



Determining In-Lieu Fees in Inclusionary Zoning Policies

Considerations for Local Governments

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Inclusionary zoning policies are an increasingly popular tool for addressing affordable housing challenges, with many cities and counties adopting such policies since 2000 (Thaden and Wang 2017). But the structure and features of these policies vary. Research suggests that the features of inclusionary zoning matter and need to be tailored to local market conditions (Ramakrishnan, Treskon, and Greene 2019; Schuetz, Meltzer, and Been 2008).

Inclusionary zoning encourages or requires developers who are creating market-rate housing to set aside a percentage of the housing to be sold or rented at below-market rates. One common feature of inclusionary zoning policies is “in-lieu fees,” which developers can pay as an alternative to building on-site affordable units. (In-lieu fees are the most common name for this method of alternative compliance, but some jurisdictions might refer to this option as “buy-outs,” “opt-outs,” or “cash contributions.”) In-lieu fees are among the most hotly debated parts of inclusionary zoning, in part because little research exists on the variations in their structure and their advantages and disadvantages.

This brief has two goals. The first is to help local decisionmakers determine whether to include an in-lieu fee option in their inclusionary zoning ordinances. The second is to help local decisionmakers understand what variations of in-lieu fees exist and how to structure in-lieu fees. Based on a literature review and interviews with local government staff members, developers, nonprofit practitioners, and advocates, this brief first provides an overview of the goals of inclusionary zoning and the ways that in-lieu fees can advance or undermine those goals. It then discusses the methods that jurisdictions use to set in-lieu fees and details considerations for jurisdictions when they are setting in-lieu fees.

What Is Inclusionary Zoning?

As housing costs rise in markets across the country, local decisionmakers are looking for tools that create more affordable housing units. Inclusionary zoning enables the delivery of affordable housing in cities that have historically high housing costs or where costs are rapidly going up because of gentrification and property value increases. Andrew Trueblood, director of the Office of Planning in Washington, DC, has said that inclusionary zoning is “not the biggest program that produces affordable housing in the city, but it is the biggest program that produces affordable housing in high-cost areas.”¹

Under inclusionary zoning, developers are encouraged or required to set aside a share of the market-rate housing they’re creating to be sold or rented at below-market rates.² Inclusionary zoning leverages the private market to create housing units that are affordable to households with lower incomes while allowing development projects to produce a return on investment. For that reason, inclusionary zoning policies are more effective in areas where more development is occurring.³

Inclusionary zoning ordinances are popular with policymakers because they create affordable housing units with little to no public subsidy.⁴ A 2016 survey found that 886 jurisdictions in 25 states and the District of Columbia have inclusionary zoning programs, although nearly 90 percent of them were in New Jersey, Massachusetts, and California (Thaden and Wang 2017).

Inclusionary zoning often interacts with other tools that jurisdictions use to create affordable housing units. Some jurisdictions do not have affordability requirements for all new developments but instead require that developers create affordable units in exchange for additional density, requests to change the general land use plan, or receipt of public funding.⁵ For example, a jurisdiction might allow a developer to build at increased density in exchange for making a portion of those extra units affordable. This is often referred to as voluntary inclusionary zoning.

Goals and Characteristics of Inclusionary Zoning

This section provides an overview of inclusionary zoning before detailing how in-lieu fees relate to the goals of these policies.

Goals

Inclusionary zoning programs typically have three goals.

The first goal is to create more affordable housing units. By requiring that new developments include affordable units, inclusionary zoning policies create more affordable units than the market would have created otherwise. In some cases, jurisdictions allow developers to build the units in a different location from where the new market-rate units are being created or to buy out their obligation by paying “in-lieu” fees into a local affordable housing fund.

The second goal is to generate flexible revenue for affordable housing, primarily through in-lieu fees. Although revenue that is generated can go toward furthering the first goal of creating more units, jurisdictions often use revenue from inclusionary zoning to fund other high-priority housing needs.⁶ Interviewees said local resources for housing are increasingly scarce and susceptible to shifts in economic conditions and support from local elected officials. In-lieu fees create a dedicated, sustainable revenue source for local affordable housing trust funds. The uses of trust fund dollars vary by jurisdiction, but they can provide gap financing to produce or rehabilitate affordable housing units and fund other housing-related programs like rental assistance and capital improvements.⁷

The third goal is to create more mixed-income developments and increase affordable units in opportunity-rich neighborhoods. Recent research demonstrates the importance of place for upward economic mobility, underscoring the need for policies that address segregation (Chetty, Hendren, and Katz 2015; Turner and Gourevitch 2017). Many of the policy levers that enable households to gain access to opportunity-rich neighborhoods, such as housing vouchers and fair housing protections, rely on the federal government for funding and enforcement. Inclusionary zoning policies are one of the main levers that local governments have to create mixed-income developments without additional resources.

Characteristics

Inclusionary zoning policies can differ by jurisdiction but often share certain features. In most jurisdictions with inclusionary zoning, developments that exceed a certain square footage or number of units trigger affordability requirements. Inclusionary zoning can apply to both rental and for-sale development, as well as to both new construction and renovation. Inclusionary zoning policies often mandate that a percentage of units be affordable to households making a certain percentage of area median income (AMI). A majority of jurisdictions with inclusionary zoning require that 6 to 15 percent of a development's units be affordable (Thaden and Wang 2017). The income target typically ranges from 60 to 120 percent of AMI (Williams et al. 2016). Some jurisdictions' requirements have a sliding scale, meaning that developers can include more units affordable to a higher AMI or fewer units affordable to a lower AMI.⁸ However, inclusionary zoning rarely brings rents down to the levels needed by households with extremely low incomes, which make less than 30 percent of AMI (Brennan and Greene 2018). Inclusionary zoning policies also typically require that units be affordable long term, usually for 30 years or more (Jacobus 2015).

The affordable units often do not have to be in the same location as the market-rate units. Many jurisdictions provide the option to build the prescribed affordable units off-site. Developers either provide these off-site units directly by constructing them or indirectly by paying in-lieu fees to local housing trust funds. Off-site construction often occurs in neighborhoods where land costs are lower or where there is less opposition to new development. Off-site construction provides flexibility to developers and can increase the production of affordable housing units (Jacobus 2015).

Implementation of inclusionary zoning policies—especially those with in-lieu fee options—brings trade-offs, and some implementation options may not maximize inclusionary zoning goals. For example,

eliminating the option to pay in-lieu fees could lead to more units being created in hot markets while eliminating a key source of funding for local affordable housing programs. On the other hand, units that result from in-lieu fees are often in neighborhoods that have relatively few amenities or a concentration of affordable housing, which does not promote mixed-income developments (Jacobus 2015; Porter and Davison 2009).

The Role of In-Lieu Fees

According to the Urban Institute’s National Longitudinal Land Use Survey, approximately two-thirds of jurisdictions with inclusionary housing policies have in-lieu fees.⁹ In-lieu fees can apply to rental or for-sale developments. In-lieu fees are typically paid into a local affordable housing trust fund. How housing trust fund dollars are used often depends on local priorities, but they can go toward housing needs that inclusionary zoning would not otherwise meet. This includes building units that are not typically supplied by the market, such as those that are larger (“family-sized” units) and those for special needs populations (HR&A Advisors 2019) or households with extremely low incomes (Local Government Commission, Western Center on Law and Poverty, and California Rural Legal Assistance Foundation 2018). Revenue from in-lieu fees can vary from hundreds of thousands of dollars over a decade in smaller jurisdictions to tens of millions of dollars per decade in larger jurisdictions (Porter and Davison 2009).

Based on the goals of their inclusionary zoning policy, local decisionmakers must choose whether to allow in-lieu fees as a method of alternative compliance. If they opt to include in-lieu fees, they must set the in-lieu fees in such a way that furthers the goals of their inclusionary zoning policy. In the following section, we highlight the main arguments for and against in-lieu fees and discuss how jurisdictions calculate in-lieu fees.

Arguments for and against In-Lieu Fees

Although in-lieu fees are common features of inclusionary zoning policies, not all local advocates, practitioners, and decisionmakers are in favor of them (table 1). Proponents of in-lieu fees tout their importance as a flexible funding source, especially considering that federal funding for rental assistance has decreased in recent years. For example, the Town of Chapel Hill, North Carolina, uses its in-lieu fees for constructing or rehabilitating housing units; assisting residents with rent, mortgage, or utility payments; and providing local matches to federal affordable housing grants.¹⁰ Often, in-lieu fees are the major source of funding for local affordable housing trust funds. For example, in-lieu fees are the only source of revenue for the Chicago Low-Income Housing Trust Fund, which provides rental assistance to more than 2,000 households making under 30 percent of AMI.¹¹ In-lieu fees are also an important source of funding for affordable housing developers. And jurisdictions use the trust funds to leverage other funding sources, such as the Low-Income Housing Tax Credit (California Coalition for Rural Housing and the Non-Profit Housing Association of Northern California 2004). Some jurisdictions, including Arlington County, Virginia, report that in-lieu contributions have enabled them to build more units than would have resulted from on-site construction (Arlington County 2015).

In-lieu fees can also lead to a more streamlined development process. The option to pay in-lieu fees makes the development process faster and more predictable for developers. That is, developers can pay into a fund and proceed with construction instead of going through the potentially time-intensive community vetting process that is often associated with producing affordable units within market-rate projects (Porter and Davison 2009).

In-lieu fees can also promote discussion of local affordable housing policies. Based on interviews, staff in local housing and planning departments say that project-specific discussions around in-lieu fees allow them to have deliberate conversations with developers about affordable housing. As a result, developers better understand the jurisdiction’s affordable housing goals and how their projects relate to those goals. In addition, these staff get a better perspective on the factors that developers weigh when deciding whether to build affordable units on site or to pursue alternative compliance options.

TABLE 1
Advantages and Disadvantages of In-Lieu Fees

Advantages	Disadvantages
<ul style="list-style-type: none"> ▪ Create mechanism to fund housing units that inclusionary policies do not produce (e.g., units for households with extremely low incomes) or fund other local housing priorities ▪ Provide leverage for other funding sources ▪ Increase flexibility for developers, particularly for smaller developments ▪ Make development process more predictable ▪ Provide important source of funding for nonprofit developers 	<ul style="list-style-type: none"> ▪ May result in fewer on-site units and less mixed-income development ▪ Could lead to construction activity that reinforces patterns of segregation ▪ May result in on- or off-site units that are of lower quality

In-lieu fees also have their detractors, however. Critics see them as a loophole that allows developers to avoid contributing on-site units.¹² If in-lieu fees are set below the cost of on-site construction, for instance, developers will pay the fee instead of building new units. Although a low in-lieu fee might be the result of an obsolete formula or of developer influence in the legislative process, jurisdictions may have legitimate reasons to intentionally set a low fee. For example, if a jurisdiction’s goal is to create flexible revenue sources for affordable housing, it might set a low in-lieu fee that would help seed those funds.¹³ But in-lieu fees may undermine a jurisdiction’s inclusionary zoning policy if the primary goal is to create mixed-income developments. And the units that are eventually created from in-lieu fees might be of lower quality or built in lower-cost neighborhoods, which could reinforce historic patterns of segregation.

Calculating In-Lieu Fees

For jurisdictions with in-lieu fees, creating the in-lieu formula is the most important component of their policy. In theory, the in-lieu fee should be similar to the cost of producing a unit on site, but the in-lieu fee is typically lower than that (California Coalition for Rural Housing and the Non-Profit Housing Association of Northern California 2004). A formula that results in fees that are too high or too low can

distort the market, affect developers' decisions, and ultimately affect where and how much affordable housing is built. But in-lieu fee formulas are tricky to set. They must weigh numerous factors, including real estate market trends, construction financing, and the need for affordable housing at various income levels.

Three main methods are used to calculate in-lieu fees: the affordability gap method, the production cost method, and indexed fees based on project characteristics. These methods can apply to both rental and for-sale units. The section below highlights these methods.

Affordability Gap Method

In this approach, the in-lieu fee is the difference between the fair market price and what a low- or moderate-income household can afford (MAPC 2018). The gap is calculated per unit. For example, the calculation subtracts the maximum housing expense of an affordable unit from the market rent of an equivalent unit. To get the total amount, the per unit figure is multiplied by the number of affordable units that a developer would have been required to build. Some calculations also divide the difference by the current market capitalization rate, which measures the rate of return on total capital invested and is used to derive a present-day asset value (David Paul Rosen & Associates 2018).¹⁴

This method relies on the availability of local data. For example, jurisdictions often have access to data on market-rate sales or rental prices. Local jurisdictions also have data on affordable rents by AMI through local sources or the US Department of Housing and Urban Development.¹⁵ Where data are available, some jurisdictions adjust the fee based on the development's neighborhood or submarket (Porter and Davison 2009). Examples of jurisdictions that use this method include the City of Santa Fe, New Mexico, and the City of Santa Barbara, California.¹⁶

Production Cost Method

The affordability gap method represents the market-rate developer's perspective, while the production cost method represents the nonprofit developer's perspective.¹⁷ With the production cost method, the in-lieu fee is the difference between the cost of developing a comparable affordable unit and the income generated by an affordable unit. As with the affordability gap model, the per unit fee is multiplied by the total number of units required to determine the total cost of the in-lieu fee to the developer.

This method relies on surveys of recent affordable housing projects with similar characteristics (e.g., land, construction, and other costs), so it helps to have nonprofit developers who are willing to share information on costs of construction and rents.¹⁸ For that reason, this method is better suited for jurisdictions with a robust nonprofit development community (MAPC 2018). Like the affordability gap method, it necessitates frequent updates to ensure that the fees are accurate. For example, the inclusionary zoning regulations in the Town of Chapel Hill, North Carolina, require the town council to annually establish the dollar amount of subsidy needed to make units affordable.¹⁹

Indexed Fees Based on Project Characteristics

Other jurisdictions set fees based on the density of the project, location of the project, or whether the project meets other local priorities. With these formulas, the in-lieu fee is the product of a square foot charge and the gross floor area. In contrast to other methods that set fees on a per unit basis, this method uses a per project calculation. Examples of jurisdictions that use this method are Arlington County, Virginia, and the City of San Diego. San Diego set its rate at \$10.82 per square foot for developments with more than 10 units, and that rate is multiplied by the gross floor area of a project.²⁰ Arlington County has a similar formula, but the rates vary based on the density of the project (denser projects trigger higher in-lieu fees).²¹

Regardless of the method, some jurisdictions vary in-lieu fees by neighborhood. Boston has three fee levels based on the average cost of housing in a neighborhood.²² In some jurisdictions, the in-lieu fee can be reduced if developers provide units to the public housing authority. The City of Chicago typically has a 10 percent requirement for on-site affordable units. If developers sell or lease at least 2.5 percent of the total on-site units (25 percent of required affordable units) to the Chicago Housing Authority, the in-lieu fees are reduced by \$25,000 per remaining required unit.²³

No research has been conducted on which method of calculating in-lieu fees is more effective, in part because outcome measures vary across local contexts. For example, jurisdictions can define effectiveness in terms of affordable units built or dollars raised for affordable housing. The affordability gap method is probably the most commonly used because it is easier to understand conceptually and relies on more readily available data.²⁴ The appendix provides basic examples of how to calculate in-lieu fees using each of the three methods. It also outlines how jurisdictions might compare their in-lieu formulas with those of their peers.

Regardless of which methods jurisdictions use, they should tie the fee to regional consumer price indexes or other measures of economic conditions. By doing so, jurisdictions can help ensure that their fee structure adjusts for local markets, is predictable for developers, and remains consistent with overarching policy goals.

Guidance for Jurisdictions Considering Inclusionary Zoning and In-Lieu Fees

Effective inclusionary zoning policies must consider local development patterns, affordability needs, political feasibility, and local development capacity (MAPC 2018). Successful policies also incorporate the perspectives of all parties: city staff members, nonprofits, advocacy groups, residents, and developers. Below are some specific suggestions for communities to consider when creating or revising inclusionary zoning policies.

ASSESS WHAT THE MARKET CAN BEAR

Inclusionary zoning changes the cost of private development by using market-rate development to subsidize below-market units. Market dynamics are driven by income generated through rents or sales, construction costs, and the availability and price of land (Williams et al. 2016). If the market is not

robust, reducing rents or income received could prevent projects from penciling out. Therefore, testing what level of affordability (i.e., both percentage of units and level of AMI affordability for each unit) is feasible for the market to support and in which neighborhoods is important. One way to do this is to analyze how on-site or in-lieu requirements would have affected the financial calculations of recent development projects in the jurisdiction. These analyses can compare what percentage of affordable units recent developments could have incorporated and at what percentage of AMI. The results can guide policymakers' decisions on how to set the requirements, whether to vary by neighborhood, and whether to allow a sliding scale between units and affordability (i.e., the option to provide more units at a lower per unit subsidy or fewer units at a higher per unit subsidy).

ADJUST THE FEE TO ALIGN WITH LOCAL POLICY PRIORITIES

When setting an in-lieu fee, jurisdictions should consider whether their top priority is to build more affordable housing generally, create flexible funding for affordable housing, or create mixed-income developments.²⁵ The conventional wisdom is that in-lieu fees set below the cost to construct units on site will reduce the number of developers who will build on-site units. Jurisdictions should weigh the relative costs of compliance for developers and how the different costs would influence developers' consideration of the available options. If building more affordable units or creating mixed-income developments is the most important policy goal, jurisdictions might want to set a higher in-lieu fee to prevent developers from buying out their obligations.

CREATE AN EVIDENCE-BASED, INCLUSIVE, AND TRANSPARENT PROCESS TO BUILD CONSENSUS AND SECURE BUY-IN

In some places, the political process can dilute policies by making them more favorable to developers or other local interests. To counteract this, government staff members and elected officials should collaborate with community members to shape inclusionary zoning policies. By doing so either through a task force or similar efforts, jurisdictions can ground their decisions in available evidence, local feasibility studies, and resident and stakeholder buy-in.

CONSIDER POLITICAL CONTEXT

Local political contexts necessarily affect inclusionary zoning policies. Jurisdictions can only go as far as their councils and state legislatures let them. Nine states have preempted local governments from enacting inclusionary zoning policies.²⁶ Cities in states considering preemption might enact less stringent policies to avoid backlash that could prompt the state to remove the local authority to enact inclusionary zoning policies.

REFLECT THE AVAILABILITY OF KEY RESOURCES

Jurisdictions with other locally controlled and available financing sources can leverage in-lieu fees to produce affordable units. The ability to create such leverage depends on the capacity of local government staff members, as well as nonprofit and private partners such as community development financial institutions, who can identify opportunities and deploy other resources (Jacobus 2015). In addition, jurisdictions without much available land might prefer on-site units because they have relatively few opportunities to use in-lieu fees to build elsewhere.²⁷

ALIGN INCLUSIONARY ZONING WITH OTHER ZONING OR POLICY CHANGES

Some jurisdictions have created inclusionary zoning policies as they rezoned neighborhoods. The logic behind this is that higher densities enable the production of more affordable units. As a result, inclusionary zoning captures the increased land values created by rezoning and ensures that the benefits accrue to a greater number of residents through the provision of affordable housing (Local Government Commission, Western Center on Law and Poverty, and California Rural Legal Assistance Foundation 2018).

Conclusion

Inclusionary zoning is one tool that local governments can use to increase the production of affordable housing units, especially in areas where they are not typically delivered. Based on discussions with local policymakers and a review of the available evidence, this brief probes one component of inclusionary zoning, alternative compliance via in-lieu fees. Jurisdictions face trade-offs when they allow developers to pay in-lieu fees instead of building on-site units. In-lieu fees, if they are not set at an appropriate level, can undermine jurisdictions' affordable housing goals. To avoid potential negative outcomes, jurisdictions looking to create new inclusionary zoning policies and revise existing policies should carefully weigh factors like local market and political contexts, as well as feedback from nonprofit developers and residents.

Appendix. Calculating In-Lieu Fees and Comparing across Jurisdictions

Below are basic examples of how to calculate in-lieu fees using each of the three methods explained earlier in this brief (table 2). The results should not be interpreted as a value statement on a preferred method. Rather, they show how the calculations compare given our assumptions. For this example, the following are assumed:

- The maximum housing expense affordable to a household making the area median income is \$1,500 per month.
- The project is a 100-unit rental development with an average unit size of 1,000 square feet.
- The jurisdiction policy is that 10 percent of rental units must be affordable to those making 50 percent of AMI.
- The capitalization rate is 5 percent.
- The cost to construct one unit of housing is \$250,000.
- Monthly operating expenses (e.g., owner-paid utilities, fire insurance, and trash removal) are \$5,000 per unit per year.

TABLE 2

Comparison of Sample Projects by Calculation Method

Affordability gap method	Production cost method	Indexed based on project characteristics (using San Diego rate)
<ul style="list-style-type: none"> ▪ Rent loss per unit per month: $\\$1,500 - \\$750 = \\$750$ ▪ Rent loss per year: $\\$750 \times 12 = \\$9,000$ ▪ Rent loss divided by capitalization rate: $\\$9,000 / 0.05 = \\$180,000$ ▪ In-lieu fee per unit = $\\$180,000$ 	<ul style="list-style-type: none"> ▪ Maximum housing expense per month: $\\$750$ ▪ Operating, administrative, and maintenance expenses: $\\$5,000$ (annually); $\\$417$ (monthly) ▪ Net operating income per month: $\\$750 - \\$417 = \\$333$ ▪ Net operating income per year: $\\$333 \times 12 = \\$3,996$ ▪ Capitalized value: $\\$3,996 / 0.05 = \\$79,920$ ▪ In-lieu fee per unit: $\\$250,000 - \\$79,920 = \\$170,080$ 	<ul style="list-style-type: none"> ▪ Total square footage: $100 \text{ units} \times 1,000 \text{ sq. ft.} = 100,000 \text{ sq. ft.}$ ▪ Square footage x fee rate: $100,000 \times \\$10.82 = \\$1,082,000$ ▪ In-lieu fee per unit: $\\$1,082,000 / 10 = \\$108,200$

In addition to calculating how in-lieu fees might differ depending on the formula selected, jurisdictions might find it useful to compare their in-lieu fees and formulas with those of other jurisdictions. To do this, a jurisdiction could first create a sample project (e.g., a 100-unit development that is 100 percent residential) and then calculate in-lieu fees based on publicly available information about other jurisdictions' formulas. This would enable jurisdictions to get a sense of how the amount of in-lieu fees that result from a given project compares with amounts in peer jurisdictions. However, it is important to keep in mind that the dollar figures would reflect the jurisdictions' basic formulas and no other factors, such as density bonuses, location considerations, and negotiated payments, that can influence in-lieu fees.

Notes

- ¹ Ally Schweitzer, "Bowser Calls for More Affordable Units in New Housing Developments," WAMU, January 3, 2020, <https://wamu.org/story/20/01/03/bowser-calls-for-more-affordable-units-in-new-housing-developments/>.
- ² "Inclusionary Zoning," Local Housing Solutions, accessed November 14, 2019, <https://www.localhousingolutions.org/act/housing-policy-library/inclusionary-zoning-overview/inclusionary-zoning/>.
- ³ "Inclusionary Zoning," Local Housing Solutions.
- ⁴ Benjamin Schneider, "CityLab University: Inclusionary Zoning," July 17, 2018, <https://www.citylab.com/equity/2018/07/citylab-university-inclusionary-zoning/565181/>.
- ⁵ Schneider, "CityLab University: Inclusionary Zoning."
- ⁶ "Setting the In-Lieu Fee," Inclusionary Housing, accessed November 14, 2019, <https://inclusionaryhousing.org/designing-a-policy/off-site-development/in-lieu-fees/setting-the-in-lieu-fee/>.
- ⁷ "Affordable Housing Opportunity Fund," City of Chicago, accessed February 5, 2020, <https://www.chicago.gov/city/en/depts/doh/provdrs/developers/svcs/ahof.html>.

- ⁸ “Inclusionary Zoning Policy,” City of Atlanta, accessed January 23, 2020, <https://www.atlantaga.gov/government/departments/city-planning/office-of-housing-community-development/inclusionary-zoning-policy>.
- ⁹ “National Longitudinal Land Use Survey,” Urban Institute Data Catalog, last modified February 23, 2020, <https://datacatalog.urban.org/dataset/national-longitudinal-land-use-survey-nllus>.
- ¹⁰ “A Resolution Modifying the Guidelines of the Affordable Housing Fund,” Town of Chapel Hill, North Carolina, September 29, 2014, <https://www.townofchapelhill.org/home/showdocument?id=28455>.
- ¹¹ “Rental Subsidy Program,” Chicago Low-Income Housing Trust Fund, accessed November 14, 2019, <http://www.clihtf.org/programs-and-initiatives/rental-subsidy-program/>.
- ¹² “In-Lieu Fees,” Inclusionary Housing, accessed November 14, 2019, <https://inclusionaryhousing.org/designing-a-policy/off-site-development/in-lieu-fees/>.
- ¹³ Daniel Lauber, “How to Make Inclusionary Zoning Actually Inclusive,” Wednesday Journal, February 5, 2020, <https://www.oakpark.com/News/Articles/2-5-2019/How-to-make-inclusionary-zoning-actually-inclusive/>.
- ¹⁴ See the technical appendix to Pamela Blumenthal, Reed Jordan, Amy Clark, Ethan Handelman, and Rebekah King, “The Cost of Affordable Housing: Does It Pencil Out?” July 2016, <https://apps.urban.org/features/cost-of-affordable-housing/>; and “Implementing Affordable Housing Provisions of Station Subarea Plans: Fee-in-Lieu,” City Council agenda item, Planning and Community Development Department, City of Shoreline, Washington, July 24, 2017, <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2017/staffreport072417-9a.pdf>.
- ¹⁵ See “Income and Rent Limits,” Arlington County, accessed November 14, 2019, <https://housing.arlingtonva.us/income-rent-limits/>.
- ¹⁶ See “SFHP Administrative Procedures” on “Santa Fe Homes Program,” City of Santa Fe, accessed February 5, 2020, https://www.santafenm.gov/santa_fe_homes_program; and “Appendix D, Inclusionary Housing Ordinance,” *The City of Santa Barbara’s Affordable Housing Policies and Procedures*, April 1, 2018, <https://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=170467>.
- ¹⁷ “Implementing Affordable Housing Provisions of Station Subarea Plans: Fee-in-Lieu,” City of Shoreline, Washington.
- ¹⁸ “Implementing Affordable Housing Provisions of Station Subarea Plans: Fee-in-Lieu,” City of Shoreline, Washington.
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- ²² “Setting the In-Lieu Fee,” Inclusionary Housing.
- ²³ “2015 Affordable Requirements Ordinance Rules & Regulations,” City of Chicago Department of Planning and Development, updated May 1, 2017, https://www.chicago.gov/content/dam/city/depts/dcd/general/housing/ARO_Rules_5-1-17.pdf.
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- ²⁵ “Setting the In-Lieu Fee,” Inclusionary Housing.
- ²⁶ As of early 2019. See “State Preemption of Local Equitable Housing Policies,” Local Solutions Support Center, accessed January 23, 2020, <http://www.supportdemocracy.org/equitablehousing/>.
- ²⁷ “Setting the In-Lieu Fee,” Inclusionary Housing.

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