

What the neighbors will say: A quick guide for developers NIMBYs, LULUs and other voices

By Chester Smolski *PBN 11/25/88*

They turn out at the public meetings in large numbers, are well organized, frequently have a list of names from the neighborhood and often come with their own legal counsel. They can turn a seasoned lawyer into a quivering and stumbling idiot, cause expert witnesses to lose their confidence and invariably add to the developer's cost, both in time and money.

They are the public opposition.

In the planning profession these people have earned sobriquets that are now in common useage among the public: NIMBY, meaning Not In My Back Yard, and LULU, meaning Locally Unwanted Land Use. In either case, this opposition group, often quiet, law-abiding citizens who may never show up at any other community meeting, feels that the impact of a proposed development will have an adverse impact on them and their property. How the development will effect the whole community is usually not a consideration.

Any knowledgeable developer who is aware of the power of the NIMBYs before any public hearing is held, should make a concerted effort to contact individuals and groups that might be affected by a development to discuss his plans. Many people are afraid of change, but if they are informed and educated about the merits of a development, they can be convinced and even be supportive. A developer who has done the homework on a surrounding neighborhood has a much better chance for gaining approval from the planning board with neighborhood support.

Planners have the same problem as developers. Trying to get site approval for group homes and low-income housing poses major problems, for even with the best preparation opponents can be stubborn, uncooperative and irrational.

Shelter opposed, then approved

In Providence, for example, a proposed shelter for homeless women and children in Hartford Park, a public housing complex, was opposed by local residents even though a shelter had previously existed at the site. The opposition was finally won over and the shelter will be built there.

In Cranston, a boarded-up school was proposed for 15 housing units, one-half of them to be subsidized. The school was next to a public housing complex for the elderly in which all of the units were subsidized. At a public hearing on the proposal an elderly person who lived in the subsidized complex declared her opposition because "subsidized housing draws scum." The school is still boarded up.

Public opposition is the bane of the developer, sometimes rightly so; planners sometimes are, too. This is very unfortunate because they work for the community and, hopefully, for community good. This is not to say that planners are infallible for they may make mistakes—but one needs to question public opposition to community proposals and what motives lay behind that opposition.

At a time when the state is undergoing much development and people are moving into communities, the attitude of some new arrivals in a town is that they also want to be the last arrivals in town, and they will work to ensure that.

Legislation counteracts opposition

To counteract opposition to the siting of group homes and affordable housing it is often necessary to legislate these matters. One of the best examples of this is the very effective Padavan law used in New York. Finding sites for the retarded and mentally ill in group homes has not been an easy task in New York because of local zoning and the work of NIMBYs and LULUs, so the New York story requires examination.

In the 10 years that the Padavan law has been in effect, the number of community beds for the mentally ill has increased from 308 to 6354 and the number of retarded persons in in-

stitutions has dropped from 16,000 to 8000, while 19,000 have moved into community housing. How has this been accomplished?

There are three major provisions in the law: group homes can override local zoning, communities can protest if they are oversaturated or if a better site can be found and timetables are set. The key to this quiet revolution taking place is that no community should be oversaturated and that each should provide a fair share of such housing.

Siting housing for low income groups also poses some major problems. In Rhode Island, for example, nine of the 39 cities and towns have no assisted housing, and of the remaining 30 that have assisted housing, 11 have housing only for the elderly and none for families with children.

Everyone should help

Shouldn't all communities provide some type of assisted housing? Shouldn't they provide for the local poor and relieve pressure on nearby communities (usually cities) that often have to provide what other communities fail to do? Providence, for example, has 16 percent of the state's population but provides 26 percent of all assisted housing. Isn't it reasonable to ask all Rhode Island communities provide a fair share?

The concept of fair-share housing for low- and moderate-income groups is best demonstrated in New Jersey with its well-known Mt. Laurel case. The State Supreme Court ruled exclusionary housing zones invalid in 1975 and required that all 567 communities establish zoned areas for low- and moderate-income housing. Eight years later, in 1983, after many legal battles, the court affirmed its decision. The Fair Housing Law of 1985 established a Council on Affordable Housing which reviews nonmandatory plans submitted to them; but only 28 percent of the communities have submitted those plans.

Now, with increased power, the council has ordered Fanwood, a Central Falls-sized suburb of Newark, to erect 87 units as its fair share. Fanwood consists primarily of single-family houses with an average value of \$175,000 and is 99 percent developed. The city claims that there is no land left for development, but the council has given permission to a developer to tear down five single-family houses and to use the land for multifamily dwellings for low- and moderate-income groups. At this time Fanwood is trying to work out a compromise with the council.

Approximately 2000 houses have been constructed under the Mt. Laurel decision, but the inner-city poor for whom these units were planned have not been able to purchase them because of credit and finance problems. Instead, young professionals, retired and divorced persons have snapped up these \$30,000 to \$70,000 houses. Fair share does not solve all the problems.

The struggle continues

It has been a struggle over the years and in the courts for New Jersey to implement the concept of fair-share housing for all communities. And the battle is far from won, but at least the state is moving in the right direction and it is moving.

Proposing, enacting and actually implementing enlightened legislation to attack the housing shortage for low- and moderate-income families is difficult, as New Jersey has discovered; good legislation with teeth can bring about success in siting group homes, as in the case of New York. Leaving such decisions to the NIMBYs and the LULUs whose actions are to delay and oppose rather than propose and implement is not the answer.

In a democratic society there is always room for dissent, and individuals and groups have such rights, but in a responsible society there must also be those who will seek out solutions to provide for the less fortunate and less successful among us.

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