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—Special Issue Highlighting Inclusionary Housing—



# COMMON GROUND

TOWARDS A  
STABLE, UNIFIED  
METROPOLITAN  
REGION

WINTER,  
1999

## *Inclusionary Housing*

### A New Tool to Expand Housing Opportunities

This newsletter is devoted to a new policy initiative of the Alliance: **Inclusionary Housing**. The concept is fairly simple: let's use voluntary "regulatory relief" to encourage the private sector to provide more affordable housing throughout the region. The proposal would offer a bundle of incentives (existing state and regional funding programs) to encourage local communities to lower barriers that drive up the development costs of housing. The ultimate goal is to create public/private partnerships that generate a reasonable mix of incomes in new housing developments.

Builders will be rewarded for making at least 10-15 per cent of their developments affordable to lower income renters and home buyers. Developers who agree to modest affordability goals could receive a **Density Bonus**, providing more flexibility in zoning regulations, or have certain fees and charges waived, or benefit from a speed-up in the permit process.



*Can the Twin Cities region build more inclusive communities? Suburban developments in places like Montgomery County, Maryland are proving that market rate townhouses (in foreground) can share the streets with more affordable townhomes (background).*

Local communities will receive priority status (significant bonus points in a particular program's funding criteria) for lowering the costs of housing development.

#### Going Beyond the Livable Communities Act

The trick is to create a substantial "carrot effect:" the larger the bundle of incentives, the greater the economic pull for home builders and cities to cooperate with each other. A large variety of incentive funds and existing spending programs are being considered, many of which have traditionally subsidized growth and development activities in

our region.

Affordability targets will be set at levels that go further than the Metropolitan Livable Communities Act. The goal is to build home ownership opportunities for the family that makes around \$22,000-\$30,000 per year and to create rental units affordable for families making less than \$22,000 per year.

As the accompanying articles on Inclusionary Housing demonstrate, this kind of innovative policy has helped to generate thousands of new, affordable housing units around the country. It's time we try this tool in the Twin Cities region.

### Alliance for Metropolitan Stability

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The Alliance for Metropolitan Stability is a coalition that links the religious, social justice and environmental communities to address the issues of economic development, fair and affordable housing, transit, and the environmental consequences of sprawling growth. We work to involve citizens in regional policy decisions.

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Education & Housing Equity Project  
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## From the Director's Desk

### *Facing Criticism, Met Council Considers Placing Affordable Housing on 1999 Legislative Agenda*

By Russ Adams

As this issue of *Common Ground* goes to press, the Metropolitan Council is considering whether to promote a sweeping affordable housing proposal that would significantly increase the level of investment in the preservation and production of low and moderate cost housing. The proposal would effectively double the budget of the Minnesota Housing Finance Agency, targeting an additional \$80 million into proven programs that have created or rehabilitated thousands of single and multifamily housing units over the years.

This bold proposal, crafted by the Council's

housing staff, represents the fruition of over a year's worth of focus groups, public forums, and several economic summits. Less than a month ago, a key sub-committee of the Met Council intended to omit "affordable housing" from its recommendations for the Council's 1999 Legislative Agenda. This did not sit well with a number of private civic groups, faith-based organizations, advocates, and public officials.

I don't think the Council members themselves felt particularly good about leaving affordable housing off the legislative agenda. They saw the overwhelming evi-

*From the Director/continued on page 10*

## Double Your Donation

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Thanks to the generous support of the McKnight Foundation, you can now leverage your financial gift to the Alliance with a one-for-one matching grant. For every dollar you contribute to the Alliance for Metropolitan Stability, the McKnight Foundation gives another dollar. Our 26-member coalition of environmental, faith-based, social justice, housing and community advocacy groups keeps growing. And you can help us continue to serve as a catalyst for regional stability by making a donation of \$25, \$50, \$100 or more.

*Clip out the donation form on the back of this issue of Common Ground and send in your contribution today!*

## Alliance Readies Inclusionary Housing Proposal for the State Legislature

The region's affordable housing crisis raises some critical questions: At a time when the federal role is diminishing, and state funds are limited, can we find new ways to "partner up" with the private sector? Can we create some innovative policies that serve the interests of both home builders and cities? How can we promote the creation of more mixed-income, mixed-type housing developments?

The Alliance for Metropolitan Stability has been involved in discussions with developers, the Met Council, local communities, and other housing industry leaders concerning the barriers to creating more affordable housing and the opportunities for boosting new construction, both in the suburbs and within the inner cities. These conversations are intended to find the common interests of each group and to reveal a common purpose.

The Alliance also has played a lead role in forming an "Inclusionary Housing" task force of housing advocates to explore innovative housing development strategies utilized around the country.

Specifically, we have been exploring Inclusionary Housing policies that would encourage private housing developers to play a more active role in the provision of affordable housing in exchange for a package of incentives that would help lower their development costs and streamline their permitting process.

Can a similar approach work in Minnesota? Yes, especially if it contains meaningful economic incentives to home builders and local cities. It's about letting the markets work and rewarding communities for lowering the cost of development.

Housing advocacy groups have drafted an inclusionary housing approach which would fit the particular (some might say "peculiar") market situation in the Twin Cities region. Several nonprofit developers have analyzed the proposal. They believe the "numbers" can work, depending on the size of the development, the scope of the density bonus, and the quality of the overall incentives package.

### Inside:

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Page 6 / Inclusionary Housing in Other Communities

## Inclusionary Housing

### Primary Objectives

#### Housing

- Increase the Regional Supply of Affordable Housing
- Create Higher Density, Mixed Income Developments
- Help Preserve or Replace Affordable Housing Stock in Older Communities

#### Regional Policy

- Strengthen Livable Communities Act
- Promote Private Market Role for Solving the Regional Housing Crisis
- Promote Equal Access to Educational Opportunities

#### Economic Opportunity

- Connect Low-Income Workers to Job Growth Areas
- Create More Locational Housing Choice In Suburban Communities
- Reverse Racially Segregated Settlement Patterns

#### Environmental Conservation

- Conserve Natural Areas by Modestly Boosting Housing Densities
- Integrate Land-Use Planning and Transit Strategies
- Promote Better Housing Design, Smaller Lots, Narrower Streets
- Fully Utilize Existing Infrastructure
- Shorten Commuting Distances

## 1999 Legislature: Inclusionary Housing can Help Reform and Strengthen the Metropolitan Livable Communities Act

The bill introducing the Alliance's Inclusionary Housing proposal likely will be linked to the idea of strengthening the Metropolitan Livable Communities Act (LCA). Since the LCA is having trouble meeting its own goals and since it relies almost exclusively on the private sector to deliver the housing, we need to find a way to improve it. Inclusionary Housing seeks to do this in a manner consistent with the LCA approach: voluntary, incentives-based, public/private partnerships, cooperation, money. The focus is to fine-tune the driving engine of housing development in the region—private sector housing accounts for the vast majority of production in the metro area.

The proposal seeks to employ some creative strategies to help the developers

*The focus is to fine-tune the driving engine of housing development in the region—the private sector.*

*Private sector housing accounts for the vast majority of housing produced in the metro area.*

deliver a more affordable product. This will increase the supply of low to moderate cost housing, especially in suburban areas where job growth has outpaced the local labor supply.

No one knows for sure how "affordable" we can make a home or apartment under this approach, but our intent is to set a target for housing that costs

around \$70,000—affordable at 50-55 per cent of the Median Family Income for home ownership. This target would be the result of a combination of relaxing zoning restrictions, achieving better density, and some public subsidization (to buy down the price of the home). We're looking at townhome style housing at that level.

Rental inclusionary housing will be more complicated (partly because of the bias against rental and also because the private sector doesn't really build very affordable rental housing anymore). We need to get closer to 30 per cent of the Median Family Income (that's affordable to households making less than \$20,000 per year). Affordable rental housing is the most urgent need in the region and therefore it must be made a top priority.

### The Principles of Inclusionary Housing Promote Inclusive, Sustainable Communities

**Principle #1:** *The Twin Cities metropolitan area is experiencing a dramatic shortage of affordable housing units as well as intense racial segregation and nationally recognized rates of urban sprawl.*

**Principle #2:** *The Inclusionary Housing task force is committed to developing solutions that address the needs of all metro-area communities: central cities, inner-ring suburbs, and developing outer-ring suburbs.*

**Principle #3:** *Inclusionary Housing will provide a mechanism to speed*

*the development of new affordable units in the Twin Cities metro area, particularly in suburban communities where much of the region's new job growth continues to occur.*

**Principle #4:** *Inclusionary Housing programs can create greater access for lower-income and minority households to better employment and educational opportunities. It can be used as a tool for breaking the cycle of poverty.*

**Principle #5:** *Inclusionary Housing can provide housing choice and opportunity in all metropolitan*

*communities, and can serve as a tool to further affirmative housing goals: allowing the elderly, low-income families and communities of color to access suburban housing.*

**Principle #6:** *Inclusionary Housing programs provide a wide range of incentives to cities and housing developers to encourage greater overall densities and expedite the development process. Higher housing densities and more affordable housing options support the Metropolitan Council's 2040 Growth Plan and are consistent with the goals of the Metropolitan Livable Communities Act.*

## Incentives Must be Developed to Encourage All Players to Support Affordable Housing

*Developing an Inclusionary Housing proposal that will win legislative support and acceptance by the housing industry and local communities will require crafting a mix of incentives for homebuilders, private developers, and local municipalities. Here's an overview of the types of incentives that will need consideration.*

### Incenting Home Builders

Home builders and developers represent a powerful potential agent of change. Approximately 90 per cent of the housing created in the region is produced by the private sector. The industry employs tens of thousands of workers and contributes more than a billion dollars in wage earnings to the local economy.

The 1995 Metropolitan Livable Communities Act (LCA) relies heavily on this sector to meet its "affordable" housing production goals. By the year 2010, the LCA pledges to create more than 80,000 units of affordable housing.

And yet, most observers concede that the LCA will not meet its 15-year production goals. Furthermore, the LCA seems almost incapable of delivering housing for incomes of less than \$25,000 per year. A recent report by the Griffin Companies (1999 Apartment Rental Report) confirms that the private sector affordable rental market has been essentially stagnant. Due to a variety of cost and bureaucracy issues, virtually no private developer is able to generate affordable rental units.

### Incenting Cities

Another key player in this effort will be local municipalities. More than 100 fully urbanized and developing cities in our region are beginning to experience the hidden costs of suburban growth, housing shortages, and worsening traffic congestion pressures. In the next 21 years, our region is expected to absorb more than 300,000 additional households. Roughly one-half of our new citizens in the next decade will earn



*The Milestone development in Montgomery County, Maryland: a market-rate, single family home priced at \$250,000 (left) and, across the street, moderately affordable homes priced at \$110,000.*

Home builders and developers represent a powerful potential agent of change... The Inclusionary Housing proposal offers a simple trade-off: regulatory relief for real commitments to build affordable housing.

\$22,000 per year or less, according to the Minnesota Housing Finance Agency. The Family Housing Fund has noted that low-income households (individuals or families making less than \$10,000 per year) outnumber affordable rental apartments by a margin of greater than two-to-one.

The draft Inclusionary Housing policy that we have developed calls on cities to pass a local inclusionary housing ordinance that would assist participating developers by offering density bonuses and/or other incentives as a reward for the creation of affordable units. Local communities would still retain local control over zoning and subdivision codes, but they would be encouraged to provide more flexibility in their application of these regulations.

Cities that pass these ordinances would be

eligible for a bundle of state and regional funding programs, or would receive priority status in the competition for other spending programs. Government would now be investing public resources to encourage more innovation and less regulation.

Incentives should be designed to give "credit" to cities for having a local Inclusionary Housing ordinance. This would allow cities to "score" higher on "Request For Proposals" for state or regional funds (think housing financing programs, LCA, brownfields money, park funds, etc.), receive preference on new sewer line requests or MUSA extensions, or give participating cities priority status for major transportation investments (in-

*Incentives/continued on page 8*

# Inclusionary Housing: How the Model Has Worked in Other States

## *Developments in Maryland, Pennsylvania, California Show How to Blend Market Rate and Affordable Housing*

Around the country, many communities are utilizing innovative strategies to increase affordable housing opportunities. One of the most highly regarded tools for promoting affordability in new, fast-growing communities is called **Inclusionary Housing**.

Inclusionary Housing policies encourage the production of a reasonable percentage of affordable units in new housing developments. The private sector—home builders and developers—is asked to make a portion of a new development affordable for low and moderate income families (typically 15 per cent of all the units).

The developer receives a **density bonus** and other zoning incentives as a reward for building an inclusive community. The **density bonus**, which may range from 20-25 per cent, is designed to preclude developers from losing opportunities to build market rate units and to help offset some of the production costs of creating the affordable units.

Since the **density bonus** is added to an existing parcel of land, there are no additional land costs to the bonus units. This encourages more compact development, at densities that could be served by mass transit systems.



*At the Clagett Farm development in Montgomery County, Maryland, affordable duplexes are located in the same neighborhood as single family homes costing nearly three times as much. But which is which? Can you guess? Architectural guidelines help the affordable housing blend in with the market rate housing. Above: a market rate single family home sells for \$300,000-plus. Below: a duplex in the same subdivision sells for \$110,000, affordable to families at 65 per cent of the Median Family Income.*



**Photo credits throughout this newsletter:** Montgomery County, Maryland photos courtesy of the Montgomery County Moderately Priced Housing Office; Pittsburgh photos courtesy of Urban Design Associates, Paul Rocheleau, photographer; Minnetonka photos by Alliance intern Aaron Stelson.

### Montgomery County, Maryland

Other programs around the country have achieved impressive results: Montgomery County, Maryland is achieving up to 15 per cent overall affordability in their developments and has created more than 10,000 housing units under its Moderately Priced Dwelling Unit (MPDU) program. The average purchaser of an MPDU earns 40 per cent of the median family income for the county, or approximately \$28,000 per year.

Montgomery County's housing authority purchases up to a third of each development's affordable units to set them aside as rental opportunities for low-income and working class families.

### California

California's Inclusionary Housing law achieves between 10-35 per cent overall affordability and has produced more than 20,000 units in just 10 years. Beyond offering a 25 per cent density bonus to any developer willing to meet specific affordability benchmarks, California offers the following "bundle" of incentives: the reduction of site development standards or zoning code requirements, direct financial assistance, approval of mixed-use zoning, or any other regulatory incentive which would result in identifiable cost avoidance or reductions. This could include the reduction of on-site parking standards; reduced lot size and set back requirements; waiver of permit fees; waiver of street or architectural standards; "fast track" permitting process; etc.

### Portland Metro Area

Portland's Metro government just adopted a voluntary inclusionary zoning law last year and retains the option of making it a mandatory policy beginning in November of 1998. The Metropolitan government serving the Portland, Oregon region adopted an Inclusionary Zoning policy, in part, to address severe shortages of low and



*Crawford Square, Pittsburgh, Pennsylvania: more than 60 per cent of the units are subsidized but no distinction is apparent in either the architecture or the character of the neighborhood. By using a mix of subsidized and non-subsidized housing to build a neighborhood, it is possible to create a mixed income community that returns to the great traditions of American cities.*

moderately priced housing.

Portland's program envisions offering a wide variety of incentives to encourage the production of affordable housing, including: removal of procedural barriers; donation of foreclosed properties to nonprofit

or government agencies for development as "mixed market affordable housing;" transfer of development rights (TDR); permit process incentives; fee waivers; property tax exemptions; land banking; linkage programs; expedited review process; and other affordable housing funding programs.



*Crown Ridge Apartments, Minnetonka, received funding in part from Minnesota's Livable Communities Act: these very affordable rental apartments serve families below 30 per cent of Median Family Income (less than \$18,000 annual income). One block away, condominiums sell for more than \$400,000.*

## Incentives: Bringing Cities and Private Sector Aboard

The top four factors affecting the cost of new housing construction in the region identified in 1998 were building codes; fees and assessments; land use ordinances—lot size, street width, setbacks, density; and engineering requirements and standards.

Construction of a new, two-bedroom, 1,200 square foot townhome in the Twin Cities suburbs increased in price from \$52,900 in 1988 (\$69,800 adjusted for inflation to 1998 dollars) to \$103,900 in 1998. The cost components that increased the fastest were land and local assessments.

A local HRA active in developing affordable rental housing estimates that \$10,000 to \$15,000 per unit is added to the cost of housing by state and local development requirements that could be lessened.

—Metropolitan Council,  
December, 1998

*continued from page 5*

cluding T-21 funds). The bottom line, give participating local municipalities better access to the bundle of "goodies" that state and regional agencies provide.

### Private Sector Developers

In the 1990s, many political "independents," conservative commentators, and public policy makers have come to believe in the free market system as the primary way to create housing that is affordable to metro citizens. The builders view public regulation as the primary barrier to producing a more affordable product. Many moderate Republican leaders are interested in "deregulating" the housing industry and letting loose the creative forces of capitalism to meet the growing demand for affordable housing. Republicans, and perhaps Governor Ventura, will be sympathetic to home builders' complaints of excessive fees and restrictive zoning.

The Inclusionary Housing proposal offers a simple trade-off: regulatory relief for real commitments to build affordable housing. In exchange for rewarding developers with higher density, more flexible zoning, reduced permit fees, SAC (sewer service access charge) waivers, and an accelerated permitting process, our proposal would ask for a meaningful commitment from the builders for an increase in the number of affordable housing in a particular development. Right now we're looking for at least



At the Fallstone development in Montgomery County, Maryland, the \$80,000 townhomes on the right are affordable at 50 per cent of Median Family Income. The market rate townhomes on the left sell for more than \$200,000.

10-15 per cent overall affordability in any participating new construction development. Developers who achieve higher affordability percentages should be rewarded.

### Local Municipalities

Asking cities to offer density bonuses and to offer more flexible subdivision codes and zoning regulations will not be easy. City staffers are wary of how even a modestly affordable, development proposal can trigger a severe "Not in my backyard" reaction among local citizens. Cities are also cautious in approving developments that mix housing types and incomes, that aspire to higher densities, that "break the mold" of established codes and standards. Understandably, local municipalities demand high standards of design and management.

This will have to be balanced with the need to deliver more housing choice (in price, in style, in size) to our citizens. Almost every major city in our region has signed on with the Metropolitan Council to provide a greater variety of housing to its citizens. Communities currently are submitting comprehensive plans that are supposed to be consistent with the Metropolitan Livable Communities Act and the Met Council's 2040 Regional Growth Plan. Under these regional commitments, they have pledged to develop at higher densities, at more affordable levels, and within prescribed geographic boundaries. It's in everyone's interest to follow through with stronger commitments to affordable housing.

## Shortfalls of the Livable Communities Act

### Current Incentives are Insufficient to Meet Housing Needs



Townhomes at Fallsbury, a 15-year-old development in Montgomery County, Maryland, sell in the mid to high \$80,000 range. Created by the County's Moderately Priced Dwelling Unit Program, they're affordable at 50-60 per cent of Median Family Income.

The Twin Cities' three-year-old Metropolitan Livable Communities Act (LCA) relies entirely upon a limited set of voluntary incentives to cities. The LCA is based on the principle that each municipality should be expected to house a negotiated percentage of low and moderate income households. This is the same principle that has guided inclusionary housing programs in other areas of the country.

The difficulty with the Livable Communities Act is that it provides incentives for only one key player in the process of building affordable housing, the local municipality. Funds for urban transportation or economic development demonstration projects, brownfields cleanup, and housing are available to cities that develop affordable housing goals and submit those goals to the Metropolitan Council.

While these incentives have induced a number of cities to develop affordable housing goals, they have not been sufficient to spur many municipalities to the action of actually creating affordable housing. In fact, some communities with high percentages of affordable housing have used the "fair share" benchmarks as an excuse to tear down affordable units. The scale of incentives under the Livable Communities funding accounts, approximately \$12 million per year, are too small to have a substantial region-wide impact.

The LCA relies upon the idea that city councils have the power and political base to move forward with affordable housing initiatives. It is more often the case that city officials (even those sympathetic to the idea of building affordable housing) must fight local opposition to low-cost units and low-income residents. A city council is not likely to reduce fees and local controls to attract low-cost developers if constituents are opposed to such development.

Second, by providing incentives *only* to the cities, the law does nothing to mobilize market-rate developers to build affordable units. Market forces—including municipal requirements and state tax policies—control the housing production system and currently dictate a freeze on new multi-family units that rent for less than \$1,200 per month. Inclusionary housing programs must address the bottom line of developers.

Finally, the LCA provides *no* mechanism for oversight or monitoring. Municipalities that make no progress toward their housing goals receive no punishment and continue to have equal access to incentive pools. Region-wide housing programs should serve to guide communities towards stronger performance in providing a variety of housing choices, should set measurable goals, and should utilize proactive policies that provide a disincentive to cities that fail to meet their goals.

Affordable housing goals adopted by communities participating in the voluntary Livable Communities Act program would result in the production of 69,000 affordable owner and 13,000 affordable rental units by 2010.

In the first the first two years of the Livable Communities Act program (1996-97), participating suburban communities added 6,377 affordable owner and 823 affordable rental units.

Unless production is increased, annual shortfalls of 1,380 affordable owner and 447 affordable rental units can be expected. If this continued, there would be a deficit of 20,700 affordable owner units and 6,700 affordable rental units (half of the production goal) by 2010.

—Metropolitan Council,  
December, 1998

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**Yes!!!** I support the work of the *Alliance for Metropolitan Stability* to promote a viable future for the diverse communities which together contribute to the vitality of our metropolitan region.

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## Inclusionary Housing: Can Market Rate and Affordable Housing Get Along?



At the West Ridge Market development in Minnetonka, the moderately affordable Gables townhomes (above) share the streets with very affordable rental apartments and high-priced market rate condominiums.



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