning consultant from Birmingham that had been hired to assist in Auburn's planning efforts, the city decided to make the transition from the more traditional Euclidean zoning that was currently informing land use in Auburn, to performance zoning (Juster, 1997).

Euclidean zoning aims to inform land use through the separation of uses. Performance zoning is a more progressive method of zoning, particularly early on in the 1980s when the City of Auburn was adopting it. Performance zoning operates under the theory that multiple uses can exist within one zoning district as long as an appropriate buffer area between those uses is created (Juster, 1997). Under performance zoning, a site is given a *land use intensity* rating based on attributes such as residential density, non-residential floor-to-area ratio (FAR), hours of operation, height and bulk of structures, and amount of impervious surface. If a proposed site has the same land use intensity as an adjacent existing site, no buffering is required. However, if the land use intensities of the proposed and existing site differ, than an amount of buffering that is dependent on the scale of the difference in intensity between the two sites will be required (Juster, 1997).

Performance zoning is not only more conducive to promoting a mix of uses, but it also allows for regulations that promote the protection of the environment and natural features. This more progressive zoning also has the benefit of reducing the complexity of a zoning ordinance because it typically requires less zoning districts than Euclidean type zoning

(Juster, 1997). By allowing for a mixture of uses, it is unnecessary to create a multitude of zones in order to regulate how and where development should occur. In model performance zoning, there are seven zoning districts (Juster, 1997):

- The **Rural** district that is comprised of land not intended for development for at least the next 20 years. It is basically a holding zone for land, and if any development occurs on it before a rezoning it will be of a very low-density.
- The **Development** district is where the majority of new development is intended to occur. It allows for essentially all uses except for industrial and agricultural. If necessary, more land, typically from the Rural district, will be rezoned to this designation to accommodate growth.
- The **Estate** zone is intended for low-density residential development meant to occur on the outskirts of the city for people who desire a more rural environment.
- The **Neighborhood Conservation** district is intended to preserve existing single-family neighborhoods. This designation is not intended for any undeveloped land as it is meant for use only on existing neighborhoods.
- The **Commercial Conservation** zone is to preserve existing business districts, other than the downtown and shopping malls.
- The **Urban Core** designation is given to the downtown area. Expansion of the core is allowed to occur, but primarily infill development and redevelopment is the intention of the designation.
- The **Industrial** zone includes existing industrial areas and land to be used for future industrial growth.

When adopting their new performance zoning ordinance, the City of Auburn followed the model described above fairly closely, except for the elimination of the Estate zone and the addition of three new zone categories (Juster, 1997). The districts created by Auburn were meant to adapt the model to the specific environment of the city. The added zones are as follows:

- The **Holding District (H)** designation was given to land owned by the State of Alabama, like the university and Chewacla State Park, because state land cannot be regulated by local zoning ordinances. The area around Ogletree Lake was also deemed part of the Holding District as it is a main source of potable water for Auburn and the Water Works Board sought to protect it.
- The **University Services District (US)** was created to provide land where amenities needed by students and faculty could be developed, such as high density residential and institutional and commercial services. This zone was applied to the land adjacent to the main campus of Auburn University.
- The **Redevelopment District (RDD)** was meant for areas in the central area of the city that were deteriorating and lacked activity or use.

However, these additions were not enough to sell performance zoning to all the residents of Auburn. The city received backlash from homeowners over the new ordinance and based on their feedback, adapted the ordinance (Juster, 1997). Auburn residents voiced concern primarily with the Development District (DD) that allowed for the existence of multiple uses in one area. To mitigate homeowners' fears, the city created another district. This district is called the Development District-Housing (DD-H) zone. It allows for low to medium density residential development. The intention of the zone is to allow for future development of traditional single family areas and also to provide a barrier between DD

zones and Neighborhood Conservation (NC) zones. The adoption of this new district was coupled with the rule that no rezoning of land in the Rural district within 400 feet of a NC district could occur unless the land was rezoned to the new DD-H zone or an NC district of equal maximum density or less (Juster, 1997).

The promotion and protection of single-family neighborhoods from other uses and multifamily dwellings was further established during review processes that occurred after the performance zoning ordinance's adoption in 1984. In the 1987 review of the zoning ordinance, it was established that new Neighborhood Conservation (NC) districts could be created if they adjoined to an existing NC zone and at a maximum density equal to or less than the NC zone it was connecting to. A year later, the creation of a stand-alone NC zone was made possible (Juster, 1997). This is directly out of line with the performance zoning model's intention for the NC zone as it impedes the development of a city with a diverse mix of uses. In 1988, another provision was made that stated that residents of an existing or planned single family subdivision in a DD-H, DD, RDD, or Rural (R) district could argue for a change to an NC designation (Juster, 1997). This provision fueled the further development of conventional single-family neighborhoods, while further hindering the progressive development of a mixture of uses and housing types.

This fetter on more diverse uses and housing types was made worse by the original 1984 ordinance's over-zoning of land as Rural. As more land was needed for development from the Rural district, parts of the Rural district needed to be re-zoned (Juster, 1997). Following standard performance zoning, the rural land would have been rezoned to the Development District (DD) zone that allows for all uses, except industrial and agricultural. However, because of the new regulations that promoted the creation of conventional single-family neighborhoods while stifling the Development District (DD) designation, the rezoning of rural land often was not to the DD designation (Juster, 1997).

The City of Auburn recognized this as a problem and sought to mitigate it by abolishing the rule that land within 400 feet of an NC district could not be rezoned to anything other than DD-H or NC. In 1993, they replaced the rule with stricter buffering standards and minimum required distances a structure had to be from single-family property. Around this time a new zone was created, the Limited Development District (LDD) that promotes low density residential development. It also allows for commercial uses but only as part of an established Neighborhood Shopping Center. A significant portion of the Rural district would be rezoned to LDD to accommodate future growth and development (Juster, 1997).

This research paper deals specifically with the establishment of multi-family as a conditional use in a large amount of zoning districts, and the potential effects of this on patterns of segregation. Multi-family housing is a permitted use in only two of the zoning districts and is a conditional use in five. Single-family detached housing is a permitted use in seven zoning districts and is a conditional use in two. If a use is conditional in a district, a new development of that use must go through an additional review and approval process unlike a development whose use is permitted in the district. In Auburn, this process consists of the submittal of a conditional use application to the planning commission who reviews it and recommends whether or not it should be accepted by the city council. The application then goes through a public hearing and is considered by the city council who makes the final decision of whether or not the development will be able to move forward.

Zoning in Auburn, AL 2015

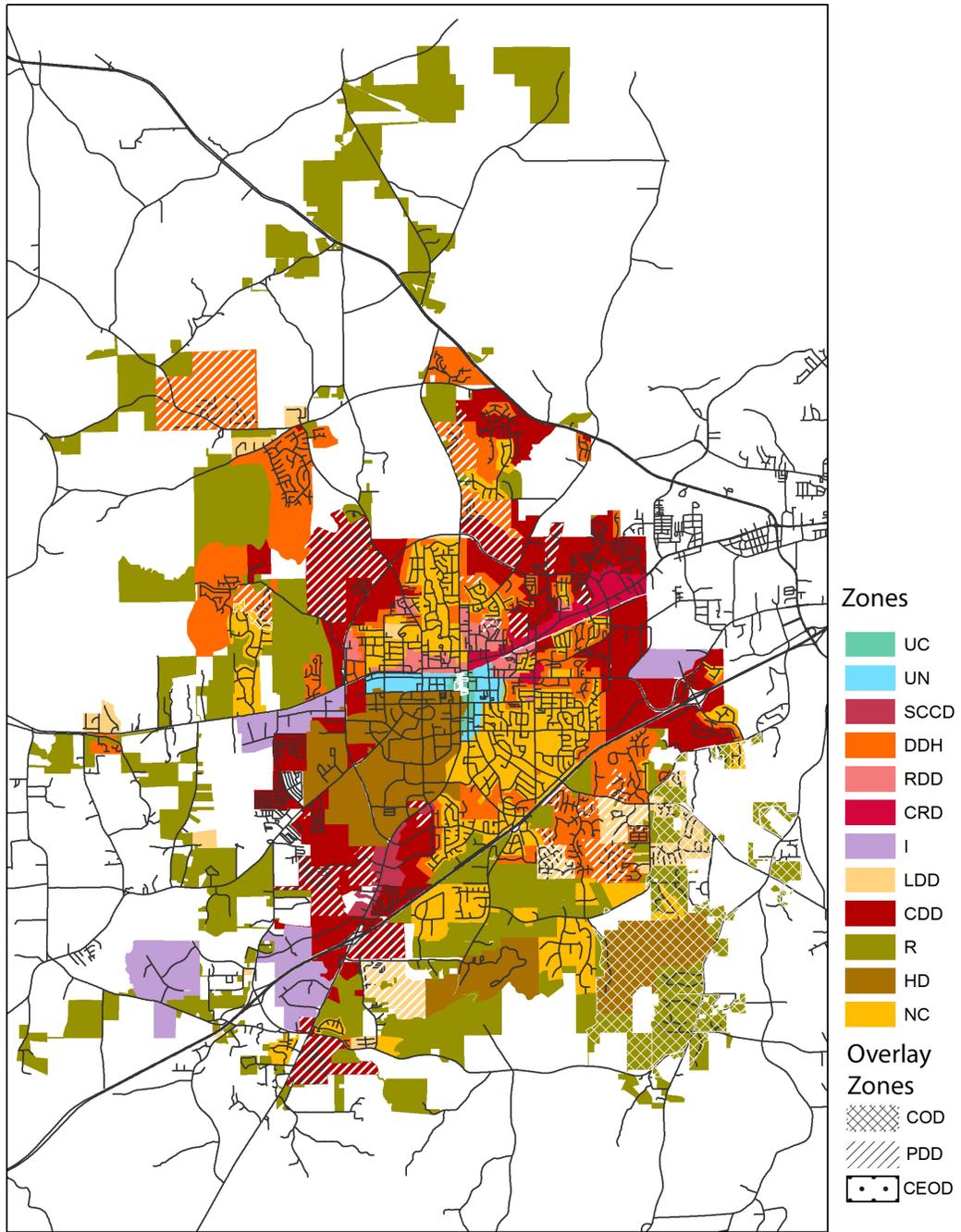


Figure 2.10 Source: *City of Auburn GIS Data*

Currently, the zoning districts in existence in Auburn are those taken from the model performance zoning: The Rural District (R), The Neighborhood Conservation District (NC), The Development District- now called the Comprehensive Development District (CDD), The Urban Core (UC), The Industrial District (I). Then, there are the original three additions: The University Services District (US), The Holding District (HD), and The Redevelopment District (RDD). In addition to these, there are those added upon review: the Development District Housing (DD-H) and the Limited Development District (LDD). There are also four added more recently: The Planned Development District (PDD), the Conservation Overlay District (COD), the College Edge Overlay District (CEOD), and the Corridor Redevelopment District (CRD) (The City of Auburn Zoning Ordinance, 2015).

D. CHAPTER CONCLUSION

This chapter highlights Auburn's rapid growth and the characteristics that align it with a quintessential "college town". Auburn possesses characteristics, like an active downtown and university facilities, that make it a desirable place to live. It has higher median home values and household incomes than its surrounding area. Auburn also has a higher percentage of renters than the state and its surrounding territories, another characteristic typical of a "college town". Auburn's population is racially diverse. However, its African American population comprises a much smaller percentage of the total population than that for Auburn's surrounding territories.

Auburn implemented a new zoning ordinance that utilized a performance zoning model. Performance zoning encourages a greater mixing of uses than Euclidean zoning does. However, the city's deviations from the performance zoning model encouraged the proliferation of areas of the city that had only single-family uses. The next chapter examines the state of multi-family housing in Auburn. It explores multi-family housing as a more affordable housing type than that of single-family, and it draws a connection between multi-family housing types and race. In addition to this, it provides a background

on ways in which land use regulations have led to exclusionary zoning. This helps to determine relationships between the previously discussed spread of single-family only neighborhoods and conditional use regulations on multi-family housing, to patterns of racial segregation in Auburn.

CHAPTER 3: MULTI-FAMILY HOUSING AND LAND USE REGULATIONS

A. MULTI-FAMILY HOUSING IN AUBURN

The existence of multi-family housing aids the supply of housing for lower-income people because it tends to exist as rentable units. When a multi-family housing unit is owner-occupied, it is likely to have costs less than a single-family detached housing unit (Pendall, 2000). A significant supply of multi-family housing exists in Auburn. In 2014, 48.2% of the housing supply in Auburn was comprised of structures containing two or more units (U.S Census, 2014). However, a large portion of it is in the form of apartments targeted at and occupied by the student population. Only about 22% of undergraduate students at Auburn University live on-campus in college-affiliated housing (U.S. News, 2015). In addition to this, no housing is provided on-campus for the over 5,000 graduate students who attend Auburn University (Housing and Residence Life, 2015).

Renter Occupied Units in Multi-Family Structures

Renter Occupied Units		
Total	11,639	100%
Multi-Family Structure	8,648	74%

Table 3.1 Source: *Danter Company*

The City of Auburn commissioned the Danter Company to complete a market analysis of rental housing in Auburn in 2012. The report was then updated in 2015. As seen in Table 3.1, the report finds that there are 11,639 renter-occupied housing units in Auburn, 8,648 of which are located in multi-family housing structures from duplexes to apartments. The Danter Company's report distinguishes between "purpose-built student housing" apartments and conventional apartments. An apartment development is determined as purposefully built student housing if it is rented out by the bedroom, allowing for the tenants to be separately liable for only part of the rent. It should be noted that even apartment units that are not targeted as student housing in the study, are also partially

occupied by students. There are 47 conventional market-rate apartment properties, and 59.6% of them have a nearly 100% student occupancy (Danter Company, 2015).

Multi-Family Housing Characteristics in Auburn, AL

Apartment Properties Total Units		
8,524		
	Purpose-Built Student Housing	Conventional Apartments
Total Units	2,798	5,726
Vacancy Rate	5.1%	4.3%
Change in Vacancy Rate	-3.0%	-1.0%
Change in Rent	5.6%	7.3%

Table 3.2 Source: *Danter Company*

As shown in Table 3.2, there are 2,798 units of purpose-built student housing apartments. This number does not, nor will the following rates, include the recently constructed 160 Ross apartment complex that added 182 units. The vacancy rate for these units in 2015 was 5.1%. This is down from the 2012 report conducted that found the vacancy rate to be 8.1%. Rents have increased for these student housing apartment units by 5.6% since 2012 (Danter Company, 2015).

There are 5,726 conventional apartment units. Four-hundred and twenty-eight of these units are located in subsidized public housing units, leaving 5,298 units of conventional market-rate apartment units. Vacancies of these units dropped from 5.3% to 4.3% from 2012 to 2015. Rents also increased for non-purpose-built student housing, rising 7.3% from 2012 to 2015. Increasing rents and decreasing vacancy rates signal steady demand and the continued need for supply (Danter Company, 2015).

B. OPPOSITION TO THE DEVELOPMENT OF NEW MULTI-FAMILY HOUSING

In Auburn, there has recently been concern expressed over the development of new apartments being constructed in the downtown area. The construction of these new apartments is a reaction to increased demand for student housing located near the core campus of the university, which is also the downtown area of the city of Auburn (Thorson, 2015). This new demand is a result of the university's moves to make the campus pedestrian, and related reductions in the amount of parking on campus (In Touch, 2002). The organized movement against the new development is based primarily on a resistance to change and growth, evidenced by the group's slogan in the downtown area, "Keep Auburn Lovely". However, many reasons fuel people's uneasiness of new housing developments. Whether it be an antigrowth sentiment or coming from a NIMBY ("not in my backyard") stance, opposition tends to be greater for multi-family housing developments than others (Pendall, 1999).

At an Auburn City Council meeting, one resident brought up her fear that construction of more apartments would result in more apartments being located next to neighborhoods, presumably single family neighborhoods. She went on to inquire how many bedrooms an apartment unit contained, as families with children living in apartments could put a strain on the school district (Haas, 2014). Parts of her opinion are a reflection of the backlash Auburn's switch to performance zoning received in the 1980s that spurred the creation of Neighborhood Conservation districts.

At a separate meeting, a councilman stated that his worry about new construction is that it could have the "unintended consequence that we may be stimulating growth in the school system" (Haas, 2015). Because the topic being discussed was the new development of multi-family housing, it can be deduced that the concern is about the influx of children into the school system who live in multi-family housing. The new apartments in construction

are purpose-built student housing developments, so the concern of the influx of children into the school system by means of their families moving into multi-family housing would likely not be a direct result of the new construction downtown.

The councilman's fear is likely related to another anxiety that is being expressed by some, and that is that the construction of new apartments will result in vacancies of older student housing apartments (Haas, 2014). At one City Council meeting the statistic that only 65% of apartments were currently occupied was voiced (Haas, 2014). However, the analysis of the rental market discussed in the previous section of this paper, reports low and declining vacancy rates among apartments. In addition to this, the United States Census data from 2014, reports the vacancy rate among rental properties to be 5.4% in Auburn; the lowest it has been since before 2010. Also, the city's comprehensive plan, written in 2011, reports the rental market in Auburn as one gaining strength, not as declining or on the verge of doing so (CompPlan 2030, 2011). Fear over increasing vacancies of apartments is, therefore, an unsupported fear. However, for some the fear seems not to be vacancies in formerly student occupied housing, but who is filling those vacancies.

The City of Auburn began collecting data four years ago on the type of housing in which students enrolled in Auburn City Schools lived. This was a response to people voicing the idea that families moving into vacated student apartments were flooding the school system. The City of Auburn recently released the report that found this idea to not be true (Blankenship, 2016). The rate of growth of students living in multi-family housing has been about the same as the rate of growth for students living in single-family housing. The number of students is growing, but there is no disproportionality in growth between those living in multi-family units and those living in single-family. In terms of tenure status, the percentage of students who lived in rented housing was 40% in 2012 and 42% in 2015 (Blankenship, 2016).

All of this uneasiness of Auburn residents reached a peak with the construction of a four-story purpose-built student housing apartment, pictured in Figure 3.1, in the downtown area. This sparked the move for a moratorium on multi-family housing in the city. The idea for a moratorium was first suggested at a city council meeting by Mayor Bill Ham in November, 2014. At a city council meeting in February of 2015, a public hearing for an ordinance that would put a moratorium on multi-family housing was held. Following the public hearing, the ordinance was approved unanimously by Auburn City Council members (Haas, February 2015).

The moratorium first went into effect in February 2015 and it applied to the construction of multi-family housing in the University Services zone (Haas, 2015). University Services allows for the second highest density, behind the Urban Core district. The moratorium was set to expire six months later but was renewed in August for four months, after an ordinance that would have applied it citywide was removed from consideration (Haas, August 2015). In December 2015, the moratorium was allowed to expire and was replaced with a moratorium on “private dormitory-style housing” in all districts except for the University Services zone. The new moratorium will expire in May 2016 (Haas, December 2015).



Figure 3.1: 160 Ross Apartments Source: *americancampus.com, auburnvillager.com*

The ordinance describes a private dormitory as “a building or buildings not operated by an academic institution containing rooms forming one or more habitable units which are used or intended to be used by residents of academic institutions” (Haas, December 2015). The new moratorium attempts to differentiate between student housing and multi-family housing generally. This illustrates that the City of Auburn is not opposed to multi-family housing altogether, but that it is working from a concern that downtown will become inundated by student specific housing. It also shows that the City of Auburn is concerned about the oversupply of student housing as Auburn University has stated that it is going to cap enrollment at 25,000, which it has already gone over with enrollment for this year being 25,917 (Danter Company, 2015). However, based on reports commissioned by the City of Auburn and the declining vacancy rates, the oversupply of student housing apartments does not appear to be an issue at the present moment.

C. REGULATIONS ON MULTI FAMILY HOUSING

Land use regulations can sometimes have the negative effects of excluding lower-income and racial minorities from a community or parts of a city. Regulating the use of land with zoning laws began as a means to protect health and residential property values from noxious industrial uses. Over time, uses other than industrial became seen as justifiably threatening to homeowners’ property values. One of these threatening uses was multi-family housing (Liberty, 2003). The Supreme Court case, *Village of Euclid v. Ambler Realty Company* upheld zoning that separated uses into different classes, including the separation of single family residential from multi-family residential (Salsich, 2003; Silver, 1997). The supreme court’s decision in the case also included the revealing statement that “the apartment is a mere parasite” to single family residential areas, reflecting large lot single family homeowners’ sentiments towards multi-family housing (Salsich, 2003).

Research has shown that zoning for exclusively low-density housing in an area limits the supply of rental housing, and therefore reduces the amount of lower-income people and

minorities in an area (Pendall, 2000). This is because rental housing is a necessary form of housing for lower-income people who essentially live from paycheck to paycheck and do not have the ability to save money for a payment on a house. On balance, Hispanic and Black households face greater financial burdens to buying a home, and as a result a significantly smaller percentage of them own homes than white people nationwide (Pendall, 2000).

Zoning continues to be used as a tool in many communities to protect property values of single-family large lot houses, and this interpretation of zoning has led to the reduction in housing options for lower-income people and minorities (Salsich, 2003; Silver, 1997). In New Jersey, this negative consequence of Euclidean zoning has been identified and attempts have been made to rectify it through the *Mount Laurel* cases. The ruling in the cases recognized zoning for predominantly single-family, large lot houses as “exclusionary zoning” as it unfairly limits lower-income people's choices of where to live. The provision of affordable housing is now a mandate for communities in New Jersey (Salsich, 2003).

Auburn is not a community that has significantly limited the supply of multi-family housing, evidenced by its large share of multi-family housing in the city’s housing mix. The next section will also explore specific efforts by the City of Auburn to provide affordable housing to its residents. However, the city does regulate multi-family housing more stringently than single-family housing. As was discussed in the previous section concerning Auburn’s zoning, multi-family housing is a conditional use in every zone except for the Urban Core and University Services districts. Single-family dwellings are permitted uses in seven zones (City of Auburn Zoning Ordinance, 2015)

The history of Auburn citizens’ backlash to performance zoning in the form of fights to protect single-family neighborhoods, in addition to the new fears expressed over the further growth of multi-family housing leading to the construction of apartments in closer proximity to single family homes, should not be ignored. These are fears that can contribute

to the segregation of a city by income and race. Auburn's African American population is higher than that of the United States, but it is less than exists in the state and significantly less than exists in its surrounding territories. The expressed fears are also ones that could potentially lead Auburn to lose the diversity it does have if multi-family housing units are not developed at a rate that matches the growing population. This would physically limit housing options for lower-income people and minorities, which also could create excess demand and therefore push up rental costs.

D. PROVISION OF AFFORDABLE HOUSING FOR LOWER INCOME AND MINORITY FAMILIES

The Fair Housing Act (FHA) was passed by the U.S. Congress in 1968. The FHA establishes the right to be able to choose where you live (Yinger, 1999). The legislation came as a response to discriminatory practices such as racial zoning, race restrictive covenants, redlining, and refusal to rent or sell based on race (Hannah-Jones, 2015; Yinger, 1999). These measures were fueling housing segregation and the creation of ghettos (Denton, 1999). Ultimately, it was rioting in these inner-city areas of disinvestment after the assassination of Martin Luther King, Jr. that finally allowed for the support needed to pass the bill (Hannah-Jones, 2015; Yinger, 1999). The act sought to eliminate housing discrimination and to mitigate the growing segregation by making it illegal to discriminate in the housing market based on one of the act's protected classes of race, color, religion, or national origin. The additional protected classes of sex, and then disability and familial status were added in 1974 and 1988 respectively (Yinger, 1999).

The FHA also states that federal officials must also "affirmatively further" fair housing. The intention behind this part of the act was to require officials to actively take measures to bring about the integration of communities. Unlike other civil rights legislation, the FHA does not just mandate not to discriminate, but it states that officials have to do something to create integration (Hannah-Jones, 2015). The FHA has the potential to alter living

patterns for a more fair and just society. Unfortunately, the “affirmatively further” provision of the act has largely been ignored. The FHA called for a civil rights office to be created in HUD that would be responsible for overseeing that the “affirmatively further” mandate of the act was enforced. The writers of the FHA intended for enforcement to be achieved by this office of HUD determining to withhold funds from communities that did not illustrate they had taken steps to create affordable housing or were in violation of civil rights laws (Hannah-Jones, 2015).

The Nixon administration took over the White House shortly after the passage of the FHA. The backlash that HUD received from what was called “forced integration”, led the president to assume control of the department and restrain the power of the FHA. The “affirmatively further” provision was cast aside (Hannah-Jones, 2015). The branch created by the FHA was the smallest and weakest in HUD. The department continued to distribute funds to wealthy, predominantly white, exclusive communities for the development of infrastructure. Communities that were 99% white were receiving funding while simultaneously prohibiting the construction of rental units to keep out minorities (Hannah-Jones, 2015). HUD was not only not “affirmatively furthering” fair housing, but it was also actively funding segregation.

It was not until the Clinton administration that anything was done to actually put fair housing on HUD’s agenda. Clinton appointed Henry Cisneros as secretary of HUD. Cisneros acknowledged that HUD had the duty to provide for affordable housing and promote integration. He initiated the HOPE VI program, provided vouchers to low-income minority families to allow move to better communities, and worked to eliminate practices like predatory lending (Hannah-Jones, 2015). Under Cisneros, HUD published a guide for communities that included strategies for how they could further fair housing in order to comply with the FHA. It also called for communities applying for grant to submit an “analysis to impediments” to fair housing every three to five years. However, the creation of the guide did not also mean that HUD would check to see if communities were in

compliance with the FHA. An investigation only occurred when an issue was directly raised to HUD, otherwise the department assumed a community was not in violation of any civil rights laws. The power of HUD to deny funding was still not utilized to its full potential (Hannah-Jones, 2015).

The election of Obama restored hope in housing advocates that fair housing could be achieved. Many were disappointed by his first term in which minimal efforts were made to enforce the requirement of the FHA to further fair housing. In 2009, a HUD study found that the “analysis of impediments” (AI) requirement for funding established under Cisneros, was not being updated or not being completed at all by many communities receiving funding from HUD. In an article published by ProPublica in 2012, it was reported that HUD had only withheld funding from communities twice since 1974. Fortunately, recent steps made by HUD this summer indicate that the effect envisioned by the drafters of FHA might finally come to fruition (Hannah-Jones, 2015; Semuels, 2015).

In July 2015, HUD released a new rule, the Affirmatively Furthering Fair Housing (AFFH) regulation, to replace the AI process. Jurisdictions participating in the Community Development Block Grant (CDBG) program, the Emergency Solutions Grants (ESG) program, the HOME Investments Partnerships (HOME) program, or the Housing Opportunities for Persons with AIDS (HOPWA) program, and Public Housing Agencies (PHAs) that receive federal funding under Section 8 or 9 of the United States Housing Act of 1937 will be required to submit an Assessment of Fair Housing (AFH) to HUD (AFFH Final Rule, 2015). The AFH is intended to improve and assess communities’ fair housing planning, and is not directly concerned with actions taken that have violated the FHA. The AFFH rule requires community engagement and participation in the AFH process, and that the AFH be incorporated into subsequent consolidated plans and PHA plans. With these provisions, the new rule is aiming to better integrate fair housing into planning processes. The new rule also encourages addressing fair housing at a broader and more regional scale by allowing for joint and regional AFHs to be submitted (AFFH Final Rule, 2015).

The AFH process is meant to help organizations better understand what it means to affirmatively further fair housing. It provides communities with the tools and data to determine whether they are doing so, and it provides clearer expectations than the preceding AI process. The rule is accompanied by the release of an Assessment Tool that outlines how to complete the AFH, and an AFFH Data and Mapping Tool that provides local government, PHAs, and other entities with the information needed to successfully finish the AFH (AFFH Final Rule, 2015; Semuels, 2015).

The requirement that an AFH be accepted by HUD is also an improvement from the AI process which only required that an analysis of impediments to fair housing be submitted to HUD. A submitted AFH will be reviewed by HUD within 60 days and will either be accepted or rejected in that time (AFFH Fact Sheet, 2015). If an AFH is not accepted, the entity who submitted will be notified of the reasons for rejection and how they can fix parts of their AFH that were lacking. An entity's FHA can be rejected if it is incomplete or if it violates fair housing or civil rights laws. The AFFH Final Rule does not include a detailed method of enforcement. HUD declares that this is because the AFH is meant to improve the planning process for fair housing and is not intended to be an enforcement mechanism, stating that HUD already possesses the power to punish entities for not complying with the mandate to affirmatively further fair housing (AFFH Final Rule, 2015).

The assessment targets four main issues to be addressed: patterns of integration and segregation, areas of concentrated racial and ethnic poverty, disparities in access to housing among the protected classes, and disproportionate housing needs. A sub component of addressing these main issues is to also identify factors that contribute to the negative characteristics that the data might be illustrating (AFFH Assessment Tool, 2015). This research focuses on the main issue of integration and segregation and one of the suggested contributing factors in the Assessment Tool: land use and zoning laws.

E. PROVISION OF AFFORDABLE HOUSING IN AUBURN

The PHA in Auburn is the Housing Authority of Auburn (AHA) and it operates six public housing properties that contain a total of 304 units. The first three public housing developments were constructed after 1949 and the latter three were built as a response to rising demands in the sixties and seventies. In addition to providing public housing, the AHA also administers Section 8 vouchers. Section 8 vouchers allow people who qualify to rent private units at rates that are subsidized by the government (Auburn Housing Authority).

The City of Auburn has received funding from HUD in the form of Community Development Block Grants (CDBG) since 2000. The city has utilized the funds to repair dilapidated housing and also to construct new affordable housing (Community Development Division). In the early 2000s, the city partnered with the North Auburn Housing Development Corporation (NAHDC), an organization committed to the supply of affordable housing in Auburn, to develop a subdivision of single family homes for people earning 80% of the median family income or below. The homes are for sale and the NAHDC is providing amortized loans that will reduce the monthly mortgage payments required. The subdivision, Northwest Village, provides 29 units of single-family homes (WTVM, 2013).

In 2013, Auburn's Housing and Community Specialist stated that the construction of Northwest Village was a response to demands expressed every year at public meeting for more affordable housing (WTVM, 2013). One of the vision statements in Auburn's comprehensive plan is to "encourage continued diversity in housing opportunities with a sensitivity to affordable housing" (CompPlan 2030, 2011). There are also comments from the public participation process of the plan that call for affordable housing that is not clustered and that is located in close proximity to a grocery store. Affordable housing

ranked high among housing concerns of residents in Auburn, only outranked by the desire to “keep old Auburn feeling in residential neighborhoods” (CompPlan 2030).

Publicly Supported Housing in Auburn, AL

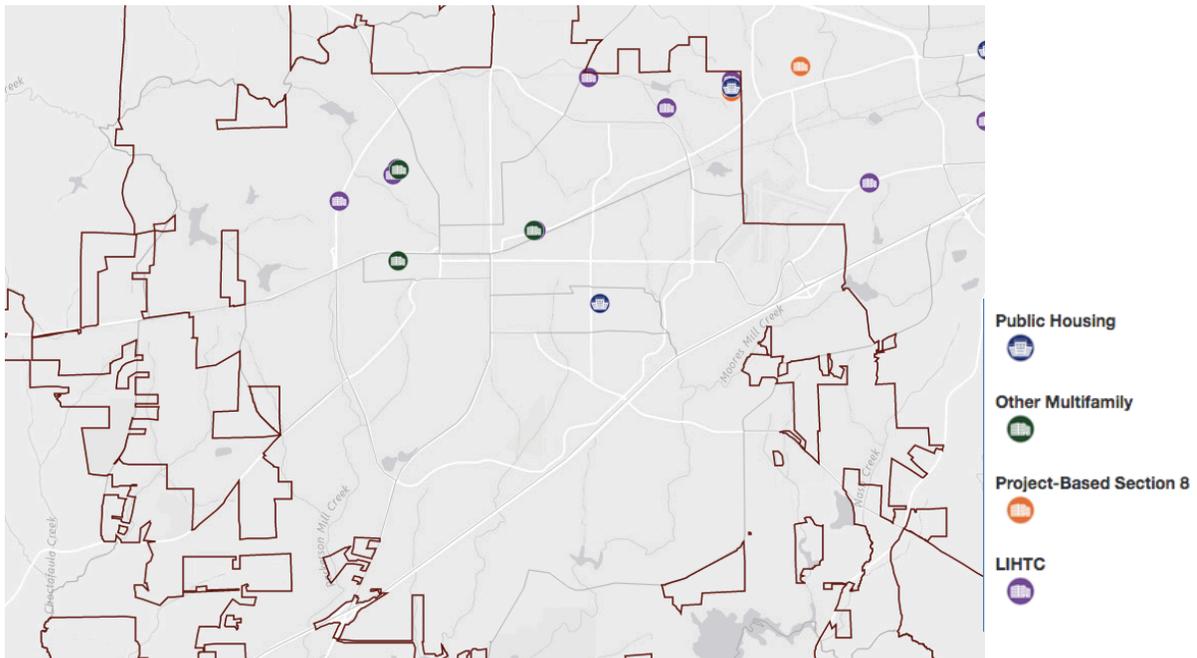


Figure 3.2 Source: HUD AFFH Data and Mapping Tool (AFFH-T)

F. CHAPTER CONCLUSION

This chapter presented the market for multi-family housing in Auburn to be a growing one. Vacancy rates are low and have been on the decline. A market analysis conducted for multi-family housing concluded that there was a continued demand for the housing type in Auburn. However, Auburn residents are resistant to the construction of more multi-family housing and express unbacked claims that vacancies in multi-family housing are on the rise or that families with children moving into vacated purpose-built student housing are particularly putting a strain on Auburn City Schools.

Auburn residents' animosity to multi-family housing is not an anomaly. Resistance to multi-family housing from single-family homeowners is a common sentiment. It is one that has fueled exclusive low-density zoning requirements and other land use tools that limit multi-family housing. Regulations that reduce the amount of multi-family housing can have a disparate impact on lower-income people and minorities options of where to live. Auburn has a large supply of multi-family housing, but a large portion of it was built with the student population in mind, and the current backlash against multi-family housing from residents could threaten the continued supply of housing options for lower-income and minority populations in Auburn. Following chapters will investigate the effect resistance to, and regulations on, multi-family housing have on its location in the city. The next chapter describes how this will be done and will utilize the framework of HUD's Assessment of Fair Housing (AFH), part of its new AFFH rule, that was introduced in this chapter.

CHAPTER 4: METHODOLOGY

To determine the relationship between conditional use applications for multi-family housing and patterns of racial segregation in Auburn, AL, patterns of each of these will be examined over time. First, racial patterns in the city will be determined by looking at Census tract level data from 1980-2014. Because the Black population is the largest minority in Auburn and faces higher levels of segregation than other minorities, which will be touched on later in the next chapter, this study is focusing on the effects of conditional use regulations on the location of that population in the city. A relationship between concentrations of the Black population and multi-family housing in the city will be determined.

Data for conditional use regulations was collected from the City of Auburn City Council Meetings from 1984-2015, the time since the new zoning ordinance was adopted. This study differentiates between multi-family housing and single-family attached housing. Multi-family housing is when multiple units are located on a single lot. Single-family attached housing is a structure that contains more than one unit, but each unit in the structure is located on its own lot. Single-family attached housing makes it more likely for people who occupy the unit in a multi-family structure to own the unit. Because of this, single-family attached housing may be perceived more favorably by homeowners, and it is more likely to be occupied by people of a higher income than those who live in multi-family housing.

Characteristics of the quantity and location of conditional use applications for multi-family housing will be identified. This will be done through the examination of the zoning districts where conditional use applications most often occur and where these are located. Also, all the areas where multi-family housing is a conditional use will be compared to the areas where conditional use applications occur most often in the city. After identifying the areas

in which conditional use applications occur most frequently, an analysis of their relationship to concentrations of the Black population in the city will then be conducted.

CHAPTER 5: SEGREGATION AND MULTI-FAMILY HOUSING

Location of Black and White Communities in Auburn, AL

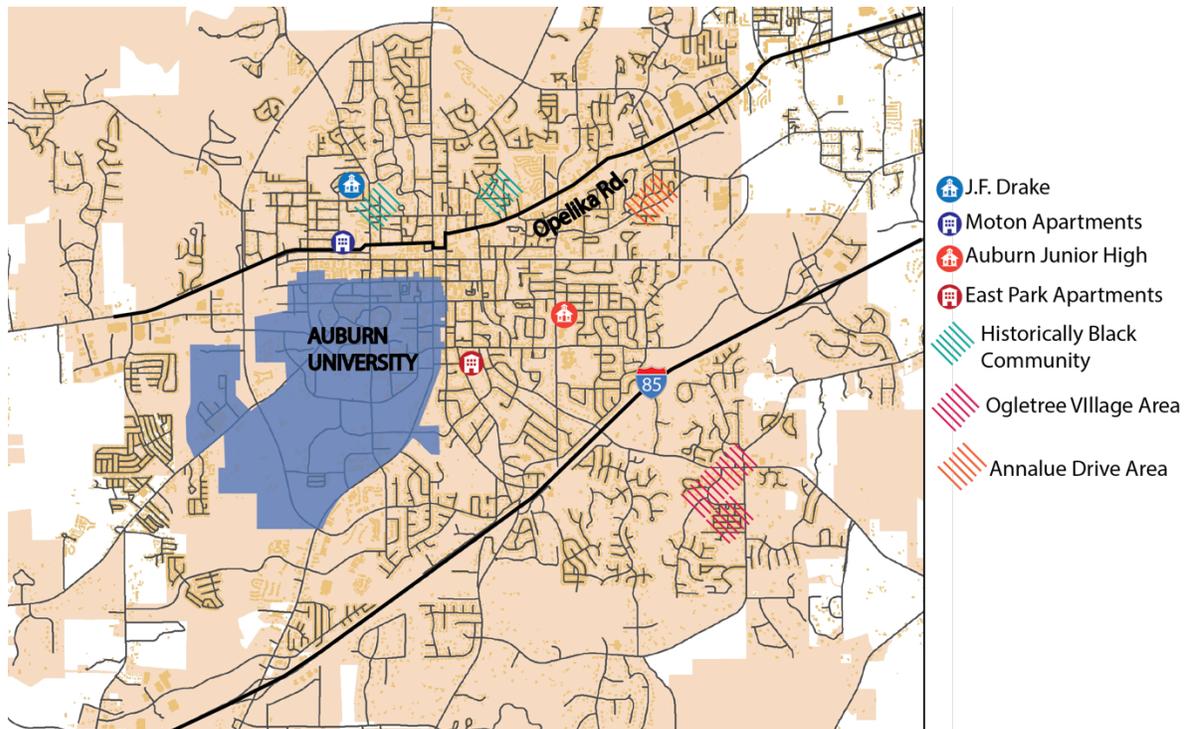


Figure 5.1 Source: *City of Auburn GIS Data*

To better understand conditional use applications' ability to create or perpetuate patterns of racial segregation in Auburn, a study of the spatial patterns of race in the city will be conducted. This chapter examines the location of the Black population in Auburn over time, and then turns to the relationship between multi-family housing and concentrations of the Black population.

Before integration, Black students in Auburn attended J.F. Drake High School, present-day J.F. Drake Middle School (McGaughy, 2014). The public housing apartments for Black people were the Moton Apartments (Auburn Housing Authority). The location of each of these can be seen on the map in Figure 5.1 and compared to the location of the all-white

high school, now Auburn Junior High, and the pre-integration all-white public housing complex, East Park Apartments. Facilities for African Americans were located in the northern part of the city, and facilities for whites were located in the central eastern part. Areas that were identified as being historically Black communities during Auburn City Council meetings are also pictured in the figure above and will be further discussed in the next chapter of this paper.

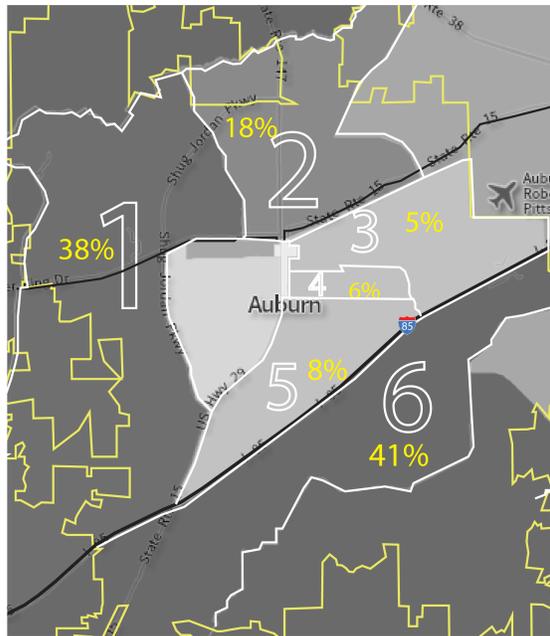
The separation laid out by de jure segregation has had lingering effects on the current patterns of racial concentration. A division between the Black and white populations in Auburn remains, with higher concentrations of the Black population existing north of Opelika Road and higher concentrations of the white population existing south of it. Over time, the white population has grown to higher percentages south of I-85 in Auburn as the construction of new, predominantly single family, neighborhood developments began booming in the early nineties.

A. PATTERNS OF RACIAL SEGREGATION

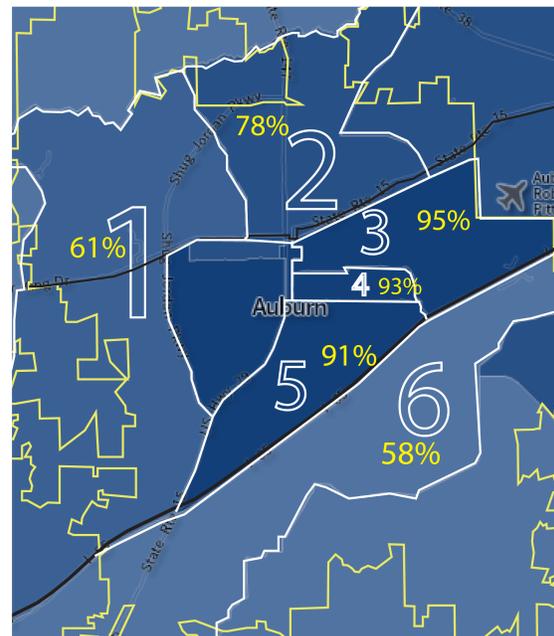
This section focuses on the location of the Black population in Auburn from 1980 to present. This period covers the time that Auburn's current zoning ordinance has been in effect. The racial data for 1980 to 1990 are presented at the Census tract level. In 2000, Census data at the block group level for race became available. This analysis will examine racial data at the tract level for the first two decades and then at the block group level for the more recent decades in order to get a more detailed idea of racial patterns in Auburn during that time.

Spatial Patterns of Race in Auburn, AL 1980

Black Population



White Population



— Auburn Jurisdictional Boundary

Figure 5.2 Source: *Social Explorer*

The map for the Black population in 1980 shows that it was generally concentrated on the west side of the city, and in the north. Tract 1 is about 38% Black and Tract 2 is about 18% Black. This is in contrast to the central east side, 3, 4, and 5, with percentages ranging from 5% to 8%. These tracts have the highest percentage of white people living in them, with white populations ranging from 91% to 95%.

The highest population of African Americans is in Tract 6 at about 41%. However, it should be noted that Tract 7 is one of the largest tracts in terms of land area and one of the most sparsely populated tracts, with a population of 1,473 in 1980. This compares to surrounding tract populations ranging from 3,000 to over 6,000. These characteristics give the illusion that there is a high concentration of the Black community in Tract 6. In reality, it is predominantly open land that could have patterns of segregation within it, with one

side being majority white and the other majority Black. Tract 1's land size also presents the issue of ambiguity and will be discussed further later in this section.

Spatial Patterns of Race in Auburn, AL 1990

Black Population

White Population

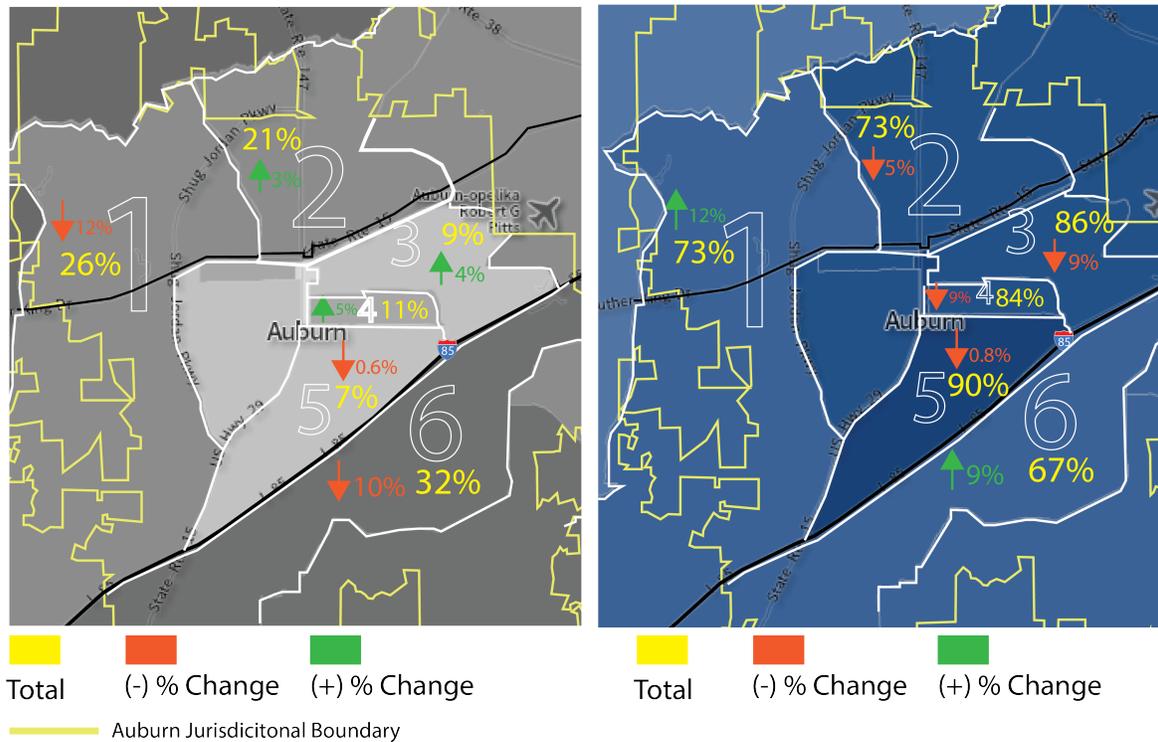


Figure 5.3 Source: *Social Explorer*

From 1980-1990, the Black population of Tract 1 reduced significantly by about 12% while the Black population in Tract 2 increased by about 3%. The tracts on the east side also saw a slight increase in their Black populations from 1980, with the populations now ranging from about 7% to 11%. Tract 6 saw a decrease in population over the decade, with the Black population decreasing by almost 10%.

In the southern parts of Auburn, there was a loss in percentage of the Black population, but the actual number of Black people living in Tract 6 remained roughly the same. The loss in the percentage of the Black population can be attributed to Tract 6 experiencing faster growth in its white population. The white population in Tract 6 grew roughly from 58% to 67%. While the white population in Tract 7 grew, the northern Tract 2 saw a decrease in its white populations by about 5%. These changes point to a trend of the movement of white people to the more southern parts of the city, while the Black population remains, and increases, in the more northerly located areas of the city.

Spatial Patterns of Race in Auburn, AL 2000

Black Population

White Population

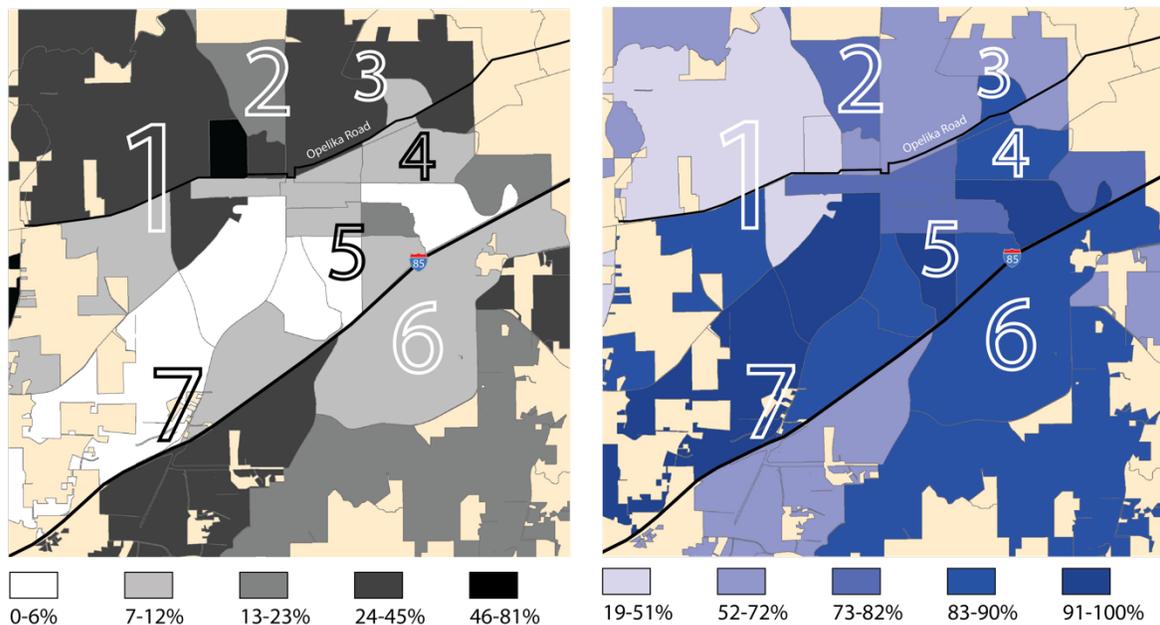


Figure 5.4 Source: *City of Auburn GIS Data, 2000 U.S. Census Data*

For the following time periods, different areas of the city have been designated a number to allow for reference to the maps in Figure 5.4, 5.5, and 5.6. Breaking the city down to the block group level allows for a concentration of the Black population in the northwest area of the city to become visible. The Black population in area 1 has the highest concentrations

of the Black population, with percentages ranging from 24-81%. In 2000, a Census tract in this area had a Black population of 56%. It met the HUD criteria to be classified as a racially/ethnically concentrated area of poverty (R/ECAP) in 2000 (AFFH Mapping Tool). This means that in 2000, the Census tract had a non-white population that exceeded 50% and the poverty level in the tract was either greater than 40% or three times more than the average tract poverty rate for Auburn, whichever was lower (HUD, 2015).

The maps in Fig. 5.4 illustrate a higher concentration of the Black population in Auburn north of Opelika Road, and higher concentrations of the white population south of it. From 1990-2000, the percentage of the white population south of I-85 increased. Area 6 in Fig. 5.4 now has a white population that ranges from 83-90% from the reported 67% in that area in 1990. Breaking Tract 6 from Fig. 5.3 into block groups highlights the concentration of the white population in the more southerly portion of the tract. But, even when you compare data at the tract level from 1990 to the tract level at 2000, there is a 12% increase in the white population in the Census tract. Overall, the white population in Auburn is shifting south of I-85.

Spatial Patterns of Race in Auburn, AL 2010

Black Population

White Population

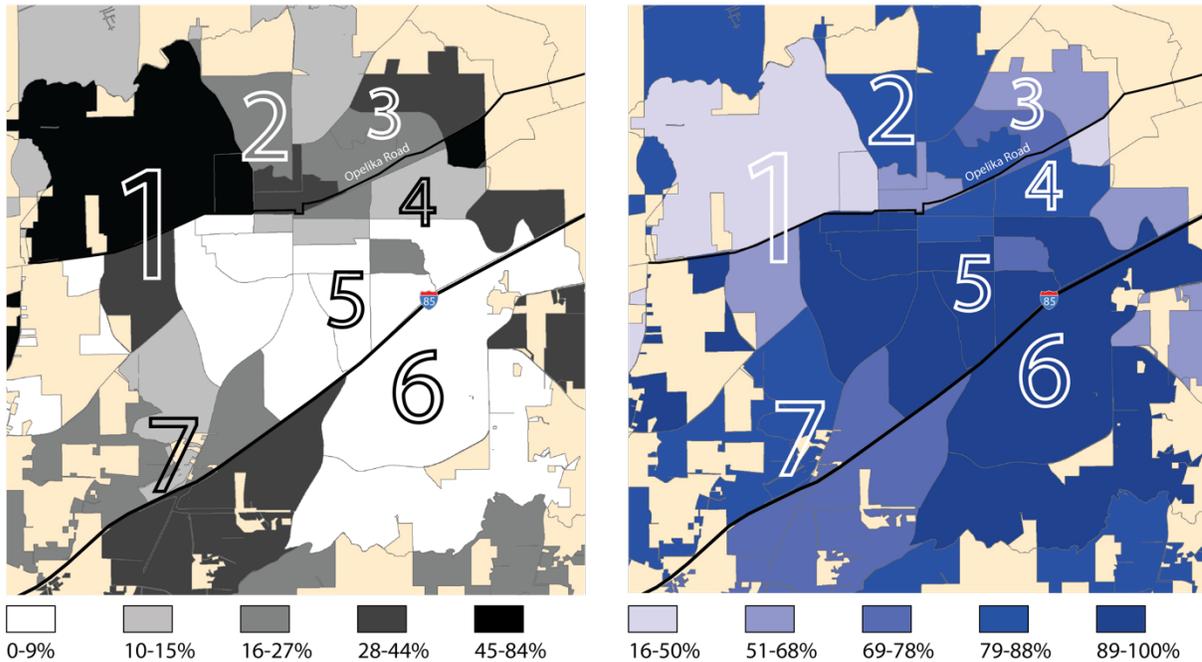


Figure 5.5 Source: *Social Explorer, 2010 U.S. Census Data*

From 2000-2010, the Black population became more concentrated in area 1 of the city. A larger portion of the area has the highest percentages of the Black population that exist in the city for a block group. The Black population also increased in area 7 and generally on the west side of the city with percentages of the Black population there ranging from 10-27% in 2010 compared to 0-12% in 2000. In 2010, area 3 also had higher percentages of a Black population.

In 2010, areas 5 and 6 have the highest concentrations of the white population in Auburn. The percentage of white people living in these areas increased from 83-90% in 2000 to about 89-100% in 2010. This illustrates the continued shift of the white population to the southeast area of the city, and south of I-85.

Spatial Patterns of Race in Auburn, AL 2014

Black Population

White Population

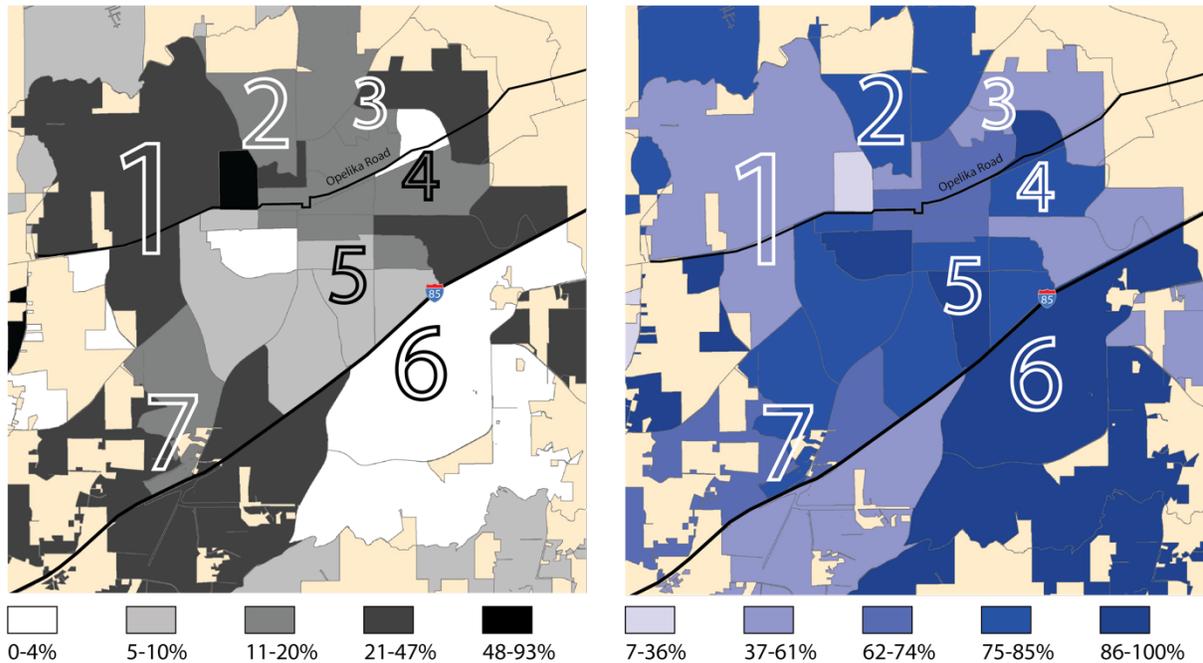


Figure 5.6 Source: *City of Auburn GIS Data, 2014 U.S. Census Data*

In 2014, the Black population continued to be concentrated in area 1 of the city as can be seen in Fig. 5.6. The northern areas of the city, 1, 2, and 3 all continued to have higher percentages of a Black population than other areas of the city, with the far northeast part of area 3 showing a higher Black population than even surrounding areas. The percentages of the Black population grew just south of Opelika Road in area 4. The Black population also grew to higher percentages on the west side of the city in area 7. Overall, the Black population has the highest percentages in the west, northwest and northeast parts of the city.

The southeast part of the city, area 6, has the highest populations of white people per block group found in the city with a range of about 86-100%. Higher percentages of a white

population remain in area 5. The white population exists in highest concentrations general in the southeast part of the city.

The Index of Dissimilarity measures segregation in a city. The value given by the Index of Dissimilarity for a city measures the percent of a racial population that would need to move in order for the race to be evenly distributed across the city. The higher the reported value is, the more segregation there is in a city (Forest, 2005). As can be seen in Table 2, dissimilarity in Auburn has grown over the past three decades.

Dissimilarity in Auburn, AL

	(Auburn, AL CDBG) Jurisdiction		
Racial/Ethnic Dissimilarity Index	1990	2000	2010
Non-White/White	19.75	23.38	31.11
Black/White	25.62	28.93	37.80
Hispanic/White	16.51	20.27	27.39
Asian or Pacific Islander/White	25.50	25.58	28.28

Table 5.1 Source: *hud.gov/affht*

The amount of segregation generally between white and non-white populations increased from 1990 and 2010. When looking at individual minority segregation from the white population in Auburn, all groups have shown an increase over time. The segregation of the Black population however, has always been the highest and has increased the most over time. In 2010, about 38% of the black population would have had to move to achieve balanced racial patterns in Auburn among Black and white residents.

B. MULTI-FAMILY HOUSING AND CONCENTRATIONS OF THE BLACK POPULATION

Trends in the location of different races in Auburn is related to the location of housing types. African American households are more likely to be renters in Auburn and African

American families are more likely to have a lower household income. They are more likely to live in more affordable housing types. As discussed earlier in this paper, multi-family housing is a more affordable housing type. Figure 5.7 illustrates the relationship between multi-family housing and the location of the Black population in Auburn.

Multi-Family Housing and Black Population in Auburn, 2010

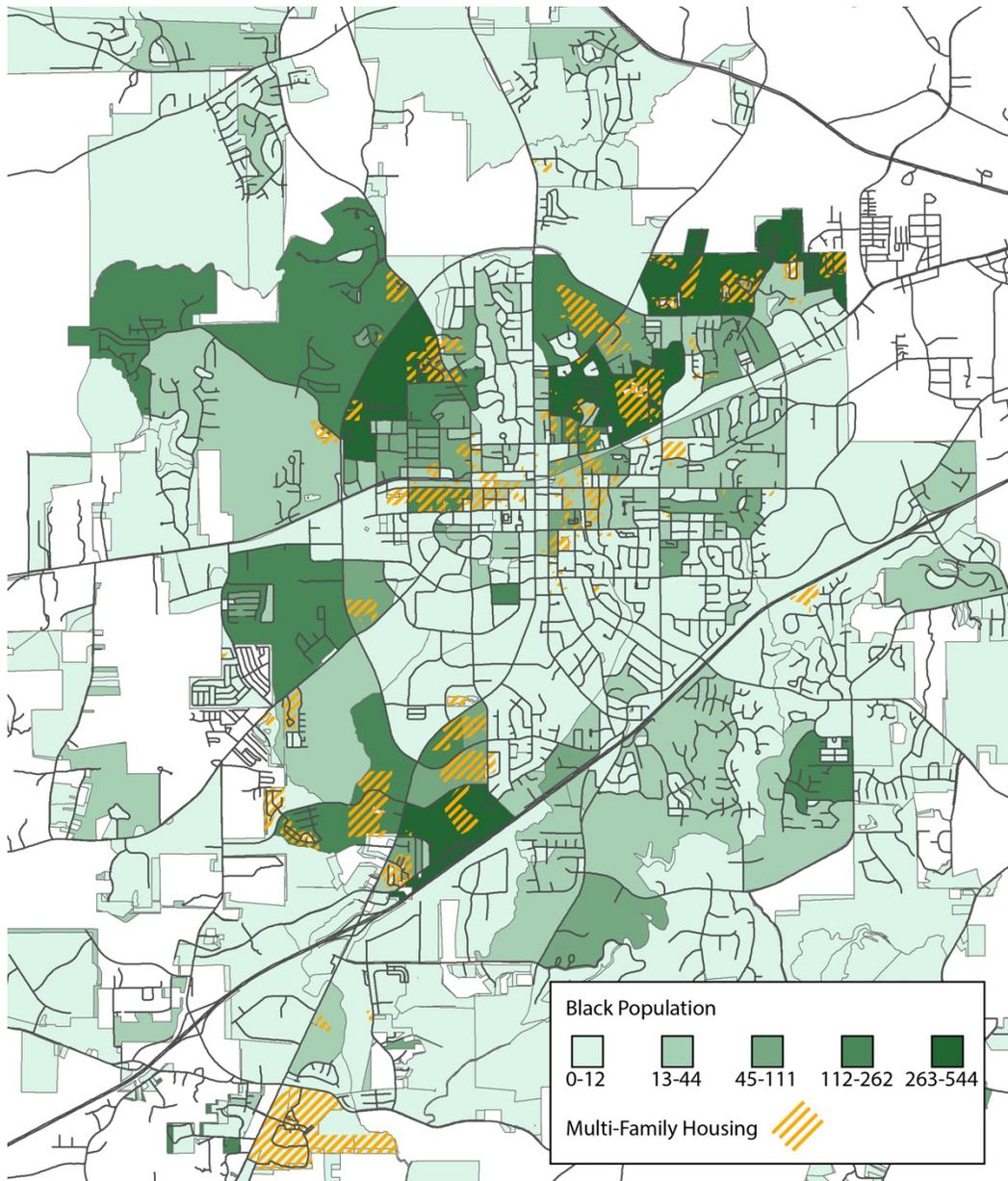


Figure 5.7 Source: 2010 U.S. Census Data, City of Auburn GIS Data

Multi-family housing is defined as a structure located on a single lot that contains more than one housing unit. As seen in Figure 5.7, the location of multi-family housing parallels the concentrations of the Black population in Auburn that was examined in the previous section. Multi-family housing is located in the northwest and northeast sections of the city. There is also a significant amount of multi-family housing in the southwest part of Auburn, which is consistent with the increase in the percentage of African Americans moving to that area in recent years.

Populations by Race in Census Blocks with Multi-Family Housing in Auburn, AL

	Black	White
All Blocks	19%	85%
All Blocks with MF	25%	67%
Blocks with Apartments	20%	71%
Blocks with Duplexes	27%	65%
Blocks with Triplexes	26%	67%
Blocks with Fourplexes	11%	79%

Table 5.2 Source: 2014 U.S. Census Data

Table 5.2 illustrates with higher percentages of the Black population that are present in U.S. Census blocks that contain multi-family housing in Auburn, AL. The average Census block in the city is 19% Black and 85% white. When considering only Census blocks where multi-family housing is present, the percentage of the Black population increases by about 6%, while the percentage of the white population decreases by about 18%. With 95% confidence, there is a statistically significant higher Black population in Census blocks with multi-family housing and a statistically significant lower white population in Census blocks with multi-family housing. Breaking Census blocks that contain multi-family housing down into the specific type of multi-family housing highlights varying degrees of difference in population percentages from the average. Populations in Census blocks containing duplexes have the greatest difference from the average Census block in Auburn, with the Black population being 8% higher and the white population being 20% lower.

Tenure by Race in Auburn, AL 2014

	Total Occupied		Renter Occupied		Owner Occupied	
Black	3,791	100%	2,885	76%	906	24%
White	16,191	100%	8,058	50%	8133	50%

Table 5.3 Source: 2014 U.S. Census Data

The Black population in Auburn has a higher percentage of renters than the white population. Seventy-six percent of the Black population rent their home, while 24% own it. This compares to 50% of the white population renting their home and 50% owning it. It should be noted that these percentages include students at Auburn University who are likely to rent their home off-campus.

It is uncertain whether the overlap in multi-family housing and higher Black populations results from multi-family housing being more likely to be constructed in areas with higher minority populations, or whether multi-family construction in an area leads to an increase in the minority population. It is most likely a combination of the two. The following chapter will explore the question of why multi-family housing exists where it does in Auburn, and the role that conditional use requirements for the development of multi-family housing play in the process.

C. CHAPTER CONCLUSION

Auburn's Black population has historically been located in northern parts of the city, while its white population has been located in more southeastern parts of the city. Segregation of the races has been growing over past decades, evidenced by the city's growing dissimilarity value. The white population has shifted further south in the city, concentrating south of I-35. The Black population has become concentrated in northeastern and northwestern areas

of the city, while also growing on the western side of Auburn. A Census block that has multi-family housing in it, is likely to have a higher percentage of a Black population than the average for all Census block in Auburn. A higher percentage of the Black population are renters compared to the percentage of the white population that are renters.

The next chapter examines where conditional use regulations have been filed in the city, and compares it to the locations of the Black and white populations that were identified in this chapter. The analysis also utilizes the connection drawn between multi-family housing and the Black population, to determine how the concentration of conditional use applications for multi-family housing furthers racial segregation in the city.

CHAPTER 6: CONDITIONAL USE AND SEGREGATION

A. RESTRICTED AREAS FOR MULTI-FAMILY HOUSING

Multi-family housing with more than two units are permitted uses in the Urban Core and the University Services districts. These districts are pictured in Figure 6.1, presented below. Duplex developments are only permitted in the University Services zone. Both multi-family housing with more than two units and duplexes are conditional uses in the Development District-Housing zones, the Comprehensive Development Districts, the Redevelopment District, the Corridor Redevelopment and Planned Development overlay districts. All multi-family housing is not allowed in Neighborhood Conservation districts, Limited Development Districts. No housing is allowed in the Rural and Industrial districts.

Single-family attached housing types in the Auburn zoning ordinance are twin houses and town houses. Both are permitted uses in the University Services zone and the Comprehensive Development Districts. Both are conditional uses in the DD-H zones, the RDD zones, the LDD zones, the CRDs, and PDDs. Town houses are also a conditional use in the Urban Core, but twin houses are not allowed there.

Zoning in Auburn, AL 2015

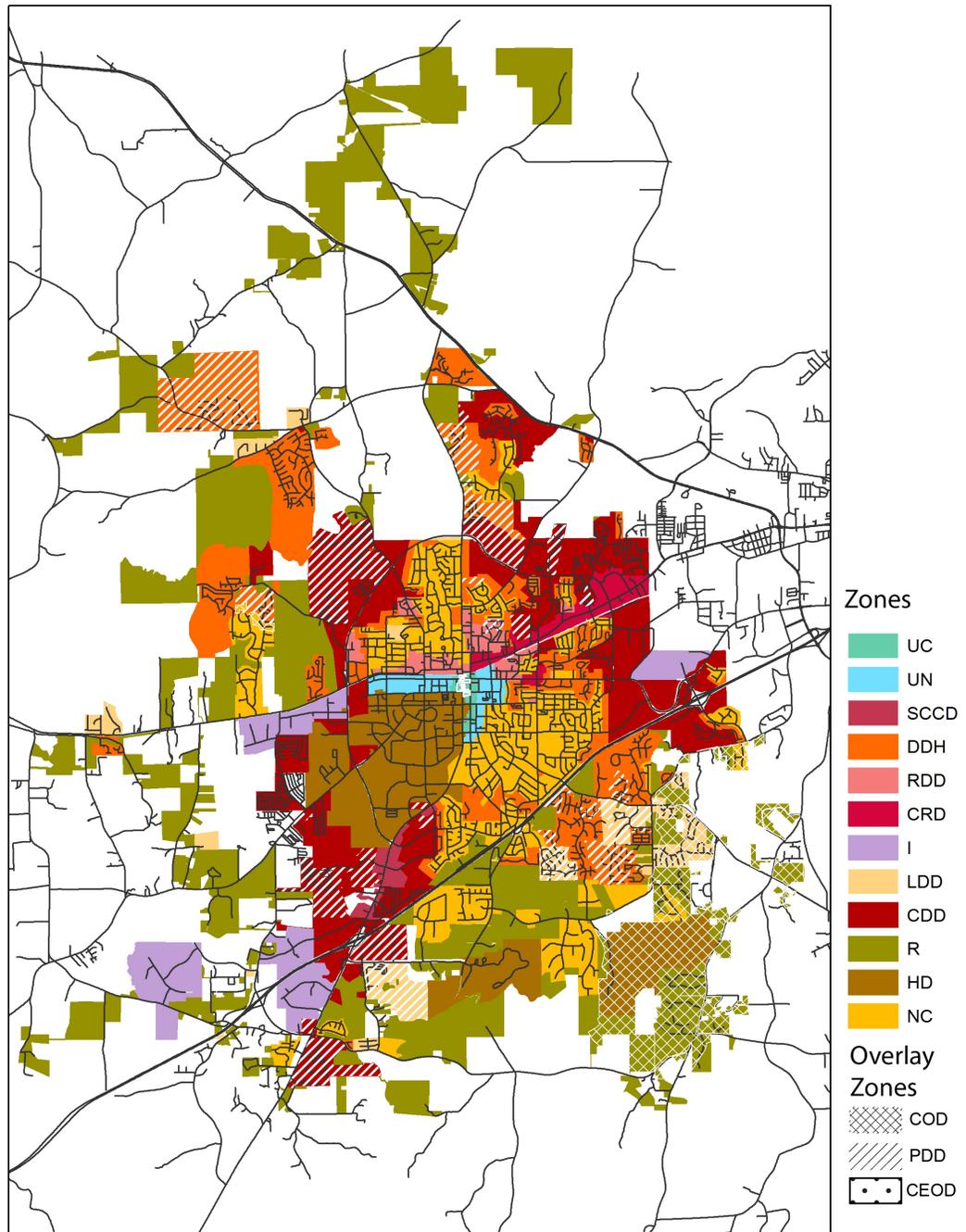


Figure 6.1 Source: *City of Auburn GIS Data*

Permitted and Conditional Use Areas for Multi-Family Housing in Auburn, AL

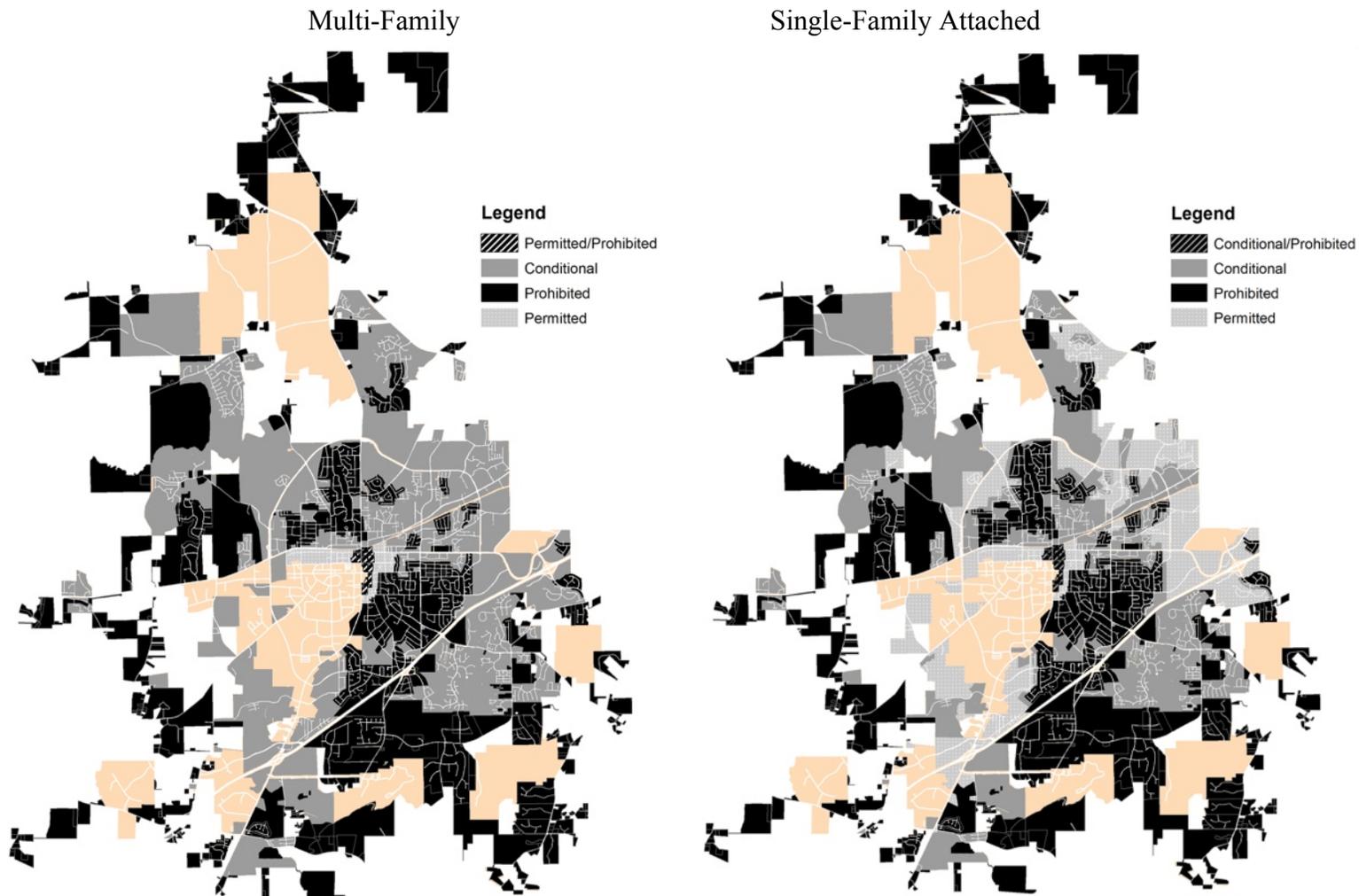


Figure 6.2 Source: *City of Auburn GIS Data*

Figure 6.2 illustrates the areas where multi-family housing and single-family attached housing are uses that are permitted, conditional, or not allowed. The beige area is land where no type of housing is allowed. In general, there is a small amount of land where multi-family housing is a permitted use. Auburn is about 58 square miles, and about 43 square miles of that is allowed to have housing constructed on it. Of these 43 square miles, multi-family housing with more than two units is a permitted use on about .54 square miles and duplexes are a permitted use on about .4 square miles. This compares to single family conventional subdivisions that are a permitted use on about 42 square miles.

B. CONDITIONAL USE APPLICATIONS

The following is an overview of the data collected on conditional use applications for multi-family housing in Auburn, AL over the period from 1984 to 2015. The data was retrieved from City Council Meetings that took place over the time period.

Total Conditional Use Applications by Zone, 1984-2015

ZONE	NUMBER OF APPLICATIONS	PERCENT OF APPLICATIONS
Comprehensive Development District (CDD)	10	11.49%
Development District- Housing (DD-H)	27	31.03%
Development District (DD)	1	1.15%
Limited Development District (DD)	5	5.75%
Planned Development District (PDD)	1	1.15%
Redevelopment District (RDD)	28	32.18%
Urban Core (UC)	3	3.45%
University Services (US)	12	13.79%

Table 6.1 Source: *Auburn City Council*

It should be noted that while currently multi-family housing and town houses are permitted in the Urban Core and the University Services district, there was a brief period when all housing was a conditional use in the zones. This explains the conditional use applications found for those zones. Also, the Development District (DD) no longer exists as a designated zoning district in Auburn.

Table 6.1 shows the total amount of conditional use applications to construct multi-family and single-family attached housing by zone. Most applications were for the Redevelopment Districts (RDD) with about 32%, followed closely by the Development District-Housing zones (DD-H) with 31%. Breaking these numbers down into applications for multi-family housing versus single-family attached housing, gives a more detailed picture of conditional use application trends.

Conditional Use Applications for Multi-Family Housing, 1984-2015

MULTI-FAMILY ZONE	TOTAL		APPROVED		REJECTED	
CDD	8	13.11%	8	100.00%	0	0.00%
DD-H	13	21.31%	11	84.62%	2	15.38%
DD	1	1.64%	1	100.00%	0	0.00%
LDD	0	0.00%	-	-	-	-
PDD	1	1.64%	1	100.00%	0	0.00%
RDD	23	37.70%	21	91.30%	2	8.70%
UC	3	4.92%	3	100.00%	0	0.00%
US	12	19.67%	12	100.00%	0	0.00%

Table 6.2 Source: *Auburn City Council*

When looking at conditional use applications to build multi-family, multiple units on one lot, the gap between the amount of applications in an RDD zone and DD-H zone increases. If only applications for multi-family housing are considered, then there were more applications in RDD zones by almost double than that for DD-H, as can be seen in Table

6.2. Applications for multi-family housing in RDD zones also had a higher rate of approval than those for DD-H zones at about 91% compared to DD-H's roughly 85% approval rate.

Conditional Use Applications for Single-Family Attached Housing, 1984-2015

SF ATTACHED						
ZONE	TOTAL		APPROVED		REJECTED	
CDD	2	7.69%	1	50.00%	1	50.00%
DD-H	14	53.85%	10	71.43%	4	28.57%
DD	0	0.00%	-	-	-	-
LDD	5	19.23%	5	100.00%	-	-
PDD	0	0.00%	-	-	-	-
RDD	5	19.23%	4	80.00%	1	20.00%
UC	0	0.00%	-	-	-	-
US	0	0.00%	-	-	-	-

Table 6.3 Source: *Auburn City Council*

Examining the conditional use application data for only single-family attached housing, brings to light that applications for single-family attached in DD-H zones far outweigh those in any other, shown by Table 6.3. Fifty-four percent of the applications to build single-family attached housing occurred in a DD-H zone. The two zones that follow are the Limited Development District (LDD) and the RDD zones at about 19%. However, applications for the DD-H zone had a lower approval rate than those for LDD and RDD zones. All applications to construct single-family attached housing in an LDD zone were approved and 80% of those in an RDD zone were approved. About 71% of applications were approved in a DD-H zone.

Location of Conditional Use Applications and Zoning Districts in Auburn, AL

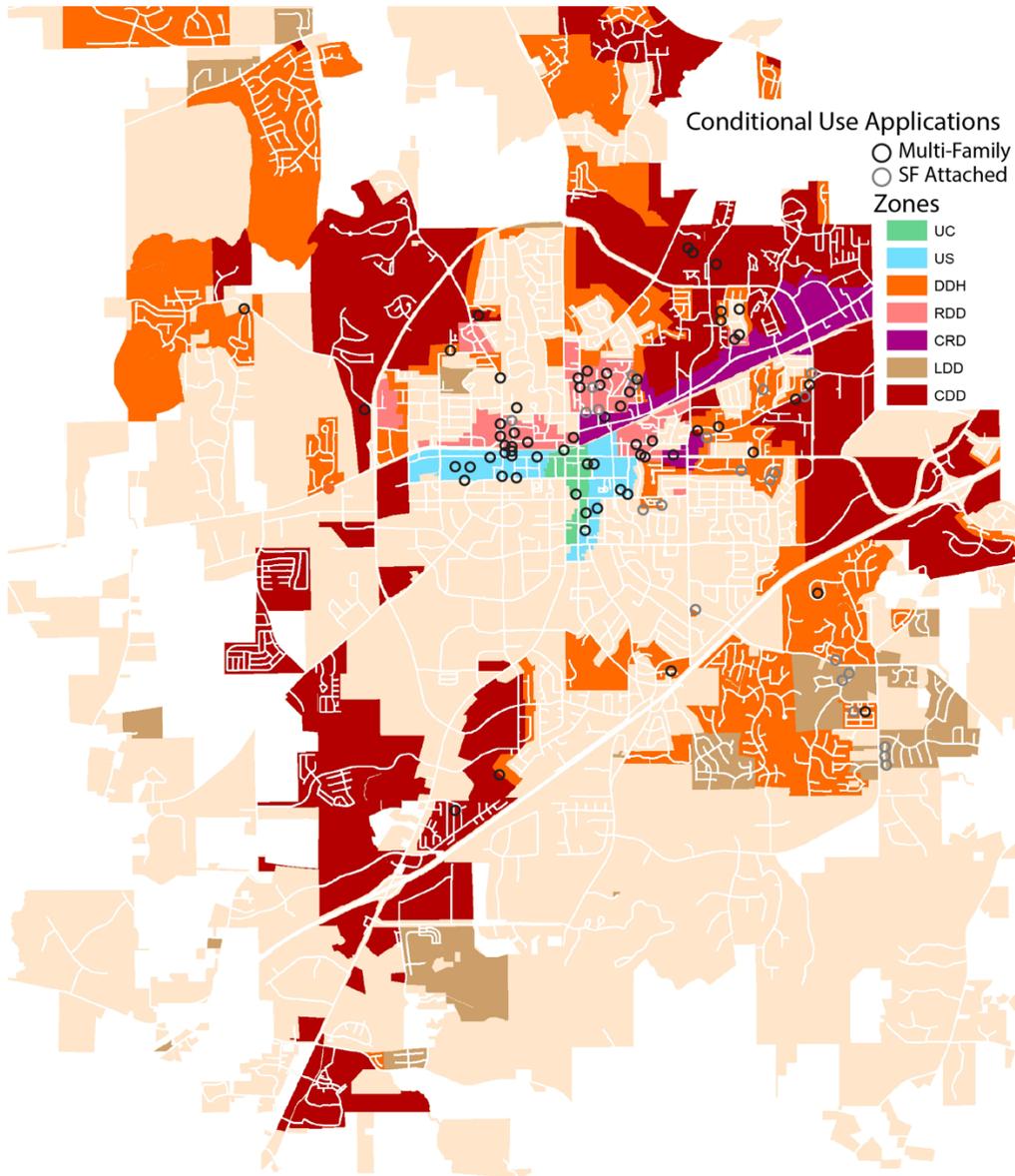


Figure 6.3 Source: *City of Auburn GIS Data*

The map in Figure 6.3 highlights the location of approved and rejected conditional use applications for multi-family housing and single-family housing attached. Looking at the map, a general concentration of applications in the central north to northeast part of the city can be seen. Within the northern concentration, spots of intensity of applications occur

mostly in RDD zones. RDD zones are only located in this northern area of the city, and allow for a density of 16 dwelling units per acre, the highest behind the Urban Core and University Services Districts. Behind RDD, DD-H had the most applications for multi-family housing and single-family attached housing. From the map in Figure 6.2, it can be seen that most of the applications in a DD-H zone are in a more northerly located DD-H zone.

Zones and the Black Population in Auburn, AL

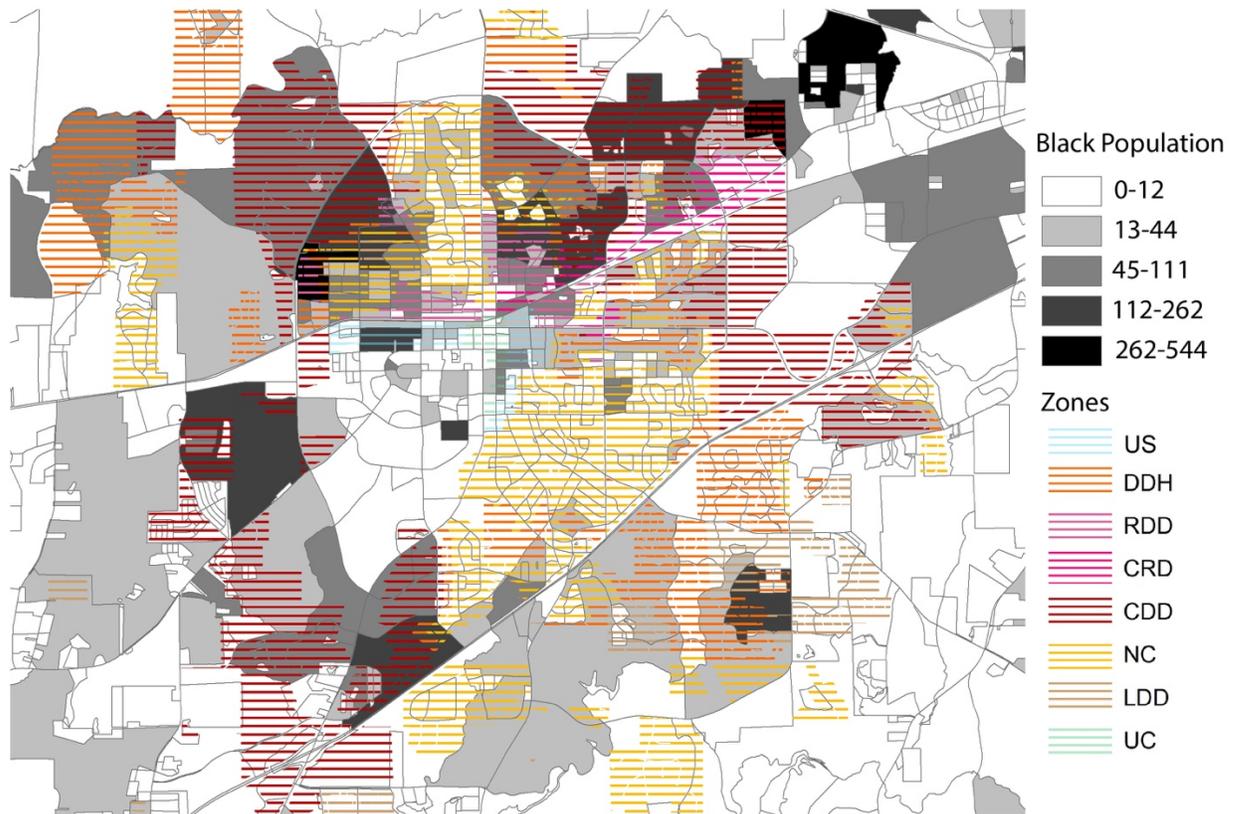


Figure 6.4 Source: *City of Auburn GIS Data*

The map in Figure 6.4 illustrates the varying concentrations of the Black population in each of the zones in Auburn. Looking at the map you can see that the Neighborhood Conservation zones usually overlap with low concentrations of the African American

population. The exception is an area located in the central north part of the city. This area matches up with one that was identified as being a historically Black community and that was originally zoned to be RDD. This issue will be discussed in the next part of this chapter.

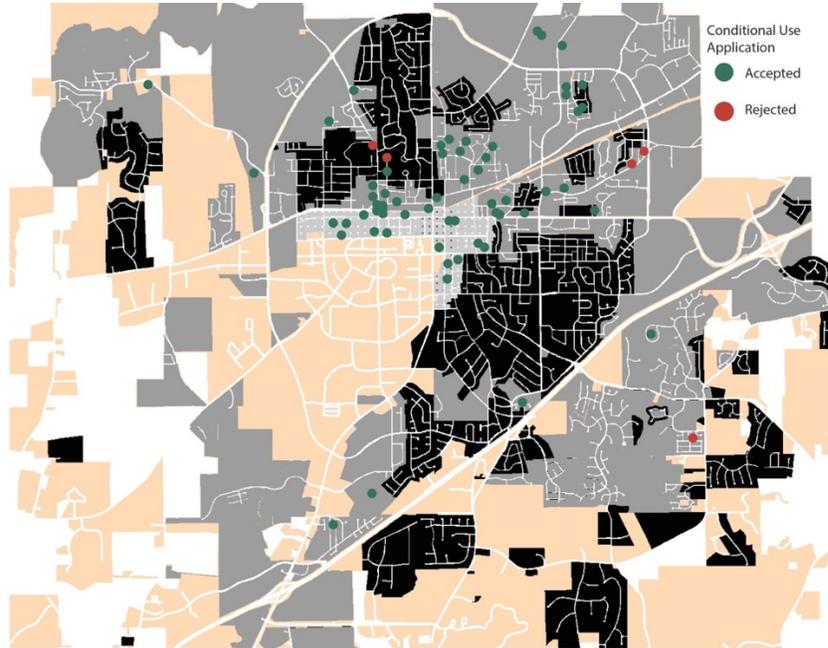
Black Population by Zone in Auburn, AL

Zone	Black Population
NC	17%
RDD	34%
DD-H	16%
CDD	19%
LDD	15%
US	9%
UC	12%

Table 6.4 Source: *City of Auburn GIS Data*

The Redevelopment District, taken as a whole, is 34% Black. It has the highest Black population of any of the zones. With 95% confidence, Census blocks in the RDD zone have a statistically significant higher Black population than Census blocks in another other zone. The RDD zones are where the majority of conditional use applications were filed and accepted. It was followed by the Development District-Housing zones. The DD-H zones as a whole, have a Black population of 16%. Figure 6.2 illustrated most of the applications for multi-family housing being filed in northern DD-H zones. When you break the DD-H zone into two parts, north of Opelika Road and south of it, its Black populations become 21% and 10% respectively. With 95% confidence, there is a statistically significant difference in the Black population of DD-H zones in the northern part of the city and the Black population of DD-H zones in the southern part. This highlights the higher likelihood of conditional use applications being filed in DD-H zones with higher Black populations.

Conditional Use Applications and Areas of Conditional and Permitted Use
Multi-Family Housing



Single-Family Attached

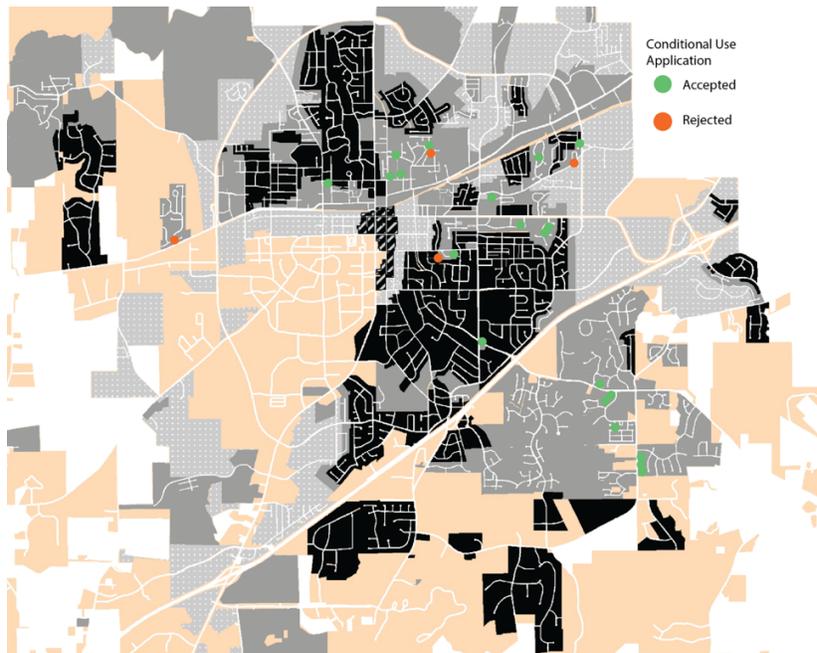


Figure 6.5 Source: *City of Auburn GIS Data, Auburn City Council*

Figure 6.5 shows the locations for which conditional use applications to construct multi-family housing and single-family attached housing were filed, and whether the applications were accepted or rejected. The two maps differentiate between multi-family housing and single-family attached housing and also display where each of these uses is conditional in the city. A significant portion of the multi-family housing conditional use applications occurred north of the university and downtown area, and in the northeast part of the city. Applications for single-family attached housing were dispersed across the eastern portion of their conditional use area.

Applications for multi-family housing occurred most in areas north of the university and downtown area. Looking generally at all the land in the city where multi-family housing is a conditional use, applications to construct it are most likely to occur in central north and northeast areas of the city. A significant amount of multi-family housing that has been constructed has been intended for students so applications to construct it near the university makes sense, but why has it been allowed to occur predominantly north of the university? When a conditional use for multi-family housing is applied for in the outskirts of the city, it has normally occurred in the northern outskirts. Why does multi-family housing concentrate in these areas of the city when it is also a conditional use in other areas? The next section explores this question by examining zoning, conditional use applications, and race.

C. REACTIONS TO CONDITIONAL USE APPLICATIONS FOR FOR MULTI-FAMILY HOUSING

At the beginning of this chapter, the overview of the spatial patterns of race in Auburn over time, highlighted concentrations of the Black population in the city. Historically, Black neighborhoods and communities have been in the northern parts of Auburn.

In a City Council meeting in January 1997, it was brought to light by the mayor that concerns were raised by residents of Black neighborhoods after the new zoning ordinance was enacted in 1984. Residents of these neighborhoods thought that their communities had wrongly been zoned as Redevelopment Districts (RDD) instead of Neighborhood Conservation (NC). During this same City Council meeting, the council member for Ward 1, predominantly comprised of African American constituents, emphasized the existence of these concerns that there was too much multi-family housing, specifically too many student apartments, in the heart of minority areas. These comments occurred during a discussion on whether or not to approve a conditional use for a duplex development, Lakeshi Woods, at the north end of White Street. The multi-family application was rejected and the area was rezoned to be NC. The Ward 1 representative also brought up development on Pitts Street as a concern for Black residents of that area. Both can be seen on the map in Figure 5.1 (Auburn City Council, January 1997).

In another City Council meeting that same year, the issue was again briefly addressed again. This time it was during a discussion of whether or not to approve multi-family housing in an area that is not historically the heart of the minority community. It followed a lengthy public hearing in which nearby residents voiced their concern over 14 townhouse-style units that would be developed on one parcel. Residents stated their worries that their property values would be lowered and that students would inhabit the townhouses. The location of multi-family housing in historically minority communities was brought up after the public hearing again by the council member of Ward 1. He made the argument that the conditional use application should be denied because multi-family housing had been allowed in minority neighborhoods even though residents did not want them, and the council should at least listen to the residents before them now and deny the use (Auburn City Council, November 1997)

Part of the conditional use application process is that approval of the proposed use has to be open for debate and discussion through a public hearing. On multiple occasions when

multi-family uses were being applied for as conditional use in non-minority neighborhoods, the City Council faced a lengthy public hearing of residents arguing against its approval. This occurred on several occasions for public hearings concerning conditional use for multi-family housing in the Annalue Drive area of the city, just south of the northeastern area where many multi-family applications were approved. These instances will be delved into in more detail in the next part of this chapter. Residents were also vocal in their opposition to multi-family housing and being constructed in the area south of the interstate.

A developer who filed for conditional use approval to build duplexes south of the interstate, in a subdivision called Ogletree Village, in February of 1997 was denied approval. The Planning Commission, who reviews the application before recommending approval or denial to the City Council, recommended denial. Probably because of this, there was not a lengthy public hearing during the City Council meeting of people voicing opposition to the duplexes. Speaking with the developer, however, revealed the strong resistance to the development by neighbors. Auburn has characteristics of a small town, and in the 1990s, it was even more like a small town. This meant that the developer faced confrontation on a personal level, outside of the bureaucratic process for conditional use applications (Developer, personal communication, March 30th, 2016).

The developer received phone calls at home from people telling him not to build the duplexes. People brought up their disapproval in casual conversations, and in aggressive manners. The developer's wife was also not immune to backlash from the neighbors, many of whom were friends. She quit her weekly bunko games because of the snide remarks. The developer described his wife going into a state of depression. He also brought up other plans he had to build multi-family housing in the area, but that did not even make it to the conditional approval stage. The neighborhood was so adamant in its disapproval that it bought the land where the proposed development was planned (Developer, personal communication, March 30th, 2016).

When asked if he thought that multi-family housing is built where it is in the city because developers are less likely to face public opposition in those parts, the developer answered in the affirmative. He does not think that there are many developers who have tried to build multi-family housing in parts of the city that are like the area south of I-85, but he thinks neighborhood backlash has something to do with this. He described his experiences with the process of building multi-family housing to be “awful”. Developers build where there already is multi-family housing and where it is easier to do so (Developer, personal communication, March 30th, 2016).

D. CONDTIONAL USE APPLICATIONS AND THE LOCATION OF THE BLACK POPULATION

In order to understand the relationship between the location for which conditional use applications are filed and the racial composition of that area, the next part of this paper will focus on areas where there are the highest Black populations and the highest white populations. For the locations of conditional use applications filed in the 1980s and the 1990s, specific attention will be given to areas that have a higher percentage of a race than the total population of that race for the city as a whole. For conditional use applications filed between 2000-2015, specific attention will be given to Census block groups that have either a Black or white population that is in the highest two of the five designated brackets displayed on the map.

As seen in Fig. 6.6 and Table 6.5, applications for conditional use from 1984-1989 were few and were only for single-family attached housing. None of the applications occurred in what has been called the “heart of the minority community” in City Council meetings, and half of them were rejected. The Census tracts in which the applications occurred ranged from about 91% to 93% white. One of the rejected applications was for the construction of townhomes on Annalue Drive and the other was for patio homes.

Conditional Use Applications and Black Population over Time
 Population in 1980 and Applications from 1984-1989

Black Population

White Population

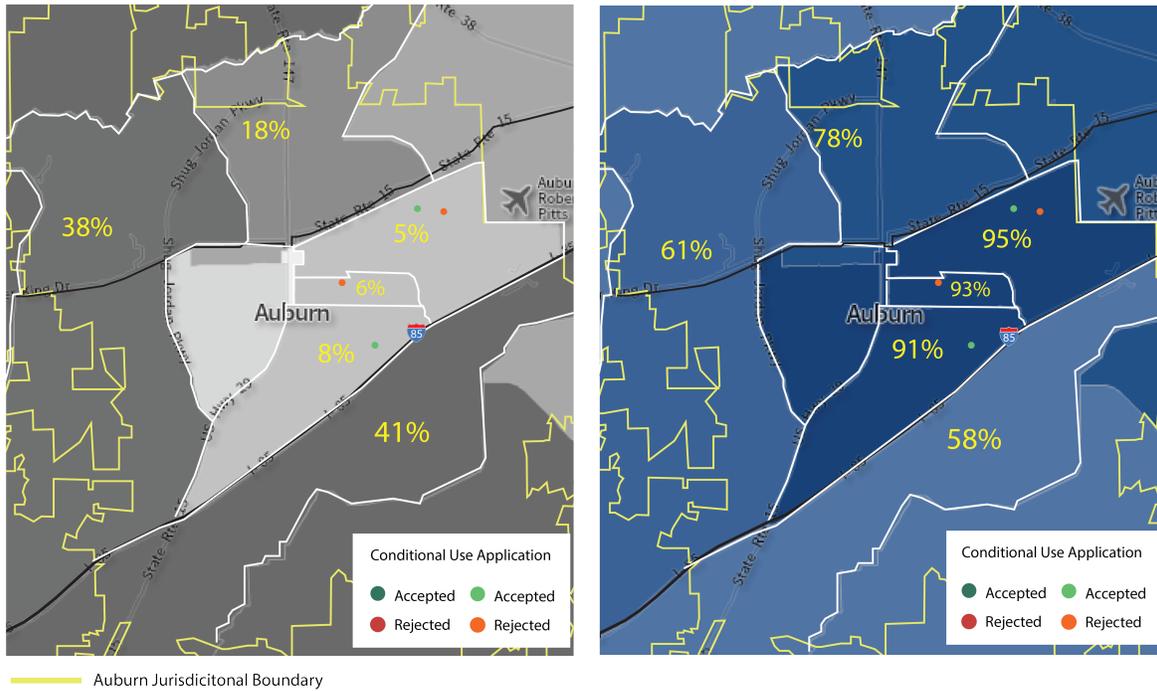


Figure 6.6 Source: *Social Explorer, Auburn City Council Meeting Minutes*

There was a strong response against the conditional use from neighbors of both the proposed projects. Neighbors voiced concerns about the added density, traffic, and drainage issues that might arise. At one meeting, a neighbor expressed his dissent of the then very new zoning ordinance and stated that “residential property owners should be protected from developments like these”. At another, neighbors argued that what the area needed was more single-family detached housing (Auburn City Council, April 1st 1986; January 6th 1987).

Conditional Use Applications and their Location, 1984-1989

	Total	Multi-Family	SF Attached
Total	4	100%	0
High Black Population	0	0%	0
High White Population	4	100%	0

Table 6.5 Source: *Auburn City Council*

In 1980, Auburn had a Black population of about 16% and a white population of 82% (Social Explorer). As mentioned earlier, there were no conditional use applications for multi-family housing during this period. All the applications for single-family attached housing occurred in areas with white populations above 82%.

Population in 1990 and Applications from 1990-1999

Black Population

White Population

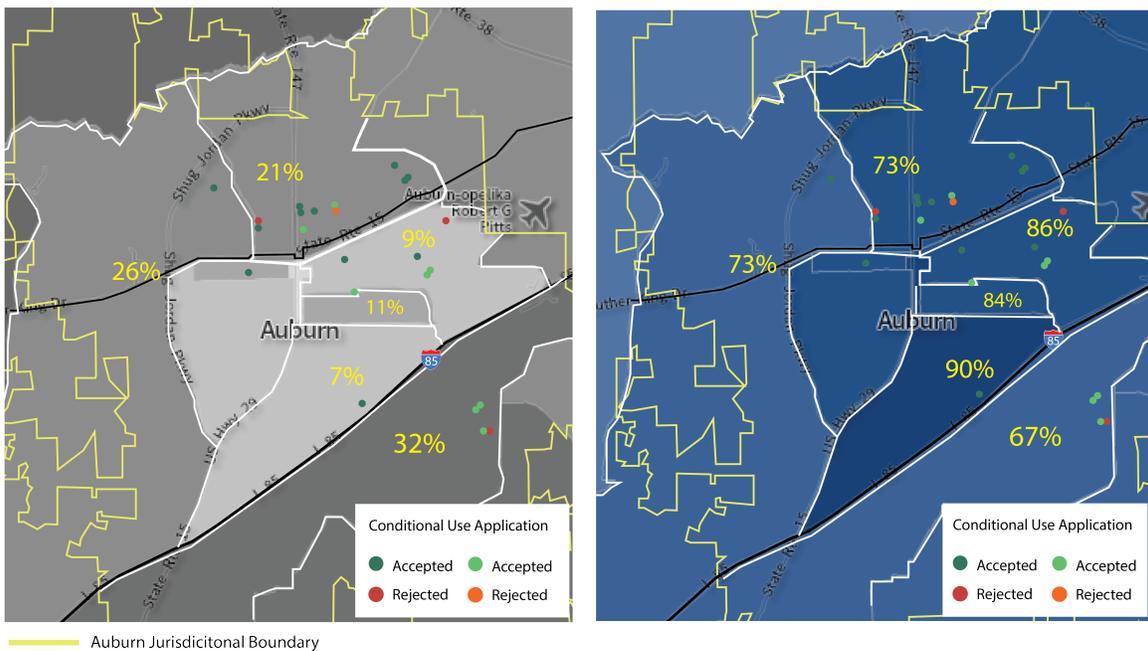


Figure 6.7 Source: *Social Explorer, Auburn City Council*

From 1990-1999, the trend of conditional use applications for multi-family housing to be concentrated in the northern part of town began to take shape, illustrated in Fig. 6.7. Many

applications for multi-family housing occurred and were approved in areas in and around historically minority communities and generally in parts of the city with higher percentages of a Black population. The Census tract in the northern central part of the city had about a 21% Black population and it grew over the decade. Only single-family attached applications occurred in areas in more southerly locations of the city.

The only application for multi-family housing to be rejected north of Opelika Road was for the Lakeshi Woods duplex project. The project was proposed to be located in a historically Black area. Lakeshi Woods was primarily denied conditional use approval because the area was in the process of being re-zoned from a Redevelopment District to a Neighborhood Conservation zone. (Auburn City Council, January 1997).

Multi-family housing was approved in a Census tract with one of the highest white populations at the time. However, this Census tract’s white population dropped 6% from the previous decade and continued to decline over future decades. Only applications for single-family attached occurred in areas in more southerly locations of the city. This area of the city was about 67% white at the time and over the course of this decade, its white population increased by about 12%.

Conditional Use Applications and their Location, 1990-1999

	Total	Multi-Family	SF Attached
Total	23	15	8
High Black Population	16	10	3
High White Population	7	4	3

Table 6.6 Source: *Auburn City Council Meeting Minutes*

In 1990, the population of Auburn was still about 16% Black, while the white population dropped a couple percentage points to 80% (ComPlan 2030, 2011). About 70% of conditional use applications for multi-family housing and single-family attached occurred in areas with Black populations over the average 16% for the city. About 67% of

applications for specifically multi-family housing were filed for areas with high Black populations. About 30% of conditional use applications for multi-family housing and single-family attached housing occurred in areas with white populations over the average 80% for the city. About 27% of the applications for multi-family housing specifically, were filed in areas with high white populations.

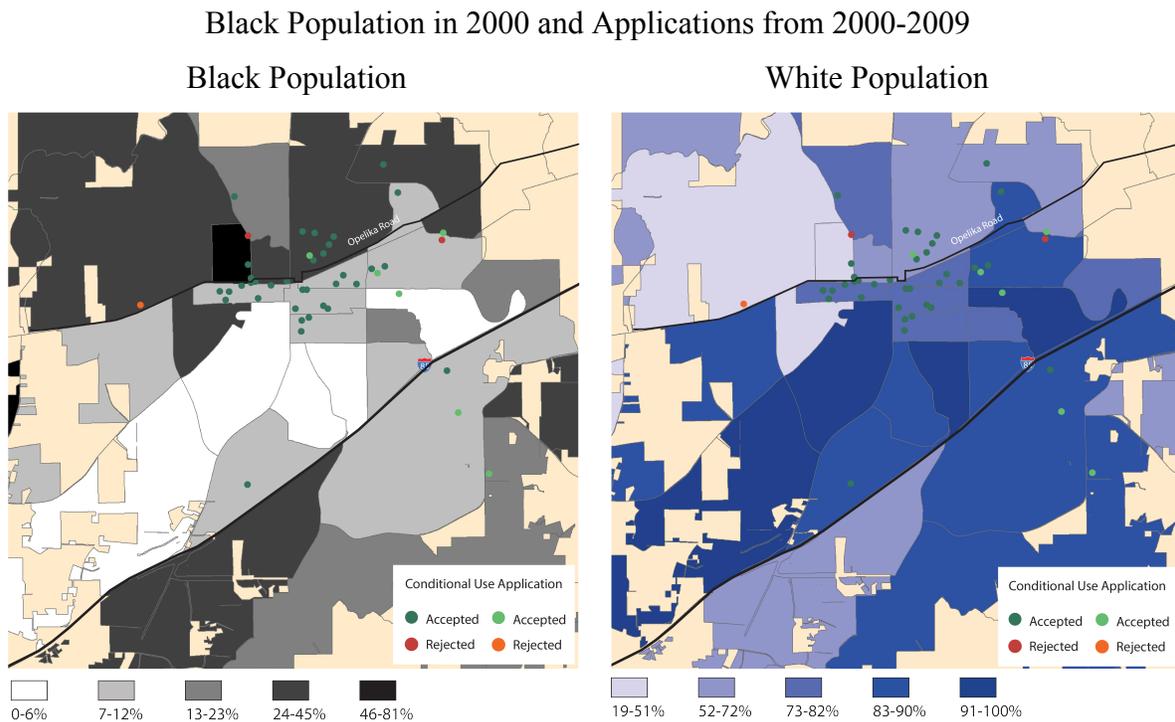


Figure 6.8 Source: *City of Auburn GIS Data, Auburn City Council*

Fig. 6.8 illustrates that from 2000-2009 there was a boom in conditional use applications for multi-family housing, with most concentrating in the central north part of the city and further out to the northeast. Most conditional use applications continued to occur in areas with, or near areas with, higher percentages of Black populations. A multitude of applications for multi-family housing occurred south of Opelika Road, but were clustered close to a Census block groups with a higher Black population. Applications to build multi-family housing south of I-85 remained sparse, but one did occur and was approved. The

Black population in the southern part of the city continued to decline by a couple percentage points, while the white population increased by a couple over this decade.

Conditional Use Applications and their Location, 2000-2009

	Total		Multi-Family		SF Attached	
Total	44	100%	37	84.1%	7	15.9%
High Black Population	20	45.5%	17	45.9%	3	42.8%
High White Population	8	18.2%	4	10.8%	4	57.1%

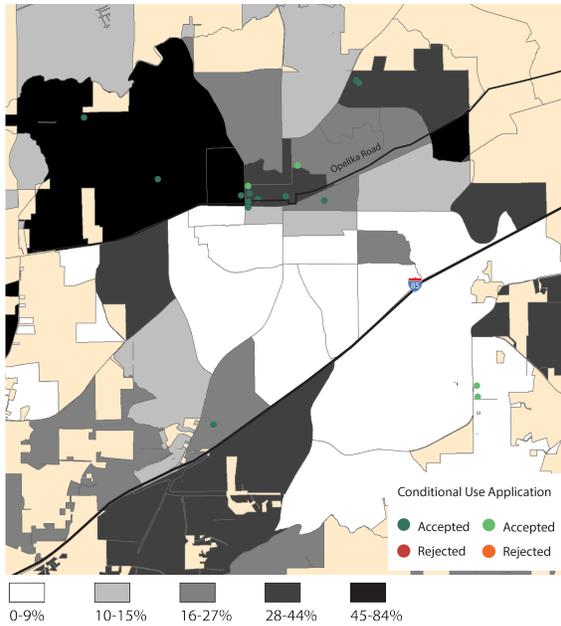
Table 6.7 Source: *Auburn City Council*

Table 6.7 highlights the greater likelihood that a conditional use application for the construction of multi-family or single-family attached housing was filed in an area with a higher Black population. During this period, Census block groups designated as having a higher Black population have one that ranges from 24-81%. Census block groups designated as having a higher white population are 83-100% white. In 2000, Auburn had a total Black population of 16.8% and a total white population of about 78% (CompPlan 2030, 2011). About 45% of conditional use applications filed for multi-family housing and single-family attached housing occurred in areas with a high Black population. This compares to only about 18% of applications filed for multi-family and single-family attached housing being for areas with high white populations.

The difference between the amount of conditional use applications filed in areas with high Black populations versus areas with high white populations, becomes greater when only applications for multi-family housing are considered. About 50% of applications filed for multi-family housing were for areas with a high Black population, while only about 11% were for areas with a high white population. A greater percentage of applications for single-family attached housing were filed in areas with a higher white population than for areas with a higher Black population.

Black Population in 2010 and Applications from 2010-2015

Black Population



White Population

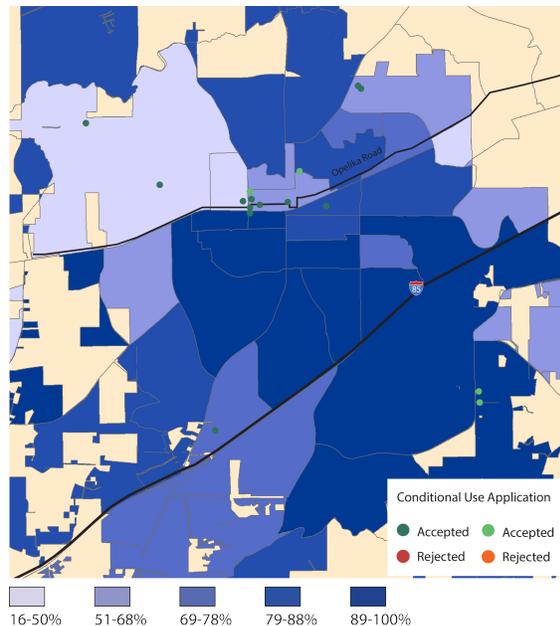


Figure 6.9 Source: *City of Auburn GIS Data, Auburn City Council*

From 2010-2015, conditional use applications for multi-family housing occurred almost exclusively north of Opelika Drive as seen in Fig. 6.9. This is a continuation of the pattern of multi-family conditional use applications being more likely be filed in northern parts of Auburn and in areas with higher Black populations. Two conditional use applications for single-family attached housing were filed for locations in the predominantly white area south of I-35. No applications for multi-family housing were filed south of I-35.

Conditional Use Applications and their Location, 2010-2015

	Total		Multi-Family		SF Attached	
Total	16	100%	12	75%	4	25%
High Black Population	11	68.8%	10	83.3%	1	25%
High White Population	3	18.8%	1	8.3%	2	50%

Table 6.8 Source: *Auburn City Council*

For the period between 2010 to 2015, Census block groups designated as having a high Black population have a percentage of a Black population that ranges from 28-84%. Census block groups designated as having a high white population, have a white population that ranges from 79-100%. In 2010, the total Black population in Auburn was 16.5%, and the total white population was about 75% (CompPlan 2030, 2011). Table 6.8 illustrates that roughly 69% of the conditional use applications filed between 2010 and 2015, were for locations in Census block groups determined to have a high Black population. Only about 19% of conditional use applications filed for multi-family and single-family attached housing were for locations in a Census block group with a high white population. Again, the difference between the amount of applications filed for areas with a high Black population compared to areas with a high white population becomes more stark when only applications for multi-family housing area considered. About 83% of applications were filed for multi-family housing in areas with a high Black population, versus 8.3% being filed in areas with a high white population. Like the previous period of applications, a higher percentage of applications for single-family attached housing were filed for areas with a high white population than for areas with a high Black population.

Overall, conditional use applications for multi-family housing have been concentrated in northern parts of the city and in areas with higher Black populations. With 90% confidence, there is a statistically significant difference between the amount of conditional use applications that were filed for multi-family housing construction in areas with a high Black population than in areas with a high white population. Conditional use applications for multi-family housing were frequently filed for areas north of Opelika Road that had a

high Black population. Applications for the construction of multi-family were extremely rare in the predominantly white areas south of I-35. When applications for multi-family housing did occur in Census block groups with a high white population, the Census block group was usually located in close proximity to Opelika Road and Census block groups with a high Black population that existed north of the road.

E. CHAPTER CONCLUSION

Multi-Family housing is a conditional use for a large amount of land in the city of Auburn, and a permitted use in a very small portion of land in the city. This is emphasized when the amount of land where multi-family housing is a permitted use is compared to the amount of land where single-family detached housing is a permitted use. The majority of applications for multi-family housing have occurred in Redevelopment Districts (RDD). These zoning districts are exclusively located north of Opelika Road. Auburn City Council meeting minutes from the late 1990s reveal that historically Black single-family use neighborhoods were zoned to be RDD and not given the Neighborhood Conservation designation that was applied to other all single-family use neighborhoods.

RDD zones have the highest density allowance behind the two downtown zoning districts, the Urban Core and the University Services district. This encourages development of multi-family housing in RDD zones over others. This is reflected in the higher percentages of a Black population found in RDD zones. In general, conditional use applications are more likely to be filed in areas with, or near areas with, higher percentages of a Black population.

The lengthened process for approval, with the added public hearing, to develop multi-family housing most everywhere in the city impedes the construction of it being distributed across all parts of the city. In order to decrease public pushback, developers are likely to choose to develop multi-family housing in areas with higher black populations and where multi-family housing stock already exists. This has a disparate impact on the Black

population in Auburn's choice of where to live in the city. When housing options for the Black population are concentrated in only some parts of the city, their choice of where to locate is severely limited. This pattern in multi-family construction also plays a role in promoting segregation in Auburn. This effect is analyzed utilizing HUD's Assessment of Fair Housing in the next chapter.

CHAPTER 7: ASSESSMENT OF FAIR HOUSING

One part of the Assessment of Fair Housing (AFH) deals with integration and segregation. It asks a municipality or housing authority to do the following things to analyze this issue in their community. Because this paper focuses on the segregation of Auburn's largest minority, its African American population, I will apply these items to that population:

a. Describe and compare segregation levels in the jurisdiction and region. Identify the racial/ethnic groups that experience the highest levels of segregation.

The minority group of African Americans has experienced the highest levels of segregation since 1990 and has also seen the greatest growth in dissimilarity over time for any minority group in Auburn (Refer to Chapter 5, Part A)

b. Explain how these segregation levels have changed over time (since 1990).

The index of dissimilarity rate for Auburn has been growing over time. It increased from 26 to 38 between 1990 and 2010. (Refer to Chapter 5, Part A)

c. Identify areas with relatively high segregation and integration by race/ethnicity, national origin, or LEP group, and indicate the predominant groups living in each area.

The area northwest and northeast of downtown have high Black populations. In 2000 and 2010, the northwest area of Auburn had a Black population that exceeded 50%. The area south of the interstate has a high percentage of a white population that has been increasing over time. (Refer to Chapter 6, Part A)

d. Consider and describe the location of owner and renter occupied housing in determining whether such housing is located in segregated or integrated areas.

Multi-family housing is located in the northwest, northeast, and southwest parts of the city. Most of these areas also tend to have higher percentages of a Black population compared to other parts of the city. (Refer to Chapter 5, Part A)

e. Discuss how patterns of segregation have changed over time (since 1990).

North of Martin Luther King Drive has historically consisted of Black neighborhoods. The northwest and northeast parts of Auburn have become a more concentrated area of the Black population, while the white population has grown in the southeastern part of the city. (Refer to Chapter 5, Part A)

f. Discuss whether there are any demographic trends, policies, or practices that could lead to higher segregation in the jurisdiction in the future.

The trend of the increasing white population in the southern portion of the city is a concern. This combined with the practice of multi-family housing being located in areas with, or near areas with, higher percentages of a Black population could further segregation in the future. (Refer to Chapter 6, Part A, B, and C).

The AFH also asks that you identify “contributing factors to segregation” and gives the following list:

- Community Opposition
- Displacement of residents due to economic pressures
- Lack of community revitalization strategies
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Lack of regional cooperation
- **Land use and zoning laws**

- Lending Discrimination
- Location and type of affordable housing
- Occupancy codes and restrictions
- Private discrimination
- Other

From the list, this paper examined how recent land use and zoning laws were a contributing to segregation in Auburn, AL. It particularly considered conditional use regulations on multi-family housing. The following problems with conditional use regulations were found:

1. The zones in which multi-family housing is a permitted versus conditional use
 - a. There is a relationship between the location of the Black population and multi-family housing. Inherently, by having zones that do not permit multi-family housing and those that do, patterns of segregation are going to occur. Areas of the city zoned for Neighborhood Conservation have very low Black populations. NC zones are also large in size and in central parts of the city. This problem was exacerbated in the early stages of Auburn's adoption of the new zoning ordinance in 1984. The City of Auburn allowed for new NC zones to be created, greatly hindering the mix of housing types in many areas of the city.
 - b. Single-family neighborhoods that were predominantly African American were more likely to have been re-zoned to be in the Redevelopment District (RDD) after the new zoning ordinance was adopted in 1984. The RDD zone allows for the highest density of housing units behind the Urban Core and the University Services districts. This encouraged and allowed for new multi-family housing to be constructed in neighborhoods with higher Black

populations from the beginning of the ordinance's implementation. This problem was mitigated by the rezoning of some of these areas to NC, but it still points to the issue of multi-family housing being allowed to occur more easily in areas with higher Black populations.

2. The discrepancy between all areas where multi-family housing is a conditional use and where applications for multi-family actually occur

a. Conditional use applications for multi-family housing have occurred more frequently in areas with higher black populations, particularly the north and northeast parts of the city. This is in contrast to southeastern parts of the city, where multi-family housing is also a conditional use, but whose white populations have been steadily growing over time. Applications for the conditional use of multi-family housing in areas that are historically minority communities or that have higher percentages of Black populations has been a trend. This could be due to the required public hearing for the conditional use application process and the backlash from homeowners. Homeowners in neighborhoods with a higher concentration of white people, for whatever reasons, have been more engaged in tracking potential new developments in their neighborhoods and have created a greater threat of backlash. This may support the perception that developing multi-family housing in areas with a higher Black population, or that already have high amounts of multi-family housing, is an easier route to construction.

CHAPTER 8: CONCLUSION

This paper asks the question of how zoning and conditional use regulations on multi-family housing have effects on patterns of racial segregation in Auburn, Alabama. It begins answering this question by highlighting the small amount of land on which multi-family housing is a permitted use. To construct multi-family housing in all parts of the city, except for the downtown area, a developer has to go through the lengthened conditional use application process that includes a public hearing. Developers' attempts to mitigate the hassle of the process and attacks from the public, lead to concentrations of multi-family housing in, or in close proximity to, parts of the city with higher Black populations.

Data presented illustrates a relationship between the location of multi-family housing and higher percentages of the Black population. The Black population has a higher percentage of renters. The zoning districts implemented by the City of Auburn's zoning ordinance in 1984 and the conditional use regulations required by almost all of them for the construction of multi-family housing, have resulted in multi-family housing being located only in certain parts of the city. These parts of the city are likely to have a higher Black population than other parts. Because of the higher likelihood for members of the Black population to be renters and to occupy multi-family housing, the Black population becomes further concentrated in these areas of the city. Building multi-family housing in only some parts of the city, leads to a disparate impact on the Black population by limiting their choices of where to locate in the city. The lack of multi-family housing that is developed in areas of the city with high white populations, results in those parts of the city remaining almost exclusively white.

I recommend that the City of Auburn take the following measures in order to reduce racial segregation in the city and to actively promote integration in order to be in compliance with HUD's new AFFH rule:

1. Reduce the amount of districts that require conditional use applications for the construction of multi-family housing, especially zones that are located in areas with high white populations or that are lacking multi-family housing. The Development District-Housing (DD-H) zone and the Limited Development District (LDD) would be good options for re-considering regulations on multi-family housing. The two districts have lower Black populations compared to other zones and are comprised of areas with higher white populations, like the area south of I-35.

2. Actively encourage the development of multi-family housing in areas of the city that lack it or that have high concentrations of the white population. Federal HUD funding for affordable housing should be utilized to provide affordable housing in areas of the city that do not have high concentrations of a minority population. The City of Auburn could also consider the creation of a new program that incentivizes developers to construct multi-family housing in areas where it is lacking. This could potentially take the form of a tax exemption program at the city level. The tax exemptions could be tied to requirements that the new multi-family housing be located in areas where there are not already affordable housing options, or where there is a high concentration of the white population. Another requirement could mandate that a certain percentage of the units be reserved for people making below a certain percentage of the Auburn area's MFI. Seattle operates an example of such a program (Valdez, 2014).

3. At public meetings, like Auburn City Council and Planning Commission meetings, public officials should present the public with accurate data that shows demand for multi-family housing to be steady and vacancy rates to be on the decline. Also, assuage fears of Auburn residents that children living in multi-family housing are particularly putting a strain on Auburn City Schools. This can be done by citing or displaying the numbers that illustrate that there is a growing student population, but the growth rate for enrolled K-12 students living in multi-family housing parallels that for those living in single-family housing.

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