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## **The Waiting Game in Massachusetts: Are Housing Policies in Massachusetts Doing Enough to Serve the Neediest Households**

Carlie Cherry

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**The Waiting Game in Massachusetts: Are Housing Policies in Massachusetts Doing  
Enough to Serve the Neediest Households**

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April 3, 2023

MASSACHUSETTS LOW INCOME HOUSING

MERRIMACK COLLEGE

CAPSTONE PAPER SIGNATURE PAGE

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IN

COMMUNITY ENGAGEMENT

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AUTHOR: Carlie Cherry

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### Abstract

The cost of housing is a burden for many households across the United States. In Massachusetts, where rents are some of the highest in the country, affordable housing is particularly hard for the neediest households in the state who are already struggling with the cost of living. Due to a shortage of low income housing in Massachusetts, wait times for housing assistance and affordable housing are extremely long which only exacerbates the hardships that households face. The funding, building, and distribution of low income housing is controlled by the housing policies at the federal, state, and local levels. However, these policies are outdated and are no longer working efficiently to ensure there is ample low income housing and that it is distributed equitably throughout neighborhoods and towns.

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### Problem Statement

The housing crisis in the United States affects millions of homeless and low-income families across the country. In Massachusetts, where rents and property values are some of the most expensive in the country, stable housing is particularly hard to come by for households in the lowest economic brackets, including homeless families. Homeless families have no choice but to stay in temporary housing for long periods of time while they wait to be placed in permanent housing. The process can be long and tedious. Due to the long wait times for housing, families are willing to take the first stable housing option made available to them, even if it does not meet their needs. An analysis federal housing policies, including the Fair Housing Act of 1968, as well as Massachusetts housing and zoning policies, reveals that these policies create barriers for people seeking low-income housing. This research will also evaluate the different types of state-funded housing in Massachusetts to see if they are indeed meeting the needs of the citizens who need housing support. This is an important social problem because the absence of stable, safe housing causes stress on the family unit as well as interrupts children's education and behavioral development.

There are several housing policies, both at the national and state level, that make provisions for low-income and/or state subsidized housing. The federal government passed the Fair Housing Act of 1968, also known as Title VIII of the Civil Rights Act of 1954, which made it illegal in the United States to discriminate against the sale, rental or financing of housing based on someone's race, religion, national origin, sex, handicap, and family status (HUD, n.d.). One notable status that is omitted from this act is socioeconomic status. There is no protection against discriminating against someone because of their economic status or if they receive subsidies for housing. Massachusetts passed a fair housing law much earlier than the rest of the country in 1946 (Town of Acton, n.d.). However, it took the passage of the Federal Housing Act

for the Massachusetts Housing Law to gain any traction. The Massachusetts Fair Housing Law includes language stating that citizens cannot be discriminated against based on receiving government assistance for rents (Massachusetts Fair Housing Law | Mass Access Housing Registry, n.d.). This inclusion economic status as a protected class in the state's law is an important factor to help mitigate discrimination against people in need of low incoming housing.

Federal and local housing authorities are in charge of implementing these policies, and regulations. The two most notable for the purpose of this research are the United States Department of Housing and Development (HUD) and the Massachusetts Department of Housing and Urban Development (DHCD). These two components – the housing policies and the agencies associated with them – provide the provisions and rules for such housing to exist for the people who are in need. They are charged with upholding the fair housing laws, particularly when it comes to protecting those that are being taken advantage of or the most needy cases. The housing authorities are also responsible for distributing and administering various programs that help subsidize rent for low-income housing as well as maintain all of the application processes and data to obtain housing.

Public housing is run by the local municipalities in which the units reside. These units were built to be low income housing so the rent does not have to compete with the outside market. The family housing program, which is part of the Massachusetts public housing program, works to provide low income housing throughout the state (Commonwealth of Massachusetts, n.d.). The most recent public housing count report released by the Commonwealth of Massachusetts includes 12,673 units specifically for families (Commonwealth of Massachusetts, n.d.). Section 8 housing choice vouchers are run by the state, and DHCD, but the funding for voucher programs comes from the federal government, namely



HUD. The voucher program is a rental assistance program. Upon receiving approval for a voucher, families have up to 120 days to choose their own apartment in any town, or even any state; the rent must be reasonable based on size and comparable rents (Commonwealth of Massachusetts, n.d.). People qualify for vouchers based on the annual gross income of a household; the incomes should not be more than 30% of the median incomes of the area they are living (Commonwealth of Massachusetts, 2022). According to DHCD, the housing choice voucher program serves 22,000 households in Massachusetts (Commonwealth of Massachusetts, n.d.). However, even with such a large number of households being helped with this program it does not seem to be nearly enough to expedite the process of people in need of housing assistance or low income housing.

According to research from 2020, the average wait time for a housing voucher in Massachusetts was 46 months (Acosta & Garland, 2021). It is an extremely long wait time for anyone who is struggling to afford housing, but it can be especially distressing for families in temporary housing, such as shelters, because they have been dealing with a precarious living situation for so long. The long term effects of not having stable housing can reverberate through the whole family. Families are rarely given a choice of placement, especially if it is an emergency situation; therefore, families may have to move to locations that they are not familiar with. This means children have to switch schools and it can also be harder for the adults to find jobs. When a family is faced with the crisis of losing their housing, a shelter is never the permanent solution they are hoping for. However, the situation can feel even more desperate when they are spending years on a waitlist.

There are several factors in the Massachusetts housing market that are creating this backlog of affordable housing including the high cost of living in the area and exclusionary

zoning laws in different towns throughout the state that work to keep low income housing out of their neighborhoods. The extremely high cost of living in Massachusetts is a huge obstacle for many people to overcome. According to research from Bloomberg, as of July 2022, Boston had the fourth highest average rent in the country with an average rent for a one bedroom apartment at \$2,600 (Paris, 2022). These extreme prices are out of reach for many people, let alone a family already experiencing homelessness and living in temporary housing. High rents also contribute to excluding lower income families from accessing housing in towns that have better schools, safer neighborhoods, and overall better housing.

This accessibility discrepancy has led to most of the low income housing being concentrated in the largest cities of Massachusetts; the top four biggest cities in the state are Boston, Cambridge, Springfield, and Worcester. A 2022 article from the Harvard Crimson stated there were 20,000 people on the waitlist for affordable housing in Cambridge (Corr & Schisgall, 2022). The article goes on to explain, ‘some areas in Cambridge – including most of the largely white and wealthy neighborhood of West Cambridge – are zoned to permit only single- or two-family housing,’ (Corr & Schisgall, 2022). Even though there is a glaring need for affordable housing in the city, their zoning laws are actively preventing the building of the types of housing units needed to fulfill the demand for low income housing.

A report published by The Century Foundation (2021), which followed three different families and their quest to find affordable housing in safer towns with better schools echoes the same sentiment about the struggles with zoning laws. The report states that the high cost neighborhoods are being kept out of reach of low income citizens deliberately by local governments and exclusionary zoning laws (Kahlenberg, 2021). The exclusionary zoning laws that exist in wealthy, predominantly white towns and neighborhoods are exacerbating housing

segregation and are also preventing people from receiving housing that they desperately need. Exclusionary zoning laws exist across the country and have become an effective tool for municipalities to essentially bypass the Fair Housing Act by making low income housing nearly impossible to build in the towns due to cost or other barriers. These laws keep low income households out of “high opportunity” neighborhoods by narrowing the options of locations for low income housing; new low income housing units are consistently built in areas that already have a high concentration of low income housing and also higher poverty rates.

Exclusionary zoning laws are intentionally keeping low income households out of certain towns and unintentionally taking away low income household’s right to choose where they want to live. Zoning policies, along with other housing policies, are outdated and their lack of efficiency is creating a housing crisis in the state of Massachusetts.

#### Literature Review

The housing crisis in the United States affects millions of homeless and low-income families across the country. In Massachusetts, where rents and property values are some of the most expensive in the country, stable housing is hard to come by for people in the lowest income bracket. The state’s extremely long wait times are difficult for anyone who is struggling to afford housing. However, it is especially distressing for families in temporary housing, like shelters. The long term effects of not having stable housing can reverberate through the whole family: affecting school-aged children’s education and emotional development; and the parent’s ability to hold a steady job due to frequent moves. Once a family receives housing assistance from the state, that housing is most likely to be in high poverty neighborhoods with under performing schools and higher crime rates.

An exploration of federal, state, and local housing policies reveals why the wait times for

housing assistance in Massachusetts are so long and questions the abilities of these policies to fulfill the housing needs of the lowest income households in the state. The federal housing policies that will be analyzed include the Fair Housing Act of 1968 and the Low Income Housing Tax Credit (LIHTC) of 1986. The state policy that is most relevant to low-income housing is the Massachusetts Fair Housing Policy of 1969, otherwise referred to as 40B, which was established to override local municipalities' exclusionary zoning laws. However, many towns and cities in the state still uphold zoning laws that are made specifically to keep low-income housing from being developed in their neighborhoods; this is especially prominent in wealthy suburbs perpetuating the NIMBY, or not-in-my-backyard, attitude. If the neediest households in Massachusetts are spending years on a waiting list to gain access to stable housing then the system is failing them. These policies need to reinvent themselves to be more efficient at addressing the needs of the citizens.

#### Fair Housing Act of 1968

The Fair Housing Act was enacted in 1968 in the United States. The purpose of the Fair Housing Act was to make it illegal to discriminate against someone based on their race, religion, sex, national origin, or family status (HUD, n.d.) when they are trying to buy or rent housing. Another piece of the Fair Housing Act was to promote integration of minorities, especially Blacks, into wealthier, mostly white communities which would give them access to better housing and move them out of the inner city ghettos (Hayat, 2018). Mobility programs, which included housing vouchers (or Section 8), gave low-income households the ability to afford rents in nicer neighborhoods. However, Hayat (2018) points out that by 2000 most people lived in the suburbs (having fled the desegregated cities) but very few suburbs had any significant Black population, thirty years after the Fair Housing Act was passed. Even though the federal government had made it illegal to discriminate against where minorities could live, the middle

and upper class Whites were not willing to integrate and share their resources with such groups. In fact, when low-income minorities receive housing vouchers to live in “high-opportunity” neighborhoods they often face so much intimidation from the residents it causes them to move back to the impoverished communities they had left (Hayat, 2018).

The idea of rental assistance to help low-income households move to a high opportunity neighborhood with better resources sounds like a good plan. In the end, though, it just makes both sides uncomfortable and therefore does not take hold as an organic integration of classes. Hayat (2018) points out that what the Federal government missed with these mobility plans is not to remove minorities from their communities and try to install them in places that just highlight their differences but, instead, the government should invest in Black communities providing better housing, resources, and safety. It is a valid argument indeed. Instead of trying to remove people from impoverished areas, why not invest in these neighborhoods so they too are desirable places to live? This investment in underserved neighborhoods would not only benefit the current residents but could also help to reduce segregation as the areas would be appealing to a wider range of households looking for affordable housing.

Some research argues that the Fair Housing Act actually furthers segregation because the omission of economic status as protected class from the Act still leaves many people vulnerable to discrimination based on their socio-economic standing. Oliveri (2019) states that economic status is not a protected class in the Fair Housing Act; therefore, landlords can discriminate against households using housing vouchers. And while, on the surface, it can look like they are denying a prospective tenant based on their income level, it can be a deception to hide discrimination against characteristics that are protected through the Fair Housing Act (Oliveri, 2019). Not only does the lack of economic status protection leave low-income families open to

unlawful discrimination for a variety of reasons, it also makes securing housing much harder. If landlords are allowed to deny someone housing based on the voucher then the housing search can go on forever. If the low income housing stock was more robust then households would have more of an options when looking for affordable housing and could potentially avoid the vouchers all together.

#### Low Income Housing Tax Credit (LIHTC)

To help incentivize the development of more low income housing, the federal government created the Low Income Housing Tax Credit (LIHTC) which essentially handed over the responsibility of low-income housing development to the states and private developers. Since its inception in 1986, the LIHTC is how low-income housing is developed in the US; between 1987-2016 the LIHTC has created over 3 million housing units (Oliveri, 2019). The federal government distributes around \$8 billion annually amongst the states for the LIHTC program (Weiss, 2015). The process of how and where low income developments will be decided upon is left up to each state.

The federal government requires that each state must create a qualified allocation plan (QAP) that must be submitted for approval. The QAPs describes the state's scoring system when evaluating proposals from developers; the proposals that score the highest are then awarded the tax credits (Weiss, 2015). The incentive for developers, and or property owners, to participate in the program is through the tax credit which they can claim for a period of ten years for 30%-70% of the value of the property (Muralidhara, 2006). The LIHTC program is popular overall as it has created many new low income housing units and also taken the burden off the federal government to build and maintain large blocks of low income housing that was once the norm.

However, for all of the benefits it has produced for the development of low income housing around the country, LIHTC has just as many faults.

The disparities in towns and neighborhoods that are related to the LIHTC program are becoming more noticeable as the issues with low income housing become further exacerbated. While the federal government has continued to fund the LIHTC program continuously since its inception, without much bipartisan quarreling, it has failed to update the program in any real way that would address the inequities that have been created as a bi-product of the LIHTC which includes, perpetuating both socio-economic and racial segregation. Data on LIHTC developments shows that 48% of developed units in central-cities are located in neighborhoods that are made up of over 50% minorities (Muralidhara, 2006). Researchers have also found that around 90% of LIHTC projects are located in areas where rents are already at similar limits that would be offered by the new project (Weiss, 2015). The concentration of LIHTC projects in low rent areas is due to the formula used by the program which gives preference to locales with at least a 25% poverty rate (Oliveri, 2019).

All of these data points illustrate that a majority of low income housing is being built in areas that already have low rents, which is not expanding the housing location choices for low income households. If these same areas are consistently replenished with more low income housing it will perpetuate the low rent, or poor, perceptions of these neighborhoods; in turn, giving residents less access to resources as businesses and other organizations view the area unfavorably.

Clearly, then a solution would be to make the location of low income housing more equitable by spreading the units throughout towns and suburbs so everyone has access to ample resources. A major barrier that is preventing LIHTC development projects lies with each state's

qualified action plan (QAP). With little to no direction from the federal government, states are allowed to set the thresholds for LIHTC projects however they see fit which may mean they are not attempting to make an equitable plan for low income housing. Weiss (2018) did an analysis of all fifty states' QAPs and found that three quarters of them did not even require that rent had to be below market for the units. Weiss (2018) further explains that the federal rules of the LIHTC program, 'require that 20% of the units in a LIHTC development be affordable to households making at or below 50% of the area median income (AMI), or that 40% of the units be affordable to households making at or below 60% of AMI.' This formula does not protect low income housing rents from the market values of the particular cities, towns, and neighborhoods of the state. If a proposed LIHTC development is in a high rent city, such as Boston, 50% of the median income would be quite high and would therefore make the rents unaffordable for the neediest households. Without more direct requirements on affordability and allocation of developments by the federal or state governments, the LIHTC projects can be treated no differently by developers as any other project.

#### Massachusetts Comprehensive Permit Act (40B)

One way to ensure a more equitable distribution of low income housing throughout municipalities of a state is to create policies that discourage exclusion. The Massachusetts Comprehensive Permit Act of 1969, commonly referred to as 40B, attempts to do just that by giving developers an avenue to circumvent local municipalities' exclusionary zoning laws and giving the state power to review and override the ruling of a town's zoning board. The act is broken into three parts: a single permit process for developers of low income housing projects; granting the zoning board of appeals (ZBA) power to give special building permissions to low income housing developers; and, perhaps most importantly, giving qualified developers the right to appeal to the state level Housing Appeals Committee (HAC) after a rejection from a local



ZBA board (Hananel, 2014). These three parts combined work to encourage the building of low income housing by making the process easy and appealing to developers.

In addition, 40B includes a stipulation that there must be a minimum of 10% of low income housing units in every city and town in Massachusetts (Hananel, 2014). This low income housing metric laid out by the state restricts cities and towns across the state from completely denying low income housing in their municipalities. It also opens the door for further development of low income units because, if the town is not meeting the 10% minimum, then it gives developers an avenue to appeal to the state's HAC (Hananel, 2014). Giving developers the ability to dispute the ruling of local ZBA board by appealing to the state was unique 40B when it was created. Even today, there are only a handful of states that have copied 40B by including a clause to circumvent municipalities' zoning laws.

Since its creation in 1969, 40B has gone through several rounds of amendments that have changed how the policy is used; the most recent changes were made in 2001 (Hananel, 2014). The revisions made in 2001 gave power back to the local governments and made it easier for them to avoid the appeals process by reducing the number of subsidized housing units that to be built annually to meet the 10% threshold (Hananel, 2014). The 2001 revisions also set limits on the size of the projects at 150-300 units and set limits on the number of 40B proposals that could be submitted annually to the ZBA (Hananel, 2014). These changes are significant in that they negate the original purpose of 40B which was to accelerate the building of low income units in all cities and towns across Massachusetts. By giving the power back to the local ZBA Boards, exclusionary zoning laws are reinforcing the the cycle of scarcity of low income housing throughout the region.

Certainly 40B was constructed to promote the development of low income housing by removing some of the red tape developers faced at the local level, i.e. zoning laws. Fisher and Marantz (2015) produced a quantitative research study to track how often 40B was being used by developers and how effective it is at promoting the building of multifamily rental units across 129 municipalities in Massachusetts. Their report had some interesting findings regarding 40B and its use. One discovery was that municipalities that were over the minimum 10% low income housing threshold tended to have residents with lower levels of education completion, less land mass, higher accessibility to jobs, and less restrictions on land-use (Fisher & Marantz, 2015). This is not too surprising given that statistics have shown all too often low income housing tends to be concentrated in areas that already have high poverty rates. The researchers also found that 40B is used more frequently by for-profit developers when local zoning laws are more strict, particularly when it comes to building rental properties (Fisher & Marantz, 2015). Fisher and Marantz (2015) also concluded that most rental housing units in Massachusetts were built using 40B.

#### Exclusionary Zoning Laws

Giving developers the opportunity to bypass local zoning laws opens up the potential for so much more low income housing to be built in a wide range of towns throughout the state. Opening the borders of typically closed off municipalities should have created a boon of low income housing. However, Massachusetts faces a huge deficit when it comes to housing stock, indicating that the Act is not working as intended. Hananel (2014) concludes that, since the 1990s, local zoning boards have limited the number of units that can be built per project and, at the same time, have decreased the number of projects that are approved per year. Again, the biggest barrier to building low income housing units to meet the demand lies within the local

zoning laws and their exclusionary practices of keeping certain types of housing out of their towns.

Preventing low income housing from being equitably spread out among all municipalities is not only creating a lack of housing for those who need it but it is also creating further economic and health disparities by creating enclaves of low income neighborhoods which do not appeal to corporations to add locations of their stores. Exclusionary zoning laws are adding greatly to the cycle of poverty by denying people the opportunity to live in “high opportunity” towns and neighborhoods which could open up new possibilities for themselves and their children.

Exclusionary zoning laws have a long history in the United States and are present in municipalities across the country. New York City enacted the first zoning laws in 1916 and many cities followed in its footsteps not long after (Smythe, 2018). The United States Department of Commerce sponsored the creation of the Standard State Zoning Enabling Act of 1922 (SSZEA) which essentially gave the authority for city governments to sanction zoning laws (Smythe, 2018). Once cities and town governments were given the power to create zoning laws and they learned of the practices of early adopters like New York City and Cleveland, OH, it became a quickly adopted practice to help create and protect wealthy enclaves and neighborhoods.

A notable court case involving zoning laws was the *Village of Euclid v. Ambler Realty Co.* (1926) which made it all the way to the Supreme Court. The case involved Amber Realty Co., a commercial real estate entity that was fighting the zoning regulations upheld by the Village of Euclid, a wealthy neighborhood outside of Cleveland, OH (Smythe, 2018), which did not allow industrial uses of the land within the town’s boundaries. What is historically notable

about this case is that the Supreme Court, in a landslide, ruled in favor of all of the town's land use regulations which sent the message that heavily regulated and exclusionary zoning laws would not be challenged by the federal government (Smythe, 2018).

Now embedded in the governments of local municipalities across the United States, zoning laws have created segregations between classes and races. Smythe (2018) surmises, 'the sad truth is that land use regulations have facilitated the flight of the affluent to neighborhoods where the poor and less affluent cannot follow them.' It seems obvious that exclusionary zoning laws are discriminatory and should be more closely regulated by the state court systems. However, the local zoning laws do not outwardly discriminate against protected groups within the Fair Housing Act of 1968; instead, they make the purpose of the laws purely economic stating it is all about preserving the property values of the homeowners (Boyak, 2017). By using property value as their justification for zoning laws, local governments can employ restrictions in the name of preservation. This strategy suggests that the way to keep property values high is by excluding certain types of housing and land uses that are not just single family homes; therefore excluding groups of people.

Municipalities use a variety of ways to restrict housing including, 'minimum lot sizes, setbacks, height restrictions, and other anti-density zoning requirements, as well as exclusion of multifamily housing from wealthy neighborhoods composed of single-family detached homes,' (Boyak, 2017). This list of zoning stipulations that are used in towns make it clear who is being excluded: the poor and anyone who may need housing assistance. Frankly, anyone who can't afford a single-family home, which is out of reach for many people, is being excluded. Boyak (2017) points out that a major oversight of federal affordable housing was that they focused on quantity over location of affordable housing. Since the federal government never made location a

priority when it came to building low income housing there is no precedent for equal distribution of where low income housing is built. Coupled with the power local governments have to wield their zoning laws, it has caused affordable housing to be concentrated in already high poverty locations.

The locations of poorer neighborhoods tend to be devoid of many resources and opportunities such as public amenities and services. These neighborhoods are often further from recreational and retail outlets, including grocery stores; and farther away from hospitals and health care providers.

In addition, New England has some of the strictest zoning laws in the U.S. and they are widely practiced throughout the region. Ellickson (2021) describes New England as, ‘a bastion of exclusionary zoning, the median house-lot of a new detached dwelling was 17,000 sq. ft., roughly twice the national figure.’ In a region that is struggling with low housing stock, especially affordable housing stock, the statistic of the average lot size seems ridiculous. It is perpetuating the development of high-priced, large, single-family homes. Ellickson (2021) further describes the suburban norms for the U.S.:

Particularly in New England suburbs, American house-owners commonly live in neighborhoods where lots exceed 10,000 sq. ft. Ten thousand square feet is 0.23 of an acre (43,560 square feet), or 0.09 of a hectare. In a U.S. neighborhood where lots are larger than 10,000 sq. ft., sidewalks are uncommon, “walk scores” (Speck, 2012: 25–28) are low, and dependence on automobiles is close to universal. To justify their large-lot mandates, U.S. suburbs, especially ones that fail to provide sanitary sewers, commonly invoke a public health rationale, namely, the need for a lot large enough to permit safe disposal of septic-tank effluents.

This analysis illustrates the barriers each zoning stipulation can create for low income households as well as developers. The need to have a car to be mobile in these areas coupled with no sidewalks makes such municipalities even more exclusionary and unwelcoming. Taking

away foot traffic is another tactic to keep outsiders out, reducing the likelihood of a visit or the ability to pass through. All of these measures cause suburban towns and neighborhoods in New England to systematically segregate races and classes all in the name of protecting their property values.

The continued segregation that is caused by local zoning laws not only effects the ability for households to find affordable housing but it also effects the economic opportunities and mobility of every generation in the household. The lack of affordable housing in many towns creates limitations for the economically disadvantaged to access high-quality public services and resources, especially schools, which effects their children's chances of economic mobility (Sterk, 2021). For children to be denied access to better education simply based on their housing status is incredibly sad. One excuse that local zoning boards use for denying low income housing in their towns is the strain on such services. Research has shown that they will allow low value homes only if they are occupied by adults so they do not have to utilize the school systems (Sterk, 2021). Once again, the local zoning boards are picking and choosing who is allowed within their borders.

#### Not-In-My-Backyard (NIMBY)

A mind frame that seems to go along with the promotion of exclusionary zoning laws is the not-in-my-backyard (NIMBY) sentiment. This belief promotes that excluding certain types of housing from their communities will keep crime rates down and keep the homeowners' property values high. A quantitative study looked at the effect housing built through the LIHTC program had on area crime in Austin, TX. The researchers found that LIHTC housing had a positive impact on the crime rate by lessening it in areas where crime was already prevalent (Woo and Joh, 2015). This was due to the renovation of old buildings or the usage of vacant lots helping to

revitalize the community (Woo and Joh, 2015). The development of low income housing had a positive effect on the surrounding neighborhoods; they did not lead to the ruin of the area like many NIMBY homeowners believe. However, another factor that was revealed during this research was that a majority of LIHTC housing in Austin was built in areas that already had fairly high crime rates (Woo and Joh, 2015). This, once again, shows that exclusionary zoning laws are preventing low income housing from being developed in a variety of neighborhoods and towns.

Another study completed sought to address if LIHTC development affected property values in a negative or positive way had mixed results. The study focused on Cleveland, OH and Charlotte, NC which had very different real estate markets at the time of the research; Charlotte was on an upswing of huge population growth and, therefore, higher property values while Cleveland was experiencing population loss and housing market stagnation (Woo et. al, 2016). The research did find the LIHTC developments near high-income properties in Charlotte had a negative effect on property values while LIHTC developments had a positive effect on Cleveland property values (Woo et. al, 2016).

However, the researchers also concluded that there is too much nuance between various housing markets and submarkets to really say LIHTC projects will ultimately affect property values one way or the other (Woo et. al, 2016). Homeowners may want to hold on to the prejudicial belief that low income housing bringing negative attributes to their neighborhoods but there is really not enough evidence to prove this is true. If the municipality's community is strong then it should be able to handle some change that would come with adding more housing to their neighborhoods, but they should also believe that it is the right thing to do for their fellow citizens.

The fact remains that most homeowners are not going to voluntarily opt to depreciate their most valuable asset out of the goodness of their hearts. Sterk (2021) suggests a solution to incentivize the development of low income housing is to institute a property tax surcharge on municipalities who deny the building of low income housing through their zoning laws; it would have to be a big enough tax to actually affect change to the municipalities' zoning laws. It is disappointing to think that the only way for municipalities to void their zoning laws is through a penalty or punishment but it might be the only tactic that would work.

Another form of regulations over zoning laws could be a greater presence of the court system when it comes to regulating segregation created by the local laws. Stern (2020) gives three reasons that there must be an intervention on the part of the federal government in order to downgrade the power local zoning laws have over low income housing development. Exclusionary zoning laws contradict federal policies that promote housing mobility (Stern, 2020). It is now well documented the exclusionary zoning laws promote racial and class segregation (Stern, 2020). The federal government needs to take responsibility for promoting the adoption of exclusionary zoning laws in the first place by sponsoring the Standard State Zoning Enabling Act of 1922 (SSZEA) (Stern, 2020). If real change is going to be made to exclusionary zoning laws it would have to start with the federal government making changes to their own policies, diminishing some of the power local governments have to uphold their own zoning laws.

### Sociological Theories

The need for low income housing can affect a number of demographics in an expensive state such as Massachusetts. However, the groups that tend to be affected the most by lack of affordable housing are minority groups such as Blacks and Latinos. Sociological theories that



give some perspective to the cause of the inequities of economic status and housing are conflict theory and critical race theory.

Conflict theory is widely accredited to Karl Marx and Fredrich Engels. The two philosophers and activists believed that in a capitalist society there will always be struggle between the classes because they want and need different things given their economic statuses (University of Minnesota, n.d.). The ruling class (bourgeoisie) own the means of production so their main concern is always profit; the working class (proletariat) are exploited by the bourgeoisie (University of Minnesota, n.d.). The working classes' lack of ownership in the economy gives them little to no power or influence.

Marx, and conflict theory, believe the only way to balance this power struggle is for the lower class in society to revolt against the system (University of Minnesota, n.d.). Through his research Campbell (2021) explains, 'for most of today's conflict theorists, it is not just class, but also race, gender, sexuality, religion, disability status, immigration status, and much else that give some people power over others.' Society will always have dominant groups who are oppressing a group with less power or status.

Therefore, when conflict theory is applied to the issue of low income housing, it is clear that the problem continues to grow worse because a) building low income housing is not a profitable or valuable to local municipalities or developers has market-rate housing; b) the economic status of people in need of housing assistance is low and, therefore, they do not have any power when it comes to policy making or broader economic decisions. The continued suppression of the voice of people in need has caused a severe shortage of low income housing in Massachusetts, and across the country. However, because the issue affects mainly poor

households, that do not hold much economic power, it is easier for legislators to ignore the problem.

Critical race theory states that racism is embedded in the systems of society in the United States and, therefore, minority groups are never given the same opportunities or treated the same as the dominant group, namely Whites. Delgado and Stefaniec (2017) explain, ‘studies show that blacks and Latinos who seek loans, apartments, or jobs are much more apt than similarly qualified whites to suffer rejections, often for vague or spurious reasons.’ Their statement makes it clear that regardless of economic status, minority groups experience barriers in receiving a fair chance when it comes to access to housing, and other areas that lead to success in life. Delgado and Stefaniec (2017) describe poverty as having a ‘black or brown face’ and that black families own around one-thirteenth of the assets of their white equivalents. Since the perception of poverty is that it affects mostly minority families then, according to critical race theorists, it will not be addressed with same kind of urgency than if the problem was believed to be affecting mostly White families.

Of course, poverty is something that touches all demographics in the United States, but the minority groups are the ones portrayed as needing the most assistance and therefore policies have not changed for decades. Bell (1995) calls for racial issues to be told from the perspective of the minorities that are experiencing it, not from the perspective of the white person. This statement is powerful, especially when connecting it to how policies are made and passed. Perhaps changing the voice of who is setting the agenda on priorities for citizens, especially those that are consistently overlooked, would make a powerful impact on the way low income and affordable housing are distributed in the United States.

Data Memo

**Figure 1**

*Representation of the 10% state minimum of low income housing within 10,000 housing units*

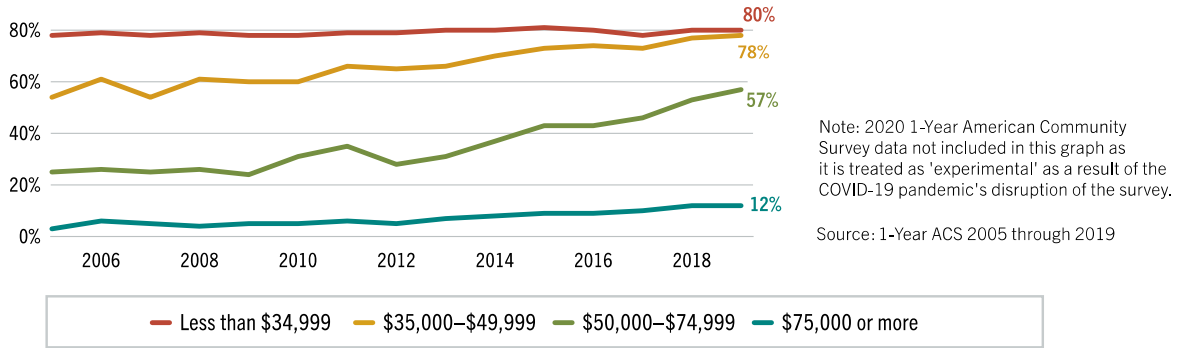


The Massachusetts Permit Act, or 40B, stipulates that all municipalities are supposed to reach a 10% minimum of low income housing units (Hananel, 2014). This pictograph represents 10% of 10,000 housing units. From this point of view, it does not look like a lot of housing at all, and many towns in Massachusetts do not even reach that benchmark.

**Figure 2**

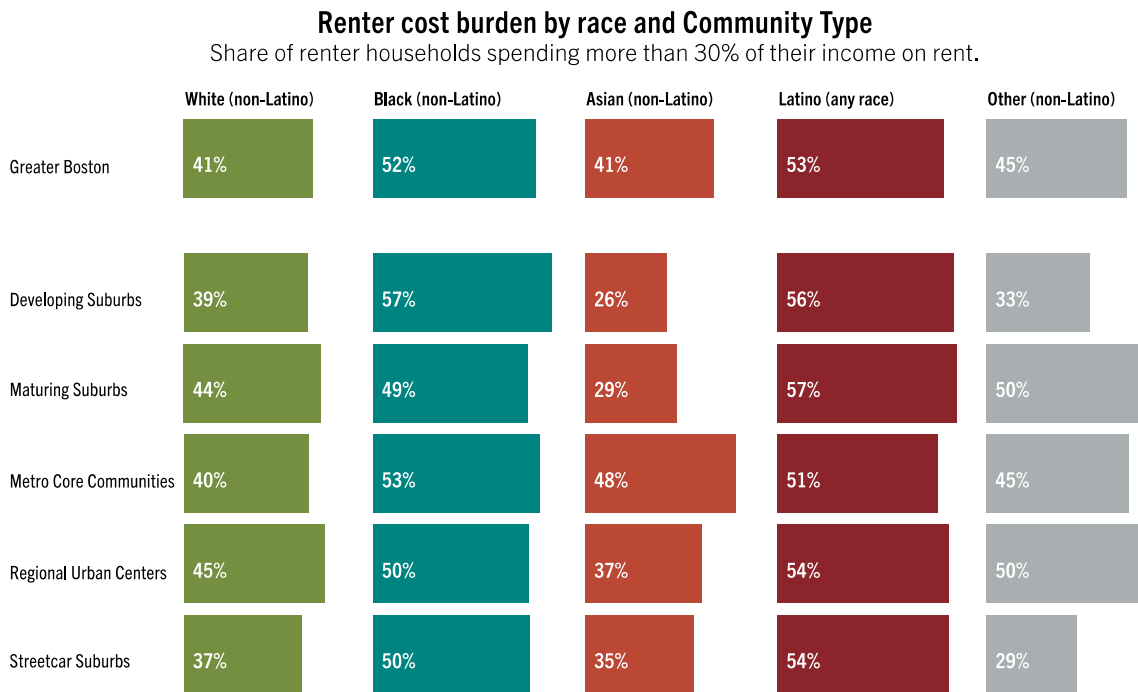
**Cost burdens have increased significantly for moderate income households earning between \$35k and \$75k annually.**

Share of renter households paying more than 30 percent of their income on rent, by income group. Greater Boston



In a high rent area like Greater Boston, many people struggle to afford rent. However, this graph shows that people with the lowest salaries are really struggling to afford rent and have enough money left for other necessities; 80% of households making less than \$34,000 are paying more than 30% percent of their income on rent which is over the level the federal government deems sustainable for maintaining housing stability.

**Figure 3**

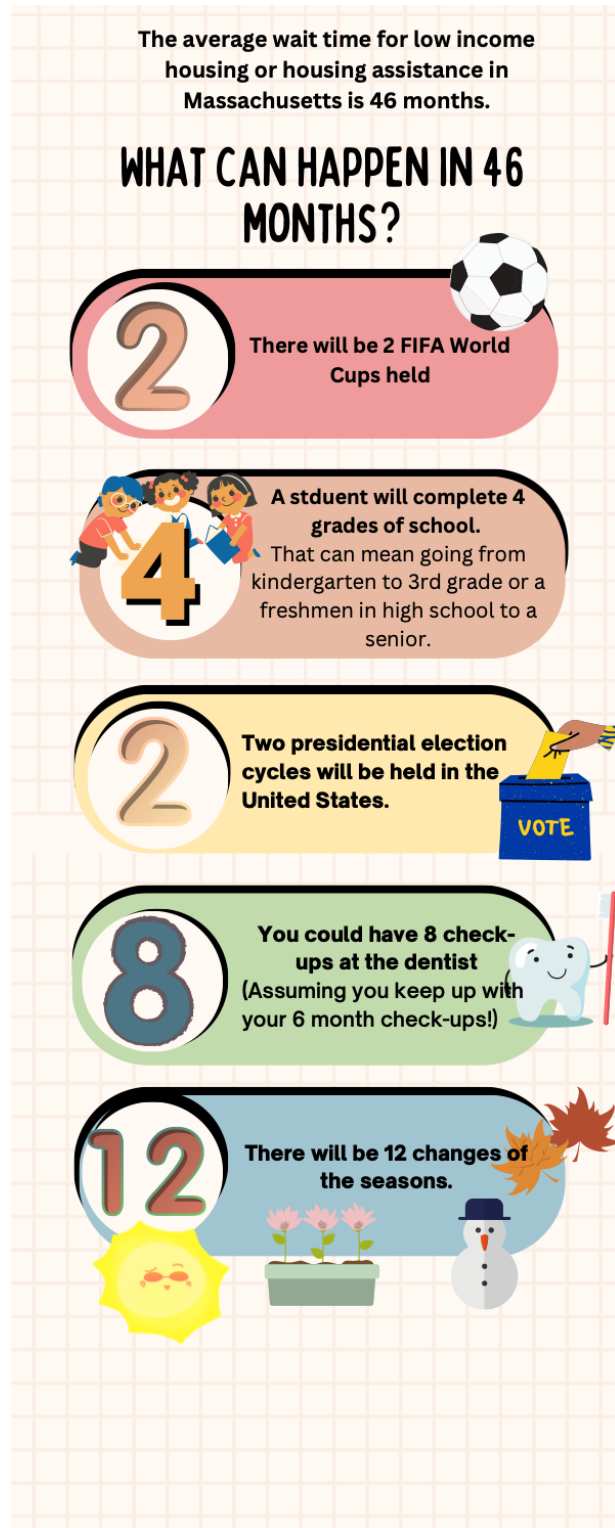


Note: Other here includes Native American and Alaskan Native households, Pacific Islander households, and multiracial households.  
Chart: Boston Indicators • Source: 2014-2018 HUD Comprehensive Housing Affordability Strategy

Figure 3 highlights how minority groups are being negatively affected by high rent prices across the board. In every community category, minorities are struggling the most when it comes to affordable housing costs. Looking at the demographic breakdown of rent burden in this way really helps to illustrate who is being most affected by the shortage of low income housing.

**Figure 4**

*Infographic representing the average housing assistance wait time in Massachusetts*

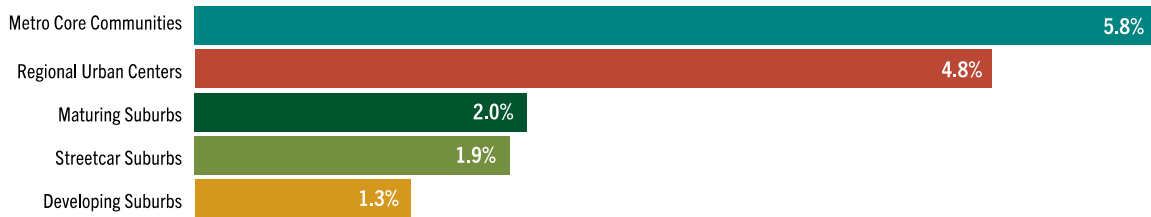


This infographic illustrates some of the milestones people experience in 46 months, which is the average wait time for low income housing or housing assistance in Massachusetts. When you think about how much can happen in society in 46 months, it really highlights how long that stretch of time is.

**Figure 5**

**Metro Core Communities and Regional Urban Centers are home to many more families using Housing Choice Vouchers.**

Housing Choice Vouchers by location of use as a share of all housing units by community type.



Source : HUD Picture of Subsidized Housing; 2020 Census

The suburban communities of Greater Boston have very low percentages of residents using Housing Choice Vouchers while the urban areas are more accepting of the vouchers. It highlights that households that are relying on Housing Choice Vouchers for rental assistance do not really have too many choices on where to live as many communities' rents are still out of reach or do not accept the vouchers. It is also another way landlords discriminate against people of a lower economic class.

**Figure 6**

*Table comparing housing statistics in Greater Boston*

| City/Town | Median Income | Median sale price of a home in 2022 | % Renter | Federally Subsidized housing as % of housing stock in 2020 | Subsidized Housing Inventory (DHCD) as a % of 2020 housing stock | Housing Choice Vouchers as a % of 2020 housing stock | Lot size requirements                            |
|-----------|---------------|-------------------------------------|----------|--|--|--|--|
| Lawrence  | \$45,045      | \$413,000                           | 70.3%    | 11.7%  | 13.4%  | 6.1%   | 10,000 (sf)<br>2,500 (mf)                        |
| Brockton  | \$62,249      | \$430,000                           | 44.0%    | 10.3%  | 12.3%  | 5.9%   | 7,500 sq. fe. (sf)<br>5,000 (mf)                 |
| Boston    | \$76,298      | \$4,400,000                         | 64.7%    | 18.0%  | 18.4%  | 5.8%   | 5,000 (sf)<br>6,500 (2 units)<br>9,500 (4 units) |
| Brookline | \$113,642     | \$2,542,000                         | 51.50%   | 5.6%   | 9.60%  | 3.1%   | n/a  |
| Hingham   | \$147,520     | \$1,257,500                         | 17.70%   | 0.6%   | 10.2%  | 0.7%   | 20,000 (sf)<br>40,000 (mf)                       |
| Wellesley | \$213,684     | \$2,055,000                         | 17.20%   | 1.4%   | 11.2%  | 0.3%   | 20,000 sq. ft. (mf)<br>7,000 sq. ft (sf)         |

This table compares various data points of different towns in Massachusetts. The towns were chosen to show the disparities in both low income housing stock and the lot size requirements between low income and high income towns. These data points show exclusionary zoning laws at work by creating barriers for low income housing to be built including incredibly large lot sizes for multi-family dwellings and very high property values.



### Recommendations

The lack of low income housing in Massachusetts is a glaring problem that needs to be addressed immediately. As rents continue to rise in the Greater Boston area more and more people are looking for affordable housing and there is simply not enough housing stock to cover the need. The lack of low income housing units is an issue that is being perpetuated by local governments and their exclusionary zoning laws. Furthermore, the state and federal housing policies are lacking in their ability to control the rampant rejection of low income housing development in towns throughout the state.

There are many layers to the housing policies of the United States as they work on a federal, state, and local level. In order to see improvement in the the housing issues in Massachusetts, policies need to be re-evaluated at all three levels. Policies need to become more cohesive to be able to address the needs and concerns of households seeking affordable housing as well as give towns the peace of mind that their municipal services will not be in jeopardy if more housing is developed in their towns.

#### Local-Level

There are several changes local municipality governments and boards could make to improve the distribution of low income housing throughout all of the towns in Massachusetts. One step would be for towns to change the required lot sizes for building multifamily dwellings. Many towns in the state, particularly wealthier suburbs, mandate extremely large square footage for multifamily dwellings which, in turn, makes building these types of properties entirely too expensive for developers. This simple change to towns' bylaws could reduce the inequities that exist concerning where low income housing is located around the state and also open up housing choice opportunities for households seeking affordable housing.

Another change local governments could enact to create a more equitable housing environment in their towns would be to change the make-up of the boards and committees themselves. Perhaps by mandating that municipality zoning boards must include a renter as a member, or even someone who is receiving housing assistance, to give the boards and governments a much needed alternative perspective, balancing one solely concerned about the effects low income housing will have on personal property values.

It is likely that local municipality governments and boards are not going to voluntarily give up any of their power over land use in their towns. Local boards are predominantly comprised of homeowners, they have a vested interest in protecting their own investments, i.e. property values. The state mandating a minimum percentage of low income housing helps in some ways but it is not enough. A majority of towns will do just enough to hit the bare minimum of ten percent, and many towns don't even do that. And Massachusetts is one of only a handful of states that actually has any stipulations on low income housing percentages. It seems that the only way local governments will amend their ways is if the state and federal policies change in order to force their hand.

#### State-Level

Massachusetts housing policies have historically been more conscientious of the known issues that arise from exclusionary zoning laws. As mentioned above, it is one of the few states that actually instated a minimum percentage of low income housing that each town must meet. Through 40B, it has also given developers the power to override the rulings of local zoning boards with an appeal to the state. However, neither of these policies have been very successful in creating more low income housing across all the towns of Massachusetts. In order to make these housing policies actually create the equitable distribution of housing that was intended by 40B, the state needs to change how it regulates the municipalities.

Therefore, Massachusetts needs to take away some of the power that local governments have as final decision makers on what types of housing projects can or can't be built within their towns. Right now, local governments hold all of the power when it comes to these decisions and it is creating barriers for low income housing construction being built in the state. One important change that would help create a power shift would be for Massachusetts's government to create a more robust housing department within their ranks so that they have the capacity to monitor the towns more closely. For instance, there are many towns in the state that are not meeting the 10% low income housing minimum. With a larger housing department, the state would be able to have someone keeping track of these numbers and acting on them by directing LIHTC projects to those towns or mandating the town(s) must build a certain number of low income units within a timeframe in order to meet the 10% minimum. This could open up so many more opportunities for housing development and greatly improve the low income housing stock in the state.

Another action that would improve compliance would be state oversight of the housing databases which track availability of low income housing units throughout the state. Currently, there is no central database making it difficult for people to do a comprehensive search for housing. This can lead to units remaining empty even though there is a need. If the state could increase its housing department and use the extra capacity to create a central low income housing database, it would make the process of the housing search so much easier for anyone who needs it. A central database could also cut wait times because there would not be open low income units languishing, unseen while someone is desperately waiting for housing.

Certainly, the housing database project would be a considerable cost and time commitment for the state but it is a necessary step to make the housing system more efficient. A

central housing database would also allow the state to build data models to show how many more low income housing units are needed and where they should be built.

#### Federal-Level

Federal policies also require revisions when it comes to finding improvements for low income housing availability. These policies have not been updated in decades and they do not include enough specificity in the parameters states need to follow in order to create not only affordable housing but also equitable housing. When the Fair Housing Act was passed in 1968 it explicitly states groups of people who were protected from housing discrimination. However, one notable group that was omitted, and has never been added, is the economically disadvantaged. Therefore, states need to make it illegal for landlords to discriminate against people using housing choice vouchers, or other forms of rental assistance. This discrimination is prevalent in many states and leaves households with little choice on where to live; most likely landing them in high poverty neighborhoods with few resources.

The federal government should amend the Fair Housing Act to include economic status as a protected class. This adjustment could eliminate outright discrimination against people using vouchers and other rental assistance therefore opening up the living choices for households. It could also affect the wait times for low income housing in states, including Massachusetts, because it could create a greater inventory. However, there is only so much changing the Fair Housing Act would accomplish because it does not deal with creating low income housing units but, other federal policies do.

The Low Income Housing Tax Credit (LIHTC) has been successful in promoting the construction of millions of low income housing units across the country. However, the policy has not been updated in any meaningful way since its passing in 1986. Other than providing funds for the states and tax incentives for developers to build low income housing projects, the policy

does not do include any language about how these projects should be distributed throughout the state. This leaves too much discretion to the state governments, and ultimately the local municipal governments, on how to allocate the funds and projects which, up to this point, has created huge inequities in location availability of low income housing.

In order to create more direction and mandates for states' decisions on low income housing, LIHTC needs to include a standard format for the qualified action plan (QAP) that each state has to submit in order to receive approval and funding for their projects. To date, there are no stipulations about what has to be included in the QAP pertaining to the location of the proposed project; resources available to eventual residents in the area; income thresholds pertaining to low income households; or even what constitutes low income rent thresholds compared to market rates in the area. If the federal government could create a standard form for all QAPs, it would make the LIHTC projects much more effective in addressing the needs of low income households because states would not be able to circumvent the intended usage of the funds.

### Conclusion

Housing is a very complex issue in the United States. The policies are so intertwined that is hard to make a change a one level of government without it affecting the whole stratum of housing policies. However, it has been made clear through this research that the housing policies at every level of government need to be scrutinized and updated in order to be able to tackle the exclusion and discrimination that plagues the development of low income housing. And while greater government oversight might help to expedite the building of more low income housing units, the real shift needs to come from society itself and the way we view low income housing in our neighborhoods and how we treat the people who seek help in affording housing. Instead of

trying to hoard resources for monetary gain of a few, we should practice sharing resources with as many people as possible and see how it benefits society as a whole.

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