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## **Abstract**

Local and state governments exercise eminent domain to acquire private property for public purposes such as infrastructure and economic development projects. Residential displacement resulting from large public infrastructure projects can result in mass clearances of historical, working-class Black neighborhoods. The research evaluates the legal standards, frameworks, and precedents for eminent domain practices resulting in the displacement of working-class communities. The study assessed the constitutional, statutory, and regulatory provisions of public redevelopment projects applied as guidelines to assess three residential displacements in Tallahassee, Florida. A legal analysis revealed more government transparency, accountability, and oversight is necessary to protect vulnerable renters, small-businesses, and working-class neighborhoods related to economic redevelopment projects. Rather than displacement, alternatives should be explored which do not depend on involuntary property acquisitions and transfers. Elected public policy-makers, redevelopment authorities, and urban planners should weigh the needs of vulnerable neighborhoods when determining whether revitalization is beneficial to the community. Fair compensation should be a priority to decipher, as displacing historically working-class neighborhoods perpetuates economically-segregated areas without consideration of socio-economic effects.

**Keywords:** Eminent Domain, Gentrification, Displacement, Urban Renewal, Compensation

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## Introduction

Local and state governments provide community infrastructure, including roadways, parks, government buildings, water distribution systems, and other public amenities. Although provisions are intended for the good of the community, low-income communities are disproportionately impacted by the economic and social costs of such projects. Existing neighborhoods and property owners in the path of infrastructure expansion projects will have to make way by either: (1) voluntarily selling their property or (2) the government forces the sale of their property through use of eminent domain. As forced sale or eminent domain enables local and state governments to condemn private property for a public use (Munch 1976), the government is required to offer just compensation (U.S. Constitution. Amend. V). Between 1998 to 2002, Institute for Justice researcher Dana Berliner (2003) estimated over 10,000 properties across the United States were threatened, or taken, with eminent domain.

Residential displacement related to eminent domain and public projects is an often-overlooked cost to public infrastructure projects. Historically, redevelopment projects aimed at improving housing for the greater community are entangled with inequitable eminent domain displacements. Between 1949 and 1974, federally-funded and locally implemented Urban Renewal practices, through the use or threat of eminent domain under the justification of revitalization efforts, resulted in the condemnation and displacement of alarmingly high numbers of low-income households and Black neighborhoods (Levy 2011).

University of Richmond's *Renewing Equality* project estimates between 1955 to 1966, approximately 300,000 families were condemned nationwide through 600 urban renewal projects, disproportionately affecting minorities. In Florida, Urban Renewal in Miami displaced nearly 1,400 households and over 1,200 families (University of Richmond 2017). While in Tampa, predominantly households of color were displaced (University of Richmond 2017). Despite legal stipulations against Urban Renewal, local governments continue to employ eminent domain as a common land acquisition tool for infrastructure expansion and revitalization projects that result in residential displacement for property owners and renters.

The research focuses on the foundational history and legal processes underpinning residential displacement and eminent domain cases in Tallahassee, Florida. As an economically-segregated city, tight-knit Black neighborhoods in Tallahassee have been vulnerable to government displacement (University of Toronto 2002). Despite Florida Statute prohibiting the use of eminent domain to condemn blighted areas (Florida Statutes 2023), low-income and minority communities have been disproportionately affected by infrastructure projects that disrupt social fabrics, exacerbate public health issues, and perpetuate economic segregation (Patel 2024). This article provides the following contributions concerning historic and contemporary residential displacements related to legal precedents:

- The paper re-emphasizes the need to highlight residential displacement as a historical issue that continuously persists throughout urban areas, predominantly affecting working-class, renter neighborhoods.
- Introduces key legal concepts of eminent domain, regulatory takings, condemnations, public usages, and just compensation.

- Provides an overview of historical constitutional, statutory, and regulatory provisions in accordance with eminent domain through legal precedents such as the Fair Housing Act (1949) and the Uniform Relocation and Real Properties Assistance Act (1970). *Berman v. Parker* (1949) held blightedness as a public purpose, while *Kelo v. New London* (2005) expanded public usages towards private economic development.
- Presents a case analysis of three infrastructure projects in Tallahassee, Florida associated with the usage of eminent domain for residential displacement and condemnation.
- Offers key takeaway lessons from local cases:
  - Similar Urban Renewal cases demonstrated more government transparency, accountability, and oversight is necessary to protect local renters, small commercial businesses, and working-class neighborhoods.
  - Residential participation, in cases similar to Orange Avenue Apartments, is vital to the meaningful provision of affordable housing.
  - Fair compensation, in cases similar to the Boynton-Stills, require additional protective measures against unmeasurable uses to prevent using eminent domain as a substitution for project shortsightedness.
- The research recommends eminent domain be employed as a last resort. Rather than involuntary displacement being the initial step in infrastructure development, alternatives are explored which do not depend on involuntary property acquisitions and transfers. Instead of local government condemnations, voluntary sales should be incorporated to reduce community displacement.

## Literature Review

### Urban Renewal through *Berman v. Parker*: Blight as a Public Purpose

After the Great Depression, President Harry S. Truman signed the Federal Housing Act of 1949 with an objective of providing Americans with a decent home and suitable living environment. However, legislation provided local governments with federal funding for the mass condemnation and clearing of land for new housing and redevelopment projects (National Archives and Records Administration 1949). Therefore, the federal government sought to eradicate substandard housing through “Urban Renewal” practices to combat the negative externalities, including crime and deteriorating conditions, of fast-growing, urbanized and industrialized cities (Pritchett 2003). Externalities due to the competitive market’s failure and the state’s inability to internalize the “*spillover effects*” were imposed by deteriorated properties, such as decreased property values (Bieretz and Schilling 2019). Local government officials employed eminent domain practices to condemn what public officials subjectively perceived as underutilized, unsightly properties.

The Supreme Court held in *Berman v. Parker* (1949) the condemnation of properties determined to be “blighted” as a public purpose. It is a broad characteristic used to describe deteriorated, damaged, uninhabitable, abandoned, or vacant private property (Bieretz and Schilling 2019). Such areas interfere with maximizing economic growth and viability due to current public usages of infrastructure. Assessments are conducted by public entities to determine whether a property is blighted. The privilege of eminent domain may be employed

to regulate the use and enjoyment of property to promote the public welfare, which considers public safety, health, and sanitation (Pritchett 2003).

In the 1960s and 1970s, the elimination of “slums” through mass clearance efforts for redevelopment was rampant. The United States Department of Urban Housing and Development (HUD) allocated federal assistance to local governments for public infrastructure projects in the early 1960s. Such monetary incentives affected marginalized working-class neighborhoods due to mass clearance efforts of deteriorated properties (Lavine 2010). The United States Congress has implemented policies, programs, and funds to address, condemn, and eliminate factors of blight (United States Urban Housing and Development 2014).

The Uniform Relocation Assistance and Real Properties Act (1970) set minimum compensation standards for federally funded projects. Government agencies must provide “uniform, fair, and equitable” treatment of displaced constituents in the form of relocation, moving, and housing benefits (United States Department of Urban Housing and Development 2024). Provisions lessen the financial impacts of involuntary displacement by ensuring families are displaced only if decent, safe, and sanitary housing is available within their financial means.

The elimination of blight has been a traditional justification for eminent domain and remains heavily exercised (Eagle 2010). Since blight as a public purpose is such a contentious issue, the Florida Statutes stipulates the following: “...taking private property for the purpose of preventing or eliminating slum or blight conditions is not a valid public purpose or use for which private property may be taken by eminent domain and does not satisfy the public purpose requirement” (s. 6(a), Art. 73.014 of the State Constitution). Although there are limitations on the use of the terms blight and slums for public purposes, local governments can make other justifications for condemnation.

### **Private Economic Development through *Kelo v. New London*: Broadening Public Use**

Rather than public infrastructure and redevelopment projects undertaken through mass clearance efforts, the 1990s shifted towards a high volume of private revitalization projects. Local governments exercised eminent domain to clear land-use for big-box stores such as Home Depot and Costco. An estimated 10,000 economic redevelopment projects between 1998 and 2002 involved benefits for private interests (Berliner 2003). Between 1998 and 2002, eminent domain was used most frequently for private use in Maryland, Florida, Pennsylvania, Missouri, Kentucky, Utah, New Jersey, and Kansas (Kerekes 2011)

The Supreme Court held in *Kelo v. New London* (2005) private economic development as a public purpose without blight present (*Kelo v. New London*). With projected economic growth through increased property values, employment, and tax revenue, the New London Redevelopment Authority condemned 80 residential houses in a working-class white community for a private infrastructure project with Pfizer Pharmaceuticals (*Kelo v. New London*). Although the Supreme Court decision allowed private infrastructure projects, the parcels remained barren until 2022 with plans of a 104-unit housing project on the peninsula.

Local and state regulatory takings exercising eminent domain are based upon judgements about whether the projected use would influence private and government economic benefits. Governments are not obligated to establish with reasonable certainty the anticipated public economic benefits of projected infrastructure (*Kelo v. New London*). Whether

the infrastructure project is private or public is arbitrary, as the justification of a more economically-beneficial intended use is constitutional under *Kelo* (Miceli 2002).

The *Kelo* decision brought about a widespread backlash across the political spectrum, renewing academic interests of recent expanded usages. National and state surveys showed a consensus of public support opposed to private economic takings (Somin 2010). Around 40 states enacted post-*Kelo* reforms of a varying degree (Somin 2015). The three general types of legislative restrictions to eminent domain included restrictions on the use under specific circumstances, additional requirements, such as documentation, or narrowed definitions in regards to public use (United States Government Accountability Office 2006).

## **Methodology**

### **Site Selection: Tallahassee, Florida**

Tallahassee, Florida was selected as the site for residential displacement and eminent domain case law analysis due to the presence of government agencies, a documented history of residential displacement through Urban Renewal, and the disproportionate levels of geographic socio-demographic segregation.

The City of Tallahassee has a history of slavery, segregation, and discrimination (Paisley 1968). Tallahassee's Black residents lack financial means to pursue social and economic mobility, along with a high racial-wealth gap. Before the Civil War, 73% of Tallahassee's population consisted of enslaved Black people (Smith 2016). Leon County held more enslaved Black people than any other county in the State of Florida as the leader in cotton production (Smith 2016). After transitioning to a tenant farming system between the 1900s and the 1950s, approximately 90% of the formerly enslaved were employed on old cotton plantations, with harsh working conditions (Paisley 1968). The denial of Black homeownership and mortgage loans persisted until the 1960s, with 98% of mortgage loans offered to white borrowers (Paisley 1968). Generations of formerly enslaved developed isolated self-sufficient, tight-knit Black communities as renters during segregation (Paisley 1968). However, restrictive measures in homeownership provided for inequitable distributions of adequate resources, opportunities, and economic mobility.

*Table 1* shows the local median household income, unemployment, and educational attainment percentages of the City of Tallahassee are statistically disproportionate in comparison to national averages. The local homeownership rate is 34%, approximately 31% below the national average. Over 30,000 households, approximately 42% of the local population, are cost-burdened due to spending more than 30% of income on housing. Such households are low-wage earners, with an income of approximately \$700 a month. The median household income is \$53,000, \$22,000 less than the national average. 24.3% of residents over 25 years only have a high school diploma, while 7.2% have less than a high school education.

**Table 1.** Demographics of Tallahassee; United States Census

<b>Demographics</b>	<b>Affordable Housing*</b>	<b>Tallahassee**</b>	<b>National***</b>
Median Household Income	\$13,224	\$52,899	\$74,755
Poverty Rate	N/A	24.3%	12.6%
Unemployment Rate	17.5%	3.3%	3.8%
Lower than High School Diploma	15.6%	7.2%	10.4%
High School Diploma	44.8%	24.3%	26.1%
Bachelor's Degree or Higher	N/A	49.9%	35.7%
Homeownership Rate	15%	34%	65.2%
Renter-Occupancy Rate	85%	52%	34%

\*City of Tallahassee. 2020. "Affordable Housing Dashboard."  
<https://storymaps.arcgis.com/stories/bc339c924eb54693a44f2b979106630d>

\*\*United States Census Reporter. 2020. *Tallahassee, Florida*.  
<https://censusreporter.org/profiles/16000US1270600-tallahassee-fl/>

\*\*\*United States Census Reporter. 2020. *United States*.  
<https://censusreporter.org/profiles/01000US-united-states/>

Despite increasing median income and racial diversity in Tallahassee, socio-economic conditions remain unequal across zip codes (City of Tallahassee Affordable Housing Dashboard 2020). With racism, discrimination, and disinvestment, historically Black neighborhoods are experiencing more economic challenges. Approximately 26.4% of the population in Tallahassee is considered impoverished, 10 percentage points higher than the national average. The City of Tallahassee’s Affordable Housing Dashboard noted 30% of Tallahassee’s population is above the poverty line but considered “working poor.”

The median household income for historically Black neighborhoods is nearly 75% less than the City of Tallahassee’s, with the unemployment rate significantly higher at 17.5% (Department of Urban Housing and Development Affordable Housing Dashboard). Compared to the City’s educational attainment, residents within historically Black neighborhoods are undereducated. 44.8% over 25 years of age with only a high school diploma, with 15.6% of residents having less than a high school diploma (Department of Urban Housing and Development Affordable Housing Dashboard 2020).

According to HUD’s Affirmatively Furthering Fair Housing Data and Mapping Tool, approximately 90.66% of Tallahassee’s affordable housing vouchers are used by Black households. Despite over 5,000 eligible households on waitlists for affordable housing with the Tallahassee Housing Authority (THA), only 540 public housing units in economically-segregated areas are available with a low turnover rate (*United Tenants’ Association v. Tallahassee Housing Authority* 2022). With the lowest local homeownership rates, 15% of residents in historically Black neighborhoods are homeowners (Department of Urban Housing and Development

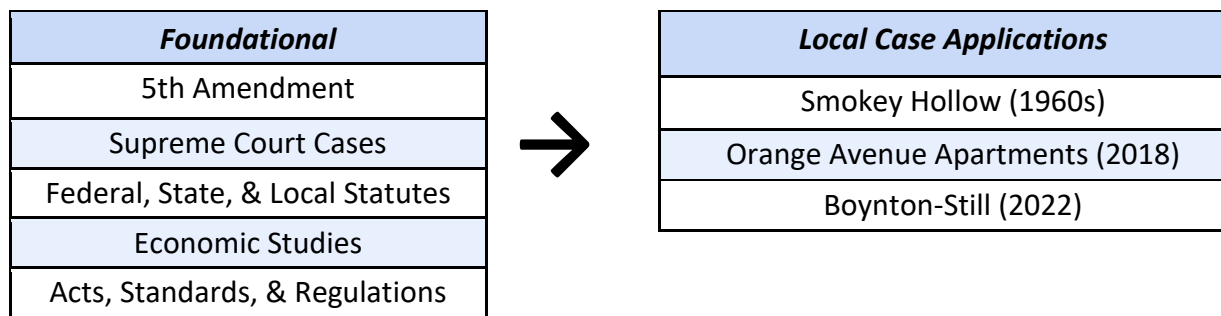
Affordable Housing Dashboard). The City of Tallahassee’s Five-Year Strategic Plan in 2020 identified five historically black neighborhoods as areas for revitalization: Frenchtown, Griffin Heights, Bond, Providence, and South City.

**Legal and Historical Analysis: Selection of Legal Cases**

This research evaluates the legal standards and historical precedents for implementing eminent domain practices resulting in the displacement of working-class communities in Tallahassee, Florida. By reviewing government filings, academic studies, professional reports, and publicly-accessible meeting notes, the study investigates the potential public usages of eminent domain through an analysis of constitutional, statutory, and regulatory provisions.

Figure 1 shows the foundational resources and their application to localized cases. The three redevelopment projects related to local displacements are Smokey Hollow, Orange Avenue Apartments, and Boynton-Still. Smokey Hollow is a historical Urban Renewal eminent domain case that serves as foundational knowledge to compare and contrast more contemporary residential cases. Orange Avenue Apartments and Boynton-Still fit residential displacement claims and overlap with much of the geographic and socio-demographic criteria of Smokey Hollow. The contemporary cases will be evaluated for applicability of eminent domain through public use, legal precedents, and economic standards.

**Figure 1.** Foundational and Local Case Applications



The application of legal precedents is useful in assessing local displacements, as common law is the foundation of legislation to be followed by local and state governments. As legal interpretations determine what protections are fundamental against government infringement of private property rights, constitutional, statutory, and regulatory provisions show the adequate processes in which local displacement should transpire.

**Results**

**Smokey Hollow**

In the 1960s, the State of Florida displaced Smokey Hollow as a response to urban renewal, one of the first urban neighborhoods in Florida (Florida Memory State Library and Archives of Florida 1960). Formed in the 1890s, Smokey Hollow was one of the few

neighborhoods formerly enslaved people could reside during segregation (Public Broadcasting System 2019). The community consisted of rows with single-story, gunshot-style family homes passed on by generations with surrounding white porches (National Register for Historic Places 2000). To the East, the Seaboard Coastal Railroad divided the neighborhood along racial lines (Public Broadcasting System 2019).

The neighborhood recorded above average rates of ownership and employment despite a majority of the residents consisting of Black renters, with churches, shops, restaurants, grocery stores, wood yards, and jukebox joints (Public Broadcasting System 2019). Residents served as laborers, domestic servants, and entrepreneurs (Public Broadcasting System 2019). According to local newspapers, visitors used the phrase “slums” to describe housing conditions (Public Broadcasting System 2019).

Until the 1950s, the City of Tallahassee operated a Superfund Site of industrial facilities within Smokey Hollow, including the city’s dump, manufactured gas plant, and waste incinerator (United States Environmental Protection Agency 2009). Contamination due to disposal of hazardous wastes has required the Environmental Protection Agency to issue a Removal Action Memorandum in April 2004 to excavate contaminated soils and groundwater, designed as a stormwater retention basin in Cascades Park (United States Environmental Protection Agency 2009) (Blueprint Intergovernmental Agency 2004).

The Housing Act of 1954 authorized HUD to match state funding towards urban renewal efforts (United States Department of Urban Housing and Development). Despite the Florida Supreme Court declaring slum clearance as unconstitutional, the City of Tallahassee adopted “workable programs,” allowing revitalization through public infrastructure projects to receive federal funding (Brown 1999). Completed in 1958, Apalachee Parkway as a two-lane highway to the Florida Capitol displaced about 50 acres of Smokey Hollows (Brown 1999).

A special referendum was held by the City Commission in 1960 to ratify the State of Florida’s Urban Renewal Act to condemn working-class, Black neighborhoods (Florida Memory State Library and Archives of Florida 1960). With the Florida Capitol Plan adopted in 1947 by the Board of Commissioners of State Institutions, plans to build the Florida Department of Transportation’s W. Haydon Burns building within Smokey Hollow began.

Between 1949 and 1965, nearly 100 families, approximately 500 residents and 110 properties, were demolished (Brown 1999). The City of Tallahassee offered to relocate about 50 low-income families, with the first shotgun homes displaced near the Florida Capitol (Brown 1999). After the removal, some parcels remained vacant and unused for decades as a Superfund Site (United States Environmental Protection Agency 2014). Displaced residents relocated to more economically-segregated areas of Downtown Tallahassee, such as the Bond, Spring, and Frenchtown (Public Broadcasting System 2019). Two small sections of Smokey Hollow evaded displacement (Lessan 2024).



**Figure 2.** Smokey Hollow Commemoration in Tallahassee, Florida (2024)

In 2000, Smokey Hollow was listed on the National Register of Historic Places (Department of the Interior National Park Service 2000). The Blueprint Intergovernmental Agency designed the Smokey Hollow Commemoration in Capital Cascades Trail Park as a memorial to the neighborhood (Blueprint Intergovernmental Agency). Figure 2 shows the memorial replicating the three brick-and-steel, open “Spirit Houses” of the historic gun-shot style homes, along with a restored barber shop as the only original structure remaining (Blueprint Intergovernmental Agency; Lessan 2024). A Historic American Landscape Survey documented maps of Smokey Hollow through oral histories, the first to focus on the displacement of a community (United States Department of the Interior National Park Service 2015).

### **Orange Avenue Apartments**

Redeveloping public housing into mixed-income housing introduces concerns regarding residential displacement for current public housing residents. Constructed in 1971-1972, Orange Avenue Apartments consisted of 200 public housing units in 119 buildings on 29 acres as “the largest public housing complex in Tallahassee” (Tallahassee Housing Authority 2018). Representing approximately 39% of residential units in Tallahassee with 97% Black residents, units operate at or near full capacity, with rare vacancies (*United Tenants’ Association v.*

*Tallahassee Housing Authority* 2022). Using \$82 million in government funds, the redevelopment project plan converted Orange Avenue Apartments into Columbia Gardens, with approximately 500 mixed-income units (Tallahassee Housing Authority).

THA held four phases of workshops between August 2017 and February 2018 to encourage community involvement, engagement, and feedback in proposed redevelopment plans. With every phase of the workshops, residents, along with local participants, expressed concerns about replacement housing (Tallahassee Housing Authority 2018). Therefore, after publication, an urban design priority of the plan was to ensure “one-to-one replacement” of existing housing along with providing housing choices (Tallahassee Housing Authority 2018).

Although a settlement was reached, the Orange Avenue United Tenants Association filed suit alleging the redevelopment violated the Fair Housing Act (*United Tenants’ Association v. Tallahassee Housing Authority* 2022). Filings alleged the redevelopment will displace a large Black tenant population into more racially segregated neighborhoods with fewer economic and social opportunities (*United Tenants’ Association v. Tallahassee Housing Authority* 2022). The Orange Avenue Corridor is composed of 83.5% residents who are African American, with 74% of renters (Tallahassee Housing Authority 2018). 68.5% of residents are below the poverty level, consisting of 76.4% female-headed households (Tallahassee Housing Authority 2018). With a median household income of \$14,181, 22% of residents are unemployed and 57.8% residents receive food stamps (Tallahassee Housing Authority 2018). Since the redevelopment was not limited to just public housing, tenants requested a revised redevelopment plan to include comparable replacement dwellings, accommodations for tenants with disabilities, and compensatory damages (*United Tenants’ Association v. Tallahassee Housing Authority* 2022).

An assessment conducted by THA in 2016 revealed a 100-year flood zone in the southern portion of the housing complex, with recommendations to rebuild to improve long-term physical and social viability of decent, safe, and affordable housing (Tallahassee Housing Authority 2018). The study recommended demolition, as rehabilitation was neither feasible nor cost-effective to comply with local, state, and federal building and environmental codes. In 2020, City and County Commissioners, along with HUD, approved demolition (Tallahassee Housing Authority).

An archeological research firm evaluated the eligibility of the property for the National Register of Historic Places as the only protection against demolition (*United Tenants’ Association v. Tallahassee Housing Authority* 2022). Although the assessment concluded the site had historical significance, it is a voluntary listing (*United Tenants’ Association v. Tallahassee Housing Authority* 2022). In response, Florida’s Division of Historical Resources also concluded the site was eligible as the oldest public housing in Tallahassee (*United Tenants’ Association v. Tallahassee Housing Authority* 2022).

Although displaced residents are in possession of HCVs, the complaint alleges only a small number of Tallahassee landlords accept HCVs, concentrated in highly segregated neighborhoods with less amenities (*United Tenants’ Association v. Tallahassee Housing Authority* 2022). Managed by THA, the remaining public housing options are limited to two complexes experiencing long waitlists: Springfield Apartments and Pinewood Place (Lessan and Cann 2024). HCVs function well in circumstances when there is enough housing supply to support reducing rental costs (Taylor, Staley, Dabney et. al. 2024). With a combination of high demand and limited supply, tight rental markets can be challenging for voucher holders as

landlords have high expectations for units and may not opt to accept vouchers. While public housing units can decline into disrepair and lack desirability for tenants, residents with HCVs have more market choice, but only in the event housing supply is available. In recent years, affordable housing has shifted from public housing towards HCVs. However, public housing remains potentially the best option for the most vulnerable of residents who would struggle to navigate the private rental market without additional financial and programmatic support (Taylor, Staley, Dabney et. al. 2024).

As a result of the settlement, displaced persons will have a first priority “right to return” to the new family units at a rental price based on 30% of their monthly income within 90 days of completion. The settlement includes reasonable moving costs and expenses, penalties for early termination, and accessibility modifications (Tallahassee Housing Authority). However, similar to most redevelopments, new prospective residents will likely reap more projected benefits than those who were displaced and waited years to return, or may never rightfully return to the complex.

### **Boynton-Stills**

The Capital Cascades Trail Project is a four-segment linear infrastructure project consisting of trails, parks, and roadways in Downtown Tallahassee (Blueprint Intergovernmental Agency). Though the project was primarily funded through a local sales tax, the project went millions of dollars over budget during the construction of Segment 2, or Cascades Park (DeVoe L. Moore Center 2019). To strengthen flood protection, water management, and major flooding from weather emergencies in Lake Henrietta and Lake Munson, a network of underground box culverts with open retention ponds were designed to improve water quality (Blueprint Intergovernmental Agency). A realignment of Segment 3 in 2016 resulted in the displacement of historic neighborhoods (City of Tallahassee).

According to a City Commission meeting held on Dec. 5, 2018, Blueprint, a city-county agency focused on capital improvement projects, authorized the initiation of seven eminent domain lawsuits against privately-owned properties to avoid construction delays with voluntary settlements (Blueprint Intergovernmental Agency 2018). At least 45 residents, including 23 residential units consisting of shot-gun style homes and newer construction, were condemned (Blueprint Intergovernmental Agency 2019) (Casey and Hernandez 2019).

Blueprint determined in a staff-level meeting on Sept. 5, 2019 that remaining historic properties were deteriorated beyond repair, to the extent rehabilitation costs would exceed the costs of demolition (Blueprint Intergovernmental Agency 2019). The Tallahassee Trust for Historic Preservation surveyed 10 structures and advised properties lacked distinctive, historical characteristics, although four structures could have contributed to a National Historic District (Blueprint Intergovernmental Agency 2019).

Under the Uniform Relocation Assistance and Real Properties Act, acquisitions using federal funds must follow additional requirements of compensation, moving, and relocation expenses (United States Department of Urban Housing and Development). Although Blueprint alleges acquisitions were not subjected to state and federal regulations as a locally-funded project, HUD allocated two Community Development Block Grants for Disaster Recovery to the City of Tallahassee. The grant provides federal assistance in response to natural disasters

towards long-term development to relocate, rehouse, and rebuild communities (United States Department of Urban Housing and Development). More research is necessary to determine whether such funds were tracked and kept separately, or if allocated towards the project.

Relocation Housing Payments (RHPs) provided to renters were non-compliant with federal requirements. Prior to the realignment, 25 renters received an average of \$1,000 in compensation, with \$27,987 in total administered (Blueprint Intergovernmental Agency 2019). After acquisitions, 20 renters were provided the “*maximum program limit*” of \$5,250, with \$283,958 in total administered (Blueprint Intergovernmental Agency 2019). As non-compliance with the Uniform Relocation Assistance and Real Properties Act precludes projects from receiving federal funding, the City of Tallahassee will not be eligible for federal assistance if the opportunity arises (United States Department of Urban Housing and Development). Despite the Florida Statutes prohibiting the exercise of eminent domain to condemn blighted areas (Florida Statutes 2023), Blueprint Intergovernmental Agency displaced the historic, tight-knit working-class Black neighborhood of Boynton-Stills.

## Discussion

The Supreme Court’s broadened interpretations in *Berman v. Parker* (1949) and *Kelo v. New London* (2005) has established legal avenues for governments to circumvent real-estate market transactions without restrictions in determinations of public purposes. Rather than a voluntary transaction agreement, incorporating deteriorated private property and economic development as constitutional “*public uses*” of condemnation has established arbitrary, often unmeasurable standards of acquisition, demolition, and rehabilitation of private property.

In the Smokey Hollow case, displaced residents did not receive compensation due to the prevalence of inequality. Although the Fair Housing Act was implemented in 1968, the Fourteenth Amendment stipulates “...nor any State deprive any person of life, liberty, and property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws...” (U.S. Constitution. Amend. XIV) Unfortunately, low-income communities do not have the financial or legal means to engage in a highly legitimate and time-consuming process. Urban Renewal cases, such as Smokey Hollow, demonstrated that more government transparency, accountability, and oversight is necessary to protect local renters, small commercial businesses, and working-class neighborhoods by public infrastructure projects. Residential displacement of low-income neighborhoods in Tallahassee undermines community networks, along with the social, historical, and cultural fabrics of generational neighborhoods. The Smokey Hollow Commemoration is a localized reminder of community loss through displacement and the importance of due process for vulnerable residents.

In the Orange Avenue Apartments case, the Tallahassee Housing Authority did not use eminent domain to condemn the public housing site. Despite the neighborhood consisting of a public housing development, legal stipulations administered by the United States Department of Urban Housing and Development in accordance with displacement are to be followed. Residential participation, involvement, and engagement, in cases similar to the Orange Avenue Apartments, is vital to the meaningful provision of affordable housing. During the workshops, current residents voiced their concerns over long-term displacement associated with finding suitable and affordable replacement housing. Since a home is more valuable than just the cost

of rent, planners should be informed on how to foster informative workshops for households at risk of displacement. Along with workshops, planners should conduct Social Impact Assessments as a community-based, risk-management approach to provide recommendations about projected consequences, vulnerabilities, and dangers of displacement (International Association for Impact Assessment)

In the Boynton-Stills case, local compensation practices did not reach federal standards of compensation. Even in cases where local governments are not forced to comply with higher federal standards, local governments should consider compensating at the federal level given the socio-economic impacts for displaced households. Fair compensation, in cases similar to the Boynton-Stills case, require additional protective measures against unmeasurable uses to prevent using eminent domain as a substitution for project shortsightedness (Staley and Blair 2005). Although local, state, and federal compensation standards serve as protective measures against government eminent domain abuse, objective measures of fair market value, without additional relocation benefits, are not enough to meet community needs in a forced sale (Kaufman 2010). Governments must show objective, likely, and achievable community benefits, rather than arbitrary, unmeasurable uses.

### **Conclusion and Future Research Implications**

Elected public policy-makers, redevelopment authorities, and urban planners should weigh the needs of vulnerable neighborhoods when determining whether revitalization is beneficial to the community. Suggestions about fair compensation should be a priority to decipher, as displacing historically working-class neighborhoods perpetuates economically-segregated areas without consideration of socio-economic effects (International Association for Impact Assessment).

Rather than eminent domain being the initial step in infrastructure development, alternatives should be explored which do not depend on involuntary property acquisitions and transfers (Staley and Blair 2005). Dispute-Resolution Agreements derive a mutual benefit between stakeholders by allowing for a voluntary transaction based on an agreed market-value price (American Arbitration Association). Agreement with compensation improves fair and equitable outcomes which considers the renter's "*subjective value*" of the parcels and promotes trust with local government entities (American Arbitration Association) (Miceli 2010). As infrastructure expansions continue across the country, future research remains essential to compare and contrast the impact of voluntary and forced sales on residential displacement.

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