

# MEMO OF MEMBERS

The Weekly Newsletter of the National Low Income Housing Coalition

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## National Housing Trust Fund

### Members Can Sign Discharge Petition Sept. 14; Call-in Days Set

The National Housing Trust Fund Campaign has confirmed that the first day that Members of Congress will be able to sign the discharge petition for National Housing Trust Fund legislation is Tuesday, September 14. The NHTF Campaign has scheduled call-in days for September 13 and 14. Advocates are urged to call their Representatives using the Campaign's toll-free number and ask them to sign the discharge petition ([www.nhtf.org/dispetCTA0904.asp](http://www.nhtf.org/dispetCTA0904.asp)).

Advocates are excited about what the discharge petition means for efforts to pass National Housing Trust Fund legislation. If the discharge petition is signed by 218 Members (a majority of the House), there is then the opportunity for the bill to move from committee to the House floor for a debate and vote. Despite having 214 cosponsors, a near-majority of the House, the House leadership has not taken action on the Trust Fund bill. Three cosponsors of H.R. 1102 filed the discharge petition late in July in an attempt to force action on the bill.

In gearing up for the discharge petition, NLIHC, NETWORK (A Catholic Social Justice Lobby), the National AIDS Housing Coalition, and NPACH (the National Policy and Advocacy Council on Homelessness) this week sent letters to every member of the House to inform them of the discharge petition and urge them to sign. For more information, visit [www.nhtf.org](http://www.nhtf.org) or contact Matt Achhammer at [matt@nlihc.org](mailto:matt@nlihc.org).

## Capitol Hill

### Senate HUD Subcommittee Acts in Secrecy

The Senate's VA-HUD Appropriations Subcommittee passed its bill September 9 using a highly unusual maneuver of polling. With polling, the bill in its entirety is not reviewed by Members of the Subcommittee. Rather, Members are given figures related to their requests for individual economic development initiatives, which fund projects in their home states. They are also given a polling sheet. By signing the one-page polling sheet, they are considered to have voted for the bill. All Subcommittee members of both parties affirmatively signed the VA-HUD polling sheet. Polling out of bills is a very unusual practice and has not, in any time in recent memory, been used to move the VA-HUD bill forward.

Since the bill was done essentially in secret, staff were unaware of funding levels for major programs on September 9. Details should be available soon. Advocates have been pressing Senate and House offices on the inadequacy of the House Appropriations Committee's bill. That bill cuts funding for every program but Section 8 vouchers and project-based renewals. Nonetheless, funding for the voucher program is not secure. Through the bill's report language, the House committee's bill leaves open the opportunity for HUD to continue its current block-granting of voucher program funds.

Senate Appropriations Committee Chair Ted Stevens (R-AK) has said that he wants the appropriations bills completed as soon as possible, and polling out

(See *Capitol Hill* on p. 2)

## POINT OF VIEW

by Sheila Crowley, President

Unlike most other democracies that have high rates of voter turnout, the United States has one of the lowest, with only 60% of all citizens 18 years of age or over voting in the 2000 national election (see [www.census.gov/population/www/socdemo/voting.html](http://www.census.gov/population/www/socdemo/voting.html) for voting data). Social and political scientists debate and differ on the explanations (see Piven & Cloward (2000). *Why Americans Still Don't Vote*. Boston: Beacon Press), but the fact remains that unacceptable numbers of people do not or cannot cast their votes on Election Day.

The characteristic that shows the most variability in voting is income. Citizens eligible to vote in families with incomes of \$15,000 a year or less voted at half the rate (41%) in 2000 than did eligible citizens with annual family income of \$75,000 or more (75%). And voters with incomes of \$75,000 or more outnumber voters with \$15,000 or less in income by five to one.

Once registered to vote, U.S. citizens are reasonably likely to follow through and actually vote, especially in Presidential elections, with 86% of registered voters voting in 2000. But the follow through rate again varies by income, with 91% of the higher income registered voters voting in 2000 and only 72% of registered voters in the lower income category.

These data make it clear why voter work is so essential for organizations that work with and advocate on behalf of low income Americans. There is great deal of focus on voter registration this year, especially in battleground states, with le-

(See *Point of View* on p. 7)



NATIONAL LOW INCOME  
HOUSING COALITION

## Capitol Hill *(cont'd from p. 1)*

such a contentious bill (which also includes funding for NASA and Veterans' Affairs) bypasses a heated subcommittee mark-up. Senate staff are reporting that full committee mark-up will be the week of September 20. After full committee mark-up, the bill will likely be included in an omnibus spending bill, although it remains unclear whether that could happen before the start of the fiscal year on October 1. A continuing resolution, which would extend FY04 funding levels until FY05 levels are set, may well be necessary. Congress is expected to be in session at least until October 8 and perhaps as late as October 15.

Earlier this week, on September 8, the Senate finalized its allocations to the subcommittees of the Senate Appropriations Committee. Formal 302(b) allocations, which are in effect spending limits, allow appropriations bills to be taken up on the Senate floor with protection from amendments to increase spending on programs. The Senate's 302(b) allocation for the VA-HUD subcommittee is the same as the House VA-HUD subcommittee's allocation.

### Senate Committee Takes Up Rural Housing

On September 8, the Senate Appropriations Committee approved its FY05 agriculture spending bill, which includes funding for the Rural Housing Service. The bill funds Section 515 rural rental housing for very low income people at \$90 million, \$25 million below the House's number but \$30 million above the President's request. The bill also provides \$586 million for rental assistance, \$6 million below both the House and White House requests.

The bill does fund \$6 million for a new preservation assistance program, details of which are forthcoming. Full committee mark-up in the Senate is expected the week of September 20. The House passed its agriculture spending bill July 13.

### LIHEAP Amendment Passes

An amendment to increase funding for the Low Income Home Energy Assistance Program (LIHEAP) and the Weatherization Assistance Program (WAP) by a total of \$22 million was introduced by Representative Bernard Sanders (I-VT) and approved in a 305-114 vote on September 8.

The amendment to the Labor-HHS appropriations bill (H.R. 5006) reduces the bill's appropriation for HHS departmental management by \$26 million and applies much of the savings to weatherization and home heating programs for low income families and individuals.

According to a press release from Mr. Sanders' office, 4.8 million families received LIHEAP assistance this year, nearly two-thirds of whom had annual household incomes under \$8,000. However, more than 25 million eligible families did not receive assistance because of funding shortfalls.

The additional funding will increase the households served by LIHEAP and help fund the weatherization of 105,000 homes this year. With the Energy Information Administration predicting an increase of at least 30 cents a gallon in the price of heating oil, "this amendment will go a long way to help the people who need help the most," Mr. Sanders said.

### 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/>.

## Interagency Council on the Homeless

### Council Urged to Do More

Advocates this week sent a letter to Veterans Affairs Secretary and Chair of the U.S. Interagency Council on Homelessness (ICH), Anthony J. Principi, urging him to take a stronger leadership role in developing and coordinating federal policies designed to address and end homelessness.

The letter, signed by the National AIDS Housing Coalition, National Coalition for the Homeless, Corporation for Supportive Housing, National Law Center on Homelessness and Poverty, Technical Assistance Collaborative, Volunteers of America and NLIHC, expressed concern that the Council, while successfully engaging state and local government officials on the issue of homelessness, is ignoring its statutory role as a coordinator of federal agency efforts to address homelessness.

The letter urges the ICH "to take a stronger leadership role in the development and coordination of federal policies designed to address and end homelessness" and encourages ICH to lead a federal effort to develop a Ten Year Federal Plan to End Homelessness. This plan would harness federal resources for housing, services, and technical assistance that are essential for state and local governments to succeed in their efforts to end homelessness.

The letter points out that homelessness and current federal housing programs are linked and cannot be viewed in isolation from one another or from other

*(See Interagency Council on p. 4)*

## SPECIAL REPORT

### FY04 VOUCHER FUNDING CRISIS WEEK 21

#### Evaluation of Appeals Results; Dallas Plans Criminal Checks and Terminations

Housing authorities and advocates are evaluating the impact of recently released Section 8 funds based on agencies' appeals of HUD's April 22 voucher renewal funding notice (See *Memo*, September 3).

Reports indicate that the additional funding received by many housing authorities came just in time. Five local housing authorities in Missouri received new funds based on their appeals. John Hamm, executive director of the Madison County Housing Authority, reported that, without the additional funding of \$394,000, he would have been forced to cut the voucher program this month.

In Ohio, the Akron Metropolitan Housing Authority reported that \$1.1 million was restored to its budget when its appeal was approved by HUD. The Akron Authority was considering cutting about 200 families off the voucher program because of their funding shortfall caused by HUD's earlier renewal directive.

This summer, the Pierce County Housing Authority in Tacoma, WA, had sent out 229 letters to Section 8 voucher holders telling them that they would be cut from the program due to a shortfall of funding from HUD. After the results of the appeals were announced, Pierce County reported that, while they did not get all of the funding needed, they have received enough to announce that the 229 families will be spared, at least for this year, according to executive director Karen Hull.

In California, the Housing Authorities of the City and County of Fresno report that, even with an additional \$2.6 million received through the appeals process, they have had to cut 12 positions, reduce payment to some landlords, and warn tenants that they might have to pay more. The reduction in payments to landlords is leading some owners to reconsider their participation in the Section 8 program. Warren Smith, who is a property manager for two Section 8 complexes in Fresno, reported that these complexes are running \$10,000 to \$15,000 a month below budget because payments for new vouchers were lowered an average of \$60. Mr. Smith said that they will look at the program closely and may have to scale back improvements and delay routine maintenance. Others report that, if the funding cuts continue, fewer landlords will participate.

A chilling story is emerging from Dallas, TX, where the Dallas Housing Authority has notified 900 Section 8 residents that they could lose their housing after new criminal background checks are performed. This new announcement comes on the heels of an announcement in May when the Housing Authority announced that it would shrink the voucher program by 500 households because of the cuts in the Section 8 program. Despite its expected shortfall, the Dallas Authority did not file an appeal for additional funding. It is unclear why the housing authority is now taking steps to terminate vouchers based on new background checks, but Sandy Rollins, executive director of the Dallas-based Texas Tenants' Union, said this action seems harsh. "I think it's all about cutting costs, reducing housing assistance and saving money," she told the *Dallas Morning News*.

## HUD

### National Groups Seek Delay in Implementation of Proposed FMRs

In public comments submitted to HUD this week, NLIHC and 10 national housing organizations asked HUD to delay implementation of the 2005 Fair Market Rents (FMRs) to address serious concerns about their quality and the impact that implementation of the FMRs as proposed would have on the Section 8, HOME, and other housing programs.

The comments focus on disruptive changes resulting from new FMR area geography, particularly the uncritical use of Office and Management and Budget (OMB) metro area definitions; the somewhat arbitrary reversion of some areas and not others to 40<sup>th</sup> percentile FMRs, with clear implications for poverty deconcentration; and the significant reductions in the FMRs for units with three bedrooms or more. The comments also focus on the rural impact of the proposed changes to FMRs and their negative implications for housing preservation.

Along with asking HUD to delay implementation for consideration of public comments and analysis, the comments make more specific recommendations related to each of the comments' focus areas.

The comments were submitted to meet the initial comments deadline, which was September 7, 2004. Given that the data were released three months later than usual, and perhaps recognizing that the data were likely to elicit significant comment, HUD has provided an additional comment period, which concludes November 8. There is still time for advocates to submit new or additional comments.

(See HUD on p. 4)

## Housing in the Elections

### National Registration Week Set

Housing advocates across the country are gearing up for National Homeless and Low Income Voter Registration Week, scheduled for September 26 through October 2. More than 100 organizations in 25 states are planning events in conjunction with the week, which is designed to register low income people and draw media attention to the issues these voters face. The week is sponsored jointly by NLIHC and the National Coalition for the Homeless.

The events range from a planned sleep-out in New Hampshire to candidates forums in Minnesota to more traditional voter registration events at homeless shelters, housing authorities and CDCs across the country. Other organizations are holding watch parties for the first Presidential debate, set for September 30. Organizations can still plan an event for one or more days in the week. To participate, contact Katie Fisher at [katie@nlihc.org](mailto:katie@nlihc.org) or 202-662-1530 x222.

Due to high demand, NLIHC has run a second printing of our Get-Out-The-Vote posters, designed for display in building lobbies, community centers, property management offices, social service offices, and other places frequented by residents of affordable housing and low income communities to remind residents of the connection between housing and voting. Posters are available free of charge. To order posters, email [katie@nlihc.org](mailto:katie@nlihc.org).

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### Interagency Council *(cont'd from p. 2)*

federal programs. The letter also urges ICH to encourage the expansion of federal programs such as Section 8 vouchers, HOME, CDBG, SSI and Medicaid, whose resources play a vital role in helping to end homelessness.

The advocates urged the expansion of the McKinney-Vento programs, which are designed to end homelessness, and expressed concern that recent remarks questioning the outcomes achieved from these programs undermine much-needed support.

The advocates also pledged their willingness to work with ICH and its partner agencies to implement the steps outlined in the letter in order to enable the nation to truly end homelessness.

### HUD *(cont'd from p. 3)*

The letter was signed by the Center on Budget and Policy Priorities, the Council of Large Public Housing Authorities, The Enterprise Foundation, the National Affordable Housing Management Association, the National Apartment Association, the National Association of Housing and Redevelopment Officials, the National Fair Housing Alliance, the National Housing Trust, the National Leased Housing Association, NLIHC, and the National Multi Housing Council.

The joint comments, as well as other FMR resources for advocates, can be found at [www.nlihc.org/2005fmr/index.htm](http://www.nlihc.org/2005fmr/index.htm).

**Representative Shays Weighs In.** It is likely that no region of the country would be more universally affected by the proposed changes to the FMRs than New England, where the proposed 2005 FMRs would be set using county lines rather than the township groupings used in the past. This and other changes have led to declines in FMRs in most metropolitan areas and many rural areas as well across the region, despite a generally recognized hot housing markets for both homeowners and renters. These changes have sparked a number of critical press reports and editorial comments.

One area particularly hard hit is the Stamford-Norwalk region in Connecticut, where towns that were previously parts of separate FMR areas were combined into a larger region. For example, Greenwich was combined with Bridgeport despite the fact that in 2000 Greenwich had a median gross rent that was nearly twice Bridgeport's. As a result, the original metro area saw a reduction in its FMR of 22% or more depending on the bedroom size.

This change led Representative Chris Shays (R-CT) to ask HUD in a September 3 letter to Michael Liu, HUD's Assistant Secretary for Public and Indian Housing, not implement the new FMR areas in Connecticut in the short run. In the long run, he urged HUD to consider providing more systematic ways to determine the appropriateness of OMB metro area definitions for use in housing programs.

## Update from the Field

### Fighting Day Laborer Abuses in NM

A recent study by the New Mexico Coalition to End Homelessness of three cities in the state has found major workplace abuses by day laborer companies, which are often a top source of employment for people experiencing homelessness. Now the Coalition plans to work for state legislation to address the issues highlighted in the report.

The study, which looked at day labor operations in Santa Fe, Albuquerque and Las Cruces, found abuses ranging from safety to pay issues. Specifically:

- People who used labor brokers to help them find jobs are often charged for equipment that they need to do their jobs, and these charges in some cases bring a person's wages below the minimum wage.
- People wanting to work as day laborers often face long, unpaid waiting periods. In many cases, a person must report at 3:30 am for a job that starts at 7 or 8 am.
- Day laborer companies often charge more than \$1 a day to cash a check.

The study also found that many day laborers who did not use labor brokers were never paid at all, and that the state's penalties for not paying workers are minimal.

Despite the difficulties, people experiencing homelessness often appreciate that they are paid at the end of each day that they work as a day laborer. However, it is very difficult for a person to turn an assignment into a full time position, because it is current practice for labor brokers to prohibit companies from hiring a person who has been working for them as a day laborer, said Coalition Director Hank Hughes. He said that together, these problems combine to make escaping homelessness nearly impossible for many people.

"Working as a day laborer is a starting point for many homeless people trying to get back into the workforce," Mr. Hughes said. "What we are trying to do is make it a bridge out of homelessness."

To that end, the Coalition and its partners will now use the results of the study to push for legislative fixes to the problems, Mr. Hughes said. For example, the group would like to make it illegal for companies to charge for check cashing or to charge for equipment needed for the job, and to make it illegal to prevent companies from hiring people who have worked for them as day laborers. The state legislative session begins next January, and the next few months will be spent drafting legislation and finding legislative champions.

*(Continued next column)*

## News & Events

### Housing and Health: The Vital Link

The National Housing Conference will hold "Housing and Health: The Vital Link," a brown bag luncheon exploring the relationship between housing and health and how both issues impact each other and the well-being of families and communities. The event will be held October 1 at the National Housing Conference in Washington, DC, from 12 noon to 2 pm. Speakers are Oscar Morgan of the National Mental Health Association, Embry Howell PhD, of the Urban Institute's Health Policy Center, and a representative of Healthy Hearts in Housing Program at the Housing Authority of Baltimore City.

There is no charge for this event, but space is limited. Please RSVP by September 29th to [rcrain@nhc.org](mailto:rcrain@nhc.org).

## NLIHC News

### 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!

### New Legislative Intern

Stacy Braverman has joined NLIHC as legislative intern. Stacy is originally from East Setauket, NY, and is a junior at Smith College, majoring in government. Stacy says she became aware of the need for affordable housing by growing up in one of the top 10 least affordable counties in the country (according to *Out of Reach*). Last year, Stacy was the student representative to a committee working to preserve housing close to Smith while the college expands. She is particularly interested in the relationship between green building and affordable housing. Welcome, Stacy!

*(Continued from previous column)*

The Coalition is working with partners that include the South West Center for Economic Integrity, which had success on a similar campaign in Arizona, and Catholic Charities, which has a particular focus on the issue's impact on immigrants.

For more information: Hank Hughes, New Mexico Coalition to End Homelessness, [endhomelessness@prodigy.net](mailto:endhomelessness@prodigy.net).

## Resources

### NLIHC Releases New Waiting List Research

NLIHC has released a new research note titled, “A Look at Waiting Lists: What can we learn from the HUD Approved Annual Plans?”

The study looks at 134 public housing agency (PHA) annual plans (out of 3,935 total) on housing assistance waiting lists. Only PHAs with at least 250 units of public housing were studied because smaller PHAs did not have to report the same waiting list information. Using the 250 unit cut-off, 806 PHAs were eligible. The sample size of 134 was generated by taking the 59 PHAs with more than 8,000 total units in addition to a random selection of 15 PHAs from each unit-size quintile.

In the study sample, the number of families on waiting lists for housing vouchers runs to almost 1 million, while the public housing wait list contains more than 500,000 families. More than 40% of the housing voucher and 15% of the public housing waiting lists are closed. Additionally, over 80% of families on the voucher and public housing waiting lists had incomes at or below 30% of the area median income (qualifying them as extremely low income, or ELI). The study also looks at family composition, waiting list preference, and several other waiting list characteristics.

These data have limitations: many PHAs have failed to submit plans for certain years even though they are required to submit every year, HUD has not approved all plans that have been submitted, and some plans are not available online. Additionally, some PHA plans either omit data by submitting their plans in a different format or leaving it incomplete. Since families can also be on the waiting list for multiple PHAs, the overall totals provided in the data cannot provide an exact count of the number of families on waiting lists; families are more likely to be on multiple waiting lists in larger metropolitan areas with overlapping PHAs.

The research note is here: [www.nlihc.org/research/04-03.pdf](http://www.nlihc.org/research/04-03.pdf). The accompanying data table includes multiple data on the voucher and public housing waiting lists (along with an explanation of variables) and can be found here: [www.nlihc.org/research/04-03sample.xls](http://www.nlihc.org/research/04-03sample.xls).

### Housing Plus Services Article in *Child Welfare Journal*

NLIHC’s Housing Plus Services Committee has published an article in the *Child Welfare* journal of the Child Welfare League of America. The special September/October issue of *Child Welfare* focuses on the

importance of stable housing to children’s welfare and is intended to prompt a national dialogue on the partnerships and resource sharing between the housing and child welfare systems necessary to reform America’s child welfare system.

The journal’s seven articles include an article from NLIHC’s Housing Plus Services Committee, “Housing Plus Services: Supporting Vulnerable Families in Permanent Housing,” as well as articles on innovative housing for homeless youth, housing collaborations to improve foster youth outcomes, housing problems experienced by recipients of child welfare services, and an article on reunifying families in need of affordable housing. The Housing Plus Services article is available on NLIHC’s website at [www.housingplusservices.org](http://www.housingplusservices.org). Abstracts from the journal are available at [www.cwla.org/articles/cwjabstracts.htm#0409](http://www.cwla.org/articles/cwjabstracts.htm#0409).

### State Approaches to Poverty

The National Center for Children in Poverty (NCCP) has released three fact sheets showing variations on state policies. These fact sheets display important differences between states, and the differing issues that low income people (less than 2 times the poverty level) deal with depending on where they live.

“Rate of Children in Low Income Families Varies Widely by State” finds that, generally, states in the Southwest and Southeast have the highest rates of children living in low income families. This fact sheet also looks at the education level of parents, finding that children in southwestern states are more likely to live with parents without a high school degree, and that children in the Southeast are more likely to live in single-parent families.

[www.nccp.org/media/svf04a-text.pdf](http://www.nccp.org/media/svf04a-text.pdf).

“Receipt of Government Supports Varies Widely by State” shows that Temporary Assistance for Needy Families (TANF) cash assistance is most heavily used in the northeastern states, while the lowest level is generally found in the Southeast.

[www.nccp.org/media/svf04b-text.pdf](http://www.nccp.org/media/svf04b-text.pdf).

“Parental Employment Does Not Guarantee Health Insurance for Children” shows that states with the highest share of low income children with working parents is in western states, with the lowest share in the Southeast and Northeast. However, the states with the lowest share of children with health insurance is in western states.

[www.nccp.org/media/svf04c-text.pdf](http://www.nccp.org/media/svf04c-text.pdf).

(See Resources on p. 7)

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

gions of people doing partisan and non-partisan voter registration. There will be equal amounts of energy going into mobilizing people to come out to the polls. And the campaigns and the parallel (but not coordinated) issue groups will be doing their best to sell one candidate or the other.

It is in this period that non-profit, non-partisan organizations that work in low income communities have the unique and important responsibility of voter education that will help low income people move from registration to voting. One of the best approaches is to organize debate-watching events in community rooms, neighborhood centers, and other local gathering places, with door prizes, popcorn, and someone who can lead a discussion when the debate is over. The first Presidential debate is Thursday, September 30. The only Vice Presidential debate is Tuesday, October 5. The non-partisan Commission on Presidential Debates sponsors the debates and offers guidance on organizing debate-watching events (see [www.debates.org](http://www.debates.org)).

If people with incomes at \$15,000 or less had voted at the same rate as people with incomes of \$75,000 or more in 2000, another 3.9 million votes would have been cast. That's 3.6% of all votes cast in 2000. It's a million more votes than Ralph Nader got in 2000. Think about it. When elections are won by razor-thin margins, these are the voters who could make the difference.

## Fact of the Week

### Monthly housing costs as percent of income, 2003

Income	Percent of Income Spent on Housing				
	Less than 15%	15 to 29%	30 to 49%	50 to 99%	100% or more
\$1 to \$19,999	7.9%	22.6%	24.9%	24.5%	20.1%
\$20,000 to \$39,999	23.1%	38.8%	27.9%	8.6%	1.6%
\$40,000 to \$59,999	33.2%	47.4%	15.7%	3.2%	0.5%
\$60,000 to \$79,999	42.4%	45.2%	10.5%	1.6%	0.3%
\$80,000 to \$99,999	48.4%	43.5%	6.7%	1.1%	0.2%
\$100,000 or more	65.2%	30.2%	3.7%	0.7%	0.3%
Totals	31.7%	36.5%	18.0%	8.7%	5.1%

\*Includes families with income and excludes those with no housing costs.

Source: Data taken from "American Housing Survey for the United States: 2003", publication tables. Table 2-20, page 95. [www.census.gov/prod/2004pubs/H150-03.pdf](http://www.census.gov/prod/2004pubs/H150-03.pdf).



**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.

**National Low Income Housing Coalition**  
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## Resources *(cont'd from p. 6)*

Data for these fact sheets comes from the Current Population Survey Annual Social and Economic Supplement for March 2001-2003, and include relevant tables for all 50 states and the District of Columbia.

### AHS Publication Tables Released

The American Housing Survey (AHS) 2003 publication tables have been released. These tables contain no appendices or other text, and are released for those wanting to look at the data as soon as possible.

[www.census.gov/prod/2004pubs/H150-03.pdf](http://www.census.gov/prod/2004pubs/H150-03.pdf).

## 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](http://www.nlihc.org).

# The NIMBY Report

*on the continuing struggle  
for inclusive communities*

National Low Income Housing Coalition

September 2004

## WYOMING

### Big City Opposition Tactics in a Small Town

In the scheme of things, Cheyenne is not a big city (pop. 60,000). But it has its share of growing pains and with them a healthy dose of NIMBYism that has played out on the public stage this summer concerning a proposal to build 132 affordable units for seniors and families. Chief among opponents' concerns is that low income and senior housing will turn the area into a "ghetto."

In a market where the average single-family home price is below \$125,000 and one can rent a modest two-bedroom apartment for around \$537 (*Out of Reach 2003*), opposition to "affordable" housing might seem misplaced. The city and surrounding county are overwhelmingly (85%) white, with Latinos comprising about 10% of the population, and only small numbers of other people of color.

The development, ironically named "Harmony Point," attracted little notice when the preliminary plat was approved, without objection, on June 28, 2004. But, with the involvement of neighboring landowners, things heated up quickly thereafter, and seem to have followed the same script used by other suburban opponents of affordable housing. In addition to alleging that a "ghetto" will develop, Irene Vigil, a leading opponent, vaguely claims that the development will be unsafe for children attending nearby schools. "I'm thinking of the good of the neighborhood," she told the City Council. "When the upkeep is not maintained, then they become an eyesore and the value of the properties will go down in several years."

Community Development, Inc. (CDI), the prospective owner, takes issue with those claims. Fred Cornforth, the group's chief executive officer, told the local paper that "it is so tough to really listen to neighborhood concerns and meet their expectations simply because they don't ask us enough questions. There's so much to lose for a developer or owner to run their properties the way she describes." Mr. Cornforth said CDI is obligated by state and federal regulations to keep its income eligibility requirements and to have multiple annual inspections for 55 years. "It's a different era of housing. I think we'll meet and exceed the neighbors' expectations—that's our goal."

In order to clear the air, Mr. Cornforth asked the Council to postpone for two weeks its decision on the application to rezone the parcel from agricultural to rural residential. During

that time, CDI and the current owners will hold neighborhood meetings with the hope of setting the record straight.

For more information: Fred Cornforth, Chief Executive Officer, Community Development, Inc. Telephone: 208-459-1841.

## VERMONT

### Recovery Home Gets Green Light in Green Mountain State

One of the virtues of Vermont's "town meeting" style of government is that every citizen gets a chance to be heard and to influence town decision making. When it comes to an addiction recovery home in St. Johnsbury, VT, these virtues also proved to be serious impediments to serving women with addiction disorders and criminal histories. Coincidentally, St. Johnsbury is the birthplace of Dr. Bob, one of the founders of Alcoholics Anonymous.

Following several heroin related deaths in St. Johnsbury over the past few years, a grassroots consortium of community members and social service providers was formed to find ways to reduce drug abuse in the community. The consortium determined that a major barrier to people overcoming their addictions was the lack of transitional housing for people in recovery in the community, and set about trying to create some.

One of the members of the consortium, Northeast Kingdom Community Action (NEKCA), owned a house that was adjacent to its offices. Through grants, volunteers, and hard work, that house was turned into a home for women in recovery. However, before it opened, the Town tried to block it, claiming that the home did not conform to the zoning rules and ruling that women who had been convicted of a crime generally could not live in the house.

Many people with severe addictions have criminal convictions. The Department of Corrections would be providing most of the funding for the program, on the condition that women who qualified for residency at the home upon leaving Departments of Corrections custody would be allowed to live in the home. As a result, this condition meant the home would not be able to open.

The Town was explicit in saying that the reason it did not want the program to open was because it did not want women in recovery from addiction in that neighborhood. No amount of

dialogue seemed to move the town to a more favorable position so, with the help of Washington, DC, attorney Steven Polin, Vermont Legal Aid filed suit on behalf of NEKCA in federal court on April 19, 2004, alleging violations of the Fair Housing Act and the Americans with Disabilities Act. Apparently, reason (and the prospect of losing the case) eventually prevailed, and the case was settled on very favorable terms at the end of May. The Town agreed to remove the condition barring women with criminal histories from living in the home, and allow the home to open on June 1, 2004, as scheduled. The Town agreed to pay \$17,000 in attorneys' fees and damages to NEKCA. The case was dismissed, and the program is now serving women in need in the community.

For more information: Maryellen Griffin, Staff Attorney, Vermont Legal Aid. Telephone: 802-748-8721 x731. E-mail: [MGriffin@vtlegalaid.org](mailto:MGriffin@vtlegalaid.org)

## ILLINOIS

### Suburbs Wrestle with State Affordable Housing Mandate

During its 2003 session, the Illinois legislature took a small but symbolically important step toward inclusionary zoning. It enacted the Affordable Housing Planning and Appeal Act which, as of January 1, 2004, requires municipalities to ensure that 10% of their housing stocks are affordable to people with low and moderate incomes (see *Memo*, July 30, 2004). The Illinois Housing Development Authority issued a "report card" on July 23, finding that 49 Illinois towns fell short of the goal. They now have until April 2005 to draft plans outlining how they intend to address the shortfall.

Housing advocates suggest that the new mandate is a cautious step in the right direction and generally laud the initiative. Tammie Grossman, executive director of the Statewide Housing Action Coalition, believes the policy could be stronger. "The law is pretty tame," she said, "but we see that it has put affordable housing issues on the front burner. People are talking about it and most people agree that we need more affordable housing in our communities."

But residents of several towns and villages are seeing red, and talking openly of flouting the law's requirements. The *Glencoe News* reported that one disaffected citizen "suggested the village refuse to follow the state's guidelines or team up with other North Shore communities and fight the measure in court." Another resident said that the law was a form of "reverse discrimination," adding that "moderately priced housing in the village was comparable to giving someone a \$400,000 gift they didn't work for or deserve." The level of fear and anxiety seems fed by misinformation about the law's mandate.

The response of elected officials is scattered across a broad spectrum. State Senator Jeff Schoenberg (D-Evanston) is one

of the measure's chief boosters. "The idea is for municipalities to actively look in the mirror, roll up their sleeves and come up with a plan." State Representative Karen May (D-Highland Park), who also voted for the bill, suggested to her constituents that it was a powerful vehicle for providing housing for teachers, police and firefighters. Some local officials have called it an "unfunded mandate," but seem resigned to complying.

The new law calls for the creation of a state appeals board, with authority to reverse local land use decisions and promote affordable housing proposals. Ms. Grossman says the law has had a positive early effect in ways that were not initially contemplated. She reports that "some communities who are not even required to come up with a plan to increase the affordable housing supply in their communities are doing so voluntarily."

The full text of the Affordable Housing Planning and Appeal Act can be found at [www.ihda.org/Planning\\_Act/planning\\_act.pdf](http://www.ihda.org/Planning_Act/planning_act.pdf). The full report on noncompliant municipalities can be found at [www.ihda.org/Planning\\_Act/Planning\\_Act\\_full\\_report.pdf](http://www.ihda.org/Planning_Act/Planning_Act_full_report.pdf).

For more information: Tammie Grossman, Executive Director, Statewide Housing Action Coalition. Telephone: 312-939-6074. E-mail: [tammie@statewidehousing.org](mailto:tammie@statewidehousing.org).

## SHORT ITEMS

### Play to be Presented in San Diego

To dramatize the issue of housing discrimination, the Fair Housing Council of San Diego is staging a production of "A Raisin in the Sun." The play features a black family from South Side Chicago that is "politely discouraged" from moving into a white suburb. Mary Scott Knoll, the Council's Director, says that the "non-preachy" play is well-suited to the area's housing environment, where only about one in 10 households can afford a median-priced home. Though discrimination is less overt now, it still exists and affects minority renters and mortgage applicants, according to the council. The Fair Housing Council is hoping to raise \$50,000 in donations to finance the production, which is scheduled to run from September 17 through October 3. Once the three-week run ends, another local theater group will hold a series of workshops on housing discrimination issues, as well as on how to prepare for homeownership. For more information: Mary Scott Knoll, Fair Housing Council. Telephone: 619-699-5888 x203.

### MA Legislature Leaves "Anti-Snob Zoning Law" in Place

When the Massachusetts Senate adjourned on August 1, 2004, legislation designed to weaken the state's "anti-snob zoning law" expired, leaving in place the decades-old framework that requires cities and towns to provide specified levels of affordable housing. The law, also known as "Chapter 40B," for its

placement in the state code, allows developers to bypass local zoning restrictions in jurisdictions the state has found out of compliance. Although housing advocates initially supported the reform legislation, they later withdrew their support when the House adopted amendments that would double count certain affordable units. Many senators expressed a concern that the House bill went too far and essentially had watered down the law, said Aaron Gornstein, executive director of the Citizens' Housing and Planning Association. "It had no momentum in the Senate," Mr. Gornstein said. For more information: Aaron Gornstein, Executive Director, Citizens' Housing and Planning Association. Telephone: 617-742-0820.

## **NJ "Fair Share" Rules Under Revision**

A New Jersey appeals court has upheld the decision of the state's Council on Affordable Housing (COAH) to revise the way in which it administers its "fair share" affordable housing law, but has done so in a way that allowed the New Jersey Builders Association to claim a partial victory. The builders' suit alleged that COAH adopted rules earlier this year that improperly shielded towns from fair share lawsuits. The August 31, 2004, decision unanimously affirms COAH's power to grant exemptions, but requires the agency to rewrite rules governing such decisions within 60 days. Susan Bass Levin, who heads COAH, told *Newsday* that if the court had granted the builders the relief they requested, it "would have thrown towns into chaos." Finding the silver lining, Patrick O'Keefe, Chief Executive Officer of the New Jersey Builders Association said, "The NJBA is encouraged by the court's continuing commitment to the principles of fair housing." For more information: Patrick O'Keefe, Chief Executive Officer, New Jersey Builders Association. Telephone: 609-587-5577.

## **PA Borough Adopts "Workforce" Density Bonus**

As reported by the Housing Alliance of Pennsylvania, on September 6, 2004, the Mount Joy Borough Council adopted without question four zoning density bonuses, including a "workforce" housing density bonus. The borough may be the first in the state to have adopted these types of inclusionary zoning incentives. The borough's zoning ordinance was amended to provide that maximum density may be increased by one additional dwelling unit per acre when the development provides that "at least 10% of the total dwelling units be sold or leased as workforce housing to individuals earning less than 80% of the Lancaster County median income or such percentage as may be agreed upon by and between the Borough and the applicant." In addition, the proposed workforce housing "shall be integrated throughout" the applicable development. The first proposed neighborhood to use the density bonuses, Florin Hill, had its conditional use application considered by the Borough Council on the same evening that the bonus was adopted. For more information, Mark Hiester, Principal Planning Analyst, Community Planning Division, Lancaster County Planning Commission. Telephone: 717-295-2066. E-mail: [hiester@co.lancaster.pa.us](mailto:hiester@co.lancaster.pa.us).

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