

FAIR AND AFFORDABLE HOUSING FOR THE POOR:

Accounting for Occupancy Distribution and Housing Quality

Prepared For:

Colloqui

Department of Urban Planning, Cornell University
Ithaca, NY

Prepared By:

Roger D. Colton
Fisher, Sheehan & Colton
Public Finance and General Economics
34 Warwick Road, Belmont, MA 02178
617-484-0597 *** 617-484-0594 (FAX)
rcolton101@aol.com (E-MAIL)

November 1996

Planning for fair and affordable housing within a community usually considers the quantity of affordable housing units available to low-income households. An adequate supply of housing is deemed to exist if the number of units of housing which are affordable at given income levels is equal to the number of households at that income level. Recent work, however, indicates that when the number of housing units affordable at particular income levels is merely equal to the number of households at those incomes, the supply of affordable housing is likely to be inadequate.

In addition to examining the quantity of units, planners should consider both the distribution of occupancy and the quality of those units. Considering occupancy distribution takes into account the fact that merely because 100 units of housing exist which are affordable to households at or below 50 percent of median income does not mean that all 100 of those units are occupied by households at or below 50 percent of median income; some may well be occupied by households at 80 percent of median income. In addition, merely because 100 units of affordable housing exist does not mean that each of those units is of adequate quality. This article identifies where planning for affordable housing often occurs, explains why these two additional factors (occupancy distribution and housing quality) should be considered in such planning, and presents data from case studies showing how taking these factors into account might lead planners to different conclusions about the adequacy of affordable housing in their community.

PLANNING FOR AFFORDABLE HOUSING

Planning for affordable housing in a community can occur in any one of a number of contexts. Some common applications involve: (1) evaluating fair housing; (2) assessing community credit needs for Community Reinvestment Act compliance monitoring; (3) determining housing and community development needs for inclusion in Consolidated Plans; and (4) planning for affordable housing within a zoning context.

Affordable Housing and Fair Housing

Fair housing and affordable housing are inextricably related. It is a sad fact of life today that households who have disabled, single female heads of households, or persons of color tend to live at lower levels of income than others do. Promotion of fair housing, therefore, must have the promotion of *affordable* housing as at least one focus of attention.

The federal Fair Housing Act protects persons against any actions, omissions or decisions taken because of race, color, religion, sex, disability, familial status, or national origin. In addition to ongoing enforcement of the Fair Housing Act, state and local jurisdictions are required to periodically assess "impediments" which restrict the scope of housing choices based on prohibited grounds in their communities. An "analysis of impediments" is a comprehensive review of a jurisdiction's laws and regulations, as well as its administrative policies, procedures and practices affecting the location, availability and accessibility of housing. The analysis is also to include an assessment of

conditions, both public and private, affecting fair housing choice.

A consideration of the affordability of housing is important because the "analysis of impediments" to Fair Housing choice is not confined simply to an identification of actions that are purposefully meant or designed to disadvantage members of a protected class. Impediments also include policies, practices or procedures that appear neutral on their face, but which operate to deny or adversely affect the provision of housing to persons of a particular protected class. This class of impediments includes actions or policies which have a disproportionate impact on the housing choices of protected classes, even though the actions or policies are neutral on their face and were adopted without any *intent* to produce a discriminatory impact.

Given this background, the lack of affordable housing can be one of, if not *the* major impediment to Fair Housing choice in a jurisdiction. Consider, for example, this conclusion from an Oregon analysis of impediments study:

This lack of affordable housing has a substantial impact on members of minority groups and other protected classes directly, or due to the large over-representation of protected classes in the low-income population. . . This shortage of affordable housing is expected to grow substantially worse over time and be exacerbated by sharp decreases in federal funding of housing programs, increasing rents, and continuing increases in construction costs.

(Sheehan and Colton: 7-8). Persons of color were substantially over-represented in the classes of households who could not obtain housing within affordable price ranges in the Oregon jurisdiction.

Community planners need also to correlate the availability of affordable housing with other factors affecting housing choice in an assessment of Fair Housing. For example, stating that "a commonly recognized impediment to choice of housing is the inability to obtain

employment in proximity to affordable housing," the Oregon report found that "there has been a `long-standing surplus of jobs over housing units' in the county, which was projected to continue through the beginning of the next century. . .this ongoing imbalance in the county's jobs-housing ratio means that many lower-income households are not able to live where they work." (Sheehan and Colton: 32). In addition, a second family-related impediment to local housing involves the proximity of child care facilities to serve families with working parents. "Even in those areas where sufficient employment opportunities exist, the lack of day care facilities may serve as an impediment to choice in housing." (Sheehan and Colton: 16). Finally, for households with disabled members, there is a need within a Fair Housing analysis to consider not only the availability, but the location of affordable housing as well. "For these households, even if economically affordable, housing may not be suitable. Housing needs to be barrier-free, in safe locations, and conveniently located nearby supportive services, including transportation lines." (Sheehan and Colton: 19).

In sum, a Fair Housing analysis requires an evaluation of the availability of affordable housing from several different perspectives. It should examine not simply the quantity of affordable housing in a community, though that is critical. It should correlate affordable housing with other life needs (such as employment). It should also correlate affordable housing availability and location with other supportive services. Child care services (for households with families) and transportation linkages (for households with disabled members) are but illustrative examples.

Affordable Housing and Community Credit Needs

One of the primary vehicles for planning for fair and affordable housing is the federal Community Reinvestment Act (CRA). The CRA imposes upon banks (and other affected financial institutions) obligations regarding "community credit needs." (Marsico: 47). These community investment obligations involve two components: (1) to adequately and accurately *assess* community credit needs; and (2) to develop lending practices that *address* those needs. (Marsico: 48).¹¹

Federal regulators monitor bank compliance with CRA obligations. Applying established CRA performance tests to banks, however, is not done in a vacuum. Instead, regulators consider the "performance context" facing the bank. This context includes information about the community which the bank serves, including demographic data. The new federal CRA regulations adopted in 1995 contain a major change in obligations in this regard. Under the previous regulations, banks were obligated to ascertain community credit needs and to document their findings to regulators; they were evaluated on how well they did so. However:

The "performance context" of the new regulations do not require banks to ascertain this. Rather, the regulators will require banks to share with them any information about community credit needs that they have already developed for their own business purposes. The regulators will also seek information from community, civic and other sources.

(Marsico: 50). Community planners, therefore, face both a need and an opportunity to develop and present information to banks and their

¹¹ Of the thirteen CRA criteria used before the 1995 amendments to the Regulations, the first three were known as the "process-criteria." ". . .when analyzing a bank's performance under the remaining criteria, the regulators tend to excuse performance lapses if a bank seems to be making efforts to lend. The reform seeks to change some of these practices." (Marsico: 48).

regulators about community credit needs and affordable housing shortages.¹²¹

Affordable Housing and the Consolidated Plan

Community planning is an integral part of federal housing programs today. The United States Department of Housing and Urban Development (HUD) requires cities that are eligible to receive federal housing grants to submit a Consolidated Plan. The Consolidated Plan contains the goals for all community planning and development programs funded by the Community Development Block Grant (CDBG) program, as well as all housing programs funded by HOME, CDBG, and the Emergency Shelter Grant Program (ESGP).¹³¹ A one year action plan must also accompany these goals.

The Consolidated Plan must contain an analysis of the city's housing market including a housing inventory and needs assessment. Based upon this information, the plan must describe the city's housing needs and propose a strategic plan detailing the city's priorities for assistance to residents both in terms of housing and non-housing services.

¹²¹ In March 1989, the four regulatory agencies responsible for enforcing the CRA --the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency (OCC), the Federal Home Loan Bank Board (FHLBB), and the Federal Deposit Insurance Corporation (FDIC)-- issued a Joint Policy Statement on the Community Reinvestment Act. ". . .the Policy Statement also outlines policies and procedures to increase continued communication between the community groups and banks. . .By increasing communications banks are able to ascertain and meet the community's needs well before submitting an application for merger or acquisition." (Daverio: 261-262).

¹³¹ The Consolidated Plan contains the requirements formerly found in the Comprehensive Housing Affordability Strategy (CHAS) and the Community Development Annual Plan and replaces the CDBG Final Statement, ESGP, and HOME Program Description. (Panjwani: 15).

Residents may seek to challenge a city's Consolidated Plan for failing to address community needs. The challengers must be able to demonstrate significant disparities in the allocation of benefits in order to prevail and obtain enhanced targeting of resources to poor and minority neighborhoods. (Panjwani: 19). "It is critical that the moving party do extensive research to obtain hard data, such as the census and statistical abstracts, that demonstrate existing patterns of segregation, exclusion, or both. It is with these types of data that a city can be taken to task for failure to use federal funds to alleviate segregated housing patterns and to address the housing and community development needs of the poor." (Panjwani: 19).

The Consolidated Plan process replaces the requirement that state and local governments prepare a Comprehensive Housing Affordability Strategy (CHAS) as a prerequisite to obtaining federal housing funds.⁴⁾ In one respect, however, the intent is the same: "The CHAS is not intended to be an exercise in fact finding or data aggregation, but an effective vehicle to target specific housing deficiencies within the participating jurisdiction's locale." (Kerekes: 699-700). In 1992, the CHAS was amended to create even a stronger linkage between identified housing needs and the allocation of housing resources. Under the amended law, a jurisdiction is required to explicitly "describe how it will address the needs of its very-low and low-income. . . population; state the linkage between the reasons for resource allocation; and describe the priorities and identify the potential obstacles that may affect the needs of the under-served population." (Kerekes: 722). This

⁴⁾ "The HOME program provides eligible states and local municipal governments with allocated funds from HUD by formula. . .HOME program funds are exclusively intended to benefit low- and very low-income families. The rental housing provisions require that 90% of the HOME funds go to families whose incomes are at or below 60% of the area media income, and the remaining 10% to families at or below 100% of the area median income." (Kerekes: 698).

planning is not new. Federal law has encouraged the development of local comprehensive plans since 1974. It was in that year that the federal Housing and Community Development Act required a "housing assistance plan" (HAP) for low-income persons. (White: 280).

Affordable Housing, Community Planning and Zoning

One of the most common uses to which planning can be put is in the development and evaluation of local zoning ordinances. (Johnson: 232). From an affordable housing perspective, zoning can be either a benefit or a burden. If used to exclude multi-family housing or to place restrictions on housing which effectively limit the poor or households of color (Johnson: 241 - 245), it is a destructive tool. If used to promote the development of affordable housing, it can be quite constructive. (Johnson: 252 - 257; Morgan: 369 - 384).

A quantification of affordable housing units is important in the development and evaluation of zoning schemes in a variety of states and contexts:

- o In Massachusetts, the goal of the Anti-Snob Zoning Law, enacted in 1969, was to ensure that at least 10 percent of the housing within each town was affordable to poor households. (Stockman: 535). "The program allows redress to builders who have been refused permits to construct locally unpopular types of affordable housing if less than ten percent of the jurisdiction's housing stock is classified as affordable." (Johnson: 253).
- o California requires municipalities to adopt a comprehensive planning strategy that describes local housing needs and sets forth a

five year plan on how the local government will meet those needs. (White: 286). In addition, under the California Density Bonus Statute, two to four percent of residential units in the state between 1980 and 1983 were affordable units because of the law. (Morgan: 379).

- o New Jersey imposes a requirement that each community contribute its fair share toward meeting the affordable housing needs of the region in which it is located. Municipalities must "determine() quantitative targets for the amount of low and moderate income housing which represent(s) their fair share contribution to the region's housing stock." (Johnson: 255).
- o Virginia authorized local governments to adopt an "affordable housing dwelling unit program" with specific incentives offered for providing specific percentages of affordable housing.
- o The Florida legislature has explicitly recognized "a severe shortage of housing affordable to residents of low or moderate incomes," and has detailed the need for local governments to create new affordable housing. Florida has granted local governments the authority to use inclusionary zoning techniques as well as to adopt linkage fees and fair share regulations. (Merrill and Lincoln: 247 - 249; White: 288 - 289).

Indeed, nationwide, the enactment of "fair share" programs has increased in recent years. (Merrill and Lincoln: 224). "Fair share affordable housing refers to the use of inclusionary zoning techniques such as density bonuses and mandatory set-asides to induce or require developers to

include affordable housing in their developments." (Cox and Davis: 1015).¹⁵¹

THE EMPIRICAL REVIEW OF HOUSING AFFORDABILITY

The Measurement Error

Given these uses to which information on affordable housing needs is put, it is critical that accurate assessments be made of the shortage of (or adequacy of) affordable housing supplies. All too often, the "need" for affordable housing is defined to be the difference between the number of low-income households and the number of housing units that would be affordable to those households. A typical formulation¹⁶¹ states:

If existing supply and demand trends continue, by the beginning of the twenty-first century, 17.2 million low-income households will seek inexpensive rental apartments, but only 9.4 million rental apartments will exist. Based on the national average of 2.4 persons per household, this statistic implies that 18.7 million Americans will be unable to find housing they can afford.

¹⁵¹ For fair share programs, "establishing the set-aside requirements involves three figures: (1) the income levels of which housing will be required; (2) the affordability factor (which will determine the percentage of household income that will go to housing); and (3) the percentage of required housing in each of the income categories that will be established." (Merrill and Lincoln: 273).

¹⁶¹ Municipal planning documents often commit the same analytic error contained in the Kenin analysis. To assess this need, the consolidated plans for 34 Massachusetts jurisdictions were reviewed. The plans almost universally defined affordable housing shortfalls as the difference between the number of households at certain income levels and the number of housing units that would be affordable at those levels.

(Kenin: 72).¹⁷⁾ This calculation $((17.2 \text{ million} - 9.4 \text{ million}) * 2.4 = 18.7 \text{ million})$ assumes that the shortfall in affordable housing is the difference between the number of low-income households seeking to rent apartments and the number of rental apartments that are affordable to those households. In fact, if there are 17.2 million low-income households seeking apartments, and only 9.4 million apartments available at affordable prices, for all of the reasons discussed below, the shortfall in affordable rental housing is much greater than 7.8 million apartments $(17.2 \text{ million} - 9.4 \text{ million} = 7.8 \text{ million})$.

To accurately determine the need for affordable housing in a community, planners should consider at least two housing characteristics in addition to the amount of affordable housing:

- o The distribution of housing occupancy; and
- o The quality of affordable housing.

If the various planning processes described above do not account for each of these factors, the goals for affordable housing supplies which are set at the national, state and local levels by those processes will fall seriously short of providing adequate supplies of affordable housing units for low-income households.

The need for planners to incorporate the difference in approach is substantial. Data for five communities has been evaluated to determine whether considering the occupancy distribution and quality of housing would lead to different conclusions about housing shortfalls.

¹⁷⁾ Moreover, according to one analysis, low-income housing units have decreased at a rate of 130,000 per year for the past six years. (Kenin: 72).

Before beginning the review of information, however, two sets of definitions are in order.

- o First, two levels of income are generally considered to be low-income for purposes of housing programs. First, for most HUD programs, "low-income" is defined to include all households at or below 80 percent of the area median income. Second, again for most HUD programs, "very low income" is defined to include all households at or below 50 percent of the area median income.¹⁸¹
- o Second, "affordable" housing refers to housing the total cost of which would impose a shelter burden of at or below 30% of income. For these purposes, "shelter" burden includes the cost of rent or mortgage *plus* the cost of all utilities (except telephone). Accordingly, if rent (or mortgage) plus the sum of home heating, electricity and water/sewer exceeds 30% of income, the housing unit is not considered to be "affordable."

Five Case Studies: What Difference Does it Make?

To test the extent to which, if at all, factoring the quality of housing as well as the distribution of housing occupancy amongst income groups into an assessment of affordable housing might make a difference in outcomes, data from five Massachusetts communities was

¹⁸¹ The data below is confined to an examination of low-income and very low-income households. The information is further broken into three discrete groups for which analysis is undertaken: (1) households at 0 - 30% of median income; (2) households at 31 - 50% of median income; and (3) households at 51 - 80% of median income.

considered. Data was obtained from the HUD Comprehensive Housing Affordability Strategy (CHAS) housing data base. Data from Boston, Brockton, Worcester, Lowell and Lynn was used in the analysis. The data leads to two primary conclusions:

- o Failing to consider housing quality and occupancy distribution may lead community planners to erroneously conclude that no shortfall in affordable housing exists in a community, when in fact it does; and
- o Failing to consider housing quality and occupancy distribution may lead community planners to understate --perhaps substantially so-- the extent to which a shortfall in affordable housing exists.

Availability of Affordable Housing

The availability of affordable housing can first be considered by looking at data on the housing stock. Table 1 below presents the number of units of housing in the five communities which are "affordable" at different levels of median income as compared to the number of households living at each of those levels of income. Table 1 reveals mixed results as to the availability of affordable housing. Boston, for example, appears to have a significant shortage of affordable rental housing for households at 0 - 30% of median income (47,746 households with only 33,031 affordable units); the city, however, appears to have adequate supplies of affordable rental units for households at both 31-50% of median income (22,383 households and 29,712 affordable units) and 51-80% (20,570 households and 36,449 affordable units).

Other Massachusetts communities present similar patterns. Lowell and Lynn both have shortages of affordable rental units for

households at 0 - 30% of median income while appearing to have adequate rental supplies for households at the 31-50% and 51-80% levels. Brockton has a shortage of affordable rental housing for households at both 0-30% and 31-50% of median income, while having almost precisely sufficient affordable rental units for those at 51-80% of median income. Worcester seems well-positioned at all three levels of income.

One needs to beware such conclusions based on this data, however. Merely because a housing unit exists which is affordable to a household who lives at 0 - 30% of median income does not mean that that housing unit is actually occupied by a household with that income. No reason exists, in other words, why a households living at 80%, or 100% or more of median income might not live in a unit that would be affordable to a household with much lesser financial means. The lesson to be learned from this observation is that because of the distribution of housing occupancy amongst income groups, the *total* supply of housing which is affordable to low-income households might be quite different from the *available* supply of housing which is affordable to low-income households.

Table 2 sets forth data on the occupancy distribution of affordable housing amongst income groups in the five Massachusetts communities. Table 2 shows that the shortages which can be identified through the data set forth in Table 1 are actually substantially understated. Moreover, Table 2 shows that even where a community has a surplus of housing units that are affordable at a particular level of income over the number of households which live at that level of income does not mean that housing supplies are adequate. In Boston, for example, while 29,712 units of rental housing exist that are affordable to households living at 31-50% of median income, only 6,807 of those units are

actually occupied by households at that income level. Given that 13,925 of those units are occupied by households at from 0-50% of median income, we know that almost 16,000 of those affordable units that are presumably "available" to households at 31-50% of median income are, in fact, occupied by households with higher incomes.

It is not simply pressure from the upper income brackets which poses problems, however. The Boston data reveals that as lower income households are displaced from housing that would be affordable at their income range, they tend to "move up" to only moderately more expensive housing units. Hence, when distributing the occupancy of units that are affordable to households at 51-80% of median income, there is pressure from both lower and upper income brackets. Of the 36,449 units that are affordable to households at 51-80% of median income, almost 22,000 are, in fact, occupied by households at 0-30% of income. Indeed, as Table 2 shows, of those 36,449 Boston units which are affordable at 51-80% of median income, only 2,680 are actually occupied by households in that income bracket.

This pressure from the bottom is true throughout the five Massachusetts communities. Only 1,800 of the 7,644 units affordable to households at 51-80% of median income in Brockton are occupied by households in that income bracket; fewer than 300 of the 9,670 in Lowell are, and only 1,138 of 6,257 in Lynn are.

The observation that these somewhat higher income brackets (*e.g.*, 51-80% of median income) receive pressure from the bottom is strengthened by the data from Worcester. As Table 1 shows, Worcester was the only community that appeared to have consistently sufficient affordable housing over all income brackets. In the 51-80% bracket in Worcester, 4,275 of the 18,310 affordable units were actually occupied

by households in that income bracket, the highest proportion of the five communities. Even more importantly, in Worcester, a small percentage (when compared to the other four communities) of those 18,310 affordable units at 51-80% of median income were occupied by households at lower levels of income. In general, therefore, increasing the affordability of housing at the lowest income ranges would reduce affordability shortfalls at somewhat higher levels of income as well. Pressure continues to be applied, however, from above.

In sum, merely comparing the number of households who live at particular levels of income to the number of housing units in a community that would be affordable to households at that level of income presents an insufficient picture from which to draw conclusions about the adequacy of affordable housing supplies. As the data from Massachusetts shows, an additional necessary step is to consider the distribution of housing occupancy over income ranges. At the lowest income levels, considerable pressure is placed from above, *i.e.*, households with higher incomes often occupy units that would be affordable at lower income levels. As incomes increase, however, the displacement of these lowest income households creates pressures from below as well.

The Impacts of Accounting for Housing Quality

The second factor which should be applied to an evaluation of the adequacy of affordable housing involves housing quality. The mere fact that certain housing units may be affordable to households with lower incomes does not mean that those housing units are adequate or appropriate housing. After all, the goal of affordable housing is not simply to get people into *any* housing which may have an affordable price tag, but rather to get people into *quality* affordable housing.

Table 3 presents data from the five Massachusetts communities studied here. The data presents information on housing which may be occupied by households with lower levels of median income, but which has physical problems with it. Physical problems are categorized by HUD into "moderate" or "severe." The "severe classification" is based on an assessment of five different factors, including: plumbing, heating, electric, upkeep, and hallways. The "moderate" classification examines each of these given factors along with the kitchen. A distribution between housing units with "moderate" and those with "severe" physical problems is not available.

Table 3 shows the quality of affordable housing at lower income levels. Again, the beginning observation is that some communities first appear to have adequate supplies of affordable housing for households at certain income levels. In Boston, while there are 22,383 renter households living at 31-50% of median income, there are 29,712 rental housing units that would be affordable at that income. Similarly, while there are 36,449 Boston rental units that are affordable at 51-80% of median income, there are only 20,570 renter households that are living at that income level. Again, the results are mixed. While Lowell and Lynn both have affordable housing shortages for renter households at 0-30% of median income, they appear to have adequate supplies of affordable rental housing for households at 31-50% and 51-80% of median income. Brockton appears to have shortages at both 0-30% and 31-50% of median income, with almost precisely sufficient affordable rental housing supplies for renter households at 51-80% of median income. Worcester appears well-positioned at each of these three income levels.

Taking housing quality into account dramatically changes the picture. If the housing units which have physical problems associated with them are subtracted from the available supply of affordable units, rather than having 29,712 affordable units at 31-50% of median income

to meet a demand of 22,383, Boston has only 16,874 affordable units; rather than having 36,449 affordable units at 51-80% of median income to meet a demand of 20,570, Boston has only 18,017 affordable units. Similarly, rather than having 4,806 affordable units at 31-50% of median income to meet a demand of 3,239, Lowell has only 2,562 affordable units; rather than having 6,257 affordable units at 51-80% of median income to meet a demand of 2,317, Lynn has only 2,964 affordable units.

Table 4 presents a tabulation of where a consideration of housing quality, leaving all other things equal, would change the determination of whether sufficient affordable housing exists. Of the 15 possible cases, the determination changes in five instances. However, in most of the instances where consideration of quality makes no difference, there were inadequate supplies of affordable housing with which to begin. Since taking quality into account reduces the amount of affordable housing even further, there would be no change. Of the ten cases where adequate affordable would have been found without taking quality into account, the consideration of quality would change the outcome in five. Excluding Worcester (where the outcome was not changed in any of the three income ranges), changed outcomes would have occurred in five of the seven potential situations.

SUMMARY AND CONCLUSIONS

The lack of affordable housing in our communities today comes as no surprise. The data in this article, however, helps quantify the problem. This article demonstrates that it is not simply the *number* of affordable units that is important to consider in planning for affordable

housing. Instead, one must consider the occupancy distribution and quality of affordable housing as well. Failing to do so will lead community planners either to conclude that no affordable housing shortfall exists when in fact it does, or to conclude that the extent of the shortfall, if any, is substantially smaller than what it actually is.

REFERENCES

1. Gregory Cox and Barbara Davis (1976). "Density Bonus Zoning to Provide Low and Moderate Cost Housing," *Hastings University Constitutional Law Quarterly*, 3:1015-10xx.
2. Julie Daverio (Spring 1994). "The Community Reinvestment Act: Once Again in the Spotlight, But Will Banks, Community Groups, and the Federal Bank Regulators Ever See Eye-to-Eye?" *Hamline Journal of Public Law and Policy*, 15:255-279.
3. Allen Fishbein (1993). "The Community Reinvestment Act After Fifteen Years: It Works, but Strengthened Federal Enforcement is Needed," *Fordham Urban Law Journal*, 20: 293-310.
4. Marcia Ann Johnson (Spring 1993). "Converting Walls to Bridges: A Review of the Proposed Zoning Ordinance for the City of Houston," *Thurgood Marshall Law Review*, 18:231-262.
5. Deborah Kenin (Spring 1996). "Paradise Unfound: The American Dream of Housing Justice for All," *Boston University Public Interest Law Journal*, 5:69-98.
6. John Kerekes (1994). "The Housing and Community Development Act of 1992: Affordable Housing Initiatives May Have Found a Home," *Seton Hall Legislative Journal*, 18:683-727.
7. Richard Marsico (Winter 1995). "The New Community Reinvestment Act Regulations: An Attempt at Implementing Performance-Based Standards," *Consumer Finance Law Quarterly*, 49:47-58.
8. William Merrill III and Robert Lincoln (Spring 1993). "Linkage Fees and Fair Share Regulations: Law and Method," *The Urban Lawyer*, 25:223-308.
9. Jennifer Morgan (Winter 1995). "Zoning for All: Using Inclusionary Zoning Techniques to Promote Affordable Housing," *Emory Law Journal*, 44:359-393.
10. Andrea Panjwani (Fall 1995). "The Consolidated Planning Process: When a City Enacts a Plan that Violates the Fair Housing Act,

What Then?," *Journal of Affordable Housing & Community Development Law*: 5:15-19.

11. Michael Sheehan and Roger Colton (July 1996). *Fair Housing Plan: Analysis of Impediments and Strategies to Address Them, Washington County, City of Beaverton (Oregon)*, Fisher, Sheehan and Colton, Public Finance and General Economics: Scappoose, OR.
12. Paul Stockman (March 1992). "Anti-Snob Zoning in Massachusetts: Assessing One Attempt at Opening the Suburbs to Affordable Housing," *Virginia Law Review*, 78:535-580
13. S. Mark White (Spring 1996). "State and Federal Planning Legislation and Manufactured Housing: New Opportunities for Affordable Single-Family Shelter," *The Urban Lawyer*, 28:263-292.

Table 1:
Number of Families at Designated Levels of Income
and Number of Housing Units Affordable at those Levels of Income
(Selected Massachusetts Communities)

	Households		Affordable Units	
	Renter	Owner	Rent	Owner
Boston				
0 - 30%	47,746	7,175	33,031	1,061
31 - 50%	22,383	6,534	29,712	656
51 - 80%	20,570	7,391	36,449	1,950
Brockton				
0 - 30%	9,969	2,433	3,145	59
31 - 50%	5,394	2,374	2,298	42
51 - 80%	7,369	4,144	7,644	487
Lowell				
0 - 30%	7,243	1,509	4,568	129
31 - 50%	3,239	1,290	4,806	286
51 - 80%	3,294	1,960	9,670	1,193
Lynn				
0 - 30%	6,125	1,407	3,802	160
31 - 50%	2,548	1,649	3,307	199

Table 1:
Number of Families at Designated Levels of Income
and Number of Housing Units Affordable at those Levels of Income
(Selected Massachusetts Communities)

	Households		Affordable Units	
	Renter	Owner	Rent	Owner
Boston				
0 - 30%	47,746	7,175	33,031	1,061
31 - 50%	22,383	6,534	29,712	656
51 - 80%	2,317	1,821	6,257	659
Worcester				
0 - 30%	4,989	1,293	7,098	237
31 - 50%	2,318	1,302	7,626	193
51 - 80%	2,724	2,692	18,310	1,446
SOURCE:				
U.S. Department of Housing and Urban Development: CHAS Data Base (CD-ROM) (September 1993).				

Table 2:
Occupancy of Housing Units Affordable at Different Ratios of Income to Median Income
Number of Units Occupied by Households with Different Incomes
(Selected Massachusetts Communities)

Levels of Median Income at which Units Affordable	Renter-Occupied				Owner-Occupied			
	Available Affordable Units	Occupancy Distribution by Income Ranges			Available Affordable Units	Occupancy Distribution by Income Ranges		
		0 - 30%	31 - 50%	51 - 80%		0 - 30%	31 - 50%	51 - 80%
Boston								
0 - 30%	33,031	7,779	5,307	6,308	1,061	425	310	309
31 - 50%	29,712	7,118	6,807	4,931	656	87	135	60
51 - 80%	36,449	21,778	4,632	2,680	1,950	323	190	188
Brockton								
0 - 30%	3,145	2,262	437	230	59	17	9	3
31 - 50%	2,298	678	630	425	42	12	0	10
51 - 80%	7,644	1,834	1,069	1,823	487	93	58	115
Lowell								
0 - 30%	4,568	2,296	1,372	1,840	129	254	129	143
31 - 50%	4,806	1,399	1,060	833	286	70	81	31
51 - 80%	9,670	3,251	609	316	1,193	34	32	11

Table 2:
Occupancy of Housing Units Affordable at Different Ratios of Income to Median Income
Number of Units Occupied by Households with Different Incomes
(Selected Massachusetts Communities)

Levels of Median Income at which Units Affordable	Renter-Occupied				Owner-Occupied			
	Available Affordable Units	Occupancy Distribution by Income Ranges			Available Affordable Units	Occupancy Distribution by Income Ranges		
		0 - 30%	31 - 50%	51 - 80%		0 - 30%	31 - 50%	51 - 80%
Lynn								
0 - 30%	3,802	2,827	568	194	160	70	18	6
31 - 50%	3,307	907	845	637	199	17	72	33
51 - 80%	6,257	1,560	917	1,138	659	166	158	347
Worcester								
0 - 30%	7,098	4,466	1,215	760	237	76	55	63
31 - 50%	7,626	1,779	1,500	1,858	193	52	9	46
51 - 80%	18,310	3,494	2,374	4,275	1,446	262	177	330
SOURCE:								
U.S. Department of Housing and Urban Development: CHAS Data Base (CD-ROM) (September 1993).								

Table 3:
Number of Housing Units Affordable at Designated Levels of Income
and Number of Those Affordable Housing Units with Physical Problems
(Selected Massachusetts Communities)

	Renter-Occupied			Owner-Occupied		
	No. Households	Affordable Units		No. Households	Affordable Units	
		Total No.	With Physical Problems		Total No.	With Physical Problems
Boston						
0 - 30%	47,746	33,031	12,241	7,175	1,061	329
31 - 50%	22,383	29,712	12,838	6,534	656	134
51 - 80%	20,570	36,449	18,432	7,391	1,950	509
Brockton						
0 - 30%	9,969	3,145	856	2,433	59	20
31 - 50%	5,394	2,298	1,153	2,374	42	12
51 - 80%	7,369	7,644	4,319	4,144	487	141
Lowell						
0 - 30%	7,243	4,568	1,633	1,509	129	20
31 - 50%	3,239	4,806	2,244	1,290	286	69
51 - 80%	3,294	9,670	5,106	1,960	1,193	261
Lynn						
0 - 30%	6,125	3,802	1,287	1,407	160	69
31 - 50%	2,548	3,307	1,592	1,649	199	72

Table 3:
 Number of Housing Units Affordable at Designated Levels of Income
 and Number of Those Affordable Housing Units with Physical Problems
 (Selected Massachusetts Communities)

	Renter-Occupied			Owner-Occupied		
	No. Households	Affordable Units		No. Households	Affordable Units	
		Total No.	With Physical Problems		Total No.	With Physical Problems
51 - 80%	2,317	6,257	3,293	1,821	659	180
Worcester						
0 - 30%	4,989	7,098	1,954	1,293	237	103
31 - 50%	2,318	7,626	3,176	1,302	193	46
51 - 80%	2,724	18,310	6,561	2,692	1,446	372
SOURCE:						
U.S. Department of Housing and Urban Development: CHAS Data Base (CD-ROM) (September 1993).						

Table 4:
Whether Consideration of Physical Problems in Affordable Housing Units
Changes Determination of Whether Sufficient Affordable Housing Exists in Community
(Selected Massachusetts Communities)

	Are There Sufficient Affordable Rental Units		Whether Consideration of Physical Problems Changes Conclusion
	Without Considering Physical Problems	With Considering Physical Problems	
Boston			
0 - 30%	No	No	No
31 - 50%	Yes	No	Yes
51 - 80%	Yes	No	Yes
Brockton			
0 - 30%	No	No	No
31 - 50%	No	No	No
51 - 80%	Yes	No	Yes
Lowell			
0 - 30%	No	No	No
31 - 50%	Yes	No	Yes
51 - 80%	Yes	Yes	No
Lynn			
0 - 30%	No	No	No

Table 4:
 Whether Consideration of Physical Problems in Affordable Housing Units
 Changes Determination of Whether Sufficient Affordable Housing Exists in Community
 (Selected Massachusetts Communities)

	Are There Sufficient Affordable Rental Units		Whether Consideration of Physical Problems Changes Conclusion
	Without Considering Physical Problems	With Considering Physical Problems	
Boston			
31 - 50%	Yes	No	Yes
51 - 80%	Yes	Yes	No
Worcester			
0 - 30%	Yes	Yes	No
31 - 50%	Yes	Yes	No
51 - 80%	Yes	Yes	No
SOURCE:			
U.S. Department of Housing and Urban Development: CHAS Data Base (CD-ROM) (September 1993).			