BROWNFIELDS REVITALIZATION ANTI-DISPLACEMENT STRATEGIES (BRADS) PROGRAM
PRACTICIONER GUIDE SERIES

ROAD TO INCLUSIONARY REDEVELOPMENT

Part II: Anti-Displacement Policies and Programs

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TABLE OF CONTENTS

About This Guide	1
Introduction	3
Displacement Considerations in Brownfield Redevelopment	8
Stakeholders Engagement and Key Roles	10
The 4P Framework of Anti-Displacement Strategies	11
The 4P Framework: Plan: Proactive Strategies for Mitigating Displacement Risk	13
The 4P Framework: Protect: Direct Supports to Stabilize Residents and Communities	19
The 4P Framework: Preserve: Safeguard Affordable Housing and Community Resources	24
The 4P Framework: Produce: Expanding the Supply of Affordable Housing	30
References	34

ABOUT THIS GUIDE

This document was developed by the Brownfields Revitalization Anti-Displacement Strategies (BRADS) program under the U.S. Environmental Protection Agency cooperative agreement for Minimizing Displacement Resulting from Brownfields Assessment, Cleanup and Reuse.

The guide is the second part of the Road to Inclusionary Redevelopment series serves as a resource on navigating anti-displacement policies in the context of brownfields redevelopment. It is aimed at brownfield redevelopment practitioners, community members, and elected officials and can be used as a guide in the process of brownfields redevelopment. This guide is designed to assist with tools to ensure that redevelopment projects not only revitalize brownfield sites but also protect and benefit the existing communities. The guide contains an overview of policies and programs aimed at preventing displacement, fostering inclusive growth, and promoting equitable development.

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Disclaimer

This document is not intended to serve as legal advice or guidance. Instead, it offers informational insight based on existing literature and practitioner knowledge.

INTRODUCTION

What are brownfields?

The U.S. Environmental Protection Agency defines a brownfield as "a property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant."[1]

Brownfields projects restore environmental amenities, improve community health, and foster economic growth.[2] However, as with many redevelopments of public and private infrastructure, these land-based reinvestments often contribute to the displacement of historically marginalized people.[3]

What is gentrification and displacement?

Displacement is defined as the "forced or involuntary relocation of residents" due to pressures beyond residents' control.[4] Displacement is intensely connected to **gentrification** processes.

Gentrification occurs when neighborhood redevelopment attracts higher income residents and reciprocal private investment, raising rents and property values, resulting in the displacement of working-class residents, established businesses, and community institutions, eroding community networks and their social fabric.[5] When residents are displaced, they are largely unable to access the environmental and economic benefits their community gained through redevelopment.[6]

Types of displacement

This guide acknowledges three main forms of displacement: direct displacement, indirect displacement, and cultural displacement.

Direct Displacement

Direct displacement refers to the process by which existing residents, businesses, and institutions are involuntarily removed from their long-term or historic neighborhoods.[7]
Examples of direct displacement include:

- Evictions and foreclosures
- Non-renewals of rental leases
- Seizure of housing stock through eminent domain.[8]

Indirect Displacement

Indirect displacement refers to processes that influence existing residents, businesses, and institutions to abandon their longtime and historic neighborhoods. Indirect displacement typically occurs alongside gentrification. A common example of indirect displacement is the 'pricing out' of longtime residents, businesses, and social agencies. Pricing out can occur due to the rising costs of housing and land. Alternatively, public and private investments into neighborhood infrastructure may contribute to an increase in property values, and subsequently an increase in property tax burden.[9]

Demographic shifts also contribute to indirect displacement; landlords may target new populations (e.g. students, retirees, higher-income households), decreasing the housing stock for existing residents or lower-income households.[10]

Chicago Residents Protest 606 Trail Construction. Photo by Tyler Lariviere, adopted from *Scales of Gentrification, American Planning Association*.[11]

Cultural Displacement

Cultural displacement occurs when neighborhoods shift to accommodate an incoming populace at the expense of existing residents. Unlike direct and indirect displacement, cultural displacement considers the psychological and social shifts which coincide with neighborhood change.[12] A neighborhood undergoing cultural displacement may see:

- Increased vehicular traffic where there was once pedestrian traffic
- Rise in both public and private policing to protect new investments
- Growth in businesses catering to new residents such as bars, expensive restaurants, and gyms
- Decline in spaces that cultivate community outside of home and work and other cultural activities
- Loss of age diversity

Displacement is not limited to residents and their homes. Displacement also affects the local businesses that provide jobs and services to communities (Figure 1). Shops, services, agencies, and cultural institutions are impacted by patterns of displacement. Schools may close or be repurposed for other uses. The buildings which house social agencies or non-profits may switch landlords, be sold, or increase rents, causing them to relocate or close permanently. Unhoused populations also experience displacement. Areas once accommodating unhoused populations such as public parks, abandoned lots, or libraries may experience an increased police presence following new construction or renovation.

The three forms of commercial displacement.
Source: The Small Business Anti-Displacement Toolkit.[13]

What causes displacement?

There is no single cause of displacement in communities. Rather, a variety of compounding factors contribute to the displacement of residents, businesses, and institutions alongside their associated histories and cultures.[14]

Furthermore, environmental and climate change circumstances may also contribute to patterns of displacement. Extreme weather events and natural disasters may also cause direct displacement, and aggravate existing processes of gentrification through indirect displacement.[15] These compounding circumstances magnify one another.

Evictions and foreclosures which are direct causes of displacement are described in more detail below.

Evictions

Eviction refers to the legal process taken to remove tenants from a rented property. An **eviction filing** occurs when a landlord files a formal complaint, petitioning the court to remove a tenant from their property.[16]

Filings are commonly used as an indicator to understand the scale and impact of eviction in a community, although not all filings result in an eviction judgement. Tenants may choose to leave when they receive an eviction notice, prior to court proceedings, Eviction cases can also be dismissed, which is more likely to occur when tenants have legal counsel, and state and localities have expanded right-to-counsel program in recent years.[17]

Overview of Formal Eviction Process.[18]

An **eviction judgement** is a court order for the removal of a tenant(s) from a rental property. The accessibility of eviction records during routine tenant background screenings often limits future housing options for tenants. Consequently, previously evicted tenants are more likely to experience homelessness and reside in substandard housing.[19] Both eviction filings and eviction judgements have implications for multiple life outcomes and have been empirically associated with increased mortality.[20]

Foreclosures

There are two ways by which a property may be **foreclosed**, through missed mortgage payments, or missed property tax payments. When a property owner fails to make or misses subsequent payments of property taxes, foreclosure proceedings transfer ownership of the property to the local, county, or state government. This local, county, or state government moves to sell either the tax liens or the property itself. When a tax lien is sold, a government sells the right to collect unpaid property taxes, typically to an investor or a bank.

If no buyer purchases the property or the tax lien, the state, city, or local government retain ownership of the property, and may conduct a separate process to obtain full ownership of the property.[21]

Like eviction, households displaced by foreclosure experience are likely to experience a downgrade in housing quality and neighborhood conditions; in fact, individuals experiencing foreclosures are more likely to reside in neighborhoods with a lower quality of life, more crime, and a higher rate of unemployment. Following foreclosure, previous homeowners face an increased likelihood of becoming renters.[22] This transition often exposes households to greater housing cost instability, as renters do not have the same payment predictability associated with fixed-rate mortgages as rental prices are adjusted at the discretion of respective landlords.[23]

DISPLACEMENT CONSIDERATIONS IN BROWNFIELDS REDEVELOPMENT

Brownfields are properties with actual or potential contamination due to previous industrial or commercial uses, which complicates their future development. The Environmental Protection Agency (EPA) estimates that there are more than 450,000 brownfield sites across the United States.

Common examples of brownfields include vacated warehouses and factories, abandoned railroads, gasoline service stations, dry cleaners, landfills, parking lots, and sites with petroleum spills. These properties may also have aged structures which may contain hazardous materials like lead paint or asbestos. The EPA's Office of Brownfields and Land Revitalization and the 2002 Small Business Liability Relief and Brownfields Revitalization Act support the identification, cleanup and revitalization of these sites.[24]

The rehabilitation of a former brownfield is a complex, multi-phase process that includes assessment, clean up, infrastructure improvements, and redevelopment. This process requires significant public and private investment.

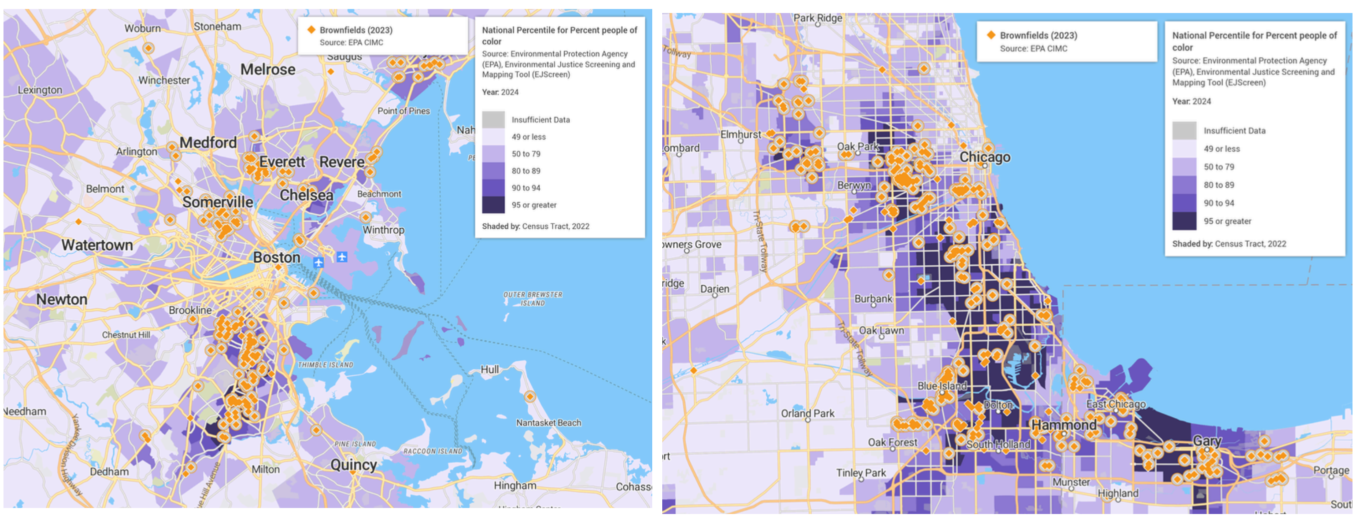
Brownfields sites are disproportionately located in post-industrial, disinvested urban areas. Capital investment in these sites can trigger changes in neighborhoods that have endured generations of blight and neglect. Gentrification is the process by which targeted and repeated investments, both public and private, alters neighborhood demographics and character.[25] During the redevelopment process, several factors can increase the likelihood of displacement or create conditions that enable it.

Although brownfield redevelopment aims to raise property values, increase environmental safety, and spur economic growth, it may unintentionally displace long-term residents. Following cleanup, property values and rents rise, new businesses emerge, and the neighborhood's character may shift.

How are brownfields related to racial segregation?

Across the United States, contaminated sites and other environmental hazards, such as landfills, sewage treatment facilities, and waste retention ponds, have historically been disproportionately sited within lower-income neighborhoods of color.[26] Superfund and brownfield sites are prime examples of these hazards.

The presence of undeveloped brownfields lowers nearby property values, making these neighborhoods more accessible to working-class residents. However, these reduced property values often create favorable conditions for the relatively low-cost redevelopment of undesirable or neglected land, potentially stimulating investment and gentrification.[27]



Maps showing the proximity of brownfield sites to communities of color in Boston, MA (left panel) and in Chicago, IL (right panel). Data visualizations were generated using *Policy Map*.

STAKEHOLDER ENGAGEMENT AND KEY ROLES

Brownfield redevelopment requires coordinated efforts across federal, state, regional, and municipal levels. Understanding the roles of citizens, elected and appointed officials, and the public, private, and non-profit sectors is essential for preventing displacement. The table below outlines the key participants typically involved in brownfield redevelopment projects.

Stakeholder Group	Key Actions Preventing Displacement
Brownfields Program Administrators	Ensure compliance with displacement prevention policies. Ensure representation of diverse community groups. Monitor the progress of redevelopment projects to ensure equitable outcomes.
Lending Institutions	Provide loans to developers (e.g. affordable housing in brownfield redevelopment site projects)
Developers	Work with community groups to ensure redevelopment aligns with equity goals. Promote and preserve affordable housing. Support local jobs and businesses.
Community Members	Engage in the planning process. Communicate demands and desired protections. Ensure community voices are heard in decision processes. related to housing, services, and anti-displacement policies.
Policymakers	Create policies and laws that enforce displacement prevention, i.e. inclusionary zoning amendments, rent controls, affordable housing mandates, ensure project eligibility under existing ordinances, and environmental justice legislation.
Community-based Organizations (CBOs)	Provide housing assistance, legal support, and advocacy for residents and business owners at risk of displacement. Advocate for preservation and development of affordable housing.

A FRAMEWORK FOR UNDERSTANDING ANTI-DISPLACEMENT POLICIES

Local, state, and federal governments each play a role in the implementation of anti-displacement policies. The **federal** government allocates funds to state and local governments and ensures compliance with national housing policies. **State** governments can expand or limit municipal or county authority in the development of localized housing policy. In states like Florida and Texas, state legislation pre-empts local governments from creating their own housing policies.[28] **Local** governments are closest to their communities and can design policies that reflect the unique considerations of their residents.

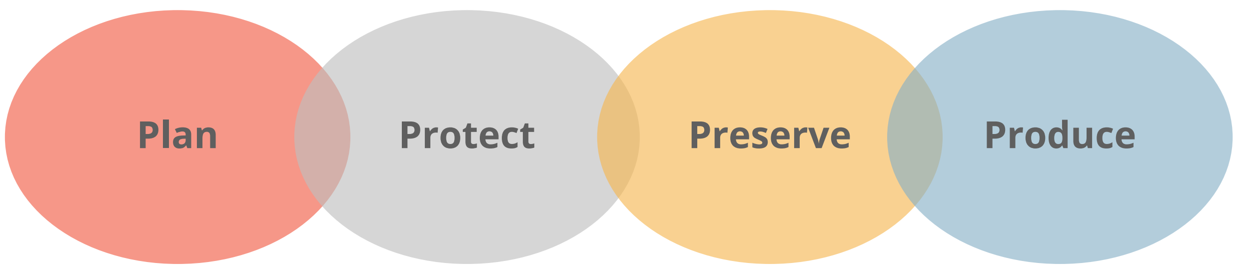
To be the most effective, anti-displacement policies require coordinated implementation across all levels of government. [29] Anti-displacement policies are most effective early in the gentrification process, as neighborhoods begin to attract public and private investment. Still, these tools may be used in areas experiencing later stages of gentrification.

Introducing the 4P Framework: Plan, Protect, Preserve, Produce

The 4P Framework was developed by the NYU Furman Center's Housing Solutions Lab to identify and organize existing anti-displacement strategies.[30] **Planning** is often the first step, after which one or more of the other strategies (**protection**, **preservation**, or **production**) may be implemented.

The remaining sections of this guide use the 4P Framework to group and describe the anti-displacement strategies presented. These strategies are useful for state governments, regional planning authorities, and municipalities at different stages of the brownfield remediation or gentrification process.

The 4P Framework engages stakeholders at every level, including public agencies, private developers, non-profit organizations, and citizens.



Plan for the long-term inclusion of citizens and their neighborhoods in economic redevelopment projects by assessing local strengths and vulnerabilities.

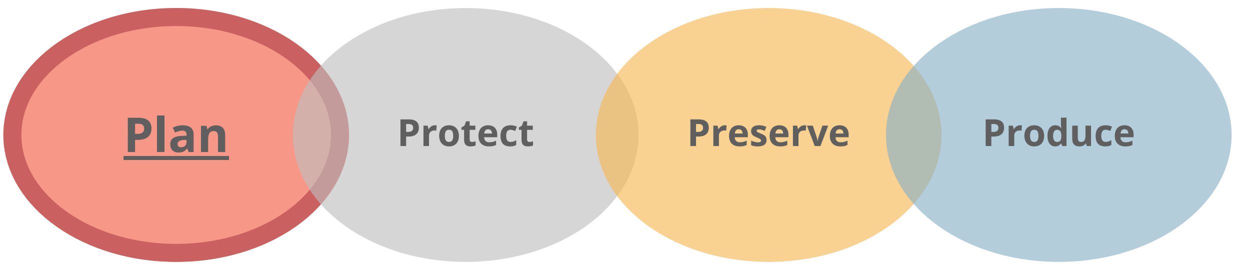
Protect existing residents by stabilizing communities through immediate public, private, non-profit, and citizen-powered interventions.

Preserve existing affordable housing and reduce the likelihood that it exits the affordable housing stock.

Produce dedicated affordable housing in changing neighborhoods through new construction, acquisition, or rehabilitation.

The 4 P's Anti-Displacement Conceptual Framework. Adapted from Local Housing Solutions, Furman Center, New York University.[30]

THE 4P FRAMEWORK PLAN: PROACTIVE STRATEGIES FOR MITIGATING DISPLACEMENT RISK



Planning strategies anticipate displacement pressures from brownfield redevelopment projects and respond with proactive policies, programs, and collaborative action. By preparing for displacement risks early and systematically, planning allows communities to mitigate potential displacement and ensure that redevelopment outcomes prioritize housing stability and reflect community priorities.

The planning strategies included in this guide are: **community benefit agreements**, **community benefit ordinances**, **community planning academies**, **gentrification indexing**, **housing needs assessments**, and **rental registries**.

Community Benefit Agreements (Local)

Community Benefit Agreements (CBAs) are legally binding contracts between developers and community groups that ensure that existing communities also reap the economic and social benefits of new development projects.[31]

Commitments from CBAs may include:[32]

- Local hiring requirements
- Affordable housing provisions
- Living wage standards
- Investment in parks, recreation centers, or environmental preservation
- Support for local businesses, health centers, and food access initiatives
- Environmentally sustainable design and construction practices
- Community service obligations

Community Benefit Ordinances (Local)

Community Benefit Ordinances (CBOs) are municipal policies that require developers of large-scale projects to provide specific community benefits as a precondition for project approval.[33]

In 2021, following sustained advocacy from local community groups, the St. Petersburg City Council adopted a Community Benefit Ordinance. The ordinance requires that any development that meets either of two conditions, receiving more than 20% of its funding from the city or $10 million or more in public support, provide community benefits. While the final approval of each CBA rests with the City Council, the ordinance outlines a collaborative CBA drafting process involving key stakeholders such as the City Council, Economic Development staff, the CBA Advisory Council, the developer, and citizens through public hearings.[34]

Community Planning Academies
(Local)

Community Planning Academies (CPAs) are low- or no-cost educational programs designed for citizens interested in urban planning and community development. These academies intentionally recruit diverse cohorts spanning various ages, neighborhoods, occupations, and backgrounds, including university students, high-school youth, workers, retirees, and individuals from the private, public, and nonprofit sectors. [35]

CPAs aim to build community capacity by increasing public understanding of planning topics and their processes such as land use, zoning, housing, and project funding. Participants also develop practical skills in public speaking, petition drafting, and other tools for collective action. These programs serve as proactive strategies to empower residents to engage meaningfully in local decision-making and advocate for their own neighborhoods.[36]

CPAs typically run between six and twelve weeks, and may be hosted by local governments, universities, or nonprofit organizations. Upon completion, alumni are encouraged to remain engaged through ongoing collaboration and localized alumni networks.[37]

Examples of established CPA programs include the Citizens Planning Academy (Greenville, SC),[38] Citizens Planning Institute (Philadelphia, PA),[39] Community Builders Academy (East Harris County, TX),[40] and the Baltimore Planning Academy (Baltimore, MD).[41]

Gentrification Indexing
(Local)

Gentrification indexing, also referred to as **gentrification mapping**, is a method for measuring neighborhood change using demographic, socioeconomic, property, and environmental data. By constructing a gentrification index, practitioners can identify vulnerabilities within neighborhoods. This includes determining which populations face risk of displacement, the mechanisms driving that risk, and the geographic areas facing the greatest risk of displacement.

A gentrification index can reveal whether neighborhood change is contributing to increased housing costs or a shift in a neighborhood's racial make-up or altering the class composition of a community. These insights are grounded in empirical data, providing a foundation for policy and planning decisions.

Cities with their own gentrification indexes include; Philadelphia, Portland, Seattle, and Los Angeles.[42] In these examples, gentrification is measured by city-defined neighborhoods or at the census tract or zip code level.

To quantify gentrification, practitioners in these cities analyze changes over time across a set of 'gentrification indicators' including;

- percent white (non-Hispanic) population
- college education attainment
- rent-burdened population
- share of non-English speakers
- median household income
- household size
- share/proportion of rental properties
- rental cost
- housing sale price
- ratio of poor to wealthy households
- proximity to transit, jobs
- presence of blighted properties, developable parcels, civic infrastructure
- increased presence of attractive businesses

Learn more about gentrification indexes and identifying neighborhood changes in the BRADS Guide **Roadmap to Inclusionary Redevelopment Guide Series: Part I Factors shaping gentrification and displacement processes and indicators of neighborhood change**.

Gentrification indexes require data. Potential data sources include:

Federal
- Decennial Census
- American Community Survey

Proprietary Databases
- PolicyMap
- Social Explorer
- GeoLytics Neighborhood Change Database
- Core Logic (property data)
- PadMapper (Rental pricing)
- ArcGIS Business Analyst (consumer spending data)

Academic Databases
- Eviction Lab at Princeton

Local Databases
- Rental registry data
- Code enforcement data
- The county tax assessor or property appraiser
- Ground-truthing; eyewitness confirmations of cultural and economic trends observed in data

Housing Needs Assessments
(Local & State)

Localities conduct housing needs assessments to identify and analyze disparities in the housing market and inform future anti-displacement and affordable housing policies.
For example, Louisville's Housing Needs Assessment organizes housing market data around three principles: health, diversity, and equity.
Health refers to housing market stability, rental and housing cost burden, and housing unit quality, such as the presence of mold, asbestos, or modernized plumbing. **Diversity** measures access to a range of varied housing types, like apartments, condominiums, and multi and single-family housing. **Equity** measures the degree to which neighborhoods have access to opportunities for economic mobility and wealth creation, considering the availability of high paying jobs and reliable transit.

Local practitioners can access a basic housing needs assessment using the web-based Housing Needs Assessment Tool developed by Local Housing Solutions in partnership with PolicyMap.

Rental Registries
(Local)

A rental registry documents the scope and composition of a municipality's rental housing stock. With a rental registry, localities can monitor the condition and maintenance history of housing stock, promote timely repairs, and decrease the potential for tenant displacement caused by habitability condemnations or complaint-based enforcement.[43] Using registry data, local governments can hold rental property owners accountable by allowing increased transparency in the local housing market.

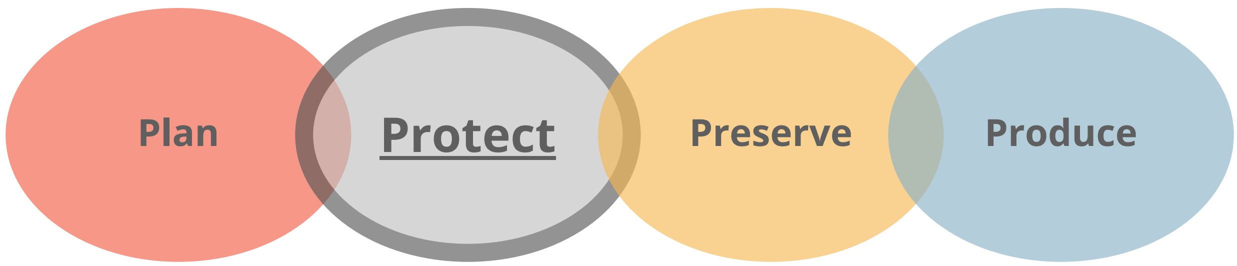
Rental registry data can be analyzed to determine housing disparities between neighborhoods and guide the development of government regulations that enforce local housing codes and safety standards.[44]

The Rental Registration and Inspection Code in Seattle and Los Angeles's Rent Registry are two examples of proactive rental registries. Local legislation in Seattle requires landlords to register their rental properties, except for commercial properties, state-licensed facilities, and local public housing authorities.

Landlords are required to renew their registration every two years. In compliance with the ordinance, all registered rental properties must be inspected by a public housing inspector every 5-10 years.

Los Angeles County's Rent Stabilization and Tenant Protection Ordinance requires that property owners utilize an online service portal to list their properties, pay annual registration fees, and update rental unit data.[45]

THE 4P FRAMEWORK PROTECT: DIRECT SUPPORTS TO STABILIZE RESIDENTS AND COMMUNITIES



During the *planning* phase, a community's assets, needs, and threats are identified, and a preliminary plan is outlined. **Protection** strategies include direct interventions for tenants, homeowners, and small businesses to stabilize communities facing displacement risks. Unlike *preservation* and *production* which consider housing, protection strategies consider people themselves. By acting *before* displacement occurs, protection strategies maintain community stability during periods of redevelopment and transition.

The protection strategies included in this guide are **rent stabilization**, **rental assistance, just-cause evictions, foreclosure assistance**, **tenants' right to counsel**, and **mutual aid**.

Rent Stabilization Policies (Rent Control)

(State & Local)

Rapid increases in rent contribute to the displacement of tenants. Low-income tenants of color are disproportionately impacted by rental increases.[46] Rent stabilization policies protect residents from rising rents and promote housing stability. Typically, these laws set a limit on maximum yearly rent increases.

States that have implemented rent stabilization policies include California, Oregon, and New York.[47] San Francisco's Rent Stabilization Ordinance restricts how often and by how much landlords can raise rents.

Rent stabilization policies prevent landlords from quickly raising rents for low and middle-income residents or evicting them in favor of higher-income tenants, thus helping to maintain neighborhood stability and limit the turnover of existing residents.

Tenant-Based Rental Assistance Programs

(Federal, State & Local)

Nonpayment of rent is the most common cause of eviction.[48] Rental assistance programs can help renters manage housing costs and potentially prevent an eviction judgment. These programs may also support tenants with security deposits or cover rent payments in emergency situations.

The effectiveness of rental assistance programs depends on the financial capacity of government agencies to meet residents' housing needs.[49]

Some cities that provide emergency rental assistance for households facing eviction are Jacksonville and San Antonio.

Just Cause Evictions Protections
(Local & State)

Just cause ordinances are legal provisions that require landlords to provide a valid reason, or just cause, before evicting a tenant. These laws protect tenants from arbitrary evictions, ensuring they are not removed from their homes without legitimate justification.

For example, Boston's Just Cause Ordinance limits the grounds for eviction to circumstances such as nonpayment of rent, lease violations, illegal use of the property, nonrenewal of the lease, or tenant refusal to grant reasonable access to the landlord. The ordinance also defines no-fault evictions, in which the tenant is not at fault, but the tenancy may be terminated.

Circumstances for no-fault eviction include owner move-in, withdrawal of the unit from the rental market, or demolition of the unit. In certain no-fault eviction cases, landlords may be required to provide relocation assistance to affected tenants.[50]

Foreclosure Prevention Programs
(Local & State)

Homeowners unable to consistently meet mortgage obligations may face challenges when engaging with financial institutions, as processes such as loan modification can be complex and difficult to navigate without specialized financial knowledge.

Social vulnerabilities such as limited digital access, difficulty navigating online systems, language barriers, and auditory or visual disabilities can further complicate the loan modification process. Foreclosure prevention programs intervene by mediating between homeowners and financial institutions, facilitating solutions such as refinancing loans, budgeting assistance, and credit score repair. Local governments can utilize their affordable housing trust funds (see Inclusionary Zoning) to support programs providing foreclosure assistance. Examples of government-led foreclosure prevention programs include Washington's Foreclosure Fairness Program and Oregon's Homeownership Stabilization Initiative. [51]

Tenants Access to Counsel
(Local & State)

A tenant's access to counsel, or right to counsel, is a legal protection that ensures tenants have legal representation in housing court, most often in eviction proceedings.

Access to counsel empowers tenants to navigate complex legal systems, understand their legal rights and protections, negotiate outcomes, petition for the sealing of eviction records where permitted, and ensure procedural fairness.[52]

Several states and municipalities have implemented tenant access to counsel programs.[53] Baltimore, San Francisco, New York City, Philadelphia, and Cleveland have implemented a tenant right to counsel in eviction cases.[54]

Eviction disproportionately harms households with children and women. Between 2007 and 2016, children accounted for about 40 percent of those experiencing eviction.
Black women, although comprising just 10 percent of the renter population, accounted for nearly 30 percent of evictions during the same period.[55]

Mutual Aid
(Local)

Mutual aid is a grassroots, community-based model of support that facilitates the redistribution of financial, material, and social resources to meet local needs from within a community itself.

Mutual aid networks are composed of community members who voluntarily contribute time, money, goods, or services to assist fellow neighbors. Mutual aid groups address a spectrum of needs, including housing instability, food insecurity, access to education, healthcare shortages, support for marginalized populations, neighborhood infrastructure, and small businesses.

A defining feature of mutual aid organizations is an absence of eligibility requirements, which enables them to provide assistance without requiring proof of need. Because they are less formal in nature, mutual aid networks are inherently flexible and can mobilize quickly in response to emerging needs, then disband once those needs have been met.

Mutual Aid in Practice

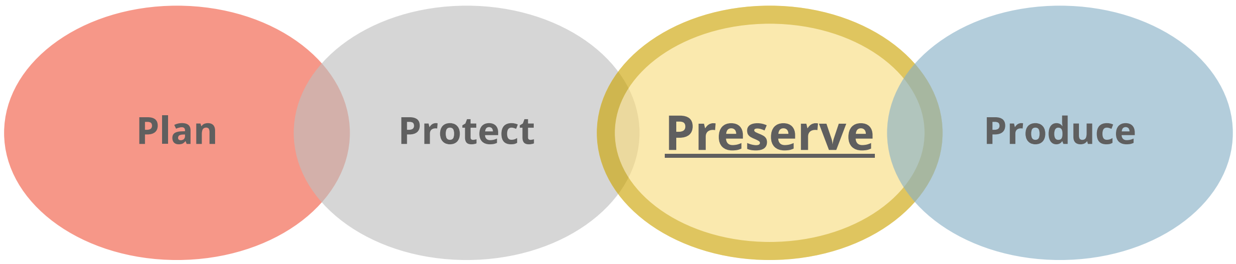
Community fridges are a form of mutual aid which gained popularity during the COVID-19 pandemic, offering fresh and shelf-stable foods on a 24/7, first-come, first-serve basis, and “no questions asked” model.[56]

Unlike food pantries, community fridges offer prepared meals in addition to groceries and canned foods; these prepared meals are popular with school-aged children, unhoused populations, and college students alike

Other examples of needs met by mutual aid networks include:

- Meal shares: with chapters nationwide, Food Not Bombs distributes prepared vegetarian meals without burden of proof. [57]
- Tenant-assistance: In New York City, P.A.L.A.N.T.E. provides legal support to tenants facing eviction, harassment by institutional landlords, or deteriorated housing conditions.[58]
- Criminal justice reform: In Ohio, the Cleveland Bail Fund supports pre-trial release for non-violent offenders who remain detained due to inability to pay, with the goal of promoting equity and strengthening community stability across the entire community.[59]
- Parental support: In Texas, the Austin Diaper Bank offers critical supplies to single parents in need.[60]
- Urban green space: In Chicago, the Stein Learning Gardens at Saint Sabina Church address food insecurity and provide access to green space by cultivating fresh produce in the Auburn Gresham neighborhood, a food desert.[61]

THE 4P FRAMEWORK PRESERVE: SAFEGUARD AFFORDABLE HOUSING AND COMMUNITY RESOURCES



All communities, regardless of socio-economic status, have assets and resources. While *protection* policies are designed to safeguard human and social resources, **preservation** policies regard the long-term viability of a neighborhood's physical resources.

Affordable housing is the most critical resource for reducing displacement risk. However, effective preservation strategies must also include neighborhood institutions, which help stabilize communities and may experience displacement themselves.

Some examples of a neighborhood's physical resources include:

- public schools, libraries, community centers, and recreation centers
- green spaces like parks, playgrounds, and community gardens
- natural resources; bodies of water, biodiversity preserves, and urban forests
- religious institutions and local non-profits
- open air markets and small businesses
- pedestrian networks (bike infrastructure, walking paths, accessibility ramps)

The preservation strategies included in this guide are **code enforcement, community land trusts, regulation of investor purchases of single and multi-family homes, mobile home preservation programs, tenant-opportunity-to-purchase (TOPA) agreements/community-opportunity-to-purchase agreements (COPA), and small landlord support.**

Code Enforcement (Local)

Code enforcement is an essential tool for preserving quality affordable housing. When local governments and municipalities inspect and actively enforce housing codes, they support the maintenance of existing units and prevent the displacement of tenants due to unsafe or deteriorated conditions.

This is particularly important for preserving unsubsidized, or naturally occurring affordable housing (NOAH), which makes up a significant portion of housing available to low- and moderate-income renters.[62] Without regular enforcement, properties may fall into disrepair, become unsafe for occupancy, or be removed from the rental market entirely.

In areas with rising property values, neglected properties are more likely to be acquired by speculative investors, leading to renovations that raise rent and displace existing tenants.[63] Pro-active code enforcement allows municipalities to intervene and support the long-term viability of affordable housing units.

Community Land Trusts (Local)

Community Land Trusts (CLTs) are non-profit entities that preserve long-term housing affordability by maintaining community ownership of land. CLTs separate land ownership from building ownership by holding land in trust and providing long-term "ground leases".

CLTs operate with a **shared equity model**, which limits resale prices and requires that increases in property value be shared between the leaseholder (homeowner) and the trust. By limiting profiteering, CLTs preserve affordability over time and allow future residents and businesses to access properties at below-market prices. Thus, neighborhoods are less influenced by the rises in property values which follow environmental remediations and neighborhood investment. More than 250 land trusts operate nationwide, including in Minneapolis and St. Paul.[64] Municipalities often partner with CLTs to convert market-rate housing or publicly owned land into permanent affordable housing. These partnerships provide financially efficient long-term solutions, as the shared equity model reduces reliance on public subsidies.

Regulate Investor Purchases of Single and Multi-Family Homes
(State & Local)

The commodification of housing; the buying, selling, and trading of housing stock as a financial asset, often precedes patterns of displacement and subsequent gentrification within low-income and minority neighborhoods, presenting a threat to the preservation of affordable housing.[65] As foreclosures spiked during the Great Recession, institutional investors increased their share of the nation's rental housing stock, from 15 percent in 2001 to 27 percent by 2018.[66]

The Urban Institute defines an institutional investor as entities owning 100 or more single-family homes and estimates that institutional investors own more than 574,000 residential properties nationwide.[67]

Neighborhoods with large concentrations of investor-owned properties experience adverse housing outcomes: a rise in eviction judgements, increased homelessness, and cultural erosion.[68]

Institutional investors participate in the housing market differently than residents or small landlords. Unlike traditional tenants, institutional investors do not live in the homes they own and may be less invested in the plight of a community than a neighbor. Further, institutional investors engage in speculative investment (e.g., house flipping, large-scale rental operations, and the management of short-term rental portfolios) and have vested interest in the profitability of housing stock.

New York, San Francisco, and New Orleans have regulated institutional investor activity through restricting the operation of short-term rentals by non-resident, multi-property investors. Measures like these serve to mitigate the potential cultural displacement of existing residents, preserve community identity, and maintain neighborhood stability.[69]

Mobile Home Preservation Programs
(Local & State)

Mobile homes play a significant role in addressing the needs of the affordable housing crisis. More than two-thirds of new mobile homes sold for less than $125,000, whereas no new site-built homes sold for less than $125,000 nationwide in 2021.[70]

Mobile home communities disproportionately provide housing for people living in poverty, persons with disabilities, non-native English speakers, Native Americans, older adults, and households with young children, relative to other housing types.[71] The residents of mobile home communities face unique displacement pressures. Many residents who own their properties outright must continue to rent the lots their homes occupy. Further, unlike traditional housing developments in which utilities are managed by public agencies; at mobile parks, utility infrastructure and compliance are managed by park operators or other third parties. These structural and management uncertainties heighten the vulnerability of already marginalized populations, placing them at greater risk of housing instability.

Florida's Mobile Home Act establishes legal protections for mobile home residents and defines the responsibilities of park owners. The law grants residents the right to negotiate for improved housing conditions, sets procedures for relocation when a park is sold, requires landlords to provide at least 90 days' notice before raising rent, and specifies the legal process that must be followed prior to an eviction filing. In California, cities like **Los Gatos** and **San Jose** have enacted mobile home rent control ordinances that limit rent increases to once per year and tie allowable increases to the Consumer Price Index (CPI) to maintain affordability and transparency.[72]

Tenant Opportunity to Purchase (TOPA) & Community Opportunity to Purchase (COPA)

(Local)

Through **TOPA** programs, multi-family housing tenants have the right to collectively purchase their occupied property from a landlord who intends to sell the property. This is commonly known as the **right of first refusal**. Landlords are thus required to notify tenants of their intent to sell the occupied property, and tenants must have the opportunity to match or exceed third party offers for the property. TOPA laws typically include only multi-family units. [73]

Washington D.C.'s TOPA program, established in 1980, is the most comprehensive and longest running in the United States. Cities like Baltimore, Minneapolis, and Berkeley have implemented their own versions of the program.

Similarly, **COPA** grants qualified non-profit organizations the right of first refusal to purchase multi-family properties for sale. COPA allows non-profits the opportunity to acquire properties before they are purchased by outside parties which may not prioritize affordability.

Like TOPA, properties purchased with COPA must maintain long-term affordability.
In San Francisco, COPA applies to privately-owned residential buildings with three or more housing units. Sellers must notify pre-qualified non-profits of their intent to sell; non-profits then have 25 days to make an offer to purchase the property.[74]

For their uses, TOPA and COPA programs have limitations.
There are no price restrictions on the initial sale of a property; sellers are not bound to affordability requirements. Cooperative purchases are often complicated, requiring sophisticated legal knowledge, financing mechanisms, and technical assistance. Even when TOPA regulations are well-enforced, tenants may be approached by landlords or interested third parties with buy-out settlements, which, while useful for individual households, fail to preserve long-term affordable housing.

Small Landlord Support
(Local & State)

In rental markets already experiencing patterns of gentrification, local landlords face pressure to sell their housing stock to incoming investors. This consolidation of players within the rental housing market decreases housing affordability, community accountability, and competition, allowing for price inflation and tenant exploitation. Supporting small landlords can decrease displacement outcomes and promote the accumulation of generational wealth within communities.

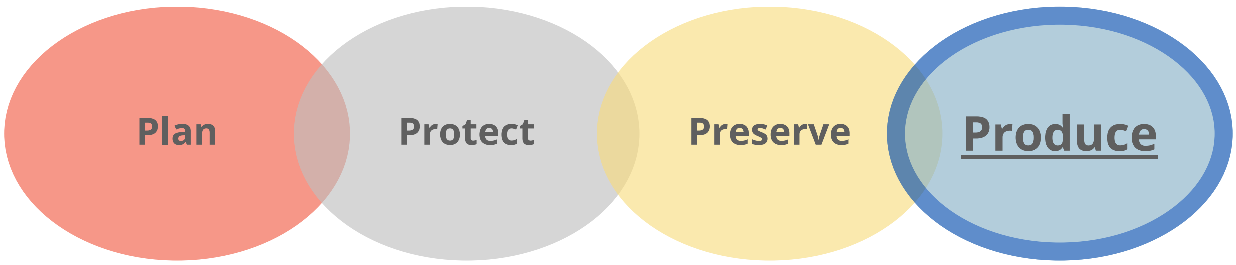
Data suggests that local landlords (when compared to institutional investors) are more likely to:

- rent lower-cost housing
- have low-income tenants
- make material, financial, and social investments in the communities where their properties are located
- rehabilitate properties in need of repair.[75]

Municipalities can support small landlords by developing mentorship networks that connect small landlords with their peers and home-repair professionals. Additionally, cities can provide tailored financial services designed for the needs of local landlords.[76]

Philadelphia's Rental Improvement Fund (RIF) provides forgivable loans for local landlords making improvements to their rental properties. To be eligible for such funding, landlords cannot own more than 15 rental units across 5 rental properties and must comply with the 'maximum monthly rent per bedroom' requirements which allow rent to remain "affordable to households earning at or under 60% AMI".[77]

THE 4P FRAMEWORK PRODUCE: EXPANDING THE SUPPLY OF AFFORDABLE HOUSING



Nearly all communities in the United States face a shortage of affordable housing.[78] As the available affordable housing stock ages, the demand for affordable housing increases.

Like preservation, production strategies are focused on the physical structures that provide housing and protect communities against displacement. Today, the continued production of affordable housing may be more difficult than ever. Challenges in the production of modern affordable housing include inflated construction costs, rising insurance costs, and high interest rates, as well as zoning regulations that prioritize homeowners over renters and favor the construction of single-family, middle- to high-income, low-density housing. To meet these challenges, policies must incentivize the production of affordable housing.

The production strategies included in this guide are: **accessory dwelling units, impact and linkage fees, density bonus incentives, inclusionary zoning, inclusionary zoning, and low-income housing tax credits.**

Accessory Dwelling Units (State & Local)

An **accessory dwelling unit** (ADU) is a secondary, self-contained residential unit constructed on the same lot as a larger single-family residence. ADUs can be converted from existing structures, such as carports or basements, or they may be new constructions entirely, either attached or detached from the primary residence. ADUs can provide affordable housing and generate rental income for the homeowner. In some cases, ADUs house aging relatives or adult children. These arrangements may be beneficial for low-income households, older adults, and people with disabilities, offering social and financial benefits for their families.[79]

The use of ADUs as an affordable housing production strategy has its limitations, including:

- increased demand on utility systems, public infrastructure, and street parking,
- the potential for neighborhood **touristification** in gentrifying areas through the short-term rental use, and
- inaccessibility for low-income homeowners due to high up-front costs.[80]

Impact and Linkage Fees (Local)

An **impact fee** is a one-time charge local governments impose on new developments. The revenue from impact fees is used to finance the expansion of public infrastructure and services required for the new development—e.g. roads, sewage, libraries, and schools. The city of Phoenix, Arizona implements impact fees to finance a range of public services including parks, libraries, and wastewater services.[81]

Linkage fees are a type of impact fee, charged to both residential and commercial developments to fund the creation or preservation of affordable housing. In San Diego, linkage fees are applied to specific categories of commercial development, such as research and development facilities ($0.80 per square foot) and office space ($2.12 per square foot). These fees are directed to the city's Affordable Housing Fund.[81]

Density Bonus Incentives
(State & Local)

Density bonuses are granted to developers to incentivize the production of affordable housing units within new developments or rehabilitation projects. Local governments may grant developers a range of permissions, including fee waivers, zoning variances, increased height permissions, or reduced parking requirements.[82]
Density bonuses incentivize the construction of mixed-use projects. Mixed-use projects construct residential and commercial developments within adjacent parcels. By increasing neighborhood density and walkability, mixed-use developments allow for greater inclusion amongst socially vulnerable groups, including the elderly, school-aged children, persons with disabilities, and carless households.

However, these strategies do have limitations. Linkage fees and density bonus incentives can tie the construction of affordable housing to the construction of private sector, market-rate or above market-rate housing. Thus, such strategies may bind the construction of affordable housing to agents of the gentrification process itself.

Inclusionary Zoning
(Local)

Inclusionary Zoning (IZ) is a local policy tool which mandates that new residential developments include a proportion of affordable housing units in addition to market-rate apartments. IZ laws define affordability using the Area Median Income (AMI).[83] There are nearly 900 local governments with inclusionary zoning policies.[84] Inclusionary zoning policies may have varying terms across jurisdictions. Some variations include:

- the required period for affordability,
- the considered range of affordability,
- the permission of alternatives, such as opt-out fees or land donations.

Worcester, Massachusetts requires new residential developments with 12 or more units to adhere to the city's Inclusionary Ordinances. New developments must designate either 15 percent of new units at or below 80 percent of the AMI, or 10 percent at or below 60 percent of the AMI. Alternatively, developers may pay an opt-out fee toward the city's Affordable Housing Trust Fund.

Low-Income Housing Tax Credits *(Federal and State)*

Low-income housing tax credits (LITHC) represent an important and widely accessible tool in the production of affordable housing and the application of anti-displacement policies. Through the allocation of tax credits, the federal government incentivizes private developers to invest in affordable rental housing and overcome barriers in development such as high construction costs.

Federal program requirements mandate state agencies to distribute housing tax credits that have an affordability period of at least 30 years, and most of the funded projects construct affordable housing units exclusively. While LITHCs face implementation challenges community opposition to housing development, the program supported the development of almost 45, 905 projects and 2.97 million affordable housing units between 1987 and 2015.[85]

The wide accessibility and efficiency of the program have expanded the application of LITHC to fund other project-based rental assistance programs (e.g. Section 8) aimed at serving vulnerable populations (e.g. residents with disabilities, the elderly, and residents living in rural areas). Along with local policies and programs, low-income housing tax credits can prevent displacement by increasing the supply of available affordable housing.[85]

LIHTC is distributed to project applicants by state housing agencies, and each state creates their own plan for prioritizing credit allocation. Municipalities can partner with affordable housing developers to support projects that align with the needs of their community. Specific strategies include fast-tracking development review, helping developers communicate with local residents, and writing letters of support to state housing agencies to increase the likelihood of project funding.

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