

SPUR REPORT
HOUSING

 SPUR
REGIONAL
STRATEGY

Rooted and Growing

SPUR's anti-displacement agenda
for the Bay Area

APRIL 2021



This report is a component of the SPUR Regional Strategy, a vision for the future of the San Francisco Bay Area

spur.org/regionalstrategy

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Introduction

One of the key qualities that make the San Francisco Bay Area a treasured place is its culture. This includes the region’s racial and ethnic diversity, its history as a leader of social movements, its sense of community and the people who create and sustain it. But over the last several decades, a severe housing shortage has sent prices through the roof, pushing many long-standing residents to move to the edge of the region or leave the Bay Area altogether. This has changed the demographics of the region, contributing to patterns of resegregation by both race and income.¹ What can the Bay Area do to make sure it retains its people, its communities and its culture?

SPUR envisions a future Bay Area where people of all incomes and people of all races can choose and afford a high quality of life. In order to achieve this goal, the region and its cities will need to take action on several fronts to expand housing options affordable to people of all incomes, provide additional support to the most vulnerable residents and create neighborhoods where people feel that they belong.

New housing production is vitally necessary in order to accommodate the Bay Area’s future growth over the next 50 years. But it is just as important to ensure that the people who live here today have a chance at remaining in their communities.

SPUR’s report *Model Places*² explores what the Bay Area might look like in a future where people of all incomes and races can choose and afford a high quality of life.



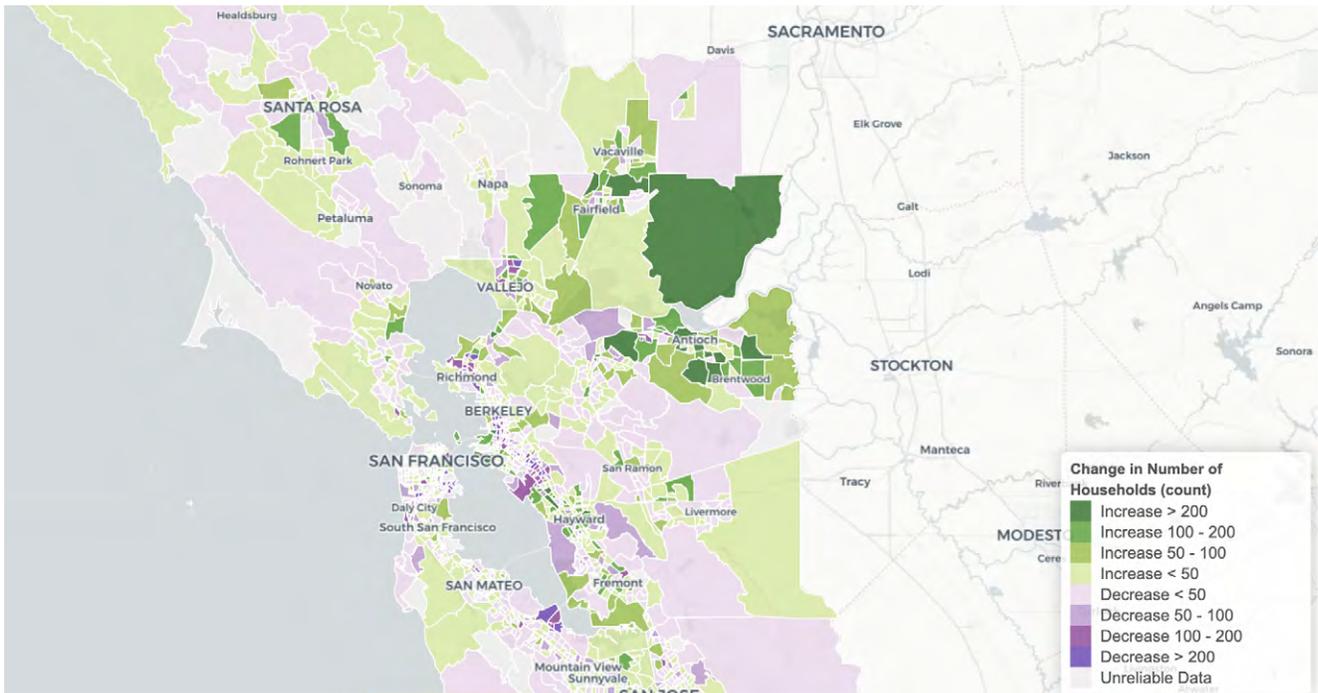
1 UC Berkeley’s Urban Displacement Project and the California Housing Partnership, *Rising Housing Costs and Re-Segregation in the San Francisco Bay Area*, 2019, pp. 6-7, https://www.urbandisplacement.org/sites/default/files/images/bay_area_re-segregation_rising_housing_costs_report_2019.pdf
 2 Benjamin Grant, *Model Places*, SPUR and AECOM, September 2020, <https://www.spur.org/publications/spur-report/2020-09-21/model-places>

This report is part of SPUR’s Regional Strategy, a 50-year vision for a more sustainable and equitable future for the Bay Area. Focusing on a five-decade time horizon enables us to think about solutions to entrenched problems — like the region’s housing crisis — at the scale required to meet them. What policies can we set in place now to help to stem displacement and ensure that the Bay Area of 2070 is a racially and culturally diverse place where all people can thrive?

Recent history shows that the region has failed to produce enough housing, failed to preserve existing affordability and failed to protect many of its residents, especially Black households, from displacement.³

FIGURE 1
The Bay Area’s Black population continues to shrink, and many Black residents are leaving urban neighborhoods for the outer suburbs
 Change in the Number of Black Households in the Bay Area (2000-2015)

The Black population in the Bay Area decreased between 2000 and 2015. In addition, the number of Black households decreased in historically Black neighborhoods in the inner Bay Area and increased in the outer-lying suburbs in the eastern part of the Bay Area.

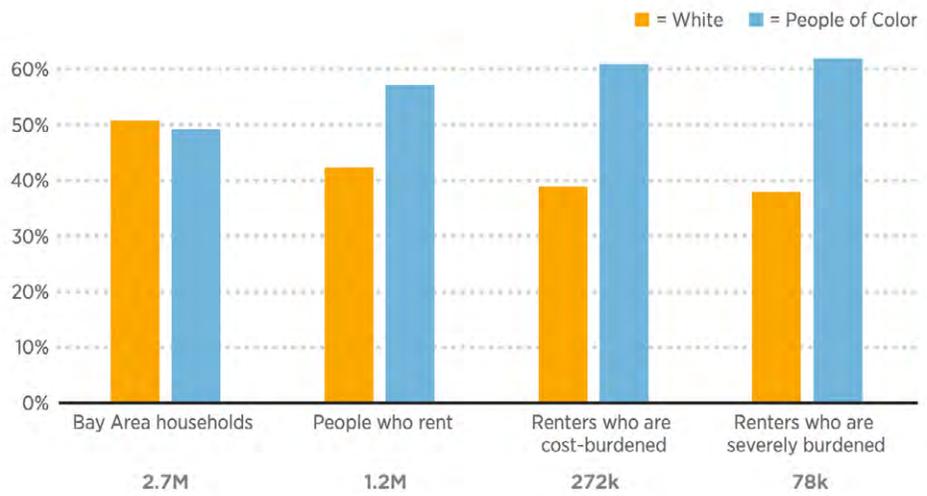


And while Latinx and low-income Asian households continue to grow in number across the Bay Area as a whole, these groups are notably shrinking in some inner Bay Area ethnic enclaves where displacement pressures are high, such as San Francisco’s Mission District, Chinatown and SoMa, and the area around San Jose’s Diridon Station.⁴ Even if these ethnic groups are not shrinking in number, they are more likely to be paying high proportions of their incomes toward rent or living in overcrowded conditions.

³ See note 1.

⁴ See note 1, pp. 10-11.

FIGURE 2
People of color are more likely to rent and to struggle to pay their rent
Percentage of Renters Who Are Cost Burdened, 2016



Some households of color that do remain find themselves in changing communities where they no longer feel like they belong. Addressing the needs of both renters and people of color (and especially those who are both) is key to making sure that everyone, including historically disadvantaged communities, can thrive in the Bay Area.

Source: SPUR analysis using Comprehensive Housing Affordability Strategy data tabulated by the US Census Bureau for the US Dept. of Housing and Urban Development. Based on 2012-2016 American Community Survey estimates. People of color are defined as those who are not "white alone," including Hispanic of any race, Black, Asian, Pacific Islander, Native American, Other and two or more races.

Housing the Region:

A 50-Year Vision to Solve the Bay Area’s Affordability Crisis

SPUR’s vision for the Bay Area is one where all communities can thrive. Housing is the bedrock of a healthy region. By 2070, we want to create a Bay Area where everyone has a safe, decent, affordable place to live.

How does the region achieve this vision? In order to answer this question, SPUR has developed four reports on housing as part of our Regional Strategy initiative. There is no one silver bullet to address the housing crisis. Instead, a sustained, multifaceted approach is needed.



What It Will Really Take to Create an Affordable Bay Area

How much housing does the region need to build to keep income inequality from getting worse?

This report describes the factors that have led to the housing crisis, changes in income and wealth that stem in part from the housing shortage and the impacts these changes have had on the region. It quantifies the housing shortage of the past 20 years and the amount of housing the region will need to build over the next 50 years to prevent income inequality from getting worse: approximately 2.2 million homes, or roughly 45,000 homes a year for 50 years.



Housing as Infrastructure

Creating a Bay Area housing delivery system that works for everyone

SPUR believes that housing is a human right. If we treat housing as essential for humans to thrive, then the government must play a more critical role in providing it. For example, the public sector does not wait for the open market to provide water to homes and businesses: In most communities, it actively intervenes to ensure that this happens.

This report describes how the role of government must change in order to produce enough housing at all income levels, including changes in funding, the roles and responsibilities of different institutions, reforms in property taxation and mechanisms to support the industrialization of housing construction.



Meeting the Need

The path to 2.2 million new homes in the Bay Area by 2070

The region needs to produce 2.2 million new homes at all income levels over the next 50 years. This report details where these homes should go: in areas that are well served by transit, in commercial corridors and historic downtowns, in areas with great schools, jobs and amenities, and in the region's existing suburbs. The report also outlines how the rules governing the planning and permitting of housing will need to change. This includes both requirements and incentives for local governments to change their zoning codes to allow for much more housing.



Rooted and Growing

SPUR's anti-displacement agenda for the Bay Area

To create an equitable, sustainable and prosperous Bay Area of 2070, we need to radically change not only how much housing we build but also how we build it and where we built it. We must also ensure that the benefits of new infill development are shared by low-income communities and communities of color, who have historically been left out of the region's growing economy.

This report focuses on the steps needed to support both people and neighborhoods. Local jurisdictions will need to actively plan to reduce or eliminate displacement impacts. Local, regional and state government should align tax policies and incentives to reduce speculation in the housing market. Cities across the region must strengthen tenant protections. And government at all levels should foster the creation of places where people of different races, incomes and life experiences all feel like they belong.

The ideas in these reports are interdependent. It is not sufficient just to build enough housing; we must also protect tenants from displacement and eviction. It is not enough to reduce speculation in the market; we must also make tax structures fairer and support affordable housing production. It is not enough to fund affordable housing; we must also make it faster and less expensive to build housing. SPUR views the ideas in these reports as mutually reinforcing and invites readers to engage with each report. A summary of the entire project — Housing the Region: A 50-Year Vision to Address the Bay Area's Housing Crisis — can be found at spur.org/housingtheregion.

Key Definitions from UC Berkeley's Urban Displacement Project

The Urban Displacement Project at UC Berkeley has developed substantial tools to understand displacement pressures in the Bay Area. SPUR has adopted some of the project's terminology in this report.⁵

Residential displacement: The process by which members of a household are forced to move from their residence — or are prevented from moving into a neighborhood that was previously accessible to them — because of conditions beyond their control.⁶

Gentrification: A process of neighborhood change that includes economic change in a historically disinvested neighborhood (by means of real estate investment and new higher-income residents moving in) as well as demographic change (not only in terms of income level, but also in terms of changes in the education level or racial makeup of residents).⁷

Commercial displacement: Similar to residential displacement, the process by which a business is forced to move from its location — or is prevented from moving into a neighborhood that was previously accessible — because of conditions beyond the business owner's control.⁸

Cultural displacement: Changes in the makeup and character of a neighborhood that can lead to a reduced sense of belonging, or feeling out of place in one's own home, even for long-time residents who are able to stay in newly gentrifying areas.⁹

Does Market-Rate Housing Drive, or Mitigate, Displacement?

The relationship between market-rate housing and displacement is the subject of longstanding and heated debate among housing advocates, and many questions still remain.¹⁰ While some view market-rate housing as the main driver of gentrification and displacement in cities, others see it as the solution to displacement caused by housing shortages. The answer is complicated.

5 For more on the Urban Displacement Project, see: <https://www.urbandisplacement.org/>

6 Urban Displacement Project, "Resources," <https://www.urbandisplacement.org/resources#section-56>

7 Urban Displacement Project, "Gentrification Explained," <https://www.urbandisplacement.org/gentrification-explained>

8 Adapted from the Urban Displacement Project's definition of residential displacement.

9 Urban Displacement Project, "Gentrification Explained," <https://www.urbandisplacement.org/gentrification-explained>

10 Vicki Been, *What More Do We Need to Know About How to Prevent and Mitigate Displacement of Low- and Moderate-Income Households From Gentrifying Neighborhoods*, Joint Center for Housing Studies of Harvard, 2017, https://www.jchs.harvard.edu/sites/default/files/a_shared_future_what_more_do_we_need_to_know_0.pdf

Long-standing theories that new housing development causes gentrification and displacement are giving way to a more complex understanding of development impacts.¹¹ In some cases, evidence has shown that new market-rate housing reduced rents and decreased the likelihood of neighbors being displaced to low-income neighborhoods,¹² that gentrification had no meaningful displacing effect on low-income children¹³ and that market-rate housing construction had no impact on the rate of evictions.¹⁴ But the development of new market-rate housing may also accelerate gentrification by signaling that a neighborhood is a desirable and “safe” place for investment.¹⁵ Various studies suggest that new market-rate housing may lower prices regionally but increase them locally,¹⁶ that it may lower the rent for higher-priced housing units while increasing the rent for lower-priced units in the neighborhood¹⁷ and that it may lower rents and sales prices but increase the number of high-end restaurants — the so-called “amenity effect,”¹⁸ which may or may not contribute to increased housing demand.

Built in 2005, West End Commons is a 91-unit market-rate townhouse development in the historically Black neighborhood of West Oakland.



- 11 Jake Blumgart, “How Does New Construction Affect Nearby Housing Prices?” *City Monitor*, February 19, 2021, <https://citymonitor.ai/housing/how-does-new-construction-affect-nearby-housing-prices>; Shane Phillips, Michael Manville and Michael Lens, *The Effect of Market-Rate Development on Neighborhood Rents*, UCLA Lewis Center for Regional Policy Studies, February 2021, <https://www.lewis.ucla.edu/research/market-rate-development-impacts/>; and Quentin Brummet and Davin Reed, *The Effects of Gentrification on the Well-Being of Original Resident Adults and Children*, Federal Reserve Bank of Philadelphia, July 2019, <https://www.philadelphiafed.org/community-development/housing-and-neighborhoods/the-effects-of-gentrification-on-the-well-being-and-opportunity-of-original-resident>
- 12 Kate Pennington, *Does Building New Housing Cause Displacement?: The Supply and Demand Effects of Construction in San Francisco*, February 4, 2021, <https://www.katepennington.org/research>
- 13 Kacie Dragan, Ingrid Ellen and Sherry A. Glied, “Does Gentrification Displace Poor Children? New Evidence From New York City Medicaid Data,” *Regional Science and Urban Economics*, 2019, <https://www.nber.org/papers/w25809>
- 14 Kate Pennington, *The Impact of Housing Production on Legal Eviction in San Francisco*, June 8, 2018, <https://www.scribd.com/document/385855381/KatePennington-EvictionStudy-18-6-8>
- 15 Rick Jacobus, “Why We Must Build,” *Shelterforce*, March 10, 2016, https://shelterforce.org/2016/03/10/why_we_must_build/
- 16 Ibid.
- 17 Anthony Damiano and Chris Frenier, *Build Baby Build?: Housing Submarkets and the Effects of New Construction on Rising Rents*, Center for Urban and Regional Affairs, October 16, 2020, <https://www.tonydamiano.com/project/new-con/bbb-wp.pdf>
- 18 Xiaodi Li, Do New Housing Units in Your Backyard Raise Your Rents?, October 31, 2019, https://72187189-93c1-48bc-b596-fc36f4606599.filesusr.com/ugd/7fc2bf_20026a3eb7c4499calde02ff7756602c.pdf

How can we reconcile these complex dynamics? Recent research by the Urban Institute shows that when affluent homebuyers have to compete to find a home they can afford, they are more likely to look in low- and moderate-income areas, leading to gentrification and sometimes displacement.¹⁹ For this reason, ceasing to build market-rate housing is not likely to solve the region's displacement problem. Without a sufficient amount of housing overall, high-income workers will continue to outcompete everyone else and raise housing prices for the entire region.

SPUR believes that increasing the overall supply of housing is an anti-displacement strategy. It is not the only strategy the region must pursue, but reducing scarcity will help to eliminate the underlying driver of competition for housing in desirable places. Building more housing that is affordable at middle and lower incomes is the first important action the region must take in all neighborhoods, and building more housing in general must continue in many places. In our report *Meeting the Need*, we dive more deeply into the question of how much housing is needed and where it should go.²⁰

Multiple studies show that affordable housing has twice the impact of market-rate housing on reducing rents for low-income renters.²¹ For that reason, we should radically increase the amount of funding for building new affordable housing everywhere and for preserving existing housing that already serves low- and moderate-income renters, particularly in gentrifying neighborhoods. However, there are limits to how much public and private funding can be made available for affordable housing. This is where market-rate housing has a role to play in increasing overall affordability without requiring additional subsidy.

This report considers how the public and private sectors can ensure that a region that aims to meet its overall housing needs can also support low- and middle-income people who want to live here.

¹⁹ Laurie Goodman, Ellen Seidman and Jun Zhu, "To Understand a City's Pace of Gentrification, Look at Its Housing Supply," *Urban Wire*, June 24, 2020, <https://www.urban.org/urban-wire/understand-citys-pace-gentrification-look-its-housing-supply>

²⁰ Sarah Karlinsky, *Meeting the Need: The Path to 2.2 Million New Homes in the Bay Area by 2070*, SPUR, April 2021, <https://www.spur.org/meetingtheneed>

²¹ Miriam Zuk and Karen Chapple, *Housing Production, Filtering and Displacement: Untangling the Relationships*, Institute of Governmental Studies, UC Berkeley, May 23, 2016, https://www.urbandisplacement.org/sites/default/files/images/udp_research_brief_052316.pdf; and City and County of San Francisco, Office of the Controller, *Potential Effects of Limiting Market-Rate Housing in the Mission*, September 10, 2015, <https://openbook.sfgov.org/webreports/details3.aspx?id=2199>

Recommendations

If the Bay Area is to become the place we want to see in 50 years, this region will need to take action on many fronts. Affordable housing is needed in all types of places for a variety of reasons — to provide choice for low-income households, to integrate higher-income communities, to invest in formerly neglected neighborhoods — but particularly in areas that are likely to see price escalation, where affordable housing can be a stabilizing force in the community. A critical question to explore is: How can low-income residents share in the benefits of new development without the negative impacts? And since the Bay Area has already lost so many Black families and other people of color, how can communities evolve to become places where people of color and people of all incomes can return? How can the region foster the creation of neighborhoods where a diverse range of people with different life experiences all feel that they belong?

SPUR's longtime prescription to build more housing — both affordable and market-rate — is only part of the solution. Several recommendations in SPUR's report *Housing as Infrastructure* are anti-displacement strategies, designed to preserve existing unsubsidized affordable housing, add more subsidized housing through private and public partnerships and grow funding for affordable housing. In the following recommendations, this report outlines ways to combat displacement by enabling low-income residents of the Bay Area to remain in their homes, preserving housing stock as permanently affordable, expanding homeownership opportunities for low- and moderate-income households, reducing market pressures on home prices and helping to stabilize rapidly changing communities.

Recommendation 1 Protect and support residents.

Producing new housing and preserving existing affordable opportunities are key ways to stabilize the housing stock and maximize the ability for low- and moderate-income residents²² — longtime residents and newcomers alike — to live in the Bay Area. And if we want to treat housing as a human right, supporting and protecting the people who already contribute to our communities is also essential. This means taking a stronger stance on protecting people, not just the homes in which they live.

In recent years the legislature has taken some major actions that increase protections for tenants statewide. In 2019, a statewide emergency “rent cap” and “just cause” eviction protections were instituted for the next 10 years. The rent cap limits annual rent increases for many rental units (including single-family homes owned by corporate entities) to 5% plus inflation. These temporary measures should be strengthened, expanded and extended. Additional efforts at the regional or statewide level could help protect low-income people who want to live in this high-cost region, particularly those who may be one paycheck away from losing their homes. Preventing homelessness is far better for people, and far more cost-effective, than addressing the needs of households and individuals *after* they have lost their housing.

Tenant protections in the Bay Area range widely from city to city. Some Bay Area cities have stronger laws, more enforcement and advocacy resources, while others have fewer resources or have not been pushed in the past to institute these protections.

²² While definitions of income levels can vary by jurisdiction and government agency, this report defines “low income” as households making less than 80% of the Area Median Income (AMI), “moderate income” as households making 80% to 120% of AMI and “middle income” as households making 120% to 150% of AMI.

The economic impacts of COVID-19, layered atop the ongoing affordability crisis, have led to strengthened temporary tenant protections and eviction moratoria at the federal, state and local levels. When these provisions expire, legislators should take steps to set permanent protections in place.



A | Create a statewide or regionwide “right to counsel” for tenants facing evictions.

Nationwide, 10% of tenants are represented by attorneys in housing court, but in stark contrast, that number is 90% for landlords. When provided with legal representation, tenants are much more likely to be able to remain in their homes.²³ In 2018, San Francisco followed in New York’s footsteps to create a right to free legal assistance in eviction matters. Taking this program regionwide, potentially under the oversight of the Bay Area Housing Finance Agency (BAHFA), would introduce more fairness into a system currently weighted against low-income renters. See more on BAHFA in SPUR’s companion report *Housing as Infrastructure*.²⁴

B | Offer pre-eviction mediation services to avoid unnecessary evictions.

In San Francisco, a partnership between the city and the Bar Association of San Francisco (Conflict Intervention Service) provides free mediation to tenants and landlords before an eviction. It also offers technical assistance and training to housing providers around de-escalation, communication and other best practices in property management. More programs like this could address problems early and avoid putting tenants and landlords through the stressful and costly eviction process.

C | Reform the court’s process and timelines for eviction suits.

While most civil cases take a year to come to trial, eviction cases come to trial within a week or two (maximum

23 Carroll Seron et al., “The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City’s Housing Court: Results of a Randomized Experiment,” *Law & Society Review*, 2001, https://www.jstor.org/stable/3185408?seq=1#page_scan_tab_contents

24 Sarah Karlinsky, *Housing as Infrastructure: Creating a Bay Area Housing Delivery System That Works for Everyone*, SPUR, April 2021, <https://www.spur.org/housingasinfrastructure>

of 20 days from a request for trial), with potentially far greater consequences — the loss of shelter — hanging in the balance.²⁵

According to state law, tenants currently have only five business days to respond to an unlawful detainer, or else they cannot fight the eviction. Given the potentially catastrophic results, this amount of time should be lengthened. Tenants should also be given the chance — a limited number of times — to pay their back rent up to the date of the trial and maintain their residency.

D | **Actively enforce tenant protection laws and strengthen anti-harassment laws.**

Even in places that have strong tenant protection laws, such as San Francisco, enforcement largely depends on petitions by tenants, many of whom hesitate to file complaints and risk losing their housing. This reluctance to make a complaint is especially common among undocumented residents. Cities should create tenant protection enforcement processes and staffing to proactively enforce their laws, and the state should do the same to enforce the emergency anti-gouging rent cap and just cause regulations it put in place in 2019. Since 2012, New York State has had a Tenant Protection Unit that collects data, confirms compliance and pursues investigations and legal pathways to prevent and halt violations of tenant protection laws.²⁶

E | **Expand tenant outreach and education regarding existing rules and laws.**

While a basic step, it is critical to ensure that all localities provide accurate and easy-to-understand information about tenant and landlord rules and rights in multiple languages. Tenant education services should include counseling services, education and outreach, and media campaigns to spread the word.

F | **Expand funding for short-term rental assistance.**

Many households in the Bay Area are just a paycheck away from losing their housing. In a 2018–19 survey, nearly one in five people reported having less than \$400 on hand for an emergency, and 40% did not have savings to cover three months of expenses.²⁷ As documented in Matthew Desmond's book *Evicted*, once a household loses its housing, a downward spiral comes all too easily. Keeping people housed is a much less expensive and much less destructive solution than finding shelter for those who are evicted.²⁸

Some cities, in partnership with nonprofit organizations, offer short-term rental assistance today. A publicly funded short-term rental assistance program that is more broadly available could help many people maintain stability through a personal health, employment or other family crisis.

Washington, D.C., currently operates a pilot program called DC Flex, which is a hybrid of a short-term

25 Aimee Ingliss and Dean Preston, *California Evictions Are Fast and Frequent*, Tenants Together, May 2018, https://www.tenants-together.org/sites/tenants-together.org/files/CA_Evictions_are_Fast_and_Frequent.pdf

26 New York State, "Tenant Protection Unit," <https://hcr.ny.gov/tenant-protection-unit>

27 Tipping Point Community, UC Berkeley and the Othering & Belonging Institute, *Taking Count: A Study on Poverty in the Bay Area*, 2020, <https://tippingpoint.org/wp-content/uploads/2020/07/Taking-Count-2020-A-Study-on-Poverty-in-the-Bay-Area.pdf>

28 William Evans, James Sullivan and Melanie Wallskog, "The Impact of Homelessness Prevention Programs on Homelessness," *Science*, August 12, 2016, <https://nlihc.org/sites/default/files/Impact-of-homelessness-prevention.pdf>; and Gabriel Piña and Maureen Pirog, "The Impact of Homeless Prevention on Residential Instability: Evidence From the Homelessness Prevention and Rapid Re-Housing Program," *Housing Policy Debate*, Volume 29, <https://nlihc.org/sites/default/files/Impact-Homeless-Prevention-Residential-Instability.pdf>

rental assistance program and a direct cash transfer program.²⁹ DC Flex is intended to provide flexible financial assistance to low-income working renters whose incomes fluctuate month to month. The pilot provides households with up to \$7,200 per year to meet their rent and other household needs; each month the household can withdraw up to the full amount of their rent if needed. As a backstop safety net for households that are on the edge of stability, this could be a model for the Bay Area to build upon.

G | Require developers/property owners to provide financial and technical assistance to tenants who are forced to relocate. Require one-for-one replacement of all units demolished or removed from the housing stock, and mandate that developers give former residents a right to return.

Developers receiving governmental assistance are already required to follow federal and state regulations on providing financial (rent and moving expenses) compensation and technical assistance to those who need to move out permanently or temporarily due to construction/rehabilitation or new affordability or income requirements that the current households do not meet. San Francisco requires payments for tenants displaced by demolition, just cause evictions, owner move-ins, Ellis Act evictions and several other reasons, but this is not a widespread requirement. It should be. New housing developments should also be required to replace all units demolished or removed from the housing stock, and any former residents should be given a right to return to the new development.

Parkmerced, a major re-envisioning of a master-planned neighborhood from the 1940s, has committed to providing relocation benefits and the right to return/remain for existing

tenants. It is one of a handful of market-rate projects in San Francisco where the developer agreed to this commitment in order to obtain city approvals.



²⁹ Mychal Cohen and Josh Leopold, "A New Flexible Rent Subsidy Program Aims to Help Working Families Afford Housing," Urban Institute, September 27, 2018, <https://greaterdc.urban.org/blog/new-flexible-rent-subsidy-program-aims-help-working-families-afford-housing>

H | Prioritize affordable housing units for people who have been displaced or who are vulnerable to displacement.

Since the waitlists for affordable housing are usually long, some cities give priority to certain groups. Such “tenant preferences” could take several different forms. For example, a neighborhood preference could prioritize current and sometimes former residents of gentrifying communities. This widely supported tool helps low-income people remain in their neighborhood and can garner neighborhood support for affordable housing. A preference for local residents can support fair housing and community development goals in some neighborhoods, mitigating displacement; however, it can reinforce exclusion and perpetuate segregation in others, so the context is important.³⁰ Additionally, this strategy would not help vulnerable communities in small, already-dense communities like San Francisco’s Chinatown, where there are fewer opportunities for new development than in other neighborhoods. Consequently, fewer future affordable housing units could be reserved for current residents of those communities.

The Tenderloin Neighborhood Development Corporation’s Willie B. Kennedy Apartments was able to use an anti-displacement preference to give priority to current or former residents of census tracts that were deemed “gentrifying” or “at risk of gentrification.”



As an alternative to a neighborhood-based preference, San Francisco recently piloted a citywide “anti-displacement tenant preference” at a new affordable housing development in the Western Addition, which gave priority to applicants with an address in one of several San Francisco neighborhoods determined to be vulnerable to displacement pressures by the Urban Displacement Project. San Francisco has had a long-standing preference for households displaced as a result of city redevelopment activity in the 1960s and ’70s;³¹ Portland, similarly, has a preference policy in North/Northeast Portland that gives preference to applicants who were displaced, are at risk of displacement or who are descendants of households that were displaced due to urban renewal in North and Northeast Portland.³² While these programs are less neighborhood-oriented, and there are still challenges to using this tool in service of racial equity,³³ nonetheless this kind of tenant preference could protect residents of a given city from displacement.

30 Eli Kaplan, *Implementing a Community Preference for Affordable Housing in Berkeley*, Spring 2019, https://www.urbandisplacement.org/sites/default/files/images/eli_kaplan_client_report.pdf

31 Mayor’s Office of Housing and Community Development, “Certificate of Preference,” <https://sfmohcd.org/certificate-preference>

32 City of Portland, “Preference Policy,” <https://www.portlandoregon.gov/phb/article/671059>

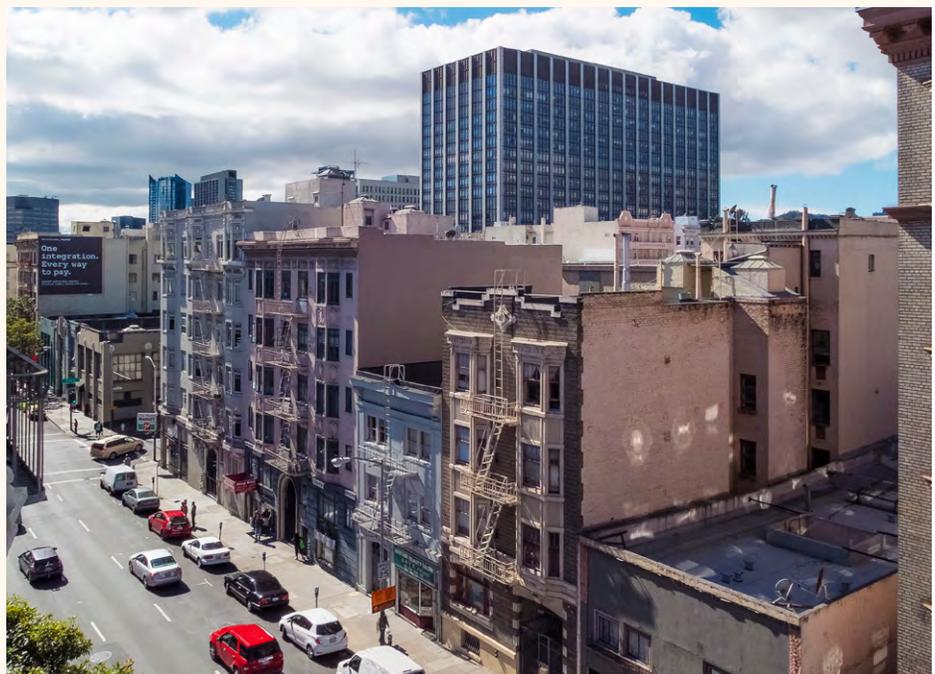
33 Due to high overall demand, the housing lottery at this affordable Western Addition development did *not* disproportionately benefit Black households (as policymakers hoped).

What SPUR Thinks About Rent Control

California continues to deal with a housing affordability crisis that has plagued the state for many years. A shortage of housing has led to increased homelessness, displacement of low- and moderate-income people and a reduced quality of life for people who commute long distances or live in overcrowded homes.

Rent control, also known as rent stabilization, is a tool cities use to maintain a base of affordable rental housing for low- and moderate-income tenants. Regulating the rents, or the increases in rent, that landlords can charge provides significant benefits to residents who live in rent-controlled units.³⁴ In many cases, residents would not be able to remain in their home — or even in their city — if their rent went up to market-rate levels. In addition, by allowing households in rent-controlled units to remain in place, rent control provides greater community stability. We have seen firsthand how rent control has provided protections for many who might not otherwise be able to compete in San Francisco’s overheated market.

Rent stabilization in San Francisco applies to more than 172,000 units — approximately 75% of the rental housing stock as of 2019.



In our ballot analysis and recommendations to voters, SPUR has historically been hesitant to support the expansion of San Francisco’s rent stabilization ordinance or the statewide abolition of the Costa-Hawkins Act, a 1995 state law that places limits on local rent control regulations. Economic studies have shown that while those protected by rent control see important benefits, overall housing markets — and those living in units not protected by rent control — may pay for those benefits with a shrinking

³⁴ Turner Center for Housing Innovation, *Finding Common Ground on Rent Control*, May 2018, <https://turnercenter.berkeley.edu/research-and-policy/finding-common-ground-rent-control/>

rental stock and increased rents for new residents.³⁵ SPUR has concerns that local rent control laws can — inadvertently or intentionally — result in less housing production than the state needs to house the people who want to live here. But the Bay Area’s long-standing affordability challenges and increasingly urgent displacement crisis give SPUR good reason to consider what kinds of rent control reforms could provide benefit to tenants without slowing the expansion — or worse, causing a shrinkage — of the rental housing supply.

Such reforms could include: 1. expanding local rent control laws to apply to single-family homes, which currently comprise 37% of the state’s rental housing stock, and 2. creating a “rolling date” for all residential buildings to become subject to local rent control laws as they age. The length of this term, as well as other policy details, would be critical to consider carefully, as choosing a term that is too short would likely discourage developers, lenders and investors from building new housing.³⁶ SPUR does think the market could adjust if the rolling date is set appropriately. However, to protect the production of new housing, it is critical to retain “vacancy decontrol,” or the practice of allowing owners to set rent levels for new tenants. Cities could also explore using “means-tested” rent control, which would limit rent-controlled apartments to low-income households and ensure that the benefits of rent control are shared with those who need it the most. However, this could come with trade-offs since rent control is one of the few tools the Bay Area has to support affordable options for middle-income households without providing subsidies to these renters.

SPUR has disagreed with two recent attempts to repeal or reform Costa-Hawkins, but we recognize the key role that rent control has provided in preventing displacement and believe rent control should be reformed in a way that expands support to a greater number of people while encouraging new housing to proceed.

Recommendation 2

Collect data and create planning tools to understand displacement pressures and support stabilization.

Planners should look at existing data — and start tracking new data — that can deepen understanding of displacement pressures in the region, especially in neighborhoods facing these pressures, and inform better policymaking. Further, they should disaggregate their data by race and other demographics in order to best target and understand the impact of existing policies. As a precautionary measure, cities should seek to understand and actively avoid potential displacement impacts of new transit, new housing and other public investments at the citywide and neighborhood levels.³⁷ SPUR believes that market-rate housing plays a greater

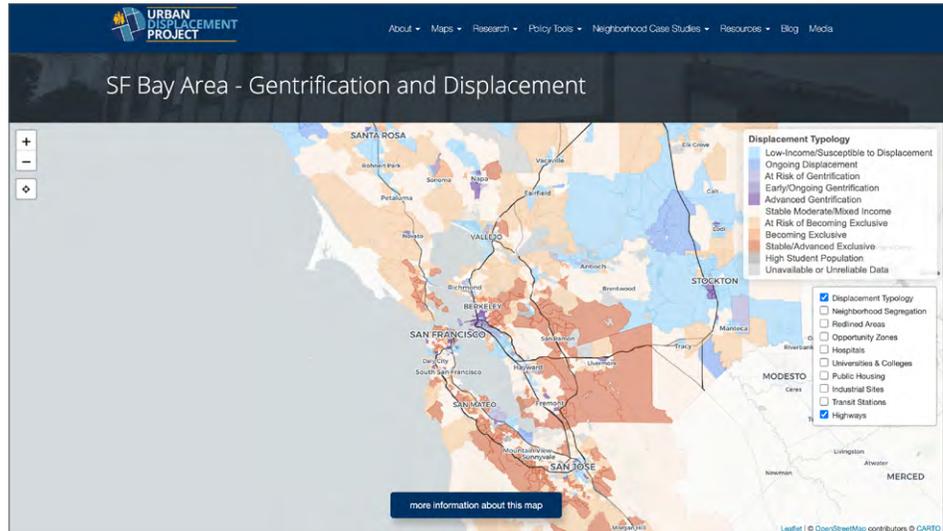
35 Rebecca Diamond, Timothy McQuade, Franklin Qian, “The Effects of Rent Control Expansion on Tenants, Landlords and Inequality: Evidence From San Francisco,” *American Economic Review*, January 2018, <https://www.gsb.stanford.edu/faculty-research/working-papers/effects-rent-control-expansion-tenants-landlords-inequality-evidence>; and Lisa Sturtevant, *The Impacts of Rent Control: A Research Review and Synthesis*, National Multifamily Housing Council (NHMC) Research Foundation, May 2018, <https://www.nhmc.org/globalassets/knowledge-library/rent-control-literature-review-final2.pdf>

36 The Terner Center’s 2018 policy brief suggested that a term in the realm of 40 years would not significantly harm the market for investment in new housing development. See note 29.

37 Miriam Zuk et al., *Gentrification, Displacement and the Role of Public Investment: A Literature Review*, March 3, 2015, http://iurd.berkeley.edu/uploads/Displacement_Lit_Review_Final.pdf; and Miriam Zuk et al., “Safeguarding Against Displacement: Stabilizing Transit Neighborhoods,” in Karen Chapple and Anastasia Loukaitou-Sideris (eds.), *Transit-Oriented Displacement or Community Dividends?: Understanding the Effects of Smarter Growth on Communities*, MIT Press, 2019, pages 243–266, https://www.urbandisplacement.org/sites/default/files/images/zuk_safeguarding_chapter_full.pdf

role in reducing, rather than increasing, displacement pressures, at least at the regional level. But to the extent that public or private actions and investments make neighborhoods more desirable, nearby property values and rents may rise, which benefits owners but creates affordability challenges for renters. In order to address these vulnerabilities, public agencies should initiate a citywide or neighborhood planning process and incorporate solutions that emerge from that process.

The Urban Displacement Project and the Eviction Lab are two organizations contributing to a growing body of research and data assembled to help policymakers and planners make better decisions and better policy around housing production and renter protections.



The figure is a screenshot of the Eviction Lab website. It features a header with the Eviction Lab logo and a language dropdown set to "English". The main heading is "Interactive Tools" with a subtext: "Explore nationwide eviction data spanning the years 2000-2016. View maps and charts, download reports, and more." Below this, there is a map of the United States with red dots indicating eviction data points. To the right of the map is a horizontal bar chart with orange bars of varying lengths. The page is divided into two main sections: "MAP & DATA" with the text "Learn about the American housing crisis by interacting with a customizable map." and a "GO TO THE MAP >" link; and "EVICTION RANKINGS" with the text "See which cities rank the highest in evictions in the US." and a "GO TO RANKINGS >" link.

Data can be manipulated to serve many ends, and it is easy to imagine that this new data could be used to slow or stop new development. But we should use and improve the tools we have to plan thoughtfully for the welfare of both current and future residents. Planners should ensure that the gathering of data itself doesn't become embattled or discredited, and it will also be important for public agencies to structure planning and decision-making processes to enable timely debate and discussion that can help refine proposals.



A | Collect and use data to predict where displacement is likely so that legal and social services can be proactively deployed to protect tenants.

New York City recently began tracking properties through a Speculation Watchlist,³⁸ which flags properties that sell for more than would be expected, and the Certification of No Harassment Pilot Program, which requires owners of properties in vulnerable areas/areas slated for rezoning, owners of physically distressed buildings and owners of buildings that have undergone ownership changes to get a certification before they can get building permits.³⁹ A coalition of groups in Los Angeles has also created a mapping tool incorporating data with building sales, inspections, violations, Ellis Act evictions, rent stabilization and opportunity zones.⁴⁰

If the Bay Area were to model a program on New York's example, other indicators that might be studied include evictions, lease buyouts, building violations, building permits and 311 calls.⁴¹ UC Berkeley's Urban Displacement Project has one such project underway, a Housing Precarity Risk Model, and has already created a website that maps "sensitive communities," which could also be used as a tool to hone in on properties or communities in particular need of focused attention or resources.⁴²

B | Study displacement vulnerabilities and mitigations as part of regional and local planning processes.

Public agencies at the local and regional level should understand up front what the displacement risks and mitigations are. They should investigate risk indicators that might show that a certain city or neighborhood is particularly vulnerable and take steps within the plan to address the needs of those places. Interventions to stave off displacement could include targeting public funds to purchase rental housing and make it permanently affordable, designating funds to purchase available land for permanently affordable housing, supporting tenants who wish to purchase their homes and/or passing anti-speculation laws.

Plans that should have this analysis include the Sustainable Communities Strategy, local housing action plans, general plan updates, specific plans and area plans. The upfront planning process, far in advance of specific development proposals, would be the appropriate time for this deep analysis, not at the point when individual projects are going through their approvals process.

Which communities are most vulnerable to displacement? Public agencies might look at indicators such as household income, cost burden, race, household structure, housing tenure, disability, undocumented status, criminal records, educational attainment, in- and out-migration, rental prices, home values, homeownership rates, prevalence of flipping houses, presence of local-serving and region-serving commercial businesses, etc.^{43,44} Most importantly, the data should be used to find areas with a disproportionate change in rents compared to the region as a whole.⁴⁵

38 New York City Department of Housing Preparation and Development, "Speculation Watchlist," <https://www1.nyc.gov/site/hpd/about/speculation-watch-list.page>

39 New York City Department of Housing Preparation and Development, "Certification of No Harassment," <https://www1.nyc.gov/site/hpd/services-and-information/certification-of-no-harassment-conh.page>

40 SAJE and theworksLA, "Owners Warning Notification and Information for Tenants," www.ownit.la

41 Gregory Jost, "To Stop Displacement, Disclose the Data!," *Urban Omnibus*, September 4, 2019, <https://urbanomnibus.net/2019/09/to-stop-displacement-disclose-the-data/>; and Housing Data Coalition, <https://www.housingdatanyc.org/>

42 Urban Displacement Project, UC Berkeley, "Sensitive Communities," <https://www.sensitivecommunities.org/>

43 Housing Vulnerability Analysis provides a framework for looking at housing tenure and vulnerability: <https://projecttenurehome.wordpress.com>

44 Miriam Zuk et al., *Gentrification, Displacement and the Role of Public Investment: A Literature Review*, March 3, 2015, http://iurd.berkeley.edu/uploads/Displacement_Lit_Review_Final.pdf, p. 37

45 Urban Displacement Project, UC Berkeley, "Sensitive Communities," <https://www.sensitivecommunities.org/>

Portland, Oregon, and Seattle are two places that have begun to look at displacement at the citywide and neighborhood level. Portland has completed several studies on gentrification and displacement, including a vulnerability mapping analysis and a neighborhood assessment tool.⁴⁶ The practice of completing community impact reports to study a neighborhood's housing, employment and development picture might be considered.⁴⁷ While not required by Washington state's environmental laws, some recent Seattle planning efforts (such as HALA, the Housing Affordability and Livability Agenda, and accessory dwelling unit reform legislation) have devoted sections of their environmental impact statements to housing and socioeconomics.⁴⁸ Given the existing use of CEQA as a tool against infill development (for more information, see SPUR's companion report *Meeting the Need*), SPUR proposes that this analysis would not be housed within the environmental review process, but instead within the analysis of the existing or baseline conditions of a place.⁴⁹

C | **Include displacement-reduction measures as a performance target for all regional and local planning processes.**

After understanding the vulnerabilities and planning for mitigations, regional and local agencies should measure and track the migration and displacement of people of color and people with low incomes.

Plan Bay Area 2040 included performance targets for affordability, affordable housing production and displacement. In 2017, four years after the adoption of Plan Bay Area 2040, the Metropolitan Transit Commission and the Association of Bay Area Governments (MTC/ABAG) projected that the plan was not on track to meet any of those targets. That finding deeply influenced the Plan Bay Area 2050 planning process currently underway, and the draft blueprint includes targets for both affordability and diversity based on several benchmarks.⁵⁰ With the actions in the plan, MTC/ABAG projects that the region can contain displacement (or the net loss of low-income households) below certain percentages, which vary by location.

Following MTC/ABAG's lead, cities should also investigate trends and set performance targets not only for affordability and housing production/preservation, but also for displacement/migration and demographic change. While the targets will be different for different kinds of places (whether historically high-income, gentrifying or continuing to experience levels of high poverty), every city should set goals to reverse the trend of racial and economic "re-segregation," which is now well documented in the Bay Area over the past decade and longer.⁵¹

In order for the targets to result in actual outcomes, public agencies need to track progress toward these targets over time and adjust their strategies accordingly.

46 City of Portland, "Gentrification and Displacement Studies," <https://www.portland.gov/bps/adap/gentrification-and-displacement-studies>

47 Lisa K. Bates, *Gentrification and Displacement Study: Implementing an Equitable and Inclusive Development Strategy in the Context of Gentrification*, May 18, 2013, <https://www.portland.gov/sites/default/files/2020-01/2-gentrification-and-displacement-study-05.18.13.pdf>; and Partnership for Working Families, "Policy & Tools: Community Impact Reports," <https://www.forworkingfamilies.org/resources/policy-tools-community-impact-reports>

48 HALA, "3.1 Housing and Socioeconomics," November 2017, http://www.seattle.gov/Documents/Departments/HALA/Policy/MHA_FEIS/3-1_HousingSocioecon_MHA_FEIS_2017.pdf

49 Furthermore, the California Code of Regulations specifies that social and economic changes shall not be treated as environmental effects. See: <https://govt.westlaw.com/calregs/Document/I15A147IA1D564B9CA7B1942E5B09D49A>

50 MTC/ABAG, "Equity and Performance Outcomes," Plan Bay Area 2050, December 2020, https://www.planbayarea.org/sites/default/files/FinalBlueprintRelease_December2020_EquityPerformanceOutcomes.pdf

51 Matthew Soursourian, *Suburbanization of Poverty in the Bay Area*, Federal Reserve Bank of San Francisco, January 2012, <https://www.frbsf.org/community-development/files/Suburbanization-of-Poverty-in-the-Bay-Area2.pdf>; and Alex Schafran, *The Road to Resegregation: Northern California and the Failure of Politics*, University of California Press, 2018.

D | Create a statewide or regionwide rental registry.

Rental registries (databases that track unit rents, utilities, the dates of tenant occupancy, landlord contact information and other limited information about a unit over time) play at least two key roles: they can serve as a repository of data that can inform better policymaking, and they are essential to meaningful enforcement of existing rent ordinance and tenant protection laws.

Eight cities in California currently have rental registries for the purpose of rent ordinance enforcement (San Jose, Berkeley, East Palo Alto, Richmond, Beverly Hills, Los Angeles, Santa Monica and West Hollywood), and an additional three cities have rental registries for building code and inspection purposes.⁵² San Francisco just adopted a new rental housing registry in December 2020, and a rental registry has also been proposed at the state level.

Whatever the scale of the registry (local, regionwide or statewide), the entity that manages this registry must be allocated sufficient resources and staffing. To the extent possible, the registry should also be integrated with existing databases to streamline the data collection process for all parties. Lastly, reform of the Petris Act, a law that imposes certain requirements on local governments with rent registries, should also be pursued in conjunction with the creation of this registry in order to close an existing legal vulnerability.⁵³

E | Track more eviction-related data.

Eviction-related data is important to ensure that laws and policies are targeted at solving the appropriate problems. The public sector could do a better job at protecting tenants through social services, legal or financial assistance, regulations or other supports if more accurate data were available to show what kinds of evictions are happening under what conditions.

In California, it is difficult to track eviction data accurately because the courts' records are sealed in order to protect tenants from future discrimination. While SPUR agrees that tenants' privacy should be safeguarded, anonymous "masked" data on household demographics (race/income/household structure/etc.), the type of eviction, property information and landlord contact information could and should be collected and shared by the court. The state legislature could require the Judicial Council, which governs the courts, to report this data.

In the cities that do gather data on evictions (the cities that have rent control), they are only able to track eviction notices. This could result in overcounting evictions, since some eviction notices do not result in actual evictions, but is more likely to produce an undercount, because some cities only require notices for a subset of evictions. For instance, San Francisco's Rent Board does not require notices for evictions due to nonpayment of rent, likely a majority of evictions. While these are not necessarily evictions pursued in bad faith, they should still be recorded and tracked. Efforts like the Anti-Eviction Mapping Project collect data from disparate public agencies as well as tenant advocacy and services organizations for their research and advocacy efforts. While this is a valiant and important effort in the absence of stronger public options, it can be politically challenging to base policy on reports that are not grounded in data held by a public agency.

⁵² City and County of San Francisco, Budget and Legislative Analyst's Office, "Creating a Rental Registry in San Francisco," Memorandum, April 16, 2019, <https://sfbos.org/sites/default/files/BLA.RentalRegistry.041619.pdf>

⁵³ Under the Petris Act, in localities where there is a rental registry, landlords are relieved of penalties resulting from not adhering to local rent control law as long as they have attempted "in good faith" to comply. Without reform of this law, the creation of a rental registry could enable landlords to stop following the strictures of local rent control laws.

San Francisco does have more robust eviction data now, but only because of information gathered through the right-to-counsel program (see Recommendation 1A above) passed by the voters in 2018. Most other cities in the Bay Area have far fewer protections and far less data than San Francisco.

Lastly, since 2015, San Francisco also tracks tenant “buyouts” (when a landlord negotiates a payment in return for the tenant leaving the unit). While these are not technically evictions, they could be an indicator of larger patterns. Sometimes buyouts provide significant benefit to the tenant, and sometimes they are thinly disguised evictions where the tenant has little to no leverage to negotiate. Cities across the region should monitor tenant buyouts to be able to assess whether buyouts need better regulation.

Recommendation 3

Reduce speculation in the housing market.

Typically a profit-driven business, real estate development can create many things of value, including public goods such as homes for people, workplaces for jobs and spaces for recreation and congregation. Because we treat housing as a financial asset in the United States, we currently rely almost exclusively on private developers to create these places and fund many public benefits.

However, this system is failing to provide sufficient homes at reasonable prices or rents in high-cost areas. Predatory lending, which peaked before the last recession, has not been eradicated. Insufficient regulation has enabled private equity and other corporate entities to take advantage of the foreclosure crisis and acquire single-family homes at the expense of the families living there, with particularly devastating impacts on households of color across the country.⁵⁴ And it can be more financially beneficial for wealthy people to park their money in vacant units than to invest their wealth in other vehicles.

Housing is a financial asset in our current financial system, but if we want to treat it as a right as well, we must use policy and regulation more aggressively to protect people and stabilize communities by deliberately shifting rewards, incentives and penalties for good and bad behaviors in the market. How can investment incentives be aligned with nonspeculative behavior? How can the Bay Area create a system in which banks, lenders and property owners are motivated to treat housing as necessary infrastructure instead of as wealth-growing investments?

These are complicated questions. The capital required for the investments the region needs comes in part from global sources, which can decide to deploy their money in countless other ways. Furthermore, it is important to ensure that new tools and policy changes do not discourage private owners from investing in and upgrading their properties. In other words, the details matter. Some of the below recommendations should be phased in over time in order for the markets to adjust pricing accordingly; others should be balanced with realistic expectations of how market-based entities will respond. But the Bay Area’s policies — land use, economic, financial, tax and otherwise — should work together to meet the needs of the region’s residents, and that will require us to make some important, and controversial, changes to the status quo.

⁵⁴ Andrea Eisfeldt and Andrew Demers, *Total Returns to Single Family Rentals*, National Bureau of Economic Research, December 2015, https://www.nber.org/system/files/working_papers/w21804/w21804.pdf; and Tom Shapiro et al., *The Black-White Racial Wealth Gap*, Brandeis University Heller School for Social Policy and Management, https://heller.brandeis.edu/iree/pdfs/racial-wealth-equity/racial-wealth-gap/the-black-white-racial-wealth-gap_rwg.report.pdf

A | Give tenants, public agencies and affordable housing nonprofits the first opportunity to purchase multifamily buildings or parcels when they are put on the market.

A right of first offer and/or right of first refusal (the opportunity to match the leading bid) help to level the playing field by sharing with specific entities early information about multifamily properties and vacant parcels on the market. This could be done jurisdiction by jurisdiction, or it could be done at the regional or state level.

While nonprofits, public agencies and tenants would still need to pay a fair market price, a first right to purchase would offer them more opportunities to acquire and stabilize properties as permanently affordable housing, especially those that may be at risk of becoming unaffordable. This recommendation links up with Recommendation 2 in SPUR's *Housing as Infrastructure* report, which calls for placing more land and buildings in public or nonprofit ownership.

Washington, D.C.'s Tenant Opportunity to Purchase Act (TOPA) was the first notable U.S. effort to give tenants and tenant organizations the opportunity to match a purchase offer from a third party on all multifamily properties. It has preserved more than 3,500 units since 2002.⁵⁵ D.C. then created the District Opportunity to Purchase Act (DOPA) in 2018, giving the city a right to purchase multifamily projects of five units or more if the tenants cannot purchase the building. San Francisco followed suit in 2019, creating the Community Opportunity to Purchase Act (COPA), which gives a set of local nonprofits that meet certain criteria both the right to make a first offer and the opportunity to match the purchase offer of a third party. Both Berkeley and Oakland are currently considering TOPA programs.

The tenants' association at this Washington, D.C., building used the city's Tenant Opportunity to Purchase Act to buy the building in 2001 and convert to condominiums, enabling 30% of the residents to buy their units and 30% of the residents to be bought out. (The remaining units were vacant at the time.)⁵⁶



California has already seen a first effort to create a statewide right to purchase with Assembly Bill 1703 in the 2019–2020 legislative session. And as of January 1, 2021, State Bill 1079 gives tenants, public agencies, affordable housing nonprofits and community land trusts the opportunity to match the highest auction bid for one- to four-unit properties going through foreclosure. This is a great first step that should be expanded to include larger multifamily properties and properties on the open market, not just those in foreclosure.

⁵⁵ Yes to TOPA, "Tenant Opportunity to Purchase Act (TOPA)," <https://yes2topa.org>

⁵⁶ Carolyn Gallagher, "A new owner bought my apartment and wanted to tear it down. Here's how I ended up owning the place," *Greater Greater Washington*, June 15, 2016, <https://ggwash.org/view/41981/a-new-owner-bought-my-apartment-and-wanted-to-tear-it-down-heres-how-i-ended-up-owning-the-place>

For these opportunities to be best utilized, they should be paired with sufficient funding to subsidize purchases by nonprofits or tenants. Without available subsidy, these programs could create challenges for property owners for little public benefit. Adopting D.C.'s DOPA model at the regional level might streamline the process and help coordinate funding while still providing more opportunity for public or nonprofit acquisition of housing. The California Department of Housing and Community Development (HCD), the Bay Area Housing Finance Agency (BAHFA) or local housing departments that control subsidy dollars (depending on the scale of the program) could be given the right of first purchase and a certain time frame to assess what funding is available and whether a site is a match for their priorities, their partners and their partners' capacity at a given moment.

Designed well, and paired with funding, this policy could be acceptable to — and even preferred by — sellers. While some property owners worry about lengthier closings or reduced sales prices,⁵⁷ others welcome the opportunity to get a fair price *and* do the right thing by the community. Pairing this policy with tax or property exchange benefits for sellers (see Recommendation 2E in *Housing as Infrastructure*) could help make it more palatable to sellers who are concerned about the process. San Francisco's program offers partial relief of the real estate transfer tax as part of the package.

Today, a program oriented around public or nonprofit acquisitions would be more efficient to scale than a tenant-oriented program, but TOPA programs can offer benefits beyond homes, including building residents' sense of empowerment and community. There is no single right way to approach these right-to-purchase policies; the best policy depends on the highest-priority goals for the jurisdiction. In any case, the key to the success of TOPA and COPA programs will be providing capital funding for project acquisition, capacity-building funds for nonprofit organizations and technical and legal assistance that allows tenants and property owners to navigate the process.

B | Discourage or prevent lenders from funding the acquisition of speculative multifamily buildings predicated on displacement of existing tenants.

Through the Community Reinvestment Act (CRA), the federal government encourages banks and other financial institutions to address the needs of communities where they operate, especially low- and moderate-income neighborhoods. Banks can meet their CRA obligations in many different ways through their lending, investment and services activities. In the housing world, financial institutions may get CRA credit by lending to or investing in affordable housing.

While CRA could be a lever to ensure that financial institutions are not enabling or participating in “displacement financing” (loans that support the acquisition of multifamily buildings that require the displacement of existing tenants to be financially viable), today it continues to allow these types of loans.⁵⁸ CRA rules should be amended to penalize rather than incentivize activities that will foreseeably lead to the displacement of low-income households. At the federal level, the government-sponsored enterprises Fannie Mae and Freddie Mac should be prohibited from engaging in this activity, especially in areas experiencing displacement pressures.

The state should also prevent or discourage displacement financing. The California Reinvestment Coalition has recently drafted state legislation that would require banks licensed in California to follow certain

⁵⁷ While the legality of this program has not been challenged in San Francisco or D.C., there are some questions about the constitutionality of the program and whether it reduces property value and constitutes a “taking.”

⁵⁸ Kevin Stein, *Disrupting Displacement Financing in Oakland and Beyond*, California Reinvestment Coalition, June 2018, <https://calreinvest.org/wp-content/uploads/2018/07/Disrupting-Displacement-Financing.pdf>

underwriting and reporting requirements in order to avoid such lending practices.⁵⁹ This would be an important step toward dismantling a system that currently rewards activities that displace people.

C | Incentivize property purchasers to keep low-income renters in place.

In the market-based system today, property buyers are incentivized to evict or push out low-income renters in order to maximize their revenues and property value. But policy incentives could counter this economic pressure. The Tenant Protection Act of 2019, which includes just cause eviction requirements statewide, may now discourage some property acquisitions that are predicated on displacing low-income tenants. However, some properties, including buildings completed within the last 15 years, are exempt from this law. Property tax rebates, favorable government financing or other targeted benefits could incentivize property purchasers to retain low-income renters.

D | Create a regionwide residential vacancy tax to encourage property owners to put their vacant units on the rental market.

To solve the housing shortage, public policy should encourage owners to use the existing housing stock as housing. In some hot-market areas, financial and tax policy incentivizes owners to own housing as investment properties, vacation timeshares, and short-term and corporate rentals. While these should be legal and permitted uses of property, they do not need to be incentivized. Rather, incentives should be used to encourage the existing housing stock to be used as full-time homes for people.

Several places around the world have recently approved taxes on vacant residential property to incentivize owners to put vacant investment properties to use. Since 2016, Vancouver, B.C., has had an annual empty homes tax assessed on properties that are not primary residences or that are rented for more than six months of the year, and British Columbia created a speculation and vacancy tax on similar properties starting in 2018. San Francisco and Los Angeles have considered but not yet implemented residential vacancy taxes, but Oakland passed one in 2018 that applies to both residential and commercial properties. Washington, D.C., and Melbourne, Australia, are among other cities that have put a vacancy tax in place.

While a vacancy tax cannot solve the region's housing supply challenges by itself, it would encourage market behavior that's more in line with the region's housing needs. Though revenue generation would not be the primary goal of this tax, funds from the tax could go toward the acquisition and preservation of existing unsubsidized affordable housing as well as the new production of affordable housing.

E | Create a real estate transfer tax that penalizes short-term "flipping."

Though it has been implemented in very few locations (Vermont and, briefly, Washington, D.C.), an "anti-speculation tax" is a real estate transfer tax (due upon sale) that incentivizes owners to hold properties for longer periods of time instead of flipping them (i.e., purchasing, improving and reselling a property within a short time period).⁶⁰ In 2014, San Francisco voters considered but ultimately did not approve a real estate transfer tax that

⁵⁹ While the state might not be able to require federally chartered banks to comply, it could refuse to put its funds in, or do business with, federally chartered banks that do not comply voluntarily. For more details, see: California Reinvestment Coalition, "Anti-Displacement Code of Conduct," <https://calreinvest.org/about/code-of-conduct/>

⁶⁰ Othering & Belonging Institute, UC Berkeley, "Anti-Speculation Tax," <https://belonging.berkeley.edu/belongingrichmond-antispeculationtax>

would have penalized property owners if they held a multifamily property for fewer than five years (the tax rate was designed to decrease each year from 24% if sold in the first year to 14% in the fifth year).

While flipping can help update and improve distressed, deteriorating or uninhabitable units in the region's housing stock, it can also drive up rents and home prices. In particularly high-demand areas, it can mean that perfectly habitable homes are replaced with larger, higher-end homes. If housing is to be considered part of the region's infrastructure, cities in the high-cost Bay Area should reduce the incentive for property speculators to engage in this activity.

As with other policies proposed in this report, the details are key: The tax should be set high enough to be a deterrent, but the timing and other details should ensure that investment in the existing housing stock does not come to a standstill.⁶¹ Revenue from this tax could be directed toward affordable housing, and the policy would pair particularly well with a program that focused on the acquisition and preservation of existing unsubsidized affordable housing, but the primary intent would be to align tax policy with city and regional housing policy goals, not to collect revenue.

Recommendation 4

Expand homeownership opportunities for low- and moderate-income households.

For many decades, American tax and housing policy have strongly skewed toward supporting homeownership over renting, at least for white households.⁶² Federal and state tax policy invests far more in subsidies for homeowners than for renters; these subsidies come in the form of the mortgage interest tax deduction, property tax deductions and allowing sellers to leave a significant amount of profit from a home sale out of their income taxes.⁶³ High-income homeowners benefit from these policies far more than low-income homeowners do, particularly with the changes to the mortgage interest deduction under the 2017 Tax Cut and Jobs Act. That act increased the standard deduction, nudging many low- and middle-income households to skip itemizing their deductions. As a result, high-income households utilize the mortgage interest deduction at a much higher rate than low-income households do.

Because of decades of federal, state and local government actions to deny and discourage the purchase of homes by people of color, particularly Black residents, people of color benefit least of all from the massive subsidies given to homeowners. In 2017, 63% of white households in California were homeowners while only 43% of households of color owned their own home.⁶⁴ Black households had the lowest rate of homeownership, at 34%.⁶⁵

For low-income households, however, the federal government focuses on supporting the creation of rental, rather than homeownership, opportunities. Without federal support, localities that want to create homeownership opportunities for low- and moderate-income households must subsidize those homes at higher

61 In order to avoid penalizing individuals who don't intend to flip a home but then have a life change and need to move within a short time frame, the tax could be structured to exempt owner-occupants who have been living in the home that is being sold.

62 Congressional Research Service, *Overview of Federal Housing Assistance Programs and Policy*, updated March 27, 2019, <https://crsreports.congress.gov/product/pdf/RL/RL34591>

63 J. Ronald Terwilliger Foundation for Housing America's Families, *Money Is Policy: How Federal Housing Dollars Are Spent*, March 2017, <https://view.joomag.com/money-is-policy/0004526001497363290?short>

64 PolicyLink and USC Equity Research Institute, "Homeownership," National Equity Atlas, <https://nationalequityatlas.org/indicators/Homeownership#/?geo=02000000000006000>

65 Ibid., <https://nationalequityatlas.org/indicators/Homeownership#/?breakdown=4>

per-unit amounts than rental developments.⁶⁶ As a result, to make their dollars go farther, localities often choose to invest in rental programs for low-income households ahead of ownership programs for moderate-income households. Inclusionary programs provide some below-market-rate units for sale within primarily market-rate developments, but otherwise affordable homeownership opportunities in the Bay Area are scarce.

Mission Walk, a 131-unit below-market-rate condominium development located in the Mission Bay neighborhood of San Francisco, was funded primarily by the San Francisco Redevelopment Agency.



Why seek to expand affordable homeownership? To start, households clearly benefit if a portion of their monthly housing costs goes toward building savings for the future. Offering opportunities for low- and moderate-income people to own their homes can also help to restore some social and financial equity. Homeownership has been the primary pathway for wealth-building in the United States, and people of color have been excluded from homeownership in a multitude of ways both in the past and into the present day.⁶⁷

Growing and Funding Affordable Rental Housing

One of the most important strategies for decreasing displacement in the region is to increase the housing opportunities that are available to low- and moderate-income households. This strategy is explored fully in SPUR’s companion report *Housing as Infrastructure*.⁶⁸ Recommendation 1 of that report is to “expand affordable housing funding and production” at all levels of government in order to meet the need.

SPUR believes that providing subsidized affordable rental opportunities at a range of income levels

⁶⁶ Furthermore, the cost to develop homeownership opportunities can be more expensive in absolute terms because of some of the additional legal, design, marketing and insurance needs associated with condominium development.

⁶⁷ For a comprehensive review of the ways in which the public and private sectors in the United States have locked out people of color from homeownership opportunities, please see Richard Rothstein’s book *The Color of Law: A Forgotten History of How Our Government Segregated America*.

⁶⁸ See note 20.

is a core responsibility of state, regional and local governments. Market solutions have proven to be insufficient to meet the scale of this problem, not only in the higher-cost areas of California but across the state, and in fact nationwide.

Expanding the production of affordable housing is critical in many kinds of places: in high-opportunity areas (areas with good schools and lots of jobs), which have historically excluded people of color or people with lower incomes; in high-poverty areas, where high-quality, well-managed housing would add new investment to neighborhoods that need it; and in gentrifying neighborhoods, where affordable housing can provide stability for current residents and the broader community. SPUR also believes that investing in both rental and ownership opportunities can provide important options for households in a range of financial situations and stages of life.

Creating more affordable housing opportunities is particularly important for the well-being of the most vulnerable populations among us, including extremely low-income households, people experiencing homelessness, people exiting incarceration, undocumented immigrants, single mothers with school-aged children, people with mental health conditions and people with disabilities. Without affordable and secure housing, it is difficult for anyone, let alone anyone with an additional challenge, to maintain a stable economic footing in this region. This instability will have widespread impacts on the community as these vulnerable populations become more transitory, more segregated and more unequal. Because people of color are disproportionately impacted by many of these challenges, specific strategies may be needed to remedy underlying inequities and the particular needs of each population.

As mentioned above, SPUR's report *Housing as Infrastructure* provides specific details on growing affordable housing production, particularly for rental solutions, the "bread and butter" of affordable housing.

One challenge with redressing this injustice is that most subsidized affordable homeownership programs are organized around "shared equity" or "limited equity" stipulations, meaning that when these homeowners sell, they must share any appreciation in the home's value with the locality or entity that subsidized their home purchase. These requirements are intentional and strategic, designed to ensure the continued affordability of the unit beyond a single household, but it means that these homeowners do not fully benefit from the wealth-building aspect of homeownership as we typically understand it.

Limited equity homeownership still has benefits. These homeowners are typically protected from losing their investment in a home (if the housing market is depressed when they sell), and they receive some share of the home's appreciation if home values are up. And homeowners typically experience more housing stability than renters, so expanding homeownership among low- and moderate-income households can serve as an anti-displacement and community stabilization tool.

It's important to note that with these limits on equity appreciation, this type of program can't make up for the decades of lost wealth that Black households have experienced by being locked out of homeownership and its benefits, which have compounded over time. Therefore, publicly supported homeownership programs must be clear about their goals in order to structure the benefits of programs appropriately. A homeownership program intended to create stability or a stepping stone for moderate-income households priced out of the for-sale market would limit each individual household's benefit in order to maintain the affordability of the home for many households over the long run. Meanwhile, a homeownership program intended to provide reparations or

wealth-building opportunities to Black households might give a full financial subsidy to a single household, which would later be able to receive the full proceeds from the sale of the home. Addressing the racial wealth gap is of critical importance, whether through housing investments or other mechanisms. SPUR also believes that the federal government should explore alternative systems for people to invest and save for their futures beyond homeownership, so that building wealth isn't solely predicated on rising property values.⁶⁹

The steps below aim to both grow ownership opportunities and make them more accessible to people with low and moderate incomes.

A | **Minimize regulatory and financing challenges for new condominium developments, especially condominiums with affordability restrictions.**

Beyond the hurdles that exist for new development of all types, additional challenges face developers of affordable “infill” homeownership — typically condominiums — in California.

These challenges include state laws that govern the development and sale of condominium units. For instance, construction defect liability laws aim to protect consumers but also serve as significant barriers to condo creation through added process or added risk. Construction defect liability laws are critical to protect homeowners from problems that arise from design or construction issues, but the required 10-year liability coverage and a loose interpretation of what can be deemed a defect forces project sponsors and their design and construction teams to pay a premium for liability insurance. These costs get folded into the cost of the project, rendering many condo developments infeasible. Other states have shorter time frames and tighter rules and have implemented reasonable reforms, including a more specific definition for construction defects.^{70,71}

Also, state law requires homeowners association (HOA) dues to be calculated in the same way for both market-rate and affordable units within an HOA, increasing the cost of an affordable home and creating future financial risk for low-income homeowners.

As a result, many developers are hesitant to enter the condominium business unless returns are very high, putting a damper on condo creation. If our region wants to continue to support both homeownership and environmental sustainability, more infill multifamily condos will be needed, requiring nuanced reforms to some of these laws.

B | **Scale up down-payment assistance programs.**

In the Bay Area, home prices are astronomical and continue to rise. People without access to familial wealth struggle to put together the down payment necessary to buy a home, and even when they succeed, they must compete with buyers who are able to make all-cash offers or put down extremely large down payments.

Down-payment assistance programs can provide the missing piece for middle-income people who do have the incomes to cover monthly mortgage payments, or they can reduce the monthly cost of a loan to a workable level.

69 Among other things, this could include targeted guaranteed income, free undergraduate and graduate school, baby bonds, job guarantees, and directing capital to businesses owned by people of color. See: Angela Glover Blackwell and Michael McAfee, “Banks Should Face History and Pay Reparations,” *New York Times*, June 26, 2020, <https://www.nytimes.com/2020/06/26/opinion/sunday/banks-reparations-racism-inequality.html>

70 Larry Costich and Russel Robertson, “Long-Awaited Condo Reform Kicks In: Here’s What Developers Need to Know,” *Seattle Daily Journal of Commerce*, August 15, 2019, <https://www.schwabe.com/newsroom-publications-long-awaited-condo-reform-kicks-in-what-developers-need-to-know>

71 As of the time of this writing, SPUR is sponsoring AB 919, state legislation authored by Assemblymember Tim Grayson that would shorten the construction defect liability period to five years for projects that use union labor.

The state and many cities or counties have down-payment assistance programs for low- and moderate-income households, or for people in certain professions (e.g., teachers, first responders). But currently, these important programs are insufficient. More people need access to these programs, which means more funding. In high-cost areas, the programs should target middle-income households, and in the highest-cost areas, the funding assistance per household must increase to make the loans useful in the market.

If cities and counties could provide these loans interest-free, then more middle-income owners would be able to buy homes that are otherwise outside of their price range. Programs could be designed as a kind of revolving loan fund so that when an owner sold, the public agency could recoup the loan plus a percentage of the profit and then loan the funds out to another household.



Support alternative models of ownership, including shared equity programs.

When we talk about homeownership in this country, we usually envision a single household owning a home outright. The United States has a dearth of middle-ground housing options between renting and homeownership.⁷² But shared equity models, along with public subsidy, could make a form of shared ownership accessible to more people and reduce displacement pressures in the Bay Area. Most commonly, local jurisdictions sponsor below-market-rate (BMR) ownership programs in which they provide the funding to make a homeownership opportunity affordable in return for commitments to keep the unit affordable for the long term.⁷³

What Does Shared Equity Look Like?

Shared equity programs take many forms, and many examples in practice do not fit squarely within one model. The Grounded Solutions Network, a nonprofit organization that fosters the development of shared equity programs across the country, summarizes some of the possibilities:

Shared-Equity Cooperatives: Shared-equity cooperatives are traditionally stand-alone corporations that are owned collectively by low- and moderate-income residents who agree to resale restrictions, which keep the properties affordable over time.

Limited-Equity Resident-Owned Communities (ROCs): ROCs are neighborhoods of manufactured homes where plots of land, better known as “pads,” are owned cooperatively by a community of residents rather than an outside landlord.

Community Land Trusts (CLTs): A CLT is a nonprofit corporation that develops and stewards affordable housing, community gardens and commercial spaces on behalf of a community. CLTs are best known for providing shared equity homes by leasing land at a nominal price to a low-income person who then purchases the home at an affordable price.

⁷² Shane Phillips, “Renting Is Terrible. Owning Is Worse,” *The Atlantic*, March 11, 2021, <https://www.theatlantic.com/ideas/archive/2021/03/why-its-better-to-rent-than-to-own/618254/>

⁷³ There are approximately 3,000 BMR ownership units in San Francisco and approximately 500 BMR ownership units in San Jose.

Deed-Restricted/Below-Market-Rate (BMR) Programs: Inclusionary housing policies are land use policies that incentivize or require developers to produce affordable housing or pay a fee that can be used to create affordable housing elsewhere. When these policies apply to for-sale development, most governments have elected to use shared equity homeownership models, typically through deed restrictions that limit the sale price in the future so that the homes will continue to be affordable for low-income households.⁷⁴

Other shared equity options include community land trusts, housing cooperatives, mutual housing, co-housing and more.⁷⁵ These shared equity models range widely in design but commonly strive to maintain the permanent or long-term affordability of a property. They may include some degree of community decision-making. Because they're partially subsidized for buyers, shared equity models offer a lower barrier to entry to homeownership without forcing owners to take on more debt or higher-interest debt than they can safely afford to repay.

Founded in 1984, the Champlain Housing Trust in Vermont is the largest community land trust in the United States. The trust stewards approximately 620 ownership units and 2,300 rental apartments, including Thelma Maple Housing Co-op in Burlington, Vermont.



To date, shared equity housing makes up a tiny fraction of the overall housing stock, largely because the American housing system doesn't adequately support these models. This lack of support means that creating and maintaining this type of housing requires special expertise and/or dogged individual persistence. In addition, if the units are to be affordable to low- and moderate-income buyers, these developments will also need public subsidy and will face the same high construction costs as more traditional developments in the Bay Area.

⁷⁴ Emily Thaden, "The State of Shared-Equity Homeownership," *Shelterforce*, May 7, 2018, <https://shelterforce.org/2018/05/07/shared-equity/>

⁷⁵ For more details, see: Grounded Solutions Network, "Shared Equity Homeownership," <https://groundedsolutions.org/strengthening-neighborhoods/shared-equity-homeownership/>; Leslie Gordon et al., *Rooted in Home: Community-Based Alternatives to the Bay Area Housing Crisis*, Urban Habitat and East Bay Community Law Center, <https://urbanhabitat.org/sites/default/files/Rooted%20in%20Home.pdf>; and Anna Carlsson, *Shared Equity Housing: A Review of Existing Literature*, Joint Center for Housing Studies of Harvard University, November 21, 2019, <https://www.jchs.harvard.edu/research-areas/student-work/shared-equity-housing-review-existing-literature>

SPUR recommends that BAHFA start a pilot program with funding and technical assistance to help these types of ownership programs flourish. To help Bay Area cities develop shared equity initiatives, BAHFA could fund existing organizations like the California Community Land Trust Network or the Grounded Solutions Network, a nationwide organization that provides housing policy expertise and technical assistance, or it could arrange for outside consultants to provide this technical assistance, much like the state-supported STATTBAU that assists Berlin residents in setting up cohousing developments.⁷⁶

The State of California, which offers mortgage and down-payment programs to support homeownership, could also create a loan guarantee program for shared equity developments to address some of the barriers for lenders.

Growing and diversifying our options with these alternative models of ownership could provide a stabilizing force for individual households and enable opportunities for community-building in neighborhoods.

D | Expand homeowner protections and eliminate predatory lending practices.

While homeowners generally enjoy more housing stability and security than renters, low-income homeowners can face challenges during downturns or in the midst of neighborhood changes. Before and during the Great Recession, an estimated 3.8 million households lost their homes to predatory lending practices and foreclosure across the country.⁷⁷ Many of those homes were acquired by larger corporations, increasing the number of single-family rentals across the country and representing a major transfer of wealth from homeowners — especially Black homeowners — to corporate entities.⁷⁸ This shift has put many households into a much more precarious financial state than before.

Several actions could support low-income homeowners and protect against another set of events like the foreclosure crisis a decade ago. First, the state should enforce and strengthen the California Homeowner Bill of Rights.⁷⁹ Approved in 2013 (and renewed in 2019), this set of laws is intended to ensure fair lending and borrowing practices and to strengthen the rights of homeowners, including certain minimum foreclosure time frames and notification, communication and transparency rights. Building on this, the state could pass additional foreclosure prevention measures during downturns to enable people to restructure their mortgages and stay in their homes. In addition, the state or the region might consider providing financial assistance or no- or low-interest loans to low- and moderate-income homeowners so they can maintain their properties over the long term.

Lastly, the foreclosure crisis was partially fueled by widespread predatory lending practices that misled and pushed many people, particularly people of color, into taking out complicated loans with high rates, hidden fees or triggers in the fine print that made the borrowers particularly vulnerable to foreclosure. While many predatory lending practices have been identified and are more heavily regulated today, others continue to persist and should be addressed.⁸⁰

76 Kristy Wang and Benjamin Grant, "Could Germany's Co-Developed Urban Housing Be a Model for the Bay Area?," SPUR, September 21, 2017, <https://www.spur.org/news/2017-09-21/could-germany-s-co-developed-urban-housing-be-model-bay-area>

77 Sharada Dharmasankar and Bhash Mazumder, "Have Borrowers Recovered From Foreclosures During the Great Recession?," Federal Reserve Bank of Chicago, 2016, <https://www.chicagofed.org/publications/chicago-fed-letter/2016/370>

78 Richard Florida, "How Housing Wealth Transferred From Families to Corporations," Bloomberg CityLab, October 4, 2019, <https://www.bloomberg.com/news/articles/2019-10-04/the-decline-in-owner-occupied-single-family-homes>

79 State of California Office of the Attorney General, "California Homeowner Bill of Rights," <https://oag.ca.gov/hbor>

80 Center for Responsible Lending, *The State of Lending: Mortgages*, December 12, 2012, <https://www.responsiblelending.org/state-lending/mortgages>; Center for Responsible Lending, "8 Signs of Predatory Lending," <https://www.responsiblelending.org/issues/8-signs-predatory-mortgage>; and California Department of Real Estate, "Avoiding Predatory Lending," <https://www.dre.ca.gov/files/pdf/AvoidingPredatoryLending.pdf>

E | **Create a regional land bank or use community land trusts to acquire single-family properties, particularly when they go into foreclosure.**

As already mentioned, the first line of defense against foreclosure should be strong homeowner protections and bank regulations. If those measures fail, the public sector, as well as affordable housing nonprofits and community land trusts, should be positioned to purchase those homes and either rent them back to the former owner at a reasonable price or convert them to rentals until they can be sold to low- and moderate-income buyers. The state has already passed legislation (SB 1079) to protect against corporate bulk purchases of single-family homes. Public and nonprofit entities, including community land trusts, should be funded and resourced so that they’re able to utilize SB 1079 and acquire, improve and manage these properties for the benefit of low- and moderate-income households.

F | **Expand financial incentives and technical assistance to low-income homeowners interested in creating or legalizing accessory dwelling units.**

Accessory dwelling units (ADUs) show promise on many fronts, including as an anti-displacement tool. SPUR’s report *Housing as Infrastructure* includes a sidebar detailing many other benefits that ADUs can provide for individual people and households and for the region as a whole. If low-income homeowners could easily access the capital needed to create or legalize ADUs, they could benefit from ADU rental income and/or the ability to better house their family members. Technical assistance, tax incentives and low-interest loans could all help low-income homeowners keep their homes, age in place, accommodate multigenerational living or add to the rental stock.

One potential model is LA Más’s The Backyard Homes Project, which helps homeowners in Northeast Los Angeles build ADUs if they commit to renting the ADU to a Section 8 voucher holder for at least five years.⁸¹ Housing Trust Silicon Valley also has a pilot construction loan program designed to help homeowners create new ADUs in return for renting to a low- or moderate-income household.⁸²

Accessory dwelling units (ADUs) provide benefits to homeowners at all income levels. A growing number of programs seek to address the financial barriers that face low- and moderate-income homeowners who might be interested in adding an ADU to their property.



81 LA Más, “The Backyard Homes Project,” <https://www.mas.la/affordable-adus>

82 Housing Trust Silicon Valley, “Small Homes, Big Impact,” <https://housingtrustsv.org/programs/homeowner-programs/accessory-dwelling-unit-program/>

Recommendation 5

Expand demand-side housing programs, such as vouchers and renter tax credits.

SPUR is primarily focused on growing housing supply, but demand-side housing assistance also can help households find and keep housing. Housing choice vouchers — one of the primary ways in which the federal government provides housing assistance to low-income families, seniors and others with special needs — theoretically allow people choices about where they want to live.⁸³ Those who can obtain a voucher from a local public housing authority look for housing that is available on the private market. The voucher entitles the holder to pay only 30% of their actual income toward rent, and the voucher fills the difference between the market rent (up to a limit set by HUD) and the voucher holder's share.

Unfortunately, many more people qualify for vouchers than there are available. Further, even in places like California, where it is illegal to discriminate against voucher holders (“source of income discrimination”), property owners often refuse to take vouchers, often because of racial and class bias.⁸⁴ In addition, in the high-cost Bay Area, the lucky households who do have access to a voucher are often unable to find units priced at a rent that works with the voucher value limits. Vouchers themselves have been accused of increasing land values and market rents. Nevertheless, vouchers have a role to play, particularly as they give some individual households the opportunity to choose what kind of housing or neighborhood is best for their situation.

A | **Expand the voucher program using state and regional funding to combat displacement and support households' ability to choose to live in high-opportunity areas.**

As mentioned above, the federal limits on voucher payments often do not sufficiently account for expensive market rents in high-cost areas. Because of the wide range in the cost of living across urban, suburban and rural areas, it is hard to picture the federal government providing sufficient subsidy to renters in high-cost urban areas.

Yet the state could create a new voucher program specifically for families with young children (informed by research on the Moving to Opportunity program, which indicates long-term economic benefits for children under 13⁸⁵), for low-income households that want to move to high-opportunity areas and for low-income households that already live in high-opportunity areas and are at risk of displacement.

Given the high cost of operating a voucher program, the state could consider creating a supplemental voucher program to help close the gap between what the household and federal voucher will cover and the fair market rent in high-cost areas like the Bay Area. Or state legislators could consider a voucher program that doesn't cover the full 70% of fair market rent that a federal housing voucher provides but still offers essential assistance to low-income renters.

83 HUD, “Housing Choice Vouchers Fact Sheet,” https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/about/fact_sheet

84 Marisa Kendall, “Why Are So Many Bay Area Landlords Violating This New Housing Law?” *Mercury News*, January 16, 2020, <https://www.mercurynews.com/2020/01/16/why-are-so-many-landlords-violating-this-new-housing-law/amp/>

85 Raj Chetty, Nathaniel Hendren and Lawrence Katz, “The Effects of Exposure to Better Neighborhoods on Children: New Evidence From the Moving to Opportunity Program,” *American Economic Review*, 106 (4), <https://scholar.harvard.edu/hendren/publications/effects-exposure-better-neighborhoods-children-new-evidence-moving-opportunity>

B | Reduce discrimination against voucher holders.

Even when a household has access to a housing voucher, they may be unable to find a property owner who is willing to rent to them, whether because the landlord doesn't trust the process of working with the local housing authority to utilize the voucher or because the landlord/management company is acting on racist or classist bias. "Source of income" laws have been in place in some cities to prohibit this type of discrimination, but it continues to occur. While SB 329 recently amended the Fair Employment and Housing Act to prevent such discrimination at the state level, education and enforcement mechanisms are also needed to increase the effectiveness of the voucher program.⁸⁶

C | Increase the value of the state's renter tax credit.

The state of California has a very small renter tax credit in place today: \$60 annually for an individual and \$120 for a couple. An expanded renter tax credit at the federal level, like those proposed by the Turner Center⁸⁷ and presidential candidates in the 2020 election,⁸⁸ would have far more impact on affordability for low- and moderate-income renters, but in the absence of federal action, the state should substantially increase its renter tax credit to help bring into balance the amount of assistance renters receive compared to homeowners (who effectively get a housing subsidy through the mortgage interest tax deduction). In 2019, SB 248 proposed to nearly quadruple the existing renter tax credit, but it did not pass.

D | Consider direct cash transfers.

Many low-income people do not file taxes and would not be able to get any benefit from a renter tax credit. Instead, direct cash transfers from the state might be a more effective way to assist low-income renters.⁸⁹ Universal basic income programs, which have received attention in recent years, are one form of direct cash transfer,⁹⁰ but there are other forms they can take. The DC Flex program, mentioned under Recommendation 1 in this report, is another approach: a hybrid between an emergency rental assistance program and a direct cash transfer program.⁹¹ Under the DC Flex pilot, families have up to \$7,200 per year to support their living expenses. In a tight month, a family might withdraw up to the full amount of rent, but in good months, they might leave it untouched, giving them the flexibility to decide how to support their needs.

86 Alison Bell, Barbara Sard, and Becky Koepnick, "Prohibiting Discrimination Against Renters Using Housing Vouchers Improves Results," Center on Budget and Policy Priorities, updated December 20, 2018, <https://www.cbpp.org/research/housing/prohibiting-discrimination-against-renters-using-housing-vouchers-improves-results>

87 Carol Galante, Carolina Reid and Nathaniel Decker, *The Fair Tax Credit: A Proposal for a Federal Assistance in Rental Credit to Support Low-Income Renters*, UC Berkeley Turner Center, November 2, 2016, <http://turnercenter.berkeley.edu/fair-tax-credit>

88 See Kamala Harris and Cory Booker's housing policies: <https://www.dataforprogress.org/memos/analyzing-the-2020-presidential-contenders-housing-policies>

89 Jacob Denney, *Ladders Out of Poverty: The Potential for Unrestricted Cash Transfers in the Bay Area*, SPUR, January 2021, https://www.spur.org/sites/default/files/publications_pdfs/spur_ladders_out_of_poverty.pdf

90 Stockton Economic Empowerment Demonstration, <https://www.stocktondemonstration.org/#summary-of-key-findings>

91 See note 24.



Recommendation 6

Create neighborhoods of belonging.

Lake Merritt, Oakland

In addition to making changes in housing policy, cities and the region must pay attention to other tools that will mitigate displacement pressures. What other tools can be deployed at the neighborhood level to support people and stabilize communities?

SPUR envisions that, by 2070, Bay Area communities can evolve into places where people from a wide range of backgrounds, demographics and life experiences all feel comfortable and welcome. In most places, this will mean both retaining existing culture and commerce and evolving into something new. This will not be easy, since most people in the United States have not experienced life in multiracial, mixed-income neighborhoods, even while it remains an aspiration for many.

The measures in this report and companion reports *Meeting the Need* and *Housing as Infrastructure* will help to ensure that low-income people in existing communities can remain and that new residents with a range of incomes will be able to move in without displacement impacts. SPUR's *Model Places* report lays out a vision for how this might emerge spatially, through increased density, more mixing of uses and more people-friendly streets and public spaces. However, neither design nor housing policy alone will address the challenges that change may bring, including for those who are able to stay.

Commercial and cultural displacement can be distressing to residents in a changing neighborhood. Similar to residential displacement, commercial displacement occurs when businesses can no longer afford to pay rising rents and have to move or close their doors. This can present particular challenges for social services nonprofits or arts and culture organizations, which may be rooted in a particular place. Cultural displacement occurs when “the tastes, norms, and desires of newcomers supplant and replace those of the incumbent residents, and can also entail the loss of historically and culturally significant institutions for a community.”⁹² Such displacement can

92 Sharon Zukin, *Naked City: The Death and Life of Authentic Urban Places*, Oxford University Press, 2010.

trigger strong emotions for those whose neighborhoods change around them.⁹³ Even if residents can still live affordably in their community, the stores, institutions and character of the place may feel as if they exist to serve someone else.

Change and evolution are intrinsic qualities of cities, and neighborhoods shouldn't remain frozen in time. The distinctive cultures of the Bay Area's cities emerged *because* cities welcomed waves of LGBTQ individuals, Black workers from the South, Asian and Latinx immigrants, computer geeks and others, all of whom have changed the Bay Area's look and feel. What can keep places exciting and vibrant is the interplay between new and old. That means welcoming change *and* not losing sight of the tangible and intangible elements that make a neighborhood distinctive for many kinds of people. Making the Bay Area of 2070 a place where all types of people feel a sense of belonging will not be easy, but to get there requires asking the question: What can cities do to help with "place-keeping" and growing a sense of belonging for everyone, particularly in changing neighborhoods?

A | Invest in the basics: community centers, schools, parks and services.

In changing communities, it can be galling to see new amenities, such as bicycle lanes or benches or street trees, emerge along with newcomers. Even while these amenities may benefit the whole community, including longtime residents, the timing of new investments (even if intended to make amends for past disinvestment) may not resonate. In these changing communities, city leaders and city departments should pay special attention to finding out what low-income people who already live there need and want. It may be that the existing residents' priorities are investments in basic infrastructure and services that other neighborhoods take for granted, or they may see their neighborhood in a completely different light and simply elevate different opportunities and needs.

Construction of a new community center in San Francisco's Bayview Hunters Point neighborhood is one example of such an investment. The Southeast Community Center was originally built in 1986 as part of an agreement made in the 1970s to mitigate the negative impacts of expanding the Southeast Water Treatment Plant. Community advocacy in recent years led to the San Francisco Public Utilities Commission's decision to replace the aging community center with a new facility. Construction of the new center — which will include a childcare center, work space for nonprofits, social services, community meeting rooms, a large community event space and outdoor areas for play and relaxation — is currently underway.

B | Strengthen key arts and culture organizations in neighborhoods experiencing change.

Community arts and cultural organizations play an important role in neighborhoods, as places for community gathering and as keepers of cultural identity. Bay Area examples that serve both longstanding and newer community members include SOMArts and the Mission Cultural Center for Latino Arts in San Francisco, Eastside Arts Alliance and the Black Cultural Zone in Oakland, and San José Taiko and the School of Arts and Culture at the Mexican Heritage Plaza in the South Bay. In changing neighborhoods, as rents go up, cities should invest in these organizations to ensure the organizations can continue to fulfill these functions. They may need financial assistance or space that is affordable for the long term. Organizations like Community Visions and the Community Arts Stabilization Trust (CAST) play an important role in providing technical and financial assistance for nonprofits and arts organizations.

⁹³ Samuel Dastrup and Ingrid Gould Ellen, "Linking Residents to Opportunity: Gentrification and Public Housing," *Cityscape*, Volume 18, Number 3, pages 87-107, <https://www.huduser.gov/portal/periodicals/cityscape/vol18num3/ch4.pdf>

An anchor organization for East San José, the School of Arts and Culture at the Mexican Heritage Plaza serves the Mayfair neighborhood through arts education, community engagement and empowerment, and convenings and events that celebrate the community's cultural heritage.



As neighborhood and community institutions, arts and cultural organizations can also play a bridging role between new and old communities, fostering belonging and creating or keeping a sense of place. Partnerships between these types of organizations and community development groups can result in projects and initiatives that go beyond what community development alone or arts and culture alone can accomplish.⁹⁴ The Dr. George W. Davis Senior Residence and Senior Center in the Bayview-Hunter’s Point neighborhood intentionally brought a strong Black culture and arts theme into the new building, investing in countless pieces of art to root existing residents and solidify a sense of place.

C Find ways to address commercial displacement.

Commercial displacement, a leading indicator of gentrification and possible displacement, has become an increasingly challenging issue in many different types of areas. Possible solutions include forming merchant associations, which can create a network of small business advocates and help with technical and some financial assistance; zoning and planning code changes that restrict the types or sizes of uses in sensitive areas; increased community ownership of property; and legal, technical and financial assistance.⁹⁵ Cities including San Francisco have created publicly funded programs to financially support existing or “legacy” businesses, rewarding some important community institutions. In other places assistance may be more likely to come from nonprofit or

94 Kalima Rose, Milly Hawk Daniel and Jeremy Liu, *Creating Change Through Arts, Culture, and Equitable Development: A Policy and Practice Primer*, Policylink, 2017, <https://www.policylink.org/resources-tools/arts-culture-equitable-development>. See <https://communitydevelopment.art/> for more resources.

95 Olivia LaVecchia and Stacy Mitchell, *Affordable Space: How Rising Commercial Rents Are Threatening Independent Businesses and What Cities Are Doing About It*, Institute for Local Self-Reliance, April 2016, <https://ilsr.org/wp-content/uploads/2018/03/ILSR-AffordableSpace-FullReport.pdf>; and Lawyers’ Committee for Civil Rights of the San Francisco Bay Area, *Small Business in Crisis in the San Francisco Bay Area: Displacement Trends and Solutions*, September 2016, https://lccrsf.org/wp-content/uploads/LCCR_San-Mateo-Business-DisplacementFINAL2-28Dec2016.pdf



philanthropic organizations. Cities can also work to support the formation of new businesses by neighborhood residents.

Mission Economic Development Agency acquired Plaza Adelante more than a decade ago using New Markets Tax Credits. Today it houses its own nonprofit operations and offers affordable office and retail space to incubate small businesses and enable neighborhood nonprofits to remain in the community.



Where new residential mixed-use development is being built in changing communities, cities could work with developers to use ground-floor space in a way that speaks to the needs and desires of the existing residential community (for example, by providing local employment and appropriate and affordable retail offerings). Developers could offer to grant the commercial space to the city, a quasi-public agency or a nonprofit as part of any public benefits package that they must provide. Cities could offer financial incentives — grants, forgivable loans, tax benefits, permitting streamlining, technical assistance — for properties where spaces are leased to small businesses, local businesses and businesses owned by people of color. Cities could also incentivize property owners of both new and old storefronts to place deed restrictions on commercial space to offer it at permanently affordable rents.

D Encourage equitable practices in new development.

As discussed earlier in this report, the impacts of new development are variable and still being understood. Even if new development may make the region more affordable overall, it can also cause harms, which are likely local in nature. In creating more equitable places, how do we ensure that people with low incomes share in the benefits without suffering the harms? Put another way, how can we encourage development that is equitable at the local level?

There is no hard and fast checklist of what constitutes equitable development. But some key elements have begun to emerge. First, a neighborhood planning/rezoning process that encourages deep community engagement can ensure that new development creates benefits for low-income people and people of color who live in the community. New projects should include housing for households with a mixture of incomes and should go beyond baseline affordability requirements if feasible. If new housing developments have to demolish existing units or otherwise remove them from the housing stock, then the developers should be required to build an equivalent number of replacement units. Anyone displaced by the project should be given relocation assistance and a right to return when the development is complete. In low-income and changing neighborhoods, property owners should pay attention to selecting ground-floor uses and occupants that both serve and employ people of color and people from the community.

The HOPE SF initiative is replacing four major San Francisco public housing developments, including Hunters' View, pictured here, that have suffered most from decades of underinvestment. Explicitly framed as reparations, these equitable redevelopment efforts have committed to including both market-rate and affordable units, replacing all the public housing units, relocating residents onsite when possible, investing in neighborhood amenities and involving residents throughout the process.



The 11th Street Bridge Park project currently underway in Washington, D.C., shows a path forward for equitable investment in communities whose residents may be at risk of being displaced. The project's public process has been unusually inclusive from the outset, focusing not only on investing in the physical infrastructure of the park but also on serving people touched by the project: supporting artists and small businesses owned by community members, investing in workforce development for neighborhood residents and growing access to affordable housing opportunities for neighbors.⁹⁶ In New York, L+M's Essex Crossing mixed-use megaproject is more than 50% affordable, includes space for several local nonprofit organizations and rebuilds a market hall for neighborhood institution Essex Market, now populated primarily by businesses owned by immigrants, women and people of color.⁹⁷ Those leading public and private investments should also think beyond the traditional scope of a project and its impacts to integrate best practices of equitable development.

Are there ways to share the financial benefits of new development with the community? Trust Neighborhoods offers one model. The organization works to facilitate the creation of Mixed Income Neighborhood Trusts (MINTs), community land trusts that are set up by existing community organizations and directed by community stakeholders.⁹⁸ With the help of investors, MINTs acquire existing units and develop new infill housing in the community. The bulk of the housing will be affordable, but a certain amount will be market-rate in order to subsidize the operating costs of the buildings and organization. A percentage of any returns will go to investors, and a percentage will go back to the MINT. Trust Neighborhoods currently has pilots in Kansas City, Mo., and Tulsa, Okla.

96 BBAR, "Community Investments," <https://bbardc.org/communityinvestments/>; and Mary Bogle Somala Diby and Mychal Cohen, *Equitable Development and Urban Park Space: Results and Insights from the First Two Years of Implementation of the Equitable Development Plan of DC's 11th Street Bridge Park Project*, The Urban Institute, March 7, 2019, <https://www.urban.org/research/publication/equitable-development-and-urban-park-space-results-and-insights-first-two-years-implementation-equitable-development-plan-dcs-11th-street-bridge-park-project>

97 Michael Kimmelman, "Essex Crossing Is the Anti-Hudson Yards," *The New York Times*, November 7, 2019, <https://www.nytimes.com/2019/11/07/arts/design/essex-crossing.html>

98 Trust Neighborhoods, "What is a MINT?," <https://trustneighborhoods.com/mint/>; and David Kemper and Kavya Shankar, "How a Kansas City Neighborhood Is Protecting Renters While Investing in Itself," *Brookings*, February 2, 2021, <https://www.brookings.edu/blog/the-avenue/2021/02/02/how-a-kansas-city-neighborhood-is-protecting-renters-while-investing-in-itself>

E | Create an explicit process for an ongoing community dialogue between newcomers and longtime residents to process neighborhood change together.

Neighborhood change has long been a polarizing issue in urban communities, for good reason. Finding ways to build understanding between new residents and the existing community will help create better neighborhoods for everyone.⁹⁹ It is a truism that good communication and conversation will help solve problems, but one would be hard-pressed to find any peaceful conflict resolutions in history that have not involved difficult and candid conversations first.

Bay Area communities should create more opportunities — events, marking of milestones, ongoing partnerships/groups, spaces for gathering — for new and longtime members to process neighborhood change together. In our lives, we have baby showers, quinceañeras and bar/bat mitzvahs, weddings and funerals to gather together, celebrate, honor loss and process milestones and life changes. During the COVID-19 pandemic, people in Italy sang together from their balconies, and the Black Lives Matter movement brought people to the streets in protest. Neighborhoods and neighborhood streets are places for people to form community bonds and support each other, as well as places to disagree and protest. That should be celebrated and fostered through intentional convening and honest dialogue.

In the early 2000s, LISC Chicago's New Communities Program worked with several neighborhoods on quality-of-life plans that engaged both longtime residents and newcomers over a period of 10 years.¹⁰⁰ Opening up dialogue through a community task force and long-term planning process allowed for trust-building and explicit conversation about the challenges community members faced and the conflicts they needed to resolve together.

In Portland, the Restorative Listening Project and the city's Constructing Civic Dialogues initiative could be models for the kinds of neighborhood discussions that create bonds across communities.¹⁰¹ Cross-community dialogues such as these could be an opportunity to increase newcomers' understanding of existing customs and the potential effects of neighborhood change. We believe that the Bay Area's cities and neighborhoods can become places where all people belong, not just newcomers who may have more wealth and power, and not just those who were there first.

It is incumbent upon neighborhood newcomers (both residents and businesses) in changing neighborhoods to respect those who were there before them. In some places, an influx of wealthier or whiter residents has been associated with increased police presence and/or more low-level arrests, which may create fear and anxiety for all, but especially for the existing community.¹⁰² Newcomers ought to take some personal responsibility to adapt to neighborhood cultural norms (noise, music, the way life is lived in public) that may not be the same as where they used to live. While only a small step towards broader cultural or systemic change, mutual respect and sensitivity to the different ways that people live are essential at the individual level in order to foster communities that can create the inclusive and equitable Bay Area of the future.

99 Stephanie Brown, *Beyond Gentrification: Strategies for Guiding the Conversation and Redirecting the Outcomes of Community Transition*, Harvard's Joint Center for Housing Studies and NeighborWorks America, July 2014, https://www.jchs.harvard.edu/sites/default/files/media/imp/w14-12_brown.pdf

100 Pete Saunders, "Don't Block Gentrification, Manage It," *Bloomberg*, January 31, 2021, <https://www.bloomberg.com/opinion/articles/2021-01-31/cities-should-manage-housing-gentrification-not-halt-it?sref=mHw3nBzP>; and LISC Chicago's New Communities Program, <http://www.newcommunities.org/index.asp>

101 Emily M. Drew, "Listening Through White Ears: Cross-Racial Dialogues as a Strategy to Address the Racial Effects of Gentrification," *Journal of Urban Affairs*, 2011, pages 1-17, <http://www.thecyberhood.net/documents/papers/listen.pdf>; and City of Portland, "Constructing Civic Dialogues Grant," <https://www.portland.gov/civic/civic-dialogues>

102 Brenden Beck, "As Neighborhoods Gentrify, Police Presence Increases," *Housing Matters*, July 15, 2020, <https://housingmatters.urban.org/research-summary/neighborhoods-gentrify-police-presence-increases>

Conclusion

SPUR believes the Bay Area is capable of living up to its inclusive ideals over the next 50 years. This region can make room to accommodate those who want to move here and those who want to stay, and we can collectively work to create places where everyone feels they belong. In order to meet these goals, the region and its cities will need to invest in several priorities: strengthened resident protections, increased data collection and analysis in pursuit of anti-displacement policy, reduced speculation in the housing market, more affordable opportunities for both renters and homeowners, and community-building to support a sense of belonging. Together, these steps can provide options for the most vulnerable residents in places across the Bay Area, cementing our vision for an equitable, sustainable and prosperous region where all people and all places thrive.

SPUR discusses the other actions needed to achieve this goal in two additional reports in this series, *Housing as Infrastructure: Creating a Bay Area Housing Delivery System That Works for Everyone* and *Meeting the Need: The Path to 2.2 Million New Homes in the Bay Area by 2070*. All reports in the series can be found at spur.org/housingtheregion.

Berryessa Flea Market, San José



Appendix

We thank the following people for graciously sharing their time and expertise with us as participants in convenings, in individual interviews or as reviewers of this report. The findings and recommendations in this report are SPUR's and do not necessarily reflect the views of those listed below. Any errors are the authors' alone.

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