

## THE ELDERLY FACING GENTRIFICATION: NEGLECT, INVISIBILITY, ENTRAPMENT, AND LOSS

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*On its face, gentrification is a beneficial process that fits the “out with the old, in with the new” mentality of today’s American society. It revitalizes deteriorated and crime-ridden urban neighborhoods by introducing new businesses and wealthier residents, resulting in greater safety, increased property value, and more aesthetically pleasing places to live. However, this process often detrimentally affects many of the people currently living in the targeted neighborhoods. One group that continuously, yet quietly, faces the negative effects of urban revitalization projects is the elderly. In this Note, Ms. Ana Petrovic provides a voice for the nation’s overlooked elderly population by analyzing the tragic and very real effects that occur with gentrification. Ms. Petrovic explores the reasons behind gentrification’s current prevalence in the United States, including in the nation’s housing policy, and explains how current trends directly affect the elderly. Ms. Petrovic then analyzes those effects throughout all of the stages of the gentrification process, noting the elderly often face feelings and circumstances composed of neglect, invisibility, entrapment, and loss. In an attempt to lessen the negative effects on the elderly, she provides a three-step plan that involves all levels of government and members of the community. As part of her plan to understand the problem, prevent the problem, and make the problem a priority, Ms. Petrovic recommends additional research, community-specific programs, and further congressional legislation.*

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## I. Introduction

In the past, Americans sought a quaint suburb for the ideal place to build a comfortable home.<sup>1</sup> Today, individuals desire to move to previously impoverished and minority inner-city neighborhoods. This cultural transformation has triggered a major make-over of U.S. cities across the nation. Such revitalization undeniably appears positive on the surface. Practically overnight, formerly dilapidated neighborhoods void of business and full of crime and poverty, become bustling neighborhoods with trendy restaurants and organic grocery marts. “Discard the old, and bring in the new” reflects the current sentiment behind these changes.

Gentrification is the dominant term describing this urban spatial restructuring. Put simply, gentrification means the displacement of long-term residents of poor socioeconomic status from their neighborhoods allowing for new residents to move in.<sup>2</sup> This trend begs the question: when the new residents arrive, what happens to the old? The potential answer to this question casts a darker shadow on the gentrification process. Recognized consequences of gentrification to former residents include neglect, displacement, disruption, discrimination, and loss. The positive impact from a revitalized neighborhood juxtaposed with the negative effect on a displaced person reflects the underlying tension in the gentrification debate.

The potential gains and losses from gentrification stir controversy over its roots and impact on American society. Voices from all segments of society evoke emotionally charged responses, reflecting its disparate impact and hint at little hope for a consensus. However, the only undeniable aspect of gentrification is that it is occurring all over the United States.

One voice rarely heard in this debate is that of the elderly. Absent gentrification, the meaning of a home differs sharply for an elderly person compared to both the traditional American family and the postmodern working single person. The elderly’s low profile in the wider gentrification debate is ironic because they are one of the most vulnerable groups to this process. Most scholars and legislators ac-

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1. Lance Freeman, *America’s Affordable Housing Crisis: A Contract Unfulfilled*, 92 AM. J. PUB. HEALTH 709, 709–12 (2002) (indicating this dream remains unfulfilled for many Americans).

2. This Note defines gentrification from the standpoint of the elderly. The analysis will demonstrate gentrification results in neglect, invisibility, entrapment, and loss to an elderly person.

knowledge the elderly are at high risk.<sup>3</sup> Yet, gentrification studies often rely on general statistical studies which ignore age to evaluate the economic impact of gentrification.<sup>4</sup> Consequently, it is easy to overlook how the elderly face unique dangers that extend beyond mere displacement and also influence mental and social well-being.

This Note explores how urban development affects the elderly by examining gentrification. Part II provides a general background of gentrification within urban development in three main areas: Part II.A explores the origins and development of the gentrification movement through its current state; Part II.B examines U.S. housing policy on federal and local levels and how it relates to the elderly; and Part II.C highlights how the elderly are vulnerable to this housing policy and possess special living needs. Part III analyzes the various stages of gentrification. Parts III.A and III.B further examine the *pregentrification* stages of neglect and invisibility. Parts III.C and III.D explore the *current* and *postgentrification* stages of entrapment and loss. Part IV proposes solutions that make considerations of the elderly central to policy makers; thereby minimizing the risks and consequences to the elderly. These solutions combine legal, political, and economical approaches.

## II. Background

Today, residents of American cities, and even tourists, can hardly escape the fact that gentrification is sweeping through American cities across the nation.<sup>5</sup> If not by personal experience,<sup>6</sup> the American media exposes the general public to this gentrification movement.<sup>7</sup> While current media coverage strongly suggests most Americans easily recognize gentrification, how they describe this term is far less predictable.<sup>8</sup> The lack of a uniform definition for gentrifica-

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3. PHILLIP NYDEN, CTR. FOR URBAN RESEARCH & LEARNING, THE DIFFERENTIAL IMPACT OF GENTRIFICATION ON COMMUNITIES IN CHICAGO 20 (2006).

4. *Id.*

5. *Id.* at 1.

6. *Id.* at 3.

7. See, e.g., Joseph Berger, *Hell's Kitchen, Swept Out and Remodeled*, N.Y. TIMES, Mar. 19, 2006, § 1, at 29.

8. Compare J. Peter Byrne, *Two Cheers for Gentrification*, 46 HOW. L.J. 405, 405–32 (2003) (arguing that displacement of lower-income residents should not be included in the definition of gentrification), with Isis Fernandez, Note, *Let's Stop Cheering and Let's Get Practical: Reaching a Balanced Gentrification Agenda*, 12 GEO. J. ON POVERTY L. & POL'Y 409, 412–13 (2005) (including both increased property values and displacement of lower-income residents in definition).

tion is not a mere technical or linguistic challenge. Diverging views over gentrification's role in American society heighten emotionally charged responses based on individual experience and background.<sup>9</sup>

Major public figures participate in the gentrification debate in various ways and promote it in national headlines. For example, former President Bill Clinton's involvement reflects the glorified view of gentrification. As a long-term resident of Arkansas, Clinton moved into Harlem, New York, a neighborhood historically seen as predominantly African American, poor, and dangerous.<sup>10</sup> Thus, his move fulfilled one stage to revitalize a poverty-stricken and crime-filled area into a prosperous and hip community.<sup>11</sup>

Unlike Clinton, former boxer Oscar de la Hoya, nicknamed "Golden Boy," acted as a leader in his community to address the potential loss and discrimination that results in a gentrified community. De la Hoya noticed that in California, Latinos of low socioeconomic status suffer loss and disadvantage when neighborhoods turn prosperous overnight.<sup>12</sup> Recognizing homes in Los Angeles can easily cost \$500,000, he recently teamed up with John Long to create affordable housing for Latino communities in California.<sup>13</sup>

Most recently, an African American artist acknowledged that revitalization efforts are necessary to clean up and boost the economy of low-income neighborhoods.<sup>14</sup> However, he recognized revitalization often eradicates the cultural wealth and character in a community.<sup>15</sup> In response, he teamed up with various other artists and local leaders to rebuild West Oakland to both revitalize and emphasize the African American cultural heritage in the process.<sup>16</sup> This approach, criticized

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9. Jonathon E. Briggs, *Housing Boom's 2 Sides Detailed: Study Defines Strain in Gentrifying Areas*, CHI. TRIB., Jan. 2, 2006, Metro, at 1 (discussing unwillingness of Americans to talk about gentrification because of its emotional impact).

10. Kelly Bit, *Harlem Residents: Clinton Is Symbol of Gentrification*, N.Y. SUN, Jun. 20, 2006, at 2.

11. Audrey McFarlene, *The New Inner City: Class Transformation, Concentrated Affluence and the Obligations of the Police Power*, U. PA. J. CONST. L. 1, 13 (2006) (citing Harlem, New York, as one of many "historically Black neighborhoods that occupy an important and visible place in the Black psyche, [that] are in the process of being transformed into affluent predominantly White enclaves.").

12. James Flanigan, *Champion Boxer and Builder Aim to Help Latinos*, N.Y. TIMES, Oct. 14, 2006, at C1.

13. *Id.*

14. *Morning Edition: The Fine Art of Rebuilding West Oakland* (NPR radio broadcast Feb. 16, 2007).

15. *Id.*

16. *Id.*

as impractical, is unique from other forms of gentrification, where the improvements are geared to both derive from and benefit the new residents.<sup>17</sup>

What the American public does not see, hear, or read about in this debate is the plight of the elderly. Media outlets may reference the elderly but rarely spotlight this group.<sup>18</sup> Similarly, public figures like Clinton and de la Hoya overlook the elderly in their own efforts, even though they represent opposite sides in the debate.<sup>19</sup> The media, legislators, and public figures need to place the elderly's vulnerable position in the center of this debate.

To understand why the elderly deserve unique representation, it is imperative to first explore the greater context framing the analysis. A substantive background is especially crucial to understand the position of the elderly given the dearth of research and studies focusing on them. This Part focuses on three major areas to provide this necessary background. First, Part A discusses gentrification's meaning, origin, place, and development in the United States. Second, Part B examines the U.S. housing crisis by looking at the priority Congress places on housing policy, the development and current state of U.S. housing policy, the role of local efforts, and legislation that relates to the elderly. Finally, Part C highlights the vulnerability of the elderly because of their limitations and special needs within this housing crisis.

#### A. What Is Gentrification?

An average American resident forty years ago would hardly be familiar with the term gentrification. In 1964, Ruth Glass coined the term to characterize the results of her study of middle-class people moving into London's working-class neighborhoods.<sup>20</sup> Glass concluded that gentrification begins once the middle class "invade[s]" the working-class neighborhoods, and continues "rapidly until all or most of the original working class occupiers are displaced, and the whole social character of the district is changed."<sup>21</sup> However, the meaning of

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17. *Id.*

18. *See, e.g., id.*

19. *See* Bit, *supra* note 10; Flanigan, *supra* note 12.

20. *See* Fernandez, *supra* note 8, at 412–13 (recognizing Ruth Glass' study in London to label such changes as gentrification).

21. McFarlene, *supra* note 11, at 28 (quoting Ruth Glass).

gentrification became extremely controversial as it evolved from Glass's scholastic term into a process that individuals identify from first-hand experience.<sup>22</sup> In other words, Glass's definition may be recognized as the first, but it perhaps no longer fully describes gentrification.

One scholar effectively illustrated the difficulty in objectively defining gentrification: "gentrification's beauty, or lack thereof, is in the eye of the beholder."<sup>23</sup> Thus, those who benefit or suffer as a result of gentrification will naturally provide diverging views over its meaning. A broad legal definition, presumably neutral, defines gentrification as: "The restoration and upgrading of a deteriorated or aging urban neighborhood by middle-class or affluent persons, resulting in increased property values and often in displacement of lower-income residents."<sup>24</sup>

However, given the social, economic, and political aspects of gentrification, a more complete picture demands opposing views.<sup>25</sup> Andres Duany, leader of the New Urbanism movement, paints gentrification positively as the "purchasing of buildings by affluent neighborhoods, . . . upgrading [of] housing stock" and "governmental investment" that bring in business, "stabilization of the neighborhoods and enhancement of the tax base."<sup>26</sup> In contrast, other scholars cast a darker shadow on gentrification by describing it as a "progressive process of disruption and displacement caused by an invasion."<sup>27</sup>

A key difference among these conflicting definitions is that those who view gentrification as a beneficial process do not incorporate displacement and see the process as a precious gift to a city.<sup>28</sup> On the other hand, those who view gentrification pessimistically characterize displacement as a central component of its definition.<sup>29</sup> Although the relationship between gentrification and displacement remains a contested issue, the dispute reflects a broader debate over the benefits or

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22. See Fernandez, *supra* note 8, at 412–13.

23. McFarlene, *supra* note 11, at 28.

24. BLACK'S LAW DICTIONARY 708 (8th ed. 2004).

25. See Fernandez, *supra* note 8, at 409.

26. McFarlene, *supra* note 11, at 26 (quoting Andres Duany); see also Byrne, *supra* note 8, at 406 (defining gentrification as the "process by which people of higher incomes move into lower income urban areas and seek to change its physical and social fabric to better meet their needs and preferences").

27. McFarlene, *supra* note 11, at 28.

28. John J. Betancur, *Can Gentrification Save Detroit? Definition and Experiences from Chicago*, 4 J.L. SOC'Y 1, 2 (2002).

29. *Id.* at 2–3.

consequences of gentrification.<sup>30</sup> Thus, the rationale that supports each definition is another useful tool to understand its meaning.

#### 1. GENTRIFICATION: WHO ARE THE WINNERS AND LOSERS?

Proponents of gentrification often emphasize how gentrification brings rapid and visible benefits to urban cities.<sup>31</sup> The most obvious outcome is that affluent residents transform previously neglected areas into aesthetically pleasing communities with a sense of luxury.<sup>32</sup> Another immediate sign of improvement from a proponent's eyes is that gentrification improves the economy through an increased tax base and improved city services,<sup>33</sup> expanded job opportunities,<sup>34</sup> and greater shopping opportunities.<sup>35</sup>

Opponents often stress that gentrification brings major consequences hardly visible to the public eye, but highly detrimental to the affected individual.<sup>36</sup> Most importantly, opponents mention that even if gentrification does not directly cause displacement, economic improvements raise the cost of living to the point pregentrification residents are ultimately displaced in a process known as involuntary displacement.<sup>37</sup> Gentrification also has a disparate impact on different races, ages, and classes, and fosters further segregation.<sup>38</sup> Furthermore, gentrification triggers a loss in the sense of belonging to the community and other social impacts that are unquantifiable, but still unjustifiable, consequences.<sup>39</sup> Altogether, opponents argue these im-

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30. See generally Lance Freeman, *Displacement or Succession? Residential Mobility in Gentrifying Neighborhoods*, 40 URB. AFF. REV. 463, 487–88 (2005) [hereinafter Freeman, *Displacement*] (discussing the negative policy implications of failing to provide affordable low-income housing).

31. See Peter Byrne, *Rhetoric and Realities of Gentrification: Reply to Powell and Spencer*, 46 HOW. L.J. 491, 491 (2003). See generally Byrne, *supra* note 8 (arguing in favor of gentrification for cities and attributing its negative effects to other problems such as a shortage of affordable housing).

32. See Fernandez, *supra* note 8, at 414; McFarlene, *supra* note 11, at 23.

33. See Fernandez, *supra* note 8, at 414.

34. See Byrne, *supra* note 8, at 419.

35. See McFarlene, *supra* note 11, at 24–25.

36. See Carla Dorsey, *It Takes a Village: Why Community Organizing Is More Effective than Litigation Alone at Ending Discriminatory Housing Code Enforcement*, 12 GEO. J. ON POVERTY L. & POL'Y 437, 459 (2005) (commenting on how dealing with changes in the neighborhood is a “daunting task” for many existing residents).

37. Compare Fernandez, *supra* note 8, at 415 (highlighting the negative effects of gentrification), with Freeman, *Displacement*, *supra* note 30, at 469 (emphasizing the positive effects of gentrification such as revitalization).

38. See Fernandez, *supra* note 8, at 415; McFarlene, *supra* note 11, at 29.

39. See Fernandez, *supra* note 8, at 415.

pacts are so dire to individuals' physical and mental well-being that they outweigh the uncontested benefits.<sup>40</sup>

Thus far, these polarized positions on gentrification represent scholars' perspectives. However, most scholars do not individually suffer from gentrification.<sup>41</sup> Moreover, the impact of this controversy is difficult to understand from a purely academic standpoint, as "the public reaction to those changes [of gentrification] is localized and subdued."<sup>42</sup> Moreover, the consequences arising from gentrification are "qualitative in nature," comprising impacts on "power bases, survival networks, the tangibles and intangibles of location, identity, culture, or ability at self-determination."<sup>43</sup> Therefore, individuals affected by gentrification are in the best position to recognize and convey the importance of these factors.<sup>44</sup>

In practice, the best, but unfortunately most challenging, way to reach individuals directly impacted is to approach them on the streets and ask about their views.<sup>45</sup> Proscribed methods to hear the public's view are to attend community meetings, ride the bus, or walk around in neighborhoods and ask people on the streets why they are moving.<sup>46</sup> Such information is even more difficult to obtain from the elderly because they often do not attend public meetings, ride the bus, and are not as mobile as other groups.<sup>47</sup> This gap only highlights that gentrification's meaning depends on the people, neighborhoods, and leaders in the community polled.<sup>48</sup>

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40. See Betancur, *supra* note 28, at 9–10.

41. See Dorsey, *supra* note 36, at 437.

42. McFarlene, *supra* note 11, at 5.

43. Betancur, *supra* note 28, at 5.

44. *Id.*

45. See McFarlene, *supra* note 11, at 5.

46. *Id.* ("Better yet, cruise neighborhoods on foot in search of moving vans or cars loaded with personal belongings parked outside of dilapidated buildings about to be renovated to catch the former residents on the way out and strike up a conversation about why they are moving.").

47. See Dorsey, *supra* note 36, at 459–61 (noting how policy makers may still not gather all residents' interests from public meetings); see also NYDEN, *supra* note 3, at 1. The methodology of this study primarily relies on interviewing community residents. NYDEN, *supra* note 3, at 1. However, even the authors of the study will qualify the individuals' responses as biased based on emotion and fear. NYDEN, *supra* note 3, at 1.

48. See Betancur, *supra* note 28, at 4. "[G]entrification can be more or less conflictive depending on the players involved and the level of resistance and organization of the residents who face displacement." *Id.*



## 2. WHERE AND HOW DOES GENTRIFICATION OCCUR?

Regardless which view prevails, gentrification is undeniably occurring across the United States.<sup>49</sup> Scholars attribute this trend to extraneous cultural, economic, and policy-driven factors.<sup>50</sup> The current desire of affluent people to live in the city as opposed to a suburban environment promotes gentrification.<sup>51</sup> Furthermore, a shortage of affordable housing, combined with an improved job market in the city, also attracts people from the suburbs to cities.<sup>52</sup>

Gentrification first began during World War II.<sup>53</sup> The government systematically pushed returning troops out of the city with incentives to settle in the suburbs.<sup>54</sup> This movement became known as “white flight” because the policies effectively prevented African Americans from enjoying the same incentives as Caucasian and other affluent American residents.<sup>55</sup> Moreover, automobile improvement, changing housing preferences, highway development, and cheap financing encouraged this change.<sup>56</sup> While the suburbs thrived as a result of this policy, major cities suffered severe economic consequences which led to their demise.<sup>57</sup> This consequence became known as urban blight, as cities all over the United States deteriorated into irreparable conditions.<sup>58</sup>

Economic growth and a renewed desire for cultural immersion invited these suburban residents back to the cities in the 1950s and 1960s.<sup>59</sup> Moreover, demand for affordable housing, combined with new incentive-based city policies, drew more affluent and educated individuals into the city.<sup>60</sup> Thus, the structural gentrification that began in the early 1950s continues to shape the social framework in gentrifying communities today.<sup>61</sup>

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49. See NYDEN, *supra* note 3, at 1.

50. See, e.g., Betancur, *supra* note 28, at 2.

51. See Fernandez, *supra* note 8, at 413 (finding “[t]he most common cause of gentrification is that people decide they would prefer to live in the city”); see also Byrne, *supra* note 8, at 407 (finding gentrification “reflects a change in preferences by upper income persons about living in the city”).

52. See Fernandez, *supra* note 8, at 413.

53. *Id.* at 411.

54. See *id.*

55. See McFarlene, *supra* note 11, at 8–9.

56. See *id.* at 8.

57. See Fernandez, *supra* note 8, at 411.

58. *Id.*

59. *Id.* at 412.

60. See McFarlene, *supra* note 11, at 10.

61. See Fernandez, *supra* note 8, at 412.

Long-term residents often struggle to adjust and continue to live in the city within this transformed social structure.<sup>62</sup> When new residents move into cities due to location and cost, they often alter the neighborhood's demographics, culture, and safety.<sup>63</sup> One scholar explained the enjoyable aspects of gentrification come with the price that "necessarily embodies, initiates and executes racial and class transformation."<sup>64</sup> Thus, gentrification brings changes that involve a range of both significant costs and significant benefits.

### B. Current U.S. Housing Crisis and Policy

The lack of affordable housing is perhaps the greatest barrier to the prevention or resolution of gentrification problems.<sup>65</sup> Between 2000 and 2005, the burden of housing costs increased drastically all over the United States due to "the crushing combination of escalating real estate prices and large[ly] stagnant incomes."<sup>66</sup> This uneven balance cannot be sustained without significant increases in income.<sup>67</sup> In 2005, over twelve million people spent more than 50% of their income on housing.<sup>68</sup> This percentage greatly exceeds the U.S. government standard of no more than 30%, which is generous compared to the National Federation of Housing Associations' 20% standard for European Union countries.<sup>69</sup>

Gentrification significantly exacerbates the housing shortage because it demolishes affordable homes and displaces residents,<sup>70</sup> who are forced to hunt for affordable housing elsewhere.<sup>71</sup> This disparity creates shelter poverty, in which people spend so much of their income on housing they cannot afford other essential, nonshelter

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62. See NYDEN, *supra* note 3, at 18.

63. See McFarlene, *supra* note 11, at 11.

64. *Id.* at 22.

65. See, e.g., Byrne, *supra* note 8, at 406. Even scholars who favor gentrification also address that U.S. policy needs to address the affordable housing shortage.

66. Janny Scott & Randal C. Archibold, *Across Nation, Housing Costs Rise as Burden*, N.Y. TIMES, Oct. 3, 2006, at A1.

67. See *id.*

68. U.S. Dep't of Hous. & Urb. Dev., *Affordable Housing* (2007), <http://www.hud.gov/offices/cpd/affordablehousing/>.

69. Jennifer Cohoon McStotts, Note, *Dwelling Together: Using Cooperative Housing to Abate the Affordable Housing Shortage in Canada and the United States*, 32 GA. J. INT'L & COMP. L. 131, 133-34 (2004).

70. See McStotts, *supra* note 69, at 135.

71. See Betancur, *supra* note 28, at 11.

needs.<sup>72</sup> In effect, people unjustifiably compromise their own health and well-being.<sup>73</sup> Furthermore, the Center for Urban Research and Learning at Loyola University Chicago found that gentrification has a negative differential impact on minority, disabled, and elderly residents.<sup>74</sup>

#### 1. HOUSING AS A LOW PRIORITY IN THE UNITED STATES

Unlike most other countries, the United States does not recognize housing as a fundamental human right explicitly protected under its constitution.<sup>75</sup> The Housing Act of 1949 (NHA)<sup>76</sup> acknowledged a minimum duty to provide “a decent home and suitable living environment for every American family.”<sup>77</sup> Scholars argue the disparate impact on low-income households places an implicit contract on America to provide adequate housing.<sup>78</sup> However, some policy makers propose an explicit, strong, and feasible commitment to resolve the current housing crisis.<sup>79</sup> For example, Heartland Alliance recently advocated that the “federal government should legally affirm that everyone has the right to safe, decent, and affordable housing.”<sup>80</sup>

The proposal to create a legal right to housing is a challenging, albeit necessary, goal because housing clearly fell on Congress’s list of priorities during the past three decades.<sup>81</sup> The U.S. Department of Housing and Urban Development (HUD) funds most public housing, but its inflation adjusted budget fell from \$98.4 billion in 1979 to \$28.8 billion for the 2006 fiscal year.<sup>82</sup> Furthermore, since the 1980s, the federal government has drastically decreased the funds it dedicates to

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72. See McStotts, *supra* note 69, at 133.

73. See Freeman, *supra* note 1, at 710.

74. See NYDEN, *supra* note 3, at 42.

75. JOHANNES MORSINK, THE UNIVERSAL DECLARATION OF HUMAN RIGHTS 193 (1999).

76. 42 U.S.C §§ 1441–1490(r) (2000).

77. *Id.* § 1441.

78. See Freeman, *supra* note 1, at 709.

79. See *id.* at 711.

80. MID-AMERICA INST. ON POVERTY, HEARTLAND ALLIANCE, NOT EVEN A PLACE IN LINE: PUBLIC HOUSING & HOUSING CHOICE VOUCHER CAPACITY AND WAITING LISTS IN ILLINOIS 7 (2007) [hereinafter HEARTLAND ALLIANCE].

81. WESTERN REG’L ADVOCACY PROJECT, WITHOUT HOUSING: DECADES OF FEDERAL HOUSING CUTBACKS, MASSIVE HOMELESSNESS, AND POLICY FAILURES 12 (2006).

82. HEARTLAND ALLIANCE, *supra* note 80, at 4. Chart 1 notes Heartland Alliance took an inflation adjustment based on HUD figures. *Id.* at 5.

creating new affordable housing.<sup>83</sup> Therefore, even if any new legislation is effective on its face, HUD clearly lacks the resources and attention to successfully implement it. Furthermore, scholars question the private market's ability to make up for this shortcoming and see the potential of exacerbating the situation.<sup>84</sup>

## 2. FOUNDATION AND DEVELOPMENT OF U.S. HOUSING POLICY

To understand the significance of the low priority given to housing, it is important to consider the general development of U.S. housing policy. The NHA is one of the first pieces of federal housing legislation.<sup>85</sup> The NHA continues to play a prominent role with the Urban Renewal Program, which funds slum clearance and programs to redevelop and construct residential areas.<sup>86</sup> In 1965, the federal government took the first steps to increase housing for vulnerable groups, including the elderly, with the Housing and Urban Development Act of 1965 (Act).<sup>87</sup> The Act established a federal cabinet level office with housing as a central focus.<sup>88</sup> Finally, in 1968 the Fair Housing Act (FHA) prohibited any discrimination based on race, religion, color, or national origin in housing.<sup>89</sup>

In 1974, the Housing and Community Development Act (HCDA) created the Section 8 program, which was designed to assist low-income households find housing.<sup>90</sup> Section 8 allows states to administer federal assistance to tenants by paying rents according to a percentage of their income.<sup>91</sup> This percentage is generally 30%.<sup>92</sup> However, this legislation fails to assist the majority of families in need of

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83. *Id.* at 4; see WESTERN REG'L ADVOCACY PROJECT, *supra* note 81, at 12 ("Federally funded affordable housing under HUD, especially the construction of new units of affordable housing, was obliterated.").

84. See, e.g., Cassandra Netzke, *Current Public Law and Policy Issues: Rethinking Revitalization: Social Services and Concentrations on Poverty*, 23 *HAMLIN J. PUB. L. & POL'Y* 145, 153 (2001).

85. JANE SNOW MCCUNE, NAT'L HOUS. CONF., *NHC'S FIRST 75 YEARS* 15 (2006) (explaining that NHA was an extension of the 1937 Act and became "the most sweeping, ambitious housing legislation the nation had ever had").

86. *See id.*

87. *See id.* at 20 (noting the created "housing [was] designed to raise [housing quality] for the working poor, the elderly, the handicapped and those unable to house themselves decently").

88. *Id.*

89. *Id.* at 22.

90. *Id.* at 23–25.

91. See HEARTLAND ALLIANCE, *supra* note 80, at 4.

92. *See id.*

rent assistance.<sup>93</sup> In January 2007, Heartland Alliance revealed far more households in Illinois are on waiting lists for Section 8 than in existing public housing units.<sup>94</sup> To make matters worse, over half of the voucher waiting lists are closed, so “countless families in need of rent assistance cannot even get in line to receive vouchers in the future.”<sup>95</sup>

Despite these landmark strides in federal support, HUD subsequently lost significant funding, dropping \$60 to \$70 billion from its original budget authorizations.<sup>96</sup> Even though Congress allocated fewer funds to HUD, it addressed the need to assist low-income households with other forms of legislation. For example, in 1986 Congress passed the Tax Reform Act, which gave “private investors a 10-year tax incentive to invest in affordable housing by providing equity for multifamily housing with a designated number of units for low-income tenants.”<sup>97</sup>

### 3. CURRENT STATE OF U.S. POLICY AND GENTRIFICATION

Despite legislation like the 1986 Tax Reform Act, HUD’s programs remain the most visible tool to address affordable housing needs.<sup>98</sup> These programs, however, often lack the resources to successfully realize their goals.<sup>99</sup> For example, instead of providing actual housing, HUD programs often translate into housing choice vouchers, previously called Section 8 vouchers.<sup>100</sup>

Current U.S. housing policy also relates to the gentrification process occurring in U.S. cities. Overall, the federal legislation that

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93. See Brian Maney & Sheila Crowley, *Scarcity and Success: Perspectives on Assisted Housing*, 9 J. AFFORDABLE HOUSING & COMMUNITY DEV. L. 319, 349 (2000) (“There are currently 1.4 million vouchers in circulation, but an additional 5.3 million renter households have ‘worst case housing needs.’ That is, they do not receive housing assistance, have incomes fifty percent of the local median, and pay more than half of their income for rent or live in severely sub-standard housing.”).

94. See HEARTLAND ALLIANCE, *supra* note 80, at 3.

95. *Id.* at 2.

96. See MCCUNE, *supra* note 85, at 27 (“Taking a small up-tick in the early ‘90s, allocations have hovered around the \$30–\$40 billion mark for the past 15 years [and] affordable housing has taken a back seat.”).

97. *Id.* at 28.

98. See *id.* at 28, 35.

99. See generally 5.2 *Billion for Low-Income Senior Housing Not Reaching the Elderly: Why?: Hearing Before the Special Comm. On Aging*, 108th Cong. 16 (2003) [hereinafter *Hearings*] (statement of David G. Wood, Director, Financial Markets, General Accounting Office) (despite its exclusive focus, HUD’s Section 202 program only reached an estimated eight percent of low-income elderly households).

100. HEARTLAND ALLIANCE, *supra* note 80, at 3.

bears the greatest impact on gentrification is the HOPE VI program, which strives to rehabilitate distressed public housing.<sup>101</sup> This legislation attempts to revitalize neighborhoods by providing physical improvements, management enhancements, and social or community services.<sup>102</sup> However, these renewal efforts often initiate gentrification and ironically serve as an ominous sign to vulnerable groups like the elderly.<sup>103</sup> For example, Illinois lost five thousand public housing units between 2003 and 2007, due to the “demolition of distressed public housing projects.”<sup>104</sup> As a result, more Illinois families sit on waiting lists for public housing units than actually live in public housing.<sup>105</sup>

#### 4. LOCAL GOVERNMENT ROLES IN U.S. HOUSING POLICY

Local authorities also have a say in U.S. housing policy. Local legislative involvement varies extensively on a state and city basis.<sup>106</sup> Nevertheless, the types of local legislation most relevant to gentrification generally include zoning policies and strict regulations that improve the quality of housing at the expense of affordability.<sup>107</sup> Local efforts often fail to meet housing needs due to outside obstacles. For example, a recent study on how to improve the affordability of housing emphasized a “lack of coordination between federal and local entities” frustrates both the federal and local authorities from reaching success.<sup>108</sup> This study additionally conveyed a broader and more valuable lesson that “housing must be evaluated in the broad context of quality of life.”<sup>109</sup> A study on the shortcoming of local efforts in Illinois conducted by Heartland Alliance in 2007 attributed such unmet needs in Illinois to “HUD’s declining budget authority,” as well as “neglect, policy changes, and market forces.”<sup>110</sup> The problems at the

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101. See McCune, *supra* note 85, at 31.

102. U.S. Dep’t of Hous. & Urban Dev., About Hope VI, <http://www.hud.gov/offices/pih/programs/ph/hope6/about/index.cfm> (last visited Oct. 9, 2007).

103. See *infra* Part III.A.

104. HEARTLAND ALLIANCE, *supra* note 80, at 3.

105. *Id.*

106. See generally ALEX F. SCHWARTZ, HOUSING POLICY IN THE UNITED STATES: AN INTRODUCTION (2006) (providing a general overview of housing policy at various levels).

107. See Freeman, *supra* note 1, at 709; see also *infra* Part III.

108. MCCUNE, *supra* note 85, at 36 (stating the May 2002 findings of the Millennial Housing Commission).

109. *Id.*

110. HEARTLAND ALLIANCE, *supra* note 80, at 6.

local level may stem from a combination of the lack of cooperation with the federal government, failure to incorporate the qualitative aspects of the housing shortage problem, and outside forces like fluctuating markets.

##### 5. U.S. HOUSING POLICY AND ITS RELATION TO THE ELDERLY

Theoretically, U.S. housing policy treats the elderly “as a high priority for housing assistance.”<sup>111</sup> The elderly benefit from targeted federal programs, public housing, the vouchers program, and special grants.<sup>112</sup> Although these programs, in principle, address the elderly’s special needs, they often suffer severe shortcomings that hamper their overall success. Section 202, “a federal program designed exclusively for housing the elderly,” provides great services and support but only assists eight percent of the eligible population.<sup>113</sup> While the elderly make up roughly one-third of the 1.2 million households in public housing, the United States erected most of its public housing buildings before the 1980s.<sup>114</sup> This low quantity of housing assistance fails to meet a sufficient percentage of the elderly population’s needs.<sup>115</sup>

Not only does existing federal legislation fail to assist enough elderly residents, it is too broad and substantively overlooks many of the elderly’s needs.<sup>116</sup> For example, Housing Choice Vouchers, Section 8, New Construction/Substantial Rehabilitation, Section 515, and special grants do not automatically provide supportive services for the elderly.<sup>117</sup> This specifically ignores the elderly’s unique social, psychological, and health-essential needs.<sup>118</sup>

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111. SCHWARTZ, *supra* note 106, at 206.

112. *See id.* at 205–06.

113. *Id.* at 207 (citing *Hearings, supra* note 99, at 13 (statement of David G. Wood, Director, Financial Markets and Community Investment, General Accounting Office)).

114. *Id.* at 208.

115. *See id.* (noting the elderly population’s need for housing, medical expenses, home care, food, transportations, and other supportive services).

116. *See id.* (public housing authorities are not required to provide supportive services for elderly residents).

117. *See id.*, at 208–09.

118. *See* Netzke, *supra* note 84, at 169 (citing Judith Martin, Professor of Geography and Director of the Urban Studies Program at the University of Minnesota, who has found some services are so important that eliminating them from neighborhoods will hurt residents, particularly those without transportation options or other resources needed to use the services).

Hidden barriers in the implementation process also highlight the ineffectiveness of current policies for the elderly.<sup>119</sup> Housing statistics reflect the surface of the housing shortage problem,<sup>120</sup> but cannot show how some groups, like the elderly, will suffer greater consequences beyond paying higher rent. The significant decline in much-needed funding reflects the greater issues underlying the nation's housing crisis: both Congress's failure to prioritize public housing<sup>121</sup> and to see that the housing crisis robs residents of other vital needs, such as physical, mental, and social well-being.<sup>122</sup>

One scholar observes that it is artificial and misleading to treat housing as a separate entity from other significant life needs: "[d]rawing boundaries around 'housing problems' and separating them from sets of personal, social, national, and even international problems creates analytically unsustainable divisions."<sup>123</sup> U.S. housing policy neglects to consider the broader context of life and to understand and remedy these problems.<sup>124</sup> This understanding is even more crucial for the elderly because unique barriers restrict the elderly from enjoying legislation that may protect them. For example, the elderly may avoid or fear using federal programs because of real estate predators or general distrust of the outside community.<sup>125</sup>

Overall, U.S. policy strives in theory to provide additional assistance to the elderly, but the government fails to quantitatively and qualitatively meet the elderly's needs when implementing these policies.<sup>126</sup> More importantly, sometimes the very policies designed to

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119. See discussion *infra* Part III.B.

120. See MCCUNE, *supra* note 85, at 36.

121. Kelley Lunney, *Dashed Hopes*, 37 NAT'L J. 274 (2005). One housing-policy critic noted that the Republican party does not address housing as a hot-button topic. He attributed this lack of priority to the party's failure to implement effective housing policy, "It's hard to have a debate when one of the parties doesn't come to the debate." *Id.* (quoting Bruce Katz).

122. Nicole S. Garnett, *Ordering (and Order in) the City*, 57 STAN. L. REV. 1, 4 (2004) (noting many social scientists find a link between property conditions and community health).

123. McStotts, *supra* note 69, at 161 (quoting MICHAEL OXLEY & JACQUELINE SMITH, HOUSING POLICY AND RENTED HOUSING IN EUROPE 22-23 (1996)).

124. See *id.* at 156. One scholar argues that U.S. housing policy's main flaw is that it bases the need for housing solely on income, when it should consider other relevant factors, such as household size and nonshelter costs. *Id.*

125. See Jeff Horseman, *Neighborhoods in Transition*, CAPITAL, Mar. 6, 2005, at A1.

126. See *Hearings*, *supra* note 99, at 13 (statement of David G. Wood, Director, Financial Markets and Community Investment, General Accounting Office) (noting more than half of very-low-income elderly renter households did not receive any government housing assistance).



address the housing crisis perversely harm the elderly the most.<sup>127</sup> These consequences are most visible in the context of gentrification and a better understanding of the elderly's position is one step in improving their situation in the gentrification process.

### C. The Elderly: Vulnerable with Special Needs

Gentrification specifically targets the elderly.<sup>128</sup> Gentrifying communities demonstrate a significant loss of senior citizens aged sixty-five or older.<sup>129</sup> This is because half of the elderly population earns less than half of their area's median income, and one-third of these elderly residents sacrifice more than half of that limited and often fixed income to pay for housing.<sup>130</sup> One study revealed the elderly occupy over half of the public housing in the United States.<sup>131</sup> Based on the aging of the baby boom generation, the elderly will constitute approximately twenty percent of the U.S. population by 2030.<sup>132</sup> Thus, scholars on housing policy predict that "housing for the elderly is sure to become an increasingly important priority for housing policy."<sup>133</sup>

While high living costs threaten families on limited incomes, the elderly are even more vulnerable because they largely depend on fixed financial support from their pensions and Social Security.<sup>134</sup> More importantly, the elderly lack alternatives to meet increasing housing costs.<sup>135</sup> This places them at a greater disadvantage when compared to younger households who can at least seek additional employment.<sup>136</sup> Moreover, studies reveal that African American residents, followed by Latino Americans, suffer greater segregation within the elderly population in unmet housing needs compared to other groups.<sup>137</sup>

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127. See NYDEN, *supra* note 3, at 3.

128. See *id.* at 20.

129. See *id.*

130. SCHWARTZ, *supra* note 106, at 206.

131. NYDEN, *supra* note 3, at 34.

132. SCHWARTZ, *supra* note 106, at 206.

133. *Id.*

134. See NYDEN, *supra* note 3, at 37.

135. See McStotts, *supra* note 69, at 133–36. Most individuals live in a state of poverty, and increasing housing costs forces them to seek other alternatives to pay rent, including sacrificing other nonshelter essential needs. *Id.* The elderly, and other vulnerable groups, lack alternative choices and are involuntarily displaced. *Id.*

136. *Id.*

137. See NYDEN, *supra* note 3, at 21–24.

Gentrification severely stresses the elderly financially, and the trickle-down effects of this impact are especially detrimental to their well-being. The elderly are not as mobile as other populations and often depend on the proximity of their homes to public transportation or other services.<sup>138</sup> They may resist and dread moving due to physical and emotional pain.<sup>139</sup> Moreover, many elderly residents live alone and rarely have significant ties outside of the few relationships they have in their existing communities.<sup>140</sup> Unfortunately, staying within their existing homes in a gentrifying community severs long-standing, family-like relationships with their younger neighbors who do move.<sup>141</sup> Such severed relationships are not only emotionally trying, but also remove people the elderly depended on to maintain proper living conditions and access to medical care and groceries.<sup>142</sup>

Despite these unique problems, the elderly lack ample means to effectively represent themselves in the gentrification debate. Some scholars note the elderly, unlike other groups, lack the political power to curb the negative impacts of gentrification.<sup>143</sup> Moreover, gentrifiers often take advantage of the elderly's vulnerable position, who often are "left to fend for themselves."<sup>144</sup> Consequently, it may take a natural disaster like Hurricane Katrina or the Chicago heat wave<sup>145</sup> for Americans to acknowledge the elderly's poor and neglected living conditions.<sup>146</sup> To make matters worse, even individuals who do recognize the elderly's vulnerabilities fail to prioritize their plight.<sup>147</sup>

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138. See Netzke, *supra* note 84, at 170–71.

139. See SCHWARTZ, *supra* note 106, at 206.

140. See NYDEN, *supra* note 3, at 21–24.

141. See Lunney, *supra* note 121.

142. See *id.* (noting the Hope VI process may sever ties between residents who had come to rely on each other for help and support).

143. See Matthew A. Dombrowski, *Securing Access to Transportation for the Urban Poor*, 105 COLUM. L. REV. 503, 511 (2005) (noting the urban poor often suffer from a lack of political power).

144. NYDEN, *supra* note 3, at 37; see also Horseman, *supra* note 125 (reporting how real estate agents cheat the elderly with their offers, and use the elderly's children or other close ties to assist them with these predatory practices).

145. See *infra* Part III.A (discussing the Chicago heat wave in greater detail).

146. See *infra* Part III.

147. See Lunney, *supra* note 121; see also Henry G. Cisneros et al., *Opportunity and Progress: A Bipartisan Platform for State and Local Housing Policy* (Oct. 12, 2006) (outline of unpublished manuscript, on file with *The Elder Law Journal*) (noting one needed policy change is to place housing on top of the political agenda).

### III. Analysis

Gentrification means neglect, invisibility, entrapment, and loss to an elderly person. The elderly face unique problems regarding gentrification and the unique risks they face call for a strong and reformed U.S. housing policy. The elderly rarely benefit from the positive changes from gentrification. Gentrification's meaning to the elderly must be understood separately and thoroughly in order to adequately convey their vulnerable position within the gentrification movement.<sup>148</sup> First, neglect and invisibility as pregentrification conditions will be analyzed. Scholars usually characterize this period as the catalyst for gentrification, but they often fail to sufficiently examine the pregentrification period's impact on elderly residents. Finally, entrapment and loss as postgentrification conditions will be reviewed.

#### A. Neglect: Alone, Abandoned, and Deteriorated

American society fails to acknowledge the elderly live alone, in some of the country's worst conditions.<sup>149</sup> The federal government's attempt to provide special assistance to the elderly perhaps gives the public the impression someone else takes care of them.<sup>150</sup> While many scholars concede current federal legislation fails to protect enough elderly residents,<sup>151</sup> it often takes a natural disaster to wake the rest of the nation up.<sup>152</sup>

Chicago's 1995 heat wave illustrates how a disaster reveals the unjustifiable disparity between the nation's impressions of the elderly's living environment and the bleak reality.<sup>153</sup> Over the span of one week in July 1995, over seven hundred people died from record-breaking heat.<sup>154</sup> The elderly, living alone and isolated, were the main victims of this heat wave and were often undiscovered by city officials

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148. For the purposes of this Note, the analysis refers primarily to the poor or underprivileged individuals within the elderly population.

149. See SCHWARTZ, *supra* note 106, at 206 (almost half of all seniors have incomes under fifty percent of the area median, and many find it difficult to afford market-rate housing).

150. See ERIC KLINENBERG, HEAT WAVE 31 (2002) (examining the finger-pointing and arguments over who was responsible for deaths of elderly residents during the Chicago heat wave).

151. See SCHWARTZ, *supra* note 106, at 206 (noting each piece of federal legislation either only covers a small segment of the population or lacks the breadth of social services).

152. See KLINENBERG, *supra* note 150, at 31.

153. *Id.* at 23.

154. *Id.* at 29.

for days after dying.<sup>155</sup> The leading scholar on Chicago's heat wave, Eric Klinenberg, eloquently described this tension within the context of the heat wave: "The 1995 heat wave was a social drama that played out and made visible a series of conditions that were always present but difficult to perceive."<sup>156</sup> In other words, the heat wave forced the nation to see that life for elderly residents was poor and dangerous *before* the disaster erupted.

Society may be tempted to attribute the deaths and consequences of the disaster to an uncontrollable force of nature and, in effect, legitimize the severe aftermath. Instead, American society should responsibly address the dangerous preexisting conditions. One study strives to curb the temptation to rationalize by characterizing the Chicago heat wave as an "environmentally stimulated but socially organized catastrophe."<sup>157</sup> More importantly, this study exposed the elderly's living situation in Chicago *before* the heat wave. Chicago city services neglected the elderly, who often lived alone, felt depressed, feared crime, and suffered from illness.<sup>158</sup>

Because Klinenberg narrowly examines the living conditions of the elderly within Chicago during a limited period, it may be easy to deduce that these problems only exist within the bounds of Chicago; that these problems merely reflect the failure of the local government to save the elderly within its local area, as opposed to a more general sign of neglect. However, the key illustrative component to Klinenberg's analysis is the shock expressed by Chicago officials to the living conditions of the elderly *aside* from the heat wave.<sup>159</sup> This tragic event showed how the elderly lacked essential social and medical services, healthy living environments, and adequate police protection.<sup>160</sup> The city of Chicago both failed to save the elderly during the heat wave and discovered during the investigative process that they neglected to recognize the elderly's living conditions *prior* to the heat wave.

Furthermore, other environmental disasters in the United States revealed these signs of neglect now exist in cities other than Chicago. In 2005, Hurricane Katrina hit the United States and the consequences reflect the failure to apply the lessons learned ten years earlier from

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155. *Id.* at 33.  
156. *Id.* at 11.  
157. *Id.* at 21.  
158. *Id.* at 45.  
159. *Id.* at 237.  
160. *Id.* at 163.

Chicago's heat wave and the continued neglect of the elderly.<sup>161</sup> Commentators expressed the hurricane illustrated a miscarriage of social justice and resulted in a disparate impact on people with low socioeconomic status, including the elderly.<sup>162</sup> In fact, according to one commentator, Hurricane Katrina arguably caused instant gentrification in New Orleans' communities by displacing long-term residents.<sup>163</sup> Moreover, studies revealed that the city of New Orleans isolated vulnerable citizens, both socially and economically, and warned that many other U.S. cities bear the same risks.<sup>164</sup> Similar signs of neglect can be seen in the context of gentrification's impact on the elderly.

Klinenberg's analysis places most blame on the city of Chicago, and the responsibility for the Hurricane Katrina disaster remains contested.<sup>165</sup> Nevertheless, a single source is not likely to be blamed. Housing policy clearly mandates involvement on federal, state, and community levels, which suggests that the burden does not fall entirely on the city level.<sup>166</sup> Instead, it is important to highlight the signs of neglect, and their impact, to better understand the root of the problem. There are three major signs of neglect the elderly feel in a pre-gentrified neighborhood: living alone without social ties, abandonment by business and the police, and dilapidated housing and deteriorated neighborhood streets.

#### 1. FIRST SIGN OF NEGLECT: LIVING ALONE WITHOUT SOCIAL TIES

Chicago's heat wave and Hurricane Katrina are two concrete examples of how U.S. policy neglects to address the unique risks elderly face. One such risk is living alone. While few studies document the conditions of living alone,<sup>167</sup> incidental observations from other studies provide some insight into this environment. Klinenberg's study revealed that the elderly not only live alone, but they also lack outside

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161. *Id.* at 161.

162. Doris Cross, *Race and Class: A Perfect Storm*, LANCASTER SUNDAY NEWS, Oct. 30, 2006, at 1.

163. *Id.*

164. Stewart Varner, *Hurricane Katrina, Neoliberal Globalization and the Global City*, 1 HYPHENATION: AN INTERDISC. J. FOR STUDY OF CRITICAL MOMENTS DISCOURSE 5, 11–12 (2006).

165. See KLINENBERG, *supra* note 150, at 127–28; Varner, *supra* note 164, at 1.

166. See *supra* Part II.

167. See KLINENBERG, *supra* note 150, at 43.

social ties, which makes them especially prone to depression, isolation, impoverishment, and crime.<sup>168</sup>

The isolation experienced by the elderly pressures them to avoid possible forms of assistance.<sup>169</sup> For example, they may feel a greater sense of pride to maintain their independence because they lack family and friends' support.<sup>170</sup> Many elderly public housing residents fear their neighbors, who may be involved in drugs and crime, or businesses, who try to prey on them.<sup>171</sup> In urban neighborhoods, the elderly have trouble forming valuable trusting relationships with their neighbors who range from young teenage gang members to individuals with mental illnesses.<sup>172</sup> Thus, their sense of pride, coupled with fear, acts as an almost complete bar from seeking help.

## 2. SECOND SIGN OF NEGLECT: ABANDONMENT BY BUSINESS AND POLICE

Even if the elderly have the desire to reach out and live next door to their own family, dangerous neighborhood environments likely deter them from stepping out of their homes.<sup>173</sup> Pregentrified neighborhoods generally experience higher levels of violent crime than other neighborhoods.<sup>174</sup> For example, minority residents in a pregentrified neighborhood sued the Minnesota city of Minneapolis, in part, for the dangerous neighborhood conditions, including "disrepair to high crime rates and an overwhelming sense of hopelessness and *neglect* felt by the community."<sup>175</sup>

Crime on the streets reflects a failure to maintain and protect these neighborhoods.<sup>176</sup> For example, one study of Minneapolis revealed crime stems from the desolate and unsanitary street conditions of its pregentrified neighborhood: "[d]eserted buildings and empty lots attracted crime in ways that the previously densely populated and thriving community [did] not."<sup>177</sup> Poorly maintained and aban-

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168. *Id.* at 44–45.

169. *Id.* at 47.

170. *Id.* at 45.

171. *Id.* at 58–61; *see also* Horseman, *supra* note 125 (reporting how real estate agents prey on the elderly to sell their homes or to relocate without providing adequate compensation).

172. *See* KLINENBERG, *supra* note 150, at 66.

173. *See id.* at 58.

174. *See* McFarlene, *supra* note 11, at 27–28.

175. Netzke, *supra* note 84, at 157 (emphasis added) (citations omitted).

176. *See id.* at 151.

177. *Id.*

doned property is a strong sign of a neighborhood in its pregentrification stage<sup>178</sup> because policy makers will justify revitalization on account of the crime and disorder associated with these conditions.<sup>179</sup>

The elderly specifically feel neglected and vulnerable due to these pregentrified conditions. In one Chicago study, an elderly woman expressed her distress from such neglect by stating “It’s not safe anymore because the streets aren’t. When all the black business and shows closed down, the economy went to the dogs. The stores, the businesses, the shows, everywhere was lighted.”<sup>180</sup> The failure to maintain prosperity results in problems with individuals’ health, mental stability, and morale.<sup>181</sup>

However, the real neglect the elderly feel does not come from the crime itself, but rather the lack of police protection.<sup>182</sup> For example, police avoid patrolling high-crime areas because they are dangerous and leave the residents to fend for themselves.<sup>183</sup> The elderly, and other residents in pregentrified neighborhoods, feel neglected because they observe the city providing police protection in other neighborhoods.<sup>184</sup> One Chicago resident captured this disparity in the services provided by the city in a pregentrified compared to a gentrified neighborhood. Specifically, she shared with a scholar that she actually invites gentrification because then “the police will definitely come by my neighborhood.”<sup>185</sup> As this resident predicted, the police often reemerge in gentrified neighborhoods.<sup>186</sup> In fact, some critics argue that community leaders use crime to justify displacement.<sup>187</sup> In other words, officials fail to protect these residents from crime and then ac-

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178. See Lunney, *supra* note 121 (noting a pregentrified neighborhood undergoes a “disinvestment process”).

179. See Byrne, *supra* note 8, at 423; see also Garnett, *supra* note 122, at 24.

180. Garnett, *supra* note 122, at 33–34 (citing WILLIAM JULIUS WILSON, *WHEN WORK DISAPPEARS* 5 (1996)).

181. See *id.* at 24 (noting how physicians, policy makers, and lawyers have argued that neglected property conditions bear a strong negative correlation to an individual’s well-being).

182. See Byrne, *supra* note 8, at 423. The crime in a pregentrified neighborhood likely reduces once new residents move in and gentrification begins. *Id.* The new residents are more successful in securing police protection than previous, long-term residents. *Id.*

183. See NYDEN, *supra* note 3, at 32.

184. See *id.*

185. *Id.* at 16.

186. *Talk of the Nation: Gentrification and Displacement* (NPR radio broadcast Apr. 26, 2005) (recognizing visible police patrol is one change in a gentrified neighborhood).

187. See NYDEN, *supra* note 3, at 16.

cuse them as the source of the problem to displace them under the guise of fighting crime. Residents who experience this transformation describe feeling “devalued and unimportant due to the police’s response to the newer residents’ demands.”<sup>188</sup>

### 3. THIRD SIGN OF NEGLECT: DILAPIDATED HOUSING AND DETERIORATED STREETS

Dilapidated housing and street deterioration in pregentrified neighborhoods is another example of how U.S. policy neglects the elderly.<sup>189</sup> One study revealed that the deteriorating homes and businesses placed a special strain on the elderly.<sup>190</sup> Critics blame HUD for low-quality, unhealthy, and dangerous public housing conditions because HUD fails to enforce contracts and monitor its public housing units.<sup>191</sup> Moreover, concentrating many low-income families in one area with limited space exacerbated inadequate living conditions.<sup>192</sup>

According to a recent national report on housing, the lack of good, quality housing causes “many of the social ills that generate costs for jails, courts, police, and family services.”<sup>193</sup> The elderly’s poor health in a substandard living environment make their daily living activities outright obstacles.<sup>194</sup> For example, health problems hinder the elderly from entering and exiting buildings with dilapidated stairways and poor lighting.<sup>195</sup> Such restrictions prevent them from seeking necessary services like health care.<sup>196</sup> Thus, the root of some health problems is also the obstacle to treating them.<sup>197</sup> The result is that elderly residents in public housing units feel neglected by their landlords and legislators who fail to maintain a healthy and safe living environment.

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188. *Id.* at 17.

189. See Byrne, *supra* note 8, at 423. The author notes pregentrified neighborhoods lack essential city services, such as policing, streets and sanitation, as well as public libraries. Gentrifiers are more successful in securing these services for the neighborhood than preexisting residents. *Id.*

190. MINDY FULLILOVE, *ROOT SHOCK* 89 (2004).

191. Jennifer J. Curhan, *The HUD Reinvention: A Critical Analysis*, 5 B.U. PUB. INT. L.J. 239, 240 (1996).

192. *Id.*

193. Cisneros et al., *supra* note 147, at 2.

194. See KLINENBERG, *supra* note 150, at 51–54.

195. See *id.* at 51.

196. See *id.* at 64 (observing how a broken elevator barred access to a health clinic located within the building).

197. See Freeman, *supra* note 1, at 710.



Even if elderly residents lived in structurally acceptable environments, pregentrified neighborhoods still present major obstacles.<sup>198</sup> Pregentrified neighborhoods often lack essential businesses, leaving the elderly with nearly impossible walking distances.<sup>199</sup> In addition to the fatigue from walking, the high neighborhood crime and other poor conditions make walking especially unsafe.<sup>200</sup> For example, crumbling sidewalks and other infrastructure deterioration may deter an elderly individual from connecting with the outside world.<sup>201</sup> Thus, the elderly feel neglected because they do not possess the ability to adapt to this challenging environment as easily as younger individuals.<sup>202</sup>

Just like Chicago's heat wave and Hurricane Katrina, this dangerous and unhealthy living environment is a result of a general policy of neglect as opposed to misfortunate events. Often overlooked, the elderly are suffering from poor conditions before gentrification begins. The neglect they feel in the pregentrified neighborhood, therefore, is a major component to what gentrification means in their eyes. More importantly, this neglect lays the foundation for the other problematic aspects of gentrification, namely invisibility, entrapment, and loss. One scholar captures this process through a "broken windows" analogy, comparing the "process of downward decay and disinvestment that ensues [to] when a broken window is not fixed. The neglected window serves as a green light for undesirable activities, which are more costly than fixing the window would have been. These activities, in turn, lead to further destruction."<sup>203</sup>

## B. Invisibility: Ominous Signs of Gentrification

As outsiders become more excited about the visible benefits of gentrification, the elderly, who stand little to gain, feel increasingly

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198. See Dombrowski, *supra* note 143, at 509.

199. *Id.*

200. *Id.* at 509–10.

201. See KLINENBERG, *supra* note 150, at 55.

202. CTR. FOR HOUS. POLICY, A HEAVY LOAD: THE COMBINED HOUSING AND TRANSPORTATION BURDENS OF WORKING FAMILIES 18 (2006) [hereinafter HEAVY LOAD]. A recent study found many individuals live in certain locations for mobility reasons, and adequate access to essential needs is key to shaping a city or neighborhood. *Id.* This report indicates how many people must move and commute. *Id.* However, the same cannot apply with equal force to the elderly who cannot adapt by taking longer commutes.

203. FULLILOVE, *supra* note 190, at 204.

invisible. State and local housing policies fail to protect and maintain pregentrified neighborhoods<sup>204</sup> and then play an active role in expediting gentrification.<sup>205</sup> Given the obvious economic incentives, struggling cities strive to encourage more affluent residents to move into and improve pregentrified neighborhoods.<sup>206</sup> The desire to build beautiful and prosperous neighborhoods in the future drives these policies, easily overshadowing the negative impact on existing residents.<sup>207</sup> For example, in Chicago, the local government accelerated or subsidized gentrification, while only in extreme cases helped those disadvantaged by the process.<sup>208</sup> Local corporate and real estate agency interests masked long-standing individual residents' needs and concerns.<sup>209</sup>

One scholar aptly summarized that officials' yearning for economic revival blinds them from carefully considering long-term effects by stating, "it appears that cities today are actively inviting gentrification for its benefits without trying to control the negatives."<sup>210</sup> Before cities can lure new residents into these communities, they find ways to force current residents out, often with no interest in where they go.<sup>211</sup> The appeal of this approach is that it appears to be an easy way to replace public housing with luxurious homes and flush out the "undesirable neighbors,"<sup>212</sup> like the homeless, gang members, and, of course, the elderly.

Elderly residents express feelings of pressure to leave their life-long homes when their pregentrified neighborhood suddenly turns into the latest "hot spot" in the city.<sup>213</sup> The one possible benefit of be-

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204. *See id.* at 89 (discussing the adverse effects of urban renewal on Gainsboro, Virginia, in the late 1960s).

205. *See generally* McFarlene, *supra* note 11, at 43 (describing how cities used to focus on removing blight and depressed conditions on neighborhoods, however, the prime concern in recent years shifted to actively encouraging economic development).

206. *See, e.g.,* Byrne, *supra* note 8, at 491.

207. *See* *Breathtaking Scottsdale Revitalization Possible; Our Stand: Clear Vision, Active Planning for Area's Older Neighborhoods Still Lacking*, ARIZ. REPUBLIC, Aug. 18, 2006, at 13 (reporting the "revitalization" efforts in Scottsdale fail to respect the needs and concerns of the residents of the older neighborhood).

208. *See* Betancur, *supra* note 28, at 6.

209. *See id.* at 11 (noting that the city of Chicago adopted a conservative agenda which favored real estate and corporate interests since the 1990s).

210. Fernandez, *supra* note 8, at 409-10.

211. *See* Dorsey, *supra* note 36, at 437.

212. *See* NYDEN, *supra* note 3, at 17 (finding that newer residents equate poverty or "being poor" with crime and "problems" to "fix").

213. *See* Berger, *supra* note 7.

ing invisible to the outside world is that individuals feel like an accepted part of a majority within their pregentrified community.<sup>214</sup> When affluent individuals move from the suburbs to the city, they steal this benefit. The long-term residents lose a sense of control and belonging to the very residents that fled their neighborhoods in the past.<sup>215</sup>

Cities often succeed in implementing “revitalization efforts” because they use legal, albeit immoral, means to mobilize and legitimize the gentrification process on the surface.<sup>216</sup> Quite simply, cities take building codes and zoning policies designed to shield poor residents and instead use those laws as a sword to force them out.<sup>217</sup> The residents most severely impacted by these facially valid procedures remain invisible to the public eye.<sup>218</sup> The elderly remain invisible as local officials push pregentrified neighborhoods closer to gentrification. The elderly’s visibility is masked in four ways: housing code enforcement, brownfields, predatory practices, and exclusion within the neighborhood.

#### 1. FIRST MASK: HOUSING CODE ENFORCEMENT

One of the most common ways to encourage gentrification is strict and discriminatory housing code enforcement.<sup>219</sup> As a legal pretext, local officials begin to strictly enforce legitimate housing codes in a discriminate manner against the elderly, poor, and minorities.<sup>220</sup> The aim of housing codes is to provide citizens with minimal levels of living conditions seen as essential to health and well-being.<sup>221</sup> Thus, strict housing code enforcement seems ideal.

However, officials enforce housing codes in poor and minority neighborhoods when they see a greater economic advantage for themselves, despite its harmful impact on long-term residents.<sup>222</sup> First, landlords neglect to provide residents, like the elderly, with essential

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214. See Fernandez, *supra* note 8, at 415 (“[C]ity neighborhoods have been essentially ‘sheltered’ from the rest of the country in the sense that in these enclaves the racial minorities are really the majority.”).

215. See *id.* at 414–15.

216. See *id.* at 415.

217. See Freeman, *supra* note 1, at 709.

218. See Nicholas Blomley, *Landscapes of Property*, 32 LAW & SOC’Y REV. 567, 599–600 (1998).

219. Dorsey, *supra* note 36, at 437.

220. *Id.*

221. See Freeman, *supra* note 1, at 709.

222. See Dorsey, *supra* note 36, at 437.

needs such as air conditioning, operating elevators, and sturdy stairwells.<sup>223</sup> Officials then turn around and use these very same conditions to justify moving residents out.<sup>224</sup> Because many housing codes are vague, and officials possess the authority to enforce them under their own discretion, officials can legally use these tools<sup>225</sup> in a discriminatory way by *selectively* enforcing these codes against minority residents with low socioeconomic status.<sup>226</sup> After the officials enforce housing codes, they ultimately demolish the housing or force landlords to raise rent beyond what former residents can afford to cover repair costs.<sup>227</sup>

The elderly subjected to this process remain invisible in these officials' eyes. Prior to enforcement, the elderly feel neglected and invisible because the city allows them to continue living in dangerous and unhealthy living conditions.<sup>228</sup> Some residents manage to organize and sufficiently challenge these practices, but the elderly lack sufficient capacity and resources.<sup>229</sup> The elderly continue to feel invisible during enforcement, when local authorities fail to acknowledge that the landlord and city are responsible for the breach of the code in the first place.<sup>230</sup> Even assuming officials sincerely use code enforcement to improve living conditions, they may not see the extent of the various socioeconomic effects on the elderly.<sup>231</sup>

Consequently, the elderly remain invisible to these authorities. Advocates for the elderly consciously refrain from reporting substandard living conditions out of fear landlords will raise rent or force them to move.<sup>232</sup> This threat of displacement traces back to at least the 1950s, in which African Americans' similar fear was coined as "Urban Renewal is Negro Removal."<sup>233</sup> No roof over their heads seems far worse than living under dilapidated conditions that clearly compro-

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223. See, e.g. KLINENBERG, *supra* note 150, at 55.

224. See Dorsey, *supra* note 36, at 437.

225. See *id.* at 437, 440.

226. See Garnett, *supra* note 122, at 14–17 (noting many housing and code inspectors are corrupt and commit discriminatory practices).

227. See Freeman, *supra* note 1, at 709.

228. See *supra* Part III.B.

229. See Dorsey, *supra* note 36, at 437.

230. See *supra* Part III.B.

231. See Garnett, *supra* note 122, at 24.

232. See KLINENBERG, *supra* note 150, at 66 (noting advocates for hotel and SRO residents have refrained from calling attention to buildings that may not pass inspection).

233. FULLILOVE, *supra* note 190, at 61 (citations omitted).

mise health and well-being.<sup>234</sup> At the same time, the elderly cannot individually institute much-needed repairs in their homes because of the added financial burden.<sup>235</sup> They view home improvement as an ominous sign of expense and future displacement.<sup>236</sup> The stark shift in community demographics due to rising housing costs illustrates that their fear is a daunting reality.<sup>237</sup>

## 2. SECOND MASK: BROWNFIELDS

Besides dilapidated housing, unsanitary and deserted conditions in a pregentrified area also give local officials another target.<sup>238</sup> They will often “define the ‘hot’ neighborhoods” while they still fall into major disrepair and lack business.<sup>239</sup> For instance, brownfields are one example of a targeted, pregentrified neighborhood condition “predicated by a disinvestment process where minimal repairs are made to residential property and retail stores have disappeared.”<sup>240</sup> The Environmental Protection Agency (EPA) defines brownfields as “abandoned, idled, or underused industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.”<sup>241</sup> Inner-city residents with poor socioeconomic status, such as the elderly, are the most prone to live near these abandoned sites, which pose a risk to their health and safety.<sup>242</sup>

Elderly residents avoid these brownfields, which they see as a source of abandonment and crime, but legislators seek out these dilapidated areas for their economic growth potential.<sup>243</sup> However, just like housing code enforcement, neighboring residents view such initiatives as a sign of future displacement as opposed to a promising future.<sup>244</sup> While brownfields appear dead and incapable of supporting

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234. See KLINENBERG, *supra* note 150, at 56 (explaining the fear of crime keeps people inside inadequately cooled apartments even during deadly heat waves).

235. NYDEN, *supra* note 3, at 12.

236. *Id.* at 3 (finding displacement occurs in four major stages, including demolishing homes and rising housing costs).

237. *Id.*

238. See Gabriel A. Espinosa, *Building on Brownfields: A Catalyst for Neighborhood Revitalization*, 11 VILL. ENVTL. L.J. 1, 2–3 (2000) (noting private investors, government officials, property owners, and corporate tenants seek development for economic gain).

239. NYDEN, *supra* note 3, at 2.

240. *Id.* at 3.

241. Espinosa, *supra* note 238, at 8.

242. See *id.* at 9.

243. See NYDEN, *supra* note 3, at 3.

244. See Espinosa, *supra* note 238, at 23.

life, “they can live again, but the costs will be high.”<sup>245</sup> Residents’ fears again reflect reality as local officials concede their proposed program’s success hinges on at least some gentrification.<sup>246</sup> In fact, a Chicago study revealed that fewer elderly residents lived in the community postgentrification.<sup>247</sup> Thus, the elderly will likely not seek to point out brownfields to local officials for the same reasons they avoid revealing that their homes violate housing codes.<sup>248</sup>

The elderly remain invisible in local officials’ eyes once development planning begins because officials rarely involve the existing residents in the decision-making process.<sup>249</sup> Policy makers often leave “vulnerable or disenfranchised residents,” like the elderly, out of decision-making processes that normally demand community input.<sup>250</sup> This exclusion is another way the underrepresented elderly feel invisible.<sup>251</sup>

The middle-class influx helps improve neighborhood safety, establish businesses, create social services, and provide parks.<sup>252</sup> However, not all developers take an active effort to enable current residents to afford their altered and improved living environment.<sup>253</sup> Thus, the visible signs of success render the elderly residents, who cannot afford the increased property values and taxes, virtually invisible.<sup>254</sup>

### 3. THIRD MASK: REAL ESTATE PREDATORY PRACTICE

Even elderly homeowners, who enjoy additional security over renters or public housing residents, are victimized in the gentrification process. Elderly homeowners who live in pregentrified neighborhoods face a grave risk from predators who desire to capitalize on the economic rewards of a future revitalized neighborhood.<sup>255</sup> Despite the

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245. FULLILOVE, *supra* note 190, at 204.

246. See Espinosa, *supra* note 238, at 25.

247. See NYDEN, *supra* note 3, at 21–24.

248. See *infra* Part III.C.

249. See Espinosa, *supra* note 238, at 25 (noting the Lawndale community is one exception where local officials did address community concerns which led to greater success).

250. Netzke, *supra* note 84, at 173–74.

251. See McStotts, *supra* note 69, at 136 (noting residents in a pregentrified neighborhood serve as third parties to development plans, and must accept the incidental effects on their lives).

252. See NYDEN, *supra* note 3, at 18.

253. See Espinosa, *supra* note 238, at 24.

254. See NYDEN, *supra* note 3, at 37.

255. *Id.* at 18.

elderly's distrust of outsiders,<sup>256</sup> many fall victim to predatory practices.<sup>257</sup> For example, lenders and developers will seek elderly residents out, manipulate and pressure them to sell their homes, and then take their property at unjustifiably low costs.<sup>258</sup> Some developers do not even try to persuade elderly residents. They instead file code violations that incur expensive repair costs.<sup>259</sup>

Consequently, the elderly often sell their homes at unfair values and find themselves in similar if not more distressing situations.<sup>260</sup> Recently, in a gentrifying community in Austin, Texas, long-term elderly residents who could no longer afford their tax bills took one hundred thousand dollar offers for their homes and could not find new homes because of the steep housing costs.<sup>261</sup> Therefore, despite the increasing value of their homes in their revived hot neighborhood, the elderly do not even benefit when selling their homes and must search for a new living space in a housing market that is much tighter and more expensive than when they bought their first home. Because the elderly barely profit from the sale of their homes, they at best ultimately end up moving into another poor community.<sup>262</sup> Thus, as soon as conditions start improving, the elderly feel like the least visible asset to the community.

#### 4. FOURTH MASK: EXCLUSION WITHIN THEIR OWN NEIGHBORHOODS

The elderly residents who manage to remain in their neighborhood as it transitions into a gentrified community also remain invisible. Unlike their new neighbors, they cannot afford the new expensive stores, restaurants, and grocery marts that pop up in their neighborhood.<sup>263</sup> More importantly, "legitimate corporations . . . and salespersons" prey upon the elderly on a regular basis.<sup>264</sup> They pressure the elderly to move or to accept changes out of commercial inter-

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256. See KLINENBERG, *supra* note 150, at 56–58.

257. See NYDEN, *supra* note 3, at 37 (finding many elderly residents fall victim to unscrupulous developers, and must find ways to protect themselves).

258. *Id.* at 18.

259. *Id.* at 37.

260. *Id.*

261. Caroline Keating, *Growth in U. Texas-Area Development Pushes Out Poor*, DAILY TEXAN, Aug. 10, 2005.

262. See NYDEN, *supra* note 3, at 20.

263. See *id.* at 18.

264. KLINENBERG, *supra* note 150, at 58.

ests, and the elderly in return lose a sense of privacy and peace.<sup>265</sup> This widespread practice further isolates the elderly who then fear opening their door to any unfamiliar face.<sup>266</sup> In the meantime, the new residents do not notice this treatment of the elderly as they are busy sipping their Starbucks lattes, attending their Pilates class, and shopping at Bloomingdale's.<sup>267</sup>

##### 5. STUCK BEHIND THE MASK: IMMORAL PRACTICES UNDER THE LAW

It is important to recognize that the elderly are *not* entirely invisible because the surrounding public is unaware of these negative consequences. The new residents know their Starbucks, Pilates class, and Bloomingdale's completely altered the character of the neighborhood they previously avoided.<sup>268</sup> Instead, individuals hesitate to openly address and discuss the competing interests of gentrification. Phil Nyden, a scholar on housing, explained in a recent *Chicago Tribune* interview: "There's a good chunk of our society that shies away from talking about these things because it makes them uneasy."<sup>269</sup> Thus, leaders, especially those who can represent the elderly, are a prime tool to soften or halt the negative effects of gentrification.<sup>270</sup>

Some communities have successfully combated such negative consequences through dedicated and organized resistance.<sup>271</sup> More importantly, organized resistance raises the public consciousness of the plight of long-term residents.<sup>272</sup> For example, organized residents legally prevented the city of Stockton, California, from displacing residents without assistance because many of them were disabled or minorities.<sup>273</sup> Yet, such successful campaigns demand significant time, energy, and strategy. Elderly residents cannot easily participate in such community organizing because of their physical health or fear of

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265. *Id.*

266. *See id.* at 56–58.

267. *News and Notes with Ed Gordon: Manhattanites Displace the Gangs of New York* (NPR radio broadcast July 20, 2006).

268. *See* McFarlene, *supra* note 11, at 13. The middle-upper class used to "shun" living in the inner city. *Id.*

269. Briggs, *supra* note 9 (quoting Phil Nyden).

270. *See* Betancur, *supra* note 28, at 3 ("[P]olicy interventions are based on the choices of local administrations and the success of contending interests in promoting their side.").

271. *See id.* at 4; *see also* Dorsey, *supra* note 36, at 437.

272. *See* Betancur, *supra* note 28, at 4.

273. *See* Dorsey, *supra* note 36, at 461–62.



outsiders.<sup>274</sup> Thus, even if they desire policy change, they may lack the means and courage to fight for themselves. However, their participation is essential because they are the only ones that can communicate their unique needs.<sup>275</sup>

The overriding problem with predatory practices against the elderly, such as discriminatory housing code enforcement and brownfields is that they largely appear justifiable and legal.<sup>276</sup> One scholar argues that the negative socioeconomic effects of gentrification have not been *legally* addressed because they only recently became visible.<sup>277</sup> Americans like to believe housing code enforcement improves living standards for Americans, brownfields clean-up revitalizes commercial activity, and new residents make the neighborhood prettier, safer, and richer. A stamp of legality masks the public from the immorality of unsanitary and dangerous living conditions, rough streets, and manipulative abuse. Leaders will continue to overlook these unethical policies absent any community pressure due to the plentiful economic gains. Thus, the elderly remain an invisible group throughout this process.

### C. Entrapment: Gentrification Reminds the Elderly That They Lack a Choice

The stages preceding gentrification revealed that the elderly feel neglected and invisible in their pregentrified neighborhoods. However, the main controversies that stem from gentrification focus on the changes that arise once gentrification actually begins to alter a neighborhood. Like the stages preceding the gentrification process, the elderly suffer unique harms due to their special needs and circumstances once gentrification begins. Because the elderly suffer in more than one way from the gentrification process, sometimes they must choose between the lesser of the two evils. Multiple consequences and difficult choices during the early stages of gentrification make the

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274. See Dorsey, *supra* note 36, at 437.

275. See Betancur, *supra* note 28, at 5 (because the impact is “qualitative in nature,” current residents “can express best the emotional impact and hardship of gentrification.”).

276. See McStotts, *supra* note 69, at 136. The author notes these policies and actions often appear as mere “side effects” to current residents who are treated as “third parties.” *Id.*

277. See Dombrowski, *supra* note 143, at 511.

elderly feel trapped.<sup>278</sup> Specifically, gentrification traps the elderly by forcing them to live in an insecure environment as a target for blame, failing to give them alternatives to leaving, forcing them to remain in an unrecognizable community, and allowing them inadequate representation.

**1. INSECURITY: LACK OF POLICE PROTECTION AND TARGET FOR BLAME**

Individuals will often make decisions based on the safest option. However, the decision can hardly seem like a choice when both options present dangerous alternatives. The elderly feel trapped and isolated without adequate police protection in their gentrifying neighborhood.<sup>279</sup> Their dangerous neighborhood makes the decision to just leave their room a major ordeal.<sup>280</sup> In such violent neighborhoods, the elderly risk street attack, apartment robbery, or both.<sup>281</sup> Thus, they often choose to avoid the outside world and confine themselves to their dwellings for protection.<sup>282</sup> In effect, the elderly become trapped in their own homes.

Because they cannot rely on the police for help, the elderly adopt a “them-versus-us” attitude.<sup>283</sup> Long-term residents in gentrifying communities feel the police favor the wealthy,<sup>284</sup> and some scholars argue increased police involvement likely pushes crime to another area rather than resolves it.<sup>285</sup> More importantly, newcomers blame the long-term residents for the crime.<sup>286</sup> In effect, new residents control the options and methods in which the police treat long-term residents.<sup>287</sup> For example, at one of Chicago’s Alternative Police Strategy (CAPS) meetings in a gentrifying neighborhood, a person proposed that residents in affordable housing units wear I.D. bracelets.<sup>288</sup>

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278. See Dorsey, *supra* note 36, at 437–65.

279. See KLINENBERG, *supra* note 150, at 55–56.

280. See *id.* at 58–63.

281. See *id.* at 56.

282. See *id.*

283. See NYDEN, *supra* note 3, at 3.

284. See *id.* at 16.

285. See Keating, *supra* note 261.

286. See Garnett, *supra* note 122, at 52 (noting how minority residents, feeling like targets, distrust the police in their communities more than their white neighbors).

287. See NYDEN, *supra* note 3, at 17 (noting how current residents are viewed as a problem or an obstacle).

288. See *id.*

Although Chicago did not apply this idea, this suggestion reflects that long-term residents, like the elderly, fall subject to gentrifiers' decisions. More importantly, this scenario reveals how the elderly may feel trapped by this process. During the pregentrification stage, the elderly feared streets filled with crime, drugs, and robberies.<sup>289</sup> In contrast, during the gentrification stage, the elderly fear their new neighbors will treat them like crime suspects on their clean, safe streets.<sup>290</sup> One reporter eloquently described the implications of this shift by stating, "[t]he new gang [gentrifiers] may be wielding BlackBerry's instead of guns and shooting up on Starbucks instead of coke, but they're having an effect on long-term residents that is *not* completely wholesome and a little bit sad as well."<sup>291</sup> In other words, the elderly may feel personally safer in that they do not have to worry about weapons or drugs, but this sense of security comes at a hidden cost. The unwholesome aspect of this shift is that it is unjustifiable to force some residents to pay for a basic sense of security.

## 2. IMMOBILITY: MUST LEAVE, BUT CANNOT GET OUT

Transportation and the burden of rising housing costs<sup>292</sup> also trap the elderly during the gentrification process. In New York, poor residents in gentrifying communities expressed they cannot afford to stay because of rising neighborhood costs, but also cannot afford to leave and fear they will not find an affordable home anywhere else.<sup>293</sup> Similarly, Chicago held such a low vacancy rate in 2002 that it trapped residents in gentrifying neighborhoods who could not afford to stay or leave because it "jacked rental prices up making it harder for those displaced to find a place and location comparable to the units they had to vacate."<sup>294</sup> This housing shortage largely affects the elderly because the elderly "population increases as aging baby boomers swell the ranks of seniors on fixed incomes."<sup>295</sup>

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289. *See id.*

290. *See* FULLILOVE, *supra* note 190, at 178 (discussing how labeling a community as "distressed" has a psychological impact of assigning blame on the residents).

291. *News and Notes with Ed Gordon, supra* note 267.

292. Scott & Archibold, *supra* note 66.

293. Timothy Williams, *Now Booming, Not Burning, The Bronx Fears a Downside*, N.Y. TIMES, Mar. 19, 2006, at A1.

294. Betancur, *supra* note 28, at 8.

295. *See* Cisneros et al., *supra* note 147, at 2-3.

Recently, studies show that housing and transportation are inextricably connected.<sup>296</sup> More importantly, a recent study found rising housing costs motivate people to find cheaper housing further from their jobs, but they end up spending one-fifth of their income on transportation.<sup>297</sup> Working families strive to save money on housing, but the increased transportation costs outweigh these savings.<sup>298</sup> However, the elderly often choose to live in the inner city precisely because of its proximity to transportation.<sup>299</sup> Furthermore, gentrification creates new transportation barriers to the elderly by limiting their convenient access to affordable medical care, grocery stores, and jobs.<sup>300</sup>

Regardless of its strengths and weaknesses, the elderly do not even have the option of living in an area without public transportation. Unlike younger and more mobile residents, they do not have the means to seek affordable alternatives outside of the city.<sup>301</sup> Their health significantly restricts them from even exploring living options outside of their neighborhoods.<sup>302</sup> Moreover, living within a gentrified community actually decreases the few options they have because the neighbors and networks they previously relied on for support and mobility moved elsewhere.<sup>303</sup> Thus, the elderly have difficulty moving because they cannot walk to a store, cannot afford a car, and lack alternate means of travel.<sup>304</sup>

### 3. STRANGERS IN THEIR OWN NEIGHBORHOOD: STUCK IN ANOTHER'S PARADISE

Gentrification further narrows the elderly's choices once the revitalization process begins. On the surface, the influx of department stores, Starbucks chains, and grocery stores appears to give the nearby resident plenty of choices. However, gentrified neighborhoods cater

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296. See HEAVY LOAD, *supra* note 202, at 1.

297. See *id.*

298. *Id.* at 5.

299. *Id.* at 18.

300. See Dombrowski, *supra* note 143, at 509.

301. See *id.* at 507–09.

302. See KLINENBERG, *supra* note 150, at 51.

303. See Betancur, *supra* note 28, at 11 (describing gentrification as especially traumatic to low-income and minority communities who depend on neighbors and communities to survive).

304. See Dombrowski, *supra* note 143, at 509.

more to businesses that satisfy the affluent newcomer's tastes instead of the low-income elderly resident's needs.<sup>305</sup>

Consequently, long-term elderly residents cannot afford to shop at the nice organic store only a block away.<sup>306</sup> One scholar observed the "enjoyment of luxury amenities . . . also depends on who is allowed to enjoy them and who is excluded."<sup>307</sup> The new, young, and affluent residents typically exclude the long-term, poor, elderly residents.<sup>308</sup> In effect, the elderly must walk by all of these options for the newcomers and take public transportation to buy their bread and see their doctor.<sup>309</sup> Thus, the added commercial activity, though safer, adds an extra inconvenience to existing residents and a burden to the elderly to search for nonupscale places in their own neighborhood.<sup>310</sup>

These changes ostracize long-term elderly residents who witness improvements in their neighborhoods only newcomers can enjoy. A psychological study revealed that "dismantling of some poor, disenfranchised neighborhoods for the 'greater good'" divides residents who need a strong community base.<sup>311</sup> One recent report on gentrification in Chicago found business development itself is not necessarily negative, but rather the exclusion of people who witness, but cannot benefit from, such change is negative.<sup>312</sup> The study further found long-term residents no longer wish to live in a community that ignores their needs because "[r]etail stores serve the needs of local consumers. If the needs of a particular sector of the community are not being met, the community becomes less desirable to that group of residents."<sup>313</sup>

Thus, while there is no practical or physical harm to the current residents by gentrification, psychological harm is present. The elderly feel trapped and "hold their breath or worry . . . [that] the changes

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305. See McFarlene, *supra* note 11, at 17 (noting gentrified neighborhoods use both private and public-sponsored redevelopment projects to build businesses that attract the upper-middle-class residents).

306. See NYDEN, *supra* note 3, at 18.

307. McFarlene, *supra* note 11, at 23.

308. See *id.* at 23, 29. The process excludes those who "contradict" the new status to maintain a certain reputation. *Id.* Race, age, and class are factors used to draw these status distinctions. *Id.*

309. See *id.* at 11 (noting the gentrified neighborhood primarily caters to newcomers' needs and desires).

310. See NYDEN, *supra* note 3, at 18.

311. FULLILOVE, *supra* note 190, at 99.

312. See NYDEN, *supra* note 3, at 8.

313. *Id.* at 10.

signal ominously that the residents' departure from the community is imminent."<sup>314</sup> Thus, even though they are not directly forced to move, they are placed in a perpetual state of fear asking themselves if they will be displaced, when will they be forced to leave, where will they go, and how will they do it.

More than their fear of the unknown, the elderly feel trapped because they lack alternatives, and their future options appear bleak. One scholar captures this tension by stating that, "[o]ne of the problems with gentrification is that it gives the best locations to those who have more options, while cornering those with the least options in the most troublesome and degraded urban locations."<sup>315</sup> Thus, the elderly lack much-needed opportunity and access.<sup>316</sup>

Moving to a different neighborhood is also not a real choice because the elderly likely would move into a neighborhood that resembled their pregentrified community.<sup>317</sup> Whatever the route, they incur great costs just to pay for rent and get their groceries.<sup>318</sup> While these expenses clearly demonstrate the economic burden, arguably the psychological trauma of feeling trapped is the highest cost incurred.<sup>319</sup>

#### 4. INADEQUATE REPRESENTATION

The elderly's fate in the gentrification process depends on whether their young community leaders successfully advocate for them.<sup>320</sup> The influx of new residents in a neighborhood may cripple the long-term residents from collectively resolving the issues in their neighborhood on their own.<sup>321</sup> Policy makers criticize long-term residents for failing to raise their concerns to the newcoming residents

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314. McFarlene, *supra* note 11, at 5.

315. Betancur, *supra* note 28, at 11–12.

316. *See id.*

317. *See* Netzke, *supra* note 84, at 179 (indicating in Minneapolis, Minnesota, Phillips neighborhood residents could no longer afford housing in their neighborhoods and may be forced into low-income or public housing projects).

318. *See* Dombrowski, *supra* note 143, at 509.

319. *See* FULLILOVE, *supra* note 190, at 11 (explaining that upsetting an individual's surroundings in a way that imposes new unknowns regarding how the individual will "mov[e] in the environment [to] maximize[e] the odds that he will surviv[e] predators, find food, maintain shelter from the harsh elements, and live in harmony with family and neighbors" results in severe emotional shock); *see also* KLINENBERG, *supra* note 150, at 99 (describing the debilitating effect of fear resulting from drastic changes in an individual's surroundings, such as elderly individuals refusing to go outdoors amidst a deadly heat wave even when their apartments had no cooling).

320. *See* NYDEN, *supra* note 3, at 12.

321. *See, e.g.,* FULLILOVE, *supra* note 190, at 99.

and blame them for any problems.<sup>322</sup> For example, a recent study in Chicago revealed that policy makers held public meetings in gentrifying communities, and few local residents attended them.<sup>323</sup> However, the lack of attendance was likely not a sign of satisfaction or indifference to the neighborhoods' changes as residents said they felt the meetings favored the wealthy from the outset.<sup>324</sup> Moreover, the authors of the study explained the new residents could afford to take time off from work, and they had the "education, experience, and financial resources to facilitate this process."<sup>325</sup> Current residents feel trapped because they want to be heard but lack the means or faith in the few opportunities to be heard.

A recent report from 2006 on national housing policy found that local leadership, more than government programs, has a greater chance of success to improve housing conditions.<sup>326</sup> In fact, the report found that mediocre programs may be successful with a "powerful champion in a mayor, governor, or other local leader. Leadership can see communities through difficult situations."<sup>327</sup> This strong form of leadership seems critical in housing policy because effective leaders must understand the full breadth of gentrification to remedy these problems with creative approaches. Even though the elderly represent high voter-turnout,<sup>328</sup> participating in the political process through voting for a particular candidate would not adequately reassure them. Instead, the elderly likely doubt these leaders recognize, understand, and prioritize the breadth of their needs over other groups' needs.<sup>329</sup>

#### D. Loss: Displacement

Displacement is the most visible example of loss from gentrification. The role displacement plays in the gentrification process is the

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322. See NYDEN, *supra* note 3, at 13.

323. *Id.*

324. *Id.*

325. *Id.*

326. See Cisneros et al., *supra* note 147, at 3.

327. *Id.*

328. Press Release, U.S. Census Bureau, U.S. Voter Turnout Up in 2004, Census Bureau Reports (May 26, 2005), available at <http://www.census.gov/Press-Release/www/releases/archives/voting/004986.html>.

329. See Garnett, *supra* note 122, at 52-53 (discussing the "us vs. them" perception from the perspective of existing minority residents); see also NYDEN, *supra* note 3, at 38.

hot-button topic in the media, among scholars, and on the streets.<sup>330</sup> Yet, this debate often focuses heavily on the *extent* that gentrification causes displacement and glosses over the *nature* of its impact on displaced residents.<sup>331</sup> Regarding the extent of gentrification, most studies agree that a minimum relationship exists, and more importantly, at least one study found the elderly show a significantly higher displacement rate postgentrification compared to other demographic groups.<sup>332</sup> Furthermore, Lance Freeman, an outspoken skeptic over the direct relationship between gentrification and displacement, conceded displacement is “perhaps such a traumatic experience to nonetheless engender widespread concern.”<sup>333</sup> Thus, the qualitative and intangible consequences of displacement are arguably more relevant than the frequency of displacement.

Dr. Mindy Fullilove, a psychiatrist, calls displacement’s impact on an individual “root shock,” which she defines as “the traumatic stress reaction to the destruction of all or part of one’s emotional ecosystem.”<sup>334</sup> Displacement harms an individual’s psychological and social well-being, and this process is even more traumatic for an elderly person because it disrupts, threatens, and robs the elderly of the remaining constancy in their life: a home.<sup>335</sup>

Unlike working families, who strive for a stable living environment in the future, the elderly just wish to hold on to the possessions and memories they have already struggled to obtain.<sup>336</sup> Thus, the transition into a new living environment not only signals the physical loss of a familiar living environment, but also the psychological and social loss of home and community. Displacement especially affects the elderly who cannot easily move due to physical impairments in addition to the struggle to adapt emotionally and psychologically to change.<sup>337</sup> The elderly experience loss from their vulnerability to di-

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330. FULLILOVE, *supra* note 190, at 73–74 (discussing how displacement was not well understood or studied prior to the 1950s when people did not see the negative impacts of it).

331. See, e.g., Freeman, *Displacement*, *supra* note 30, at 466.

332. See, e.g., *id.* at 480.

333. *Id.* at 488.

334. FULLILOVE, *supra* note 190, at 11.

335. See KLINENBERG, *supra* note 150, at 15 (documenting how many elderly live alone).

336. *Id.* at 59–60.

337. E.g., FULLILOVE, *supra* note 190, at 89.



rect displacement, psychological and social losses from “root shock,” and broader cultural and community losses.

#### 1. VULNERABILITY TO DIRECT DISPLACEMENT: STANDING TO LOSE

To understand the negative impact gentrification and displacement bear on the elderly, it is first important to understand how vulnerable they are to these potential losses. Displacement is traditionally defined as “the direct removal of low-income households due to urban renewal or highway construction.”<sup>338</sup> The elderly, many of whom are part of the baby boom generation, are at a greater risk because they entered the housing market when gentrification clearly reached an apex.<sup>339</sup> Recent studies corroborate that the elderly are especially vulnerable to displacement,<sup>340</sup> and the elderly living on fixed-income express the most fears over their future in a rising housing market.<sup>341</sup>

These studies reflect that, regardless of displacement rates generally, the elderly face a higher risk of displacement than most other groups. In 2006, *USA Today* reported coping strategies to stay in gentrifying neighborhoods, such as dedicating more income to rent.<sup>342</sup> However, the elderly, often living on fixed incomes, do not have the same flexibility of choice.<sup>343</sup> Gentrification is most likely to displace the poorest, most ill-equipped residents of a community.<sup>344</sup>

For example, in Miami, Florida, the housing market displaced many residents but affected the elderly living on fixed incomes the most.<sup>345</sup> These low-income residents deal with more costs associated with losing their home, such as moving expenses, and higher rents in prospective neighborhoods.<sup>346</sup> Thus, even scholars skeptical over displacement rates still see the need to provide targeted subsidies for the elderly who only rely on their fixed incomes.<sup>347</sup>

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338. Fernandez, *supra* note 8, at 416.

339. See McStotts, *supra* note 69, at 145.

340. NYDEN, *supra* note 3, at 20.

341. *Id.* at 7.

342. Rick Hampton, *Studies: Gentrification a Boost for Everyone*, USA TODAY, Apr. 19, 2005, [http://www.usatoday.com/news/nation/2005-04-19-gentrification\\_x.htm?POE=click-refer](http://www.usatoday.com/news/nation/2005-04-19-gentrification_x.htm?POE=click-refer).

343. See NYDEN, *supra* note 3, at 37.

344. See McFarlene, *supra* note 11, at 30.

345. Michelle S. Viegas, *Community Development and the South Beach Success Story*, 12 GEO. J. ON POVERTY L. & POL'Y 389, 394 (2005).

346. See Betancur, *supra* note 28, at 9.

347. See Byrne, *supra* note 8, at 414–15.

## 2. "ROOT SHOCK:" LOSS OF MENTAL AND SOCIAL WELL-BEING

The most obvious impact of gentrification is it physically moves an individual from his or her familiar environment to another place.<sup>348</sup> However, during this transition, an individual likely will undergo other less tangible but equally significant losses.<sup>349</sup> Dr. Fullilove studied the impact of displacement on an individual, which she calls "root shock" and defines it as a

profound emotional upheaval that destroys the working model of the world that had existed in the individual's head. Root shock undermines trust, increases anxiety about letting loved ones out of one's sight, destabilizes relationships, destroys social, emotional, and financial resources, and increases the risk for every kind of stress-related disease, from depression to heart attack. Root shock leaves people chronically cranky, barking a distinctive croaky complaint that their world was abruptly taken away.<sup>350</sup>

In other words, the physical dislocation of an individual is only the root of the dire consequences displacement bears on an individual's life. A newspaper reporting on displacement as a result of gentrification in a Texas neighborhood echoed Dr. Fullilove's professional and medical perspective in simplified terms by observing gentrification "displaces people physically, psychologically, emotionally. It creates a new socio-economic situation that's not better."<sup>351</sup>

Other studies reveal how the elderly are more vulnerable to a severe psychological impact compared to other groups. For example, a recent study which examined the effect of displacement on several demographic groups concluded, "the lives of the elderly are among the most uprooted, as they often have lived most of their lives in these communities, have strong, life-long connections to their neighborhoods, and few relationships outside of the community on which to rely for assistance."<sup>352</sup> The elderly's mental and social well-being is more dependent on their roots, and they cannot adapt easily to a foreign environment filled with strangers.

*a. Loss of Personal Psychological Well-Being* Psychiatrists have found that individuals suffer a severe mental health impact as a result

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348. See Fernandez, *supra* note 8, at 412.

349. See *id.* at 412-15.

350. See FULLILOVE, *supra* note 190, at 14.

351. Keating, *supra* note 261.

352. NYDEN, *supra* note 3, at 37.

of displacement.<sup>353</sup> Losing emotional ties with the place of home and relationships with neighbors inflicts psychological harm that becomes more difficult when a displaced person struggles to find an affordable home to replant their roots.<sup>354</sup> This psychological impact of the loss associated with gentrification may be so great as to cause long-term residents to become physically ill.<sup>355</sup>

Moreover, even programs that successfully relocate residents or provide them with interim housing fail to sufficiently shield these residents from the emotional scars of displacement. For example, studies reveal that residents who experience these transitions still suffer significant trauma from losing a sense of community and support services.<sup>356</sup> Furthermore, displaced residents ultimately end up in similar or worse environments than their uprooted homes.<sup>357</sup> Therefore, the new living environment does not bring benefits which could at least offset the drawbacks of leaving a familiar environment.

The prospect of uprooting themselves twice is especially terrifying to vulnerable residents, like the elderly, who prefer the familiarity of a dangerous and dilapidating public housing unit over the unknowns of a new place.<sup>358</sup> In fact, elderly residents with fixed incomes express the most fear of displacement in the rising U.S. housing market.<sup>359</sup> This fear stems from the elderly's long-term investment into their community and lack of connections outside of their neighborhood.<sup>360</sup> Thus, the elderly are likely to suffer even more from this psychological trauma.

*b. Loss of Social Well-Being* An individual's relationship to a particular place, especially a home, "is not merely symbolic but a real part of coping and survival strategies" and is easy to overlook.<sup>361</sup> Arlene Ollie, a long-term resident of Roanoke, described in an interview

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353. See *id.* at 20.

354. See Byrne, *supra* note 8, at 412.

355. E.g., FULLILOVE, *supra* note 190, at 89 (noting how some people got physically ill and died during the disinvestment process).

356. See Lunney, *supra* note 121.

357. See NYDEN, *supra* note 3, at 20.

358. See Lunney, *supra* note 121 ("For a large public housing family with elderly or disabled members, the prospect of uprooting themselves twice can be more terrifying than living with the daily violence and squalor in some of the projects.").

359. See NYDEN, *supra* note 3, at 7.

360. See *id.* at 37.

361. McFarlene, *supra* note 11, at 58.

how her neighbors depended on each other in her pregentrified neighborhood. She stated, “[i]f someone got sick, they didn’t have to send out a message that ‘I need some help’; people just automatically came and cleaned and cooked and brought meals and visited, took care of each other’s children.”<sup>362</sup>

A recent study revealed that many residents participate in essential activities together, such as grocery shopping, doctor visits, social visits, and volunteer services.<sup>363</sup> Even if a pregentrified neighborhood was deteriorated or filled with crime, residents built valuable survival networks and emotional attachments that disintegrate with displacement.<sup>364</sup> For example, one ninety year-old resident that remained in a gentrified neighborhood explained the “loss of old friendships” was one of the greatest changes in his life postgentrification.<sup>365</sup>

This loss of comfort in a familiar neighborhood is especially detrimental to the elderly because they depend more on proximity-based factors like social networks and local institutions which provide them with support and mobility options.<sup>366</sup> One study revealed that gentrification displaces residents to the outskirts of inner cities with fewer services, including transportation.<sup>367</sup> This loss is especially grave for elderly residents who suffer from restricted mobility and rarely leave their homes without outside assistance.<sup>368</sup>

More importantly, relocation fees, or other forms of compensation, cannot match the loss of these invaluable relationships. Dr. Fullilove’s study revealed that residents saw these close relationships as essential to life, and displacement by the “dispersal of the community and the loss of those connections had ominous implications.”<sup>369</sup> It is even more challenging to compensate the elderly with an equal option, as one scholar asks, “[h]ow can the elderly or infirm who now rely on informal community relationships reestablish those associa-

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362. FULLILOVE, *supra* note 190, at 78.

363. HOUS. AFFORDABILITY RESEARCH CONSORTIUM, AFFORDABLE HOUSING IN THE CHICAGO REGION: PERSPECTIVES AND STRATEGIES 17–18 (2003).

364. See Betancur, *supra* note 28, at 5, 9.

365. FULLILOVE, *supra* note 190, at 83.

366. See Betancur, *supra* note 28, at 11.

367. See Dombrowski, *supra* note 143, at 510.

368. See KLINENBERG, *supra* note 150, at 51 (highlighting how one woman recounts she only leaves her house six times a year, three of which are organized by the Little Brothers program).

369. FULLILOVE, *supra* note 190, at 61.

tions in a suddenly unfamiliar setting?"<sup>370</sup> Thus, it appears nearly impossible to help the elderly adjust after displacement.

#### IV. Recommendation

Gentrification's impact of neglect, invisibility, entrapment, and loss on the elderly is a product of policies and practices rather than a coincidental misfortune. Because these consequences affect the elderly's mental and social well-being, a diversified approach is necessary to adequately address this issue. The immediate solution should focus on reducing the negative consequences. A three-step plan that attacks different problematic areas of gentrification is a good place to begin. First, understand the problem; second, prevent the problem; and finally, and most importantly, make the problem a top priority.

Legislators, politicians, and members of the community must first understand the scope of issues concerning the elderly and gentrification. Statistical studies often fail to reflect the equally important but less tangible consequences of gentrification. Thus, more research on gentrification's impact on the elderly is crucial. Moreover, this research must include studies from sociological, political, medical, and local perspectives. Policy makers should consider all of these studies and factors when improving housing policy for the elderly.

Even though more research is essential, serious issues can be addressed with existing information. Although most studies focus on *current* or *post*gentrification, the elderly begin to feel neglected and invisible during the *pre*gentrification stage. Thus, the second step is to prevent or reduce the consequences of gentrification sooner.

Moreover, this preemptive approach should occur at the local level where the members of the community can see the problem developing immediately. Therefore, a community-based initiative which incorporates the benefits and obstacles within its locality will vary according to each neighborhood. Although the implementation of a community-based initiative must adjust to the specific neighborhood, the general goal should provide the elderly with a voice and representation in the political process.

One example of this type of approach is a community guardianship program similar to community policing programs. The community guardianship program would focus on appointing community

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370. HOUS. AFFORDABILITY RESEARCH CONSORTIUM, *supra* note 363, at 18.

members to look after, or at least keep communication open with, their elderly residents. This program could appoint leaders to act as liaisons with other city departments, such as the police department, medical clinics, and law departments. Thus, these leaders could help elderly residents access city services. Furthermore, the leaders could report and keep records of arbitrary housing code enforcement, dilapidated housing conditions, and deteriorated street conditions. Such efforts could force city officials to maintain the neighborhoods before they become too deteriorated and prone for gentrification.

Another example is to encourage outsiders to reach out and monitor elderly residents. For example, the city could try to maintain better communication with elderly residents through a designed caller system. One such method may include a volunteer program where individuals call elderly residents who live alone on a regular basis to ensure their physical, social, and mental needs are met. The city would then at least be aware of their living situation. This awareness would be even more beneficial in the event of a national disaster like Hurricane Katrina. Also, the city could send out trained health professionals to investigate the elderly's living conditions, and screen them for psychological problems such as depression. In effect, the city could keep track of residents who need additional access to health care and take precautionary measures to reduce potentially negative effects.

Although prevention is ideal, measures to mediate current and postgentrification issues are also important. Part II revealed that America is in a housing crisis and that there is a correlative relationship with gentrification. Nevertheless, Congress continues to allocate fewer funds to housing initiatives each year, and the problem continues to grow. Thus, the third step should strive to make housing policy a key priority for Congress with the elderly as a main focal point.

A combined legal and political strategy can reach this goal. First, a right to decent housing should be a fundamental constitutional right. While federal legislation acknowledges a right to housing, the housing crisis reveals that America needs a stronger legal commitment to this right. Second, a collaborative political strategy should strive to make housing a key priority on Congress's agenda. Social scientists, medical doctors, transportation experts, police officials, and other leaders should demonstrate how a lack of housing leads to seri-

ous problems within their respective fields, and a lack of affordable housing is at the root of the problems.

To make the elderly a priority within housing policy, policy makers should focus on their vulnerability to gentrification within broader urban development. The elderly's vulnerability is critical because they suffer from feelings of neglect, invisibility, entrapment, and loss. However, their vulnerability is also important from a political standpoint because it makes the topic more appealing for media outlets which can pressure legislators. Furthermore, policy makers should do their best to translate the consequences into economic terms to bolster the argument and make housing a top priority by showing how treating housing as a top priority now will save more money later.

## V. Conclusion

As urban cities develop across the nation, gentrification will likely become part of the process. The combined benefits and drawbacks make gentrification a highly controversial and emotional topic. Ironically, the elderly lack a strong voice in this debate even though they are one of the most vulnerable groups to gentrification's consequences. The history behind gentrification, the U.S. housing crisis and related policy, and the elderly's vulnerable needs demonstrate the unique position the elderly possess within urban development.

To the elderly, gentrification means neglect, invisibility, entrapment, and loss. Thus, the negative social, psychological, and physical losses outweigh the visible benefits. To reduce the negative impact of gentrification on the elderly, more research is necessary to comprehend the elderly's position within this process. More importantly, local communities should implement programs specific to their neighborhoods which better monitor, prevent, and reduce signs of pregentrification. Finally, Congress should make a right to decent housing a constitutional right, and prioritize housing policy and the elderly on Congress's agenda.