

Center for Government Services

Federal Studies on Affordable Housing & Regulatory Barriers: An Overview

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Federal Studies on Affordable Housing/Regulatory Barriers

- National Commission on Urban Problems (Douglas Commission), 1968
- President's Commission on Urban Housing (Kaiser Commission), 1968
- President's Commission on Housing, 1982
- Advisory Commission on Regulatory Barriers to Affordable Housing (Kemp Commission), 1991

Federal Studies on Affordable Housing/Regulatory Barriers

- Millennial Housing Commission, 2002
- “Why Not in Our Community?”:
Removing Barriers to Affordable Housing
(HUD), 2005
- *Cityscape* Symposium Issue, 2005

National Commission on Urban Problems

- Local governments must prepare plans showing how they would provide adequate sites for housing; modify zoning purposes
- Multicounty or regional agencies should prepare housing plans
- Establishment of a state policy on housing near employment centers

President's Commission on Housing

- Recommended federal legislation giving HUD Secretary power to exempt I/m housing projects from local zoning codes, unless vetoed by governor
- Acknowledged impact of local regulation on housing costs

President's Commission on Housing

- Generally critical of over-regulation through local zoning
- Recommended leaving density of development to market, except where lower density was justified by “vital and pressing governmental interest”

President's Commission on Housing

- Eliminate minimum or maximum limits on the size of dwelling units
- Streamline permit processing
- Avoid use of growth controls that limit housing production
- Eliminate discrimination against manufactured housing

Advisory Commission on Regulatory Barriers to Affordable Housing

- State barrier removal plans
- State-sponsored conflict resolution
- Coordinating and streamlining multiple regulatory responsibilities
- Enactment of state impact fee standards to fund facilities that directly serve development

Advisory Commission on Regulatory Barriers to Affordable Housing

- Local housing plan subject to state review
- Housing affordability as primary objective of zoning regulations
- State authority to override local barriers to affordable housing
- State-established fair-share housing targets

Millennial Housing Commission

- Addressed regulatory barriers to housing
 - Grants to states and local governments to develop strategies to remove regulatory barriers
 - Establish demonstration programs for local “balanced growth code” with workforce housing affordability as key ingredient
- Streamline state planning for community development

“Why Not in Our Community”

- Updates 1991 Advisory Commission report
- Digests research studies
- Tracks efforts by states, local governments to reduce regulatory barriers
- Describes internal HUD initiatives

Cityscape (HUD) Special Issue on Regulatory Barriers, 2005

- John Quigley & Larry Rosenthal—
Literature review of empirical studies
 - Empirical literature varies widely
 - Development caps, restrictions on density, urban growth boundaries, long processing times associated with higher housing costs

Cityscape (HUD) Special Issue on Regulatory Barriers, 2005

- Quigley & Rosenthal:
 - Literature fails to establish “strong direct causal effects”
 - Some land use/growth control studies have shown little effect on price
 - Research tends not to account for local complexity, other problems
 - Proposed research agenda, better data needed

Cityscape (HUD) Special Issue on Regulatory Barriers, 2005

- Peter May—evaluated a variety of local reform strategies
 - Electronic & one-stop permitting
 - Enforcement delegation & third party certification
 - Administrative reorganization
 - Conflict resolution/consensus building

Conclusion

- Long history of studies, reports
- Complicated issue, the result of:
 - Discretionary permitting
 - Layered approvals
 - Administrative initiative and competence
 - Inertia
 - Varying degrees of local, state commitment to affordable housing problem

Regulatory Barriers: A Tough Nut to Crack

