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LIVABLE CITY YEAR

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King County

Livable City Year 2019–2020
in partnership with
King County

KING COUNTY

In Partnership with the
University of Washington

**ANTI–DISPLACEMENT STRATEGIES
FOR URBAN UNINCORPORATED
KING COUNTY**

King County Project Leads
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University Instructor: Lynne Manzo

Course Number: L ARCH 503B

Spring 2020

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- Faduma Ahmed, Integration Manager, HomeSight
- Elissa Dennis, Executive Director, Community Economics
- Erica Leak, Officer, City of Austin Neighborhood Housing and Community Development Department
- Michael Pyatok, Principal, Pyatok Architects
- Chris Schildt, Senior Associate, PolicyLink

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- Lisa Bates, Associate Professor, Urban Studies and Planning, Portland State University
- Rachel Berney, Assistant Professor, Urban Design and Planning, University of Washington
- Andrew Dannenerg, Affiliate Professor, Environmental and Occupational Health and Sciences and Urban Design and Planning, University of Washington
- Edward Goetz, Professor, Urban Planning, University of Minnesota

Finally, we thank Professor Lynne Manzo of the University of Washington Department of Landscape Architecture for her thoughtful guidance through an unpredictable spring. During the tumult of the global coronavirus pandemic and mass demonstrations against systemic racism, Professor Manzo demonstrated grace and genuine care for both her students and for anti-displacement efforts as a means toward achieving social justice.

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ABOUT LIVABLE CITY YEAR

The University of Washington's Livable City Year (LCY) program engages UW faculty and students to work on projects that promote the sutainability and livability goals of our community partners. Each year, hundreds of students across multiple disciplines work on high-priority projects, creating momentum on real-world challenges while serving and learning from communities. Partner cities benefit directly from bold and applied ideas that propel fresh thinking, improve livability for residents, and invigorate city staff. Focus areas include environmental sustainability; economic viability; population health; and social equity, inclusion and access.
In 2019–2020, the program partnered with King County and the City of Sultan. Previously, the program has partnered with the City of Bellevue (2018–2019), the City of Tacoma (2017–2018), and the City of Auburn (2016–2017).

LCY is modeled after the University of Oregon's Sustainable City Year Program, and is a member of the Educational Partnerships for Innovation in Communities Network (EPIC-N), an international network of institutions that have successfully adopted this model for community innovation and change. For more information, contact the LCY program at uwlcy@uw.edu.

LIVABLE
CITY YEAR

GLOSSARY OF KEY TERMS

Affordable Homeownership

This is an umbrella term for a complicated and expansive topic, but the general premise is to allow individuals or families looking for homes or trying to stay in their current homes to do so without spending too high of a percentage of their income on housing payments. The two central concepts for affordable homeownership are: 1) providing access to housing funding for those with lower incomes, and 2) reducing the costs of homeownership or renting. Access to funding involves access to grants or mortgages, and there is a wide assortment of options with variable prerequisites to be met such as income level and credit that change what is available to different people. Access is not universal due to barriers that are in place from lenders, but there are more accessible programs available than what is generally perceived. Education is imperative to ensure that options and costs are known to those looking to own.

Community Benefits Agreements

Several aspects of Community Benefits Agreements (CBAs) help to define their nature and scope. A CBA is a contract between a city or municipality and a developer that has legally-written community input within the contract. This contract is enforceable, not to be confused with community benefits that have been campaigned for or proposed. CBAs aim to address a range of community benefits and are not solely focused on one item of interest. Finally, CBAs are the result of substantial community involvement, which requires a high cost for a community organization, legal writing, and continuous communication between the community and the city and developer (Gross 2007). A CBA concerns a single development, meaning that it is a contract only pertaining to one development project and not a series of developments.

Community Land Trusts

A Community Land Trust (CLT) is an anti-displacement strategy that has historically begun with grassroots and community-based efforts to center community interests in local land usage. CLTs function by financially separating land from the activities and facilities that exist upon it. They serve place-based communities, usually ones that face structural barriers in access to land or equitable housing. The CLT organization, which is usually a nonprofit or branch of a nonprofit, holds the land in trust, with

long-term (often 99 years), renewable, and usually inheritable leases. The strategy preserves affordable access to the land and community control over how it is used. CLTs can be used to support housing, including single-family home ownership, cooperative housing, multi-family home ownership and apartments, commercial and community spaces, community gardens, farms, and timber operations.

Community Preference

Community Preference (CP) policies focus on allowing people to stay in place and preserve neighborhoods that experience the legacy of discriminatory, racist policies such as redlining, mortgage discrimination, and racially restrictive covenants. Many of these oppressed neighborhoods managed to build strong communities despite these challenges, and now face the pressures of gentrification and displacement. In its purest, ideal form, community preference strategies provide long-standing residents priority access to new affordable housing units built within that community. This differs in practice (but shares ideology with) right-to-return (RtR) practices.

Inclusionary Zoning

Inclusionary Zoning (IZ) is a zoning policy that targets the problem of households struggling to afford housing (Hamilton 2019). It usually requires developers to reserve a certain percentage of new residential development as affordable to low-and moderate-income households (Brunick n.d.). The movement began in the 1960's and 1970's (Lerman 2006) and is a response to the US historical legacy of exclusionary zoning (Schuetz et al. 2009). IZ grew significantly during the 2000s' housing boom in the US (Mukhija et al. 2015) and 70% of the programs were created after the year 2000 (Schneider 2018).

Manufactured Homes

According to the Manufactured Housing Institute's National Communities Council (MHINCC), manufactured homes are homes built entirely in the factory under a federal building code administered by the US Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect June 15, 1976.

Mobile Homes

The term "mobile home" refers to those housing units that were built before the US Department of Housing and Urban Development (HUD)'s codes. That is, they are "pre-HUD" manufactured homes built prior to the federal construction and safety standard. Any manufactured homes (constructed on a permanent chassis) built before June, 1976, are considered mobile homes.

No Net Loss

No Net Loss (NNL) policies are established to maintain and preserve the current inventory of affordable housing within a jurisdiction. NNL policies can apply to the entire jurisdiction or to a specified area within the jurisdiction. These policies tend to be large-scale, and are typically implemented at a state, county, or city level. When implemented, NNL policies establish a baseline of affordable housing units in a jurisdiction. The establishment of a baseline number of units is a significant aspect of these policies as it requires a rigorous tracking of units within a jurisdiction or specified area and requires various housing stakeholders to provide at least a minimum number of units. NNL policies can also be referred to as affordable housing preservation, conversion ordinances, or one-to-one replacement policies.

Opportunity Zones

The Opportunity Zone program was created under the federal Tax Cuts and Jobs Act of 2017 to encourage investment in underserved communities by providing tax incentives to investors. The program, which is centered around the deferral, reduction, and elimination of capital gains taxes, aims to attract investors to historically disinvested communities. Opportunity Zones are designated by the governor of each state and are census tracts that must meet one of two criteria: they must have an individual poverty rate of at least 20% or a median family income that is less than 80% of the area median income. The intention of the Opportunity Zone program is to bring private funds into areas that would not usually attract investors.

Right to Return

Right-to-return (RtR) practices give people who were previously forced out of their neighborhoods due to urban renewal or gentrification priority access to new affordable housing units built in those neighborhoods from which they were displaced. This makes right-to-return policies not exactly anti-displacement, but more reparative in addressing displacement that has already occurred.

The Skyway Library, part of the King County Library System, won a 2018 Civic Design Citation Award from the American Institute of Architects' Washington Council. PATRICK BENNETT

EXECUTIVE SUMMARY

Skyway-West Hill and North Highline are racially and ethnically diverse, low-income communities in urban unincorporated King County whose residents are under increasing risk of displacement due to dramatic growth and rising housing costs in the region. To help address these concerns, King County partnered with the University of Washington Livable City Year (LCY) program so that students could conduct research and provide recommendations for anti-displacement strategies that might keep residents in place and encourage equitable development. Livable City Year, in turn, partnered with Professor Lynne C. Manzo of the Department of Landscape Architecture and students in her Advanced Research Studio to conduct policy research in Spring 2020. This report reflects the work of the thirteen students (the LCY research team) who participated in the course over a span of eleven weeks. Because of the COVID-19 pandemic, this course was offered online rather than the standard face-to-face.

Protestors call for banning COVID evictions during a march in Oakland, California, Autumn 2020. DAVID PAUL MORRIS

Protestors draw attention to the affordable housing crisis and gentrification in the Rally to Save NYC, May 2015. THE ALL-NITE IMAGES

The research involved three main components: (1) examining eight specific anti-displacement strategies identified as priorities for King County; (2) investigating six cities across the US that have experienced displacement pressures and developed strategies to mitigate or make reparations for that displacement (i.e., precedent studies); and (3) conducting interviews with key stakeholders in Skyway-West Hill and North Highline for insights into community concerns as well as a few additional policy researchers and housing professionals for their expertise.

The students researched the following eight anti-displacement strategies:

- affordable homeownership
- community benefits agreements
- community land trusts
- community preference
- inclusionary zoning
- manufactured housing
- no net loss
- opportunity zones

The research team then examined the following six cities as anti-displacement precedents:

- Austin, Texas
- Oakland, California
- Pittsburgh, Pennsylvania
- Portland, Oregon
- San Antonio, Texas
- Seattle, Washington

They also interviewed the following key community leaders:

- Maggie Block, Coordinator, Skyway Youth Network Collaborative
- Nevzat Cankaya, a Skyway business owner
- Aaron Garcia, Inclusion and Youth Leader, White Center Community Development Association
- Ryan Quigtar, Executive Director, Renton Innovation Zone Partnership
- Maria Ramirez, Duwamish Valley Affordable Housing Coalition
- Cherryl Jackson Williams, a Homestead Community Land Trust Board Member
- Helen Shor-Wong, Anti-Displacement Coordinator and Local Business Advocate, White Center Community Development Association

All eight anti-displacement strategies investigated by the research team have both strengths and weaknesses, yet all are recommended to King County for their potential to stem displacement in Skyway-West Hill and North Highline with thoughtful policy construction and careful implementation. Some strategies, such as Community Land Trusts, manufactured housing, and other affordable homeownership efforts are already in place but could be expanded or strengthened as described in this report. Other strategies, such as community benefits agreements, might not have immediate relevance to Skyway-West Hill or North Highline, as they tend to be enacted at a scale of development not yet seen in unincorporated King County. Yet, this could be an effective longer-term strategy should the economic growth and development in the region continue and the area encounter large-scale development projects. The research team found considerable potential in strategies such as

inclusionary zoning, community preference, and right-to-return policies as well as no net loss approaches, which can work well in dynamic relation with one another.

The weaknesses of certain strategies are connected to legal challenges, funding demands, and unintended consequences of their implementation. For example, community preference policies can ironically garner legal challenges from fair housing advocates because they can prioritize community preservation over housing integration. As another example, no net loss policies, while vital, work best when a jurisdiction can establish an accurate count of affordable units and set aside a baseline target. This would be an extension of what the County is already doing through the Regional Affordable Housing Task Force.

The six precedent studies offer useful insight into the way that different strategies and policies can be bundled to prevent and/or respond to displacement. These cities were selected for the relevance to urban unincorporated King County because of similar demographic profiles, growth trends, and significant displacement risks. The results of the six precedent studies suggest that deploying multiple strategies that overlap and support one another is most effective to counter displacement. In particular, combining preventative, anticipatory, and reparative strategies can help address various stages of displacement. It is also important to implement place-based, neighborhood-specific strategies that are community-driven, in addition to jurisdiction-wide strategies, wherever possible. The research team also notes the importance of allowing strategies to adapt and evolve with changing conditions and lessons learned.

INTRODUCTION

Displacement has multiple forms — both economic and cultural. It is most commonly understood in terms of economic displacement — the physical movement of households out of neighborhoods because of economic pressures (e.g., increased rent, increased property taxes for homeowners, incentives to develop one's property). Yet, displacement also includes what is called "symbolic" (Atkinson 2015) or "cultural" displacement (Hyra 2015); that is, a feeling of dislocation and isolation catalyzed by changes in social and cultural resources in the neighborhood (Curran, 2018) — for example, the loss of beloved institutions and social networks (Manzo et al. 2008). Other manifestations of displacement include "community displacement," or the dwindling ability to define local politics (Atkinson 2015). Each of these are substantial risks for several neighborhoods in King County, particularly Skyway-West Hill and North Highline just outside the Seattle city limits.

The exponential economic and population growth in the Seattle metropolitan area in recent years has increased the risk of displacement for lower income residents in the city and surrounding areas. For example, in 2018, the median household income for Seattle was recorded at $93,500 — a 35% increase from 2000 (Balk 2019). These income spikes were accompanied by an increase in housing costs across the city. The median average cost of a single-family home grew 12.7% between 2017 and 2018, more than double the national average of 6.1% (Rosenberg 2018). Similarly, rent has increased from a gross median US Census estimate of $1,555 in 2017 for a two-bedroom apartment to $2,454 in 2019 (Zillow 2019).

Economic pressures and cultural shifts in Seattle have led to real and justified concerns around displacement in parts of unincorporated King County. Residents in Skyway-West Hill and North Highline are at increasing risk of displacement as people leave Seattle to find affordable housing (Kim 2020). Local leaders in Skyway-West Hill see Seattle as a cautionary tale and are working to "build housing, invest in public transit, and stimulate economies in underserved areas while ensuring people can afford to stay in their homes" (Zahilay 2020).

Compounding the economic and spatial pressures experienced by areas of unincorporated King County near Seattle is a history of racial inequity in the US that has manifest in discriminatory housing and lending policies that have segregated communities and barred people of color from benefitting from homeownership and the associated accumulation of intergenerational wealth. In addition, historical practices like redlining

SKYWAY-WEST HILL LAND USE MAP, 2017
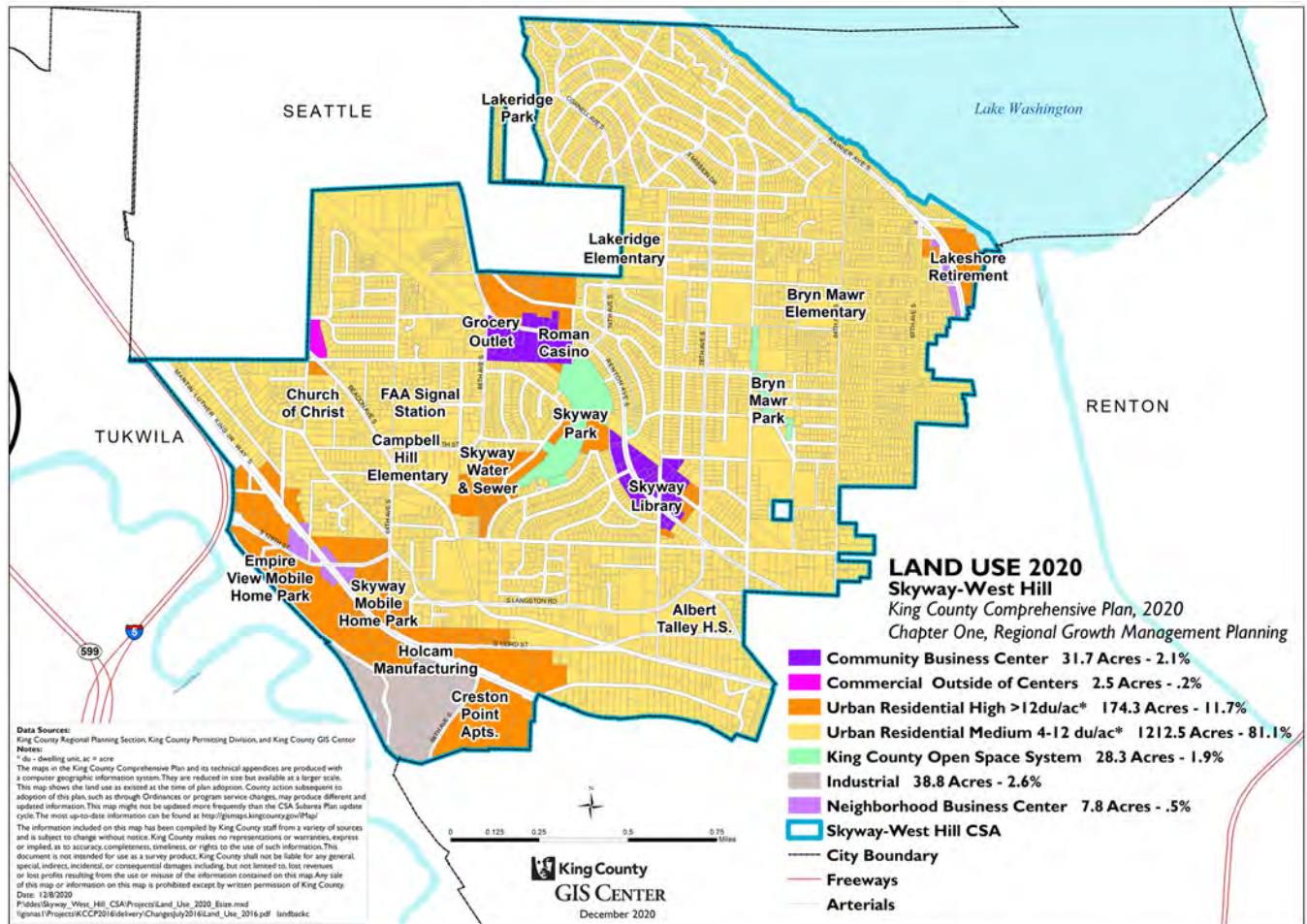
Skyway-West Hill Land Use Map, 2017 KING COUNTY SKYWAY-WEST HILL SUBAREA PLAN

— the discriminatory practice of marking off areas where banks would avoid investments based on community demographics, particularly communities of color — have been instrumental in creating the very conditions that make such neighborhoods vulnerable to gentrification and displacement today (Gross 2017).

For example, Seattle's Central District, which has been a vital African-American community for more than 70 years, has seen a dramatic decline in the Black population due to gentrification and market pressures. In 1970, Blacks comprised 73.4% of the population. That number has shrunk consistently in the decades that followed to only 18% in 2014 (US Census Bureau 2014). A critical aspect of this loss is related to homeownership.

NORTH HIGHLINE LAND USE MAP, 2019
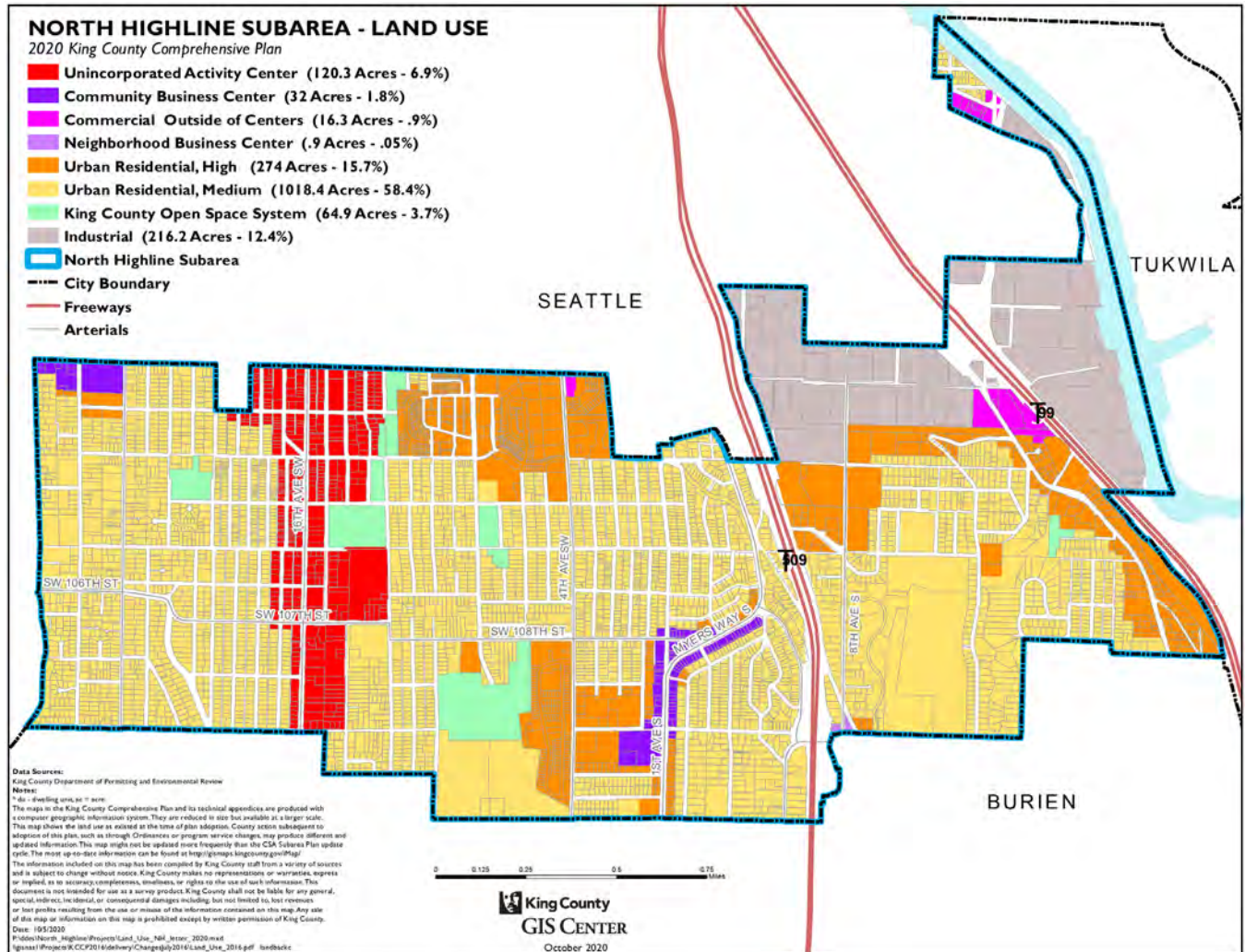
North Highline Land Use Map, 2019 KING COUNTY NORTH HIGHLINE SUBAREA PLAN

The homeownership rate among Blacks in the city dropped by half between 2000 and 2013, with just one in five Black households owning a home (Beason 2016). Such decreases provide evidence of displacement in Seattle's Central District that extends beyond the national statistics, as nationally, 42% of Black households own their home, the same as in the 1970s (Balk 2017).

It is not coincidental, then, that "Skyway-West Hill is now home to the

highest proportion of African Americans of any community in Washington state" (Zahilay, 2020). Generally speaking, the highest concentration of Black people in Washington State is in South King County. Bryn Mawr-Skyway, at 26%, has the highest percentage, followed by SeaTac and Tukwila, in that order (Balk 2020). As Councilmember Girmay Zahilay (2020) contends, Skyway-West Hill — and, we would add, North Highline and other areas of unincorporated King County — "represents a powerful opportunity to get it right." This report is offered as a way to help with that endeavor by offering research into a set of policies that can be used to counter the tide of displacement.

POPULATION BY RACE IN SKYWAY-BRYN MAWR, 2018
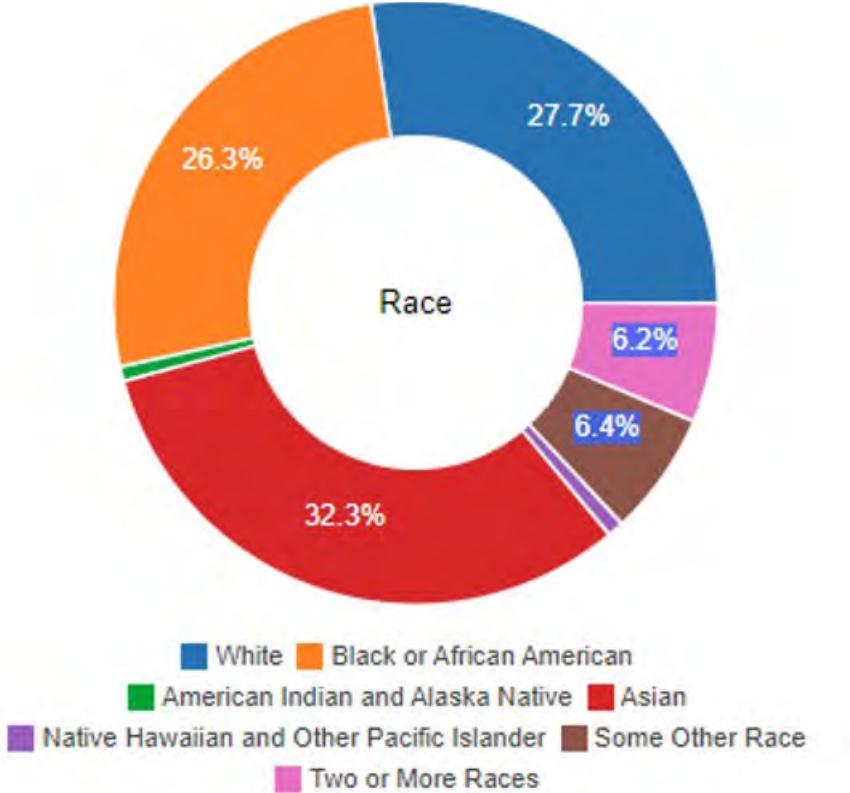
US CENSUS 2018, AMERICAN COMMUNITY SURVEY 5-YEAR SURVEY, TABLE B03002

METHODS

In this report, we are using official county Community Service Area names.

Skyway-West Hill is comprised of the neighborhoods of Skyway, Bryn Mawr, Campbell Hill, Earlington, Hilltop, Lakeridge, Panorama View and Skycrest.

North Highline includes the neighborhoods of White Center, Top Hat, Boulevard Park, Glendale, and the South Park "Sliver by the River."

The LCY research team focused on three areas of research: 1) an investigation of specific anti-displacement strategies identified by King County; 2) an examination of the anti-displacement policies and strategies deployed by six different US cities that have taken a leadership role in preventing and/or mitigating displacement; and 3) in-depth interviews with community leaders and key stakeholders in Skyway-West Hill and North Highline in unincorporated King County.

The student researchers began their investigation by reviewing key research literature in urban design and planning, urban studies, environmental psychology, and geography in regards to the experience of place, urban change, displacement, and the impacts of displacement, including the disruption of place attachments. Place attachments are the emotional bonds to place that provide a sense of belonging and that support well-being and self-efficacy (Scannell and Gifford 2017). Students then familiarized themselves with the neighborhoods of Skyway-West Hill and North Highline by reading reports such as the Skyway-West Hill Subarea Plan and articles on community development priorities.

The student researchers then investigated the following anti-displacement strategies identified as priorities by King County:

- Affordable homeownership
- Community benefit agreements
- Community land trusts
- Community preference
- Inclusionary zoning
- No net loss
- Opportunity zones

During the strategy research phase, students worked in pairs, with each pair researching one strategy in depth for much of the Spring term. The students analyzed the strengths and challenges of each strategy, as well as the potential synergies of each strategy with the other anti-displacement strategies being investigated. Students also explored the implementation of these strategies in other cities as well as how each strategy might be applied to Skyway-West Hill and North Highline. The students presented their midterm progress to King County clients and received feedback on issues to address in the time remaining.

Halfway through the term, the students organized into different pairs to research six city precedents, exploring ways that these cities enacted policies to prevent and/or mitigate displacement or even make reparations for the impacts of displacement. The precedent cities were:

- Austin, Texas
- Oakland, California
- Pittsburgh, Pennsylvania
- Portland, Oregon
- San Antonio, Texas
- Seattle, Washington

This report summarizes the ways each of these cities approached displacement and offers insights for unincorporated King County to consider in their own anti-displacement efforts.

The student research team also interviewed key stakeholders in Skyway-West Hill and North Highline. The key community leaders interviewed included:

- Maggie Block, Coordinator, Skyway-West Hill Youth Network Collaborative
- Nevzat Cankaya, Owner, Nevzat's Espresso in Skyway-West Hill
- Aaron Garcia, Inclusion and Youth Leader, White Center Community Development Association
- Ryan Quigtar, Executive Director, Renton Innovation Zone Partnership
- Maria Ramirez, Duwamish Valley Affordable Housing Coalition
- Cherryl Jackson Williams, Board Member, Homestead Community Land Trust
- Inye Wokoma, Co-Founder, Wa Na Wari, a center for Black art and culture in Seattle
- Helen Shor Wong, Anti-Displacement Coordinator and Local Business Advocate, White Center Community Development Association

Throughout the quarter, experts in the field generously shared their time and insights with students, helping guide their research. King County professionals who were our clients for this research — Kevin LeClair, Sunaree Marshall, Chandler Gayton, and Melissa Bailey — spoke with students to identify key concerns about displacement pressures in Skyway-West Hill and North Highline. Landscape architecture instructor Leann Andrews presented the results of a studio project she led based in Othello Square, examining the Othello community's response to displacement pressures. University of Washington professors Rachel Berney and Andy Dannenberg presented their white paper, Staying in place: Policy interventions to help shape healthy neighborhoods and combat gentrification. Faduma Ahmed of the non-profit organization HomeSight spoke to the group about HomeSight's work to help stabilize communities at risk of displacement through the Othello Square development. Lisa Bates, Associate Professor of Urban Studies and Planning at Portland State University, spoke to students about anti-displacement pushback in Portland. Inye Wokoma, co-founder and Executive Director of Wa Na Wari, discussed the organization and its work to provide space for Black homeownership and culture in the heavily gentrified Central District of Seattle. Finally, Chris Schildt of PolicyLink presented the organization's All-In Cities Anti-Displacement Policy Network and answered students' policy-related questions.

Some members of the research team opted to interview additional people with expertise in anti-displacement policies or who were key stakeholders in the anti-displacement efforts in one of the cities studied as a precedent. These expert interviewees include: Edward Goetz, Professor of Urban Planning at the University of Minnesota (on community preference policies); Michael Pyatok, an Oakland, California-based architect whose practice focuses on low-income and affordable housing; Elissa Dennis, Executive Director of Community Economics in Oakland, California; and Erica Leak, Officer at the City of Austin Neighborhood Housing and Community Development Department.

Place attachments are the emotional bonds to place that provide a sense of belonging and that support well-being and self-efficacy (Scannell and Gifford 2017).

PROGRESS AND METHODS OF ANTI-DISPLACEMENT RESEARCH STUDIO

ORIENTING EXPLORATIONS

WEEK 1-2

- Reading and Discussion
- Presentations by guest speakers
- Initial Strategy Investigations

STRATEGY RESEARCH

- Inclusionary Zoning
- Manufactured Housing
- Opportunity Zones
- Affordable Homeownership
- No Net Loss of Affordable Housing
- Community Benefits Agreements
- Community Land Trusts
- Community Preference

WEEK 3-5

CITY PRECEDENT STUDIES

WEEK 6

- Austin, Texas
- Oakland, California
- Pittsburgh, Pennsylvania
- Portland, Oregon
- San Antonio, Texas
- Seattle, Washington

50% PRESENTATION

- Presented midterm progress to King County clients
- Received feedback on unanswered questions

WEEK 7

INTERVIEW

WEEK 8-9

- Interview with community leaders
- Final research

WEEK 10

REPORT WRITING

ZIAN ZHENG

AFFORDABLE HOMEOWNERSHIP

INTRODUCTION

Affordable homeownership is an umbrella term for a complicated and expansive topic, but the general premise is to allow individuals or families looking for homes or trying to stay in their current homes to do so without spending too high of a percentage of their income on housing payments. The two central concepts for affordable homeownership are: (1) providing access to money and credit for those with lower incomes, and (2) reducing the costs of homeownership or renting. Access to funding involves access to grants or mortgages; a wide assortment of options with variable prerequisites such as income level and credit can influence what is available to different people. Access is not universal due to barriers established by lenders, but there are more accessible programs than what is generally perceived. Education is imperative to ensure that options and costs are known to those looking to own.

Costs of development, the second central concept, have been increasing under continued regulation of the construction industry. These and other market forces have led to high prices of homeownership primarily in metropolitan areas. These development costs need to be examined to see what can be cut to reduce the costs for future homeowners. The students also investigated rent-to-own strategies, which can pose a higher cost to renters, but they do provide an opportunity to become homeowners without having qualifying credit initially. Education is also crucial for this strategy to work so that people can weigh options to obtain homeownership without spiraling into overwhelming debt and risking foreclosure.

For more than a century, government and nonprofit organizations have promoted affordable housing for low and moderate-income families through a variety of policies and programs. In recent years, the emphasis among policymakers has shifted from providing affordable home rental units to increasing affordable homeownership opportunities (Rohe and Watson 2007). Policies and programs include:

- Long-term affordability
  - » Resale restrictions
  - » Deferred loans
- Individual asset accumulation
  - » Wealth creation for homeowners
  - » Homebuyers education and financial planning
- New home construction + maintenance
- Community-based support and cooperation

CLASSIFICATION OF AFFORDABLE HOMEOWNERSHIP POLICIES

Affordable Homeownership Policies

providing access to money
- Down Payment Assistance (DPA)
- Rent-To-Own (RTO) Agreements

reducing the costs
- Rent Control
- Nonprofit Development
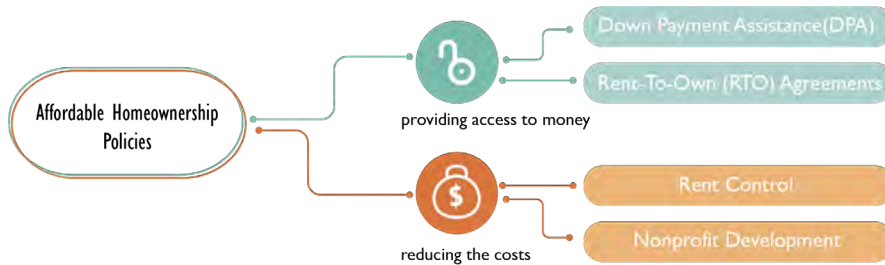
ZIAN ZHENG

There are five broad perspectives from which to analyze and advocate for affordable homeownership: historical and cultural, political, design and planning, economic, and social-psychological (Rohe and Watson 2007). For example, in Chasing the American Dream, Rohe and Watson outline how homeownership is equated with strongly held cultural values in the US, yet analysis shows that this cultural propensity has been enhanced by industries that can financially benefit from the sale of single-family homes. In terms of a political perspective, governments have also promoted homeownership with the argument that more affordable homeownership is a legitimate public policy approach to achieve important social goals such as creating stable communities (Rohe and Watson, 2007). Other arguments in favor of the promotion of affordable homeownership involves design and planning issues and expanding affordable homeownership because of the presumed positive social-psychological impacts — e.g., owners tend to be more satisfied with their homes and report higher levels of well-being and self-esteem (Rohe and Watson 2007).

PERSPECTIVES ON AFFORDABLE HOMEOWNERSHIP POLICIES AND PROGRAMS

Historical and Cultural — Political

Affordable Homeownership Policies and Programs

Design and Planning — Economic — Social-Psychological
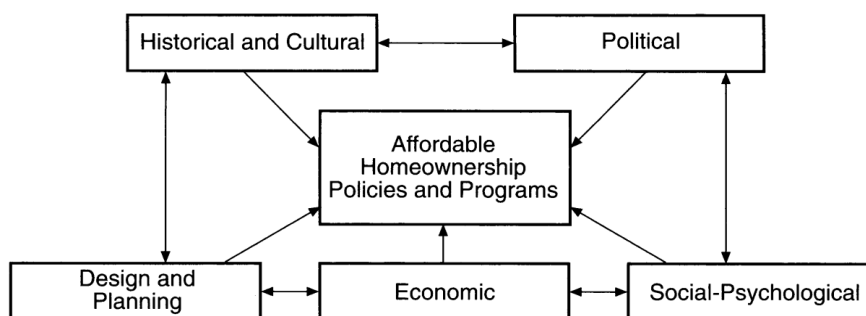
WILLIAM M. ROHE AND HARRY L. WATSON

BARRIERS TO HOME OWNERSHIP

Several primary obstacles prevent or discourage potential buyers from acquiring homes. One such obstacle is qualifying for a loan. The median credit score required to qualify for a mortgage is continually increasing, from between 696-705 in 2005 and 2006 to 738 in 2018. This upwards trend is increasingly pushing out potential homebuyers with lower credit scores. In order to expand access to mortgages to promote homeownership for those with lower income levels and credit scores, this barrier needs to be addressed.

A lack of financial literacy also poses a barrier to homeownership. Potential borrowers may not know how to identify and make needed financial adjustments so that they meet the minimum requirements to qualify for a mortgage, or better yet, meet the ideal requirements to obtain the lowest available mortgage rate (Rose 2011). Clarence Rose, professor of finance at Radford University notes, "a significant number of Americans including many highly educated people, seem to understand very little about home mortgage financing decisions and how their personal financial information determines their mortgage loan approval, interest rate, settlement fees, and overall costs of mortgage financing" (Rose 2011).

A related obstacle is potential homebuyers' perception of the costs of down payments. In a survey conducted by the National Association of Realtors and the Urban Institute, 65% of respondents believed that the percentage down payment for buying homes is generally 15% or higher. This view holds validity because paying into Primary Mortgage Insurance (PMI) is typically required for down payments that are lower than 20%. However, the 2017 median loan-to-value (LTV) ratio was 95%, meaning that many people were buying homes for far less down than the 15% perception. In the 2015 Fannie Mae American Housing Survey, 76% of respondents were either "not too familiar" or "not at all familiar" with low-down-payment programs. Providing financial education about down payment costs as well as financial programs including down payment assistance can help foster a stronger understanding of available options for potential homebuyers.

STRENGTHS

The strengths of affordable homeownership as an anti-displacement strategy can be organized along Rohe and Watson's (2007) model of five analytic dimensions on homeowners:

- Historical and cultural
    » Owning a single-family home is a symbol of achieving the "American Dream," and as such, is supported historically by multiple governmental agencies and financial institutions.
- Political
    » Politicians promote affordable homeownership strategies in their political campaigns as a way of advocating for stable communities and providing opportunities for upward mobility among their constituents.
    » Contributors: realtors, homebuilders, mortgage lenders, and insurers advocate affordable homeownership strategies.
- Design and planning
    » Well-designed homes better accommodate the needs of lower-income families.
- Economic
    » Enables low-income families to build wealth (appreciation in the value of homes over time).
- Social-psychological
    » Stronger attachment to local places fosters a sense of belonging and well-being (Scannell and Gifford 2017) and increases community connectedness and investment in communities (Manzo and Perkins, 2006).
    » Frequent participation in community organizations is connected to community stability and enhancement.

CHALLENGES

Like any other anti-displacement strategy, the advocacy and provision of affordable homeownership has its downside. These are outlined below according to Rohe and Watson's model:

- Historical and cultural
    - » Emphasis on affordable homeownership has been critiqued as an overconcentration on the real estate industry to address the risk of displacement.
    - » Emphasis on homeownership tends to devalue and denigrate rental housing and renters.
- Political
    - » Some policy researchers have questioned the legitimacy of the government promoting homeownership when there are other viable strategies for housing stabilization.
- Design and planning
    - » Affordable housing design has been critiqued for focusing on cost savings, rather than focusing on integrating the new housing into the existing neighborhood.
    - » It can be difficult to meet the needs of occupants and local residents and keep costs down.
- Economic
    - » Failure to make mortgage payments leads to mortgage default and foreclosure, the loss of down payments and home equity, and the destruction of credit ratings.
- Social-psychological

AFFORDABLE HOMEOWNERSHIP POLICIES AND PROGRAMS

DOWN PAYMENT ASSISTANCE

Down payment assistance (DPA) is money that can be used to help homebuyers make an initial down payment on a home so that they can become homeowners. DPA can be acquired as either grants or as second mortgages. Grants are a form of DPA that do not have to be repaid, which is the most beneficial to low-income buyers who would have a difficult time paying off an additional mortgage. Grants are less common, and we were unable to locate any DPA grant programs at the Washington state level, King County level, or the City of Seattle level. Second mortgages are

the most typical form of DPA. Second mortgages are repayable DPA loans that contain variable rates of interest and variable timelines of deferment. There are an abundant number of DPA loans available to borrowers, but they vary in accessibility and type. The most common types of DPA loans are Conventional, FHA, VA, and USDA.

RENT-TO-OWN

A rent-to-own (RTO) agreement enables the potential buyer to rent a home for a certain amount of time, with the option to buy it before the lease expires. Rent-to-own agreements consist of two parts: a standard lease agreement and an option to buy. The RTO agreement helps unqualified buyers to build good credit scores and save for a down payment. RTO agreements can be categorized with the following two criteria:

- Lease-option versus lease-purchase
    - » Lease-option: the right to buy the home
    - » Lease-purchase: the obligation to buy the home
- Institutional versus individual
    - » Institutional: 2-year contract | publicly traded consumer protection | help resources
    - » Individual: 3-year contract | less protection | fewer help resources

RTO allows the buyers/renters to build credit through rent: they pay rent throughout the lease term, and in some cases, a percentage of the payment is applied to the eventual purchase price. Here is an example showing how the rent credit was built: the buyer/renter pays $1,200 in rent each month for three years, and 25% of that is credited towards the purchase. After three years, their rent credit is $10,800 ($1,200 x 0.25 = $300; $300 x 36 months = $10,800). Typically, the rent is slightly higher than market rate to compensate for the rent credit provided.

STRENGTHS AND CHALLENGES OF RENT-TO-OWN PROGRAMS

	For tenants/renters/buyers	For landlords/sellers
Strengths	• More time to rebuild credit, save, and boost income • Build equity before purchase • Opportunity to "try out" the property • Lock in a purchase price before the home's value rises	• Get a long-term tenant who has a big stake in taking care of the property • Non-refundable option fee helps reduce some risk • Get a high sales price and rent
Challenges	• Non-refundable upfront option fee • If house price drops, remain locked into higher price • Responsible for repairs and maintenance • Responsible for property taxes and RTO home insurance • Lose money (and savings toward another down pmt) if don't buy the home • Forfeit upfront option fee • Forfeit rent credit • Landlord could lose home to foreclosure • May lose right to purchase home if late paying rent • Still need to qualify for a mortgage	• Must refuse buyers willing to pay higher price • Tenants walk away ⟶ rent again or sell

LCY STUDENT TEAM

There are two scenarios when RTO makes sense and avoids the exploitation of potential homebuyers (Bartsch 2019). First, it can be successful when it is part of a government-run community revitalization program, which can reduce the risk factor for RTO contracts. For example, community organizers in Milwaukee, Wisconsin, worked with financial institutions to convert bank-owned foreclosed properties into affordable RTO housing for low-income families. The program allows low-income residents to pay an affordable rent for 15 years and receive a credit toward a down payment if they choose to buy the house after that time (PD&R Edge n.d.).

The second scenario that supports the success of RTO programs is when it is actually a lease option instead of a lease purchase arrangement. While these may sound similar, there is a key difference; one is a requirement and the other is a choice, that is, a lease purchase legally binds a person to purchasing their home once the lease is up, and the lease option given a person the opportunity to buy the house before the lease is up (Bartsch 2019). Drawbacks for the potential home buyer in a lease purchase RTO program include: (1) paying more in rent than one does as a renter; (2) people typically pay less toward the price of the house than they think; (3) most RTO contracts require a nonrefundable upfront fee; (4) a potential buyer may lock in at a bad valuation; (5) residents in RTO contracts are often responsible for home repairs; (6) late or missed payments could void an RTO contract; and (7) RTO contracts make the tenant the most at risk and vulnerable to scams (Bartsch 2019).

RENT CONTROL

Although it is not legal in Washington State, rent control is an affordable rental strategy that aims to limit the amount that landlords can increase rent prices for their properties. Rent prices in larger metropolitan areas have been increasing substantially while wages have remained generally stagnant, and this places a significant burden on lower-income individuals and families who must spend greater proportions of their incomes on rent to remain where they live.

We did some research into how rent control was implemented in the Bay Area, where seven cities in the have legislated rent control policies. One of the positives of rent control is that resident retainment rates in this area have been on-par or higher than in cities without rent control, meaning there is some evidence showing that rent control can keep residents in their homes somewhat effectively. However, rent has been increasing substantially over time, regardless of a rent control cap. The main reason is the 1995 Costa-Hawkins Act, which includes a policy of vacancy decontrol. Vacancy decontrol allows landlords to increase the price of rent beyond the rent control cap to match market rate prices when a tenant moves out of their place of residence, and this has incentivized landlords to push out tenants from their homes unjustly without proper reasons for eviction.

On January 1, 2020, the state of California put into effect AB1482, which caps rent increases statewide. Within it, a "just cause for eviction" policy aims to combat landlord strategies to remove tenants who have done

nothing wrong. The passing of AB1482 is recent and the long-term effects of this policy have not been documented, so further research over time is necessary. This policy was also not implemented to solve the affordable housing problem entirely.

Rent control is quite complicated and would require changes to Washington state housing laws to be enacted. The Washington State legislature passed a ban on rent control in 1981. According to Seattle Councilmember Kshama-Sawant, today's legislature could repeal that law, but efforts are thwarted from various positions, including the real estate lobby (Seattle City Council n.d.). Some concerns include that rent control reduces the quality and quantity of available housing; however, researchers at the University of California at Berkeley found that six cities that had rent control in the Bay area produced more housing units per capita than cities without rent control (Zuk 2015).

STRATEGY PRECEDENTS

RENT-TO-OWN: MILWAUKEE, WISCONSIN

Milwaukee, Wisconsin, offers a useful precedent for successful rent-to-own strategies that were implemented in collaboration between community-based organizations and the city. In 2009, several neighborhoods in Milwaukee faced high foreclosure rates which led to depressed property values, high crime rates, and increased municipal services.

A partnership between Impact Seven, a certified community development financial institution (CDFI), and Layton Boulevard West Neighbors, a community development corporation (CDC), was set up to meet these following two needs:

- Revitalize neighborhoods with foreclosed properties
- Provide affordable housing for low-income families

For low-income residents, the program offers affordable rent for 15 years and helps the buyers to build a rent credit towards a down payment.

As a CDFI, Impact Seven provides flexible, affordable loan capital for businesses, housing, commercial real estate, and community development projects in Wisconsin and beyond. The program renovated 24 residential units, including 17 units for households earning less than 50% AMI and 7 units for less than 60% AMI. Impact Seven manages the rental units for 15 years and renters build a credit of approximately

$36,000 to be used toward a down payment. In addition, local banks and other local service providers provide classes on financial literacy and home buying (PD&R Edge n.d.).

Overall, rent-to-own programs can be a viable option to help limit the displacement of residents out of neighborhoods in rapidly growing and changing metropolitan areas like those in South King County. Like most anti-displacement strategies, it is not without its shortcomings, so implementation of such RTO programs needs careful oversight to avoid exploitation of home buyers. Research suggests that collaborations between non-profit community organizations and local municipalities are one way to establish a system of checks and balances and help ensure success.

Impact Seven is a certified Community Development Financial Institution (CDFI) that provides flexible, affordable loan capital in Wisconsin and beyond. IMPACT 7

COMMUNITY BENEFITS AGREEMENTS

Several aspects of Community Benefits Agreements (CBAs) define their nature and scope. A CBA concerns a single development, meaning that it is a contract pertaining only to one development project and not a series of developments. A CBA is a contract between a community-based organization, typically a coalition of like-minded advocacy nonprofits, and a developer that is legally binding and includes significant community input embedded within the contract. CBAs aim to address a range of community benefits and are not solely focused on one item of interest. Finally, CBAs are the result of substantial community involvement, which requires a high cost for a community organization, legal writing, and continuous communication between the community and the city and developer (Gross 2007).

CBAs can be a useful anti-displacement strategy. The spirit of CBAs is to unify independent community organizations into an organized community coalition to create negotiating power and a voice for a community. CBAs cover a wide range of community needs in a single agreement and can keep developers accountable through enforceable legal language, if crafted by legal professionals. Successful CBAs can directly incorporate the affected community's input through a continuous chain of communication between community coalitions, the municipality, and the developer. This allows for future developments to connect more closely to communities rather than acting as a dividing element and can help bring economic stability to lower-income families and individuals by creating affordability, jobs, living wages, and more.

It is imperative that the developer is chosen carefully when looking to implement community benefits because developers can impede these efforts by providing inadequate agreements and by strictly limiting their willingness to negotiate. This can lead to developments being forestalled long past their original timeline or falling apart altogether. The most common thread between successful examples of CBAs is the community's leverage. This can come in many forms, but generally derives from well-timed actions or use of their power to oppose governmental actions. Leverage is also acquired through data collection and presentation to legislators where community problems can be defined and understood, which can then be communicated to developers when crafting CBAs.

HOW CBA WORKS IN DEVELOPMENT PROGRESS

Development Without A CBA
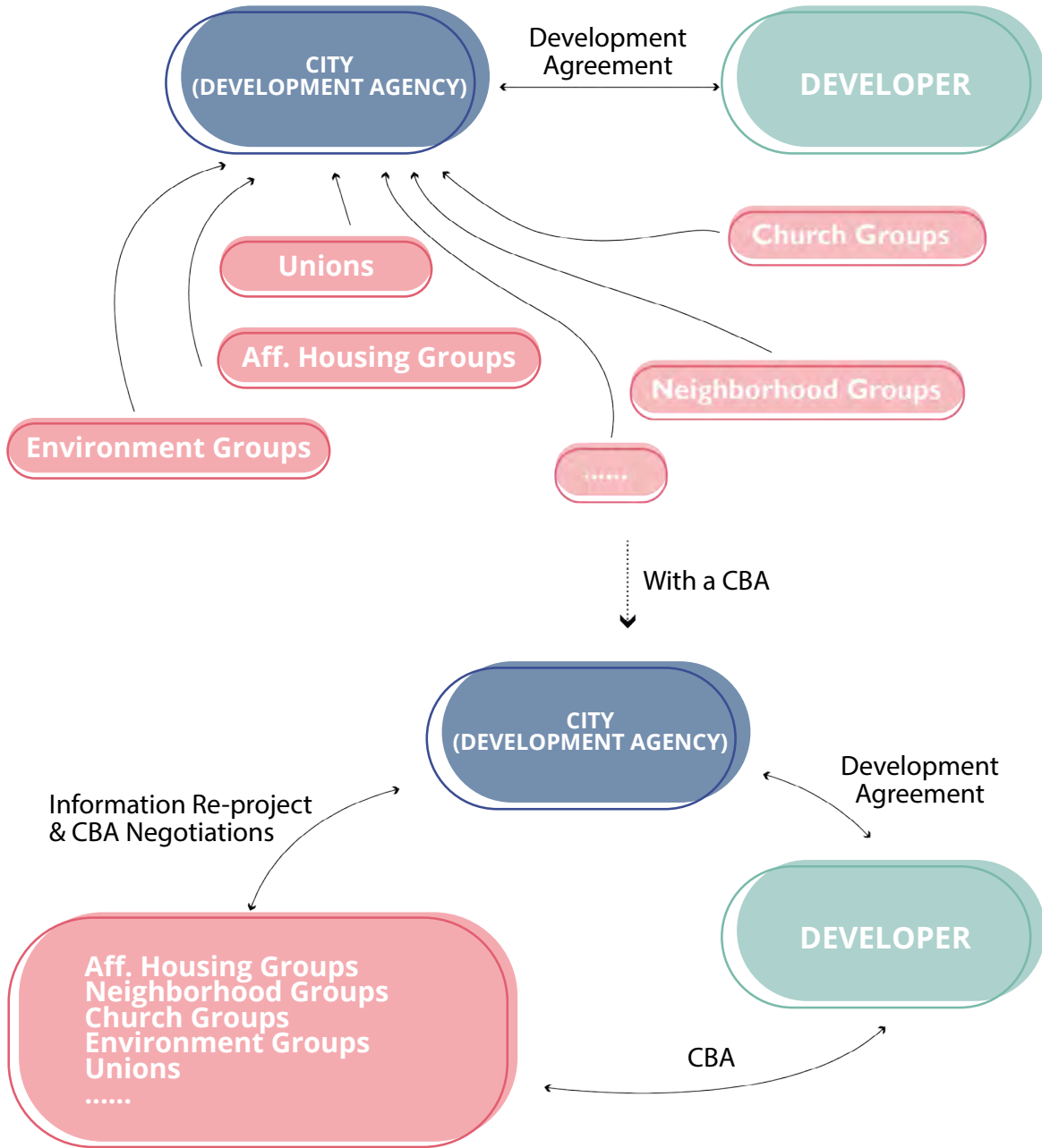
ZIAN ZHENG

STRENGTHS

CBAs have many strengths during real estate development. They provide a kind of democratic approach that allows for the community's many voices to be heard. They enforce accountability of developers to provide community benefits. And they help communities maximize returns from the development.

CBAs not only address the housing problem but also negotiate educational, cultural, and environmental benefits; they can cover a wide range of community investments in one package depending on the commitments that are outlined within them.

CHALLENGES

CBAs need community support during the process of creating them and at the time of approval. Communities need to invest significant time on making agreements. Community organizations need to collect advice from the local residents and present their findings to developers. Since a CBA is essentially a legally-binding contract with developers, the time and cost of developing a CBA is very high. CBAs need two to three years to polish and finish the agreements. Litigation for breaches of contract is expensive for communities (De Barbieri 2018).

Another challenge from this strategy is that leverage significantly diminishes after the project has been approved. Once the contract has been signed, the developers do not need to compromise with communities. Furthermore, developers may find ways to avoid supervision in fulfilling their commitments. Redevelopment agencies are the only ones likely to enforce a CBA, yet redevelopment agencies may move on to other projects (Gross 2005). In addition, the agreement may be amended after project approval. Finally, even if a CBA is concluded, if the developer has financial problems, both the development and the community benefits may not be executed.

CONNECTIONS TO OTHER ANTI-DISPLACEMENT STRATEGIES

The nature of CBAs makes them suitable for implementation in tandem with other anti-displacement strategies such as affordable homeownership, living wage policies, and community land trusts as outlined below.

- Affordable Housing
  » Implement housing policy and removal prevention commitments in the CBA
  » In connection with a "No net-loss" policy, include a required percent affordable housing per development
  » Allot funding for low-income homeowners/renters unable to continue staying at the residence due to increasing prices
- "Living wage" policies to make housing more affordable
  » Living wage policies that require employers to pay a wage at or above the federal or state poverty line can work in tandem with CBAs by creating jobs for local residents if there is a provision to focus on locally-sourced hiring
- Community Land Trusts
  » Because of the significant involvement of and coordination among nonprofits and other community groups required of CBAs, CBAs can work in tandem with Community Land Trusts

CBAs not only address the housing problem but also negotiate educational, cultural, and environmental benefits.

STRATEGY PRECEDENTS

Student researchers examined a few different precedents for the implementation of CBAs. These are outlined in the table below:

CBA	Location	Success/ Fail	# of CBO's and other groups	Time of Negotiations	Why it Succeeded/Failed
Washington State Convention Center	Seattle, WA	Success	8 Community Package Coalition	2 years	Commitment to CBA, persistent in pushing developer to enhance proposed plan. Individual CBO's active and established. Familiar with landscape Developer was willing to reconsider original plan
Kingsbridge National Ice Center	Bronx, NY	Success	26, Kingsbridge Armory Redevelopment Alliance	17 years	Commitment to CBA, lobbying to City when needs not met Acquisition of pro-bono lawyers for cause Developer was open and willing to work for CBA
Los Angeles Staples Center	Los Angeles, CA	Success	30+ (4 main CBO's)	5 months	Good timing: before next election cycle, had city backing to avoid public fallout Community coalition was already familiar with developer
Bronx Terminal Market Agreement	Bronx, NY	Fail	18	1 month	Some of CBA not expressly enforceable Fines for violation only amount to $60,000 Community groups given 1 month to prepare draft CBA, no assistance provided in process Only 3 signed agreements
Gates Rubber Project	Denver, CO	Success	Denver's Campaign for Responsible Development	3 years	Good timing: pushed developer for commitments when developer needed public support for rezoning

STUDIO STUDENTS TEAM

BRONX TERMINAL MARKET AGREEMENT, THE BRONX, NEW YORK

Bronx Terminal Market Agreement is a CBA located in the Bronx, New York City. This CBA has been regarded by some as a failure because it has not met community needs. Both the city and the developer publicly announced that community benefits would be delivered in this project,

but they had minimal input from the community that would be impacted by this development. Community groups were only given one month to prepare a fully drafted CBA, and they were not provided legal assistance in this process. When the ill-formed CBA was put to the vote, only three out of the eighteen community groups that were involved in the negotiations signed on to the agreement. Even with minimal community approval and turnout, the CBA was implemented, and development moved forward. Most of the community benefits commitments written into the CBA were voluntary, and the community coalition was unable to enforce any of the commitments (Gross 2007).

LOS ANGELES STAPLES CENTER, LOS ANGELES, CALIFORNIA

The Los Angeles Staples Center is located in Los Angeles, California. The CBA enacted in this development project has been considered groundbreaking in that it was one of the first of its kind. The City was experiencing a deficit from the Los Angeles Convention Center at the time, and they were looking for a project to counter this deficit. An important factor was that the next election cycle was coming up quickly and pro-union labor causes were thought to be the favorite for election, so political leaders wanted to ensure the Los Angeles Staples Center would be developed. Developers were also eager to begin this project, and union support was required for this project to move forward. There were five months of negotiations between the community coalition and the developer, and an agreement was reached. A wide range of commitments were achieved for community benefits, and the developer also created an advisory committee for communications and enforcement (Gross 2007).

WASHINGTON STATE CONVENTION CENTER ADDITIONS, SEATTLE, WASHINGTON

The Washington State Convention Center (WSCC) is in Seattle, Washington. Plans were made for expanding the convention center, and a community coalition (Community Package Coalition) was formed to negotiate for community benefits. The developer provided the first proposal, but the community pushed back because they did not see it as providing enough for the amount that the development would affect. This pushback led to the developer rescinding the initial agreement and crafting a second one, which included more than four times as much

money allocated for affordable housing as the previous agreement. After two years of negotiations, the CBA was enacted. One important facet of this CBA is that each participating community organization had a strong organizational structure and an explicit set of goals for what they wanted to accomplish, and these goals were directly correlated with what was written in the CBA (WSCC Addition).

APPLICATIONS IN SKYWAY-WEST HILL AND NORTH HIGHLINE

North Highline and Skyway-West Hill are experiencing gentrification. Many young family members are moving out for more affordability. Young people feel anxious about their future for job opportunities, children's education, and home ownership. Helen Shor-Wong, Anti-Displacement Coordinator for the White Center Community Development Center, said that gentrification concerns not just the price of housing and the ownership of housing. It concerns whether young people can afford to live there, and not just rent but also be able to buy a home in the future (Helen Shor-Wong 2020). CBAs are a good strategy to deal with this since this policy influences not only housing, but also education, jobs, culture, and environment.

Because both North Highline and Skyway-West Hill are unincorporated and without access to city government and services, residents rely on county government and community organizations to foster and establish community coalitions and CBAs.

One difficulty of applying CBAs to North Highline and Skyway-West Hill is that CBAs tend to be large-scale projects. Communities gain more chips during negotiations with developers when the whole project is large and well-funded, opening the door to win-win situations. It is not usually worthwhile for communities and developers to make an agreement for small-scale projects.

To conclude, CBAs can be a viable option for areas of unincorporated King County such as Skyway-West Hill and North Highline that have active, well-organized, and savvy community-based organizations. The challenge is in the degree of commitment of time and energy and in ensuring ways to sustain that through the development and implementation of a CBA. Yet, this is an important option for community groups to have a substantial say in the development of their neighborhood in a way that responds to the community's needs and strengths, provided there is a way to sustain the oversight.

RECOMMENDATIONS FOR IMPLEMENTATION

COMMUNITY ORGANIZING

First, the heart of a CBA is community organizing and coalition building. Organizing and maintaining a coalition, facilitating compromise, and crafting a shared agenda is essential to creating a successful CBA. Coalitions can include a variety of community groups, such as neighborhood groups, environmental organizations, good-government organizations, labor unions, and faith-based organizations.

In addition, it is beneficial for community members if community organizations can build relationships with the government and developers. However, community organizing is time-consuming and costly. CBAs are more likely to succeed if community groups are organized prior to a development getting started so there is already strong potential for an organized response. Still, in other cities studied in the second section of this report there is evidence that further effective organizing can also be catalyzed in response to development pressures.

Further, for CBAs to be effective, community groups need to work with legislators to find more potential funders for future CBA costs. While some policy scholars recommend mandating CBAs, if the community is not well organized there is a risk of misrepresenting the community's interests by those claiming to represent the community when they do not. This, however, is a risk with most community participation efforts and should not, in itself, be a deterrent.

LEGAL HELP

For a CBA to be a successfully enforceable contract, it is highly recommended that it is written and/or edited by a legal professional to ensure that proper, effective language is used. Community groups and developers typically hire their own attorneys for this process, and the cost of legal help for communities can be high for what funds they have available. There are several options that communities can use to receive cheap or free legal assistance. The first of these options is acquiring a government attorney to work on the CBA. The other option is to hire an attorney willing to do the work "pro bono," so that the services are more affordable or gratis, depending on the attorney. Two places to find pro bono legal assistance are the King County Bar Association (KCBA) and the

National Lawyers Guild (NLG) (The Partnership for Working Families 2017). A 2005 report on CBAs by a partnership of nonprofits and institutes in California indicates that the NLG is a viable resource for such pro bono assistance (Gross et al 2005).

SMALL-SCALE CBAS

Our research found several policy scholars who have written about the potential of CBAs to be implemented at a small scale. This is based on the premise that large-scale CBAs could create a format that could then be extrapolated to smaller-scale projects. However, we were unable to find any example of a small-scale CBA. All of the examples we found were linked to large-scale developments that were high in capital and subsequently wide in the community benefits that they provided. We spoke with Chris Schildt, a Senior Associate at PolicyLink, a national organization that provides technical assistance to advance equitable economic development and anti-displacement policies and practices in cities around the country. Her assessment was that small-scale CBAs were not feasible because of the resources and time that are required to initiate community organization and to communicate between communities and the developer. She also claimed that there are less direct public subsidies that could go into smaller-scale projects. Finally, she mentioned that CBAs are not effective when there are many small-scale projects happening at once (Schildt 2020).

DEVELOPER COMMUNICATIONS WITH COMMUNITIES

One of the key factors of successful CBAs is the communication between a developer and the community. Without some form of leverage or incentivization, it seems unlikely that a developer would approach the community to try to meet the community's needs of their own free will. For this communication to occur, legislators can play a powerful role. Legislators can advocate for community benefits to be outlined in government agreements with developers. Major developments often occur on city land or receive some form of public funding or tax breaks, meaning that legislators can use their provided support to encourage developers to meet with community organizations. The community has leverage in their ability to oppose government actions, and developments typically require land use changes to occur so that their developments can proceed. This incentivizes developers to meet with communities

and allocate benefits in their developments so that communities support government actions needed for developments to proceed (De Barbieri 2018).

Another option that legislators could explore is the establishment of ordinances and baselines for community benefits in developments. There is a limitation to the scope of power the legislators are capable of, but there are things such as living wage, local hiring, and community communications that could be enacted. One example of an ordinance for community benefits is the Detroit Community Benefits Ordinance. In this case, two proposals were set forth to create a structural format for CBAs once developments reached certain threshold levels. Proposal A requested that a $15 million development threshold with $300,000 received in city incentives would require a CBA to be developed. Proposal A also shut out city officials from negotiations, and the city's job was to set up meetings for community representatives to negotiate with the developer. The CBAs in this case would be enforceable by the community. Proposal A did not pass when voted upon. Proposal B had a much higher development threshold of $75 million with $1 million received in city incentives for a CBA to be required. This proposal would create a position for a City Planning Director who would help establish a Neighborhood Advisory Council made of nine members, four of which were chosen by the City Planning Director, three by the City Council, and two by residents. Also, the developer would enter a legally binding agreement with the city instead of the community. Proposal B was passed in Detroit (Model D Media 2016).

To conclude, for successful implementation, the students recommend strong community organizing and coalition building, the guidance of a pro bono attorney in producing the language of the agreement, focusing on large-scale developments, searching for funding through initiatives such as Communities of Opportunity in King County, and creating government agreements with individual developers or ordinances and baselines for all developers requiring strong community benefits. It should also be recognized that CBAs are generally for larger scale projects and these might not be feasible in Skyway-West Hill or North Highline, depending on development projections. If the type and intensity of development occurring in Seattle extends to South King County, then it may be a viable option in the long term.

COMMUNITY LAND TRUSTS

INTRODUCTION

A Community Land Trust (CLT) is a nonprofit, community-based organization designed to ensure community stewardship of land. While it can be used for many types of development (including commercial and retail), it is primarily used to ensure long-term housing affordability (community-wealth.org). As such, it is an important strategy to help combat displacement. The history of CLTs has centered community interests in local land usage. CLTs function by financially separating land from the activities and facilities that exist upon it. They serve place-based communities, usually ones that face structural barriers in access to land or equitable housing. The CLT organization, which is usually a nonprofit or branch of a nonprofit, holds the land in trust, with long-term (often 99 years), renewable, and usually inheritable leases. The strategy preserves affordable access to the land and community control over how it is used. CLTs can be used to support housing, including single-family home ownership, cooperative housing, multi-family home ownership and apartments, commercial and community spaces, community gardens, farms, and timber operations.

In a typical CLT model, the CLT sells homes on the land that buyers then own, while the CLT retains ownership of the land.
KINGSTON LAND TRUST

As a homeownership strategy, CLTs allow residents to build equity through asset-based wealth and contribute to ongoing and intergenerational financial security, which has often been denied to communities of color in the US. In a typical model, the CLT buys the land and then develops it, but there are some cases of CLTs having buyer-

driven programs that allow homebuyers to purchase on the open market. This means that the CLT neither sells the home, nor owns the land before the purchase happens (Perez, personal communication).

However, in the former situation, the organization sells homes on the land that buyers then own, while the CLT retains ownership of the land. Upon selling, a resale agreement is reached to ensure future affordability for community members. In a Community Land Trust that is intended to provide housing, individuals or families own their own homes but lease the land at a low rate. Because the cost of land is separated from the price of a home, this allows for a significant lower cost when community members purchase a Community Land Trust home. When a homeowner in a CLT sells their home, they earn a percentage of the increase in property value that has accrued. Resale formulas are set in place to ensure that the home remains affordable for the next household (firsthomes.org). CLTs often retain the right to repurchase the home if a CLT home is foreclosed, ensuring even further that the property stays in the hands of the community (National Housing Conference).

Community Land Trusts: How do they work?

Land is owned by the Community Land Trust, which is governed by a non-profit board.

Buildings (residential or commercial) are owned by individuals. Because they pay only for the structure, and not the underlying land, purchasing the building is more affordable.

A 99-year <u>ground lease</u> between CLT and owner ensures owner-occupancy and responsible use and outlines fees paid to the CLT.

A <u>resale formula</u> built in to the ground lease is designed to keep homes affordable for subsequent buyers.

TONY PICKETT, URBAN LAND CONSERVANCY

As a homeownership strategy, CLTs are a form of shared equity home ownership. Equity built through homeownership is a form of **asset-based wealth**, which, through practices like redlining, has often been denied to communities of color in the United States. Asset-based wealth offers an

important contribution to ongoing and intergenerational financial security. As a result, CLTs are a strategy that may offer the possibility of countering some of the ongoing harm set in motion through redlining and racist lending practices.

Community Land Trusts are one of three approaches to shared equity homeownership. Two other prominent **shared equity homeownership** (SEH) strategies are Deed-Restricted Homeownership and Limited Equity Cooperatives. In the policy of Deed-Restricted Homeownership, buyers who fall below a predetermined Area Median Income, or AMI, are given a significant subsidy at the time of purchasing that home. The deeds on these homes are passed on to other buyers of the same property, continuing to provide a subsidy at resale. Limited Equity Cooperatives use a co-operative strategy of home ownership. Typically using multi-family buildings, buyers purchase a share of the co-operative, and in turn gain residence and a vote in issues that concern the whole community. This is a resident-owned community (ROC) and manufactured, single-family homes often use this strategy as well. Buying into a cooperative and owning a share allows for multiple units to be sold at a lower price (National Housing Conference). Limited Equity Cooperatives, Deed-Restricted Homeownership, and Community Land Trusts are three shared equity homeownership strategies. All three attempt to lower the cost of housing to benefit low income individuals who want to own a home. Community Land Trusts are the primary topic of this section of the report.

BACKGROUND

The first CLT, called "New Communities, Inc." was established in 1969 by civil rights activists from Albany, Georgia, to support land tenure for African American farmers in the American South. As a result of racist laws and policies, African-American farmers often struggled to build wealth and maintain land ownership. As a rural CLT, New Communities, Inc. used a model which included leases for homesteading and cooperative farming. For a time, it was one of the largest African-American owned properties in the United States. Unfortunately, as the result of racial discrimination by the USDA, New Communities, Inc. was disbanded in 1985.

Since the 1960's CLTs have been adapted to a variety of needs and circumstances. They are increasingly being used in urban areas to stabilize housing stock and resist residential displacement. Some significant national precedents include the Champlain Housing Trust

Vision
Organize the community and their needs. Identify a shared vision for the future.

Audience
Identify who the CLT will serve. Consider the market and feasibility of a CLT in your area.

Structure
Decide the organizational and governance structure of the CLT. Recruit community leaders.

Implement
Develop a business plan. Begin to build a task force and a list of tasks to be completed in the next year.

Resources
Gather resources for execution. Focus on creating a budget for the CLT.

Execute
Determine model ground lease, affordable price, and resale. Educate the community and partners.

The successful execution of a Community Land Trust includes these essential steps. LENA BURTON OWENS, LCY STUDENT TEAM

and the Dudley Neighbors Inc. Land Trust, both established in the 1980's. The Champlain Housing Trust now owns the land under about 7.6% on the housing stock in Burlington, Vermont (Blumgart 2016). This is the largest CLT in the country, and shows the power of the model to affect affordability on the scale of a municipality. It supports multiple types of access to housing including single family homeownership and rental units. The Dudley Neighbors Inc. Land Trust, located in Boston, has shown that a CLT can be used to revitalize a neighborhood without leading to displacement (Loh 2015). This CLT includes the repurposing of

vacant or neglected lands for urban agriculture as well as protecting local housing stock.

Today, CLTs are often started or funded by local municipalities. As the model continues to evolve and adapt there is ongoing tension between the role that CLTs can play in protecting and developing affordable housing stock and the radical origins of the model to protect and promote community control of the land and its usage. CLTs, which are primarily focused on preserving affordability, may lose the community control and self-governance of the traditional model.

Demonstrators hold signs during a KC Tenants rally outside the Jackson County Courthouse in Kansas City, Missouri., on July 30.
CHASE CASTOR

MODELS AND GOVERNANCE

Over time, Community Land Trusts have become a widely used strategy in the United States and around the world. They can be adapted to prioritize the development and protection of affordable housing, neighborhood stabilization or neighborhood revitalization. CLTs are generally governed by a board that includes residents, local community members, and experts or government officials. Depending on their implementation, CLTs may or may not serve as an anti-displacement strategy. As an affordable housing strategy, the model can be adapted to support those ready to build equity by purchasing a home, or to support renters who may not yet qualify for homeownership. Some models (such as the Oakland CLT) purchase rental units and partner with other organizations that work with renters to get them to a place where they can purchase their homes.

Because CLTs are so variable, it can be hard to clearly define the model and its governance. One approach is to identify the "classic" model and common deviations. This approach was used in the book Municipal Support for Community Land Trust. Extrapolated from that discussion, some key components, and variables are listed below.

Classic Characteristics	Variations
Dual ownership: CLTs purchase underlying land; another entity purchases buildings on the land.	Some CLTs own the **right to purchase** the land (under condominiums) when the owner sells; some apartment **buildings are managed by CLTs**.
Nonprofit, tax-exempt corporation: CLTs are often not-for-profit organizations chartered in the state where they are located.	Some CLTs are programs, **successors, or affiliates of pre-existing nonprofits**; sometimes a similar program is administered by a **local government**.
Tripartite governance: The CLTs Board of Directors is equal parts leaseholders, community members, and public representatives.	Proportions of different interest groups **vary widely** between CLTs; **interim boards** are often set up in the startup phase.
Place-based membership: CLT operates within the boundaries of a targeted location and is responsible to local residents.	Size and scale of the targeted locale vary widely from a **few blocks to a multi-county region**; sometimes **non-residents can be CLT members**.
Perpetual affordability: Resale formulas are set for all buildings within the CLT; CLTs are able to repurchase buildings to protect affordability.	**Resale formulas vary** between CLTs and sometimes within CLTs.
Flexible Development: CLTs support various land uses including housing, commercial, open space, and community centers.	Some CLTs **construct and renovate** structures while others partner with **developers**; some focus only on **one type of land use**.

STRENGTHS

Community Land Trusts have a variety of strengths that make them an attractive option for affordable homeownership and anti-displacement efforts in a community. Because community land trusts support a model of affordability and stability but can be adapted to different community needs and wants, CLTs have many benefits.

Community Land Trusts offer stability for communities, providing long-term resident renters and homeowners an opportunity to secure affordable home ownership in housing that is code compliant and poses no risk to health and safety. Some CLTs use a point-based system for deciding who resides there, and applicants often get more points if they are current or past residents of a neighborhood. This allows residents to stay in place, making CLTs not only an affordable homeownership strategy, but also an anti-displacement strategy. This can support the revitalization of a neighborhood and create homeownership opportunities for existing residents.

CLTs are also flexible. As discussed in the precedents section, Community Land Trusts can come in many forms. They continue to be a useful strategy in a multitude of cities, and while there is a base model and governance structure, they look different every time. CLTs are not a one-size-fits-all policy, and can be molded to fit where they are needed. CLTs can incorporate single family or multi-family units, or both. Nowhere is exactly the same, and there are a range of models out there. They are a place-based strategy that is adaptable to many situations, using community member input to shape their form.

Another strength of the CLT model is stewardship. The Community Land Trust model gives the land and homes over to the nonprofit, taking the burden of stewarding those homes from the municipality or government that might otherwise have to care for affordable housing units. This stewardship and care of CLT land also ensures safe living environments for homeowners, and continued resale of the homes on the land as they stay in good condition.

Community Land Trusts also provide economic stability to residents. They provide a model to access homeownership through a sustainable model of ownership. Community Land Trusts often provide education for new homeowners, allowing them to use the resources a CLT can bring to a community and have future success in homeownership. "Modest

increase in equity through fixed appreciation helps homeowners move beyond CLTs (Urban Land Institute Austin)," so an individual or family may eventually be able to move on to market rate housing. Residents can continue to own homes when they know best practices and how the process works, and CLTs allow them to do so.

CHALLENGES

The Community Land Trust model is not without weaknesses. Community Land Trusts can be a lost opportunity for homebuyers participating in this model. Homebuyers may not be able to have an opportunity to build as much wealth, because they are not participating in the full market rate of housing. As the house appreciates over time, it will appreciate at a lower rate than normal market homes, because of the restrictive resale formula. The resale formula keeps the homes affordable for future buyers and is a critical part of the CLT model. Still, some homebuyers may still feel like they are a disadvantage from this angle.

CLTs may also have an issue with market competition. As homes are put up for sale, multiple public housing organizations and nonprofits may be seeking these properties, as they come at more affordable rates to organizations that have less funds. Community Land Trust partnerships and a thorough inventory of affordable housing available can help to decrease the market competition that may occur in a community.

Community Land Trusts may also experience stigma from financial lenders who are unwilling to underwrite CLT mortgage projects. While there is little substantiation for this concern, it is something CLTs face. Also, as a unique form of affordable housing that is somewhat outside the standard private market housing model, CLT homes may be unjustly rendered as undesirable.

While the white paper by the Urban Land Institute Austin mentions this as a potential weakness of the strategy, no precedent studies that we conducted mentioned this as an issue.

Possibly one of the biggest challenges faced by Community Land Trusts is their reliance on external funders. Depending on external funding, a necessity for running a CLT, can result in control from larger nonprofits or municipalities, without community control and grassroots organizing that assists the functioning of a CLT. Funding is often the biggest barrier to Community Land Trusts (especially in initial phases) during

implementation. It is crucial to secure funding sources as early in the process as possible, and this will then have the widest influence in the community.

Below, strengths and weaknesses are summarized. Strengths far outnumber weaknesses, and many of the weaknesses have solutions. An understanding of the strengths and weaknesses can help a CLT be successful in the long run and help as many people stay in place and with affordable housing as possible.

STRENGTHS AND WEAKNESSES OF COMMUNITY LAND TRUSTS

Strengths	Weaknesses
Stabilization Flexibility Stewardship Mobility Community Participation Security Sustainability	Lost Opportunity Market Competition Stigma External Funders

CONNECTIONS TO OTHER ANTI-DISPLACEMENT STRATEGIES

CLTs can be connected to a variety of other anti-displacement strategies both within the scope of this report and beyond it. As a highly adaptable strategy, CLTs can be combined with other types of organizations to create collaborative and mutually beneficial connections. As a type of affordable housing, they can be considered a subset of some of the other strategies explored in this report, notably Affordable Homeownership and No Net Loss to Affordable Housing, the latter because the CLT model helps ensure long-term affordability which means in a context of development, CLT housing would enable people to remain in place. Finally, CLTs are likely to partner with municipalities to help enforce the provision of affordable units created through Inclusionary Zoning or other regulations such as density bonuses, and they could develop new units with impact fees (Perez, July 2020, personal communication).

A single CLT can partner with multiple organizations to facilitate the implementation of interconnected strategies for preventing displacement. For example, a CLT can be combined with a Mutual Housing Association (MHA) to manage and care for affordable rental housing or a Housing Cooperative to further support affordable homeownership. By working together with these types of organizations, CLTs can expand past the model of single-family homeownership to support communities living in multifamily buildings and stabilize the rental market. Additionally, CLTs can work in collaboration with organizations that promote job training, education, and culturally relevant services, such as those provided through small businesses.

As a housing strategy, CLTs can support No Net Loss of Affordable Housing through supporting affordable homeownership opportunities in perpetuity. Additionally, by pairing with a Mutual Housing Association or similar organization, CLTs can help to stabilize the rental market, catering to people who may not be able to afford or who may be uninterested in homeownership. As a single CLT often manages many units, CLTs may support municipalities around enforcement and occupancy of affordable units created through Inclusionary Zoning and density bonuses. It is also plausible that CLTs could support a No Net Loss strategy in tracking the number of affordable units currently on the market.

CLTs can also support affordable homeownership in a variety of ways. They can protect the affordability of single or multi-family homes and condos. They have also been used to preserve affordability for Single Resident Occupancies and Manufactured Housing.

STRATEGY PRECEDENTS

OAKLAND CLT, OAKLAND, CALIFORNIA

While some CLTs primarily focus on homeownership without explicitly responding to displacement pressures, Oakland CLT's unique, multi-layered approach prioritizes fighting displacement. Oakland CLT uses a complex model and funds allocated by Oakland's City Council to support local residents. Some of the strategies engaged by the Oakland CLT include preserving affordable homes and rental units, providing job training for local youth, and plans to partner with community organizations to produce food on vacant or neglected land. To protect current residents, Oakland CLT partners with tenants and homeowners

to purchase housing where there is an imminent risk of displacement. This includes small (under 25 units) multi-family apartment buildings and single-family homes. A key component of the Oakland CLT strategy is partnering with local organizations, creating connections, and sharing expertise.

Recently, the Oakland CLT got media attention when it helped purchase the previously vacant home occupied by the group Moms 4 Housing. This home was owned by an out-of-town real estate developer named Wedgewood, an example of corporate speculative real estate practices. The Moms were long-time Oakland residents who, despite working, were experiencing homelessness due to the extremely high cost of local housing. In an act of organized civil disobedience, they moved into a vacant, derelict home owned by Wedgewood and fixed it up. Wedgewood evicted them with the support of a heavily armed contingent of the Alameda Sheriff's office. After the eviction made national headlines, Wedgewood agreed to let Oakland CLT purchase the house at the appraised value. Going forward, they have agreed to give local CLTs first right of refusal on the 50 homes they purchased to flip in Oakland (Mock 2020). This type of concession can allow CLTs to make inroads against the harmful and price gouging practices of speculative real estate and house flipping. Oakland CLT's support for and engagement with activist groups and existing nonprofits, such as the Moms 4 Housing, allows it to function as an anti-displacement strategy.

Oakland CLT's unique, multi-layered approach prioritizes fighting displacement.

PALM BEACH COUNTY CLT, PALM BEACH COUNTY, FLORIDA

The Palm Beach County Community Land Trust (PBC CLT) is part of a coalition of Land Trusts in South Florida. Due to a decline in homeownership and more than 47% of the population in the area being cost burdened, the government initiated this CLT in 2006 (Schneider 2012). The CLT currently functions as a nonprofit and in total with the South Florida Community Land Trust Network, owns 400 different parcels of land. Their model focuses on education of homebuyers and is able to accommodate for 120% of AMI in South Florida, according to the PBC CLT website. This model is important to consider because homeowner education is a crucial focus of CLTs. The PBC CLT also emphasized the importance of the role of the municipality in the Community Land Trust. Examples of this are more thoroughly explained in the table in the next section, Application to Skyway-West Hill/North Highline.

HOUSTON COMMUNITY LAND TRUST, HOUSTON, TEXAS

Houston's Community Land Trust worked with Grounded Solutions to assess the feasibility of a CLT in Houston, and also worked with Burlington Associates for Community Development to educate and solicit feedback, according to Houston's Housing and Community Development Department. The Champlain CLT in Burlington, Vermont, is large, and has helped other CLTs in initial stages as well. While the CLT is still in initial stages and has only functioned for a few years, they planned for the City of Houston to operate and manage it for the first several years, at least, as a nonprofit organization. The Houston mayor appointed the CLT board members and the CLT functioned under the typical tripartite structure. The tripartite structure is: one-third CLT homeowners and leaseholders (eventually), one-third community organization and neighborhood leaders, and one-third those with specific expertise and experience (i.e., lenders, realtors).

This strategy launched with $16 million in funding from the city. The Houston Community Land Trust had goals to partner with community stakeholders, and used Houston's land bank lots for construction of new homes for families at 80% AMI and below, with prices starting at $75,000, according to a 2019 report in the Texas Monthly. Due to the high funding budget and the use of prior land bank homes, the Houston CLT had high aspirations for 450 owner-occupied homes by 2019, and 1,100 before 2024. Last year, the CLT had only four properties being run with homeowners currently occupying them, but it seems that they are continuing to grow. Lessons can be learned even though the Houston CLT is early in the process, such as including community stakeholders in the process, which we know is crucial to the success of community land trusts.

Depending on their implementation, CLTs may or may not serve as an anti-displacement strategy.

APPLICATIONS IN SKYWAY-WEST HILL AND NORTH HIGHLINE

Based on our research and discussions with Cherryl Jackson-Williams, board member of the Homestead Community Land Trust in Seattle, areas in unincorporated King County would strongly benefit from a Community Land Trust. Homestead already functions in the Skyway-West Hill area and King County has partnered with this CLT for funding in the past. According to Jackson-Williams, people of color in these communities are being physically and culturally displaced and well-established business are struggling. She noted that feelings of cultural displacement are also caused when newcomers call the police because they do not perceive the neighborhoods to be safe. Jackson-Williams said that physical and cultural displacement is placing in jeopardy these communities that have strong roots and a right to stay, and that CLTs offer an important ability to combat this displacement.

HOW MUNICIPALITIES CAN SUPPORT COMMUNITY LAND TRUSTS: EXAMPLES AND PRECEDENTS

Initiation

- **Participate in the planning process**

    Officials or staff may sit on an advisory committee (Irvine and Chicago)

- **Staff the start up**

    Convene meetings and staff CLT (Delray Beach)

- **Contract expert assistance**

    Hire consultants for advice and planning (Sarasota, Portland, Highland Park, and Phoenix)

- **Provide initial funding**

    Provide grants for planning of CLT (Burlington and Hennepin County)

- **Commit to funding plan for the future**

    Pledge annual operating grants (Sarasota) and conveyance of parcels or land (Irvine, Washington DC)

Funding

- **Donate land and buildings**

    Donate or sell properties and land at a discount (Portland, Cuyahoga, and Dudley st)

- **Provide loans and/or grants**

    (Minneapolis, Orange County, Lawrence, Albuquerque, etc)

- **Community Development Block grants**

    Using federal CDBG funds (Albuquerque)

- **HOME capacity grants**

    Annual grants from federal HOME Investment Partnership Program (Homestead)

- **Local housing trust funds**

    (Burlington and Highland Park)

Policy

- **Create policy for inclusionary housing**

    Inclusion of affordable homes in development, which can be managed by a CLT rather than the developer (Sonoma County and Champlain Housing Trust)

- **Regulatory concessions**

    Reduce or waive application and impact fees, relax zoning requirements for parking or lot coverage, and other regulatory concessions (Burlington and Bellingham)

Evaluation

- **Valuation of CLT homes**

    Assess taxing at market value or not (Boulder County, Los Angeles County, and Orange County)

- **Valuation of CLT land**

    Assess considerably below market value (Delray Beach and Portland)

- **Re-evaluation of CLT homes over time**

    Evaluating health and safety, as well as resale price using the determined resale formula. The resale price will rise more slowly than market value homes (Boulder County and Madison Area)

Maintenence

- **Monitor and enforce homeowner compliance**

    Regulate CLTs through the ground lease, which may contain restrictions to ensure houses are used safely (Most CLTs)

- **Maintaining affordability**

    Designing and amending resale formula for sustainable affordability in the ground lease (Most CLTs)

- **Maintaining CLT homes**

    Arrange and coordinate home maintenance, educate homebuyers about repairs

- **Legal agreements for protecting municipal interests**

    Grant and loan requirements of monitoring and upkeep (Orange County)

LENA BURTON OWENS, LCY STUDENT TEAM, ADAPTED FROM *BUILDING BETTER CITY-CLT PARTNERSHIPS: A PROGRAM MANUAL FOR MUNICIPALITIES AND COMMUNITY LAND TRUSTS* BY DAVIS AND JACOBUS

Homestead prioritizes providing housing to residents who already live in the community, or who are looking to return to their original community. If King County were to consider a partnership with Homestead, residents in unincorporated King County would be able to benefit from this model. While Homestead CLT has traditionally prioritized the development of single-family homes, Jackson-Williams suggested that Skyway-West Hill could also benefit from a CLT model that supports multi-family homes, rental units or commercial space for local businesses.

RECOMMENDATIONS FOR IMPLEMENTATION

This section is adapted from *Building Better City-CLT Partnerships: A Program Manual for Municipalities and Community Land Trusts* by Davis and Jacobus.

To be successful, CLTs must balance financial sustainability with community control. For a housing based CLT, the "sustainability threshold," or the size at which a CLT generates enough revenue to support basic operations, is about 150-200 units. To reach this threshold, CLTs must sometimes make compromises that are seen as undermining the foundational goal of community control. Public education, advocacy, and engagement around CLTs are all important pieces to protecting community control.

The government can play a major role in creating and supporting successful CLTs by facilitating access to land or funds. This could take the form of allocating funds for the CLT, donating or selling land at below market rate, or offering the CLT first right of refusal when selling off property.

CLTs are more likely to be successful in the long term when they have a mixed portfolio and programs rather than solely supporting single-family homeownership. This can reduce reliance on grants through earned revenue and diverse revenue streams. This can happen by leveraging partnerships with other nonprofits and/or developers. In addition to facilitating financial stability, this may help a CLT to function as an anti-displacement policy in that it could stabilize local institutions and community centers, support access to affordable food, and provide job training as evidenced in the example of the Oakland CLT.

COMMUNITY PREFERENCE

INTRODUCTION

Community Preference (CP) policies focus on allowing people to stay in place and preserve neighborhoods that experience the legacy of discriminatory, racist policies such as redlining, mortgage discrimination, and racially restrictive covenants. Many of these oppressed neighborhoods managed to build strong communities despite these challenges, and now face the pressures of gentrification and displacement.

In its purest, ideal form, community preference strategies provide long-standing residents priority access to new affordable housing units built within that community. This differs in practice (but shares ideology with) right-to-return (RtR) practices, which give people who were previously forced out of their neighborhoods—due to urban renewal or gentrification—priority access to new affordable housing units built in those neighborhoods; this makes right-to-return policies not exactly anti-displacement, but more reparative in addressing displacement that has already occurred.

As with many of these policies, the nomenclature and details of both community preference and right-to-return are confusing and blurry. The distinction we choose to make here between these two named policies is our own, done for the purposes of the report, and is not to be confused with the exact parameters of each particular policy except where named. We have chosen to focus on community preference rather than right-to-return, both for clarity of analysis and to emphasize efforts to halt displacement before or as it threatens to occur, over reparations.

Key characteristics of Community Preference strategy:

- actively targets displacement before it occurs or as it is occurring
- prioritizes community preservation and development over housing integration

Community Preference focuses on allowing people to stay in place. Right-to-return (RtR) practices give people who were previously forced out of their neighborhoods priority access to new affordable housing units built in those neighborhoods. ZIAN ZHENG
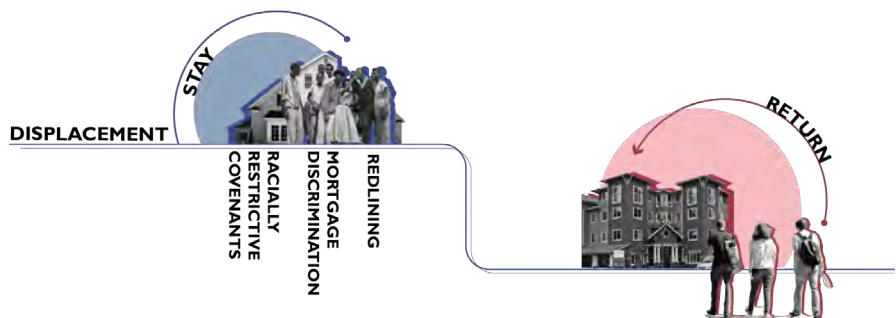
STRENGTHS

One of the greatest strengths of community preference is that it is explicitly an anti-displacement strategy. Theoretically, community preference is about maintaining communities that have been defined or shaped by geographical proximity. Community preference addresses displacement by attempting to keep communities intact by helping to ensure that if households must move, they have the option to do so while remaining within the boundaries of the existing community. Right-to-return (RtR) policies, according to our distinction, require that displacement has already taken place. While RtR may be effective for reparations, it does require residents to have already experienced the emotional, financial, and social hardship of displacement before being able to return to their communities.

A benefit of community preference strategies is that they implicitly address racist practices like redlining and seek to preserve areas that have managed to thrive despite housing oppression. In Seattle, redlining and racially restrictive covenants worked in tandem to prevent non-white people from upward financial and housing mobility (Seattle Civil Rights & Labor History Project). In many of these areas, such as the Central District, communities of color have, for the most part, already been displaced (Henderson 2016). Other communities of color that have found ways to grow into rich, strong communities despite racist policies are facing displacement threats ranging from distant to imminent. Providing community preference is a way to address the threat of displacement by maintaining the geographical ties that oppressed communities have built to place and to each other.

Community preference policies have been widely supported by communities of color (Goetz 2019), local politicians, and civil rights advocates (Freund 2018) as a targeted strategy to fighting displacement. Although New York City debuted a community preference policy in 1988 (Johnson 2018), these types of policies have not caught on elsewhere until recently. There has been a recent uptick in the number of cities that have adopted community preference in one form or another in the last decade as displacement has become one of the more prominent urban housing problems facing the county (Goetz interview, 4/28/20).

CHALLENGES

TENSIONS BETWEEN FAIR HOUSING AND COMMUNITY PREFERENCE POLICIES

Community preference policies can sometimes be in tension with Fair Housing law. Therefore, such policies are sometimes challenged by fair housing advocates who argue that they could potentially violate Fair Housing Law when improperly written, thus furthering segregation (See Legal Challenges section below). This underscores a critical tension between two strategies that are both intended to support housing justice. Community preference advocates tend to focus more specifically on maintaining community and fighting displacement. The fair housing advocates are typically more broadly focused on "combating patterns of racial segregation and discrimination in housing" and "see the spatial concentration of subsidized housing as an important factor that produces and maintains patterns of inequality" (The One-Way Street of Integration).

Funding shortages have created the conditions for these two seemingly-aligned groups to sometimes be at odds as they debate the most effective ways to spend limited funding for affordable housing and how affordable housing should be distributed. Community development groups support affordable housing constructed within existing marginalized communities and therefore support community preference as a policy. They believe that development in these communities will help to address a pressing need, as well as help to bring in economic investment from outside sources. Affordable housing advocates believe that community preference increases segregation and further perpetuates patterns of housing oppression, and therefore fight against community preference policies. In some cases, their argument is bolstered by the Fair Housing Act (FHA) or restrictions of how federal money can be spent according to the Department of Housing and Urban Development (HUD).

The main objectives of the Fair Housing Act of 1968 were to increase integration and to eliminate discrimination. Many fair housing advocates explicitly fight discrimination in the form of things like predatory lending or landlord abuses, but do not address displacement or its effects. In other words, fair housing practices and the FHA can be understood to be outcome-focused but not process-focused, and therefore overlook the harm that takes place when displacement occurs. Although this approach can lead to the opening of exclusive communities and furthering

integration, it can also dismantle communities of color (The One-Way Street of Integration).

Arguments against community preference policies therefore see them as a violation of fair housing, where fair housing has historically been narrowly defined as a spatial distribution problem only. Philosophical and legal challenges typically focus on the idea that community preference limits the movement of people of color to better neighborhoods and therefore perpetuates segregation. These arguments fail to incorporate the modern housing crises of gentrification and displacement. Community preference policies actually seek to address a key fair housing issues – that residents at risk of displacement, or who have been displaced, do not have fair access to housing if they cannot afford to live in the neighborhood of their choice and are displaced from that neighborhood (Horwith, July 16, 2020, personal correspondence).

LEGAL CHALLENGES

Legal challenges have constrained the power of community preference policies. Some Fair Housing advocates have claimed these policies violate the disparate impact standard under the Fair Housing Act, constraining housing choices of certain groups or resulting in primarily one racial group obtaining affordable housing in a geographical area (Kaplan 2019). As a result, cities have had to dilute the policies for court approval. Also, because of potential challenges by intentional discrimination claims under the Equal Protection Clause of the Fourteenth Amendment, these policies have had to avoid directly prioritizing residents of color for affordable housing (Kaplan 2019). Similarly, cities have been limited in their ability to prioritize longtime residents based on duration of residency because of potential challenges by right-to-travel claims under the constitutional right to interstate travel and migration (Kaplan 2019).

Community preference policies, depending on how they are written, may be legally tenuous due to precedents set with the FHA and the distribution of HUD funds. In 2015, three plaintiffs represented by the Anti-Discrimination Center sued New York City because of their community preference policy, which gives neighborhood residents priority for new affordable housing built within their neighborhoods. The plaintiffs argued that the policy impaired their ability to attain housing in other "neighborhoods of opportunity" (Freund 2018). The most recent legal documents we were able to obtain indicate that the period of discovery for this case ended in April 2019, and no further progress has been made.

San Francisco enacted their "resident housing preference" policy in 2015, and it gave priority for 40% of new affordable housing units to residents who lived within the area and its surrounding buffer zone. However, HUD denied the proposal to implement the policy at a development that was being subsidized by federal funds. After back-and-forth with the City of San Francisco, the policy was eventually watered down to only prioritize residents who were at an "elevated risk of displacement" despite where they lived in the city as a way to work around clashing with the FHA (Freund 2018). Rather than targeting displacement by trying to maintain the spatiality of existing, threatened communities, now their policy targets displacement by allowing those being displaced to stay within the city, but not necessarily within their precise community. Seattle's current community preference policy operates this way.

"Although preferences designed to preserve minority communities arguably serve a different objective than those that are designed to exclude such communities, the distinction may not be legally meaningful (Freund 2018)," and only challenges to the existing FHA can move the dial towards fair housing regulations that more meaningfully address the displacement-related concerns of modern affordable housing issues. This will require cities, counties, and other governmental jurisdictions to be willing to put themselves on the line legally in the name of furthering the anti-displacement effects of community preference.

CONNECTIONS TO OTHER ANTI-DISPLACEMENT STRATEGIES

Community preference is typically enacted in private or nonprofit developments where affordable units are subsidized by local, state, or federal government. This makes pairing community preference policies with strategies that do not involve public funding difficult; implementing community preference in developments that are not publicly funded would require unprecedented implementation benchmarks, though this is not out of the question. Chris Schildt, Senior Associate with PolicyLink, a national policy research and technical assistance institute, noted that it is worth considering applying community preference to unsubsidized private housing because that is the sector where most unit development is happening today (Schildt 2020). However, those units are often market rate and not affordable to those who have been displaced. Schildt explained that in Portland, Oregon, nonprofit affordable housing

developments at 80% AMI have been too high for those qualifying for the community preference policy. However, cities such as Berkeley, California, have seen success in implementing community preference indirectly in private housing developed under inclusionary zoning policies that additionally require landlords to accept Section 8 Vouchers for inclusionary units and to do so in collaboration with the local public housing authority. Public housing authorities, who administer vouchers, maintain waitlists largely made up of people in the neighborhood (Schildt 2020).

POSSIBLE LINKS BETWEEN COMMUNITY PREFERENCE AND OTHER ANTI-DISPLACEMENT STRATEGIES

Community Land Trusts (CLTs)	CP and RtR policies could easily be implemented within CLTs, new or established. In Austin, Texas, ten ownership units in a community land trust are kept permanently affordable through their RtR policy (McGlinchy 2019).
Community Benefit Agreements (CBAs)	CBAs could include a requirement for a percentage of new units to be dedicated to existing community members or displaced, former community members. A PolicyLink report called "Equitable Development: The Path to an All-In Pittsburgh" recommends that baseline community benefits expectations should include right-to-return for displaced tenants (Treuhaft 2016).
Affordable Homeownership	Community preference fails when those who qualify cannot afford the new units being developed in their neighborhoods (Schildt, 2020). Affordable homeownership legislation could help community members acquire land and properties for which they have a preference.
No Net Loss	In Portland, Oregon, No Net Loss and Community Preference were instituted together in areas having experienced urban renewal (Bates 2020). This can help ensure that the beneficiaries of No Net Loss policies are those with historic and/or present ties to the neighborhood.
Inclusionary Zoning (IZ)	An Inclusionary Zoning strategy with incentives for private developers might dedicate a certain percentage of units for existing community members. Community preference was applied to city-funded inclusionary housing developments in San Francisco. This link could be forged indirectly through requirements that developers of housing under inclusionary zoning accept Section 8 Vouchers (Schildt 2020).

STRATEGY PRECEDENTS

AUSTIN, TEXAS

Date	2019 (piloted through summer 2020, at which point the city will reconsider it as part of its next year budgeting process)
Terms	Right to return; Right to stay
Preferences	To low-income people with ties to rapidly changing neighborhoods who are at risk of being displaced or who have been, not only by rising rent and property taxes, but also by natural disasters and eminent domain. Residents will have to prove they or an immediate family member lived in these rapidly changing areas as far back as 2000.
% of units set aside	Roughly 70 units (including 10 ownerships kept affordable through a CLT).
Eligible developments	Enforced only on affordable housing projects that are paid for by the city specifically for this purpose.
Eligible incomes	Austin's city-funded home ownership programs (under which their right to return pilot policy might fall) are eligible for households with a maximum income of 80% AMI.
Geography	Specific neighborhoods, including parts of St. Johns, Bouldin Creek, E. Cesar Chavez, Rundberg, and a large section of East Austin).
Cost/resources	The estimated cost of the program is $20,000, with most of the funds dedicated to process software applications.
Community involvement	The policy was city-driven. It came out of a recommendation by researchers at the University of Texas at Austin studying gentrification in the city.
Strengths	Avoids violating FHA by mandating that in most cases only 40% of low-income available for this program be considered using the generational ties preference.
Weaknesses	Took nearly a year to write due to legal concerns; doesn't necessarily preserve communities; while residents are facing or faced displacement from a variety of Austin neighborhoods, the replacement housing is primarily in East Austin.

HAMTRAMCK, MICHIGAN

Date	1971 (but not acted upon until 2005)
Terms	Right to Return
Preferences	African-American former residents of Hamtramck filed a class action lawsuit in 1968 against the city for racially discriminatory urban renewal efforts in the 1950s and 60s that resulted in their displacement. The court ordered the city to develop affordable replacement housing and give displaced residents first priority to return, and later ruled that children and grandchildren of displaced residents are eligible for the affordable housing.
% of units set aside	As of 2019, the city had built 200 out of the 203 replacement houses (both for-sale and rental). It notified displaced residents and their families and secured subsidies to make the replacement housing affordable to returning residents.
Eligible developments	Applies only to units developed specifically as replacement housing for plaintiffs and their families.
Eligible incomes	Not applicable, eligible for all African-Americans displaced by urban renewal and their descendants.
Geography	Specific neighborhoods where residents were displaced due to urban renewal projects.
Cost/resources	Has required at least $44M of federal funds and $1.4M from Wayne County.
Community involvement	Community-driven. Pushed forward by displaced African-American residents.
Strengths	No challenges from HUD as policy is court-ordered; effort to bring back each displaced person and family members.
Weaknesses	Developers on their own legally, no support from City to challenges by FHA; Potentially less impactful because not mandatory.

NEW YORK CITY, NEW YORK

Date	1988 (ongoing)
Terms	Community residency preference
Preferences	To residents of the local Community District
% of units set aside	50%
Eligible developments	Required on city-sponsored affordable sale or rental housing (homes, co-ops, condominiums, and rental apartments) that the Department of Housing Preservation and Development (HPD) creates or rehabilitates.
Eligible incomes	40-100% of 2017 AMI, adjusted for household size
Geography	"community district" (neighborhoods) (The city is carved into 59 districts represented by "community boards," which get to weigh in on zoning, land use, and other hyper-local matters.)
Cost/resources	Unknown
Community involvement	This policy was community-driven. Communities facing displacement in the late 1980s (as a result of the city's efforts to revitalize formerly disinvested neighborhoods) demanded policy measures to help keep them intact. Community Preference was one of the tools the City enacted in response.
Strengths	City attorneys are willing to go to bat against fair housing groups to defend this policy.
Weaknesses	Nondurational; possibly exacerbates segregation, as it strongly limits access to new affordable housing options for people outside those neighborhoods.

PORTLAND, OREGON

Date	2015
Terms	North and Northeast Preference Policy/Affordable Housing Preference Policy
Preferences	The waitlist prioritizes the hundreds of households who owned property that was taken by Portland City government through eminent domain during urban renewal, and those who live in North/Northeast Portland, which was historically the African-American hub in the city. Preference points are based on current or historic residency in North/Northeast Portland of current/ former residents and their ancestors.
% of units set aside	40%; 82 total units in Portland's portfolio subject to preference
Eligible developments	The Portland Housing Bureau (PHB) funds the development of affordable rental housing, homeownership opportunities, and down payment assistance for first-time homebuyers. When any of these opportunities become available in North/Northeast Portland, PHB uses the waitlist.
Eligible incomes	Households must have an annual income between 30% – 60% of the Area Median Income (AMI) to be eligible for the rental housing opportunity.
Geography	A single neighborhood (Northeast Portland)
Cost/resources	The policy is funded by $96M towards building 100 new and affordable homes each year for ten years (2015–2025), in addition to preserving buildings and helping families stay or return; 1.5 FTE staffing for the program (up to 4 during leasing).
Community involvement	City-driven, with community engagement. Gathered input from more than 450 residents, who shared their lived experiences and thoughts about what housing assistance would have the greatest impact.
Strengths	Both anticipatory and reparative.
Weaknesses	Not highly scalable; only has helped a few dozen households.
Points of interest	It focuses its attention on affordable homeownership opportunities in these neighborhoods, instead of on a broader housing lottery for rental housing.

SAN FRANCISCO, CALIFORNIA

Date	2015
Terms	Residency preference; neighborhood preference
Preferences	Four separate preference programs impacting lotteries: 1) Current and former residents displaced by urban renewal (Certificate of Preference, COP); 2) Current and former residents displaced by no fault evictions or fires (Displaced Tenant Housing Preference Program, DTHP); 3) Residents who currently live in the same Supervisorial District as, or half-mile from, the property (Neighborhood Resident Housing Preference, NRHP); and 4) Applicants who currently live or work in San Francisco. All available units can be set aside for applicants with COP. DTHP and NRHP are available in properties with five or more units. Any available units left are set aside for the Live/Work preference.
% of units set aside	DTHP can be used for up to 20% of the units in a project; NRHP can be used in up to 40% of the units in a project; 22,500 total units in SF's portfolio subject to preference.
Eligible developments	Applies to affordable units in both city-funded inclusionary housing developments, and private (nonprofit) developments built as part of the city's incentive zoning program; DTHP and NRHP only available when in properties with five or more units.
Eligible incomes	Income eligibility for units for sale in SF is generally maximum 100% AMI, ranging from 80-120%. Income eligibility for rental units varies even more, with many below 100% AMI.
Geography	For NRHP, preferential access to residents living in the same district
Cost/resources	5.25 FTE for staffing
Community involvement	Mostly city-driven, but community input largely motivated the Neighborhood Resident Housing Preference portion of the policy (for those living within a half-mile radius), especially activists in communities of color who felt like affordable housing they had advocated for in their neighborhoods was not serving neighborhood residents.

Strengths	Both anticipatory and reparative; in most cases, supported by HUD and fair housing groups; no disparate impact detected by two years of analysis.
Weaknesses	Except limited NRHP units, very broad, extends across the city beyond individual communities.
Points of interest	Since July 2016, 31 housing projects have been completed under the community preference policy, creating 629 units that have been marketed through the program. By June 30, 2023, a further 33 developments that trigger the policy will be online; HUD challenged the application of the NRHP to 40% of units in the Section 202-funded Willie B. Kennedy Apartments. To receive approval, the city opened up this preference to census tracts throughout SF facing the highest displacement pressures.

SEATTLE, WASHINGTON

Date	2019
Terms	Community Preference
Preferences	Open to any low-income resident living in one of the city's census tracts at high risk of displacement.
% of units set aside	Details will be decided on a case-by-case basis. For the Community Preference program at the Gardner House development in Rainier Valley, 20 of the 95 units (just over 20%) in the building will be set aside as Community Preference; 27 units available for households living anywhere and earning between 50% and 60% of AMI are available from the start of leasing.
Eligible developments	This policy is not mandatory. Developers receiving city money to build in census tracts at high risk of displacement can choose to opt in. It is anticipated that nonprofit developers would be the most likely to take advantage of the option, because there is no profit incentive for market-rate developers to participate in the program.
Eligible incomes	Details will be decided on a case-by-case basis.
Geography	A variety of neighborhoods in the city, including Othello, South Park, Rainier Beach, Columbia City, Beacon Hill, Bitter Lake, the Chinatown-International District, and others.
Cost/resources	Unknown
Community involvement	Community driven. Communities experiencing rapid growth and displacement requested that the City develop a preference policy to prioritize local residents (and prior local residents and/or local workers in some locations).
Strengths	No trouble with HUD so far
Weaknesses	Developers on their own legally, no support from City to challenges by FHA; potentially less impactful because not mandatory

Points of interest	Legislation paired with updates to an affirmative marketing policy supporting outreach through community-based organizations to promote housing opportunities for underserved groups citywide. Now housing developers receiving funding from the city and building affordable units in neighborhoods at high risk of displacement will need to submit an Affirmative Marketing Plan and maintain records of their efforts. In 2020, the Chief Seattle's Club Coalition to End Urban Indigenous Homelessness received a grant from Communities of Opportunity (COO) which will partly be used to ensure the City's new Community Preference policy includes AI/ANs as displaced people.

APPLICATIONS TO SKYWAY-WEST HILL AND NORTH HIGHLINE

North Highline residents want to keep their families living near them, yet many young family members are moving to south King County for greater affordability. There are many feelings of anxiety around growth and development, and a need for property owners, developers, planners, and the government to have accountability to the community (Robinson Communications 2017). Applying CP to new housing developments could help families stay together in North Highline and relieve feelings of anxiety around growth in the area by indicating to residents that these new investments are for them. Right-to-return policies could also be relevant; residents report that displacement has already begun (Robinson Communications, 2017).

In Skyway-West Hill as well, families are forced out of the neighborhood due to increasing housing prices, profoundly impacting youth who must leave their friends and community (Block 2020). Data also point to the struggles with unaffordable housing in Skyway-West Hill: 47.7% of the households with a mortgage and 54.4% of rental households in Skyway-West Hill are living in housing that is unaffordable based on their income. Meanwhile, the community faces a lack of affordable options, having only 166 units of affordable housing. Only 53 of those require income restrictions for tenants (Skyway Solutions).

Roughly 47% of the households with a mortgage and 54% of rental households in Skyway-West Hill are living in housing that is unaffordable based on their income.

Community members called for new housing types that provide affordable ownership opportunities in the Skyway-West Hill Action Plan (SWAP) (Skyway Solutions). The Skyway-West Hill community has expressed an explicit desire for a community preference policy: "Futurewise and Skyway Solutions are advocating for the King County Council to consider a full set of equitable policies to improve the overall subarea plan" which includes: a community preference policy applying to "all affordable housing units in the subarea, including any new units created by private developments participating in the new inclusionary zoning requirements" (The Urbanist 2019). Further, RtR could be used to ameliorate and acknowledge the damage displacement causes to the community.

Skyway-West Hill and North Highline have well-connected community-based organizations through which affordable housing units set aside for community members could be affirmatively marketed. However, in both locations there is the potential of legal challenges by fair housing advocates, of which it appears King County is aware. Discussing the Alternative Housing Demonstration Project proposed for North Highline, a resident asked, "We keep hearing that this project is for our community, but for other recent projects we asked if we can prioritize them for local residents, but were told we can't." Mark Ellerbrook, Division Director for King County Housing & Community Development, responded: "We can't legally restrict any housing unit for a particular neighborhood, because of fair housing. What we can (and will) do is 'affirmative marketing' to work with local business owners to market this new building to people who live in the community" (Grotelueschen 2019).

RECOMMENDATIONS FOR IMPLEMENTATION

Community preference is an anti-displacement tool that can be very powerful when combined with policies that address other aspects of affordable housing and gentrification. However, like many of the strategies listed in this report, it should not be used without first studying and understanding an area's specific displacement concerns and dynamics, to determine appropriate strategies to combat that displacement. Community preference may or may not be an effective tool in all cases, especially if it is compromised to guarantee legal robustness.

In enacting a community preference policy, we recommend that the county streamline implementation by developing a county-administered application and lottery process for all affordable units in unincorporated King County. We also recommend defining policy goals, creating metrics for effectiveness, and collecting data to measure policy impact (Kaplan 2019). While durational guidelines for preference based on residency would allow the prime beneficiaries of these policies to be long-standing residents, they must be implemented with care as they are legally tenuous; courts have decided that policies based on the duration of residence in a location infringes on the right to travel implied in the Constitution (Kaplan 2019). That said, Austin, Texas, created a durational guideline in providing preference for low-income people with ties to rapidly changing neighborhoods who are at risk of being displaced or have been, and can prove they or an immediate family member lived in these rapidly changing areas in 2000. It is unclear just how this avoids legal challenges based on right to travel. Perhaps the problem is avoided through defining the period after 2000 as a time of intense neighborhood change and giving preference to people similar to preferences based on displacement as a result of urban renewal. Austin's policy is new, passed in 2019, so it may face legal challenges later.

We also recommend that those crafting the policy create a breadth of preference categories to minimize the risk of lawsuits. The policies where preference is not limited solely to current residence in a city, but includes other criteria, have avoided lawsuits (Kaplan 2019). For example, a city might combine a live/work preference with a preference for current and former residents displaced by government action/no-fault evictions. In San Francisco, the urban renewal preference has never been subject to legal challenge, signaling that this specific preference is less legally vulnerable. We also recommend choosing funding sources for affordable housing that lower the risk of HUD challenges. For example, financing projects with Community Development Block Grants (CDBG) or the HOME Investment Partnerships Program does not require HUD to approve the preferences in place. Other sources of federal funding result in more HUD oversight (Kaplan 2019).

As in Seattle (Seattle Office of Housing 2019), community preference might be combined with affirmative marketing through community-based organizations to promote housing opportunities for underserved groups. It also may be combined with right-to-return, for a strategy that is both anticipatory and reparative and serves both displaced residents

and residents at risk of displacement, as in Austin, Portland, and San Francisco. Furthermore, it is recommended to combine community preference with other strategies that: 1) help keep people in place who want to stay (e.g., rent control, enhanced tenant legal protections, legal assistance), and 2) increase choice (e.g., opening up exclusionary communities; voluntary mobility vouchers) (Goetz 2018). Bundling community preference with strategies that provide additional choices might address the concerns of fair housing advocates.

Finally, in 2020 Chief Seattle's Club Coalition to End Urban Indigenous Homelessness received a grant from Communities of Opportunity (COO), which will be used partly to ensure the City's new Community Preference policy includes American Indians/Alaska Natives as displaced people (COO 2020). As far as we have seen, the displacement of these groups has not been addressed in other community preference or right-to-return policies. We would recommend this be considered given the long history of forced exclusion of Lushootseed Peoples in Puget Sound (Thrush; Ott 2014).

RECOMMENDATIONS FOR FUTURE EXPLORATIONS

Based on the finding that combining a variety of preference categories minimizes the risk of lawsuits, it would be useful to determine which other preferences (in addition to preference based on residence) could be relevant in Skyway-West Hill and North Highline. For example, did urban renewal projects in the past displace residents? If so, King County might set up a preference for displaced residents and their families. Are there a significant number of people who currently work in Skyway-West Hill and North Highline but do not reside in those areas, making a live/work preference applicable?

During our research, we consulted with Professor Edward Goetz of the University of Minnesota, an expert on affordable housing policy. Professor Goetz recently conducted an analysis of community preference for the City of Minneapolis as they explore implementing this policy. His approach was adopted from the City of San Francisco's analysis of its community preference policy. Below are specific steps Prof. Goetz took in his analysis, to determine policy parameters that would avoid disparate impact (Goetz 2020).

1. Collect race/ethnicity and income data by census tract. Compute the percent AMI you are interested in for level of authority. Calculate for each census tract, and for the county as a whole, how many households of large race/ethnicity groups (e.g., Black, white, Asian, Hispanic) are at or below % AMI of interest.
2. Aggregate census tract data to the geography of interest (neighborhood, community district, etc.).
3. Model a program setting aside a certain percentage (25%, 40%, etc.) of newly-created subsidized units operating for all households up to %AMI of interest. For instance, in a case where 100 newly-created subsidized units come online, ensure that both the income and the racial/ethnic makeup of those households that are chosen is directly proportional to population of eligible households. Further monitor that accepted applicants come from all over the county in proportion to the number of eligible households in each part of the county. Then, allocate 75% of the new units according to the countywide racial/ethnic makeup of eligible households. Allocate the remaining 25% of the new units according to the racial/ethnic makeup of one geography unit (neighborhood, district, etc.).
4. Calculate the overall placement rate for each racial/ethnic group. Apply a test to determine whether any group was disparately affected in terms of the rate at which it gained access to the units, by comparing each group compared to each other group (i.e. Black/white, Black/Asian, Black/Hispanic, white/Asian, white/Hispanic, and Asian/Hispanic). The ratio needs to be within a range of .80 to 1.25 to align with the four/fifths rule that the courts have applied to determine disparate impact.
5. Repeat step 4 for all geographical units in the county.
6. In a separate test, instead of comparing one group to another, one could compare a group's placement rate with the preference to what it would have been without the preference. Again, if this ratio is between .80 and 1.25, it passes the four/fifths test.
7. In a well-organized Excel file, you can adjust the preference percentage (i.e., 25% to 30%) and see what happens to the ratios.

Some of Goetz's findings for Minneapolis led him to recommend that their community preference policies use a scale larger than the neighborhood they are targeting, while also reducing the percentage of units set aside as a part of CP policies. This would avoid causing disparate impacts while still allowing some community preservation.
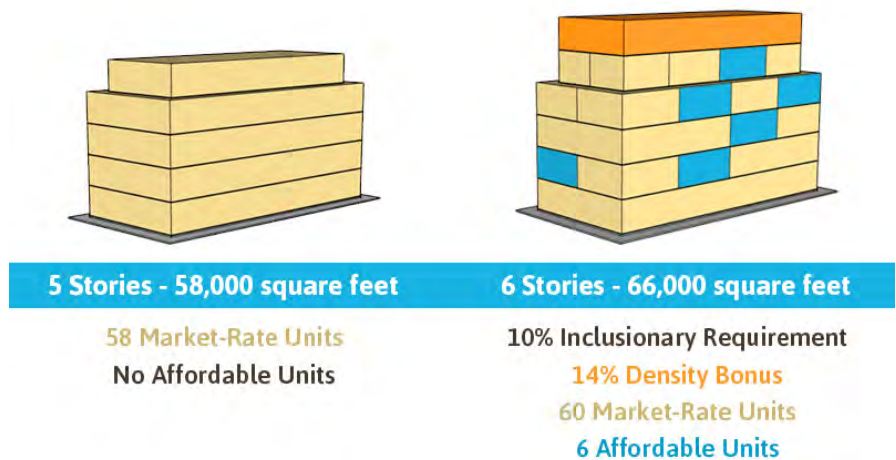
Peoples Temple members rally January 1977 to protest eviction of the mostly elderly Filipino tenants who lived at the International Hotel in Manilatown in San Francisco.
NANCY WONG

INCLUSIONARY ZONING

INTRODUCTION

Inclusionary Zoning (IZ) is a zoning policy that targets the problem of households struggling to afford housing (Hamilton 2019). It requires or incentivizes developers through density bonuses to reserve a certain percentage of new residential development as affordable to low-and moderate-income households (Brunick n.d.). The movement began in the 1960's and 1970's (Lerman 2006) and was created in response to the US historical legacy of exclusionary zoning (Schuetz et al. 2009). As such, it has also developed as a tool of desegregation in response to legal loopholes advocated by those who seek to prevent the construction of affordable housing in their neighborhood (Schneider 2018). IZ grew significantly during the 2000s housing boom in the US (Mukhija et al. 2015), with 70% of the programs created after the year 2000 (Schneider 2018). IZ has become increasingly popular as a way to produce affordable housing through the private market and it remains one of the main tools municipalities have for keeping high-opportunity areas affordable (Schneider 2018).

HOW INCLUSIONARY ZONING WORKS

5 Stories - 58,000 square feet

58 Market-Rate Units
No Affordable Units

6 Stories - 66,000 square feet

10% Inclusionary Requirement
14% Density Bonus
60 Market-Rate Units
6 Affordable Units

GROUNDED SOLUTIONS NETWORK

The implementation and scale of Inclusionary Zoning varies, but there are some common themes. The basic idea is the local government assigns limits for income and unit prices to maintain affordability (Rusk 2006). It serves mostly the population that struggles to afford market-rate rents in their neighborhood or jurisdiction of choice, but who are not recipients

of other public assistance for housing that is typically targeted toward a lower-income population. More specifically, IZ typically targets low- and moderate-income households with incomes between 51 and 80% of the local area median income (AMI). Researchers found that "IZ programs are very unlikely to require housing affordable to very low-income households with only 2% of programs targeting households with incomes below 50% of AMI" (Stromberg and Sturtevant 2016). Nonetheless, IZ programs promote mixed-income housing development, which can reduce socioeconomic segregation (Hamilton 2019).

Research reveals other trends in the implementation of IZ including:

1. when states expressly authorize local IZ programs or grant local home rule, local jurisdictions are much quicker to adopt IZ policies;
2. higher home ownership rates are associated with slower rates of adoption of IZ programs;
3. IZ programs are adopted more quickly in jurisdictions with younger, college educated populations;
4. places with higher shares of rent burdened household are more likely to adopt an IZ program; and
5. whether a local jurisdiction adopts a mandatory versus a voluntary program varies from state to state (Stromberg & Sturtevant 2016).

IZ programs are very unlikely to require housing affordable to very low-income households with only 2% of programs targeting households with incomes below 50% of AMI. (Stromberg and Sturtevant 2016).

Inclusionary Zoning can be mandatory or voluntary, although the majority of programs (80%) are mandatory (Stromberg & Sturtevant 2016). For example, jurisdictions in California adopt mandatory IZ programs more frequently than voluntary programs, while jurisdictions in Massachusetts have adopted mainly voluntary programs (Stromberg & Sturtevant 2016). Sometimes a combination of both are implemented in the same city.
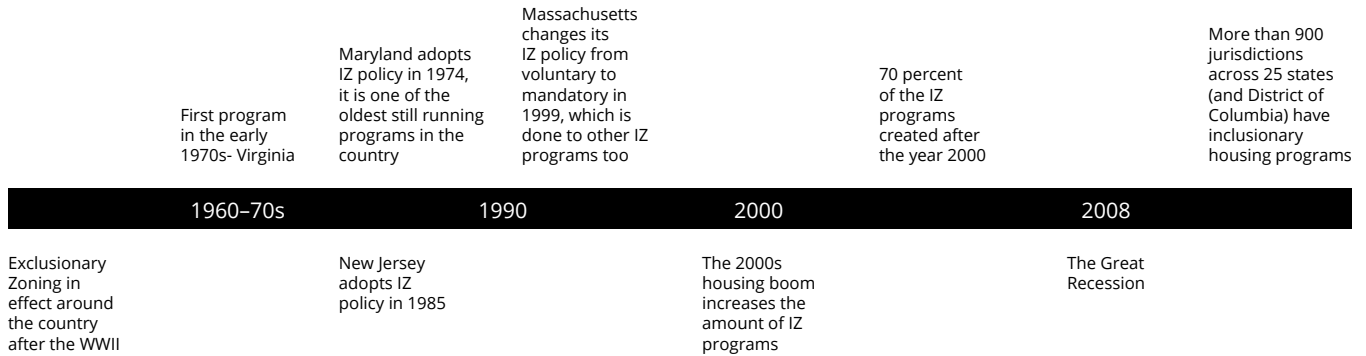
When designing an IZ program, law professor Tim Iglesias (2015) identifies these key issues:

1. whether inclusionary zoning should be voluntary or mandatory;
2. whether the requirement should apply to the whole jurisdiction or just specified areas;
3. what type(s) of project(s) should be subject to the requirement and at what number of units;
4. what percentage of set-aside to require;
5. what depth of affordability to require;
6. the relative quality and amenities of affordable housing units and market-rate units; and
7. how much to accommodate developers' economic interests; and
8. what should be the length of the required affordability (p. 586).

Mandatory programs require developers to comply with affordability requirements as part of the approval process for market rate projects. These programs have resulted in a greater number of affordable units created (Brunik 2004, Iglesias 2015), but require enforcement mechanisms to address failures to comply, or otherwise face legal challenges if alternatives (like off-site housing, which can perpetuate segregation, or imposed fees) are not included. If policies do provide alternative compliance options, it is less likely affordable units will be built on-site.

The few voluntary IZ programs that exist (fewer than 20%) incentivize developers without a mandatory ordinance. Examples of this approach can be found in Cambridge, Massachusetts; Irvine, California; and Orange County, California. These cases offer useful lessons in underscoring why mandatory programs are crucial to the success of IZ in terms of providing a larger number of affordable units in a shorter period of time (Ziegler 2002). Voluntary programs have been less successful overall, and must have strong incentives for developers to work (Lubell 2016, Mukhija et al. 2015).

TIMELINE OF INCLUSIONARY ZONING

	Maryland adopts IZ policy in 1974, it is one of the oldest still running programs in the country	Massachusetts changes its IZ policy from voluntary to mandatory in 1999, which is done to other IZ programs too	70 percent of the IZ programs created after the year 2000	More than 900 jurisdictions across 25 states (and District of Columbia) have inclusionary housing programs
First program in the early 1970s- Virginia				

1960–70s	**1990**	**2000**	**2008**

Exclusionary Zoning in effect around the country after the WWII	New Jersey adopts IZ policy in 1985	The 2000s housing boom increases the amount of IZ programs	The Great Recession

SIIRI MIKOLA, LCY STUDENT TEAM

STRENGTHS

Like any policy, Inclusionary Zoning has its strengths and weaknesses. Among the strengths, IZ is a popular tool for getting the private market to subsidize affordable housing (Schneider 2018), which is particularly helpful in markets like South King County that are experiencing pressures from economic growth and increased risk of displacement. In addition, IZ policies encourage developers to include the affordable units on site, which facilitates the social (race and class) mixing desired for desegregation. This is key because developers might also have the option to build below-market rate units at another site or contribute to an affordable housing fund, but these options are often more expensive (Schneider 2018). Other benefits include helping low-income families access a range of opportunities and services in neighborhoods (Brown 2001), and the following:

- Does not require direct public subsidies
- Supports smart growth principles and protects against disinvestment
- Effective at providing below-market-rate units that would not otherwise be produced
- Produces affordable units in a geographically dispersed pattern

CHALLENGES

IZ is still a controversial planning tool and receives most of its criticism from developers and some economists. The main arguments are that it is not effective in producing affordable housing and that it gradually raises prices in the surrounding area offsite or in the market-rate housing created on site. The effect on market-rate housing production and prices is an important question (Schuetz et al. 2009). In some cases, IZ has raised housing prices when the market-rate unit prices are set to fill in the "lost" money from the affordable units. This is the most harmful for those low-income residents who do not qualify for the affordable units built (Hamilton, 2019). Other anti-poverty critics maintain that it does not adequately address the housing needs of low-income people (Schneider 2018).

Iglesias (2015) lists three possible risks of inclusionary zoning: unacknowledged tradeoffs between affordable housing and fair housing goals in IZ design and implementation; conflicting concepts of residential integration; and legal challenges (p. 585). One important question "is whether the IZ ordinance should include alternative compliance options to on-site development of the affordable units." If alternative compliance options are available (e.g., off-site development, land dedication and in-lieu fees), it is less likely that affordable units will be built on site.

The integration of below-market units with market-rate units is another key issue of IZ. Such integration is often seen as a key benefit of IZ, but what is meant by "integration" needs to be well-defined. Other questions related to integration that are crucial for IZ include being clear about the goal of integration and the mechanism deployed to support integration. For example, Young (2005) notes that below-market units must be of similar size and quality as the market-rate units and must be spread throughout the project to avoid "ghettoization" (as quoted in Iglesias 2015).

Another possible pitfall of IZ is that it seems "free" to implement as it does not necessarily require public investment. This "if we zone it, it will be built" attitude might result in ineffective policies that do not actually produce affordable housing effectively (Brunick n.d.).

Issues with mandatory inclusionary programs is that states must have enforcement mechanisms, such as financial sanctions, to address any failure to comply with a statewide inclusionary program. Another drawback is a strong resistance from developers (Lerman 2006).

Although incentives like density bonuses are not required for mandatory inclusionary zoning programs, developers must have an alternative for the program to be upheld legally (Lerman 2006). Examples include off-site housing or imposed fees, instead of on-site affordable housing.

Literature from law journals indicate that developers challenge inclusionary zoning ordinance as a denial of "due process" or taking of private property. Developers argue that the inclusionary zoning ordinance is a transfer of property from the developer to low income individuals, and therefore, is a taking (Nolan v. City of Tigard, 1994). To avoid this challenge, the legislation must "substantially advance" legitimate government goals and not deny developers "all economically viable use" of the property (Kautz 2002 referencing the case of the Associated Home Builds in City of Napa).

DEVELOPER COMPENSATIONS: PROS AND CONS

To ensure the provision of affordable housing that is integrated into a site or neighborhood there are several incentives provided to developers who otherwise might resist inclusionary zoning. These are described below.

DENSITY BONUSES

Allows developers to build at greater density than residential zones typically permit in exchange for including affordable units. This allows developers to build additional market-rate units without having to acquire more land. Most jurisdictions offer density bonuses. Typically, they are equivalent to the required set-aside percentage. For example, Santa Fe, which varies its set-aside from 11–16% depending on the character of market rate units, matches its density bonuses accordingly.

UNIT SIZE REDUCTION

This allows developers to build smaller or differently configured inclusionary units, relative to market rate units.. Most programs allow unit size reduction while establishing minimum sizes. Burlington, Vermont, requires that inclusionary units be no smaller than 750 sq. ft (1 bedroom), 1000 sq. ft (2 bedroom), 1100 sq. ft (3 bedroom) or 1250 sq. ft (4-bedroom). However, affordable housing advocates express concern that below-market rate units be comparable to those of market-rate in size and amenities to fulfill IZ's potential for social integration.

RELAXED PARKING REQUIREMENTS

IZ can include certain allowances related to parking for residents. This allows parking space efficiency in higher density developments with underground or structured parking, reducing the number or sizes of spaces or allowing tandem parking. Denver, Colorado, waives 10 required parking space for each additional affordable unit, up to a total of 20 percent of the original parking requirement.

DESIGN FLEXIBILITY

This gives flexibility to design guidelines, such as reduced setbacks from the street or property line. It can also be a waived minimum lot size requirement, using land more efficiently. Boston, Massachusetts, grants inclusionary housing projects greater floor-to-area ratio allowances. Sacramento, California, permits modifications of road width, lot coverage, and minimum lot size in relation to design and infrastructure needs.

FEE DEFERRALS

Reduces costs by waiving the impact and/or permit fees that support infrastructure development and municipal services. A jurisdiction must budget for this, since it will mean a loss of revenue. Longmont, Colorado, waives up to 14 fees if more affordable units (or units at deeper levels of affordability) are provided. Average fees waived are $3,250 per single family home and $2,283 per apartment unit.

FAST TRACK PERMITTING

Streamlines the permitting process for development projects, reducing developers' carrying costs (e.g., interest payments on predevelopment loans and other land and property taxes). Sacramento, California, expedites the permitting of inclusionary zoning projects to 90 days from the usual time frame of 9-12 months. The City estimates an average savings of $250,000 per project.

CONNECTIONS TO OTHER ANTI-DISPLACEMENT STRATEGIES AND LONG-TERM AFFORDABILITY

Strategy	Explanation of Connection
CBA	A CBA could help developers engage with the community, and IZ could bring benefits to developers.
CP	A Community Preference policy could push IZ towards a more proactive strategy, where those with current or historic ties to the neighborhood are given preference for affordable units in IZ properties.
NNL	No Net Loss could possibly serve as a "guiding" policy for IZ, as it usually covers a larger geographic area.
CLT	Partnering with a Community Land Trust could help IZ programs improve maintenance and management of properties and ensure long-term affordability.
Affordable Homeownership	In cases where developments include units for sale, IZ creates affordable homeownership opportunities.

The link between IZ and affordable homeownership is evident in the policy literature. Building from Jacobus (2001), Hickey et al identifies key elements to prompt long-term affordability of inclusionary housing units:

1. Overseeing production (also rental)
2. Pricing units (also rental)
3. Education of potential buyers
4. Screening and selecting residents (also rental)
5. Ensuring access to financing
6. Monitoring occupancy and payments (also rental)
7. Managing resales
8. Enforcing other requirements (also rental)

IZ efforts can include third party partnerships with nonprofit

organizations, such as community land trusts, for-profit administrative agents, local housing authorities, and nonprofit housing developers. These partnerships help inclusionary programs to improve maintenance and oversight of properties. Hickey (2014) discusses the various legal mechanisms used to create legal and long-lasting affordability. The first

mechanism is a ground lease, which is a legal model used by Community Land Trusts when implementing homeownership programs. The Ground Lease implemented in new IZ projects under the supervision of a nonprofit organization such as a CLT could be a legally durable and enforceable document.

Deed covenants or deed restrictions are used to make sure the price of the home stays affordable for subsequent income-qualified buyers under resale. Other Shared Equity Homeownership (SEH) programs use shared appreciate loans to provide long-term affordability. They operate as soft second mortgage loans. These are structured as 30-year, due-on-sale loans with 0% interest (Hickey et al. 2014). "Therefore, the homeowner makes affordable monthly mortgage payments on the first mortgage loan, pays off the second mortgage loan upon resale, and shares some portion of the proceeds at resale with the SEH program. Consequently, the program will then issue a new second mortgage loan to the subsequent lower income homebuyer, which will be increased as needed to make the fair market valuable affordable to the next buyer" (Hickey et al. 2014).

The table below addresses long-term affordability from 330 inclusionary housing programs nationwide. The table below states that only 12% of programs have affordability terms of more than 15 years. "Long-term affordability is more frequently required of rental units than for-sale units, but not by a sizable margin. Hence, these findings confirm that inclusionary housing programs are preserving affordability for longer durations than federal affordable housing programs," (Hickey et al. 2014).

AFFORDABILITY TERMS FOR INCLUSIONARY HOUSING PROGRAMS IN THE US[a]

Affordability Term Length (years)	Rental	%	For-sale	%
0 to 14	37	12%	49	15%
15 to 29	24	8%	31	9%
30 to 49	69	23%	100	31%
50 to 98	66	22%	38	12%
99 or perpetual	110	36%	109	33%
Total	306[b]	100%	327[b]	100%

HICKEY, STURTEVANT AND THADEN 2014

[a] *Includes 330 programs for which there is affordability term length data*
[b] *24 programs only apply their requirements to homeownership units, and 3 programs only apply them to rental units.*

The following tables highlight studies that focus on five features of program design that affect IZ units over time (Hickey et al. 2014):

1. Affordability periods
2. Legal mechanism
3. Resale controls
4. Stewardship practices
5. Administrative partnerships

Jurisdiction	Affordability Period (in years)		Homeownership Program's Legal Mechanism	Resale Formula	Requires Homebuyer Education	Who administers	Total Inclusionary Housing Production [a]		
	Rental	For-Sale					Total	Rental	Sale
Boulder	Perpetuity	Perpetuity	Deed covenant	Fixed-percentage	No	Rental: Boulder housing authority and nonprofit agencies; For-sale: in-house	~ 750	~ 625	~ 125
Burlington	99	99	Deed covenant or ground lease	Appraisal-based	No	Rental: in-house; For-sale: mostly Champlain Housing Trust (CLT)	212	87	125
Cambridge	Perpetuity	Perpetuity	Deed covenant	"Return on Equity" [b]	Yes	In-house	527	334	193
Chapel Hill	N/A	99	Ground lease	Appraisal-based	No	Community Home Trust (CLT)	190	N/A	190
Chicago	30	99	Deed covenant	Appraisal-based	Yes	Rental: in-house; For-sale: Chicago Community Land Trust (CLT)	~ 850		
San Mateo	Life of building	45	Deed covenant	Index-based	No	In-house	325	196	129
Davidson	99	99	Deed covenant	Index-based	Yes	In-house	64	8	56
Davis	Perpetuity	Perpetuity	Deed covenant	Fixed-percentage	Yes	In-house	~ 2,000	~ 1200	~ 800
Denver	15	15	Deed covenant or ground lease	Index-based	Yes	In-house; Colorado	77	0	77

HICKEY, STURTEVANT AND THADEN 2014

Location	Ownership term	Rental term	Mechanism	Resale formula	Counseling	Administered by	Total	Ownership	Rental
						Community Land Trust (CLT)			
Fairfax County	Affordable Dwelling Unit (ADU) policy: 30 Workforce Dwelling Unit (WDU) policy: 50	ADU policy: 30 WDU policy: 30	Deed covenant	Index-based	Yes	In-house; Fairfax County Redevelopment & Housing Authority (FCRHA)	ADU: 2,560 WDU: 162	ADU: 1,200 WDU: 162	ADU: 1,360 WDU: 0
Irvine	30	30	Deed covenant or ground lease	Index-based	Yes	Irvine Community Land Trust (CLT)	417	404	13
Montgomery County	99	30	Deed covenant	Index-based	No	In-house; Housing Authority (HOC); nonprofits	14,029	4,468	9,561
New Jersey	30 [c]	30 [c]	Deed covenant	Index-based	Yes[d]	In-house, property developers, for-profit firms	18,256 (as of January 2007)		
Park City	40 [e]	40 [e]	Deed covenant	Fixed-percentage	No	In-house	137	45	92
Redmond	Life of building	50 [f]	Deed covenant	Index-based	No	ARCH (nonprofit)	~308	~283	~25
San Francisco	Perpetuity	Perpetuity	Deed covenant	Index-based	Yes	In-house	1,560	632	928
Santa Fe	10	Perpetuity	Shared appreciation loan	Appraisal-based	Yes	In-house	154	38	116
San Mateo	Life of building	45	Deed covenant	Index-based	No	In-house	325	196	129
Santa Monica	55	55	Deed covenant	Mortgage-based [g]	No	In-house	~1000	998	2
Stamford	Perpetuity	Perpetuity	Deed covenant	Index-based	No	In-house	449	347	102
Washington DC	Perpetuity	Perpetuity	Deed covenant	Index-based	Yes	In-house	53	47	6

HICKEY, STURTEVANT AND THADEN 2014

(a) As of March 2014, unless otherwise indicated. Figures reflect total units built to meet program requirements on-site, off-site, or through land dedication. These figures do not include affordable units supported with the support of in-lieu fees.

(b) Formula allows for an annual return based on annual principal payments multiplied by a rate tied to a federal Treasury Bill. The return is calculated annually without compounding and added to the original purchase price.

(c) As of 2006, ordinances must be designed with affordability restrictions that continue "until the municipality elects to release the unit from such requirements," which can be no sooner than 30 years from initial purchase. In practice this amounts to default, perpetual affordability requirements.

(d) Applicant households are required to homeownership counseling if monthly housing expenses for the home will be more than 33 percent of monthly income.

(e) After 40 years, the city has the option of extending the affordability term for another 10 years.

(f) For homes sold after the control period, the city recaptures any proceeds from sales in excess of the designated affordable price.

(g) The resale price is determined by calculating the maximum mortgage financing a buyer at a certain income level can afford at a targeted household level (taking into account mortgage interest rates, property taxes, and insurance rates when the home is resold

INCLUSIONARY ZONING IN THE US

GROUNDED SOLUTIONS NETWORK (GSN) INCLUSIONARY HOUSING MAP & PROGRAM DATABASE.
SEE ALSO WWW.INCLUSIONARYHOUSING.ORG, A WEBSITE MAINTAINED BY GSN "DEDICATED TO HELPING COMMUNITIES DESIGN
MAINTAIN AND LEARN ABOUT THE IMPACT OF INCLUSIONARY POLICY."

State Legal Frameworks for Local Inclusionary Housing Policies

IH PERMITTED: All types of inclusionary housing policies are explicitly permitted by legislation.

NO BARRIERS TO IH: The state is a "home rule" state and rent control is not prohibited nor are there other potential sources of risk under state law.

BARRIERS MAY EXIST TO IH: Legal barriers may exist to local inclusionary housing policies (particularly mandatory policies that do not allow developers to "opt out" of the program), e.g. state law limits local rent control provisions or the state is a "Dillon's Rule" state and no statute expressly authorizes inclusionary housing measures

IH PROHIBITED: At least some form of local inclusionary housing policies (typically mandatory policies) are clearly prohibited for both ownership and rental housing, either by statute or by court decision.

Local Governments with Inclusionary Housing

Number of features

> 178

130

90

40

1
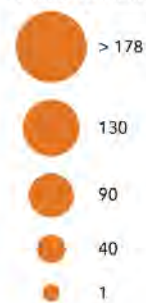
STRATEGY PRECEDENTS

More than 900 jurisdictions across 25 states have inclusionary housing programs. IZ programs are most common in New Jersey, Massachusetts, and California where state laws incentivize or require localities to create a definable share of affordable housing (Hickey et al. 2014; Grounded Solution Network n.d.). Grounded Solutions Network created an Inclusionary Housing Map & Program Database that indicates the distribution of inclusionary housing programs across the country. Their location and prevalence vary with the state legal framework, from having very few barriers to inclusionary housing ("IH Permitted") where all types of inclusionary housing policies are explicitly permitted by legislation, to "no barriers to IH," through "barriers may exist" to "IH prohibited." Based on this, we examined a few city precedents where Inclusionary Zoning was permitted and implemented to shed light on implementation.

NEW ORLEANS, LOUISIANA

On April 11, 2019, the New Orleans City Council unanimously approved an inclusionary zoning policy requiring that developers provide some affordable units in the city's strongest housing markets. In "core" neighborhoods like the French Quarter and the Central Business District, developments must include 10% affordable units, and in "strong" neighborhoods such as Tremé, Bywater, and the Lower Garden District, developers must set aside 5% of the units in a multifamily project. In "transitional" neighborhoods, developers are incentivized but not required to build affordable units. Under the new law, the reduced-rate units will need to be affordable for residents earning up to 60% of the median income, and affordability restrictions will last for 99 years. The city first implemented voluntary inclusionary zoning in 2015, then switched to mandatory in 2019.

CALIFORNIA

Cities in California have implemented a variety of inclusionary zoning programs   . In a 2014 report, the League of California Cities City Attorney's Department noted that about one-third of the cities in the state used some form of inclusionary housing to help produce affordable housing, but the legal landscape in California has continued to shift so there is continued vigilance and advocacy for inclusionary housing requirements (Faber and Cohen 2014). Details from our research on California indicate that a key issue is the specific features of state law that

mandate awareness and recognition of affordable housing. For example, "the Housing Element Law in California requires that a city's housing element identify sufficient sites that have appropriate zoning and are free from other physical and regulatory obstacles to be made available for affordable housing (Faber and Cohen 2014).

As in South King County, the need for affordable housing in California has increased in areas such as the San Francisco Bay Area for multiple reasons. First is the demise of redevelopment and reduction in federal programs that has led to a substantial decrease in funding available for affordable housing. Second, a booming local economy has lowered vacancy rates on rental housing and created a rise in rents as well as a tight market for medium- to high-density multi-family housing (Faber and Cohen 2014). Thus, California has, in recent years, made substantial headway in requiring developers to include affordable units in their projects.

Still, progress toward inclusionary housing is evident in California. The California Coastal Commission successfully encouraged municipalities within its jurisdiction to adopt ordinances requiring 25% of the municipalities' housing stock to be affordable housing. California Redevelopment law created affordable units by requiring that tax benefits of any redeveloped area be spent on affordable housing. The City of Napa instituted a mandatory inclusionary zoning program, upheld as a constitutional land-use ordinance. This progressive program requires a mandatory set-aside of 10% affordable units for all new developments without any incentives provided to the developer. "The California Supreme Court in Home Builders Association of Northern California v. City of Napa may have paved the way for courts nationwide to hold constitutional inclusionary programs...this provides these types of opportunities for Americans" (Lerman 2006).

SEATTLE, WASHINGTON

The City of Seattle passed The Housing Affordability and Livability Agenda (HALA), "a multi-pronged strategy for addressing housing affordability" in 2015. It is not a policy, but a collection of recommendations for future policies and tools (City of Seattle n.d.). HALA resulted in the Mandatory Housing Affordability (MHA) program in 2019 that upzones parts of Seattle. These policies and programs require developers who wish to build larger buildings to either pay to the city's affordable housing fund or include affordable units in their project. If the developer contributes to

the affordable housing fund, these funds will be used to build affordable housing elsewhere (City of Seattle n.d., Cohen 2019).

Both HALA and MHA are both praised and criticized by the community. Supporters praise the requirement that private developers pay their share for affordable housing (Gardheere and Pasciuto 2016). Others note that these landmark housing and land use policies center on delivering more affordable housing units across the city, with the MHA program aiming to provide around 20,000 units over the first decade of implementation (Fesler 2016).

However, there are concerns about the density and loss of neighborhood character created by these policies, along with a concern that MHA would not be able to create enough affordable housing (Bicknell 2019, Cohen 2019, Puget Sound Sage n.d.). Other concerns around MHA have emerged more recently. For example, an August 2020 article in Forbes noted that the specifics of MHA can create undue burdens on homeowners who simply wish to renovate their housing and still live in it as owner-occupied single-family housing (Wimer, August 10, 2020). Stipulations of the program make some home renovations prohibitively expensive as they are technically deemed "new construction" that ironically requires the provision of another affordable unit to be created in the process (Wimer 2020). Thus, as in all policies and strategies developed for affordable housing, intention alone is not enough; continued vigilance to the way MHA is implemented and mid-course corrections, when needed, are essential.

OTHER EXAMPLES

State legislators are simultaneously combatting exclusionary practices and discriminatory zoning techniques while implementing affordable housing measures, so there are lessons to glean from various state's experiences.

The 1985 New Jersey Fair Housing Act created affordable housing requirements for local jurisdictions throughout the state, which prompted many of the state's communities to adopt inclusionary housing policies (Hickey et al. 2014). As a result, New Jersey is one of a few states that have more than 100 inclusionary housing programs (Hickey et al. 2014). In New Jersey, inclusionary housing programs are second only to the Low Income Housing Tax Credit (LIHTC) program in terms of affordable housing production (Hickey et al 2014; Calavita and Mallach 2010).

Local NJ jurisdictions establish affordability requirements through strong legal mechanisms. For homeownership units, the most common tool is a deed covenant (Hickey et al. 2014). In terms of rental properties, and ensuring they are maintained, New Jersey jurisdictions draw on local housing trust funds supported by in-lieu fee payments to repair existing units (Hickey et al. 2014). Further, New Jersey has installed a statewide mandate for the types of program and production data that localities must collect, which helps ensure consistency in the quantity and quality of information kept at the local level.

Montgomery County, Maryland, is a suburban community outside of Washington DC that has been studied for its inclusionary housing program (Schwartz et al, 2012). The county established its Moderately Priced Dwelling Unit Program in 1974. Between 1974 and 1999, the inclusionary zoning program accounted for half of all the affordable housing built in the county (Hickey et al. 2014). Like any inclusionary housing program, affordability periods are important. Montgomery County began with a shorter-term affordability period of five years, but after 9400 of the 14,000 inclusionary homes that were built there in the past 40 years reverted to market rate when the control period expired, they extended their affordability period (Hickey et al 2014). IZ program applies to all residential developers between 25–50 units. Developers are required to reserve 12.5%–15% of the units as affordable, and in return receive a 22% density bonus. It has been largely successful in mixing affordable units with market-rate housing. Studies on the county found that its inclusionary housing program helped promote racial integration and enable children to attend lower poverty schools (Schwartz 2010).

APPLICATIONS TO SKYWAY-WEST HILL AND NORTH HIGHLINE

In considering the creation of Inclusionary Zoning in South King County, it is useful to consider the Inclusionary Housing Program Design Worksheet (See Appendix A) created by Grounded Solution Network, a national nonprofit organization whose mission is to cultivate equitable and inclusive communities by advancing affordable housing solutions. This worksheet was developed based on IZ policy research and offers insights in how to build an IZ policy tailored toward a specific jurisdiction's need. It advocates for the consideration for various possible program structures, policy choices, incentives and compliance alternative. Building

an IZ policy for Skyway-West Hill and North Highline should begin with a clear articulation of the driving concerns. For this area of South King County, a key concern is the risk of displacement. Part of the assessment of displacement in Skyway-West Hill and North Highline includes identifying the extent to which there is a need to mitigate displacement that has already happened and where the focus should be on preventing displacement from happening.

In developing Inclusionary Zoning policies, King County should consider the **four main structural elements** of such policies: whether it is mandatory or voluntary, the geographic coverage and whether the policy would be uniformly applied to the entire county or geographically targeted areas only, whether the type/tenure of development would focus on ownership, rental, or both, and the project threshold size, also known as the trigger, which is the minimum size of a project covered by the policy. Ten units is the most common trigger size but it can vary widely and can be different for rental or ownership projects (Grounded Solutions Network 2018).

Given the prevalence and overall success of mandatory IZ programs (Brunik 2004; Iglesias 2015), the student research team recommends that King County implement a mandatory program. In terms of geographic coverage, the County could create county-wide umbrella policy and develop a more specific policy for at-risk areas like Skyway-West Hill and North Highline to address the issues specific to those areas (Reyes 2018). We recommend that the latter policies be developed through community engagement processes. Such an approach would also shed light on what kind of distribution of units (rental, ownership, or a mix) is needed. The County will also need to consider the minimum size of a project covered by the policy depending on development pressures and projections for the area. Phased requirements have also been found to be beneficial (Reyes 2018).

The question of **affordability** defines the percentages of units that must be affordable and the affordability level, or the income level a household must clear in order to be eligible to live in an inclusionary unit (Grounded Solutions Network). Usually IZ policies are based on Area Median Income (AMI). Affordability levels for rental units are typically either ≤30% AMI, ≤60% AMI or ≤80% AMI. For ownership units, the affordability levels tend to be between 80% to 100% of AMI (Grounded Network Solutions). Some research suggests that when it comes to unit percentages, it seems that a lower percentage of set-aside units is more effective. That is, a

program with a modest affordability requirement will have less impact on a project's economics than a larger set-aside (Reyes 2018). Jurisdictions with stronger markets typically set aside 15 to 20% but in a somewhat softer market the ordinance requires only 10% of new developments to be affordable (Reyes 2018).

After creating the structure and defining affordability, **incentives and compliance alternatives** should be considered. These include several different types of compensations and sanctions and they should be chosen according to the concern (proactive or reactive?), structure (mandatory or voluntary?) and affordability (what kind of units?). Another important feature when creating an IZ policy is to note that it should change: "Case studies of several long-standing IZ programs suggest that IZ programs often evolve after their initial adoption." (Schuetz et al. 2009) This means there should be a certain time frame when the program gets updated. This will allow more flexibility and ability to react to changes in context. Also tracking the on-site and off-site affordable unit production is an important feature (Schuetz et al. 2009) and will help to refine the policy in the future.

BUILDING AN INCLUSIONARY ZONING POLICY CONCERN

STRUCTURE

- Mandatory/Voluntary
- Scale/Geographic Coverage
- Ownership/Rental/Both
- Trigger

AFFORDABILITY

- Percentage of units
- Affordability level

INCENTIVES + COMPLIANCE ALTERNATIVES

- Desnity bonuses
- Parking ratio reduction
- Fee reduction/waiver
- "Fast-tracking"
- Subsidy
- Tax Abandment
- Other?

- In Lieu Fees
- Off-site performance: partnership with nonprofits or comminity, land dedication

GRAPHIC BY SIIRI MIKOLA, LCY STUDENT TEAM. ADAPTED FROM THE GROUNDED SOLUTION NETWORK INCLUSIONARY HOUSING PROGRAM DESIGN WORKSHEET

Rally for Tenant Rights demanded "Don't Lock Us Out" of decent and affordable housing in Seattle, December 2017. ALEX GARLAND

MANUFACTURED HOUSING

INTRODUCTION

AFFORDABILITY

A key aspect of manufactured housing and mobile home parks are their affordability. Their preservation helps ensure economic stability for occupants. Planner Margaret Drury conducted a pioneering study of the mobile home industry. She concluded that:

"Being forced out of the conventional market, the mobile home industry has been operating in an extraterritorial market where it has had free rein. The industry has thus produced an innovative low-cost housing unit, and indeed, mobile homes have affected an unrecognized revolution in American housing."

Manufactured homes cost a mere fraction of the price for a new single-family site-built home. According to the 2017 American Community Survey, more than 17.5 million Americans live in manufactured homes, which provide the largest source of unsubsidized affordable housing in the United States (2017 American Community Survey).

What is more, manufactured housing acts as a vehicle for affordable homeownership. Homeownership has long been a source of stability and a principal source of wealth in the US. Mobile homes are a primary way that low-income households break into homeownership and establish economic stability.

> According to the Manufactured Housing Institute's National Communities Council (MHINCC), **manufactured homes** are homes built entirely in the factory under a federal building code administered by the US Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards, commonly known as "the HUD Code," went into effect June 15, 1976.
>
> **Mobile Homes** are "Pre HUD" manufactured homes. That is, they are also homes built entirely in the factory but they were built prior to the federal construction and safety standard. Any "manufactured homes" (constructed on a permanent chassis) built before June, 1976 are considered mobile homes. Mobile homes and manufactured homes have the same definition, pursuant to King County Code section 21A.06.732.

HIGH RISK OF DISPLACEMENT AND EVICTION

Along with its natural affordability, the tension between necessity and marginality of manufactured housing makes it the most vulnerable housing source. Occupants of manufactured homes are at a substantial risk of displacement and eviction (Genz 2001; Millard 2020 personal communication) but they are often overlooked as a unique, marginal type of housing. However, housing scholars have argued, "We need to promote and codify an understanding that manufactured housing is not mobile, not chattel, not disposable, and not a special case . . . Every housing advocate knows the gospel about homeownership . . . If we believe it, we should ask ourselves why it is acceptable to overlook millions of owner-occupied, depreciating homes that are cut off from the rest of the housing stock in a parallel legal universe" (Genz 2001).

The social stigma of manufactured housing is central to constructing the housing insecurity of mobile home park residents. Trailer residents are seen as a destabilizing feature of local towns. Because they do not own the land under their homes, they do not pay individual property taxes like conventional homeowners and therefore are seen by some as a drain on public services (Sullivan 2018). This stigma is evident in planning practices. Many towns and cities passed exclusionary zoning and ordinances that prohibited the use of trailers as legitimate housing and banished them from residential areas. This early restrictive regulation has perpetuated the stigma associated with park residents up to the present day (Sullivan 2018).

The discriminatory financing of mobile homes has also barred it from mainstream affordable housing sources. The foundation of government support and subsidy for housing has been based on "permanence." Since the mobile home is considered as a temporary unit, the government disengaged itself from supporting mobile home units. Due to restricted access to traditional mortgages, most mobile homes are financed as private property through chattel loans that resemble automobile financing (NCMH 1996). These loans have shorter terms, higher interest rates, higher default rates, and fewer consumer protections than traditional mortgages (Sullivan 2018).

The zoning and finance barriers are both integral to constructing marginality in the mobile home park, which effectively have blocked mobile home parks from developing within city centers but encouraged their development on lands along the fringes of municipal boundaries. Urban renewal and sprawl can directly lead to mobile home park evictions and displacements.

Manufactured homes provide the largest source of unsubsidized affordable housing in the United States. U.S. AIR FORCE PHOTO BY AIRMAN 1ST CLASS JAMES L. MILLER/RELEASED

PRESERVATION OF MANUFACTURED HOUSING COMMUNITIES

In order to fight the fabricated stigma of manufactured housing and support its preservation as a viable and important affordable housing option, it is important to have reliable data on community closures, and track the loss of this form of housing. In addition, we must consider new forms of land tenure that support the viability and stability of manufactured housing. These are briefly addressed below as two critical aspects of manufactured housing preservation.

COLLECT DATA AND TRACK THE LOSS

First, we must look beyond the production of affordable housing to address the preservation of the existing affordable housing stock, and we must recognize that a large portion of this housing exists in places like mobile home parks. Manufactured homes (mostly mobile home parks) are where a substantial undocumented population is likely at risk of displacement. In this case, the first step to preserve the affordable housing source is to collect data at the local and national levels; this can serve as one form of official recognition and can help to document the extent and nature of this problem. Tracking the closure and redevelopment of, as well as the resident evictions from, manufactured and mobile home communities directly impacts a community's ability to preserve affordable housing. It is the "most tangible affordable housing strategy many communities have" (Denvir 2015).

Beyond providing an inventory of the existing mobile home stock and tracking the communities lost through closure, more systematic data collection on mobile home communities would help to identify means of assisting residents during the mass evictions that occur when mobile home parks close. This assistance is necessary to disrupt the cycle of housing instability that follows eviction.

TARGET THE SOURCE OF RESIDENTS' INSECURE HOUSING TENURE: NEW OWNERSHIP MODELS

Creating new ownership models would require remediating mobile homeowners' halfway homeownership while maintaining the affordability provided by park arrangements. Targeting the roots of mobile home residents' housing insecurity requires imagining new forms of land tenure that move away from the dominant model of private property ownership. Collective land ownership can be promoted through alternative land holdings, such as cooperative parks, community land trusts, and public ownership. In addition, state laws can help transfer property from developers to residents. State legislature should propose models that mandate a resident right of first refusal or amend state tax codes to provide park owners with tax incentives to sell to residents rather than developers. Affordability and stability are possible if we break from dominant and limited understandings of property and envision new, collective homeownership models.

ZONING DESIGNATION OF MANUFACTURED HOUSING

The State of Washington welcomes manufactured housing as an inexpensive way for people to obtain affordable housing which would otherwise not exist (www.homesdirect.com). While the state has many laws and regulations that govern the installation of manufactured housing, one important law is the prohibition against local governments passing ordinances that would be more restrictive than those applicable to site-built homes. This means that manufactured housing cannot be discriminated against by the passing of any restriction that would place the manufactured home in a difficult situation which a site-built home would not encounter (Homes Direct website).

According to the King County Code section 21A.06.732, Mobile home and manufactured home have the same definition. The 21A zoning permits mobile home parks in the R-1 zones and new mobile parks in rural zones

(King County). King County is considering amendments to its zoning code to protect and preserve the manufacturing housing communities on these properties, making sure that the properties may not put to another use without considering the impacts to the existing residents.

There is still some ambiguity between the existing state and county language. The Washington State Legislature defines manufactured home as a home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes. But the county law considers manufactured housing and mobile homes to be synonymous. These differences in definitions may be causing this divergence. It is not clear whether mobile parks are under the protection of state laws. It is also confusing whether newly built manufactured homes under HUD code and federal requirements are also excluded from the R1 zone and rural zone.

FIGHTING STIGMA OF MANUFACTURED HOUSING

The persistent stigma associated with manufactured housing has made this type of housing seem like a last resort. To address these misconceptions, actions should be taken to fight the negative stigma of manufactured housing. Many nonprofit organizations such as Prosperity Now and the I'M HOME Network are working against this stigmatization that not only faces this housing type but too often extends to the people who dwell in manufactured housing. These organizations provide resources and seek to educate the public about these prevailing misconceptions, describing the neighborly values that can be found in manufactured home communities. Fighting stigma is a long-term endeavor that also requires engagement and support from community residents (Prosperity Now).

RELOCATION ASSISTANCE

Not all mobile parks may be worthy of preservation, most often due to decrepitude caused by property owner neglect and poor maintenance over a long period of time. Relocation assistance is needed for residents in such circumstances. This would ideally include increasing transparency around mobile park residents' rights, establishing a minimum six-month eviction notice, directing residents to state-managed relocation supports, regulating the marketplace in mobile home relocation aid, and implementing a mandatory and streamlined inspections process (Sullivan 2018).

EXISTING LEGISLATION ON MANUFACTURED HOUSING PRESERVATION

As recently as January 2020, national legislation on the preservation of manufactured housing was presented to the US House of Representatives (H.R.5547 - Manufactured Housing Community Preservation Act of 2020, sponsored by Representative Cynthia Axne). This is a critical step toward preserving this form of affordable housing. At the state level, the Revised Code of Washington (RCW) includes important laws protecting mobile homeowners' rights in manufactured/mobile home parks. These can be found in RCW 59.20.

STRATEGY PRECEDENTS

TOWN & COUNTRY ESTATES MOBILE HOME PARK, KINGSTON, MASSACHUSETTS

Town & Country Estates in Kingston, Massachusetts is a notable manufactured housing precedent. It is owned by the community members who live there and is therefore referred to as a resident-owned community (ROC). This means residents can control the rent and make the rules. On April 26, 2017, the ROC purchased the land and infrastructure, such as the roads and water lines. Now, a democratically elected Board of Directors manages the business of running Town & Country. Every Member household in the community has a say in who sits on the Board, how they spend the collective money, the annual budget, and whether changes are made to the rent, making life in Town & Country truly different than in a commercially-owned community.

Cooperative ownership of mobile home parks as a way of preserving affordable communities is a priority for several national nonprofit organizations that in 2008 formed ROC USA to make resident-owned communities viable nationwide.

NOJI GARDENS, SEATTLE, WASHINGTON

Developer: HomeSight

Type of Homes: two-story, 2- and 4-section HUD Code homes

Units: 75 affordable single-family and townhomes

In Seattle's Rainier Valley, eight HUD-code homes have been built in Noji Gardens, a new 75-home development by a nonprofit housing corporation, HomeSight. Over 75% of the families living in Noji Gardens earn less than 80% of AMI. Noji Gardens is the first example of multi-story manufactured homes under HUD code in the Northwest. HUD-code homes are increasingly finding their way into America's biggest cities. Two-story designs will help legitimize their use on expensive urban lots.

APPLICATIONS TO SKYWAY-WEST HILL AND NORTH HIGHLINE

There are three existing mobile home parks in Skyway-West Hill: Empire View Mobile Home Park, Skyway-West Hill Mobile Home Park, and Lake Washington Beach Mobile. Combined, they make up a higher percentage of manufactured housing in this area than countywide, and traditionally provide an affordable source of housing. A part of Skyway-West Hill is designated as an Opportunity Zone, which means it is facing a high risk of redevelopment and gentrification. For Skyway-West Hill, an important priority is to preserve the existing mobile parks. This will require the establishment of a baseline of manufactured housing units and a rigorous tracking of existing units, and the closure and redevelopment of manufactured and mobile home communities.

MANUFACTURED HOUSING COMMUNITIES IN SKYWAY-WEST HILL

Community	Location	Ownership	Unit Count
Empire View Mobile Home Park	5711 S 129th St	MHCP	51 pads
Vue Mobile Home Park	12929 Martin Luther King Jr. Way	MHCP	44 pads, 1 SFR, 2-unit apartment bldg
Skyway Mobile Home Park	13000 Martin Luther King Jr. Way	Private (M+S Properties Corp.)	19-20 RVs, 35 MH Pads

KING COUNTY DEPARTMENT OF LOCAL SERVICES

Although manufactured homes and mobile homes are not a prevailing source of affordable housing in North Highline, new manufactured homes under HUD code can be introduced to North Highline as a tool to slow the gentrification. Multi-story manufactured models can help to increase the density and provide more affordable housing units.

NO NET LOSS

INTRODUCTION

No Net Loss (NNL) policies are established to preserve the current number of affordable housing units within a jurisdiction. However, to be most effective, a no net loss policy establishes a goal of not only preserving the overall number of units but doing so according to different income levels as well. This way, the stock of extremely-low, very-low, and low-income units are each maintained at their current level (San Mateo County Board of Supervisors 2015).

NNL policies can apply to the entire jurisdiction or to a specified area within the jurisdiction. These policies can be implemented at a state, county, or city level. When implemented, NNL policies establish a baseline of affordable housing units in a jurisdiction (Allbee, Johnson and Lubell 2015). This requires a rigorous tracking of units within a jurisdiction or specified area and requires various housing stakeholders to provide at least a minimum number of units. NNL policies can also be referred to as affordable housing preservation, conversion ordinances, or one-to-one replacement policies.

Implementation of a no net loss policy can take different forms, including regulatory strategies or funding/policy-based strategies. Regulatory policies require developers or other property owners to maintain existing units or replace units demolished or otherwise rendered untenable (San Mateo County Board of Supervisors 2015). NNL policies can also prohibit the destruction or conversion of subsidized affordable housing units into market rate units.

According to a 2015 report to the San Mateo County Board of Supervisors, NNL policies can also establish funding mechanisms to subsidize units at risk of loss or already lost. This funding can be used to maintain or rehabilitate units as well. Versions of these policies have been in existence since the 1930s when a federal law required the replacement of public housing units if demolished. This law was repealed in 1995, but more recently HUD developed new one-for-one replacement criteria for their Choice Neighborhoods program which encourages public housing authorities applying for the program to replace as many of their demolished subsidized affordable units as possible with hard units. Still, HUD retains what they call a "hard-unit exception," which allows for vouchers to be used as an alternative to the provision of physical housing units. However, NNL policies do not apply only to public housing redevelopment.; Arlington County, Virginia has implemented a NNL policy

to ensure no loss of subsidized rental housing and expanded the policy to unsubsidized units that rent at affordable levels (Allbee, Johnson, and Lubell 2015).

NNL policies are typically implemented sequentially beginning with the establishment of an accurate count of the number of affordable units. This is followed by setting a baseline target number of affordable units within a jurisdiction and subsequent action to ensure that the number of affordable units do not fall below the baseline, either by constructing replacement housing or by requiring developers to construct such housing. Thus, no net loss is a benchmark to give focus and transparency to preserving affordable housing (Allbee, Johnson and Lubell 2015).

STRENGTHS

There are several strengths to NNL policies. Due to the large-scale nature of these policies, they support long-term neighborhood and city-wide affordability. They maintain consistent levels of affordable housing despite inevitable changes in housing stock. As neighborhoods shift and gentrify, NNL policies can ensure an area or jurisdiction remains accessible to communities requiring affordable housing options.

Aspects of NNL policies can apply to and incentivize the maintenance of existing units. Such incentives have been proposed in San Mateo County and Chicago has established a Preservation of Existing Affordable Rental (PEAR) program that includes rehabilitating affordable housing stock to reduce energy and water use, but adequate funding remains a challenge (Zuk, Limas, Thapa and Geer 2020). Such strategies are useful as the maintenance of existing affordable units is often less expensive than the creation of new affordable units. Maintaining existing units is also preferred as it prevents displacement and relocation, even if temporarily.

NNL policies require the development of a detailed and comprehensive inventory of existing affordable units. This can be seen as a strength because the rigorous tracking of affordable units and compilation of affordable housing data is useful in efforts against displacement. Tracking units and the shift in available affordable housing enables researchers and advocates to better understand trends and how to protect vulnerable communities. Many stakeholders who invest in protecting affordable housing are better able to preserve units when we have a clear understanding of what currently exists.

CHALLENGES

NNL policy weaknesses include a dependence on expensive affordable housing tracking, frequent legal contestation, a need for strong penalties to enforce the policies, and significant and stable funding mechanisms to ensure implementation.

Although previously mentioned as a strength, the accurate and regular inventorying of affordable housing stock to ensure a successful implementation of an NNL policy is time consuming, difficult, and expensive. This kind of rigorous tracking typically requires a full-time position with a governing body of a jurisdiction.

Another significant barrier to the implementation of NNL policies include adequate funding. These policies are expensive because they typically engage an entire city and county. The scale of the policy requires a high cost of implementation, either from the creation of affordable housing units or through the legal defense or enforcement of the policy. These policies are often implemented and maintained over several years and require a steady funding stream to continue efforts in maintaining affordable units.

Another difficult aspect of these policies is the limited information available. Although we found several short descriptions and examples of policies, it was rare to find a substantive article dedicated to NNL, rather than affordable housing, with a section on NNL policies. This indicated a need both for more data on NNL policy implementation and data regarding the success or impacts of these policies in different places.

STRATEGY PRECEDENTS

PORTLAND, OREGON

In 2001, Portland City Council adopted a No Net Loss policy for affordable housing in Central City. The policy requires that the area "retain at least the current number, type and affordability levels of housing units home to people" earning up to 60% of area median income (AMI) (Portland City Council 2001). This includes units with affordability restrictions as well as market-rate units that are affordable to target households (National Association of Homebuilders 2008).

Retention can be achieved through the preservation or replacement of NNL units. The city has actively worked to implement the policy by

purchasing affordable properties at risk of losing their subsidies and negotiating with developers to replace affordable units. According to a 2008 Central City Housing Inventory, the bulk of NNL units (81%) have attached tenant or income restrictions. Only 19% of NNL units are being provided by the unrestricted, private market (PDC 2018).

According to a 2008 Central City Housing Inventory, Portland had continued to meet the No Net Loss policy's benchmark of 8,286 affordable rental units, and had achieved an estimated count of 8,473 such units (PDC 2008). The city applied a complex set of programs and policies to implement NNL policies and accomplish the NNL goals. The most innovative approaches included an affordable housing preservation ordinance, transfer of development rights, and dedication of Urban Renewal Area resources for preserving affordable housing. However, in 2015, The Oregonian reported that Portland was nearly 1,500 units short of its affordable housing goal for the central city. The gap is described in a report from the Portland Housing Bureau that tracks housing and demographics (Portland Housing Bureau 2019).

Affordable Housing Preservation Ordinance

The Affordable Housing Preservation Ordinance in Portland requires property owners of expiring Section 8 and/or 202 contracts to notify the city about the expiration and provide the city an opportunity to purchase the property before the owner's convert the units to market-rate housing. Since 1998, over 400 units have been preserved and/or replaced using resources from a "preservation line of credit." a line of credit the city of Portland established with a local lender to provide short-term resources to complete preservation transactions within 120 days.

The future effectiveness of the Preservation Ordinance is in jeopardy because of limited resources to purchase expiring units. The preservation of units currently protected by Housing Authority of Portland (HAP) contracts is questionable because the Preservation Line of Credit has expired.

Floor Area Transfer Option for Residential Uses and/or Single Room Occupancy (SRO) Housing

The transfer option is a method of allowing for the transfer of development rights (TDR) from one central city property to another. An existing affordable housing site can sell any unused portion of its development rights to another central city property owner, who can then increase the FAR (floor area ratio) purchased to expand the size of the

project, regardless of the total FAR allowed in the development codes. In return, the affordable housing site owner guarantees the affordability and maintenance of their units in perpetuity.

The intention of the program is to preserve affordable housing and increase density in the central city, a community goal for the area. Unfortunately, the transfer options have seldom been used. Despite the concept and approach being sound, there are provisions in the Central City Zoning code to incentivize 18 different public goals. The large number of options results in the opportunity for cheaper alternatives that allow developers to achieve their goals of building higher densities without utilizing the affordable housing FAR transfer.

TRANSFER OF DEVELOPMENT RIGHTS CONCEPT
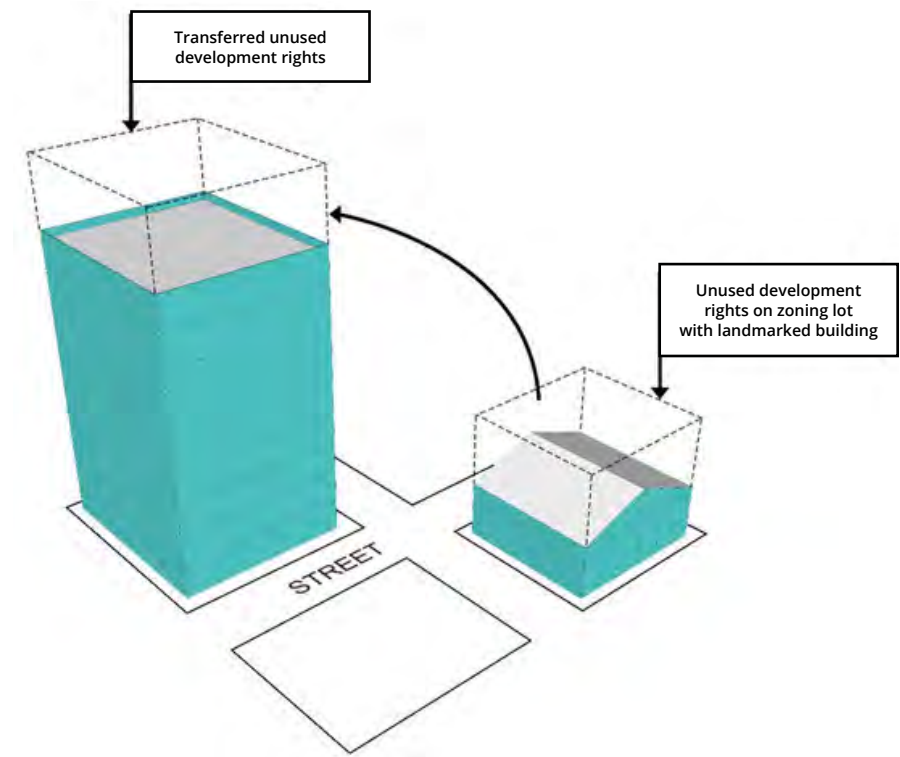
ZAHEER ALLAM AND DAVID SYDNEY JONES

The Use of Urban Renewal Area (URA) Resources (2006)

Urban Renewal Areas (URAs) in Portland are tax increment finance districts (TIF) that generate resources to improve the community within the URA boundaries. In 2006, the City Council adopted a resolution requiring that 30%of all resources invested in new URAs be dedicated to creating affordable housing. The new 30% requirement for affordable housing will significantly increase available resources: approximately $23 million dollars will be reallocated from other urban renewal activities. The future effectiveness of URA resources is questionable. TIF districts in older urban areas have expired; and there is now greater competition for TIF funds in remaining districts. It should be noted that tax increment finance districts are currently not allowed in Washington State.

CATEGORIZING EXISTING POLICIES

When examining No Net Loss policies as implemented in other cities and states, we developed a classification for them along three axes: Preservation vs. Replacement, Regulatory vs. Funding Based, and Rental vs. Homeownership. Then, we looked at existing actions and legislation in Washington State and King County and situate them based on these categories (local or locally-relevant examples/current legislation are in bold). Several examples intersect with multiple categories. For instance, Seattle's Acquisition and Preservation Loans Program is a funding-based preservation program. It could be a potential legal and financial support for Skyway-West Hill and North Highline. We also find the state and county have less NNL-supportive policies compared to California State and Portland. Bolstering NNL could be an important next step for the county.

As neighborhoods shift and gentrify, No Net Loss policies can ensure an area or jurisdiction remains accessible to communities requiring affordable housing options.

EXISTING ACTIONS AND LEGISLATION IN WASHINGTON STATE AND KING COUNTY

Strategy Types	Spirit of Strategies	Examples/ Current Legislation
Preservation	Typically more cost effective (requires fewer resources per housing unit than developing new affordable housing and is supportive long-term). Neighborhood and city-level affordability.	Portland's Affordable Housing Preservation Ordinance, adopted in 1998. **Washington State introduced Up For Growth Action to the Multifamily Tax Exemption bill (S.B. 6411 and H.B. 2620), which extends the tax exemption for preserving existing affordable homes.**
Replacement	Requires developers who demolish subsidized affordable housing in the course of creating other development to replace units. The replacement units must be made available at the same rent level. The replacement should be either on site or in a similar (usually near transit corridor) location off site. One-for-one replacement or transfer of development rights to maintain density.	**Code of Federal Regulations § 42.375 One-for-one replacement of lower-income dwelling units.** Portland's Floor Area Transfer Option for Residential Uses and/or Single Room Occupancy (SRO) Housing (1998). **Transfer of Development Rights, in King County, Washington.**
Regulatory	**Requires developers or other property owners** to maintain existing units or replace units demolished or otherwise rendered untenable. **Prohibits** the destruction or conversion of affordable housing units into market rate units. Applies to **density zoning regulations**. These state laws require that jurisdictions either maintain current zoning density to ensure there is no net loss of residential capacity or justify any downzoning. *This level of regulation might face legal challenges. This approach puts the primary burden on project sponsors (developers, builders).*	California Housing Law (Govt. Code, § 65863)

Funding	Establishes funding mechanisms to subsidize units at risk of loss or already lost.	The Housing Authority of Portland developed a NNL Funding Plan for 2001 to 2006.
	Funding can be used to maintain or rehabilitate units.	**Seattle's Acquisition and Preservation Program (A&P Loans) helps to acquire and preserve existing affordable housing, including occupied buildings that are subsidized rental housing or affordable private market housing, particularly occupied buildings where low-income residents may be at risk of displacement.**
	This approach imposes a financial and administrative burden on the jurisdiction implementing the No Net Loss policy.	
Affordable Rental	Critical for: households who cannot yet afford a home, as well as for households who could afford to own, but who prefer to rent; those finishing school or are transitioning jobs or locations and are not yet ready to buy; households saving sufficient funds for a solid down payment; seniors who wish to downsize rather than maintaining a home with its considerable taxes, insurance, and maintenance costs.	San Mateo County already tracks Section 8 units at risk of loss and provides some types of rehabilitation and other funding to prevent these losses.

# APPLICATIONS TO SKYWAY-WEST HILL AND NORTH HIGHLINE

The following recommendations are based on the demographics and existing affordable housing sources of Skyway-West Hill-West Hill and West Center (sourced from Skyway-West Hill Subarea Plan).

1. Maintain an inventory of local properties at risk of loss, set a baseline of existing properties, and support quick identification and coordination of action by a network of public and nonprofit organizations to preserve the availability, quality, and affordability of this stock.
2. Invest local resources in the rehabilitation of both private and public affordable housing to ensure that the existing housing stock remains available to meet the needs of households with the lowest incomes.
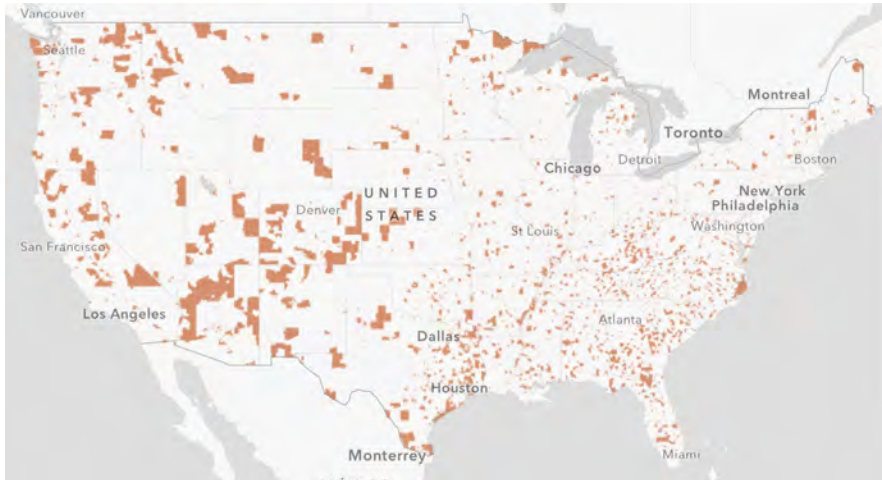
OPPORTUNITY ZONES

INTRODUCTION

The Opportunity Zone program was created under the federal Tax Cuts and Jobs Act of 2017 to encourage investment in underserved communities by providing tax incentives to investors. The program, which is centered around the deferral, reduction, and elimination of capital gains taxes, aims to attract investors to historically disinvested communities. Opportunity Zones are designated by the governor of each state and are census tracts that must meet one of two criteria: they must have an individual poverty rate of at least 20% or a median family income that is less than 80% of the area median income. The intention of the Opportunity Zone program is to bring private funds into areas that would not usually attract investors (Eastman and Kaeding 2019). There are 139 Opportunity Zones in Washington State and roughly two dozen of those zones are in the greater Seattle area (The Opportunity Zone Database).
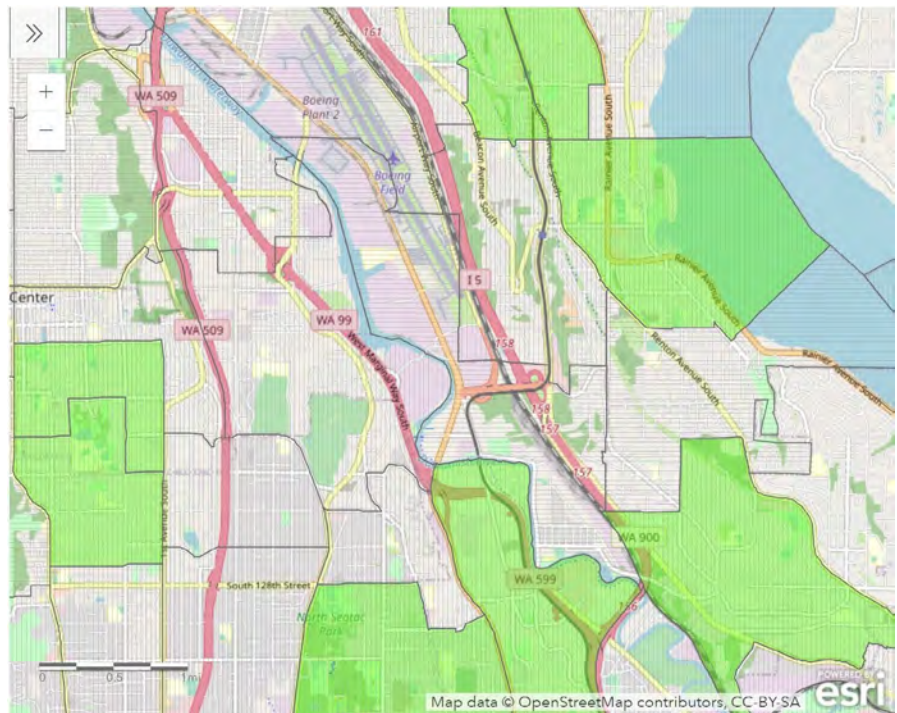
Opportunity Zone program is an economic development program that applies to portions of Skyway and White Center OPEN STREET MAP

There are more than 8,700 Opportunity Zones in all 50 states. ARCGIS

The Opportunity Zone program attracts investors by allowing them to defer capital gains tax, reduce their deferred tax amount, and exempt all tax gained from new investments by investing those gains in a Qualified Opportunity Fund (QOF). This QOF is required to hold at least 90% of its assets in a designated Opportunity Zone area. These assets can be held as property either as real estate or as equity in a business located in the Opportunity Zone. This "property" can be tangible by way of land, equipment, or real estate, or intangible in stocks or partnerships in a business.

The Opportunity Zone program has no limit to the amount of investment that can be made through QOFs ("What are opportunity zones?"), and Treasury Secretary Steven Mnuchin believes that "there's going to be over $100 billion of private capital that will be invested in Opportunity Zones" (Atkinson 2018)). Secretary Mnuchin also mentioned that one of the most significant benefits of the Opportunity Zone program is that it allows people to relocate or start businesses in areas that they would not have moved to otherwise. Ultimately, the intent of the Opportunity Zone program is to bring capital that would have otherwise been invested elsewhere into "economically-distressed" communities (Manchester 2018).

STRENGTHS

The Opportunity Zone program's greatest strength is its potential to bring investment into historically disinvested areas. This can spur economic development and, ultimately, create community wealth. The program has the capacity to help communities create jobs and build social and political capital, which can lead to the development of both more amenities and better infrastructure. Ideally, QOFs can be used to invest capital in community-driven projects and businesses to catalyze financial growth and wealth-building amongst community members.

Because the Opportunity Zone program is based on federal tax incentives, it does not require significant local funding for implementation. This means that the Opportunity Zone program itself would not compete with current or future anti-displacement strategies for local funding sources. However, it should be noted that, if a local jurisdiction chooses to implement strategies to maximize the community benefit of these Opportunity Zones (such as some of the strategies discussed later in this report), these strategies might require local funding.

In order to reap the full benefits of the Opportunity Zone program an investor must keep their funds in an Opportunity Zone community for the full ten-year program period. For this reason, the Opportunity Zone program encourages medium to longer-term investment in communities. This has the potential to be beneficial for communities, as it encourages investors to take a long-range view towards the projects that they fund in a community.

With active community and governmental engagement, the economic investment that can come with Opportunity Zone designation can catalyze wealth-building in historically disinvested communities and allow governments to put their money into other projects around their region. In addition, tax deferrals offered through the program may free up capital that socially-minded investors need to invest in projects — such as affordable housing — that might have more modest returns. Ultimately, the Opportunity Zone program can be coupled with anti-displacement strategies to bring much needed capital into struggling communities, and, if an outside organization is able to keep QOFs accountable, the benefits of Opportunity Zone investment have the potential to directly impact communities in a productive and positive way.

CHALLENGES

Many of the weaknesses of the Opportunity Zone program stem from its relative newness and the subsequent lack of data and research into the effects of the program on communities. Because of this lack of data, much of the criticism of the program has been speculation based on other place-based incentive programs that have been used in the US and abroad. Because there is still so little reporting and research on the actual outcomes of Opportunity Zone investment on communities that have been given the designation, there are still many unknowns about the impacts of the program on communities that may be vulnerable to gentrification or displacement.

There is currently little accountability built into the Opportunity Zone program. There are few reporting standards mandated at the federal level, and no QOF can be legally controlled by any local entity. The implications of this lack of reporting requirements are still unclear. In fact, the Final Regulations for the Opportunity Zone program, which include the most recent reporting requirements, were only just finalized by the Department of the Treasury in late 2019 and went into effect on March 13, 2020. Though there has been some literature written on the reporting requirements outlined in the Proposed Regulations used before March 2020, the implications of the lack of required accountability remain unclear.

The primary criticism of the Opportunity Zone program is that, despite its initial intention to lift up disinvested communities, it actually serves more as a tax break for wealthy investors. While this certainly may be true in some cases, this is difficult to quantify. As mentioned, there are very few reporting requirements to help local entities measure the outcomes of the investments in Opportunity Zones. In some cases, investors may have made investments in a community even without the Opportunity Zone program; the program just serves to "sweeten the deal" for them. In addition, beyond the requirement that a project using QOF funding make "substantial improvement" to a property, there are no community benefit requirements built into the Opportunity Zone legislation. For example, there are no requirements that QOFs invest in affordable housing or jobs that are accessible to local community members. Consequently, investors can choose to build luxury housing or invest in a business that creates jobs that do not fit the skills or education levels of the community. Furthermore, federal regulations include no requirements that investors

provide details such as which businesses are receiving the investment, the amount that has been invested in the project, the partners, if any, or even the data and location of the investment. The model of the program only benefits those who are comfortable with high risk and have illiquid investments, which is a narrow group of investors (Juneja n.d.).

Many areas that have been designated as Opportunity Zones are already experiencing gentrification, and this program could potentially add to the displacement that would come as a result of uncontrolled development. Although the intent of the program is to bring capital into communities that need investment, the lack of regulations or clarity on the desired outcomes for communities is leaving community members and local organizations out of the conversation about how QOFs can be best leveraged for community benefit. It is also still unclear what will happen to projects funded by QOFs once the 10-year time frame for the program ends, especially if the community has no ownership over a project.

The biggest boom of Opportunity Zone investment may have already passed, as the program has a finite timeline and the investment becomes less lucrative for investors the later they invest in a QOF. The capital gain tax deference is set to expire in 2026 and, effective January 1, 2020, new investments will no longer be eligible for the 15% tax reduction, though they will still be eligible for the 10% reduction. It remains unclear what the future holds for Opportunity Zones and their investments, especially as the end of the program draws nearer (Jacoby 2019).

STRATEGY PRECEDENTS

There are currently more than 8,760 designated Opportunity Zones in communities throughout the United States and its territories, and therefore an exhaustive study of precedent cities and their strategies for Opportunity Zones is difficult ("Opportunity Zones"). Furthermore, because the Opportunity Zone program was only created in 2017, and many cities are still developing their strategies for directing Opportunity Zone projects, there is little data on the measurable outcomes of Opportunity Zone investment, especially in its implications for displacement. Despite this, exploring the varying strategies used by cities across the county to attract, guide, or even restrict Opportunity Zone investment and development can be valuable in illustrating the wide range of approaches that can be used when trying to maximize the community benefits of Opportunity Zone designation.

This report examines the strategies that three cities have used in communities that have been designated as Opportunity Zones. These case cities have been chosen because they illustrate different — though at times overlapping — strategies that municipalities have used when trying to maximize the community benefits of investment in Opportunity Zones.

OAKLAND, CALIFORNIA

Oakland, California's strategy for its Opportunity Zones is based in creating racial equity, and the city aims to use Opportunity Zone designation to "reduce racial wealth disparities through investment that lifts up our long-standing residents and businesses" ("Oakland Prospectus"). The city's 30 Opportunity Zones closely mirror historically redlined areas and are primarily in communities of color. These communities are very racially and ethnically diverse, with a population that is 14% White, 29% Black, 13% Asian, and 39% Latino ("Oakland Prospectus"). Although significant investment has been funneled into Downtown Oakland in recent years, parts of East and West Oakland have not experienced this same level of investment. Therefore, as part of its Opportunity Zone strategy, Oakland has developed a robust prospectus that highlights the city's priorities for Opportunity Zone investment. The prospectus both highlights the city's overarching strategies for promoting racial equity and outlines specific plans for East and West Oakland neighborhoods. Oakland's prospectus is notable both in its clear communication of its focus on creating equity and in its identification of specific, value-aligned, and community-driven Opportunity Zone projects.

Ideally, Qualified Opportunity Funds can be used to invest capital in community-driven projects and businesses to catalyze financial growth and wealth-building amongst community members.

Map showing Oakland's 30 census tracts that have been designated Opportunity Zones.
CITY OF OAKLAND

In its Opportunity Zone prospectus, Oakland outlines six priorities for Opportunity Zone investment (Oakland Prospectus):

1. New affordable and workforce housing production
2. Acquisition and rehabilitation of existing affordable housing
3. Investment in businesses and organizations owned or led by people of color and women
4. New neighborhood-serving businesses and revitalization of existing commercial districts
5. Projects that support and preserve Oakland's arts and culture communities
6. High-density commercial and residential projects at transit hubs

The prospectus also highlights five key values for Opportunity Zone projects: "demonstrate community support; result in community-wealthy building; avoid displacement of existing tenants, businesses, and cultural communities, commit to targeted local hire goals, and remain consistent with the City's adopted policy documents" (Oakland Prospectus).

Given these priorities, the prospectus highlights several specific, value-aligned Opportunity Zone projects. These range from housing-focused projects such as working with the Black Cultural Zone's Single-Family

Home Acquisition Fund to acquire and renovate single-family homes in East Oakland to workforce projects like collaborating with the Juntos Fruitvale project fund to renovate an underutilized Masonic Hall into a co-working, office, performance, and event space for community groups and small businesses (Oakland Prospectus). In addition, Oakland proposes incentives like priority review and approvals and city concierge services for investments that align with its values and vision and outlines citywide guardrails — such as no single-room occupancy building conversion and Healthy Development Guidelines — that are meant to ensure community benefit.

As is the case with all the cities discussed in this report, it is difficult to fully gauge the outcomes of Oakland's Opportunity Zone strategy because of the newness of the Opportunity Zone program. Yet, Oakland can serve as a valuable precedent in the clarity with which it has communicated its priorities and values through its prospectus. By identifying both its overarching investment priorities and some specific projects that fit within its expressed values, Oakland makes it very clear to potential investors which types of projects best align with the city's goals. Furthermore, by supporting these priorities and values with incentives programs, Oakland also makes these types of projects more desirable to potential funders.

KANSAS CITY, MISSOURI

Kansas City, Missouri, has developed a robust strategy for Opportunity Zone development within its 32 census tracts that have been given Opportunity Zone designation. Ultimately, Kansas City's vision for development in its Opportunity Zones is to "stimulate economic activity and jobs in areas of disinvestment in Kansas City in ways that build wealth and increase economic mobility for residents currently living in the zones" ("The Kansas City Story"). Kansas City has focused both on developing an Opportunity Zone strategy focused on process and system change as drivers for equitable development and on creating a robust prospectus detailing potential development opportunities in its Opportunity Zone communities (Kansas City Prospectus).

Kansas City has long been a highly segregated city, and today its Opportunity Zones closely mirror its historically redlined areas. The city's Opportunity Zones are largely majority Black communities and have a median household income of $25,004 — significantly lower than the $46,489 median household income of the city as a whole ("Kansas City Prospectus"). In recent years, there has been significant

redevelopment in Kansas City's downtown, which has reversed decades of population decline in the city's urban core and which, the City believes, has the potential to draw investment interest into downtown adjacent neighborhoods, many of which have been designated as Opportunity Zones (We Grow KC).

In its strategy for Opportunity Zone development, Kansas City outlines "system changes" that are needed in its Opportunity Zones to ensure that the investment that occurs through QOFs supports wealth building, economic activity, and job creation for residents currently living in the zones. These system changes, outlined in their prospectus as lessons learned, include ("Kansas City Prospectus"):

1. Create a city-based "one-stop shop" entity (perhaps in the form of a city-based development corporation) that would help project sponsors with community engagement, technical assistance on architecture and design, market feasibility, planning, code, zoning, and financial structuring.
2. Demystify finance by creating shared definitions of phrases like "investor-ready" and "community-enhancing" projects. This would create a common language between all stakeholders working on projects within Opportunity Zones.
3. Align public and philanthropic incentives with community-driven projects and explore alternative financing scenarios.
4. Create new financial mechanisms and structures, such as Community Development Financial Institutions (CDFIs), to help with community-driven projects.

Beyond its focus on the above "system changes," Kansas City's Opportunity Zone strategy hinges on community and stakeholder involvement. The city's community engagement process solicited feedback from both Opportunity Zone residents and investors to "bridge the gap between community advocates and capital allocators" (Kansas City Prospectus). This feedback ultimately guided the city in the development on its prospectus. Kansas City has also focused on evaluating the community impact of potential projects through such tools as the Urban Institute's Opportunity Zone Community Impact Assessment Tool (https://www.urban.org/oztool). Kansas City thus far has focused heavily on attracting and encouraging investment in its Opportunity Zones (in stark contrast to the following case study in Boulder, Colorado), but it has done so while prioritizing community engagement and community-driven projects as it strives to harness the economic development that could come with Opportunity Zone designation to build wealth in disinvested communities.

BOULDER, COLORADO

Boulder, Colorado's approach to its designated Opportunity Zone has differed significantly from the strategies used by the other cities examined in this report, in that Boulder's strategy has been based on restricting Opportunity Zone development. The city's Opportunity Zone — it has just one — is a 2.5-square-mile area in the northeastern part of the city that includes, among other locations, approximately 4,000 homes, 1,500 businesses, a 24-acre shopping center called Diagonal Plaza, the University Corporation for Atmospheric Research, and two mobile home communities. The median household income of the area is $51,719, which is slightly less than the city median of $58,484 (City of Boulder). Though the city has expressed the desire to rehabilitate the Diagonal Plaza commercial center, which, at the time of the Opportunity Zone designation, housed a number of large, vacant retail spaces, the zone also includes mobile home parks and areas of more affordable housing (Cortina 2019).

Given the presence of such affordable housing and the rapid development that has happened throughout the city, the Boulder City Council expressed concern that development catalyzed by the Opportunity Zone designation could accelerate so much that it would race ahead of the Boulder Valley Comprehensive Plan, the city's guide to development and long-range planning. One goal of the Boulder Valley Comprehensive Plan was to develop land use-related policy changes that would allow for additional housing in commercial industrial areas and encourage the reduction of nonresidential land use potential in the Boulder Valley Regional Center. The Council was concerned that large-scale investment and development in the Opportunity Zone could occur before these land use changes were made (Ordinance 8314). In addition, there were concerns that the Opportunity Zone designation could bring rapid gentrification to the neighborhood, potentially displacing some its lower-income residents (Svaldi 2019).

In response to these concerns, the Boulder City Council put a moratorium on most development in the Opportunity Zone beginning in late 2018. The moratorium temporarily suspended "the acceptance of building permits, site review applications and other development applications for projects in the Opportunity Zone located in Boulder (census tract 122.03) that will result in adding non-residential floor area, any demolition that results in the removal of multi-family dwelling units or any nonresidential floor area, or the creation of any new dwelling units that do not meet

the requirements of the ordinance until June 22, 2020." The moratorium included several exemptions, many of which centered around the creation of affordable housing, including allowances for inclusionary housing and construction of buildings owned by community-serving nonprofit corporations (Ordinance 8314).

The Boulder City Council voted to lift the moratorium on development in the Opportunity Zone in October 2019 after adopting several changes to the land use codes aimed at promoting and preserving residential development within the zone. These changes "follow BVCP (Boulder Valley Comprehensive Plan) goals of reducing non-residential capacity through restricting office, incentivizing residential in appropriate locations (preferably permanently affordable housing) and protecting and creating more opportunities for retail" (City of Boulder 2019). The City Council also voted to create an overlay district that would prohibit the demolition of existing attached dwelling units (consisting of at least three attached units) within the opportunity Zone area for the duration of the federal Opportunity Zone program (City of Boulder 2019).

Boulder is a unique precedent in that, unlike the other case cities examined in this report, which have focused primarily on attracting and directing investment in Opportunity Zones, Boulder has chosen to impose restrictions on development within its zone. Through these restrictions, Boulder has aimed to prevent the displacement that could result from rapid Opportunity Zone development by 1) adopting a temporary moratorium on nearly all development within the Zone; 2) restricting the types of development that can happen in the future (namely by reducing the development of office space) so as to preference new housing stock; and 3) prohibiting the demolition of existing housing stock. Ultimately, it is too early to tell how these restrictions will impact potential gentrification and displacement within the zone, but Boulder remains a relevant example of how a municipality has used restrictions to guide development in Opportunity Zones.

RECOMMENDATIONS FOR IMPLEMENTATION AND FUTURE EXPLORATION

Although the Opportunity Zone program is still new, and its outcomes are not yet clear, the program has the potential to catalyze economic development and build community wealth in areas that have been given Opportunity Zone designation. However, the investment and development that will occur in Opportunity Zones also has the potential to accelerate gentrification and displacement. This is especially relevant in Skyway-West Hill and North Highline, as portions of both communities have been designated as Opportunity Zones and will therefore likely see investment and development driven by QOFs. Given these communities' designation as Opportunity Zones, there are several takeaways — and areas that merit further consideration and exploration — that could be useful for King County as it explores how to best keep residents in place in these communities.

STRATEGIES TO MAXIMIZE COMMUNITY BENEFIT IN OPPORTUNITY ZONES

A review of the literature on Opportunity Zones reveals a significant number of recommendations for how jurisdictions can best maximize the community benefit of investment in Opportunity Zones. The following section lists several strategies that could be relevant in King County, and therefore might merit further consideration and exploration, though it is by no means exhaustive. These community benefit strategies span the entire process of investment and development in Opportunity Zones, from a municipality's development of proactive policies to attract certain types of investment to the actual implementation and eventual evaluation of projects. The strategies have therefore been split into two categories: "front-end" and "back-end" approaches. Though there are many key players and stakeholders in any Opportunity Zone, these strategies focus on concrete steps that municipalities can take to direct investment and development in Opportunity Zones.

Front-End Strategies

Front-end strategies are those that are anticipatory and apply to actions taken before and during a project planning process.

1. Engage community members in setting priorities for investment in Opportunity Zones.
2. Invest in infrastructure in Opportunity Zone communities. This creates direct community benefit and can also help to attract investors to projects in the zone.
3. Provide capacity building resources and technical assistance to organizations driving Opportunity Zone projects that will provide significant community benefit. Through increased capacity, these organizations will be better equipped to attract and work with investors to create projects with high potential for positive social impact (Depew).
4. Develop "matchmaking" tools that can match potential investors with value-aligned and community-driven projects that need capital. This can help ensure that QOF funds are going towards projects that best align with a community's priorities. This "matchmaking" support can take several forms, including:
   » Creating an Investment Prospectus that defines the juris-diction's priorities for development in the Opportunity Zone and that identifies specific, community-driven projects that need investment.
   » Developing a database of possible projects in Opportunity Zones that potential funders could use to identify invest-ment opportunities.
   » Supporting and amplifying reporting on Opportunity Zone projects that have a high potential for community benefit.
5. Create a "one stop shop" within the municipality that can provide potential project sponsors with assistance on community engagement, technical and design assistance, planning, and financing structures. Through such an entity, a jurisdiction can help project sponsors to design and plan projects that will best benefit the community.

6. Evaluate potential projects based on their social impact and provide incentives (such as expedited permitting) to those that score highly.
    » Projects can be evaluated on a number of criteria, including (among others) whether the project sponsor has engaged the community in the project planning process; whether there are any specific mechanisms in place — such as CBAs, for example — to hold the project sponsor accountable; and in housing projects, what share of the units include restrictions to ensure long-term or permanent affordability.
    » The Urban Institute has developed a tool called the Opportunity Zone Community Impact Assessment Tool (https://www.urban.org/oztool) that can help municipalities and other stakeholders evaluate the potential social impacts of Opportunity Zone projects. This tool is already being used in Cleveland and Kansas.

Back-End Strategies

Back-end strategies apply to the actual project implementation and the reporting and evaluation that occurs afterwards.

1. Create jurisdiction-specific reporting requirements for projects funded through QOFs. These should include performance indicators, which could include living wage jobs created, number of affordable housing units created, and investments in POC or women-owned businesses (PolicyLink).
2. Encourage investors (perhaps through incentives) to have responsible "exit plans" from their projects after the ten-year Opportunity Zone period ends. These could include co-op conversions for housing projects, where a portion of tenants' rent could be credited towards the conversion, with investors being paid by the co-op through shared payment contributions. Though this is being included as a back-end strategy, exit plans could be developed as part of the project planning process, and the municipality could help to guide this planning using one of the front-end strategies (Theodos and Gonzalez 2019).
3. Monitor changes to indicators of gentrification and displacement in Opportunity Zone communities and be prepared to implement anti-displacement strategies to respond to changing community trends.

TRENDS IN OPPORTUNITY ZONE INVESTMENT

Because the Opportunity Zone program is still so new and because federal regulations do not currently include robust reporting requirements, there is currently no exhaustive list of data on current investment in Opportunity Zones. However, anecdotal and voluntarily reported information indicates that, currently, most Opportunity Zone investment is being funneled into real estate projects (as opposed to businesses in Opportunity Zones). The Economic Innovation Group's tracking of Opportunity Zone activity (which, again, is not exhaustive) shows that, at a nationwide level, most QOF investment is split relatively evenly between residential, commercial, and mixed-use real estate development ("EIG Opportunity Zones Activity Map"). Trends in Opportunity Zone investment can be instructive for communities and jurisdictions navigating Opportunity Zone development, as it can point towards the specific types of projects that are most likely to attract investors using QOF. Therefore, it may be useful for municipalities and other stakeholders, such as CDFIs, to continue to monitor these trends as the Opportunity Zone program matures over the next several years.

CONNECTIONS TO OTHER ANTI-DISPLACEMENT

Because the Opportunity Zone program is an economic development program, not an anti-displacement tool, the linkage between the other strategies discussed in this report and the Opportunity Zone program is based in the strategies' potential to balance and offset the possible negative impacts of the development that can occur in Opportunity Zones. The use of anti-displacement strategies in Opportunity Zone communities has the potential to help mitigate and even prevent the accelerated gentrification, and possible displacement, that can occur in Opportunity Zones, and, ultimately, could help harness the potential of Opportunity Zones to create community wealth while still keeping residents in place.

Some of the strategies researched in this report seem to be a better fit as direct responses to the types of development happening in Opportunity Zones. Community benefit agreements, for example, have the potential to create accountability in new development projects, and inclusionary

zoning can provide incentives for developers to create affordable housing. However, ultimately, each Opportunity Zone community is unique, and the anti-displacement strategies utilized in a community should match the realities and needs of that place. Ultimately, when considering which anti-displacement strategies could be applied to an Opportunity Zone community, it is likely more useful to consider which strategies will best fit with the unique history, trends, and future priorities for that community, not which strategies are most appropriate simply because that community has been designated as an Opportunity Zone.

CITY PRECEDENTS

INTRODUCTION

This section of the report focuses on six different cities across the US — Austin, Texas; Oakland, California; Pittsburgh, Pennsylvania; Portland, Oregon; San Antonio, Texas, and Seattle, Washington. We selected these cities for their leadership in the development of anti-displacement strategies and for their relevance to Skyway-West Hill and North Highline. We investigated the policies of each city to learn about how they have bundled various anti-displacement strategies together to meet their needs and deter displacement.

PRECEDENT 1: AUSTIN, TEXAS

CITY CONTEXT

Austin was selected as a precedent because of its leadership in developing anti-displacement strategies and for its parallels with King County and the Seattle metro area in terms of demographics and a growing economy fueled by the technology industry.

Demographics

The 2018 report *Uprooted: Residential Displacement in Austin's Gentrifying Neighborhoods and What Can be Done About it* chronicles displacement in Austin and identifies the tracks most vulnerable to displacement. Vulnerability is defined by: percent of people who are renters, percent people of color, percent of people 25+ without bachelor's degree, percent of children living in poverty, and percent of people making less than


Austin's history of racism and segregation is still felt in the city today. ZIAN ZHENG

80% median family income. Based on these factors, they created maps showing where people will be the most vulnerable to gentrification. These areas correspond directly with areas of Austin that have undergone demographic change between 2000–2016. Demographic change is defined as an increase in owner-occupied housing units as a percent of total occupied housing units, increase in white population as a percent of total population, increase in percent of population 25+ with bachelor's degrees, and increase in median family income.

TRANSFER OF DEVELOPMENT RIGHTS CONCEPT
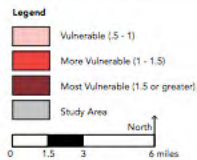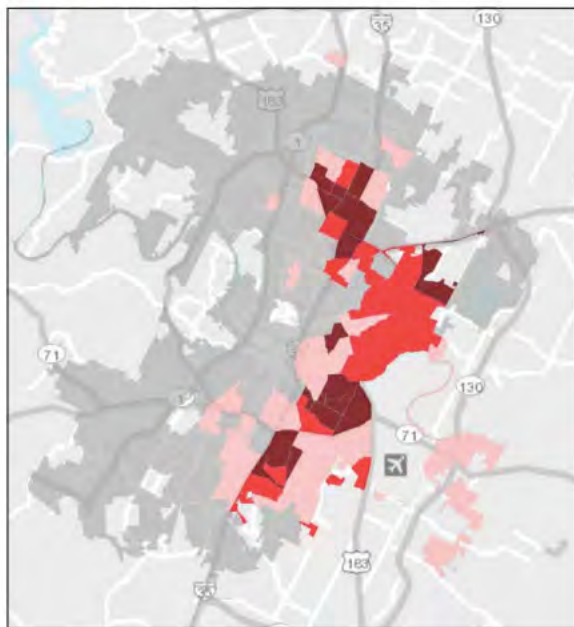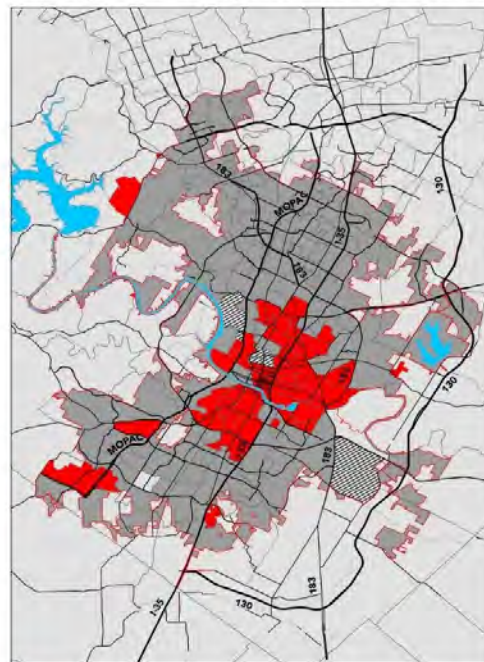
HEATHER WAY, ELIZABETH MUELLER, AND JAKE WEGMANN. 2018. UPROOTED: RESIDENTIAL DISPLACEMENT IN AUSTIN'S GENTRIFYING NEIGHBORHOODS AND WHAT CAN BE DONE ABOUT IT. CITY OF AUSTIN WITH UNIVERSITY OF TEXAS AT AUSTIN.

Austin is a city of about 1 million people with a median household income of $67,462. Roughly 14.5% of the population is living in poverty, and the median value of owner-occupied homes is $312,300 (census.gov). Austin is considered a "no majority" city: 48.3% White (not Hispanic or Latino), 32.7% Hispanic or Latino, 9.8% Black or African American, 7.6% Asian, 2.4% Multiracial (austintexas.gov). Furthermore, languages spoken are diverse; 18% of the population of Austin was born outside of the US and 32% speak a language other than English (austintexas.gov). These demographics may be compared to the demographics of Skyway-West Hill/North Highline, which are also highly racially diverse.

Gentrification and Displacement Trends

The Austin Monitor noted that Austin is primarily a renter's market, as the housing market has pushed many people out of homeownership (Austin Monitor, 2020). Renters and people of color are those being primarily displaced, especially in East Austin. According to Those Who Left, a report from the UT's Institute for Urban Policy Research & Analysis that focused on Austin's declining African-American population, 56% of African-Americans who moved out of East Austin between 2000 and 2010 identified unaffordable housing as their leading motivator for leaving. Additionally, 24% cited underserved public schools and 16% cited institutional racism as their reasons for leaving" (Tang and Falola n.d.).

Erika Leak, of the Department of Housing at the City of Austin, stated in an interview that several factors are contributing to displacement, including Austin's current thriving economy fueled by a growing tech industry, the commodification of housing in Austin (as well as around the rest of the United States), and a nationwide trend of wealthier and middle-class people returning to central cities.

In recent decades, thousands of highly paid tech workers have moved to Austin to work at major tech companies such as Apple, Google, and Facebook. This is correlated with home prices, which have risen by 40% in the past five years. Community activists have called for tech companies to pledge money to help stop the housing crisis, similar to responses to displacement in Seattle and King County (Swiatecki 2020). An Austin-based coalition of activists, Development Without Displacement Coalition, has challenged tech companies in Austin to pledge $2 billion to fund programs and nonprofits committed to fighting displacement. Community groups have pointed to multi-billion-dollar gifts that companies like Microsoft and Apple have given to other cities including Seattle. This

money could supplement $250 million in bond money that was approved by voters last year to fund affordable housing. Community activists argue that these funds should go towards "new affordable housing or programs for rental assistance, stipends for first-time homebuyers and home repair" (Swiatecki 2020).

Government Context

The City of Austin has been focused on anti-displacement for the last few years. In August 2017, the Austin City Council approved a resolution "relating to a gentrification, displacement, and mapping community vulnerability study" (Austin City Council Agenda 8/17/2017). The City Council also commissioned the University of Texas to study displacement trends, which resulted in the Uprooted report.

In 2018, the City of Austin created an I-team, which partnered with the Neighborhood Housing and Community Development Department to focus on services designed to stabilize residents in housing (City of Austin Displacement I-team). The Anti-Displacement Task Force worked with communities throughout the city and produced more than 100 recommendations. Among the most prominent are the very strategies King County asked us to examine:

- Right to return/right to stay in place
- Community Land Trusts
- Affordable Home Ownership
- Community Benefits Agreement
- Inclusionary Zoning
- No Net Loss

With more than 100 recommendations, the City sought to focus its efforts. In 2019, the Council honed in on 15 recommendations as part of its Austin Strategic Housing Blueprint.

ANTI-DISPLACEMENT PUSHBACK

Community-Based Efforts: Austin's Guadalupe Neighborhood

Austin's Guadalupe neighborhood is a small community located just east of the city's Central Business District. The neighborhood has a long history of community-driven anti-displacement work that grew out of its response to urban renewal projects in the late 1970s. The neighborhood has long been home to communities of color, as redlining and other racially discriminatory practices throughout the 20th century segregated African-American and Mexican-American communities in East Austin. The neighborhood's work to curb displacement began in earnest in 1979, when, through community organizing, the community successfully lobbied the Austin City Council to redirect funding that was originally earmarked to expand the French Legation museum — an urban renewal project that would have displaced at least 11 families — to fund a community-generated development plan (Way et al. 2018).

To develop the community plan, neighborhood leaders conducted significant community outreach and ultimately created a three-phase, comprehensive redevelopment plan called the Guadalupe Community Development Project. The plan called for five actions: 1) downzoning lots wherever the zoning was more intense than the current use to prevent commercialization of residential lots; 2) creating programs for counseling and deferred loans to help with home repairs; 3) improving rental housing quality; 4) buying up vacant lots to build affordable housing; and 5) making neighborhood infrastructure improvements (Way et al. 170). The Austin City Council unanimously endorsed the plan and approved the redirection of funding towards its implementation.

In 1981, neighborhood leaders created the nonprofit organization Guadalupe Neighborhood Development Corporation (GNDC) to implement the Guadalupe Community Development Project (Way, Uprooted 170). As a community development corporation, the organization is governed permanently by the community, and it has proved to be a crucial player in the neighborhood's efforts to combat displacement. Its work continues today through a number of anti-displacement programs and strategies.

Up through the 1990s, property prices in Guadalupe remained relatively affordable. During this period, the GNDC, responding to growing commercialization in the area that threatened to displace residents, focused on purchasing vacant lots through its strategic land acquisition strategy. These lots were ultimately used to create affordable housing,

Affordable homes built by Guadalupe Neighborhood Development Corporation.
GUADALUPE NEIGHBORHOOD
DEVELOPMENT CORPORATION

and by 1989, GNDC owned a total of 14 rental units (including both single-family homes and duplex residences) and nine lots spread throughout the neighborhood. Most of GNDC's initial property acquisitions were purchased from public entities, including the City of Austin, as surplus publicly-owned land (Way et al 2018). These early land acquisitions would prove crucial, as property values in the neighborhood today have risen significantly to the oint where they are often prohibitively expensive.

Since the early 2000s, the neighborhood has undergone significant changes with the influx of high-income, white residents, and the University of Texas' Uprooted report notes that Guadalupe is now in the "dynamic" stage of gentrification, which it defines as both including demographic change and highly appreciating home values (Way, Uprooted 24). The neighborhood's population has grown from 5% white residents in 2000 with a median family income of $39,000 to 43% white residents with a median family income of $67,000 in 2018. At the same time, lots that sold for $5,000 in the 1980s are now selling for $500,000 to $650,000 — prices that are inaccessible both to many longtime residents and to GNDC itself (Way, Uprooted 175). In fact, at least eight of the 40 affordable homeownership units that GNDC sold between 1983 and 2008 (with resale restrictions that have since expired) have now been resold to market rate buyers and are now prohibitively expensive both for the low-income families that the properties originally targeted and for GNDC (Way et al. 2018).

GNDC's Current Anti-Displacement Strategies

While many of GNDC's past anti-displacement practices hinged on the acquisition of new properties, rapidly rising home prices have caused the organization to rethink and shift its strategies, which now include densifying existing properties, creating community land trusts, and adopting a preference policy for homeownership applicants.

In regards to **densifying existing properties**, though many of the properties that GNDC purchased through its early strategic property acquisition were zoned for uses other than single-family, multi-family residences were uncommon in the neighborhood, so GNDC initially focused on constructing single-family homes. However, with new land acquisition no longer feasible, GNDC has begun adding affordable housing units to the land that it already owns. This densification strategy has included replacing two of its older duplexes with a 22-unit affordable apartment complex. This project, finished in 2008, was funded with federal Low Income Housing Tax Credits (LIHTC). GNDC's rental rates for units in such projects are significantly below market value: GNDC's rents average $550 per month while one-bedroom apartments rent for an average of $1,255 citywide (Way et al. 2018). GNDC's units are therefore in high demand with a waiting list of more than 780 households for rental housing in 2018 ("GNDC Tenant and Wait List Profile"). Given this demonstrated need for more affordable housing, GNDC is now in the process of developing a 24-unit apartment complex on another of the lots in the Guadalupe neighborhood (Way et al 2018).

GNDC created its first **community land trust** in 2012 as a way to create permanent affordability for low-income families. Under the GNDC CLT model, the land is leased to a low-income family under a 99-year ground lease at a fee of $25 per month (Way et al. 2018). The family then purchases the home that sits on the land, which is financed by a mortgage. The GNDC CLT has first right of refusal to purchase the home upon its resale. GNDC caps the appreciation return for CLT homebuyers at two percent per year, which allows the organization to resell the home to another low-income family at an affordable price. Potential homeowners must have a median family income below 80% MFI in order to be eligible for GNDC's CLT ("GNDC Affordable Home Ownership Program Guidelines").

GNDC's first CLT home was sold for $150,000, with the buyer paying $815 a month towards the mortgage, taxes, insurance, and land trust fees.

With funding both through private mortgage lenders and through the City of Austin, GNDC has subsequently built 17 additional CLT homes. (Way, Uprooted 178). GNDC plans to continue to use the CLT model to sell affordable homes in the future, as this will allow the organization to avoid future loss of affordable homeownership units through market forces.

GNDC has adopted a **preference policy** for its rental and homeownership programs to help residents with long-term ties to the neighborhood stay in Guadalupe. Under this policy, priority is given to applicants who are current GNDC tenants or who have longstanding ties to the neighborhood (giving the highest preference to those who have lived in East Austin for more than 25 years) ("GNDC Affordable Home Ownership Program Guidelines"). Applicants applying under the preference policy must meet GNDC's other criteria for its programs, including its income level requirements.

Lessons Learned from Guadalupe

The University of Texas' Uprooted report offers several poignant lessons from Guadalupe's anti-displacement work over the past 40 years (Way et al. 2018). Those most relevant to communities in King County are outlined here:

1. Develop a community-level — and community-driven — strategy for combating displacement. Guadalupe's anti-displacement work has been grounded in the community itself and has been driven by grassroots mobilization of residents. Much of the GNDC's success has come from its presence in the community, which has allowed it to listen to and assess the changing needs of the neighborhood.
2. Permanent affordability can be ensured through restricted resale prices using a shared equity model. Because GNDC's early homes were sold without caps on the resale price, the properties have now been lost to market forces that have made them prohibitively expensive to low-income families. Restricting resale prices early on through a shared equity model — such as a CLT — can help to maintain affordability over the long-term. This could be especially important in King County communities that are already quite expensive and in which strategic acquisition of new property (which was key to GNDC's early success) is already infeasible due to high costs.

3. Invest in capacity building and technical assistance. Many of GNDC's projects have been supported by assistance (technical, capacity building, and financial) from a number of sources, including the City of Austin and a number of nonprofit and legal organizations. This support has been crucial to the success of many of GNDC's anti-displacement programs.

4. Adapt strategies to changing conditions in the neighborhood. GNDC's strategies for combating displacement in Guadalupe have had to evolve over time given changing market conditions. This ability to pivot to respond to changing neighborhood realities is important to GNDC's continued success; strategies that once worked well in the neighborhood are now prohibitively expensive.

City-Wide Policies

Austin's Displacement Mitigation Strategy

The City of Austin's Neighborhood Housing and Community Development (NHCD) team and its Innovation Office worked together to create a one- to two-year actionable displacement mitigation plan called the Displacement Mitigation Strategy. This plan includes 15 recommendations, drawn from the hundreds that were received by the city, and is focused on both helping residents who are at immediate risk of displacement and on longer-term strategies to retain the city's affordable housing stock.

Staff at NHCD and the Innovation Office evaluated each recommendation focusing on those that were "actionable, related to displacement, free of significant legal or financial challenges, and considered to be within NHCD's zone of control." These were then plotted on a matrix based on their expected impact, their efficiency at mitigating displacement, and the resources that would be required for implementation ("Displacement Mitigation Strategy" 59).

The 15 recommendations below "are either currently underway or will be implemented in the next one to two years if additional staff are approved to increase the capacity of the department" ("Displacement Mitigation Strategy" 60-69):

1. Preference policy to prioritize new city-subsidized affordable units for income-qualified households that are appropriately sized to the unit and/or have ties to the city.

2. Increase communities of color participation in NHCD's affordable housing investment recommendations and displacement mitigation activities.

3. Incorporate robust tenant protections for all rental properties receiving city support.
4. Recalibrate, streamline, and expand density bonus programs to serve renters at or below 60% MFI.
5. Streamline the application process for affordable units.
6. Market NHCD-subsidized affordable units to people of color in gentrifying areas.
7. Engage directly with communities vulnerable to displacement and connect them with services.
8. Modify and expand home repair programs in gentrifying areas.
9. Land bank in gentrifying areas to acquire and develop affordable housing.
10. Support tenant organizing and engagement and provide legal and other assistance to tenants facing eviction.
11. Provide tenant relocation and emergency rental assistance.
12. Support the creation of deeply affordable units at 20% and 30% MFI and below.
13. Proactively monitor affordable properties at risk of losing affordability to try to extend affordability periods.
14. Support capacity building for community development corporations.
15. Increase fair housing enforcement and education.

Each action item in the Displacement Mitigation Strategy is accompanied by a target MFI level (which is generally 80% MFI and below for homeownership and 50–60% MFI and below for renters, though this varies by action item), a note identifying how it aligns with the community studies and plans, and background information on the action item and its implementation. The implementation of the Displacement Mitigation Strategy is still in its very early stages; most of the action items noted above have not yet been rolled out. The implementation has been further complicated and delayed by the COVID-19 pandemic (Leak). The first strategy that the city anticipates implementing — and which is scheduled to be rolled out in 2020 — is its Tenant Stabilization Program, which will administer up to $3000 per year in rental assistance, eviction prevention support, and tenant relocation services to low-income households through selected nonprofit organizations. The program will serve households earning up to 60% MFI ("City's New Portfolio of Strategies").

Other Citywide Strategies to Mitigate Displacement

In addition to its Displacement Mitigation Strategy, Austin has developed a number of other citywide programs and strategies to curb displacement.

Affordability Unlocked Development Bonus Program

The Affordability Unlocked Development Bonus Program is an incentive-based inclusionary program that was adopted in 2019 to encourage developers to build more affordable housing (regardless of location) by allowing them to operate under relaxed building codes on projects that meet certain requirements. Unlike Austin's Displacement Mitigation Strategy, the program is not focused on meeting immediate displacement concerns. Instead, it is specifically focused on creating new affordable housing stock, which can be seen as a long-term displacement prevention strategy. Though the program can be used by any developer meeting the program's minimum standards, the city anticipates that it will be most used by developers that already focus on creating affordable housing (Leak).

In order to use the incentives under the Affordability Unlocked program, at least 50% of the units in a new development project must be affordable, averaging up to 80% MFI for homeownership units and 60% MFI (with at least 20% of units up to 50% MFI) for rental units. The rental units must remain affordable for 99 years, and 25% of the affordable units must include two or more bedrooms or be used to provide supportive or elderly housing. Housing providers must also provide tenant protections as required in existing city and federal affordable housing agreements, and they cannot discriminate against prospective renters because they are using a housing voucher ("Affordability Unlocked"). The program is applicable in commercial, residential, and most special-use zoning districts.

If a developer meets the above criteria, they can receive a number of incentives in the form of waivers or reduced restrictions. These incentives include waivers to height and setback compatibility and floor-to-area ratio requirements, modified parking requirements (though accessible parking is still required), a waiver of density limits that apply to higher density zones, and an allowance of up to six dwelling units per lot in single-family zones. If a project exceeds the minimum program criteria and includes at least 75% affordable units, then it can receive additional incentives, including a

maximum height by base allowance increased by 1.5 times and up to eight dwelling units per lot in single family zones ("Affordability Unlocked").

Though the Affordability Unlocked program is still quite new, it has received widespread support from Austin's affordable and community housing organizations, including the Guadalupe Neighborhood Development Corporation, the Austin Housing Coalition, Austin HousingWorks, and Austin Habitat for Humanity ("Affordability Unlocked: February 21 Council Meeting"). Prior to the Affordability Unlocked program, several affordable housing organizations in Austin claimed that existing building codes had severely constrained or restricted the number of affordable units that they could build (Anderson). With the creation of the Affordability Unlocked program, Project Transitions, which is a local provider of affordable housing and wraparound services for people living with HIV/AIDS, predicts that it will nearly triple its affordable housing stock within the next two years (Maroff).

Community Land Trusts

The City of Austin has a longstanding community land trust program, and most of the new homeownership properties that are subsidized by the City go into a land trust model that is aimed at keeping them affordable over the long-term (Leak). Under the City's CLT program, potential homeowners purchase a home on CLT land and enter into a long-term (99-year) ground lease with the City. When a CLT homeowner wants to move or sell their home, they must first contact the City CLT for approval, at which point they can sell the home back to the CLT or directly to an income-qualified buyer. The CLT uses a fixed appreciation rate at 2% per year, with a cap of 30 years plus any approved capital improvements. Potential homeowners are eligible for the program if they meet several criteria ("Community Land Trust"):

1. They have not owned a home in the past three years, or they have been displaced;
2. They have completed an approved Pre-Purchase Homebuyer Education Program (which are facilitated by the City);
3. They have been approved for a mortgage with a participating lender; and,
4. They have a household income of 80% MFI or less.

PRECEDENT 2: OAKLAND, CALIFORNIA
CITY CONTEXT
Demographics

The Bay Area is one of the most expensive regions in the country. Oakland's rents are some of the fastest rising rents nationwide.
BASIL D SOUFIALL CAPS

Oakland is located on Chochenyo Ohlone land. It is a diverse city in the East Bay of the San Francisco Bay Area, and has multiple strong cultural legacies and active community leaders and organizations. In the latter half of the 20th century, Oakland became known as an epicenter of Black culture and organizing; in the last 30 years, it has faced ever-increasing displacement pressures.

The San Francisco Bay Area is one of the most expensive regions in the country, and Oakland's rents are some of the fastest rising rents nationwide. Residents are often housing-burdened and at high risk of displacement. Many long-time residents have been forced to move to other parts of the Bay Area where they experience extreme commute burdens or become homeless as the result of being unable to pay rent or mortgages. Due to the legacy of racist housing policies, this is especially true for communities of color.

By the late 20th century, Oakland was a diverse city with strong communities and legacies of activism. However, as a result of segregation, redlining, and racist lending practices, many BIPOC (Black, indigenous and people of color) Oaklanders were not able to purchase homes and

develop the kind of land tenure their white counterparts were. Urban renewal had already displaced Black and Latinx communities from West Oakland. As the tech industry took off, Bay Area housing costs soared. The 2008 recession and related mortgage crisis further fueled displacement for middle and low-income residents. In 1980, Oakland's population was 46% Black, by 2010 it was down to 27.3% (Kuruvila 2012)

Since 2010, these trends have continued. According to the US Census Bureau, the percentage of the population who identify as Black or African American is 23.6%. White identified people now make up 36% of Oakland residents, a significant increase, while 16% of Oaklanders are Asian, 1% Native American, 1% Native Hawaiian or Pacific Islander, 27% Hispanic or Latinx and 7% of people are two or more races.

About 40% of Oakland residents are living in owner-occupied housing. In 2018, the median household income was estimated to be $68,500. According to the US Census Bureau, about 18% of residents are living in poverty (US Census Quick Facts).

When the Area Median Income (AMI) or minimum wage are compared to the cost of living in Oakland, it is clear that a much larger percentage of the population is what HUD calls "housing burdened" — that is, paying more than 30% of their income for housing. According to the United Way of California, 30% of households in Alameda County are below Real Cost Measures (RCM), meaning they are unable to reasonably afford the cost of living. About 98% of these households includes at least one working adult, suggesting the discrepancy is between wages and the cost of living, rather than there being a shortage of jobs. Families with children, people of color and people without US citizenship are especially likely to be housing burdened in Alameda County. According to RCM, a family would need to earn $93,213 a year to afford the cost of living in Alameda County, more than the AMI estimated by the US census bureau (United Way 2019). This means that the median asking rent in Oakland is unaffordable for teachers, bus drivers, and medical assistants among many other hourly and salaried professions, according to the California Housing Partnership (California Housing Partnership).

Government Context

Oakland's housing crisis is related to California's housing crisis as a whole and it similar to what we are experiencing in the Seattle metro area. The demographics from San Francisco Bay Area reveal extreme income inequality among residents, a speculative real estate market, and growth

in corporate landlords. In California, there is a statewide shortage of 1.3 million homes for low-income residents (California Housing Partnership), and governmental budget cuts have gutted funding that could otherwise have addressed the shortage. In the 2010's, the state cut funding for the development of affordable housing; in the aftermath of the 2016 election, the federal government did so as well.

As the housing crisis increases, community groups, governmental agencies, and nonprofits are struggling to find new ways to increase access to affordable housing. Recently, the counties of the Bay Area have started to work together to determine regional housing needs and identify development goals for different local governments. California's current governor, Gavin Newsom, has made homelessness and the housing shortage a significant component of his political platform. At a state level, there is currently a push to eliminate single family zoning, with local advocates pushing for a more nuanced approach. As of January 1, 2020, California now has statewide rent control, although the Costa-Hawkins Rental Housing Act places limits on municipal rent control ordinances (Chlland and Chandler 2020).

Recently, California's budget priorities have shifted as a result of the COVID-19 pandemic. Although support for affordable housing has mostly been retained thus far, the distribution of it has shifted. Money intended to support efforts against homelessness has been redirected from varied strategies towards purchasing hotels and motels currently being used as emergency shelters in order to transition them into longer-term solutions.

Gentrification/Housing Displacement Trends

Multiple forms of displacement are taking place in Oakland. There is cultural displacement resulting from the influx of new residents, there is physical displacement of long-time residents who can no longer afford to live in Oakland, and there is a different type of in situ displacement of long-term resident who are no longer able to afford the cost of housing and have been pushed into homelessness. Alongside this displacement, Oakland is experiencing high rates of gentrification, especially in historically redlined neighborhoods. Although many policies have been put in place locally, the regional and statewide context is such that displacement and gentrification continues.

One of the manifestations of cultural displacement is a changing sense of the appropriate usage of the public realm. This shift is epitomized in a 2018 incident where a white woman called the police on longtime

Black Oakland residents who were having a family barbeque near Lake Merritt. In this incident, the white woman put the Black family at risk and weaponized her own racial privilege to control public activities and behaviors of longtime residents. When newcomers attempt to police long-term residents, they enforce social and cultural displacement at best, and at the worst can trigger physical harm for communities of color.

The 2007–2009 foreclosure crisis had a significant impact on Oakland homeowners. As predatory lending practices often targeted communities of color and low-income individuals, this crisis compounded the history of redlining and urban renewal, further displacing east and west Oakland communities that had been under assault by displacement pressures for decades. During the foreclosure crisis and associated recession, one in 14 Oakland mortgages were lost to default. Absentee corporate landowners took advantage of the foreclosed housing stock to build up their portfolios. This is one aspect of speculative real estate practices that have precipitated the rapid rise in local housing costs. Not only were long-term residents forced to leave foreclosed homes, they struggled to afford rental homes made more expensive by the combined pressures of speculative real estate and the wealth disparity fueled by the tech industry.

The Bay Area is seeing an increase in residents overall. Within that there are in-migrations and out-migrations of particular communities and demographic groups. Black and Hispanic people, as well as households making less than $50,000 annually, are more likely to move out of the Bay Area to more affordable parts of the state. Black out-movers who stay in the state are most likely to move to the Sacramento region, while Hispanic out-movers are more likely to move to the central valley (Romem and Kneebone 2018). This migration pattern suggests not only a rupture of existing and historic place-based community, but potentially long-term financial consequences as the regions of the state where low-income individuals are moving often have fewer financial opportunities. As a result, this displacement can fuel intergenerational race-based wealth gaps.

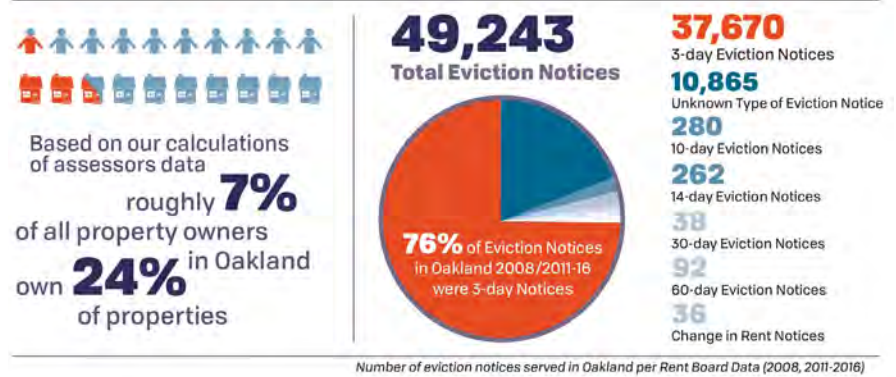Not everyone who is evicted or otherwise forced to leave their housing in Oakland leaves the city altogether. In recent years, the number of people experiencing homelessness in Oakland has skyrocketed. A 2019 count put the number at more than 4,000 people, an almost 50% increase in a two-year period. Most of those people were longtime Oakland residents before they lost their housing. According to Oakland Homelessness

Response, in 2017, 82% of people experiencing homelessness in Alameda County were previous residents. In Oakland, the legacy of racist policy is evident in the demographic make-up of the homeless population: 68% of those experiencing homelessness in 2017 identified as Black or African American. Homeless and marginally-housed people are organizing to fight back against the inequity of homelessness and displacement.

OAKLAND RENT BOARD DATA

Eviction Notices Served in Oakland

Data on Oakland eviction notices filed with the Rent Board is based on data provided by the Oakland Rent Adjustment Program as well as publicly available company information. While we have noted some inaccuracies in the eviction data provided, it is the only comprehensive data set available in Oakland. Most of the notices are 3-day notices to pay or quit.

Based on our calculations of assessors data

roughly **7%** of all property owners

own **24%** in Oakland of properties

49,243 Total Eviction Notices

76% of Eviction Notices in Oakland 2008/2011-16 were 3-day Notices

37,670 3-day Eviction Notices

10,865 Unknown Type of Eviction Notice

280 10-day Eviction Notices

262 14-day Eviction Notices

38 30-day Eviction Notices

92 60-day Eviction Notices

36 Change in Rent Notices

Number of eviction notices served in Oakland per Rent Board Data (2008, 2011-2016)

Map detailing Oakland Rent Board evictions, 2009–2015: Median income rent increase, 2009–2015: and Loss of Black Population 2010–2014.
THE ANTI-EVICTION MAPPING PROJECT

Other Relevant Context

COVID-19 has massively disrupted the Bay Area housing market. With soaring rates of unemployment, state and federal budget cuts, and general uncertainty, long-term strategies for addressing the housing crises are suddenly waylaid. In the meantime, new and unprecedented policies are being tested. With tech industry employees working from home, Bay Area housing groups question whether they may move away altogether, possibly reducing the pressure on the local housing market. Spurred by the effort to provide everyone with shelter in the wake of the virus, the state of California is working to rapidly purchase dozens of hotels and motels as a form of long-term housing for people experiencing homelessness. State funds for the development of affordable housing have been cut but not eliminated.

Alameda County has taken the unusual step of protecting tenants from eviction for unpaid rent accrued during the coronavirus crisis in perpetuity. Tenants will still owe the rent they were unable to pay as a

result of the disruption of their income, but they cannot be evicted for unpaid back rent. This is much stronger than the protections provided by other counties and municipalities which provide a six-month or one-year window to pay back missed rent. However, considering the severe housing burden many Oakland residents already face, it may be unlikely that people will be able to pay back rent on any time scale.

ANTI-DISPLACEMENT PUSHBACK

Community-Based Efforts

Many local NGOs are working within Oakland and the larger Bay Area to address issues related to displacement and gentrification. Some of these groups are more community-based while others are more academic or research-based; some are focused on preserving and creating affordable housing, others are focused on policy and legislation. Oakland benefits from a plurality of nonprofits that address the many different sides of the issue of displacement.

East Bay Housing Organizations

East Bay Housing Organizations (EBHO) is a community-led group, founded in Oakland, whose mission is "to preserve, protect, and create affordable housing opportunities for low-income communities in the East Bay by educating, advocating, organizing, and building coalitions" (East Bay Housing Organizations). They believe that housing is a human right, and their work focuses on the equitable distribution of housing to low-income people and people of color. This work is done through the development of community leaders, the formation of an inter-faith affordable housing coalition, and engaging in planning and policy processes on the local and regional level. They recently worked to pass the Public Lands for Public Good bill that should expand the number of affordable units built in the next 10 years.

EBHO is a community-led group that was founded in Oakland whose mission is "to preserve, protect, and create affordable housing opportunities for low-income communities in the East Bay.

Moms 4 Housing

Moms 4 Housing is an Oakland based collective of formerly homeless and marginally housed mothers fighting for housing equity. They emphasize the role of the speculative real estate market and absentee corporate landlords in the untenable cost of housing and the coexistence of homelessness and housing vacancies. According to their website, there are four empty homes for every homeless person in Oakland. They gained international support and recognition in late 2019 when they occupied a vacant and derelict home and fixed it up (Cohen 2020). They have

since been evicted in a show of force by the Alameda County Sheriff's Department. Under pressure, the real estate company, Wedgewood Properties, has agreed to sell the home and offer first right of refusal on its accumulated Oakland housing stock to the Oakland CLT.

The Sogorea Te' Land Trust

The Sogorea Te' Land Trust is "an urban Indigenous women-led community organization that facilitates the return of Chochenyo and Karkin Ohlone lands in the San Francisco Bay Area to Indigenous stewardship." As a result of the legacies of enslavement by the Spanish missionaries, and genocide perpetrated by the state of California, in addition to regulatory hurdles, many of California's coastal tribes do not have federal recognition and thus do not have legally recognized lands. The Sogorea Te' Land Trust is being used as a ceremonial home, and place to practice traditional forms of plant cultivation. It was established in 2017 in Oakland's Sobrante Park neighborhood in partnership with local organization Planting Justice. Sogorea Te' is supported in part through Shummi land tax paid by non-indigenous people living on Chochenyo and Karkin Ohlone lands. This site and organization demonstrate that anti-displacement work is not only about housing, but also about cultural practices and shared space.

Urban Displacement Project (UDP)

The Urban Displacement Project is a research and action initiative of UC Berkeley; its goals include understanding gentrification and displacement, as well as how policy and investment can address these issues. Their work includes teams at UC Berkeley, UCLA, and Portland State, as well as partnerships with many community-based organizations such as Marin Grassroots, Monument Impact, Causa Justa (Just Cause), San Francisco Organizing Project, Chinatown Community Development Center, and Thai Community Development Center. The project is intended to be a source of knowledge for policymakers and affordable housing advocates. Much of the research of this report is based on their research, maps, and policy briefs.

Community Economics

Community Economics is a not-for-profit that provides direct assistance and consultation to other not-for-profit developers in the effort to create, maintain, and acquire affordable housing. They work on the finance side of things and have helped to not only build affordable housing, they have also advocated for affordable housing policies in and around the Oakland area. Some of their work includes mitigating the overly complex federal tax system credit (ARRA Legislation), developing a report about the effects

of the short-term rental market in Oakland (Community Economics and East Bay Housing Organizations), and being a member of the Make It Fair campaign to help reform the State's commercial property tax system to eliminate loopholes and generate much-needed revenues.

City-Wide Policies

Oakland currently has a complex matrix of policies, housing tools, and programs in place that attempt to address specific aspects of gentrification and displacement. Most of these strategies are not currently in place in King County, though they may be relevant in related jurisdictions (i.e., the City of Seattle). These strategies fit broadly into six major categories:

TRANSFER OF DEVELOPMENT RIGHTS CONCEPT

Affordable Housing Development	Tenant's Rights
• Density bonus program • Affordable housing new construction loan program • Site acquisition program • Pre-development loan program	• Just cause eviction ordinance • Rent adjustment program (rent stabilization) • Housing services and counseling • Tenant Protection Ordinance
Tenant's Rights • Just cause eviction ordinance • Rent adjustment program (rent stabilization) • Housing services and counseling • Tenant Protection Ordinance	**Property Owner Incentives and Subsidies** • Condominium Conversion Ordinance • Foreclosure assistance • Neighborhood housing revitalization program • Earthquake safe homes program (seismic retrofit grants for 1-4 unit properties) • Safer housing for Oakland program (seismic retrofit grants for "soft story" rental properties with 5 or more units) • Moderate rehabilitation program
Special Needs Assistance • Homeless Program • Veterans Affairs Supportive Housing (VASH) Program • Non-Elderly Disabled (NED) • Shelter Plus Care	**Funding Sources** • Jobs-housing impact fee • Affordable housing impact fee • Redevelopment Agency "boomerang" funds • State and Federal funds • City infrastructure bond with affordable housing measures • County Affordable Housing Bond

FOGARTY, NADINE AND DEREK BRAUN. JUNE 13, 2018. DRAFT AFFORDABLE HOUSING AND ANTI-DISPLACEMENT BACKGROUND AND STRATEGIES. DOWNTOWN OAKLAND SPECIFIC PLAN.

The takeaway is that Oakland has many strategies that overlap, interplay, and complement each other in order to address the many different ways that displacement affects the community. Many of these policies have been updated relatively recently to more precisely address modern-day gentrification pressures, or to expand their scope to disallow elements that may have turned out to be loopholes.

For instance, Oakland began a Rent Adjustment Program (RAP) in 1980 that based the maximum annual rent increase on the Consumer Price Index (CPI), and generally restricted rent increases to once annually (City of Oakland Rent Adjustment Program). In 2016, Oakland residents voted to expand this program's requirements, including requiring notices of rent increase to be submitted in multiple languages, and requiring landlords to petition for any rent increase not based on CPI (Notice to Tenants of the Rent Adjustment Program). The Oakland at Home housing action plan also calls for updates to many City policies, including an expansion of the City's Housing Resource Center, revisions to the Tenant Protection Ordinance, and changes to the code enforcement relocation ordinance (Oakland Housing Cabinet). These calls for changes speak to a willingness to enact policy, examine its unforeseen effects, and revise in an attempt to strengthen its intent. This cycle of enactment and revision is necessary for anti-displacement strategies to be responsive to ever-changing conditions, including the development of new legislation.

Policy Highlights

The overlapping and complex matrix of different anti-displacement efforts by community and governmental leaders make it difficult to isolate the effects of any one policy. We spoke with some local professionals who work in Oakland, including architect Mike Pyatok and the Executive Director of Community Economics to get their feedback on important policies that reflect the state of Oakland's anti-displacement efforts. The following policies are highlighted as case studies within the City of Oakland and help provide a lens through which a policy's effectiveness might be examined.

Jobs/Housing Impact (Linkage) Fees

Linkage fees are a way to tie the creation of affordable housing to building booms and are fairly common in the Bay Area, where at least 16 cities have them. The City of Oakland only began mandating job linkage fees in 2016, but it has faced some challenges. Developers are required to pay impact fees between $5,000 and $24,000 per market-rate unit in new

developments, depending on where the projects are and when they were issued permits. Unfortunately, the profits from these fees have fallen short of projections. The city has assessed around $21 million in impact fees but only collected $8.75 million, and only $4.9 million has been passed on to affordable housing developers. Although the City has hired an independent auditor to look into what happened, the City has likely already missed an opportunity to capitalize on the building boom that has occurred over the past four years. The initial draft of the report was slated to be released in April 2020, although we were unable to find any evidence it had been released yet at the time we wrote this. The report could yield important findings about the effectiveness of job linkage fees and their ability to help bolster the development of affordable housing.

Condo Conversion Ordinance

In 1981, the City passed a Condo Conversion ordinance in response to a spike in conversions of apartments to condominiums, effectively reducing the number of available rental properties available in the city and causing hundreds of residents to lose their homes. The ordinance placed restrictions on converting apartments to condominiums, but it included some notable workarounds that weakened its effects. For example, property owners could convert their existing properties if they created new rental properties, but the newly created rental property could itself be converted within 7 years, denying the market of permanent rental properties. Additionally, all properties with four or fewer units were exempt from the ordinance; since Oakland is a fairly low-density area, this meant that a high percentage of apartments were exempt. Years of activist work and lobbying efforts culminated in an update to the CCO that removed these workarounds and aimed to preserve the existing number of rental units in Oakland. Since these updates did not take effect until January 1, 2020, the effects remain to be seen. The history of this strategy provides an example of how a long-standing ordinance can be updated to be more responsive to modern housing conditions and can be strengthened to help fight displacement rather than trying to create new legislation from scratch.

PRECEDENT 3: PITTSBURGH, PENNSYLVANIA

CITY CONTEXT

Demographics

Pittsburgh has a population of roughly 301,000; 64.9% is white alone, 22.8% Black or African American alone, 5.56% Asian alone, 3.38% Hispanic or Latino, 2.78% two or more races, 0.306% some other race alone, 0.191% American Indian and Alaska Native alone, and 0.0522% Native Hawaiian and other Pacific Islander alone, (Data USA 2018). The city's median property value is $140,200, and the homeownership rate is 46.9%. The city's median household income is $41,417. The poverty rate is 22%.

Gentrification and Displacement

Pittsburgh is the eighth most gentrified city in America (Deto 2019). The city is growing in population and economically, but not all have benefited from the city's recent surge. This has created a need to protect vulnerable communities who are feeling displacement pressures from rising rents and sale prices (Rosenblum 2017). This follows a longer history of displacement in Pittsburgh, notably the urban renewal projects of the 1950s and 60s in areas previously experiencing redlining and other forms of disinvestment (Damewood 2011). For example, in the Lower Hill District, 1300 buildings were demolished, forcing 413 businesses and more than 8000 residents to relocate (Damewood 2011).

Gentrification is concentrated in the core of the city, where neighborhoods have long housed low-income workers largely in the service industry (Deto 2019). A study by the National Community Reinvestment Coalition (NCRC) found that 20% of eligible census tracts in Pittsburgh gentrified between 2000 and 2013. These tracks included neighborhoods of Lawrenceville, Bloomfield, Garfield, Polish Hill, Downtown, and sections of the North Side and Mount Washington (Deto 2019). Residents of East Liberty have also experienced displacement pressures: many lost their homes when the Penn Plaza apartments were demolished (Rosenblum 2017).

Pittsburgh's rapid economic growth and population increase has fueled gentrification and rising rents. ZIAN ZHENG

Gentrification in Pittsburgh results from revitalization efforts, including the construction of new market-rate housing without including affordable units (e.g., in parts of Downtown), razing of public housing (e.g., in St. Clair), new amenities and main street development, and home flipping (e.g., in Lawrenceville). Gentrification in Pittsburgh is closely linked with the displacement of Black residents. Neighborhoods experiencing displacement of their Black communities between 2000 and 2013 include Downtown, the Mexican War Streets in the North Side, and St. Clair. Downtown lost 1,466 Black residents from 2000–2010 (Deto 2019). Housing instability and displacement in Pittsburgh worsens the issue of homelessness in the city; 11,000 people each year encounter some aspect of homelessness in Allegheny County (Rosenblum 2017).

ANTI-DISPLACEMENT PUSHBACK
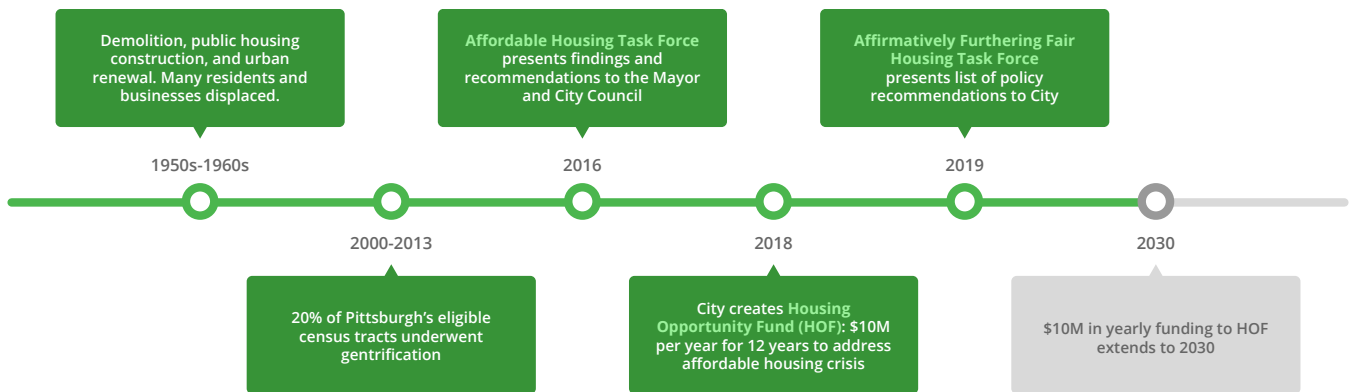
Community-Based Efforts

Pittsburgh is a city of neighborhoods. Like Southwestern King County, the city's hilly topography lends to this trend and creates specific and discrete communities with a high variety in demographic makeup and community need. Interestingly, many of the anti-displacement strategies employed by the city were community-led strategies that targeted ultra-local jurisdictions. Strategies that were used on a neighborhood and community scale include Community Benefit Agreements in the Hill District, Inclusionary Zoning Policy in Lawrenceville, Accessory Dwelling Units in Garfield, and two Community Land Trusts in Oakland and Lawrenceville. All of these locally-driven strategies came from community-led efforts through collaboration with the City. These strategies also were used in pilot projects that allowed more data to be collected and for funding to be temporary in order to measure the effectiveness of a particular strategy. The following table outlines the different community-led, local anti-displacement strategies, in addition to the one citywide strategy we were able to find: a bundle of affordable homeownership support programs.

The most notable developments following the citywide task forces have been implemented at the neighborhood level, where communities have tested strategies as pilot projects.

City-Wide Efforts

While much of the anti-displacement work in Pittsburgh has centered around specific communities and neighborhoods, there have been a few citywide efforts to address displacement, primarily affordable and fair housing task forces studying housing in the city and providing recommendations to the mayor and city council (see timeline). The Affordable Housing Task Force (AHTF), composed of urban planners, policy makers, legislators and community stakeholders, presented a set of recommendations in 2016, some of which were translated in policy, including a $10M/year Affordable Housing Trust Fund to ensure various projects receive the support they need long term. The recommendations also include the protection of current homeowners and tenants, inclusionary zoning policy, increased use of the Low Income Tax Credit, and preserving existing affordable housing (AHTF 2016). These recommendations were ushered into city policy through a different but similar task force, the Affirmatively Furthering Fair Housing Task Force. The most notable developments following the citywide task forces has still been implemented at the neighborhood level, where communities have tested strategies as pilot projects.

TIMELINE OF CITY-WIDE ANTI-DISPLACEMENT WORK, PITTSBURGH, PENNSYLVANIA

1950s-1960s Demolition, public housing construction, and urban renewal. Many residents and businesses displaced.	**2016** Affordable Housing Task Force presents findings and recommendations to the Mayor and City Council	**2019** Affirmatively Furthering Fair Housing Task Force presents list of policy recommendations to City
2000-2013 20% of Pittsburgh's eligible census tracts underwent gentrification	**2018** City creates Housing Opportunity Fund (HOF): $10M per year for 12 years to address affordable housing crisis	**2030** $10M in yearly funding to HOF extends to 2030

LCY STUDENT TEAM

COMMUNITY-LED, ANTI-DISPLACEMENT STRATEGIES, PITTSBURGH, PA

Anti-Displacement Strategy	Area Covered	Phase of displacement	Income Level Targeted (Max. AMI)	Duration	Funding	Community Involvement in Creating Strategy
Affordable Homeownership » Down payment and closing cost grants and soft second mortgages » Home rehabilitation and improvements grants and loans » Eviction prevention services » Accessibility modification grants Mortgage assistance loans	All of city	Preventative + Anticipatory	50% – 120% (depending on resource)	Unknown/unlimited. Resources (provided by Urban Redevelopment Authority [URA], Federal Home Loan Bank of Pittsburgh, Housing Authority of the City of Pittsburgh, PA Housing Finance Agency, Pittsburgh Commission on Human Relations, and Pittsburgh Financial Empowerment Center) appear to be available.	Unknown total cost. For an idea of these agencies' budgets, in 2017, the URA spent $53M on housing and business loans and grants. In 2018, the Housing Authority of the City of Pittsburgh spent $70K on housing asst. pmts.	Unknown
Affordable Homeownership* *variation: tenant council ownership » Prevented eviction of all families » Guarantees affordability and improved living conditions	North Side	Anticipatory	50%	Unlimited. The loan will not bear interest, and will be automatically forgiven at a rate of 5%/year, with the entire balance forgiven after 20 years. No payments due as long as tenant council continues to meet the conditions of loan.	$1.6M forgivable loan provided by URA to Section 8 Tenant Council (Northside Coalition for Fair Housing) to buy out a majority of the investors in the company that owns their homes.	Community driven. Northside tenants came together to form the Northside Coal. for Fair Housing, buy the majority share of the development.
Community Benefit Agreement » Investment of $11M in youth technology learning, recreational centers, public art, local MWBE businesses, home and rental repair, and community-driven affordable homeownership initiatives » Minority and Hill District hiring commitments » Immediate creation of workforce programs connecting residents to jobs and long-term career-building support » Minority and Hill District hiring commitments » Immediate creation of workforce programs connecting residents to jobs and long-term career-building support	Lower Hill District	Reparative	Benefits all residents	Unknown. As long as funding for programs remains.	No public funding.	Community driven. One Hill Neighborhood Coalition spearheaded initial negotiation.

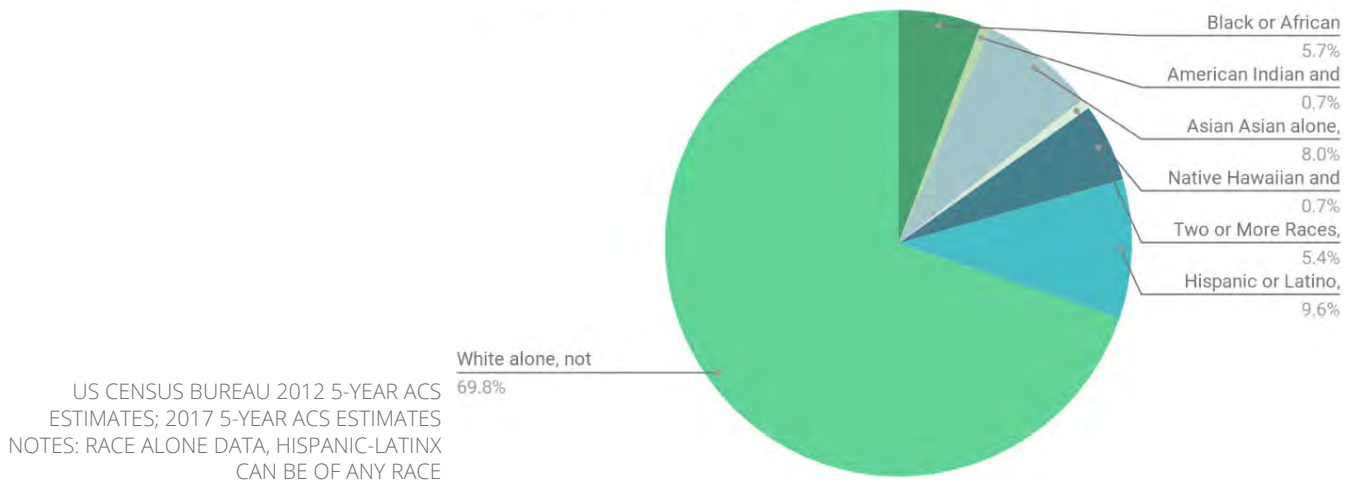|						
Inclusionary Zoning » New affordable housing requirements for developers building ≥20 new units » Projects must reserve 10% of new or substantially rehabilitated units for low-income households	Lawrenceville (with potential to expand)	Anticipatory	80% for units for sale, 50% for rentals	18 months: duration of pilot program. 35 years: how long inclusionary units must stay income-restricted.	No public funding.	Community-driven. Organized and championed by Lawrenceville United, Lawrenceville Corporation, and local Councilwoman Deb Gross
Accessory Dwelling Unit » Supplementary income for property owners through rental of units ≤ 800 sq.ft.. » Increases density and provides more options in housing stock.	Garfield (with potential to expand)	Preventative	No income restriction for ADU occupancy, but typically affordable	2 years: duration of pilot program. Permanent permission to keep ADU for anyone who builds within pilot period.	No public funding.	Community-driven. Pilot spearheaded by Bloomfield-Garfield Corporation (local CDC)
Community Land Trust » Small scale operations, under 10 homes between the two as of May 2018. » Reduce likelihood of gentrification and displacement, and provides opportunity for home ownership for low-income families	Lawrenceville and Oakland, soon to be joined by Hill District, Etna, Garfield, Millvale, Sharpsburg and Polish Hill	Preventative	80%	Unlimited. Homes will be permanently affordable. 99-year, r enewable leases.	Lawrenceville (for 7 units): $2.2M from Lawrenceville Corp. (includes funds from a bank loan, PA Housing Affordability and Rehabilitation Enhancement program [PHARE], two foundations, Pittsburgh's HOF, and $675K from URA.) Oakland (for 1 unit): $260K from Oakland Planning and Development Corp. (includes $40K from PHARE and $70K from HOF). Other funding sources for Oakland CLT: Comm. Devel. Block Grants and no-interest loan from Univ. of Pittsburgh	Community-driven. CLTs formed by local CDCs: Lawrenceville Corp. and Oakland Planning and Development Corp.

PRECEDENT 4: PORTLAND, OREGON

CITY CONTEXT

Demographics

According to a 2019 report by the Portland Housing Bureau, Portland's population grew by 44,443 individuals (7.6%) and more than 12,400 households (5%) between 2012 and 2017 (see also American Community Survey [ACS] estimates, US Census Bureau). The current population is more than 630,330. Population growth has been largely concentrated in the Interstate Corridor, Central City, MLK-Alberta, and East Portland.

RACE AND HISPANIC ORIGIN, PORTLAND, OR

Race and Hispanic Origin

Black or African
5.7%
American Indian and
0.7%
Asian Asian alone,
8.0%
Native Hawaiian and
0.7%
Two or More Races,
5.4%
Hispanic or Latino,
9.6%
White alone, not
69.8%

The number of households without children increased significantly between 2012 to 2017. Single-person households continued to represent one-third of Portland's household population during that period.

Portland's median household income rose by $6517 between 2012 and 2017, with increases seen for both renters and homeowners. The median income for Portland homeowners is nearly $87,000 per year and is more than double that of renters, whose median income is around $40,000 per year (US Census Bureau, ACS Survey).

Governmental Context

Oregon is one of only two states (along with Texas) that preempts local governments' ability to use mandatory inclusionary zoning policies

(National Association of Home Builders). Portland's 2035 Comprehensive Plan guides how and where land is developed and infrastructure projects are built to prepare for and respond to population and job growth. The plan's guiding principles include:

- Economic Prosperity: Support a low-carbon economy and foster employment growth, competitiveness, and equitably-distributed household prosperity.
- Human health: Avoid or minimize negative health impacts and improve opportunities for Portlanders to lead healthy, active lives.
- Environmental health: Weave nature into the city and foster a healthy environment that sustains people, neighborhoods, and fish and wildlife. Recognize the intrinsic value of nature and sustain the ecosystem services of Portland's air, water, and land.
- Equity: reducing disparities, minimizing burdens, extending community benefits, increasing the amount of affordable housing, affirmatively furthering fair housing, proactively fighting displacement, and improving socio-economic opportunities for under-served and under-represented populations.
- Resilience: Reduce risk and improve the ability of individuals, communities, economic systems, and the natural and built environments to withstand, recover from, and adapt to changes from natural hazards, human-made disasters, climate change, and economic shifts.

Portland has created a "Right to Return" policy that allows tenants, who are mainly minorities, to move back to areas where they lived before gentrification pushed them out.

Gentrification and Housing Displacement Trends

Given the rise of housing costs; an inadequate supply of affordable housing units; an influx of young, college-educated people; as well as empty-nesters who want to be in a central city, Portland is facing a significant trend of gentrification and displacement that is disproportionately impacting communities of color.

GENTRIFICATION AND DISPLACEMENT TYPOLOGY ASSESSMENT
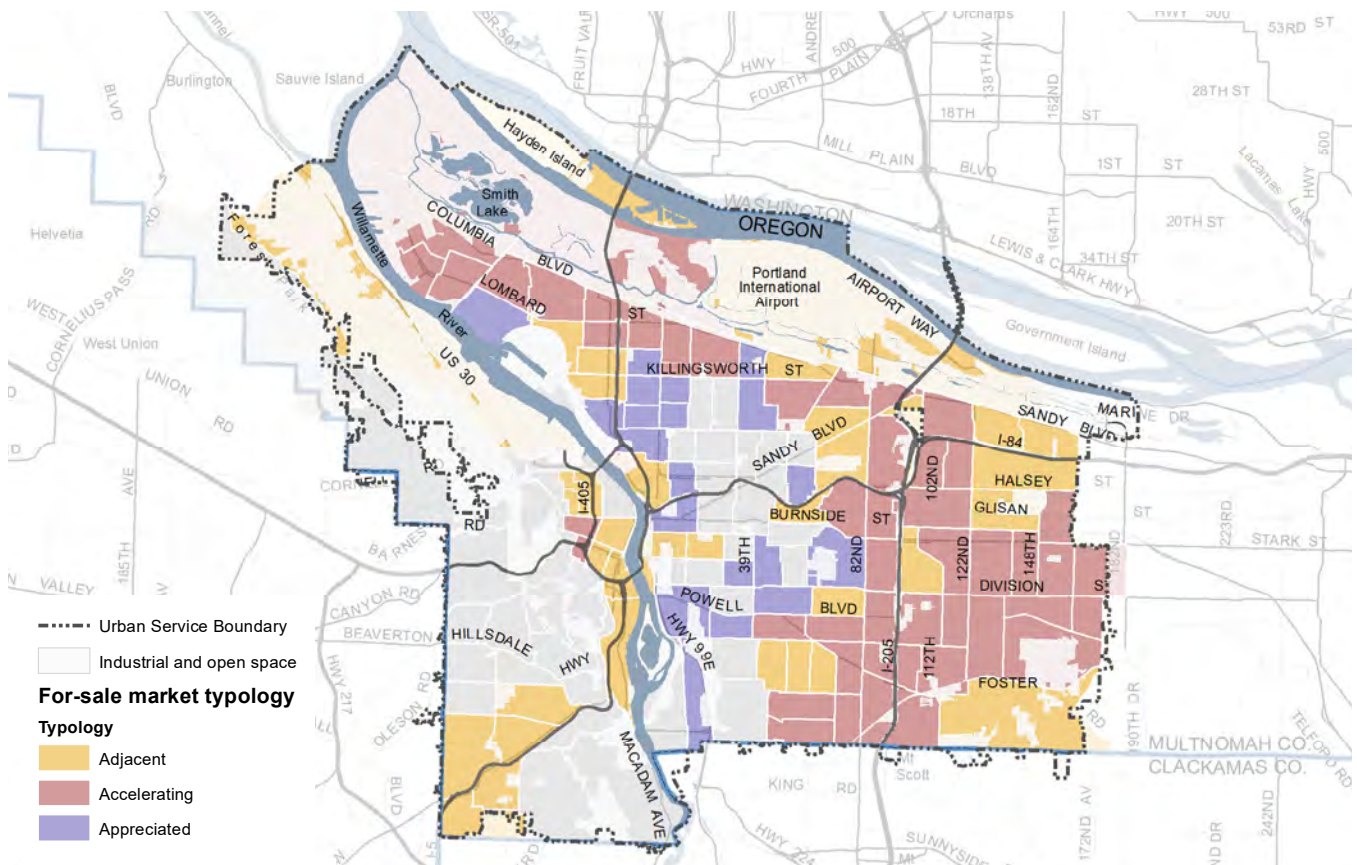
Data sources: Regional Multiple Listing Service (RMLS); Zillow.com Rental Data; Census 2000; ACS 2006-10, 2011-15 (CHAS) and 2012-16 5-year estimates. CITY OF PORTLAND

NEIGHBORHOOD TYPOLOGY: SIX STAGES OF CHANGE

Early Stages of Gentrification

Susceptible
- Nearing high-value and/or high-appreciation, but still have low or moderate home values and appreciation rates.
- Have vulnerable populations and are not yet experiencing demographic change indicative of gentrification.

Early - Type 1
- Experienced high appreciation rates over the last decade, but still have low or moderate home values.
- Have vulnerable populations but no gentrification-related demographic change has occurred.

Early - Type 2
- Nearing high-value and/or high-appreciation, but still have low or moderate home values and appreciation rates.
- Have vulnerable populations and have experienced demographic change indicative of gentrification.

Mid-Current Stage of Gentrification

Dynamic
- Experienced high appreciation rates over the last decade, but still have low or moderate home values.
- Exhibit demographic change indicative of displacement but still have vulnerable populations.

Late Stages of Gentrification

Late
- Had low or moderate median home values in 1990, but experienced high appreciation over the last two decades and are now high-value.
- Experienced gentrification-related demographic change, but still have vulnerable populations.

Continued Loss
- Had low or moderate median home values in 1990, but experienced high appreciation over the last two decades and are now high-value.
- No longer have above-average levels of vulnerable populations, but exhibited high levels of demographic change over the previous period, and remaining vulnerable households may be in a precarious situation.

URBAN DISPLACEMENT PROJECT

Other Relevant Context

Portland now has a national reputation not only for sustainability and livability, but for a food scene, indie music, and the "hipster" sensibilities. The British paper The Guardian even named the Boise-Eliot and Overlook neighborhoods among the five best places to live in the world" (Dyckhoff 2012).

ANTI-DISPLACEMENT PUSHBACK

Portland has been a hub for anti-displacement efforts, with many community-based organizations working to grow the economic development options, housing security, cultural connection, and community engagement opportunities. Verde, Hacienda Community Development Corp., Habitat for Humanity, and the Native American Youth and Family Center are key players in these efforts.

Anti-Displacement Policies Being Developed

The Portland Plan, as well as other guiding city documents, describe a vision for the city as an equitable and livable place for all. This includes affordable housing, economic prosperity and a healthy built environment. Portland has enacted a number of policies and task forces, both community-led and city-led, that allow residents to thrive. We will expand on just a few of these policies, such as the Right to Return policy, the Anti-Displacement Action Plan, and No Net Loss of Affordable Housing.

Right to Return, the N/NE Neighborhood Housing Strategy and the N/NE Preference Policy

Portland has created a "Right to Return" policy that allows tenants, who are mainly minorities, to move back to areas where they lived before gentrification pushed them out. In contrast to recent for-profit housing trends, the Right to Return Policy prioritizes affordability, and shifts the way that residential construction and affordable housing is implemented. The N/NE Neighborhood Housing Strategy works to address the history of displacement in North and Northeast Portland through "investments in new affordable rental housing, opportunities for first-time homebuyers, and home retention programs for longtime residents" (Portland Housing Bureau, 2020). The initiative began in 2014 as a community-led effort, but the City's funding commitment has since grown to approximately $70 million.

A central feature of this strategy is a "preference policy" that gives priority to individuals who were displaced, are at risk of displacement, or can

prove that their families were displaced from North or Northeast Portland. This is an area of urban renewal and significant gentrification following the development of an interstate and medical center, and the largely minority population who resided here was disproportionately affected. Other cities have had similar policies that give priority to individuals displaced through eminent domain or gentrification, but this is the first measure that has given preference to residents who live outside of the neighborhood on the basis that their parents or grandparents were displaced. Affordable homes are essential not only for preserving the diversity of these areas, but for securing generational wealth.

Anti-Displacement Action Plan (ADAP)

The Anti-Displacement Action Plan is a joint effort between the City of Portland and the community to coordinate actions and policy to promote equitable development and reduce the impacts of displacement of residents, businesses, and cultural organizations. ("Anti-displacement Action Plan"). The ADAP Task Force will consist of community members as well as leadership from around the City. It is intended to identify and recommend the next set of actions needed from the City Council in order to "mitigate displacement beyond the currently available housing and commercial stabilization programs" ("Anti-displacement Action Plan"). When considering infrastructure investments, the Task Force will focus on the City's racial equity principles in order to reduce displacement, increase community resilience and access to opportunity, and maximize benefits to the community. The Task Force will also develop an agenda for support and action from the State and Federal agencies, as well recommendations for a permanent source of funding for continuing anti-displacement work.

COVID-19 has led Portland to accelerate the citywide Anti-Displacement Task Force. Evictions for non-payment of rent have been put on hold by Governor Brown and Mayor Wheeler, but the "threat of displacement from homes and commercial spaces faced by residents, businesses and cultural organizations has increased" (Anti-displacement Action Plan Update"). The shutdown of businesses and the corresponding economic fallout from the pandemic has disproportionately affected the most vulnerable communities.

PRECEDENT 5: SAN ANTONIO, TEXAS

CITY CONTEXT

San Antonio, in Bexar County, south Texas, is the second largest city in Texas after Houston and the seventh largest city in the US (SA Tomorrow 2020). The median household income, $49,024, has been declining, and is notably less than the US national median annual income of $61,937 (Data US, 2018). At the same time, the average housing costs in San Antonio are increasing (NALCAB 2018).

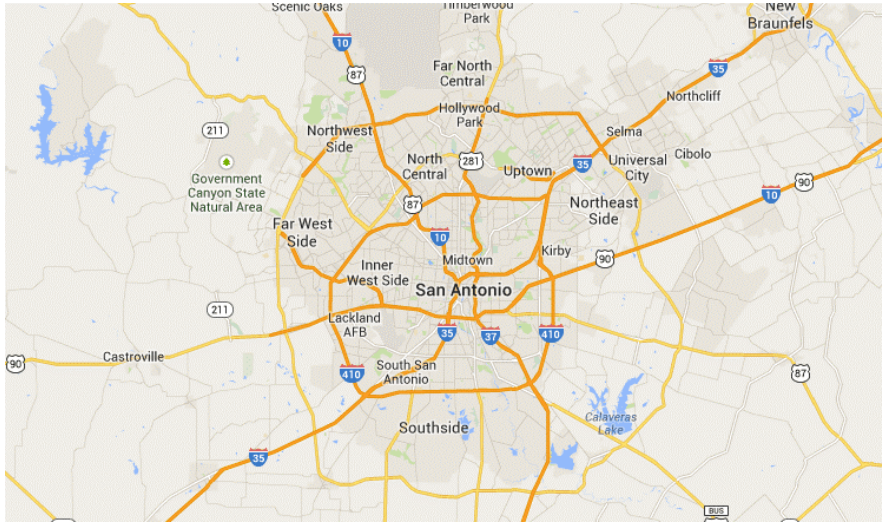## SAN ANTONIO, TEXAS, HOUSING STATISTICS COMPARED TO SEATTLE-TACOMA-BELLEVUE, WASHINGTON

City	Population	Median Household Income (2018)	Median Property Value (2018)	Rent vs. Own (2018)
San Antonio, Texas	1,53M	$49,024	$155,600	53% homeownership
Seattle-Tacoma-Bellevue, Washington	3.94M	$87,910	$487,400	59.8% homeownership

DATA US 2018

Demographics

The population of San Antonio is currently 1.53 million (US Data, 2018). The city grew approximately 26% between 2000 and 2016 (US Census), and the population is projected to grow by an additional 88,000 residents by 2022 (ESRI Community Analyst; NALCAB 2018). SA Tomorrow, the City's Comprehensive Plan, predicts that the population will increase by approximately 1 million people by 2040. This amount of growth would represent a 65% increase in the population in Bexar County overall (SA Tomorrow 2020). About 64% of the population is Hispanic/Latino and 6% Black or African American. About 47% of the residents are renters (US Data, 2018).

THE CITY OF SAN ANTONIO

GOOGLEMAP

SAN ANTONIO, TEXAS, HOUSING STATISTICS COMPARED TO SEATTLE-TACOMA-BELLEVUE, WASHINGTON

City	Hispanic/ Latinx	Black or African American alone	Asian alone	White alone
San Antonio	64%	6.18%	3.25%	24.8%
Seattle-Tacoma-Bellevue, Washington	10.2%	5.85%	14%	62.4%

DATA US 2018

Government Context

City of San Antonio is producing a set of Neighborhood Plans in collaboration with various Neighborhood Associations, community residents, property owners and related nonprofit organizations. Prominent examples of these plans are Dignowty Hill Neighborhood Plan (from 2009) and Government Hill Neighborhood Plan (2008, updated in 2010). (Dignowty Hill Neighborhood Association, and City of San Antonio 2009; City of San Antonio 2010)

### Gentrification and Housing Displacement Trends

Gentrification and displacement are growing concerns in San Antonio, leading it to be a useful case study for this report. Many residents of the city are house burdened. Nearly 50% of the renters in San Antonio spent more than 30% of their gross income on rent (MHPTF 2018). The median rent has increased by nearly 18% since 2010 (Treviño 2019). Around 9,800 San Antonio families were evicted from their homes in 2016 (Eviction Lab 2018). Massive public and private investments in downtown San Antonio from 1998 to 2016 led to the destabilization of neighborhoods (NALCAB 2018).

Displacement is concentrated most significantly in the eastside of downtown. The area has experienced "skyrocketing" prices and is the only urban area in the nation to have received all four Federal Revitalization Initiative grants (Choice Neighborhoods, Promise Neighborhoods, Byrne Criminal Justice Innovation, and Promise Zone) (City of San Antonio 2020). Realtor.com listed the East Side of San Antonio as one of the fastest gentrifying neighborhoods in the US. According to their research, the Eastside experienced a 78.5% increase in the median sale price of homes in the last 5 years and an 8.8% increase in the median household income (Lambert 2019).

The Eastside has diverse communities and represents many different histories (City of San Antonio 2020). These neighborhoods/communities have a higher percentage of Hispanic/Latino and Black residents. Hispanic/Latino residents make up 72% of the eastside population compared to 64% of San Antonio's overall population. About 24% of the residents in these communities are Black, while Black individuals make up just 6% of the city's overall population (US Data 2018; City of San Antonio 2020). Household income in these communities is lower than in the city overall, the proportion of single-family units is higher, as is the proportion of vacant units (City of San Antonio 2020).

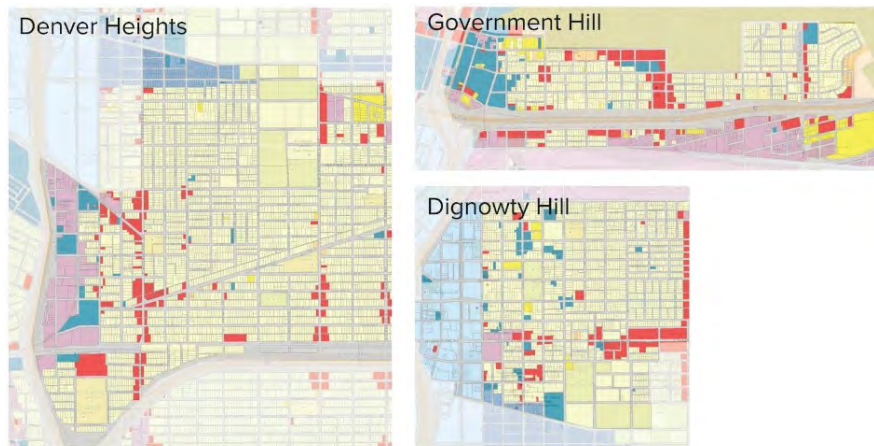Among the Eastside neighborhoods that have received anti-displacement efforts are Government Hill, Dignowty Hill, and Denver. These three neighborhoods are also the closest to the downtown.

THREE EASTSIDE NEIGHBORHOODS AT RISK OF DISPLACEMENT
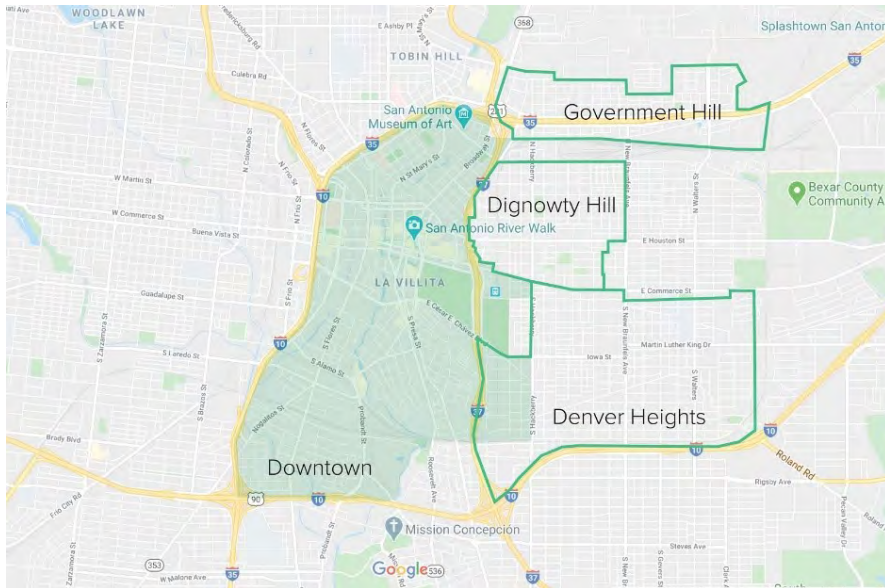
GOOGLE MAPS, EDITED BY SIIRI MIKOLA, LCY RESEARCH TEAM

ZONING MAPS OF THE EASTSIDE NEIGHBORHOODS

ONE STOP MAP, CITY OF SAN ANTONIO, EDITED BY SIIRI MIKOA, LCY STUDENT TEAM

Zoning is predominantly Low Density Residential (pale yellow) with some small patches of multi-family residential (bright yellow). The commercial areas (red) are concentrated along certain streets and they are mostly zoned as Neighborhood Commercial areas. The purple areas are industrial districts, mostly zoned as light industrial. The light blue represents Downtown District and the dark blue Special Districts. Another significant feature of the zoning of these neighborhoods is that they have a large percentage of overlaying zoning for Historic Districts. These are mainly in the old cores of Government Hill and Dignowty Hill (City of San Antonio 2020).

Other Relevant Context

According to the recent report by National Low Income Housing Coalition, US metropolitan cities lack extremely low-income housing options, although the City of San Antonio is better situated that many other cities and metropolitan areas (Aurand et al. 2020). As mentioned in A Little Louder podcast by Texas Housers, San Antonio has the highest percentage of publicly subsidized housing in Texas (Rosales and Henneberger 2020). The issue is that these houses are usually targeted from 50% to 80% AMI and not for under 50% AMI. San Antonio falls in the middle among US metropolitan cities for extremely low income housing production (National Low Income Housing Coalition).

San Antonio Skyline TOD GRUBBS & CYNTHIA HESTAND

LARGE METROPOLITAN AREAS WITH THE LEAST AND MOST SEVERE SHORTAGES OF RENTAL HOMES AFFORDABLE TO EXTREMELY LOW INCOME HOUSEHOLDS

LEAST SEVERE		MOST SEVERE	
Metropolitan Area	Affordable and Available Rental Homes per 100 Renter Households	Metropolitan Area	Affordable and Available Rental Homes per 100 Renter Households
Providence-Warwick, RI-MA	54	Las Vegas-Henderson-Paradise, NV	14
Pittsburgh, PA	51	Austin-Round Rock, TX	14
Boston-Cambridge-Newton, MA-NH	47	Riverside-San Bernardino-Ontario, CA	18
Buffalo-Cheektowaga-Niagara Falls, NY	42	Phoenix-Mesa-Scottsdale, AZ	18
Hartford-West Hartford-East Hartford, CT	41	San Diego-Carlsbad, CA	19
Cleveland-Elyria, OH	41	Houston-The Woodlands-Sugar Land, TX	19
Baltimore-Columbia-Towson, MD	40	Orlando-Kissimmee-Sanford, FL	20
Nashville-Davidson-Murfreesboro-Franklin, TN	40	Sacramento-Roseville-Arden-Arcade, CA	20
Cincinnati, OH-KY-IN	39	Los Angeles-Long Beach-Anaheim, CA	20
San Antonio-New Braunfels, TX	38	Dallas-Fort Worth-Arlington, TX	21

NATIONAL LOW INCOME HOUSING COALITION: THE GAP

ANTI-DISPLACEMENT PUSHBACK

City-Wide Efforts

The City of San Antonio has a variety of programs designed to help low-income homeowners and potential buyers. These can be found on their website at sanantonio.gov. We looked at several programs to provide a general outline of the City's strategies: repair and remediation, down payment assistance, and neighborhood engagement, the San Antonio's Renters Commission, and the Mayor's Policy Taskforce.

Repair and Remediation

The first of these examples is Repair and Remediation, which is an umbrella for several programs that aim to renew older existing homes, or to provide low-income families with repairs that they cannot afford on their own.

- Under 1 Roof
    - » Roof replacement
- Owner-Occupied Rehabilitation
    - » Home upgrades to meet code compliance
- Green and Healthy Homes
    - » Prevent and correct housing-related health and safety hazards
- Minor Repair Program
    - » Repair of health and safety items

Down Payment Assistance

The City of San Antonio can provide qualified low-income applicants with an interest-free loan of anywhere between $1,000–$15,000. This loan is 100% forgiven over a 5-year period, meaning the recipient will not have to pay back any more of the loan after five years.

Neighborhood Engagement

The Neighborhood Engagement program aims to connect community members with neighborhood associations and community organizations by providing a list of those within the San Antonio area, and allows for more groups to be added to the list. The group listings are provided by the Neighborhood and Housing and Services Department. Another facet of the Neighborhood Engagement program is the Neighborhood Leadership Academy. This is a six-month course designed to equip residents with the knowledge, network, and skills to be effective neighborhood leaders.

San Antonio Renters Commission

In 2019, Councilmember Robert C. Treviño proposed to the San Antonio City Council the creation of a "Renters' Commission" (Treviño 2019), which would be the first of its kind in Texas. The first Renters Commission in the US was formed in Seattle in 2017 (Balwit 2017) and Treviño suggested in the request that San Antonio use the Seattle's Commission as a model (Treviño 2019).

The purpose of the Renters Commission is to provide renters a platform to access resources such as City staff and education on their rights about the renting and housing system (Treviño 2019, Rosales and Henneberger 2020). SABOR (San Antonio Board of Realtors) has raised concerns on redundancy because a Housing Commission already exists and the Mayor's Policy Task Force notes "too many new commissions and oversight boards would simply muddy the waters" (SABOR 2019). The proposal is currently in a hearing phase with stakeholders in the community (Renteria 2020).

Mayor's Policy Task Force

There have been many efforts in San Antonio during the last few decades to develop affordable housing and revamp the City's governance structure. However, these efforts have not fully addressed the underlying structural challenges and the magnitude of the affordability problem. These efforts, successes, and enhancements in the community's housing delivery system have, however, built strong momentum for concrete action. (MHPTF 2018.)

The Mayor's Housing Policy Task Force is building on this momentum and was created to recommend how the City should develop housing policies and strategies. The task force consists of five advisors appointed by the Mayor to assist with the development of a comprehensive and compassionate policy framework to address the pressing affordable housing challenges that the city faces with input from community stakeholders. (MHPTF 2018). Below are some of the major concerns identified by the Task Force:

Housing Costs are Outpacing Income: The past two decades San Antonio's housing costs have increased faster than the household AMI.

Growing Affordability Gap: The underlying threat to the city and its households is that fewer and fewer new and existing residents are achieving homeownership.

Households are spending more than 30% of their income on housing: The affordability gap means residents of San Antonio are spending more than 30% of incomes on housing and are therefore cost burdened.

San Antonio's housing supply is not keeping pace with economic growth: Between 2005 and 2016, the city's job base grew exponentially (14,900 per year), but the number of households grew by less than half

(6,500 a year). For every two new job holders, less than one of them could find a house in San Antonio, the other half is forced to look outside the city.
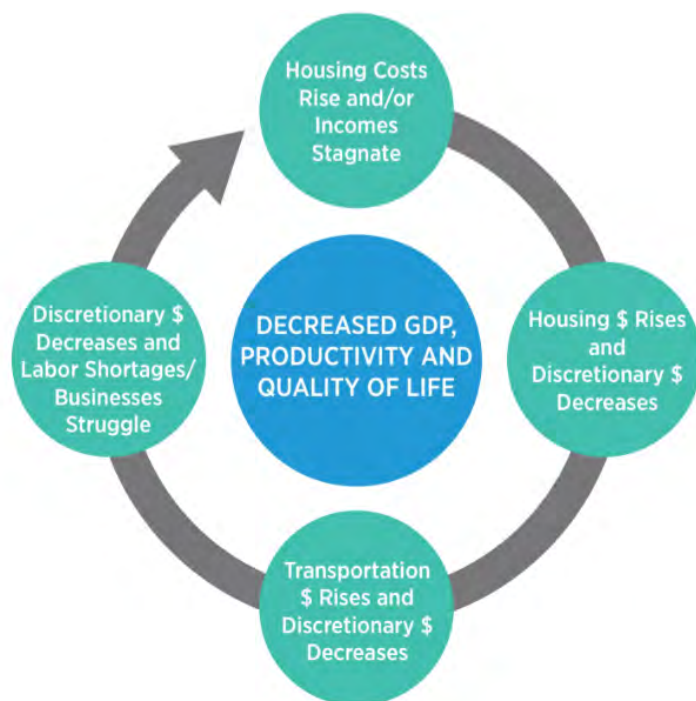
Economic Impacts of Housing

Lack of affordable housing negatively impacts families, the community, and the economy. Medium prices have more than doubled in San Antonio while incomes have risen just 40 percent since 2005 (MHPTF 2018).

Housing and Transportation

San Antonio residents are having to move further away from the city center, and are commuting in greater proportions, which links housing affordability to transportation. The Policy Report states that between 2006 and 2015, the number of in-commuters in San Antonio's workforce increased from 174,000 to more than 281,000, a 60% increase. This impacts local businesses who are experiencing high or unsustainable turnover rates (MHPTF 2018).

LACK OF AFFORDABLE HOUSING IMPACTS TRANSPORTATION, THE ECONOMY, AND QUALITY OF LIFE

Housing Costs Rise and/or Incomes Stagnate

DECREASED GDP, PRODUCTIVITY AND QUALITY OF LIFE

Housing $ Rises and Discretionary $ Decreases

Transportation $ Rises and Discretionary $ Decreases

Discretionary $ Decreases and Labor Shortages/ Businesses Struggle

MAYOR'S HOUSING POLICY TASK FORCE 2018

Community Meetings

Seeking to achieve transparency and accountability in its process, the Task Force adopted a bottom-up approach for guiding the discussion. This approach included three community meetings, eight public meetings, and the creation of five technical working groups with more than 100 San Antonio residents participating: Protecting Neighborhoods, Removing Barriers, Creating a Transparent and Coordinated System, Funding and Finance, and Special Populations. The effort resulted in more than 300 detailed affordable housing recommendations unified by the theme, "everyone should have a place to call home and housing must be decent, safe, affordable, stable, and delivered through a coordinated system." The Recommendations section of their report includes five actions supported by 11 policy priorities and 24 implementation strategies (MHPTF 2018). These five action items are as follows:

Action Item # 1 Develop a Coordinated Housing System

Policy Priority: Prioritize housing and neighborhoods in the City of San Antonio organizational structure.

Strategies:

- Immediately create an executive position in the City Manager's office to lead housing activities and integrate with all city functions.
- Fully resource and staff the Neighborhood and Housing Services Department.

Policy Priority: The City of San Antonio should take a leadership role in coordinating a community-wide housing system with housing service providers.

- Fund a One-Stop Housing Center, including an online portal.

Between 2005 and 2016, for every two new job holders, less than one of them could find a house in San Antonio, the other half is forced to look outside the city.

Action Item # 2 Increase City Investment in Housing

Policy Priority: Develop a 10-year funding plan for affordable housing production and preservation.

Strategies:

- Substantially increase general fund revenue for affordable housing.
- Create dedicated revenue sources(s) for affordable housing.
- Establish financial leverage as a top priority in the utilization of public funds, including private, nonprofit, and philanthropic resources as sweat equity.
- Conduct a comprehensive assessment of the Housing Trust and provide a dedicated revenue source.
- Revise the City Charter to allow bond revenue to be used for affordable housing.

Action Item # 3 Increase Affordable Housing Production, Rehabilitation, and Preservation

Policy Priority: Stabilize the homeownership rate in San Antonio by increasing the production, preservation, and rehabilitation of affordable homes.

Strategies:

- Prioritize City funding incentives for ownership housing affordable to households to 120% of AMI.
- Increase funding for down payment assistance and homebuyer counseling.
- Increase funding for housing rehab programs including, but not limited to: Owner Occupied Rehabilitation, Under One Roof, and Minor Repair.

Policy Priority: Increase rehabilitation, production, and preservation of affordable rental units.

Strategy:

- Prioritize funding for new rental units in communities that are linked with transportation, jobs, and cultural assets.

Policy Priority: Creating housing opportunities for the most vulnerable

residents (including but not limited to homeless, seniors, youth aging out of the foster care system, and people with disabilities).

Strategy:

- Increase funding for service-enriched housing.

Policy Priority: Remove barriers to housing production.

Strategies:

- Undertake an inclusive public process to determine standards and criteria to allow by-right zoning for housing development in which at least 50% of units are affordable.
- Exempt affordable housing units from SAWS impact fees.
- Revise the UDC (Unit Development Code) to remove regulatory barriers to affordable housing.

Action Item # 4 Protect and Promote Neighborhoods

Policy Priority: Address the impact of rising taxes on housing affordability.

Strategy:

- Implement immediately affordable housing tax and appraisal protection measures such as tax exemptions, preservation districts, and TIFs (Tax Increment Financing).

Policy Priority: Prevent and mitigate displacement.

Strategies:

- Require public agencies to conduct a displacement impact assessment for any public project that receives $15 million or more in public investment and to budget for mitigation.
- Create a fund to mitigate the impacts of displacement including: providing relocation assistance for households up to 80% AMI, rapid re-housing, and housing navigators.
- Fund proactive outreach and counseling to low - and moderate-income households experiencing housing vulnerability.

Policy Priority: Reduce a housing discrimination and expand opportunity.

Strategy:

- Implement a citywide public education and outreach campaign about the importance of housing.

Action Item # 5 Ensure Accountability to the Public

Policy Priority: Create a governance structure for oversight and public engagement.

Strategies:

- Redefine the Housing Commission as a public oversight board to guide the implementation of the MHPTF's recommendations and engage the public.
- Develop an annual report to track and publicly report results of the full housing system, including but not limited to: unit production, cost burden, preservation, rehabilitation, leverage, and rental production for 0% to 30% AMI and 30% to 60% percent AMI.

Risk Mitigation Policy Fund

Risk Mitigation is one way to approach the immediate displacement of San Antonio's residents. This program seeks to address rising property taxes through legislative efforts, and conduct a citywide outreach campaign to educate residents on homeownership tax exemptions, predatory home buying tactics, and fair housing rights.

The fund provides support through three strategies: relocation assistance for households that are directly displaced, emergency assistance to help households stay housed in a moment of crisis, and the creation of a rental incentive fund to help the most vulnerable households (City of San Antonio 2019).

San Antonio's Risk Mitigation Policy Fund is a three-pronged approach meant to help people in the process of losing their home. 1) Relocation assistance (RAP) for households that are directly displaced, 2) emergency assistance to help households stay housed in a moment of crisis, and 3) Creation of a rental incentive fund to help the most vulnerable households overcome barriers to finding affordable housing (City of San Antonio 2019).

The Risk Mitigation Policy Fund, which started with a budget of $1 million dollars annually, is now being expanded and rebranded as the COVID-19 Emergency Housing Assistance Program, with a $25 million dollar budget. This new program provides support to San Antonio residents who are experiencing financial difficulties during the COVID-19 pandemic. For those that qualify, the program pays rent, mortgage, internet, and public services, as well as direct cash assistance to help with groceries, medical, and gas expenses. The new fund will use the same eligibility criteria as the original Risk Mitigation Fund Policy.

In addition to these two rent-assistance initiatives, San Antonio Housing Authority (SAHA) residents always have the ability to reduce their monthly rent through a change of income request when they experience a loss of

employment or reduced work hours. In addition, SAHA allows residents to establish repayment plans for late rent, which resumed after the moratorium on evictions established by the CARES Act expired in late July (Brnger 2020).

Bexar County, in which San Antonio is located, is also setting up a $4 million rent assistance program for residents of unincorporated Bexar County and participating suburban cities. The city has spent $12.2 million on the emergency response: $3.7 million on personnel and $8.5 million on non-personnel. The city is seeking reimbursement from the Federal Emergency Management Agency for a portion of expenses (Brnger, M. 2020).

APPLICATIONS TO SKYWAY-WEST HILL AND NORTH HIGHLINE

In our research of San Antonio, we found several connections and issues to consider when considering strategies to prevent displacement in North Highline and Skyway-West Hill.

Education of current and future residents is essential so that they understand how the various programs and policies can work for them.

Removing barriers in the application process is also key. Skyway-West Hill and North Highline have diverse populations and residents speak many different languages. Policies and options should be presented in multiple languages to ensure that residents have the necessary information to make informed decisions. Other barriers in the application process should also be addressed to ensure existing and future programs are used fully.

PRECEDENT 6: SEATTLE, WASHINGTON

CITY CONTEXT

Seattle is one of the most rapidly growing and gentrifying cities in the US (Balk 2019). Its growth and change continue to have a significant effect on King County, in which it is located. Areas of southwest King County such as Skyway-West Hill and North Shoreline are experiencing economic pressures and changes that are a spillover from socio-economic shifts in Seattle. While King County leaders are already familiar with the housing affordability crisis and displacement in the City of Seattle, we highlight here for consideration a few policies and strategies being implemented in Seattle.

Seattle has been undergoing a population boom over the last decade. According to recent Census data, the city added more than 12,600 residents between 2011 and 2012 alone. While the level of growth has simmered in more recent years, the city still continues to grow. From July 1, 2018, to July 1, 2019, Seattle had a net gain of about 11,400 people (Balk 2020). The city now has a population of 783,137 (US Census Bureau). Notably, most newcomers are white, college-educated professionals (McNally 2016).

Such growth brings significant challenges and economic pressures, not the least of which is the displacement of longer-term residents in what were once minority majority neighborhoods such as the Central District, which has been a hub for the African-American community for more than 70 years. The Central District has seen a dramatic decline in the Black population due to gentrification and market pressures. In 1970, Blacks comprised 73.4% of the population. That number has shrunk consistently in the ensuing decades to only 18% in 2014 (US Census Bureau). Data show that while gentrification has been intense in the central part of the city, pockets of gentrification are occurring across the city. North, West and South Seattle all contain formerly low-income areas that experienced a dramatic increase in white, college-educated residents. In another telling example, the Asian population in Seattle's Chinatown-International District fell from 72% to 54% between 2010 and 2016 (Trimbath 2016).

To further complicate matters, research indicates that lower income people and people of color are more negatively impacted by this pandemic and the economic instability that it has wrought (CDC 2020). This makes it more critical than ever for people of color to retain a foothold in the communities where they live.

Seattle is booming as never before, facing high risk of gentrification at the same time
ARTODIDACT (PIXABAY.COM)

Demographics

As King County has become more racially and ethnically diverse, Seattle has defied that trend (Eng 2016). Seattle's population has been mostly white and continues to be so.
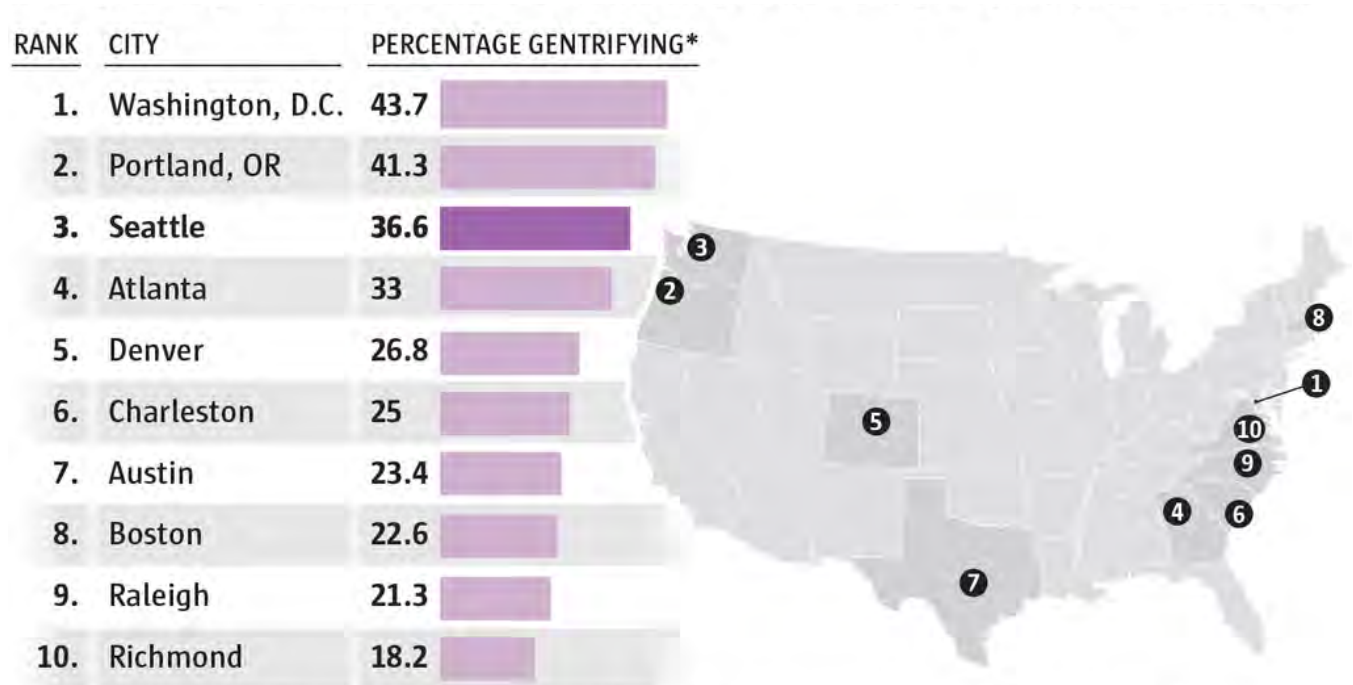
According to the most recent American Community Survey of the Census Bureau, the racial composition of Seattle is:

- White: 67.99%
- Asian: 15.05%
- Black or African American: 6.99%
- Two or more races: 6.78%
- Other race: 2.32%
- Native American: 0.58%
- Native Hawaiian or Pacific Islander: 0.29%

As a part of its 2015 Growth and Equity Analysis, Seattle's Department of Planning & Development (DPD) analyzed displacement risk across the city using a Displacement Risk Index (City of Seattle 2016). Similar to Portland's model, Seattle's project layered neighborhood information with three risk factors: vulnerability of residents to rent increases and discrimination, proximity to amenities, and development capacity based on zoning rules. In order to measure these factors, DPD used public data primarily from the Census and ACS. The vulnerability category included data on education levels, demographics, and housing cost burden; the amenities category measured proximity to transit, core businesses, and civic infrastructure; and the development capacity category looked at zoning rules and median rent. Based on these data, Seattle assigned and mapped risk scores to each city neighborhood.

SEATTLE IS THIRD MOST GENTRIFYING CITY

Among the 100 largest US cities, Seattle has the third highest percentage of gentrifying census tracts.

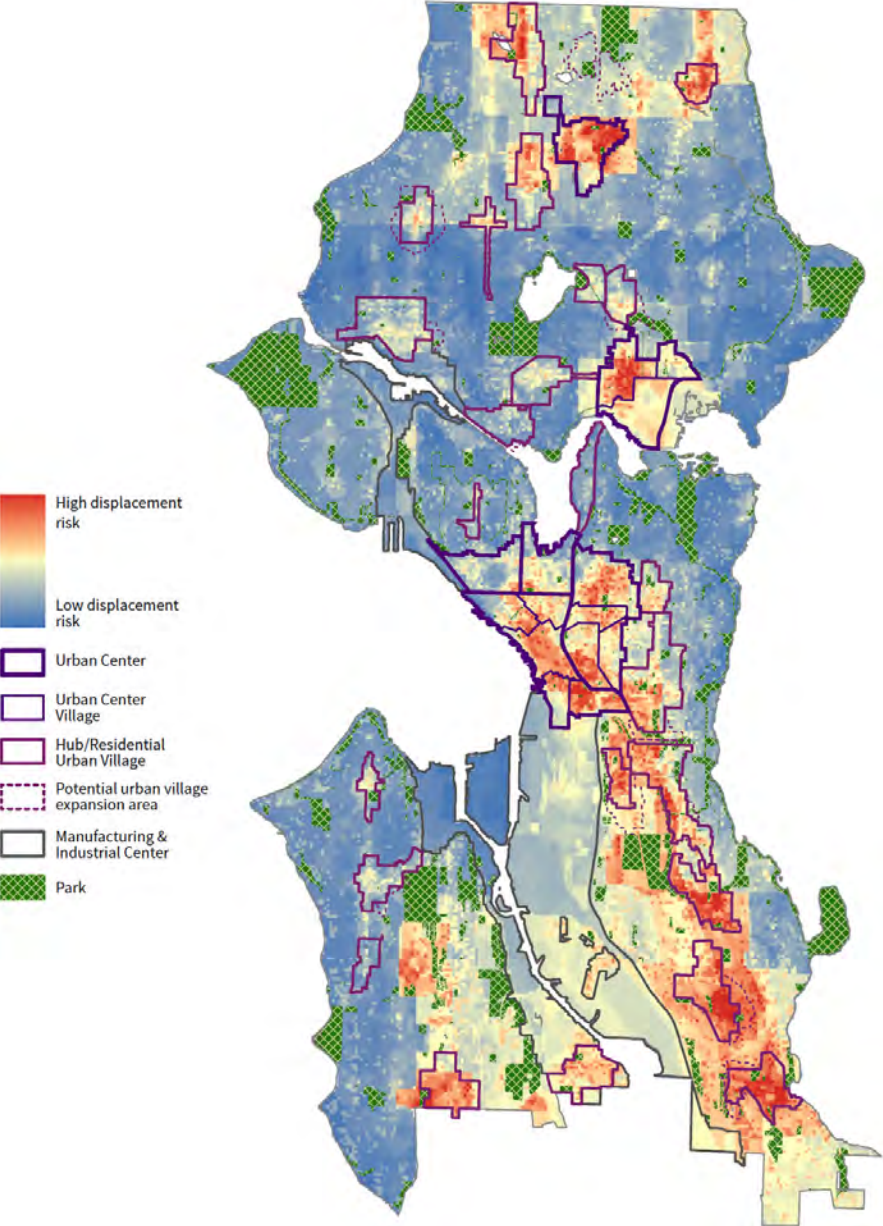| RANK	CITY	PERCENTAGE GENTRIFYING*
1.	Washington, D.C.	43.7
2.	Portland, OR	41.3
3.	Seattle	36.6
4.	Atlanta	33
5.	Denver	26.8
6.	Charleston	25
7.	Austin	23.4
8.	Boston	22.6
9.	Raleigh	21.3
10.	Richmond	18.2

*Percent of census tracts that were low-income in 2000 and that were undergoing gentrification in the 2010-2014 period.

MARK NOWLN SEATTLE TIMES

In 1970, African Americans comprised 73.4% of the [Central District's] population. That number has shrunk consistently in the ensuing decades to only 18% in 2014.

DISPLACEMENT RISK IN
SEATTLE'S NEIGHBORHOODS

Legend:

High displacement risk

Low displacement risk

- Urban Center
- Urban Center Village
- Hub/Residential Urban Village
- Potential urban village expansion area
- Manufacturing & Industrial Center
- Park

CITY OF SEATTLE DEPARTMENT OF PLANNING AND DEVELOPMENT

Government Context

Public transportation projects such as the light rail are also connected to gentrification. A 2018 study at the University of Washington shows changes in the racial composition of neighborhoods from 1990 when the Link Light Rail was being planned to the period following the Light Rail's inauguration (Hess 2018). These maps indicate an influx of white residents to neighborhoods near the light rail stations, especially near the Central District, Beacon Hill and Columbia City (Hess 2018).

LIGHT RAIL INVESTMENT IN SEATTLE: GENTRIFICATION PRESSURES AND TRENDS IN NEIGHBORHOOD ETHNO-RACIAL COMPOSITION
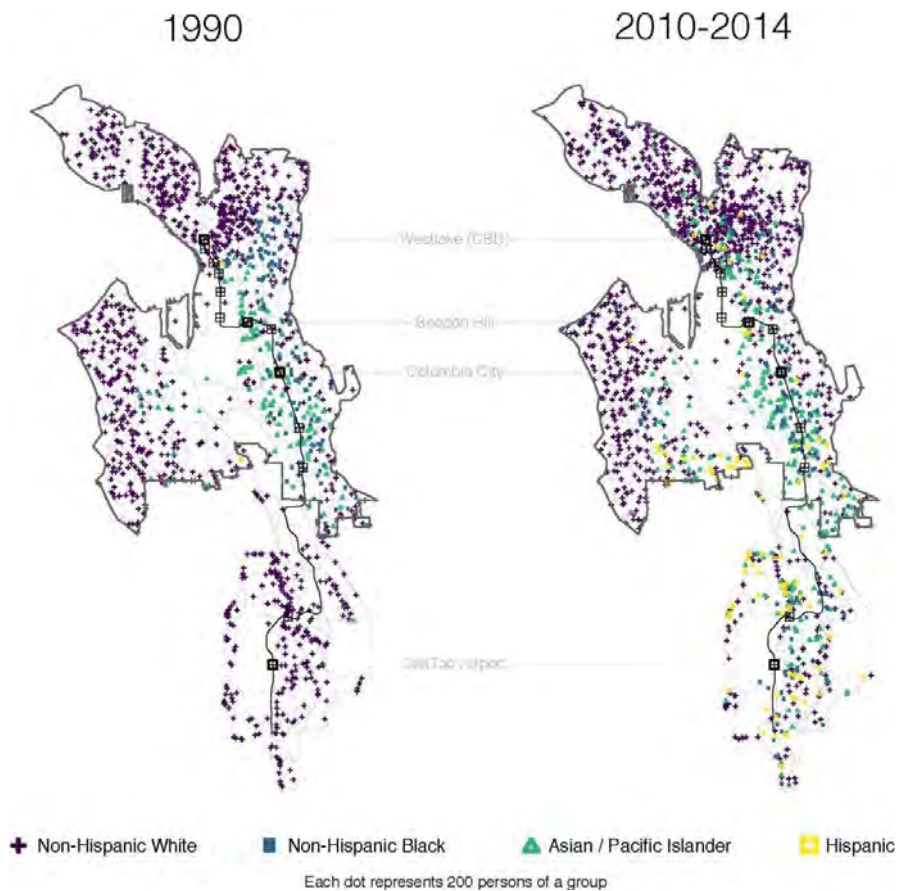
CHRIS HESS

Previous policies such as "redlining," discriminatory housing covenants, and exclusionary zoning have amplified the impact of the influx of white residents near light rail stations on the racial composition of these neighborhoods. To African American residents, it feels in some ways as if white people are driving them out of their neighborhoods yet again. Therefore, protecting local residents from experiencing displacement due to the construction of public facilities is an important issue (Hess 2018).

State and Local Tax Systems

The widening gap between rich and poor is another factor that exacerbates gentrification. According to a 2018 analysis of tax systems in all 50 states, Washington State has the most unfair state and local tax system in the country (Wiehe et al 2018). With its heavy reliance on sales tax, Washington is an example of a regressive tax state in which families with the lowest incomes pay the highest proportion of their incomes in state and local taxes. As one of only nine states without an income tax, Washington relies heavily on flat-rate sales and excise taxes to pay for government services. These taxes take a bigger chunk out of lower-income budgets because everyone, regardless of income, pays the same rate. Therefore, low-income people pay more tax in proportion. According to the Institute on Taxation and Economic Policy, "The poorest 20 percent of Washington taxpayers (earning an average income of $11,900 in 2012) actually face the highest overall state and local tax bill in the entire country, at 16.8 percent of income" (Wiehe et al 2018).

Previous policies such as "redlining," discriminatory housing covenants, and exclusionary zoning have amplified the impact of the influx of white residents. To African American residents, it feels in some ways as if white people are driving them out of their neighborhoods yet again.

ANTI-DISPLACEMENT PUSHBACK

Community-Based Efforts

Africatown Community Land Trust

Africatown Community Land Trust was created to respond to gentrification and displacement of African-Americans in the Central District and Southeast Seattle. Below is a short outline of their projects to date:

Liberty Bank Building, Central District (completed)

- Housing units available at 30% to 60% AMI
- An equitable development project led by affordable housing developer Capitol Hill Housing and Africatown Community Land Trust
- Required complex financing, combining debt, tax credit equity, and critical funding from the Office of Housing and the state's Housing Trust Fund

Africatown Plaza, Midtown (early stage)

- Affordable housing + commercial retail
- 138 affordable housing units
- A partnership between Africatown and Capitol Hill Housing
- Community participatory design

City-Wide Policies

The City of Seattle has developed a number of initiatives to address housing affordability and respond to displacement, including the Mandatory Housing Affordability program (MHA).

Housing Affordability and Livability Agenda (HALA)

In September 2014, the Mayor's Office and the City Council gathered community leaders to help develop a bold agenda for increasing the affordability and availability of housing in Seattle. The 28-member stakeholder group included renters and homeowners, for-profit and nonprofit developers, community leaders, and other local experts. After months of deliberation, they reached consensus and published a report with 65 recommendations.

HALA includes five main strategies:

- Mandatory Housing Affordability (MHA)
- More Affordable Housing Resources
- Preservation, Equity, and Anti-Displacement
- Promote Efficient and Innovative Development
- State Legislative Agenda

Mandatory Housing Affordability (MHA)

Among those strategies is Mandatory Housing Affordability (MHA), a "both/and" approach to inclusionary zoning. The MHA program requires developers to either build a certain number of affordable homes within their projects or make a one-time payment into an affordable housing fund.

The framework for this legislation paved the way for the MHA Commercial Framework ordinance, the MHA Residential Framework ordinance, and finally the future zoning legislation to implement MHA. MHA went into effect in six neighborhoods in 2017, and on March 18, 2019, the City Council voted 9-0 to adapt city-wide MHA legislation, implementing affordable housing requirements in 27 urban villages throughout Seattle.

Example – Draft Zoning Changes of Westwood-Highland Park

To put MHA into effect, the city council has proposed zoning changes that add development capacity and increase housing choices in urban villages designated in the Seattle 2035 Comprehensive Plan.

The Westwood-Highland Park Urban Village was the first of West Seattle's four urban villages to draft zoning changes to implement MHA. MHA requires that 5% of homes in this area must be affordable or a payment of $7.00 per sq. ft. It also increases housing and commercial choices, such as Residential Small Lot (RSL), low rise apartment and townhouse, and neighborhood commercials.

Beside responding to citywide legislation, the rezoning also incorporates recommendations from the Housing Affordability and Livability Agenda:

- **Preference for ownership opportunities and family-sized units**
- Encourage small-scale, family-friendly housing options such as cottages, triplexes, and row houses.

- **Preserve neighborhood character while adding a lot of capacity**
- Encourage neighborhood commercial (NC) instead of Commercial,
- More pedestrian-friendly buildings
- Consider Residential Small Lot (RSL)

- **Provide transition areas between different zoning area**
- Transitions between zones should consider complicated topography of area
- Provide transitions in scale between higher- and lower-intensity zones.
- Consider Low Rise (LR) zones to help transition between commercial and single-family areas.

DISPLACEMENT RISK/ACCESS TO OPPORTUNITY TYPOLOGY
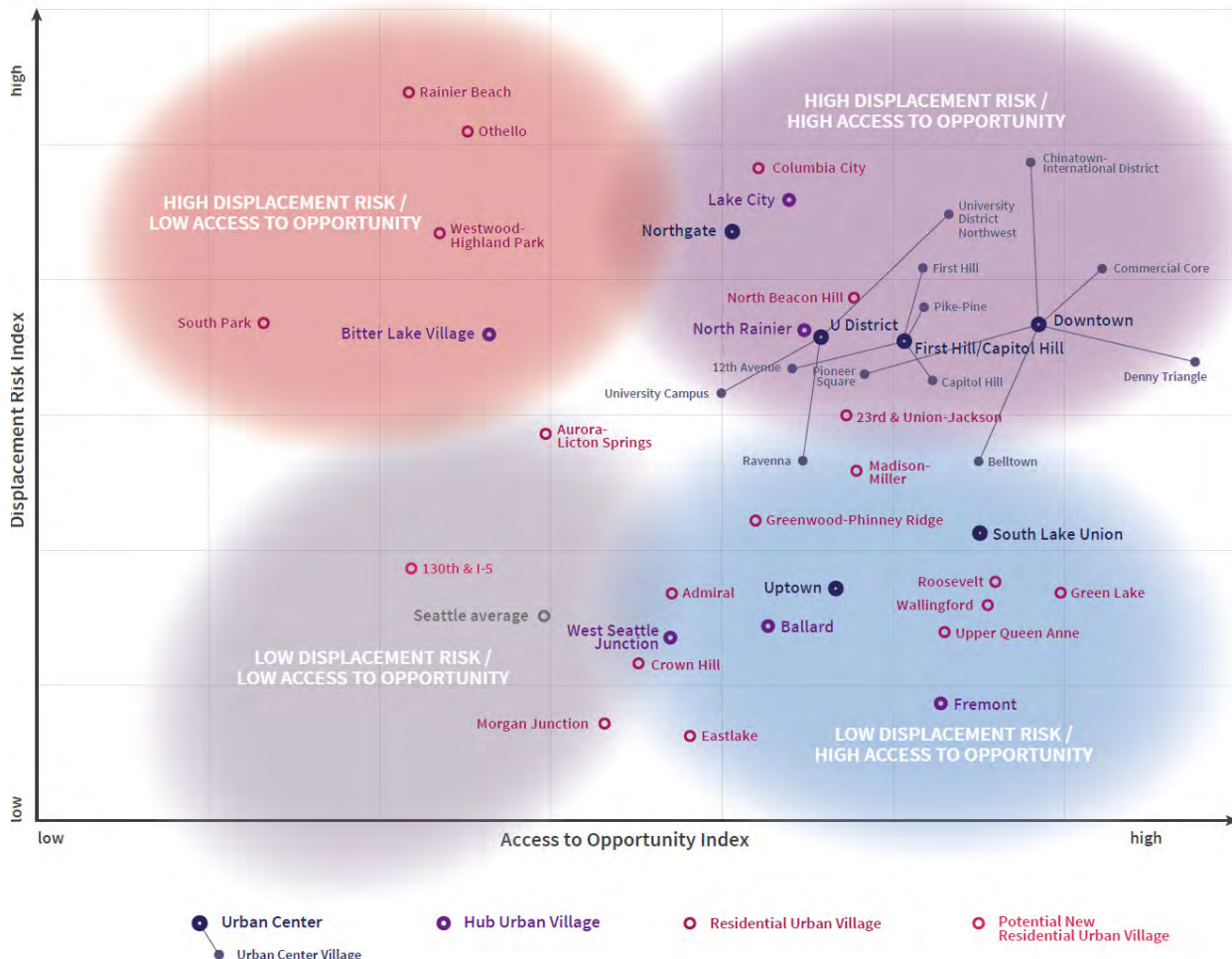
APPLICATIONS TO SKYWAY-WEST HILL AND WEST

Seattle 2035: The Growth and Equity Analysis combines data about demographics, economic conditions, and built environment into composite indices of displacement risk and access to opportunity. The displacement risk index identifies areas of Seattle where displacement of marginalized populations is more likely to occur. The analysis offers a few indicators of displacement; these include:

- **Vulnerability:** Communities of color, English-speaking ability, educational attainment, housing cost-burdened households, household income
- **Amenities:** Proximity to frequent bus service, proximity to current or future Link light rail and streetcar, proximity to core businesses, proximity to civic infrastructure, proximity to already gentrified or affluent neighborhood, proximity to job center
- **Development capacity and rent:** Development capacity, median rent

Beside the risk of displacement, the analysis also offers some criteria to test the degree of access to opportunity; these include:

- **Education:** School performance, graduation rate, access to college or university
- **Economic:** Proximity to employment, property appreciation
- **Transit:** Proximity to transit
- **Civic Infrastructure:** Proximity to a library, a park, sidewalk completeness
- **Health:** Proximity to a healthcare facility

The Mandatory Housing Affordability program requires developers to either build a certain number of affordable homes within their projects or make a one-time payment into an affordable housing fund.

Taking into consideration geography and urban context, we can approximate Skyway-West Hill and North Highline as High Displacement Risk/Low Access to Opportunity areas on the Displacement/Opportunity index. The analysis also offers the following suggestions for High Risk/ Low Opportunity Areas to mitigate displacement and increase access to development opportunities:

Advance Economic Mobility and Opportunity

- Create land use policies that promote creation of education and training programs, and new entry-level, career-path jobs that provide a living wage
- Support policies and programs that remove barriers to homeownership, such as First-Time Homebuyer's Assistance
- Adopt economic development strategies to support small businesses that serve neighborhoods and broader cultural communities

Prevent Residential, Commercial, and Cultural Displacement

- Preserve long-term housing affordability of currently affordable housing stock.
- Support property ownership by existing residents through home rehabilitation and home repair loans
- Discourage displacement of small and culturally-distinct businesses that serve community needs and financial tools
- Create a commercial land trust
- Make investments that create and support cultural anchors that provide services, support, and advocacy for their communities while also serving as a place of gathering where communities reinforce cultural identity

Build on Local Cultural Assets

Promote Transportation Mobility and Connectivity

- Prioritize public investment in an effective and affordable transportation network that supports transit-dependent communities and provides equitable access to key determinants of well-being

Develop Healthy and Safe Neighborhoods

- Create built environments that enhance community health through equitable distribution of public amenities (schools, community centers, public safety institutions, transportation, parks, health care services, affordable healthy food, and improved environmental quality).

Seattle Skyline DANIEL SCHWEN

CONCLUSION

ANTI-DISPLACEMENT STRATEGIES

Given nearby urban growth and development pressures and the significant risk of displacement among long-term residents of Skyway-West Hill and North Highline in King County, it is vital to consider a suite of housing and zoning policies to deter displacement and ensure the vitality and continuity of communities in these areas. All of the strategies outlined in this report warrant consideration by King County as potential vehicles to deter or mitigate displacement and support low-income communities to stay in place. Highlights on each of the strategies are provided below.

Affordable Homeownership is a vital component of any viable anti-displacement strategy and it is used proactively in all precedent cities we studied. Two central concepts for affordable homeownership are: 1) providing access to money and credit for those with lower incomes, and 2) reducing the costs of homeownership. For the former, a critical issue is qualifying for a loan and fostering financial literacy. For the latter, a critical issue is to maintain long-term affordability through resale restrictions or deferred loans. Rent to own (RTO) strategies warrant consideration as this can be a viable option to help limit the displacement of residents out of neighborhoods in rapidly growing and changing metropolitan areas like South King County.

Like most anti-displacement strategies, it is not without its shortcomings, so implementation of such RTO programs needs careful oversight to avoid exploitation of homebuyers. Research suggests that collaboration between non-profit community organizations and local municipalities is one way to set up a system of checks and balances and help ensure success. Milwaukee, Wisconsin, can serve as a useful precedent; this city worked with financial institutions to convert bank-owned foreclosed properties into affordable RTO housing for low-income families with success.

Community Land Trusts have a variety of strengths that make them an attractive option for affordable homeownership and anti-displacement efforts in a community. CLTs provide access to the land and community control over how it is used. They also promote stewardship of the land, build equity and economic stability among residents, and foster intergenerational financial security through asset-based wealth. Precedents of CLTs in King County and elsewhere underscore the value of prioritizing housing to residents who already live in the community, or who are looking to return to their original community.

Community Benefits Agreements (CBAs) can be useful anti-displacement strategies by keeping developers accountable to the community through legally enforceable language and providing direct community input to the developers. Successful examples of CBAs in other cities highlight the need for strong community organizing and coalition building. These precedents indicate that CBAs are typically implemented in large-scale development projects that include sports stadiums, etc. Such developments are not likely imminent in Skyway-West Hill or North Highline at this time, but they could serve as a model if economic and population growth continues in the area. More importantly, it is useful to keep in mind the spirit of the community benefits movement that has spread across the county — to challenge conventional thinking about development projects and to provide a mechanism to sure that community concerns are heard and addressed.

Community Preference policies focus on allowing people to stay in place and preserving communities that have faced discriminatory, racist housing and lending policies by providing members of these communities with priority access to new affordable housing. As such, they work well with the Community Land Trust model but have potential outside of this. Such policies are vital for southwestern King County given the exceptional displacement risk for residents of Skyway-West Hill and North Highline. A benefit of community preference strategies is that they implicitly address racist practices like redlining and seek to preserve areas that have managed to thrive despite housing oppression. However, legal challenges have constrained the power of community preference policies. In enacting a community preference policy, we recommend that the county streamline implementation by developing a county-administered application and lottery process for all affordable units in unincorporated King County. We also recommend defining policy goals, creating metrics for effectiveness, and collecting data to measure policy impact.

Within the suite of Community Preference policies are **"right to return"** policies, which generally allow residents who have already been displaced to move back to the areas in which they lived before being pushed out. The city of Portland has a strong Right to Return policy that warrants consideration and could be a suitable model for Skyway-West Hill and North Highline.

Based on the research we conducted on **Inclusionary Zoning** (IZ), we recommend the implementation of a mandatory Inclusionary Zoning policy with a minimum requirement of 20% of units to be affordable. We

urge the consideration of an affordability level of 30% of the AMI but this should be considered in the context of more detailed information about the local housing market and its projections into the future. The utility of IZ and inclusionary housing policies is greater in a "soft" or "mixed" market before an actual development boom. This is because there is typically a five- to seven-year delay from the time an inclusionary housing policy is considered, to the time when the units are actually built and occupied (Reyes 2018). Reyes further notes that it usually takes a year or two to conduct the needed studies and build political will for the adoption of an ordinance.

However, it is important to remember that "inclusionary housing policies are not a panacea for solving the affordable housing crisis" and that "other tools should be considered, especially given the limited capacity of public agencies" (Reyes 2018). When building an inclusionary housing policy, policy researchers offer the following recommendations:

1. Use a lower percentage set-aside unless the market is very strong, in which case 15% to 20% is a more typical requirement.
2. Phase in requirements over time.
3. Maximize flexibility and ease for developers by allowing compliance alternatives, specifically in-lieu fee options.
4. Conduct an economic feasibility study that includes the preparation of hypothetical development prototypes and tests the feasibly of inclusionary housing policies under varying market conditions and development scenarios.
5. Build in periodic review of the policy.
6. Tie affordability requirements to upzoning.

No Net Loss policies are a critical way to maintain and preserve the current level of affordable housing within a jurisdiction. These policies can be implemented at a state, county, or city level. Building these policies usually requires establishing an accurate count of affordable units, setting a baseline target number of affordable units, and acting to ensure that the number of units does not fall below the baseline. The strengths of NNL policies include supporting long-term neighborhood and citywide affordability despite gentrification and changes in housing stock; helping maintain existing affordable units, which is often cost effective and can prevent displacement; and promoting an understanding of housing trends and the needs of vulnerable communities through rigorous tracking. This can also be considered a weakness, as creating an accurate inventory is time consuming and expensive. Other challenges include

frequent legal contestation, a need for strong penalties, and limited information about existing policies.

The preservation of **manufactured housing** is one option within a suite of no net loss policies. Several manufactured housing communities exist in Southwestern King County and could be at risk of demolition with increased economic and development pressures. Further, manufactured housing is subject to exclusionary zoning and ordinances, and discriminatory financing can bar access to traditional mortgages and mainstream affordable housing sources. As a result, occupants of manufactured homes are subject to eviction and displacement. Key strategies for preservation include (1) creating an inventory of such housing stock, and tracking closures, redevelopments, and evictions; (2) creating new forms of land tenure such as collective land ownership and/or enacting laws that promote resident land ownership over that of outside developers; (3) enacting laws prohibiting discrimination against manufactured housing relative to site-built housing; (4) creating zoning overlays for mobile home parks.

Opportunity zones are not generally understood as an anti-displacement policy but their development in Skyway-West Hill and North Highline warrant attention. Opportunity zones have potential to enhance local communities but there are few safeguards against displacement if local advocates and policymakers are not vigilant for this (Gelfand and Looney 2018). PolicyLink, the national research and action institute that focuses on housing policies affecting low-income communities and communities of color, suggests that cities and local jurisdictions engage residents to set priorities for investment in the zones and design and advance local equity policies to govern investment within zones. Equity advocates and local officials can take a proactive approach to guide opportunity zones toward equitable growth, development without displacement, and in creating healthy communities. More specifically, OZs should leverage tax incentives to create jobs and increase economic security and lessen the racial wealth gap. Further, local jurisdictions can monitor and report outcomes of OZ investments according to performance indicators such as living wage jobs created or number of dedicated affordable housing units created or preserved at 60% AMI (PolicyLink, n.d.).

CITY PRECEDENT STUDIES

The student research team also examined six city precedents that were selected for their leadership in developing anti-displacement strategies and for their relevance to Skyway-West Hill and North Highline. Many of these cities, particularly Austin, Portland, Oakland, and Seattle, have remained among the fastest growing cities in the nation in recent years, often fueled by growth in the tech industry. This growth brought attendant pressures on the housing market and greater risk of displacement of long-time, lower-income residents of color living in or near the city. All city precedents are among the most rapidly gentrifying cities with substantial risk of displacing lower-income, long-time residents. A few key lessons from these precedent studies are summarized below.

Overall, what seems critical is a careful bundling of a variety of policies that together can respond to the demographic shifts, economic pressures, and specifics of the housing market in a given city. Such multi-pronged approaches are vital to ensuring that the multiple causes of displacement can be simultaneously addressed. Each city had enacted a number of strategies from updates and expansions, to rent adjustment programs and tenant protection ordinances, to place-based strategies like community land trusts and inclusionary zoning. All had some kind of community preference and no net loss strategies in place. What also became clear was that the devil is in the details — the success of any given policy or strategy requires careful implementation and involvement of affected community members. While there is no one size fits all solution, there are still lessons to be learned from examining how cities with a similar profile and with neighborhoods experiencing displacement respond to these challenges and support residents' ability to stay put.

For example, in examining Portland's No Net Loss policies, the research team identified three of the most innovative approaches the city used to implement their NNL policy and accomplish their goals: (1) the Affordable Housing Preservation Ordinance, (2) the Floor Area Transfer Option, and (3) the use of Urban Renewal Area resources. These approaches warrant consideration for King County as well. The research on NNL policy precedents suggests that King County and Washington State have less No Net Loss-supportive legislation than has Portland, Oregon, or California State.

Some cities have worksheets and tools that can be used by King County in developing their anti-displacement strategies. PolicyLink and Grounded

Solutions Network are two national nonprofit organizations with relevant expertise. Many cities have created Task Forces to address displacement and developed specific Anti-Displacement Action Plans. All precedent cities have partnered with other agencies and community organizations to develop policies and new housing. The trend is that community level and community-driven strategies for combating displacement seem to have the most potential to do good. These have worked well in cities with strong, clearly-defined neighborhoods like Pittsburgh, Portland, and Seattle. Such an approach would also work especially well in Skyway-West Hill and North Highline with well-established and committed community organizations.

From the city precedents we have learned that the keys to success in combatting displacement seem to be in the careful bundling of a suite of complementary strategies for a multi-pronged approach that is responsive to the context and legal landscape of a specific jurisdiction. King County is not alone in facing an emerging affordability crisis and there are valuable lessons to be learned from the way that these other cities in comparable positions have sought to implement anti-displacement strategies to help empower their communities to retain the right to stay put.

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Inclusionary Housing Program

Design Worksheet

GROUNDED SOLUTIONS NETWORK
strong communities from the ground up

Part ❶ Defining the Need

Pick one or two of the following primary policy reasons for adopting an inclusionary housing policy in your community.

☐ Affordable Housing Needs and Obligations
☐ Socioeconomic Integration
☐ Workforce Retention and Attraction
☐ Support Transit Oriented Development
☐ Anti-Displacement

Most communities that adopt Inclusionary Housing policies do so to address a lack of housing for low- and moderate-income households. Many also adopt Inclusionary Housing to meet community-specific needs such as socioeconomic integration.

Part ❷ Program Structure

Type of Program
☐ Mandatory
☐ Voluntary

Mandatory policies require developers to provide some percentage of affordable housing in all new developments covered by the policy. Some States prohibit mandatory ordinances. Voluntary ordinances provide incentives to developers to include affordable units in their projects.

Geographic Coverage
☐ Whole Jurisdiction
☐ Geographically Targeted Areas

Most ordinances apply to the entire jurisdiction. Some places with specific market conditions and needs target parts of the jurisdiction using planning area designations or economic and market metrics.

Type/Tenure of Development
☐ Ownership
☐ Rental
☐ Both

Depending on the legal and market conditions of a given community, Inclusionary Housing policies sometimes only apply to rental or homeownership types of projects. In most communities, both types of tenure are included in the ordinance.

Project Threshold Size
☐ All Projects
☐ 5-10 Units
☐ 10+ Units
☐ Other_____

Also known as the "trigger," this is the minimum size of project that is covered by the policy. 10 units is the most common trigger size, but it can vary widely and is sometimes different for rental and ownership types of projects.

Part ❸ Detailed Policy Choices

Percentage of Units Which Must be Affordable (Pick One)
- ☐ 5%
- ☐ 10%
- ☐ 15%
- ☐ 20%
- ☐ 25%
- ☐ 30%
- ☐ Other

This is the overall percentage of units within an otherwise market-rate development that must be affordable to households earning below some defined income level. Most policies require between 10 and 20 percent of all units to be affordable.

Affordability Level Rental Units (Pick One)
- ☐ 0-30% AMI
- ☐ 31-50% AMI
- ☐ 51-80% AMI

Ownership Units (Pick One)
- ☐ 51-80% AMI
- ☐ 81-100% AMI
- ☐ 101-120% AMI

This is the income level that households must earn in order to be eligible to live in inclusionary units. Affordability is most commonly defined as a percentage of Area Median Income (AMI) as defined by HUD. For rental units, affordability levels below 60% AMI are typical and for ownership units affordability levels between 80% to 100% of AMI are typical.

Duration of Affordability Requirements (Pick One)
- ☐ Less than 30 years
- ☐ 50 Years
- ☐ 99 Years or In-Perpetuity
- ☐ Different Standards for Rental and Ownership?

This is the period during which inclusionary units must be maintained as affordable through deed restrictions or affordability covenants. In order to stretch scarce public resources, many jurisdictions are opting for longer affordability periods. These also sometimes vary by housing tenure.

Design Standards (Pick One)
- ☐ Exact Comparability
- ☐ Flexibility
- ☐ Different Standards for Rental and Ownership?

Many places require exact comparability between market-rate units and inclusionary units to ensure equity for lower-income renters and homeowners. Other places have found it practical to allow some flexibility, particularly in case where luxury unit finishes would result in extraordinary spending on inclusionary units that could be better leveraged in other ways.

Part ❹ Incentives

Select and Describe Up to Three Incentives
- ☐ Density Bonus Increase (DU/ACRE) (%):
  _____
- ☐ Parking Ratio Reduction (%):
  _____
- ☐ Other Zoning Variance (Describe):
  _____
- ☐ Expedited Processing (In Months):
  _____
- ☐ Fee Reduction/Waiver (Total $/Unit):
  _____
- ☐ Subsidy (Total $/Unit):
  _____
- ☐ Tax Abatement (Value and Term of Abatement):
  _____

The most common incentive is a density bonus to allow developers to build additional market-rate units to offset the reduced revenues from inclusionary units. Density bonuses are typically given as an increase in allowed dwelling units per acre (DU/A) or floor area ratio (FAR). In some places, density is not a meaningful incentive in of itself and other types of cost offsets are needed.

Part ❺ Compliance Alternatives (Yes or No)

In- Lieu Fees: ☐ Yes   ☐ No

Off-Site Performance:

Partnerships with Nonprofits: ☐ Yes   ☐ No

Land Dedication: ☐ Yes   ☐ No

For practical and legal reasons, many places allow developers to pay fees in-lieu of building inclusionary units on-site. These in-lieu fees can be leveraged by local jurisdictions and nonprofit developers to build affordable housing. Off-site performance is another alternative where developers arrange for the units to be built off-site, typically by either partnering with another developer or by dedicating or donating land.