

**October 28, 2014**

**Ms. Melanie Jewett Army**

**AICP, Supervising Planner**

**RI Statewide Planning Program**

**One Capitol Hill, Providence, RI 02908**

**SUBJECT: Public Comment on RhodeMapRI Initiative**

Dear Ms. Army:

On behalf of our organization, please accept this written statement as public comment in opposition to the proposed RhodeMapRI initiative. We trust that this statement will be made part of the public record.

May I kindly request that you confirm receipt of this statement and advise where and when we may be able to find it on the public record.

Should you have any questions, I can be reached at [mstenhouse@rifreedom.org](mailto:mstenhouse@rifreedom.org) or 401-429-6115.

Thank you,



Mike Stenhouse

CEO

## **WRITTEN STATEMENT of Public Comment re. RhodeMapRI initiative**

**October 28, 2014**

### **Our Land, Our Rights, Our Local Government**

#### **Introduction**

The Rhode Island Center for Freedom and Prosperity submits this memo as written opposition to the planned RhodeMapRI initiative, currently under consideration in the Ocean State. Given our serious concerns about this draft plan, the Center recommends that the Governor and the Rhode Island Division of planning withdraw RhodeMapRI for inclusion in the official State Guide Plan.

RhodeMapRI is the most dangerous public policy agenda every proposed for the Ocean State. RhodeMapRI is not a credible economic development plan, it is not a viable housing plan, and it is not a growth centers plan that Rhode Islanders would approve, if they were to become aware of its many anti free-market components and radical social justice measures. There simply has not been enough public debate around many of the controversial principles that serve as the foundation for the RhodeMapRI scheme to justify moving this project forward without significantly more scrutiny.

Further, RhodeMapRI is not a plan specifically developed to serve the best interests of our Ocean State. The plan itself states that the project was funded under a Sustainable Communities Regional Planning Grant from the U.S. Department of Housing and Urban Development (HUD), which normally requires compliance with international sustainability principles.

RhodeMapRI is an unproven, high-risk, one-size-fits-all, nationalized agenda that is being forced upon Rhode Islanders. The sustainable development – or “smart growth” – principles that create the foundation for this plan are nothing but idealistic social-engineering theories. They are not proven, generally accepted economic tenets.

In fact, it is a core foundation of the sustainable development movement that private land ownership is a major contributing to social injustice. If implemented in our state, as similar plans have been implemented in other cities and counties across America, with as much lack of concern for the property rights of individuals and business owners, with as much ignorance of basic economic principles, and with as much derision towards the sovereignty of locally-elected officials, our Center has no reservations in going on record as a strong opponent of this RhodeMapRI scheme.

The American Dream once meant ownership of land and a home, with a white picket fence around the yard, as a symbol of independence and as a step toward prosperity. As we understand the goals of RhodeMapRI and the larger, international sustainable living movement, that dream is to be reduced to living in a multi-use tenement building, with a rail around a small balcony, in a socially engineered collectivist society.

It was the design of our nation that each state should be an independent laboratory, largely free of centralized, federal control. It is widely held that local government is better government - being closest to the people it serves. These core principles are the basis of our American society.

Our Center believes that urban planning can be an effective tool to develop options for handling population growth and the delivery of essential sanitary and security service, while preserving local values and traditions. Conscientious planners should seek to preserve private property rights when considering plans that profess to provide public benefit. Similarly, it is understood that local land-use and zoning decisions are best made by locally elected officials who are accountable to their local constituencies.

However, as with the RhodeMapRI plan, when the federal government becomes involved in funding and advancing a nationalized scheme, in this case called ‘sustainable development’, we warn property owners and locally-elected officials to beware.

The stated goals of the sustainability movement are to coerce people to live in high-density ‘walkable’ communities that meet radical social equity and green standards, by creating financial disincentives to live outside of these preferred communities. By positioning its suggested reforms in attractive and vague language like “affordable housing”, “social equity”, and “environmentally responsible”, the true intentions of the sustainable development movement, also called “smart growth”, will severely limit private property ownership and property rights.

In the Ocean State, backed by a complex public-private consortium, this little-known plan is being aggressively advanced, keeping largely under the radar: It is called ***RhodeMapRI***.

In creating regional planning entities funded by federal grants, committed to a radical international policy agenda, and centrally run by unelected ideologues accountable to no-one, this RhodeMapRI scheme turns the local planning process on its head; a dramatic and intrusive departure from local governance, that often replaces community independence with regional mandates for an arbitrary, one-size-fits-all approach.

In 2012, Rhode Island became the very first state to apply to become a regional planning entity and, in doing so, ceded a major portion of its economic development and local authority to the federal government. When our state accepted funding from a federal agency (HUD) to develop a so-called “sustainable economic” development plan, Rhode Island signed-up to advance an international ‘social equity’ agenda that considers private-property ownership as unfair. This agenda incorporates radical elements from the environmentalist and social justice movements, even to the extent where racial quotas are suggested to determine who will be allowed to live in certain cities and towns.

This is not local governance. Further, this radical social equity agenda, including potential racial quotas, does not represent the values of most Rhode Islanders. Because of the low public profile with which this plan has been advanced, there are many more questions than there are answers.

*Who are these people and organizations (Fourth Economy Consulting and Policy Link) that have been paid by the State of Rhode Island to develop and advance this plan, largely behind our backs? Certainly not officials we have elected! What are their hidden agendas and to whom are they beholden?*

Members of our Center’s staff and other concerned property owners have attended some of the sparsely attended, seemingly rigged public informational meetings in 2013 and 2014. We understand that the goal of these meetings was not to inform the public, as much as it was to be able to claim – now - that the public is widely supportive of such an intrusive and invasive agenda. We are not.

*Why is a plan of such potential future significance being talked about so little by the political leadership of our state? What are its proponents trying to hide from the public?*

While RhodeMapRI's cozily-worded professed benefits may appear attractive, recent history in other areas of the nation where similar plans have been implemented has proven that serious unintended (or perhaps intended) consequences have undermined many of the core principles we hold dearly.

Urban planning should never supersede the rights of private property owners or usurp the authority of local governments.

### **Problems with Similar Sustainable Development Plans Across America**

Throughout the country, **regional planning councils** are being funded and created by HUD in order to implement sustainable development plans. Often, these regional, non-elected planning boards actually strip local governments of their authority and leaves community members with less representation and fewer choices – *in the name of federal mandates attached to federal grant funds from HUD's Sustainable Communities initiative*. The decisions that these regional councils make often override the authority of state and local officials.

Some examples of these other cookie-cutter regional entities include:

- **Southeast Florida Regional Vision and Blueprint**, which combines seven counties
- **Thrive – 2055** – combines 16 counties in Tennessee, Georgia, and Alabama
- **Together North Jersey** combines 13 counties
- **Plan Bay Area** has generated opposition across ideological lines, with “an out of control usurpation of people’s property rights in the name of sustainable development,” as John Anthony puts it.
- According to Anthony, people across three Florida counties are working together to rebuff **Florida’s Seven50**, “a massive planning region that threatens to undermine local community rule.”<sup>i</sup>

Federal grants for sustainable development often mandate that the local planning process must comply with *restrictive federal guidelines* including transportation options, low income housing requirements, and ‘social justice’ standards as defined by HUD. Failure to comply with these mandates can result in court actions, fines, and re-direction of funds.

The statewide RhodeMapRI plan advances these heavy-handed, one-size-fits-all, top-down mandates to a whole new level and should be of concern to every property owner in our Ocean State.

By only talking about professed benefits, and ignoring related high costs and oppressive public policies, sustainable planning acolytes often are able to slip their “smart-growth” agendas through local town councils before local officials and the residents they represent realize what hit them. It may then be too late to do anything about it. (Google ‘Westchester County Agenda 21’)

Among the many unsustainable problems created by *RhodeMapRI* and its cookie-cutter counterparts across the nation are:

- States/counties ceding their sovereignty to federal government agencies

- Municipalities giving up a local authority to newly created regional non-governmental entities
- Wasteful spending on an idealistic urban agenda that would further harm our already depressed state economy
- Blocked property ownership and infringing on rights of existing property owners
- Limiting housing and energy choices for Rhode Island families
- Transportation restrictions that encourage mass transit and discourage use of private vehicles
- Social equity and radical environmentalism as the standard against which future land-use proposals will be measured
- Overly-aggressive affordable housing mandates that result in reduced and inequitable local property tax levies (as is happening now in Woonsocket and Barrington)
- Oppressive zoning statutes and intrusive eminent domain laws that decrease property values

### **The California Example: A Campaign Against Suburbia**

The state of California offers a glimpse of where Rhode Island may be headed if it adopts the anticipated recommendations now being developed for the RhodeMap RI plan by Fourth Economy and PolicyLink,<sup>ii</sup> the two major “planners” hired by our state to develop a sustainable living “roadmap” for Rhode Island.

While California is not all-in, as Rhode Island plans to be, **the results in the Golden State prove that the concerns expressed by our Center are not unfounded.**

It is the goal of California’s “planners” to force much of the new development projects to into narrowly defined corridors, consisting of hi-density, multi-use apartment and condo complexes - as opposed to single family homes, which are considered as un-sustainable by smart growth acolytes.

The people of California, however, if allowed, would choose otherwise. According to Census Bureau data, single-family, detached homes represented more than 80% of the increase in the region's housing stock between 2000 and 2010.

In a related effort to limit *where* people can choose to live, in San Francisco and San Jose, for example, a regional agency proposed that only 3% of future new housing would be allowed on or beyond the “urban fringe”. In southern California, housing is to be concentrated in dense “transit villages”, with up to 30 units per acre.

Instead of being able to live in a house that matches their vision of the American Dream, Californians, instead will be forced to live in high-density housing, without a private yard, in designated “preferred” communities ... if they decide to remain in the state.

**The RhodeMapRI plan itself** shows that from 2000-2010 Rhode Islanders have freely chosen to relocate within Rhode Island mostly towards urban and suburban areas of the state. RhodeMapRI would seek to restrict such choices of the people and attempt to coerce them to live, instead, in preferred high-density urban areas.

*Question: By what authority and by what consensus of the people can unelected, out-of-state bureaucrats dictate where and how Rhode Islanders should live?*

The unintended consequence of this centralized-planning, one only look at the rate of exodus of people, businesses, and business investment out of the once prosperous Golden State: Over 1.6 million people have fled, with many believing that high costs and restrictions on housing as the primary factors.

### Sustainable Development Already in the Ocean State

Nor has Rhode Island been exempt from similar statutes, even though the complete RhodeMapRI plan has not yet become fully implemented.

*At the state level*, in 2013 alone, at least three related state-wide bills were submitted in the General Assembly that appear to have roots in the sustainable development movement. They provide an indication of the type of legislation that we expect will be submitted in future years, especially if RhodeMapRI becomes officially adopted by the state.

**1) House Bill 6099** would have created a new, quasi-public statewide Ocean State Regional Water Authority, with a board consisting of a majority of members appointed by the mayors of Providence, Cranston, and North Providence, ostensibly with the goal of ensuring that enough water is available to communities throughout the state.

*Perhaps most egregiously, the new Water Authority would have the power to enter without permission onto any property in Rhode Island to examine the land and drill and dig into the ground. It would also have powers of eminent domain, to take land that the board determines it needs for current or future use.*

**2) House Bill 5633 and Senate Bill 696** would have used state grants and matching funds to pressure cities and towns to create “community preservation committees” (with a majority vote from residents), which would research and implement land purchase and development deals in keeping with ideals of sustainable development. The legislation would allow cities and towns to impose up to an additional 3% tax (renamed as a “surcharge”) on local property that would not be counted in any calculations or limits on the property tax levy.

*The state would provide matching funds up to 100% of the additional surcharge, with the money coming from (among other places) an additional \$20 fee on all real estate recording instruments (e.g., deeds).*

*In creating these new local committees, these bills would provide a new path for “affordable housing” or other “green” projects to be approved and funded locally.*

**3) House Bill 5801** would require any “greenhouse gas emissions source” (as defined by the state Dept. of Environmental Management) in or doing business in Rhode Island to increase its tracking and reporting to the state, as well as impose direct fees on them for use of the DEM. The legislation would also make greenhouse gas emissions a focus of state economic development activities. By charging commercial property and business owners additional fees or causing them to incur unnecessary expenses for conducting or reporting normal business activities, the state would be infringing on the rights of those owners.



## Sustainable Development (Smart Growth) is Detrimental to Economic Development

According to Wendell Cox, a nationally recognized urban planning expert in the field of transportation policy and demographics, who works for a Chicago-based consulting firm, “Smart growth (or growth management) ... debates around the country have ignored very important issues, such as the impacts of greater poverty ... and a higher cost of living.”<sup>iii</sup>

According to Cox, sustainable development planners make the fundamental mistake of assuming that people move to a city because it’s nicely designed. World and American history suggests otherwise, that people move to cities largely because economic opportunities exist. The massive taxpayer funded investments required to build these aesthetically and ideologically pleasing urban areas, as envisioned by smart growth planners, would be a reckless risk to our state’s already struggling economy.

Also according to Cox, in multiple international studies of locales where smart growth has been deployed, employment effects are found to be negative where policy focuses on growth management.

In 2006 and in 2008 California passed a statewide Global Warming Solutions Act the *Sustainable Communities and Climate Protection Act*. The Los Angeles Times aptly characterized the latter act as intended to “**control suburban sprawl**, build homes closer to downtown and reduce commuter driving, thus decreasing climate-changing greenhouse gas emissions” (emphasis added). By discouraging private automobile use, and forcing people to rely more heavily on mass transit, such smart growth policies in the Ocean State would actually make it more difficult for low income workers to be able to commute to potential jobs in broad areas of our state, keeping more of them in poverty; and reducing overall economic activity. Our Center calls this “dumb growth.”

*Question: Can a one-size-fits-all, top-down international agenda, implemented in Rhode Island via state level laws and a series of related municipal statutes possibly be a benefit for our state? Or would such an approach serve a fatal blow to Rhode Island’s already struggling economy?*

## Local Zoning Regulations Deemed as “Racist”? A Litigation Nightmare

HUD is supporting an initiative called "Affirmatively Furthering Fair Housing" to advance its goal of seeing neighborhoods across the country become more racially and income balanced, by arguing that our nation's housing policies should force bureaucrats’ arbitrary vision of what integrated communities should look like on cities and towns and the general public.

In 2013, Investors Business Daily published an expose of how HUD plans to expand its view of discriminatory housing practices to include local zoning rules to control building in suburban neighborhoods.

HUD plans to map as many neighborhoods in America as it can, to identify what it considers patterns of racial discrimination and then use the data pressure banks and local governments, for example, to adopt and fund their affordable-housing and social-engineering agenda.

Following this concept, the passive voluntary population demographic trends of Americans would constitute discrimination rather than actual acts of discrimination themselves. **This is unacceptable in a free-society** where

Rhode Islanders and all Americans should expect to be able to live where they choose to live, free from pressure from any governmental body or social justice organization.

Further, this “statistical discrimination” can and has led to legal nightmares in many cities where such utopian HUD schemes have been implemented, including failed public housing projects in Detroit, Chicago, and other blighted inner cities.

HUD has gone so far as to say that even a quarter-acre lot zoned for single-family use may, in the agency’s view, very well be discriminatory and perpetuate “segregation.”<sup>v</sup>

However HUD does not propose to stop at merely identifying what it sees as racial inequities. According to an August 2013 article in *USNews.com*, HUD also plans to proactively force communities that receive agency funding to meet its arbitrary vision for what an integrated community should look like.

In recent years HUD has been aggressively bringing lawsuits and pounding its regulatory hammer against cities and individuals who it deems to be practicing housing discrimination, extracting tens of millions of dollars million in in payouts and settlements from thousands of defendants, which then can be reinvested in the sustainable development scheme.

Such arbitrary regulations, based on an extreme social-equity agenda, purposefully allows for the potential for mass litigation. Again, research the chaos created in Westchester County, New York.

In Rhode Island, the city of Woonsocket, RI offers a local instance of the failure of HUD policies, while a taxpayer generated lawsuit in Barrington is already making its way through the state’s court system.

### **Further State Constitutional & Legal Research is Required**

In addition to the chaos that can be created by mass litigation, there are other legal concerns. Our Center recommends that related legal and constitutional research must be conducted to analyze current and future RhodeMapRI initiatives, and the expected onslaught of related legislation, to specifically explore whether or not the stated goals and legislative mechanisms may exceed the legal and constitutional authority of the state and/or its municipalities.

The likely infringement of the individual property rights of private and commercial landowners, as would have been the case with the proposed 2013Regional Water Authority legislation, must also be evaluated on a case-by-case basis.

In addition, it is possible that certain of the stated goals of consortium partners may, if embraced by state government, implicate federal civil rights law by setting race or other protected class based standards in non-permissible areas of action, leading to reverse or selective discrimination.

The Rhode Island Constitution and the charters of its cities and towns grew out of a pre-federal era in which local control of governmental activity was paramount. As a colony that itself split from a larger colony in order to chart its own course, and as the last colony to ratify the federal Constitution, Rhode Island’s instinct for independence and local sovereignty is strong.



In addition to the formative controls in those founding documents, the continued existence of “home rule charter” communities and traditional New England “town meeting” style local governance serve to remind us of the strong **anti-federal legal underpinnings** of our state and local government.

### Conclusion

Our Center opposes RhodeMapRI for a number of stated reasons, but primarily because it is not an economic development plan, as it is being positioned by state officials and their hired acolytes. Instead, it is an extreme, centrally-planned social-engineering scheme that will throttle economic growth and will trample individual and property rights at a time when the State of Rhode Island can least afford it.

Without a full and proper public airing, formal adoption of RhodeMapRI into the Rhode Island’s official State Guide Plan, a long-range planning document, should be viewed as an affront to every private or commercial property owner, and to every locally elected official, as their property rights and sovereignty are squarely in the bulls-eye of the national agenda from which RhodeMapRI emanated.

### REFERENCES:

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<sup>i</sup> <http://sustainablefreedomlab.org/latest-news/shattering-americas-trance-2/>

<sup>ii</sup> <http://online.wsj.com/news/articles/SB10001424052702303302504577323353434618474>

<sup>iii</sup> Wendell Cox; <http://washingtonstatewire.com/blog/seattle-area-plans-for-smart-growth-come-at-a-massive-cost-planning-expert-says/>

<sup>iv</sup> <http://news.investors.com/121313-682910-hud-targets-surburan-zoning-as-racially-exclusionary.htm>