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## Public Meetings Thwart Housing Reform Where It Is Needed Most

Public engagement can have downsides. Neighborhood participation in the housing permitting process makes existing political inequalities worse, limits housing supply and contributes to the affordability crisis.

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A townhall meeting in Pelham, Mass. David Kidd/ GOVERNING

The United States is facing a [housing crisis](#) of epic proportions, as [prices skyrocket](#) in municipalities across the country. [For the middle class](#), it's a question of too many buyers chasing too few homes. For many Americans, however, housing is increasingly unaffordable without subsidy — of which there

is [not enough to meet the need](#).

Even before the pandemic exacerbated the problem, [more than half of American mayors](#) named housing costs as one of the top reasons people left their cities. (It even outranked education and public safety.) On average they estimated needing a 16 percent increase in housing, which would require the rate of construction to quadruple.

But in many places, a burst of construction is an impossibility. Land-use regulations have become [more restrictive](#) in the [last four decades](#). The development process is full of choke points, often manned by zealous activists who seek to prevent multifamily housing from coming to their communities. Many [recent efforts at zoning reform](#) haven't had [immediate results](#), while cities like Houston that famously lack zoning [employ plenty of other regulations](#) that give neighbors the power of delay.

“What's tricky about evaluating the effects of zoning reform is that these changes take time”

In 2019, Katherine Levine Einstein and her co-authors at Boston University produced the first in-depth study of this dynamic, [Neighborhood Defenders](#), providing a unique insight into how hyper-local democracy can produce warped land-use outcomes. *Governing* talked with her about the politics of delay, what kind of regulations hamper growth and when community meetings can still be an effective means of public feedback.

***Governing:* What could be wrong with a neighborhood meeting? Isn't this democracy in its purest form?**

*Katherine Levine Einstein:* In this book, rather than look at things in their ideal form, we actually evaluated how they are working on the ground. We bring data to the question of whether neighborhood meetings are really providing community voice. One of the reasons that we think of them as this important cornerstone of American democracy is because they are supposedly providing us perspectives that are not widely heard, really amplifying the voices of neighborhood residents.

What we're able to do in the book is to really bring home the idea that the people who are showing up are not actually representative of their broader communities and they are unrepresentative in really important ways. They're much more likely to be opposed to new housing, and they're demographically privileged on a number of dimensions.

“Even in less privileged places, these neighborhood meetings are actually amplifying more privileged voices.”

***Governing:* Neighborhood associations proliferated rapidly in the mid-20th century to defend restrictive, racist covenants and exclusionary zoning – but also to defend against aggressive urban renewal practices that mauled many American cities. In that context, it’s hard to argue a check on government and business power isn’t necessary.**

*Katherine Levine Einstein:* The context of these neighborhood meetings matters. Most people who care about equity and affordable housing are troubled by the way that neighborhood meeting practices operate in privileged suburbs. In cities, though, [you might think we are] amplifying voices of renters in a community to stop important institutions from getting bulldozed to serve business interests. That seems, on its face, good for communities.

What we find happens in practice is that even in less privileged places, these neighborhood meetings are actually amplifying more privileged voices. We study a variety of more disadvantaged places and what the dynamics of these meetings look like. The principles that hold in more affluent communities still play out in these less privileged places. You still hear from voices that are overwhelmingly opposed to new housing. The voices that are heard are much more likely to be homeowners, white and older.

***Governing:* There’s a difference, then, between public engagement around something like a public school closure, or bulldozing homes for a highway, versus building a small apartment building?**

*Katherine Levine Einstein:* We’re not making the case that we are anti-

community meetings in all contexts. We don't have the data, even if we wanted to make that claim, to be able to push that idea. What we're pushing against is the idea that to be a democracy, you have to have a community meeting every time you want to build a townhouse. That seems like a very broken system.

***Governing:* Public meetings have been seldom studied in American politics. Can you explain the unique datasets you were able to access to determine the income, race, and political affiliations of attendees in Massachusetts?**

*Katherine Levine Einstein:* The reason public meetings haven't really been studied in a systematic way is it's hard to get data. Previous research has tried to use things like retrospective surveys asking people "Have you attended a public meeting?" That has some value, but we know from a variety of political participation studies that there are reasons to question whether people's self-reported participation is the best way to evaluate whether they've done this.

We went through thousands of pages of meeting minutes across 97 cities and towns in Massachusetts to understand who participates in these public forums. The reason we focus on Massachusetts is not because we're based there, it's because due to unique open meeting laws cities and towns in the state report the names and addresses of the people who participate in these forums. We are then able to learn demographic information about people who participated in these meetings by merging them with administrative records.

***Governing:* How were you able to determine race, political affiliation, and income with that data?**

*Katherine Levine Einstein:* We use two different administrative databases. We use the voter file and we use property records. From the property records, you can learn whether they own property or not and the value of that property. Through the voter file, we're able to learn the registered partisanship, whether they vote in local elections, their gender identification, and their age. With all of that information, we are actually able to also use a race name matching algorithm to estimate the probability that a person belongs to a particular racial or ethnic background.

“Who's interested in participating, and who feels like their voice will matter at these proceedings? Both of those things are going to favor more privileged voices and more oppositional voices. ”

***Governing:* You mentioned that attendees are whiter, wealthier, more likely to be homeowners and vastly more likely to oppose new construction. Why do these meetings seem to select for these characteristics?**

*Katherine Levine Einstein:* There's two different things going on. The first is a well trod story in political science research, which is that people who have more resources are more likely to participate. That disparity goes up when it's a costly form of participation. By costly, it could mean literally cost lots of money to do — like donating to a candidate — but we also use that term to mean it costs a lot of time. Think about a three-hour planning board meeting on a Tuesday night. You have to have a job schedule that allows for you to show up to those meetings. You have to have childcare coverage. There are all sorts of resource advantages that are going to privilege people who are older, and homeowners.

Another piece, which we think is every bit as important, is who cares about showing up to these meetings. Who's interested in participating, and who feels like their voice will matter? Both of those things are going to favor more privileged voices and more oppositional voices. If someone's proposing a three-unit development down the street from you, there's lots of reasons if you live really close by that you're going to be upset. It's a sudden change to your community and it's human nature to not like change. You're going to deal with construction, noise, parking disruptions, and so on.

From that perspective, when we think about the concentrated cost of new development, it makes sense that people who oppose new housing are going to care more about a particular proposal and show up. In contrast, you could be the most ardent pro-housing person in your city but it's not a rational use of your time to show up to every three hour planning board meeting about a two-or-three unit development. There are these diffuse benefits of building new housing, but they're unlikely to be as motivating as those concentrated costs.

“When you start to imagine that this process is actually repeating itself hundreds and hundreds and hundreds of times over...that can have a real effect on the housing supply, especially in communities that are desperate for housing.”

***Governing:* What was the result of neighborhood defense at these meetings? You outline some cases, but in many of them something was eventually built — it just got delayed. Is delay such a bad thing?**

*Katherine Levine Einstein:* Sometimes when there's a neighborhood movement to oppose the development, it outright kills the project. But far more commonly and potentially more insidiously, what happens is that projects get delayed or shrunk. Oftentimes, the developer will present their plans. People will express opposition at the meeting, and a planning or zoning board will say, okay, we've heard from the community and they seem unhappy. Why don't you come back to us in three months with revisions?

The developer engages in some sort of negotiation and then comes back and maybe shrinks the proposal in some modest way or adds parking. There are a number of costs that are imposed by that process. First, there are carrying costs. Every extra month of delay costs developers money. When we're in a world of escalating construction costs and supply chain issues, it's not hard to imagine how unpredictable delays can lead to dramatic escalation in the cost of housing developments.

The second piece is that as part of a compromise, developers will often shrink the size of their proposals and reduce the overall number of housing units. On an individual level, who cares if a project goes from four units to three? That's not a huge difference for any one project. But when you start to imagine that this process is repeating itself hundreds and hundreds and hundreds of times over... that can have a real effect on the housing supply, especially in communities that are desperate for housing.

***Governing:* You also find a negative correlation between the variety of zoning regulations and the permitting of multifamily housing. In fact, you find that all types of regulations reduce multifamily housing but not redevelopment overall. Essentially even laws around setbacks or septic**

## **systems are weaponized at public meetings to delay or kill multifamily homes.**

*Katherine Levine Einstein:* This is actually a cautionary tale to people who think that just eliminating single family zoning is going to lead to a big increase in housing supply. Multiple different types of land use regulations contribute to our low levels of housing. We have rules about setbacks, or parcel shape regulations, things that most normal people don't associate with making it harder to build an apartment building. But anytime a developer needs to ask for an exception to one of those rules, that empowers planning and zoning boards and ensures that there are public meetings about really modest housing developments.

When we have a lot of different types of land use regulations and zoning codes that are governing what can get built, it makes it harder for developers to build by right. That means that they don't have to go through this public meeting process, which introduces all sorts of unpredictable delays. That's why we think a lot of different types of zoning and land use regulations contribute to a reduced overall supply of housing.

“Persuasion is possible at the margin. But fundamentally, when we have these neighborhood level processes, they’re always going to be biased in favor of opposition.”

***Governing:* It doesn’t seem like reasoned argument would defang neighborhood defenders — after all they may have rational reasons to oppose a project. Living on a street with construction noise is annoying! If there will always be opponents to new construction, what can be done to tweak regulations to make those hyper-parochial concerns less amplified?**

*Katherine Levine Einstein:* Persuasion is possible at the margin. But fundamentally, when we have these neighborhood level processes, they’re always going to be biased in favor of opposition. It's obviously hard to persuade someone that it's pleasant to listen to construction noise. It's also really difficult to persuade people who are opposed to housing because of racial or class based fears. We haven't talked about those motivations for opposing new housing, but they are there and empowering them at a neighborhood meeting is a mistake.

We need to move away from a system where we are offering people who live on the same block veto power over what gets built on that block. We need to have zoning and land use that creates clear conditions for development and doesn't subject the production of new housing to this really unpredictable process.

I want to stress, this doesn't mean we have to get rid of community engagement. There's a lot of different ways that we can think about inclusive and creative community engagement for, like, city level rezoning. But we have to move away from a system where we're having meetings every single time someone wants to build a four or five unit building.

***Governing:*** You end your book with a detailed discussion of what this dynamic means in different socioeconomic settings. In wealthier areas, neighborhood defenders are powerfully equipped with resources. As a result multifamily — subsidized or otherwise — is less likely to be built there where it would be more affordable than the existing stock and would not price anyone out.

But because it's so hard to build there, construction is instead concentrated in neighborhoods with fewer resources. It's a bitter irony that there new housing will be more expensive than existing stock and probably won't help existing residents.

*Katherine Levine Einstein:* It creates all these spatially unequal patterns of development, which make it really hard to create state level coalitions around zoning reform. You have people from these gentrifying areas who are understandably saying “we don't need to make it any easier to build! That's not really the problem in our neighborhood!” It's part of this broader systemic issue that because we have made it so hard to build in more privileged places, development gets concentrated in communities that are not as listened to in political proceedings.

***Governing:*** How does this play into the Yes In My Backyard (YIMBY) movement? It gets very complicated on this micro level in lower income neighborhoods where new market rate housing is often seen as a threat.



*Katherine Levine Einstein:* Absolutely. This is ongoing research that I'm doing. But I suspect there's also fundamental disagreements within some parts of the housing movement about how much we believe in market economics. I think fundamentally there is a disagreement about whether increasing the housing supply reduces costs. People who follow that economic logic fall into one camp and people who don't buy it fall into another camp. Trying to assemble a state level coalition of people who have very different economic frameworks is really difficult.

***Governing:* You've already touched on solutions, but are there any jurisdictions that are enacting the kind of reforms you would like to see?**

*Katherine Levine Einstein:* There are early examples of this in places like Minneapolis, Oregon, now California that are making it possible to build multifamily housing by right without going through these processes. But I think what's tricky about evaluating the effects of zoning reform is that these changes take time. These land use regulations have had decades upon decades to create profound racial and economic segregation and to create this context in which we have escalating housing costs in many communities. Expecting zoning reform to undo those things and have radical changes within a year or two is just not realistic.

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