

MEMO OF MEMBERS

The Weekly Newsletter of the National Low Income Housing Coalition

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SPECIAL REPORT

FY04 VOUCHER FUNDING CRISIS – WEEK 12

Many Large PHAs Affected; Issue to Be Raised at Homelessness Hearing

Sixty-three percent of the nation's largest public housing agencies responding to a survey by the Council of Large Public Housing Authorities (CLPHA) have stopped issuing vouchers in response to HUD's funding cuts of April 22, CLPHA is reporting. Survey respondents represent nearly 260,000 vouchers, or 14% of all vouchers leased nationally.

According to CLPHA's July 1 *Congressional News*, more than 90% of the respondents will take some cost-cutting measures in order to survive the funding shortfall precipitated by HUD's recent notice. More than 58% of respondents lowered payment standards, more than 33% have imposed or raised minimum rents, and more than 13% have recalled a total of 10,599 unused vouchers. Of those responding, 54% will appeal the HUD-imposed inflation factor by HUD's July 15 deadline.

Articles continued to surface the week of July 5 regarding the choices housing authorities are making to survive this round of deep and unanticipated cuts. The *Minneapolis Star Tribune* ran on July 6 a piece written by the executive director of the Minneapolis Public Housing Authority. It describes how the Olmsted County Housing and Redevelopment Authority will terminate 50 families' Section 8 vouchers effective July 31, and how the Minneapolis HA is exploring "a variety of measures including lowering payment standards to some landlords and asking that tenants move to smaller apartments."

Such local impacts will be discussed in an audio press conference to be held by the Center on Budget and Policy Priorities on Thursday, July 15. At the press conference, CBPP will release a report showing the impacts of the budget cuts on a few hundred agencies from around the country, information collected by CBPP, NLIHC, and CLPHA. In addition to CBPP staff, speakers will include representatives of the Tacoma, WA, housing authority; a Catholic Charities affiliate in Syracuse; and the AARP. Advocates will encourage members of the local press to participate in the call. Details are at www.cbpp.org/confcall.htm.

Vouchers to be Highlighted at House Hearing. The voucher funding crisis is expected to get significant attention on the Hill in the coming week. The House Financial Services Subcommittee on Housing and Community Opportunity will
(See *Vouchers* on p. 2)

Save the Date! NLIHC Annual Conference

NLIHC's 2005 Annual Housing Policy Conference and Lobby Day will be held Monday and Tuesday, May 2 and 3, at the Capital Hilton in Washington, DC. The Leadership Reception will be held the evening of May 3. Mark your calendar and plan to join us!

Remember NLIHC During the Combined Federal Campaign

Please keep NLIHC in mind during the 2004 Combined Federal Campaign, which will begin soon. Our CFC number is 0828.

POINT OF VIEW

by Sheila Crowley, President

The competition is fierce for media coverage of the dozens of reports that are issued by DC-based policy groups each week. When a report makes a major news outlet, it is reasonable to assume that it is noteworthy. So I took note this week when the *Washington Post* gave considerable type space to the 12th annual *Cost of Government Day Report* by the Americans for Tax Reform, including a picture of ATR President Grover Norquist (Lee, C. July 7, 2004. "Cost of government' date is reached today." p. A-17).

Grover Norquist is the chief strategist of that branch of the radical right that wants to shrink the size of government at all costs. Tax cuts, no matter what, are his top priority. Victory in achieving the numerous tax cuts enacted by President Bush is not enough, however. Success also means cuts in government spending.

According to Norquist, the cost of government day (COGD) is the day in the calendar year when the "average American worker has earned enough money to cover his or her share of the cost of federal, state, and local government." COGD is the day "we start working for ourselves," as Norquist said when he released last year's version. This year's COGD was July 7.

Curious as to how this could possibly be accurate, I went to the source and read the report, which is readily found on the ATR website (www.ATR.org). ATR does indeed assert that the "cost of government consumes 51.6% of national income." ATR defines cost of government
(See *Point of View* on p. 7)



NATIONAL LOW INCOME
HOUSING COALITION

Vouchers *(cont'd from p. 1)*

hold a hearing July 13 on the President's Samaritan Initiative legislation, H.R. 4057, and on the general topic of "housing and support for the homeless." However, the hearing is expected to become just as much a referendum of the current voucher debacle, with several witnesses poised to make the point that a modest new initiative designed to end homelessness will have little impact if the voucher program is decimated. NLIHC will submit written testimony.

Repercussions for S+C Grantees, *Olmstead* Compliance. The terrific pressure placed on local housing authorities by HUD's April 22 notice redefining voucher funding has both HUD and housing authorities grasping at any cost saving measure. The National Shelter Plus Care Coalition reports that Shelter Plus Care (S+C) grantees have recently been advised by their HUD field office that they may not contract for more than the number of units for which they were funded in their grant renewal application. In accordance with clear S+C regulations, these agencies have indeed been contracting for more units when budgets allowed them to do so. Advocates are very concerned that HUD's action may put S+C participants at risk of losing their housing and prevent eligible homeless disabled people from obtaining S+C housing.

Advocates are also concerned about increasing reports of housing authorities terminating the portability of vouchers, which appears to be a clear violation of federal housing statute.

"[R]ent support policy changes such as the ones currently being implemented target the most vulnerable segment of people with disabilities and pose a significant threat to attempts to implement the spirit and intent of the Supreme Court's decision in *Olmstead*," Virginia Governor Mark Warner (D) wrote in a June 23 letter to Secretary Jackson. In general, the *Olmstead* decision states that people have the right to receive healthcare and other services in their own homes and communities and cannot be forced into institutional settings for such services. States are attempting to take on much of the burden for implementing solutions to offer home and community-based services. Affordable housing, however, is a critical component to any state's ability to comply with *Olmstead*.

President Bush had made a commitment to comply with *Olmstead*, through his New Freedom Initiative, but funds for affordable housing are absent. Governor Warner asks Secretary Jackson to delay any further implementation of voucher funding changes until a complete review of the policy's impact on people with disabilities can be completed.

National Housing Trust Fund 19 cosponsors of S. 1411

S. 1411, the Senate version of National Housing Trust Fund legislation, now has 19 cosponsors, with the recent addition of two Senators to a growing list. Senators Patrick Leahy (D-VT) and Senator Jack Reed (D-RI), who is Ranking Member of the Housing and Transportation Subcommittee, have joined as the bill's newest cosponsors. Thanks to advocates in Rhode Island and Massachusetts for their work to get these new cosponsors on board. A full list of cosponsors for both the Senate and House is at www.nhtf.org.

In other news, the National Housing Trust Fund Campaign recently welcomed two new national endorsers: National Student Partnerships (NSP) and the Poverty & Race Research Action Council (PRRAC). NSP is a student-led volunteer service organization that links people in need with the resources and opportunities necessary to become self-sufficient, and has offices in 11 cities. Thanks to their efforts, seven local affiliates have also endorsed. PRRAC is a non-partisan, national, not-for-profit organization that links social science research to advocacy work in order to address problems at the intersection of race and poverty.

In addition, the City of Pontotoc, MS, has recently endorsed the Campaign. These and other endorsers bring the current count to 5,072. Organizations or individuals that know of other potential endorsers are encouraged to contact Matt at matt@nlihc.org.

NLIHC Staff

Matt Achhammer, Field Organizer, x229
 Bonnie Caldwell, Senior Legislative Director, x242
 Beth Coddington, Intern, x239
 Linda Couch, Deputy Director, x228
 Sheila Crowley, President, x224
 Ellie Dayhoff-Brannigan, Intern, x241
 Stephen Fee, Intern, x314
 Katie Fisher, Field Organizer, x222
 Melissa Higuchi, Membership Associate, x227
 Cheryl Jackson, Intern, x232
 Liz Krimmel, Intern, x244
 Kathryn Lowe, Intern, x243
 Khara Norris, Executive Assistant, x224
 Danilo Pelletiere, Research Director, x237
 Irene Basloe Saraf, Associate Director, 202-744-5766
 Kim Schaffer, Outreach Director, x230
 Michelle Goodwin Thompson, Office Manager, x234
 Mark Treskon, Research Analyst, x245
 Carol Vance, Receptionist/Office Assistant, x221

Capitol Hill

Senate Appropriations Action Delayed

While Senate leaders had been hoping to make progress on the appropriations process this week, it remains unclear when the Senate will take up its FY05 VA-HUD appropriations bill.

Plans to skirt normal and open appropriations mark-up processes (see *Memo*, July 2) were delayed July 7 as Senate Democrats rejected Republicans' efforts to limit floor debate on the bills. How, the Democrats asked, could they be expected to sign off on legislation they've neither read nor vetted? Senate Appropriations Chair Ted Stevens (R-AK), who had offered subcommittee and full committee action on several appropriations bills the week of July 5 in exchange for limited floor debate, refused to give into Democrats' demands and canceled all mark-up plans.

The House is still tentatively scheduled to hold both subcommittee and full committee FY05 VA-HUD mark-ups the week of July 19.

Upcoming Housing Hearings

In addition to the homelessness hearing that will be held Tuesday, July 13, in the House Financial Services' Housing and Community Opportunity Subcommittee (see voucher article, above), two other hearings on housing issues are planned.

Also on July 13, the House Financial Services Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises will hold an oversight hearing on the Office of Federal Housing Enterprise, which oversees the Federal Housing Finance Board. The subcommittee is likely to explore its oversight concerns.

And on July 20, the House Financial Services Committee is expected to hold a hearing to consider H.R. 4679, introduced by Committee Ranking Member Barney Frank (D-MA). The bill provides previously appropriated but unused housing funds to preserve housing through the provision of acquisition and rehabilitation grants and rental assistance.

Senator Harkin Presses for Action on Voucher Loophole

Following reports of abuse of the Section 8 program by college students with other housing options, Senator Tom Harkin (D-IA) has written to HUD Secretary Alphonso Jackson asking him to work with Congress to revise guidelines regarding students receiving fed-

eral housing assistance. HUD's laws were changed in 1995 to exclude student financial assistance from a person's income for the purpose of establishing eligibility for housing assistance, as a way of removing unintended dissuasions to education.

An issue, however, arose when the June 20 *Des Moines Register* reported that University of Iowa students, including those with multimillionaire parents who were attending school on full athletic scholarships—which included more than \$400 a month in housing assistance—were living rent-free in Section 8 housing. Senator Harkin included a copy of the article along with his letter to the Secretary.

"I supported the intention of the regulation originally aimed at helping people transition from welfare to work. However, there must be a way to help the intended population of students without allowing the kind of manipulation described in the article," Senator Harkin's July 2 letter states.

In other efforts to close the loophole and get assistance to those who need it the most, the Iowa Coalition for Housing and the Homeless asked Iowa's Board of Regents to offer guidance to Iowa's state universities on the issue. ICHH has also been working with Senator Harkin's staff on ways that the loophole could be closed through federal legislative action.

CBO Finds Cost to Zero Down Payment Program

HUD's Zero Down Payment proposal, introduced as H.R. 3755, "will be implemented at no cost to the government or the American taxpayer," HUD wrote in its FY05 budget summary released in February 2004. However, the Congressional Budget Office (CBO) recently did its own math to determine the program's cost, and estimated that for 2006-2009, the program will cost \$500 million (\$125 million annually). CBO states that demand for a Zero Down Payment program would be strong, but that the associated risk of loaning to borrowers with less equity would lead to higher default rates.

The CBO estimate was released on June 21. CBO "scores" bills for Congress to estimate costs associated with implementing bills. H.R. 3755 passed out of the House Financial Services Committee in early June.

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

VT Advocates Generally Pleased with Legislative Outcomes

As Vermont's biennial legislative session ended in late May, housing advocates' hard work was rewarded. According to Erhard Mahnke of the Vermont Affordable Housing Coalition, "All in all, housing fared pretty well in our legislature this year."

The Vermont Housing and Conservation Board (VHCB), which supports low income housing development and the preservation of farmland, historic sites, open space and recreation areas, was funded at \$12.6 million. VHCB receives real estate transfer tax proceeds, but the legislature has responded to the state's fiscal challenges by redirecting to other uses some of the funds to which VHCB would otherwise be entitled. Even with this redirection of funds, however, VHCB received \$2.5 million more from the legislature than the governor had requested. Homeless services and eviction and foreclosure prevention programs were level-funded, to housing advocates' relief, while assisted living funding received a slight boost.

In the policy arena, the legislature made dramatic changes to the statewide permit appeals process and to state enabling legislation for local zoning and planning. This reform was a priority for the business community, and it makes the appeals process more judicial. But housing advocates are concerned that this change may increase—rather than ameliorate—the bottlenecks in the system. The changes to local zoning and planning, however, could prove helpful in preventing communities from putting up roadblocks to group homes, among other types of housing, and by encouraging communities to allow multi-use properties and greater density.

In Vermont, 10% of all housing is provided by mobile homes, and these homes serve as a major source of affordable housing in state. Advocates succeeded in securing additional consumer protections for mobile home owners who borrow against the value of their home, including disclosure about the range of loan products available. The legislature also increased, from 12 to 18 months, the notice provided to mobile home owners about planned park closures. The additional time will improve the opportunities for mobile home owners to relocate their homes when infrastructure or other problems make it impractical for them to purchase the park itself under a right of first refusal. The

very low vacancy rate in mobile home parks has resulted in bankruptcy for some mobile home owners, who have been forced to abandon their mobile homes and their mortgages because they have been unable to find a place to relocate in time.

Last year, as part of a major education funding reform package in connection with the statewide property tax, subsidized housing developments were granted a discount of up to 10% on their property taxes. This year provided an opportunity for fine tuning the discount policy. Advocates focused on implementation issues and were successful in securing technical amendments to the legislation.

Vermont advocates have also been very active on Section 8 voucher funding issues, and the legislature passed a resolution in opposition to funding cuts. As Mr. Mahnke notes, "Our hard-won victories here in Vermont will be completely undermined unless Congress can undo the damage HUD has already done to the Section 8 program, not to mention the disaster that looms next year if all existing vouchers aren't fully funded."

For more information: Erhard Mahnke, Vermont Affordable Housing Coalition, 802-660-9484.

NLIHC Staff

NLIHC Seeks Policy Analyst

NLIHC seeks staff member to track, analyze, and advocate on federal legislative and regulatory issues related to NLIHC mission. Reports to Deputy Director. Qualifications include highly developed communication and policy analysis skills, knowledge of federal housing policy, and commitment to housing justice. Direct experience with the legislative process a plus. Masters' preferred. Send cover letter and resume to Deputy Director, NLIHC, 1012 14th St. NW, Suite 610, Washington, DC 20005. Applications accepted until position is filled. EE0/AA.

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. Information is available at www.nlihc.org.

Housing in the Elections

Local Groups Can Help Rap the Vote

Founded for the purpose of protecting freedom of expression and empowering young people to change the world, Rock the Vote (RTV) has been successfully registering, educating and mobilizing 18 to 30 year olds since 1990. More recently, the group has expanded its efforts to reach low income and urban youth—including those in low income housing—through its Rap the Vote program. In conjunction with organizations such as the NAACP and the Black Youth Vote, Rap the Vote hopes to register and mobilize 1 million urban youth this election year.

This summer, Rap the Vote plans to release a mixtape that includes various hip-hop artists who have composed songs describing their life experiences, which often focus on poverty-related issues. The tape is geared toward urban youth in low income areas to teach them the importance of voting and civic participation. “The high costs of living and especially education are very relevant things. Things like taxation affect us all and voting is the only way to do anything about it,” says DJ Whoo Kid, hip-hop artist and producer of the mixtape.

But beyond educating youth through the mixtape, Rap the Vote understands the importance of grassroots organizing, and Rock the Vote and Rap the Vote provide various opportunities for individuals and local groups to become involved in their efforts. They provide toolkits on how to organize local voter registration drives, as well as online voter registration opportunities. In an additional effort to engage local youth, RTV facilitates the creation of Meetup groups, in which participants get together on designated days to discuss candidates and issues. Young people sign up online to become a host and are provided a toolkit on how to set up the event, various talking points, and other materials such as T-shirts and stickers.

RTV’s most significant program, however, is Street Teams. The teams are lead by experienced organizers but include mostly young people within their respective communities. These young people speak to other youth and tell them about the importance of civic participation. They also attend concerts and conventions, and go door-to-door to register voters.

RTV has initiated several other innovative campaigns across the country in its overall effort to register 2 million young people and get them to the polls this November. In conjunction with organizations such as the Hip Hop Summit, WWE Smackdown Your Vote, and the NAACP, Rock the Vote kicked off the 2004

campaign season with a series of television advertisements on MTV, as well as concerts—some with free admission—to make young people aware of the significance of this and every election. Other initiatives, all of which have the potential to reach young people in low income areas, include:

- **Rock the Vote Bus Tour.** Starting in Los Angeles, the bus tour will travel to 50 cities to conduct voter registration drives and provide education on various candidates and issues.
- **Rock the Mobile Vote.** In conjunction with Motorola, individuals will be able to locate polling places, request voter registration forms, and receive other voting information via text messages on their mobile phones and other devices. Motorola will also provide free ring tones and graphic downloads as an incentive for individuals to join.
- **Partnership with 7-11.** Rock the Vote will place voter registration kiosks in 7-11 stores across the country that allow individuals to walk into a location and register to vote while buying their favorite flavor Slurpee.

Similar to Rap the Vote, other programs have been established under the Rock the Vote umbrella to target specific groups of individuals. Rock the Vote Latino was launched in 2000 to reach out to one of the countries fastest growing populations, Latino youth. Chicks Rock Chicks Vote (CRCV) is a campaign geared toward young women and has the support of organizations such as the League of Women Voters. CRCV is working to register at least 100,000 young women and get them to the polls this November.

To get involved with Rock the Vote, Rap the Vote, or other initiatives, visit www.rockthevote.com.

Fact of the Week

States With the Highest Proportion of Foreign-Born Renters

	All Renters*	Foreign-Born Renters*	Foreign-Born Share
California	4,957	1,705	34%
New York	3,317	1,006	30%
New Jersey	1,054	295	28%
Florida	1,895	441	23%
Hawaii	2,677	521	19%
Massachusetts	175	34	19%

*In Thousands

Source: Joint Center for Housing Studies, Tabulations of the 2000 Census, 1% PUMS (Public Use Micro Sample)

Resources

A Practitioner's Guide to Combating Predatory Lending

The Neighborhood Reinvestment Corporation and the Local Initiatives Support Corporation Center (LISC) Center for Home Ownership have released "A Practitioner's Guide to Combating Predatory Lending." This report looks at the issues surrounding predatory lending, then focuses on the tools and strategies that community organizations and other groups have used to combat such lending in their communities.

The report contains background information on predatory lending for those not familiar with the subject. The sorts of practices common to predatory lenders are discussed, including high-pressure sales tactics, steering, balloon payments, and flipping. The authors also discuss the most likely targets of predatory lenders.

The tools used to fight predatory lending are divided into two broad categories: prevention and intervention. Preventive tools reach the largest numbers of people and consist of public education, public awareness campaigns and policy changes. Examples of intervention methods include counseling, legal aid, and refinancing of predatory loans. Intervention tools focus intensively on a smaller number of people in need of more direct, targeted services, and are as a result much more expensive than preventive tools, although the authors stress that tools across the entire continuum are important.

The report also has a case study section with detailed information on groups that have been active in combating predatory lending in their communities. This section gives background on the methods used by these groups as well as contact information. Additionally, the final appendix includes matrices of groups working on predatory lending at the national and local levels, and the tools these organizations are using to address the problem.

There are also a number of recommendations for future efforts in combating predatory lending, which specifically discuss what the authors see as gaps in current approaches. The report states that there should be increased research and information sharing, more systematic program evaluations to find out what efforts work and what ones do not, and a continued engagement of traditional financial institutions.

"A Practitioner's Guide" is a good general guide to predatory lending issues and to what is being done towards prevention and intervention. It will be most helpful to groups wanting to expand or improve efforts to combat predatory lending, although those wanting a background on the subject as well as on the sorts of groups working on the issue may also find it useful. Free registration is required to view the entire document, available at www.lisc.org/resources/2004/06/practitioners_7027.shtml.

Poll Reinforces Public Preference for Homeownership

The Homeownership Alliance released the results of a recent public opinion poll, titled "The Benefits of Homeownership," that largely reinforces the notion that Americans have a strong preference for homeownership and homeowners. The poll finds that 85% of the adults over 18 agree that a home is a better investment than the stock market. The respondents also felt that the government should provide "incentives to people who decide to buy a house" (69%), while 56% felt "the government does have a role to play in helping more Americans buy their own home." By wide margins, those in the poll felt that children in owned homes do better in school and that homeownership makes one more connected to the community. Asked about specific areas of community involvement, 87% of respondents agreed that homeowners were more likely to be involved with local government and organizations, and 76% felt they were more likely "to take the time to vote." Finally, 73% of respondents felt that people living in an area more than two years are better off owning, while 69% felt people new to an area are better off renting.

As the title suggests, the intent of this poll seems to have been to re-emphasize rather than probe the well-documented preference for homeownership in the United States. Still, the results are further evidence of a political landscape in which low income homeownership programs often fare better than rental alternatives.

The telephone poll was conducted of 1000 adults over 18 from June 18-20, 2004. The margin of error is plus or minus 3.1 percentage points. The poll can be found at www.homeownershipalliance.com/documents/TheBenefitsOfAHome.pdf.

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

as federal, state, and local government spending and the costs of federal, state, and local regulations. The report is twelve pages long, has no references, no discussion of the methodology, and no real numbers, such as the total dollar amount of the cost of government. So it is not possible to assess the accuracy of the findings.

Worse than the questionable science of this analysis is its assumption that taxpayers do not benefit from or need government. Quoted in an article in *Mother Jones* (January/February 2004), Norquist says the ideal citizen is the "self-employed, homeschooling, IRA-own-

ing guy with a concealed-carry permit, because that person doesn't need the (expletive deleted) government for anything." Who could take this guy seriously?

Unfortunately, quite a few people do. So far 217 Members of Congress, including the Speaker of the House, and 42 Senators, including the Majority Leader, have signed Norquist's "no tax increase" pledge. So has President Bush.

And apparently so does one of the nation's most prominent newspapers that published Norquist's "research" without critique. So much for fact checking and the "liberal" media.



National Low Income Housing Coalition
Memo to Members
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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

July 2004

PENNSYLVANIA

York City Council Advised to Get Tough on Recovery Homes

Nestled in east central Pennsylvania, just down the road from the state capital, the small city of York (population 40,000) has drawn a line in the sand. Last month, the York City Council considered a moratorium on recovery homes in a community which it says already has more than its fair share. What is even more surprising is that, according to the *York Daily Record*, Elaina Spina, a long-time fair housing expert from HUD's Philadelphia office, appears to be one of the most visible cheerleaders for this effort. Ms. Spina testified before the Council on June 25, telling members that York had much less regulation of recovery homes than any other community she had seen.

City officials, not visibly concerned until March 2004, when neighbors protested a 20-bed recovery home on West Market Street, suggest there may be "hundreds" of recovery homes in York, an assertion that could not immediately be confirmed. "We are apparently bending over backwards to allow these facilities to operate without any regulations, oversight or accountability. That's about to stop," said City Council President Cameron Texter.

The moratorium would halt the opening of new group homes of all sorts, including those serving people with mental and physical disabilities, while the Council considers the permissible scope of its regulation of group homes. Ms. Spina was dispatched by HUD to offer assistance to the city to rework its group home ordinances in a manner that would be consistent with the Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA).

The crux of the current problem appears to be that the city zoning officer has concluded that group homes and recovery homes are protected under the FHA and ADA, and advised the city that it has limited authority to regulate the homes. Among the reform proposals it is considering, the City Council will take up a measure to strip the zoning officer of group home approval power.

Legal experts agree that the city can impose regulations concerning parking, density and other core land use concerns, provided they are imposed equally on all single family residences. The courts have held that recovery homes that are the functional equivalent of a family—in which members share

housekeeping, meals and other responsibilities—are entitled to be located in residential communities, and that cities may not single out recovery homes for different treatment than traditional families. (For further reading on this topic, see National League of Cities, *Fair Housing: The Siting of Group Homes for People with Disabilities and Children*, available at www.bazelon.org/issues/housing/cpfha/grouphomes.html, and U.S. Department of Justice and HUD, *Joint Statement on Group Homes, Local Land Use and the Fair Housing Act*, available at www.usdoj.gov/crt/housing/final8_1.htm.)

The use of a moratorium against group homes in similar circumstances has been roundly condemned by at least one federal court. In *Epicenter of Steubenville v. City of Steubenville*, 924 F.Supp. 845 (E.D.Ohio 1996), U.S. District Court Judge Joseph P. Kinneary entered a permanent injunction of a city moratorium on the establishment of "adult care facilities." He condemned the ordinance as being motivated by stereotypes and prejudice similar to those underlying Jim Crow laws: "Like the hoods of Klansmen masking the faces of criminals, Steubenville's proffered justifications are nothing more than a disguise for the true animus behind [the moratorium]." While no one suggests that York City Council members are motivated by the same views attributed to their Ohio neighbors, the Steubenville case should serve as a cautionary tale as they ponder whether a moratorium can be imposed consistent with federal law.

For more information: Lilah Haxton, Zoning Officer, City of York. Telephone: 717-849-2264. Elaina Spina, Office of Fair Housing and Equal Opportunity, HUD. Telephone: 215-656-0649.

WASHINGTON

Tent City Controversy in the Seattle Suburbs

The suburbs of Seattle, WA, have been the scene for an ugly battle over a "Tent City" encampment for homeless people sponsored by Seattle Housing and Resource Effort and the Women's Housing, Equality and Enhancement League (SHARE/WHEEL). The encampment, which is currently located on the grounds of St. Brendan's Church in Bothell, is known as "Tent City 4." The *Seattle Times* and the *Seattle Post-Intelligencer*, along with local radio and television stations, have been following this story over the past two months.

Tent City 4 is numbered to distinguish it from Tent City 3, currently located at St. Joseph's Church in the Capitol Hill neighborhood of Seattle. A recent article in the *Times* noted that Tent City 3 has moved 40 times since its inception and is the subject of a consent decree that resulted from a lawsuit brought by the Seattle against one of Tent City 3's host, El Centro de la Raza, over permitting issues. That consent decree governs how Tent City 3 operates as it has moved from location to location.

Tent City 3 is known for its self-governance and self-policing, based on rules developed over time that address Tent City residents' relationships with each other and Tent City's relationship with its hosts and surrounding community. Tent City 4 has inherited these rules and the two Tent Cities operate identically. Unfortunately, the reception afforded Tent City 4 has been much less positive than the experiences of Tent City 3.

Controversy over Tent City 4 first erupted in May, when King County officials agreed to allow SHARE/WHEEL to set up the encampment on county-owned land near a transit park-and-ride center for 90 days. Tent City 4 faced rancorous NIMBYism from neighboring property owners, who claimed that neighbors had insufficient notice of the county's plans and who brought a lawsuit seeking a restraining order against Tent City 4. As a result, county officials and SHARE/WHEEL agreed to locate Tent City 4 at St. Brendan's Church. SHARE/WHEEL would have preferred the county-owned land for Tent City 4 because it hoped to be able to have longer tenure on county-owned sites than churches had been able to provide Tent City 3. SHARE/WHEEL also hoped to move Tent City 4 to other county-owned sites in the future.

As a result of the controversy, King County Councilmember Carolyn Edmonds took the lead in establishing a Citizens' Advisory Commission on Homeless Encampments. Members of the Commission represent the Council districts or have specific experience relevant to the Commission's work. SHARE/WHEEL is optimistic about the Commission, as long as it understands the particular dynamics of the Tent Cities, which may need to leave one location and find another site in a very short time frame. The Commission will be holding meetings and public hearings through the summer.

While St. Brendan's Church welcomed Tent City 4 with open arms, the City of Bothell sued the Church on May 17, seeking a preliminary injunction against the encampment because it was established without a permit. On June 11, a King County Superior Court judge ruled that St. Brendan's Church needs a permit from Bothell to host Tent City 4 but denied the preliminary injunction to close the encampment while the Church applied for the permit. The Church, SHARE/WHEEL and city officials have been in negotiations over the permit and have held public hearings on the issue. According to SHARE/WHEEL, despite opposition from the City and some Bothell residents, Tent City

4 has received substantial support from many people in the community as well as from members of St. Brendan's parish.

As reported in the *Times*, some of the conditions that the city wants to impose on the Church through its permit were previously denied by the court. These conditions include requiring identification from Tent City 4 residents for warrant and sex-offender checks, requiring the Church to pay for security or reimburse the city for police monitoring, and requiring the Church to secure \$1 million in liability insurance. The city's permit would also impose conditions regarding the maximum number of people allowed to live in Tent City 4, inspections by health and safety officials, and other matters. Given its reliance on the hospitality of churches of varying sizes and resources, SHARE/WHEEL is concerned about agreeing to conditions—such as insurance—that future hosts may not be able to meet.

For more information: Scott Morrow or Michelle Marchand, SHARE/WHEEL. Telephone: 206-448-7889. Sherry Hamilton, Communications Manager, King County Department of Community and Human Services. Telephone: 206-205-1324. Email: Sherry.Hamilton@metrokc.gov.

SHORT ITEMS

DC Settles Zoning Discrimination Case

On June 29, the Community Council for the Homeless at Friendship Place and Community Housing Trust announced a settlement of their lawsuit against the District of Columbia for its discriminatory treatment of a group home for formerly homeless men. In April 2003, U.S. District Court Judge Henry Kennedy held that, in an effort to placate neighborhood opponents, the city had violated the federal Fair Housing Act by improperly classifying the home as a community residential facility, requiring a certificate of occupancy and extensive inspections. (See *The NIMBY Report*, May 2003, "Federal Court Decision Finds City Law and Agency Actions Discriminatory.") In settlement of the claims, the District paid damages to the plaintiffs in satisfaction of the legal claims and legal fees. The settlement also stipulates that officials of the Office of the Zoning Administrator shall attend a training course in fair housing. "We're particularly pleased that, because of this settlement, zoning officials will gain a new awareness of the right of people with disabilities to live in any community," said Elizabeth Siegel, Board member of CCH/FP. "We hope the city will never again be swayed by a NIMBY response." Claudia Coonrod-Barnett, another CCH/FP board member, sees deeper implications in the case. "As our society redefines the term 'family,' we want to ensure that people with disabilities are included. This case did that by ensuring an inclusive and expansive definition," she told *The NIMBY Report*. For more information: Claudia Coonrod-Barnett. Telephone: 202-669-9072. Email: claudiacoo@cox.net.

CT Self-Storage Facility Sues to Block Affordable Housing

A story on NIMBYism in which opponents thought a group home for people with disabilities would have an adverse effect on nearby horses (*The NIMBY Report*, June 2003, “DE County Sued for Intentionally Blocking Group Home”), seemed staged in the theater of the absurd. Now, news reports out of Stamford, CT, indicate that a “self-storage” facility has appealed a Zoning Board of Appeals (ZBA) ruling that would allow development of 56 units of affordable housing in a long-vacant office warehouse building. Fair Street LLC, owners of Norwalk Self Storage, filed the appeal on June 8, claiming that the initial ZBA approval was not “made with due consideration for conserving public health, safety, convenience, welfare or property values.” Ironically, in the vast majority of cases, other landlords make the same claim about the development of self-storage complexes. The project’s sponsor, Norwalk-based Human Services Council, maintains that it needed variances to provide use of the garage and construction of an access ramp to make the project financially viable with below-market rents. If completed, the project would represent the largest affordable housing complex built in Norwalk in more than a decade. For more information: Frank Zullo, Esquire, Counsel for Human Services Council. Telephone: 203-853-7000.

LA House Votes Unanimously to Bar Group Homes in Certain Neighborhoods

In a fit of bipartisan unity and without debate, the Louisiana House of Representatives on June 10 voted 100-0 in favor of House Bill 1645, prohibiting the placement or state funding of group homes unless they were “in full compliance with local zoning laws and regulations.” In essence, the legislation would permit local zoning authorities to have veto power over the opening of recovery homes. To her credit, Governor Kathleen Blanco told the bill’s sponsor, Representative Steve Scalise (R-Metairie), that she opposed the bill because it appeared to conflict with the federal Fair Housing Act and would subject the state to litigation. In committee, Bill Black of the state’s Division of Administration, testified that the U.S. Supreme Court had held that recovery homes were protected under the Fair Housing Act. “We would have a substantial risk of being taken to court and losing under federal housing law,” he told lawmakers.

The legislation was then sent over to the state Senate, where it died quietly as the session ended. Still, the fact that the measure got as far as it did, in a state that has drawn the attention of the U.S. Department of Justice on at least two other occasions, is remarkable. Mr. Scalise promises to reintroduce the bill in the 2005 legislative session.

FL Recovery Home Sues County for Imposing “Obstacles and Impediments”

Despite relenting and permitting the Mission Unity Recovery House and its 10 recovering alcoholics and addicts to remain in a residential neighborhood, Charlotte County, FL, now faces a federal court lawsuit for a two-year campaign of resistance. The county’s decision to relent was featured in the March 2004 issue of *The NIMBY Report* (“Florida: Recovery Home Wins Right to Locate in Residential Neighborhood”), but the apparent sticking point was the county’s reluctance to pay damages to James Byrom and the nonprofit Mission Unity. A Fair Housing Act complaint was filed with HUD, but that complaint had not been resolved as of July 6, when Mr. Byrom and his Washington, D.C.-based attorney, Steve Polin, filed the lawsuit in the U.S. District Court for the Middle District of Florida. Mr. Polin told the *Charlotte Sun-Herald* that sober home residents have been forced to move repeatedly and to fight continually for their residency, even though they are covered under the Fair Housing Act as recovering alcoholics. The recovery home was “chased out” of several alternative locations before settling on Redmond Street in Charlotte County. Mr. Polin claims that it cost Mr. Byrom’s agency “a lot of time and a lot of money. He was put through the mill.” The lawsuit seeks unspecified monetary damages and other relief. For more information: Steve Polin, Esquire. Telephone: 202-331-5848. E-mail: spolin2@earthlink.net.

Thanks to Michael Allen of the Building Better Communities Network (BBCN) for writing The NIMBY Report, and to Irene Basloe Saraf of NLIHC, who contributed the article on Seattle. 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.