

BOUNCE FORWARD

*BUILDING THRIVING, HEALTHY, &
EQUITABLE COMMUNITIES*



MARCH
4 & 5, 12, 19, 25 & 26



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A Center of the Lincoln Institute of Land Policy


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Heidi Aggeler

Root Policy Research



Erin Clark

Urban Land Conservancy



Affordable Housing Crisis: How did we get here?

What to expect

Morning workshop: "Top down" state and regional initiatives to further affordable housing and housing development

Afternoon workshop: "Bottom up" local initiatives of Accessory Dwelling Units (ADUs) and Inclusionary Housing

A great day

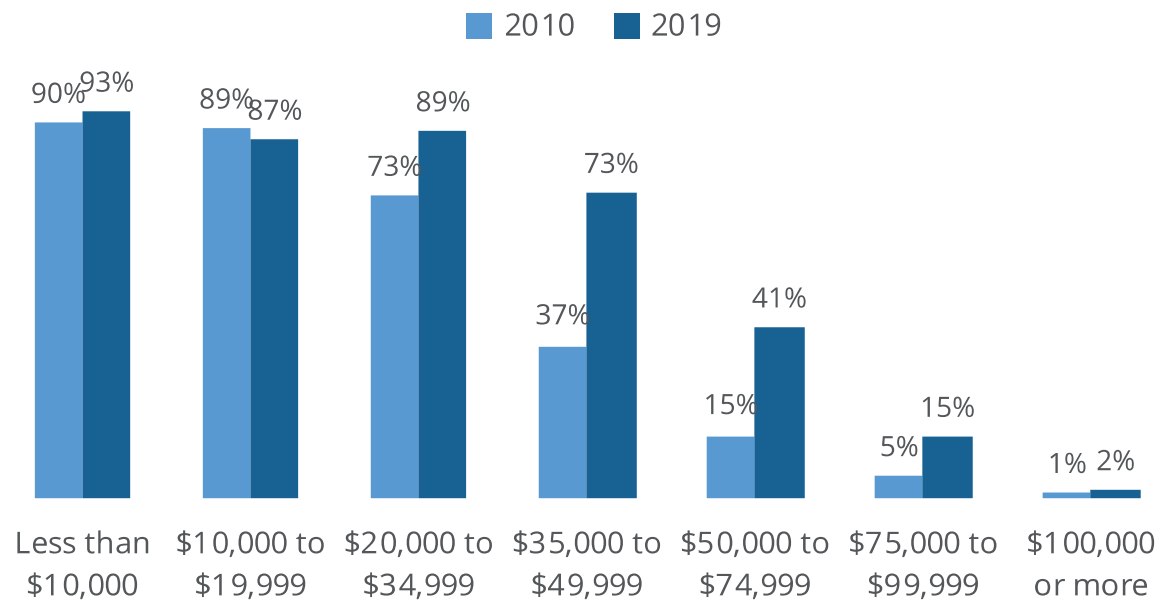
The Economist on Housing Policy

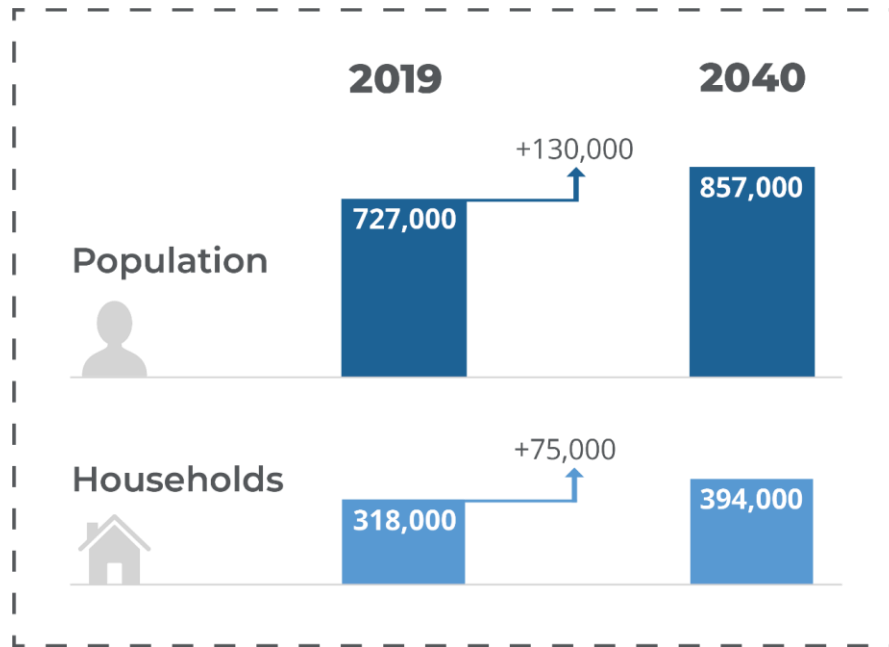
“A creeping dysfunction” that has restricted growth in urban, vibrant areas, led to aging homeowners sitting in “half empty homes protecting their view,” and created a generation of potential buyers stuck in rental housing feeling that “capitalism has let them down.”

--The Economist magazine, January 2020

Outcomes of Current Policy: Growing Cost Burden

Colorado Cost Burden by Income, 2010 v. 2019





High-growth employment industries:

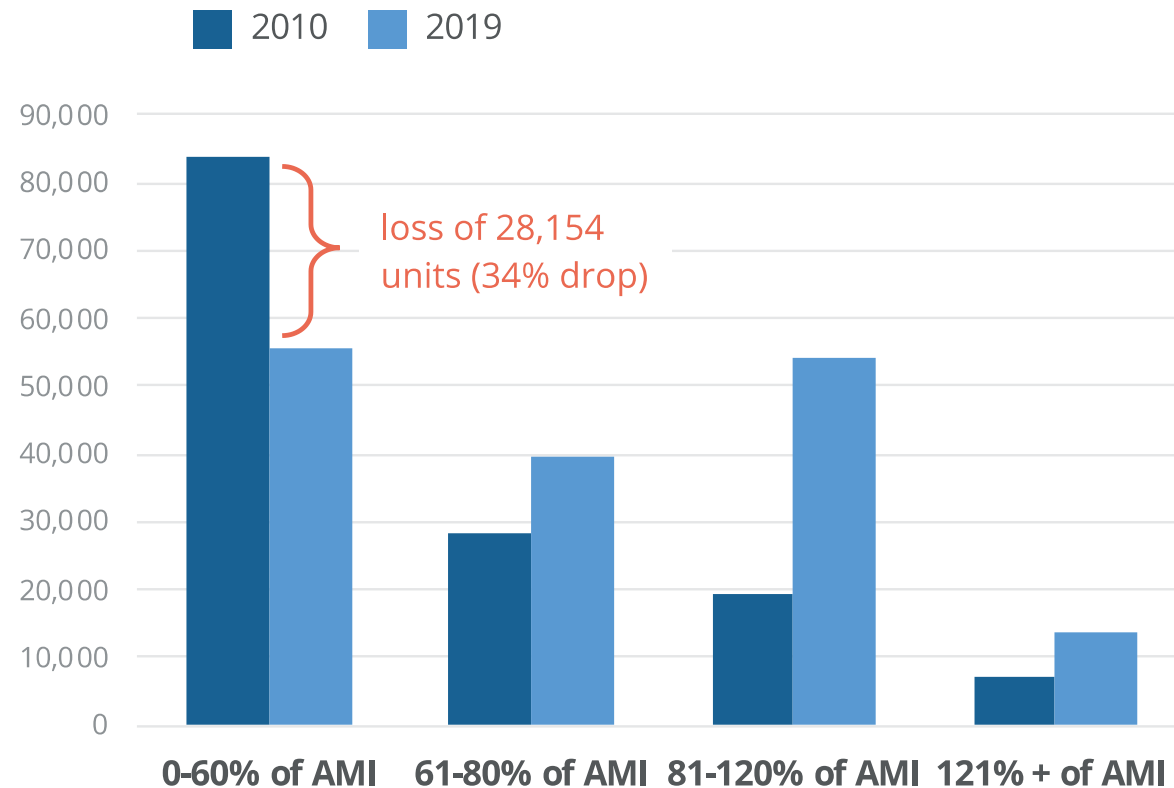
-  Professional/Business Services (high wage)
-  Leisure/Hospitality (low wage)
-  Education (low wage)
-  Health care (moderate wage)



Outcomes of Current Policy: Failure to Accommodate Workforce Growth

Outcomes of
Current Policy:
Loss of
Naturally
Affordable Units

Shift in Denver's Rental Market by AMI, 2010 v. 2019



Why Land Use and Zoning

What we know

- The way cities have developed in the past has not produced equitable outcomes. Zoning has been part of the problem.
- The way cities are continuing to develop is not producing equitable outcomes. Zoning is still part of the problem.
- Cities and counties do not operate in a vacuum: their restrictions on growth, on housing types, on affordability produce **negative externalities** for their neighbors, for our economy, and for people. Zoning is part of the problem.

What we know

- Zoning reform needs to be part of the solution.
- The impacts of zoning reform are still being tested.
- Doing nothing is worse than trying something.

Who's Leading the Way



ROOT POLICY
R E S E A R C H



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Don Elliott
Clarion Associates



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Rachel Heller

CEO

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Rocky Mountain
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About CHAPA



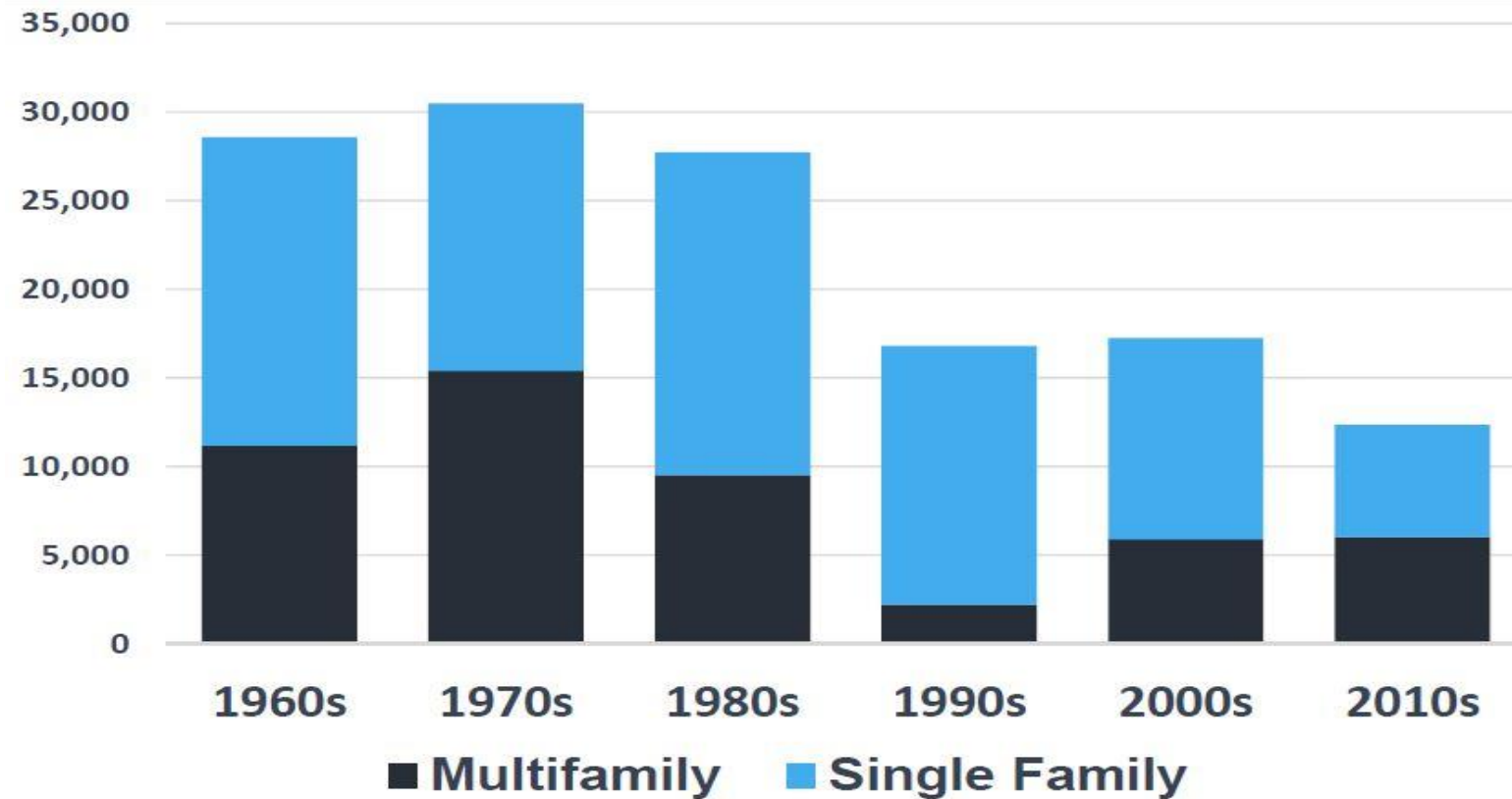
CHAPA'S MISSION IS TO ENCOURAGE THE PRODUCTION AND PRESERVATION OF HOUSING THAT IS AFFORDABLE TO LOW AND MODERATE INCOME FAMILIES AND INDIVIDUALS AND TO FOSTER DIVERSE AND SUSTAINABLE COMMUNITIES THROUGH PLANNING AND COMMUNITY DEVELOPMENT

Restrictive & Exclusionary Zoning Practices



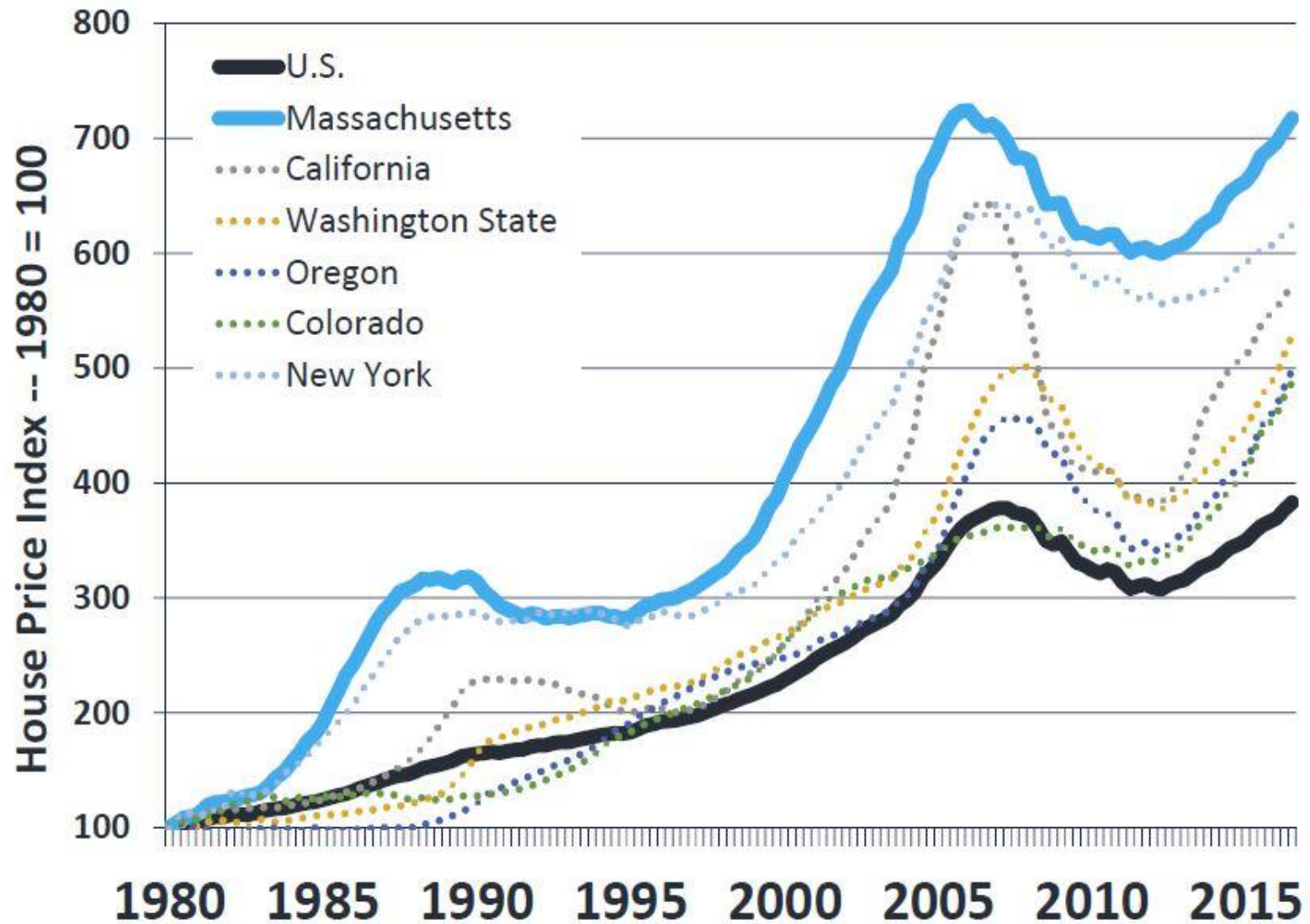
Source: Massachusetts Housing Partnership

Annual Housing Production in Massachusetts by Decade



Data source: Massachusetts Housing Partnership; U.S. Census Bureau, Building Permit Survey

Rise in Home Prices



Data source: Massachusetts Housing Partnership; Federal Housing Finance Agency, House Price Index – All Transactions

What Are We Doing About It?



Affordable Housing Laws & Programs at a Glance

- Chapter 40B, Affordable Housing Law
- Chapter 40R, Smart Growth Program
- State and Federal Public Housing
- Capital Budget Programs
- State Rental Assistance Programs
- Homelessness Prevention Programs
- Community Preservation Act
- Housing Choice Initiative

Housing Bond Bill

- \$1.8 billion authorization for affordable housing capital programs
- Extends & Expands:
 - Mass. Low-Income Housing Tax Credit
 - Community Investment Tax Credit
 - Historic Tax Credit
- Extends:
 - Mass. Historic Tax Credit
 - Housing Development Incentive Programs
- Creates commission to study housing for persons with disabilities

THE HOUSING BOND BILL RE-AUTHORIZES THE FOLLOWING BOND PROGRAMS:

Program	Authorization
Affordable Housing Trust Fund	\$400,000,000
Capital Improvement & Preservation Fund	\$125,000,000
Commercial Area Transit Node Housing Program	\$50,000,000
Community Based Housing	\$55,000,000
Facilities Consolidation Fund	\$65,000,000
Home Modification Loan Program	\$60,000,000
Housing Innovations Fund	\$100,000,000
Housing Stabilization Fund	\$150,000,000
Public Housing	\$600,000,000
Public Housing Demonstration	\$50,000,000
Workforce Housing Initiative	\$100,000,000
Early Education & Out of School Time	\$45,000,000
Total	\$1,800,000,000



FY2021 State Budget for Affordable Housing

Program	FY2021	FY2020
Mass. Rental Voucher Program	\$135,000,000	\$116,000,000
Alternative Housing Voucher Program	\$12,526,596	\$8,000,000
Public Housing	\$80,000,000	\$72,000,000
Residential Assistance for Families in Transition	\$54,700,000	\$21,000,000

Housing Choice Law

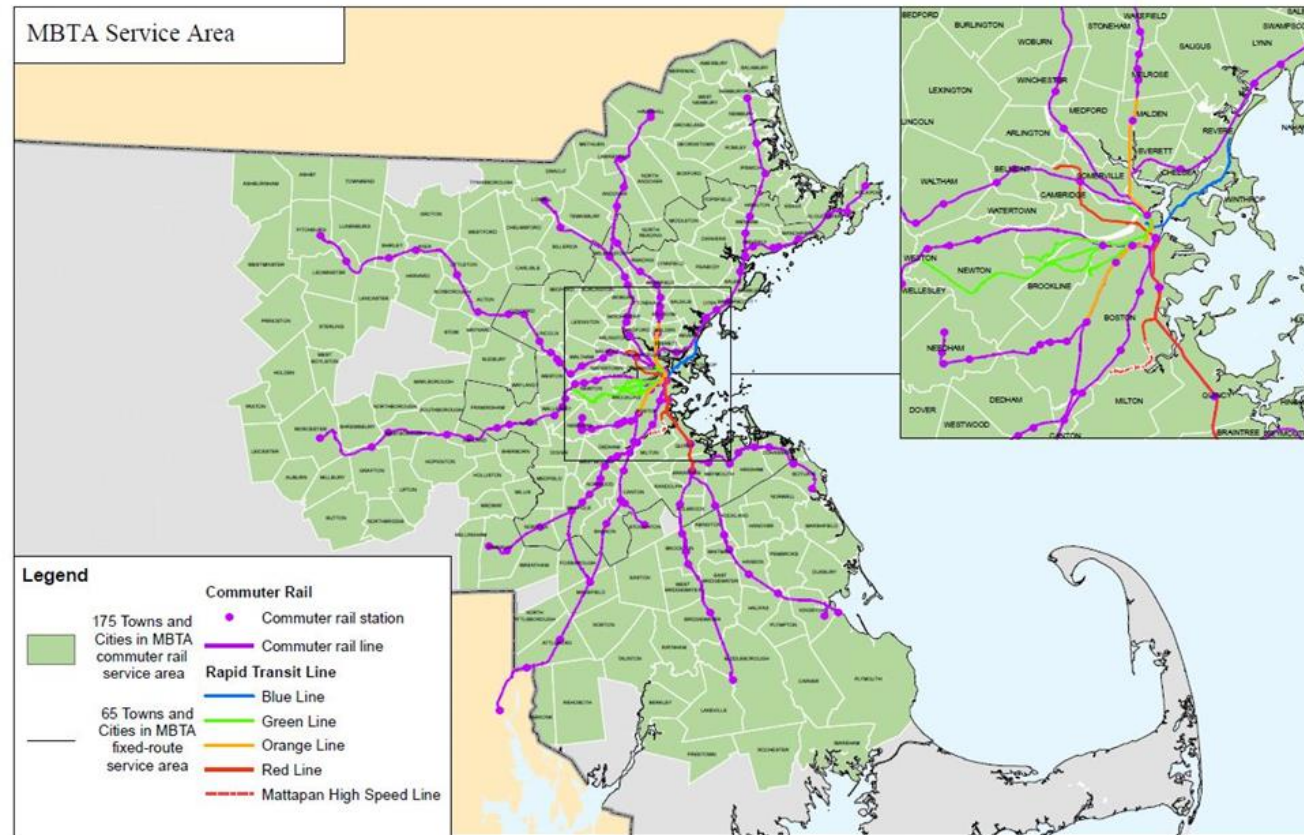
This new law reduces the required vote from 2/3 supermajority to a simple majority for certain smart growth zoning changes:

- Adopting mixed-use, multi-family, & 40R zoning in town centers & near transit
- Adopting cluster zoning
- Reducing parking & dimensional requirements, such as minimum lot sizes
- Allowing transfer of development rights
- Allowing accessory dwelling units (ADUs)
- Adopting special permits for mixed-use or transit-oriented affordable housing developments

Multifamily Zoning Requirement for MBTA Communities

- New Section 3A of Zoning Act requires that an **MBTA community** shall have **at least one zoning district** of reasonable size in which multi-family housing is permitted as of right and meets other criteria, including:
 - Minimum gross density of 15 units per acre
 - Not more than 1/2 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.
 - No age restrictions
 - Suitable for families with children.
- Municipalities that do not comply will be ineligible for Housing Choice Grants and MassWorks Grants

MBTA Communities



Thank you!





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Adam M. Gordon, Esq.
Executive Director
Fair Share Housing Center





THE MOUNT LAUREL DOCTRINE: A FAIR SHARE SYSTEM FOR BUILDING AFFORDABLE HOMES

Adam Gordon, Executive Director
Fair Share Housing Center

Rocky Mountain Land Use Institute
March 25, 2021

The Mount Laurel Doctrine

“In Mount Laurel I, this Court held that a zoning ordinance that contravened the general welfare was unconstitutional. We pointed out that a developing municipality violated that constitutional mandate by excluding housing for lower income people; that it would satisfy that constitutional obligation by **affirmatively affording a realistic opportunity for the construction of its fair share of the present and prospective regional need for low and moderate income housing.** 67 N.J. at 174. [footnote omitted] This is the core of the Mount Laurel doctrine.”*

* Mount Laurel II, 92 N.J. 204-5 (1983)

Fair Housing Act of 1985*

- Implemented Mount Laurel I (1975) and Mount Laurel II (1983)

“The FHA codified the core constitutional holding undergirding the *Mount Laurel* obligation, see *In re Petition for Substantive Certification Filed by Twp. of Warren*, 132 N.J. 1, 12, 622 A.2d 1257 (1993) (citing to *Mount Laurel* obligation found in N.J.S.A. 52:27D-302(a), (d), (e), -311(a), -314(a), (b)), and included particularized means by which municipalities could satisfy their obligation, mirroring the judicially crafted remedy.”**

*N.J.S.A. 52:27D-301 et seq.

**IN THE MATTER OF THE ADOPTION OF N.J.A.C. 5:96 AND 5:97 BY THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING, 215 N.J. 578, 585 (2013)

Fair Housing Act Implementation

- From 1987-1999, process put in place through Council on Affordable Housing (COAH) that produced about 65,000 homes, though some significant shortfalls, most notably Regional Contribution Agreements where wealthy towns could buy out of half of obligation
- 1999-2015, COAH passes rules twice found unconstitutional and generally stops functioning in accordance with constitutional and statutory mandate.
- 2015: “Mount Laurel IV” – NJ Supreme Court finds agency is no longer functional and transfers 300+ pending cases to trial courts in response to motion to enforce litigants rights by FSHC

Establishment of Obligation in Mount Laurel Settlement Agreement

3. FSHC and Mount Laurel Township hereby agree that Mount Laurel's affordable housing obligations are as follows:

Rehabilitation Share (per Kinsey Report ¹)	86
Prior Round Obligation (pursuant to <u>N.J.A.C. 5:93</u>)	815
Third Round (1999-2025) Prospective Need (per Kinsey Report, as adjusted through this settlement agreement)	1074
Portion of (1999-2025) Prospective Need deferred until 2025-2035 compliance period	492

Mount Laurel, NJ (Burlington County) Fulfillment of Third Round

6. The Township has implemented or will implement the following mechanisms to address its Third Round prospective need of 1074 units:

Development	Units	Bonus	Credits
Prior Round Surplus (existing)	5	0	5
FSHD Seniors – 100% affordable (additional units from Prior Round development – 154+30)	30	0	30
FSHD Stanley – Family Rental - 100% affordable tax credit development – to be developed on 6-acre parcel adjoining the FSHD senior development	36	0	36
ARK – Assisted Living (existing)	0	0	0
Shelter Group – Assisted Living (existing)	0	0	0
Laurel Green – Family Rental – inclusionary (existing)	60	60	120
Connell Tract and Ethel Lawrence 100% affordable development (funded in 2016; anticipated to be under construction in 2017)	60	60	120

Mitchell Davis – Family Rentals (approved in 2016)	22	22	44
Group Homes (existing; list attached hereto as Exh. A; documentation to be provided during compliance phase)	95	27	102
Fellowship Use Variance/VOA - 100% affordable tax credit development	102	0	102
Chase Tract Settlement – Family Rentals – inclusionary	100	200	200
Marne Highway Site – Block 12, Lot 15 – 64.7 acres to be used for residential development, with 20 percent set-aside	90	0	90
ARI Site - inclusionary - Block 30215, Lot 10 – mixed use development planned with 40 of 67.9 acres to be used for residential development, with 20 percent set-aside	120	0	120
Market to Affordable Program (parties have determined sufficient units are available for this program and that a realistic opportunity may be provided; documentation to be provided during compliance phase)	100	0	100
Extend Controls (list attached hereto as Exh. B; documentation to be provided during compliance phase)	35	0	35
Total	855	269	1124

Regulatory Barriers: Presumptive Densities

5:93-5.6 Zoning for inclusionary development

- (a) Municipalities that choose to provide zoning for inclusionary development shall select sites that conform to the criteria in N.J.A.C. 5:93-5.3 and shall submit the information required in N.J.A.C. 5:93-5.3.
- (b) The Council's review of municipal plans to zone for inclusionary development shall include, but not necessarily be limited to: the existing densities surrounding the proposed inclusionary site; the need for a density bonus in order to produce low and moderate income housing; whether the site is approvable, available, developable and suitable pursuant to N.J.A.C. 5:93-1.3; the site's conformance with the SDRP pursuant to N.J.A.C. 5:93-5.4; the existence of steep slopes, wetlands and floodplain areas on the site; the present ability of a developer to construct low and moderate income housing at a specific density; the length of time an inclusionary site has been zoned at a specific density and set-aside without being developed; and the number of inclusionary sites that have developed within the municipality at specific densities and set-asides.
 - 1. When a municipality is receiving an adjustment pursuant to N.J.A.C.5:93-4.2, the municipality shall be required to zone inclusionary sites at a minimum gross density of six (6) units per acre with a 20 percent set-aside.
 - 2. In all other municipalities, when the review described in (b) indicates that such densities are appropriate, the Council shall require that a substantial percentage of inclusionary sites be zoned to allow market units within an inclusionary development to be constructed as single family detached units. For these sites, the Council shall generally favor a gross density of four units per acre with a 15 percent set-aside. Municipalities may also seek to zone sites for a gross density of five (5) units per acre with a 17.5 percent set-aside and six (6) units per acre or more with a 20 percent set-aside. The Council shall determine set-asides for densities between four (4) and (5) and between (5) and (6) through a process of interpolation.
- (c) The Council may require higher densities in circumstances including, but not limited to:
 - 1. Where the existing zoning exceeds the density proposed by the municipality; or;
 - 2. When the Council determines that higher densities are required to provide an opportunity for inclusionary development in a specific municipality, based on the particular circumstances of that municipality.

Regulatory Barriers: Site Suitability

5:93-1.3 Definitions

“Approvable site” means a site that may be developed for low and moderate income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low and moderate income housing.

“Available site” means a site with clear title, free of encumbrances which preclude development for low and moderate income housing.

“Developable site” means a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.

“Suitable site” means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.

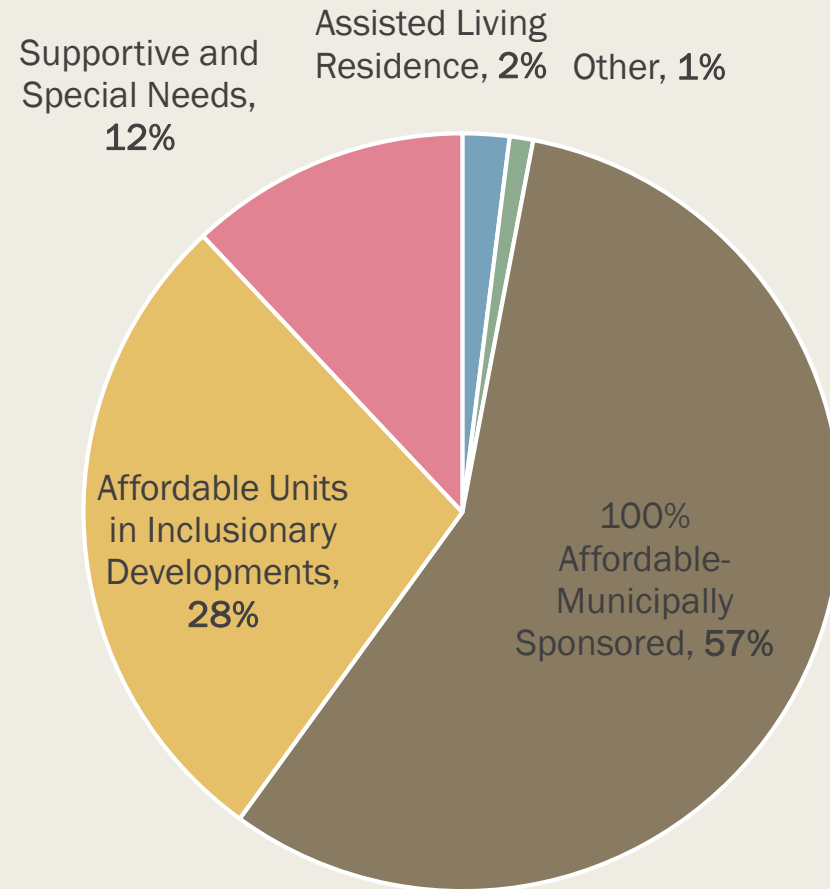
Regulatory Barriers: Cost Generation

5:93-10.1 Purpose and scope

- (a) Section 14(b) of the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) incorporates the need to eliminate unnecessary cost generating features from municipal land use ordinances as a requirement of substantive certification. In order to receive and retain substantive certification, municipalities shall eliminate development standards that are not essential to protect the public welfare and to expedite (or “fast track”) municipal approvals/denials on inclusionary development applications. In order to expedite the review of development applications, municipalities shall cooperate with developers of inclusionary developments in scheduling pre-application conferences. Municipal boards shall schedule regular and special monthly meetings (as needed) and provide ample time at these meetings to consider the merits of the inclusionary development application. The goal of such a schedule is to act on a development application within time limits approximating those outlined in the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) Failure to expedite the approval/denial of an inclusionary development application shall be considered a reason for revoking substantive certification.
- (b) Inclusionary developments that are included in a housing element and fair share plan have proceeded through a very public process. Therefore, the focus of municipal review shall not be whether the sites are properly zoned. Rather, the focus shall be whether the design of the inclusionary development is consistent with the zoning ordinance and the mandate of the Fair Housing Act regarding unnecessary cost generating features. Municipalities shall be expected to cooperate with developers of inclusionary developments in granting reasonable variances necessary to construct the inclusionary development.

Results: Overall

- From 1980-2014, 64,744 affordable homes (chart at right)
- Projected 50,000+ additional affordable homes over next decade from 330+ municipal agreements following Mount Laurel IV



Source: David N. Kinsey, PhD, FAICP, NJPP, Kinsey & Hand, Planning, Princeton, NJ, with data provided by NJ COAH, December 2014, from data recorded by municipalities and reported to NJ DCA

Results: Inclusionary Development



AvalonBay at Princeton

Market rents: \$2260 (1 BR) to \$4565 (3BR)

Affordable rents: \$580-\$1160 (1 BR) to \$804-1608 (3 BR)



Xchange at Secaucus Junction

Market rents: \$2045 (1BR) to \$3030-3470 (3BR)

Affordable rents: \$535-\$1070 (1 BR) to \$742-1484 (3 BR)

Results: 100% Affordable Development

From 2003-2013:

1. NJ showed the greatest **increase** of all states in Share of Units Sited in Neighborhoods with **<10% Poverty** (+34.4%)
2. NJ showed the greatest **decrease** of all states in Share of Units Sited in Neighborhoods with **>30% Poverty** (-29.9%)
3. NJ showed the greatest **decrease** of all states in **Poverty Exposure of Tax Credit Units** (-11.5%)

Source: Ellen, Ingrid G., Keren Horn, Yiwen Kuai, Roman Pazuniak, and Michael David Williams. 2015. "Effect of QAP Incentives on the Location of LIHTC Properties." U.S. Department of Housing and Urban Development Office of Policy Development and Research.

Results: 100% Affordable Development



- For adults, access to housing reduced exposure to disorder and violence, improved mental health, increased economic independence
- For children, access improved education, learning conditions at home, school quality, and reduced their exposure to disorder and violence
- No adverse effects on taxes, property values, crime rates

Source: Climbing Mount Laurel: The Struggle for Affordable Housing and Social Mobility in an American Suburb by Douglas S. Massey, Len Albright, Rebecca Casciano, Elizabeth Derickson, and David N. Kinsey

Questions & Comments



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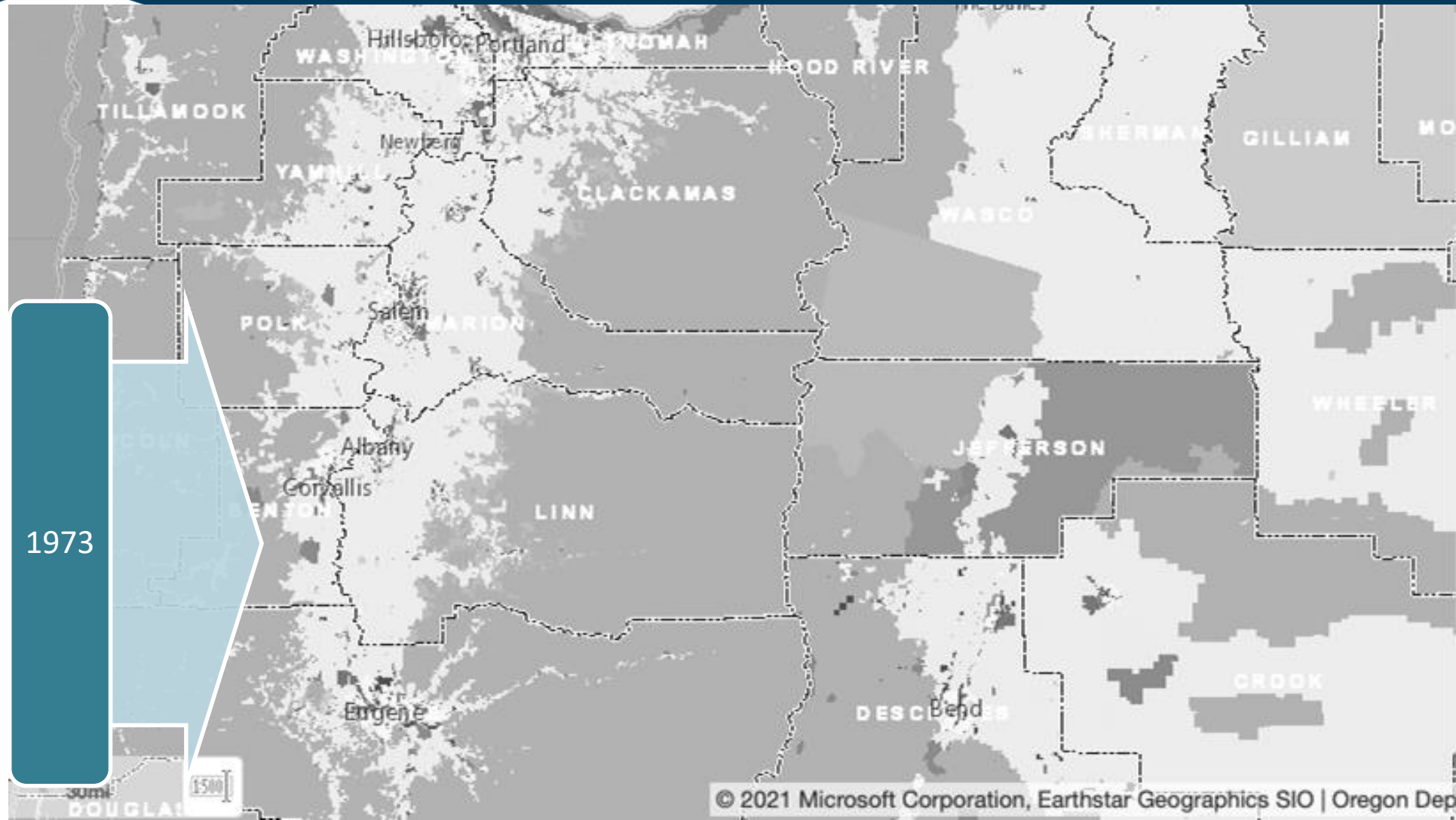
Lynn Peterson
President, Oregon Metro Council



Rocky Mountain Land Use Institute: Missing Middle Oregon

2021

Statewide Land Use Zoning



Metro 2040 Growth Concept



1993

Ballot Measure – Protection of Single Family Housing

Greater Portland Residential Zoning

Single family and multi-family zoning across the region

by Planning and Development   



Single family residential

Multifamily Zoning

-  Multi-family residential
-  Mixed-use residential

2004



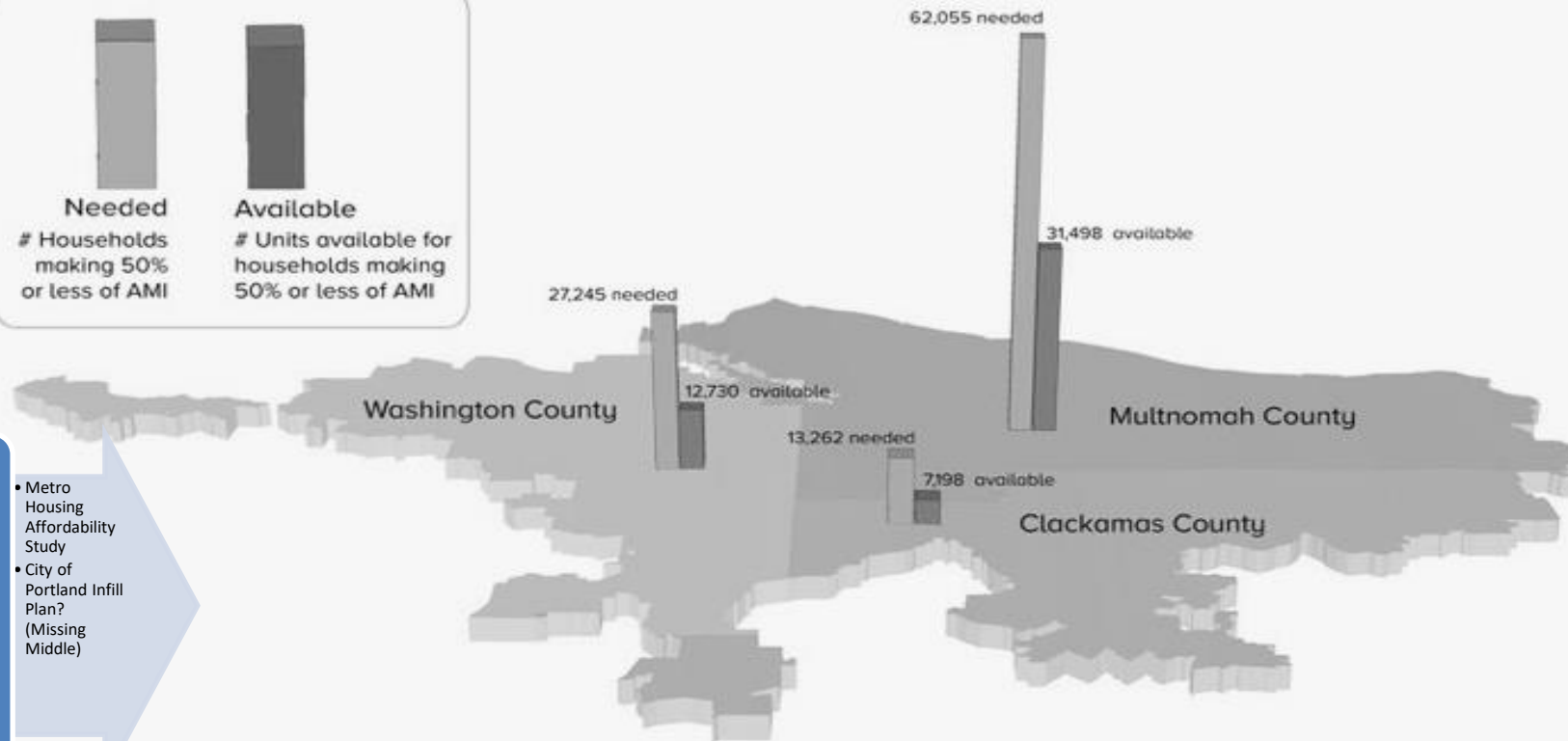
Data Resource Center/Metro



Affordable Housing

There is a shortage of affordable housing relative to need in all three counties of the Portland metro area

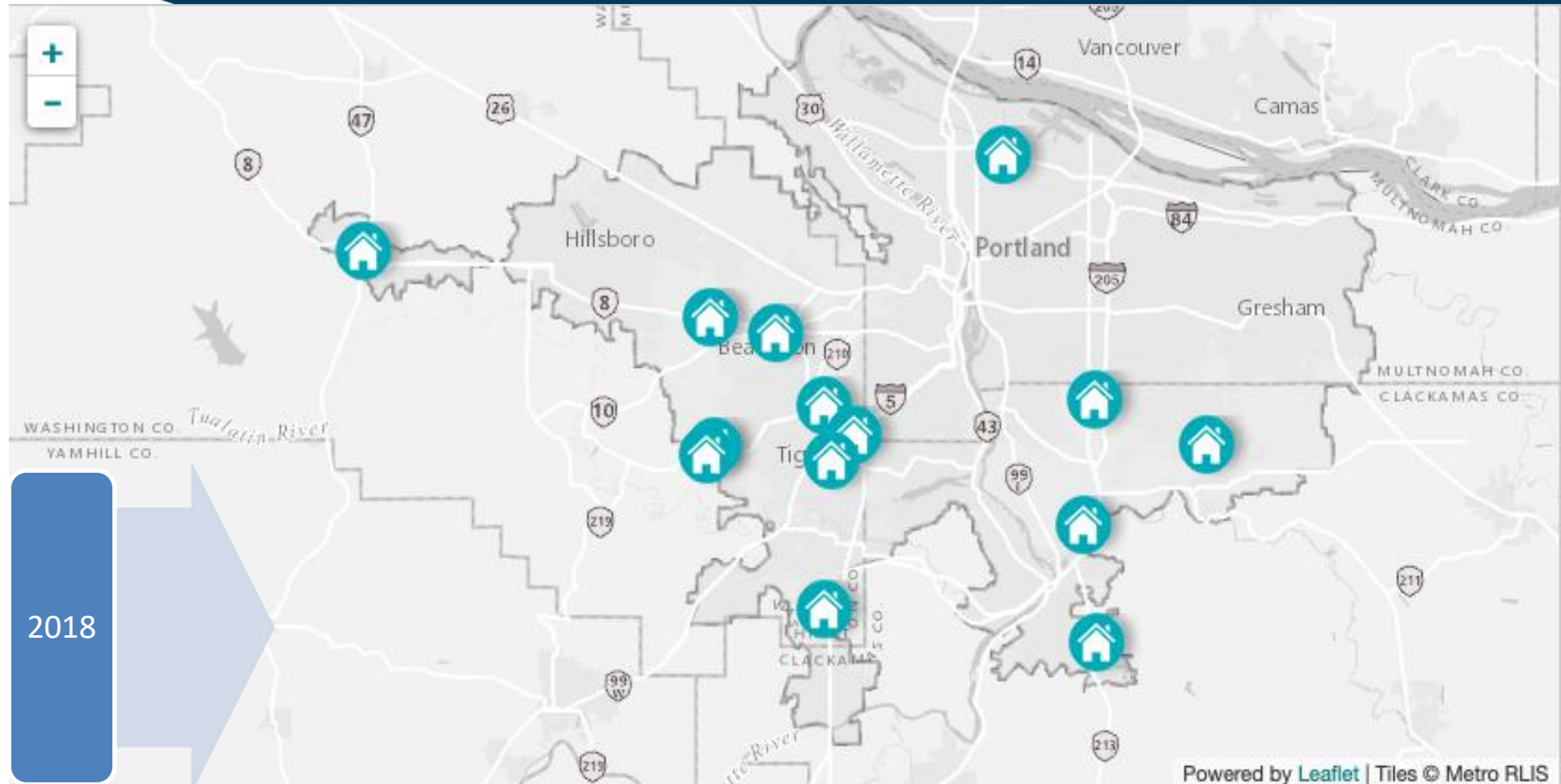
Demand vs. supply of units affordable to households making 50% or less of area median income (AMI).



2015

- Metro Housing Affordability Study
- City of Portland Infill Plan? (Missing Middle)

Regional Affordable Housing Bond Measure



2018

>> List view



HB 2001

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 197.

SECTION 2. (1) As used in this section:

(a) “Cottage clusters” means groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard.

(b) “Middle housing” means:

(A) Duplexes;

(B) Triplexes;

(C) Quadplexes;

(D) Cottage clusters; and

(E) Townhouses.

(c) “Townhouses” means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

(2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or more and each county or city within a metropolitan service district shall allow the development of:

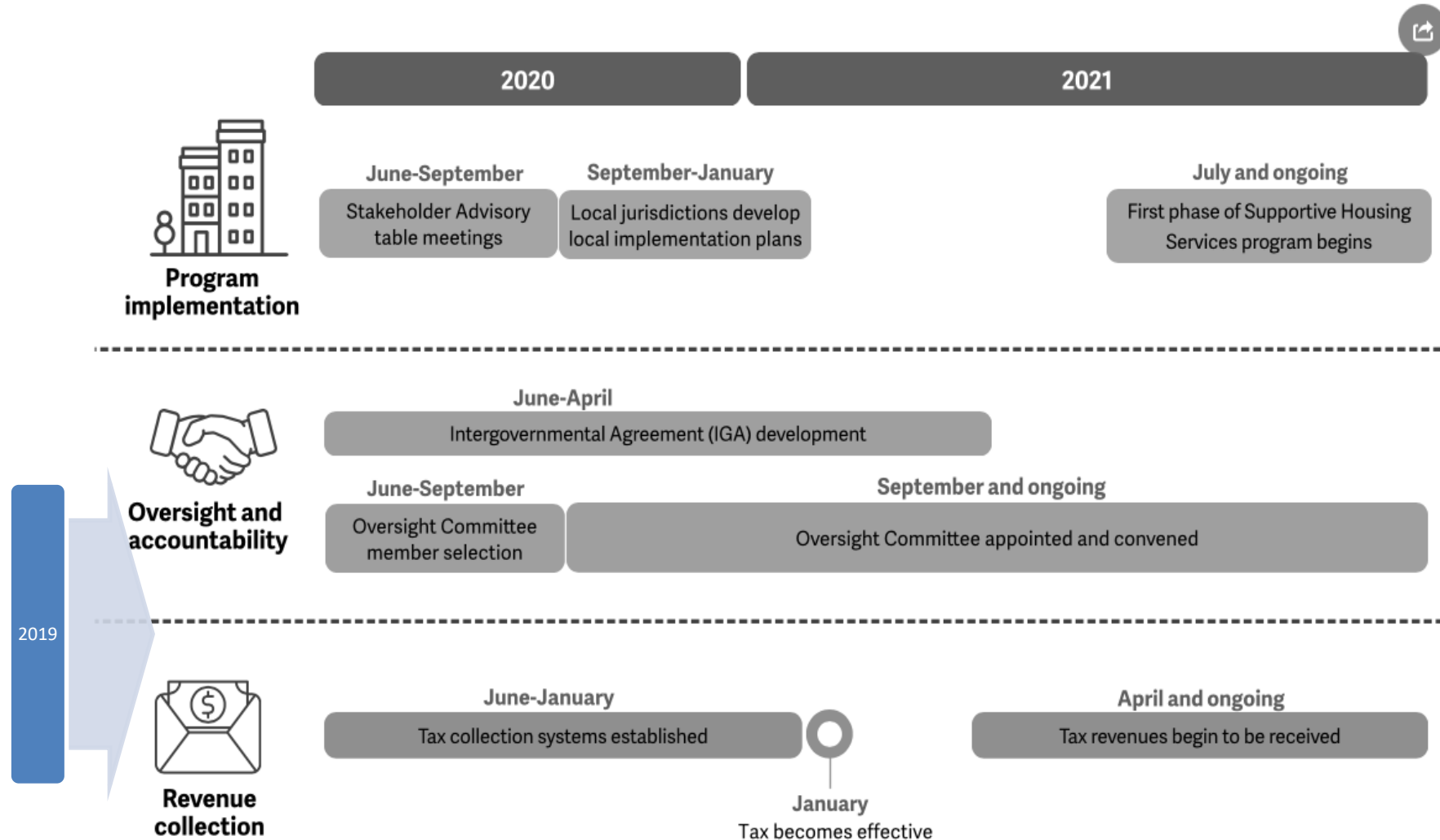
(a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and

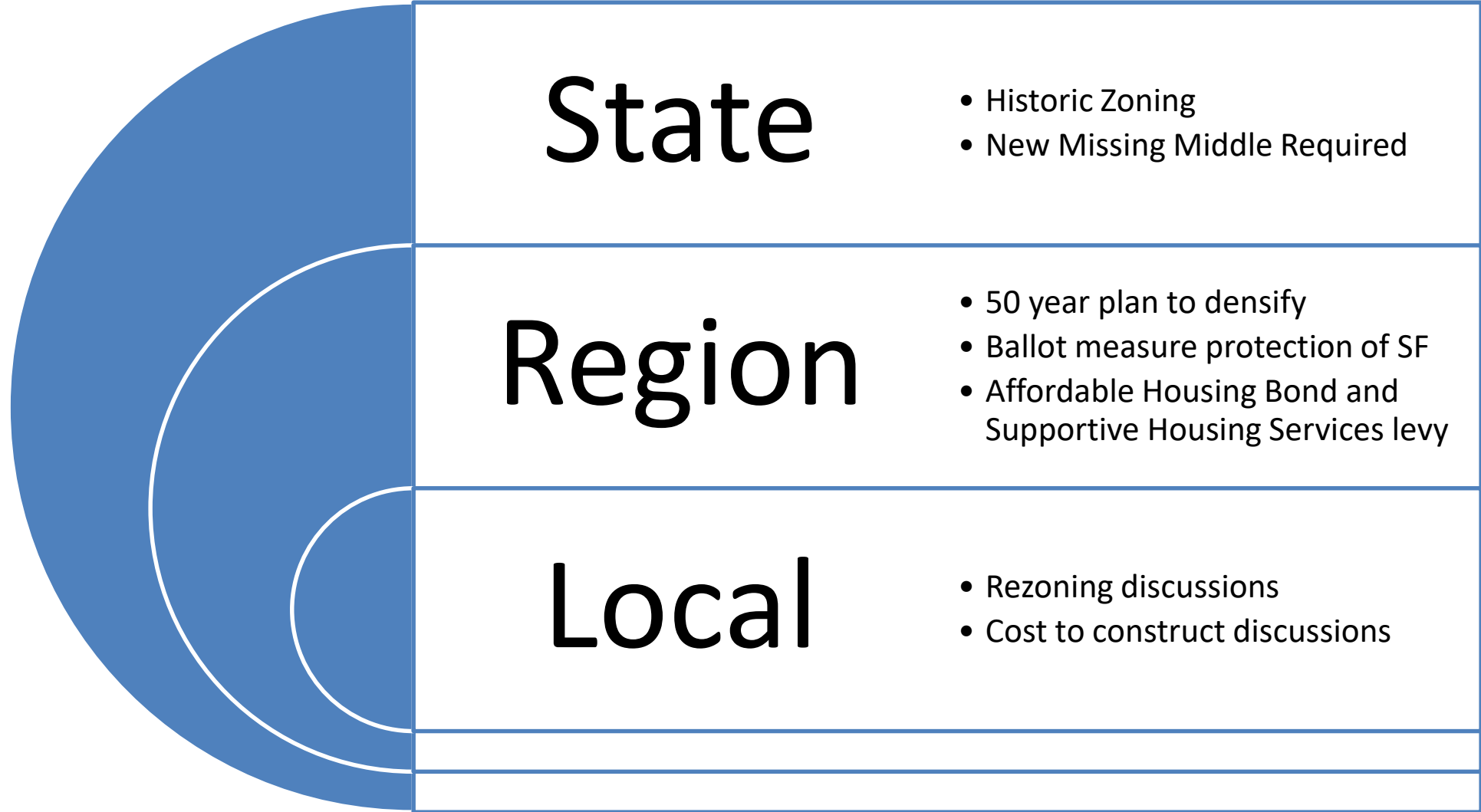
(b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.

(3) Except as provided in subsection (4) of this section, each city not within a metropolitan service district with a population of more than 10,000 and less than 25,000 shall allow the development of a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Nothing in this subsection prohibits a local

2019

Supportive Housing Services







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Libby Starling

Community Development and
Engagement
Federal Reserve Bank of Minneapolis



AFFORDABLE HOUSING IN THE TWIN CITIES

March 25, 2021

Libby Starling

Director, Community Development and Engagement



FEDERAL RESERVE BANK
OF MINNEAPOLIS



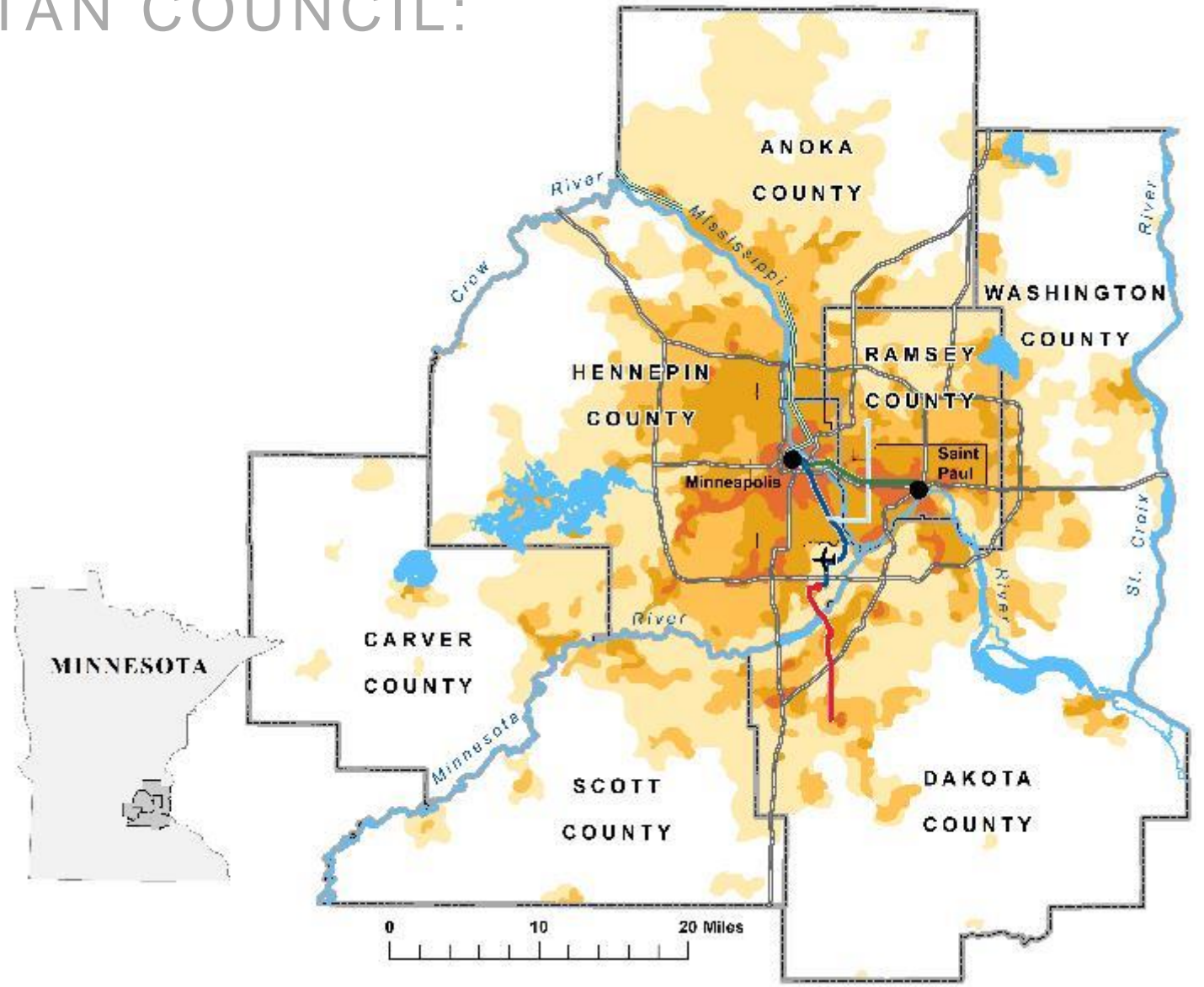
DISCLAIMER

The views expressed here are the presenter's and not necessarily those of the Federal Reserve Bank of Minneapolis or the Federal Reserve System.



ABOUT THE METROPOLITAN COUNCIL:

- Created in 1967 by the state Legislature in response to the need to align infrastructure with a growing population
- Serves as the metropolitan planning organization (MPO)
- Has operational (wastewater, transit and public housing), planning and grantmaking functions





HOUSING POLICY PLAN

Adopted December 2014



Create housing options that give people in all life stages and of all economic means viable choices for safe, stable and affordable homes.

ENCOURAGING CITIES TO PLAN HOUSING OPTIONS



Land use:
Local comprehensive plans



Incentives for housing:
Funding for development



Technical assistance/support:
Local housing policy



HOUSING ELEMENTS OF LOCAL COMPREHENSIVE PLANS:

Under the Metropolitan Land Planning Act, cities must update their local comprehensive plans every ten years and submit them for review by the Metropolitan Council:

Provide "adequate housing opportunities to meet **existing and projected** local and regional housing needs."



Utilize "land use planning to promote the availability of land for the development of low- and moderate-income housing"



Identify tools "to **implement land use plan housing elements** that will ...meet the local unit's share of the metropolitan area need for low- and moderate-income housing."

Based on Minn. Stat. 473.859, adopted in 1976



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HOW THE COUNCIL REVIEWS HOUSING ELEMENTS

Existing housing need

- Narrative analysis of existing housing assessment within local context
- Clearly *identify* existing housing needs
- Clearly *prioritize* existing housing needs

Projected housing need

- Allocation of Affordable Housing Need at each of the three following levels of affordability: 30% or less of Area Median Income (AMI), 31-50% AMI, and 51-80% AMI

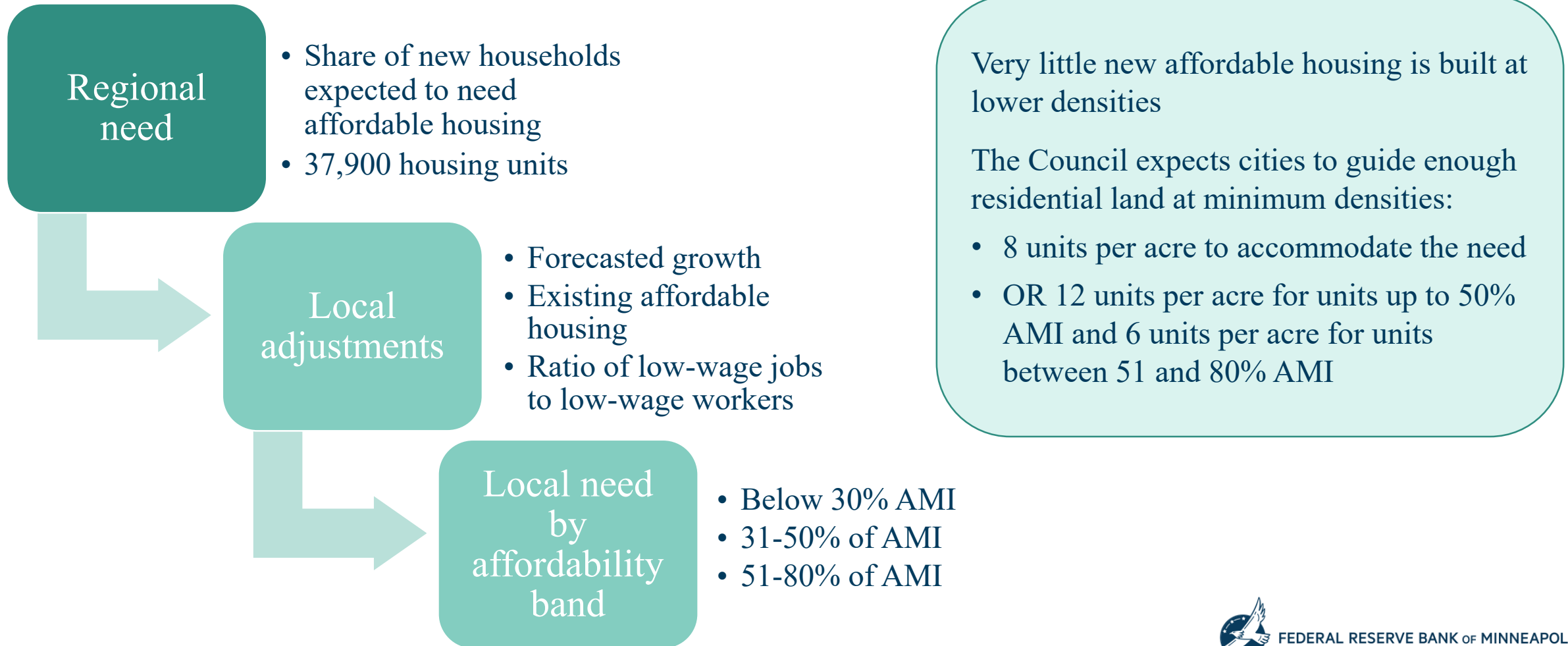
Implementation program

- Plans consistent with Council policy will clearly and directly acknowledge all **widely accepted tools** that address stated housing needs and address the sequence or circumstances in which each tool would be considered



ALLOCATION OF AFFORDABLE HOUSING NEED

Utilize “**land use planning to promote the availability of land** for the development of low- and moderate-income housing”





FUNDING HOUSING DEVELOPMENT: LIVABLE COMMUNITIES ACT

Since 1996, Livable Communities funding has supported:

- Nearly 50,000 housing units
- Over 25,000 are affordable

As of 2019, grantees must have adopted a fair housing policy to receive funds

To participate, local communities must:

- Adopt affordable and life-cycle housing goals
- Establish a Housing Action Plan
- Spend an “affordable and life-cycle housing opportunity amount” (ALHOA)

Based on Minn. Stat. 473.25, adopted in 1995



FEDERAL RESERVE BANK OF MINNEAPOLIS

HOUSING PERFORMANCE SCORES

- The Council annually calculates Housing Performance Scores that evaluate each city's performance in creating and preserving affordable housing:
 - New construction and preservation
 - Existing housing stock
 - Local housing programs and policies
- Used in Livable Communities programs (inversely for affordable housing)
- Represent 7% of the points in the biennial Regional Solicitation for federal transportation funding



REGIONAL STRATEGIES FOR HOUSING AFFORDABILITY



Condition access to development funding on local housing goals and performance



Planning

Expect cities to guide land at minimum densities of at least 8 units / acre to meet expected need for affordable units

Funding



Local Policy

Suburbs are passing local mixed-income policies requiring affordable units



REGIONAL AND LOCAL HOUSING POLICY TIMELINE

Regional
Housing Need
(55,000 units)

Great Recession

Housing
Policy Plan
(37,900 units)

2008 planning cycle

2018 planning cycle

2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020

Local Comp
Plans submitted

Edina adopts
Mixed-
Income
Housing
Policy

Local Comp
Plans submitted

Minneapolis
eliminates
single-family
zoning

“...too much multifamily!”

“Is a mixed-income policy right for us?”



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MIXED-INCOME

- Suburbs are actively considering and adopting mixed-income housing policies that require affordability in market-rate development
- Minneapolis adopted its own inclusionary zoning policy in 2019, alongside its comprehensive plan

Peer learning exchange spotlights cities' successes in mixed-income housing policy

As officials from three Minneapolis-St. Paul suburbs shared their cities' policy-development experiences, some common themes emerged

February 18, 2020

AUTHOR



Libby Starling

Director, Community Development and Engagement



Article Highlights

- › Formally adopting a local mixed-income housing policy improves communication
- › Developers appreciate flexible policies and cities that treat them as partners
- › Support from local elected officials is vital to the success of policies

Learn more at: www.minneapolisfed.org/topic/housing

[HOUSING](#)

[COMMUNITY & ECONOMIC](#)

[DEVELOPMENT](#)



THANK YOU!

For more information: libby.starling@mpls.frb.org

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