A CALL FOR LEADERSHIP IN THE STATES

BY DON CHEN

As many of you head off for vacation, smart growth proponents nationwide will be working harder than ever to improve the way their communities grow. From July through September, states, counties, and localities will be finalizing what voters will consider in November. State legislatures will be wrapping up their sessions, enacting new legislation and, in some cases, sending referenda to the people.

This week, as citizens collect signatures and lawmakers cast their votes, they will receive guidance from some important stakeholders: the Governors, who will be gathering in Providence, Rhode Island from August 4-7 for the National Governors’ Association Annual Meeting. Smart Growth has received top billing at this year’s conference, thanks to the leadership of Maryland Governor Parris Glendening, who has made the issue the focus of his NGA Chairmanship. Building on the smart growth principles they adopted last year, the Governors are expected to adopt new policies and tools that will help states better manage growth.

For the smart growth movement, this is the culmination of separate efforts launched in recent years by Governors Glendening, Christine Todd Whitman (NJ), Mike Leavitt (UT), Jesse Ventura (MN), Tom Ridge (PA), Roy Romer (CO), Jeanne Shaheen (NH), and many others. Each of these leaders had the vision to start championing smart growth before it became a buzzword—through farmland conservation, neighborhood revitalization, transit investments, brownfields redevelopment, and historic preservation.

Their leadership is even more critical today, as demands for solutions to sprawl, traffic gridlock, and community distress intensify. Last October, a poll conducted for us by Beldon, Russonello & Stewart found that supermajorities of Americans supported a wide array of smart growth policies, such as requiring new developments to include fifteen percent affordable housing, establishing zones for open space, investing in measures that make it safer and easier for kids to walk to school, and providing incentives to revitalize low-income communities. Since then, many of our findings have been corroborated by a slew of state, regional, and national polls conducted for a diverse set of groups, such as the Federal Highway Administration, the Atlanta Regional Commission, and the League of Conservation Voters Education Fund.

These surveys signal an unprecedented call for leadership. Demands for smart growth solutions now outrank other familiar local priorities. An April poll conducted for the National Association of Realtors found that over half of respondents were dissatisfied with their communities’ efforts to handle traffic congestion, provide practical and convenient public transit, and manage growth and new development. Frustration with crime and historic preservation campaign, and “smart (building rehabilitation) codes” in New Jersey and Maryland. Plus, we present a few of the statewide ballot measures that we’ll probably see on Election Day.

None of the accomplishments featured in these pages would have been achieved without strong leadership from Governors. And others are stepping up to the plate: Governors Paul Patton (KY) and Ruth Ann Minner (DE) just announced the creation of state commissions to address growth concerns, joining Michigan, Maryland, Illinois, Rhode Island, Utah, New Jersey, Pennsylvania, North Carolina and others that have similar working groups.

As they convene this week, the Governors have an unprecedented opportunity to give the people what they want: strong leadership on smart growth and real progress in combating the harmful effects of sprawl. Make us proud.

For More Info
www.nga.org
www.smartgrowthamerica.net/poll
www.realtor.org/smartgrowth
www.denverpost.com
www.Kentucky.gov
www.Delaware.gov

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Greetings!

Welcome to the inaugural issue of Smart Growth America’s bi-monthly newsletter. We hope you’ll find it to be a great source of information, insightful commentary and analysis on the trends affecting sprawl and smart growth. Feel free to send us feedback, ideas, subscription additions or cancellations to sgaeditor@transact.org, or send a real letter to the return address on the back of this newsletter.

Don Chen, Director

IN DEPTH: ONE SMALL STEP FOR BROWNFIELDS

BY KATE BICKNELL

Brownfields, abandoned and potentially contaminated industrial lands, represent a substantial barrier to reinvestment in many communities. The redevelopment of such sites, approximately 450,000 nationwide, is a critical smart growth tool that helps to revitalize communities and to alleviate pressure to develop farmland and open space.

A few states have implemented successful brownfields programs, and several others are currently debating legislation. In 1992, Minnesota passed the Land Recycling Act, which has generated over $3 million in additional tax base. In 1995, Pennsylvania passed the Land Recycling Program and according to the Pennsylvania Department of Environmental Protection, over 800 sites have been cleaned, creating over 25,000 full and part-time jobs. Federal support for such efforts is critical. Without it, state brownfield programs will only be able to provide limited incentives for clean-up and redevelopment, and will not be able to provide adequate relief from federal environmental liability.

The U.S. Senate has taken the first step forward. On April 25, the Senate unanimously passed S. 350, the Brownfields Revitalization and Environmental Restoration Act, introduced by Senator Lincoln Chafee (R-RI). The 99-0 vote resulted from a narrowly crafted compromise that reached agreement on the most controversial issues: the definition of eligible brownfield sites, and “finality,” which provides deference to a states brownfields program while preserving the U.S. Environmental Protection Agency’s (EPA) ability to intervene in a project to protect human health and the environment.

Protecting this federal safety net in the House will be essential to the passage of a bi-partisan bill, a goal advocated by EPA Administrator Christie Whitman. The House held a hearing on June 28 to discuss draft legislation. More activity is expected in the near future.

The Smart Growth America coalition endorses S. 350, the Brownfields Revitalization and Environmental Restoration Act.

Housing On July 25th, Senator Kerry (D-MA) introduced the National S.1248, National Affordable Housing Trust Fund Act, the companion bill to H.R. 2349 introduced by Representative Sanders (I-VT). The bill establishes a permanent source of funds for the development, rehabilitation and preservation of affordable housing.

The Smart Growth America coalition endorses a National Housing Trust Fund (www.nhtf.org).

Transportation Representatives Houghton (R-NY) and Oberstar (D-MN) introduced the High Speed Rail Investment Act, H.R. 2329 on June 27. The bill authorizes $12 billion in bonding authority over 10 years, and requires a 20 percent match from local governments. Senators Biden (D-DE) and Hutchinson (R-TX) introduced the companion bill in the Senate on January 31.

The Commuter Benefits Equity Act (S. 217/H.R. 318), introduced by Senators Schumer (D-NY) and Warner (R-VA) and Representative McGovern (D-MA), increases the tax-free transit benefit that employers may offer their employees. The increase raises the transit benefit to a level equal to that of the current benefit for employee parking.

The Smart Growth America coalition endorses the Commuter Benefits Equity Act.

Education In March, Senator Harkin (D-IA) introduced S. 471, the Public School Repair and Renovation Act of 2001, which authorizes $1.6 billion in grants and loans, targeted at high-need communities, to local education agencies to help them make urgently needed repairs. Last year, the National Education Association estimated that the total funding needed for public school infrastructure modernization was $268.2 billion.

Open Space The Senate Finance Committee recently held a hearing on two legislative proposals on conservation easements: S. 701, the Rural Heritage Conservation Act introduced by Senator Baucus (D-MT), and the Conservation Tax Incentives Act, not yet formally reintroduced in the 107th Congress by Senator Jeffords (I-VT).

Farmland Conservation Representative Kind (D-WI) recently introduced H.R. 2375, the Working Lands Stewardship Act of 2001, which will act as a rallying piece for Congressional members and advocates working to promote conservation in the reauthorization of the Farm Bill.

Historic Preservation Representative Shaw (R-FL) and Senator Breaux (D-LA) have introduced the Historic Homeownership Assistance Act, H.R. 1172 and S. 920. The bills provide a 20 percent federal income tax credit to homeowners who buy or rehabilitate a qualifying historic house for a principal residence.

The Smart Growth America coalition endorses the Historic Homeownership Assistance Act.

Planning S. 975, the Community Character Act of 2001, introduced by Senator Chafee (R-RI), authorizes $25 million per year for five years to assist states in reforming outdated state planning statutes, and to improve state and regional planning. H.R. 1433, the companion bill introduced by Representative Blumenauer (D-OR), provides $50 million to states for the same purpose.

The Smart Growth America coalition endorses the Community Character Act.
sprawling development patterns and rapid population increases have negatively impacted Coloradans’ quality of life from both environmental and social equity standpoints, but until recently, smart growth advocates and affordable housing or social equity advocates have not worked together to support common solutions. In fact, we ended up on opposite sides of the smart growth initiative, Amendment 24, which was on the ballot in November 2000.

**Smart Growth vs. Housing?**

Amendment 24 would have instituted citizen-approved, enforceable comprehensive plans with urban growth boundaries. A $6 million campaign launched by development interests ultimately defeated the measure. But along the way, the amendment suffered a tremendous setback when Habitat for Humanity of Metro Denver and the Colorado Affordable Housing Partnership formally opposed the measure.

Because of Colorado’s single subject rule, the initiative could not directly address affordable housing concerns. The housing groups’ opposition was also due to concerns about potential indirect impacts, especially rising land costs and an increase in NIMBYism the groups feared would result from the initiative’s community participation requirements.

Our positions on Amendment 24 resulted in the perception that affordable housing and growth management interests run counter to one another.

**Crafting a Common Agenda**

Since the election, we have worked hard to overturn that misperception. CoPIRG and other Colorado smart growth advocates initiated conversations with affordable housing and social equity advocates immediately after the election. Discussions included a wide range of organizations, including the Colorado Affordable Housing Partnership, Catholic Charities, the Enterprise Foundation, Habitat for Humanity, CoPIRG, the Sierra Club, the Colorado Environmental Coalition, and other organizations.

The early dialogue focused on the concerns and interests of each group, which established a framework of mutual understanding of and support for most of the issues addressed in Amendment 24.

The issues most thoroughly discussed included urban growth boundaries and requiring jurisdictions to plan for the affordable housing needs of current and future residents.

The groups also discussed development fees, density requirements, NIMBYism, and the provision of rental units. Finally, the groups discussed the broad range of costs associated with sprawling development patterns, including increased transportation costs and taxes borne by existing residents to pay for new infrastructure.

How fast is Colorado growing?

Colorado’s population increased by over one million people in the last ten years, reaching over 4.3 million according to the 2000 Census. Development is consuming land even faster than population is increasing. The state is losing an estimated ten acres of open space and agricultural land every hour.

As metropolitan areas spread, people will continue to drive more. By 2020, the average Coloradans’s daily-miles driven are projected to increase by 40 percent and commuting times are predicted to double. Already, about 17 percent of Denver households’ expenditures go to transportation, second only to housing.

Dramatic housing price increases have accompanied the population boom. In the past decade, home prices in Colorado have increased by 101 percent and rents have increased by 88 percent (driven by vacancy rates ranging from 0.1 percent in Eagle County to 4.5 percent in Metro Denver). Meanwhile, wages have risen only 56 percent.

Housing prices in Denver are higher and have increased more rapidly than in Portland, OR, which has had strong urban growth boundaries for over 25 years. From 1991 to 1999, Denver’s median home price increased by 101 percent and rents have increased by 88 percent (driven by vacancy rates ranging from 0.1 percent in Eagle County to 4.5 percent in Metro Denver). Meanwhile, wages have risen only 56 percent.

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Concerns about growth and its impacts on historic preservation, town centers, affordable housing, and open space are at center stage in New Hampshire, the northeast’s fastest growing state. Legislative leaders and Governor Jeanne Shaheen have responded with a string of smart growth initiatives, culminating with the Governor’s GrowSmart NH initiative announced in February.

GrowSmart NH is “a comprehensive initiative that will ensure state government is not contributing to sprawl, assist local communities in planning their growth, and build on and strengthen the state’s ongoing efforts to preserve the state’s environment, open spaces and historic places.” This includes four years of work to reorient state agencies and provide incentives for local smart growth projects:

- Since 1997, a land use and open space committee comprised of five state senators and five state representatives has held public meetings, collected data, and made annual recommendations based on input from a wide range of interested groups.
- In 1999, Governor Shaheen issued Executive Order 99-2, requiring state agencies to recognize “the importance of preserving New Hampshire’s traditional communities and landscapes.”
- Last year, the legislature passed a State Economic Growth, Resource Protection, and Planning Policy, which requires the New Hampshire Council on Resources and Development to provide an annual report on smart growth activities and progress. It also directs the Council to evaluate the benefits and costs of land development in the state and give priority to smart growth initiatives.
- Also created in 2000, the Land and Community Heritage Investment Program provides up to 50 percent matching grants for community projects that conserve natural, cultural, and historic resources.

The Land and Community Heritage Investment Program LCHIP exemplifies the New Hampshire smart growth strategy. Incentives allow the state to encourage preservation projects without interfering with local control or imposing unfunded mandates, which the legislature has banned. This approach contributed to strong support for the bill from local governments. Representative Martha Fuller Clark, one of the bill’s cosponsors, noted that, “One-hundred and three communities passed a local resolution urging the legislature to pass the bill. That accounts for nearly 50 percent of the state’s municipalities.”

As popular as the bill was, the legislature was not prepared to provide a permanent funding stream. In two years, they will have to re-appropriate funds. But the program already has more requests than existing funds can support, a sign that demand for the grants is strong.

Group Leadership

LCHIP also reflects the legislature’s strong leadership role. From the creation of the land use and open space committee in 1997 to a flood of bills in
2000 and 2001, legislative actions have been a catalyst for smarter growth.

This year, the legislature moved into more challenging territory with a new bill (HB 712) that would coordinate state, regional and local planning efforts. “One of the difficulties we face is in encouraging local communities to reach across boundaries to work regionally,” explained Rep. Fuller Clark.

Though the bill passed by the House too late for the Senate’s consideration, Sierra Club lobbyist Christopher Rueggeberg applauded the legislature for raising public awareness and making important strides towards a statewide approach. The bill will be reconsidered in the next legislative session.

The popularity of these initiatives is especially remarkable in a state where the motto is “Live Free or Die,” and where many people perceive any form of growth management as government intervention into individuals’ lives and choices. Smart Growth advocates have relied on three advantages to counter this sentiment: broad coalitions, a strong support for preservation among New Hampshire voters, and a constant focus on local participation and support.

Expanding the Agenda
As smart growth builds steam, advocates representing a wide array of issues are eager to expand the agenda. “Right now, smart growth initiatives have minimally addressed housing issues,” said Martha Yager of the New Hampshire Housing Forum. In a state facing major affordable housing shortages, advocates for low-income residents want to ensure that their constituents are part of upcoming debates on growth.

Sierra Club’s Rueggeberg concurs, observing that “We need to start to look at the big picture… the focus has been on the conservation side.” Together, Yager and Rueggeberg continue to look for new partners, and have identified progressive developers and real estate interests as potential allies.

Fuller-Clark expects this strategy to lead to further victories. “We are trying to create a framework so people will begin to ask a different set of questions about growth,” she said. “And we hope it will result in better planning, preserved open space, and further revitalization of our downtowns.”

For More Info
Governor Shaheen’s GrowSmart NH announcement:
www.state.nh.us/governor/growsmart.html
All legislative text: www.gencourt.state.nh.us
New Hampshire Land and Community Heritage Investment Program Authority: www.lchip.org

Working as an Alliance
The mutual understanding we developed allowed us to present a unified front on a number of bills. During the 2001 legislative session, advocates from the environmental community supported bills to expand affordable housing efforts in Colorado, and both Catholic Charities and the Colorado Affordable Housing Partnership endorsed a smart growth bill that had an affordable housing component. Despite these efforts, the legislature failed to pass significant growth-related legislation.

When Governor Bill Owens announced a special legislative session on growth in May, we were well positioned to work together with our other allies, including business groups, local developers, regional planning organizations, agricultural interests, planners, architects, and local governments, to draft another bill.

Though our legislation did not pass, the coalition was successful in preventing the passage of a competing bill pushed by developers, which would have limited communities’ ability to plan and pay for new development. Despite their pro-affordable housing rhetoric last fall, the developers’ bill did not contain the strong language and specific recommendations to jurisdictions regarding the protection and promotion of affordable housing.

The new coalition legislation would have
- mandated enforceable comprehensive plans with a broad range of required elements, including environmental quality, transportation, and housing (affordable housing units for purchase and rent for a full range of income levels);
- established “urban service areas” based on population, density, and fiscal constraints;
- granted broad-based impact fee authority to cities and counties;
- promoted regional planning in the Denver Metro area;
- required all jurisdictions to demonstrate how they would strike a jobs-housing balance;
- specified mechanisms to promote affordable housing (e.g. waiving sewer and tap fees or reserving land) for jurisdictions to consider.

Looking Ahead
We expect the legislature to take up the issue of growth when they meet again in January 2002 and we look forward to using the opportunity to strengthen the our alliance between smart growth proponents and affordable housing and social equity advocates in Colorado. By working together we can shape the state’s development patterns to better serve both the environment and the people of Colorado.

For More Info
Colorado Public Interest Research Group www.coping.org
Colorado Affordable Housing Coalition: www.coloradoaffordablehousing.org
REHABILITATION CODES

BY ELIZABETH HUMPHREY

It’s one thing to want to reinvest in existing communities. It’s quite another to make it happen. In 1999, two years after the passage of legislation to redirect investment into existing communities ("priority funding areas") Maryland Governor Parris N. Glendening asked an assembly of developers, architects, and building code officials what else could be done to encourage private investment in older neighborhoods. Their answer: fix the building codes that make redevelopment unprofitable.

The Paradox of Building Codes

Building codes establish construction standards, such as required materials and the dimensions of basic elements such as stairway widths or pipe diameters. Almost all of Maryland’s building codes were written to guide new construction, but they also apply to existing construction. In the most extreme cases, even a simple repair could trigger requirements to bring an entire building up to code. A homeowner with a few thousand dollars to spend on kitchen modernization might be required to upgrade wiring, plumbing and framing just to get the necessary work permits.

These codes, all designed to protect the public, often put simple upgrades and repairs beyond the reach of many homeowners. Unable to make their homes safe (and legal), many have been forced to leave or let their homes fall into disrepair.

Even as investors return to abandoned neighborhoods, the codes impose barriers to entry that can only be overcome in very hot markets, a guarantee that rehabilitated homes cannot serve affordable or moderately priced markets.

Looking for Solutions

To address these challenges, Governor Glendening deployed a Smart Codes Strategy Group to look for solutions. The process presented a great opportunity for the Governor to engage groups – like the Homebuilders and developers – that had not previously supported Smart Growth policies.

The Strategy Group quickly found two sources of guidance. New Jersey had just earned an Innovations in American Government Award for their new Rehabilitation Subcode, and in 1997, the U.S. Department of Housing and Urban Development had approved Nationally Applicable Recommended Rehabilitation Provisions (NARRP) to guide the regulation of work in existing buildings.

Results in New Jersey

New Jersey’s program was particularly attractive because it already had a track record. After just one year, total rehabilitation spending increased dramatically in the state’s largest cities. The New Jersey Department of Community Affairs estimated that the new Rehabilitation Subcode would save between 10 and 40 percent of the cost of rehabilitating old buildings.

Before the Subcode, code requirements for rehabilitation were based on the cost of improvements relative to the value of the structure. In other words, in order to find out which code requirements applied, a building owner would have to design the project, cost it out, and then go to a code official to find out how much more he would have to spend to meet the code.

The new Subcode bases code requirements on the type of project (rehabilitation, change of use, additions) and the scope of work (repair, renovation, alteration, and reconstruction). This enables property owners to accurately predict what they’ll be required to do. The new code also institutionalizes a more common sense approach. For instance, an alteration does not necessarily need to bring the affected area of the building up to the “basic standard”, but it may not make it less conforming.

Smart Codes for Smart Growth

Rather than creating a new code, the Maryland Strategy Group recommended creating a definitive index to the other codes. The index states precisely which provisions of the existing codes apply to rehabilitation work. As in New Jersey, code requirements increase gradually as the scope of work increases. Smaller repair projects trigger very few additional requirements.

The Maryland code took effect on June 1, and according to Johns Hopkins, Director of the Maryland Building Rehabilitation Code Program, it is getting a good reception. “We know there are a couple of big projects that are using the code, and there has been no increase in life safety inci-
SAFE ROUTES TO SCHOOL

BY JAMES CORLESS, SURFACE TRANSPORTATION POLICY PROJECT, AND JOHN BAILY

Ask anyone to compare how they got to grade school with how their kids travel, and you’ll likely open up a potent transportation reform topic, one that cuts across all political and philosophical boundaries. Forty years ago, half of all U.S. school children walked to school. Now, the Centers for Disease Control estimate that only 10 percent do. The Surface Transportation Policy Project’s recent “High Mileage Moms” report found that the number of kids walking to school dropped 23 percent between 1990 and 1995 alone. By focusing on the safety of streets from a child’s perspective, the growing “Safe Routes to School” movement in the U.S. presents a golden opportunity for smart growth advocates to reach out to public health professionals, traffic safety groups, local PTAs, and elected officials eager to promote school safety issues.

The Surface Transportation Policy Project and Transportation Alternatives have produced a compendium of existing “Safe Routes to School” programs. Their research identified four broad approaches to safe routes to school programs:

1. The Traffic Calming Model
2. The Funding Model
3. The Encouragement Model
4. The Enforcement Model

The Funding Model approach has created the most publicity nationwide. California has the best example of the funding model approach. California reserves one-third of the state’s federal safety set-aside for a program to fund traffic calming, crosswalks, sidewalks, bike lanes and paths in and around California schools. Begun as a two-year pilot, legislation has been introduced to make it permanent.

The Traffic Calming Model is aims to change the behavior of motorists by altering street design. This model has been used in programs in the Bronx and Arlington, Virginia. In addition to design changes and construction, this approach can also include increased enforcement and public education for drivers.

The Encouragement Model is the simplest and easiest approach, and is an excellent opportunity for a community organization to get involved. A famous example of the encouragement model are the Walking School Buses where children, buffered by adults, walk to school all holding a single string. This approach can also include educational materials targeted at young pedestrians and their parents, and can be expanded to group bicycle rides.

The Enforcement Model relies heavily on the cooperation of the Police Department. Typically, the police use map incidents to find the schools with the highest number of children struck by cars. The campaign usually involves stepped up enforcement of traffic laws around schools in addition to a public education campaign by the police.

To learn more about safe routes programs in or around your community, contact John Bailey at jbailey@transact.org.

For more information about California’s successful program, visit www.baypeds.org/saferoutes.org.
New Jersey Future launched a Smart Growth Education campaign on April 24, 2001, to better prepare candidates and voters for the statewide 2001 elections. The central message: New Jersey is off course for genuine prosperity.

The solution: 20 steps to smarter growth, developed by the business, civic and environmental leaders who serve on our Board of Trustees.

These messages are spelled out in a report, “Achieving Genuine Prosperity: 20 Ways to Move New Jersey Toward a More Prosperous, Just and Healthy Future.”

New Jersey Future developed its 20 recommendations for smarter growth particularly for candidates for statewide office, to ensure this year’s elections stay “future-focused,” according to Barbara L. Lawrence, our Executive Director. We began briefing individual candidates in April, and have met with three gubernatorial candidates as well as several federal and local candidates.

“This guide lays bare the sources of today’s growth pains, and offers 20 changes that can lead to genuine prosperity,” Lawrence said. “It’s our belief that voters, the media and the candidates themselves can use this guide in grappling with the real issues impacting New Jersey’s growth, and its future prosperity.”

“New Jersey’s Golden Era Hasn’t Been Shared Equally”

We framed the problems as five trends, each based on widely available data about New Jersey communities. Each trend offers evidence that the way New Jersey has chosen to grow has not only limited the number of people and communities who share in today’s golden era, but it has weakened the base for continued and genuine prosperity. “New Jersey’s golden era hasn’t been shared equally,” said Anthony “Skip” Cimino, Executive Vice President of Schoor DePalma, the state’s largest planning and engineering company and a board member of New Jersey Future.

“No matter where you live in New Jersey, you’re not doing as well as you could under smarter growth,” Cimino said. “For the most part, we don’t invest in our older communities anymore, and in our newer communities, taxes and traffic are climbing and open space is disappearing.”

“The trend that has grabbed headlines: a third of the state’s 566 municipalities have average property values below 1990 levels, despite a booming economy, the highest per-pupil school spending in the nation, and some of the highest salaries in the nation.

The other four trends address the states property taxes (the nations highest), the lack of appropriate and affordable housing options for New Jersey workers, dramatic increases in traffic, and loss of open space.

How Did We Get Here?

New Jersey has a head start over many states striving for smarter growth, because it has a statewide blueprint for revitalizing existing communities and preserving open land: the State Development and Redevelopment Plan.

The trends that threaten our future prosperity persist because failure to adhere to the State Plan has allowed the policies, rules and laws that govern New Jersey’s growth to veer in different and often competing directions. Three such systems are particularly damaging to smart growth efforts: our land-use system, our property tax system and our affordable housing system. These three flawed systems not only fail to halt today’s damaging course, but actually offer incentives to move New Jersey in the wrong direction.

Because all three systems are bigger than any single municipality, no municipality can win the smart growth war on its own. Recognizing this is the first step toward the kind of cooperation and compromise essential to moving toward smarter growth.

The twenty solutions we offer assume that we will continue to improve our implementation of the plan. Each solution is designed to support the State Plan, by reinforcing its goals, providing incentives, or improving governance.

1. Immediately adopt strict watershed rules that would enhance water quality and protect open lands from poorly planned future development.
2. Use an unprecedented $12 billion in state spending for school construction to build “community schools” that would revitalize today’s suburban and urban communities.
3. Create a stable source of funding for redevelopment that will attract new growth to mature communities, comparable to the stable source of funding approved by voters for preserving open land.
4. Adopt legislation that would streamline development approvals in redevelopment areas.
5. Provide municipalities with legal support from the State, or full financial indemnification, when they adopt master plans and zoning ordinances consistent with the State Plan.
6. Create a land-use arbitration panel for faster review and resolution of disputes arising from regional and cooperative planning.
7. Strengthen the role of regional planning in managing growth.
8. Create a Cabinet-level post for state growth management and redevelopment, which has the requisite powers to achieve its goals.
9. Improve the tax incentive for preserving farmland.
10. Preserve farmland with better growth management.
11. Support local governments when they wish to conserve open space and manage growth.
13. Expand the power of communities to use “transfer of development rights.”
14. Ensure state road, rail and other transportation improvements are supported by local planning decisions.
15. Create more livable communities through redevelopment and new development, which offer the convenience of shopping and working close to where you live.
16. Support historic preservation efforts that revitalize towns and cities.
17. Change “fair share” percentages of affordable housing to “growth share” percentages.
18. Increase the incentives to local communities for building housing that’s more affordable.
19. Lessen the reliance on property taxes so that they don’t force municipalities to accept inappropriate development.
20. Introduce tax sharing among municipalities in a region.

Yeah, Were Talking to You.

We were confident that each of the solutions we proposed is sound policy and good politics, but we didn’t just want to sound smart—we wanted to educate and persuade. So we paid a lot of attention to the way we presented the recommendations.
The ballot box now rivals the legislative chamber as a forum for much of our nation's civic debate about smart growth. Last November, Phyllis Meyers and the Brookings Institution counted 553 state and local ballot measures related to growth, a large majority of which were adopted.

Individually, ballot initiatives may not seem to carry much national political import. However, when hundreds of initiatives are passed nationwide supporting a single issue, such as dedicated funding for open space, they represent both our financial priorities, and changing national values.

To track these trends, we will keep our readers informed about upcoming measures in the fall election. Please note that the following measures are expected to qualify for the ballot in the next month, but had not yet been approved as we went to press.

Emerging Battle over Takings

In Washington State, Measure 761 would require the State or any local government to pay compensation if a regulation, law, ordinance, resolution, or other enforceable act of government restricted the use of privately owned real property, if the restriction were imposed for more than ninety days and reduced the property’s fair market value. “Real property” includes structures, minerals, forest products, and crops. This “takings” measure is modeled on Measure 7 which passed in Oregon last November, 53 percent to 47 percent. Measure 7 was found to be unconstitutional by an Oregon County Circuit Court, though that decision has been appealed to the Oregon Supreme Court. As with Measure 7, Measure 761 would dismantle much of Washington’s statewide and local planning and zoning statutes by making it prohibitively expensive for state and local governments to implement policies that protect public health and the environment.


Freeing the Gas Tax

In Missouri, Measure 2002-16 would amend the Missouri Constitution to provide for a 0.1 percent sales tax on motor vehicle fuel, the proceeds of which would be used to develop rail passenger service in Missouri. The tax is expected to generate revenues of $3.5 million to $4.9 million annually. Missouri, like many other states, currently has a constitutional prohibition against using state gasoline tax revenue for anything other than road infrastructure. Historically, this has been a major impediment to creating a dedicated funding stream for public transportation.

Seeking Intercity Solutions

In California, Measure 916 would require the state Department of Transportation to develop ten standardized elevated dual-track monorail systems. Funding would be provided to test the effectiveness of the system and select five urban and five rural sites for construction. A similar measure requiring the state to build an intercity rail system passed in Florida last November. Although most California smart growth advocates support expanding the intercity high-speed rail network, many question whether a monorail system would fulfill the state’s transportation needs.

To track these and other initiatives, an excellent resource is www.ballotwatch.org.

FieldNotes

SNEAK PREVIEW: BALLOT BOX 2001

BY JOHN BAILEY

In California, BALLOT BOX 2001 the effort paid off. We sought support from editorial boards, and coverage was no accident—we aggressively advocated. For example, the Asbury Park Press have received from editorial boards around New Jersey. A 1998 study, commissioned by the New Jersey Historic Trust and conducted by the Center for Urban Policy Research at Rutgers, found that each $1 million spent on nonresidential historic rehabilitation creates 2 jobs more than the same money spent on new construction. It also generates $79,000 more in income, $13,000 more in taxes and $111,000 more in wealth.

We worked hard to avoid a trap that many policy-focused writers make when writing for politicians pseudo-detachment. These recommendations clearly state our point of view. For instance, part of recommendation 17, “Change “Fair Share” Percentages Of Affordable Housing To “Growth Share” Percentages,” is very clear.

Over the past 15 years, our affordable housing system has proven grossly inadequate in providing affordable housing. Its huge bureaucracy and complexity enable noncompliance by reluctant communities. Moreover, it has contributed to the development pressures on municipalities statewide.

In short, we wanted our readers to know what we thought and why, and we stripped away anything that might slow them down.

None of our recommendations has been made law in the past four months, but we have been very pleased with the attention we’ve received from editorial boards around the state supporting many of our recommendations. For example, the Asbury Park Press ran a 14-part editorial series on them. This coverage was no accident—we aggressively sought support from editorial boards, and the effort paid off.

NWF is the “watchdog” of New Jersey’s State Development and Redevelopment Plan: a blueprint for smart growth that would revitalize New Jersey’s older suburbs, towns and urban areas while preserving its remaining open spaces. Chartered in 1987 by a group of New Jersey’s civic, environmental and corporate leaders, New Jersey Future is dedicated to improving the quality of life in New Jersey. As a nonprofit, nonpartisan research and advocacy organization, New Jersey Future is able to bring together government, business, nonprofit groups and citizens to achieve a common goal of creating a sustainable state.

New Jersey Future’s sole mission at its inception was the creation and adoption of the State Development and Redevelopment Plan. While support for the State Plan remains at the core of its mission, New Jersey Future’s work has expanded to include advocating for planning, conservation and economic development policies that will lead to sustainable development in New Jersey.

For the complete report: www.njfuture.org

BY JOHN BAILEY

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Vacant lands and abandoned structures represent opportunities for redevelopment and recovery in many existing neighborhoods. Reuse of these properties can bring people back to communities that already have the infrastructure to serve them while helping to reduce the demand for development in greenfields. Redeveloped properties can also provide opportunities for new businesses, affordable housing production, community parks and other productive uses. Unfortunately, information regarding quantities and locations of these properties in U.S. cities is patchy and inconsistent from city to city.

A recent study conducted by Michael Pagano and Ann Bowman for the Lincoln Institute of Land Policy and the Brookings Institution reveals some of these challenges. In addition to quantifying amounts of vacant lands and abandoned structures, and exploring methodology, technology, costs, results, time commitments, use of information and the resources needed to improve tracking. For cities that do not track this information, questions probe the barriers to tracking, existing technological capabilities, resources and funding.

The results of this study will shed light on the feasibility of keeping an inventory of vacant land in America’s cities, and could open up a dialogue between levels of government to encourage municipal tracking of these properties. More on Pagano and Bowman’s findings can be found in the December 2000 Brookings Institution Survey Series. For more information on our research, contact Neal Etre at neal.etre@yale.edu. Please put “SGA” somewhere in the subject line.

LATEST DEVELOPMENTS

The Smart Money
Looking for funds to get your smart growth project off the ground? Smart Growth America is working with the Environmental and Energy Study Institute (EESI) and Arnold Imaging to develop a searchable, web-based database of federal and state government funding sources for smart growth. The database contains roughly 65 government programs offering billions of dollars that can potentially support infrastructure, finance, project development and other needs. It will be unveiled on Smart Growth America’s website (www.smartgrowthamerica.net) next month.

For more information, contact Kate Bicknell at 202.974.5132 or kbicknell@transact.org.

Housing Developments
In June, the Joint Center for Housing Studies at Harvard University released The State of the Nation’s Housing: 2001. Among the wealth of useful results, the report found that nearly two-thirds of extremely low-income households spend more than half their incomes on housing.

See the full report at www.gsd.harvard.edu/jcenter.

The Governors Grapple with Growth
On the first weekend in August, the nation’s governors will gather in Providence, RI, where issues of growth, education, and quality of life headline the agenda. Theodore Roosevelt IV, a rancher, businessman and great grandson of President Theodore Roosevelt, will address the governors on land preservation at the first plenary session. The 2001 annual meeting marks the end of the yearlong Chairman’s Initiative titled “Where Do We Grow From Here?”

For more information, see www.nga.gov.

Maryland Smart Growth: Open for Business
Building on the nation’s most innovative statewide smart growth legislation, Maryland Governor Parris Glendenning and the state legislature recently created an Office of Smart Growth—a “one-stop shop” for citizens, developers, and local governments wishing to implement smart growth measures.

Secretary Harriet Tregoning, formerly the state’s Secretary of Planning, will head the Office, which opened July 1.

For more information, visit them on the web: www.mdp.state.md.us/smartgrowth/smartoffice.

Go West
The University of Colorado’s Center of the American West projects that in the next fifty years, Colorado and ten other Western states will develop open land roughly the size of Cuba. The study projects 26 million acres, or 40,123 square miles, will be developed and 48 million people added across the West by 2050.

To read the report, visit www.centerwest.org.

The King of Sprawl
The Brookings Institution’s Center for Urban and Metropolitan Policy released Who Sprawls Most? How Growth Patterns Differ Across the U.S. The report measures the consumption of land for urbanization compared to population change for every U.S. metropolitan area. The study found that of the 281 metropolitan areas examined, land development outstripped population growth in all but 17 MSA’s.

To read the report, visit www.brookings.edu/urban

Just the Facts
Urban Infill Housing: Myth and Fact is the third in a series of publications by the Urban Land Institute designed to address myths regarding growth and land development.

To download a complete copy, go to http://www.uli.org/Pub/Media/D_Search/booksamples/U22_Infill.pdf

BoomBurgs
The Fannie Mae Foundation has released a series of reports since the release of the new 2000 Census data regarding changing demographics and urban growth. Most recently, they released a report titled, BoomBurgs: The Emergence of Large, Fast-Growing Suburban Cities in the United States.

To read this and other reports, visit http://www.fanniemaefoundation.org/key_topics.shtml
The authors argue that this was a blessing in disguise. Because CDCs were forced to piece together resources from myriad sources—foundations, banks, special taxing districts, government grants, “they were forced to focus on micro-level results to keep both the neighborhood and citywide support alive.” It was this very “paradox of little victories” that resulted in tangible victories on a house-by-house and block-by-block level in communities that had been scarred by both massive disinvestment and misguided urban renewal schemes.

The other three factors mentioned are the “rebirth of functioning private markets,” a precipitous drop in crime, and the “unshackling of inner-city life” from giant bureaucracies, specifically the welfare system, public housing authorities, and public schools.

Regions that Work analyzes metropolitan statistical areas (MSAs) to determine which communities have most effectively coordinated regional economic growth with social equity. While strongly supportive of neighborhood-based strategies, the authors believe that focusing solely on the neighborhood level is ultimately a Sisyphean enterprise. Without regional strategies, many neighborhoods are cut off from the regional economy as job growth continues on the suburban fringe.

Regions that Work coalesced through the authors’ involvement with community-building organizations in Los Angeles after the 1992 rioting resulting from the Rodney King verdict. The authors report that many of the participants “increasingly felt that the real policy conversation was passing them by,” and while they were discussing neighborhood redevelopment strategies, “area business leaders were focused on surviving the recession and jump-starting the regional economy.”

The authors ranked seventy-four major metropolitan areas in the United States along the dimensions of regional income growth, central city poverty, residential deconcentration of the poor, and regional income equality, which they call the “growth-equity nexus.” The San Jose, Boston and Charlotte, North Carolina regions consistently scored the highest in all categories. All chose different routes to regional success.

Charlotte was able to take advantage of annexation laws that allowed it to absorb much of the surrounding suburban communities. San Jose, the capital of the Silicon Valley, focused largely on economic growth, but has a business community that “exhibits leadership in the arena of social infrastructure and economic restructuring.”

Boston took advantage of the sustained growth of the 1990s to create a variety of redistributionist policies, such as first-source hiring and set-asides for CDCs to build housing.

These three regions are far from perfect. However, when compared to other regions, they have taken deliberate steps on issues from public transportation to affordable housing to ensure greater access to economic opportunity region-wide.

Both books allude to the long-simmering tension between neighborhood-based advocates and regionalists. While Comeback Cities throws barbs in the direction of some prominent regionalists for being, in their view, politically naive, they do concede that if an equitable regional governance model were created, “the consequences for inner cities would surely be excellent.” It is when regional solutions are viewed as an absolute need that Proscio and Grogan part ways with regionalists. “If a return of the middle classes is indispensable to creating livable neighborhoods,” Proscio and Grogan ask, “then how is it that the South Bronx, with no appreciable increase in its median income, has managed to become livable again?”

Regions that Work affirms that the CDC movement has done a tremendous job building up the dilapidated physical infrastructure of many inner city communities. However, they argue that for development strategies to be sustainable over time, community builders should combine “neighborhood-focused efforts with an emphasis on people-based strategies that connect individuals to job opportunities wherever they might exist in the region.” Most importantly, they conclude that regions that have managed to increase equitable access to opportunities have been more economically successful overall.

Reading these books together, the debate is more hair splitting than substantive disagreement. A sharp focus on individual neighborhoods can turn things around quickly, restoring residents’ confidence in many long-neglected areas. At the same time, metropolitan regions are now the global units of economic competitiveness, and communities need to figure out how to tap into their opportunities. In the end, these authors would agree that the only approach that won’t help is inaction.
Smart Growth America is a nationwide coalition promoting a better way to grow; one that protects open space and farmland, revitalizes neighborhoods, keeps housing affordable, and makes communities more livable.

Our work is made possible by grants from the Gund Foundation, the William and Flora Hewlett Foundation, the David and Lucille Packard Foundation, the Surdna Foundation, the Turner Foundation, and the Clayton Fund.

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