Appendix XI

Affordable Housing Siting Policy Report

Memorandum

TO: John Limon, Chair
Austin Community Development Commission
FROM: Affordable Housing Siting Policy Work Group
DATE: October 8th, 2012
SUBJECT: Final Status Report

On March 13th, 2012, you appointed members to the Austin Community Development Commission Affordable Housing Siting Policy Work Group in response to the Austin City Council resolution 20111215-058 (passed December 15th, 2011) which directed the City Manager to work with the CDC in developing additional strategies for achieving geographic dispersion of affordable housing in our community. The following document is the final status report from the working group that summarizes our discussions and includes consensus decisions/recommendations as well as discussions around the key areas where consensus was not reached.

The Working Group would like to stress that although this phase of work on this critical policy issue is complete, we are recommending that the CDC and city staff/leaders ensure that the conversation about dispersing affordable housing all across our community becomes more robust and engages all key impacted persons and stakeholders before final policy recommendations are adopted/made. This is a complicated issue which requires a wide range of expertise and knowledge to be shared with those who may not truly understand why we are having this conversation or what the consequences (intended or unintended) might be for any policy decision.

We thank you for the opportunity to serve on the Affordable Housing Siting Policy Work Group. We hope that our work will truly lead to a community changing policy decision and hope that the work we present here will help the CDC and city staff take key next steps to further the vision of "*the creation and preservation of housing in all parts of Austin that meets the needs of all Austin residents of extremely low to moderate income*".

Appointed Members of the Affordable Housing Siting Policy Work Group:

Steven Aleman, Austin Neighborhood Council
Mandy De Mayo, Housing Works, Consultant
Darla Gay, A/TC Re-Entry Roundtable
Stuart Hersh, Community Housing Development Organization Roundtable
Ann Howard, ECHO (Ending Community Homeless Organization)
Dianna Lewis, Corporation for Supportive Housing
Liz Mueller, Community Development Commissioner
Karen Paup, Community Development Commissioner
Myron Smith, Former Community Development Commissioner
Kathy Stark, Austin Tenants' Council

City of Austin Community Development Commission
Affordable Housing Siting Policy Work Group
Final Status Report
October 8th, 2012

Background

On December 15, 2011, the City Council passed Resolution 20111215-058 directing the city manager to work with the Community Development Commission (CDC) and other stakeholders to research and recommend strategies of achieving geographic dispersion of affordable housing in Austin. At the March 13th, 2012 meeting of the Community Development Commission, the CDC chair, John Limon, appointed the CDC Affordable Housing Siting Policy Work Group which included[1]:

Steven Aleman	Austin Neighborhood Council, President
Mandy De Mayo	Housing Works Austin, Member
Darla Gay	A/TC Re-Entry Roundtable, Housing Issue Area Facilitator
Stuart Hersh	Community Housing Development Organization Roundtable, Member
Ann Howard	ECHO (Ending Community Homeless Organization), Ex. Director
Diana Lewis	Corporation for Supportive Housing, Texas Director
Liz Mueller	City of Austin Community Development Commissioner
Karen Paup	City of Austin Community Development Commissioner
Myron Smith	Former City of Austin Community Development Commissioner
Kathy Stark	Austin Tenants' Council, Ex. Director

In addition, several key staff persons served as staff support and as technical resources for the conversation including:

Marti Bier	Neighborhood Housing and Community Development
Kathleen Buchanan	City Legal Department
Maneesh Chaku	Neighborhood Housing and Community Development, GIS
Paul DiGiuseppe	Planning and Development Review, Imagine Austin
Rebecca Giello	Neighborhood Housing and Community Development
Kelly Nichols	Neighborhood Housing and Community Development

All meetings were open and several additional stakeholders participated in various work group meetings:

Jessie Aric	Ending Community Homelessness Organization (ECHO)
Joan Bartz	University Hills Neighborhood Association, Member

[1] Two members who were originally appointed to the work group did not remain on the work group--Tracy Witte, representing OCEAN and the Swede Hill Neighborhood Association formally resigned and Angelica Noyola of the CDC was not able to continue participating due to other commitments.

Michael Casias	NRP Group
Spencer Duran	Community Housing Development Organization Roundtable
Frank Fernandez	Green Doors, Executive Director
Vera Givens	University Hills Neighborhood Association, Member
Jerry Perkins	Mueller Neighborhood Association
Helen Varty	Austin Geriatric Center Inc., Ex. Director
Tracy Witte	OCEAN/Swede Hill Neighborhood Association, Member

Work Group Process

This working group has met almost weekly since March 19th, 2012. Meeting attendance by members at work group meetings varied due to other commitments. However, this final document was sent to all final work group members for review and endorsement.

Initially, city staff provided leadership and facilitation of the meetings until May when they notified the working group that because of city policies, city staff could only act as a resource and our work must be facilitated and led by the work group. Several key city staff persons from different city departments did participate in work group meetings at various times to help inform and guide our conversation.

The work group agreed that any final recommendations made will be by a consensus building process; if no consensus could be reached, the final report will reflect our full discussion on that issue including the various challenges, opportunities and barriers. The work group also agreed that only the non-city staff members of the appointed work group in attendance at meetings would be the final decision makers for any recommendations. However, during the meetings, several members of the community as well as other stakeholders attended and were included in all discussions during this process.

On April 24th, 2012, the work group helped promote a Community Conversation hosted by Neighborhood Housing and Community Development as part of the City of Austin's Action Planning process titled, "Affordable Housing Across Austin." More than 75 community participants heard from local leaders and practitioner experts from Charlotte, NC; Dallas, TX; Raleigh, NC; San Jose, CA; and Washington DC via a virtual panel. The event offered an opportunity for citizens to learn about Austin's value of achieving greater geographic dispersion of affordable housing, the various siting policy approaches, and specific examples of working policies from cities across the country. The session was completed with a public discussion and opportunity for citizen feedback. In addition, members of the work group attended a community meeting held on May 7th, 2012 by NHCD staff as a second opportunity for the community to provide feedback on the conversation started at the April 24th forum.

The work group believes that this summary of our work and key mutually agreed decision points should be considered a working document to help the CDC and city staff in framing this conversation as it moves forward. The report includes key recommendations that will be critical to achieving the vision of dispersing affordable housing across Austin.

Creating the Vision:
During the initial meetings, the work group developed a common vision statement and goal statements to help guide our work:

> **Vision:** *"The City of Austin commits to the creation and preservation of housing in all parts of Austin that meets the needs of all Austin residents of extremely low to moderate income tied to an analysis of identified housing gaps."*
>
> *The vision should incorporate the following **goals**:*
>
> 1. *Substantially increase all types of affordable housing opportunities in dispersed geographic locations;*
> 2. *Affirmatively further Fair Housing choice; and*
> 3. *Feasible for the City of Austin to administer.*
>
> *The vision should take into account the following **tools**:*
>
> 1. *Relevant, timely and accurate data that reflects areas of high opportunity, currently demonstrated by the Kirwan Institute's Opportunity Map;*
> 2. *The location of existing subsidized housing stock in the City;*
> 3. *The location of existing aging multi-family housing stock; and*
> 4. *The City of Austin draft Good Neighbor Guidelines.*[2]

Research on Strategic Siting Policies
The working group received information from city staff regarding their scan of other community's affordable housing siting policies. The key strategies included:

> **Goal Based:** Divide jurisdictions by new or existing geographic boundaries and assign affordable housing goal for each area:
>
> > Ex: *Using Multiple Listings Service (MLS) geographic areas, establish a goal of affordable housing units to match the number of jobs in that area for extremely low-income, very-low income, low-income and moderate income households using publicly-available data. Cap funding for affordable housing once an area has met the determined need.*
>
> **Capacity Based:** Define capacity in geographic areas through the creation of a formula. The formula would be based on various grounds including the proportion of extremely low-income persons in the community, the geographic area's capacity to absorb new growth, and projected future population and job growth.

[2] This document can be found in the appendix and will be posted by COA NHCD when the RHDA and A&D FY12-13 applications document is posted (http://www.austintexas.gov/page/housing-application-center).

Ex.: *Assisted housing developments are not permitted in census tracts where more than 50% of the population earns less than 60% MFI and concentrations of minority populations exceed 60%.*

Strategic Based: Target funding for affordable housing on geographic areas of strategic interest and align with other systems to ensure maximum investment in affordable housing siting (e.g. public transit, employment centers, social services, health facilities, schools).

Ex.: *Establish a 50% set-aside for projects that are developed in Imagine Austin nodes – including Regional Centers, Town Centers, Neighborhood Centers, Activity Corridors or Job Centers.*

Key Strategic Affordable Housing Siting Policies:

Goal Based: Divide jurisdictions by new or existing geographic boundaries and assign affordable housing goals for each area

Capacity Based: Define capacity in geographic areas through the creation of a formula based on various grounds, including the proportion of extremely low-income persons in the community, the geographic area's capacity to absorb new growth, and projected future population and job growth

Strategic Based: Target funding for affordable housing on geographic areas of strategic interest and/or align with other systems to ensure maximum investment in affordable housing siting (e.g. public transit, employment centers, social services, health facilities, schools)

City staff also asked the work group to consider several questions related to a "feasibility assessment" for each of these strategic polices:

Legal Feasibility:
Does the approach adhere to fair housing and anti-discrimination standards?

Economic/Financial Feasibility:
What does this approach do to the cost of developing affordable housing? What does it do for the costs of living in affordable housing?

Political Feasibility:
What could the response be from elected officials?

Technical/Administrative Feasibility:
Is publicly-available data accessible for this approach and can administrative standards be created to enforce it?

Operational Feasibility:
Does this approach create barriers to the production of affordable housing development?

The following table summarizes the conversation and key findings in completing this feasibility assessment.

Feasibility Assessment of Affordable Housing Siting Policies Examples:

	Goal Based Strategy: • Divide jurisdictions by new or existing geographic boundaries • Assign affordable housing goal for each area	**Capacity Based Strategy:** • Define capacity in geographic areas through the creation of a formula • Based on various grounds, including the proportion of extremely low-income persons in the community, the geographic area's capacity to absorb new growth, and projected future population and job growth	**Strategic Based Strategy:** • Target funding for affordable housing on geographic areas of strategic interest • Align with other systems to ensure maximum investment in affordable housing siting (e.g. public transit, employment centers, social services, health facilities, schools)
Legal Feasibility: Does the approach adhere to fair housing and anti-discrimination standards?		• Fair-Housing -if this puts housing in other parts of town than good • Provides new opportunities	
Economic/Financial Feasibility: What does this approach do to the cost of developing affordable housing? What does it do for the costs of living in affordable housing?	• Scarce resources will not reach too far	• Land costs could increase, serving fewer households	• Prices of land could escalate in priority areas
Social Feasibility: What could the response be from citizens and neighborhoods?		• Gentrified areas would become more available for affordable housing development • Neighborhood reactions are mixed throughout the City	• ANC opposes Imagine Austin Concept Map • Will get more opposition if strategy is more controversial than current system
Political Feasibility: What could the response be from elected officials?	• Takes into account land use regulations and desires	• Takes into account land use regulations and desires	• Takes into account land use regulations and desires
Technical/Administrative Feasibility: Is publicly-available data accessible for this approach and can administrative standards be created to enforce it?	• Challenging to reach consensus for what the goal is, how it is quantified and boundaries defined • Keeping the goals current will take a lot of Staff resources	• Well-defined capacity offers certainty to developers • Consensus on capacity definitions will be time intensive	

	Goal Based Strategy:	Capacity Based Strategy:	Strategic Based Strategy:
	• Divide jurisdictions by new or existing geographic boundaries • Assign affordable housing goal for each area	• Define capacity in geographic areas through the creation of a formula • Based on various grounds, including the proportion of extremely low-income persons in the community, the geographic area's capacity to absorb new growth, and projected future population and job growth	• Target funding for affordable housing on geographic areas of strategic interest • Align with other systems to ensure maximum investment in affordable housing siting (e.g. public transit, employment centers, social services, health facilities, schools)
Operational Feasibility: does this approach create barriers to the production of affordable housing development?	• Good applications that are not responsive to the goal will not score as well	• Could create barriers for geographic CHDOs • Makes higher priced applications in higher opportunity areas more competitive • Low Income Housing Tax Credits might make it non-competitive	• Makes more/less money available for traditional developers • Enhances City's investment of land

Draft Recommendations/Results of Discussion:

Well-managed and well-located affordable housing is an asset to the residents, the neighborhood, and the community at large. One of the city's core values with respect to affordable housing is geographic dispersion. The Affordable Housing Siting Policy Work Group was tasked with developing recommendations for a future siting policy that will help the City of Austin with an eye toward ensuring affordable housing in traditionally underserved areas of the city.

Three main principles have emerged through the process that should be considered when developing goals and recommendations for an affordable housing siting policy:

1. **Fairness** – Equitable distribution of all types of housing in all parts of the city consistent with Fair Housing law.
2. **Access to opportunities** – Housing locations offer residents access to services and amenities essential to a positive quality of life such as jobs, healthy food, green space, quality schools, transportation, affordable healthcare, etc.
3. **Preventing the displacement of low-income residents and their communities** – Preserving affordability of current housing stock by maintaining and improving buildings currently home to extremely low to moderate income people.

To achieve a balance among these principles, leadership at the top levels of city government must commit to institutional change that will ensure the dedication of significant financial resources, departmental collaboration and public engagement of all Austin citizens. The Siting Policy Working Group discussed the following key issues and reached agreement on several but there were other issues where consensus was not reached but the issue was thoroughly discussed. The following is a summary of the discussion of those issues, consensus agreements as well as where no consensus was achieved:

Gap Assessment and Goal Setting:

1. Conduct an up-to-date, comprehensive market study that addresses both the needs of specific subpopulations (including persons with disabilities, seniors, families, and those with very and extremely low incomes) and sub geographies across the city using the following metrics:
    a. Gaps in rental and homeownership supply and demand;
    b. Comparison of the number of jobs with wages at or below X% with number of rental units affordable to households at X% by zip code (or other appropriate geographic area);
    c. Percent of residents who are housing cost-burdened or severely cost-burdened (including transportation, property taxes, insurance and utilities);

d. Percent of residents who are homeless or at risk of homelessness (0-30% Median Family Income[3]);
e. Number of affordable units (subsidized and unsubsidized) broken out by income and population targeting: 30%, 50%, 60%, 80% MFI, senior, disabilities and families;
f. Area housing conditions (e.g. Travis Central Appraisal District [4] study, overcrowding, code compliance complaints, substandard units, etc.)
g. School data (e.g. student mobility rates, percentage of children on free or reduced lunches, academic performance, and current and projected school capacity rates).

2. Determine both the (1) existing affordable housing opportunities and the (2) needed affordable housing for specific geographic areas *(market study to review geographic options for assessing opportunities and needs). It is important to note that many work group members favored establishing goals that are based geographically once the comprehensive Housing Market Study[5], Impediments to Fair Housing Study[6], and Implementation of Imagine Austin Study are funded and completed.[7]*

Linking Goals to Current and Future Plans:

1. Utilize data gathered from above metrics to review existing Small Area Plans (such as Neighborhood Plans, Station Area Plans, Downtown Austin Plan) to identify opportunities for multifamily housing;
2. Incorporate affordable housing development and preservation into all future Small Area Plans. *It is important to note that many Group members favored establishing goals that are based geographically once the Housing Market Study, Impediments to Fair Housing Study, and Implementation of Imagine Austin[8] Study are funded and completed.*

Strategic Acquisition, Use and Disposition of Public Land:

1. Identify an inventory of City of Austin-controlled land that is feasible for residential use[9];

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[3] The median family income is commonly used to generate data about geographic areas for which there are as many families with incomes below that level as there are above that level. For information about local family median income (and City of Austin program eligibility guidelines based on FMI) see http://www.austintexas.gov/page/income-limits .

[4] TCAD assigns codes ("class") that rate the quality of the structures. The work group discussed using these codes to determine housing quality within a given geography.

[5] The last comprehensive housing market study was published in 2009 and utilized 2007 data: http://www.austintexas.gov/page/reports-publications .

[6] The 2009 Impediments to Fair Housing Report can also be found at the link above.

[7] In addition, NHCD has requested funding to launch an evaluation plan for permanent supportive housing that has been implemented in our community. The work group also felt like it would be important to ensure that funding for this evaluation be approved in order for this process to begin.

[8] For more information regarding Imagine Austin: http://www.imagineaustin.net/

[9] Excluding uses that are inappropriate for residential uses, for example parkland, conservation easements or environmentally sensitive areas.

2. Increase partnerships with other public entities, including but not limited to federal, state, county, educational and other local governmental agencies to identify an inventory of parcels appropriate for achieving affordable housing through mechanisms such as transfers or leases;
3. Consider dedicating all or a portion of the identified land in high or very high opportunity areas to affordable residential development;
4. Based on the numbers 1 and 2 above, make residential development that meets defined affordability goals a permitted use on all appropriate and eligible publically owned land;

> **No Consensus:**
> Regarding rezoning publically owned land to "P" with affordable housing being an entitlement or permitted use

5. When ownership of public parcels in high opportunity areas is transferred for the purpose of redevelopment that includes a residential component, require a minimum percentage of affordable residential units consistent with affordable housing goals and priorities.

   It is important to note that rezoning publicly owned land ("P" zoning)[10] to allow affordable housing being an entitlement or permitted use was a topic that was extensively discussed, but no consensus to support or oppose this recommendation was reached.

Strategic Development and Preservation of Affordable Housing:

1. Develop a proactive, comprehensive acquisition strategy, with a focus on identifying parcels in high and very high opportunity areas that lack affordable housing options by using legal instruments such as Community Land Trusts.
2. Develop a comprehensive preservation strategy, with a focus on identifying and preserving affordability of existing single-family and multi-family properties with a special emphasis on high and very high opportunity areas.
3. The work group discussed ideas around the development of a strategy that increases entitlements for multi-family properties and/or multi-family zoned properties in high and very high opportunity areas that lack affordable housing options in exchange for creating the greater of a) the existing number of affordable units on the property or b) a minimum percentage of affordable units identified in the defined affordable housing goals. It is important to note that there was extensive discussion that adoption of these strategies promoting geographic dispersion could result in fewer households being served, higher per unit costs, and/or applicants becoming less competitive. No consensus was reached on this topic,

> **No Consensus:**
> Regarding how to develop strategies regarding utilization of entitlements for multi-family and/or multi-family zoned properties in high and very high opportunity areas

[10] For information about local zoning: http://www.austintexas.gov/department/online-tools-resources .

Funding Incentives:

1. Allocate funding sufficient to meet affordable housing goals across the city *including in high and very high opportunity areas that lack affordable housing options*. It is important to note that the Affordable Housing Committee of the Bond Task Force recommended $110,000,000 for affordable housing, but this recommendation was reduced by the full Task Force to $78.3 million and approved by the City Council (bond election will be November 6th, 2012).[11]
2. Promote and incent affordable housing in amenity-rich areas of Austin.
3. Revisit Rental Housing Development and Assistance (RHDA)[12] scoring guidelines to incentivize affordable housing development and preservation in high and very high opportunity areas that lack affordable housing options, such as:
    a. Create a separate RHDA cost per unit guideline/scoring criteria for developments located in high and very high-opportunity areas that lack affordable housing options;
    b. The work group discussed ways in which to incentivize mixed income projects. Right now, an applicant achieves the highest score if a completely affordable project is proposed. While this may be desirable in a high opportunity area, mixed-income projects may be better received in lower opportunity areas.
    c. Revisit priority locations areas.
    d. The previous scoring tool provides for additional points for preservation projects. The work group was unsure if these points provide sufficient incentive for preservation projects in high/very high opportunity areas.
    e. Leveraging and Debt Coverage Ratios.

> **No Consensus:**
> Although the work group agrees that the RHDA scoring guidelines should be changed, we did not reach consensus on any specific recommendations

4. Create separate pots of funds or "set asides" for NHCD/AHFC[13] funding for housing development and/or preservation proposals in high and very high-opportunity areas that lack affordable housing options.

    There was extensive discussion of this option, but no consensus was reached. Some citizens who participated in the work group discussion recommended no funding of rental housing in some neighborhoods unless there was support from the neighborhood (a version of Cap and Waiver policies used in

> **No Consensus:**
> Regarding:
> - Setting aside funding specific to development and/or preservation in high and very-high opportunity areas
> - Utilizing front-of-the line approach where applications that meet threshold in scoring and are located in very-high and high opportunity are considered before others

[11] For more information about the 2012 City of Austin housing bond package: www.austintexas.gov/department/bond-development
[12] For additional information regarding RHDA: http://www.austintexas.gov/page/housing-application-center
[13] For more information regarding the Austin Housing Finance Corporation: http://www.austintexas.gov/department/austin-housing-finance-corporation

other jurisdictions). Many Work Group members agreed that a set-aside in the current budget year might be something they could support as the City waits on the planning studies described previously, but there was no agreement on the amount of set-aside.

There was also extensive discussion of a front-of-the-line approach, where applications that made threshold and were located in very high and high opportunity areas would be considered before applications in the rest of the City. There was no consensus on the front-of-the-line recommendation.

In addition, the work group discussed how changing the RHDA scoring tool or creating separate pots of funds/front of the line policies may have unintended consequences for meeting other policy priorities that have previously been set out. For instance, we were unsure how this might impact the further investment in permanent supportive housing and/or how it would help disperse this housing across the community. The next conversations around this siting policy should include a robust conversation to ensure that we have tried to anticipate and address any negative consequences for furthering other affordable housing development policies that are important in our community.

Rental Assistance Strategies:

1. Consider adding "source of income"[14] to local Fair Housing Ordinance to ensure the acceptance of Section 8 vouchers across the city. Questions exist about whether this is allowable in Texas and whether Housing Choice vouchers could be rejected by property owners based on the administrative costs associated with participation in what has been a voluntary policy and further conversation is necessary to fully develop this strategy particularly involving local housing authorities.

2. Utilize Small Area Fair Market Rents as defined by zip codes (similar to a City of Dallas policy) to adjust rents for higher opportunity areas. Small Area FMRs would allow for finer granularity within the local rents. Right now, there is one FMR for the entire metro Austin area, so HUD only pays a landlord up to that amount. But this does not recognize the fact that rent in Tarrytown is significantly higher than rent in Dove Springs. It may average to the FMR offered. But it provides a greater incentive for the Dove Springs landlord to accept a Section 8 voucher than the Tarrytown landlord. However, the work group recognizes that if the FMR is increased this could result in less people being served; we recommend further conversations with local housing authority officials to learn more about the consequences of increasing FMRs and development of possible strategies that would minimize any negative impacts.

[14] This strategy would preclude a landlord from denying a tenant just because the tenant is a Section 8 voucher holder. It would put "source of income" on par with race, ethnicity, familial status, etc., as it relates to discrimination by housing providers and potentially help to spread housing options into higher opportunity neighborhoods.

Caps (and Waivers):

The work group had robust and on-going discussion regarding caps and waivers through-out our six months of discussion. This siting policy would involve identification of areas of the city (either neighborhoods, census tracts, zip codes, or other appropriate geographies) that have sufficient affordable housing and prohibiting additional public funding in these areas until greater equity across the city is achieved. It also would involve incorporating a policy around granting of waivers (including waivers like preservation, mixed-income developments, and developments with neighborhood support) for those neighborhoods where caps exist. A system of waivers sometimes creates additional barriers for developers of affordable housing to increase housing stock.

> **No Consensus:**
> Regarding implementation of some form of a "cap and waiver" policy

There was very extensive public input and group discussion on Caps and Waivers. Central East Austin and Northeast Austin residents who participated in stakeholder meetings overwhelmingly supported this approach. The majority of work group members supported geographic–based goals instead, and offered several reasons why Caps and Waivers took on the flavor as treating affordable housing like public nuisances where more neighborhoods should take their fair share. No consensus was reached on this topic.

Other Issues Discussed:

1. Develop a comprehensive building standards enforcement policy that ensures upkeep of affordable properties without jeopardizing the property's affordability. It is important to note that there was concern that enhanced code enforcement without adequate funding for repairs for those properties that serve lower income renters could actually result in a decrease in the number of affordable rental units.
2. Move toward implementation of Community Land Trusts.

Recommendations for Next Steps:

The work group recommends the following key action steps for the Community Development Commission to help move the city forward in setting a policy for dispersing affordable housing all across Austin including:

- **Develop a robust strategy for dialogue about geographic dispersion** of affordable housing all across the community to ensure that all stakeholders, partners, residents and neighborhoods that are impacted by this dialogue have ample opportunity to participate in these conversations. Specifically, we encourage representation from high and very high opportunity neighborhoods as well as local housing authorities. City staff should provide leadership and staff support for these conversations.

- **Urge the funding of a comprehensive housing market study** to happen as soon as possible in order to help the City set affordable housing goals in all geographic areas. Absent funding for more current studies, geographic dispersion goals will be based on

data that is not the most current available (and many consider out of date and not reflective of current conditions).

- **Revise the RHDA scoring tool for FY2012-2013** that will begin setting the policy of geographic dispersion. This is the most immediate decision to be made. Several policies/strategies were discussed (i.e., separate rental funding sources for high/very high opportunity neighborhoods, caps on investment in certain neighborhoods during the current budget year were considered, allowing rental applications in high/very high opportunity neighborhoods to be reviewed first was considered) but no final consensus was reached by the work group.

- **Select the best siting policy** that will further the goals of ensuring safe and affordable housing in our community.

A P P E N D I X

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City of Austin Good Neighbor Guidelines	**Page 20-25**
City of Austin Neighborhood Housing Action Plan FY2012-2013—Appendix XIV: Affordable Housing Siting Policy Interim Report[15]	**Page 26-30**
2012 Comprehensive Kirwan Opportunity Map-City of Austin[16]	**Page 31**
Timeline of Work	**Page 32**

[15] Full Action Plan: http://www.austintexas.gov/page/reports-publications

[16] www.austintexas.gov/sites/default/files/files/Housing/Reports_and_Publications/Maps/Comp_City.pdf

RESOLUTION NO. 20111215-058

WHEREAS, as part of the Affordable Housing Incentives Task Force, the City of Austin adopted geographic dispersion as one of three core values to serve as guiding principles for City affordable housing policies and programs; and

WHEREAS, the 2009 City of Austin Housing Market Study found that housing costs across Austin rose by 85 percent between 1998 and 2008, placing strain on the budgets of Austin residents and continuing the trend of families relocating to more affordable, suburban areas of the region; and

WHEREAS, the City of Austin, as a recipient of HUD funds, is required to affirmatively further fair housing through the analysis of impediments to fair housing choice; and

WHEREAS, that analysis has identified that the City's housing policy should be driven by the assumption that deconcentration of neighborhood-level poverty will yield better access to opportunity for low-income residents; and

WHEREAS, the City of Austin has encouraged geographic dispersion in affordable housing development through a scoring system that recognizes "high opportunity" areas, considering availability of sustainable employment, high-performing schools, a safe environment, access to quality health care, adequate transportation, quality childcare and safe neighborhoods; and

WHEREAS, achieving greater geographic dispersion of affordable housing may require an expansion of the strategies employed, and such shifts in approaches would require extensive public input from stakeholders; and

WHEREAS, communities across the nation have implemented policies and strategies to geographically distribute affordable housing through goal-based, capacity-based, and strategic-based policies, as described in the attached Appendix A; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager is directed to work with the Community Development Commission and other stakeholders to develop

recommendations for additional strategies of achieving geographic dispersion of affordable housing.

BE IT FURTHER RESOLVED:

The City Manager is directed to brief the City Council on additional strategies for geographic dispersion of affordable housing and the feasibility of implementing those strategies for the City of Austin by March 27, 2012.

ADOPTED: December 15, 2011 **ATTEST:** Shirley A. Gentry

Shirley A. Gentry
City Clerk

APPENDIX A

Goal-Based Siting Policies

- Divide jurisdictions by new or existing geographic boundaries
- Assign affordable housing goal for each area

Capacity-Based Siting Policies

- Define capacity in geographic areas through the creation of a formula
- Base on various grounds, including the proportion of extremely low-income persons in the community; the geographic area's capacity to absorb new growth; and projected future population and job growth

Strategic Siting Policies

- Target funding for affordable housing on geographic areas of strategic interest
- Align with other systems to ensure maximum investment in affordable housing siting (e.g. public transit, employment centers, social services, health facilities, schools)

City of Austin Good Neighbor Guidelines
July 10th, 2012

CITY OF AUSTIN GOOD NEIGHBOR GUIDELINES

This Good Neighbor Policy is offered in response to Austin City Council resolution 20110113-040, which called for a broad community dialogue that includes stakeholders from neighborhoods all across Austin to establish successful approaches for integrating low-income housing throughout the city. The resolution called for research and a report on best practices in engaging communities and building support for permanent supportive housing projects.

Introduction

In fall 2011, the City conducted meetings to engage community participants in discussions on expectations related to a community engagement plan and process among proposed affordable housing developers, City officials and area stakeholders. Participants in the discussions included neighborhood leaders, tenants of permanent supportive housing, housing developers, service providers, and members of business and faith communities.

Common themes for desired outcomes in the above conversations included:

- Transparency of information about a proposed development (whether provided by the developer or the City of Austin);
- Consistency with existing neighborhood plans and other city-approved planning documents designed by community stakeholders;
- Effective and predictable methods of communication between parties; and
- Respectful dialogue and good-faith effort from all parties engaged in the community.

The Neighborhood Housing and Community Development Office (NHCD) offers a Good Neighbor Policy to standardize process and identify expectations for all projects funded through the City of Austin's Rental Housing Development Assistance (RHDA) and Acquisition and Development (A&D) programs. Applicants of these programs are required to prepare and begin implementing a community engagement plan, including neighborhood notification activities. The community engagement plan is required whether the application is for funding for new construction or renovation of an existing building, regardless of whether there is a change in ownership.

A successful community engagement plan leads to open, ongoing two-way communication between developers and neighbors. This requires good-faith efforts and cooperation by developers, City officials and residents. A positive, open dialogue between housing developers and neighbors can prevent misunderstandings, facilitate prompt resolution of any inadvertent misunderstandings, and provide a fair, thoughtful, dependable means of resolving differences.

While not meant to be a definitive process for each proposal and neighborhood, the steps outlined below suggest a list of recommendations for a comprehensive notification and engagement process in the City's ongoing support of affordable housing projects that will preserve and enhance the strengths of Austin's neighborhoods.

Fair Housing

The City supports and is committed to promoting diversity in Austin neighborhoods. Consistent with local, State and Federal law, housing may not be excluded from a neighborhood based on any of the following characteristics of the persons who will live there: race, color, national origin, religion, gender/sex, familial status, disability, sexual orientation, gender identity, marital status, student status, and age.

The Analysis of Impediments to Fair Housing prepared for the City of Austin, which is available on City's Web site: www.austintexas.gov/housing includes a thorough overview of Federal, State and local fair housing law. One goal is to ensure that housing for Austin's lowest-income residents and most vulnerable populations is available throughout the city, including in Austin's most opportunity-rich neighborhoods in terms of transit, employment, schools, parks and retail.

Guidelines for Affordable Housing Developers and Neighbors

This section is intended to provide guidance, acknowledging that neighborhood notification efforts and appropriate community relations plans may vary in order to provide the most effective outreach in neighborhoods across Austin.

(1) Preliminary Research

The developer should consult with NHCD staff. Members of the NHCD Outreach Team are available to offer guidance to assist the developer in his/her development of the community relations plan and help reach desired outcomes with internal and external lists of departmental and agency referrals. The team may also help identify developers of other affordable housing projects in the neighborhood(s) being considered and suggest neighborhood organizations to contact.

The developer should review the Neighborhood Plan (if applicable) Neighborhood plans may provide language describing the vision a particular neighborhood has for the area encompassing the proposed site for the development. This information will be important in understanding the perspective of area residents and help guide in the initial planning of the development. If a rezoning or change in the Future Land Use Map is necessary, additional public process requirements will apply. For more information, consult the City of Austin Neighborhood Planning Website: www.cityofaustin.org/planning.

(2) Neighborhood Notification

(a) Who should be notified?

The developer should notify property owners within a 500 foot radius of the site. In addition, neighborhood organizations ***registered with the City of Austin*** and whose boundaries include the proposed development site are to be notified. Notification can be accomplished using a written notice, letter, postcard or flyer.

Neighborhood organizations are listed on the City of Austin's Community Registry www.cityofaustin.org/neighbor. They include organizations such as neighborhood associations, Neighborhood Planning Contact Teams, home owner associations, business associations, and advocacy groups. The Registry includes contact information for each group.

(b) When should the notification occur?

The developer should consider sending the notification as soon as substantive information is available to ensure a comprehensive community relations plan. Early communication with neighborhood organizations and nearby residents provides the opportunity to exchange information as early as possible and ensure meaningful community input. Applicants must submit proof of notification prior to application consideration. NHCD is available to provide assistance should privacy or sensitivity concerns arise.

(c) *Waiver of the Notification Policy*

A waiver of the Notification Policy may be granted when:

i. Applicants who have already requested a zoning change for a development and can provide evidence that notification for the zoning case has already taken place.

(3) Pre-Application Engagement

(a) How should the developer and the neighbors initiate communication?

The developer should contact neighborhood organizations to provide current information about the project, including any neighborhood association boundaries included in the proposed development site and Neighborhood Planning Contact Team (if applicable).

The updated information may include final site selection, schedule, proposal for ongoing communication with the neighborhood, and where (such as a web site) to find out more information about the project. The ongoing engagement plan may include presentation(s) at regularly-scheduled neighborhood organization meeting(s); invitations to meeting hosted by the housing developer; formation of a neighborhood advisory committee; and/or regular project updates in neighborhood organization publications. It may also be posted at local libraries, recreational centers, etc. Please visit http://www.austintexas.gov/department/housing-developer-assistance to view a sample engagement plan.

The neighborhood organization should invite the developer to a community meeting, possibly a pre-scheduled neighborhood meeting should there be enough time to facilitate a productive dialogue. The neighborhood organization should extend an offer to the developer to provide information ahead of time to the general membership, such as through a list-serve or on the neighborhood-hosted website.

(b) What information should be made available to the neighborhood?

Acknowledging that development plans may change often based on a variety of seen and unforeseen circumstances, information the housing developer should consider sharing as early as possible as it becomes available may include the following:

- Experience as a housing developer and manager. Provide names and addresses of other affordable housing developments;
- Information about property management and non-profit partnerships, if applicable;
- Description of expected property design elements, such as parking, unit count, and additional community amenities (green space, community center, etc.);
- Planned mechanisms for communication between the housing developer and neighbors, including a 24-hour contact phone number that can return calls in a timely fashion and;
- Estimated schedule for construction and completion.

(c) ***How should meeting logistics be managed to facilitate a productive dialogue?***
The developer should make a good faith effort to communicate the following to neighborhood stakeholders:

- Strive to make any meetings convenient to the neighborhood organization by either requesting time on already-scheduled agendas and/or by meeting at a time and location that is convenient for the nearby neighbors.
- Seek feedback from the neighborhood on how best to continue dialogue.
- Make pertinent information about the proposed project available as promptly as possible and set reasonable expectations by communicating when other information will be ready for distribution.
- Extend an invitation to appropriate city staff (i.e. NHCD, PDR, Transportation, etc.) to attend the meeting to be available as potential resources about the city process, referrals to other agency representatives, and general information about affordable housing or other issues as needed.
- Consider using a facilitator when working on potential agreements or obtaining input from the neighborhood organization.
- Appoint a single point of contact to serve as the liaison for exchanging information and working out language for any potential agreements.

The neighborhood organization and nearby neighbors should make a good faith effort to communicate the following to the developer:

- Provide feedback on the developer's engagement plan to ensure the dialogue is productive and works within the construct of expectations for both parties.
- Express the vision of the neighborhood, such as explaining the language of the neighborhood plans.
- Provide feedback on the design, operation and management of a project. Work collaboratively with housing developers and/or residents to identify ways to address concerns.
- Consider appointing a representative or committee from the neighborhood organization to serve as the liaison for exchanging information and working out language for any potential agreements.
- Consider formalizing input in a resolution or letter adopted by the neighborhood organization. This will help ensure the applicant/developer receives all of the relevant feedback and understands the information conveyed is representative of a large group of people.

(4) Implementation / Ongoing Relations

(a) How will agreed-upon provisions be implemented as the development moves forward?

- As a part of the application process, the developer must provide to the City an engagement plan, including single point of contact for the developer to work with neighborhood organizations and nearby neighbors throughout the project's design and construction phase in order to keep them updated with progress and changes.
- The developer and the neighbors may consider appointing a joint advisory committee to establish a process to help track the success of any agreements between the developer and the neighbors.
- Please visit http://www.austintexas.gov/department/housing-developer-assistance to view sample engagement plans and agreements.

(b) If an applicant is acquiring additional units in a development or subdivision where they have already completed the Good Neighbor Checklist, will they need to complete it again?

- Applicants who propose to acquire existing affordable housing units in the same development or subdivision as a project they have previously received funding for will need to complete another Good Neighbor Checklist for the new application. They may work off of the existing relationship they have developed during their original application.

(c) How should communication between the developer and the neighbors continue after the housing is operational?

The developer should:

- Honor the terms of any agreements that have been reached.

- Establish ongoing communication with neighborhood organizations and nearby neighbors and businesses. Invite neighborhood organizations and nearby residents to view the project, and promptly address emerging issues and share successes.
- Ask the property manager or developer's single point of contact to regularly attend meetings of the neighborhood organizations.

The neighborhood organization should:

- Honor the terms of the any agreements that have been reached.
- Welcome the housing developers and residents into the community, invite them to neighborhood meetings and events, and provide them with information on how to become members of the neighborhood organization.
- Establish a relationship with the developer's single point of contact and communicate any emerging issues or questions community members may have regarding the project.

Appendix: City of Austin FY2012-2013 Action Plan---Appendix XIV: Affordable Housing Siting Policy Interim Report--Interim Update on Affordable Housing Siting Policy Discussions (Adopted August 2nd, 2012)

On December 15, 2011, the City Council passed Resolution 20111215-058 directing NHCD to work with the Community Development Commission (CDC) and other stakeholders to research and recommend strategies of achieving geographic dispersion of affordable housing. In the months following, NHCD staff researched a number of national examples of siting policies and worked closely with the CDC and the Affordable Housing Siting Policy working group created by the CDC to assess the feasibility of various approaches in Austin. This interim update includes an overview of the background, research, process, public participation activities, feedback received, and topics discussed by the Affordable Housing Siting Policy Working Group.

Background

Currently the City uses a number of geographic considerations when scoring applications for the Rental Housing Development Assistance program and the Acquisition and Development (A&D) program.

For all applications, the City uses the Kirwan Institute's Opportunity Map of Austin as a primary scoring criterion for geographic prioritization. In 2007,[17] the Ohio State University's Kirwan Institute analyzed multiple sources of statistical data to rank geographic opportunity according to economic, mobility, education, public health and neighborhood indicators. The map resulted in areas being ranked Very High, High, Moderate, Low and Very Low Opportunity. Applicants may receive the following scores based on the project's opportunity ranking:

25 points:	Very High priority area
20 points:	High priority area
15 points:	Moderate priority area
10 points:	Low priority area
5 points:	Very Low priority area

Other scoring criteria that can be attributed to the geographic location of the proposed project include:

1. RHDA: "Priority Location": Vertical Mixed Use/Planned Unit Development/Transit Oriented Development (10 points)
2. Preservation of existing affordable housing (10 points – Rental Housing Development Assistance program only)
3. Distance to Capital Metro stop
4. Federal Government Environmental regulations
5. Low Income Housing Tax Credit Qualified Allocation Plan rules (if applicable)

[17] The Kirwan Institute Opportunity Map of Austin is scheduled to be reviewed and updated during the summer of 2012.

6. Compatibility with Neighborhood Plan (if applicable)

Research

A number of tools used to promote geographic dispersion of affordable housing were defined through a nationwide review of various jurisdictional policies, and along with assistance from the American Planning Association's Planning Advisory Service and the Center for Housing Policy's Housing Research and Advisory Service.

Some of the methods used by other jurisdictions are not feasible for Austin. For example, inclusionary zoning is a tool used by various localities to require a certain share of new construction to be affordable to people in low to moderate income levels; however inclusionary zoning has been deemed illegal by the Texas State Legislature. Another method of achieving geographic dispersion is through state-mandated fair share laws. These are typically mandates of equitable distribution that occur as a result of a lawsuit or legislative action. Texas does not have a law that acts in this way.

However, many municipalities throughout the country have created their own policies that do not rely on inclusionary zoning policies or state mandates. They are approaches and tools that aim to achieve a level of equity within a given jurisdiction. The policy examples reviewed by staff fell into three types of approaches: goal-based, capacity-based and strategic.

- In a goal-based approach a jurisdiction manages growth by setting a number of expected affordable units per defined (new or existing) geographic area.

- A capacity-based model creates a formula by which to exempt communities/geographic areas from an affordable housing requirement if they can demonstrate they have already reached a quota based on a formulaic capacity.

- Strategic methods take a place-based approach to siting housing. A jurisdiction targets investment in specific geographic areas. Often this investment is aligned with other systems to ensure maximum efficiency in affordable housing siting (e.g. public transit, employment centers, social services, health facilities, schools, etc.) This is the category that the City of Austin's current approach most closely adheres to.

These three approaches were the basis for further discussion by staff, the CDC and community members.

Process

On January 10, 2012, NHCD staff briefed the CDC on the research and approaches described above. Per the CDC's recommendation, staff agreed to align the development of this Affordable Housing Siting Policy with the FY12-13 Action Planning process. This decision allowed the policy recommendation to be facilitated by an established public participation process. This process included a series of "Community Conversations", a prioritization exercise completed by over

200 Austinites, and a 30-day Needs Assessment comment period followed by a 30-day Draft Action Plan comment period.

On March 13, 2012, the CDC took another step in facilitating this conversation by forming an Affordable Housing Siting Policy Working Group to study and recommend a siting policy to include in the FY 12-13 Action Plan. The working group, comprised of Community Development Commissioners, affordable housing professionals and representatives of various stakeholder groups, met numerous times between March 19, 2012, and May 14, 2012. View members of the working group on page __.

The Affordable Housing Siting Policy Working group, along with staff, promoted a well-attended Community Conversation as part of the Action Planning process titled, "Affordable Housing Across Austin." On April 24, 2012 more than 75 community participants joined together to hear from local leaders and practitioner experts from Charlotte, NC; Dallas, TX; Raleigh, NC; San Jose, CA; and Washington DC via a virtual panel. The event offered an opportunity for citizens to learn about Austin's value of achieving greater geographic dispersion of affordable housing, the various siting policy approaches, and specific examples of working policies from cities across the country. The session was completed with a public discussion and opportunity for citizen feedback. View this session at http://austintx.swagit.com/play/04272012-508.

By community request, the working group and staff held a second opportunity for the community to provide feedback at an additional "Affordable Housing Across Austin" Community Conversation held on May 7, 2012. This event brought 25 people together for another discussion.

Several other opportunities were available for members of the public to learn about the siting policy recommendation development process. A meeting was held with members of the Austin Neighborhoods Council in November 2011, discussions have occurred with the CHDO Roundtable and the City Council's Comprehensive Planning and Transportation Committee, and an online discussion board has been open on SpeakUpAustin.org since fall of 2011 to solicit feedback on the issue of geographic dispersion. More than 200 Austinites have participated in the overall discussion and provided feedback.

Community Feedback

The topic of equitably dispersing affordable housing throughout the city is one that brings together a range of interests and viewpoints from the community. Of the over 200 Austinites who have made their voices heard in this conversation, some come from a position of deep concern over what they perceived as an over-concentration of poverty in certain parts of town. Others came to the table recognizing constraints to the development of affordable housing in other parts of town. Most agree, however, that the siting of affordable housing throughout the entire city does benefit the whole community and that an affordable housing siting policy that addresses the allocation of city funding should help achieve that goal.

Other themes that community members have noted throughout the engagement process are:

- Using public land for affordable housing;
- Analyzing the current stock of affordable housing within certain geographic boundaries, including the stock of aging multi-family developments;
- Preserving existing affordable housing;
- De-stigmatizing affordable housing; and,
- Considering fair housing choice, both for those who would choose to move to another neighborhood if given the opportunity, and those who would prefer to stay in their established community.

Affordable Housing Siting Policy Working Group

Through its work with the CDC, NHCD offered the working group the following areas of focus, as related to City Council Resolution 20111215-058 and the Community Development Commission's action:

1. To review the City's current affordable housing siting policies and options for new approaches.
2. To create an evaluation matrix/tool to assess the feasibility of various affordable housing siting policy approaches.
3. To make recommendations for the Action Plan chapter on the Affordable Housing Siting Policy.

Early working group discussions focused on formulating a draft vision statement, objectives and goals to provide context for the group's work:

Vision: *"The City of Austin commits to the creation and preservation of housing in all parts of Austin that meets the needs of all Austin residents of extremely low to moderate income tied to an analysis of identified housing gaps."*

*The vision should incorporate the following **goals**:*

2. *Substantially increases all types of affordable housing opportunities in dispersed geographic locations;*
2. *Affirmatively further Fair Housing choice;*
3. *Is feasible for the City of Austin to administer.*

*The vision should take into account the following **tools**:*

5. *Relevant, timely and accurate data that reflects areas of high opportunity, currently demonstrated by the Kirwan Institute's Opportunity Map;*
2. *The location of existing subsidized housing stock in the City;*
3. *The location of existing aging multi-family housing stock; and*
4. *The City of Austin Draft Good Neighbor Guidelines.*

As of May 14, 2012, the working group has explored a number of policy options including the feasibility of targeting federal funding dedicated to rental housing opportunities in FY12-13 to very high opportunity areas as defined by the Kirwan Opportunity Mapping tool. Although the working group has not made an official recommendation to the CDC, the group is expected to make a recommendation to the commission in the summer of 2012. Following the working group's recommendation, the CDC will have the opportunity to make a recommendation to the Austin City Council on this issue.

Appendix

Affordable Housing Siting Policy Working Group members:

- Steven Aleman – ANC
- Mandy De Mayo – Housing Works
- Darla Gay – Boarding Homes/Re-Entry Roundtable
- Stuart Hersh – CHDO
- Ann Howard – ECHO
- Diana Lewis – Corporation for Supportive Housing
- Liz Mueller, CDC
- Angelica Noyola – CDC
- Karen Paup – CDC
- Myron Smith – CDC
- Kathy Stark – Austin Tenants' Council
- Tracy Witte - OCEAN/Swede Hill

City Staff Support:

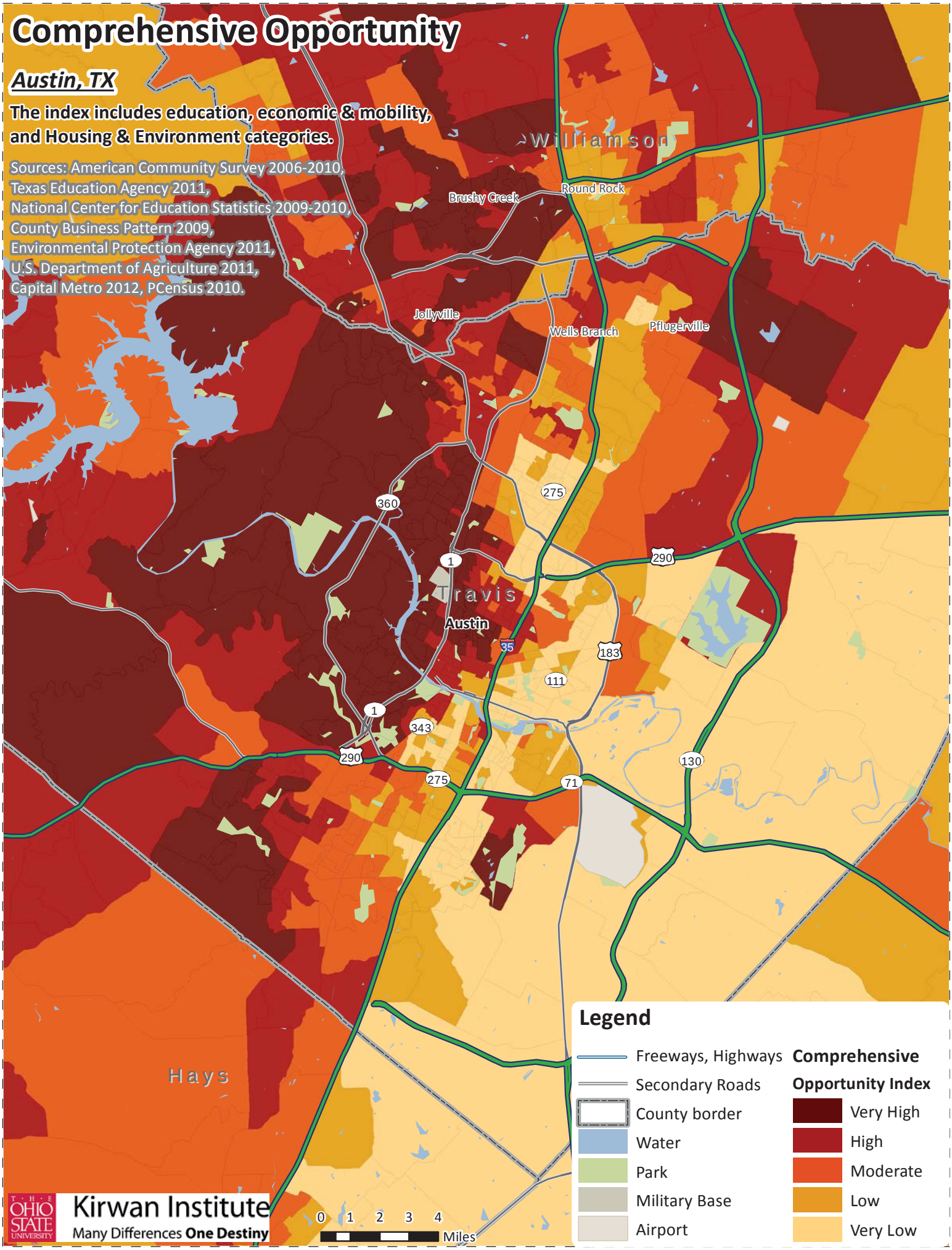
- Marti Bier – NHCD
- Kathleen Buchanan - COA Legal
- Maneesh Chaku – NHCD-GIS
- Paul DiGiuseppe – COA PDR, Imagine Austin
- Rebecca Giello – NHCD
- Kelly Nichols – NHCD

Comprehensive Opportunity

Austin, TX

The index includes education, economic & mobility, and Housing & Environment categories.

Sources: American Community Survey 2006-2010, Texas Education Agency 2011, National Center for Education Statistics 2009-2010, County Business Pattern 2009, Environmental Protection Agency 2011, U.S. Department of Agriculture 2011, Capital Metro 2012, PCensus 2010.



Kirwan Institute
Many Differences **One Destiny**

Timeline of Work of Siting Work Group

12-15-11	Council Resolution 20111215-058 adopted
03-13-12	CDC Chair appoints work group[18]
03-19-12	Work Group meeting
03-26-1	Work Group meeting
04-02-2	Work Group meeting
04-16-12	Work Group meeting
04-24-12	Forum: Community Conversation: "Affordable Housing Across Austin" (COA)
04-30-12	Work Group meeting
05-07-12	Work Group meeting
05-07-12	"Affordable Housing Across Austin" Community Conversation (COA)[19]
05-14-12	Work Group meeting
05-21-12	Work Group meeting
06-02-12	Work Group meeting
06-11-12	Work Group meeting
06-18-12	Work Group meeting
06-25-12	Work Group meeting
07-10-12	Update report to CDC
07-09-12	Work Group meeting
07-23-12	Work Group meeting
08-06-12	Work Group meeting
08-13-12	Work Group meeting
09-10-12	Work Group meeting
09-10-12	2012 Kirwan Opportunity Map Demonstration Meeting[20]
09-24-12	Work Group meeting
10-01-12	Work Group meeting
10-08-12	Create final status update report
10-09-12	Present report to CDC

[18] See March 13th, 2012 meeting minutes: http://www.austintexas.gov/cityclerk/boards_commissions/meetings/20_1.htm
[19] For documents related to this forum: www.austintexas.gov/department/citys-action-plan-addresses-community-needs
[20] See the PowerPoint Presentation: www.austintexas.gov/sites/default/files/files/Housing/Reports_and_Publications/Maps/Opps%20Map%20Presentation%20-%20NHCD%20Sept%202012.pdf