HOUSING BOULDER WORKING GROUP AGENDA #4

Strengthen Our Current Commitments Working Group #4

Library Boulder Creek Meeting Room – 1001 Arapahoe Ave., Boulder, CO 80302

April 1, 2015
5 – 7 p.m.

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 – 5:20	**Coordination among working groups** *What tools are the other working groups prioritizing?*	**All**
5:20 – 5:30	**Discuss and prioritize short list of tools** *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.* *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.* *Desired outcome: Further prioritize the tools and inform what information is needed to continue the conversation with the wider community.*	**All**
5:30 – 6:50	**Code for America and Community Engagement Tools**	**All**
6:50 – 7:00	**Public Comment**	

HOUSING BOULDER Working Groups' Discussion Topics

	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	X		
A4. COOPERATIVE HOUSING		X	X	X	X
A5. MOBILE HOME PARKS	X				
A6. SENIOR HOUSING OPTIONS					X
A7. SMALL HOMES	X	X		X	
A8. TINY HOMES	X	X	X	X	
A9. HOUSING THE HOMELESS	X				
EXISTING PROGRAMS					
B1. HOME REHABILITATION LOAN PROGRAM					X
B2. HOMEBUYER ASSISTANCE PROGRAMS		X			
B3. INCLUSIONARY HOUSING (IH) PROGRAM	X	X		X	
B4. REVENUE SOURCES FOR AFFORDABLE HOUSING	X	X			
B5. ANNEXATION	X	X			
PRESERVATION STRATEGIES					
C1. COMMUNITY LAND TRUSTS					
C2. LAND BANKING	X	X			
C3. PRESERVATION OF RENTAL AFFORDABILITY	X	X			X
C4. HISTORIC PRESERVATION OF SMALLER HOUSES AND ACCESSORY BUILDINGS		X			
PARTNERSHIP INITIATIVES					
D1. EMPLOYER-ASSISTED HOUSING	X	X			

HOUSING BOULDER Working Groups' Discussion Topics

	Strengthen Current Commitments	Maintain the Middle	Diverse Housing Choices	Strengthen Partnerships	Aging in Place
D2. GREEN AND LOCATION-EFFICIENT MORTGAGES		X			
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				
58. SERVICE AREA EXPANSION					
OTHER					
F1. HOMEOWNERS' ASSOCIATION (HOA) FEE AFFORDABILITY		X			
F2. HOUSING ADVISORY BOARD					
F3. REGIONAL SOLUTIONS AND STATE-LEVEL ADVOCACY	X				
F4. RENT CONTROL	X	X			

B3. Inclusionary Housing (IH) Program

Inclusionary Housing (IH) in Boulder requires that new residential development contribute at least 20% of the total units as permanently affordable housing. Options for meeting this requirement include providing the permanently affordable units on-site, dedicating off-site newly constructed or existing units as permanently affordable, dedicating vacant land for affordable unit development, or making a cash contribution to the Affordable Housing Fund in lieu of providing affordable units (cash in lieu).

Key Issues:

- Unless the 20% IH requirement is increased, diverting IH unit production to middle-income homes or other community benefits would reduce the number of low-/moderate-income units or cash in lieu realized through the program.
- IH preserves affordability by limiting appreciation. Resale of middle-income permanently affordable homes often takes much longer than for moderate-income homes. Analysis should be done to determine if this is the best method to preserve middle-income prices.
- If the 20% requirement is not adjusted, substituting middle-income units for low-/moderate-income units will effectively reduce the Inclusionary Housing requirement (middle-income units are less expensive for a developer to provide than low-/moderate-income units).
- A minimum of one half of the required for-sale affordable units are required on-site; however, all of the requirements may be met with a cash-in-lieu payment or provided off-site if the developer provides additional community benefit (defined as 50% higher cash in lieu).
- Due to a State Statute on rent control, rentals do not have an on-site requirement and may provide the units off-site or through cash in lieu at no additional community benefit.
- The IH Program is in place, staffed, and would be relatively quick and easy to modify.
- It is reasonable to assume any modification would piggyback on the program's proven success to produce desired outcomes.
- As the city approaches build-out, a reduction in housing development will provide fewer opportunities to gain community benefits through this program.

Implementation Options:

1. Modify the IH Program to include housing affordable to middle-income households.
2. Modify IH requirements to incentivize other community benefits (e.g., accessible units, providing free office space for non-profits in development, or free child care space).

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

True Corner—22 permanently affordable condominiums.
Source:*www.forumre.com/communities/colorado/boulder/true-corner-condominiums*

B4. Revenue Sources for Affordable Housing

This tool would broadly explore other sources of revenue for affordable housing, such as a local housing trust fund, a revolving loan fund, occupation/head tax, hotel/accommodations tax, sales tax, and property taxes.

Key Issues:

- Raising or implementing new taxes for affordable housing requires conducting feasibility studies and often has political consequences.
- In Colorado, taxes are fixed and all new taxes are subject to the Tax Payer Bill of Rights or TABOR. Under TABOR, state and local governments cannot raise tax rates without voter approval.
- Raising or implementing any additional taxes requires public will.
- In the past, proposals to raise taxes, including occupation taxes (1994) and hotel taxes, were defeated by voters.

Background:

There are four main sources of city-administered funds that help to subsidize the acquisition and construction of affordable housing in Boulder: the Affordable Housing Fund, the Community Housing Assistance Program (CHAP), HOME, and the Community Development Block Grant (CDBG) Program. Revenue for these funds comes from a combination of city property taxes, a housing excise tax, Inclusionary Housing cash in lieu, the downtown linkage fee, city sales tax, and state and federal funds (2013). There have been efforts in the past to raise a variety of taxes to support affordable housing; all proposals were defeated at the ballot by voters.

Illustration. *Source: http://njplanning.org/wp-content/uploads/Affordable-Housing.jpg, accessed November 17, 2014*

Implementation Options:

1. Consider raising or implementing new taxes for affordable housing (i.e., occupational tax, hotel/accommodations tax, general sales tax, and property tax).*

   2010 AHTF RECOMMENDED

2. Explore establishing a revolving loan fund.

   2010 AHTF RECOMMENDED

3. Explore establishing a housing trust fund.

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F3. Regional Solutions and State-Level Advocacy

The availability of affordable housing has become an increasing concern throughout the county and region. A regional approach may be required. With more workers commuting farther between home and work, increased traffic congestion and greenhouse gas emissions have become a greater concern. Also, Boulder has set a precedent of endorsing policy and action on the state level and beyond that aligns with our vision for the city. One example is the city signing the Kyoto Protocol, thereby assuming a leadership role on the climate change front.

Key Issues:

- A regional dialogue around housing could better connect housing and the workforce, and could ensure that communities throughout the region preserve and pursue affordable housing for their residents.
- Though there are significant opportunities to expand our housing stock, Boulder cannot house its whole workforce (Housing Choice Survey, 2014).
- Boulder has become increasingly interdependent with other communities also facing unique and dynamic housing challenges and opportunities.
- While regional efforts can be fruitful, the work required does not guarantee results because of often divergent interests at the table.
- Some constraints on housing solutions in Boulder are legislated at the state level (e.g., HOA rules, rent control).

Background:

- The city has ongoing regional ties through the HOME Consortium, RTD, the Denver Regional Council of Governments (DRCOG), and the September 2013 flood event.
- Despite years of interest, a dedicated regional housing dialogue would be a new undertaking.
- Similarly, one of the draft strategies in Human Services' Homeless Action Plan is to "strengthen regional partnerships to address homeless housing and service issues."
- At this writing (2014), Human Services is engaged in regional conversations with the Metro Denver Homeless Initiative (MDHI) to identify additional funding for Boulder County and determine how MDHI can support homeless system improvements in Boulder. Human Services was recently engaged in the 25 Cities Initiative, led by MDHI and Denver's Road Home, a pilot-coordinated assessment and placement system to effectively use housing resources.

Implementation Options:

1. Collaboratively organize a Housing Forum with Boulder County governments, agencies, nonprofits, and others interested in exploring regional housing solutions.
2. Explore creating a process for establishing a city legislative agenda to promote greater housing choice and affordability.
3. Study and consider improvements in transportation options.
4. Consider funding affordable housing in other communities.

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Northwest Corridor. *Source: www.rtd-fastracks.com*

B5. Annexation

When properties in the county annex to the city, they must meet certain requirements. One of the recent requirements for properties with residential development potential has been provision of permanently affordable housing. These requirements could be revised to help meet the community's housing goals.

Key Issues:

- The policy and practice for the past several years has been that 40-60 percent of the new development in an annexation be permanently affordable to low-/moderate- and middle-income households, usually split evenly between the two income groups. This mix could be modified depending on the desired housing outcomes identified by Housing Boulder.
- Meeting annexation requirements can be especially difficult for small properties. If the city is seeking more small property annexations as a way to increase housing supply, it may be possible to adjust the requirements for small annexations.

Background:

- Proposed annexations with additional development potential need to demonstrate community benefit consistent with Boulder Valley Comprehensive Plan (BVCP) policies in order to offset the potential impacts of additional development. For proposed residential development, emphasis is given to the provision of permanently affordable housing.
- The BVCP lists the following additional benefits that may be considered as part of an annexation request:
  - Receiving sites for transferable development rights;
  - Reduction of future employment projections;
  - Land or facilities for public purposes over and above that required by the land use regulations;
  - Environmental preservation; or
  - Other amenities determined by the city to be a special opportunity or benefit.

  If other important community benefits are provided in the proposed development, a minimum of 40 percent of the new development could be provided as permanently affordable to low- and middle-income households.
- Annexation requests that do not result in additional density are not expected to provide the same level of community benefit required of vacant, developable parcels.

Implementation Options:

1. Depending on analysis of development feasibility and market for more deed-restricted middle-income housing, consider modifications to the required mixture of housing types.
2. Consider adjusting requirements to facilitate annexation of smaller properties, which could increase the overall number of new housing units.

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Middle-income, permanently affordable units come into the city through annexation. *Source: City of Boulder Homeownership Program*

A5. Mobile Home Parks

Mobile home parks (MHPs) are residential areas containing manufactured homes, mobile homes, or both; at least some of those homes are owned by individuals other than the mobile home park owner.

Key Issues:

- MHPs provide housing choice, a yard, and a lower density option. However, MHPs are not an efficient land use; significantly more affordable attached housing could be provided on these sites.
- Mobile homes (MHs) can be a relatively affordable housing option, though factors such as pad rents, high interest on financing, and the depreciating value of MHs complicate the apparent affordability of this housing option.
- The lowest-income MHP residents often struggle to afford to maintain their home over time.
- Balancing park quality and affordability is challenging. Boulder Meadows, a park that attempts to achieve higher quality standards, has significant vacancies—well over 100—and higher pad rental rates as a result of stricter policies around the age of the home, pets, and other criteria.
- Most mobile home parks in Boulder have original, deteriorating infrastructure, and can struggle to generate revenue needed for upgrades. Modernizing park infrastructure is very expensive.
- MHP owners typically do not involve residents in the decision making.

Background:

- BVCP Policy **7.08 Preservation and Development of Manufactured Housing** states that "the city and county will encourage the preservation of existing mobile home parks and the development of new manufactured home parks, including increasing opportunities for resident-owned parks. Whenever an existing mobile home park is found in a hazardous area, every reasonable effort will be made to reduce or eliminate the hazard, when feasible, or to help mitigate for the loss of housing through relocation of affected households, development of additional manufactured housing capacity in the county, or other appropriate means."
- In 1985, the City of Boulder was the first community in Colorado to establish a Mobile Home (MH) zone to preserve existing MHPs.
- There are 1,346 pads in MHPs throughout the City of Boulder. These pads are equivalent to 35 percent of the current inventory of affordable housing in Boulder. Only the 120 permanently affordable Mapleton MHP pads are included in the 10 percent affordable housing goal. MHPs near Boulder (in Areas II and III) have a total of 425 pads.
- In the mid 1990s, the city purchased Mapleton MHP and Branding Iron MHP as part of the flood channel improvements along Goose Creek. Branding Iron residents were relocated to Mapleton and ownership of Mapleton was transferred to Thistle Communities. Another park, Boulder Mobile Manor, was purchased by Boulder Housing Partners (BHP) and redeveloped as Red Oak Park, an affordable rental community.
- In 2009, BHP conducted an analysis of Orchard Grove Mobile Home Park and found that a $5.4 million subsidy would be required to modernize park infrastructure.

Implementation Options:

1. Strengthen preservation and redevelopment efforts and consider acquiring existing park(s).

   2010 AHTF RECOMMENDED

2. Consider creation of new park(s).

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Mapleton MHP Home.
Source: Thistlecommunities.org

C2. Land Banking

Land banking is the purchase of land by the city or a nonprofit housing corporation as a future site for affordable housing or other housing that meets community goals. In Boulder, one of the options for fulfilling the Inclusionary Housing (IH) requirement on a market-rate housing development is to donate land. The city has used this tool selectively in the past and can continue the practice of land banking as opportunity arises.

Key Issues:

- Banked land presents the city with flexibility to develop innovative projects that deliver significant and varying community benefits.
- Land banking promotes equity across time (i.e., future generations can weigh in on a vision for the community and make decisions that are appropriate to those later conditions).
- Land banking could reduce future development costs.
- Visions regarding site development often change from the time of original banking to time of actual development; there is no guarantee that land banked with the intent of developing affordable housing will ultimately serve that purpose.
- There is a limited supply of undeveloped land in Boulder.
- Land banking requires political support and must be significant or an otherwise high priority action item to the community. In Boulder, there are many other current opportunities and needs that require immediate funding, thus land banking a site that will not be developed for a number of years is often not viewed as a priority.

Background:

As opportunity arises, the City of Boulder banks sites with the intention of future development. There is a mechanism and process in place to identify sites for acquisition.

Implementation Options:

1. Explore specifically earmarking funds for future land banking activities.

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Illustration of Land Banking. *Source: landbanking.com, accessed November 13, 2014*

D1. Employer-Assisted Housing

Employer-assisted housing (EAH) can be provided directly to the individual employee in the form of mortgage subsidies, down-payment assistance, relocation payments, and the like; or the city can help to increase the supply of housing by requiring or encouraging employers to participate in the development of additional housing units through such actions as the provision of land, construction financing or purchase/lease guarantees, and down-payment assistance.

Key Issues:

- Jobs/Housing Balance Project: The job growth rate was historically double the housing growth rate (1980-1995).
- Only 41% of employees live in Boulder, with the remainder commuting from a variety of other counties.
- People who live and work in Boulder drive fewer miles to work and are less likely to drive alone than their in-commuting counterparts. Longer commutes increase household expenses.
- Housing vacancy rates in Boulder are extremely low for both rental and ownership housing; they are among the lowest in Colorado.
- Many employers will not invest their own money in housing assistance programs; therefore, this tool could require either a tax on employers or a tax on the city to design and implement programs.
- Employers are not usually interested in providing affordable housing for workers unless they view high housing costs as a significant barrier to worker recruitment and retention.
- Small employers may not find it cost-effective to manage an EAH program.
- The potential benefit will depend on the scope and design of a program (e.g., mandatory vs. optional) and the interest of employers in such a program.

Background:

Currently, some Boulder employers independently offer some level of housing assistance, such as relocation assistance or down-payment assistance.

Implementation Options:

1. Educate and encourage employers to assist employees with housing.
2. Consider a demonstration project to develop housing for essential (i.e., police, fire, etc.) City of Boulder employees.
3. Explore options such as a matching funds program to partner with employers to establish employer-assisted housing programs.

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	Homeowners		Renters	
Income	*In-Commuters*	*Boulder Residents*	*In-Commuters*	*Boulder Residents*
Less than $10,000	0.4%	1%	1%	2%
$10,000 up to $25,000	1%	3%	7%	13%
$25,000 up to $65,000	16%	17%	50%	40%
$65,000 up to $100,000	28%	23%	24%	25%
$100,000 up to $125,000	18%	16%	9%	7%
$125,000 up to $150,000	15%	12%	3%	6%
$150,000 or more	22%	29%	6%	6%
n=	797	720	306	579

Comparison of In-Commuter and Boulder Resident Income by Housing Tenure. *Source: BBC Research and Consulting Market Analysis Report, 2014*

D5. University Student, Faculty, and Staff Housing

This tool calls for an increased supply of housing for university students, faculty, and staff, both on-campus and off-campus. On-campus housing would be constructed on university-owned sites. Further opportunities could be identified to redevelop and/or rezone appropriate sites near campus.

Key Issues:

- Although the presence of CU in the community provides a broad array of benefits, students, faculty, and staff of CU-Boulder place significant demand on the city's housing stock. All three groups often struggle to find housing that they can afford in the community.
- Student enrollment and faculty and staff numbers are expected to increase, and university research functions will continue to grow, creating more housing demand for all three groups.
- The city's housing program is not designed to address student housing needs. Most students don't qualify for affordable housing programs because they receive support from parents or other third parties and/or work less than 20 hours per week.

Background:

- In fall 2004, CU-Boulder had an enrollment of 29,756. In fall 2013, enrollment was 29,839 (an increase of 83 students over a decade). Over the same time, CU-Boulder added 418 beds.
- CU's Flagship 2030 Strategic Plan projects an additional 6,500 students by 2030. The expectation is that growth will be a combination of undergraduate, graduate and online schools.
- The 2011 Campus Master Plan supports the Flagship 2030 vision, proposing development of the East Campus (generally bounded by 30th Street, Colorado Avenue, Arapahoe Avenue, and Foothills Parkway) as a full campus with higher density building. Growth on Main Campus is limited in the plan, and the South Campus will continue to be reserved as a land bank for future generations.
- CU currently houses approximately 27-30% of the student body and requires freshmen to live on campus, and is setting a goal of increasing the proportion of upperclassmen living on campus from 5 to 20% through the introduction of living-learning environments (Flagship 2030 plan).
- With the renovation of Baker Hall, which was out of service in 2013-14, CU currently has 6,867 residence hall beds on campus.
- Address data indicate that at least 67% of CU students live in Boulder.
- The University of Colorado operates a limited Faculty Housing Assistance Program that offers up to 25% of purchase price or $80,000 (whichever is less) in the form of a down-payment assistance loan that is eligible to faculty selected by the university.
- One example of off-campus housing was city-initiated land use changes—involving rezoning and ongoing private redevelopment of the area on and near the 28th Street Frontage Road—which is producing hundreds of new units of housing, much of which serve students.

Implementation Options:

1. Continue to work with CU to encourage student housing in the university-owned areas of North Boulder Creek, East Campus, and Williams Village.

   2010 AHTF RECOMMENDED

2. Identify areas near campus suitable for additional student housing, possibly as part of the BVCP 2015 Update.

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

Athens Court Student Model—Growing Up Boulder (GUB) partnered with three 3rd-grade classes at Whittier International Elementary School in fall 2013 to explore ways to improve Athens Court, a CU-owned housing site in need of renovation, flood protection, and increased density. *Source: www.growingupboulder.org, accessed November 3, 2014.* Photo by Lynn M. Lickteig

F4. Rent Control

A rent control system would regulate the levels of rent, or rent increases, permitted within the city. Rent control is currently illegal in Colorado.

Key Issues:

- In response to a 1980 citizen initiative in the City of Boulder which imposed rent control on existing buildings, the 1980 Colorado statute banned rent control (CRS 38-12-301). This statewide rent control ban ensured that, notwithstanding home rule authority, no city or county in Colorado would be able to institute a rent control measure.
- The city's Inclusionary Housing (IH) Program applies to rental projects, but due to current statute, as of August 2014, no IH affordable rental units have been provided on-site.
- Rent control is limited to rental housing stock.
- Enabling rent control would require a legislative change at the state level.

Background:

State statute, **HB10-1017**, enacted in 2010, serves to:

- Clarify that the rent control statute applies only to private residential property or private residential housing units.
- Clarify that nothing in the statute prohibits or restricts the right of a property owner and a public entity from voluntarily entering into an agreement that controls rent on a private residential housing unit or places a restriction on the deed to the property.
- Rent control through police power and regulation, such as inclusionary zoning, is prohibited.
- Rent control through a contract in return for some type of consideration is allowed.
- The other exemption from rent control by municipalities and counties is through a housing authority or a "similar agency" (affordable housing non-profits).

Implementation Options:

1. Consider initiating a community discussion regarding rent control.
2. Explore expanding use of the voluntary agreement.

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Source: www.inkcinct.com.au, "Still in control", November 9, 2007. Illustration: Ditchy