



Josephine McNeil

Creating Housing Opportunities

Josephine McNeil, executive director of Citizens for Affordable Housing in Newton Development Organization (CAN-DO), came to housing activism by way of her passion for education. While working as a teacher's assistant in an upstate New York city, she was shocked at how limited the educational opportunities were compared with what her own children enjoyed in a nearby suburban district. In 1984, she moved to Greater Boston for law school and chose to live in Newton so her teenagers could continue to access a quality education. It troubled her, though, that other families were shut out of towns like Newton by high housing costs. That is why today she dedicates herself to creating opportunities for families—educational and otherwise—through affordable housing.

Describe how your background has influenced you.

JMcN: I grew up on Long Island prior to government-supported student loans. So although I started at Hunter College after high school, I had to leave and get a job. I worked as a clerk for the U.S. Air Force Procurement Office in Manhattan, where I met my husband. After children came along, we moved to Wappinger's Falls, New York, where I became active in the schools and was elected to the school board. When my youngest went to school full-time, I became a teacher's assistant in Poughkeepsie. That was an awakening. Urban children didn't have anything like the educational opportunity of children in Wappinger's Falls. The inequality was shocking.

When my oldest went to college, I entered Vassar College's Returning Students Program, getting an education degree in 1984. But I kept thinking about the inequities I'd witnessed and decided I might have more impact if I became a lawyer.

Were you planning to use the law degree to promote equal education?

JMcN: Originally. But then I became interested in the connection between affordable housing and access to education. At Bos-

ton College Law School, I took a course in which I had to identify a piece of legislation and follow it through the Massachusetts legislature. I chose a housing bill. That was my introduction to housing.

After graduation, I worked first at the Massachusetts Appeals Court and then as an associate in Brown Rudnick's affordable housing group. I was there until 1993.

Real estate lawyers saw a lot of foreclosures in the early 1990s.

JMcN: Yes, the market tanked. But one of the first matters I worked on had to do with the expiration of affordability protection for an older HUD-subsidized housing development.

In the 1970s, the federal government provided low-interest loans to developers to produce affordable housing. Developers could prepay their loan after 20 years and end the affordability restrictions before the 30- to 40-year mortgage term ended. At Castle Square in the South End, the owner made a deal to sell to another developer. Although there was no requirement to notify tenants then, the tenants found out and inserted themselves into the process. The state's Community Economic Development Corporation (CEDAC, a quasipublic agency that provides technical assistance and funding to nonprofits) advised the tenants, and Brown Rudnick provided legal representation.

How did you like representing tenants?

JMcN: It was wonderful. The tenants really stood up for themselves. I continued doing outreach with tenant organizations with a for-profit developer after I left Brown Rudnick. While working for the developer (1994 to 1997), I learned useful skills like how to put deals together, how to work with professionals.

One thing I noticed: Many people were interested in providing affordable housing, but there was little focus on helping tenants better their economic circumstances so they wouldn't always be relying on subsidy. In 1997, I started a consulting business to fill that gap, but at the time developers couldn't see the value of helping tenants reach independence. Today everyone sees it.

How did CAN-DO come to be?

JMcN: CAN-DO (Citizens for Affordable Housing in Newton Development Organization) was incorporated in 1994. At the time, I was on the board of Newton Community Development Foundation (NCDF). Newton wanted to establish an entity to help it meet the federal HOME program's stipulation that jurisdictions receiving money allocate a portion to a community housing development organization

(CHDO). CHDOs are meant to empower lower-income people by requiring that one-third of the board be people eligible for the housing being created. They don't have to be residents, but they must be in the same income range.

Newton contacted NCDF for help creating a CHDO. With two other NCDF board members and residents of the foundation's properties, the first CAN-DO board was formed. I was elected as the first president, and in 1999, I became executive director.

Describe CAN-DO's housing.

JMcN: We develop both rental and for-sale housing. To date we have created 38 units, 31 of which are deed-restricted to preserve their affordability. We just completed two condominium projects, both in Newton Upper Falls. For the five-unit Linden Green Homes, we purchased an early 19th Century Greek Revival house that was in great distress. We created a one-bedroom unit and two units with two bedrooms in the existing building. We also constructed a duplex of two three-bedroom units. Three Linden Green units are affordable and two are market rate.

The Newton Zoning Board of Appeals granted a comprehensive permit in 2004 under the state's affordable-housing statute, 40B. The neighbors filed an appeal, but settled in 2005. They also tried to have our request for Community Preservation Act funding rejected.¹ The neighborhood resistance delayed construction.

How did the lawsuit make you feel?

JMcN: It was frustrating. The neighbors wanted four units instead of five. They couldn't accept that being able to sell a fifth unit at market rate was necessary to subsidize the affordable units. I finally said, "I don't understand how it is going to impact your life on a daily basis if one more family is able to live at this location." A neighbor replied, "We gave at the office, Josephine." The delays added time, and time is money. If we'd been able to list the market-rate units a year ago, I think they would have sold as

quickly as our affordable ones.

Who is eligible for the housing?

JMcN: Linden Green's affordable condos are priced by the Massachusetts Department of Housing and Community Development for families with incomes below 80 percent of area median income, adjusted for family size. The price for our one-bedroom unit is \$160,000, the two-bedroom unit is \$165,000, and the three-bedroom unit is \$185,000. Our market-rate units are priced at \$429,000 for the two-bedroom unit and \$599,000 for the three-bedroom one.

At another recent project, Millhouse Commons, we opted for modular (prefabricated) units to reduce costs. Our architect specified the units, though, so we have clapboard siding instead of vinyl, and we added porches. Of the six units, two are market rate, and one of those is a historic renovation. Among the affordable units there are two levels of affordability—one for those whose family income is below 80 percent of median income and one for those who are at 80 percent to 100 percent of median income.

In both projects, we had 124 applicants in the lottery for the units affordable to families below 80 percent.

Is the lottery only for Newton residents?

JMcN: No, in fact the state's Local Initiative Program requires outreach to ensure that all ethnic and racial groups have an opportunity to purchase affordable homes. We advertised in *Sampan*, *El Mundo Boston*, and *The Boston Bay State Banner*.

Where does CAN-DO get funding?

JMcN: Well, most foundations focus on cities, which is good, although it may be to the detriment of the hidden poor in suburbs.² The city of Newton has been supportive in providing Community Preservation Act funds. CAN-DO couldn't have managed otherwise. We do apply directly to the state for affordable-housing funds, but state programs favor towns with a lower

cost per unit. Newton doesn't have land to donate, so CAN-DO must buy property on the open market.

What concerns you most today—housing and otherwise?

JMcN: I'm concerned that America has neglected urban schools and has failed to educate everyone. For years, nobody cared what was happening to minority children in cities, and now we lack an educated workforce.

Similarly, I'm concerned about the lack of housing for low- and moderate-income families. Communities need to accept greater density at certain locations and increase their funding. Housing should be a human right. If more families can live in safe places and send their children to good schools, the children are more likely to grow up economically independent and give back.

We need to stop accepting homelessness as a fact of life. It's a national scandal that so many children are homeless. The message we send children who live in shelters is, "You are not important." And we expect those children to grow up and conform to societal norms? It's not rational. If you have said to them all along, "It's not important where you live, it's not important what quality of education you get," why should they adhere to the norms most of us live by? The priority should be housing, not shelters.

Endnotes

¹ The 2000 Massachusetts law permits municipalities to assess a property tax surcharge of up to 3 percent to meet needs such as affordable housing. The state provides a matching grant.

² Alan Berube and Elizabeth Kneebone, in a December 2006 Brookings Institution report, say poverty in suburbia is rising. See http://www.brook.edu/metro/pubs/20061205_citysuburban.htm.

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