

MEMO OF MEMBERS

The Weekly Newsletter of the National Low Income Housing Coalition

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HUD

Martinez Resigns from HUD; Jackson Nominated as New Secretary

Rumors have been circulating for weeks, but this week, HUD Secretary Mel Martinez officially announced his resignation effective Friday, December 12. On the afternoon of December 12, President Bush announced that he would nominate HUD Deputy Secretary Alphonso Jackson, who had already been tapped to serve as Acting Secretary, for the position.

Reports are that Mr. Martinez resigned to run for the Florida Senate seat vacated by retiring Senator Bob Graham (D), but in his farewell speech to HUD employees, Mr. Martinez did not mention future plans beyond joking that he heard a minor league baseball coaching position is available. Freshman Representative Katherine Harris (R-FL) has also expressed interest in running for the Senate seat, and the White House reportedly believes Mr. Martinez would be a less controversial candidate than Ms. Harris and therefore urged him to run.

Mr. Martinez said in Thursday's farewell address that he will "always be engaged in helping people find a better place to live and improving communities." He discussed the Administration's accomplishments in housing during his tenure at HUD, including promoting low income homeownership and working to end what the Administration terms "chronic homelessness."

Mr. Martinez also commented on criticism from advocates that HUD has not done enough for rental housing or to address the affordability problem. "Some people say that we haven't done enough for rental housing. Well, if we did more for rental housing, there would be someone else saying we don't do enough somewhere else," he said.

(See HUD on p. 2)

Capitol Hill

Appropriations Process On Hold Until January

The House returned to session on December 8 to vote on the omnibus appropriations bill (H.R. 2673) that incorporates seven spending bills, including VA-HUD. The bill passed on a 242-176 vote.

Senate Majority Leader Bill Frist (R-TN) and the White House had hoped the Senate would approve the omnibus bill this week under unanimous consent, which would have meant accepting the bill without a roll call vote. However, the measure failed on December 9, as Minority Leader Tom Daschle (D-SD) and Appropriations Committee Ranking Member Robert Byrd (D-WV) objected to passing such a broad bill without adequate debate. Many Members strongly oppose several provisions that the White House has pushed to have included in the bill, including one provision to limit overtime pay for certain workers and another to relax media ownership rules.

Senator Frist has now set January 20, the date the Senate reconvenes, for a vote on the bill. All agencies included in the bill will continue to be funded at FY03 levels until a final bill is passed. Agencies are being funded under a continuing resolution (H.J. Res. 82) that expires January 31.

(See Capitol Hill on p. 2)

POINT OF VIEW

by Sheila Crowley, President

The resignation of HUD Secretary Mel Martinez this week was hardly a surprise. The rumors about what his next job was going to be started within weeks of him taking over at HUD. Although Mr. Martinez is a likeable person, the best we can say about his tenure at HUD is that it could have been worse. We made no progress on expanding low income housing, but at least we did not have the huge cuts to the overall HUD budget that we had during the Reagan and Gingrich eras. Individual programs fared better than others, with public housing suffering the greatest assaults. The attempt to undermine the voucher program was thwarted by Congress at least for the coming year.

I am disappointed that Mr. Martinez never got behind a new production program, as it appeared he might when he first arrived in Washington. He certainly acknowledged the need. But he followed orders from the White House and OMB and actually worked against the National Housing Trust Fund. Given the level of support in Congress, if Mr. Martinez had lent even anemic support, we would have a National Housing Trust Fund by now and he could claim it as his legacy.

But what I resent most about the Martinez agenda for HUD is the co-optation of the language of ending chronic homelessness. First of all, it has been all too easy for his declaration to morph into ending homelessness. A reporter who called me this week for an appraisal of the Martinez years asked if I was pleased with his plan to "end homelessness in 10 years." But more egregiously, the rhetoric was never matched with deeds and, I fear, was simply adopted to be used in political cam-

(See Point of View on p. 6)



NATIONAL LOW INCOME
HOUSING COALITION

HUD (cont'd from p. 1)

In an apparent reference to the National Housing Trust Fund Campaign, Mr. Martinez noted that HUD has “resisted efforts to start another program, but has done a lot to address affordability issues.” As an example, Mr. Martinez pointed to HUD’s new America’s Affordable Communities Initiative, which was created to identify regulatory barriers impeding the production or rehabilitation of affordable housing.

The Secretary commented that under his tenure, the Administration maintained the number of Section 8 vouchers and fought cuts to the HUD budget. However, had the Administration’s FY04 budget request been enacted, the voucher program would have been short the funding needed to fully fund approximately 180,000 vouchers currently in use. Such a shortfall would have marked the first time in the program’s history that all vouchers in use would have not been adequately funded.

The Senate must now confirm Mr. Jackson’s nomination. Before joining HUD, Mr. Jackson was president of American Electric Power of Texas. He also served as president and CEO of the Dallas Housing Authority from 1989 to 1996. From his time in Texas, Mr. Jackson apparently has a close relationship with President Bush.

HUD Clips Public Housing Operating Cost Website Implemented

Under notice FR-4874-N-0, the public is invited to visit and comment on HUD’s newly implemented public housing operating fund formula website. The website is intended to facilitate discussion of possible changes to the operating fund formula, and comments can be submitted on selected topic areas. The topics will change based on public interest, but initial topics are: Harvard Cost Study Project Expense Level (PEL), Transition Policy, Appeal Policy, Utilities, and Income.

Advocates have expressed concern that there is not enough background information explaining the selected topics for the public to offer informed comments. Initially, there was also concern that HUD planned to use the website to circumvent the reconvening of the Operating Fund Negotiated Rulemaking Committee. However, those concerns were addressed by language in the Omnibus Appropriations bill directing HUD to reconvene the committee.

The notice requests that interested parties submit comments on the information posted on the website by January 30. The website is at www.hud.gov/offices/pih/divisions/ffmd/formulacomment.cfm. All notices are available at www.hudclips.org.

Capitol Hill (cont'd from p. 1)**American Dream Downpayment Act
On Its Way to the President**

The American Dream Downpayment Act, S. 811, passed the House by unanimous consent on December 8. The bill is the same version that passed the Senate last week, and addresses several provisions other than downpayment assistance, including the reauthorization of HOPE VI (See December 5 *Memo*). The President is expected to sign it into law the week of December 15.

The Act authorizes \$200 million a year for the next four years for downpayment assistance under the HOME Investment Program. Despite the authorization, the FY04 omnibus appropriations bill includes a more modest \$87.5 million for the program.

Advocates were relieved that the House did not strip from the bill positive language regarding the reform of HOPE VI. As passed, the bill incorporates provisions originally put forward by Representative Maxine Waters (D-CA) to protect residents living in housing that is about to be redeveloped under HOPE VI. One provision requires the HUD Secretary to include affected public housing residents throughout the revitalization planning process. In addition, the extent to which PHAs minimize permanent displacement of current public housing residents and prioritize the return of original tenants to the revitalized development is added to the program’s selection criteria for funding. All of the HOPE VI language comes from H.R. 1614, Representatives Mel Watt (D-NC) and Jim Leach’s (R-IA) HOPE VI reauthorization bill, which was incorporated into S. 811.

As described in last week’s *Memo*, S. 811 also includes language to increase FHA multifamily loan limits and create a demonstration program to develop intergenerational dwelling units within existing Section 202 projects.

Bills at a Glance

Current information on legislation being tracked by NLIHC is available through NLIHC’s legislative action center, at <http://capwiz.com/nlihc/issues/bills/>.

Update from the Field

Homelessness Issues Up Front in San Francisco's Mayoral Race

City policies on homelessness became a key issue in the runoff election on December 9 for the mayor's office in San Francisco. Indeed, the first sentence of the article announcing the election results in *The San Francisco Chronicle* cited campaign contributions and "frustration with homelessness" as reasons for Gavin Newsom's victory. But advocates for the homeless are concerned that Mr. Newsom played to the basest and most stereotypical elements of that frustration. According to Paul Boden, Director of the Coalition on Homelessness, San Francisco, "For homeless people, Election Day was a really bad day."

The runoff election pitted Mr. Newsom, a Democratic member of San Francisco's Board of Supervisors, against Matt Gonzalez, a Green Party candidate and president of the Board of Supervisors. The contest drew nationwide attention because, as election day neared, polls showed Mr. Newsom and Mr. Gonzalez running neck-and-neck. As a result, as reported by the media, heavy-hitters in the Democratic Party—Bill Clinton, Al Gore and others—came to town to campaign on Mr. Newsom's behalf. Mr. Newsom won with 53% of the vote, a surprisingly close race given that Greens make up only 3% of San Francisco's electorate.

As a member of the Board of Supervisors, Mr. Newsom's proposals for addressing homelessness have been a source of consternation for advocates. His "Care Not Cash" policy would substitute cash assistance for homeless adults with services, in effect charging homeless people for shelter, food, and other assistance received from out of their cash assistance. Approved by the voters on the November 2002 ballot, Care Not Cash is tied up in the courts, but on his campaign website Mr. Newsom promises to push for the policy's implementation. Mr. Newsom also backed a proposition that prevailed on the November 2003 ballot aimed at curbing aggressive panhandling.

As the election approached, advocates for the homeless tried to bring more attention to some of the systemic causes of homelessness, such as housing affordability problems and the erosion of federal support for housing production. Going forward, Mr. Boden said that his organization has a responsibility to represent homeless people in the fight for civil rights, even if that means working in opposition to the

Newsom administration. "But we will fight alongside the new mayor to access more state and federal dollars to move beyond stopgap measures and build more housing," Mr. Boden said.

For more information: Paul Boden, Coalition on Homelessness, San Francisco, (415) 346-3740.

National Housing Trust Fund Campaign Passes

4,800

Endorsements

Dozens of organizations endorsed the National Housing Trust Fund Campaign this week as part of the Campaign's goal of reaching 5,000 endorsers by the end of the year. Included among the new endorsers is the National American Indian Housing Council.



Don't forget: NLIHC will offer \$500 to cover registration costs and travel expenses to the Coalition's April 2004 Housing Policy Conference to the organization that submits the most new organizational or local elected official endorsements by December 20, 2003. More information is available at www.nhtf.org.

Housing in the Elections

NLIHC Launches VREM Site on Web

NLIHC's website now includes tools to aid organizations in their effort to engage low income people in the political process. First is the addition of new voter registration, education, and mobilization (VREM) pages that offer information on making voter registration part of an organization's daily activities, as well as "how to's" ranging from having a press event to mobilizing people to get to the polls. The VREM site also offers information to help link affordable housing advocates to other national and local organizations participating in VREM projects, and a sample timeline for projects. To join the campaign to register, educate and mobilize people affected by federal housing policy, visit www.nlihc.org/vrem.

The second new VREM tool added to NLIHC's website is a link that will allow new voters to register online. The link, www.registrationbyworkingassets.com/NLIHC, is provided by Working Assets as part of its drive to help agencies register 1 million new voters during the 2004 election cycle.

Resources

The Broken Credit System

The National Community Reinvestment Coalition (NCRC) has released a report studying lending discrimination and credit scoring. "The Broken Credit System: Discrimination and Unequal Access to Affordable Loans by Race and Age," released December 10, compares credit scoring and demographic data for 10 metropolitan areas. Findings show that even after controlling for risk and housing market conditions, race and age composition of a neighborhood are still significant factors in the amount of lending by subprime lenders.

The report includes a series of recommendations broken into three categories: legislative recommendations, regulatory recommendations, and recommendations for lenders, community groups and consumers. Legislative recommendations center around improving data collection and the Community Reinvestment Act (CRA), and regulatory recommendations focus on improving enforcement by the agencies that regulate lending. The final set of recommendations notes the importance of financial education to consumers as well as the importance of making lending decisions on risk factors, not race or age.

A literature review looks at other related studies and findings focusing on subprime lending and credit risk. For example, Freddie Mac and Fannie Mae have both noted that numerous borrowers who qualified for low-cost loans have been receiving high-cost loans. HUD has also found that subprime lending is more prevalent in minority neighborhoods, even after controlling for housing stock and income. The authors cite another study that also found evidence of lending discrimination, even when controlling for credit risk.

The 10 areas studied are Atlanta, Baltimore, Cleveland, Detroit, Houston, Los Angeles, Milwaukee, New York, St. Louis, and Washington, D.C. For each of these regions, authors take credit-scoring data broken down by census tract and statistically compare the data to Home Mortgage Disclosure

Act lending data and Census data. Refinance and home purchase lending are analyzed separately.

The analysis finds that borrowers in African-American and elderly communities receive a higher proportion of loans from subprime lenders than is justified based on the credit risk profile of residents in those communities. The share of Hispanic residents in a census tract is generally not as strong an indicator of the share of loans from subprime lenders, and other factors are also found to be less significant.

This study adds to a growing body of evidence showing lending discrimination in certain communities. While looking only at 10 metropolitan areas, its findings will still be interesting to those wanting to look at discrimination in the home lending market. The report is available at www.ncrc.org.

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Fact of the Week

New Apartment Construction

	3 rd Quarter, 2003	2 nd Quarter 2003	3 rd Quarter, 2002
Apartments Completed	48,700	37,100	56,800
Percent Rented within 3 months	66%	61%	62%
Median Rent	\$984	\$896	\$942

Figures are for new, unsubsidized, unfurnished, multifamily rental apartments.

Taken from *U.S. Housing Market Conditions, 3rd Quarter, 2003*

HUD, November 2003. www.huduser.org/periodicals/ushmc/fall03/ushmc_fall03.pdf

GAO

GAO Surveys PHAs' Views on QHWRA

A recent General Accounting Office (GAO) report surveys public housing authorities (PHAs) of various sizes on their views on the substantial reforms to the laws governing public housing and Section 8 programs enacted under the Quality Housing and Work Responsibility (QHWRA) Act of 1998. In general, large, medium, and small PHAs agree on the pros and cons of various changes, leading the GAO to title its report GAO "Small and Larger Agencies Have Similar Views on Recent Housing Reforms."

All three groups of PHAs agreed that the fungibility of capital and operating funds—allowing PHAs to use the two funding streams interchangeably—was the most helpful reform. This was followed by the provision that repealed federal tenant preferences and gave PHAs the ability to set their own preferences for categories of prospective tenants. In contrast, policies such as the community service requirement were most often judged to "hinder" agencies' ability to operate and manage HUD programs. The majority of agencies in all three groups reported spending more time administering HUD programs since the reforms.

Diverging views between PHAs of various sizes appeared most often in areas where reporting and other requirements may have stretched the capacity of smaller agencies or where programs were less applicable for a specific group of PHAs. For example, while medium and large agencies were widely in favor of the annual and five-year plan reforms, small agencies were evenly divided on whether they helped or hindered. The authors suggest this may be due to small agencies not having adequate staff to help develop the plans. Similarly, the merger of Housing Choice Voucher and certificate programs was seen as a help by 74% of the medium size agencies and 82% of the large agencies. Only 2% of the PHAs in either of these groups felt the reform had hindered their operations. While a comparable 1% of small agencies reported this reform was a hindrance, only 45% said it had helped. As the study authors point out, only 58% of small agencies have voucher units, compared to 90% of large and medium agencies.

When asked about the likely impact of HUD's recently issued rule to simplify and streamline regulatory requirements for small agencies, 50% of small agencies stated they believe the reforms will help to a "very great" or "great" extent. The survey found that the initial reforms were viewed by smaller agencies as less helpful.

Other sections of the report move away from the survey and look at agencies' performance in administering public housing and vouchers as determined by HUD, and at the differences in technical assistance these three groups of PHAs received. The report finds that HUD's scoring may discriminate against smaller PHAs, which generally score worse. It also found that HUD does not maintain detailed and centralized information on the types of assistance it provides, which hindered the analysis of the differences in technical assistance PHAs receive. HUD officials indicated such a tracking system was to be implemented shortly.

The survey was sent to a sample of 1,611 PHA directors drawn randomly from within the various size categories. Valid responses were received from 1,119. The report can be found at www.gao.gov/new.items/d0419.pdf.

News & Events

National Neighborhood Coalition Annual Meeting

The National Neighborhood Coalition (NNC) will launch Neighborhood Voices 2004, a new program of based on a year-long research initiative conducted in partnership with Loyola University's Center on Urban Research and Learning, at NNC's annual meeting on Friday, December 19. Michael Powell, New York Bureau Chief for the Washington Post, is the keynote speaker. Mr. Powell will remark on the research report and share his observations about the challenges for low income neighborhoods in the current political and economic landscape and the state of media coverage of our nation's neighborhoods.

The meeting will be held at the National Trust for Historic Preservation in Washington, DC, from 12 noon to 2 pm. A light lunch will be provided for all attendees. Please RSVP to Janice Clark at janice@neighborhoodcoalition.org or 202.408.8553.

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Point of View *(cont'd from p. 1)*

paigns to validate the Bush Administration's claims to compassionate conservatism. Let there be no confusion. Ending homelessness, chronic or otherwise, in the absence of a new low income rental housing production program is an empty promise.

Deputy Secretary Alphonso Jackson will be nominated to replace Mr. Martinez. I suggest that he start out by taking up what is probably the most pressing problem facing low income communities today. That is, the return of thousands of young men from the American prisons to inner city neighborhoods with no place to live. More than 600,000 prisoners will be released this year.

The incarceration in the 1990s of unprecedented numbers of young men, primarily black and Latino, in the "war on drugs" with ill-conceived, tough-on-crime policies like mandatory sentencing is now coming to its logical consequences. Many of the prisoners have served their time. Some states with severe fiscal problems are releasing prisoners they can no longer afford to feed and house. Not unlike the war in Iraq, we fought a war on drugs without a plan about what to do in its aftermath. As with deinstitutionalization of public psychiatric hospitals in the 1970s and 80s, a policy shift in one arena is having a serious consequence in another.

Not only have we not added any new low income housing, but federal policy now bars ex-offenders from living in any federally assisted housing. So families that might be inclined to take in a family member in need of a home are prohibited from doing so. Overflowing shelters are further taxed. The choices are bleak, with the risk of recidivism very high in the absence of stable housing, employment, and family life. This is a buck that cannot be passed by the new HUD Secretary.

For more information about returning offenders, see the excellent publication by AIDS Housing of Washington called *From Locked Up to Locked Out: Creating and Implementing Post-release Housing for Ex-prisoners* at www.aidshousing.org.

NLIHC Interns

NLIHC is seeking legislative, outreach and research interns for the spring semester who are passionate about social justice issues and who have excellent writing and interpersonal skills.

Details are available at www.nlihc.org. Send a resume and cover letter to:

Internship Coordinator, NLIHC
1012 14th Street NW, Suite 610, Washington DC 20005
or to info@nlihc.org. Questions? 202-662-1530 x228.

Vote for NLIHC in Working Assets Donations Pool Today

Each year customers of the Working Assets phone company vote on how a share of the company's profits should be distributed. This year, NLIHC is one of 50 groups in the running for a share of the funds. There are three easy ways to vote for NLIHC: fill out the ballot that Working Assets includes in your phone bill; vote at www.workingassets.com/voting; or call the voter hotline at 1800-920-VOTE. Voting ends December 31. Thanks for participating!

Tell Your Friends...

NLIHC membership is the best way to stay informed about affordable housing issues, keep in touch with advocates around the country, and support NLIHC's work. Membership information is available at www.nlihc.org. E-mail membership@nlihc.org or call 202-662-1530 to join or request membership materials to distribute at meetings and conferences.



National Low Income Housing Coalition
Memo to Members
December 12, 2003
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About NLIHC: Established in 1974, the National Low Income Housing Coalition is dedicated solely to ending America's affordable housing crisis. NLIHC educates, organizes, and advocates to ensure decent, affordable housing within healthy neighborhoods for everyone. NLIHC provides up-to-date information, formulates policy, and educates the public on housing needs and the strategies for solutions.

The NIMBY Report

*on the continuing struggle
for inclusive communities*

National Low Income Housing Coalition

December 2003

DISTRICT OF COLUMBIA Foster Homes Permitted to Proceed

After more than two years of controversy (See “Girls and Boys Town Sues to Secure Building Permits,” *The NIMBY Report*, October 2001 and “D.C. Revokes Permits for New Youth Shelter,” *The NIMBY Report*, June 2002), District of Columbia officials announced on November 18, 2003, that they intend to allow Girls and Boys Town to operate four family-style foster homes for troubled youths on Capitol Hill. District officials reached this decision despite protests by neighborhood residents who say the move may prevent much-needed economic development and add to crime.

While it had initially denied building and occupancy permits, the District appears to have changed course after Girls and Boys Town made clear that it wanted to serve young people who qualify as having disabilities because of abuse or neglect and after the U.S. Department of Justice had opened an investigation of the matter.

Predictably, the opponents are not pleased. “We’re mad as hell,” Ellen Opper-Weiner, a neighborhood activist, told *The Washington Post*. “This all happened behind our back. This is going to destabilize our neighborhood.”

John Melingagio, a spokesperson for Girls and Boys Town, reacted cautiously to the city’s decision. “The opponents of the handicapped, minority children of the District have appealed every decision favoring Girls and Boys Town’s efforts to help them. We anticipate that trend will continue. We’re not fully confident that we’re going to be able to move right in without something getting in the way.”

For more information: John Melingagio, Girls and Boys Town. Telephone: 402-498-1300. Email: publicrelations@girlsandboystown.org.

MINNESOTA Court Upholds Decision in Favor of Supportive Housing

The Minnesota Court of Appeals has affirmed the dismissal of a lawsuit filed by neighbors to stop the conversion of an abandoned nursing home into 40 efficiency apartments designed as permanent homes for formerly homeless men and women with mental illness, chemical dependency or HIV/AIDS. Under the moniker “Citizens for a Balanced City,” opponents had filed a suit against the City of Minneapolis and the Plymouth Church Neighborhood Foundation in state court, claiming that the development of Lydia Apartments violated a city ordinance requiring that supportive housing complexes be separated by at least a quarter mile.

In response to the Foundation’s request for a reasonable accommodation under the Fair Housing Act (FHA), the City had waived the quarter-mile

rule and granted permission for the Lydia project. That decision was upheld by Hennepin County District Court. (See “Supported Housing Prevails in State Court; Judge Upholds Right to Live in ‘Residence of Their Choice’” *The NIMBY Report*, February 2003). In a decision announced December 2, 2003, the Court of Appeals agreed, finding that the FHA required the City to provide a waiver of its policy regarding the distance between supportive housing complexes. In doing so, the Court also rejected the reasoning in *Familystyle of St. Paul, Inc. v. City of St. Paul*, 923 F.2d 91 (8th Cir. 1991), the only FHA case that had endorsed spacing requirements.

For more information: Lee Blons, Executive Director, Plymouth Church Neighborhood Foundation. Telephone: 612-871-0890. Mary Cullen Yeager, Esq., Faegre & Benson, LLP (counsel for Foundation). Telephone: 612-766-8317. Email: McullenYeager@faegre.com.

ILLINOIS Chicago Developer Overcomes NIMBY, Wins Award 20 Years Later

Twenty years ago, the Bickerdike Redevelopment Corporation began construction of 140 townhouses that would make up the West Town Housing Partners project in the Wicker Park neighborhood of Chicago. A small group of angry residents attempted to halt the development at all costs, fearing that low income neighbors would negatively affect the community. The conflict, which included name-calling, unsuccessful legal action and vandalism, reached a crescendo when arson hit two of the Wicker Park construction sites in February of 1983.

In early November, 2003, Bickerdike’s community building work was honored when the MetLife Foundation bestowed the group with its Award for Excellence in Affordable Housing. The 1983 attacks spurred widespread community support for the project and strengthened Bickerdike’s resolve to complete the development. Bickerdike’s incorporation of community members in the development and management of the project, including the employment of area residents during the project construction, became a template for subsequent development initiatives and helped guarantee the project’s long-term sustainability.

For more information: Michael Burton, Bickerdike Redevelopment Corporation. Telephone: 773-278-5669. Email: mburton@bickerdike.org.

Thanks to Michael Allen of the Building Better Communities Network (BBCN) for writing The NIMBY Report. More information about BBCN is available from its website, at www.bettercommunities.org. Suggestions for articles for The NIMBY Report can be sent to Michaela@bazelon.org.