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A National Census of Local Land-Use Regulations

Steps Toward a Beginning

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and regulatory framework. It would seek regional partners for the development and implementation of a longer-form survey of local governments, probably using in-person interviewing instead of self-administered surveying in as close to a census of jurisdictions as feasible. These regional partners would always include the MPOs, whose participation would be encouraged by the assistance of a national group of experts who could help them create standardized regional GIS layers of current land use and zoning. In a subset of faster-growing jurisdictions, additional research would be done to identify a sampling frame of residential development project sponsors; in-person interviews or focus groups would be conducted of these builders.

Finally, we need a better sense of the scale of land development in various parts of the country. I would suggest that this be pursued within the building permit and construction activity census rather than in a survey of land-use regulations. Alternatively, it may be possible to develop indicators of subdivision and building size based on other survey data. A national random sample could be taken one time only (or every 5 to 10 years) about subdivisions, townhouses, and apartments (like the questions asked in the “Recent Development Activity” section), and responses to these questions could be modeled as functions of building permit activity. Then one could make inferences about the scale and types of subdivisions, townhouse developments, and apartment buildings based on already available data from other sources.

THE NATIONAL REGULATORY BARRIERS DATABASE SURVEY DESIGN EXPERIMENT

*PROSPECT AND CHALLENGES:
WHERE TO FROM HERE?*

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Paper prepared June 2007

The HUD-sponsored effort to develop a survey-based National Regulatory Barriers Database (NRBD) proceeds from commendable intentions. Federal law recognizes that identifying the kinds of local regulation most inimical to low- and moderate-income housing development is a national priority.¹ At a minimum, the collection of baseline information on regulatory conditions can assist policy leaders in making judgments about the relative merits—and true social costs—of various local enactments and decisions. Reliable, current data on land-use practices will spur federal and regional efforts to ameliorate the undesirable effects of local constraints. Moreover, acquisition and publication of information on local practice is a sensible way to advance the national discourse on optimal paths towards reform.

Now, we address the first organized public response to this survey effort, in the form of focus groups piloting a draft survey instrument. Along with Rolf Pendall and others, I have assisted in the development of the survey and the design of the focus-group pilot task order. This work first got under way formally after the National Research Conference on Regulatory Barriers to Affordable Housing, convened by HUD April 22, 2004 in Washington, D.C.²

In this paper I provide some reactions to the focus-group reports I have reviewed, as well as the evolving survey itself. I take the latest revision of the survey (dated May 31, 2007) as an interesting specimen, inasmuch as it represents the focus-group team’s consolidation of the substantive

1. Removal of Regulatory Barriers to Affordable Housing Act, P.L. 102-550, title XII.

2. The proceedings of the April 2004 conference are compiled in a special 2005 volume of *Cityscape* (vol. 8, no. 1).

changes recommended in the pilot reviews. For better or worse, there appears among focus-group participants considerable uniformity of response to the draft survey, its strengths, its foibles, and its obvious room for improvement. In addition, the focus-group effort has made quite plain a number of vexing implementation challenges facing the NRBD survey as we move forward. On these too I offer some thoughts.

On prefatory matters summarizing the group's efforts to date, I will defer to the summary provided by my colleague Rolf Pendall in his originator's paper. Likewise, I will have little to say here about participants' reactions to the design of prototype hypothetical survey items. My attentions will be devoted to my reactions to remaining elements of the focus group results, including particulars on composition of the panels, thoughts on the survey's purpose and method, revisions of the draft instrument, and related issues.

Throughout this discussion I make reference to the four focus-group reports I have reviewed, by city initial (Atlanta, New Brunswick, Minneapolis, Portland) and page number. For example, a reference pointing to "NB18" would cite page 18 of the New Brunswick report. "Participants" is meant to refer to those populating the individual panels in each of the four cities.³ Survey items are referred to using the format Q#.

Plaudits Aplenty

It must be observed that the focus-group exercise has been quite productive in a number of respects. The effort engaged local and state leaders in the field across the country on matters of great interest and import regarding national housing policy.⁴ It is obvious that the meetings were handily organized and facilitated. Item-by-item constructive advice concerning elements of

wordsmithing and formatting the survey will prove invaluable.⁵ Participants' views regarding NRBD strategy, feasibility, and methodology yielded numerous insights. The glossary alone represents a wonderful value-added and a most welcome work-product. At the same time, the sheer necessity of a multi-page glossary accompanying a survey instrument already exceeding optimal length highlights the pesky nature of this enterprise (see discussion below).

The task-order group's hard work closed gaps on what had been blind spots for the survey designers. For example, the draft instrument paid too little direct attention to attached ownership housing like townhomes⁶ and condominiums. Likewise, critically important elements such as parking requirements and land cost were given too short shrift in the original document. Elsewhere, detail and clarity were enhanced in the following items, each such revision motivated by sound reasoning and strong focus-group support:

ENHANCEMENTS IN FORM AND CONTENT

Q4	Recent townhouse approvals
Q19b	Proportion of developable acreage in highest-density category
Q20	Dimension of minimum-density levels
Q25	Jurisdictional source of adequate public-facilities requirements
Q29	Detail on expedited review initiatives
Q37	Private/corporate ownership as constraint on land supply, prohibitive infrastructure cost, only source is small-parcel assembly

The NRBD project now likely faces an upcoming phase of demanding tactical choice and continuing

3. The report on the final focus group session conducted in Boston was not available in final form at the time of this writing.

4. The actual identities of participants are not known to me.

5. Focus groups yielded useful pointers on: order of topic areas [A7, NB7], insertion of "don't know"/"depends" choices [A7], provision of a time-estimate for survey completion [A7], survey length [A7, NB8], offering of survey "roadmap" [NB8], survey title including the words "affordable housing" and even "barriers" [NB8], statements as to survey purpose [A7, NB7], explanation of affordable housing issues and land-use linkages [A7, NB8], specifying whether one or many individuals may contribute to a jurisdiction's responses [A7], instructions inviting each section's respondent to identify him/herself on the answer sheet [A7], and enhancing look and feel, in order to make survey more professional and user-friendly [NB8].

6. I note that currently the draft glossary lacks any entry for "townhouse" or the like.

budgetary uncertainty. The task-order focus-group exercise will be viewed as a time of evolution and ferment for our vision and approach, thanks in no small part to the task-order team's enthusiastic and thorough efforts on a difficult set of objectives. While its recommendations are not beyond debate by any means, the team has crafted a set of concrete alternatives regarding survey emphases and content. Further, they have managed to support their positions with specific evidence from the participants' responses. All of this provides fuel helping the project move forward.

Note on Survey Strategy and Method

I would remind those interested that the piloted instrument is one of a number of stratified approaches our working group has discussed with HUD. NRBD implementation would need to be creative, resourceful and multifaceted. The causes and consequences of local controls vary with the regulatory circumstances governing the region in which they operate. Baseline jurisdictional information needs to be coupled with data from broader sampling frames and contexts.

At least two tiers of data collection are contemplated: (1) a short-form survey⁷ made as general, concise, and brief as possible to provide information sufficient to develop national- and state-level estimates; and (2) a more detailed and in-depth long-form instrument, to be fielded across a sample of metropolitan statistical areas (MSAs) and all constituent jurisdictions within each. Optimally, a nationally sponsored census of local regulatory conditions would be conducted periodically to update this baseline. A comparable approach is taken in the *American Housing Survey*, in which regular biennial surveys of a broad national sample are complemented by less frequent but more intensive study of individual MSAs.

We had anticipated that the focus-grouped instrument would form the basis of the short-form survey composed of weighted national and state sampling coverages. It is not immediately clear

from the focus-group results that this point was adequately conveyed to the research team on the task order or to participants. Instead, it seems that participants believed the survey was a one-shot deal, required to be in one-size-fits-all condition in order to be feasible. Additionally, the inclusion of numerous, newly created items in the most recent revision of the survey suggests that the task-order team believed all items of some threshold level of curiosity would need to be included in this version of the survey, lest they be omitted permanently. Given our orientation toward development of longer-form editions of the survey, we never felt governed by any such use-it-or-lose-it mindset.

As our working group has already recommended to HUD, the short- and long-form, national, state and MSA elements of the NRBD program would need to be supplemented by a variety of parallel data development efforts. Compilation of *outcome measures* to be analyzed for varying regulatory effects across localities, regions, and states might include home-price and rent levels, land prices and supplies, new construction and rehabilitation of market-rate and below-market-rate units, information compiled from local tax-assessor data; and trends in the preservation and conversion of existing assisted units in the stock.

In order to facilitate measurement of *control variables*, compilation at the jurisdiction level of demographic, housing, and other pertinent indicators from the 2000 Census and several historical censuses is necessary. This is complicated by known differences among census geographies and those delineating the coverage of the respondent land-use authorities. Having nationally uniform demographic data for land-use authority geographies has obvious appeal. Of course, it would be ideal to augment base-level information of this kind with localized data on as many background economic and other indicators as possible.⁸ Finally (and not at all a trivial matter), the methodological quagmire of simultaneity in land-use outcome models—given

7. Short-form instruments were also recommended by participants as they considered the length of the survey draft [A7].

8. Each focus group appears to have recognized the need for companion demographic and other indicators, and the general inclination is to have this data amassed by survey staff outside the respondent community.

that causes and effects are no doubt endogenous—means the parallel data effort must also be ever on the lookout for instrumental variables thought to be not jointly correlated with influences and impacts.

It is quite possible that, had they been so prompted by focus-group facilitators, participants would have been happy to reserve additional data constructs for longer-form versions of the survey. It follows that some new items inserted into the current survey revision by the task-order team may well be candidates for such a reservation currently:

NEW SURVEY ITEMS: INCLUDE IN LONG-FORM SURVEY ONLY?	
Q4	Townhomes
Q6	Affordable/workforce programs
Q11	Options: Why subdivision approval times increase
Q12	Re: pre-application conferences, workouts
Q13	Why no additional approvals needed for as-of-right multifamily
Q18	Recent areas affected by incorporation
Q20	TOD and minimum-density levels
Q21	Mobile home regulation
Q22a	Garage requirements
Q22b	Minimum square footage/single-family development
Q26	New item on specifying growth boundary type
Q29a	Percentage of time more common expedited-review approach used, identification of most-prevalent approach, and detail on whether negotiated or imposed by ordinance
Q29aa	
Q29b	
Q35	Property owner appeals of regulatory action
Q36	How many meetings monthly for permit-granting entity; "Within how many days do you consider SFD applications?"

Participants in the pilot focus groups likewise contributed constructive ideas for topic areas which could fruitfully be made part of the NRBD's scope. These items relate in numerous ways to affordability, spatial integration by income and housing-stock characteristics, and a variety of other targeted outcomes. Applied policy research might well explore how each of the following pertain to affordability, construction, urban form and neighborhood composition:

- Property tax
- Transportation policy
- Environmental regulations
- State land-use statutes
- Market forces/business cycle (e.g., real estate, labor/industry, etc.)

The key point here is that, irrespective of our interest in these matters generally, they will hardly fit in a simplified, economical short-form instrument. Accordingly, they should be reserved for deployment in the MSA-level, in-depth, long-form studies.

Focus Group Composition

When the survey design group (Green, Malpezzi, Pendall and Rosenthal [GMPR]) concluded the initial phase of work in the summer of 2005, the group recommended that focus-group pilots comprise a diversity of professions, experiences, and perspectives on regulatory processes. It was envisioned that core members would supplement an initial group via a "snowball" process in each region, with key informants identified in a first round and then asked, "Who else should we talk to about the survey?" GMPR listed the following kinds of possible participants in the focus group effort, explaining the perceived utility of each:

- Low-income housing providers such as public housing authorities
- Market-rate homebuilders, who are finely attuned to questions of process and the impact of regulations on their bottom line
- Affordable housing developers and associations (especially nonprofits), who may identify issues that differ from production builders
- Manufactured housing associations
- Realtors
- Advocates for low-income renters and first-time homebuyers
- American Planning Association state chapters, including chapter presidents and lobbyists; some APA chapters also have sections for geographic sub-areas
- Municipal leagues of cities, towns, and counties lobbying state legislatures and agencies; leaders

can identify knowledgeable elected officials from the local level to serve as expert advisors

- ❑ Associations of building officials, which may be helpful in identifying nondiscretionary regulatory barriers as well as procedural issues with approvals
- ❑ Special district and school district associations, which can instruct on questions about infrastructure capacity; they also may be helpful in determining whether separate surveys ought to be developed for special and school districts (We expect great institutional variety across states along this dimension.)
- ❑ State housing finance agencies and allocation entities that review tax credit applications and already interact with local governments concerning specific project proposals; their determinations depend strongly on local receptivity to affordable development, and they have both expertise on, and direct stakes in, local regulatory outcomes
- ❑ State departments of housing and community development that may govern small-city CDBG funding as well as executive-branch policymaking across gubernatorial administrations
- ❑ State departments of environmental protection, conservation, wildlife, and fish and game, which may help identify constraints affecting local regulatory policy
- ❑ State departments of local government affairs, who know municipal structure and can provide access to directories and information about who's who in local government; some states already do their own surveys of local regulations through such departments
- ❑ Attorneys in American Bar Association and state bar land-use sections
- ❑ Academics teaching in planning schools, public policy and administration programs, and law schools
- ❑ Smart growth organizations

In stark contrast, the focus groups considered in this paper encompassed decidedly narrower representation:

FOCUS GROUP COMPOSITION	
Atlanta	Planners (6), attorneys (6), developers (1), bankers (1), consultants (1), housers (1)
New Brunswick	Planners (9), attorneys (3), developers (1), housers (1)
Minneapolis	Planners, developers, attorneys, researchers, housers, planning/zoning board members (<i>numbers not reported</i>)
Portland	Planners (4), attorneys (2), developers (1), housers (2)

Perhaps if the actual identities, affiliations, and career paths of participants were revealed, greater diversity of representation would be indicated, but such a conclusion cannot be drawn from the bare statistics provided in the task-order reports.

Needless to say, composing focus groups and eliciting attendance can be a tricky affair, what with invitees' busyness, scheduling conflicts, and the like. In Rumsfeldian terms, perhaps one needs to go to battle with the focus groups one has, not the focus groups one desires (or needs). Nonetheless, it should be emphasized that the observable consistency, even near-verbatim repetitiveness in places, of the focus-group report materials perhaps reflects this departure from the kind of diverse representation originally envisioned for the activity.

Purpose of Effort

Focus-group participants and leaders expressed curiosity regarding the overall purpose of the survey and the uses to which the resulting database might be put. For many, inclusion of the motivations and justifications for the effort would best be stated clearly, otherwise respondents would be reluctant to participate [A7-8, NB7-8, M6, P7]. To a certain extent, this inquiry asks whether the bulk of statistical analysis will be descriptive or inferential, and interest among respondents in such predictions remains difficult to comprehend. The government invests in developing data as information, to be put to whatever uses research and politics might deem useful in the moment.

Inasmuch as the survey design and pilot exercise are born of a national concern regarding

excessive barriers to residential development, there can be little doubt that the overarching motivation is one which is essentially policy-analytic in nature. However, the survey generating the desired database should be neutral rather than partisan, and the responses sought should be descriptive and perceptual,⁹ not political or normative. There seems little point in scripting or constraining the ways NRBD data can be utilized by policy researchers, academic scholars, planners and other practitioners. No social science enterprise should have to justify itself to all interview subjects in order to secure their responses. Such an obligation imposes too diffuse a burden on what is, after all, a consciously multipurpose undertaking meant to support all manner of pertinent inquiry. Raw land-use data might potentially be used to predict or explain economic development, racial segregation, incidence of mortality and morbidity, and even prevalence of zoos and circuses.

At the same time, the GMPR group has recognized all along that a critical mass of buy-in among respondent groups would likely be necessary to ensure the long-term practicability of the NRBD schema. If there be consistent suspicion regarding untoward use of the data—or simply insufficient incentive to override respondent disinterest—appropriate strategies will have to be devised.

Questions on Feasibility and Methodology

From the standpoint of survey administration and logistics, the NRBD is obviously daunting. In the absence of genuine leadership and real financial resources dedicated by the federal government toward the enterprise (perhaps with state, nonprofit, and even international partners),

it is difficult to imagine it being sustained and regularized. The steep trajectory of ambition has been obvious to all involved from the outset.

A number of participants voiced concerns about how a sufficient response rate could be ensured and whether a regular cohort of equivalently trained, authorized and placed local-government respondents could ever be established. Here we confront two separable concerns involving (1) *survey penetration rates* and (2) *horizontal response capacity*.

Regarding methods for ensuring adequate response rates, participants questioned the use of specific incentives and penalties (e.g., linking completion of the survey with eligibility for federal aid) [A20, M6]. Others contemplated whether actual payments could be provided for data acquisition [P17]. Neither “carrots” nor “sticks” can be utilized easily across jurisdictions to induce completion of the survey. Most smaller jurisdictions have little direct relationship with HUD. It appears impractical to tie survey compliance with any form of federal grant eligibility or deprivation.

We had first envisioned that, once institutionalized, the NRBD surveys would become as routine as the building-permits surveys conducted by the Census Bureau (Form C-404). However, NRBD subject matter is at once more complex and politically sensitive than such ministerial information. A clear and simple approach for ascertaining baseline regulatory data in an economical and streamlined way with high response rates appears somewhat elusive at the present time.¹⁰

Regarding consistency of the actual respondent cohort across jurisdictions, some participants

9. The matter of respondent perceptions—as opposed to their conveyance of veritable fact—raises issues relating to subjective versus objective items in the instrument. Some participants questioned the usefulness of items seeking respondents’ subjective opinions, identifying the prototype questions as being particularly suspect in this regard [A6]. Others requested that respondents be provided an opportunity to opine at length regarding what they personally thought the severest regulatory obstacles to housing development in their localities and regions might be [A8]. There is a gilded tradition in land-use studies to use outside, expert opinion on restrictiveness instead of attempting to index practices and enactments. Such an open-ended “name the worst regulatory barriers” question was proposed by Steve Malpezzi of the GMPR group. It was included in early drafts and but was discarded from the version selected for the focus-group pilots, largely in an effort to reduce the survey’s length.

10. The Portland focus group generated some helpful suggestions including administering payments to those completing the survey and utilizing regional HUD offices to monitor and encourage response compliance [P17]. This report also emphasized the importance of marketing and promotion to heighten response [P18].

recommended the survey be addressed to a chief administrative officer (CAO), who would be treated as the responsible party by HUD's survey team. Ultimately, in these participants' view, the CAO would designate a responsible and knowledgeable land-use officer (LAO), who would be the actual source of information constituting that jurisdiction's submission [A19]. The lack of sufficient personnel and staff-hours to complete the survey is a constant issue in this context. In Portland, it is thought that Metro's survey efforts have failed in the past due to precisely this concern [P6].

No one involved in the survey design or task-order phase of this work believes the survey instrument should be onerous or intimidating for respondents to complete. A number of trade-offs lurk: between the depth of reasoned inquiry among knowledgeable experts, on the one hand, and the ease of access to streamlined information sources, on the other; between legitimate topics of national curiosity and lesser probabilities that any one individual in a respondent jurisdiction has all the necessary information readily available. The more hands the survey must pass through in each locality in order to be completed, the lower the likely response rate. The more time-consuming and burdensome a first go-round is to submit, the less likely that critical mass of buy-in will sustain itself over time, and future response rates will suffer as well. The plain fact is that NRBD areas of concern involve extremely complex social processes, legal and regulatory rules and procedures, interagency tugs of war, and sensitive areas of local policy choice. After all, if this data were easy to collect, no doubt it would already exist with greater coverage, replicability and access than it has to date.

Responder Perceptions and Willingness to Participate

Many participants voiced optimism and praised the survey effort, found the establishment of a national regulatory baseline relatively feasible, and believed the pilot tests would produce helpful information [A6]. Others voiced strong support for the project [NB5]. At the same time, planners participating in focus groups—contemplating their

reactions were they to receive the survey form—tended to wonder, “What’s in it for us?” [M6]. A number of participants requested that information be provided with the survey showing how respondents might benefit and how the data might come to assist them in their professional practice.

Participants through the description of the survey as being national in scope, or its association with HUD, would undermine respondents' willingness to complete the survey candidly and truthfully [A5, P18]. Some referred to redundancy in the proposed instrument relative to information provided in Consolidated Plan applications for HUD funding [M7].

In particular, anything in a national survey obviously intended to identify exclusionary-zoning “culprits” would deter response by both jurisdictions actually guilty of such practices and those innocent localities that might be so perceived [A8, NB13]. The pilots identified sensitivity toward characterizing one's own regulations as “excessive” in any way [NB13], even in the context of reporting the basis of a lawsuit contesting some permitting decision. In this connection, were individual responses identifiable with specific jurisdictions, such material could possibly be utilized as evidence in litigation concerning questionable land-use enactments and rulings [A8]. In some instances, city attorneys might err on the side of caution and simply rule out anyone in City Hall ever completing the survey [M7]. Frankly, such adversarial legalism obstructing federally underwritten data collection never appeared the largest NRBD obstacle to our colleagues in survey design. Of course, depending on local conditions, such a scenario is certainly plausible.

Apart from such confidentiality concerns, numerous participants believed badly worded items could irk or offend respondents, such that they might decline to complete the survey as a result. Examples include rejection of any suggestion a jurisdiction may have “deliberate” anti-development or slow-growth policies [Q25] or “excessive” conditions for project approval [Q33: NB12, NB13]. Such fear of recalcitrance

or vindictiveness on the part of local planning and building officials may be a bit overblown. The function of the survey is to establish baseline, barometric readings of local regulatory conditions. Making sure respondents are left with a warm and fuzzy reaction would be a decidedly lesser priority. More importantly, fielding survey items clumsily phrased in an inappropriately passive and sketchy manner is not a path toward reliable findings. At the same time, careful judgments must be made regarding survey content and design, to reduce the likelihood that large numbers of respondents will be nonplused by the exercise.

The focus-group write-ups raised many questions regarding the biases of participants, particularly with respect to semantics. For example, the instrument's comprehensive division of housing-structure distinctions (e.g., single-family detached versus multifamily) raised questions in participants' minds concerning tenure (e.g., condominium owned versus rented) [A7]; it does not appear the task-order team delineated these items carefully to mollify participants' concerns. Elsewhere, participants in specific regions urged emphases due to their own experiences, which would upend the use of general, inclusive terminology understandable to a plurality of practitioners across regions (e.g., elevating "variance" to a separate title item [NB13] when zoning "change" or "exception" would deliver broader coverage). It is important that not all such quibbles be elevated to the status of important pilot findings. For example, it is of some concern to this originator that participants found a perfectly plain word like "typical" to be *s* [P9]. That a survey item may require respondents to engage in quite careful thinking—or even some hard work—makes its phrasing neither ambiguous nor particularly disagreeable from a survey-research standpoint. Survey design should not devolve into phraseological popularity contests.

Regional Emphases

Some participants warned that the survey instrument emphasized issues of concern to suburban and exurban development, with insufficient

treatment of vertical, mixed-use, and infill projects more likely to arise within urban centers and inner-ring suburbs [A13, P8]. This kind of selectivity was far from the GMPR group's intent. In point of fact, as reflected in numerous comments from participants, critical distinctions between vertical and horizontal forms of developments, as well as those between infill and greenfield projects, continued to frustrate our efforts to delineate any small set of generic survey questions having full item validity across the expected testbed.

Capturing the Counterfactual

It is indeed important to recognize that project denials may matter more than approvals, but that not all denials represent unreasonable barriers [P8]. The survey should attempt to ascertain basic information on permit applications, withdrawals, determinations, appeals, and completed construction. However, the means by which to elicit such information in a straightforward way are not immediately apparent.

Additionally, the survey should continue to explore not just impediments to residential development, but also promotion activities [P8]. The draft survey's attention to inclusionary zoning, density bonuses, and such represents just this kind of effort, and this area should be probed in greater detail in the long-form MSA-intensive studies.

Surveying Builders: Desirability versus Feasibility

Numerous participants and observers believe that a national survey of land-use regulators should be supplemented by surveys of builders—i.e., the land-use regulated. To work, such a survey should be limited to high-volume builders having distinct, multiple contacts with a wide range of jurisdictions. Otherwise, it will prove difficult to associate builder experience with the appropriate sample of regulatory sources.

Calibrating the State Regulatory Environment

Finally, the varying nature of state regulatory environments greatly complicates the NRBD effort. This aspect of the challenge was most pronounced in the Portland focus group, which pointedly identified the idiosyncrasies of studying

local practice in the context of comprehensive state-level regulation.

In general, the responses acquired from local land-use authorities cannot be adequately understood without capturing what the GMPR group termed “exogenous regulations and influences” on policy choice and project-level decision making. It remains necessary to consider supplementing the local-practice survey with development of a state-level taxonomy of the overall legal environment affecting residential development. This activity could well run parallel to the NRBD survey itself. However, to the extent the survey’s language, format, and coverage can thereby be more easily tailored to local conditions, the national typology of exogenous regulations and influences may well be best developed in advance of the NRBD survey’s first formal placement in the field. One result might be a “Pictures of State Regulatory Environments” data-set series that can be regularly compiled and updated by HUD.

Generating this catalog can be done largely through centralized legal research, perhaps augmented by interviews with a handful of experts in each state. Steps to determine exogenous constraints and influences might include conducting in-depth legal and public policy research, through Lexis and other Internet resources, generating national cross-sectional data covering the varying state regulatory and budgetary environments in which local land-use authorities operate. Also, HUD should consider regularly convening and/or participating in land-use regulation/affordable housing study groups at national conventions of state leadership entities, such as the National Governors Association, the National Council of State Housing Agencies, and the National Association of Housing and Redevelopment Officials, as well as meetings of such national organizations as the National Low-Income Housing Coalition and the National Housing Conference/Center for Housing Policy.

Closing: Where To from Here?

It will take some time to fully digest the significant lessons generated by the focus group exercise. Naturally, much of what follows in the near term will be dictated by the programmatic emphases delineated by HUD. Still, it makes good sense to craft a set of work products that would both engender progress toward shared NRDB goals and position the effort for bolder steps forward should national prerogative lead in that direction.

I close with a to-do list of some specific project areas that could be started immediately. Each could easily be taken on by two- or three-member subgroups within the larger community of NRBD consultants and scholars who have engaged with HUD in the broader conversation over the last few years:

1. **Parsing short- and long-form coverage.** Assuming consensus that an *American Housing Survey*-style arrangement is in the offing, important detail can now be sorted into the long-form-only category. An ever-more streamlined and user-friendly short-form may well emerge.
2. **Initiating “Pictures of State Regulatory Environments” project.** A template of exploratory coverage that would encompass all major areas of variation in “exogenous regulations and influences” should be drawn up and tested in a handful of states.
3. **Continued Focus-Group Testing on Evolving Short-Form Instrument.** At relatively low cost, focus groups can be convened at state and national conferences in a variety of professional settings (e.g., American Planning Association, Urban Land Institute, American Institute of Architects, nonprofit housing associations, state bar associations).