4	TITLE
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POLICY RECOMMENDATIONS TO PROMOTE ANTI-DISPLACEMENT ACTIVITIES WITHIN STATE TRANSPORTATION PROGRAMS (DRAFT)

1	IIILE		STATE TRANSPORTATION PROGRAMS (DRAFT)					
2	Prepared for	The Californ	nia Housing & Transportation Steering Committee					
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4	Date	July 2023						
5	Directive	Strategy 7.2 in the July 2021 Climate Action Plan for Transportation Infrastructure (CAPTI) provides the following direction to CalSTA and the interagency Housing & Transportation Workgroup (CAPTI, pg 32):						
		enable funding Sustain feasible strateg	will work with state agency partners to explore potential statutory changes to transportation programs to incentivize anti-displacement strategies within their grameworks. Building off the experience of the Affordable Housing and able Communities (AHSC) program and leveraging existing resources, where e, the working group will identify the suite of voluntary anti-displacement ies that could be promoted via scoring and evaluation criteria in state funding m guidelines.					
		strategies a within shou investment Infrastructu may be ong	synthesizes findings from State-funded research and existing anti-displacement across several funding programs. The recommendations and strategies identified all be reviewed by the H+T Steering Committee in time to guide future in funding programs aligned with the Climate Action Plan for Transportation are. Incorporation of this work into programs, as voluntary and where feasible, going over several cycles of grant programs. This work also identifies other ways an embed anti-displacement protections in transportation, housing, and other					
6	Programs impacted	Transportat (TIRCP); (4)	ghway Operation and Protection Program (SHOPP); (2) Interregional tion Improvement Program (ITIP); (3) Transit and Intercity Rail Capital Program Solutions for Congested Corridors (SCCP); (5) Trade Corridor Enhancement CEP); (6) Local Partnership Program (LPP); and (6) Active Transportation Program					

7 Time frame

Short-term (1-2 years for development, 1-2 years for implementation)

Executive Summary

The Climate Action Plan for Transportation Infrastructure's (CAPTI) Strategy 7.2 directed the interagency Housing + Transportation workgroup to form a subcommittee to develop recommendations on ways CAPTI programs can incentivize anti-displacement strategies in their guidelines. The Anti-Displacement Subcommittee began work in 2021 and presented a first draft of this memo to the Housing + Transportation Steering Committee in June 2023.

This memo was informed by surveys and interviews conducted with non-profits, academics, local governments, tribes and state agency program staff, a review of literature and case studies on the connection between transportation investments and displacement, and the expertise of staff serving on the Anti-Displacement Subcommittee.

This memo puts forward eight recommendations for State transportation programs to see that their investments do not lead to displacement of low-income, disadvantaged, or otherwise vulnerable households and businesses, and, where possible, serve to improve the social and economic position of individuals at risk of being displaced. These recommendations include, above all else, that transportation programs incentivize or require anti-displacement activities and provide funding for these activities where consistent with state and federal law.

Recommendations

Figure 1. Summary of Recommendations

01

Reward or incentivize projects that reduce or minimize property takings as part of their project scope

Incentivize and fund antidisplacement activities as eligible program costs where possible 03

Expect applicant to understand and articulate displacement risk factors and groups vulnerable to displacement in and around their project area

04

Require and set expectations for meaningful community engagement to take place early and through the lifecycle of each project

05

Encourage projects to be led by collaborative stakeholder structures that are inclusive of persons vulnerable to displacement 06

Provide applicants and grantees with tools, resources, and application assistance to develop anti-displacement strategies

07

Report and track the progress of anti-displacement activities over each grant term

08

Involve stakeholders and past grantees in the development of anti-displacement program guidelines

Spirit and Intent of This Effort

In alignment with the Climate Action Plan for Transportation Infrastructure (CAPTI)¹, this work acknowledges that transportation investments have at times displaced and divided low-income and communities-of-color from other non-low-income and non-communities-of-color, and informed planning decisions that created concentrated areas of poverty and pollution burden. This displacement happens both directly through impacts on property by physical projects, and indirectly through increasing cost pressures on surrounding communities brought forth by new investment in historically underinvested communities. As communities are impacted by displacement, the results can extend beyond the physical or built environment and further diffuse a community's ability to self-organize or represent themselves in transportation investments of today. The CAPTI planning process identified transportation-planning actions to realize California's commitment to social and racial equity and repair harms to public health and the general well-being of historically disadvantaged communities, low-income communities, and Black, Indigenous, and People of Color (BIPOC) communities. To that end, this work requires early involvement of these communities in decision-making around transportation investments to avoid placing new or exacerbating existing burdens on these communities, even if unintentional.

Background

CAPTI Action S7.2 calls for the Administration to create a subcommittee to explore potential actions to address direct and indirect displacement in transportation investment programs². In 2021, the Housing + Transportation interagency work group formed an Anti-Displacement Subcommittee to identify a suite of anti-displacement strategies that could be promoted via scoring and evaluation criteria in state funding program guidelines. This memo is the result of research and stakeholder engagement conducted by the Subcommittee between January 2022 and May 2023. The recommendations are intended to guide future CAPTI investments and inform future state anti-displacement strategies and protections in transportation, housing, and other programs.

Findings

The findings that informed the following recommendations came from interviews and surveys with stakeholders, a review of academic literature and case studies, and a review of existing anti-displacement strategies in select state funding programs.

Finding 1. Transportation investments can often be designed in a way that avoid or mitigate displacement, including that of economically- and socially- vulnerable households, small businesses, the unhoused, and spaces of cultural significance

As of August 2023, work is already underway across many state funding programs to incentivize projects that provide benefits to historically underserved communities and address inequities around transportation access. As a first step, many programs have designed equity criteria or guidance to help their applicants identify and explain the possible negative and positive impacts of their project on historically disadvantaged households and groups. Competitive Senate Bill (SB) 1 transportation programs incorporate equity criteria and have even

¹ CalSTA, 2021. "Climate Action Plan for Transportation Infrastructure." Webpage. https://calsta.ca.gov/subject-areas/climate-action-plan

² Impacted programs: (1) State Highway Operation and Protection Program (SHOPP); (2) Interregional Transportation Improvement Program (ITIP); (3) Transit and Intercity Rail Capital Program (TIRCP); (4) Solutions for Congested Corridors (SCCP); (5) Trade Corridor Enhancement Program (TCEP); (6) Local Partnership Program (LPP); and (6) Active Transportation Program (ATP).

begun to ask applicants to self-evaluate how their project may accelerate or ameliorate the displacement of vulnerable households and small businesses. The California Transportation Commission provides applicants with high-level guidance on how to do this through supplemental documents, such as their Racial Equity Supplement³.

Surveys conducted at the start of this effort and administered to nonprofits, local governments, state agencies, and tribes indicated enthusiasm to support efforts to counteract the displacement of low-income and disadvantaged households, small businesses, cultural spaces, and the unhoused, but caveated that more support and structure is needed to help identify displacement risks and design projects that avoid displacement. This need is particularly high for programs that are mandated to benefit historically underserved communities⁴, as these communities are often at the highest risk of displacement.

This effort to develop anti-displacement strategies for state transportation programs builds upon existing equity efforts by defining specific actions transportation programs can take, as voluntary and where feasible consistent with law, to not exacerbate the complementary, linked issues of housing scarcity and unaffordability, unaffordable commercial rents, and loss of important cultural spaces due to gentrification.

Finding 2. Definitions of displacement vary across agencies and programs, and anti-displacement activities incentivized by programs also vary

While some state funding programs define "displacement," anti-displacement," and "gentrification," these definitions often vary from program-to-program. Program staff may independently go to considerable lengths researching these terms and deciding to include in their definitions aspects such as direct versus indirect forms of displacement, the displacement of small businesses, the unhoused, and cultural displacement. Additionally, definitions of displacement and incentives for anti-displacement activities may not be tied to definitions that grantees encounter during implementation. For example, California State transportation agencies are required to evaluate displacement according to the federal Uniform Act and state relocation laws^{5,6}. The diverse goals and applicant pools of state funding programs make a one-size-fits-all definition of displacement inappropriate. Stakeholders expressed a need for clarity and transparency on anti-displacement terminology between applicants and evaluators instituted at the program-level.

Finding 3. Several state programs already incentivize or require anti-displacement strategies in their programs, providing examples and models for transportation programs to learn from

The Transformative Climate Communities (TCC) program, Affordable Housing and Sustainable Communities (AHSC) program, Sustainable Transportation Equity Project (STEP), and many SB 1 programs already incentivize

³ SB 1 Competitive Programs Transportation Equity Supplement. (2022). California Transportation Commission. https://catc.ca.gov/-/media/ctc-media/documents/programs/senate-bill-1/2022-sb1-competitive-programs-transportation-equity-supplement-a11y.pdf

⁴ The programs impacted by the recommendation in this memo have requirements to benefit underserved communities: (1) State Highway Operation and Protection Program (SHOPP); (2) Interregional Transportation Improvement Program (ITIP); (3) Transit and Intercity Rail Capital Program (TIRCP); (4) Solutions for Congested Corridors (SCCP); (5) Trade Corridor Enhancement Program (TCEP); (6) Local Partnership Program (LPP); and (6) Active Transportation Program (ATP).

⁵ "Relocation law" refers to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended "The Uniform Act." 49 Code of Federal Regulations Part 24 implements the "Uniform Act" to ensure that persons displaced as a direct result of federal or federally-assisted projects are treated fairly, consistently and equitably so that such persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole.

⁶ State relocation law = (Gov. Code, Section 7260 et seq.) and Section 6038 of the Relocation Assistance and Real Property Guidelines (25 Cal. Code of Regulations, div. 1, ch. 6, Section 6000 et seq.)

or require anti-displacement strategies. The State Reconnecting Communities Highways to Boulevards Pilot program also requires applicants to assess displacement risk. From interviews with program staff, it became clear that the way an incentive or requirement is modeled or structured could determine the strength and efficacy of an anti-displacement component of a grant project in mitigating or minimizing displacement.

Applicant interest and participation in competing for anti-displacement incentives – where anti-displacement strategies are optional – often depend on workload tradeoff considerations. Participation may be affected by whether a program incentivizes applicant-led anti-displacement activities or incentivizes projects within a jurisdiction that has adopted specific types of "anti-displacement" policies (e.g., rent control, "just cause" eviction proceedings, eviction moratoria). The former approach requires more active participation from applicants and control over scoring, whereas the latter is passive and merely requires the applicant to point to local laws that have already been enacted. In the development of Round 7 of the Affordable Housing and Sustainable Communities (AHSC) program, staff decided to modify the displacement avoidance section of the AHSC guidelines to remove local policies as a qualifying route to receive anti-displacement points, and instead redesign the section so that points would only be given for activities proposed by the project. The AHSC application maintained an incentive for local policies insofar as they were still incentivized through scoring criteria for projects located in Prohousing jurisdictions, as required by statute.

Program staff indicated the following barriers incorporating anti-displacement strategies in their guidelines:

- Applicants and evaluators not understanding, or lacking tools to evaluate displacement risks within their project – especially those that may induce indirect displacement, which are difficult to measure;
- Applicants not having a community-based project partner who can lend a comprehensive diagnosis
 of local displacement issues and risks;
- An incentive for anti-displacement activities (e.g., points) that is too small given the level of effort required by applicants;
- Applicants having a lack of clarity over their level of control to implement certain anti-displacement strategies;
- A need for more guidance as to what the appropriate anti-displacement strategies are for their specific applicant type;
- A need for stronger incentives to apply to programs using a collaborative stakeholder structure, where their partner could add an element of anti-displacement capacity to the lead applicant's proposal.

Nearly all program staff that currently incorporate anti-displacement strategies in their guidelines voiced a need for robust data, tools, and standards that can be used to evaluate displacement risk and applicants' proposed anti-displacement strategies⁷. This work revealed that many datasets and tools exist, but that a one-size-fits-all approach may not be feasible. Program staff indicated that endorsement of a landscape of high-quality datasets, tools, and community engagement, with training resources to inform stakeholders, would be more valuable than building new, bespoke tools and datasets.

While quality community engagement can rival the need for extensive tools and data to assess and validate anti-displacement risk or predict the effectiveness of proposed mitigations, standards of community

⁷ For reference, programs surveyed included: LCTOP and TIRCP (by Caltrans staff), RC:H2B, STEP, AHSC, TCC, a coordinated response from CTC inclusive of reflections from ATP, STIP, SHOPP and SB1 programs.

engagement must be provided in order to have the ability to evaluate whether community engagement was in fact conducted meaningfully by the applicant.

Recommendations

The policies recommended below are intended to aid program staff in the design of anti-displacement strategies for their programs. It is advised, but not necessary, that programs prioritize these recommendations in the order that they are presented, to implement program changes in an order of actions that logically references anti-displacement findings mentioned in the earlier half of this memo. Incorporation of this work into program guidelines may be ongoing over several cycles of grant programs and considered and implemented as voluntary and where feasible, consistent with underlying and varying statutory limitations of transportation funding sources and displacement impact of programs and their respective project types.

Recommendation 1. Reward or incentivize projects that reduce or minimize property takings as part of their project scope

To avoid exacerbating burdens of past transportation investments that divided and displaced low-income and low-power communities and BIPOC communities, state transportation programs could implement policies that reward or incentivize projects that reduce, minimize or eliminate property takings as part of their project scope. Measures that promote the minimization or avoidance of direct displacement are paramount to fulfilling the principles set forth in CAPTI.

Where it might be infeasible for programs to restrict actions that lead to direct displacement, programs can create strong standards for displacement mitigation or minimization. For example, programs could (1) require that projects disclose planned or possible instances of takings or use of eminent domain, (2) justify their reasons why direct displacement is necessary and unavoidable for the project, and (3) be required to work in partnership with organizations representing vulnerable groups (See Recommendation 5 for elaboration on community stakeholder structures). Although some agencies already require disclosures of direct displacement through the CEQA process, these program-level actions could be taken to further minimize direct displacement and lead to strengthening a project's scope. For programs where housing is an eligible mitigation cost (most state programs), programs could enact policies requiring that projects replace housing units that are taken off the market with units of equivalent size (number of bedrooms) and affordability, going beyond just compensation and relocation law to address what would otherwise become a direct, project-imposed affordable housing deficit in a neighborhood. Recommendations 2 through 8 apply to both direct and indirect displacement.

Recommendation 2. Incentivize and fund anti-displacement activities where eligible

Where feasible and consistent with existing statute, in addition to rewarding projects that avoid or minimize direct displacement in their scope, it is recommended that programs incentivize or require applicants to develop strategies to prevent displacement, through mitigation measures such as subsidies to reduce housing and transportation costs, development of anti-displacement long-range plans or establishment of community land trusts or worker collectives for community anti-displacement capacity building, supporting programs providing home repair and weatherization activities to lowincome households, supporting existing anti-displacement efforts in coordination with local and regional governments, and other strategies named in Appendix 1. Applicants should be expected to propose strategies that address a need or vulnerability identified in a displacement avoidance plan (where available) or at least be informed by quantitative and qualitative data that measure displacement risk factors (See Recommendation 6 for more on tools, data, and resources).

Programs should also work to clarify anti-displacement activities that are eligible project costs or eligible mitigation costs (accounting for underlying statutory limitations on spending), and program staff should work to identify opportunities for advanced payment for activities related to community engagement and outreach, where possible (see Recommendation 4 for more on engagement).

Recommendation 3. Expect applicants to understand and articulate displacement risk factors and groups vulnerable to displacement in and around their project area

Programs that decide to incentivize or require anti-displacement strategies in their projects should set clear and well-defined evaluation criteria for these strategies and expect applicants to articulate an understanding of displacement risk factors and vulnerable groups within and around their project area. This is particularly important for programs with lead applicants that are transportation agencies, which may not have experience designing and implementing anti-displacement strategies. To that end, programs should provide tools and resources to help applicants develop strong anti-displacement proposals. For example, Round 7 of the Affordable Housing and Sustainable Communities (AHSC) program provided a bespoke tool for applicants to gauge displacement vulnerability factors in their project area. Applicants could either use the AHSC tool or provide their own analysis with sufficient justification. See Recommendation 5 for additional suggestions on tools and resources for applicants.

Homelessness and displacement in transportation contexts

Transportation programs can help address the displacement of unhoused persons, insofar as transportation authorities regularly ask qualified partners to engage with displaced populations when they encounter unhoused individuals and encampments on DOT-managed land and facilities.

Recent work by UCLA's Institute of Transportation Studies surveyed the challenges faced and actions taken by DOTs to respond to the occurrence of encampments on public rights-of-way and DOT-managed facilities and land (Loukaitou-Sideris, 2023). This report found a need for a collaborative, cross-government, and early planning approach when DOTs engage in issues around homelessness.

They found that encampment areas where DOTs chose to respond by engaging through law-enforcement did not see as robust a reduction in homelessness as those where DOTs responded through a partnership with social service providers. This is likely because social service providers have the competency to safely work with individuals in distress and can network unhoused individuals into longer-term care solutions that may lead to permanent housing.

A case study on the forced removal of encampments around Echo Park Lake in Los Angeles also found that care providers that were locally-based and had well-defined relationships to local Continuums of Care were likely to be more successful than contractors or consultants who do not have strong local networks and relationships (Roy, 2022).

Transportation planners that choose to adopt anti-displacement strategies can deepen linkages with housing agencies and homelessness service providers, and lead to more closely coordinated planning.

Principles of assessment, analysis, and interpretation guidance to consider:

- Where anti-displacement activities are incentivized, set high standards for anti-displacement proposals, but set a higher bar for applicants that do not propose anti-displacement activities (i.e., place "the burden of proof" on applicants who claim that displacement is not a concerning factor in their project area). The incentive should be aimed at ensuring each applicant has done the appropriate thorough analysis to address their particular issues given their projects context. Either way, applicants should be encouraged to ground-truth their displacement vulnerability assessment with local community-based organizations and input from residents.
- Recommend that applicants identify existing anti-displacement plans that apply to the project area (e.g., in a
 displacement avoidance plan, general or neighborhood plan, or housing element) and how their proposed
 anti-displacement strategies at a project level tie to those plans at the local or regional level. If a project
 area has existing anti-displacement planning, the project should not receive incentives if it claims it won't
 have a displacement impact.
- Anti-displacement strategies should align with efforts to affirmatively further fair housing. State agencies have a statutory obligation (AB 686, 2018) to affirmatively further fair housing.

Recommendation 4. Require and set expectations for meaningful community engagement to take place early and through the lifecycle of each project

It is recommended that as programs begin to adopt anti-displacement strategies in their funding guidelines, they require and set high standards for community engagement. This increases an applicant's ability to scope meaningful projects that address purpose and need while maximizing community benefits and increases an application evaluator's abilities to consider qualitative information provided by applicants. Note this recommendation may be best applied in programs where planning and early project development phases are funded, where displacement vulnerabilities can be factored into project alternatives or other early project development documents and processes. Programs, however, are encouraged to continue meaningful community engagement practices throughout all milestones of a project's lifecycle. Community engagement activities and plans, which invite public participation into planning processes, and may range in depth from information sessions to full project co-ownership⁸, can determine whose interests, knowledge, and experiences get to inform project decisions. Community engagement that invites stakeholders with lived experience to diagnose issues around displacement is key to ensure that projects' anti-displacement activities are appropriate and impactful. Even in cases where robust tools and data can diagnose displacement concerns, engagement serves to ground-truth that data, examine it critically, and furnish productive dialogue around the project and its impacts.

Many California State agencies with transportation programs, such as Caltrans, the California Air Resources Board (CARB), the Strategic Growth Council (SGC), and California Transportation Commission (CTC), have developed (or are developing) community engagement best-practices documents. These documents can be referenced consistently across a funding program's guidelines and within its supplemental program guidance, application materials, and evaluation criteria and rubrics to provide both applicants and evaluation teams a shared understanding of program-by-program standards of meaningful community engagement, to promote alignment and transparency.

⁸ See International Association for Public Participation, "Spectrum of Public Participation" (2018). https://iap2.org.au/wp-content/uploads/2020/01/2018 IAP2 Spectrum.pdf

Recommendation 5. Encourage projects to be led by collaborative stakeholder structures that are inclusive of persons vulnerable to displacement

A collaborative stakeholder structure (also called a collaborative partnership structure) is a shared governance model used to define roles and responsibilities of partners on a collaborative project. While the collaborative stakeholder structure is a shift from traditional transportation planning as it exists today, the effort can result in mutual benefit to all involved. Research conducted on California Climate Investments projects found that governments that played an active role in bringing diverse stakeholder groups together saw projects come together more quickly and achieve more holistic outcomes than those that did not (Chapple et al, 2022). This project development model works best when applied to programs and projects that are trying to further benefits at a local and community scale, applied during early project planning or project re-envisioning phases. Collaborative stakeholder structures can also be helpful when conducting outreach to community residents to understand the impacts of projects and for co-designing anti-displacement activities.

For joint housing-or-land use and transportation projects funded by programs including but not limited to STEP, AHSC, TCC or the Reconnecting Communities Highways to Boulevards Pilot Program (RC:H2B) in particular, a collaborative stakeholder structure can help carve out formal roles for organizations with different skillsets, and – importantly – give decision-making power to smaller organizations, who, without such a role, may only get to weigh in through public outreach and engagement. In the context of this effort, a collaborative stakeholder structure can be a way for organizations with experience working around housing affordability and displacement concerns a seat at the project's decision-making table. In other words, although it may require effort for a transportation entity to seek out and formalize a relationship with a non-profit advocacy organization, housing authority, or community benefit organization, doing so can lead to more equitable outcomes and stronger relationships.

Collaborative stakeholder structures may take many forms. TCC and STEP require awardees to apply as formal partnerships arranged through grant agreements, contracts, or Memorandums of Understanding. Programs may also look to the collaborate partnership structure used by the Regional Climate Collaboratives (RCC) program for additional examples.

Figure 2. Visual representation of the collaborative partnership structure used by the Strategic Growth Council's Regional Climate Collaboratives Program



Recommendation 6. Provide applicants and grantees with tools, resources, and application assistance to develop anti-displacement strategies

Tools, resources, and assistance to applicants and grantees are necessary to make the guidelines changes that result in investments that protect residents from displacement. Many of the program staff consulted on this effort voiced a desire to have data, tools, and other resources to share with their applicants to aid them in diagnosing displacement risks in their project area and developing anti-displacement strategies. However, applicants may have limited capacity or expertise that makes navigating or applying the data challenging.

As a first measure, programs can use the inventory of anti-displacement strategies developed for this document (see Appendix 1) to design a "menu" of anti-displacement activities for applicants to incorporate in their projects. This inventory was adapted from a version created for CARB by Karen Chapple and Anastasia Loukaitou-Sideris (2021), which evaluated the landscape of peer-reviewed anti-displacement activities, whether those strategies work best at a neighborhood, local, or state scale, and the relative impact of each strategy in preventing displacement, among other factors. The scholars found that the success of an anti-displacement strategy is context-dependent, and hinges on factors such as housing market strength, density, and political will (among other dimensions). Therefore, having a wide menu that encourages applicants to develop an anti-displacement strategy that is intelligibly linked to the context of their project and project site is paramount to the long-term success of these strategies. Programs with a common funding source or parent program could also develop shared resources, such as a repository of displacement avoidance plans and examples of anti-displacement strategies created by past projects (See Recommendation 7). Additionally, programs can develop guidance that articulates the roles of implementing organizations in addition to what strategies might be most appropriate.

Programs that have a diverse menu of anti-displacement strategies may also consider developing tools to help their applicants diagnose displacement and housing-vulnerability risk factors in their project area. For the Round 7 solicitation of the Affordable Housing and Sustainable Communities (AHSC) program, staff developed a tool to easily allow applicants to measure certain displacement risk factors. This also provided AHSC staff with a shared set of datapoints to compare across applications.

Third-party technical assistance was also mentioned as valuable resource, particularly to rural applicants and limited-capacity groups in general. Though many state transportation programs may not have the funding nor latitude to provide third-party-provided technical assistance to applicants, agencies could create provisions for technical-assistance when designing new programs. One example of this is CARB's Low Carbon Transportation Investments Funding Plan, which provides funding to three complementary programs: Planning and Capacity Building (Planning), Clean Mobility in Schools (CMIS), and the Sustainable Transportation Equity Project (STEP). For Fiscal Year 2022-23, these programs combined their solicitations and coordinated their programs' materials and events to streamline their applications and help applicants determine the appropriate grant for their project. Applicants could request third-party technical assistance from the Institute for Local Government (ILG) to help navigate the three programs and prepare their applications.

For programs where third-party technical assistance is not possible (for example, due to funding restrictions), programs may pursue other capacity-building activities, such as by launching pilot programs or by setting aside funding for planning and development activities.

Recommendation 7. Report and track the progress of anti-displacement activities over each grant term

Where possible, and where it does not unduly burden grantees, it is recommended that programs require the reporting or tracking of outcomes to monitor the progress and effectiveness of their anti-displacement activities. This is important for the following reasons: (1) It enables program staff to evaluate which strategies are and are not effective, and make course-corrections as needed, (2) It can provide transparency to the public on anti-displacement efforts being conducted by state transportation programs (if data is shared publicly), (3) It can be used to build a repository of examples and case studies for future program applicants to learn from, and (4) Outcomes data can help contribute to the as-of-yet small body of research and data on transportation/displacement linkages⁹.

Among programs that currently fund anti-displacement activities, Transformative Climate Communities requires annual summaries of grantees' anti-displacement projects. Technical assistance providers, who are assigned to each grantee as evaluators, establish qualitative and quantitative indicators used to track the progress of anti-displacement projects, and conduct interviews and surveys with residents to add narrative embellishment. These annual summaries provide performance-based information useful for course-correcting anti-displacement approaches in future program guideline updates.

Recommendation 8. Involve stakeholders and past grantees in the development of anti-displacement program guidelines

All programs considered in this effort have processes to involve stakeholders in the development of their guidelines. It is recommended that programs continue this practice but take additional care to hold early and frequent workshops and office hours to gauge stakeholder input on their anti-displacement strategies and tailor implementation to individual funding programs, to right-size anti-displacement strategies to the scale and type of projects funded through a program. Incorporation of this work into program guidelines may take several cycles of grant programs to perfect and should therefore be revisited in subsequent solicitation rounds as needed and as the state of practice continues to enrich best practices. As programs begin to implement anti-displacement strategies as voluntary and where feasible, they should take care to explain these new initiatives to applicants in a way that is positive, uplifting, and acknowledges applicants' efforts to design and develop these strategies. Programs can operationalize this practice by having staff reflect on motivational messaging and talking points that can garner enthusiasm and address trepidation among applicants before unveiling draft guidelines.

⁹ Chapple and Loukaitou-Sideris speak to the small amount of data and research on anti-displacement strategies within transportation contexts in Chapter 10 of their book, *Transit-oriented Displacement or Community Dividends?* (2022).

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- Roy, A., Bennett, A., Blake, J., Coleman, J., Cornfield, H., Harrell, L. D., Klein, T., Lutzker, S., Malson, H., Mendez, J., Orendorff, C., Otzoy, G., Powers, A., Rosenstock, C., Laborde Ruiz, R., Sens, J., & Stephens, P. (2022). (Dis)Placement: The Fight for Housing and Community After Echo Park Lake. https://escholarship.org/uc/item/70r0p7q4
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Appendix 1. Inventory of AD Policies, Strategies or Actions

How to Use this Inventory

Acknowledging the constraints of funding that can vary between programs, this inventory is designed so that programs can access at their will a "menu" of activities for applicants to incorporate in their projects as eligible costs and activities or mitigation measures.

How this Inventory was Developed

This inventory was adapted from a version created for CARB by Karen Chapple and Anastasia Loukaitou-Sideris (2021), which evaluated the landscape of peer-reviewed anti-displacement activities, whether those strategies work best at a neighborhood, local, or state scale, and the relative impact of each strategy in preventing displacement, among other factors. Other items in the inventory were sourced from the most recent STEP, AHSC and TCC guidelines and from rural stakeholder and lived experience input. Subject matter experts from the California Department of Housing and Community Development edited the inventory to ensure terminology is consistent with language common among anti-displacement practitioners.

Disclaimer

The inventory is a collection of best practices on anti-displacement designed to support housing and transportation grant programs; therefore, programs should consider their unique program attributes, such as statutory funding limitation and applicant pools, when selecting strategies from the inventory to include in their program guidelines. For example, for programs not funded with state general fund dollars, some strategies may only be implementable and funded by a grant award as a mitigation measure in response to displacement impacts and programs should consider creating awareness about that in their program guidelines accordingly. For another example, if a program only awards funding to transit agencies, it should not include strategies in their program guidelines that require land use authority to implement, such as rewriting zoning codes or updating general plans.

Definitions for column headings and categories

Column name	Description	Values
Strategy name		(Varies)
Description and Policy Significance	Basic description of the strategy and its role in mitigating displacement caused by housing pressures	(Varies)
Theme	Groupings of strategies with similar characteristics or applications	Production, Neighborhood Stabilization, Support for Unhoused Residents, Preservation, Tenant Protections
Implementation Scale	From Chapple and Loukaitou-Sideris (2020); The relevant geographic scale for successful implementation	Federal; State; Local; Neighborhood
Timeframe to Prevent Displacement	From Chapple and Loukaitou-Sideris (2020); Time it takes for strategy to be implemented and provide anti-displacement benefits	Short-term, Long-term
Implementing Entity	Organizational entities most suited to implement the strategy	State agency; Transportation agency; Local/Regional Governments; Nonprofit/CBO; Housing developer; Tribal government or community
State Grant Programs Utilizing this Strategy	If the strategy is named in the guidelines of at least one of six selected state grant programs: Affordable Housing and Sustainable Communities (AHSC), Transformative Climate Communities (TCC), Sustainable Transportation Equity Project (STEP), and SB 1 programs as prescribed through the SB 1 Equity Supplement (e.g. Solutions for Congested Corridors (SCCP), Local Partnership Program (LPP-C), Active Transportation Program (ATP))	AHSC; TCC; STEP; SCCP, LPP-C ATP
May Benefit Rural Communities	Whether the strategy has been identified to have potential benefits for rural communities	Yes; No
Requires Land Use or Legislative Authority	Whether, in order to implement the strategy, the implementing entity must have land use authority or legislative authority or permission. Strategies that do not require land use or legislative authority will be easiest for private entities, non-profit entities, and regional and local transportation authorities to implement.	Yes; No

STRATEGY NAME	DESCRIPTION AND POLICY SIGNIFICANCE	THEMES	IMPLEMENT ATION SCALE	TIMEFRAME TO PREVENT DISPLACEMENT	IMPLEMENTI NG ENTITY	PROGRAMS THAT NAME OR INCENTIVIZE THIS STRATEGY	MAY BENEFIT RURAL COMMUNITIES?	REQUIRES LAND USE OR LEGISLATIVE AUTHORITY?
ACCESSORY DWELLING UNITS (ADUS)	The California Department of Housing and Community Development (HCD) defines an Accessory Dwelling Unit as "an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel on which the single-family or multifamily dwelling is or will be situated." Policies that enable ADUs can increase the supply of affordable housing or provide a pathway for homeowners to make passive income off their property.	Production	State; Local	Long-term	State agency; Local/Regional Governments	STEP; TCC; SCCP; LPP-C		Possibly
ACQUISITION OF PRIVATELY OWNED AND MANAGED SINGLE-ROOM OCCUPANCY UNITS (SROS)	Acquisition of privately-owned single-room occupancy (SRO) units for sale that are not already under city/nonprofit management or master leases. As these units may be at risk of being converted to more expensive housing, acquiring these units and maintaining their affordability under a covenant could help prolong the benefits these units provide, particularly to individuals transitioning out of homelessness.	Preservation; Support for Unhoused Residents	Local; Neighborhood	Long-term	Local/Regiona I Governments; Tribal government or community; Non-profit/CBO; Housing developer	TCC		No
AFFORDABILITY COVENANTS	Affordability covenants place affordability restrictions on a property or housing unit to ensure continued affordability for a specified period of time (e.g., 55- or 99-years), or in perpetuity. Affordability covenants on restricted properties are required to be recorded under state law pursuant to Government Code Section 27281.5 which establishes that any restriction imposed on real property that restricts the ability of the owner to convey the real property (or the owner of a proprietary leaseholder to convey that interest) imposed by a municipal government entity must be established in a recorded document describing that restriction.	Preservation	Local	Short-term; Long-term	Local/Regiona I Governments	STEP; TCC; AHSC		No
ASSET-BUILDING PROGRAMS	Asset-building programs aim to help low-income individuals and households achieve financial independence and may include financial coaching, seed deposits into savings accounts, matches to participant savings, assistance to renters to build equity, among other strategies Asset building opportunities can also include traditional homeownership assistance (e.g., downpayment programs) and alternative ownership models e.g. shared equity models like CLTS or limited equity coops, renter's equity, or lease-purchase options.	Neighborhood Stabilization; Support for Unhoused Residents	Neighborhood ; Local	Long-term	Local/Regiona I Governments; Tribal government or community; Non-profit/CBO; State agency	TCC; STEP		No
CODE ENFORCEMENT REFORM	Code enforcement reform is about encouraging local jurisdictions to take actions that prevent tenants from enduring substandard housing conditions and providing incentives to landlords to prevent code violations in the first place. This can include strategies like providing emergency home repair or referral programs to connect residents and landlords to services and	Tenant Protections and Support	Local	Long-term; Short-term	Local/Regiona I Governments; Non-profit/CBO	STEP; TCC		Yes

¹⁰ SB 9 Fact Sheet: On the Implementation of Senate Bill 9 (Chapter 162, Statutes of 2021), March 2022, California Department of Housing and Community Development. https://www.hcd.ca.gov/docs/planning-and-community-development/sb9factsheet.pdf

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	resources, and providing relocation assistance to tenants that have to vacate a property while it undergoes repairs, rewarding landlords for strong code compliance, or creating an escrow account to hold tenants' rents while their landlord makes good on promises to make repairs (See City of Los Angeles Rent Escrow Accounting Program).						
COMMUNITY BENEFITS AGREEMENTS (CBA)	A Community Benefits Agreement (CBA) is a contract between a developer and community-based organizations representing resident interests. The agreement spells out the benefits the community will receive in return for supporting the developer's project in their neighborhood. CBAs often include benefits such as guaranteed minimums for local hiring, inclusion of affordable units in new housing, and the development or improvement of parks or community facilities. These agreements can help ensure more equitable development, enabling existing residents to benefit from new activity and opportunities in neighborhoods threatened by gentrification and displacement.	Neighborhood Stabilization	State; Local; Neighborhood	Long-term	Local/Regiona I Governments; Housing developer; Non- profit/CBO; Tribal government or community; Transit Agency		No
COMMUNITY LAND TRUSTS	Community land trusts (CLTs) are nonprofit organizations or associations created with the mission of providing permanent affordable housing and promoting community control and collective ownership ofland. Under a CLT model, residents may own or lease their homes and other buildings/improvements on the land but the land itself is collectively held in trust, effectively removing the land from being purchased/sold on the private market thus preserving affordability for current and future residents by limiting the rate of appreciation. The first CLTs were established in the 1960s in the context of the Civil Rights Movement and today there exist dozens across California (and many more across the US and globally).	Production; Preservation	Local; Neighborhood	Short-term	Local/Regiona I Governments; Non-profit/CBO; Transit Agency; Tribal government or community	STEP; AHSC; TCC	No
CONDO CONVERSION RESTRICTIONS + TENANT OPPORTUNITY TO PURCHASE ACTS(TOPA)	Condo conversion restrictions aim to protect tenants against the loss of existing rental units in the event a building owner decides to sell. Tenant opportunity to purchase (TOPA) is one example of a tenant protection in these situations, where existing tenants are given certain rights such as the right of first refusal allowing them the first opportunity to purchase the property at the asking price before entertaining other offers on the private market. Other examples of condo conversion restrictions include noticing requirements (giving tenants advance warning to find other housing arrangements and avoid sudden displacement) and relocation assistance to be paid by the landlord or developer to help with moving costs.	Preservation	Local	Short-term	Housing developer; Local/Regional Governments	STEP; TCC	Possibly
τENANT RIGHTS EDUCATION PROGRAMS	Consider partnering with local fair housing organizations and other non-profits that receive funding through the Fair Housing Initiatives Program (FHIP) to provide tenants with information about organizing and rights https://www.hud.gov/program_offices/fair_housing_equal_opp/contact_fhip	Tenant Protections and Support	Local	Long-term	Non- profit/CBO; Local/Regional Governments; Tribal government or community	STEP; TCC; AHSC	No
MICRO-LENDING PROGRAMS	Microlending is the practice of granting small loans to people or businesses that might otherwise not qualify for such loans. In places with lack of access to capital or in populations held back from financing (such as refugees in some cases, for example), microlending can be especially valuable for promoting self-reliance, allowing people access to family-sustaining wages within one's own community.	Neighborhood Stabilization	Local	Long-term	State agency; Local/Regional Governments; Non-profit/CBO; Tribal government or community	STEP; TCC	No

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REQUIREMENTS ON
UNIT SIZE FOR NEW
AFFORDABLE HOUSING

As developers often have a financial incentive to squeeze as many units into a new development as possible, there are generally a smaller share of newly-built affordable units for families than for individuals and couples. Family-sized units are usually 3-bedrooms or larger. The CA Tax Credit Allocation Committee (TCAC), requires that housing developments funded additional points or bonus awards.

Production Local; Long-term Neighborhood

Local/Regiona I Governments; Housing

developer; State

STEP; TCC; AHSC

through its programs set aside at least 25% of their units for families or larger households. Funding programs can incentivize family units through

agency; Nonprofit/CBO

TCC; STEP No

DEVELOPMENT OF COOPERATIVELY OWNED BUSINESSES

A worker cooperative is a business owned and managed by its workers. This control may mean a firm where every worker-owner participates in decision-making in a democratic fashion, or it may refer to one in which management is elected by every worker-owner who each have one vote. When workers have a say in their respective labor conditions, the worker is more likely to have a "high-quality" job. A "high-quality" job is characterized in the TCC guidelines (2023) as having decent wages (family-sustaining jobs with prevailing wage or entry-level work with clearly defined routes to advancement into higher-wage jobs), benefits (like paid sick and vacation), adequate hours and predictable schedules, access to training, occupational health and safety, worker representation or right to organize, and no employer or subcontractor record of wage theft or other violations of labor law. Access to high quality jobs promotes neighborhood stabalization and wealth building over the long term, thereby reducing displacement risk.

Neighborhood Neighborhood Long-term Stabilization

n Agency; Local/Regional Governments;

Transportatio

Tribal government or community; Non-profit/CBO;

Housing developer

FUNDING FOR INFILL AND HOUSING *INFRASTRUCTURE* **IMPROVEMENTS**

Direct funding for infill and residential infrastructure can complement transportation infrastructure improvements and protect residents from displacement by increasing a community's ability to produce more affordable housing units on a similar time scale as to when new transportation amenities come online. New transportation amenities in communities that have been historically underserved can exacerbate a community's vulnerability to displacement if measures are not taken to protect low-income residents from displacement.

Neighborhood Local; Stabilization Neighborhood

State agency; Housing

developer; Nonprofit/CBO; Tribal government or community; Transportation Agency; Local/Regional

Governments

Yes

No

EQUITY
ASSESSMENT OF
NUISANCE POLICIES
AND CODE
ENFORCEMENT

Where applicable, assess enforcement of nuisance and code enforcement policies and modify them as needed to ensure vulnerable populations are not being negatively impacted or inequitably displaced.

Nuisance ordinances are local laws meant to curb undesirable activities that pose a risk to public health or safety, such as excessive noise, hazardous waste, or criminal activity. Nuisance laws are intended to keep communities safe and livable — but at times they have the opposite effect. Usually, individuals or property owners who receive nuisance citations must stop the nuisance activity (eg, stop hosting loud parties) or else face a penalty, often in the form of a fine. But penalties can range in severity and sometimes cause undesirable and unjust outcomes. For renters, being the subject of a nuisance complaint can mean losing housing that might not be easily replaced. Nuisance laws can also disproportionately impact community members with fewer resources, such as people of color, persons with mental disabilities, or those experiencing domestic violence. One driver of this disparity is inequitable enforcement of nuisance laws for different types of people and different locations. (source: Change Lab Solutions).

Tenant	Local	Long-term	Local/Regiona	STEP; TCC
Protections and			l Governments;	
Support			Tribal government	
			or community;	
			Non-profit/CBO	

FORECLOSURE ASSISTANCE

These ordinances ensure that tenants facing an eviction are provided legal representation, a proven means of curbing evictions and the displacement of low-income tenants. Though criminal defendants are granted a right to counsel under the sixth amendment, civil defendants must provide their own defense. Research has shown that 86 percent of all lowincome civil defendants receive insufficient or no help at all. A 2013 evaluation of evictions in Massachusetts found that the provision of legal counsel was associated with a 77 percent decrease in removals. In 2019, San Francisco voters approved the "No Eviction without Representation Act," which ensures legal representation for all tenants. Affordable housing advocates caution that more nuanced attention should be given to rural communities, where a shortage of rural lawyers and underfunding of legalaid organizations has led to an inequitable absence of legal protections. Source: Legal Services Corporation, The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans. (Prepared by NORC at the University of Chicago for Legal Services Corporation. Washington, DC, June 2017). Accessed at:

https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf Source: Eviction Defense Collaborative, Tenant Right to Counsel, (2020). Accessed at: https://evictiondefense.org/services/right-to-counsel/

:~:text=In%20November%20of%202018%2C%20San,counsel%20in%20an%2 0eviction%20matter.&text=Universal%20right%20to%20counsel%20in,way% 20of%20keeping%20people%20housed. San Francisco Mun. Code, § 58.4. Pattanayak, C. et al. The Limits of Unbundled Legal Assistance: A Randomized Study in a Massachusetts District Court and Prospects for the Future, 26 Harv. L. Rev. 901 (2013). Accessed at: https://harvardlawreview.org/2013/02/the-limits-of-unbundled-legal-assistance-a-randomized-study-in-a-massachusetts-district-court-and-prospects-for-the-future/

Neighborhood Federal; Short-term Loc Stabilization State; Local I Gover

Local/Regiona I Governments; State agency; federal government AHSC

No

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FUNDING FOR TENANT ORGANIZING	Little funding exists for tenant organizing. Organizing rebalances power. When ordinary people come together to take collective action on their own behalf, they have a greater ability to influence people in decision-making positions. This undermines existing social structures and creates a more just distribution of power. Tenants organize to address immediate problems and create ongoing solutions. If a tenant has mold in his or her apartment and the landlord keeps saying it will be addressed but it never is, chances are other tenants in the building are facing the same problem. It is easy for the landlord to avoid each person individually, but when tenants come together and put pressure on the landlord as a group, they become much harder to ignore.	Tenant Protections and Support	Local	Long-term	Transportatio n Agency; Local/Regional Governments; State agency; Non-profit/CBO; Transit Agency	STEP; TCC; AHSC		No
HOME EFFICIENCY RETROFITS	Home efficiency retrofit programs provide assistance to property owners to make home upgrades that conserve energy and water, thereby reducing the cost of housing. The benefits of this assistance can be maximized when applied to communities disproportionately burdened by developing infrastructure; where access to infrastructure affects a property owner's options or range of alternatives available to power and water their home, without consideration of income level as a factor. In communities at-risk or experiencing displacement where rising housing cost play a role, retrofit programs can protect residents from displacement by reducing monthly household costs.	Preservation	Local; Neighborhood		Local/Regiona I Governments; Non-profit/CBO; Tribal government or community; Housing developer		Yes	No
HOUSING OVERLAY ZONES (HOZS)	Housing overlay zones (HOZs) are added layers on top of existing zoning ordinances that provide incentives for developers to build housing, particularly affordable housing, within specific districts. Overlay zones may include a variety of incentives to developers to include affordable units in their projects.	Production	Local; Neighborhood	Long-term	Local/Regiona I Governments	STEP; TCC; SCCP; LPP-C		Yes
HOUSING PRODUCTION	Directly produce more housing that speaks to the housing needs of the community.	Production	State; Local	Long-term	Housing developer; Non- profit/CBO	AHSC; STEP; TCC; SCCP; LPP-C; ATP		No
HOUSING REHABILITATION	Homeowner rehabilitation assistance programs provide funds to income-eligible owner-occupants to assist with the repair, rehabilitation, or reconstruction of their homes. The goal of these programs is to allow homeowners who might not otherwise be able to afford necessary repairs to maintain a safe and healthy living environment. Owners can use these funds to bring a property up to code, tend to electricity or plumbing issues, repair the roof and floor, or make upgrades that enhance the home's energy efficiency or accessibility.	Preservation	State; Local	Short-term	Local/Regiona I Governments	AHSC; STEP; TCC	Yes	No

Assistance can be provided to the owner-occupant through grants and inkind assistance, as well as deferred-payment, low-interest and non- interest-

bearing loans. Assistance may also be paid directly to the contractor – particularly for emergency repair programs for the neediest households. These programs can help prevent the displacement of low-income households who otherwise may struggle to keep their home in livable

condition.

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IMPACT + LINKAGE FEES	Affordable housing impact/linkage fees are charges on developers of new market rate, residential developments. They are typically based on the square footage or number of units in the developments and are used to develop or preserve affordable housing by subsidizing the cost. These generate locally-controlled funds to assist in the development of below market rate housing, serving to leverage the much greater quanties of state and federal funding and private equity and debt financing that is needed to construct affordable housing.	Production	Local	Long-term	Local/Regiona I Governments	STEP; TCC	Yes	Yes
INCLUSIONARY ZONING + DEVELOPER INCENTIVES	Inclusionary zoning (IZ) is a specific set of policies designed to advance the goal of greater inclusivity. IZ is a system of requirements and incentives where developers of new market-rate, multifamily housing must set aside a percentage of the new units for lower-income residents. These units must be made available at an affordable rent (typically below 30% of the household's income), and are "deed-restricted", meaning that they can only be rented to households below a given income threshold. IZ policies can promote two positive goals. First, IZ can increase the number of affordable homes in a city or neighborhood, allowing more lower-income households to live in buildings and neighborhoods that they could not otherwise afford. Second, IZ can advance economic and racial integration in neighborhoods and cities. However, some IZ policies backfire and fail to achieve these goals. Requiring on-site affordable units introduces a new cost on housing production, which can make some projects unprofitable to build. This leads to fewer new homes, both market-rate and deed-restricted affordable. In most municipalities that have an IZ policy in place, the policy has created a relatively small number of affordable homes. Additionally, IZ policies tend to be more successful in greenfield development situations, where costs to builders are lower. IZ therefore presents a challenge in urban infill development, where costs to builders are higher. Thus, IZ policies must be carefully balanced with the need to protect environmental space and to increase urban infill housing opportunities. (Source: Abundant Housing LA)	Production	State; Local	Long-term	Local/Regiona I Governments	STEP; TCC	Yes	Yes
TENANT SUPPORTIVE SERVICES	Providing supportive services can give residents access to services that will allow them to thrive and keep them housed. These could include physical and behavioral health services, assistance obtaining benefits, education and employment services, and case management. In the short-term, an assessment and inventory of how many rooms and	Support for Unhoused Residents; Tenant Protections and Support	State; Federal	Long-term	State agency; Local/Regional Governments; Non-profit/CBO; Tribal government or community	TCC		No
	hat the same of the second control and inventory of now many rooms and				or community			

hotels are under private management can help determine need and target supportive services and outreach to those private SROs. This assessment would help to stabilize and prevent tenants from becoming homeless and to address unmet needs, especially for smaller SRO hotels that may be difficult to master lease. Additionally, more information collected on privately owned SROs can help prioritize those SROs with tenants most likely to be displaced.

(SFPlanning.org).

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JUST CAUSE	
EVICTION POLICIES	lan
	lea
	ach
	ren

Just Cause (or "good cause") eviction laws are tenant protections require landlords to have a valid reason to evict a tenant or refuse to renew their lease. These laws protect tenants from arbitrary eviction, helping renters achieve increased housing stability. "Valid" reasons for eviction or nonrenewal that would not be covered by just cause protections typically include justifications such as lease violations, excessive nuisance or damages, or nonpayment of rent. Just cause eviction protections were introduced under AB 1482, the Tenant Protection Act of 2019, which generally prohibits landlords of residential properties from terminating tenancy without just cause (which must be provided in written notice) and for certain "curable" reasons, provide a notice of violation allowing an opportunity for resolution before terminating the tenancy.

Neighborhood Local Stabilization

Long-term

Long-term

Local/Regiona I Governments

STEP; TCC

TCC

Yes

LAND BANKING **PROGRAMS**

Land banks are public authorities or non-profit organizations created to acquire, hold, manage, and sometimes redevelop property in order to return Stabilization these properties to productive use to meet community goals, such as increasing affordable housing or stabilizing property values.

Cities, towns or counties with stronger housing markets can use land banks as a mechanism for purchasing and holding land for future use. For example, a community can purchase land in gentrifying neighborhoods to hold for future affordable housing development. Such land bank acquisitions can help ensure the availability of affordable housing even as land prices rise. While localities with strong housing demand typically have fewer problems with disinvestment and decline than other markets, land banks can also provide a mechanism to secure tax delinquent properties when such delinguencies occur, and hold these properties until they may be redeveloped as affordable or mixed-income housing or to meet other community needs.

Neighborhood

Local

Transportatio n Agency; Nonprofit/CBO; Tribal

> government or community; Local/Regional Governments

No

CAPTURE

LAND VALUE

Cities can capture some of the increased land value resulting from infrastructure improvements and zoning changes to provide funding for affordable housing and other community benefits. Public action and investing should accrue public benefit, and a robust scholarship shows that LVC strategies can promote an increase in affordable housing that helps housing affordability and enhances social integration. A study of the Eastern Neighborhoods of San Francisco demonstrates that up zoning underutilized lands with a strategic LVC mechanism can harness the strength of hot realestate markets and increase affordable housing production. The city reflected the relationship between higher density and increased development value by establishing a tiered approach to baseline and public benefit fees.

Production

State; Local

Long-term

Local/Regiona **I** Governments

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LIMITS TO LOW
FAULT EVICTIONS

In many states and localities around the country, landlords are not required to provide a reason for evicting a tenant at the end of a lease term or for evicting a tenant without a lease (i.e., a resident with a month tomonth tenancy). To support renters at risk of housing instability, a growing number of lawmakers have passed "just cause" eviction legislation. Just cause legislation provides legal protections to make the lease renewal process more predictable, protect renters from excessive rent increases, empower

tenants to advocate for better living conditions without fear of retaliation, and promote long-term housing stability for low-income and marginalized renters.

Just cause laws can be enacted at federal, state, or local levels. Just cause legislation enacted by state and local jurisdictions typically includes three placing of limits on rent increases, and (3) the enhancement of written notice requirements.

core components: (1) the definition of the legal grounds for eviction, (2) the

Just Cause rules, tenant right to counsel in eviction cases, court process reform, incentivization of landlords to avoid evictions, and regulatory oversight of rentals all work to limit evictions within affordable housing. Just Cause rules involve changing the relevant law governing evictions to limit the circumstances under which a landlord can file an eviction lawsuit against a tenant, requiring an appropriate reason for the eviction. Adoption of tenant right to counsel rules and other court process reforms are measures targeting the legal processes by which eviction cases move through the courts. By adopting a local measure that affords tenants a right to counsel coupled with free legal aid for eligible individuals facing eviction — localities can substantially improve tenant outcomes.

LOCAL HOUSING ALLOCATION **PROGRAM**

LIMITATIONS ON

EVICTIONS

Chapter 364, Statutes of 2017 (SB 2, Atkins) was part of a 15-bill housing package aimed at addressing the state's housing shortage and high housing costs. Specifically, it establishes a permanent source of funding intended to increase the affordable housing stock in California. The revenue from SB 2 will vary from year to year, as revenue is dependent on real estate transactions with fluctuating activity. The legislation directs the California Department of Housing and Community Development (Department) to use 70 percent of the revenue collected, beginning in calendar year 2019, to provide financial assistance to local governments for eligible housing-related projects and programs to assist in addressing the unmet housing needs of their local communities.

Terrant	
rotections and	
Support	

Tenant

Support

Protections and

Production

Short-term

Local

Local

Local/Regiona **I** Governments

TCC

Yes

Local/Regiona TCC **I** Governments

Yes

Local; State Long-term Local/Regiona I Governments;

Short-term

State agency

STEP; TCC

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MAXIMIZE ACCEPTANCE OF RENTAL SUBSIDIES The Housing Choice Voucher (HCV) program helps participants afford to live in privately owned rental housing of their choice. Administered by HUD and managed at the local level by public housing agencies (PHAs), it is the largest HUD rental assistance program.

Households who receive HCVs pay about 30 percent of their adjusted income each month for rent and utilities to rent units that meet eligibility standards. The PHA pays the balance of the rent due, up to a maximum known as the voucher payment standard. The PHA is responsible for setting payment standards for each bedroom size, based on the fair market rent (FMR) for the surrounding area or ZIP Code. PHAs generally have the choice of whether to establish a single set of payment standards for the entire jurisdiction or to use different sets of payment standards in different geographical areas. The latter approach adds complexity to program administration but can help participants access a wider range of units by ensuring that the payment standards are tailored to rents at the neighborhood level.

Tenant	
Protections and	
Support	

Short-term

State agency; Local/Regional Governments; Federal government

TCC

No

NEIGHBORHOOD PREFERENCE LEGISLATION

Preference policies establish characteristics, such as residents of a specific geography or demographic group, that are used in tenant selection to determine which applicants are chosen for available housing units. Preference policies impact the equitable distribution of California's scarce supply of deed-restricted affordable housing. A preference policy may apply to a percent of the units or to an entire development. Preferences determine the rank or priority of applications, which differs from eligibility criteria that are applied uniformly across all applicants. Tenant selection criteria have an enormous impact on the millions of California families seeking affordable housing, and it is vital that selection criteria are not inconsistent with fair housing laws. Changes in selection criteria may mean the difference between an eligible household waiting a few months versus years for an affordable unit. Housing providers may desire to use preferences in order to address a specific local challenge, such as displacement or a lack of housing affordable to teachers or other public servants.

However, preferences for specific groups or local residents can present unique challenges to ensuring fair housing choice for all Californians. While well-intended, policies that create preferences for particular groups may reduce the ability of individuals and families seeking deed-restricted affordable housing to live where they choose without unlawful discrimination and barriers to fair housing choice. For example, local residency preferences used within affordable housing developments in majority-White communities have historically functioned to exclude racial minorities residing in surrounding communities. Preference policies may create unintentional barriers for potential tenants and result in less diverse pools of tenants than if the affordable homes had been made available to all potential tenants from the larger surrounding area.

Production

Local

Local

Long-term Local,

Local/Regiona I Governments; State agency TCC

Draft, Deliberative, Confidence NEIGHBORHOOD STABILIZATION ORDINANCES	By investing in the redevelopment of distressed neighborhoods with a specific focus on restoring and creating income-diverse neighborhoods, cities can help to stabilize these neighborhoods and improve the quality of life for all residents.	Neighborhood Stabilization	Local	Long-term	Local/Regiona I Governments	STEP; TCC	Yes
	Relative to neighborhoods with a high concentration of poverty, mixed-income neighborhoods can support private investment in retail and housing, drawing amenities such as grocery stores, banks, and small business to areas that otherwise might be overlooked. Public and private investment can address vacancy, reducing blight and, in some cases, increasing tax revenue, as well as stabilize and modernize an aging housing stock. Other benefits include preservation of architectural heritage and increases in the number of occupied housing units in neighborhoods that are walkable and/or well-located near transit, reducing greenhouse gas emissions associated with auto travel. When part of a comprehensive strategy for neighborhood redevelopment, investment in these spaces can prevent the displacement of existing residents, many of whom are low-income, and improve quality of life for these residents through enhanced amenities and increased employment opportunities.						
NO NET LOSS POLICIES	No Net Loss Law (Government Code Section 65863) ensures that a jurisdiction maintains a sufficient supply of adequate sites in the Housing	Preservation	Local	Long-term	State agency; Transportation	STEP; TCC; AHSC	Yes

Element sites inventory at all times throughout the entire planning period to accommodate a jurisdiction's share of regional housing needs given by the RHNA. The purpose of No Net Loss Law is to expand the supply of housing, including affordable housing, and ensure that local jurisdictions do not take actions that could reduce the potential capacity for new development (e.g., reducing a parcel's residential density) without identifying additional sites or demonstrating there exists sufficient capacity to accomodate unmet RHNA in each income category.

Agency; Tribal government or community; Local/Regional Governments

PLANNING, CAPACITY BUILDING, AND TECHNICAL **ASSISTANCE**

Anti-displacement planning/plan refers to a process/product by which a community is engaged and organized to protect against, slow or reverse displacement impacts within the community. Resources to support the planning/plan are needed and could include technical assistance.

CCRH mentioned that jurisdictions that had gone through RHNA Cycle 6 and developed anti-displacement plans were well-positioned to develop antidisplacement strategies for programs that require them, such as TCC.

Neighborhood Stabilization

Local; Neighborhood

Long-term

Local/Regiona I Governments; Transportation

Agency; Tribal government or community; Nonprofit/CBO; Housing

developer; State agency

TCC; AHSC

Yes

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POLICIES TO
PRESERVE/CREATE
SINGLE-ROOM
OCCUPANCY HOUSING

Single room occupancies, also called residential hotels, house one or two people in individual rooms. Tenants typically share bathrooms and/or kitchens. These are often considered a form of permanent residence affordable for low-income individuals. SRO Preservation ordinances help to preserve or create new SRO units by preventing the loss of residential hotel units through conversion to tourist rooms or demolition, and to prevent the displacement of low-income, elderly and disabled persons. This is accomplished by maintaining units reported as residential units within SRO hotels as residential, regulating the demolition and conversion of residential hotel units to other uses, the requirement of a one-to-one replacement of units to be converted from residential use or payment of an in-lieu fee, and appropriate administrative and judicial remedies for illegal conversions.

Support for Local Long-term Unhoused Residents

Local/Regiona I Governments; State agency

STEP; TCC

Yes

Possibly

PRESERVATION/PR OTECTION OF MOBILE **HOME PARKS**

Facilitating the conversion of mobilehome parks into community- or non-profit ownership models, such as community land trusts or cooperatives that acquire and manage the park, can help ensure long term affordability for residents by preventing the parks from being purchased by investors who may raise ground rents/fees or seek to evict existing residents. Regarding state regulatory and funding programs that connect to the preservation/protection of mobilehome parks and their residents - HCD is responsible for registration, titling, and inspecting mobilehome parks for health and safety violations in areas where local governments have not taken up enforcement activities to protect residents, and enforcing consumer regulations for manufactured home sellers/buyers. HCD also administers the Mobilehome Park Rehabilitation and Resident Ownership Program to help finance the preservation of affordable mobilehome parks by converting them to ownership or control by resident organizations, nonprofit housing sponsors, or local public entities.

Preservation Long-term Local/Regiona STEP; TCC Local I Governments; State agency

PRIORITIZE MOVING FAMILIES FROM SROS INTO AFFORDABLE HOUSING

Strive to create a variety of housing options, for all kinds of folks, in all parts of town. Also, ensure SROs are following best practices for occupancy limitations (see above).

Tenant Protections and Support

Local

Local;

Neighborhood

Long-term; Short-term

Nonprofit/CBO; Local/Regional Governments; Tribal government

or community

TCC

No

Families who are in overcrowded situations in the homes of family or friends, living in SRO units and in substandard or inadequate living spaces are considered homeless. Knowing the details of income levels and other household information on families in SRO units would help determine potential changes (legislative and funding) to existing affordable housing preferences. The information could also help create guidelines to prioritize the movement of families from unhealthy and overcrowded SRO units to affordable family-sized housing units in the city. This type of data collection could also be analyzed in conjunction with other data points, such as the number of violations per SRO building, to help better understand the need for prioritizing the transition of families, especially families with seniors and young children, to safer homes. (SFPlanning.org).

Production

Long-term

Local/Regiona

Yes

Yes

PRODUCTION OF FARMWORKER OR RURAL EMPLOYEE HOUSING

Production of farmworker or rural employee housing can protect against rural displacement. Studies show farmworker housing is often substandard, overcrowded, and is burdened with poor water quality. (2022 UC Merced https://clc.ucmerced.edu/sites/clc.ucmerced.edu/files/page/documents/fw hs report 2.2.2383.pdf? gl=1*5uyqxc* ga*NDM5MDUzOTY4LjE2NzUzODA

I Governments; Transportation Agency; Tribal government or

community; Non-

Draft, Deliberative, Confide	ential 2NTk.*_ga_TSE2LSBDQZ*MTY4MDIxMjgyOS40LjEuMTY4MDIxMjgzNi41My4 wLjA)				profit/CBO; Housing developer		
RENT CONTROL	Rent control generally refers to laws or ordinances that limit the rate of increase in rent from year-to-year (or with each lease renewal). AB 1482 (the Tenant Protection Act of 2019) established statewide rent control for tenants in certain types of housing, capping rent increases at no more than 5% plus inflation (to an absolute limit of 10%), while exempting newer developments (less than 15 years old), single family homes, and owner occupied duplexes. Local jurisdictions may impose stricter limits. Rent control is a key strategy to ensure the stability and housing stability of renters by preventing excessive rent hikes that could spur gentrification and displacement.	Neighborhood Stabilization	State; Local; Federal	Short-term	Local/Regiona I Governments; State agency	STEP; TCC	Yes
RENT REVIEW BOARDS	Rent review boards are typically appointed by the mayor or city council, and are comprised of representatives for both landlords and tenants, as well as a neutral party. The program is based on the use of mediation and non-binding arbitration to work jointly with tenants and landlords to respond to complaints brought before the board, and provides a neutral setting for discussing rent increase disputes.	Neighborhood Stabilization	Local	Long-term; Short-term	Local/Regiona I Governments	STEP; TCC	Yes
RENTAL ASSISTANCE PROGRAMS	Foreclosure prevention programs provide assistance to homeowners at risk of losing their homes to foreclosure and are often targeted to low- and moderate-income owners. Among other approaches, localities can provide funding to support HUD-approved housing counseling agencies that help homeowners apply for loan modifications, refinancing, or arrange other types of resolutions, such as forbearance, to avoid foreclosure. Foreclosure prevention programs can also support legal services agencies to help homeowners with foreclosure defense or assist homeowners who have been victims of predatory lending, deed-theft schemes, or other unscrupulous behaviors that put them at risk of foreclosure. Some jurisdictions also offer emergency loan programs for borrowers facing a temporary financial hardship. Such assistance generally is intended to bridge the gap until a borrower's circumstances stabilize, and may come in the form of a low- or no-interest deferred loan payable upon sale or refinancing of the home. In markets where tax delinquency is a significant source of foreclosure, incomebased tax abatements, exemptions, and payment plans can assist with homeowner stability although such changes may require changes in tax law. Finally, jurisdictions can use foreclosure prevention programs to play an important role in educating homeowners about their rights and obligations, as well as available assistance.	Neighborhood Stabilization	Local	Short-term	Local/Regiona I Governments; State agency; Federal government	AHSC	Possibly

Draft, Deliberative, Confider RESTRICTIONS ON NON-PRIMARY RESIDENCES	Could apply to vacation homes and also short-term rentals and investment properties held vacant. Specific examples could include restrictions on restrictions on number of days in a year the property can be rented out while the host/owner is not present, special permitting requirements, occupancy taxes or vacancy taxes intended to ensure an adequate supply of housing for full-time residents; avoid conflation of this strategy/policy with owner occupancy requirements. See also or administer in combination with "Restrictions on short-term rentals."	Neighborhood Stabilization	Local	Long-term	Local/Regiona I Governments; State agency	STEP; TCC	Yes
RESTRICTIONS ON SHORT-TERM RENTALS	Short-term rentals are furnished homes or rooms rented on a short-term basis—typically less than a year and usually only for a few nights or weeks at a time. One criticism is that their relative profitability encourages landlords to convert long-term rentals to short-term rentals—reducing the overall rental stock and contributing to rising rents for remaining long-term rental units. Those interested in regulating short-term rentals will likely want to consider a range of policy options. Among the key regulatory tools available to localities are: -Monitoring of short-term rentals: Localities may require short-term rentals to register or acquire permits, which may include measures to protect the safety of tenants and mitigate potential disturbances for neighborsFees or taxes on short-term rental operators: For example, a tax that increases with the number of days a unit is rented may discourage conversion of "mom and pop" short-term rental units to year-round Airbnbs or "Airbnb hotels." -Caps on the number of short-term rentals: Localities may choose to restrict the total number of permitted units in certain neighborhoods, zoning districts, or the locality as a whole. -Limits on the frequency of rentals: Localities may limit the number of nights a property can be rented as a short-term rental. -Restrictions on tenants: Localities may consider limiting the number of tenants who can stay in a short-term rentals.	Neighborhood Stabilization	Local	Long-term .	Local/Regiona I Governments	STEP; TCC	Yes
	dedicated or investor-owned short-term rentals.						

-See also or administer in combination with "Restrictions on non-primary

residences.

Right to Return policies prioritize tenants that have been forced out of a neighborhood due to economic displacement.

SB 330 (2019) – Gov. Code 66300(d). The bill banned the destruction of existing affordable and rent-controlled housing units unless developers replaced them, pay to rehouse displaced tenants, or offer renters first refusal for similar unit in the new housing development. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=2019202 00SB330

Example 1: Santa Monica Right to Return Pilot Program. Santa Monica residents, specifically in the Belmar Triangle and Pico neighborhoods, are given the opportunity to return to the area where their families used to live. In both cases, Santa Monica used eminent domain to remove/destroy the homes and businesses in the area to make space for other buildings or to build a highway. Out of the 134 families who applied for the program, only 11 families were approved. The remaining amount did not have the documentation and therefore withdrew their application, ineligible, or still being considered as they gather additional documentation. https://smmirror.com/2023/04/santa-monicas-right-to-return-pilot-program-approves-11-families-for-below-market-housing/

Example 2: Portland's North/Northeast Preference Policy seeks to address the legacy of marginalization and displacement resulting from urban renewal by prioritizing impacted households for housing opportunities through the Portland Housing Bureau and partner organizations. Portland's policy gives preference to residents that have been harmed by Portland city action through urban renewal practices within a defined geographic area. https://www.portland.gov/phb/nnehousing/preference-policy"

SOURCE OF INCOME NON DISCRIMINATION

California State law prohibits discrimination based on income source, including discrimination against families that use vouchers to pay rent. In the realm of housing, one of the most prominent examples of income discrimination occurs when landlords refuse to accept tenants who receive rental assistance through the Housing Choice Voucher program. Under Senate Bill 329, it is illegal in California to reject a prospective tenant solely based on the applicant's use of a housing voucher. Housing Choice Vouchers are not considered tenant income, which provides the loophole to landlords refuse the voucher. The Housing Choice Voucher program serves more than 2.2 million households in the US and was designed to eliminate concentrations of poverty and increase access to higher-opportunity neighborhoods. Local governments and Public Housing Authorities may assist households receiving vouchers through security deposit assistance and adopting Small Area Fair Market Rents which may allow vouchers to be used in higher rent areas. Strict local non-discrimination laws also mitigate the impact of displacement by increasing access to higher-opportunity neighborhoods. Along with non-discrimination legislation, local administrative agencies must be adequately funded to ensure enforcement and follow-up with non-compliant landlords. In an example of administrative penalties, landlords found in violation of Washington State

Neighborhood Local Short-t Stabilization Long-term

Local

Tenant

Support

Protections and

Short-term; ng-term I G Sta

Short-term;

Long-term

Local/Regiona I Governments; State agency;

State agency;

Local/Regional

Governments

AHSC; STEP;

TCC

Federal government

STEP; TCC Possibly

Draft, Deliberative, Confider	itial						
Druit, Deliberative, comider	source of income laws can be held responsible for more than four times the monthly rent, as well as court costs and attorney fees.						
TENANT ANTI- HARASSMENT POLICIES	"In 2016, the U.S. Department of Housing and Urban Development (HUD), one of the federal agencies that enforces the Fair Housing Act, released its Final Rule on Quid Pro Quo and Hostile Environment Harassment and Liability for Discriminatory Housing Practices Under the Fair Housing Act. The rule outlines two major types of harassment: quid pro quo and hostile environment. Quid pro quo harassment occurs when a housing provider requires an individual to submit to an unwelcome request in order to obtain or maintain their housing. Hostile environment harassment occurs when a housing provider subjects a person to severe or pervasive unwelcome conduct that interferes with the person's access to or enjoyment of housing. These fair housing protections extend to neighbor-on-neighbor harassment. The 2016 HUD rule on harassment states that "a housing provider (including a homeowner's association) or property manager is liable under the Act for negligently failing to take corrective action against a third-party harasser when the provider or manager knew or should have known of the harassment and had the power to end it." Housing providers must be vigilant and responsive to protect their tenants' right to safe housing, especially as we all spend more time at home. It's not just the right thing to do; it's the law.	Tenant Protections and Support	Local	Long-term	Local/Regiona I Governments; Non-profit/CBO; Housing developer; Tribal government or community	STEP; TCC	No

Source: https://equalrightscenter.org/tenant-on-tenant-harassment/"

Draft, Deliberative, Confiden	ntial							
TENANT RIGHT TO COUNSEL AND TENANT LEGAL SERVICES	These ordinances ensure that tenants facing an eviction are provided legal representation, a proven means of curbing evictions and the displacement of low-income tenants. Though criminal defendants are granted a right to counsel under the sixth amendment, civil defendants must provide their own defense. Research has shown that 86 percent of all low-income civil defendants receive insufficient or no help at all. A 2013 evaluation of evictions in Massachusetts found that the provision of legal counsel was associated with a 77 percent decrease in removals. In 2019, San Francisco voters approved the "No Eviction without Representation Act," which ensures legal representation for all tenants. Affordable housing advocates caution that more nuanced attention should be given to rural communities, where a shortage of rural lawyers and underfunding of legal-aid organizations has led to an inequitable absence of legal protections.	Neighborhood Stabilization	Local	Short-term	Local/Regiona I Governments	AHSC; STEP; TCC		Yes (Tenant Right to Council), and No (Tenant legal services)
UNSUBSIDIZED AFFORDABLE HOUSING	This is housing that exists in the marketplace that is affordable despite not being subsidized. This housing stock could be preserved to retain its affordability. California is losing unsubsidized housing that is accessible to low-income households to gentrification pressures. Proper benchmarking of unsubsidized housing stock is a first step to preserving it.	Preservation	State; Local	Short-term	Local/Regiona I Governments	SCCP; LPP-C		No
VANPOOL PROGRAM	Vanpools are a form of transportation between jobs and housing. A vanpool can be organized to alleviate household housing + transportation burden. In rural areas, where housing might be more affordable than in urban areas, rural stakeholders could benefit from transportation cost reductions, like a vanpool to avoid being displaced/priced out of the	Neighborhood Stabilization	Local	Long-term	Housing developer; Transportation Agency; Tribal government or		True	No

community;

Local/Regional

Governments; Non-profit/CBO

community. This strategy could be useful in scenarios serving people work

industrial jobs (farms, for example), where more compact siting of housing

and jobs would be incompatible or undesireable.