

## Changes in Zoning to Encourage Affordable Housing

### **Strategy description**

Exclusionary zoning regulations create barriers to the development of a diverse housing stock in many communities. A variety of zoning changes can be used to create more opportunities for affordable housing. Some of these include:

Providing a range of lot sizes to allow a variety of housing types

- Minimum-density requirements, so that land zoned for multifamily housing cannot be developed as single-family housing
- Zoning for multifamily housing, accessory dwelling units, and live/work units
- Rezoning underutilized industrial and/or commercial areas for residential use. Many cities have seen a decline in manufacturing and other types of industrial uses that are not likely to return and have a limited supply of land for housing, but have not rezoned land to reflect this new reality.
- Eliminating or reducing minimum lot sizes, buffer requirements, square footage and setback requirements, and restrictions of the number of units in a single building
- Eliminating septic and wetlands requirements that are more stringent than state requirements
- Reducing parking requirements for affordable housing developments, particularly those near public transportation
- Revising zoning rules that discourage affordable housing development to prohibit “*undue* adverse impacts” instead of “adverse impacts” on current property owners
- Using unified codes that eliminate separate subdivision requirements
- Avoiding broad interpretations of zoning rules that prohibit development that “changes the character of an area.” Such rules are sometimes interpreted to mean that all denser housing types are prohibited.

### **History of the strategy**

Zoning that discourages affordable housing development has been used in towns and cities for decades. For example, the 1975 New Jersey Supreme Court’s decision in the *Mount Laurel* case specifically recognized that zoning rules were being used to exclude affordable housing. Changes in zoning to reverse exclusionary effects of zoning have been used as a strategy to encourage affordable housing for almost as long.

## **Target population**

- Changes in zoning target different populations, depending on the specific zoning change. Some reduce barriers to multifamily development, targeting primarily renters; most target homebuyers at all income levels.

## **How the strategy is administered**

Community stakeholders, including developers, local business owners, landowners, affordable housing advocates, and others may all petition for or advocate for zoning changes. A legislative body must pass the changes, whether that is a planning commission or a local government.

## **How the strategy is funded**

No funding is necessary other than for enforcing new zoning codes.

## **Extent of use of the strategy**

- Zoning changes are widely used to promote increased development of affordable housing.

## **Locations where the strategy is being used**

- The city of Fremont, CA established a multifamily zone to encourage multifamily developments in the city. Among other incentives, the city offers reduced minimum lot setbacks, reduced increased maximum lot coverage, reduced on-site parking standards, and reduced minimum street widths.
- By enacting zoning policies that support a diversity of housing types, Cambridge, MA accommodates mixed-income developments such as Auburn Court. The development includes a mix of one-, two- and three-bedroom units, flats and duplexes for a total of 137 housing units.
- Cincinnati, OH revised its zoning code to allow 2,000 and 4,000 square foot lots in older neighborhoods. It also reduced requirements for side yards and setbacks.

## **Pros and cons to using the strategy**

### **Pros:**

- Reduces costs of building residential housing generally by permitting more efficient use of land.
- Improves diversity of the housing stock, creating units affordable to households at a range of incomes.
- Smaller lots and more dense development help protect environmentally sensitive areas that might have otherwise been used for development.
- May reduce transportation costs because residents may have shorter commutes and live closer to other amenities.

**Cons:**

- Changes in zoning can require a lengthy process.
- Zoning changes can meet strong resistance from local homeowners who fear that a change would drive property values down, or change the make-up of the community, or negatively affect community services.

**Sources of information about the strategy**

- Lubell, Jeffrey, "Increasing the Availability of Affordable Homes: A Handbook of High-Impact State and Local Solutions," prepared by the Center for Housing Policy, 2006. Available at: [http://www.nhc.org/pdf/pub\\_hwf\\_solutions\\_01\\_07.pdf](http://www.nhc.org/pdf/pub_hwf_solutions_01_07.pdf)
- "Developing Affordable Housing," City of Fremont, CA website: <http://www.ci.fremont.ca.us/Construction/DevelopAffordableHousing/default.htm>
- "Toolkit for Affordable Housing Development," developed by the Washington Area Housing Partnership, 2005. Available at: <http://www.mwcog.org/uploads/pub-documents/9VpbXg20060217144716.pdf>
- Gerrit Knaap, Stuart Meck, Terry Moore, and Robert Parker, "Zoning as a Barrier to Multifamily Housing Development," American Planning Association Planning Advisory Service Report 548, 2007.

**Contact information**

Stephanie Warden, Director  
King County Department of Development and Environmental Services  
900 Oakesdale Avenue SW  
Renton, WA 98057-5212  
206-296-6700  
[Stephanie.Warden@kingcounty.gov](mailto:Stephanie.Warden@kingcounty.gov)

Susan Glazer  
Community Development Department  
City of Cambridge  
344 Broadway  
Cambridge, MA 02139  
617-349-4600

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## Research on State and Local Means of Increasing Affordable Housing



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1201 15th Street NW  
Washington, DC 20005

Prepared by  
Kimberly Burnett  
Jill Khadduri  
Justin Lindenmayer  
Abt Associates Inc.  
55 Wheeler Street  
Cambridge, MA 02138

