

HOUSING BOULDER WORKING GROUP AGENDA #5



Strengthen Our Current Commitments Working Group #5

April 29, 2015

5 – 7 p.m.

1777 West Conference Room – 1777 Broadway St., Boulder, CO 80302

Objective: discuss overall coordination with the five working groups; start to discuss the list of tools that the working group identified at the March meeting; provide feedback to Code for America on proposed community engagement tools; discuss how the working group will participate in the upcoming sub-community meetings and how to conclude the work of the group.

5:00 – 5:05	Agenda overview/logistics	Facilitator
5:05 – 5:15	Speaker Panel Debrief	All
5:15 – 6:30	Discuss and prioritize short list of tools <i>Tools to be discussed and prioritized at this meeting include: Inclusionary Housing Program, Revenue Sources for Affordable Housing, Regional Solutions and State-Level Advocacy, Annexation, Mobile Homes, Land Banking, Employer Assisted Housing, University Student, Faculty and Staff Housing, Rent Control.</i> <i>Land Use specific items will be discussed at next meeting. Topics to include: Small Houses, Accessory Dwelling Units/Owner's Accessory Unit Requirements, Tiny Homes, Linkage Fees for Non-Residential Development, Bonuses for Affordable Housing Certain Housing Types, Fee Reductions, Expedited Review and/or Modification of Standards, Height Limit, Residential Growth Management.</i> <i>Desired outcome: Further prioritize the tools and inform what information is needed to continue the conversation with the wider community.</i>	All
6:30 – 6:40	Review Draft Working Group Summary	All
6:40 – 6:50	Code for America and Community Engagement Tools	All
6:50 – 7:00	Public Comment	



HOUSING BOULDER Working Groups' Discussion Topics 4.23.15

	Strengthen Current Commitments*	Maintain the Middle	Diverse Housing Choices	Strengthen Partnerships	Aging in Place
GENERAL HOUSING					
A1. ACCESSIBLE HOUSING					X
A2. ACCESSORY DWELLING UNIT/OWNER'S ACCESSORY UNIT REQUIREMENTS	X	X	X	X	X
A3. CO-HOUSING			X		
A4. COOPERATIVE HOUSING		X	X	X	X
A5. MOBILE HOME PARKS	X				
A6. SENIOR HOUSING OPTIONS					X
A7. SMALL HOMES	X			X	
A8. TINY HOMES	X		X	X	
A9. HOUSING THE HOMELESS	X				
EXISTING PROGRAMS					
B1. HOME REHABILITATION LOAN PROGRAM					X
B2. HOMEBUYER ASSISTANCE PROGRAMS					
B3. INCLUSIONARY HOUSING (IH) PROGRAM	X			X	
B4. REVENUE SOURCES FOR AFFORDABLE HOUSING	X				
B5. ANNEXATION	X				
PRESERVATION STRATEGIES					
C1. COMMUNITY LAND TRUSTS					
C2. LAND BANKING	X				
C3. PRESERVATION OF RENTAL AFFORDABILITY	X				X
C4. HISTORIC PRESERVATION OF SMALLER HOUSES AND ACCESSORY BUILDINGS					

*The Strengthen Partnerships working group is still in progress due to a power failure at the last meeting.



HOUSING BOULDER Working Groups' Discussion Topics 4.23.15

	Strengthen Current Commitments*	Maintain the Middle	Diverse Housing Choices	Strengthen Partnerships	Aging in Place
PARTNERSHIP INITIATIVES					
D1. EMPLOYER-ASSISTED HOUSING	X				
D2. GREEN AND LOCATION-EFFICIENT MORTGAGES					
D3. HOUSING CHOICE (SECTION 8) VOUCHER OPTIONS	X				
D4. REVERSE MORTGAGES					
D5. UNIVERSITY STUDENT, FACULTY, AND STAFF HOUSING	X				
LAND USE AND REGULATIONS					
E1. BONUSES FOR HIGHER AFFORDABILITY AND CERTAIN HOUSING TYPES	X	X	X		X
E2. FEE REDUCTIONS, EXPEDITED REVIEW PROCESS, AND/OR MODIFICATION OF STANDARDS	X				X
E3. HEIGHT LIMIT	X	X			
E4. LAND USE DESIGNATION AND ZONING CHANGES	X	X	X		
E5. LINKAGE FEES FOR NON-RESIDENTIAL DEVELOPMENT	X				
E6. OCCUPANCY LIMITS		X	X	X	X
E7. RESIDENTIAL GROWTH MANAGEMENT SYSTEM	X				
E8. SERVICE AREA EXPANSION					
OTHER					
F1. HOMEOWNERS' ASSOCIATION (HOA) FEE AFFORDABILITY					
F2. HOUSING ADVISORY BOARD					
F3. REGIONAL SOLUTIONS AND STATE-LEVEL ADVOCACY	X				
F4. RENT CONTROL	X				



A7. Small Homes

Smaller homes, not just those that are deed restricted, may provide a source of relatively inexpensive housing. This tool suggests exploring incentives and/or regulations to encourage new smaller homes and preserve existing smaller homes and their relative affordability. It would also explore regulations and/or disincentives to construction of very large units and major expansions of existing smaller homes.

Key Issues:

- Smaller, older homes are inherently more affordable than new, larger homes.
- Some members of the community have expressed concern with the demolition of smaller homes in favor of very large, expensive homes.
- While housing unit size factors into affordability, unit type (attached vs. detached) and location may be even more influential to affordability.
- Small units promote energy efficiency and resource conservation, thus aligning with city sustainability goals.
- Small units may appeal to a specific segment of the population due to relatively lower costs. They may be less appealing to larger households.
- Many in the community argue that the lack of flexibility with linkage fees, Inclusionary Housing, parking, and other per-unit development requirements create unintended incentives to build bigger housing units.

Background:

- In the 1990s, the City of Boulder introduced the “Built to Be Affordable” Program featuring size-restricted units. The price to the first buyer was required to be below market value, but subsequent sales prices were not restricted. The program produced 108 restricted units that are in existence today, and of the original 108, 20 owners bought out of the restriction. However, the program failed to establish or require an ongoing re-sale price or buyer income limitations. Right away, the units were bought by realtors/developers and flipped for large profit.
- Micro-units are often cited as a potential new housing type that offers rents 60-80 percent of market-rate rents. Each unit is less than 300 square feet and shares common facilities such as kitchens and common gathering spaces—each with a separate lease. Anything larger than 300 square feet is considered simply an “efficiency” unit and not considered “micro”. Seattle, Portland, and San Francisco have recent examples of this type of housing. City staff is developing a proposal to test this housing type on a partner-owned site (the parking lot at Spruce and Broadway is one possible site).

Implementation Options:

1. Identify and implement incentives and/or regulations for *building* smaller units.

2010 AHTF RECOMMENDED 

2. Identify and implement incentives and/or regulations for *preserving* smaller units.

2010 AHTF RECOMMENDED 

Goals Addressed Through this Tool:

- ✓ **Strengthen Our Commitments**
- ✓ **Maintain the Middle**
- ✓ **Create Diverse Housing Choices in Every Neighborhood**

Create 15-Minute Neighborhoods
Strengthen Partnerships
Enable Aging in Place



Courtyard Housing. Source: daily.sightline.org

A2. Accessory Dwelling Unit/Owner's Accessory Unit Requirements



An Accessory Dwelling Unit (ADU)/Owner's Accessory Unit (OAU) is a secondary living unit that is located within a residence or in an accessory building on the same property. Most often, accessory units are created through the conversion of basement or attic space, or space above a garage (sometimes known as "granny flats" or "in-law apartments"). They are allowed in an owner-occupied house in low-density residential zones and must meet specific criteria to ensure compatibility with the neighborhood.

Key Issues:

- Amending some or all requirements in the ADU/OAU ordinance (e.g., no more than 10% ADUs in a specific area, parking requirement, neighborhood notice, and size limitation of 6,000 square feet for OAU) could create more ADUs and OAUs within the city.
- This type of housing can impact neighborhood character due to change in density, diminished privacy and increased noise, activity, and traffic created by accessory unit tenants.
- ADUs and OAUs can provide additional affordability options in existing neighborhoods with amenities and access to services.
- ADUs and OAUs can allow seniors to downsize by moving into the ADU while renting out the primary house.
- ADUs and OAUs use land efficiently and advance many city sustainability and historic preservation goals.

Background:

- The Boulder Valley Comprehensive Plan (BVCP) policy on accessory units (2.11) states: "Consistent with existing neighborhood character, accessory units will be encouraged in order to increase rental housing options in single family residential neighborhoods. Regulations developed to implement this policy will address potential cumulative negative impacts on the neighborhood. Accessory units will be reviewed based on the characteristics of the lot, including size, configuration, parking availability, privacy, and alley access."
- ADUs are regulated by section [9-6-3, "Specific Use Standards – Residential Uses"](#) of the Boulder Revised Code 1981.
- Year ADU Ordinance (BRC 1981, 9-6-3(a)) was adopted: 1982.
- The [2012 ADU Study](#) found 186 ADUs and 42 OAUs in Boulder.
- General Provisions (ADU, OAU, LAU): (i) Owner Occupied—the owner of the property must reside in one of the permitted dwelling units on the site; (ii) The occupancy of any accessory unit must not exceed two persons. Overall, the occupancy for one dwelling unit cannot exceed the occupancy requirements set forth in section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981; and (iii) Additional Roomers Prohibited—the property cannot also be used for the renting of rooms pursuant to paragraph 9-8-5(a)(1), B.R.C. 1981.
- ADUs are fairly evenly distributed through the city, with slight concentrations in the Newlands, University Hill neighborhoods, and in South Boulder. OAUs are primarily located in the Whittier neighborhood in Central Boulder.

Implementation Options:

1. Consider amendments to the current ordinance to encourage this housing type and respond to neighborhood concerns.

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Above-Garage Accessory Dwelling Units.
Source: accessorydwellingunits.org/what-are-and-why-people-build-them/, accessed November 17, 2014



A8. Tiny Homes

Tiny homes or tiny houses are generally 400 square feet or less, but can range up to 800 square feet and down to as little as 80 square feet. Many tiny houses are built on trailers. The tiny house movement is driven by a number of concerns, including environmental, affordability and “simplicity”.

Key Issues:

- Tiny homes use land and energy efficiently and conserve resources, which align with city sustainability goals.
- Tiny homes are inherently more affordable and considered one approach to addressing homelessness.
- Building regulations that protect life and safety could reduce the affordability of tiny homes. Though some tiny home manufacturers are choosing to comply with International Building Code standards, tiny houses are typically designed to avoid code compliance by building the structure to be non-permanent structures by building the home on chassis or other means and limiting the footprint (size) below a community’s regulatory threshold.
- Similar to ADUs and OAU, rent from tiny homes could help offset the primary homeowner’s housing costs or tiny homes could house people who support older and/or disabled homeowners with home maintenance and care needs.
- Tiny homes in existing single-family neighborhoods may raise concerns about additional parking demand.
- Tiny homes are often built to be mobile and may be a dynamic source of housing.

Background:

- Tiny homes already exist in Boulder.
- Other communities across the country are:
 - Using tiny homes to address homelessness
 - Allowing tiny home R/V parks
 - Allowing tiny home pilot and/or temporary communities;
 - Allowing tiny home coops

Implementation Options:

1. Explore the use of tiny homes as one approach to address homelessness.
2. Explore current regulatory barriers to encourage backyard tiny homes.
3. Explore a pilot project for Option 1 and/or Option 2.

Goals Addressed Through this Tool:

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Maintain the Middle

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Photo Source: countryliving.com accessed January 22, 2015



Photo source: <http://www.nbcnews.com/business/real-estate/tiny-houses-big-idea-end-homelessness-n39316> accessed January 29, 2015



E5. Linkage Fees for Non-Residential Development

Linkage fees are a type of impact fee based on the source of the impact. In this case, the fee is based on the impact of commercial and industrial development creating additional housing demand. New non-residential development generates jobs, which triggers housing needs for workers. Commercial and/or industrial developers are charged fees, usually assessed per square foot, which are then used to build new housing units. A community-wide analysis is usually performed to estimate the type and amount of jobs and wages expected to be generated by new development.

Key Issues:

- The Affordable Housing Fund is currently substantially funded by cash-in-lieu payments from new residential development as required by Inclusionary Housing. Should new non-residential development contribute more to the Affordable Housing Fund than it does now?
- Linkage fees could be expanded to apply to more non-residential development.
- Fees would go into the Affordable Housing Fund and could then be directed toward a variety of housing-related projects.
- The linkage fee tool is the tool that most directly relates job growth to demand for workforce housing.
- This tool could face legal challenges.
- Revenue from a linkage fee varies annually depending on the number of new projects built in this zone.

Background:

A commercial linkage fee is assessed on additional density (density bonus) for commercial projects in the Downtown High Density 5 (DT-5) Zone District. The rate is \$9.53 per square foot. Between 2008 and May 6, 2014, only \$94,503 in linkage fees has been paid. An additional \$599,742 has been assessed and remains due. One recent project that will be subject to the linkage fee is the former Daily Camera building redevelopment at the corner of 9th and Pearl.

Implementation Options:

1. Consider expanding the linkage program.

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Proposed redevelopment of Daily Camera building; located in DT-5 and subject to density bonus linkage fee. Source: *Dailycamera.com*, accessed September 9, 2014



E1. Bonuses for Higher Affordability and Certain Housing Types

An affordable housing bonus would allow for more housing units to be built than allowed by zoning if the proposed project provides more affordable units than required by Inclusionary Housing. This would be based on—and expand—the bonuses already offered for affordable housing in the Mixed Use 1 (MU-1) and Residential - Mixed 2 (RMX-2) Zone Districts.

A bonus could also be offered to incentivize developers to provide specific housing types. Possible examples include micro-units, age-restricted/senior and family-friendly housing.

Key Issues:

- The current bonus system is used solely by affordable housing developers, as it does not provide enough incentive for market-rate developers. That is because affordable units are a net loss to market developers.
- Additional research would be needed to determine whether a bonus in additional parts of the city or for certain housing types would be attractive to market developers.
- Allowing additional units may be controversial.

Background:

The bonus for affordable housing is offered in two zones:

- The RMX-2 Zone District was originally created for the North Boulder Holiday Neighborhood with the intention of facilitating a high percentage of affordable housing there. The zone also exists in Palo Park, however, Holiday is the only development that has used the bonus and it is now completely built out. The zone allows 10 units per acre without the bonus. The bonus allows five additional units per acre to be built if at least 30 percent of units (in the entire project) are permanently affordable. Additional units are allowed for projects that are at least 35 percent and 40 percent affordable.
- The MU-1 Zone District is also located in the North Boulder Holiday Neighborhood. It allows bonus units to be built in predominantly residential projects if at least 35 percent of units (in the entire project) are permanently affordable. This bonus has not been utilized very much, because affordable housing developers tend to not build mixed-use developments. Therefore, this type of bonus may be most effective in high-density residential zones rather than in mixed-use zones.

Implementation Options:

1. Consider providing a housing bonus in additional zones.
2. Consider providing a bonus for specific housing types.

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Holiday Neighborhood: RMX-2 Zone.

Source:

www.holidayneighborhood.com

E2. Fee Reductions, Expedited Review Process, and/or Modification of Standards



This tool would examine real or perceived barriers that development regulations, fees, and review processes create in the development of new housing or rehabilitation of existing housing. Options include amending some standards and fees to reduce construction and development costs for specific housing types, and/or expediting or modifying review processes.

Key Issues:

- A recent builder's focus group for the Housing Boulder Project cited complex, inflexible development standards and lengthy, expensive review processes as major barriers to producing affordable units.
- Relaxing building requirements or development standards, reducing fees and/or expediting or modifying review processes would have trade-offs that need to be considered. For example, the community has high expectations for development design and compatibility, which may be compromised by expediting review or relaxing standards. Similarly, relaxing green building requirements may contradict the community's environmental goals.
- The fees associated with development review and approval are calibrated to recover specific costs. If fees were reduced or waived, those costs would have to be covered by other funding sources.
- Some type of mechanism may need to be considered to ensure that cost savings realized by the developer would translate to lower sale prices/rents.

Background:

- Development approval process changes and fee waivers were proposed by the Land Use Review division several years ago, but were not approved by City Council.
- Some specific barriers described by the builder's focus group include:
 - There seems to be little administrative flexibility to vary development standards, such as open space, setback, parking, and road widths;
 - Lot size minimums and open space requirements tied to number of units, rather than unit size, incentivize larger, more expensive units;
 - Restricting unit size would lead to market production of more relatively affordable homes;
 - Requiring housing type variety within a development drives up design/build costs and adds costly complexity;
 - Parking regulations should be more grounded in Boulder-specific data on car usage and parking needs and neighborhood on-street parking availability and impacts. Expanded EcoPass access could lower developments costs for off-street parking and reduce potential spillover parking in neighborhoods;
 - The development review and approval process is often very lengthy and expensive, and the current fee and tax structure and Inclusionary Housing (IH) requirement negatively affect unit affordability; and
 - The land use and building code are very complex and sometimes conflicting, adding to overall development costs. For example, the height limit is unrelated to the building code-driven logical cutoff for different housing construction types.

Implementation Options:

1. Consider reducing or waiving development review fees, plant investment fees, excise taxes and/or other fees, and/or provide property tax abatement for specific housing types and/or rehabilitation for accessibility.
2. Consider revising the review process for specific housing types and/or rehabilitation.
3. Consider relaxing green building requirements for rehabilitation or additions for accessibility.
4. Consider relaxing development requirements, such as parking, open space, setbacks, and Inclusionary Housing, for certain housing types.

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E3. Height Limit

Raising the 55-foot height limit for residential development in select locations—for example, along transit corridors and in commercial centers—could increase the housing supply. This change would require a voter-approved amendment to the City Charter. Whether to put this issue on a future ballot could be analyzed and discussed as part of the Boulder Valley Comprehensive Plan (BVCP) 2015 Major Update. Another alternative approach, which would not require voter approval, would be to revise the zoning code so that more residential development proposals over 35 feet are allowed by right, rather than by special review.

Key Issues:

- Although the Boulder Valley Comprehensive Plan (BVCP) supports increased density in select locations, such as in commercial and industrial areas and along transit corridors ([Policy 2.16](#)), and also has policies about appropriate building scale, the plan does not directly address the issue of building height.
- The current height limit is found in the City Charter and therefore any change would need to be approved by voters. Through the 2015 BVCP Update process, the community and decision-makers could analyze and discuss whether the issue should be placed in a future ballot.
- Exceeding the height limit could be conditioned for only certain housing types or levels of affordability.
- Raising the height limit for residential development could increase the supply of attached housing units. The amount would depend on location and building height.
- Allowing more by-right residential developments over 35 feet could incentivize and facilitate construction of additional attached housing units.

Background:

The current 55-foot height limit was added to the [City Charter](#) (Article V, Section 84) by popular vote in 1971, after citizens petitioned City Council to place the issue on the ballot. In 1998, voters approved a special exception in the charter for how height is measured in the Crossroads area, as a way to help facilitate redevelopment of the Crossroads Mall, now 29th Street.

The land use code requires that proposed buildings exceeding 35-40 feet in height (depending on the zone district) go through a discretionary review process for approval. This introduces more risk and adds cost to the development process than if the development were allowed by right.

Implementation Options:

1. As part of the BVCP 2015 Major Update, consider whether a charter amendment should be pursued to increase the height limit in certain parts of the city.
2. Consider revising the zoning code to allow more by-right development of residential proposals over 35 feet in height.

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E7. Residential Growth Management System

The Residential Growth Management System (RGMS) was put in place to limit the rate of residential growth to no more than one percent annually. Most new residential units must first secure an allocation through the RGMS, and the number of allocations is limited each year. Exemptions have been added over the years for mixed use, affordable housing, and other housing types, which have enabled the growth rate to exceed one percent.

Key Issues:

- While obtaining allocations through the RGMS is an additional step in the development review and approval process, for most projects it is not a cumbersome step.
- The annual limit on allocations has never been reached. This has been the case in recent years due to exemptions for certain housing types. Therefore, the system has not directly limited the number of units that could be built.
- For these reasons and because of the exemptions (detailed below), staff does not believe that revisiting the RGMS would provide more housing choice or affordability. The tool is in place to control the rate of growth, not the overall amount of housing or housing types. There are more effective tools for influencing the latter.

Background:

The RGMS was originally enacted in 1977 and has been revised over the years. It was put in place to limit the rate of residential growth to no more than one percent annually to preserve the city's unique environment and high quality of life and assure that growth proceeds in an orderly manner and does not exceed the availability of public facilities and services.

The current system exempts:

- Permanently affordable housing;
- Non-affordable units in projects providing more than 35 percent affordable units;
- CU housing for students, staff, and faculty;
- Mixed-use developments;
- Developments on land that has been rezoned from business, downtown, or certain mixed-use zoning to residential;
- New units in landmarked buildings; and
- Group housing for a special population—defined as those over age 60, disabled persons, single parents, and the homeless.

Approximately 450 allocations are available this year, and the number of allocations increases every year as the number of existing residential units grows.

Implementation Options:

No options are proposed at this time; at this time, city staff believes that changes to the RGMS will have little impact on housing choice and/or affordability.

Goals Addressed Through this Tool:

✓ **Strengthen Our Commitments**

✓ **Maintain the Middle**

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HOUSING BOULDER WORKING GROUP SUMMARY

GOAL:

~~Reach or exceed Boulder's goals to serve very low-, low-, and moderate-income households, including people with disabilities, special needs, and the homeless.~~ Proposed revision: Meet or exceed the City's 10% target for housing Boulder's low income residents.

KEY THEMES:

- Permanent solutions are necessary. This requires a mix of financial resources, land use regulations and policies that support the creation of and the preservation of units.
- Solutions must preserve what exists, prevent further loss, and provide new options.
- Long-term housing options are necessary to meet the needs of individuals at each point on the continuum of housing (transitional, permanent supportive, permanently affordable rental, homeownership). At the same time options must be supported that address the needs of the chronically homeless.
- Affordable housing is key to a diverse and inclusive community.
- Transportation is a housing issue.
- Design matters. High quality, sustainable development that preserves affordable housing and prevents further loss of units and provides housing choices is desirable.

SHORTLIST OF TOOLS FOR FURTHER CONSIDERATION:

Inclusionary housing and land use tools will be discussed at the meeting on 4/29/15. Following this discussion, members will be asked to prioritize the top 5 to 6 tools to move forward to the wider community conversation. The following is a list of tools that have/will be discussed in detail:

- A1. Accessible Housing
- A2. Accessory Dwelling Unit/Owner's Accessory Unit Requirements
- A3. Co-Housing
- A4. Cooperative Housing
- A5. Mobile Home Parks
- A6. Senior Housing Options
- A7. Small Homes
- A8. Housing the Homeless
- B2. Homebuyer Assistance Programs
- B3. Inclusionary Housing (IH) Program
- B4. Revenue Sources for Affordable Housing
- B5. Annexation
- C2. Land Banking
- C3. Preservation of Rental Affordability
- D1. Employer-Assisted Housing
- D3. Housing Choice (Section 8) Voucher Options
- D4. Reverse Mortgages
- D5. University Student, Faculty, and Staff Housing

- E1. Bonuses for Higher Levels of Permanently Affordable Housing
- E2. Fee Reductions, Expedited Review Process, and/or Modification of Standards
- E3. Height Limit
- E4. Land Use Designation and Zoning Changes
- E5. Linkage Fees for Non-Residential Development
- E6. Occupancy Limits
- E7. Residential Growth Management System
- E8. Service Area Expansion
- F1. Homeowner Association (HOA) Fee Affordability
- F3. Regional Solutions and State-Level Advocacy
- F4. Rent Control