



Inclusionary Zoning

What Does the Research Tell Us about the Effectiveness of Local Action?

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As real wages stagnate, racial disparities grow, and housing prices soar in cities across the US, local governments are increasingly adopting laws and regulations that aim to reduce inequalities and improve access to economic opportunity for their residents (Berube et al. 2018; Greene et al. 2016). These new local laws span a broad range of areas, from protections against discrimination to proactive steps to reduce housing costs or raise incomes. At the same time, states are increasingly enacting laws that limit or preempt local action in these areas, often relying on a thin or nonexistent evidence base to suggest that local regulation is inefficient or overly burdensome (Briffault et al. 2018; Einstein and Glick 2017). In these four briefs, we explore and summarize the research on the effectiveness of local action in four areas: minimum wages, paid sick days, rent control, and inclusionary zoning. We also discuss general trends in state and local laws as well as opportunities to fill research gaps and improve evidence-based policymaking in each area.

Local inclusionary zoning (IZ) laws create affordable housing by encouraging or requiring developers to set aside a percentage of housing units to be sold or rented at below-market prices. These laws aim to provide housing to low-income residents who would otherwise be unable to afford it. IZ laws have been growing in popularity, and a recent estimate listed 866 jurisdictions with some form of IZ policy (Thaden and Wang 2017).¹ These laws are also increasingly subject to state preemption: as of 2017, 11 states had adopted laws that prevent localities from enacting mandatory IZ or limit their discretion in designing voluntary IZ policies (Schragger 2017). Proponents of state preemption of IZ often cite concerns about its impacts on private development and prices. Those advocating against preemption argue that affordable housing is most effectively approached at the local level because policy efforts can best be tailored to local market characteristics and needs.² But the evidence on IZ's effects on the private market is mixed, and a consensus has not been reached on whether these policies restrict development or raise prices. Some evidence suggests that IZ is effective at increasing the affordable

housing supply and encouraging economic opportunity, but overall research findings remain mixed. This indicates that the effects of IZ policies may be particularly sensitive to policy design considerations and market characteristics. In this brief, we synthesize the evidence on the effectiveness of local IZ laws and suggest areas in which further research could help policymakers, advocates, and the public improve state and local laws regarding IZ.

State and Local Trends

The first IZ policy, which is still active, began in Fairfax County, Virginia, in 1971.³ Although these policies have existed for decades, they have been growing in popularity over the past decade: over 70 percent of local IZ laws and policies were adopted after 2000 (Thaden and Wang 2017). Most IZ policies are local (adopted by cities and counties), although some state policies also encourage fair siting of affordable housing across diverse communities, such as New Jersey’s Council on Affordable Housing and the Massachusetts Chapter 40B requirement.⁴ The Grounded Solutions Network keeps a database of IZ policies and has identified 866 jurisdictions within 25 states with some type of inclusionary housing policy (Thaden and Wang 2017).⁵ Most programs are concentrated in Massachusetts, New Jersey, and California, but they exist throughout the country.

IZ laws are not identical, and some key differences in their design and implementation may influence their outcomes. Some laws require affordable units to be constructed at the same location as the market units, or “on-site”; others allow off-site affordable construction. Most IZ laws are mandatory, typically requiring developers to set aside affordable units; some other programs are voluntary but provide incentives for inclusionary development. IZ policies can apply to rental or for-sale units and specify varying terms of affordability. Jurisdictions can also offer different incentives to developers in return for building affordable units, such as density bonuses, zoning variances, or fee reductions. According to a recent overview (Williams et al. 2016), varying features include

- whether the law is mandatory or voluntary,
- the set-aside amount (required share of affordable housing; often between 10 and 20 percent),
- whether the law applies to rental or sale properties,
- how the law defines eligibility (such as by household income),
- term limits,
- whether the law applies to the entire jurisdiction or to specific housing types or locations,
- opt-outs (in lieu payments or ability to provide units off-site), and
- incentives.

As of 2017, 11 states had adopted laws that prevent localities from enacting mandatory IZ or that limit localities' discretion in designing voluntary IZ policies (Schragger 2017). In some cases, such as Tennessee, the state legislature acted in reaction to newly adopted local IZ laws, citing costs to developers for compliance.⁶ Oregon recently lifted a blanket ban on mandatory IZ laws and replaced it with restrictions on how local governments can design IZ policies.⁷

Research on Impacts

General Effectiveness of Inclusionary Zoning Laws

IZ laws are intended to create affordable, below-market housing that would otherwise not be created by private developers. IZ policies' effectiveness can be measured in different ways, such as the number of affordable units produced, how long units remain affordable, and who benefits from IZ laws. However, evaluating the effectiveness of IZ programs can be difficult because of variations in the design and implementation of each program that may affect outcomes. For example, mandatory IZ laws may have a different effect on housing construction than voluntary ones. Programs with varying cost offsets, such as density bonuses or fee waivers, may also have different impacts on housing production and other measures of effectiveness. With these limitations in mind, the evidence on the effectiveness of IZ has been mixed and is often dependent on location and policy type.

Estimating the exact number of affordable units created nationwide through IZ is difficult because of a lack of consistent data. Recent studies have claimed total counts of 150,000 to 173,000 (Sturtevant 2016; Thaden and Wang 2017). These estimates can be difficult to interpret because of missing data and variation between programs, but they generally indicate IZ programs are successfully creating affordable housing. However, these estimates represent the total number of units created over decades, since the earliest programs in the mid-1970s, and the number of units varies significantly across regions and jurisdictions.

Most of the units produced are in counties in Virginia, Maryland, Massachusetts, New Jersey, and California. Although IZ policies appear to be successful in producing units, other jurisdictions with IZ laws have produced very few or even no units (Stockton et al. 2016). The lack of effectiveness in some areas has been attributed to weak housing markets, a lack of enforcement, or a lack of development incentives for builders (Stockton et al. 2016). Another challenge is local capacity—some localities may not have sufficient staff available to work with developers to implement IZ requirements (Freeman and Schuetz 2016). Program design also appears to affect the production of affordable housing. For example, one study of programs in California found that mandatory programs produced more housing than voluntary programs (Mukhija et al. 2010). Further, the length of time a policy has been in place has been a significant predictor of the amount of housing produced in suburban Boston, San Francisco, and the Washington, DC, area (Schuetz, Meltzer, and Been 2007).

Another measure of effectiveness is the length of time that IZ can ensure affordability: long affordability windows allow these programs to continue to serve low-income families over time. A

survey of 273 IZ programs found that around 90 percent of IZ laws had affordability terms of at least 30 years (Thaden and Wang 2017). Further, 25 percent of programs had perpetual affordability terms, meaning they apply for the life of the building. Another study of 307 IZ programs found that around 80 percent of both homeownership and rental programs had affordability terms of at least 30 years and that 33 percent of programs required perpetual affordability (Hickey, Sturtevant, and Thaden 2014). The evidence suggests that IZ policies are capable of ensuring lasting affordability for these units.

Finally, homes constructed through IZ tend to serve residents with moderately low incomes, although they are generally not targeted to be affordable to the lowest-income households. Most IZ policies target families that earn 60 to 120 percent of the area median income, or AMI (Stockton et al. 2016). A recent survey of 185 IZ rental programs found that 42 percent of programs served families earning several percentages of the AMI. Thirty-seven percent of programs served families with a maximum income between 50 and 80 percent of AMI (Thaden and Wang 2017). That target population is different than those served by IZ homeownership programs, where a significant number of programs (21 percent) target people with incomes from 101 to 160 percent of AMI. A smaller case study of 11 IZ programs, mostly focused on homeownership, found that more than half serve households making 80 percent or less of AMI; other programs serve households making as little as 30 percent of AMI (Schwartz et al. 2012). Inclusionary homeownership programs appear to target a population with generally higher income than renters served by federal assisted-housing programs such as public housing, the low-income housing tax credit, or housing choice vouchers.

Effects of Inclusionary Zoning Laws on Developers

By requiring developers to sell or rent a percentage of their units at below-market level, IZ policies may drive up costs for market-rate units or reduce the production of new units. This potential for an adverse effect on the private market has been the main basis for state preemption of local IZ laws (Silverstein 2017). However, the evidence on the private-market effects of IZ is mixed. A starting point for recent debates were several 2004 studies conducted by the Reason Public Policy Institute, which concluded that IZ was an ineffective and expensive way to provide affordable housing. These studies examined the effects of IZ laws on cities in California and found that the policies produced few units, increased the cost of market-rate homes, and reduced the construction of new homes (Powell and Stringham 2004a, 2004b). These findings, however, were promptly challenged by researchers who criticized the study's methodology and warned against drawing causality, citing the study's data limitations and its weak, nonrigorous design (Basolo and Calavita 2004). Other studies have since found some evidence that IZ laws are correlated with increasing housing prices: studies of laws in California have found that cities with IZ laws had comparatively higher market-rate housing prices (Bento et al. 2009) and had fewer new homes than cities without IZ laws (Means and Stringham 2012).

However, other research has found no negative impact of IZ policies on housing prices or production. One evaluation of the market effects of IZ found that IZ in San Francisco had no statistically significant effect on housing production (Schuetz, Meltzer, and Been 2011). Another study of mandatory IZ policies in California also did not find any statistically significant effects of IZ laws on

housing supply in these cities (Mukhija et al. 2010). These studies appear to contradict some of the research to support preemption and demonstrate that IZ policies may not affect housing supply.

Overall, evidence that IZ laws negatively affect private market prices and development is mixed. The type of impact these laws have appears dependent on the design of the policy, the neighborhood location, and the housing market in the area. For example, a study analyzing the private-market effects of IZ in suburban Boston found that the policies increased prices and decreased housing production when the housing market was strong, but they did not have an effect when the housing market was weak (Schuetz, Meltzer, and Been 2011). Similarly, in the Bay Area, IZ policies appeared to increase housing prices in appreciating markets but lowered prices when the market depreciated (Schuetz, Meltzer, and Been 2011). Different studies have also found mixed effects in the same study areas, such as cities in California. Further, most studies focus on just a few cities and states, limiting broader applicability of their findings. Many researchers acknowledge the lack of rigorous evidence on the effect of IZ policies on the private market and call for additional research into how these laws truly affect home prices and production.

How Effective Is Inclusionary Zoning at Improving Economic Opportunity?

Most research on IZ has focused on its private-market impacts, but a smaller body of work explores its impact on economic opportunity. IZ can increase economic opportunity and equity by reducing rent burdens for low-income residents, building wealth through homeownership, and creating or preserving mixed-income neighborhoods. IZ laws generally target low-income households, though income requirements vary. A study of 185 IZ policies for rental homes found that 37 percent of these programs set a maximum income between 50 and 80 percent of AMI (Thaden and Wang 2017). However, some research has found that IZ does not effectively target very low-income households, especially compared with other affordable-housing programs (Schwartz et al. 2012).

Although most IZ programs involve rental units, programs that develop below-market homes for sale provide low-income families an opportunity to build wealth through homeownership. An analysis of an IZ homeownership program in Maryland found that the program produced 9,561 for-sale affordable condominiums and townhomes since its inception (Dawkins, Jeon, and Knaap 2017). These units also realized significant gains in equity: despite the price controls, IZ units appreciated at a higher rate than similar market-rate units and were more insulated from price declines during the housing crisis (Dawkins, Jeon, and Knaap 2017). This suggests that IZ can increase economic opportunity through access to home equity for low-income households.

The limited literature evaluating IZ policies' effects on integration suggests that they do generally improve economic integration and provide low-income residents access to high-opportunity neighborhoods. A RAND Corporation study found that 76 percent of homes in Boulder, CO; Burlington, CT; Cambridge, MA; Chicago, IL; Davidson, NC; Denver, CO; Fairfax County, VA; Irvine, CA; Montgomery County, MD; Santa Monica, CA; and Santa Fe, NM, developed through IZ were located in low-poverty neighborhoods that had higher rates of employment and college attainment, although this did vary across jurisdictions (Schwartz et al. 2012). However, the level of economic integration appears

to be dependent on location. One study of the spatial distribution of IZ housing in counties in Maryland and New York found different results in the distribution of IZ units for areas studied. Units in Montgomery County, MD, were dispersed more evenly and sited in high-opportunity areas, while units in Suffolk County, NY, were clustered in predominantly low-income and minority neighborhoods (Kontokosta 2015). Part of the explanation could come down to differences in the specific policies—Montgomery County requires that a certain share of units be provided in affluent neighborhoods and strongly encourages on-site provision of inclusionary units. In Burlington, Fairfax County, Montgomery County, and Santa Monica, neighborhoods with IZ units were found to have a lower AMI than neighborhoods without affordable units (Schwartz et al. 2012).

IZ may also increase economic opportunity by providing access to low-poverty schools and improving educational outcomes for children. One study found that elementary schools serving IZ units had lower proportions of students eligible for free or reduced-price meals than schools without IZ homes assigned to them (Schwartz et al. 2012). Additionally, IZ units were mostly located in attendance zones of slightly better-performing schools than schools with no assigned IZ units. IZ can also affect the school performance of children assigned to these low-poverty schools. Another study evaluated the educational outcomes of students benefiting from Montgomery County’s IZ program, which allows the local public housing authority to purchase IZ units and operate them as public housing (Schwartz 2010). The study found that elementary school students in public housing assigned to low-poverty schools performed better in reading and math than students in public housing assigned to moderate-poverty elementary schools. Further, children living in IZ units remained in low-poverty neighborhoods and schools for an average of eight years, providing them residential stability and the benefit of attending low-poverty schools. Although the research to support IZ’s effect on educational opportunity is limited and highly dependent on location, the evidence does appear promising.

How Effective Is Inclusionary Zoning at Reducing Racial Disparities?

IZ has also been discussed as a way to reduce racial disparities by distributing affordable units to residents of color as well as creating more racially integrated communities (Sturtevant 2016). The evidence to support this is limited, though there has been some research on the spatial distribution of affordable units created through IZ. Another study of units built in Montgomery County, MD, and Suffolk County, NY, focused on whether the units contributed to racial integration. It found that on average, tracts where IZ units were built became more racially integrated than neighborhoods without IZ units (Kontokosta 2014). As with economic integration, the level of racial integration differed: In Montgomery County, racial integration increased significantly without a notable decline in the white population. In Suffolk County, the neighborhoods with IZ units had more African American and Hispanic residents than the county average and experienced greater declines in the white population after the IZ policies were implemented.⁸ This may suggest, as the authors note, “a continued pattern of spatial segregation by race,” and it may be based in part on the realities of the social and economic geography of Suffolk County itself, which vary widely.

Research Gaps

Although local IZ laws are growing in popularity, rigorous research on the social and economic effects of IZ laws is still limited, and significant knowledge gaps remain. Most of the extant research focuses on the private housing market effects of these policies, not all the studies use rigorous methods, and their results are mixed. These studies also tend to focus on a small set of jurisdictions whose programs have been in place for a long time, such as cities in California, Maryland, Massachusetts, and New Jersey. Although these states include a large share of the total number of local IZ policies, they may not be representative of IZ laws around the country, which all have different local contexts. Further research should be done on the private-market impacts of IZ in communities nationwide to create a more representative sample.

Market type also plays a large role in the development of IZ: profitable housing markets can make it easier for developers to set aside below-market units. However, slower housing markets may face barriers in implementing IZ policies because of the potential loss of profit. Most research has looked at the impacts of IZ policies in strong housing markets, and research is sparse on the features of local laws designs that may be more effective across market types. Housing advocates have discussed how IZ can be beneficial for communities in soft or mixed housing markets.⁹ But if IZ is to be more widely applicable as a tool to promote affordable housing, additional research must be conducted on how to design IZ policies that work across a range of market types.

Studies need to consider how different features of IZ policies can have different effects in different locations, and they need to evaluate what components of policy design may be driving impacts (both positive and negative) across jurisdictions. Ignoring distinctions in comparative studies may lead to misleading conclusions, because what works in one setting may not work in another.

As discussed, IZ policies are a promising way to encourage economic opportunity by reducing rent burdens for low-income families, although the types of families served are dependent on program design and eligibility. The range of eligible income levels vary by program, but few programs appear to target very and extremely low-income families to the extent that publicly assisted housing programs do (Schwartz et al. 2012). If IZ policies are to reach more families, more research is needed on how to design programs to ensure deeper affordability. Further exploration of eligibility terms can help policymakers and advocates design programs that meet the housing needs of very low-income families not currently served by most IZ policies.

There are also significant gaps in knowledge of how IZ affects racial and economic equity. Although a few studies have discussed the spatial distribution of units built by IZ, rigorous research has not been conducted that supports whether these laws have a direct impact on reducing racial disparities or improving economic outcomes for residents. IZ may also have an impact on other social outcomes such as crime, health, and access to social services, but these outcomes have generally not yet been studied (Mukhija et al. 2015). Further research should be conducted to determine the specific effects that IZ has on improving equity and other social outcomes.

Conclusion

In many communities, IZ has provided affordable housing to low-income families and provided them with more access to economic opportunity. However, concerns of the potential private-market impacts of these laws have led several states to preempt IZ policies. The evidence that IZ increases housing prices or decreases production is mixed, and outcomes can be affected by differences in program design or the housing market. Existing research points to the benefits of IZ and its ability to create affordable housing, encourage integration, and improve equity. As policymakers consider IZ as a tool to increase affordable housing, additional research should be conducted on how to make IZ policies more effective, equitable, and widely applicable.

Notes

- ¹ Benjamin Schneider, “CityLab University: Inclusionary Zoning,” *CityLab*, July 17, 2018, <https://www.citylab.com/equity/2018/07/citylab-university-inclusionary-zoning/565181/>.
- ² Teresa Wiltz, “Once Seen as a Local Issue, Affordable Housing Is Becoming a State Focus,” *Governing*, October 16, 2018, <http://www.governing.com/topics/urban/sl-affordable-housing-state-legislation.html>.
- ³ David Tuller, “Housing and Health: The Role of Inclusionary Zoning,” *Health Affairs*, June 7, 2018, <https://www.healthaffairs.org/doi/10.1377/hpb20180313.668759/full/>.
- ⁴ For background on the Mount Laurel court decisions and subsequent creation of the Council on Affordable Housing, see <http://fairsharehousing.org/mount-laurel-doctrine/>.
- ⁵ Grounded Solutions Network, Inclusionary Housing Database, 2018, <https://gsn.maps.arcgis.com/apps/webappviewer/index.html?id=331f8a985a244e8fb6e6a2ad23731179>
- ⁶ James Brasuell, “Tennessee Legislature Blocks Nashville’s 2016 Inclusionary Zoning Policy,” *Planetizen*, April 2, 2018, <https://www.planetizen.com/news/2018/04/97998-tennessee-legislature-blocks-nashvilles-2016-inclusionary-zoning-policy>.
- ⁷ Jeff Mapes, “Oregon Legislators Reach Deal On Affordable Housing Legislation,” *OPB*, February 23, 2016, <https://www.opb.org/news/article/oregon-legislators-reach-deal-on-affordable-housing-legislation/>.
- ⁸ After significant thought and deliberation, the authors have decided to use the term “Hispanic” to refer to people of Latin American origin living in the United States. We have decided to employ this term to align with the language used by research sources throughout the brief. However, we recognize that the term “Latinx” is more inclusive of way this group may self-identify. We strive to avoid language that is exclusive and will always attempt to explain the editorial rationale behind the labeling of certain groups.
- ⁹ Stephanie Reyes, “Inclusionary Housing in Soft or Mixed Markets,” *ShelterForce*, May 7, 2018, <https://shelterforce.org/2018/05/07/inclusionary-housing-in-soft-or-mixed-markets/>.

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