Non-Market Housing as a Policy Objective in Municipal Affordable Housing Strategies

Recent innovations suggest directions for bringing greater prominence to non-market housing as a strategic priority

Working Paper

Prepared for the UBC Housing Research Collaborative
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2022 March

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Abstract

Proposals for expanding the place of non-market housing in solutions to address the growing affordability crisis are prominent in policy debates and media commentaries alongside proposed strategies aimed at the market housing sector to increase supply and bring down price. In itself, advocacy for non-market housing as an appropriate response to needs not met by the market is not new, as subsidized public housing supplemented by non-profit housing has been a feature of affordable housing programs since the early day of housing policy. Over the course of nearly a century of changes in policy and funding, the non-market housing landscape in Canada and the United States has become variegated in type and delivery mechanisms, and has come to play a larger role. Now, non-market housing is being proposed not merely as a marginal palliative intervention aimed at those who cannot access market housing, but as a path to systemic change in the housing market that will transform it into a system that meets the housing needs of all. Canada's federal government is responding to calls to strengthen the capacity of the non-market sector with financial and institutional support, and municipal affordable housing strategies often include actions to expand the non-market housing supply. However, the acknowledged importance of non-market housing as a source of permanently affordable and secure housing that is key to solving the housing crisis tends to recede into the background in local debates on housing affordability that often become acrimonious over issues of density, neighbourhood character and property values; non-market housing projects often encounter the same kind of opposition as market housing projects. The paper examines the place of non-market initiatives in municipal affordable housing strategies, and explores municipal innovations in creating and protecting non-market housing that suggest direction for expanding the non-market housing stock.

Introduction

Non-market housing owned by government agencies or non-profit organizations constitutes the core of Canada's permanently affordable housing stock. These non-market housing units, with or without ongoing rent-based subsidy, meet the needs of 5 percent of Canadian households, compared with 40 percent in the Netherlands, 22 percent in the United Kingdom, and 2 percent in the United States. This proportion has remained relatively constant in Canada since the 1980s, with only limited investment in new non-market housing by provinces since that time and with no new federal investment until the recent National Housing Strategy (Hulchanski, 2004; Government of Canada, 2017). During this period, the proportion of renter households that spend more than the recommended limit of 30 percent of income on housing has increased to nearly half of the total (CMHC, 2020), with renters representing one third of all households (Statistics Canada, 2017). To meet the needs of these renters, additional affordable non-market units are needed (Hulchanski, 2004).

Following the termination of federal housing programs and the devolution of public housing assets to the provinces since the 1990s (Suttor, 2016), provincial housing agencies have now sold portions of this stock to non-profit housing organizations.[1] These organizations, now collectively referred to as the community housing sector (Roy, 2017), together with municipal and provincial agencies still active in managing public housing, are the new stewards of most of Canada's non-market housing stock. Under the National Housing Strategy and many provincial housing funding programs, the community housing sector is the primary partner in delivering new non-market housing, and many municipalities have responded to federal and provincial funding opportunities by incorporating initiatives to partner with local community housing organizations in their affordable housing strategies.

But in spite of the clear advantage of non-market housing stock in providing permanent affordability, and the rationale that this advantage should enable prioritizing a rapid and substantial expansion of non-market housing stock to meet the enormous deficit, non-market housing has low visibility on several important fronts. First, in federal and provincial guides to municipalities on affordable housing, the development of non-market housing is presented as one item in an extensive list of possible actions, such as tenant protection and updating the official community plan to include affordable housing objectives. While all these actions are important elements of a housing policy framework, strategic guidance on priorities is not provided. Second, the non-market housing component within municipal affordable housing strategies is typically intermixed with a wide range of policies and programs, many of which are

[1] See, for example, the British Columbia Auditor General's report on the transfer public housing assets to the non-profit sector (British Columbia Auditor General, 2017).

directed at improving the affordability of market housing through regulation and incentives; the unique advantage of non-market housing with its permanent affordability is rarely cited. In municipal reports on affordable housing strategy implementation, the non-market units may be intermixed with market units under ranges of affordability, so that the proportion of new non-market units is obscured. Third, at the time of public information or consultation during implementation of non-market projects, prominence is not given to the social value that the non-market housing units will bring to the spectrum of affordable housing; as a result, the possibility for the opposition faced by these projects in neighbourhoods to be tempered by awareness of this exceptional benefit is diminished, and the resistance to a non-market project is no less than that encountered by similar market projects.

At the same time, some municipalities have embraced the challenge to expand their stock of non-market units, making this prominent in their strategies, and a few have taken bold and innovative steps. This paper explores the place of non-market strategies within Canadian municipal affordable housing strategies, identifies innovative steps taken by Canadian municipalities and in other jurisdictions, and considers the directions they suggest for prioritization of non-market housing in the future. It also describes the low visibility of these non-market initiatives in the context of the total municipal affordable housing effort. The paper is based on a review of literature that includes municipal affordable housing strategies, other government documents, academic publications and other research reports, and media articles on recent municipal initiatives.

The Place of Non-Market Initiatives in Municipal Housing Strategies

There is wide variation in the prominence given to creating non-market housing in municipal affordable housing strategies, and in the visibility of the non-market component of housing stock in implementation reports. One municipality may prioritize incentivizing market developers to include a portion of units that are priced below market and also provide some support for local community housing partners as opportunities arise, while another may adopt the ambitious goal of doubling its proportion of non-market housing to bring it up to the national average alongside its market housing program. The tools available to municipalities represent a mix of market and non-market measures that has expanded as provinces have devolved responsibilities not only for housing but also for economic development, growth management, environmental protection and community health (Garcea & LeSage, 2005; Taylor & Dobson, 2020). This section of the paper provides an overview of the evolution of the mix of market and non-market housing policy tools, and a description of the low visibility of non-market and non-market housing tools in affordable housing strategies.

Evolution of the Municipal Role in Housing

Originally, the municipal role in housing in Canada was an indirect one: to facilitate the development of market housing through land use regulation and planning, and to assist in the production of public housing projects initiated by senior governments. The extensive array of housing policy tools now available to municipalities is the outcome of several decades of experimentation enabled by evolving provincial legislation since 1964, when the federal government began winding down its strong controlling role in public housing through a succession of amendments to the National Housing Act (NHA) that provided more flexibility for municipal involvement in social housing (Hulchanski et al., 1990; Carter and McAfee, 1990).

The 1973 NHA amendments specifically encouraged the production of non-market housing types other than government-owned public housing, to be developed through partnerships between governments and non-profit organizations (Sousa & Quarter, 2004). The range of responses and initiatives by municipalities varied widely, reflecting in part the stance adopted by the senior provincial government. By the end of the 1970s, most larger cities had completed housing needs studies which proved useful in lobbying for funds from senior governments, while a majority of municipalities had adopted formal social housing policies and many had established housing corporations. Some municipalities continued to play a reactive role; others, such as Vancouver, adopted a bolder facilitator role, while Toronto became a comprehensive housing developer. Municipalities experienced varying degrees of success and financial impacts in the absence of assured funding support from senior governments. Regardless of the varied roles adopted by individual municipalities, the Federation of Canadian Municipalities in 1984 drew attention to common problems in setting out to provide adequate and affordable housing, including the lack of a clear mandate and limited revenues (Carter and McAfee, 1990).

This was a period of considerable innovation in tools and policies directed at both market and non-market housing. A compilation made in 1990 of municipal initiatives across nine categories[2] includes many that are new enough to be described as still largely untested and awaiting the test of time (Hulchanski et al., 1990). The list includes Vancouver's pilot 'income mix zoning' to require portions of selected large-scale private urban redevelopment projects to be available to core-need households; Toronto's pilot project to build support for residential intensification through the creation of secondary suites and accessory rental buildings; and Ottawa's creation of a municipal corporation to support and

[2] Political leadership and advocacy; planning and policy; regulations (standards and zoning); regulations (process); organization; land and buildings; financing' taxation and fees; and information and related services (Hulchanski et al., 1990, p. 16).

enable development of non-market housing by non-profit organizations. Many of these measures dating from the 1990s have proved effective and now feature prominently in affordable housing guides for Canadian municipalities provided online by governments and agencies.[3] The most striking shift since the 1990s in the discourse on affordable housing and in the mix of policy tools is the widening in focus from being primarily on 'low cost housing' and 'housing for the homeless and the poor' (Carter and McAfee, 1990) to now including housing for moderate and middle income households.[4] The shift reflects the extension of the housing affordability crisis to this wider demographic group and underlies the adoption of the new broader term '*affordable* housing' (Pomeroy, 2004).

The Municipal Affordable Housing Toolkit: Mix of Market and Non-Market Tools

In affordable housing guides provided to municipalities, market and non-market tools are grouped together under categories such as *regulatory, advocacy, rental loss prevention* or *fiscal,* and generally without explanation as to their potential applicability to creating market or non-market units, or to which combination might support maximizing the number of non-market units to be created.[5] This pattern of inter-mixing market and non-market strategies is consistent throughout the material consulted for this paper, from studies published in the 1990s[6] to current municipal affordable housing strategy documents.[7]

At the same time, initiatives focused on non-market units represent only a minor component of a municipality's affordable housing strategy, such as the leasing of land to a non-profit housing provider or the construction of transitional modular housing for the homeless. This is understandable, in that it reflects the overarching concern to increase the total supply of all types of housing by addressing gaps and shortcomings within the broad network of policies and programs that affect housing supply and affordability, including tenant protection, preservation of affordable rental stock, and reliability of the development process. As well, municipalities have to be responsive to their local contexts, including funding and partnering opportunities for non-market housing that may be limited or non-existent.

A recent analysis of municipal affordable housing measures used by the 15 largest municipalities in Metro Vancouver shows that of the ten most common measures, only one - the leasing of city-owned sites to non-profits - was suited to addressing non-market housing, either in the form of rental or supportive

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[3] See: Central Mortgage and Housing's *Guide for Canadian Municipalities for the development of a Housing Action Plan* (Wake, 2010); B.C. Housing's *A Scan of Leading Practices in Affordable Housing* I2017); *Municipal Measures for housing affordability and diversity in Metro* Vancouver prepared for CMHC (Eberle et al., 2011); Alberta Urban Municipalities Association's (AUMA) *Strategies to support housing affordability* (n.d.).
[4] See the income spectrum served by British Columbia's housing agency, p. 2 (B.C. Housing, 2020)
[5] See examples in note 3.
[6] See Hulchanski et al., 1990; Carter and McAfee, 1990.
[7] Affordable housing strategies for specific cities will be introduced below.

housing By contrast, four measures were well suited to advance entry-level market homeownership, such as densification, infill housing and smaller lots, while several addressed market rental housing, such as secondary suites, condo conversion policies, and density bonus provisions which generally result in market units. The analysis included summaries of the municipal affordable housing measures of each of the municipalities: only five out of 15 included any reference to non-market housing[8]. (Eberle et al., 2011). Again, this will reflect the realities of local capacity, opportunities and context, but the lack of focus on the creation of non-market housing as a potential objective, if only to explain its unattainability due to lack of resources, undermines the possibility of to drawing attention to the daunting scale of the challenge of creating permanently affordable housing and to the reality that very little is being produced. A recent assessment of the 2017 National Housing Strategy (NHS) by the Parliamentary Budget Office concluded that the strategy is having limited impact on affordability overall and that the number of households in core housing need is on track to increase by 2026 (Government of Canada, 2021). Although data on the projected impact of investments under the NHS on the proportion of non-market units is not provided, an increase in the current proportion of 5 percent based on trends in municipal affordable housing tools being applied.

Low Visibility of Non-Market Housing Measures in Individual Municipal Strategies

A review of the affordable housing strategies of individual municipalities reveals this same wide variety of regulatory, fiscal and other measures intended to result in the production or protection of a mix of 'affordable' market and non-market units.[9] In strategies that have been developed or updated since the launch of the NHS in 2017, there is a markedly stronger focus on the importance of non-market housing, reflecting widespread adoption of an inclusive housing framework often invoking the right to housing. However, the visibility of the non-market component is generally low, with non-market housing often subsumed under the term 'affordable,' and their permanent affordability is often not highlighted.

Toronto's affordable housing strategy commits to the creation of 40,000 'affordable' rental units that include 18,000 supportive units and 10,000 affordable rental and supportive homes for women and girls. It would appear that these will all be non-market units, although that is not explicit; however, Toronto's use of the term 'affordable' is based on the standard definition of housing cost that is less than 30 percent of income, so that some ambiguity remains. The strategy also commits to the creation of 4,000 non-market affordable home ownership units, which will clearly add to the non-market housing stock, but the

[8] It is possible that this reflects a lack of mention for purposes of the analysis rather than the lack of any non-market measure in the municipal strategies themselves.

[9] Some municipal strategies use the term 'non-profit' rather than 'non-market;' the term non-market is adopted in this paper.

strategy at the same time commits financial assistance to 150,000 first-time market home buyers, a ratio that demonstrates a prioritization of market housing (City of Toronto, 2020b). As well, a housing need and demand analysis recently completed for an assessment of the adoption of an inclusionary zoning policy does not quantify the number or proportion of units that are non-market (City of Toronto, 2019), so that interpretation of the impact of the policy on non-market stock based on the data provided is not possible.

New Westminster's recent housing needs assessment quantified the proportion of non-market housing as 3 percent of the total and clearly outlines the challenges of meeting the housing needs of low- and moderate-income households without additional resources (City of New Westminster, 2021). Although the affordable housing strategy commits to collaborating with the non-profit community, it also seeks to establish an environment that allows the private market to build affordably. The City's affordable housing strategy states that it emphasizes the City's role as a facilitator in the development of affordable housing through the private market (2010), and separates this function and reporting from its homelessness strategy that is focused on creating non-market shelter, transitional and supportive housing (2006 the implication is that the non-market housing component of the strategy is focused only on housing for the most vulnerable and low-income groups.

Vancouver has long recognized the critical importance of non-market housing, and some of its innovative strategies to create non-market units will be described in the next section. However, in Vancouver's recent housing data book (City of Vancouver, 2019), although many pages are dedicated to detailed reporting on the City's full stock of non-market housing, and although the record number of 1,938 non-market units approved in 2018 is highlighted (p. 18), these non-market units are aggregated under the category 'supportive and social' (p. 19). Because Vancouver has adopted a unique definition of 'social housing'[10] under which a social housing project may include market-priced units as a cross-subsidy tool, it is unclear whether the units in this category 'supportive and social' include those market-priced units, or whether they are being counted in the 'purpose-built rental' category. Vancouver's non-market housing stock at 8 percent of the total is above the national average of 5 percent, but this significant achievement is not highlighted. As well, there is no estimate of how the 'social and supportive' (and presumably non-market) component of the 10-year target of 72,000 is expected to affect the proportion of non-market housing.

[10] Vancouver's definition of 'social housing' is unique in the Canadian context, although compatible with international usage.

Calgary has set an ambitious goal of doubling the amount of non-market housing from the current low of 3 percent of housing stock, currently 12,000 units, to bring it up to the nationwide average (City of Calgary, 2016a).[11] The implementation plan includes many actions in support of this goal, including streamlining the planning process for non-market housing development, collaborating with the community housing sector, providing property tax exemptions, transferring land at below-market prices, and providing increased support to non-market housing providers (2016b). A recent progress report focuses entirely on the non-market housing component, providing a summary of accomplishments in relation to targets (2020). Compared to other affordable housing strategies reviewed, the non-market segment has high visibility in Calgary's documents.

Kitchener's housing needs assessment also clearly quantifies its non-market housing stock at 4.8 percent of the total, comparable to the national average, and includes a detailed analysis of non-market housing stock by type and size (City of Kitchener, 2020b). Kitchener's strategy notes that while the private sector has an important role in delivering housing, it not as effective as needed for the production of affordable housing, and references to non-market housing are frequent. Actions to support the non-profit housing sector include making city land available for the non-profit sector and supporting the sector in development partnerships. The document lists 14 non-profit organizations with a description of their project proposals and identifies the interest of churches and religious institutions in providing affordable housing; however, the targets comprising 9,000 affordable rental units, 450 supportive housing units, and 5,000 unspecified 'community housing' units are, at this point, aspirational. The implementation plan is yet to be developed, so the impact on the proportion of non-market units is unknown (2020a).

As noted, a common feature of the affordable housing strategies of most of these municipalities is the difficulty of tracking the non-market component through documents. Even where there is considerable detail on some aspects of the non-market housing program, the non-market component becomes obscured in summaries and progress reports due to only partial information being provided, or to unclear terminology, or to being intermingled with other data on affordable actions, or to lack of analysis of the net impact on the non-market housing stock. An example is the ambiguous tally found in the Halifax affordable housing plan (City of Halifax, 2018). The plan itself states the proportion of non-market units in Halifax at 4 percent, articulates clearly the critical importance of non-market units in meeting housing needs, and includes the strategic objective of increasing the supply of non-market housing under the broad goal of increasing affordable housing supply. However, the tally in *Table 1: HP Affordable Housing 5-Year Targets* (p. 2) requires disaggregation in order to deduce the total number of non-market units. The

[11] National supply is stated as representing 6 percent in Calgary's strategy document (Calgary, 2016a).

table supports the calculation that, after five years, new units will have been produced for 3,000 households currently without access to affordable housing (2,750 new units plus 250 rent supplements for units not previously affordable). These units are a mix of types, with affordability being related to the standard ‘less than 30 percent of income’ benchmark. In terms of expanding the stock of non-market housing, it appears that only 1,000 of these new units fall into the non-market category, being explicitly described as 'social and non-market housing.' It is unclear whether the 'additional rent supplements' are payable within non-market or market projects, or whether the affordable homeownership units are non-market or market shared equity units.[12]

Key Vulnerable Populations: Lone parent households, one- person households, recent immigrants, persons with a disability, Aboriginal-led households, youth households, and senior-led households	
AHWG Strategic Goals	**Targets (5 year)**
1) Increase the supply of affordable housing options that meet people's need	**2,750 new units built. This will include:** • **1,000** additional units of affordable social and non-market rental housing • **1,000** additional units of affordable private rental housing • **250** additional units of affordable home-ownership units • **500** new secondary and backyard suites • Increase the number of licensed Single Room Occupancies
2) Reduce the number of residents living in core housing need	**2,250 units preserved and/or rent supplements:** • **250** additional rent supplements • **2,000** units preserved or upgraded (social, non-profit and private market) through repairs and energy retrofits
3) Foster a Strong Housing Sector	• Increase the Number of Licensed Single Room Occupancies (SROs) • Reduce vacancy rates in Certain Neighbourhoods • Strengthen and Build capacity for increased effectiveness of the housing sector
Total	**5,000 units over 5 years**

As a set of targets relating to an affordable housing strategy, these targets may be sound, responsive to the context and opportunities available, and effective in improving the net affordability of local housing; at 20 percent of the total 5,000 units, the non-market goal is significant. What is of concern in the context of the paper is that the non-market component is not clearly visible. As a result, it is not possible to readily discern whether the strategy will result in a net increase or decrease in the proportion of non-market, permanently affordable housing.

Low Visibility of Non-Market Units in Public Discourse on Affordable Housing

The low visibility of non-market housing as a key strategic direction for expanding the stock of permanently affordable housing is also a feature of public discourse on affordable housing, particularly as a source of housing for moderate- and middle-income groups who cannot find affordable market rental

[12] See *Shared Equity Ownership*, p. 20.

housing or affordable homes to purchase. The demand for government action on the affordability crisis extends across the income spectrum from low-income to middle-income groups. Although reaction to details of the federal NHS (Government of Canada, 2017), was mixed, the plan was welcomed as representing the return of the federal government to the housing sector. Criticism was based on the fact that it did not address root causes of the housing crisis, left out middle-income groups earning less than median incomes, and was inadequate in its response to the housing crisis for the vulnerable and for low-income groups (Hulchanski, 2017; Swanson & Sagaii, 2017).

At the same time, the federal prioritization of housing for vulnerable and low-income groups both before and during the pandemic has not met resistance. On the contrary, the high level of public support for action to address the housing crisis experienced by these groups has been documented in surveys. In one survey, 93 percent agreed that no one should be homeless (Salvation Army, 2011); in another survey, 72 percent of Canadian rated ending homelessness as urgent and 84 percent supported investing in affordable housing to end homelessness (Canadian Alliance to End Homelessness, 2020). In Metro Vancouver, 86 percent want to see government action on homelessness (Vancouver Foundation, 2012). In spite of this support in principle, housing projects for these groups frequently encounter opposition. They are invariably non-market units, yet this feature is not a factor in the public discourse, as the opposition is generally based on fears about the population to be introduced into the neighbourhood. Strategies for building acceptance of housing for vulnerable groups have been designed to address these community fears (BCH, 2019), and the non-market feature of the housing may not have less relevance in these situations. But non-market mixed-income housing[13] developed by the community housing sector is a core element of the NHS (Joseph, 2019), and projects of this type are as likely to experience local resistance as non-market housing for the vulnerable and as market housing that is opposed on grounds of incompatibility with neighbourhood character. Recently, Port Moody residents opposed a plan to construct a mixed-income housing project including units that would double the amount of non-market housing (Bula, 2021); Calgary residents opposed a plan to build 16 small non-market units (Klingbeil, 2016).

In reviewing the reporting on opposition to the non-market, mixed-income projects, there is found to be limited or no comment on their non-market nature or on the fact that they are part of a plan to expand the stock of permanently affordable units. In fact, the concept of mixed-income, non-market housing as a

[13] A mixed-income, non-market project potentially includes all income levels, with some very-low-income households on full subsidy, some at rents below market and geared to income but without subsidy, and others rented at market prices. The mixed-income model is a self-financing one in which the units at higher rents subsidize the units at lower rents. The key aspect of this mixed-income model is that the project as a whole is non-market and sheltered from market price increases, and the mix of units can be varied over time to provide permanent affordability in relation to target income (Joseph, 2019).

solution to affordability for moderate-to-middle-income groups has little presence in public discourse. In a recently produced and well researched video on the affordability crisis in Vancouver, asking whether building rental housing is the path out of the crisis, there is no mention of non-market housing as an alternative affordability strategy. The video concludes by drawing attention to the fundamental inequity between renters and owners, in that owners have the opportunity to build wealth in an escalating market while renters pay 30 percent and often much more of income to a market landlord (Cheung, 2021). The fact that a renter paying an affordable rent in a non-market unit has the option to accumulate savings due to paying less than 30 percent of income on rent, or even to build equity by investing savings in the stock market, is not a part of this public discourse. This lack of awareness of non-market housing as a strategic affordability choice within public discourse parallels its low visibility in municipal housing affordable housing strategies. Whether or not greater awareness would result in greater acceptance of introduction of new non-market, mixed-income housing in neighbourhoods, or build political will for increased funding for non-market housing, raising its visibility would at least bring it into the mainstream sphere of debate.

Municipal Innovations in Creating and Protecting Non-Market Housing

In spite of the challenges in seeking to expand their non-market housing stock, notably the lack of funding and, as this paper suggests, the historic low visibility and poor understanding of its unique benefits and strategic importance, some municipalities in Canada and elsewhere are taking ambitious steps to produce non-market housing and are employing a wide range of measures both on their own and in partnership with community housing organizations. Some of these measures are established practices, while others are innovative in some way. Established measures include: leasing city-owned land to non-profit housing organizations or government housing agencies for non-market housing; special considerations for community housing organizations including fee waivers, fast-tracking development, property tax exemptions and 'free' bonus density; financing assistance for community housing organizations in the form of grants and loans; and acquisitions of at-risk private housing sites for conversion to non-market housing when financing sources can be found. These established measures are well-documented (Eberle et al., 2011; Hulchanski et al., 1990; Wake, 2010) and continue to figure prominently in non-market housing strategies. Measures reflecting innovation or adaptation reviewed for this paper are of two types. The first type consists of established measures associated with non-market housing that are being used in innovative ways, and the second type consists of measures that are often associated with market housing but have been adapted to non-market housing.

Non-market measures representing innovations or adaptations

Site acquisition: right of first refusal. The acquisition of properties for non-market housing is an established practice for municipalities. One of the first major acquisition programs was Montreal's 1989 program to acquire an average of 1,200 units annually of the total 40,000 units located in post-war three-storey walk-ups, and then to sell them following renovations, either back to tenants as co-operatives or to non-profit organizations (Hulchanski et al., 1990). A recent substantial acquisition program of this type is Vancouver's one-billion-dollar plan to purchase 2,500 units in approximately 100 existing privately-owned SRO buildings for renovation and rental to tenants on social assistance (St. Denis, 2020). A recent major innovation strengthening a municipality's well-established power to acquire property for both non-market housing and other civic purposes is Quebec's Bill 121, which empowers Montreal to designate properties on which it intends to exercise a 'right of first refusal' in the event that they are placed on the market for sale (Government of Quebec, 2017). The City recently identified 300 properties it intends to acquire for social housing under this new right of first refusal. Barcelona now has the right of first refusal on all properties above a certain size that may be suitable for 'pubic' housing (City of Barcelona, 2018b). As well, in what could be considered a variation of the right of first refusal, in the sense of being a notice of intent to acquire under specific circumstances, Barcelona is prepared to expropriate rental properties that remain unoccupied, for one half of market value, for addition to social housing stock (City of Barcelona, 2018a). Another variation on the municipal 'right of first refusal' legislation was introduced by San Francisco in 2018; the Community Opportunity to Purchase Act (COPA) gives the right of first refusal to qualifying non-profit housing organizations to acquire sites for housing (City of San Francisco, n.d.).

These recent instances of municipal 'right of first refusal' legislation intended to produce permanently affordable non-market housing should not be confused with other 'right of first refusal' or 'right to purchase' legislation that has been introduced by many American cities since the 1980s to protect tenants and owners at risk of losing their homes in the private market. One of the oldest and strongest regimes of tenant purchase rights at the time was the 1980 Washington (D.C.) legislation that was intended to discourage displacement through conversion or sale; it gave tenants the right to purchase their building and has been frequently exercised (O'Toole & Jones, 2009). Florida gives tenants the right of first refusal on their units in the event of conversion into condos (Mursten, 1980). California's Bill SB1079 adopted in 2020, *Homes for Homeowners, Not Corporations*, is intended to prevent corporations from buying bundles of homes during foreclosure auctions by giving tenants and owners the opportunity to buy them individually (Skinner, 2020). While these rights of first refusal and rights to purchase have proven their value in preventing dislocation and financial harm to tenants and owners, they do not add to the stock of non-market housing or improve affordability. The Washington (D.C.) legislation, for example, is applied regardless of the income of tenants or rent levels and has maintained affordability at market level over time; it also supports exclusion, as tenant associations were able to opt out of contracts to accept Section 8 voucher contracts that would give access to a low-income tenant. In 2008, the D.C. government introduced an amendment giving the District the opportunity to purchase properties with rents affordable to low-income households, but this right was subordinated to the rights of tenants to purchase (O'Toole & Jones, 2009).

It is Montreal's version of the right of first refusal that is intended to create new non-market units that is significant in this context, as it would empower municipalities to expand their affordable housing stock.

Property tax exemption classification for supportive housing. Municipalities currently provide exemptions to a variety of non-profit organization in their jurisdictions.[14] The exemption from property tax for non-profit housing organizations is a benefit commonly included in municipal affordable housing strategies as a supportive measure. However, the enabling language in provincial legislation has in many cases created ambiguity regarding the eligibility of some kinds of housing projects, resulting in uncertainty and in some cases litigation. In 2013, British Columbia introduced a categorical property tax exemption for all supportive housing projects meeting a list of specified criteria which eliminates ambiguity (Government of British Columbia, 2021). In that respect, it is a useful innovation relating to an established practice that reduced an administrative burden and risk for housing organizations and municipalities. By contrast, in Ontario, non-profit housing organizations must meet a number of conditions in order to be eligible for consideration for a municipal property tax exemption. One condition is that its purposes include 'relief of the poor," and there is no specific category for housing organizations unless they are 'municipal capital housing facilities.' Due to ambiguity in the provisions, claims for exemption by community housing organizations have been challenged in court (Walters & Claridge, 2008). Alberta provides exemptions for qualifying types of non-profit seniors' housing, which simplifies applications under that category; however, other housing organizations have to make a case based whether their purpose can be considered a 'benevolent' one such as the 'relief of poverty.' The Alberta Urban Municipalities Association has requested the provincial government to explicitly authorize municipalities to exempt non-profit housing organizations from property taxes, and further to compensate municipalities for those exemptions with grants-in-lieu-of-taxes (2009); this would be a major innovation that would contribute to the affordability of non-market housing projects and serve as a model for other provinces.

[14] See, for example, the history of and approach to local property tax exemption in Alberta (Government of Alberta, 2005).

Municipal land: land banks and community land trusts. Municipal land banks were adopted by some municipalities as a land management tool following the 1969 report of the federal Task Force on Housing and Urban Development, although their origins are older (McFadyen, 1978; McClaughry, 1975). Their purpose was primarily to preserve large amounts of land for future use, particularly at the urban periphery as cities began to expand, and to acquire vacant and tax-delinquent land with the intention of returning it to productive use in future through sale to individual buyers or developers. Saskatoon's land bank is often cited as a model for cities looking to create one, having secured approximately 50 percent of the City's land base through acquisition of tax-delinquent properties since the 1920s, and through later partnerships with provincial and federal governments (Hulchanski et al., 1990). Although potentially a strategy for acquiring land for affordable housing, land banks are criticized for a lack of clear benefit to the community and unclear mandates, at times selling land to developers at prices below market without generating affordable housing (Piper, 1975). They are rarely included in affordable housing strategies, although the absence of a land bank does not interfere with the practice of leasing municipally owned land to a non-profit housing organization, as most municipalities do on an ad hoc basis (Eberle et al., 2011; Metro Vancouver, 2012). Exceptions are Toronto, which is setting up a new public-private-non-profit land bank for affordable housing (City of Toronto, 2020b), while Montreal has used its land bank to build tens of thousands of social and community housing units over several decades (Thomas, 2020). A significant innovation in leveraging municipal land for affordable housing is Vancouver's 2012 partnership with the Vancouver Community Land Trust, under which the City transferred four sites on a 99-year lease for the creation of 358 non-market units for workforce, family, elderly and special needs tenants by a group of non-profit housing organizations (Patten, 2015).

Community land trusts (CLTs) are non-profit organizations that shelter land from market forces and make it available for community-serving purposes. While CLTs are not municipal tools, they can expand a municipality's capacity for securing affordable housing stock and assembling sites for affordable housing redevelopment, as a function of both their legal structure and their potential to access growing sources of alternative capital and financing for the social sector. In particular, the use of CLTs can serve as a complement to municipal land banks with growth mandates that are not compatible with the production of non-market housing and that include returning the land to the market. CLTs provide a structure that can shelter municipal land while retaining its municipal ownership (Davis, 2012). They are well established in the United States and Europe but emerged in Canada only in the 1980s. Of the 20 trusts that are founding members of the new Canadian Community Land Trust Network (n.d.), several of the older trusts have a broad neighbourhood development focus, [15] while many of the newer CLTs are dedicated to affordable housing. An important benefit of a CLT is that it can hold a diverse portfolio, acquire assets through donation or other avenues of acquisition, and develop them with partners based on a range of models. This diversity enables subsidies not only within projects but across sites in order to deepen affordability (Bunce & Aslam, 2016). The non-market CLT land stewardship model has significant potential for accelerating the expansion of the non-market housing sector in Canada once key challenges are resolved, including barriers to obtaining charitable status, unfavourable capital gains status for land donations, and relationship to other housing organizations that are also seeking land for housing (CMHC), 2005).

A critical barrier to acquiring sites for non-market housing potential is financing, for municipalities as well as housing organizations. Although housing CLTs also face this barrier as they seek to scale up non-market housing production, they have access to sources of financing that are not available to municipalities seeking to developing their own land. Access to a new financing model and new sources was the primary advantage of Vancouver's partnership with the Vancouver Community Land Trust at a time when no funding was available from the provincial or federal governments, and when it was necessary for the City to reimburse the Property Endowment Fund for 95 percent of the value of the land out of development cost levies (Patten, 2015). Some of the financing available to CLTs as community-based organizations is from within the entrepreneurial social sector. One example is the operating model of a Nova Scotia non-profit social enterprise that has funded the development of supportive housing, affordable rental units, and commercial buildings internally through the cycling of revenues (BC Housing, 2017). Some credit unions have programs to support CLTs, such as the Vancity Community Investment Bank's 'Preserve and Protect Program' that assisted in the bulk purchase of at-risk affordable housing sites by the Parkdale Neighbourhood Land Trust in Toronto (Vancity Community Investment Bank, 2020). Another potential new source of funding for land acquisition is foundations that invest funds from their capital pool in mission-focused social purpose reals estate, including non-market housing, such as Central City Foundation (2015) in Vancouver. Other new community-based funding tools are community bonds, and the community 'contribution company' type of legal entity created by legislation in British Columbia in 2013 that can raise capital for community purposes and is required to re-invest a large portion of surplus in the community (Social Purpose Real Estate Collaborative, 2021).

[15] *See*: *Kensington Market Community Land Trust* in Toronto, "created to protect the social and economic diversity of our neighbourhood;" *Parkdale Neighbourhood Land Trust* in Toronto, "trying to protect the social cultural and economic diversity of Parkdale;" and *Hogan's Alley Community Land Trust* in Vancouver, "will create a renaissance movement for social, political, cultural and economic revival from Vancouver's black community." (Canadian Community Land Trust Network, n.d.)

In summary, CLTs can be a logical partner for cities that seek to maximize the impact of municipal land for the creation of non-market housing at a scale larger than is possible through leasing individual sites to non-profit housing organizations, both through efficient sheltering of land and through access to new financing sources and models. A further advantage is that because many CLTs encompass community goals beyond housing, it is possible for them to enable large-scale, mixed-use development that contributes to a vibrant community through investment in a diverse range of social purpose real estate initiatives that include housing.[16]

A final innovation in managing municipal lands for non-market housing is Vancouver's Affordable Housing Endowment Fund created in 2018, which consolidated the City's non-market housing assets into one portfolio within a legal structure with the mandate to meet affordable housing needs. The housing assets, valued at $2 billion, had been held in the Property Endowment Fund, whose mandate is not aligned with the development of non-market housing. These assets have been shifted into the new Fund which, in effect, acts an affordable housing bank or trust comprising land and liquid assets (City of Vancouver, 2018b).

Affordable housing funds: Municipal housing funds for affordable housing have been used by municipalities since the 1980s (Hulchanski et al). Many municipalities have some type of housing reserve fund, and it is one of the most commonly used tools by Metro Vancouver municipalities (Eberle et al., 2011). Sources of income include property taxes, loan repayments, land sales, interest on real estate transactions, gaming funds, commercial development levies, and cash-in-lieu from developers as part of a rezoning or a density bonus when the developer opts to not produce the requisite 'affordable' housing on site (Mancer, 2003). The funds are expended in a variety of ways, most often as grants or loans. The Capital Regional District Housing Trust Fund in British Columbia, created in 1982, has leveraged contributions from the provincial and federal governments to finance 43 projects (BCH, 2017). Richmond's fund has supported a ground-lease program in which the municipality purchased lands for affordable housing, solicited proposals from housing organizations for non-market housing, and leased the land with stipulations regarding affordability (Hulchanski et al., 1990).

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[16] Just municipalities could address the conflict of interest between non-market housing and economic growth that is embedded in the mandates of land banks by transferring properties on a long-term lease to a CLT, municipal housing organizations with buildings that contain retail and commercial units could address the parallel conflict of interest between seeking to maximize return on retail/commercial units that are needed to meet community-serving purposes, such as low-income-serving food retail, community non-profit spaces, and affordable space for local entrepreneurs and artists. Shifting these assets to a CLT to manage on cross-subsidy model would align the social purpose of the housing and non-housing portfolios. BC Housing, British Columbia's provincial housing agency, has taken the innovative step of transferring its Vancouver inner-city retail and commercial assets on lease to a social enterprise; Community Impact Real Estate has a mandate to lease the space for uses that will ensure that affordable goods and services are available to low-income residents, who are also the primary residents of BC Housing's social housing (Community Impact Real Estate, 2020).

Although well established as a non-market housing development tool, housing funds are included here because of the potential for their expansion through the addition of new sources of funding; most municipalities appear to rely mainly on a single source (Mancer, 2003). An innovative source of revenue for non-market housing is Vancouver's Empty Homes Tax. Introduced in 2016 over concern that between 2 and 6 percent of homes across the city were unoccupied, the tax has generated over $60 million since inception for affordable housing initiatives, including $25 million in grants to non-profit housing providers to deepen the level of affordability. Although the revenue is not placed in the Vancouver Housing Trust Fund, it is segregated from other tax revenues and reserved for non-market housing under the Community Housing Incentive Program (Vancouver, 2019a). An uncommon form of housing fund is Whistler's Employee Housing Reserve Fund introduced in 1990. The major source of funds is levies on developments that are projected to increase employment and thereby to increase the need for employee housing. In combination with Whistler's policies for the creation of price-restricted employee housing for rental or ownership, the outcome has been a pool of affordable housing large enough exceed the original target of housing for 75 percent of the local workforce. The program has been expanded to meet the needs of seniors and the disabled (Dickinson, 2009). As a resort municipality, Whistler has this special power to levy an employee housing charge; given that many employers in expensive markets are providing housing bonuses as incentives (Dunne, 2021) that are larger than Whistler's levy, a municipal employee housing charge that would entitle the employer's employees access to non-market workforce housing on the Whistler model may be a policy tool worth exploring for non-resort municipalities.

Other Municipal Housing Policy Tools: Shifting the Balance Toward Non-Market Housing

The 'innovative' measures described in the previous section generally involve adaptations or extensions of established practices already focused on non-market housing, either to directly expand the supply or to improve the conditions for acquisition, development and affordability. There is another set of affordable housing measures that are commonly included by municipalities in their affordable housing strategies that can contribute to either non-market or market housing supply, depending on how they are constructed. The option chosen is a policy choice. Often, the market option is selected without a rationale being offered for rejecting the non-market option. In this section, three of these flexible measures are considered: inclusionary zoning, residential densification, and shared equity home ownership.

Inclusionary zoning: Inclusionary zoning is a policy tool applied during a rezoning process to designate a portion of rental units in a market building that will be required to meet affordability criteria and possibly other criteria such as unit type or size, as a condition of rezoning. Inclusionary zoning policies are associated with developer incentives which can include reduced fees, bonus density, and low-cost construction. The proportion of designated units is typically 10 or 20 percent but is sometimes expressed as a percentage of buildable floor area (Kautz, 2002). The duration of affordability can be as short as 10 to 30 years in the U.S., but in Canada it generally based on the life of the building, terminating when the building is re-developed (City of Vancouver, 2019b; Raymer, 2021). The units generated under the policy can be either market or non-market units, depending on the approach.

Many variations of the policy exist across Canadian municipalities including the definition of affordability, whether it is mandatory, and whether there is any offsetting compensation or alternative form of contribution to affordable housing. Not all provincial governments have empowered municipalities to create inclusionary zoning policies, and where they are supported the uptake has been limited, except in British Columbia municipalities and in Montreal. (Focus, 2016; Drdla 2016). Vancouver implemented its first inclusionary zoning policy in 1988, requiring 20 percent of the units in certain large developments in some neighbourhoods to be for affordable housing, and has expanded its application to a wide range of sites and requirements (City of Vancouver, 2018a). Montreal has made extensive use of inclusionary zoning, recently enacting a bylaw requiring new developments to include 20 percent social housing, 20 percent affordable housing, and 20 percent family housing with a minimum of three bedrooms. (Raymer, 2021). Toronto is considering its first inclusionary policy following recent adoption of enabling provincial legislation (City of Toronto, 2020a).

The key variable affecting whether market or non-market units will be created under the inclusionary zoning policy is the approach to affordability. In Canada, as across the United States, there is variability on whether affordability is defined in relation to market housing prices or in relation to tenant income. If the rents on the 'affordable' units are to be set based on market rates, then these will be affected by market increases. In this rent-based-on-market model, the benchmark is typically 85 to 90 percent of market (Drdla, 2016). New Westminster, Richmond and North Vancouver (City) have this type of policy, with rent set at 10 percent below average annual market rent as determined by CMHC (Victoria, 2018). If the ‘affordable’ rent is geared to income, however, then the unit is effectively sheltered from market increases for the target income group. In this situation, rents are set based on 30 percent of income in relation to what is affordable at a specified percentage of local median income; typically, the target range is from 60 to 80 percent of local median income with no subsidy provided (Drdla). Toronto has recently changed its definition of affordability for housing units from one based on market rent to one based on income (City of Toronto, 2020c). Basing the rent on tenant income in a market rental building achieves a degree of permanence in affordability, given that this rent level is restricted through a housing agreement. Some inclusionary zoning policies, notably in Montreal and Vancouver, either require or accommodate a portion of the units to be secured for low-income tenants that require a subsidy to bring the rents down to

30 percent of income; these units are placed under the management of a non-profit housing provider or municipal housing agency. In effect, units with rents based on income developed through inclusionary zoning are a form of non-market unit within a market project.

In summary, inclusionary zoning as a policy tool can be used to create units that are priced in relation to the market, in which case they will increase in cost with market increases and function as market units, or they can be priced in relation to tenant income, in which case they remain affordable at a fixed rate at least for the demographic targeted by the policy, and function as non-market units for the duration of the agreement. Both types are seen in municipal affordable housing strategies. The chief observation to be made about inclusionary zoning in the context of this paper is that the rationale for selecting one option over the other is not provided in the strategies. There may be valid grounds for selecting the market-based option, including considerations of the impact on private developers' investment decisions and the administrative burden of managing housing agreements and monitoring rents. But without that rationale being provided, there is a lack of transparency and a loss of opportunity to build public understanding of the difference between market and non-market approaches as strategies for permanent affordability. A further observation is that, without follow-up evaluation of the total cost of incentives associated with negotiating the inclusion of a portion of below-market units within a market rental project, it is not possible to compare the actual cost of producing more affordable units through the market using inclusionary zoning with the cost of developing a non-market mixed-income project through a non-profit community housing organization.

Residential densification: Increasing residential density through upzoning is another policy tool that can be used to increase non-market housing units, although it is historically associated with increasing the supply of market housing. In light of the decreasing supply of large sites for development in growing cities, attention has turned to single-family-zoned neighbourhoods as representing expanses of underutilized land that typically accounts for 65 percent or more of the municipal land base. Single-family zoning is now widely seen as the major barrier to substantially increasing the supply of housing to alleviate the affordability crisis (Monkkonen, 2019; Lee, 2020). Many cities have been increasing density in and near single-family neighbourhoods on a selective basis, notably around transit hubs and along transit corridors (Rayle, 2015), and advocacy for city-wide upzoning is fairly recent (Davis, 2021).

After extended debate, a number of U.S. cities have now taken small steps in the direction of city-wide densification, not only to stimulate the production of more affordable housing forms but also to begin to correct the racial segregation often embedded in single-family zoning codes. In 2018, Minneapolis became the first U.S. city to entirely eliminate single-family zoning and now permits triplexes on a single lot (Wegmann, 2020). The state of Oregon has passed legislating enabling degrees of densification based on size of municipality (Andrews, 2019). In both cases, the intention is to increase supply of market units. However, the impact of densification on affordability is contested, and many voices urge caution as there is no guarantee that adding to the supply of market units without controls will result in greater affordability (Davis, 2021; Underkuffler, 2020).

A number of municipalities have allowed conditional densification modelled on inclusionary zoning that requires a portion of the additional units to meet affordability criteria. Portland now allows market fourplexes on all residential lots but will allow up to six units if half are permanently reserved by a covenant for tenants earning no more than 60 percent of the area median income (City of Portland, 2021); even with a market developer or private owner, the covenanted units will be equivalent to permanently affordable non-market units.[17] In 2020, the City of Cambridge (MA) adopted a stricter densification strategy, called the *Affordable Housing Overlay*, allowing increased density only for permanently affordable non-market housing in which all units are reserved for tenants making below-median income. As the Cambridge housing projects will be developed by non-profit housing organizations, it is expected that some of the units will be available for households with incomes as low as 30 percent of median income. The allowed increase is stated in terms of heights and buildable area rather than units, and is responsive to variations in existing zoning and uses (Schmidt, 2019). Vancouver recently approved increasing allowable density up to six storeys for non-market housing in selected areas of the city that are zoned currently for three-storey condominiums and multi-family rental buildings (City of Vancouver, 2021). These examples of residential densification demonstrate that, as in the case of inclusionary zoning, municipalities make a strategic choice about the priority they will give to expanding the supply of permanently affordable non-market housing *versus* expanding market housing supply. The process of arriving at the decision is, of course, a political one, and there are factors to consider that might militate against selecting the non-market option. However, the process is rarely transparent, deliberative, inclusive and public; in the case of the non-market residential densification in Cambridge, the public engagement process was extensive.

Shared equity home ownership: Municipal affordable housing strategies include measures to encourage the development of affordable homes for ownership. These include densification to enable smaller market units and multi-family housing forms such as townhouses or accessory dwelling units, as well as market developer incentives such as relaxation of parking requirements or low-interest loans (BCH, 2017; Metro Vancouver, 2012; Wake, 2010). Another approach is to partner with market developers or

[17] See above, *Inclusionary Zoning*

non-profit organizations to produce shared equity homes for purchase at below-market prices with the aid of financial support that reduces the cost of land, building or borrowing. Known as shared equity ownership, this is a modified type of ownership tenure with a number of variations, including: 1) the sponsoring organization retains a portion of equity as the tool to reduce the price and claims a corresponding share of the proceeds of the sale; 2) the sponsoring organization provides or sponsors a reduced-rate second mortgage as the tool to reduce the price with the purchaser retaining full title, and requires repayment upon sale of the unit; and 3) the sponsoring organization restricts the price at which the unit can be sold to preserve affordability for the next buyer without retaining any portion of the title or sale proceeds (CMHC, 2018; Small Housing BC, 2019).

These variations can support a market or non-market form of shared equity ownership. The objective of the market model is to provide households with the financial boost they need to enter the homeownership market. The price at which the owner sells the unit is based on market appraisal and the unit enters the market pool upon resale (Metro Vancouver, 2012). An example of the pure market form is the NHS *First-Time Home Buyer Incentive* in which federal government provides a shared equity mortgage to lower the purchase price and mortgage payments; at resale in the market, the shared equity mortgage amount plus appreciation is repaid to the lender and the housing unit enters the market pool (CMHC, 2017). BC Housing's Affordable Home Ownership Program is also designed to support market-based shared equity ownership; working with partners in the government, community or the private sector, BC Housing provides mortgage financing to eligible middle-income purchasers of affordable homes that are created by partners who are able to leverage assets and secure funding to attain improved affordability; the original purchaser eventually sells these into the market at market value (2018).

Municipalities have limited experience with shared equity ownership to-date, usually as a partner and usually adopting the market-based model. Toronto partners with a developer that produces affordable homes for ownership, with the City providing 10 percent of downpayments through federal/provincial funding (CMHC, 2018). Guelph partners with Habitat for Humanity and another non-profit organization, providing tax-increment-based grants and other financial development support (CMHC, 2018). Calgary's arm's-length social enterprise non-profit, Attainable Homes Calgary, supplies the 5 percent downpayment less $2,000; at resale in the market, the contributed downpayment is repaid to the City at no interest and the owner retains a portion of the home's appreciation, from 25 percent after one year to a maximum of 75 percent after five years (Attainable Home Calgary, n.d.). In these market-based models, although the original buyer is the sole beneficiary of the subsidies that created the affordability, the sponsoring organization applies the revenue from its share of the sale of units to develop additional affordable ownership units.

In the non-market version of shared equity ownership, the objective is two-fold: to provide affordable access to the security and freedoms of homeownership tenure along with the opportunity to build equity; and to preserve the affordability of the unit for subsequent purchasers through restrictions on the resale price. In the non-market model, ownership of the units remains under the control of the sponsoring organization, usually a land trust or a housing organization. One of the best-known non-market shared equity ownership models is the Champlain Housing Trust in Vermont. The Trust uses a finely-tuned market-based formula to set resale prices that allows the owner to take a moderate share of the appreciation (25 percent in the case of a condo) while maintaining the resale price of the unit to the new buyer at about 74 percent of market, which is affordable at 53 percent of the area median family income (Temkin et al., 2010). Although the pricing of the units is relative to market, the units retain their affordability permanently within the Trust portfolio for a specific demographic segment. Other non-market models set resale prices based on a stable index rather on market price, with the aim of striking a balance between preserving the original affordability and allowing the owner's equity to increase moderately over time. Indices commonly used in price-restricted shared equity ownership models are the Consumer Price Index and the Annual Median Income (Reisman, 2019). Whistler's and Tofino's price-restricted units are examples of non-market shared equity ownership in which the resale price is based on increases in the Consumer Price Index (Whistler Housing Authority, n.d.; District of Tofino, n.d).

Interest has been growing in shared equity ownership as a model for affordable homes for ownership, not only within municipalities but also in the community housing and land trust sectors, and it is unclear whether the market or non-market model will garner policy makers' favour. The shared equity ownership literature reviewed for this paper tends to focus more on affordability to the first purchaser than on ensuring affordability for subsequent purchasers. As noted above, some cities have adopted the market model in which units enter the market pool upon resale, while others are creating a portfolio of price-restricted, permanently affordable units. Three recent Canadian reports advocating shared equity ownership as an affordable housing strategy advocate the non-market path of building up a stock of non-market ownership units. Two of these reports support the market-appraisal resale model (Reisman, 2019; BC Rental Housing Coalition, 2017), and one supports the index-based price-restricted model (BC Rural Centre, 2018). For municipalities considering an active role in shared equity ownership as an affordability strategy, a robust and transparent debate on the market and market-options should inform the political decision: whether to prioritize building a growing, self-sustaining stock of non-market, permanently affordable assets, or whether to subsidize access for a few fortunate individuals to the housing market, with its potential for substantial wealth building.

In addition to providing access to the opportunity to build equity for renters whose savings are insufficient to afford market homes, shared equity ownership has recently been identified as an innovative strategy to address the shortage of affordable rental housing. A recent study of metropolitan Toronto renters identified more than 200,000 middle income households who are paying less than 30 percent of income in rent but who are unable to purchase a market home. Creating affordable ownership opportunities for 5 percent of this group through shared equity ownership would release 10,000 rental units into pool of affordable rental units (Canadian Urban Institute, 2017). Federal investment in the creation of these 10,000 shared equity ownership units would be a step towards addressing the inequitable treatment in Canada of renters who are denied the tax benefits and incentives provided to homeowners (Canada-B.C. Expert Panel, 2021);[18] the program could be replicated across cities.

Summary: Innovative Practices in Municipal Non-Market Housing Tools

Municipalities are using a wide range of policy tools and other measures to expand their stock of market housing, some of which are innovative in themselves or are innovative adaptations of established non-market measures, while others are adaptations of tools generally focused on encouraging market units. The innovations include the municipal right of first refusal that can be exercised on sites that can expand the stock of non-market-housing; a provincially enabled property tax exemption for supportive housing that eliminates uncertainty regarding eligibility for municipalities seeking to exempt qualifying local projects; a partnership with a community land trust whereby the municipality leases land to the trust on a long-term lease for a nominal amount; and new sources of revenue for housing funds. These innovations suggest models for other municipalities and ideas for development. Other municipal housing policy tools such as inclusionary zoning, zoning densification and shared equity home ownership that are well established in the market context are being applied in innovative ways to generate non-market housing. Increasing awareness and understanding of the strategic advantages of the non-market options of the flexible policy tools would help to build support for greater resources to expand the stock of non-market housing.

Conclusion

There is variation across provinces and municipalities in the priority given in affordable housing strategies to the creation of non-market housing, and in the way that policy tools are used. In large part,

[18] The total federal spending for homeowners and private renters, 92.6 percent benefits homeowners; this distribution is inherently inequitable, while the access to equity-building that homeownership provides exacerbates wealth inequality (Clayton, 2010).

this variation reflects internal municipal capacity, the capacity of the local community housing sector, and access to funding. But even when efforts to add non-market housing for low-income groups are prominent in affordable housing strategies, the strategic significance of expanding non-market housing for middle- and moderate-income groups who cannot now afford market prices of both rental and ownership units remains unstated. The low visibility of non-market housing in affordable housing strategies is arguably a significant factor in the inconsistent attention to the potential of some strategies to generate non-market units as well as market units. It also contributes to the low level of public awareness of the importance of non-market housing as a measure to address the affordability crisis, and the lack of appreciation for the contribution that every non-market project, including the new mixed-income cross-subsidized model, makes to increasing the proportion of permanently affordable non-market housing from its current low level of 5 percent. Finally, the low visibility undermines the effectiveness of advocacy to substantially increase funding to expand the supply of permanently affordable, non-market housing across the income spectrum, including co-operative rental and shared equity ownership housing. In conclusion, it is important to note that affordable housing is part of the larger universe of affordable space for diverse array of community needs including space for social service non-profits, childcare, art hubs and local retail; the affordability crisis in space for community-serving organizations is as urgent as in housing, and many of the non-market strategies referred to in this paper can be applied to generate affordable space for both housing and community purposes.

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