As municipal zoning is political in nature, the equality of zoning protection provided among black and white neighborhoods should be expected to be sensitive to changes in relative political power over time. This article examines the rejection rates for rezoning applications over time in predominantly white and predominantly black census tracts in Atlanta, Georgia. It identifies inequality of treatment as between heavily white and heavily black tracts during a period of no black representation among elected city officials and equality of treatment during a later period when blacks were substantially represented in government.

Zoning has frequently been described as being a part of the political process. The political process associated with zoning has been examined statistically by Davis and Rueter and by Borgel and Malamud. If this view of zoning is correct, then the quality of "zoning protection" should be sensitive to changes in the occupants of elective offices in local government. Increased political power in the hands of a previously disenfranchised minority should result in a level of zoning protection more nearly equal to that enjoyed by the majority. The study reported here focuses upon such a phenomenon by examining changes in the racial composition of elected office holders and the relationship of those changes to rezoning rejection rates in predominantly black and predominantly white census tracts.

Although zoning is normally viewed by planners as a means for implementing comprehensive plans, it may be viewed by many citizens as a form of public protection akin to police or fire protection. Babcock, for
example, has suggested that protection "of the single-family, detached dwelling was the primary objective of the early zoning ordinances, and this objective is still predominant today." If this is indeed the case, then it is appropriate to refer to the quality of "zoning protection" in a neighborhood. Such quality might be measured in terms of variances granted, rezoning applications approved, conditional uses approved, and citations issued for zoning violations.

RACE AND ZONING

The relationship of race and zoning can be considered in either of two general contexts. One context is that of exclusionary zoning, which has to do with the overt, thinly disguised, or perhaps unintentional use of zoning to effect racial separation. The other context has to do with the relative power that majority and minority racial groups can exert to influence land-use decisions in neighborhoods in which they predominate. The first context has been the subject of much litigation beginning with the Chinese laundry cases of the late nineteenth century and extending to such landmark cases of the 1970s as Warth v. Selden and Southern Burlington County NAACP v. Mount Laurel.

The second context has not experienced significant litigation dealing directly with zoning but has been affected by litigation resulting in the strengthening of minority voting rights. Subsequent to the establishment of voting rights, however, any changes in the power to influence land-use changes have resulted mainly from the operation of the local political process. Although these two contexts are related to each other, the focus of this article will be primarily on the second one.

In this second context, zoning might be viewed as a form of municipal protection. Although direct, immediate outlays of public money are seldom involved in rezoning actions, the level of protection from rezoning applications might be expected to vary geographically throughout a municipality according to the relative power of applicants and opponents. In denying a rezoning application, elected officials may incur a political cost by not rewarding a past or potential supporter. In approving an application for rezoning the officials may offend voters who live in the affected neighborhood. Thus, rezoning decisions can involve a weighing of political costs against political benefits. In this respect, decisions to provide higher or lower levels of zoning protection are similar to decisions regarding levels of municipal services in general.