

The Rise of Market-Reliant Affordable Housing Tools

Findings from the National Longitudinal Land Use Survey

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Survey results covering two decades of planning policy trends in US cities show a decline in government-organized housing trust funds and a shift toward private market-reliant affordable housing tools such as inclusionary zoning and zoning incentives. The result may ultimately be less housing support for low- and moderate-income families in the communities that need it most.

This brief leverages results of the National Longitudinal Land Use Survey (NLLUS) to examine how communities have altered land-use policies to generate housing affordable for households with low and moderate incomes. We explore how local jurisdictions with land-use powers have altered their approaches to implementing affordable housing trust funds, inclusionary zoning, and zoning incentives. Results indicate that localities are increasingly dependent on market-reliant tools that provide incentives for or require private-market actors to produce affordable housing as a part of their normal business instead of localities proactively and directly paying to develop affordable housing.

Key Takeaways

Local governments increasingly leverage market-reliant land-use policy tools to produce affordable housing. On average, localities have reduced their emphasis on using publicly run affordable housing trust funds and turned toward inclusionary zoning, which depends on private-market investment in market-rate units to produce affordable units as a share of total construction. As such, affordable housing production is constrained by the overall housing market, which itself is constrained by other forces, such as restrictive zoning laws and high construction costs. Research indicates that inclusionary zoning policies produce few new affordable units (Ramakrishnan, Treskon, and Greene 2019).

- The use of local policy tools to support affordable housing investment varies across the country. Larger, denser, and wealthier cities in the Northeast and the West are more likely to adopt tools such as housing trust funds, inclusionary zoning, and zoning incentives compared with cities in the Midwest and the South. These differences may reflect greater affordability challenges in the Northeast and the West, stronger demand that reduces the risk of using market-reliant policies, and greater wealth with which to use these tools. But many cities have yet to leverage these approaches to add affordable housing, and low-income communities have few local resources to address their needs through these tools.
- The national affordability gap remains daunting, and further assistance is needed to meet the needs of low- and moderate-income families. Although local governments have pursued market-reliant affordable housing-related policy tools, these initiatives are unlikely to meet the need for increased housing affordability among millions of Americans because evidence shows they create few affordable units and few cities implement them. Further federal investment remains necessary to fill the gap.

Contextualizing Local Housing Affordability Tools

Housing affordability is a crisis affecting most US metropolitan areas. Most households with incomes less than \$35,000 a year spend more than half their incomes on rent, leaving little for food, education, and health care (Getsinger et al. 2017; JCHS 2020). The affordable housing crisis has pushed local governments nationwide to develop new tools to create units accessible to low- and moderate-income families.

The two primary policy tools by which the federal government reduces housing expenses for families are the Low-Income Housing Tax Credit, which finances the construction or renovation of dwellings for low- and moderate-income families, and Housing Choice Vouchers, which provide low-income families support to rent housing, much of it on the private market. Despite a rising affordability crisis, per capita federal support for low-income renters has declined by roughly 20 percent over the past decade (Vale and Freemark 2019), and Housing Choice Vouchers provide assistance to only one in four eligible households (Ellen 2020). Neither program is sufficiently funded to meet the country's affordable housing needs, provoking local governments to search for new ways to create affordable housing.

Moreover, neither federal program directly addresses local policies that prevent the creation of an adequate housing supply overall in the face of high demand and rising costs, especially in neighborhoods with the greatest access to opportunities such as employment. Local governments are granted considerable authority to manage their own land-use regulations and tax policies, both of which local actors can use to exacerbate inequities between communities or to reduce them. Some local laws allow for wealth hoarding by a few exclusive communities, which limits the ability to redistribute funds for public services to less-well-off places (Freemark, Steil, and Thelen 2020; Trounstine 2018). As a consequence, compared with urban areas in peer European countries, access to affordable housing in

US metropolitan regions is less evenly distributed between municipalities, and segregation is more entrenched (Freemark and Steil 2021).

Local land-use laws affect the availability and price of housing and can be used to promote equitable outcomes. Local policies that increase the quantity of affordable housing and reduce inequities between neighborhoods can complement federal investment. Zoning regulations define what types of land uses are allowed where, as well as the scale of new construction. Zoning changes, thus, can affect property values and new construction (Dong 2021; Einstein 2021; Freemark 2020; Greene and Ellen 2020; Monkkonen 2019). In general, a larger supply of housing—whether oriented toward low- and moderate-income families or not—is associated with lower housing costs overall in the long run (Been, Ellen, and O'Regan 2019).

Local rules can also support affordable units more directly. Localities can generate funds from taxes to support investment in affordable housing (e.g., through trust funds) and shape the affordability of new market-rate development, such as in terms of requirements that new market-rate projects include units affordable for low- and moderate-income families (inclusionary zoning). We explore these latter approaches and their use by communities in this brief, which leverages data from NLLUS (Gallagher, Lo, and Pendall 2019).

We explore key findings from NLLUS on affordable housing–related tools and regulations that cities have implemented, the characteristics of jurisdictions that favor one kind of program over another, and the ways implementation of those regulations has changed. We show that communities have increasingly turned away from government-coordinated housing trust funds and toward more private market–directed tools, such as inclusionary zoning, to increase affordable housing availability. In the process, cities have left the fortunes of low-income families up to a real estate development sector that faces many constraints and inadequate incentives in producing even enough market-rate housing to meet the demand of people who can afford it—let alone subsidized, affordable housing for all who need it.

Research Methods

Using data collected from NLLUS, this brief offers unique insight into understanding local rules related to affordable housing and how they have changed. Overseen by the Urban Institute, NLLUS is a repeated survey—conducted first in 1994, again in 2003, and most recently in 2019—of jurisdictions that regulate land use. It tracks jurisdictions' regulations over 25 years using the same or similar questions each time to ensure accurate comparisons. Other surveys such as the Wharton Residential Land Use Regulation Index (Gyourko, Hartley, and Krimmel 2019) or the Terner Center California Land Use survey (Mawhorter and Reid 2018) capture similar measures of zoning and land-use restrictions, but NLLUS is the only national land-use survey to capture jurisdictions' proactive affordable housing production policies (Pendall 2020).

In 2019, Urban distributed the survey by email to staff in every city or other jurisdiction that had planning authority, at least 10,000 residents, and was located in the 50 largest US metropolitan areas by population. Roughly 50 percent of recipients completed the survey online. We tested the characteristics of respondents, finding that they were representative of the full cohort of such jurisdictions across the nation in terms of population size and density. Survey questions and results are available for the public and researchers to explore for free, either using an online interactive tool or through a detailed data catalog (Gallagher, Lo, and Pendall 2019).

In this brief, we compare NLLUS results from 2003 and 2019, focusing on communities with staff who responded in both years to ensure that changes are not biased by different response levels in the two years. We study responses related to affordable housing trust funds, mandatory inclusionary zoning, and zoning incentives. We undertake analyses that identify overall trends, as well as multivariate regressions, which allow us to identify whether community use of particular policy tools is associated with local demographic characteristics, based on data derived from the US Census Bureau and American Community Survey (in 2000 and 2016).

Other researchers have begun to publish findings using NLLUS data. Pendall, Lo, and Wegmann (2021), comparing results from 2003 and 2019, show that metropolitan areas with depressed housing markets were more likely to embrace exclusionary zoning. On the other hand, in metropolitan areas with strong housing markets, they find that zoning became more accommodating in terms of allowing higher-density apartments, including in suburban communities.

Our research offers new evidence for the ways local governments have changed their approaches to regulating land use, especially regarding affordable housing policies. Results we describe here, however, are limited by the design of NLLUS. First, because the survey was conducted at specific times, it does not record policy interventions that may have occurred in intervening years (e.g., a city that adopted inclusionary zoning in 2004 and eliminated it in 2018 would be recorded as not using inclusionary zoning in the 2003 and 2019 surveys). This may, in part, explain differences in our data on housing trust funds and data produced by other surveys (Housing Trust Fund Project 2016).

Second, the survey relies on knowledgeable staff and shared definitions. Respondents from some communities may not have been fully aware of policies in place, or they interpreted questions in a manner different from how respondents from other cities did. Lewis and Marantz (2019) emphasize that survey responses on zoning policy may be inconsistent and unreliable. Third, though NLLUS is more detailed than any equivalent national land-use index, there remain policy details specific to each community that cannot be captured in the survey responses we describe. Nevertheless, the longitudinal nature of the survey, especially its inclusion of responses from many of the same communities over time, provides useful insight that is otherwise unavailable.

Changing Popularity of Local Affordable Housing Tools

We examine NLLUS data on local jurisdictions' affordable housing policies. The following are common, but they do not represent the full range of policies local governments enact.

- Housing trust funds are dedicated accounts communities can use to fund affordable housing construction, acquisition, or maintenance. Governments fund trust funds in myriad ways, such as taxes, impact fees, in-lieu fees, and other revenue mechanisms (in some cases, the in-lieu fees are funded by inclusionary zoning policies, described below). Local government agencies typically distribute funds to projects and individuals chosen through public decisionmaking. These funds became increasingly popular in the 1980s, and there are an estimated 700 such funds throughout the US, including state-supported ones. For example, Washington, DC's Housing Production Trust Fund has generated funds to create or preserve about 10,000 units of affordable housing over the past two decades. Localities with such funds have discretion over their use, such as what types of residents qualify for support and which buildings are subsidized (Brooks and Anderson 2017).⁷
- Mandatory inclusionary zoning policies require private developers to include a certain share of affordable units as part of new market-rate development projects or pay an in-lieu fee into a trust fund in the place of such development. Such policies rely on private-sector investment; without private projects, no affordable units are completed. Certain inclusionary zoning policies are voluntary, sometimes combined with a zoning incentive (see below); others allow developers to pay an in-lieu fee instead of building affordable housing on site, often directed toward local housing trust funds. Local governments determine eligibility for affordable housing units created through inclusionary zoning, as well as the share of units that must be designated affordable, and whether such units are for rent or for sale (Anacker 2020; Dawkins, Jeon, and Knapp 2017; Keep-Barnes 2017; Ramakrishnan, Treskon, and Greene 2019; Shroyer 2020; Thaden and Wang 2017).
- Zoning incentives are exceptions to the base zoning code that allow developers to construct bigger buildings, fewer parking spaces, or more units on a specific site, or to vary from base zoning in some other way, in exchange for providing affordable housing. As with inclusionary zoning, this policy relies on private-sector investment to be viable (Sclar et al. 2020; Yeganeh, McCoy, and Hankey 2019).

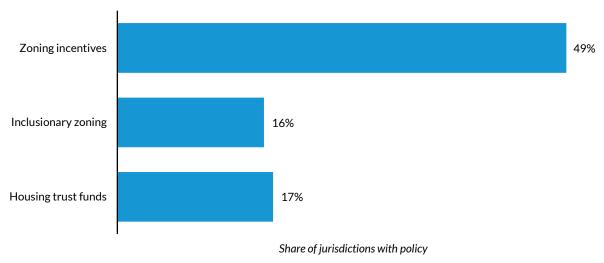
These three policies often interact. Some jurisdictions allow developers to meet mandatory inclusionary zoning requirements by paying in-lieu fees (NLLUS data show that two-thirds of jurisdictions with mandatory inclusionary zoning offer this option), and the revenue from these fees often flows into affordable housing trust funds. Because NLLUS questions ask about these policies independently,⁸ our analysis does not address the interactions between these three policies but instead examines each policy and how it has changed over time separately.

Furthermore, each of these policies is subject to state government oversight. Several states have outlawed mandatory inclusionary zoning by municipalities within their borders; other states encourage it. States also sometimes set out specific requirements related to trust fund management or use of zoning policies. We do not, however, examine differences between states on this front.

According to the 2019 NLLUS, the use of specific local housing affordability policies varies across the United States. Just under half of respondent communities used zoning incentives, with about a third

as many using housing trust funds or regulating new construction through inclusionary zoning policies to create affordable housing (figure 1).

FIGURE 1
Popularity of Key Local Affordable Housing Policies, 2019



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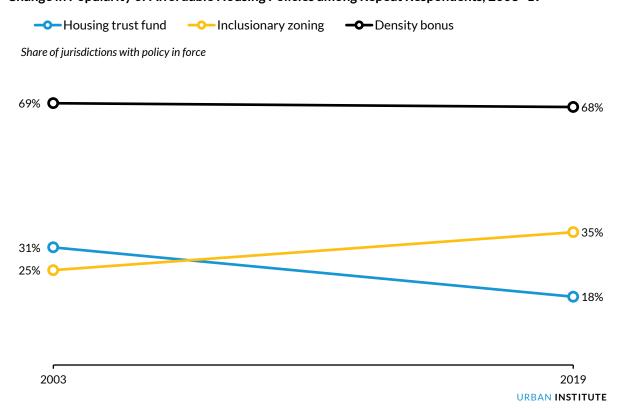
Source: Authors' analysis of National Longitudinal Land Use Survey (NLLUS) data.

Notes: N = 753 to 915 respondents. The figure includes all census "place"-level jurisdictions in NLLUS with populations greater than 10,000. Variables are nonexclusive.

Facing rising concerns about housing affordability, communities have altered their approaches to affordable housing policy to lean more heavily on private-sector initiatives. Figure 2 illustrates *repeat* respondents' affordable housing policies between 2003 and 2019 (in other words, it documents only policies in communities with staff who responded in both years). Among repeat respondents, the percentage who used an affordable housing trust fund declined from 31 percent to 18 percent.

At the same time, the use of density bonuses for affordable housing developers, the most popular zoning incentive in the survey, remained constant at roughly two-thirds of surveyed communities (though we do not have enough information to determine whether the specific incentives communities used changed over time). Inclusionary zoning, on the other hand, has become increasingly popular: 25 percent of respondent communities used it in 2003 and 35 percent used it in 2019. In 2019, of the 158 communities using in-lieu fees (64 percent of those with inclusionary zoning programs), 115 also had a housing trust fund into which in-lieu fees may be directed (73 percent of those with in-lieu fees). Communities without trust funds may be directing their in-lieu fees into another account.

FIGURE 2
Change in Popularity of Affordable Housing Policies among Repeat Respondents, 2003–19



Source: Authors' analysis of National Longitudinal Land Use Survey (NLLUS) data.

Notes: N = 260 to 615 respondents. The figure includes all census "place"-level jurisdictions in NLLUS who responded in both 2003 and 2019 with populations greater than 10,000.

Declining Use of Affordable Housing Trust Funds

Local governments vary in terms of what revenue sources they use to create affordable housing trust funds (e.g., federal sources such as Community Development Block Grant or HOME funds, state funds, or local taxes, impact fees, and in-lieu fees) and how the money generated may be spent, but affordable housing trust funds are often used to supplement federal resources, paying for a portion of new housing project costs, purchasing and preserving the affordability of private-market units, or subsidizing low-income renters to live in private-market apartments. According to the Housing Trust Fund Project, 588 cities use housing trust funds; these collectively generate more \$1 billion in revenues annually. ¹⁰

Although the use of trust funds remains relatively frequent, especially in certain parts of the country, local commitment to them as a policy tool is declining overall. Nonetheless, voters in several cities, such as Charlotte and Raleigh, North Carolina, agreed to support large new funds through property tax–funded bonds in last November's election, suggesting the concept has not yet left the local housing-policy lexicon. ¹¹

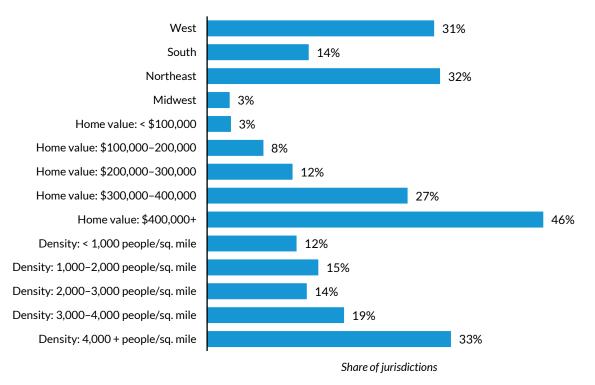
Housing Trust Funds Are More Popular in Expensive and Dense Communities in the Northeast and the West

Communities with higher population densities were more likely than other communities to have housing trust funds in 2019 (figure 3). Having higher local home values was also correlated with more use of funds. High housing values' influence makes sense, given that affordable housing is perhaps needed most in cities where housing costs are highest.

Figure 3 also shows that affordable housing trust funds were more popular among jurisdictions in the Northeast and the West, with 32 and 31 percent of communities in those areas using these funding mechanisms, respectively. Southern and midwestern communities were, on average, less likely to use them, which likely stems from the broader prevalence of urban decline in these regions and midwestern communities' tendencies to establish exclusionary land-use environments (Pendall, Lo, and Wegmann 2021).

FIGURE 3

Distribution of Jurisdictions with Affordable Housing Trust Funds, by Region, Home Value, and Density



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Source: Authors' analysis of National Longitudinal Land Use Survey (NLLUS) data.

Notes: N = 1,302 respondents. The figure includes all census "place"-level jurisdictions in NLLUS with populations greater than 10,000.

We conducted a series of regressions to control for relationships between variables and limited the number of variables to avoid multicollinearity (table 1). We found that local housing values and population density are statistically significantly associated with having a housing trust fund in use. In addition, larger cities are more likely to have such funds in effect, perhaps suggesting that local bureaucratic capacity influences the ability to implement local housing affordability programs. Having a higher white population, however, was negatively associated with such policies, which may reflect less distributive governance often associated with more white-dominated communities (Tausanovitch and Warshaw 2014).

Moreover, communities in the Northeast were more likely to have trust funds in use than communities in other regions, even after controlling for local housing values and other characteristics (table 1, model 2). It is less clear why that is the case. It may be that northeastern jurisdictions have local political cultures that are more supportive of government-funded affordable housing than midwestern or southern political cultures.

TABLE 1
Correlates of the Presence of a Housing Trust Fund (1 or 0), by Land-Use Jurisdiction, 2019

	Model 1	Model 2
Share of population that is non-Hispanic white	-0.10 (0.04) **	-0.13 (0.05) ***
Population size (log)	0.05 (0.01) ***	0.06 (0.01) ***
Population density (log)	0.02 (0.01) **	0.02 (0.01) **
Median housing value (log)	0.21 (0.02) ***	0.18 (0.02) ***
Northeast region (dummy)		0.17 (0.02) ***
South region (dummy)		0.03 (0.02)
West region (dummy)		0.04 (0.03)
Intercept	1.02 (0.21) ***	1.29 (0.22) ***
n	1,467	1,467
R^2	0.18	0.21

Source: Authors' analysis of National Longitudinal Land Use Survey (NLLUS) data.

Notes: The table includes all census "place"-level jurisdictions in NLLUS with populations greater than 10,000. Regional dummies are compared with the Midwest region. Robust standard errors are in parentheses.

Affordable Trust Funds Are Losing Popularity

Despite rising housing costs nationwide, many jurisdictions that had affordable housing trust funds in 2003 had abandoned them by 2019 (table 2). Overall, according to NLLUS data of 615 repeat respondents, ¹² the share of communities with trust funds declined from 31 percent in 2003 (192 communities) to 18 percent in 2019 (111 communities). Of those with trust funds in 2003, 59 percent gave them up by 2019, whereas of those without them in 2003, only 8 percent added them by 2019.

We used *t*-tests of means to compare the demographic characteristics of the communities that dropped or added housing trust funds over the study period. Those that dropped trust funds had significantly lower household incomes, median housing values, and share of their populations that were white than those that added trust funds. But there was no significant difference in population density or

^{***} p < 0.01; ** p < 0.05; * p < 0.1.

population overall between these two types of communities. This suggests, at least to some degree, that wealthier and more expensive jurisdictions with larger white populations are gathering and deploying affordable housing resources—and indeed, they are likely needed more in these expensive communities. But it also indicates that low-income communities and those with smaller shares of white residents may not be able to continue sustainably generating or attracting resources to support affordable housing for their most vulnerable residents.

TABLE 2
Persistence or Changes in Housing Trust Fund Policies among Repeat Respondents, 2003–19

	2019		
2003	No housing trust fund	Housing trust fund	Total
No housing trust fund	390	33	423
Housing trust fund	114	78	192
Total	504	111	615

Source: Authors' analysis of National Longitudinal Land Use Survey (NLLUS) data.

Note: The table includes all census "place"-level jurisdictions in NLLUS with populations greater than 10,000.

The regional differences in the use of housing trust funds suggest that US local housing policy should not be understood as operating using a singular approach. Moreover, the use of this policy tool has not persisted. One explanation for the decline may be the overall reduction in public support and federal or state transfers to fund local services ¹³ or that willingness to maintain trust funds wanes with varying political support. Even in places that are keeping trust funds, some are turning to market-reliant mechanisms to generate revenue for trust funds, such as in-lieu fees from inclusionary zoning requirements. In the face of declining public revenues and federal support in the face of rising needs, more cities may be placing the burden of affordable housing funding on the private sector, as we explore in the next section.

The Rise of Inclusionary Zoning

Inclusionary zoning is a policy tool designed by local governments to create affordable housing by requiring developers to set aside a minimum percentage of housing units in new projects to be sold or rented at below-market prices or to pay an in-lieu fee into a housing trust fund. (NLLUS specifies that respondents should note whether their communities have *mandatory* inclusionary zoning, though voluntary versions also exist, often as part of zoning incentive programs, which we explore in detail in the next section.) An example of inclusionary zoning would be if a developer proposed an apartment building with 80 residential units, and the city requires that 10 percent of the units, or 8 units, be devoted to renters with low or moderate incomes, or the developer can pay an in-lieu fee. In some cities, the developer would be allowed to build the affordable units off site, sometimes with a higher percentage requirement to encourage on-site development. Jurisdictions generally set requirements independently of state rules.

Unlike housing trust funds, which provide direct subsidies for tenant-based assistance and creating or preserving affordable units, inclusionary zoning serves as a quasi-tax on market-rate housing transactions either to create subsidized, income-restricted units or indirectly generate revenue to fund future affordable housing development. It depends on the creation of new market-rate projects—particularly those that appeal to higher-income families—to cross-subsidize the costs of providing housing for people with lower incomes. As a result, it is limited in its ability to produce a large number of affordable units. Moreover, it works only in cities and neighborhoods where there is a market for new investment and land values and where potential rents offset additional costs to developers for building affordable units.

Urban Institute researchers have previously found that inclusionary zoning's impacts are mixed. Although these policies have produced new units, they are typically reserved for moderate- or middle-income families, not the families with low or extremely low incomes who are most in need and who are more likely to be served by programs such as housing trust funds (Ramakrishnan, Treskon, and Greene 2019). The policy may also have a detrimental impact on overall pricing, as the cross-subsidy inherent in the model may increase the cost of market-rate units as developers pass the cost of the subsidy onto the market-rate housing buyers or renters to preserve their normal profit margins (Soltas 2020).

On the other hand, inclusionary zoning may make possible the development of mixed-income projects that are more likely to encourage neighborhood-level integration by economic class, race, or ethnicity (Kontokosta 2014). This may make it feasible for lower-income people to access communities of "opportunity"—those with better schools and easy commutes to jobs (Jacobus 2019). But the effectiveness of this policy in promoting social mix is dependent on whether jurisdictions allow developers to pay a fee *in lieu* of providing affordable housing on site or permit developers to build affordable housing units at a different site to fulfill the inclusionary zoning requirement. These two options reduce the potential for inclusionary zoning to decrease segregation.

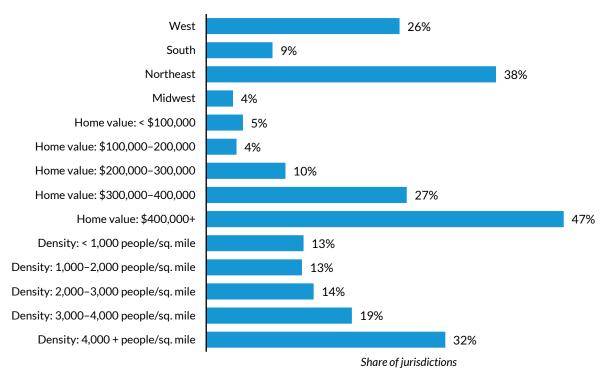
Despite these challenges, our review of NLLUS data shows that inclusionary zoning policies, unlike housing trust funds, have become more popular over the past two decades. But the popularity of such policies varies substantially, depending on region and local characteristics, such as population density and housing costs.

Large, Wealthy Cities in the Northeast and the West Are Using Inclusionary Zoning to Integrate Affordability into New Development Projects

As with housing trust funds, the use of inclusionary zoning is context dependent. Cities and counties with land-use power in the Northeast and the West were significantly more likely to use inclusionary zoning to promote affordable housing than those in the South or the Midwest, where such policies were virtually nonexistent (figure 4). The use of inclusionary zoning was also correlated strongly with housing prices (more expensive communities were more likely to have the policy in place). More than 47 percent of jurisdictions in the highest home-value quintile used such policies, compared with just 5 percent in

the lowest quintile. And communities with relatively high population densities (more than 4,000 people per square mile) were more likely to use inclusionary zoning than those with lowest densities.

FIGURE 4
Distribution of Jurisdictions with Inclusionary Zoning, by Region, Home Value, and Density



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Source: Authors' analysis of National Longitudinal Land Use Survey (NLLUS) data.

Notes: N = 1,315 respondents. The figure includes all jurisdictions in NLLUS with populations greater than 10,000.

Using multiple regression models—again, limiting the number of variables to reduce multicollinearity—we reaffirmed these findings. We identified housing value to be a significant contributor in determining whether a community has implemented inclusionary zoning (table 3). We also found that communities that had a higher share of residents of color and communities in the Northeast were more likely to have an inclusionary zoning policy in effect, similar to the findings we presented in table 1. We did not, however, find consistently significant differences in population size or density in affecting the likelihood of inclusionary zoning being used, suggesting that communities of many levels of bureaucratic capacity can implement this policy.

TABLE 3

Correlates with the Use of Mandatory Inclusionary Zoning (1 or 0), by Land-Use Jurisdiction, 2019

	Model 1	Model 2
Share of population that is non-Hispanic white	-0.14 (0.05) ***	-0.23 (0.05) ***
Population size (log)	0.01 (0.01)	0.02 (0.01) ***
Population density (log)	0.01 (0.01) *	0.01 (0.01)
Median housing value (log)	0.23 (0.02) ***	0.20 (0.02) ***
Northeast region (dummy)		0.22 (0.02) ***
South region (dummy)		-0.02 (0.02)
West region (dummy)		-0.02 (0.03)
Intercept	-2.77 (0.23) ***	-2.53 (0.24) ***
n	1,482	1,482
R^2	0.16	0.22

Source: Authors' analysis of National Longitudinal Land Use Survey (NLLUS) data.

Notes: The table includes all census "place"-level jurisdictions in NLLUS with populations greater than 10,000. Regional dummies are compared with the Midwest region. Robust standard errors are in parentheses.

One explanation for the regional variation in inclusionary zoning policy may be that certain state governments preempt local governments use of such tools, as we noted above. Eleven states, including Arizona, Colorado, Florida, Idaho, Indiana, Tennessee, Texas, Virginia, and Wisconsin, prevent local governments from implementing such policies. ¹⁴

Inclusionary Zoning Is Becoming More Popular

Among the full sample of cities with NLLUS responses in 2019, 16.1 percent noted that they used inclusionary zoning. But examining only repeat respondents—municipalities that were recorded in both 2003 and 2019—we found a significant increase in the use of inclusionary zoning, from 25 percent to 35 percent of communities (figure 2). Between 2003 and 2019, 23 municipalities in that repeat respondent group stopped using the policy, whereas 48 municipalities adopted it. Inclusionary zoning is becoming more popular overall.

We identified recent changes in the characteristics of communities using inclusionary zoning. Communities that added inclusionary zoning had higher population densities than those that dropped the policy between 2003 and 2019. In addition, those that added the policy were more likely to be in the Midwest or the South (21 of those jurisdictions that added inclusionary zoning) than those that abandoned the policy (12 percent of such jurisdictions were in the Midwest or the South).

The recent growth in the use of inclusionary zoning suggests forward momentum for jurisdictions relying on private-market actors to invest in mixed-income projects to promote affordable housing. The policy is particularly popular in more expensive communities—which makes sense, given that those are the places where relying on private development and engaging in cross-subsidization of costs is more feasible. Inclusionary zoning is also popular in denser communities, which are also the places where bigger apartment buildings are most financially viable.

^{***} p < 0.01; ** p < 0.05; * p < 0.1.

At the same time, the growing use of inclusionary zoning may not dramatically expand the affordable housing supply. There remain many more households with incomes too low to afford market rents than inclusionary zoning policies can supply. Consider the National Capital region, where more than 260,000 low-cost housing units are required to meet the affordability gap (Turner et al. 2019). By comparison, according to Census Bureau data, the District of Columbia, Maryland, and Virginia added 315,000 housing units *overall* between 2010 and 2019. If a 20 percent inclusionary zoning policy were in place across those three jurisdictions over the next 10 years and all units were built in the capital region, less than a quarter of the need for affordable units would be met.

Moreover, units supported through inclusionary zoning typically assist households living in neighborhoods where private development is financially feasible—in other words, wealthier and gentrifying communities—but provide little to no assistance to projects in lower-income communities, where the need for high-quality affordable housing is also present. Chicago's examination of its inclusionary zoning policy, for example, found that almost all new affordable units built under the program were in neighborhoods that were wealthier and whiter than the city as a whole (City of Chicago Inclusionary Housing Task Force 2020).

Inclusionary zoning may be useful to encourage the provision of additional affordable units, especially in opportunity neighborhoods, but it is limited in its ability to respond to overall housing affordability challenges. Inclusionary zoning depends on the overall rate of private-market housing production, which has failed to recover quickly from the Great Recession (JCHS 2020). That means it can play only a complementary role in overall affordable housing investment strategies. As an example, New York City's inclusionary housing policy, introduced in 2016, had produced only 2,065 units by 2020, in a city with 3.2 million housing units (Kober 2020). Municipalities thus must promote other policies to achieve their affordable housing production goals.

Local Zoning Incentives Remain Popular

Zoning incentives are tools through which communities allow developers to build projects more to their liking in exchange for a public benefit. These incentives have been the most popular housing-related land-use tools for local governments over the past 20 years. Example incentives include allowing developers to build at a higher density than otherwise permitted by the zoning code, reducing developer fees, fast-tracking construction permits, or reducing the number of mandated parking spots for new housing units. Developers providing affordable housing are entitled to leverage these incentives to alter requirements. (Other types of zoning incentives encourage the provision of public park space, plazas, and the like, but we consider only those that support affordable housing.)

A popular zoning incentive is permitting developers to exceed density limits through density bonuses. For example, Montgomery County, Maryland, requires 12.5 percent of all new residential units to be affordable (an inclusionary zoning law) but permits a density bonus of 22 percent above a zone's base density in exchange for a building that is more than 15 percent affordable units. ¹⁵ In California, the state density bonus law provides developers the ability to construct larger buildings if they offer

affordable units on site. ¹⁶ The use of density bonuses by land-use jurisdictions has remained steady and might have had modest effects on increasing housing density in some communities.

For municipalities intent on reducing housing costs, zoning incentives that promote housing affordability could encourage more housing production by easing development. In contrast with inclusionary zoning, which mandates the creation of affordable housing as part of new residential construction, zoning incentives are optional for developers looking to vary their development programs from what would otherwise be allowed as of right.

Despite a changing housing policy landscape, zoning incentives remain a popular tool for local governments to encourage increasing the housing supply. In 2019, according to NLLUS data, 49 percent of land-use jurisdictions used some sort of zoning incentive, compared with 16 percent that used inclusionary zoning and 17 percent that used affordable housing trust funds (figure 2).

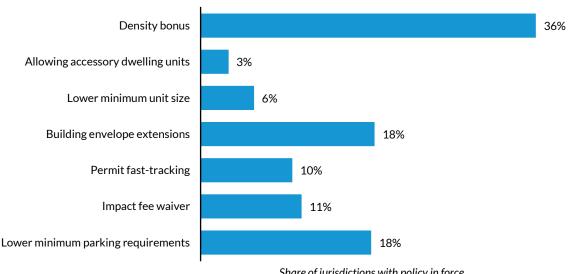
Communities Use Many Types of Zoning Incentives

Incentives offering developers a density bonus were by far the most popular policy among jurisdictions surveyed by NLLUS (figure 5). Thirty-six percent of jurisdictions had a density bonus policy in place in 2019. These policies typically are designed to allow developers to increase the floor area of new construction.

Eighteen percent of jurisdictions allowed building envelope extensions that increase the permitted size of new construction, such as through increased height limits or smaller setbacks to surrounding buildings. A similar share allowed lowered parking minimum requirements, freeing up lot area for housing and reducing construction costs.

Some jurisdictions waived impact fees for new housing or sped up permitting by allowing developers to fast-track the approvals process. Less-used policies included lowering minimum unit sizes (the requirement that individual dwellings have a minimum number of square feet) and permitting accessory dwelling units where otherwise prohibited.

FIGURE 5 Popularity of Different Zoning Incentives, 2019



Share of jurisdictions with policy in force

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Source: Authors' analysis of National Longitudinal Land Use Survey (NLLUS) data.

Notes: N = 79 respondents. The figure includes jurisdictions in NLLUS with populations greater than 10,000 that use zoning incentives and whose representatives answered this question.

Large, Wealthy Cities and Places with High Proportions of People of Color Use **Density Bonuses at Higher Rates**

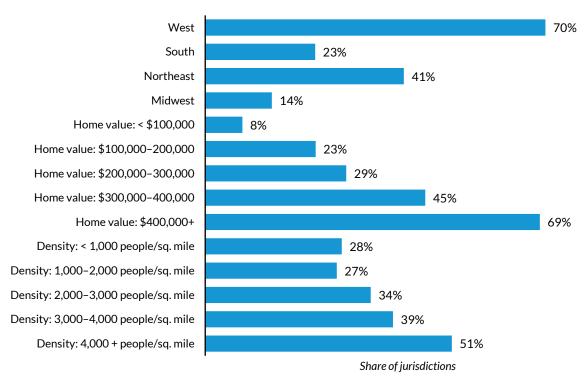
As with housing trust funds and mandatory inclusionary zoning, we recorded major regional differences in the use of these zoning incentives, based on NLLUS responses. For example, 41 percent of jurisdictions in the Northeast used density bonuses, compared with 70 percent in the West, 23 percent in the South, and 14 percent in the Midwest (figure 6).

Median home value within a jurisdiction correlated strongly with a community's likelihood of using this tool. Within the roughly one-fifth of cities and counties with the highest median home values (more than \$400,000), 69 percent used density bonuses. Among the roughly one-fifth of communities with the lowest home values (below \$100,000), this value was 8 percent. This connection may stem from the fact that density bonuses are worth more as incentives where the resulting extra units can be sold or leased for more money. In other words, density bonuses can be a stronger motivator for developers to produce affordable housing when the rest of the housing available is less affordable. These findings are similar to those we recorded for the use of inclusionary zoning.

The densest cities, too, were more likely than their peers to provide density bonuses, though that gap was smaller than the gap between the communities with the highest and lowest median home values. Fifty-one percent of the highest-density communities (those with at least 4,000 people per

square mile) had bonus density incentives, while only 28 percent of the lowest-density communities (those with fewer than 1,000 people per square mile) had such incentives in effect.

FIGURE 6
Distribution of Jurisdictions with Density Bonus Incentives, by Region, Home Value, and Density



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Source: Authors' analysis of National Longitudinal Land Use Survey (NLLUS) data.

Notes: N = 1,111 respondents. The figure includes all jurisdictions in NLLUS with populations greater than 10,000.

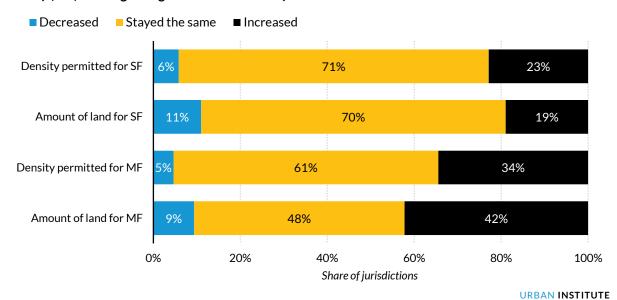
The proportion of people of color in a jurisdiction was also correlated with their likelihood of providing incentives for increased density. More than half the communities in the quintile with the highest share of people of color provided density bonus incentives. Meanwhile, only 25 percent of jurisdictions with the lowest proportion of people of color offered such incentives.

Use of Zoning Incentives Has Been Stable and May Be Producing Increased Multifamily Housing

The use of zoning incentives remained stable and popular between 2003 and 2019, based on a review of jurisdictions with staff members who responded to NLLUS in both years. Most jurisdictions that had them in 2003 maintained them through 2019, with a low share either adopting or abandoning them. Thus, such incentives continue to be essential tools in the land-use toolbox for municipalities, alongside the growing use of inclusionary zoning.

Zoning incentives may result in the creation of more housing overall. When asked how zoned density in their communities has changed over the past 10 to 15 years, respondents from less than a quarter of jurisdictions agreed that the amount of land available for single-family homes and the permitted density for such housing increased (figure 7). But around 30 percent of respondents agreed that the permitted density for multifamily construction increased in their communities, and about 40 percent agreed that the amount of land available for multifamily housing increased over the past 10 to 15 years.

FIGURE 7
Distribution of Jurisdictions' Answers to the Question: "In 2019, how has single family (SF) and multifamily (MF) housing changed in the last 10-15 years?"



Source: Authors' analysis of National Longitudinal Land Use Survey (NLLUS) data.

Notes: N = 406 respondents. MF = multifamily (apartment) homes; SF = single-family homes. The figure includes all jurisdictions in NLLUS with populations greater than 10,000.

These findings suggest that cities and counties with land-use jurisdiction—both with and without density bonuses—are orienting more of their land toward denser projects. Communities with a density bonus in place were more likely to have respondents agree that they saw an increase in permitted density (52 percent) for multifamily housing over the past 10 to 15 years compared with those without a density bonus (28 percent). But more research is necessary to link these zoning rules with actual changes in communities' built forms, especially with respect to their potential influence on availability of affordable housing units.

Zoning incentives continue to be a popular way to manage land use. When coupled with the decline in affordable housing trust funds and the rise of inclusionary zoning, their continued use provides further evidence of jurisdictions relying increasingly on indirect regulations of private-market actors to

increase housing supply, sometimes increasing the supply of units affordable to moderate- and low-income families.

In the context of a nationwide housing shortage, many communities are showing signs of openness to increased density. Wealthy, diverse cities in the Northeast and the West frequently offer density bonuses. These communities, already denser than their peers, are likely already facing housing constraints and high costs and may see increased density to increase housing supply. But alone, this research cannot determine whether zoning incentives, left in large part intact over the past 20 years, have increased the supply of affordable housing. The increased reliance on private-sector incentives have likely had only a small influence at the margins.

Conclusion

NLLUS data show that communities have altered their affordable housing approaches to lean more heavily on private-sector provision. Even as affordable housing trust fund use has declined, the use of zoning incentives held steady at roughly two-thirds of jurisdictions, and the use of inclusionary zoning ramped up dramatically, increasing from about 25 percent in 2003 to 35 percent in 2019 among repeat respondents.

This shift in affordable housing creation policies also represents a shift in responsibility. The reduction in direct local-government responsibility for financing affordable housing, combined with an increased reliance on the private sector, increases burdens on vulnerable residents. Incentives and inclusionary zoning simply do not provide the scale of new housing necessary to meet the demand of families with low and moderate incomes. The federal government's declining support for deeply affordable housing means limited support for local governments that have limited resources available to fund such units.

None of these findings suggest that inclusionary zoning and zoning incentives such as density bonuses are without merit—indeed, both have the potential to create more affordable housing. But our findings do show that the transfer of responsibility for affordable housing provision to the private sector without any increase in support for direct public funding for affordable housing (at the local, state, or federal levels) has likely exacerbated the nation's shortage of affordable housing. Without additional policies to create housing, zoning incentives or inclusionary zoning are unlikely to make a dent in the housing crisis on their own.

Notes

- ¹ "The Gap: A Shortage of Affordable Rental Homes," National Low Income Housing Coalition, accessed August 2, 2021, https://reports.nlihc.org/gap/about.
- ² "Household Income by Gross Rent as a Percentage of Household Income in the Past 12 Months: American Community Survey 2019 One-Year Estimates," Census Reporter, accessed August 2, 2021, https://censusreporter.org/data/table/?table=B25074&geo_ids=01000US&primary_geo_id=01000US.
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- ⁴ Lydia Lo, "Who Zones? Mapping Land-Use Authority across the US," *Urban Wire* (blog), Urban Institute, December 9, 2019, https://www.urban.org/urban-wire/who-zones-mapping-land-use-authority-across-us.
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- 6 "National Longitudinal Land Use Survey (NLLUS)," Urban Institute, accessed August 2, 2021, https://datacatalog.urban.org/dataset/national-longitudinal-land-use-survey-nllus. Some questions changed slightly between survey years. For example, in 2003, we asked, "Does your jurisdiction have a local affordable housing funding mechanism (e.g., housing trust fund)?" In 2019, we asked, "Does your jurisdiction have a dedicated affordable housing trust fund?" (Gallagher, Lo, and Pendall 2019).
- See also Brian McCabe, "The Housing Production Trust Fund, Explained," Greater Greater Washington, February 8, 2021, https://ggwash.org/view/80343/what-is-the-housing-production-trust-fund-anyway.
- The three NLLUS questions we analyzed include the following:

 Affordable housing trust funds. "Does your jurisdiction have a dedicated affordable housing trust fund?" If yes, "How is revenue dedicated to the fund? Choose all that apply: (A) federal funds such as CDBG or HOME, (B) funding from another state or local government unit, (C) allocations of local revenue"

 Inclusionary zoning. "Does your jurisdiction require private-sector builders to develop affordable housing? (We define affordable housing as units guaranteed to remain affordable for at least five years to households earning less than 120 percent of area median income.)"

 Zoning incentives. "Does your jurisdiction provide any of the following regulatory incentives to encourage or facilitate the provision of affordable housing by private-sector builders? (We define affordable housing as units guaranteed to remain affordable for at least five years to households earning less than 120 percent of area median income.) (Answer Yes or No to all): Bonus density; Exceptions to limits on height, setback, floor area ratio, or other aspects of the building envelope; Exceptions to limits on minimum floor area in affordable units; exceptions to limits on accessory dwelling units; Exceptions to parking standards; Waivers or reductions of development impact fees or service charges; Fast-track or streamlined permit processing"
- "Is Inclusionary Housing Legal?" Inclusionary Housing, accessed August 2, 2021, https://inclusionaryhousing.org/inclusionary-housing-explained/what-are-the-downsides/is-it-legal/; and "State Preemption of Local Equitable Housing Policies," Local Solutions Support Center, accessed August 2, 2021, https://www.supportdemocracy.org/equitablehousing/.
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- Repeat respondent jurisdictions' responses were left unweighted, and they consequently may not represent jurisdictions across the United States.

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- ¹⁵ "Density Bonus," Montgomery County Planning, December 16, 2016, https://montgomeryplanning.org/glossary_term/density-bonus/.
- Doug Champion, Amy Forbes, Ben Saltsman, Lauren Traina, and Matthew Saria, "California's AB 2345 Expands and Enhances Density Bonus Law Development Incentives," Gibson Dunn, January 25, 2021, https://www.gibsondunn.com/californias-ab-2345-expands-and-enhances-density-bonus-law-development-incentives/. Some California respondents to NLLUS noted they did not offer zoning bonuses, which is in conflict with state law. It is unclear whether this results from inadequate knowledge of staff who respond (Lewis and Marantz 2019) or municipalities skirting statewide requirements.

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