

How Zoning Drives Educational Inequality: The Case of Westchester County

JULY 17, 2023 – RICHARD D. KAHLENBERG

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New York State, like many other states, has a housing affordability crisis, which also exacerbates large inequalities between local public education systems. Government zoning laws that constrain the supply of housing and exclude people of modest means from living in high-opportunity communities are a major cause of both problems. While most of the debates in New York over housing policy have centered around the first problem—the ways in which restrictive zoning drives up housing prices—this report focuses on an equally important and often overlooked challenge, the impact of zoning on the educational opportunities of children.

The report examines two communities in New York City’s suburban Westchester County—Scarsdale and Port Chester—and the ways in which restrictive zoning impedes educational opportunities. Earlier reports in this series have made similar comparisons of neighborhoods in Queens and Long Island.¹ A subsequent report will examine communities in the Buffalo area.

This report proceeds in four parts. The first part examines how Scarsdale and Port Chester differ in their demographic makeups, home prices, and in the educational opportunities

that their school systems provide. The second part examines how the two communities, though located within a short drive of one another, became so different. That section of the report takes a close look at the different zoning regimes in the two communities and the impact of other government policies, such as decisions about where to locate public housing. The third part discusses the role Westchester County generally, and Scarsdale in particular, have played in political debates about reforming zoning in New York State. The fourth part concludes with thoughts about the possibility of a better future.

Comparing Two Nearby Westchester Communities: Scarsdale and Port Chester

Westchester County is home to many of New York City’s suburbs, which are connected to Grand Central Station in Manhattan by three Metro-North Railroad lines (Harlem, Hudson, and New Haven).² In popular television culture, Westchester is where the Petrie family, including Dick Van Dyke, a Manhattan executive, and his wife, Mary Tyler Moore, resided in a 1960s television series.³ Westchester is also the setting for E. L. Doctorow’s novel and Broadway

<https://tcf.org/content/report/how-zoning-drives-educational-inequality-the-case-of-westchester-county/>

musical, “Ragtime.”⁴

Home to close to 1 million residents in 2022, the population was 52.4 percent non-Hispanic white, 25.9 percent Hispanic, 16.7 percent Black, and 6.6 percent Asian. The median household income was \$105,387.⁵

Some of Westchester’s communities are highly segregated. According to a 2023 report from the civil rights group, ERASE Racism, five of Westchester’s forty-six school districts had student populations in which 90–100 percent of students were students of color in 2021: Elmsford Union Free School District, Greenburgh Eleven Union Free School District, Mount Pleasant Cottage Union Free School District, Mount Vernon School District, and Peekskill City School District.⁶ At the other extreme, some Westchester County communities are segregated with high non-Hispanic white populations, such as the villages of Bronxville and Larchmont (both 81 percent non-Hispanic white), and the village of Pelham Manor and City of Rye (both 77 percent white).⁷

To examine the connection between zoning and educational opportunities, The Century Foundation worked with Vicki Been, a former deputy mayor for housing and economic development in New York City and now a faculty director of the Furman Center at New York University, and Been’s Furman colleagues Hayley Raetz, Jiaqi Dong, and Matthew Murphy, to identify two Westchester communities near one another that have different zoning regimes. Scarsdale and Port Chester are located just eight miles from one another, but in terms of zoning, racial and economic demographics, and the performance of the public schools, the two municipalities are enormously different.

Scarsdale, a community of 18,253 residents living in seven square miles, had a population that was 71.2 percent non-Hispanic white, 15.7 percent Asian, 6.5 percent Hispanic, and just 1.7 percent Black in 2021. A whopping 90.7 percent of the adult population had a bachelor’s degree or more. The median household income exceeded \$250,000.⁸ It has been rated “the richest town on the East Coast.”⁹ Scarsdale has been home to celebrities such as Yoko Ono, Liza Minelli,

and Judy Garland.¹⁰

Port Chester, a village of 2.4 square miles, is part of the town of Rye, but it is distinct from the City of Rye, which is mostly white and affluent. Port Chester was cut off from the City of Rye when interstate highways 287 and 95 were built.¹¹ In 2021, Port Chester had 31,693 residents, of whom 64.2 percent were Hispanic, 27.7 percent non-Hispanic white, 5.2 percent Black, and 1.4 percent Asian. Just 31.3 percent of adults had a bachelor’s degree or more—a fifty-nine-point gap in college attainment compared with Scarsdale. The median household income in Port Chester was \$88,903—a small fraction of the income in Scarsdale. (See Table 1 and Appendix 1.)

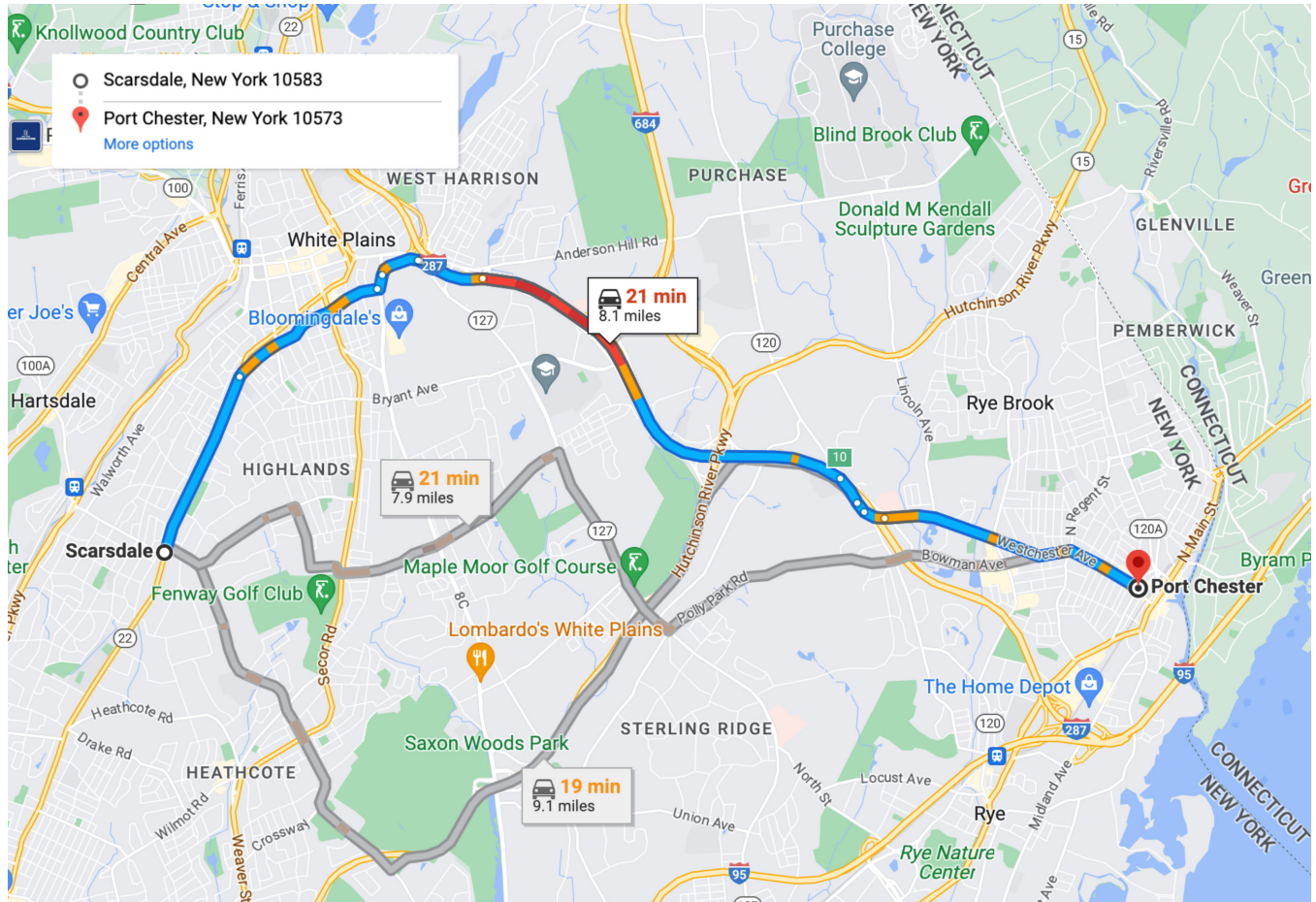
In the 1960s, Port Chester attracted Hispanic immigrants to local factories, but after those factories shut down, the village evolved into a community, says the New York Times, that services “the affluent suburbs as landscapers, day laborers, house cleaners and child-care providers.”¹² The village is home to two commercial bakeries.¹³

The local public school student populations in Scarsdale and Port Chester reflect the different demographics of the two communities. As shown in Figure 2, prepared by the Furman Center, the public school students in the Scarsdale Census Designated Place (CDP) attend the Scarsdale Public Schools. Public school students who reside in Port Chester are assigned to attend Port Chester–Rye School District, which is somewhat larger than Port Chester CDP. As the map shows, the middle school and high school are located outside of the Port Chester CDP boundary line.

In Scarsdale schools, a stunning 0 percent of students were reported as eligible for free or reduced price lunch in 2021 at the elementary school level (meaning none come from families at or below 185 percent of the poverty line). In Port Chester, three-quarters of public school students were eligible for subsidized lunch.

Researchers have consistently found that in order to provide genuine equal opportunity, schools with higher concentrations of poverty like those in Port Chester

FIGURE 1: SCARSDALE AND PORT CHESTER ARE EIGHT MILES APART



should spend more money per pupil. In fact, however, the per pupil expenditure in 2020 was \$15,119 in Port Chester, almost \$5,500 less per pupil than in Scarsdale, where the expenditure was \$20,591. This differential does not count private giving through Parent Teacher Associations, which adds hundreds of millions of dollars to school budgets nationally.¹⁴ Affluent communities such as Scarsdale are much more likely to raise private funds than less affluent communities such as Port Chester. In May 2023, for example, the Fox Meadow Elementary PTA in Scarsdale offered gifts for capital improvements totalling close to \$50,000.¹⁵ Extra public resources in Scarsdale were able to purchase the children of affluent families in Scarsdale extra educational benefits, such as lower student–teacher ratios. In 2021, for example, there were 7.4 students for every teacher in Scarsdale at the elementary school level, compared with

10.1 students for every teacher in Port Chester. (See Table 2 and Appendixes 1 and 3). Research from Tennessee and elsewhere has generally found that smaller class sizes are beneficial to student learning.¹⁶

Teacher experience can improve academic achievement for children, yet in Port Chester, 17.7 percent of teachers were in their first or second year of teaching in 2017, twenty-five times the rate for Scarsdale, where just 0.7 percent of teachers were in their first or second year. More recent data which examines the proportion of teachers with less than five years experience also shows that Scarsdale has fewer inexperienced teachers than Port Chester. It is difficult to directly compare access to Advanced Placement courses across the two jurisdictions because Scarsdale jettisoned AP courses in favor of its own college level Advanced

TABLE 1

SCARSDALE AND PORT CHESTER DEMOGRAPHICS, 2021		
	Scarsdale	Port Chester
Median household income	\$250,000 +	\$88,093
Percentage of adults with a bachelor's degree or higher	90.7%	31.1%
White (non-Hispanic)	71.2%	27.7%
Black	1.7%	5.2%
Hispanic	6.5%	64.2%
Asian	15.7%	1.4%
Source: NYU Furman Center. For more details, see Appendix 1.		

Topics (AT) classes several years ago.¹⁷ But it is notable that Scarsdale provides access to 25 AT classes, while Port Chester students have access to 15 AP classes.

In 2019, 32 percent of Port Chester students were performing at grade level in English, compared with 87 percent of students in Scarsdale—a staggering 55-percentage-point gap. In math, 35 percent of Port Chester students performed at grade level, compared with 90 percent of Scarsdale students, also a 55-point gap. In 2021, 84 percent of Port Chester public high school students graduated in four years, compared with 99 percent of Scarsdale public high school students. In the 2021–22 school year, Port Chester–Rye Union Free School District (UFSD) was designated as a “target district” under New York State’s school accountability system, meaning it was one of the districts that “struggled to prepare some of their student subgroups on some or all indicators.”¹⁸ By contrast, Scarsdale UFSD was designated one of the districts in “good standing,” meaning they demonstrated “success in all performance goals.”¹⁹

How can we explain these gaps? Students in Port Chester face a double disadvantage in reaching their full academic potential. Because three-quarters of Port Chester students come from families making less than 185 percent of the poverty line, they are much more likely to be hungry, lack

high-quality health care, have access to the Internet, or a quiet place to do homework.²⁰ But family poverty is only a partial explanation, because low-income students given a chance to attend lower-poverty schools have been found to cut the achievement gap with their middle-class peers in half in math and by one third in reading.²¹ On top of family poverty, economic segregation—the concentration of student poverty—also has a well-documented detrimental effect on student achievement.²²

With research showing that economic segregation can harm and limit low-income students’ academic achievement, it is important to understand the role that deliberate choices such as restrictive zoning and other factors play in driving that economic school segregation.

How Did Scarsdale and Port Chester Become Separate and Unequal?

How did Scarsdale and Port Chester—and other communities in Westchester County—end up so economically and racially segregated? And how did their schools end up so unequal?

Geography does not seem to be an obvious explanation. Port Chester is nestled between very affluent communities such as Rye, Rye Brook, and Greenwich, Connecticut, and a

strip of Port Chester is desirable waterfront property, facing directly on the Long Island Sound.²³ Scarsdale, by contrast, is landlocked.

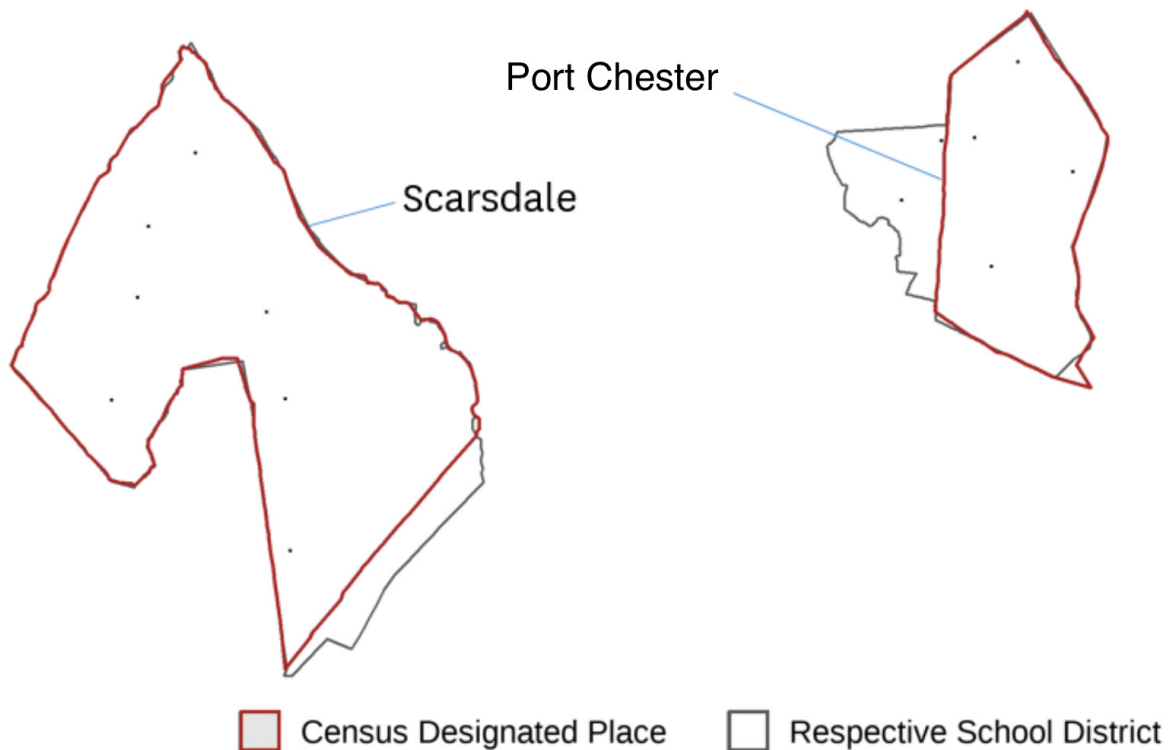
To a certain extent, economic and racial segregation reflects individual family choices about where to live and the working of the marketplace (communities with higher performing schools, for example, command higher real estate prices). But segregation in Westchester is also the result of government policies, such as enforcement of racially restrictive covenants. These covenants forbade homeowners from reselling a property to Black, Hispanic, Asian, or Native American people.²⁴ Such covenants were

in widespread use in New York suburbs. One survey of 300 developments built between 1935 and 1947 in Westchester County (and other Manhattan suburbs such as Queens and Nassau County) found that “56 percent had racially restrictive covenants. Of the larger subdivisions (those with seventy-five or more units) 85 percent had them.²⁵” Racially restrictive covenants were struck down by the U.S. Supreme Court in 1948.²⁶

Today, among the most important government policies and practices driving segregation include (1) decisions about where to place public housing; and (2) flagrant income discrimination through exclusionary zoning (which

FIGURE 2

Public Schools in Port Chester and Scarsdale Westchester County, NY



Sources: New York State Education Department, NYU Furman Center

TABLE 2

SCARSDALE AND PORT CHESTER: SCHOOL FACTORS AND OUTCOMES		
	Scarsdale	Port Chester
Percent of students qualifying for free and reduced-price lunch, elementary level, 2021–22	0.0%	74.6%
Per-pupil expenditure, 2020	\$20,591	\$15,119
Student–teacher ratio, elementary level, 2021	7.4	10.1
Share of teachers in their first or second year of teaching, 2017	0.7%	17.7%
Percentage of students performing at grade level in English, 2019	87.1%	32.0%
Percentage of students performing at grade level in Math, 2019	90.3%	34.5%
Percentage of high school students who graduated in four years, 2019	98.9%	84.1%
Source: NYU Furman Center. For more details, see Appendix 1.		

disproportionately hurts people of color).

Decisions about Where to Place Public Housing

In the 1980s, Westchester became famous in national housing circles by taking extreme steps to avoid housing desegregation. The Westchester city of Yonkers, which had placed most public housing in the southwest section of town, nearly went bankrupt from penalties it faced in resisting integration.²⁷

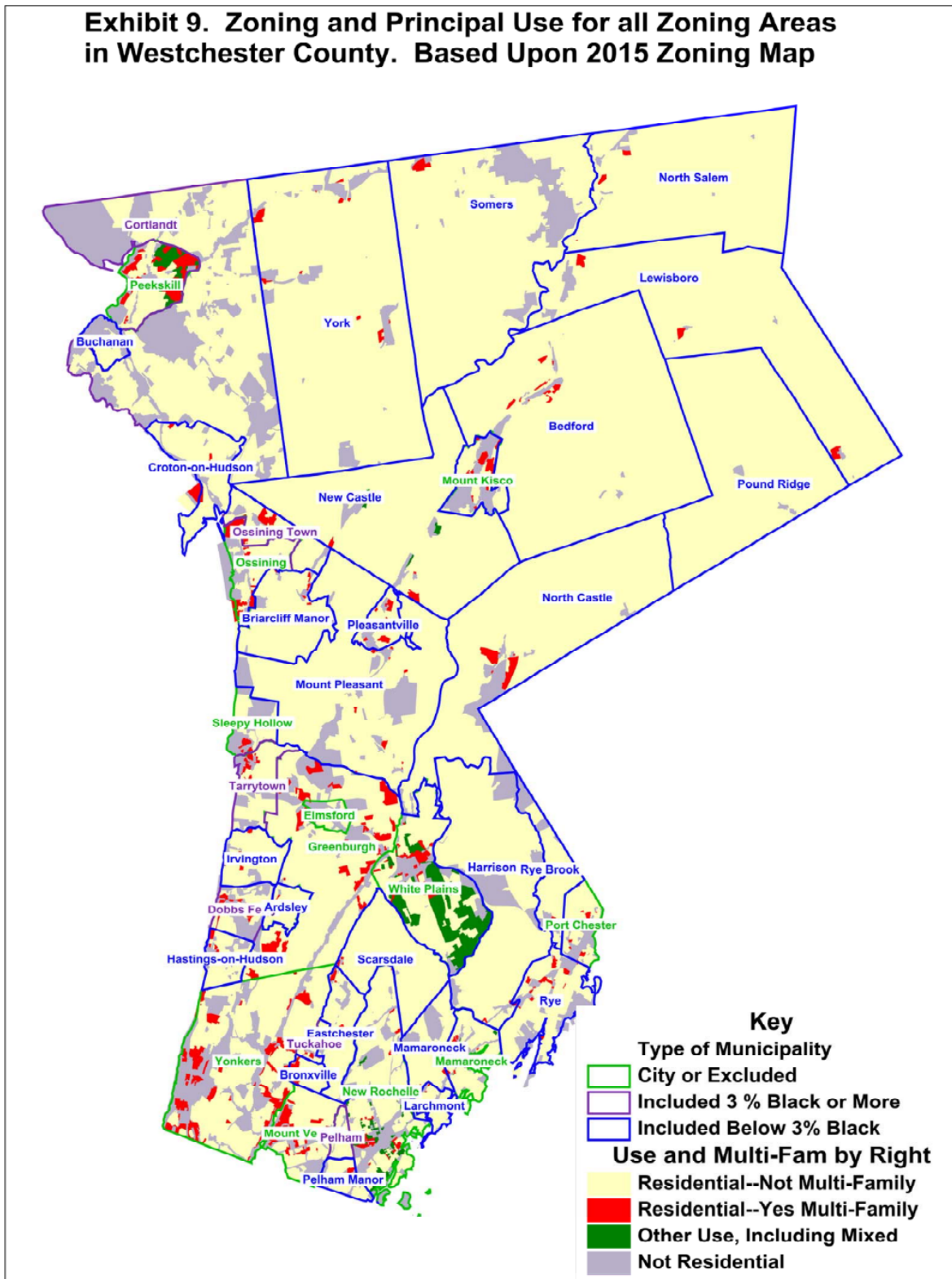
In February 2009, Westchester was back in the news as a federal judge ruled in a lawsuit brought by a civil rights group, the Anti-Discrimination Center, that Westchester had fraudulently taken federal money after falsely claiming that it had made efforts to desegregate. In August 2009, Westchester County officials agreed to build or purchase and make available 750 affordable homes or apartments,

more than 80 percent of which would be built in mostly-white suburbs. The Obama administration helped broker the settlement and Ron Sims, the deputy secretary of housing and urban development, lauded the agreement, saying “This is consistent with the president’s desire to see a fully integrated society.”²⁸

Even though the settlement was in one sense modest—less than 1,000 units in a county of 1 million residents—many Westchester community members were outraged. Westchester’s county executive, Andrew Spano, who signed the agreement, “ignited a political firestorm,” one observed noted, and he was defeated in the November 2009 election by Republican Rob Astorino, who railed against the settlement. Astorino went so far as to claim that in Westchester County “we have no exclusionary zoning.”²⁹

Notably, the opposition to the settlement was sometimes

FIGURE 3: ZONING AND PRINCIPAL USE FOR ALL ZONING IN WESTCHESTER COUNTY (2015)



Source: Anti-Discrimination Center; and Craig Gurian, "It's Past Time the Biden Administrations Ended Segregation in This Suburb," Daily Beast, July 22, 2021, <https://www.thedailybeast.com/its-past-time-the-biden-administration-ended-segregation-in-new-yorks-westchester-county>.

more rooted in class than race. One Black resident of a high-income community in Westchester County, for example, opposed the Obama administration's legal efforts to promote low-income housing, arguing, "I am appalled at this decision to reward those individuals who . . . chose the easy way out instead of dedicating oneself to hard work."³⁰

In a 2012 analysis for Pro Publica, journalist Nikole Hannah-Jones noted that the Obama administration had not done much to enforce the 2009 settlement. In fact, eighteen of the affordable units that were part of the settlement to desegregate were placed in Port Chester, an already working-class and heavily minority community.³¹ Cherie Michaux, a single mother who is an assistant teacher, told Hannah-Jones that she would like to live in an affordable unit in the City of Rye, with its superb public schools, but was resigned to remaining in Port Chester, which she described as "that big old melting pot of those who can't make it."³²

In the 2012 report, Hannah-Jones said that 73 percent of affordable housing built by Westchester County in the previous two decades were built in eleven disproportionately Black and Hispanic neighborhoods. Scarsdale, she noted, "did not add a single unit of affordable housing during those years."³³

In the 2020 presidential campaign, Donald Trump specifically cited the Westchester County settlement as an example of an effort to "destroy the suburbs." But the settlement had still not been fully enforced. In July 2021, Craig Gurian, executive director of the Anti-Discrimination Center which brought the lawsuit, was deeply frustrated. He wrote: "over the course of nearly 12 years, from 2009 to the present, the central provisions of the order were not enforced, and the fundamental goal of the order was not achieved." Some housing was built in exclusionary suburbs such as Larchmont, but even in that instance, it was placed right next to railroad tracks. Overall, only about 50 percent of new units were built in mostly white towns.³⁴ In August 2021, Westchester was released from the housing settlement, and the county executive, George Latimer, said "I am thrilled that we are able to put it behind us."³⁵ Scarsdale, Gurian noted in 2021, was not required to build any affordable housing.³⁶

Income Discrimination through Zoning

In addition to discriminatory government judgements about where to place public housing, zoning has been a prime driver of residential segregation. Government-sponsored zoning restrictions that forbid multifamily housing, or even single-family homes on modest-sized plots of land, are pervasive in American communities, including in Westchester County. According to Princeton sociologist Douglas Massey and his colleagues: "Density zoning is now the most important mechanism promoting class and racial segregation" in the United States.³⁷

A 2012 analysis of the fifteen most exclusionary Westchester communities (where Black populations were less than 2 percent of total residents) found that "only 1.6 percent of available land is set aside for apartments or condos."³⁸ And a 2015 analysis by the Anti-Discrimination Center confirmed that bans on multifamily housing in Westchester County are widespread. (See Figure 3.)

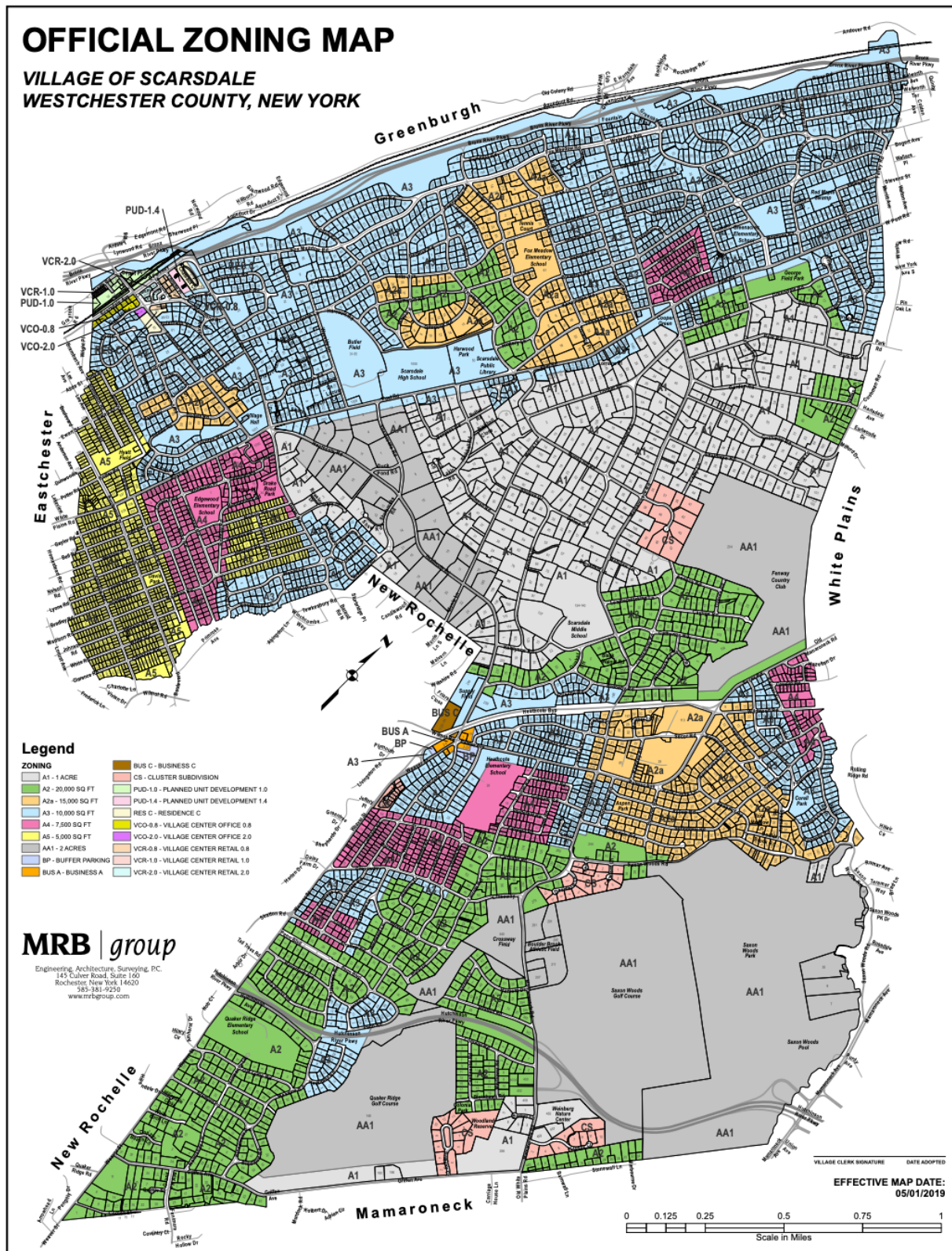
A comparison of the zoning codes in Scarsdale and Port Chester vividly illustrate the markedly different ways communities approach zoning.

In Scarsdale, as Vicki Been notes in Appendix 2, multifamily homes are relegated to "a few parcels" in the entire community. She writes: "The vast majority of the Village is zoned for single-family use on lots of at least 10,000 feet." (See Figure 4.) In 2021, just 0.2 percent of Scarsdale's lot area was made up of existing structures classified as two- or three-family homes or apartments.

These zoning restrictions are longstanding. When Scarsdale was made accessible to New York City by train over a century ago, village officials began to clamp down on the possibility of apartments, the New York Times reports.³⁹ Among Westchester communities, Scarsdale was an early adopter of exclusionary zoning policies, embracing a strict code to screen out less expensive housing in the 1920s.⁴⁰

Later, in the 1960s, a plan to build low- and moderate-income apartments in Scarsdale was opposed to prevent

FIGURE 4: SCARSDALE ZONING MAP



Source: Village of Scarsdale website, <https://www.scarsdale.com/DocumentCenter/View/139/Scarsdale-Zoning-Map-with-Addresses-PDF?bidId>.

the creation of an “isolated urban ghetto.”⁴¹ In the 2020s, the same dynamic has appeared to be at play. When developers proposed to redevelop a decrepit parking garage into apartment units, including some that would be affordable, community opposition has been strong and thus far stymied the project.

Sometimes, the arguments against the proposed apartments appeared farfetched. Some opponents argued, for example, that the public schools could not make room for more students.⁴² But in Scarsdale, demographers have projected declining enrollment in the public schools. A 2019 article noted, for example, that “enrollment for kindergarten in Scarsdale was down—way down,” so class sections had to be cut.⁴³ It is notable that concerns about overcrowding are not typically raised when older neighbors move out of a community and new families with young children move into single-family homes. No one objects to say the schools cannot possibly accommodate new children.

Compare Scarsdale’s highly restrictive zoning to that found in Port Chester. As Been notes in Appendix 2, “Port Chester allows duplexes, townhouses, and multifamily buildings of between three and fifteen stories on approximately half its land.” (See Figure 5.) In 2021, nearly one-quarter (23.5 percent) of lot area was classified as two- or three-family lots or apartments.

Recent growth in Scarsdale and Port Chester reflect their very different zoning regimes. In Port Chester, 41 percent of units (24 of 58 units) authorized to be built between 2014 and 2021 were for multifamily housing. In Scarsdale, none (0 of 218 units) were for multifamily homes. Although real estate developers typically make more money building multifamily housing than single-family homes in wealthy areas, Scarsdale essentially forbids it.⁴⁴

Moreover, Scarsdale drives housing prices up even higher by requiring that single-family homes often be built on very large lots. The Wharton Density Restrictions Index gives Scarsdale the most restrictive rating (4 out of 4) because some of the minimum lot size requirements exceed two acres. Port Chester, by contrast, receives a 1 (least restrictive)

rating because its largest minimum lot sizes are less than half an acre. Astonishingly, even some of the areas nearby the Scarsdale rail station now have a two-acre lot requirement.⁴⁵

Scarsdale does approve permits slightly more quickly than Port Chester (eleven months on average, as compared with thirteen months), but that fact is of little help to families who cannot afford a single-family home. While the overall Wharton Land Use Index rates both communities as highly restrictive, in fact, as Been notes, a closer examination shows Scarsdale is in fact far more restrictive, especially in its updated code.⁴⁶ (See Appendix 1 and 2.)

In 2020, the median single-family housing price in Scarsdale was a whopping \$1.65 million, or almost triple the \$592,000 median price of a home in Port Chester. In Scarsdale, renters are rare. Fewer than 10 percent of residents rented in Scarsdale in 2021, while more than half did so in Port Chester.

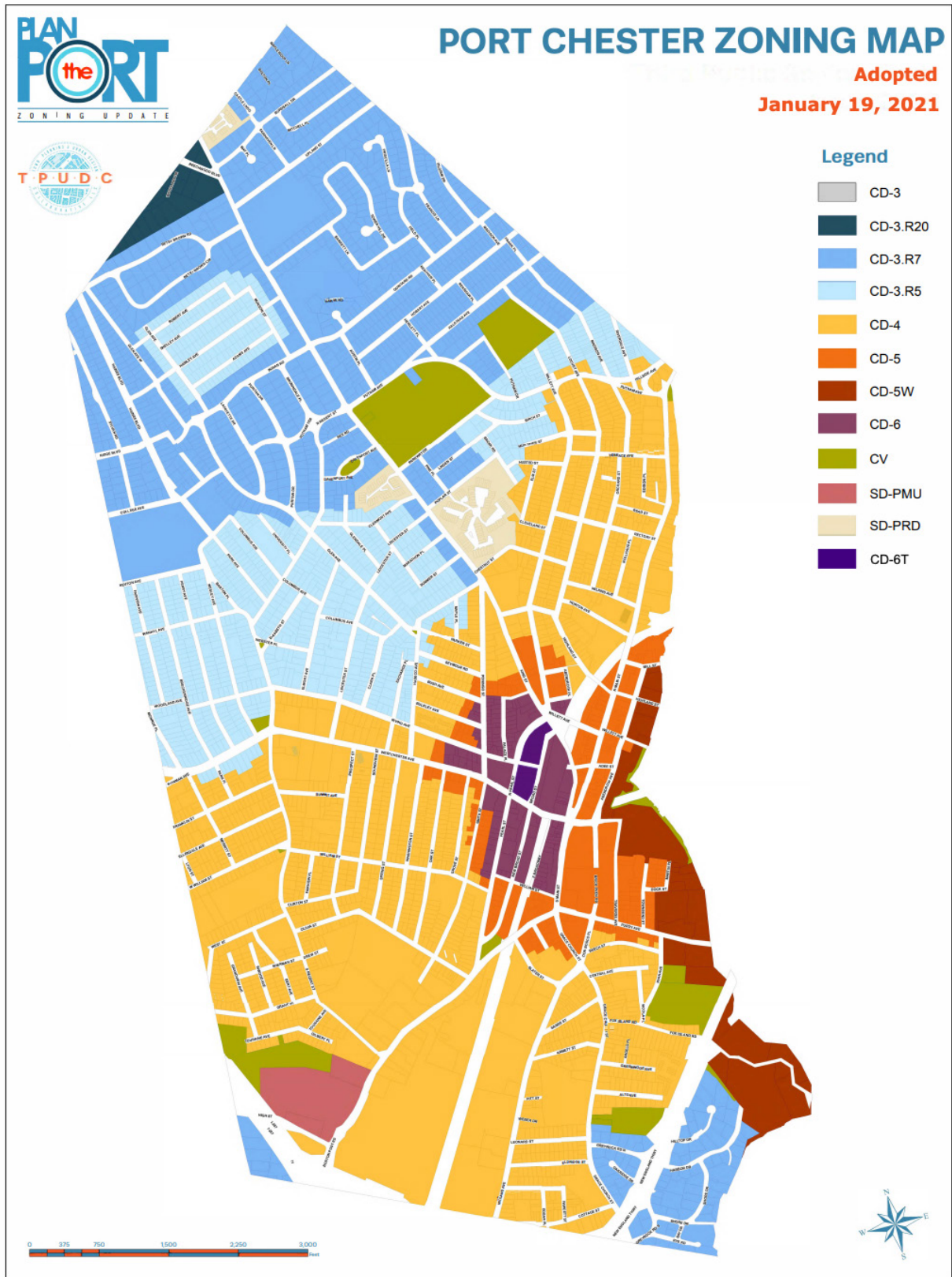
Overall, Scarsdale’s exclusionary policies mean Port Chester had more than four times as many people per square mile (12,400) as Scarsdale (2,700) in 2020. Scarsdale’s population also grew more slowly between 2010 and 2020 (6.3 percent) than Port Chester’s did (9.4 percent).

The Role of Westchester County and Scarsdale in Derailing Zoning Reform

As the widely disparate zoning of Scarsdale and Port Chester show, Westchester County—like so many counties across the country—leaves it to local municipalities to decide housing policies within their boundaries. Even when this devolution of authority results in significant residential segregation, there is strong resistance to changing it: when state legislators and officials tried to launch a statewide zoning reform effort that would have curtailed the ability of localities to severely limit housing growth through restrictive zoning, officials from Westchester County—particularly Scarsdale—were among those working hardest to kill it.

The battle came in the winter and spring of 2023, in response to Governor Kathy Hochul’s proposed New York Housing

FIGURE 5: PORT CHESTER ZONING MAP



Source: Village of Port Chester website, <https://www.portchesterny.gov/documentcenter/view/250/zoning-map-pdf>.

TABLE 3

SCARSDALE AND PORT CHESTER HOUSING POLICIES AND OUTCOMES		
	Scarsdale	Port Chester
Share of lot area, existing structures classified as two- or three-family residences or apartments, 2021	0.2%	23.5%
Share of new units authorized that are single-family housing, 2014 to 2021	100% (218 of 218)	59% (34 of 58)
Median single-family housing price, 2020	\$1,648,925	\$592,242
Share of occupied housing, occupied by renters, 2021	9.5%	56.6%
Population density per square mile, 2020	2,700	12,400
Growth of population, 2010 to 2020	6.3%	9.4%
Source: NYU Furman Center. For more details, see Appendix 1.		

Compact to build 800,000 new homes over the next decade. Under the Compact, downstate municipalities would have been given the goal of increasing their housing supply by 3 percent every three years. (Upstate communities would have been asked to seek to increase housing supply by 1 percent every three years.) Under the proposal, if communities failed to reach those goals, the state would require municipalities to provide applicants for housing permits with a fast track approval process. In addition, downstate areas would need to rezone for greater housing within a half mile of commuter railway and subway stations.⁴⁷

Hochul’s plan would have heavily impacted Westchester, as it would have Long Island, because those two regions build very little new housing—much less than is built just over the river from New York City in New Jersey, for example.⁴⁸ Westchester would also have been heavily affected by Hochul’s proposal that downstate areas would need to rezone for greater housing within a half mile of commuter railway and subway stations. Localities would have to allow at least fifty housing units per acre near Metro-North stations, which are dotted throughout Westchester County.⁴⁹

Opposition from Westchester County officials was strong. In February 2023, twenty-five Westchester mayors and supervisors signed a letter opposing Hochul’s reforms.⁵⁰ The Westchester County executive, George Latimer, a Democrat, also voiced opposition.⁵¹

Scarsdale’s member of the New York Assembly, Amy Paulin, a Democrat, said Hochul’s “proposal would change the complexity of our county in a way that doesn’t make sense.”⁵² Westchester County’s Andrea Stewart-Cousins, the Democratic leader of the State Senate, meanwhile, rejected Hochul’s plan and called instead for financial incentives to encourage communities to voluntarily permit more housing.⁵³

Notably, some Westchester leaders, especially those representing more diverse communities, including the mayors of Yonkers, New Rochelle, and Mount Vernon, did not sign a letter of opposition to Hochul’s plan. The mayor of White Plains, Tom Roach, affirmatively praised Hochul’s Housing Compact.⁵⁴

But overall, the suburbs—including Westchester—were

widely seen as the political force that killed Hochul’s housing reforms. One Assembly source told *New York Focus*, “There were a lot of members who thought they’d get killed in re-election if they were overriding local control.” The source said: “All the suburban members were very thankful that the mandates are out.”⁵⁵

Melanie Spivak, a Scarsdale Neighborhood Associations board member, celebrated the defeat of Hochul’s plan. “Local control of our zoning laws and building requirements are imperative to protecting our unique village,” she said.⁵⁶

Governor Hochul’s housing plan was slated to be “the most consequential” reform in decades, a “potential centerpiece for her first term.” But she ended up suffering a “spectacular failure,” the *New York Times* noted. And “the most passionate resistance came from legislators representing Westchester and Long Island suburbs.”⁵⁷

What’s particularly puzzling is that most (though not all) of the suburbs of Long Island and Westchester lean left politically. True enough, Suffolk County on Long Island is politically mixed—it split evenly, 49 percent to 49 percent, when voting in the race between Joe Biden and Donald Trump in 2020. But Nassau County went 54 percent to 45 percent for Biden, and Westchester County went an astonishing 68 percent to 31 percent for Biden.⁵⁸ Scarsdale’s voting was even more liberal, supporting Biden with about three quarters of the vote.⁵⁹ And yet liberal values, which would normally prize inclusivity and sympathy for those struggling with high housing prices, were not on display in the fights over zoning.

Creating a Better Future

When liberal communities back exclusionary policies, people chalk it up to an inevitable triumph of self-interest over values. But when it comes to the impact of housing policies on education, there are important ways in which it can be in the self-interest of parents in places like Scarsdale to reduce the exclusionary barriers they have erected.

It is true that when poor and working-class families and

their children are kept out of a neighborhood through exclusionary zoning laws, the schools there will boast higher average test scores—the product of students who have had the most resources and opportunities in life. But that exclusion also comes with big educational costs as well. Exclusion robs wealthy Scarsdale students of the chance to learn from students who bring different life experiences to the classroom. Research from Amy Stuart Wells and colleagues finds that “students’ exposure to other students who are different from themselves and the novel ideas and challenges that such exposure brings leads to improved cognitive skills, including critical thinking and problem solving.”⁶⁰ More diverse schools have also been found to enhance student engagement, civil participation, and a sense of belonging.⁶¹ Diversity can build greater empathy as well. Most parents want schools to help their students to learn academic skills, develop a deeper understanding of the world, and become better people. Researchers have identified an important group of privileged “happiness-oriented parents” who actively seek a diverse and welcoming setting, rather than an exclusive and academically cut-throat environment, for their children.⁶² The exclusionary laws in place frustrate those goals.

And if parents in places like Scarsdale want to instill liberal values in their children, what better way would there be to do so than to demonstrate these values by fighting against exclusionary zoning? In New York State, more than half of residents spend at least 30 percent of their income on housing.⁶³ There simply is not enough housing being built in the state, and because of that, prices are going up for the housing that exists.⁶⁴ Imagine if parents in Scarsdale, instead of saying they don’t want more housing because it will hurt the “character” of Scarsdale, recognized that by banning apartments, they were making housing more limited and expensive, and making the lives of poor and working class families a bit more miserable. Moreover, what if they recognized that, by denying these families the chance to live in Scarsdale, they were shutting the door on the children in these families, denying them better educational opportunities?⁶⁵

In fighting against exclusionary zoning, it is important to

remember that NIMBY forces do not always win. Although New York has failed to enact major housing reform to address affordability and inequality, failure is by no means inevitable. The State of California sought to enact reform in 2018, 2019, and 2020, and failed each time, but on the fourth try—in September 2021—it eliminated exclusive single-family zoning statewide.⁶⁶

In forging a path forward, New Yorkers must recognize that exclusionary zoning that jacks up prices and thwarts opportunity is not a victimless crime—it perpetuates housing segregation, and thus educational segregation, punishing children in less-wealthy families by denying them the chance to attend schools where they can thrive. Reform will ease housing price increases and allow students in Westchester, and New York State as a whole, to benefit from broader access to schooling opportunities. Almost seven decades after the U.S. Supreme Court ruled in *Brown v. Board of Education*, it is time for New York State to move beyond separate and unequal.

Authors

Richard D. Kahlenberg is a senior fellow at the Progressive Policy Institute and was formerly a senior fellow at The Century Foundation. He is the author of *Excluded: How Snob Zoning, NIMBYism and Class Bias Build the Walls We Don't See* (PublicAffairs, 2023).

Notes

- 1 Richard D. Kahlenberg, “How Housing Policies Create Unequal Educational Opportunities: The Case of Queens, New York,” The Century Foundation, April 3, 2023, <https://tcf.org/content/report/how-housing-policies-create-unequal-educational-opportunities-the-case-of-queens-new-york/>; and Richard D. Kahlenberg, “Housing and Educational Inequality: The Case of Long Island,” The Century Foundation, June 1, 2023, <https://tcf.org/content/report/housing-and-educational-inequality-the-case-of-long-island/>.
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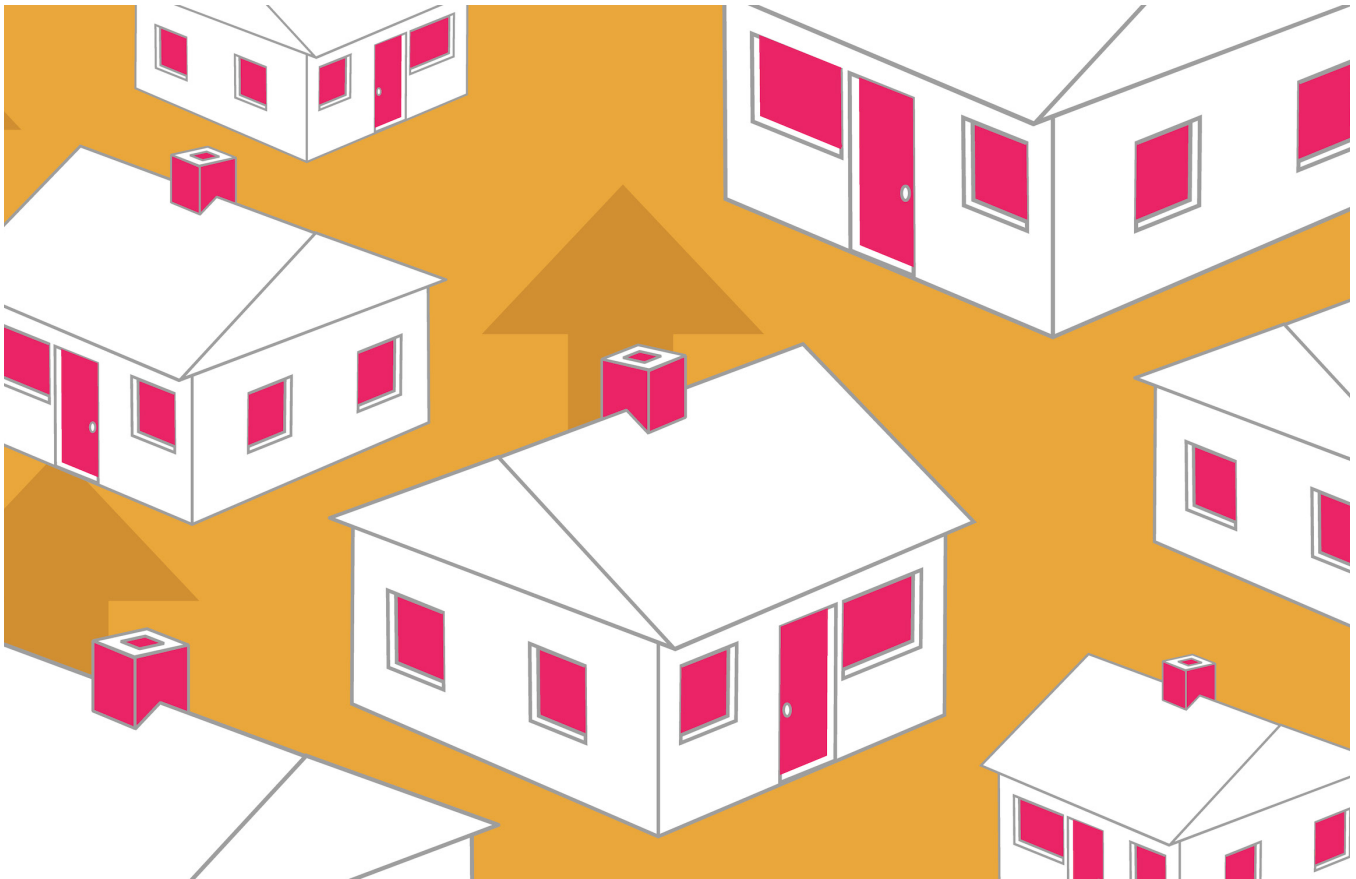
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How Zoning Drives Educational Inequality: The Case of Westchester County (Appendix 1)

JULY 17, 2023 – THIS APPENDIX WAS PREPARED BY VICKI BEEN AND COLLEAGUES AT THE NYU FURMAN CENTER.

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Appendix 1. Comparison of Scarsdale to Port Chester: Key Indicators

Indicator	Scarsdale	Port Chester
Land Use:		
Population density, 1,000 people/square mile, 2020	2.7	12.4
Share of lot area, existing structure of residential use, 2021	63.3%	60.4%
Share of lot area, existing structure classified as single-family year-round residence, 2021	63.1%	36.1%
Share of lot area, existing structure classified as two to three families or apartments, 2021	0.2%	23.5%
Housing units authorized by new building permits, 2014–2021 ¹	218	58
Single-family housing units authorized by new building permits, 2014–2021 ²	218	34
Share of total number of units authorized that are single-family housing, 2014–2021	100%	59%
Wharton Density Restriction Index	4 (minimum lot size with largest > 2 acres)	1 (minimum lot size < 0.5 acre)
Wharton Approval Delay Index (average months)	10.667	12.875
Wharton Land Use Index Composite	1.233 (just under 90 th percentile; highly regulated)	1.254 (just under 90 th percentile; highly regulated) (outdated) ³
Demographics:		
Population size, 2020	18,253	31,693
Growth of population, 2010–2020	6.3%	9.4%
Share of population Hispanic, 2021	6.5%	64.2%
Share of population non-Hispanic Black, 2021	1.7%	5.2%
Share of population non-Hispanic Asian, 2021	15.7%	1.4%
Share of population non-Hispanic white, 2021	71.2%	27.7%
Share of population aged 65 years old or above, 2021	13.6%	12.3%
Share of population foreign born, 2021	24.1%	45.5%
Median household income, 2021	Above \$250,000	\$88,093
Poverty rate, 2021	2.4%	10.9%
Unemployment rate, 2021	4.3%	7.2%

¹ Scarsdale permitted no housing other than single-family housing, but Port Chester had a mix of single-family housing and multifamily housing units permitted

² Same as footnote 1.

³ See discussion in Appendix 2.

Population aged 25 years old or above without a high school diploma, 2021	2.3%	21.7%
Population aged 25 years old or above with a Bachelor's degree or above, 2021	90.7%	31.1%
Share of occupied housing units, occupied by renter, 2021	9.5%	56.6%
Median single-family housing price, 2020	\$1,648,925	\$592,242
School Characteristics:		
Share of students performing at grade level in English, 2019 ⁴	87.1%	32.0%
Share of students performing at grade level in Math, 2019 ⁵	90.3%	34.5%
Four-year high school graduation rates, 2021	98.9%	84.1%
Share of students qualifying for FRPL, elementary schools, 2021	0%	74.6%
Share of students qualifying for FRPL, middle schools, 2021	0%	76.5%
Share of students qualifying for FRPL, high schools, 2021	0%	72.0%
Student–teacher ratio, elementary schools, 2021	7.4	10.1
Student–teacher ratio, middle schools, 2021	12.1	12.5
Student–teacher ratio, high schools, 2021	11.9	15.3
Teacher turnover rate, 2021	4.0%	9.0%
Per-pupil expenditure, 2020	\$20,591	\$15,119
Share of students who are Asian, elementary schools, 2022	26.2%	1.0%
Share of students who are Black, elementary schools, 2022	0.9%	2.5%
Share of students who are Hispanic, elementary schools, 2022	7.6%	85.2%
Share of students who are White, elementary schools, 2022	56.3%	10.1%
Share of students who are Asian, middle schools, 2022	23.8%	1.9%
Share of students who are Black, middle schools, 2022	0.9%	2.9%
Share of students who are Hispanic, middle schools, 2022	8.0%	83.6%
Share of students who are White, middle schools, 2022	59.9%	10.4%
Share of students who are Asian, high schools, 2022	20.3%	1.8%
Share of students who are Black, high schools, 2022	1.0%	3.3%

⁴ Data for 2021 is available, but comprises a much smaller data set, as the test was optional during the pandemic.

⁵ Same as footnote 4.

Share of students who are Hispanic, high schools, 2022	7.8%	81.7%
Share of students who are White, high schools, 2022	65.3%	12.6%
Share of teachers in their first or second year of teaching, 2017	0.7%	17.7%

Indicator	Methodology
Land Use:	
Population density, 1,000 people/square mile, 2020	Population density is calculated by dividing a geographic area’s population by its land area and is reported in thousands of people per square mile. The U.S. Census Bureau advises that American Community Survey (ACS) population estimates should be compared with caution across years.
Share of lot area, existing structure of residential use, 2021	Percent of lot area of parcels with residential structure.
Share of lot area, existing structure classified as single-family year-round residence, 2021	Percent of lot area of parcels with one family dwellings constructed for year-round occupancy (adequate insulation, heating, etc.)
Share of lot area, existing structure classified as two to three families or apartments, 2021	Percent of lot area of parcels with two or three family dwellings constructed for year-round occupancy, or apartments.
Wharton Density Restriction Index	<p>The Density Restriction Index (DRI) measures if there is a minimum lot size regulation in the jurisdiction, and if so, what range the minimum lot size requirement falls in.</p> <p>More specifically:</p> <p>DRI = 0 if there is no minimum lot size regulation anywhere in the jurisdiction</p> <p>= 1 if there is a minimum, but it is no larger than 0.5 acres</p> <p>= 2 if there is a minimum, and the largest one is from 0.5–1.0 acres</p> <p>= 3 if there is a minimum, and the largest one is from 1.0–2.0 acres</p> <p>= 4, if there is a minimum, and the largest one is for more than 2 acres.</p> <p>For more details for the survey methodology, please review Gyourko et al., 2019.⁶</p>
Wharton Approval Delay Index (average months)	The Approval Delay Index (ADI) is a metric that combined the average review months for residential projects, rezoning requests involving multiple unit types

⁶ Joseph Gyourko, Jonathan Hartley, and Jacob Krimmel, “The Local Residential Land Use Regulatory Environment Across U.S. Housing Markets: Evidence from a New Wharton Index,” National Bureau of Economic Research, working paper no. 26573, December 2019, https://real-faculty.wharton.upenn.edu/wp-content/uploads/~gyourko/WRLURI/GyourkoHartleyKrimmel_NBERw26573.pdf.

	and subdivision requests. For more details for the weighting methodology, please review Gyourko et al., 2019 . ⁷
Wharton Land Use Index Composite	The Wharton Land Use Index is aggregated from the sub-indices, including Local Political Pressure Index, State Political Involvement Index, Court Involvement Index, Local Project Approval Index, Local Zoning Approval Index, Local Assembly Index, Supply Restrictions Index, Density Restriction Index, Open Space Index, Exactions Index, Affordable Housing Index and Approval Delay Index. For more details for the index construction methodology, please review Gyourko et al., 2019 . ⁸
Demographics:	<i>Most of the demographics in indicators used 2017–2021 ACS 5-year estimates because the localities have a small population size, and 1-year estimates are not available or have large margin of errors. However, the population size used Decennial Census 2020 data because the information is available.</i>
Share of population Hispanic, 2021	This indicator measures the percentage of the total population made up of each of the following racial/ethnic groups: Asian (non-Hispanic), Black (non-Hispanic), Hispanic (of any race), and white (non-Hispanic). The percentages of the four groups may not add up to 100 because people of other races or two or more races are not displayed.
Share of population non-Hispanic Asian, 2021	(Same as above)
Share of population non-Hispanic Black, 2021	(Same as above)
Share of population non-Hispanic White, 2021	(Same as above)
Share of population aged 65 years old or above, 2021	This indicator measures residents aged sixty-five years or older as a percentage of the entire population in a given geographic area.
Share of population foreign-born, 2021	This indicator measures the share of the population that is foreign-born. Foreign-born includes all those born outside the United States or Puerto Rico, regardless of whether they currently are United States citizens. Children born abroad to parents who are U.S. citizens are not counted as foreign-born.
Median household income, 2021	Household income is the total income of all members of a household aged fifteen years or older. The U.S. Census Bureau advises against comparing income data between the Decennial Census and the ACS due to differences in question construction and sampling, so we urge caution when comparing this indicator over time, particularly at the neighborhood level. Scarsdale median household income is top coded in the ACS data.

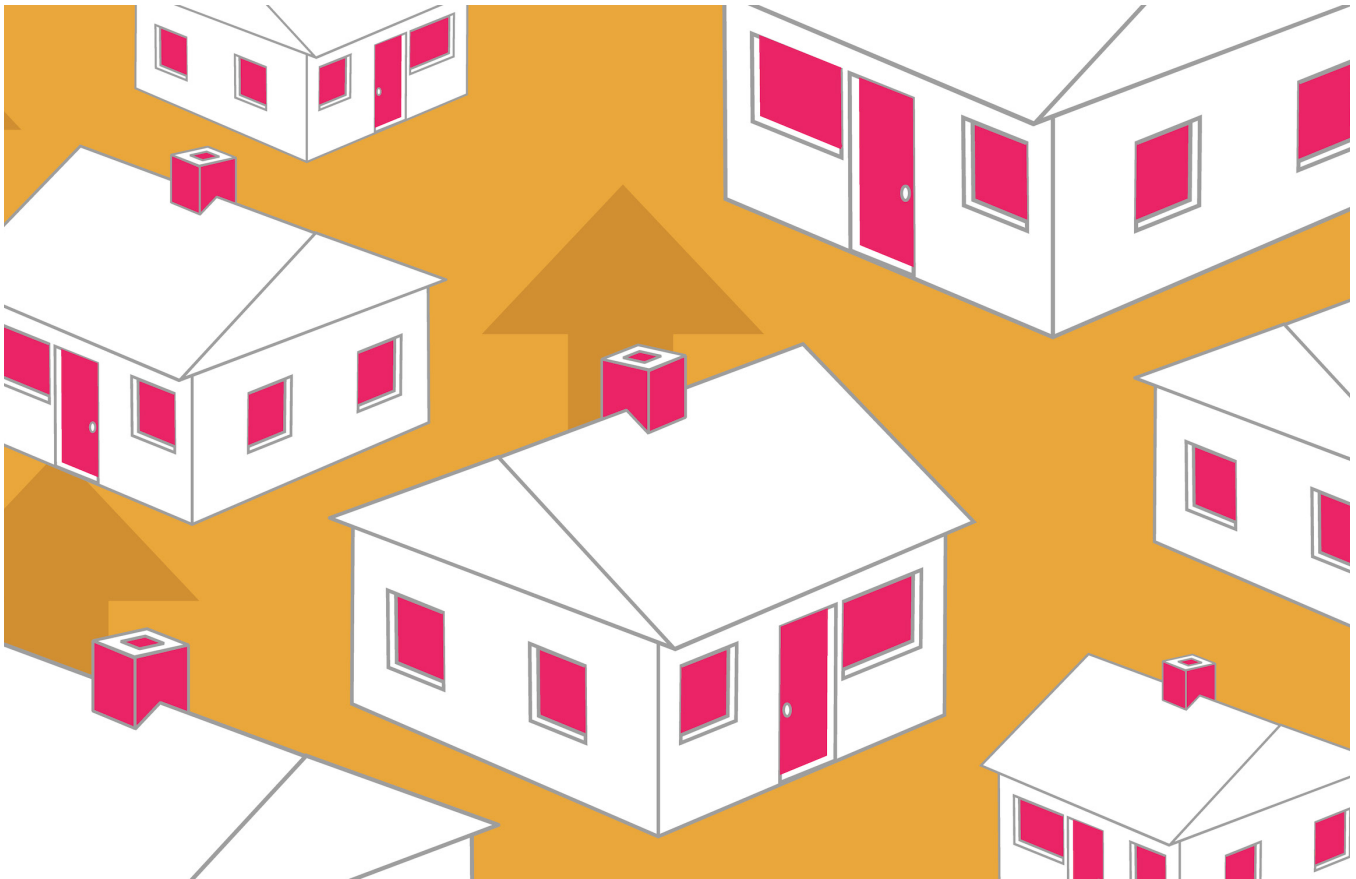
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⁸ Ibid.

Poverty rate, 2021	This indicator measures the number of people below the poverty threshold divided by the number of people for whom poverty status was determined. Poverty status is determined by the U.S. Census Bureau based on household size, composition, the number of children under eighteen years of age, and individual or family income. The U.S. Census Bureau advises that ACS poverty data should be compared with caution across years.
Unemployment rate, 2021	This indicator measures the number of people aged sixteen years and older in the civilian labor force who are unemployed, divided by the total number of people aged sixteen years and older in the civilian labor force. People are considered to be unemployed if they meet the following criteria: they have not worked during the week of the survey; they have been looking for a job during the previous four weeks; and they were available to begin work. The U.S. Census Bureau advises using caution when comparing the 2000 Census unemployment rate to the ACS figures because of differences in question construction and sampling.
Population aged 25 years old or above without a high school diploma, 2021	This indicator measures the population aged twenty-five years old or above who have not graduated from high school and have not received a GED, as a percentage of the entire population in a given geographic area.
Population aged 25 years old or above with a Bachelor's degree or above, 2021	This indicator measures the population aged twenty-five years old or above who have a Bachelor's degree or above, as a percentage of the entire population in a given geographic area.
Median single-family housing sale price, 2020	The median sales price for single-family properties, in 2021 dollars. Price adjusted using the Consumer Price Index from the Bureau of Labor Statistics.
School Characteristics:	
Share of students performing at grade level in English, 2019	These indicators report the percentage of fourth-grade students performing at or above grade level (termed “proficient”) in English language arts and math. For each locality, we aggregate the proficiency rates from each school that students in the locality could attend. For this indicator, school years are labeled according to the calendar year in which the school year ends. For example, 2019 corresponds to the 2018–2019 school year.
Share of students performing at grade level in math, 2019	(Same above)
Share of students qualifying for FRPL, 2021–22	Percent of students with families who have qualified for free or reduced-price lunch.
Four-year high school graduation rates, 2021	Percent of Class of 2021 students entering the ninth grade in the 2017–2018 school year who graduated within four years.
Teacher turnover rate, 2021	The rate at which teachers exit schools in school year 2020–2021.

Per-pupil expenditure, 2020

The aggregate current expenditures of all local educational agencies divided by the total number of children in average daily attendance for whom such agencies provided free public education. Converted to 2021 dollars.



How Zoning Drives Educational Inequality: The Case of Westchester County (Appendix 2)

JULY 17, 2023 – THIS APPENDIX WAS PREPARED BY VICKI BEEN AND COLLEAGUES AT THE NYU FURMAN CENTER.

Appendix 2. Comparing the Land Use Systems of Scarsdale and Port Chester

THIS APPENDIX WAS PREPARED BY VICKI BEEN AND COLLEAGUES AT THE NYU FURMAN CENTER.

The Town and Village of Scarsdale, founded in 1788, has been ranked as the “richest town on the East Coast—and the second-richest in the US” by Bloomberg. It is known for “its Tudor-style homes and storefronts, many of which were built in the 1920s,” and for its excellent public schools.¹ The town’s zoning ordinance divides the village into seven single-family detached home districts, ranging from AA-1, requiring a minimum lot size of two acres, to A5 requiring a minimum lot of 5,000 square feet; with all single-family homes limited to two stories, or thirty-two feet, in height.² A few parcels are zoned for hotels, lodging houses, or apartments in the Residence C zone, but apartment buildings cannot exceed four stories, must contain one square foot of open space per two square feet of residential floor area, provide one off-street parking space per 750 feet of gross residential floor area, and must not accommodate more than one family for each 2,000 square feet of the area of the property occupied by the building.³ In addition, a few parcels are zoned for Planned Unit Development, which allows apartment buildings of up to a maximum floor area ratio⁴ of 0.8, which may be increased up to 1.4, if the Village Board of Trustees grants a special permit after planning board review and a public hearing, in exchange for various developer-provided amenities, including housing for senior citizens, parking and street improvements, or special design features.⁵ The vast majority of the village is zoned for single family use on lots of at least 10,000 square feet.⁶ Scarsdale has no land zoned for manufacturing or industrial use.

The Village of Port Chester, a 2.4-square-mile part of the Town of Rye, had an industrial past that included a major textile manufacturer and the Life Savers Candy Company. Those industrial buildings have largely been converted to condominiums, but the village still hosts two major commercial bakeries, along with retail, entertainment, and arts facilities. Its “sizable Hispanic and Latino population has been growing for decades, ever since Cuban refugees fleeing Fidel Castro’s rule settled in Port Chester to work in the factories in the 1960s.” Residents of its

¹ Katie Warren, “The richest town on the East Coast is a scenic village 35 minutes from NYC, where the average household income is \$452,000. I spent a morning there—here’s what it looks like,” *Business Insider*, March 3, 2020, <https://www.businessinsider.com/scarsdale-new-york-east-coast-richest-town-photo-tour-2019-3>.

² Scarsdale’s zoning code is available at <https://ecode360.com/6440086>; see section 310-25.

³ *Ibid.*, see sections 310-14, 310-27, 310-32, 310-70A(1).

⁴ Floor area ratio (FAR) is defined in the Scarsdale zoning code, section 310-2, as “the gross floor area on a lot divided by the gross lot area,” so a FAR of 0.8, would mean that the floor area of the building could be only 80 percent of the lot area.

⁵ *Ibid.*, sections 310-28.1(A-6 – A-7) and (B).

⁶ Scarsdale’s zoning map is available at <https://www.scarsdale.com/DocumentCenter/View/139/Scarsdale-Zoning-Map-with-Addresses-PDF>.

working class neighborhoods often serve as “landscapers, day laborers, house cleaners and child-care providers” for the surrounding affluent suburbs.⁷

[Vicki short addition about pre-2020 code TK] The Village of Port Chester changed its zoning regulations in 2020, adopting a “character-based” zoning code in order to “create a vibrant Village that is welcoming to all.”⁸ The well-organized and clear interactive zoning map⁹ places about half of the village in a single family residential “character district”—CD-3, which allows two story homes on lots of at least 5,000 or 7,000 square feet. The other approximately half of the village is divided into urban core districts, with most of that land designated CD-4, which allows single-family, duplex, live-work, and multifamily dwellings of up to three stories. The remainder of the village is in CD-5 and CD-6 mixed use districts, which allow multifamily buildings of up to six or twelve stories, respectively, or up to fifteen stories in the CD-6 Transit-Oriented Development district. Less than 1 percent of Port Chester is zoned for industrial use. The east waterfront area has places for iron works, welding, and glass. The closest school to the industrial areas is Thomas A. Edison School, which serves elementary students.

While the Wharton Land Use Regulatory Index¹⁰ gives Scarsdale and Port Chester composite scores that qualify both as “highly regulated,”¹¹ the index is based upon a zoning ordinance that Port Chester completely revised after the Wharton survey was completed. Scarsdale allows hardly any residential uses other than single family detached homes, while Port Chester allows duplexes, townhouses, and multifamily buildings of between three to fifteen stories on approximately half its land, so the two jurisdictions impose very different levels of regulatory restrictiveness.

⁷ Lisa Prevost, “Living In: Port Chester, N.Y.: A ‘Tiny Little Village’ With a Lot of Development,” *New York Times*, March 1, 2023, <https://www.nytimes.com/2023/03/01/realestate/port-chester-ny-housing.html>.

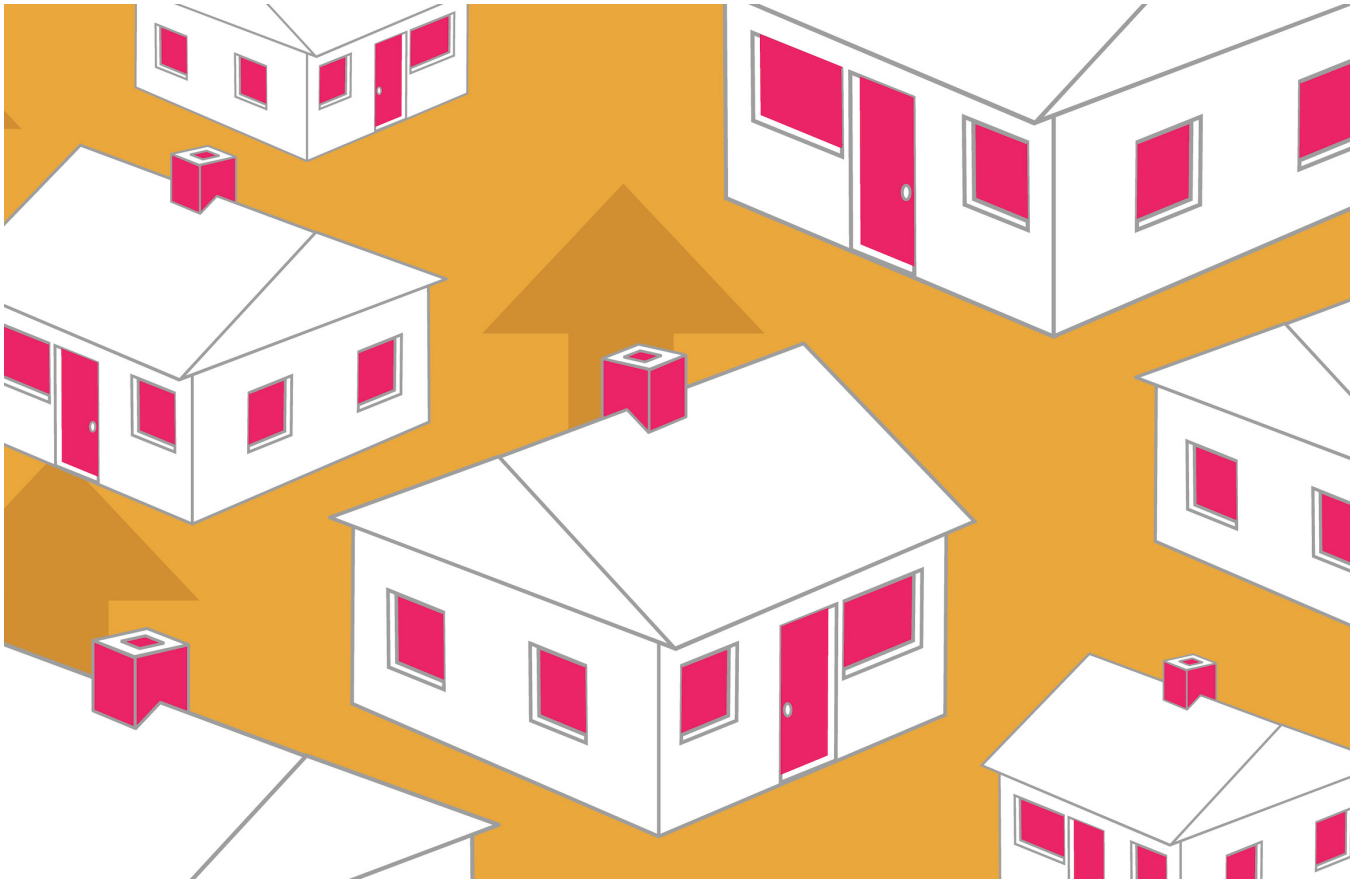
⁸ Port Chester’s zoning code is available at <https://ecode360.com/PO0100/laws/LF1159817.pdf>.

Quote is from the Preamble, page 2.

⁹ The Village of Port Chester zoning map is available at <https://po0100.zoninghub.com/zoningmap.aspx?district=CD-3.R7>.

¹⁰ For a description of the survey upon which the index is based, and an explanation of how the index is constructed, see Joseph Gyourko, Albert Saiz, and Anita Summers, “A New Measure of the Local Regulatory Environment for Housing Markets: The Wharton Residential Land Use Regulatory Index,” *Urban Studies* 45, no. 3 (March 2008): 693–729, <https://doi.org/10.1177/0042098007087341>.

¹¹ See Joseph Gyourko, Jonathan S. Hartley, and Jacob Krimmel, “The local residential land use regulatory environment across U.S. housing markets: Evidence from a new Wharton index,” *Journal of Urban Economics* 124 (July 2021), <https://www.sciencedirect.com/science/article/abs/pii/S009411902100019X>.



How Zoning Drives Educational Inequality: The Case of Westchester County (Appendix 3)

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Appendix 3. Comparison of Scarsdale to Port Chester

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Table 1: School-level Indicators

Entity CD	School Name	School Grades	Place	Share of Teachers in Their First or Second Year of Teaching in 2017 ¹	Share of Teachers in 2017 Who Were Also Teaching at the School in the Prior Year	Number of Types of AP Courses
662001030001	Edgewood School	Elementary	Scarsdale	0.00%	89.19%	(not applicable)
662001030002	Fox Meadow School	Elementary	Scarsdale	2.50%	92.50%	(not applicable)
662001030003	Greenacres School	Elementary	Scarsdale	0.00%	94.12%	(not applicable)
662001030004	Heathcote School	Elementary	Scarsdale	0.00%	88.24%	(not applicable)
662001030005	Quaker Ridge School	Elementary	Scarsdale	0.00%	95.45%	(not applicable)
662001030010	Scarsdale Senior High School	High	Scarsdale	1.39%	86.81%	25 ²
662001030011	Scarsdale Middle School	Middle	Scarsdale	0.00%	93.20%	(not applicable)
661904030003	John F. Kennedy Magnet School	Elementary	Port Chester	30.36%	91.07%	(not applicable)
661904030004	King Street School	Elementary	Port Chester	12.12%	93.94%	(not applicable)
661904030005	Park Avenue School	Elementary	Port Chester	17.24%	89.66%	(not applicable)
661904030006	Thomas A. Edison School	Elementary	Port Chester	14.71%	91.18%	(not applicable)
661904030008	Port Chester Senior High School	High	Port Chester	14.71%	92.16%	15
661904030010	Port Chester Middle School	Middle	Port Chester	16.47%	90.59%	(not applicable)

Table 2: Place-level Aggregated Teacher Experience Indicators

¹ More recent data from the New York State Education Department (NYSED) are available using a five year experience benchmark. The more recent five year teaching experience indicator confirms the pattern in the 2017 data from Civil Rights Data Collection (CRDC). Port Chester had more teachers with few years of experience in the school years 2016–2017 and 2021–2022 in the NYSED data, as well as the 2017 CRDC data.

² We report the number of Advanced Topics courses at the Scarsdale High School here because the high school offers Advanced Topics (AT) courses instead of “AP courses.” According to the course catalog, “[s]tudents in these college-level courses may choose to take Advanced Placement (AP) examinations linked to the subject area.” Similar to the AP courses, the AT courses at Scarsdale High School are college-level courses.

Place	Share of Teachers in Their First or Second Year of Teaching in 2017	Share of Teachers in 2017 Who Were Also Teaching at the School in the Prior Year
Scarsdale	0.69%	90.60%
Port Chester	17.70%	91.45%

Table 3: Place-level Aggregated Teacher Experience Indicators (NYSED)

Share of Classroom Teachers with Only One to Five Years of Teaching Experience

Place	2016–2017 School Year	2021–2022 School Year
Scarsdale	18.57%	15.20%
Port Chester	23.36%	24.70%

Indicators	Methodology
Share of Teachers in Their First or Second Year of Teaching	Number of classroom teachers in their first or second year of teaching divided by total number of teachers employed in the school year of 2017.
Share of Teachers in 2017 Who Were Also Teaching at the School in the Prior Year	Number of teachers employed during both 2016 and 2017 school year at the school divided by total number of teachers employed the school year of 2017 at the school.
Number of Types of AP Courses	Number of types of AP courses offered at the school.

Source: U.S. Department of Education, Civil Rights Data Collection (CRDC) 2017. For Scarsdale High School Advanced Topics courses, Scarsdale “High School Course Catalog 2022-23 Reviewed”, *Scarsdale Public Schools*, <https://www.scarsdaleschools.k12.ny.us/cms/lib/NY01001205/Centricity//Domain/74/Course%20Catalog%202022-3%20v4.pdf> . For Port Chester Senior High School AP courses, “Program of Studies Guide 2023-2024,” *Port Chester Public Schools*, https://www.portchesterschools.org/Assets/22-23_PCHS/Program_of_Studies_2023-2024.pdf?v=119.