CHCI POLICY BRIEF

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Rethinking Policy: The Effect of Zoning Laws and Land-Use Regulations on Hispanic Homeownership Rates

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Executive Summary

Systemic inequality remains embedded in America's housing system due to the laws enacted after World War II, such as race-based loan eligibility criteria and redlining.¹ While racist laws and policies are now illegal, current zoning laws and land-use regulations disproportionately favor white and higher-income homeowners.² As of 2019, 75% of the residential land in many American cities was zoned for the construction of detached singlefamily homes.³ Homeownership is a tool for building generational wealth, especially for Latinos with residential property making up more than 50% of their assets.4 Hispanic homeownership rates have increased in the last six years, yet the overall number of Hispanic homeowners is still relatively low at 47.5% compared to 73.3% for non-Hispanic white homeowners as of 2019.5 The housing supply shortage and high costs are significant barriers to Hispanic homeownership. To increase Hispanic homeownership rates, cities and states across the U.S. must eliminate single-family zoning laws and enact inclusionary zoning laws to alleviate the limited housing inventory and high housing costs.

Background

History of Systemic Racism in Housing

After the Great Depression and World War II, the federal government enacted laws that created mortgage loan programs guaranteed by the Federal Housing Administration and the Department of Veterans Affairs to increase homeownership opportunities for American households.⁶ While the loans offered homeownership and wealth-building opportunities to millions of families, Black Americans were restricted from buying homes in the newly created suburbs.⁷ The federal government's actions helped white Americans purchase homes, but the design of the laws and policies barred Black and Hispanic Americans from accessing homeownership opportunities.8 The government and private actors (realtors, lenders, and appraisers) made homeownership difficult for families of color by implementing a tactic known as "redlining." Specifically, private actors created color-coded maps in which residential neighborhoods that were deemed to be dangerous, blighted, or risky investments were outlined in red without credible evidence.¹⁰ Not coincidentally,

non-white homes that were regarded as unsafe and outlined in red increased the housing costs for families of color, making it difficult for them to buy homes in high-opportunity neighborhoods.¹¹ These laws and policies deepened the country's history of systemic inequality in housing.

Zoning Laws and Land-Use Regulations

Racist laws and policies are now illegal, and private actors cannot discriminate against homeowners based on race or ethnicity. However, current zoning laws and landuse regulations continue to disproportionately favor white and higher-income homeowners.¹² Zoning is a process used by the government to regulate land-use and building form.¹³ Inclusionary zoning laws are a tool developed to increase the production of affordable housing units in highopportunity areas.¹⁴ In contrast, exclusionary zoning describes zoning laws and land-use regulations that keep affordable housing out of neighborhoods through restrictive land and building requirement tactics that disproportionately impact lower-income households of color.¹⁵ In 2019, 75% of the residential land in many

The racism embedded in land-use regulations and zoning laws make it hard for Hispanics to afford to live in safe, affordable, and high-opportunity neighborhoods.

American cities was zoned for the construction of detached singlefamily homes.¹⁶ Single-family housing includes fully detached, semi-attached (sharing one outside wall), and attached (sharing outside walls on both sides) units that are separated from the adjacent unit by a ground-to-roof wall without sharing common facilities such as heating plant, plumbing, electrical meter, basement, and attic.¹⁷ Multifamily housing refers to residential properties with units constructed above one another or side-by-side without a separating wall from ground-to-roof or have common facilities.¹⁸

Housing Shortage Crisis

Since the housing crisis in the late 2000s, the United States' increasing housing shortage has been a popular topic of debate.¹⁹ Housing supply is not keeping up with the demand, and because of the lack of availability, home prices have soared, putting a heavy financial burden on people, particularly low-to-moderateincome families.²⁰ For the seventh consecutive year, homeowner vacancy rates fell to 1% in 2020, the lowest rate ever recorded by the United States Census Bureau.²¹ Lower vacancy rates indicate a tight housing market with low turnover as fewer homebuyers upgrade their residences and more first-time buyers enter the market.²² These high costs make it difficult for families to save for investment and make homeownership unattainable.²³

Problem Analysis

Impact of Zoning Laws and Land-Use Regulations on Housing Many major cities and states across the U.S. have land-use regulations that make it too expensive for developers to build affordable multifamily housing in high-income, primarily white neighborhoods due to large minimum lot size requirements.²⁴ For example, 81% of Connecticut's residential land requires 1 acre lots, and 50% of the residential land requires 2 acre lots.²⁵ These large minimum lot size requirements reduce the number of homes that can be built in a community making housing more expensive and primarily accessible to higherincome, white residents.²⁶

Zoning laws restrict the number of structures that can be built on a single lot, prohibit owners from placing a smaller home on their property, and limit the number of occupants that can reside in a home, sometimes requiring all household members to be related.²⁷ These regulations contribute to the housing shortage in many cities across the United States. For example, of Washington, D.C.'s 48 square miles zoned for residential purposes, 41% is multifamily, and 59% is single-family, composed of 36% detached, 14% semidetached, and 9% attached.²⁸ In a land-constrained city like Washington, D.C., single-family zoning laws limit housing supply.²⁹ There are limited possibilities for continuing to build houses on a lot once a detached single-family home has been constructed.30 As the population of Washington, D.C. grows, so does the demand for housing, driving up the cost of the limited stock of single-family homes further.³¹ Local single-family zoning laws prevent necessary higherdensity housing development in locations experiencing population growth.

Overall, these zoning laws and land-use regulations make it difficult for low-income and multigenerational households, which are often Hispanic, to afford homes located in high-opportunity neighborhoods.32 Disproportionately, families in areas with strict zoning requirements are white and high-income and have the power to push back against multifamily and affordable housing initiatives coming into their neighborhoods.33 When a developer files for a zoning deviation to build affordable housing, these residents often receive a notice and can mobilize support, employ lawyers, and use their political and economic influence to oppose zoning requests.34 Opponents cite concerns of increased crime, decreased school quality, noise, and disrupted "neighborhood character." The racism embedded in land-use regulations and zoning laws make it hard for Hispanics to afford to live in safe, affordable, and highopportunity neighborhoods.³⁶

Hispanic Homeownership Rates

Homeownership is a tool for building generational wealth, with residential property values making up 52% of Latino assets driven by homeownership and investment property ownership.³⁷ According to the National Association of Hispanic Real Estate Professionals (NAHREP), despite the high unemployment rates due to the COVID-

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19 pandemic, record low housing supply, and restrictive credit environment, Latinos in 2020 were the only demographic in the U.S. to have increased their homeownership rate for the sixth consecutive year.³⁸ However, while Hispanic homeownership rates have increased in the last six years, the overall number of Hispanic homeowners is still relatively low at 47.5% compared to 73.3% for non-Hispanic white homeowners as of 2019.³⁹ The Hispanic homeownership rate in 2020 was between 48% and 49%, up from 47.5% in 2019.40 The homeownership rate assessment by NAHREP is based on year-over-year census trends, an internal NAHREP survey, and data from the 2020 Home Mortgage Disclosure Act.41

There are currently 8.3 million mortgage-ready Latinos, or Latinos aged 45 and under who have the credit qualities to qualify for a mortgage but do not have one.42 A total of 34% of Latinos aged 45 and under who do not yet hold a mortgage are classified as "mortgage-ready." 43 Meanwhile, 40% of Latinos who do not own a home want to purchase one over the next five years.44 The number of Latinos who are reaching their prime homebuying years continues to be the most significant catalyst for homeownership growth.45 Today, nearly one in three Latinos is currently in the prime home-buying years of 25-44.46 In 2020, 43.6% of Latino homebuyers were under the age of 34, compared to 37.3% of the general population.⁴⁷ With a median age of 29.8, Latinos are nearly 14 years younger than the non-

Hispanic white population.⁴⁸ In the last ten years, Latinos have led 50% of homeownership growth and are expected to continue increasing over the next 20 years. 49 The Urban Institute projects homeownership growth will come from non-white households. with Latinos accounting for 70% of the growth in homeownership over the next 20 years.50 While Hispanic homeownership rates have been increasing in the last few years, the overall number of Hispanic homeowners is still relatively low due to various barriers.

Homeownership Barriers

The housing supply shortage remains the most significant barrier to Hispanic homeownership.⁵¹ For the past 40 years, the housing supply has not kept pace with the population growth.⁵² Housing inventory declined an average of 50.6% in suburban neighborhoods and 26.6% in urban neighborhoods in the top ten markets where Latinos purchased the most properties in 2019.53 National inventory was down 39.6% in 2020, with fewer than 700,000 active listings.54 The sharp drop in stock is more noticeable in locations with the highest concentration of Latinos.55 Businesses crucial to housing construction have experienced labor shortages due to the declining workforce and increased building material costs, further exacerbating the problem.⁵⁶ There isn't enough housing stock to fulfill the demand causing an increase in home prices.

Hispanic homebuyers have lower income and wealth, lower credit scores, larger families, and more

multi-generational families than white homebuyers, requiring modifications in the mortgage process and the types of houses available.57 Furthermore, Hispanic households have experienced disproportionate employment and income loss due to the COVID-19 pandemic.58 This loss of income has depleted savings, making it challenging to make credit card and vehicle payments, as well as making down payment requirements even further out of reach.⁵⁹ While expanding the use of down payment assistance and access to mortgage credit reduces the barriers to Hispanic homeownership, little will be done if the industry fails to address the limited supply of housing.60

Recommendations

Eliminate Single-Family Zoning Laws

To continue increasing Hispanic homeownership rates, cities and states across the U.S. must enact legislation to eliminate singlefamily zoning laws. In 2018, the City of Minneapolis, Minnesota, which previously had 70% of its residential land zoned for detached single-family homes, passed legislation eliminating single-family zoning.⁶¹ The end of single-family zoning laws allowed for the construction of duplexes and triplexes on previously detached single-family lots.62 An early study shows that eliminating single-family zoning in Minneapolis is increasing the property values by 3% to 5% in the areas where these zoning laws existed.63 Furthermore, California, a state with some of the country's highest

housing prices, passed state-wide legislation to address the housing shortage and affordability crisis in 2021. Senate Bill 9 eliminated single-family zoning to allow duplexes to be constructed in most neighborhoods across the state where apartment buildings were previously prohibited.⁶⁴ Senate Bill 10 eased multifamily housing environmental regulations and made it simpler for cities to add high-density development.65 Similarly, other cities and states across the U.S. must follow the actions taken by Minneapolis and California of ending single-family zoning laws to increase housing availability and affordability to impact Hispanic homeownership rates positively.

Enact Inclusionary Zoning Laws That Incentivize Higher-Density Housing

Cities and states must enact inclusionary zoning laws to alleviate the limited housing inventory and high housing costs. In addition, these inclusionary zoning laws should provide incentives for developers to build higher-density housing. Higher-density housing improves affordability, one of the significant barriers to Hispanic homeownership. Where land is scarce, putting more homes on a given parcel decreases the cost of housing for each household.⁶⁶ The price of development and operations, such as utilities, for multifamily homes are also lower than single-family homes on a per-unit basis. 67 These inclusionary zoning laws would diversify housing types in neighborhoods and enable increased homeownership among low-to-moderateincome Hispanic families.

Endnotes

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