

Fordham Law School

## FLASH: The Fordham Law Archive of Scholarship and History

---

Faculty Scholarship

---

2019

### Law & Neighborhood Names

Nestor M. Davidson

Dave Fagundes

Follow this and additional works at: [https://ir.lawnet.fordham.edu/faculty\\_scholarship](https://ir.lawnet.fordham.edu/faculty_scholarship)



Part of the [Law Commons](#)

---

---

# VANDERBILT LAW REVIEW

---

VOLUME 72

APRIL 2019

NUMBER 3

---

## ARTICLES

### Law and Neighborhood Names

*Nestor M. Davidson\**

*David Fagundes\*\**

*This Article provides a novel investigation of how law both enables and constrains the ability of city residents to claim, name, and often rename their neighborhoods. A rich interdisciplinary dialogue in fields such as geography and sociology has emerged on the significance of place names, but this literature has largely ignored the legal dimensions of the phenomenon and its implications for urban governance, belonging, and community conflict. This Article's empirical exploration of the role of law in change and conflict regarding neighborhood identity thus advances the discourse both for legal scholars focused on urban dynamics and across disciplines.*

*From gentrification fights sparked by efforts to rename the southern part of Harlem as "SoHa" to a successful community movement to change the name of the area once known as South Central to "South*

---

\* Albert A. Walsh Chair in Real Estate, Land Use and Property Law, Fordham Law School.

\*\* Baker Botts LLP Professor of Law and Assistant Dean for Faculty Development, University of Houston Law Center. The authors wish to thank Bernadette Atuahene, Debbie Becher, Nicholas Blomley, Hanoch Dagan, Clare Huntington, Jessica L. Roberts, Christopher Serkin, Nadav Shoked, Greg Stein, Lua Kamal Yuille, and Kellen Zale, as well as participants in the Property Works in Progress Conference, the 2018 Progressive Property Conference at Harvard Law School, the Fourth Annual International and Comparative Urban Law Conference, and the Association for Law, Property and Society 2018 Annual Conference for helpful feedback and suggestions as this Article has developed. Robert Clark, James Fitzpatrick, and Stephanie Salomon provided excellent research assistance.

*Los Angeles,” neighborhood identity has long sparked controversy and is increasingly leading to proposals for legal change. These conflicts raise fundamental questions about the legal dimensions of urban governance and people’s sense of ownership over their communities: How do neighborhoods actually get their formal names and why is neighborhood identity so hotly contested? And how does law mediate what we use to identify local communities?*

*Understanding the texture and significance of neighborhood-naming conflicts, moreover, carries implications in two distinct areas of legal theory. First, in terms of property, neighborhood identity provides insights into collective cultural ownership in the absence of formal rights, reflecting the central tension in property theory between economic value and personhood. Likewise, conflicts over neighborhood naming shed new light on our understanding of local government law, foregrounding often-overlooked dynamics of formality and informality and the microscale interplay of public and private forces in urban governance. These related theoretical frames, finally, supply insights into the normative stakes in conflicts over neighborhood naming, where the advantages of formalization must be balanced against dynamics of exclusion and vulnerability, suggesting notes of caution for any attempt to reform the legal foundations of neighborhood identity.*

INTRODUCTION.....	759
I. NEIGHBORHOOD NAMES IN CONTEXT AND IN CONFLICT .....	764
A. <i>Case Studies in Neighborhood-Naming Conflicts</i> ...	765
B. <i>Reflections on the Significance of Neighborhood Names</i> .....	775
1. The Significance of Names .....	776
2. Drivers of Contemporary Neighborhood-Naming Conflicts .....	779
II. THE LAW AND NEIGHBORHOOD NAMING .....	782
A. <i>Naming Norms and Practices</i> .....	783
1. Bottom-Up Naming: Folk Pathways.....	783
2. Top-Down Naming: Neighborhood Associations and Real Estate Professionals .....	784
B. <i>The Law of Neighborhood Names</i> .....	786
1. Overt Law .....	786
a. <i>Affirmative Strategies</i> .....	786
b. <i>Negative Strategies</i> .....	789
2. Covert Law.....	792

2019]	<i>LAW AND NEIGHBORHOOD NAMES</i>	759
III.	CONCEPTUALIZING NEIGHBORHOOD IDENTITY: PROPERTY THEORY AND LOCAL GOVERNMENT LAW .....	799
A.	<i>Neighborhood Names and Property Theory</i> .....	799
1.	Neighborhood Names as Cultural Property .....	800
2.	Neighborhood Names Through a Progressive Property Lens .....	805
B.	<i>Naming, Norms, and the Limits of Law in Urban Governance</i> .....	810
IV.	CODA: THE NORMATIVE TERRAIN OF TOPONYMIC CONFLICT .....	817
	CONCLUSION .....	823

*[L]ocal names . . . are never mere arbitrary sounds, devoid of meaning.*

—Isaac Taylor<sup>1</sup>

## INTRODUCTION

Harlem, that Harlem, the deeply iconic home of the Harlem Renaissance, of Malcolm X, and of so much African American history, has seen significant demographic change in the past two decades, with gentrification moving steadily north from the neighborhood's southern edge near Central Park. In an effort to rebrand the area, developers and real estate agents about ten years ago began marketing the area below 125th Street as "SoHa," a portmanteau for "southern Harlem," to echo New York's SoHo. This effort sparked widespread community outrage and calls for legislation to ban unauthorized neighborhood renaming.

Los Angeles' once-notorious South Central had long been fixed in the popular imagination as gang territory and a national symbol of urban dysfunction. In 2002, a local community activist began a movement to reclaim the neighborhood's identity by renaming it South Los Angeles. Although the community was split—with some finding pride in the negative association as a sign of overcoming hardship despite living in such a dangerous area, but many supporting the move—a petition drive led the Los Angeles City Council to formally rename the neighborhood in 2003, and South Central exists now only in memory.

And in Miami, the area around the city's NE Second Street had grown since the 1970s to be the home of refugees from the repressive

---

1. WORDS AND PLACES, OR ETYMOLOGICAL ILLUSTRATIONS OF HISTORY, ETHNOLOGY, AND GEOGRAPHY I (1864).

Duvalier regime in Haiti. In 2013, in an effort to gain respect and recognition for a community often marginalized in Miami's melting pot, local Haitians began lobbying the Miami City Council to recognize the neighborhood as Little Haiti. Non-Haitians in the community, both African American and white, organized in opposition, citing the neighborhood's traditional identity as "Lemon City" and raising fears about associations the new name would bring. The overwhelming support of the Haitian immigrant community, however, persuaded the City Council, which unanimously agreed to the renaming in 2016.<sup>2</sup>

Conflicts over neighborhood identity, crystallized in these and many other intense fights over naming and renaming, are surprisingly common today in cities across the country.<sup>3</sup> In these conflicts, the question of how a neighborhood is known to itself and to the wider world serves as a synecdoche for fraught dynamics of neighborhood change. Naming conflicts are often sparked by tensions over gentrification but can also be a way of defensively protecting long-standing neighborhood identity in the face of change or a means of distancing a community from other communities. Renaming can also serve to affirmatively bolster assertions of community, especially for immigrant communities claiming recognition.<sup>4</sup> History, demographics, geography, architecture, and infrastructure all play roles in defining neighborhood identity, but neighborhood names often serve to focus in on and stand as a symbol for these more complex forces.

Law may seem orthogonal to many of these dynamics of neighborhood change and identity contestation. Neighborhood names often arise not directly through local government mechanisms in the first instance but instead out of shared social practices due to the

---

2. These and a raft of other examples of conflicts over neighborhood renaming, as well as the broader trends they represent, are detailed in Section I.A.

3. For examples of recent popular coverage of these conflicts, see Ginia Bellafante, *SoHa in Harlem? The Misguided Madness of Neighborhood Rebranding*, N.Y. TIMES (July 6, 2017), <https://www.nytimes.com/2017/07/06/nyregion/soha-in-harlem-the-misguided-madness-of-neighborhood-rebranding.html> [<https://perma.cc/FU4J-L444>]; Cara Buckley, *ProCro, SoBro, FiDi, BoCoCa: A Lawmaker Says, 'Enough,'* N.Y. TIMES (Apr. 20, 2011), <https://www.nytimes.com/2011/04/21/nyregion/procro-sobro-fidi-bococa-a-lawmaker-says-enough.html> [<https://perma.cc/46PC-49H7>]; Jack Nicas, *As Google Maps Renames Neighborhoods, Residents Fume*, N.Y. TIMES (Aug. 2, 2018), <https://www.nytimes.com/2018/08/02/technology/google-maps-neighborhood-names.html> [<https://perma.cc/E76H-KAAQ>]; Cassie Owens, *When Gentrification's Neighborhood Name Game Runs into True Identity*, NEXT CITY (Mar. 17, 2015), <https://nextcity.org/daily/entry/new-neighborhood-name-gentrification> [<https://perma.cc/C6ML-7UHW>]; Corinne Ramey, *SoHo Is SoOver, New Yorkers Are Moving to WiNo and Rambo*, WALL ST. J. (Sept. 10, 2015, 9:51 PM), <https://www.wsj.com/articles/soho-is-soover-new-yorkers-are-moving-to-wino-and-rambo-1441933409> [<https://perma.cc/EU37-ZALF>]; Jocelyn Y. Stewart, *'Balkanization' of the Valley: New Names: Opinions Vary, but Most Experts Say the Boundary Changes May be a Last-Ditch Effort by Established Homeowners to Save the Status Quo*, L.A. TIMES (Sept. 9, 1991), [http://articles.latimes.com/1991-09-09/local/me-1456\\_1\\_status-quo](http://articles.latimes.com/1991-09-09/local/me-1456_1_status-quo) [<https://perma.cc/KP44-THW2>].

4. See *infra* Section I.B.

intervention of economic actors, such as real estate agents and developers, or community groups like neighborhood associations.<sup>5</sup> But law actually plays an underappreciated role in structuring processes of neighborhood naming and formal recognition, channeling conflicts and setting the terms of community debate. At times, law overtly formalizes neighborhood naming—as when cities create official neighborhood maps or legislation confers official recognition—or can even serve to block renaming. Often, however, law is liminal, with neighborhood identity interacting with other formal aspects of urban governance, even if naming is not the focus. And in many cities, legal acknowledgement—in planning processes, in how official community boards are recognized, in city tourism efforts, and the like—follows change on the ground, often without formal steps of recognition.<sup>6</sup>

Legal scholars have largely ignored these ubiquitous fights over neighborhood identity despite the rich insights they offer into important dynamics of urban governance, belonging, and community conflict. There is a relevant literature in the geography and sociology scholarship on place naming—in a field called toponymy—that has not been examined in any depth by legal scholars.<sup>7</sup> The phenomenon of conflicts over naming ties as well to a growing body of legal scholarship on neighborhoods on which this Article draws.<sup>8</sup> The intersection of these

---

5. See *infra* Section II.A.

6. See *infra* Section II.B.

7. See, e.g., CRITICAL TOPONYMIES: THE CONTESTED POLITICS OF PLACE NAMING (Lawrence D. Berg & Jani Vuolteenaho eds., 2009); NAFTALI KADMON, TOPONYMY: THE LORE, LAWS AND LANGUAGE OF GEOGRAPHICAL NAMES (2000). The broader literature on law and geography illuminates the constructed nature of place and ways in which that constructive project interacts with the legal system. See, e.g., THE EXPANDING SPACES OF LAW: A TIMELY LEGAL GEOGRAPHY (Irus Braverman, Nicholas Blomley, David Delaney & Alexandre Kedar eds., 2014) (exploring dimensions of legal geography as a focus on the reciprocal relationship between law and spatiality); THE LEGAL GEOGRAPHIES READER: LAW, POWER, AND SPACE (Nicholas Blomley, David Delaney & Richard T. Ford eds., 2001) (exploring a wide array of topics in legal geography); SARAH KEENAN, SUBVERSIVE PROPERTY: LAW AND THE PRODUCTION OF SPACES OF BELONGING (2015) (viewing the relationship between space, subjectivity, and property in terms of belonging and using this view to analyze broader socio-legal issues). That said, dynamics of neighborhood identity are largely unexplored in the law and geography literature.

8. There is a burgeoning—and rapidly expanding—legal literature on neighborhoods. For example, Richard Briffault, Peter Byrne, Stephen Miller, Nadav Shoked, Kenneth Stahl, and others have explored formal and informal sublocal legal structures. See, e.g., Richard Briffault, *The Rise of Sublocal Structures in Urban Governance*, 82 MINN. L. REV. 503 (1997) [hereinafter Briffault, *Sublocal*]; J. Peter Byrne, *The Rebirth of the Neighborhood*, 40 FORDHAM URB. L.J. 1595 (2013); Stephen R. Miller, *Legal Neighborhoods*, 37 HARV. ENVTL. L. REV. 105 (2013); Nadav Shoked, *The New Local*, 100 VA. L. REV. 1323 (2014); Kenneth A. Stahl, *Neighborhood Empowerment and the Future of the City*, 161 U. PA. L. REV. 939 (2013). Relatedly, Erwin Chemerinsky, Matthew Parlow, and others have examined dynamics of neighborhood democracy. See, e.g., Erwin Chemerinsky & Sam Kleiner, *Federalism from the Neighborhood Up: Los Angeles's Neighborhood Councils, Minority Representation, and Democratic Legitimacy*, 32 YALE L. & POL'Y REV. 569 (2014); Matthew J. Parlow, *Civic Republicanism, Public Choice Theory, and Neighborhood Councils: A New Model for Civic Engagement*, 79 U. COLO. L. REV. 137 (2008). In

two areas of discourse, however, is largely unexplored in the literature.<sup>9</sup> This Article accordingly contributes—both to the interdisciplinary toponymic literature and to the legal literature on neighborhoods—an understanding of the legal dimensions of neighborhood identity as questions of place name in cities become increasingly charged.

This Article's novel examination of the interplay between neighborhood naming and the legal system, in turn, has implications across several areas of legal theory, most notably in property and local government law. For property theory, neighborhood names serve as a kind of cultural property that residents value because it is constitutive of their sense of identity.<sup>10</sup> What people feel is "theirs" in noneconomic-value terms is the sense of neighborhood belonging itself, even in the absence of a long-standing indigenous or national tradition. Framing the interest in neighborhood names in terms of cultural property opens the door to thinking about the issue in the context of broader debates about how society should govern ownership. In particular, turning the lens of progressive property onto contemporary debates about neighborhood names highlights the social value inherent in these names, rooted in identity formation, local pride, and other-oriented virtue. This recognition is valuable because it provides a needed counterweight to forces seeking to rename neighborhoods based solely on arguments about the economic power of rebranding for property values, and serves this purpose even while that economic dimension is also readily apparent.<sup>11</sup>

For the literature on local government law, neighborhood-naming conflicts and their resolution serve as a particularly salient

---

addition, Briffault, Miller, and others have looked at the legal dimensions of neighborhood-level service provision. See, e.g., Richard Briffault, *A Government for our Time? Business Improvement Districts and Urban Governance*, 99 COLUM. L. REV. 365 (1999) [hereinafter Briffault, *BIDs*]; Miller, *supra*. As explored in Section III.B, this literature is quite relevant to, but does not yet directly engage, questions of identity and neighborhood names.

9. Lee Anne Fennell usefully, albeit briefly, identified neighborhood names as "social addresses" that influence property value and other aspects of the bundle of economic goods associated with homes. See LEE ANNE FENNEL, *THE UNBOUNDED HOME: PROPERTY VALUES BEYOND PROPERTY LINES* 29–30 (2009) [hereinafter FENNEL, *UNBOUNDED HOME*]; see also Lee Anne Fennell, *Exclusion's Attraction: Land Use Controls in Tieboutian Perspective*, in *THE TIEBOUT MODEL AT FIFTY: ESSAYS IN PUBLIC ECONOMICS IN HONOR OF WALLACE OATES* 185 (William A. Fischel ed., 2006) [hereinafter Fennell, *Exclusion's Attraction*] (noting the "local public good of place name reputation" in dynamics of local exclusionary zoning).

10. Scholars have fruitfully built on Margaret Radin's personhood approach to property, see Margaret Jane Radin, *Property and Personhood*, 34 STAN. L. REV. 957, 977–78 (1982), to identify collective questions of identity in property. See Kristen A. Carpenter, Sonia K. Katyal & Angela R. Riley, *In Defense of Property*, 118 YALE L.J. 1022 (2009); Kristen A. Carpenter, *Real Property and Peoplehood*, 27 STAN. ENVTL. L.J. 313 (2008). As explored in Section III.A, there are critiques of cultural property that pertain to these aspects of a collective sense of ownership. See, e.g., Naomi Mezey, *The Paradoxes of Cultural Property*, 107 COLUM. L. REV. 2004 (2007).

11. See *infra* Section III.A.

example of processes of formality and informality in the legal structure of urban governance at the sublocal level. Questions of neighborhood identity, moreover, illuminate the porous line between public and private forces at that level, underscoring what is perhaps most distinctive about local government law in its most granular form.<sup>12</sup> As cities increasingly devolve authority to neighborhood institutions, these dynamics bear greater scholarly attention.<sup>13</sup>

This dual conceptual mapping, finally, helpfully reveals—although does not resolve—normative aspects of neighborhood identity conflicts.<sup>14</sup> At heart, of course, many of these naming fights involve deep questions of inclusion and exclusion, voice and visibility. Given the vulnerability and risk of displacement undergirding many naming fights, there is an argument that the legal system could do more to structure the process; indeed, most jurisdictions' current passive or reactive responses may be fueling conflict. Neighborhood names are often misunderstood as trivial or cosmetic when in fact communities take them extremely seriously, understanding their significant social and economic consequences. For this reason, perhaps, law fails to address naming clearly enough and does not regulate the process as it does other features of collective urban property. However, there are costs as well as benefits to formalization, including the risk that formalization itself foments conflict. Any proposals for reform should thus carefully weigh ossification and the risk of capture, as well as the possibility of reinforcing exclusion.

Neighborhood identity also reveals tensions between the cosmopolitan promise of urban life and the challenge of Balkanization. The more law reinforces the separate identities of local neighborhoods, the less the polyglot identity of the larger city adheres. That can be beneficial in bolstering community, but as legal scholars have pointed out in the context of other sublocal institutions, that bolstering may metaphorically wall off and isolate neighborhoods as well. There are real stakes, then, in the legal dimensions of neighborhood naming.

This Article proceeds as follows. Part I provides case studies to begin unpacking the nature of contemporary conflicts over neighborhood names and then takes a step back to reflect on the patterns and trends these conflicts present. Part II turns to law, first mapping the extralegal processes through which neighborhood identity is developed and then analyzing the many ways the legal system

---

12. Neighborhood-level legal dynamics often recapitulate questions present at the larger city level, such as the nature of relevant authority and the determinants of boundaries. At the sublocal level, however, there are far fewer formal structures to mediate these legal questions.

13. See *infra* Section III.B.

14. See *infra* Part IV.



interacts with these processes—through *ex ante* formal recognition, liminal interaction, and a variety of *post hoc* means of acknowledging facts on the ground. From this legal mapping, Part III argues that dynamics of contestation over neighborhood identity have implications for property theory and conceptions of local government law. Finally, Part IV reflects on the normative terrain this empirical and conceptual exegesis reveals.

In many ways, neighborhoods are our most immediate and significant communities, and reflecting that fact, the identity of our neighborhoods continues to evoke a collective sense of ownership. It is not surprising, then, that naming matters—for inclusion, for managing change, for empowerment, and for economic value. Law has not been recognized as critical to how communities mediate conflict over neighborhood identity. But the legal dimensions of neighborhood identity are numerous—and deserve to be exposed and understood.

#### I. NEIGHBORHOOD NAMES IN CONTEXT AND IN CONFLICT

Neighborhoods perennially change in cities, from New York's ever-shifting diverse enclaves<sup>15</sup> to the malleable urban expanses of Los Angeles, and similar dynamics can be seen in many other cities, large and small.<sup>16</sup> Neighborhood identity—and specifically naming—has become a central flashpoint as urban communities evolve, reflecting and crystalizing larger tensions about gentrification, community empowerment, and demographic shifts. This Part canvasses recent case studies to lay an empirical foundation for this Article's exploration of neighborhood naming in legal perspective, acknowledging that these only sample similar conflicts playing out across the country. It then situates these conflicts in the broader interdisciplinary literature on place names, offering reflections on emerging patterns and the context for these dynamics.

---

15. As the *New York Times* has slyly noted:

Everyone knows that some of the best people-watching in New York City can be had in Hell's Hundred Acres. Those on the hunt for a middle-class complex would be well advised to check out the Gas House District. Hanking for bagels and a schmear? Get thee to Bloomingdale, stat. All are names, gone and widely forgotten, of the areas currently known as SoHo, Stuyvesant Town and the Upper West Side.

Buckley, *supra* note 3, at A20.

16. As discussed in Section I.B, the primary focus in this empirical section is on dynamics of neighborhood change in established urban environments, but issues of toponymy play out in new development as well, albeit generally with less conflict. Because so much new construction is "greenfield," developers and local governments often have essentially blank slates on which to write in the process of new neighborhood development and incorporation.

*A. Case Studies in Neighborhood-Naming Conflicts*

*Calving Southern Harlem to Create “SoHa.”* Harlem is as iconic a neighborhood as New York City offers, although its significance has morphed over the city’s history. Once Dutch, as its name hints, the neighborhood welcomed waves of Irish immigrants and then Jewish immigrants in the nineteenth century, standing at one point as the heart of Jewish New York.<sup>17</sup> By the 1920s, however, with the Great Migration and Harlem Renaissance, the neighborhood emerged as the recognized center of the city’s—and the nation’s—African American community.<sup>18</sup> By 1950, Harlem was over ninety-eight percent African American,<sup>19</sup> and the neighborhood’s history is visibly etched in its major north–south boulevards, named after Frederick Douglass, Adam Clayton Powell, and Malcolm X.

Like so much of New York, Harlem has been changing economically and demographically in the last two decades. By 2008, greater Harlem was no longer majority African American,<sup>20</sup> and the trend has only accelerated.<sup>21</sup> Much of this gentrification pressure began in the blocks closest to Central Park, near Columbia University, but has been spreading through a neighborhood that stretches, by some reckonings, from Central Park north to roughly 155th Street and from the East River across to the Harlem River.

In the mid-2000s, reflecting—and arguably accelerating—this trend, developers and real estate agents, most prominently Keller-Williams Realty, began marketing properties roughly below 125th

17. See James Weldon Johnson, *Harlem: The Culture Capital*, in *THE NEW NEGRO: AN INTERPRETATION* 301 (Alain Locke ed., 1925).

18. See *id.*:

In the history of New York, the significance of the name Harlem has changed from Dutch to Irish to Jewish to Negro. Of these changes, the last has come most swiftly. Throughout colored America, from Massachusetts to Mississippi, and across the continent to Los Angeles and Seattle, its name, which as late as fifteen years ago had scarcely been heard, now stands for the Negro metropolis.

On the Great Migration and the change it brought to urban neighborhoods throughout the north, see generally ISABEL WILKERSON, *THE WARMTH OF OTHER SUNS: THE EPIC STORY OF AMERICA’S GREAT MIGRATION* (2010).

19. ALPHONSO PINKNEY & ROGER R. WOOCK, *POVERTY AND POLITICS IN HARLEM* 27 (1970).

20. See Sam Roberts, *No Longer Majority Black, Harlem Is in Transition*, *N.Y. TIMES* (Jan. 5, 2010), <https://www.nytimes.com/2010/01/06/nyregion/06harlem.html> [<https://perma.cc/KAD2-WN34>].

21. See Michael Henry Adams, *The End of Black Harlem*, *N.Y. TIMES* (May 27, 2016), <https://nytimes.com/2016/05/29/opinion/sunday/the-end-of-black-harlem.html> [<https://perma.cc/LR7D-N8ZJ>] (discussing the effects of gentrification in Harlem, making the neighborhood more expensive and causing many black families to relocate).

Street under the name “SoHa.”<sup>22</sup> This portmanteau of “southern Harlem”<sup>23</sup> carries echoes of lower Manhattan’s gentrified SoHo neighborhood.<sup>24</sup> The move to rebrand a portion of Harlem sparked significant local opposition, including street corner rallies and community organizing. Danni Tyson, a real estate broker and member of central Harlem’s Community Board, summed up the reaction when she said, “To me, personally, it’s like trying to take the black out of Harlem. Harlem is Harlem.”<sup>25</sup> The outcry even led a state senator from Harlem, Brian Benjamin, to advance the Neighborhood Integrity Act, which would have formalized the process of neighborhood naming and punished those who “advertise a property as part of, or located in, a designated neighborhood that is not traditionally recognized as such.”<sup>26</sup>

Despite the pushback—and some claims of community victory when the local Keller-Williams team renamed its office<sup>27</sup>—the new name seems to be sticking. A pediatrician’s office, an Italian restaurant, and a shopping center all now use “SoHa” in their names; Streeteasy, the leading real estate listing service in New York, added South Harlem as a searchable neighborhood name in 2016; and a recent Craigslist search returned dozens of listings referring to SoHa.

*Escaping South Central.* Despite being a bland toponym, South Central Los Angeles carries powerful cultural and social associations. When first used in the 1920s, South Central possessed positive meaning as home to a thriving black middle class. After recession and job losses hit the area hard in the 1970s, though, rising crime and gang activity

---

22. See Alan Ehrenhalt, *Why Neighborhood Nicknames Matter*, GOVERNING (Oct. 2017), <http://www.governing.com/columns/assessments/gov-naming-a-neighborhood.html> [<https://perma.cc/8W39-Q3KD>]. A condo building named SoHa 118 opened in 2008, and a group of brokers at Keller-Williams Realty named themselves the SoHa Team. *Id.*

23. *Id.*

24. “SoHa” has also been used to identify the area of Morningside Heights around Columbia, evoking “South of Harlem” rather than “southern Harlem.” Nina Siegal, *Suddenly Hot: Uptown Has Its SoHa*, N.Y. TIMES (Oct. 31, 1999), <https://www.nytimes.com/1999/10/31/style/suddenly-hot-uptown-has-its-soha.html> [<https://perma.cc/6565-EH53>].

25. Dartunorro Clark, *SoHa: The New Name Realtors Are Using For a Part of Harlem*, DNA INFO (Feb. 24, 2017, 9:18 AM), <https://www.dnainfo.com/new-york/20170224/central-harlem/soha-real-estate-south-harlem-community-board-10> [<https://perma.cc/9MTH-A2R2>].

26. Ehrenhalt, *supra* note 22 (quoting the proposed Neighborhood Integrity Act); see also Stephon Johnson & Cyril Josh Barker, *People’s Victory: Activists Stop Effort to Rename Harlem South of 125th Street ‘SoHa,’* AMSTERDAM NEWS (July 6, 2017, 12:00 AM), <http://amsterdamnews.com/news/2017/jul/06/peoples-victory-activists-stop-effort-rename-harle> [<https://perma.cc/JNQ7-8WMU>] (discussing the proposed bill to prevent changing traditionally recognized neighborhood names). The Neighborhood Integrity Act was first introduced by then-New York State assemblyman—now-U.S. congressman—Hakeem Jeffries following the “ProCro” controversy discussed below. See *infra* text accompanying notes 80–87. On the substance of the proposed legislation, see *infra* text accompanying notes 148–154.

27. See Johnson & Barker, *supra* note 26.

led to South Central becoming “shorthand for urban dysfunction.”<sup>28</sup> Through film and music, South Central Los Angeles became both vilified and romanticized around the world for its perceived reputation for gangs, drugs, and violence.<sup>29</sup>

By the early 2000s, local residents had tired of the negative associations of South Central, pointing out that despite the name’s pejorative connotations, most of the area’s denizens were hard-working family people who took good care of their properties. As community activist Helen Johnson explained, “There is a lot in a name. . . . You can say a name doesn’t hurt you, but it does hurt. . . . A name can destroy you.”<sup>30</sup> Others pointed out that the designation “South Central” did not even refer to a coherent neighborhood. Historically, the term derives from South Central Avenue, which runs parallel to the 110 freeway, but was often used to encompass—and taint by association—distinct areas far to the west, such as Leimert Park.<sup>31</sup>

Johnson happened upon a solution of sorts in 2002: she started a movement to get the Los Angeles City Council to rename the area “South Los Angeles.”<sup>32</sup> While many local residents supported her petition drive, not all were persuaded of the move’s benefits. Critics mocked the effort as a cosmetic approach to fixing deeper substantive problems, and local leaders, such as pastor “Chip” Murray, argued that residents’ efforts would be better spent actually improving the area than renaming it.<sup>33</sup> Todd Boyd noted that many residents found pride in surviving in an area with such a tough reputation and that renaming South Central would seem to them “an attempt to erase their identity, to make them disappear.”<sup>34</sup>

The critics lost the debate. As it does with most petitions to rename neighborhoods,<sup>35</sup> the Los Angeles City Council approved the

---

28. Matea Gold, *Citing Stigma, L.A. May Drop Name ‘South-Central,’* L.A. TIMES (Apr. 9, 2003), <http://articles.latimes.com/2003/apr/09/local/me-socentral9> [<https://perma.cc/B8Q8-QY4Q>] (quoting UCLA political science professor Frank Gilliam).

29. The ur-example is, of course, N.W.A.’s iconic rap album, *Straight Outta Compton*, which both exposed and, to some extent, valorized the gangster life in Compton. N.W.A, *STRAIGHT OUTTA COMPTON* (Priority Records LLC 1988). The eponymous 2015 film by F. Gary Gray successfully captured both the story behind N.W.A.’s rise (and fall) as well as the urban milieu that generated it. *STRAIGHT OUTTA COMPTON* (Universal Pictures & Legendary Pictures 2015).

30. Gold, *supra* note 28.

31. *Id.*

32. *Id.*

33. *Id.*

34. *Id.* (quoting USC critical studies professor Todd Boyd).

35. See Mary McNamara, *If You Bill It, They Will Come*, L.A. TIMES (Nov. 4, 2003), <http://articles.latimes.com/2003/nov/04/entertainment/et-mcnamara4> [<https://perma.cc/9EHF-KL M2>] (observing that the Los Angeles City Council approves most proposals for neighborhood designation without comment).

initiative to rename the area “South Los Angeles.”<sup>36</sup> As of April 2003, South Central exists only in the popular imagination.<sup>37</sup>

*Making Sepulveda into North Hills.* Once upon a time, a neighborhood of Los Angeles’ San Fernando Valley officially designated “Sepulveda” straddled the 405 freeway. Sepulveda’s western half consisted mostly of upper-middle class, white families living in single-family homes. East of the 405, however, Sepulveda was comprised of mostly lower-middle class, minority families living in apartments, as well as commercial districts. Western Sepulveda was perceived as a nicer suburb of Los Angeles; eastern Sepulveda had a reputation for crime and prostitution.<sup>38</sup>

In 1990, a local real estate agent, Michael Ribons, circulated a petition to residents of Sepulveda’s western half seeking their opinion on changing the name of their half of the neighborhood—and just that half—to “North Hills.”<sup>39</sup> The petition quickly gained a strong majority of the area’s four thousand homeowners, who found the new name “more prestigious.”<sup>40</sup> Locals also felt that by differentiating themselves from the negative connotations brought by the urban problems of Sepulveda’s eastern half, their property values would increase.<sup>41</sup> Soon after, the proposed renaming also gained the approval of the area’s city councilman, Hal Bernson.<sup>42</sup> The iconic blue signs familiar to Angelenos that designate their city’s neighborhoods were changed in western Sepulveda to read “North Hills,” and the area’s western residents applauded the change.<sup>43</sup>

Sepulveda residents east of the 405, however, did not. They objected to the wealthier, whiter half of the neighborhood seceding as an example of “elitism and snobbery.”<sup>44</sup> They opined that North Hills

---

36. Gold, *supra* note 28.

37. Many years on, it is far from clear that erasing South Central from the map of Los Angeles was a positive outcome for the area’s residents. In the absence of a clearly defined community, both community organizers and providers of government services have found it harder to do their jobs. And some locals have expressed concern that the community’s “namelessness” has left it even further behind the rest of the city. See Jill Leovy, *Community Struggles in Anonymity*, L.A. TIMES (July 7, 2008), <http://articles.latimes.com/2008/jul/07/local/me-nameless7> [<https://perma.cc/7YYJ-AT9K>].

38. See Tracey Kaplan, *Bernson Will Back Majority in Carving North Hills from Sepulveda*, L.A. TIMES (Oct. 15, 1990), [http://articles.latimes.com/1990-10-15/local/me-1986\\_1\\_north-hills](http://articles.latimes.com/1990-10-15/local/me-1986_1_north-hills) [<https://perma.cc/GUA5-AS6G>].

39. *Id.*

40. *Id.*

41. *Id.*

42. *Id.*

43. See Stewart, *supra* note 3 (noting that North Hills’ secession from Sepulveda became official in May 1991).

44. *Id.*

should have “improve[d] the community rather than le[ft] it.”<sup>45</sup> Other critics added that the separation was motivated by the changing demographics of the San Fernando Valley, which had gone from ninety-five percent white in 1950 to sixty percent white in 1990, leading residents of some areas to seek “nomenclature walls to erect the maximum division between themselves and lower-income communities.”<sup>46</sup>

East Sepulvedans, though, came up with a clever stratagem: they circulated a petition in their area not only to homeowners but also to apartment dwellers and business owners, asking if they wanted to rename their part of Sepulveda “North Hills” as well.<sup>47</sup> The response was overwhelmingly positive, and the city councilman for their area, Joel Wachs, approved the change.<sup>48</sup> Soon after, blue neighborhood signs in Sepulveda east of Interstate 405 were also changed to North Hills, and the area was reunited under a new name.<sup>49</sup> This countermove incensed residents of the area’s western half, who threatened both legal action and another name change but ultimately did neither.<sup>50</sup> Today, North Hills remains astride the 405, covering just the same territory Sepulveda once did.

*Recognizing Little Haiti.* The area around Miami’s NE Second Street has been informally termed “Little Haiti” or “Little Port-au-Prince” since refugees from the repressive Duvalier regime began arriving there in the 1970s and 1980s.<sup>51</sup> It was not until 2013, though, that local Haitians began lobbying the Miami City Council to define and formally recognize their neighborhood.<sup>52</sup> Haitian community groups sought official designation for Little Haiti as a way to convey respect for the neighborhood itself, but also to stake out visible presence in a city where they had often felt marginalized.<sup>53</sup>

---

45. *Id.*

46. *Id.* (quoting urban theorist Mike Davis).

47. *Id.*

48. *Id.*

49. *Id.*

50. Jocelyn Y. Stewart, *Opinions Are Divided as Name Change Reunites Area: Communities: As the Remainder of Sepulveda Joins North Hills, Those Who Had the Name First Are Angry. A Standard Policy for Such Actions is Urged.*, L.A. TIMES (Nov. 23, 1991), <https://www.latimes.com/archives/la-xpm-1991-11-23-me-227-story.html> [<https://perma.cc/83KR-U5A4>].

51. See Nadege Green & Charles Rabin, *Where’s Little Haiti? It’s a Big Question*, MIAMI HERALD (Oct. 23, 2013, 7:56 PM), <https://www.miamiherald.com/news/local/community/miami-dade/article1956649.html> [<https://perma.cc/9VAK-Z84N>].

52. *See id.*

53. See Tim Elfrink, *Miami Could Officially Put Little Haiti on the Map this Week, but Opponents Prepared to Fight*, MIAMI NEW TIMES (May 23, 2016, 3:01 PM), <https://www.miami-newtimes.com/news/miami-could-officially-put-little-haiti-on-the-map-this-week-but-opponents-prepared-to-fight-8475289> [<https://perma.cc/2TPT-SN58>] (calling the official naming of Little Haiti “a long overdue recognition of Haitian immigrants’ contributions to the city”).

Non-Haitians in the area, black and white alike, quickly organized to oppose the move. This self-styled “preservationist” opposition objected to formally declaring the neighborhood Little Haiti in part because it would efface the neighborhood’s historical identity, reflected in a different name, “Lemon City.”<sup>54</sup> Opponents claimed that making Little Haiti official would represent “nothing more than the theft of documented history” by obscuring the area’s African American and Bahamian roots.<sup>55</sup> Opponents of the plan also raised concerns that the official naming could “make the area less attractive to potential investors.”<sup>56</sup> Preservationists argued that the city should simply not get involved and instead let locals informally refer to the area variously as Little Haiti, Lemon City, or other popular sobriquets.<sup>57</sup> Haitians responded that a lack of municipal recognition would obliterate their community and its contributions to the city<sup>58</sup> and suggested that the preservationist opposition was tinged with a racially motivated objection to official association with Haitians.<sup>59</sup>

When the matter finally came before the Miami City Council, Haitian community groups brought in busloads of supporters, who jammed into the council chambers and crowded the streets outside.<sup>60</sup> Preservationists made their case in the hearing, but the outcome was not close: the Council voted unanimously to define the area around NE Second Street as Little Haiti.<sup>61</sup> By 2017, it had become clear that preservationists’ economic concerns were unfounded. Property values soared, and Little Haiti quickly became Miami’s fastest-gentrifying area.<sup>62</sup> The same groups that had been advocating for official

---

54. See Green & Rabin, *supra* note 51 (quoting Georgia Ayers, local resident of Bahamian descent: “This area was here before Haitians got here . . . Why should the name be changed to suit them? I don’t care what the city wants to do — Lemon City is not in Little Haiti.”).

55. See David Smiley, *What’s in a Name? Little Haiti Boundaries Now Official*, MIAMI HERALD (May 26, 2016, 7:26 PM), <https://www.miamiherald.com/news/local/community/miami-dade/article80151417.html> [<https://perma.cc/23FZ-H3E8>] (recording locals’ observations that Lemon City was “built with the sweat of Bahamians” and that “Haitian activists demanding respect were ‘standing on the shoulders of African-Americans’”).

56. Green & Rabin, *supra* note 51 (citing local businessman Peter Ehrlich).

57. The area is alternately called Buena Vista and Little River. See Elfrink, *supra* note 53.

58. See *id.* (quoting Haitian activist Marleine Bastien: “Let’s not kid ourselves, there are forces out there who want to pretend Little Haiti never existed, to wipe it off the map. We have to prevent that.”).

59. See *id.* (noting that activists believe the opposition to officially naming the area “Little Haiti” reflects an “inherent racism toward Haitians”).

60. Smiley, *supra* note 55.

61. *Id.*

62. Jerry Iannelli, *Study: Little Haiti Will Gentrify Faster than Any South Florida Neighborhood in 2017*, MIAMI NEW TIMES (Jan. 6, 2017), <https://www.miaminewtimes.com/news/study-little-haiti-will-gentrify-faster-than-any-south-florida-neighborhood-in-2017-9041375> [<https://perma.cc/HX2L-RM82>].

recognition of the neighborhood name the previous year were now organizing around a different issue: opposing condo developments for wealthy professionals that would supplant housing affordable for the area's lower-income Haitians.<sup>63</sup>

*Inventing the East Cut.* Depending on whose estimate you use, San Francisco has anywhere from about forty to eighty-nine neighborhoods.<sup>64</sup> And in 2017, yet another appeared. In June of that year, a local community benefit district ("CBD"), an organization funded by local tax assessments, voted to rename the area comprised of the Transbay District and neighboring Rincon Hill as the "East Cut."<sup>65</sup> CBD members explained their aspirations in terms of creating a sense of community in an area that had in the early 1900s consisted of industrial warehouses but had recently been reborn as the headquarters of leading tech companies as well as glassy high-rise condos. Andrew Robinson, head of the CBD, explained that the rebranding sought to evoke a "21<sup>st</sup> century idea of what a neighborhood should be, mixing old and new and a variety of uses."<sup>66</sup> The name even nodded to the area's history: Rincon Hill was one of the original seven hills of San Francisco but was flattened by a thoroughfare known as the Second Street Cut that was created to link the city's industrial sectors to its eastern ports. District Six supervisor Jane Kim also gave the East Cut initiative her blessing, calling the renaming a "resident-driven" move undertaken with "care and pride."<sup>67</sup>

Not everyone was charmed by the attempt to gin up a new neighborhood. Local resident Lauri Mashoian questioned why a new name was necessary at all when Rincon Hill was "real and historic and accurate."<sup>68</sup> Others interrogated the sincerity of the CBD's motivations, arguing that East Cut was an act of obeisance to the chosen locations of both Google and Apple's new San Francisco offices. Activist Nate Green

63. *See id.* ("Haitian activists have long warned that investors could easily exploit area residents . . .").

64. Compare Nathan Falstreu, *What's in a Name? Rincon Hill Rebranded as 'The East Cut,'* HOODLINE (June 1, 2017, 3:25 PM), <https://hoodline.com/2017/06/what-s-in-a-name-rincon-hill-rebranded-as-the-east-cut> [<https://perma.cc/G8JG-SZTC>] ("San Francisco has more than 40 neighborhoods."), with John King, *New Image for a Slice of SF: The East Cut*, S.F. CHRON. (June 1, 2017, 6:00 AM), <https://www.sfchronicle.com/bayarea/article/New-image-for-a-slice-of-SF-The-East-Cut-11186840.php> [<https://perma.cc/ZAKV-PS6T>] ("The San Francisco Association of Realtors has a list of 89 neighborhoods . . .").

65. *See King, supra* note 64.

66. Jay Barmann, *Now They're Trying to Rebrand Rincon Hill as the 'East Cut,' and You Know What? No.*, SFIST (June 1, 2017), [https://sfist.com/2017/06/01/now\\_theyre\\_trying\\_to\\_rebrand\\_rincon](https://sfist.com/2017/06/01/now_theyre_trying_to_rebrand_rincon) [<https://perma.cc/qq7j-nzpj>].

67. Falstreu, *supra* note 64.

68. Barmann, *supra* note 66 ("If you have to explain something, maybe it's not right." (quoting Mashoian) (internal quotation marks omitted)).



remarked that “East Cut continues the wildly successful tradition of marketing consultants imposing names on areas that already exist, . . . like Pizarro planting a flag for Spain in the uninhabited wilds of the Andes, except for those pesky Inca.”<sup>69</sup>

Despite the chorus of grassroots dissent<sup>70</sup> and San Francisco’s long history of failed neighborhood renamings,<sup>71</sup> the CBD’s “East Cut” rebranding carried the day. By 2018, a stylized “E” logo appeared on banners around the neighborhood as well as on the jackets of local “community guides,”<sup>72</sup> and both Transbay and Rincon Hill have begun to fade into San Francisco’s colorful history.

*Urban Infill and City-Driven Change: D.C.’s NoMa.* In the 1990s, the area northeast of Washington, D.C.’s Union Station was a postindustrial stretch of largely empty land, notable if at all for a Greyhound station and a methadone clinic.<sup>73</sup> A real estate firm called the Bristol Group owned an eight-acre tract in the neighborhood and came up with a plan to create a new transit-oriented neighborhood, hoping to leverage a rule by the federal General Services Administration that requires government offices to be within 2,640 feet of a Metro stop.<sup>74</sup> To brand the area, James Curtis, Bristol’s founder and managing partner, came up with the name “NoMa,” referencing the neighborhood’s location north of Massachusetts Avenue NE.<sup>75</sup> As Bristol noted, “[I]n San Francisco, there was SoMa, which is South of Market . . . [a]nd then I was dating a girl in New York City, so I was

69. Falstreu, *supra* note 64 (internal quotation marks omitted).

70. See Matt Charnock, *SoMa’s East Cut Neighborhood Is Now Officially a Real Thing*, 7x7 (Apr. 30, 2018), <https://www.7x7.com/east-cut-soma-officially-a-thing-2564720056.html> [<https://perma.cc/PHD6-RUWB>] (noting the “resistance many of you expressed in our Facebook comments” about the East Cut).

71. See, e.g., King, *supra* note 64 (relating the story of SeMa, which never caught on, for the “South East Mission Area”).

72. *Id.*; see also Barmann, *supra* note 66 (observing the East Cut “E” on the jackets of “community guides,” whose main job appears to be to shuffle homeless people out of the neighborhood).

73. See Audrey Hoffer, *Where We Live: NoMa, the Wrong Side of the Tracks No More*, WASH. POST (Feb. 6, 2015), [https://www.washingtonpost.com/realestate/where-we-live-noma-the-wrong-side-of-the-tracks-no-more/2015/02/05/b85daf88-a0d5-11e4-903f-9f2faf7cd9fe\\_story.html](https://www.washingtonpost.com/realestate/where-we-live-noma-the-wrong-side-of-the-tracks-no-more/2015/02/05/b85daf88-a0d5-11e4-903f-9f2faf7cd9fe_story.html) [<https://perma.cc/36WE-U9RV>].

74. Owens, *supra* note 3.

75. Some attribute the name to Marc Weiss, who served as a consultant for the city in the late 1990s. See David Montgomery, *Visions of NoMa Renaissance Concern Area’s Artistic Denizens, Who Fear Urban Planners May Paint Them Out of the Picture*, WASH. POST (Mar. 12, 2000), <https://www.washingtonpost.com/archive/local/2000/03/12/visions-of-noma-renaissance-concern-areas-artistic-denizens-who-fear-urban-planners-may-paint-them-out-of-the-picture/a7b5faf4-fdcf-41b3-814e-5ef0dfba471a> [<https://perma.cc/CHU6-5276>] (identifying Marc Weiss as the person “who coined the term NoMa two years ago when he was a consultant to the city”). A civic group called the Cultural Development Corp. had used a grant from the city to hire urban planners Peter Calthorpe and Patrick Phillips, and New York’s SoHo, SoMa (South of Market Street in San Francisco), and LoDo (Lower Downtown in Denver) were models. *Id.*

down in SoHo all the time. We had to come up with something, so I said, ‘Well, what about NoMa?’ ”<sup>76</sup>

Two main forces came together over the subsequent decade and a half to realize Curtis’ vision and ensconce the name he came up with. First, the Washington Metropolitan Area Transit Authority agreed to add a Red Line stop in the area in 2004 as the system’s first urban infill, sparking the development boom Curtis had envisioned.<sup>77</sup> Then, in 2007, the District established the NoMa Business Improvement District (“BID”), embracing the name and reinforcing it through the work of the BID, which centered heavily on promotion.<sup>78</sup> The name has now taken hold and is formally recognized in the District’s planning processes, tourism promotion, and economic development efforts.<sup>79</sup>

*Failed Rebrandings: “ProCro.”* Not every attempt to rename a neighborhood or redraw a boundary by creating a new subneighborhood takes hold—indeed, many go by the wayside. A recent example of a failed effort by real estate agents and developers can be found in Brooklyn, around the ambiguous border between two contrasting neighborhoods, Prospect Heights and Crown Heights.<sup>80</sup> Prospect Heights is one of a string of now largely gentrified neighborhoods that surround Brooklyn’s Prospect Park, home to historic brownstone blocks, elegant prewar buildings along the stately portion of Eastern Parkway facing the Brooklyn Museum, and gleaming modern high-rises, including one designed by Pritzker Prize winning architect Richard Meier. By contrast, its neighbor to the east, Crown Heights, is a historically deeply poor, largely West Indian and African American community, perhaps best known for three days of violent riots against

76. *Id.*

77. The station opened as New York Ave–Florida Ave–Gallaudet U, but was renamed in 2011 in an intentional bid to reinforce the emerging NoMa brand. See Dana Hedgpeth, *In Renamed Metro Stop, NoMa Hopes for Hipper Identity*, WASH. POST (Nov. 3, 2011), [https://www.washingtonpost.com/local/in-renamed-metro-stop-noma-hopes-for-hipper-identity/2011/11/03/gIQA03RvjM\\_story.html](https://www.washingtonpost.com/local/in-renamed-metro-stop-noma-hopes-for-hipper-identity/2011/11/03/gIQA03RvjM_story.html) [https://perma.cc/KEW3-BA84].

78. See Elizabeth Flock, *NoMa: The Neighborhood Now Has a Name, But It’s Still Searching for Its Identity*, WASH. POST (Oct. 8, 2011), [https://www.washingtonpost.com/local/commuting/noma-the-neighborhood-now-has-a-name-but-its-still-searching-for-its-identity/2011/09/22/gIQA TY8uVL\\_story.html](https://www.washingtonpost.com/local/commuting/noma-the-neighborhood-now-has-a-name-but-its-still-searching-for-its-identity/2011/09/22/gIQA TY8uVL_story.html) [https://perma.cc/8Y9J-BCTH] (explaining development of the NoMa area). As to its prior identity, the *Post* has noted that the area was “nameless,” with “most people referring to it as ‘that weird part of Near Northeast.’” *Id.*

79. See Andrew Siddons, *NoMa: Evolving from a Brand to a Neighborhood*, URB. TURF (June 24, 2011), [https://dc.urbanturf.com/articles/blog/noma\\_evolution\\_from\\_a\\_brand\\_to\\_a\\_neighborhood/3709](https://dc.urbanturf.com/articles/blog/noma_evolution_from_a_brand_to_a_neighborhood/3709) [https://perma.cc/7UGL-T67H] (describing the past and future development of NoMa).

80. For more background on dynamics of how demographic and socioeconomic change have interacted with neighborhood identity in Brooklyn, see SULEIMAN OSMAN, *THE INVENTION OF BROWNSTONE BROOKLYN: GENTRIFICATION AND THE SEARCH FOR AUTHENTICITY IN POSTWAR NEW YORK* (2011), which explains in detail the gentrification of Brownstone Brooklyn between the 1950s and 1980s as a product of the cultural upheavals of the 1960s and 1970s and a grassroots movement led by young and idealistic white college graduates.

the neighborhood's Hasidic enclave that erupted in the summer of 1991.<sup>81</sup>

As gentrification began to seep from Prospect Heights into Crown Heights, some real estate agents in the early 2000s took to referring to the western end of the latter neighborhood as "ProCro." A 2011 *Wall Street Journal* article brought the name to the public's attention,<sup>82</sup> and the term spread quickly through the media. The popular online real estate blog Curbed published a guide to the newly identified area's rental market,<sup>83</sup> and the *New York Times* cautioned those who dismissed the name as "silly sounding."<sup>84</sup> A few months later, *New York Magazine* included it in a list of the "Next Big Neighborhoods," albeit with the modified name "Pro-Crown Heights."<sup>85</sup>

The attempted creation of this new marketing portmanteau—and ensuing neighborhood outrage—led then-state senator (subsequently U.S. congressman) Hakeem Jeffries to introduce the Neighborhood Integrity Act.<sup>86</sup> The name "ProCro," however, failed to gain traction, perhaps because of Jeffries' opposition or because, as *New York Magazine* later said, it sounds like a "mixed-use fertility clinic-cryogenics lab."<sup>87</sup>

\* \* \*

---

81. See generally EDWARD S. SHAPIRO, CROWN HEIGHTS: BLACKS, JEWS, AND THE 1991 BROOKLYN RIOT (2006) (detailing the 1991 riot, the factors that catalyzed it, and the impact it had).

82. See Robbie Whelan, *Prospect Heights Edges into Crown Heights*, WALL ST. J. (Feb. 18, 2011), <https://wsj.com/articles/SB10001424052748704657704576150240750373316> [<https://perma.cc/9TKM-84PB>].

83. Sara Polsky, *What's on the Rental Market in ProCro Right Now*, CURBED (May 11, 2011, 3:26 PM), <https://ny.curbed.com/2011/5/11/10467478/whats-on-the-rental-market-in-procro-right-now> [<https://perma.cc/87TG-H5N4>].

84. Liz Robbins, *Unease Lingers Amid a Rebirth in Crown Heights*, N.Y. TIMES (Jan. 31, 2012), <https://www.nytimes.com/2012/02/01/nyregion/in-crown-heights-a-renaissance-with-unease.html> [<https://perma.cc/F9LS-VTNL>].

85. Ashlea Halpern, *Pro-Crown Heights*, N.Y. MAG. (Apr. 3, 2011), <http://nymag.com/real-estate/features/microneighborhoods/pro-crown-heights-2011-4> [<https://perma.cc/9H65-2LB2>].

86. This was the first introduction of legislation that later became a proposed response to "SoHa." See *supra* text accompanying notes 17–27. As discussed below, the Act has been reintroduced but remains unenacted. See *infra* text accompanying notes 148–154.

87. Molly Young, *Hell No, Portmanteaux: A Naming Gimmick Too Far*, N.Y. MAG. (Apr. 20, 2011), <http://nymag.com/news/intelligencer/hakeem-jeffries-bill-2011-5> [<https://perma.cc/EN7W-YEX4>]. Failed attempts to rebrand can be found in other cities as well. For example, "New Merigny" was a name that real estate companies tried—ultimately unsuccessfully—to use for an area of the St. Roch neighborhood in New Orleans that borders the more upscale Merigny district, as community renewal and then gentrification took hold in the decade after Hurricane Katrina. See Richard A. Webster, *St. Roch: Gentrification Ground Zero in New Orleans*, NOLA.COM (Apr. 5, 2016, 10:32 AM), [https://www.nola.com/neighborhoods/2015/06/st\\_roch\\_neighborhoods\\_1.html](https://www.nola.com/neighborhoods/2015/06/st_roch_neighborhoods_1.html) [<https://perma.cc/FR8G-LHRV>].

Although these case studies focus on renaming efforts in a handful of cities, successful and not, similar dynamics can be found in urban communities of all sorts across the country—from Chicago<sup>88</sup> to Minneapolis<sup>89</sup> to Nashville<sup>90</sup> to Seattle<sup>91</sup> to South Philly<sup>92</sup> and beyond. As the next Section outlines, common stakeholders and themes emerge from this overview, and we can begin to draw lessons about the interplay between conflicts over neighborhood naming and broader dynamics of neighborhood change and governance.

### *B. Reflections on the Significance of Neighborhood Names*

The varied conflicts discussed above evince some clear patterns. Gentrification is obviously a key theme, as with SoHa, ProCro, and others, as are efforts to use identity to signal separation from others, as the residents of North Hills attempted. Some renaming conflicts involve

---

88. See, e.g., Michael Austin, *There Goes the Neighborhood*, CHI. TRIB. (July 15, 2007), <https://www.chicagotribune.com/news/ct-xpm-2007-07-15-0707040321-story.html> [https://perma.cc/CSH2-NE5A] (broadly exploring toponymic conflicts in Chicago).

89. Minneapolis' North Loop is another example among many, including NoMa, of urban infill tied to new neighborhood identity. See Emma Nelson, *Oldest Neighborhood in Minneapolis Looks to Rebrand Just Like North Loop Did*, STAR TRIB. (Feb. 11, 2017, 11:32 PM), <https://northloop.org/oldest-neighborhood-minneapolis-looks-rebrand-just-like-north-loop> [https://perma.cc/P5SM-3YXK] (“The North Loop in downtown Minneapolis used to be lumped in with the nearby Warehouse District, until the neighborhood association hired a local firm to make the North Loop name into a formal brand.”).

90. See, e.g., Getahn Ward & Mike Reicher, *There Goes the Neighborhood: New Community Names Crop Up in Gentrifying Nashville*, TENNESSEAN (Oct. 26, 2017), <https://www.tennessean.com/story/money/real-estate/2017/10/26/nashville-gentrification-neighborhood-nations-edgehill-salem-town-antioch/763566001> [https://perma.cc/MDT4-NHMJ] (describing the successful effort by real estate agents and developers to rename a portion of the traditionally African American North Nashville as “City Heights,” as well as community-led efforts to demarcate “Edgehill” as a hedge against encroaching gentrification).

91. “SoDo” began as a somewhat cheeky shorthand by developers for the neighborhood south of the KingDome, the Seattle Seahawks’ old football stadium—i.e., “south of the dome.” Polly Lane, *‘Sodo’ Area is Quietly Blooming—Sears Plan May Give More Visibility to Transformation South of Kingdom*, SEATTLE TIMES (July 3, 1990), <http://community.seattletimes.nwsourc.com/archive/?date=19900703&slug=1080307> [https://perma.cc/93EY-NL9D]. After the stadium was demolished, the name stuck, but came to be understood as a shorthand for South of Downtown. See Lee Moriwaki, *Starbucks, Developer Help Boost Sodo Area—‘South of Dome’ Gets Makeover to Become ‘South of Downtown,’* SEATTLE TIMES (June 21, 1997), <http://community.seattletimes.nwsourc.com/archive/?date=19970621&slug=2545636> [https://perma.cc/Q45W-V2E8]. SoDo is now officially recognized on the City of Seattle Tourism Department’s website as a neighborhood. See *SoDo and Georgetown*, VISIT SEATTLE, <https://www.visitseattle.org/neighborhoods/sodo-georgetown> (last visited Jan. 9, 2019) [https://perma.cc/MH53-VXD5]. There is a SoDo busway and light rail stop, and the name adorns the local Business Improvement Area.

92. See Jackelyn Hwang, *The Social Construction of a Gentrifying Neighborhood: Reifying and Redefining Identity and Boundaries in Inequality*, 52 URB. AFF. REV. 98, 112–21 (2016) (discussing neighborhood identity conflicts played out through disparate perceptions of the name of a traditionally African American area long-known as South Philly, but more recently referred to by new, mostly white entrants as “Graduate Hospital,” “G-Ho,” “South Square,” “So-So,” “South Rittenhouse,” or “Southwest Center City”).

efforts to “rebrand” neighborhoods, as with South Central, or to establish new “brands” for urban infill development, as with NoMa. And the desire by an ethnic or immigrant group to mark identity—Little Haiti being only the most recent example—is a perennial staple of renaming.

These variations, however, all raise one central puzzle: Why should neighborhood names matter so much? Names—it would seem, at first blush—are merely cosmetic and trivial, not substantive, as critics of some renaming efforts charge.<sup>93</sup> But names clearly do matter, and matter deeply, as the strong passions that seem to erupt in so many cities over this particularly visible aspect of neighborhood identity amply attest. To appreciate why, this Section situates dynamics of naming and neighborhood identity in the context of broader concerns—empirical and scholarly—about neighborhood change and conflict.

### 1. The Significance of Names

As noted at the outset, a long-standing and growing literature in the field of geography called toponymy has grappled with the significance of place naming.<sup>94</sup> As Naftali Kadmon notes, toponymy scholars have explored the role of place names in inscribing language, culture, and history in the landscape, while recognizing that the main function of a geographic name is to serve as a semantic label—a signifier onto which other meaning can be imposed.<sup>95</sup> Place names themselves can be meaningful (such as when honoring a historical figure or significant event or reflecting some fact of geography) or abstract (as with streets identified by number), often combining abstract and concrete significance. Regardless of their semantic roots, these labels once affixed play important roles in communicating the nature of a place. Names thus signal aspects of the larger social context in which naming has taken place, often revealing underlying power dynamics in the naming.<sup>96</sup> Place names also serve more mundane functions, facilitating communication, commerce, and services, and

---

93. See, e.g., Roy Rivenburg, *A Spin by Any Other Name . . .*, L.A. TIMES (Apr. 14, 2003), <http://articles.latimes.com/2003/apr/14/entertainment/et-roy14> [<https://perma.cc/3XG6-A3XH>] (“Critics promptly ridiculed the move [from South Central to South L.A.], arguing that the name change won’t eliminate the neighborhood’s underlying problems.”).

94. See *supra* note 7 and accompanying text.

95. See KADMON, *supra* note 7, at 37 (describing “names as labels”).

96. That is why, for example, so many postcolonial nations undertake the process of renaming places—streets, cities, and geography, for example—as a means of reclaiming national and local identity. See *id.* at 44–45; see also Fernand de Varennes, *The Protection of Linguistic Minorities in Europe and Human Rights: Possible Solutions to Ethnic Conflicts?*, 2 COLUM. J. EUR. L. 107, 126–28 (1996) (discussing toponymy and minority rights under U.N. and European human rights instruments).

hence have been the subject of national and even international policy efforts toward standardization.<sup>97</sup>

Toponymy is not just about neighborhoods but can relate to any kind of place or structure that can be named, including nations, states, and cities, but also streets, buildings, schools, bridges, tunnels, landmarks, parks, historic districts, parishes, and more.<sup>98</sup> And as the controversy over whether to call Alaska's tallest mountain "McKinley"—after the president—or "Denali"—from the Koyukon language traditionally spoken by Native Alaskans north of the mountain—makes clear,<sup>99</sup> physical geographic features are also toponymic fair game.

A recent critical turn in the toponymy literature is particularly relevant to the intersection between place naming and the legal system. That turn emphasizes that those in power control naming and set the terms of what places "matter," reflecting the unfortunate realities of American history. Contemporary critical geography scholars see place as a social construct, arguing that there is nothing neutral or natural about the way issues such as who belongs in and who controls a given territory and its boundaries are constructed.<sup>100</sup> Place instead reflects fluid conditions of power, socioeconomics, race, and gender.

---

97. For this reason, many countries have national agencies focused on the standardization of place names, the earliest being the United States Board of Geographic Names, established by executive order in 1890. KADMON, *supra* note 7, at 212. At the international level, the United Nations has worked to standardize geographical names, citing economic and practical benefits both to individual nations and the international order. *See, e.g.*, U.N. Conference on the Standardization of Geographical Names, *Report of the Conference*, Res. 4, E/CONF.53/3 (Sept. 1967) (calling for the establishment of national geographic naming authorities to formalize national place-naming policies and processes).

98. Indeed, conflicts over neighborhood naming echo—and reflect some of the passion of—current conflicts over the toponymy of university buildings and related institutions. Calhoun College at Yale, for example, was the subject of extended protests for its association with Yale alumnus John C. Calhoun, a prominent slaveholder and defender of white supremacy (and the building itself once housed a stained-glass window showing a shackled slave kneeling before the college's namesake). After much contestation, Yale agreed in 2017 to rename the college, choosing instead to honor Grace Hopper, a pioneering computer scientist and Navy rear admiral. *See* Kathleen Megan, *Yale Worker Who Smashed Slavery Window Wants Job Back*, HARTFORD COURANT (July 12, 2016, 7:38 PM), <https://www.courant.com/breaking-news/hc-yale-slave-image-20160712-story.html> [<https://perma.cc/UV2L-R3TY>]; Noah Remnick, *Yale Will Drop John Calhoun's Name from Building*, N.Y. TIMES (Feb. 11, 2017), <https://www.nytimes.com/2017/02/11/us/yale-protests-john-calhoun-grace-murray-hopper.html> [<https://perma.cc/3LTF-5QJ7>].

99. *See Denali or Mount McKinley?*, NAT'L PARK SERV., <https://www.nps.gov/dena/learn/historyculture/denali-origins.htm> (last visited June 28, 2018) [<https://perma.cc/C4MP-MUPR>] (discussing the origins of the name controversy, the renaming effort, and origins of various names for the mountain).

100. *See, e.g.*, Jani Vuolteenaho & Lawrence D. Berg, *Towards Critical Toponymies*, in *CRITICAL TOPONYMIES: THE CONTESTED POLITICS OF PLACE NAMING 1* (Lawrence D. Berg & Jani Vuolteenaho eds., 2009) (presenting an interdisciplinary approach to naming and focusing on how these concepts are manifest through practices that are infused with relations of power). Doreen Massey's work on space and place has been influential in this literature. *See, e.g.*, DOREEN MASSEY,

In contested processes of imbuing place with meaning, names serve as important signifiers and as organizing nodes of power and exclusion, at times accelerating or exacerbating those forces.<sup>101</sup> As Reuben Rose-Redwood, Derek Alderman, and Maoz Azaryahu have argued,

[t]he discursive act of assigning a name to a given location does much more than merely denote an already-existing “place.” Rather . . . the act of naming is itself a performative practice that calls forth the “place” to which it refers by attempting to stabilize the unwieldy contradictions of sociospatial processes into the seemingly more “manageable” order of textual inscription.<sup>102</sup>

In other words, the act of naming a place visibly focuses competing social, demographic, and economic forces around a particularly salient marker.<sup>103</sup>

The name of a neighborhood, then, can mirror the distribution of neighborhood power and the nature of democracy at the local scale. Naming brings together more or less formal means of official recognition through wards, names of city council districts, business improvement districts, historic districts, and the like; it also channels governance, demographics, and socioeconomic shifts in a distinctive way, as we explore in depth below.<sup>104</sup> Neighborhood change is not the same as name change, but the latter often reflects the larger undercurrents of the former. Because names are so visible, they often coalesce as a proxy for questions of economic and demographic conflict while at the same time helping to consolidate, accelerate, or impede neighborhood change.<sup>105</sup>

---

SPACE, PLACE, AND GENDER (1994) (arguing for a conception of place as having unfixed and disputed identities).

101. See David J. Madden, *Pushed Off the Map: Toponymy and the Politics of Place in New York City*, 55 URB. STUD. 1599, 1601 (2018) (arguing that “place names are not superficial ornaments applied to pre-existing territories but rather central elements in the constitution of place itself”).

102. Reuben Rose-Redwood, Derek Alderman & Maoz Azaryahu, *Geographies of Toponymic Inscription: New Directions in Critical Place-Name Studies*, 34 PROGRESS HUM. GEOGRAPHY 453, 454 (2010).

103. See Madden, *supra* note 101, at 1600–01 (arguing that “[s]truggles over neighborhood names must . . . be seen as a symbolic dimension to struggles over resources, property, identity and belonging in urban space”); Rose-Redwood et al., *supra* note 102, at 457 (highlighting the “cultural politics of *naming*—that is, how people seek to control, negotiate, and contest the naming process as they engage in wider struggles for legitimacy and visibility”).

104. See *infra* Section II.B.

105. This Article is focused on ways in which neighborhood names are contested, which reflects much broader questions of how neighborhoods themselves change. A full exploration of those broader dynamics is beyond the scope of this Article.

## 2. Drivers of Contemporary Neighborhood-Naming Conflicts

What, then, drives conflicts over neighborhood naming? While names may seem merely cosmetic, they are often both symptoms and causes of deeply felt fault lines that pervade the contemporary urban landscape. Naming conflicts touch on many of the most difficult issues faced by modern cities: the economic lure of gentrification along with its displacing effect on long-standing residents; the desire of wealthier communities to wall themselves off from nearby poorer ones, often with stark racial undercurrents; and the yearning for ethnic enclaves to achieve a sense of public acceptance via municipal recognition.<sup>106</sup> This taxonomy of causal forces in turn highlights a number of salient stakeholders: long-established communities; new residential entrants; economic actors, such as real estate developers and agents; and, of course, the state itself in the form of local governments.<sup>107</sup>

Why are these conflicts particularly acute in contemporary cities? It is hard to say for certain, but some larger dynamics seem at issue. To begin, in many cities today, neighborhoods simply matter more than they did in an earlier era of urban crisis and abandonment. Given the rebirth of so many cities, as uneven as that rebirth has been,<sup>108</sup> there is more value in many neighborhoods and a growing recognition that neighborhood identity can directly influence social and

---

106. Neighborhood naming as a means of establishing or reinforcing community is not just a phenomenon of immigrant or ethnic enclaves. Community in this sense can also include a group joined by an aesthetic vision of the neighborhood. See *infra* text accompanying notes 123–124 (discussing “Valley Village”).

107. Moreover, some instances of neighborhood-naming conflicts are squarely about the identity of the neighborhood as a whole, as with Little Haiti and McCormick Square, and the question of demarcating boundaries is not central. In many instances, however, ambiguity over shifting boundaries is as much a part of the controversy as the name itself, as with SoHa, North Hills, ProCro, and other exercises in redefining the borders of a community. There are aspects of each kind of controversy that overlap—for example, who speaks for a community and where power resides—but there are some distinctions when a new neighborhood is sought in contrast to an existing neighborhood where that very contrast may be what motivates those seeking renaming.

108. Over the past several decades, there has been a notable divergence between growing, globally connected metropolitan areas like New York, Chicago, Houston, Miami, Atlanta, Los Angeles, and other cities that reflect the rebirth of urban America, on the one hand, and struggling cities—mostly in the Rust Belt, but scattered throughout the country—that have not managed the postindustrial transition and are not facing the same pressures of gentrification, housing affordability, and demographic change. For recent examinations of these diverging urban fortunes, see, for example, RICHARD FLORIDA, *THE NEW URBAN CRISIS: HOW OUR CITIES ARE INCREASING INEQUALITY, DEEPENING SEGREGATION, AND FAILING THE MIDDLE CLASS—AND WHAT WE CAN DO ABOUT IT* (2017); and ALAN MALLACH, *THE DIVIDED CITY: POVERTY AND PROSPERITY IN URBAN AMERICA* (2018). Contemporary naming conflicts tend more often to arise in more economically successful cities, although there is much variation.



economic outcomes.<sup>109</sup> As a result, there is simply more to contest in neighborhood identity, as Harold Demsetz might have predicted in his theory of the emergence of property rights at times of shifting-resource values.<sup>110</sup> Names and local identity matter more when neighborhoods matter more, as drivers of economic value and as signifiers of belonging.

At the same time, cities increasingly compete for mobile residents, particularly for residents whom officials think will add to the intellectual and cultural capital of a city.<sup>111</sup> In their return to the city, devolution matters to these particularly sought-after mobile residents, with cities offering greater empowerment of school boards, neighborhood zoning bodies and historic districts, business improvement districts, and a variety of other sublocal institutions that allow for differentiation within neighborhoods, particularly in cities with significant socioeconomic disparities.<sup>112</sup> Neighborhood identity then not surprisingly becomes a strong indicator of sublocal control and a high-leverage driver of economic value.<sup>113</sup> All of which raises the salience of gentrification, displacement, community, and recognition.

As critical geographers have argued, moreover, conflicts over naming should be understood in light of the rise of *branding* for cities

---

109. See FENNEL, *UNBOUNDED HOME*, *supra* note 9, at 29–30 (citing empirical evidence that “social addresses”—that is, the reputations associated with place names—can influence job prospects for residents and deeply impact the resale value of homes).

110. *Cf.* Harold Demsetz, *Toward a Theory of Property Rights*, 57 AM. ECON. REV. 347 (1967). Law has also helped foster the increasing importance of urban neighborhoods. As Peter Byrne has argued, modern zoning increasingly encourages walkable transit-oriented development; historic preservation regulations maintain aesthetically distinctive buildings and streetscapes, which in turn encourages a sense of community identity; and environmental law has spurred the return to the city by mitigating the environmental harms that traditionally spread exurban development. See Byrne, *supra* note 8, at 1598, 1601, 1606.

111. The traditional paradigm of local economic development involved public subsidies to attract businesses, which certainly still happens—as the recent spectacle over the siting of Amazon’s second headquarters made clear. See *infra* note 116. But increasingly cities are seeking to attract entrepreneurs, the so-called “creative class,” college graduates, and the like on the theory that rather than seek employers, places should seek attractive employees who will *then* draw companies and create their own. See Nestor M. Davidson & Sheila R. Foster, *The Mobility Case for Regionalism*, 47 U.C. DAVIS L. REV. 62, 88–100 (2013) (summarizing these trends and noting that “what drives urban growth today . . . is the attraction of highly skilled, highly educated mobile residents to major cities and their surrounding regions”).

112. See Stahl, *supra* note 8 (arguing for a model of sublocal devolution that would allow cities to compete with suburbs for mobile residents); see also Byrne, *supra* note 8, at 1596 (arguing that “new urban residents primarily seek a type of community properly called a neighborhood . . . a legible, pedestrian-scale area that has an identity apart from the corporate and bureaucratic structures that dominate the larger society”); accord Briffault, *Sublocal*, *supra* note 8, at 527 (discussing the connection between sublocal institutions in urban governance and Tieboutian mobility-based arguments for devolution and decentralization in the context of business-oriented sublocal structures).

113. See Fennell, *Exclusion’s Attraction*, *supra* note 9, at 185 (discussing place-name reputation as one way to signal particularly neighborhood-level exclusion, which might, in turn, mitigate jurisdiction-wide exclusionary pressure).

more generally.<sup>114</sup> Cities now compete for the equivalent of “market share,” both to attract residents and businesses and to satisfy other economic development pressures, often centered around tourism.<sup>115</sup> Neighborhoods have become one more facet of this marketing process, again raising the stakes of questions of identity and reflective names of that identity.<sup>116</sup>

Finally, the heightened salience of neighborhood naming likely reflects changes in information technology. Maps have always been a powerful means by which state or private actors can stamp their ideal neighborhood outlay onto a city grid.<sup>117</sup> Moreover, the better our sources of geographic identity—from Google Maps to Uber and Lyft to Facebook neighborhood pages to Nextdoor—and the more networked people

---

114. See Reuben Rose-Redwood & Derek Alderman, *Critical Interventions in Political Toponymy*, 10 ACME: INT'L J. FOR CRITICAL GEOGRAPHIES 1, 2–6 (2011) (discussing the proliferation of branding efforts and the commodification of public identity).

115. In some parts of the world, most notably in Europe, the economic potential of place names is formalized to preserve and enhance the brand value of products associated with specific places like Champagne, Cognac, and the like. See KADMON, *supra* note 7, at 71–76 (noting that there is even a scholarly term for things named after places: epotonyms). Although there are many place-related products that are not legally protected, such as Port (from the city in Portugal) and denim (from de Nimes, France), Europe has acted to capture the branding value of some regional identity to prevent freeriding. *Id.*

In the United States, there are similar (less prominent) products associated with place. See, e.g., Jeanne Muchnick, *More Than an Area Code: 203 Brand Takes Off for Fairfield County Duo*, FAIRFIELD DAILY VOICE (Feb. 23, 2017), <http://fairfield.dailyvoice.com/business/more-than-an-area-code-203-brand-takes-off-for-fairfield-county-duo/700735> [<https://perma.cc/42GU-UT2T>]. The owners of such products can protect their intellectual property in traditional ways but are not part of any official process of leveraging geography for economic development.

116. A particularly noteworthy recent example of neighborhood branding and corporate recruitment arose in Amazon's search for its second headquarters. After a fourteen-month process that pitted cities across the country against each other for the chance to become home to up to fifty thousand high-paying jobs, Amazon ultimately chose two locations, one in New York's Long Island City (a location it has since abandoned) and one in a previously nondescript area straddling Crystal City, Pentagon City, and Potomac Yard in Arlington and Alexandria, Virginia. In so doing, Amazon and its local development partner, JBG Smith, created and have been marketing a new neighborhood in northern Virginia they call “National Landing,” which, inevitably, has already earned the shorthand “NaLa.” See Steve Hendrix, *National Landing? In Amazon's New Neighborhood, a New and Strange Name*, WASH. POST (Nov. 16, 2018), [https://www.washingtonpost.com/local/national-landing-in-amazons-new-neighborhood-a-new-and-strange-name/2018/11/16/2b46cc18-e9df-11e8-bbdb-72fdbf9d4fed\\_story.html](https://www.washingtonpost.com/local/national-landing-in-amazons-new-neighborhood-a-new-and-strange-name/2018/11/16/2b46cc18-e9df-11e8-bbdb-72fdbf9d4fed_story.html) [<https://perma.cc/HXV5-9TZJ>] (explaining the quick adoption of the name National Landing and the abbreviated “NaLa”); see also Linda Poon, *Can Amazon Really Rename a Neighborhood?*, CITYLAB (Nov. 21, 2018), <https://www.citylab.com/life/2018/11/national-landing-amazon-hq2-crystal-city-northern-virginia/575848> [<https://perma.cc/Y7SC-S9MN>] (explaining Amazon's “aggressive rebranding campaign” to redub Crystal City as “National Landing”).

117. Chicago and New Orleans, for example, have long-standing official city maps that remain both influential and controversial. Boards of realtors also release maps with neighborhood outlines that seek to draw boundaries in their preferred way, with controversy often accompanying their release. See, e.g., John Wildermuth, *S.F. Neighborhoods Change Names to Map Out New Identity*, SFGATE (Mar. 23, 2014), <https://www.sfgate.com/bayarea/article/S-F-neighborhoods-change-names-to-map-out-new-5341383.php> [<https://perma.cc/ZC9K-XBVU>] (describing neighborhood changes in recent San Francisco Realtor Association maps and accompanying furor).

become as urban residents, the more visible the question of neighborhood identity coalesced in a neighborhood's name becomes. It may once have been the case that people could claim their own name for some patch of urban ground with relatively low stakes, and nicknames for neighborhoods have long proliferated. But when Google Maps comes to provide an almost quasi-official account of boundaries and nomenclature,<sup>118</sup> technology foregrounds toponomy and likely will continue to do so as urban information becomes more ubiquitous in everyday life.

## II. THE LAW AND NEIGHBORHOOD NAMING

Local governments regulate many features of urban life: school districts, police departments, zoning, property taxation, and the like. With neighborhood names, however, one likely imagines a process that operates apart from law. Such names may arise bottom-up from an accretion of stories and folklore shared by a district's residents. Names may also be imposed from the top down, either by resident associations that seek to inculcate a certain identity or real estate agents or developers whose agenda is to burnish an area's reputation (and, in turn, leverage its economic value).

Yet law is hardly absent. In reality, local governments take a variety of regulatory postures with respect to defining and naming city neighborhoods. Such regulation can be overt and formalized, such as municipal ordinances carving out a municipality's exclusive jurisdiction to declare and name its neighborhoods. Localities may affect naming less formally by, for example, enabling and even funding neighborhood associations that seek to embrace a particular nomenclature.

The previous Part outlined underlying motivations that inspire neighborhood naming and renaming. This Part examines in two steps how these motivations translate directly into the creation and imposition of those names. It begins by examining the informal processes, both bottom-up and top-down, by which neighborhood names arise. These forces operate largely apart from law, though law frequently seeks to constrain them. This Part then outlines the domain of law's interventions in the forces that give rise to neighborhood names by surveying the range of approaches from overt to implicit to supine.

---

118. Google any typical neighborhood in the United States and one search result will almost inevitably be a Google map with seemingly precise neighborhood boundaries delineated, regardless of how contested those boundaries might be on the ground. *See* Nicas, *supra* note 3 ("Google Maps has now become the primary arbiter of place names. With decisions made by a few Google cartographers, the identity of a city, town or neighborhood can be reshaped, illustrating the outside influence that Silicon Valley increasingly has in the real world.").

*A. Naming Norms and Practices*

An individual may, of course, refer to their part of town by any term they choose. But tradition and convenience dictate that shared geographic areas be denoted by some universal scheme, so understood zones and their shared names tend to arise in larger cities. The processes by which these names emerge typically begin without reference to law. This Section outlines those processes, and the salient stakeholders who drive them, as a prelude to examining law's interventions.

## 1. Bottom-Up Naming: Folk Pathways

Many neighborhoods' names are not the product of a single decision but rather of gradual accretion. A name may refer to a salient social practice. Oakland's Jingletown, for example, refers to a tradition among the area's Portuguese immigrant population in the 1920s. When local residents finished a day working in local fruit packing plants, they would be paid in coins, which they would jingle in their pockets as they walked home to show off their temporary wealth.<sup>119</sup> Alternatively, neighborhood names commonly refer to the ethnic group that has come to populate the area. San Francisco's Chinatown, Detroit's Poletown, and Orange County, California's Little Saigon each leave little ambiguity as to the cultural character of those neighborhoods' residents.<sup>120</sup> Or a name may arise out of some notable feature of a neighborhood's landscape, whether topographical (the San Fernando Valley's La Tuna Canyon), civic (Los Angeles' Echo Park), or military (San Francisco's Presidio).

In each of these instances, names arose through an informal, distributed process of shared cultural and social consensus. Such processes are messy and unpredictable. They are not driven by a single entrepreneur or group but arise out of the microcontributions of countless locals over many years. Richard Campanella, a scholar of New Orleans' toponymy, characterizes the "vernacular" of neighborhood names as originating from "bottom-up spatial perception, based on how

---

119. *Crosscurrents: The Source: How Jingle-town Got Its Name*, KALW LOC. PUB. RADIO (Jan. 7, 2016), <https://www.kalw.org/post/source-how-jingle-town-got-its-name> [<https://perma.cc/QJC2-METX>] (KALW radio broadcast).

120. Sometimes ethnic sobriquets are stickier than they are descriptive. Los Angeles' Koreatown remains a hub of Korean business, but its residents are now largely Latino. See *Koreatown*, L.A. TIMES, <http://maps.latimes.com/neighborhoods/neighborhood/koreatown> (last visited Jan. 9, 2019) [<https://perma.cc/HP75-8WYU>].

folks viewed the human and urban geography of their city.”<sup>121</sup> This process may yield multiple competing names. The area of Miami now officially designated as “Little Haiti” was previously also termed “Lemon City,” “Buena Vista,” and “Little River” (names still preferred by some of the area’s non-Haitian residents).<sup>122</sup> As this Section later details, city governments may eventually intervene to declare the boundaries of such neighborhoods and to ratify a particular name, but the state’s role in these processes is almost always *ex post* and reactive to preexisting cultural and social action.

## 2. Top-Down Naming: Neighborhood Associations and Real Estate Professionals

Neighborhood names may also be imposed from the top down. Such naming may, like folk pathways, reflect community consensus. Neighborhood associations typically form in order to promote local residents’ interests. These groups invariably take a stance on the nomenclature and geography of neighborhoods because they have to define and identify the area they seek to represent. The names they choose may refer back to some historical term, especially when the association’s goal is to resist encroaching change. Los Angeles’ Valley Village Neighborhood Association, for example, established itself in the 1980s as a bulwark of single-family living against the increasing industrialization of Van Nuys, the municipal subdivision of which it was officially a part.<sup>123</sup> The name “Valley Village” refers to the name of the original 1930s subdivision, which was designed to be a peaceful bedroom community for employees of the San Fernando Valley’s nascent film industry.<sup>124</sup>

By contrast, civic associations may choose a new name in order to impose a sense of character on a new development. San Francisco’s East Cut dates only to 2017, and the Community Business District that branded the neighborhood did so explicitly to give residents a sense of place in what had once been a predominantly industrial zone.<sup>125</sup> Restrictive covenants supply another legal vehicle by which

---

121. Times-Picayune Editorial Board, *The 73 ‘Official’ New Orleans Neighborhoods: Why They Exist, and Why They Shouldn’t*, NOLA.COM (June 16, 2015), [https://www.nola.com/neighborhoods/2015/04/new\\_orleans\\_neighborhoods\\_73.html](https://www.nola.com/neighborhoods/2015/04/new_orleans_neighborhoods_73.html) [<https://perma.cc/8EF7-AUNR>].

122. See Elfrink, *supra* note 53.

123. See Aaron Curtiss, *Name Changes, Neighborhood Doesn’t*, L.A. TIMES (Feb. 13, 1991), [http://articles.latimes.com/1991-02-13/local/me-1042\\_1\\_valley-village](http://articles.latimes.com/1991-02-13/local/me-1042_1_valley-village) [<https://perma.cc/25EV-MBDM>] (describing the history of Valley Village in the San Fernando Valley and the successful efforts to have the neighborhood officially recognized).

124. See *id.*

125. King, *supra* note 64.

communities may declare the name of their neighborhoods. Houston's Braeswood Place furnishes one such example. Signs featuring the name surround the neighborhood and note that the area is a "deed-restricted community."<sup>126</sup> These private designations can also become terms that are adopted for use by municipal actors in referring to their city. For example, Houston has adopted Braeswood Place as one of several districts that it recently chose to list among its "super neighborhoods."<sup>127</sup>

Other instances of top-down naming may come from outside the community and seek to brand or rebrand a neighborhood for economic rather than social or cultural reasons. Developers often propose new names for neighborhoods in an effort to highlight the neighborhood's distinctiveness and enhance the value of the forthcoming development. Real estate agents may also propose new neighborhood names and even modify city maps, each of which can exert substantial impact on local understandings of how neighborhoods are configured and defined.<sup>128</sup> There may be no better example of the influence of real estate professionals on neighborhood identity than the decision of Los Angeles real estate developers to call their planned hillside neighborhood "Hollywoodland."<sup>129</sup> In a bold advertising move, they spelled out the name in large wooden letters along the peak of Mount Lee. The resulting sign became iconic and ushered in the Golden Age of Hollywood, with the surrounding neighborhood (not to mention the film industry) still bearing the name. And, as noted, technology also plays a

---

126. For an example, see the image located at *Braeswood Place*, FINE HOMES HOUS., <http://www.finehomeshouston.com/neighborhood/677> (last visited Dec. 27, 2018) [<https://perma.cc/39GH-R2ZL>].

127. See *Super Neighborhoods: Recognized SN List and Bylaws*, CITY HOUS. TEX., <http://www.houstontx.gov/superneighborhoods/recognized.html> (last visited Dec. 27, 2018) [<https://perma.cc/J875-G6BE>] (naming Braeswood as one of several "super neighborhoods"); *Super Neighborhoods*, CITY HOUS. TEX., <http://www.houstontx.gov/superneighborhoods> (last visited Jan. 9, 2019) [<https://perma.cc/HV6P-8CFE>] (defining "super neighborhoods" as "geographically designated areas where residents, civic organizations, institutions and businesses work together to identify, plan, and set priorities to address the needs and concerns of their community").

128. See, e.g., Wildermuth, *supra* note 117 (describing the motivating factors in recent neighborhood changes to the San Francisco Realtor Association map). The relatively greater influence of real estate developers and agents in the neighborhood-naming process may lie in public choice theory. That is, real estate professionals tend to possess greater resources and to be a more concentrated group than neighborhood residents, allowing them to exercise relatively more leverage on the naming process. See MANCUR OLSON, *THE LOGIC OF COLLECTIVE ACTION: PUBLIC GOODS AND THE THEORY OF GROUPS* (2d ed. 1971) (developing a theory of organizational behavior concerning the production of public goods in common interest groups).

129. *History*, HOLLYWOOD SIGN, <https://hollywoodsign.org/the-history-of-the-sign/> (last visited Dec. 19, 2018) [<https://perma.cc/D42K-FB5P>].

role; once Google Maps uses a neighborhood sobriquet, users are inclined to accept it as part of their understanding of a city.<sup>130</sup>

Not all such efforts, though, enjoy success. The litany of failed neighborhood names proposed by real estate professionals is as long as it is amusing. ProCro, New York's attempted hybrid of Prospect Heights and Crown Heights, never caught on;<sup>131</sup> nor did proposed San Francisco neighborhood sobriquets such as NoPa, Somisspo, Little Russia, and Lower Pacific Heights.<sup>132</sup> The ability of state and private actors to impose neighborhood names from above remains constrained by the willingness of denizens to accept them down below. Implausible, inane, or objectionable names may meet with opposition or simply fail to catch on.

### *B. The Law of Neighborhood Names*

Whether they bubble up from below or are imposed from above, monikers to describe city neighborhoods are typically the products of extralegal forces. Yet law regularly participates in this naming process in a number of ways, some overt and others less obvious, sometimes affirmatively bestowing a name and other times seeking to restrict usage of a given descriptive. This Section outlines ways that law intervenes in the process of neighborhood naming and renaming.

#### 1. Overt Law

##### *a. Affirmative Strategies*

Some American municipalities have blackletter law that determines how their neighborhoods are named and reserve for themselves a central role in this process. Chicago is an example of local law at its most interventionist with respect to defining its districts. The city's local ordinances establish three categories representing different forms of internal organization: wards, which are the city's political districts, each represented by a single alderman whose boundaries move constantly to assure equal representation; community areas, which are larger districts with fixed boundaries that the city uses for collecting and analyzing data longitudinally; and neighborhoods, which are informal designations of smaller areas that represent local identity

---

130. See *supra* text accompanying notes 117–118 (describing outsized influence of Google Maps on perceptions of valid neighborhood names).

131. See *supra* text accompanying notes 80–87.

132. See Wildermuth, *supra* note 117.

on a granular level but that are not used for any official purpose.<sup>133</sup> Pursuant to its statutory authority, the city government formally divides Chicago into 50 wards, 77 community areas, and 178 neighborhoods.<sup>134</sup> Local ordinances “designate[ ] . . . the official community areas and neighborhoods of the City of Chicago.”<sup>135</sup> The city’s classifications of its neighborhoods are reflected in an official map that has not changed since 1993.<sup>136</sup> And while Chicago had the final say in terms of nomenclature, it based its decisions about how to name neighborhoods on a 1978 Department of Planning survey that asked a random sample of local residents about the name of their neighborhood and its perceived boundaries.<sup>137</sup>

New Orleans has a similar formally determined, legally mandated neighborhood map. The Crescent City’s current official cartography dates to 1980, when the City Planning Commission divided the city into seventy-three official neighborhoods for the purpose of distributing Community Development Block Grants under the 1974 Housing and Community Development Act.<sup>138</sup> This map, known locally as “the 73,” remains the City of New Orleans’ official account of its neighborhoods and has become fixed in place due to repeated reprints in media and tourist guides and its regular use in the work of local nonprofit entities and mapping software.<sup>139</sup> As with Chicago, New Orleans’ 73 was ultimately the product of bureaucracy, but sought at least to some extent residents’ input as to the boundaries and names of the neighborhoods it defined.<sup>140</sup>

---

133. See *Chicago Ward, Community Area and Neighborhood Maps*, CITY CHI., [https://www.chicago.gov/city/en/depts/doit/supp\\_info/citywide\\_maps.html](https://www.chicago.gov/city/en/depts/doit/supp_info/citywide_maps.html) (last visited Dec. 28, 2018) [<https://perma.cc/9GXD-DC9W>] (describing how the boundaries of Chicago’s wards, community areas, and neighborhoods are determined). These three areas are all “neighborhoods” in a sense, though only the latter category is officially designated as such.

134. *Id.*

135. MUN. CODE CHI. § 1-14-010 (1993). Ward boundaries are not subject to the same legally fixed boundaries because they must change constantly to maintain proportional representation.

136. *Chicago Neighborhoods*, CITY CHI. (2006), [https://www.cityofchicago.org/content/dam/city/depts/doit/general/GIS/Chicago\\_Maps/Citywide\\_Maps/City\\_Neighborhoods\\_1978\\_11x17.pdf](https://www.cityofchicago.org/content/dam/city/depts/doit/general/GIS/Chicago_Maps/Citywide_Maps/City_Neighborhoods_1978_11x17.pdf) [<https://perma.cc/BC5B-6Q8K>]; *Chicago Neighborhoods*, URBANISM LAB, <https://urbanism.uchicago.edu/page/chicago-neighborhoods> (last visited Feb. 13, 2019) [<https://perma.cc/3EUT-MPLY>].

137. *Id.*

138. Times-Picayune Editorial Board, *supra* note 121.

139. See Richard Campanella, *A Glorious Mess: A Perpetual History of New Orleans Neighborhoods*, NEW ORLEANS MAG. (June 2014), <http://www.myneworleans.com/New-Orleans-Magazine/June-2014/A-Glorious-Mess> [<https://perma.cc/YC3P-GCAC>].

140. Times-Picayune Editorial Board, *supra* note 121 (observing that the City Planning Commission “produced a report, based in part on residents’ input, that included a 73-neighborhood map”).



Los Angeles has a formalized process for identifying neighborhoods, though it permits far more fluidity in renaming with changing preferences and demographics. Los Angeles' neighborhoods are denoted with official blue city signs that appear on lamp posts and street lights throughout the city. In the late 1980s and 1990s, all it took to change a neighborhood designation was a petition with several hundred local signatures and the agreement of the area's city council member. This led to a frenzy of naming and renaming Los Angeles neighborhoods, especially in the San Fernando Valley, where new areas (e.g., Valley Village, West Hills, Sherman Park, and North Hills) emerged, while other areas redefined themselves as part of tonier neighboring districts (mostly parts of less-coveted Van Nuys becoming part of higher-end Encino and Sherman Oaks).<sup>141</sup>

In an effort to curb the acceleration of neighborhood renaming, the Los Angeles City Council revised its procedures. Effective January 31, 2006, neighborhoods wishing to change their names must not only submit a petition with at least five hundred signatures or twenty percent of the relevant population but must also gain majority approval of the Rules, Elections, Intergovernmental Relations, and Neighborhoods Committee as well as the full City Council.<sup>142</sup> Raising the procedural costs of renaming has made the process harder to navigate, but has done little to slow the rate of neighborhood renaming in the City of Angels. Petitions to rename areas, whether ethnic enclaves seeking recognition or residential areas seeking status, continue to pour in and are typically rubber-stamped by large city council majorities.<sup>143</sup>

Other cities take initiative with respect to naming neighborhoods but do so on an ad hoc basis rather than with a uniform approach. When Miami came under pressure to designate a part of its territory "Little Haiti," it ultimately did so by passing a City Council resolution. This was the first—and so far only—time the city has

---

141. See Rick Orlov, *Another Group in Van Nuys Wants Out*, L.A. DAILY NEWS (Jan. 22, 2009), <https://www.dailynews.com/2009/01/22/another-group-in-van-nuys-wants-out> [<https://perma.cc/P4BA-32JM>] (reporting on the continued renaming of San Fernando Valley neighborhoods into the 2000s); Stewart, *supra* note 3 (reviewing and lamenting the frenzy of renaming neighborhoods in the San Fernando Valley in the early 1990s).

142. *Policy for Naming or Renaming a Community*, CITY CLERK L.A. 2-3 (Jan. 31, 2006), [http://clerk.lacity.org/sites/g/files/wph606/f/lacityp\\_025617.pdf](http://clerk.lacity.org/sites/g/files/wph606/f/lacityp_025617.pdf) [<https://perma.cc/L85H-6ZT2>].

143. For example, when a small section of Van Nuys sought to break off in 2009 and become part of Sherman Oaks, the move was opposed by both the Sherman Oaks and Van Nuys neighborhood associations. But the Los Angeles City Council approved the renaming regardless of the strong objections, ten votes to two (with three abstentions). See *Sherman Oaks/Community Renaming and Application*, CITY CLERK L.A., <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=cfi.viewrecord&cfnumber=08-2758> (last updated July 20, 2009) [<https://perma.cc/S5EW-BVM8>].

defined a neighborhood by resolution. And Boston simply posted a page on its official city website declaring and defining its various neighborhoods, with no explanation why it chose those boundaries.<sup>144</sup> The District of Columbia typically takes no proactive role in naming or renaming neighborhoods and has no official neighborhood boundaries. Yet in 2006, the D.C. Office of Planning published a “vision plan” for a new district, “North of Massachusetts Avenue” or “NoMa.” As discussed in Section I.A, the District worked with local officials as well as the NoMa BID to facilitate the creation of this new, and now thriving, neighborhood.<sup>145</sup> And when a U.S. Department of Justice grant funded improvement of Tulsa’s blighted 61st-and-Peoria area, residents chose to rename the area as a way to express hope.<sup>146</sup> The renaming took place via a vote that included everyone from the elderly to schoolchildren.<sup>147</sup>

*b. Negative Strategies*

The foregoing municipal interventions in the naming process differ widely but share one feature: affirmatively naming city neighborhoods through formal means. A different approach to law’s role in naming is negative, in which a city or state seeks to prevent neighborhood renaming by erecting barriers to it. Perhaps the most dramatic example is the 2011 Neighborhood Integrity Act proposed by New York State Assemblyman Hakeem Jeffries in the wake of the attempted “ProCro” renaming.<sup>148</sup> The bill provided that “no person or entity shall rename or re-designate a traditionally recognized neighborhood within a city with a population of one million or more.”<sup>149</sup> It also called on the mayor of any such city (which in New York State means just New York City) to direct a government agency, with city council approval, to create a process for renaming any traditionally recognized neighborhood.<sup>150</sup> Finally, it imposed penalties, including fines and license suspension, on any real estate broker or their agent

---

144. See *Neighborhoods*, CITY BOS., <https://www.boston.gov/neighborhoods> (last visited Dec. 29, 2018) [<https://perma.cc/S96J-GZ7L>].

145. See *supra* text accompanying notes 76–79.

146. See Kevin Canfield, *Students Get Involved in Renaming 61st-and-Peoria Area as Neighborhood Works to Improve*, TULSA WORLD (Dec. 5, 2017), [https://www.tulsaworld.com/news/local/students-get-involved-in-renaming-st-and-peoria-area-as/article\\_3c1d005b-f1b3-57b1-9dfe-ba6156d92964.html](https://www.tulsaworld.com/news/local/students-get-involved-in-renaming-st-and-peoria-area-as/article_3c1d005b-f1b3-57b1-9dfe-ba6156d92964.html) [<https://perma.cc/BVX9-B432>].

147. See *id.*

148. Neighborhood Integrity Act, A.B. 7740, Assemb., Reg. Sess. (N.Y. 2011); see also Buckley, *supra* note 3 (referring to the constantly shifting neighborhood names in New York City). For a discussion of ProCro, see *supra* text accompanying notes 80–87.

149. Neighborhood Integrity Act, A.B. 7740.

150. *Id.*

who marketed property as located other than in a traditionally designated neighborhood.<sup>151</sup>

The Neighborhood Integrity Act died in committee when originally introduced and was repropoed in 2017 when the controversy over SoHa flared up, although it again failed to get out of committee.<sup>152</sup> And as the leading New York real estate professional association pointed out, the Neighborhood Integrity Act's provisions penalizing real estate agent advertising would raise plausible free speech concerns.<sup>153</sup> Yet repeated calls for some kind of law restricting the freewheeling renaming of traditional neighborhoods reflects a belief that such negative strategies may do meaningful work to protect those neighborhoods from the sense that they are being erased by encroaching commercial development.<sup>154</sup>

The notion of a municipal process with exclusive control over neighborhood naming envisioned by the Neighborhood Integrity Act is not novel. Chicago's local laws create just such a scheme. They bestow on the city not only the authority to define and name neighborhoods but also to restrict others from doing so: "No person shall name or rename a Community area or Neighborhood without the passage of an ordinance authorizing such naming or renaming."<sup>155</sup> Notably absent from Chicago's ordinances, though, is a provision penalizing those who seek to impose names on the city's neighborhoods, and this absence threatens the efficacy of that exclusivity provision.

The resulting inefficacy was conspicuous in a recent controversy over McCormick Park. Chicago's Metropolitan Pier and Exposition Authority ("MPEA") is a state-created corporation that performs a variety of functions, including owning and managing the Navy Pier area that lies on Lake Michigan on the east side of Chicago's downtown core. In 2015, the MPEA designated part of the area they manage as "McCormick Square," referring to the nearby McCormick Place convention center. This move sparked ire among some city officials, who

---

151. *Id.*

152. See Bellafante, *supra* note 3 (recounting the reintroduction of the Neighborhood Integrity Bill in response to ongoing concerns that South Harlem was being rebranded "SoHa").

153. See Michael Scotto, *Proposed Bill Aims to Prevent a Renaming of Harlem*, SPECTRUM NEWS NY1 (June 9, 2017), <https://www.ny1.com/nyc/all-boroughs/news/2017/06/9/harlem-soha-controversy-proposed-bill-to-prevent-renaming> [<https://perma.cc/C2W5-MC3C>] ("The Real Estate Board of New York says . . . it's unclear how such a law would withstand a First Amendment challenge.").

154. See Bellafante, *supra* note 3 (describing the bill as part of an overall movement to "assail the efforts at erasure" that Harlem residents feel are taking place); see also Buckley, *supra* note 3 ("Neighborhoods have a history, culture and character that should not be tossed overboard whenever a Realtor decides it would be easier to market under another name . . . ." (quoting Rep. Hakeem Jeffries)).

155. MUN. CODE CHI. § 1-14-010 (2019).

objected to expanded use of Robert R. McCormick's name because of McCormick's history of racist behavior and beliefs. Several Chicago aldermen proposed a resolution that the City Council "call[ ] on MPEA to stop use of the designation 'McCormick Square' and that MPEA bring a formal request to the City Council for approval and passage of an ordinance permitting use of public dollars to rename the area."<sup>156</sup> The resolution invoked, among other things, the municipal code's provision "that the naming or re-naming of a community area or neighborhood shall only be done through passage of an ordinance."<sup>157</sup> This latter point appeared to be a straightforward application of Chicago's exclusive authority to define its neighborhoods, but despite the resolution's passage, MPEA continued to use—and today still uses—the name "McCormick Square" to refer to the area surrounding the convention center, regardless of the city's formal objections.<sup>158</sup>

Another way that law can restrict use of novel neighborhood names is through a simple common law vehicle: fraud lawsuits. Since location is the gold standard of real estate value, realtors have incentives to tell home seekers that a given property is in a tonier area than the downscale one it is really in.<sup>159</sup> Yet when a city has an official neighborhood map, it would amount to a material misrepresentation to

---

156. *Res. 2016-546, Call for Metropolitan Pier and Exposition Authority to Stop Use of Name Designation "McCormick Square,"* CHI. CITY CLERK (July 20, 2016), [https://chicago.legistar.com/LegislationDetail.aspx?ID=2786009&GUID=AF582238-406F-4104-AA04-580690EA0970&Option=s=Advanced&Search=\[https://perma.cc/AHH3-9TEX\]](https://chicago.legistar.com/LegislationDetail.aspx?ID=2786009&GUID=AF582238-406F-4104-AA04-580690EA0970&Option=s=Advanced&Search=[https://perma.cc/AHH3-9TEX]).

157. *Id.*

158. See MCCORMICK SQUARE, <http://mccormicksquarechicago.com/> (last visited Dec. 31, 2018) [<https://perma.cc/HBF5-NZWV>] (providing general information about the McCormick Square area); see also Danny Ecker, *The Hottest Neighborhood You've Never Heard Of*, CRAIN'S CHI. BUS. (Aug. 26, 2017), <https://www.chicagobusiness.com/article/20170826/ISSUE01/170829903/mccormick-place-neighborhood-motor-row-shows-signs-of-transformation> [<https://perma.cc/M6AU-VL8Y>] (reporting that MPEA continues to encourage use of the name "McCormick Square" against various proposed alternatives).

159. See Christine Haughney, *'SoBro' and 'ProCro' No Joke to Assemblyman*, N.Y. TIMES (Apr. 19, 2011), <https://cityroom.blogs.nytimes.com/2011/04/19/sobro-and-procro-nojoke-to-assemblyman> [<https://perma.cc/8SJ6-27MT>] ("It's one of the oldest tricks in real estate: pretend that a property is in a more desirable neighborhood and demand more rent or a higher sale price."); see also Hakeem Jeffries, *Neighborhood Integrity Matters*, BROOK. PAPER (May 13, 2011), [https://www.brooklynpaper.com/stories/34/19/all\\_opedneighborhoodnamesanti\\_2011\\_5\\_6\\_bk.html](https://www.brooklynpaper.com/stories/34/19/all_opedneighborhoodnamesanti_2011_5_6_bk.html) [<https://perma.cc/L7ML-XVPX>]:

Every Brooklyn resident has a right to call his neighborhood anything he wants. But real estate brokers are obligated to give prospective homebuyers and tenants accurate information about the property being marketed. The consequences of realtors providing misleading information are broad. Working families are pushed out of rebranded neighborhoods as housing prices soar. Newer residents pay more to rent or buy, largely as a result of the deceptive marketing.

tell a client that a home is in one area when it unambiguously lies over the boundary line of another.<sup>160</sup>

This issue arose in dramatic fashion for residents (or so they thought) of Lake Balboa, a neighborhood in Los Angeles' San Fernando Valley that was carved out of Van Nuys in 2002 to enhance local pride and property values.<sup>161</sup> In 2007, it emerged that the area's city councilman had not received final city council approval for the area's renaming. As such, as Councilman Richard Alarcon, the chair of the Council's Education and Neighborhoods Committee, put it: "There is no Lake Balboa."<sup>162</sup> In the ensuing furor, Alarcon spoke to a group of concerned locals, including many real estate professionals, and warned that billing a home as located in Lake Balboa could expose an agent to fraud charges: "The legal name is not Lake Balboa," Alarcon emphasized, "I'd talk to my lawyer [about using that name in real estate because I believe] it puts you in jeopardy . . ."<sup>163</sup> The area's realtors appear to have taken heed of Alarcon's words; no fraud lawsuits arose out of the matter before Lake Balboa's official neighborhood status was perfected several months later.

## 2. Covert Law

The foregoing Section traced the several ways that law overtly intervenes in neighborhood-naming processes. This Section exposes the numerous ways that law implicitly facilitates neighborhood naming and renaming: creating and approving business improvement districts, supporting and ratifying private ownership groups like neighborhood associations and covenants, cofunding redevelopment projects, and a grab bag of other miscellaneous interactions between local official institutions and neighborhood identity.

First, consider BIDs. These are groups of individuals interested in improving the civic life of a neighborhood—including residents and developers—who are granted official status by the state or city to take on this role formally.<sup>164</sup> Once a group has been designated a BID and

---

160. *E.g.*, *Salata v. Dylewski*, 207 N.W. 895, 895–96 (Mich. 1926) (false representations about desirability of location of property invalidated its transfer); *see also* 33 C.J.S. *Exchange of Property* § 27 (2018) ("Fraud may also consist of misrepresentation as to the location, boundaries, or area of land involved in an exchange."). Misrepresenting facts about the location of real property also violates the National Association of Realtors Canons of Ethics.

161. Bob Pool, *Lake Balboa Finds That It Isn't*, L.A. TIMES (Apr. 26, 2007), <http://articles.latimes.com/2007/apr/26/news/meoc-hoods26> [<https://perma.cc/ZR94-HMV6>]. The move worked, too. From 2002 to 2007, home prices appreciated in Lake Balboa at twice the rate they did during that time in neighboring Van Nuys. *Id.*

162. *Id.*

163. *Id.*

164. *See generally* Briffault, *BIDs*, *supra* note 8.

approved by a vote of local stakeholders, it has the authority to levy taxes via special assessments and use those funds to further its operations. BIDs have many different names—community benefit districts, management districts, business improvement areas—but regardless of label, they are a standard feature in most American cities.

A major function of BIDs is to revitalize less economically vital areas. This process often entails redevelopment and gentrification, and BIDs typically engage in significant rebranding efforts to pique residential and commercial interest in neighborhoods not typically regarded as desirable for either. San Francisco's newly monikered East Cut neighborhood was named by a Community Benefit District formed in part to stamp that name on what had previously been known as the Transbay District and Rincon Hill.<sup>165</sup> The EaDo (East of Downtown) area has become one of Houston's fastest growing, thanks in part to the efforts of an eponymous Management District that branded the neighborhood with its new name.<sup>166</sup> As is often the case, these renamings were controversial. Numerous San Franciscans revolted against the invention of the East Cut as a product of corporate marketing culture that ignored local history and resident preferences. Denizens of east Houston organized to express their opposition that the Latino area known historically as the Second Ward was being erased in the frenzy of EaDo rebranding.<sup>167</sup>

These renaming efforts could be regarded as private matters between developers and residents, but this overlooks the central, though covert, role that law plays in these processes. For one thing, the state creates the pathway by which BIDs can form, giving them special status that differentiates them from other private groups with an interest in a given neighborhood. In so doing, the state places its imprimatur on the BID's chosen name. When Houston approved the EaDo Management District and San Francisco ratified the East Cut Community Benefit District, they bestowed official recognition on these names at the expense of the Second Ward, Rincon Hill, and the Transbay District. And a city's approval of such a BID is more than just a symbolic embrace of one vision of a neighborhood at the expense of

---

165. See King, *supra* note 64 (describing the rebranding and renaming of a San Francisco neighborhood).

166. See Cheryl P. Rose, *EaDo: East Downtown Showcases Urban Revival, Eclectic Vibe*, HOUS. CHRON. (Oct. 22, 2012), [https://www.chron.com/real\\_estate\\_resource/article/EaDo-East-Downtown-showcases-urban-revival-3919544.php](https://www.chron.com/real_estate_resource/article/EaDo-East-Downtown-showcases-urban-revival-3919544.php) [<https://perma.cc/QBD6-3FDJ>].

167. See Jonathan Wasserberg, *Preserve Our Community Name – Stop the Rebranding of Our Neighborhood!*, CHANGE.ORG, <https://www.change.org/p/jonathan-wasserberg-preserve-our-community-name-stop-the-re-branding-of-our-neighborhood> (last visited Jan. 2, 2019) [<https://perma.cc/GE9E-M72D>] (petition seeking local support to prevent use of the name “EaDo Square” for the historic area in the Second Ward).

another. A BID's taxing authority gives it very real power to advocate for the name it may prefer for the neighborhood.<sup>168</sup> In San Francisco, for example, the East Cut CBD used its tax revenue largely to sell the name "East Cut" itself, complete with a website featuring high-production value videos and an elaborately designed logo of a stylized "E."<sup>169</sup>

Similarly, cities often recognize formal neighborhood advisory committees and similar kinds of community boards, at times with formal roles in land-use decisions, licenses, and other formal local processes.<sup>170</sup> These can be abstracted from neighborhood identity—in New York City, for example, community boards are designated simply by number<sup>171</sup>—but can also reinforce neighborhood names. Philadelphia, for example, has a well-developed system of official Neighborhood Advisory Committees that are tied to identified neighborhood names.<sup>172</sup>

Beyond BIDs and official neighborhood boards, the state also implicitly ratifies names of neighborhoods by supporting and enforcing private ownership groups.<sup>173</sup> Neighborhood associations are a familiar means by which local owners band together to advance a particular vision of their ideal neighborhood, whether preserving its residential character or improving its reputation as an attractive zone for shopping and commerce. The choices these associations make to offer certain amenities or impose limits on development often express "exclusionary vibes"—sending a message that some groups are preferred and others are disfavored as residents.<sup>174</sup> Restrictive covenants perform a similar

---

168. Cf. Briffault, *BIDs*, *supra* note 8, at 389–94 (discussing BIDs revenue-raising power).

169. The East Cut Community Benefit District's promotional video about the naming effort is well worth viewing. See The East Cut Community Benefit District, *The East Cut*, YOUTUBE (May 16, 2017), <https://www.youtube.com/watch?v=rCPT6T86LR4> [<https://perma.cc/PL3Q-D9SX>].

170. Houston's "Super Neighborhoods" program, for example, invites neighborhood associations to band together to create districts that will engage with city government to represent their area's interests. See *Super Neighborhoods*, *supra* note 127.

171. See *About Community Boards*, N.Y.C. MAYOR'S COMMUNITY AFF. UNIT, <http://www.nyc.gov/html/cau/html/cb/about.shtml> (last visited Jan. 2, 2019) [<https://perma.cc/3G45-5WNK>] (outlining the organization, powers, and responsibilities of community boards). For example, see *Bronx Community Boards*, N.Y.C. MAYOR'S COMMUNITY AFF. UNIT, <https://www1.nyc.gov/html/cau/html/cb/bronx.shtml> (last visited Jan. 9, 2019) [<https://perma.cc/UW39-4BXV>], for a numbered list of community boards in the Bronx neighborhood.

172. See *Neighborhood Advisory Committees*, PHILA. DIV. HOUSING & COMMUNITY DEV., <http://ohcdphila.org/neighborhood-resources/neighborhood-advisory-committees> (last visited Jan. 2, 2019) [<https://perma.cc/YP54-PZ5X>] (describing the Neighborhood Advisory Committee Program and listing the twenty-one organizations that comprise it).

173. Cf. *Shelley v. Kraemer*, 334 U.S. 1 (1948) (holding that judicial enforcement of residential covenants elevates racial exclusion in private agreements to state action).

174. See Lior Jacob Strahilevitz, *Information Asymmetries and the Rights to Exclude*, 104 MICH. L. REV. 1835, 1850–59 (2006) (describing how the choice of amenities by housing developers can signal racial and other preferences).

function using more formal legal means. They are private agreements that bind owners using a blend of contract and property law principles to a series of shared commitments about development in the area the covenant governs. In either case, these private methods necessarily take a position on how a neighborhood is defined in terms of both geography (because they have to demarcate the boundaries of the association or list the parcels included in the covenant) and name (because they have to identify this area by some name).<sup>175</sup>

Here, too, law's role is less obvious because one would instinctively regard neighborhood groups as private associations and restrictive covenants as private agreements. Yet, in a number of less visible ways, law supports both of these private arrangements, and with them the name these organizations choose for their neighborhood. While neighbors may always join together informally, most cities offer a way for neighborhood associations to enjoy municipally sanctioned status, typically to the exclusion of other competing groups in the same area.<sup>176</sup> Portland, Oregon, for example, officially recognizes (and carefully regulates) ninety-four neighborhood associations and requires that their boundaries not overlap with each other.<sup>177</sup> This kind of relative status bestowed by cities on certain neighborhood groups is meaningful in its own right,<sup>178</sup> but it also carries important practical implications. City recognition earns neighborhood associations a place at the bargaining table and the ear of local politicians. Residents of Los Angeles' Valley Village credit their formation of an official neighborhood association with its eventual recognition by the city as an official neighborhood.<sup>179</sup> In fact, neighborhood associations may grow into formally recognized BIDs, officially recognized community development companies, or other similar bodies, with the greater status and power those organizations enjoy. Philadelphia's Newbold

---

175. Private covenants typically send a particularly strong signal about local owners' preferences. See RICHARD R.W. BROOKS & CAROL M. ROSE, *SAVING THE NEIGHBORHOOD: RACIALLY RESTRICTIVE COVENANTS, LAW, AND SOCIAL NORMS* 5–6 (2013) (noting that the rise of racially restrictive covenants in the early 1900s was motivated more by their value in informally signaling racial exclusion than any belief that courts would enforce them). This signal is also unusually sticky because unlike other contracts, private covenants run with the land, embedding the expressed preferences into the property regardless of passage of time or change of ownership. See Carol Rose, Shelley v. Kraemer *Through the Lens of Property*, in *PROPERTY STORIES* (Andrew Morriss & Gerald Korngold eds., 2004) (highlighting the permanence of signals expressed by racial covenants as one of several reasons warranting their invalidation by the Supreme Court).

176. See Nestor M. Davidson, *Property and Relative Status*, 107 MICH. L. REV. 757 (2009) (outlining the number of ways property can communicate relative status).

177. See *My Neighborhood*, CITY PORTLAND OR., <https://www.portlandoregon.gov/ONI/28380> (last visited Jan. 2, 2019) [<https://perma.cc/YX28-88JM>].

178. See Davidson, *supra* note 176, at 778–87 (cataloguing the expressive implications of property status in terms of identity development and positional goods).

179. See *supra* notes 123–124 and accompanying text.



Community Development Corporation, for example, started as the Newbold Neighbors Association.<sup>180</sup>

Restrictive covenants, too, can have their private definitions of neighborhoods ripen into dominant ones thanks to implicit state support. Houston furnishes a salient example because the city's lack of zoning means that residential areas place much more weight on restrictive covenants for private regulation. Neighborhoods governed by these covenants often advertise this fact with signs indicating their boundaries and chosen names, such as the stone signs reading "Braeswood Place—a Deed Restricted Community" that dot the median along Braeswood Drive in Houston's southwest loop.<sup>181</sup> And in the absence of zoning, Houston's city attorney has created a Deed Restriction Enforcement Team, backing up these seemingly private agreements through public intervention.<sup>182</sup> As with neighborhood associations, deed-restricted communities may grow into BIDs, as did Braeswood Place, which began as a covenant among neighbors but now has a place as a state-sanctioned district of the City of Houston.<sup>183</sup>

Listing all the ways local governments implicitly choose or favor neighborhood names lies beyond the scope of this Article. Two more examples will suffice. Urban redevelopment projects typically bestow a new name on neighborhoods in order to break with the past and memorialize the promise of the future. While these are private decisions by the naming entity, local governments support them both when the city gives its initial approval to the project and to the extent it may include the new development's name on maps and in official literature.<sup>184</sup> Cities may also take an implicit position on neighborhood

---

180. See Margaret E. Andreson & Brianna Spause, *Point Breeze: Redevelopment Brings Residents to the Table*, PHILA. NEIGHBORHOODS (Dec. 17, 2016), <https://philadelphianeighborhoods.com/2016/12/17/point-breeze-redevelopment-brings-residents-to-the-table> [<http://perma.cc/6ZLD-CM5C>] (discussing the Newbold Neighbors Association's decision to rename its organization to recognize the neighborhood's history); NEWBOLD COMMUNITY DEV. CORP., <http://www.newboldcdc.org/> (last visited Dec. 30, 2017) [<https://perma.cc/7M7V-MLZD>].

181. *The Organization*, BRAESWOOD PLACE HOMEOWNERS ASS'N, [http://www.braeswoodplace.org/sub\\_category\\_list.asp?category=9&title=The+Organization](http://www.braeswoodplace.org/sub_category_list.asp?category=9&title=The+Organization) (last visited Dec. 30, 2018) [<https://perma.cc/XFM2-LJST>].

182. See *Legal Department: Deed Restrictions*, CITY HOUS. TEX., <http://www.houstontx.gov/legal/deed.html> (last visited Dec. 30, 2018) [<https://perma.cc/8QQD-HBCU>] (detailing the Deed Restriction Enforcement Team's role in enforcement of deed restrictions).

183. *Super Neighborhoods*, *supra* note 127.

184. This is not always controversial. When the City of Anaheim partnered with private developers to redevelop the blighted Jeffrey-Lynne neighborhood and those developers renamed the new area "Hermosa Village," the response was overwhelmingly positive and devoid of any nostalgia for the prior name. See Kimi Yoshino, *Rundown Anaheim Community Gets \$54 Million in Upgrades*, L.A. TIMES (Mar. 19, 2002), <http://articles.latimes.com/2002/mar/19/local/me-hermosa19> [<https://perma.cc/597W-XM6H>] ("Once, people couldn't wait to get out of Jeffrey-Lynne. Now, they're clamoring to get in to Hermosa Village. The waiting list for the low-income, affordable apartments is two years and growing.").

names when they dole out services on a district-by-district basis. For example, Miami has Neighborhood Enhancement Teams (“NETs”) that seek to link local residents with municipal services they may need. Yet the map Miami uses to organize its NETs does not quite match the city’s official map of its neighborhoods. The NET map includes, for example, Little Havana, while Miami’s official map does not.

\* \* \*

What does the foregoing account tell us about how cities deploy law to intervene in the otherwise organic processes by which neighborhoods are named and configured? For one thing, local governments rarely create nomenclature themselves and then simply impose it on their neighborhoods.<sup>185</sup> Rather, to the extent that a city adopts an official naming scheme, it generally incorporates preexisting names and boundary lines used by residents. The state’s role in naming is thus more an act of ratification or approval of a term already in use for a neighborhood that it elevates to official status by granting it municipal imprimatur and often also a place of priority on official maps and in official communications.

Such namings may be uncontroversial. Seattle’s SoDo neighborhood, for example, grew informally as a local term for an area “south of the Kingdome,” and its subsequent absorption into official city use as part of the area’s development was met with general approval, likely because it conflicted with no previous name.<sup>186</sup>

By contrast, when residents contest the appropriate name for some city space, the state’s act of naming takes a different character because it necessarily prioritizes one name at the expense of another. For example, residents of a small pocket of Los Angeles’ Van Nuys insisted that their area more appropriately belonged in neighboring, higher-end Sherman Oaks. Both the Sherman Oaks and Van Nuys neighborhood associations registered their opposition to any redefinition of the area, but the Los Angeles City Council nearly unanimously approved the move. As a result, Sherman Oaks added territory it did not want to gain and Van Nuys bid farewell to territory

---

185. One historical exception is the ward system used by Houston and New Orleans in the early 1900s. These cities divided their geographies into political subunits—wards—for administrative purposes. In some cases, residents adopted the number of their ward as the familiar name of their neighborhood, and some of these uses, such as New Orleans’ Ninth Ward or Houston’s Third Ward, persist today. Much the same is true of parishes established by the Catholic Church, which, until the mid-1900s, were a leading way that many people defined their neighborhood and its related identity.

186. See *supra* note 91 and accompanying text.

it did not want to lose.<sup>187</sup> And while thousands of Haitians celebrated Miami's decision to formally recognize their neighborhood as "Little Haiti," other long-time residents, including descendants of the Bahamas who had long before referred to the same area as "Lemon City," regarded the official renaming as erasing their identity and heritage.<sup>188</sup> These examples illustrate that municipal interventions in neighborhood naming, whether explicit or implicit, are rarely neutral. Rather, they reflect the state taking a side in matters that may seem trivial or aesthetic but in fact have major economic and cultural implications.

Local government does not, of course, always intervene in the naming of neighborhoods. Houston's poshest area is River Oaks, and the name carries such cachet that businesses miles away in entirely different neighborhoods will identify themselves as part of River Oaks, a practice which the City of Houston does not seek to halt. But in a significant number of instances, cities take an active role in regulating how their neighborhoods are known. These processes can be overt, such as Chicago's ordinances reserving exclusive authority to define its subdistricts or Los Angeles' elaborate city council procedures to approve renaming.<sup>189</sup> These examples illustrate that law is often quite present in neighborhood-naming processes. But the ineffectiveness of Chicago in limiting developers naming neighborhoods and the rubber-stamp approach of Los Angeles to approving proposed names even in the presence of objections each illustrate that even when law is present, it is notably weak.

Finally, state involvement in naming processes can be less obvious where cities enable public/private entities such as BIDs to redefine neighborhoods or support neighborhood associations that seek to inculcate a particular identity for their zone. And as Part I elaborated, neighborhood names are not just useful descriptions but are bound up with cultural identity, social power, and economic development. Local governments' involvement in naming thus touches all these issues—with implications for theories of both property and local government, as the next Part shows.

---

187. See Kevin Modesti, *Van Nuys Breakup Proposal Hits Nerve*, L.A. DAILY NEWS (July 6, 2009), <https://www.dailynews.com/2009/07/06/van-nuys-breakup-proposal-hits-nerve> [https://perma.cc/98B9-9ESQ] (describing the councilwoman's support of the redefinition); Maeve Reston, *Goodbye Van Nuys, Hello Sherman Oaks: L.A. Council OKs Neighborhood Switch*, L.A. TIMES: L.A. NOW (July 14, 2009, 1:43 PM), <https://latimesblogs.latimes.com/lanow/2009/07/goodbye-van-nuys-hello-sherman-oaks-la-council-lets-neighborhood-switch.html> [https://perma.cc/2Q5X-WHXN].

188. See Smiley, *supra* note 55.

189. See *supra* Section II.B.

### III. CONCEPTUALIZING NEIGHBORHOOD IDENTITY: PROPERTY THEORY AND LOCAL GOVERNMENT LAW

The landscape of legal determinants of neighborhood names—and broader questions of local identity—resonates in legal theory, most notably in theories of property and local government law. As this Part argues, naming conflicts can be understood through a kind of cultural property lens, starkly illustrating the central tension in contemporary property theory between a singularly focused welfarist perspective and a progressive, pluralist understanding of the varied purposes of property. Similarly, for local government legal scholars who are increasingly turning their attention to neighborhood-level institutions, the process of neighborhood naming and renaming highlights dynamics of sublocal delegation, where informality often reigns and the line between public and private actors is notoriously porous. This Part explores each of these theoretical perspectives on neighborhood naming in turn.

#### *A. Neighborhood Names and Property Theory*

The internecine conflicts over neighborhood names elaborated in Part I vary in terms of their geography, content, and interest groups, but they tend to share one feature: the group seeking to impose a new name tends to prevail over groups seeking to preserve a preexisting historical one, whether in New York (SoHa), Chicago (McCormick Square), Los Angeles (Valley Village, North Hills, or West Hills), or San Francisco (East Cut).<sup>190</sup> Moreover, the groups seeking to impose new names also tend to be wealthier, often whiter, and generally better connected politically, whether they are property developers (East Cut) or local neighborhood associations (the San Fernando Valley's countless neighborhood renamings).<sup>191</sup>

This asymmetry presents a descriptive and normative puzzle: Why are some interests persistently left behind in this process? This Section turns to two strands of contemporary property theory to unravel this puzzle and to suggest ways to ameliorate the problem. First, it invokes the notion of cultural property to explain how the concerns of those seeking to preserve historical neighborhood names may be

---

190. As always, exceptions exist, as with attempts to calve off “ProCro” from Crown Heights or to create “SeMa” out of San Francisco’s Market Street area. *See supra* Section I.A.

191. Here, too, there are scattered exceptions. The movement to officially recognize Little Haiti as a neighborhood of Miami was driven largely by lower- and middle-class Haitian Americans, who prevailed over a group that included local businesses concerned about the impact of the new name on their property values. *See supra* Section I.A.

understood as expressing a collective property interest. Second, it situates this cultural property claim within the context of the tension between the long-dominant neoclassical-economic model of ownership and the relatively newer progressive-property alternative. While cultural property claims such as a neighborhood population's interest in preserving its historical name may not be valued highly in a traditional cost-benefit analysis, the more pluralist-progressive approach shows how these interests fit into a broader property analysis so they may be taken seriously alongside claims that sound solely in financial terms.

### 1. Neighborhood Names as Cultural Property

Cultural property posits an ownership interest that inheres in a nation or ethnic group rather than in a private individual.<sup>192</sup> In its most familiar form, cultural property encompasses artifacts like antiquities or sacred objects. Greece's claim that the Elgin Marbles should be repatriated from the British Museum is rooted in the notion that the Parthenon friezes are its rightful cultural patrimony and therefore belong in their native land.<sup>193</sup> Native tribes' attempts to reclaim their ancestors' remains from museums, either through lawsuits or more recently through legislation like the 1990 Native American Graves Protection and Repatriation Act,<sup>194</sup> reflect a similar assertion of ownership over objects of shared value to their people.<sup>195</sup> And while cultural property usually pertains to claims of ownership over physical objects, scholars have more recently adapted the concept to intangible property as well.<sup>196</sup> Native medicinal remedies and agricultural innovations, for example, have been increasingly patented under U.S. law, sparking a backlash against multinational companies' failure to

---

192. For one foundational account, see Patty Gerstenblith, *Identity and Cultural Property: The Protection of Cultural Property in the United States*, 75 B.U. L. REV. 559 (1995). The notion of cultural property has been repeatedly recognized internationally, most recently in the U.N. Declaration on the Rights of Indigenous Peoples, G.A. Res. 61/295, at 11, 31 (Sept. 13, 2007).

193. For a detailed account of this controversy, see JOHN HENRY MERRYMAN, THINKING ABOUT THE ELGIN MARBLES: CRITICAL ESSAYS ON CULTURAL PROPERTY, ART AND LAW (2000).

194. 25 U.S.C. §§ 3001–3013 (2012).

195. See Elizabeth M. Koehler, *Repatriation of Cultural Objects to Indigenous Peoples: A Comparative Analysis of U.S. and Canadian Law*, 41 INT'L LAW. 103, 111 (2007) (describing the extent of native remains in North American museums and ongoing tribal attempts to recover them).

196. See Angela R. Riley, "Straight Stealing": Towards an Indigenous System of Cultural Property Protection, 80 WASH. L. REV. 69, 77 (2005) (characterizing the notion of cultural property to include "traditions or histories that are connected to the group's cultural life," such as "songs, rituals, ceremonies, dance, traditional knowledge, art, customs, and spiritual beliefs").

compensate the indigenous groups that created the traditional knowledge the companies were exploiting.<sup>197</sup>

Cultural property thus includes objects or ideas of cultural significance that have long been thought to “transcend ordinary property conceptions” but conceives of these intangibles with an ownership paradigm.<sup>198</sup> The owner in cultural property is a collective entity—a tribe or a nation—rather than a single individual. Peggy Radin advanced the important insight that some property transcends economic valuation because it is tied to individual self-realization in a way that cannot be reduced to monetary value.<sup>199</sup> Kristen Carpenter, Sonia Katyal, and Angela Riley adapted this argument in the cultural property context, arguing that such property transcends monetary valuation because it is inextricably tied to the self-definition or even survival of an indigenous group.<sup>200</sup> As the Cherokee argued in litigation seeking to prevent the loss of sacred sites, “[w]hen this place is destroyed, the Cherokee people cease to exist as a people . . . .”<sup>201</sup> Just as property may be constitutive of individual personhood, then, cultural property may be constitutive of a group’s peoplehood.<sup>202</sup>

Whether an ownership interest may be understood in terms of cultural property thus requires three conditions: first, a coherent people that can claim ownership; second, a thing—tangible or otherwise—that is the object of the property relation; and finally, a relationship whereby the thing is constitutive of the people’s identity. This framework illustrates how neighborhood names may be understood as a form of cultural property.

First, many urban denizens regard themselves as belonging to a community that is defined by their neighborhood. Harlem is a classic

---

197. See, e.g., Keith Aoki, *Neocolonialism, Anticommons Property, and Biopiracy in the (Not-So-Brave) New World Order of International Intellectual Property Protection*, 6 IND. J. GLOBAL LEGAL STUD. 11 (1998) (critiquing the impact of international agreements on intellectual property protection); Madhavi Sunder, *The Invention of Traditional Knowledge*, LAW & CONTEMP. PROBS., Spring 2007, at 97 (arguing that the Trade-Related Aspects of Intellectual Property Agreement has encouraged people in India to compete to lock up under the Western patent system traditional knowledge that has previously been widely publicly available).

198. Carpenter et al., *supra* note 10, at 1032. This seeming paradox has been the subject of criticism from scholars who warn that a property paradigm threatens more harm than good to native culture. See, e.g., Mezey, *supra* note 10, at 2005 (“[T]he idea of property has so colonized the idea of culture that there is not much culture left in cultural property.”). *But see* Carpenter et al., *supra* note 10, at 1065–87 (developing a stewardship model to adapt traditional ownership ideas to the distinct context of tribal property).

199. Radin, *supra* note 10, at 1013–15.

200. See Carpenter et al., *supra* note 10, at 1050–53.

201. BRIAN EDWARD BROWN, RELIGION, LAW AND THE LAND: NATIVE AMERICANS AND THE JUDICIAL INTERPRETATION OF SACRED LAND 15 (1999) (quoting Cherokee litigants).

202. See generally Carpenter, *supra* note 10 (drawing on Radin’s work to argue for the legal protection of tribal land).

example: it has for more than a century functioned as the beating heart of African American culture, even if it is no longer majority African American today. Miami's Little Haiti is just one of many instances where the name of a neighborhood indicates that its residents have emigrated from a foreign country (other examples include Detroit's Poletown or Los Angeles' Historic Filipinotown).<sup>203</sup>

In other instances, whether a group seeking to embrace a particular neighborhood name reflects a coherent people is less clear. San Franciscans resisted the combination of the Transbay District and Rincon Hill into the newly created "East Cut," but the resisters comprised all different demographic stripes rather than a single defined ethnic or cultural group. It was, by contrast, easy to define the source of resistance to the renaming of Sepulveda in Los Angeles' San Fernando Valley. Those who lived east of the 405 freeway, in the area that would not be renamed, objected to having their area split in two. This group may not have comprised a people in the same sense of having a shared heritage but they did have a shared history and geography as residents of the same geographical area as well as a common interest in not seeing the wealthier western half of their neighborhood secede.<sup>204</sup>

Second, and more straightforward, all controversies over neighborhood renaming reflect attempts to exercise control over an area by demanding that it be officially recognized under a preferred name. But is a name a group's "property"? At first glance, this may seem implausible. Neighborhood names are informal reference points, not classical antiquities or sacred tribal objects. Yet the idea that a name can comprise a property interest is hardly surprising under American law. On the contrary, one strain of intellectual property law—trademark—is devoted to securing owners' interests in names of goods and services.<sup>205</sup> And while preservationist residents do not seek to

---

203. Some neighborhood identity issues involve places without an immediately preceding distinctive community, as with the kind of postindustrial urban infill evidenced in NoMa. *See supra* text accompanying notes 73–79.

204. Van Nuys provides a similar example. The Van Nuys Neighborhood Council represents a clearly defined group in terms of geography (residents and business owners in Van Nuys) and interest (preventing the higher-end parts of their neighborhood from breaking away). *See Modesti, supra* note 187 (recounting Van Nuys' latest, again unsuccessful, attempt to stop one of its better residential areas from seceding).

205. While geographic terms were barred from trademark protection under the 1905 Trademark Act, recent precedent under the Lanham Act has evinced more openness to trademarking geographic terms. *See Robert Brauneis & Robert Schechter, Geographic Trademarks and the Protection of Competitor Communication*, 96 TRADEMARK REP. 782, 785–801 (2006) (describing the historical trend from hardline bar on geographical trademarks in the early 1900s to recent judicial acceptance of place marks, at least when there is secondary meaning).

secure a traditional right of exclusion in their neighborhood's name,<sup>206</sup> they do seek a form of exclusivity in that they either work to deny private groups the ability to market a name or ask that city officials formally recognize their preferred name to the exclusion of others.

Indeed, what often makes renamings controversial is the degree of exclusivity their proponents seek. Developers' or community groups' efforts advance a preferred name at the expense of others: North Hills replaced Sepulveda in the San Fernando Valley; East Cut's creation effaced both Rincon Hill and the Transbay District in San Francisco; Miami's recognition of Little Haiti came at the expense of traditional names like Lemon City, Little River, and Buena Vista.<sup>207</sup> This explains why state approval of names is both so critical and so controversial: when a government accepts one neighborhood name at the expense of another, it is giving official imprimatur to one group's vision of a neighborhood to the exclusion of alternatives.<sup>208</sup>

Finally, while most neighborhood-naming controversies involve both a definable people (even if in a much more general sense) and a discernable object of ownership, the question remains whether the relationship between the two is so constitutive of the former's identity that it fits the cultural property paradigm. In some cases, the answer seems relatively straightforward: the vehemence of Harlem residents' opposition to "SoHa" illustrates that the area's dwellers regard the sole use of the term Harlem as both deeply personal and highly significant.<sup>209</sup> Similarly, descendants of Bahamian immigrants who called their Miami neighborhood "Lemon City" expressed concern that the city's official recognition of the area as "Little Haiti" would "obliterate all the others who have contributed to this area . . . [especially] black Americans and immigrants from the Bahamas."<sup>210</sup> Much of the same concern animated opposition to Los

---

206. Some theorists often posit that the right of exclusion—i.e., the legally recognized ability to prevent others from accessing or using their property—is the sine qua non of property. Thomas W. Merrill, *Property and the Right to Exclude*, 77 NEB. L. REV. 730, 730 (1998). In the case of neighborhood names, exclusion in the sense that it applies to land would be impracticable even if it were their goal. People remain, of course, free to use a given name for an area or to use a different one should they choose.

207. This explains the objections of opponents that renamings threaten to "erase" the historical name and cultural identity of their community. Before official recognition, several names can coexist, but state approval of one of those names is perceived to diminish the others. *See, e.g.*, Green & Rabin, *supra* note 51 (expressing concern that city recognition of a "Little Haiti" neighborhood will erase the other terms by which it had been historically known).

208. *See* Madden, *supra* note 101, at 1601 ("[T]oponyms are tools for struggles between various groups and institutions, within the overall social and economic structures of the neoliberal capitalist city.").

209. *See* Clark, *supra* note 25 (voicing concerns that renaming southern Harlem "SoHa" would "take the black out of Harlem").

210. Elfrink, *supra* note 53.



Angeles' renaming of South Central as South Los Angeles. At least some residents objected that being from South Central expressed who they were and gave them a sense of pride, allowing them to tell the world that they had thrived despite living in an area perceived as violent and dangerous.<sup>211</sup> For individuals, names have enormous power as a way of identifying oneself and declaring one's identity to the world.<sup>212</sup> For citizens of an urban community, as well, the name of their neighborhood is the powerful and primary means of expressing their belonging to a particular group and place.<sup>213</sup>

These neighborhood-based groups do not have the same long-standing traditions or external recognition of groups traditionally claiming cultural property rights, such as a nation or an indigenous tribe. Yet this distinction may make the relationship between a neighborhood's name and the group's identity all the more powerful. Outside of the most constitutive examples, tribes need not depend on a particular article of cultural property to persist. For example, the Inuit people of Greenland who sought repatriation of their ancestors' remains from New York's American Museum of Natural History did not find that repatriation critical to their continued existence.<sup>214</sup> The Inuit would have persisted even if the remains had not been repatriated. Neighborhood-based communities, by contrast, are bound up exclusively with their particular geography and its nomenclature.<sup>215</sup> If Harlem were to be renamed, that would threaten the ongoing identity of the area as a unique locus of the African American experience as well as weaken the neighborhood's link to its storied past. Effacing a neighborhood name may well cause the associated local group's distinctive cultural identity to evaporate.<sup>216</sup>

Of course, not all groups that organize to advocate or resist a neighborhood renaming can claim that the name is constitutive of their identity. Neighborhood groups who band together to embrace a name

---

211. See Gold, *supra* note 28; see also Leovy, *supra* note 37 (“‘South Central’ meant something bigger than a place . . . It was synonymous with sense of black progress and accomplishment—a physical manifestation of blacks’ progress in the American West.” (quoting Josh Sides)).

212. Laura A. Heymann, *A Name I Call Myself: Creativity and Naming*, 2 U.C. IRVINE L. REV. 585, 593–600 (2012) (illustrating the deep connection between names, especially chosen names, and individual identity).

213. Cf. Yxta Maya Murray, *The Takings Clause of Boyle Heights*, N.Y.U. REV. L. & SOC. CHANGE (forthcoming 2019), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3142259](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3142259) [<https://perma.cc/FG48-W4WD>] (discussing community members’ sense of collective ownership).

214. See Carpenter et al., *supra* note 10, at 1030–31, 1125 (recounting this story).

215. *But see* BROWN, *supra* note 201, at 15 (noting the Cherokee argument that the destruction of sacred sites constituted the destruction of the tribe).

216. Here, the analogy is closer to indigenous groups who are so closely tied to their land that its loss threatens the eradication of their people. See Carpenter et al., *supra* note 10, at 1050–53 (discussing the integral relationship between land and identity of many native tribes).

or oppose one are often motivated by nothing more than a shared interest in increasing or protecting property values. The homeowners who sought to secede from Van Nuys as “Lake Balboa” or the business owners who expressed concern about renaming their part of Miami “Little Haiti” were linked together by economic self-interest, not any sense of shared cultural identity.<sup>217</sup> Whether a neighborhood name amounts to one that the law should protect as cultural property is thus a context-sensitive inquiry that requires asking careful questions about the group expressing concern over the name, the name itself, and, most importantly, the relationship between the two. What this reveals, though, is that at least in some—perhaps most—cases, neighborhood groups’ interests in preserving a particular name for their area can be conceptualized as cultural property interests. With this in mind, we turn to the related issue of how this kind of ownership interest fits into larger debates about how to value and regulate property.

## 2. Neighborhood Names Through a Progressive Property Lens

Welfare—and, usually, wealth—maximization<sup>218</sup> has long been a dominant idiom in which scholars speak about property law.<sup>219</sup> This model assumes that the archetypal rational actor will seek to maximize the market value of her real property and that, in turn, owners regard their land as an investment, above all else.<sup>220</sup> Harold Demsetz, for example, famously argued that as societies develop, they tend to move from collective to private ownership and that this trend is normatively desirable.<sup>221</sup> Descriptively, this model is uncontroversial. Many, if not

---

217. See Green & Rabin, *supra* note 51 (noting concerns of local property owners who suspected the name “Little Haiti” would harm their enterprises by lowering its prestige); Pool, *supra* note 161 (quoting an organizer of the breakaway as concluding that the “overarching factor” in motivating Lake Balboa’s secession from Van Nuys was the desire for higher property values).

218. Though often used interchangeably, these terms are distinct. Welfare maximization refers to a general Benthamite utilitarian approach that evaluates the appeal of any action by summing up all of its net effects on social welfare. Wealth maximization, by contrast, looks to the narrower evaluative standard of whether an action increases the wealth of all affected parties. Wealth is often invoked as a proxy for welfare, but the two are not the same. See, e.g., Richard A. Epstein, *How to Create—Or Destroy—Wealth in Real Property*, 58 ALA. L. REV. 741, 743 (2007) (“[In] land use transactions . . . market values are useful proxies to social welfare.”).

219. E.g., Christine Jolls, *Behavioral Law and Economics*, in BEHAVIORAL ECONOMICS AND ITS APPLICATIONS 115 (Peter Diamond & Hannu Vartiainen eds., 2007) (“[L]aw and economics . . . often (controversially) employs the normative criterion of ‘wealth maximization’ . . .” (citation omitted)); Russell B. Korobkin & Thomas S. Ulen, *Law and Behavioral Science: Removing the Rationality Assumption from Law and Economics*, 88 CALIF. L. REV. 1051, 1066 (2000) (discussing the prevalence of rational choice theories in law and economics).

220. Joseph William Singer, *The Ownership Society and Takings of Property: Castles, Investments, and Just Obligations*, 30 HARV. ENVTL. L. REV. 309, 322 (2006) (contrasting this “investment” conception of property with “castle” and “citizenship” models).

221. Demsetz, *supra* note 110, at 350.

most, real property owners consider the market value of their land to be one of its important features, and their decisions with respect to that land is driven to a large extent by value-related considerations. The unremarkable observation that owners often govern their property to maximize their wealth, however, often translates into the debatable proposition that decisions motivated by wealth maximization also increase overall social welfare.<sup>222</sup> The upshot of this has been a literature pervaded by overt and implicit use of optimizing owners' value as the leading normative criterion for evaluating property law and policy.

In the past decade-plus, however, a theoretical counterpoint to the dominance of neoclassical economics has emerged under the rubric of progressive property. While libertarian and law and economics approaches to property cast ownership as a bulwark of solitary self-interest against the state and other people, progressive property stresses the connectedness of property with the rest of the world and, in turn, the obligations toward society owed by owners.<sup>223</sup> These theories acknowledge the inevitable financial valences of property ownership but look to additional values served by ownership, such as cultivating virtue and a sense of community.<sup>224</sup> The result is a pluralist normative approach that looks to how the social and cultural institution of property can be crafted to maximize the flourishing of owners and nonowners alike, in contrast to the monist tendency of neoclassical law and economics to reduce property to its value as an investment.<sup>225</sup> The contemporary progressive property movement is not the first to articulate alternatives to neoclassical law and economics. Carol Rose has long highlighted the capacity of public property to bring people together, thereby creating wealth while also cultivating community and civility.<sup>226</sup> And, as we have seen, Radin's work showed that property

---

222. GREGORY S. ALEXANDER & EDUARDO M. PEÑALVER, AN INTRODUCTION TO PROPERTY THEORY 17 (2012) ("Because of the widespread tendency among property theorists to use wealth as a proxy for utility (or welfare), this often amounts, in effect, to an assertion that property institutions should be shaped so as to maximize society's net wealth.").

223. For a summary by the major expositors of this approach, see Gregory S. Alexander et al., *A Statement of Progressive Property*, 94 CORNELL L. REV. 743 (2009).

224. *E.g.*, Gregory S. Alexander, *The Social-Obligation Norm in American Property Law*, 94 CORNELL L. REV. 745 (2009); Eduardo M. Peñalver, *Land Virtues*, 94 CORNELL L. REV. 821 (2009); Joseph William Singer, *Democratic Estates: Property Law in a Free and Democratic Society*, 94 CORNELL L. REV. 1009 (2009).

225. David Fagundes, *Buying Happiness: Property, Acquisition, and Subjective Well-Being*, 58 WM. & MARY L. REV. 1851, 1899–1900 (2017) (characterizing progressive property as a pluralist theory linked to Aristotelian notions of human flourishing).

226. Carol Rose, *The Comedy of the Commons: Custom, Commerce, and Inherently Public Property*, 53 U. CHI. L. REV. 711, 774–81 (1986) (discussing public property as a socializing and civilizing institution that can foster connections among local community members as well as far-flung people).

might also be connected to identity in ways that go unrecognized and undervalued by traditional law and economics models of ownership.<sup>227</sup>

The rise of progressive property has not effaced the influence of neoclassical law and economics as a way to think about property. Rather, the two coexist in deep tension. Each articulates a profoundly different normative vision for what property means and how it should be governed. The intense conflicts that emerge over the naming and renaming of urban neighborhoods epitomize the conflict between these two schools of thought. This dialectic helps illuminate why conflicts over neighborhood naming are so explosive and provides a framework within which urban residents' cultural property interests in neighborhood names may be arrayed against economic concerns in a way that causes those interests to be taken more seriously.

The neoclassical law and economic perspective on neighborhood names is straightforward. It begins with the notion that names are a commodity.<sup>228</sup> In this context, they are the primary referent for a city's various districts and the quickest way to express their reputation and character. Whether a neighborhood is safe, has good schools, is regarded as prestigious, and, most of all, has high property values are bound up with its name.<sup>229</sup> So, while there are no empirical studies conclusively proving that a higher-status sobriquet causes property values to rise,<sup>230</sup> there is plenty of anecdotal evidence to support this intuitive point. When a higher-end residential neighborhood in the western part of Van Nuys redefined itself as "Lake Balboa" in 2002, property values in the newly created and more poetically named district rose twice as fast in the next five years as they did in the grittier area that it had left behind.<sup>231</sup> And many, perhaps most, urban

---

227. Radin, *supra* note 10, at 959:

Most people possess certain objects they feel are almost part of themselves. These objects are closely bound up with personhood because they are part of the way we constitute ourselves as continuing personal entities in the world. They may be as different as people are different, but some common examples might be a wedding ring, a portrait, an heirloom, or a house.

228. See Fennell, *Exclusion's Attraction*, *supra* note 9, at 185 (discussing place-name reputation as a public good).

229. See FENNEL, UNBOUNDED HOME, *supra* note 9, at 29–30 (discussing how a neighborhood place name directly affects the value of residential property).

230. Lee Anne Fennell notes that there is empirical evidence linking the reputation of people's neighborhoods and their employment outcomes. *Id.* at 29.

231. See Pool, *supra* note 161 (reporting this disparity in price increases). Locals typically characterize their opinions on name changes in terms of a desire for higher property values. *E.g.*, Stewart, *supra* note 3 (characterizing the craze for neighborhood renaming in the San Fernando Valley as driven largely by desire for increased property values). Or in some cases concern about decreased ones. See Green & Rabin, *supra* note 51 (expressing local business owners' concerns that renaming their Miami neighborhood "Little Haiti" "could make the area less attractive to potential investors").

redevelopments that gentrify a previously poorer area feature a catchy name usually designed to overcome the preexisting perception of outsiders that a given area is dangerous, minority-dominant, or nonprestigious.<sup>232</sup>

Names thus translate directly into property values, and the simple act of renaming a previously undesirable area can transform it from a place to avoid by those with sufficient economic and social capital into a high-demand, sought-after location. In fact, of all the strategies a developer could undertake to increase property values, renaming is far cheaper and easier than renovating dilapidated housing stock or investing in neighborhood enrichment programs.<sup>233</sup> Rebranding a neighborhood with a new name thus promises more leverage than any other improvement strategy for developers, real estate professionals, residents, and any other stakeholders who stand to benefit from higher property values.<sup>234</sup> To frame this in terms of neoclassical economics, the benefits of a well-done renaming of a marginal area are far greater than their costs, indicating that such name changes increase wealth on balance and are hence normatively desirable.

Situating the opposite argument requires more work, as more nuanced perspectives often do. It is clear that many urban denizens conceive of the value of their neighborhood's name not in terms of dollars and cents but rather as a form of cultural property that is constitutive of their group and individual identities.<sup>235</sup> From a neoclassical-economic perspective, though, evaluating this interest remains obscure. Indeed, the insistence on historical terms for neighborhoods may seem economically irrational.<sup>236</sup> Why would a resident give up higher property values over something as aesthetic and ephemeral as a mere name?

---

232. The repeated attempts of various San Fernando Valley neighborhoods to disassociate themselves from Van Nuys are based to differing degrees of overtness on a desire to distance themselves from Van Nuys' reputation as less prestigious and more racially diverse. *See* Stewart, *supra* note 3 (discussing economic, status, and racial motivations for neighborhoods seeking to differentiate themselves from Van Nuys and other less desirable Valley neighborhoods perceived to be less desirable).

233. Revealed preferences are instructive here too. When developers secured approval from San Francisco to create the East Cut Community Benefit District, they used \$68,000 of their \$2.5 million budget on rebranding the area rather than on direct investments in the community, such as street cleanup or neighborhood beautification. King, *supra* note 64.

234. It is thus unsurprising that local real estate professionals started the furor of neighborhood renaming that took over Los Angeles' San Fernando Valley in the late 1980s and early 1990s. *E.g.*, Kaplan, *supra* note 38 (relating that local realtor Michael Ribons started the movement to change the name of the western half of Sepulveda to "North Hills" because he thought it sounded "more prestigious").

235. *See supra* Section III.A.1.

236. *See* Carpenter et al., *supra* note 10, at 1046 (observing that cultural property interests are "sometimes inexplicable in market terms").

When viewed through the lens of progressive property, though, the nature of ownership in neighborhood names—and the tangible upsides of maintaining traditional nomenclature—becomes clearer. For one thing, progressive property is a pluralist theory. In contrast to neoclassical economics, a monist approach that seeks to reduce all social value to a single metric (welfare, or perhaps wealth), the progressive take acknowledges a variety of values—virtue, community, happiness—that society may want property to serve.<sup>237</sup> Understanding that property serves more than owners' wealth maximization allows identity to have a place among the aims the institution of ownership seeks to serve and helps illuminate several reasons that preserving names yields unappreciated welfare benefits.

The social value of names as cultural property is manifested in several ways. Traditional neighborhood names further residents' sense of pride in their place of origin, often despite and even because the area is not widely admired. Consider, for example, denizens who wanted South Central Los Angeles to keep its name because they enjoyed telling people they had flourished despite hailing from a famously hard-scrabble area.<sup>238</sup> Neighborhood names also provide residents with a sense of belonging. They provide quick reference points by which one can identify oneself and find immediate commonality (or rivalry) with others. Finally, neighborhood names connect residents with their history. A name is often one of the few constants in an ever-changing urban environment. This constancy allows, for example, dwellers of modern-day Harlem to feel connected with Harlems of the past, both good (jazz-age Harlem Renaissance) and bad (1978 high-crime Summer of Sam blackout). None of these interests cash out in terms of dollars and cents, but they do represent the kind of identity-constitutive concerns that are definitional of cultural property. The pluralist nature of progressive property invites consideration of nonmonetary values such as these alongside traditional financial ones.

Progressive property is useful in framing cultural property interests of urban communities in their neighborhoods' names for a second reason: unlike neoclassical law and economic takes on property, progressive property theory recognizes the social value of collective property interests. The investment model of property presupposes an individual owner (or corporate entity) who seeks to extract a rational level of value from her land, which can then be summed up with the net

---

237. Alexander et al., *supra* note 223, at 743.

238. In fact, many residents regret the loss of the name "South Central." One longtime resident, Lloyd Robertson, 71, who has lived at East 27th Street and Naomi Avenue since 1937, complained that after the name change, "Don' nobody wanna come this side of town no more . . . . It's just like nothin' over here." Leovy, *supra* note 37.

value extracted by other owners to measure overall social welfare. But cultural property generally and neighborhood names in particular take as their subject not a sole owner but a collective people. In particular, this view recognizes that property can have social value at a group level that is not obvious when viewed from an individual level. This is especially relevant to neighborhood names, because the value of sustaining them redounds chiefly to the group itself, not just to its individual members.<sup>239</sup> Just as some native tribes regarded the value of securing rights to land a prerequisite to continued existence,<sup>240</sup> the value of preserving names like Harlem, South Central, or Lemon City is that it keeps those communities alive and present, rather than erasing them if their names are lost, as residents fear.

Preserving this collective interest in neighborhood names as cultural property is not just a matter of recognizing an abstract right. Rather, it generates welfare benefits. Property has the capacity to bring people together rather than just protect them from incursions threatened by a domineering state. Carol Rose has shown that property, in particular public spaces, can foment economic activity not only by providing infrastructure but also by bringing people together through informal but productive interactions.<sup>241</sup> Progressive property scholarship has likewise highlighted the capacity of property to ground individuals in a shared sense of place and in turn to cultivate a spirit of mutual generosity.<sup>242</sup> A community with a rich sense of identity is more likely to exhibit each of these qualities. A place with a robust notion of belonging is more likely to have events and sociality that epitomize Rose's notion of *doux commerce*. And a neighborhood where people feel close-knit through a shared sense of identity is likely to give rise to the kind of other-oriented sense of mutual obligation that property can generate.<sup>243</sup>

### *B. Naming, Norms, and the Limits of Law in Urban Governance*

The legal dimensions of neighborhood naming carry implications not only for property theory but also for understanding local government law. Legal scholarship in this field has traditionally

---

239. See Carpenter et al., *supra* note 10, at 1051–53 (explaining how indigenous cultural property claims advance group interests rather than individual autonomy).

240. See *id.* at 1052 (“The loss of sacred sites would impair the ability of the Cherokee to live as Cherokees.”).

241. See generally Carol M. Rose, *Romans, Roads, and Romantic Creators: Traditions of Public Property in the Information Age*, LAW & CONTEMP. PROBS. Winter/Spring 2003, at 89.

242. See, e.g., Peñalver, *supra* note 224, at 864–87 (describing the virtue theory of land use).

243. See Alexander, *supra* note 224 (highlighting the social-obligation norm of property ownership).

focused on macroscale questions about local governments—such as the nature of local legal authority and the determinants of local boundaries—but there is a growing literature that focuses on institutions within localities.<sup>244</sup> In that literature, neighborhoods have been garnering increasing attention, with excellent work on sublocal legal structures and the often-challenging dynamics of neighborhood democracy.<sup>245</sup> Legal scholars are thus exploring the devolution of power to institutions newly responsible for—or at least engaged with—governance functions traditionally managed at the city level.<sup>246</sup> Conflicts over neighborhood naming can deepen this literature by offering particularly resonant examples of neighborhood-level processes where informality is the governance norm, melding private and public participants and interests.

Cities intentionally subdelegate or alternatively tolerate the assertion of sublocal power for a variety of reasons and to solve a range of governance challenges across the domains of local power.<sup>247</sup> This is true in core local government functions, such as land use, education, and policing; it is evident in local taxation and finance; and it also manifests in other areas of local regulation and service provision. Indeed, cities of any large scale could hardly manage without both empowering sublocal institutions and—in that devolution—relying on private forces, such as community organizations, residents, businesses, and the like.

As noted, these sublocal institutions include various kinds of business improvement districts, neighborhood advisory councils, enterprise zones, tax increment finance districts, special zoning

---

244. For an overview of this growing internal, institutional turn in local government legal literature, see Nestor M. Davidson, *Localist Administrative Law*, 126 YALE L.J. 564, 576–77 (2017).

245. See sources cited *supra* note 8; see also Georgette C. Poindexter, *Collective Individualism: Deconstructing the Legal City*, 145 U. PA. L. REV. 607, 649–56 (1997) (arguing that the neighborhood is the optimal level of governance to express the balance between the individual and the collective). As Nadav Shoked has noted, “Without legal commentators noticing it, localism in contemporary American law is more local than ever before.” Shoked, *supra* note 8, at 1327.

246. Stephen Miller has argued that the overlay of a variety of legal and political changes over the past four decades has created essentially a *de facto* level of governance at the neighborhood level. See *generally* Miller, *supra* note 8. In the aggregate, it is hard not to see a significant shift toward sublocal empowerment, but—without overly discounting its importance—much sublocal governance remains informal, advisory, and subject to override at the city level.

247. Sublocal empowerment can also be a way of tamping down the desire, in communities where that is feasible, for secession from the larger city. That was a significant motivation, for example, in the creation of neighborhood councils during the 1999 Los Angeles charter-reform process in the face of the threat of secession by parts of the San Fernando Valley, Hollywood, and the Harbor area. See Chemerinsky & Kleiner, *supra* note 8, at 570.



districts, neighborhood courts, neighborhood schools, and others.<sup>248</sup> These institutions of neighborhood-scale governance tend to be relatively formally structured with clear processes for civic engagement<sup>249</sup> and often directly involve private actors.<sup>250</sup>

However, a myriad of other sublocal—or microlocal, as Nadav Shoked calls them—governance mechanisms reflect the validation by some legal institution of fluid, informal ordering.<sup>251</sup> These mechanisms navigate governance not through legislation or regulation at the city level but through bottom-up neighborhood organization or through the interplay of individual neighborhood-scale conflicts, some resolved judicially and some not. Shoked primarily focuses on devolution in education—with rights to neighborhood schools and neighborhood-level school management decisions—and the governance of historic districts. Shoked also ranges over a number of other examples that include neighborhood-level referenda regarding public benefits and curfews, neighborhood vetoes over licensing decisions, and even neighborhood-organized lawsuits against transportation-planning decisions.<sup>252</sup> Shoked describes this widespread paradigm as “a new mode of governing: government with no distinct, unitary, and stable decision-making body.”<sup>253</sup>

Neighborhood-level devolution brings to the fore questions of who gets to participate in both formal and informal governance and, critically, the power dynamics—including questions of race, class, gender, age, immigration status, ability, and other important factors—that shape the participatory and democratic aspects of that governance.<sup>254</sup> In formal institutions, neighborhood-scale participation

---

248. See Briffault, *Sublocal*, *supra* note 8, at 509–21 (explaining structures of sublocal governance); Miller, *supra* note 8, at 143–58 (spotlighting the “legal and political tools,” such as local councils and associations, empowering neighborhoods); Shoked, *supra* note 8, at 1334–36 (discussing “micro-local governments”).

249. See generally Jonathan M. Davidson, *2004 Land Use ADR Report: “Who Speaks for the Neighborhood,”* 36 URB. LAW. 849 (2004) (discussing cases that grapple with conflicts arising from the formal role of neighborhood residents in land use processes).

250. Cf. Davidson, *supra* note 244, at 607–09 (discussing the involvement of private individuals in local administrative bodies such as zoning panels and school boards).

251. Shoked, *supra* note 8, at 1335 (arguing that “indirect” local governments arising from mechanisms such as judicial recognition of neighborhood-level power represent governance in “a manner that is informal, fluid, task-specific, ad hoc, and geographically indeterminate”).

252. *Id.* at 1327–28.

253. *Id.* at 1329.

254. See, e.g., Parlow, *supra* note 8, at 176–87 (arguing for the Civic Republican virtues of neighborhood-level governance but noting the challenges of exclusionary processes and a public choice–perspective capture); see also Matthew J. Parlow, *Revolutions in Local Democracy? Neighborhood Councils and Broadening Inclusion in the Local Political Process*, 16 MICH. J. RACE & L. 81 (2010) (discussing both the marginalization of minorities in much of local governance as well as the challenge of local corruption). Some scholars have also highlighted the related risk to

can be structured to be more inclusive or less,<sup>255</sup> although even the most thoughtful structures can fall prey to larger barriers to participation.<sup>256</sup> And the stakes and context of any given policy issue can shape participation and engagement. But in the absence of formality, the legal nature and quality of participation tend to default to what the larger social and economic conditions dictate.

In many ways, the nature of sublocal delegation reflects larger functional and normative debates about subsidiarity in the literature on localism and on federalism.<sup>257</sup> Governance mechanisms closest to the level at which the impacts of decisions will be felt most strongly—below the level of “local governments,” which, at the size of many American cities, can contain hundreds of thousands if not millions of residents—will arguably better aggregate information and preferences, may be more efficient, and can be more democratically legitimate if participatory challenges are overcome. At the same time, the more “local” a decision is, the greater the risk of exclusion and external consequences not fully internalized by decisionmakers, as well as the Madisonian problem of governance capture by local interests, among other aspects of parochialism.<sup>258</sup>

Toponymy serves as a particularly resonant example of these dynamics of formality and informality, public and private permeability, and the valence of sublocalism in urban governance. Naming serves as a community focal point and may reinforce a sense of community ownership,<sup>259</sup> but toponymic conflicts are often forced through to some definitive resolution. The variations this Article has charted in the legal dimensions of neighborhood identity generally coalesce around a relatively passive role for law and an active role for the bottom-up contestation of often-fractured community members, new entrants to neighborhoods, and a variety of economic interests.

Naming and related questions of neighborhood boundaries are less conflictual when they are nonformalized and multiple names can

---

the democratic accountability of the larger city in the process of subdelegation. *See, e.g.,* Briffault, *BIDs*, *supra* note 8, at 455–59 (describing the potential undermining of democratic values by business improvement districts).

255. *See* Parlow, *supra* note 8, at 166–76 (canvassing variables in institutional design that might influence the level and quality of public engagement).

256. *See* Chemerinsky & Kleiner, *supra* note 8, at 577–79 (describing the failure of the Los Angeles neighborhood councils created in the 1999 charter-reform process to live up fully to the reformers’ aspirations).

257. Shoked, *supra* note 8, at 1327; *see also* Poindexter, *supra* note 245, at 655–56 (discussing neighborhood parochialism and negative externalities).

258. The legal literature on neighborhoods also raises important concerns about sublocal homogeneity and Balkanization; how these normative concerns intersect with neighborhood naming will be explored in Part IV.

259. *See supra* Section III.A.

be tolerated in practical terms. They arguably become contentious, however, when formalized, becoming more of zero-sum. In this sense, the imprimatur of legal recognition channels conflict but also may contribute to conflict.

The informality that is a defining feature of many neighborhood-naming processes thus well illustrates Shoked's new paradigm of microlocalism. In the absence of any formal neighborhood-level body clearly designated to control questions of identity, stakeholders seeking or resisting local change jockey for influence. City governments—across the range of local institutions implicated in local identity conflicts (legislatures, local executives, and administrative agencies<sup>260</sup>)—most often seem to respond to or simply ratify change on the ground, even in places where there are nominally formal *ex ante* processes.<sup>261</sup>

Consider, for example, Los Angeles: The demand for neighborhood recognition grew so great over the 1990s that the city implemented a more formal process designed to put the brakes on renaming. The process was implemented in 2006, making it much more onerous for applicants to gain official status for their communities.<sup>262</sup> Yet this nominally increased oversight has not changed the rate of neighborhood redesignation (and fragmentation) at all, as the Los Angeles City Council simply rubber-stamps renaming applications, even when they raise serious objections from surrounding communities.<sup>263</sup> It can also be seen much more broadly when cities simply accept facts on the ground, incorporating neighborhood change into various official functions without reflecting on the debates and controversies that yielded that change.<sup>264</sup> In many naming conflicts, then, a critical aspect of local governance is left largely liminal, with each new conflict being contested on new grounds by a shifting array of stakeholders.<sup>265</sup>

---

260. It is perhaps telling that toponymic conflicts seem to have generated little, if any, case law (hence this Article's focus on legislation and administrative processes). This dearth of jurisprudence may reflect questions of standing—it is unclear what concrete injury is at stake in naming conflicts—or the absence of clear rights, as discussed in Section II.B. That lacuna no way diminishes the legal significance of neighborhood naming, but it does suggest a limited role for *ex post* judicial resolution of such conflicts, heightening the need to focus on structures that provide for *ex ante* formalization.

261. See *supra* Section II.B.

262. See *supra* notes 142–143 and accompanying text.

263. See Modesti, *supra* note 187 (outlining opposition from Sherman Oaks and Van Nuys neighborhood associations to a part of Van Nuys that wanted to join Sherman Oaks—and did, following city council approval by a wide majority).

264. Houston's "Super Neighborhoods" initiative, for example, simply accepted the neighborhood definitions suggested by local residential groups to create a map of the greater urban area. *Super Neighborhoods: Recognized SN List and Bylaws*, *supra* note 127.

265. Lee Fennell has argued intriguingly that when local governments face pressure to act in an exclusionary manner, devolution (and the signaling that attends neighborhood identity) may

Not surprisingly, trade-offs between the advantages of neighborhood-level localism and the harms of empowered (micro) parochialism are also well on display in naming disputes. Toponymy is as quintessentially local as an issue can be, often involving folkways and traditions largely opaque to outsiders, even in this era of Google Maps.<sup>266</sup> And community control over collective identity can be empowering for otherwise marginalized communities—one of the primary benefits of genuine decentralization.<sup>267</sup> But sublocal parochialism is also evident in some neighborhood-naming conflicts when insiders resist change and refuse to acknowledge the demands of shifting communities.<sup>268</sup>

One type of harm resulting from parochialism occurs when an area redefines itself out of a preexisting one, creating benefits for the newly created neighborhood while inflicting costs on the one left behind. When residents of the western half of Sepulveda in Los Angeles' San Fernando Valley seceded to become North Hills, stakeholders in the eastern half expressed concern that the problems they faced would only get worse without the presence of the more desirable residential part of the area.<sup>269</sup> Even today, Van Nuys continues—unsuccessfully—to urge subcommunities that seek to exit to stay and improve the overall area.<sup>270</sup> Relatedly, efforts for official civic recognition by smaller ethnic groups may be drowned out by larger, more powerful ones. For example, when Los Angeles' relatively small Bangladeshi community sought to define an area of the midcity as “Little Bangladesh,” the city's relatively larger Korean community backlashed.<sup>271</sup> They insisted that the area the Bangladeshis sought to claim was part of the larger (then unofficial)

---

relieve that pressure. See Fennell, *Exclusion's Attraction*, *supra* note 9, at 185 (“A profusion of smaller-scale place names coupled with intrajurisdictional zoning would reduce the incentive to exclude entrants from the entire jurisdiction.”).

266. See *supra* Section II.A.

267. See Heather K. Gerken, *Forward: Federalism All the Way Down*, 124 HARV. L. REV. 4, 11–12 (2010) (noting decentralization's ability to transform “national minorities” into “local majorities”).

268. As scholars have noted, there is also a Madisonian argument for resisting devolution in the context of large, diverse cities. At a relatively large scale, shifting political coalitions allow various sublocal constituencies to advance their interests; the more local the level of governance, however, the greater the risk that a homogenous group can capture governance, oppressing a (very, very local) minority. Michael Heller & Rick Hills, *Land Assembly Districts*, 121 HARV. L. REV. 1465, 1499 (2008); Stahl, *supra* note 8, at 970.

269. Kaplan, *supra* note 38 (“We encourage people to improve the community rather than leave it . . .”).

270. See Orlov, *supra* note 141 (voicing the concerns of residents who urged a group not to secede from Van Nuys but rather to stay and improve the neighborhood).

271. See Rosten Woo, *Naming Los Angeles*, in LATITUDES: AN ANGELENO'S ATLAS 1, 5–6 (Patricia Wakida ed., 2015) (describing the “swift and forceful reaction” to the proposal by the Wilshire Center Koreatown Neighborhood Council).

“Koreatown.”<sup>272</sup> After the smoke cleared, the Bangladeshis’ application resulted in Los Angeles’ official designation of a broad “Koreatown” neighborhood, along with a “Little Bangladesh” neighborhood much smaller in area than originally sought.<sup>273</sup>

Toponymy, moreover, makes clear that in addition to an underappreciated range of sublocal institutions,<sup>274</sup> there is also an underappreciated range of the *objects* of neighborhood-scale governance. At this most local level, there are various kinds of collective enterprises (whether formally recognized as “property” or not) that require resolution or cooperation. Community gardens, neighborhood watches, and other kinds of local “commons institutions” are good examples.<sup>275</sup> But naming also elicits deep passions and requires governance solutions, most of which are at the neighborhood level and informal, often only gaining recognition by the larger city after facts on the ground have changed.

Similarly, just as boundaries and borders are critical to the discourse of local government law,<sup>276</sup> many neighborhood-naming issues involve ambiguity over demarcating neighborhoods or attempts to redefine boundaries.<sup>277</sup> Once local governments formally recognize new neighborhood names, that recognition generally constitutes official recognition for the metes and bounds of those neighborhoods—with sometimes significant consequences.<sup>278</sup> In this way, neighborhood naming as a sublocal governance issue recapitulates similar conflicts about the boundaries of cities themselves, but often without clear acknowledgment of the stakes.

---

272. *See id.* at 6 (noting that “[a]lthough Koreatown does not have an official neighborhood designation by the city it is widely recognized within different city administrative bodies”).

273. *See id.*

274. *See* Shoked, *supra* note 8 (exploring sublocal legal structures).

275. *See* Sheila R. Foster & Christian Iaione, *The City as a Commons*, 34 YALE L. & POL’Y REV. 281, 325 (2016) (describing the “interdependent relationship[s]” by which individuals collectively manage urban resources); *cf.* Ronald J. Oakerson & Jeremy D. W. Clifton, *The Neighborhood as Commons: Reframing Neighborhood Decline*, 44 FORDHAM URB. L.J. 411, 431–35 (2017) (outlining principles of neighborhood commons governance).

276. *See, e.g.*, Richard Briffault, *The Local Government Boundary Problem in Metropolitan Areas*, 48 STAN. L. REV. 1115 (1996) (analyzing the role of local government boundaries in metropolitan areas); Richard Thompson Ford, *Boundaries of Race: Political Geography in Legal Analysis*, 107 HARV. L. REV. 1841 (1994) (examining political geography and its legal doctrinal consequences); *see also* Kellen Zale, *Local Government Formation and Boundary Change in Texas: A Post-Harvey Assessment*, 8 HLRE: OFF REC. 105 (2018) (assessing boundary change laws following Hurricane Harvey).

277. *See supra* note 107.

278. In some instances, as with BIDs, tax increment financing, and special assessments, defining the boundaries of a neighborhood for legal purposes carries significant and immediate practical consequences for owners and businesses in the defined area.

Finally, conflicts over neighborhood naming illustrate an important reality that is too often absent from the foreground of the literature on local government law: on some critical issues of urban policy, the “city” is simply ineffective in asserting control. Beyond Los Angeles’ rubber-stamp validation of the results of conflict on the ground, Chicago’s attempt to assert exclusive authority seems relatively ineffectual if McCormick Square is any indication,<sup>279</sup> and New Orleans’ 73 is seen by many as a relic.<sup>280</sup> When a city asserts its authority, it is reasonable to assume that the authority matters, but some naming conflicts suggest that there are genuine limits of the law in urban governance.

\* \* \*

Neighborhood naming illustrates the distinct relevance of the neighborhood level to a surprisingly wide swath of urban governance and the need for a better understanding of the many ways law structures and responds to or ultimately fails to grapple with these often-hidden neighborhood processes. Whether greater formalization and transparency would necessarily yield better outcomes or be normatively more desirable is debatable, and there are many other normative crosscurrents to consider, as the next Part explores.

#### IV. CODA: THE NORMATIVE TERRAIN OF TOPONYMIC CONFLICT

It should be clear at this juncture that dynamics of neighborhood naming have not only theoretical implications but likewise reflect significant normative concerns. This Article’s empirical and conceptual mapping has alluded throughout to the intersection of toponymic conflict and neighborhood change with race, socioeconomics, and questions of belonging and exclusion. This Part’s final coda canvasses this normative terrain, not to offer any pat resolutions but so that the stakes can be understood more clearly as residents, cities, and legal actors confront neighborhood contestation. And building on Part III’s discussion of neighborhood naming in the context of property theory and local government law, this Part concludes with reflections on the importance of taking a pluralist approach when valuing a city.

*Entry, Exit, and the Ever-Present Immanence of Race.* As the Tieboutian discourse underscores, movement between localities can

---

279. See *supra* notes 156–158 and accompanying text.

280. See Campanella, *supra* note 139.

express and sort preferences for public amenities.<sup>281</sup> This process operates not only across states and local governments but very actively plays out within cities at the neighborhood level as well. There are overt and familiar ways that cities seek to manage this entry and exit: offering particular services, such as education and policing; targeting levels of assessment and infrastructure spending; and even explicitly incentivizing home purchases or development in certain areas through subsidies. Naming, however, shows that at the sublocal level, less obvious forces affect both entry and exit from urban neighborhoods—and underscores the reality that social and demographic change in cities always has a normative edge.

In terms of regulating entry, changing a name often represents efforts to entice entrance by encouraging residents to settle in neighborhoods previously seen by outsiders as less desirable. Branding can have a significant, immediate impact on a neighborhood's perceived social appeal and economic value, serving as a powerful if covert driver of entrance at the sublocal level. This can serve to obscure existing communities while accelerating displacement.

Conversely, as with exclusionary policies by local governments on a larger scale, changing a name can work instead as a means of walling off communities from surrounding areas with whom residents wish not to be associated. Naming allows residents to create a new, separate identity to distance themselves from adjacent areas. Mike Davis refers to such names as “nomenclature walls to erect the maximum division between themselves and lower-income communities.”<sup>282</sup> Just as exclusionary zoning homogenizes suburbs, neighborhood identity can signal exclusion within cities.

These dynamics, moreover, are suffused with the reality that space is racialized. Some renaming conflicts bring race explicitly to the surface, raising concerns that dominant groups are erasing or oppressing historically marginalized ones. Consider Harlem residents' visceral objections to SoHa, which they regarded as “trying to take the black out of Harlem.”<sup>283</sup> Similarly, the move to create Little Haiti became fraught when opponents expressed concern about property values as “coming from a racist place” in the comparison of Haiti to a “deforested country” and a “poor country.”<sup>284</sup> Race can be a cudgel, blunt

---

281. Charles M. Tiebout, *A Pure Theory of Local Expenditures*, 64 J. POL. ECON. 416, 418 (1956) (“The consumer-voter may be viewed as picking that community which best satisfies his preference pattern for public goods.”).

282. Stewart, *supra* note 3.

283. Clark, *supra* note 25.

284. Green & Rabin, *supra* note 51.

and ugly, even though it can also be a shield, reaffirming and empowering.

Racial dynamics in naming conflicts, however, are not always about assertions of or resistance to majority white power; they can also be about different outside ethnic groups competing for relative status via official recognition. When leaders in Los Angeles' Koreatown moved to block the designation of "Little Bangladesh,"<sup>285</sup> for example, or when African Americans and Bahamians in Miami objected to "Little Haiti" as obliterating their history and contributions to the neighborhood,<sup>286</sup> naming became a visible sign of how marginal communities must compete for status in urban areas.

Race is present in toponomy, of course, even when names and interests are not explicitly racial. Often, the reasons people give for wanting to rename an area—prestige, status, and property values, for instance—are just proxies for seeking to displace or efface minority populations. White urban residents, for example, tend to choose smaller neighborhood designations to separate themselves from broader city populations, psychologically drawing boundaries in demarcating their place.<sup>287</sup> The desire for a more intimate scale in urban living is not inherently problematic—most residents seek to make their corner of the big city seem more manageable—but in an era in which explicit racial steering and other pernicious manifestations of bias are relatively uncommon, seemingly neutral designations carry much greater weight as a means of signaling—and altering—racial landscapes.<sup>288</sup> In short, whether toponomy reaffirms the value of racial identity or becomes a tool of erasure, any engagement with neighborhood naming must forthrightly address effects on entrance and exit, as well as race and other aspects of identity.

*Community Empowerment Versus Balkanization.* Similar crosscurrents suffuse the balance between the value of community and the risk of Balkanization at the sublocal level. Reinforcing neighborhood identity can deepen community, with benefits such as a greater sense of belonging, deeper social ties, and reinforced neighborhood resources, even in the most distressed urban

---

285. See *supra* note 271 and accompanying text.

286. See *supra* notes 51–63 and accompanying text.

287. See Hwang, *supra* note 92, at 100 (relating how white residents' strategies "essentially exclude[ ] areas that had greater shares of minorities and devalue[ ] the neighborhood definition used by most minority residents").

288. These implicit racial dynamics sometimes do become explicit, as with the 2009 Van Nuys secession and the "complexion" flap. See Modesti, *supra* note 187 (noting that a Van Nuys resident petitioning to leave the neighborhood claimed that the majority of Van Nuys residents had a different "complexion" than those in the part she lived in, which many took as a racialized reference to skin color).



communities. The small scale of neighborhoods compared to cities as a whole can make urban living manageable. And sublocal empowerment has the potential to enfranchise communities otherwise blocked from political power at the city level. Indeed, a positive and underappreciated aspect of the legal dimensions of urban governance is that cities seem to work better the more widespread civic engagement is.<sup>289</sup>

Conversely, however, local empowerment around identity risks fragmenting the larger city into ever-narrower and more homogenous subgroups. All sublocal empowerment risks Balkanization—indeed, this is partially why neighborhood councils, advisory committees, community boards, and the like are notably resistant to considering the citywide impacts of decisions at their scale.<sup>290</sup> But questions of neighborhood identity (with naming as a particularly salient example) strongly reinforce the sense that people live in insulated communities rather than cities or regions as a whole. That can be positive or negative, depending on the context and valence of any given issue, but empowered sublocalism may undermine the advantages of diversity and broad cosmopolitanism that mark urban life.

Law's largely passive response to neighborhood-naming processes—as with other aspects of sublocal governance—can foster bottom-up engagement instead of top-down control. Cities' interventions into naming neighborhoods tend to be about mediating disputes between conflicting interest groups rather than ratifying one vision of a neighborhood at the expense of another. Again, this can be positive and community reinforcing in the right context.

But law's passivity can also replicate and reinforce racial and socioeconomic hierarchies within neighborhoods and in the larger geography of cities—reflecting the critical question of who has voice. And there can often be a decided lack of transparency in this process of sublocal devolution and decentralization, which may fuel conflicts and reinforce exclusion.

Bringing more formalization and transparency to the process (as seems to happen with city streets and other infrastructure) can focus local organizing and possibly provide a check for economic and demographic opportunism. At the same time, however, any formal

---

289. See, e.g., Thomas L. Friedman, *Where American Politics Can Still Work: From the Bottom Up*, N.Y. TIMES (July 3, 2018), <https://www.nytimes.com/2018/07/03/opinion/community-revitalization-lancaster.html> [<https://perma.cc/WN7T-CP63>] (profiling the rebirth of Lancaster, Pennsylvania, which grew in large measure from the work of a broad-based civic coalition working with city government). See generally BRUCE KATZ & JEREMY NOWAK, *THE NEW LOCALISM: HOW CITIES CAN THRIVE IN THE AGE OF POPULISM* (2018) (portraying local governments as potent engines to leverage change across multiple sectors at the local level).

290. See, e.g., Chemerinsky & Kleiner, *supra* note 8, at 574 (discussing perennial “not in my back yard” challenges to locally undesirable land uses).

structures are subject to capture and can be used by the same relatively better-resourced forces that currently drive many informal renaming efforts. Formalization can also itself engender conflict by making clear the stakes at issue. Formalization and greater transparency must thus be accompanied by greater sensitivity to the distributional consequences of renaming and the purposes driving any local identity changes.

*A Pluralist Approach to Valuing Cities.* Neighborhood naming, finally, puts front and center the critical question of what matters to cities and those who live and work in them. As noted, the fact that most proposed renamings succeed despite public objection is both descriptively puzzling and normatively problematic. The explanation may have its roots in public choice theory: Developers are small, well-heeled groups who can invest heavily in a particular agenda item. Those affected by renamings, by contrast, are often more diffuse, more marginalized groups that are not as well situated to assert their interests in local governance. Another part of the public choice problem is the ill-defined nature of the interest that the latter groups seek to protect. Developers and real estate professionals can translate their interests directly into financial terms, but what is lost in a renaming lacks the quantifiable financial cost that can counter the financial argument made by the other side.

Groups seeking to preserve historical neighborhood names thus systematically find their interests undervalued in public debates about renaming. The connection between naming and property that this Article has assayed can ameliorate this problem in two ways. First, it can concretize these groups' concern as a property interest by casting it as a form of cultural property. Some of these groups amount to a people who share common heritage that is embodied by the name by which they refer to their neighborhood. Seeing a neighborhood name as a form of intangible cultural property is a nonobvious move that would help give groups seeking to preserve their area's moniker a solid way to express their concern with all the gravitas that comes with the formal label of ownership.<sup>291</sup> Second, seeing this cultural property interest through the lens of progressive property, as this Article has argued we should, highlights the numerous important values served by preserving this interest that the traditional investment model fails to reflect. The

---

291. See David Fagundes, *Property Rhetoric and the Public Domain*, 94 MINN. L. REV. 652 (2010) (detailing how labeling an interest "property" can change how it is perceived—usually in that it is taken more seriously); see also Murray, *supra* note 213 (discussing the intuitively propertized nature of the connection with the nonfinancial investment residents put in to Boyle Heights, a low-income community in Los Angeles, and the desire to express that investment in property terms).

pluralist character of progressive property theory accounts for nonpecuniary upsides generated by preserving a neighborhood's traditional name, such as belonging, history, identity, and pride. And these abstract values translate into practical upsides, such as neighborhoods with stronger social bonds and a greater tendency toward informal commerce.<sup>292</sup>

Applying this pluralist-property perspective to neighborhood names is not, of course, a panacea. These concerns may continue to be misunderstood and undervalued for any number of reasons that property theory cannot address. But as a first step, both cultural and progressive property serve as promising tools to concretize the interest expressed by those seeking to preserve traditional neighborhood names and to contrast those interests with the economic argument for renaming in a plausible and convincing way. And in turn, this application of both cultural and progressive property serves as another illustration of the power of these frameworks to identify novel forms and values of property and to insert them into the cultural conversation about ownership in ways that transcend purely financial objectives.

In the end, debates about public and private law in cities often come down to the simple question of what we value and how we prioritize those values. The discourse on value and urban space tends to devolve quickly into the language of economic value—a framing that is both familiar, because it is the way most people talk about value more generally, and easy, because dollars and cents are readily quantifiable. It is also important. Billions of dollars are at stake in the countless regulations and transactions at play in American cities on any given day.

But this reductionist focus on a single value—money—can distract from the other important values at play: belonging, history, identity, cultural status, and survival. This Article's examination of neighborhood naming throws into relief both the dominance of the neoclassical-economic approach to valuing cities and the importance of attending to and preserving other values. Names are powerful, partly for financial reasons; but they are also powerful because they connect people to a place, give them a sense of history and belonging, and may serve as the repository for microcultures that are centered on a particular toponym. Neighborhood names remind us that however seductive the ease and familiarity of a monist approach to valuing cities and their neighborhoods, only a pluralist take can truly capture all of

---

292. Cf. Peñalver, *supra* note 224 (articulating the connection between a strong sense of residential place and both community bonds and more virtuous behavior); Rose, *supra* note 241 (explicating the tendency of social connectedness in public spaces to encourage socially valuable informal commerce).

the dynamics at play. And when crafting public or private law to regulate cities, including how they are named, this pluralism is necessary to make sure that many considerations across the spectrum of social value are not forgotten.

#### CONCLUSION

The names people call their neighborhoods carry surprising power. They help form individual identity—providing perhaps the truest answer to the question, “where are you from?”—and can play a crucial role in focusing local community, managing urban social and demographic change, and signaling belonging. Names also deeply matter in economic terms, all the more so as neighborhoods are increasingly the objects of speculation and development. Moves to change the perceived value of neighborhood identity threaten long-standing communities, often communities of color.

Law may seem entirely orthogonal to dynamics driving neighborhood naming and contestation around renaming, but as this Article has made clear, the legal system plays a myriad of roles in those dynamics. Law at times overtly structures toponymic processes—to allow naming and renaming or to block change—and, alternatively, covertly facilitates neighborhood naming and renaming through implicit means that may have nothing to do with identity. And local governments often passively validate facts on the ground in both settings, auguring for the potential value in greater formalization and transparency.

From a theoretical perspective, this Article has argued that understanding the fine-grained intersection between law and neighborhood naming has relevance both to property theory and to the discourse on local government law. For property scholars, neighborhood names stand as an unusual species of cultural property that nonetheless highlight the critical fault line between monistic welfarist understandings of property and the pluralist perspective of the progressive property school. For scholars of local government law, naming similarly illustrates the reach and limits of formal legal institutions in the vital arena of urban governance below the city level.

All of this, in the end, coalesces in a set of core normative concerns at issue in naming conflicts. Naming is inevitably tied up with questions of inclusion and exclusion—often foregrounding the centrality of race and ethnicity to so many questions of urban change—and presents potentially stark trade-offs between the value of community empowerment and the broader cosmopolitanism of urban life. By highlighting unappreciated normative questions that the legal

system's engagement with neighborhood identity raises, this Article seeks to enable scholars, advocates, residents, and those charged with managing city governance to face and understand those questions with greater clarity. The stakes are simply too high to continue overlooking the profound social and cultural issues at play in naming neighborhoods and law's central role in these processes.