



Research Report

Review of Anti-Displacement Policies in Peer Cities

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By: Emily Lapel

Introduction

In 2017 Denver joined the All-In Cities Anti-Displacement Policy Network, a ten city collaborative comprised of local elected officials, city staff, and community leaders to work together on strategies to fight displacement. For the purpose of this paper I reviewed the Anti-Displacement Policy Network's anti-displacement policies inventory to compare Denver to its peer cities.¹

The inventory is divided into subcategories: tenant protections, preserve existing affordable housing, equitable development and expanding affordable housing, community ownership/control of land, local business, cultural, and religious institution stabilizations, institutionalizing anti-displacement plans and systems. The inventory has over 50 policy suggestions, for the purpose of brevity, I took one policy idea from each subcategory that Denver does not currently implement and explored how peer cities implement these policies and/or programs.

Tenant Protections

Proactive Rental Inspections

Rental inspections occur in municipalities that have rental registration and licensing requirements. A rental license is a local regulation that requires an inspection or other substantive steps as a condition of renting property.²

Sacramento, CA

Once a property is registered with the city, it is scheduled for an inspection. Tenant consent is required for an inspection to occur. Properties may also be eligible for the Self-Certification Program (SCP) if no violations exist on the property at the time of the initial inspection or if the violations are corrected before the 30-day re-inspection. The SCP requires owners to perform their own inspections of each rental unit on an annual (calendar year) basis and upon any

¹ Anti-Displacement Policy Network Inventory, attached

² [Rental Registration and Licensing, Center for Community Progress](#)

change in tenancy. The Rental Housing Program randomly inspects 10% of the properties that have been self-certified to verify that the property is maintained.

Property owners who reside outside of the Sacramento area are required to have a “Local Contact Representative” who can be available to attend inspections and respond to notices on the owner’s behalf. This practice has been used in other municipalities as well. The City of Sacramento has partnered with the Rental Housing Association (or “RHA”) to develop a “Residents Rights” form. This form is required to be provided to each new tenant prior to taking occupancy.

The Sacramento County Tax Assessor's Office provides the city with ownership information each month. The most recent set of records is used to determine the rental properties based on the following: The property address is different than the owner's mailing address and there is no Homeowners Tax Exemption filed with the Assessor's Office.³

Baltimore, MD

In 2018 Baltimore City began requiring all rental properties, including one- and two-family and multi-family dwellings, to be licensed to operate as a rental by January 1, 2019. If a property is not a rental but is non-owner-occupied it still must be registered annually.

In order to receive a rental license from the Department of Housing and Community Development (DHCD) the property must meet two requirements: 1) be registered with DHCD using the online portal and 2) be inspected by a State Licensed Baltimore City registered Home Inspector. Unpaid registration fees are placed as a lien against the property, and the property owners are subject to a fine.⁴

Issues with rental inspections and licensing: Rental inspections can require more personnel and increase the cost of housing for low-income households as inspection fees are passed onto the renter.

Preserving Existing Affordable Housing

Equitable Code Enforcement

Housing code enforcement is a tool municipalities can use to incentivize landlords to maintain a habitability standard. Landlords who do not maintain habitability can incur significant fines or penalties such as relinquishment of ownership of the property.

Washington DC

Residents of minority and migrant communities are using housing code enforcement to shift building ownership from irresponsible landlords to residents or nonprofits by utilizing Washington DC’s right of first refusal for tenants.⁵

³ [Sacramento Rental Housing Inspection Program, program fact sheet](#)

⁴ [Baltimore Rental Registration and Licensing Fact Sheet](#)

⁵ [Equitable Code Enforcement, Policy Link](#)

Baltimore, MD

Baltimore utilizes code enforcement to redevelop vacant properties in neighborhoods that are already experiencing an increase in private investment. Code enforcement is tailored to match a neighborhood's market potential,⁶ allowing the data to inform the type of programming available in each neighborhood such as streamlined code enforcement in stronger markets.⁷

Issues with Equitable Code Enforcement: Equitable code enforcement can result in the displacement of low-income and vulnerable tenants who are required to vacate a premise when a landlord or new owner begins renovating derelict multi-family dwelling units. As buildings are updated, it can also increase property values and rents in a neighborhood contributing to gentrification and displacement.⁸

Many code enforcement programs often rely on tenant or neighborhood complaints of a property to trigger an inspection, this can result in inequitable inspections of properties and permit the continued exploitation of vulnerable communities such as immigrant or undocumented families.⁹ Tying in equitable code enforcement with rental licensing requirements has been an effective means of monitoring problem properties and incentivizing landlords to maintain habitability.¹⁰

Equitable Development and Expanding Affordable Housing

Right to Return and/or Neighborhood Preference Policy

Right to return and neighborhood preference policies is a means of reparations towards communities that have been most impacted by gentrification. These policies permit tenants to move back to communities that they were forced out of due to an increased cost of living.¹¹

Portland, OR

Portland's preference policy is specifically implemented in its neighborhoods most impacted by gentrification.¹² The purpose of this policy is to address the historic discrimination and institutional racism that has occurred in Portland's African American community. The preference policy was developed in 2015 by community organizations that were concerned about potential housing displacement due to large public infrastructure projects, and was adopted by the City.¹³ Preference is based on the amount of urban renewal activity that occurred where an individual or their parent/guardian or grandparent lived, given to applicants who were displaced, are at risk of displacement, or who are the descendants of families that were displaced due to urban renewal in North and North East Portland.¹⁴ Portland had to limit the types of actions that were included in the policy: state highway expansions.

⁶ [Data-Driven Systems: Model Practices & Policies for Strategic Code Enforcement](#) -

⁷ [Vacant to Value](#)

⁸ *Id at 6.*

⁹ [Strategic Code Enforcement, Center for Community Progress](#)

¹⁰ *Id at 6.*

¹¹ [Implemented a Community Preference Policy for Affordable Housing in Berkley](#)

¹² An in-depth analysis of gentrification in Portland was conducted by Dr. Lisa Bates, this study has helped inform a number of policy decisions in the City. [Portland Gentrification and Displacement Study, 2013-2018.](#)

¹³ [Pathway 1000, PCRI](#)

¹⁴ [Fair Housing and Right to Return Lecture, PolicyLink](#)

Issues with Portland's Right to Return Policy: While a resident may return to a neighborhood, the neighborhood may have changed, and grocery stores and cultural institutions may no longer be in place. This program's impact has been relatively minute in comparison the population that has been effected by gentrification and city policies that have impacted these communities. The NAACP also argues that the application does not include a box to identify the race of the applicant and feels that this lack of racial preference counteracts the purpose of the preference policy as a restorative tool.¹⁵

San Francisco, CA

In 2015 San Francisco created the Neighborhood Resident Housing Preference Plan, this program required 40% of units in new affordable housing developments funded by the city and private sources to be reserved for people living in the neighborhood where the project was built, or within a half-mile of them. This program has been heralded by the City and communities as a means of combating displacement of minority communities caused by gentrification and inequitable policies of the 60s and 70s.

There are several housing preference policies that residents can apply for:

- Certificate of Preference: Assists former San Francisco residents displaced in the 1960s and 1970s during the San Francisco Redevelopment Agency's federally funded urban renewal program.¹⁶
- Displaced Tenant Housing Preference Program: helps renters, displaced by no-fault eviction or fire, find new housing.¹⁷
- Neighborhood Resident Housing Preference: this preference is only for residents who currently live in the same neighborhood or within a half-mile of the property.¹⁸
- Live or Work in San Francisco: this program assists residents who already live in San Francisco, meet an income threshold, and work 75% of their working hours in San Francisco.¹⁹
- Former resident of the property: this program is only applicable to residents of a renovated project.
- Rent burdened/Assisted housing preference: residents paying more than 50% of their income towards housing costs and are living in public housing or project-based Section 8 housing in San Francisco are eligible for this program.

Issues with San Francisco's Housing Preference Policy: Federal and state housing officials in California have viewed neighborhood preference legislation to be in violation of the Fair Housing Act, causing the San Francisco to not be able to use federal or state money for projects that include neighborhood preference provisions.²⁰

¹⁵ [Un-gentrifying Portland: scheme helps displaced residents come home, 2018](#)

¹⁶ [COP](#)

¹⁷ [DTHP](#)

¹⁸ [Lottery Preference Programs](#)

¹⁹ *Id.*

²⁰ [Neighborhood -preference program for affordable housing proves effective, 2019](#)

Community Ownership/Control of Land

A common tool to gain community ownership of land is a community land trust (CLT). CLT's are private or nonprofit corporations created to enhance purchasing power of a community in the acquisition of land and property in neighborhoods. CLTs treat land and housing differently, owning or leasing the land under a building, and selling the building to a community member. The land lease entitles reselling of the home to be returned to the CLT or another low-income household.²¹

CLTs can build community wealth by providing low to moderate income households with the opportunity to build equity, decrease their likelihood of displacement through rental spikes, prevent foreclosures, and empowers local communities through the governance structure of the CLT where community residents comprise a portion of the CLT board.²²

Since CLTs do not live within a City, it is important for municipalities to provide resources and have an infrastructure in place to assist communities that are seeking to gain collective ownership of land within their neighborhood.²³

Albuquerque, NM

The Sawmill Community Land Trust (SCLT) was created in the Sawmill neighborhood as a result of increased development and land prices within the area. This neighborhood is historically Hispanic, heavily polluted from a lumber/particle board factory, and has been home to the same families for generations. The SCLT founded its non-profit in 1996 and with the assistance of the Institute for Community Economics convinced the city to purchase a 27-acre parcel of land. Over the course of five years the SCLT purchased and developed affordable properties elsewhere in the neighborhood. It eventually held extensive community stakeholder meetings to plan the future of the 27-acre parcel and developed the land.

Oakland, CA

The Oakland Land Trust (OakCLT) serves the entire city of Oakland, however, there are eight CLTs in the Bay Area. Oakland was heavily effected by the foreclosure crisis in the mid-2000s, particularly in areas with African American and Hispanic communities. These properties were then purchased by investors and flipped into rentals, this has resulted in the inability of the African American population to return to Oakland. The OakCLT's mission strives to reestablish the commons and community space through permanent affordability which is maintained through relationships with property owners.

The OakCLT began in 2009 by acquiring 19 single-family homes through the Neighborhood Stabilization Program, the HUD.²⁴ To ensure residents gain some equity in their homes while maintaining home affordability, Oakland chains the appreciation to the consumer price index.

88% of Oakland's housing stock is 8 units or less, which has caused OakCLT to not have the leverage to prevent displacement in units that see the largest amount of displacement. OakCLT is currently working on preventing displacement in these types of units. A successful case is an

²¹ [Community Land Trusts, PolicyLink](#)

²² [Community Wealth, Community Land Trust Overview](#)

²³ [Ground Solutions Network, Startup Community Land Trust](#)

²⁴ [Neighborhood Stabilization Program](#)

8-unit, live/work building where the property owner sought to sell the property for over \$1m; however, the property owner offered the right of first refusal to the residents of the building who partnered with OakCLT. This collaborative raised funds to secure the building.²⁵ OakCLT and the 23rd Avenue Collective were successful in obtaining the property and securing ownership.

Issues with Community Land Trusts: Financing CLTs can be cumbersome and difficult because as a non-profit organization CLTs do typically have the funding to compete at market-value for available property. Oftentimes CLTs must rely on local governments for funding assistance through Community Development Block Grants, loans, or land donations.

Finding outside funding sources can also contribute to mission drift, as funding could be tied to serving demographics outside of the original CLT's mission. For example, a local government could emphasize the need for commercial space in a CLT, while a CLT's target demographic could be home owners.

CLTs have also struggled with finding qualified homebuyers, changing a land ownership mindset, and building in a developer-run city.²⁶

Local Business, Cultural, and Religious Institution Stabilizations

Small Business Impact Mitigation for Transit/Infrastructure Construction

As cities begin to reinvest in infrastructure in communities that have often been victims of red-lining, environmental racism, and neglect; small local businesses often struggle to remain open and profitable during construction. Several cities have created small business impact mitigation plans as a result of community pushback upon the news of an upcoming project within a vulnerable community. San Francisco, has recently developed a Construction Mitigation Program to combat the impact of construction on small businesses in neighborhoods vulnerable to displacement.

Seattle, WA

In the 1990s Seattle began planning a light rail through a main cultural and commercial corridor in one of its largest minority communities. This initiative was met with protests by the community, with concerns on its impacts to the neighborhood and potential to displace local businesses and residents. Eventually a \$50m settlement was created to address the community's concerns on the construction and long-term impacts of the project. A Community Development Fund was created to manage the settlement, funding was provided by the city through Community Development Block Grants, the general fund and through the King County and Sound Transit's general fund.²⁷ The project began construction in 2003 and was completed in 2008.

The fund was split to provide supplemental mitigation assistance and long-term investments in community development within the neighborhood. This assistance was offered through the following programs re-establishment payments, business interruption payments, working capital advances, equitable advances, and tenant improvement advances. During the project the businesses along the corridor created a Business Association to ensure small businesses in the

²⁵ [Creating the Collective: Challenges on 23rd Avenue](#)

²⁶ [Preserving Neighborhoods with Community Land Trusts, 2019](#)

²⁷ [Business Impact Mitigations for Transit Projects](#)

area would continually be advocated for by the community for future development and infrastructure projects.

St. Paul, MN

In the late aughts a light rail line connecting downtown Minneapolis and St. Paul was built and completed in 2013. To assist local businesses along the corridor, the Twin Cities created programs as a result of a federal lawsuit against the Twin Cities by the NAACP for the project's potential negative impacts to the community. These programs included a \$4m support fund that would be a forgivable loan program for businesses that experienced a loss in sales due to construction.

A Business Resources Collaborative (BRC) was created at the beginning of the project to help provide a constant source of feedback for the cities and stakeholders throughout the project's development and construction. The BRC and its sub-organizations led the public outreach initiatives and through the feedback it received developed services that businesses in the effected area would need to survive construction and thrive afterwards: support with accounting and filing taxes and support with marketing.

1,144 businesses are located along the corridor and in the two years of construction 84 businesses closed, and 84 new businesses opened.²⁸

San Francisco, CA

For large projects, mitigation efforts are often done on a project-by-project basis. However, regular municipal upkeep and private construction efforts have impacts on small and local businesses. San Francisco developed its Construction Mitigation Program in 2017. The program defines projects on their potential impact to an area: low impact (less than 12 months), low-income project with schedule delay (12 months), moderate-impact project (12 months or more), major-impact project (24 months or more) and then prescribes mitigation measures based on the severity of predicted impacts.²⁹

Multiple agencies partnered to develop and implement these measures: San Francisco Metro Transit Authority, San Francisco Public Utilities Commission, San Francisco Public Works, and the Office of Economic and Workforce Development (OEWD). OEWD provides the bulk of supportive services for businesses that are paired with a small business advisor to develop a business action plan. These plans include individualized marketing and PR support, business plan development, ideas for minor improvements, technology and equipment upgrades, and financial assistance through the small business revolving loan fund.³⁰ The City also requires costs of construction mitigation to be built into project budgets, but there is flexibility in the amount of funding required based on the financial burden that may incur onto the project. In 2019 the City created a one-time Construction Mitigation Fund of \$5m this fund will be used for direct business support. The City is exploring means of creating a permanent Construction Mitigation Fund.³¹

²⁸ *Id at 19.*

²⁹ [Construction Mitigation Program Summary](#)

³⁰ [Construction Mitigation Program Update, April 2019](#)

³¹ [Briefing - San Francisco Construction Mitigation Program](#)

Best practices:³²

- Financial assistance must be available to meet a business's needs, especially if these businesses are facing revenue losses due to construction
- Outreach to businesses should begin a year or more before construction. Outreach should be done by trusted community partners.
- Business technical assistance is important to help prepare them for the long term changes to the neighborhood.
- Flexibility, trust, and constant communication are essential to ensuring businesses know what to expect when projects are delayed.
- Ensure small businesses in vulnerable communities have the opportunity and resources to organize to better advocate their needs to the city.
- The city must play a strong leadership role in protecting small businesses.³³

Issues with Small Business Impact Mitigation for Construction: Creating a Construction Mitigation Program is a cumbersome process that requires multiple agencies' input and coordination. This will require personnel and additional resources. Maintaining and managing the program is also costly, and it is recommended that municipalities have a permanent pool of funding available to assist businesses. Currently, most cities do construction mitigation on a project-by-project basis with little bureaucratic infrastructure in place to assist all neighborhoods impacted by public and private construction. Lastly, few small business owners own their storefronts, and construction mitigation efforts can do little to prevent land owners from increasing rent after a project is completed, resulting in displacement of small and minority-owned businesses.

Institutionalizing Anti-Displacement in Plans and Systems

The need for assessment tools to gauge smart growth became a popular topic of discussion during and after the 2000 Great Recession. More cities have attempted to incorporate language of equity in their city plans; however, there is a spectrum of definitions of equity and methods of quantifying progress towards this goal.³⁴

Nation-Wide Equitable Development Assessment Tools

Seattle, WA

Seattle's Equitable Development Implementation Plan was created in 2016. This plan defines six equity drivers that influence the plan: advance economic mobility and opportunity; prevent residential, commercial, and cultural displacement; build on local cultural assets; promote transportation mobility and connectivity; develop healthy and safe neighborhoods; and enable equitable access to all neighborhoods.³⁵ The purpose of this action plan is to promote system change to eliminate racial inequalities. While there is no assessment tool to gauge or quantify equitable development; the plan is robust in its definition of terms and strategies.

³² <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.576.3922&rep=rep1&type=pdf>

³³ [Business Impact Mitigations for Transit Projects - Understanding Community Benefits Agreements: Equitable Development, Social Justice, and Other Considerations for Developers, Municipalities, and Community Organizations.](#)

³⁵ [Equitable Development Implementation Plan, Seattle](#)

San Diego, CA

Created in 2009, this scorecard was produced for community, developer, and city use. The scorecard is comprised of fourteen questions that focus on the following sub-topics: land use, proximity to transit, accessibility, and design and aesthetics.³⁶ Each question has different levels of engagement with the requirement, each level corresponds to points that increase a project's score based upon the most equitable and desired outcome. This scorecard is not incredibly robust and is very ambiguous with its lack of definition of terms and standards.

Minneapolis and St. Paul, MN

Established in 2014, this scorecard focuses on community engagement to establish priorities and criteria for land use and economic development. The Twin Cities' Equitable Development Scorecard concentrates on several topics: equitable land use practices, which centers around on environmental justice; equitable economic development practice, such as local workforce preference; equitable transportation practices; and equitable housing practices, that advocates for a minimum of one-third of units being reserved for affordable housing.³⁷ The Twin Cities Equitable Development Scorecard was developed by a coalition organization with 30-member organizations within the Twin Cities Metro area from a variety of backgrounds: housing, public transit, environmental justice, racial equity.

Issues with Equitable Development Assessment Tools:

Despite researching multiple assessment tools for smart growth and equity; there is little literature on the efficacy of these scorecards in promoting equity within communities. A common trend among scorecards was that they are self-evaluative or tools for community-use.³⁸ None are mandated or attached to funding to hold development accountable to desired equitable outcomes.

According to the literature, the benefit of having fluid scorecards is so the scorecard can be designed by the community to best suit its interests throughout the development process. When discussing the benefits of the Equitable Development Scorecard with community organizers in Minneapolis, organizers claimed that it facilitated community organizing prior to engaging with a development in a Community Benefits Agreement.

Conclusion

Not all of the policies suggested in this paper should be housed in the city; however, they all require assistance from the city with their implementation. It is essential for the successful creation and implementation of these policies that inter-agency communication occur, and thorough and thoughtful stakeholder input is considered. Adopting a comprehensive anti-displacement plan similar to San Francisco,³⁹ and one that is being proposed in Portland can help organize Denver's goals and connect key stakeholders in a cohesive document. Currently, elements of anti-displacement strategies live within multiple planning and visionary documents. While having a theme of anti-displacement throughout all planning documents is important, it is best practice to have a cohesive singular plan that addresses the issues of displacement and gentrification specifically.

³⁶ [Designing for Smart Growth: Creating Great Places in the San Diego Region](#)

³⁷ [Twin Cities Region Equitable Development Principles & Scorecard: a tool for communities and planners.](#)

³⁸ [The Use of Smart-Growth Scorecards/Assessment Tools to Advance Sustainable Land-Use Practices.](#)

³⁹ [San Francisco Community Stabilization Strategy](#)

