

# ***Preventing Displacement Policy Fact Sheet***

## **Overview**

This policy fact sheet discusses how to mitigate displacement in station areas.

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## **1. Introduction**

- 1.7 million people will move to the Bay Area over the next 25 years
- 3 of the 5 least affordable US cities for renters are SF, Oakland, and San Jose
- Oakland's African American population declined by 19% during 2000-2005.<sup>1</sup>

New development in transit zones need to be accompanied by policies to prevent resident displacement and ensure that people of all income levels can share in the beautified streets, convenient shopping, nearby parks, and other benefits of new investment.

The following tools will help communities and local organizations work to help prevent displacement in the face of gentrification and development. It is important to remember that the tools and policy suggestions should be customized to the unique needs of each city. Every city has multiple agencies handling a variety of tasks related to housing and renter's rights. So it is invaluable to get to know the different agencies and public officials, and form relationships with those who are sympathetic to your cause.

## **2. Gentrification vs. Displacement**

### **Gentrification**

This the result of transformation of a community from a lower to a higher income. For some communities, gentrification brings more public resources and wealth into the area and may not necessarily displace people from their homes. It may, however, displace them from work, such as when light industrial buildings are converted to live/work lofts for middle-upper income residents.<sup>2</sup>

According to an April 2001 study by the Brookings Institution and Policy Link about gentrification, the primary contributing factors to gentrification are:<sup>3</sup>

1. A Jobs/Housing imbalance in which jobs outstrips housing
2. Tight housing markets in which there is a constricted supply

3. Relative affordability compared to surrounding areas
4. Targeted public sector or private sector investment
5. High or increasing traffic congestion and commutes
6. Renewed interest in urban life and amenities

## **Displacement**

In many gentrifying neighborhoods, current residents are priced out of their homes by new development or due to tax or rental increases, speculation, higher property values, or inability to bring their properties up to code. Families are forced out of their neighborhood to outlying areas which are often further from public transportation and their jobs.

### **Types of Displacement**

New development may directly or indirectly cause displacement, and it may have effects on residents and/or on jobs, shops, and community services. There are 4 main types of displacement that may occur with gentrification:

- Direct residential displacement- current residents are required to move when their homes (usually rentals) are redeveloped.
- Indirect residential displacement- existing residents become unable to afford to stay. For example, redevelopment efforts may push up surrounding property values. This may translate into higher property taxes for owners or higher rent for renters, thus making their current locations unaffordable. Also, landlords may see new potential profit by converting rental units to for-sale units which are unaffordable to existing tenants.
- Direct commercial displacement -Shops being displaced by chain stores or knocked down for new buildings
- Indirect commercial displacement -Stores close due to lack of customers, inability to pay rent, or to compete with newer stores.

### **Health Impact**

In addition to hurting people's livelihoods, involuntary displacement imposes both short and long term health effects. Being forced to leave a home is a stressful and traumatic life event, especially for those with limited housing choices.

- One study showed that increased mobility in childhood (moving 3 or more times by the age of 7) resulted in a 36% increased risk of developing depression<sup>4</sup>. Odds of health risks for adolescents with high mobility during childhood ranged from a 1.3 times higher risk for smoking to a 2.5 times higher risk for suicide<sup>5</sup>.
- Being unable to afford replacement housing can also mean having to double up or accept lower quality or substandard housing. Overcrowding increases risks for infections, poor sanitation, exposure to environmental noise, and residential fires.
- Displacement may lead some households to pay more for housing than they can comfortably afford, meaning that they may sacrifice other essential needs such as food, clothing, and health care services. Low paying jobs and high housing costs are the most frequently cited reasons for hunger.

## **3. Displacement of People and Homes**

### **a. Building Community Capacity to Engage in Planning**

#### **Tool: Organizing the Community**

*For more information, refer to "Campaign Planning" handouts.*

#### What is it?

- One of the most important tools to mitigating displacement is a community coalition of local residents, organizations, and neighborhood businesses.

#### How to implement?

- *Form a community coalition:* Early on, community members, local organizations, and businesses should organize themselves into a strong coalition. This group should then pursue the following steps.
- *Assess Community Needs:* Evaluate the community's needs and assets. This can be done via community surveys, community mapping, and by finding out Census information. By gathering facts about the current state of the neighborhood, it is easier to provide government agencies with rationale for new policies.
- *Set goals:* Early on, the community coalition should discuss the changes it would like to see in the community, set goals, and create a detailed campaign.
- *Prioritize the Community:* In the face of redevelopment, the coalition should pressure planning department to prioritize original residents over new ones.
- *Enforce government policies:* Check if the city's Housing Element is up to date. Make sure zoning codes are up to date, compatible with the community's goals, and protect vulnerable parts of the community. There should be sufficient areas set aside for commercial areas and for new affordable housing. The coalition needs to hold the government accountable to enforcing city policies and legislation addressing community benefits.
- *Participate in public meetings:* Local governments are required to have public meetings and to allow for public comments.

### **b. Preventing Displacement of Low-Income Renters**

#### **Tool: Rent Control**

##### What is it?

- Rent control preserves the affordability of existing rental homes.
- Protects low and very low-income renters—including renters on fixed incomes—from substantial rent increases that could force them out of their homes.<sup>6</sup>

##### How to implement

- Campaign should target the City Council and Housing Agency.
- Examine the General Plan and Housing Element to find out information about the current and future demand for rented units as well as single-family detached homes. Also examine the plans to see how the jurisdiction addresses potential displacement problems.
- Rent Control legislation should be strong in its goals and specify the type of housing covered by the law. It should address the area's housing market, an assessment of affordable housing needs, and why there is a strong need for rent control. It is important that it specifies the amount of permissible annual rent increases. A city agency such as a Rent Board should be responsible for enforcing rent control, and for making sure that landlords whose property is covered by the law register their property and rents.

##### Examples

- Rent Control is being used in cities such as San Jose, San Francisco, Oakland, Berkeley
- Berkeley residents passed the Rent Stabilization and Eviction for Good Cause Ordinance. ([Berkeley Municipal Code Chapter 13.76](#).) The Ordinance regulates most residential rents in Berkeley, provides tenants with increased protection against unwarranted evictions and is intended to maintain affordable housing and preserve community diversity.<sup>7</sup>

##### Potential Problems

- Costa Hawkins Rental Housing Act<sup>8</sup> of 1995 significantly undermined rent control in California. This allows owners to re-set rents at market level when a rent-controlled unit becomes vacant.
- The Costa Hawkins Act provides landlords incentives to push out tenants, which can lead to unjust, or no-fault evictions.
- Rent control cannot be applied in commercial setting and therefore doesn't protect small businesses.

### **Tool: Just Cause Eviction Controls (JCEC)<sup>9</sup>**

#### What is it?

- JCEC are laws that protect renters by ensuring that landlords can only evict with proper cause, such as a tenant's failure to pay rent or destruction of property.
- JCEC are most effective when coupled with rent control laws. Landlords may raise the rent to market value when a unit becomes vacant, so by mitigating the rate of rental turnover, JCEC helps to stabilize the rental market.

#### Benefits

- JCEC protects tenants who are in danger of eviction by a bank as part of a foreclosure case against the landlord. Under San Francisco's Just Cause Ordinance, when a new landlord takes over a property, even if this new landlord is a bank, all of the previous lease agreements or legal orders are still binding.<sup>10</sup>
- Renters who have month-to-month leases are also protected under JCEC. If a landlord is not going to renew a renter's lease, his/her reason for eviction must be amongst the qualifying reasons listed in the city's Just Cause Ordinance.
- JCEC protects diversity and helps stabilize communities by insisting that landlords have valid reasons for evicting a tenant. This helps to cut down on unnecessary evictions and keeps the community less transient. Landlords cannot be discriminatory towards tenants who are low income, people of color, students, physically disabled, elderly, or have catastrophic illness. These are all people who statistically are most frequently evicted without just cause.

#### How to implement

- To find out if a city has a Just Cause Ordinance, renters should first refer to the local Tenants Union or Rent Board.
- Just Cause Ordinances can be established through ballot initiatives. This requires a well organized campaign and collaborative effort within the community.
- The Ordinance should be well managed by an administrative agency such as a Rent Board.

#### Examples

- San Francisco's Just Cause Ordinance provides 14 specific just cause reasons for eviction from rent-controlled apartments.
- In 2003, Oakland voters passed Measure EE, a law which prevents a landlord from evicting a tenant without specific just causes.

#### Potential problems

- To use JCEC, one has to act quickly. Once an eviction is issued, a person generally has 30 days to fight it with JCEC by appealing to the Rent Board, and the burden of proof falls on the tenant.

### **Tool: Rent Board<sup>11</sup>**

#### What is it?

- The Rent Board is a city agency which regulates residential rent increases, works to ensure that landlords comply with rent-related laws, and mediates between tenants and landlords when the tenant feels a raise in rent is unjust.
- In San Leandro, landlords must provide tenants information about their right to request a hearing when they advise the tenant of a rent increase that meets the criteria set by the Board. Tenants have 15 days to request review.

#### How to implement

- To find out if the city has a Rent Board, refer to the city's Housing Element. To create a Rent Board, community members should target the City Council and/or Housing Agency.
- Funds for the Board can come from new developments and impact fees.

#### Examples

- In San Leandro, if a landlord raises rent by more than \$75, more than 10% of rent or twice in a 12-month period, a tenant has a right to have the rent reviewed by the Board.
- In Berkeley, the Rent Stabilization Board is highly structured and staffed by elected commissioners. It enforces the Rent Stabilization and Eviction for Good Cause Ordinance, hears petition appeals, and provides counseling to landlords and tenants. They also issue decisions on landlord and tenant rent adjustment petitions, collect registration fees, and maintain a database of registered rental units. Owners of rental property covered by the Ordinance are required to register their units with the Board and pay annual registration fees.

#### Potential problems

- Local policy and law should grant legal authority to the Rent Review Board. In San Leandro, the recommendations are non-binding, which undermines the Board's effectiveness.

### **c. No Net Loss of Affordable Housing**

#### **Tool: Condo Conversion Ordinance<sup>12</sup>**

#### What is it?

- Condo Conversion is the conversion of a multi-unit rental property, into individual for-sale units such as condominiums. Generally, when the prices for single-family homes rise, the market demand for condominiums increase because they are more affordable for first time home buyers. The potential profit from condos is often higher than that from multi-unit apartments. This conversion often prices low-income families out of the community.
- A condo conversion ordinance specifies when a rental may be converted to for-sale housing. To be most beneficial, the conversion controls should be implemented together with rent controls in order to ensure that property owners don't avoid rent control by simply converting their rental buildings to for-sale condominiums.

#### How to implement

- Condo Conversion ordinances should be addressed through the Housing Authority and the city's Housing Element.
- The community can organize an initiative on a Condo Conversion Ordinance, and should work with local tenant rights organization.

#### Examples

- San Francisco: the Council of Community Housing Organizations fought successfully for a condo conversion ordinance. San Francisco limits the circumstances under which owners can move into one of their units and take it out of the rental market and limits the conversion of single room occupancies (SROs) into other forms of housing or hotels.<sup>13</sup>
- San Leandro: a landlord may lawfully convert their building to a condo if they satisfy one of the following conditions:
  1. There is at least a 5% vacancy rate citywide of all apartment buildings (3 units or larger);

2. At least 75% of tenants agree to the conversion; or
  3. The landlord agrees to sell 25% of the units at rates affordable to low and moderate income house-holds (with 20% for low-income).<sup>14</sup>
- Berkeley: if the condo is converted, the landlord must pay an “Affordable Housing Mitigation Fee” which is equal to 12.5% of the sales price of the unit.<sup>15</sup>

#### **d. Develop New Affordable Housing**

*For more information, refer to Affordable Housing Fact Sheet*

### **4. Preventing Displacement of Businesses and Jobs**

*For more information, see Local Business and Economic Development fact sheet.*

#### **a. Preserve Local Commercial Activity**

**Tool: Expand environmental reviews to include socio-economic impact assessment**

##### What is it?

- An Environmental Impact Report (EIR) generally reports on the physical environmental impacts a project might have on the surrounding area. It may not, however, consider the social or economic impacts on the community.
- The EIR should capture other effects on the community, such as direct and indirect displacement and job loss, transportation impacts, and health impacts.

##### How to implement

- EIRs are often conducted by the local planning agency.
- The public can participate in developing the scope of the EIR before it is prepared. This is the best place to request studies of impacts to socio-economic and health factors. Public review of the draft and final EIR is necessary for final project approval<sup>16</sup>.

##### Example

- Based on San Francisco’s Department of Public Health’s EIR review for the demolition of Trinity Plaza Apartments, the Department of City Planning required that the project’s EIR analyze residential displacement and indirect health impacts. The review found that the potential displacement of residents would result in psychological and physical health impacts and would destroy a cohesive community. The revised EIR, which included displacement impacts, called for replacement of all the rent-controlled units, continued leases for existing residents, and the provision of a small community center.<sup>17</sup>

**Tool: Keep zoning up-to-date**

##### What is this?

- Zoning specifies where and how different functions are allowed to locate within a city. It should reflect the needs and character of each neighborhood.
- Zoning should: retain sufficient space for businesses that provide living-wage employment, protect and promote a mix of community-serving retail and services, and encourage the retention creation of homes that are affordable to low-income residents.<sup>18</sup>

##### How to implement

- Review the general plan and zoning codes. There should be a mixed-use zone and a business and development district which protects light industrial jobs.
- Residents should map out visions of how they would like their neighborhood to look.
- It is important to research current zoning within the general plan and zoning ordinances, prior to a plan adoption. Zoning should also be reviewed after the plan adoption to confirm that the Specific Plan reflects zoning appropriate for the community and the community’s planning goals.
- Campaign for rezoning should target Planning Commission and City Council

### Example

- The Mission Anti-Displacement Coalition in San Francisco has drafted a new zoning proposal in their *People's Plan*. This proposal aims to rezone the Mission District in order to create and protect space for affordable housing, light industry, community services, and mixed-use development. The document breaks down each of the objectives and proposed policies and includes maps of the suggested re-zoned areas.<sup>19</sup>

### **b. Boost Local Economy by Hiring Locally**

#### **Tool: Job Training<sup>20</sup>**

#### What is it?

- An important tool to help residents economically is through training specifically geared towards special skill sets or interests. This can provide people with assistance in qualifying for, applying for, and maintaining jobs.
- Job training centers work directly with major industries in the area.

#### Benefits

- Increases employment and earning potential for short and long term benefits.
- Addresses racial discrimination by increasing access to jobs for communities of color and lower incomes.
- Educate both community members and businesses on skill development and career advancement.
- Re-circulate local residents' earnings within the neighborhood, revitalizing the retail sector and preserving or creating further jobs for their neighbors.

#### How to implement

- Assesses state of economic development in the community, survey job skills and education levels of the community.
- Create on-going job programs that are directly linked to training, placement and employment retention.
- Use sectoral training that addresses both programs that improve existing industries and those that identify and attract new industries.<sup>21</sup>
- Adapt First-Source Hiring Programs, one of the most successful ways of realizing local hiring goals and requirements. Businesses who have received a public benefit are required to give first notice about a specified number of job openings to training programs.
- Adopt a Residency Hiring Provision that gives priority in the approval process to developers who commit to hiring local residents in the construction, maintenance and management.<sup>22</sup>

### Example

- Oakland: the Local Construction Employment Referral Program requires that 50% of work hours on a given project be performed by Oakland residents and that 50% of new hires be Oakland residents.

#### Potential problems

- Some companies will sue on the grounds that the requirement to hire locally is discriminatory against other non-local residents.
- Weak enforcement. There is often little or no pressure on businesses to comply with the legislation.
- Businesses will often offer only short term jobs as a loophole to First-Source Hiring Programs.

## **5. Funding to Prevent Displacement**

### **a. Raise Funds for Affordable Housing and Community Benefits**

## **Tool: Real Estate Transfer Tax<sup>23</sup>**

### What is it?

- Investors are charged on the profit made on properties when they are sold. Properties with large profits and little investments will be subjected to higher taxes.
- Taxes may also be based on the amount of time the property has been held before being sold. Thus, properties sold after being held for less than 6 months will have higher taxes than those held for 3-6 years.
- The money from taxes can be directed into a fund to help raise financial resources for affordable housing.
- This tax discourages investors from buying and re-selling property at huge profits without making any improvements. This may be called a transfer tax, speculation tax, or anti-flipping policy.

### Benefits

- The taxes can provide financing for affordable housing and other development projects and can provide matching funds for federal grants.
- The community can take advantage of new investments and redirect it to programs that help preserve the community and avoid displacement.

### How to Implement

- Real Estate Transfer Taxes can be implemented at the state, county or city level. They are often incorporated into the closing costs of a development. First local jurisdictions must receive permission from the state. Residents can petition the state and vote through a referendum.
- If the taxes already exist, the coalition group can lobby to increase the tax or redirect it towards different projects. If one does not exist, make sure to have a strong and diverse coalition group. The tax proposal should specify how the tax money will be spent.
- Taxes may apply to residential, commercial, and/or retail properties. They may only apply to purchase prices above a specified threshold, so as to not burden low-income buyers and small businesses.

### Example

- Real Estate Transfer Taxes are authorized by the California Revenue and Taxation Code and are currently used by all Bay Area counties. Taxes are paid by the seller, and are set at a percentage of the sale price. Revenue raised may be directed to the jurisdiction's general fund or specified for other uses such as affordable housing.<sup>24</sup>

## **Tool: Jobs/Housing Linkage Fee<sup>25</sup>**

### What is it?

- Linkage fees tie new economic development to the construction and maintenance of affordable housing or other community needs. Most linkage programs require developers of new commercial properties to pay fees based on the square footage of the building. In exchange for compliance, developers receive their building permits.
- Linkage strategies are an important vehicle for ensuring that community benefit is derived from commercial development. These fees may be used to fund affordable housing.

### Benefits

- Ensures that the number of new homes keeps pace with commercial growth.
- If designed well, this can encourage more walkable communities by developing homes near commercial and office spaces.

### How to Implement



- Launch campaign (with broad base support) targeting Mayor or City Council, Housing Agency, Redevelopment Agency.
- Review city's General Plan and redevelopment proposals.
- Make sure the fees are directed to a housing trust fund and not just into the city's fund.

#### Example

- Sacramento: As of December 2001, the city's linkage fee has raised \$11.8 million for the Sacramento Housing Trust Fund and the county fee had raised \$15.2 million.<sup>26</sup> As of June 2001, the Trust Fund had committed funds for 1,053 homes of very-low to moderate-income housing at the city level and 1,244 homes at the county level.
- San Francisco: New or expanded commercial office development of greater than 25,000 square feet must contribute \$7.05 for every square foot of office construction (with the first 25,000 square feet exempted) to a trust fund for affordable housing.

#### **Tool: Developer Impact Fee<sup>27</sup>**

##### What is it?

- The impact fee offsets the burdens of new development on the community.
- The fee should be coupled with linkage fee programs and the "Adequate Public Facilities Ordinance". Such laws require contributions for affordable housing and necessary infrastructure and services before new development is approved.
- Fees can serve to discourage new development on undeveloped greenfield sites by charging higher rates for extending public infrastructure to those areas.

##### How to implement

- Review zoning ordinances and put pressure on the City Council and Redevelopment Agency.

##### Example

- Sacramento: Developers pay a fee based on square footage of non-residential development to a housing fund. Alternately, they may meet up to 80% of their obligation by directly building affordable housing.

##### Potential problems

- Fees may raise the price of new homes by increasing the costs of developments. Developers pass on these costs to consumers in the form of higher prices, limiting the ability of low-income families to own a home.

#### **Tool: Tax increment financing (TIF) from Redevelopment Funds<sup>28</sup>**

##### What is it?

- TIF funds result when property values, and thus property tax revenues, increase in a redevelopment area due to improvements in the area. The increased revenue, or "tax increment", is diverted to the redevelopment agency instead of to the local jurisdiction's general fund.
- The generated funds from the increased income is spent within the redevelopment area on affordable housing or other public services that might otherwise not be affordable for the local jurisdictions. This might include additional sidewalks or public parks.

##### Implementation

- Local governments, generally the City Councils, have the authority to designate tax increment financing districts.
- State redevelopment law requires that a minimum of 20% of the bond capacity generated by TIF be devoted to affordable housing located within the adopted redevelopment area boundary.

##### Examples

- Oakland: The city offers TIF financing for central business district improvements, but the TIF-funded housing can be built anywhere within the redevelopment project area.
- San Francisco: The city sets aside 50% of its TIF funds for affordable housing<sup>29</sup>
- San Jose: The city sets aside close to 28%.<sup>30</sup>

#### Potential Problems

- Local governments are sometimes concerned that the tax increment would have happened anyway, regardless of the Redevelopment Agency's actions. The diversion of tax revenues can cause a loss of potential revenue for the jurisdiction's other services.

#### **Tool: Stabilization Fund**

##### What is it?

- A type of developer impact fee whose funds have more specific allocations towards community benefits.
- The fund is used to address the impacts of destabilization on residents and businesses by providing assistance for affordable housing and community asset building, small business assistance, affordable homes, employment and leadership development, and community based programs.

##### How to implement

- Community organization should draft a proposal for an ordinance and lobby the City Council or Board of Supervisors. The proposal should specify specific community benefits and programs that need funding.

##### Example

- San Francisco: The SoMa Community Stabilization Fund Community Advisory Committee was approved by the San Francisco Board of Supervisors and established by a city ordinance in 2005. The committee advises the Mayor's Office of Community Development, the Board of Supervisors and the Mayor on recommended expenditures of the fund. The fund receives stabilization impact fees of \$14 per square foot on certain residential developments. The fund provides community benefits in SOMA to support affordable housing, economic development and community cohesion.<sup>31</sup>

## **6. Who else is doing this**

### 5<sup>th</sup> Ave. Committee of South Brooklyn, New York

For more information: <http://www.fifthave.org/index.cfm?nodeID=54>

The Fifth Avenue Committee (FAC) was born in 1970 when cumulative disinvestment in South Brooklyn triggered arson and widespread abandonment of the neighborhood. Since then, FAC has organized tenants and local residents to create affordable housing, fight for improved wages, build residents' work skills, invest in local businesses and prevent unfair evictions. All of their efforts are geared toward preventing displacement and preserving South Brooklyn's cultural diversity, while improving the quality of life of everyone. One of their most prominent successes is that they have built or renovated 600 units of affordable housing for low and moderate- income residents since 1978 and currently have nearly 400 units in development.

### Mission Anti-Displacement Coalition, San Francisco, California

For more information: [www.medasf.org](http://www.medasf.org),

<http://www.poormagazine.org/index.cfm?L1=news&story=77>

The Mission Anti-displacement Coalition has been organizing for community control of the planning process in the face of rapid changes in the neighborhood. Rents are sky-rocketing, long-

time residents are being evicted, and small businesses and non-profits that serve the community can't afford to stay in the neighborhood. Low-income and Latino families, seniors, immigrants, artists and people who grew up there are some of the people being hit the hardest.

Mission Anti-displacement Coalition is asking of the city to:

1. Place a moratorium on new office developments and market-rate housing and live /work lofts in the Mission
2. Enforce existing planning codes
3. Commit to a community planning process to re-zone the Mission District and ensure funding for this process

## 7. Dig A Little Deeper

Equitable Development Tool Kit, Policy Link

<http://www.policylink.org/EDTK>

For extensive information about how to mitigate displacement and create sustainable communities, and examples of how different tools are being implemented in different regions, refer to the equitable development toolkit.

Mission Anti-Displacement Coalition (MAC), Mission Economic Development Agency

<http://medasf.org>

A long standing campaign in progress to fight displacement in San Francisco's Mission District. Their website is an excellent resource, providing examples of how to organize and run a campaign and how different tools have functioned.

Just Cause Oakland

<http://www.justcauseoakland.org>

An advocacy group that fights for housing and jobs as human rights and mobilizes for policies that produce social and economic justice in low-income communities of color. Their website is a good source of information on housing and economic policies for Oakland.

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- <sup>29</sup> San Francisco Redevelopment Agency. [http://www.sfgov.org/site/bdsupvrs\\_page.asp?id=45915](http://www.sfgov.org/site/bdsupvrs_page.asp?id=45915)
- <sup>30</sup> *Comprehensive Annual Financial Report*. The Redevelopment Agency of the City of San Jose. [www.sjredevelopment.org/Finance/CAFR2002.pdf](http://www.sjredevelopment.org/Finance/CAFR2002.pdf)
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