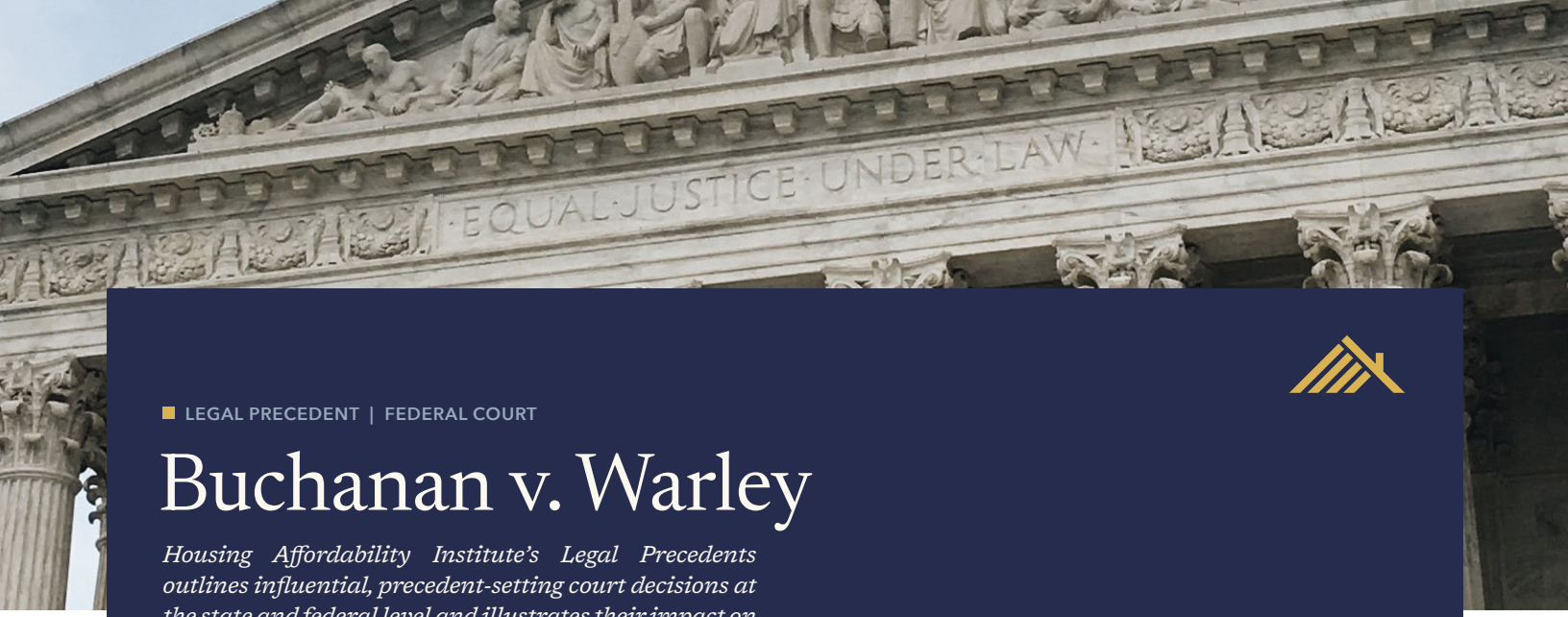

LEGAL PRECEDENT | FEDERAL COURT

Buchanan v. Warley

Housing Affordability Institute's Legal Precedents outlines influential, precedent-setting court decisions at the state and federal level and illustrates their impact on housing and development and their impact on housing and development.

CASE OVERVIEW

Buchanan v. Warley, 245 U.S. 60 (1917), was a 1917 decision from by the United States Supreme Court establishing that zoning based on racial segregation is unconstitutional.

In 1915, William Warley, a Black attorney, agreed to purchase land owned by Charles Buchanan in the city of Louisville, Kentucky, with the direct intent of building a home on this lot. At the time, Louisville had an ordinance that forbade Black residents from living on a block where the majority of residents were white. The offer by Warley acknowledged the ordinance, and although Buchanan accepted the offer, the transaction did not occur. Buchanan filed suit and the case found its way to the nation's top court.

In 1917, the Court unanimously ruled that the ordinance was a violation of the 14th Amendment.

PRECEDENT

Buchanan v. Warley unanimously established that laws and ordinances cannot restrict access to property based on race without due process:

> *"We think this attempt to prevent the alienation of the property in question to a person of color was not a legitimate exercise of the police power of the State, and is in direct violation of the fundamental law enacted in the Fourteenth Amendment of the Constitution preventing state interference with property rights except by due process of law."*

IMPACT ON HOUSING

Buchanan v. Warley had an immediate impact on housing access, preventing governments from enacting laws and ordinances that were created to achieve means of racial segregation by limiting access to housing without due process. The decision, however, is limited in its scope and reflects the attitudes of race relations in America in the early 20th century.

This is reflected in both the language of the opinion, which calls racial segregation "desirable" and integral to the "preservation of the public peace." It then goes on to state this "cannot be accomplished by laws or ordinances which deny rights created or protected by the Federal Constitution." Fiscal zoning, redlining and racial covenants to achieve segregation via socio-economic status stem from this decision.

FURTHER READING

Village of Euclid v. Ambler Realty Co., 272 US 365 (1926)
Corrigan v. Buckley, 271 U.S. 323 (1926)
Shelley v. Kraemer, 334 US 1 (1948)