

Why Not in Our Back Yard?

by Michael Allen, Esq.

You've heard it many times: "We don't oppose housing for poor people. We just think it ought to be located somewhere else." It's a difficult balance for planning commissioners. Communities need low-cost housing and community services, but neighborhoods often argue that these facilities should be sited elsewhere. Localities have been sued under the Fair Housing Act for discriminatory zoning ordinances and specific land use decisions, but the flip side is potential political or legal fallout from existing residents who don't want housing or services on their blocks. Most often it seems that no matter what decision the local commission makes, someone will be unhappy.

The phenomenon of community opposition has been with us as long as we have had zoning. Calling opponents "NIMBYs" (for Not In My Back Yard) inflames the debate. For purposes of this article, I'll use an alternative, less emotionally charged term: LULU (for Locally Unwanted Land Use).  *A Short Lexicon*

Whether drawn from reason or from emotion, community opposition reflects neighbors' concerns that their lives will change for the worse. When the proposed housing or social service provider is unknown to a community, it is easier to assume the worst. With great speed, the mantra of opposition to a LULU spreads in the community: "It will reduce our property values. It will increase crime. It will erode the quality of the neighborhood."

There is plenty of empirical evidence to the contrary. But because these concerns are often raised in an emotional context, mere presentation of such

research will be ineffective in quelling the concerns. As a consequence, housing and service advocates have begun to adopt deliberate community engagement strategies.

Tim Iglesias, of the Non-Profit Housing Association of Northern California, is one of the leaders in this field. He is the primary author of *Building Inclusive Communities: Tools to Create Support for Affordable Housing*. Iglesias makes clear that his goal is to help providers get

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housing up and running with minimal delay and cost. To do so, his approach includes three other objectives: "(1) Respect for the legitimate concerns of the local community; (2) Respect for the rights of current and prospective residents; and (3) Advancing the prospects of future affordable housing proposals in the community."

ENGAGING THE COMMUNITY

Pine Street Inn (PSI) provides street outreach, emergency shelter, health care, job training, and housing to 1,300 Bostonians every day. It consciously involves neighbors prior to opening permanent supportive housing for homeless people.

In early 1993 PSI learned that a large duplex on Rockwell Street was being offered for sale. PSI decided to buy and renovate the building to provide ten single room occupancy (SRO) units and an on-site manager's apartment.

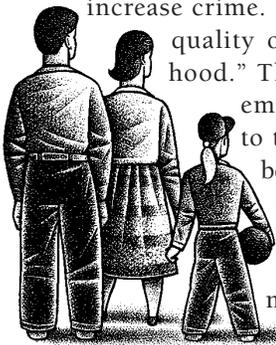
Converting the building to an SRO required zoning relief. The city's planning staff said that couldn't be granted

without a public hearing. But PSI knew that a public hearing was often a method of deflecting political fallout from the planning commissioners and city council members onto the housing provider, and that neighbors had begun to organize against the project within days of its announcement.

PSI put together a plan for getting political support. It focused on elected officials and neighborhood residents. PSI provided tours of the proposed site, and subsequently made a presentation to the entire neighborhood organization. Prior to the public hearing, PSI staff conducted intensive door-to-door canvassing on and near Rockwell Street, in order to: (1) meet the majority of residents and explain the project; (2) answer questions about all aspects of the project; and (3) determine the extent of initial opposition. This work put many neighbors' concerns to rest, and actually produced a number of supporters. The neighborhood organization even wrote a strong letter of support.

After a nine month effort, the project received all necessary approvals and construction began. The facility welcomed its first residents in early 1995. The building is widely recognized as the best-kept on the block, helping to increase property values of surrounding homes. See <www.pinestreetinn.org>

For every success story like Pine Street Inn, however, advocates will describe ten siting efforts that have become pitched battles, including housing for seniors, low-income housing, group homes for people with disabilities, residential schools for abused children, farmworker housing, and addiction treatment centers. Clearly, planning commissioners and advocates must approach each siting question without preconceived notions about how community engagement should be achieved.



Under the banner of “neighborhood collaborative planning,” local governments in many parts of the country have started to put these lessons into practice. Portland, Oregon’s Community Residential Siting Program, for example, facilitates problem solving, strategy discussions, and resolution of specific issues arising before and during the siting of group homes for people with disabilities – and mediates issues that arise after a group home has been sited.

Successful municipal programs like that in Portland are built on strong recognition of rights guaranteed under the Fair Housing Act, but also recognize the importance of securing community acceptance of low-cost housing and social service programs.

As a local planning commissioner, you can help your community harmonize the housing and service needs of your whole community with the specific objections of neighborhood opponents. While there is no “one size fits all” approach, experts agree on a few basics:

- Familiarize yourself with, and participate in, your jurisdiction’s Consolidated Plan process. Pay special attention to the findings concerning housing and service needs and review whether these needs will be funded. *Editor’s Note: see, “Understanding HUD’s ‘Consolidated Plan’ Requirement,” on page 20.*

- Educate yourself about the Fair Housing Act and ensure that your zoning ordinance and practices comply. One resource is the National League of Cities’ comprehensive *Local Officials Guide to Fair Housing: The Siting of Group Homes for the Disabled and Children*, <www.bazelon.org/cpfha/group_homes.html>.

- Take a closer look at research on the effects of affordable housing, group homes, and community services on neighborhoods. Much of this research is available at <www.bettercommunities.org>.

- Maintain an open door policy with providers so they will feel comfortable providing a “heads up” about proposed housing or service programs. Whether they are siting by right or requesting zoning relief, your openness is likely to

engender a collaborative process rather than a contentious one.

- Work with providers to conduct community education about the local needs for affordable housing and services before you need to work at a particular site. It’s much easier to educate people and secure their support for housing and services when they are not fighting to keep them out of their own back yards.

- Establish “fair share” plans to ensure that every community will be home to affordable housing and community services.

- Encourage providers to be responsive to community concerns, but understand that they will have to tailor that responsiveness to the unique circumstances facing them.

- When a public hearing is required, have staff work with providers to canvass and educate neighbors ahead of time so that the public hearing does not become driven by emotional opposition arguments, but remains focused on land use issues.

Help evaluate whether a proposal is appropriate for the community. Whether it involves a homeless shelter, housing for poor people, or housing for people with disabilities, its design and scale should be well integrated into the community, with access to transportation, jobs, and community services. Rather than looking at a single “facility” to house lots of people, it might make more sense to provide a number of smaller homes and shelters, as the community council for the homeless in Washington, D.C. has done. See <www.cchfp.org> ♦

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A Short Lexicon:

Among the acronyms which have sprung up to describe community opposition:

NIMBY: *Not In My Back Yard*

CAVE: *Citizens Against Virtually Everything*

NIMTOO: *Not In My Term Of Office*

NOOS: *Not On Our Street*

NOPE: *Not on Planet Earth*

BANANA: *Build Absolutely Nothing Anywhere Near Anyone*

LULU: *Locally Unwanted Land Use*



Resources:

- Tim Iglesias’ *Building Inclusive Communities* contains many basic lessons for planning commissioners, who must carefully weigh the community’s needs for housing and services against the expressed concerns of existing residents. It is available from HomeBase, Attn: Kathy Cowan, 870 Market Street, Suite 1228, San Francisco, CA 94102. Tel: 415-788-7961.

- Portland, Oregon’s Office of Neighborhood Involvement sponsors the Neighborhood Mediation Center <www.myportlandneighborhood.org/>.

- The National Low Income Housing Coalition and BBCN catalogue success stories and struggles in a monthly publication entitled *The NIMBY Report*, available at <www.nlihc.org>.



On-Line Comment

“Finally, an article that gets right to the heart of being proactive and taking action, and for once NOT necessarily from the citizen’s point of view. Michael Allen is exactly correct by saying that developers of NIMBY type projects – and planners everywhere know what they are – should make a strong case for their project and head out into the ‘affected’ neighborhoods. While some may say that early preparation could strengthen the opposition, I feel that it works better to weaken the rumor mill, instead. I have witnessed numerous cases of NIMBY-ism, and most objections were completely exaggerated or out of context. I attribute this to a lack of the developer reaching out to the opposition.”

– Larry Frey, AICP, Asst. Director of Planning & Development, City of Bradenton, Florida.