

DIRECTORS'/ORGANIZATIONAL AGENDA ADDENDUM

Monday, December 14, 2020

I. CONSTITUENT CORRESPONDENCE

1. New Health Mandate – J. J. Harris
2. Affordable Housing Coordinated Action Plan – Charlie Wesche
3. Affordable Housing Coordinated Action Plan – Kasey Ogle
4. Affordable Housing Coordinated Action Plan – Shawn Ryba
5. Affordable Housing Coordinated Action Plan – Lorna Parks, Clinton Neighborhood Organization

Angela M. Birkett

From: twojoeshouse@aol.com
Sent: Friday, December 11, 2020 7:08 PM
To: Council Packet
Subject: New health mandate

[CAUTION] This email comes from a sender outside your organization.

Lancaster County has had a mask mandate since July 20. Here are the results

- In the first seven days of December, Lancaster County has registered more fatalities than in any full week of any month prior.
- The first seven days of December account for nearly 1/5 (19.4%) of all fatalities in the county since the beginning of the pandemic.
- That first week is equal to almost 56% (55.9%) of the County's fatalities for the entire month of November, which was Lancaster County's deadliest month.
- Lancaster County's positivity rate for the week ending December 5, was 33.9%, compared to 12.1 for the state.
- Lancaster County's climbing cumulative positivity rate (14.2%) is approaching double the national cumulative positivity rate (7.4).

Masks don't work. If they did, residents at care facilities would not be getting infected and dying. And here is why masks don't work to stop the spread of the virus:

In July the NYT reported that **239 scientists from 32 nations** published an open letter stating the World Health Organization should revise its recommendations because the virus is **airborne**. Not spread my large droplets that can be caught by a cloth mask, or will fall out of the air within six feet, but AIRBORNE. Cloth and surgical masks DO NOT protect from an airborne virus. A recent Danish random clinical trial demonstrated **surgical masks** in public use did not decrease COVID-19 infections. It is **the only** random clinical trial of masks and COVID-19.

The deaths are piling up because the health department has told people they would be safe if everyone wore a mask. People went into public places wearing masks and got sick. Some were hospitalized and some died, but the health department would not adjust its recommendations.

Lives could have been saved if the department had made these science-based statements:

- Masks will not protect you in public settings.
- If you are in an at-risk group, stay home [identify the at-risk groups].
- If you choose to go out in public, do so at your own risk.

People have figured out the masks don't work, and they **are** staying home. Dine-in restaurants and pubs are seeing the reduced customer traffic. The state infection rate has begun to drop, not rise as predicted by the Thanksgiving fear mongers.

The health department has a failed strategy. It is time for a change.

J. J. Harris



December 13, 2020

Honorable City Council Members,

My name is Charles Wesche and I am the Rehab Construction Manager and Homebuyer Education Trainer at NeighborWorks Lincoln. The purpose of this letter is to express my support for the City of Lincoln Affordable Housing Coordinated Action Plan.

My position at NeighborWorks Lincoln affords me the opportunities to not only witness the condition of Lincoln's housing stock from the inside, but also work with Lincoln residents, on a daily basis, that are struggling to find decent, affordable housing. Like most problems that face a community there is no one answer or 'silver bullet'. Instead, communities need to come together, with resources available to them, and work in partnership towards a solution. This is a key aspect of the Affordable Housing Coordinated Action Plan and provides our community with a blueprint to follow in the pursuit of solutions Lincoln so desperately needs in the arena of affordable housing.

I am completely in support of the City of Lincoln Affordable Housing Coordinated Action Plan and my hope is you will vote to adopt it today.

Respectfully,

A handwritten signature in black ink, appearing to read "Charles Wesche". The signature is fluid and cursive.

Charles Wesche



Angela M. Birkett

From: Kasey Ogle <kogle@neappleseed.org>
Sent: Monday, December 14, 2020 9:20 AM
To: Council Packet
Subject: Submitted Comment for City Council Meeting Dec. 14, 2020
Attachments: CIL Testimony on AHCAP.pdf

[CAUTION] This email comes from a sender outside your organization.

Hello,

Please find attached Collective Impact Lincoln's statement on the Affordable Housing Coordinated Action Plan. Please include our statement in the public record on item 4.b. of the city council's agenda for December 14, 2020.

Thank you,

Kasey D. Ogle, J.D.
Staff Attorney, Collective Impact Lincoln
She/Her/Hers

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December 14, 2020

Lincoln City Council
555 S. 10th Street, Rm 111
Lincoln, NE 68508

Chairperson Meginnis and members of the Lincoln City Council:

Collective Impact Lincoln (CIL) wants to extend its sincere thanks to Mayor Gaylor Baird and the Urban Development Department for undertaking the study of affordable housing in our city and the steps can be taken to increase access to quality, affordable housing for the most low-paid Lincolniters. The Affordable Housing Coordinated Action Plan includes important, useful, enlightening information that forms a picture of Lincoln's housing market today. The Plan also confirms what Collective Impact Lincoln has heard directly from residents over the past three years: housing quality and affordability is a major challenge for many Lincolniters. Most importantly, the Plan offers solutions that will have a positive impact on these housing challenges. CIL encourages the City Council to adopt this Plan and support its implementation.

We appreciate the work of the city, the purpose of the Plan, and the ideas it contains to address housing affordability and adequacy. There is important work to be done to reach the Plan's goal of adding more than 5,000 rental units that rent for \$1,000 per month or less by 2030.¹ The Plan partially endorses some of the most impactful policies that can help reach this goal, such as studying the benefits and drawbacks of inclusionary housing, moving from a complaint-based method of inspecting the interior of rental units to a proactive method of inspection, and strengthening the Section 8 voucher program. However, CIL encourages the city to clearly prioritize these policy solutions because they will directly lead to additional affordable units.

CIL is a partnership between Nebraska Appleseed, Civic Nebraska, and the South of Downtown Community Development Organization that focuses on six low-income Lincoln neighborhoods: Clinton, Belmont, University Place, Everett, Hartley, and Near South. We work with these residents to build community, develop neighborhood leaders, and take action on policy that is responsive to their needs.

CIL began its work by reaching out to members of the community, by knocking on doors and asking residents about their concerns. Through our efforts, we have spoken with over 15,000

¹ RDG Planning & Design, *City of Lincoln, Nebraska: Affordable Housing Coordinated Action Plan*, 44 (Oct. 23, 2020), <https://rdgusa.com/sites/lincolnhousing/wp-content/uploads/sites/43/2020/11/Lincoln-Affordable-Housing-CAP-11.9.2020-Updated-small.pdf> [hereinafter *Coordinated Action Plan*].

Lincolnites, and one of the issues that is continually brought to our attention is the need for quality, affordable housing in our city.

This important point is underscored throughout the Plan. For example, median household income is lowest in the neighborhoods where owner-occupancy rates are lowest and lower household income is generally concentrated where the highest percentage of renters are cost-burdened.² Additionally, 45 census tracts in the city have at least 40% of renters paying more than 30% of their income to rent,³ and nearly half of all renters are cost-burdened by their housing situation.⁴ It is therefore no surprise that the top concern voiced in both the listening sessions and in the online survey was the lack of quality, affordable housing.⁵ As mentioned above, this has been a top concern among residents since CIL began its work advocating for better lives for Lincolnites. Indeed, feedback from the community from the Plan's online survey mirrors what CIL has heard directly from Lincolnites: there is a critical need for safe, clean, affordable housing, particularly for low-income renters.⁶

Moreover, while the Plan identifies the dire need for quality, affordable housing for low-paid Lincolnites, it also offers important solutions designed to meaningfully expand access to quality, affordable housing, particularly for Lincolnites who rent. The Plan's seven-pronged approach includes several solutions that should be pursued. These seven "strategic housing goals" – build strategic housing partnerships for sharing risk; create mechanisms to share risk; preserve existing affordable rental units; expand the number of affordable rental units; increase mobility in the market through housing variety; expand neighborhood reinvestment; and ensure policies and codes support affordable housing⁷ – identify many policies that should be explored in an effort to expand access to quality, affordable housing.

In particular, CIL would like to highlight some parts of the Plan that are not discussed in great detail: studying the benefits and drawbacks of inclusionary housing, strengthening the Section 8 voucher program by prohibiting discrimination on the basis of source of income, and moving from a complaint-based method of rental inspection to proactive internal inspections. These specific recommendations are important to note among all of the policies being considered because they directly impact the city's ability to reach the 5,023 additional rental units that rent for \$1,000 per month or less that are needed by 2030.⁸ Despite minimal discussion of these policies in the Plan, these goals should be prioritized because of the potential they have to impact housing affordability and adequacy.

² *Id.* at 17, 27, 31.

³ *Id.* at 31.

⁴ *Id.* at 78.

⁵ *Id.* at 47.

⁶ *Id.* at 50 (Feedback from the open comments in the online survey "overwhelmingly focused on" the need for safe, clean, affordable housing; rentals for low-income households; better enforcement of property maintenance; more types of housing variety; and a perception of high property taxes.).

⁷ See, *id.* at 74, 77, 79, 82, 86, 88, 89.

⁸ *Id.* at 44.

Study and implement inclusionary housing

One such policy that would guarantee the creation of additional affordable units is inclusionary housing. The Plan notes that comments to the draft of the Plan released in February of this year called for a full analysis of the feasibility of inclusionary housing and responded that the city should study the benefits and drawbacks of inclusionary housing in Lincoln.⁹

Though CIL is concerned that the Plan elsewhere concludes that there is an alleged “inability to determine [the] effectiveness” of inclusionary housing programs because of “the controversy that these regulations can create,”¹⁰ we agree that the city should study the benefits and drawbacks of inclusionary housing. The Plan explains that inclusionary housing ordinances can be controversial because “[o]pponents often cite concerns over the impact these regulations will have on pricing and development activity,”¹¹ but a feasibility study would evaluate the benefits and drawbacks of inclusionary housing and determine how such a policy can best be crafted for Lincoln to have minimal impacts on pricing and development activity.

Inclusionary housing is a significant tool that could be utilized to create additional affordable housing units in Lincoln. Indeed, throughout the Plan, inclusionary housing practices are proposed to offer reduced-cost incentives for projects that produce units affordable to lower-income households.¹² For example, it suggests a property tax abatement for properties that build housing units affordable to households making less than 80% AMI.¹³ This is an adoption of a voluntary inclusionary housing policy – it provides an incentive to developers to build housing specifically made to be affordable and available only to certain qualifying low-income households. The Plan also suggests an inclusionary housing policy of reducing land costs for new development by either expediting the TIF process or by sharing development costs with the public so long as 40-50% or more of units in a development are affordable to lower-income households, also an element of many inclusionary housing schemes.¹⁴

While other strategies considered by the Plan for expanding the number of affordable units are designed to incentivize affordable construction,¹⁵ a mandatory inclusionary housing policy would be one way to better ensure that much needed affordable housing will be constructed. The Plan does not itself conduct a full analysis of the feasibility of inclusionary housing – data which is crucial to make an educated decision on the issue. But the Plan does agree that “[t]he city should study the benefits and drawbacks of inclusionary housing in Lincoln.”¹⁶ CIL agrees and proposes that a feasibility study would best achieve this goal.

⁹ *Id.* at 92.

¹⁰ *Id.* at 83.

¹¹ *Id.*

¹² See, *id.* at 78, 84.

¹³ *Id.* at 78.

¹⁴ *Id.* at 84.

¹⁵ See, *id.* at 77–79, 82–85. The Plan’s goal of building strategic partnerships is designed to create mechanisms for sharing risk in the development of affordable housing. Those mechanisms – a lending consortium, a housing trust fund, the use of TIF, or property tax abatement – all reduce costs for developers to incentivize affordable development. Similarly, additional strategies identified for expanding the number of affordable units all reduce costs for developers in an effort to incentivize affordable development – they are either designed to reduce land costs for developers or to subsidize development through LIHTC.

¹⁶ *Id.* at 92.

Feasibility studies look to previous housing development within the city to develop pro formas and create models that allow for a requirement of affordable units, often in exchange for developmental incentives to ensure that development remains profitable. The Plan correctly notes that there are several variables to consider in an inclusionary housing ordinance, and a feasibility study would allow Lincoln to determine how to design a policy specific to the needs of Lincoln's housing market without discouraging further development. Indeed, there are several considerations to make when deciding how to implement an inclusionary housing ordinance and a feasibility study ensures that those decisions are made in a way that maintains the profitability of housing development. A full analysis is important, as inclusionary housing programs have been proven to be effective nationwide at creating affordable units.¹⁷ Additionally, studies have shown that the costs of inclusionary housing ordinances are ultimately borne by landowners, rather than housing developers.¹⁸

Conducting a feasibility study to determine whether inclusionary housing would work for Lincoln, and if so, how to design such a policy would ensure maximum utility in the program without impacting profitability for development. This would be one reasonable, but major step in tackling our housing crisis. CIL therefore applauds the city's commitment to study the benefits and drawbacks of inclusionary housing, and urges the city to commit to undertaking a formal feasibility study to determine the potential inclusionary housing has to produce much-needed affordable housing.

Ensure vouchers can be used

Additionally, CIL encourages the city to continue to dedicate efforts to strengthen the Section 8 housing choice voucher program. Rental assistance such as housing vouchers is essential for many Lincolniters to make ends meet. It is one of the biggest tools we have to make housing more affordable for low-paid Lincolniters. Particularly now, as many have lost work or have been otherwise impacted by the COVID-19 pandemic, we have seen many additional households become eligible for and receive emergency housing assistance.

However, renters can be denied housing solely because they would pay rent with a voucher or other form of housing assistance. In Lincoln, voucher success rates from the Lincoln Housing Authority are currently running at about 74 percent. That is, 26 percent of voucher recipients in Lincoln are unsuccessful in finding housing that will accept their voucher. Additionally, renters receiving emergency COVID-19 rental assistance rely on the active cooperation of their landlords, without which renters are unable to receive rental assistance despite having lost income due to the

¹⁷ Grounded Solutions Network, *Can Inclusionary Policies Make a Difference?*, Inclusionary Housing, <https://inclusionaryhousing.org/inclusionary-housing-explained/can-inclusionary-make-a-difference/> (last visited Nov. 30, 2020).

¹⁸ Grounded Solutions Network, *Will Inclusionary Housing Prevent Development?*, Inclusionary Housing, <https://inclusionaryhousing.org/inclusionary-housing-explained/what-are-the-downsides/will-inclusionary-requirements-have-a-negative-impact-on-development/> (last visited Nov. 30, 2020) ("If affordable housing requirements are set too high, the concern is that developers may not be able to make sufficient profits, and they will choose not to build or to build in another community with fewer requirements. Because landowners obviously can't move to another community, they will have to lower land prices to attract developers – meaning that landowners are the ones whose profits ultimately drop.").

pandemic. The Plan also recognizes that “in a highly competitive rental market, those with [Section 8 housing] choice vouchers are struggling to find property owners with units available to the program.”¹⁹

While the city has required past TIF-funded projects to accept vouchers or set aside a number of units that accept vouchers,²⁰ the Plan agrees that additional strategies should be explored to support the voucher program. The Plan suggests expanding TIF policy to require units be set aside for voucher tenants or requiring affordable units as part of developments that require the extension of city utilities and services.²¹ We fully support such a change to TIF policy. However, CIL also recommends that the City of Lincoln require each landlord to accept all legal sources of income as payment of rent as an additional strategy to ensure that Lincolniters with housing vouchers or other forms of rental assistance are able to use them. Especially as many more households have been forced to rely on housing assistance due to the COVID-19 pandemic, this protection for low-income renters is crucial. Protecting against source of income discrimination was not included as a tactic within the Plan. However, because of the impact such a policy could have on providing housing opportunities for voucher users, implementing a source of income law should be a priority for the city.

Implement internal, periodic rental inspections

CIL is also encouraged by the Plan’s commitment to expand the city’s code enforcement mechanisms to include proactive internal inspections of rental units. The Plan repeatedly notes that our current method of code enforcement has failed many of our residents.²² The Plan in part continues to rely on a complaint-based system of code enforcement and on landlords to improve their properties²³ though these strategies do not impose an obligation to comply with health and safety codes.

The Plan looks to landlords to apply for funding to make improvements to their rental properties through a rental rehabilitation program, other existing rehab programs, or the use of TIF funds.²⁴ It also proposes a new method of complaint-based code enforcement. Specifically, to increase compliance with health and safety codes, the Plan suggests that a landlord association develop a rental inspection program that gives passing units a “seal of approval.”²⁵ However, our current code enforcement mechanism is built on a similar method of self-policing that has failed many of

¹⁹ *Coordinated Action Plan* at 23.

²⁰ *Id.* at 89.

²¹ *Id.*

²² *Id.* at 64 (“Many residents raised concerns over the quality of housing, especially in the city’s older neighborhoods.”). *Id.* at 68 (identifying the “Quality of Low Cost Rentals” as a “challenge[] that must be overcome to create a housing market that meets all income ranges and supports growth.” The Plan explains that over the past decade, “demand has remained high making it easy for landlords to rent units without upgrades.”). *Id.* at 74 (“Additional discussion around funding for code enforcement must also be part of the conversation. Many community stakeholders have called for greater code enforcement, but this will require additional city funding for staff to expand efforts.”).

²³ *Id.* at 79–81.

²⁴ *Id.*

²⁵ *Id.* at 80.

our residents. The Plan itself notes that “clearly” its proposal for a landlord association rental inspection program “will not fully address the issue.”²⁶

Indeed, the Plan’s commitment to expand code enforcement strategies to include proactive interior inspections of rentals is essential to correct the inadequacies that currently exist in Lincoln’s rental stock and to protect against deterioration. A proactive interior inspection model requiring periodic inspections of the interior of rental units could reward those landlords with units that are up to code and could give more attention to those not in compliance. This approach would more fully ensure that building and safety codes are properly enforced. Regular inspections of rental units help protect the limited number of existing affordable units in Lincoln from deteriorating to the point of condemnation and destruction, while simultaneously protecting lower-paid Lincolnites from life-threatening violations of health and safety codes.

CIL supports many of the solutions proposed by the Plan, but we are most eager to see solutions that work to ensure that conditions in existing units will be improved and that those units will be preserved; that additional units with guaranteed affordability will be constructed for low-income families; and that families needing housing assistance will have the access they need to quality, affordable units. To ensure that the Plan accomplishes the task it undertook, we encourage the city to follow through on these proposals and conduct a feasibility study on, and implementation of, inclusionary housing; amend current inspection ordinances to require periodic inspections of the interior of rentals; and adopt protections for all legal sources of income used for rent. These are three reasonable, measured steps that would seriously increase access to quality, affordable housing for low-paid Lincolnites, and CIL is grateful and glad to see these policies be adopted by the Plan and the city. We therefore encourage the city council to adopt the Plan.

Sincerely,

COLLECTIVE IMPACT LINCOLN

Civic Nebraska

Nebraska Appleseed

South of Downtown Community Development Organization

²⁶ *Id.*

Angela M. Birkett

From: Shawn Ryba <shawn.ryba@lincolnsouthdowntown.org>
Sent: Monday, December 14, 2020 10:19 AM
To: Council Packet
Cc: Tammy J. Ward; James M. Bowers; Richard W. Meginnis; Jane Raybould; Sandra J. Washington; Bennie R. Shobe; Roy A. Christensen
Subject: Submitted Comment for City Council Meeting Dec. 14, 2020
Attachments: South of Downtown Support of Affordable Housing Plan.pdf

[CAUTION] This email comes from a sender outside your organization.

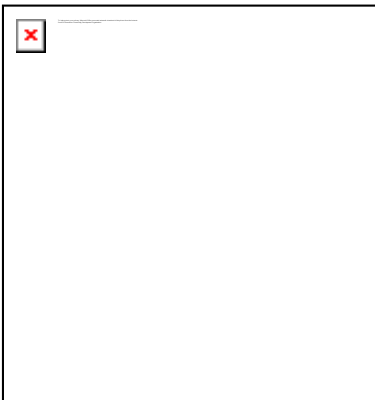
Hello,

Please find attached South of Downtown Community Development Organization's support statement of the Affordable Housing Coordinated Action Plan. Please include our statement in the public record on item 4.b. of the city council's agenda for December 14, 2020.

Best,
Shawn

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Shawn Ryba, MSW, MPA
Executive Director
He | Him | His
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402.416.8686
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December 14, 2020

Lincoln City Council
555 S. 10th Street, Rm 111
Lincoln NE, 68508

Chairperson Meginnis and members of the Lincoln City Council,

South of Downtown Community Development Organization (SDCDO) wants to extend its sincere thanks to Mayor Gaylor Baird and the Urban Development Department for undertaking the study of affordable housing in our city and what steps can be taken to increase access to quality, affordable housing for the most low-paid Lincolniters. The Affordable Housing Coordinated Action Plan includes important, useful, enlightening information that forms a picture of Lincoln's housing market today. The Plan also confirms what the SDCDO staff have heard directly from residents over the past three years: housing quality and affordability is a major challenge for many residents in the South of Downtown. Most importantly, the Plan offers solutions that will have a positive impact on these housing challenges. **The SDCDO encourages the City Council to adopt this plan and support its implementation.**

The SDCDO works with residents to build community, develop neighborhood leaders, and take action on policy that is responsive to their needs. Our work in the South of Downtown CDO is focused in census tracts 20.01 and 20.02 in Lincoln, or the geographic area roughly from K to A streets and 9th to 17th Streets. This area alone is the highest density of rental housing in the city of Lincoln. We've been having conversations with all kinds of neighborhood residents – homeowners, renters, college students, single-parent households, refugees, etc. – and have found that housing is the greatest challenge that looms over residents' lived experience. In our focus area, roughly 94% of the units are rental units. Affordable rental housing is something that greatly affects the lives of residents in South of Downtown. Through our conversations with neighborhood residents there is a critical need for safe, clean, affordable housing, particularly for low-income renters.

The SDCDO greatly appreciates the work of the city, the purpose of the Plan, and the ideas it contains to address housing affordability and adequacy. There is important work to be done to reach the Plan's goal of adding more than 5,000 rental units that rent for \$1,000 per month or less by 2030. The Plan partially endorses some of the most impactful policies that can help reach this goal, such as studying the benefits and drawbacks of inclusionary housing, moving from a complaint-based method of inspecting the interior of rental units to a proactive method of inspection, and strengthening the Section 8 voucher program. However, the South of Downtown CDO encourages the city to clearly prioritize these policy solutions because they will directly lead to additional affordable units.

SDCDO supports the solutions proposed by the Plan and are committed to working tirelessly with other affordable housing advocates, non-profit organizations, property owners, private sector partners, the philanthropic community and the city of Lincoln to help implement this plan, the three solutions highlighted in this letter, and any additional solutions that work to ensure that conditions in existing units will be improved and that those units will be preserved; that additional units with guaranteed affordability will be constructed for low-income families; and that families needing housing assistance will have the access they need to quality, affordable units.



To ensure that the Plan accomplishes the task it undertook, we encourage the city to follow through on conducting a feasibility study on, and the implementation of, inclusionary housing; amend current inspection ordinances to require periodic inspections of the interior of rentals; and increase funding support to expand the Section 8 voucher program. These are three reasonable, measured steps that would seriously increase access to quality, affordable housing for low-paid residents in the South of Downtown (and for all Lincolniters), and the SDCDO along with other affordable housing advocates are grateful and glad to see these policies be adopted by the Plan and by the city. **We therefore encourage the city council to adopt the Plan.**

If you need any additional information or have questions, contact me at shawn.ryba@lincolnsouthdowntown.org or 402-416-8686.

Sincerely,

Shawn Ryba, Executive Director



December 14, 2020

Mayor's Office
City of Lincoln
555 S 10th Street
Lincoln NE 68508

RE: Lincoln Affordable Housing Coordinated Action Plan

The Clinton Neighborhood Organization supports the Affordable Housing Coordinated Action Plan but would like to note that most single parent households within the Clinton neighborhood would not find a \$950, 2 bedroom apartment affordable when only making minimum wage without some sort of subsidy.

Looking forward to seeing how this all plays out and wishing you luck.

Sincerely,

Lorna Parks
CNO Board President