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Developing a better “carrot,” to induce residents to support needed, new housing in their communities

Local residents’ resistance to permitting new housing in their area is probably the chief obstacle to creating enough housing in the right places, suitable for the low- and moderate-income people who need it. Residents’ resistance—often called NIMBY (“Not In My Back Yard”) sentiment—is quite powerful, because the local officials responsible for decisions on housing issues are either elected by those residents, or appointed by elected officials.

The motives behind NIMBY are age-old, and they are not about to go away.¹ Any new housing development, or any other land use that has potential side-effects on existing residents, will get a predictable response from those residents: “How will the development impact me and my family?”

Residents in the area may have a myriad of concerns. Typically, among the biggest worries are increased traffic congestion, loss of open space, lower property values, and higher taxes resulting from the development. Those worries generally can be allayed, based on sufficient explanations of the facts. However, doing so effectively takes careful planning and follow-through by those proposing the addition of needed housing.

This memorandum will discuss (1) views of experts on ways of handling NIMBYism effectively; and (2) answers to some common concerns of residents about proposals to build new housing in their vicinity

¹ For example, “local governments have been concerned about immigration by the poor since there were local governments.” William A. Fischel, *Does the American Way of Zoning Cause the Suburbs of Metropolitan Areas to Be Too Spread Out?* 151, 157, in ALAN ALTSHULER, *et al.*, GOVERNANCE AND OPPORTUNITY IN METROPOLITAN AMERICA (National Academies Press, 1999) (citing NANCY BURNS, *THE FORMATION OF AMERICAN LOCAL GOVERNMENTS: PRIVATE VALUES IN PUBLIC INSTITUTIONS* 35 (Oxford University Press, 1994)).

1. Views of experts on handling NIMBYism effectively

Overview from Harvard's Joint Center for Housing Studies (JCHS)

Discussing regulatory barriers to multi-family rental housing, the Harvard Univ. JCHS has advised:

First, to change the regulations, we must first change the attitudes of either local officials, the public at large, or both. . . . Second, while the comprehensive land use plan can be used to restrict multifamily housing, it can also be a valuable tool in promoting such housing.²

The starting point is dealing with misperceptions about multifamily rental housing.

Anti-apartment stakeholders tend to rely on similar arguments to keep multifamily rental housing out of their communities. These claims include:

- Multifamily apartments lower the value of single-family homes in the neighborhood.
- People who live in apartments are less desirable neighbors and more likely to engage in crime or other anti-social behavior.
- Apartments overburden schools, produce less revenue for local governments, and require more infrastructure support
- Higher-density housing creates traffic congestion and parking problems.³

After examining the evidence, the JCHS article concluded:

We think the available research is fairly strong that multifamily rental housing: (1) does not impose greater costs on local governments; (2) does [not] increase traffic and parking problems; (3) when well-designed and appropriate to the neighborhood, does not reduce (and may even enhance) property values; and (4) does not inherently attract residents who are less neighborly or more apt to engage in (or attract) criminal activity.⁴ /

“Two obstacles remain: codified restrictions on multifamily developments and individual opposition to specific multifamily projects.”

² Mark Obrinsky and Debra Stein, *Overcoming Opposition to Multifamily Rental Housing*, p. 17 (Harvard Univ. Joint Center for Housing Studies, 2007), posted at: http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/rr07-14_obrinsky_stein.pdf

³ Harvard JCHS (2007), p. 4.

⁴ Harvard JCHS (2007), p. 15.

Experience suggests that opponents who live near apartment developments are often hard to convince. For some, opposition to apartments may be more emotional than analytical. . . . For many, anecdotes trump statistics. For this reason, marshalling statistics is a necessary step, but not usually a sufficient one.⁵

Providing public information to dispel misperceptions about the planned development, and ensuring public participation starting early on in the planning process, are crucial initial steps. As to public information:

The source of information must be deemed sufficiently expert, trustworthy, and likeable. . . . Audience factors such as an individual's attention or perception of what "everybody else" thinks clearly affect whether information alone will resolve opposition to multifamily rental housing.⁶

Therefore, it is critical to get the message out that the proposed housing project is supported by a substantial portion of the community. "You don't need majority support for the planned housing project, but you do need pro-housing neighbors to know that they are not alone in their support for the apartment project."⁷

Providing clear, accurate information about a proposed multifamily rental housing project is a crucial part of a community outreach campaign. However, public information can also be seen as very condescending. . . . *As important as it is to give information to the public, it is usually more sensitive to focus on how you want to elicit feedback, ideas and suggestions from the public.*⁸

The same principles apply to public participation. "When housing sponsors and residents engage in *joint decision-making*, all stakeholders collectively evaluate different alternatives to mutually identify the best scenario."⁹

[E]veryone wants to know that their unique needs are respected. Recognize that each neighbor has distinct concerns . . . You don't have to agree with what you have heard, but demonstrating that you have understood a neighbor's arguments shows that you have listened respectfully.¹⁰

⁵ Harvard JCHS (2007), p. 15.

⁶ Harvard JCHS (2007), p. 19.

⁷ Harvard JCHS (2007), p. 19.

⁸ Harvard JCHS (2007), pp. 19-20 (emphasis added).

⁹ Harvard JCHS (2007), p. 20 (emphasis in original).

¹⁰ Harvard JCHS (2007), pp. 20-21.

Working toward “win/win” situations

The most dramatic statement we’ve seen about what is needed to handle NIMBYism effectively is by a Professor of Urban and Environmental Planning at MIT:

The only way to overcome the NIMBY syndrome, regardless of the type of facility, is to make sure that the overwhelming majority of people in the area believe that the benefits TO THEM if the facility is built will outweigh the costs and impacts THEY are likely to experience.¹¹

That article addresses NIMBYism in the context of a proposal to build a wind farm, but the advice it gives applies regardless of the type of facility. Whether or not such a dramatic showing is always necessary regarding needed, new housing, “win/win” solutions represent a goal for housing advocates to strive for. In fact, residents’ fears regarding the adverse effects on them of needed, new housing generally can be dispelled by a good explanation of the actual facts.

Communicating effectively with local residents, early and often

Recent articles in Housing Finance Magazine and NextCity.org describe successful ways used by nonprofit housing providers to gain local acceptance of their proposals. Neighborhood opposition typically occurs very early in the development process, according to Corianne Scally, a senior research associate at the Urban Institute who has extensively studied NIMBYism.¹² As a result, Scally says affordable housing practitioners need to engage with nearby residents early and often.

Amy Bayley, vice president of community planning at Mercy Housing California, a nonprofit developer, “follows a fairly strict blueprint for interacting with a given community.”

First, she and her team identify a handful of local leaders and meet with them to talk about the upcoming project; some eventually wind up on a Mercy-organized advisory council to provide input on the development.¹³

¹¹ Lawrence Susskind, Ph.D., *Overcoming The Not-In-My-Backyard (NIMBY) Syndrome*, (reprinted in Mediate.com, August 2010); posted at: <https://www.mediate.com/articles/SusskindLb120100823.cfm> (emphasis in original). Susskind further maintains that: “Facility siting scholarship has been clear about this” since the early 1980’s (citing O’Hare, Bacow and Sanderson, *Facility Siting and Public Opposition*, Wiley, 1983)).

¹² Amanda Abrams, *6 Ways Affordable Housing Developers Are Fighting NIMBYism*, NextCity.org (July 17, 2017), posted at: <https://nextcity.org/daily/entry/ways-affordable-housing-developers-deal-with-nimbys>. NextCity.org (July 17, 2017).

¹³ NextCity.org (July 17, 2017).

Then, before the neighborhood learns of the project through official channels, Mercy holds a series of community meetings.

“At a first meeting, we can take the temperature to understand the big issues. We try to communicate with grace and dignity. It’s not about how to organize better than them, but about talking to them,” says Bayley. And Mercy never has just one meeting. “You have to be able to say, ‘Please come back for my next meeting.’ That way, you develop relationships.”¹⁴

It’s best for proponents of new housing to address forthrightly the opposition’s legitimate concerns (for example, traffic or project design) early in the process, and make the needed adjustments promptly.¹⁵ Supporters are well advised to provide prominently, along with the initial development proposal, a clear, concise, and candid explanation of how the residents’ lives will be affected by the proposal—as well as what can be done to avoid adverse consequences for current residents. Mere general statements in a proposal about the importance of properly managing growth seem insufficient to satisfy many concerned residents.

It’s important to show respect for residents and their anxieties:

“We have to try to avoid self-righteousness as much as we can,” says Richard Thal, executive director of the Jamaica Plain Neighborhood Development Corp. in Boston.

That may be tough when the need for low-income housing — whether it’s for the working poor, supportive housing for people with mental illness, units for homeless veterans, or something else — seems so pressing and, well, obvious. And most affordable housing developers agree that elements of racism or classism are often present in neighborhood battles.

¹⁴ NextCity.org (July 17, 2017). “There’s a strategy that usually fails: If we don’t say anything for a while, then maybe we can sneak it in and people won’t have time to organize against it,” says Amy Bayley, vice president of community planning at Mercy Housing California, a nonprofit developer. “That’s a fundamentally flawed idea.” *Id.*

¹⁵ According to Jaimie Ross, President and CEO of the Florida Housing Coalition, who is also an attorney: “It is wise for the affordable housing developer to be able to report to the local elected body that they have worked with the neighbors and made every reasonable effort to respond to each concern.” Christine Serlin, *5 Ways to Overcome NIMBYism*, Housing Finance (June 2, 2016), posted at: http://www.housingfinance.com/management-operations/5-ways-to-overcome-nimbyism_o. Ross continued: “Once all legitimate concerns are addressed, if opposition persists, it can be stated with certainty that the opposition is illegitimate and is therefore opposition that would be inappropriate, arbitrary, capricious, or unlawful for the local government to consider in making its land-use decision.” *Id.*

But there may also be legitimate concerns related to density, traffic or simply a fear of change.¹⁶

“For most of us, if we’re honest with ourselves, if someone was building a multifamily development in our neighborhood, we’d be nervous,” says Chris Estes, president of the National Housing Conference. He urges housing advocates to avoid stereotyping skeptical local residents, just as local residents are wrong to stereotype low- and moderate-income people who lack decent housing they can afford.¹⁷

In EHI’s view, almost everyone (regardless of income) considers themselves to be hardworking, to be facing substantial challenges, and trying to do what’s best for the people closest to them. Many people of higher incomes, as well as many with low- and moderate-incomes, face insecure jobs, uncertain futures, serious health, financial and/or family problems, and personal issues. Thus, maintaining empathy for current residents—including hardheaded, irrational NIMBYs—seems to be the most promising approach.

The major financial stake that homeowners have in their homes drives them to “worry excessively about infill developments that would make for less commuting and more convenient homes and jobs for most residents.”¹⁸ “The importance of a home for the typical owner can hardly be overstated.”¹⁹ Also, it seems that the only aspects of proposed housing that most residents are in a position to evaluate fully are its effects on themselves and their neighborhoods. The limited perspective of residents underscores the importance of patient, forthright communication with them to resolve their concerns.

Another challenge for proponents of new housing suitable for those of lower incomes is that: “When people hear the term ‘affordable housing,’ they tend to think of the worst-looking public housing project in the worst neighborhood in their town.” So says Charles Lewis, senior vice president for Conifer Realty, a major developer of rental housing affordable to low- and moderate-income people in the Mid-Atlantic region.²⁰

Conifer works to dispel those myths by explaining that affordable housing is rental housing affordable to a family of four earning \$50,000 (or 60% of the area median income), who the residents are, and where they are from. “We show that our residents will be people from the community.”²¹

¹⁶ NextCity.org (July 17, 2017).

¹⁷ NextCity.org (July 17, 2017).

¹⁸ WILLIAM A. FISCHER, ZONING RULES!, pp. 300-301 (Lincoln Inst. of Land Policy, 2015).

¹⁹ WILLIAM A. FISCHER, THE HOMEVOTER HYPOTHESIS, p. 4 (Harv. U. Press, 2001).

²⁰ Housing Finance (June 2, 2016).

²¹ Housing Finance (June 2, 2016) (on average, 70% of the residents of Conifer’s developments already live within five miles of the development,, according to Lewis. “The other 30%, by and large, have some sort of connection with the community. They work there, grew up there, or have family there.”).

Personal stories of community members who need affordable housing can be “incredibly powerful,” according to the NextCity article. “But again, tailor the story to the audience.”²² “Our best defense against NIMBYism is the work we have done in the past,” says Lewis, who leads Conifer’s development efforts in New Jersey and Pennsylvania.

In addition to providing local officials with addresses of all its properties, the developer offers to give them tours and encourages them to reach out to other elected officials and law enforcement agencies in the towns and cities where its developments are located to understand their experiences with affordable housing.²³

Susan Friedland, executive director of Berkeley, Calif.–based Satellite Affordable Housing Associates, says it’s best to frame opponents’ concerns about who will be living in the building by proactively explaining how you will be a good neighbor and a responsible owner. “Bring your property management staff into the community to explain your lease-up plan, your screening criteria, and your house rules and leases,” she adds.²⁴

2. Some frequent concerns of residents—and answers to them

Tax consequences of new housing

The “fiscal impact” of new housing (that is, its effect on taxes and government finance) is often a major worry of residents, and it is the subject of much misinformation.

Opponents of multifamily housing often claim that apartment residents impose higher expenditures for local government services. The point is most commonly voice[d] with reference to schools, although other local government infrastructure services are mentioned as well. Opponents assume that apartments contain more school-age children than single-family houses do, and therefore put greater strain on local school districts.²⁵

²² NextCity.org (July 17, 2017). The article quotes Michael Spotts, a senior analyst and project manager with nonprofit housing developer Enterprise Community Partners, about his experience in Arlington, Virginia:

“we heard stories from car dealers whose mechanics live an hour away and have to get up at 4 in the morning to beat the traffic, and then sleep on their lunch break. In a more progressive community that believes in affordable housing, those heartstrings stories can deeply resonate,” says Spotts. In an area with more negative stereotypes about affordable housing, he adds, tales of businesses struggling to find minimum wage workers might be more effective.

²³ Housing Finance (June 2, 2016).

²⁴ Housing Finance (June 2, 2016).

²⁵ Harvard JCHS (2007), p. 5.

However, based on the data, the Harvard study concluded that “apartments actually pay more in taxes and have fewer school children on average than single-family houses. In other words, it may be more accurate to say that apartment residents are subsidizing the public education of the children of homeowners than the reverse.”²⁶

As to the overall tax consequences to current residents of new, multi-family units, the Harvard study observed:

In fact, apartment owners often pay more in property taxes than owners of single-family houses. That’s because in most jurisdictions, apartments are treated as commercial real estate, which is taxed at higher rates than single-family houses in most states.²⁷

Based on an extensive review, the Harvard study concluded that, “rather than imposing a greater burden on local governments, higher density developments like apartments are actually more fiscally prudent than traditional suburban sprawl.”²⁸

Recent studies of Northern Virginia, and Virginia statewide, are consistent with those conclusions. The nonprofit group Housing Virginia analyzed the common impression among local government officials that new housing costs more local tax dollars, through services they require, than they generate through local taxes.²⁹ Housing Virginia concluded:

²⁶ Harvard JCHS (2007), p. 6.

²⁷ Harvard JCHS (2007), p. 5. “Although there are many complications in such comparisons, one simple approach is to look at the “effective tax rate,” defined as the ratio of property tax to property value. For apartments in urban areas the effective tax rate averages 48-54 basis points more than single-family houses: 1.91 percent for apartments, compared with 1.37-1.43 percent for single-family houses.” *Id.*

²⁸ Harvard JCHS (2007), p. 8. The study explained that, regarding types of infrastructure other than schools:

high-density development actually is more efficient than low-density development. By their very nature, longer sewer lines and sprawling utility (water, gas, and electric) supply systems are more costly; traditional development patterns also dictate expensive road construction. In addition, local governments must provide fire and police protection (as well as other services) over a larger area. By contrast, compact development benefits from economies of scale and geographic scope – and these benefits are large, potentially saving more than \$125 billion in the 2000-2025 time frame [nationwide].

Id. at 7.

²⁹ Housing Virginia, *The Effects of Housing on the Local Economy* (Dec. 2011), posted at: <http://www.housingvirginia.org/wp-content/uploads/2016/02/WhitePaperFinal.pdf>.

Contrary to the common misperception, housing is not a drag on the local tax base but a contributor to the local tax coffers. The analysis in this paper indicates that housing values are typically sufficient to cover the costs of education and total local government expenses (including education). If the indirect and induced impacts of new homes to a community were added to the equation, the conclusion would be even more dramatic and compelling that housing is a fiscal asset to the community not a liability.³⁰

Loudoun County, Virginia's, Dept. of Management and Budget recently confirmed that the County's *net* tax revenues will increase greatly if ample housing is permitted near its future Metrorail stations (part of the Washington, DC, region's commuter rail system).³¹ And consultants for the Town of Herndon, Virginia (adjacent to Loudoun County), found that the net fiscal costs of permitting new residential development near its Metrorail station would be – at most – about 4 percent of the net fiscal gains from amount of new commercial and other development they recommended for that area.³²

Traffic and infrastructure issues

The prospect of increased traffic congestion due to new residents is a frequent concern of current residents. However, a major part of traffic problems is long-distance commuting, which could be much reduced by concentrating needed, new housing in compact developments near employment hubs—and by providing new or improved roads that reduce the congestion on major routes.

Urban travel delays due to traffic congestion kept travelers stuck in their cars for nearly 7 billion extra hours – 42 hours per rush-hour commuter—in 2014, the most recent year for which an annual report is available from the Texas Transportation Institute.³³ The total nationwide price tag of that congestion for 2014 was \$160 billion, or \$960 per commuter—almost four times as much as for 1982, in constant dollars.³⁴

³⁰ Housing Virginia (Dec. 2011), p. 7. That study specifically analyzed five regions of Virginia during fiscal year (FY) 2010 -- the Charlottesville MSA, George Washington Regional Commission (Fredericksburg), Lynchburg MSA, Middle Peninsula and Roanoke MSA's. *Id.*, p. 6.

³¹ See, e.g., Loudoun County Dept. of Management and Budget (DMB), *Illustrative Fiscal Impacts*, April 13, 2017 (net positive fiscal impact of \$ 3.9 million annually if Scenario 1 for Silver Line study area development were adopted, with smaller multi-family units). (Those *Illustrative Fiscal Impacts* are Attachment 5 to the DPZ *Presentation* to the PC of April 13, 2017.) See also, DMB, *Potential Fiscal Impacts of the Land Use Changes Proposed in the Silver Line Plan report*, Jan. 4, 2017 (Attachment 6 to DPZ *Staff Report to PC on Silver Line CPAM*, Jan. 24, 2017).

³² See generally, e.g., EHI/Herndon Town Council letter (Feb. 9, 2012) (text at nn. 15 &16), posted at: <https://www.equitablehousing.org/news/114-ehi-herndon-tcletter2-9-12.html>.

³³ Texas Transportation Institute (TTI), *2015 Urban Mobility Scorecard*, p. 5, posted at: <https://static.tti.tamu.edu/tti.tamu.edu/documents/mobility-scorecard-2015.pdf>.

³⁴ TTI, *2015 Urban Mobility Scorecard*, p. 5.

The Washington region perennially has some of the nation's most congested roadways and commuting times. Washington, D.C. topped the list of gridlock-plagued cities in 2014, with 82 hours of delay per commuter.³⁵ The George Mason University Center for Regional Analysis ("GMU") has concluded that maintaining the current in-commuting rates as the region grows would "create an intolerable level of congestion on the region's roads and transit system."³⁶

The solutions, according to the Metropolitan Washington Council of Governments ("COG"), include creating improved jobs-housing ratios in the region's employment hubs ("Activity Centers"), which are the basic growth areas of the region.³⁷ Those centers include places near the new Silver Line Metrorail corridor in Northern Fairfax County (such as Tysons Corner, Reston, Herndon and eastern Loudoun County).

Obviously, road projects involve some inconvenience for drivers during the construction phase. But residents could experience less traffic congestion, over the long term, than they do now. People who live in multi-family units, close to their jobs and to basic services, need fewer cars and make many fewer car trips.³⁸ That is especially true of residents who don't need cars to reach transit stations.

Local governments have a pivotal role to play in allaying residents' concerns. For example, the government may have to provide assurances, early in the process, that it will commit adequate funding to make the needed infrastructure improvements (roads, schools, and other public services)—without heaping new tax burdens on current residents.

That funding generally can be covered by the increased tax revenues from new development overall, including commercial growth (such as new office, retail, and industrial development) that provides a great deal of net tax revenue to the locality.³⁹ However, mere general statements in a proposal, about the importance of properly managing growth, would seem insufficient to satisfy most worried residents.

³⁵ TTI, *2015 Urban Mobility Scorecard*, Table 1— "What Congestion Means to You, 2014."

³⁶ GMU, *Housing the Region's Future Workforce*, p. 13 (Oct. 25, 2011).

³⁷ See, e.g., Metropolitan Washington Council of Governments (COG), *Scope of work and process to develop a regional transportation priorities plan*, p. 13 (April 20, 2011).

³⁸ See, e.g., Obrinsky and Stein, p. 8 ("On average, apartment residents own fewer cars than single-family homeowners: the latter average two cars per household compared with only one for the former. Beyond that, single-family housing generates more automobile trips per household On weekdays, a single-family detached house generates 42 percent more trips than does a unit in an apartment. The difference is even greater on the weekend: 58 percent more trips on Saturdays, and 50 percent more trips on Sundays.")

³⁹ See, for example, the discussion above of tax consequences of new housing, at pp. 8-9, above.

Property values

New mixed-use and mixed-income development does not threaten to reduce neighbors' property values. In fact, "neither multifamily rental housing, nor low-income housing, causes neighboring property values to decline," generally speaking, according to most research.⁴⁰

However, people's property values *are* subject to instability—due to hyper-inflation, which can lead to housing market collapse—if an area's housing needs are *not* met properly. Currently, Northern Virginia and other areas of the nation with improving economies are once again experiencing hyper-inflation in housing prices, due to tremendous demand and very limited supply. The last serious hyper-inflation problem in the United States was followed by the collapse of the nation's housing market, and the Great Recession, of 2007-2009.

Preserving open space

Concentrating needed, new housing near transit and employment hubs would allow the preservation of more open space in outlying areas. Logically, residents who treasure the environment would prefer to meet housing needs that way, rather than by continuing the current, sprawling pattern of suburban (and increasingly, rural) development.

Sprawl is generally recognized as "the primary factor in the destruction of natural habitats and wildlife and reductions in the abundance and diversity of bird species."⁴¹ As "more land has been paved over to make way for development, leaving less green space to absorb rainwater and chemical runoff, soil erosion and water pollution have also increased."⁴²

⁴⁰ Harvard JCHS (2007), p. 10. To reassure residents about the effects of new housing their property's value, the housing developer or local government could provide "home value insurance." *See, e.g.*, WILLIAM A. FISCHER, *ZONING RULES!* pp. 357-358 (Lincoln Inst. of Land Policy, 2015) ("In brief, the idea is for promoters of new development to offer nearby homeowners who might object an insurance contract on their home values"). *See also* William A. Fischer, *An Economic History of Zoning and a Cure for Its Exclusionary Effects*, 41 *Urban Studies* 317 (2004).

⁴¹ *See generally, e.g.*, Jeremy R. Meredith, *Sprawl and the New Urbanist Solution*, 89 *Va. L. Rev.* 447, 447 (2003) (referencing Bradley C. Karkkainen, *Biodiversity and Land*, 83 *Cornell L. Rev.* 1, 7 & n.24 (1997)).

⁴² Michael M. Maya, *Transportation Planning and the Prevention of Urban Sprawl*, 83 *N.Y.U. L. Rev.* 879, 884 (2008). Ultimately, suburban development consumes agricultural land and green spaces. *See also generally* Nicole Stelle Garnett, *Trouble Preserving Paradise?*, 87 *Cornell L. Rev.* 158, 161 (2001) (referencing Robert W. Burchell & Naveed A. Shad, *The Evolution of the Sprawl Debate in the United States*, 5 *Hastings W.-Nw. J. Envtl. L. & Pol'y* 137, 141 (1999) ("Another of sprawl's distinguishing traits is its consumption of exurban agricultural and other frail lands in abundance, since these are the types of land found at the periphery of development").

Further, scientists generally have concluded that it is very likely that greenhouse gas emissions due to increased traffic have contributed to global climate change.⁴³ Among those emissions is nitrogen oxide, which creates acid rain.⁴⁴ Concentrating needed, new housing near transit and employment hubs would lessen the environmental side-effects of development.

* * * * *

Other specific concerns of residents can be allayed similarly, by separating fact from fiction and vigorously pursuing win/win scenarios—for current as well as future residents. For existing residents who would suffer adverse effects that cannot be remedied in any other way, Community Benefit Agreements often can be negotiated that create positive, indirect effects for those residents, more than offsetting the adverse effects.⁴⁵

CONCLUSIONS

Any new housing development, or any other land use that has potential side-effects on existing residents, will get a predictable response from those residents: “How will the development impact me and my family?” The ways in which proponents of needed, new housing handle residents’ concerns is crucial—if only because the residents elect the local officials who ultimately are responsible for decisions on housing issues.

The major financial stake that homeowners have in their homes drives them to worry excessively about the prospect of new housing in their vicinity. Homeowners are the dominant voting group in most local jurisdictions. Their worries generally can be allayed, with patient explanations of the facts by knowledgeable people. However, doing so effectively takes careful planning and follow-through.

In addition to marshalling the facts—including compelling stories of community members who lack reasonable housing opportunities—proponents of new housing are well-advised to rally supporters, and start engaging with nearby residents, very early in the process. The most effective way to overcome NIMBYism appears to be to show

⁴³ Michael M. Maya, *Transportation Planning and the Prevention of Urban Sprawl*, 83 N.Y.U. L. Rev. 879, 884 (2008); *see also* Intergovernmental Panel on Climate Change, *Climate Change 2007: Synthesis Report 5* (2007), available at http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4_syr_spm.pdf. In 2011 there were “56 billion pounds of additional carbon dioxide (CO₂) greenhouse gas released into the atmosphere during urban congested conditions (equivalent to the liftoff weight of over 12,400 Space Shuttles with all fuel tanks full).”

⁴⁴ *See generally, e.g.*, Jeremy R. Meredith, *Sprawl and the New Urbanist Solution*, 89 Va. L. Rev. 447, 447 (2003) (referencing Craig N. Oren, *Getting Commuters Out of Their Cars: What Went Wrong?*, 17 Stan. Env'tl. L.J. 141, 151-57 (1998)).

⁴⁵ *See, e.g.*, Susskind (“Community benefit agreements . . . seek to ensure that everyone in a community will benefit when a new facility of some kind is built. Some of the gains . . . are, in effect, taxed (before they go to the gainers) and used to ensure that the small number of opponents who really stand to lose will be made whole.”)

current residents that the development project will result in a “win/win” situation—beneficial overall to existing residents as well as the new residents. The discussion above of answers to frequent concerns of current residents, indicates that “win/win” situations usually are achievable.

Local governments have a pivotal role to play in allaying residents’ concerns. For example, the government may have to provide assurances, early in the process, that it will commit adequate funding to make the needed infrastructure improvements (roads, schools, and other public services)—without heaping new tax burdens on current residents.

That funding generally can be covered by the increased tax revenues from new development overall, including commercial growth (such as new office, retail, and industrial development) that provides a great deal of net tax revenue to the locality. However, mere general statements in a proposal, concerning the importance of properly managing growth, would seem insufficient to satisfy most worried residents.