DEVELOPMENT WITHOUT DISPLACEMENT

JUNE 2018

Contents

Introduction

Transit accessibility presents a conundrum for urban neighborhoods. On the one hand, a lack of transit can isolate residents from economic and social opportunities, particularly in low-income areas. On the other hand, introducing new transit makes a neighborhood more desirable to new residents, and higher property values can displace existing communities. This process of "gentrification" plays out in cities across the world as people with higher incomes seek out the convenience and amenities of transit-oriented urban neighborhoods: existing residents are displaced, communities are broken down, small businesses are disrupted by larger enterprises, and the new value created in the neighborhood is distributed unevenly.

In this report, we present a Social Equity Toolkit that policymakers can use to create development without displacing existing communities.

The measures outlined in the toolkit are mapped onto a series of timelines which align to key milestones in the transit-oriented development process. This is particularly important, as each measure will only influence the amount of displacement when deployed at the appropriate stage in the development process. A temporal format provides practical guidance regarding when to implement each policy intervention.

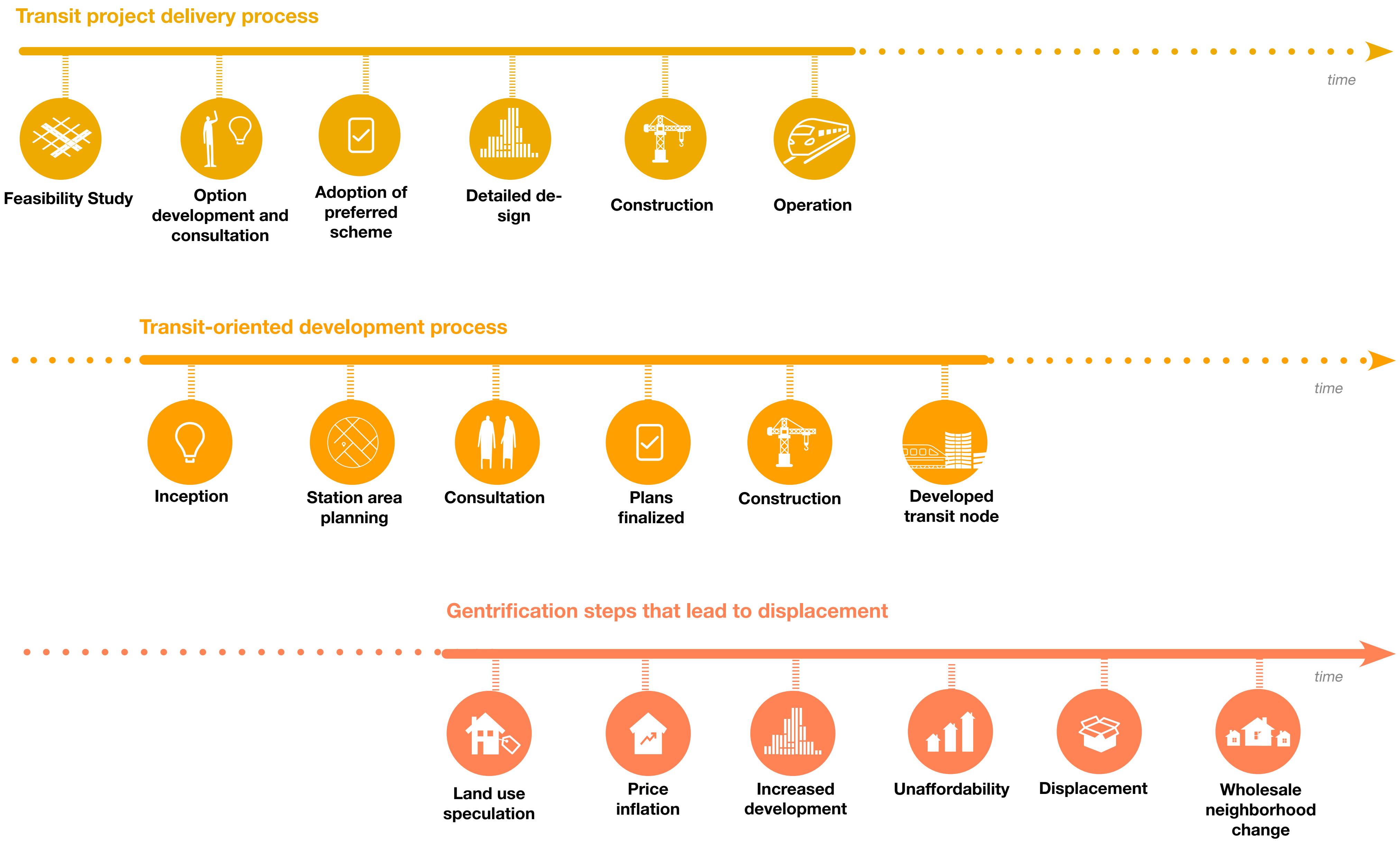
The result is a kit of complementary policies that can be deployed across transit-oriented developments to ensure community culture is preserved and housing remains affordable, while still allowing a neighborhood to grow and change.

The Challenge

While patterns of neighborhood change vary, the forces of gentrification associated with increased transit accessibility can be so powerful. The diagram here outlines how the development of transport infrastructure can relate to transit-orientated development and the steps that can lead to displacement.

Mere speculation of new transit can spur interest among new residents and real estate developers. As demand for a district increases, land values and rental prices increase. While the quantity and quality of housing and amenities might go up, market and cultural forces tend to only create opportunities for wealthy incoming residents. Demand across all income groups often outpace supply, but most acutely for low-income segments causing voluntary or involuntary displacement.

Understanding how the three timelines in the diagram interrelate is critical for breaking down the link between transit-oriented development and displacement.



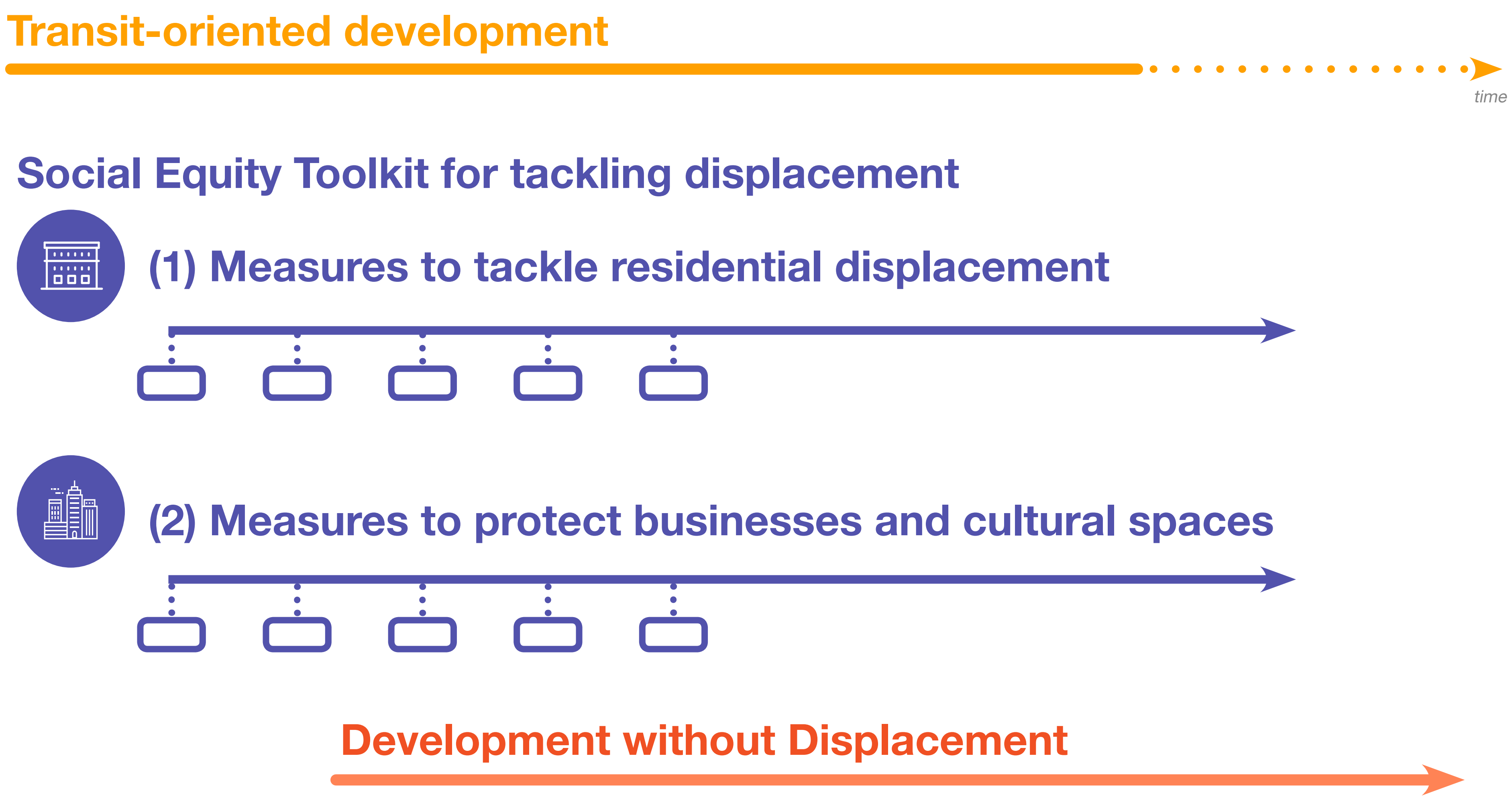
Responding to the Challenge

The Social Equity Toolkit is a catalogue of best practice measures to create development without displacement. The guide is split into two parts: the first is measures to tackle residential displacement, and the second includes measures to protect businesses and cultural spaces.

This Social Equity Toolkit maps protection measures on a series of timelines, which align to key milestones in the transit-oriented development process. This is particularly important, as each tool will only influence the development outcome when deployed at the appropriate stage in the development process. A temporal format provides practical guidance regarding when to implement each policy intervention.

While each of the tools can be used separately, deploying complementary tools together has the potential for much greater impact. This requires forward planning, as well as a strong understanding of when in the development process each measure in the toolkit should be used.

In the remainder of this document we will explore the most applicable tools for transit-oriented development in detail and identify successful case studies.



SOCIAL EQUITY TOOLKIT

This document presents a kit of complementary policies that can be deployed across transit-oriented developments to ensure community culture is preserved and housing remains affordable, while still allowing a neighborhood to grow and change.

Measures to Tackle Residential Displacement

Community Land Trusts

Dedicated government or NFP owned land stock for affordable housing creation

Inclusionary Zoning

Legislation granting developers additional floor space or height in exchange for inclusion of affordable housing

Just-Cause Eviction Ordinances

Legal rights for rental tenants, protection against unjust evictions

Community Benefits Agreement

Agreement between government, developers and the community on proposed development

Measures to Tackle Residential Displacement

Linkage Fees

Fees imposed on residential and/ or commercial development

Right-to-Stay

Obligates developers to offer existing tenants new apartments at comparable rates in the new proposed building

Home Ownership Protection Policies

Financial assistance policies existing to support low-income home ownership

Rent Controls / Stabilization

Control rental yield through established legal rights mandating inflation on rental properties by real estate market

Measures to Protect Businesses and Cultural Spaces

Commercial Zoning Regulations

Zoning to protect small businesses, heritage, cultural spaces

Community Benefits Agreement

Agreement between government, developers, and the community on proposed developmen

Allocated Arts and Culture Space

Space and program designated to cultural and artistic expression in the local community fostered by city and developer support

Lease-to-Own Programs

Financial and technical assistance for commercial tenants who are not in a position to purchase the properties they occupy

Measures to Tackle Residential Displacement

Social Equity Toolkit Part 1: Measures to Tackle Residential Displacement

This section outlines seven tools that can be applied by governments to protect and foster residential affordability and summarizes multiple additional tools for further consideration.

TOOLS FOR GOVERNMENT

Community Land Trusts	Inclusionary Zoning	Just-Cause Eviction Ordinances
Community Benefits Agreement	Linkage Fees	Right-to-Stay
Home Ownership Protection Policies	Rent Controls / Stabilization	

ADDITIONAL TOOLS

What do we mean by measures to tackle residential displacement?

Residential measures can protect residents against displacement or eviction in the face of increased prices and real estate speculation across a community. In general, the specific tools aim to emphasize protecting housing affordability, producing new affordable stock, preserving and creating key community amenities and services, and protecting people from unjust evictions. These tools can work together as part of a package of measures to support existing residents.

Timeline of Measures to Tackle Residential Displacement

Transit-Oriented Development Process

Inception → Station area planning → Consultation → Plans finalized → Construction → Developed transit node

Community Land Trusts

Actions

Dedicate land stock to affordable housing measures

Outcomes

Gives people opportunity to buy property in areas that are otherwise unaffordable

Allows for ownership and stability

Inclusionary Zoning

Actions

Allow property incentives for developers who include affordable housing

Outcomes

Developers can receive extra floor space and other incentives

More affordable housing stock

Just-Cause Eviction Ordinances

Actions

Create new legal rights for tenants, protect against evictions

Outcomes

Allows for future tenant protection

Promotes rental stability

In combination with code enforcement, can support equality

Community Benefits Agreement

Actions

Seeks agreement between government, developer and community group on proposed development

Highlights community needs / desires in face of change

Outcomes

Allows for open discussion and negotiation

Linkage Fees

Actions

Impose charges on new development to support affordable housing

Rates vary

Can be avoided through affordable development

Outcomes

Amasses funding for affordable development

Right-to-Stay

Actions

Developers or landlords must provide existing residents living options in same location if complex being redeveloped

Outcomes

Existing tenants not displaced due to development

Affordable living options retained

Home Ownership Protection Policies

Actions

Protection for homeowners combined with grants to support repairs / rehabilitation

Outcomes

Can improve housing stock

Secures the benefits of home ownership by helping residents stay in and keep homes

Rent Controls / Stabiization

Actions

Controls rental yields

Outcomes

Establishes new legal rights for tenants

Directly affects affordability on neighborhood scale

Maintains local affordability

Gentrification Steps that lead to Displacement

Land use speculation → Price inflation → Increased development → Unaffordability → Displacement → Wholesale neighborhood change

time

Community Land Trusts

Measures to Tackle Residential Displacement

What is a community land trust?

Nonprofit community land trusts (CLTs) maintain long-term or permanent affordability of property by separating ownership of land from the building(s) on it. Utilizing strong government or not-for-profit (NFP) support, the trust aims to make home ownership and rental much more affordable than typical market rate. CLTs come in many forms, but generally function as follows.

An organization purchases land and maintains stewardship in perpetuity to immunize the land from external market forces. It provides long-term (typically 99-year) leases to residents and business owners and offers them a share of the profits when they sell.The remainder is invested back into the CLT. The CLT typically works with communities to determine the optimal use(s) for land and enforces these among leaseholders through legally binding covenants. CLTs are usually managed by boards, and a majority of members live on or around the CLT-owned land.

The trust provides residents with the prospect of affordable home ownership, which would otherwise be unattainable for local low-income residents. Alternatively, CLTs can enforce rental guidelines ensuring properties on the land are affordable.

When should CLTs be implemented?

The earlier the better. Some of the most successful CLTs were made possible thanks to early foresight by trust leadership, who purchased parcels of land prior to price increases. The further along in the transit-oriented development process, the higher the land value, and the more difficult acquisition becomes.

What works well?

- Provides access to homeownership to low- or moderate-income individuals
- The board structure facilitates direct participation of community members in the management of land
- Strong record of success—roughly 250 CLTs in the US, accounting for nearly 10,000 housing units

What are the unintended consequences?

- Community stigma towards allocated land for affordable housing
- Removing parcels of land from the market may drive up the price of adjacent land
- Creates a “second-class” home ownership model, whereby residents do not enjoy the full benefits of home ownership

What are the challenges?

Can lead to NIMBYism from surrounding residents

Land in desired areas is often difficult and/or expensive to obtain

Requires a high level of funding from the government

Urban Land Conservancy
Denver, Colorado

Timing is key: banking an ample supply of land before prices rise too high enables long-term affordability.

The Urban Land Conservancy (ULC) is a nonprofit community land trust that provides affordable housing and other community amenities. Through its $15 million TOD fund (an innovative revolving loan fund developed with help from public, private, and nonprofit partners), Urban Land Conservancy purchases land near existing and planned transit stations and sells building rights to partners who commit to using the land for community benefit, including affordable housing.

ULC’s model has proven highly successful: Since its founding, ULC has purchased 19 properties in and around Denver, most of which are located near transit. Through these property investments, ULC has preserved the affordability of hundreds of rental homes and maintained operation of schools and nonprofit community centers.

The land’s location in close proximity to transport nodes also ensures services, facilities, education, and employment opportunities are accessible to residents. Encouraging an affordable ongoing lifestyle rather than just an affordable place of residence.

(Left to right) An affordable housing and retail project by Studio Completiva, Mile High Vista at West Colfax, Denver, Colorado

Inclusionary Zoning

What is inclusionary zoning?

Inclusionary zoning is designed to leverage private development to create new opportunities for affordable housing units. Under inclusionary zoning legislation, a city grants developers an additional floor area bonus should they set aside a designated percentage of units either in or near a market-rate housing development as affordable (typically based on local median area income). The intent is to promote socioeconomic diversity in changing communities, while directly combating gentrification by allowing long-time residents to remain in their home neighborhoods. Inclusionary zoning policies are typically voluntary, though some cities have mandatory inclusionary zoning in certain districts.

Tying affordable housing development to market-rate construction passes much (though not all) of the expense of affordable housing to the private sector. Especially in high-rent, high-demand districts, the extra floor area bonus can be a powerful incentive to developers eager to reap the benefits of building more market-rate units.

When should inclusionary zoning be implemented?

The entire process of implementing inclusionary zoning, from mapping the district, determining specific requirements, opening a housing lottery, and selecting tenants, can take multiple years. Therefore, starting the process early in the transit development timeline is key to ensuring ample affordable units in a TOD project.

What works well?

- Passes much of the expense of affordable housing development onto the private sector in a mutually beneficial arrangement
- Particularly in high-demand districts, density bonuses are powerful incentives to build affordable housing

What are the unintended consequences?

- Affordable housing seen as burden on developers
- Zoning needs to be applied prior to planning starts
- Market rate to affordable proportions (e.g. 80/20 zoning) can lead to a majority high income area and lead to higher costs of living
- Definition of "affordable" often excludes the lowest-income residents

What are the challenges?

Stigma towards affordable housing

Viewed as over-regulation by developers

Only works in very high-demand districts

Inclusionary Zoning

New York City, New York

Launched in 2005 under former Mayor Michael Bloomberg, New York City's Inclusionary Housing (IH) Designated Areas Program granted developers an additional floor area bonus if they set aside 20% of units either in or near a market-rate housing development as affordable (below 80% area median income). Under Mayor Bloomberg's tenure, the program created nearly 3,000 affordable units in seven years and required that these units remain affordable in perpetuity. While most of these can be found in just two neighborhoods, these areas have witnessed a particularly rapid escalation in real estate costs and widespread gentrification, so these affordable units have allowed many residents who would otherwise have been displaced to remain in their neighborhoods. Remaining in gentrifying neighborhoods has created challenges for lower-income tenants, who may struggle to find affordable access to daily expenses (groceries, childcare, and other necessities) in higher-income neighborhoods.

Bloomberg's program was strictly voluntary, so its effects were limited beyond a handful of extremely in-demand neighborhoods. In 2016, under Mayor Bill de Blasio, New York City Council passed Mandatory Inclusionary Housing (MIH), which requires inclusionary units in all new rezonings and private zoning applications that meet certain certain. MIH features multiple levels of affordability and currently requires the highest percentage set aside for any major US city. The impacts of MIH remain to be seen as there have only been a limited number of larger rezonings in New York since its passage.

Just-Cause Eviction Ordinances

What are just-cause eviction ordinances?

Just-cause eviction ordinances legally enforce a list of “just causes” for tenant eviction to prevent unfair landlord practices. The planning policy enables and regulates tenant protections through formal legal processes. Without adequate ordinances, landlords can legally evict residents for loose reasons, often to obtain higher rates for the housing which is unaffordable to current residents.

Even in circumstances where eviction may be warranted, just-cause ordinances can aid vulnerable groups and assist in the relocation process.

This tool can be deployed successfully at scale but requires significant government engagement and enforcement.

When should just-cause eviction ordinances be implemented?

While just-cause eviction ordinances are always valuable to lower-income residents with limited resources to relocate, they become particularly critical once real estate values have risen beyond the means of the average long-time resident. Tenant harassment and unjust evictions are well-documented practices that arise when landlords can fetch higher rents than they are earning with existing tenants. As such, just-cause ordinances should be implemented when real estate speculation first begins.

What works well?

- Allows for future tenant protection
- Creates new legal rights for tenants and protects against evictions
- Promotes rental stability
- Supports equity when utilized with code enforcement

What are the unintended consequences?

- Ordinances are only effective when tenants know their rights
- Landlords can still use “buy-out” offers to encourage tenants to move out of their units

What are the challenges?

Requires city-wide application and enforcement	**Lack of acceptance by landlords**	**Still at risk of price increases due to upgraded stock and value**

Just Cause for Eviction Ordinance
San Francisco, California

The City of San Francisco, California, provides just-cause eviction protection for tenants living in rent-controlled units. The City identifies 16 just causes, including failure to pay rent, substantial damage to the unit, illegal uses, unapproved subtenants, sale or demolition of a building, and others.

If any of the clauses that cause forced relocation are met, the tenant has the right to relocation payments, which are honored under these circumstances or for those who are evicted with less than 20 days’ notice. The City also provides technical assistance in the form of counselors and written information to help tenants know their rights and abilities with unjust eviction attempts by landlords.

Community Benefits Agreement

Measures to Tackle Residential Displacement

What is a Community Benefits Agreement?

A Community Benefits Agreement (CBA) is a project-specific agreement between a developer and a broader community coalition that outlines the project's contribution to a community, often in exchange for community support.

A CBA is frequently structured as an agreement between a local government and developer. A CBA crafted according to best practices empowers communities in the development process and is legally binding by signatories, ensuring developers uphold the agreement. CBAs can cover a range of issues important to communities. This section of our report focuses on residential displacement, and a later section focuses on how CBAs can work for businesses and cultural spaces.

CBAs can be quite broad in scope. Measures to protect communities from residential displacement can span from funding for housing programs, tenant relocation assistance, housing allotments, or affordable housing funding and development. The geographic and financial scope of CBA's can vary widely. While financial incentives are often favored by developers to alleviate the need to dedicate land to other programs, initiatives such as housing and recreation can have long-term positive benefits on community.

When should CBAs be implemented?

Since CBAs are agreements with developers, they are unlikely to come into play until after a developer has initiated the approval process on property acquisition and development. To negotiate effectively, communities should organize early in the development consultation phase to determine local demands and develop a productive relationship with developers.

What works well?

- Residents have ability to influence and shape development as well as future funding allocation in the neighborhood
- Protects residents and business owners from being disadvantaged by new development
- Can safeguard local jobs, schools, businesses, and housing against adverse effects
- Can identify clear funding sources and timelines for the provision of agreed community benefits

What are the unintended consequences?

- Often only small portion of community involved
- Difficult to assess the benefits of a CBA until the long term, e.g., 10 years into the future when all development has occurred
- Power ultimately in hand of governments

What are the challenges?

Not necessarily representative of entire community

Requires facilitation and oversight of implementation by government

Community may be opposed to any development

Community Benefits Agreement
Boston, Massachusetts

A Community Benefits Agreement (CBA) was created as part of the extension of Boston's light rail and associated real estate development. The CBA created for the new development includes affordable housing, local jobs, workers rights, small business initiatives, community resources, open space, arts and culture, public safety, and participatory planning in the redevelopment.

The Union United Coalition includes an array of community members such as activists, business owners, residents, and special interests who have direct input into the creation of the CBA.

The broad scope of terms within the agreement allowed for a more holistic community approach, covering social, physical, and environmental aspects of society responding to a range of interest groups as well as overall desires. This involvement by the community helped the residents to embrace the development as a positive change to the existing landscape and helped increase the quantity of affordable housing around the new stations.

Linkage Fees

Measures to Tackle Residential Displacement

What are linkage fees?

Linkage fees are charges levied on developers to offset some of the costs incurred by governments as a result of new development. While typically used to pay for roads, parks, and other infrastructure, some cities use linkage fees to pay for affordable housing units either on- or off-site.

Fees and conditions are be subject to state jurisdiction and planning ordinances.

When should they be implemented?

It is crucial that linkage fees are made clear in planning phases of precinct and transit-oriented development to avoid developers finding loopholes in the planning process to avoid fees.

What works well?

- Draws on private sector contributions
- Partially relieves government burden to provide amenities

What are the unintended consequences?

- Places additional financial burden that could deter development or increase prices for other buyers
- Many developers will pay fees to avoid including affordable housing on-site
- Can place the onus on the government or organizations to facilitate affordable housing

What are the challenges?

Developers can build without including affordable housing	**Loopholes and exemptions**	**Community and developer stigma towards affordable housing**

Los Angeles Proposed Linkage Fees

Los Angeles, California

The City Council of Los Angeles recently voted unanimously to approve an affordable housing linkage fee applicable to all new commercial and residential developments citywide. The legislation proposes rates of $5 per square foot for non-residential/ commercial use and $12 per square foot for new residential use, though planners have proposed a tiered system as well.

The fee was initially proposed over 2 years ago by Los Angeles Mayor Eric Garcetti and has since received strong opposition from business groups and academics, believing it would slow the development process and fuel the current housing crisis.

The funds received from the fees are expected to draw $75-$92 million annually, enough to build roughly 1,500 affordable units per year.

Right-to-Stay

What is Right-to-stay?

Right-to-stay policies obligate developers to offer existing tenants of a proposed development site new apartments at a comparable rate in the new proposed building, ensuring existing residents can live in the same location despite building changes imposed by landlords or developers.

Typically, right-to-stay policies ensure developers or landlords keep a percentage of rental apartments under city rent controls or affordability ordinances to prevent displacement of existing residents and ensure ongoing affordability in the new complex.

This policy enables tenant protections through the development processes. Without right-to-stay, developers and landlords can legally evict residents for the sake of new development and personal financial gain. While just-cause evictions ordinances may ensure tenants are financially compensated for abrupt movement, they can be relocated elsewhere without sufficient warning and are not ensured local living arrangements.

This tool can be deployed successfully at scale but requires significant government engagement and enforcement.

When should right-to-stay be implemented?

Right-to-stay policies are always highly valuable to ensure ongoing housing security and permanence in location. These debates are typically in light of new proposed development in which existing residents request to maintain their current location.

Ideally, these policies should be implemented early to avoid later loopholes and disagreements, however they will be useful to tenants at any stage.

What works well?

- Ensures existing residents can live in the same location despite building changes imposed by landlords or developers
- Promotes affordable housing over personal financial gain by developers
- Keeps rental market at a local scale

What are the unintended consequences?

- Can be the subject of ongoing debate and negotiations
- Avoided by developers and landlords due to lack of revenue
- Quality of new apartments is hard to regulate

What are the challenges?

Unfavorable to developers who might be seeking high-income tenants	**Does not ensure consistent apartment size / quality**	**Requires city wide application and enforcement**

Trinity Plaza Apartment Building

San Francisco, California

In 2005, after a lengthy two-year battle between tenants and the landlord, the existing residents of Trinity Plaza apartments successfully obtained security in the apartment block's future.

The negotiated agreement will ensure the landlord must put 360 out of the proposed 1,700 rental apartments intended to be developed under the regulations of the City's rent control ordinance.

While rent control in San Francisco is typically only applicable to certain buildings, including those developed before 1979, this agreement has ensured the new development will be inclusive of existing residents.

Existing residents have the potential to gain higher-quality residences with plans for increased amenity, apartment space and common areas.

Negotiations throughout the process were difficult but ultimately successful for residential affordability.

Home Ownership Protection Policies

Measures to Tackle Residential Displacement

What are home ownership protection policies?

A suite of financial assistance policies exist to support low-income or struggling homeowners, allowing residents at risk of displacement due to rising living costs to stay in their homes despite external market pressures.

Designed to alleviate financial strain on homeowners, these policies include tax relief which can inflate with a changing market or grants and loans to cover repairs.

These policies help to maintain local ownership of property when applied correctly and help to stabilize existing neighborhood residential markets and encourage home ownership.

Complementary policy: Foreclosure assistance provides funding to homeowners at risk of foreclosure. It is in the same family as the home ownership protection policies and can be applied alongside these or interdependently.

While direct financial incentives or alleviation are not prioritized in this document, we acknowledge they can be beneficial when contextually appropriate and are sometimes required.

When should home ownership protection policies be implemented?

These policies can be implemented by City government during the middle to late stages of gentrification. However they are beneficial to any existing homeowners at any stage of the development process.

What works well?

- Secures the benefits of home ownership by helping residents stay in and keep homes despite changing landscape
- Supports repairs and rehabilitation, can improve housing stock when combined with grants
- Prevents displacement due to unaffordable housing rates and taxes

What are the unintended consequences?

- Deferred or low interest loans can be a burden to pay off for low-income households
- Programs are costly to administer and reliant on funding
- One-time payment does not alleviate the pressures of high ongoing living costs

What are the challenges?

Requires high levels of government funding	**Only help home owners**	**Beneficiaries not updating their details and receiving undue ongoing benefits**

Home Ownership Protection Policy
Philadelphia, Pennsylvania

Philadelphia's Longtime Owner Occupants Program (LOOP) allows for discounted property taxes for homeowners who have lived in their homes for 10 years or more who are experiencing a significant increase in their property assessment from one year to the next, and other criteria.

LOOP allows homeowners to receive coupons for tax discounts to decrease ongoing costs. The approved application and subsequent discounting lasts for 10 years, personal details of house occupants, income and other contributing factors must be updated regularly to allow for accurate information and fair distribution of these benefits.

Rent Control / Stabilization

Measures to Tackle Residential Displacement

What is rent control or stabilization?

Rent control policies exist in various forms but generally prohibit or limit allowable increases in rent that landlords may charge. These policies are typically enforced through a locally established authority.

To be most effective, the authority should provide ample information educating the public about these regulations and tenants' rights, as well as respond to tenant and landlord disputes.

As part of a rent control policy, cities should prohibit or limit rent increases due to needed rehabilitation, renovation, or mortgage and debt service (capital improvements), which serve to maintain basic levels of housing habitability.

Rent stabilization measures can not necessarily control housing quality or habitability, and there are issues with permanence, landlord compliance, and tenant education. However they can ensure that renters are not subjected to unaffordable price increases due to increased land interest in a community and subsequent market increase.

When should rent control or stabilization be implemented?

In many cities, rent control or stabilization policies may already be in effect. However, they may not apply to new units, even those in low- or middle-income areas. While timing is not directly tied to any specific point in the development process, the introduction of new rent stabilization measures will likely require a lengthy legislative process.

What works well?

- Establishes new legal rights for tenants
- Directly affects affordability on neighborhood scale
- Maintains local affordability
- Empowers tenants
- Stops landlords acting unfairly and displacing residents to drive up rent

What are the unintended consequences?

- Permanence and loopholes
- Affordability controls are not tied to specific residents, no way to be sure those who need it most get it
- Limited scope, some state legislation prevents rent control on certain housing types
- Often criticized by the real estate market

What are the challenges?

Landlords making false eviction allegations	**Loopholes in exceptions to rent control**	**A large amount of property, especially new property, can be exempt**

Los Angeles Rent Stabilization Ordinance (LARSO)

Los Angeles, California

The City of Los Angeles has a Rent Stabilization Ordinance (RSO) that protects tenants from excessive rent increases, while at the same time allowing landlords to increase rent each year by a fair amount.

Many rental properties in the City of Los Angeles are under rent control, although major exemptions include buildings completed after 1978, single lot homes, government funded units, and luxury units.

Social Equity Toolkit Summary

Measures to Tackle Residential Displacement

The measures selected for this document were chosen as options that would cover a breadth of issues and loopholes without excessive overlap in purpose. These tools focus mainly on government strategies, requiring policy implementation to protect homeowners and renters in the face of new development and inflated land prices in neighborhoods. While not all these tools will be applicable to every context of transit-oriented development, together they can create an all-encompassing and secure outlook for tenants renting or owning property in a changing region.

The tools on the following page outline some additional measures to tackle residential displacement. These measures were not selected as the primary focus of this document because some of the main attributes of these additional tools are covered by previously highlighted tools. For example, a guaranteed right to housing attorney may not be needed if just-cause eviction ordinances and appropriate governance are in place to avoid these needs for further legal help.

Tool	Description	Examples	Governance	Benefits	Challenges	Time frame	Government funds required
Community Land Trusts	Dedicated government or NFP owned land stock for affordable housing creation	T.R.U.S.T, South Los Angeles, California Clinton Housing Development Company, NYC, New York	Government, neighborhood, or not-for-profit	Can benefit residents and businesses as well as the wider community	Relies on NFP or government funding to obtain and oversee land	As early as possible; once implemented it is an ongoing resource	Predominantly upfront funding required
Inclusionary Zoning	Legislation granting developers additional floor space or height in exchange for inclusion of affordable housing	Inclusionary Zoning, New York City, New York Measure JJJ, Los Angeles, California	State or city planning policy	Encourages diverse housing stock, encourages mixed-tenure communities	Increases high rise development Developers see as a burden	During re-zoning process	No funds required beyond administration costs
Just-Cause Eviction Ordinances	Legal rights for rental tenants, protection against unjust evictions	Just Cause for Eviction Ordinance, San Francisco, California	Government	Ensures eviction is just and must go through a legal process	Loopholes, eviction can still be justified for minor causes	Ideally implemented before occupancy but can be deployed at any stage. Ongoing policy	No funds required beyond administration costs
Community Benefits Agreement	Agreement between government, developers and the community on proposed development	Union United CBA, Boston, Massachusetts Staples CBA, Los Angeles, California	Individual developments, neighborhood, or city-wide	Gives the community input into the planning process	Negotiation between council, developer and community. May not be a long-term solution	Planning prior to development, implemented upon development	No funds required beyond administration costs
Linkage Fees	Fees imposed on residential and/or commercial development	LA's Affordable Housing Linkage Fee on new commercial and market-rate residential, Los Angeles, California	City planning policy	Encourages affordable housing creation and lower costs for developer	Developer opposition and stigmatization of affordable housing	Policy applied prior to development, costs ongoing with all development	No funds required beyond administration costs
Right-to-Stay	Obligates developers to offer existing tenants new apartments at comparable rates in the new proposed building	Trinity Plaza Apartment Building, San Francisco, California	Individual developments, city planning policy	Protects existing tenants right-to-stay	Difficult to negotiate, done one a case by case basis	When developer is seeking permission to build	No funds required beyond administration costs
Home Ownership Protection Policies	Financial assistance policies existing to support low-income home ownership	LOOP, Philadelphia, Pennsylvania Prop 13, Los Angeles, California	Government	Protects homeowners	Some policies allow for one-off payments or discounts but do not provide for recurring costs	Varied in nature and application. The earlier the better	Annual funds required
Rent Controls / Stabilization	Control rental yield through established legal rights mandating inflation on rental properties by real estate market	Berkeley, Los Angeles and Santa Monica rent controls, California	City government	Provides residents with ongoing affordable housing without the risk rises in rental costs	Requires policy to be implemented	Passing new policy and monitoring ongoing success	No funds required beyond administration costs

Additional Tools

Measures to Tackle Residential Displacement

26th Street Affordable Housing, Santa Monica, California

Peabody Orginisation's Silvertown Housing, West London

First right of refusal legislation

Tool	Description	Examples	Governance	Benefits	Challenges	Time frame
Efficient Housing Models	Housing developments utilize efficient technology and layout to provide money saving initiatives such as passive heating and cooling to lower electricity costs. Open floor plans allowing for flexible in room configuration with users' changing needs	26th Street Affordable Housing, Santa Monica, California Nightingale, Brunswick co-living models, Australia	Building standards	More sustainable building Lower long-term operating costs Flexible floor plans allowing for changing user needs Smaller housing requires less energy and upkeep	Build costs higher than typical affordable housing Standards often need enforcement	Part of the design process and implemented physically during construction Buildings can be retrofitted with these features but it is very costly
Guaranteed Right to Housing Court Attorney	Allows low-income residents to dispute unjust landlord claims or eviction claims through the support of a government-funded housing court attorney	New York City (As of August 2017)	Government	Helps low-income residents fight landlord harassment and eviction	Tenuous funding sources	Anytime, though it is likely to be implemented as reaction to displacement crisis
Co-op Ownership Models / Limited-Equity Cooperatives	Applicable to residences or businesses. Shared ownership model of a property, instead of units being separately owned	Peabody Organization, UK	Co-op owners, Residents, Business	Member-owned, profits distributed evenly internally, fosters social interaction and provides a platform for community voices to be heard	Democratic nature of the model is time consuming and can cause internal issues	Can be established in new or existing properties
First-Right-of-Refusal Laws for Tenants and Nonprofits	Allows tenants and NFP to purchase land before releasing property to the open market	First Right of Refusal program, Washington DC Omnibus Budget Reconciliation Act 1990, US Congress	Government, Realtors	Provides protection from the open market and greater opportunity to purchase property	May not be safeguarded from pricing increases	When property goes to market and could be utilized by low-income family or affordable housing development
Condominium Conversion Regulations	Involving the process of converting multifamily rental properties into condominiums. Imposed restricitions limit ability to do this without just reason or to allow inclusion of affordable housing in resale, to ensure rental market is retained		Government, Developers	Ensures ongoing rental market is preserved where possible	Not favorable by developers due to potential profit in resale price	Ideally procedural regulations are imposed as early as possible to ensure rental affordabilty is retained

Measures to Protect Businesses and Cultural Spaces

Social Equity Toolkit Part 2: Measures to Protect Businesses and Cultural Spaces

This section outlines five tools that can be applied by governments to protect and foster commercial affordability and summarises multiple additional tools for further consideration.

TOOLS FOR GOVERNMENT

- Commercial Zoning Regulations
- Community Benefits Agreement
- Allocated Arts and Culture Space
- Lease-to-Own Programs

ADDITIONAL TOOLS

What do we mean by measures to protect businesses and cultural spaces?

Transit development can create new commercial activity and give residents more choice and create employment opportunities. These benefits can be life-changing for depressed communities, but small and local businesses and cultural spaces can also be pushed out by this change.

Measures such as commerical zoning regulation can ensure affordable development is retained in these areas or taxed if not accumulating funds for much needed infrastructure elsewhere. Community Benefits Agreements can also ensure the existing local economy is insulated from market forces. These agreements can be complemented with arts and cultural space programs which safeguard property for cultural and creative uses, and help to retain neighborhood character and talent despite the shifts in physical landscape and occupancy.

Timeline of Measures to Protect Businesses and Cultural Spaces

Transit-Oriented Development Process

Inception → Station area planning → Consultation → Plans finalized → Construction → Developed transit node

time

Commercial Zoning Regulations

Actions

Zoning to protect small businesses, heritage, cultural spaces

Guidelines can be mandatory or recommended, depending on the terms defined by local government

Outcomes

Protection for small businesses

Community Benefits Agreement

Actions

Establish an agreement between government, developers and local community

Highlights community needs / desires in the face of change

Legally binding

Outcomes

Allows for open discussion and negotiation

Allocated Arts and Culture Space

Actions

Allocate space for community cultural expression

Program can vary from educational, community, cultural, employment to recreational

Relies on community desires

Outcomes

Ensures there are spaces for expression of local culture, and retains local art forms

Lease-to-Own Programs

Actions

Provide financial and technical assistance to commercial tenants who are not in a position to purchase the properties they occupy

Intended to safeguard business owners from rapid growth in rental prices

Outcomes

Safeguards businesses against rising rental prices

Retains local small business and community character

Gentrification Steps that lead to Displacement

Land use speculation → Price inflation → Increased development → Unaffordability → Displacement → Wholesale neighborhood change

time

Commercial Zoning Regulations

Measures to Protect Businesses and Cultural Spaces

What is commerical zoning regulation?

Often associated with the provision of affordable housing units, zoning can also be leveraged in a number of different ways, for example, to preserve small businesses that lend character to a neighborhood. Implemented at the local government level, inclusionary zoning policies can form an important tool. For instance, zoning codes may specify a minimum number of store fronts per building frontage, or they may cap the square footage of individual commercial spaces. These types of requirements can ensure the creation of space for small businesses to operate while deterring big-box retailers from locating in new buildings. Additionally, cities can establish permitting criteria favorable to small, locally owned businesses in districts zoned as commercial corridors. Doing so can foster an environment of commercial diversity and avoid an oversaturation of chains or an overly monotonous commercial landscape.

When should it be implemented?

Zoning regulations must be in place before the development approvals process in order to apply to new construction. Given the lengthy process for enacting changes to zoning codes, cities choosing to employ this tactic should begin as early as possible, either in the inception or precinct planning phases of transit development.

What works well?

- Preserves spaces for small businesses while ameliorating competition from multinational chains
- Explicitly regulates the commercial landscape of neighborhood business corridors
- May still enable larger businesses with conditions

What are the unintended consequences?

- Laborious regulations seen as a burden on developers
- Zoning needs to be applied prior to planning starts
- Loopholes in government / developer relationships push boundaries

What are the challenges?

Stigma against perceived anti-developer policies

Government being persuaded by developers

Lack of firm enforcement by government

Zoning for Small Businesses
San Francisco, California

The San Francisco Planning Code seeks to curb ‘formula retailers’ by mandating extra layers of regulations and approvals in certain zoning districts that do not apply to smaller or locally owned businesses.

Section 303.1 of the San Francisco Planning Code defines “formula retailers” as “a type of retail sales activity or retail sales establishment that has eleven or more other retail sales establishments in operation, or with local land use or permit entitlements already approved, located anywhere in the world,” as well as other forms of standardization such as merchandise selection and corporate aesthetics.

Community Benefits Agreement

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Measures to Protect Businesses and Cultural Spaces

What is a Community Benefits Agreement?

A community benefits agreement (CBA) is a project-specific agreement between a developer and a broader community coalition that outlines the project's contribution to a community, often in exchange for community support.

A CBA is frequently structured as an agreement between a local government and developer. A CBA crafted according to best practices empowers communities in the development process and is legally binding by signatories, ensuring developers uphold the agreement. CBAs can cover a range of issues important to communities. This section focuses on the role of a CBA in protecting businesses and cultural spaces, while an earlier section focuses on housing protections.

CBAs can be quite broad in scope. Measures to protect businesses and cultural spaces can span from additional funding for business support programs to construction of community facilities (e.g., schools or recreational facilities), local hiring commitments, funding for jobs training programs, or open space contributions. While financial incentives are often favored by developers to alleviate the need to dedicate land to other programs, initiatives such as business support and recreation can have long-term positive benefits on community.

When should CBAs be implemented?

Since CBAs are agreements with developers, they are unlikely to come into play until after a developer has initiated the approval process on property acquisition and development. To negotiate effectively, communities should organize early in the development consultation phase to determine local demands and develop a productive relationship with developers.

What works well?

- Involves community in the planning process
- Can protect existing community assets, such as local jobs, schools, and businesses against adverse effects
- Can create new community assets
- Legally binding

What are the unintended consequences?

- Provides short term solutions, including funding, but does not always ensure ongoing affordability
- Facilities, programs, or employment are not necessarily monitored or upkept
- CBAs can often offer funding and local employment in the construction process, but they are not necessarily the best tool for long-term programs

What are the challenges?

Once development starts plans can change	**Jobs created may not always be ones that are desirable or suitable**	**Jobs may only be for the term of project, causing a slump after its completion**

"Staples CBA" Los Angeles Sports and Entertainment District
Los Angeles, California

This large development project includes a hotel, 7,000-person theater, convention center, housing complex, plazas, and offices in Downtown Los Angeles, adjacent to the Staples Center.

The CBA guaranteed up to $150 million of spending on amenities. The CBA included parks, affordable housing requirements, job opportunities targeting low-income residents, and parking guarantees in the midst of the large sporting development. It was a standout example for CBAs with extensive consultation and commitments to a coalition of over 30 community groups.

Allocated Arts and Culture Space

Measures to Protect Businesses and Cultural Spaces

What does allocated arts and culture space mean?

Nonprofit and informal cultural and artistic groups—particularly smaller, neighborhood-based ones—become especially vulnerable to displacement in a gentrifying area.

Cities and nonprofits have employed a number of tactics to maintain affordable spaces for these groups, including grant funding, dedicating public facilities exclusively for artistic uses, small-scale community land trusts for arts organizations, repurposed underutilized public and private spaces, and inclusive programming.

When should these spaces be implemented?

In contrast to zoning or a community benefits agreement, the allocation of space to arts organizations is not necessarily tied to the development process. Therefore, arts preservation efforts may typically not take place until prices have risen significantly enough to severely threaten the community's sustainability.

What works well?

- Strong emphasis on community participation
- Non-specific in nature, scope for variety of projects and programs
- Preserves space for arts organizations and artists
- Provides platform for social cohesion
- Can become a component of a CBA

What are the unintended consequences?

- Usually requires strong government support
- Program often nonprofit requiring volunteers or government funding to oversee / regulate
- Requires upkeep, maintenance and ongoing support

What are the challenges?

Space could be redeveloped and highly profitable

Requires a proactive community body / interest

Arts and culture spaces can be socially or culturally exclusive

Reimagining the Civic Commons
Chicago, Detroit, Memphis, Philadelphia, Akron

"Reimagining the Civic Commons" is a $40 million grant program designed to equitably distribute the benefits of urban revitalization across all communities through the targeted reinvention of common civic assets.

Artist Theaster Gates is leading the charge to revitalize sections of Chicago's South Side through the reactivation of a former bank as an art and media gallery and archive, and a former powerhouse into an artist training and work space.

Community Arts Stabilization Trust (CAST)
Oakland, California

Long a bastion of affordable and diverse living, in recent years Oakland has seen land prices soar as San Francisco becomes increasingly unaffordable. Oakland's thriving arts scene is struggling to sustain itself under these circumstances. As a nonprofit real estate holding company in the arts, CAST's mission is "to create stable physical spaces for arts and cultural organizations to facilitate equitable urban transformation." To achieve this goal, CAST uses philanthropic funding to purchase buildings and lease them to arts organizations for seven years. During this time, they provide technical support to tenant organizations to help them learn about property acquisition and financial management. After seven years, they offer the property to the tenant at a reduced rate so they can own their own space and maintain independence from the whims of the real estate market.

Lease-to-Own Programs

Measures to Protect Businesses and Cultural Spaces

What is a lease-to-own program?

Lease-to-own (or "buy your building") programs offer financial and technical assistance to commercial tenants to purchase the properties they occupy. In doing so, the business owners are safeguarded from rapid growth in rental prices, ensuring the long-term sustainability of locally owned businesses and helping to maintain local character.

Such interventions are a response to landlords of commercial properties imposing unexpected, non-negotiable, and unaffordable rent increases on their tenants.

When should it be implemented?

While small business economic development initiatives may be beneficial to any business owner, lease-to-own programs work best—and are most necessary—in high-rent, high-demand districts where commercial tenants face high risk of displacement. Accordingly, lease-to-own programs may be implemented in a neighborhood that is already showing signs of gentrification.

What works well?

- Offers businesses protection from rent increases and displacement
- Provides business owners with a vested stake in their neighborhoods
- Helps maintain local character and prevents infiltration of big-box retailers

What were the unintended consequences?

- Building ownership not necessarily the best investment for some small businesses—could lead to default and vacancies
- May be ineffective in very high-rent districts, where cost to buy is too high and landlords are hesitant to sell

What are the challenges?

Requires capital funding from government	**Low barriers to entry may offer ownership to risky buyers**	**Landlords unwilling to sell in high-demand markets**

Economic Development Loan Fund

Salt Lake City, Utah

To spur economic development at the neighborhood level, the city of Salt Lake City, Utah offers very low-interest loans to small businesses through its Economic Development Loan Fund. These loans are designed to help businesses that may not qualify for more traditional financing channels to acquire their buildings or the land they occupy, as well as smaller expenses such as rehabilitation, landscaping, or equipment. To foster unique local character, the City evaluates applications based on how they "help revitalize neighborhoods and have a positive economic impact in Salt Lake City."

Social Equity Toolkit Summary

Measures to Protect Businesses and Cultural Spaces

Commercial development is normally attracted to new transit investment. New commercial activity can give residents more choice and create employment opportunities. These benefits can be life-changing for depressed communities, but small and local businesses and cultural spaces can also be pushed out by this change, enacting some of these measures and involving the community in the planning and implementation process is essential.

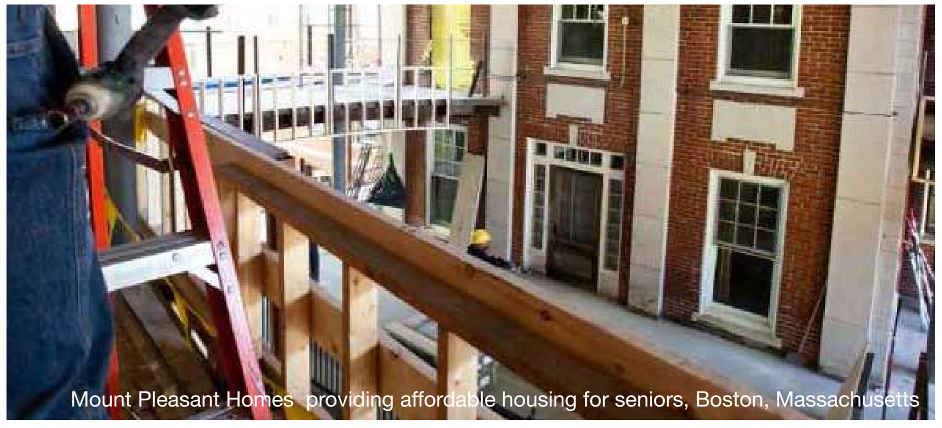
Much like the residential measures, these tools are generally implemented through government authority. However, in some cases governments can transfer governance of the measure to not-for-profit or local groups. Tools such as community benefit agreements can tie the needs of a community into many components of a transit-oriented development, but community benefits need to be proactively negotiated to ensure they are accepted by developers and valued by existing residents. Allocating arts and culture space can also preserve community groups, communal social space, and cultural expression, which promote neighborhood character and relationships.

Some additional tools are listed in the table on the next page. While the measures discussed on this page are not exhaustive, they provide a range of responses that are appropriate to the timeline and scope of transit-oriented development. Every case requires different tools, however those listed on the adjacent page can respond to a broad range of issues.

Tool	Description	Examples	Governance	Benefits	Challenges	Time frame	Government funds required
Commercial Zoning Regulations	Zoning to protect small businesses, heritage, cultural spaces	Inclusionary Zoning, New York City	City planning policy, strategic planning, local government	Encourages diverse housing stock and mixed-tenure communities	Affordable housing seen as a burden on developers	Zoning in planning stages prior to any development	No funds required beyond administration costs
Community Benefits Agreement	Agreement between government, developers, and the community on proposed development	Union United CBA, Boston, Massachusetts Staples CBA, Los Angeles, California	Individual developments, neighborhood, or city-wide	Gives community input into planning process	Negotiation between council, developer, and community May not be a long-term solution	Planning prior to development, implemented upon development	No funds required beyond administration costs
Allocated Arts and Culture Space	Space and program designated to cultural and artistic expression in the local community fostered by city and developer support	Community Arts Stabilization Trust (CAST), Oakland, California	Government, not-for-profit	Program allows the community to contribute to the development and have sense of ownership	Often requires initial and ongoing funding	Any time in development, often short term projects	Potential upfront funding required
Lease-to-Own Programs	Financial and technical assistance for commercial tenants who are not in a position to purchase the properties they occupy	Economic Development Loan Fund, Salt Lake City, Utah	Local government, federal government, private entities	Protects from rent increases and displacement, helps maintain local character	Requires dedicated commitment at all levels of government Low barriers to entry may offer ownership to high-risk buyers Landlords unwilling to sell in high-demand markets	May be implemented after a neighborhood starts showing signs of gentrification, but before prices rise significantly	Potential annual funding required

Additional Tools

Measures to Protect Businesses and Cultural Spaces


Mount Pleasant Homes' providing affordable housing for seniors, Boston, Massachusetts


Infill Development Proposal, Toronto

National Cooperative Bank (CDFI) for Meadowlink

Tool	Description	Examples	Governance	Benefits	Challenges	Time frame
Land / Housing Stock Ownership Transfer	Transfer of public housing to Community Housing Providers who might be more local and effective	Unison Housing, Melbourne, Australia	Government, not-for-profits	Provides new affordable housing stock and NFP opportunity to create community housing	Requires a high level government support Cost are still leveraged	Implemented when land available / willing to be transfer by government to the housing provider
Infill Incentives	Financial tax incentives offered to develop vacant land or rehabilitate existing structures	Phoenix, Arizona Tacoma, Washington	Government	Makes infill development more appealing and financially enticing with incentive	Requires financial support	Prior to proposed development
Resident-Owned Community Development Finance Institutions (CDFIs)	Provides credit and financial services to people and communities not served by mainstream banks and lenders	Boston Community Capital Chicago Community Loan Fund Florida Community Loan Fund	Private organizations	Allows residents with unfavorable past financial patterns to borrow money Allows community organizations to borrow money	Some practices may have harsher loan conditions and repayment rates Can cause more financial burden	Anytime a need arises Many organizations already exist and are ready for use
First-Right-of-Refusal Laws for Tenants	Allows renters to have the first shot to buy the home they are living in should the owner decide to sell	First Right of Refusal program, Washington DC (helping preserve nearly 1,400 units over past 10 years) Omnibus Budget Reconciliation Act 1990, US Congress	Government policy	Allows protection from open market and opportunity to buy	May not be safeguarded from pricing increases	When property goes to market

WRAP UP

Conclusion

This Social Equity Toolkit offers a range of measures that help enable development and preserve communities. It is a practical guide to implementing the best practices in equitable development. The key is identifying when in the timeline of development these practices are best applied. With timely coordination and careful planning, cities can ensure that existing residents and business owners are not priced out of their homes and stores.

The 21st century has seen a new urban renaissance. The global middle class has swelled world cities. Managing this growth is a significant challenge. The convergence on cities has unparalleled potential to stimulate economic development, support cultural diversity, reduce impact on the environment, and enhance quality of life. But the benefits of city living are not always equitable.

Transit-oriented developments often exclude existing residents from the benefits of urbanization, and—by gentrifying transit-rich urban neighborhoods—can displace low-income people from their communities. The legislators, planners, and developers who shape cities thus need to proactively manage the dislocating forces of gentrification.

This balance between growth and disruption epitomizes the the modern city. Transit-oriented developments enhance amenities, improve mobility, and house more people. But the demand for this urban living can dislocate communities who are already there. This tension doesn't have to be destructive. The opportunity to grow can also bring the power to protect if the right measures are in place. That is the aim of our work. We hope this guide will help governments and urban leaders understand where, how, and when cities can deploy locally appropriate tools to facilitate development without displacement.

Arup understands these challenges. We shape successful transit-oriented development through our uniquely integrated capability in transport, buildings, digital, planning and advisory services. But it takes more than good ideas to drive equitable community outcomes. Our technical knowledge comes with a deep understanding of city governance and urban policy implementation—and we offer our advice independently. We are owned by our employees and have a long history in city-shaping infrastructure projects and social development. This Social Equity Toolkit of measures for development without displacement channels both our values and skills to help shape a better world.

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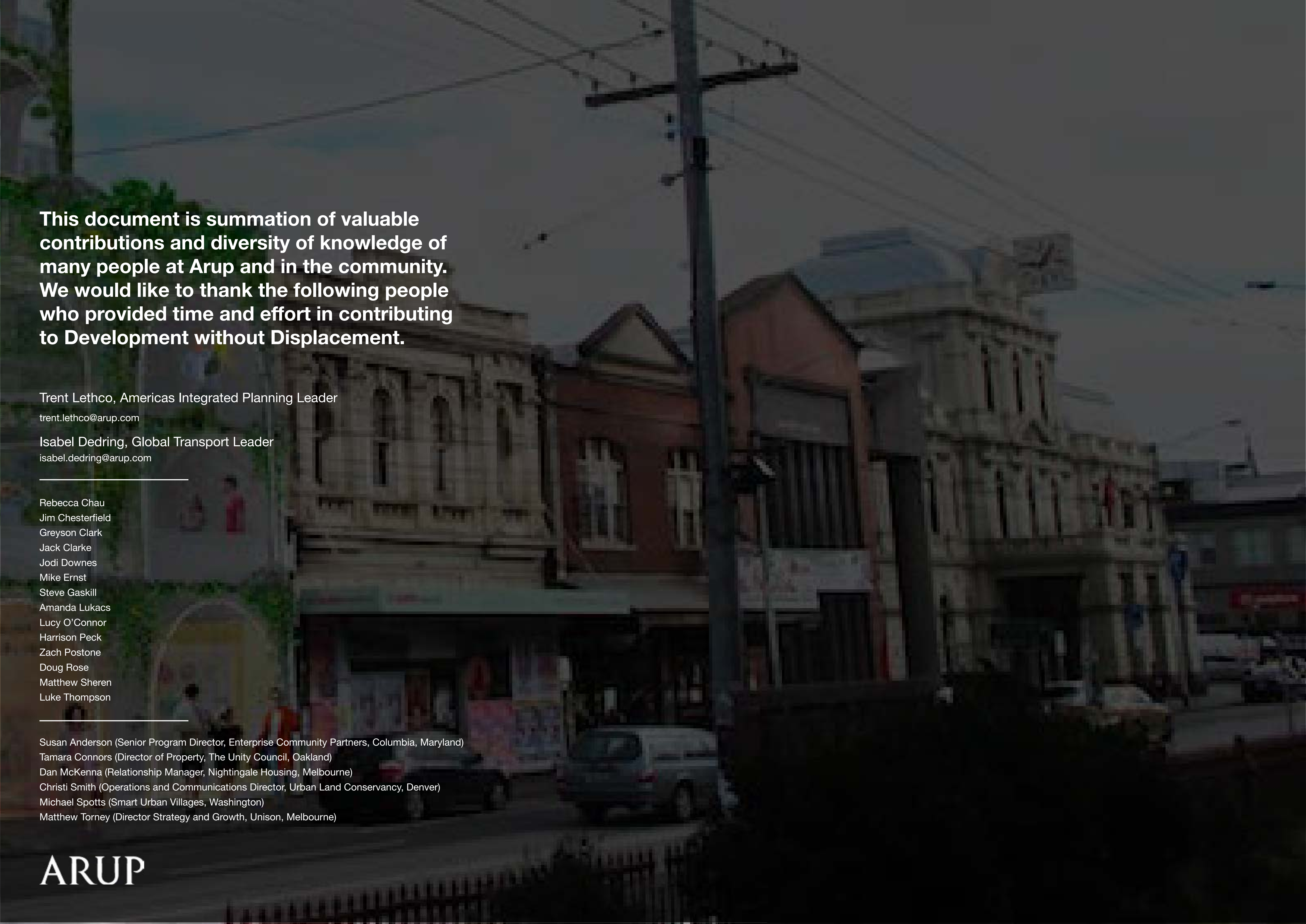

This document is summation of valuable contributions and diversity of knowledge of many people at Arup and in the community. We would like to thank the following people who provided time and effort in contributing to Development without Displacement.

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Matthew Sheren
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Dan McKenna (Relationship Manager, Nightingale Housing, Melbourne)
Christi Smith (Operations and Communications Director, Urban Land Conservancy, Denver)
Michael Spotts (Smart Urban Villages, Washington)
Matthew Torney (Director Strategy and Growth, Unison, Melbourne)

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