

Introduction

On October 18, 2016, the Cambridge, Massachusetts Planning Board met, as they do every two weeks, to consider applications for new residential and commercial developments. Among other proposals, they examined an application from a developer who sought to convert a commercial warehouse on Regent Street into four residential units. After representatives for the developer made their presentation, members of the city's planning board asked a variety of fairly mundane questions about the building's structure, focusing on the dimension of the basement windows and the location of bike parking, among other things. The planning board then turned the proceedings over to the public. In most locations, public input is mandated for development proposals that are of a sufficient scale or require exceptions to current land use regulations (Schleicher 2013).¹

While the planning board members initially asked fairly neutral and technocratic questions, the members of the public attending the meeting were considerably more pointed. The first speaker, a resident of Regent Street, observed:²

There are a variety of concerns among various neighbors, but I'll just speak to mine which are the density. I feel is very high. . . . I feel that having four

¹ In case studies of zoning codes in six institutionally disparate cities, we found that all solicited public input at multiple stages of the zoning process. Even in famously unzoned Houston, Texas, projects presented before the Planning Commission receive public comment.

² All of these meeting minutes include the names and addresses of the individuals who participated in these meetings. To preserve the privacy of these individuals, we do not refer to them by name in this book.

units in that building with one parking space each is insufficient and that's my objection.

The next speaker – a resident of Regent Street for more than thirty years – came prepared with handouts:

I've done a little research and this is all information from the property database in Cambridge. . . . We're in Zone B, my understanding is that there's a 2,500 . . . minimum square foot requirement per dwelling. And I think this development is very non-compliant and that's my objection. . . . My main objection is to the density that is non-conforming.

The third speaker had lived on the street a whopping eighty years, and had perhaps the most pressing concerns:

We had a great problem, our house was leaning and it was leaning very badly. . . . We had to have work done. It's cost us over \$100,000 to have this work done. My concern is that . . . demolition is going to affect all the work we've done. And not only my house but the house right next to it is having a lot of problems. We don't know what's causing the houses to sink. . . . That's our biggest concern. Of course, the parking and all of that, too, that goes with it.

Another six neighbors spoke afterward. All strongly opposed the proposed four-unit development.

Cambridge law mandates that planning board officials take these concerns into account. The chair of the planning board stated this requirement:

The Board shall evaluate the impact of increased numbers of dwelling units above that normally permitted in the district on the demand for on-street parking by residents and visitors to the proposed buildings. . . . In reaching a determination, the Board may require the applicant to provide elements of a parking analysis as set forth. . . . The Board shall [also] evaluate the impact on residential neighbors of the new housing use and any other proposed use as it may affect privacy. . . . The Board shall consider among other factors the potential negative impacts of the new activity on abutters as a result of the location, orientation, and use of the structures and its yards as proposed . . . *And then, finally, community outreach. The Planning Board shall consider what reasonable efforts have been made to address the concerns raised by abutters and neighbors to the project site.* (emphasis added)

Another planning board member weighed neighborhood concerns heavily:

This board member would find it very, very difficult tonight . . . in light of the input we've gotten from abutters and my review of the documents, to make findings in affirmative. . . . It seems like there is the potential to engage in a more detailed conversation with the community to see whether . . . the

developer can assuage the primary concerns of parking, of density, and the issue of settlement. . . . I would also include the potential . . . for the Board to ask for a parking analysis or a traffic analysis.

A third board member built on these concerns: “In addition to what [the preceding board member] said, I would also request some sort of geotech engineering study done. More than one person mentioned houses sinking based on water.” Other members of the Cambridge Planning Board largely echoed these concerns, similarly rooting them in neighbors’ stated objections at the meeting.

In one of the country’s most liberal cities – one facing rapidly increasing housing costs and frequent bidding wars over limited housing options – a group of neighbors uniformly opposed the development of new housing. Prior to hearing from community members, the Cambridge Planning Board indicated little opposition to the project. The picture was starkly different after the public comment period. The board members agreed that the concerns raised by the participating neighbors were valid, and suggested a variety of measures. In response, the developer undertook additional parking and geotech studies – each of which can cost upwards of \$10,000 – and then returned to the planning board three months later in January 2017. When he returned, the developer not only brought completed parking and geotech studies; he also altered his proposal in a number of ways in an attempt to mollify neighbors’ concerns. The developer said: “A number of the neighbors thought that four units was too many and asked whether we could actually consider having a successful project with only three, and we’ve come to a resolution that we are going to do that.”

The developer also agreed to increase the number of parking spaces from one to two per unit. The planning board was impressed by these changes. The chair of the planning board observed: “Reasonable efforts have been taken to address concerns raised by abutters and neighbors. And I think quite substantial efforts have been taken to address those concerns.”

His views were echoed by the rest of the planning board.

The demands of six individuals resulted in the developer commissioning two additional and highly costly studies. These studies took time and required an additional planning board meeting. Such delay requires the developer to pay additional property taxes and maintenance costs on the property. Even more importantly, these six neighbors reduced the number of units in the building, essentially replacing that space with additional parking for cars. Obviously, these costs and delays are not

ideal for the developer who has to settle for a presumably less profitable project. Whether or not the developer and his bottom line deserve concern and sympathy, this process reduced the supply of housing in a city that desperately needs it. Moreover, the developer ended up constructing fewer units with more parking on the same parcel of land; to turn a profit, he will likely make each unit more expensive.

Building four very expensive condos (per the initial proposal) instead of three *even more* expensive condos would not have materially affected working-, middle-, and even upper-class people's ability to afford to live in the Boston metropolitan area. All that happened is that one well-to-do individual or family was denied one potential choice property, and one real estate developer was forced to accept less than his ideal profit margin.

However, when repeated over and over again – whenever a developer wants to build a new set of townhouses or a homeowner wants to add an accessory apartment – this process has a marked influence on housing availability. Individuals, empowered by local political institutions like planning and zoning boards, shape whether, and how, housing is constructed.

In this book, we analyze and unpack the participatory politics of housing. We present a new theory and new data connecting land use regulations and the individuals that use them. We show how local institutions, designed to enhance participation, actually empower an unrepresentative group of residents – who we call neighborhood defenders – to stop the construction of new housing.

Neighborhood Defenders is fundamentally about the people who participate in local housing politics and the institutions in which they participate. It centers on the motivated residents who show up at meetings to oppose new housing and zoning changes. These individuals use their privileged status as current members of a community to prevent new housing, and thus close its doors to prospective new members.

Many point, correctly, to the role of zoning in drastically shaping local housing markets. But, we cannot simply focus on regulations in isolation from the ways they are used and enforced. Projects are not necessarily stopped by zoning codes alone. They are often delayed, stopped, or altered by interested residents using local land use institutions. Indeed, delay, in particular, is critical and largely under-studied. Time is a valuable resource. Rules and participatory opportunities enable a small group of otherwise limited residents to marshal it to their advantage.

Similarly, many observers have worried about Not in My Backyard (NIMBY) sentiments – the natural psychological tendency to endorse something in theory, but not when it is proposed next door. Analyzing

NIMBY-type attitudes toward new housing alone is also insufficient. Such views, without institutions that empower them, would have a much more limited impact. We study who acts on these attitudes by participating in local housing politics (and, just as importantly, who does not).

Neighborhood Defenders is simultaneously a substantive book about housing policy, and a political science book about local institutions, resident participation, and political inequality. Using a variety of methods and data, we investigate the politics undergirding the housing shortage. Specifically, we ask how regulations and political participation interact to shape where, how much, and what type of housing is built.

RISING HOUSING COSTS

Since the collapse of the housing market in 2008, demand for housing has consistently outpaced supply. In 2015, one million American households competed for 620,000 new units of housing, a shortfall of 430,000 units (Goodman and Pendall 2016). Bidding wars are commonplace in many of the nation's hottest housing markets, especially in more affordable segments such as condominiums, townhouses, and smaller starter homes. In Oakland, California, 84 percent of offers written by Redfin agents – a national online real estate agency – faced bidding wars. Over two-thirds of Redfin offers in Los Angeles, Denver, Seattle, and San Francisco similarly competed against other bids. These bidding contests are disproportionately clustered in the most affordable segments of the market: nationally, 55 percent of offers in the \$200,000 to \$400,000 range and 60 percent of offers in the \$400,000 to \$600,000 range faced bidding wars (Carlyle 2016).

In 2017, the median home price in San Francisco was \$1.29 million. A 20 percent down payment for such a home is \$180,000 – almost \$100,000 more than the median household income in the city. Median earners would similarly fall short in New York and Boston, where the median home prices were \$637,000 and \$585,000, respectively (Martin 2017).

Even turning to rental markets offers scant relief. The median one-bedroom apartment in San Francisco cost \$3,300 per month in 2017 (Zillow 2017). The annual cost of \$39,000 equals 45 percent of the annual earnings of the city's median household. Housing analysts consider an individual to be housing cost burdened if they spend 30 percent or more of their income on housing. To put this in context,

these data suggest that the median family in San Francisco would be cost burdened if it rented the median one-bedroom apartment – a much smaller housing unit than what a typical family would target. These prices place homeownership, and even reasonable commutes, out of reach of many middle-income residents. Indeed, high housing costs spurred the US Department of Housing and Urban Development (HUD) to label San Francisco families of four earning at or below \$105,350 low income, qualifying families with six-figure salaries for subsidized housing (de Guzman 2017).

While San Francisco's market is extreme, an individual or family earning \$80,000 – well above the national median of \$55,000 – would be similarly cost burdened renting a median one-bedroom apartment in multiple coastal housing markets including Washington, DC, Los Angeles, New York, and Boston. Again, this is a striking statistic. These are not individuals attempting to tap into the luxury market or rent five-bedroom units. A person earning \$80,000 would be cost burdened renting an average one-bedroom apartment in these communities.

These problems are not limited to coastal markets. Housing in cities across the country is priced too high for middle-income individuals and families. Such households have to spend more than 30 percent of their income to obtain an average two-bedroom apartment in a diverse set of cities, including Charlotte, NC, and Minneapolis, MN. The picture in Minneapolis is especially stark – the median Minneapolis household would need to spend half of its income to afford the \$2,195 average rent for a two-bedroom apartment (Zillow 2017).

The picture is even bleaker for low-income individuals and families. There is not a single county in the country in which a minimum-wage earner can afford an average two-bedroom rental (National Low Income Housing Coalition 2017). The majority of poor renting families spend *half* of their income on housing (Desmond 2016). Lotteries for government-subsidized housing illustrate the extraordinary pressure faced by very low-income renters. In 2017, nearly 6,000 people applied for 239 subsidized apartments near North Station in Boston (Logan 2017). A 95-unit affordable housing development in downtown San Francisco drew 6,580 applicants (Badger and Kang 2017). When Baltimore's Section 8 housing voucher wait list opened in 2014, 74,000 applicants vied for a spot on the wait list. The Housing Authority of Baltimore City then selected 25,000 applicants *for the wait list*. Of these individuals, less than 9,000 are likely to receive vouchers. The wait list is presently closed until 2020 (Wenger 2014).

City leaders nationwide see housing affordability as a crisis. During the summer of 2017, as part of the nationally representative Menino Survey of Mayors, we asked mayors across the country about housing, amid a myriad of other topics.³ Over half of the mayors we surveyed cited high housing costs as one of the top three reasons that residents left their cities. Housing was the most frequently mentioned policy area – more so than other highly salient policies and concerns like jobs, schools, taxes, or public safety (see Figure 1.1). Housing costs were chief concern for mayors of rich and poor cities alike. Furthermore, only 13 percent of mayors believed that their cities’ housing stock was a good match for the needs of their constituents. In a subsequent survey, we asked mayors how many housing units their cities needed to add in the next ten years. On average, mayors said they needed a 16 percent increase in housing units. Achieving this goal over the next ten years would require the rate at which units are permitted and constructed in the average city to more than quadruple.

What’s more, mayors largely want to change the *type* of housing their cities were building. On average, mayors would like the share of new multifamily housing to be thirty-three percentage points higher than what currently exists in their cities. Achieving such a goal would likely require substantial change in many neighborhoods, including the

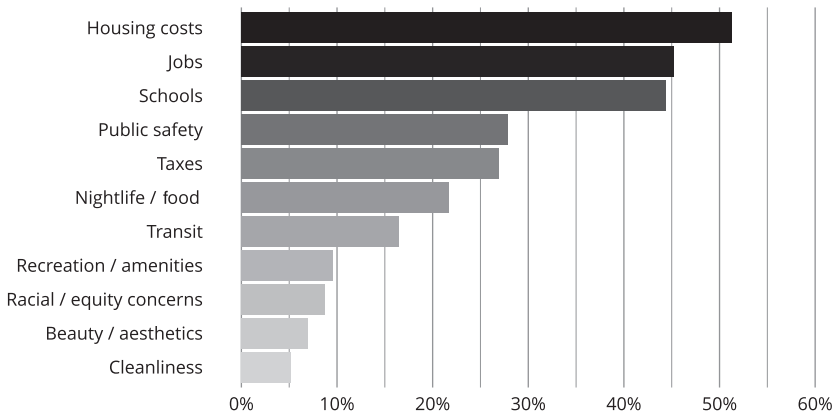


FIGURE 1.1: Survey of mayors: Top three reasons residents leave my city

³ All survey of mayors results come from the 2017 and 2018 Menino Survey of Mayors. The survey is a nationally representative survey mayors of cities over 75,000. For more details on survey methodology and results, see the full research reports at www.surveyofmayors.com (Einstein, Glick, and Palmer 2018; Einstein et al. 2019).

construction of multifamily housing in neighborhoods mostly made up of single-family homes.

COSTS OF THE HOUSING CRISIS

The failure to construct sufficient housing comes with significant social, economic, and environmental costs. Perhaps most seriously, the lack of affordable housing in areas with high social mobility could have a profound negative impact on many children's life opportunities (Chetty, Herdren, and Katz 2016). Multiple studies have linked housing instability with serious health problems. Public health researcher and physician Megan Sandel highlights the critical role of housing accessibility: "People talk a lot about health, education, or jobs, but they don't often pivot back to housing or where people live. A stable home is the foundation to thrive" (Butera 2018). She (along with her collaborators) surveyed more than twenty thousand low-income families at five urban medical centers nationwide. They found that 34 percent of surveyed families with children four and under experienced some form of housing instability, such as falling behind on rent, moving twice in the past year, and homelessness. These young children were 20 percent more likely to be hospitalized and 25 percent more likely to experience a developmental delay. Older children were three times more likely to experience a depressive episode (Butera 2018; Sandel et al. 2018). Sociologists Matthew Desmond and Rachel Tolbert Kimbro study the effects of eviction – a consequence of high housing costs, among other factors – on mothers. They find negative effects across multiple arenas. Women who were evicted were more likely to experience depression and parenting stress, and reported worse health outcomes for themselves and their children (Desmond and Kimbro 2015).

Housing access also strongly shapes educational opportunities and outcomes. Economist Jonathan Rothwell demonstrates that housing is more expensive in higher scoring school districts. Indeed, home values are \$205,000 higher in neighborhoods with high-scoring schools. When translated into annual housing costs, this means that it is \$11,000 more expensive each year to access housing in high-scoring school districts. While there is a robust debate among scholars about the precise impact of schooling on life outcomes, a large strand of research finds that higher quality schools increase the likelihood of economic success later in life (Rothwell 2018).

In addition, the Obama White House identified unaffordable housing as a key obstacle to equitable job access, arguing that “the growing severity of undersupplied housing markets is jeopardizing housing affordability for working families, increasing income inequality by reducing less-skilled workers’ access to high-wage labor markets, and stifling GDP growth by driving labor migration away from the most productive regions” (White House 2016). Job seekers who would like to move to pursue better opportunities may be unable to do so because of high housing costs in places with more dynamic economies. Moreover, by impeding potential employees from moving, high housing costs may also be stagnating economic growth in many communities (Herkenhoff, Ohanian, and Prescott 2017). Removing impediments to the construction of new housing could increase city median GDP by 10 percent (Hsieh and Moretti 2015).

Many of these negative social, economic, and political costs of the housing crisis are disproportionately felt in communities of color. Housing availability has a profound effect on residential segregation. Land use restrictions that reduce the availability of multifamily housing are in many cases explicitly designed to exclude residents of color (Rothstein 2017; Trounstein 2018). Inadequate housing thus may prevent people of color from accessing communities with the highest quality public resources and services.

What’s more, the insufficient construction of new housing may spur gentrification by pushing more development (and affluent home buyers) into communities of color that lack the resources to mobilize against development. We explore this political process in greater depth in subsequent chapters.

INCREASING THE HOUSING SUPPLY

In this book, we focus on one major contributor to America’s housing crisis: the housing supply. Most economists believe that, to address rising housing costs in many cities, we need to build more housing – especially higher-density, multifamily housing. While there are, of course, a myriad of reasons why American cities are experiencing a housing crisis, one common factor driving rising housing prices across the country is the well-understood dynamics of supply and demand (Quigley and Rosenthal 2005; Glaeser, Gyourko, and Saks 2005; Gyourko, Saiz, and Summers 2008; Glaeser and Ward 2009; Glaeser 2011; Gyourko and Molloy 2014; Goodman and Pendall 2016).

In addition to addressing housing affordability, more housing could also have a multitude of indirect environmental and economic benefits. Indeed, building more housing is integral to increasing the *density* of urban and suburban neighborhoods. Greater density – especially in conjunction with well-planned mass transit networks – would reduce car commuting and allow for the greater preservation of remaining urban green space (Glaeser 2011). The Environmental Protection Agency officially endorses such dense transit-oriented developments as critical to reducing the roughly 16 percent of US greenhouse gas emissions that come from cars and light-duty trucks (Environmental Protection Agency 2017). It suggests that this type of planning has “important consequences for the environment, including air and water quality, climate change, and open space preservation. How communities develop also affects how convenient and appealing public transportation, bicycling, and walking are for their residents.”

Increased density also comes with economic benefits in the form of agglomeration economies. Individuals and businesses benefit from being close together. Greater density facilitates the exchange of information between residents and businesses. It also reduces the costs of production and permits greater specialization (Glaeser 2011; Schleicher 2013).

While the dynamics vary between housing markets, we are not building enough housing in the cities and neighborhoods where it is most needed. What’s more, we are failing virtually everywhere to build enough of the type of housing – dense, multifamily homes – needed to sustainably house low- and middle-income individuals and families, young workers, and the elderly, among others. The most acute housing supply problems are concentrated in the hottest housing markets located disproportionately along the nation’s coasts. But, a broader set of housing markets – including many not typically thought to be the epicenter of housing politics – are failing to build sufficiently, especially in their most desirable neighborhoods, in part because of the political processes highlighted in this book.

POLITICS OF LAND USE

Despite the seeming consensus around building more housing, the housing shortage and affordability crisis persists. Why, if most informed observers believe that we need more housing, are most cities failing to keep pace with growing housing demand? Explanations of America’s

housing shortage tend to fall into one of two main categories: (1) zoning is too restrictive and (2) homeowners (and perhaps even renters) strongly oppose development in their communities. By considering land use institutions and the people who use them separately, these frameworks – while helpful – fail to fully capture how institutions and behavior jointly have created a nationwide housing shortage.

Housing Regulations

A multitude of studies on the economics of housing construction can be boiled down into one simple and powerful statement: regulations prevent the construction of new housing (Quigley and Rosenthal 2005; Glaeser, Gyourko, and Saks 2005; Gyourko, Saiz, and Summers 2008; Glaeser and Ward 2009; Glaeser 2011; Gyourko and Molloy 2014; Goodman and Pendall 2016). By outright forbidding multifamily apartment buildings across wide swaths of city neighborhoods, local zoning codes in this account are the key culprit behind a nationwide housing shortage.

While there is significant variation across cities, jurisdictions across the country typically impose extra restrictions on the development of anything other than single-family homes on substantial lots. They do so using a wide array of laws and regulations. These laws encompass virtually all elements of the development of new housing, including, but not limited to the minimum size of the plot on which housing can be built, the size of the buffer zone separating a home from wetlands and vernal pools, the minimum distance separating a home and the street, and the number of units a septic system can legally accommodate. While zoning and land use have long been central to local government power (Burns 1994; Dreier, Mollenkopf, and Swanstrom 2004; Trounstine 2018), land use restrictions have become notably more restrictive in many regions of the United States over the past four decades (Glaeser, Gyourko, and Saks 2005; Glaeser and Ward 2009; Schleicher 2013).

These restrictions have been particularly acute in the most economically productive regions of the country (Glaeser 2011; Schleicher 2013). Economist Paul Krugman divides the country into two regions – Flatland and the Zoned Zone: “In Flatland, which occupies the middle of the country, it’s easy to build houses. When the demand for houses rises, Flatland metropolitan areas, which don’t really have traditional downtowns, just sprawl some more. As a result, housing prices are basically determined by the cost of construction.”

The housing market, Krugman argues, operates quite differently in the Zoned Zone:

In the Zoned Zone, which lies along the coasts, a combination of high population density and land-use restrictions – hence “zoned” – makes it hard to build new houses. So when people become willing to spend more on houses, say because of a fall in mortgage rates, some houses get built, but the prices of existing houses also go up. And if people think that prices will continue to rise, they become willing to spend even more, driving prices still higher. (Krugman 2005)

This stark divide between coast and heartland is overly simplistic. While Houston, Texas, is famously unzoned, it restricts land use via a variety of regulations, including minimum lot-size requirements for single-family homes, minimum parking requirements, and restrictions on the construction of townhouses (Lewyn 2005; Schleicher 2013). Moreover, we find evidence in this book that, even in the so-called Flatland, neighborhood residents are able to take advantage of zoning regulations to restrict housing development in their cities’ most highly desirable neighborhoods. Nonetheless, the impact of land use regulations is certainly felt more sharply in some communities than it is in others.

Much of the zoning reform movement is built around this focus on land use regulations. Take the example of Charlottesville, Virginia, where officials have described the area’s limited housing supply as a “housing crisis” and “chronic disease.” The city’s senior planner, Brian Haluska, worries that the city’s zoning restrictions make keeping pace with supply impossible: “I don’t know that new construction can put much of a dent in the demand at all.” With 55 percent of the city’s land zoned for single-family homes, Haluska believes that the city is largely “built-out.” Developers agree, with one noting: “You just cannot get your hands on buildable lots” (Castro 2018).

The solution, according to the city’s affordable housing advocates and developers, is to upzone: take neighborhoods currently zoned for low-density development (like single-family homes) and legally allow higher density housing (like apartment buildings). Lyle Solla-Yates, a member of the Charlottesville Planning Commission and affordable housing advocate, agrees that upzoning is key. He points to the racial origin of earlier zoning decisions (“It’s white supremacy – sorry – it’s a bummer”) and argues that “upzoning to allow more housing” is the only solution to the “housing crisis” (Castro 2018). Solla-Yates and other Charlottesville officials are hardly alone in their view that upzoning would make a significant dent in the housing crisis. Vox’s Matthew Yglesias has tirelessly

endorsed upzoning to the point where he acknowledges, “I’ve been tedious on this subject.” He supports upzoning everywhere to “raise real wages” by decreasing housing costs in expensive metropolitan areas; such a reduction would permit more people to move to these communities, live there comfortably, and participate and contribute to agglomeration economies (Yglesias 2013).

Public Opposition to New Housing

On the behavioral side, a second strand of research centers on public opinion about new housing. These researchers argue that the public exhibits NIMBY attitudes (Dear 1992; Fischel 2001; Marble and Nall 2017; Hankinson 2018). In these accounts, economic self-interest drives opposition. Homeowners fear a loss in their home values (Fischel 2001) or a decrease in the quality of their local public goods, like schools and parks (Trounstine 2018). Even renters may oppose the construction of new housing out of economic fears – at least in high-cost cities. Recent experimental evidence suggests that renters in expensive communities associate new development in their neighborhoods with increasing rents (Hankinson 2018). According to this research, even in more liberal places – where we might otherwise expect high levels of support for new housing – the public will oppose new projects when they are proposed “in their backyard.” In these accounts, mass public opposition to new housing is a central driver of the housing crisis.

A battle over affordable housing in Cedar Rapids, Iowa, is emblematic. Developers of the Crestwood Ridge Apartments proposed constructing forty-five units of housing, of which forty-one were subsidized, in northwest Cedar Rapids. Neighbors opposed the proposal, collecting more than one thousand signatures to stop the project. One worried: “I’ve lost I don’t know how many mailboxes. People drive too fast down the hill and they lose control and end up in my yard. It’s just not a safe place for an apartment building.” Others expressed concerns over flooding and a lack of walkability for incoming residents. Some residents were adamant that their concerns had nothing to do with race or class: “We would have felt the same way if they were building luxury apartments.” Another asserted: “We attempted as neighbors to never focus on the fact that the complex was lower income. It’s too big a structure on too small a piece of land.” Other comments suggested racial overtones and outright racism. One woman declared at a public hearing: “I will not live with drug dealers. If you like them so much, why don’t you live with them?”

Another worried about Crestwood children entering her yard: “I don’t want those little monkeys climbing up my trees” (Kirk 2017).

While the project was eventually approved by one vote after a lengthy battle, government officials and affordable housing advocates say that the experience taught them that community dialogues and persuasion are key to promulgating affordable housing. The Iowa Finance Authority – which offered \$8 million dollars in tax credits for Crestwood Ridge – is holding conversations in other towns in Iowa to better understand how to collaborate with residents affected by new housing. The authority’s chief programs officer Carolann Jensen said: “The push for housing has to be a grassroots effort. It has to be community driven” (Kirk 2017).

Indeed, a nationwide social movement, Yes in My Backyard (YIMBY), has been built in part around the presumption that persuasion and counteraction of NIMBYs is key to constructing more housing. Sonjia Trauss, a movement leader in San Francisco, described the problem: “There’s people moving here every day. I saw it, I was one of them.” The message she heard from NIMBYs, however, was: “You are ruining San Francisco. You are ruining the Bay Area. Go home.” By testifying at public hearings, YIMBYs might outweigh messaging from NIMBYs that typically dominate these venues (Murphy 2017). Multiple prominent intellectuals agree that NIMBY sentiments are a significant contributor to crushing housing costs in many cities. Urban studies researcher and CityLab writer Richard Florida issued among the more forceful critiques of NIMBYs, who he refers to as New Urban Luddites:

Over the past several years, a growing chorus of urban economists have decried the way that NIMBY sentiment . . . keeps urban housing prices unnecessarily high. Traditionally, the presence of NIMBYs was a sign of a healthy community: These were concerned residents who were motivated to keep “bad” things, like prisons or waste treatment plants, out of their neighborhoods. But NIMBYism has grown substantially over time, and it now erupts in opposition to all manner of new development. The behavior isn’t just selfish, it’s destructive. By limiting density and clustering, NIMBYs hold back the urban innovation that powers growth. (Florida 2017)

Vox’s Timothy Lee writes about the consequences of NIMBYism in Silicon Valley: “Technology companies in the region have . . . faced resistance from not-in-my-backyard (NIMBY) advocates. The result: not only is the Valley failing to deal effectively with growing congestion and soaring housing costs, these myopic local policies could end up hampering the country’s most important driver of economic growth” (Lee 2015).

The Intersection of Zoning and Neighborhood Defense

These accounts reflect important components of housing politics. But, by failing to jointly consider regulations and the people that use them, they miss important insights about the power of land use institutions and the political inequalities they engender. Land use regulations gain their power, in part, from the people who use them to their advantage. Likewise, NIMBY attitudes without institutions that amplify them would have more muted effects than they currently do.

One central – and underappreciated – facet of land use regulations is that they provide opportunities for neighborhoods and individual residents to voice their views on land use and proposed housing developments. A multitude of land use regulations require developments above a certain size to receive special permits. Similarly, anytime a development seeks an exemption from existing zoning codes, it must receive a variance from the local zoning board. These procedures trigger public meetings, in which members of the public are invited to share their views on proposed developments in front of their community's planning and zoning boards.

There are potentially good reasons to enable those most directly affected by change to have a strong say in whether it happens. As we discuss further in the next chapter, enhanced neighborhood participation ostensibly acts as a check against developer excess. But, rather than empowering under-represented interests, these institutions could, in fact, be amplifying the voices of a small group of unrepresentative individuals with a strong interest in restricting the development of new housing – like the Cambridge neighbors discussed at the opening of this chapter. We call these individuals *neighborhood defenders*, a term we unpack in greater depth in Chapter 2. The political activities of these neighborhood defenders may help explain why changes in land use regulations may not yield immediate impact on housing production, as one recent study in Chicago found (Freemark 2019).

Most economics-centered accounts of the housing shortage fail to fully explore how land use regulations of all types – and the special permitting process – create opportunities for individuals or small groups to inhibit development. Moreover, these studies fail to consider that it is often ordinary people who directly and indirectly invoke regulations in a variety of ways. These individuals play a critical role by amplifying the impact of land use regulations. Where defenders are present and active, housing proposals are far more likely to face the politics of delay. Citizen participants use land use regulations to buttress lawsuits, demands for parking

and traffic studies, and other claims that constrain housing development. Without these motivated individuals, land use regulations certainly can have some impact, but building, even in highly regulated places, is easier without myriad public hearings and years of legal battles.

Meanwhile, research on public opinion ignores which people are most politically relevant to housing politics. Nationally (or locally) representative samples do not attend local planning and zoning board meetings to provide comments on local housing developments. We know virtually nothing about the individuals who actually attend these meetings or how they might use land use regulations to stymie development. Those who show up to participate might be very different than those surveyed in public opinion studies. Because participatory institutions and land use regulations empower these individuals, their voices are far more consequential. We show that these individuals are unrepresentative on two key dimensions. Relative to their broader communities, they are (1) socioeconomically advantaged and (2) overwhelmingly opposed to the construction of new housing. Moreover, even very small numbers of them can have a profound influence. Land use institutions empower one person, or a small group of people, to have a very large impact. Surveys do not tell us who these individuals are and what motivates them.

Senior Housing in LaGrange, New York

Ongoing efforts to construct senior housing in LaGrange, New York – a small town of 15,000 located 85 miles north of New York City – help illustrate this process, and underscore its reach beyond major metropolitan areas. In November 2017, a developer appeared before the LaGrange, New York, Planning Board to present his senior housing project. He proposed building 120 densely packed single family homes for seniors. The chairman of the planning board instructed the developer that this hearing was for public comment on the State Environmental Quality Review. The issues discussed in the hearing were wide-ranging, and the developer would be required to respond to all of the concerns:

We have to look at anything that can affect . . . water, traffic, sewer, and others that might affect anything, not only nature, but the environment, meaning community. . . . The applicant will not conduct back and forth discussion. He will respond to the comments in writing to the Planning Board. Comments and concerns will be mitigated.

The chair of the committee informed the public that its concerns would be taken seriously: “When you give us your comments about SEQR, we can make sure that those particular issues are looked at and mitigated, but that is all we can do according to the law. We can’t stop it, we can’t say no . . . but we can say there has to be concrete reason and data to back everything up.”

Indeed, the chair highlighted one of the central features of land use institutions: they may not necessarily permit residents to completely block projects, but they offer ample opportunity to impose delays.

One neighborhood resident expressed concerns about the septic system and water table. The meeting minutes recorded: “He said there is a high water table. He said . . . the surface water will be funneled to the lake, which would add [to] the pressure of the water coming onto his property. He asked if there was a study done.” The chair replied that there would indeed be a water study that would evaluate those concerns.

Another neighbor expressed broader concerns about how this proposed senior housing development would affect her community:

We the people of this community will not let the character of our community be compromised or mutilated in such a fashion. There is no need for 105 3-bedroom units that only opens up the doors to seniors’ adult children moving in with their children in tow should there be a divorce or loss of job. . . . Traffic on 376 . . . was a study done? 376 is overloaded already. Would you put a light there? OR do we have to wait for the required number of fatalities before doing so. . . . What about the horrendous drainage problem behind me? I see no provisions in your blue print for the water that comes from the top of Caudie Drive. . . . What does the Fire Department say about handling this ridiculous amount of homes should a catastrophe arise?

Her concerns raised the possibility of a number of additional reviews, including traffic, water, and safety studies.

Other neighbors discussed the wildlife. The LaGrange meeting minutes detailed the conversation: a woman “talked about Blanding turtles by the pond with babies.” The chair seemed especially interested in concerns about wildlife, asking “what color they were.” The neighbor replied, according to the minutes, that “they really have no color; they are not like a painter turtle or a box or snapping turtle.”

As other neighbors expressed similar concerns, members of the planning board indicated that the developer would need to either mitigate or respond to all of the public comments, either via additional studies

or significant modifications to the proposal. They outlined a number of issues they found especially problematic, including insufficient access for emergency medical services, dangerous traffic, and wildlife. They decided to continue public discussion to a December meeting, which was similarly rancorous. Each of these meetings offered additional opportunities for the public to impose costs on the developer simply by delaying the project and requiring additional studies.

What's more, this hearing was merely the first in a series of hurdles the project needed to clear prior to starting construction. As part of the environmental review process, there have been at least two public hearings as of this writing. Moreover, after the LaGrange Planning Board offers its approval, the project then goes before the Town Board, where it faces additional review. At all stages of the process, the public has the opportunity to comment, and the developer is required to respond to and mitigate public concerns.

Importantly, the individuals empowered to delay this development do not necessarily comprise a representative selection of the community. Indeed, the small group of twenty residents that spoke passionately about the senior housing development may differ markedly in their personal characteristics and views – something we evaluate more rigorously in Chapter 5. Such political inequities would indicate that the ostensibly democratizing impetus behind neighborhood meetings – as a check against developer excess – has been seriously undermined.

The language that LaGrange residents use to combat the construction of senior housing is remarkably similar to that employed by residents in places like Cambridge, Massachusetts, and San Francisco, California, where affordable housing crises have been more widely documented in the media. Unlike these economic centers, LaGrange is not a community facing massive growth pressures; its population grew by less than one thousand between 2000 and 2016. Moreover, 15 percent of its population is older than sixty-five, making senior housing an obvious area of need. As one journalist put it: “The next crisis facing the Hudson Valley isn't an economic one – or not entirely, anyway. Rather, we're headed for a social emergency caused by the aging of the baby boom generation. Namely: housing for elders. Or a lack thereof” (Schaerlaeckens 2013). One Massachusetts housing lawyer we interviewed suggested that senior housing generally spurs the least opposition. People “are not threatened by seniors. [They] are worried about demand on schools.” A Massachusetts town official similarly observed that seniors are viewed positively because “traffic impacts are less.” Even much-needed senior

housing in a relatively low-growth community can spur community residents to engage in the politics of delay. Neighborhood defenders not only drive up housing costs – they prevent communities from flexibly responding to residents’ housing needs.

METHODOLOGICAL APPROACH

To more systematically evaluate the participatory politics of housing policy, we amass a wide array of quantitative and qualitative data to investigate whether land use rules and other institutions shape housing outputs, empower small groups, and exacerbate political inequality. Some of the data come from national-level sources. We use evidence from a national survey of mayors that we conducted (Einstein, Glick, and Palmer 2018). Moreover, we analyze case studies of housing regulations and developments across all regions of the United States. The bulk of this book’s empirical evidence, however, comes from Massachusetts. Massachusetts has outstanding and unique data on land use regulations courtesy of a multiyear data collection effort by the Rappaport Center for the Study of Greater Boston (Pioneer Institute for Public Policy Research and Rappaport Institute for Greater Boston 2005; Glaeser and Ward 2009); we discuss these data in greater depth in Chapter 3. Moreover, Massachusetts’s unique open meeting laws mean that the state has extraordinarily detailed planning and zoning board meeting minutes, which allow us to measure who attends local meetings concerning housing development and zoning. We investigate these data in Chapters 4, 5, and 6. Throughout, we consider the strengths and limitations of Massachusetts as a case and, when possible, supplement our analyses of Massachusetts data with case studies from other parts of the country. While much of our evidence comes from Massachusetts, we are writing about the politics of land use regulations across the country.

Chapter 2 develops our theory; it highlights how land use regulations and participatory inequalities come together to constrain the supply of new housing. Chapter 3 uses land use regulation and housing permitting data to (1) clearly describe how land use regulations operate and (2) statistically link their proliferation with a diminished housing supply. Chapters 4, 5, and 6 turn to public hearings and members of the public.⁴ Chapter 4 illustrates the connection between these land use regulations

⁴ Some of the materials in Chapters 5 and 6 are featured in our article in *Perspectives on Politics* (Einstein, Palmer, and Glick 2019).

and public hearings; it documents what types of projects lead to hearings across a multitude of regulatory contexts and juxtaposes the concerns members of the public raise with the ostensible reasons for holding the meeting in the first place. It shows that land use regulations provide members of the public an opportunity to comment on a wide range of issues on proposals large and small. In Chapter 5, we combine a novel data set of all resident participants in planning and zoning board meetings in Massachusetts with the state voter file to describe the demographic and attitudinal attributes of meeting attendees. We demonstrate that these individuals are overwhelmingly opposed to housing proposals and demographically unrepresentative of their broader communities across a number of important domains. Chapter 6 then explores how these individuals stymie housing development using a mix of quantitative analysis of meeting minutes and in-depth case studies. Finally, Chapter 7 concludes by investigating the consequences of the participatory politics of housing in less advantaged communities; it explores gentrification in these places, and how these market pressures and political inequalities have rendered coalition-building around housing extraordinarily difficult.

IMPLICATIONS FOR INSTITUTIONAL DESIGN

The meetings surrounding land use central to this book may seem modest in scope compared to some of the most pressing policy challenges of the day. But, control over land use is perhaps the most important power that local governments wield (Logan and Molotch 1987; Mullin 2009; Trounstein 2018). It shapes crucial social, economic, environmental, and political outcomes. It dominates and divides local politics. It even does so in smaller communities that have less traditionally been the subject of study in urban politics (Oliver, Ha, and Callen 2012).

Moreover, housing policy is an area that touches on many other facets of individuals' lives. Housing access dictates the quality of individuals' local public goods, from schools to sewers (Trounstein 2018). It affects the jobs that are available to them, and the likelihood that they will be victimized by crime (Sampson 2012). It shapes important physical and mental health outcomes (Sampson 2012). Where one lives affects political participation (Gay 2012) and the quality of political representation (Dreier, Mollenkopf, and Swanstrom 2004; Flavin and Franko 2019). Relative neighborhood deprivation is passed on from generation to generation. If parents are unable to obtain housing in a desirable community,

the same is apt to be true of their children (Sharkey 2013). While the data in this book center on housing, in doing so, they touch on virtually all facets of individuals' economic, political, and social lives.

Beyond the study of local politics, this book represents a new way to study political participation. A multitude of political science studies focus on inequalities within the realm of voting. A similarly voluminous body of scholarship uses public opinion surveys to explore how and why individuals participate in politics. Smaller literatures explore protest activity and use more limited case studies to illuminate neighborhood meeting dynamics. This book is unique in that it directly and systematically observes participants in neighborhood-level institutions. Moreover, it blends a rich literature in institutions with scholarship on political behavior to show how they can interact to yield important policy outcomes. Institutions, behavior, and policy in this context align in a way that is detrimental to democratic governance and equitable service provision.

This book also adds to a nascent body of scholarship exploring the institutional importance of *delay*. The institutional capacity to create delay may be critically important in shaping policy outcomes. Recent political science research focused on the US Senate shows that even the right to delay, but not veto, the enactment of policies can reshape the policy agenda (Fong and Krehbiel 2018). We show that unrepresentative members of the public can use the institutional power to delay to enormous effect in a critically important local policy arena.

This book also illustrates the powerful reach of incumbency. Social scientists have long recognized that incumbents hold powerful advantages in a wide variety of contexts. Incumbent politicians are more likely to win elections (e.g., Erikson 1971; Gelman and King 1990; Cox and Katz 1996), in part due to financial advantages (Fouirnaies and Hall 2014). Incumbent firms may be able to lobby for regulations that keep new competitors out of their markets (e.g., Djankov et al. 2002; Klapper, Laeven, and Rajan 2006). Whether competing for votes or market share, already holding power advantages incumbents over new entrants, who have to overcome these advantages to succeed. Neighborhood defenders, in our account, are a form of incumbent. As we show in the ensuing chapters, neighborhood defenders are advantaged members of their community via their racial backgrounds and homeowner status. They use this advantage – their incumbency in their neighborhoods – to exclude other prospective residents. As current residents, they are able to support candidates in local elections and endorse policies in local meetings that maintain their advantages over newcomers.

Finally, this book contributes to important debates about empowerment and democracy at the local and national levels. In addition to housing policy, a wide array of federal government programs emphasize and encourage neighborhood involvement (Stone and Stoker 2015) – a trend we describe in greater detail in Chapter 2. This celebration of the neighborhood could serve as a check against powerful interests, such as developers. It may permit the amplification of underrepresented groups and allow for the mediation of competing interests (Dahl 1961; Berry, Portney, and Thomson 1993; Fung 2006; Michels and Graaf 2010; Stone and Stoker 2015). Neighborhood institutions may also provide venues for deliberative democracy, in which decision makers engage in authentic deliberation with one another (Gutmann and Thompson 2012). Such a vision of neighborhood-level empowerment is consistent with research that finds that political efficacy is higher in smaller jurisdictions (Oliver 2001; Lassen and Serritzlew 2011).

However, participatory politics could distort democracy if the individuals who attend neighborhood meetings are not representative of their broader communities (Mansbridge 1980; Fainstein 2010). Indeed, political theorist and urban planner Susan Fainstein’s (2010) theory of the “just city” articulates “equity” and “democracy” as important, but separate, aims that may at times come into conflict. In his book *Democracy More or Less*, political scientist Bruce Cain (2015) worried that efforts at democratizing governance at both the local and national levels may have perverse consequences: “Being responsive to the crowd that shows up exacerbates a tendency in representative government to be more attentive to those defending concentrated benefits and costs than the more dispersed interests of the general public” (61). The motivating nature of concentrated costs, in particular, is central to our story of distorted democracy in housing politics.

Such distortionary consequences abound generally in national-level political reforms. In response to participatory inequalities in voting, some policy makers and advocates have pursued a variety of initiatives designed to facilitate registration, offer more early voting, and shorten lines at polling places, for example. These policies may, however, have unanticipated consequences. In some cases, they may exacerbate the very inequities they attempt to solve. Political scientist Adam Berinsky (2005) finds that reforms designed to facilitate voting actually *increase* socioeconomic inequalities in turnout; political scientist Daniel de Kadt (2017) uncovers a similar phenomenon in South Africa. Political scientists Barry Burden, David Canon, Kenneth Mayer, and Donald Moynihan

(2013) discover that, while Election Day registration has a positive effect on overall turnout, early voting appears to decrease turnout in isolation.

Enhancing resident participation may engender governance challenges beyond just enabling an unrepresentative group oversized say. These participatory reforms may also reduce the flexibility that political officials have to tackle challenging, long-term policy questions. Making proceedings public may decrease local officials' ability to make policy tradeoffs that allow for long-term interlocal partnerships (Mullin 2009; Cain 2015). Once a meeting is made accessible to the public, it becomes politically unappealing to seemingly ignore said public during meeting proceedings.

By exploring who participates in neighborhood-level meetings surrounding housing, and how these individuals participate, our book makes an important contribution to studies of neighborhood-level empowerment, participatory government, and deliberative democracy. Moreover, it adds to scholarship exploring how best to redress significant political inequalities. Institutions designed to empower underrepresented groups may distort political influence in ways that shape critically important policy outcomes.