

# Community Land Trusts: Irvine

*This brief is part of the Turner Center series “Statewide Goals, Local Tools: Case Studies in Affordable Housing Development in California.”*

The vast majority of new affordable housing constructed nationwide is subsidized in part by the federal Low-Income Housing Tax Credit (LIHTC) program. With LIHTC, as with similar state and local subsidies, the subsidized units remain affordable for several decades and then eventually revert to market-rate. For tenants of these rent-restricted units, their housing situation can become precarious upon the expiration of the subsidy agreement. An alternative to this model—which directly addresses the temporary nature of many subsidies such as LIHTC—is the community land trust (CLT). Homes for sale or rent within a CLT are permanently held below the market cost while also offering the potential for residents to build equity and share in the economic advancement of their neighborhood. Faced with rising housing costs and a steady decline in affordable homes, Irvine, California created the Irvine Community Land Trust (Irvine CLT) in 2006 to ensure that all new units created using a public subsidy or as a result of the city’s inclusionary housing ordinance would remain affordable in perpetuity. The following case study explores how cities and counties can play a prominent role in starting and supporting the development of CLTs, which are traditionally owned and operated privately.

## Background

Irvine, California is a relatively young city located an hour’s drive south of downtown Los Angeles. Incorporated in 1971, Irvine is a master-planned community of about 220,000 residents. It is a classic bedroom community, characterized by primarily detached single-family homes, a low crime rate, and high-quality

public education. Irvine’s population has grown faster than the surrounding communities in Orange County in recent decades. It is also home to a campus of the University of California.<sup>1</sup>

Irvine’s primary housing challenges are twofold: 1) higher than average housing costs<sup>2</sup> and 2) the dramatic loss of affordable units built through the city’s inclusionary housing program. Long considered a leader in creating affordable housing in Orange County, Irvine has provided a number of incentives and funding programs for affordable housing projects over the years.<sup>3</sup> As an early adopter of inclusionary zoning,<sup>4</sup> Irvine launched one of the nation’s first voluntary inclusionary housing programs in 1978.<sup>5</sup> Since its adoption, Irvine’s voluntary inclusionary housing program has produced 3,155 units of low- and moderate-income affordable units in new developments, with another 1,245 units created through US Department of Housing and Urban Development (HUD)-assisted developments.<sup>6</sup>

In 2003, Irvine updated its inclusionary housing program from voluntary to mandatory, requiring all residential developers to set aside 15 percent of housing units in a proposed development at a price affordable for low- and moderate-income households.<sup>7</sup> However, because Irvine’s inclusionary housing program requires that units remain affordable for only up to 30 years, housing created through the program in the 1970s and 1980s has been converted to market-rate following the expiration of deed restrictions.<sup>8</sup> By 2006, approximately one-third of the original 3,155 affordable housing units created through the program were converted to market-rate, a significant loss of the affordable housing portfolio for the community.<sup>9</sup>

Tasked with searching for strategies that both produce and preserve affordable housing, Irvine also sought to capitalize on the recent annexation and pending redevelopment of the El Toro

Marine Corps Air Station (El Toro).<sup>10</sup> After years of debate about how to reuse the 4,700 acre El Toro site, including a rejected proposal to develop an international airport,<sup>11</sup> the city had decided to create one of the nation's largest urban parks, the Great Park, and a new mixed-income, mixed-use community surrounding it. In February 2005, Heritage Fields LLC, a joint venture between developer Lennar Corporation and several other firms, purchased El Toro. Development plans for the six square mile site include residential, golf, commercial, R&D, and schools with two square miles dedicated to the Great Park.

Since Irvine had annexed the former base, all future development on the El Toro site was subject to the city's inclusionary zoning ordinance. Additionally, its designation as a Redevelopment Project Area under California's Redevelopment Law<sup>12</sup> allowed the city to capture future increases in property tax revenues for affordable housing and other related uses. Preliminary estimates projected the Irvine Redevelopment Project Area would generate \$143 million in 20 percent set-aside funds for the city.<sup>13</sup> When combined with the in-lieu of fees of \$125 million created through the inclusionary housing program and other funding programs, these funds presented an opportunity for the city to create a significant number of new affordable housing units. In complement to other housing strategies, Irvine established a community land trust.

## Irvine Community Land Trust

A community land trust is a non-profit organization formed to hold title to land to preserve the long-term availability of affordable housing and other community uses. What distinguishes the CLT model from other affordable housing strategies is its commitment to maintaining affordability long-term by decoupling the land value from the built structure or housing located on the land. Ownership of the land, along with control over the resale of any housing located on its land, allows the CLT to ensure homes will remain available for lower-income households for generations to come. While often used in the homeownership context, CLTs can also play a similar role in preserving the affordability of rental housing, limited equity co-ops, condominiums, and even commercial property. The majority of CLTs are structured as nonprofits with a representative governing board with seats allocated to CLT leaseholders, residents from the CLT's service area who are not leaseholders, and community members representing the public interest.<sup>14</sup>

CLTs have seen rapid expansion over the last three decades. Beginning in the mid-1980s and into the early 1990s, the number of CLTs increased along with the level of municipal support for them.<sup>15</sup> Since 2000, a growing number of cities and counties have embraced the model to protect public investments in affordable housing.<sup>16</sup> As of March 2017, 270 CLT programs were in operation throughout the US, with nearly 20 new CLTs starting each year. In California, there are 24 CLTs.<sup>17/18</sup>

Irvine's CLT is the only municipally-sponsored CLT in California.<sup>19</sup> It is the result of a city-led effort to develop a comprehensive, citywide affordable housing strategy to address its housing needs

as outlined in the city's updated 2013-2021 housing element.<sup>20</sup> Municipal support for CLTs can vary, and not all CLTs are established as part of a municipal planning process. Local government involvement in CLTs can include administrative or financial assistance, donations of city-owned land, grants, or low-interest loans for developing and financing projects.<sup>21</sup> Cities can also assist CLTs in the acquisition and preservation of housing through local land use regulations such as inclusionary zoning, density bonuses and other mandates or concessions. As a CLT builds its portfolio, municipalities can continue to provide support for its operations through capacity grants.<sup>22</sup> Finally, jurisdictions may assist CLTs through the revision of their tax assessment practices to ensure the fair treatment of resale-restricted homes built on their lands.

According to research conducted by the Lincoln Institute of Land Policy, local governments can inadvertently structure CLT funding and oversight in ways that undermine their effectiveness.<sup>23</sup> The challenge lies in finding the most constructive ways of putting municipal resources to work in pursuit of common objectives. As reported in their study on municipally-sponsored CLTs,<sup>24</sup> guiding principles helpful in balancing the interests of all parties are:

- » **Protecting the public's investment in affordable housing.** Unlike housing programs that retain affordability only for a specific length of time, CLTs preserve public subsidies for long-term affordability. This provides a significant fiscal advantage for municipalities that might otherwise be required to produce additional low-income units as affordability controls on traditional programs expire.<sup>25</sup>
- » **Expanding and preserving access to homeownership for households excluded from the market.** By removing land from the market, a CLT can buffer its housing (and other land uses) from economic volatility, which disproportionately impacts low-income residents. Once established, CLTs can help preserve housing by providing critical backstopping for first-time homeowners after they have purchased a home.
- » **Stabilizing neighborhoods buffeted by cycles of disinvestment or reinvestment.** A CLT can function as a mechanism to stabilize neighborhoods during periods of economic uncertainty by rehabilitating vacant bank-owned properties, providing homeownership opportunities to lower-income households, and ensuring permanent affordable housing when home prices rise in the future.
- » **Ensuring accountability to funders, taxpayers, and the communities served by the CLT.** A CLT works toward a long-term community vision and plans for the stewardship of community assets. To ensure this, municipalities can create legal agreements for protecting municipal interests in the event that a CLT fails to perform these essential tasks. The instruments municipalities most commonly use to regulate CLTs include: grants with no remedy for failure to perform; grants requiring repayment of funds in the event of default; grants secured with covenants or deed restrictions; loans secured by liens on CLT land; or purchase options that allow the municipality to buy CLT land in the event of a default.<sup>26</sup>

In tandem with the ongoing El Toro redevelopment process, Irvine created and adopted a new strategic housing plan in 2006. As a part of the plan, the city aimed to create approximately 5,000 units of permanently affordable housing through the newly-formed Irvine CLT, which would fulfill more than 50 percent of the city’s ambitious goal to make 10 percent (9,700 units) of the city’s housing stock affordable by 2025.

For Irvine, the experience of losing inclusionary units after the expiration of affordability term years led to significant community activism and a push for alternatives favoring permanent affordability.<sup>27</sup> In 2005, at the behest of residents, Irvine formed a task force dedicated to finding a program that would create permanently affordable housing that would not be lost to the market at some future date.<sup>28</sup> Though CLTs were relatively new to California, the University of California had long used land leases to preserve faculty housing around its Irvine campus, providing the city unique insight into the benefits of the land trust model.<sup>29</sup> The task-force recommended the creation of a municipally-sponsored CLT. In 2006, the *Housing Strategy and Implementation Plan* and Irvine CLT were adopted with full public and city council support.<sup>30</sup>

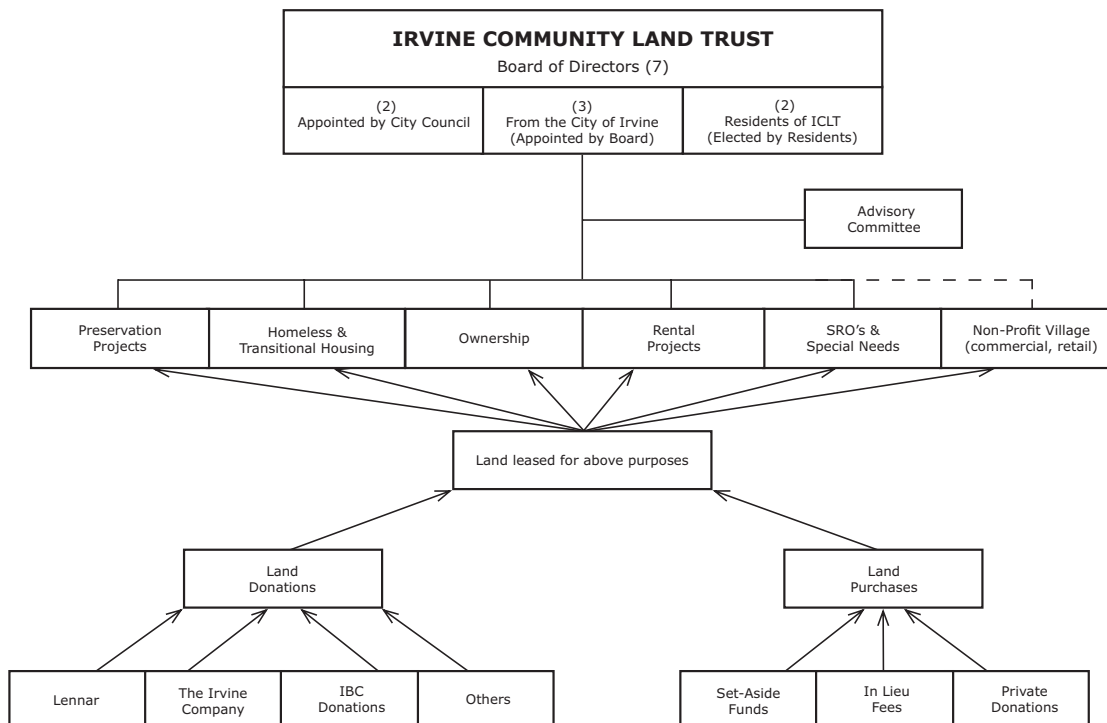
The Irvine CLT is notable for several of its characteristics:

- » **The CLT received seed funding directly from the city of Irvine.** To help the Irvine CLT become fully operational,

the City Council budgeted \$250,000 in start-up funding and provided organizational staff from the city’s redevelopment agency while the land trust’s first projects were developed. One of the key challenges for many land trusts is acquiring land at a low enough cost to make units affordable. According to the Irvine CLT implementation plan, the trust acquires land through direct land donations or in-lieu fees from developers unable to meet the city’s on-site inclusionary requirement.<sup>31</sup> Land can also be acquired through community development block grant funds (CDBG), HOME Investment Partnership Funds, private donations, acquisition loans from banks, community development financial institutions, and others.

- » **City officials retain a degree of control over the Irvine CLT.** All seven members of the initial Irvine CLT board of directors were city appointees who intended to transition to a tripartite governance structure, with two board members appointed by the city, two elected residents, and three board members who are residents of the community, all filled by the board of directors (Figure 1).<sup>32</sup> By maintaining two seats on the board, the city will have a permanent decision-making role in the organization.<sup>33</sup> The city will also monitor the Irvine CLT through contractual agreements, including a “performance agreement.”<sup>34</sup> If the city determines the Irvine CLT has failed to meet the standards outlined in the agreement, it can enforce its rights to “take over the lessor function of the

Figure 1: Organizational Structure of the Irvine CLT



Source: City of Irvine

[Irvine ICT] and restructure the organization with the intent of correcting the problems.<sup>35</sup>

- » **The CLT is the central administrating and implementing body for Irvine’s housing plan.**<sup>36</sup> As the centerpiece of Irvine’s housing strategy, the Irvine CLT is responsible for planning, developing, and monitoring the city’s affordable ownership and rental housing inventory.
- » **Irvine CLT includes both rental and owned housing.** Following a classic CLT model of dual ownership, the Irvine CLT provides access to homeownership, requiring eligible residents<sup>37</sup> to sign a 99-year ground lease, giving them exclusive use of the land while the Irvine CLT retains ownership.<sup>38</sup> The homeownership resale formula sets a maximum price for which land trust homes can be sold in the future. This ensures that Irvine CLT homes remain affordable to future buyers. The price of each home is increased each year based on the percentage change in the Area Median Income (AMI) for Orange County. Homeowners who make certain approved capital improvements to their homes can also receive a credit for these improvements, which would increase the sale price of their homes even further.<sup>39</sup> In many cases, Irvine CLT homeowners will earn less appreciation than traditional homeowners, but the formula has been designed to offer Irvine CLT homeowners the opportunity to build significant equity. For rent-restricted projects, the Irvine CLT partners with affordable housing developers to build rental housing on Irvine CLT leased land. Once built, developers serve as landlords and provide on-site services for special needs communities while the Irvine CLT still retains ownership of the land. Upon termination of the lease the improvements revert to the Irvine CLT, ensuring permanent affordability.

## Implementation

In the decade since the land trust was created, the Irvine CLT has been challenged to produce units at the pace necessary to meet the goal of 5,000 units by 2025.<sup>40</sup> As of March 2017, only 120 rental units had been built, with 200 additional rental and ownership units projected to be constructed in the next decade.<sup>41</sup> The Irvine CLT’s struggle to increase the supply of affordable housing is two-fold. First, the Irvine CLT faced several technical and administrative challenges to becoming a designated 501(c)(3). To qualify for 501(c)(3) status and receive tax exemptions as a charitable organization, the Irvine CLT needed licenses and permits from the state and federal government, and the Internal Revenue Service.<sup>42/43</sup> Lack of familiarity with federal tax exemptions proved challenging for the Irvine CLT and the process took more time than anticipated.<sup>44</sup> Despite being incorporated in 2006, the Irvine CLT did not achieve its tax-exempt status until 2007.

Second, the CLT experienced financial setbacks due to weak market conditions, the dissolution of the Community Redevelopment Law,<sup>45</sup> and the overall withdrawal of state and federal funding.<sup>46</sup> Because Irvine’s CLT depended on in-lieu fees or land donations through the inclusionary zoning requirement, the housing slowdown following the Great Recession (2007-2009) resulted in

lower revenues.<sup>47</sup> Orange County alone lost more than \$97 million in redevelopment funding.<sup>48</sup> This was further compounded by the loss of state redevelopment funds, which helped finance affordable housing. When combined with the abatement of other state funding policies and programs and an overall decline in federal funding, Orange County saw a 72 percent decline in funding for affordable housing production and preservation.<sup>49</sup>

Losing key funding has required the Irvine CLT to seek out “large dollar” funding sources through grants and fundraising to purchase high-cost land in Southern California.<sup>50</sup> While the Irvine CLT was able to use remaining redevelopment funds for two rental projects, the dissolution of redevelopment nearly resulted in the forced sale of the land and return of monies spent to the State of California. Without the necessary working capital to acquire properties or capitalize on for loans, the CLT now competes with private investors for limited financial resources.

The California Environmental Quality Act<sup>51</sup> (CEQA) can bring additional delays to approval processes for the Irvine CLT. While initially the Irvine CLT only developed on vacant land without much neighborhood opposition, the CLT reported that they had begun to experience neighborhood resistance to an infill project.<sup>52</sup> While the Irvine CLT acknowledges the importance of environmental protections when addressing potential development impacts, CEQA review can be triggered by a single person and can significantly delay development, effectively increasing project costs. Ultimately “...when people complain about [the] local government taking too long to get projects approved, there needs to be an acknowledgment that [some] state law almost forces local governments into that situation,” says Irvine CLT Executive Director Mark Asturias.<sup>53</sup>

There are several ways the state could support local jurisdictions wanting to establish CLTs. The Irvine CLT was a supporter of Governor Jerry Brown’s Streamlining Affordable Housing Approvals (SAHA),<sup>54</sup> a proposal that would have shortened development timelines by fast-tracking new affordable units. While the Governor’s proposal was ultimately not adopted, a similar proposal by Senator Scott Wiener (SB 35) was passed into law in 2016. This law expedites the review of eligible housing projects and exempts them from CEQA, thereby streamlining affordable housing (and some market-rate housing) projects that otherwise might face delays, economic infeasibility for developers, or an outright rejection of multifamily infill developments. While a handful of projects across the state have applied for and received streamlining from SB 35, it remains to be seen exactly how widely used this new tool will be.

In addition to streamlining the development process, the capacity of CLTs in California could be enhanced through legislative and policy changes that are specifically tailored to this form of affordable housing.<sup>55</sup> With additional support, CLTs offer a promising alternative housing model that can lead to the creation of permanent rental and homeownership housing throughout the state.

## Lessons Learned

- » **CLTs can help local governments meet their affordable housing goals.** The CLT model commits land for affordable housing purposes in perpetuity, providing an attractive strategy for municipalities searching for long-term solutions to expanding the supply of affordable housing within their jurisdiction.
- » **CLTs can help market-rate builders meet their affordable housing obligations.** Because CLTs can build and manage permanently affordable ownership homes on land set aside for affordable housing as a part of an inclusionary program, CLTs can assume ownership and stewardship for developers needing to meet inclusionary requirements. CLTs can also become the builder's affordable ownership housing partner in pursuing entitlement approval for their projects.
- » **Unlike traditional subsidies, CLTs provide permanently affordable homes.** As opposed to subsidy recapture or recycling programs that return funds to the city with interest but require increased subsidies as housing prices rise to serve the same number of households, CLTs rely on “subsidy retention,” programs where the subsidy remains in the home indefinitely, allowing cities to use future subsidies toward the production of new affordable units.
- » **State and local government support are essential to CLT success.** Policy, legislation, and regulation supportive of housing production and the CLT model are imperative. With the entitlement process acting as a regulatory barrier to all types of housing, including alternative homeownership models, cities will continue to struggle to meet the immediacy of the state's affordability needs. More specifically, a combination of funding and updates to fiscal, land use, and regulatory policies tailored to the CLT model are needed to improve the long-term feasibility and accessibility of this type of intervention.

## Useful Sources

Grounded Solutions Network  
<https://groundedsolutions.org/>

California CLT Network  
<http://www.bacclt.org/cacltnetwork/>



## Endnotes

1. City of Irvine. “City of Irvine 2013-2021 Housing Element.”
2. In January 2006, the median price of a single-family home had risen to \$800,000, 13 percent higher than the Orange County average of \$707,000, and nearly 49 percent higher than the overall average for California.
3. City of Irvine. “City of Irvine Housing Strategy & Plan Implementation Plan.”
4. Inclusionary housing, also known as “inclusionary zoning,” refers to policies that require developers of new multifamily housing to include units that are designated as affordable to lower- or moderate-income households. Different inclusionary housing policies require different levels of affordability. Generally, affordability requirements refer to the Department of Housing and Urban Development’s income limits, which are based on percentages of area median income (AMI). Extremely low-income is up to 30 percent of AMI; very low-income is up to 50 percent of AMI; low-income is up to 80 percent of AMI; and moderate-income is up to 120 percent of AMI. The term “lower-income” is usually used to refer to extremely low-, very low-, and low-income. *See*, HEALTH& SAF. CODE, § 50079.5.
5. In 1975, the Irvine Company—the private developer company responsible for 90 percent of the city’s planning and construction—was sued by affordable housing advocates over the planned construction of new office and industrial parks. The suit alleged that the plan failed to include housing for low- and moderate income workers likely to work in the new office space. A settlement was reached wherein the Irvine Company agreed to produce 700 units of low- and moderate-income housing. To support the production of new affordable units, the city would provide cost offsets and financing for off-site infrastructure, instating a “cost-offset” approach to inclusionary housing. To avoid future litigation, Irvine adopted a voluntary inclusionary housing programs in 1978.
6. City of Irvine. “City of Irvine Housing Strategy & Plan Implementation Plan.” The following production numbers reflect new affordable unit construction between 1978-2008.
7. In 2003, Irvine’s inclusionary housing program was changed from voluntary to mandatory. Irvine’s new mandatory inclusionary zoning ordinance requires proposals for residential developments of five or more units to set aside a minimum of 15 percent of the units as affordable. The ordinance targets 5 percent of the units for households earning less than 50 percent of the county median income (CMI); 5 percent of the units must be affordable for households earning 51-80 percent of the CMI; and 5 percent of the units must be affordable for households earning 80-120 percent of the CMI. The tri-level income targeting is to promote economic integration within the development. Projects of less than five units are required to pay an in-lieu fee. In Irvine, the city provides the developer with a “menu” of options as cost offsets for meeting the city’s affordable housing requirement. This menu includes both financial and processing incentives, such as modifications for setbacks or building heights, fee waivers, density bonuses, and expedited permit processing.
8. A deed restriction involves attaching resale and other restrictions to the title of a home at the time of sale or rental. Because restrictions are a part of the title to the property, all subsequent transfers of the property are subject to them.
9. Brown, M. and Jacobus, R. (2007). “City Hall Steps In: Local Governments Are Embracing Community Land Trusts to Promote and Preserve Affordable Housing,” *Shelterforce Online*, no. 149. <http://www.nhi.org/online/issues/149/cityhall.html>.
10. City of Irvine. (2015). “City of Irvine Housing Strategy & Plan Implementation Plan.” Irvine Housing Strategy and Implementation Plan.
11. In 1998, voters passed Measure D, a referendum supporting the adoption of the City of Irvine Advisory Resolution No. 98-01, which proposed the reuse of Marine Corps Air Station El Toro for non-aviation purposes in accordance with the Millennium Plan. Measure D received 81 percent of the vote.

12. Community Redevelopment Law (CRL), Chapter 710, Statutes of 1951. Codified in California Constitution, Article XVI, Section 16, and the Health and Safety Code, beginning with Section 33000, the CRL provides funding from local property taxes to promote the redevelopment of blighted areas.
13. City of Irvine. "City of Irvine Housing Strategy & Plan Implementation Plan." Net present value (NPV) is at 6 percent.
14. National Community Land Trust Network. (2011). "The CLT Technical Manual," ed. Kirby White. National Community Land Trust.
15. Brown, M. and Jacobus, R. (2007). "City Hall Steps In: Local Governments Are Embracing Community Land Trusts to Promote and Preserve Affordable Housing," *Shelterforce Online*, no. 149. <http://www.nhi.org/online/issues/149/cityhall.html>.
16. Davis, J. E. and Jacobus, R. (2008). "The City-CLT Partnership: Municipal Support for Community Land Trusts." Lincoln Institute of Land Policy.
17. National Community Land Trust Network. (2007). "Program Directory." National Community Land Trust Network. Retrieved from: <http://cltnetwork.org/directory/>.
18. Davis, J. E. and Jacobus, R. (2008). "The City-CLT Partnership: Municipal Support for Community Land Trusts." Lincoln Institute of Land Policy.
19. National Community Land Trust Network. (2007). "Program Directory." National Community Land Trust Network. Retrieved from: <http://cltnetwork.org/directory/>.
20. Smith, S. (2013). "Irvine Attempts to Make Affordable Housing Stick." *The Orange County Register*. Retrieved from: <http://www.ocregister.com/articles/trust-37386-land-affordable.html>.
21. Davis, J. E. and Jacobus, R. (2008). "The City-CLT Partnership: Municipal Support for Community Land Trusts." Lincoln Institute of Land Policy.
22. Ibid.
23. Ibid.
24. Ibid.

The following study is based on a review of three dozen municipal programs and in-depth interviews with local officials and CLT practitioners to describe the mechanisms and methods that cities are using to structure their investment in CLT startups, projects, and operations.

25. Subsidy recycling is when housing subsidies return to a city with interest, but as housing prices rise, the subsidies must increase to serve the same number of households. Conversely, subsidy retention means the subsidy remains in the home, creating permanent affordability.
26. Davis, J. E. and Jacobus, R. (2008). "The City-CLT Partnership: Municipal Support for Community Land Trusts." Lincoln Institute of Land Policy.
27. Asturias, M. (2017). Interview with ICLT Executive Director Mark Asturias, interview by Liana Arnold, Telephone Interview.
28. Ibid.
29. Brown, M. and Jacobus, R. (2007). "City Hall Steps In: Local Governments Are Embracing Community Land Trusts to Promote and Preserve Affordable Housing," *Shelterforce Online*, no. 149. <http://www.nhi.org/online/issues/149/cityhall.html>.
30. Ibid.

31. Irvine Mun. Code Chapter 2-3 § 2-3-5(B).
32. City of Irvine. “City of Irvine Housing Strategy & Plan Implementation Plan.”
33. Curtin, J. F. and Bocarsly, L. (2008). “CLTs: A Growing Trend in Affordable Home Ownership,” *Journal of Affordable Housing & Community Development Law* 17, no. 4: 367–94. Supra note 53.
34. City of Irvine. “City of Irvine Housing Strategy & Plan Implementation Plan.”
35. Curtin, J. F. and Bocarsly, L. (2008). “CLTs: A Growing Trend in Affordable Home Ownership,” *Journal of Affordable Housing & Community Development Law* 17, no. 4: 367–94. Supra note 55.
36. City of Irvine. “City of Irvine Housing Strategy & Plan Implementation Plan.”
37. The Irvine CLT also established a threshold and priority criteria to determine program eligibility. Threshold criteria include: applicants must be at least 18-years old; applicants must prequalify with a prime mortgage lender; applicants must attend an Irvine CLT orientation; applicants must sign a statement agreeing to the resale price restrictions; applicants must have at least 5 percent of the total purchase price to contribute at the time of purchase; and applicants must be below the maximum income limit expressed as a percentage of AMI based on household size. Priority is given to applicants who have been living and working in Orange County a minimum of one year prior to the application date, and whose household size is appropriate for a given available unit.
38. Irvine Community Land Trust’s Cypress Village Project. (2013). “Irvine Community Land Trust.” *What Is a Community Land Trust?* Retrieved from: <http://www.irvineclt.com/about/what>.
39. Ibid.
40. CA Economic Summit. (2016). “Irvine Deploys Land Trust to Build Affordable Housing in Pricey Orange County,” *PublicCEO*. Retrieved from: <http://www.publicceo.com/2016/06/irvine-deploys-land-trust-to-build-affordable-housing-in-pricey-orange-county/>.
41. Ibid.
42. Asturias, M. (2017). Interview with ICLT Executive Director Mark Asturias, interview by Liana Arnold, Telephone Interview.
43. See: USA.gov. (2016). “Starting a Nonprofit,” An Official Website of the United States Government, *USA.gov*. Retrieved from: <https://www.usa.gov/start-nonprofit>.
44. Asturias, M. (2017). Interview with ICLT Executive Director Mark Asturias, interview by Liana Arnold, Telephone Interview.
45. Community Redevelopment Law (CRL), Chapter 710, Statutes of 1951. Codified in California Constitution, Article XVI, Section 16, and the Health and Safety Code, beginning with Section 33000, the CRL provides funding from local property taxes to promote the redevelopment of blighted areas.
46. Asturias, M. (2017). Interview with ICLT Executive Director Mark Asturias, interview by Liana Arnold, Telephone Interview.
47. Curtin, J. F. and Bocarsly, L. (2008). “CLTs: A Growing Trend in Affordable Home Ownership,” *Journal of Affordable Housing & Community Development Law* 17, no. 4: 367–94. supra note 107, at 394, n.56.
48. California Housing Partnership Corporation. (2016). “Confronting California’s Rent and Poverty Crisis: A Call for State Reinvestment in Affordable Homes.” Retrieved from: <http://chpc.net/wp-content/uploads/2016/04/State-Housing-Need-2016.pdf>.



49. Ibid.
50. Asturias, M. (2017). Interview with ICLT Executive Director Mark Asturias, interview by Liana Arnold, Telephone Interview.
51. California Public Resources Code § 21000 *et seq.*
- The California Environmental Quality Act (CEQA) is California's broadest environmental law. CEQA helps to guide the local governments during issuance of permits and approval of projects. Courts have interpreted CEQA to afford the fullest protection of the environment within the reasonable scope of the statutes. CEQA applies to all discretionary projects proposed to be conducted or approved by a California public agency, including private projects requiring discretionary government approval. However, according to recent analysis, CEQA lawsuits disproportionately target urban infill developments. Instead of protecting green spaces, 80 percent of CEQA lawsuits target infill projects, including public facilities, infrastructure, public transit systems, and housing. Of those infill projects targeted, almost half (45 percent) challenged high-density, transit-oriented residential housing projects. *See:* Hernandez, J. Friedman, D., and DeHerrera, S. (2015). "In the Name of the Environment: How Litigation Abuse Under the California Environmental Quality Act Undermines California's Environmental, Social Equity and Economic Priorities—and Proposed Reforms to Protect the Environment from CEQA Litigation Abuse." Holland & Knight LLP. Retrieved from: <https://www.hklaw.com/publications/In-the-Name-of-the-Environment-Litigation-Abuse-Under-CEQA-August-2015/>.
52. Asturias, M. (2017). Interview with ICLT Executive Director Mark Asturias, interview by Liana Arnold, Telephone Interview.
53. *Quoted in* CA Economic Summit. (2016). "Irvine Deploys Land Trust to Build Affordable Housing in Pricely Orange County," *PublicCEO*. Retrieved from: <http://www.publicceo.com/2016/06/irvine-deploys-land-trust-to-build-affordable-housing-in-pricely-orange-county/>.
54. On May 13, 2016, California Governor Jerry Brown released the "May Revise" update to his 2016-2017 budget proposal, which included the State Affordable Housing Approvals (SAHA) proposal. Concerned over rising rental costs, Gov. Brown proposed to streamline approval timelines and reduce regulatory barriers by establishing a "by right" process for attached multifamily housing that meets certain requirements. To be eligible, proposed housing units must be consistent with local zoning, the general plan, and be located on designated housing sites. Housing developers must provide evidence that a public entity commits to, or has entered into, an affordability agreement providing at least 20 percent of housing for low-income residents. For transit priority areas (TPA) developers must provide at least 10 percent of housing for low-income residents or 5 percent of housing for very low-income residents. Finally, project sponsors must partner with a public agency to enter a land use restriction to ensure long-term affordability. Under the proposed legislation, local governments would not be able to require discretionary reviews of new developments (conditional use or planned unit development (PUD) permits). Instead, development proposals can only be blocked by local governments when documentation is provided to show that the new rental housing would not meet the criteria of existing local housing plans and zoning codes.
55. Asturias, M. (2017). Follow-Up Interview with ICLT Executive Director Mark Asturias, interview by Liana Arnold, Telephone Interview.

## Acknowledgements

We would like to thank Liana Arnold, Echo Bergquist, and Sarah Mawhorter for their contributions to the research and authorship of these case studies. We're deeply grateful to the California Department of Housing and Community Development for the funding that made this work possible. Finally, we would like to thank each of the local officials and stakeholders who shared their knowledge and experience through the interviews documented in these case studies.