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## Policy Primer: Local Anti-Displacement Strategies

### Introduction

Communities across the United States face a variety of pressing challenges related to the safety, stability, and affordability of housing. For the past year, ChangeLab Solutions has been working with local governments and housing advocates in eight communities across the country as part of the [Housing Solutions Collaborative](#), a peer-learning cohort focused on building capacity and partnerships to advance housing equity. Although no two communities are the same, the technical assistance provided to our partners revealed common needs and areas of interest. This memo is one of five in a series that provides a high-level overview of strategies and policies that the cohort explored together: using tax incentives to spur affordable housing, developing best practices for establishing and expanding local emergency rental assistance, adopting anti-displacement policies to protect tenants, supporting affordable housing production, and adopting strategies to address housing-specific racial inequities. The memos highlight equitable solutions to housing challenges that local jurisdictions and communities face throughout the United States.

### Housing Challenge: Displacement

Displacement generally refers to the direct or indirect removal or pushing out of residents from their housing or neighborhood of choice. This can occur directly, when residents are no longer able to afford their housing or are otherwise forced out, such as by lease nonrenewal, eviction, eminent domain or condemnation, renovation, foreclosure, or landlord retaliation. Displacement may also be indirect when an area has a lack of affordable housing for lower-income residents or the area loses supports and services for lower-income households, such as through gentrification.<sup>1</sup>

### The Policy Response: Pursuing Anti-Displacement Strategies

Governments can turn to a variety of strategies to prevent displacement, which can generally be sorted into macro-level and individual-level policies. Macro-level policies include incentivizing or otherwise allowing the production of new affordable housing and preserving existing affordable housing stock. On the individual level, policies seek to prevent individual households from being removed from their housing through various housing assistance and tenant protections.

### Racial Equity Analysis

Systemic discrimination against and disinvestment from Black, Indigenous, and communities of color and lower-income households place them at most risk of displacement, driving a need for equity in anti-displacement strategies. Even before considering specific anti-displacement strategies, localities may

commit to racial equity and use a racial equity analysis to inform their decisions either broadly or specifically in the housing context. For example, Seattle requires all city departments to use the Racial Equity Toolkit to set goals, involve communities of color in city processes, and analyze the impact of city decisions on communities of color.<sup>2</sup> The city of Austin uses the more specific Racial Equity Anti-Displacement Tool that expressly considers racial equity in anti-displacement to "develop strategies and actions that eliminate racial inequities" and "develop new community engagement and partnership strategies to foster meaningful participation in governmental decision-making."<sup>3</sup>

However, federal and state laws place significant limits on the use of race in government decision making. Localities must work closely with legal counsel to understand the laws in their specific jurisdiction. For more information about legal limits on the use of race in decision making, see the Housing Solutions Lab brief [Legal Frameworks for Addressing Racial Disparities in Housing](#) and ChangeLab Solutions' policy primer [Incorporating Racial Equity into Housing Policy](#).

## Macro-Level Anti-Displacement Strategies

Macro-level anti-displacement strategies target indirect displacement pressures that individuals may face, such as gentrification. To help offset these pressures, local governments can use a range of strategies to promote the creation or maintenance of affordable housing.

### Affordable housing production

A study by the National Low Income Housing Coalition estimates there is "an absolute shortage of 3.6 million rental homes affordable to extremely low-income renters, who comprise the only income group facing an absolute shortage of affordable homes."<sup>4</sup> In fact "no state has an adequate supply of affordable and available homes for extremely low-income renters."<sup>5</sup> As renters, or homeowners, become unable to afford their current housing, they are often displaced and must search for housing in other communities. To prevent this type of displacement, localities must produce more affordable housing.

### Housing trust funds

Housing trust funds may be used to fund or incentivize the production of new affordable housing. Housing trusts are flexible and may be used to support a variety of anti-displacement and other housing strategies, including housing rehab programs, rental assistance, and transitional housing.<sup>6</sup> Many states, cities, and even counties use housing trusts.<sup>7</sup> These funds perform best when their design is aligned with local housing market data to effectively incentivize or subsidize affordable housing production, they have dedicated streams of funding, and they are coordinated with broader housing efforts.<sup>8</sup>

For example, one of the primary purposes of the Somerville, Massachusetts, Affordable Housing Trust uses dedicated funding from linkage payments, inclusionary zoning payments, and other sources "to assist in the creation of new affordable homes and rental units," with funds generally targeted to residents with incomes below 80 percent area median income (AMI).<sup>9</sup>

### Zoning for affordability

Zoning can also be designed to require, incentivize, or otherwise allow the development of new affordable housing. A variety of different zoning strategies may be used, such as the examples that

follow. For a full discussion of zoning see ChangeLab’s policy primer [Strategies to Increase Housing Production](#).

**Affordability requirements.** Zoning affordability requirements are strategies that require new developments to set aside a portion of the units developed as affordable housing. These requirements are frequently implemented through mandatory inclusionary zoning ordinances, which are local ordinances that require affordable housing set asides for qualifying developments. For example, Chicago’s Affordable Requirements Ordinance generally requires residential developments with ten or more units to 10 to 20 percent of the units affordable (i.e., not cost more than 30 percent of household monthly income) for households earning between 30 and 100 percent AMI.<sup>10</sup>

**Affordability overlay.** Cambridge’s 100 percent-Affordable Housing Overlay is overlaid on top of existing zoning and allows developers, by right, to ignore more stringent zoning requirements when they comply with the overlay.<sup>11</sup> The ordinance is meant to allow developers to create denser housing than would otherwise be allowed under the existing zone, streamline the building application process, and allow affordable housing developers to better compete with market rate developers, resulting in the production of more affordable housing.<sup>12</sup>

**Incentive-based, voluntary affordability.** In contrast to Cambridge’s by-right development, Austin’s Affordability Unlocked program takes an incentive-based approach.<sup>13</sup> Developers who voluntarily agree to provide affordable housing receive development bonuses to incentivize their compliance and the production of affordable housing, “includ[ing] height and density increases, parking and compatibility waivers, and reductions in minimum lot size.”<sup>14</sup>

**Mixed-use and multifamily zoning.** Although it does not necessarily incentivize affordable housing, rezoning existing single-family residential areas to mixed-use or multifamily zones at least theoretically allows for production of more housing, which may help ease existing housing pressures in a community. This type of zoning is often referred to as “missing middle” housing because it uses low-rise, house-sized multifamily units (e.g., duplexes or triplexes), as opposed to single-family houses or high rises and larger apartment complexes. The Neighborhood Traditional Mixed Residential Districts zoning in St. Petersburg, Florida, is an example.<sup>15</sup>

### [Affordable housing preservation](#)

Lower-income homeowners, , may lack funds for necessary repairs.<sup>16</sup> Over time, the habitability of affordable housing stock may degrade until it must be condemned or otherwise ends up acquired and gentrified by developers.<sup>17</sup> Therefore, in addition to producing new affordable housing, governments may seek to avoid displacement by preserving the quality and affordability of existing housing stock, using strategies such as providing financial assistance to lower-income homeowners and monitoring the habitability of housing stock.

**Financial assistance and services to lower-income homeowners.** The City of Baltimore’s Department of Housing and Community Development offers many forms of financial assistance and services for lower-income homeowners, including rehabilitation services, loans, and grants; energy conservation and weatherization services and loans; lead hazard and asthma reduction programs; senior home repair, maintenance, and modification; foreclosure prevention and counseling; and partnerships with legal services agencies to provide legal services to homeowners.<sup>18</sup>

**Proactive rental inspections.** Traditional complaint-based code enforcement systems largely fail to maintain habitability because many renters will not complain out of fear of retaliation by their landlords,<sup>19</sup> and landlords are not incentivized to do more than make minimum necessary repairs. This may leave lower-income renters living in housing conditions that are worse for their health<sup>20</sup> or, displaced from their communities as properties are condemned or gentrified. Instead of complaint-based inspections, localities can engage in proactive rental inspection programs, like Seattle’s Rental Registration and Inspection Code,<sup>21</sup> and foreclosure and vacant property registries, such as Los Angeles’ Foreclosure Registry Program.<sup>22</sup> These types of programs allow localities to consistently monitor the condition of housing stock, incentivize timely repair and maintenance of housing quality, and reduce the potential for tenant displacement due to habitability-related condemnation or foreclosure and disparities due to complaint-based enforcement.

## Individual-Level Anti-Displacement Strategies

On the individual level, governments can use strategies such as financial assistance for renters and robust tenant protections to prevent the displacement of individual households.

### Financial assistance for renters

For lower-income households that are struggling with affordability, whether due to emergency circumstances like the pandemic or the long-term pressures of disinvestment and gentrification, governments can provide financial benefits to keep residents housed and prevent their displacement. Virtually every jurisdiction in the United States has used federal funding to provide emergency rental and utility assistance (ERA) programs. Additionally some local governments have provide local rental subsidies. An example of a local rental subsidy is Washington, DC’s Local Rent Supplement Program,<sup>23</sup> which targets longer-term rental assistance to households on the waiting list for federal housing benefits. Households may stay on waiting lists for years before receiving federal housing benefits, so this subsidy fills the gap to help prevent their displacement during the waiting period. For more information and examples, see Changelab’s policy primer [Emergency Rental Assistance](#).

### Tenant protections

Governments may regulate the rental and eviction process to help keep tenants housed who may be pushed out of their chosen neighborhoods by landlords or developers. This may include rent control ordinances, “just-cause” ordinances, and tenant access to counsel and “right-to-counsel” laws.

**Rent control.** San Francisco’s rent stabilization ordinance is a form of rent control that limits how much and how often landlords may increase rent.<sup>24</sup> This prevents landlords from rapidly increasing rents and pushing out lower-income residents or otherwise evicting lower-income residents solely for the purpose of seeking higher-income residents who can afford to pay more in rent.

**Just-cause evictions.** On the eviction side, just-cause ordinances limit landlords’ ability to proceed with eviction to specific reasons. For example, Boston’s just-cause ordinance limits the reasons landlords may evict tenants for: failure to pay rent; lease violations; nuisance, destruction, or criminal use of property; nonrenewal of lease after the end of the lease term; tenant refusal to allow the landlord reasonable access to the property; unapproved subtenancies; the landlord wanting the property for personal, family use; or the landlord wanting to demolish the property.<sup>25</sup> This helps prevent tenants from being evicted

and displaced simply because the landlord would like to raise rent or find new tenants who can afford to pay more.

**Tenant access to counsel.** Finally, due to disparities in power and resources between landlords and tenants,<sup>26</sup> laws that would otherwise protect tenants from eviction and displacement often go underenforced. However, when tenants are represented by legal counsel in eviction proceedings, positive outcomes and housing stability for tenants greatly improve.<sup>27</sup> At least three states<sup>28</sup> and fifteen localities<sup>29</sup> have established tenant access to counsel programs, including New York City's right-to-counsel or universal access law.<sup>30</sup> New York City originally targeted specific zip codes in 2017, and over the course of five years, it slowly increased to new areas and covered the entire city by 2022. The ordinance provides counsel to households up to 200 percent of the FPL, although eligibility requirements were relaxed during the height of the COVID crisis and, with federal COVID funding allowing for expanded representation in more middle-income households.<sup>31</sup>

## Legal Considerations

The legal feasibility of any given anti-displacement strategy largely depends on state law, and localities need to work closely with legal counsel in their jurisdiction. Some policies are more difficult to pursue legally than others due to state preemption of local authority or other state limitations on local governments. In the housing context, states have been much more likely to preempt local authority on anti-displacement strategies like inclusionary zoning and rent control. For more information on state preemption of local authority to create equitable housing policies, see the Policy Surveillance Program's web page [State Preemption Laws](#) and the Local Solutions Support Center's web page [State Preemption of Local Equitable Housing Policies](#).

**Disclaimer:** *The information provided in this discussion is for informational purposes only and does not constitute legal advice. ChangeLab Solutions does not enter into attorney-client relationships. ChangeLab Solutions is a nonpartisan nonprofit organization that educates and informs the public through objective, nonpartisan analysis, study, and research. The primary purpose of this discussion is to address legal or policy options to improve public health. There is no intent to reflect a view on specific legislation.*

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