

Something for you to consider....

Reframing the Issue: NIMBY or Discrimination

Long before the Fair Housing Amendments Act (FHAA) was passed in 1988, local groups were forced to learn how to overcome local opposition to their projects or fail. They learned various methods for appeasing neighbors, planning departments and city councils. Out of habit (or shared philosophy?) these groups (developers, advocacy groups, service providers) continue to follow some of these same methods.

In fact, handbooks have been written, conferences held and advice handed out on how to 'appease' neighbors.

QUESTION: Would we be developing guidelines, handbooks and handing out advice on how to 'appease' the neighbors if we were talking about race or religion?

And if the answer to that is yes, wouldn't we include declarations regarding the civil rights of such persons? Would we suggest to these classes of people that they 'negotiate' their right to live in their own community?

FHAA. The FHAA, in addition to some very important administrative changes, essentially elevated two classes of people to 'protected status'. These two groups are families with children and people with disabilities. Congress did this because of the overwhelming evidence that societal attitudes toward these groups often interfere with the recognition and protection of these group's legal and human rights. The FHAA states that it is illegal to deny members of these groups and the other protected classes (race, color, religion, sex, ancestry, national origin) access to housing because of their status as a member of one (or more) of these protected classes. All of the protected classes are now afforded the same protections equally (that is, one group is not 'less' deserving than another) and there is an additional consideration for people with disabilities, reasonable accommodation.

The reasonable accommodation provision requires housing providers to 'make reasonable accommodations in rules, policies, practices or services, when such accommodation may be necessary to afford a disabled person equal opportunity to use and enjoy the dwelling'.

NIMBY. There appears to be an out of control phenomenon in this country. People fight change. Whether it is putting a softball diamond on an empty lot (too much noise), or a sound wall on the freeway (loss of scenic view), people fight change. But when the activities which we call NIMBY (not in my back yard) are actually attempts to deprive certain individuals access to housing because of their status as a member of a protected class of people, it's no longer NIMBY, IT IS DISCRIMINATION.

UNEQUAL. For some reason, while most of us recognize that it is not 'ok' to try to stop people of different races or religions from moving into a neighborhood, most of us do not have the same understanding when the group under discussion consists of people with disabilities. For some reason, perhaps the same reason, most of us believe that 'we' have a say over these people because of the disability. 'We' try to dictate how many services should be required and require checkpoints to determine whether or not individuals are actually 'ready' to live in the community. The FHAA and the American's with Disabilities Act protect people with disabilities from this very act of misguided philanthropy. The public (that includes elected officials) does not have the right to decide what type of services, if any, a person with a disability should have. That decision is up to the individual and people who may represent them.

An easy way to tell if we are crossing over the line is to substitute ourselves or one of the other protected classes for the person with a disability when discussing NIMBY. For example, my family consists of eight people. I did not have to go through a public hearing in order to move into my house.

COMMUNITY ACCEPTANCE STRATEGIES: To further demonstrate my point, let's apply some of the more popular 'community acceptance strategies' to different kinds of situations.

1. A Viet Nameese family comes to your town, they have been staying with relatives, in motels

and sometimes in their car. The family consists of Mother, Father, Grandmother, seven children and three cousins. All adult members of the family are working and the family is ready to find a house that can accommodate them all and which will provide a stable home. The family has experienced resistance to their living in this community, even though they work there and, of course, pay taxes there.

According to community acceptance guidelines they should:

Notify everyone: businesses, community groups, churches, community-based, groups, that they want to move to a certain location. They should follow up mailings with phone calls. And set up meetings so neighbors can come and ask questions. They also should be ready to offer compromises to reduce their new neighbors fears (e.g. they will not own more than two cars).

2. An African-American family lives in your community. The family consists of the mother and six kids. Four of the kids are teenagers. They are loud, play loud music, have friends over all of the time and there have been concerns about the number of cars on the street. The family has finally raised enough money to add a couple of rooms to the house so that the members of the family can have more privacy. Because of the economy, many families in the neighborhood have built additions to their homes, even adding whole floors. However, neighbors have made numerous complaints regarding the teenagers in this family and suspected illegal activity.

According to community acceptance guidelines they should:

At every step make the community feel that they have an impact on the process. They should set up an advisory committee to help review who lives in the home, the rules and set up expectations for the general conduct of the inhabitants. They should hold an open house so the neighbors can see that there is nothing to be afraid of.

LANGUAGE. Even the term 'community acceptance strategies' implies an unequal relationship. It suggests that the goal is to get the larger community to accept 'those' people. However, that is not the issue. 'Those' people probably already live there. And if not, they have a right to live in the community of their choice and that they can afford. There is no point to having 'civil rights' if getting them is dependent upon other peoples acceptance of you. The issue is, perhaps, community integration where the goal is to afford all members of the community opportunity to participate in all activities and benefits and to interact with each other in mutually beneficial ways.

I've done it myself. I do it in workshops. And in my writing. That is, use 'cute' terms like NIMBY or NIMTOO (not in my term of office), or BANANA (build absolutely nothing anywhere near anything). I've decided however, that like other ugly aspects of our society, it is time to call this 'thing' what it is: discrimination.

Too often we end up legitimizing this activity by saying things like 'the neighbors have legitimate concerns'. NO THEY DO NOT. They may suffer from ignorance, misunderstanding, and prejudice, but when their 'concerns' are about who is going to live near them, the concerns are not legitimate. Putting a 100 unit apartment building in a single family residential neighborhood, that's a legitimate concern.

WHO'S GOING TO DO IT. If we don't begin to change our own language and attitude about creating housing opportunities for 'disadvantaged' people then who's going to do it. Somewhere, somehow, someone has to stand up and stop compromising basic human rights. Unfortunately, the people in the middle of the debate are often not the people being discussed. The situation has become a little bit like the conflict between Native Americans and Ted Turner. Ted Turner owns the Atlanta Braves. He has been asked, by Native American groups, to change the name of the team and to ask fans to no longer do the 'tomahawk chop' at games because they are insulting to Native Americans. Mr. Turner has replied that he doesn't think either of those things are insulting so he will not change them.