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**THE TIES THAT BIND: CAPITALIZING ON THE EXISTING SOCIAL FABRIC IN PUBLIC HOUSING TO REVITALIZE NEIGHBORHOODS AND AVOID DISPLACEMENT IN PANAMA CITY, PANAMA**

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STUDENT ESSAY

**THE TIES THAT BIND: CAPITALIZING ON THE EXISTING  
SOCIAL FABRIC IN PUBLIC HOUSING TO REVITALIZE  
NEIGHBORHOODS AND AVOID DISPLACEMENT IN PA-  
NAMA CITY, PANAMA**

*Tiffany D. Williams\**

**Introduction**

Governmentally sponsored gentrification,<sup>1</sup> by way of the demolition of public housing projects leaves many of the world's poor out in the cold, with absolutely no opportunity to enjoy the purported benefits of pending development. From Rio de Janeiro, Brazil to Atlanta, Georgia, neighborhoods established by governments as public housing projects or abandoned as slums have been transformed into new havens for the affluent, with promises of affordable housing for those displaced ringing hollow in the

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\* Study Space Fellow, Center for Metropolitan Growth Georgia State University College of Law. I extend my sincere thanks to the Center for Comparative Metropolitan Growth at Georgia State University College of Law for so graciously funding the research for this project through the Study Space I Fellowship Program. Additionally, I thank Professor Colin Crawford of the Georgia State University College of Law for his admirable commitment to encouraging the legal academy to think critically about the world in which we live.

<sup>1</sup> The term "gentrification" traditionally refers to the rapid or gradual influx of affluent residents into traditionally poor neighborhoods. For the purposes of this paper, I will refer to governmentally funded gentrification, which I use to refer to state action that relocates people already living on governmental land in purported efforts to revitalize neighborhoods. This is distinguishable from traditional gentrification because there the government is the primary actor, not private landlords. *See Powell & Spencer, infra* note 2, at 435-50.

background.<sup>2</sup> This means that those unfortunate enough to dwell on government land are fighting a growing battle against displacement.<sup>3</sup> Moreover, they are fighting to preserve the valuable social fabric of their communities.<sup>4</sup> Many champions of gentrification<sup>5</sup> point out that it pours important economic resources into neighborhoods in disrepair.<sup>6</sup> With regard to public housing specifically, proponents of this kind of demolition exploit horrifying crime statistics and living conditions as evidence of the need for complete overhauls. Unfortunately, these narrow analyses fail to appreciate the value of preserving community identity as a tool to facilitate community improvement.

Panama City, Panama is currently undergoing rapid urban growth.<sup>7</sup> New roadway construction, neighborhood renewal, and luxury high rise residential developments are springing up all over the city.<sup>8</sup> Indeed, the cityscape of Panama City is beginning to resemble that of cities such as

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<sup>2</sup> See generally John A. Powell & Marguerite L. Spencer, *Giving Them the Old "One-Two": Gentrification and the K.O. of Impoverished Urban Dwellers of Color*, 46 HOW. L.J. 433 (2003).

<sup>3</sup> See Sean Purdy & Nancy H. Kwack, *New Perspectives on Public Housing in the Americas*, JOURNAL OF URBAN HISTORY 357 (2007). Purdy and Kwack note the long-standing problem of urban housing by quoting urban reformer Charles Abrams in 1964, Housing progress lags far behind industrial progress in every part of the world. The technical genius that broke the secrets of speed, sound, space, and light still cannot build a house cheap enough for the rank and file. . . A Negro laborer's family in New York and a squatter in Caracas may both have television sets, but neither can afford a decent house. *Id.* at 357.

<sup>4</sup> Powell & Spencer, *supra* note 2.

<sup>5</sup> See generally J. Peter Bryne, *Two Cheers for Gentrification*, 46 HOW. L.J. 405 (2003).

<sup>6</sup> *Id.* at 406. See also Eric Rogers, *Out with the Old in with the New: Housing Issues for the Middle Class in Panama City, Panama*.

<sup>7</sup> See generally Landau, *infra* note 9.

<sup>8</sup> Parte II, Plan de Desarrollo Urbano de las Áreas Metropolitanas del Pacífico y del Atlántico, <http://www.mivi.gob.pa/urbanismo/4URBANISMO/urbanismo/volumen2b/punto14nodal1.html> (last visited Sept. 28, 2007).

Miami Beach, Florida.<sup>9</sup> However, some neighborhoods do not seem poised to benefit from this prosperity. One such neighborhood is Curundú, a low-income housing project in Panama City that seems to be entirely isolated from the growth so rampant in other areas of the city.<sup>10</sup> Curundú is a group of multiple unit, high-rise buildings originally built as housing projects.<sup>11</sup> Over time, this community has become one of the nine high crime neighborhoods in Panama City listed by the Overseas Security Advisory Council in its travel advisory.<sup>12</sup> Extreme poverty, violent crime, and arson characterize Curundú in Panamanian media.<sup>13</sup> The cement structures of Curundú are so dilapidated that many

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<sup>9</sup> See generally Justin Gould, *Trump: Panama Property Investment Project*, THE PANAMA REPORT, June 5, 2006, <http://www.thepanamareport.com/real-estate-in-panama/trump-panama-property-investment-423.html>, Matt Landau, *Investing Ahead of the Growth Curve*, PANAMA NEWS, May 6-19, 2008, [http://www.thepanamanews.com/pn/v\\_13/issue\\_09/opinion\\_01.html](http://www.thepanamanews.com/pn/v_13/issue_09/opinion_01.html).

<sup>10</sup> See generally Entreculturas, *Social Crisis in Panama City* (June 6, 2007), [http://www.entreculturas.org/noticias/news/social\\_crisis\\_in\\_Panama\\_city](http://www.entreculturas.org/noticias/news/social_crisis_in_Panama_city) (last visited Mar. 30, 2008). Entreculturas, a non-profit organization doing community work in Curundú, quotes the Social Pastora of the Maria Reina Parish, [w]hat happens in Curundú and in neighboring areas, is no accident, it is the consequence of a social exclusion process which stems from a development vision which places the buildings, tourist centres, exclusive residential areas and luxury commercial centres, before the individual. Urban development has forgotten that development should be for all, with equity, but what we can say of one of the most unequal countries in the world. *Id.*

<sup>11</sup> See generally Entreculturas, *supra* note 10. Note that Curundú is named after the Curundú River in Panama and should not be confused with Curundú Heights, which is situated in the former Canal Zone and formerly housed American contractors and their families. Curundú Heights is now a middle-class neighborhood situated near a former Air Force base.

<sup>12</sup> See Overseas Security and Advisory Council Global Security News and Reports, *Panama City Crime and Safety Report* (2007), <http://www.osac.gov/Reports/report.cfm?contentID=62157>.

<sup>13</sup> See generally Entreculturas, *supra* note 10.

residents have opted to build their own informal residences on the grounds of the development. Despite this despair, the people who call Curundú home have a shared community history and identity.<sup>14</sup> Should gentrification take place in Curundú, as seems likely given its convenient location in the city center, residents will risk losing this history and identity which facilitates their way of life. Additionally, they will find themselves in a disadvantageous bargaining position because they live on governmentally-owned land and have few financial resources. This paper will examine options available to governments to “revitalize” communities like Curundú without causing extreme social and physical displacement in the face of rapid urban growth.

Part I of this paper will briefly discuss the history and current state of the Curundú housing project in Panama City. Curundú provides an interesting point of reference where gentrification is concerned because the neighborhood is centrally located in Panama City,<sup>15</sup> yet neither its structural landscape nor the characteristics of its inhabitants appears to be substantially affected by the rapid pace of development in other parts of the city.<sup>16</sup> Given the combination of central location, poorly maintained structures, extreme poverty, and crime, Curundú is a prime candidate for Panama’s government to use city wide “urbanization” as an opportunity to demolish Curundú and build more attractive and profitable housing for the numbers of people relocating to the city.

Part II will discuss models of governmentally sanctioned gentrification in two communities that share some

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<sup>14</sup> *Id.* This is not to suggest that the people of Curundú have one homogenous identity; rather, they are neighbors sharing a common struggle to preserve their livelihoods. Recently, for example, many have joined organizations to tackle gang violence and arson in their communities.

<sup>15</sup> Curundú is situated in the Northwest end of the city near the Panama International Airport.

<sup>16</sup> See generally Entreculturas, *supra* note 10.

characteristics with Curundú: Techwood & Clark Howell Homes in Atlanta, Georgia and Cidade de Deus—the “City of God” neighborhood—in Rio de Janeiro, Brazil. Both communities discussed in this section are similar to Curundú in that they are massive housing developments within cosmopolitan cities where inhabitants have few property rights and are significantly affected by poverty and crime. Yet, they differ from each other because the Atlanta developments began as public housing projects with the state converting them to mixed-income neighborhoods, while Cidade de Deus, originally a public housing project in Rio de Janeiro, was constructed when the governing military dictatorship forcibly removed inhabitants of the Catacumba favela, which was located in the more fashionable parts of the city, in 1970.<sup>17</sup> In both instances, crime and poverty continue as problems in those communities after the governmental intrusion. Thus, the policy decisions made in both Atlanta and Rio de Janeiro regarding development may demonstrate that effective, long-term community revitalization as a tool to reduce concentrations of poverty and crime require that the government to do more than merely build new structures and move inhabitants around.

Finally, Part III will discuss governmental approaches to remedy the problem of public housing that do not require the demolition of vital community ties to resources in the event that governments do demolish buildings. An example of an attempt at this kind of comprehensive legislation is HOPE VI in the United States, which requires housing authorities to focus on self-sufficiency and resident improvement as a means to community revitalization. Although HOPE VI has been used as a means to demolish neighborhoods, legislation of its kind

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<sup>17</sup> Janice E. Perlman, *Longitudinal Panel Studies in Squatter Communities: Lessons from a Re-study of Rio's Favelas: 1969-2003* 2, 3 (2003), [http://www.megacitiesproject.org/Lessons\\_from\\_Rio\\_RE-study\\_1969-2003.pdf](http://www.megacitiesproject.org/Lessons_from_Rio_RE-study_1969-2003.pdf).

has the potential to provide governments with tools to repair public housing structures while strengthening the existing social fabric through resident involvement, self-sufficiency training, and community-oriented crime prevention.

### I. Squalor Amidst Sprawl: The Curundú Housing Projects in Panama City, Panama

Though the Curundú housing projects were originally built for low-income Panamanians, the majority of Curundú's population is now composed of Colombian refugees from the Chocó region of Colombia.<sup>18</sup> The cement high rises of Curundú are fully inhabited and hundreds more live in informal housing on the property grounds.<sup>19</sup> Thus, Curundú is a hybrid community, with both formal public housing units built by the government, like those in Techwood and Clark Howell Homes in Atlanta, and informal housing units like those in the favelas of Brazil.<sup>20</sup> Common among all three community groups—in Atlanta, Rio de Janeiro and Panama City—is the absence of land rights for the residents. All of the inhabitants live on governmentally owned land and therefore have significantly diminished bargaining power where issues concern-

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<sup>18</sup> The Chocó region of Colombia is inhabited largely by indigenous people and African descent populations. See Jesuit Refugee Service, JRS Dispatch No.216, Panama: Second Arson Attack in Curundú, (May 31, 2007),

<http://www.jrs.net/news/index.php?lang=en&sid=2050>.

<sup>19</sup> In the documentary film, *Curundú*, filmmaker and producer Ana Endara Mislov followed a Curundú resident named Kenneth and exposed the isolation and poor conditions experienced by Curundú residents. See Raúl Leis, *Curundú*, THE PANAMA NEWS, Jan. 20, 2008-Feb. 2, 2008,

[http://www.thepanamanews.com/pn/v\\_14/issue\\_02/opinion\\_02.html](http://www.thepanamanews.com/pn/v_14/issue_02/opinion_02.html); see also Entreculturas *supra* note 10.

<sup>20</sup> Leis, *supra* note 19, Entreculturas *supra* note 10.



ing community development arise.<sup>21</sup> Additionally, afflictions such as crime, poverty, and dilapidated structures run rampant among the communities.<sup>22</sup>

As is the case in many poor, inner-city communities, the pressures of scarcity have produced a high crime rate in Curundú.<sup>23</sup> While gang violence<sup>24</sup> and drug trafficking flourish, the structures in the community are under frequent attack.<sup>25</sup> On January 18, 2008, Curundú fell victim to its third major fire in six months.<sup>26</sup> In March of 2007, an entire sector of the neighborhood was destroyed, leaving 500 residents homeless.<sup>27</sup> In May of 2007, another fire left 355 homeless.<sup>28</sup> Both the March and May fires were reportedly gang-related arsons.<sup>29</sup> Thus, both the peo-

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<sup>21</sup> Perlman, *infra* note 35, at 107-36. To be clear, inhabitants in some favelas often buy and sell their homes, so in a sense there are semi-formal property rights among residents, but favela residents by definition do not have legal title to their land. Moreover, in 1970, the people of the Catacumba favela had no legal claim to their land, which is why the government bulldozed the neighborhood without giving any kind of compensation to the residents. Present day favelas are not the favelas of 1970. Indeed, Perlman's research reflects that favela inhabitants now enjoy many of the material trappings of those in the "formal" world, such as televisions and name brand clothing. Also, due to both grassroots organization among favela residents and more recent governmental legislation, those living in favelas often have access to electricity, indoor plumbing, and roads. Further, living conditions in some favelas are superior to conditions in other so-called formal housing. *Id.*

<sup>22</sup> See generally ARIAS FOUNDATION FOR PEACE AND HUMAN PROGRESS, *infra* note 23.

<sup>23</sup> ARIAS FOUNDATION FOR PEACE AND HUMAN PROGRESS, *Panama, In THE FACE OF URBAN VIOLENCE IN CENTRAL AMERICA*, at 241, 252-56, ARMS, VIOLENCE & YOUTH SERIES (2006), <http://www.arias.or.cr/download/INGLES.pdf>.

<sup>24</sup> *Id.* at 253. The murder rate in 2003 for Curundú is 108.7 murders per 100,000 individuals, making it the highest murder rate in the city. *Id.*

<sup>25</sup> Jackson, *infra* note 31.

<sup>26</sup> Jesuit Refugee Service, *supra* note 18.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.* See also Jackson, *infra* note 31.

ple and the structures of Curundú appear to be falling apart under very dangerous conditions.

Aside from diminishing residents' sense of personal security, arson also diminishes the number of housing units available to them.<sup>30</sup> In the wake of crises caused by these fires, the need for adequate housing becomes even more of a concern for those displaced. Some members of the Panamanian press have criticized the reaction of the Ministry of Housing to the fires because, according to reports, authorities bulldozed debris resulting from a recent fire before residents were able to recover their belongings, including zinc roofing that could be used to rebuild informal housing.<sup>31</sup> The Ministry reportedly plans to rebuild housing to replace damaged units, but only residents who qualify will be allowed to move back in. It is unclear whether residents who lived on the grounds in self-built structures would qualify to live in the new housing.<sup>32</sup> Efforts to revitalize Curundú must consider the quality of the existing relationships in the community. Violence and crime inevitably damages those relationships. One factor that may affect the cohesiveness of the Curundú community is that the social fabric is very much a patchwork, consisting of Panamanians, Colombians, and poor immigrants from other nearby countries who arrived at various points in the neighborhood's history.<sup>33</sup> For example, when interviewed about crime in Curundú, an immigrant cited that *Panamanian*

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<sup>30</sup> Jackson, *infra* note 31. The informal housing in Curundú are often wood structures and are therefore more susceptible to fire damage. *Id.*

<sup>31</sup> Eric Jackson, *Three Kids Killed, Alleged Perpetrators Held, Curundú Burns in Gang Row, Police Show of Force Ineffective*, THE PANAMA NEWS, April 2007, available at

[http://www.thepanamanews.com/pn/v\\_13/issue\\_07/news\\_03.html](http://www.thepanamanews.com/pn/v_13/issue_07/news_03.html).

<sup>32</sup> *Id.*

<sup>33</sup> Janice E. Perlman, *Marginality: From Myth to Reality in the Favelas of Rio de Janeiro, 1969-2002*, in MARGINALITY: FROM MYTH TO REALITY IN THE FAVELAS OF RIO DE JANEIRO 1968-2005, 109 (forthcoming) [http://www.megacitiesproject.org/myth\\_to\\_reality\\_rio\\_1969-2002.pdf](http://www.megacitiesproject.org/myth_to_reality_rio_1969-2002.pdf).

gangs were responsible for the crime in the neighborhood.<sup>34</sup> Although historical lines along which community ties are traditionally formed are not necessarily as pronounced in Curundú as in communities with a strong presence of families who lived in that neighborhoods for decades, there is still an opportunity for Curundú residents to unite through the shared experience of living in a neighborhood that has been permitted to deteriorate before the country's very eyes.<sup>35</sup> Indeed, the example of Rio de Janeiro proves that people from different origins are capable of forming very strong community ties.

## II. Public Housing Meets Gentrification: Atlanta, Georgia and Rio de Janeiro, Brazil

This section will discuss the governmentally sponsored gentrification of the public housing projects Clark Howell and Techwood Homes in Atlanta, Georgia and the Catacumba favela in Rio de Janeiro. Transitions in Atlanta housing were the product of aggressive planning centered around the Centennial Olympic Games in 1996, which forced the city to improve conditions in and around downtown Atlanta. Clark Howell and Techwood Homes were demolished and were replaced with mixed-income housing. The Catacumba favela in Rio de Janeiro, Brazil was razed in 1970 and inhabitants were moved to housing projects such as Cidade de Deus, in outlying areas of the city. Cidade de Dues is now characterized as a favela because of

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<sup>34</sup> Jesuit Refugee Service, *supra* note 18.

<sup>35</sup> See Newman, *infra* note 40, at 6. In the City of Atlanta, a shift in the demographic of the Clark Howell/Techwood Homes communities changed when Clark Howell became integrated. Whites fled the project and blacks from rural areas and other parts of the United States moved into public housing projects in Atlanta. Likewise, the favela communities in Rio de Janeiro are now composed of people from different parts of the country and other parts of South America. *Id.*

the extreme poverty and number of irregular housing units on the grounds.

In both Atlanta and Rio, residents were isolated by the transition process, their relationships to one another and the city being largely disregarded. Also in both cities, residents organized and fought actively against displacement, thereby forming valuable community ties. This section will discuss the ways in which residents were isolated, it will argue that perhaps isolation is partly responsible for governmental failures to revitalize these communities while also maintaining the social fabric.

### **A. Techwood Homes and Clark Howell Homes in Atlanta, Georgia**

The City of Atlanta has undergone substantial growth over the past two decades.<sup>36</sup> Much of the housing redevelopment was sponsored by the Atlanta Housing Authority with substantial involvement from city officials.<sup>37</sup> An analysis of the gentrification of Atlanta's housing projects of Techwood Homes and Clark Howell Homes may provide insight into the possibilities for Curundú because the state of public housing in Atlanta during the time these projects were demolished was similar in significant ways to the current state of affairs in Curundú. Namely, both housing projects were in a state of disrepair, suffered from numerous vacancies, and saw their residents primarily concerned with crime. Now the area is the site of a new mixed-income community, a new YMCA, a new elementary school, and Olympic landmarks. Unfortunately, few of the original residents of these communities are in a position

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<sup>36</sup> Mary Lou Pickel, Metro Atlanta 2<sup>nd</sup> in growth nationwide, ATLANTA JOURNAL-CONSTITUTION, Mar. 27, 2008.

<sup>37</sup> Ronald Smothers, Barcelona Games Start, And Atlanta is Staring, N.Y. TIMES, July 27, 1992, available at <http://query.nytimes.com/gst/fullpage.html?res=9E0CE5DA143BF934A15754C0A964958260&sec=&spon=&pagewanted=all>.

to enjoy these amenities since they have been relocated to distant parts of the city.

The first public housing projects in Atlanta were built during the Great Depression as an effort to stimulate the economy through creating jobs.<sup>38</sup> Due to the high demand for low-income residences during these years and the high quality of housing units produced, applicants for public housing were carefully screened on the basis of several criteria, including race.<sup>39</sup> Techwood Homes opened first in 1935 for low-income whites, originally housing 604 families.<sup>40</sup> University Homes was built soon thereafter for low-income blacks. Clark Howell Homes was erected in 1940 adjacent to Techwood Homes for low-income whites and was the last housing project to be built in Atlanta during this era.<sup>41</sup>

The City of Atlanta suffered tremendously when thousands began to abandon the city center for the suburbs, causing the concentration of poverty to increase significantly. The end of racial segregation in public housing also played a role. The desegregation of Atlanta resulted in race no longer being an acceptable criterion for placement in

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<sup>38</sup> HARVEY K. NEWMAN, ATLANTA HOUSING AUTHORITY'S OLYMPIC LEGACY PROGRAM: PUBLIC HOUSING PROJECTS TO MIXED INCOME COMMUNITIES, 6 (2002), <http://aysps.gsu.edu/publications/researchatlantaAHA%20%20Olympic%20Legacy%20Prog.pdf> [Hereinafter *Report*]. The construction of the projects provided employment opportunities to those affected by the Depression. *Id.* See also DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, A HISTORICAL AND BASELINE ASSESSMENT OF HOPE VI, VOL. 1 4-2. (1996).

<sup>39</sup> Newman, *supra* note 40, at 6. Residents were screened on the basis of race, family composition, employment, and living habits. *Id.*

<sup>40</sup> *Id.* When Techwood Homes was built, apartments had closets in every room, new kitchen appliances, and built-in bathtubs, which was quite a step up for many new residents who had just relocated from the "slum" of Techwood Flats. *Id.* See also DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, *supra* note 40.

<sup>41</sup> *Id.*

housing.<sup>42</sup> Thus, many whites fled formerly white only housing projects that would soon be inhabited by blacks.<sup>43</sup> Despite the departure of those white residents, the need for public housing in Atlanta continued to grow.<sup>44</sup> Urban renewal efforts and expressway construction during the 1960's and 1970's in Atlanta displaced thousands of poor blacks.<sup>45</sup> Additionally, many blacks had already begun migrating in large numbers into Atlanta and other major cities between 1940 and 1970.<sup>46</sup> Although the demand for public housing grew in Atlanta, the number of inhabitants steadily declined.<sup>47</sup> Meanwhile, the metropolitan area<sup>48</sup> continued to grow after 1970.<sup>49</sup> To illustrate, the popula-

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<sup>42</sup> Newman, *supra* note 40, at 6-7. Public housing applicants were also no longer being screened according to family composition or employment. *Id.*

<sup>43</sup> *Id.* at 7.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at 6. Newman says that 67,000 people were displaced because of expressway construction and urban renewal, at least 77% of whom were African-American and all of whom were described as "poor and disadvantaged with special needs and special problems." *Id.* See also Kevin Fox Gotham, *Redevelopment for Whom and for What Purpose*, in 6 RESEARCH IN URBAN SOCIOLOGY: CRITICAL PERSPECTIVES ON URBAN DEVELOPMENT 441-42 (Kevin Gotham ed., 2001) ("[A]s the history of urban renewal, gentrification, and urban expressway building shows, central city divestment and reinvestment are part of the dynamics of urban race relations, with African Americans and other minorities having to bear the brunt of displacement and neighborhood destabilization.").

<sup>46</sup> Newman, *supra* note 40, at 7. Newman's research showed that over 5 million blacks moved to cities during this time period. *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> The Atlanta metropolitan area is defined by the United States Census Bureau as the 5,392.8 miles encompassing Barrow, Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, Rockdale, Spalding, & Walton Counties. See Department of Housing and Urban Development, AMERICAN HOUSING SURVEY FOR THE ATLANTA METROPOLITAN AREA V (2005), <http://www.census.gov/prod/2005pubs/h170-04-21.pdf>.

<sup>49</sup> Newman, *supra* note 40, at 7.

tion in the city was 496,973 in 1970, as compared to 394,017 in 1990. At the same time, the population of the outlying suburbs grew to 1.5 million people.<sup>50</sup> Thus, the population in public housing in Atlanta grew just as hundreds abandoned the city, resulting in a social and physical isolation that persisted until the 1990s.

The decrease of the city's population and increase in public housing tenants were met with an increase in the level of poverty. Between 1980 and 1990, though the number of poor people in the metropolitan area decreased,<sup>51</sup> the percentage of poor people within the city limits jumped from 82.7 percent to 84.1 percent.<sup>52</sup> Thus by the 1990's, public housing expansion, mass migration, and other externalities<sup>53</sup> left Atlanta with one of the highest concentrations of public housing per capita of any city in the United States.<sup>54</sup> In fact, Atlanta had the second highest concentration of public housing in the nation, second only to Newark, New Jersey.<sup>55</sup> By the 1990s, housing projects Techwood Homes and Clark Howell Homes were recognized as some of the worst neighborhoods in Atlanta.<sup>56</sup>

By the 1990s, Atlanta's entire public housing system had hit embarrassing lows in the areas of maintenance and management. When Atlanta was selected to host the 1996 Centennial Olympic Games (Games) in 1990, the proximity of several potential competition sites to dilapidated public housing projects forced city officials to quick-

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<sup>50</sup> *Id.*

<sup>51</sup> For a definition of the Atlanta metropolitan area, see DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, *supra* note 50 at v.

<sup>52</sup> Newman, *supra* note 40, at 9-10.

<sup>53</sup> *Id.*

<sup>54</sup> Newman, *supra* note 40 at 7. According to Newman, one of ten residents of the City of Atlanta lived in public housing by 1990. *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, *supra* note 40, at 3-22.

ly address a myriad of public housing issues.<sup>57</sup> By this time, the Department of Housing and Urban Development (HUD) pronounced the city's public housing problem one of the worst in the country because of exceedingly poor management and maintenance by the Atlanta Housing Authority (AHA).<sup>58</sup> Thus, in 1990, the AHA and city officials seized the opportunity to use the Games as a catalyst to create the Olympic Legacy Program (OLP) which was an effort to reduce the concentration of poor people living in Atlanta by converting public housing projects near Olympic Game sites into mixed income communities.<sup>59</sup>

The combined 1,845 units in Techwood Homes, Clark Howell Homes,<sup>60</sup> and one other property<sup>61</sup> were the first properties targeted by the OLP. Aside from decreasing the concentration of poor residents in the city, other justifications cited for the OLP included (1) providing adult residents with expanded employment opportunities through interaction with diverse residents sharing the apartment complex; (2) improving education by providing children with diverse learning environments; (3) providing children with role models from different income levels; and (4) decreasing the crime rate.<sup>62</sup> Despite its purported merits,

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<sup>57</sup> Newman, *supra* note 40, at 10-12.

<sup>58</sup> *See id.* at 8. (In 1994 HUD threatened Atlanta and Chicago with the prospect of having their housing authorities taken over by the federal government. In 1994, HUD gave the Atlanta Housing Authority a score of 39 of a possible 100.)

<sup>59</sup> *Id.* at 13.

<sup>60</sup> *Id.* at 4. *See also* DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT *supra* note 40, at 4-2. (Techwood Homes and Clark Howell Homes constituted 52.9 acres of land in Atlanta's center near Georgia Institute of Technology).

<sup>61</sup> The other property targeted was the East Lake Meadows Community in DeKalb County, Georgia. This paper discusses only the Clark Howell/Techwood Homes communities because they are located in the Atlanta city center and were commonly regarded as one property. *See* Newman, *supra* note 40, at 15.

<sup>62</sup> *See id.* at 4.



the OLP was subject to public scrutiny in part because its implementation was precipitated by an increase in evictions for minor lease infractions, an official AHA refusal to accept partial payments that had been acceptable before the plan, and increased security concerns prompted by increasing vacancies on the properties.<sup>63</sup> Moreover, only 545 of the 1,115 households in residence in 1990 received relocation assistance from the AHA.<sup>64</sup> Of that number, over half<sup>65</sup> received Section 8 vouchers<sup>66</sup> and the next largest group of residents were moved into other public housing projects. Those who did not receive relocation assistance most likely moved or were evicted before demolition commenced.<sup>67</sup> Before the Games commenced, the AHA had relocated 1,576 families from these areas.<sup>68</sup> These families were often moved to outlying suburbs while renovations took place.<sup>69</sup> After demolition, 1,442 units were constructed.<sup>70</sup>

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<sup>63</sup> *Id.* at 12.

<sup>64</sup> *Id.* at 13.

<sup>65</sup> 367 residents received Section 8 vouchers. *Id.* “Section 8” requirements appear at 42 U.S.C. § 1437f (2000), which provides for low-income housing assistance whereby private owners enter into contracts with the federal government of the United States of America whereby they are permitted to rent units to low-income residents where certain conditions are met.

<sup>66</sup> According to HUD data, residents receiving vouchers were widely dispersed throughout the city and the eastern county of DeKalb, but were still clustered in seven concentrated groups throughout the city. Those who were not clustered are scattered across 87 neighborhoods in the city. *See Newman, supra* note 40, at 18-19.

<sup>67</sup> The AHA stopped keeping track of many of the families who were evicted or moved independently. Additionally, 76 families were evicted, 106 “skipped out” on rent and 14 moved without assistance. *Id.* at 18.

<sup>68</sup> *See id.* at 5. The numbers of families relocated as a result of the OLP: 114 from Techwood, 588 from Clark Howell Homes, 470 from East Lake Meadows, and 434 from other projects.

<sup>69</sup> *See id.* at 18.

<sup>70</sup> *Id.* at 4.

While the OLP has arguably attained the broad objective of decreasing the concentration of poverty in the City of Atlanta, it has left many residents in the same condition or worse than when the project began.<sup>71</sup> Further, although merely substituting Section 8 Vouchers<sup>72</sup> for public housing decreased the concentration of poverty in certain areas, the overall number of poor living in the city has not changed significantly, especially considering that over 80% of those receiving vouchers remained in the City of Atlanta.<sup>73</sup>

Critics have questioned whether the OLP's primary purpose was to improve conditions for residents in projects like Techwood and Clark Howell or whether it was merely a slum clearance project to make accommodations for private interests.<sup>74</sup> Like many public housing projects, Techwood and Clark Howell Homes suffered both geographical and social isolation from larger society.<sup>75</sup> Techwood and Clark Howell were not surrounded by other important large neighborhoods; they were surrounded by a major institution of higher learning, Georgia Institute of Technology (Geor-

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<sup>71</sup> Praise for the mixed-income community that has replaced Clark Howell/Techwood and Centennial Place gives too little attention to the fact that few of the original residents have benefited from the new development. See Keating, *infra* note 80. For an example of the kind of praise the Centennial Place community has received, see also Ken Edelstein, *A New Mixed-Income Village for Downtown Atlanta*, N.Y. TIMES, Nov. 24, 1996 at 5, Barney Simms, *Poor Atlantans have more choices now*, ATLANTA JOURNAL-CONSTITUTION, Sept. 14, 2007, at A1, Newman *supra* note 40, at 18-19. (83% of those relocated from Clark Howell and Techwood Homes remained inside the city, which means that the actual number of poor people in Atlanta did not decrease significantly.) *Id.*

<sup>72</sup> Section 8 vouchers are provided pursuant to 42 U.S.C. § 1437f (2000).

<sup>73</sup> Newman, *supra* note 40, at 18-19.

<sup>74</sup> See generally *id.* at 20.

<sup>75</sup> *Id.* at 10-13.

gia Tech), and by Coca-Cola Headquarters.<sup>76</sup> Both Georgia Tech and Coca-Cola are major fixtures in the City of Atlanta and have extensive resources.<sup>77</sup> Over the last forty years Georgia Tech had demonstrated their power several times by expanding into nearby neighborhoods. Furthermore, Coca-Cola executives had long pushed to remove Clark Howell and Techwood Homes.<sup>78</sup>

A closer look at the proactive measures taken by the AHA prior to the implementation of the OLP provides significant insight into the possible root of the Authority's failure. The AHA invested very little in the residents of Techwood and Clark Howell Homes despite the dire need for resources among tenants. In 1993, the median household income for families in Techwood and Clark Howell

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<sup>76</sup> DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, *supra* note 59, at 4-20. *See also*, Newman, *supra* note 40, at 20.

<sup>77</sup> Coca-Cola's net profits for 2007 totaled \$5.981 Billion Dollars. Forbes Magazine, Coca-Cola At a Glance, available at <http://finapps.forbes.com/finapps/jsp/finance/compinfo/CIAtAGlance.jsp?sedol=2206657>. Georgia Tech has one of the largest endowments among colleges and universities in the United States at \$1.3 Billion Dollars. Georgia Institute of Technology, *Recent Trends and Milestones*, June 2007.

<sup>78</sup> Larry Keating & Carol A. Flores, *Sixty & Out: Techwood Homes Transformed by Enemies & Friends*, 26 J. URBAN HIST. 275, 284 (2000). Keating and Flores explain the climate surrounding the integration of Clark Howell Homes:

The shift in racial composition alarmed Paul Austin, chief executive officer of Coca-Cola, Techwood's neighbor to the west. In a memo to Robert W. Woodruff, the dominant figure in much of the Coca-Cola company's success, Austin voiced the fear that when Techwood and Clark Howell became 'all black, the felony rate will triple.' To avoid the perceived threat, Austin proposed demolishing the communities, removing the residents to the outskirts of the city, and redeveloping the property with an ultra modern middle-income community. *Id.*

respectively were \$3,960 and \$3,960.<sup>79</sup> Only 14% of households in Clark Howell had actual earned income and only 15% of Techwood households did.<sup>80</sup> Furthermore, AHA properties experienced a spike in crime during the late 1980s.<sup>81</sup> Yet, AHA did very little to address the issues of crime and poverty in communities. Structures, not people, appeared to be the AHA's primary focus. The AHA had only a small security force to work in senior citizens' buildings and only forty five police officers enrolled in the AHA community policing program.<sup>82</sup> Further, AHA was one of the housing developments evaluated that provided residents with absolutely no drug treatment/prevention programs; they were also one of five major U.S. cities who offered no resident services or self-sufficiency programs.<sup>83</sup>

### **B. Catacumba Favela to Cidade de Deus, Rio de Janeiro, Brazil**

Cidade de Deus, a public housing project turned favela in Rio de Janeiro, was built to house the former inhabitants of the Catacumba favela<sup>84</sup> after they were displaced by slum clearance policies promulgated by the former dictatorship government of Brazil<sup>85</sup>. Catacumba was situated

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<sup>79</sup> DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, *supra* note 58 at 1-24.

<sup>80</sup> *Id.*

<sup>81</sup> *Id.* at 2-12.

<sup>82</sup> *Id.* at 2-12. Exhibit 2-4.

<sup>83</sup> *Id.*

<sup>84</sup> Janice Perlman, *Marginality: From Myth to Reality in the Favelas of Rio de Janeiro, 1969-2002* (2002). According to Perlman, Cidade de Deus also housed families from other razed favelas in Rio, but it was primarily populated by former Catacumba residents.

<sup>85</sup> Perlman, *supra* note 35. Informal housing developments or shantytowns are often referred to as favelas in Brazil. Favelas are typically thought of as squatter settlements established by families infringing on public land to which they have no rights. Although it was established as a public housing project in 1970 Cidade de Deus is now considered a

in the upscale South Zone of Rio de Janeiro. Not surprisingly, the elite of the South Zone felt threatened by the close proximity of the favela to their homes. Eventually, the dictatorship responded by systematically evicting Catacumba's residents and relocating many of them to public housing on the outskirts of the city.<sup>86</sup> Carlos Lacerda, then governor of the state of Rio de Janeiro, established the removal plan. Despite vigorous opposition from grass roots community groups, 2,074 families in Catacumba were removed in 1970 and relocated to public housing projects such as Cidade de Deus.<sup>87</sup>

In the larger national context, favela eradication was an ineffective tool for redressing poverty or the lack of affordable housing in Rio. Despite the government's later attempts to integrate favelas into the city through "formalizing" them with electricity, indoor plumbing, and public roads, favelas continue to grow in number, size and complexity.<sup>88</sup> In fact, the number of favelas in Rio has nearly doubled since 1969.<sup>89</sup> Janice Perlman reports that

[I]n every decade between 1950 and 2000, Rio's *favela* population grew much more rapidly than the city as a whole with the exception of the 1970s when *favela* eradication programs forcibly removed over 100,000 people into public housing or sent them back to the countryside. Most striking is that during the period 1980 to 1990, when the

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favela due to the growth of informal housing on and near the original property grounds.

<sup>86</sup> *Id.* Many Catacumba residents also went on to populate a strip of favelas called Complexo del Maré, located near the airport in Rio.

<sup>87</sup> *Id.*

<sup>88</sup> Perlman, *supra* note 84, at 107. The Brazilian government cites three factors as being responsible for the spike in population in favelas: (1) migration from towns in the Brazilian countryside; higher fertility rates among favela residents; and migration from favelas outside of the city to favelas within the city.

<sup>89</sup> *Id.* at 107.

overall city growth rate dropped to 8% but *favela* populations surged by 41%. Then, from 1990 to 2000, when the city's growth rate leveled off at just less than 7%, *favela* populations continued to grow by 24% resulting in a current all-time high percentage of Rio's population. These numbers demonstrate that Rio de Janeiro's housing needs continue to climb. Much of this growth has been attributed to immigration from migrants from the countryside and, more recently, movement from within the city.

Perlman studied the success rate of favela residents who had been relocated thirty years after her 1968 study and found that community ties were especially important in predicting the success of residents. Her 1998 study revealed that former Catacumba residents who were relocated in 1970 have enjoyed higher rates of success<sup>90</sup> than those relocated from other favelas and housing projects largely because of the strong community network Catacumba residents formed through organizing to resist eviction.<sup>91</sup> She suggests that after eviction and relocation Catacumba residents kept in touch with one another and were able to help

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<sup>90</sup> Perlman's study traced life trajectories across four generations: the original interviewees, their parents, their children and their grandchildren. In her words, she Combine[d] qualitative and quantitative methods including direct observation, in-depth open-ended interviews, participatory re-creation of the community history in each community, (using the DRP - Rapid Participatory Diagnostic - method), the application of survey instruments (questionnaires), the collection of life histories, and the reanalysis of existing data sets and research materials. We work with the concepts of transgenerational transmission of poverty, inequality, marginality, exclusion, and social mobility.

Janice E. Perlman, *Longitudinal Panel Studies in Squatter Communities: Lessons from a re-study of Rio's favelas: 1969-2003*, WORLD BANK WORKSHOP, URBAN LONGITUDINAL RESEARCH METHODOLOGY LONDON, May 28-29, 2003.

<sup>91</sup> Perlman, *supra* note 83, at 109.

each other more than those in other communities.<sup>92</sup> Perlman tells the story of a woman named Marga<sup>93</sup> who was one of the 17,000 families removed from Catacumba in 1970.<sup>94</sup> She was relocated to a housing project in the outskirts of the city called Conjunto de Quintungo, but said that the former residents of Catacumba would remain her life-long friends.<sup>95</sup> When Marga was forced to relocate due to threats from a neighborhood gang in the housing project, she stated that being so far away from her support network was unmanageable and she hoped to be able to move back to a neighborhood closer to the city sometime soon.<sup>96</sup> Perlman's findings suggest that while community ties are not destroyed by demolition, if conditions were actually improved in communities like Catacumba without moving residents farther away from resources such as education and employment, the ties could be leveraged to achieve sustainable, livable communities.

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<sup>92</sup> Perlman, *supra* note 84, at 109-10. In the caption to figure 5.5. she states that

The location in the midst of the upscale residential South Zone gave residents abundant access to service and construction jobs as well as to the good schools and clinics in the area. Despite their removal in 1970 to disparate housing projects, their common struggles created strong communal ties which persist to this day. *Id.*

<sup>93</sup> *Id.* at 110-12. Marga was born and raised in Catacumba and grew up to raise two young children while living in Catacumba. She was a domestic worker, and as such, she lived with her employers during the week with her children and then lived in the favela over the weekend. Because of this living arrangement, her children were able to attend better schools because she could use her employers' address. This was not possible after relocation because of the sheer distance of her new home to potential employers' homes. Some relocated families were separated by as much as four hours of travel. *Id.*

<sup>94</sup> *Id.* at 108.

<sup>95</sup> See generally *id.* at 111.

<sup>96</sup> *Id.* at 111-12.

While the favela population continues to grow in Rio, public housing projects like Cidade de Deus are themselves becoming favelas since these public housing projects are dominated by informal settlements and characterized by crime and desperate conditions.<sup>97</sup> Perlman's 1969 study<sup>98</sup> suggested that people living in favelas were not truly marginal; rather they were stigmatized by their neighborhood: "[i]t is my contention that the favela residents are not economically and politically marginal, but are excluded and repressed; that they are not socially and culturally marginal, but stigmatized and excluded from a closed class system."<sup>99</sup> She suggested that the formation of favelas demonstrated a desire on the part of the people to establish a functional way of life.<sup>100</sup> Perlman's more recent research shows that the stigma attached to being from a favela is far more negative than the stigma attached to living in Brazilian public housing.<sup>101</sup> However, this stigma reattaches itself once public housing transforms into a "favela." Social stigma

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<sup>97</sup> *Id.* at 142. See also James Brooke, Rio Slum Children Find Death in 'City of God', N.Y. TIMES, November 3, 1980.

<sup>98</sup> JANICE PERLMAN, THE MYTH OF MARGINALITY: URBAN POVERTY AND POLITICS IN RIO DE JANEIRO, (Univ. of Col. Press 1976).

<sup>99</sup> Perlman, *supra* note 83, at 121.

<sup>100</sup> *Id.* Perlman states that. . . the marginality ideology was so strong in Brazil in the 1970s that it created a self-fulfilling prophecy. In particular, the favela-removal policy it justified perversely created the conditions it was designed to eliminate. In fact, the favela was an extremely functional solution to many of the problems faced by its residents. It provided access to jobs and services, a tightly knit community in which reciprocal favors mitigated hardship, and above all, free housing. This was clearly not the case in the housing projects . . . to which favela residents were consigned by the government. In the government projects, they were separated from kin and friendship networks; located far from jobs, schools and clinics; and charged monthly payments beyond their means. Relocation also diminished family earnings by eliminating many of the services and odd jobs family members could perform after school, while caring for children, or when filling in time between other tasks. *Id.*

<sup>101</sup> *Id.*



affects everything from a resident's ability to find employment to the way in which she formulates her dreams. Thus, the failure to provide acceptable housing with measures in place to encourage the neighborhood maintenance ensures that the residents will always be marginalized.<sup>102</sup>

### III. Possible Answers for Curundú: Community-Focused Legal Responses to Public Housing in Need of Community Revitalization

In examining the relationship between the gentrification of low-income communities and concentrated poverty, John A. Powell and Marguerite L. Spencer assert that "with its displacement of low-income residents, gentrification and perpetuation of concentrated poverty are not opposite trends, but actually operate similarly and recursively. Both push low-income people of color away from resources, opportunities and vital institutions."<sup>103</sup> Like many others<sup>104</sup> Powell and Spencer recognize that low-income families have few options for relocation when they are displaced because of their limited resources.<sup>105</sup> If few places remain in the city where families can access affordable housing, they are forced to move to less desirable locations where employment, education, and other necessities are more difficult to access.<sup>106</sup>

Government has a special duty to address a wide spectrum of issues that affect conditions in public housing such as structural integrity, maintenance, crime, concentrated poverty, and social mobility of residents. While government provision of public housing is a valuable and necessary resource for low-income residents, with this

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<sup>102</sup> See generally Perlman, *supra* note 83, at 126.

<sup>103</sup> Powell & Spencer, *supra* note 2, at 441.

<sup>104</sup> See, e.g., J. Peter Bryne, *supra* note 5 (complaining of the wealth of scholarly discourse discouraging gentrification).

<sup>105</sup> Powell & Spencer, *supra* note 2, at 442.

<sup>106</sup> *Id.*

provision comes the governmental responsibility of maintenance and oversight. In the United States and abroad, many public housing projects have become dilapidated because of government neglect.<sup>107</sup> Such was the case in Atlanta with Techwood and Clark Howell Homes before they were demolished and in Cidade de Deus and other Brazilian public housing projects after they were constructed.<sup>108</sup> Additionally, poverty is highly concentrated in and around public housing.<sup>109</sup> Thus, the issue of poverty must be considered when implementing public housing policy.<sup>110</sup> Crime also remains a paramount concern to public housing residents in most countries.<sup>111</sup> When government bodies fail to give adequate attention to the value of human capital in public housing residents, they become complicit in a system that creates a permanent class of people who will always live in public housing. By failing to involve residents in the improvement process, authorities place limitations on the progress that is made and alienate the supposed beneficiaries from the benefits of revitalization.

Too often, the above negative factors are considered intrinsic to the people of a community. The result is that rebuilding does not give enough attention to the existing strengths of residents because the residents are seen as the

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<sup>107</sup> See Florence Roisman, *Keeping The Promise: Ending Racial Discrimination And Segregation In Federally Financed Housing*, 48 HOW. L.J. 913 (2004). See generally DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, *supra* note 76.

<sup>108</sup> Because favelas are informal settlements, the Brazilian government had no legal responsibility to maintain any properties on the Catacumba favela before its destruction.

<sup>109</sup> Florence Roisman, *Intentional Racial Discrimination and Segregation by the Federal Government as a Principal Cause of Concentrated Poverty: A Response to Schill and Wachter*, 143 U. PA L. REV. 1351 (1995).

<sup>110</sup> See *id.* at 135.

<sup>111</sup> See generally Purdy & Kwack, *supra* note 3.

problem.<sup>112</sup> For example, in the United States, HUD addressed crime in housing projects and vilified residents by imposing a zero-tolerance policy for its residents. In *HUD v. Rucker*, the Supreme Court permitted local housing authorities to evict tenants of public housing when household members or guests were in violation of anti-drug policies, even if the tenant was unaware of the drug activity.”<sup>113</sup> In Rio de Janeiro, Brazil, government raids on narcotics dealers and gangs in favelas are common practice.<sup>114</sup> In Curundú, the Panamanian Ministry of Housing responds to arson in the community by bulldozing debris and promising new housing for “qualified” families.<sup>115</sup> In these scenarios, lawful citizens suffer a double assault, first from criminals and then from the government. Often, positive results can be obtained when the governments of high-crime areas assist residents in organizing to minimize the occurrence of and mitigate the effects of criminal activity; however, this can occur only when residents are made to feel a part of the community improvement process, rather than objects of harsh regulation.<sup>116</sup>

Thus, the people in public housing rather than the system in which they are trapped are considered to be the problem. The policy models like those in Atlanta and Rio de Janeiro, which primarily involved the construction of new structures and citizen relocation,<sup>116</sup> are ineffective in

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<sup>112</sup> Perlman, *supra* note 86, at 122.

<sup>113</sup> See Dept. of Hous. & Urban Dev. v. Rucker, 535 U.S. 125 (2002).

<sup>114</sup> See e.g., Stuart Grudgings, Elite Police Squad Courts Controversy in Brazil, REUTERS/BOSTON GLOBE, July 1, 2008, available at [http://www.boston.com/news/world/latinamerica/articles/2008/07/02/elite\\_police\\_squad\\_courts\\_controversy\\_in\\_brazil/](http://www.boston.com/news/world/latinamerica/articles/2008/07/02/elite_police_squad_courts_controversy_in_brazil/).

<sup>115</sup> Jackson, *supra* note 31.

<sup>116</sup> In Rio de Janeiro, the Primer Entrega program, which means “first job” is doing what the government has struggled to do, by providing job training, extra-curricular education and artistic courses for people living in a Rio favela. Primer Entrega seeks to change the conditions in the favela by changing the lives of the people. Visit of Tiffany Williams to Cidade AltaFavela, Primer Entrega Program, June 2006.

addressing the roots of the deplorable conditions governments allegedly seek to improve, because those programs merely cause a geographic shift in concentrated poverty.<sup>117</sup> Further, in both Atlanta and Rio de Janeiro, the government left significant numbers of families without housing or forced families to relocate to parts of the city that were far away from their places of employment.<sup>118</sup>

By contrast, if Curundú faces a state-sponsored overhaul, its population could benefit from policy implementation that acknowledges the unique value of social networks and support systems to working-class communities that is often disrupted when they are forced to move miles away from those resources.<sup>119</sup> The conditions in Curundú reflect the need for comprehensive approaches to rebuilding long neglected public housing properties both to improve the quality of life for residents and the general welfare for the city.

### A. Existing Panamanian Governmental Programs

In October 2007, Panama's Minister of Housing proposed legislation that would give inhabitants in 10,360 public housing units title to their land based on the number of rent payments they had made to the state.<sup>120</sup> Residents who paid rent for at least sixteen years would receive full

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<sup>117</sup> See Roisman, *supra* note 109. (noting that by failing to address issues like social mobility, residents have few options to work themselves out of public housing.

<sup>118</sup> See generally Newman, *supra* note 40, at 5.

<sup>119</sup> DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, *supra* note 58, at v. With regard the relationships among neighbors in distressed public housing, the report stated, "[d]espite the socio-economic difficulties faced by these communities and their residents, some also benefit from a rich network of community resources including churches and non-profit organizations whose staffs and members provide important services and political leadership." *Id.*

<sup>120</sup> Winner, *infra* note 123.

title, and those who had paid rent at least 199 times would receive partial title of between 25% and 75%.<sup>121</sup> This initiative simultaneously acknowledges that public housing inhabitants acquire informal yet recognizable interests in their communities that cannot be entirely disposed of merely because of their lack of property rights and the importance of formal property rights to the empowerment of residents. However, the focus on homeownership does not adequately address the fact that inhabitants in places like Curundú lack the financial resources to accomplish the kind of structural improvement the community requires. Additionally, squatters have presumably never paid rent and will not benefit from any transfer of title.

While the Ministry's legislation regarding transfer of title has not yet been enacted, the Ministry of Housing has proposed other programs intended to provide inhabitable housing to the poorest of Panamanians.<sup>122</sup> PROVISOL, the Program for Supportive Living, provides a \$2,000 subsidy to families earning less than \$300 per month toward the purchase of a home upon a determination of creditworthiness.<sup>123</sup> The Program for Integral Improvement of Neighborhoods (PROBEMA), is a two part strategy that seeks both to (1) modernize physical infrastructure and (2) provide social programs and employment training.<sup>124</sup> It does not appear that inhabitants of Curundú could benefit substantially from PROVISOL because a mortgage subsidy is not helpful in a community where most of the housing is substandard or uninhabitable. However, PROMEBE in-

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<sup>121</sup> Don Winner, Panama to Give Government Owned Apartments to the Poor, PANAMA GUIDE, <http://www.panama-guide.com> (Oct. 4, 2007).

<sup>122</sup> Ministerio De Vivienda - Republica De Panamá , Resumen Préstamo De Innovación ¶ 3 [Ministry of Housing, Republic of Panama, Innovation Loan Summary], available at <http://www.mivi.gob.pa/paginasprincipales/programas07.html>.

<sup>123</sup> *Id.*

<sup>124</sup> *Id.*

volves the improvement of existing structures and the promotion of property rights and not the elimination of a particular community.<sup>125</sup> This combination of goals is a more comprehensive approach because it provides services to residents, which suggests an acknowledgement that the residents are important components of community improvement.

### **B. The Potential of HOPE VI as a Legislative Framework to Reinforce the Community Fabric**

The United States has attempted to encourage housing authorities to be creative when attempting to address the housing problem because authorities must address poverty, crime, structural maintenance, and community service to receive funds. If implemented and enforced responsibly, HOPE VI has the potential to be a useful tool to revitalize neighborhoods because of the broad latitude granted to housing authorities in planning. In 1993, the U.S. Congress attempted to improve distressed public housing through the Homeownership and Opportunity for People Everywhere Program (HOPE VI).<sup>126</sup> HOPE VI provides government grants to overhaul severely distressed public housing through rehabilitation, reconfiguration, demolition with on-site, off-site or Section 8 voucher replacement housing, and development of additional low-income and market-rate housing.<sup>127</sup> Some or all of these options can be combined into the plan for a single development, but demolition has

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<sup>125</sup> *Id.*

<sup>126</sup> HOPE VI was first enacted in 1993 and was subsequently revised in 1995. The revision to HOPE VI eliminated the requirement that housing authorities replace demolished units on a 1:1 ratio. *See Newman, supra* note 40, at 12.

<sup>127</sup> DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, *supra* note 40, at 5-3, 5-4.

been integral to most HOPE VI sites to date.<sup>128</sup> This is unfortunate because development that focuses on demolition and relocation alienates targeted communities from the planning process.

HUD asserts that HOPE VI funding can accomplish the Department's goals by investing in "sites, buildings, and people."<sup>129</sup> Indeed, HOPE VI projects could include efforts like those in PROMEBA and PROVISOL in Panama. However, it appears that the "people" HOPE VI funds have been used to benefit may not always be public housing residents. As of 1996, the implementation of social programs and resident involvement in HOPE VI projects has been marginal at best.<sup>130</sup> The City of Atlanta's use of HOPE VI funds demonstrates the potential for housing authorities to overemphasize the component of demolition and neglect the requirements for community and residential services.<sup>131</sup> Both Techwood and Clark Howell were listed among the worst for the level of resident involvement in 1996.<sup>132</sup> In fact, Atlanta was found to have actually discouraged resident involvement although residents were represented by legal counsel during HOPE VI proceedings.<sup>133</sup>

Indeed, Atlanta paled in comparison to cities like Charlotte where authorities built on relationships estab-

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<sup>128</sup> *Id.* at 1-26. Exhibit 1-7 shows that demolition on the table for all but seven of the thirty four HOPE VI projects that participated in the study while renovation was only proposed for eleven properties.

<sup>129</sup> *Id.* at ii.

<sup>130</sup> DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, *supra* note 58, at vi-vii.

<sup>131</sup> Initial HOPE VI plans for Techwood and Clark Howell involved renovation, but plans changed to demolition. *See id.* at 5-6, exhibit 5-2.

<sup>132</sup> DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, *supra* note 58, at vii.

<sup>133</sup> *Id.* at 5-13, 5-14, exhibit 5-4. Atlanta residents were forced to seek legal representation to be involved in the HOPE VI process. Georgia legal services negotiated a "Further Assurances Agreement," that called for continual involvement of residents throughout planning. *Id.*

lished from existing community organizations. Atlanta was described as having only “a small array of programs to support special projects or events” at the time HOPE VI funding was obtained,<sup>134</sup> whereas resident involvement and community organization seemed to be integral to Charlotte’s process before and during planning.<sup>135</sup> Charlotte employed a resident consultation model, involving several existing community groups in the planning process as well as at least 30 residents.<sup>136</sup> The residents’ input was then incorporated into Charlotte’s HOPE VI plan.

Charlotte’s policy preceding the implementation of HOPE VI also demonstrates that community involvement can serve as a vehicle to address crime without depending on the city’s police force or minimal security resources.<sup>137</sup> Even before the receipt of HOPE VI funding, Charlotte had 36 resident organizations sponsoring numerous services through two integral programs, the Drug Abuse, Treatment, Outreach, and Prevention Program (DATOP) and the Safe Neighborhood Awareness Program (SNAP).<sup>138</sup> Both DATOP and SNAP have reduced crime by 15 percent in targeted developments.<sup>139</sup> Thus, Charlotte is reinforcing and even strengthening the valuable community ties that Perlman emphasizes in her findings in order to preserve com-

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<sup>134</sup>*Id.* at 2-16, exhibit 2-5.

<sup>135</sup>*Id.* at 5-14. HOPE VI requires that each participating city shall make contributions for supportive services in an amount equal to 15 percent of the funding provided for supportive services and that these contributions shall be derived from non-Federal sources. *Id.* at 1-9.

<sup>136</sup>*Id.* at 5-14.

<sup>137</sup>*Id.* at 2-16, exhibit 2-5.

<sup>138</sup>*Id.* While DATOP does involve the eviction of tenants who have found to be engaged in drug-related activity, it involves residents. The program “trains and supports a youth advisory council aimed at developing drug education and prevention and provides on-site out-patient treatment and after-care. *Id.* at 2-15. Another program sponsored by the housing authority in Charlotte trains teens to recognize symptoms of drug abuse so that they may help their peers obtain treatment. *Id.*

<sup>139</sup>*Id.* at 2-14.



munities. The community members are involved in the preservation *and* rebuilding process of their neighborhood.

HOPE VI requires self-sufficiency resources for residents, to encourage social mobility. Charlotte had already implemented two programs, Gateway and Stepping Stone, before they obtained HOPE VI funding.<sup>140</sup> Both programs have become national models for transitional housing programs.<sup>141</sup> To further encourage social mobility, Charlotte formed the Homeownership Institute of the Charlotte Housing Authority, which used HOPE VI funding to educate selected residents about “all aspects of homeownership” over a period of 13 months. The program’s success rate is 75 percent—meaning that 75 percent of its graduates have bought or will buy a home.<sup>142</sup> Again, this effort focuses on the potential of residents to overcome their obstacles to become even more useful members of their community without completely removing them from their social network.

HOPE VI is not by any means perfect, but it at least provides housing authorities with a framework in which to work to address the many facets of community improvement including using existing ties in communities to help neighborhoods help themselves. By providing for community service, residential service, self-sufficiency support, crime-prevention and educational services in the statute, residents are empowered to form specific expectations of the government. They may also be more encouraged to become involved in the planning process, like the citizens of Charlotte. Also, by providing for renovation, remodeling in addition to demolition, HOPE VI gives housing authorities room to explore and apply creative solutions to the low-income housing problem. Communities like Curundú

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<sup>140</sup> *Id.* at 2-16, Exhibit 2-5.

<sup>141</sup> *Id.*

<sup>142</sup> DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, HOPE VI: COMMUNITY BUILDING MAKES A DIFFERENCE (2000).

may benefit from broad legislation like HOPE VI because they may employ the strength of their existing community ties to work with the government to improve their conditions.

#### IV. Conclusion

The world's poor are fighting to keep roofs over their heads. Unfortunately, the people are too often perceived as the root of, and not solutions to, the affordable housing crisis. Accordingly, it seems that governments too often seek to remove people instead of thoughtfully addressing problems. In Atlanta, the Atlanta Housing Authority alienated the residents of Techwood and Clark Howell Homes from the planning process and relocated the majority of them to neighborhoods distant from their original homes. Now, a new mixed-income community, a dormitory, YMCA, elementary school and other resources sit where Techwood & Clark Howell once were<sup>143</sup>, but many of the former residents live so far away that they cannot enjoy these amenities. In Rio de Janeiro, the Brazilian government razed favelas in an attempt to rid the city of the problem, but thirty years later, the number of favelas is far greater than it was in 1970. Further, public housing designed to house former favela residents have themselves become favelas, carrying with them the debilitating stigma that residents may have thought they escaped.

Curundú sits in the center of a city that is rapidly transforming itself before the world's eyes. Still, the incidence of violent crime and arson does not seem to be subsiding. Police raids and bulldozers are not solving the problem. Thus, the Panamanian government today has the opportunity to take a holistic approach to improving Curundú for the benefit of its residents. Undoubtedly, the entire city too can benefit from improvements in Curundú.

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<sup>143</sup> *Id.*

Instead of adopting the common approaches of demolition and relocation, Panama should leverage the collective power of residents to prove that overcoming housing obstacles does not require that they entirely deny the existing residents opportunity to enjoy the benefits that revitalization brings.





