

MEMO OF MEMBERS

The Weekly Newsletter of the National Low Income Housing Coalition

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Capitol Hill

Senator Schumer Proposes Housing Tax Legislation

In an address to the New York Housing Conference / National Housing Conference 31st Annual Awards Luncheon on December 7, Senator Charles Schumer (D-NY) proposed two tax incentives in support of affordable housing. He proposed doubling the Low Income Housing Tax Credit from the FY2005 level of \$1.85 per capita to \$3.70 in FY2006, increasing annual nationwide production to 260,000 units. His second proposal is to waive exit taxes for aging owners of federally-subsidized buildings who sell their properties to buyers who agree to maintain affordability for no less than thirty years. Senator Schumer is a member of the Senate Finance Committee, which has jurisdiction over tax issues.

POINT OF VIEW

by Sheila Crowley, President

NLIHC President Sheila Crowley is on vacation. Point of View will return on December 17, 2004.

Funding Bill Signed

President Bush signed the omnibus appropriations bill on December 8. The bill provides funding for HUD and other agencies for FY2005.

Bills At a Glance

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

HUD Explains Voucher Funding Implementation

In a December 8 notice and a December 9 webcast, HUD officials outlined how funding for vouchers in FY2005 will be implemented. Assistant Secretary Michael Liu made clear HUD's intentions to introduce voucher reforms in the 109th Congress to give more flexibility to housing authorities. David Vargas, in charge of the day-to-day management of the voucher program at HUD headquarters, rolled out a whole new voucher staff.

During the webcast, Mr. Liu and Mr. Vargas repeatedly told listeners that Congress had appropriated a certain funding level and that it is PHAs' responsibility to manage their voucher programs within these dollars, regardless of whether the funding distribution system leaves some housing authorities with too little to operate their voucher programs. Mr. Vargas told participants that PHAs are fully responsible for managing their voucher program, including managing for utility cost increases and resident income decreases. Mr. Vargas also referred to certain program requirements as posing "limitations" on how PHAs can manage the program, including rent levels and income targeting.

When one caller asked, after hearing about the possibility to lower payment standards to save voucher program funds, "If we lower the payment standard, do we run into a Brooke [compliance] problem?" (Lowering the payment standard would place greater rent burden on residents; the Brooke rule caps the amount of tenant income to be paid toward rent so that housing remains affordable.) Mr. Vargas responded, as he had to other, different questions, "Congress has been very clear that this is all the money and you must manage your voucher program."

(See HUD on p. 2)



NATIONAL LOW INCOME
HOUSING COALITION

HUD (Cont. from p. 1)

To determine how funds will be distributed, HUD is checking PHAs' May, June and July voucher data. Assuming these data are available, verifiable and complete, HUD will then average these three months' costs, multiply by 12 and add a 2005 annual adjustment factor. This number will be adjusted for any tenant protection vouchers, if necessary. HUD will then total the funding levels for all PHAs. If this number is more than the FY2005 appropriation for voucher renewal funding, there will then be a prorated cut. If more has been appropriated than HUD calculates, HUD is bound by Congress to distribute all funds and will do so.

On December 17, HUD will inform PHAs of their individual FY2005 funding levels. PHAs will have until December 27 to seek any corrections from HUD. Other than this correction period, there will be no opportunity to seek recourse from HUD for FY2005 voucher funding. Final funding allocations will be provided to PHAs on or about January 21.

HUD will hold \$25 million in administrative funds to distribute at its discretion. PHAs with extraordinary administrative costs might have access to these funds, including where there is a hard to house population, unexpected homeownership voucher fees and extraordinary costs related to federally-declared disaster areas.

HUD is taking this implementation presentation broadcast to eight cities during the week of December 13. The broadcast and information on the local broadcasts are available at www.hud.gov/webcasts/schedule/index.cfm. The notice, PIH 2005-1, is available at www.hudclips.org.

In the meantime, housing authorities that did not make timely appeals of their Annual Adjustment Factor (AAF) for FY2004 voucher funding in July may still be eligible for additional funds from the Central Fund.

Authorities have until December 31, 2004 to submit a written request for these funds. PHAs must meet two criteria to be eligible. An authority must have leased up units that were not included in the renewal calculation and did not exceed the housing authority's authorized level. The authority also must have used 50% of its available reserves as outlined in the April 22 notice. A power point presentation is available on the HUD website to determine how to calculate the available reserves, at:

www.hud.gov/offices/pih/programs/hcv/index.cfm

HUD Briefing on New GSE Goals

On December 9, HUD Assistant Secretary for Housing/Federal Housing Commissioner John Weicher held a briefing on the final GSE affordable housing goals rule, published November 2 in the Federal Register. The rule sets new housing goal levels for Fannie Mae and Freddie Mac.

The rule, which becomes effective January 1, 2004 and will remain in effect through 2008, will increase Fannie Mae and Freddie Mac's purchases of goal-eligible loans. The rule also has new subgoals for home purchase mortgages in order to better target the GSEs' efforts for minority and first time homebuyers.

Mr. Weicher said that the new goals and subgoals were necessary in order to put the GSEs in a leadership role regarding first time and minority homebuyers. The GSEs will have to develop new products and make prudent adjustments in their underwriting standards to reach out to this group, Mr. Weicher said. He also reported that the housing goals for the multifamily market will improve the availability and pricing of credit for affordable multifamily properties.

HUD received more than 300 comments on the proposed housing goals. A group of advocates, including NLIHC, commented and supported the higher housing goals. Fannie Mae and Freddie Mac provided the most detailed comments and did not support the higher goals.

Many comments expressed concerns that the housing goals would be unattainable in a high refinance environment and Fannie Mae and Freddie Mac urged HUD to not include the refinancings in the goals calculation. In response to the concerns expressed, HUD issued a Advance Notice of Proposed Rulemaking (ANPR) soliciting comments on how it might add a regulatory provision that accommodates a high refinance environment under the housing goals. Comments on the ANPR are due by December 17.

Jackson to Stay at HUD

According to various news reports, President Bush will keep Alphonso Jackson on as HUD Secretary. Mr. Jackson, a long-time Texan friend of the President, is depicted as loyal to the President and as someone who will carry out the White House's plans. Reports indicate that a small cadre of White House staff will direct domestic policy for the various agencies, including HUD.

(See HUD on p. 3)

HUD *(Cont. from p. 2)***Housing Assistance Not Affected By New Medicare Benefit**

On November 10, HUD published a notice guiding PHAs, project owners and management agents in determining annual and adjusted incomes under the 2003 Medicare Prescription Drug, Improvement, and Modernization Act (MMA). The MMA provides some Medicare beneficiaries access to discounted prescription drugs and, until December 2004, a \$600 subsidy. According to the MMA and HUD, “public and assisted housing income determinations, assistance or rents must not be affected in any way by this Medicare benefit.” PHAs, project owners and management agents must exclude any assistance or benefit received under the MMA from annual income and treat it as a standard medical deduction. The notice, PIH-204-24, is available at www.hudclips.org.

Tax Assistance for HUD Housing Residents

The Department of Housing and Urban Development (HUD) and the Internal Revenue Service (IRS) signed a memorandum of understanding on December 6 that will allow the two agencies to work together to educate the public about the IRS’ Volunteer Income Tax Assistance Program. The program offers free tax return preparation and information on EITC and other credits.

HUD will educate housing authorities and HUD grantees about the program, and encourage them to assist the IRS with its outreach efforts. The two agencies claim that greater coordination will expand information sharing and build on existing services by educating public and assisted housing residents on how to meet their tax obligations, providing information on tax credits available to them such as EITC and Child Care Tax Credits, and educating them on how tax credits can be used to build assets.

In Washington**Symposium on Workforce Housing**

Federal and local officials, researchers, corporate officials and others participated in a symposium sponsored by the National Association of Home Builders and Freddie Mac in Washington on December 8.

In his welcoming address at the symposium, HUD Secretary Alphonso Jackson applauded the purpose of the symposium and said that President Bush supports smart growth in urban areas to keep workers closer to their jobs and, in turn, save on energy and transportation costs. In an effort to expand the stock of affordable workforce housing, Mr. Jackson urged cities and towns to reduce regulatory barriers at the community level and said that the Administration will once again push for zero down payment mortgages from the FHA to lower the cost of housing. Mr. Jackson also indicated that he was not concerned that this type of financing would lead to more foreclosures. Mr. Jackson characterized President Bush as the “first housing president.” He also noted that housing has been fortunate under this administration, as HUD was only one of three departments, along with defense and homeland security, that have not seen budget cuts.

Two former HUD secretaries, Jack Kemp and Henry Cisneros, who have written a book on promoting a bipartisan platform for national housing policy also participated in the symposium. Nic Retsinas, Director of the Joint Center for Housing Studies at Harvard, moderated a discussion between the two and raised several questions related to national housing issues. It was suggested that housing issues were not very prominent during the last presidential election. Mr. Cisneros felt that housing had been talked about, but in indirect ways such as in discussions about jobs and the economy, while Mr. Kemp felt that the continuing discussion about the ownership society was related to homeownership.

Both felt that housing lends itself well to a bipartisan platform and they agreed that, while fundamentally homeownership works in this country, there are three million people living in substandard housing. When asked what issues would be ripe for discussion in the near future, Mr. Cisneros suggested the homeownership tax credit and increasing the minimum wage. Mr. Kemp responded with The American Dream Downpayment Act, Community Development Block Grant Program, using vouchers for homeownership and strategies to address homelessness.

(See In Washington on p. 4)

In Washington *(cont'd from p. 3)*

Richard F. Syron, Chairman and CEO of Freddie Mac, gave the keynote address. Mr. Syron agreed on the need for workforce housing and said that Freddie Mac must do more on the affordability front. However, he did indicate some concern about the recently released affordable housing goals, which go into effect on January 1. Mr. Syron said he worries that the goals could turn Freddie Mac into a predatory lender and the goals could end up being counter-productive.

Researchers reported that communities are much more willing to accommodate workforce housing in plans for mixed use housing as opposed to increasing density. Issues that stand in the way of producing affordable workforce housing include local regulatory requirements as well as NIMBY issues.

Charlie Lyons, President of the National League of Cities and Selectman of Arlington, MA, reported that on his tours around the country this year he is seeing more stark divisions in communities. He reported more concentration of poverty on one hand and a sharp increase in wealthy gated communities on the other. Mr. Lyons argued that these changes call for an enhanced federal role in focusing on our nation's housing needs. He suggested that there needs to be a dramatic federal initiative similar to President Lincoln's Homestead Act of 1862, which gave 160 acres free and clear to those who would settle and build on the land, or the GI Bill, which was so vital in leading to homeownership for veterans.

Update from the Field

NCLIHC Co-Founder Honored

Jack Preiss, co-founder of the North Carolina Low Income Housing Coalition, was recently honored with a lifetime achievement award from The North Carolina Interagency Council for Coordinating Homeless Programs.

In 1985, Preiss, along with James Tabron, formed Development Ventures Inc., a nonprofit development corporation owned by the local housing authority. The first project was a 58-unit complex that opened in 1990 in East Durham's devastated Edgemont neighborhood. The developments generated enough income to cover operating expenses and begin repaying construction loans. Such private, non-profit ventures were the first of their kind in North Carolina. It was an original way to build low-income housing without federal backing.

The organization received a lot of attention as well as National Awards.

Shortly thereafter, the two men started the Durham Affordable Housing Coalition. The organization provides several services, such as helping low and moderate-income households buy and maintain homes, assisting nonprofit affordable housing providers in securing needed resources, working on fair housing and fair lending issues, and helping special needs populations find affordable rental housing.

Preiss also co-founded the North Carolina Low Income Housing Coalition. Incorporated in 1988, the Coalition is a "private, nonprofit membership organization working for decent, safe and affordable housing that promotes self-determination and stable communities for low-income working families, the elderly and people with special needs."

People

NLIHC Founder Cushing Dolbeare Receives Rural Housing Award

On Friday, December 10, the Housing Assistance Council (HAC) presented its Clay Cochran Award for Distinguished Service in Housing for the Rural Poor to NLIHC Chair Emeritus Cushing N. Dolbeare. "Dedicated to affordable housing for over 50 years, Dolbeare has participated at the highest policy development levels. Cushing is the founder of the National Low Income Housing Coalition, an organization that continues to be a major force on behalf of decent housing for the poor."

Also honored at HAC's annual conference were four recipients of Skip Jason Community Service Award, which recognizes individuals whose efforts have improved the housing conditions of the rural poor in their communities. The year's awardees were: David Arizmendi, Executive Director, Proyecto Azteca, Texas; Jerome Little, Executive Director, Tallahatchie Housing, Inc., Mississippi; Jack Rivel, Special Projects Director, Federation of Appalachian Housing Enterprises, Kentucky; and Mario Villanueva, Director, Diocese of Yakima Housing Services Charities, Washington.

Resources

Reports on Local Affordable Housing Solutions

Three new resources have been published focusing on housing challenges and solutions in local markets. Centering on the topics of selection preferences in affordable housing programs, locally initiated inclusionary zoning, and increasing housing through inclusionary zoning, these reports provide local examples that can be applied in similar and larger areas.

Citizens' Housing and Planning Association (CHAPA) released "Meeting Local Housing Needs: A Practice Guide for Implementing Selection Preferences and Civil Rights Requirements in Affordable Housing Programs" in September 2004. The guide concentrates on eligibility requirements for housing programs, selection preferences based on affordable housing program requirements, fair housing principles and civil rights standards, and the combination of civil rights knowledge with selection preferences, particularly in favor of local residents. The report is available at: www.chapa.org/LocalHousingNeedsReport.pdf.

The University of North Carolina at Chapel Hill School of Government published "Locally Initiated Inclusionary Zoning Programs: A Guide for Local Governments in North Carolina and Beyond." This report investigates both the policy and legal aspects of locally initiated inclusionary zoning, defined as "programs resulting from broad, community-based support for affordable housing located in states that have no legislative or judicial requirement for local governments to create affordable housing." Included in the report are examples of three kinds of inclusionary zoning programs already in place in North Carolina and in other states. The report is available at: ncinfo.iog.unc.edu/.

The final report comes from PolicyLink and Pratt Institute Center for Community and Environmental Development. Titled "Increasing Housing Opportunity in New York City: The Case for Inclusionary Zoning," the report outlines affordable housing issues in New York City and cites inclusionary zoning as a possible solution. Recommendations in the report include applying mandatory inclusionary zoning requirements to any zoning changes and creating incentives to developers to include inclusionary zoning in their plans, among others. This report comes at a time when the Mayor of New York is considering redevelopment plans for the city. The report is available at: www.picced.org/pol-izreport.php.

Events

Housing and Transportation: The Vital Link

On Friday, December 17, from Noon-1:30, the National Housing Conference (NHC) will hold the second session in its Vital Link Discussion Series examining the connection between housing and other social and economic issues affecting families and communities nationwide. This session will provide an overview of the relationship between housing and transportation.

Speakers will include: Anne Canby, president, Surface Transportation Policy Project; Robert Dunphy, senior fellow, Urban Land Institute; and Brigid Hynes-Cherin, deputy associate administrator, Federal Transit Administration. The moderator will be Peter Hawley, outreach coordinator for the America Planning Association.

RSVPs are required by December 15th. To RSVP, please contact Rosalyn Crain at (202) 466-2121, Ext. 225, or rccrain@nhc.org.

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NLIHC News

NLIHC Seeks State Coalition Director

NLIHC seeks staff member to enhance and expand relationships with NLIHC's affiliate state coalition members and to increase state coalitions' involvement in federal policy advocacy in a manner that furthers the mission of NLIHC. Reports to the President/CEO. Qualifications include highly developed organizing and communication skills, knowledge of federal housing policy, and commitment to housing justice. Direct experience with a statewide housing coalition a plus. Masters' degree preferred. Salary in the 50s; generous benefit package. 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.

NLIHC seeks applicants for FannieMae Research Fellow Position

NLIHC is seeking applicants for a one year research fellowship to work on three specific re projects developed in conjunction with Fannie Mae. They are: the implications of how Americans view housing costs and expenses and how this affects their choice of ten-

ure and their ability to invest in other areas of their life such as education or retirement; how housing costs affect domestic immigration patterns to high and low housing cost metropolitan areas; and the implications of federal housing subsidy waiting lists for determining demand for housing assistance.

Qualifications for the position is Ph.D. or Ph.D. candidacy in economics, political science, sociology or similar social policy related field; substantial quantitative research experience and capacity, particularly in the areas of housing economics or housing policy.

The one year fellowship includes a \$30,000 stipend.

Send cover letter and resume/vita to Research Director, NLIHC, 1012 14th St. NW., Suite 610, Washington, DC 20005. Applications accepted until position is filled. EE0/AA.

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!

FACT OF THE WEEK

Rental Vacancy Rates

	All Rental Units	Inside MSAs	In Central Cities	Suburbs	Outside MSAs
3 rd Q 2004	10.1%	10.2%	10.8%	9.5%	9.7%
2 nd Q 2004	10.2%	10.2%	11.2%	9.0%	10.5%
3 rd Q 2003	9.9%	9.7%	10.2%	9.2%	10.9%

Source: HUD. 2004. US Housing Market Conditions. 3rd Quarter 2004. www.huduser.org/periodicals/ushmc.html

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.

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**National Low Income Housing Coalition
Memo to Members
December 10, 2004
Vol. 9, No. 47**

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 2004

Louisiana

New Orleans Imposes Moratoria on Housing in Some Districts, Not Others

Despite the warnings of its own city attorney that they are illegal, the New Orleans City Council has been trying to impose moratoria on the development of affordable housing and housing for people with disabilities. In addition to potential liability for lawsuits brought under the Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA), City Attorney Sherry Landry issued an opinion in September 2004 saying the measures may put the city's federal funding at risk.

In early 2003, the Council approved four separate moratoria, affecting new or expanded multiple-family housing, group homes and adult day-care centers in large parts of two of the five council districts. Each appears to give council members a virtual veto over new housing in their districts, thereby increasing the leverage of the community. Over the past three months, as each has expired, the Council has renewed them all, extending them until April 2005.

Over the past several years, council members, acknowledging that they were responding to their constituents' wishes, have pushed for more stringent "review standards" on new development in neighborhoods. Residents of eastern New Orleans, for instance, claim that their neighborhoods have more than their fair share of low-income, high density housing, including 40% of Section 8 rental vouchers for low-income families. Technically, the moratoria block city agencies from issuing permits, but allow for an appeal to the Council. Advocates believe these standards are particularly troublesome because they tend to slow the building of new housing to replace some of the high rise apartments that are being demolished by the housing authority.

Housing providers who spoke in opposition to the moratoria at the September public hearing described how the restrictions added time, financial costs and great uncertainty to the development process. The ban on group homes and adult day-care centers fall squarely on potential residents who are, by definition, people with disabilities. In most circumstances, ordinances that have a harsher impact on people with disabilities are prohibited by the FHA and the ADA. Landry tried to convey her

concerns to the Council, but without apparent effect, as the restrictions were approved 4-1, with only Councilman Oliver Thomas voting against. Thomas said the U.S. Department of Justice has "put us on notice" that the policies amount to discrimination. He believes the city needs to come up with a long-term plan to reconcile the needs of low-income people and people with disabilities to the limitations desired by neighborhoods. "If you keep using moratoriums, you will never come up with a plan," he said.

Both city and private advocates warned that the moratoria could result in a loss of federal funds if they are found to be discriminatory. Laura Tuggle, an attorney with the New Orleans Legal Assistance Corporation, told the *Times-Picayune* that federal officials have already begun deducting points from a city's eligibility score for what they consider local regulatory barriers. The moratoriums mean "our chances of getting federal money are diminished."

As this article goes to press, the Department of Justice indicated it is not in a position to comment about its involvement at this time.

For more information: M. Lucia Blacksher, General Counsel, Greater New Orleans Fair Housing Action Center. Telephone: 504-596-2100. Laura Tuggle, New Orleans Legal Assistance Corporation. Telephone: 504-529-1000. Lauren Anderson, Affordable Housing Alliance. Telephone: 504-899-5900.

Maryland

Homeless People No More Welcome in Rural Than in Urban Settings

A faith-based human services organization in rural Frederick County, Maryland, proposed to acquire a farm in a sparsely-populated corner of the county near the Pennsylvania border to house as many as 25 homeless women and children. The bucolic setting was both more affordable than the urbanized parts of the county and consistent with the founder's vision that the solitude of an agricultural setting was an essential ingredient in helping residents to put their lives back together.

Then came the opposition. The Northwest Frederick County Civic Association marshaled its forces and made it known that,

while members did not oppose a place for homeless women, it should not be in the small community of Sabillasville (pop. 1671). "I think it's a good idea, but I don't think it's the right area," said Irving C. Sheeler, a retired business executive who lives about five minutes from the proposed shelter. He told the local newspaper that he is worried about "street-smart people" who might bring drugs and other urban problems with them. He also mentions a concern about the impact on the value of his own property. Other members of the association say that the shelter will lead to overcrowding of the community's schools.

With a 24% increase in homelessness in the county, Sue Oehmig who, in her role at the Frederick Rescue Mission, had seen the increasing toll on families, decided she needed to get more personally involved in a solution. In the summer 2002, she founded Hope Alive Ministries. And decided to renovate a house and barn on a 13-acre farm, and to convert it to a multi-purpose support center to move homeless women and their children back toward independence.

Bolstered by the support of the Eyler Valley Citizens Association, the county's professional planning staff supported the project, conditioning approval on a maximum of 25 residents at the shelter, and the Board of Zoning Appeals agreed. Opponents are now exploring both political and legal challenges to block Oehmig from moving forward. But she seems to be taking the opposition in stride. "It's very much that typical NIMBY issue," she said recently. "My tendency might be to be angry with them. But I've been praying for them. There are those who don't seem willing to open their hearts to people who are different than they are."

For more information: Sue Oehmig, founder and president, Hope Alive, Inc. Telephone: 301-620-0419. E-mail: sueoehmig@hopealiveministries.org. Michael Spurrier, Director, Frederick Community Action Agency. Telephone: 301-694-1506. Email: [mspurrer@cityoffrederick.com](mailto:mspurrier@cityoffrederick.com).

New Jersey

Does Fair Share Law Have Some Teeth After All?

Just days after the New Jersey Council on Affordable Housing (COAH) announced new rules that have been roundly condemned by advocates as weakening the state's "fair share" housing law and caving in to local elected officials, the agency has lowered the boom on Haddonfield by temporarily halting all new residential development in the borough and requiring its leaders to develop a new plan to make housing affordable to low and moderate-income residents within 60 days.

The move, spurred by an administrative challenge filed by the Fair Share Housing Center, took elected officials a bit by sur-

prise. Borough officials had thought the municipality's land was built out, so that no additional affordable housing obligation could be imposed. But late last year, a few new parcels became available for redevelopment, and on November 29, 2004, COAH announced its decision to re-examine a 1999 decision to exempt Haddonfield.

Terence Brennan, an attorney with the Fair Share Housing Center, said COAH's decision was a major victory for his organization and for the cause of affordable housing throughout the state. "This is very important for us," he said. "Haddonfield's an ideal town to do affordable housing in. It's an extremely wealthy town, an established town with good schools, and it's located right next to the High-Speed Line. New families wouldn't be generating sprawl, and this makes Haddonfield a much more inclusive community. A lot of [the] inner-ring towns have fairly substantial unmet housing needs, and the poor will be locked out if towns like Haddonfield don't do all they can to meet their fair share."

The decision comes on the heels of COAH's substantial softening of its rules requiring municipalities to zone for housing that is affordable to low and moderate-income families. Those changes, announced November 22, revise the formulas by which the state agency determines affordable housing quotas for each unit of local government. In the past, COAH used a complex formula involving several economic and population factors. Beginning this year, however, COAH adopted a new approach, requiring towns to provide one affordable unit for every eight market units constructed within its respective borders. Towns also would have to ensure one affordable unit is provided for every 25 new jobs created.

Many advocates believe the new approach will cut in half the number of new affordable units created each year throughout the state. Susan Burrows Farber, acting executive director for New Jersey Future, told COAH she believes the new approach is a step backwards. "The new rules...dispense with the idea of 'fair share,' assigning the greatest obligation to those municipalities in which affordable housing is already disproportionately concentrated," she wrote. "This reinforces today's concentration of poverty, rather than alleviating it."

For more information: Terence Brennan, Staff Attorney, Fair Share Housing Center. Telephone: 856-663-3400. Sue Burrows Farber, Assistant Executive Director, New Jersey Future. Telephone: 609-393-0008. E-mail: sburrows@njfuture.org.

Short Items

East Nashville Neighbors Don't Want Group Homes in Their

Neighborhoods: Neighborhood Watch groups have enjoyed great success as building blocks for their communities. Some members of the Historic Edgefield Neighborhood Watch in East Nashville have identified a threat to their neighborhood and promised to fight it. Their target: group homes for people with disabilities. Their chief claim: we already have our fair share. Bob Acuff, a spokesman for the neighborhood group summed it up recently at a public meeting: "We'll do our part, but there has to be a limit. Spread it around the city somewhere else." In a November 2004 meeting with state and local officials, opponents say they want to know more about the homes' operators and their residents, and interested in exploring mechanisms, like spacing requirements, that would deconcentrate group homes. While the forum did not result in any specific policy recommendations, it did provide a forum for discussion about disability rights and the Fair Housing Act. For more information: Tracey McCartney, Executive Director, Tennessee Fair Housing Council. Telephone: 615-874-2344.

Fair Housing Group Claims California Community Resists

Hospice: End-of-life and palliative care in hospice has received new emphasis in the last decade and, for many people, has become a more attractive option than hospitals and nursing centers. As a supplement for the in-home care offered by the traditional hospice model, many organizations are also developing small, home-like environments where people with terminal illnesses can spend their last days in comfort. But a residential hospice in San Marcos has run into community opposition, and the Fair Housing Council of San Diego says that the opposition amounts to discrimination on the basis of disability. Mary Scott Knoll, executive director of the fair housing group, says the nonprofit organization sent a letter to the seven-member San Marcos Planning Commission listing concerns about six of 31 conditions the city plans to place on the operating permit for Fraternity House, a three-bedroom residential-care facility for eight men with AIDS and HIV.

"Under the Federal Fair Housing Act, housing providers and cities must not discriminate against persons with disabilities," Knoll wrote in the letter. City officials responded by making changes to some of the conditions cited by the Fair Housing Council as potential violations of federal guidelines. For more information: Mary Scott Knoll, Fair Housing Council of San Diego. Telephone: 619-699-5888.

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.