

JERSEY CITY FAIR HOUSING CAMPAIGN

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Appendix A: Draft Ordinance

Abstract

Inclusionary zoning is a tool used by municipalities to link the production of affordable housing to new market rate construction. It is implemented to preserve and promote the affordability of local housing stock for low and moderate income residents. Jersey City does not have an inclusionary zoning ordinance, although it is obligated by the State of New Jersey to provide its “fair share” of affordable housing under the Fair Housing Act (FHA) of 1985. This program describes the design and implementation of a Coalition-led campaign for the adoption of inclusionary zoning in Jersey City.

The Jersey City Affordable Housing Coalition drafted and proposed an inclusionary zoning ordinance as a means to address the growing need for affordable housing. The success of this program was evaluated by determining if: (a) inclusionary zoning was adopted by the City Council; (b) the ordinance addressed the housing needs of Jersey City residents; (c) there was a significant level of citizen participation in the process.

Executive Summary

During the last fifteen years, downtown Jersey City has been transformed from a downtrodden, crime-ridden neighborhood to a pricey urban hotspot for Manhattan transplants. The residential construction boom and influx of wealthy new residents have been a real boost to the local economy. The city is earning more tax revenue, area businesses are thriving, and crime has declined significantly. Who could argue against these positive changes?

But there is a serious downside to the gentrification of downtown Jersey City. Hidden from view is the ripple effect of rising real estate prices which has spread throughout the city. Largely a city of renters (69% of households are renters), the increased land value does not benefit the majority of residents. In fact, it hurts low and moderate income residents whose rent now far exceeds HUD affordability standards (<30% of income). Another consequence of the high cost of land is that nonprofit affordable housing developers cannot compete with the deeper pockets of private developers. As a result, their productivity has declined and their capacity has diminished. At the same time, the federal government has dramatically cut funding for low income housing programs, and the Jersey City Housing Authority has had to contract its staff and services. The net result of these combined factors is an acute affordable housing crisis.

The Jersey City Affordable Housing Coalition is an advocacy group which promotes policies to address housing issues in the city. The members of the Coalition represent nonprofit developers, bank community reinvestment departments, community development financial institutions, the housing authority, and community-based organizations. The major policy initiative the Coalition has been working on for the last year is a campaign for the passage of an inclusionary zoning ordinance.

Members of the Coalition conducted extensive research and consulted with housing policy experts to craft an appropriate inclusionary zoning ordinance to address local housing needs. Careful attention was paid to the mechanisms which compensate developers for contributing to the city's affordable housing stock. The purpose of these mechanisms is to avoid dampening market rate development. The Coalition met with city planners, members of city council, and community groups on several occasions starting in January 2006 to discuss its proposal and solicit input from stakeholders.

The Coalition submitted a draft of the proposed ordinance to the city in May 2006. Since then, the Zoning Board of Approval has approved 2,905 new market rate residential units. Had the ordinance been in effect during this period, the city would have gained 581 affordable units (based on the recommended 20% set aside).

The goal of the Coalition was to garner strong grassroots support for this policy. The objective was to put pressure on city council to adopt an inclusionary zoning ordinance, based on the draft it submitted in May. The Coalition also met with city planners to discuss the specific recommendations set forth in the Coalition's draft ordinance.

In January 2007, the city planning department released an internal draft of the proposed Housing Element to the president of the Coalition. The draft included a provision for inclusionary zoning based on the state's recommended formula of 1 in 8. It also included an "opt-out" provision for developers at a cost of \$250,000 per unit. The Housing Element was slated to be on the agenda of a city council meeting in January 2007, but was pulled from the agenda at the mayor's request. It was reported that it was pulled because developers rejected the proposal (Thorbourne, 2007).

The Housing Element is now delayed because of a January appellate court decision which struck down the Council on Affordable Housing rules regarding municipal affordable housing obligations. COAH, with the governor's backing, has petitioned the State Supreme Court to reverse the Appellate decision, which threatens the legality of inclusionary zoning ordinances all over the state.

This campaign succeeded in drawing public attention to the issue of affordable housing in Jersey City. The project recommended a specific version of inclusionary zoning to the city. The opposition to the proposal by developers, and the influence developers have over elected officials, have hindered the project's completion. Some of the project objectives were achieved, and some are still pending. Ultimately, citizen involvement was insufficient to create political pressure with respect to the need for increased affordable housing production.

I. Community Needs Assessment

Jersey City is located across the Hudson River from lower Manhattan. Since 1990, the City has experienced a substantial increase in residential construction and a steep rise in real estate values. Between 1997 and 2004, Jersey City had the highest amount of new construction authorized among 30 municipalities in the state, totaling an investment of \$2.73 billion (Mallach, 2006). During the same period, major structural changes to the local economy have been characterized by a decline in the manufacturing and transportation sectors and a rise in the financial services and real estate development sectors.

Amidst the changing demographics and booming real estate market, Jersey City is experiencing a problem common to many U.S. metropolitan areas: a severe shortage of affordable housing for low- and moderate-income families. According to data from HUD, a person living in Jersey City must earn 110% of the estimated renter median annual income (\$40,146) to afford the fair market rent for a 2 bedroom apartment (\$1,100) (NLIHC, 2005).

Data from HUD's 2000 Comprehensive Housing Affordability Strategy indicates that 43% of all households in Jersey City were classified as low-income. 17% of these were Extremely Low Income (ELI) - earning less than 30% of the area median income (AMI); 11% were Very Low Income (VLI) - earning between 30-50% of AMI; and 15% were Low Income

(LI) - earning between 51-80% of AMI¹. Of the 37,537 low-income households in Jersey City 84% were renter households.

In 2000, there were 13,010 ELI renter households in Jersey City. In that same year there were only 7,310 units affordable to ELI renters. “Affordable” is defined by HUD as rent that is equal to no more than 30% of a household’s gross income. The resulting gap was 5,700 affordable units. However, of the affordable units, nearly one-half were occupied by households earning more than 30% of the median family income; these units, therefore, were not available to ELI households. As a result, the gap of affordable and available units was 9,187 (13,010 minus 3,823).

Currently, new residential development primarily consists of large-scale luxury condominiums. Due to the creation of thousands of new housing units, it is predicted that Jersey City will overtake Newark as the state’s largest city by the next census (“Bigger, better residences in Hudson County”, 2006). A consequence of the influx of high-income residents occupying the new housing units is that moderate and low income families fall further below the AMI. Additionally, because of a recent 18% property tax increase, rental housing is even further out of reach for the low and moderate income populations.

The Jersey City Master Plan outlines the growing need for affordable housing among low and moderate income households. According to the Plan, 38% of the City’s renters spend more than 30% of their income on housing, thereby jeopardizing their economic stability. The Plan emphasizes that the greatest housing need is among the extremely low income households (those earning less than 30% of the area median income). It also states that the development of affordable housing should be a cooperative effort with input from the communities themselves (Jersey City, 2000).

The State Council on Affordable Housing (COAH), which is the governing body of affordable housing in New Jersey, establishes annual municipal obligations for affordable housing construction. Under the COAH growth share methodology, affordable housing obligations are determined based on the actual level of residential and non-residential growth in a municipality, and are called “fair share obligations.” Following COAH guidelines, for every eight units of market-rate housing, one unit of affordable housing should be constructed (COAH, 2005).

The Fair Housing Act was enacted in New Jersey in 1985. This piece of legislation was passed in support of Supreme Court decisions referred to as the Mount Laurel decisions. The Act states that all municipalities have a constitutional obligation to provide a realistic opportunity for the construction of low and moderate income housing. The FHA created the Council on Affordable Housing (COAH) as the administrative alternative to litigation. Once certified by COAH, a municipality is protected from litigation related to the provision of affordable housing, and has priority access to housing subsidies and Low Income Housing Tax Credits. The FHA also established the Housing Element as a mandatory part

¹ This income group (earning between 51-80% of AMI) is classified as Moderate Income in the Target Population section of this document.

of the municipal master plan. The preparation of a Fair Share Plan detailing how the Housing Element will be achieved is also required by the FHA.

The Jersey City Housing Authority, which runs the city's public housing program, recently sustained severe budget cuts, and was forced to cut resident services and jobs. Meanwhile, non-profit housing developers face huge financial hurdles to acquire land, since they now compete with the deep pockets of for-profit developers. The sharp rise in the cost of land coupled with limited subsidies has led many non-profits to scale back their affordable housing projects, thereby losing organizational capacity and expertise (Janny, 2007). During a time when the need for affordable housing has increased, the quality and quantity of such housing has diminished.

The adoption of an inclusionary zoning ordinance would provide both the City and developers with a clear plan for new affordable housing construction, while maintaining the profitability of market rate development (Fox, 2003). The ordinance would leverage the enormous growth in residential development to produce the affordable housing units it needs to maintain its economic diversity and comply with the state mandated fair share rules.

Potential Production of Affordable Housing Through Inclusionary Zoning in Jersey City

	Number of market rate units	10% Set Aside	15% Set Aside	20% Set Aside
Completed/Under Construction	6,407	641	961	1,281
Planned/Proposed	21,887	2,189	3,283	4,377
Total	28,294	2,829	4,244	5,659

Source: Jersey City Master Plan, 2000

II. Problem Identification/Solution

Problem statement: There is insufficient affordable housing development to meet the demand in Jersey City. As property values soar, affordable housing development has diminished. The lack of available affordable housing has created a desperate situation for low and moderate income residents who can't afford the rising fair market rents. The Jersey City Affordable Housing Coalition is an advocacy organization which works on affordable housing issues.

While the housing affordability problem has grown, many low and moderate income residents have been displaced, and local businesses face a shortage of low wage workers. City employees, like teachers, fire fighters and police officers, are increasingly unable to live in Jersey City without spending more than 30% of their income on rent (NLIHC, 2005). Additionally, the number of homeless people is likely to increase as housing becomes less affordable to the lowest income people.

Project target community: Low and moderate income residents of Jersey City. Low income households = earning less than 50% of AMI; moderate income households = earning less than 80% of AMI. The Jersey City Area Median Income was \$41,639 for families and \$37,862 for households as of the 2000 Census.

The community participated in this project by providing input for the proposed IZ policy, conducting a post card campaign, and making public comments at city council meetings in support of the proposal. Through its involvement in the project, the community was engaged in the political process, and attempted to hold elected officials accountable for the state of housing affordability in Jersey City. The community learned how to campaign effectively for policy changes which directly impact its economic situation.

Stakeholders:

Stakeholder	Role	Concerns	Expectations
Low and moderate income residents	To petition their elected representatives to adopt inclusionary zoning. To display their support for the Coalition's proposal.	Without inclusionary zoning, they will continue to face a shortage of affordable housing.	Residents who participate in the political process will learn how to hold their elected officials accountable for policy decisions.
Real estate developers	To participate in discussions with the public, the Coalition, and the city on how to implement inclusionary zoning without deterring development.	Inclusionary Zoning will reduce the profitability of development. Not concerned with city's affordable housing needs.	Developers expect to deter the city from adopting inclusionary zoning by exercising influence over elected officials.
Department of Planning	To design an effective policy to address the housing needs of residents, and plan for the long-term viability of residential development.	The mayor has final say on policy proposals. Developers influence the mayor, and are not in favor of inclusionary zoning.	The city planners expect to revise their initial proposal at the behest of the mayor. The revision will be a watered down version of the original policy proposal.
Elected officials	To respond to the needs of their constituents, and honestly represent the people of Jersey City.	Developers are big campaign contributors, and are opposed to inclusionary zoning. Elected officials do not have a good understanding of inclusionary zoning.	Elected officials expect to maintain their relationships with developers, by delaying the adoption of IZ. They will appease the public with a weak version of inclusionary zoning.
Coalition members	To advise the Dept. of Planning and elected officials on the key elements of a sound inclusionary zoning policy. To garner community support for the policy proposal, and to lobby city council to support IZ.	Residents are not engaged in the political process. Elected officials are not supportive of proposal. Public pressure is not strong enough to achieve desired outcomes.	The Coalition expects to encounter opposition to the policy proposal. And, if necessary, will legally challenge the city's housing element, based on COAH's Third Round Rules.

Project goals in CED terms: Current conditions in the Jersey City housing market include: high-density luxury condominium development; land scarcity; high land acquisition costs; tax abatement incentives for private developers; rising rents throughout the city; a recent property tax increase of 18%; reduction in federal housing budget; demolition of federally-funded housing projects; and a struggling non-profit housing development sector. The project promoted a preferred set of conditions, including: a proportional increase in the construction of affordable housing units linked to market rate residential development; increased housing options for low- and moderate-income families; preservation of mixed income communities and economic diversity; a level playing field for developers; reduced burden on city housing development programs; and compliance with Council on Affordable Housing regulations.

The project had four goals:

- Increase citizen participation in the legislative process;
- Increase accountability of City Council to its constituents;
- Establish inclusionary zoning as a mechanism for increased affordable housing production;
- Increase construction of affordable housing for low and moderate income families.

Progress toward these goals was measured by:

- The number of citizens who participated in the Coalition's IZ campaign;
- The number of city council members who supported IZ;
- The passage of the proposed ordinance as part of the city's Housing Element;
- The inclusion of a significant number of affordable units in the new market-rate developments.

The likely success of the project was assessed by speaking to community groups about the issue and specific actions they could take to get involved; researching similar policy projects in other municipalities; and analyzing the political situation to determine the probable level of support for the ordinance and potential obstacles to its passage.

The project objectives as originally planned were:

- 1) The Coalition will draft a model ordinance with elements specifically suited to the local market (March - April 2006).
- 2) The Coalition will submit the draft to the city Planning Department and elected officials in May 2006 as a starting point for the dialogue. Coalition members and community residents will follow up throughout the policy development process until the ordinance is passed (May – December 2006).
- 3) At minimum, 20 community members will participate in the project by speaking in support of inclusionary zoning at city council meetings (Sept. 2006 – December 2006).

III. Project Design

Literature Review:

Inclusionary Zoning is a mechanism used by municipalities to leverage private investment to produce affordable homeownership and rental housing. IZ requires that a percentage of housing units in new residential developments be set-aside for low and moderate income households (Fox, 2003). IZ policies have been implemented in hundreds of U.S. cities, including San Francisco, Boston, and San Diego, and have produced thousands of affordable housing units in mixed-income communities (Rose, 2004). It is a flexible strategy that can be tailored to meet the needs of a specific housing market. Historically, IZ has been most effective in areas experiencing residential growth and investment, like Jersey City. In lieu of direct public intervention, “IZ could provide an ongoing and consistent mechanism for connecting affordability to market rate construction.” (Fox, 2003)

In a state like New Jersey where each municipality is obligated to provide a certain number of affordable housing units, IZ takes the burden off the public sector. Instead, the development of affordable housing units is subsidized by the growth in market-rate residential construction. This way, scarce government resources like CDBG and HOME funds and state subsidies can be reserved for non-profit affordable housing developments where the percent of affordable units is 50%, 60% or even 100%.

As explained in the PolicyLink paper, *Expanding Housing Opportunity in Washington, D.C.*, under most IZ policies developers are compensated with various cost off-sets in exchange for providing affordable housing. Multiple studies have shown that mandatory IZ is economically feasible for developers and does not dampen market-rate development (Rose, 2004). In fact, a clearly written and administered IZ policy “creates certainty for developers by establishing a consistent set of guidelines for development,” thereby leveling the playing field (Fox, 2003).

The benefits of an IZ policy go beyond the provision of affordable housing units. Effectively, compliance with IZ promotes “a more equitable distribution of units across a jurisdiction.” (Fox, 2003). Mixed-income residential development is in the interest of all parties, including government, residents, and local business owners. The Housing Transition Policy Group, commissioned by Governor-Elect Jon Corzine, recommends that the governor create policies to encourage the development of mixed-income housing to increase the supply of affordable housing and promote broad income diversity. (Housing Transition Policy Group, 2006).

In Jersey City, IZ will reduce the displacement of longtime residents who can no longer afford the fair market rents. The stabilization of neighborhoods and the preservation of economic and cultural diversity will have positive residual impacts by fostering a stronger sense of community.

In many cases, city workers like firefighters, teachers, paramedics, and police officers are unable to afford housing in the neighborhoods they serve. Likewise, the financial stability of people working in the services industry, like janitors, childcare workers, home health aides, cooks, retail salespersons, and bus drivers is often jeopardized by rising housing costs (NLIHC, 2005).

One of the rationales for linking the growth in market rate residential development to affordable housing is that the construction of new residential units generates a need for janitors, public school teachers, civil servants, childcare workers, etc. The increased density means there is a proportional increase in the need for affordable housing for these service workers, who cannot afford average housing prices in the community. By ensuring housing affordability for low income working people, a city is supporting the infrastructure for a local labor supply, which is essential to the economy (Rose, 2003).

In reviewing examples of inclusionary zoning ordinances across the country, the distinctions are notable. There are several key components to consider when designing an ordinance to ensure that it adequately addresses the needs of a specific municipality. First, determine whether the ordinance will be mandatory or voluntary. Second, determine the set aside (i.e. the percentage of the total that will be set aside as affordable). Then, determine the income level(s) to which the inclusionary units are targeted. What is the “trigger,” or minimum size of the development covered by the policy? Will the ordinance apply to both rental and for-sale units? What cost off-sets will be used for developer compensation (i.e. density bonuses, reduced parking requirements, impact fee waivers)? Will there be an option for off-site construction or in-lieu fees? Will the law apply to rehabilitations, condo conversions, and adaptive re-use projects? These are the main considerations recommended by PolicyLink, though there are many other technical areas which must also be covered in the policy. (Fox, 2003).

Below are some examples of inclusionary zoning policies that have been useful to the Coalition in Jersey City:

Cambridge, Massachusetts: This IZ policy does not allow for in-lieu fees or off-site construction. Like in Jersey City, and in Cambridge is “prohibitively expensive”, and “private developers consistently over-bid nonprofits for land.” Therefore, by mandating on-site construction, IZ has been implemented in an effective manner that serves the needs of that particular community (Fox, 2003). Several advocates in Jersey City agree with this approach, since the end goal is to get the units constructed and occupied. Having developers pay into an affordable housing trust fund will not result in more affordable housing construction because of land scarcity and prohibitive land costs.

Davis, California: Davis’ IZ policy includes land dedication as an alternative to on-site construction. Private developers dedicate parcels of land in the same neighborhoods as their market rate development to nonprofit affordable housing developers. The city works with nonprofits to construct quality affordable housing on the dedicated properties (Fox, 2003). This approach could be a solution to the dilemma faced by nonprofit developers in Jersey

City, who are unable to purchase land for development. However, due to the land shortage, this is not recommended by the Coalition as the primary mechanism in the policy.

San Francisco, California: According to the City Limits' Guide to Inclusionary Zoning, San Francisco provides an excellent example of how to successfully implement an IZ policy with input from all sides. In 2001, a coalition of politicians, housing advocates and builders amended a longstanding informal policy and made it the law (Katz, 2005). This consensus building is an important example for the Coalition in Jersey City. If key stakeholders like politicians and developers do not support the policy proposal, its passage is unlikely.

San Diego, California: This policy employs a creative structure for the in-lieu developer fees. To introduce the new mandates into the housing market without disrupting market-rate production, the in-lieu fees for developers are low initially. After a few years they are adjusted sharply up and become a real incentive to build the units (Katz, 2005). This mechanism was considered for the Jersey City proposal because it was believed that developer opposition would be a major political obstacle to the project's success.

Montgomery County, Maryland: IZ has been in effect in Montgomery County since 1974. According to a 2001 Brookings Institution analysis, IZ has created more affordable housing in Montgomery County than all federal subsidies combined. The number of affordable units created under the law was 11,482 as of 2003 (8,109 homeownership and 3,373 rental). One weakness of this policy, as noted in the City Limits' Guide to Inclusionary Zoning, is the term of affordability. The homeownership units must remain affordable for 10 years, and the rental units for 20. That means that when those terms are reached the housing is eligible to sell/rent at market rate prices. This has become an issue in recent years as land scarcity has slowed development, and the majority of affordable units are expiring (Katz, 2005). To avoid this situation, Jersey City affordable housing advocates proposed that affordable units remain affordable in perpetuity, which requires compromise in other areas of the policy proposal.

Bayonne, New Jersey: Bayonne enacted an IZ in 2005. It neighbors Jersey City and has a similar housing market. The Bayonne law mandates that half of the required units be constructed on-site. The other half may be constructed off-site, or satisfied by a payment in-lieu (City of Bayonne, 2005). These allowances were concessions to developers who were not supportive of the 1 in 8 COAH formula. The in-lieu payment of \$60,000/unit in this ordinance is considerably lower than the cost of constructing one housing unit in Bayonne. Members of the Jersey City Affordable Housing Coalition carefully considered how to craft the in-lieu payment, and decided not to include it as an option in their policy proposal. The fear was that it would become an "easy out" for developers, and would not lead to increases in affordable housing production.

Boston, Massachusetts: In 2000 Boston adopted an IZ policy. It applies only to developers who are seeking zoning changes to development sites where 10 or more units will be constructed. There is also an off-site option and an in-lieu payment option. This flexibility gives developers and the city opportunities to individualize development plans. As

of 2005, 339 units were created and \$6.8 million was raised for off-site development. One danger of this flexible policy is increased economic segregation resulting from off-site construction of affordable housing (Katz, 2005). In Jersey City there is concern about neighborhood stabilization, and the Coalition's proposal advocates mixed income housing, which means mandatory on-site construction of affordable units.

Another important source of information for the Jersey City Affordable Housing Coalition is the NIMBY Report, which is issued quarterly by The National Low Income Housing Coalition. One contributor, Kevin Jackson, is the Executive Director of the Chicago Rehab Network, a citywide coalition of neighborhood-based organizations working to create and preserve affordable housing in Chicago. His 2003 piece titled "Attitudes, Values and Community Acceptance of Affordable Housing" provides valuable insight as to how to mobilize popular support for affordable housing.

In 2001, a collaborative of housing advocates, planners, faith institutions and developers called Housing Illinois conducted research and polled Chicago residents as part of a public education campaign to determine attitudes and opinions towards affordable housing. Jackson wrote, "The survey showed that virtually all residents believe affordable housing is a basic human right and that families have a better chance to succeed when affordable housing is available." It was determined that, while residents value and support the idea of affordable housing, public opinion may oppose particular proposals that are viewed as undesirable.

According to Jackson, "The challenge for advocates is to turn a passive majority into a more active force to advance affordable housing." This means appealing to all groups within a community to gain support for affordable housing proposals, though the way to mobilize distinct groups may vary. Jackson recommends using a broad definition of "affordable housing" to appeal to a wide range of people. Addressing the "big negatives" by presenting an attractive image of affordable housing within a neighborhood is of equal importance when petitioning support. "Communications should reference *neighborhood* or *community* as opposed to focusing on housing... Affordable housing is the means to the end: solid, safe pleasant neighborhoods." (Jackson, 2003).

In the experience of Housing Illinois, successful messages were those which: appealed to the values that support the issue; described the threats to those values; and offered a solution consistent with the values. Jackson states that the two most decisive values associated with support for affordable housing are: community self-interest and responsibility to others. The Coalition in Jersey City used the message guide offered by Chicago Rehab Network when speaking to community groups and city council members about IZ.

In summary, the Coalition used many examples of successful IZ policies to help design the proposal for Jersey City. The history of IZ as a mechanism for affordable housing development is well documented, and served as an important point of reference for the advocacy campaign in Jersey City. As with all CED projects, and as evidenced in many IZ cases, the community component of this program was crucial. The success of the campaign hinged on the vocal support of citizens and their participation in the policy making process.

Program: Inclusionary zoning is a tool that has been used effectively by municipalities throughout the country to link the production of affordable housing to new market rate construction. It is implemented to preserve and promote the affordability of local housing stock for low and moderate income residents. Jersey City does not have an inclusionary zoning ordinance, although it is obligated by the State to provide affordable housing under the Fair Housing Act (FHA) of 1985. This program was for the design and implementation of a campaign for the adoption of inclusionary zoning in Jersey City.

The Jersey City Affordable Housing Coalition worked with community members to draft and propose an inclusionary zoning ordinance for Jersey City. The policy proposal addressed the growing need for affordable housing. The success of this program was evaluated by determining if: (a) inclusionary zoning was adopted by the City Council; (b) the ordinance addressed the housing needs of Jersey City residents; (c) there was a significant level of citizen participation in the process.

The mission of this project was to engage the community in an advocacy campaign to address the need for increased affordable housing construction in Jersey City.

Participants: The Jersey City Affordable Housing Coalition includes the following member organizations: Jersey City Episcopal CDC, Housing and Community Development Network of New Jersey, Fairmount Housing Corporation, Greenville Steering Committee, Hudson County Housing Resource Center, Inc., Jersey City Housing Authority, Bergen Communities United, LIISC, Urban League Affordable Housing CDC, MLK Neighborhood Development Corporation, Morris Canal Redevelopment Corporation, and the Community Preservation Corporation. Some of these participants meet regularly with city officials regarding redevelopment projects, affordable housing projects, and other planning issues. Other project participants include: community groups, neighborhood block associations, and church groups. Members of the Coalition connect with low and moderate income residents through community meetings, outreach, and by inviting community leaders to attend Coalition meetings.

Community role: The main project stakeholders were the low and moderate income residents, real estate developers, city planners and elected officials, and Coalition members. Community members who participated in the campaign researched IZ policies and designed the proposed ordinance, presented the proposal to city council members, and coordinated various advocacy activities (i.e. post card campaign, public comments, follow-up meetings with city council members, interviews with local media). The level of community participation was a determining factor in eliciting a response from elected officials regarding the policy initiative. If the level of community participation was low or inconsistent, city council would not be inclined to adopt inclusionary zoning. The pressure from Coalition members alone would not be sufficient to generate enough political support for the ordinance. However, the institutional weight lent to the campaign by the participation of Coalition members, combined with visible resident support, would likely contribute to a successful outcome of the advocacy campaign.

The issue of low community participation presented a problem for the project. This issue could have been addressed through increased community outreach by Coalition members, hiring a full-time community organizer, increased media coverage (i.e. interviews and editorials), and enlisting the support and outreach capabilities of city council members who favor the ordinance.

Host organization: The Jersey City Affordable Housing Coalition is a 501c3 organization made up of member organizations working on affordable housing issues affecting residents. Some of these organizations develop affordable housing, some provide housing services to the low and moderate income populations, and a few are intermediary organizations. Coalition members drafted the proposed ordinance and met with city council members to discuss the policy initiative. Because of its expertise in community organizing, Fairmount Housing Corporation was responsible for the community outreach component of the project. Because the Coalition president has contacts within the city government, Annemarie Uebbing of the Community Preservation Corporation was in charge of communications with the city's planning department. Phil Hoffert of LISC and Arnold Cohen of HCDNJ put together the talking points for Coalition members to use in meetings with City Council members. John Restrepo of the Jersey City Episcopal CDC provided expertise on issues facing nonprofit affordable housing developers, and made significant contributions to the campaign through his public comments at City Council meetings. The author worked with residents and Coalition members to define the key elements for an inclusionary zoning ordinance, and then drafted the proposed ordinance. Along with other Coalition members and residents, the author presented the draft to individual city council members. The author attended several city council meetings throughout the year to monitor the level of public support and responses from the council members regarding the issue of affordable housing.

Method: The Coalition designed and implemented an advocacy campaign for the adoption of inclusionary zoning in Jersey City. The activities of the campaign were modeled after successful tactics used by affordable housing advocacy groups in other municipalities. The Coalition worked with housing policy experts, city planners, and community residents to create a viable and effective policy. The Coalition implemented its political strategy by reaching out to the city planning department, community groups, and city council members. The activities of the campaign brought increased awareness of the issue and opened a dialogue between the city and residents.

The Coalition's campaign followed the guidelines titled "Building a Community of Support" published by Policy Link:

- 1) Document the need
- 2) Gather partners
- 3) Develop a proposal
- 4) Build support

Products and outputs:

- The draft of an inclusionary zoning policy proposal (i.e. draft ordinance).
- Introduction of the proposal to the city planning department and members of city council.
- Passage of the ordinance by the council.
- Public record of community support for inclusionary zoning at city council meetings.
- Press coverage of the issue and the community's support for the ordinance.

IV. Implementation

Project Planning

Implementation Plan

These were the project's objectives as originally planned:

a. Objective: The Coalition will draft a model ordinance with elements specifically suited to the local market (March - April 2006).

Activities: Coalition members will research inclusionary zoning policies; Coalition will gather input from stakeholders for draft ordinance; Joani Valeriano will draft the ordinance.

Timeframe: March – May 2006.

Resources needed: Donated time for research; meetings with stakeholders; input from stakeholders; time to draft and edit the ordinance.

b. Objective: The Coalition will submit the draft to the city Planning Department and elected officials in May 2006 as a starting point for the dialogue. Coalition members and community residents will follow up with planners and elected officials throughout the policy development process until the ordinance is passed.

Activities: Coalition members will set up and attend meetings with city council and city planners; Coalition will conduct outreach to generate citizen participation; Coalition and citizens will express support for inclusionary zoning in the press; Coalition and citizens will conduct post card campaign in support of inclusionary zoning.

Timeframe: March – December 2006

Resources needed: Time to meet with stakeholders; feedback from stakeholders; time to contact reporters; post cards to distribute and collect for campaign; community organizing help from ACORN.

c. Objective: At minimum, 20 community members will participate in the project by speaking in support of inclusionary zoning at city council meetings.

Activities: Coalition (with help from ACORN) will conduct outreach to community members; Community members will attend and make public comments at city council meetings.

Timeframe: September 2006 – April 2007

Resources needed: Residents to participate at city council meetings; talking points distributed to citizen participants.

Inputs

Objectives	Inputs
Design advocacy campaign and draft model ordinance.	3 2hr meetings with Coalition members to define strategy. 20 hours of research of existing inclusionary zoning policies. 8 hours of drafting and editing the proposed ordinance.
Open and conduct ongoing dialogue with city regarding inclusionary zoning ordinance.	30 hours of meetings with various stakeholders. 4 1hr meetings with city planners. 3 hours reviewing city's proposed housing element. 35 hours of city council meetings.
Community participation in policy development and political process.	20 hours of meetings with community groups. 1,000 signed post cards expressing resident support for inclusionary zoning ordinance, addressed to mayor and city council.

Staffing Pattern

The staffing for this project was made up of Coalition members. There were no job descriptions. This project was conducted through the collective effort of all Coalition members. The author participated in the project as volunteer on the Coalition, and not as an employee of any member organization. The author's role was to draft the model ordinance, and work on securing support from city council members through initial and follow-up meetings. Coalition members who have contacts within the municipal government were heavily involved with presenting the proposal to individual city council members and city planners. They were also present at pivotal city council meetings, and interviewed by local media about housing affordability in Jersey City. The outreach activities to promote citizen involvement were conducted primarily by Coalition members who have regular contact with community groups and neighborhood associations in the project target community. The planned partnership with ACORN for these activities was not realized because of differences of opinion on the income levels to be included in the draft ordinance.

Budget

Jersey City Fair Housing Campaign

Jersey City Affordable Housing Coalition		In Kind
Member time (volunteer)	Varies	-
Refreshments		\$500
Supplies, Phone, Postage		\$500
Curries Wood Community Center		In Kind
Meeting space		\$2,000
Total Budget		\$3,000

The Coalition collects membership dues annually, and has an operating budget to cover miscellaneous costs associated with meetings and advocacy activities. The use of the Curries Woods Community Center for monthly Coalition meetings was free of charge. The Coalition had no office or paid staff during this project. Each institutional member of the Coalition pays an annual membership fee. All members donate their time to the Coalition. Any photocopying and administrative costs associated with this project were covered by the Coalition's annual operating budget.

Project Implementation

Implementation Report

The project began as planned. Coalition members designed a strategy for the proposal of an inclusionary zoning ordinance to address the affordable housing needs of Jersey City residents. Extensive research was conducted and policy experts were consulted before completion of the draft. Citizen input for the ordinance was collected at various community meetings by members of the Coalition, and the local housing needs were carefully documented.

The next phase of the project involved presenting the ordinance to each of the nine city council members and to city planners. We began these meetings in May 2006, and continued with follow up meetings throughout the summer. Many city council members were not familiar with inclusionary zoning. Most of the initial meetings were spent talking in general terms about the housing situation in Jersey City, the mission of the Coalition, and giving an overview of inclusionary zoning. At subsequent meetings the Coalition presented its draft ordinance. It should be noted that only members of the Coalition were present at these meetings, members of the project target community did not participate in the meetings at this stage.

Two city council members initially expressed support for inclusionary zoning. One was a political outsider who had tried to implement various "reform" measures, and was unpopular with the other council members. The other supporter on the council represents

the ward with the highest concentration of public housing. She does not want to see any more low income housing constructed in her district, and would like to see affordable housing built throughout the city.

In September 2006, members of the Coalition met with Doug Greenfeld of the Department of Planning to discuss the draft ordinance. At this meeting he indicated that the Housing Element was almost ready to be released for public review and would subsequently be presented to city council for a vote. This proposal contained a recommendation that the city adopt inclusionary zoning. The specifics of this proposal remained confidential. During October, November, and December members of the Coalition awaited the release of the proposed Housing Element. It was never released.

In early January 2007, the Coalition received an internal copy of the proposed Housing Element. The same document had also been given to a lawyer representing the developers. Then, on January 17th, an article was published in the Jersey Journal revealing that the proposal from the planning department had been pulled from that evening's city council meeting agenda after city officials received complaints from developers (Thorbourne, 2007).

Coalition members spoke in support of amending the city's housing plan at the city council meeting on January 31, 2007. Several members of the project target community also spoke in favor of affordable housing development at this meeting. An attempt was made to address the perception that inclusionary zoning is a threat to market rate development.

However, this was the same meeting where a "pay-to-play" campaign finance reform ordinance was voted down at first reading despite enormous resident support. Members of city council claimed that developers deserve to participate in politics (via unrestricted campaign contributions) because they are a major economic engine in Jersey City. Unfortunately, their "participation" in politics means that they determine which policy proposals can get onto the agenda for city council meetings. It is this level of developer influence that has rendered citizen participation in the political process futile.

Throughout the implementation of this project it has been very clear that private developers have incredible influence over the elected officials. In a city where long-time residents are in desperate need of affordable housing options, organized citizen advocacy has been ineffectual in influencing the development of public policy. Despite the statewide mandate that municipalities provide the opportunity for affordable housing development, elected officials have derailed the housing policy developed by the city's professional planning staff.

The project succeeded in generating public interest in the issue of affordable housing and inclusionary zoning. The project presented its draft ordinance to city council, and advocated on behalf of inclusionary zoning as the solution to the city's housing crisis. The Coalition did not implement the citizen participation component to the degree that was planned. Also, the Coalition did not engage the developers or the mayor in the policy development process. Although I do not think this would have been a fruitful endeavor, communication with the developers would have provided an earlier indication of their main points of

opposition. It may have enabled the Coalition and supporters to strike a compromise with the developer lobby. It was also a mistake to assume that the Department of Planning was in talks with the mayor during the development of their housing plan. The Coalition relied on information from city planners in September 2006 regarding the proposed Housing Element, and did not meet with other stakeholders during the period between September 2006 and January 2007.

The national housing market has cooled somewhat since the initiation of the fair housing campaign. Members of the Coalition believe that the city will eventually adopt some form of IZ in order to comply with COAH growth share regulations, and that elected officials have delayed the advancement of the policy proposal to allow developers to obtain site approvals which will exempt them from any future IZ ordinance. The Jersey City housing market remains strong, partly because it is so accessible to both Manhattan and Newark Liberty International Airport.

If IZ is adopted in Jersey City later this year or in 2008, it will create far fewer affordable housing units than if it had been in effect during the height of the construction boom a few years earlier. Since the Coalition introduced its draft ordinance to the city in May 2006, nearly 3,000 units have been approved for market rate development. Had an ordinance with a 20% set aside been adopted prior to these approvals, 581 affordable units would have been produced.

Gantt Chart

Activities	Jan 06	Feb 06	Mar 06	Apr 06	May 06	Jun 06	Jul 06	Aug 06	Sep 06	Oct 06	Nov 06	Dec 06	Jan 07	Feb 07	Mar 07	Apr 07
Meeting of Coalition	X	X	X	X	X	X	X	X	X	X	X	X				
Meet with city council members					X	X	X	X								
Draft proposed ordinance			X	X	X											
Mobilize citizen groups			X	X	X	X	X	X	X	X	X	X				
Submit proposal to City Council					X											
Issue Press Release					X											
Evaluate performance indicators													X	X	X	X

V. Monitoring and Evaluation

Logic Model

INPUTS	PROCESSES	OUTPUTS	SHORT-TERM OUTCOMES	INTERMEDIATE OUTCOMES	LONG-TERM OUTCOMES
<ul style="list-style-type: none"> - Coalition members. - Community residents. - Community needs assessment. - Model IZ ordinances. - Policy research. 	<ul style="list-style-type: none"> - Draft inclusionary zoning ordinance. -Solicit developer input. - Propose ordinance to members of city council and department of planning. - Mobilize residents to display public support for proposal. 	<ul style="list-style-type: none"> - Community participation in the legislative process. - A proposed inclusionary zoning ordinance. - Support of residents and city council members. 	<ul style="list-style-type: none"> - Passage of inclusionary zoning ordinance. - Inclusion of affordable housing in city planning process. - Compliance with COAH growth share regulations. 	<ul style="list-style-type: none"> - Increased construction of mixed income housing. - Increased affordable housing options for low and moderate income residents of Jersey City. - Greater economic and cultural diversity in new residential developments. - Certainty and level playing field for market-rate developers. - Preservation of local housing for low wage workers. 	<ul style="list-style-type: none"> - Citizen empowerment. - Increased citizen participation in political process. - Increased accountability of City Council to residents. - Reduced burden on public sector housing programs. - Stronger community.

Monitoring

Management Information System

The purpose of evaluating this project was to determine if the intervention addressed the problem. More specifically, this program was monitored to assess whether or not the IZ policy proposal received public support and was adopted by City Council, and whether or not the adoption of IZ alleviated the shortage of affordable housing. Also, the evaluation gives guidance to future projects that seek to address similar problems in other municipalities as to best practices and potential obstacles.

The kind of information that was needed showed how well the project addressed the need. Was the draft adequate to meet the needs of the residents? Were citizens involved in the campaign to support the ordinance? Did developers support the proposal? Was it adopted by City Council? Did its passage lead to more construction of affordable housing units? Were City Council members held accountable by their constituents?

The sources of information included the members of the Coalition, City Council, and community members. Other data sources included minutes from Coalition meetings, notes

from meetings with individual City Council members, and minutes from City Council meetings. City records of building permits were another source of information. Press coverage of the issue also provided information for the evaluation of this project.

Data collection played an important role in the project's evaluation. One means of collecting data for project evaluation was review of city records on the number of permits issued for new residential development in Jersey City. The city records provide the number of market rate units and affordable units that are constructed each year. This data will be analyzed one year and two years after the passage of the legislation to measure the number of affordable housing units that have been constructed as a result of the ordinance. Observation was another form of data collection by which the project was evaluated. Observed information provided useful feedback on which approaches and strategies were effective in garnering support for the proposal among the City Council members. During monthly Coalition meetings participants reported on the progress of the project. Public support for the project was visible at public meetings, and was documented by the Coalition. Thirdly, surveys will be conducted one year and two years after the passage of the ordinance in the communities that participated in the advocacy campaign to find out if the anticipated intermediate and long-term outcomes were realized.

The evaluation report will be structured as follows:

1. Title Page
 2. Table of Contents
 3. Executive Summary
 4. Purpose of evaluation
 5. History of program being evaluated
 - i) Community need
 - ii) Project goals
 - iii) Outcomes and performance indicators
 - iv) Methodology of project
 - v) Staffing
 - 6) Overall evaluation goals: Did the intervention lead to the desired outcomes?
 - 7) Evaluation methodology
 - a) Types of data/information collected
 - b) Sampling methods and data collection tools (i.e. surveys, interviews)
 - c) Sources of data
 - d) How data/information were analyzed
 - e) Limitations of the evaluation
 - 8) Interpretations and conclusions (from analysis of the data/information)
 - 9) Recommendations for future interventions in this area.
- Appendices:
- a) Survey forms
 - b) Survey results in table
 - c) City records
 - d) Observations
 - e) Inclusionary Zoning Ordinance

Summary Monitoring Table

Goals	Objectives	Monitoring Indicators	Timeline	Benchmarks Achieved (Y/N)
Increase citizen participation in the political process.	Low and moderate income residents conduct advocacy campaign in support of IZ proposal.	Were citizens involved in the campaign to support IZ?	May 2006 – Dec 2006	N – Citizen participation in the campaign was weak, due to lack of community organizing.
Increase accountability of city council to constituents.	Attain political support for IZ proposal through a citizen-led advocacy campaign.	City council response to Coalition proposal and community members' advocacy activities.	May 2006 – Dec 2006	Because citizen participation was low, this benchmark cannot be determined.
Establish IZ to increase affordable housing production.	Passage of IZ ordinance by city council.	Was the ordinance passed by city council?	Sept. 2006 – January 2007	N – Only 2 members of city council currently support IZ. The proposal has yet to be brought to a vote by city council.
Increase affordable housing options for low and moderate income residents.	IZ is mechanism which drives production of affordable housing within market-rate residential developments.	Did its passage lead to more construction of affordable housing units?	January 2007 – January 2008	Since the policy has not been adopted this benchmark cannot be evaluated.

Evaluation

Performance Indicators

The goals of this project were to establish an inclusionary zoning ordinance in Jersey City; increase resident participation in the political process; and increase accountability of City Council to constituents. The following indicators were used to determine the success of this project:

- ✓ Passage of the proposed inclusionary zoning ordinance by City Council.
- ✓ Level of community participation in the advocacy campaign.
- ✓ How many citizens participated in the campaign?
- ✓ What was the extent of citizen involvement?
- ✓ Measure City Council accountability to constituencies.
- ✓ What level of support did the ordinance receive?
- ✓ Measure over time the impact the ordinance had on the level of affordable housing production.

Summary Evaluation Table

Goals	Objectives	Performance Indicators	Expected Outcome	Actual Outcome
Increase citizen participation in the political process.	Low and moderate income residents conduct advocacy campaign in support of IZ proposal.	Level of community participation in campaign. How many residents were involved and to what extent?	20 low- to moderate-income residents participate in advocacy campaign by attending meetings with city council and other project activities.	No members of the project target community actively participated in the Coalition campaign. A few resident groups were active in promoting affordable housing outside of this project.
Increase accountability of city council to constituents.	Attain political support for IZ proposal through a citizen-led advocacy campaign.	How many city council members supported the policy proposal?	City council would support IZ under pressure from citizen advocacy campaign.	Only 2 members of the council supported IZ.
Establish IZ to increase affordable housing production.	Passage of IZ ordinance by city council.	Was the ordinance passed by city council. Is IZ now part of the Municipal Land Use Ordinance?	IZ would be established by the city council to address affordable housing shortage facing city residents.	IZ was proposed by city planning dept. but has not been presented to city council. 7 council members have expressed their opposition to IZ.
Increase affordable housing options for low and moderate income residents.	IZ is mechanism which drives production of affordable housing within market-rate residential developments.	Over time, what has been the impact of IZ on affordable housing production? How many units constructed since passage of ordinance?	10-20% of newly constructed residential units would be set aside as affordable units and made available to low and moderate income residents.	Since IZ has not been passed there has been no increase in affordable housing options for project target community.

VI. Sustainability Plan

Sustainability Elements: Political circumstances presented the greatest threat to the success of this project. Although having the force of the community behind the project was an important component, it was not necessarily a guarantee of success. A reform measure to restrict developer campaign contributions during periods of negotiation with city agencies was recently defeated 7-2 by the city council despite a huge showing of public support for the proposal. This action left residents with the distinct impression that Jersey City politicians are opposed to any policy measure which would restrict the activities of developers. Another major threat was the City budget, which is facing a \$40 million deficit. Because the ordinance was seen as a threat to private developers whose projects are a source of tax revenue for the City, politicians have used the deficit as an excuse to reject the IZ proposal.

The Coalition presented the policy proposal as providing a way for the government to meet its COAH obligation without investing public dollars in affordable housing development. But elected officials interests were not aligned with the project target community, and the Coalition's case for IZ fell on deaf ears. The Coalition should have consulted with real estate developers to determine the level/type of developer compensation to include in the ordinance to off-set the associated costs. Without involving the developers, the Coalition did not address one of the project's key stakeholders. This piece was especially challenging, since the developers are already receiving tax abatements from the city without being asked for anything in return (Renshaw, 2006).

Sustainability Plan: If the project had achieved its goal, inclusionary zoning would be part of the city's Municipal Land Use Ordinance. The Affordable Housing Coalition would monitor the enforcement of the policy. Since the project has not succeeded in the passage of inclusionary zoning, the Coalition can legally challenge the city's housing plan for non-compliance with COAH regulations. The sustainability of this project is questionable, since it is a campaign for policy change. It will not be ongoing once the ordinance is brought to a vote. The Coalition, however, will continue to advocate for affordable housing policies in Jersey City, since that is the mission of the organization.

Institutional Plan: The community benefit extends beyond the terms of this advocacy campaign through increased resident involvement in the political process. The Coalition will encourage citizen advocacy with regards to other affordable housing issues, and will strengthen its community organizing capacity as a result of this project. If citizen participation increases, future advocacy campaigns will translate into greater City Council accountability. Community groups will see the benefit of participating in this policy campaign, and will continue to advocate for other issues affecting local residents.

VII. Conclusions and Recommendations

Results

The results of this project are not yet complete, since the policy proposal has been delayed by city officials. The results to date are as follows. There is increased public awareness of the shortage of affordable housing development. Elected officials and the city planning department have been advised of the Coalition's recommendation for inclusionary zoning, and have received a copy of the Coalition's draft ordinance. The Department of Planning created a revision of the city's housing plan, which had a provision for inclusionary zoning. The revision was blocked by city officials at the request of private developers. The city's affordable housing stock continues to be depleted.

Going forward, the Coalition needs to garner more support from community groups and seek publicity regarding its IZ proposal that was given to the city in May 2006. The Coalition should also meet with developers to discuss their specific objections to the proposed policy. The Coalition should request that the city conduct an in depth analysis of the economic impact of IZ, which will help determine the appropriate cost off-sets for developers. It is crucial that the Coalition and citizens keep the focus on this issue until it is addressed by the elected officials.

Recommendations

One recommendation for future projects related to policy/advocacy campaigns is for a stronger community organizing focus. The members of the Affordable Housing Coalition, this project's host organization, are specialists in affordable housing issues and land use policies. However, among the Coalition members there was a lack of community organizing expertise, as well as a lack of time and resources to devote to this activity. The Coalition tried to partner with ACORN for the community organizing piece, but ACORN declined to participate in the project because they supported a different version of inclusionary zoning. ACORN felt that the Coalition's proposal would not serve their members interests. Coalition members continued the campaign without a community organizing piece. The Coalition successfully executed some political aspects of the campaign, but did not implement the citizen participation component to the degree that was planned.

Also, the Coalition did not engage the developers in the policy development process. Although I do not think this would have been an extremely helpful endeavor, communication with the developers would have provided an earlier indication of their main points of opposition. It may have enabled the Coalition and supporters to strike a compromise with the developer lobby.

If the project had a full time community organizer, public support for the proposed ordinance would have been stronger and more visible. If there had been more public pressure on the elected officials and more direct negotiation with the developers, perhaps a

compromise could have been reached between affordable housing advocates, the city, and the developer community.

The author also recommends gathering more comparative data regarding the construction of market-rate residential units in Jersey City versus other cities that have inclusionary zoning. The initial presentations made to city council members focused solely on inclusionary zoning as a solution to Jersey City's shortage of affordable housing. This information should be presented in comparison with other localities experiencing a real estate boom, where inclusionary zoning is generating affordable units.

Finally, in a politically charged environment it is often more effective to work within the system than to fight against it. In this project the Coalition attempted to generate support for the proposal by working with the various stakeholders to address the affordable housing crisis. However, the author believes the Coalition was not aggressive enough in pursuing press coverage of the issue. The author recommends that other policy projects seek publicity of community meetings where inclusionary zoning is discussed. The more press coverage this issue generates, the harder it is for other stakeholders to dismiss it.

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