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Research article

# Towards design reparations: remedying urban morphologies through policy reform in Harlem, New York

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## Abstract

This article critically examines the paradox of housing as a symbol of societal progress in the United States, juxtaposed against the historical legacy of housing segregation, regulatory policy and market biases. It underscores the far-reaching consequences of such policies, which have not only exacerbated the current national housing crisis and widened the racial wealth gap, but also entrenched social inequalities, disproportionately affecting marginalised and minority communities. The article assesses the role of housing market segregation, slum clearance, urban renewal and contemporary zoning regulations and architecture in steering urban development practices, and how they have inadvertently and, in some cases intentionally, hindered equitable spatial opportunities, particularly in housing. Utilising a case study centred on Harlem, New York, this article explores the concept of spatial reparations as a catalyst for policy reform and emergent spatial morphologies that promote redressing both past and current injustices. It emphasises the potential of design-based interventions that materialise from the use of policy as a

crucial medium of exploration, in this case for future models of housing-supply innovation. These explorations aim to stimulate meaningful policy and design debates about just-city making, while concurrently serving as a strategic countermeasure to the detrimental consequences of advancing gentrification and related market forces. This research offers a transformative examination of urban housing in the United States and Harlem, challenging traditional perspectives and practices, and advocating for more equitable spatial distribution and opportunities.

**Keywords** urban policy; zoning; spatial justice; housing discrimination; gentrification; reparations; architecture

## Introduction

In the United States housing has traditionally been seen as a symbol of advancement, deeply connected to the early exploration and settlement by pioneers, the periods of industrialisation and associated shift from rural to urban living and the ensuing socioeconomic transformations that accompanied the expansion of urban areas. This perspective is rooted in the belief that housing is not just a basic necessity but a marker of personal achievement and American societal progress.

The historical legacy of housing segregation and regulatory policies in the United States stands in direct contrast to the concept of housing as societal progress. On the contrary, this legacy has yielded the opposite, with far-reaching consequences culminating in a persistent national dearth of affordable housing,<sup>1</sup> exacerbating a housing crisis and a related growing racial wealth gap.<sup>2</sup> The reverberations of these policies have transcended mere economic implications as they have perpetuated and entrenched social inequalities, disproportionately affecting marginalised and minority communities.<sup>3</sup> At the heart of this issue lies the intricate web of contemporary zoning regulations that function as a principal instrument for steering urban development practices. Paradoxically, these regulations, which ostensibly serve to guide urban morphologies and spatial arrangements, have inadvertently culminated in hindrances to equitable spatial distribution and opportunities, especially in the domain of housing.<sup>4</sup> This article endeavours to explore the notion of spatial reparations,<sup>5</sup> proffering a thought-provoking and transformative examination of a case study centred on Harlem, New York. By delving into historical policies, policy reform, housing market trends and emergent spatial morphologies, this research underscores the potential of design-based interventions to stimulate meaningful policy debates and reforms. This, in turn, could serve as a strategic countermeasure to the detrimental consequences of advancing gentrification.

## Reparations as a spatial concept

The fundamental premise of reparations, grounded in the lexicon of making amends and providing satisfaction for historical wrongs,<sup>6</sup> is of critical relevance when transposed onto the realm of architecture and the built environment. This perspective brings to the fore the deeply ingrained vestiges of racism, segregation and institutional biases that have historically permeated these domains, perpetuated through a complex interplay of institutions, politics and spatial policies. Delving into history, it becomes evident that the legacy of racism spanning over two centuries, including the period of slavery and its aftermath, has engendered a plethora of injustices perpetrated against people of colour.<sup>7</sup> Within this narrative, spatial injustices manifest in myriad forms, encompassing substandard living conditions,<sup>8</sup> land expropriation, forced displacement<sup>9</sup> and systemic denial of access to economic opportunities and wealth creation mechanisms.<sup>10</sup> The emblematic notion of '40 acres and a mule' following the end of the Civil War,<sup>11</sup> though unfulfilled in its historical context, serves as a metaphorical representation of untapped generational value and the overarching concept of spatial reparations. This metaphor underscores the intricate interconnectedness between architectural manifestations and the perpetuation of injustice.

## The generation of architecture

The architecture that we encounter today, encompassing physical structures, urban landscapes and spatial configurations, is a product intricately interwoven with the forces of capital, policy, labour and commercialisation. The nexus of these forces orchestrates the allocation of spatial opportunities, thereby shaping a commodified market of spatial offerings. In essence, architecture functions as a finite commodity, meticulously designed to generate profitable market conditions for specific target demographics. Indeed, architecture in its various forms is not just an artistic endeavour or a physical necessity but a valuable commodity. The interplay between supply and demand is a quintessential facet of market dynamics, akin to any other durable commodity-based economy. These factors collectively determine the nature and extent of architectural offerings available in the market, ranging from residential to commercial buildings, institutional structures, cultural edifices and more. Or, in the case of the well-documented and critiqued Hudson Yards of New York's reimagined west side, all of these all at once.

However, it is important to note that the supply of architectural commodities is not evenly distributed. It is primarily designed to cater to the demands of preferred markets, which are typically characterised by higher purchasing power and specific demographic attributes, notably race.<sup>12</sup> This selective supply is driven by the profit-oriented nature of the real estate industry that seeks to maximise returns on investment by targeting lucrative market segments.

In this context, architecture becomes more than just a physical structure or a spatial configuration. It transforms into a strategic tool for economic gain, used to attract and retain specific target demographics. Designs, location and, equally important, the branding of architectural production and commodities are all meticulously planned and executed to appeal to these preferred markets. This essentially places architecture at the service of and materially participating in practices of segregation and exclusion.

The historical manifestation of architectural production has unveiled a disconcerting reality: African Americans and other marginalised groups have often been systematically excluded from this market, serving as a poignant testament to the entrenched racial biases that underlie architectural and spatial policy frameworks. Ta-Nehisi Coates succinctly encapsulates this perspective by noting that 'the American real-estate industry believed segregation to be a moral principle'.<sup>13</sup> The covert application of market regulations designed to promulgate racism and exclusion constitutes a more nuanced form of discrimination that is rooted in policy and regulation. Policy, as a dynamic instrument, endows itself with the dual function of imposing limits and conferring opportunities on the mechanisms that fuel spatial markets, ranging from housing to commercial spaces. This duality of limits and opportunities, manifested through decades of exclusionary practices, emanates as an enduring legacy of spatial injustice, thereby necessitating the contemplation and formulation of reparative interventions.

These realities underscore the commodification of architecture and its role in shaping socioeconomic landscapes, which highlight the need for inclusive policies and reparative practices to ensure more equitable access to architectural production and commodities. In essence, the dynamics of supply and demand in the architectural market are a reflection of broader societal trends and inequalities, making it crucial that other forms of spatial and reparative practice emerge as credible forms of intervention and innovation.

## Harlem

Delving into the case study of Harlem, a vibrant and historically significant community within New York City, unearths poignant insights into the ramifications of these historical and contemporary policies on spatial dynamics and urban morphologies. Harlem, a predominantly African American and immigrant enclave since the early twentieth century,<sup>14</sup> has traversed a convoluted trajectory over the past six decades, often punctuated by sweeping policy interventions that engendered displacement, disinvestment and the formation of ghettos, a set of consequences revealed in its historic sequence of transitory physical and cultural states.<sup>15</sup> Notably, the community became a crucible for policies like slum clearance and urban renewal, the effects of which were acutely experienced by its residents. Urban sociologist Keeanga-Yamahtta Taylor aptly characterises housing policies from the 1930s to 1960s 'as caught between innovation and regressive racial attitudes', producing 'a multi-tiered approach to public policy: home ownership and development for white residents, public housing or extractive and predatory tenancy for African Americans'.<sup>16</sup>

In 1935, a riot in Harlem provoked New York City's administration to reflect on the conditions that undergirded the riot's destruction of property in the neighbourhood; the majority of the damage was suffered by white-owned properties, while African American homes and businesses were largely spared. In 1936, against the backdrop of racial tensions and the aftermath of the riot, a commission formed by Mayor Fiorello La Guardia's administration studied the state of Harlem, revealing a community plagued by deplorable living conditions. The report describes the racial attitudes that stifled the community's economic opportunity as well as extractive and predatory tenancy, as Taylor observed. A key chapter of the report focuses on the conditions regarding housing: 'next to the problem of securing a livelihood, finding a suitable place to live constitutes the most serious problem of the Harlem Negro'.<sup>17</sup> Among the various reasons offered, the most revealing one is the report's observation concerning the freedom of mobility regarding housing across the city. The report states that the reason that 'the landlords of Harlem are able to exercise such autocratic power over the lives of 200,000 people is due to the fact that the Negro cannot move about freely in the city and live where they please'.<sup>18</sup> It further describes that 'by thus compelling the Negro to keep within a limited territory, the landlords are able to force the Negro to pay whatever rentals they demand for their depreciated properties'.<sup>19</sup>

Despite the dire social and economic circumstances, the report conspicuously omitted any mention of discriminatory policies and practices, such as redlining, which perpetuated systemic racial segregation. This omission underscores the invisible yet potent role of policy in shaping spatial inequalities. In the two years prior to the riot, the Home Owners' Loan Corporation (HOLC) in 1933 and the Federal Housing Administration (FHA) in 1934 entrenched segregation and discriminatory lending practices as federal policy. Redlining – an insidious practice that systematically denied mortgages and investment to communities of colour – perpetuated racial disparities and relegated African Americans to marginalised neighbourhoods with limited access to economic and housing opportunities.<sup>20</sup> Here architecture exhibits early signs of its co-option and instrumentalisation as a heavily monitored containment, not unlike a geopolitical strategy, to limit or hinder movement and access. This was performed on behalf of government-sanctioned racial attitudes by private markets to enforce detrimental conditions of deterioration and substandard living, overcrowding and overpaying, and to further encapsulate the African American population.

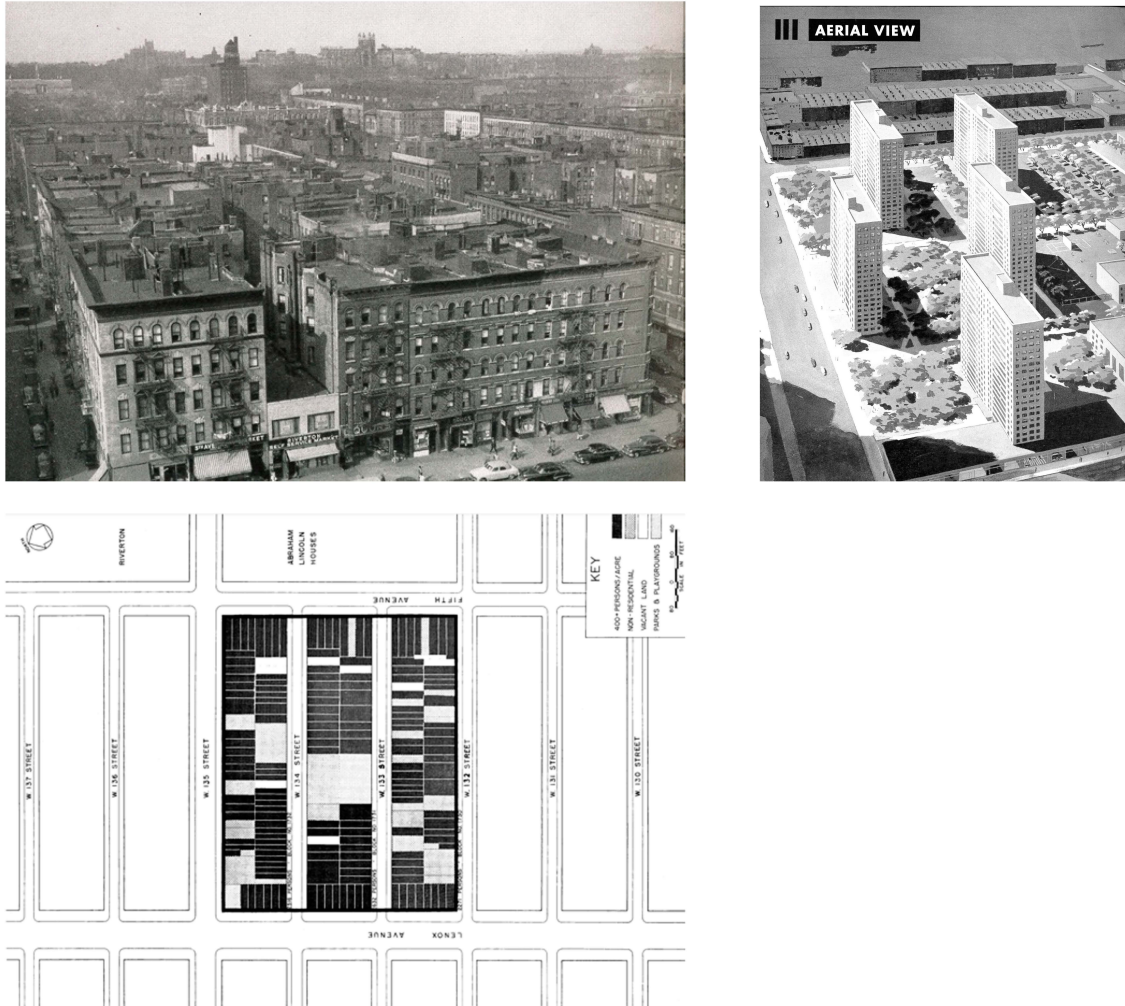
Urban renewal and slum clearance policies of the late 1940s and 1950s, especially the Housing Act of 1949 (Figure 1), while initially intended to improve living conditions, often resulted in the opposite. In an article exploring the impact of the 1949 Housing Act through the writing of Ralph Ellison, Myka Tucker Abramson writes that: 'the ascendancy of urban renewal in the postwar period marked an about-face in approaches to urban problems. Whereas earlier perspectives on slums and tenements treated them as social problems affecting the inhabitants, in the postwar period, slums became an economic problem producing a negative impact on downtown business interests and the economic life of the city more broadly.'<sup>21</sup> The removal of much-needed housing stock through slum clearance without adequately rehousing the displaced population led to further overcrowding and a decline in living conditions. The promoted demolition, clearance and rebuilding process was lengthy and rarely benefitted the existing residents. Instead, it forced them to relocate, causing community destabilisation due to the extensive erasure of the building fabric.

Moreover, these policies laid the groundwork for land value speculation, a phenomenon that undergirds much of the predatory behaviour exhibited by property owners towards residents. This form of speculation, as we understand it today, propelled increased property values and incentivised future markets. It has also given rise to land banking, which involves the holding of vacant or near vacant property and land in anticipation of future value increases. However, this practice also encouraged the displacement of original residents by owners and speculators in anticipation of a possible sale. Furthermore, any new developments or redevelopments resulting from these policies have consistently led to a decrease in both population and housing density compared to prior density.<sup>22</sup> A primary objective of these policies was to alleviate overcrowding, which had the unintended (or perhaps intended) result of a significant reduction in the number of Black residents previously housed in Harlem.

These policies contributed to the historical context of Harlem marked by riots, housing crises and systemic racial injustices. Entire city blocks were effectively erased, culminating in dramatically shifting spatial markets. In this way, Harlem serves as an emblematic illustration of the dynamic interplay between policy, spatial design and the lived experiences of marginalised communities. This narrative of Harlem continued to unfold over decades, spanning from the Harlem Renaissance to the Black Power Movement. During this time, the looming seeds of a slow gentrification process emerged, rooted first in declines of

the physical and social fabric, followed in the 1940s by a growing departure of white residents from major American cities, intensifying segregation.<sup>23</sup>

**Figure 1. Harlem Slum Clearance/Lenox Terrace Under Title 1 of the Housing Act 1949. Existing aerial and site plan, proposed aerial view (Source: Committee on Slum Clearance Plans, New York, 1951)**



This 'white flight' from cities exacerbated urban decay and willing disinvestment, catalysing the deterioration of housing stock and infrastructural resources. Harlem was not excluded. The concurrent proliferation of disrepair compounded the challenges faced by those residents who remained, as added sociological factors of drug use and violence also grew from the 1960s through to the late 1980s. This overlapped with the federal and city governments' war on drugs in the decades of the 1970s to 1990s, again focused on cities and their Black populations. Cities later experienced an urban revival in the 1990s and 2000s with core neighbourhoods like Harlem becoming the focus of restoration and beckoned to returning wealthy white residents, while ownership remained in the hands of largely white landlords and landowners. It was not until the aftermath of the 2008 Great Recession that there was a real turning point, with economic recovery and resurging urban demand fuelled by the new creative class paving the way for a new phase of urban transformation and forms of gentrification.<sup>24</sup>

The policies and the resultant effects contributed to the spiral of community disintegration.<sup>25</sup> Creating a Harlem that, then and now, serves as an emblematic illustration of the dynamic interplay between policy, spatial design and the lived experiences of marginalised communities underscores the need for more conceptualising of reparative practice.

## The research and practice of spatial reparations: Harlem, a case study

Elevating the discourse to encompass the realms of research and practice, the concept of spatial reparations acquires a nuanced and actionable dimension. Reparative endeavours within the purview of research, planning and development may be construed as strategic counteractions to extant policies, fostering transformative trajectories and offering strategies of resistance firmly rooted in the notion of reparations. Noteworthy here is bell hooks' astute observation that 'African American people believed that the construction of a home place, however fragile and tenuous, had a radical political dimension',<sup>26</sup> attesting to the intrinsic agency embedded within the act of shaping the built environment. Embracing this premise, the act of design and construction metamorphoses into a potent vehicle for effecting change and engendering institutional reform and redress. It inherently signifies an endeavour to institutionalise value and benefit akin to the policies it seeks to counterbalance, thus exemplifying a form of reparative design practice.

This practice delineates a compelling avenue for forms of architectural practice to function as a conduit for spatial reparations, concurrently fulfilling roles in acts of advocacy, policy reform and tangible manifestations of spatial transformation and new market creation. In the light of the persistent conundrum of spatial scarcity in limited and costly land in Harlem and the pressing challenges posed by advanced gentrification, the concept of spatial reparations emerges as a cogent framework for engendering equitable as well as innovative urban transformations. The proposed case study, set within the context of Harlem, embodies this principle, delving into the intricate interplay between historical policies, contemporary challenges and the prospects of transformative design interventions.

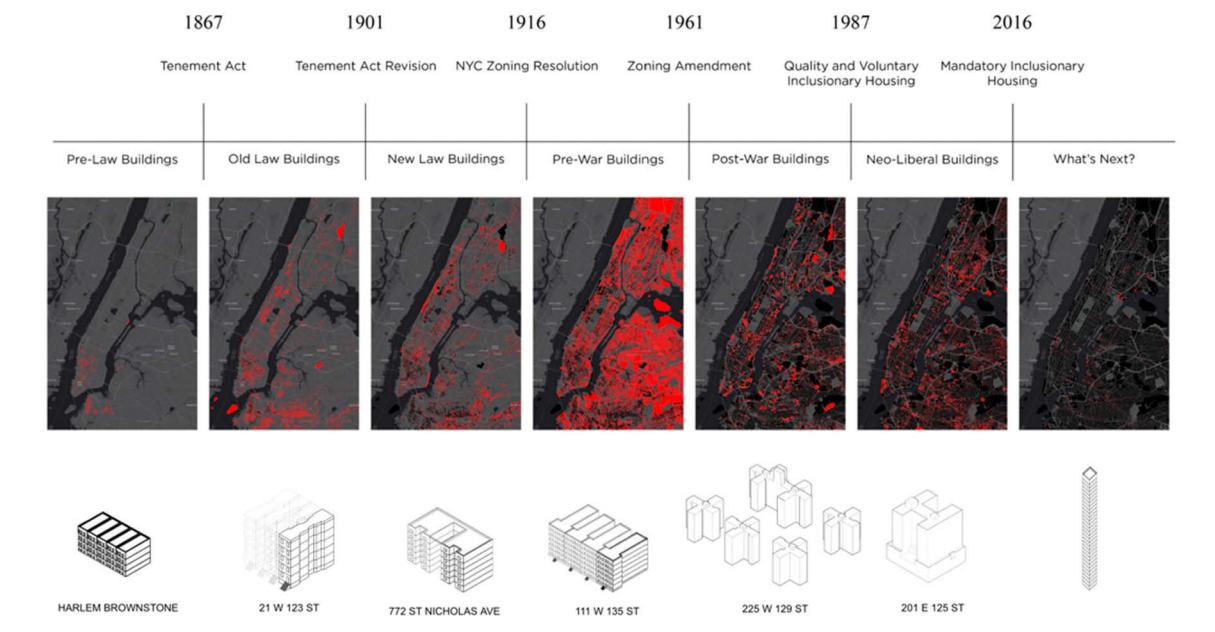
### Delayed spatial evolutions

Between 1900 and 1920, Harlem experienced a significant building boom. A vast amount of unregulated, prewar, pre-zoning and pre-1936 charter residential and tenement buildings dominated its landscape. And in the 1930s public housing was heavily segregated by race, with the first Blacks-only development just then being planned. This left African Americans with few housing options, contributing to housing insecurity and exploitation. This condition was further exacerbated by the Great Depression's impact on an already vulnerable population. In the midst of the 1934 depression, New York City Mayor Fiorello La Guardia established the New York City Housing Authority (NYCHA) to address the severe conditions in the city's tenement housing and the general housing shortage. Despite the significant need throughout the 1930s and beyond, public housing was, and remained, heavily segregated and generally not accessible by African Americans.<sup>27</sup>

Harlem's physical evolution during this same period reflects the culmination of New York City's institutionalised policies encompassing zoning, land use, slum clearance and population density, which by their very nature sought to control and limit overcrowding and to ensure greater health and safety. Harlem's housing stock, while initially built to a high standard, was unable to attract its intended higher-income white residents. This resulted in the slow but steady decline of the housing stock and heavily restricted the evolution of new buildings. Harlem as built emerges as a testament to the bounds of those legalities that followed and has largely adhered to the city's initial zoning resolution of 1916 and the subsequent 1936 Charter. The deviations that did occur arrived in the form of public housing and slum clearance initiatives. The first federally funded public housing NYCHA development that permitted African Americans – the Harlem River Houses – opened in 1937. However, from the 1930s to the 1950s, the majority of public housing, such as Manhattan's Stuyvesant Town intended for soldiers returning from the Second World War, was being built for white residents only.<sup>28</sup>

Later, in the pivotal year of 1961, a revised zoning resolution was ushered in, accommodating the city's expansion with novel urban ideologies translated into building forms. However, with much of its building stock built out, Harlem's development was uneven compared to the rest of the city. Harlem saw little transformation from its 1960s physical state and was faced with the inevitable geographic limits of its available space (Figure 2).

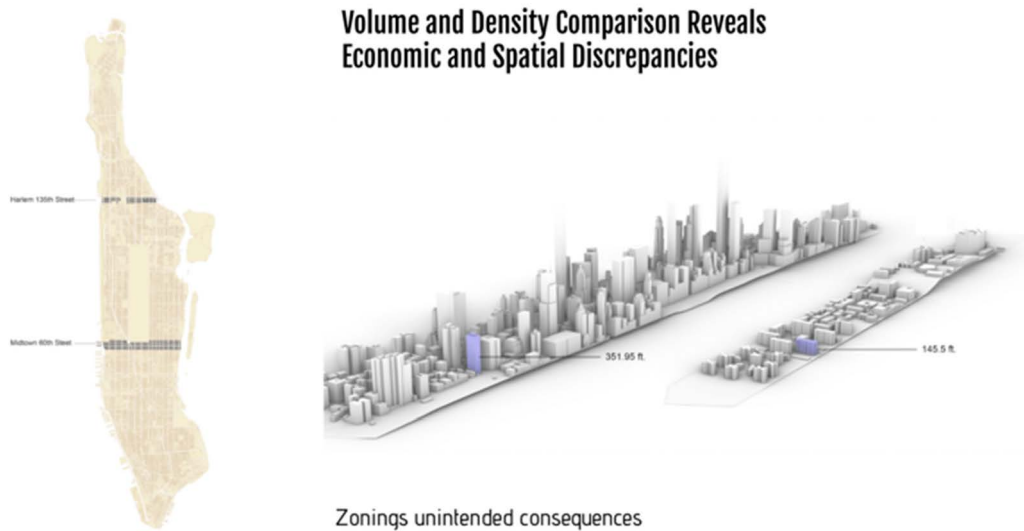
**Figure 2. A history of NYC building typologies, zoning and housing acts (Source: J. Max Bond Center, 2022)**



## Reparative spatial strategies: harnessing policy for equitable urban transformation

Amid the mounting challenges facing Harlem, its population continued to swell. According to the US census, the Black population in New York City increased by 63.40 per cent from 458,444 in 1940 to its 1950 peak of 749,080, with a significant number settling in Harlem. In short, by 1930, during the Harlem Renaissance, Central Harlem had become very definably Black. By 1950, Central Harlem was about 98 per cent and Greater Harlem 57.5 per cent Black.<sup>29</sup> Not only was the Black population of Harlem growing, but the Central Harlem neighbourhood as a whole was also growing denser. This increased population density led to a worsening shortage of affordable housing, furthering involuntary isolation and economic hardship.

Harlem to the present day is, and remains, in a state of perpetual crisis in need of solutions that are both progressive and equitable. This confluence of historical and contemporary factors exerts ever-growing pressure on both legacy families and newcomers, intensifying competition for the limited pool of affordable dwellings across a geography that equates to a mere three square miles. Economically, this situation mirrors the forces of capitalist market competition wherein scarcity of a given supply drives demand, both in regard to the limited availability of land and dwellings. This scarcity is further amplified by private sector speculation. Owners and real estate investors alike, anticipating increasing property values, compete to buy available stock as well as engage in speculative market practices such as flipping and holding properties, essentially removing them from active use and habitation. Moreover, the resultant rising property values often lead to a phenomenon known as a rent gap,<sup>30</sup> where the potential income from a property exceeds the actual income. This gap incentivises landlords to displace lower-income tenants in favour of wealthier ones who can afford higher rents, further contributing to a housing, displacement and equity crisis (Figure 3). This removal of potential homes from the market further constricts supply and pushes prices even higher. The result is a vicious cycle of induced scarcity that disenfranchises residents and creates an environment ripe for speculative real estate practices.

**Figure 3. Sample NYC zoning volume and density comparison (Source: J. Max Bond Center, 2022)**

A central policy underpinning these capitalist market dynamics is zoning. Although ostensibly a neutral mechanism to regulate architectural type, size, volume and environmental impact, zoning's efficacy in addressing housing provision and affordability becomes questionable when scrutinised through an economic as well as equity lens. The economic concept of diminishing returns, famously expounded by Thomas Robert Malthus, reveals that continual inputs of labour and capital to a fixed factor of production (land) will eventually yield diminishing increments to total output. Given a fixed quantity of natural resources, any positive growth rate of the population is bound to result in a standard of living (output per person) that is not sustainable.<sup>31</sup> This further underscores the need for alternatives and/or transformative models to avert the diminishing yield described by Malthus. In this context, zoning perpetuates the already severely limited additions to the housing supply, creating an artificial scarcity akin to the historical redlining that demarcated marginalised areas as excluded from investment and thus growth. Consequently, zoning becomes complicit with market forces and other policies that exacerbate gentrification. Take, for instance, contemporary inclusionary zoning, intended to be more inclusive, and described by Samuel Stein as a classic neoliberal policy that 'leans on the private sector (developers) to produce social good (affordable housing); it does so by granting developers the ability to build bigger',<sup>32</sup> typically in areas where the zoning would not allow the additional floor area.

Although extremely dense and comprehensive in its articulation of rules and parameters, there are two key components to how zoning operates. First, it designates the allowable use of an area and a particular property, such as commercial, industrial, manufacturing and residential uses. The intended goal is to protect citizens from hazards that may jeopardise their health and safety from uses, ratios and proximities that may be incompatible with one to the other. The second key component of zoning is the floor area ratio (FAR; see Figure 4).<sup>33</sup> This component sets limits on the overall square footage of a building, arrived at as a multiplier of the area of the associated lot. Theoretically, this aspect controls the city's density specific to a given area. In many cases throughout New York City, Harlem included, many buildings erected prior to the 1961 resolution are larger than would have been allowed after the passing of the resolution. Those that were, were legalised by a grandfathered clause. In contrast, many buildings are, by varying percentages, smaller than the applied newer zoning allowance and, thereby, they are underbuilt. The remaining floor area allowed by the FAR calculation is considered unused building rights, referred to as 'air rights'. This term derives from the likely position of such unused building rights being fulfilled above the existing building.



**Figure 4. Manufactured scarcity described by allowable FAR in Manhattan vs. Central Harlem**  
(Source: J. Max Bond Center, 2022)



Returning to a closer examination of the 1961 zoning resolution in Harlem, it becomes evident that a significant portion of housing properties and various typologies within Central Harlem, built prior to zoning, still possess available individual residual building rights. This surplus buildable space remains a feature of the vast majority of buildings constructed around the turn of the century, which have been occupied by successive generations of African American families since the great migration of 1916, as well as more recent immigrants from the diaspora who have benefitted from their affordability. Harlem's pre-zoning, prewar building stock has been a stable provision of equitable housing for this very reason. However, with both finite geography and real estate speculation, the prospects for future urban transformation to secure and provide additional and equitable housing remain limited without radical intervention.

The amelioration of land scarcity alone, through familiar policies such as inclusionary and up-zoning focused on the remaining and costly land and underdeveloped parcels, yields only a small percentage of additional future FAR, and the resulting affordable housing falls well short of outsized demand. Furthermore, by not focusing on existing housing stock, these measures remain ineffective at countering advanced gentrification,<sup>34</sup> nor will they guide spatial reparations which seek to address equity in addition to addressing supply-side production in affordable housing.

### Mining policy further

Urban policies have been squarely implicated in the systemic disenfranchisement of underserved communities, particularly African American communities like Harlem. There is little chance of the resource and commodity of urban space being equitably redistributed in meaningful ways without policy to support it. Simultaneously the question of how and what constitutes reparations is currently under review by several state commissions charged with producing policy recommendations. These efforts reaffirm the role of policy as the primary mechanism to distribute any form of reparation, spatial or otherwise. As previously noted, policy, and especially spatial policy, relies on the private sector to achieve policy ends. This was observed by Samuel Stein earlier. In the case of housing production, new policy will need to emerge to facilitate the much-needed redistribution while proving to be sustainable as well as economically feasible for the private sector when serving unmet needs.

Challenges to the policy of zoning, particularly by economists, have been well documented regarding how it restricts housing production and is often used by limited growth proponents and Not In

My Back Yard (NIMBY) activists. However, a generally unexplored area of zoning is the smaller amounts of existing unused building rights associated with existing buildings. The concept of utilising underbuilt properties in Harlem presents an intriguing solution to the ongoing housing crisis throughout New York City. A vast majority of buildings in New York City, which were built at the turn of the century before zoning reform, are overbuilt and could not be replicated today under current zoning limits. However, in this regard Harlem is an outlier. Harlem's historic housing stock is generally underbuilt. After further examination of this undervalued collection of residual FAR, what emerges is a latent resource existing within the regulatory framework of zoning parameters. A comprehensive reform of policy, aimed at aggregating and incentivising these dormant assets, possesses the transformative potential to birth novel urban morphologies in Harlem and beyond. These new morphologies would be instrumental in addressing the chronic dearth of affordable housing in reparative ways, acknowledging and addressing the historical socioeconomic disparities that have affected communities like Harlem. Furthermore, it could also alleviate market pressure based on land shortages by creating an adjacent new market or asset class.

Two of the most pressing issues facing affordable housing in Harlem are the shortage of land (Figures 5 and 6) and the price of the remaining available land. Both of these, by any measure of capitalism steeped in generating profits, would preclude the production of affordable housing in favour of more profitable and lucrative models. What principally prevents a more even production of affordable housing in Harlem is the cost of land situated on the island of Manhattan, some of the world's most expensive real estate and land. This, coupled with the substantial cost of development, namely construction, renders most if not all affordable housing production unattainable. If, however, by eliminating the cost of the land or significantly reducing and transferring new building sites to the air above historic building stock (Figure 7), it is conceivable that affordable and more equitable housing could be achieved. Additionally, the creation of this new asset class of air rights would work exclusively for affordable housing production, preventing an increasingly competitive and opportunistic luxury and market-rate housing industry from co-opting and advancing the idea in its own self-interest. It would be prudent for local government policy to first harness the related FAR and incentivise these air rights for the exclusive use of majority affordable housing and, in this manner, it would serve as a reparative and equitable spatial policy (Figure 8).

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**Figure 5. Aerial view of Central Harlem building typologies looking southeast (Source: Schomburg Center for Research in Black Culture, Photographs and Prints Division, The New York Public Library. 'Aerial view of Harlem, looking southeast, possibly from Edgecombe Avenue above Colonial (now Jackie Robinson) Park, in 1939', *The New York Public Library Digital Collections*. 1939. <https://digitalcollections.nypl.org/items/75ece515-a2b1-388d-e040-e00a180601f1>)**



Figure 6. Aerial view of Central Harlem St Nicholas Ave. and Adam Clayton Powell Jr. Blvd. depicting the range and scale of typical building typologies 2016 (Source: Alex Holland, artist permission, www.alexfineart.com)

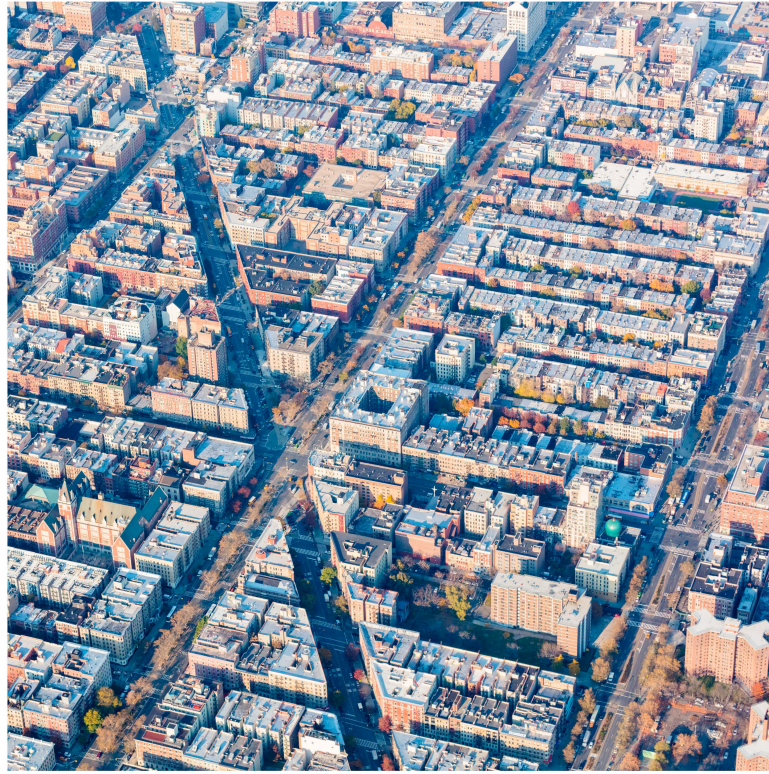
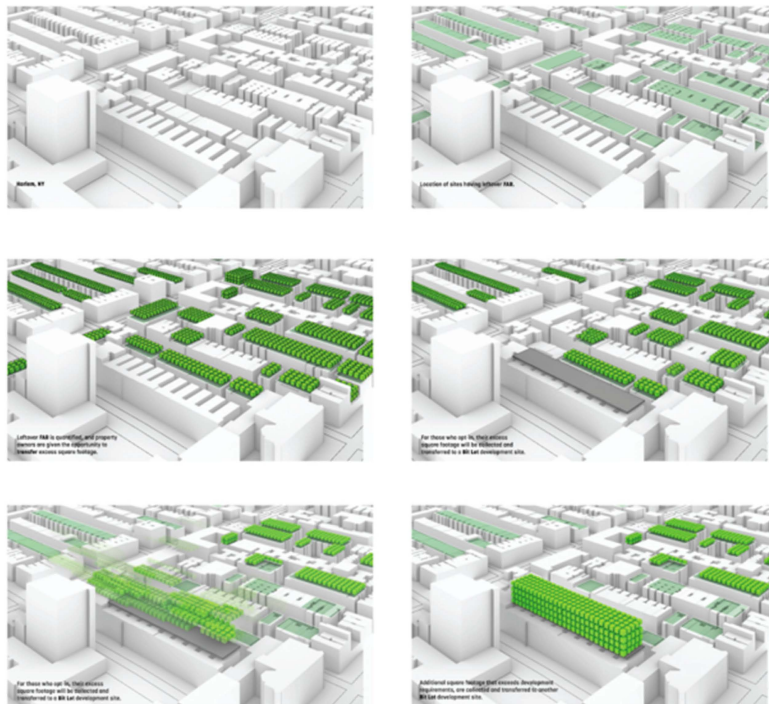
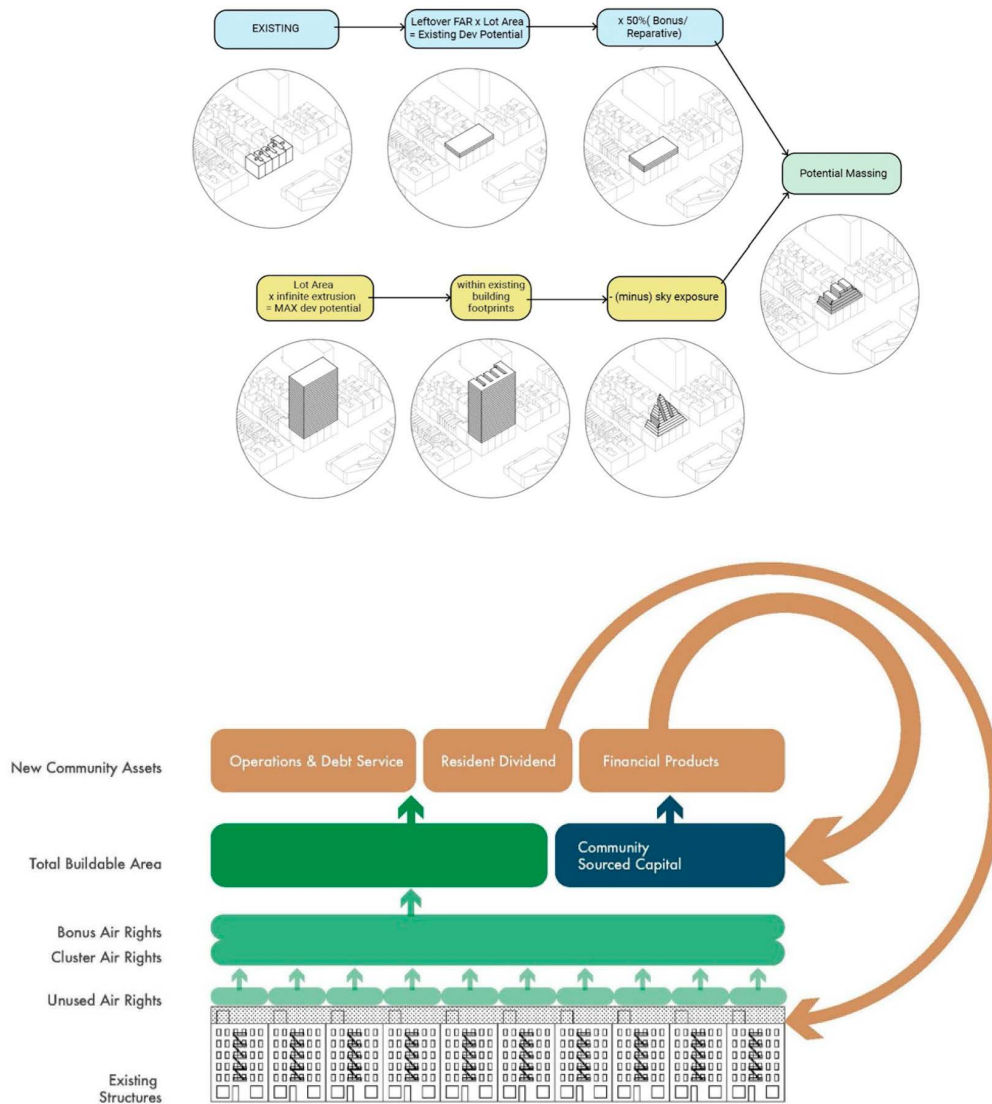


Figure 7. Air rights aggregation and distribution (Source: J. Max Bond Center, 2022)



**Figure 8. Hypothetical sequence of air rights aggregation according to current zoning, modelled incentives and resources distribution diagram (Source: J. Max Bond Center 2022)**



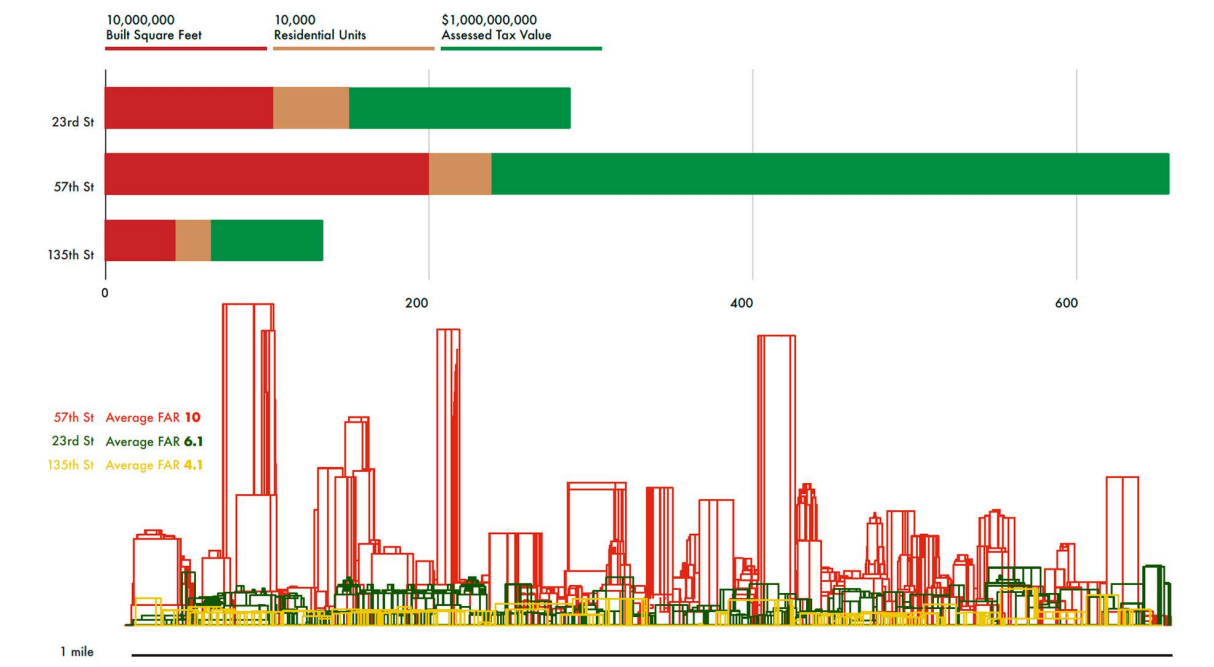
By redefining these remnants of policy, two goals can be achieved: catalysing policy reform through leveraging existing frameworks and mitigating the profit-centric motives of speculative real estate ventures seeking to leverage supply and demand principles. This approach holds the potential to usher in more favourable conditions for the equitable distribution of a new market opportunity, particularly through the exclusive targeting of affordable housing. The paradigmatic objective is the recalibration of spatial distributions, encapsulating not only new physical configurations that add to the city’s architectural diversity but also increase opportunities for economic mobility and greater social inclusion.

## Air rights: reimagining urban morphology and affordable housing in Harlem

The prevailing assumption is that regulatory policies form the framework that governs and shapes the built environment. While largely accurate, the interplay of enterprising markets operating within global cities and driven by profit motives have evolved spatial realms by developing new urban morphologies. This is most evident within the luxury real estate sector. It too, also grappling with land scarcity, exercised

its own remarkable divergence from existing policy and regulation and has given rise to the newest urban archetype: the supertall. Typically defined as exceeding 300 metres (about 984.25 feet) in height, supertalls employ a slender form that vertically multiplies a relatively modest land footprint, achieving previously unattainable building heights (Figure 9). Their ascendancy rests on intricate engineering, liberal code interpretation, zoning loopholes and amendments, and transfers of FAR/air rights, all coalescing into innovative legal and performative frameworks that facilitate and configure their literal ascent.

**Figure 9. Zoning disparities compared across one linear mile of 23rd, 57th and 135th streets in Manhattan, illustrating different allowable FARs and resulting forms, density and capital to various degrees (Source: J. Max Bond Center, 2022)**



In a manner akin to the current supertalls along New York's Central Park South, a careful examination of Harlem's distinctive context reveals analogous prospects embedded within existing zoning regulations. Harlem's FAR/air rights reside within a regulatory grey zone, their future deployment (or lack thereof) are mired in current development complexities ranging from financing to construction. Yet they have valuable latent potential. These resources, despite their modest current allocations, languish unused due to their intricate interpretation and limited quantities attributed to each property. Consequently, their current and potential worth remains untapped, even as Harlem's air rights, in particular, are likely to grow in value despite being directly tied to long-standing existing affordable housing properties already operating on slender margins.

We posit that a policy overhaul, designed to both address historical injustices and urgent affordable housing needs, could harness air rights as a potent lever to forge a symbiotic social and spatial paradigm poised to create a sustainable and truly mutualist market of housing serving multiple interests. Through strategic policy revisions, these air rights could be aggregated and offered incentivised bonuses akin to those extended to developments within newly rezoned districts or under newer policies such as mandatory inclusionary housing. Both of these are policies structured as incentives to work within current zoning regulations while stimulating development. And yet the results of a revision with the proposed focus could easily surpass current housing production and affordability metrics. Contextually it would nurture truly novel urban morphologies, emphasised by the need and desire to keep an existing building or buildings intact and resolve to build above them.

The question of equitable benefits afforded through new mutualist markets should steer developers and community involvement, engendering a collaborative vision that contemplates the implications of this transformative morphology. In essence, this novel urban morphology envisions new structures emerging

above existing buildings, a visionary evolution reminiscent of the scarcely seen, yet fondly remembered, mansard roof apartments more common in Paris and London than in New York City and Harlem (Figure 10).

**Figure 10. Artist sketch of air rights reparations (Source: J. Max Bond Center, 2022)**



The legal and financial frameworks governing these processes would empower residents and communities, affording them a genuinely powerful voice in the creative journey of each proposed project and one's vision of their community. Furthermore, construction logistics could smartly leverage cutting-edge technologies such as cross-laminated timber, modular construction and off-site construction, minimising disruption and allowing current residents to remain in place. In both realms, a profound potential for urban evolution beckons, imbued with an equity that bestows on communities an active and integral role in processes that have historically excluded them (Figure 11).

**Figure 11. The proposed new asset class of housing distributed throughout Harlem over decades could generate nearly 75 per cent of the complete Hudson Yards Phase 1 development comprising 9.6 million square feet (SF) of development (Source: J. Max Bond Center, 2022)**



9,600,000 SF of Incentivized Air Rights in Harlem



11,940,000 SF of Development in Hudson Yards Phase 1

## Concluding remarks

The convergence of historical injustices, discriminatory policies and spatial configurations underscores the imperative for transformative action, transcending the boundaries of traditional architectural practice and thinking. Spatial reparations, conceptualised through the lens of design and policy reform, beckon architects, urbanists and policymakers to undertake a profound re-evaluation of prevailing norms. The legacy of discriminatory practices, epitomised by redlining, urban renewal and housing segregation and exploitation, calls for innovative strategies that leverage not only new but also existing and latent assets to address contemporary spatial and justice challenges. The case study of Harlem, a crucible of historical inequities, encapsulates the multidimensional facets of this discourse, offering a nuanced exploration of the promising interplay between design, policy and market dynamics. This work also provides what Edward Soja argues to be a 'multiscalar view of the city that is not a familiar one but is key to understanding the scope and interpretive power of a critical spatial perspective and pivotal in the development of a spatial theory of justice and injustice'.<sup>35</sup>

Spatial reparations, as manifested through the strategic utilisation of zoning policy and market incentives, charts an alternative trajectory – one that is inherently equitable, inclusive and transformative. This approach, emblematic of architecture and aligned with the discipline's potential as a catalyst for social change, encapsulates the ethos of policy as a public good,<sup>36</sup> transcending the constraints of conventional architectural interventions. The synthesis of policy reform, design innovation and community engagement forms the crux of this paradigm, thereby imbuing architecture with the power to reshape urban morphologies, foster spatial equity and serve as a harbinger of reparative justice in the built environment. As the realms of academia, government policy formulation and design converge, the narrative of spatial reparations resonates as an indomitable testament to the potency of collective agency, poised to reshape the contours of urban landscapes and engender a more just and equitable future.

## Notes

<sup>1</sup> National Low Income Housing Coalition, 'The problem'.

<sup>2</sup> Aladangady and Forde, 'Wealth inequality'.

<sup>3</sup> U.S. Department of the Treasury, 'Racial differences'.

<sup>4</sup> Rouse et al., 'Exclusionary zoning'.

<sup>5</sup> Forde, Kappler and Björkdahl, 'Peacebuilding'.

<sup>6</sup> Merriam-Webster Online Dictionary, 'Reparation'. 2009. Accessed 11 March 2024. <https://www.merriam-webster.com/dictionary/reparation>.

<sup>7</sup> Kendi, *Stamped from the Beginning*.

<sup>8</sup> Jacobs, 'Environmental health disparities'.

<sup>9</sup> Dana, 'Exclusionary eminent domain'.

<sup>10</sup> Chetty et al., 'Race and economic opportunity'.

<sup>11</sup> Gates, 'Truth behind "40 Acres and a Mule"'.

<sup>12</sup> Taylor, 'How real estate segregated America'.

<sup>13</sup> Coates, 'The case for reparations'.

<sup>14</sup> National Museum of African American History and Culture, 'A new African American identity: The Harlem Renaissance'. n.d. Accessed 11 March 2024. <https://nmaahc.si.edu/explore/stories/new-african-american-identity-harlem-renaissance>.

<sup>15</sup> Chronopoulos, 'Race, class, and gentrification'.

<sup>16</sup> Taylor, *Race for Profit*, 18–19.

<sup>17</sup> NYC Mayor's Commission of the Conditions in Harlem, 'The Negro in Harlem', 53.

<sup>18</sup> NYC Mayor's Commission of the Conditions in Harlem, 'The Negro in Harlem', 60.

<sup>19</sup> NYC Mayor's Commission of the Conditions in Harlem, 'The Negro in Harlem', 60.

<sup>20</sup> University of Richmond, 'Mapping inequality'.

<sup>21</sup> Abramson, 'Blueprints'.

<sup>22</sup> LaVoice, 'The long-run implications'.

<sup>23</sup> Goldstein, *Roots of Urban Renaissance*.

<sup>24</sup> Florida, *Rise of the Creative Class*.

<sup>25</sup> Fullilove, *Root Shock*, 223–5.

<sup>26</sup> hooks, *Yearning*, 42.

<sup>27</sup> Rothstein, 'Race and public housing'.

<sup>28</sup> Bloom, *Public Housing that Worked*.

<sup>29</sup> Beveridge, 'A century of Harlem in New York City'.

<sup>30</sup> Smith, 'Gentrification and the rent gap'.

<sup>31</sup> Fischel, *Zoning Rules!*, 25.

<sup>32</sup> Stein, *Capital City*, 159.

<sup>33</sup> City of New York Department of Planning, 'Open space and floor area regulations in R6 through R10 districts'. *Zoning Resolution of the City of New York 1961*, Chapter 3, 23–15. Accessed 11 December 2022. <https://zr.planning.nyc.gov/article-ii/chapter-3/23-15>.

<sup>34</sup> Schaffer and Smith, 'Gentrification of Harlem?'.

<sup>35</sup> Soja, *Seeking Spatial Justice*, 32.

<sup>36</sup> Arts and Van Tatenhove, 'Policy and power'.

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### Research ethics statement

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