Winter 2021

YIMBY and COVID-19

Michael Lewyn

ZONING AND LAND USE PLANNING

Yimby and COVID-19

*Michael Lewyn**

I. Introduction

As housing costs have risen in the United States, a new political movement has arisen to fight for cheaper housing, the Yes In My Back Yard (YIMBY) movement. YIMBYs argue that if cities and municipalities alter their zoning laws to allow more new housing, housing costs will go down (or at least stop rising).[1] But over the past year, the COVID-19 pandemic has reshaped American metropolitan areas: downtown office and retail jobs have at least temporarily disappeared,[2] municipalities have lost revenue due to the ongoing recession,[3] and in some cities, homicide rates have soared.[4] Do these new realities weaken the case for YIMBYism, or do they make the case for new housing even stronger?

Part II of this article suggests the affirmative case for new housing is even stronger than it was before COVID-19. Part III shows that some common arguments against new housing are even weaker than they were before COVID-19. Part IV focuses on one new argument against new housing- possible claims that more compact development might spread COVID-19. Part V sounds a cautionary note, adding that until mass transit ridership recovers from COVID-19, anti-housing arguments based on traffic might even be stronger than they were before the pandemic.

II. Now, More Than Ever

The case for new housing is stronger than before COVID-19 in at least four respects.

First, cities need new construction, and the jobs than come with it, now more than ever. Second, housing affordability continues to be a national crisis, and can be mitigated by the construction of new housing. Third, declining land prices and emptying office buildings may facilitate housing construction. Fourth, COVID-19 is spread by overcrowding, which can be alleviated by increased housing supply.

A. Jobs, Jobs, Jobs

Over the past year, unemployment in the U.S. has risen from less than 4 percent to just over 11 percent.[5] Some of the largest metropolitan areas have the highest unemployment rates: for example, as of June 2020, New York, Los Angeles and Chicago all had unemployment rates of over 15 percent.[6]

If more housing was built, more Americans could get jobs building that housing. Even under current economic conditions, over 7 million Americans have jobs in the construction

*Associate Professor, Touro College, Jacob D. Fuchsberg Law Center. B.A., Wesleyan University; J.D., University of Pennsylvania; L.L.M., University of Toronto

[1] Cf. John Infranca, The New State Zoning: Land Use Preemption Amid A Housing Crisis, 60 B.C.L.Rev. 823, 827 (2019) (YIMBYs "seek to ease restrictions on new development" based on "the growing consensus among academic researchers that restrictive land use regulations have a detrimental effect on housing supply and affordability"); Christopher S. Elmendorf, Beyond the Double Veto: Housing Plans as Preemptive Intergovernmental Compacts, 71 Hastings L.J. 79, 114 (2019) ("YIMBY groups are springing up around the country to lobby for more housing").

[2] *See, e.g.* Natalie Swaby, Some downtown businesses struggle to stay afloat as more people continue working remotely, K5, August 1, 2020, at https://www.king5.com/article/news/local/rise-in-remote-work-takes-toll-on-some-of-seattles-small-businesses/281-b6565c30-3cca-4f14-93ab-a312055cffa3 (in Seattle, many downtown workers now work from home, causing dozens of retail businesses to close).

[3] *See* Michael A. Pagano and Christiana K. McFarland, When will your city feel the fiscal impact of COVID-19?, Brookings, March 31, 2020 (describing likely loss of sales and income tax revenue because "retail sales have plummeted and unemployment is skyrocketing").

[4] *See* German Lopez, The murder spike in big U.S. cities, explained, Vox, August 3, 2020, at https://www.vox.com/2020/8/3/21334149/murders-crime-shootings-2020-coronavirus-pandemic.

[5] *See* U.S. Bureau of Labor Statistics, Metropolitan Area Employment and Unemployment Summary, at https://www.bls.gov/news.release/metro.nr0.htm.

[6] Id., Table 1.

industry.[7] Before the 2020 economic downturn, 7.6 million had such jobs- a number that could be even higher if zoning codes did not limit new housing (and thus the number of possible construction projects). In turn, these workers and the employers would pay income taxes to state and local governments, as well as sales taxes on anything they purchased with their wages and/or profits, thus improving the tax bases of all levels of government.

B. Preventing The Next Affordability Crisis

It could be argued that if Americans have fewer jobs and lower wages, the demand for housing (and thus the need for new housing) would be lower, and the affordability crisis would disappear. But in fact, nationwide rents and home prices actually increased as the COVID-19 crisis worsened, after declining for the first quarter of 2020.[8] It is unclear why this is the case; landlords and home sellers might be less willing to go through the trouble of trying to rent or sell property when every conversation creates a risk of infection.[9] Moreover, the fiscal collapse of state and local finances means that government will be unable to mitigate this problem by building or subsidizing new housing.[10] Because of the decline in both American living standards and municipal budgets, Americans need affordable private housing more than ever.

[7] *See* U.S. Bureau of Labor Statistics, Industries at a Glance Construction: NAICS 23, at https://www.bls.gov/iag/tgs/iag23.htm (7.1 million jobs).

[8] *See* Apartmentguide, 2020 Mid-Year Rent Report, at https://www.apartmentguide.com/blog/apartment-guide-annual-rent-report/#national ("Average rent prices in 2020 decreased each month from January to March, before increasing in April (2.42%), May (1.8%) and June (1.3%)"); Jeff Andrews, The economy is tanking. So why aren't home prices dropping?, at https://www.curbed.com/2020/5/21/21264167/coronavirus-housing-market-prices Curbed, May 21, 2020 (median home prices rose 1.8 year-to-year, but rose more rapidly in April).

[9] Id. ("while housing demand has dropped substantially, housing supply also dropped in lockstep as potential home sellers pulled out of the market for many of the same reasons buyers are" such as uncertainty about economy).

[10] *See* Patrick Sisson, COVID-19 Is Killing Affordable Housing, Just As It's Needed Most, Bloomberg CityLab, July 30, 2020, at https://www.bloomberg.com/news/articles/2020-07-30/the-u-s-affordable-housing-gap-is-getting-worse?srnd=citylab.

As I have argued elsewhere,[11] if government allows the private sector to build more housing, builders may be able to mitigate the affordability crisis by increasing housing supply.

C. Reduced Land Costs

One barrier to affordable housing construction is high and rising land costs.[12] But during the last major economic downturn, land costs decreased in many metropolitan areas.[13] For example, in metropolitan Boston, the average land value per house decreased from over $400,000 per house to just over $250,000 during the 2008-12 recession, and then increased to its former levels in recent years.[14]

In particular, land currently used for office space may be especially appropriate for residential development. A Gallup survey suggests that about half of all workers now work from home, including 71 percent of workers in the top income quintile.[15] If this pattern continues, some of the space now used for offices can be repurposed for housing.

On the other hand, lenders tend to be risk-averse during a recession, and thus may be less willing to finance new housing.[16] So even if the political obstacles to new housing are removed, the banking system may not cooperate.

D. Eliminating Overcrowding

Persons who live in overcrowded environments are more likely to be infected by COVID-19, because people who live in the same room cannot easily avoid infecting each other. For example, a study by New York University's Furman Center showed that in the 20 percent of New York City zip

[11] *See, e.g.* Michael Lewyn, Deny, Deny, Deny, 44 Real Est. L.J. 558 (2016).

[12] *Cf.* Patrick M. Condon, 5 Rules for Tomorrow's Cities 141 (2020) (describing rise in land costs in a variety of affluent countries).

[13] *See* AEI Housing Center, *Land and House Values*, at https://www.aei.org/wp-content/uploads/2018/10/msa_graph_value_2018q2.pdf (showing numerous examples) ("AEI Graph").

[14] Id.

[15] *See* Katherine Guyot and Isabel V. Sawhill, Telecommuting will likely continue long after the pandemic, Brookings, April 6, 2020, at https://www.brookings.edu/blog/up-front/2020/04/06/telecommuting-will-likely-continue-long-after-the-pandemic/.

[16] *See* Sisson, *supra* note 10 (suggesting that this is already the case).

codes with the most infections, 15.2 percent of renter households suffered from overcrowding (that is, having more than one resident per room)- more than twice the percentage of infections in the least heavily infected zip codes.[17] A similar survey of California neighborhoods showed that the 20 percent with the highest infection rates had three times the overcrowding rate as the 20 percent of zip codes with the lowest infection rates.[18]

If housing is cheaper, overcrowding will be less common; some people who would otherwise have roommates will instead live in their own apartments. So to the extent that increased housing supply holds down rents, overcrowding (and thus infections) may decrease.

III. On The Other Hand . . .

Common arguments against new housing include claims that new housing (1) is likely to raise housing prices by raising land costs, (2) will fail to reduce housing costs because demand for housing is unlimited, or 3) will be inevitably purchased by rich foreigners who will use the housing as a speculative investment rather than renting it out. Each of these arguments is less persuasive now than before COVID-19.

A. Land Costs

It has been argued that zoning changes that allow new housing actually increase the cost of urban land, by increasing the speculative value of land.[19] The logic behind this argument is that if a city government allows more housing on one parcel of land, there will be more investor demand for

[17] *See* NYU Furman Center, COVID-19 Cases in New York City, A Neighborhood-Level Analysis, at https://furmancenter.org/thestoop/entry/covid-19-cases-in-new-york-city-a-neighborhood-level-analysis.

[18] *See* Jackie Botts, How we analyzed the link between COVID-19 and crowded housing in California, Calmatters, June 12, 2020, at https://calmatters.org/projects/california-coronavirus-overcrowded-housing-data-analysis/ However, this study also showed that the most heavily infected areas differed from other neighborhoods in a variety of other respects (for example, by being poorer and more heavily nonwhite). See also NYU Furman Center, *supra* note 17 (showing similar results). Thus, it is hard to tell to what extent overcrowding was the cause of these neighborhoods' higher infection rates.

[19] *See* Condon, *supra* note 12, at 134.

the land, causing land prices to increase.[20] It could therefore be argued that "upzoning" (that is, permissive zoning that allows for new housing)[21] will lead to higher land prices. But during the last major recession, land costs decreased;[22] thus, this argument may be less plausible than it was a year ago.[23]

B. Unlimited Demand

Another anti-housing argument is that new housing will not affect housing prices, because demand for housing in the most expensive cities is virtually unlimited.[24] If this was true, any time new housing is built in city X, new people will come to the city to occupy it; that is, demand would rise to

[20] *See* Richard Florida, Does Upzoning Boost Housing Supply and Lower Prices? Maybe Not, at Citylab, Jan. 31, 2019 at https://www.citylab.com/life/2019/01/zoning-reform-house-costs-urban-development-gentrification/581677/ (citing study showing increased land values from Chicago upzoning).

[21] *See* Bradley Pough, Neighborhood Upzoning and Racial Displacement: A Potential Target for Disparate Impact Litigation, 21 U. Pa. J. L. & Soc. Change 267, 276 (2018).

[22] *See supra* notes 13-14 and accompanying text.

[23] Moreover, it seems to me that if upzoning increased land and housing prices, "downzoning" (and restrictive zoning generally) should prevent housing prices from rising. The city of Los Angeles has tested this theory. In 1960, that city was zoned to support 10 million people—that is, if every landowner built to the extent allowed by zoning, the city would have had 10 million residents. *See* Gregory D. Morrow, *The Homeowner Revolution: Democracy, Land Use and the Los Angeles Slow-Growth Movement, 1965-92*, at 3, at http://escholarship.org/uc/item/6k64g20f#page-1. By contrast, today the city is zoned to support only 4.3 million people, only slightly more than its current population. Id. Nevertheless, Los Angeles-area land prices have increased sixfold in recent decades. See AEI Graph, *supra* note 13. In fact, one 2014 study suggests that strict land use regulation *increases* land costs, finding that the most heavily regulated San Francisco suburbs had the highest land costs. *See* Nils Kok, Paavo Monkkonen, and John M. Quigley, Land use regulations and the value of land and housing: An intra-metropolitan analysis, 81 Journal of Urban Economics 136, 144-45 (2014), at https://escholarship.org/content/qt04r462fk/qt04r462fk.pdf (describing findings, but noting that one study of Florida suburbs yielded contrary results).

[24] *See*, e.g., Tim Redmond, Editor's Notes, San Francisco Bay Guardian Online, Feb. 21, 2012, http://www.sfbg.com/2012/02/21/editors-notes ("in a city that has limited space and nearly unlimited demand . . .. There's no way to build enough new affordable rental housing, or housing that middle-class families can buy, to keep up with the demand.").

equal supply.[25] But even in high-cost cities, COVID-19 may have reduced demand for housing; for example, at least 13 percent of Manhattan residents have left the city between March and May 2020.[26] Similarly, San Francisco rents have decreased in recent months.[27] If housing demand is declining, obviously demand for housing is no longer unlimited.

C. The "Rich Foreigner" Argument

It has been argued that new housing will not contain housing costs "when a fuller picture of demand is painted that includes foreign direct investment in apartments that remain vacant"[28]—in other words, that foreigners will purchase new houses and apartments as investments but will leave them vacant for some reason. There is no reason to believe that this argument makes sense outside a few high-cost cities-and maybe not even there. Even in Manhattan, fewer than 15 percent of home buyers are from outside New York City.[29] Moreover, there is no reason to believe that out-of-town buyers prefer to avoid rental revenue by leaving apartments

[25] If this argument to be true, the most expensive cities would have to be the cities with the fastest population growth (that is where demand grew most rapidly). But in fact, the American cities with the highest population growth are not as expensive as New York or San Francisco. *See* Lewyn, *supra* note 11, at 565-68. Because, the correlation between demand (as measured by population growth) and high rent is weak, I did not find this argument persuasive even before the COVID-19 pandemic.

[26] *See* Kevin Quealy, The Richest Neighborhoods Emptied Out Most as Coronavirus Hit New York City, New York Times, May 15, 2020, at https://www.nytimes.com/interactive/2020/05/15/upshot/who-left-new-york-coronavirus.html.

[27] *See* Tessa McLean, San Francisco rental prices continue to plummet, SFGate, July 2, 2020, at https://www.sfgate.com/realestate/slideshow/San-Francisco-rental-prices-fall-june-11-percent-204756.php.

[28] Jim Russell, Illusion of Local: Why Zoning for Greater Density will Fail to Make Housing More Affordable, at https://psmag.com/social-justice/illusion-local-zoning-greater-density-will-fail-make-housing-affordable-85313.

[29] *See* Dan Bertolet, Stop Blaming Foreign Home Buyers, at https://www.sightline.org/2017/07/05/stop-blaming-foreign-home-buyers/, *citing* Jack Favilukis and Stijn van Niuwerburgh, *Out-of-Town Buyers and City Welfare*, at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2922230 (13.6 of buyers from outside city). I respond to this argument in more detail at Michael Lewyn, Do You Believe in Ghost Apartments?, 48 Real Est. L.J. 234 (2019).

vacant; for example, one study of foreign-owned, high-end apartments in London shows that only 1 percent of these apartments are vacant.[30]

Even if foreign investment in American real estate was a problem during the 2010s, it seems likely that this problem will become less significant over the next few years. As noted above, demand for housing in the most expensive cities has actually declined in recent months[31]—which means that new condominiums in those cities will be less profitable for their owners than they were a year ago. Because investors tend to prefer to purchase items that actually appreciate in value, it logically follows that fewer investors will purchase American houses and condominiums, and that foreign investment in American housing is likely to decline until the economy recovers.

IV. But What About COVID-19?

New housing located in existing neighborhoods by definition makes those areas more dense, by increasing the number of dwelling units (and people) per square mile. This reality could be used as an argument against new infill housing, on the ground that low density makes it easier for people to avoid each other and thus to avoid infection.[32] At first glance, this argument may seem persuasive, because dense New York has suffered more from COVID-19 than more sprawling, automobile-oriented cities such as Los Angeles.[33] But this argument overlooks a few important facts.

First of all, although the New York region has suffered more than other regions, the most dense parts of the New

[30] Id. at 240-41. Moreover, the idea that the existence of foreign investment justifies refusal to build new housing assumes that absent the new housing, the investors will magically disappear, instead of bidding up the price of older housing units. Id. at 245. Thus, the "foreign investor" argument is implausible.

[31] *See supra* notes 26-27 and accompanying text.

[32] *See, e.g.*, Joel Kotkin, Angelenos like their single-family sprawl. The coronavirus proved them right, Los Angeles Times, April 26, 2020, at https://www.latimes.com/opinion/story/2020-04-26/coronavirus-cities-density-los-angeles-transit But cf. James Brasuell, Density Debate Rages Alongside the Pandemic, Planetizen, April 27, 2020, at https://www.planetizen.com/blogs/109173-density-debate-rages-alongside-pandemic (citing articles on all sides of issue).

[33] *See* Kotkin, *supra* note 32.

York region are not the most heavily infected. Manhattan is the most dense borough,[34] yet infection rates are higher in the city's suburbs and outer boroughs.[35] As of early August, Manhattan had 1900 COVID-19 cases per 100,000 people- less than half the rate of suburban Rockland County (which had over 4000 cases per 100,000 people), fewer than any of the four outer boroughs, and also fewer than suburban Bergen, Passiac, Hudson, Orange, Nassau, and Suffolk Counties.[36] Within Manhattan, the three least heavily infected zip codes have above-average levels of population density.[37] Thus, it appears that within the New York region, there is no correlation between population density and COVID-19 infections.

Second, as the COVID-19 pandemic spread, it became less concentrated in big cities. Between June 14 and June 28, COVID-19 cases increased by more than 100 cases per 100,000 residents in 905 counties; 650 of these counties were

[34] *See* NYU Furman Center, State of New York City's Housing and Neighborhoods in 2018 at 37, 51, 71, 85, 101 at https://furmancenter.org/files/sotc/2018_SOC_Full_2018-07-31.pdf (listing density of each borough) ("Furman Center.").

[35] *See* Todd Litman, Lessons from Pandemics: Transportation Risks and Safety Strategies, Planetizen, April 23, 2020, at https://www.planetizen.com/blogs/109146-lessons-pandemics-transportation-risks-and-safety-strategies; Citizens Planning and Housing Council, Density and COVID-19 in New York City 7, at https://chpcny.org/wp-content/uploads/2020/05/CHPC-Density-COVID19-in-NYC.pdf ("Citizens").

[36] *See* At Least 159,000 people have died from coronavirus in the U.S., Washington Post, August 10, 2020, at https://www.washingtonpost.com/graphics/2020/national/coronavirus-us-cases-deaths/ ("Post COVID").

[37] As of August 10, the New York City zip codes with the lowest infection rates were in Manhattan- 10280 (644 cases per 100,000), 10007 (848), 10012 (846). *See* NYCHealth, COVID-19: Data, at http://www.usa.com/rank/new-york-state—population-density—zip-code-rank.htm https://www1.nyc.gov/site/doh/covid/covid-19-data.page Each of these three zip codes have over 40,000 people per square mile- about 50 percent more than the citywide density level. See USA.com, New York Population Density Zip Code Rank, at http://www.usa.com/rank/new-york-state—population-density—zip-code-rank.htm (densities of each zip code); Mike Macaig, Mapping the Nation's Most Densely Populated Cities, Governing, Oct. 2, 2013, at https://www.governing.com/blogs/by-the-numbers/most-densely-populated-cities-data-map.html (New York City as a whole has 27,012 people per square mile).

in outer suburbs or rural areas.[38] As of March 29, 80 percent of high-prevalence counties (that is, counties with over 100 cases per 100,000 residents) were in urban cores; by contrast, by the end of June, fewer than 2 percent of high-prevalence counties were urban.[39] Even if COVID-19 is somewhat more common in the most dense places, this generalization is less true than it was in March.

Third, other dense cities have been more successful in controlling this disease than New York. San Francisco is the second most dense big city (with just over 17,000 persons per square mile) in the United States.[40] But as of early August 2020, San Francisco had 784 cases per 100,000 residents[41]—fewer than half as many infections per person as Los Angeles County,[42] despite the fact that the latter county has less than one-sixth the density of San Francisco.[43]

Fourth, other dense cities around the world have had low COVID-19 infection rates. For example, Seoul, South Korea has 43,000 people per square mile, more than either San Francisco or New York — but as of May 2020, had only 7.4 COVID-19 cases per 100,000 residents.[44] Hong Kong, which

[38] *See* William H. Frey, A Roaring Sun Belt surge has inverted the demographics and politics of COVID-19, Brookings, July 2, 2020, at https://www.brookings.edu/blog/the-avenue/2020/06/19/covid-19s-sun-belt-surge-has-recast-the-pandemics-impact/ ("Among the 905 counties where cases of COVID-19 increased by more than 100 per 100,000 residents during the June 14 to June 28 period, nearly four out of five are in the Sun Belt—the vast majority of which (650 counties) lie outside urban cores and inner suburbs.").

[39] Id.

[40] *See* Macaig, *supra* note 37.

[41] *See* Post COVID, *supra* note 36. I note that although the Post COVID-19 tracker generally lists deaths by county rather than city, this classification is irrelevant to San Francisco, because the city of San Francisco and its county are identical. *See* City and County of San Francisco, at sf.gov (webpage showing city and county are one entity).

[42] *See* Post COVID, *supra* note 36 (Los Angeles County has just over 2000 infections per 100,000 residents, more than twice San Francisco's 784).

[43] Los Angeles County has 2503 persons per square mile. *See* City-data.com, *Los Angeles County (CA)*, at http://www.city-data.com/county/Los_Angeles_County-CA.html.

[44] *Id.*

has a density roughly comparable to that of San Francisco,[45] had just under 14 cases per 100,000 residents.[46]

Finally, urban planning scholarship rejects the idea that there is a link between population density and COVID-19. A recent study published in the Journal of the American Planning Association finds that even though large metropolitan areas such as New York tend to have higher infection rates, "after controlling for metropolitan population, county density is unrelated to the infection rate and negatively related to the mortality rate."[47] Similarly, during the 1918 influenza pandemic, lower-density areas actually suffered higher mortality rates.[48]

V. A Cautionary Note

A common argument against infill development has been that, by bringing new people into a neighborhood, new housing brings traffic.[49] In response, YIMBYs point out that where anti-housing policies create a shortage of housing in urban areas with public transit service, households are forced to move to suburbs with minimal transit. As a result, these households drive far more than they would drive if they lived in cities or inner suburbs, thus *creating* traffic congestion.[50]

But this counterargument is based on the assumption that people who live in urban places will drive less frequently than they would if they live in an unpopulated exurb. But

[45] *See* Toby Harriman, *Capturing the Eye-Popping Density of Hong Kong's Tower Blocks*, Petapixel, Jan. 19, 2019, at https://petapixel.com/2019/01/19/capturing-the-eye-popping-density-of-hong-kongs-tower-blocks/.

[46] *See* Brendon Hong, *Hong Kong's Been Beating COVID-19 With Moderation, Not Magic Bullets*, Daily Beast, May 12, 2020, at https://www.thedailybeast.com/hong-kongs-been-beating-covid-19-with-moderation-not-magic-bullets?source=articles&via=rss.

[47] Shimi Hamidi et. al, Does Density Aggravate the COVID-19 Pandemic? 2, at https://www.tandfonline.com/doi/full/10.1080/01944363.2020.1777891?fbclid=IwAR1TiLlh4VKpSLVJTNS6tOctjFd6A9raU6zrTCdNWDw-_sKpbqRxr0ZXzPg.

[48] Id.

[49] *See* Michael Lewyn, Government Intervention and Suburban Sprawl: The Case For Market Urbanism 85 (2017) (describing argument).

[50] Id. at 85-86.

public concern over social distancing[51] has led to massive decreases in public transit ridership; in March 2020 alone, public transit use fell 40.8 percent nationwide.[52] And by the end of July, New York's subway ridership was only 20 percent of pre-pandemic levels.[53] Moreover, the decline of the U.S. economy has led to collapsing municipal revenues generally, thus reducing cities' ability to support public transit.[54] As long as cities are afraid to fund buses and trains, and their residents are afraid to ride them, anti-housing arguments are likely to focus on traffic issues.[55]

VI. Conclusion

In many ways, the argument for YIMBY policies is stronger than ever: in addition to increasing housing affordability, new housing will create construction jobs. And as land costs decline, new housing is likely to be cheaper to build than it was a year or two ago. Furthermore, many traditional arguments against new housing are no longer plausible: as the COVID-19 depression drags down property values, it will be harder to argue that new housing increases land costs or will be gobbled up by greedy foreign speculators.

[51] *See* Alejandro De La Garza, COVID-19 Has Been 'Apoclayptic' for Public Transit: Will Congress Offer More Help?. Time, July 21, 2020, at https://time.com/5869375/public-transit-coronavirus-covid/ ("People are expected to keep away from each other, and that just doesn't work out for mass transportation"). But see Christina Goldbaum, Is The Subway Risky? It May Be Safer Than You Think, New York Times, August 2, 2020, at https://www.nytimes.com/2020/08/02/nyregion/nyc-subway-coronavirus-safety.html (suggesting that fears of COVID-19 infection from public transit are overblown; for example, in Paris, "public health authorities conducting contact tracing found that none of the 386 infection clusters identified between early May and mid-July were linked to the city's public transportation.").

[52] *See* Skip Decsant, Transit Ridership Was Looking Good in 2020, Then Came COVID, Government Technology,. July 24, 2020, at https://www.govtech.com/transportation/Transit-Ridership-Was-Looking-Good-in-2020-Then-Came-COVID.html.

[53] *See* Goldbaum, *supra* note 51.

[54] *See* De La Garza, *supra* note 51.

[55] I note that I do not find these arguments persuasive- at least not in the context of urban development. Even if a commuter who lives and works in a city drives to work, that commuter may drive less than someone who commutes into the city from a faraway suburb, and thus might contribute less to traffic congestion.

On the other hand, if automobile traffic increases as a result of COVID-19, residents of cities and established suburbs may become even more intolerant of new development.