

How ‘Not in My Backyard’ Became ‘Not in My Neighborhood’

The expectation that homeowners should be able to reach beyond their property lines has become deeply embedded.

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In Seattle, the neighbors don't want apartments for formerly homeless seniors nearby. In Los Angeles, they don't want more high-rises. In San Jose, Calif., they don't want tiny homes. In Phoenix, they don't want design that's not midcentury modern.

Homeowners in each of these places share a common conviction: that owning a parcel of land gives them a right to shape the world beyond its boundaries.

The roots of this idea are as old as nuisance laws that have tried to limit how one property owner can harm another. Over the decades, though, homeowners have expanded their claim on the world beyond their lot lines. This means they look out for schools and streets in ways that are vital to American communities. But increasingly it also means the senior affordable housing, the high-rises and the tiny homes — also arguably vital to the larger community — are never built.

“One of the reasons why we always justified the mortgage interest deduction was we wanted people to be rooted in their communities,” said Vicki Been, the faculty director of New York University's Furman Center and a former commissioner of Housing Preservation and Development in New York City.

The idea was for people to be invested in the quality of nearby schools, the safety of neighborhood parks and the outcomes of local elections. In one sense, the triumph of this idea should be celebrated, she said. But the danger of it is becoming more apparent, too.

“Communities always need to be changing,” she said, “and we can't have a process that gives every individual sort of a veto over change.”

The new tax law has raised the possibility that homeownership may be losing some of its privileged status in American society, as the benefits of the mortgage interest and property tax deductions shrink. Those changes could dampen how attractive housing looks as an asset. But it would take much more to alter the belief that owning a home in America today means that you effectively own a neighborhood, too.

That notion didn't make much sense when most Americans lived on farms, where the neighbors were remote and the value of property came primarily from what happened on it. The boom in city living changed both of these things.

“As people are increasingly living in urban areas really close to each other, it starts to be the case that so much of the value of your property is bound up in things that are happening outside of your parcel,” said Lee Fennell, a law professor at the University of Chicago who has written about what she calls the “unbounded” nature of our homes. In denser living, a trash dump or a park next door affects the value of your parcel. So does the access to jobs, the ease of transportation and the amenities nearby.

The story of how Americans came to peer beyond their own properties is also, inescapably, about race. As urbanization brought blacks and whites closer together, white communities reacted with racially restrictive covenants, aiming to keep blacks and their perceived threat to property values out of white neighborhoods. The Supreme Court ruled such

covenants unenforceable in 1948, but they had long-lasting effects on how homeowners looked at the world around them, and the need to control it.

“One of them was to make white people think that the value of their homes depended on living in a segregated community,” said Carol Rose, a law professor at Yale. “That outlived racially restrictive covenants.”

Another shift came with the advent of citywide zoning in New York City in 1916. Nuisance laws had targeted problems like noxious odors or chemical spills that crept across property lines. Zoning, rather than punishing people for proven harms that came from their property, told people what they could do on their property in the first place. And it prohibited many things — like buildings of a certain height — that had never been considered nuisances before.

Zoning effectively invited homeowners to look beyond their properties in ways they hadn’t. And it helped create the expectation that communities would change little over time — or that homeowners would have a say if they did.

“Prior to zoning, you didn’t ask yourself if you were buying a piece of property, ‘What’s the use of the land next to me, or down the block, or half a mile away?’ ” said William Fischel, an economist at Dartmouth. “Zoning becomes an opportunity for you to think outside the box of the lot lines of your own property. And people definitely start doing it.”

Americans fretted about property values in the early 20th century (and government documents at the time warned of how racial integration would harm them). But Americans didn’t broadly begin to think of homeownership as a means to create wealth until around the 1970s, when housing started to appreciate faster than many other assets. And once housing became a financial asset — the largest one many families own — homeowners began to take more seriously anything they feared would harm it, Mr. Fischel said.

“The mere possibility that a funeral home three blocks away might cause a funeral procession to go down a street just when a buyer’s there, these remote threats — almost imaginary threats — start to become more resonant,” Mr. Fischel said.

And so homeowners tried to deploy nuisance laws against funeral homes. When solar panels grew more common in the 1970s, homeowners did the same with neighbors who might block their sunlight. “That’s very different from chemical spills,” Ms. Been said of both threats.

In the 1980s, people who bought country homes claimed nuisances from the noise and smell of nearby farms, prompting “right to farm” laws. In the 1980s and 1990s, homeowners turned to gated communities to control what nuisance laws couldn’t: a community’s aesthetic, a neighbor’s pets, another property’s landscaping. In the 1990s, Ms. Been said, neighbors increasingly defended not just individual buildings against change, but also a broader sense of neighborhood “character,” with fights couched in the language of rights.

“It’s moved from just being ‘I should have a right to confront something that hurts my house’ to ‘I have an interest in this neighborhood as a whole,’ ” Ms. Been said.

And as residential mobility rates have declined, she suggests, Americans are staking even stronger claims to their neighborhoods, with renters now behaving in ways we once associated more with homeowners.

These forces amount to a powerful brew: Our homes have become our wealth. Racial fears linger even if they’ve become encoded in other language. Change invariably looks like a threat. And the universe of threats has broadened from the toxic spill to the garden shadow, from the property next door to the potential development five blocks over.

“We ask home equity to do so much more for us in terms of providing retirement, providing a bridge during drought years, allowing us to have collateral for other kinds of loans,” said Nathan Connolly, a historian at Johns Hopkins University. “Then you add schools and crime into the mix.”

“To the extent that people can control anything,” he said of property values, “they try to control for that.”

No wonder it has become so hard to untangle the benefits of community “ownership” from the rising harms. We want people to be invested in their neighborhoods, but not to the exclusion of anyone else who might live there, too. We want to empower neighbors to fight a trash dump, but not to halt every housing project the region needs.

“Who speaks for the community as a whole?” Ms. Been said. “I worry about that.”

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