



Modifying Inclusionary Housing Requirements: Economic Impact Report

Office of Economic Analysis
Items #161351 and #170208
May 12, 2017

Introduction

- Two ordinances have recently been introduced at the San Francisco Board of Supervisors that would modify requirements that housing developers provide affordable housing, or a fee payment dedicated to affordable housing, as part of their project.
- These requirements, called inclusionary housing, were changed in 2016 by a City Charter Amendment, Proposition C, which also gave the Board of Supervisors the authority to modify them again in the future.
- This economic impact report was prepared based on an initial determination of the Office of Economic Analysis (OEA) that both proposed ordinances would have a material impact on the City's economy.

Economics of Inclusionary Housing

- “Affordable housing” refers to new housing whose rent, or sales price, is limited to make it affordable to households that cannot afford most new privately-produced, “market-rate” housing in the city. Because this limited price is generally lower than the cost of producing the new housing in San Francisco, affordable housing requires a subsidy to be produced.
- In inclusionary housing policy, the subsidy is paid by the market-rate housing developer, which increases their cost of development. It is often argued that developers pass these costs on to land-owners, in the form of lower bids for their land. In this way, those land-owners ultimately bear the cost of the affordable housing subsidies, not developers or market-rate housing consumers.
- However, a reduction in bids from developers can make land-owners better off with the income they already receive from the property, and discourage them from selling to developers to produce more housing. To the extent this is true, housing production would be curtailed. Rents and prices for existing housing—in which the vast majority of households of all income levels live—become higher than they otherwise would be.
- Inclusionary housing policy therefore involves a trade-off between the creation of affordable housing subsidies, for low- and moderate-income households, and the constraining of housing supply that tends to raise market-rate housing prices.

Developer Payment Options and Income Limits

- Under San Francisco's inclusionary housing policy, which apply to projects with 10 or more units, developers have at least three options to fulfill their inclusionary requirements:
 - On-site option: providing a specified number of affordable units as a part of the market-rate housing project.
 - Fee option: instead of providing on-site units, pay a fee to the Mayor's Office of Housing and Community Development (MOHCD), based on the City's cost of producing a comparable unit of housing.
 - Off-site option: providing a specified number of affordable housing units at a different location within the city.
- These requirements are expressed as a percentage: for example, a 15% on-site requirement means that 15% of the units in the project must be affordable. A 30% fee means the developer is required to pay the appropriate MOHCD fee for 30% of the market-rate units in the project.
- Inclusionary housing requirements may also differ in the maximum income that a household must have in order to qualify to rent or buy an affordable unit. These are expressed as percentages of Area Median Income (AMI).

Proposition C and the Trailing Legislation

- In 2012, voters passed a Charter Amendment which created the City's Housing Trust Fund, and established an inclusionary requirement of 12% (for the on-site option) and 20% (for the Fee and off-site options.) All inclusionary units were designated for low-income households, defined as no more than 55% of AMI for rental units, and no more than 90% for ownership units.
- In June 2016, voters passed Proposition C, which raised the inclusionary requirements for projects with 25 or more housing units. The fee and off-site options were raised from 20% to 33%, and the on-site option was raised from 12% to 25%.
- Proposition C also established that the Board of Supervisors could modify the requirements without voter approval in the future. After Proposition C was passed, in trailing legislation, the Board directed the Controller's Office to conduct a financial feasibility study to identify the maximum feasible inclusionary requirements.

Feasibility Study Findings

- During the summer and fall of 2016, the Controller's Office worked with a team of three consulting firms, and an eight-person Technical Advisory Committee, to make a series of recommendations in a final report issued in February, 2017.
- Recommendations of the feasibility study include:
 - Charging different inclusionary housing requirements for rental and owner-occupied housing, based on the finding that new rental housing generally has lower feasibility limits.
 - Establishing initial on-site inclusionary requirements in the range of 14-18% for rentals, and 17-20% for owner-occupied units, based on the finding that higher requirements would likely drive land bids to below their 2012 prices, making it unlikely that landowners would offer land for new housing.
 - Establishing initial fee options at the rate of 18-23% for rentals, and 23-28% for ownership projects, as these levels corresponded to a similar land bid as the recommended on-site ranges.
 - Gradually increase requirements at a rate of 0.5% per year, based on the finding that housing prices generally grow faster than development costs and land values, and projects should therefore be able to support higher requirements in the future.
 - The Controller's analysis was based on the 60/40 split between low and moderate income units that Proposition C established. For example, a 20% on-site ownership requirement would mean a 12% for condos up to 80% of AMI, and 8% for condos up to 120% of AMI.

Details of File #161351 (Sups. Kim / Peskin Legislation)

- File #161351, introduced by Supervisors Kim and Peskin, proposed changes to both the Proposition C requirements for projects with at least 25 units, and smaller projects that were unaffected by Proposition C.
- The changes raise the requirements in some respects, and lower them in others:
 - For projects with 10-24 units, the on-site option is maintained at 12%, but would rise by 0.75% per year, beginning in 2018. The fee option (20% for projects of that size) would not change. On-site ownership units would be affordable to households in the 80-100% AMI range, with an average at 90%, and on-site rental units would be affordable to households in the 40-80% AMI range, with an average at 60%.
 - For projects with 25 or more units, the fee option would be lowered from 33% to 30% for rental projects. Off-site requirements match the 33%/30% fee option.
 - On-site requirements for 25+ projects would be raised from 25% to 27% for owner-occupied and lowered to 24% for rentals.
 - For on-site ownership, 15% must be for households in the 80-100% AMI range, with an average of 90%, and 12% must be in the 100-140% AMI range, with an average of 120%. For on-site rentals, 15% must be for households in the 40%-80% range, with an average of 60%, and 9% must be for households in the 80-120% range, with an average of 100%.
 - The legislation also directs MOHCD to recalculate the fee corresponding to different cost of producing affordable units in buildings of different sizes.

Details of #170208 (Sups. Safai / Breed/ Tang)

- File #170208, sponsored by Supervisors Safai, Breed, and Tang, also changed the requirements for 10-24 units, and the larger 25-or-more unit projects affected by Proposition C:
- For projects with 10-24 units, the legislation would leave the fee unchanged, but increase the applicable on-site and off-site income limits to an average of 80% of AMI for rentals and 120% of AMI for condos.
- For projects with 25 or more units it would:
 - Lower the fee option from 33% to 23% for rental projects and 28% for ownership projects. The fee would rise by 0.5% per year for ten years.
 - Lower and modify the onsite requirement from 25% to 18% for rental projects (for income limits between 55% and 110% of AMI, with an average of 80%), and to 20% for ownership projects (for income limits between 90% and 140% of AMI, with an average of 120%). These on-site requirements would also increase by 0.5% per year for ten years.
 - Set off-site requirements that match the 28%/23% fee option, which would also increase 0.5% per year for 10 years.

Summary of Major Points of Difference Between Current Law (Based on Proposition C) and Each Proposal

	Current Law (Prop C)	Kim/Peskin Proposal	Safai/Breed/Tang Proposal
10-24 unit projects	12% Onsite; 20% Fee	Onsite requirement increases by 0.75% per year	Income limits rise for onsite option, to 80% of AMI for rentals and 120% for ownership
Fee for 25+ unit projects	33%	Falls to 30% for rental projects	Falls to 28% for ownership and 23% for rental projects. Would increase 0.5% per year for 10 years.
Onsite for 25+ unit projects	15% for low-income; 10% for moderate-income	Rises to 27% for ownership projects (15% low-income, 12% moderate); falls to 24% for rental (15% low-income, 9% moderate)	Single tier, falls to 20% for ownership projects; 18% for rental. Would increase 0.5% per year for 10 years.
25+ unit project income limits	Low is 55% of AMI for rentals, 80% for condos; Moderate is 100% and 120%	Largely maintains Prop C levels	Raises average income limits to 80% of AMI for rentals and 120% for ownership

Economic Impact Factors

As discussed earlier, by changing the inclusionary housing requirements established by Proposition C in 2016, the proposed ordinances would affect the economy in two primary ways:

1. Changing inclusionary requirements affects the cost of developing new housing in San Francisco. On the margin, higher requirements could make some projects infeasible, and lower requirements could facilitate projects that had been marginally infeasible. Changing housing production in this way affects housing prices facing all renters and purchasers of market-rate housing in the city, at all income levels.
2. Changing inclusionary requirements would also change the number of, and/or funding for, affordable housing units. This would reduce the subsidy that low and moderate income households receive from this housing, and put upward pressure on the housing burden facing those households.

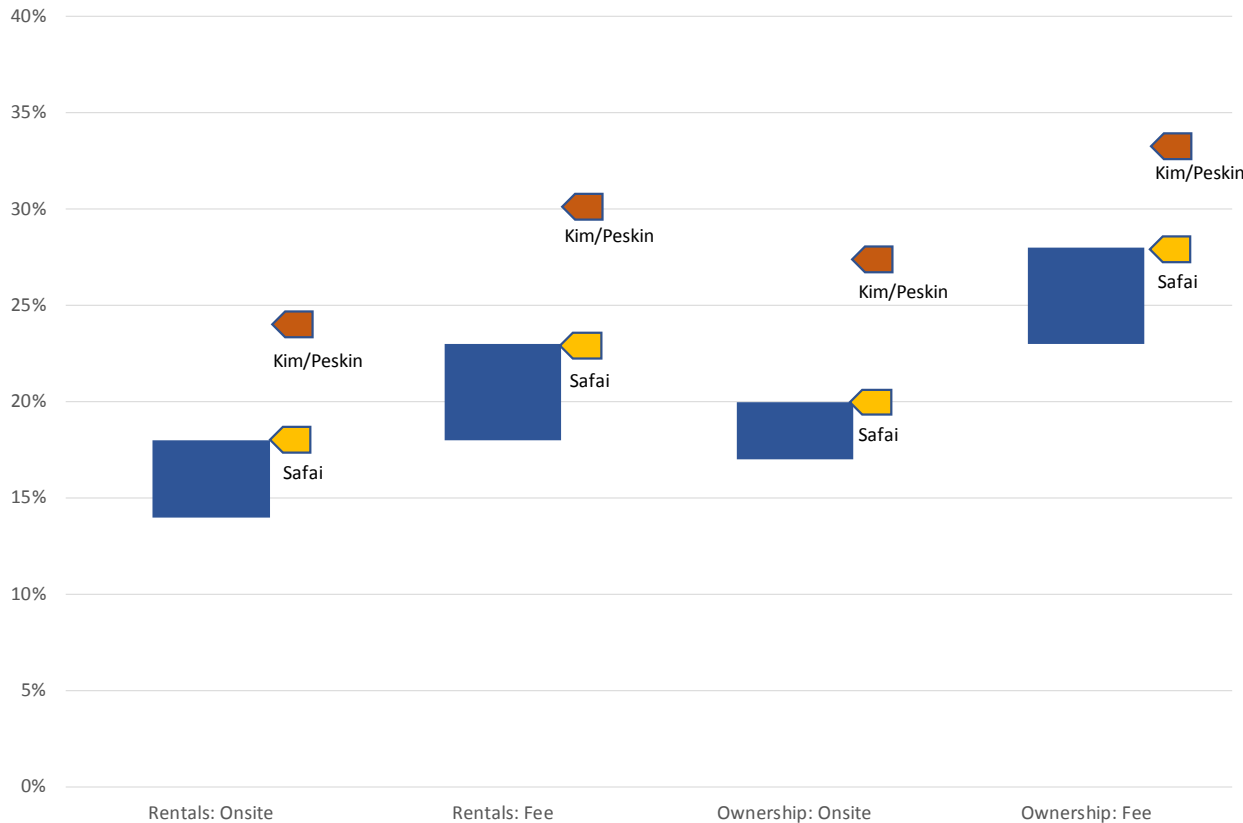
The net impact of both pieces of legislation depends on the relative magnitude of these two effects. Our estimates of them are detailed on the following pages.

Approaches to Estimating How Inclusionary Requirements Effect Feasibility and Housing Production

- During the feasibility study process, two approaches to estimating the impact of changes to the City's inclusionary requirements were developed by the consulting team, and relied upon by the Controller's Office and the Technical Advisory Committee.
- The first approach, which is more traditional in housing feasibility studies, involves using pro formas of representative projects, and testing the impact of policy changes on their financial feasibility. This approach has the advantage of using up-to-date information and a sophisticated financial model, but is weaker at estimating the citywide impact of policy changes, because it relies on data from only a few parcels and projects, which may not be representative.
- The second approach uses a statistical model that estimates the likelihood of each land parcel in the city to produce new housing, based on its land use and zoning characteristics, and the state of the housing and construction markets. This model, based on development projects during the 2000-2015 period, was developed for the OEA's economic impact report on Proposition C² and significantly refined during the feasibility study.

Pro-Forma Feasibility: How the Two Proposals Relate to Recommendations from the Controller's Feasibility Study

Feasibility Ranges from Controller's Study, and Initial Requirements in Each Proposal, Projects with 25 or More Units



The chart to the left shows the initial requirements of both proposals for rentals and ownership projects, for the on-site and fee options. Next to the arrows are the feasibility range, in dark blue, identified from the pro forma analysis conducted by consultants in the Controller's feasibility study¹.

The Safai/Breed/Tang proposal establishes initial requirements at the maximum of each of the recommended ranges, although the income limits in the Safai/Breed/Tang proposal are higher than those assumed in the Controller's study.

The Kim/Peskin requirements are higher. However, as described on the next page, pro forma prototypes that took the maximum State Density Bonus would be financially feasible under the Kim/Peskin requirements.

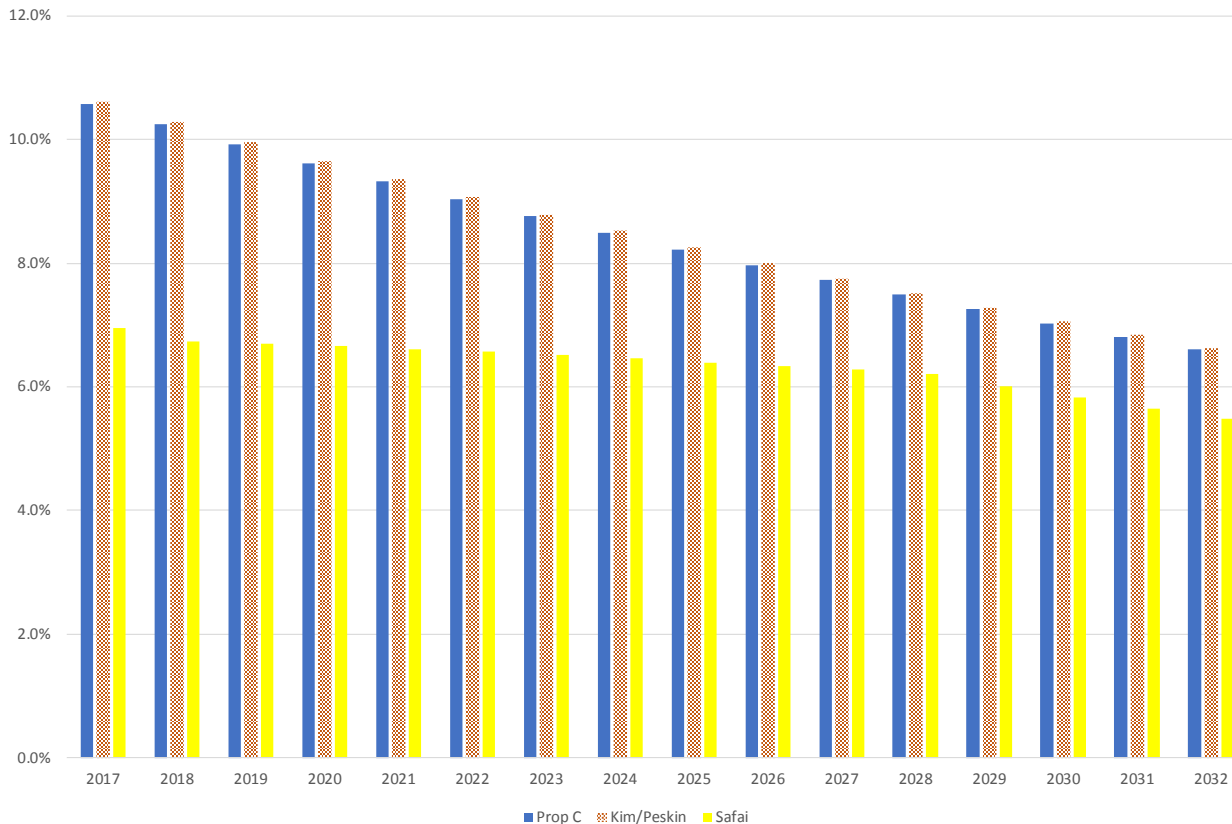
¹ <http://openbook.sfgov.org/webreports/details3.aspx?id=2413>

The State Density Bonus and Feasibility Findings

- State law provides developers with an option to increase the density – and the number of units – within a project, in exchange for providing affordable housing on site. Because the State’s affordable requirements are lower than the City’s, virtually every new housing project in San Francisco that takes the onsite option could qualify for some State density bonus. Projects taking the fee option are not eligible.
- The bonus units allow projects to support a higher inclusionary requirement and remain feasible. However, the City is prohibited from requiring that any of the bonus units are affordable, and from imposing higher requirements only on those projects that take the bonus.
- For the prototype pro formas studied in the feasibility study, a bonus project providing the Kim/Peskin onsite requirements, would be roughly as feasible as a non-bonus project with the Safai/Breed/Tang requirements. However, a non-bonus project would not be feasible with the Kim/Peskin requirements.
- Use of the bonus has, to date, been limited in San Francisco, and the study reached no conclusions about how widely it would be used in the future.
- The Safai/Breed/Tang proposal requires a bonus project to pay the fee option on the bonus units, so a bonus project would contribute more to affordable housing than a non-bonus project.

The Statistical Model Uses the Cost of the Proposed Policies to Estimate Their Effect on Housing Production

Estimated Cost of Onsite Inclusionary Housing Requirements for Projects with 25+ Units, as a Percentage of Sales Price, 2017-2032



The statistical model created during the feasibility study estimates housing production as a function of the cost of the inclusionary policy to developers. Policy cost is expressed as a percentage of the sales price of a new market-rate unit (condo or apartment).

Estimating cost is challenging because of the range of options open to developers, and in this report, we focus on the onsite option. The chart to the left illustrates the estimated cost of the onsite alternative, assuming 65% of future units are condominiums and 35% are apartments.

Costs are projected fall over time, because housing prices generally rise faster the policy costs. The Kim/Peskin proposal closely tracks Proposition C; the Safai/Breed/Tang proposal is less costly to developers, but its cost does not decline as rapidly, because of its rising onsite requirements.

Projecting the Impacts on Housing Production, Prices, and Affordable Housing Units and Subsidy Value

- Using the statistical model of development developed during the feasibility study³, the OEA simulated the impact of the two proposals, and Proposition C, on overall housing production in the city over the 2017-2032 period.
- To estimate affordable housing production, we used the on-site option for both proposals: multiplying the units produced by the applicable on-site percentages. While developers do utilize other options, their costs and benefits are harder to estimate.
- This approach is only reasonable when onsite and fee options are comparable to each other. Because of this, we are not analyzing 10-24 unit projects, as under the Kim/Peskin proposal, their onsite requirements increase over time, while their fee option does not.
- Projecting future housing development is subject to many uncertainties. We project housing production under a set of different assumptions about housing price and construction cost growth, the split between ownership and rental units, and varying uses of the state density bonus by future housing projects.
- For each of these scenarios, housing production, for projects with 25 or more units, was estimated under current Proposition C policies, and each of the two proposals.
- On the next page, each proposal's outcomes are presented as a range of percentage differences from Proposition C, because results are different under different scenarios.

Estimated Impacts of the Two Proposals on Total Housing Production, and Affordable Housing Production

- The model allows us to estimate the total number of units produced (relative to Proposition C), the impact of that difference on citywide housing prices, and the annual spending of market-rate housing consumers.
- We also estimated the number of affordable units, as discussed on page 14. The average subsidy per unit is the difference between a household’s annual cost in an affordable unit, and their cost in a new market-rate unit. The number of affordable units, multiplied by the average subsidy per affordable unit, yields the total annual value of the subsidy.

Outcome	Kim/Peskin Proposal vs. Prop C	Safai/Breed/Tang Proposal vs. Prop C
Total number of housing units produced	0.1% less to 0.2% more	4.7% to 7.1% more
Citywide housing prices	0.0%	0.1% to 0.8% less
Annual spending on housing	\$0 to \$2 M more	\$15M to \$98M less
Number of Affordable Housing units	2% to 4% more	5% to 8% less
Average subsidy per affordable unit	1% to 2% less	11% to 12% less
Total annual value of subsidy	\$1 M to \$4 M more	\$10M to \$50M less

Net Impacts and Conclusions

- In every scenario, the Safai/Breed/Tang proposal, which reduces inclusionary requirements, leads to the production of more housing relative to Proposition C, and lower prices for existing housing, at the cost of reducing the number of affordable units, and the value of subsidy generated they generate.
- Under the Safai/Breed/Tang proposal, the gain to market-rate housing consumers is greater than the loss of affordable housing subsidy. For every dollar of subsidy lost, market-rate housing consumers gain between \$1.45 and \$2.53 in price savings.
- The Kim/Peskin proposal creates outcomes that closely track to Proposition C. Different outcomes between Proposition C and the Kim/Peskin proposal result from different assumptions about the future split between condominiums and apartments.

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