



# Boosting Housing Affordability: Practical Suggestions for Congress and the White House

*Salim Furth and Charles Gardner*

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Housing affordability is now a national issue. Both presidential candidates and many legislators have promised to boost production of new housing for people with moderate incomes.<sup>1</sup> But any federal action faces an obvious hurdle: Housing supply has many core actors, none of which is the federal government. Homes are built by private companies according to codes promulgated by a nonprofit organization on land regulated by cities and counties following procedures mandated by state laws.<sup>2</sup> Additionally, Washington is at a remove from those who build housing and lacks the pragmatic bipartisanship on display in many state capitals.<sup>3</sup> Given these challenges, how can the federal government most effectively address high housing costs?

This paper provides 23 proposals for federal policymakers to consider in both the executive and statutory realms. The proposals are based on the guiding principle that federal initiatives should be bipartisan, small scale, or both. This approach helps ensure that Washington follows the states' lead in addressing housing affordability by building consensus through broad coalitions.

## **Executive Actions**

The federal executive can increase the flow of affordable housing by

- lowering construction costs,
- releasing some metropolitan land for residential uses,
- targeting grants to localities more efficiently, and
- improving measurement of housing production.

Most of these actions could also be mandated by statute.

Through the Department of Justice, the executive also enforces fair housing law. Although enforcement actions sometimes challenge the substance of exclusionary zoning practices, experience has shown that the partisan political consequences of federal lawsuits can be larger than the impact on housing availability—an important tradeoff to keep in mind.<sup>4</sup> Moreover, remedies for successful legal action tend to be limited to one jurisdiction. Thus, litigation falls outside the scope of this brief.

## Lower construction costs

It's time to fight inflation.

- 1. Cut tariffs.** The last two administrations have maintained high tariffs on Canadian lumber, a key input in homebuilding. The current rate is 14.5 percent, a hefty tax.<sup>5</sup> Removing this tariff, along with others that impact building costs, would immediately lower the cost of houses.
- 2. Identify cost-saving building-code innovations.** The International Codes Council (ICC) is a US nonprofit that publishes building codes.<sup>6</sup> Every three years, the ICC publishes a new version that includes both cost-reducing innovations and tighter, cost-increasing standards. States and cities adopt various versions of the building code, often sticking with older versions for many years<sup>7</sup> to avoid costly new mandates.<sup>8</sup> Although users technically have the authority to adopt individual provisions from newer codes, doing so is time-consuming and requires expertise. The Department of Housing and Urban Development (HUD) could create and publish an “innovation module” consisting only of the provisions of the newer codes that allow additional building methods, such as mass timber construction. States and cities could adopt the innovation module, thus lowering costs on some projects.<sup>9</sup>
- 3. Create standards for single-stair buildings.** Several states have begun to move ahead of the ICC, adapting the global norm that smaller apartment buildings only need one stairway.<sup>10</sup> The National Institute of Standards and Technology (NIST) and HUD can accelerate and support this trend by studying and publishing safety standards for single-stair buildings that would achieve the same level of safety as the existing multiple egress standard. To build on this step, NIST and HUD could regularly contribute to research on the many possible ways in which building codes can be made less onerous without compromising safety.
- 4. Incorporate building code innovations in the Department of Defense's Unified Facilities Criteria (UFC).** Across military facilities, the UFC incorporates standard building code rules. The federal government can show leadership by adopting single-stair rules (see above) and allowing European-model elevators.<sup>11</sup> Doing so would offer states and cities a benchmark for best practices.

## Release locked-in land

As a regulator or owner of a significant amount of metropolitan land, the federal government should ensure that its regulations do not block the development of new housing on that land, including in the ways outlined below.

- 5. Encourage noise mitigation, not low-density development, near metropolitan airports.** The Federal Aviation Administration (FAA) has long used its power to discourage higher-density residential development near airports.<sup>12</sup> For example, a 2015 airport land-use plan allows single-family densities up to 4 units per acre and multifamily up to 12 units per acre.<sup>13</sup> If the rationale is to ensure safety along an active flight path, restrictions should govern only building heights, not densities, and areas that are genuinely unsafe should not be built up at all. The FAA should instead encourage neighboring jurisdictions to allow moderate density, low-rise land uses, provided the homes are built to high standards for noise mitigation.<sup>14</sup>
- 6. Sell, lease, or redevelop federally owned urban land.** From San Francisco's Presidio to the RFK Stadium site in Washington, DC, the federal government owns land throughout US cities. The administration should prioritize selling well-located sites like the stadium that have outlived their federal purpose. On smaller federal properties, such as urban post offices, the administration can facilitate mixed-use redevelopment that maintains federal services while adding housing in marketable locations.<sup>15</sup>
- 7. Discourage zombie deed restrictions.** Most new houses in the US are encumbered by deed restrictions intended to guarantee that an entire subdivision is built according to plan. But rather than lapsing, these zombie deed restrictions are mostly written to autorenew every few decades. In the long run, these deed restrictions will result in conflict and constrain the adaptation of aging homes. The Federal Housing Finance Agency (FHFA) can encourage a more flexible approach by limiting Fannie Mae and Freddie Mac's purchase of mortgages with zombie restrictions.<sup>16</sup>

## Ensure efficient use of federal grants

It goes without saying that agencies have a responsibility to ensure that money is spent legally and wisely. Many small policy changes, including the two noted here, can help get the most from housing-related grants:

- 8. Replace planning requirements with outcome-based reporting.** Many grant programs require that recipients engage in planning exercises. Long experience has shown that planning is frequently divorced from subsequent actions. Wherever possible, federal agencies should replace planning requirements with outcome and performance metrics to ensure that grants are, in fact, advancing goals such as affordability.<sup>17</sup>
- 9. Universally recognize lead-based paint abatement licenses.** Old housing can be charming and affordable but can also present health risks. Several federal grants can be used to

stabilize or remove unsafe lead-based paint. Because working with lead paint can dramatically worsen an existing hazard, all contractors must be trained and certified. However, the market of contractors certified to remediate lead paint is thin, and grantees sometimes cannot find certified firms and workers. Making matters worse, a handful of states do not recognize the certification of workers trained elsewhere. To broaden the pool of available labor, the Environmental Protection Agency should require that all states recognize any accredited certification without further training or testing. This will decrease both time and costs to rehabilitate older homes.

**10. Disallow grant uses that make housing more expensive.** The Community Development Block Grant (CDBG) program is popular with mayors because it comes with few strings attached. However, it does have a few limitations, including that “not less than 70 percent [of funds] . . . shall be used for the support of activities that benefit persons of low and moderate income.”<sup>18</sup> In keeping with that statute, HUD should issue guidance that the following uses of grants are no longer allowed:

- a. Rehabilitation of houses worth more than the state average
- b. Support to privately-owned businesses

In addition, HUD should apply additional scrutiny to the highest-income jurisdictions to ensure that their CDBG funds are used in accordance with the statutory purpose.<sup>19</sup>

### Improve measurement and research

The federal government produces data that cities, states, housing providers, nonprofit organizations, and researchers use to direct and evaluate local housing programs. Better data will yield better programs in all sectors.

**11. Identify barriers to moderate-income borrowing.** Cautious federal lending regulations since the Great Recession have made it difficult for moderate-income Americans to get mortgages.<sup>20</sup> The Consumer Financial Protection Bureau, FHFA, and other federal bodies should identify the ways their own regulations may contribute to such obstacles and identify possible reforms that do not pose unacceptable risks to federal finances.

**12. Use software and soft power to improve federal housing surveys.** All surveys need regular fine-tuning. For example, one of the key surveys of housing production, the Building Permits Survey, relies on an “antiquated” survey instrument. The Census Bureau should take steps to modernize the survey for better quality and finer data.<sup>21</sup> In addition, allies of the Census Bureau can enlist data users to nudge jurisdictions that fail to return the survey.<sup>22</sup>

**13. Improve the Point-in-Time (PIT) count survey instrument.** The PIT count is the primary source of knowledge about the US homeless population. The current survey is tilted toward questions about identity and disability<sup>23</sup> and shows who is homeless, but gives less guidance about what assets the homeless have or how they became homeless. The PIT

survey should include questions about employment, extended family, and most recent address.<sup>24</sup> These data will help service providers prevent some people from becoming homeless and connect others to appropriate opportunities.

## Statutory Actions

Congress has the power of the purse and can use this power to shape tax policy and funding priorities in ways that promote robust housing production.

### Tax policy

Within the existing statutory framework, marginal changes to the federal tax code could improve affordability.

- 14. Depreciate structures more rapidly.** Under current law, residential structures are depreciated over a 27.5 year period. Shortening the depreciation period and adjusting depreciation for inflation would act as a direct tax cut for housing construction, which could reduce housing costs by about 3 percent.<sup>25</sup> To balance the cost of cutting this tax, Congress could reduce the capital gains exclusion, which is a poorly designed tax break that benefits people whose land appreciates in value rather than those who invest in their land.<sup>26</sup>
- 15. Allow states to convert part of their Low-Income Housing Tax Credit (LIHTC) allocation to vouchers.** Research has found that LIHTCs are less effective at housing people than vouchers are.<sup>27</sup> One straightforward reason is that renting existing housing is cheaper than purpose-building new housing. Congress should allow states to convert some share of their LIHTC allocation to Housing Choice Vouchers.
- 16. Pilot single-source LIHTC funding.** One source of LIHTC's inefficiency is that most affordable-housing projects receive small allocations and are thus forced to layer several different funding sources, which is an expensive process. One recent estimate is that a quarter of the LIHTC subsidy is spent on the financing process itself.<sup>28</sup> A single-source approach would yield fewer attendees at each ribbon-cutting, but more homes completed. Congress can explore the potential for efficiencies by earmarking a share of LIHTC funding for projects that receive subsidies only from LIHTC.

### Support metropolitan growth

The growth of cities and suburbs is shaped and constrained by federal infrastructure funding and, in some cases, federal land controls. Both should be recast to support places that want to allow new housing. In an already-dense city, infrastructure improvements can help accommodate a growing population without gridlock. Throughout the suburbs, tolled highways are crucial to connecting houses and vacant land to workplaces.

- 17. Remove the federal height limit in Washington, DC.** Before Congress nudges any other city to change its zoning, it needs to clean up its own act by giving the locally elected government in DC authority to increase building-height limits according to local priorities.

The Height of Buildings Acts were passed as fire safety measures at a time when DC was entirely run by the federal government. Skyscrapers became much safer and much taller in the decades after 1910, but Washington’s skyline is frozen in time. Removing the restriction would increase affordability in the national capital region. And failing to do so while asking other cities to make similar changes would reek of hypocrisy.<sup>29</sup>

- 18. Learn from Las Vegas.** A bipartisan group that included former Senator Harry Reid created the Southern Nevada Public Land Management Act (SNPLMA) to auction federal land outside suburban Las Vegas for new housing, commercial spaces, and public sector uses. The proceeds fund conservation and park improvements. Congress could make SNPLMA available nationwide.<sup>30</sup> Although no other metropolitan area is as constrained as Las Vegas by Bureau of Land Management ownership, a national SPLMA could ease constraints in many smaller cities of the Mountain West.<sup>31</sup>
- 19. Fund transit where people can use it.** Federal support has a heavy hand in determining which transit projects are built. But the criteria used to determine which projects to fund can yield illogical outcomes. Federal statutes should place a top priority on the fiscal sustainability of projects that it funds—a priority that in turn relies on the prospect of a large customer base. The Build More Housing Near Transit Act, proposed by Representative Scott Peters, is designed to address this concern by tweaking the Fixed Guideway Capital Investment Grants Program. One could go further and require that any new capital grants go to places zoned for transit-supportive density as a matter of right.
- 20. Allow tolls on metropolitan interstate highways.** As with transit, highways are most sustainable when users cover most of the cost. More importantly, the only proven solution for urban congestion is dynamic tolling.<sup>32</sup> Thus, tolling would decrease the travel time between workplaces and residential areas, increasing options for employees. But federal law bans tolls on most interstate highways. Congress can give states the flexibility to curb congestion, connect residents to jobs, and fund their own infrastructure improvements by allowing them to place dynamic tolls on interstate highways in metropolitan areas.<sup>33</sup>
- 21. Fund urban renewal repair to reverse federally funded destruction.** The federal government caused significant damage to many cities by funding urban renewal that imposed vogueish ideas from planning theory on otherwise healthy cities. Where that damage remains, federal funds should be used to mitigate or reverse it, restoring disconnected street grids and returning property to varied private hands via auction.<sup>34</sup>

### Give HUD flexibility

Unlike contemporary bills that leave implementation to federal agencies, many of the enabling statutes behind HUD programs spell out policy specifics and need regular congressional adjustment. Statutory updates to these statutes can promote lower-cost housing options and more efficient rental assistance.

- 22. Remove the chassis requirement for HUD Code manufactured homes.** While site-built housing is governed by a local building code, some manufactured homes are built to the federal HUD Code and inspected at the factory. An anachronism of the HUD Code is that it requires each home to remain on a steel chassis even after being permanently placed. The chassis requirement, which adds a hefty \$5,000 to \$10,000 per home and limits architectural flexibility, is “the only engineering detail that Congress has not delegated to rulemaking.”<sup>35</sup> Removing this requirement is among the most straightforward ways for Congress to reduce the cost of housing.<sup>36</sup>
- 23. Pilot a cash option for some Housing Choice Voucher recipients.** Housing vouchers are the best-performing federal affordable housing program—but economists argue that they could be improved. The vouchers come with strings attached, including restrictions on who can live in a voucher-funded unit. Cash would be better, although it could also be spent unwisely. To measure the tradeoffs, Congress should authorize an offer of monthly cash payments to randomized recipients in a few jurisdictions.<sup>37</sup>

### **Guidelines for Federal Incentives**

Several economists and policymakers have suggested using federal funding to incentivize local governments to reform zoning or increase their housing supply. For example, Harvard professor Ed Glaeser recently suggested withholding some federal highway funding from states with counties with high prices and low rates of construction.<sup>38</sup> And the Biden Administration has rolled out a small grant program intended for cities that enact prohousing measures.<sup>39</sup> One of us (Salim Furth) coauthored one such proposal.<sup>40</sup>

Before deciding whether to support any of these proposals, policymakers should consider following these principles:

- Don't seize leadership from the states, which are already reforming land-use institutions with bipartisan consensus. The worst thing a federal proposal can do is to divide state coalitions by highlighting areas of disagreement.
- Practice political realism. Proposals that frame the incentive as a bonus for places that opt in are more realistic than those that threaten to withhold funds.
- Respect nexus and proportionality. Any funding incentive should have a logical connection to the desired action, and the amount of money at stake should be in proportion to the estimated benefit of the incented action.<sup>41</sup>
- Incentivize outcomes, not inputs or policies. A shortcoming of the existing Pathways to Removing Obstacles to Housing awards is that they have been given to cities for nice-sounding policy changes, even when the same cities were reducing housing opportunity on net.<sup>42</sup> Congress cannot reasonably expect HUD to perfectly identify the best policies

nor to be immune from political pressure. Identifying outcomes, such as net housing construction, prices, or rent levels, is a fairer and more effective approach.

- Any scheme should come with an expiration date.

## Conclusion

Washington is not where the housing affordability crisis began, and it will not be where it ends. But federal policymakers can work within the bounds of federalism to assist the central reform work that is ongoing in cities and states from Anchorage to Florida.<sup>43</sup> Executive actions and new laws can lower construction costs, accelerate innovation, provide quality data, and direct funding wisely.

## About the Authors

Salim Furth is a senior research fellow and director of the Urbanity project at the Mercatus Center at George Mason University. His research focuses on housing production and land use regulation. He has published in scholarly journals and testified before several state legislatures as well as the US Senate and House of Representatives. Furth earned his PhD in economics from the University of Rochester.

Charles Gardner is a research fellow at the Mercatus Center at George Mason University, and his research focuses on planning law and housing affordability. He has testified before several state legislatures and frequently advises local government officials on zoning matters. He has also served as a local elected official and as an active participant in state policy making on the Connecticut Advisory Committee to the US Commission on Civil Rights (USCCR) and on the Commission on Connecticut's Development and Future (CCDF).

## Notes

1. Emily Peck, "Why Harris and Trump Can't Stop Talking About Housing," *Axios*, September 16, 2024.
2. By contrast, the federal mortgage interest deduction, rental vouchers, and mortgage credit regulations make the federal government a major player on the demand side.
3. Eli Kahn and Salim Furth, "Breaking Ground: An Examination of Effective State Housing Reforms in 2023" (Mercatus Policy Brief, Mercatus Center at George Mason University, August 1, 2023).
4. For example, a federal government lawsuit challenging Westchester County's exclusionary zoning practices required 12 years to compel a county of one million to construct 750 units of deed-restricted housing. See Rick Pezzullo, "Westchester in Compliance with Affordable Housing Settlement," *The Examiner News*, August 9, 2021. In other instances, results have been both much faster and more effective. See "Justice Department Settles Discrimination Lawsuit over Blocked Louisiana Affordable Housing Project," *Legal Newsline*, July 1, 2024.
5. "US Nearly Doubles Canadian Lumber Tariffs," National Association of Home Builders (blog), August 19, 2024.
6. Despite its name, the ICC's codes are not used internationally; it's like the World Series minus the Blue Jays.



7. Texas and Vermont, for example, use the 2015 International Building Code: “Texas Building Codes,” International Code Council, accessed September 17, 2024, <https://codes.iccsafe.org/codes/texas>; “Vermont Building Codes,” International Code Council, accessed September 17, 2024, <https://codes.iccsafe.org/codes/vermont>.
8. Builders believe that newer building codes increase costs on average. See, for example, Paul Emrath, “Government Regulation in the Price of a New Home: 2021” (Special Study for Housing Economics, National Association of Home Builders, May 2021).
9. This proposal is adapted from Ben Thomas’s idea to incentivize the adoption of newer building codes. However, the newer codes are, on average, more expensive, so wholesale adoption is not a cost-saving measure. Ben Thomas, “Unblock Mass Timber by Incentivizing Up-to-date Building Codes,” Federation of American Scientists, February 19, 2024.
10. Eli Kahn and Salim Furth, “Laying Foundations: Momentum Continues for Housing Supply Reforms in 2024” (Mercatus Policy Brief, Mercatus Center at George Mason University, July 22, 2024) and Sean Jursnick, forthcoming (Mercatus Policy Brief, Mercatus Center at George Mason University, 2024).
11. Stephen Smith, *Elevators* (Center for Building in North America, May 2024).
12. Federal Aviation Administration, *Land Use Compatibility and Airports*, 1998; Federal Aviation Administration, *Advisory Circular: Airport Land Use Compatibility Planning*, September 2022.
13. ESA Airports, *Comprehensive Airport Land Use Compatibility Plan For the Environs of San Carlos Airport*, October 2015, 4-25.
14. Height regulations, of course, are distinct from density regulations and should remain conservative along airport approaches. We are indebted to Auros Harman for this idea.
15. Nick Zaiac and Nolan Gray, “The Postal Service’s Untapped Real Estate Fortune,” *Newsday*, April 25, 2020.
16. More formally, FHFA can place a limit on the share of mortgage purchases among houses constructed after 2027 that are on homes encumbered by perpetual or autorenewing deed restrictions.
17. In a public comment, one of us (Salim Furth) and co-authors proposed one such outcome-based approach. Salim Furth, Emily Hamilton, Edward J. Pinto, and Tobias Peter, “HUD Can Use Housing Market Data to Inform Fair Housing Accountability” (Public Interest Comment, Mercatus Center at George Mason University, March 13, 2020).
18. 42 U.S.C. 5301(c).
19. Salim Furth, “Flexible Federal Funding: Examining the Community Development Block Grant Program and Its Impact on Addressing Local Challenges” (Testimony before the subcommittee on Housing, Community Development, and Insurance of the US House Committee on Financial Services, Mercatus Center at George Mason University, June 16, 2021).
20. Kevin Erdmann, “The Best Tool to Address the Housing Crisis Is Sitting Within Fannie Mae,” *Washington Post*, September 5, 2024.
21. Nicholas J. Marantz, “Harnessing Federal Programs to Improve Local Housing Permit Data,” *Federation of American Scientists*, February 21, 2024.
22. Local journalists effectively shamed a large Maryland county which was reporting erroneous numbers to the Census Bureau. Adam Pagnucco, “County Government: Census Building Permit Data is Wrong,” *Montgomery Perspective* (blog), June 15, 2023.
23. See, for example, “Unsheltered Count Form for Night of Count,” Department of Housing and Urban Development, accessed October 1, 2024, <https://files.hudexchange.info/resources/documents/Model-Interview-Based-Unsheltered-Night-of-Count-PIT-Survey.pdf>.
24. A substantial share of the homeless population has some formal market income, according to tax records. Bruce D. Meyer, Angela Wyse, Alexa Grunwaldt, Carla Medalia, and Derek Wu, “Learning About Homelessness Using Linked Survey and Administrative Data,” (NBER Working Paper No. 28861, National Bureau of Economic Research, May 2021).

25. Tax Foundation economists estimate that shifting to an inflation-adjusted and opportunity cost-adjusted depreciation schedule for structures would increase the capital stock, including residential structures, by 2.3 percent, or about 3 million new homes. A 2 percent increase in housing supply would lower rent by 3 percent, all else equal. Alex Muresianu and Erica York, "Why Neutral Cost Recovery Matters" (blog), Tax Foundation, September 2024; David Albouy, Gabriel Ehrlich, and Yingyi Liu, "Housing Demand, Cost-of-Living Inequality, and the Affordability Crisis" (NBER Working Paper #22816, National Bureau of Economic Research, November 2016).
26. Congress should retain, at a minimum, a capital gains exclusion pegged to inflation to avoid taxing property sellers who have only nominal gains.
27. Vanessa Brown Calder summarizes the evidence effectively. Vanessa Brown Calder, "Evidence Builds Against the Low-Income Housing Tax Credit," *Cato at Liberty* (blog), March 30, 2023.
28. Evan Soltas, "The Price of Inclusion: Evidence from Housing Developer Behavior," *Review of Economics and Statistics*, forthcoming.
29. For more on the height limit, see Matthew Yglesias, "The Federal Government Should Unleash DC Housing," *Slow Boring* (blog), September 10, 2024.
30. Senator Mike Lee has proposed a version of this, although with more restrictions on land use than allowed under SNPLMA. "Houses," Mike Lee: US Senator for Utah, accessed September 18, 2024, <https://www.lee.senate.gov/houses>.
31. Economists Kevin Corinth and Hugo Dante overstate the possibilities for residential growth on federal land because their analysis is at the county level, but they nonetheless offer some useful baseline data and maps. "The HOUSES Act: Addressing the National Housing Shortage by Building on Federal Land," Joint Economic Committee Republicans, August 2022, [https://www.jec.senate.gov/public/\\_cache/files/efdd0c37-af95-40cd-9125-e80f8a11504b/the-houses-act---addressing-the-national-housing-shortage-by-building-on-federal-land.pdf](https://www.jec.senate.gov/public/_cache/files/efdd0c37-af95-40cd-9125-e80f8a11504b/the-houses-act---addressing-the-national-housing-shortage-by-building-on-federal-land.pdf).
32. Dynamic or variable tolling varies with traffic conditions and times of day. Tolls that are higher during peak commuting hours nudge people to shift noncommute trips, such as deliveries and long-distance travel, to other times of day or other routes. Tracy Miller, Michael Wilt, Ted Bolema, and Thomas Savidge, "Addressing Concerns with Congestion Pricing" (Mercatus Policy Brief, Mercatus Center at George Mason University, May 2017).
33. In rural contexts, congestion is rarely a problem, so there is less urgency to allow tolls. Robert Krol, "Tolling the Freeway: Congestion Pricing and the Economics of Managing Traffic" (Mercatus Research Paper, Mercatus Center at George Mason University, May 2016).
34. Third Way transportation experts have proposed similar and related ideas. Alexander Laska and Beth Osborne, "Community Replenishment: Undoing the Damage of 'Urban Renewal,'" *Third Way*, December 7, 2020.
35. Alex Armlovich, David Jimenez, and Andrew Justus, "Housing Affordability: Governmental Barriers and Market-Based Solutions" (Statement for the record before the US Financial Services Subcommittee on Housing and Flood Insurance, Niskanen Center, December 2023).
36. In September 2024, Senator Tim Scott introduced a bill that would remove the chassis requirement. "Scott Introduces Comprehensive Housing Legislation," US Senate Committee on Banking, Housing, and Urban Affairs, September 11, 2024.
37. Randomization of both the jurisdictions and the individuals is important to assessing the value of the program at scale. Emily Hamilton, "Opportunities for Better Federal Housing Policy: How the Biden Administration and Congress Can Improve Housing Affordability" (Mercatus Policy Brief, Mercatus Center at George Mason University, January 2021).
38. Edward L. Glaeser, "This Is How to Fix the Housing Crisis," *The New York Times*, September 2, 2024.
39. "Pathways to Removing Obstacles to Housing (PRO Housing)," US Department of Housing and Urban Development, last updated September 16, 2024, [https://www.hud.gov/program\\_offices/comm\\_planning/pro\\_housing](https://www.hud.gov/program_offices/comm_planning/pro_housing).
40. The value of that proposal lies in its well-balanced peer comparisons among cities, which avoids benefit or penalty "cliffs." However, we would not write the same proposal today. Salim Furth, Emily Hamilton, Edward J. Pinto, and

Tobias Peter, “HUD Can Use Housing Market Data to Inform Fair Housing Accountability” (Public Interest Comment, Mercatus Center at George Mason University, March 13, 2020).

41. The principles of nexus and proportionality are borrowed from property jurisprudence. The precedent for federal incentives, in *South Dakota v. Dole*, requires only that the amount of money involved be noncoercive. Within that vague restraint, it is better to ground fiscal policy in the best estimates of the economic costs and benefits involved. *Dolan v. City of Tigard*, 512 U.S. 374 (1994); *South Dakota v. Dole* 483 U.S. 203 (1987).
42. Christian Britschgi, “Gorsuch Apes NIMBY Government Lies in Supreme Court’s Grants Pass Decision,” *Reason*, July 2, 2024.
43. Eli Kahn and Salim Furth, “Laying Foundations: Momentum Continues for Housing Supply Reforms in 2024” (Mercatus Policy Brief, Mercatus Center at George Mason University, July 2024).