

May 15, 1970

STATEMENT OF COMMISSION ON LAW AND SOCIAL ACTION
NEW ENGLAND REGION, AMERICAN JEWISH CONGRESS
ON TITHING IN HOUSING

The principle of "tithing", that is, contributing one-tenth of the produce of the land to the moral purposes of the community, affords an additional weapon for coping with the housing shortage for the poor and for those unable to purchase decent living quarters in the open market.

One of the most profitable industries in American life is the development of multi-unit luxury housing. It is very rare that any such development can take place without the exercise of one kind of discretion or another by municipal authorities in the form of special permits, zoning variances, tax concessions, density bonuses or the like. In the exercise of discretion of whether to grant such permits, zoning commissions, planning and appeals boards and similar authorities have wide statutory latitude to consider design, traffic, physical and aesthetic factors as part of the process of weighing the impact of a proposal upon the surrounding community.

We stand for the proposition that in the exercise of such discretion, every governmental agency should adopt as its policy the principle that ten percent of the units in new luxury or upper income developments be reserved by the developer for occupancy by persons of low income. Occupancy patterns must be deemed a factor just as important as architecture, landscaping, traffic impact and the like. New housing opportunities for the poor is as important as the caliper of trees. We call upon all municipal authorities throughout the Commonwealth to exercise their powers in accordance with the goal of helping to relieve the desperate housing crisis in the way suggested here, among others.

This may be accomplished without express legislative formulae but as part of the familiar process of negotiation and compromise which

regularly accompanies the steps by which a new proposal gains municipal acceptance.

Statutory foundation for exercise of the creative discretion proposed here may be found in C. 40A, Section 15 of the General Laws in the words authorizing variances "... where desirable relief may be granted without substantial detriment to the public good ...;" likewise, Ch. 41, Section 81D charges planning boards with devising plans to promote "... neighborhood improvement...." The fundamental objects of the zoning law, which include the encouragement of "the most appropriate use of land throughout the city or town" are defined in C. 40A, Section 3.

The latest expression of the statutory policy of the Commonwealth is to be found in Chapter 774 of the Acts of 1969 entitled "Low and Moderate Income Housing". What is affixed here is an additional technique for achieving a crucial social goal --- adequate housing for all. Those who seek special consideration from the commonwealth acting through its local agencies should be called upon to give something in return.

Finally, we are mindful of an ancient teaching contained in the writings of our spiritual ancestors: "Non-fulfillment of the law of tithing brings hurricanes."

1. *Journal of the American Medical Association*, 1990; 263: 1025-1026.

Aug 12 1961

NEW ENGLAND REGION
AMERICAN JEWISH CONGRESS



COMMISSION ON LAW AND SOCIAL ACTION

72 FRANKLIN STREET
BOSTON, MASS. 02110 - (617) 542-0265

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May 15, 1970

Dear Sir:

Would you be good enough to distribute to the appropriate municipal officials in your municipality the within statement of the Commission on Law and Social Action of the New England Region of the American Jewish Congress.

Very truly yours,

Mark A. Michelson
Mark A. Michelson
Chairman

Lawrence D. Shubow
Lawrence D. Shubow
Counsel

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Communication from the American Jewish Congress transmitting Statement of Commission on Law and Social Action, New England Region regarding tithing in housing

May 18, 1970

5/18/70 Placed on File
Copies of BOTH letters
to ALL CITY COUNCILLORS