

APPENDIX A

Partially Annotated List of References and Staff Research Contact List

Adams, Thomas, and Wayne D. Heydecker. 1932. *Regional Survey of New York and Its Environs: Housing Conditions in the New York Region*. New York: Committee on Regional Plan of New York and Environs.

This report, on the New York Region's housing conditions, was prepared as a follow up to the seminal Regional Plan of New York and its environs.

Advisory Commission on Regulatory Barriers to Affordable Housing. 1991. *"Not in My Backyard:" Removing Barriers to Affordable Housing; Report to President Bush and Secretary Kemp by the Advisory Commission on Regulatory Barriers to Affordable Housing*. Washington, D.C.: U. S. Department of Housing and Urban Development.

This report looked at the impact of regulatory barriers to affordable housing at the federal, state, and local levels, and made 31 recommendations for action by federal and state government.

Advisory Committee on City Planning and Zoning, U.S. Department of Commerce. 1928. *A Standard City Planning Enabling Act*. Washington, D.C.: U.S. GPO.

This model statute, along with its companion, the Standard State Zoning Enabling Act, formed the basis for most of the planning legislation in the U.S. It did not, however, expressly address housing conditions as part of the "master plan."

Affordable Housing, Education & Development, Inc. 2002a. "AHEAD Services." Web page [accessed 1 July]. Available at <http://www.homesahead.com/services.html>.

This web page contains information about the services that AHEAD offers, including credit and budget counseling, financial assistance, special lender programs, home maintenance education, home rehabilitation planning and loans, and delinquency intervention.

_____. 2002b. "One-on-One Consultations." Web page [accessed 8 July]. Available at <http://www.homesahead.com/sessions.html>.

This web page includes information on the one-on-one homebuyer consultations that AHEAD offers.

_____. 2002c. "Secrets of Homebuying Workshops." Web page [accessed 8 July]. Available at <http://www.homesahead.com/secrets.html>.

This web page includes information about AHEAD's homebuying workshops.

_____. 2002d. "Affordable Housing, Education & Development, Inc." Web page [accessed 1 June]. Available at <http://www.homesahead.com/about/html>.

This web page contains general information about AHEAD, including the mission statement, affordable housing program information, education program information, and the development program information.

Allaire, Jerrold R. 1960. *Expressway Interchanges*. Planning Advisory Service Report No. 137. Chicago: American Society of Planning Officials.

This early Planning Advisory Service report by the American Society of Planning Officials, a predecessor organization to APA, looked at the impact of expressway interchanges on local governments and addressed which governmental levels should exercise regulatory control over nearby land uses.

American Society of Planning Officials. 1955. *The Urbanizing Influence of the Expressway and the Need for Planning and Zoning*. Planning Advisory Service Report No. 71. Chicago: American Society of Planning Officials.

An early work on the impact of expressways on undeveloped land in the rural and semi-rural fringes of urban areas.

Ames Department of Planning and Housing. 2002a. "2000 Rental Survey A: Yellow Survey." Web page [accessed 10 June]. Available at http://www.city.ames.is.us/housingweb/Rental_Housing_Survey_a-2000.htm.

This web page contains a survey that was sent out to all registered rental property owners in Ames and Story County, Iowa, regarding housing issues in the region.

_____. 2002b. *2001 Annual Report: Department of Planning and Housing*. Ames Department of Planning and Housing.

This annual report details the work of the Ames Planning and Housing Department in 2001. It includes a summary of housing activities, including information regarding the total number of homebuyers assisted through the Ames/Story County affordable housing program.

_____. 2002c. "Ames/Story County Partnership Affordable Housing Program." Web page [accessed 7 May]. Available at <http://www.city.ames.ia.us/housingwebAffordableHousing/housing.htm>.

This web page contains information about the Ames/Story County affordable housing program.

Applied Economics Research, Inc. 1987. *New Hampshire Housing Analysis Technical Report*. New Hampshire Office of State Planning, Concord.

A report setting forth a methodology for completing regional housing needs assessments in New Hampshire.

Association of Bay Area Governments. 2002a. "ABAG Regional Housing Distribution Model." Web page [accessed 22 July]. Available at http://www.abag.ca.gov/cgi-bin/rhnd_meth.pl.

This web page contains information about the methodology for distributing housing need allocations to local governments in the Bay Area.

_____. 2002b. "Adopted Platform on Growth Management." Web page [accessed 20 August]. Available at <http://www.abag.ca.gov/planning/rgp/platofrm>.

This web page contains information about the platform on growth management that has been adopted in the Bay Area by the Association of Bay Area Governments.

_____. 2002c. "Bay Area Census." Web page [accessed 24 July]. Available at <http://census.abag.ca.gov/>.

This web site provides a variety of information about the demographics of the Bay Area.

_____. 2002d. "Menu of Subregional Land Use Policies." Web page [accessed 22 July]. Available at <http://www.abag.gov/planning/rgp/menu/index.html>.

This web page contains information about sub-regional land use policies in the Bay Area, including location and intensity of urban development, mobility, natural resource protection and management, housing supply and affordability, and economic development.

_____. 2002e. "Regional Housing Needs 1999-2006." Web page [accessed 31 May]. Available at http://www.abag.ca.gov/cgi-bin/rhnd_allocation.pl.

This web page contains the fair-share housing need allocation for all local governments in the Bay Area.

_____. 2002f. "Regional Housing Needs: Frequently Asked Questions." Web page [accessed 22 July]. Available at <http://www.abag.gov/planning/housingneeds.faq.htm>.

This web page contains questions and answers about the Regional Housing Needs process.

_____. 2002g. "Regional Housing Needs Methodology." Web page [accessed 22 July]. Available at <http://www.abag.ca.gov/planning/housingneeds/meth.htm>.

This web page discusses the methodology that was used by ABAG for the 1999-2006 Regional Housing Needs Assessment, which was used to determine each jurisdiction's fair-share housing need. It includes links to sphere of influence numbers, the regional housing needs assessment schedule, and the final 1999-2006 allocation.

_____. 2001a. *Regional Housing Needs Determination for the San Francisco Bay Area: 2001-2006 Housing Element Cycle*. Oakland, Calif.: Association of Bay Area Governments.

This is the regional housing needs determination for the San Francisco Bay Area for the period 2001-2006. It includes a background and overview of housing needs in the Bay Area, a housing needs assessment, explanation of the methodology, local government review and appeals process, specific statutory requirements, a review of changes in California's housing element law since 1989, and related technical information.

_____. 2001b. *Table of Jurisdiction Comments and Proposed Revisions*. Oakland, Calif.: Association of Bay Area Governments.

This table summarizes the comments that were received by the Association of Bay Area Governments from local governments during the comment period for the Regional Housing Needs Analysis.

_____. 2000. *Theory In Action: Smart Growth Case Studies in the San Francisco Bay Area and around the Nation*, Oakland, Calif.: Association of Bay Area Governments.

This report includes many case studies of smart growth strategies in the United States. It includes examples of housing supply, compact communities, comprehensive planning, land conservation, and urban revitalization.

_____. 1989. *Housing Needs Determinations*. Oakland, Calif.: Association of Bay Area Governments.

This report is the Association of Bay Area Governments housing needs analysis for 1988-1998 housing element cycle. It contains information about the determination of housing needs, housing needs for each jurisdiction in the Bay Area, and the local government review process.

Baer, William C. 1986. "The Evolution of Local and Regional Housing Studies." *Journal of the American Planning Association* 51, no. 2: 172-84.

Housing studies have evolved over 80 years from a set of disparate techniques into comprehensive fair-share housing allocation plans. During this evolution the individual studies also have served a variety of political purposes, although planners have not always admitted to them. A few states have sought to implement these plans by explicitly bringing them squarely into the political arena. They have done so by using analysis and plan as an agenda for improved vertical and horizontal intergovernmental sharing of control over land use decisions. This article provides a historic review of the evolution of these studies and their political uses as of 1986. The article formed the basis for the initial research in Chapter 2 of this Planning Advisory Service Report.

Baird+Driskell Community Planning. 1999. *Final Report: Housing Production Data Collection Process*. Oakland, Calif.: Association of Bay Area Governments.

This is a report of the effort to collect housing production data in the Bay Area.

Baird+Driskell Community Planning and Robert Odland Consulting. 2001. *Blueprint 2001: Housing Element Ideas and Solutions for a Sustainable and Affordable Future*. Oakland, Calif.: Association of Bay Area Governments.

This document outlines the requirements of California's housing element law, sets forth a process for addressing those requirements, and describes programs and strategies that can be used to address housing needs. It includes information on how to prepare an effective housing element, strategies for community participation, a directory of housing strategies and programs, and a directory of financial resources for housing.

Bay Area Alliance. 2002. "The Community Capital Investment Initiative and the Bay Area Family of Funds." Web page [accessed 24 April]. Available at <http://www.bayareaalliance.org/brochure401.html>.

This web page includes information about the Community Capital Investment Initiative, an effort to invest in poor neighborhoods in the Bay Area, and promote smart growth. It includes information regarding the objectives and strategies of the Community Capital Investment Initiative, and the role of the Bay Area Smart Growth Fund.

Bay Area Council. 2002a. "Bay Area Family of Funds Overview." Web page [accessed 19 April]. Available at <http://www.basgf.com/>.

This web page contains information about the Bay Area family of funds and the Bay Area smart growth fund.

_____. 2002b. "Organizational Profile." Web page [accessed 8 April]. Available at http://www.bayareacouncil.org/orgprofil/org_top.html.

This web page contains an overview of the Bay Area Council. It includes a discussion of each of its program areas: transportation, housing and land use, energy policy, environmental quality, sustainable economic development, education and workforce development, telecommunications and information technology, and water policy.

_____. 2002c. "Programs and Policy Initiatives: Housing and Land Use." Web page [accessed 8 April]. Available at http://www.bayareacouncil.org/ppi/hlu/hlu_pe1.html.

This web page includes information about the housing and land-use initiatives that the Bay Area Council is involved in, including the jobs-housing footprint project, legislation to increase the supply of housing, fair-share housing report, framework for sustainable development, and financing initiative for environmental restoration.

_____. 2000. *Housing Policy Strategic Framework*. San Francisco, Calif.: Bay Area Council.

This document contains information about the housing policy initiative of the Bay Area Council.

Bay Area Smart Growth Fund I, LLC. 2002. "Bay Area Smart Growth Fund I, LLC." Web page [accessed 19 April]. Available at <http://www.basgf.com/>.

This web page provides information about the Bay Area Smart Growth Fund. It includes information about the targeted areas, the goals of the fund, and the fund's management team.

Bergon, Sandy. 1990. Unpublished Memorandum. 9 July.

This memorandum, prepared for the Research Unit in the Connecticut Department of Housing, contains a list of which communities were exempt from the Connecticut housing appeals procedure in 1990. 26 cities were exempt from its provisions, having more than 10 percent of their housing stock in affordable units.

Blaesser, Brian et al. 1991. "Advocating Affordable Housing in New Hampshire: The Amicus Curiae Brief of the American Planning Association in *Wayne Britton v. Town of Chester*." *Journal of Urban and Contemporary Law* 40, no. 3: 3.

This brief was submitted to the New Hampshire Supreme Court by the American Planning Association in *Wayne Britton v. Town of Chester*.

Blue Ribbon Commission. 1989. *Housing Report*, Blue Ribbon Commission, Hartford, CT.

This is an early Blue Ribbon Commission report that resulted in the creation of Connecticut's affordable housing land use appeals procedure legislation, Section 8-30G of the Connecticut General Statutes.

Blue Ribbon Commission to Study Affordable Housing. 2000. *Report of the Blue Ribbon Commission to Study Affordable Housing*. Hartford, Conn.: Blue Ribbon Commission to Study Affordable Housing.

This is the final report of the Blue Ribbon Commission to Study Affordable Housing, established by special act 99-16 during the 1999 Connecticut legislative session. It includes recommendations and findings related to the Connecticut affordable housing land use appeals procedure.

Brandt, and Mike Kaszuba. 2002. "Egan Mayor and a Church Often Go Toe to Toe. *Minneapolis Star-Tribune*, sec. 1B, 14 May.

The City of Eagan, Minnesota, is criticized by a local clergyman for not doing enough about affordable housing.

Brooks, Mary. 2002. *Housing Trust Fund Progress Report 2002: Local Responses to America's Housing Needs*. Frazier Park, Calif.: Center for Community Change.

This report includes the results of a survey of housing trust funds in cities, counties, regions, and states in the U.S.

Buki, Charles. 2001. *Affordable Housing and Growth Management and Sprawl: Equity for Some Versus Affordability for Others*. Washington D.C.: Millennial Housing Commission.

This paper prepared for the Millennial Housing Commission established by Congress includes information about the connection between affordable housing and urban sprawl.

Burchell, Robert W., and et al. 1983. *Mount Laurel II: Challenge & Delivery of Low-Cost Housing*. New Brunswick, New Jersey: Center for Urban Policy Research, Rutgers University.

This is a compilation of articles about the Mount Laurel antiexclusionary zoning cases in New Jersey and issues raised by them, including those addressing housing allocation methodology.

Burchell, Robert W., David Listokin, and Arlene Pashman. 1994. *Regional Housing Opportunities for Lower-Income Households: An Analysis of Affordable Housing and Regional Mobility Strategies*. Washington, D.C.: U.S. Department of Housing and Urban Development.

This report, prepared by researchers at the Rutgers University Center for Urban Policy Research, is an extensive analysis of some 30 historic or current (as of 1994) programs intended to promote regional mobility and housing affordability. The programs are grouped into seven categories: (1) required local housing plans; (2) local housing allocation; (3) specialized access to appeals or rewards; (4) inclusionary zoning; (5) "regional public superbuilders"; (6) affordable housing finance strategies; and (7) portable certificates and vouchers.

Burnham, Daniel H., and Edward H. Bennett. 1970. *Plan of Chicago*. 2 ed. New York: Da Capo Press.

This is an unabridged republication of the first edition of the 1909 plan for the City of Chicago, (the "Burnham Plan"), which is one of the most famous and influential city plans in American city planning history.

Calavita, Nico, and Kenneth Grimes. 1998. "Inclusionary Housing in California: The Experience of Two Decades." *Journal of the American Planning Association* 64, no. 2: 150-69.

This article presents a case study of inclusionary housing in California. The article presents findings from a survey that shows that the 75 inclusionary housing programs that were surveyed produced more than 24,000 units of housing, provided flexibility to developers in meeting requirements, and have generally favored moderate-income homebuyers. Interviews with planners reveal that inclusionary housing programs in California have usually been established as a response to an actual or perceived threat of litigation due to noncompliance with California's housing element law.

California Department of Housing and Community Development. 2002a. *Court Rules in Favor of State in Housing Dispute*. Sacramento, Calif.: California Department of Housing and Community Development.

This is a press release for a Riverside, California, Superior Court decision in favor of the California Department of Housing and Community Development, in their lawsuit with the Southern California Association of Governments over fair-share housing need allocation.

_____. 2002b. "Housing Element Compliance Report." Web page [accessed 12 August]. Available at <http://www.hcd.ca.gov/>.

This web page is a listing of the status of housing elements in California jurisdictions, listed by county. It includes information about whether each housing element is in compliance, out of compliance, due, in review at HCD, or self certified; and the date that the housing element was reviewed. It should be noted that the figures on this web page are periodically revised.

_____. 2002c. "Housing Element Update Schedule." Web page [accessed 20 August]. Available at <http://www.hcd.ca.gov/plainHTML.cgi>.

This web page contains information on housing element update schedules for California jurisdictions.

California Department of Housing and Community Development, Division of Housing Policy Development. 2000. *Housing Element Status Report: A Report to the Legislature*. Sacramento, Calif.: California Department of Housing and Community Development.

This is a report to the California Legislature on the status of housing elements in California. It describes the status of local compliance with California's housing element law and highlights significant progress that has been achieved in increasing statewide compliance rates.

Central New Hampshire Regional Planning Commission. 2000. *Affordable Housing Needs Assessment for the Central New Hampshire Region: Year 2000 Update*. Concord, N.H.: The Commission.

This plan is the regional affordable housing needs assessment for the Central New Hampshire region.

_____. 2002. *Epson Master Plan*. Concord, N.H.: The Commission.

Chicago Metropolis 2020. 2002a. "About Chicago Metropolis 2020." Web page [accessed 5 April]. Available at <http://www.chicagometropolis2020.org/description.htm>.

This web page includes information about the structure, history, and organization of Metropolis 2020, a private organization that represents some of Chicago's business leaders.

_____. 2002b. "Chicago Metropolis 2020: One Region. One Future. Executive Summary of the Chicago Metropolis 2020 Report." Web page [accessed 5 April]. Available at <http://www.chicagometropolis2020.org/summary.htm>.

This web page is an executive summary of the Chicago Metropolis 2020 report.

_____. 2002c. "Make No Little Plans" What do you think the Chicago region should be like in 2020? Web page [accessed 5 April]. Available at <http://www.chicagometropolis2020.org/workbook.htm>.

This web page includes information about the regional forums that were held by the Metropolis 2020 organization to identify issues of concern for the Chicago region.

_____. 2002d. *Recommendations for Developing Attainable Workforce Housing in the Chicago Region*. Chicago: Chicago Metropolis 2020.

This report contains recommendations and an agenda for affordable workforce housing in the Chicago Region, building on the recommendations of the Chicago Metropolis 2020 plan.

_____. 2002e. "Senior Executive Biographical Information." Web page [accessed 5 April]. Available at <http://www.mhichagometropolis2020.org/seniorleaders.htm>.

This web page includes information about the senior leaders of Metropolis 2020, a group of executives who dedicate their time to the goals and mission of Metropolis 2020.

_____. 2000a. *Getting to Work on Regional Issues*. Chicago: Chicago Metropolis 2020.

This report details the issues that were identified in the Metropolis 2020 plan, and includes information on the work that is being taken on by the organization to implement the plan.

_____. 2000b. "'One Region-One Future'." A Comprehensive Strategy of Regional Outreach and Collaboration: Community Forums." Web page [accessed 5 April]. Available at <http://www.chicagometropolis2020.org/sld1.htm>.

This web page contains the results of some of the community forums that the Chicago Metropolis 2020 organization held throughout the Chicago region in 1999 and 2000. It includes the top ten goals for the Chicago region that were created by each regional forum.

Cicalone, Thomas J. 2002. "Affordable Housing Appeals Procedure, Percentages of Assisted Housing Units." Web page [accessed 23 September]. Available at <http://www.state.ct.us/ecl/Housing/appeals.htm>.

This memorandum identifies the status of Connecticut cities and towns in meeting their obligation under the state's affordable housing appeals procedure.

Committee on Regional Plan of New York and Environs. 1931. *The Building of the City, Regional Plan*. New York: The Committee.

Conrad, Richard. 1998. Memo to City Councils of ARCH Member Cities, July 9.

Council on Affordable Housing. 2002a. "COAH." Web page [accessed 11 October]. Available at <http://www.state.nj.us/coah/#aboutcoah>.

This website provides detailed information about the New Jersey Council on Affordable Housing.

_____. 2002b. "Council on Affordable Housing." Web page [accessed 11 November]. Available at <http://www.state.nj.us/dca/coah>.

This web page includes a variety of information about the New Jersey Council on Affordable Housing (COAH), including COAH newsletters, 2002 regional income limits, the New Jersey guide to affordable housing, COAH substantive and procedural rules, the New Jersey Fair Housing Act, a listing of proposed regulations, and other information.

_____. 2001a. *COAH Handbook 2001*. Trenton, N.J.: Council on Affordable Housing.

This handbook includes information on how to determine a jurisdiction's housing obligation, how to prepare a housing element, how to achieve a jurisdiction's fair-share housing obligation, entering the COAH process, sources of funding and assistance, and performance monitoring.

_____. 2001b. *COAH Options: COAHs 2001 Annual Report*. Trenton, N.J.: Council on Affordable Housing.

This annual report contains information about the activities of the Council on Affordable Housing from its inception through 2001.

_____. 2001c. *New Jersey Council on Affordable Housing 2001 Annual Report*. Trenton, N.J.: Council on Affordable Housing.

This annual report includes information on the number of affordable housing units that were completed, zoned, approved, or transferred via regional contribution agreements as of June 30, 2001. It also includes a listing of development fees collected by New Jersey jurisdictions as of June 30, 2001.

_____. 2000. *COAH 2000 Annual Report: Making NJ a Better Place to Live*. Trenton, N.J.: Council on Affordable Housing.

This annual report includes information on the number of affordable housing units that were completed, zoned, approved, or transferred via regional contribution agreements between 1987 and 1999. It also includes a listing of development fees collected by New Jersey jurisdictions as of 2000.

_____. 1999. *The New Jersey Council on Affordable Housing Presents Questions and Answers*. Trenton, N.J.: Council on Affordable Housing.

This report includes many questions and answers concerning the New Jersey Council on Affordable Housing and the New Jersey Fair Housing Act.

County Corp. 2002a. *County Corp: Developing the Dayton Region*. Dayton, Ohio: County Corp.

This PowerPoint presentation describes the history and accomplishments of the Montgomery County (Dayton), Ohio, Housing Trust Fund. It also described how the trust fund works, and includes photographs of housing that was developed using funds from the trust fund.

_____. 2002b. "Housing." Web page [accessed 1 April]. Available at <http://www.mrecommerce.net/countycorp/housing.asp>.

This web page includes general information about County Corp housing programs, including home improvement loans, homebuyer programs, and the housing trust fund.

_____. 2002c. "Montgomery County Housing Trust." Web page [accessed 1 April]. Available at <http://www.mrecommerce.net/countycorp/HousingTrust.asp>.

This web page features detailed information about County Corp and the Montgomery County (Dayton) affordable housing trust fund.

_____. 2002d. "Montgomery County Housing Trust Proposal Evaluation Criteria." Web page [accessed 1 April]. Available at <http://www.mrecommerce.net/countycorp/HTEvaluation.asp>.

This web page provides information about the purposes, administration, and project eligibility of the housing trust fund. It includes a listing of the point system used to evaluate score potential trust fund projects.

_____. 2001a. *County Corp: Developing the Dayton Region: 2001 Annual Report*. Dayton, Ohio: County Corp.

This annual report covers the Montgomery County, Ohio, Housing Trust Fund activities for the fiscal year 2001. It includes a listing of the projects that were funded by the trust fund, a listing of expenditures, and demographics information about the recipients of the funds.

_____. 2001b. *Housing Trust Program Guidelines*. Dayton, Ohio: County Corp.

This report describes County Corp in Montgomery County (Dayton), Ohio, and its housing trust fund. It explains County Corp's role in the housing trust fund, who is eligible for funding, the priorities for the use of housing trust fund financing, general underwriting guidelines for trust fund financing, the application and review process, the how potential projects are reviews. Includes an application for funding from the trust fund .

_____. 2000. Projects/Programs funded in year 2000.

This unpublished document is a listing and description of all of the projects and programs that County Corp funded in 2000.

County of Sacramento, California. 2002. "Sacramento Area Facts." Web page [accessed 11 September]. Available at <http://www.saccounty.net/portal.about/areafacts.htm>.

This web page contains general demographic information about the city and county of Sacramento, California.

Croswell, Cathy E. 2002. Letter to Mayor Ronald Bartes, dated December 13, 2000, available from <http://api.ucla.edu/rhna/RegionalHousingNeedsassessment/Correspondence/todayLetter5.pdf> [accessed August 14].

Danielson, Michael N. 1976. *The Politics of Exclusion*. New York: Columbia University Press.

This book discusses a variety of affordable housing issues, including fair-share approaches to affordable housing, zoning, and subsidized housing. It contains a case study of the adoption and implementation of the Miami Valley Regional Planning Commission's fair-share housing allocation plan for the five-county Dayton, Ohio, region in the early 1970s.

DeForest, Robert, and Lawrence Veiller. eds. 1900. *The Tenement House Problem including the Report of the New York Tenement House Commission of 1900*.

Eisenberg, Robert. 2002. *The Housing Transportation Connection: Building Better Communities through Better Housing and Transportation*. Paper prepared for the Millennial Housing Commission.

Fairbanks, Robert B. 2000. "From Better Dwellings to Better Neighborhoods: The Rise and Fall of the First National Housing Movement." In *From Tenements to the Taylor Homes: In Search of an Urban Housing Policy in Twentieth Century America*, edited by Roger F. Bauman, Roger Biles, and Kristin Szylvian. University Park, Pa.: Pennsylvania State University Press, pp. 21-42.

An excellent review of housing policy in the U.S. from 1895 to 1917.

Feiss, Carl. 1985. "The Foundations of Federal Planning Assistance: A Personal Account of the 701 Program." *Journal of the American Planning Association* 51, no. 2: 175-84.

This article describes the events leading to the Section 701 (of the Housing Act of 1954) federal planning assistance program. It outlines the accomplishments of the program and its importance to professional planning and education.

Field, Ben. 1993. "Why Our Fair Share Housing Laws Fail." *Santa Clara Law Review* 34, no. 1.

A discussion of the problems in obtaining judicial enforcement under the "substantially complies" standard of compliance in the California housing element law.

Fishman, Richard, ed. *Housing for All Under Law: New Directions in Housing, Land Use and Planning Law*. Cambridge, Mass.: Ballinger.

This is the report of the American Bar Association's Advisory Commission on Housing and Urban Growth. The report contains extensive recommendations on housing planning and regulatory barrier removal.

Flint, Anthony. 2002a. "Grafton Fights Loosing Battle on Development." *Boston Globe*. 9 September.

Account of the efforts of the town of Grafton, Massachusetts, to retain historic character, provide affordable housing, and fight mansionization.

_____. 2002b. "Towns Get Greater Housing Control." *Boston Globe*. 14 September.

This article discusses the new rules giving towns in Massachusetts more control over the construction of affordable housing projects built under the state's Chapter 40B affordable housing law.

Godschalk, David R. 1992. "In Defense of Growth Management." *Journal of the American Planning Association* 58, no. 4: 422-24.

Goetz, Edward G., Karen Chapple, and Barbara Lukermann. 2002. *The Affordable Housing Legacy of the 1976 Land Use Planning Act*. Minneapolis, Minn.: Center for Urban and Regional Affairs, University of Minnesota.

This report analyzes the Minnesota Land Use Planning Act of 1976. It focuses on how the Metropolitan Council has interpreted and administered the act and how 25 high-growth suburban communities have implemented it. The authors examine the degree to which land that was set aside for high-density housing twenty or more years ago actually resulted in the creation of affordable housing .2001.

_____. 2001. "Enabling Exclusion: The Retreat from Fair Share Housing in the Implementation of the Minnesota Land Use Planning Act." Paper presented at Annual Meeting of the Association of Collegiate Schools of Planning—November 7-11.

Goetz, Edward, and Lori Mardock. 1998. *Losing Ground: The Twin Cities Livable Communities Act and Affordable Housing*. Minneapolis, Minn.: Center for Urban and Regional Affairs, University of Minnesota.

This report is an analysis of the Minnesota Livable Communities Act. It finds that many communities have goals that will actually reduce their percentage of affordable housing, and that these reductions will have a region-wide impact. The authors argue that the standard by which a regional housing program such as the Livable Communities Act should be judged is the degree to which it increases the relative availability of affordable housing. By this standard, the authors find the program to be ineffective because it not only will fail to increase the availability, but will actually reduce it, for both ownership and rental units.

Hammer, Greene, Siler Associates. 1972. *Regional Housing Planning*. Washington, D.C.: American Institute of Planners.

This report provides a methodology on the analysis and forecasting of requirements for new housing production on a regional basis. Chapter 1 is an introduction. Chapter 2 describes the housing delivery process. Chapter 3 is the housing model intended to describe the supply and production requirements for housing, including the forecasted occupancy characteristics. Chapter 4 describes how to develop local housing policies and programs. A detailed technical appendix addresses sources of housing information, methods and approaches to be used by the planner in evaluating and understanding the local housing delivery system, the sequential procedures and approaches the planner might employ in development of a housing model, and a case example of use of the housing model for a hypothetical planning area. The forecasting methodology draws heavily on the 1970 publication *FHA Techniques of Housing Market Analysis*.

Hardinson, Dee. 2002. Letter to Julie Bornstein, dated August 30, 2000. Available from <http://api.ucla.edu/rhna/RegionalHousingNeedsassessment/Correspondence/today2b.pdf> [accessed August 14].

Tasha Harmon. n.d. "Tools Proposed or Used in Portland Region to Maintain/Increase Affordable Housing Stock for Low-Income Residents." Handout at *American Planning Association Conference, 2000*.

This conference handout document, written for the 2000 American Planning Association conference, includes a listing of all of the affordable housing tools that are available or used in the Portland region.

Harr, Charles M. 1996. *Suburbs Under Siege*. Princeton, New Jersey: Princeton University Press.

This book examines the activist role that the New Jersey courts took in the *Mount Laurel* anti-exclusionary housing rulings.

Herold, Roberta. 2002. *Between a Rock and a Hard Place: Housing and Wages in Vermont*. Montpelier, Vt.: The Vermont Housing Awareness Campaign and The Housing Council.

This report analyzes the causes and consequences of the gap between housing costs and wages in Vermont, as well as the gap between the demand for and supply of housing that working families can afford.

Herr, Philip B., and Associates. 2000a. *Affordability Zoning: Connecticut*. Newton, Mass.: Philip B. Herr and Associates.

_____. 2000b. *Affordability Zoning Data: Massachusetts*. Newton, Mass.: Philip B. Herr and Associates.

_____. 2000c. *Affordability Zoning Data: Rhode Island*. Newton, Mass.: Philip B. Herr and Associates.

_____. 2000d. *Zoning for Housing Affordability, A Study Prepared for the Massachusetts Housing Partnership Fund*. Newton, Mass.: Philip B. Herr and Associates.

This study was sponsored by the Massachusetts Housing Partnership Fund to examine the use and effectiveness of local exclusionary zoning provisions in providing affordable housing in Massachusetts. The Massachusetts experience with affordable housing was similar to that found in Connecticut, Rhode Island, and New Hampshire, which were also studied for comparison. The report is accompanied by four technical monographs analyzing affordability zoning provisions in each of the states.

Hodge, Gerald. 1963. "Use and Mis-Use of Measurement Scales in City Planning." *Journal of the American Institute of Planners* 29, no. 2: 112-21.

In discussing criteria by the American Public Health Association, Hodge noted studies in Boston and New York where "shabby physical conditions mask a viable social structure," and suggested that "social factors also have to be considered in order to define completely the dimension of sub-standardness".

Job-Center Housing. 2002a. "The Housing Crisis: Creating Housing Opportunities for California's Workforce." Web page [accessed 8 April]. Available at <http://www.jobcenterhousing.com/problem.html>.

This web page discusses the housing shortage in the Bay Area, California. It includes information on the housing shortage, the jobs/housing imbalance, and the condominium shortage.

_____. 2002b. "The Solution to California's Housing Crunch." Web page [accessed 8 April]. Available at <http://www.jobcenterhousing.com/solution.html>.

This web page outlines Job-Center Housing's strategy to solve California's housing crisis.

_____. 2002c. "Who We Are." Web page [accessed 8 April]. Available at <http://www.jobcenterhousing.com/who.html>.

This web page contains information about the Job-Center Housing Coalition, including a listing of housing, consumer, ethnic, labor, and taxpayer organizations that are members of the coalition.

Johnson, Elmer J. 2001. *Chicago Metropolis 2020: The Chicago Plan for the Twenty-First Century*. Chicago: The University of Chicago Press.

This plan for the Chicago region, produced by a private organization, includes goals and principles in five areas: public education and childcare, transportation, land use and housing, governance and taxation, and economic well-being. It includes recommendations in five areas: investing in children, enhancing the region's competitiveness, governing the region, race and poverty, and quality of life.

Joint Center for Housing Studies of Harvard University. 2002. *The State of the Nation's Housing*. Cambridge Mass.: Joint Center for Housing Studies at Harvard University.

This report is a general overview of the state of the nation's housing. It includes information regarding housing and the economy, demographics, homeownership, rental housing, and low-income housing needs.

Kantor, Harvey M. 1973. "Charles Dyer Norton and the Origins of the Regional Plan of New York." *Journal of the American Institute of Planners* 39, no. 1: 35-41.

Profile of Charles Dyer Norton, a banker and civic activist who launched the Regional Plan of New York and its Environs in the 1920s.

Katz, Bruce. 2002. "Increasing Housing Opportunities in Metro Kansas City." Web page [accessed 19 December]. Available at <http://www.brookings.org/dybdocroot/es/urban/speeches/kcaffordable.pdf>.

Text of a speech given before the Kansas City Forum in Kansas City, MO, by Bruce Katz, director of the Brookings Institution Center on Urban and Metropolitan Policy.

King County Consortium. 1999. *Consolidated Housing and Community Development Plan for 2000-2003*. Seattle, Wash.: King County Consortium.

This plan addresses the housing and community development needs of communities in King County outside Seattle.

King County Housing and Community Development Program. 2001. *Consolidated Annual Performance and Evaluation Report for the year 2001, Draft*. Seattle, Wash.: King County Housing and Community Development Program.

This report is a summary and evaluation of how the King County Consortium used its federal housing and community development funds in 2001 to help carry out the goals and objectives identified in its consolidated plan.

_____. 1998. *King County Market Rate Housing Affordability Study*. Seattle, Wash.: King County Housing and Community Development Program.

This study analyzes housing affordability both rental and ownership in the real estate market in King County, Washington. Includes information about housing affordability for King County as a whole, by region, and by jurisdiction.

King County Office of Regional Policy and Planning. 2002. "Annual Growth Report 2000." Web page [accessed 29 March]. Available at <http://www.metrokc.gov/exec/orpp/agr/agr00/>.

This is the annual report of growth in the King County (Seattle) region. It includes information about housing units, rental prices, and income.

Kirp, David L., John P. Dwyer, and Larry A. Rosenthal. 1995. *Our Town: Race, Housing, and the Soul of Suburbia*. New Brunswick, N.J.: Rutgers University Press.

This book is a chronicle of and the stories behind the *Mount Laurel* affordable housing litigation in New Jersey .

Koebel, Theodore C. 1987. "Estimating Housing Demand and Supply for Local Areas." *Journal of Planning Education and Research* 7, no. 1: 5-14.

This article presents a relatively simple approach for estimating housing demand and supply by county, based on methodology employed by the State of Kentucky in its

Annual Housing Report. Under it, household forecasts were derived by multiplying projected household population by the percentage of householders (heads of households) for each age, sex, and race category. Data on production (permits, starts, completion) can be obtained through national housing statutes, such as census reports. However, the article notes that reliance on building permits to measure housing production would result in a serious underestimate in Kentucky counties, where they may not be issued. Instead, the article notes that other permits, especially plumbing permits, are useful for supplying the more traditional data on housing production. A special regression methodology was used for estimating the number of mobile home placements by county.

Krefetz, Sharon Perlman. 2001. "The Impact and Evolution of the Massachusetts Comprehensive Permit and Zoning Appeals Act: Thirty Years of Experience with a State Legislative Effort to Overcome Exclusionary Zoning." *Western New England Law Review* 22, no. 381-430.

This study analyzes the Massachusetts Comprehensive Permit and Zoning Appeals Act (chapter 40B). The article includes a discussion of the law's origins, enactment, and provisions, an assessment of the law's impact, a discussion of the evolution of the law's administration by the state-level Housing Appeals Committee, and suggestions for future research. This is the most thorough assessment of the law published to date and is highly recommended as an example of program analysis.

Lieder, Constance. 1988. "Planning for Housing." In *The Practice of Local Government Planning*. 2d ed., edited by Frank S So, and Judith Getzels. Washington D.C.: International City Management Association, 388-91.

This section of *The Practice of Local Government Planning* addresses housing planning, housing forecasting and housing market analysis.

Lindgren, Jay R. 2001. Letter to James Nobles, January 18.

Listokin, David. 1976. *Fair Share Housing Allocation*. New Brunswick, N. J.: Center for Urban Policy Research.

This book analyzes fair-share housing allocation plans for low- and moderate-income housing as they existed in the mid 1970s. A technical appendix discusses housing allocation formulas used in the plan adopted by the Miami Valley Regional Planning Commission in Dayton, Ohio.

Live Baltimore Marketing Center. 2002. "Live Near Your Work Program." Web page [accessed 8 April]. Available at <http://www.livebaltimore.com/homebuy/lnyw.html>.

This web page offers information regarding the Maryland Live Near Your Work Program, including a list of participating employers, frequently asked questions, and grant instructions.

Luger, Michael I., and Kenneth Temkin. 2000. *Red Tape and Housing Costs: How Regulation Affects New Residential Development*. New Brunswick, N.J.: Rutgers University Center for Urban Policy Research.

Using case studies from New Jersey and North Carolina, this book examines the effects of regulation on housing costs. It begins by distinguishing normal from excessive regulatory costs. Normal regulations are those, it is commonly agreed, that protect health, safety and environmental quality and costs incurred to comply with the regulations in a reasonable period. The excessive costs are those that require developers to incur more hard costs than they would in some baseline case, as well as costs incurred due to unnecessary delays. The book quantifies these costs, and finds that the New Jersey per-unit costs and fees, as compared to North Carolina's, are too high by \$9,500.

Mallach, Alan. 2002a. *Creating More Affordable Housing Under the New Jersey Fair Housing Act: Changing COAH Regulations to Increase Housing Production*. Trenton, N.J.: Housing and Community Development Network of New Jersey.

This is a white paper of the Housing and Community Development Network of New Jersey. It discusses New Jersey Council on Affordable Housing (COAH) regulations that govern three areas: inclusionary zoning (set-asides), developer fees, and regional contribution agreements. The report includes recommendations on how to improve the operation of these three components of the state's fair-share housing program.

_____. 2002b. "Draft Amendments to Fair Housing Act." October 31, 2002. Unpublished manuscript supplied to APA research staff.

Mandelker, Daniel R., et al. 1981. *Housing and Community Development: Cases and Materials*. Indianapolis, Indiana: Bobbs-Merrill Co.

Maryland Department of Housing and Community Development. 2002. "Live Near Your Work (LNYW) Fact Sheet." Web page [accessed 4 April]. Available at <http://www.dhcd.state.md.us/lnyw/lnyw.cfm>.

This web page includes general information on the Maryland Live Near Your Work program, such as eligibility, application process, funding, and related links.

Maryland Department of Housing and Community Development, Live Near Your Work Program. 2001. *Live Near Your Work Survey Results*. Annapolis, Md.: Maryland Department of Housing and Community Development.

This report details the results of a survey of participants in Maryland's Live Near Your Work Program. It includes information about miles traveled to work, income, the Live Near Your Work incentive, and demographics of the participants.

Massachusetts Department of Housing and Community Development. 2002a. *Ch. 40B Subsidized Housing Inventory Through October 1, 2002, Revised April 24, 2002*. Boston, Mass.: Massachusetts Department of Housing and Community Development.

This report includes a listing of Chapter 40B subsidized housing for every community in Massachusetts. It includes the percent subsidized, the number of Chapter 40B units, and the total development units in 2001.

_____. 2002b. "Chapter 40B." Web page [accessed 18 June]. Available at <http://www.state.ma.us/dhcd/Ch40B/Data.htm>.

This web page contains information about the Massachusetts Chapter 40B affordable housing law.

_____. 2002c. "Overview of the Massachusetts Comprehensive Permit Law." Web page [accessed 18 June]. Available at <http://www.state.ma.us.decd/components/hac/4summ-mc.htm>.

This Web page contains general information about the Massachusetts Comprehensive Permit Law (Chapter 40B).

_____. 2001. *Guidance for Interpreting the Most Recent Changes to the Housing Appeals Committee Regulations*. Boston, Mass.: Massachusetts Department of Housing and Community Development.

This report includes information on recent changes to the Massachusetts housing appeals law regulations.

_____. 1999. "Guidelines for Local Review of Comprehensive Permits." Web page [accessed 18 June 2002]. Available at <http://www.state.ma.us/dhcd/components/hac/guide.htm>.

This web page is an overview of the Massachusetts Chapter 40B comprehensive permit law, which encourages the construction of affordable housing using locally granted permits.

Maxfield Research, Inc. 2000. *A Study of the Relationship Between Affordable Family Rental Housing and Home Values in the Twin Cities*. Minneapolis, Minn.: Family Housing Fund.

This report analyzes the relationship between affordable tax-credit, family rental developments and the values of owner occupied homes that are located near them. The report documented little or no evidence to support the claim that tax-credit rental housing for families has a negative impact on the market for owner-occupied housing in the surrounding area.

Mayberry, Bruce C. 2002. "Regional Housing Need Assessments in New Hampshire: Current Practice and Options for Change." Unpublished draft.

Unpublished draft of recommendations to State of New Hampshire on revamping the Regional Housing Needs Assessments that are required of regional planning commissions by statute.

Mayors' Regional Housing Task Force. 2000. *Affordable Housing for the Region: Strategies for Building Strong Communities*. St. Paul, Minn.: Metropolitan Council.

This report analyzes the need for affordable housing in the seven-county Twin Cities region. Among its conclusions: affordable housing can and must be synonymous with quality housing; mixed income developments offer a preferred alternative for providing affordable housing, and higher densities are necessary to increase the supply of affordable housing. Among its recommendations: local officials must be "ambassadors" for affordable housing; and local governments should ensure that their planning and zoning systems enable affordable housing.

McFall, Trudy. 1977. *Housing Planning: How to Meet HUD's 701 Requirements*. Planning Advisory Service Report No. 330. Chicago: American Planning Association.

This report explains how planners can satisfy the housing planning requirements of the U.S. Department of Housing and Urban Development's now-defunct Section 701 (of the federal Housing Act of 1954). Those requirements provided the basis for most housing planning in the U.S. They included, among others, goals, objectives, and evaluation criteria; policies; use of available data; housing needs analyses and plans for the distribution of housing resources; and implementation and coordination programs.

Mckay, Sara. 1998. *Fair Share Allocation Strategies: A Review of Methods and Approaches*, Coalition for a Livable Future and the Community Development Network, Portland, Oregon.

This report surveys fair share policies across the country and summarizes methods used to determine a jurisdiction's share of affordable housing.

Meck, Stuart. ed. 2002. *Growing Smart Legislative Guidebook: Model Statutes for Planning and the Management of Change*. Chicago: American Planning Association.

Model enabling statutes for planning and land-use control in the U.S. in two-volume set. Chapters 4 and 7 contain model legislation for housing planning at the state, regional, and local levels. Model statutes and accompanying User Guide may also be downloaded at: <http://www.planning.org/growingsmart/>.

Meck, Stuart, and Kenneth Pearlman. 2002. *Ohio Planning and Zoning Law, 2002 Edition*. Eagan, Minn.: West Group.

Chapter 1 of this land-use treatise for Ohio, which is about the evolution of planning in the state, discusses the Miami Valley Regional Planning Commission's fair-share housing allocation plan of the 1970s for the Dayton region.

Metro Council. 2002a. "2040 Framework." Web page [accessed 3 May]. Available at <http://www.metro-region.org/metro/growth/tfplan/2040.html>.

This web page includes information about the Portland Metro 2040 growth concept, the urban growth management functional plan, the regional affordable housing strategy, and the livable communities workbook.

_____. 2002b. "Metro Code." Web page [accessed 24 September 2002b]. Available at <http://www.metro-region.org/article.cfm?articleID=987>.

This web page contains the text of the Metro Code, as adopted by Metro Council, the regional council for the Portland region.

_____. 2002c. *Metro Regional Data Book*, Metro Council, Portland, Oregon.

This report includes demographic information about the Portland region, including population, employment, and income data.

_____. 2000a. "Regional Affordable Housing Strategy Plan." Web page. Available at <http://www.multnomah.lib.or.us/metro/growth/tfplan/affordable.html>.

This is the regional plan for affordable housing for the three-county Portland region. The plan contains a regional housing goals and objectives, and implementation processes and an proposed assessment methodology. The plan sets forth affordable housing production goals extended to 2017 for each city and county (unincorporated area only) for the region. The individual goals total 90,479 units for household at less than 50 percent of the regional median household income. The goals are intended to be guidelines only, and compliance is voluntary. In addition, the plan recommends a series of policy amendments to the overall plan for the region. Extensive appendices document the process of plan preparation.

_____. 2000b. *Regional Affordable Housing Strategy: Recommendations of the Affordable Housing Technical Advisory Committee accepted by the Metro Council*. Portland, Ore.: Metro Council.

This report contains the recommendations of the affordable housing technical advisory committee, and the regional affordable housing strategy. It contains an assessment of affordable housing needs, goals, strategies for increasing and preserving affordable housing, and recommendations for implementation of the strategy.

_____. 1997a. *Housing Needs Analysis*. Portland, Ore.: Metro Council, Growth Management Services Department.

This report is a housing needs analysis for the Portland region. It includes background information, regional housing needs data, cost and attributes of single-family housing production, factors and barriers to affordable housing, an assessment of affordable housing needs and tools, and legal requirements and conclusions.

_____. 1997b. *Regional Framework Plan*. Portland, Ore.: Metro Council.

This plan is the regional framework plan for the Portland region. It includes chapters on land use, transportation, parks and open space, water, regional natural hazards, management, and implementation.

_____. n.d. *Urban Growth Management Functional Plan*. Portland, Ore.: Metro Council.

This is the functional plan for the Portland region. It includes affordable housing provisions.

Metropolitan Council. 2002. *Regional Report: Report to the Minnesota Legislature on Affordable and Life-Cycle Housing*. St. Paul, Minn.: Metropolitan Council.

This report to the Minnesota Legislature reviews the production of affordable and life-cycle housing in the Twin Cities, Minnesota, region in 2000. Summary data for 1996-2000 is also included.

_____. 2001a. "Guidelines for Priority Funding for Housing Performance." Web page. Available at http://www.metrocouncil.org/planning/funding_guidelines.htm.

This web page contains criteria and their relative weight that will be used by the Twin Cities Metropolitan Council to determine a score - 0 to 100 points - and rank for cities and counties in the region to be used in the evaluation and prioritization of applications for funding by the Council. Examples of current funding decisions that will be

affected include those for community development - the Livable Communities Account (LCA) Fund and Smart Growth initiatives, transportation - TEA-21, the environment, Metro Environment Partnership grants, and other investments and programs such as those for parks and open space. Application of these criteria carries out a Metropolitan Council recommendation in its Regional Blueprint.

_____. 2001b. *Housing Performance Scores – 2001*. St. Paul, Minn.: Metropolitan Council.

This report includes housing performance scores, rating sheet, and guidelines under the Metropolitan Livable Communities Act, which applies to the Twin Cities region.

_____. 2000a. *Regional Report: Metropolitan Livable Communities Fund*. St. Paul, Minn.: Metropolitan Council.

This report is the fourth annual report to the Minnesota Legislature on the Metropolitan Livable Communities Fund, established in 1995 by the Livable Communities Act. The report details the activities of the Metropolitan Council's administration of the fund in 1999, and summarizes the fund commitments throughout its operational history from 1996 to 1999.

_____. 2000b. *Regional Report: Participation in the Livable Communities Act Local Housing Incentives Account – 2000*. St. Paul, Minn.: Metropolitan Council.

This report to the Minnesota Legislature is a list of all of the municipalities that participated in the local housing incentive account program in 2000.

_____. 1999. *Regional Report: Report to the Minnesota Legislature on Affordable and Life-Cycle Housing*. St. Paul, Minn.: Metropolitan Council.

This report to the Minnesota Legislature includes three-year summaries of affordable housing construction in respondent communities, an analysis of housing production trends for the 1990s, and appendices of housing indicators. It also includes the results from a local attitudinal survey that addresses affordable housing issues.

_____. 1996. *Regional Blueprint*. St. Paul, Minn.: Metropolitan Council.

This report outlines the policies and steps that are needed in the Twin Cities, Minnesota, region, for the long-term and short-term health of the region. The critical policy issues that the report cites include: encouraging regional economic growth, fostering reinvestment in distressed areas, building strong communities, preserving the natural environment, setting directions for guided growth, expanding life-cycle and affordable housing opportunities, and providing financially sound regional public facilities.

_____. 1994. *Housing policy for the 1990s: a Metropolitan Council position paper*. St. Paul, Minn.: Metropolitan Council.

Metropolitan Mayors Caucus. 2002. *Housing Task Force: 2002 Housing Agenda*. Chicago: Metropolitan Mayors Caucus.

This report details the action agenda for housing in the Chicago region by the Metropolitan Mayors Caucus, a coalition of mayors in the Chicago region.

Millennial Housing Commission. 2002. *Meeting Our Nation's Housing Challenges: Report of the Bipartisan Millennial Housing Commission appointed by the Congress of the United States*. Washington, D.C.: Bipartisan Millennial Housing Commission.

This report is an overview of the nation's housing challenges. The report examines the importance of affordable housing to the nation's infrastructure, whether the nation is getting the housing outcomes it desires, how the nation can increase private-sector involvement, whether existing housing programs are living up to their potential and what reform measure should be taken, and what are the critical unmet housing needs. It includes recommendations to Congress relating to housing to modify existing federal programs or establish new ones. The report may be downloaded at: <http://www.mhc.gov>.

Minnesota Office of the Legislative Auditor. 2001. *Program Evaluation Report: Affordable Housing*. St. Paul, Minn.: Office of the Legislative Auditor.

This evaluation of the Livable Communities Act affordable housing program includes background information about affordable housing in Minnesota, information on costs and production of affordable housing, that factors that limit the production of affordable housing, and the resources that are needed to produce affordable housing. The evaluation found that the Livable Communities Act has been only marginally successful in producing affordable housing in the Twin Cities region.

Montgomery County Planning and Development Department and Maryland National Capital Park and Planning Commission. 1989. *Comprehensive Growth Policy Study, Vol. 2*. Silver Spring, Md.: The Commission.

Myers, Diana, and Barbara Hodas. 2000. *Report on the Countywide Housing Strategy*. Dayton, Ohio: County Corp.

This report is a countywide housing strategy for Montgomery County, Ohio. It identifies a vision for affordable housing and major unmet needs for the use of housing trust fund monies. The report includes the results of a survey of government agencies, developers, neighborhood organizations, and housing service providers on affordable housing in Montgomery County (Dayton), Ohio.

Nashua Regional Planning Commission. 2002a. "2000 Master Plan." Web page [accessed 16 August]. Available at <http://www.gonashua.com/planning/planningboard/masterplan/housing.htm>.

This master plan contains an affordable housing element.

_____. 2002b. *Town of Lyndeborough Master Plan Update*, The Commission, Nashua, New Hampshire.

This master plan contains an affordable housing element.

_____. 2002c. *Town of Pelham Master Plan Update 2002*, The Commission, Nashua, New Hampshire.

This master plan contains an affordable housing element.

_____. 1999. "Regional Housing Needs Assessment." Web page [accessed March 2002]. Available at <http://www.nashurpc.org>.

This regional housing needs assessment analyzes regional housing trends for people and families of all income levels. The report contains a compilation of relevant demographic and housing data for each of the region's twelve municipalities.

National Commission on Urban Problems. 1968. *Building the American City: Report of the National Commission on Urban Problems to the Congress and to the President of the United States*. Washington, D.C.: U.S. GPO.

Also known as the "Douglas Commission," after its chairman, Sen. Paul Douglas of Illinois, this commission produced the most comprehensive set of recommendations from a federal study group to date on the issues affecting urban areas in the U.S. The report is notable for its emphasis on regional housing planning, the importance of linking jobs to housing, and removal of regulatory and statutory barriers to affordable housing.

Nelson, Arthur C., et al. 2002. "A Discussion Paper Prepared for the Brookings Institution Center on Urban and Metropolitan Policy." In *The Link Between Growth Management and Affordable Housing: The Academic Evidence*. Washington, D.C.: Brookings Institution.

This is a discussion of the link between growth management and affordable housing.

New Hampshire Legislative Commission. 2002. *Reducing Regulatory Barriers to Workforce Housing in New Hampshire, Executive Summary, Report of the Legislative Commission established by Chapter 252 of the Laws of 2001*. Concord, N.H.: The Commission.

Non-Profit Housing Association of Northern California and Greenbelt Alliance. 2002. *San Francisco Bay Area Housing Crisis Report Card*. San Francisco, Calif.: Non-Profit Housing Association of Northern California and Greenbelt Alliance.

This report is about why the Bay Area continues to have a housing crisis, and what local governments can do to help end it. It details three actions that could double the creation of affordable homes in the Bay Area, which include: creating housing choices, dedicating local funds to housing, and adopting inclusionary zoning. The report says that because the California housing element law has no teeth, many city leaders shirk their responsibility of providing affordable housing.

North Country Council, Inc. 1995. *North Country 1995 Housing Needs Assessment*. Littleton, N.H.: The Council.

This affordable housing needs assessment, required by New Hampshire statutes, is for the North Country region surrounding Littleton, New Hampshire.

Ohio Department of Development. 2001. *Ohio County Profiles*. Columbus, Ohio: Ohio Department of Development Strategic Planning Office.

This report provides a variety of information about Ohio cities and counties, including population figures and county size.

Orfield, Myron. 1997. *Metropolitics: A Regional Agenda for Community and Stability*. Washington, D.C.: Brookings Institution Press.

This book discusses how demographic research, mapping, and politics led to the creation of a regional government in Twin Cities, Minnesota, and the passage of land use, fair housing, and tax-equity reform legislation.

Ottensmann, John R. 1992. "Central City Dominance in Metropolitan Areas and the Availability of Affordable Housing." *Journal of Planning Education and Research* 11, no. 2: 96-104.

This article describes how fragmented suburban jurisdictions that dominate metropolitan areas may limit the availability of affordable housing because of their restrictive land-use regulations. The article presents findings from a study of 46 of the largest 100 metropolitan areas. The study found that those areas where over half the population or land was constrained in central cities had fewer land use restrictions, and those areas with fewer land use restrictions had more affordable housing.

Payne, John M. 2001. "Fairly Sharing Affordable Housing Obligations: The *Mount Laurel* Matrix." *Western New England Law Review* 22, no. 365: 365-80.

This article contains background information on the *Mount Laurel antiexclusionary zoning* doctrine from New Jersey, an assessment of what has been accomplished as a result of the New Jersey fair-share housing program, the "Mount Laurel matrix", and a proposed new approach to *Mount Laurel* compliance that establishes a two-tier system of constitutional fair-share obligations: one a "private share," recognizing the capacity of private markets to meet low- and moderate-income housing needs if regulated in the general interest, and the other a "public share," recognizing the resource capacities that are uniquely governmental.

_____. 1997. "Remedies for Affordable Housing: From Fair Share to Growth Share." *Land Use Law & Zoning Digest* 49, no. 6: 3-9.

Professor Payne argues that the allocation approach used in the New Jersey *Mount Laurel* system is complex and burdensome. A better way, he contends, is to use an allocation technique called "growth share." Under this approach, a community's fair-share obligation of the region's affordable housing would be a simple obligation to allocate a share of whatever growth actually occurs to low- and moderate-income housing. The approach would apply to both residential and nonresidential growth as well as new development on raw land and redevelopment of previously used land.

Pendall, Rolf. 2000. "Local Land Use Regulation and the Chain of Exclusion." *Journal of the American Planning Association* 66, no. 2: 125-42.

The study reported in this article tested connections between five land use controls and the racial composition of the communities that use them. A survey of localities in the 25 largest U.S. metropolitan areas showed that low-density-only zoning, which restricts residential densities to fewer than eight dwelling units per acre, consistently reduced rental housing; this, in turn, limited the number of Black and Hispanic residents. Building permit caps were also associated with lowered proportions of Hispanic residents. Other controls tested—urban growth boundaries, adequate public facilities ordinances, and moratoria—had limited effects on either housing types or racial distribution.

_____. 1999. "Opposition to Housing: NIMBY and Beyond." *Urban Affairs Review* 35, no. 1: 112-36.

A statistical analysis of NIMBY-based opposition to affordable housing projects in the San Francisco Bay Area. Pendall found that projects opposed by neighbors tended to be next to single-family housing and not to be next to multifamily housing. Projects with affordable housing also generated more NIMBY protests, although few citizen complaints explicitly mentioned affordable housing. Antigrowth and NIMBY protests were both more common in jurisdictions with lower median incomes. Institutional structure, Pendall observed, shapes protest with respect to affordable housing. He found that affordable housing projects with streamlined approval processes generated less controversy than the average project, even though one might expect affordable projects to draw more opposition. Pendall also observed that nonprofit groups who built affordable projects in the Bay Area were more professional and sophisticated, doing substantial background research and sometimes meeting with neighborhood residents and elected officials. They also avoid jurisdictions in which a project might die because of delay or denial by elected officials responding to irate constituents. Both of these factors, he wrote, can limit protest against affordable housing projects.

Pioneer Valley Planning Commission. 1989. *Regional Homes Project: Final Report*. Northampton, Mass.: Pioneer Valley Planning Commission.

Polikoff, Alexander. 1978. *Housing for the Poor: The Case of Heroism*. Cambridge, Mass.: Ballinger.

This book, by the attorney who litigated the *Gautreaux* case involving segregated public housing in Chicago, examines how public policies have contributed to metropolitan economic and racial segregation in two mutually reinforcing ways: first, by fostering the confine of impoverished blacks within central cities; and second, by facilitating the exodus of middle class whites from them. The author contends that the city will not lose its monopoly on black poverty unless and until a housing policy is developed that enables and encourages the dispersal of a significant portion of the black ghetto population into suburban white middle class communities. He argues that this will only come about through federal, and not local initiative.

Rappa, John. 1999. "Affordable Units Added between 1990 and 1998." Web page [accessed 19 July 2002]. Available at <http://prdbasis.cga.state.ct.us>.

This report includes information about towns that are exempt from the Connecticut housing appeals procedure.

Rappa, John, Kevin McCarthy, and Shonda Anne Leonard. 1999. *Affordable Housing Decisions*. Hartford, Conn.: Connecticut General Assembly Office of Legislative Research.

This report examines the case law for the first decade of the Connecticut housing appeals procedure. It summarizes ten decisions where the town's denial of an application for affordable housing was sustained by the court. Next it looked at the five cases where the local commission's approval was sustained against the abutter's appeal, and then discusses the 20 cases where the commission's denial was overturned by a court. It also summarizes two procedural cases that discuss the appeals process and who is entitled to appeal.

RDG Crose Gardner Shukert. 1998. *The Ames/Story County Housing Needs Assessment Study*. Ames, Iowa: Department of Planning and Housing.

This is an affordable housing needs assessment and action plan for Ames and Story County, Iowa. The report prompted a cooperative affordable housing program for municipalities in the county.

A Regional Coalition for Housing. 2002a. "Eastside Housing Trust Funds." Web page [accessed 25 March]. Available at <http://www.archhousing.org/HTF/guidelines.html>.

This web page includes guidelines and instructions for applying for funding from A Regional Coalition for Housing. It includes information on program funding and priorities.

_____. 2002b. "Eastside Housing Trust Fund Guidelines - 2001: First Round of Applicants." Web page [accessed 25 March]. Available at <http://www.archhousing.org/HTF/guidelines.html>.

This web page includes information about applying for funding from the ARCH trust fund, the first round of applicants in 2001, and the ARCH organization.

_____. 2001. *ARCH: East King County Trust Fund, List of Projects Funded, 1993-Spring 2001*. Redmond, Wash.: A Regional Coalition for Housing.

This report lists all of the projects that ARCH has funded since 1993, including funding, type of project, and number of units/beds.

Rhode Island State Housing Appeals Board. 2002. State Housing Appeal Board. unpublished document summarizing status of appeals in 2002.

This unpublished document, provided by the Rhode Island Housing and Mortgage Insurance Corporation, summarizes the status of housing appeals in 2002, under the Rhode Island housing appeals board.

Riis, Jacob. 1970. *How the Other Half Lives*. Reprint edition of 1890 edition. Cambridge, Mass.: Belknap Press.

Famed account of deplorable tenement housing conditions in New York City at the turn of the 19th century.

Roberta F. Garber Consulting. 2000. *Columbus and Franklin County Consolidated Plan 2000-2003*. Columbus, Ohio: Department of Trade and the Franklin County Mid-Ohio Regional Planning Commission.

This is the consolidated plan for the City of Columbus and Franklin County, Ohio, prepared to meet requirements of the federal Community Development Block Grant program.

Roberta F. Garber Consulting for the Columbus Urban League. 2001. *Fair Housing Plan: 2001-2003*. Columbus, Ohio: Urban League.

This plan is an analysis and action plan of impediments to fair housing choice in Columbus and Franklin County, Ohio.

Rockingham Planning Commission. 1994. *Regional Housing Needs Assessment 1994*. Exeter, N.H.: Rockingham Planning Commission.

This report was prepared by the commission pursuant to N.H.R.S.A. 36:47 to assist local planning boards in the preparation of local housing needs assessments. It provides a methodology for estimating need for affordable housing on a regional basis and allocating that need to towns within the region. Two allocation approaches are described. One distributes need based on employment, equalized assessed valuation, and vacant developable land. The other distributes need based on equalized assessment, in-town employment, vacant developable land, median family income, and total housing units. The actual allocations are presented in tabular form.

Roudebush, Janice, and Leslie J. Wells. 1980. *Low- and Moderate-Income Housing: Part I. Increasing the Supply and Availability*. Planning Advisory Service Report No. 350. Chicago: American Planning Association.

This report contains a collection of case studies on techniques to increase the supply and availability of affordable housing. These include: land assembly and write-down techniques; development corporations; recycling existing facilities; reducing the costs of home ownership; financing techniques (chiefly tax increment financing); increasing the accessibility of rental housing to low- and moderate-income households; and planning and management techniques, including inclusionary zoning.

_____. 1980. *Low-and Moderate-Income Housing: Part II. Conserving What We Have*. Planning Advisory Service Report No. 351. Chicago: American Planning Association. This monograph discusses techniques for conserving housing stock such as training, rehabilitation grants and loans, and a variety of code enforcement approaches, among others. While the examples are dated, the explanation of techniques is very clear and still relevant.

Sacramento Housing and Redevelopment Agency. 2002a. "Community Redevelopment Implementation Plan." Web page [accessed 30 August]. Available at <http://www.shra.org/Content/CommunityDevelopment/ImplPlanTOC.htm>. This is a redevelopment plan for communities in the Sacramento region. It includes a housing component and information about housing statutory requirements.

_____. 2002b. "About SHRA." Web page [accessed 30 August]. Available at <http://www.shra.org/Content/AboutSHRA/About.htm>.

This web page includes general information about the Sacramento Housing and Redevelopment Agency.

_____. 2002c. "Affordable Housing and Homeownership." Web page [accessed 11 September]. Available at <http://www.shra.org/Content/Housing/Housing.htm>.

This web page includes a lot of information about SHRA's affordable housing and homeownership programs.

_____. 2001a. *Multi-Family Housing Development Assistance Program (Draft)*. Sacramento, Calif.: Housing and Redevelopment Agency.

This manual contains detailed information about the multi-family housing development assistance program, by the Sacramento Housing and Redevelopment Agency .

_____. 2001b. *Multi-Family Housing Lending Program*. Sacramento, Calif.: Housing and Redevelopment Agency.

This manual describes the multi-family housing lending program of the Sacramento Housing and Redevelopment Agency, including a program description, funding source requirements, program requirements, application process, and other terms and requirements.

_____. 2001c. *Performance Report for the Housing Trust Funds of the City and County of Sacramento*. Sacramento, Calif.: Housing and Redevelopment Agency.

This report contains information about the revenues and production of housing generated by the housing trust funds of the city and county of Sacramento and recommendations for the housing trust funds.

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A detailed study on land-use controls and their relationship to housing costs for single-family houses in New Jersey, this report found that the size the the house—directly

affected by the minimum size regulation and indirectly affected by minimum lot size requirements, is the single most important factor explaining selling price variation. Lot size and large frontage specifications, the study found, are highly significant and highly intercorrelated.

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Salkin responds to the 1991 U.S. Advisory Commission on Regulatory Barriers to Affordable Housing (the Kemp Commission) report on the housing cost impacts of local land-use control system in the U.S. Salkin advocates openly discussing the report's recommendations and launching an empirical study to refute or substantiate the document.

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This fact sheet contains information about San Diego's regional approach to affordable housing.

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This report details the San Diego region's progress toward meeting its affordable housing goals, based on information provided by the jurisdictions.

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This regional affordable housing needs assessment includes the data and methodology on forecasting housing demand and allocating fair share housing to jurisdictions in the San Diego region.

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This report contains demographic information about the San Diego Region, including housing estimates.

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This report sets forth the procedures developed by the San Diego Association of Governments housing element advisory committee for implementing the housing element self-certification option under California law.

_____. n.d. *San Diego Regional Growth Management Strategy: Solving the San Diego Region's Housing Crisis*, San Diego Association of Governments, San Diego, California.

This is a report on the affordable housing crisis in the San Diego Region and what SANDAG and its local governments should be doing about it as part of a set of regional strategies. The report may be downloaded at: http://www.sandag.org/uploads/publicationid/publicationid_37_732.pdf.

Scott, Mellier. 1969. *American City Planning Since 1890*. Berkeley, California: University of California Press.

A history of urban planning in the U.S. since 1890.

Second Mayor's Regional Housing Task Force. 2002. *Affordable Housing: Making It a Reality*. Minneapolis, Minn.: Metropolitan Council.

This report includes information on new methods to reduce construction costs, new means for improving sustainability, funding recommendations, and a series of case studies of affordable housing.

Seidel, Stephen R. 1978. *Housing Costs & Governmental Regulations: Confronting the Regulatory Maze*. New Brunswick, N.J.: Rutgers University Center for Urban Policy Research.

This book analyzes the extent to which government regulations are responsible for the inflation in the price of new housing. Seven areas of regulation are examined in detail: building codes, energy conservation codes, subdivision requirements, zoning controls, growth controls, environmental controls, and financing regulations. It contains recommendations on how to reduce or eliminate unnecessary costs arising from such regulations.

Shafor, Ann M., and Roberta E. Longfellow. 1980. "Fair Share Housing: A Bibliography." *Council of Planning Librarians* 38.

This is a bibliography of reports and monographs on fair-share housing as of 1980. The authors are planners who developed the Miami Valley Regional Planning Commission's regional fair-share housing allocation plan for the Dayton, Ohio, region, the first plan of its type in the nation.

Shigley, Paul. 2001. "SCAG, HCD Fight Over Housing Target." *California Planning and Development Report* (February), p. 14.

This article provides information about the conflict in the San Diego region over fair-share housing needs.

Southern California Association of Governments. 2002a. "Housing Strategies and Plans." Web page [accessed 3 May]. Available at <http://api.ucla.edu/rhnaHousingStrategiesPlans/HousingElement/Frams.htm>.

This web page contains information about housing elements in California.

_____. 2002b. "Cities in Our Region." Web page [accessed 7 August]. Available at <http://www.scag.ca.gov/counties/counties.htm>.

This web page contains a variety of information about the local governments in the Southern California region.

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This report includes information about the Southern California's progress toward meeting the planning requirements of the State of California housing element law. It contains two parts: an update on jurisdictions' housing element compliance, and a listing of the building permits issued from January 1998 to December 2001.

_____. 2002d. "Regional Housing Development Program." Web page [accessed 14 August]. Available at <http://api.ucla.edu/rhna/RegionalHousingNeedsAssessment/RHNABackground/PDF8aRHDP.pdf>.

This web page includes background information about Southern California's regional housing needs assessment.

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This web page contains demographic information about Southern California.

_____. 2001. *Housing in Southern California: A Decade in Review*. Los Angeles, Calif.: Southern California Association of Governments.

This report is an overview of housing affordability, market trends, housing production, population growth, and the job/housing imbalance in Southern California.

_____. 1999. *Draft Regional Housing Needs Assessment*. Los Angeles, Calif.: Southern California Association of Governments.

This is the regional housing needs assessment for the Southern California region for the housing element cycle 1998 to 2005.

_____. n.d. *Regional Housing Need Assessment: Appeals Process for Requesting Revisions of Local Housing Need*. Los Angeles, Calif.: Southern California Association of Governments.

This report includes information about the process for requesting revisions of local housing need in the Southern California region.

Southern California Association of Governments and the University of California, Los Angeles Advanced Policy Institute. 2002. "RHNA Calculator." Web page [accessed 14 August]. Available at <http://api.ucla.edu/rhna/>.

This web page includes a calculator that allows users to determine the housing need for each local government in the Southern California region.

Southern California Association of Governments, Department of Planning and Policy, Community Development Section. 2002. *Housing Element Compliance Report*. Los Angeles, Calif.: Southern California Association of Governments.

This report contains information about local government's compliance with the California housing element law in Southern California. It also includes recommendations to improve the housing element process. It does not include housing production data by income level.

Southern New Hampshire Planning Commission. 2000. *Regional Housing Needs Assessment*. Manchester, N.H.: Southern New Hampshire Planning Commission.

This report analyzes the regional need for housing in the region surrounding Manchester, N.H. It is required by N.H. RSA 36:47, III. The assessment contains, among other things, housing unit projections for 2000 and 2015, and a fair-share housing apportionment for the 12 municipalities in the region. The allocation is a modification of the New Jersey "fair share" allocation formula. The estimate produced by meeting the formula is intended to be a "guideline" for each town.

Steffens, Lincoln. 1957. *The Shame of the Cities*. New York: Hill and Wang.

This book describes the corruption in city government and the conditions of urban slums in the U.S. at the beginning of the 20th century.

Strafford Regional Planning Commission. 1999. *Housing Needs Assessment for the Strafford Region*. Dover, N.H.: Strafford Regional Planning Commission.

This report is a housing needs assessment for seventeen eastern New Hampshire communities. It focuses on the region's housing growth and examines the status of affordable housing in the region.

Strategic Economics. 1999. *Building Sustainable Communities: Housing Solutions for Silicon Valley*. San Jose, Calif.: Silicon Valley Manufacturing Group.

This report presents an inventory of vacant and underutilized land available for housing development in the Silicon Valley, and calculates the total number of housing units that could be built on this land based on current local land use policy and market constraints. It includes background and demographic information, recommendations for future actions, and a number of land supply maps showing vacant parcels and general reuse areas in 21 Silicon Valley cities.

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This article explores the design of Connecticut's housing appeals statute, reviews the evidence of the effect of the law on the creation of affordable housing during its initial ten years, Connecticut Supreme Court decisions interpreting the act, and some thoughts on the failure of the "free market" approach to break down barriers to affordable housing.

_____. 1999. "Fragments of Regionalism: State and Regional Planning in Connecticut at Century's End." *St. John's Law Review* 73: 1123-57.

Tondro, a professor of law at the University of Connecticut and co-chair of the first Blue Ribbon Commission in Connecticut, discusses state and regional planning in Connecticut, including the state-level Affordable Housing Land Use Appeals Act.

Town of Henniker, New Hampshire. 2002. "Master Plan. Planning Board Conditionally Approved Chapter on Housing." Web page [accessed 5 September]. Available at <http://www.cnhrpc.org/henniker/>.

Twin Pines Housing Trust. 2002a. "Twin Pines Housing Trust Mission Statement." Web page [accessed 1 July]. Available at <http://www.twinpineshousingtrust.com/summary.html>.

This web page contains general information about Twin Pines Housing Trust, including its mission, organizational facts and history, listing of programs and properties, financing, and demographic information.

Twin Pines Housing Trust. 2002b. "Twin Pines News." Web page [accessed 1 July]. Available at <http://www.trinpineshousingtust.com/2002june.html>.

This web page contains an article about the work of the Twin Pines Housing Trust, a description of the homeownership program, and an update of projects underway.

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This report discusses strategies for regional decision making.

U.S. Department of Housing and Urban Development. 2001. *Affordable Housing Design Advisor (and project book)*. Washington, D.C.: U.S. Department of Housing and Urban Development.

This CD-ROM and accompanying workbook include information about the issues of design of affordable housing, including (1) what is good design, (2) why design is important, and (3) a gallery of affordable housing developments. It includes a design considerations checklist and lectures about various design and affordable housing issues.

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This is a workbook of techniques developed by the Federal Housing Administration for analyzing regional housing markets.

United States Census Bureau. 2002. "American Fact Finder." Web page available at <http://www.factfinder.census.gov/>.

This web site provides census data for the United States, including 2000 census data.

Upper Valley Lake Sunapee Regional Planning Commission. 1995. *1995 Fair Share Housing Analysis*. Lebanon, N.H.: Upper Valley Lake Sunapee Regional Planning Commission.

This report is a fair-share housing analysis for a rural New Hampshire region; includes recommendations and conclusions.

Vermont Housing and Conservation Board. 2002a. *Annual Report to the General Assembly*. Montpelier, Vt.: Vermont Housing and Conservation Board.

This annual report details the activities of the Vermont Housing and Conservation Board from its inception through 2002.

_____. 2002b. *The Economic Benefits of Investments by the Vermont Housing and Conservation Board*. Montpelier, Vt.: Vermont Housing and Conservation Board.

This report provides information about the economic impact of investments made by the Vermont Housing and Conservation Board. It finds that investment by the board have leveraged \$515 million from other private and public sources.

_____. 2002c. "Policy Position for Affordable Housing Projects." Web page [accessed 25 March]. Available at <http://www.vhcb.orh/housingpolicy.html>.

This web page includes the policy position for affordable housing projects funded by the Vermont Housing and Conservation Board. It includes five thresholds for using VHCB funds, including (1) perpetual affordability, (2) location in an area without a large number of negative features, (3) ready to proceed should funding be awarded, (4) financially viable, and (5) include a plan for addressing major health and safety issues.

_____. 2002d. *Vermont Housing and Conservation Board: 2002 Annual Report to the General Assembly*, Vermont Housing and Conservation Board, Montpelier, Vermont.

This annual report provides an overview of the community conservation and affordable housing that have been development throughout Vermont with assistance from the Vermont Housing and Conservation Trust Fund up to 2002.

_____. 2002e. "Vermont Housing and Conservation Board: Mission and History." Web page [accessed 25]. Available at <http://www.vhcb.org/Mission.html>.

This web page discusses the mission, history, and impact of the Vermont Housing and Conservation Board.

_____. 2002f. "Vermont Housing and Conservation Board Policies." Web page [accessed 25 March]. Available at <http://www.vhcb.org/vhcbpolicies.html>.

This web page includes Vermont Housing and Conservation Board policies, legislation, and adopted rules for housing and conservation.

_____. 1999. *Vermont Housing and Conservation Board: 1999 Report to the General Assembly*. Montpelier, Vt.: Vermont Housing and Conservation Board.

This annual report provides an overview of the community conservation and affordable housing that have been development throughout Vermont with assistance from the Vermont Housing and Conservation Trust Fund. The report states that in 1999 the Vermont Housing and Conservation Board resulted in the conservation of 29 farms, 4,700 acres of open space, and the development or rehabilitation of 408 units of affordable housing.

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This article discusses the disconnect between housing and wages in Vermont.

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This article focuses on the results, in practical terms, of the Connecticut Affordable Housing Appeals Procedure Act. Vodola interviews local planners and others who have been involved with appeals under the act.

Wannon, Urlan A. 1995. *The Regional Imperative: Regional Planning and Governance in Britain, Europe, and the United States*. Bristol, Pa.: Jessica Kingsley.

A comparative analysis of regional planning in Britain, Europe, and the U.S.

Weinstein, Dorothy S. 1995. *North Country 1995 Housing Needs Assessment*. Littleton, N.H.: North Country Council, Inc., Regional Planning Commission.

The purpose of this report is to provide basic information to planning boards in the North Country, New Hampshire, region, for assessing their local housing supply. It includes data on housing characteristics, housing costs, types of housing, and socio-economic analysis of the region. The report is intended to comply with the New Hampshire statute requiring regional housing need assessment.

Wheaton, Linda, John D. Landis, et al. 2000. *Raising the Roof: California Department of Housing and Community Development Projections and Constraints: 1997-2020, Statewide Housing Plan Update*. Sacramento, Calif.: California Housing and Community Development Department.

This is the statewide housing plan for California. It contains detailed projections of housing need for the state. It is used in the administration of the state's fair-share housing program.

Wheeler, Michael. 1993. "Regional Consensus on Affordable Housing: Yes in My Backyard?" *Journal of Planning Education and Research* 12, no. 2: 139-49.

This article states that the traditional response to exclusionary zoning has been state preemption through judicial intervention or special zoning appeals laws. An analysis of two Connecticut cases suggests another alternative: explicit intermunicipal negotiation over fair-share compacts. The article notes that despite economic downturn, participating communities are ahead of schedule in producing promised affordable housing units. However, the author cautions that difficult questions remain about the political accountability of private mediators, inclusion of stakeholders, and the potentially diminished role of existing regional planning agencies.

White, Mark S. 1992. *Affordable Housing: Proactive & Reactive Planning Strategies*. Planning Advisory Service Report No. 441. Chicago: American Planning Association.

This report describes how local governments are using land-use controls to provide low- and moderate-income housing without jeopardizing the public policies that lead to their implement. It describes proactive, supply-side approaches that employ regulatory controls such as inclusionary zoning, linkage fees, housing trust funds, and tax increment financing. It also discusses reactive, demand-side measures, including reforms in zoning and subdivision standards, the integration of factory-built housing or accessory apartments into a community, adjustment to growth management or environmental regulations, and procedural reforms intended to increase certainty in the approval process.

Staff Research Contact List

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- Friedman, Joan. 2002. E-mail interview with Rebecca Retzlaff, August 5.
- Frost, Ben. 2002. Telephone interview with Stuart Meck, August 21.
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- Krohn, Steve. 2002. Telephone interview with Rebecca Retzlaff, October 1.
- Lieb, Jacob. 2002. Telephone interview with Rebecca Retzlaff, August 14.
- Lohe, Werner. 2002. Memorandum to Stuart Meck, November 11.
- Longfellow, Roberta. 2002. Telephone interview with Rebecca Retzlaff, April 1.
- Mallach, Allan. 2002. E-mail to Stuart Meck, November 2.
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APPENDIX B

List of State Statutes on Local Housing Planning

This digest of state statutes on local housing planning was prepared by John Bredin, Esq., a former Research Fellow with APA for its Growing SmartSM planning statute reform project, and a Chicago area attorney specializing in planning and land-use controls.

Arizona: Housing element required for cities over 50,000 and authorized for all other cities. Must be based on analysis of existing and projected housing needs. (Section 9-461.05) No provision for a housing element for counties, only housing as one land use to be apportioned out in a land-use plan (Arizona Revised Statutes, Section 11-821).

California: Detailed multi-section provision on housing element, with specific reference to regional aspects (California Government Code, Sections 65580 et seq.). Detailed analysis of housing needs of region as well as locality; requirement that zoning provide sufficient land for housing of varied size (houses, multifamily) and type of occupancy (owner-occupied and rental); provision of assistance to affordable housing, and other provisions. Incorporates requirement for review by regional agencies and state department of housing and community development.

Connecticut: State housing plan and coordination with regions and municipalities to implement it (Connecticut General Statutes, Sections 8-37t, 8-37u). Regional plan authorizing section (Connecticut General Statutes, Section 8-35a) does not specifically mention housing. Municipal plans have to make specific provision for housing that considers regional needs, and are specifically required to be coordinated with the aforementioned state housing plan (Connecticut General Statutes, Section 8-23).

Delaware: County comprehensive plans must include a housing element that requires the county to consider “housing for existing residents and the anticipated growth of the area.” The plan as a whole is to be coordinated with municipal plans and the plans of adjacent counties (Delaware Code Annotated, Title 9, Section 2656).

Florida: Strategic regional policy plans must address affordable housing—no detailed provided in Section (Florida Statutes, Section 186.507). Local comprehensive plans must include a housing element, described in some detail, under which the state land planning agency performs an “affordable housing needs assessment” for the local government and the local government must employ that assessment (Florida Statutes, Section 163.3177).

Illinois: Local comprehensive plan funded under Local Planning Technical Assistance Act of 2002 must include a housing element. The purpose of this element is to “document the present and future needs for housing within the jurisdiction of the local government, including affordable housing and special needs housing; take into account the housing needs of a larger region; identify barriers to the production of housing, including affordable housing; access [sic] the condition of the local housing stock; and develop strategies, programs, and other actions to address the needs for a range of housing options” (Illinois Public Act 92-0768, enacted 2002).

Idaho: Comprehensive plan must include a housing element, described in some detail, “unless the plan specifies reasons why a particular component is unneeded” (Idaho Code, Section 67-6508).

Kansas: No specific reference to housing, except that municipal comprehensive plans must address the “extent and relationship of the use of land” for, among other uses, residence” (Kansas Statutes Annotated, Section 12-747).

Kentucky: Comprehensive plans may include a housing element. No detail provided (Kentucky Revised Statutes, Section 100.187).

Maine: Local comprehensive plans must include an inventory and analysis of “residential housing stock, including affordable housing” and “ensure that its land use policies and ordinances encourage the siting and construction of affordable housing within the community,” among other detailed provisions. Regional coordination with other municipalities is required for “shared resources and facilities” (Maine Revised Statutes, Title 30A, Section 4326).

Massachusetts: Master plans must include a housing element that analyzes housing needs and provides objectives and programs to preserve and develop housing with a goal of providing “a balance of local housing opportunities for all citizens” (Massachusetts General Laws, Chapter 41, Section 81D).

Minnesota: The metropolitan government must adopt a development guide—a comprehensive plan—that has as one of its express goals the provision of adequate housing (Minnesota Statutes, Sections 4A.08, 473.145, 473.1455) Within the metropolitan area, local comprehensive plans must be consistent with the development guide (Minnesota Statutes, Section 473.175) and must include housing elements in their land-use plan that provide for “existing and projected local and regional housing needs” (Minnesota Statutes, Section 473.859) All municipalities are authorized and encouraged to adopt “community-based” comprehensive municipal plans that include an express goal of providing adequate housing (Minnesota Statutes, Sections 4A.08, 462.3535).

Mississippi: No specific reference to housing in the comprehensive plan (Mississippi Code Annotated, Sections 17-1-1, 17-1-11) or regional planning, though regional planning commissions are required to advise local governments on the planning of land use among other matters (Mississippi Code Annotated, Sections 17-1-33, 17-1-35).

Nevada: Master plans for municipalities, counties, and regions are authorized to include a housing element, which must be based on and include an analysis of the existing housing stock, of the need for housing, and of the barriers to affordable housing (Nevada Revised Statutes, Section 278.160) The housing element is mandatory for counties with a population over 100,000 and municipalities in such counties (Nevada Revised Statutes, Section 278.150).

New Hampshire: Regional planning commissions are required to produce a regional housing needs assessment (New Hampshire Revised Statutes, Section 36:47), which a municipality is required to consider in adopting the (“shall include, if it is appropriate”) housing element of their comprehensive plan (New Hampshire Revised Statutes, Section 674:2).

New Jersey: Local comprehensive plans must include a housing plan (New Jersey Statutes, Section 40:55D-28) that includes an inventory of existing housing, an analysis of existing and projected housing demand, an analysis of the community’s fair share of affordable housing, and a designation of the land most appropriate for affordable housing development (New Jersey Statutes, Section 52:27D-310). See also the discussion of the New Jersey Fair Housing Act and the Council on Affordable Housing in Chapter 4 of this report.

New York: County comprehensive plans are authorized to address “existing housing resources and future housing needs, including affordable housing” and to consider “regional needs and the official plans of other governmental units and agencies within the county” (New York General Municipal Law, Section 239-d). Parallel provisions exist for regional comprehensive plans (New York General Municipal Law, Section 239-i).

Pennsylvania: Comprehensive plans must include a housing plan to “meet the housing needs of present residents and of those individuals and families anticipated to reside in the municipality,” which is specifically authorized to include the preservation and rehabilitation of existing housing stock (53 Pennsylvania Consolidated Statutes Annotated, Section 10301).

Rhode Island: Municipal comprehensive plans must include a housing element “recognizing local, regional, and statewide needs for all income levels and for all age groups, including, but not limited to, the affordability of housing and the preservation of federally insured or assisted housing” that is based on analysis of the existing and projected situation and proposes specific responses and programs (Rhode Island General Statutes, Section 45-22.2-6).

South Carolina: Local comprehensive plans must include a housing element that specifically addresses “owner and renter occupancy and affordability of housing.” The element must include an analysis of existing conditions, a statement of needs and goals, and implementation measures (South Carolina Code Annotated, Section 6-29-510).

Utah: The only reference to housing in the authorization for municipalities (Utah Code Annotated, Sections 10-9-301, 10-9-302) or counties (Utah Code Annotated, Sections 12-7-301, 12-7-302) is that the optional land-use element designates “housing” among the various land uses.

Vermont: Municipal plans must include a housing element that “includes a recommended program for addressing low- and moderate-income persons’ housing needs as identified by the regional planning commission” (Vermont Statutes Annotated, Title 24, Section 4382). Regional plans must also include a housing element that “identifies the need for housing for all economic groups in the region and communities” (Vermont Statutes Annotated, Title 24, Section 4348a).

Washington: Local comprehensive plans are generally optional (Washington Revised Code, Section 36.70.320) but, if adopted, must include a land-use element that addresses “housing” among other uses and includes “standards of population density” and “estimates of future population growth” (Washington Revised Code, Section 36.70.330). Such plans may optionally include a housing element that includes surveys and reports to determine housing needs and housing standards to guide land development regulation appropriately (Washington Revised Code, Section 36.70.350). Under the growth management act, in counties over 50,000 residents or a 10 percent population increase over 10 years, the county and all municipalities must adopt and implement a comprehensive plan (Washington Revised Code, Section 36.70A.040) that includes a mandatory housing element “ensuring the vitality and character of established residential neighborhoods” (Washington Revised Code, Section 36.70A.070). The housing element must include an analysis of existing and projected housing needs, a statement of goals, identify land for housing, and make adequate provision for existing and projected housing needs.

West Virginia: Regional councils are authorized to make and disseminate studies of the region’s resources in order to resolve existing and emerging problems, including housing (West Virginia Code, Section 8-25-8). Local comprehensive plans may address the uses of land, including “habitation” (West Virginia Code, Section 8-24-16) and “land utilization, including residence . . .” (West Virginia Code, Section 8-24-17).

APPENDIX C

**Participants in APA Regional Planning
for Affordable Housing Symposium
October 29-30, 2000**

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APA Project Team (not present at symposium):

Rebecca Retzlaff
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Joseph Whorton

A Bibliographic Research Note on Housing Forecasting and Fair-Share Allocation Formulas

This is a bibliographic research note on housing need forecasting for local and regional planning and on the formulation of distribution formulas for regional fair-share allocation plans. It is intended to direct the reader to some primary sources on the topic, but is not intended to work through the detailed mathematics or sophisticated methodological issues, which are beyond the scope of this report.

Housing Forecasting; Housing Market Analysis¹

For the purposes of this research note, the terms housing forecasting and housing market analysis are interchangeable. A housing forecast projects the number of housing units that will be needed at some future time. A demand analysis is a reasonable projection of how the market is expected to perform based on population and economic growth.² The analysis includes a study of how many housing units currently exist, and an estimate of how many are likely to be removed from supply, and will thereby need replacement. For example, if high rise public housing is scheduled to be removed during the analysis period, it will need to be replaced by other forms of subsidized housing. The analysis then projects how many households will need housing.

As part of the demand forecast, need components are introduced. For example, if it is concluded that 25 percent of the existing public housing units are inadequate and will need to be replaced, then this number may be added to the supply requirement. However, it means that government will be responsible for demolishing and replacing these units, either through a public housing authority or some other vehicle. Similarly, if the analysis determines, through an analysis of census data and other sources, that 20 percent of the households are paying in excess of 30 percent of their gross income on housing, this can be identified as the number of units that need to be supported by subsidies, either by the provision of HUD Section 8 vouchers, or by the construction of housing that is affordable and subject to long-term affordability restrictions.

A housing forecast or market analysis for regional planning purposes involves the following steps: (1) defining the region or the market area, which can be a county, or a metropolitan area; and (2) identifying the components of change, which include the change in the number and composition of households, change in the number of vacant units, and change in the existing supply of housing. Assumptions about economic and population forecasts, household size (which can change over time), and the vacancy rate are key to the housing projections

Assuming that the analysis is begun sometime in the middle of the decade, a general and simple format for a five-year housing projection for 2006 to 2010 is shown in Table D-1.

(Note that this analysis does not further break down the housing demand or need into a variety of income subgroups. This topic is covered in some of the other technical publications on housing forecasting cited below).

Altering the assumptions of the forecasts will vary the outcomes. For example, increasing the desired vacancy rate will raise the number of units that need to be produced. Obviously, changing the rate of economic and population growth will also have an effect on the outcomes. In addition, if one has data for housing starts (and similar information on units lost to disaster, conversion, or demolition) for the first three or four years of the decade, that data may be arithmetically extrapolated to get to the middle of the decade.

Also entering into this analysis in some forecasts is the *jobs/housing balance*. Put simply, the jobs/housing balance is a ratio between the expected creation of jobs in a region or local government and the need for housing. The higher the jobs/housing ratio, the more the re-

gion or local government is generating jobs in comparison with housing, and is thereby exporting the need to create new housing units to other regions or other local governments.

**TABLE D-1
HOUSING MARKET ANALYSIS
FOR THEORETICAL MARKET AREA**

Steps	2000 Census	2005 Estimate	2010 Projection
Step 1: Collect and analyze population data			
a. Population	250,000	285,000	325,000
b. Group population	20,000	23,000	25,000
c. Household population (a-b)	230,000	262,000	300,000
d. Average household size—persons/household	2.8	2.7	2.6
e. Number of households (c/d)	82,100	97,000	115,400
Step 2: Collect and analyze housing data			
f. Total housing units	85,000	101,000	121,500
g. Occupied housing units	82,100	97,000	115,400
h. Vacant units (f-g)	2,900	4,000	6,100
i. Vacancy rate ((h/f) * 100)	3.4%	4.0%	5.0%
Step 3: Determine housing demand			
j. Change in number of households (e for 2010)– (e for 2000)	33,300		
k. Change in number of vacant units (h for 2010)– (h for 2000)	3,200		
l. Units lost to disaster	800		
m. Units lost to conversion	1,000		
n. Units lost to demolition	6,700		
o. Units lost that must be replaced (l + m + n)	8,500		
p. Total number of units needed 2000 to 2010 (j + k + o)			45,000
q. Housing starts (actual or estimated through interpolation), 2000 - 2005			19,000
r. Housing demand, 2006 - 2010			26,000

Source: Adapted from Constance Lieder, "Planning for Housing," in Chapter 12 of *The Practice of Local Government Planning*, 2d edition, Frank S. So and Judith Getzels, eds. (Washington, D.C.: International City Management Association, 1988), 390.

Here is a simple example (see Table D-2):

Assume that a regional planning agency is preparing a regional plan that includes a housing element. It develops four scenarios for different levels of economic activity and job creation.³ It applies the jobs/housing (J/H) ratio to each:

In this comparison, the "jobs over housing scenario" has a J/H ratio of 2.0 and it means that job growth, while great, is accompanied by insufficient housing production levels that are resulting in a scarcity of workers living in the same region (or local government) in which the jobs are being created. A housing shortfall will be created. As a consequence, there will be a great deal of interregional or interjurisdictional commuting.

TABLE D-2
JOBS/HOUSING ANALYSES UNDER
THEORETICAL DEVELOPMENT SCENARIOS

Scenario Name	J/H Ratio	Jobs	Needed Housing Units
Base year (existing situation) 1.625	1.625	455,000	280,000
Jobs over housing	2.0	900,000	450,000
Housing over jobs	1.25	750,000	600,000
Fast and balanced	1.5	900,000	600,000
Slow and balanced	1.5	600,000	400,000

Source: Montgomery County Planning Department and Maryland-National Capital Park and Planning Commission, *Comprehensive Growth Policy Study, Volume 2, Alternative Scenarios: Analysis and Evaluation* (Silver Spring, Md.: The Commission, July 1989) 2..

There are a number of useful works on housing forecasting, two of which were discussed in Chapter 2. One is the Federal Housing Administration's 1970 monograph, *FHA Techniques of Housing Market Analysis* (1970).⁴ A second is *Regional Housing Planning: A Technical Guide*, published in 1972, and prepared by a consulting firm under the aegis of the American Institute of Planners.⁵ It focused on the analysis and forecasting of requirements for new housing projection on a regional basis, and provided a series of worksheets to develop the forecasts. In contrast to the FHA manual, *Regional Housing Planning* was oriented to planners and public officials concerned primarily with evaluating and developing public policies, programs, and regulations to achieve housing goals.

A technical appendix to the New Jersey Administrative Code rules for the Council on Affordable Housing explains the basis for the housing forecasts used in that state's fair-share housing program.⁶ Finally, the California Department of Housing and Community Development's state housing plan includes a detailed and well-illustrated analysis of its housing projection methodology, which is similar to that of New Jersey.⁷

C. Theodore Koebel authored a 1987 article on estimating housing demand and supply for local areas in the *Journal of Planning and Education Research*.⁸ Koebel's work was based on efforts to produce an annual housing report for the State of Kentucky. The data are derived directly from administrative records or from estimation models that incorporate administrative data. Estimation models were developed for households (by age of householder and type of household), median family income, and mobile home shipments. No primary data collection is involved. These models may be used to monitor housing trends, conduct market analysis, and analyze housing affordability, shortages, and production patterns.

A 1997 article in the *Journal of the American Planning Association* set forth an approach used in Florida for the required housing needs assessment as part of a local comprehensive plan.⁹ This article is notable for its discussion of the methodological issues related to projecting housing need and for translating need figures into a range of affordable housing prices and affordable rents.

Fair-Share Allocation Formulas

There are a number of monographs and plans that explain the technical aspects of fair-share housing allocation planning, which is discussed in detail in Chapter 4 of this report. The classic and early (1976) work is by Rutgers University researcher David Listokin, *Fair Share Housing Allocation*, where Listokin compares and contrasts fair-share formulae from a variety of jurisdictions.¹⁰ Again, the New Jersey Administrative Code contains a technical appendix that describe the allocation system for that state's program.¹¹

An excellent 1998 monograph by Sara McKay for the Community Development Network and the Coalition for a Livable Future in Portland, Oregon, looks at a diverse variety of formulaic and nonformulaic allocations techniques from around the country.¹²

Intended to help move the Portland Metro along in establishing a definition of fair share and an implementation policy for meeting fair-share standards (see below), it is a worthy update to David Listokin's pioneering work.

Finally, two regional housing plans, both described in Chapter 4, contain especially clear explanations of the allocation methodology. One is the plan for the Association of Bay Area Governments, which employs a variant of the jobs/housing balance ratio described above.¹³ The second is the Portland Metro's 2000 Regional Affordable Housing Strategy, which includes a technical appendix describing how the affordable housing production goals for individual jurisdictions were derived.¹⁴

ENDNOTES

1. Portions of this discussion have been adapted from Constance Lieder, "Planning for Housing," in Chapter 12 of *The Practice of Local Government Planning*, 2d edition, Frank S. So and Judith Getzels, eds. (Washington, D.C.: International City Management Association, 1988), 388–391.
2. See generally Richard E. Klosterman, Richard K. Brail, and Earl G. Bossard, eds., *Spreadsheet Models for Urban and Regional Analysis* (New Brunswick, N.J.: Center for Urban Policy Research, 1993) (includes a variety of spreadsheet-based demographic and economic projection models).
3. These scenarios are adapted from Montgomery County Planning Department and Maryland–National Capital Park and Planning Commission, *Comprehensive Growth Policy Study, Volume 2, Alternative Scenarios: Analysis and Evaluation* (Silver Spring, Md.: The Commission, July 1989), 2–4. For a discussion of the impact of an increasing jobs/housing ratio on a housing shortfall in Alameda County, California, see Linda Wheaton, John D. Landis et al., *Raising the Roof: California Housing Development Projections and Constraints, 1997–2020, Statewide Housing Plan Update* (Sacramento: California Department of Housing and Community Development, May 2000), vol. 1, 147–149. Here, even in the face of a recession that reduced job growth, an increased jobs/housing ratio in the 1990s, 1.35, over the ratio of 1.26 in the 1980s, resulted in a production shortfall in the county of 21,750 units, equivalent to 45.5 percent of household growth during the 1990–1997 period.
4. U.S. Department of Housing and Urban Development, *FHA Techniques of Housing Market Analysis* (Washington, D.C.: U.S. GPO, August 1970).
5. Hammer, Greene, Siler Associates, *Regional Housing Planning: A Technical Guide* (Washington, D.C.: American Institute of Planners and U.S. Department of Housing and Urban Development, March 1972).
6. N.J.A.C. Ch. 93, Appendix A (Methodology). This methodology is also described in Chapter 4.
7. Linda Wheaton, John D. Landis et al., *Raising the Roof: California Housing Development Projections and Constraints, 1997–2020, Statewide Housing Plan Update* (Sacramento: California Department of Housing and Community Development, May 2000) (2 volumes). Chiefly responsible for the methodology was the University of California at Berkeley's Institute of Urban and Regional Development.
8. C. Theodore Koebel, "Estimating Housing Demand and Supply for Local Areas," *Journal of Planning Education and Research* 7, No. 1 (Fall 1987): 5–14. See also C. Theodore Koebel, "Estimating Substandard Housing for Planning Purposes," *Journal of Planning Education and Research* 5:3 (1986): 191–202; L. Smith, "Household Headship Rates, Household Formation, and Housing Demand in Canada," *Land Economics* 60, No. 2 (1984): 180–88; J. Sweet, "Components of Change in the Number of Households: 1970–1980," *Demography* 21, No. 2 (1984): 129–30.

9. Paul F. Knoll, *et al.*, "Florida's Affordable Housing Needs Assessment Methodology," *Journal of the American Planning Association*, 63, No. 4 (August 1997): 495–508.
10. David Listokin, *Fair Share Housing Allocation* (New Brunswick, N.J.: Center for Urban Policy Research, Rutgers University, 1976).
11. N.J.A.C. Ch. 93, Appendix A (Methodology).
12. Sarah McKay, *Fair Share Housing Allocation Strategies: A Review of Methods and Approaches* (Portland, Ore.: Community Development Network and Coalition for a Livable Future, October 1998). This monograph is available from the Coalition for a Livable Future, 503–294–2884.
13. Association of Bay Area Governments, *Regional Housing Needs Determination for the San Francisco Bay Area* (Oakland, Calif.: Association of Bay Area Governments, 1999).
14. Portland Metro, *Regional Affordable Housing Strategy* (Portland, Ore.: Metro, June 2000), <http://www.metro-region.org/metro/growth/tfplan/affordstrategy.html>, (accessed Sept. 18, 2002). The methodology for the fair-share allocation appears in "Appendix B, Affordable Housing Production Goals," which is downloadable as a PDF file.

Excerpts from APA Growing SmartSM Legislative Guidebook Containing Model Statutes on Fair-Share Housing Planning and State-Level Housing Appeals Boards with Commentary¹

4-208 State Planning for Affordable Housing (Two Alternatives)

Alternative 1B A Model Balanced and Affordable Housing Act²

4-208.1 Findings and Purposes

The [legislature] finds and declares as follows:

- (1) The primary goal of this Act is to assure the availability of a wide variety of housing types that will cover all income strata and accommodate a diverse population, including growing families, senior citizens, persons and households with special needs, single householders, and families whose children are of adult age and have left the household, with special emphasis and high priority on the provision of low- and moderate-income housing on a regional fair-share basis.
- (2) The attainment of this goal of providing a regional fair share of the need for balanced and low- and moderate-income housing is of vital statewide importance and should be given highest priority by local governments. It requires the participation of state, regional, and local governments as well as the private sector, and the coordinated effort of all levels of government in an attempt to expand the variety of affordable housing opportunities at appropriate locations.
- (3) Balance in employment and residential land use patterns should reduce traffic congestion, contribute to an improved environment through the reduction in vehicle-related emissions, and ensure that workers in this state will have available to them the opportunity to reside close to their jobsites, making the state more competitive and attractive as a location for new or expanded businesses.
- (4) Balanced housing and employment opportunities at appropriate locations should result in reducing the isolation of lower income groups in a community or region, improving the safety and livability of neighborhoods, and increasing access to quality public and private facilities and services.
- (5) State, regional, and local governments have a responsibility to use the powers vested in them to facilitate the improvement and development of a balanced housing stock that will be affordable to all income levels, especially middle-, moderate-, and low-income households, and meet the needs of a diverse population.
- (6) The [legislature] recognizes that in carrying out this responsibility, each local government must also consider economic, environmental, and fiscal factors and community goals set forth in its local comprehensive plan and must cooperate with other local governments and state and regional agencies in addressing the regional housing needs for middle-, moderate-, and low-income households.

4-208.2 Intent

It is the [legislature's] intent to:

- (1) ensure that local governments recognize their responsibilities in contributing to the attainment of the state's fair-share housing goal identified in Section [4-208.1] of this Act and that they endeavor to create a realistic opportunity to achieve this goal;
- (2) ensure that local governments prepare and affirmatively implement housing elements in their comprehensive plans, which, along with federal and state programs, will realize the attainment of the state's fair-share housing goal identified in Section [4-208.1] of this Act;
- (3) recognize that local governments may be best capable of determining which specific efforts will most likely contribute to the attainment of the state's fair-share housing goal identified in Section [4-208.1] of this Act;

- (4) ensure that each local government cooperates with other local and regional governments in order to address the regional housing needs of middle-, moderate-, and low-income persons;
- (5) assist local governments in developing suitable mechanisms and programs to promote and develop a variety of middle-, moderate-, and low-income housing types;
- (6) provide a mechanism whereby low- and moderate-income housing needs may be equitably determined on a regional basis and a fair share of such regional needs may be allocated to local governments by a state administrative agency [and by regional planning agencies];
- (7) encourage state agencies to reward performance by creating linkages between grant-in-aid programs and the provision of opportunities for low- and moderate-income housing by local governments;
- (8) implement programs that will encourage home ownership over a wide range of income levels, especially by middle-, moderate-, and low-income persons;
- (9) provide for a state administrative agency to review and approve local housing elements and provide state funding, when available, on a priority basis to those local governments with approved elements; and
[or]
- (9) provide for [regional planning agencies] to review and approve local housing elements under the general supervision of a state administrative agency which will provide state funding, when available, on a priority basis to those local governments with approved elements; and
- (10) provide for a state administrative agency to prepare substantive and procedural rules to assist and guide [regional planning agencies and] local governments in carrying out this Act.

4-208.3 Definitions

As used in this Act:

- (1) “**Act**” means the Balanced and Affordable Housing Act of _____.
- (2) “**Affordable Housing**” means housing that has a sales price or rental amount that is within the means of a household that may occupy middle-, moderate-, low-, or very low-income housing, as defined by paragraphs (13), (14), (15), and (21), below. In the case of dwelling units for sale, housing that is affordable means housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than [28] percent of such gross annual household income for a household of the size which may occupy the unit in question. In the case of dwelling units for rent, housing that is affordable means housing for which the rent and utilities constitute no more than [30] percent of such gross annual household income for a household of the size which may occupy the unit in question.
It is the intention that the term “affordable housing” be construed throughout this Act to be synonymous with the term “middle-, moderate-, and low-income housing” and they are used interchangeably throughout this model. By contrast, when the term “low- and moderate-income housing” is used, the intent is to specifically exclude middle-income housing.
- (3) “**Authority**” means the entity designated by the local government for the purpose of monitoring the occupancy, resale, and rental restrictions of low- and moderate-income dwelling units.
- (4) “**Balanced**” means a recognition of, as well as an obligation to address, the need to provide a variety and choice of housing throughout the region, including middle-, moderate-, and low-income housing.
- (5) “**Council**” means the Balanced and Affordable Housing Council established by this Act which shall have primary jurisdiction for the administration and implementation of this Act.

- (6) **“Density”** means the result of:
- (a) dividing the total number of dwelling units existing on a housing site by the net area in acres; or
 - (b) multiplying the net area in acres times 43,560 square feet per acre and then dividing the product by the required minimum number of square feet per dwelling unit.

The result is expressed as dwelling units per net acre.

- (7) **“Development”** means any building, construction, renovation, mining, extraction, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any activity which alters a shore, beach, seacoast, river, stream, lake, pond, canal, marsh, dune area, woodland, wetland, endangered species habitat, aquifer, or other resource area, including coastal construction or other activity.
- (8) **“Household”** means the person or persons occupying a dwelling unit.
- (9) **“Housing Element”** means that portion of a local government’s comprehensive plan, as identified in Section [4–208.9] of this Act, designed to meet the local government’s fair share of a region’s low- and moderate-income housing needs and analyze the local government’s overall needs for affordable housing.
- (10) **“Housing Region”** means that geographic area determined by the Council that exhibits significant social, economic, and income similarities, and which constitutes to the greatest extent practicable, the applicable primary metropolitan statistical area as last defined and delineated by the United States Census Bureau.
- [or]
- (10) **“Housing Region”** means a substate district that was previously designated by the governor pursuant to [Sections 6–601 to 6–602, or cite to other section of state statutes providing for substate districting delineation].
- (11) **“Inclusionary Development”** means a development containing [at least 20 percent] low- and moderate-income dwelling units. This term includes, but is not necessarily limited to, the creation of new low- and moderate-income dwelling units through new construction, the conversion of a nonresidential structure to a residential structure, and/or the gut rehabilitation of a vacant residential structure.
- (12) **“Local Government”** means a county, municipality, village, town, township, borough, city, or other general purpose political subdivision [other than a council of governments, regional planning commission, or other regional political subdivision].
- (13) **“Low-Income Housing”** means housing that is affordable, according to the federal Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy by households with a gross household income that does not exceed 50 percent of the median gross household income for households of the same size within the housing region in which the housing is located. For purposes of this Act, the term “low-income housing” shall include “very low-income housing.”³
- (14) **“Middle-Income Housing”** means housing that is affordable for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy by households with a gross household income that is greater than [80] percent but does not exceed [specify a number within a range of 95 to 120] percent of the median gross household income for households of the same size within the housing region in which the housing is located.

1. While the definitions of low-income and moderate-income housing are specific legal terms based on federal legislation and regulations, this term is intended to signify in a more general manner housing that is affordable to the great mass of

working Americans. Therefore, the percentage may be amended by adopting legislatures to fit the state's circumstances.

- (15) **"Moderate-Income Housing"** means housing that is affordable, according to the federal Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy by households with a gross household income that is greater than 50 percent but does not exceed 80 percent of the median gross household income for households of the same size within the housing region in which the housing is located.
- (16) **"Net Area"** means the total area of a site for residential or nonresidential development, excluding street rights of way and other publicly dedicated improvements such as parks, open space, and stormwater detention and retention facilities. "Net area" is expressed in either acres or square feet.
- (17) **"Petition For Approval"** means that petition which a local government files which engages the [Balanced and Affordable Housing Council *or* regional planning agency] approval process for a housing element.
- (18) **"Regional Planning Agency"** means a [council of governments, regional planning commission, *or* other regional political subdivision] with the authority to prepare and adopt a regional comprehensive plan.
- (19) **"Regional Fair Share"** means that part of a region's low- and moderate-income housing units that is allocated to a local government by [the Balanced and Affordable Housing Council *or* a regional planning agency].
- [(20) **"Regional Fair-Share Allocation Plan"** means the plan for allocating the present and prospective need for low- and moderate-income housing to local governments in a housing region that is prepared by a [regional planning agency] using regional need figures provided by the Balanced and Affordable Housing Council.⁴]
- (21) **"Unnecessary Cost Generating Requirements"** mean those development standards that may be eliminated or reduced that are not essential to protect the public health, safety, or welfare or that are not critical to the protection or preservation of the environment, and that may otherwise make a project economically infeasible. An unnecessary cost generating requirement may include, but shall not be limited to, excessive standards or requirements for: minimum lot size, building size, building setbacks, spacing between buildings, impervious surfaces, open space, landscaping, buffering, reforestation, road width, pavements, parking, sidewalks, paved paths, culverts and stormwater drainage, oversized water and sewer lines to accommodate future development without reimbursement, and such other requirements as the Balanced and Affordable Housing Council may identify by rule.
- (22) **"Very Low-Income Housing"** means housing that is affordable, according to the federal Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy by households with a gross household income equal to 30 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

[**Commentary:** Additional definitions may be needed as the Council develops procedures and programs to implement this statute. Some definitions may be incorporated into the Council's rules, thereby avoiding the need to amend the statute.]

4-208.4 Creation and Composition of Balanced and Affordable Housing Council

- (1) There is hereby established a Balanced and Affordable Housing Council.
- (2) The Council shall consist of [15] members to be appointed by the governor. The members shall consist of the following:
 - [(a) The commissioner or director of the Department of Housing and Community Development [or similar state agency];]
 - [(b) The director of the State Housing Finance Agency;]

- [(c) [3] members of a municipal legislative body [or other elected chief officials of local governments, other than counties];]
- [(d) [3] elected chief county executives or legislators;]
- [(e) [1] resident of low- or moderate-income housing or citizen designated as an advocate for low- or moderate-income persons;]
- [(f) [4] citizens representing the various geographic areas of the state; and]
- [(g) [2] representatives of professional and service organizations who are active in providing balanced and affordable housing, including, but not limited to, home building, nonresidential development, banking, construction, labor, and real estate.]

[Commentary: A key to a successful balanced and affordable housing council is broad representation by both local officials and persons knowledgeable about building and managing middle-, moderate-, and low-income housing. While this model has the governor making all of the appointments to the Council, in some states, appointments could instead be made by the senate president and speaker of the house. Other designated appointments could include representatives of the state home builders association and/or a state chapter of the American Planning Association. While language has not been provided here, the Act may also indicate whether members should have term limits and how they may be removed.]

4-208.5 Organization of the Council

- (1) The Council shall elect its own chair and may create and fill such offices as it determines to be necessary. The Council may create and appoint advisory committees whose membership may consist of individuals whose experience, training, and/or interest in a program, activity, or plan may qualify them to lend valuable assistance to the Council. Members of such advisory bodies shall receive no compensation for their services but may be reimbursed for actual expenses expended in the performance of their duties.
- (2) The Council shall meet at least [4] times each year.
- (3) All actions of such advisory committees shall be reported in writing to the Council no later than the next meeting or within [30] days from the date of the action, whichever is earlier. The Council may provide a procedure to ratify committee actions by a vote of the members of the Council.

Alternative 1A B Strong Council with No Regional Planning Agency Involvement

4-208.6 Functions and Duties of the Council.

- (1) The Council shall have the authority and duty to:
 - (a) determine, in consultation with affected agencies, and revise as necessary, housing regions for the state;
 - (b) estimate and revise at least once every [5] years the present and prospective need for low- and moderate-income housing for each housing region in the state;
 - (c) determine the regional fair share of the present and prospective need for low- and moderate-income housing for each local government in each housing region and revise the allocation of the need for each housing region in the state at least once every [5] years;
 - (d) review and approve housing elements submitted by local governments;
 - (e) establish a mediation process by which objectors to a local government's housing element may seek redress;
 - (f) hear and decide appeals on denials or conditional approvals from applicants seeking approval from a local government to construct an inclusionary housing project;
 - (g) adopt rules and issue orders concerning any matter within its jurisdiction to carry out the purposes of this Act pursuant to [the state administrative procedures act]; and
 - (h) prepare a biennial report to the governor and state legislature that describes progress in promoting affordable housing in the housing regions of the state.

- (2) The Council may advise state agencies on criteria and procedures by which to reward local governments through the discretionary distribution of grants of state aid when their housing elements are approved pursuant to this Act.⁵
- (3) The Council shall also take such other actions as may be necessary to carry out the purposes of this Act, including coordination with other federal, state, and local agencies.

Alternative 1A is appropriate in those states with either a weak (or nonexistent) county government and/or a weak (or nonexistent) regional planning organization. By contrast, in states that have strong county governments or strong regional councils of government, a regional planning agency can work in tandem with the Council in preparing the regional fair-share allocations and in reviewing and certifying local housing elements. These are discussed below.

Alternative 1B B Council and Regional Planning Agency Work in Tandem

4–208.6 Functions and Duties of the Council and [Regional Planning Agencies]

- (1) The Council shall have the authority and duty to:
- (a) determine, in consultation with [regional planning agencies and other affected agencies], housing regions for the state, and revise such regions as necessary;
 - (b) estimate the present and prospective need for low- and moderate-income housing for each housing region in the state at least once every [5] years;
 - (c) review and approve regional fair-share allocation plans prepared by [regional planning agencies];
 - (d) hear and decide appeals on denials or conditional approvals from applicants seeking approval from a local government to construct an inclusionary housing project;
 - (e) hear and decide appeals of determinations by [regional planning agencies] pursuant to this Act and the Council's rules;
 - (f) adopt rules and issue orders concerning any matter within its jurisdiction to carry out the purposes of this Act pursuant to *[the state administrative procedures act]*;⁶
 - (g) administer grants-in-aid to [regional planning agencies] to carry out their duties under this Act;
 - (h) prepare a biennial report to the governor and state legislature that describes progress in promoting affordable housing in the housing regions of the state;
 - (i) advise state agencies on criteria and procedures by which to reward local governments through the discretionary distribution of grants of state aid when their housing elements are approved pursuant to this Act; and
 - (j) take such other actions as may be necessary to carry out the purposes of this Act, including coordination with other federal, state, and local agencies.
- (2) [Regional planning agencies] shall have the authority to:
- (a) prepare and submit to the Council at least once every [5] years a regional fair-share allocation plan in accordance with Section [4–208.8] of this Act;
 - (b) review and approve all local government housing elements that meet the requirements of this Act and the rules of the Council;
 - (c) provide for a mediation process by which objectors to a local government's housing element may seek redress, subject to the rules of the Council;
 - (d) provide technical assistance to local governments in the region in the development and implementation of local housing elements;
 - (e) administer federal and state grant-in-aid programs to carry out the purposes of this Act; and
 - (f) take such other actions as may be necessary to carry out the purposes of this Act.

4–208.7 Appointment of Council Executive Director; Hire by Contracts; Purchases and Leases; Maintenance of Public Records

- (1) The Council shall appoint an executive director who shall select, hire, evaluate, discipline, and terminate employees pursuant to rules adopted by the Council. The executive director shall also be responsible for the day-to-day work of the Council, and

shall manage and supervise employees and consultants hired by contract, except for attorneys retained to provide independent legal counsel and certified public accountants retained to conduct independent audits. The executive director shall serve at the pleasure of the Council.

- (2) The Council may hire by contract mediators and consultants for part-time or full-time service as may be necessary to fulfill its responsibilities.
- (3) The Council may purchase, lease, or otherwise provide for supplies, materials, equipment, and facilities as it deems necessary and appropriate in the manner provided for in rules adopted by the Council.
- (4) The Council shall keep a record of its resolutions, minutes of meetings, transactions, findings, and determinations, which record shall be public record.

[*Commentary: As an alternative, a Council may use the rule-making and contract authority provided for by the state's administrative procedures act or procurement laws.*]

Alternative 1A B Action by Council

4–208.8 Council Designation of Housing Regions; Determination of Present and Prospective Housing Need; Regional Fair-Share Allocations; Adoption of Need Estimates and Allocations

- (1) The Council shall, within [18] months of the effective date of this Act, designate housing regions for the state, prepare estimates of present and prospective housing needs for low- and moderate-income dwelling units for each region for the next [5] years, and prepare regional fair-share allocations of those dwelling units to local governments in each region. The Council may, from time to time, revise the boundaries of the housing regions and shall revise the estimates and allocations at least once every [5] years hereafter. Revisions to the boundaries, estimates, and allocations shall be effected in the same manner as the original adoption.
- (2) In developing the regional estimates, the Council shall consider the availability of public and private financing for housing and the relevant housing market conditions, shall use the most recent data and population statistics published by the United States Bureau of the Census, and shall give appropriate weight to pertinent research studies and reports by government agencies. The Council may utilize the assistance of the [state planning agency or similar state agency] in obtaining demographic, economic, housing, and such other data and in developing population, employment, and other relevant estimates and projections.⁷
- (3) In calculating each local government's regional fair share, the Council shall consider, but shall not be limited to, the following factors:⁸
 - (a) the number of vacant, overcrowded, or substandard housing units;
 - (b) the number of acres of:
 1. vacant residential land;
 2. residential land suitable for redevelopment or increased density of development; and
 3. nonresidential land suitable, with respect to surrounding or neighboring uses, for residential use; in each local government presently sewerred or expected to be sewerred in the next [5] years;
 - (c) commuting patterns within each housing region;
 - (d) employment opportunities within each housing region, including the growth and location of moderate- and low-wage jobs;⁹
 - (e) the current per capita fiscal resources of each local government, defined by the total [nonresidential] real estate valuation of the local government, plus the total of all personal income, divided by current population;
 - (f) the relationship of each local government's median household income to the median household income of the region;
 - (g) the existing concentrations of low- and moderate-income households in each housing region;¹⁰

- (h) the location of urban growth area(s) in an adopted regional comprehensive plan; and¹¹
 - (i) the existence of an area of critical state concern¹² and any restrictions on development placed on it.]
- (4) The Council shall adopt by rule, either individually or joined in one or more proceedings, designations for housing regions in the state, the estimates of present and prospective housing needs for low- and moderate-income dwelling units for each region for the next [5] years, and the regional fair-share allocations of those units to local governments in each region. At least [30] days prior to adoption, the Council shall transmit a copy of the proposed housing regions, as well as the estimates and allocations, to the legislative body of each local government in the state. Any interested party may submit written comments or may present oral testimony to the Council on the proposed rule. Such comments and testimony shall be incorporated into the hearing record. A copy of the adopted rule shall be transmitted by the Council to each local government's legislative body, to persons requesting a copy, and to the [state planning agency or similar state agency].

Alternative 1B B Action by Council and Regional Planning Agency

4–208.8 Council Designation of Housing Regions; Preparation of Estimates of Present and Prospective Housing Need; Preparation of Regional Fair-Share Allocation Plan by [Regional Planning Agency]; Adoption of Plan; Review and Approval of Plan by Council

- (1) The Council shall, within [12] months of the effective date of this Act, designate housing regions for the state and prepare estimates of present and prospective housing needs for low- and moderate-income dwelling units for each housing region for the next [5] years. The Council may, from time to time, revise the boundaries of the housing regions and shall revise the estimates at least once every [5] years hereafter. Revisions to the boundaries and the estimates shall be effected in the same manner as the original adoption.
- (2) In developing the regional estimates, the Council shall consider the availability of public and private financing for housing and the relevant housing market conditions, shall use the most recent data and population statistics published by the United States Bureau of the Census, and shall give appropriate weight to pertinent research studies and reports by government agencies. The Council may utilize the assistance of the [state planning agency or similar state agency] in obtaining demographic, economic, housing, and such other data and in developing population, employment, and other relevant estimates and projections.
- (3) The Council shall adopt by rule, either individually or joined in one or more proceedings, the designations for housing regions for the state and the estimates of present and prospective housing needs for low- and moderate-income dwelling units for each region for the next [5] years. At least [30] days prior to adoption, the Council shall transmit a copy of the proposed housing regions and the estimates to each [regional planning agency] and the legislative body of each local government in the state. Any interested party may submit written comments or may present oral testimony to the Council on the proposed rule. Such comments and testimony shall be incorporated into the hearing record. The Council shall transmit a copy of the adopted rule to each local government's legislative body, to persons requesting a copy, and to the [state planning agency or similar state agency].
- (4) The Council shall, within [12] months of the effective date of this Act, provide guidelines, data, and suggested methodologies to each [regional planning agency] in the state in order that each agency may prepare a regional fair-share allocation plan. In developing the guidelines, data, and suggested methodologies, the Council shall consider, but shall not be limited to, the following factors:
- (a) the number of vacant, overcrowded, or substandard housing units;
 - (b) the number of acres of:

1. vacant residential land;
 2. residential land suitable for redevelopment or increased density of development; and
 3. nonresidential land suitable, with respect to surrounding or neighboring uses, for residential use;
 - in each local government presently sewerred or expected to be sewerred in the next [5] years;
 - (c) commuting patterns within each housing region;
 - (d) employment opportunities within each housing region, including the growth and location of moderate- and low-wage jobs;
 - (e) the current per capita fiscal resources of each local government, defined by the total [nonresidential] real estate valuation of the local government, plus the total of all personal income, divided by current population;
 - (f) the relationship of each local government's median household income to the median household income of the region;
 - (g) the existing concentrations of low- and moderate-income households in each housing region;
 - (h) the location of urban growth area(s) in an adopted regional comprehensive plan;¹³ and
 - (i) the existence of an area of critical state concern¹⁴ and any restrictions on development placed on it.]
- (5) The Council shall adopt criteria for the review and approval of regional fair-share allocation plans prepared and adopted by [regional planning agencies] under this Act.
- (6) Each [regional planning agency] in the state created pursuant to [citation to statute creating or authorizing regional planning agencies] shall prepare a regional fair-share allocation plan within [18] months of the effective date hereafter, and shall update and amend the plan at least every [5] years. In preparing the plan, each agency shall use the estimates of present and prospective need adopted by the Council for the region, and may use guidelines, data, and methodologies developed by the Council, or such other data and methodologies, provided that such data and methodologies are supported by adequate documentation, represent accepted planning techniques, and achieve an equitable allocation of need for low- and moderate-income housing to the region's local governments.
- (7)¹⁵ Each [regional planning agency] shall adopt by rule the regional fair-share allocation plan. At least [30] days prior to adoption, the [regional planning agency] shall transmit a copy of the proposed plan to each local government in the region, to the [state planning agency or similar state agency], and to the Council. Any interested person may present oral testimony to the [regional planning agency] on the proposed rule. Such comments and testimony shall be incorporated into the public hearing record, in accordance with the provisions of Section [6-105].¹⁶ A copy of the adopted rule shall be transmitted by the [regional planning agency] to each local government's legislative body, to persons requesting a copy, to the [state planning agency or similar state agency], and to the Council. In transmitting the rule to the Council, the [regional planning agency] shall petition the Council for review and approval of the plan.
- (8) Upon the receipt of a [regional planning agency's] petition for review and approval of a regional fair-share allocation plan, the Council shall undertake and complete a review of the plan within [90] days of submission of a complete plan. The Council shall approve the plan in writing if it finds that it is consistent with the requirements of this Act and with any rules of the Council. In the event that the Council does not approve the plan, it shall indicate in writing to the [regional planning agency] what changes should be made in the plan in order that the Council may consider it for approval upon resubmission.
- (9) In the event that a [regional planning agency] does not submit a petition for review and approval of a regional fair-share allocation plan within the period specified in

this Act, fails to update the plan at least every [5] years, or fails to make changes as indicated by the Council within [90] days of the Council's decision on its petition and resubmits the plan for review and approval, the Council shall prepare a fair-share allocation plan for the region and shall adopt it in the manner provided for by paragraph (3), above. Upon adoption of the plan for a housing region, the Council may then also assume any duties of a [regional planning agency] as provided by Section [4-208.6(2)] of this Act for that housing region.

4-208.9 Contents of a Housing Element

- (1) The housing element of the local government's comprehensive plan is intended to provide an analysis and identification of existing and prospective housing needs, especially for middle-, moderate-, and low-income housing, in its housing region and to set forth implementing measures for the preservation, improvement and development of housing. The housing element shall include all of the following, none of which may serve as a basis for excusing a local government from fulfilling its regional fair-share obligation:
 - (a) an inventory of the local government's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to middle-, moderate-, and low-income households and the number of substandard housing units capable of being rehabilitated;
 - (b) a projection of the local government's housing stock, including the probable future construction of middle-, moderate-, and low-income housing for the next [5] years, taking into account, but not necessarily limited to, construction permits issued, preliminary as well as final approvals of applications for development, and all lands identified by the local government for probable residential development;
 - (c) an analysis of the local government's demographic characteristics, including but not necessarily limited to, household size, income level, and age of residents;
 - (d) an analysis of the existing and probable future employment characteristics and opportunities within the boundaries of the local government, especially those jobs that will pay moderate or low wages;
 - (e) an analysis of the existing and planned infrastructure capacity, including, but not limited to sewage and water treatment, sewer and water lines, and roads;
 - (f) a statement of the local government's own assessment of its present and prospective housing needs for all income levels, including its regional fair share for low- and moderate-income housing, and its capacity to accommodate those needs. The regional fair share as determined by the [Council *or* regional planning agency] shall form the minimum basis for the local government's determination of its own fair share;
 - (g) an identification of lands within the local government that are most appropriate for the construction of low- and moderate-income housing and of existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands and structures of developers who have expressed a commitment to provide low- and moderate-income housing and lands and structures that are publicly or semi-publicly owned;
 - (h) a statement of the local government's housing goals and policies. As part of the housing element, the local government can provide for its fair share by any technique or combination of techniques which provides a realistic opportunity for the provision of its fair share. The housing element should contain an analysis demonstrating that it will provide such a realistic opportunity. The local government should review its land-use and other relevant ordinances to incorporate provisions for low- and moderate-income housing and remove any unnecessary cost generating features that would affect whether housing is affordable. The model legislation provides, in (i) below, for the elimination or reduction of unnecessary cost generating features for all housing or affordable housing (on the theory that such action would reduce housing costs overall) or for only inclusionary developments (on the theory that it would ensure project feasibility).

- (i) the text of adopted or proposed ordinances or regulations of the local government that are intended to eliminate or reduce unnecessary cost generating requirements for [all housing *or* affordable housing *or* inclusionary developments]; and
- (j) the text of adopted or proposed ordinances or regulations of the local government that are intended to provide a realistic opportunity for the development of low- and moderate-income housing. Such ordinances or regulations shall consider the following techniques, as well as others that may be proposed by the local government or recommended by the Council as a means of assuring the achievement of the local government's regional fair share, removing barriers to and providing incentives for the construction of low- and moderate-income housing and generally removing constraints that unnecessarily contribute to housing costs or unreasonably restrict land supply:¹⁷
 1. expanding or rehabilitating public infrastructure;
 2. reserving infrastructure capacity for low- and moderate-income housing;
 3. establishing a process by which the local government may consider, before adoption, policies, procedures, ordinances, regulations, or plan provisions that may have a significant impact on the cost of housing;
 4. designating a sufficient supply of sites in the housing element that will be zoned at densities that may accommodate low- and moderate-income housing, rezoning lands for densities necessary to assure the economic viability of any inclusionary developments, and giving density bonuses for mandatory set-asides of low- and moderate-income dwelling units as a condition of development approval;¹⁸
 5. establishing controls to ensure that once low- and moderate-income housing is built or rehabilitated through subsidies or other means, its availability will be maintained through measures such as, but not limited to, those that establish income qualifications for low- and moderate-income housing residents, promote affirmative marketing measures, and regulate the price and rents of such housing, including the resale price, pursuant to Section [4-208.22] below;
 6. establishing development or linkage fees, where appropriate, authorizing such other land dedications or cash contributions by a nonresidential developer in lieu of constructing or rehabilitating low- and moderate-income housing, the need for which arises from the nonresidential development, generating other dedicated revenue sources, or committing other financial resources to provide funding for low- and moderate-income housing. Such development or linkage fees, land dedications, cash contributions, and dedicated revenue sources may be used for the following activities or other activities approved by the Council: rehabilitation; new construction; purchase of land for low- and moderate- income housing; improvement of land for low- and moderate-income housing; and assistance designed to render units to be more affordable;
 7. modifying procedures to expedite the processing of permits for inclusionary developments and modifying development fee requirements, including reduction or waiver of fees and alternative methods of fee payment;
 8. using funds obtained from any state or federal subsidy toward the construction of low- and moderate- income housing; and
 9. providing tax abatements or other incentives, as appropriate, for the purposes of providing low- and moderate-income housing.

4-208.10 Submission of Housing Element to [Council *or* Regional Planning Agency]

- (1) No later than [date], each local government shall prepare and submit to the [Council *or* regional planning agency] a housing element and a petition for approval in a form prescribed by the Council.

- (2) The [Council *or* regional planning agency] shall complete the review of the housing element and determine whether to approve the element within [90] days after submission of a complete document. This [90] day period may be extended for an additional [60] days by the written consent of the local government and any objectors involved, or for good reason as determined by the [Council *or* regional planning agency].

[Commentary: If a regional planning agency (such as a regional planning commission or council of governments) is in place, then approval of the local government's housing element would be undertaken by the regional planning agency.

The initial years of the fair share program's operation will require closer scrutiny by the reviewing agency. However, as local governments gain experience with the program and demonstrate substantial achievement of goals, as an alternative, the reviewing procedures may be simplified and perhaps replaced by some type of self-certification by the local government. The self-certification process would have to be well-developed to allow for challenges by neighboring or affected jurisdictions and other third parties. In addition, the process would have to incorporate appropriate conflict resolution procedures.]

4-208.11 Notice of Submission

- (1) At the time of submission to the [Council *or* regional planning agency], the local government shall provide notice of the submission to all owners of land whose properties are included in the housing element for the development of proposed low- and moderate-income housing.
- (2) In addition, notice shall be provided within [1] week of the date of submission to a newspaper of general circulation in the area in which the local government is located and to all other persons who requested it in writing.
- (3) The notice shall specify that the housing element has been submitted to the [Council *or* regional planning agency] for approval and that all persons receiving a notice shall have the right to participate in the agency's mediation and review process if they object to the plan. The notice shall also specify that copies of the housing element are available for purchase at cost, and shall indicate where they may be reviewed or copied.
- (4) The notice shall also state that objections to the housing element, or requests to participate in the mediation, must be filed within [30] days of the date of the mailing of the notices.
- (5) If the housing element is a revision of an earlier submission, notice shall also be given to any owners of land whose properties were included in the prior submission but whose properties were omitted from the one currently being proposed.

4-208.12 Objection to Housing Element; Mediation

- (1) If any person or entity to whom notice is required to be given, or who requests notice, files an objection, the [Council *or* regional planning agency] shall initiate a mediation process in which it shall attempt to resolve the objections to the housing element voluntarily. Any such objection must be filed within [30] days of the date of service of notice of the filing of the petition for approval.
- (2) Objections shall be filed with the [Council *or* regional planning agency] and the local government with as many copies as the Council shall by rule require. The objections shall state with specificity the provisions of the element objected to, and the grounds for the objection to each, and shall contain such expert reports or affidavits as may be needed for an understanding of the objection. In the case of objectors whose lands have not been selected in the element for consideration for low- and moderate-income housing, the objection may also set forth why the lands of the objector are more likely to produce low- and moderate-income housing and either why one or more of the sites proposed by the local government are not realistically likely to produce such housing during the period in which the housing element is in effect or why such sites are not suitable for same.

- (3) The mediation and review shall be conducted by a mediator who is either selected by the parties and approved by the [Council *or* regional planning agency] or appointed by the [Council *or* regional planning agency] from its own staff or from a list of outside mediators maintained by the [Council *or* regional planning agency]. The mediator shall possess qualifications not only with respect to dispute resolution, but also with respect to planning and other issues relating to the siting and development of low- and moderate-income housing. The mediation process shall be confidential so that no statements made in or information exchanged during mediation may be used in any judicial or administrative proceeding, except that agreements reached during the mediation process shall be reduced to writing and shall become part of the public record considered by the [Council *or* regional planning agency] in its review of the housing element.

4-208.13 [Council *or* Regional Planning Agency] Review and Approval of Housing Element

- (1) The [Council *or* regional planning agency] shall grant its approval of a housing element if it finds in writing that:
- (a) the element is consistent with the provisions of this Act and rules adopted by the Council;
 - (b) the element provides a realistic opportunity for the development of affordable housing through the elimination or reduction of unnecessary cost generating requirements by existing or proposed local government ordinances or regulations; and
 - (c) the element provides a realistic opportunity for the development of low- and moderate-income housing through the adoption of affirmative measures in the housing element that can lead to the achievement of the local government's regional fair share of low- and moderate-income housing.
- (2) In conducting its review, the [Council *or* regional planning agency] may meet with the local government and may deny the petition or condition its approval upon changes in the housing element, including changes in existing or proposed ordinances or regulations. Any approval, denial, or conditions for approval shall be in writing and shall set forth the reasons for denial or conditions. If, within [60] days of the [Council's *or* regional planning agency's] denial or conditional approval, the local government refiles its petition with changes satisfactory to the [Council *or* regional planning agency], the [Council *or* regional planning agency] shall grant approval or grant approval subject to conditions.
- (3) Upon denying, conditionally approving, or approving a local housing element, the [regional planning agency] shall provide a notice of its actions to the Council within [10] days. Where the [regional planning agency] has approved or conditionally approved a housing element, it shall transmit a copy of the approved element with the notice to the Council.]

4-208.14 Adoption of Changes to Development Regulations After Approval

- (1) Approval of any housing element by the [Council *or* regional planning agency] shall be subject to and conditioned upon the adoption by the local government of all amendments to ordinances or regulations proposed in the housing element by the local government within [90] days of such approval.
- (2) Failure to adopt such changes in the housing element as approved by the [Council *or* regional planning agency] shall render approval of the element null and void and shall subject the local government to the provisions of Section [4-208.16] of this Act.

[4-208.15 Quasi-legislative Review]

- (1) Review by the [Council *or* regional planning agency] of a local government's housing element shall be considered a quasi-legislative decision of general application, and not a decision in a contested case requiring an adjudicatory hearing with the calling of witnesses, cross-examination, or the use of sworn testimony.

- (2) The [Council *or* regional planning agency] may appoint hearing officers to conduct such fact finding proceedings as may be appropriate in the event that the [Council *or* regional planning agency] in its discretion deems it appropriate to undertake more detailed fact finding prior to deciding whether to approve, disapprove, or approve a housing element with conditions.]

[Commentary: The purpose of this Section is to avoid lengthy trial type administrative hearings with respect to the approval or disapproval of a housing element. This Section may be omitted if a more formal administrative hearing process is desired.]

4–208.16 Appeal to Council of Decision Made by a Local Government Regarding an Inclusionary Development When a Housing Element is not Approved or is not Submitted

- (1) In the event that the [Council *or* regional planning agency] denies approval of a housing element and the local government does not refile a petition for approval of a housing element, or the [Council *or* regional planning agency], upon reviewing a refiled petition, does not grant approval of the element, or a local government fails to submit a housing element for approval by [date], or a local government fails to update a housing element, an applicant seeking approval to build an inclusionary development shall have the right to appeal any denial or approval with conditions by the local government to the Council.

[Commentary: The procedures in this Section could also be the responsibility of a separate appeals board or could be handled by a court. For an example of this, see Alternative 2 in Section 4–208, Application for affordable housing development; affordable housing appeals.]

- (2) Such an appeal may be taken to the Council within [30] days following receipt of a local government’s decision of denial or approval with conditions of a proposed inclusionary development by filing with the Council a petition stating the reasons for the appeal. The petition for appeal shall be considered presumptively valid by the Council and the burden of proof shall be with the local government. Within [10] days following receipt of a petition, the Council shall notify the local government that issued the denial or approval with conditions that an appeal has been filed. The local government shall transmit to the Council within [10] days a certified copy of its decision, the application, and the hearing record for the application, if any.
- (3) A hearing on the appeal shall be held by the Council within [45] days following receipt of the decision, application, and hearing record. The hearing shall be held on the record, consistent with the [state administrative procedures act]. The Council shall render a written decision on the appeal, stating findings of fact and conclusions of law within [30] days following the hearing, unless such time is extended by mutual consent of the petitioner and the local government that issued the decision. The Council may allow interested parties to intervene in the appeal upon timely motion and showing of good cause.
- (4) In the case of a denial by the local government, the Council shall consider at the hearing on appeal, but shall not be limited to, the following issues:
- (a) has the local government previously authorized or permitted the construction of low- and/or moderate-income dwelling units at least equal in number to its regional fair share; and
 - (b) the extent to which the project would cause significant adverse effects on the environment.

[Commentary: Whoever promulgates rules for handling these appeals (i.e., the Council or a separate appeals board) should develop a list of evaluation parameters, perhaps in consultation with appropriate state environmental agencies and public health authorities, to determine whether a proposed project will cause “significant adverse effects” on the environment.]

- (5) In the case of approval with conditions by the local government, the Council shall consider at the hearing on appeal, but shall not be limited to, the following issues:

- (a) whether the conditions are necessary to prevent the project from causing significant adverse effects on the environment; and
 - (b) whether these conditions render the project infeasible. For purposes of this Act, a requirement, condition, ordinance, or regulation shall be considered to render an inclusionary development proposed by a developer that is a non-profit entity, limited equity cooperative, or public agency infeasible when it renders the development unable to proceed in accordance with the program requirements of any public program for the production of low- and moderate-income housing in view of the amount of subsidy realistically available. For an inclusionary development proposed by a developer that is a private for-profit individual firm, corporation, or other entity, the imposition of unnecessary cost generating requirements, either alone or in combination with other requirements, shall be considered to render an inclusionary development infeasible when it reduces the likely return on the development to a point where a reasonably prudent developer would not proceed.
- (6) In the case of a denial by the local government, if the Council finds that the local government has not authorized or permitted the construction of low- and/or moderate-income dwelling units at least equal in number to its regional fair share and that the project as proposed would not cause significant adverse effects to the environment, it shall by order vacate the local government's decision and approve the application with or without conditions.
- (7) In the case of approval with conditions by the local government, if the Council determines that the conditions, if removed or modified, would not result in the project causing significant adverse affect to the environment and that such conditions would otherwise render the construction or operation of the project infeasible, it shall by order modify or remove such conditions so that the project would no longer be infeasible and otherwise affirm the approval of the application.
- (8) The decision of the Council in paragraph (3) above shall constitute an order directed to the local government and shall be binding on the local government, which shall forthwith issue any and all necessary permits and approvals consistent with the determination of the Council.

4-208.17 Review of Decisions of the Council [and Regional Planning Agency]

- (1) A review of a final determination by a [regional planning agency] shall be taken to the Council within [30] days of the determination and the Council shall conduct a *de novo* review of the matter.
- (2) A review of a final determination of the Council shall be filed with the [appellate court of competent jurisdiction] within [30] days of the determination.

[Commentary: *The appeal should go to the state's intermediate appellate court. It would thereafter be subject to normal review by the state's appellate court of last resort.*]

4-208.18 Enforcement of Housing Element Requirements

- (1) Subsequent to the approval of the housing element by the [Council or regional planning agency], any person with an interest in land or property that has been identified in a housing element pursuant to Section [4-208.9(1)(f)] of this Act may apply to the Council for such order as may be appropriate in connection with the implementation of the element, or the approval of any application for development of the property for low- and moderate-income housing.
- (2) Such enforcement action may be taken where it is alleged that the local government has failed to implement the element or has conducted the process of reviewing or approving an inclusionary development on the land in such fashion as to unreasonably delay, add cost to, or otherwise interfere with the development of low- and moderate-income housing proposed in the element.

[Commentary: Practical experience in New Jersey has shown that low- and moderate-income housing developments, even when included in a duly approved housing element that has dealt with the zoning of a development, become the subject of intense controversy at the time of site plan or subdivision review. To ensure that an approved element is carried out, the Council should have the power to order compliance with the element.]

4–208.19 Assistance of Court in Enforcing Orders

- (1) The Council may obtain the assistance of the [trial court] in enforcing any order issued by the Council pursuant to this Act. In acting on any such application for enforcement, the court shall have all powers it otherwise has in addressing the contempt of a court order.
- (2) In a proceeding for enforcement, the court shall not consider the validity of the Council's order, which may only be challenged by a direct appeal to the [intermediate appellate court of competent jurisdiction], in accordance with the provisions of Section [4–208.17(2)] of this Act.

[Commentary: An agency's power to enforce its order is important. The agency should therefore have the authority to ensure that its mandates are carried out.]

4–208.20 Council as Advocate

The Council may act as an advocate for affordable housing developments in the obtaining of federal, state, regional, or local government development approvals or any other permits, approvals, licenses or clearances of any kind which are necessary for the construction of an affordable housing development.

[Commentary: The development may need additional state permits for wetlands, sewers, etc. The agency ought to alert other permitting entities that the affordable housing project is in the public interest so that other permits and approvals may be expedited.]

4–208.21 Designation of Authority; Controls on Affordability of Low- and Moderate-Income Dwelling Units

- (1) Each local government whose housing element has been approved by the [Council or regional planning agency] shall designate a local authority ("Authority") with the responsibility of ensuring the continued affordability of low- and moderate-income sales and rental dwelling units over time.
- (2) The Authority shall also be responsible for: affirmative marketing; income qualification of low- and moderate-income households; placing income eligible households in low- and moderate-income dwelling units upon initial occupancy; placing income eligible households in low- and moderate-income dwelling units as they become available during the period of affordability controls; and enforcing the terms of any deed restriction and mortgage loan.
- (3) Local governments shall establish a local authority or may contract with a state, regional, or nonprofit agency approved by the Council to perform the functions of the Authority.

4–208.22 Controls on Resales and Re-rentals of Low- and Moderate-Income Dwelling Units

- (1) The provisions of paragraphs (2) through (7) below, and the provisions of Section [4–208.23] below, shall apply to newly constructed, rehabilitated, and converted low- and moderate-income sales and rental dwelling units that are intended to fulfill a local government's regional fair share obligations, provided that one or more of the following conditions are met:²⁰
 - (a) The dwelling unit was constructed, rehabilitated, or converted with assistance from the federal, state, or local government in the form of monetary subsidies, donations of land or infrastructure, financing assistance or guarantees, development fee exemptions, tax credits, or other financial or in-kind assistance; and/or
 - (b) The dwelling unit is located in a development that was granted a density bonus or other form of regulatory incentive in order to provide low- and moderate-income housing; and/or

Commentary: Controls on Resales and Re-Rentals

Affordability controls on resales and re-rentals are needed for several reasons. Affordable housing is often in short supply, so conserving the stock of new and rehabilitated affordable housing through controls serves an important public purpose. When government offers subsidies or other incentives to encourage the development of additional affordable housing, unless there are controls on subsequent future sales prices or rent levels, there could be profiteering in the short term on the difference between the below-market subsidized price or rent and the higher prevailing market value or rent of the unit. The controls assure that when the government gives a subsidy, the public in return will receive a benefit in the form of a lasting supply of affordable housing.

The need for affordability controls on resales and re-rentals will obviously vary by community and region of the state.¹⁹ While some housing markets may call for minimal controls, other markets may require controls that are more stringent in terms of length of time and scope. In addition, it is important to re-evaluate the controls as they apply to individual developments on a regular basis to ensure that they remain relevant to market conditions. The imposition of controls could serve as a disincentive to the production of affordable housing because they may limit future flexibility, marketability, and return on investment. Consequently, it may be necessary to link controls on resales and re-rentals with incentives that might include: density bonuses, public contributions or subsidies of infrastructure or land, and expedited permit processing. Subsidies, as used in this model, are specific to the project and do not include such devices as federal home mortgage interest tax deductions. By contrast, a subsidy could include the public assumption of the cost of installing water and sewer lines to the site for a low- and moderate-income housing project or the write-down of land costs.

In imposing controls on rentals and for-sale housing, it is important to recognize the differences between the two types of housing. Rental housing is typically the best alternative for housing people in the very low-income groups and operators of subsidized housing are accustomed to accepting rent limits. However, rents should periodically be adjusted to reflect changing costs to assure economic and physical viability. In the rental case, the principal public policy objective is assuring an adequate supply of affordable units.

The for-sale case is complicated by a second public policy objective: helping families maintain their status as homeowners. Because homeownership entails many more elements of risk and expense than renting, it involves somewhat different public policy concerns. First, homeownership may not be the best choice for very low-income households. Second, there is a down payment and closing costs that are invested and put at risk. There is a longer lasting risk to good credit and a profound sense of personal failure for the foreclosed owners. There are also the financial burden and risk associated with maintaining a home, especially in facing large, unexpected maintenance items. In addition, locking into homeownership with long-term resale price controls constrains the homeowner's flexibility to respond to job or other life situations. These concerns, together with the public purposes served by homeownership, mean that resale price control terms should be more lenient in order to reward low-income homeowners with some measure of equity appreciation, if only to protect them from returning to renter status.

One way to temper the effect of resale price controls on the subsidized homeowner is to offer him/her the option of paying the subsidy back (either fully or partially). The purpose of such a payback of subsidy or "recapture" is three-fold: (1) to guarantee that housing remains affordable for a reasonable period; (2) to ensure that the stock of low- and moderate-income housing is not later depleted if the unit is sold at a higher price; and (3) to create a pool of monies that may be used to construct or rehabilitate affordable units. Once the subsidy has been recaptured by the public to be recycled into other assisted housing, the homeowner would be free to sell at market prices and to use the equity toward the next home purchase. Because of the complexity of recapture systems, their design is probably best done as part of an administrative rule-making process as opposed to a state statute.

An example of how recapture might operate: A homeowner buys a subsidized unit and signs a right of first refusal agreement with the local government that gives the government the right to buy back the unit for the subsidized price with adjustments for inflation, broker fees, etc. If the homeowner pays back the full subsidy, the government would not exercise its option and the house could be sold at market value. Alternately, the government could resell the house as an affordable unit to a qualifying low- or moderate-income homebuyer.

[Commentary: Note that the various devices listed in subparagraphs (a) and (b) correspond to tools that are considered to be "subsidies," as defined in Chapter 3.]

- (c) The dwelling unit was built subject to the terms of a local ordinance which requires the construction of low- and moderate-income housing as a condition of development approval.

- (2) In developing housing elements, local governments shall determine and adopt measures to ensure that newly constructed low- and moderate-income sales and rental dwelling units that are intended to fulfill regional fair share obligations remain affordable to low- and moderate-income households for a period of not less than [15] years, which period may be renewed. The Authority shall require all conveyances of those newly constructed low- and moderate-income sales dwelling units subject to this Act to contain the deed restriction and mortgage lien adopted by the Council.²¹ Any restrictions on future resale or rentals shall be included in the deed restriction as a condition of approval enforceable through legal and equitable remedies, as provided for in Section [4–208.23] of this Act.
- (3) Rehabilitated owner-occupied single-family dwelling units that are improved to code standard shall be subject to affordability controls for at least [5] years.
- (4) Rehabilitated renter-occupied dwelling units that are improved to code standard shall be subject to affordability controls on re-rental for at least [10] years.
- (5) Dwelling units created through the conversion of a nonresidential structure shall be considered a new dwelling unit and shall be subject to controls on affordability as delineated in paragraphs (2), (3), and (4) above.
- (6) Affordability controls on owner- or renter-occupied accessory apartments shall be for a period of at least [5] years.
- (7) Alternatives not otherwise described in this Section shall be controlled in a manner deemed suitable to the Council and shall provide assurances that such arrangements will house low- and moderate-income households for at least [10] years.

4–208.23 Enforcement of Deed Restriction

- (1) No local government shall issue a certificate of occupancy for the initial occupancy of a low- or moderate-income sales dwelling unit unless there is a written determination by the Authority that the unit is to be controlled by a deed restriction and mortgage lien as adopted by the Council. The Authority shall make such determination within [10] days of receipt of a proposed deed restriction and mortgage lien. Amendments to the deed restriction and lien shall be permitted only if they have been approved by the Council. A request for an amendment to the deed restriction and lien may be made by the Authority, the local government, or a developer.
- (2) No local government shall permit the initial occupancy of a low- or moderate-income sales dwelling unit prior to the issuance of a certificate of occupancy in accordance with paragraph (1) above and with its zoning code and other land development regulations.
- (3) Local governments shall, by ordinance, require a certificate of reoccupancy for any occupancy of a low- or moderate-income sales dwelling unit resulting from a resale and shall not issue such certificate unless there is a written determination by the Authority that the unit is to be controlled by the deed restriction and mortgage lien prior to the issuance of a certificate of reoccupancy, regardless of whether the sellers had executed the deed restriction and mortgage lien adopted by the Council upon acquisition of the property. The Authority shall make such determination with [10] days of receipt of a proposed deed restriction and mortgage lien.
- (4) The mortgage lien and the deed restriction shall be filed with the recorder's office of the county in which the unit is located. The lien and deed restriction shall be in the form prescribed by the Council.
- (5) In the event of a threatened breach of any of the terms of a deed restriction by an owner, the Authority shall have all remedies provided at law or equity, including the right to seek injunctive relief or specific performance, it being recognized by parties to the deed restriction that a breach will cause irreparable harm to the Authority in light of the public policies set forth in this Act and the obligation for the provision of low- and moderate-income housing.
- (6) Upon the occurrence of a breach of any of the terms of the deed restriction by an owner, the Authority shall have all remedies provided at law or equity, including but

not limited to, foreclosure, recoupment of any funds from a rental in violation of the deed restriction, injunctive relief to prevent further violation of the deed restriction, entry on the premises, and specific performance.

4-208.24 Local Government Right to Purchase, Lease, or Acquire Real Property for Low- and Moderate-Income Housing

- (1) Notwithstanding any other law to the contrary, a local government may purchase, lease, or acquire by gift, real property and any estate or interest therein, which the local government determines necessary or useful for the construction or rehabilitation of low- and moderate-income housing or the conversion to low- and moderate-income housing.
- (2) The local government may provide for the acquisition, construction, and maintenance of buildings, structures, or other improvements necessary or useful for the provision of low- and moderate-income housing, and may provide for the reconstruction, conversion, or rehabilitation of those improvements in such manner as may be necessary or useful for those purposes.
- (3) Notwithstanding the provisions of any other law regarding the conveyance, sale, or lease of real property by a local government to the contrary, a local government's legislative body may, by [ordinance *or* resolution], authorize the private sale and conveyance or lease of a housing unit or units acquired or constructed pursuant to this Section, where the sale, conveyance, or lease is to a low- or moderate-income household or nonprofit entity and contains a contractual guarantee that the dwelling unit will remain available to low- and moderate-income households for a period of at least [15] years.

4-208.25 Biennial Report of the Council to Governor and Legislature

- (1) By [date] of each even-numbered year, the Council shall prepare a report to the governor and legislature. The Council shall report on the effect of this Act on promoting the provision of affordable housing in the housing regions of the state. The report shall address, among other things: local governments with housing elements that have been approved, with or without conditions, or that have not been approved by [the Council *or* a regional planning agency]; the number of low- and moderate income dwelling units constructed, rehabilitated, purchased, or otherwise made available pursuant to this Act; the number and nature of appeals to the Council on decisions of local governments denying or conditionally approving inclusionary developments and the Council's disposition of such appeals; [regional planning agencies with regional fair-share housing allocation plans that have, or have not been approved;] actions that have been taken by local governments to reduce or eliminate unnecessary cost generating requirements that affect affordable housing; and such other actions that the Council has taken or matters that the Council deems appropriate upon which to report. The report may include recommendations for any revisions to this Act which the Council believes are necessary to more nearly effectuate the state's housing goal.
- (2) Every officer, agency, department, or instrumentality of state government, of [regional planning agencies,] and of local government shall comply with any reasonable request by the Council for advice, assistance, information, or other material in the preparation of this report.
- (3) The Council shall send the biennial report to the governor, members of the legislature, state agencies, departments, boards and commissions, appropriate federal agencies, [regional planning agencies], and to the chief executive officer of every local government in the state, and shall make the report available to the public. Copies shall be deposited in the state library and shall be sent to all public libraries in the state that serve as depositories for state documents.

*Alternative 2 B Application for Affordable Housing Development; Affordable Housing Appeals*²²**4–208.1 Findings**

The legislature hereby finds and declares that:

- (1) there exists an acute shortage of affordable, accessible, safe, and sanitary housing for low- and moderate-income households in the state;
- (2) it is imperative that action be taken immediately to assure the availability of such housing; and
- (3) it is necessary for all local governments in the state to assist in the provision of such housing opportunities to assure the health, safety, and welfare of all citizens of the state.

4–208.2 Purpose

It is the purpose of this Act to provide expeditious relief from local ordinances or regulations that inhibit the construction of affordable housing needed to serve low- and moderate-income households in this state. The provisions of this Act shall be liberally construed to accomplish this purpose.²³

4–208.3 Definitions

As used in this Act:

- (1) “**Affordable Housing**” means housing that has a sales price or rental amount that is within the means of a household that may occupy moderate-, low-, or very low-income housing, as defined by paragraphs (9), (10), and (12), below. In the case of dwelling units for sale, housing that is affordable means housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than [28] percent of such gross annual household income for a household of the size which may occupy the unit in question. In the case of dwelling units for rent, housing that is affordable means housing for which the rent and utilities constitute no more than [30] percent of such gross annual household income for a household of the size which may occupy the unit in question.

[**Commentary:** Note that, for purposes of this model, the term “affordable housing” applies only to very low-, low-, and moderate-income housing and does not apply to middle-income housing.]

- (2) “**Affordable Housing Developer**” means a nonprofit entity, limited equity cooperative, public agency, or private individual firm, corporation, or other entity seeking to build an affordable housing development.

The inclusion of private developers, as well as nonprofit and governmental organizations, in this definition, is necessary to encourage a widespread participation in the development of affordable housing.

- (3) “**Affordable Housing Development**” means any housing that is subsidized by the federal or state government, or any housing in which at least [20] percent of the dwelling units are subject to covenants or restrictions which require that such dwelling units be sold or rented at prices which preserve them as affordable housing for a period of at least [15] years.²⁴

[**Commentary:** The 20 percent standard for what constitutes lower income housing development has been used in New Jersey, particularly the Mount Laurel II case.²⁵]

- (4) “**Approving Authority**” means the Planning Commission, Zoning Board of [Appeal or Adjustment], Governing Body, or other local government body designated pursuant to law to review and approve an affordable housing development.
- (5) “**Development**” means any building, construction, renovation, mining, extraction, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any activity which alters a shore, beach, seacoast, river, stream, lake, pond, canal, marsh, dune area, woodlands, wetland, endangered species habitat, aquifer or other resource area, including coastal construction or other activity.

- (6) **“Exempt Local Government”** means:
- (a) any local government in which at least [10] percent of its housing units, at the time an application is made pursuant to this Act, have been subsidized by the federal or state government, or by a private entity, and in which occupancy is restricted or intended for low- and moderate-income households;
 - (b) any local government whose median household income is, according to most recent census data, less than 80 percent of the median household income of the county or primary metropolitan statistical area as last defined and delineated by the U.S. Bureau of the Census in which the local government is located; or
 - (c) any local government whose percentage of substandard dwelling units in its total housing stock, as determined by the most recently available census data, is more than 1.2 times (120 percent) the percentage of such dwellings in the housing stock for the county or primary metropolitan statistical area in which the local government is located.

[Commentary: This definition of “exempt” local governments, found in various forms in the New England statutes, recognizes that certain communities may have already met their burden of providing low- or moderate-income housing. See, for example, Connecticut General Statutes Annotated, Section 8–30g(f). The county is suggested as a primary standard of comparison, but metropolitan areas may be substituted in place of a county. Use of an entire state would in most cases be impractical since entire regions of the state may have less than the statewide median income and use of the state as the base would thus exempt them from the applicability of the statute.]

- (7) **“Household”** means the person or persons occupying a dwelling unit.
- (8) **“Local Government”** means the [county, city, village, town, township, borough, or other political subdivision] which has the primary authority to review development plans.
- (9) **“Low-Income Housing”** means housing that is affordable, according to the federal Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy by households with a gross household income that does not exceed 50 percent of the median gross household income for households of the same size within the county or primary metropolitan statistical area in which the housing is located. For purposes of this Act, the term “low-income housing” shall include “very low-income housing.”
- (10) **“Moderate-Income²⁶ Housing”** means housing that is affordable, according to the federal Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy by households with a gross household income that is greater than 50 percent but does not exceed 80 percent of the median gross household income for households of the same size within the county or primary metropolitan statistical area in which the housing is located.
- (11) **“Unnecessary Cost Generating Requirements”** mean those development standards that may be eliminated or reduced that are not essential to protect the public health, safety, or welfare or that are not critical to the protection or preservation of the environment, and that may otherwise make a project economically infeasible. An unnecessary cost generating requirement may include, but shall not be limited to, excessive standards or requirements for: minimum lot size, building size, building setbacks, spacing between buildings, impervious surfaces, open space, landscaping, buffering, reforestation, road width, pavements, parking, sidewalks, paved paths, culverts and stormwater drainage, and oversized water and sewer lines to accommodate future development without reimbursement.
- (12) **“Very Low-Income Housing”** means housing that is affordable, according to the federal Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy by households with a gross household income equal to 30 percent or less of the median gross household income for households of the same size within the county or primary metropolitan statistical area in which the housing is located.

4–208.4 Local Government Action on Affordable Housing Applications

- (1) An affordable housing developer may file an application for an affordable housing development in any nonexempt local government with the Approving Authority, in accordance with a checklist of items required for a complete application previously established by [ordinance *or* rule of *the* Department of Housing and Community Development *or other state agency authorized by statute*].
- (2) The Approving Authority shall review the application in accordance with the standards set forth in Section [4–208.5(1)] below, and shall have the power to issue a comprehensive permit which shall include all local government approvals or licenses, other than a building permit, necessary for the authorization of the affordable housing development. The Approving Authority shall hold at least [1], but no more than [3], public hearings on the proposal within [60] days of receipt of the application and shall render a decision within [40] days after the conclusion of the public hearing(s).
- (3) Failure of the Approving Authority to act within this time frame shall mean that the Authority is deemed to have approved the application, unless the time frame is extended by a voluntary agreement with the applicant.

4–208.5 Basis for Approving Authority Determination

- (1) The Approving Authority shall grant approval of an affordable housing development unless facts produced in the record at the public hearing or otherwise of record demonstrate that the development as proposed:
 - (a) would have significant adverse effects on the environment; or
 - (b) would significantly conflict with planning goals and policies specified in the local government’s comprehensive plan, provided they are not designed to, or do not have the effect of, rendering infeasible the development of affordable housing while permitting other forms of housing.
- (2) The Approving Authority may condition the approval of the affordable housing development on compliance with local government development standards, contained in an ordinance or regulation, which are necessary for the protection of the health and safety of residents of the proposed development or of the residents of the local government, or which promote better site and building design in relation to the area surrounding the proposed development, provided that any such ordinances or regulations must be equally applicable to both affordable housing development and other development, and provided that such conditions do not render the affordable housing development infeasible. The Approving Authority shall waive such local government development standards where their application would render the provision of affordable housing infeasible, unless such waiver would cause the affordable housing development to have significant adverse effects on the environment.
- (3) For purposes of this Act, a requirement, condition, ordinance, or regulation shall be considered to render an affordable housing development proposed by an affordable housing developer that is a nonprofit entity, limited equity cooperative, or public agency infeasible when it renders the development unable to proceed in accordance with program requirements of any public program for the production of affordable housing in view of the amount of subsidy realistically available. For an affordable housing development proposed by an affordable housing developer that is a private for-profit individual firm, corporation, or other entity, the imposition of unnecessary cost generating requirements, either alone or in combination with other requirements, shall be considered to render an affordable housing development infeasible when it reduces the likely return on the development to a point where a reasonably prudent developer would not proceed.²⁷

4–208.6 Appeal to [State Housing Appeals Board *or* Court]

- (1) An affordable housing developer whose application is either denied or approved with conditions that in his or her judgment render the provision of affordable housing infeasible, may, within [30 *or* 45] days of such decision appeal to the [State Hous-

ing Appeals Board or other state trial court] challenging that decision. The [Board or Court] shall render a decision on such application within [120] days of the appeal being filed. In its determination of any such appeal, the [Board or Court] shall conduct a *de novo* review of the matter.

[Commentary: The New England housing appeals statutes are either silent on the burden of proof before the appeals board, or place the burden of proof on the local government.²⁸ Given the nature of the interests involved B municipal discretion vs. housing affordability B it is advisable to allow the appeal authority to conduct its own independent de novo review of the facts. Whether the applicant or the local government has the ultimate burden of proof is a question of policy for each state to determine as it balances the weight of affordable housing needs against local government planning discretion. Optional language on burden of proof is provided in paragraph (2) below.]

- (2) In rendering its decision, the [Board or Court] shall consider the facts and whether the Approving Authority correctly applied the standards set forth in Section [4–208.5] above.

[add optional additional burden of proof language for (2)]

[In any proceeding before the [Board or Court], the Approving Authority shall bear the burden of demonstrating that it correctly applied the standards set forth in Section [4–208.5] above in denying or conditionally approving the application for an affordable housing development.]

- (3) The [Board or Court] may affirm, reverse, or modify the conditions of, or add conditions to, a decision made by the Approving Authority. The decision of the [Board or Court] shall constitute an order directed to the Approving Authority, and shall be binding on the local government which shall forthwith issue any and all necessary permits and approvals consistent with the determination of the [Board or Court].
- (4) The *[appellate court of competent jurisdiction]* shall have the exclusive jurisdiction to review decisions of the [Board or Court].

[4–208.7 Enforcement]

[The order of the Board may be enforced by the Board or by the applicant on an action brought in the [trial court].]

Where a housing appeals board rather than a court is selected, it must be given the authority to enforce its orders.

4–208.8 Nonresidential Development as Part of an Affordable Housing Development

- (1) An applicant for development of property that will be principally devoted to nonresidential uses in a nonresidential zoning district shall have the status of an affordable housing developer for the purposes of this Act where the applicant proposes that no less than 20 percent of the area of the development or 20 percent of the square footage of the development shall be devoted to affordable housing, except that the applicant shall bear the burden of proof of demonstrating that the purposes of a nonresidential zoning district will not be impaired by the construction of housing in that zoning district and that the health, safety, and welfare of the residents of the affordable housing will not be adversely affected by nonresidential uses either in existence or permitted in that zoning district.
- (2) For purposes of paragraph (1) above, the square footage of the residential portion of the development shall be measured by the interior floor area of dwelling units, excluding that portion which is unheated. Square footage of the nonresidential portion shall be calculated according to the gross leasable area.

4–208.9 Overconcentration Of Affordable Housing

In order to prevent the drastic alteration of a community's character through the exercise of the rights conferred upon affordable housing developers by this Act, the requirements to approve affordable housing developments by a local government as specified in this Act shall cease at such time as:

- (1) the local government fulfills the requirements to become an exempt local government, as defined in Section [4–208.3(6)]; or
- (2) where the number of units of affordable housing approved and built pursuant to this Act exceeds [__,000] dwelling units over a period of [5] years.

[Commentary: Jurisdictions where there is faster growth may experience a rush of affordable housing proposals. To prevent communities from becoming overwhelmed by the prospect that developers may charge out to buy or option land within one community where there is ample vacant land, and seek zoning changes, there should be some upper limit on the amount of housing that can be approved under the special procedures contained in this statute. For example, in New Jersey during the 1980s, some towns were faced with as many as 11 lawsuits by developers.²⁹ In the Section above, this occurs when the local government meets the requirements for an “exempt local government” in Section 4–208.3(6) or when a statutorily established limit on the number of units of affordable housing over a certain period of time is met.]

[4–208.10 Housing Appeals Board]

[(1) Composition *[describe composition of housing appeals board and terms of members].*]

[Commentary: If a housing appeals board, rather than the courts, is selected to administer the statute, the state will have to determine its composition. There should be representation by local and, if appropriate, county interests, by private for-profit and nonprofit developers of affordable housing, by planning interests, and by the public at large. Provided that the interests are reasonably balanced, there is no single correct answer either to the size of the body or the precise breakdown of appointees.³⁰ If a court is chosen, it should be the trial court of general jurisdiction in the state.]

[(2) Within [3] months after the effective date of this Act, the Housing Appeals Board shall adopt rules and regulations governing practice before it. The Board may adopt *[subject to approval of the Department of Housing and Community Development or other state agency]* such other rules and regulations as it deems necessary and appropriate to carry out its responsibilities under this Act.]

[Commentary: The bracketed language in paragraph (2) gives the policy-making arm of the governor some input into substantive regulations. It is expected that general state administrative procedures acts will provide the procedural framework, such as notices, public hearings, publication, etc. for rule making, so that rule-making procedures need not be spelled out in this statute.]

ENDNOTES

1. Excerpted from Stuart Meck, FAICP, Gen. Editor, *Growing SmartSM Legislative Guidebook, Model Statutes for Planning and the Management of Change*, 2002 edition, vol. 1 (Chicago: American Planning Association, January 2002). Bracketed references are to other sections of the *Guidebook*. The full document may be downloaded at <http://www.planning.org/growing-smart>.
2. This model was drafted by Peter A. Buchsbaum, a partner in the law firm of Greenbaum, Rowe, Smith, Ravin, and Davis, in Woodbridge, New Jersey, Harvey S. Moskowitz, AICP/PP, a partner in the professional planning consulting firm of Moskowitz, Heyer, and Gruel, in Florham Park, New Jersey, and Stuart Meck, FAICP/PP, Principal Investigator, and Michelle J. Zimet, AICP, attorney and Senior Research Fellow, both of the Growing SmartSM project at the APA.
3. For sources of definitions for low-, moderate- and very low-income households, see 24 CFR, Section 91.5 (Definitions) and New Jersey Administrative Code, Title 5, Section 5:93–1.3.

4. See Section 6–201(5)(e), Alternative 2, of the *Legislative Guidebook*, which describes the components of a regional comprehensive plan, including a regional fair-share housing allocation plan. The definition of a regional fair-share allocation plan would only need to be included if the approach selected gives the responsibility of preparing the regional fair-share allocations to a regional planning agency.
5. For an example of a state-level policy that links the award of discretionary state funds with local government housing policies, see Commonwealth of Massachusetts, Executive Order No. 215, “Disbursement of State Development Assistance” (March 15, 1982).
6. For an example of language granting authority to a state planning agency to issue rules and orders, see Section 4–103 of the *Legislative Guidebook*.
7. For an example of housing need projections, see New Jersey Administrative Code, Title 5, Chapter 93, Appendix A (Methodology); see also David Listokin, *Fair Share Housing Allocation* (New Brunswick, N.J.: Center for Urban Policy Research, 1976), 48–51.
8. These factors are only intended to be illustrative. Compare California Government Code, Section 65584(a) (regional housing needs), where the factors are included in the statute, with New Jersey Administrative Code, Title 5, Chapter 52:27D–307(c)(2) (discussion of adjustment of present and prospective regional fair share). The allocation formulas must be tailored to each state. For an example of an allocation formula that is the result of rule making by a state agency, see New Jersey Administrative Code, Title 5, Chapter 93, Sections 2.1 et seq. (municipal determination of present and prospective need) and Appendix A. See also David Listokin, *Fair Share Housing Allocation* (New Brunswick, N.J.: Center for Urban Policy Research, 1976) for an early survey of allocation formulas.
9. Projecting the growth and location of moderate- and low-wage jobs is an important factor in assessing the need and approximate location for low- and moderate-income housing.
10. It is important that an allocation strategy and a local housing element seek spatial dispersion of low- and moderate-income housing opportunities since they should not add to the concentration of the poor.
11. See Section 6–201, Preparation of Regional Comprehensive Plan, Alternative 2, of the *Legislative Guidebook* for a treatment of urban growth area designation.
12. See Section 5–201 et seq. of the *Legislative Guidebook*, which addresses areas of critical state concern.
13. See Section 6–201, Preparation of Regional Comprehensive Plan, Alternative 2, of the *Legislative Guidebook* for a treatment of urban growth area designation.
14. See Section 5–201 et seq. of the *Legislative Guidebook*, which addresses areas of critical state concern.
15. Alternatively, the regional fair-share allocation plan may be publicly reviewed in the manner proposed in Section 6–301, Public Workshops and Hearings, and adopted in the manner proposed in Section 6–303, Adoption of Regional Plans.
16. Section 6–105 pertains to rule-making authority by the regional planning agency.
17. For an interesting and creative statute providing financial incentives to local governments for removing barriers to low- and moderate-income housing (as well as middle-income housing), see Florida Statutes, Section 420.907 et seq. (1995) (state housing incentives partnership), esp. Section 420.9076 (adoption of affordable housing incentive plans; committees).

18. While a local government may not want to designate specific sites for low- and moderate-income housing, it is nonetheless important to designate a sufficient supply of sites zoned at appropriate densities to assure an open, competitive land market.
19. Affordability controls may also be supplemented with other direct subsidies such as low interest loans to assist a homebuyer in making a down payment on a dwelling unit. Such a loan would be short term, such as five years, and would be recaptured in order to assist other future homebuyers of low- and moderate-income units.
20. If none of these conditions is present, then presumably the developer is operating outside of the local government's affordable housing program provided for under the Act. The developer would therefore not need any of the incentives or subsidies offered by the local government or other agencies.
21. A model deed restriction and lien for low- and moderate-income housing appears in New Jersey Administrative Code, Title 5, Chapter 93, Appendix I.
22. This model statute was drafted by Peter A. Buchsbaum, a partner in the law firm of Greenbaum, Rowe, Smith, Ravin, and Davis in Woodbridge, New Jersey, along with additional drafting and material by Stuart Meck, FAICP, Principal Investigator, and Michelle J. Zimet, AICP, Attorney and Senior Research Fellow, for the Growing SmartSM project.
23. The text of this model is drawn from Connecticut General Statutes Annotated, Section 8-30g; Massachusetts General Laws Title 40B, Sections 20 to 23; and General Laws of Rhode Island, Sections 43-53-1 to 53-8. These statutes, based on the original 1969 Massachusetts Affordable Housing Appeals Act, resemble each other.
24. For an excellent example of a deed restriction based on years of successful experience in New Jersey, see New Jersey Administrative Code, Title 5, Chapter 93, Appendix I, which contains the deed restriction for low- and moderate-income housing required by the State Council on Affordable Housing.
25. *Mt. Laurel II*, 456 A.2d 390 at n.37.
26. In some states where there a greater stratification of income and housing, a fourth category may be included entitled "middle-income" that would be defined as households with a gross household income that is greater than 80 percent but does not exceed 95 to 120 percent of the median gross household income for households of the same size within the county or metropolitan area in which the housing is located. See, e.g., 24 CFR, Section 91.5 (definition of "middle-income family").
27. For an existing statutory definition of "infeasible," see Rhode Island General Laws, Section 45-53.4(c), which provides:

"Infeasible" means any condition brought about by any single factor or combination of factors, as a result of limitations imposed on the development by conditions attached to the zoning approval, to the extent that it makes it impossible for a public agency, nonprofit organization, or limited equity housing cooperative to proceed in building or operating low or moderate income housing without financial loss, within the limitations set by the subsidizing agency of government, on the size or character of the development, on the amount or nature of the subsidy, or on the tenants, rentals, and income permissible, and without substantially changing the rent levels and unit sizes proposed by the public agency, nonprofit organization, or limited equity housing cooperative.
28. See Connecticut General Statutes Annotated, Section 8-30g(c).
29. See, e.g., *Field v. Franklin Twp.*, 204 N.J. Super. 445, 449 A.2d 251 (1985).

30. Rhode Island General Statutes, Section 45-53-7 provides the following board makeup:

Housing Appeals Board: (a) There shall be within the state a housing appeals board consisting of nine (9) members:

Housing Appeals Board

<i>Represent:</i>	<i>Appointed by:</i>
1 district court judge (chair)	Chief of district court
1 local zoning board member	Speaker of the house
1 local planning board member	Majority leader of senate
2 city and town council members (plus an alternate) B representing municipalities of various sizes	Speaker of the house Majority leader of senate (Governor)
1 affordable housing developer	Governor
1 affordable housing advocate	Governor
1 director of statewide planning or designee	Self-appointed
1 director of Rhode Island housing or designee	Self-appointed

(b) All appointed [sic] shall be for two (2) year terms, provided, however, the initial terms of members appointed by the speaker of the house and majority leader shall be for a period of one year. A member shall receive no compensation for his or her services, but shall be reimbursed by the state for all reasonable expenses actually and necessarily incurred in the performance of his or her official duties. The board shall hear all petitions for review filed under [Section] 45-53-5, and shall conduct all hearings in accordance with the rules and regulations established by the chair. Rhode Island housing [sic] shall provide such space, and such clerical and other assistance, as the board may require.

APPENDIX F

Contact List

Affordable Housing Education and Development

Littleton, New Hampshire
tel (603) 444-1377, fax (603) 444-0707
161 Main Street, Littleton, New Hampshire 03561

Ames and Story County Housing Program

Ames, Iowa
tel (515) 239-5400, fax (515) 239-5404
P.O. Box 811, Ames, Iowa 50010
<http://www.city.ames.ia.us/housingweb/>

Association of Bay Area Governments

San Francisco, California
tel (510) 464-7900, fax (510) 464-7970
P.O. Box 2050, Oakland, California 94604
<http://www.abag.ca.gov>

Bay Area Council

San Francisco, California
tel (415) 981-6600, fax (415) 981-6408
200 Pine Street, Suite 300, San Francisco, California 94104
<http://www.bayareacouncil.org>

Central New Hampshire Regional Planning Commission

tel (603) 226-6020, fax (603) 226-6023
28 Commercial Street, Concord, NH 03301
<http://www.cnhrpc.org>

Columbus/Franklin County Affordable Housing Trust

Columbus, Ohio
tel (614) 372-1850, fax (614) 252-7261
1234 E. Broad Street, Columbus, Ohio 43205

Connecticut Department of Economic and Community Development

tel (860) 270-8000
505 Hudson Street, Hartford, CT 06105
<http://www.state.ct.us/ecd/housing/>

Cornell University

Ithaca, New York
Rolf Pendall, AICP
Assistant Professor of City
and Regional Planning
Department of City and Regional Planning
tel (607) 225-5561, fax (607) 255-6681
106 West Sibley Hall, Cornell University
Ithaca, New York 14853
<http://www.dcrp.cornell.edu>

Council on Affordable Housing

New Jersey
tel (609) 292-3000, fax (609) 633-6056
101 S. Broad Street, P.O. Box 813, Trenton, New Jersey 08625
<http://www.state.nj.us/dca/coah/>

CountyCorp

Montgomery County, Ohio
tel (937) 225-6328, fax (937) 496-6629
40 West Fourth Street, Dayton Ohio 45402
<http://www.countycorp.com/>

California Department of Housing and Community Development

California
Department of Housing and Community Development
tel (916) 445-4728, fax (916) 327-2643
1800 3rd Street, P.O. Box 952053, Sacramento, California 94252
<http://www.hcd.ca.gov/hpd/>

Live Near Your Work

Maryland
Department of Housing and Community Development
tel (410) 209-5809, fax (410) 987-4660
100 Community Place, Crownsville, Maryland 21032
<http://www.dhcd.state.md.us/ltyw/>

Massachusetts Housing Appeals Committee

tel (617) 727-6192
One Congress Street, Tenth Floor, Boston, Massachusetts 02114
<http://www.state.ma.us/dhcd/components/hac/>

Metropolis 2020, Chicago, Illinois

tel (312) 332-2020, fax (312) 332-2626
30 West Monroe Street, Chicago, Illinois 60603
<http://www.chicagometropolis2020.org/>

Metro, Portland, Washington

tel (503) 797-1737, fax (503) 797-1797
600 NE Grand Ave., Portland, Oregon 97232
<http://www.metro-region.org/>

Metropolitan Council

Minneapolis, Minnesota
tel (612) 822-1016
1458 West 35th Street, Minneapolis, Minnesota 44408
<http://www.metrocouncil.org/>

Nashua Regional Planning Commission

tel (603) 883-0366
115 Main Street, P.O. Box 847
Nashua, NH 03061
<http://www.nashuarpc.org>

National Low Income Housing Coalition

tel (202) 662-1530, fax (202) 393-1973
1012 Fourteenth Street, NW, Suite 610, Washington, D.C. 20005
<http://www.nlihc.org/>

North Country Council, Inc.

tel (603) 444-6303, fax (603) 444-7588
107 Glessner Rd Bethlehem, NH 03574
<http://www.nccouncil.org>

Rhode Island Housing and Mortgage Finance Corporation

tel (401) 457-1285, fax (401) 457-1140
44 Washington Street, Providence, RI.

A Regional Coalition for Housing (ARCH)

Seattle, Washington
tel (425) 861-3676, fax (425) 861-4553
16225 NE 87th Street, Suite A-3, Redmond, Washington 98052
<http://www.archhousing.org>

Sacramento Housing and Redevelopment Agency

Sacramento, California
tel (916) 444-9210, fax (916) 441-1196
630 I Street, 2nd Floor, Sacramento, California 95814
<http://www.shra.org>

San Diego Association of Governments

San Diego, California
tel (619) 595-5343, fax (619) 595-5303
401 Broad Street, Suite 800, San Diego, California, 92101
<http://www.sandag.org>

Southern California Association of Governments

Los Angeles, California
tel (213) 236-1921, fax (213) 236-1963
818 West Seventh Street, 12th Floor, Los Angeles, California 90017
<http://www.scag.ca.gov>

Twin Pines Housing Trust

White River Junction, Vermont
tel (802) 291-7000, fax (802) 281-7273
106 Railroad Row, White River Junction, Vermont 05001
<http://www.twinpineshousingtrust.com/>

Vermont Housing and Conservation Board

Vermont
tel (802) 828-3259, fax (802) 828-3203
149 State Street, Montpelier, Vermont 05602
<http://www.vhcb.org>

APPENDIX G

The American Planning Association Policy Guide on Housing (excerpt)

[**Editor's Note:** *The full text of this policy guide can be consulted at <http://www.planning.org/policyguides/housing.htm>. We are reprinting Section 3 of the guide, which specifically addresses affordable housing.*]

Adopted by the Chapter Delegate Assembly April 25, 1999

Ratified by the Board of Directors April 26, 1999

3. AFFORDABLE HOUSING

- a. APA National and Chapters should collaborate with nonprofit and for-profit housing providers to educate citizens and elected officials about affordable housing and work to eliminate negative perceptions and stereotypes. Zoning requests for residential development affordable to low-income households should not be arbitrarily denied.
- b. APA National and Chapters should encourage national, state, and local initiatives designed to preserve and expand affordable housing opportunities at a variety of income levels. Planners should work to ensure that scarce housing subsidies are used to provide long-term benefits to those in need of assistance. In general, capital subsidies for construction or acquisition of housing should also be accompanied by measures that ensure long-term affordability. *(See APA Policy Guide on The Supply of Public and Subsidized Housing, adopted 10/18/91)*
- c. Planners should expand affordable housing opportunities by facilitating the development and preservation of accessory apartments, cluster housing, elder cottages, manufactured housing, mixed-income housing, shared residences, and single room occupancy (SRO) developments.
- d. APA National and Chapters should work to preserve the federal Low-Income Housing Tax Credit, a critical tool for affordable housing finance, and to encourage accountability in the management of LIHTC projects.
- e. APA National and Chapters should work to renew and expand the availability of federal funding for Section 8 Certificates and Vouchers or alternative models of direct rent subsidy to enable low-income households to afford decent housing in the private market. Alternative models should not be limited to federally supported initiatives but also embrace state and local programs.
- f. APA National and Chapters should support, based on local conditions, controls on conversion of rental housing to condominiums where such conversion affects the availability of affordable housing; controls on unreasonable increases in rent; and requirements for just cause for eviction of renters. These tools should remain available to local governments for use in response to locally defined needs, and not preempted by state or federal legislation.
- g. APA National and Chapters should work with state, federal and local governments to facilitate economic development strategies that will yield living wage jobs and enable families and individuals to afford housing without the necessity of additional public subsidies and incentives.
- h. APA National and Chapters should support and promote a wide range of programs and incentives that encourage private and nonprofit development of affordable housing to supplement publicly owned and managed housing, and that complement local housing delivery systems. These measures include density bonuses, land donations, low-income housing tax credits, and commercial linkage impact fees.
- i. APA National and Chapters should support, based upon local conditions, the provision of affordable housing for farm employees and their families, and other seasonal workers.

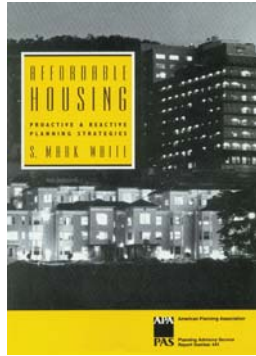


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- 480/481. Modernizing State Planning Statutes: The Growing SmartSM Working Papers. Volume 2.** September 1998. 269pp.
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- 494. Incentive Zoning: Meeting Urban Design and Affordable Housing Objectives.** Marya Morris. September 2000. 64pp.
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- 512. Smart Growth Audits.** Jerry Weitz and Leora Susan Waldner. November 2002. 56pp.
- 513/514. Regional Approaches to Affordable Housing.** Stuart Meck, Rebecca Retzlaff, and James Schwab. February 2003. 271pp.

of special interest



Affordable Housing

PAS 441. S. Mark White. 1992. 76 pp.

Housing affordability is a major issue for local governments. This report offers strategies that housing officials and planners can use to close the gap between housing costs and income. It shows how a balanced regulatory program can stimulate production of affordable housing instead of impeding it. It examines cost-cutting regulatory measures such as land-use controls, zoning reform, impact fees, and development exactions.

Modernizing State Planning Statutes

PAS 462/463 (Volume 1). 1996. 190 pp.

PAS 480/481 (Volume 2). 1998. 160 pp.

These papers explore ways to update and streamline existing state planning legislation and recommend provisions to include in revised laws. Volume 1 topics include judicial review of land-use decisions, state and regional fair-share housing planning, and interlocal approaches to land-use decision making.



Volume 2 covers the land-use and transportation elements of a local comprehensive plan, integrating state environmental policy acts into local planning, land supply monitoring systems, and benchmarking. Volume 2 also includes a digest of comprehensive planning requirements in all 50 states. These are the first two volumes in a planned three-volume set.

Incentive Zoning

PAS 494. Marya Morris. 2000. 44 pp. \$36.

Incentive zoning allows a developer to build a larger, higher-density project than would be permitted under existing zoning. In exchange, the developer provides something that is in the community's interest that would not otherwise be required. This report provides historical perspective, addresses legal issues, and offers principles for developing legislation. Case studies demonstrate how incentives can be used to achieve smart growth objectives.

