

## **Undermining the Housing and Community Development Committee's Policymaking Authority (Fred I. Lewis 12/9/2016)**

Good afternoon. I truly appreciate all the work your committee has done to focus on affordable housing, especially for low income Austinites. As you know, low income Austinites need effective City programs the most, because: 1) they are the most cost-burdened, 2) they are desperate financial straits, and 3) the marketplace does not function well in providing low income housing supply.

I want to talk today in citizen's communications about what I believe is the undermining of this committee's and the council members' policymaking authority on affordable housing for low income Austinites. Your constituents elected you to make policy; you are their representatives in city government. They expect you to gather the best information available from a variety of sources, weigh all the factors, and make the best policy decisions you can. And also they expect you to ensure the city staff implements your policy choices made on your constituents' behalf.

In June 16, 2016, you passed a resolution on affordable housing in which you directed the city staff to obtain various studies and consider various options so that you could weigh carefully the different program approaches and make policy decisions that affect your constituents. Your resolution directed that staff obtain both an economic analysis of density bonus programs AND an affordable housing nexus study related to potential linkage fees on new construction. They are competing policy approaches.

The economic analysis on density bonuses is on the fast track. The RFQ has been let and the economic analysis firm, EcoNorthwest, has been hired. They are working diligently and have held several meetings with Austin stakeholders and made a preliminary in-depth presentation this past Tuesday, December 6.

The affordable housing nexus study is on the very, very slow track. The RFQ has not gone out yet, although we provided staff months ago a copy of an RFQ from another city. The staff is now saying the firm will be hired in May 2017. Perhaps.

The Department has made it clear publicly they don't like linkage fees, although it is your democratic responsibility to your constituents to set policy, not theirs. The staff claims linkage fees are illegal, although they do not have law licenses, and it is a complicated constitutional law question. Courts have upheld affordable housing linkage fees and they are in nearly 50 cities. And as lawyers know, whether a program is constitutional depends on how it is designed and supported by evidence, such as the nexus study.

Next year is going to be crucial with the consideration of CodeNext and whether we use density bonuses for affordable housing or linkage fees.

The struggle between the legislative branch (you) and the executive branch (Departments) is not personal; it is inherent in the nature of checks and balances.

My question to you is: How are you going to ensure you have all the objective information you need to balance the different policy objectives and set policy as representatives of your constituents?