Gainesville Housing Authority

City of Gainesville General Policy Committee Thursday, December 13, 2018 1:00 PM





THE Ask: Create a Strategic Partnership

- 1. Recognize GHA as the City of Gainesville's true partner in addressing the affordable housing issues in our community
- 2. Create a Cooperative Agreement as required by HUD with the establishment of a PHA
- 3. Providing GHA First Right of Refusal for any available donated or conveyed land for affordable housing
- 4. Identifying programs or funding that are not meeting their goals and reallocating towards affordable housing
- 5. Develop a pilot program to incentivize landlords to make their properties energy efficient
- 6. Develop a city ordinance that makes it illegal to discriminate based upon lawful source of income
- 7. Support the Community Land Trust program
- 8. Identify a dedicated source of funding for affordable housing
- 9. Advocate to fully fund the Sadowski Trust Fund and include in the City legislative agenda

GHA Requests

- 1. Available City lots and properties for rehabilitation in the Booker T. Washington neighborhood that are currently zoned RC
- 2. Available City lots and properties for rehabilitation in the College Park neighborhood that are currently zoned RC
- 3. Flexibility with the City of Gainesville's 2 Year Reverter Clause

Meeting Follow Up

- 1. Housing Bond Program
- 2. Low Income Housing Tax Credits
- 3. Alternative Housing Solutions
- 4. Possible Funding Sources for Affordable Housing
- 5. Anti-Discrimination Ordinances
- 6. Landlord Inspection Program
- 7. Landlord Incentive Program



Housing Bond Programs

Housing Bond Program

Local Governments, HFA and PHAs can issue bonds for Public Purpose of increasing affordable housing



General Revenue Bondsbacked by full faith and credit of issuer

Mortgage Revenue Bonds backed by a specific revenue source

Housing Bond Program



Housing Bond Program

If the City wants to consider this tool for affordable housing they should have the City's financial advisor and legal provide the specificity of the requirements, such as voting referendum, required Bond ordinance, and the implementation process.

Currently our County Housing Finance Authority is building capacity to issue the 4% Non Competitive tax exempt bonds.

We have identified from the state that Alachua County is in Region 3 which includes Madison, Taylor, Suwannee, Lafayette, Gilchrist, Dixie, Columbia, Union, and Bradford and our Volume Cap for this region is \$26,522,996.00



Low Income Housing Tax Credits

4% AND 9%

Low Income Housing Tax Credits

Low Income Housing Tax Credits (LIHTC) were created as part of the Tax Reform Act of 1986 for the purpose of funding affordable housing. Each year the Federal government distributes credits to the States and the States distribute to developers.

There are two types of LIHTC 4% and 9%. The 4% tax credits are typically non-competitive and are distributed through local housing finance authorities. Locally, the Alachua County Housing Finance Authority is the conduit to issue 4% tax credits up to the Volume Cap which is authorized by the State of Florida.

9% LIHTC are competitive and are distributed by the State of Florida Housing Finance Authority through a request for application (RFA) process. Each applicant is assigned a lottery number and the developers with the highest lottery number, and a complete and thorough application, receives the tax credit awards.

The Purpose

4% LIHTC are designed to be used with tax-exempt bonds and 9% tax credits are used for projects that do not have tax-exempt bonds associated with the construction project.

4% LIHTC are typically used for renovation projects and will provide about 30% of the project cost.

9% LIHTC are usually used for new construction and provide about 70% of the project cost.

The Process for 9% Award



Benefit to Investors

Low Income Housing Tax Credits (LIHTC) offer more benefits to their investors than the credit to their tax liability. As an equity owner in the project, business expenses such as depreciation expense and operating losses flow through to the investors on a pro-rata basis, thereby further lowering the investor's tax liability.

Challenges to the LIHTC Program

The LIHTC program was created as part of the Tax Reform Act of 1986 and credits are usually purchased by corporate or institutional investors.

Major banks are one of the largest investors and they use these projects to help fulfill their Community Reinvestment Act requirements.¹

The Tax Reform Act of 1986 lowered the corporate tax rate from 50% to 35% so corporations were looking for additional ways to reduce their tax liability.

The Tax Cuts and Jobs Act of 2017 lowered the corporate rate from 35% to 21% which may have an impact on the attractiveness of the tax credit program for corporate investors going forward.

^{1.} Tax & Budget Bulletin, Cato Institutes, November 13, 2017, No. 79, pg. 3

Florida Housing Finance Corporation Programs

Competitive 9% Low Income Tax credit

Non Competitive 4% Low Income Tax Credit

MMRB (Multifamily Mortgage Revenue Bond Program)

SAIL (State Apartment Incentive Program)

- National Housing Trust Fund
- Elderly Housing Community Loan
- Pre Development Loan Program
- Grants for Persons with Development Disabilities

CDBG-R



Alternative Housing Solutions



Universal Vouchers

A form of national voucher already exists for select participants – Section 8

The problem is that there is a limited amount of vouchers – GHA's combined wait list is 4,124 families

Universal vouchers would offer a flat monthly housing voucher for ALL qualified citizens that make up a certain % of the poverty level (e.g. 200% of the poverty level for a family of 4 is \$50,200) – up to federal government to institute

Technically the payment could go directly to landlords and serve as an indirect basic income for the poor

Sources: Market Mad House, "Why a Universal Voucher Makes Sense for America", 7/8/2017 & Federal Poverty Guidelines 2018, Families USA

Rent Reform & Government Spending

Sen. Kamala Harris, D-CA - "Rent Relief Act of 2018" (S. 3250)

Provide a refundable credit against renters' federal tax liability for both rent and utilities if the renter pays above the traditional 30% cost burden of their gross annual income.

Rent Reform & Government Spending

Sen. Elizabeth Warren, D-MA - "American Housing and Economic Mobility Act of 2018" (S. 3503)

Title 1 – Making Housing More Affordable

Create a grant program where states or local governments that reform land use restrictions to bring down the cost and barriers to affordable housing are eligible for grants for community development, infrastructure, or modernizing/renovating public schools

Title 2 – Reversing the Legacy of Housing Discrimination and Government Negligence

Create a down payment assistance program for communities formerly segregated by law for first-time homebuyers

Rent Reform & Government Spending

Sen. Elizabeth Warren, D-MA - "American Housing and Economic Mobility Act of 2018" (S. 3503)

Title 3 – Removing Barriers That Isolate Communities

Amend the Fair Housing Act to add "actual or perceived" before all protected classes

Amend the Fair Housing Act to add gender identity, marital status, sexual orientation, and source of income as protected classes

Increase the flexibility of funding available to housing agencies that choose to be in a housing consortia proving the ability consolidate funding into a single contract

Social Housing



Traditionally provided by municipal councils or associations in Europe

A "third arm" of government housing (e.g. England)

Source: McDermont, Morag. (2007). "Territorializing Regulation: A Case Study of 'Social Housing' in England", Law & Social Inquiry, Vol. 32, Issue 2

 2 types of owners: municipalities and companies in municipal ownership

Most countries offer a "home for life" – as long as rent is paid along with other conditions

Source: Scanlon, Kathleen et al. (2015). "Social housing Europe", London School of Economics and Political Science Research Online.

Social Housing Case Studies

Sweden – actors who took on most of the responsibility for building the houses were city-affiliated housing authorities

Vienna, Austria – funds non-profit cooperatives that house almost as many individuals as state-owned properties

Finland – rents based on not only property but maintenance or service just like Austria. Helsinki's respective housing company owns 44,000 rental apartments

- *Case Study*: project built on land owned by municipality and housing company pays rent on land plot to the city. The annual "ground rent" is based at 4% of the value of the plot

Sources: People's Policy Project, "Social Housing in the United States", Peter Gowan & Ryan Cooper & European Social Housing Observatory July 2013 Final Report, "Study on Financing of Social Housing in 6 European Countries"



Social Housing Case Studies

Netherlands – municipality can lend the money itself; some offer land below market price to social housing organizations

Germany – structured in public/private partnerships – municipalities as "shareholders"

Source: European Social Housing Observatory July 2013 Final Report, "Study on Financing of Social Housing in 6 European Countries"



Social Housing Case Studies

England – Cities can ask private developers to enter into a voluntary legal agreement where a fixed proportion of homes are in most cases set aside to be sold to a housing association often at a discounted price



Source: European Social Housing Observatory July 2013 Final Report, "Study on Financing of Social Housing in 6 European Countries"

Social Housing Summary

Loans extended directly by public authorities (Austria)

Subsidization of interest rate (France, Finland, and Germany)

Land at discounted rates by local authorities (London, Vienna, Helsinki)

Planning w/Private Developers – to get building permits private developers agree to sell part of the dwellings to social housing providers at discounted price when project is finished (Ireland & England)

Source: European Social Housing Observatory July 2013 Final Report, "Study on Financing of Social Housing in 6 European Countries"



Social Housing Example

Municipalities finance construction of new housing through municipal bond markets, loans from the federal government, and federal grants that mirror those under the LIHTC program

Buildings then erected by construction companies in the SAME way and process that cities build libraries and other public facilities

Once constructed, management can either by done directly by the city's respective housing authority (GHA) or via contracting with their nonprofit management entity (GHDMC)

(Source: The Guardian, "Why we need social housing in the US",

Matt Bruenig, 4/5/2018)



Social Housing to Municipal Housing



Local governments dealing with certain unfavorable real estate markets without many federal incentives should consider the viability of doing it themselves!

Over-reliance on LIHTC, Section 8 vouchers, and other subsidies – existing programs can only do so much and demonstrate their obvious limits in amount, number, and availability.

Potential alternative for US Cities as other options are sought and needed.

Source: People's Policy Project, "Social Housing in the United States", Peter Gowan & Ryan Cooper

Municipa/Housing in Florida



James Park Apartments in St. Petersburg, FL offers five different floor plans and a variety of amenities including a children's play area

City of St. Petersburg owns housing development but contracts the management to a third party

Source: Florida Housing Coalition Technical Support, 10/10/2018



Possible Funding Sources for Affordable Housing

Possible Existing Funding Sources

The following could be used to fund affordable housing:

Public Spaces and Wild Places - approximately \$484,00 per month but would need referendum on usage

Landlord License Fee - \$657,566 to city General Fund

Tree Mitigation Fund

Possible New Funding Sources

The following are possible future funding sources:

County Doc Stamps

Donor Based Funds

Municipal Debt Funds

Funding Networks

Doc Stamps

Based on state law, Alachua County would have to receive special legislative authority in order to levy and collect local doc stamps

Need buy-in from the County BOCC and work through local legislative delegation. Both City and County could jointly pursue

Local doc stamp would be levied by the County and could establish a Housing Trust Fund



Doc Stamps Example: Miami

In 1984, Miami-Dade County established a Housing Assistance Loan Trust Fund and implemented the Documentary Surtax Program ("Surtax Program"), benefitting very low- to moderate-income families

7,128 low-to-medium income families with lowinterest second mortgages, allowing them to become first-time homeowners

Low-cost construction financing that has allowed the County to partner with not-for-profit and forprofit affordable housing developers to produce over 15,000 affordable multi-family rental units

At least 50% of Surtax funds have benefitted lowincome families



Source: MiamiDade.gov Documentary Surtax Program



Donor-Based Funds

Also known as Donor-Advised Funds

Instruments provided by community foundations and financial companies (e.g. banks and Fidelity). These funds have specific rules around them and cannot be used for fundraising strategies according to the Central Florida Foundation

Local municipalities can complement via their own budget in support of an initiative however



Funds Continued

Municipal Debt Fund Examples

Name	Established	Geography	Capitalization	Impact	Interest rate to senior lenders
Bay Area Transit- Oriented Affordable Housing Fund	2011	San Francisco Bay Area	\$50 million	Has financed eight developments with more than 900 units and nearly 100,000 square feet of retail space.	4-6 percent
Denver Regional Transit- Oriented Development Fund	2010	Denver metro area	\$24 million	Has closed 11 transactions totaling almost \$16 million; pipeline of more than 900 units and 150,000 square feet of commercial and community space. Has generated \$598 million and more than 7,000 local jobs in the past five years, according to a 2015 report.	2-6 percent
New Generation Fund	2008	City of Los Angeles	\$75 million	Has originated \$69 million to create or preserve 1,355 units in 14 developments.	LIBOR with a spread, floor of 3.75–4.75 percent
New York City Acquisition Fund	2006	City of New York	\$150 million	Has originated \$249 million in predevelopment and acquisition loans and created or preserved more than 7,000 units.	Base rate of 3–4 percent

Funding Network Example: Los Angeles

53 Private and public partners

Brings together private philanthropy and public agencies for joint investment

Results: \$84M in loans provided to 42 projects, creating 2,800 affordable units, 2,000 which are supportive housing.

Source: Courtesy of Central Florida Foundation, "Public-Private Partnerships and Supportive Housing Funding Examples" by Corporation for Supportive Housing (CSH), 10/18/2018




Anti

Discrimination Ordinances

Anti Discrimination Ordinances

Lawful Source of Income and Legal Immigration Status are not federally or locally protected classes

Both can be added as protected classes by city ordinances

 Broward County and Miami-Dade County both already protect "lawful source of income" or "source of income" by ordinance

Source of Income Broward County

Code of Broward County Sec. 16 ¹/₂ -3

Section 16 1/2 - 3

(hh) *Lawful source of income* means the origin or cause of a legal gain or recurrent benefit, often measured in money or currency, including, but not limited to, income derived from social security, supplemental security income, child support, alimony, veteran's benefits, disability benefits, unemployment, pension and retirement benefits, an annuity, a gift, an inheritance, the sale or pledge of or interest in property, or any form of federal, state, or local public, food, or housing assistance or subsidy, including assistance from the Supplemental Nutrition Assistance Program (SNAP) and the Housing Choice Voucher Program or "Section 8" vouchers, whether such income is received directly or indirectly by the renter or purchaser and even if such income includes additional federal, state, or local requirements.

Source of Income Miami-Dade County

Code of Miami Dade County Sec. 11A-12

Section 11A-12:

(12) *Source of income* shall mean the lawful, verifiable income paid directly to a tenant or paid to a representative, including, but not limited to, Section 8 Housing Choice Vouchers, Supplemental Security Income, Social Security, pensions and other retirement benefits.

Lawful Immigration Status

The Fair Housing Act prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing related transactions, based on race, color, national origin, religion, sex, familial status, and disability. Such discrimination is illegal regardless of the victim's immigration status.

Immigration Status alone is not a protected class, thus not covered by the Fair Housing Act.

Immigration Status would have to be specifically added on a local level as a protected class.



Landlord Inspection Programs

BEST PRACTICES

Residential Rental Certificate of Use Unincorporated Broward County

- Program requires all owners of residential rental homes, buildings, and units to obtain an annual Residential Certificate of Use
- Program designed to proactively obtain compliance with proper home maintenance community standards
- Inspections are completed by Code Enforcement during renewal period each year
- Only external portions of the property are automatically inspected

Rental Unit Inspections St. Petersburg, Florida

Owners of residential rental property must maintain the property as required by minimum property maintenance and zoning codes

A tenant may request an inspection of their rental unit to identify code violations

Tenants are encouraged to contact the landlord first. If the landlord does not respond a tenant can request an inspection of the inside and outside of the property.

Inspections are completed by Code Enforcement or an authorized inspection program

http://www.stpete.org/code_enforcement/our_services/rental_unit_inspections.php



Landlord Incentive Program

RECOMMENDATIONS

Landlord Incentive Plan

Mission: To incentivize private sector landlords in "high opportunity areas" to rent to our community's most vulnerable population (homeless, section 8 participants, domestic violence victims and veterans) – promoting the reduction of homelessness, providing inclusiveness and access for quality affordable housing for everyone in our community.

Landlord Incentive Plan

Landlord Mitigation Program

- Establish Risk Mitigation funds Goal \$100,000
- Landlord must have a judgment to participate in the fund (cover damages beyond SD, and unpaid rent) up to a threshold amount in return for reduce screening criteria
- Limited income, poor rental history, or criminal background
- Rental Surety Bond as an option to a deposit. Bonding company would cover damages and unpaid rent then pursue resident for repayment.

Education

- Provide digital links to Florida Bar Association Rights and Duties of Tenants and Landlords
- Landlord Collaboration
 Guidebook
- Landlord Chew and Chats
- PHA's HCV and public housing briefing and landlord relations workshops
- Housing Academy Programs (Family Promise & UF Extension)
- Create strategic Public/Private Partnership alliances to build Landlord relations

Other Incentives

- First time sign up bonus for landlords who have not participated as a Section 8, Rapid Rehousing, or PSH landlord in last 3 years and/or property is in high opportunity area
- Possible reduction or waiver in building permit fee for repairs or improvements to assist in making units energy efficient
- Interest free or low interest loans up to threshold with affordability period (SHIP, HOME, CDBG, or partnerships)
- Security deposits for high risk renters



Supplements

2018 GOVERNOR'S CAPITAL INVESTMENT RECOMMENDATION FOR AFFORDABLE HOUSING

\$115 Million

\$100 million in Housing Infrastructure Bonds\$15 million in General Obligation Bonds for public housing

The Need and Demand

- One out of every four families pays more than they can afford for housing. Since 2000, this number has increased by **58** percent.
- More than 7,600 Minnesotans were homeless in January 2017. This was a 5 percent increase from 2016.
 - Three of four adults experiencing homelessness have at least one of the following: a chronic health condition, serious mental illness or substance abuse disorder.
 - Approximately 35% of the homeless population are children (age 17 and under).
 - The number of adults age 55 and older experiencing homelessness increased by 8 percent from 2012 to 2015.



The Request

- \$100 million in Housing Infrastructure Bonds to increase the supply of and stabilize affordable housing in communities throughout the state.
- Funds will be used to:
 - Preserve federally subsidized rental housing.
 - Build supportive housing for persons or families experiencing or at risk of homelessness.
 - Construct affordable housing for seniors age 55 and older earning approximately \$24,000-\$40,000 per year.
 - Acquire land by community land trusts for single family homes for homeownership.
- \$15 million in General Obligation Bonds for rehabilitation of existing public housing.
 - Funds will be used for health, safety and energy efficiency improvements in existing public housing in all 87 counties.

The Impact

- Approximately 1,500 housing units will be constructed or rehabilitated with Housing Infrastructure Bond resources.
- \$162 million in prior Housing Infrastructure bond proceeds have generated nearly \$320 million in total development costs.
- Every \$1 in state funding for preservation sustains \$4 in federal housing assistance.
- Approximately 1,500 public housing units will be rehabilitated and preserved with GO Bond proceeds.

MINNESOTA HOUSING

www.mnhousing.gov

Housing Infrastructure Bonds

Housing Infrastructure Bonds are appropriation bonds for the public purpose of providing housing for low- and moderate- income families who are unable to find and afford adequate housing without assistance.

Why Housing Infrastructure Bonds?

- Most of the housing in the state is privately owned; GO bonds limited to public ownership
- Rents of low to moderate-income tenants limit privately-financed development
- Housing Infrastructure Bonds leverage federal and local resources and private investment

Eligible Uses

- Preservation of Federally-Assisted Housing
- Permanent Supportive Housing
- Single Family Homeownership through Community Land Trusts
- Proposed New Use in 2018: Senior Housing

The Process

- Funds are awarded through a competitive process
- Funds are made available to eligible projects throughout the state
- Housing must be affordable to and occupied by lowand moderate- income households
- Affordability must be maintained for at least the term of the bonds (20-30 years) and is often extended for the life of the building

GO Bonds for Public Housing Rehabilitation

General Obligation Bonds are used for the rehabilitation of publicly-owned housing, which is housing owned and operated by local public housing authorities or housing and redevelopment authorities.

The Process

- GO bonds are awarded through a competitive process
- Only public housing authorities or housing and redevelopment authorities are eligible to apply



66 West | Edina



The Square on 31st | Rochester



West Hennepin Affordable Land Trust | Hennepin County



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Capital Investments in Housing 2012-2017

Source: Minnesota Housing Date: 10/24/2017

MINNESOTA HOUSING

The **Results**

Housing Infrastructure Bonds

Year	Amount Appropriated	Amount Awarded	# of Multifamily Projects	# of Single Family Projects	# of Units	Total Development Costs (Multifamily)	Project Status (Multifamily)
2012	\$30 million	\$30 million	7	5	472	\$59.1 million	All projects complete or under construction
2014	\$80 million	\$70 million	11	5	1,239	\$120.4 million	All projects complete or under construction
2015	\$10 million	\$20 million	4	4	162	\$34.9 million	All projects complete or under construction
2017	\$55 million	\$42 million	7	5	555	\$104.2 million	Funds awarded in October 2017
Total	\$175 million	\$162 million	29	19	2,428	\$318.6 million	-

52% of multifamily projects are located in Greater Minnesota and 48% are located in the Metro.

GO Bonds

Year	Amount	# of Projects	# of Units	Project Status
2012	\$5.5 million	14	950	All projects complete or under construction
2014	\$20 million	35	2,438	All projects complete or under construction
2017	\$10 million	TBD	TBD	Funds will be awarded in early 2018
Total	\$35.5 million	49	3,388	-

75% of projects are located in Greater Minnesota and 25% are located in the Metro.

MINNESOTA HOUSING

www.mnhousing.gov

Despite Legal Protections, Black Families Face Housing Discrimination

A new study is the latest to show that landlords often discriminate against minorities and people who use rental vouchers.

by <u>J. Brian Charles</u> | March 28, 2018



(Shutterstock)

In spite of decades of fair housing laws, studies in different cities have shown that black families still face routine discrimination when they attempt to use federal housing vouchers to rent an apartment.

Landlords in Washington, D.C., are more likely to deny access to housing, or to provide confusing or incorrect information, to black families seeking to use a voucher, according to a <u>report</u> released this week from the <u>Equal Rights Center</u>, which seeks to end discrimination in housing and employment.

The report tracked two sets of African-American families, with one group attempting to rent an apartment using a voucher to help subsidize the cost and the other set of families inquiring about an apartment without mentioning a voucher.

Discrimination based on source of income is a growing problem in D.C. and elsewhere, the report concluded.

"Results of this investigation indicate that source-of-income discrimination plays a clear role in maintaining, if not intensifying, racial segregation within the D.C. housing market. It also appears to be one piece of a complex confluence of factors that is leading African-American families to move out of the District altogether." Washington, D.C., like Chicago and New York City, requires all landlords to accept housing vouchers, which have been in use since Congress passed the Housing Act of 1974. The vouchers are federally funded but locally administered through a city or county's housing authority. In certain parts of D.C., vouchers may pay a property owner up to 175 percent of an apartment's market rate. Even high-end apartments are required to accept the vouchers, although their high rents are usually still beyond the reach of many families.

The Equal Rights Center relied on a relatively small handful of test cases, and the report notes that the results are not statistically representative of the housing market as a whole. Still, the findings "support the conclusion that discrimination against voucher holders in the District is rampant," the report said.

"D.C. is special because we do have a source-of-income protection in the law. It seems even with the protection the violations are so flagrant," says Kate Scott, deputy director of the Equal Rights Center.

Reports in other cities have shown similar results.

The Greater New Orleans Fair Housing Action Center conducted a similar <u>study</u> of housing vouchers in 2009. Ninety-nine percent of the housing voucher holders in the city are black, and according to the study, 82 percent of landlords refused to accept housing vouchers. New Orleans does not legally require landlords to accept housing vouchers.

That report painted an especially troubling picture of the challenges faced by blacks in the New Orleans housing market.

When questioned, one landlord told researchers he would begin to consider accepting vouchers when "black ministers ... start teaching morals and ethics to their own, so they don't have litters of pups like animals, and they're not milking the system." Some landlords in New Orleans turned down prospective black renters who planned to use vouchers after agreeing to rent the same apartments to prospective white renters using housing vouchers.

Nationwide, <u>housing advocates</u> have raised concerns about landlords discriminating against tenants using housing vouchers and have asked to expand the available slots of housing vouchers and diversifying the population who use the subsidy.

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