

# Exclusionary Zoning: A Legal Barrier to Affordable Housing



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## **Table of Contents**

Introduction	1
Common Residential Development Standards	1
History of Exclusionary Zoning	2
Example: Zoning Categories in Tucson	3
Example: Zoning Categories in Prescott	4
Uneven Social Impacts	5
Effects of Exclusionary Zoning on Affordable Housing	5
Minimum Lot Size	6
Potential Solutions Related to Minimum Lot Size Requirements	6
Single Residence Per Lot	7
Potential Solutions Related to Single Residence Per Lot Requirements	8
Parking Minimums	9
Potential Solutions Related to Parking Minimums	10
Accessory Dwelling Units	11
Potential Solutions Related to Accessory Dwelling Units	12
Solutions Related to Exclusionary Zoning	12
Acknowledgments	16
Endnotes	17

## Introduction

Most county and municipal governments use zoning regulations to guide new development and improvements on property. Exclusionary zoning occurs when zoning laws place restrictions on what type of homes can be built in a particular area. For example, a zone designated as residential may have standards for whether a property is single-family or multifamily, the size of the lot and residence, and where on the property the residence is situated.

### Common Residential Development Standards

- **Minimum lot sizes** — Individual parcels of land must be equal to or greater than a specified square footage.
- **Single residence per lot** — Only one single family residence allowed per lot of land.
- **Density** — Number of residences in a given area.
- **Height** — How tall a residential building can be.
- **Setbacks** — The distance a residence must be from the property line.
- **Parking minimums** — The minimum number of parking spaces required for a residence that are not on the street.
- **Accessory Dwelling Unit** — A separate dwelling unit on the same lot as a primary structure, such as a single-family home or duplex.
- **Single-family zoning** — Type of zoning that allows only single-family detached homes.
- **Multifamily zoning** — Type of zoning that allows dwellings that house more than one family or household.

While counties in Arizona use zoning standards for development on unincorporated land, it is important to acknowledge that most zoning and development decisions occur at the municipal level. Therefore, this report is primarily focused on the challenges to building affordable housing posed by municipal zoning standards.

Due to the number and diversity of local communities in Arizona, some municipalities may already be enacting changes recommended in this report, or the recommendations may not be applicable. Additionally, this paper compares the zoning standards of several jurisdictions to show the range and diversity of current zoning practices. When looking at these comparisons, it is important to keep in mind that each locality may have

unique conditions or considerations affecting its development that are not reflected in this report.

## History of Exclusionary Zoning

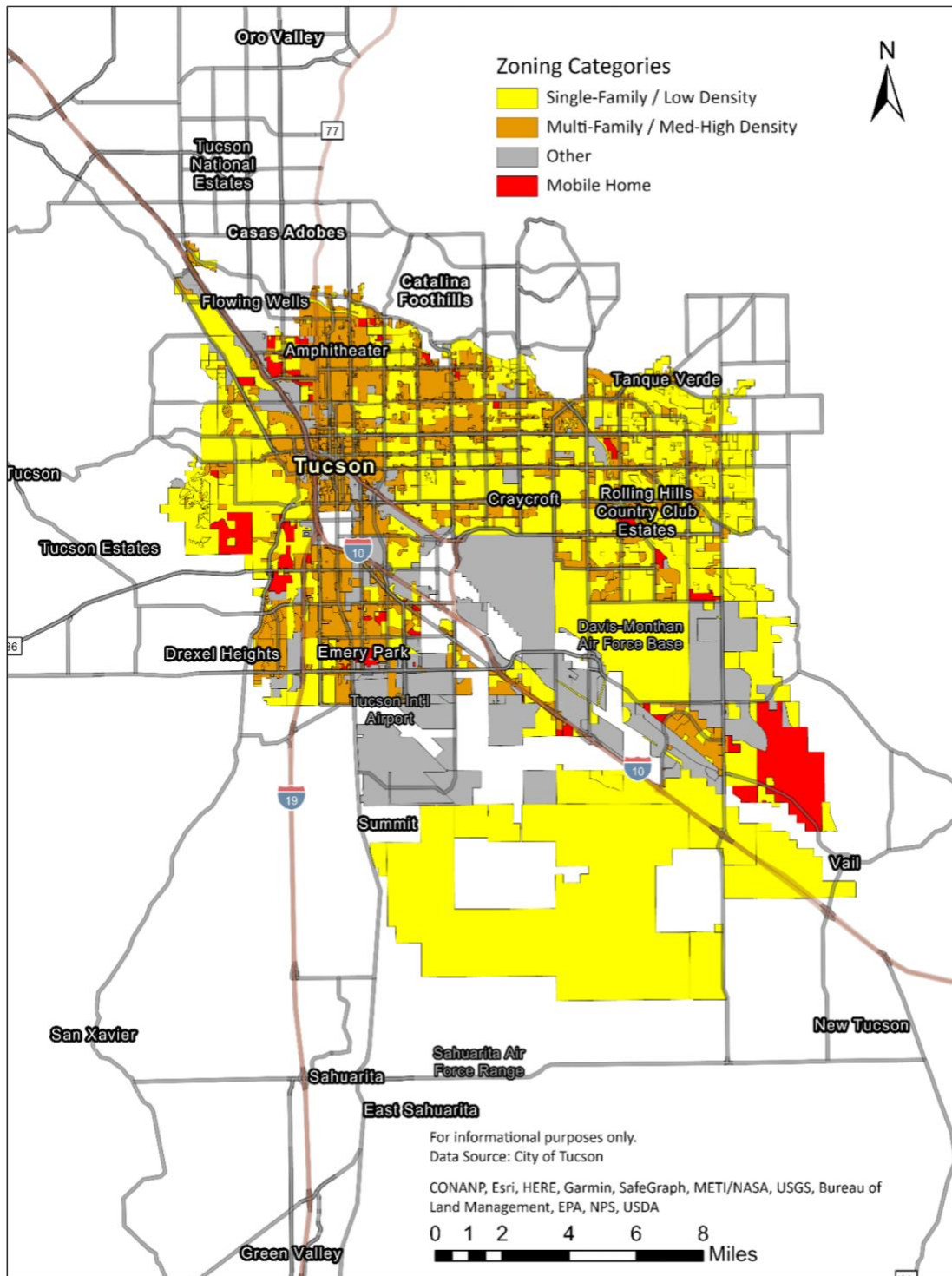
Exclusionary zoning became prominent in the early 20th century, initially to aid in preventing fires and regulating the height of newly invented steel skyscrapers that affected light and air quality in cities.<sup>1</sup>

The zoning laws that were developed at this time also presumed that single-family homes should receive the most protection, which led to increased security for homebuilders and homeowners.<sup>2</sup> For example, knowing the designated zoning of a property and the properties around it eliminated any concern that neighboring land would be zoned for an incompatible use (i.e., an industrial warehouse). Zoning laws also offered homebuilders assurance from the surrounding community, which could organize against any development that was not in line with single-family homes, as zoning changes were subject to public record and review.<sup>3</sup>

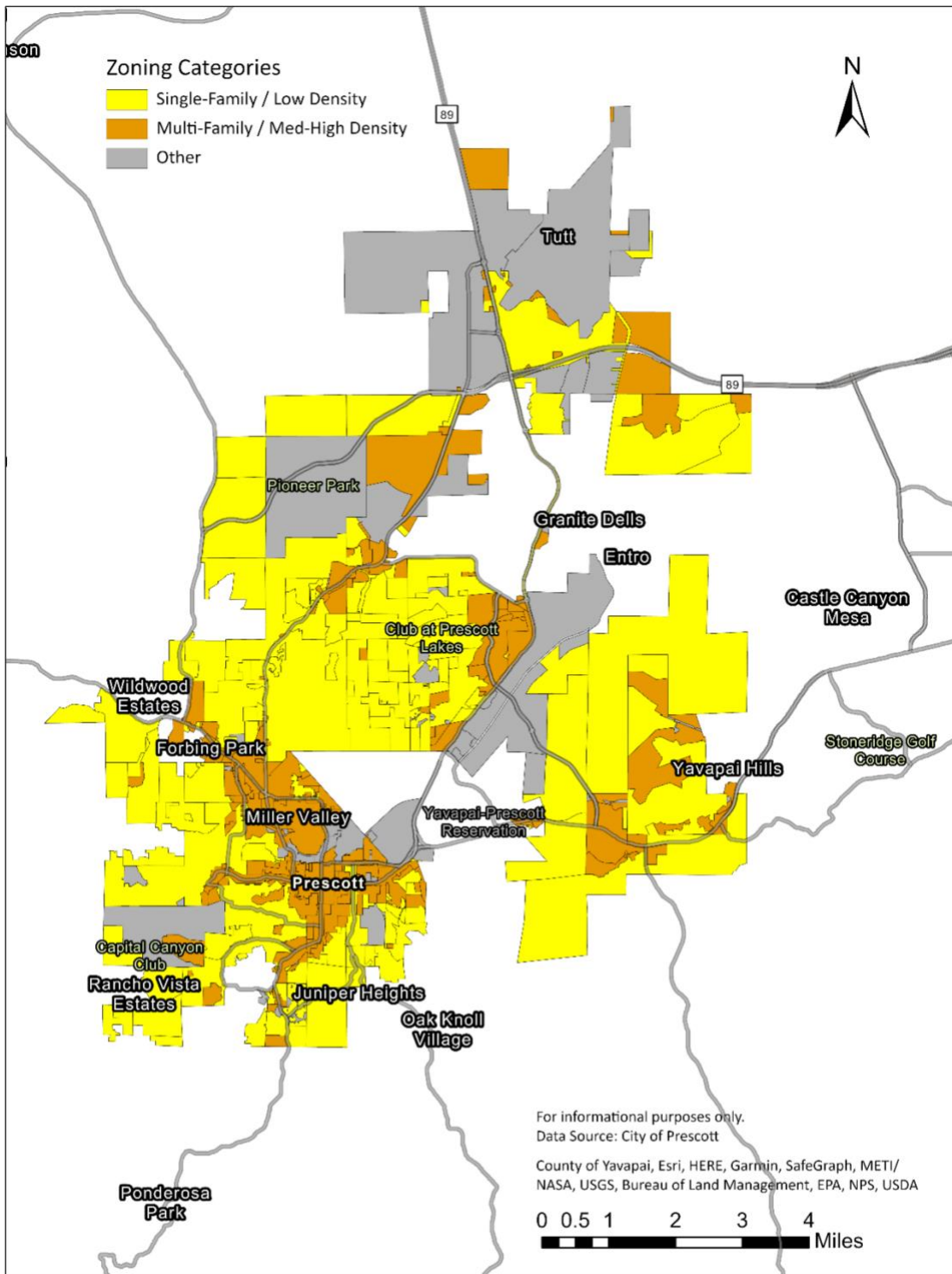
Such influence predominately benefited white, affluent homeowners. They now had a legal tool to keep people of color and low-income residents out of their neighborhoods. Prior to 1917, zoning ordinances across the country stated that people of color could not legally occupy blocks where the majority of residents were white.<sup>4</sup> Although the U.S. Supreme Court banned explicit race-based zoning in 1917 with the case of *Buchanan v. Warley*, the ruling was not widely enforced.<sup>5</sup> By the 1930s, the Federal Housing Administration even encouraged racially restrictive covenants, which stated in home deeds that a white homeowner could only sell their home to another white person.<sup>6</sup> In Arizona, these racially restrictive covenants remained common until the mid-1950s. (A detailed examination of housing discrimination in Arizona can be found in another paper in this series, [“A Brief History of Housing Policy and Discrimination in Arizona.”](#))<sup>7</sup>

The decision to protect single-family homes left a lasting impression. Today, about 75% of land in U.S. municipalities is zoned for single-family homes.<sup>8</sup> In Arizona municipalities, the dominance of single-family zoning is also evident, with many municipalities zoning about 50% of land for single-family use. For example, Tucson zones 55% of its land for single-family use and only 12% for multifamily use.<sup>9</sup>

# Example: Zoning Categories in Tucson

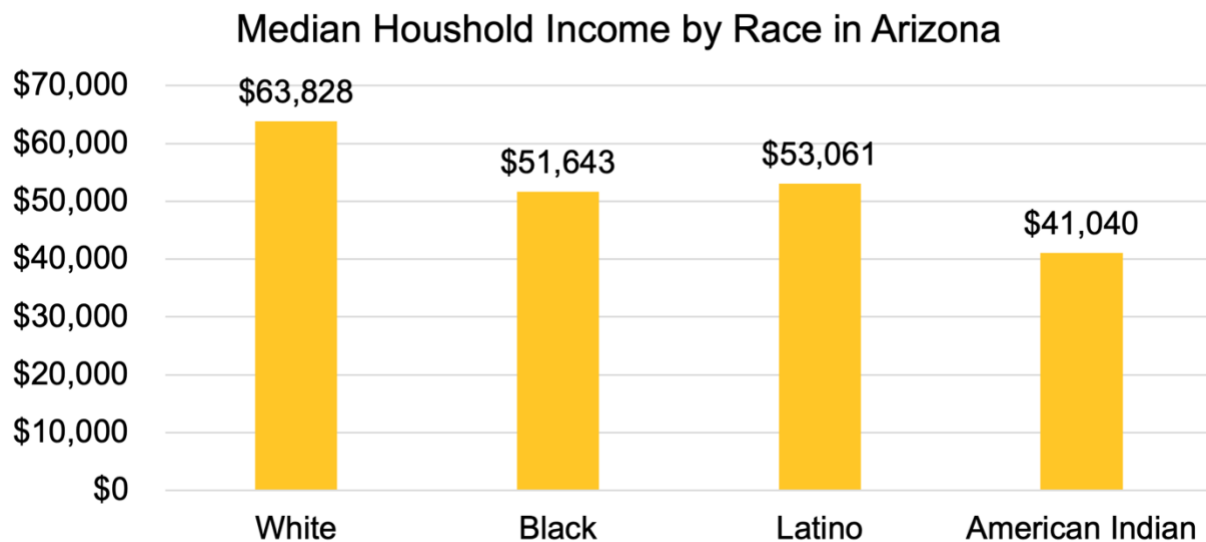


# Example: Zoning Categories in Prescott



## Uneven Social Impacts

While exclusionary zoning and development standards have been used to assist in healthy growth and prevent problematic situations — such as an industrial plant placed in the middle of a neighborhood — exclusionary zoning policies are also often barriers to the racial integration of neighborhoods.<sup>10</sup> Examinations of population density regulations have found low-density zoning requirements to be strongly linked with racially segregated neighborhoods.<sup>11</sup> Zoning based explicitly on racial and ethnic identity became illegal after the 1964 passage of the Fair Housing Act.<sup>12</sup> Segregation due to zoning, however, still exists today through other mechanisms. Households of color are less wealthy compared to white households, and exclusionary zoning policies that create areas of expensive housing can effectively exclude people of color from accessing higher-quality schools, better economic opportunities, less polluted communities, and businesses and services important to health such as grocery stores.<sup>13</sup> In Arizona, the median household income of white people is higher than Black people, people who identify as Hispanic or Latino, and American Indians.



Source: 2019 ACS 1-Year Estimates.

## Effects of Exclusionary Zoning on Affordable Housing

Exclusionary zoning can prevent the development of affordable homes and increase housing costs because of issues that come with development standards, including lot size, single residence per lot requirements, and parking minimums. This section examines how each of these requirements influences affordable housing with examples and context from Arizona municipalities.

## **Minimum Lot Size**

A significant restriction to affordable housing in zoning codes is the lot size requirement for single-family properties. Lot size requirements define the smallest amount of land needed to build a home. The minimum lot size can range based on the desired density for the zoning district, with higher density districts having smaller lot sizes. For example, zoning districts in Marana have minimum lot sizes that range from 3,500 to 10,000 square feet or more, depending on the district.<sup>14</sup> While minimum lot sizes are generally comparable between cities, rural areas often require larger minimum lot sizes to accommodate additional improvements to a property, such as water wells or septic tanks.<sup>15</sup> For example, minimum lot sizes in Benson begin at 7,000 square feet, while minimum lot sizes in Mesa start at 2,500 square feet.<sup>16</sup>

Zoning restrictions preventing the development of small houses on small lots increase the cost of housing by mandating the purchase of larger lots.<sup>17</sup> The cost to purchase a piece of land is usually about 21.5% of the total purchase price of a single-family home.<sup>18</sup> Therefore, prohibitions on smaller lots prevent the development of less costly housing.<sup>19</sup> A benefit of reducing minimum lot sizes, or enacting or expanding small lot zones, is that homes built on those lots will be less expensive because of the reduced land costs.<sup>20</sup> Additionally, large minimum lot sizes are a historical tool for segregating neighborhoods.<sup>21</sup> The increased expense of housing due to the larger lot makes it less likely people of color are able to afford to live in that particular zoning district.<sup>22</sup> Even in the absence of discriminatory intent, a zoning district requiring larger lot sizes is a barrier to neighborhood integration.<sup>23</sup>

## **Potential Solutions Related to Minimum Lot Size Requirements**

One potential option for local governments in Arizona is to adopt reforms similar to Houston, which reduced minimum lot sizes throughout its jurisdiction more than 20 years ago. In 1998, Houston adopted a reform that reduced minimum lot sizes from 5,000 square feet to 3,500 or 1,400 square feet.<sup>24</sup> The reform included an “opt-out” provision that allows communities to avoid the minimum lot size reduction if 55% of landowners in the proposed exempt region disapprove of the lot size reduction and an application is approved by the city. To be approved by Houston, the proposed exempt area must meet several technical requirements, such as that at least 80% of lots in the area are developed for or restricted to single-family use and at least 10% of lots do not have a minimum lot size established by deed restrictions.

While Houston’s reform did permit property owners to “opt-out” of the reduction, the reform created new development opportunities in the city.<sup>25</sup> This citywide small lot



reform is a major factor in Houston having below median housing prices.<sup>26</sup> A similar reform in Arizona municipalities could facilitate the development of smaller housing units throughout an area, leading to cheaper housing and potentially greater access to high-opportunity neighborhoods, which are neighborhoods with greater proximity to better schools, jobs, and other amenities.<sup>27</sup> Although Arizona supports school choice, meaning that parents can enroll their children in any school regardless of where they live, the burden on parents to provide transportation to school makes where a family lives a key factor in where their child can attend school, especially for lower-income families with less access to transportation and time.<sup>28</sup>

## **Single Residence Per Lot**

A significant barrier to affordable housing development is the lack of space for multifamily homes, such as duplexes and apartments, due to municipalities zoning most of their land exclusively for single-family uses (single residences per lot).<sup>29</sup> This difference in land allocation is often due to residential developers who cite consumer preference for single-family homes.<sup>30</sup> These consumer preferences can be due to the perception that exclusively single-family zones are necessary to increase home values.<sup>31</sup> Additionally, developers who seek to build multifamily projects often must go through the process of rezoning single-family land, which can lead to significant community opposition that can cause projects to fail municipal approval requirements.<sup>32</sup> At least 30 residential developments were estimated to be stopped by community backlash across metro Phoenix in 2021.<sup>33</sup> Residents in Arizona have commonly expressed concern that higher density multifamily developments like apartments lead to increased traffic and crime in their neighborhoods, lowering property values.<sup>34</sup> However, the presence of multifamily homes is unlikely to have a negative effect on single-family property values.<sup>35</sup> Instead, single-family homes near multifamily housing are more likely to increase in value at greater rates or will not experience any effect at all.<sup>36</sup>

A residential zone need not be an either-or proposition: either multifamily or single-family development.<sup>37</sup> Instead, a zoning district can permit both single-family and multifamily development.<sup>38</sup> Such zones could be used for single-family neighborhoods and gentle-density options (i.e., duplexes, triplexes) to increase the housing variety and respond to market needs.<sup>39</sup> The zoning ordinances of many Arizona municipalities reflect this both-and thinking, permitting both single-family and multifamily development. However, zoning districts permitting both single-family and multifamily development may limit land allocation, preventing the construction of larger developments.

As of October 2021, Arizona was short 250,000 housing units, a gap that could be closed more quickly through increased multifamily development.<sup>40</sup> A notable benefit of

multifamily housing is that the cost of purchasing the underlying land is spread across multiple homes.<sup>41</sup> Similar to how smaller lot sizes reduce the overall cost of a home, allowing multiple residences on a lot reduces the cost of renting or buying a home.<sup>42</sup> Additionally, allowing multifamily development in high-opportunity neighborhoods, which are often more expensive, can increase affordable housing options in those areas.<sup>43</sup> Lastly, increasing density can have benefits other than reducing housing costs, such as reducing commute times, slowing urban sprawl, and making communities more walkable.<sup>44</sup>

## **Potential Solutions Related to Single Residence Per Lot Requirements**

Local communities should examine how much land is zoned exclusively for single-family use and determine if this zoning is meeting their housing needs. Changing solely single-family zones throughout a city to gentle-density zones, which can increase the amount of housing able to be constructed in an area without allowing high-density uses, can be a beneficial alternative.

Recently, several states, including California and Oregon, eliminated single-family-only zoning.<sup>45</sup> And in December 2018, Minneapolis eliminated single-family-only zoning districts.<sup>46</sup> While Minneapolis' change prevented zoning districts from being exclusively single-family, it did not affect height or setback restrictions.<sup>47</sup> This means that multifamily development will allow the construction of duplexes, triplexes, and rowhouses, but not large apartment towers.<sup>48</sup> Despite the change, only three triplex permits were requested in 2020.<sup>49</sup> City planners were not surprised about this low number, though, given the time it takes to examine new policies and ongoing disruption from the COVID-19 pandemic.<sup>50</sup>

Now, more jurisdictions are considering reforming zones that had been set aside for single-family homes. Lander, Wyoming, a city with a population of 7,500, is one example.<sup>51</sup> In 2020, Lander proposed changes to single-family zoning that would permit greater density and multifamily developments in traditionally single-family areas.<sup>52</sup> Some justifications for the proposal were that young adults often cannot afford to live in the city and will move elsewhere, businesses have trouble attracting employees due to high housing costs, and a desire among some empty nesters to downsize.<sup>53</sup>

It should be noted that while multifamily developments are often presumed to be the more affordable option, multifamily does not necessarily mean a property is affordable.<sup>54</sup> Allowing more multifamily development can also lead to gentrification, leading to the displacement of low-income households.<sup>55</sup> This effect can be mitigated by permitting

multifamily development throughout a jurisdiction, spreading out — and increasing — multifamily housing options.<sup>56</sup>

Similarly, low-density single-family homes do not always mean a home is expensive.<sup>57</sup> In some areas, seeking to develop more single-family homes could be a more appropriate solution for increasing affordable housing stock.<sup>58</sup> However, permitting multifamily housing in or near exclusively single-family zones, especially high-opportunity neighborhoods, can provide affordable housing options throughout a jurisdiction.<sup>59</sup>

## **Parking Minimums**

Off-street parking minimums are requirements that a property has at least a certain number of parking spaces for cars that are not on the street.<sup>60</sup> The required number of spots is generally dependent on the use of the property.<sup>61</sup> For example, a single-family home will not have the same number of required parking spaces as a restaurant. The number of spaces can also be affected by other factors, such as the amount of seating available at a restaurant or how many bedrooms are in an apartment.<sup>62</sup> The primary purpose of these requirements is to reduce on-street parking.<sup>63</sup>

The number of required parking spaces can be a substantial expense for a development.<sup>64</sup> Constructing a surface-level uncovered parking space can cost between \$4,000 and \$10,000 per space.<sup>65</sup> If the parking spaces are constructed above ground or underground, the cost for each space can reach \$35,000.<sup>66</sup> This cost will then be passed on to home buyers or renters.<sup>67</sup> One survey found that 17% of a unit's rent can be attributed to the cost of developing parking.<sup>68</sup> Parking minimums can have a significant impact on affordable housing projects specifically.<sup>69</sup> An off-street parking requirement of one space per dwelling unit can increase the cost of an affordable development by as much as 12.5%.<sup>70</sup> The cost of building parking spaces can make an otherwise financially viable affordable housing development unfeasible.<sup>71</sup>

Standard parking minimums based on broad property-use categories can lead to illogical outcomes. For instance, it may not make sense to require an affordable housing complex — where residents are less likely to own cars — to have the same number of parking spots as a market-rate complex.<sup>72</sup> Several factors can reduce a resident's need for a car, such as proximity to public transit or a commercial area.<sup>73</sup> These factors could be taken into account to reduce the number of parking spaces a development needs.<sup>74</sup> Reducing parking minimums can come with several benefits. Lowering the required number of off-street parking spaces needed by a development can make construction less expensive, which lowers housing expenses for renters and buyers.<sup>75</sup> This cost

reduction can also make previously cost-prohibitive projects more viable.<sup>76</sup> Reducing parking minimums can also increase the effectiveness of public transit investments.<sup>77</sup>

Parking minimums do not have to be reduced for all uses. It's possible for them to be lowered when certain conditions are met, such as for housing near public transit.<sup>78</sup> Parking minimums can be reduced specifically for affordable housing developments.<sup>79</sup> A reduction can be for affordable housing in specific areas or across an entire jurisdiction.<sup>80</sup> This can allow developers to build no more parking than they anticipate a project will need.<sup>81</sup>

## **Potential Solutions Related to Parking Minimums**

Several cities have recently reformed their policies surrounding parking minimums, generally reducing or eliminating minimums for projects that meet certain conditions.<sup>82</sup> Minneapolis recently reduced parking minimums on developments of 50 or fewer units.<sup>83</sup> This reform is credited with reducing the market-rate cost of new studio apartments in Minneapolis from \$1,200 a month to under \$1,000 a month.<sup>84</sup> In 2017, Buffalo eliminated parking minimums on developments of 5,000 square feet or less.<sup>85</sup> Developers indicated they would build fewer parking spaces after the reform.<sup>86</sup> A study tracking 14 mixed-use developments in Buffalo found that developers were only constructing half the parking that would have been required under the old parking standards.<sup>87</sup> Four of the mixed-use developments did not include any parking.<sup>88</sup>

Despite a substantial portion of the Arizona population being dependent on cars, some changes to parking minimums may be beneficial.<sup>89</sup> First, local governments could exempt affordable housing developments from parking minimums or reduce the number of parking spaces they require. Several Arizona municipalities, such as Prescott, already do this.<sup>90</sup> Second, a locality could reduce the amount of parking for developments that are within a certain distance of public transit options, such as park and rides, bus stops, or light rail stations. Mesa has such a policy, offering reductions for residential uses within a quarter mile of public transit.<sup>91</sup> A local government could also examine its off-street parking minimums, determining when the requirements were last updated, to see if they are still appropriate for current and anticipated needs. However, lowering parking minimums can negatively impact the availability of on-street parking.<sup>92</sup> Additionally, reducing off-street parking minimums may be less effective in areas that lack effective alternative transportation options.<sup>93</sup>

## Accessory Dwelling Units

An Accessory Dwelling Unit (ADU) is a separate dwelling unit on the same lot as a primary structure.<sup>94</sup> An ADU can come in several forms and sizes, including being attached or detached from the main residence. ADUs can be used to increase affordable housing options.<sup>95</sup> Historically, ADUs have acted as an important housing option in both urban and rural markets.<sup>96</sup> A primary benefit is that public subsidies are not needed (or, at a minimum, as necessary as for other affordable housing options).<sup>97</sup> Additionally, an ADU is often rented for less than the market rate.<sup>98</sup> In a survey of ADU owners, 58% rented the unit for below-market rates, with the majority of those units being rented to someone other than a friend or family member.<sup>99</sup> Furthermore, some ADU owners raise rents less frequently, with 30% of owners increasing rent only every 24 months or less.<sup>100</sup>

There are a handful of regulations that can impact the construction of ADUs. These include requirements for the square footage of an ADU, the minimum lot size necessary to construct an ADU, the distance required from the property line, and aesthetic considerations.<sup>101</sup> These regulations can prevent the building of ADUs.<sup>102</sup> Local governments often require a lot to be a certain size to qualify for an ADU.<sup>103</sup> While there is no standard for when a parcel becomes too small to support an ADU, an examination of some Arizona municipal zoning ordinances showed ADUs were typically authorized on properties until the lot size was less than about 5,000 to 6,000 square feet. However, some jurisdictions may allow ADUs on smaller lots or prohibit ADUs on even larger parcels. For example, Peoria allows ADUs in its R1-35 (lot size of 35,000 square feet) and R1-18 (lot size of 18,000 square feet) zones but not in R1-12 (lot size of 12,000 square feet) zones.<sup>104</sup> A local government may also prohibit ADUs altogether.<sup>105</sup>

Setback requirements can also act as a barrier to ADU development.<sup>106</sup> A setback is a requirement that a building must be a certain distance from a property line. How far the building is from the property line depends on several factors, such as whether the area will act as a front or side yard. Setback requirements may restrict the size of the ADU or make building it altogether impossible because of a lack of developable space.<sup>107</sup>

Off-street parking minimums can also prevent the development of ADUs as they typically require one additional parking space.<sup>108</sup> Similar to setbacks, finding space on the property for a parking spot may be difficult.<sup>109</sup> The size of the property and its structures, as well as other conditions of the property, can make placing both the ADU and a parking space difficult or impossible.<sup>110</sup> If there is space, even uncovered, surface-level parking is expensive to make, with costs often ranging from \$4,000 to \$10,000.<sup>111</sup> This additional financial burden may make the construction of an ADU

outside of the budget of a property owner.<sup>112</sup> The parking space may also be unnecessary as ADU tenants are less likely to own cars.<sup>113</sup>

## **Potential Solutions Related to Accessory Dwelling Units**

Allowing or expanding the potential number of Accessory Dwelling Units in a jurisdiction is a quick way to increase the number of below-market-rate units in the short term. In a survey of ADUs, it was found that 83% were built in 18 months or less and 45% in less than six months, which is much quicker than traditional multifamily developments, which can sometimes take three or more years.<sup>114</sup> To facilitate ADU development, a local government can either begin allowing ADUs or increase the number of properties that qualify for an ADU. Additionally, local governments have several options to assist and encourage property owners to build ADUs, such as by conducting workshops to educate homeowners on the process or publishing a manual or handbook that provides technical assistance. Portland, Oregon, Vancouver, Canada, and California have adopted reforms to facilitate ADU development. These reforms include forgoing design reviews, waiving development fees, and lowering parking minimums. In addition, some cities do not require the owner of the property to live in the primary residence and have defined additional categories of ADUs, called Junior ADUs, which are no greater than 500 square feet and are permitted and regulated independently of ADUs.

A common concern over ADUs is the potential increase in population density, which leads to concerns over increased parking, traffic, and congestion.<sup>115</sup> However, an ADU policy could be implemented to limit the number of ADUs that could be constructed in a defined area to prevent problematic increases in density.<sup>116</sup>

It is important to recognize that ADUs can be used as short-term rentals in Arizona, and municipalities are prohibited by the state from imposing short-term rental restrictions.<sup>117</sup> The creation of ADUs will not increase a community's affordable housing stock if the units can only be used as short-term rentals.

## **Solutions Related to Exclusionary Zoning**

As demonstrated in this report, exclusionary zoning is comprised of numerous regulations and development standards such as lot size requirements, single residence per lot requirements, and parking minimums, all of which can impact the development of more affordable, higher-density housing such as apartments and accessory dwelling units. While each standard has its own set of potential solutions, the overarching way to combat the negative impacts of exclusionary zoning on affordable housing is to reform

zoning policies to allow for greater density and diversify housing stock based on the needs of each community.

Inclusionary zoning is often touted as a way to develop more affordable housing by requiring developers to set aside a certain amount of affordable housing units as part of any new construction. However, Arizona state law prohibits mandatory inclusionary zoning.<sup>118</sup> (A detailed examination of inclusionary zoning can be found in another brief in this series, [“State-Level Legal Barriers to Adopting Affordable Housing Policies in Arizona.”](#)) Despite inclusionary zoning restrictions in state law, municipalities in Arizona may implement zoning overlays, which are development standards that expand the construction possibilities in an already-zoned area to achieve certain goals, such as more affordable housing.<sup>119</sup> An affordable housing overlay could allow for the quick implementation of solutions related to existing development standards: allowing for smaller lot sizes, greater density, and reduced parking minimums if a project includes affordable housing. Overlay development standards would make it more likely developers would include affordable housing in projects because the standards would already be in place and would not require further approval.<sup>120</sup> Municipalities can incentivize affordable housing development by only providing increased density and other benefits of the zoning overlay to developers that commit to providing affordable units. For example, in order to qualify for a density increase, a developer would need to set aside a certain percentage of units for lower-income households.

Affordable housing overlays exist in municipalities across the country and range greatly in scope. In Nashville, the Urban Zoning Overlay Districts (UZO) offer developers bonuses for mixed-use developments that include affordable units, while the overlay in Cambridge, Massachusetts, allows for increased density, reduced parking minimums, and by-right permitting.<sup>121</sup> Though Cambridge adopted the overlay in October 2021 and only expected a gradual addition of about 100 new affordable units per year, the overlay resulted in 350 affordable homes added to the development pipeline within year one.<sup>122</sup> In Arizona, overlays that provide developers with more flexible development standards are typically tied to transportation. For example, Tempe offers increased density bonuses for multifamily and mixed-use development that occurs within its transportation overlay zone and near light rail stations.<sup>123</sup> Phoenix also has a transit-oriented development overlay that encourages denser patterns of development to promote walkability and transit ridership.<sup>124</sup> While some municipalities in Arizona are using overlays to promote certain types of development, these overlays do not focus on promoting affordable housing. Existing overlays are often limited to small geographic areas around public transportation, such as the light rail, and the urban core. Creating and expanding affordable housing overlay districts beyond these areas would allow for affordable housing to be built in more areas.

To develop efficient affordable housing overlays, municipalities need to customize their overlays based on their area's housing needs and plan to provide funding for outreach and planning within interested communities.<sup>125</sup> This process includes the following key components:

- Defining the geographic area of the overlay,
- Determining the affordability qualifications for developers to access overlay incentives,
- Determining the incentives, and
- Deciding the extent to which development projects within the overlay can be exempt from discretionary approval by the governing body.<sup>126</sup>

While overlays allow for significant zoning flexibility that can increase affordable housing, they can be difficult to establish without the buy-in of property owners and the local community.

Another possibility for municipalities is affordable housing districts, which are areas targeted for affordable housing development.<sup>127</sup> Special zoning rules within these districts give developers the option to rezone to more flexible standards. This encourages a variety of housing types and allows for greater density in the area. The primary difference between an affordable housing overlay and an affordable housing district is that a district only provides developers with the option to rezone to more flexible standards, while the overlay already includes adopted standards. This means that developers working within an overlay do not have to go through a separate approval process to avail themselves of more flexible standards.

Like overlays, districts can also include financial incentives to owners of rental property or homeowners who take advantage of affordable housing standards.<sup>128</sup> In addition, the application process for developers seeking zoning amendments in these districts is typically more relaxed.<sup>129</sup> Phoenix updated its zoning ordinance to include the Walkable Urban (WU) Code in 2015, which allows property owners to rezone to more relaxed development standards like the ones described in this report, but in transit districts.<sup>130</sup> Although not explicitly addressing affordable housing, the WU Code demonstrates a possible route to zoning that better supports affordable housing. Although affordable housing districts may be easier to implement due to their non-regulatory nature, they may not be as useful in implementing wide-scale change for affordable housing because it is a voluntary process.

While finding the most effective balance of affordable housing solutions will depend on each local community, the most effective affordable housing overlays and districts will



encompass a broad geographic area that includes lower-density and commercial zones, appropriate affordability qualifications, valuable incentives, and reliable exemptions from approvals.<sup>131</sup> Municipalities can determine the effectiveness of their overlays and districts by evaluating factors such as how often developers take advantage of their incentives and how much affordable housing has been created within them. Political buy-in and community support can further help ensure that incentives are strong enough to lead to positive results.<sup>132</sup>

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Graduate researcher Madison Frazee contributed to this brief.

## Endnotes

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