## Land Use & Inequality: What’s the Connection?

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Speakers

Victoria Brown joined the United States Department of Housing and Urban Development as a Presidential Management Fellow in 2011. Currently, Victoria serves as a Senior Policy Advisor for Multifamily Housing Programs at the U.S. Department of Housing and Urban Development. At HUD, her focus is on preserving affordable housing and expanding opportunity for HUD-assisted residents. She has a Master in Public Policy from University of California, Berkeley and a B.A. in Politics from Princeton University.

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Miro Weinberger has served the City of Burlington as mayor since March 2012 and, during his two terms as Mayor, has focused on enhancing quality of life for residents, fiscal stewardship of the City’s assets, innovation and economic development, addressing the City’s housing shortage, and 21st century policing. Under Mayor Weinberger’s leadership, the City has improved its financial status and continued to be a hub for education, innovation, and the arts. Highlights of his administration include the upgrading of the City’s credit rating by Moody’s Investors Service, which returned Burlington to an A credit rating, re-envisioning the City’s waterfront and making significant improvements to the Burlington Bike Path, passing multiple measures to increase downtown housing opportunities, and building the City’s senior management team with dynamic and effective leaders. Mayor Weinberger was born and raised in Hartland, Vermont. He attended college at Yale University and earned a master’s degree in Public Policy & Urban Planning from the Harvard Kennedy School. After starting his career working for Senator Patrick Leahy (D-VT) in Washington, DC, Miro returned home to Vermont in 2002 and co-founded the Hartland Group, a real estate development and consulting company which has won smart growth and green building awards. Miro and his wife, Stacy Sherwat Weinberger, are the proud parents of two daughters, Li Lin Bess Weinberger and Ada Champlain Weinberger.

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Understanding Exclusionary Zoning and Its Impact on Concentrated Poverty

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ELLIOTT ANNE RIGSBY CONTRIBUTOR

The United States has a self-inflicted, widespread problem: concentrated poverty. Neighborhoods with concentrated poverty—defined as census tracts where the federal poverty rate is 40 percent or more—lack resources to provide quality schools, job opportunities, safe streets, and access to quality healthcare.

Research shows that this concentrated poverty is on the rise. Since the 1990s, trends reducing the proportion of poor families living in neighborhoods with concentrated poverty have reversed, and experts blame public policy as the source.

Exclusionary zoning is an oft-mentioned policy that keeps affordable housing out of neighborhoods through land use and building code requirements. It’s a legal practice that has been used for decades to keep lower-income people—disproportionately racial minorities—out of wealthy and middle-class neighborhoods across the country. It can have a damaging effect in that it prevents these low-income families from having access to the education and employment opportunities typically found in wealthier neighborhoods.

Where Did Exclusionary Zoning Come From?

Exclusionary zoning has existed in varying forms since the early decades of the twentieth century, when it was a vehicle for outright racial discrimination. Prior to the Supreme Court’s Buchanan v. Warley decision in 1917, city zoning ordinances across the country legally forbade minorities from occupying blocks where the majority of residents were white. Buchanan v. Warley was the first in a series of cases and actions by the federal government that limited legal housing discrimination and culminated in the 1968 Fair Housing Act. The Fair Housing Act prohibits discrimination based on race, color, national origin, religion, sex, ability, and familial status. Notably, however, it does not prohibit class-based discrimination. As a result, the Fair Housing Act provides a loophole for discrimination that confines low-income people to certain neighborhoods by systematically preventing them—through economic tactics such as minimum lot size and other expensive requirements—from moving into areas of with access to opportunity.

In 1977, the Supreme Court’s decision in Village of Arlington Heights v. Metropolitan Housing Development Corp. institutionalized that loophole by asserting that exclusionary zoning is not unconstitutional. While not as overt, contemporary exclusionary zoning contributes to the same patterns of segregation as pre-Buchanan v. Warley policies. Because racial minorities are much more likely to have lower incomes, class-based discrimination tends to have a disparate impact on them, paralleling the racial discrimination of the past. In other words, the class-based discrimination embodied in today’s exclusionary zoning is, in its outcome, de facto racial discrimination.

What Does Exclusionary Zoning Look Like?

Traditionally, exclusionary zoning policies have kept poor, central city residents out of suburbs with minimum lot size requirements, single residence per lot requirements, minimum square footage requirements, and costly building codes. Together, these requirements make it difficult to build multi-family rental units that would allow lower-income residents to live in wealthy suburban developments with access to quality schools and employment. In addition, large lot size requirements reduce the supply of available land, drive up housing costs, and further keep out low-income families.

Recently, use of exclusionary zoning has expanded into the urban core as wealthy and largely white families move back into cities. Within cities, policies like building height limits and school district lines increase property values and force low-income families into areas of concentrated poverty. Still, the effects of urban exclusionary zoning pale in comparison to the massive movement to the suburbs since the ’70s.
What Are the Impacts of Exclusionary Zoning?

Exclusionary zoning promotes income segregation by creating areas of concentrated poverty and concentrated wealth. As Century Foundation fellow Paul Jargowsky explains in his report “Architecture of Segregation,” the prevalence of concentrated poverty has increased since the turn of the century, and its effects are detrimental.

In 2000, 10.3 percent of the poor lived in high-poverty neighborhoods. By 2013, this proportion increased to 14.4 percent. The raw numbers have increased as well. In 2000, about 7.2 million Americans lived in high-poverty neighborhoods. By 2013, that number had nearly doubled to 13.8 million.

These changes have disproportionately impacted minorities. One-in-four black Americans and one-in-six Hispanic-Americans living in poverty reside in high-poverty neighborhoods. Only one-in-thirteen poor white Americans lives in high-poverty neighborhoods.

High-poverty areas are marked by limited employment opportunities, underperforming schools, high crime rates, and few recreational spaces, making it nearly impossible for struggling families to achieve social mobility. By preventing families from moving into areas of opportunity, exclusionary zoning perpetuates the cycle of poverty.

What Are Perceived Justifications for Exclusionary Zoning?

Proponents of exclusionary zoning cite declining property values as the primary reason to keep low-income people out of their neighborhoods. The research around property values is murky. On the one hand, research shows that land-use diversity actually increases property values. On the other hand, the same research shows that racial diversity tends to decrease them.

Still, evidence about the impact of racial diversity on property values often reveals that these findings have been fueled by underlying and outdated fears. For decades, the Federal Housing Administration and National Association of Real Estate Boards included provisions in their code of ethics and underwriting manuals that explicitly described racial minorities as “detrimental to property values in that neighborhood.” Unfortunately, if white sellers, renters, lenders, and buyers perceive minority status as detrimental to property values—as they have been conditioned—they will be less willing to pay to live in racially diverse neighborhoods, creating a self-fulfilling prophecy of segregation.

What Has Been Done To Stop Exclusionary Zoning?

Fair housing advocates have long recognized that exclusionary zoning perpetuates patterns of racial and income-based segregation. In 1969, just one year after the Fair Housing Act was passed, then U.S. Secretary of Housing and Urban Development George Romney attempted to outlaw exclusionary zoning with the Open Communities initiative. President Nixon rejected his proposal and Secretary Romney eventually resigned from his post.

Since then, some local governments and courts have implemented policies that combat exclusionary zoning in municipalities across the country. For example, in 1974, Montgomery County, Maryland passed legislation that requires developers to set aside 15 percent of units to sell or rent below market value. This policy has created over 11,000 units of affordable housing in Montgomery County, an otherwise wealthy and suburban area. Additionally, the next year, the New Jersey Supreme Court decided in the Mount Laurel decision that every town in the state must provide its “fair share” of the region’s affordable housing.

At the federal level, in June 2015, the U.S. Supreme Court upheld the legitimacy of disparate impact complaints in cases of housing discrimination in the 5-4 decision of Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc. In the majority opinion, Justice Anthony Kennedy asserted that the removal of exclusionary zoning lay at the “heartland” of the Court’s decision.

Despite these efforts, in most parts of the United States, exclusionary zoning makes high opportunity neighborhoods inaccessible to lower income Americans.
One of the best ways to fight inequality in cities: zoning

By Daniel Hertz August 13, 2014

Daniel Hertz is a masters student in public policy at the University of Chicago. He has written about urban affairs for several publications, including Citylab.

As affordable housing becomes an ever more prominent progressive cause — thanks to economic segregation, a broad swell in housing prices and rising rents in the neighborhoods where progressive media people hang out — some rather odd fault lines are forming.

Some writers and activists have decided that a policy agenda associated with race equality activists since the 1960s is, in fact, the province of — to quote a Gawker piece from July — “tech bloggers, Redditors, Hacker News trolls, and politically-connected venture capitalists.”

The policy in question is easing the laws that make it illegal to build more housing, otherwise known as zoning. Opponents see this as an easy way for developers to build yuppie condos and cafes with $4 toast.

That’s understandable. Most new development in places like San Francisco and New York is, in fact, built and priced for the wealthy.

But to stop there also demonstrates a striking ignorance of decades of housing battles on the front lines of civil rights work. For years, activists and researchers have known that restrictive zoning is among the most powerful forces behind racial and economic segregation in the country.

This is for two reasons. First, in many neighborhoods, zoning laws prevent the construction of low-cost housing by, for example, allowing only single-family homes instead of apartments. Second, zoning laws restrict the total amount of housing that can exist in any given area, which means that wherever well-to-do people decide to move, they will bid up the price of housing until it’s out of range of everyone else. Imagine, for example, if there were a law that only 1,000 cars could be sold per year in all of New York. Those 1,000 cars would go to whoever could pay the most money for them, and chances are you and everyone you know would be out of luck.

Researchers have found overwhelming evidence that restrictive zoning raises housing prices, not just in San Francisco and other coastal metropolises, but in suburbs and city neighborhoods across the country. The stricter a region’s zoning laws, the more segregated it is likely to be.

That result was anticipated from the very beginning. Back in the 1920s, developers sued Euclid, Ohio, arguing that zoning was unconstitutional. At first, a federal judge agreed with them, and struck down Euclid’s law. The judge pointed out that the Supreme Court had struck down racial zoning, which explicitly segregated cities based on race, only a few years before; this new form of zoning, which set aside different parts of the city for different kinds of housing, was also clearly meant to “classify the population and segregate them according to their income or situation in life.”

The U.S. Supreme Court reversed that decision, upholding zoning’s constitutionality, but not because it disagreed that the outcome would be segregation. Instead, the high court essentially argued that zoning was fine because segregation was a good thing: that people who lived in apartments were “parasites” who were trying to “take advantage of the ... attractive surroundings” wealthier people could afford.

That legacy took on new importance in the aftermath of Brown v. Board of Education, when civil rights advocates noticed something interesting: White families were leaving school districts where
integration might force them to share schools with black families. They weren’t moving across the
country, though; they were just moving to the suburbs — and their suburban school districts.
Black people, however, were not following them, because these suburbs were generally not open to
black people. This was true for a lot of reasons, but a big one was that they were simply
unaffordable: The kinds of housing that people who had just been fleeced for the last three centuries
could buy or rent were almost always illegal there, thanks to zoning.

So civil rights activists took up the cause of what became known as “exclusionary zoning.” (The term
was applied in many places, but most often to laws that allowed only more expensive, low-density
housing, and kept out smaller homes or apartment buildings.) For a very brief while, it looked like
they might win some quick, major victories. After the passage of the 1968 Fair Housing Act,
President Richard Nixon’s first HUD secretary, George Romney (father of Mitt), actually devised a
plan to deny federal money to cities and suburbs that engaged in exclusionary zoning.

Unfortunately, as Nicole Hannah-Jones describes at the beginning of her excellent ProPublica piece
on the failures of desegregation, Nixon was not exactly a racial progressive, and he quashed
Romney’s plan before it could begin.

But the fight didn’t end there; it just moved to the courts and the states. The 1970s saw a tidal wave
of high-profile civil rights lawsuits taking aim at restrictive zoning laws, virtually all of which were
lost. Most crucially, in 1977 the Supreme Court upheld a law that banned apartment buildings in the
Chicago suburb of Arlington Heights, denying an affordable housing developer’s claim that the law
made integration almost impossible. (At the time, Arlington Heights had about 27 black residents
out of a population of 64,000. In the nearly four decades since, its zoning has largely remained
intact, and its black population is still under 1,000.)

Another case, known as Mount Laurel, resulted in a decades-long struggle between the NAACP and
the state of New Jersey to strike down exclusionary zoning in the Garden State once and for all. That
saga is far too complex to summarize here (“Our Town” is a good book, if you’re interested), but
suffice it to say that the end result fell far, far short of what integrationists had hoped for.

The slow death of Mount Laurel’s fair housing plan marked the end of the radically ambitious
efforts to overturn segregation-by-zoning. But, in places, the fight has continued. Researcher-
activists such as Douglas Massey and Myron Orfield have bolstered the academic evidence that
restrictive zoning laws promote segregation, and reporters such as Hannah-Jones are keeping those
stories alive.

Most exciting, however, is that the Obama Administration has recently begun acting — albeit on a
small scale — on Romney’s decades-old plan to use the power of the federal government to change
discriminatory zoning laws. HUD has an ongoing lawsuit against Westchester County in New York,
demanding, among other things, that more land be zoned for apartment buildings instead of single-
family homes. And recently HUD declared that Dallas’s zoning laws are in violation of civil rights
laws as well.

To be clear, even zoning reform’s most high-profile advocates don’t limit themselves to calling for
fewer restrictions on private development. Even the Harvard economist Ed Glaeser, who could fairly
be called a free-market sympathizer, has written that the market will never provide enough
affordable housing on its own, and suggested massively expanding housing subsidies for low-
income residents. Contrary to Gawker’s claims, opponents of restrictive zoning aren’t “cheerleaders
for laissez-faire development” — they’re advocates for the basic civil right that people ought to be
able to live where they want.

In one way, of course, it’s not surprising that this side of the story has been so thoroughly forgotten.
After all, history is written by the victors, and on the whole, the mostly white, well-to-do defenders
of the status quo have so far won handily.

But those who believe that housing and segregation continue to be at the heart of the American
struggle for equality, it’s time to bring back this history — and in doing so, refuse to say that the
fight is over.
Less segregated communities aren’t only more inclusive. They’re more prosperous.

Segregation is associated with many negative effects. It concentrates social, economic, and environmental resources and hazards, and it harms people living in distressed and isolated neighborhoods. Regions with high degrees of segregation stratify access to education and other public services, opportunities for social interaction, and labor market prospects.

But what are the costs of segregation on metropolitan regions? How does segregation diminish economic vibrancy in a region and its residents’ earnings potential?

More inclusive, or less segregated, regions have higher average incomes and educational attainment and lower homicide rates. Our new report, *The Cost of Segregation: National Trends and the Case of Chicago, 1990–2010*, finds that building more inclusive regions can deliver dividends that come through providing greater access to opportunity:

- More economically inclusive regions have higher black per capita and black median household income.
- More racially inclusive regions with lower levels of black-white segregation have higher black median household income, higher bachelor’s degree attainment for both blacks and whites, and lower homicide rates.
- Regions with lower levels of Latino-white segregation have higher overall life expectancy.

How segregated are we today?

Trends in segregation have varied over time. Economic segregation fell in the 1990s but increased in the 2000s, and Latino-white segregation increased in both the 1990s and the 2000s. Black-white segregation declined over this period, but blacks and whites are more segregated from one another than Latinos and whites.
Many US metropolitan areas remain highly segregated by both income and race (the interactive below compares 2010 segregation levels and rankings for the 100 most-populous commuting zones, or CZs).


Note: Although ranks range from #1 as the most segregated to #100 as the least segregated, higher segregation index numbers are associated with higher segregation levels. For economic segregation, we use the Generalized Neighborhood Sorting Index, which measures how people of similar incomes “clump” together within a metropolitan region (it ranges from 0.0 to 1.0). For racial segregation, we measure black-white and Latino-white racial segregation using a spatial proximity index, measuring how groups cluster into enclaves within a region (it generally ranges from 1.0 to 2.0 or higher).

Although regions with high levels of one form of segregation tend to have high levels of another form, segregation varies across the country. New York City has the highest level of economic segregation, but is 20th in black-white segregation and 11th in Latino-white segregation. Milwaukee, Wisconsin, has the highest level of black-white segregation and the second-highest level of Latino-white segregation, but ranks 35th in economic segregation. Finally, Reading, Pennsylvania, has the highest level of Latino-white segregation, but ranks 42nd in black-white segregation and 81st in economic segregation.

Communities could reap dividends by working toward inclusion

If decisionmakers in the Chicago region reduced its level of racial and economic segregation to the median level, we estimate that black per capita income would go up 2.7 percent (or $527). If black-white segregation dropped to the median, we estimate the following:

- Black per capita income would increase 12.4 percent (or $2,455).
- The educational attainment rate for black and white residents would increase, with approximately 83,000 more adults completing a bachelor’s degree. Of these graduates, 78 percent would be white and 22 percent would be black.
- The homicide rate would be 4.6 (instead of 6.6) per 100,000 people (as of 2010). In actual numbers, that decrease in segregation would have reduced the number of homicides in Chicago in 2010 from 553 down to 386, a decrease of 167.

These findings are additive. If the economic and the black-white segregation measures were the median amount, the associated increase in black per capita income would be 15.1 percent, or $2,982, making for an aggregate increase of $4.4 billion in black per capita income for residents in the region. Our partners at the Metropolitan Planning Council have produced a companion report on these findings.

If actors at the city, county, and state levels could break down barriers to local inclusion, entire regions could benefit from higher incomes and education levels and fewer homicides. Urban’s ongoing work with the Metropolitan Planning Council will continue to investigate how policy levers could address these issues and accelerate progress toward more inclusive, prosperous communities.
Executive Summary

Over the past three decades, local barriers to housing development have intensified, particularly in the high-growth metropolitan areas increasingly fueling the national economy. The accumulation of such barriers – including zoning, other land use regulations, and lengthy development approval processes – has reduced the ability of many housing markets to respond to growing demand. The growing severity of undersupplied housing markets is jeopardizing housing affordability for working families, increasing income inequality by reducing less-skilled workers’ access to high-wage labor markets, and stifling GDP growth by driving labor migration away from the most productive regions. By modernizing their approaches to housing development regulation, states and localities can restrain unchecked housing cost growth, protect homeowners, and strengthen their economies.

Locally-constructed barriers to new housing development include beneficial environmental protections, but also laws plainly designed to exclude multifamily or affordable housing. Local policies acting as barriers to housing supply include land use restrictions that make developable land much more costly than it is inherently, zoning restrictions, off-street parking requirements, arbitrary or antiquated preservation regulations, residential conversion restrictions, and unnecessarily slow permitting processes. The accumulation of these barriers has reduced the ability of many housing markets to respond to growing demand.

Accumulated barriers to housing development can result in significant costs to households, local economies, and the environment.

- Housing production has not been able to keep up with demand in many localities, impacting construction and other related jobs, limiting the requisite growth in population needed to sustain economic growth, and limiting potential tax revenue gains.

- Barriers to housing development are exacerbating the housing affordability crisis, particularly in regions with high job growth and few rental vacancies.

- Significant barriers to new housing development can cause working families to be pushed out of the job markets with the best opportunities for them, or prevent them from moving to regions with higher-paying jobs and stronger career tracks. Excessive barriers to housing development result in increasing drag on national economic growth and exacerbate income inequality.

- When new housing development is limited region-wide, and particularly precluded in neighborhoods with political capital to implement even stricter local barriers, the new housing that does get built tends to be disproportionally concentrated in low-income communities of color, causing displacement and concerns of gentrification in those neighborhoods. Rising rents region-wide can exacerbate that displacement.

- The long commutes that result from workers seeking out affordable housing far from job centers place a drain on their families, their physical and mental well-being, and negatively impact the environment through increased gas emissions.
• When rental and production costs go up, the cost of each unit of housing with public assistance increases, putting a strain on already-insufficient public resources for affordable housing, and causing existing programs to serve fewer households.

**Modernized housing regulation comes with significant benefits.**

• Housing regulation that allows supply to respond elastically to demand helps cities protect homeowners and home values while maintaining housing affordability.

• Regions are better able to compete in the modern economy when their housing development is allowed to meet local needs.

• Smart housing regulation optimizes transportation system use, reduces commute times, and increases use of public transit, biking and walking.

• Modern approaches to zoning can also reduce economic and racial segregation, as recent research shows that strict land use regulations drive income segregation of wealthy residents.

Cities and states across the country are interested in revising their often 1970s-era zoning codes and housing permitting processes, and increasingly recognize that updating local land use policies could lead to more new housing construction, better leveraging of limited financial resources, and increased connectivity between housing to transportation, jobs and amenities.

**This toolkit highlights actions that states and local jurisdictions have taken to promote healthy, responsive, affordable, high-opportunity housing markets, including:**

• Establishing by-right development
• Taxing vacant land or donate it to non-profit developers
• Streamlining or shortening permitting processes and timelines
• Eliminate off-street parking requirements
• Allowing accessory dwelling units
• Establishing density bonuses
• Enacting high-density and multifamily zoning
• Employing inclusionary zoning
• Establishing development tax or value capture incentives
• Using property tax abatements
"We can work together to break down rules that stand in the way of building new housing and that keep families from moving to growing, dynamic cities."
-- President Obama, remarks to the U.S. Conference of Mayors, January 21, 2016

A stable, functioning housing market is vital to our nation’s economic strength and resilience. Businesses rely on responsive housing markets to facilitate growth and employee recruitment. Construction workers, contractors, and realtors depend on stable housing markets to fuel their careers. And the availability of quality, affordable housing is foundational for every family – it determines which jobs they can access, which schools their children can attend, and how much time they can spend together at the end of a day’s commutes.

Our nation’s housing market was in crisis when President Obama took office. In the first quarter of 2009, national home prices had fallen roughly 20 percent since mid-2005, leaving nearly 13 million households underwater. Today, the market nationwide has made tremendous strides, as the recovery helped households regain $6.3 trillion of the real estate equity lost during the recession and lifted 7.4 million households out of negative equity since 2011, more than cutting in half the number of homeowners underwater.

This national recovery, while central to our broader economic recovery, has occurred during a period of increasing awareness of underlying regional challenges in housing markets. The recovery has been measured in home and property values but new production starts have not kept pace with historic levels we saw before the recession. In a growing number of metropolitan areas, the returning health of the housing market and vibrant job growth haven’t led to resurgent construction industries and expanding housing options for working families, due to state and local rules inhibiting new housing development that have proliferated in recent decades. In such regions, these rules have resulted in undersupplied markets, reducing options for working families and causing housing costs to grow much faster than wages and salaries. And as Matthew Desmond recently documented in *Evicted*, families facing extreme rent burden often suffer lasting trauma resulting from their housing insecurity, destabilizing their lives and marring their prospects for upward economic mobility.¹

As fewer families have been able to find affordable housing in the regions with the best jobs for them, labor mobility has slowed, exacerbating income inequality and stifling our national economic growth. But this hasn’t happened everywhere. In more and more regions across the country, local and neighborhood leaders have said yes, in our backyard, we need to break down the rules that stand in the way of building new housing – because we want new development to replace vacant lots and rundown zombie properties, we want our children to be able to afford their first home, we want hardworking families to be able to take the next job on their ladder of opportunity, and we want our community to be part of the solution in reducing income inequality and growing the economy nationwide.

This toolkit highlights the steps those communities have taken to modernize their housing strategies and expand options and opportunities for hardworking families.
Barriers to housing development are erected largely at the local level, and vary widely across states and metropolitan areas as a result. But the intensity and impact of such barriers are most evident in the vibrant job-generating regions where fervent demand far outstrips supply. Though popular coverage of these challenges has been most focused on the Bay Area, Seattle, and major East Coast cities, Los Angeles provides a clear illustration of the impact of the primary barrier to development – restrictive zoning. In 1960, Los Angeles was zoned to accommodate 10 million people; after decades of population growth and increased demand, the city is today zoned for only 4.3 million people. As Los Angeles leaders face a housing affordability and homelessness crisis, Mayor Garcetti and members of the City Council have tackled this problem by endorsing state plans to increase development and pushing for updated city plans and approval processes to facilitate new housing construction, in addition to committing new city funds toward affordable housing.

The vast majority of the nation’s largest cities are feeling the crush of sharply increased housing costs outpacing wages, with 9 of the largest 11 cities seeing rising rents and tightening vacancy rates, but this problem is now being felt in smaller cities and non-coastal locations that have historically enjoyed the benefits that come with an adequate supply of housing affordable to low- and moderate-income families. Growing, dynamic cities like Atlanta, Denver, and Nashville used to be able to tout housing affordability as a key asset – but now see rents rising above the reach of many working families. Inland cities have experienced some of the largest increases in rent in recent years, despite lacking the topological space constraints faced by coastal cities.

**Effects of Local Barriers to Housing Development**

The accumulation of state and local barriers to housing development – including zoning, other land use regulations, and unnecessarily lengthy development approval processes – has reduced the ability of many housing markets to respond to growing demand. The increasing severity of
undersupplied housing markets is jeopardizing housing affordability for working families, exacerbating income inequality by reducing workers’ access to higher-wage labor markets, and stifling GDP growth by driving labor migration away from the most productive regions.

These effects are increasingly visible in communities nationwide. In just the last 10 years, the number of very low-income renters paying more than half their income for rent has increased by almost 2.5 million households, to 7.7 million nationwide, in part because barriers to housing development are limiting housing supply. Since 1960, the share of renters paying more than 30 percent of their income for rent has more than doubled from 24 percent to 49 percent. And over that time, real household income increased by 18 percent, but inflation adjusted rents rose by 64 percent.

Emerging research has shown that in areas with high-cost housing such as California, zoning and other land-use controls contribute significantly to recent sharp cost increases, reflecting the increasing difficulty of obtaining regulatory approval for building new homes. Not all barriers to housing development have negative impacts – local land use policies and regulations can increase the supply of well-located affordable housing, address externalities such as environmental impacts associated with development, create better connections between housing options accessible to transit, and support the fiscal health of states and localities. But the accumulation of even well-intentioned land-use policies can restrict housing availability; create uncertainty for developers and limit private investment; exacerbate the imbalance between jobs and housing; and induce urban sprawl.

*Costs and negative impacts of excessive barriers to housing development*
**Housing production** has failed to expand in too many regions with strong demand, artificially depressing the availability of construction and related jobs, limiting the ability for local populations to expand in response to job growth, and reducing the potential for increased local tax revenue. In these regions, new market-rate construction shifts toward predominantly, and sometimes exclusively, larger or higher-end units as a manifestation of supply constraints, because when there are large fixed costs to building, as is the case when land use policies are onerous, even developers that aren’t profit-maximizing find it difficult to make profits from smaller or more affordable units.

Barriers to housing development are exacerbating the **housing affordability** crisis, particularly in vibrant regions with high job growth and few rental vacancies. The most recent data shows that half of renters pay more than 30 percent of their income in rent, and more than 1 in 4 are severely rent-burdened, paying more than 50 percent of their income in rent. For families working to buy their first home, rent burdens delay their plans, making it more difficult to save for a down payment. While the housing market recovery has meant growing home values for existing homeowners, barriers to development concentrate those gains among existing homeowners, pushing the costs of ownership out of reach for too many first-time buyers. This has contributed to a lower homeownership rate in the US, which has fallen to its lowest level in 50 years. Homelessness is on the rise in some of our nation’s most rent-burdened cities despite continued decreases in homelessness nationwide – for example, according to figures released by local homelessness coalitions, Washington, D.C. saw a 31 percent increase in family homelessness last year amid a 14 percent increase in homelessness overall, and homelessness grew by 6 percent in Seattle and Los Angeles.

Increasingly, working families are pushed out of the job markets with the best opportunities for them, or can’t afford to move to regions with higher-paying jobs and stronger career tracks. As Jason Furman recently discussed in a National Press Club speech, this phenomenon exacerbates **income inequality**. For the first time in over 100 years, income convergence across states has stopped, as population flows to wealthier regions has decreased – which researchers attribute to increased housing prices as a result of high local barriers to housing development. Where housing markets are able to respond more elastically, workers can shift to meet job and wage growth through relocation, reducing income inequality.

When large flows of workers are unable to move to the jobs where they would be most productive, local barriers result in increasing **drag on national economic growth**. A recent study noted that in theoretical models of mobility, economic research suggests our Gross Domestic Product would have been more than 10 percent higher in 2009 if workers and capital had freely moved so that the relative wage distribution remained at its 1964 level. Most of this loss in wages and productivity is caused by increased constraints to housing supply in high-productivity regions, including zoning regulations and other local rules. This estimate is tentative, and would imply that some cities would see counterfactual employment increases of a significant magnitude resulting from reduced housing restrictions, but the underlying point is clear: output is lost when the supply of workers to high-productivity regions is restrained. Over time, this effect can be large enough to meaningfully reduce the nation’s overall economic output.
When new housing development is limited region-wide, and particularly precluded in neighborhoods with political capital to implement even stricter local barriers, any new development tends to be disproportionately concentrated in low-income communities of color, causing displacement and concerns of gentrification in those neighborhoods, raising market rents within neighborhoods experiencing rapid changes while failing to reduce housing cost growth region-wide. As rents rise region-wide in response to insufficient housing supply, this displacement is exacerbated. Lowered region-wide barriers to new housing development would lead to more equitable distribution, allowing neighborhoods to retain character and resources as they evolve, while facilitating effective affordable housing preservation options by preventing excessively rapid change that generates displacement and dislocation.

As workers get pushed further and further from job centers – driving from Modesto to San Francisco, for example, often two hours each way – excessively long commutes pull them away from time with their families, increase strains on mental health and happiness, and contributing to further greenhouse gas emissions. The impact of these strains is being felt throughout the middle class, hurting workers that provide critical services like teachers, police officers and firefighters. For example, recent reports highlighted at least a dozen San Jose police officers living in RVs in a parking lot near Police Department headquarters to cope with the long commutes required by the lack of affordable housing nearby.

When barriers to housing development drive up rental and production costs, they constitute a countervailing force on housing assistance programs, reducing the impact of already-insufficient government resources for affordable housing. This strain on public resources occurs at all levels – federal, state and local. While President Obama’s budget calls for increasing investments to provide affordable housing and end family homelessness, HUD’s existing project-based and housing choice vouchers could serve more families if the per-unit cost wasn’t pushed higher and higher by rents rising in the face of barriers to new development. In order to build affordable housing, developers are often forced to supplement funding sources like tax credits with additional equities and loans, drawing down on state-allocated housing finance agency resources and city-held CDBG dollars. As each of these sources is piled onto a critical affordable housing resource, it is not available for preservation or additional new affordable housing elsewhere in the region.

Benefits of smart housing regulation

Housing regulation that allow supply to respond elastically to demand helps cities protect homeowners and home values while maintaining housing affordability. As cities make investments to attract residents and businesses, vibrant hubs of jobs and culture have attracted far more potential residents than many cities’ current zoning practices can accommodate. Without building adequate housing to meet the increased demand, cities that have invested in services for their residents see rents soar, making those benefits inaccessible to those they were intended to help. By allowing housing development to respond to demand, cities would capture the increased tax revenue they hope to draw by attracting more residents, and relieve pressure on existing working families that would otherwise be priced out of their communities and forced to move.
Regions are better able to **compete in the contemporary economy** when their housing development is allowed to meet local needs. When jobs and people move freely, local economies flourish, as adequate housing development reduces mismatches between housing and infrastructure, or housing and jobs. For decades, Sunbelt cities with more permeable boundaries have enjoyed outsized growth by allowing sprawl to meet their need for adequate housing supply. Space constrained cities can achieve similar gains, however, by building up with infill, reducing the eyesores of vacant lots and vacant or rundown buildings that go undeveloped in highly constrained regulatory environments. This approach facilitates cities expanding their economies across all sectors, including the essential service sector jobs that allow cities to remain attractive, rather than concentrating growth at the high end of the economy.

Smart housing regulation **optimizes transportation system use, reduces commute times, and increases use of public transit, biking and walking.** A preponderance of a metro area’s commuters living far from work in pursuit of affordable housing prevents infrastructure, including public transit, from being used efficiently and effectively. Smart housing regulation would close the gap between proximity and affordability. More residents with access to walking, biking and public transit options also means less congestion on the roads and overall reductions in traffic congestion, greenhouse gas emissions, and commute times.

Modern approaches to zoning can also **reduce economic and racial segregation**, as recent research shows that strict land use regulations drive income segregation of wealthy residents. Inclusionary zoning laws that facilitate working families accessing high-opportunity neighborhoods are effective in reducing segregation and improving educational outcomes for students in low-income families. Research also finds that more localized pressure to regulate land use is linked to higher rates of income segregation, while more state involvement in setting standards and baselines for land use is connected to lower income segregation, reinforcing to the key role that states can play in ensuring access to affordable housing is an even playing field for all residents.
Spotlight: Local Barriers and Housing Discrimination

In tight rental markets, renters flood landlords advertising quality, affordable housing. The stronger the local barriers to development, and the tighter the market, the higher the demand for units. High demand often reflects quality housing options; however, when rental supply is unresponsive to demand, competition can be high for even low-quality units. In such situations, it can be extremely difficult for low-income families to find the quality affordable housing they need, even when they receive a HUD Housing Choice Voucher to aid them with their rent – because some landlords simply refuse to rent to voucher-holders, a practice particularly jarring to the thousands of families struggling to escape homelessness through use of a housing voucher.

Federal fair housing law explicitly prohibits landlords from discriminating against renters on the basis of race, religion, familial status or other protected classes. But many states and localities consider discrimination on the basis of voucher payment for rent to be legal in the absence of explicit source-of-income protections. Available evidence indicates that renter discrimination is widespread, and most harmful in high-barrier rental markets with limited housing options for families receiving rental assistance, hindering efforts to enable more low-income families to access affordable housing in opportunity-rich neighborhoods.

Discrimination against voucher holders is prevalent nationwide, especially in high-cost markets, and remains prevalent even in the 13 states and dozens of localities that have made such discrimination explicitly illegal. Though cities like Chicago, Philadelphia, and Pittsburgh have these laws in place, local investigative reporting has documented high rates of ongoing, illegal renter discrimination. For example, landlords post “no Section 8” tags on sites like Craigslist.org, especially for units in relatively low-poverty areas where constraints to housing development are often highest. The rarely-enforced fine for this violation in Chicago is $500.

Renter discrimination reduces voucher success rates, limiting low-income households’ housing options in general, and particularly their ability to move to high-opportunity neighborhoods. The Administration’s actions to increase economic mobility, reduce local barriers to housing development, advance fair housing, end homelessness, and expand access to opportunity depend in part on the ability of low-income families to lease units in neighborhoods of their choosing.

Barriers to housing development that prevent supply from responding elastically to demand put additional pressure on landlords and the rental market. Discrimination, even inadvertent discrimination, increases when market conditions increase competition among renters. Unsurprisingly, many cities with the highest local barriers have seen increases in homelessness in recent years, while nationwide homelessness has been sharply in decline.

Vouchers are a critical tool for meeting the Administration’s goals of ending veteran, chronic, and family homelessness. The President’s historic FY 2017 budget proposal to end homelessness by 2020 for every family with children nationwide would invest $11 billion over 10 years, primarily in vouchers, to end families’ homelessness, stabilize their housing, and give them a foundation to succeed economically. These goals will be easier to achieve if local leaders reduce barriers to housing development and end renter discrimination in their jurisdictions.
Framework for Modern Housing Strategies

Cities across the country are interested in revising their often 1950s-era zoning codes and housing permitting processes, and increasingly recognize that updating local land use policies could lead to more new housing construction, better leveraging of limited financial resources, and increased connectivity between housing to transportation, jobs and amenities. The President’s FY 2017 HUD budget includes a $300 million proposal for Local Housing Policy Grants to help facilitate those cities’ success in modernizing their housing regulatory approaches.

In markets with high demand but currently inelastic supply, these modern housing approaches are likely to lead to more new housing construction, including multifamily rental construction. Though much of that housing would likely be market-rate housing, its introduction into the marketplace would help slow cost growth in existing and otherwise affordable housing. In markets that have not yet but are poised to experience rapid economic growth in the near to mid-term (e.g., as result of their advantageous location, emerging industrial growth, or surge in resource extraction), promising practices can be embedded into local action as they develop their economic growth strategy to ensure that sustained economic growth is achieved.

The Administration has also taken action to reinforce these practices, as the Department of Transportation now examines cities’ housing regulatory approaches, and their ability to respond elastically to new demand generated by transit projects, as part of their Small Starts and New Starts project reviews.

Cities like Chicago, Seattle, Sacramento, and Tacoma and states like California and Massachusetts have already begun to foster more affordable housing opportunities by removing restrictions, implementing transit-oriented zoning ordinances, and speeding up permitting and construction processes.

Role of states and localities

Both states and cities have proven they can break free of the constraints that have stifled responsive supply and driven up housing costs across the country. While most states have devolved land use control to localities and remain relatively hands-off when it comes to land use planning, a number of states have begun to take a more active role in reducing regulatory barriers. A strong baseline at the state level creates an even playing field for local land use decisions.

Cities and other localities have the greatest opportunity to innovate in efforts to reduce barriers to housing supply, given their proximity to the effects of either a constrained or flexible supply. Without action, excessive local barriers drive up housing costs, undermining affordable housing at most income levels, and resulting in declines in homeownership. Demonstrated success in addressing these challenges can help overcome apprehension about neighborhoods evolving and growing through new development.
Spotlight: Impacts on the Ground

“As the head of EMPath, a Boston-based non-profit, that helps low-income families move out of poverty, one of the greatest hurdles my staff and participants face is finding affordable housing. When we first start working with our participants, many of them are homeless and trying to make their way from emergency shelters into permanent housing. Affordable housing in Greater Boston is in such short supply, and the costs are so high that, at their average wages ($10/hr), participants have to work 97 hours a week in order to afford the Fair Market rent on a one-bedroom apartment. If they seek lower cost housing outside of Boston, moving often rips apart the work, childcare, and support systems they count on to maintain their precarious family and financial stability.

And my staff experience similar problems. Pay at my organization is far from minimum wage. The average employee at EMPath has a Bachelor’s degree and makes about $26/hour. But even at this level, it is hard for staff to find affordable housing in the city and many of them move as much as 25+ miles away in order lower housing costs. When they do this, they add hours of commuting to their work week and easily spend $360+/month for their monthly transit passes. We routinely have to alter work schedules and the offices where our staff work in order to accommodate their commuting needs.

As can be seen from all of this, high housing costs create a drag on everything we are trying to do: stabilize people’s lives, decrease their dependence on public supports, get them into the workforce, and run our non-profit business. It is fundamentally important to address this issue if we are going to succeed in improving our economy and opportunity for low and middle income workers.”

Elisabeth Babcock
President and CEO
EMPath – Economic Mobility Pathways
Boston, MA
Toolkit – Taking Action

This toolkit highlights actions taken by states and local jurisdictions to promote healthy, responsive, high-opportunity housing markets, despite the common and sometimes challenging political barriers to reform and improvement. This list is not exhaustive – there is a substantial amount of good work being done all around the country – but provides several potential starting points for local efforts to modernize housing planning and development.

1. Establish by-right development

Most development today goes through a discretionary review process prior to approval, such as public hearings or local legislative actions. These processes predispose development decisions to become centers of controversy, and can add significant costs to the overall development budget due to the delay and uncertainty they engender. The tradeoffs that developers make to account for those additional costs can result in lost affordability, quality, or quantity of units developed. “As-of-right” or “by-right” development allows projects to be approved administratively when proposals meet local zoning requirements. Such streamlining allows for greater certainty and more efficient development and, depending on a locality’s regulatory approach, supports lessening of barriers from density limits and other zoning requirements. It can also be targeted to achieve public goals by making “by-right” approval contingent on increased affordable housing, transit-oriented development, or energy efficiency.

A 2014 report by the Urban Land Institute concludes that “municipalities can facilitate more efficient development time frames and reduce costs by enabling more by-right development. This can be accomplished by relaxing restrictions related to density, building height, unit size, and parking minimums, thereby freeing developers from the need to seek waivers, variances, or rezoning.”

Some states have enacted or pursued these approaches in efforts to facilitate affordable housing development. In California, Gov. Jerry Brown recently proposed a policy that would ensure that new developments that conform with existing local zoning rules and include set-asides for affordable housing would be approved “by right” – as long as the project is not located on sensitive sites, such as wetlands, farmland, flood plains, and earthquake fault zones, additional discretionary review requirements would be no longer be required, facilitating more rapid development of affordable housing at lower costs.

States can also encourage localities to allow by-right development. For instance, Massachusetts allows communities to designate areas as Priority Development Sites, a designation that provides an incentive for municipalities to allow by-right development in localities where they seek to encourage economic growth.

Fairfax County, VA, has implemented by-right development in seven districts, with the goal of encouraging economic development through flexibility in zoning regulations and administrative processes in older commercial areas. These more flexible zoning regulations...
include 40-50 foot increases in building height, parking requirement reductions, and abbreviated fees and approval processes for development changes.\textsuperscript{34}

2. Tax vacant land or donate it to non-profit developers

Nationwide, the number of vacant residential units increased from 7 million in 2000 to 10 million in 2014.\textsuperscript{35} Vacant and abandoned properties not only represent lost housing opportunities, but can cause significant harm to the surrounding neighborhood. Strategies to address these properties can reduce blight and place them back into productive use. In-fill development can have significant environmental benefits, as well-resourced urban land can be accessed by more people and can also result in larger ridership for public transit when in proximity to city centers. A 2014 study found that in the Cleveland area, the sale price of homes within 500 feet of a vacant property depreciated by 1.7 percent in low-poverty areas and 2.1 percent in medium-poverty areas,\textsuperscript{36} while a 2010 University of Pittsburgh study concluded that the rate of violent crime within 250 feet of a vacant property is 15\% higher than that within 250 and 353 feet from the property.\textsuperscript{37} Local governments bear the costs of these vacant properties. A 2010 study found that Philadelphia spends more than $20 million annually to maintain 40,000 vacant properties, which cost the city over $5 million per year in lost tax revenue.\textsuperscript{38}

Localities often face challenges in identifying vacant properties,\textsuperscript{39} but many jurisdictions have enacted vacant property registration ordinances that require individuals to register vacant land and often pay a fee, with cities in Florida, California, Illinois and Michigan leading the way in implementation. Many localities in these states increase the fees the longer a property remains vacant, which encourages lot owners to put their properties to more productive use, such as redevelopment.\textsuperscript{40} Once vacant property has been identified, jurisdictions are able to take action to combat the lost revenue and blight that come with vacant property by taxing vacant land or donating to non-profit developers.

At the city level, Dallas has addressed vacant property through a land bank, a “government-created nonprofit corporation designed to convert tax-delinquent and vacant properties into affordable housing or other productive uses,”\textsuperscript{41} which provides “a tool to enable cities to more effectively...pursue tax foreclosure on unproductive vacant properties in return for...placement into productive use in the development of affordable housing.”\textsuperscript{42} Dallas also acquires vacant lots for affordable single-family housing development, and allows nonprofit groups to develop affordable housing by purchasing foreclosed vacant lots or surplus vacant lots from the city’s inventory at below market price, enabling Dallas to reduce the blight of vacant lots and foster more affordable housing development.\textsuperscript{43}

3. Streamline or shorten permitting processes and timelines

Permitting processes can introduce yet another source of cost and uncertainty in the effort to increase housing supply through production. Unnecessarily lengthy permitting processes restrict long-run housing supply responsiveness to demand, and also present an inefficiency for city planners and reviewers whose time could be more effectively spent on essential...
tasks. Most localities’ permitting processes do not fully leverage new technology to achieve greater speed, reliability and efficiency.

San Diego and Austin are two of many cities that have tackled these challenges, streamlining and shortening their permitting processes. San Diego’s Expedite Program allows for expedited permit processing for eligible affordable/in-fill housing and sustainable building projects, with a 5 business day initial review. In 2000, the Austin City Council created the S.M.A.R.T. Housing program which offers developers of housing that serves low-income families waivers for development fees and expedited development review; since 2005, more than 4,900 housing units have been completed through this approach.

States have also taken action, with both Rhode Island and Massachusetts driving localities toward more streamlined processes. The Rhode Island 2009 Expedited Permitting for Affordable Housing Act provides state permitting agencies with strict deadlines for making their decisions, for transit-oriented, dense, or historic preservation projects that are large enough to meaningfully increase availability of affordable housing in their communities. Massachusetts developed a model set of local permitting practices, with guidelines including predictable impact fees, use of objective criteria for by-right zoning, and uniform timelines. By incentivizing efficient permit processing at the state and local level, communities are better positioned to accelerate development, resulting in increased housing production, more stability for contractors and construction workers, and less risk for investors.

4. **Eliminate off-street parking requirements**

Parking requirements generally impose an undue burden on housing development, particularly for transit-oriented or affordable housing. When transit-oriented developments are intended to help reduce automobile dependence, parking requirements can undermine that goal by inducing new residents to drive, thereby counteracting city goals for increased use of public transit, walking and biking. Such requirements can also waste developable land, and reduce the potential for other amenities to be included; a recent Urban Land Institute study found that minimum parking requirements were the most noted barrier to housing development in the course of their research. By reducing parking and designing more connected, walkable developments, cities can reduce pollution, traffic congestion and improve economic development. Businesses that can be accessed without a car can see increased revenue, increased use of alternative modes of transportation, and improved health outcomes for residents.

These requirements have a disproportionate impact on housing for low-income households because these families tend to own fewer vehicles but are nonetheless burdened by the extra cost of parking’s inclusion in the development. The significant cost of developing parking – from $5,000 per surface parking spot to $60,000 underground – is incorporated at the start of the project, which can impede the viability and affordability of the construction.

In 2012, Seattle’s city council voted to relax parking requirements, eliminating requirements in center-city areas with frequent transit services within ¼ mile, and reducing them by 50 percent in neighborhoods outside of those centers given the same minimum level of transit
service – sparking a wave of new development, including hundreds of units with no associated parking spaces. The study that accompanied this legislative change found that parking reduced the potential number of units at a site and increased the expected rental costs by 50 percent for a building without parking as compared to that with the mandated level of surface parking.47

Cities such as Denver, Minneapolis and New York City have also demonstrated success in taking on minimum parking requirements – Denver lowered parking minimums for low-income housing, Minneapolis reduced requirements near transit stops, and New York City eliminated parking requirements for affordable housing located within ½ mile of a subway entrance. The Association of Bay Area Governments also published a rubric guiding parking requirement reform across the region, which accompanies the Metropolitan Transportation Commission’s Smart Parking Toolbox and funds parking plans for transit station areas. And in 2015, the State of California enacted a statewide override of local parking requirements for all residential projects near transit that incorporated affordable units.

5. Enact high-density and multifamily zoning

Local zoning code changes that allow for the development of higher-density and multifamily housing, especially in transit zones, can help to alleviate some of the pressure of the growing population in many city centers. In Massachusetts, the Smart Growth Zoning act provides incentives to local governments that make zoning changes and establish smart growth zoning districts, to foster, near transit nodes and city/town centers, denser residential or mixed-use zoning districts, including affordable units.48 More recently, in June, the Fairfax, VA County Board of Supervisors approved changes to zoning codes to allow for taller buildings near Metro stations.49 In Seattle, the city has nearly 800 micro-units with another 1,500 or so in the pipeline – more than any other city – yet, changes to the zoning code will disallow future approvals of such housing.50

6. Allow accessory dwelling units

Accessory dwelling units can expand the available rental housing stock in areas zoned largely for single-family housing and can address the needs of families pulled between caring for their children and their aging parents, a demographic that has been growing rapidly in recent years. As a result of the recent recession, young adults have achieved financial independence at a slower rate than prior generations. While the number of Americans caring for both an aging parent and a child has increased only marginally, the costs associated with caring for multiple generations has increased significantly as a greater share of parents support their children beyond age 18.51 Accessory dwelling units offer one solution to this challenge by facilitating intergenerational living arrangements and allowing more seniors to age in place, something that nearly 90% of older Americans desire for themselves and their families.52 In addressing the temporary needs of families that are stretched thin, accessory dwelling units can create a permanent increase in affordable housing stock. Cities like Portland and Santa Cruz had explicitly encouraged this action, while others like San Diego have called for changes to allow more such units. The State of California moved earlier this month to streamline state regulations to promote construction of accessory dwelling units.
7. **Establish density bonuses**

Density bonuses encourage housing development and incentivize the addition of affordable housing units by granting projects in which the developer includes a certain number of affordable housing units the ability to construct a greater number of market rate units than would otherwise be allowed. Density bonuses are frequently tied to community goals of increased affordable housing and can be effective in driving larger quantities of units supplied through new construction. The State of California requires its local governments to grant a density bonus and concession or development incentive, if requested, for developments of five or more units including minimum portions of affordable housing or for senior housing.

8. **Employ inclusionary zoning**

Inclusionary zoning requires or encourages the inclusion of affordable units in new residential development projects. As of 2014, such policies had been implemented by nearly 500 local jurisdictions in 27 states and the District of Columbia. Not only have such policies expanded the availability of affordable housing while allowing for new development that otherwise might have been locally opposed, they have also been shown to improve educational outcomes for low-income children gaining access to higher-performing schools.

As the Lincoln Institute of Land Policy has noted, inclusionary zoning policies require upfront commitment to long-term affordability, and perform best when both producing and preserving affordable housing. While enforcement is a frequently cited obstacle to successful inclusionary housing requirements, Massachusetts’ Chapter 40B provisions enables the local Zoning Boards of Appeals to approve affordable housing developments under flexible rules if at least 20-25% of the units have long-term affordability restrictions. This flexibility reduces barriers created by local approval processes and zoning.

9. **Establish development tax or value capture incentives**

Tax incentives for developers who construct affordable housing offer another avenue to incentivize development; such incentives have been demonstrated to spur development, and have recently been adopted in Seattle and New York City. The Seattle Multifamily Tax Exemption program, which was modified and renewed in 2015, provides property owners and developers a tax exemption on new multifamily buildings that set aside 20-25% of the homes as income- and rent-restricted for 12 years; currently approximately 130 properties in Seattle are participating in the program and an additional 90 are expected to begin leasing MFTE units between 2016 and 2018. Adopted in 2015, The New York 420-c Tax Incentive program provides complete or partial exemption from real estate taxes for low-income housing up to a maximum of 60 years.
10. Use property tax abatements

Like tax incentives, property tax abatements or exemptions can encourage the construction of affordable housing and spur development more generally, including by providing abatements to affordable housing production during the development phase. In 1985, Oregon adopted an approach to provide property tax abatements to properties in which units will be exclusively available to eligible low-income individuals or to vacant land intended to be developed as low-income housing. Philadelphia offers a tax abatement from real estate tax for up to 30 months during the construction of residential housing.57
Ballot item could reshape Burlington

Joel Banner Baird, Free Press Staff Writer

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A single sentence on Burlington's November ballot poses a far-reaching question, one that could determine for decades to come the look and feel of downtown.

Ballot Item no. 3 is dense with the language of bureaucrats: "Shall the amendment to Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington, identified as ZA 16-14 Downtown Mixed Use Core Overlay be adopted by the City of Burlington?"

In practical terms, a yes vote would allow the transformation of the two-story Burlington Town Center mall into a higher-rising cityscape of shops, residences and offices.

The measure also calls for reconnecting Pine and St. Paul streets, blocked since the 1970s by the mall and other so-called "urban renewal" projects.

Roughly two-and-a-half blocks between Cherry and Bank streets are included in the new zoning designation.

Although the new guidelines were crafted in part to advance the redevelopment of Burlington Town Center, they also apply to land occupied by Macy's department store, three parking garages, the building that houses L.L. Bean, and 100 Bank St., which houses the Burlington Free Press.

A map of downtown Burlington shows the area (shaded in red) approved for special zoning. Developer Don Sinex proposes to build on the block between Macy's and L.L. Bean, and re-open Pine and St. Paul streets.

An introduction to the 16-page zoning change states that its goal is "to facilitate the redevelopment of a portion of the former Urban Renewal Area in order to provide for a more walkable, connected, dense, compact, mixed use and diverse urban center."

The proposal raises the maximum height for new buildings to 160 feet, from 105 feet, raising the limit to 14 stories.

Increased height in the downtown, promoted as part of a strategy to stimulate housing and business, has been criticized by some residents as a subversion of community standards.

Proponents of the zoning change counter that opponents have repeatedly exaggerated the visual impact of the proposed redevelopment.
In other departures from existing zoning, the proposal requires new or “substantially rehabilitated” buildings to:

- House a mix of commercial and residential space, either of which must comprise a 25-percent minimum.
- Comply with LEED-Gold certified energy efficiency standards, or an equivalent standard.
- Incorporate “step-backs” on higher stories to allow more light at street level.
- Have facades with variations in texture, depth, materials and color.
- Ensure walls on street-facing ground floors have a minimum of 70 percent of space composed of windows or doors.
- Reduce storm water runoff; divert rain catchment from sewer lines.
- Build parking only below ground, behind “liner” buildings or above active ground floors.
- Shield roof-mounted air-handling equipment, antennae and elevator gear from ground view with set-backs and/or screens. These so-called “mechanicals” are permitted to rise up to 15 feet above the building’s maximum height, but may not exceed 20 percent of roof area.

City Council approved those provisions at its Sept. 29 meeting by an 8-3 vote.

Legally, the zoning change could have taken effect immediately after that decision.

The City Council voted to place the item on the November ballot in anticipation of a petition drive that would almost certainly have delayed action on developer Don Sinex’s project until Town Meeting Day.

A predevelopment agreement with Sinex approved 10-1 by the City Council in May placed review of the zoning measures, as well as a Council vote, on an expedited schedule.

The ballot item must be approved by a simple majority of city voters to pass.

Also on the ballot:

**Ballot Item no. 1**: A request by the city to borrow up to $27.5 million to, over the course of five years, repair roads and sidewalks; replace aging fire engines; and to continue repairs and rehabilitation of the waterfront bike path.

This measure requires a two-thirds majority to pass.

**Ballot Item no. 2**: Would borrow $8.3 million, to be spent through 2020, to fund upgrades to the city’s water system, including the replacement aging, vulnerable underground water lines.

Because this bond would be repaid through revenues to the Public Works Department, it requires only a simple majority to pass.

Ballot Items no. 1 and no. 2 were approved unanimously by City Council on Sept. 19.

**Ballot Item no. 4**: Related to the intent of the proposed zoning change (no. 3), this item asks voters to approve borrowing up to $21.8 million to pay for the acquisition of previously blocked portions of Pine and St. Paul streets.

That loan would be repaid gradually through anticipated increases in property tax revenues within the redeveloped area, and not through citywide tax increases.

This measure, commonly known as tax-increment financing, or TIF, also requires a simple majority to pass.

City Council approved the TIF spending on Sept. 26 by a 10-1 vote.

**Ballot Item no. 5**: Clarifies the language used to define parking lots and garages within the city, and their funding mechanisms. It needs a simple majority to pass.

City Council unanimously approved the measure at its Sept. 26 meeting.

**Ballot Item no. 6**: A non-binding measure that asks the city to relocate portions of the waterfront bike path on the western side of railroad tracks between King and College streets.

It also advises the city to use the public trust doctrine or eminent domain to secure that goal.

This item, placed on the ballot through a public petition, requires a simple majority to pass.

*This story was first posted online Nov. 3, 2016.*
What's the proposal?

The proposal asks voters to approve a $1.2-billion general obligation bond, basically a type of loan, to finance the construction of supportive and affordable housing for homeless people in the city of Los Angeles. Supportive housing refers to a type of housing that also includes on-site services, such as case managers and physical and mental health care.

The bond would be paid for by property taxes. The cost has been estimated to be about $9.64 a year for every $100,000 in property owned, or about $33 a year for the average homeowner for 29 years.

The city plans to use the money to help finance 10,000 units of permanent supportive housing over the next 10 years. The city will buy the land for the projects, lease it to developers long-term, and finance part of the building costs.

In addition to creating supportive housing, the bond money could also be used to pay for temporary shelters, showers, and other facilities for the homeless; affordable housing open to extremely low to low income renters; and to add infrastructure like sidewalks around the new housing.

Who's behind it?

The bond proposal was written by the leaders of the city council’s Homelessness and Poverty Committee, Marqueece Harris-Dawson and José Huizar. The council voted to put it on the ballot in June.
The back story

The number of homeless people in Los Angeles is staggering. The most recent homeless count found more than 28,000 homeless people citywide, an 11 percent increase over the prior year. The most recent count’s findings marked the fourth year in a row that the number of homeless people in the city rose.

Arguments for

- Without the funds from the bond, the city would only be able to finance about 3,000 units of permanent supportive housing over the next 10 years. With it, the city can finance 8,000 to 10,000 over the same period.
- The Los Angeles Times editorial board, which supports a "yes" vote on the measure, says that HHH is a "critical" step in combating the city and county’s serious homelessness problem. It notes that, "years of studies by academics and service providers" have shown that permanent supportive housing has a great retention rate among the homeless, meaning that it helps keep them in homes and off the streets.
- The Times’s notes one particular assurance that money will get used properly: "bonds would be issued only for approved projects, and no money would be borrowed until a project is approved and a developer has a service partner in hand."

"[Proposition HHH] won’t clear the streets of homeless people within a few months or a couple of years. But without these housing projects, the problem cannot be solved. Let’s stop pretending we don’t see it." - Los Angeles Times editorial board

Arguments against

- With interest, the measure will ultimately cost taxpayers $2 billion.
- New apartments won’t show up for three years.
- Renters won’t pay anything, only property owners
- The money from the bond can only be used for land and housing, but not homeless shelter funding or services like substance abuse treatment.

"[HHH] reflects a panicked rather than a reasonable response to the increase in homelessness in the city. It requires an unequal tax increase, and without county funding for services, it won't do enough to solve the roots of the problem." - Mark Ryavec, Jack Humphreville and Jay Handal in a Los Angeles Times op-ed
22.140.640 Accessory dwelling units

A. **Purpose.** This Section is to provide for the development of accessory dwelling units as defined in Chapter 22.14 in residential and agricultural zones with appropriate development restrictions, pursuant to Section 65852.2 of the California Government Code.

B. **Applicability.**

1. All regulations of Title 22 applicable to the lot where the accessory dwelling unit is located shall apply, except as follows:
   
a. Any zone, district, or specific plan regulation shall be superseded by a contrary provision in this Section regulating the same matter if the provision of this Section is less restrictive than such regulation.

b. Where this Section is silent, the applicable provisions in Title 22 shall apply.

c. The regulations within this Section do not apply to the Coastal Zone. Refer to the accessory dwelling unit regulations in the applicable Local Coastal Program.

d. Accessory dwelling units within Significant Ecological Areas are subject to additional requirements as provided in Section 22.102.

C. **Permitted Areas.** Accessory dwelling units are permitted where both the zone and the community standards district, where applicable, allow single-family residential uses with a ministerial site plan review.

D. **Application Requirements.** An approved Ministerial Site Plan Review (Chapter 22.186) is required to establish an accessory dwelling unit that is located in a permitted area as provided in subsection C.

E. **Timeline for Decision.** Complete applications for an accessory dwelling unit shall be processed by the Department of Regional Planning within 120 days.

F. **Use Restrictions.**

1. An accessory dwelling unit may be developed on a fee-simple lot that either:
   
a. Contains at least one legally established detached single-family residence; or

b. Will have at least one new detached single-family residence permitted concurrently with the accessory dwelling.

2. No more than one accessory dwelling unit is permitted on any lot.

3. An accessory dwelling unit may not be separately sold from the primary single-family residence on the same lot, but it may be used as a rental unit.
4. An accessory dwelling unit shall not be permitted on a lot where either of the following exists:
   a. A habitable accessory structure, except for a pool house.
   b. A living suite.

5. An accessory dwelling unit may not be used for a home-based occupation if there is a home-based occupation in the primary residence.

G. Development Standards. An accessory dwelling unit shall comply with the following development standards:

1. Single-Family Residence Standards. An accessory dwelling unit shall comply with Section 22.140.580 (Single-Family Residences), except Section 22.140.580.B (Minimum Building Width) and Section 22.140.580.C (Minimum Floor Area) shall be superseded by this Subsection G.

2. Parking. No parking is required for an accessory dwelling unit. When covered parking is demolished or rendered unusable in conjunction with the construction of an accessory dwelling unit, any parking spaces required for the primary residence must be maintained and may be provided as covered or enclosed spaces, uncovered spaces, tandem spaces on a driveway, or by the use of mechanical parking lifts.

3. Minimum Floor Area. An accessory dwelling unit shall have a total size of at least 150 square feet, with at least one habitable room of at least 70 square feet.

4. Maximum Floor Area. The maximum floor area shall be as follows:
   a. For attached accessory dwelling units, the additional floor area shall not exceed 50 percent of the floor area existing at the time of application submittal, with a maximum increase in floor area of 1,200 square feet. For attached and detached accessory dwelling units, the floor area of the accessory dwelling unit shall not exceed 1,200 square feet.
   b. Within a Hillside Management Area, the additional floor area for an attached or detached accessory dwelling unit shall not exceed 50 percent of the floor area existing at the time of application submittal, with a maximum floor area of 800 square feet.

5. Height. The maximum height of an accessory dwelling unit shall be as follows:
   a. 25 feet, except:
(1) For accessory dwelling units created entirely within the existing space\(^1\) of an accessory structure, the maximum height shall be equal to the maximum height of the accessory structure.

(2) For accessory dwelling units created entirely within the existing space of a single-family primary residence, the maximum height shall be equal to the height of the primary residence.

6. **Distance From Primary Residence.** The distance between the detached accessory dwelling unit and the primary residence shall be as follows:

   a. A minimum of 6 feet; and,

   b. In Hillside Management Areas, a maximum of 25 feet, unless the accessory dwelling unit is created entirely within the existing space of an accessory structure.

7. **Required Yards.** The minimum side and rear yard depths of an accessory dwelling unit shall be as follows:

   a. For accessory dwelling units created entirely within the existing space of a single-family primary residence or accessory structure, no yards are required.

   b. For accessory dwelling units not created entirely within the existing space of a single-family primary residence or accessory structure, the minimum yards shall be five feet, except as provided in Section 22.116.

   c. Accessory dwelling units shall not encroach into the required front yard for the primary residence.

\(^1\) For the purposes of this section, “existing” refers to an ADU created entirely within the building envelope of the single-family primary residence or accessory structure that was established prior to the accessory dwelling unit.
CITY OF SEATTLE

RESOLUTION 31577

A RESOLUTION confirming that the City of Seattle’s core value of race and social equity is one of the foundations on which the Comprehensive Plan is built.

WHEREAS, Seattle was a national leader when it made social equity one of the four core values in the original 1994 Comprehensive Plan and will continue to demonstrate leadership in advancing social equity through planning processes; and

WHEREAS, the state Growth Management Act requires goals for housing, economic development, and community participation, and Seattle is committed to social equity through establishing equity goals and policies for all elements of its Comprehensive Plan; and

WHEREAS, Mayor Nickels launched the City’s Race and Social Justice Initiative (RSJI) in 2004 to eliminate race-based disparities within Seattle, and Mayor Murray’s RSJI Executive Order 2014-02 declared the City will incorporate a racial equity lens in citywide initiatives to achieve coordinated planning and equitable growth; and

WHEREAS, while it has long been assumed that there is a trade-off between equity and economic efficiency, new evidence shows that regions that work toward equity have stronger and more resilient economic growth – for everyone; and

WHEREAS, race and social equity planning includes not only shared distribution of the benefits and burdens of growth and investments, but also partnership in the process resulting in shared decision-making and more equitable outcomes that strengthen the entire region; and
WHEREAS, the City works to create racial equity by explicitly naming and addressing the
historic and current impacts of institutional and structural racism in our policies,
procedures, programming, initiatives, and budgetary decisions; and

WHEREAS, the City acknowledges that structural and institutional racism, including redlining,
restrictive racial covenants, and other discriminatory practices led to racial segregation
and current racial disparities in quality of life outcomes such as access to quality
education, living wage employment, healthy environment, affordable housing, and
transportation; and

WHEREAS, the City’s Comprehensive Plan is a 20-year vision and roadmap for Seattle’s future
growth that provides an opportunity to articulate how the City will reduce race and social
disparities related to growth; and

WHEREAS, the Seattle Planning Commission, Women’s Commission, Human Rights
Commission, Lesbian Gay Bisexual Transgender Commission, and Immigrant and
Refugee Commission jointly submitted a letter to the Mayor and City Council declaring
race and social equity to be a priority for the Comprehensive Plan update; and

WHEREAS, the Equitable Development Initiative, led by the Department of Planning and
Development and the Office for Civil Rights, provides oversight and an equity
framework for the Comprehensive Plan; and

WHEREAS, some urban villages and centers experience racial and economic segregation and
are home to residents, businesses, and community organizations at risk of displacement
due to a range of institutional and systemic factors, as well as new development that the
Comprehensive Plan anticipates for those villages and centers; and
WHEREAS, City Council Resolution 31492 adopting the Growing Transit Communities
Compact recognizes the importance of equitably distributing the benefits and burdens of
growth and of having clear goals to define and measure successful equitable growth; and
WHEREAS, achieving equitable growth requires further work by City offices and departments
to implement plans and tools that will operationalize the new equity goals and policies in
the updated Comprehensive Plan; and
WHEREAS, because the City benefits from the diversity of its population, the City desires to
incorporate the expertise of those most negatively impacted by growth to provide
guidance on policies and investments; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE

MAYOR CONCURRING, THAT:

Section 1. Race and Social Equity Core Value. The City will rename the current Social
Equity Core Value to be the Race and Social Equity Core Value. The City will make this value a
foundation of the Comprehensive Plan (Plan), integrating it into the other core values.

Section 2. Defining the Race and Social Equity Core Value. The City’s Equitable
Development Initiative used the City’s Racial Equity Toolkit (RET) and other best practices to
review the current Plan, producing the following definitions for key terms to be used to provide
clear and consistent language throughout the Plan.

A. Marginalized People: Persons and communities of color, immigrants and refugees,
those experiencing poverty, and people living with disabilities.

B. Race and Social Equity: The time when all marginalized people can attain those
resources, opportunities, and outcomes that improve their quality of life and enable them to reach
their full potential. The city has a collective responsibility to address the history of inequities in
existing systems and their ongoing impacts in Seattle communities, leveraging collective resources to create communities of opportunity for everyone, regardless of race or means.

C. Equitable Development: Public and private investments, programs, and policies in neighborhoods to meet the needs of marginalized people and reduce disparities, taking into account past history and current conditions, so that quality of life outcomes such as access to quality education, living wage employment, healthy environment, affordable housing and transportation, are equitably distributed for the people currently living and working here, as well as for new people moving in.

Section 3. Incorporating Race and Social Equity in the Plan. The update process will include an equity analysis focused on outcomes for people, in addition to places. The City will continue to use the RET to identify and address equity-related issues relevant to the Plan in order to incorporate equity into the Plan in the following areas:

A. Introduction and Core Value. The Plan’s introduction will articulate a definition of race and social equity and a clear vision of equitable growth. It will also provide the rationale for making race and social equity a foundation of the Plan, will include a description of current context, connect historical decisions to current conditions, and will articulate the benefits of addressing race and social equity into the Comprehensive Plan. The race and social equity core value statement will include the Principles of Equitable Development ratified by the Puget Sound Regional Equity Network in 2012.

B. Elements. New equity goals and policies will be consistent and clear throughout the entire Plan. Goals and policies for capital investments and the provision of public services will include but are not limited to the City’s priority to eliminate racial and social disparities.
Section 4. Growth Strategy Equity Analysis. The Executive will analyze and report on how the growth scenarios being reviewed in the environmental impact statement could have differential impacts on marginalized people, including the public interventions needed so that these populations can benefit from and not be displaced or overly burdened by the future impacts of growth, and recognizing that impacts may be different for different communities. The analysis will consider the potential displacement of residents, communities and businesses due to market forces, as well as the positive impact that new investments in quality education, employment, public services, transportation and other infrastructure, and other amenities can have in reducing their vulnerability to displacement. The analysis will also consider how growth scenarios may increase opportunities for these populations to live and work in areas with existing quality education, employment, services, infrastructure and other amenities.

Section 5. Equity Measurements. Quantifiable city-wide community indicators of equitable growth will be identified, measured over time, and reported annually as part of the City’s ongoing monitoring of the Plan’s effects on race and social equity over time. Equity measurements will track growth and displacement issues and be disaggregated by race, ethnicity, and income when possible. Equity measures will be updated as more data is available to measure impacts of growth for marginalized people.

Section 6. The City strives to make the Plan more understandable and to seek community input on the Plan by:

A. Issuing, at the same time as the release of the draft Plan, a “Plan Summary” that uses clear and simple language to highlight policy changes including policies related to race and social equity and the equity analysis of the growth strategies.
B. Using RSJI’s Inclusive Outreach and Public Engagement best practices to engage historically underrepresented communities during the Plan’s public review period; and

C. Continuing to invite collaboration with the Planning Commission, other commissions, and community organizations to review equity goals and policies.

Section 7. Stewardship of Race and Social Equity. The City will incorporate the expertise of those most negatively impacted by growth to provide guidance on policies and investments so that marginalized people can benefit from, and not be displaced or overly burdened by, future growth.

A. Community Representation. The City will seek guidance on City policies and investments from community bodies who demonstrate inclusive representation and voice, especially of marginalized people.

B. The Seattle Planning Commission. The Seattle Planning Commission will annually review and report on the updated Equity Measures, and with the collaboration of relevant commissions and community organizations, guide, monitor, and recommend revisions to the Plan’s equity goals, policies and definitions, as appropriate.

Section 8. The Department of Planning and Development and Office for Civil Rights will report back to the Council on the goals and policies related to the race and social equity core value as part of the briefings on the Plan update. The Director’s Report to the Executive will submit to Council along with the legislation updating the Plan will describe the goals and policies related to the race and social equity core value.

Section 9. Schedule. To the extent feasible:

By May 2015, the Executive intends to issue a draft environmental impact statement examining alternative growth scenarios as part of Seattle 2035;
By July 2015, the Executive will issue a draft plan for public review and comment;

By December 2015, the Executive will issue a final environmental impact statement and
a recommended plan; and

In 2016, the Council will consider a recommended plan for adoption.

Adopted by the City Council the 11th day of May, 2015, and signed by me in open session in authentication of its adoption this 11th day of May, 2015.

[Signature]
President _________ of the City Council

The Mayor concurred the 15th day of May, 2015

[Signature]
Edward B. Murray, Mayor

Filed by me this 15th day of May, 2015.

[Signature]
for _________
Monica Martinez Simmons, City Clerk

(Seal)
WHEREAS, the Central Area is the historic home of the African American community in Seattle, and the 23rd & Union-Jackson Urban Village remains the heart of the African American community within the Central Area; and

WHEREAS, according to 2010 U.S. Census data, the Black/African American population within the 23rd & Union-Jackson Urban Village declined from 64 percent in 1990 to 28 percent in 2010, while the white population increased from 16 percent to 44 percent in the same time period; and

WHEREAS, the City acknowledges that African Americans residing in the Central Area have been impacted by structural and institutional racism, including redlining, restrictive covenants, and other discriminatory practices that led to racial segregation and current racial disparities in quality of outcomes such as access to quality education, living wage employment, healthy environment, affordable housing, and transportation; and

WHEREAS, the Central Area is a diverse and inclusive neighborhood with a rich history of civic engagement on matters affecting the Central Area; and

WHEREAS, the City of Seattle is committed to building strong partnerships with communities engaged in inclusive and innovative community planning, visionary neighborhood plans, and effective action plans; and

WHEREAS, in 1998, the City Council recognized the Central Area Neighborhood Plan; and

WHEREAS, in 2013 and 2014, the Office of Planning and Community Development (OPCD, previously the Department of Planning and Development) and Department of Neighborhoods (DON) conducted significant public outreach in the Central Area, including outreach to historically underrepresented communities with a focus on the community nodes along 23rd Avenue at Union, Cherry, and Jackson Streets; and

WHEREAS, in March 2013, the 23rd Avenue Action Community Team (ACT) was formed to work in partnership with the City and the community to hold the Central Area vision while balancing the
different interests of the community; and

WHEREAS, the 23rd Avenue ACT consists of local leaders representing diverse backgrounds: over 50 percent are Black/African American, over 30 percent are small business owners, and over 50 percent are long-time Central Area residents who have worked together to oversee the creation and implementation of the 23rd Avenue Action Plan (Union-Cherry-Jackson), the amendments to the Comprehensive Plan Central Area Neighborhood Planning Element, the Urban Design Framework (UDF), and proposed rezones; and

WHEREAS, under the 23rd Avenue ACT’s leadership, over 2,000 Central Area residents, business owners, and stakeholders have been engaged in 93 public workshops and meetings to create the 23rd Avenue Action Plan (Union-Cherry-Jackson), the UDF, and proposed rezones for these three community nodes that reflect the vision of the Comprehensive Plan Central Area Neighborhood Planning Element; and

WHEREAS, on September 27, 2014, the 23rd Avenue ACT organized the first annual Central Area Block Party, at which over 1,000 diverse community members, including many who once called the Central Area home, met to celebrate a very successful planning effort and offer additional comments on the proposed 23rd Avenue Action Plan (Union-Cherry-Jackson), UDF, and rezones; and

WHEREAS, this robust engagement process with the 23rd Avenue ACT and the broader community resulted in an Action Plan with five priorities: a destination with a unique identity, connected people and community, a great business community, livable streets for all, and a healthy and stable community. The Action Plan seeks to coordinate existing and anticipated public and private investments in the Central Area to achieve the community’s vision, and a UDF containing a broad set of recommendations to address community concerns and indicate and provide options for zoning changes in the neighborhood; and

WHEREAS, on April 28, 2014, and October 12, 2015, the City Council passed Ordinances 124458 and 124887 respectively, amending the Seattle Comprehensive Plan with updates to the Central Area Neighborhood
Planning Element and the Future Land Use Map changes recommended in the 23rd Avenue Action Plan (Union-Cherry-Jackson); and

WHEREAS, after four years as community leaders and stewards, the 23rd Avenue ACT continues to work with other community groups to transform the Action Plan from a vision into actions that advance the economic vitality, cultural legacy, and social equity of the Central Area; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

Section 1. The City acknowledges the 23rd Avenue Action Plan (Union-Cherry-Jackson) and Urban Design Framework (UDF) as created in partnership between the community and the City, and identified as the latest versions are attached hereto as Exhibit A and Exhibit B, respectively. The City recognizes the tremendous effort and deep commitment of the Central Area community in creating and implementing these plans to achieve the community’s goals.

Section 2. The City recognizes the ongoing commitment and efforts of the 23rd Avenue ACT in taking the lead to implement the Action Plan and the overall Central Area community vision and priorities.

Section 3. The City recognizes that displacement in the Central Area has already occurred, resulting in the aforementioned demographic shifts and loss of Black-owned small businesses. The City further recognizes the potential for displacement as property in the Central Area continues to undergo public and private development and that implementation of the Mandatory Housing Affordability programs alone is not sufficient to fully meet the demand for affordable housing or to fully address displacement of vulnerable populations. As property values and rents increase citywide, the City is committed to:

A. Careful consideration of the racial and social justice impacts in decisions regarding public investments.

B. Developing additional strategies to address direct displacement, economic displacement, and cultural displacement.
C. Continued investment in the Equitable Development Initiative, which builds creative anti-displacement, community-driven solutions, and mitigates historic disinvestment. Furthermore, the Council will work with the Executive to provide options for establishing an ongoing funding source for investments through the Equitable Development Initiative in advance of the 2018 budget process.

Section 4. The City recognizes the importance of the Central Area as the historic home of the Black/African American community in Seattle and as a diverse and inclusive neighborhood with a variety of businesses, housing types, community organizations, and institutions. The City is committed to collaborating with Central Area residents and community organizations, including, but not limited to, the 23rd Avenue ACT, Historic Central Area Arts and Cultural District, Central Area Collaborative, Africatown-Central District Preservation and Development Association, Africatown Community Land Trust, Black Community Impact Alliance, Centerstone and its Community of Practice participants, Central Area Land Use Review Committee, Central Area Chamber of Commerce, and the African American Veterans Group of Washington State, to take the following actions to manage growth and change in a manner that supports this rich history and furthers the community’s vision expressed in the 23rd Avenue Action Plan:

A. Continued engagement with the community and consideration of the 23rd Avenue Action Plan and the UDF to help inform future land use changes in the Central Area, including the upcoming citywide rezones to implement MHA.

B. The Council requests that the Office of Planning and Community Development (OPCD) and the Seattle Department of Construction and Inspections (SDCI) complete the work with the Central Area Design Guideline Coalition to:

1. Create neighborhood design guidelines for future development to reflect the Central Area’s history and cultural identity. Include guidelines that: (1) support the creation of spaces in the Central Area that are attractive to and functional for minority and locally owned businesses; and (2) promote public safety in the design of buildings and privately owned public open space;
2. Prepare recommendations for a new Central Area Design Review Board; and

3. Submit legislation for consideration that would enact these Land Use Code changes to the City Council by December 2017. If OPCD and SDCI are unable to deliver legislation by the end of 2017, the Council requests that OPCD and SDCI submit a status report at that time that identifies any outstanding issues that need to be resolved, and a timeline for completion.

C. Identify opportunities to build capacity among Central Area-based community organizations to take a leadership role in the development process and promote opportunities for community ownership and benefits in redevelopment projects in the Central Area. This includes, but is not limited to:

1. Continued support for community-driven projects, including to work in a timely manner to develop projects like the William Grose Cultural Innovation Center, in coordination with Seattle’s Equitable Development Initiative (EDI), and consider opportunities to support capacity building among local community organizations to develop those projects through the EDI or other sources.

2. Actively encouraging opportunities for the re-use of City-owned property and/or City partnership and support for re-use of property owned by other public entities and neighborhood institutions for new affordable housing, affordable commercial/retail and non-profit community uses in the neighborhood. This includes opportunities to support community ownership models such as community land-trusts and recommendations for community ownership of City-owned property to support programs serving the Central Area, such as the Central Area Senior Center and Centerstone/Fire station 23.

3. Furthering the Office of Housing’s efforts to encourage proposals that use innovative financial or project delivery structures, such as projects that capitalize on partnerships between community-based organizations with local expertise and larger companies with development expertise, and that direct construction jobs and other economic opportunities to community-based firms and to low-income persons residing in the community where the project is located.

4. Working with residents and business owners of the Central Area to identify opportunities
to coordinate with neighboring property owners, the local development community, and lending institutions to redevelop their property in a manner that allows them to build wealth and continue to live and/or operate businesses in the Central Area.

5. Working with community organizations and other government agencies to identify and implement services that support older adults aging in place in the Central Area, including programs that provide technical and financial assistance for property taxes and property maintenance, health care services, and accessible public transportation.

D. Continue to support existing repair and weatherization programs and pursue policies to provide assistance to homeowners with financial hardships that threaten their housing.

E. Work with local businesses, community organizations, and customers to promote economic development and commercial stability in order to establish and grow micro, small, local, and culturally relevant businesses in the Central Area as guided by the Central Area Commercial Revitalization Plan, the 23rd Avenue Action Plan and the Commercial Affordability Action Plan. Toward this goal, the Council will continue to support the Office of Economic Development’s work to provide and expand upon opportunities for financial and technical assistance to local businesses in the Central Area.

F. Continue to support the work of the Historic Central Area Arts and Cultural District to preserve the African and African-American legacy in the Central Area and sustain and strengthen the physical identity and sense of place for cultural relevancy.

G. Maintain support for the efforts of the Office of Housing’s work with Central Area properties funded by the Office of Housing, participating in the Multifamily Tax Exemption (MFTE) and MHA programs to affirmatively market vacancies to Central Area residents who are at risk of displacement, and to community organizations with ties to former residents who would like to return to the Central Area, to promote fair access to City-supported housing.

H. Work with Africatown and other stakeholders to convene African American community
organizations, educators, and local technology companies by November 2017 to identify new strategies, programs, collaborations and investments that provide accelerated training, internship and employment opportunities in the innovation economy and identify actions needed to pilot identified programs in 2018, as well as exploring the potential formation of an Africatown Innovation District to connect Central Area and African American youth with innovation industry sectors.

Adopted by the City Council the ______ day of _________________________, 2017, and signed by me in open session in authentication of its adoption this ______ day of _________________________, 2017.

____________________________________
President ____________ of the City Council

The Mayor concurred the ______ day of _________________________, 2017.

____________________________________
Edward B. Murray, Mayor

Filed by me this ______ day of _________________________, 2017.

____________________________________
Monica Martinez Simmons, City Clerk

(Seal)

Exhibits:
Exhibit A - 23rd Avenue Action Plan (Union-Cherry-Jackson)
Exhibit B - 23rd Avenue (Union-Cherry-Jackson) Urban Design Framework
PLANNING FOR SOCIAL EQUITY

How Baltimore and Dallas Are Connecting Segregated Neighborhoods to Opportunity

By Kathleen McCormick

OVER THE PAST 40 YEARS, ECONOMIC INEQUALITY IN THE UNITED STATES HAS RETURNED TO LEVELS LAST SEEN IN THE 1920s, according to data from the National Bureau of Economic Research in Cambridge, Massachusetts (Baez and Zucman 2014). This gap has become more pronounced in many cities where wealth and poverty are concentrated geographically.

“In many cities, urban planners are examining old policies and writing new ones to achieve a more equitable distribution of public resources in the built environment.”

In 1970, 15 percent of families in the United States lived in neighborhoods where most residents were either very rich or very poor. By 2012, this stratification had more than doubled, with more than a third of families living in neighborhoods that were mostly affluent or mostly impoverished, according to researchers from Stanford and Cornell universities (Reardon and Bischoff 2016). Poverty was the top economic concern of 100 mayors in 41 states, according to data from the 2016 Menino Survey of Mayors. Abundant data show that many poor neighborhoods have disproportionately high minority populations and lack access to jobs, good schools, and other opportunities necessary to help residents rise out of poverty.

Last October, at the Big City Planning Directors Institute in Cambridge, Massachusetts—hosted by the Lincoln Institute of Land Policy, the Harvard Graduate School of Design, and the American Planning Association—the issue of equity arose repeatedly as planning directors discussed their recent efforts. In many cities, urban planners are examining old policies and writing new ones to achieve a fairer, more balanced distribution of public resources in the built environment. Planners are collaborating with city residents as well as colleagues in economic development, transportation, education, housing, social services, and parks and recreation to plan strategically for greater opportunity in areas of concentrated poverty. Their goal is to make these communities more inclusive, resilient, and sustainable by providing transportation options, safe street networks, affordable housing, and access to jobs, good schools, health care, healthy food, and green space.

Dallas: Dispelling Concentrations of Poverty with Transit-Oriented Development

Over the past decade, Dallas and the Dallas Area Rapid Transit (DART) agency have launched transit-oriented development (TOD) initiatives intended to bring jobs and investments to parts of the city that need a boost and have room to grow—particularly south of I-30, where poverty is concentrated.
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In 1970, 15 percent of families in the United States lived in neighborhoods where most residents were either very rich or very poor. By 2012, this stratification had more than doubled, with more than a third of families living in neighborhoods that were mostly affluent or mostly impoverished, according to researchers from Stanford and Cornell universities (Reardon and Bischoff 2018). Poverty was the top economic concern of 100 mayors in 41 states, according to data from the 2016 Menino Survey of Mayors. Abundant city planners are examining old policies and writing new ones to achieve a fairer, more balanced distribution of public resources in the built environment. Planners are collaborating with city residents as well as colleagues in economic development, transportation, education, housing, social services, and parks and recreation to plan strategically for greater opportunity in areas of concentrated poverty. Their goal is to make these communities more inclusive, resilient, and sustainable by providing transportation options, safe street networks, affordable housing, and access to jobs, good schools, health care, healthy food, and green space.

Over the past decade, Dallas and the Dallas Area Regional Transit (DART) agency have launched transit-oriented development (TOD) initiatives intended to bring jobs and investments to parts of the city that need a boost and have room to grow—particularly south of I-30, where poverty is the highest.

Dallas: Dispelling Concentrations of Poverty with Transit-Oriented Development
Why is equity being addressed now, when many cities have been dealing for decades with service gaps between rich and poor neighborhoods? And how are cities approaching the challenge of planning to increase opportunity in disadvantaged areas?

“A growing body of research shows how regions that engage the entire community in economic opportunity are as a whole more successful,” says Amy Cotter, manager of urban development programs for the Lincoln Institute. She says planning for equity in land use and development is becoming a priority for many municipalities and regions—especially those that are uncertain about their economic future and looking to strengthen it. “The way in which we choose to use our land either helps or hinders people’s access to opportunity,” Cotter says.

“The way in which we choose to use our land either helps or hinders people’s access to opportunity.”

The Obama Administration’s 2009 Sustained Communities Initiative and new Fair Housing rules in 2015 also brought the conversation to the national level. These federal efforts affirmed that housing location plays a big role in opportunity and that “it has to be accessible and connected,” says Cotter.

The Healthy Cities movement has helped distressed communities create access to fresh food and safe walkable and bikeable routes to transit and schools. And the planning profession itself has also been evolving in recent years from the “DAD” model (decide, announce, defend) to community engagement in collaborative planning from the ground up, notes Jessie Grogan, planning and urban form program manager for the Lincoln Institute. Planners “are doing innovative public engagement and asking questions differently,” says Cotter. “Other cities have been planning for equity for a longer period of time, but now we’re dealing with it seriously,” says Chacko. “It’s a focused effort with clearly stated goals. And it’s not easy: Any action the city takes is highly debated and polarizing, he says. “The conversation always starts with, ‘Should the government be involved in this? How will it affect our taxes?’”

For many reasons, he adds, “equity has been easy to ignore.”

Equity, however, is “foundingational” to the city’s success, says Teresa O’Donnell, Dallas’ chief resilience officer and former chief planning officer. The Dallas resilience office, funded by the Rockefeller Foundation’s 100 Resilient Cities initiative, is in its third year of four of grant funding with a goal of addressing long-term disparities between rich and poor neighborhoods in Dallas than in any other U.S. city, according to a 2015 Urban Institute analysis of U.S. Census data related to household income, educational attainment, homeownership rates, and median housing values (Pendall and Hedman 2015). With 1.3 million people in 340 square miles of land, Dallas is part of the nation’s fourth-largest metro area. The region is rich with growth and prosperity, but critical socioeconomic problems have dramatically impacted neighborhoods citywide. Dallas has the highest child poverty rate of the 10 biggest U.S. cities; the Mayor’s Task Force on Poverty found that the poverty rate rose by 42 percent in the previous 15 years (Clayton and Montoya 2016) and that, in some neighborhoods, 50 and even 70 percent of households were poor. Dallas has a low 3.7 percent unemployment rate but tremendous income disparity, declining mid- and low-income households, blight in concentrated areas, and a mismatch between job locations and high-quality affordable housing, with high unemployment and poverty especially concentrated in southern Dallas neighborhoods.

These disparities may have been institutionalized: In 2014, the U.S. Department of Housing and Urban Development (HUD) issued a report accusing city officials of misusing federal housing funds in a manner that caused racial segregation between northern and southern Dallas.

The city was also at the center of a 2015 U.S. Supreme Court ruling that declared that policies that led to segregating minorities into poor neighborhoods, even if unintentional, violated the 1968 Fair Housing Act.

Compared to other cities, Dallas may not appear as exclusionary. But because of its history of geographic segregation, disinvestment in poorer neighborhoods was more ingrained, says Chacko. Dallas planning and urban design director. In the 1960s, desegregation of the Dallas public schools led to white flight to the suburbs, leaving concentrations of poor black families in the city. Interstate highway construction beginning in the 1960s led to further isolation and disinvestment. Interstate-30, for example, bisects Dallas into, broadly speaking, a more affluent and whiter northern hemisphere and a poorer and predominantly black and Latino southern hemisphere (half of the poor here are Latino). Spanning 185 square miles, southern Dallas is home to 45 percent of the city’s population but produces only 15 percent of its tax base. Many neighborhoods are characterized by deteriorating industrial sites, run-down buildings, crumbling streets and sidewalks, many bars and liquor stores, and empty weed-choked lots.

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The Obama Administration’s 2009 Sustainabe Communities Initiative and new Fair Housing rules in 2015 also brought the conversation to the national level. These federal efforts affirmed that housing location plays a big role in opportunity and that “it has to be accessible and connected,” says Cotter.

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The mixed-use housing project demonstrates how the TOD TIF, land acquisition, infrastructure development, and other public subsidies have helped inject greater economic and social wealth into the neighborhood, says Chacko. “The particular success of the market-rate component shows that.”

**NEIGHBORHOOD PLUS PLAN**

Since 2015, a comprehensive new planning and urban design department that is more directly engaged in economic development, street planning, housing, and other key issues has addressed Dallas’ revitalization efforts in areas of concentrated poverty through the Neighbor-hood Plus plan. Adopted in October 2015 with the endorsement of Mayor Rawlins and all 14 city council members, Neighborhood Plus reflects a new, more holistic “neighborhood by neighbor-hood” approach to improving quality of life for all Dallas residents, says Chacko. To draft the plan, the city partnered with many groups, including the U.S. Department of Housing and Urban Development (HUD) and the Inclusive Communities Project, the Dallas-based advocacy organi-zation behind the Supreme Court case. The plan was intended to help respond to HUD’s accusations of noncompliance with civil rights statutes. Neighborhood Plus’s key goals are to create a collective impact framework, alleviate poverty, with many seniors and immigrants, is fairly stable, though it has high poverty and unemployment rates and many dilapidated buildings. In partner-ship with the city, the developers—Dallas-based Catalyst Urban Development and City Wide Community Development Corporation—saw potential, especially in the site’s location next to transit, the VA hospital, and the adjacent offices of the Urban League of Greater Dallas.

Neighborhood Plus “shines a spotlight on equity and makes it clear that it is important for the long-term health of Dallas.”

**GROWING SOUTH WITH TRANSIT**

Over the past decade, the City and the Dallas Area Regional Transit (DART) agency have launched transit-oriented development (TOD) initiatives intended to bring jobs and investments to parts of the city that need a boost and have room to grow (see map p. 27). Dallas’ light-rail system includes 92 miles of track and 62 stations—19 of them in southern Dallas, with more under construction. Helped by private investments and public financing strategies such as tax increment financing (TIF) districts, some southern Dallas TOD areas have welcomed jobs and housing by mixing market-rate and afford-able workforce housing with amenities and new public investments in infrastructure.

In 2008, the Office of Economic Development created the TOD Tax Increment Financing (TIF) District, spanning from north Dallas along the red and blue light-rail lines to southern Dallas’ VA Medical Center Station, an economic base with 3,000 jobs and millions of patient visits per year, located in the Lancaster Corridor seven miles south of downtown. The funding structure for the TOD TIF district, whose boundaries were extend-ed in 2010, allows for an increment-sharing arrangement, in which some projected revenues are passed from higher-income station areas to lower-income areas to subsidize development. The TOD TIF budget—with a projected total of $415 million through 2038—is intended for development that attracts jobs and middle-in-come residents, including public infrastructure, environmental remediation, and parks and open space. Affordable housing is required (at least 20 percent per housing project), and high-quality design that blends market-rate and affordable housing is encouraged.

The city’s GrowSouth initiative, launched in 2012 by Mayor Michael Rawlins to jumpstart investment with infrastructure and capital improvements, has brought attention to southern Dallas, which Rawlins has called “the greatest single opportunity for growth in North Texas.” GrowSouth’s 2016 report notes that southern Dallas’ tax base increased nearly $1.6 billion from 2011 to 2015 (City of Dallas 2016). This includes revenues from redevelopment projects where adaptive reuse of historic buildings and new mixed-use development—with housing, offices, hotels, restaurants, and infrastructure such as sidewalks, street trees, and lighting around transit stations—has helped attract thousands of millennials and others to live and work in neighborhoods closer to downtown, such as Cedars and North Oak Cliff.

The Lancaster corridor is a priority area for both TOD TIF funding and the GrowSouth initiative. Across from the VA Medical Center and light-rail station, the $30 million 192-unit Lancaster Urban Village mixed-use apartment complex, opened and fully leased since 2014, is considered a model for development accom-plished with TOD TIF and other public monies. The 3.5-acre site includes a resort-style pool, fitness and business centers, a parking garage, and 14,000 square feet of ground-level retail and restaurant space. Half the units are affordable and half are market-rate. The historically African-American neighborhood, now half-Latino...
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Detroit. Dallas competes for workers with Fort

Worth, Arlington, and many suburban centers.

But because of social issues, low-wage jobs, lack

of affordable housing within the city, and policies

that prevented affordable housing in surrounding

areas, Dallas has a greater concentration of poor

neighborhoods and could find itself home to all

the regional poor in the future. “We need to make

sure that doesn't happen," O'Donnell says.

It's also unfair that people in Dallas' poorer

neighborhoods don't have access to better

schools, housing, and services, says O'Donnell.

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Dallas' $10 billion light-rail system does not

reach many of the disadvantaged neighborhoods, and other options, such as enhanced bus and

alternative-mode transportation, are needed for

underserved areas.

GROWING SOUTH WITH TRANSIT

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The new Hatcher Station Health Center (top), located on a DART light-rail

stop, makes quality medical care accessible to residents of a neglected neighborhood in southeast Dallas (bottom). Credit: City of Dallas

The mixed-use housing project demonstrates how the TOD TIF, land acquisition, infrastructure development, and other public subsidies have helped inject greater economic and social
wealth into the neighborhood, says Chacko.

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Neighborhood Plus "shines a spotlight on

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actions. Chacko says the city is making efforts to
rebuild vacant and abandoned properties. In southern Dallas, the city has created a tax rebate program to encourage property owners to invest in renovating homes to make distressed properties livable and code-compliant. In one target area, the city is also talking with Habitat for Humanity about

The emphasis now is on a much greater degree of public involvement in improving quality of life," says Chacko. The city is trying to create priorities for infrastructure and funding for target areas. Chacko says the target areas have helped create a much broader consensus among city council members that equity “is a critical issue, and that we should make a concerted effort to align planning with investment deci-
sions,” including potential bond program requests that might be voted on in 2017. This is a shift for Dallas, where planning generally has focused on land use and development rather than strategic investments, says Chacko. Neighborhood Plus "shines a spotlight on equity and makes it clear that we can't ignore this issue. It is important for the long-term health of Dallas.”

**Baltimore**

Baltimore, which ranked number three on the Urban Institute’s list of inequitable cities (Pendall and Hedman 2015), has distinct “health and wealth gaps” between more affluent white neighborhoods and poorer black neighborhoods. The majority of Baltimore’s high-poverty, low-opportunity neighborhoods are concentrat-
ed just east and west of downtown. This pattern traces back to redlining maps from the 1930s, when Baltimore spawned “a huge legacy of proactive disinvestment along racial lines, where city ordinances drew lines so black families couldn't move across the street,” says planning director Thomas Stosur. These areas concentrat-
ed predominantly with poor black residents are a result of restrictive covenants, urban renewal, the Federal Housing Administration’s system for mortgage loan approval, and other policies that “directly contributed to many of the economic and social challenges Baltimore City faces today,” notes the Baltimore City Department of Planning’s 2015 Equity Action Plan.

With a population of 622,000 within 81 square miles, Baltimore is also booming, with 15,000 mostly higher-end housing units built since 2010 and large mixed-use redevelopment projects under construction in the Baltimore Harbor area. The city’s population is 63 percent black, and its predominantly black neighbor-
hoods have higher unemployment rates, more children living in poverty, less access to goods and services, and lower educational attainment than the city’s predominantly white neighbor-
hoods. The Baltimore Neighborhood Indicator Alliance found a 22.4-year difference in life expectancy according to race and location within the city: a neighborhood with 96 percent black residents had the lowest life expectancy, and a neighborhood with only 20 percent black residents had the highest.

Undoing the city’s legacy of segregation and inequity is now a huge focus for the planning department. In March 2016, they held staff training on structural racism, often defined as the normalized and legitimized range of policies, practices, and attitudes that produce cumulative and chronic adverse outcomes for people of color. One month later, Freddie Gray was killed, and the riots that ensued in Baltimore’s isolated poor neighborhoods “underscored a need to refocus on equitable development,” says Stosur. In June 2015, the city announced the One Baltimore initiative, a public–private effort to support opportunities for children, families, and neigh-
borhoods. Department staff created the Equity in Planning Committee and an internal action plan that calls for the use of an “equity lens.”

Inspired by the Urban Sustainability Directors Network, the equity lens requires the committee to apply certain questions when considering potential policy changes and planning projects: What historic advantages or disadvantages do residents face? Are there policy barriers that can be removed to close health and wealth gaps? Are engagement and representation inclusive, accessible, and authentic? What policies are available to prevent displacement as neighbor-
hoods change and to preserve opportunities for existing and low-income residents?

The planning department is starting to use the equity lens for all programs and projects. For example, the city’s recently released Food Environment Map, which address-
es food access across Baltimore neighborhoods, examines ways that policies and programs impact low-income residents and people of color. The explicit focus of the lens is racial equity, but planners are applying it broadly for women, youth, the elderly, recently arrived immigrants, and residents who are LGBT, low-income, homeless, or who have disabilities or limited English proficiency.

**SUSTAINABILITY PLAN THROUGH AN EQUITY LENS**

At the same time the planning department formed the equity committee, it began using an equity lens to update its 2009 Sustainability Plan “to hear more voices, and from people who aren’t usually heard from,” says Anne Draddy, sustaina-
bility coordinator for the city. The plan update is being overseen by the Commission on Sustaina-
bility and a sustainability committee, including commissioners and community members. It will use an equity lens to focus on environmental issues such as sustainable land use, biodiversity, energy efficiency, resiliency, and the overall economic climate of the city. The effort “will focus on our most vulnerable, historically disinvested neighborhoods” to help improve conditions “where the most severe racial inequities exist,” notes the sustainability office website.

The city’s outreach focuses on a new community engagement process. The sustaina-
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fight blight, attract and retain the middle class, expand homeownership, and enhance rental housing options. Chacko says the city is making progress on all these goals. The planning department’s Neighborhood Vitality division forms partnerships with various city departments, including economic development, the police, the city’s attorney’s office, and the code department. They developed an impact framework with 11 target areas throughout the city, half of them in southern Dallas, and they’re developing interdepartmental teams and action plans for each target area with partners from the Dallas Independent School District, the business community, and nonprofit organizations.

The planning department is also working on the city’s first inclusionary zoning strategy for affordable housing. With help from Southern Methodist University, planners are creating a strategic action plan for fighting blight, based on a report completed for the city by the Center for Community Progress, a national nonprofit dedicated to rebuilding vacant and abandoned properties. In southern Dallas, the city has created a tax rebate program to encourage property owners to invest in renovating homes to make distressed properties livable and code-compliant. In one target area, the city is also talking with Habitat for Humanity about building homes.

“The emphasis now is on a much greater degree of public involvement in improving quality of life,” says Chacko. The city is trying to create priorities for infrastructure and funding for target areas. Chacko says the target areas have helped create a much broader consensus among city council members that equity “is a critical issue, and that we should make a concerted effort to align planning with investment decisions,” including potential bond program requests that might be voted on in 2017. This is a shift for Dallas, where planning generally has focused on land use and development rather than strategic investments, says Chacko.

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Especially in East and West Baltimore, which have the least green infrastructure, “It’s time to look at how to change the paradigm in these neighborhoods. We all know the blight has to go, and we want to remove it in a responsible, well-planned way.”

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Baltimore, which ranked number three on the Urban Institute’s list of inequitable cities (Pendall and Hedman 2015), has distinct “health and wealth gaps” between more affluent white neighborhoods and poorer black neighborhoods. The majority of Baltimore’s high-poverty, low-opportunity neighborhoods are concentrated just east and west of downtown. This pattern traces back to redlining maps from the 1930s, when Baltimore spawned “a huge legacy of proactive disinvestment along racial lines, where city ordinances drew lines so black families couldn’t move across the street,” says planning director Thomas Stossur. These areas concentrate predominantly with poor black residents and are a result of restrictive covenants, urban renewal, the Federal Housing Administration’s system for mortgage loan approval, and other policies that “directly contributed to many of the economic and social challenges Baltimore City faces today;” notes the Baltimore City Department of Planning’s 2015 Equity Action Plan.

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Undoing the city’s legacy of segregation and inequity is now a big focus for the planning department. In March 2016, they held staff training on structural racism, often defined as the normalized and legitimized range of policies, practices, and attitudes that produce cumulative

In summer 2016, the Baltimore Green Network Plan held a public meeting to engage community members in the effort to repurpose vacant and abandoned properties into parks, stormwater management areas, and other green infrastructure. Credit: Andrew Cook

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The Baltimore planning department is the project manager for the Green Network Plan, launched in April 2016 to repurpose some of the city’s 30,000 vacant and abandoned properties into new green infrastructure such as parks, community gardens, urban farms, open space, and stormwater management areas. The plan is intended to remove blight, stabilize neighborhoods, and fill in gaps in the city’s existing green network. A consultant team led by Baltimore-based Biohabitats is assisting in the plan development process, using real estate data, computer mapping, and environmental planning techniques. Collaborating with the Parks and Recreation department, planners will assess opportunities to connect new green spaces to parks, trails, open space, and forests developed from a 1904 plan created by the Olmsted Brothers landscape architects. Planners will also analyze vacant parcels to identify those that could be assembled for future residential and mixed-use redevelopment.

The plan is “attempting to address equity in high-poverty, high-challenge neighborhoods,” especially in East and West Baltimore, which have the least green infrastructure, says Stosur. “It’s time to look at how to change the paradigm in these neighborhoods. We all know the blight has to go, and we want to do it in a responsible, well-planned way.”

Four sites in East and West Baltimore have been identified for community charrettes for pilot greening projects. Like INSPIRE, the green network plan will be underwritten by capitalizing on other public funding streams. The State of Colorado, and writes frequently about sustainable, healthy, and resilient communities.

REFERENCES

City of Dallas. 2016 GrowSouth. www.dallasiwwash.org/ yearPresentation

INSPIRE COMMUNITY AND SCHOOLS PROGRAM
Partnering with the Baltimore City Public Schools, Maryland Stadium Authority, and the State of Maryland, Baltimore is investing $1 billion in the 21st Century Schools Initiative to renovate or replace 24 city schools over the next several years. The planning department is leading the $5 million INSPIRE due in early 2017 for “being listened to.” A draft survey report is districts you like least? We took a chance and stepped about your neighborhood and the three things around to: What are the three things you like best neighborhood survey. “As we went through staff and the ambassadors and developed a brief individual vision plans outlining public and privately funded improvements to public infrastructure, transportation, housing, and open space around each INSPIRE school.
“We’re attempting to take the catalyst of new $30- or 40-million school buildings to bring stakeholders together to build an improvement strategy,” says Stosur. “This is huge, and we hope a game changer to market these neighborhoods to populations that might not be aware of the housing stock nearby. We want to engage residents around this school topic.” INSPIRE teams are looking to improve students’ routes to school with new sidewalks, lighting, green spaces, playgrounds, community gardens, and public art.
These efforts piggyback on another initiative by former Mayor Stephanie Rawlings-Blake to attract 10,000 families to inner-city neighborhood. Rawlings-Blake also proposed a plan to spend more than $135 million to build or upgrade 40 recreation centers across the city, funded in part by leveraging the sale proceeds of downtown parking garages. The plan would expand and upgrade small outdated recreation centers in underserved areas with swimming pools, gyms, and other facilities that more affluent neighborhoods have had access to, and would capitalize on investments made through INSPIRE. The new Baltimore mayor, Catherine E. Pugh, who took office in December 2016, along with a city council of 15 that includes eight new council members, will determine how these and other initiatives go forward.
GREEN NETWORK PLAN
The Baltimore planning department is the project manager for the Green Network Plan, launched in April 2016 to repurpose some of the city’s 30,000 vacant and abandoned properties into new green infrastructure such as parks, community gardens, urban farms, open space, and stormwater management areas. The plan is intended to remove blight, stabilize neighborhoods, and fill in gaps in the city’s existing green network. A consultant team led by Baltimore-based Biohabitats is assisting in the plan development process, using real estate data, computer mapping, and environmental planning techniques. Collaborating with the Parks and Recreation department, planners will assess opportunities to connect new green spaces to parks, trails, open space, and forests developed from a 1904 plan created by the Olmsted Brothers landscape architects.
Planners will also analyze vacant parcels to identify those that could be assembled for future residential and mixed-use redevelopment.
The plan is “attempting to directly address equity in high-poverty, high-challenge neighborhoods,” especially in East and West Baltimore, which have the least green infrastructure, says Stosur. “It’s time to look at how to change the paradigm in these neighborhoods. We all know the blight has to go, and we want to do it in a responsible, well-planned way.”
Four sites in East and West Baltimore have been identified for community charettes for pilot greening projects. Like INSPIRE, the green network plan will be underwritten by capitalizing on other public funding streams. The State of Maryland is paying for demolition and stabilization projects through the city via Project C.O.R.E. (Creating Opportunities for Renewal and Enterprise), this funding, together with the city’s Vacants to Value targeted code enforcement and redevelopment program, as well as the city’s “MIA” Stormwater Permit funded through the water-ratepayer utility—potentially will invest tens of millions of dollars in federal, state, and local funds to develop the green network plan, says Stosur. A green network vision plan is due in 2017.
Planners in Dallas, Baltimore, and other cities acknowledge that planning-for-equity measures alone won’t solve the deep-rooted problems that accompany poverty and racial discrimination in disadvantaged neighborhoods. But they say that collaboration with these communities, as well as carefully targeted investments, can begin to provide opportunity where little existed before.

Kathleen McCormick, principal of Fountainhead Communications, LLC, lives and works in Boulder, Colorado, and writes frequently about sustainable, healthy, and resilient communities.

REFERENCES
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<tr>
<th>Goal</th>
<th>Strategy</th>
<th>Policies &amp; Tools</th>
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<tbody>
<tr>
<td><strong>Strong communities and people</strong></td>
<td>Increase communities of color’s capacity for self-determination</td>
<td>Recruitment of diverse communities of color on boards and commissions (ex. planning and design commissions)</td>
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<td>Community outreach and engagement in governance and planning that reduces barriers to participation</td>
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<td>Capacity building investments in leaders, organizations, and coalitions</td>
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<td>Language access services and materials</td>
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<td>Participatory budgeting</td>
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<td>Integrate the arts and culture of diverse communities throughout city planning, development, and investment activities</td>
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<td>Government commitment to ending institutional racism</td>
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<td>Training for employees on deconstructing institutional racism, culturally relevant engagement, and conducting equity analysis</td>
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<td>Fair hiring, equal pay, and equitable promotion opportunities within the municipal workforce</td>
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<td><strong>Anticipate and prevent displacement of vulnerable residents, businesses, and community organizations</strong></td>
<td>Community controlled/owned development by community-based organizations</td>
<td>Community workforce agreements and project labor agreements for public and private development (ex. priority or local hire requirements)</td>
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<td>Dedicated land acquisition and permanent funding for family-sized affordable rental housing</td>
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<td>Homeownership stabilization and foreclosure prevention programs</td>
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<td>Affordable housing program prioritization for displaced households</td>
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<td>Tenant protection policies include eviction protections, rent stabilization, relocation protections and assistance</td>
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<td>Prioritization of public land for affordable housing development</td>
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<td>Rental assistance and tenant legal services</td>
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<td>Licensing and zoning limitation on predatory, high-cost financial service providers</td>
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<td>Access to low-cost capital and financial services for residents, small businesses, and community organizations</td>
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<td>Mitigation and technical assistance programs for small local businesses and community organizations</td>
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<td>Fair housing and code enforcement</td>
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<td>Financing program and/or tenant right of first refusal policy to help residential or commercial tenants or community organizations purchase properties when landlords sell</td>
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<td>Minimum wage increases and wage-theft protections</td>
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## Table 1: Equitable Development Framework (cont’d)

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<tr>
<th>Goal</th>
<th>Strategy</th>
<th>Policies &amp; Tools</th>
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<tr>
<td>Great places with equitable access</td>
<td>Distribute the benefits and burdens of growth equitably</td>
<td>Environmental justice, displacement risk, and health impacts analysis included in Environmental Impact Statements of planning processes</td>
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<td>Environmental mitigation funding targeted for low-income neighborhoods</td>
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<td>Public service and capital investment criteria that weights the needs of populations with the greatest racial disparities in outcomes</td>
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<td>Prioritize low-income neighborhoods with the greatest needs for public amenities (schools, parks, open spaces, complete streets, health care and other services)</td>
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<td>Focused municipal procurement and contracting for entrepreneurs of color, immigrants, and triple-bottom-line businesses (e.g., cooperatives, social enterprises)</td>
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<td>Eliminate credit checks and criminal history questions on applications for jobs and housing in both the private and public sector</td>
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<td>Reduced cost or free transit passes for transit-dependent populations</td>
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<td>Pre-apprenticeship training on development and infrastructure projects</td>
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<td>Increase opportunities for low-income households of color to live in all neighborhoods</td>
<td>Affordable housing strategies in high opportunity neighborhoods including:</td>
<td>- Inclusionary zoning,</td>
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<td>- development incentives,</td>
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<td>- multi-family zoning, and</td>
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<td>- public low-income housing development</td>
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<td>Local policy to implement the federal Affirmatively Furthering Fair Housing rule</td>
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Create affordable housing

Inclusionary zoning

Inclusionary zoning, or IZ, policies require developers of market-rate housing to reserve a portion of the units they create for affordable housing. IZ links the production of affordable housing to market-rate housing, expanding the supply of affordable units at no monetary cost to government and creates mixed-income housing throughout the jurisdiction.

But the policies must take into account the market realities of housing development. If they’re too onerous, they will discourage development, fewer units of all types will be created, and the policy will not contribute to the city’s overall housing goals.

Cities should adopt an IZ policy based on the specifics of the local housing market. But the following elements are important to an effective policy:

- **The policy should be mandatory.** Voluntary policies have not been successful in creating significant numbers of affordable units.
- **Units that are owned and rented should both be covered, as should different ownership models.** San Diego’s ordinance applies to condominium conversions, as well as new construction.
- **Developments of all sizes should be covered, even buildings with few units.** The Chapel Hill, North Carolina, policy requires all projects that will create five or more units to comply.
- **The percentage of affordable units required should be high.** The Boulder, Colorado, program begun in 1980 requires 20 percent of units to be affordable.
- **Developers willing to produce very-low- and low-income housing should receive additional incentives.** For instance, they could be allowed to meet a lower percentage of affordable units than those producing moderate-income units.
- **The units should remain affordable for the longest possible time, preferably in perpetuity.** Alternatively, the “affordability clock” could reset each time the unit is sold.
- **Affordable units should be produced before, or at the same time as, market-rate units, preferably on the same site as the market-rate units.** The Cambridge, Massachusetts, ordinance focuses on developing units on the
same site as market-rate units and requires all units to be comparable in their finishes. San Francisco requires 5 percent more affordable units if they are produced offsite.

- **There should be alternatives to developers producing the units themselves such as payments in lieu of production or donation of land.** These alternatives, however, should be structured so that they do not create fewer units than would be otherwise required, and developer eligibility for the alternatives should not be automatic.

- **There should be some meaningful, nonmonetary incentive for developers who participate.** This might be any of the incentives discussed in the section below. It must, however, be tied to the realization of concrete policy goals. For example, density bonuses (defined below) might be given to developers for the creation of very-low-income units, but not units targeted at 80 percent of area median income. The Montgomery County, Maryland, ordinance, one of the earliest adopted, includes density bonuses. It has produced at least 11,000 units of affordable housing over its 25-year lifespan.

Finally, there should be a clear path to compliance with an IZ policy, the policy should be applied equally to all covered projects, and the local government should have a system for monitoring compliance and tracking success.

**Incentives for developers**

In addition to requiring the development of affordable units, local governments can use a variety of incentives to encourage the development of affordable housing. These are generally related to the development process, fees associated with it, the property tax, or the provision of municipal infrastructure. They should all require permanent or at least long-term affordability in return for the incentive.

Local governments should offer a selection of incentives carefully crafted to produce the types of housing that the market will not provide on its own. They should not offer or should discontinue incentives for types of housing the market is producing. In addition to levels of affordability, incentives can reward proximity to transit and employment, or provision of onsite services.

Some states allow local jurisdictions to use property-tax abatement to encourage certain types of development. Cities should carefully examine state law before considering this tool, however, and should seriously consider how much—and for how long—they are willing to forego the tax revenue. Tax abatements should not be given lightly, but rather should be in exchange for maximum long-term afford-
ability, at the level of 50 percent of AMI or lower. Seattle offers a tax exemption to multifamily properties where at least 20 percent of the units are affordable at a certain level related to unit size.

Another way to reduce property taxes on affordable housing is to adjust the way they are assessed to account for the lower increases in rent, higher expense ratios, and lower resale values of affordable properties.  

Further, local governments usually have the ability to reduce or waive development or permit fees and requirements such as parkland dedication—or fees in lieu of—for affordable housing developments. These revenues are generally easier to forgo since they are one-time fees. This waiver can be leveraged to require long-term affordability by treating it as a deferment, with the fees due in full if the property transitions out of affordable housing. Flagstaff, Arizona, has a comprehensive incentive policy, which includes waivers for building permit, planning, and development-impact fees that are tied to the level of affordability produced.

Another tool is the density bonus. Projects that would be limited by zoning codes to a certain floor-area ratio or number of stories can be granted additional area or height in exchange for the inclusion of affordable units. Los Angeles offers a by-right density bonus of 20 percent to affordable-housing projects. The bonus can be increased to 35 percent by increasing the percentage of affordable units or making them more affordable, providing on-site child care, or locating near employment or transportation centers.

Cities may also offer regulatory flexibility for affordable-housing projects. These projects, for instance, may receive expedited permitting or presumptive approval within a certain timeframe. Costly requirements such as parking minimums may also be waived, or regulations about lot sizes and setbacks may be reduced. The Flagstaff, Arizona, program mentioned above provides expedited review and flexibility on parking requirements for projects that are at least 20 percent affordable. Bellingham, Washington, offers a number of different types of flexibility, including waivers of minimum lot size, street frontage, setbacks, parking requirements, usable open space, and maximum lot coverage regulations.
INCENTIVE POLICY FOR AFFORDABLE HOUSING

PREPARED BY:
CITY OF FLAGSTAFF’S HOUSING SECTION
COMMUNITY DEVELOPMENT DIVISION
OCTOBER 2009
1. OVERVIEW

Decent, safe and affordable housing has been established by the City Council at one of its top priorities. The City Council has adopted policies that aim to further the goal of housing that is affordable within Flagstaff. The Incentive Policy for Affordable Housing (IPAH) incentivizes developments that commit to permanently affordable housing units. If a developer desires to take advantage of the incentives offered under the IPAH document, they would need to provide rental and/or ownership opportunities that have resale and rent restrictions placed on the units for the intended affordable housing population. This document provides a detailed description of the incentives offered to developers wishing to assist the community in addressing the need for affordable housing in Flagstaff.

In addition, the 2001 Regional Land Use and Transportation Plan established a series of goals and strategies to guide the development of decent and affordable housing. Further emphasizing the need for decent housing for the community, the 2005 Community Housing Policy Task Force, the 2006 Comprehensive Plan, and the 2008 Community Housing and Sustainability NEXUS Study (NEXUS Study) all put forth strategies to aid in the preservation and development of attainable housing. Specifically, it was recommended that the 2001 Affordable Housing Set-Aside Policy be updated to reflect the market changes and to further incentivize the development and preservation of housing that is attainable to citizens of Flagstaff.

The City of Flagstaff Incentive Policy for Affordable Housing (IPAH), formerly known as the Affordable Housing Set-Aside Policy is designed to foster the preservation and production of affordable housing units designed for those who live in Flagstaff. Encouraging the preservation and production of permanently affordable units and facilities intended for the Flagstaff community will assist in narrowing the deficit of all types of housing for households earning up to 150% of the Area Median Income (AMI). Affordable housing in Flagstaff must meet the needs and applicable regulations of the federal government, Arizona Revised Statues, the City of Flagstaff, and all other appropriate regulating entities.

The City of Flagstaff will continue to work with developers and builders of single-family, multi-family, and mixed-use developments that voluntarily choose to meet the IPAH criteria. As this is a defined need within the community, as delineated in the 2008 NEXUS Study, City staff encourages developers to review the incentives presented within this document, which support the creation of affordable housing within residential and mixed-use developments.

IPAH designates the Housing Section as the lead agency on housing policy issues and to foster partnerships with neighborhoods, non-profit housing providers, and the home-building industry to develop, finance, rehabilitate, relocate, and implement IPAH in the City of Flagstaff.

IPAH allows for incentives to be provided to the developer to create permanently affordable units within a development that meet the definition of Affordable Housing; thus requiring the Housing Section to catalogue additional incentives that may be advantageous to all parties identified during the review, construction, and
inspection of housing developments and it requires collaborations among City divisions in implementing these suggested improvements.

The City of Flagstaff’s Incentive Policy for Affordable Housing seeks to:

- Provide viable incentives to stimulate the development of permanently affordable housing.
- Provide viable incentives to stimulate the rehabilitation and redevelopment of permanently affordable housing.
- Provide viable incentives to stimulate the development of permanently affordable housing on vacant and redeveloped lots in new and existing neighborhoods.

2. DEFINITIONS

**Affordability Controls:** Affordability controls are mechanisms used to ensure that the sale or rental prices of the set-aside units stay attainable to households making a certain percentage of Area Median Income (AMI). These controls remain in effect for a specified period of time.

**Affordable Housing:** Affordable Housing is defined as housing or shelter that is developed or re-developed for households earning no more than 150% of the AMI for ownership and no more than 100% AMI for rentals. In order to avoid being cost burdened, households should not spend more than 30% of their gross income on housing.

**Affordable Residential Uses:** “Affordable Residential Uses” in the City of Flagstaff’s Zoning Code (LDC) should be replaced by the term Affordable Housing.

**Area Median Income (AMI):** Area Median Income is an income level determined by the United States Department of Housing and Urban Development based on a variety of factors and representing wages and earnings in the community. Area Median Income is relative to family size and community dynamics. The chart, as referenced in Exhibit A, will be updated by the Housing Section Staff on an annual basis, as published by HUD.

**Covenant:** A covenant is a type of contract in which the covenantor makes a promise to a covenantee to do or not do some action. In real property law, the term real covenant is used for conditions tied to the use of land. A "covenant running with the land" imposes duties or restrictions upon the use of that land regardless of the owner.

**Deed:** A deed is a legal document signed by the seller of the property that transfers the title of the property from the seller to the buyer.
**Deed Restriction:** A deed restriction is a restriction or requirement that must be met by both the buyer and the seller before the property can be transferred to the buyer. Affordability controls provide that the property can only be rented or sold to households that meet the income eligibility criteria identified. Many municipalities use deed restrictions to enforce affordability controls.

**Density Bonus:** A density bonus is a developer incentive. It is a percentage of units that the municipality permits the developer to construct above and beyond what the zoning designation for that piece of property would otherwise allow.

**Developer Incentives:** Developer incentives, such as density bonuses, expedited permit processes, fee waivers, and resource reductions are given to developers to either encourage them to build affordable units within a development, or to compensate them for selling/renting the units below market to designated income populations.

**Development Fee:** A Development Fee is broadly defined as any fee paid to the municipally associated with the development of a project within Flagstaff, including Impact Fees.

**Expedited Permit Process:** An expedited permit process allows a municipality to review and process a developer’s application for building permits, zoning permits, and other permits, on a faster time schedule than usual. Expedited permit process is offered to a developer, if that developer includes affordable units within a development.

**Fee Waiver:** The City may waive certain municipal fees for developers, such as building permits, and entitlement fees, in exchange for the construction of a certain number of affordable units as part of the proposed development.

**Housing Set-Aside:** A housing set-aside in a development agreement provides for a developer to receive incentives for development in exchange for the “set aside” of a percentage of the total units to be affordable to designated income populations. For example, a 10% set-aside means a developer would provide one affordable unit for every ten market-rate units within a proposed development in exchange for density bonuses, expedited permitting, fee waivers or reimbursement, flexible design standards, or financial offsets. The affordable units shall be distributed proportionally throughout the development and phases (where applicable) and appropriately designed and integrated with market-rate units throughout the development. Thirty percent (30%) of affordable units must be delivered in the first phase and the remainder of the units must be delivered proportionally based on years of build-out and phasing.

**Income-Targeting:** The income target is the household income level targeted to benefit from the pricing of the affordable units. Income level targeting is determined by looking at the needs and demands within the community. For example, a municipality may determine there is a need for housing for moderate-income level
households, such as public safety employees, and thus income targeting would produce affordable units to the designated income populations.

**Income-Tiering:** Income-tiering is when categories of income levels are produced for which affordable units must be appropriately priced. For example, a municipality may decide that the affordable units in a development must be attainable for households that earn between 50% and 80% of AMI.

**In-lieu of Attainable Housing Contribution:** The City may permit a developer to make a fee in-lieu or cash payment, instead of constructing affordable units within the proposed development. Usually these payments are deposited in a housing trust fund or a similar restricted fund for the construction of other affordable units elsewhere within the City.

**Market Rate:** The market rate is the price that a residential unit would sell or rent for on the open real estate market without any subsidies or price restrictions.

**Period of Affordability:** The period of affordability is the length of time a unit is required to be sold or rented at a price affordable to the income level determined by the municipality. Periods of affordability are usually outlined and enforced through affordability controls, such as deed restrictions or covenants.

**Permanent Affordability:** Permanent Affordability is divided into two categories: rental and ownership. If a development participates in the voluntary Incentive Policy for Affordable Housing (IPAH) options for rental units, the period of affordability requirement is enforced for no less than 30 years and is subject to renewal. If a development participates in IPAH options for ownership units, the permanent affordability requirement for ownership is enforced at 99-years and is renewable.

**Price Point:** The price point is the price, or range of prices, a developer determines a unit would sell or rent for on the open market, based on design, location and size.

**Rental Unit:** A rental unit is a unit owned by one party and then leased to another.

**Resale Restriction:** A resale restriction is a requirement on the title of the property that must be met before the property is sold to another owner. Resale restrictions are used as an affordability control tool; for example, the sale of a unit might be restricted unless the new owner meets certain requirements outlined in associated documents.

**Right of First Refusal:** The right of first refusal prevents the sale of a residential property until a designated party has been offered the opportunity to purchase the property first. For example, if a municipality has the right of first refusal, then an affordable unit cannot be sold unless the municipality has been offered the opportunity to purchase the property first.
**Second Mortgage Lien:** A second mortgage lien is a claim or charge on a property for payment on a debt that is second in priority to the first mortgage. Some municipalities use second mortgages to enforce affordability controls, so if the owner attempts to sell the affordable unit to ineligible households, the municipality can enforce the lien and recapture the property.

**Workforce Housing:** “Workforce Housing” in the City of Flagstaff’s Zoning Code (LDC) should be replaced by the term Affordable Housing.

**Workforce Housing Project:** “Workforce Housing Project” in the City of Flagstaff’s Zoning Code (LDC) should be replaced by the term Affordable Housing.

**Zoning Code:** The City of Flagstaff currently operates under a zoning ordinance known as the Land Development Code (LDC). References in this document are made to the Zoning Code, as the LDC is undergoing a substantial re-write and will most likely be renamed. A zoning code divides a municipality into districts and outlines a set of enforceable regulations regarding the structure, design, and use of buildings within each district.

3. **IPAH STANDARDS**

3.1 As part of Council’s housing policy goals, the Housing Section will be provided the opportunity to propose development and/or redevelopment as Affordable Housing for City-owned surplus property, where Council deems appropriate, except for land with a current, adopted Master Plan.

3.2 Incentive Policy for Affordable Housing initiatives involves an application and certification process. IPAH is available for rental and owner-occupied new construction and rehabilitated housing or shelter that meets the IPAH standards.

3.3 The proposed development or redevelopment will comply with the City of Flagstaff Zoning Code, the Regional Transportation and Land Use Plan, adopted Building Codes for the City of Flagstaff, Engineering Standards, and all mandatory sustainability measures adopted by City Council.

3.4 Developers of residential or mixed use developments that voluntarily provide a minimum of ten percent (10%) affordable housing units seeking rezoning of any kind or other discretionary land use approval will be able to benefit from the incentives offered by IPAH. Additionally, if the developer provides affordable housing in a district that permits residential uses then all regulatory, procedural, and program incentives in this Policy are applicable, provided that the developer complies with all other regulations of the districts. This Policy also allows utilization of all applicable procedural and program measures for residential development and redevelopment that is within the Established districts, provided that ten percent (10%) or more of units are affordable. In any event, utilization of any of the incentives is optional.
3.5 A variety of housing types, mixed income and affordable housing developments are encouraged throughout the City and within each neighborhood. Mixed-income means that the development includes at least 10% affordable housing units that are preserved as permanently affordable. Affordable housing that must comply with other federal, state, or local preservation time periods shall also be considered to meet the permanent affordability standards.

3.6 The housing units created for sale under IPAH must be owner-occupied. The eligible household must occupy the housing unit until the time of re-sale. Housing units created for rent under IPAH must have households be income certified on an annual basis.

3.7 The City, or an agency designated by the City, will certify Eligible Buyers and Eligible Renters in accordance with the income qualification rules of the Federal HOME program or other reasonable standards, which take into account income, family size, assets and other economic circumstances. Certification of Eligible Households shall apply to all subsequent households for the permanent affordability period. Failure to meet this requirement will be considered a breach of contract. Contract terms are outlined within individual development agreements.

3.8 The affordable units shall be distributed proportionally throughout the development and phases (where applicable) and appropriately designed and integrated with market-rate units throughout the development. Thirty percent (30%) of affordable units must be delivered in the first phase and the remainder of the units must be delivered proportionally based on years of build-out and phasing.

3.9 Grandfather Clause: Opportunities to utilize IPAH may be available for projects that have not received final platting or site plan approval and that offer a minimum of ten percent (10%) affordable housing. The owner/developer/applicant is responsible for all modifications to plans and initiating the benefits of the incentives.

3.10 If a developer is considering permanently preserving housing stock that had an expiring period of affordability, they may take advantage of any incentives that are applicable to their application. The developer must also meet all other applicable requirements in order to receive IPAH incentives.

3.11 The owner/developer/applicant or others acting on behalf of the development entity may be required to execute an agreement, restrictive covenants, or other binding restrictions that run with the land in order to insure Permanent Affordability, in accordance with IPAH standards.

3.12 Developments providing permanent affordable housing located within the City of Flagstaff Urban Growth Boundary 1 and 2 (as defined in the 2001 Land Use and Transportation Plan or its successor) will be eligible for IPAH, as long as the development contains one of the following:

3.12.1 Transit Access - The proposed project must have a bus route located within 1/2 mile of the development by the time of eighty percent (80%) of completion; OR
3.12.2 The development must secure acceptance from Staff for a strategy to provide access to alternative transit. This strategy could include vanpool, park-n-ride, FUTS trail access, or service plans for seniors and persons with disabilities. It could also include direct access to several land uses that service residential customers, such as food sales, banking, general retail and other key services (Activity Centers); OR

3.12.3 The development must present documentation from NAIPTA that future service plans will establish a bus route located within previously defined distances to the site and funding must be identified for this route.

3.13 Design Standards apply to multi-family and mixed-use developments. These standards may be found or referenced within the City of Flagstaff Zoning Code.

3.14 Because the number of fee waivers and reimbursement opportunities are limited on an annual basis, as are the resources for expedited review, there is a first-come, first-served policy. Once a project receives Development Review Board (“DRB”) approval, resources may be set-aside for the applicable incentives at this time. If a project does not receive Final Plat or Site Plan approval within twelve (12) months of DRB approval, the funds will be allocated to the next available project.

3.15 Other Requirements:

3.15.1 Developers wishing to exercise the incentives within IPAH must have site control of the land/ lots located within the city limits of Flagstaff. If the desired zoning is not in place, the applicant must also provide and meet all other applicable requirements in order to receive IPAH incentives.

3.15.2 Single-family units on infill lots receiving fee waivers must be completed, sold, and occupied within twenty-four (24) months of the execution of a contract, development agreement, or other binding restriction with the City or an approved third party. Multi-family, mixed-use and single-family units within a new subdivision’s defined phase must be completed, sold, and/or occupied within thirty-six (36) months of the execution of a contract, development agreement, or other binding restriction with the City or an approved third party.

3.15.3 If a developer is planning to utilize a third party entity to provide permanent affordability within a given project, the developer and its representative must enter into a development agreement that clarifies the management, use, and oversight of the affordable components. This agreement is in addition to a deed restriction or affordability covenant to be recorded with the Final Plat or Site Plan.

3.16 Covenants must be in place as a written agreement that is recorded with the deed of the property. Covenants will apply to all future owners of the property or for a specified time period. The affordability covenant allows the agency with oversight to enforce the affordability controls. The covenants require that a
property only be sold or rented to households that meet the income eligibility criteria. Covenants should run with the land, or bind each successive owner of the land.

3.17 In order to transfer the right of use to another qualified household, a deed restriction is put in place. These deed restrictions provide that the property can only be rented or sold to households that meet the income eligibility criteria identified. Deed restrictions such as these, with regard to affordability, are restrictions or requirements that must be met by both the buyer and the seller before the property can be transferred.

4. IPAH PROCESS

In order to begin the voluntary housing incentive process, an applicant should contact their staff representative to have a preliminary discussion about the project. A City representative will be the single point of contact and will be working in collaboration with a member of the Housing Section on the identified project. Staff will meet with the applicant to discuss potential incentives and benefits of IPAH Housing Incentives. Once there is interest in pursuing incentives, the “Affordable Housing Proposal” application should be returned to the staff representative. This application is available on-line at www.flagstaff.az.gov/housing or at the front counter of the Community Development Division.

For Multi-Family, Mixed-Use, site plans, and single-family subdivisions, staff and the applicant establish the IPAH review timeline as well as initial incentive opportunities for the project. The applicant has until Preliminary Plat approval to commit to IPAH incentives. There may be exceptions to this timeframe and both the Housing Manager and the Planning Director will evaluate them on a case-by-case basis.

At the time a unit is ready to receive a Certificate of Occupancy (C of O), the IPAH applicant must demonstrate compliance with the approved pricing structure and covenants. Compliance is established through a meeting with a member of the Housing Section who will review the necessary documents. In addition, the party selected to review income verification data throughout the affordability period, including initial occupancy, will be contacted by the Housing Section to determine initial compliance.

The Final Plat or Site Plan shall identify the affordable units/lots and shall contain a notice, approved by the City that the deed to the affordable units/lots is subject to the terms of the development agreement, affordability covenant, and deed restrictions. The development agreement and affordability covenant shall provide that if the developer is not in compliance with the terms and conditions of the development agreement and other application regulations, the City reserves the right to withhold building or occupancy permits until the developer is in full compliance with the terms and conditions of the development agreement and/or other applicable regulations.

5. IPAH INCENTIVES

5.1 Fee Waivers
The City of Flagstaff may waive certain Building Permit and Planning fees for developments that the Community Development Director certifies as an IPAH development. The City may also permit the reimbursement of fees tied to Development Fees (Impact Fees). Fee waivers and reimbursements are subject to a sliding scale based on the AMI served by the developer. The lower the AMI served, the greater the waiver and reimbursement percentages. All fees are subject to funding availability and funding may not be available when a project is approved.

The following pages provide the list of fees that may be waived or reimbursed for IPAH developments and the sliding scale of waivers and reimbursements based on the AMI served within the project.

Please note that fee waivers are not available for owners with outstanding Code violations, City tax or licensing violations, or violations on accessibility issues on units or projects with which the owning entity is affiliated. Fee waivers are also not available for owners with outstanding or overdue debts to the City.

5.2 Defer Development Fees (Impact Fees) for Market Rate Units

Development Fees, specific to Impact Fees, may be deferred until the unit is at certificate of occupancy stage. This option is available for all market-rate units that are constructed with twenty percent (20%) or more affordable housing units within the development.
### 5.3 IPAH Fees Eligibility List

<table>
<thead>
<tr>
<th>City Department</th>
<th>Fee Type</th>
<th>Reimbursement or Waiver</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Development</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zoning Fees</td>
<td>Rezoning Application Fees</td>
<td>25% Reimbursement</td>
</tr>
<tr>
<td></td>
<td>General Plan Amendment</td>
<td>25% Reimbursement</td>
</tr>
<tr>
<td>Subdivision Fees</td>
<td>Developer Master Plan</td>
<td>50% Reimbursement</td>
</tr>
<tr>
<td></td>
<td>DRB Concept Plan Submittal</td>
<td>Reimbursed</td>
</tr>
<tr>
<td></td>
<td>Preliminary Plat Submittal</td>
<td>Waiver/Reimbursed</td>
</tr>
<tr>
<td></td>
<td>Final Plat Submittal</td>
<td>Waiver</td>
</tr>
<tr>
<td>Site Plan Fees</td>
<td>DRB Site Plan (Formal) Submittal</td>
<td>Waiver</td>
</tr>
<tr>
<td></td>
<td>Concept Plan</td>
<td>Reimburse</td>
</tr>
<tr>
<td></td>
<td>P&amp;Z Review/Approval</td>
<td>Waiver</td>
</tr>
<tr>
<td>Building Plan Review, Permit, and Inspection Fees</td>
<td>Building Permit Deposit Fees</td>
<td>Excluded</td>
</tr>
<tr>
<td></td>
<td>Building Permit Fees</td>
<td>Waiver</td>
</tr>
<tr>
<td></td>
<td>Plan Check Fees</td>
<td>Waiver</td>
</tr>
<tr>
<td></td>
<td>Public Improvement Permit Fees</td>
<td>Waiver</td>
</tr>
<tr>
<td></td>
<td>Plan Review Engineering</td>
<td>Waiver</td>
</tr>
<tr>
<td></td>
<td>Over-the-Counter Permit Fees</td>
<td>Excluded</td>
</tr>
<tr>
<td></td>
<td>(standalone)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Development Fee (Impact Fees)</td>
<td>Reimburse</td>
</tr>
<tr>
<td>Utilities Department</td>
<td>Development Fee (Impact Fees)</td>
<td>Reimburse</td>
</tr>
</tbody>
</table>
Waiver and Reimbursement Scale (based on AMI served) for project providing **up to 20%** Affordable Housing

<table>
<thead>
<tr>
<th>AMI Served</th>
<th>Percentage Waived or Reimbursed</th>
</tr>
</thead>
<tbody>
<tr>
<td>60% AMI or Below</td>
<td>100%</td>
</tr>
<tr>
<td>61 – 80% AMI</td>
<td>75%</td>
</tr>
<tr>
<td>81 – 125% AMI</td>
<td>25%</td>
</tr>
</tbody>
</table>

Waiver and Reimbursement Scale (based on AMI served) for project providing **greater than 20%** Affordable Housing

<table>
<thead>
<tr>
<th>AMI Served</th>
<th>Percentage Waived or Reimbursed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below 80% AMI</td>
<td>100%</td>
</tr>
<tr>
<td>80 - 125% AMI</td>
<td>75%</td>
</tr>
<tr>
<td>126 - 150% AMI</td>
<td>25%</td>
</tr>
</tbody>
</table>

If a developer designs and constructs units that meet all mandatory and voluntary energy code expectations within an IPAH development (minimum of 20% affordable units), the developer may receive a 100% waiver and/or reimbursement for all units.

**5.4 Expedited Review**

IPAH developments are eligible for expedited review throughout the post-entitlement planning process, which is typically faster than the review time for a conventional development project. City staff will work with applicants to usher projects through review and inspection as quickly and efficiently as possible, on a timeline to be negotiated in a development agreement.

For Multi-Family, Mixed-Use, site plans, and single-family subdivisions, the applicant and staff must establish an IPAH review timeline as well as initial incentive opportunities for the project. Review timelines may be reduced by fifty percent (50%) for the affordable housing units within the development. In order to process the expedited review timelines, the applicant must commit a minimum of ten percent (10%) affordable units. If the developer wishes to have market-rate units qualify for expedited review, the developer must provide greater than twenty percent (20%) affordable housing units and will then be encouraged to submit like units under a block submittal.
The applicant has until Preliminary Plat approval to commit to IPAH incentives. There may be exceptions to this timeframe and both the Housing Manager and the Planning Director will evaluate them on a case-by-case basis.

The speed of the review also depends to a significant degree on the quality of the applicant’s submittals and performance. Providing corrections, responding to comments, and ultimately securing an approval in a timely manner is a shared responsibility of both staff and the applicant. Expedited review may be discontinued if the applicant’s design team fails to respond to comments in a timely manner.

In order for an applicant to obtain an expedited review (barring statutory requirements) through the entitlement process, a copy of the Affordable Housing Proposal signed by the Housing Manager certifying the developer’s commitment to affordable housing, must be attached to the submittal.

In order for an applicant to obtain an expedited Engineering and Development Services Review, the permit for each affordable unit must contain a copy of the IPAH Certification Letter from the Housing section that is provided at time of Final Plat or Site Plan approval. All new buildings must comply with all codes in effect on the day the building permit application was filed. Building permit applications and other information can be retrieved at the Community Development front counter or at http://flagstaff.az.gov/index.aspx?nid=494.

5.5 Regulatory Incentives – Planned Affordable Option

Regulatory incentives are located within the City of Flagstaff’s Zoning Code under the “Planned Affordable Option” and provide a commitment to a minimum of ten percent (10%) affordable housing units.

5.5.1 Density Bonuses and Flexible Design Standards for selected zoning districts have been incorporated into the current Zoning Code, under the “Planned Affordable Option”. (See Table 10-04-002-0003 in City of Flagstaff’s Zoning Code).

5.5.1.1 If Density Bonuses are used, the applicant may be allowed up to 50% of the bonus density to be market rate and the other 50% to be affordable – making sure that no less than 10% of the overall project is dedicated to affordable housing.

5.5.1.2 Minimum Open Space Ratios (OSR) have been reduced for selected zoning districts in the “Planned Affordable Option” of the current Zoning Code.

5.5.1.3 Minimum site areas have been reduced for selected zoning districts, which are identified in the “Planned Affordable Option” in the current Zoning Code.

5.5.2 Ten to twenty percent (10 – 20%) reduction in slope and forest resources protection levels in the Zoning Code commensurate with the percentage of affordable housing units provided (e.g., 10% affordable = 10% resource reduction in slope and forest protection, 12% = 12%, etc.), to a maximum of
twenty percent (20%). A minimum of ten percent (10%) affordable housing units must be provided to be eligible.

5.5.3 In applicable districts, a project may receive a double counting of 50% of the resources that overlap (trees/slopes/floodplain), if the project provides up to 20% affordable housing. If the project provides greater than 20% affordable housing, then all resources that overlap may be double counted.

5.5.4 Parking Incentives:

5.5.4.1 Tandem Parking may be permitted as an incentive to satisfy two (2) parking spaces, so long as the parking does not extend into the Right-of-Way or defined set-backs.

5.5.4.2 Reduction of parking requirements - The incentive, as calculated in the Zoning Code, allows for a reduced count in necessary parking spaces based on the number of affordable housing units provided within a development.

5.5.4.3 Shared Parking - If a project includes affordable housing within mixed-use and infill developments, shared parking with non-competing uses is provided as an incentive (e.g. office space that operates during a typical work day hours and residential development). A Parking Demand Study may be needed to identify shared parking options.

5.6. Land Donation – Tax Deduction

Applicants may receive a tax deduction (IRS Publication 526) if land on which the units are built is dedicated to the City of Flagstaff. This allows long term administration of the permanent affordable units under the City of Flagstaff Community Land Trust Program. Any developer considering this option should consult with a tax professional to determine eligibility for a tax deduction.

If the developer chooses to work with a 3rd party on affordable housing efforts, they will need to review their process and procedures for land donations.

5.7. Public Improvement Districts

Public Improvement Districts are currently permissible in Arizona. Public infrastructure and related items may be available as an incentive to produce affordable housing in Flagstaff.

5.8. In-lieu of Affordable Housing Contribution

In specific circumstances, where the development is unable to provide lots that are financially feasible to construct affordable housing, the City may permit the developer to use incentives within IPAH and provide a comparable land or financial donation in order to provide affordable housing in other locations within Flagstaff. Opting to put forth a financial contribution must not be an incentive unto itself; it should accurately reflect the true cost of land for purchase and ultimate development for affordable housing.
NIMBYism, it seems, never goes out of style. Despite an acute affordable housing crisis in many U.S. cities, getting new homes built for low-income people remains a giant challenge. As has been well documented recently, from Houston to Seattle, that’s due in no small part to NIMBYs. Local residents who, though they may be philosophically in favor of affordable housing, cry out, “Not in my backyard!” when it comes to building in their neighborhood. There’s no one-size-fits-all solution that will instantly change such residents’ minds. There are, however, a handful of key steps that developers are taking to head off opposition to affordable housing development from the get-go — and diminish it once it’s arisen.

1. Be Proactive: Corianne Scally, a senior research associate at the Urban Institute who has extensively studied NIMBYism, has found that neighborhood opposition typically occurs very early in the development process. As a result, she says affordable housing practitioners need to engage “early and often.”

That’s borne out in practice. “There’s a strategy that usually fails: If we don’t say anything for a while, then maybe we can sneak it in and people won’t have time to organize against it,” says Amy Bayley, vice president of community planning at Mercy Housing California, a nonprofit developer. “That’s a fundamentally flawed idea.”

Bayley follows a fairly strict blueprint for interacting with a given community. First, she and her team identify a handful of local leaders and meet with them to talk about the upcoming project; some eventually wind up on a Mercy-organized advisory council to provide input on the development.

Then — and before the neighborhood learns of the project through official channels — she holds a series of community meetings. “At a first meeting, we can take the temperature to understand the big issues. We try to communicate with grace and dignity. It’s not about how to organize better than them, but about talking to them,” says Bayley. And Mercy never has just one meeting. “You have to be able to say, ‘Please come back for my next meeting.’ That way, you develop relationships.”

2. Use Respect, Not Stereotypes: At those community meetings and in subsequent interactions, it’s critical to show respect for residents and their anxieties. “We have to try to avoid self-righteousness as much as we can,” says Richard Thal, executive director of the Jamaica Plain Neighborhood Development Corp. in Boston.

That may be tough when the need for low-income housing — whether it’s for the working poor, supportive housing for people with mental illness, units for homeless veterans, or something else — seems so pressing and, well, obvious. And most affordable housing developers agree that elements of racism or classism are often present in neighborhood battles. But there may also be legitimate concerns related to density, traffic or simply a fear of change. Local land use policy is one of a few areas where citizens can genuinely engage; many simply want a sense of ownership over what’s going on in their community.

“For most of us, if we’re honest with ourselves, if someone was building a multifamily development in our neighborhood, we’d be nervous,” say Chris Estes, president of the National Housing Conference. He’d prefer affordable housing advocates stop using the word NIMBY altogether: It’s a stereotype that can be just as pernicious as the one about “those people” who populate affordable housing.

3. Activate Supporters: Rallying those who are in favor of the project might seem obvious, but it’s a frequently overlooked tactic, says Michael Spotts, a senior analyst and project manager with Enterprise Community Partners. He recently helped update the housing element of the comprehensive plan for Arlington County, Virginia, where he lives, and found that the base of support there for affordable housing was a quiet group, compared to a very loud opposition. “One of the things that was critical was a very concerted effort to raise up the voices of the people who really wanted this to happen,” he says.

Thal, in Boston, agrees. In 2010, his organization was engaged in renovating an old nursing home to serve as a medical facility for the homeless, and ran into major opposition in the form of one particularly vocal resident. In
response, he says, “we ended up getting over 350 signatures on a petition, and we published an ad in the local paper a week or two later with those signatures, saying that they support this new project.” It absolutely helped, he says.

But don’t forget to also reach out to politicians, the media and members of the faith community. The latter can serve as some of a project’s most powerful supporters.

4. Craft the Message Carefully: The National Housing Conference recently held a communications conference in Minneapolis focused on affordable housing messaging. They acknowledged that the term “affordable housing” often conjures images of crime-ridden public housing complexes — and they also discussed the fact that many Americans struggle with affordability but aren’t eligible for assistance, and therefore don’t necessarily support it for others. What helps in the affordable housing argument, says Estes, is to talk about the community’s needs, and to point out the cost if, say, firefighters and teachers can’t afford to live there, or if people with disabilities can’t access its services. “It’s not a set of magic words,” he says.

Once the message is in place, it’s important to get it online as soon as possible. Bayley and Mercy Housing California found that out the hard way with a project near Los Angeles. “After our second meeting, someone put comments up on [the social media site] Next Door that [the project] was dangerous and scary. It got 400 signatures almost overnight, with incorrect information,” she explains.

Within a week, she and her team had a website up to counter that false information — something they’ll be doing more frequently in the future. “Anybody thinking about doing this stuff needs to take into consideration the social media side and have that be part of their communications planning,” says Bayley.

5. Leverage What You’ve Got: Personal stories of community members who need affordable housing can be incredibly powerful, say advocates. But again, tailor the story to the audience. “In Arlington, we heard stories from car dealers whose mechanics live an hour away and have to get up at 4 in the morning to beat the traffic, and then sleep on their lunch break. In a more progressive community that believes in affordable housing, those heartstrings stories can deeply resonate,” says Spotts. In an area with more negative stereotypes about affordable housing, he adds, tales of businesses struggling to find minimum wage workers might be more effective.

Developers should also take advantage of finished projects that show off their good work. “I’ve found that tours of our buildings go really well,” says Sam Moss, executive director of Mission Housing Development Corporation in San Francisco. “If you have 15 minutes or two hours, there’s four different tours we do. It does nothing but good for the entire industry.”

6. Think Bigger, and Encourage Neighbors to Do So, Too: Neighborhood opposition to affordable housing doesn’t happen in a vacuum. It’s enabled by many things, including a regulatory environment that often forces developers to repeatedly consult local government and citizens.

A new movement, aptly dubbed YIMBY (or Yes in My Backyard), is afoot to change that environment. According to Laura Foote Clark, executive director of San Francisco’s YIMBY Action, the group is focusing on removing some of the low-density zoning that limits multifamily housing in many parts of San Francisco, and streamlining the permitting process. “It’s time to rock the boat,” says Clark, who adds that the three-year-old movement is spreading across the U.S. The annual YIMBYTown conference was just held for the second time, in Oakland, California, last week.

Affordable housing developers don’t have to declare YIMBYism to improve the process in their own community though. They can simply advocate for changes at the local level that allow developments to move forward more quickly and without repeated public consultations. They can also urge neighbors who oppose their projects to think — and feel — bigger, to empathize with those in need rather than considering only their own needs. That isn’t easy to manufacture, but it can be extraordinary when it works.

Moss can testify to that. Mission Housing was working on a project near the Balboa Park BART station in San Francisco that had 100 units and no parking, something the organization had taken into account by locating the development near a transit hub and setting up a ride-sharing component. But neighbors were outraged about the lack of parking spaces. “Finally I lost it,” remembers Moss. He explained to the assembled group that every parking space represented a unit of affordable housing that wouldn’t get built. “I said, ‘We’re not in the business of housing cars. Would you rather do that?’ And it stuck. People were like, ‘OK.’ It was a magical, mythical moment I wish I had on camera.”
Fair housing

Background

The federal Fair Housing Act prohibits discrimination in housing on the basis of race, color, religion, gender, country of origin, family status, and disability. And the Housing and Community Development Act requires that localities receiving Community Development Block Grants, or CDBGs, take steps to “affirmatively further fair housing,” such as analyzing and eliminating housing discrimination, promoting fair housing for all persons, and providing for inclusive patterns of housing occupancy.

Nevertheless, residential segregation still exists in the United States, and housing discrimination, on the basis of race or other factors, is a sad fact of life for many Americans. As a result, communities across the United States have taken innovative steps to expand upon the federal government’s commitment to fair housing.

Expanding protected classes

While the federal Fair Housing Act provides a baseline of protected classes against whom it is illegal to discriminate, some cities have extended these protections to additional classes. Cities should also consider prohibiting discrimination on the basis of source of income, arrest or conviction record, gender identity, sexual orientation, previous housing status, and citizenship status.

Madison, Wisconsin, includes source of income, arrest or conviction record, and gender identity as additional protected classes. Similarly, New York City provides protection from housing discrimination on the basis of lawful source of income and citizenship status, among others. Extending fair housing protections to these additional classes provides crucial civil rights protections to those not covered under federal law and produces more just communities.

Not all municipalities, however, have the ability to add protected classes due to restrictions in state law. In such cases cities will still benefit by vigorous enforcement for those classes protected by federal law.
Enforcement and outreach

Preventing discrimination in housing requires more than just good laws. Educating citizens about their legal rights and effective enforcement methods are also necessary to ensure that fair housing laws are followed.

Cities should conduct education and outreach on fair housing law and tenants’ rights, especially in vulnerable or limited-English-speaking communities. To make local residents aware of their legal rights and obligations, Seattle co-sponsors bimonthly fair-housing training sessions for landlords and property managers, and conducts education and outreach campaigns in Seattle’s immigrant and refugee communities.22

Local governments should also fund fair-housing testing services and bring enforcement actions against housing providers who discriminate on the basis of protected classes. The Seattle Office for Civil Rights “tests” for fair-housing law compliance by contracting with a local nonprofit organization for testers—two individuals who are similar in important ways except for a characteristic related to a protected class such as race—who attempt to rent or purchase the same housing. In cases where the behavior of a housing provider suggests discrimination, retesting is completed to verify initial findings. Where confirmed, findings of discrimination lead to enforcement actions against the housing provider.23
Density Without Demolition

STEPHANIE MEEKS
JUN 11, 2017

Tearing down old buildings won’t make our cities more affordable or inviting. It’s time to make better use of the buildings and spaces we already have.

As anyone who’s tried to find an apartment lately can tell you firsthand, many of America’s biggest cities are in the midst of a full-blown affordability crisis. All over the country, as young job-seekers and empty nesters both look to enjoy a more urban daily experience than offered by the previous suburban ideal, neighborhoods are struggling with skyrocketing housing and rental costs and surging development pressure.

We face some tough challenges in trying to navigate these pressures, but creating a false dichotomy between affordable housing and historic preservation should not be one of them. Creating affordable housing and retaining urban character are not at all competing goals. In fact, contrary to the conventional wisdom, they can most successfully be achieved in tandem.

This may seem surprising at first, especially given the debates now raging in several cities. Take Portland, for instance, where a highly contested state bill aimed at spurring affordable housing also threatens to weaken historic protections and, in so doing, foster a wave of demolition that only threatens to further raise the cost of homes there.* Last November, San Francisco voters rejected a hotly contested housing moratorium targeting the Mission District, a traditionally Latino neighborhood that has become the favorite of workers in the region’s burgeoning tech sector. In Los Angeles, meanwhile, residents argued sharply over Measure S, a voter initiative that would have restricted any large-scale construction that did not conform to the city’s planning guidelines.

Even in our most densely populated cities, parking takes up inordinate amounts of valuable urban space.

Unfortunately, the heated rhetoric in these cases suggests there is a natural opposition between affordability and community character. In fact, we can achieve both at the same time, as evidenced by the past several years of research at the National Trust. In city after city, we have found that neighborhoods with older, smaller buildings and mixed-age blocks tend to provide more units of affordable rental housing, defined as housing whose monthly rent is a third or less of that city’s median income.

These areas also performed better along a host of other important social, economic, and environmental metrics. Across all 50 cities surveyed in our new Atlas of ReUrbanism, a
comprehensive, block-by-block study of the American urban landscape, areas of older, smaller buildings and mixed-age blocks boast 33 percent more new business jobs, 46 percent more small business jobs, and 60 percent more women- and minority-owned businesses.

They are also denser than newer areas. As anywhere from Boston’s North End to Miami’s Little Havana can attest, relatively low-slung, human-scale neighborhoods with older fabric are the “missing middle” of cities and can achieve surprisingly high population densities.

Simply put, older blocks often offer more affordable housing options than newer areas of the city, while creating employment and entrepreneurial opportunities for urban residents of all incomes. At a time when cities are struggling with the high costs of adding new affordable housing, making better use of the tremendous adaptive potential of under-used existing buildings is a proven way forward that sidesteps many of the problems posed by demolition for new construction.

Of course, in many cities, new construction is also needed to keep pace with growing numbers of residents. But this new development doesn’t have to dwarf established neighborhoods or demolish existing urban fabric to accommodate growth. Almost anywhere you look, there are opportunities for sensitive and compatible infill that can enrich urban character rather than diminish it.

Consider downtown Louisville. Its streets are pocked with surface parking lots that make for asphalt dead zones, and could just as easily provide ample opportunity for new, compatible construction. Louisville is not an outlier: even in our most densely populated cities, parking takes up inordinate amounts of valuable urban space.

And parking lots are not the only underutilized urban asset these days. In New York, as I’ve noted here before, a 2014 survey of a third of the city found nearly 2,500 vacant lots and more than 3,500 empty buildings, enough room to house 200,000 people. Putting these older and often distinctive structures to use makes much more sense than tearing up city blocks to start over.

Ultimately, cities should strive to be character-rich and affordable. We need to embrace policies that address today’s egregious housing costs, but do so in a way that acknowledges the fundamentals of what makes our cities work. As our disastrous national experiment with “Urban Renewal” a half-century ago should make clear, demolishing existing urban neighborhoods is a giant step in the wrong direction. Instead, let’s make better use of the buildings and spaces we have to fashion cities that are affordable, diverse, exciting, and inviting for everyone.

**UPDATE:** This has been updated to reflect amendments to the original bill.

**About the Author**

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