



**A WINNING COMBINATION TO INCREASE MULTIFAMILY HOUSING  
SUPPLY: LOCAL REGULATORY REFORMS, FEDERAL RENTAL  
SUBSIDY, AND AFFH**

**Statement of  
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**before the  
Subcommittee on Housing and Insurance,  
Committee on Financial Services,  
United States House of Representatives**

**THE COST OF GOVERNMENT REGULATIONS ON AFFORDABLE  
MULTIFAMILY DEVELOPMENT**

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\*The views expressed are my own and should not be attributed to the Urban Institute, its trustees, or its funders.

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Thank you for asking me to testify at this hearing. My name is Erika C. Poethig, and I am a vice president and chief innovation officer at the Urban Institute in Washington, DC. I am honored to share evidence on the impact of policies on the development of affordable multifamily rental housing and recommend reforms to meet the current and future demand for affordable multifamily housing. The views expressed here are my own, and should not be attributed to any organization I am affiliated with, their trustees, or their funders.

The US multifamily housing market faces systemic market failures that result in unaffordable housing costs for the lowest-income households in every county across the nation. Reducing regulatory barriers that exclude or limit multifamily housing development can bring costs down and add supply, but our analysis shows that no amount of tinkering with regulations will replace the need for rental subsidies that close the gap for extremely low-income households. In 2013, the Bipartisan Policy Center's Housing Commission recommended making rental assistance an entitlement for extremely low-income (ELI) households to help close this gap and stabilize housing conditions. The racist roots of housing and land-use regulations impedes progress on increasing the supply of rental housing to meet demand, and exclusionary zoning continues to segregate communities by race and income. Policymakers should act to prevent and reverse the long-standing practice of exclusionary zoning in communities across the US. Other housing regulations, such as housing-quality standards first instituted in the late 1800s and early 1900s, have greatly improved health and well-being by reducing the spread of infectious disease in tenement housing and later reducing preventable illness and injury. Policymakers should be mindful of the full picture on housing regulations, the market failures that call for rental subsidies, the need for action to prevent and reverse exclusionary zoning, and the increasing role of rental regulations in protecting the health and well-being of children, older adults, and historically marginalized neighborhoods and people.

## Summary

The demand on the American rental market has only increased since the great recession and mortgage crisis. Higher-income families are part of an expanded rental demand, and projections suggest the homeownership rate will continue to decline. But the supply of rental housing is not keeping up. While rents skyrocket in some markets, this is not simply a hot-market problem. No county in the US has enough housing that its lowest-income renters can afford. These trends only look to continue, with demographic research projecting a significant expansion of renters, including seniors and families, over the coming decades.

As more and more Americans come to rely on multifamily rental housing, the rental supply needs to grow and become available in more types of communities. My testimony makes three points that research shows will be critical in creating an equitable and effective regulatory framework for the rental housing market to meet this growing demand.

1. Easing regulatory barriers that limit or exclude multifamily development is essential to fixing the supply problem, but they will not be enough. This is a market failure and public investment and subsidies are necessary to bridge the cost gap and meet the needs of extremely low-income renters.
2. Exclusionary zoning and practices increase the cost of development, drive economic and racial segregation, and are grounded in a legacy of racial discrimination. Promoting inclusive housing

development will help lower development costs, integrate neighborhoods, and begin to repair a long history of racially discriminatory practices that still play out today.

3. Not all regulations are the same. Many housing regulations are grounded in efforts to protect public health and well-being. A growing body of research links housing to health outcomes, with ample evidence that healthy housing regulations protect children and older adults and can prevent exposure to pollutants that disproportionately affect historically black and brown neighborhoods. Policy changes to reform regulations should retain and expand measures that protect health and well-being.

### **Changing rental demand has heightened and expanded the long-standing low-income housing crisis.**

According to recent analysis by my colleagues Rolf Pendall and Laurie Goodman, the United States added more than one million new households in 2015, but only 620,000 net new units of housing were added to the stock, creating a shortage of just over 430,000 units. This gap has contributed to rising home prices and rents, a trend that is likely to continue (Pendall and Goodman 2016).

Looking at the rental side, demand surged and changed after the recession and mortgage crisis. Displaced homeowners and delayed home buyers added rental demand—and many of these new renters have higher incomes (JCHS 2018; Myers et al. 2016). Supply has not been keeping up, and much of the new rental stock is unlikely to filter down to lower-income households for some time. With this surge in rental demand, the long-standing rental affordability crisis for America's lowest-income households worsened and affordability problems climbed the income ladder.

This dynamic makes finding affordable housing even tougher for individuals and families with low incomes. The number of households who are housing cost-burdened has ticked downward slightly after hitting a record high. In 2016, over one in four renters in the United States, or 11.0 million households, were facing severe rent burdens, meaning they spend more than half of their income on housing (JCHS 2018). Affordability challenges are especially pronounced at the lowest end of the income spectrum. Over 70 percent of severely cost burdened renter households are ELI, meaning they make less than 30 percent of the area median income.

High housing-cost burdens are unlikely to come down through market forces alone. Rental demand is expected to grow even more in the future. Between 2010 and 2030, the growth in rental households will exceed that of homeowners, five new rental households for every three homeowners (Goodman, Pendall, and Zhu 2015). As a result, experts predict that the national homeownership rate may drop below 60 percent for the first time in more than 50 years (Beckett and Kiefer 2016). The US needs to preserve and expand its rental supply to keep pace with projected growth, and that calls for a set of policies that include reducing some regulations, maintaining and expanding other regulations, and filling long-standing affordability gaps with subsidy.

## **Even with regulatory reform, builders cannot deliver low enough rents without subsidy.**

Rental affordability problems are found in rural, suburban, and urban counties, in the heartland and on the coasts. Nearly every county in the United States lacks enough affordable housing to meet residents' needs, a crisis that is particularly urgent for ELI households. Nationally, only 46 adequate and affordable rentals are available for every 100 ELI renter households. Without federal support, this problem would be significantly worse. As my colleagues at the Urban Institute report, a lack of affordable options affects ELI households whether they live in Tampa, Florida, or Kansas City; Polk County, Wisconsin, or Columbus, Ohio. A shrinking number of existing affordable units and insufficient funding for rental assistance programs at the US Department of Housing and Urban Development and the US Department of Agriculture are only widening the affordability gap (Getsinger et al. 2017). Only about one in five renter households who are both eligible for and need federal rental assistance actually receives it (Kingsley 2017).

Although regulations and zoning practices can impact the ability to build and preserve affordable housing, our research shows that changes to regulation will not be enough to address the affordability crisis. Based on development cost data from the Denver metro area, my colleagues at the Urban Institute found that:

Most multifamily properties, even market-rate apartments, face a gap between how much it will cost to construct the project and the private, public, and other funds available to pay for the development. Changes to land use, to regulations, or in what and how we build all will help close the gap, but we won't get where we need to be without subsidies. (Blumenthal and Handelman 2016)

Data from every county nationwide show that this is not just true for Denver but for Albuquerque, St. Louis, Los Angeles, and beyond. This is a market failure. Our research team built an online tool that allows users to try and solve this market failure called [Pencil Out](http://apps.urban.org/features/cost-of-affordable-housing/). I invite you to try it. You can find it here: <http://apps.urban.org/features/cost-of-affordable-housing/>.

The private market alone cannot supply housing at rents that America's lowest-income households can afford. Public subsidies are needed to close the gap between the costs of constructing and operating multifamily rental housing and the revenue that affordable rents can bring in. This is especially true for projects targeting low-income families. Yet, the need for rental assistance far exceeds the supply. Unlike other safety net programs—Social Security, food stamps, Medicaid, or Medicare—housing assistance is not treated as a universal benefit for eligible households. In 2015, 22.3 million households had housing needs that could be addressed through federal rental assistance programs like vouchers and public housing, but only 21 percent of these needy and eligible households received such help (Kingsley 2017). As a result, millions of low-income individuals and families face serious challenges ranging from severe cost burdens to overcrowding to homelessness.

The Bipartisan Policy Center Housing Commission offered several federal policy recommendations to help address the affordable housing crisis facing our country. A cornerstone of their recommendation is the establishment of a universal housing voucher for ELI households. As they write in their report:

The commission recommends that our nation transition to a system in which our most vulnerable households, those with extremely low incomes (at or below 30 percent of area median income) are assured access to housing assistance if they need it. Assistance should

be delivered through a reformed Housing Choice Voucher program that, over time, limits eligibility to only the most vulnerable families. (BPC 2013)

## **Exclusionary zoning regulations and practices increase costs and drive segregation.**

Exclusionary zoning, from lot-size restrictions and zoning approvals to growth boundaries and structure type, is known to increase the costs of housing development and drive both economic and racial segregation. These impacts are rooted in a racist regulatory legacy that is still playing out today. Decades after the Fair Housing Act passed, we still see persistent levels of racial segregation and increased levels of economic segregation (Pendall 2017). Exclusionary zoning is driving these outcomes. As my colleague Rolf Pendall writes,

From a land-use perspective, the separation of people by race and income begins with separation by structure type, with single-family homes, small multi-unit buildings, larger apartment structures, and mobile homes confined to different neighborhoods or entirely separate jurisdictions in most parts of the US (Pendall 2000). Separation by structure type translates into separation of renters from owners, because most attached housing is rented and most single-family homes are owner occupied. (Pendall 2017)

Clear economic and racial lines persist between renters and homeowners, primarily because of a history of discriminatory housing practices. As Pendall describes,

Though working-class whites were widely able to access homeownership in new suburbs after World War II, African Americans had much less access to homeownership because of explicitly and implicitly discriminatory policies and practices (Jackson 1985, Rothstein 2017). Differences in homeownership rates across racial and ethnic lines persist today with the legacy of redlining, continued discrimination and disparate treatment in credit markets, and wealth and income gaps between white households and households of color (Rothstein 2017). (Pendall 2017)

Research across metropolitan regions in the United States shows that the highest-income households tend to concentrate in a limited number of suburban locations with good access to jobs and open space, large new or renovated homes, spacious lots, and quality public schools. To protect high property values, residents of these neighborhoods support exclusionary zoning regulations that limit housing development, keep lot sizes large, restrict dense housing development, and add uncertainty in the development process (Pendall 2017). Opposition to the already fragile development process causes increased costs, delays, and sometimes project cancellations or site relocations into poorer neighborhoods with less political efficacy to oppose the development (Scally and Tighe 2014).

The impact of these disparities on segregation patterns is amplified today by the voting patterns and civic engagement of homeowners. As Emily Badger (2018) points out,

The crucial divide in the politics of housing development isn't between left and right, but between people who own homes and those who don't. Homeowners of both parties support restricting development around them. And they do so in spite of their own ideologies — whether conservative voters might otherwise value free markets, or whether liberals value policies that aid the poor.

These exclusionary practices come at a real cost to people. Segregation results in an unequal distribution of access to opportunity and exposure to harm. As my colleagues found in studying 20 years of data on the city of Chicago, higher levels of economic segregation and black-white segregation were associated with lower black per capita income. Additionally, higher levels of black-white segregation were associated with lower levels of educational attainment for both blacks and whites as well as higher homicide rates (Acs et al. 2017).

This is exactly why the requirement for communities to affirmatively further fair housing is so important. Without a requirement to facilitate inclusive communities and housing, homeowners of all political stripes oppose change at the expense of low-income renters and people of color. And research shows us that allowing and encouraging builders to create housing that expands choice for people of color, renters, and others with lower assets and incomes—as opposed to communities that perpetuate segregation—is a win-win scenario.

When the township of Mount Laurel, New Jersey, finally added an affordable rental development as a result of a court ruling and despite strong community opposition, residents feared crime would increase, tax burdens would rise, and property values would decline. A decade after the opening of the Ethel Lawrence homes, researchers found no evidence that the development had any effects on crime, taxes, or property value. In fact, nearly one-third of residents were unaware of where the development had been built or if it was in their neighborhood (Massey 2013). Meanwhile, the people who moved in got access to not just affordable rents but also a safe community with strong schools. The new residents saw drastic reductions in exposure to violence, decreased stress, increased employment and earnings, and relied less on cash assistance programs. For children, the move resulted in increased school quality, reduced exposure to violence and disorder at school, and produced higher grades (Massey 2013).

## **Not all regulations are the same.**

Though history of housing regulations includes racist acts of exclusion, it also includes regulations with dramatic benefits for public health. In the late 1800s and early 1900s, public health advocates succeeded in adding housing-quality standards to prevent the spread of disease in poorly regulated and maintained tenement housing. Today, many housing regulations are grounded in efforts to protect public health and well-being, and new regulations are added in response to emerging science. Policy changes to reform regulations should remain conscious of regulations' goals, costs, and benefits so that the essential foundation for protecting health and well-being for people and communities remains intact.

A growing body of research links housing to health outcomes, with ample evidence that healthy housing regulations protect children and older adults and can reduce exposure to toxins that disproportionately affect historically black and brown neighborhoods.

### *Children*

Healthy housing regulations matter for children. Though lead paint remains a risk in many older homes, a 1992 federal regulation on lead exposure in federally assisted housing resulted in lower blood lead levels among children in families with housing assistance than other children in low-income families (Ahrens et al. 2016). Notwithstanding reductions in blood lead levels, when viewed in the aggregate, children growing up in federally assisted housing are not immune to residential lead exposure. The public housing capital needs

backlog, which in 2010 was \$26 billion with projected growth of \$3.4 billion each year, contributes to deferred maintenance and substandard conditions that impose real and lasting harm for children in public housing in New York, East Chicago, Baltimore, and elsewhere.

For the overall housing stock, regulations can also reduce the spread of lead-contaminated dust and debris during repair and remodeling work. For example, the EPA's Renovation, Repair, and Painting rule (2010) increased the required safety precautions when any home repair could disturb lead paint, which will further decrease the risk of lead exposure (Korfmacher and Hanley 2013).

Regulations also promote children's physical safety. Home injuries are the leading cause of death for young children, with window falls as the leading cause for severe injury and death. The cost for an effective window guard is around \$20. After window guard requirements took effect in Boston and New York City, the incidence of falls by children from windows decreased 96 percent over 10 years (American Public Health Association and National Healthy Housing Standard 2014).

For children, housing regulations matter for more than health. Research shows that living in substandard housing, which can be prevented by adequate housing quality regulations, code enforcement, and subsidy access, leads to lower literacy scores for children entering kindergarten (Coulton et al. 2016). Improved housing standards can be a smart investment in children's futures. However, the balance of regulations and subsidy is key. Just as children experience developmental harms from substandard housing, research has also shown harms—namely reduced spending on child enrichment materials, such as books in the home—when low-income parents spend too much of their income for rent (Newman and Holupka 2014).

### *Older Adults*

According to a study by Laurie Goodman, Rolf Pendall, and Jun Zhu (2015), the number of households headed by someone 65 or older will expand by over 9 million households in this decade and another 10.5 million in the 2020's. This dramatic expansion of senior households increases the urgency of developing housing policies and regulations that enable independence and dignity for seniors aging-in-place. That includes more (and more accessible) multifamily rental housing in communities where older owners currently live and have ties to family, friends, medical providers, faith communities, and more.

Policies that improve housing accessibility will be critical to meeting the needs of our aging adults and others with mobility impairments. According to a report from the Research Institute for Housing America, "Fifty-four percent of individuals 65 and older in poor-quality housing had fallen in the last two years, compared to 34 percent for those in excellent quality housing" (Engelhardt, Eriksen, and Greenhalgh-Stanley 2013). These falls have serious health care costs. In 2015, fatal and nonfatal falls among older adults added health care costs of almost \$50 billion. Nonfatal falls cost Medicare around \$28.9 billion and Medicaid \$8.7 billion (Florence et al. 2018). These falls can be easily prevented with grab bars, curb-free showers, and other basic home accessibility features. When accessibility features are planned in the construction phase, they are relatively low-cost additions and can blend in with the home's design (Brennan 2017 and Maisel, Smith, and Steinfeld 2008). Grab bars, for example, can masquerade as decorative molding. By emphasizing accessibility from the start, both rentals and owned homes will eventually need fewer and less costly modifications—meeting the needs of a growing population of older renters and

enabling people with mobility challenges to live independently and maintain social connections through visits to family and friends (Brennan 2017).

### *Neighborhood Toxin Exposure*

Neighborhood-level health disparities that have arisen out of a long history of discrimination and disinvestment call for regulations to protect and enhance the health and well-being of people of color and traditionally black and brown neighborhoods. A recent national study in the *American Journal of Public Health* on exposure of different populations to sites that emit particulates (which are linked to respiratory and cardiovascular diseases) found that black populations had the highest proportional exposure at 1.54 times the overall population. Nonwhite populations (including blacks, Hispanics, and Asian/Pacific Islanders) had more proportional exposure than the white population at 1.28 times the overall population (Mikati et al. 2018). Extensive previous research also documents the disproportionate effects of pollution on communities of color. A recent Urban Institute report, using data from the Department of Housing and Urban Development affirmatively furthering fair housing community assessment tool, found that black, Hispanic, and Asian/Pacific Islander communities had significantly lower opportunity index scores for environmental health in their neighborhoods compared with their white counterparts (Gourevitch, Greene, and Pendall 2018). These outcomes have serious implications for racial and ethnic health disparities.

Neighborhood exposure to air pollutants exacerbates child respiratory ailments, such as asthma, bronchitis, and pneumonia (Currie et al. 2014). Communities can reduce such exposure through housing codes that improve indoor air quality and through zoning that ensures a sufficient buffer around known pollution sources so that children and families are not put at risk.

Natural experiments have also found that neighborhood air quality affects prenatal and neonatal outcomes—in particular low birth weights and preterm deliveries (Currie and Walker 2015). Land-use regulations and harm reduction measures can improve birth outcomes. Economists Janet Currie and Reed Walker found that, by reducing pollution related to traffic congestion, the creation of new EZ pass lanes in New Jersey and Pennsylvania resulted in improved infant health outcomes for expectant mothers within 2 kilometers of the EZ pass lanes compared with mothers in unaffected areas. This emerging evidence underscores the importance of protecting residential communities from air pollution and ensuring that residents of both multifamily and single-family housing do not have to put infant health at risk just to get an affordable home. Disparities in black maternal and infant outcomes are in part about neighborhoods—and regulations determine where people can (or can afford to) live.

### **Conclusion**

In conclusion, I want to reiterate three points research shows will create a winning combination to increase the affordable housing supply in our country: addressing exclusionary zoning practices, supporting public investment to support affordable housing, and continuing efforts to protect health and well-being of all communities.

I hope this testimony shows that rationalizing local zoning and supporting the housing needs of our lowest-income neighbors will benefit every community across the nation. Thank you for the opportunity to testify before the committee and I am happy to answer any additional questions you may have.



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