

GUEST COLUMNISTS

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Blake Ashby: Ferguson's 2016 consent decree curtailed code enforcement. Blight ensued.

By Blake Ashby Nov 26, 2019

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Mike Brown Sr. (center) listens to part of the public comment portion of the Ferguson city council meeting in Ferguson on Tuesday, Feb. 9, 2016 where the consent decree with the United States Department of Justice was being talked about. The Ferguson city council voted to approve a modified version of the consent decree. Photo By David Carson, dcarson@post-dispatch.com

Ferguson is hurting. The cause, in part, is the 2016 consent decree signed with the Department of Justice after Michael Brown's death

that forced the city to change its housing code enforcement. It's Ferguson's African American homeowners who are being harmed the most.

When the 1968 Fair Housing Act invalidated racially restrictive housing covenants, many communities responded with a new wave of occupancy and property-maintenance requirements. Social researchers referred to it as "snob zoning," a way of making sure that poor people — African Americans — couldn't afford to move into white neighborhoods. It was a subtle way of institutionalizing racial segregation.

Brown's death had nothing to do with housing. However, the Obama administration used it as justification to demand fundamental changes in Ferguson's housing codes and enforcement, accusing Ferguson of criminalizing quality-of-life issues. Ferguson's negotiators were surprised by the Department of Justice's focus. The city absolutely had a reputation for strict enforcement of housing codes, but there was no suggestion that Ferguson was applying housing codes in a discriminatory manner. Housing was mentioned only in passing in the Department of Justice's report on Ferguson.

The city's focus on housing codes undoubtedly impacted the population mix. People with a casual attitude toward mowing their lawn or maintaining their house could tell by driving through the city that their kind probably wasn't welcome here. But it turns out there are plenty of middle class African Americans just as obsessed with their lawns and property values as white residents. The housing codes didn't keep out African Americans — strict code enforcement was part of the draw, part of why Ferguson became a destination suburb for successful African Americans and a majority African American city.

The reality of Ferguson didn't matter to the Justice Department. Ferguson was forced to change its occupancy permit requirements and could no longer coordinate police and code enforcement. Ferguson was no longer allowed to jail recalcitrant landlords, and fines were significantly reduced. The consent decree stripped Ferguson of many of the tools it used to keep its neighborhoods nice.

The consent decree has been in force for three years, and its impact is clear. The creeping blight that undermined many of the surrounding communities has appeared in Ferguson. If you drive through parts of Ferguson, you will see rundown, poorly maintained houses, some boarded up. These aren't owner-occupied homes — they are owned by absentee landlords or sometimes banks that aren't bothering with upkeep. The blight is concentrated in the less expensive, primarily African American neighborhoods. And there's nothing the city can do about it.

This is the irony of the changes the Justice Department forced on Ferguson. One of our legacies of racism is the significant disparity in wealth between white and African American families. For most Americans, their wealth is their home equity. There's an old saying that's still true — it takes a village to raise property values. All residents of a neighborhood have to maintain their property for values to rise. A few decrepit properties can become a cancer, causing appraisers to lower values and dissuading people from buying houses in the neighborhood. Ferguson's code enforcement helped fight the cancer — helped African American and all Ferguson homeowners build equity.

Now, the consent decree keeps Ferguson from being able to fight creeping blight. As a result, homeowners in Ferguson's predominantly African American neighborhoods have seen their home equity, and yes their quality of life, decline. Many are

underwater on their mortgages and not able to move.

When the consent decree initially came up for a vote, every Ferguson councilperson, African American and white, voted against signing — it was that potentially damaging to the city. Ferguson only agreed after the Department of Justice issued a side letter promising flexibility on the decree's implementation. The department repeatedly assured residents that it wasn't trying to hurt Ferguson, and the consent decree could be adjusted if it was causing harm.

We are there. Improved police transparency has made Ferguson a better city. But the part of the decree that dealt with housing is causing significant harm to the city and its residents. Ferguson is hoping the Justice Department lives up to its word and allows the consent decree to be modified to address this harm.

Blake Ashby is an entrepreneur living in Ferguson.