

Ensure the availability of good housing for all

Introduction

Housing is one of the most fundamental human needs, and local government must concern itself with the quality and accessibility of housing in a myriad of ways. Cities are not, of course, starting from zero: They are already dealing with a crazy quilt of different types and qualities of housing, interspersed with opportunities to create more. But they should have a strong preference for housing that meets local needs. To identify local needs, cities should create comprehensive housing plans based on good data and in cooperation with neighboring jurisdictions.

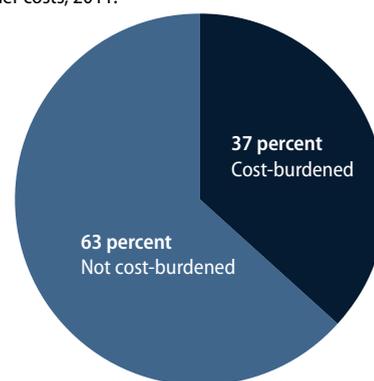
There are, however, some basic principles that hold true regardless of the housing market. Housing should be safe, well built, and healthy. And it should be affordable, which is generally defined as costing no more than 30 percent of a household's income. The affordability of housing is generally talked about with respect to the area median income, or AMI. Depending on the housing market, moderate income is considered to be 81 percent to 120 percent of AMI; low income between 51 percent and 80 percent of AMI, very low income 50 percent or less of AMI, and extremely low income below 30 percent of AMI.

What is affordable, however, should take into account the combined costs of the energy use and transportation needs that come with housing. The Center for Neighborhood Technology developed the H+T Index,¹ which calculates the cost of housing and transportation for a variety of geographies, and defines affordability as combined housing and transportation costs that are no more than 45 percent of household income. Similarly, energy costs can make or break the affordability of housing. The energy efficiency of housing is addressed in the infrastructure chapter.

FIGURE 8
Cost of housing a burden to U.S. households

Homeowners

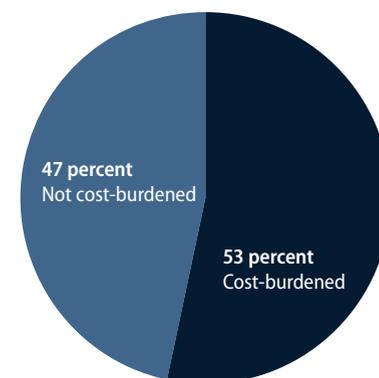
Percentage of mortgaged owners spending 30 percent or more of household income on selected monthly owner costs, 2011.



Note: Selected monthly owner costs are the sum of debt payments (e.g., mortgage or home equity loans), taxes, insurance, utility and fuel costs, and if applicable, other fees (e.g., condominium fees or manufactured home community lot rents).

Renters

Percentage of renter-occupied units spending 30 percent or more of household income on rent and utilities, 2011.



Source: 2011 American Community Survey, Washington, DC: U.S. Department of Commerce, Census Bureau, 2012.

Housing is an essential component of strong neighborhoods and must be considered as a part of local government land-use planning.² In particular, local governments should strive to create mixed-income neighborhoods centered on schools, with good access to employment, basic needs, and transit. Because the private housing market will generally provide adequate market rate and luxury housing, this chapter focuses on the preservation and creation of affordable housing.

High-quality housing

Background

The quality of housing can dramatically affect residents. From accident to illness, poor-quality housing can have severe, negative effects. High-quality building and maintenance standards, along with robust enforcement of them, help to ensure that families have healthy and safe places to live. Building and maintenance codes can help ensure that a city's housing stock is kept in good condition, providing a safe environment for homeowners and renters alike.

Local governments should adopt strong building, fire, and property-maintenance codes. These should include clear and strong enforcement mechanisms, and should educate and maintain clear lines of communication with both owners and tenants about their rights and responsibilities.

Building-code best practices

Building codes provide minimum standards and safeguards for the construction of homes and other buildings. In the United States, state and local entities establish building codes that may vary from jurisdiction to jurisdiction. But some organizations have established “best practices” that represent a professional consensus on building codes. The International Code Council, or ICC, has developed a set of codes, parts of which have been adopted throughout the United States.³ In addition, the National Fire Protection Association has developed a set of building codes that can be adopted by states and localities.⁴ These standardized codes represent a baseline, above which additional standards can be added to meet local conditions.

While building codes provide safe housing protections for new construction or significant renovation, property-maintenance codes provide a baseline for the ongoing

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condition of a home. The ICC has also developed a set of standard property-maintenance codes that cities can look to as they develop their own codes. Organizations such as the National Center for Healthy Housing also work to improve ICC codes and provide funding to local organizations to improve safe housing through projects such as instituting targeted mandatory housing inspections, educating citizens on child lead poisoning and asthma, and strengthening tenant associations.⁵ All local governments should adopt strong building, fire, and property-maintenance codes based on national and international standards such as the International Code Council and the National Fire Protection Association.

Building-code enforcement

Because there are always more properties than there are building inspectors, building-code violations tend to be driven by complaints. All too often, however, tenants may not know if their home is up to code or the process for having a code violation addressed by their municipality.

To address this shortcoming, many municipalities have established a targeted proactive building-code inspection process. This targeting is usually on the basis of geography (e.g., neighborhoods where there is an active revitalization effort), or type of building (e.g., rental properties), or both (e.g., neighborhoods with high densities of student rental properties). Cities should begin a targeted, proactive building-code inspection process based on the characteristics of their building stock, and should use fees paid by rental property owners when registering their property to administer the inspection program.

Seattle created a draft ordinance on rental-housing inspections after the state legislature passed enabling legislation.⁶ Under this ordinance, nearly all rental properties in the city regardless of size would have to be registered with the Seattle Department of Planning and Development. Each year, a randomly selected 10 percent of the rental-housing stock would be subject to inspection. Fees paid by rental property owners in registering their property would be used to administer the inspection program.

When a building-code violation is cited, cities often must go through a lengthy and cumbersome court process to settle the violation. If possible, cities should expedite building-inspection cases by creating a board of administrative law judges to hear them. These bodies, sometimes called Housing Maintenance Boards or Repair Enforcement Boards, are used by cities such as Boston,⁷ Chicago,⁸ and Dallas.⁹

For chronic problem properties, local governments should create a nuisance-abatement process under which they may fix physical problems and bill the owner for the costs. For less easily abated problems, such as poor management practices and high levels of police calls, cities should establish thresholds that, once passed, trigger mandatory meetings between city staff and landlords and set deadlines for abatement actions.

Local governments need to walk a fine line in addressing chronic nuisances. Too little enforcement allows the problem to continue, but excessive or punitive enforcement may cause the owner to abandon the property, which only exacerbates the problem.

Adapt to changes in the housing market

The downturn in the U.S. housing market has been a disruptive force, causing changes previously unforeseen by most municipal codes. As a result, cities must adapt and ensure that their building codes match the reality in their neighborhoods.

In Grand Rapids, Michigan, for example, the housing-market downturn led many homeowners to convert their single-family homes into rental properties. While a Grand Rapids ordinance previously required that multiunit properties be inspected and certified, that law has now been extended to single-family homes used as rental property.¹⁰

In addition, homeowners struggling to pay their mortgage may turn to renting out part of their property to make extra money. Unfortunately, these renters may end up in spaces that are unsafe, such as basement apartments without sufficient entry and exit. In an effort to address this issue, many cities have developed standards for in-building accessory dwelling units, or ADUs,¹¹ and have worked with owners to bring these units to code. Seattle, for example, offers guidance on the requirements for an in-building ADU.¹²

Cities should be aware of trends such as these in their housing markets and take action to make sure tenants have safe living situations.

Landlord registration and training

While cities and landlords often take adversarial roles in building-code violations, educational programs administered by cities can help to improve that relationship

and stop problems before they begin, saving cities money in inspection and administrative costs. Local governments should provide free training and information for landlords on maintenance codes, fair housing law, best practices, and more.

Milwaukee holds regular free training sessions for landlords to discuss housing maintenance, along with other issues.¹³ Many cities, such as Portland, Oregon, also provide free training manuals to landlords to ensure that they are familiar with the city's maintenance code and other relevant laws.¹⁴ And Cleveland's Housing Court provides housing specialists that run educational clinics and offer direct technical assistance to landlords.¹⁵

In addition to offering training, cities should require all owners of rental property to register with the city and provide one or more contacts with the authority to respond to emergencies or health and safety issues. Consider an annual license for operators of multifamily properties, granted only if the property is compliant with code, and revocable if the property owner knowingly allows illegal activity on the premises or fails to address code violations.

Charlotte, North Carolina,¹⁶ and Madison, Wisconsin,¹⁷ are examples of cities with registration systems, where owners of rental property are required to provide one or more emergency contacts. Both cities experienced increasing problems with poorly maintained properties, absentee landlords, and increases in crime related to particular properties. In trying to deal with these issues, city staff were unable to locate a responsible party, particularly given the increase in properties owned by limited liability corporations. A registration system ensures that the cities have the contact information for several individuals with the authority to respond to emergencies or health and safety issues.

Baltimore,¹⁸ in addition to requiring rental property registration, requires an annual license for operators of multifamily properties. The license is only granted if the property is up to code and compliant with lead-paint rules, and it can be revoked if the property owner knowingly allows illegal activity on the premises or fails to address code violations.

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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,¹⁹ 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.²⁰ Similarly, New York City provides protection from housing discrimination on the basis of lawful source of income and citizenship status, among others.²¹ 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

Stabilize neighborhoods

Background

As a result of the housing-market crash and the resulting recession, cities across the United States have been forced to deal with abandoned homes, deteriorating neighborhoods, and falling property values.

The costs of abandonment and foreclosure to communities are staggering. It's estimated that each foreclosure costs municipalities \$34,000 in direct costs such as inspections, police and fire calls, and unpaid water and sewage bills.²⁴ What's more, a nearby foreclosure can reduce the value of a home by more than \$7,000,²⁵ and surrounding homes can lose more than \$200,000 in aggregate value when a neighbor goes into foreclosure.²⁶

Cities have had success with a few key policies to stem the tide of foreclosures or address homes already in foreclosure, helping to stabilize neighborhoods and preserve communities. For cities located in states that rely on courts for the foreclosure process, mandatory mediation programs that bring together homeowners, banks, and counselors or attorneys can help families stay in their homes. Steps can also be taken to prevent abandonment, which may occur before or after foreclosure. Once a foreclosure occurs, cities can take action to ensure that the responsible party—typically a bank—performs upkeep on the home.

Not only can these policies, which are detailed below, prevent neighbors from losing the value of their own homes, but they also reduce crime and other negative effects of abandoned property. In some cases, cities can take a more active role in addressing tax-foreclosed or code-violating properties. By acquiring residences or properties, a local land bank can rehabilitate them to serve their community's development goals, restoring land for public use or subsidizing responsible private ownership.²⁷

Because economic conditions are the root of the abandonment and foreclosure problems, any solutions need to take these conditions into account. If an investor abandoned a property because it was not worth fixing up, using fines and fees to try and get compliance will only make the situation worse. Similarly, property-by-property efforts are unlikely to succeed unless tied to a larger neighborhood improvement strategy.²⁸

Prevent foreclosure and abandonment

The best way to address abandonment is to prevent it. Local governments can set up early warning systems to track property- and neighborhood-level data that can signal disinvestment, deteriorating neighborhoods, or the development of problem properties.

Minneapolis, for example, created a Neighborhood Information System²⁹ that tracks property, Census, crime, and education data in several neighborhoods. The system allows the city and its partners to identify and address problematic trends.³⁰ Madison, Wisconsin, has a similar, citywide Neighborhood Indicators Project.³¹ These systems can be used in conjunction with the tools described in the high-quality housing section to identify and target properties in danger of neglect and abandonment.

Intervening to prevent abandonment is most successful if it improves the economic equation for the property owner. Strategies for multifamily housing are discussed in the section on preserving affordable housing. For single-family homes, strategies include public education, financial assistance, and cost-saving measures. Cities should offer affordable home-improvement loans or mortgage refinancing, either directly or with partners such as community-development finance institutions. The Sonoma County, California, housing rehabilitation program, for example, offers low-interest loans to low-income homeowners for needed repairs.³²

Finally, local governments should not neglect the big picture, and should consider ways to lower household expenses and raise household income, particularly for low-income households (see the job quality chapter for ideas on raising income). Suggestions to lower household expenses include energy-efficiency programs, widespread availability of public transit, and access to affordable healthy food.³³

Protect homeowners and tenants

To protect homeowners and tenants from foreclosure, cities should fund foreclosure-prevention counseling by nonprofits, using Community Development Block Grants or other resources, and spread the word about prevention services via all city venues.

Some cities, including Schenectady, New York, and West Jordan, Utah, have used their block-grant funding to offer foreclosure-prevention counseling through local nonprofits.³⁴ Chicago and Baltimore have both offered information about and referral to foreclosure-prevention services through their 311 informational phone lines, and Baltimore includes a notice of foreclosure-prevention services to homeowners in each water bill.³⁵

Because predatory lending has been a large contributor to the foreclosure crisis, a program initiated in Boston, the “Don’t Borrow Trouble” campaign,³⁶ was taken nationwide by Freddie Mac. The campaign includes public awareness, consumer education, and access to counseling and loan restructuring.

If a state uses a court-based foreclosure process, local governments can also implement mandatory mediation programs between homeowners and banks. Many localities have launched mediation programs aimed at bringing homeowners and banks to agreement in an effort to avert foreclosures.

Judges, volunteer attorneys, and city staff have come together to operate a mandatory mediation program in Philadelphia.³⁷ The program has successfully kept three-quarters of the homeowners who enter the program in their homes. In other jurisdictions, these people would likely have lost their homes. Key elements of the program are effective community outreach, ease of participation, use of professional housing counselors, and, most importantly, the fact that it is mandatory.

Similarly, the Cook County Board in Illinois has authorized a mediation program administered by the local circuit court in conjunction with the Illinois Housing Development Authority, the Chicago Bar Foundation, and other organizations.³⁸ Allegheny County, Pennsylvania, and Cuyahoga County, Ohio, have also implemented mediation programs aimed at keeping families in their homes.³⁹

These programs can help prevent foreclosures in states that use a court-based foreclosure process. In addition, legislation introduced at the federal level would establish the “right to rent,” or the right of homeowners whose mortgages are underwater to rent their homes at market rate long term.⁴⁰ If this passes, local mediation programs should include that as a potential outcome.

Local governments should protect tenants of foreclosed properties as well. Los Angeles enacted an ordinance in 2008 that prohibits banks or lenders that foreclose on residential properties from evicting tenants just because of the foreclosure.

Dealing with abandoned properties

Once buildings are abandoned, cities should take steps to ensure that these properties do not become further blighted or attract crime.

A number of cities require vacant properties to be registered, sometimes with a substantial fee or ongoing charges, including liens, for inspection and any abatement measures the city may take.⁴¹ For instance, Chula Vista, California, has implemented an abandoned-property registration program that requires deed holders to register with the city within 10 days of transfer from a family to a bank.⁴² The deed holder is then required to maintain the house consistent with how other homes in the neighborhood are maintained.

Simple measures can have a big impact. Cleveland and Chicago experimented with boarding up windows of abandoned homes with decorated boards.⁴³ Not

only do these boards simply look better, but they also tell would-be thieves that someone has invested in the home and is keeping a watchful eye on it.

In addition, cities can create a land bank, which is a government entity—or sometimes an independent public entity subject to interlocal agreements—that focuses on the conversion of vacant, abandoned, and tax-delinquent properties into productive uses such as affordable housing, urban gardens, local businesses, and parks. Land-bank-authority legislation is regularly used in tandem with changes to property-tax laws in order to streamline the tax-foreclosure process, as well as to acquire property in code violation or under title dispute. Cities should allow the land bank to sell properties at market rate to the private sector or below market rate to projects that serve the public interest.

Land banks empower communities to determine the course of their own neighborhoods. They are a tool to address many of the problems associated with urban blight. They can also increase a locality’s tax base and school funding by transferring land to responsible owners. Further, they can increase public safety by revitalizing areas with criminal activity, boost environmental health by restoring hazardous brownfields, and expand housing security by providing affordable housing and restoring neighborhoods. Land banks keep property under community control rather than allow it to go to out-of-state speculators.

Land banks vary in regard to governance, funding, sources of property, mission, power to extinguish property taxes, and disposition pricing to fit each jurisdiction’s legal structure and priorities. The Center for Community Progress⁴⁴ offers guidance on setting these up.

Major land banks exist in St. Louis, Cleveland, Louisville, and Atlanta. In 2003 Michigan passed the most extensive land-bank-authority statute in the nation, allowing localities to address the economic decline that has overwhelmed the state.⁴⁵ The Genesee County Land Bank is helping to revitalize the city of Flint, Michigan, developing programs for greening and cleaning empty lots, demolishing dilapidated homes and buildings, renovating housing, setting up rent-to-own programs, facilitating sales under land contract, doing side-lot transfers, and preventing foreclosures.⁴⁶

The Detroit Land Bank Authority has made a significant impact in restoring homes and neighborhoods, and is using their capacity for creative goals.⁴⁷ Its “Live Where You Protect and Serve” project subsidizes police residency to reinforce neighbor-

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hood stabilization.⁴⁸ This is just one example of how land-bank authorities can tailor incentives and services to meet the particular needs of their community.

Finally, cities should encourage refinancing options for families whose homes are underwater, meaning they owe more on the mortgage than their home is worth. Providing financial or other incentives for homeowners with government-sponsored loans to refinance through the federal Home Affordable Refinance Program, or HARP,⁴⁹ is one option. For privately owned loans for which there is no other available option, consider purchasing the mortgages, reducing the principal to what the home is actually worth—rather than what is owed on the original mortgage—and refinancing them; if investors will not sell them, consider using eminent domain to obtain the mortgages.

Richmond, California, an area with thousands of properties in foreclosure and half of all homeowners with mortgages underwater, is considering a dramatic approach to dealing with properties in danger of foreclosure. The city is offering to buy certain mortgages, and if the holders refuse, would use eminent domain⁵⁰ to seize them and allow the homeowners to refinance their mortgages at a lower rate and based on what the home is actually worth, rather than what they owed on the original mortgage.⁵¹ This could prevent many foreclosures in Richmond alone and has the potential to be a game-changer if successful.

Preserve affordable housing

Background

The availability of affordable housing has been declining for decades.⁵² Since 1995, one in five affordable units has been lost,⁵³ and between 1995 and 2005, for every three rental units developed, two were demolished or otherwise made unavailable. Many of the new units created were not affordable either.⁵⁴ In addition, the current recession has lowered household incomes and has altered what is considered affordable for families. Nearly half of all renters pay more than 30 percent of their income for housing, and only one-third of low-income renters receive housing assistance.⁵⁵

Clearly, we need to preserve as much of the existing affordable housing stock as possible. The problem is that the market is moving in the opposite direction. Most affordable housing is created with some sort of subsidy; for decades the federal gov-

ernment has been the primary source of such subsidies. Unfortunately, federal funding only carries an affordability restriction—a requirement that the housing created remain affordable—for a certain time period, usually 20 years. Units created with such funds have been “timing out” of affordability at least since the 1990s. More than 1 million of these units will reach the end of their affordability restrictions by 2013,⁵⁶ at which time the owners may convert them to market-rate housing.

In addition to units “timing out,” the burst of the housing bubble left many property owners struggling financially and has caused some landlords to go into default or foreclosure. Others have stopped investing in the upkeep and improvement of their properties. In some housing markets, “predatory equity” firms—speculators that promise impossibly high rates of return on housing investments—bought affordable-housing complexes with the intent of forcing out the current tenants and raising rent high enough to fulfill those promises.

In general, the cost of preserving affordable units is much lower than building new ones, even if the existing units require upgrading. In strong housing markets, preservation is often a way to retain affordable housing in areas where it would be hard to create new affordable units. In addition, existing units are more likely to be close to amenities such as public transit, which can be crucial for residents who need affordable housing.⁵⁷

There might be, however, cases where preservation of units is not appropriate—for example, they may not meet the principles outlined in the introduction to this chapter or may be so deteriorated that demolition is the only option. In that case, complete replacement at the same or deeper level of affordability becomes the goal.

Crisis intervention

Similar to the single-family-home foreclosure crisis addressed in the stabilizing neighborhoods section, multifamily buildings were hard hit by the housing collapse. The consequences of property neglect or foreclosure in a multifamily building are magnified, however, and are often borne by the tenants, who had no role in causing the problem, as well as the surrounding neighborhood. In order to prevent tenants from losing their homes or being forced to live in deteriorating buildings, local governments need to identify potential problem properties and take steps to intervene.

One tool to track such properties and catch problems early is a property inventory combined with a system of registering or licensing landlords. Cities should institute a landlord registration or license program for all multifamily-housing operators and consider including all nonowner-occupied housing. Baltimore requires the registration of all nonowner-occupied housing, including the contact information of a manager or other responsible party, and the licensing of all multifamily-housing operators.⁵⁸

Once problems are identified, local governments can help landlords implement best practices and access resources or can apply pressure on landlords to do the right thing or sell to someone who will.⁵⁹

Local governments should create a task force or staff initiative tasked with identifying and tracking multifamily properties with the potential for problems such as neglect, foreclosure, or predatory purchase. They should then empower the task force or initiative to use a variety of tools, including staff expertise, existing programs and funding, political pressure, and tenant education and organizing.

One example is the New York City Predatory Equity Task Force, which tracks properties and uses a variety of tools to convince landlords to invest in their properties. Another example is the Chicago Troubled Building Initiative,⁶⁰ funded in part by CDBG dollars, which identifies properties of concern and brings to bear the expertise of a team of city staff on the issues.⁶¹

Tenant education and protection

In addition to the protections outlined in the fair housing section, local governments should pay particular attention to protecting, educating, and empowering low-income tenants. These tenants are less likely to understand or be proactive about code violations and their own rights, and are more likely to be subject to harassment, pressure to move, and illegal eviction. Local governments should pass just-cause eviction laws,⁶² which limit evictions to a specific list of causes, such as failure to pay rent, and develop clear, accessible enforcement mechanisms for tenants' rights and programs to protect, educate, and empower low-income tenants.

In addition to a just-cause law, Berkeley, California, requires landlords to pay interest on security deposits.⁶³ And New York City regulates how far in advance a landlord must notify a tenant that they will enter the unit.⁶⁴ Cities should have

clear, accessible enforcement mechanisms for tenants' rights and should have programs to educate and support tenants. Seattle provides tenants' rights information in a multitude of languages, detailing both city ordinances—including its just-cause evictions law—and state law.⁶⁵ Phoenix runs a state-certified landlord-tenant counseling program that educates tenants and landlords, provides mediation, and offers workshops.⁶⁶

Prevent unnecessary demolition

Local governments have a substantial interest in preserving existing buildings that are in good shape or can be rehabilitated, particularly if those buildings contain affordable housing. Cities should require review of all demolition permits, especially those of existing housing stock, and provide a way to review post-demolition land use even if it is otherwise by right. They should also consider a demolition tax or fee (see the financing section for more details) to help prevent the unnecessary demolition of useful buildings or a pattern of “demolition by neglect.”

Municipalities should also consider a “no net-loss” housing policy, where developers would be required to replace housing units before demolishing any or to contribute to a fund that would do so. One of the dangers in allowing demolition of affordable housing is that the tenants will be displaced and unable to find replacement housing. If at all possible, cities should require that replacement housing be built first. Minneapolis,⁶⁷ Los Angeles,⁶⁸ and San Francisco have implemented such policies focused specifically on single-room occupancy, or SRO, buildings and residential hotels, requiring one-to-one replacement of residential hotel units before conversion or demolition can take place.⁶⁹

If demolition cannot be prevented, landlords should be required to assist low-income tenants in finding suitable, affordable housing. For some, this may require case management—for others, financial assistance. San Diego, for example, requires building owners that want to convert units to condominiums, which has the same effect on tenants as demolition, to provide relocation assistance equal to three months' rent when the city's rental vacancy rate is below 7 percent.⁷⁰

Local government must also be mindful of creating disincentives for property owners to invest in their buildings. If even small repairs trigger a requirement to bring the entire building up to the same code that new construction is subject to, there is a substantial disincentive to do those repairs. If possible under state law,

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adopt a rehabilitation code that connects the level of improvements required in existing buildings with the scale of the initial project.⁷¹

Saving 'timed-out' properties

Because many federal affordable-housing programs require affordability for a limited time—usually not longer than 20 years—many subsidized properties are “timing out” and are in danger of converting to market rate. We cannot afford to lose this affordable housing stock, and the tenants in these properties do not deserve to be displaced. Local governments should act now to determine which and how many properties are timing out, and develop a plan to maintain them as affordable.

One tool to discover these properties is to require that all affordable-housing owners provide notice to the city and to each tenant before converting to market rate or to condominiums—a minimum of one year’s notice. If a tenant’s lease expires during the notice period, it must be extended until the end of the period. Boston requires five years’ notice to senior, disabled, and low- and moderate-income tenants with lease extension.⁷²

Notice laws are often coupled with the right of first refusal for the city, the tenants, or both. Wherever possible, usually as a condition of funding, it is important to reserve the right of first refusal for the city, the tenants, or both in the case of a conversion to market rate. These laws either give a timeframe in which the city or tenants can make an offer on the property or allow them to match private-sector offers. Allow tenants to assign their right to buy to an entity that has experience buying and running affordable housing.

San Francisco has a comprehensive ordinance⁷³ that essentially gives the city right of first refusal on HUD-financed properties that are sold, and requires owners selling such properties to provide relocation assistance to low-income tenants who are displaced by a conversion to market-rate rents.

Another key element is the availability of flexible funding when tenant groups seek to make a purchase. This could be in the form of a dedicated local fund or a set aside in a housing trust fund.⁷⁴ The Washington, D.C., Tenant Opportunity to Purchase Act gives tenants 120 days after notice to negotiate a sale and another 120 days if a lending institution will certify that the tenants have applied for financing.⁷⁵

Financing tools are particularly important for owners of buildings that are “timing out” of affordability requirements,⁷⁶ as they may be anticipating increased income from raising rents. Outright purchase of existing affordable properties that are timing out or otherwise in danger of becoming unaffordable is usually not the first choice of local governments. But it should be considered if the local government has a strong public housing and/or redevelopment authority.

Alternatively, government may partner with nonprofit affordable-housing providers to help finance a purchase. The Community Preservation Corporation in New York City provides funding for affordable multifamily housing. While it is a nonprofit funded by financial institutions, it works closely with the city’s Department of Housing and Preservation.⁷⁷ Portland, Oregon, in partnership with the state of Oregon and the MacArthur Foundation, is expanding a revolving loan fund dedicated to the purchase of at-risk properties.⁷⁸

Maintaining quality and affordability

The economics of property ownership and management are key to maintaining affordable rents for tenants.⁷⁹ Local governments can improve the economic equation for property owners, but should only do so in return for improved conditions for tenants and neighbors, and a guarantee of continued affordability. Local governments can establish grant and loan programs to provide property owners with funds for rehabilitation or to refinance debt. Chicago offers grants funded by tax-increment financing⁸⁰ to owners of buildings with five or more units.⁸¹

Depending on the diversity of building stock in its jurisdiction, a city may want to tailor financing programs to different classes of buildings or types of owners. New York City, for example, plans a Small Owner Repair Program, which will provide forgivable loans in return for maintenance agreements and continued affordability.⁸² And Los Angeles uses information gathered from its rental-inspection program to identify owner-occupied two- and four-unit buildings that need financial assistance for repairs. The program provides deferred loans and grants to owners for specific improvements.⁸³

Create affordable housing

Background

While preserving affordable housing is almost always easier and cheaper than building it new, the creation of affordable units is an important part of any comprehensive housing plan. In the current economic climate, it is more important than ever that families have access to affordable housing. Population trends, particularly the aging of the Baby Boomers, will mean that many affordable units for seniors will be needed.

Local governments need to consider multiple factors in their planning; not the least of which is financing, which is covered in the next section. There are distinct differences between local housing markets, and what works in one market may not work in another.

The balance between affordable rental and affordable homeownership is an important consideration. Nationally, there has for decades been a strong focus on ownership as the ideal, despite the fact that it does not make sense for every family and is not accessible to many. Another consideration is the location and type of housing created—size of building, number of bedrooms—in most cases a diversity of types is desirable, but the exact balance will depend on existing housing stock. In addition, the level of affordability is important. Cities need the full range of options, from market rate to very low income; 30 percent of area median income or less.

In any event, local governments should commit to the creation of affordable housing as a policy goal. In setting affordable-housing policies, cities should make a detailed assessment of the current housing stock and market in their region, in cooperation with neighboring and overlapping governments, and as part of a comprehensive housing plan that integrates land use and transportation components.

Land use and planning tools

The American Planning Association's policy statement on housing opens with this paragraph, which contains the essential ingredients of a comprehensive housing plan:

In order for communities to function, there must be an adequate supply of housing in proximity to employment, public transportation, and community facilities,

In the current economic climate, it is more important than ever that families have access to affordable housing.

such as public schools. The housing stock must include affordable and accessible for sale and rental units, not only to meet social equity goals, but also in order to ensure community viability. The development of a diverse and affordable housing stock must be carried out without sacrificing sound regulations that are in place to protect the environment and public health.⁸⁴

All local governments should develop a comprehensive housing plan that includes specific goals for the creation of affordable-housing units, based on the assessed need in their jurisdiction. In general, affordable housing should be close to employment centers and public transit; located in mixed-income neighborhoods and in some cases buildings; distributed among school-attendance areas; and consisting of a variety of types, from mobile homes and backyard cottages to large multifamily complexes to specialized or supportive housing situations. Housing plans will be more effective if they are regional, so governments should make every effort to work together.

The Metropolitan Washington Council of Governments in Washington, D.C., adopted a series of housing goals in 2001⁸⁵ that identified the number of units needed to keep pace with job growth. It called for the establishment of a housing trust fund, emphasized the need to locate housing near transportation hubs and employment centers, and highlighted the preservation of well-distributed, affordable housing throughout the region. This kind of regional planning has the advantage of a comprehensive view, but it relies on individual jurisdictions to implement the majority of the initiatives.

City-level planning is essential as well. In 2000 Boston began its “Leading the Way”⁸⁶ initiative, which quantified the need for new housing units at various levels of affordability, set specific goals for unit creation, dedicated significant city resources, and called on the private sector to more than match that investment. Since then, the city has seen the creation of more than 20,000 units and the preservation of more than 12,000 units. Key strategies included increasing the supply of public housing, making city-owned land available for affordable housing development, and providing financing to developments.

As the market has changed, Boston has updated its strategy twice; the latest plan focuses on maintaining affordability in the city’s most expensive neighborhoods, providing housing for service workers, dealing with the foreclosure crisis, combating homelessness, and stabilizing the rental market—particularly preventing the loss of “timed-out” units.

Boston's plan is notable for its specific, quantifiable goals based on good data about the housing stock and market and its aggressive action to meet those goals, both via the commitment of city resources and partnerships with the private sector.

Once a comprehensive housing plan is developed, there are many specific planning and zoning tools that may be appropriate for a local government to use. In general, land-use plans and zoning govern where housing can be located, how large buildings can be, and how many units they can contain.

Cities should have specific policies that favor development in already-developed areas, or infill development, as opposed to the edges of the city,⁸⁷ particularly on sites near employment and transportation options. Billings, Montana,⁸⁸ adopted a policy that outlines a number of specific strategies to promote infill development. Consider identifying a preapproved floor plan or site layout to make the approval of neighborhood infill easier. Portland, Oregon, has identified pre-approved building designs⁸⁹ of multiunit buildings for certain infill sites to further their housing goals.

Because there are economies of scale in developing affordable housing, higher-density housing⁹⁰ should be allowed in many areas by right. Zoning codes should allow for the adaptive reuse of existing buildings as affordable housing as well. The Los Angeles Adaptive Reuse Ordinance provides certainty and streamlined permitting for projects converting commercial buildings to residential or live and work units.⁹¹

Cities should also promote accessory dwelling units, or ADUs, sometimes called “granny flats” or backyard cottages,⁹² as a way to increase density in existing neighborhoods and create affordable housing. Several cities, including Seattle⁹³ and Portland, Oregon,¹⁰⁴ do so. In each case, a change in zoning was required to allow these units. Seattle has even identified a pre-approved floor plan to make the creation of these units easier.

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.⁹⁵ 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:⁹⁶

- **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.⁹⁷
- **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.⁹⁸
- **The percentage of affordable units required should be high.** The Boulder, Colorado, program begun in 1980 requires 20 percent of units to be affordable.⁹⁹
- **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.¹⁰⁰ San Francisco requires 5 percent more affordable units if they are produced offsite.¹⁰¹
- **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.¹⁰² 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 affordability, at the level of 50 percent of AMI or lower. Seattle¹⁰³ 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.¹⁰⁴

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.¹⁰⁵

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.¹⁰⁶

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.¹⁰⁷

Improving housing assistance

Public housing authorities, or PHAs, manage public housing and administer housing-choice vouchers, better known as Section 8.¹⁰⁸ Section 8 is a tenant-based subsidy where recipients pay 30 percent of their income toward rent and the voucher covers the rest of the cost. As this is a federal program, most of the reforms or improvements to it must happen at the federal level. There are, however, management practices that PHAs can use to improve the program's impact.

Recipients may have trouble finding housing that meets both their needs and the requirements of the program. This may be because landlords are not required to accept vouchers as a form of payment, because recipients have trouble finding or accessing open units, or because there is an actual shortage of appropriate units. As discussed in detail above, the latter issue is dealt with by increasing the supply

of affordable housing of the type (e.g., number of bedrooms) and at the level of affordability required by voucher recipients.

One of the perceived benefits of the housing-voucher program is to geographically distribute low-income households. This requires available units in a variety of neighborhoods. PHAs can work to educate landlords and market the voucher program to increase acceptance. Local governments could also give priority for funding to projects that accept vouchers or require them to do so as a condition of funding. In addition, local governments can rigorously enforce laws prohibiting housing discrimination (see the fair housing section).

As with other types of affordable housing, high concentrations of poorly managed properties rented by voucher holders may generate opposition because of fears about neighborhood decline. Working with landlords to improve their property-management practices is important (see the high-quality housing section), as is making sure tenants are connected to the appropriate supportive services.

Finally, PHAs can improve their communication with, and offer more assistance to, voucher recipients. PHAs should simplify briefings and informational materials so that families better understand their options, and provide better information about transportation, services, and amenities available in different neighborhoods coupled with information about available units. Some families may need more direct assistance locating housing or transportation during the housing-search process to expand the geography of their search.

Creating supportive housing

In their housing plans, local governments should pay particular attention to the availability or production of supportive housing. Housing may be “supportive” in a number of different ways, but basically the term means affordable housing linked to services that help individuals and families live more stable, productive lives.

Such services may be supplied by the—usually nonprofit—housing provider or by an outside provider via contract, and may be funded as part of the property’s financial plan or by outside grants, including community or social-services funding from governments.¹⁰⁹

Services may include:

- Case management
- Substance-abuse and mental-health counseling
- Child care
- Youth programing
- Gardening or urban agriculture
- Food banks
- Re-entry services
- Adult education and English as a second language, or ESL, programs
- Employment programs
- Financial-literacy programs

Providing such services in the context of housing improves housing stability, employment, mental and physical health, school attendance, and results in lower costs to government via decreased use of homeless shelters and services, emergency rooms, jails, and prisons.¹¹⁰

Cities should pay particular attention to providing supportive housing for seniors, people with disabilities, and the recently or chronically homeless. And PHAs need to pay attention to accommodating people with disabilities in their projects, not just in the design and administration but also with the provision of appropriate supportive services.¹¹¹ Allegheny County, Pennsylvania, developed permanent supportive housing for mentally ill individuals in the context of a larger plan to reduce their reliance on hospital, emergency shelter, and criminal justice resources.

Senior housing is of particular concern given demographic trends. Already, many seniors are burdened by housing costs, and many seniors in subsidized housing are frail or disabled.¹¹² As an increasing percentage of the population falls into the “senior” category, a wider range of “senior” housing will be required, from “empty-nester” apartments and condos to supportive housing to assisted living to skilled nursing facilities. The private sector will certainly provide market-rate options, but local governments will need to ensure that affordable options are available as well.

Cities should consider targeting some of their affordable housing dollars to senior options, and should form partnerships for service delivery. Lapham Park, a Milwaukee PHA property, provides health care services on site for seniors via a partnership with the Milwaukee County Department of Aging, Community Care Organization, St. Mary’s Family Practice Clinic, the Milwaukee Area

Cities should pay particular attention to providing supportive housing for seniors, people with disabilities, and the recently or chronically homeless.

Technical College Dental program, Marquette University School of Nursing, and the YWCA. Services include health assessments that are often as part of student training, health-promotion programming, exercise opportunities, and access to primary and critical care.

The Just for Us program in Durham, North Carolina, is a partnership between Duke University Medical Center Division of Community Health, the Lincoln Community Health Center, the Durham County Department of Social Services, the Durham County Health Department, the Council on Senior Citizens, and the City of Durham Housing Authority. It provides seniors and disabled adults with primary care, mental-health services, and care management. In addition to monitoring chronic medical conditions, the program provides case management, assistance in applying for benefits, and access to services such as Meals on Wheels and home health aides.¹¹³

Promoting homeownership

While the lowest-income families are likely to be served by rental housing, local governments still need to pay attention to the availability of affordable homeownership opportunities. That's because ownership provides a potential way to build equity for low- and moderate-income families, and the availability of workforce housing close to jobs is important for both employees and employers.

Cities can employ a number of strategies to increase affordable homeownership opportunities. As always, these should be integrated into a comprehensive housing plan specific to the local housing market. Prior to the recession, there was a marked policy preference for encouraging homeownership nationally. Cities should take a more balanced view now but should still support programs that make ownership affordable.

One option is housing cooperatives, which are likely to maintain a level of affordability since there is no profit motive—the building is owned by a cooperative corporation controlled by residents, who own shares or stock, and decisions are made democratically. Cooperatives generally have lower entry costs than other types of ownership.¹¹⁴

Many housing cooperatives target or limit membership to a particular group, such as artists, students, or seniors, for example. Others have an open membership. Residents may occupy a room, an apartment, or a whole house, depending on the

cooperative. The Madison Community Cooperative in Madison, Wisconsin, began as a student cooperative but now owns and operates several properties open to all.¹¹⁵

A local government's role in promoting market-rate cooperative housing is generally limited to ensuring that it is allowed in residential areas under the zoning code.

Shared equity is another approach to affordable homeownership. These programs help income-eligible families purchase homes at below-market prices. In return, restrictions are placed on the resale of the property, including the need to sell to another income-eligible buyer and a limit on the amount of accumulated equity the seller can retain; the equity is shared with the program that provided the initial subsidy. Such programs create a supply of homes that will continue to sell at an affordable price, while still allowing first-time buyers to become homeowners and accumulate some equity.¹¹⁶ These programs may be structured as shared-equity cooperatives or as “silent” second mortgages,¹¹⁷ where no payments are due until the sale of the property.¹¹⁸

San Francisco offers a program where both the initial purchase and subsequent resale prices are tied to the income level of the buyer, not to the market value of the home. The program is targeted to households earning 55 percent to 120 percent of area median income, who would likely otherwise be unable to purchase a home in the city.¹¹⁹

Another approach is a community land trust.¹²⁰ In this case, the trust, a nonprofit corporation, owns the land, and individuals own the homes, which are substantially less expensive without land costs. The Burlington Community Land Trust in Vermont was seeded by a \$200,000 grant from the city, and given access to a \$1 million line of credit by the city employees' pension fund to develop and preserve affordable ownership options in neighborhoods where home prices were rising.¹²¹ The Madison Area Community Land Trust in Wisconsin developed and manages the Troy Gardens project, an award-winning mixed-income co-housing and urban agriculture community.¹²²

Other ways to make homeownership affordable include lease-to-purchase, employer-assisted housing,¹²³ and first-time-buyer education programs. Pittsburgh uses Community Development Block Grants to support a lease-to-purchase program run by Bloomfield-Garfield Corporation, which renovates vacant housing and offers it to families with poor credit histories. An initial \$100 deposit and rent payments become the down payment once the family is able to secure a mortgage.¹²⁴

Cities can also provide funding to match employer-assisted housing programs or can provide them for their own employees. The Chicago Area Metropolitan Planning Council started the Regional Employer-Assisted Collaboration for Housing, which assists private companies in establishing programs to educate employees about homeownership and provide them with down-payment assistance.¹²⁵ San Francisco¹²⁶ offers comprehensive education and assistance to first-time homebuyers, as does the New Opportunities for Homeownership program in Milwaukee. A partnership of 46 financial institutions, homebuyer-counseling agencies, and the city of Milwaukee, the program provides education to individuals via the counseling agencies, providing the financial institutions with a pool of educated potential buyers. In return, the institutions offer standardized eligibility requirements, minimal loan-origination fees, prompt servicing, and referrals if a client is denied. The program also educates real-estate professionals about neighborhoods and programs available to their clients.¹²⁷

Fund affordable housing

Background

The critical component in both preserving and creating affordable housing is funding. Publicly managed housing requires both upfront construction funding and ongoing operations and maintenance support. Private projects usually require a public contribution in the construction or rehabilitation phase but may also need operating support, particularly for supportive housing. Other costs that should be considered are site acquisition and predevelopment costs.

While the funding available for affordable housing is generally insufficient to meet the need, it is available from a myriad of sources. This section will focus on the sources available to or controlled by local governments; a complete review of affordable-housing funding would include additional state and federal sources, as well as private and philanthropic ones.¹²⁸

Federal sources

The federal funds that local governments have the most control over are Community Development Block Grants¹²⁹ and HOME.¹³⁰ Use of these funds should help a community meet the goals of their housing plan.

HOME funds are targeted at providing housing for households with incomes less than the area median income. Communities should target these funds to the highest-need housing, which will usually be for low- and very-low-income families. It's important to use public dollars for the housing that the private sector is least likely to provide on its own. HOME funds may also leverage other investment.

CDBG funds are more flexible in their use, but they should also be targeted to produce the highest levels of affordability possible. CDBG funds can also be used as interest-free bridge or construction loans. Block-grant funds awarded to a jurisdiction that have not yet been committed to a project or drawn down can be used for interim purposes as long as they are still eligible and are secured. This is a low-risk way to reduce transaction and carrying costs for affordable-housing projects.¹³¹

Housing trust funds

Local governments should create an affordable-housing trust fund that can only be used for the preservation and creation of affordable housing. Allowed uses should match up with the goals of the local government housing plan, and funds should be allocated accordingly. Funds can be used for grants, loans, or both. Cities will need to identify a reliable source of funding to capitalize and replenish the trust fund.

Trust funds are segregated, dedicated funds that can only be used according to their governing documents. When structured correctly and connected with dedicated funding (see below), they can provide dependable funding for the preservation and creation of affordable housing. Because housing trust funds are funded and governed locally, they can be more flexible than federal or state funds and can be used to leverage other sources of capital.

Trust-fund governing statutes should specify both the process by which money is allocated and which uses are eligible, including levels of affordability and duration of affordability restrictions. Funds can be used for grants, loans, or both. Some trust funds set aside specific amounts or percentages to meet particular goals such as levels of affordability, geographic targeting, or acquisition of at-risk properties.

Chicago's Low-Income Housing Trust Fund is primarily focused on providing rental subsidies for very-low-income tenants. The fund is capitalized by one-time payments from large transactions such as the long-term lease of the Skyway Bridge or the city's parking meters. It also receives a portion of some development fees.¹³²

Affordable-housing trust funds may also be established in partnership with the private sector. The Santa Clara, California, trust fund is a revolving loan fund and grant program capitalized with close to \$20 million from both public and private sources.¹³³ San Antonio houses its trust fund in a nonprofit foundation whose board is appointed by the city council. It was capitalized by a one-time payment from the sale of a cable-television franchise.¹³⁴

Housing levies and bonds

One way to capitalize an affordable-housing trust fund, or to provide other dedicated affordable-housing funding, is via special levies or bond issuances. Housing levies almost always require approval via a ballot measure and may be governed by state law as well. Housing bonds may or may not need voter approval but will be governed by state and local rules regarding debt issuances. Of course, bond proceeds must be paid back, usually from the general tax levy. Special levies and bonds may be tied to specific projects identified in advance, or may be held and allocated to projects over time.

While these locally allocated funds can be powerful tools, they are also subject to the political climate. Because they are established by local action, they can be raided, reallocated, or abolished by local action as well. Voter approval may be a high barrier and may be difficult to achieve multiple times if reauthorization is required. Still, their flexibility and dedicated nature make bond issues and levies worth considering.

Austin, Texas, has successfully used general obligation bonding to support affordable housing. In 2006 Austin voters approved a \$55 million issuance by a 62 percent margin. Just over half of the funds went to provide housing for households making 30 percent to 50 percent of area median income, seniors on fixed incomes, and homeless individuals; the rest was used for working families earning 50 percent to 80 percent of area median income. The bonds are being repaid via the property tax, which is about \$6 a year for the average home.¹³⁵

In Florida, Miami-Dade County voters authorized the Building Better Communities general obligation bonds in 2004. These bonds will provide almost \$3 billion over 40 years for construction and rehabilitation of affordable housing.¹³⁶ Oak Park, Illinois, also funds its Diversity Assurance Program from bond proceeds. The program offers matching grants and low-interest loans for the

rehabilitation of small multiunit buildings, in exchange for agreement to list vacancies with the Oak Park Regional Housing Center, which focuses on maintaining a racially diverse tenant population.

Security improvement and garage-repair programs are also available.¹³⁷ Portland, Oregon, uses its bonding authority to issue private-activity bonds for multifamily housing projects that provide a benefit to the city. Private-activity bonds are guaranteed by and repaid from the revenues of the project they fund, and are not guaranteed by the city. They are tax exempt, however, and generally offer a lower interest cost than private financing.¹³⁸

Fairfax County, Virginia, had a “one penny for housing” real-estate tax levy that supported its affordable-housing preservation fund from 2005 through 2009. The program netted about \$20 million annually and was used to leverage other sources of funding to preserve rental properties where at least 50 percent of the units were available to families earning less than 50 percent of area median income. The program was discontinued when the board of supervisors reallocated the revenue to human-services programs to fill a budget gap.¹³⁹

Seattle has had a housing levy since 1981. Voters have approved it four times, and the program has funded more than 10,000 affordable apartments, provided down-payment loans to more than 600 first-time buyers, and given rental assistance to more than 4,000 households. The most recent levy, which was approved in 2009, will provide \$145 million over seven years at a median cost to homeowners of \$65 a year. It will preserve or produce 1,850 affordable homes and assist 3,420 households.¹⁴⁰

Other dedicated sources

In addition to bonds and levies, local governments may use other dedicated sources of funding to support affordable housing. One-time sources include air rights¹⁵¹ and proceeds from sales of municipal property. In both cases, local governments should pass an ordinance dedicating all or part of the proceeds to affordable housing via a housing trust fund, if one exists; otherwise funds are likely to be used to plug the budget hole of the moment.

Municipal property may also be donated or leased to affordable projects if appropriate. King County, Washington, has had an ordinance since 1996 requiring surplus property to be sold or leased for affordable housing. Each year, the property-services

division compiles a list of surplus properties and works with the Housing and Community Development Program to solicit proposals from housing developers.¹⁴²

The revenue from fees may also be reserved for affordable housing. Local governments may be restricted by state law, but if not, they can charge fees for different government services. Philadelphia charges a document-recording fee—a per-page charge for items such as birth certificates, deeds of trust, or marriage licenses—that varies from \$50 to \$75, and uses the proceeds of close to \$10 million a year for its housing trust fund.¹⁴³

Other fee revenue may be dedicated, but local governments should be careful not to make fees too onerous or regressive, and should generally maintain some tie between the service for which the fee is charged and the use of the revenue.

Similarly, the revenue—or a portion of it—from special taxes may be dedicated to affordable housing. Cities with a significant tourism industry that produces high numbers of low-wage jobs should consider a tourism or hotel and motel room tax to fund workforce housing.¹⁴⁴

A demolition tax or demolition permit fee is another option. Faced with the increasing demolition of affordable housing for luxury units, Evanston, Illinois, instituted a demolition tax of \$10,000 per structure or \$3,000 per unit, whichever is greater. In addition to discouraging demolition, the tax funds affordable-housing programs. Owner-occupants may receive a deferral or forgiveness of the tax, provided they continue to live on the site. Highland Park, also in Illinois, has a similar tax that raised more than \$600,000 a year the first four years it was implemented.¹⁴⁵

Real-estate transfer taxes, a percentage of the purchase price paid by the seller of property, can be convincingly tied to the need for affordable housing. They are not regressive and can be modified to exempt sales of homes below a set affordable price. Transfer taxes also have the advantage of discouraging the “flipping” of properties, and while they are cyclical, they are also likely to produce more revenue when affordability is more of a problem because of a strong housing market.

Finally, tax-increment financing, or TIF,¹⁴⁶ can be used to support affordable housing as well. In addition to supporting eligible, tax-generating projects that contain affordable housing with TIF, municipalities can set aside a portion of the increment generated in TIF districts to fund affordable housing. These funds can be used for city-led projects, but are more often distributed as grants or loans to nonprofit housing providers.

Salt Lake City uses TIF proceeds to fund its housing trust fund.¹⁴⁷ And San Francisco has a Citywide Tax Increment Housing Program, run by the mayor's Office of Housing.¹⁴⁸ At least 20 percent of the increment generated by TIF districts must be used for affordable-housing projects, in the form of grants and loans to housing developers. Importantly, funds do not need to be used within the district that generates them. From 1990 to 2008 more than \$428 million was used to create housing for low- and moderate-income families.¹⁴⁹ Portland, Oregon, sets aside 30 percent of the TIF proceeds from all districts for affordable housing.¹⁵⁰

House the homeless

Background

Homelessness is a national problem that affects people of all backgrounds. Based on the latest data available, there are more than 600,000 homeless individuals in the United States on any given night, almost 20 percent of whom are chronically homeless. More than a quarter of these people have a severe mental illness, and almost 35 percent of them have chronic substance-abuse issues. Additionally, more than 10 percent of them are veterans. In the course of a year, more than 1.5 million individuals will experience homelessness.¹⁵¹ The number-one reason for homelessness is the lack of affordable housing, exacerbated by individual challenges such as substance abuse, disability, and mental and physical health.¹⁵²

The costs of homelessness to society are very high. Medical treatment and hospitalization, police intervention and incarceration, and emergency shelter expenses add up quickly, making homelessness very expensive for the local governments that must deal with it. As usual, the federal funds available are insufficient.¹⁵³

Cities dealing with homelessness must consider not only the housing, health, and employment needs of homeless individuals but also their civil rights. For instance, homeless people have the right to vote, and homeless children have the right to a public school education.

As with housing, strategies to address homelessness should be based on a comprehensive plan¹⁵⁴ that is informed by data on the specifics of the local homeless population and the services available to them.

Many cities have developed plans to end homelessness with varying results. Boston's progress is notable. Between 1983 and 2003, the city focused on mini-

The number-one reason for homelessness is the lack of affordable housing, exacerbated by individual challenges such as substance abuse, disability, and mental and physical health.

mizing street homelessness via emergency shelters. It successfully eliminated families living on the street and reduced the rate of unsheltered homeless to one-twelfth of the national rate. In 2003 the city adopted a goal of ending homelessness and started using a housing-first strategy, where individuals are placed directly into supportive housing. The approach almost cut in half the number of adults living in emergency shelters.¹⁵⁵

Denver has also had success with its 2005 plan, Denver's Road Home. In two years, the city decreased overall homelessness by 11 percent and chronic homelessness by 36 percent. Key elements in Denver's success included strong leadership in the form of a large stakeholder council, a strong organizational infrastructure of service providers, and the use of public funds to leverage private contributions.¹⁵⁶

Prevention

As with many societal ills, preventing homelessness is often easier and less expensive than solving it. Assuring an adequate supply of affordable housing, as discussed above, is a necessary but not sufficient piece of the puzzle. Many communities have services that connect vulnerable populations with emergency services, cash assistance, and case management. These should be integrated into a prevention plan and supplemented where necessary.

In particular, cities should offer emergency rental-assistance programs to help families avoid eviction and subsequent homelessness. But obtaining rental housing can be more difficult than keeping it, because of start-up costs, such as security deposits, and discriminatory behaviors of some landlords against low-income households.¹⁵⁷ Prevention programs such as rental assistance or subsidies can help families avoid eviction and subsequent homelessness. The San Diego Housing Commission runs a prevention program using \$5.7 million in federal funds to provide vulnerable families payments to their landlord for security deposits, back rent, and rent subsidies for up to 12 months.¹⁵⁸

Vulnerable populations will also need specific attention to prevent homelessness. Many people become homeless after leaving an institution such as prison, foster care, or treatment for mental illness. Local governments need to develop a plan to house individuals in vulnerable populations. Prevention programs should work with institutions to create a clear path to housing for these individuals that includes case management, access to services, and housing assistance.¹⁵⁹

Boston's experience suggests that prevention costs about half of what it would cost to house an individual in an emergency shelter. The city supports a prevention strategy that includes an early warning system to identify at-risk individuals, rental-market stabilization, and shelter diversion.¹⁶⁰

Consider creating a housing support center to coordinate resources from various city departments into a one-stop shop for housing needs. The city of Philadelphia provides such a center.¹⁶¹

Emergency shelter

Because prevention is not always possible, local governments must provide emergency shelter. Entry into a shelter should not be considered a goal, however, but rather a step on the path to permanent housing.

Shelters should, whenever possible, offer clients a range of services such as substance abuse and mental-health counseling and referrals, education and job-training assistance, and criminal justice re-entry services. They also should be well connected to other prevention and housing services. The Hennepin County, Minnesota, Rapid Exit Program provides a housing-barrier assessment within one week of an individual entering shelter and makes referrals for individualized assistance to locate and secure housing.¹⁶²

Cities that fund shelters should structure contracts to give shelters incentives to move people into permanent housing while discouraging shelters from dealing only with the easiest clients by encouraging them to serve those with the most barriers to housing. Shelters also should be discouraged from using time limits or other sanctions that limit the time in shelter but do not contribute to rehousing.¹⁶³

San Diego operates emergency winter shelters, which provide housing and job counseling, mental-health screening, and drug and alcohol treatment.¹⁶⁴ The city also offers homeless individuals storage in a central facility that serves 350 people a day at a cost of less than a dollar per person.¹⁶⁵

Supportive programs and transition to housing

Services for homeless individuals and families should focus on transitioning them off the streets, out of shelters, and into housing. A housing-first strategy removes barriers to housing, such as requiring drug and alcohol treatment, and provides access to services on site or via other mechanisms. Outreach to homeless populations is a key tool for all homeless services and should be invested in.

A coordinated approach is needed as well. Boston identifies tools such as a universal housing database to provide real-time vacancy information and a coordinated housing-placement system as key.¹⁶⁶

Rapid rehousing—placing individuals in a temporary or permanent housing situation instead of a shelter—of homeless individuals is considered a best practice and should be adopted by cities. Mercer County, New Jersey, has reduced the demand for shelter or transitional housing by a third with a rapid-rehousing strategy. Hamilton County, Ohio, found that only 8 percent of homeless families that were rapidly rehoused returned to homelessness over two years, and Harris County, Texas, had a rate of only 6 percent.

Rapid rehousing can reduce time in shelter as well. Palm Beach County, Florida, rehoused 69 percent of families within 30 days, and Richmond, Virginia, reduced the median duration of homelessness for families by 50 percent. Alameda County, California, found significant cost savings as well. For each person exiting homelessness, rapid rehousing cost almost \$8,000 per person less than from shelter and \$22,000 less than from transitional housing.¹⁶⁷

One way to rapidly rehouse people is for public housing authorities to target a portion of public housing and housing-choice vouchers for homeless individuals. The Asheville, North Carolina, housing authority preferentially serves individuals who have been homeless more than 90 days and has a 90 percent success rate. Baltimore has a set aside for 500 chronically homeless.¹⁶⁸ Tacoma, Washington, partners with elementary schools to identify homeless families and prioritizes services to them, including vouchers and case management, if the families agree to keep their children in school.¹⁶⁹ Finally, Boston requires rental-housing developments with 10 or more units to set aside 10 percent of their units for homeless families or individuals with an income of less than 30 percent of the area median income.¹⁷⁰

Outreach to homeless populations is a key tool for all homeless services and should be invested in.

Homeless individuals and those recently rehoused will continue to need supportive services for at least a little while. Long-term supportive housing is discussed below, but even families and individuals who were homeless for a short period of time should be provided some support.

Many of these services already exist in the community, such as Temporary Assistance for Needy Families, Supplemental Security Income, Medicaid, other federal assistance programs, housing counseling, mental-health services, and the like. A successful exit from homelessness is more likely if individual and families are connected to these resources.¹⁷¹ Beyond Shelter in Los Angeles uses a housing-first model for homeless families and provides intensive case management to assist families to stabilize in housing.¹⁷²

Permanent housing

Permanent housing is, of course, the ultimate cure for homelessness. For some, achieving permanent housing may be relatively easy with access to the services described above. Others with higher barriers to housing will need long-term supportive services attached to their housing.

This supportive housing is usually targeted to people who have been chronically homeless because of other problems such as mental illness, substance abuse, or chronic medical problems. These individuals often cycle through emergency services at a very high cost to the public. Portland, Oregon, found that half the resources of its homeless system were consumed by just 10 percent of the people: the chronically homeless.¹⁷³

Permanent, affordable, supportive housing can break this cycle and can be more cost effective than other solutions. Supportive housing can reduce emergency-room visits by more than 50 percent, cut the use of detoxification services by almost 90 percent, and decrease the incarceration rate by more than 50 percent. New York City saves more than \$16,000 per supportive unit, which essentially covers the cost of supportive housing. In Portland, Oregon, the savings were more dramatic—almost \$25,000 per person per year, more than twice the cost of providing housing and services.¹⁷⁴

To promote permanent housing, cities should adopt a housing-first strategy that removes barriers to housing, such as requiring drug and alcohol treatment, and

provides access to services on site or via other mechanisms. The primary shift with a housing-first model is that services, which used to be provided sequentially and at the offices of the providing agency, are now provided where the clients are housed, usually with dedicated case managers engaging residents and monitoring their progress. Participation in services is not a requirement of housing, though complying with the law is. Primarily, housing-first models focus on helping clients be good tenants and providing services when the clients are ready.

Chicago decreased homelessness by 12 percent in two years using a housing-first approach.¹⁷⁵ And Quincy, Massachusetts, has doubled the availability of permanent supportive housing since 2004, resulting in a dramatic decline in the population of chronically homeless individuals.¹⁷⁶

Another strong example is the San Francisco Direct Access to Housing program, which provides permanent supportive housing for adults with mental illness, substance abuse, or chronic medical conditions. Improved health outcomes for these individuals include an 80 percent reduction in mortality for those with AIDS, glucose control for diabetics, and adherence to a medication regime for those with mental illness. The program also significantly reduced health care costs. Care for HIV-positive individuals cost \$14,000 less a year, and an overall two-thirds reduction in health care costs was realized after individuals moved into the Direct Access to Housing site. Significantly, half of the people who leave the program move to other permanent housing.¹⁷⁷

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