



Housing Affordability

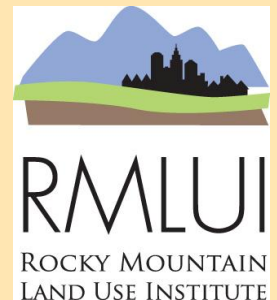
Leigh Ann King, AICP

The Rocky Mountain Land Use Institute

Sustainable Community Development Code

Research Monologue Series:

Healthy Neighborhoods, Housing, Food System



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About the Research Monologue Series

The Sustainable Community Development Code, an initiative of the Rocky Mountain Land Use Institute, represents the next generation of local government development codes. Environmental, social, and economic sustainability are the central guiding principles of the code. Supporting research for the code is represented by a series of research monologues commissioned, presented and discussed at a symposium held at the University of Denver in September of 2007. RMLUI and the University of Denver's Sturm College of Law extend its gratitude to the authors of the papers who have provided their talents and work pro bono in the service of the mission of RMLUI and the stewardship of the creation.

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About the Author

Leigh Anne King, AICP is an Associate and planner in Clarion's North Carolina office. Since joining Clarion, Leigh Anne has worked on a variety of public sector planning projects. Among them are development of neighborhood and comprehensive plans for Fredericksburg, Virginia, and Wake Forest and Chapel Hill, North Carolina; growth management plans for Rock Hill, South Carolina, and Hillsborough, North Carolina; Affordable Housing Methodology and Mitigation Programs for four southern Florida communities; design strategies for two village centers in Emerald Isle, NC and for Henrico County, Virginia; updating the zoning ordinance for Alachua, Florida; and impact fee support studies and implementation legislation for DeSoto County, Florida, and Beaufort County, South Carolina. Leigh Anne holds a Masters in Regional Planning from the University of North Carolina, Chapel Hill, where she was awarded the NCAPA Outstanding Student Award. While in graduate school, Ms. King worked on a research project with the Center for Urban and Regional Studies assessing collaborative planning efforts between school districts and local governments in North Carolina, and published Green Infrastructure Plan Evaluation Framework, evaluating systems for assessing green infrastructure conservation plans. Prior to joining Clarion Associates, she worked for a national conservation nonprofit in Arlington, Virginia.

INTRODUCTION

Finding adequate and affordable housing in current real estate markets is a continuing challenge for many of our nation's households. The increasing expense of transportation, rising healthcare and childcare costs, increasing land values, and the cost to construct units have cumulatively stretched household budgets and perpetuated our affordable housing crisis. Even through the recent downturn in the housing market, many communities still provide few affordable options. Our traditional suburban development pattern has limited housing that is proximate to employment centers, public transportation facilities, and other needed services. The size of lots and homes has increased over time which also raises housing costs. Dense land use patterns that offer more mixed-use opportunities and smaller unit options can assist with lowering housing prices and reducing transportation costs. Assistance can also be provided to these households to construct, purchase or rent affordable housing through several public funding tools. History has shown that meeting the demand for affordable housing requires a comprehensive approach that includes dedicated funding, mandatory requirements, development incentives, and other initiatives that attack the problem from all angles.

THE NEED FOR AFFORDABLE HOUSING

In 2003, some five million working families had critical housing needs. This was a 60 percent increase from reported critical housing needs in 1997.¹ And those statistics don't even include households that were unable to work due to disability, age, or other personal reasons. Some may argue that households can choose to purchase housing that is out of their affordability range. Even so, the affordable housing options available are shrinking. Between 2001 and 2005, housing prices in the U.S. overall increased by at least 6 percent annually. According to most measures, that was more than twice the rate of inflation overall for that period.² Moreover, the increase in housing prices has far exceeded the rate of wage growth. In 2005 the ratio of housing prices to national incomes was the highest in at least twenty years.³ Unfortunately, escalating housing prices have not been a result of higher wages.

Affordable housing is a problem for renters as well as prospective homeowners. For example, there is not a county in our country today that can offer a two-bedroom apartment at a rate affordable to a minimum wage earner.⁴ The National Low Income Housing Coalition estimates that the 2006 national "housing wage" needed to afford a two-bedroom rental unit was \$16.31 per hour. This is more than \$3.00 more than the average renter earns per hour. Strikingly, even a household of three minimum wage earners that work 40 hours a week for 52 weeks a year could not afford a two-bedroom unit at \$848, the national average Fair Market Rent.⁵

The crisis now extends to new sectors of the population. Affordable housing needs for the poor have turned into a housing crisis for the nation's public servants and working households. This new housing crisis has been coined the "workforce housing" crisis, and is being felt across the nation. This raises a question of equity. Is

it fair that people who teach our children, police our streets, and put out our fires can not afford to live in the community that they serve? Unfortunately this is increasingly becoming the case in many communities. For example, the Paycheck to Paycheck Housing Model reports that police officers typically earn less than is required to purchase the median-priced home in 162 out of 202 metropolitan areas studied.⁶ In severe situations, even higher paid professionals are being out-priced of their local housing markets. Median housing prices in Islamorada, Florida, located in the Florida Keyes, rose to \$712,500 in 2005. This exceeds the housing price affordable to a median income household in that community by more than \$530,000.⁷

Exacerbating this problem is that most affordable housing is located in center cities and rural areas, whereas employment centers are increasingly locating in suburban areas. Households must choose between housing priced beyond their means or a lengthy commute from an area with more affordable housing.⁸ A 2001 study by Texas A&M University indicates that the average annual delay in 75 major metropolitan areas in the U.S. was 62 hours per person, up from 16 hours in 1982.⁹ Often the trade-off of commuting for affordable housing doesn't pay off. The Center for Housing Policy's analysis has shown that working families that move far from their workplaces to obtain affordable housing often end up spending the savings on transportation.¹⁰ Long commutes affect employee work performance and can have a direct affect on economic stability. Many communities are beginning to understand the link between the need for affordable housing and economic development. Access to a suitable labor pool is one of the top three factors in corporate location decisions, and local affordable housing is a critical factor for retaining employees.¹¹

Housing and commuting costs play a critical role in determining a household's quality of life. These costs are even more critical for those on fixed-incomes. In 2005, one in every four renters age 50 and above paid 50 percent or more of their income on rent.¹² This leaves little money to pay for other necessities and even less for recreation and leisure activities for those in their later years. A study by the Center for Housing Policy showed that in comparison to households living in homes they can afford, those spending half of their household budget on housing spend less on healthcare and insurance, transportation, and other necessities.¹³

This is not a new problem. The United States along with many countries around the world have been tackling the issue of affordable housing for over a century, if not longer. In 1900, the New York Tenement-House Commission reported on the unsafe and inadequate housing conditions of tenements – apartment housing for the city's poor immigrant population. The 1968 Douglass Commission report called for zoning solutions to increase the supply of affordable housing in the nation's communities. By 1991, the Kemp Commission report called for the alleviation of regulatory barriers to development of affordable housing through zoning reform. In 2002, the status of the crisis had not improved. The Millennial Housing Commission appointed by Congress reported that year that affordability was the single greatest housing challenge facing the nation and cited local ordinances as one of the key opportunities for turning the ship around.¹⁴

SUSTAINABILITY MEASURES

All real estate is local, and therefore affordable housing needs should be addressed at the local level. The need for affordable housing is a result of the local market’s failure to provide a range of units at different prices. Defining the term “affordable housing” is the first critical step in identifying the problem in a community. This is ultimately a policy decision, and should be based upon analysis of the local population’s housing demand and supply and economic factors. Some communities with flat real estate markets may focus on low-income housing as a priority, whereas other communities that have high real estate values may need to extend the focus to workforce housing, or the need for households earning the area median income or greater.

Many communities look to the Federal government’s standards to provide guidance in defining affordability. The U.S. Department of Housing and Urban Development (HUD) sets income requirements for publicly subsidized housing programs, such as the Section 8 Rental Voucher program, using the 30 percent affordability rule.¹ Using local median incomes as the base information, HUD sets program eligibility requirements that are listed in the table below.

HUD Eligibility Categories	% of Area Median Income
Very-Low Income Eligibility (VLI)	Less than 50% of area median income
Low Income Eligibility (LI)	50-80% of area median income
Moderate Income Eligibility (MI)	80-120% of area median income

It is important to note that HUD’s 30 percent affordability standard does not account for the combined impact of housing and transportation expenses on households.¹⁵ If affordable housing is not located proximate to employment centers and needed services, the combined housing and transportation expenses may still be too costly for targeted households.

There are other national indices that can provide local governments with an idea of their local housing need and a way to track success of housing programs. The National Association of Homebuilders and the National Association of Realtors produce indices comparing median home price and area median incomes. The National Low Income Housing Coalition produces an annual “housing wage” that defines the income needed to afford a rental apartment. The Center for Housing Policy has created an online database called “Paycheck to Paycheck” that combines these two (NAHB/NAR & NLIHC) models to look at rental and homeownership

¹ The 30% affordability rule assumes that affordable housing costs no more than 30% of a household’s gross income. The Housing and Urban-Rural Recovery Act of 1983 made the 30% of income standard applicable to all current rental housing assistance programs.

nationwide. The database compares housing costs to wages and salaries of working families.¹⁶

Communities also use other more sophisticated models to identify local housing demand and supply. The Oregon Housing Needs Model uses tenure, household income, housing price, and housing type to assess housing needs in Oregon. The model is designed to test different scenarios quickly against assumptions about a specific community in Oregon and its future economic development or demographic position. The model uses the demographics of an area and up-to-date regional housing tenure data to calculate housing needs.¹⁷ Some communities also conduct in-depth local studies to inventory local housing supply and pending residential development and compare that to the housing needs of the local population. These studies are more accurate than other analyses, but are also more expensive endeavors.

LAND USE CODE STRATEGIES

History has shown that no single program or solution will solve the affordable housing problem in any community. Federal, state, regional, and local level programs and statutes have been adopted to address this issue, none of which have ever solved this problem alone. Communities are wise to develop sustainable and comprehensive approaches that attack the problem from many angles and look at long-term needs. These programs may include the removal of regulatory barriers, incentives to developers, dedicated funding sources for construction of housing, employer assisted housing, and regulatory programs. An understanding of the local real estate market is critical for implementing the appropriate solution for the situation. The local zoning and subdivision ordinances are key tools for implementing many of these strategies.

Removing Barriers

Outdated zoning ordinances and other local regulations have been known to impede the successful development of affordable housing. Studies have shown that regulatory barriers not only limit the amount of affordable housing that can be developed, but have also raised housing prices, making local housing even more difficult to afford.¹⁸ Pendall's "Chain of Exclusion" showed through regression analysis of 1,510 cities and towns in the 25 largest metropolitan areas in the U.S. that low-density zoning consistently reduced rental housing opportunities and reduced the minority populations in these areas.¹⁹ Removal of exclusionary zoning is a key solution. Ordinances should allow for smaller minimum lot sizes, smaller home sizes, and a mix housing of types by-right in areas that provide good access to employment, shopping, and needed services. Changing the zoning to include districts that allow for by-right mixed-use developments also provide opportunities for development of affordable units.

Accessory dwelling units (ADUs) and elder cottages (ECHO) are two types of affordable housing that many communities do not allow by-right within traditional suburban subdivisions and other locations. These units are self-contained units that

are subordinate to the primary residence and typically limited in size. These can be attached, such as a mother-in-law suite, or detached, such as a carriage house. Many communities require that the primary residence be owner-occupied for an accessory dwelling unit to be leased.

Santa Cruz, California, has a comprehensive and award-winning accessory dwelling unit program that averages 50 units per year. They provide a technical assistance component for homeowners that includes seven prototype designs created by local architects; a step-by-step guide on how to plan, design, and obtain permits for ADU's; and a presentation on the program. The local ordinance allows attached or detached ADUs on lots of 5,000 square feet or more, one unit per parcel. The unit is limited in size and can not be larger than 30 percent of the total lot size. The units must meet the same standards as the main dwelling (setbacks, height, etc.), or can be conditionally permitted if it meets certain standards. The program also allows flexibility for green building techniques. For example, if green construction methods that entail a greater exterior wall thickness are used, the unit size can be measured using the interior square footage as opposed to the exterior square footage. Allowing this type of development not only provides new lower cost housing solutions, but can also offset the mortgage burden for the homeowner with rental revenues. In the Prospect New Town in Longmont, Colorado, homeowners have offset their mortgage by as much as 40 percent, increasing affordability for both households.²⁰

Key West, Florida adopted an accessory infill unit program to provide housing for locals and seasonal workers. Units are allowed on the second story of commercial developments and in association with employee housing in all but a few zoning districts in the community. The number of units that can be constructed are limited by density, floor area, and height limitations allowed under the applicable zoning district. As an incentive, developers of these units can opt to provide two bicycle or scooter parking spaces per units as an alternative to providing automobile parking. Many accessory units have been built under this program.

Other regulatory barriers that impede the private market from developing affordable units are caps on building permits and local impact fees. Alachua County, Florida, adopted an impact fee schedule that sets impact fees for residential development based on square footage, rather than the type of dwelling unit. Smaller homes are charged lower impact fees making them more affordable. Other communities with similar programs include Albuquerque, New Mexico, and Lincoln, Nebraska, which waive impact fees for households below a certain income level.²¹ Some communities have varied the amount of impact fees within certain areas of a jurisdiction based on the level of public services already available in that particular location. Rhodeville, Rhode Island has adopted a comprehensive approach to increase the local stock of affordable units. This strategy includes waiving all local impact fees and building permit caps for affordable housing developments as well as adding a mixed-use village zoning district and other measures.

Providing Incentives

Sustainable communities also recognize the need to provide incentives to local developers so that development of affordable housing is not just allowable by-right, but can provide a reasonable return on the developer's investment. Incentives come in the form of bonus densities, waived or expedited permitting processes, and regulatory relief from development standards such as landscaping and parking provisions.

Tallahassee, Florida provides a 25 percent bonus density, expedited review of development applications, more flexibility in complying with local design standards, and a transportation concurrency exemption for projects providing a minimum number of affordable units in their projects. Austin, Texas', SMART (Safe, Mixed-Income, Accessible, Reasonably-Priced, Transit-Oriented Housing) Housing program gives development fee waivers and expedited reviews for permits to developers of affordable units. Since the program's inception in 2000, it has had great success.²² Tucson, Arizona, allows streamlined processing of requests to create small subdivisions. If the proposed subdivision meets certain criteria, only a final plan approval process is required. Developers may also need additional assistance working through the approval process. Orlando, Florida, assists developers by providing a staff person to act as an affordable housing development expeditor.²³ They serve as an advocate for these developers and assist them through the entitlement process.

Mandatory Requirements

Although critical, programs to remove barriers and creative incentives may not result in the production of new affordable units. Communities that implement mandatory requirements, such as inclusionary housing or linkage fee programs are more successful in increasing the local affordable housing supply. A study conducted in 1994 by the California Coalition of Rural Housing states that mandatory programs produce the most affordable units compared with voluntary programs, both in terms of absolute numbers and the percentage of total development.²⁴ This trend also has been experienced in two communities in Florida. Tallahassee and Palm Beach County, Florida, adopted mandatory inclusionary regulations after voluntary programs had resulted in the development of few if any units.

Inclusionary Housing

Inclusionary housing or inclusionary zoning is an ordinance or policy that requires that a certain percentage of all new units within a residential development be sold or rented at a price that is affordable to households earning certain incomes. The duration of the affordability requirement varies, but usually exceeds 30 years and is implemented by deed restriction. Many ordinances allow alternate compliance options by payment of an in-lieu fee, dedicating land at another location within the community, off-site construction, or conversion of market rate units to affordable units. These programs first appeared in the 1960s as a policy response to

exclusionary practices.²⁵ Providing incentives to mandatory inclusionary housing programs reduces developer opposition and reduces the likelihood the ordinance will be legally challenged.²⁶

With over 120 inclusionary programs adopted, California is the national leader of inclusionary ordinances. 2003 estimates by the California Coalition for Rural Housing and the Non-Profit Housing Association of Northern California report that inclusionary housing had the potential to create at least 15,000 units of affordable housing annually, nearly doubling the 2003 rate of affordable housing products in the state. They also estimate that inclusionary housing ordinances have resulted in over 34,000 affordable homes over the past 30 years.²⁷ The vast majority of these programs require 10-15 percent of units in new developments be affordable, and some communities have required 20 percent inclusionary or more.

Montgomery County, Maryland's Moderately Priced Dwelling Unit ordinance is a highly regarded program adopted in 1976. Since that time it has been modified to meet local market and regulatory needs more than 20 times.²⁸ The current program requires that 12.5-15 percent of units be affordable and includes a bonus density incentive to developers up to 22 percent. As of 2005, over 12,000 affordable rental and owner-occupied units had been developed.

Palm Beach County, Florida, adopted a Workforce Housing ordinance in 2006 that requires developments of 10 units or greater to include a certain percent of affordable units. Density bonuses are granted based on the number of affordable units provided, and additional density bonuses are available through the local Transfer of Development Rights program. Bonus densities over 30% can be provided as long as developers conduct a sector analysis to show that workforce housing units are equally distributed geographically so that lower income households will not be concentrated in one area.

In some states, the general assembly must provide local governments with the authority to adopt this type of regulation. However, given the political will, even communities that don't have express authority can adopt mandatory programs. Chapel Hill, North Carolina, takes a unique approach and requires that 25 percent of units in major subdivisions and planned developments shall contain no more than 1,350 square feet of floor area at the time the units are initially conveyed.²⁹ As an alternative, developers can choose to set-aside 15 percent of the units to be sold to low and moderate income households or contribute an in-lieu fee. Whether through the production of smaller units or through the provision of price-restricted units, more affordable units have been produced. To date the town has negotiated development of 185 affordable units and \$352,800 in in-lieu fees for the local housing trust fund.

Inclusionary programs should be implemented after analysis of the local housing market is conducted. This provides support for the inclusionary percentage that will be required, and assists in identifying the households that are most in need of housing assistance. Critical policy decisions will need to be made, including:

- What alternatives to on-site construction will be available to developers?
- What incentives will be provided to developers?
- What is the duration of the affordability requirement?
- How and by what entity will the units be managed to ensure their affordability status is maintained?

Linkage Fee Program

Linkage fee programs are another form of mandatory mitigation. These programs are designed to apply a fee on a non-residential development project in order to offset the affordable housing impact of the development. The rationale is that new jobs create the need for new employees in a community, which in turn need new housing. These fee systems are typically based on a nexus study which quantifies the degree of impact and “links” the fee to the housing need created by the new development. Just like in-lieu fees for inclusionary programs, linkage fees are deposited into a fund with a dedicated housing purpose.

California has over 19 local agencies with these programs. The fees are typically set on a per square foot basis for different types of land uses. Some of these programs allow for the construction of affordable units as an alternative to the fee. Sacramento, California’s, linkage fee program set precedent for the state. Established in 1991, it was the first program to be litigated and upheld by the U.S. District Court and Ninth Circuit of Appeals. The program requires that the fees be paid when building permits are issued and allows for variances in special circumstances such as feasibility and substantial hardship. As of 2005, approximately \$11.8 million in linkage fee revenues were created through this program.³⁰

Local governments must make many policy decisions when implementing linkage fee programs, such as:

- What types of uses will be exempt from linkage fees?
- What are the applied fee amounts by land use?
- What alternatives to paying the fee will be permitted?
- What incentives that will be provided?
- What is the timing of implementation to ensure that projects are treated equally?
- What is the appropriate point in the development process for the payment to be made?
- How will the program be managed long-term?³¹

Working collaboratively with the local developer community and other stakeholders to develop these programs can create more public buy-in for the program and ensure that the program will produce units without deterring local development activity.

Comprehensive Regulatory Program

A few communities have adopted a more comprehensive regulatory mitigation program that includes both an inclusionary housing component and a linkage fee program in conjunction with incentives and regulatory relief. Aspen and Pitkin County, Colorado, have jointly adopted a program that requires the provision of affordable units from both residential and non-residential developments. A support study was conducted to determine the link between different types of developments and the need created for local affordable housing units. The mandatory mitigation requirements are based on this study. Developers are required to include the minimum number of affordable units to receive a growth management system quota allocation (i.e., a development allocation requirement) and are provided bonus points if they exceed the minimum requirements. Zoning districts have been established that encourage a mix of residential land uses intended for tourists, seasonal employees, permanent residents, and workforce housing. A Resident Occupied Home program requires that certain units must be sold to professional employees. These units are intended to provide local housing for professionals priced out of the market and are not subject to stringent price controls like that required of affordable units. The community also has passed a real estate transfer tax to subsidize development of additional units.

Local development regulations are the first tool that communities should use when implementing affordable housing strategies. Whether through removal of outdated standards, creating new incentives for affordable development, or requiring the production of units from developers, these ordinances can be used to alleviate the problem of affordable housing and create more sustainable living environments for all sectors of the population. A comprehensive approach can include the following types of tools:

Removing Obstacles

- Remove barriers for constructing ADUs and ECHOs in residential districts.
- Remove large minimum lot size regulations to allow for small lot residential development.
- Permit duplex and multi-family development in more districts, or as conditional/special uses in all residential districts.
- Allow mixed-use developments by-right in appropriate locations near public transportation facilities.
- Waive or reduce residential impact fees.
- Waive building permit caps.

Providing Incentives

- Density bonuses when incorporating affordable or workforce housing products in a development.
- Expedited permitting process for development review.
- Reduction in mandatory development standards (landscaping, parking, setbacks).

- Permit expeditor / Ombudsman.

Regulations

- Inclusionary housing requirement on residential development to produce units.
- Linkage fee requirement for non-residential development to pay for or produce units.
- Comprehensive Regulatory Program that requires both residential and non-residential development to pay for and produce units.

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