

Lost in the Rubble: How the Destruction of Public Housing Fails to Account for the Loss of Community

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I. INTRODUCTION

Verna Berryman left her home in Chicago's Cabrini-Green public housing complex in 1998.¹ Her building was demolished as part of a celebrated plan to move the city's public housing residents to private housing.² Armed with a voucher to cap her rent, Berryman and her son spent the next four years in four different apartments, encountering arson, overcrowding, and rat infestation.³ She finally settled in an overpriced apartment in an unwelcoming neighborhood.⁴ Four years after she left Cabrini, Berryman reflected, "[s]ometimes I think the better world isn't necessarily better."⁵

Berryman's story is not unique. Throughout the end of the twentieth century and the beginning of the twenty-first, cities across America have destroyed public housing complexes, displacing hundreds of thousands of residents from the communities they called home.⁶ Often viewed as a progressive urban policy, displacement has been justified in three primary ways: (1) the physical site on which public housing developments sit may be put to more economically viable use, thereby benefiting society as a whole;⁷ (2) public housing communities

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¹ David Thigpen & Maggie Sieger, *The Long Way Home*, TIME, Aug. 5, 2002, at 42, 42.

² *Id.*

³ *Id.* at 43-44.

⁴ *Id.* at 44.

⁵ *Id.*

⁶ *Id.* at 42 (noting that major cities such as Atlanta, Boston, Miami, Oakland and Chicago are all "knocking down public housing and relocating tenants").

⁷ See Michael H. Schill, *Distressed Public Housing: Where Do We Go From Here?*, 60

isolate the poor;⁸ and, (3) a pervasive culture of poverty blights the community residents' life chances.⁹ Additionally, proponents of the destruction of public housing point to the compensation afforded the residents of these communities in their search for new housing.¹⁰ They argue the compensation offered not only covers the costs of relocation, but also allows residents to establish a private home in a setting more conducive to success in American society.¹¹

Much has been written on both the inadequacy of modern public housing and what alternatives are best to take its place. This article eschews that argument, taking as a given that public housing is in a state of transformation. Instead, it examines the compensation offered to displaced residents of public housing communities. Particularly, in considering both the theoretical justifications and governmental policies that promote the destruction of public housing, it analyzes whether this compensation adequately accounts for what many residents lose when their communities are destroyed. In doing so, this article will reveal that public housing communities provide their residents with a unique quality of life for which most compensation does not account.

Mindful of the many problems that afflict some public housing communities, Part II of this article briefly surveys these problems and examines corresponding justifications for destroying public housing. Part III examines another reality – the unique social benefits of public housing life, particularly themes of cultural expression, social support, and social activism. Part IV surveys government programs designed to compensate public housing communities' displaced residents, specifically HOPE VI¹² and Section 8.¹³ Part V considers whether, given the unique social good established in Part III, government policies adequately compensate displaced public housing residents. This

U. CHI. L. REV. 497, 534 n.204 (1993) (discussing public housing's economic implications and noting that public housing does not increase surrounding property values).

⁸ *Id.* at 510-11, 518-19 (discussing history of the Fair Housing Act and its isolating effect).

⁹ *Id.* at 519-21 (arguing that poor individuals do not have a good chance of finding viable, mainstream jobs, and that "[c]oncentrated poverty generates social distress"). *Id.* at 521.

¹⁰ Thigpen & Sieger, *supra* note 1, at 43-44 (describing Housing Choice vouchers and rent caps for former public housing residents in the Chicago area).

¹¹ Thigpen & Sieger, *supra* note 1, at 44 (describing the condominiums in which some former Cabrini public housing residents now live, one individual said, "It's got a washing machine. And a big closet.").

¹² See Ngai Pindell, *Is There Hope for HOPE VI?: Community Economic Development and Localism*, 35 CONN. L. REV. 385, 386-87 (2003) (discussing the HOPE VI development policy and its impact on affordable housing).

¹³ See *infra* Part IV. B. Section 8 (explaining Section 8).

paper concludes that government programs do not adequately compensate such displaced residents for the distinctive benefits forfeited when the government destroys their communities.

II. DISTRESSED PUBLIC HOUSING: EXPERIENCES AND THEORIES

No comprehensive discussion of public housing can overlook the troublesome living conditions that haunt many developments. These conditions are well documented and evident to even the casual observer.¹⁴ Professor Michael H. Schill writes that they fall into three categories: (1) physical problems; (2) deficient management; and (3) social ills.¹⁵ Many developments suffer from a lack of modern amenities.¹⁶ Many border on uninhabitable.¹⁷ Local public housing authorities charged with managing the facilities are often inefficient, under-resourced and unresponsive.¹⁸ Finally, the social ills that haunt public housing include significant levels of joblessness, crime and drug use.¹⁹

The depressing realities existent in many public housing communities have led to calls for their destruction. In support of those calls, three theoretical justifications have emerged: (1) public housing sites can be put to more productive use (better use argument); (2) public housing isolates the poor; and, (3) public housing communities perpetuate a poverty-stricken culture.²⁰

The better use argument generally contends that public housing sites may be put to a more economically viable use, thereby benefiting society at large.²¹ Public housing facilities are often located in urban centers where land is scarce and real estate is expensive.²² Policymakers, understandably, seek to maximize the property value of these sites.²³ Therefore, in weighing the poverty that often plagues public housing and the economic value such land may otherwise provide, the better use argument often serves as a proffered justification for destroying public housing.

¹⁴ Schill, *supra* note 7, at 497 (noting the various problems and negative public images of public housing communities).

¹⁵ Schill, *supra* note 7, at 497.

¹⁶ Schill, *supra* note 7, at 501-05.

¹⁷ See Robert George, *Breaking Away*, THE TIMES-PICAYUNE (New Orleans, La.), Dec. 16, 2001, at 1 (chronicling the experience of one public housing resident and her children).

¹⁸ Schill, *supra* note 7, at 505-06.

¹⁹ Schill, *supra* note 7, at 507.

²⁰ Schill, *supra* note 7, at 510-11, 518-21, 534 n.204.

²¹ See Schill, *supra* note 7, at 534 n.204.

²² Schill, *supra* note 7, at 504.

²³ Schill, *supra* note 7, at 534, 534 n.204 (noting that public housing does not maximize the value of a site nor the property surrounding it, and considers how public housing sites may be used most productively).

Others who advocate destroying public housing assert that these communities isolate the poor and screen their residents from economic opportunities available elsewhere.²⁴ Adherents of this position note that the United States Housing Act of 1937 called for establishing public housing explicitly for “families of low income.”²⁵ That combined with the Housing Act of 1949 – which placed income ceilings on public housing residents – “clearly sent the message that only the very poor” belong in public housing.²⁶ Though subsequent federal legislation is aimed towards reversing this trend, some public housing communities remain characterized by high numbers of poor residents living in small geographic areas.²⁷

Closely related, yet importantly distinct, is the argument that public housing communities internally breed a culture of poverty.²⁸ While the isolation argument focuses on restricting residents from advantages available elsewhere, the culture of poverty argument focuses on the disadvantages perpetuated from within.²⁹ A culture of poverty, the argument follows, is born out of a community with exclusively poor residents.³⁰ In such communities, the role models do not represent models of financial success.³¹ As a result, community members do not focus on monetary success.³² Through this system of development, the argument concludes, the culture of poverty perpetuates itself.³³

III. THE PUBLIC HOUSING COMMUNITY

Despite the stark examples of despair that characterize the ills of public housing, another reality competes for attention. Public housing life frequently gives rise to a palpable sense of

²⁴ Schill, *supra* note 7, at 519.

²⁵ Schill, *supra* note 7, at 510 (quoting United States Housing Act of 1937, Pub. L. No. 75-412, § 2(2), 50 Stat. 888, 888 (1937)).

²⁶ Schill, *supra* note 7, at 511.

²⁷ See, e.g., Thomas McNulty L. & Steven R. Holloway, *Race, Crime, and Public Housing in Atlanta: Testing a Conditional Effect Hypothesis*, 79 SOC. FORCES 707, 715 (2000) (noting that 32% of households in Atlanta’s public housing system receive welfare).

²⁸ See Schill, *supra* note 7, at 519 (describing a recent study in which “[it was estimated] that the presence of a public housing development in a census tract increases that tract’s poverty rate by eleven percentage points”).

²⁹ Schill, *supra* note 7, at 519.

³⁰ Schill, *supra* note 7, at 519.

³¹ Schill, *supra* note 7, at 519 (“[A] poor individual who grows up in an environment without employed role models is more likely to have a weak attachment to the labor force than someone who has regular contact with employed persons.”).

³² Schill, *supra* note 7, at 519-20 (noting that low-income housing residents often turn to crime instead of focusing on achieving monetary success via more mainstream channels).

³³ Schill, *supra* note 7, at 520.

community. Unlike the well-documented negative aspects of public housing culture,³⁴ this unique good of the public housing community often goes unnoticed to the passing outsider. However, to residents and guests alike, the distinctive sense of community that pervades public housing is very real indeed.

In a landmark article arguing for “spatial equity,” Professor John Calmore first defines the common, yet elusively ambiguous term, “community.”³⁵ For Calmore, “[c]ommunities are based on things people hold in common. A community implies that its members’ relationships are solidified by ties providing a feeling of collective identity, self-awareness, and affiliation.”³⁶

Upon first arriving at Chicago’s Wentworth Gardens in 1982, Sheila Radford-Hill took immediate note of exactly what Professor Calmore describes.³⁷ Radford-Hill recalled, “I was struck by the sense of neighborhood that these people of meager resources had somehow captured like lightning in a bottle.”³⁸ Radford-Hill’s initial inclination proved to be correct but not novel; public housing residents often exhibit a fervent sense of identification with their neighbors.³⁹ That sense of community is generally evident to both visitors and residents alike. Indeed, visitors frequently comment that the sense of community is almost palpable while residents often remark that it left an indelible impression on their lives.⁴⁰

This section closely considers this special sense of community exhibited by public housing residents. Relying heavily on anecdotal and empirical information, this piece identifies and examines three examples of public housing culture: (1) cultural expression; (2) social support networks; and (3) environments conducive to social activism. Each reflects the steadfast commitment to place and neighbor uniquely found in public housing communities.

³⁴ See, e.g., Schill, *supra* note 7 *passim*.

³⁵ John O. Calmore, *Spatial Equality and the Kerner Commission Report: A Back-to-the-Future Essay*, 71 N.C. L. REV. 1487, 1501 (1993).

³⁶ *Id.* at 1501.

³⁷ Sheila Radford-Hill, *Foreword* to ROBERTA M. FELDMAN & SUSAN STALL, *THE DIGNITY OF RESISTANCE: WOMEN RESIDENTS’ ACTIVISM IN CHICAGO PUBLIC HOUSING*, at xi (2004).

³⁸ Radford-Hill, *supra* note 37, at xi.

³⁹ Jim Fuerst & D. Bradford Hunt, *Public Housing Needs to Understand its Past to Grasp its Future*, J. OF HOUS. & CMTY. DEV., Jan.-Feb. 2003, at 6, 7 (Residents repeatedly noted that “they felt that they were a part of a community that was really an extended family.”).

⁴⁰ See Doug MacCash, *Neighborhood Project*, THE TIMES-PICAYUNE (New Orleans, La.), June 28, 2002, at 15 (describing how a volunteer at a local school was particularly struck by the sense of community of a public housing community).

A. Cultural Expression

Public housing complexes are epicenters of a genuine culture that is both a product and a reflection of those who live there. Indeed, the artistic and musical expression that emerges from public housing could only develop in such a setting.⁴¹ This is so for two primary reasons: (1) the physical structure of the community is conducive for production of these cultural forms; and (2) what the residents express reflects their particularized lifestyle.⁴² These two reasons are interdependent – the physical form of public housing gives rise to much of the lifestyle, which, in turn, gives human meaning to the physical form. What results is a cultural product that could not easily develop anywhere else.

This cultural product is evident in both musical and artistic expression. Public housing's musical tradition dates back to the 1950s and 1960s when Motown sound developed in Detroit.⁴³ Public housing communities provided a conducive social structure and physical space for developing this unique musical genre.⁴⁴ Close living arrangements allowed new musicians to meet and work together.⁴⁵ The buildings' hallways and stairwells gave young singers space to hone their skills.⁴⁶ The concrete walls and floors of public housing architecture provided the "perfect acoustics" for the vocal development so crucial to the Motown sound.⁴⁷ Suzanne Smith summarizes the development of Motown and its reflection of the unique culture of public housing: "[t]hrough music, [residents] personalized and transformed institutional environments and produced a distinctly urban culture in the process."⁴⁸

This musical tradition has continued more recently with the development of rap. Rap's use of physical site and ascription of meaning to place embody public housing's unique cultural expression.⁴⁹ Teenaged public housing residents speak of specific places where people meet within their communities.⁵⁰ Often found in building hallways or on rooftops, these places are inconspicuous enough to escape an outsider's eye, but central

⁴¹ See SUZANNE E. SMITH, *DANCING IN THE STREET: MOTOWN AND THE CULTURAL POLITICS OF DETROIT* 156-57 (1999).

⁴² *Id.*

⁴³ *Id.* at 154-57.

⁴⁴ *Id.* at 156-57.

⁴⁵ *Id.*

⁴⁶ *Id.* at 157.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ See TERRY WILLIAMS & WILLIAM KORNBLUM, *THE UPTOWN KIDS: STRUGGLE AND HOPE IN THE PROJECTS* 91-92 (1994).

⁵⁰ *Id.*

enough to attain a place of prominence within the public housing community.⁵¹ Moreover, residents fondly describe these places as locations where young adults seek shelter from and make sense of the outside world.⁵² A teenaged public housing resident from New York City explained, “[w]e have places of peace all over the [projects] . . . if we wanna be by ourselves this is the place to be. We talk, do rap, we in-tel-ec-tu-al-ize.”⁵³ Once tried out informally by the small group, a new piece of rap often reaches its first audience in the larger public housing community; street disc jockeys who perform at larger community functions often disseminate the original rap created by members of that particular community.⁵⁴

The substance of rap tends to be unique to public housing, originating as a musical form designed to express the lifestyle of the community members.⁵⁵ Describing how rap began with this aim in mind, a prominent rapper recalled, “[i]t was like finally somebody was telling the world how we live and what we’re going through.”⁵⁶ While rap has recently gained both sources and audiences in communities outside its own, it stands as a representation of public housing residents’ experiences and sentiments.⁵⁷

Public housing’s unique cultural expression also takes the form of visual art. Street art, or graffiti, is a common feature of the public housing landscape. Though many negatively view graffiti as destruction of property, it is also necessary to recognize the expression of cultural meaning graffiti embodies.⁵⁸ Graffiti artists are often motivated by a desire to publicly express their creativity.⁵⁹ It is the publicity – or desire to be noticed – that provides such a strong impetus for the proliferation of graffiti.⁶⁰ The public housing setting provides both the public

⁵¹ *Id.*

⁵² *Id.* at 91-92.

⁵³ *Id.* at 91.

⁵⁴ See *id.* at 111; see also Sandra Barrera & Fred Shuster, *Whole New Flava*, THE DAILY NEWS OF L.A., Oct. 5, 2004, at U4 (discussing performing at community events).

⁵⁵ Barrera & Shuster, *supra* note 54.

⁵⁶ Barrera & Shuster, *supra* note 54.

⁵⁷ See Blair Cameron Stone, Comment, *Community, Home, and the Residential Tenant*, 134 U. PA. L. REV. 627, 633-34 (1986) (quoting Thomas C. Grey, *Property and Need: The Welfare State and Theories of Distributive Justice*, 28 STAN. L. REV. 877, 895 (1976) (“[P]eople develop their world view and absorb their basic values from [their] society or community . . . ; they form their deepest emotional attachment to persons, places and institutions; they learn as part of themselves a language, a culture and a tradition.”); see also WILLIAMS & KORNBLUM, *supra* note 49, at 103 (quoting a teenaged resident claiming that rap born in communities other than public housing is “inauthentic”).

⁵⁸ WILLIAMS & KORNBLUM, *supra* note 49, at 114.

⁵⁹ See WILLIAMS & KORNBLUM, *supra* note 49, at 114.

⁶⁰ WILLIAMS & KORNBLUM, *supra* note 49, at 114-15.

canvas and immediate audience to meet these desires. Indeed, much of what constitutes graffiti is creatively “tagging” a public surface so that the audience may instantly identify the artist.⁶¹ Another form of graffiti is “wall writing,” in which the artist covers the entire side of a building with a scene.⁶² Wall writing scenes typically serve as tributes or memorials to local personages.⁶³ Thus, graffiti is a cultural expression both made for and reflective of the public housing environment.

B. A Network of Social Support

Public housing communities provide residents with a unique social support network, a cultural facet which is both a reflection of and a response to the residents’ particularized life experiences.⁶⁴ Specifically, this social support reflects the population density and sense of community that mark the public housing experience,⁶⁵ and is also a response to the common obstacles many residents face, including poverty, stigmatization and social inequity.⁶⁶ Consider three elements of that support: (1) a personal sense of belonging; (2) a means for communication; and (3) a communal sense of parentage.⁶⁷ While this article treats each element as distinct, they combine to create a vibrant network.

1. Personal Sense of Belonging

A personal sense of belonging is central for any locale to become someone’s “community.”⁶⁸ This feeling of “home,” however, is distinctively strong for public housing residents, commonly surviving both the presence of social ills and even physical moves away from the community itself.

Public housing residents often have a multitude of objective reasons for wanting to leave the community, including

⁶¹ WILLIAMS & KORNBLUM, *supra* note 49, at 114.

⁶² WILLIAMS & KORNBLUM, *supra* note 49, at 114.

⁶³ WILLIAMS & KORNBLUM, *supra* note 49, at 114.

⁶⁴ See Radford-Hill, *supra* note 37, at 95 (stating that “the creation and nurturing of . . . social networks are rooted in women activists’ experiences . . . Networks are shaped by the skills and experiences of older black women residents who migrated north from the rural South . . .”).

⁶⁵ See Fuerst & Hunt, *supra* note 39, at 7.

⁶⁶ See Michelle Wilde Anderson, Comment, *Colorblind Segregation: Equal Protection as a Bar to Neighborhood Integration*, 92 CAL. L. REV. 841, 847 (2002) (noting that in public housing, residents are often segregated by race, which in and of itself “generates tragic conditions of social isolation, economic abandonment, and neighborhood stigmatization.”).

⁶⁷ See Fuerst & Hunt, *supra* note 39, at 7 (describing residents’ feelings of community and communities’ “rich social environment[s]”); see also J.S. FUERST, WHEN PUBLIC HOUSING WAS PARADISE: BUILDING COMMUNITY IN CHICAGO 198 (2003).

⁶⁸ Stone, *supra* note 57, at 635.

deteriorating buildings,⁶⁹ poor management⁷⁰ and crime-ridden surroundings.⁷¹ However, in the face of these objective pressures to leave, the personal sense of belonging tugs fiercely as a motive to stay. Such was the case for two women interviewed for J.S. Fuerst's *When Public Housing was Paradise*.⁷² Hazel Johnson, a long-time resident of Chicago's Altgeld development noted that, despite her neighborhood's recent troubles, she preferred to stay out of a sense of security and comfort.⁷³ Johnson commented:

I don't want to leave this community because I know just about everybody. . . . I feel secure out here. I wouldn't feel comfortable walking in Hyde Park or anywhere else at two or three or four o'clock in the morning. But out here, a lot of people know me, and I'd feel comfortable walking at that time of night.⁷⁴

Myrtle Morrison, a resident of Chicago's Wentworth Gardens, echoed Johnson's sentiments, stating, "I can stay here because [my neighbors] respect me like I respect them."⁷⁵

Furthermore, many who do leave public housing retain their personal attachment to their public housing home. In her memoir, *Project Girl*, attorney Janet McDonald recalls her struggle for personal identity upon entering affluent Vassar College after growing up in New York City public housing.⁷⁶ Caught between her college world of privilege and a personal sense of belonging to her public housing home, McDonald reflected, "I had deliberately chosen a school far from home, and now I felt lost and fearful. As awful as the projects were in some respects, their world was my home."⁷⁷ Years later, after earning a law degree at prestigious New York University, McDonald still embraced her public housing past.⁷⁸ She wrote, "I know where my heart is, and I *can* go home again, whenever I like."⁷⁹

2. Communication Network

Public housing residents often have an uncanny way of knowing about the affairs and needs of their neighbors. This knowledge results from the special communication network that frequently develops in these communities.⁸⁰ Sometimes, this

⁶⁹ See Schill, *supra* note 7, at 497.

⁷⁰ Schill, *supra* note 7, at 497.

⁷¹ Schill, *supra* note 7, at 497.

⁷² FUERST, *supra* note 67, at 189-90.

⁷³ FUERST, *supra* note 67, at 189-90.

⁷⁴ FUERST, *supra* note 67, at 190.

⁷⁵ FUERST, *supra* note 67, at 190-92.

⁷⁶ JANET McDONALD, *PROJECT GIRL* 57-76 (1999).

⁷⁷ *Id.* at 64.

⁷⁸ *Id.* at 199-200, 231.

⁷⁹ *Id.* at 231.

⁸⁰ See, e.g., ROBERTA M. FELDMAN & SUSAN STALL, *THE DIGNITY OF RESISTANCE:*

grapevine is the product of residents' purposeful efforts to acquaint themselves with and subsequently fill each other's needs.⁸¹ Other times, powerful communicative ties develop naturally as a product of the unique combination of physical proximity and strong personal connection to each other.⁸² Whatever the source, the residents' strong communication network counts as a central feature of the public housing experience.

Sometimes, the communication network outlives the time the individuals actually live amongst one another. Dr. Pedro Pedrazza, who grew up in New York City's Amsterdam Houses, saw that the web of friendships from his childhood remained intact years after he left.⁸³ When Dr. Pedrazza's son suddenly died, his former neighbors quickly spread the word and rushed to support him:

'We buried my son two days after the shooting. I was a basket case, couldn't call anybody for the funeral. But you know what? Over sixty people from the Amsterdam Houses who knew him and who knew me showed up at the funeral. Some people I had not seen for ten years. The word went out. They came to the funeral out of love and respect.'⁸⁴

3. Communal Sense of Parentage

The public housing communication network fosters a communal sense of parentage. Public housing residents often consider themselves an extended family.⁸⁵ Like all functional families, these too provide nurturing, guidance and discipline for their children.⁸⁶ Bert Ellis, who grew up in Chicago's Ida B. Wells development, described this part of his childhood, recalling, "[i]f somebody else's mom saw you doing something, she just picked up the phone, and when you got home you had to answer to that."⁸⁷

Many residents feel an informal, yet definite responsibility

WOMEN RESIDENTS' ACTIVISM IN CHICAGO PUBLIC HOUSING 91 (2004).

⁸¹ *See id.* (quoting Wentworth Gardens resident Monica Ramsey, "[E]verybody looks out for each other. . . . Some people don't have a telephone; they'll let you use their telephones. . . . You receive calls there or whatever. Anything that's needed you can always go to any of your neighbors and ask for it and get it.").

⁸² *See id.* at 91 ("For Mrs. Rias, the distinction between the space and activities of her home and those of her development blur. Her caretaking and nurturing roles in the private space of her home spill outside her doors into the community, and often the needs of community members are met within her home.").

⁸³ WILLIAMS & KORNBLUM, *supra* note 49, at 52.

⁸⁴ WILLIAMS & KORNBLUM, *supra* note 49, at 53.

⁸⁵ FUERST, *supra* note 67, at 198.

⁸⁶ FUERST, *supra* note 67, at 198.

⁸⁷ FUERST, *supra* note 67, at 198.

toward the community's children.⁸⁸ For some, parenting the community's children is a seamless continuation of parenting their own.⁸⁹ For others, it serves as a call to fill the neighbors' needs.⁹⁰ Whatever the reason, the communal approach to parenting left an indelible mark on many who grew up in public housing. As Janet McDonald put it, "[t]he projects were full of kids, and all the adults played parent to all the children."⁹¹ These extended family practices give rise to more formal networks of community organizing and illustrate how the various aspects of public housing culture work together to create a unique lifestyle.

C. An Environment Conducive for Social Activism

Public housing communities are hotbeds of social and political activism, a characteristic attributable to an environment conducive to organizing.⁹² The propensity for activism is often born out of the shared circumstances and strong social ties among residents and is often fueled by the communication network.⁹³ Formal organizations develop in a variety of ways; however, no matter the form, that development tends to be distinctively reflective of a given community.⁹⁴ Sometimes, organizations develop as an outgrowth of smaller groups representing individual buildings in a development.⁹⁵ Others develop as a continuation of the communal sense of parenting.⁹⁶

The Local Advisory Council (LAC) at Chicago's Wentworth Gardens is one such formal organization. Housed in an office on the development's grounds, the organization promotes its constituents' interests in a manner unique to public housing.⁹⁷ LAC addresses issues related to physical site and building maintenance.⁹⁸ However, it also serves as a vehicle to further the development's culture, youth activities, job training, grounds cleanups, food and clothing distributions, crime prevention programs and social events.⁹⁹

⁸⁸ See FELDMAN & STALL, *supra* note 80, at 91.

⁸⁹ FELDMAN & STALL, *supra* note 80, at 92.

⁹⁰ FELDMAN & STALL, *supra* note 80, at 92.

⁹¹ MCDONALD, *supra* note 76, at 10.

⁹² See FELDMAN & STALL, *supra* note 80, at 113.

⁹³ See FELDMAN & STALL, *supra* note 80, at 94 (citing Helene Clark, *Sites of Resistance: Place, "Race," and Gender as Sources of Empowerment*, in CONSTRUCTIONS OF RACE, PLACE AND NATION 121, 134 (Peter Jackson & Jan Penrose eds., University of Minnesota Press 1994)).

⁹⁴ Clark, *supra* note 93, at 134.

⁹⁵ See FELDMAN & STALL, *supra* note 80.

⁹⁶ FELDMAN & STALL, *supra* note 80, at 95-114.

⁹⁷ FELDMAN & STALL, *supra* note 80, at 115-16.

⁹⁸ FELDMAN & STALL, *supra* note 80, at 116.

⁹⁹ FELDMAN & STALL, *supra* note 80, at 116.

In New Orleans, a public housing-based community group provided a more specific benefit for its residents.¹⁰⁰ When the city approved a plan to destroy the St. Thomas Housing Development and replace it with a mixed-income housing community and Wal-Mart store, the residents organized to negotiate the most favorable terms possible for their relocation.¹⁰¹ The groups retained counsel to negotiate the construction of replacement units, the residents' return after construction and even a guaranteed number of jobs for displaced residents at the new Wal-Mart.¹⁰²

From its indigenous art forms to its social support networks to its propensity for activism, the public housing culture is unique to the community that spawns it. It is a reflection of common struggle the residents share, their means for survival amidst that struggle, and, most importantly, the particularized human meanings ascribed to those strategies. When Chicago's Cabrini-Green or New Orleans's St. Thomas buildings collapse, a piece of the community's culture cascades into the rubble.

IV. COMMON REMEDIES FOR DISPLACEMENT FROM PUBLIC HOUSING

Throughout the last decade of the twentieth century and the beginning of the twenty-first, local housing authorities across the United States have called for the destruction of public housing facilities.¹⁰³ These policies destroyed huge numbers of units and displaced large numbers of people.¹⁰⁴ Between 1993 and 2002, cities razed over 100,000 public housing units.¹⁰⁵ Chicago alone has moved over 60,000 people out of public housing.¹⁰⁶ In New Orleans, St. Thomas's destruction cost the city 1,500 apartments,¹⁰⁷ and five other developments in the city were either completely or substantially demolished.¹⁰⁸

Policies calling for public housing destruction often come with names that connote a sense of forward-looking optimism. A

¹⁰⁰ See Constance L. Hays, *For Wal-Mart, New Orleans is Hardly the Big Easy*, N.Y. TIMES, Apr. 27, 2003, § 3, at 1.

¹⁰¹ *Id.* at § 3, at 11.

¹⁰² *Id.* at § 3, at 11. The developers did not follow through on many of the negotiated guarantees for the residents. However, what is important for this section is the ability of residents to negotiate because of public housing-based community organizations.

¹⁰³ See Thigpen & Sieger, *supra* note 1, at 42 (noting that Atlanta, Boston, Chicago, Miami and Oakland have demolished or have plans to demolish some public housing).

¹⁰⁴ Thigpen & Sieger, *supra* note 1, at 42.

¹⁰⁵ See LAWRENCE J. VALE, RECLAIMING PUBLIC HOUSING 1 (2002).

¹⁰⁶ Thigpen & Sieger, *supra* note 1, at 42.

¹⁰⁷ Hays, *supra* note 100, at § 3, at 11.

¹⁰⁸ Robert George, *Razing Developments Leaves Some Families Struggling to Find Housing*, THE TIMES-PICAYUNE (New Orleans, La.), Dec. 16, 2001, at A9.

national initiative to replace public housing is called HOPE VI, Housing Opportunities for People Everywhere.¹⁰⁹ The Chicago Housing Authority named its program the Plan for Transformation.¹¹⁰ Proponents of these plans typically offer the better use, isolation of the poor and culture of poverty arguments as justification.¹¹¹

To pursue the public housing elimination policy, several strategies have emerged. One such strategy, HOPE VI, seeks to replace public housing facilities, occupied almost exclusively by impoverished residents, with mixed-income communities that are occupied only in part by the former development's residents.¹¹² Section 8, another strategy, provides displaced residents with vouchers to defray the rental cost of private housing.¹¹³ Particular consideration should be paid to the design, rationales, outcomes, and common criticisms for each.

A. HOPE VI

Participation in a HOPE VI program serves as a possible remedy for displaced public housing residents. HOPE VI is a federally funded program in which local public housing authorities compete for grants that fund revitalization efforts for distressed public housing facilities.¹¹⁴ A successful HOPE VI project calls for demolishing a public housing facility, and replacing it with a combination of public, market-rate rental and privately-owned housing.¹¹⁵ A HOPE VI project may also include developing commercial enterprises in the new neighborhood.¹¹⁶ A portion of the units in the new complex are set aside for residents from the former development.¹¹⁷ The residents receive Section 8 vouchers¹¹⁸ to meet their housing needs during construction.¹¹⁹ Those unable to obtain housing in the new development tend to rely on Section 8 permanently.¹²⁰

The HOPE VI program rests on several theoretical foundations. First, it addresses the "better use" critique of public

¹⁰⁹ Hays, *supra* note 100, at § 3, at 11.

¹¹⁰ Thigpen & Sieger, *supra* note 1, at 42.

¹¹¹ See *supra* Part II. DISTRESSED PUBLIC HOUSING: EXPERIENCES AND THEORIES (discussing these three arguments).

¹¹² Pindell, *supra* note 12, at 387, 393-95.

¹¹³ Pindell, *supra* note 12, at 415.

¹¹⁴ Pindell, *supra* note 12, at 386-87.

¹¹⁵ Pindell, *supra* note 12, at 386-87.

¹¹⁶ See Hays, *supra* note 100, at § 3, at 11 (describing the Wal-Mart Store planned for the site of St. Thomas in New Orleans).

¹¹⁷ George, *supra* note 108.

¹¹⁸ For a discussion of Section 8, see *infra* Part IV. B. Section 8.

¹¹⁹ Pindell, *supra* note 12, at 387, 415.

¹²⁰ See Pindell, *supra* note 12, at 405-06.

housing¹²¹ by attempting to put favorably located real estate to a more economically viable use.¹²² Such was the case with the HOPE VI redevelopment of New Orleans's St. Thomas, a site located just blocks from both the affluent Garden District and the downtown business district.¹²³ Through HOPE VI, developers seek to bring a number of high-rent apartments to public housing areas.¹²⁴ Another common justification for HOPE VI is that it breaks the isolation and concentration of poor citizens.¹²⁵ By including mixed income residents in the new community, low-income residents are no longer isolated.¹²⁶ Finally, HOPE VI seeks to combat the culture of poverty that exists in public housing through its focus on economic vitality.¹²⁷ To that end, the presence of economic success within the community will lead to increased opportunity and life chances for low-income residents.¹²⁸

The most common criticism of HOPE VI is that it leaves too many former residents without a place in the new development.¹²⁹ Indeed, new developments frequently contain significantly fewer public units than old developments.¹³⁰ Charlotte's Earle Village is illustrative: of the 367 families who occupied the original housing community, only 44 of them - or 12 percent - found a home in the new community.¹³¹ Moreover, this outcome is often surprising to many residents who were either promised or led to believe that they would have a place in the new development.¹³² What results is displaced residents' greater reliance on Section 8 or other public housing facilities.¹³³

B. Section 8

Section 8 voucher issuance may occur in conjunction with participation in a HOPE VI program or it can serve as a stand-alone program.¹³⁴ Codified in the Housing and Community Development Act of 1974, which revised Section 8 of the United States Housing Act of 1937,¹³⁵ the Section 8 voucher program

¹²¹ See *supra* notes 21-23 and accompanying text.

¹²² Pindell, *supra* note 12, at 387-93.

¹²³ Hays, *supra* note 100, § 3, at 11.

¹²⁴ See Hays, *supra* note 100, § 3, at 11.

¹²⁵ See *supra* notes 21-25 and accompanying text.

¹²⁶ See Pindell, *supra* note 12, at 393-95.

¹²⁷ See Pindell, *supra* note 12, at 404.

¹²⁸ Pindell, *supra* note 12, at 404.

¹²⁹ Pindell, *supra* note 12, at 404-06.

¹³⁰ Pindell, *supra* note 12, at 405.

¹³¹ Pindell, *supra* note 12, at 405-06.

¹³² See Hays, *supra* note 100, § 3, at 11.

¹³³ See Pindell, *supra* note 12, at 405-06.

¹³⁴ See *supra* Part IV. A. HOPE VI.

¹³⁵ See Housing and Community Development Act of 1974, 42 U.S.C. § 5301 (2003).

subsidizes a low-income tenant's private housing rent.¹³⁶ Funded by the federal government's Department of Housing and Urban Development ("HUD"), Section 8 issues rental subsidy payments directly to the landlord from the local public housing authority.¹³⁷ Verna Berryman's case illustrates that the tenant is responsible for the portion of the rental payment that exceeds the amount of the subsidy.¹³⁸ To rent their properties through Section 8, landlords must maintain them according to HUD's quality standards.¹³⁹

Several theoretical justifications support the Section 8 voucher program. Primary among them is that the program reverses the concentration of poor citizens at a particular site.¹⁴⁰ According to this theory, impoverished citizens, aided by vouchers, will have greater housing choices and increased mobility.¹⁴¹ This, in turn, will lead to increased housing integration, thereby easing the isolation of the poor.¹⁴²

Along with the support it has enjoyed, Section 8 has also drawn sharp criticism. In particular, tenants frequently have difficulty obtaining affordable housing that meets the program's standards.¹⁴³ Furthermore, as Verna Berryman discovered, it may also prove inadequate in meeting total housing costs.¹⁴⁴ Finally, the broader goal of integration often flounders due to unwelcoming landlords and prejudiced neighbors.¹⁴⁵

¹³⁶ Dan Nnamdi Mbulu, *Affordable Housing: How Effective are Existing Federal Laws in Addressing the Housing Needs of Lower Income Families?*, 8 AM. U. J. GENDER SOC. POL'Y & L. 387, 397-98 (2000).

¹³⁷ *Id.* at 398. The particulars of the Section 8 program may take several different forms. Principally, the program applies to either tenant-based housing or project-based housing. The former pertains to the rental of a single unit. In the latter, the landlord owns an entire complex and divides it among individual tenants. Either way, the property is privately-owned and the rent is governmentally subsidized. See Amy R. Bowser, Comment, *One Strike and You're Out- or Are You?: Rucker's Influence on Future Eviction Proceedings for Section 8 and Public Housing*, 108 PENN ST. L. REV. 611, 617-18 (2003).

¹³⁸ See Thigpen & Sieger, *supra* note 1, at 43; see also Mbulu, *supra* note 136, at 398.

¹³⁹ Mbulu, *supra* note 136, at 397-98.

¹⁴⁰ See *supra* notes 20-25 and accompanying text.

¹⁴¹ Lisa M. Krzewinski, *Section 8's Failure to Integrate: The Interaction of Class-Based and Racial Discrimination*, 21 B.C. THIRD WORLD L.J. 315, 318 (2001) (reviewing STEPHEN GRANT MEYER, *AS LONG AS THEY DON'T MOVE NEXT DOOR* (2000)).

¹⁴² *Id.* at 318-19.

¹⁴³ See Thigpen & Sieger, *supra* note 1, at 43-44 (describing the difficulties Berryman had in securing adequate housing).

¹⁴⁴ See Thigpen & Sieger, *supra* note 1, at 43 (noting that Berryman's voucher covered only a fraction of her actual rent in a privately owned apartment); see also George, *supra* note 108 (noting that because Section 8 only applies to rent costs, many participants in the program are unable to meet their utility bills).

¹⁴⁵ See Krzewinski, *supra* note 141, at 319-22.

V. THE FAILURE OF GOVERNMENTAL REMEDIES TO ACCOUNT FOR COMMUNITY

Seen in one light, the government initiatives discussed above are forward-looking corrective actions designed to provide unilateral benefits for public housing residents. At least in part, however, these programs must also be construed as remedies designed to compensate displaced residents for the loss of their homes. A draft of the *Restatement (Second) of Restitution* outlines the underlying principles that give rise to a right to restitution.¹⁴⁶ The *Restatement* includes “[l]oss suffered by claimant [and an] infringement of [claimant’s] interest” as separate but related bases for the right to restitution.¹⁴⁷ With respect to displaced public housing residents, the loss of physical space and relocation requirement constitute a “[l]oss suffered” while forced abandonment of familiar settings and adaptation to new surroundings constitutes “infringement of interest.”¹⁴⁸ Therefore, despite its progressive intentions, government initiatives directed at displaced public housing residents constitute, at least in part, remedies for a loss incurred.

However, these remedies do not provide sufficient compensation to displaced public housing residents for the loss they incur. They overlook how much of modern public housing life is a unique, and typically a uniquely black, experience. A consideration of some lessons gleaned from Cornel West’s discussion of black nihilism sheds light on both why much of the public housing experience is uniquely black and why that experience is inherently valuable.¹⁴⁹ “When the federal government first built public housing in the 1930s, most project tenants were white.”¹⁵⁰ However, beginning in the latter half of the twentieth century, a pronounced statistical trend reflected a heavy concentration of blacks in public housing.¹⁵¹ Indeed, two independent studies reveal that today, over sixty percent of non-elderly public housing households are black.¹⁵² As such, issues relating to modern public housing are inextricably linked to issues of race.

¹⁴⁶ RESTATEMENT (SECOND) OF RESTITUTION foreword (Tentative Draft No. 1, 1983).

¹⁴⁷ RESTATEMENT (SECOND) OF RESTITUTION § 1 cmt. g (Tentative Draft No. 1, 1983).

¹⁴⁸ See *id.* The Restatement explicitly states that it is not necessary to demonstrate both “[l]oss suffered” and “infringement of interest” to give rise to a right to restitution. A demonstration of only one is sufficient. *Id.*

¹⁴⁹ CORNEL WEST, RACE MATTERS 11-20 (1993).

¹⁵⁰ See Martha Mahoney, Note, *Law and Racial Geography: Public Housing and the Economy in New Orleans*, 42 STAN. L. REV. 1251, 1252 (1990).

¹⁵¹ See *id.* at 1252-53 (asserting that in the latter half of the twentieth century, public housing has become increasingly black to the point where it is now “predominantly black”).

¹⁵² Schill, *supra* note 7, at 518 n.133.

It is because of this statistical trend that the issue of remedies offered to displaced public housing residents inherently relates to race. Therefore, Cornel West's discussion of black nihilism becomes relevant. West's theory is premised on the idea that many Americans construe black life as something outside the mainstream, only legitimized when included in that mainstream.¹⁵³ West argues that black Americans occupy a distinct social space in American life, but one that exists legitimately without any prerequisite of inclusion.¹⁵⁴

Based on both liberal and conservative Americans' failure to recognize this point, West offers that, "the most basic issue now facing black America: [is] the nihilistic threat to its very existence."¹⁵⁵ West defines that threat as "the lived experience of coping with a life of horrifying meaninglessness, hopelessness, and (most important) lovelessness."¹⁵⁶ West focuses less on what spawned black nihilism and more on what sustains it.¹⁵⁷ To that end, he addresses the responsibility of three groups in its perpetuation: (1) white liberals; (2) white conservatives; and (3) blacks.¹⁵⁸ West posits that white liberals have allowed black nihilism to develop by focusing too much on economic and political aspects of black life at the expense of an appreciation for the cultural aspects.¹⁵⁹ Conservative whites, West charges, conversely fail to give proper credence to the political and economic structural challenges blacks face in daily life.¹⁶⁰ Finally, West charges blacks with furthering this threat by abandoning strong internal structures that have historically provided support in the face of nihilism.¹⁶¹

West defines and establishes his theory of black nihilism by demonstrating what different segments of America *do not* recognize.¹⁶² From this position, we glean a more affirmatively constructed argument of what these groups *should* recognize if they correctly perceived the "presence and predicaments" of blacks in American society.¹⁶³ In doing so, a picture of the distinctive black social space becomes clear, characterized by

¹⁵³ WEST, *supra* note 149, at 3.

¹⁵⁴ WEST, *supra* note 149, at 3 (stating that "the presence and predicaments of black people are neither additions to nor defections from American life, but rather *constitutive elements of that life*").

¹⁵⁵ WEST, *supra* note 149, at 12 (emphasis omitted).

¹⁵⁶ WEST, *supra* note 149, at 14 (emphasis omitted).

¹⁵⁷ WEST, *supra* note 149, at 20-25.

¹⁵⁸ See WEST, *supra* note 149, at 20-27.

¹⁵⁹ WEST, *supra* note 149, at 20.

¹⁶⁰ WEST, *supra* note 149, at 21.

¹⁶¹ WEST, *supra* note 149, at 24.

¹⁶² WEST, *supra* note 149, at 20-25.

¹⁶³ WEST, *supra* note 149, at 6.

three essential elements: (1) a powerful and particular culture; (2) victimization by adverse societal structures; and (3) strong community institutions.¹⁶⁴

West's criticism of white liberals suggests a need to recognize culture as central to black life.¹⁶⁵ He charges white liberals with failing to recognize both the role and content of black culture.¹⁶⁶ West notes that culture is important for all people, but that it is particularly important for blacks as a "degraded and oppressed people."¹⁶⁷ He describes culture as a structural element of life that exists as a human-created "set of behavioral attitudes and values" developed in response to struggle.¹⁶⁸ As such, a culture offers a particular meaning and identity to those who exhibit it.¹⁶⁹ Because it is born out of struggle, and the black struggle in America has been unique, the resultant culture is correspondingly distinctive. Therefore, West suggests that black culture is particular in both power and form.¹⁷⁰

West's criticism of white conservatives further reveals his conception of a distinctive black experience.¹⁷¹ He asserts that certain American political and economic structures exist to keep blacks at the bottom of the socioeconomic ladder.¹⁷² White conservatives, according to West, give little or no consideration to the effect of these structures, focusing instead on personal agency in self-determination.¹⁷³ However, ignoring the pervasive effect of American political and economic structures on blacks neglects a crucial piece of the black experience, a distinctive victimization, born "out of historical context and contemporary circumstances."¹⁷⁴

Finally, West's criticism that blacks perpetuate their own nihilism reveals the importance of black institutions.¹⁷⁵ He charges modern blacks with failing to sustain religious and civic institutions that have provided communal support throughout history.¹⁷⁶ These institutions - such as schools, churches, and media outlets¹⁷⁷ - stood as a symbol of black culture and

¹⁶⁴ See WEST, *supra* note 149, at 23-25.

¹⁶⁵ WEST, *supra* note 149, at 20.

¹⁶⁶ WEST, *supra* note 149, at 20.

¹⁶⁷ WEST, *supra* note 149, at 20.

¹⁶⁸ WEST, *supra* note 149, at 19.

¹⁶⁹ See WEST, *supra* note 149, at 23-24.

¹⁷⁰ See WEST, *supra* note 149, at 23-24.

¹⁷¹ WEST, *supra* note 149, at 21.

¹⁷² WEST, *supra* note 149, at 21-22.

¹⁷³ WEST, *supra* note 149, at 21-22.

¹⁷⁴ WEST, *supra* note 149, at 22.

¹⁷⁵ WEST, *supra* note 149, at 23-24.

¹⁷⁶ WEST, *supra* note 149, at 24-25.

¹⁷⁷ WEST, *supra* note 149, at 19.

resistance to a victimizing political and economic climate.¹⁷⁸ West contextualizes contemporary black social ills in part as a result of weakened black institutions.¹⁷⁹ Accordingly, we may take from his critique, the role of such institutions in a uniquely black social space.

These lessons offer profound insights into an analysis of the insufficient remedies the government offers to displaced public housing residents. Indeed, both the policies and their underlying justifications fail to account for the loss of community that occurs when public housing communities are destroyed.

The first justification, the better use argument, falls short when considering West's teachings.¹⁸⁰ It overtly and explicitly places other interests ahead of displaced public housing residents' interests. Such a rationale speaks directly to West's critique of white liberals.¹⁸¹ As previously noted, public housing communities exhibit a special and unique culture.¹⁸² A rationale explicitly stating that such a site could be put to better use undervalues what is lost. For its part, the better use argument overlooks West's valuation of black cultural institutions.¹⁸³ The community activist organizations can no longer play a role in the lives of displaced residents who obtain Section 8 housing. Furthermore, the community activist organizations will be significantly weakened in a rebuilt HOPE VI community. However, because this reality takes a backseat to "better use," this justification additionally undervalues the unique social good that exists in public housing developments.

An application of the principles underlying black nihilism to the belief that public housing isolates the poor also renders the remedies in question insufficient. HOPE VI and Section 8 are often premised on the theory that they disperse poor citizens and relocate them in integrated communities.¹⁸⁴ However, in doing so, they deprive the displaced residents the valuable benefits derived from isolation. Indeed, as noted earlier, the cultural expressions that emanate from public housing communities only happen because of public housing's unique physical place.¹⁸⁵

¹⁷⁸ WEST, *supra* note 149, at 25.

¹⁷⁹ WEST, *supra* note 149, at 25.

¹⁸⁰ WEST, *supra* note 149, at 24.

¹⁸¹ WEST, *supra* note 149, at 20.

¹⁸² See *supra* Part III. THE PUBLIC HOUSING COMMUNITY.

¹⁸³ See WEST, *supra* note 149, at 23-24 (describing black cultural structures and institutions).

¹⁸⁴ See *supra* Part IV. COMMON REMEDIES FOR DISPLACEMENT FROM PUBLIC HOUSING.

¹⁸⁵ See *supra* Part IV. COMMON REMEDIES FOR DISPLACEMENT FROM PUBLIC HOUSING.

Moreover, the notion that isolating the poor deprives them of economically successful role models and status symbols undervalues those they do have.¹⁸⁶ As such, remedies based on the justification that public housing isolates the poor render those remedies insufficient in providing compensation for the loss displaced residents incur.

The lessons gleaned from West similarly shed light on the insufficiency of remedies based on a goal curtailing the culture of poverty. Indeed, this rationale stands in direct conflict with West's construction of the black experience. The argument contends that the most powerful responses to poverty are negative. West, conversely, acknowledges that struggle exists in poor communities; however, he contends that there is valuable meaning and identity forged in the responses to that struggle.¹⁸⁷ It is recognizing this meaning that gives culture value. Additionally, the culture of poverty argument views the public housing environment as the primary vehicle for perpetuating the economic disadvantage of its residents.¹⁸⁸ This contention fails to recognize the role of political and economic structures.¹⁸⁹ Similarly, it fails to account for the organizations born out of public housing culture- such as the LAC- that serve as a vehicle for progress.¹⁹⁰ The culture of poverty argument, consequently, also fails to adequately consider the importance of black institutions.¹⁹¹ Therefore, basing HOPE VI and Section 8 on this rationale is equally inadequate in compensating former residents for their losses.

Professor Derrick Bell provides analogous support.¹⁹² Bell similarly argues that school desegregation plans of the mid-twentieth century failed to recognize a unique loss that black schoolchildren incurred.¹⁹³ To meet the mandates of desegregation, many school districts closed schools located in black neighborhoods, establishing the newly integrated facilities in formerly all-white schools.¹⁹⁴ Black teachers and administrators frequently lost their jobs as a result of these

¹⁸⁶ Cf. Schill, *supra* note 7, at 519 (“[A] poor individual who grows up in an environment without employed role models is more likely to have a weak attachment to the labor force than someone who has regular contact with employed persons.”).

¹⁸⁷ See WEST, *supra* note 149, at 23-24.

¹⁸⁸ See *supra* Part II. DISTRESSED PUBLIC HOUSING: EXPERIENCES AND THEORIES.

¹⁸⁹ WEST, *supra* note 149, at 21.

¹⁹⁰ FELDMAN & STALL, *supra* note 80, at 115-16.

¹⁹¹ WEST, *supra* note 149, at 23-24 (describing black cultural structures and institutions).

¹⁹² See DERRICK BELL, AND WE ARE NOT SAVED 102-21 (1987).

¹⁹³ See *id.*

¹⁹⁴ Derrick A. Bell, Jr., *Waiting on the Promise of Brown*, 39 LAW & CONTEMP. PROBS. 341, 368-69 (1975).

closings, and black students had to travel to sites far from their homes to attend school.¹⁹⁵ In Bell's account, we get a sense of a uniquely black cultural institution- a school located in a black neighborhood, staffed by black teachers and populated by black students.¹⁹⁶ Therefore, desegregation plans stripped black students of a central feature of their community and imposed on them a distinctive but certain loss. That school districts failed to "provide educational compensation to black children" reflects a failure to recognize and account for the particular loss those children incurred.¹⁹⁷

Both public housing life and black schools provide unique cultural forms. Initiatives calling for the destruction of both fail to recognize as much. They also fail to properly recognize the importance of black institutions to the community. Thus, in crafting these remedies, both plans fail to account for lost elements of the black community, and in doing so, devalue its culture accordingly.

In contrast to such a devaluation is the story of Bayview, Virginia residents. This story provides an example of a government initiative designed to assist impoverished residents, which values that community's unique culture.¹⁹⁸ Bayview is a historically impoverished community located on Virginia's eastern shore.¹⁹⁹ For most of its history, Bayview residents, nearly all of whom are black, have lived in dilapidated shacks without indoor plumbing or modern electricity.²⁰⁰ In 1998, buoyed by a successful effort to thwart the construction of a new state prison nearby, Bayview residents appealed to state and federal officials for assistance in building modern infrastructure for the town.²⁰¹ After a tireless campaign, government officials obliged.²⁰² The Commonwealth of Virginia granted over four million dollars and various federal agencies added another four million dollars to rebuild Bayview's infrastructure.²⁰³ Included in this rebuilding effort was a block of housing aimed at replacing

¹⁹⁵ *Id.* at 369. See also MICHELE FOSTER, BLACK TEACHERS ON TEACHING 56-57 (1997) (describing how black students in Richmond, Virginia were bused to far away schools after desegregation).

¹⁹⁶ See Bernie D. Jones, *Critical Race Theory: New Strategies for Civil Rights in the New Millennium?*, 18 HARV. BLACKLETTER L.J. 1, 51 (2002) (describing Bell's writings about desegregation).

¹⁹⁷ BELL, *supra* note 192, at 110.

¹⁹⁸ See 60 MINUTES: Alice Coles of Bayview (CBS television broadcast, July 18, 2004).

¹⁹⁹ *Id.*

²⁰⁰ *Id.*

²⁰¹ *Id.*

²⁰² *Id.*

²⁰³ *Id.*

the shacks that characterized Bayview for so long.²⁰⁴ The houses featured modern amenities, including kitchens and central heating and cooling.²⁰⁵ But each new home included an even more telling feature - a front porch.²⁰⁶ Bayview residents demanded that the homes include porches because of the central role they played in local culture.²⁰⁷ As activist Alice Coles explained,

that's where our family life was spent, on the porch. And so if you take the porch, just like taking a farm, you take a part of our past. That's where old stories were told and songs were taught, and our poems and the scriptures of the Bible were all taught on the front porch. We rehearsed everything from the Gettysburg Address to the "Creation" James Johnson's 'Creation,' on the front porch. We held the books for others, and others held the books until we learned together. So a part of this village concept was the porch.²⁰⁸

Thus, in contrast to the government initiatives aimed at providing remedies for displaced public housing residents, the government initiative to improve Bayview's infrastructure represents a tangible accounting of the community's culture.

VI. CONCLUSION

The remedies offered to displaced public housing residents need to account for the community's unique culture. The current remedies are inadequate in light of what residents lose. When developers construct a HOPE VI site, they should consider how physical form gave rise to culture and include these features in the new construction. In administering Section 8, public housing authorities should consider the communities in which they place residents, not merely the quality of the housing. As it is now, however, the destruction of a public housing complex often results in a loss of a community-based culture unique to that setting. By failing to account for this quality of life, the remedies offered provide insufficient compensation to residents for something lost that may never be regained.

²⁰⁴ *Id.*

²⁰⁵ *Id.*

²⁰⁶ *Id.*

²⁰⁷ *Id.*

²⁰⁸ *Id.*