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# Habits of Housing Policy: The Role of Historical Decision-Making Tendencies in Shaping Contemporary Philadelphia Policy

## **Abstract**

This thesis assesses the extent to which historic decision-making tendencies influence contemporary Philadelphia policy. Philadelphia has a distinctive stock of rowhouses built throughout the nineteenth and twentieth centuries which today provides more housing units than are needed by the population. The excess housing stock means that Philadelphia could invest in reuse rather than new construction to meet demand for affordable rental housing, a path which avoids demolition and displacement in communities which have faced disinvestment in the past. However, current Philadelphia policy appears to favor new construction of housing.

Using primary and secondary sources, this thesis examines patterns in past housing policy to identify recurring assumptions among policy-makers. It then uses interviews with housing professionals to identify case-study policies that influence real estate development: The Ten Year Tax Abatement, zoning, and support for property maintenance. Finally, it analyzes contemporary decision-maker statements to see whether the recurring assumptions shape their thinking about these policies. The analysis shows that assumptions do help explain why some of these policies are in their current form and why changing policy to support housing reuse has not occurred. However, the analysis also confirms that concrete factors like lack of funding also play a role in constraining change. This thesis is not an exhaustive overview of Philadelphia housing history or contemporary policy, and more research is needed to analyze how history impacts other Philadelphia policy areas or other cities.

## **Keywords**

renters, equity, private sector, homeowners, rehabilitation

## **Disciplines**

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## **Comments**

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HABITS OF HOUSING POLICY: THE ROLE OF HISTORICAL DECISION-  
MAKING TENDENCIES IN SHAPING CONTEMPORARY PHILADELPHIA  
POLICY

Katherine Randall

A THESIS

in

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# I: Introduction

As a city's needs and goals evolve, local policy-makers must decide whether and how to update municipal policy. As officials consider changes, several concrete factors may shape decisions. Cost or tight municipal finances are common limits on policy change; a proposal may not be considered because there are not enough funds to finance it without shifting money away from another valued program. Similarly, misalignment between federal or state funding and the goals of the proposed municipal program may prevent policy change from being feasible. Political viability also plays a role; if a program is unlikely to have broad constituent support, it often does not go forward, regardless of its potential effectiveness at solving a problem. Tax increases, for instance, are often unviable because they are unpopular, even though they can be effective at increasing municipal cash flows. These obstacles are already discussed in policy literature, but less frequently-discussed is the role that policy-makers' underlying assumptions play in decision-making.

This study assesses the extent to which historic decision-making tendencies contribute to underlying assumptions among contemporary Philadelphia policy-makers. In turn, I analyze how these habit-based beliefs shape current policy compared to the more concrete, external factors already recognized by policy literature. I use housing reuse in Philadelphia to explore these questions in detail. After identifying decision-making tendencies in historic Philadelphia housing policy, I will analyze how policy-makers discuss three contemporary programs, each of which affects whether private developers choose to invest in existing housing or new construction. By analyzing policy-

maker language, I will identify the extent to which these current leaders' views are influenced by values and priorities which have appeared regularly throughout Philadelphia's history relative to how they are influenced by concrete, external constraints.

## Introduction to the Case Study: Housing Reuse in Philadelphia

Reuse of existing housing stock is an important issue in Philadelphia because construction and development decisions have implications for the city's low-income communities, particularly in terms of equity. In an urban planning context, equitable actions are those that seek to address past injustices; examples might include making planning decisions primarily on the basis of how they would affect historically under-represented residents or targeting investment to communities that have faced historic disinvestment.<sup>1</sup> Equity is currently a buzzword in urban planning which can tend towards overuse and being imprecise, but it has value in that its use draws attention to injustices in underprivileged communities and can highlight reasons that policies might need to change. Indeed, policy-makers and community advocates alike currently consider positive impact on under-represented and disinvested communities an important public policy litmus test.

Preservation and reuse of existing housing in low-income communities is more equitable than new construction because it is more likely to show respect for the wishes

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<sup>1</sup> One image, widely circulated online, depicts this concept by showing a group of people of different heights standing on boxes; the boxes are stacked differently for each person so that they are all brought to the same eye level.



and needs of current residents, correcting a history in which such respect was usually not shown.<sup>2</sup> Unlike blank-slate redevelopment – the demolition of existing structures and their replacement with new structures – reuse preserves existing landscapes. The preservation of a familiar landscape has been shown to improve economic, social, and emotional outcomes for residents. This preservation is also an important form of investment in the existing community. Existing housing is also more likely to meet needs such as sufficient space for a large family. Blank-slate redevelopment, on the other hand, is more likely than reuse to disrupt the security of familiar surroundings, symbolize local residents’ lack of power, and be perceived as continued disinvestment in long-time residents. In essence, reuse is more likely to address past injustices, and new construction is more likely to perpetuate them. Therefore, when evaluated through an equity lens, policy-makers have reason to direct resources towards housing reuse rather than new construction if possible.

Philadelphia has enormous opportunity to invest in rehabilitation of its housing stock, largely because of its housing history. In the early nineteenth century, easy access to capital through the ground rent system and extension of mortgages by landowners allowed Philadelphia builders to construct small rowhouses cheaply and easily. The steady wages of the burgeoning industrial economy meant that much of the workforce could afford to purchase such homes. The combination of a strong housing market and ready access to construction capital and land meant that housing rapidly proliferated, and

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<sup>2</sup> While equity-based critiques of municipal development policy have gained a new primacy, they build on decades of community-centered rhetoric in urban planning. Jane Jacobs, for instance, is a critical figure in the development of this lens.

over the rest of the century new systems like building societies continued to support large-scale housing construction. The resulting large supply of small, affordable houses caused Philadelphia to become known as The City of Homes. Deindustrialization and movement to the suburbs in the mid-twentieth century finally put an end to Philadelphia's rapid housing construction and left the city with a housing stock much larger than its population. Today, the city has a 14% overall vacancy rate.<sup>3</sup> However, many of Philadelphia's households continue to live in single-family housing that dates from the building boom, with 40% of renters living in rowhouses.<sup>4</sup>

Despite the large stock of existing housing, city policies that influence housing development have not been able to foster large-scale reinvestment in rehabilitation, particularly in units for low-income renters. Instead, housing production has favored new construction or luxury-level rehabilitation. While developer decision-making is the result of a variety of factors, both policy makers and developers state that policy plays a role in whether investment in affordable rehabilitation occurs.

At this moment in Philadelphia, policy-makers are starting to consider a change in direction for housing policy that could offer more support for existing housing reuse. In autumn 2018, the administration of Mayor James Kenney released the city's first dedicated housing plan. The plan, which is even titled "Housing for Equity," acknowledges the city's ongoing housing problems, particularly for low-income

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<sup>3</sup> *Housing for Equity: An Action Plan for Philadelphia*, (Philadelphia: The Kenney Administration and the Housing Advisory Board, 2018), 4.

<sup>4</sup> Healthy Rowhouse Project, "Healthy Rowhouse Project: The Housing Challenge" (web page), accessed March 15, 2019, <https://healthyrowhouse.org/>.

residents, and proposes policy changes to better address these issues in future. This acknowledgement could open the door for changes to policy that could encourage more rehabilitation to create affordable rental units. These changes need not be large; the city does not need to add new programs.<sup>5</sup> Policy-makers may only need to alter the design and function of existing policies.

As policy-makers consider these changes, they will need to be aware of what obstacles they face, and herein lies the value of understanding the role of decision-making tendencies. While a policy-maker may not be able to change the constraints of limited city finances or state policy, she may be able to change her assumptions about what policy should strive to achieve. Having such assumptions is not inherently problematic, but if their perpetuation is preventing policy change that could be beneficial, then addressing those assumptions could be worthwhile. Before one can change habits, however, one must understand them, and such a basic understanding is the goal of this thesis.

In the following essay, I will attempt to trace decision-making tendencies through Philadelphia's housing history and through a set of policies that influence contemporary housing development. I first provide an overview of literature on housing reuse and general motivations and constraints on housing policy, as well as a survey of Philadelphia's existing housing stock and housing policy environment. This section

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<sup>5</sup> Examples of new programs include training in construction to work on rehabilitation of existing affordably-priced housing (see Christine Negroni, "To Address Affordable Housing Shortage, Restoring 19th-Century Homes," *The New York Times*, March 28, 2017.) and strategic demolition (see James R. Cohen, "Abandoned Housing: Exploring Lessons from Baltimore," *Housing Policy Debate* 12, no. 3 (2001).)

includes a more complete history of how Philadelphia's housing stock developed. I next analyze Philadelphia's history of housing problems and policy responses, noting recurring patterns in how policy-makers viewed and addressed housing issues. I consider these to be decision-making tendencies. Next, I provide an overview of factors that could influence whether developers pursue housing reuse or new construction, choosing three potentially influential Philadelphia policies for further analysis. Finally, I analyze the language policy-makers use when discussing these policies, particularly focusing on how they justify or explain keeping the policies in their current form. Within these justifications, I look for assumptions that are rooted in the decision-making tendencies I already identified. I also look for the role of external constraints.

In the context of housing, policy-maker priorities and values informing decision-making do form visible patterns, and these same tendencies can be traced through how policy-makers discuss some contemporary policies. Assumptions rooted in history can therefore be seen as having a role in shaping contemporary policy. However, not all policies are influenced by such underlying assumptions to the same degree, and more concrete factors beyond municipal control such as shortage of funding also influence policy-maker decisions and shape policy. While policy change may not be possible without overcoming such external limitations, this analysis shows that decision-making habits are also important to consider. If policy-makers wish to change the directions of current policy, particularly to support more investment in existing housing, they will need to take steps to alter these internal decision-making tendencies.

## Definitions and Project Limits

Several key phrases appear consistently throughout this essay, and as their use is central to my argument, I will briefly define them before moving forward. First, this essay considers a policy-maker to be any public official who has responsibility in crafting, recommending, or administering policy. This includes not only elected legislators like city councilmembers but also heads of executive departments, who shape how their departments function even though they do not write city law. In the context of this analysis, such departmental choices are considered to contribute to policy. The terms city officials or city leaders may also refer to policy-makers.

Concrete, external limitations are considered to be easily-identified constraints on policy that are beyond municipal policy-maker control. By this definition, such limitations include a general shortage of city funds even though this is a local issue because a local policy-maker cannot easily alter this situation, just as she cannot easily alter federal policy. These factors are contrasted with decision-making habits, which are internal to local policy-makers and could, in theory, be changed.

Finally, decision-making tendencies and decision-making habits are used interchangeably in this essay to refer to recurring themes in how policy decisions are made by city officials. A contemporary policy-maker can be said to be exhibiting a decision-making tendency if they make a decision about a current program similar to historical decisions about past policy. Often, these tendencies take the form of assumptions; policy-makers throughout Philadelphia's history may consistently assume

or believe that a certain issue should be prioritized or a problem should be addressed in a particular way.

It is also important to note some limits on the scope of this project. Within the case study, the analysis focuses exclusively on the goal of repurposing housing for affordable rental units, not for homeownership, and specifically examines how decision-making tendencies influence policies that might make this particular reuse less feasible. There are several reasons for this decision. First, the need for affordable rental housing is more severe than the need for affordable homeownership; renters are regarded as the most vulnerable members of low-income communities to displacement and homelessness. Additionally, many of Philadelphia's existing programs to fund housing repairs are limited to homeowners. The question of why there is a lack of policies to support rehabilitation of rental housing is thus more compelling; indeed, a habit of meeting the needs of homeowners over low-income renters proves to be a tendency that must be overcome to more effectively serve renters.

While this study is designed to analyze the influence of history, it does not aim to be a comprehensive review of housing issues and housing policy in Philadelphia. The history section provides a sample of important moments in Philadelphia's housing history as illustrated by primary and secondary sources. This sample provides a sufficient picture of housing at different periods of history to identify tendencies, but it is entirely possible that some important housing policy developments are not included in this overview, and it should not be used as a definitive resource on the topic.<sup>6</sup>

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<sup>6</sup> See bibliography for additional sources on Philadelphia housing history.

Similarly, this thesis is not a comprehensive resource on contemporary Philadelphia housing policy. While I provide a basic overview of the current housing policy environment both as expressed in plans and described by professionals in the field, the overview is not a full analysis of all local policies that affect housing development. The overview also does not aim to declare whether there is an overall bias towards or against reusing existing units or make a definitive statement as to how or why policies influence development. However, such an analysis of housing policy culture in Philadelphia is warranted in the future given the important implications development has for low-income communities.

Above all, this study demonstrates the relative value of combining historical and contemporary analysis of policy. While understanding the influence of underlying assumptions rooted in historic tendencies may not remove all obstacles to contemporary policy change, there is still value in understanding this relationship. If program cost limitations were removed, Philadelphia policy-makers would still need to overcome their assumptions about the best methods to deal with housing issues and what policy should be trying to achieve if they wanted to change course and start supporting housing reuse to a greater degree. This finding has important implications for policy innovation in Philadelphia and potentially for all cities.

## II: Housing Reuse as a Philadelphia Policy Issue

### Equity and Housing Reuse in Existing Literature

Among academics, there is a clear call to assess policy interventions in low-income communities by whether they address or perpetuate past under-representation and disinvestment.<sup>7</sup> This conviction is spread across disciplines from Chaskin, Joseph, and Vale in housing policy, to Page and Rypkema in historic preservation, to Fullilove and Wallace in psychology.<sup>8</sup> All of these authors have analyzed housing policy in these equity-based terms; their comparisons of blank-slate redevelopment and use of existing housing stock are of particular interest.

Economists Glaeser, Gyourko, and others argue that unfettered construction of new housing serves low-income communities by maximizing housing supply and therefore limiting price increases that result from unmet demand. However, the overall academic conversation on housing development is critical of new construction replacing

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<sup>7</sup> Chaskin and Joseph and Vale, in particular, document how policy makers primarily assessed housing policy in terms of concentration of poverty and other economic factors in the 1990s. Their own community-based critiques embody a shift away from purely economic analyses. Robert J. Chaskin and Mark L. Joseph, *Integrating the Inner City: The Promise and Perils of Mixed-Income Public Housing Transformation* (Chicago: The University of Chicago Press, 2015), 4, 24, 27-9, 217, 25-38; Lawrence J. Vale, *Purging the Poorest: Public Housing and the Design Politics of Twice-Cleared Communities* (Chicago: The University of Chicago Press, 2013), 325, 34.

<sup>8</sup> Max Page, "Comment on James R. Cohen's 'Abandoned Housing: Exploring Lessons from Baltimore,'" *Housing Policy Debate* 12, no. 3 (2001): 459; Donovan D. Rypkema, *Historic Preservation and Affordable Housing: The Missed Connection*, (Washington, DC: The National Trust for Historic Preservation, 2002), 7; Mindy Fullilove, *Root Shock: How Tearing up City Neighborhoods Hurts America, and What We Can Do About It* (New York: New Village Press, 2004), 11-12, 18-19, 121-23; Mindy Thompson Fullilove and Rodrick Wallace, "Serial Forced Displacement in American Cities, 1916-2010," *Journal of Urban Health* 88, no. 3 (2011): 384.



existing units in low-income communities.<sup>9</sup> Fullilove, Wallace, and Rypkema argue that blank-slate redevelopment often follows years of disinvestment and perpetuates that history by demolishing remaining fabric.<sup>10</sup> Vale, Rypkema, and Page expand on this theme, arguing that policy-makers often assume that current residents and physical fabric must be replaced or supplemented for struggling areas to thrive. Therefore, existing characteristics valued by community members are likely to see continued disinvestment and replacement.<sup>11</sup> New development can also exacerbate power disparities between long-time residents and newer, wealthier residents, as new arrivals have more institutional power and will shape the community to meet their own needs.<sup>12</sup> This critique, however, assumes that long-time residents are still in the community; low-income residents are very likely to be displaced by new construction, even if it is affordable housing.<sup>13</sup>

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<sup>9</sup> Edward L. Glaeser, "Preservation Follies," *City Journal* 20, no. 2 (2010); Edward L. Glaeser and Joseph Gyourko, *Rethinking Federal Housing Policy: How to Make Housing Plentiful and Affordable* (Washington, DC: AEI Press, 2008), 3-4.

<sup>10</sup> Fullilove and Wallace, 382, 86; Fullilove, 11; Rypkema, 10.

<sup>11</sup> Vale, 31; Rypkema, 6; Page, 461.

<sup>12</sup> Chaskin and Joseph, 39, 31-2, 224.

<sup>13</sup> Displacement is problematic phenomenon for several reasons. First, it separates residents from the social structures they rely on. See Fullilove and Wallace, 381, 83. Second, it can lead to housing instability and homelessness, as low-income renters can struggle to find affordable homes that meet their needs as well as the one they left. See Vale, 35; Vincent Reina and Ben Winter, "Safety Net? The Utility of Vouchers When a Place-Based Rental Subsidy Ends" (unpublished work, Philadelphia, PA, 2016); Lance Freeman, "The Impact of Source of Income Laws on Voucher Utilization," *Housing Policy Debate* 22, no. 2 (2012); Amy Bogdon et al., *National Analysis of Housing Affordability, Adequacy, and Availability: A Framework for Local Housing Strategies*, (Washington DC: The Urban Institute for the U.S. Department of Housing and Urban Development, 1993); Erin Mierzwa, Kathryn P. Nelson, and Harriet Newburger, *Affordability and Availability of Rental Housing in Pennsylvania*, (Philadelphia, PA: Federal Reserve Bank of Philadelphia, 2010); Erin Graves, "Rooms for Improvement: A Qualitative Metasynthesis of the Housing Choice Voucher Program," *Housing Policy Debate* 26, no. 2 (2016); M. D. Eriksen, "Difficult Development Areas and the Supply of Subsidized Housing," *Regional Science and Economics* 64 (2017).

A host of studies suggest that reusing extant housing can have positive impacts on under-privileged communities. Vale and Rypkema point out that existing, historic housing is more likely to meet the size needs of large families and be proximate to resources crucial to lower-income households, including schools, transportation, employment, and social services.<sup>14</sup> Preserving existing housing stock for long-time residents also preserves familiar landscapes and helps protect existing social networks. Fullilove and Wallace argue that these familiar landscapes and networks contribute to a sense of rootedness and security which is essential for psychological well-being and both social and economic stability.<sup>15</sup>

Several authors have already proposed reasons that municipal policy may not encourage investment in existing housing, particularly for low-income renters, despite these benefits. Some of these factors are concrete limitations imposed on cities by larger state and federal policy and financial systems. Both private financing and federal affordable housing programs that cities rely on to fund housing investment are designed to fund larger apartment buildings rather than individual houses, limiting funding for rehabilitation. Urban policy professor Alex Schwartz cites evidence that owners of rental properties with five to forty-nine units have far less access to private financing with favorable terms than larger properties. Redevelopment is therefore more reliant on public

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Leaving the low-income community is unlikely to improve circumstances for low-income residents; in Vale's words, "All too often, the poor have merely shifted the site of their poverty while distancing themselves from previous networks of social and emotional support" Vale, 342.

<sup>14</sup> Vale, 31, 339; Rypkema, 4, 8.

<sup>15</sup> Fullilove and Wallace argue that the loss of existing housing stock is an important component in furthering social disorder, and the restoration of existing housing reactivates positive social interactions that are the basis of healthy communities. Fullilove and Wallace, 386, 88.

funding programs. However, as Garboden and Newman, Listoken et. al, and Page argue, the Low Income Housing Tax Credit and even the Historic Tax Credit are likewise designed for large multi-family buildings.<sup>16</sup>

Cities also rely on private developers to invest in housing. Chaskin and Joseph, Vale, and gentrification expert Miriam Zuk all argue that for developers to turn profits that keep them in business, a project must have space for more tenants than are currently in situ to increase revenues after the expensive construction process. New construction is not only able to accommodate more new tenants but is perceived as being more successful at marketing to a new group of tenants.<sup>17</sup> Within these restrictions, cities struggle to prioritize rehabilitation of existing housing without putting forward local funding, which can be quite limited.

However, existing studies also indicate that underlying policy-maker priorities influence decision-making in favor of new construction. Throughout the twentieth century and into the present, policy makers across American cities defined policy success in terms of accumulating capital and encouraging growth, which trumped more community-minded goals.<sup>18</sup> Demolition serves these goals by wiping out the memory of politically-unpopular rundown neighborhoods, and redevelopment replaces these areas

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<sup>16</sup> Garboden & Newman also point out that there are not enough Housing Choice Vouchers to create demand that would make rehab of these smaller buildings viable. Philip M. E. Garboden and Sandra Newman, "Is Preserving Small, Low-End Rental Housing Feasible?," *Housing Policy Debate* 22, no. 4 (2012): 507-08. Also see Alex F. Schwartz, *Housing Policy in the United States* (New York: Routledge, 2015), 105; David Listokin, Barbara Listokin, and Michael Lahr, "The Contributions of Historic Preservation to Housing and Economic Development," *Housing Policy Debate* 9, no. 3 (1998): 447; Page, 460.

<sup>17</sup> Chaskin and Joseph, 217; Vale 23-24; Miriam Zuk et al., *Gentrification, Displacement, and the Role of Public Investment: A Literature Review*, (Federal Reserve Bank of San Francisco, 2015), 11.

<sup>18</sup> Zuk et al., 12; Chaskin and Joseph, 218.

with new, more popular housing.<sup>19</sup> Changing the landscape provides a completely new image to attract new middle-class spenders and residents, increasing city revenue. Reducing the visibility of struggling landscapes can also improve the image of cities as a whole and increase access to outside capital.<sup>20</sup>

## Exiting Conditions in Philadelphia Housing

Philadelphia's housing stock does not currently meet needs for affordable housing. Of households earning less than 30% of area median income, 87% are rent-burdened, defined as spending more than 30% of their income on housing. To address this issue, the city would need an additional 71,000 units affordable and available – on the market but not occupied by higher-income residents – to these extremely low-income households.<sup>21</sup> However, Philadelphia does not lack housing supply. For much of the nineteenth and early twentieth centuries, Philadelphia had a reputation for its rapid production of affordable single-family homes on a massive scale. Much of this housing survives and makes up most of the city's existing housing stock – 88% of the Philadelphia's housing was built before 1980 – and has resulted in an abundant contemporary housing supply.<sup>22</sup>

Historian Donna Rilling's work on Philadelphia's early nineteenth-century building patterns demonstrates several factors that influenced this housing production.

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<sup>19</sup> Vale, 24, 30, 316-8; Page, 458-9; Rypkema, 6; Fullilove and Wallace, 382-3; Chaskin and Joseph, 24.

<sup>20</sup> Vale, 316; Chaskin and Joseph, 10; Page, 461.

<sup>21</sup> Vincent Reina and Catherine Droser, *Preserving Philadelphia: Developing a Successful Strategy to Preserve Existing Subsidized Housing*, (Philadelphia: University of Pennsylvania, 2017), 2.

<sup>22</sup> U.S. Census Bureau, 2012-2016 ACS, cited in *Housing for Equity: An Action Plan for Philadelphia*, 5.

One of the most significant is transplantation of English ground rent laws to Philadelphia. From the colonial period to their elimination in 1854, these laws allowed landowners to grant title to an area of land to another party in perpetuity in exchange for an annual rent. The system was popular among Philadelphia landowners because ground rents offered higher returns and less long-term uncertainty than other investments. Landowners often required ground-renters to build houses on the land, as sale of the houses would guarantee ground-rent payments. Landowners could further maximize returns by extending mortgages to those who built upon the land.<sup>23</sup>

Ground rent meant that early builders could access land and capital for housebuilding at little-to-no up-front cost, which led to the proliferation of the building profession. Would-be homebuilders could easily afford to erect a collection of houses, provided they were cheap to construct, and sell them for a profit. Two-to-three story rowhouses did not require much capital to construct and therefore suited builders' needs perfectly, which resulted in their proliferation. At the same time, the easy access to land and capital meant that it was easy to enter the building business, and the profits available from rowhouses made the business even more attractive.<sup>24</sup>

As more and more men became speculative builders, leasing land and erecting housing for sale, housing continued to proliferate in the early nineteenth century, and prices remained affordable. The low cost of rowhouse construction and the ground rent

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<sup>23</sup> Donna J. Rilling, *Making Houses, Crafting Capitalism: Builders in Philadelphia, 1790-1850* (Philadelphia: University of Pennsylvania Press, 2001), 40, 42, 46-47, 50, 51, 61-62.

<sup>24</sup> Upfront costs were further decreased because the ground rent system allowed entrepreneurs to pass the annual ground rent on to buyers of the structures they built, as the first rent was usually not due until a year after purchase. Rilling, 40.

system, which removed the cost of land from the initial purchase price, also decreased house prices. In this period, Philadelphia was known for the affordability of its housing relative to other cities.<sup>25</sup>

At the same time, Philadelphia's burgeoning industrial economy meant that more and more people could afford to purchase a modest home. As Domenic Vitiello discusses, Philadelphia manufacturers worked to foster the growth of a powerful industrial sector in the early nineteenth century through utilizing personal networks and fostering investments in infrastructure. The growth machine built a prosperous new labor economy in which many households earned a good living through their wage labor.<sup>26</sup> By the end of the century, Philadelphia was known for its relative affordability and how easy it was to make a living and described as "The best poor man's country in the world."<sup>27</sup>

The affordability and proliferation of housing continued even after the end of the ground rent system in 1854. The continued prosperity of the population helped keep building profitable, which kept supply high and prices low. The rising importance of building societies, which provided financing to their members, also kept construction affordable. Though building societies began in Philadelphia in 1831, they did not become significant until the end of the financing benefits of the ground rent system.<sup>28</sup> At the end of the nineteenth century, the plentiful housing stock had continued to keep both rents

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<sup>25</sup> Rilling, 40, 51, 52.

<sup>26</sup> Domenic Vitiello, *Engineering Philadelphia: The Sellers Family and the Industrial Metropolis* (Ithaca, NY: Cornell University Press, 2013), 5, 7, 10.

<sup>27</sup> Quote from Steven Conn, *Metropolitan Philadelphia: Living with the Presence of the Past* (Philadelphia: University of Pennsylvania Press, 2006), 117.

<sup>28</sup> Donna J. Rilling, "Building Philadelphia: Real Estate Development in the City of Homes, 1790 to 1837" (Ph.D. diss., University of Pennsylvania, 1993), 53, 71-72.

and homeownership relatively affordable; renting was 50% to 75% cheaper in Philadelphia than New York.<sup>29</sup> Twentieth-century housing advocate Charles Abrams discussed the popularity and affordability of the rowhouse in the early twentieth century, stating that in that period, houses with modern amenities like hot water and electricity could be rented for \$8 to \$14 per week or bought by someone earning \$25 to \$40 per week.<sup>30</sup>

As a result of this proliferation of rowhouses over multiple centuries, Philadelphia continues to have a large stock of housing. The city's industries slowed after World War II resulting in the job and population loss common to many older cities in the twentieth century, and as a result, that stock of housing is more than is needed by the current population.<sup>31</sup> As of 2016, Philadelphia had 64,504 units overall, 14% of which are vacant

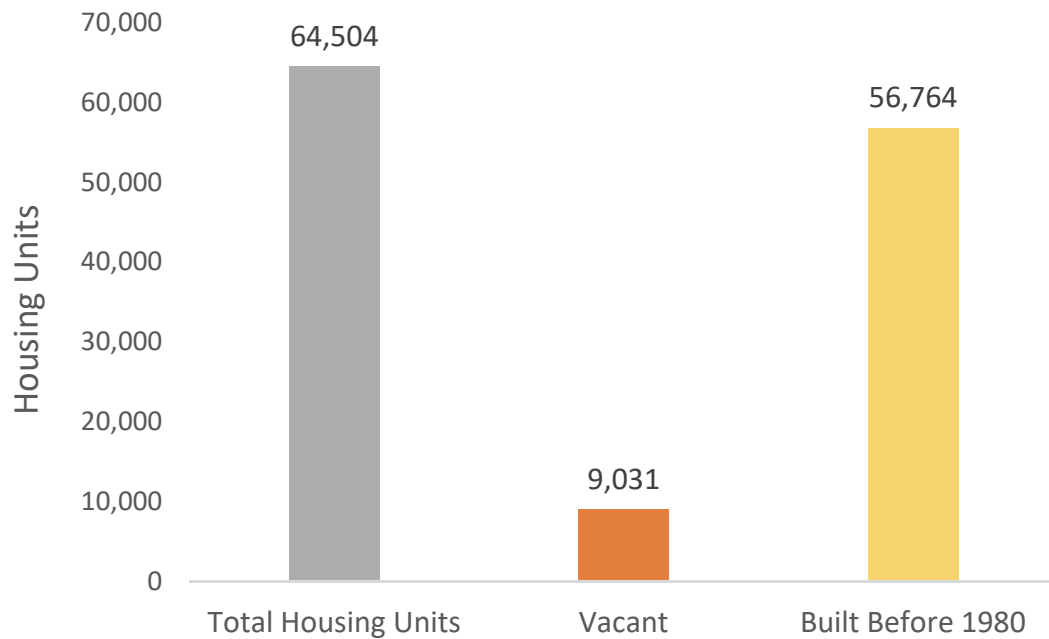
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<sup>29</sup> Indeed, New York is an excellent comparison for highlighting how Philadelphia's characteristics created a housing market quite different from other cities. In Steve Conn's words, "No other large American city grew this way, and as a consequence, no other city developed both the physical stock and culture of the single-family home" (see Conn, 129). The primary source comparing housing in New York to housing in Philadelphia in the period described by Rilling is Elizabeth Blackmar, *Manhattan for Rent, 1785-1850* (Ithica, NY: Cornell University Press, 1989), 7, 8, 9-10, 15, 18, 23, 32, 37, 41, 184, 88-9, 206. While Philadelphia landowners prioritized stable, hands-off investments, New York landowners prioritized high returns. While Philadelphia landowners opened land to development, landowners in New York recognized that they could gain more profit by maintaining tight control on land, especially as land and housing became less readily available in the early nineteenth century. Law supported tight control on development; unlike in Philadelphia, New York ground rent policies did not grant title in perpetuity, and when the lease expired, structures on the land were usually demolished. When building new housing, landowners and other investors prioritized housing for higher-income residents. New York's working people were generally considered an "unproductive" market for new housing. The active interest that wealthy owners took in housing also meant that luxury housing was feasible; small scale, speculative builders were hired for wages and were not funding construction themselves. As a result of all these differences, the stock of housing was limited, overall and particularly for working people. Much of the population was pushed into renting space in subdivided houses, "paying more and more rent for less and less space." Also see Rilling, *Making Houses, Crafting Capitalism: Builders in Philadelphia, 1790-1850*, 53.

<sup>30</sup> Charles Abrams and Robert Kolodny, *Home Ownership for the Poor: A Program for Philadelphia* (New York: Praeger Publishers), 85-87.

<sup>31</sup> Vitiello, 193.

(fig. 1).<sup>32</sup> Philadelphia’s distinctive rowhouses continue to house many of the city’s renters, with 40% of renters living in a single-family home.<sup>33</sup>



**Figure 1. Existing Conditions in Philadelphia’s Housing Stock.** Of all the units in the total stock, 88% were built before 1980, many of those at the turn of the century. Philadelphia’s large historical housing stock means that there are more units than can be used by the current population, resulting in an overall vacancy rate of 14%. *Source: "Housing for Equity: An Action Plan for Philadelphia."*

Despite the enormous stock of existing small-scale homes, investment in Philadelphia has not been targeted to take advantage of these housing units, particularly to meet demand for affordable rental housing. As a result, even as investment in housing overall has increased, many existing housing units continue in disrepair or are lost from the housing stock altogether. Between 2008 and 2016, the city added 6,000 units renting

<sup>32</sup> *Housing for Equity: An Action Plan for Philadelphia*, 4.

<sup>33</sup> Abrams and Kolodny, 85-92; “Healthy Rowhouse Project: The Housing Challenge.”



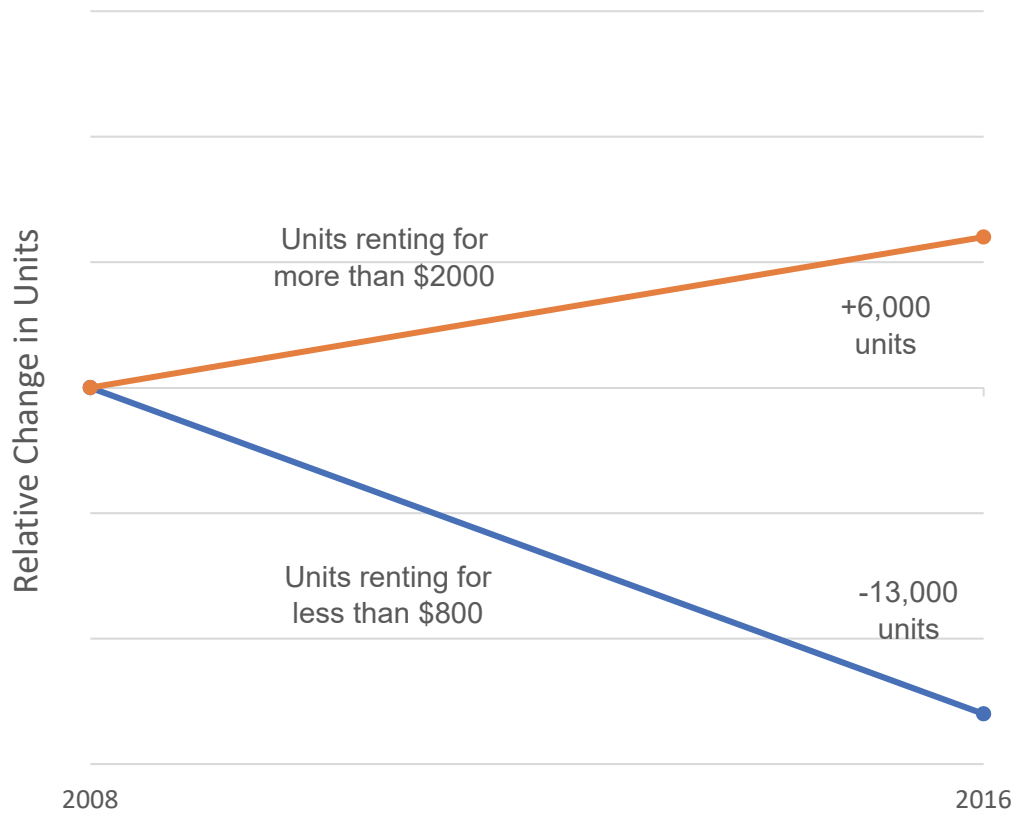
for at least \$2,000 per month. During the same period, the city lost 13,000 units renting for at least as little as \$800 per month; underinvestment at this end of the market means that these units may be abandoned or demolished (fig. 2). Areas like Center City and University City have seen rapid investment and increasing prices while outlying areas home to more low-income residents and higher vacancy rates continue to struggle with poor housing quality and lack of investment.<sup>34</sup> Many units continue to lack complete facilities; of the city's total housing stock including vacant units, 31,000 units lack complete kitchens, and 27,000 units lack complete plumbing facilities (fig. 3).<sup>35</sup> All of this lack of investment in existing units for the benefit of low-income renters is particularly problematic because new affordable housing construction alone is not meeting the need; in 2017, eight projects were approved for Low Income Housing Tax Credits in Philad creating 475 additional rent-restricted units, only a fraction of the needed 71,000 units.<sup>36</sup>

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<sup>34</sup> Reina and Droser, 13.

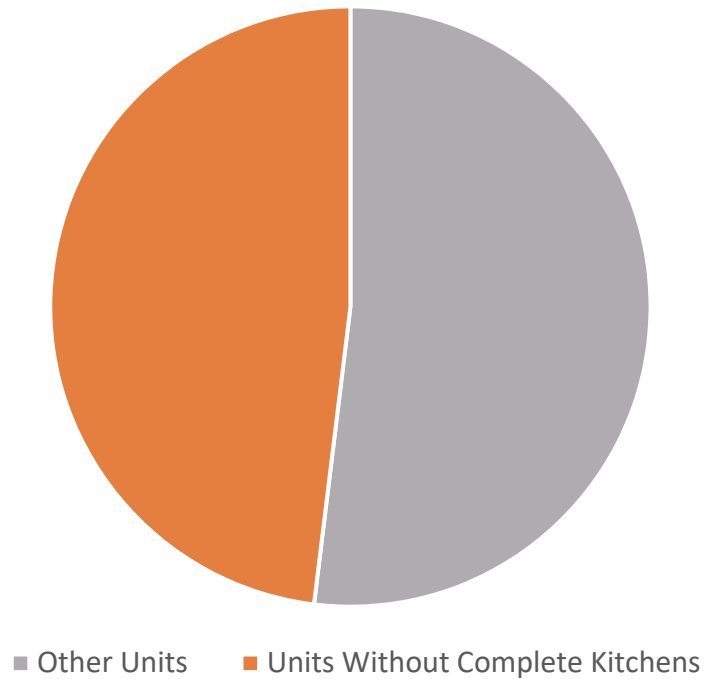
<sup>35</sup> *Housing for Equity: An Action Plan for Philadelphia*, 4-5.

<sup>36</sup> Anna Kramer, "Old Homes, High Poverty Make Philadelphia Housing Less Than Affordable for Some " *PlanPhilly*, July 25, 2018, <http://planphilly.com/articles/2018/07/25/old-homes-high-poverty-make-philadelphia-housing-less-than-affordable-for-some>.



**Figure 2. Relative Change in Philadelphia High-Rent and Low-Rent Housing Units, 2008-2016.**

Despite the potential of Philadelphia’s enormous housing stock to provide low-income housing, the city is losing an enormous number of affordable properties. At the same time, most of the new units that are added to the housing stock are luxury level and do not ease lack of affordable, quality housing. *Source: "Housing for Equity: An Action Plan for Philadelphia."*



**Figure 3. Sample of 2017 Condition Problems in Philadelphia Housing.** Current reinvestment practices in Philadelphia do not appear to be reducing the large number of housing units with condition issues, such as lack of complete kitchens. Nearly half of all the city’s units lack complete kitchens. *Source: "Housing for Equity: An Action Plan for Philadelphia."*

### Existing Conditions in Philadelphia Housing Policy

Until 2018, when the Kenney administration released Philadelphia’s first official housing plan, the city had not had a dedicated, comprehensive housing policy. Existing land use and taxation policies, however, have impacted Philadelphia’s housing by influencing developer decisions. The “Housing for Equity” plan addresses these policies, proposes some changes to them, and puts forward a few new policies to help the city achieve its goals of having housing that meets the needs of all residents. This section discusses both the existing policies and some of those proposed in the new plan and identifies common themes.

Current housing policy goals show both a shift towards more social justice-minded policy and the continuation of a focus on fostering economic growth. The new housing plan acknowledges that existing policies have not always benefitted lowest-income residents, failing to support investment and affordable housing in many neighborhoods. New proposals aim to shift the direction of policy to more effectively meet housing need for under-privileged residents over the next ten years. The plan aims to preserve 6,350 units of existing housing per year to meet housing need as well as add vacant units back into the usable housing stock through investment. However, the plan also states the hope that new investment will foster needed economic growth for the city.<sup>37</sup>

In terms of methods, Philadelphia's housing policies frequently rely on attracting private and other sources of funding because the city's resources are limited. This trend is particularly visible in new policy proposals; the new plan has a stated goal of leveraging local funds to access private housing financing at a rate of 1:2.<sup>38</sup> A new housing development fund and backing for construction loans are both designed to make investing in housing more feasible and attractive for private lenders. The plan proposes similar strategies in new initiatives to preserve existing units, including loan coverage for lenders who assist small-scale landlords in rehabilitation efforts.<sup>39</sup> While such proposals show the willingness of city officials to preserve existing housing, these methods demonstrate how financial constraints limit the city's efforts at more equitable housing policy and

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<sup>37</sup> *Housing for Equity: An Action Plan for Philadelphia*, 3-5.

<sup>38</sup> *Ibid.*, 13.

<sup>39</sup> *Ibid.*, 7.

necessitate economic growth policies. A report on housing preservation efforts expresses skepticism that the city can afford to finance tenant relocation assistance, for instance, and the new plan highlights the need for upzoning to increase property tax revenue to fund the housing trust fund.<sup>40</sup>

Given the need for outside funding and to increase city revenue, both proposed and existing policies continue a trend of incentivizing private developers to add new housing. The new plan advocates for expanding existing tax abatements, which do not tax improvements made to a property, including both rehabilitation and new construction, for ten years. While the plan recommends a greater variety of zoning to allow more housing types, it also supports continuing the practice of upzoning in areas with strong markets to encourage new development in both mixed-income and market-rate housing.<sup>41</sup>

A similar trend is that the city's housing efforts are supplemented by a strong nonprofit sector. The report on housing preservation argues that the presence of organizations involved in tenant organizing, legal assistance, and technical assistance to small landlords is vital to preserving housing in Philadelphia. LISC Philadelphia and the Philadelphia Association of CDCs are particularly mentioned as handling these issues instead of the public sector.<sup>42</sup>

Finally, while the new plan advocates funding for small-scale landlords to help maintain properties, many of the city's longstanding programs regarding maintenance are targeted to homeowners. These include Basic Systems Repair, which funds repairs that

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<sup>40</sup> Reina and Droser, 13; *Housing for Equity: An Action Plan for Philadelphia*, 9.

<sup>41</sup> *Housing for Equity: An Action Plan for Philadelphia*, 9, 10, 13.

<sup>42</sup> Reina and Droser, 11.

address health and safety or structural issues to income-qualified households, and Restore Repair Renew: Philadelphia Neighborhood Home Preservation Loan Program, which provides low-interest loans for home repairs for owners earning less than 120% of Area Median Income.<sup>43</sup>

### III: Methodology

This section explains my overall methodology for applying a historical lens to contemporary policy. The method consisted of identifying historical decision-making habits, selecting case-study policies, and analyzing current policy-maker language in terms of the identified decision-making tendencies. The first step was to conduct a survey of Philadelphia housing and governance history in secondary sources. Based on these sources, I identified important moments in Philadelphia's housing history and studied primary sources from these periods. Based on this survey, I identified patterns in the way policy-makers reacted to various housing issues over time. I particularly focused on what they claimed the problems were, the action (or inaction) pursued in response, and the justification provided for the response. Similarities in these areas demonstrated recurring priorities and assumptions over time. Some patterns occurred consistently throughout Philadelphia's history regardless of immediate housing context, while others ebb and flow in response to particular situations.

Next, I identified case-study policies to be used in the final analysis, selecting policies that were likely to influence whether developers opted to pursue new

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<sup>43</sup> *Housing for Equity: An Action Plan for Philadelphia*, 8.

construction or invest in existing housing. I chose to base my analysis on interviews rather than attempt to measure the influence of policy. This does limit my ability to objectively state that the policies I selected are the most likely to affect developer choices, but given the focus of this thesis, this limit is not a major concern. The goal of this stage of the analysis was not to be able to make a claim about policy impacts on development but simply to select three policies to explore further. For this purpose, subjective views of professionals involved in housing development were sufficient. Measuring the influence of policy on private actions in a data-intensive manner would be a project in itself and is beyond the scope of this thesis.

I spoke to nine professionals who have experience working in Philadelphia and provide a variety of expertise and perspectives (table 1). The group includes housing developers specializing in reuse of a variety of building sizes, other affordable housing professionals, preservation professionals, and policy analysts/government employees.<sup>44</sup> I asked each person the same questions regarding whether developers were more likely to invest in rehabilitation or blank-slate redevelopment and what policies and other factors influenced that decision. After the interviews were completed, I tallied which policies were consistently identified as influencing developer decision-making. The three policies I selected were also discussed similarly by most interviewees; other policies were consistently brought-up, but interviewees disagreed on how they influenced the development process.

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<sup>44</sup> The one prominent absence from the interview group is for-profit developers specializing in new construction. Time restrictions prevented this connection, and future analyses should definitely bring this perspective into the conversation.

**Table 1. Interviewees for Identifying Case-Study Policies.**

<i>Name</i>	<i>Primary Field or Role in Research</i>
<b>Kiki Bolender</b>	General Housing/Preservation
<b>Nancy Gephart</b>	Small Housing Development
<b>Arielle Harris</b>	Philadelphia Policy
<b>David Hollenberg</b>	Preservation
<b>Cory Kegerise</b>	Preservation
<b>John Kromer</b>	Philadelphia Housing Policy
<b>Brett Meringoff</b>	Large Housing Development
<b>Dina Schlossberg</b>	General Housing
<b>Ken Weinstein</b>	Small Housing Development

The final phase was to analyze whether the recurring tendencies I identified in phase 1 shaped any of the three case-study policies, particularly in a way that kept them from changing to better support rehabilitation. To accomplish this, I analyzed language used in both legal documents and statements to understand policy-makers perspectives on the policies and their goals. If the policy was rooted in a government document such as an ordinance, I analyzed its stated goals and functions. I also conducted extensive newspaper research to see what policy-makers have said about the policy both at its inception and over time. Finally, I filled in any gaps with interviews both with people who work in the relevant branches of government. Having assembled a base of language used in relation to those policies, I looked for patterns in how officials described their



goals and choices and compared them to the policy-maker habits I had already identified. This strategy revealed both whether the historical tendencies influenced contemporary policy decision-making and how they might specifically shape policies.

## IV: Habits in Housing Policy

As we have seen, Philadelphia's rowhouse-centered private housing market provided affordable, quality housing to most of the city's people for much of the nineteenth and early twentieth centuries. However, even during the private building boom, issues regarding quality or affordability for low-income renters still arose, and commentators documented how policy-makers responded to these concerns. Despite changes to the housing development context including the elimination of ground rent, rise of building societies, deindustrialization and population loss, increased public regulation, and increases in federal funding programs, several consistencies emerge in how policy-makers have responded to housing problems over time. Others emerge in response to particular contexts, such as deindustrialization, but have persisted even as contexts have since changed. These habits of decision-making may play a role in contemporary policy-maker actions.

### Chronology of Housing Issues and Responses

The limitations of the private housing market for the lowest-income residents can be seen as early as the mid-nineteenth century. In the 1840s, Philadelphia's public water system had made great strides to bring running water to public pumps in most areas of the city, and indoor plumbing was included in most new homes. However, retrofits for

running water were much less common in houses rented to poorer Philadelphians, and city policy-makers had taken no steps to require running water in all living units. In an 1849 report to the American Medical Association, Philadelphia doctor Isaac Parrish called the lack of guaranteed clean water for all households a “great evil” and called out the lack of city policy to address this issue. Despite this and other critiques, however, the city government did not require running water in all new construction, let alone existing housing, until the twentieth century, when running water had already become the standard.<sup>45</sup>

The controversy over water policy is an early example of the city government struggling to act when called upon to address gaps left by private development activity, and this issue became even more prominent at the turn of the century. At the time, the private market was still churning out relatively low-cost housing. The public sector supported this activity by making development as easy as possible; zoning, for instance, was extremely liberal, allowing most residential development to proceed without regulation.<sup>46</sup> Once again, however, the benefits of private development did not extend to everyone. Many of the city’s poor residents were packed into cramped alleys and houses subdivided into tenements; W.E.B. DuBois noted that the city’s Black residents lived in particularly crowded dwellings, many of which still lacked running water. Though city health officials regularly documented these conditions, city policy-makers did not act to address them, opting neither to provide funding to fix private housing nor to build new

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<sup>45</sup> Sam Bass Warner, *The Private City; Philadelphia in Three Periods of Its Growth* (Philadelphia: University of Pennsylvania Press, 1971), 109-10.

<sup>46</sup> Abrams and Kolodny, 91.

housing for low-income people directly.<sup>47</sup> Public action remained limited to making private building as easy as possible.

Private organizations like the Octavia Hill Association stepped in to address the city's rental housing issues. Based on the work of its namesake in Britain, the Octavia Hill Association in Philadelphia was a mission-oriented business, seeking to address rental housing quality issues in a way that would generate a small return. Recognizing that rehabilitating existing housing was more cost-effective and, as they argued, more aligned with the spirit of Philadelphia than new construction, the organization bought some South Philadelphia homes and renovated them. They also took over management of buildings that remained in private ownership to help owners save operating costs, reinvesting the funds in upkeep.<sup>48</sup>

The Octavia Hill Association also participated in political advocacy in the first decade of the twentieth century. Recognizing that landlords would have a bigger incentive to keep housing in good condition if cities were required to inspect all housing, not just new construction, the organization promoted Pennsylvania state legislation that would require municipal inspections of rental properties. The legislation was defeated in 1905 but passed in 1907 after a successful public awareness campaign. In Philadelphia, however, the legislation did not have the desired result; the city struggled to keep up with

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<sup>47</sup> Samantha G. Driscoll, "Practical Preservation in Philadelphia: The Octavia Hill Association 1896-1912" (Master of Science in Historic Preservation thesis, University of Pennsylvania, 2011), 2, 6, 24-25; Abrams and Kolodny, 88.

<sup>48</sup> Driscoll, 1, 2, 6, 30.

the number of inspections that were required by law, either because of low capacity or lack of interest.<sup>49</sup>

The belief that the private sector was the best means of providing quality affordable housing persisted among city leaders into the 1920s. Bernard Newman, the executive director of the Philadelphia Housing Association, a private organization advising on city policy, argued that the private sector had always been able to provide sufficient housing at affordable prices via the mechanism of rowhouses, and that success made public action and even philanthropy unnecessary. The city should simply clear the way to let builders keep building.<sup>50</sup>

Later in the twentieth century, the idea that governments had an interest in providing quality housing gained momentum. During the Great Depression, the federal government grappled with the fact that many Americans could not afford homes in the private market and passed a series of acts that gave the government a role in funding and administering affordable housing provision.<sup>51</sup> As professor of urban studies Stephanie Ryberg discusses, local governments and city planners likewise became more active in urban issues from protection of commercial corridors to addressing poor living conditions

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<sup>49</sup> Ibid., 53-4, 65.

<sup>50</sup> Abrams and Kolodny, 90.

<sup>51</sup> Lawrence J. Vale, *From the Puritans to the Projects: Public Housing and Public Neighbors* (Cambridge, MA: Harvard University Press, 2000), 155, 61-3. According to Vale, the major turning points in carving out a role for government in housing were the establishment of the Housing Division of the Public Works Administration (1933), the Wagner-Steagall Housing Act (1937), defense housing during World War II (1940), and the Housing Act of 1949.

during the 1940s.<sup>52</sup> During this era, conversations about how the local government could help provide housing became more common.

A prominent early advocate for an active local government in Philadelphia was Arthur Binns. Binns was a socially-focused housing investor who, like the Octavia Hill Association, recognized that rehabilitating existing housing both improved conditions for low-income renters and offered good returns on investment. By the 1940s, Binns had personally rehabilitated nearly 1,800 houses in West Philadelphia and Center City. His work focused on repairing building systems like roof and windows and adding basic conveniences like bathrooms.<sup>53</sup> However, Binns recognized that his personal work, like that of Octavia Hill, was limited in scope, and that large-scale rehabilitation efforts would need public involvement and investment. In his words, “Private effort alone cannot attack and kill the blight in our cities.” Shortly after the nation’s first federally-funded affordable housing program began, Binns proposed a program for Philadelphia that would use federal dollars to fund rehabilitation rather than demolition and construction of new public housing.<sup>54</sup> Philadelphia, however, did not initiate the program because federal funding was designed to support only demolition and new construction.<sup>55</sup>

The 1950s and 1960s saw the advent of Philadelphia’s most direct efforts at local housing policy to date, ushered in by both changes in federal funding policy and radical

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<sup>52</sup> Stephanie R. Ryberg, "Historic Preservation's Urban Renewal Roots: Preservation and Planning in Midcentury Philadelphia," *Journal of Urban History* 39, no. 2 (2012): 196.

<sup>53</sup> Unknown author, unknown article of *Urban Land* (1941 or 1942): 5-7. Excerpt provided by Daniel Bluestone.

<sup>54</sup> *Ibid.*

<sup>55</sup> Abrams and Kolodny, 85.

changes in the city's needs. The housing stock had fallen into increased disrepair since the Great Depression.<sup>56</sup> After World War II, Philadelphia also faced rapid deindustrialization, job loss, and out-migration. Between 1957 and 1964, the city lost 101,400 jobs.<sup>57</sup> The rise of the automobile simultaneously prompted out-migration to the suburbs.<sup>58</sup> These factors combined into increased vacancy and lack of investment in Philadelphia's housing stock. At the same time, the American Housing Act of 1949 provided federal funding for slum clearance, known as urban renewal, and the construction of public housing. The new funding source prompted unprecedented public intervention in housing, focused on demolition and new construction.

However, local leaders in the Philadelphia City Planning Commission (PCPC) and the Philadelphia Housing Authority (PHA) became concerned that the methods supported by the 1949 Act were encouraging flight of wealthier households to the suburbs and resulting in concentration of low-income Black households in the city. Policy makers such as Housing Coordinator William Rafsky proposed an alternative, Philadelphia-specific housing strategy focused on scattered-site housing projects. Policy-makers also recognized that rehabilitation would be more cost-effective than widespread demolition. However, as had occurred when Binns made his proposal, the lack of federal funding for such a project hindered its initial progress.<sup>59</sup> Private developers and financiers were hesitant to invest in rehabilitation in run-down areas without such a targeted federal

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<sup>56</sup> Ryberg, 197.

<sup>57</sup> John F. Bauman, "Row Housing as Public Housing: The Philadelphia Story, 1957-2013," *The Pennsylvania Magazine of History and Biography* 138, no. 4 (2014): 427.

<sup>58</sup> Conn, 13, 15.

<sup>59</sup> Bauman, 430, 32, 40; Abrams and Kolodny, 85; Ryberg, 201.

program; these neighborhoods were perceived as risky, resulting in lack of financing and insurance coverage. As Abrams noted in the 1960s, banks did not want rundown buildings as collateral, and even the Federal Housing Administration (FHA) was only interested in insuring loans on low-risk properties.<sup>60</sup>

In 1954, the Housing and Urban Renewal Act updated urban renewal policies to provide federal funding for rehabilitation as well as new construction and demolition, making a policy shift in Philadelphia feasible, and the shift was well-supported in both the public and private sectors.<sup>61</sup> Within three years, Philadelphia's Joint Committee on Public Housing Policy conducted an analysis of the city's current policies and proposed shifting the city's focus to rehabilitating existing housing because it would better serve the poor Black population and was more cost-effective.<sup>62</sup> Both policy-makers and private actors supported the Joint Committee on Public Housing Policy's plan. Rehabilitation of scattered sites was more palatable to Philadelphia's higher-income residents than new construction of public housing. The Chamber of Commerce, Home Builders Association, and private developers also supported the plan because it relied on the private sector for new construction. Mayor Dilworth gave his support, and the Philadelphia Housing Authority began purchasing properties, contracting with private developers to renovate them, and then renting them as public housing. The program grew as the city continued to

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<sup>60</sup> Abrams and Kolodny, 93, 95.

<sup>61</sup> For a holistic narrative of Philadelphia city planning in the 1940s and 1950s and its relationship to reuse, see Stephanie R. Ryberg, "Historic Preservation's Urban Renewal Roots: Preservation and Planning in Midcentury Philadelphia," *Journal of Urban History* 39, no. 2 (2012).

<sup>62</sup> Bauman, 430-1, 32, 41, 42.

lose population and vacancy increased, and the Philadelphia Housing Development Corporation was created to purchase and hold properties for rehabilitation.<sup>63</sup>

The program successfully renovated thousands of houses and put them to use, but it faltered in the long-term. The development coordinator at the Mayor's office expressed concern when the program expanded into primarily white areas, fearing that new public housing units would push current residents to the suburbs. Relying on private developers also proved problematic when the private need for a profit margin conflicted with public fair wages and fixed sale prices to the housing authority. Finally, federal funding proved a limitation. As with other contemporary public housing projects throughout the country, the program did not include long-term maintenance funding from the federal government, and many of the properties degraded over time. The general scale of abandonment and vandalism in Philadelphia also grew too great for the program to handle without additional federal dollars. Six-thousand reused housing units were still part of Philadelphia Housing Authority's portfolio as of 2009, but a quarter of them were deteriorating and empty, and the Authority planned to divest of all such units.<sup>64</sup>

#### Recurring Habits in How Policy Makers View and Respond to Problems

Several patterns stand out across all these policy decisions in the face of housing problems. Some decision-making rationales and policy-maker values appear throughout the history discussed, and others only appear after important moments such as the population loss of the mid-twentieth century. From the nineteenth-century onward,

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<sup>63</sup> Ibid., 430, 40, 44.

<sup>64</sup> Ibid., 443-4, 36, 47, 50, 55.



policy-makers have exhibited belief that private sector builders and developers will provide good-quality affordable housing of their own accord. Bernard Newman's 1920s comment that builders should be left to their own devices to provide housing as cheaply as possible is a case in point.<sup>65</sup> Even Abrams, writing in the 1960s, shows admiration for how private developers historically met housing needs, lauding turn-of-the-century zoning which made development easy.<sup>66</sup> The Philadelphia Housing Authority's willingness to collaborate with private developers for its rehabilitation program rather than manage the work itself, as it did with new public housing construction, could be seen as a logical outgrowth of this habitual faith in the private sector.

Such a conviction was natural in the rowhouse period when private development did keep housing much more affordable and in higher condition than cities like New York. However, as we have seen, relying on private development did not always address all the city's housing issues, particularly for low-income renters. Local policy-makers have also been habitually reluctant to intervene in private sector actions, either fill in the gap left by private actors or require private developers to close such gaps. The American Medical Association report on access to clean water and subsequent inaction by the city is an early example of this pattern; the failure to follow 1907 state law and inspect living conditions in rental properties is a later one. The 1950s role of the Chamber of Commerce and the Home Builder's Association in shifting the city away from new public housing construction and towards rehabilitation marks a contemporary version of this tendency;

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<sup>65</sup> Abrams and Kolodny, 90.

<sup>66</sup> *Ibid.*, 91.

policy-makers are more comfortable taking action on housing issues, but private development interests still have a role in determining what that action should look like, showing a new form of deference.

After the city began to lose population, we can see an increasing tendency among policy-makers to cater to the wishes of private residents in addition to private developers, particularly homeowners and white residents. The importance of citizen reactions to policy decisions appears repeatedly in discussions of public housing policy at the time. The 1950s rehabilitation proposal was an unapologetic way of making public housing more palatable to white residents. The Mayor's office intervention after the plan was enacted to express concern about how white residents of a particular neighborhood would react to the housing authority purchasing properties there is further evidence of this pattern. As Ryberg discusses, the city planning commission's famous effort to use preservation to appeal to middle-and upper class residents during urban renewal of in Society Hill in the late 1950s and 1960s, essentially ousting low-income residents, is another famous example.<sup>67</sup> These actions appear to have been rooted in the fear that valuable private taxpayers would leave the city if their wishes were not respected and if plans did not appeal to their tastes.

A related habit that appeared in the 1950s is a consistent focus on cost-effectiveness and increasing city revenue when making policy decisions. Indeed, the need to preserve tax base was a primary reason that the city reevaluated its early urban renewal

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<sup>67</sup> Ryberg, 204.

demolition and new construction of public housing towers.<sup>68</sup> The argument that the rehabilitation plan was much more likely to appeal to current residents and preserve the city's tax base was an important factor in proceeding with the plan, showing the underlying significance of city revenue in decision-making. The 1950s argument that rehabilitation was cheaper than new construction demonstrates a similar focus on conserving city resources.

These tendencies are all related to what policy-makers assumed to be valuable policy goals or intelligent courses of action over time, even as the immediate contexts of housing issues changed. However, another consistent pattern across Philadelphia's housing policy history is that context can pose concrete constraints on what action policy-makers are able to take. Specifically, factors beyond municipal control such as federal policy and private financing preferences can prevent a proposed policy from being feasible. Binns' 1940s proposal was an early victim of this pattern; lack of municipal funds or a federal program to support large-scale rehabilitation was the primary reason cited for his plan not going forward. Abrams' 1960s comment that that private financing did not support reinvestment in lower-income areas and that federal programs funding broad-scale rehabilitation were limited makes a similar point about external constraints. Before the Housing and Urban Renewal Act of 1954, Philadelphia had absolutely no funding for rehabilitation, and even that program's limits, like lack of funding for maintenance, caused problems because the city could not make up for that deficit. These

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<sup>68</sup> Bauman, 430.

very real instances of the curtailment of housing policy because of funding restrictions reiterate the impact of circumstances beyond history and habit on policy decisions.

## V: Policies that Influence Reuse Decisions

Several underlying tendencies have appeared in Philadelphia policy-maker decisions since the nineteenth century, and these same patterns shape contemporary policies that are considered to influence whether developers invest in existing housing. Before discussing these case-study policies in detail, it is useful to give a brief overview of factors that influence the development process according to this project's interviewees. The interviews highlighted multiple non-policy influences such as the need to show profit, limits of financing, and the desire to reduce risk, and these decision-making lay the groundwork for the influence of policy on decision-making. The case-study policies exacerbate other circumstances to push developers towards new construction rather than investment in existing housing.<sup>69</sup>

One of the first questions asked in interviews was whether, given an empty block of existing Philadelphia rowhouses, rehabilitation or replacement with new construction is more likely. While preservation professionals and one housing professional felt that new construction is generally more likely, developer and policy-focused respondents felt that the decision depends on a variety of factors. According to the interviewees, developers make most decisions based on how a project's finances are affected. Most developers will seek to maximize profit, at the very least to ensure that the project is

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<sup>69</sup> All evidence in this section comes from interviews with the people listed in Table 1 in the Methodology section unless otherwise noted.

financially viable. The focus on generating good returns is exacerbated by Philadelphia's high construction costs and landowner desires to sell land for the highest price that the market will support. Location has an impact on how much money a project can make because in Philadelphia land prices and how much people will pay for housing vary widely by neighborhood. This potential difference in both project cost and profit has an impact on whether developers pursue rehabilitation or new construction because, as interviewees across fields noted, building new tends to cost more than rehabilitation (depending on the scale of work) but people will pay more for newer housing. Therefore, new construction is more likely in hot neighborhoods where land prices are highest but where people will pay a premium for new housing. Conversely, rehabilitation is more likely in neighborhoods where housing prices cannot make up for the cost of construction and there are not high land prices to overcome.

In addition to finances and, by extension, location, interviewees emphasized that expertise can push a developer towards either new construction or rehab; most developers focus exclusively on one or the other. Developers may also be more comfortable or suited to working in neighborhoods where either new construction or rehabilitation is more financially feasible. Shift Capital, based in the Kensington neighborhood of Philadelphia, is rooted in a place and used to dealing with the challenges of a disinvested community. Their work focuses primarily on rehabilitation because it is more feasible in this neighborhood. Other developers may be less comfortable working in this kind of environment.

While these factors can push a developer towards either new construction or rehabilitation, interviewees across fields also noted factors that generally make new construction more attractive or more feasible than refurbishment. As the literature indicated, limitations of federal and private financing are a major factor, especially for the creation of affordable housing. Reuse developers Nancy Gephart and Ken Weinstein both reiterated the limited applicability of federal financing and incentives like the Historic Tax Credit for smaller properties. In addition, Ms. Gephart and housing lawyer Dina Schlossberg noted that acquiring private financing for existing properties may be difficult if the value of the existing asset is low, as is often the case with older housing. Private investors may also be wary of investing in rehabilitation, according to historic preservation professor and advocate David Hollenberg. Part of the reason for wariness among private financiers and investors is that rehab is seen as complex and unpredictable; half of the interviewees stated that rehabilitation is seen as prone to unforeseen complications and costs.

Poor condition exacerbates funder and developer nervousness about rehabilitation, and unfortunately, as discussed in Section II, poor condition is an ongoing concern for Philadelphia's existing housing. Long-term population loss and widespread poverty have limited owner's money for maintenance, and many houses in Philadelphia are dilapidated or abandoned. According to developer Brett Meringoff and Philadelphia housing policy expert John Kromer, condition is a primary factor for even rehabilitation-focused developers in deciding whether to take on a project. Developers assess the building for immediate costs, including structural, safety, and environmental concerns, as

well as the potential cost of systems like heating and electric over time. Even a rehabilitation-focused development organization like Shift Capital will tear down and replace a building if condition problems are severe. However, interviewees in both development and preservation fields acknowledge that condition can influence decisions on the basis of perception as much as on hard costs.

These non-policy aspects of decision-making highlight areas in which policy may influence whether housing is rehabilitated. Policies affecting project cost, profit margin, project complexity, and existing building condition are most likely to influence whether developers opt to reinvest in a rehabilitation property. While interviewees raised a range of policies, three stood out for their relationship to these aspects of developer decision-making – Philadelphia’s Ten Year Property Tax Abatement, zoning, and support for maintenance of existing properties. Sometimes the policies clearly make new construction easier or more profitable than rehabilitation, as is the case with the tax abatement and zoning, and sometimes they unintentionally create a preference by failing to make rehabilitation more attractive to developers. According to interviewees, zoning and maintenance programs both fall into this latter category because they struggle to sufficiently improve housing condition or allow creative, more profitable redevelopment projects. After providing more background on each of the policies I am using as case-studies, I will make the case that knowledge of tendencies in historic decision-making helps explain why these particular policies persist in their current form, a situation that may have implications for investment in existing housing.

## Ten-Year Tax Abatement

Philadelphia's Ten-Year Tax Abatement program is actually composed of multiple abatement policies and ordinances; the most relevant of these to housing are Rehab Construction for Residential Properties (Ordinance 961) and New Construction for Residential Properties (Ordinance 1456-A).<sup>70</sup> Under these abatements, an owner's property taxes are reduced by the value of any major improvements he or she makes to a property for a period of ten years, beginning with completion of construction.<sup>71</sup> Property owners still pay taxes on the value of the land and any pre-existing structures.<sup>72</sup>

The Rehab Construction for Residential Properties abatement began in 1974 and has been substantially amended since, most notably in 2000. As it currently stands, the abatement is quite permissive and can be applied to any improvement of an existing residential structure that changes the value of the property.<sup>73</sup> The original policy was more restrictive, focused on addressing serious safety concerns.<sup>74</sup> The New Construction for Residential Properties abatement, enacted in 2000, applies to any-sized property

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<sup>70</sup> City of Philadelphia, "Abatements" (web page), Office of Property Assessment, accessed March 25, 2019, <https://www.phila.gov/OPA/AbatementsExemptions/Pages/Abatements.aspx>.

<sup>71</sup> Kevin C. Gillen, *Philadelphia's Ten-Year Property Tax Abatement: Update Statistics on the Size and Distribution of Tax-Abated Properties in Philadelphia*, (Philadelphia, PA: Fels Institute of Government, University of Pennsylvania, 2013), 2.

<sup>72</sup> Mike Dunn, "City Releases Study of 10-Year Property Tax Abatement," news release, Philadelphia, PA, May 24, 2018.

<sup>73</sup> As determined by the Office of Property Assessment upon completion of construction. *Rehab Construction for Residential Properties, Application for the Exemption of Real Estate Taxes Due to Improvements*, (Philadelphia, PA: City of Philadelphia Office of Property Assessment, 2015).

<sup>74</sup> The original \$10,000 cap on tax exemptions has also been removed. *Amending Title 19 of the Philadelphia Code, Relating to Finance, Taxes and Collections, by Adding a New Section Authorizing the Board of Revision of Taxes, on Behalf of the City of Philadelphia, to Exempt, from Real Estate Taxes, Improvements to Residential Property, under Certain Terms and Conditions*, Bill no. 961, Council of the City of Philadelphia; Philadelphia, PA Municipal Code, § 19-1303 (2); Gillen, 3.



where the structure is entirely new, even if there was previously a structure on the site.<sup>75</sup>

This abatement's original goal was addressing population losses that occurred in the 1990s.<sup>76</sup>

Both the residential abatements can be used on any property throughout the city. At the time of enactment, City Council made the intentional decision to apply the abatement unilaterally, arguing that investment was needed throughout the city. Policy-makers used a 1945 Pennsylvania guideline for determining blighted areas and a 1967 law for determining impoverished areas to guide this determination.<sup>77</sup> Because the abatement is meant to respond to areas in need, it could theoretically be confined to some areas of the city; however, Council has never retargeted the abatement.

Though the two programs have similar specifications, they have radically different benefits in practice. Since the abatement only covers the value of improvements, in the case of rehabilitation, the owner may still be paying taxes on the pre-existing structure in addition to taxes on the land while receiving the abatement. With new construction, however, the owner usually pays taxes only on the land, regardless of whether there was a prior structure, because the entire new building is an improvement.<sup>78</sup>

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<sup>75</sup> Gillen, 2, 4.

<sup>76</sup> *New Construction for Residential Properties, Application for the Exemption of Real Estate Taxes Due to Improvements*, (Philadelphia, PA: City of Philadelphia Office of Property Assessment, 2015); Nathan Gorenstein, "City Waives Tax to Lure New Homes the 10-Year Abatement Applies to Construction, Which Is Rare in Philadelphia. Renovators Also Benefit," *The Philadelphia Inquirer*, December 29, 2000, NewsBank.

<sup>77</sup> Bill no. 961; Philadelphia, PA Municipal Code, § 19-1303 (4).

<sup>78</sup> "Abatements".

### *Relationship to Reuse of Existing Housing*

The abatements appear to have successfully spurred general investment in housing.<sup>79</sup> They have particularly favored luxury-level housing, new construction, and construction in specific, high-value neighborhoods. Data published in 2018 shows that 59% of owner tax benefits from the abatement programs is tied to properties in just 6% of all Philadelphia neighborhoods, particularly Graduate Hospital, Rittenhouse Square, Northern Liberties, Point Breeze, and Fishtown. In contrast, abatements do not appear to have made development attractive in less profitable areas outside Greater Center City, where rents remain low and costs of construction remain high.<sup>80</sup> Tax benefits are also concentrated among luxury-level properties; the fifteen properties with the highest abated property values constitute 0.1% of properties receiving the abatement but make up 16% of value of abated properties city-wide.<sup>81</sup> In contrast, only 5% of abated properties are owned by affordable housing developers.<sup>82</sup> Finally, the abatement programs have incentivized new construction. After the New Construction abatement went into effect, new construction increased 263%.<sup>83</sup> While new construction has only a slight advantage

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<sup>79</sup> During the 2009 to 2011 recession, housing starts in Philadelphia increased by 64%; in suburbs just beyond Philadelphia that lack such an abatement, housing starts declined. Gillen, 6.

<sup>80</sup> *An Analysis of Tax Abatements in Philadelphia*, (Philadelphia, PA: Office of the Controller, City of Philadelphia, 2018), 16, 21, 25.

<sup>81</sup> The prevalence of luxury housing is particularly strong in Center City, where most abatements are close to \$1 million; the average abatement city-wide is \$250,000. *Ibid.*, v, vi.

<sup>82</sup> Gillen, 22, 24.

<sup>83</sup> Gillen, 1; Richard Sarkis, "Now Is the Time to Buy Vacant Land in Philadelphia," *Philadelphia Business Journal*, August 27, 2018, <https://www.bizjournals.com/philadelphia/news/2018/08/27/cre-data-reconomy-why-buy-philly-vacant-land-bank.html>.

over rehab, constituting 53% of abated properties, new construction properties tend to be bigger and higher-value, receiving an outsize share of abatement benefit.<sup>84</sup>

The interview process shed some tentative light on why the abatements might incentivize new construction more than rehabilitation. Almost every interviewee noted that the ten-year tax abatement programs favor new construction over rehabilitation. Because the tax abatement is based on value added to a property, developers in Philadelphia have an incentive to pick projects where they will do a substantial amount of work, like new construction. In turn, developers continue to work in neighborhoods where people will pay for new construction, raising prices to cover the higher construction costs. This phenomenon is exacerbated by the inadequacy of the abatement to make investing in outlying, low-rent areas or low-rent properties like rowhouses profitable, especially compared with the opportunity for profit under the abatement in central locations.<sup>85</sup>

#### *General Responses to the Abatement Programs*

The abatements' noticeable impacts on development have caused a more prominent public debate than either of the two other case-study policies. While some of the public argues that the abatements spur necessary investment, much of the public reaction in the 2010s has been negative. Critics argue that the program does not benefit people fairly because its use for luxury housing in high-cost neighborhoods benefits the wealthy and developers more than Philadelphians with fewer resources. Indeed, some

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<sup>84</sup> Dunn; *An Analysis of Tax Abatements in Philadelphia*, 21.

<sup>85</sup> *An Analysis of Tax Abatements in Philadelphia*, 25, 27.

argue that luxury new construction raises neighboring property taxes while large developers and owners of new buildings pay no taxes.<sup>86</sup> Commentators therefore argue that the abatements sacrifice vital funding for the city and its schools while generating little public benefit.<sup>87</sup>

As a result of these critiques, policy-makers have begun discussing possible changes to the abatement programs, and several reports have been published assessing the current programs, their results, and the potential effects of proposed changes. Acknowledging that the city is a more positive environment for real estate investment today than when the abatements were introduced, the alternatives include eliminating the abatement, limiting its term, capping values, or limiting the abatement to specific areas of the city.<sup>88</sup> The current discussion of these proposals provides an opportunity to assess what factors are influencing policy-maker decisions on the abatement.

## Zoning

Zoning affects what kind of development is allowed in different areas of the city and includes both zoning code and zoning maps, which are both put into effect by city council, though often separately. The policy focuses on managing the appearance and use of development; the Philadelphia Department of Licenses and Inspection describes the city's zoning as regulating land use, building height and size, population density, and

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<sup>86</sup> Gillen, 2; *An Analysis of Tax Abatements in Philadelphia*, 2; Reity O'Brien, "Ten Arrested at Occupy Philly Sit-in at Comcast," *The Philadelphia Inquirer*, November 3, 2011, NewsBank.

<sup>87</sup> *An Analysis of Tax Abatements in Philadelphia*, 2.

<sup>88</sup> Another option is gradually decreasing the value of the tax abatement received by each property over the course of ten years.

character of development for the general good of the city.<sup>89</sup> Developers of a property must demonstrate to Licenses and Inspection that the project follows the rules assigned to that property by the city's zoning code and zoning maps before the project can be approved. If a project wants permission to do something that is not explicitly allowed on a property by the city's zoning, a developer may go to the Zoning Board of Adjustments to seek approval. For a variance, which offers even more relief from the zoning code, city council must weigh in.<sup>90</sup>

Both Philadelphia's zoning code and several zoning maps have been updated in the past ten years; the current zoning code dates to 2011. Mandated by a city-wide vote in 2007, this was the first comprehensive update to the city's zoning code since 1963. Over the intervening fifty years, the zoning code was changed in a piecemeal way, adding new rules and overlays to different areas of the city bit by bit without removing older rules.<sup>91</sup> This process created a very complex zoning code. As such, while the update includes the standard goal of promoting "public health, safety, and general welfare" of both citizens and visitors to Philadelphia, its primary aim was to reduce the prior code's complexity.<sup>92</sup> The 2011 legislation completely repealed the prior zoning rules and replaced it with the new code, which went into effect in August 2012.<sup>93</sup>

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<sup>89</sup> City of Philadelphia, "Zoning" (web page), Philadelphia Department of Licenses and Inspection, accessed March 30, 2019, <https://www.phila.gov/li/pages/zoning.aspx>.

<sup>90</sup> Philadelphia, PA Municipal Code § 14-103.

<sup>91</sup> Philadelphia, PA Municipal Code § 14-101.

<sup>92</sup> The former code had become so complex that 40% of projects in the city had to seek a variance from the code just to go forward. Philadelphia Code § 14-101; Troy Graham, "Zoning Reform to Face Final Vote - If Approved Dec. 15, It Could Increase Local Development by Speeding Philadelphia's Permitting Process," *The Philadelphia Inquirer*, December 8, 2011, NewsBank.

<sup>93</sup> *An Ordinance Repealing Title 14 of the Philadelphia Code, Entitled "Zoning and Planning," and Replacing It with a New Title 14 of the Philadelphia Code, Entitled "Zoning and Planning"; and Making*

However, the zoning chapter of the Philadelphia Code lays out a variety of goals beyond reducing complexity, which must be briefly discussed as a background for exploring policy-maker decision rationales. The goals fall into four categories: sound planning, sustainability, growth and economic development, and fair and consistent procedures. The economic development and consistent procedures sections speak to reducing complexity and, significantly, focus on how reducing complexity makes development easier. One of the sub-goals in this category reads, “removing barriers to enable responsible development to proceed ‘as of right’ [without special permissions].” The sound planning, sustainability, and economic development sections are much less focused on development, instead seeking to strike a balance between growth and maintaining local character. The section includes sub-goals such as increasing development around transit, focusing investment in deteriorating neighborhoods, and keeping “desirable characteristics” of neighborhoods.<sup>94</sup>

The 2011 legislation provides a comprehensive update to zoning goals and rules, but the process did not include an update to all the city’s zoning maps, which specify what types of development are allowed in different parts of the city. The Philadelphia City Planning Commission developed recommendations for new zoning maps based on lengthy public input and planning processes, but those recommendations needed to be

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*Conforming Changes to the Zoning Maps of the City; All under Certain Terms and Conditions*, Bill no. 110845, City of Philadelphia, 2011.

<sup>94</sup> Ibid.

adopted by city council to take effect.<sup>95</sup> Philadelphia's tradition of Councilmanic Prerogative, in which individual councilmembers are allowed to unilaterally make land use decisions for their districts, meant that it fell to each councilmember to introduce zoning map legislation for his or her district based on the Planning Commission's recommendations.<sup>96</sup> Not all of the councilmembers did, however, and other councilmembers would not take up the legislation.<sup>97</sup> Five years after the update to the zoning code, only half of the city had been remapped, mostly in the greater Center City area.<sup>98</sup>

#### *Relationship to Reuse of Existing Housing*

The interviewees indicated two ways in which Philadelphia's zoning might influence developer decisions to favor new construction. The first is when zoning in an area allows for bigger buildings than what is currently there. All preservationists and some policy sources made the point that where zoning allows a developer to replace an existing house with a bigger structure that can yield more rent, they are likely to do so. In these areas, developers can maximize cash flows from a larger building while also

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<sup>95</sup> Jake Blumgart, "Five Years into Remapping Process, City Council Has yet to Rezone Half of the City," *PlanPhilly*, July 20, 2017, <http://planphilly.com/articles/2017/07/20/five-years-into-remapping-process-city-council-has-yet-to-rezone-half-of-the-city>.

<sup>96</sup> The Pew Charitable Trusts, "Philadelphia's Councilmanic Prerogative: How It Works and Why It Matters" (web page), accessed April 25, 2019, <https://www.pewtrusts.org/en/research-and-analysis/reports/2015/07/philadelphias-councilmanic-prerogative-how-it-works-and-why-it-matters>.

<sup>97</sup> Jake Blumgart, "Bill to Ban New 3-Story Homes in Point Breeze, Grays Ferry Introduced by Councilman Johnson" *PlanPhilly*, November 2, 2018, <http://planphilly.com/articles/2018/11/02/bill-to-ban-new-3-story-homes-in-point-breeze-grays-ferry-introduced-by-councilman-johnson>.

<sup>98</sup> Blumgart, "Five Years into Remapping Process, City Council Has yet to Rezone Half of the City"; Inga Saffron, "Changing Skyline: Proposed Remapping of Center City Land Use Covers Much Needed Ground," *The Philadelphia Inquirer*, March 15, 2013, NewsBank.

minimizing cost of permitting, as they would not have to seek a zoning variance to build a bigger structure. The phenomenon of zoning at odds with current structures can be seen in Philadelphia's hotter markets, like Graduate Hospital or Brewerytown.

On the other hand, developers working in rehab of existing homes pointed out that zoning may not be permissive enough to maximize profitability and therefore feasibility. Ken Weinstein and Nancy Gephart both stated that while single-family zoning prevents replacement with larger structures, it can ban subdividing houses into more units. The ability to add more units, and therefore more rental income, can be key to paying for the expenses of rehab work.

#### Support for Maintenance of Existing Housing

The third case study, support for maintenance of existing properties, is unlike the previous two examples in that does not stem from a single public act or section of code. Instead, there are many programs that cover maintenance, including the Department of Licenses and Inspection's (L&I) maintenance code enforcement and the Division of Housing and Community Development's (DHCD) and Philadelphia Redevelopment Authority's (PRA) maintenance funding. Because these programs all have a role in whether and how housing is maintained, they are considered together for the purpose of this thesis, though they are administered separately.

The Philadelphia Department of Licenses and Inspection performs a wide range of duties related to construction and buildings for the city. In addition to administering violations of the Property Maintenance Code, L&I oversees a variety of building and construction codes including building code, fire code, plumbing code, electrical code, and



others.<sup>99</sup> Accordingly, the department handles all construction approvals and permits in Philadelphia. L&I also approves licenses such as Rental Licenses, which are required of all landlords in the city, and is responsible for monitoring licensed properties to make sure they meet maintenance and other requirements.<sup>100</sup>

For the purposes of this analysis, administration of property maintenance code is one of L&I's most significant responsibilities. Philadelphia's Property Maintenance Code is the adopted International Property Maintenance Code, which Philadelphia adopted to "ensure public health, safety, and welfare insofar as they are affected by the continued occupancy of structures and premises." L&I is responsible for ensuring that the city's residential structures are safe for habitation, and the primary tool for fulfilling this responsibility is issuing citations requiring non-compliant residences to meet code or face pecuniary consequences. As stated in the code, L&I must ensure that "existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety."<sup>101</sup>

While L&I focuses on enforcing maintenance through citations, the DHCD's and PRA's programs are designed to ease the financial burden of property maintenance through grants, loans, and some technical assistance. These programs are a response to the city's poverty and general lack of available funds for maintenance, even among

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<sup>99</sup> City of Philadelphia, "Codes" (web page), Department of Licenses & Inspection, accessed April 2, 2019, <https://www.phila.gov/li/codesandregulations/Pages/codes.aspx>.

<sup>100</sup> City of Philadelphia, "Find a License or Permit" (web page), Business Services, accessed April 2, 2019, [https://business.phila.gov/get-licenses-permits/?\\_ga=1.149040118.156915740.1442254213](https://business.phila.gov/get-licenses-permits/?_ga=1.149040118.156915740.1442254213).

<sup>101</sup> Philadelphia, PA Municipal Code, PM-101.3: Intent.

homeowners. According to DHCD, the programs are designed to keep people in their current homes and thereby prevent homelessness.<sup>102</sup>

The Basic Systems Repair Program, administered by DHCD, is one of the older and better-known maintenance funding programs. The program funds emergency repairs that affect building habitability, including boiler and heating repairs, structural work, or roof replacement. The program also connects applicants to pre-approved contractors. The program does not fund cosmetic, amenity, or preventative work; the issues must be severe. A qualifying roof problem, for instance, must be collapse of at least four square-feet of ceiling or roof. Applicants must also fit strict eligibility requirements. They must own and live in a single-family home and own no other residential property. They must also be up to date on property taxes and water bills and not have received Basic Systems Repair Funds in the past three years.<sup>103</sup> Finally, applicants must meet strict income requirements; the maximum allowed income for a family of four is \$36,650.<sup>104</sup>

The Restore Repair Renew loan program, created in 2018 and also administered by DHCD, is a more flexible funding source that can be used by households with higher incomes and be used for preventative maintenance or adding amenities. The program, also known as the Housing Preservation Loan Program, offers up to \$24,999 in loans for work done by a licensed contractor.<sup>105</sup> While the maximum allowed income is much

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<sup>102</sup> City of Philadelphia, "Home Repair" (web page), Division of Housing and Community Development, accessed April 1, 2019, <http://ohcdphila.org/home-repair/>.

<sup>103</sup> City of Philadelphia, "Basic Systems Repair Program" (web page), Division of Housing and Community Development, accessed April 1, 2019, <http://ohcdphila.org/home-repair/bsrp/>.

<sup>104</sup> Kramer.

<sup>105</sup> Caitlin McCabe, "Hope for Low-Income Residents - Philadelphia's Housing Preservation Loan Program Will Help Homeowners with Repairs.," *The Philadelphia Inquirer*, January 21, 2018, NewsBank; "Loans

higher than Basic Systems Repair –\$104,880 for a family of four – and applicants only need a credit score of 580 to apply, there are still some application restrictions; the program is again only available to homeowners.<sup>106</sup>

Only one Philadelphia program currently offers maintenance funding to landlords, a pilot program launched in 2018. The program uses money from the Pennsylvania Housing Finance Agency to insure loans that private lenders make to Philadelphia's small-scale landlords. The landlords must own four or fewer units, and the renters must not earn more than 100% of Area Median Income.<sup>107</sup> Loans can cover any property maintenance activity and can be for values up to \$25,000.<sup>108</sup> The city is still rolling out the program and identifying private-sector lenders to administer loans.

#### *Relationship to Reuse of Existing Housing*

The interview process demonstrated that maintenance and condition of existing housing units is a major factor in developer decision-making; a building in worse condition is less likely to be seen as a viable rehabilitation project. However, maintenance continues to be a widespread problem in Philadelphia despite existing city programs, and weaknesses in those programs may prevent them from fully addressing the city's condition concerns. In the case of the funding programs, there may not be enough

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for City's Aging Housing Stock - Old Houses Will Get New Attention under a Program That Will Take Even People with Low Credit Scores," *The Philadelphia Inquirer*, March 17, 2019, NewsBank.

<sup>106</sup> McCabe, "Loans for City's Aging Housing Stock - Old Houses Will Get New Attention under a Program That Will Take Even People with Low Credit Scores."

<sup>107</sup> "Small Landlord Loan Program," news release, Philadelphia, PA, September 3, 2018, <http://phennd.org/update/small-landlord-loan-program-sllp/>.

<sup>108</sup> Aaron Moselle, "New Loans for Home Repair May Be Lifeline for Philly 'Small Landlords' — and Their Tenants," *WHYY*, December 18, 2018, <https://whyy.org/articles/new-loans-for-home-repair-may-be-lifeline-for-philly-small-landlords-and-their-tenants/>.

funding for preventative maintenance to prevent homes from falling into further disrepair; Basic Systems repair is targeted to severe problems and cannot be used to prevent a small leak from becoming a bigger issue. Even the Restore, Repair, Renew loan program, which is less restrictive than Basic Systems Repair, can still only be used for approved condition problems. In the case of PRA's landlord loan pilot program, there is no guarantee that landlords will be incentivized to take on loan payments, even at a discounted rate, to perform preventative maintenance. Of even greater concern is that the funds available through these programs have historically been insufficient to keep up with demand for maintenance assistance. Interviewees stated that the wait for Basic Systems Repair funds can be several years long, allowing problems to worsen and making rehab less feasible as residents wait. Finally, programs to fund maintenance have, until recently, focused on homeowners. While offering funds to homeowners is not problematic in itself, it is a concern given the focus of this thesis on preserving and creating affordable units for renters. As a result of lack of funding, rental properties may continue to fall into worse condition and become targeted for demolition in the future.

Critics also argue that the L&I's code enforcement is insufficient to address widespread maintenance problems. Philadelphia sees certain benefits from L&I's administration of the Property Maintenance Code; according to a 2015 editorial in *The Philadelphia Inquirer*, the city saw property value increases and tax delinquency decreases when the department targeted vacant properties for maintenance code violations.<sup>109</sup> Other sources, however, note that L&I does not take enough action to fully

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<sup>109</sup> "Can L&I Be Trusted?," *The Philadelphia Inquirer*, February 12, 2015, NewsBank.

address issues under its purview and prevent problems from getting worse. An opinion writer for WHYY argued that the department targets specific types of violations in response to tragedy. The Department only cracked down on unlicensed rental properties after a fire claimed lives and only increased oversight of fire code maintenance after a young man died on a fire escape collapse. According to this observer, these incidents demonstrate that “the property code enforcement system is broken.”<sup>110</sup> Interviewees also noted that the Department focuses heavily on monitoring buildings that are in danger of collapse and spends less time monitoring less-severe maintenance violations, creating a lack of focus on prevention similar to the funding programs. Even within the imminently-dangerous properties L&I focuses on, the department does not put resources into supporting existing structures. Instead of placing money into hiring a contractor to fix problems and placing a lien on the property, L&I often hires a demolition company.

## VI: Analysis of Policy-Maker Language

The language used to describe the three policies, both in policy-maker statements and in legal documents themselves, gives an indication of the factors that influence how policy-makers feel about the policies. The tendencies discussed in Section IV appear in language for the case studies, though to different degrees. Policy-maker thoughts on zoning appear most related to habitual assumptions with very little decision-making influenced by external factors. Support for maintenance offers a contrasting case in which

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<sup>110</sup> Jason Kaye, "Licenses & Inspections' Unresponsiveness Makes Philadelphia Less Safe," *WHYY*, August 3, 2017, <https://whyy.org/articles/op-ed-licenses-a-inspections-unresponsiveness-makes-philadelphia-less-safe/>.

decision-making is most influenced by concrete factors beyond municipal control, such as lack of funding and local government capacity. The tax abatements show a combination of the two types of factors. Together, the case studies demonstrate that assumptions based in historic habits play a role in policy-maker decisions, though to varying degrees.

### Role of Assumptions in the Ten-Year Tax Abatement

Language used by policy-makers when discussing the tax abatements connects prominently to three assumptions: that the city must rely on private development to meet various needs, that the government should support rather than hinder private development, and that policy should prioritize generating revenue. The former two assumptions are rooted in the nineteenth century, and the latter is traceable to the mid-twentieth century. Policy-maker statements demonstrate their hope that the tax abatement will encourage developers to take action that will produce benefits for the city.

Councilwoman Janie Blackwell has stated, “I’m for poor people and poor neighborhoods getting this abatement... I’m for us trying to lure developers into working in more bad areas,” demonstrating a belief that the abatement policy can foster private development activity that will benefit the public.<sup>111</sup> Her statement implies that private development is essential for benefits to arrive in low-income areas. Other policy-makers stress the importance of private development to fostering job growth. A report on the abatements

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<sup>111</sup> Joe Trinacria, "Allan Domb Floats Idea to Reduce Philly's Property Tax Abatement," *Philadelphia Magazine*, June 13, 2018, <https://www.phillymag.com/news/2018/06/13/domb-property-tax-abatement-reduction/>.

and the impact of alternatives from the city’s Finance Department demonstrates how important job creation through development is to policy-makers; impact on employment growth is one of the primary metrics for evaluating the alternatives.<sup>112</sup>

The continued influence of a nineteenth-century assumption is particularly apparent because the overall housing context has changed. In the nineteenth century and into the early twentieth, Philadelphia was a prosperous manufacturing hub; most people’s needs for employment were readily met. As Rilling demonstrates, the primary good provided by house builders was affordable, quality housing, and leaders’ stated reliance on developers reflected that focus (see Section II). Bernard Newman’s 1920s argument that builders should be allowed to act without government intervention focuses exclusively on the argument that developers were the best at providing housing (see Section IV). Post-industrial Philadelphia, as we have seen, is a place with lower population, employment, and investment than at the height of the industrial era, and policy-makers have simply adapted Newman’s argument to make the case that private development is most likely to solve lack of investment and low employment as well as provide housing.

The argument that the tax abatement is important because it makes development easier is also closely connected to past decision-making tendencies. The assumption that the government should be making development simpler can be seen in many of the program’s officially-stated goals. Indeed, a report by the city’s Controller’s office states that a primary goal of the program is to “support developers and spur development more

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<sup>112</sup> Dunn.

broadly in Philadelphia.” The Office of Property Assessments home web page for the abatements describes reducing development costs as one of the major program goals.<sup>113</sup> Regardless of what policy-makers specifically hope development will achieve for Philadelphia, the method of keeping barriers for private builders low remains a constant. This contemporary thought-process is comparable to historic decisions and assumptions including Philadelphia’s unwillingness to require running water in all properties in order to avoid restrictions on developers and Abrams’ 1960s statement applauding permissive zoning (see Section IV).

Finally, policy-maker language also shows a priority placed upon generating revenue. Even though the abatements forgo some tax revenue in the short term, one the most prevalent goals for the policy is that by attracting investment, it will generate property value increases that will increase revenue after the abatements end. Frank Rizzo, former mayor, was one of the first policy-makers to express the hope that abatements would make money for the city, stating that he hoped to attract “all the people that have got all the money in this country. I’m going to invite them to Philadelphia. I’m going to put packages together that are so attractive that they won’t be able to say no... I’m going to offer them tax abatement[s].”<sup>114</sup> Today, the official alternatives to the abatements were assessed by the Finance Department in terms of how they impact revenue, and the

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<sup>113</sup> "An Analysis of Tax Abatements in Philadelphia," 3; "Abatements".

<sup>114</sup> Jack Grauer, "The Astonishing Mutation of Philly's Real Estate Tax Breaks," *The Spirit of the Riverwards*, September 17, 2015, <http://spiritnews.org/articles/the-astonishing-mutation-of-phillys-real-estate-tax-breaks/>.



department advocated keeping the current abatements solely because they lead to the most property tax revenue long-term.<sup>115</sup>

Even policy-makers' argument that the tax abatement supports homeownership is supported by an underlying assumption about the importance of revenue. At the time that the New Construction abatement was created, Councilman Frank DiCicco argued that the abatement would spur the development of housing that potential new residents would want to buy.<sup>116</sup> Today, one of the major stated goals of the abatements on the Abatements city web page is creating and protecting opportunities for homeownership. The desire to increase city revenue by supporting the tax base could be seen in the 1950s when policy-makers like William Rafsky designed scattered-site public housing in an attempt to stop flight of higher-income homeowners to the suburbs. This pattern continued when the Dilworth administration attempted to shape the Philadelphia Housing Authority's programs to make them less visible to homeowners (see Section IV). Today, the city is more focused on attracting than preserving tax base with the tax abatements, but the focus on revenue remains constant.

These assumptions come together to shape the tax abatement and make changing the policy difficult, even as members of the public have complained that it has failed to promote investment in all areas of the city and unequally benefits luxury housing and new construction. Councilmembers have relied on these assumptions when opposing

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<sup>115</sup> The Controller's report found that as of 2018, abated properties provided an outsize contribution to Philadelphia tax revenue. While the properties composed only 2.5% of total properties, but the value of the abatements, which will be taxed when abatements expire, constituted 6.6% of total city property values. See "An Analysis of Tax Abatements in Philadelphia," 7. Also see Dunn.

<sup>116</sup> "Abatements"; Gorenstein.

changes to the abatements that would address critics' concerns. In 2018, councilmembers debated a tax that parties receiving the abatement would pay on construction. Described as a tax on the abatement, the proposal was meant to address the perceived unfairness of the program and generate some money for the city's Housing Trust Fund. Councilman Alan Domb was one of the parties who opposed the proposal, and his argument hinged on prioritizing revenue. He argued that the new tax should not be pursued because it would result in lost income for the city.<sup>117</sup> The proposal eventually stalled, and at this writing, the abatement continues in much the same form that it has since 2000.

Despite the role of historically-rooted assumptions in contemporary decision-making, more concrete factors also play a role in shaping the tax abatement. Though Philadelphia policy-makers have a tendency to prioritize revenue, the city's tight finances are a real constraint on changing the tax abatement because trying to shift how money is spent often means taking money away from some other priority. In the case of the tax abatement, much of the public debate has focused on how to best generate money for schools, as property taxes are one of the school district's primary sources of funding, and 55% of property tax revenue forgone under the abatement would have gone towards public education.<sup>118</sup> As discussed earlier in this section, reports by the city and the University of Pennsylvania have found that keeping the abatement in its current form leads to the largest property tax benefits for schools in the long-run. However, policy-

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<sup>117</sup> Denise Furey, "Construction Tax a Poor Bet, Domb Argues," *Philadelphia Public Record*, September 2 2018, <http://www.phillyrecord.com/2018/09/construction-tax-a-poor-bet-domb-argues/>.

<sup>118</sup> *City of Philadelphia: Economic Impact Analysis of Proposed 10 Year Tax Abatement Adjustments (2018)*, (New York: Jones Lang LaSalle Americas, Inc., 2018), 1.

makers have also expressed concern about lack of funding for the Housing Trust Fund, which provides money for affordable housing. Councilman Domb proposed a gradual reduction of the abatements to send more property tax dollars to the trust fund.<sup>119</sup> That proposal, however, has come up against the need to generate funds for public education in most official city reports; the city's limited financial resources mean that policy-makers have had to choose one goal over another.

Overall, structural limitations and historical habits both play roles in how policy-makers regard the tax abatement and general resistance to changing it despite public pressure. If policy-makers were motivated to focus the benefits of the abatement into outlying areas and modest repairs that could serve low-income renters, thereby reducing the abatement offered, they would need to develop a strategy to either overcome or appease the assumptions that private development should take a lead in addressing the city's problems, that the city should make private development easier, and that the most important concern for the city government is generating revenue.

### Role of Assumptions in Zoning

Unlike the tax abatement, there is not a broad public debate on the merits of the zoning code and less of a general call to change policy, so assumptions do not figure in shaping a debate. However, assumptions played a crucial role in shaping the zoning code and the remapping process, and of the three case-study policies, zoning is most connected to historic tendencies. Indeed, policy-maker thoughts on the development of this policy

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<sup>119</sup> Trinacria.

are defined by the conflict between two assumptions: that the government should support rather than hinder development and that policy-makers should cater to the wishes of homeowners. Zoning policies that benefit development are not always perceived positively by homeowners and vice-versa; caught between habits of catering to both these interests, attempts to improve zoning policy often lead to impasse.

As discussed in Section IV, a simple early-twentieth-century zoning code that made development easy was lauded through mid-century, and the 2011 zoning update demonstrates a continued tendency to desire an easy-to-use code for the sake of development. Several policy-makers explicitly critiqued the 1960s zoning code because it had begun to make private development difficult. In 2011, Alan Greenberger, the Deputy Mayor for Economic Development who chaired the zoning update commission, stated that the older zoning code did not “support a predictable development process.” This, he argued, prevented the city from being attractive to development.<sup>120</sup> Mayor Michael Nutter made a similar argument that the older code prevented developers from building in Philadelphia because of its complexity.<sup>121</sup> Newspaper reports show that the public echoed this belief; many believed that councilmembers had too much ability to block development because so many projects under the old code required variances.<sup>122</sup>

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<sup>120</sup> Jeff Shields, "City Zoning-Code Update on Hold - Testimony Was Heard, but with Council Mired in Other Business, the Plan Was Tabled until Fall," *The Philadelphia Inquirer*, June 16, 2011, NewsBank.

<sup>121</sup> Troy Graham, "Zoning Reform to Face Final Vote - If Approved Dec. 15, It Could Increase Local Development by Speeding Philadelphia's Permitting Process," *ibid.*, December 8, 2011, NewsBank.

<sup>122</sup> Inga Saffron, "Changing Skyline: New Zoning Code: Toward a More Competitive, Livable City," *ibid.*, August 24, 2012, NewsBank.

By comparison, the new code was explicitly designed to not only simplify the zoning process for developers but to allow more high-rise development by-right, meaning that developers would not need special permission to build, especially in Center City.<sup>123</sup> Policy-makers argued that these changes would make development attractive, again showing the tendency of supporting the private sector. Councilman Bill Green promised to be an advocate for a zoning code that would encourage development, and Councilman Frank DiCicco stated, "I think this is going to be a huge step in continuing to move the city of Philadelphia forward."<sup>124</sup> These arguments demonstrate the underlying policy-maker assumption that simplifying development is good Philadelphia policy and will generate benefits for the city.

This assumption is connected to patterns of policy-maker behavior that can be traced to the mid-nineteenth century, appearing in the city's reluctance to regulate running water in buildings in the 1840s or perform mandatory inspections of rental properties in the early 1900s (see Section IV). This continued tendency is even more striking as the expected base level of regulation has changed throughout Philadelphia's history. As noted earlier in this essay, Philadelphia policy-makers were expected to take on a more active role in housing in the mid-twentieth century. Zoning itself is the mark of a stronger regulatory environment than existed in the nineteenth century. Even in this

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<sup>123</sup> Ibid.; "Overhaul Is Overdue - City Council Shouldn't Drop the Ball on Rewriting a Zoning Code That Has Some Rules That Go Back 50 Years," *The Philadelphia Inquirer*, May 24, 2011, NewsBank.

<sup>124</sup> "Overhaul Is Overdue - City Council Shouldn't Drop the Ball on Rewriting a Zoning Code That Has Some Rules That Go Back 50 Years"; Graham.

more heavily-regulated context, however, policy-makers still strive towards the light-handed model of Philadelphia's early housing history.

One of the ways in which policy-makers have catered to developers since the general increase in regulation is allowing developers a say in what government action looks like, and this tendency also appears in the zoning context. As discussed in Section IV, private interests weighed-in to support scattered-site public housing in the 1950s because it relied on partnership with private builders. While the 2011 zoning code was being crafted, developers actively argued that the older code made Philadelphia's development process too unpredictable to be attractive, and that Philadelphia would never be able to compete with other cities for development dollars until the process was simplified.<sup>125</sup> In contrast, they argued that the new zoning code would make the city more attractive to development interests.<sup>126</sup> This lobbying likely played a role in shaping the final policy and policy-maker views, continuing the mid-century tendency.

Statements about the zoning code also reveal the assumption that clearing the way for development would allow private actors to bring benefits to the city, just as Abrams argued that a simplified zoning code would be necessary to produce more housing in the 1960s. Simplifying the building process was a major part of Mayor Nutter's 2007 campaign platform because he felt that private development was vital to overall economic prosperity.<sup>127</sup> His feelings on the subject were made clear at a 2012 press conference

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<sup>125</sup> Inga Saffron, "Changing Skyline: New Zoning Code: Toward a More Competitive, Livable City," *ibid.*, August 24, 2012, NewsBank.

<sup>126</sup> David Gambacorta, "Zoning Hearing a 7-Plus Hour Marathon," *Philadelphia Daily News*, September 15, 2011, NewsBank.

<sup>127</sup> Shields.

unveiling the new zoning code, where he stated that the new code would “make it easier for developers to get projects moving and create jobs.”<sup>128</sup> Fostering private development was also seen as crucial to helping the city transition to a new “eds and meds”-based economy and moving the city out of a prolonged real-estate bust.<sup>129</sup> This logic is very similar to what could be seen in the tax abatement, where the tendency to believe that private development is the best conduit for new housing had morphed into a belief that private development was the best conduit for general economic development.<sup>130</sup>

As clearly as policy-maker statements show an assumption that simplifying development is good for Philadelphia, other policy-maker statements show an equally strong belief policy must cater to homeowners. The combination of these two tendencies create a conflict at the heart of Philadelphia zoning policy. If supporting private development led to upzoning and policies that allow large-scale development as-of-right, catering to homeowners leads to protection of single-family zoning, which limits options for new investment.

The ongoing argument over how communal housing should be treated by zoning law reveals the influence of the assumed need for homeowner support. In Philadelphia, almost no neighborhoods outside Center City and University City permit housing with individually-rented rooms and communal kitchens and bathrooms, a common method of

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<sup>128</sup> Inga Saffron, "Philly Switches to New Zoning Code," *The Philadelphia Inquirer*, August 22, 2012, NewsBank.

<sup>129</sup> Ibid.

<sup>130</sup> As Rilling demonstrates, Philadelphia does have a long history of job development from the construction industry, dating back to the first booms of rowhouse construction in the early twentieth century. However, I have not found direct historic evidence of nineteenth-century policy-makers making the argument that building should be supported for the sake of job creation, as it is today. See note 24.

increasing rental income from a single-family home. Current Licenses and Inspection commissioner Dave Perri argues that the zoning code should allow this style of housing in areas of the city that are currently zoned single-family, a designation which forbids this type of subdivision. His reasoning is that this type of housing is affordable, and discussed in Section II, Philadelphia needs affordable housing. As a result of this demand, many of these subdivisions happen illegally, and Perri's concern is that illegal housing units are difficult to track and monitor for safety.<sup>131</sup>

However, homeowners across the city are opposed to such a plan, and because many policy-makers assume they should prioritize homeowner concerns, zoning continues to block communal housing.<sup>132</sup> As journalist Jake Blumgart notes, “[Homeowner] interests tend to be much better represented in City Hall than poor renters.” Councilmembers generally avoid the topic of communal housing conversions, and the Zoning Board of Adjustments rarely grants permission for them in single-family homes. Gary Jastrzab, the former head of the Planning Commission, feels that Perri's proposal is unlikely to go forward because of these homeowner constraints.<sup>133</sup> Even Perri can be seen capitulating to such pressure within his proposal. He was careful to include ways to mitigate the perceived damage of communal housing in single-family neighborhoods. In his words, “I firmly believe we could put rooming houses into

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<sup>131</sup> Jake Blumgart, "Dave Perri's Controversial Solution to Philly's Housing Crisis," *PlanPhilly*, May 8, 2018, <http://planphilly.com/articles/2018/05/08/dave-perri-s-controversial-solution-to-philly-s-housing-crisis>.

<sup>132</sup> Homeowners may fear new people, particularly low-income people, coming into their neighborhoods, or feel that if many houses around them are converted to rentals their property values may decline. *Ibid.*

<sup>133</sup> Blumgart, "Dave Perri's Controversial Solution to Philly's Housing Crisis."



traditional residential single-family blocks and that type of more transient use can be fully absorbed without negative impact... But if you put ten of them on a block then you've changed the character of the block."<sup>134</sup> In the face of homeowner preference, there is only so much even the most ambitious policy-makers can do.

The perceived need to cater to homeowners among policy-makers has even been strong enough to challenge the desire to make the development process simpler for developers. The momentum of the zoning code update was slowed on several occasions by homeowner interests; shortly after the new code went into effect, a Council Bill reverted the code back to restricting the types of businesses that were allowed in neighborhood commercial corridors because of resident concerns. Councilman Green expressed concern that the bill would impede goals of easy approvals and job creation, but the bill passed anyway.<sup>135</sup>

The best case of conflicts between catering to development interests and catering to homeowners shaping policy is creation of new zoning maps. Some councilmembers have been reluctant to pass the zoning maps that reflect the new code; while the new maps would simplify the development process, they would reduce councilmember control over development and ability of constituent homeowners to push back against projects. Councilman Kenyatta Johnson had been reluctant to remap because he felt the more complex approvals process allowed greater resident input on new development. Rather than remap, he introduced a 2018 overlay that would allow dense development

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<sup>134</sup> Ibid.

<sup>135</sup> Jan Ransom, "Council Committee Oks Changes to New Zoning Code," *Philadelphia Daily News*, December 14, 2012, NewsBank.

along Point Breeze Avenue and prevent building higher-density housing in the largely two-story residential areas. Local residents were pleased with the restrictions on building heights, fearing increased property taxes from new development, but opposed the upzone on Point Breeze Avenue. Developers, on the other hand, were pleased with the upzone because it would make building there more profitable and were dissatisfied with the height restrictions in residential areas because it kept development from being profitable. Caught between trying to please two interests, Johnson chose a compromise, and neither party was fully satisfied.<sup>136</sup>

These examples show policy-makers making decisions about policy based on how they expect homeowners will react, demonstrating an underlying assumption that homeowners' wishes must be prioritized. This tendency reaches back to the scattered-site housing development of the 1950s. Though ostensibly designed to cost-effectively meet need for affordable rental housing, that project was originally designed because policy-makers felt that the public housing towers funded by the American Housing Act of 1949 were not palatable to homeowners (see Section IV). Later, the program was reevaluated and slowed because of the concern that homeowners would not like the public sector buying so many properties for affordable housing, even though housing need was still acute. Slowing the project also required placing homeowner interests above development interests, as the private sector did most of the scattered-site development work. There is a

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<sup>136</sup> Blumgart, "Bill to Ban New 3-Story Homes in Point Breeze, Grays Ferry Introduced by Councilman Johnson."

clear tendency to prioritize homeowners above other interests, particularly low-income renters but even above development.

The overarching influence of these historic tendencies on policy-makers is the creation of impasse. As the Councilman Johnson case illustrates, even after a development-friendly zoning code is passed, homeowner interests may keep councilmembers from unlocking the potential of the new code to generate revenue for property owners or even rehabilitation developers with remapping. Inaction and impasse are themselves common themes in Philadelphia policy history; at the time the zoning code was passed, Alan Greenberger expressed delight that the council had been able to accomplish such an ambitious goal and stated that many people in the city thought they would never be able to pass such large legislation.<sup>137</sup> The tendency towards impasse could easily be considered a concrete limitation on the policy-making process like lack of funding or human capacity. However, the zoning case demonstrates that impasse can actually be the result of underlying assumptions, and unlike absolute lack of funds, local policy-makers could potentially overcome impasse if they were able to come to terms with their decision-making habits.

In general, external constraints on policy change are far less evident in zoning than in the case of the tax abatements. However, the city's lack of finances still has played a role in decreasing the momentum of policy change. Though zoning changes may not require major outlays of funding which might have gone to meet some other city need, City Council may need to put legislation like zoning on hold to address pressing

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<sup>137</sup> Saffron, "Changing Skyline: New Zoning Code: Toward a More Competitive, Livable City."

budget concerns. In 2011, the Council was forced to move its self-imposed deadline for updating zoning several times when their attention was diverted by the need to address the City's budget and funding for schools.<sup>138</sup> It is unclear whether these issues would have been less pressing in a more affluent city, but we can at the very least say they have the potential to derail policy change in Philadelphia.

### Role of Assumptions in Support for Existing Maintenance

Support for maintenance offers a counter-point to the other two case-study policies, where historical decision-making tendencies prominently influenced the shape of contemporary policy. While some language used by policy-makers to discuss property maintenance does reference these tendencies, factors beyond municipal control play a much larger role in how policy-makers talk about L&I and maintenance funding programs. In particular, lack of funding and low department capacity limit how policy-makers can address these programs' shortcomings.

Historic assumptions only notably influence policy-maker discussions of maintenance funding; there are slight connections to the tendency to cater to homeowners visible in the design of these programs. As we have seen, most funding programs are designed exclusively for homeowners, even though, as a housing expert at Drexel's Lindy Institute for Urban Innovation states, renters are in a more "precarious" position than homeowners in Philadelphia. Still, when policy-makers discuss housing programs, they tend to focus on benefits for homeowners. When Alan Greenberger talks about

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<sup>138</sup> Shields.

Philadelphia programs that can defend against displacement and housing instability, he cites the funding programs that benefit homeowners.<sup>139</sup> Councilmembers Darrell L. Clarke and Cherelle Parker have decried the city's problem with housing condition but have also put the problem in terms of homeownership, tracing the problem to the struggles of low-income homeowners to access loans.<sup>140</sup> In this case, the assumption that the city should focus on homeowners may be more rooted in Philadelphia's early identity as a place where most people could afford to own a home, as Rilling discusses (see Section II), rather than the need to preserve homeowners as tax base that surfaced in the 1950s. However, the willingness to prioritize homeowner needs over the needs of lower-income renters holds true to mid-century, when the scattered-site affordable housing program was shaped around homeowners more than the program's tenants (see Section IV).

However, the primary reasons given by policy-makers that the funding programs are limited and that L&I does not effectively regulate property maintenance is that the programs have limited capacity and funding. Multiple policy-makers have stated that lack of human capacity is problematic for L&I's monitoring of property maintenance. L&I has been described as "troubled" by newspaper reports and other city officials throughout the 2010s. In 2015, architectural reporter Inga Saffron noted that L&I was "perpetually understaffed;" in the same year, an advisory commission aiming to address the department's shortcomings noted that the department had too many responsibilities for its

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<sup>139</sup> Kramer.

<sup>140</sup> McCabe, "Hope for Low-Income Residents - Philadelphia's Housing Preservation Loan Program Will Help Homeowners with Repairs."

staff levels.<sup>141</sup> Several policy-makers advocated increasing hiring at L&I, particularly after a deadly collapse at an under-regulated construction site in 2013. City Council advocated adding more inspectors to the department, and a 2015 report from the Controller's Office advocated increasing the number of inspectors from 56 to 136 so that the Department could do more inspections from the street.<sup>142</sup> However, little action has been taken after the release of such reports to put plans of action into effect; after the 2013 report, for instance, City Council stated that they were planning to introduce legislation to address hiring, but no timeline was given.<sup>143</sup>

Statements also show the argument that L&I is limited because it is perpetually under-funded. An editorial in *The Philadelphia Inquirer* stated that investing in L&I should be a simple decision because the Department keeps the public safe and lifts property values.<sup>144</sup> Similarly, the former city controller Alan Butkovitz stated that properly funding protection of life and safety should be a top city priority. However, as with staffing, the city has struggled to take action to fund L&I. Butkovitz expressed pessimism that the city would allocate funds to the Department, stating that it would have

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<sup>141</sup> Inga Saffron, "Changing Skyline: Clarke's Bill: Too Much, Too Soon," *The Philadelphia Inquirer*, February 20, 2015, NewsBank; Claudia Vargas, "Report: Cash, Hires Needed to Fix L&I - Panel Formed after Deadly Building Collapse Calls for \$13.9 Million, 110 New City Workers, Equipment.," *ibid.*, February 3, 2015, NewsBank.

<sup>142</sup> The report also found that 791 vacant properties had unresolved maintenance violations, and therefore advocated that more street inspections were needed. Vince Lattanzio, "City Council Building Collapse Report Demands Dozens of Reforms," NBC, September 27, 2013, <https://www.nbcphiladelphia.com/news/local/City-Council-Building-Collapse-Report-Demands-Dozens-of-Reforms-225285212.html>; Claudia Vargas, "Controller Says L&I Needs Inspectors, Better Data," *The Philadelphia Inquirer*, February 12, 2015, NewsBank.

<sup>143</sup> Lattanzio.

<sup>144</sup> "Can L&I Be Trusted?." Also see Section V.

to fight for every penny in a city with tight finances.<sup>145</sup> An excellent example of this phenomenon was the Nutter Administration's 2015 funding proposals. A report from the Nutter Administration stated that L&I needed \$13.9 million in new funding to hire 83 new employees.<sup>146</sup> However, the final funding package included only \$10.8 million over three years for L&I, which would only be enough to fund 43 new employees in 2016.<sup>147</sup> As has been discussed, funding in Philadelphia is highly contested and tight, which might contribute to the struggle to fund L&I even in the midst of severe critiques. For instance, when Nutter proposed increasing property taxes to fund the city's schools, mayoral candidates argued that he should cut new spending, including for L&I, rather than raise taxes.<sup>148</sup>

The new Commissioner of L&I, Dave Perri, exemplifies how the concrete constraints at L&I are the primary forces shaping policy. Since 2016, Perri has made a visible effort to increase L&I's capacity. He re-evaluated responsibility allocation and found enough hiring funds to plan for 24 new safety inspectors in 2017. Perri also fought to convince the city that \$2.5 million appropriated to IT projects in other departments should be given to L&I so that they could streamline permitting processes and spend more time on inspections. However, even the commissioner motivated to improve the

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<sup>145</sup> Vargas, "Controller Says L&I Needs Inspectors, Better Data."

<sup>146</sup> Vargas, "Report: Cash, Hires Needed to Fix L&I - Panel Formed after Deadly Building Collapse Calls for \$13.9 Million, 110 New City Workers, Equipment."

<sup>147</sup> Claudia Vargas, "Nutter's Funding Plans for L&I," *The Philadelphia Inquirer*, March 7, 2015, NewsBank.

<sup>148</sup> Tricia L. Nadolny, "The \$103m Question:How to Fund the Schools?," *The Philadelphia Inquirer*, April 19, 2015, NewsBank.

department acknowledges that within current constraints, real change at L&I is going to take some time.<sup>149</sup>

The result of L&I's constraints on policy is that department leaders have to prioritize its responsibilities, and understandably, policy-makers choose to focus on the most severe safety concerns more than preventative maintenance. This focus is notably more the result of concrete constraints than underlying assumption. L&I officials describe resident safety as the Department's preeminent responsibility, and it is certainly a major goal for Dave Perri; in increasing the department's efficiency, Perri aims to "shift the focus back to life safety," not to "make developers happy," a significant break with the tendency to cater to private development in policy-maker language.<sup>150</sup> Policy-makers in other areas of the city share a similar view of L&I's responsibilities. The Nutter administration's report was titled "L&I 2015 Plan for a Safer City," and City Council's 2013 report stated that its primary goal was to address department issues that jeopardize safety.<sup>151</sup>

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<sup>149</sup> Danya Henninger, "Philly Developers Are Startled: Is L&I Not a Joke Anymore?," *BillyPenn*, July 17, 2016, <https://billypenn.com/2016/07/17/philly-developers-are-startled-is-li-not-a-joke-anymore/>.

<sup>150</sup> Dayna Henninger, "City Inspectors Swear They're Not Trying to Stop the Party - Just Keep It Safe," *BillyPenn*, December 11, 2016, <https://billypenn.com/2016/12/11/city-inspectors-swear-theyre-not-trying-to-stop-the-party-just-keep-it-safe/>; Blumgart, "Dave Perri's Controversial Solution to Philly's Housing Crisis."

<sup>151</sup> Vargas, "Report: Cash, Hires Needed to Fix L&I - Panel Formed after Deadly Building Collapse Calls for \$13.9 Million, 110 New City Workers, Equipment"; Lattanzio.

L&I also faces public pressure to focus on safety, and the department can face backlash if the public feels they are not doing enough on this front. In the wake of the 2013 collapse at a construction site, L&I shifted its attention to monitoring construction violations. In 2015, however, The Philadelphia Inquirer issued a report critiquing the department for ignoring dangerous and unsafe buildings to monitor construction. The same year, Butkovitz argued that the commissioner for L&I – Perri's predecessor – should step down for not addressing enough imminently dangerous buildings, stating, "If you can't get imminently dangerous buildings torn down in 30 days when you've had two years... then what are you doing in the department that is worth your stewardship?" See Alfred Lubrano, "L&I Neglects Inspections While Task Force



Because of L&I's struggle to work intently on more than one type of code violation at a time and the pressure to focus on public safety, the department focuses on eliminating imminently dangerous buildings rather than monitoring and ensuring maintenance that could prevent more buildings from becoming unsafe. According to an interviewee who was a former L&I employee, the department lacks the capacity to monitor all condition concerns in Philadelphia, and the department usually relies on citizen passersby to report potential safety concerns. As a result, many of the reports that the department gets and issues violations for are pre-selected to problems that most people would recognize as dangerous. Many employees are resistant to doing proactive inspections that could catch issues before they become imminently dangerous because the department is already stretched thin.<sup>152</sup>

Lack of funding also dictates how L&I handles the violations it does pursue. In handling unsafe and imminently dangerous properties, the department focuses on demolition rather than repair. If an L&I inspector claimed a property could be saved and the building later injured someone, it would create a liability L&I cannot afford. The process of hiring a contractor to do repairs is also more time consuming than demolition, and while repairs may be less expensive as a starting point, they could easily balloon if new problems are found.

Policy-maker language also shows that the reach of the city's maintenance programs is dictated and limited by funding restrictions, and these may combine with

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Torments Construction Sites," *The Philadelphia Inquirer*, March 30, 2015, NewsBank; Claudia Vargas, "Controller: L&I Chief Should Be Dismissed," *ibid.*, September 17, 2015.

<sup>152</sup> Interview with Arielle Harris, October 2018.

assumptions about prioritizing homeowners to shape the limited, ownership-focused maintenance programs that exist. In 2003, the Secretary of Housing and Neighborhood Preservation, Kevin R. Hanna, stated that the need for Basic Systems Repair was huge, but they simply did not have the funds to expand the program.<sup>153</sup> Federal funding might be able to address this issue, but this has also been lacking. Two years after Hanna's comment, Deborah McColloch, the Director of the Office of Housing and Community Development, stated that federal funding cuts made expanding Basic Systems Repair nearly impossible even as the city increased local funding for the program.<sup>154</sup>

Policy-makers have attempted to shore up maintenance programs with local funding, showing a desire to address the problem, but the efforts have been insufficient. Councilmembers Clarke and Parker introduced a \$100 million bond to fund Restore Repair Renew, which addressed some of Basic System Repair's limitations by expanding income eligibility, but \$60 million of that bond issue had to go towards addressing the Basic Systems Repair backlog that had resulted from lack of funding.<sup>155</sup> The programs again suffer from the tightness of funding in Philadelphia; more money for one program often means taking some away from another. The city introduced a Targeted Basic

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<sup>153</sup> Earni Young, "Homes Need Repair, but NTH's Got No \$ to Spare," *Philadelphia Daily News*, February 17, 2003, NewsBank.

<sup>154</sup> Anthony S. Twyman, "Fixes Are Urged for Repair Program - at a Public Hearing, Housing Advocates Are Likely to Push for Changes in What the City Offers Low-Income Homeowners.," *The Philadelphia Inquirer*, May 31, 2005, NewsBank.

<sup>155</sup> McCabe, "Loans for City's Aging Housing Stock - Old Houses Will Get New Attention under a Program That Will Take Even People with Low Credit Scores."

Systems Repair Program for middle-income neighborhoods in 2003, but this program also had to take money away from other development programs.<sup>156</sup>

The support for property maintenance policy area thus offers an important counterpoint to the other case-studies. Here, we see that though historic tendencies might play a small role in shaping policy, external limitations have a much larger influence. This case-study therefore shows the potential limits of historic habits in explaining contemporary policy; at the very least, it demonstrates that it does not play an important role in shaping all Philadelphia housing policy.

## VII: Conclusion

Commentators frequently point to how cost, federal policy, and other external limitations can concretely influence policy-maker decisions. However, few have explored whether underlying decision-making habits can less visibly influence decisions and shape policy. In this thesis, I explored whether such tendencies exist in Philadelphia's historic housing policy and whether they generate assumptions that influence contemporary decision-making. The primary goal was to determine whether these underlying assumptions challenge leaders' ability to change policy to help it support low-income renters and the reuse of existing housing.

Exploring three case-study policies in Philadelphia demonstrated that decision-making tendencies identified in history can also be seen today; however, they are not the

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<sup>156</sup> Leonard N. Fleming, "Repairs Plan Aims to Stem City Blight - the \$5 Million Program Hopes to Make Basic Fixes in Middle-Income Neighborhoods," *The Philadelphia Inquirer*, September 10, 2003, NewsBank.

only force influencing decision-making. Only in the case of zoning did decision-making habits play a dominant role; in the case of the ten-year tax abatement programs, both underlying assumptions and external limitations such as the need to generate revenue challenged policy change. Policies and programs that support maintenance are primarily shaped by constraints like lack of staff and funds.

These case-studies illustrate that overcoming assumptions is likely not sufficient to foster real policy change, at least not in the case of policies influencing development. Such changes will require the city to overcome external constraints. To focus the tax abatements exclusively on rehabilitation and areas of the city that need investment would decrease tax revenue, and policy-makers would need to find another source of funding. To increase L&I's preventative maintenance monitoring and provide enough maintenance funding to meet need, especially for landlords, would require an enormous new outlay of city funds. These actions may not be feasible even if policy-makers have the will to pursue them.

However, though underlying assumptions may not be dominant in shaping policy, they do form an obstacle to policy change and should not be ignored. The assumptions that the city must rely on private development to meet various needs, that the government should support rather than hinder private development, that policy must cater to homeowners, and that revenue and cost-effectiveness should be policy priorities all shape contemporary policy. Leaders defend the tax abatement in its current form and permissive zoning because they believe that making private development easier is essential to the city's success. This assumption can be seen at several points in

Philadelphia's history. Similarly, policy-makers protect single-family zoning against proposals to allow subdivision into smaller, affordable units because this issue is opposed by homeowners, and there is a tendency to prioritize homeowners in decision-making dating to the 1950s.

The release of the Kenney Administration's housing plan marks a point at which Philadelphia policy-makers may be starting to consider changes to the trajectory of housing policy. However, underlying assumptions can contribute to policy inertia which may make changes difficult to achieve; long-standing tendencies can be difficult to overcome. To create an environment in which changes can occur, particularly those that can make rehabilitation more feasible and attractive to developers, policy-makers will need to grapple with the underlying obstacles created by decision-making tendencies as well as the more concrete obstacles of funding and capacity.

More research will be needed to conclude whether underlying assumptions play a role in Philadelphia policy beyond housing and whether decision-making tendencies have a similar influence in other cities. However, this research opens a door to understanding the hidden role that decision-making habits rooted in history can play in shaping policy, and understanding and overcoming this phenomenon may allow policy-makers to get one step closer to making necessary changes a reality.

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## Figure Sources

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