

# The Resurgence of NIMBYism

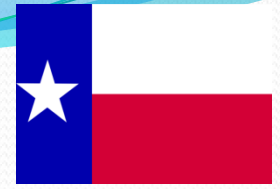
Prepared For The

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John Wall and Associates

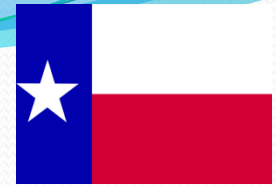
Member of the National Council of Housing Market Analysts





It is interesting what some people have said about the Texas lawsuit.



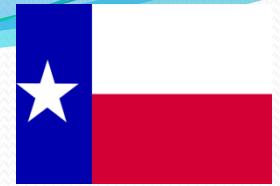


## Regarding the Texas Lawsuit:

- Chief Justice John G. Roberts asked:

“So just so I can understand, because again, I don’t know what you’re shooting for. Two different communities, okay? They have these tax credits, whatever to give out. In one place, they give it to the housing in the affluent neighborhood; the other, they give it to the house in the low-income neighborhood. They’re both sued for disparate impact. In the one they say, oh, no, no, this is good because we’re promoting integration, so the impact on minorities is not a problem. And the other says, no, this is good because we’re revitalizing low-income neighborhoods and that helps the minorities. They both win?”
- Gen. Donald B Verrilli Jr. replied:

“They might both win, yes.”



## Regarding the Texas Lawsuit:

- Justice Samuel Alito said in his dissent:  
“Because HUD’s regulations and the Court’s pronouncements are so “hazy,” [...] courts—lacking expertise in the field of housing policy—may inadvertently harm the very people that the FHA is meant to help.”



If you think NIMBYism is not  
an issue now, JUST WAIT.



# HUD's Proposed Rule: Affirmatively Furthering Fair Housing



## Proposed Rule:

- The rule requires grantees (HOME, CDBG, ESG, and HOPWA) to take steps to reduce segregation.
- The rule ignores issues of resource allocation.  
i.e., money spent developing new affordable housing in affluent areas cannot be spent to alleviate blight.
- HUD estimates it will take 200 to 700 hours of staff time to prepare the plan.



## The Premise:

- “In refining the current AFFH framework, racially or ethnically concentrated areas of poverty are of particular concern because they couple fair housing issues with other significant local and regional policy challenges.”





## Program participants will:

- Evaluate patterns of integration and segregation, racial and ethnic concentration of poverty, and disparities in access to valuable community assets and disproportionate housing needs based on protected class and evaluate the primary determinants of these conditions.
- Assess whether laws, policies, or practices limit fair housing choice, as well as the role of public investments in creating, perpetuating, or alleviating the segregation patterns revealed by the assessment.

## Laws, policies, practices include:

- Zoning, land use, financing, infrastructure planning, and transportation.





## HUD will provide:

- “data related to education, poverty, transit access, employment, exposure to environmental health hazards, and other critical community assets, as well as nationally uniform local and regional data on patterns of integration and segregation; racial and ethnic concentrations of poverty; disproportionate housing needs based on protected class; and outstanding discrimination findings.”



## The Benefit

- “From these data, program participants will evaluate their present environment to assess fair housing issues, identify the primary determinants that account for those issues, and set forth fair housing priorities and goals. The benefit of this approach is that these priorities and goals will then better inform program participant's strategies and actions by improving the integration of the assessment of fair housing through enhanced coordination with current planning exercises.”