STUDENT HOUSING COOPERATIVES AND THE UNIVERSITY NEIGHBORHOOD OVERLAY IN AUSTIN, TEXAS

by

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LIST OF ABBREVIATIONS

Abbreviation	Description
ATP	Austin Tomorrow Plan
CANPAC	Central Austin Neighborhood Planning Committee
CH	College Houses, Inc.
CLT	Community Land Trust
FHA	Federal Housing Administration
HC	Housing Cooperative
ICC	Inter Cooperative Council of Austin
IZ	Inclusionary Zoning
LDC	Land Development Code
LEHC	Limited Equity Housing Cooperative
MFI	Median Family Income
MCC	Microelectronics and Computer Corporation
MSA	Metropolitan Statistical Area
NASCO	North American Students of Cooperation
NHCD	Neighborhood Housing and Community Development
NUNA	North University Neighborhood Associates

RHDA	Rental Housing Development Assistance
SMART	Safe, Mixed-Income, Accessible, Reasonably Priced, Transit Oriented
UAP	University Area Partners
UNO	University Neighborhood Overlay
UT	University of Texas at Austin

ABSTRACT

This research investigates an alternative to traditional affordable housing by examining cooperatives in West Campus, Austin, Texas. Recent estimates suggest that real estate constitutes the majority of global investment, and as much as 75 percent of that wealth is in housing (Stein 2019). Diminishing funding for public housing, land speculation, predatory lending, and a spreading technocracy within the urban core have exacerbated the problems of unequal access to and displacement from urban space. As "new urbanist," mixed-income developments mask poverty via neoliberal policy and market based incentives, there is a need for alternative means to affordable housing that are independent of the market (Hanlon 2010). In West Campus, a paradigmatic case of neoliberal development policy is intertwined with de-commodified, non-profit cooperative living space through the University Neighborhood Overlay (UNO). The UNO policy, adopted by the City of Austin in 2004, uses an affordable housing trust fund that allows developers to pay into the trust fund in-lieu of building the required affordable housing units within a market-rate development. This trust fund is then accessible to the two affordable housing cooperatives that function within UNO. Mobilizing a genealogical framework, this research examines the development of UNO, situating the policy within the broader historical trajectory of the cooperatives and West Campus, and assesses how the cooperatives have used the trust fund money. Despite adding hundreds of affordable units to the West Campus community and giving the cooperatives

significant funding benefits, the UNO trust fund has not been able to wholly give the cooperatives in West Campus the means to expand and reclaim urban commons space.

I. INTRODUCTION

Introduction

Housing cooperatives (HC), a potential avenue for providing affordable and attainable housing, are an important area of study during this time of growing wealth inequality and limited access to housing in desirable spaces. The advantages HCs bring to the table of affordable and equitable housing range from fiscal benefits to social benefits (Huron 2018, Saegert & Benitez 2005). The city of Austin, Texas presents a paradigmatic case study for gaining a better understanding of how cooperatives might fit within the broader landscape of affordable housing options. As Austin fights issues of gentrification, rising rents, and an affordable housing crisis, the city seemingly has acknowledged that it has a serious problem (Austin Strategic Housing Blueprint 2017). Furthermore, Austin has a long tradition of cooperative housing, particularly for students, sprinkled throughout the city. The long-standing tradition of HCs in Austin leaves the city as a space primed for HC expansion as a means to supply affordable housing in the future. Austin's HCs have provided affordable housing for decades. They have proven to be a key, albeit not ubiquitous, way in which Austin has grown affordable housing options as it has aimed to expand its affordable housing palette especially since adopting designated goals to provide Safe, Mixed-income, Accessible, Reasonably Priced, Transit-Oriented (SMART) housing since the early 2000s.

Austin's HCs house students and other residents at rates considerably below the market-rate in neighborhoods such as West Campus and Cherrywood. In West Campus, HC's house students at around $850 per month with food, rent, and utilities combined. When not including all of the amenities HCs include, rent is around or less than the 50%

median family income (MFI) rate of $663 per month in other affordable housing in West Campus. Although there are HCs throughout the city, the HCs found in the West Campus neighborhood of Austin are the central focus of this study. This neighborhood is one in which the city has attempted to use market-rate housing development to produce affordable housing units within those market-rate developments to allow developers to "opt-in" for higher density land-use in the University Neighborhood Overlay (UNO). Policies such as UNO are broadly known as inclusionary zoning (IZ) and are used throughout the United States as a neoliberal mechanism of affordable housing production (Porter 2004). IZ is used throughout Austin and has been met with multifaceted viewpoints and contention with concerns over IZ's efficacy[1] (Porter 2004; Gruca 2020). As Austin continues to become increasingly less affordable (Way, Mueller, and Wegman 2018), it becomes even more important to monitor and evaluate the ways that the city provides affordable housing as it expands its goals of making the city more equitable.

In the thesis that follows, I examine the West Campus HCs and related IZ policy. Following this, I provide a methodology to analyze the city's policies and to situate the West Campus HCs and related IZ policy into Austin's urban development and housing discourse. My research explores whether IZ initiatives like UNO allow student HCs to meaningfully contribute to affordable housing options in the city. More narrowly, my research, is intended to explain how UNO has transformed development of West Campus.

[1] IZ policy pros and cons are explained in literature review

Austin's urban housing market is highly competitive with the average rent for a one-bedroom apartment usually well over $1,000 a month (Austin Strategic Housing Blueprint). Within this highly commodified and wealth-burdened housing market context, the HCs, like those in West Campus, practice what has been referred to by scholars as "commoning," or the relational *process* of "taking care of and accepting responsibility for a resource [such as housing], and distributing the benefits in ways that take into account the well-being of others" (Gibson-Graham, Cameron, and Healy 2016; Huron 2015). Understanding the West Campus HCs as a component of the urban commons is important to governance discourse that link HCs and IZ policies that impact them, a complex linkage which has emerged since the adoption of the 2004 West Campus UNO IZ policy.

Since the neoliberal turn of the late 1970s (Harvey 2005) housing policies like UNO have become entrenched in housing production around the world (Forrest and Hirayama 2009) by efforts to foster entrepreneurial, laissez-faire governance toward housing and affordable housing production through development fees and upzonings.[2] Viewing the urban commons and neoliberal ideology as competing urban imaginaries,[3] we can see that competition between these forms of governing the city has led to unique and variegated dynamics concerning zoning regulations, affordable housing

[2] An upzoning is when an area is given a higher zoning category to allow for taller, denser developments.
[3] Urban imaginaries can be thought of as "discursively constructed subsets of the sum of all economic activities which are in their totality too chaotic and complex to be the object of analysis, management or governance" (Grubbauer 2013). In other words, UNO and the HCs are competing urban imaginaries as they are both inextricably intertwined within the same urban economic milieu as the whole of the Austin economy. The two economic facets of UNO and the HCs, in fact, must have their complexity lessened to a discursive notion betwixt the two to perform analysis. Furthermore, the HCs can be viewed as a piece of post-capitalist economy while UNO a piece of neoliberal policy. Thus, the competing urban imaginaries is through their seemingly antagonistic praxis.

organizations, and developers throughout the country using different IZ practices (Grounded Solutions, Porter 2004). Approaching HCs from this perspective and mobilizing a *genealogical* framework, which I explain below, I examine the relationship between West Campus HCs and associated IZ polices in Austin through semi-structured interviews and textual analysis of policy, planning documents, journalistic coverage and other related texts.

Image 1. ICC's House of Commons Coop Demonstrating Competing Urban Imaginaries. Source: Chad Williams July 2, 2020

This research made three things abundantly clear. The first is that a gap in development from decades of shortsighted attempts at comprehensive planning and an emigration of students from the West Campus neighborhood that started in the late 1960s was a precedent to the significant increase in development that coincided with the UNO policy. The second is that UNO has made progressive and meaningful attempts to produce affordable housing in the West Campus neighborhood, but it was also a byproduct of the City of Austin's turn toward affordable housing production at the time. As affordable housing was a byproduct of upzoning that coincided with UNO, the initial affordable housing stipulations in UNO were not as encompassing nor as useful for producing affordable living space in West Campus. And the third thing is that, UNO has meaningfully contributed to the development and maintenance of the West Campus HC urban commons by allowing for denser development and by providing some financial relief. But the quantitative increase of HC living space in West Campus does not match the unprecedented growth and increased market value that the West Campus neighborhood has experienced since UNO was conceived. Inconsistency from the City of Austin has also created hurdles for West Campus HCs to use the UNO funds to produce a maximum amount of affordable HC living space in the neighborhood. This leads to an important discussion of how urban governance's need to turn from neoliberally dependent strategies of affordable housing provision to secure a more cohesive affordable housing future instead of depending on market forces.

Purpose Statement

The purpose of this study is to develop an in-depth understanding of student HCs, their roles in affordable housing provision, and the impacts of zoning policies on HCs in the West Campus neighborhood of Austin. This case study aims to add to our understandings of the urban commons and of de-commodified space in highly commodified urban areas. Student HCs have not been extensively studied, as evidenced in the HC literature. Improved understanding of the impacts of land use policy on student

HCs will help clarify land use policy and provide insight into the roles student HCs play in Austin, particularly in their potential for creating affordable housing.

Research Problem and Question

Recent estimates suggest that real estate constitutes the majority of global investment, and as much as 75 percent of that wealth is in housing (Stein 2019). Diminishing funding for public housing, predatory lending that led to the collapse of a housing bubble in 2008, and a spreading technocracy within the urban core, have caused cities around the United States to become hotbeds of unequal access and displacement. As “new urbanist,” mixed-income developments mask poverty via neoliberal policy and market-based incentives, there is a need for alternative means to affordable housing that are independent of the market (Hanlon 2010). These alternatives include HCs and community land trusts (CLT). A diversity of approaches to housing provision will yield important and versatile ways in which to combat the inequalities that neoliberal affordable housing policies produce (Gibson-Graham 2006). Significantly, scholars argue that HCs are a niche in the affordable housing network (Saegert & Benitiez 2005). HCs not only maintain de-commodified space (through HC’s non-profit status), but they also model ideal relationships and give autonomy to their inhabitants (Huron 2018). Understanding HCs in the urban sphere is crucial to bridging the gaps found in affordable housing discourse and policy.

The HC is one model of expansion of affordable housing in Austin. The city’s HC sector has roots in the Great Depression, and today Austin is home to one of the HC strongholds in the United States (Jones 2013). Although Austin coops have been challenged by development booms, housing busts, and major facility renovations, the group equity HCs[4] found in West Campus continue to provide housing for hundreds of

[4] These are HCs owned by a cooperatively managed non-profit with contractual agreements with its tenants to be a part of the HC)

Central Texas college students. The continued existence and expansion of student HCs in the extremely ‘hot’ real estate market of Austin presents a compelling case study that could improve understanding of the paths to success or failure in specific contexts.

Understanding the UNO policy has implications that have been explicitly clear. The UNO ordinance, enacted by the Austin City Council in 2004, includes a trust fund paid into by developers that opt out of building statutorily mandated affordable housing. The primary beneficiaries of this trust fund have been the two main affordable housing group equity cooperatives known as College Houses, Inc. (CH) and the Inter Cooperative Council of Austin (ICC). While both cooperative organizations have ostensibly used funds within UNO to support their affordable student housing structures, there are questions about how the fund has been used as well as what the fund’s future will be.

UNO has two tiers of affordability. In 2004, the UNO stated that its first tier of affordability required that all developments in West Campus had to create 10% of its units as “affordable” for people who had incomes at or below 80% MFI of the metropolitan statistical area (MSA). The second tier of affordability, required that developers provide an additional 10% of a development’s units to people with incomes that were 65% of the MFI of the Austin MSA or deposit $0.50 per square foot of net rentable floor area of the proposed development into the UNO trust fund. In 2014, adjustments were made to the definition of affordable housing in the neighborhood from 80% MFI to 60% MFI for first-tier mandatory affordability, and for second-tier affordability, the definition shifted from 65% to 50% MFI or pay into the UNO trust fund at $1.00[5] per square foot of net livable space. As of April 2020, 8 out of 68 developments since 2004 have provided affordability at both tiers, and one of these developments was the Ruth Schulze Cooperative[6] (City of Austin Open Data Portal 2020). Furthermore, the minimum affordability period was changed to 40 years, from 15 years, prior to 2014. This meant that the duration of maintenance of affordability for the housing units affected by the initial policy are set to expire in the next five to ten years. This may not only reduce the availability of affordable housing, but also creates incongruity between the early developers and the newer developers. The UNO policy has been changed in terms of height allotments, increasing numerous times since the start. The most recent UNO height-allotment increase occurred in November 2019. This increase gave the Inner West Campus portion of UNO an additional 125 feet and now allows a small portion of developments to build up to 300 feet. Although, if the developer wishes to build to the new maximum height allowed by the November 2019 update, they must provide a full 10% at 60% MFI and 10% at 50% MFI in order to take advantage of the new height allotment. If the developer wishes to pay the $1.00 in-lieu fee then the developer must remain at the previous height allotment (Huber 2019; Thornton 2019; Austin City Council 2019).

IZ initiatives have been employed around the United States to expand affordable housing since the late 1960s (Porter 2004). Austin using IZ policies around the turn of the millennium in conjunction with SMART housing initiatives (Opticos 2014). The differences between pre- and post-2014 developments are among the many nuances in the

[5] The $1.00 in 2014 was set to be adjusted yearly based off of the Consumer Price Index set by the United States Department of Labor

[6] Ruth Schulze Coop is the newest HC in West Campus and is just now (summer 2020) being completed. Technically, all of its units are 'affordable' units.

UNO policy that needs dissection. How has this shift in policy impacted the neighborhood, the HCs, the developers, and the goal of affordable housing expansion?

Austin has acknowledged that they must increase affordable housing to keep up with its growing population. This thesis will show that though affordable housing has been produced by UNO, the policy has fallen short of its many promises and has only recently seen made meaningful progress towards providing affordable housing. As housing prices continue to rise in West Campus, we must understand how this piece of the affordable-housing puzzle works. Establishing a benchmark for how HCs' use the policy and how it produces affordable units is critical as Austin aims to re-write its land development code (LDC) for the first time since 1984. The latest LDC discussion in Austin rises from the ashes of the previously failed CodeNEXT that was struck down by Austin City Council in 2018. Upzoning has caused increased development in West Campus and affordable housing production made in conjunction with IZ policies has a vast array of nuances and contradictory conditions that must be addressed to improve Austin's planning process.

Research Question:

This study answers these two primary questions: Does the UNO policy enable student HCs to contribute to affordable housing in Austin? If so, how? Secondarily this study will determine:

> The working components of the UNO trust fund and evaluate the effects of those components on West Campus group equity HCs. Further, it evaluates whether incentives for developers to pay into the trust fund have generated sufficient funds

for West Campus HCs? Lastly, it highlights HC's staff views of the UNO trust fund.

II. LITERATURE REVIEW

Three Types of Cooperatives

The cooperative model can be applied to almost every facet of the economy. Dating back to the Rochdale Society for Equitable Pioneers' cooperative store that opened in 1844, cooperatives have been built on the principles of communal organization and a better together attitude (Restakis 2010). Cooperatives have provided space for communal wealth building and a democratic breath within the undemocratic nature of *laissez-faire* principles that encompass today's economic milieu. HCs are one piece of the cooperative economy that should be expanded upon to continue to provide an outlet for de-commodified living space in commodified spheres. To understand how HCs do this, a description of the three main types of HCs is necessary. Understanding the three types of HCs gives a framework by which to understand the HCs found in the West Campus neighborhood.

Like other cooperatives, HCs rely on the fundamental principle that each decision for the HC is made democratically through a one-member-one-vote system. Furthermore, all HCs have an ownership structure that separates HCs from other forms of living arrangements. While living in a HC, a dweller owns a portion of the HC and when that dweller leaves, they sell their share. The North American Students of Cooperation (NASCO) notes "that all coops are different —and [to] take everything you see, hear, read, and experience [in regard to HCs] with a grain of salt" (NASCO). While there is significant variation in how HCs are owned and operated, there are three main types: market-rate HCs, limited-equity HCs, and group-equity (student or community) HCs. By classifying HCs into this typology, I aim to divorce market-rate HCs from limited-equity

HCs, and alternatively, draw similarities between limited-equity HCs and group-equity HCs.

Market-rate HCs operate within the open market. This means that every decision that is made in the HC is made democratically, but the shares of the HC that are owned by the dwellers appreciate and depreciate with the open housing market. Thus, when downturns in the economy occur, the market-rate HC can suffer greatly. In fact, during the Great Depression, all but two market-rate HCs in New York City folded while HCs set up for low and moderate-income residents made it through the economic downturn (Saegert and Benitez 2005). This also means that when markets rise, the values of the shares in the HC rise as well. Thus, market-rate HCs are not an affordable-housing option.

By contrast, limited-equity HCs (LEHC) are kept affordable by keeping the resale value of the purchased housing shares to a minimum, or regulated, value. The resale values are kept to a minimum by incorporating a limited-equity structure to the shares in the democratically voted on bylaws (Ehlenz 2018). For example, the Dos Pinos HC in Davis, California, has a 10% per year resale value return on initial HC investment (Thompson 2018). This keeps the shares of LEHCs below market rate and affordable to the next low- or moderate-income individual or family that buys the former member's share. Although, some profit can be made from the shares upon resale, the shares remain below market-rate. Overall, the LEHC model is a firm option for affordable housing and has been shown to work and maintain affordability over time (Saegert & Benitez 2005; Huron 2018, Thompson 2018). In fact, many LEHCs are still affordable after being founded decades ago.

The final HC housing model is group- or community-equity housing. The group-equity form of cooperative housing is the focus of this research, and the only type of HC in the West Campus neighborhood in Austin, Texas. According to NASCO, group-equity HCs are HCs that own all the assets of the HC as a group, as opposed to a collection of individuals holding shares. This "group" is usually a non-profit corporation comprised of its members. The members pay a fee that acts as a share in the HC sense but is more like a deposit that one may find in an apartment complex. This means that the initial cost to become a part of a group-equity HC is much lower than the other types of HCs because one does not have to buy a specific percentage of the total value of the HC. This works well for students because after a student's time in school, they can leave their space in the group-equity HC for the next college student. Group-equity HCs see high turnover rates because of the ephemeral nature of students as residents, but also keep housing options affordable for many students. Importantly, group-equity HCs are a de-commodified space. The group does not make a profit.

The de-commodified nature of group-equity HCs and LEHCs is an important consideration when extrapolating knowledge from cooperative literature. In group-equity HCs, no money is made off the space provided to dwellers. As no money is made on the space, group-equity HCs de-commodify space.

Much, if not all, research performed on HCs has revolved around LEHCs and not the group-equity model. As group-equity HCs maintain the integrity of limited equity through its zero-equity nature, the research on LEHCs can be understood to be umbrella research for de-commodified cooperatively managed and ran living space. While Huron (2012, 2015, and 2018) focuses solely on the LEHC model, I follow other scholars who conclude that group-equity student HCs yield similar social benefits (Saegert & Benitiez 2005).

Beyond the fiscal benefits that LEHCs and group-equity HCs can provide, there are other benefits, such as social capital and experiential learning benefits, that contribute to HC's continued success. In fact, LEHCs provide a platform for self-help and mutual aid that may not be present in other forms of affordable housing. This self-help platform is provided by the agency that living in an LEHC instills through house labor, maintenance, cooking, and other household activities that are not outsourced (Miceli, Sazama, Sirmans 1994; Saegert and Winkel 1996; Saegert & Benitez 2005; Huron 2012).

Three Principles of Community Psychology

Huron's model of self-help housing draws on and adapts three principles from community psychology: self-determination, experiential learning, and social homogeneity (Huron 2015). These analytics are useful for several reasons. First, they allow us to examine motivations for HC living and home ownership that are more than simply financial. Second, they help to explain why LEHCs can persist despite possible inclinations to convert to market-rate HCs or condominiums. Finally, deploying these three principles brings into view some of the linkages between HCs and meso-scale urban governance (Williams and Pierce 2017).

Drawing on extensive ethnographic research with HC residents, Huron argues that collectively purchasing a HC is a self-determining factor that helps solidify an LEHC as a piece of the fabric of a city. When tenants organize behind their HC, they are stronger together and that helps to ensure the HC's future.

The second piece of "self-help housing" is experiential learning. Experiential learning is a key tool to HCs as well because this enables HCs to run without outsourcing things such as maintenance, bookkeeping, and other such duties normally taken on by housing management. Furthermore, experiential learning creates a social capital through the interactions and common work performed by the members of the HC. In turn, experiential learning is a piece to the HC puzzle that transforms subjects into HC subjects.

Finally, the third piece to the community psychology approach is social homogeneity. Social homogeneity is found in the fear of being homeless or not having autonomy over one's living situation. The sense of common purpose that is instilled through living in an LEHC is social homogeneity. This purpose could be something like maintaining affordable housing for the members or the collective ideals that the HC was founded on. Huron does note that social homogeneity can become something that weakens with time, though. For instance, growing housing markets can become enticing for LEHC members to lose that social homogeneity behind the virtue of affordability that the LEHC was founded on to sell to market-rate. This would, in turn, completely abandon the social homogeneity that may have once been found around the collective ideals of affordable housing. Creating stronger ties between LEHC organizations is a possible way to combat the temptation to sell to market-rate HCs.

It is important to understand the three principles of self-help housing as fundamental elements of commoning in the urban commons. Furthermore, social capital between those of affordable housing community and equitable development must be understood in a way that recognizes these diverse economies in conjunction with their situation within a limited resource urban fabric. Economic capital must be tied to social capital for the success of community (DeFilippis 2001). Until the community psychology principles that Huron draws from are realized at multiple scales constituting the urban commons – that is, between other LEHCs, non-profits, and other non-capitalist enterprises in a locale – the HC movement is limited. A cohesive notion of de-commodified space such as CLTs, LEHCs, must be realized to advance the cause of reclaiming the urban commons. (Williams 2017).

Cooperatives as a Part of the Urban Commons

The commons, if divorced from the understanding that Garret Hardin (1968) details in the "Tragedy of the Commons," can be understood as both privately or publicly owned space compiled with people using and valuing a shared resource. HCs are a collective management of de-commodified land use in spaces with dense populations and capitalist investment (Huron 2018). The de-commodified nature of HCs is through the lack of profit to be made through the resale of HC shares and their highly autonomous and self-organized nature (Huron 2018). The desire to convert to market-rate is ever present, but as pointed out, this challenge can be combatted through cohesive bottom up generation and self-governance that HCs can provide through healthy social capital and a combined effort of commoning. Huron shows that many of the HCs elect to stay affordable when the option to go market-rate is available. Seeing if there may be other explanations to reject market-rate conversion could build the argument for the HC cause.

However, even when residents resist marketization pressures, other factors may influence the long-term viability of HCs. For instance, participation is a major factor in making an HC run smoothly. If the workload of running a HC is put onto the backs of a few committed cooperators, then the HC system can see troubles. If member participation is absent, then outsourcing tasks becomes a fiscal burden that could in turn create a less equitable HC (Huron 2018). The financial burdens that HCs face in conjunction with other factors that play into the possible detriment of the HC cause, may, but not necessarily, find assistance in the form of policy enacted by city governments.

Inclusionary Zoning

IZ is a public policy geared towards creating affordable housing in conjunction with market rate housing. Affordable housing is created by various means under IZ. In general, though, IZ creates affordable housing by requiring the developer to build a certain percentage of affordable housing units within the whole of their market rate developments. Even though on the surface IZ seems simple, the variegated practices leave plenty of room for interpretation, understanding, and execution. After an extensive review of 17 studies and reports, Williams et al (2016) put IZ into six different categories of practice: mandatory vs. voluntary, set-aside amount, eligibility and term, types and locations of developments, opt-outs, and incentives. As the UNO policy uses a combination of the different types of IZ, it is important to have a comprehensive understanding of IZ going forward.

Mandatory IZ means that a developer is required to set aside affordable units or “in-lieu’ fees in conjunction with their development. Some argue that a voluntary IZ program is seldom used and do not create many affordable units, but others believe that if the price incentives to incorporate affordable units are set at the right price then it can be more beneficial than mandatory IZ policies. Others argue that mandatory IZ programs drive development away which in turn creates no new affordable housing at all because the developers simply do not want to comply with the mandatory policies put on their development projects (Schuetz et al 2011). Importantly, studies have shown that there is no statistical significance to the claim that mandatory IZ disincentivizes development (Mukhija et al 2010) While there may be some balance that is best fit between the mandatory vs. voluntary discourse, it seems that mandatory IZ practices are the best of the two in regards to number of affordable units created (Brunick 2004; Mukhija 2010). In the UNO case, the IZ policy is an option al one. The UNO policy is only mandatory if the developer wishes to develop above the base zoning (MultiFamily-4) that has already been established in the West Campus neighborhood. It is illegal in the state of Texas to create a mandatory IZ program. In the case of UNO, they have made the policy economically viable enough that almost no developers have opted not to use the policy enacted by the city. Mandatory IZ programs may also benefit the low to very-low incomes more when compared to voluntary IZ programs (Lerman 2006). Within mandatory IZ policies, there can be voluntary actions made. These voluntary actions include the rest of the five subsections of IZ policy that Williams et al established.

Set-aside amounts and opt-outs are key aspects to IZ policies, as these two variables are what make the construction of affordable units possible. Set-aside amounts refer to the amount of space that must be made affordable in a development (set aside). Set-aside amounts usually range from 10% to 20% of the units in a development.

Alternatively, opt-outs refer to the amount of money a developer must pay into a trust to "opt-out" of building the required set-aside amounts. Opt-out payments have varying ranges and are often referred to as "in-lieu" fees. Without the set-aside amounts and the "in-lieu" fees, none of the IZ programs would have their respective affordable units built in conjunction with their market-rate units.

Eligibility and term refer to the people that may live in one of the affordable units and how long that unit must remain affordable. The ranges for eligible dwellers range from 120 percent MFI to low-income residents at 50 percent MFI or below (Porter 2004). The term in which a unit is deemed affordable makes a difference in the way that development is handled and speculated upon. Hickey et al. (2014) show that the ranges of affordability terms range from zero to 99 years or in perpetuity. In Austin, there is a wide range of affordability periods within the city, and the UNO area has even seen adjustments to its affordability tenure. Furthermore, once the affordability time period runs out for an IZ program resale restriction, formulas can be implemented to abate the market-rate sale that could potentially take the affordable unit out of the affordable unit pool (Hickey et al. 2014). Despite some IZ programs restricting resale value or renting value on affordable units, many units do become market-rate after periods as short as five years (Hickey et al. 2014). Whether a unit remains affordable in perpetuity or not influences the ways in which investors manage their development portfolio.

The placement of affordable developments is an important component to the IZ policy milieu as well. Developers get the option to create affordable units, outside of and unattached to their market-rate developments (Schuetz et al 2009). Finally, the last piece to the IZ puzzle are the incentives that are written into IZ policies. These include density bonuses, relaxed parking requirements, tax abatements, subsidies, and other mechanisms to offset what some developers might consider burdens (Williams et al 2016). In regards to UNO, a density bonus is one of the incentives that the developers are able to utilize while paying the "in-lieu" fee. While affordable housing may be created through IZ, there is little literature available on the critical side of IZ policies and how they impact affordable housing.

Housing Supply and Demand

The theory that more housing equals more affordable prices is a hotly contested claim. As the UNO policy has created an onslaught of development in the West Campus neighborhood, the theory of supply-and-demand would seemingly allow for housing prices to stabilize in the neighborhood and create a more equitable living space

However, development and upzonings of neighborhoods to increase density have been associated with drastically increased land prices, gentrification, and displacement in places such as New York City (Stein 2019, Aguirre et al 2016). Been, Ellen, and O'Regan (2019) argue that there are three main areas where 'supply skeptics' tend to focus their arguments in regards to more housing not necessarily equating to more affordable housing. First, since space within highly commodified areas is finite within a city, market-rate development will take away from the possibility of being able to create low-income or affordably priced housing. Second, adding housing at the top income bracket will not create any form of trickle down impacts on the housing at lower income levels. And third, the induced demand for higher income dwelling will create room for more high-income residents to come to the neighborhood thus displacing potential lower income peoples.

Been, Ellen, and O'Regan (2019) go on to counter the 'supply skeptics' by calling for more robust analysis and empirical evidence to ground their arguments. In particular, Been, Ellen, and Reagan show that building housing in any way shape or form will have impacts on the price elasticity of housing in a given neighborhood or city. Interestingly when it comes to production of market-rate developments, Been, Ellen and O'Regan could find little empirical evidence supporting lower rents in areas that have increased market-rate housing. But they conclude that "more market-rate housing alone will not solve the deep affordability problems faced by low-income households. The key point is that efforts to create and support housing affordable to low- and moderate-income households and efforts to make the supply of housing more elastic are complementary."

Thus, creating more housing alone is not the answer to making housing affordable and diversifying the ways that city's produce all types of housing including affordable housing is important to making the impacts of growing the housing palette a beneficial one to affordable housing.

III. CONCEPTUAL FRAMEWORK AND METHODOLOGY

To understand the process and the dynamic interactions through which the UNO trust fund developed into its 2004 implementation when the ordinance was passed, and how it continues to evolve into the present, I employ the *genealogical approach* as developed by Friedrich Nietzsche and a host of more recent post-structuralist thinkers. Most notable among those thinkers is Michel Foucault, who described genealogy as a "history of the present" (Foucault 1977). A genealogical perspective is not concerned with identifying "origins" per se (Foucault 1984), but rather seeks to trace power relationships between relevant actors in the development of a given phenomenon. As explicated by Garland (2014), a genealogy "aim[s] to trace the forces that gave birth to our present-day practices and to identify the historical conditions upon which they still depend."

Genealogy is not a research method, but rather a conceptual orientation guiding the use of specific methods. Through semi-structured interviews and textual discourse analysis, I explore the descent of the UNO policy examining "the accidents, the minute deviations, or conversely, the complete reversals-the errors, the false appraisals, and the faulty calculations that gave birth to" the UNO policy and how it "gives value" or impacts the West Campus HCs (Foucault 1984). This disrupts hegemonic understanding of neoliberal affordable housing reform (Flanagan 2015). The UNO policy, at face value, resonates with entrepreneurial, neoliberal urban governance approaches that critical urban geographers have argued function as components of capital accumulation, at best temporary "fixes" to more systemic and nuanced, problems (Harvey 1989). Understanding the power struggles that gave rise to the UNO trust policy provides an avenue to deconstruct its use and implementation. This also enables other ways of viewing problems associated with neoliberal urban governance and could lead to new ways of imaging and governing the urban commons and creating more equitable housing approaches. Furthermore, the neoliberal structure of the UNO policy provides an interesting case for a genealogical framework as the genealogical framework is a tool that can strike an analytical balance between scrutinizing the structuring forces of capitalism and the nuanced imaginaries of post-capitalist urban commons and space (Sarmiento and Gabriel forthcoming).

This conceptual framework does not entail an endless search for a non-discernable origin, however. As my research explains the impacts that the UNO policy has had on West Campus HCs, *genealogy* guides understanding that is not provided by a single piece of policy legislation (UNO) nor a single use of policy (developers or HCs). Instead, the framework engages in-depth analysis into West Campus zoning policy, West Campus development history, and interviews with key actors to understand the emergent power relations that allowed for the implementation of UNO in West Campus and how the policy has been used.

Methodology

The methods used to undertake these analyses include semi-structured interviews and in-depth study of the City of Austin's ordinances to provide context for the UNO policy. These two actions enabled a critical assessment of the impacts of UNO on HCs and affordable housing in West Campus.

Interviews were conducted in February 2020 based on guiding questions[7] that enabled meaningful conversation around the UNO trust fund. The interviews were highly informative with themes of housing supply and demand, the HC's usage of the policy, and the lack of affordable housing production in the first 10 years of the policy's existence (2004 to 2014) producing relatively little affordable housing.

Three groups[8] were interviewed for specific purposes. The first set of interviewees was composed of current employees of ICC and CH who have knowledge of UNO policy and can shed light on the value (or lack thereof) of the policy. Since the employees at ICC and CH presumably use the UNO trust more than anyone else, their input was paramount to this study. The questions they were asked revolved around HCs' use of the trust, the HCs' views of the affordability, and the future of UNO. The second group of interviewees included people who either engaged with the policy at its implementation or knew how HCs operated prior to the policy. The questions asked of this second group revolved around UNO's influence of the HCs in the early days, the origins of changes made to UNO in 2014, and the role of HCs in implementing UNO. I also interviewed an Austin City Councilmember in 2004, to gain insight into a city official's perspective. All interviewees were asked for their consent to be interviewed, were given the option of anonymity, and were given a brief overview of the study.

Several questions provided structure for and guided the conversation. The structure was flexible and reflected the genealogical framework to reveal subtle nuances

[7] For a full list of questions, see Appendix A
[8] For a list of participants, see Appendix B

in understanding and interpretation of the policy. The goal was to provoke discourse rather than elicit specific answers.

In conjunction with the interviews, I searched through years of Austin City Council meeting minutes and transcriptions during the development, adoption on September 2, 2004, and revision of UNO to develop a chronology of its conceptualization, its drafting, its implementation, and updates made to the policy. I traced UNO back to its origins in the passage of the Villas on Guadalupe[9] and its context in housing governance, legislation and zoning. Beyond the City Council's meeting minutes and transcriptions, I searched Austin American-Statesman, Austin Chronicle, and Austin Monitor archives for historically relevant reports regarding government proceedings and public opinions about the UNO policy and its application to West Campus.

[9] I elaborate on the Villas on Guadalupe below, but in short, they were the first domino to fall in the redevelopment puzzle that led to UNO's implementation. Passed by City Council on first reading January 10, 2002

IV. PRIMING WEST CAMPUS FOR A DEVELOPMENT BOOM

A Brief History of Austin and HC Development since 1928

Austin's transformation into the economic boomtown of today that draws the "creative class", live music acts, and the newest culinary endeavors is a history riddled with racial segregation, short-sighted development policies, and a tendency to favor the "knowledge economy." In this brief overview of development of Austin and its cooperatives to the 1970s, I show that the policies impacting HCs and the neighborhood itself cannot be divorced from the history that of the city. In fact, the restrictive and piecemeal development policies of the mid-20th century allowed for development dormancy in West Campus beginning in the mid-1980s. This section weaves the West Campus HCs into this historical context.

In 1928, Austin adopted its first land use code. It was referred to as a "comprehensive zoning ordinance" (Tretter 2016, 124). Zoning was a relatively new approach to cities in Texas, and the 1928 plan combined racist and business-friendly planning to reshape much of the city, leaving African-American and Latin-x residents little choice but to concentrate on the east and southeast portions of the city. Austin updated its master plan in 1961 with the Austin Development Plan which "envisioned large-scale suburban residential and commercial growth" (Tretter 2016, 128) while developing "good housing for all" (City of Austin 1961). Sadly, despite this stated aim, the new industrial and expansive vision for the City of Austin "reinforced the patterns of land-use segregation that had been established in the 1920s" (Tretter 2016, 129). The 1961 plan enabled Austin's retention of its reputation as a Southern city that reflected the white supremacist policies and actions of the time. The neighborhood to the west of the grounds of the University of Texas (UT) at Austin maintained a radical HC known as the Campus Guild. The Campus Guild was devoted to radical politics and organizing even through a period dominated by conservative politics and anti-leftist tendencies (Jones 2013). The cooperative movement which was established in Austin in the late 1930s, gained national recognition in the 1950s for its support for integration of all cooperative units. This is not to claim that the cooperatives in Austin and West Campus did not suffer from systemic racism, segregation, and inequalities nor is it to say that the contemporary cooperatives are solely aligned with radical leftist politics that aim to eliminate oppression. It is only meant to stress that Austin's cooperative movement has had a radical tilt since its beginnings and leans that way today.

The federal Housing Act of 1959 made nonprofit student HCs eligible for loans (House Committee on Banking, Finance and Urban Affairs 1994). But the funds were unavailable unless universities sponsored these loans. In response, student cooperatives organized and convinced HUD to lend to student groups without the requirement of university sponsorship. Austin student cooperatives were able to see benefits of the new student housing loans from HUD by the late 1960s (Jones 2013). At the same time that the HCs leveraged HUD loans and began purchasing properties, West Campus began its descent into development stagnation.

A housing boom occurred on Riverside Drive during the late part of the 1960s due to UT's shuttle bus system which loosened the campus' spatial grip on students enabling longer commutes. This freed up property in West Campus which allowed HCs to acquire land (Jones 2013). The bus system's implementation and coinciding development of Riverside Drive may have been due in part to a rising student movement found in the neighborhoods adjacent to UT Austin, including West Campus. Breaking up the culture that had developed in the area was the first significant piece that led to the development dormancy that created the rent gap for the land development boom that took place after the UNO policy was adopted.

In November of 1969, students and non-students who identified with the "New Left" movement shouted and protested against police as they arrested an 11-year old "runaway" girl at the Chuckwagon restaurant that was previously in the UT student union. The protestors shouted "pigs off campus" and attempted to take the girl who, despite her age, was ostensibly welcomed at the Chuckwagon restaurant by her older politically engaged comrades (Bryant 1969). This type of politically charged resistance coincided with the shuttle system and the Riverside development boom. One of my key informants, a West Campus real estate expert and long-time actor in the university area had this to say about the Chuckwagon Incident, shuttle bus, and the Riverside development boom:

> You have to look at the political situation that was going on as well. The shuttle bus was invented to counteract the student movement…[and] the war protests… [The] Chuck Wagon incident was when the students took over the Chuckwagon which was part of UT, so out of that, a very powerful regent decided that he would introduce a bus company to hire that would haul students around… which made Riverside happen.

Beyond this, Jones (2013) quotes an article from a 1970s cooperative magazine known as the *First Flower* that said Dennis Paddie described Austin as a "different place." Paddie said that in the 1960s, "Politicos and Women's Liberation were starting to have resonance" and "Gay Liberation was in the future" (Jones 2013). This mirrors the West

Campus experts' view of the student movement and its culture which flourished in the UT-adjacent neighborhoods before the shuttle bus implementation. Riverside Drive made a significant impact not only on housing but also on culture as the neighborhoods surrounding UT were broken up. The HCs were founded and have continued to act upon more progressive and radical ideals than other areas of the city. Breaking up the West Campus community and others adjacent may have counter-intuitively enabled the establishment of more radical West Campus HCs and created a permanent force in a housing movement in the years and decades to come. The exodus of West Campus residents to Riverside Drive during this period allowed for the West Campus HCs to entrench themselves as an urban commons.

Image 2. West Campus to Riverside Drive. Source: Google Images

When Riverside started to boom, "thousands of apartments were built in the Riverside area in South Austin and other shuttle-bus routes opened much of the city to student rental. The housing market in the West Campus collapsed… But for the co-ops, which owned almost no property but were in a mood to buy, the [West Campus housing market] disaster was an opportunity" (Jones 2013, 39-40). In the years that followed the West Campus housing downturn, the cooperatives strengthened their portfolio of houses. Thus, through an apparent attempt to disperse and weaken student movements, West Campus was ensured a portfolio of radical spaces dedicated to education and cooperative living. Through the 1970s, CH and ICC both secured West Campus land through HUD loans, grants, and student organizing. Eventually, their land would become a bastion of de-commodified space in a sea of surplus investment.

The idea of the urban commons as "reclamation" must be discussed in the context of the West Campus HCs at this time. Much like tenants organizing to purchase their apartment buildings to create LEHCs, the organization of students and other actions taken in the 1960s and 1970s led to reclaiming spaces within what would come to be a highly-commodified and competitive place. Although, tough and uncertain times have occurred since ICC and CH purchased their properties, this resilient time in the West Campus cooperatives' histories is important to understand when seeing these spaces as interwoven 'islands' in an archipelago of post-capitalist geographies (Chatterton 2016). If competition had remained in the West Campus market and if the shuttle bus system were not available to students, then the two cooperative organizations may have disappeared. As both organizations were only renting properties before West Campus real estate became available, the autonomy secured through land ownership ensured they would remain autonomous and democratic.

The above sketch of the period leading up to ICC and CH gaining more independence provides a critical lens to help demonstrate how the commons were claimed during that time (Huron 2018, 34). These developments established the conditions for what would occur with the cooperatives in the 1980s. The Riverside Drive migration was the first action to the oncoming stagnated development that happened in the mid-1980s. As the student population grew at UT, students looked to Riverside Drive which slowed the development and expansion of the West Campus area. In other words, the first emigration from West Campus caused a downturn in West Campus real estate potential. This emigration, and other conditions elaborated below, stewed for the next 30 years and finally gave way to redevelopment after the adoption of UNO. But the City of Austin's development during the 1970s and 1980s added the other conditions for the development and rent gap.

Widening the Development Gap in the 1970s and 1980s

Planning in Austin remained relatively dormant between the 1961 plan and the mid-1970s when the city began working on its *Austin Tomorrow Plan* (ATP) (1980). The main goal of the new plan was to mitigate the effects of continued urbanization and preserve neighborhoods, landmarks, the natural environment, and sensitive areas. The plan sought to control growth and end environmental pollution (City of Austin 1980, 9). To protect the environment, neighborhoods and other valued pieces of Austin's growing space, the City of Austin decided, that most residential developments would be zoned for single family use and provide density only in areas that were already heavily populated (City of Austin 1980, 147). The city gave a priority to environmental concerns and unequal preservation of the city[10]. Though the plans outlined ambitious environmental goals were never fully met, the plan did give Austin environmental protections that shaped the way the city has grown (Gregor 2010) providing important tools with which the city government could protect the environment leading led to a city run under a militantly anti-growth comprehensive-plan. It is a prime example of how planning measures can be deprioritized for the sake of environmental protection (Busch 2017, 179). Unfortunately, despite the arguably positive environmental initiatives the plan provided, the plan underwent 10 years of addendums during the 1980s, fell short on many of its promises, and never achieved the comprehensive or equitable future it prescribed (Busch 2017, 179; Gregor 2010).

With the underlying presence of the 1980 ATP, this section shows how land use policy in the City of Austin and the downturn in its economy during the mid-1980s sent West Campus into further dormancy as Austin's city Code Chapter 13-2 and 13-2A made it nearly impossible to redevelop or develop new property; also a significant piece of capital circulation, the kiddie condo boom, was stopped by redefining a stipulation in FHA loans. These circumstances created the rent-gap necessary to increase speculation, setting the stage for UNO.

By the mid-1980s, the city was experiencing increased vacancy rates and housing and land prices were plummeting. Real estate speculation spurred when the Microelectronics and Computer Corporation (MCC) selected Austin to be the site of its high-technology consortium. This, in part, caused expectations for real estate and

[10] Industrialization of Austin's Eastside and protecting the environment, mainly, on the more affluent west side of the city. See Busch 2017, Tretter 2016

population growth to far exceed reality (Tretter 2016, 16, 68). In fact, one real estate dealer from the time period was "selling off prime real estate lots at 50 cents on the dollar" (Applebome 1986). The effects seen across the spectrum in Austin also heavily impacted West Campus real estate and development. Austin's real estate market was struggling in the economy of the middle to late 1980s. Its recession coinciding with a statewide economic downturn, the city adopted superficial changes to its (not so comprehensive) comprehensive ATP.

Among the shortcomings of the ATP was its lack of land use regulation. In fact, there were no land use clauses into the ATP. The lack of land use planning caused the Austin City Code (as opposed to the ATP) to pick up where the ATP left off. In 1984, Chapters 13-2 and 13-2A of the Austin City Code was adopted to delineate areas of the city as residential and non-residential districts and implemented the concept of compatibility to protect single-family neighborhoods (City of Austin 2014). Compatibility refers to standards that "were adopted to protect the character of Austin's older neighborhoods by ensuring that new construction, remodels, and additions are compatible in scale and bulk with existing neighborhoods" (City of Austin 2020). Also referred to as 'McMansion' regulations by the City of Austin, the planning of the LDC gave way to development stagnation which occurred through the rest of the 1980s and into the 1990s. One prominent West Campus real estate expert who helped draft the UNO policy noted that "based upon that code [chapter 13-2 and 13 2-A] the situation in the university neighborhood was stopped. No redevelopment." As noted, zoning in the city introduced the compatibility as a zoning technique. He went on to elaborate a personal anecdote of how some of his properties could no longer be developed after the adoption of the newest LDC.

> The property I had prior to the adoption of 13-2 would have supported 20 some units. That was reduced to 12 that happened across the board in the city. So, from… 1985 to about 1999, essentially, nothing was built in the university area. Stagnant. Riverside boomed.

Also contributing to development stagnation in the 1980s was a re-interpretation of a federal loan program that provided students with condos. As the West Campus real estate expert notes:

> Prior to that time [1984 LDC] throughout the 1980s, there had been a what we call the kiddie condo boom. In which developers built, tore down older buildings, and built condominiums for students. You will see them around. They [kiddie condos] were based upon a federal department examiner deciding that they could use students parent's income to qualify the student to purchase an apartment. And so people were building condominiums. So that was the status that was suddenly stopped when the federal government made a new interpretation [of the kiddie condo loan] … I mean, and they [kiddie condos] weren't really providing long term housing because what the kids were doing, they were buying them for two years and turning around and selling them and it was taking away dollars that the federal government was trying to get into actual housing. Not this rental stuff.

While the "kiddie condo boom" stopped in the mid-1980s, over-development continued the dwindling occupancy of the 1970s and had a major impact on West Campus living (Jones 2013). When the "kiddie condo boom" was stopped, it cut off a source of funds for developers that sought profit from selling them. It also cut back profits for the first-time buyers that received loans from the FHA those students that used their parents' credit to purchase with FHA backed loans could now no longer sell after their time at the university ended. In other words, when the kiddie condo boom stopped, a major stream of capital that flowed into the West Campus neighborhood dried up.

Although, the 1984 LDC and reinterpretation of condo loans for students may have been a catalyst for stagnation in West Campus development, overdevelopment leading up to the housing recession in Austin during the mid-1980s and other underlying factors like the national savings and loan crisis, the city's low occupancy rates (Jones 2013), excess real estate lending in the state (Duca, Organ, and Weiss 2014), and the 1980s oil bust also added to the stagnation. At the same time, Riverside Drive continued to develop and draw students in as the city with unequally distributed environmental planning sought to constrict the ways that the city could be developed. This created a preserved West Campus neighborhood with dwindling occupancy that delivered a rent-gap that encouraged increased speculation to grow through the mid-1990s. At that time, development in West Campus resumed in a significant way for the first time in more than a decade.

Learning the Code and SMART Housing

The HCs weathered the economic downturn (Jones 2013), and fell in line with the rest of the West Campus neighborhood. They did little to develop or expand after the 1980s' recession. But on the heels of nearly two decades of emigration, conservative land development strategy, and explicitly environmentally friendly planning, its potential for West Campus land to drastically change had started to peak. In the 1990s, for the first time, a West Campus real estate developer used the LDC in a way that allowed for "multifamily six" (MF-6) zoning height in West Campus despite West Campus' zoning at multifamily 4 (MF-4), setting a precedent. With the implementation of SMART housing in 2000, the city began to seek more development to create more affordable housing.

The West Campus expert's knowledge of the code enabled him to spark the redevelopment of West Campus. He massaged a provision in the 1984 LDC that had never been used. This provision allowed for MF-6 height despite the fact West Campus was only zoned to MF-4 at the time. This meant that instead of height limits of 60 feet, West Campus could now develop to 90 feet. Subsequently, two projects were developed in West Campus, ostensibly for the first time since the 1984 LDC, at the MF-6 height. Greater potential for revenue generation encouraged the development of more units on a specific plot of land and the West Campus market became speculative. Developers suddenly realized there was money to be made and that West Campus was once again a market worthy of investment.

The first two properties that were redeveloped gave way to the zoning change necessary to unleash profound changes in the area. Although these redevelopments did not involve a legal battle between developers and the city to the extent that the later developments would, the West Campus real estate expert expressed the view that if these first two developments had not been initiated, then the major changes to come would not have been approved by the Austin City Council.

In April of 2000, the Austin City Council adopted its SMART housing program. SMART is an acronym that stands for "Safe, Mixed-income, Accessible, Reasonably-price, Transit-oriented." This initiative was adopted into the Austin LDC in 2000 to encourage a percentage of SMART units to families at a percentage of the Austin MFI by waiving fees and fast-tracking approval for the future developments. The higher the percentage of SMART units in a development, more fees are waived and the faster the project gets approved. This incentive predated the UNO policy by over four years.

The adoption of SMART housing policies in 2000 reflects the priorities and governance imaginary of the City of Austin at the time leading up to UNO's implementation. City officials proved that they were focused on the developing affordable housing and that they were willing to work with developers in order to get affordable units built. The City's apparent position as facilitator of market-based affordable housing production, fits in with the emergence of neoliberal housing policies taking hold throughout the country. It was a *laissez faire* fix that seemingly accommodated both less-affluent people and the profit-oriented market. The structural shift that the city adopted by implementing SMART housing strategies has remained in Austin's housing policies over the last two decades, and still holds sway in the city. In 2014 an LDC Diagnosis (Opticos) assessed the city's LDC. The report concluded that incentive based policies such as the 2000 SMART housing programs are one of the "most powerful tools to provide affordable housing" (Opticos 2014). The pervading *truth* about incentive-based affordable housing production was new and fresh and seems to have been the basis for housing policy across the city. The adopted Mueller Master Plan that was the focus of Austin's planning at the time demonstrates this well. A discourse shift occurred in the city as more affordable housing was developed. SMART housing policies were an important foundation for the development of the Villas on Guadalupe, which would prove to be a contentious project.

The Villas on Guadalupe and UNO Emergence

The Villas on Guadalupe were the culmination of neighborhood discourse and dissent surrounding SMART housing initiatives, stemming in part from fear of increased land value and overdevelopment of West Campus adjacent neighborhoods. This section, shows that animosity toward the Villas on Guadalupe catalyzed consolidation of future development in UT--adjacent areas to keep projects out of areas like Hancock and North University. Dissent focused on opposition to potential land value increases and support for neighborhood preservation. The Villas on Guadalupe, however, were eventually adopted because of the inclusion of its affordability provisions. This controversy united the neighborhoods surrounding West Campus to consolidate development into the UNO district so that developers could meet the demand of student housing and the non-West Campus neighborhoods could avoid further increased land values and preserve lower density zoning.

Neighborhood organizing in West Campus predated the SMART housing shift. The University Area Partners (UAP) was founded in 1991 through a menagerie of religious organizations, merchants, Save University Neighborhoods, and other loosely and closely related institutions in and around UT. The UAP, though, remained fairly dormant until the later part of the 1990s when they began to pool together their resources for rezoning to construct the Villas on Guadalupe. The West Campus real estate expert reported that rezoning and development of the Villas on Guadalupe completed in 2002 was the first *real*[11] development in the UT area since the mid-1980s. The actors involved

[11] *Real* is italicized here to allude to the fact that the two developments that preceded the Villas on Guadalupe did not seem to be as contentious nor as important in West Campus development according to the interviewed subject or other journalistic coverage at the time.

with the “big, big fight” over rezoning were local homeowners and businesses (from whom a petition to block the development was signed by 19.75% of the population falling just shy of the 20% needed) and developers. The battle focused on concerns about neighborhood preservation, automobile traffic, and increased land prices. It culminated in approval of the development by City Council on a 4-3 vote (Apple 2002, Austin City Council 2002; Postmarks 2002).

The Villas on Guadalupe is important because it was the first development to embody the UNO policy. Its construction was a key expression of the convergence of two forces: The City of Austin not updating their LDC since the mid-1980s and a rent gap in West Campus. A rent gap, as demonstrated by Neil Smith (1979), is the difference between the potential value of land use compared to rental income from present uses of that land. The gap in capital accumulation had widened on West Campus from the lack of capital investment due to the boom on Riverside Drive, the kiddie condo boom closing, and aging infrastructure due to development dormancy. Consequently, re-development could not maximize its potential because of a lack of progress in land development code and because students were no longer attracted to West Campus due to the new development that had occurred at Riverside Drive. The Villas on Guadalupe is *not* in West Campus[12]. Instead, it is north of UT where it borders North Campus and Hyde Park. The development was hotly contested by highly diverse groups precisely because of its location in the North Campus borderland.

[12] See Image 2

The North University Neighborhood Associates (NUNA), Shoalcrest, Eastwoods and Heritage neighborhood associations, were all opposed to the Villas on Guadalupe as they feared it may be the first domino to fall and would cause other large projects to by "big-bucks developers" (Apple 2002). Other actors in the area such as the Kirby Hall School came out against the project due to the addition of 500 new residents, increased traffic, and air pollution that would be generated in such close proximity to their school on 29th street (Austin Monitor 2002). In the "Postmarks" section of *The Austin Chronicle,* NUNA president, Jeremy Roemisch, voiced his concerns about the effects of an MF-6 zoning classification on the neighborhood north of UT.

> There is no MF-6 zoning in this area. And no MF-6 has been built anywhere in Austin, yet. MF-6 zoning inflates land value. It cre--ates an economic imperative that destroys historic buildings and small affordable apartments. Meaningful planning can enhance neighborhoods and prevent the net loss of affordable housing. (Postmarks 2002)

Roemisch's view is that concerns over increased density have not always been or perhaps have never been about preserving the aesthetics of a neighborhood. He indicates that lobbyists and organizers of the time were concerned with the implications that upzonings would have on affordability in the neighborhood.

Ultimately, though, the motion to approve the upzoning that was needed for the Villas on Guadalupe came down to a different concern for affordability that opposed Roemisch's affordability argument. Austin mayor Will Wynn was quoted in a 2002 Austin Monitor article:

> We have thousands of UT students living on east Riverside and thousands of students living elsewhere, and it's a gigantic burden on our affordability issue… For every

> student housing unit that we deliver in and near UT, we begin to free up otherwise affordable units that in any other city would be reserved and used by the working poor… As much as we all gripe about traffic, the most sinful dynamic in this city right now is the lack of affordability. In my opinion we're going to have to look long-term and start to recognize the advantage . . . of having an appropriate densification of the immediate UT area. (Austin Monitor 2002)

The structural shifts reflected by the adoption of SMART housing were rhetorical devices needed to get the Villas on Guadalupe approved. But a dissenting argument was that the Villas on Guadalupe were *not* providing affordable housing in the cohesive manner that it potentially could. The Villas on Guadalupe had similarities to UNO aside from the increased land values. The developers had initially to make 5% of its units affordable (Apple 2001), but ultimately included 10% (City of Austin 2013). The Villas on Guadalupe's affordability period was only five years (2002-2007). Today these units are long past their mandated affordability period. In fact, the apartments became fully market-rate shortly after UNO was passed and would have then immediately benefitted from the increased land value in the surrounding UT area. Thus, it was, in the end, the mayor's concern that became a reality.

While the Villas on Guadalupe is outside the UNO zone today,[13] the battle over the plot of land made developers, the city, and the neighborhoods feel that they needed to make a more comprehensive vision for West Campus (Taliaferro 2006) to prevent sprawl and zoning manipulation from weakening the compatibility standards the city had passed

[13] Image 3

in the 1984 LDC. The West Campus real estate expert had this to say about the aftermath of the Villas on Guadalupe power struggle in regards to cohesion:

> Look, we got two choices. We can either start valid petitions to exempt ourselves out of the neighborhood planning process. Or we could get together and figure out how to make it a neighborhood that works for us and the students because our whole goal under the University Area Partners is to make a better neighborhood for the student body. And we had this period of time in which nothing had been built. Things had been allowed to deteriorate.

The expert states that they would either approve "valid petitions" or they would make a comprehensive plan. But to what extent did UNO matter? Given the above statement, it seems that UNO was enacted in order for increased development to happen with less bureaucracy to work through in valid petitions as opposed to make the West Campus area a more equitable area. Speculation could lead one to believe that the next development in the area may not have passed. Instead, the developers and neighborhood associations encouraged consolidating future development to West Campus. The Villas on Guadalupe's development all the way to a whole upzoning in the West Campus neighborhood is a large jump in land development protocol considering that for the previous 20 years almost nothing had been developed in the area.

While the power struggles between citizens, developers and the city may have continued for a while after the Villas on Guadalupe (Taliaferro 2006), eventually this would prove to be a watershed moment of getting some of the people that were at odds with each other to look toward a more comprehensive future around the UT neighborhoods through consolidating students to West Campus. The previously incongruent groups that fought over the hotly contested Villas on Guadalupe formed a vision in their goals to develop West Campus through the newly formed Central Austin Neighborhood Planning Area Committee (CANPAC) (Taliaferro 2006). From CANPAC, the UNO policy emerged as a way to consolidate development in West Campus to keep development way from the neighborhoods that were opposed to the Villas on Guadalupe and give more housing supply closer to UT (Taliaferro 2006). Big developers such as Simmons Vedder and others saw that the West Campus area lacked a supply of housing for the UT population and jumped at the opportunity for the UNO plan to emerge (Taliaferro 2006). Furthermore, when the neighborhoods saw a way to keep further development out of their neighborhoods, they also jumped at the chance to sign on to the new UNO proceedings to preserve their land value and neighborhood aesthetics.

Thus, from the ashes of the heated debates and animosity that surrounded the Villas on Guadalupe, CANPAC's and UAP's organizing birthed the UNO policy as it gave developers and the neighborhoods a tool to get what they both wanted. After 30 years of dormant development, restrictive zoning, and stagnant economic situation, West Campus was now primed to become one of the most developed neighborhoods in Austin. As the wholesale makeover began, the HCs started to become aware of the implications that increased development would bring to their organizations. In the next section, I show how the UNO policy ultimately was adopted and how the cooperatives in West Campus responded to UNO's adoption.

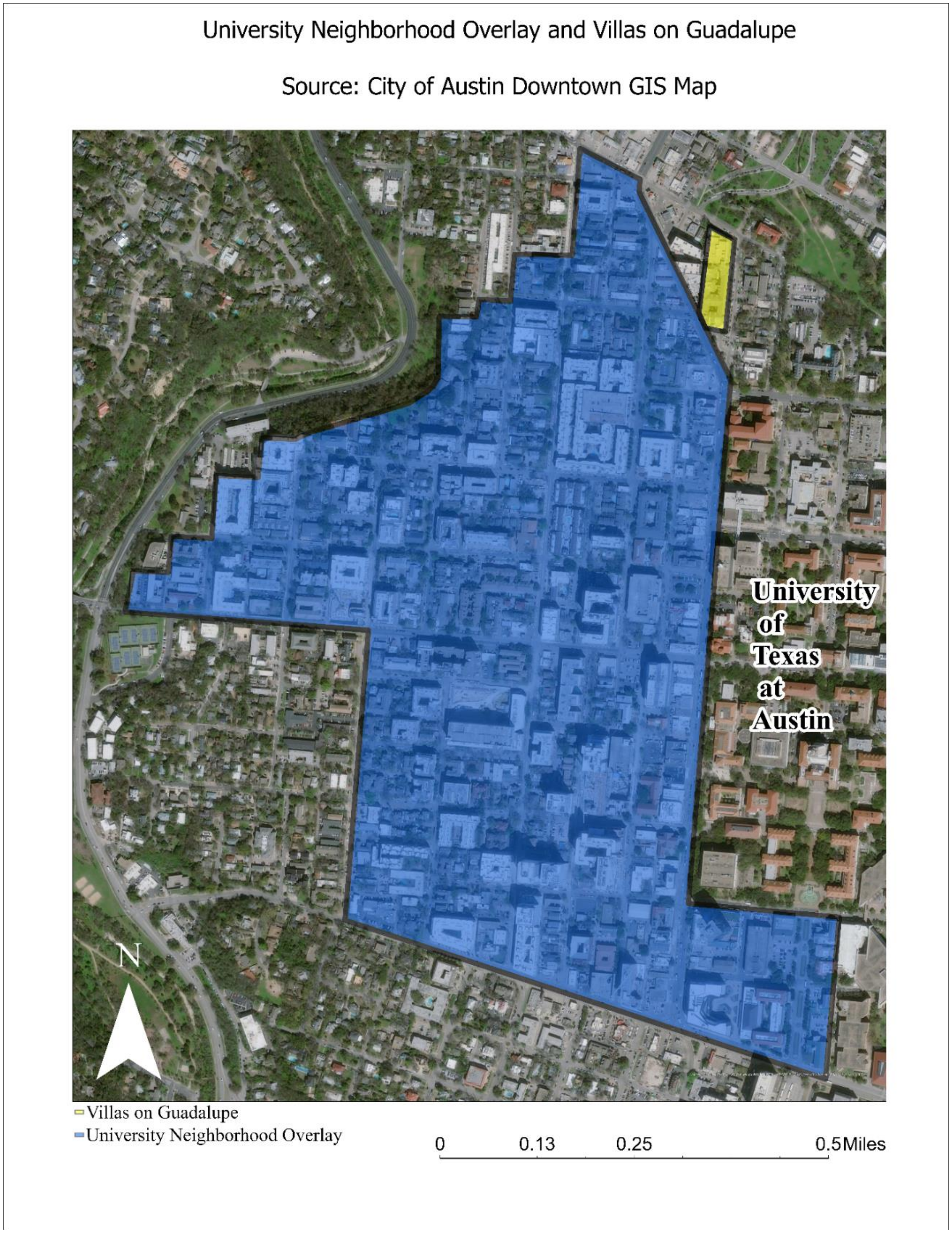

Image 3. Map of Villas on Guadalupe and UNO Overlay. Source: ESRI and City of Austin Downtown GIS Map used to georeference

V. IZ POLICY DISCOURSE AND HCS' RESPONSE

Implementing UNO and the HCs' Response

If the construction of Villas on Guadalupe is a nebulous benchmark for the development boom in West Campus after adopting UNO, it is important to note that, as the UNO plan was implemented by the city, the HCs were paying close attention. UNO's implementation process was seemingly a combined effort from various actors in the West Campus design and planning process, but evidence from the interviews does not seem to indicate that the cooperatives influenced the UNO project very much. This section discusses how the cooperatives were positioned during the time UNO was implemented.

Former CH executive director Alan Robinson reflects on the time leading up to the UNO adoption:

> So, the university area partners is the neighborhood association, and so I tended to attend those. And so dates are a little fuzzy, but at some point… I learned about the University Neighborhood Overlay; that that was going to be a thing. And, so I went back to the board and sort of laid it out and we talked about what sort of strategic implications about this, like, what does that mean for co-ops?

Robinson's suggests that the HCs were not in the dark about the plans for UNO. But they were also not trying to change it. Thinking about the strategies that the HCs would use in conjunction with UNO implies that the overlay was coming and that the HCs needed to prepare and embrace for it rather than alter, change, or fix it. As the HCs took note of the proceedings that led up to UNO's implementation, Billy Thogersen a long-time employee of ICC Austin and their current operations director, was involved with ICC at the time of UNO implementation. He said:

> There were discussions about UNO, before it passed and it initially passing back in 2004. And my recollection is that ICC Austin was not really a part of those discussions in any significant way in leading up to the formation of that zoning overlay. But we were being kept apprised that there was this thing in the works and that part of the deal was going to be this this trust fund. But that didn't for whatever reason, I think there were other higher priorities, it just wasn't a major concern for the organization… And I think it was the week of the third reading to Austin City Council, [West Campus real estate expert] came and asked to, came to a [ICC Austin] board meeting asked to speak to the board to try to get ICC Austin’s support for the UNO Overlay and there was discussion at the board meeting and people weren't excited about it. And in the end, they didn't vote to not support it, but they did not vote to support it. And, turned out, it didn't really matter. It passed anyway. But people weren't thrilled about the type of change to the neighborhood that the University Neighbor Overlay was imagining. And they certainly, they were not swayed by the money.

While Robinson and Thogersen’s accounts differ slightly and are from different HC perspectives, they both support the notion that the HCs may have been in the metaphorical policy discourse room, but were not actively shaping the development of UNO. Importantly, Thogersen notes that ICC was not swayed by the money. This ‘money’ that Thogersen refers to is the UNO trust fund money that would be provided by the in-lieu fees developers would pay into in the second tier of affordability for UNO. From the interview with the West Campus real estate expert, the trust fund was designed for the HCs to use. The fact that the HCs were not influenced shows that the HCs in West Campus may have been more concerned with the overall plan than the small part that regarded the UNO trust fund. Nonetheless, as the HCs prepared themselves for UNO, the first reading of the UNO policy took place on June 10, 2004.

During the June 10, 2004 Austin City Council meeting, the first reading of the UNO policy[14] *did not include the trust fund* stipulation. Instead, the affordability trust fund provision that would eventually find its way into UNO was only proceeding discourse that were caught up in legal discussions during the time of first reading. Also, former ICC executive director Howard Lenett is recorded as opposing the first reading of UNO. Even though the cooperatives were kept in the discourse during the policy development process, they certainly were not being fully accommodated. Most of the discussion of the UNO overlay had nothing to do with cooperatives or affordability, but rather focused on height restrictions and personal feelings toward a changing neighborhood that would soon see land values surge and development increase.

The second reading of UNO took place on July 29, 2004.[15] Several points were raised in the discussion that followed the reading. First, council member Alvarez suggested that if there were to be an in-lieu fee incorporated into the affordable housing provision in UNO, he would want to make sure that that money would go towards providing *new*[16] affordable housing in the neighborhood. Furthermore, the second reading still left the in-lieu fee structure undefined, but in a ballpark range that was below the finally settled on $0.50 per square foot. The third and final reading of the UNO policy took place on September 2, 2004[17]. On the final reading, the UNO ordinance passed.

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[14] Council passed first reading on a 7-0 vote
[15] Council passed on a 5-2 vote
[16] Whether or not UNO trust has brought *new* affordable housing is elaborated on in HCs' Use of UNO section.
[17] Council passed on a 7-0 vote

Councilmember Alvarez reflected on the time period when the UNO policy was passed at the city level, "I think in general, there was a lot of support because the neighborhood supported it. So, there was really no reason for the council to not support it."

During the time between readings before its final adoption to policy, the HCs followed the latest news and proceedings for UNO. In particular, it seems that the HCs did have some sway over the types of group housing that could be implemented in the West Campus neighborhood. Robinson states:

> It was so important for someone representing co-ops to be in the room. So, for instance, you know, initially, they [neighborhood associations/developers] [] had a sort of list of properties [that said] which properties [] would allow co-ops, and the neighborhood associations had a very clear, very limited view of what was allowed. We [the coops] wanted it as expansive as we could… So, the power of being in a room, like, all those boring long meetings, is so important who in the room because deals get made?

Robinson's statement here shows that while some things were swayed by the HCs in UNO's planning process, they certainly were not at the forefront of the considerations when writing the policy. In fact, when asked whether or not the benefits for HCs through the UNO policy were designed directly for the HCs or if they were more a byproduct of the overall design of the UNO policy, Robinson states:

> It was probably mainly a byproduct. Yeah, […] it was essentially getting beds on the ground in West Campus. And so I think, you know, UNO was relatively agnostic in terms of whether it's a co-op or some other form of housing and so then it came down to for the co-ops and make sure that as many of those properties as possible allowed co-ops to build there.

This suggests how the overlay articulated with the coops as the implementation and design of UNO unfolded. The apparent goal of the HCs at the time of UNO's implementation was to make sure that in the future, the HCs could be built in other places in West Campus. From what Robinson stated, the main goal of UNO was to get more living space in West Campus. It is important to note, though that upon second reading of the UNO policy on July 29, 2004, that Paul Helgers mentioned the HCs in West Campus as one avenue to provide affordable housing through organizations that had proven themselves to be viable. As such, they were candidates to be beneficiaries to the trust fund adopted with UNO. Thus, between the proceeding that Robinson reflected upon in regards to group housing and the mention of HCs during second reading, it can be seen that the HCs were present and never completely left out of the UNO discourse. It is important to remind the reader of Thogersen's statement about how the ICC's board of directors was not swayed by the money the UNO trust fund would bring the HCs. Ultimately, the goal of UNO was not to solely expand HCs nor give HCs a front row seat to the proceedings. The goal was to consolidate density and allow for increased development. The historic value and resiliency that the HCs had shown through much of the 20th century gave them considerations during the UNO proceedings that led to them accessing the trust fund. If the HCs were not so integral to Austin's inner urban fabric, then UNO policy proceedings could have smothered the HCs. Instead, the trust fund was created as a byproduct of SMART housing, as a tool for the HCs to attempt to keep up with the ensuing land development after UNO's adoption.

Finally, the UNO policy was adopted, and the HCs now had access to the UNO trust fund that would accrue capital over the coming years as developers[18] paid in-lieu fees to not create additional affordable units.[19] Quickly after UNO was adopted, developers lined up to get their projects approved. As quickly as development in West Camps ensued, the affordability measures also proved to be weak.

The In-Lieu Fee

UNO's in-lieu fee has been contentious from the beginning. The in-lieu fee is not discussed in some documents and some documents show the in-lieu fee as low as $0.15 per livable square foot (Cotera + Reed Architects 2004). Even though the 2014 UNO policy in-lieu fee was updated to a more progressive $1.00 per livable square foot, it does not mean that the City of Austin has mitigated the dissent for the in-lieu fees around the city nor does it mean that the UNO in-lieu fee has reached a perfect form. This section shows how the in-lieu fee reached its 2014 form, and how the UNO in-lieu fee fits with or against similar conceptions of in-lieu fees around Austin. Finally, this section shows that the 2014 in-lieu fee has added more money to the UNO trust fund and does not seem to be hindering market-rate development in UNO.

Former Council member Raul Alvarez noted that the 7-0 vote had a friendly amendment in it to bump the in-lieu fee up to the $0.50 per square foot of livable space adopted in the original policy. The last--second friendly amendment reflects the

[18] 8 out of 68 developments have provided affordability at both tiers as of this research one of these developments was the Ruth Schulze Coop (City of Austin Open Data Portal 2020)
[19] Secondary level of affordability in 2004 was 10% of units at 65% MFI or paying $0.50 per net livable square footage of 10% of units into the trust fund

contentiousness surrounding the in-lieu fee. Without the amendment, the original in-lieu fee would have been even lower than $0.50. The West Campus real estate expert reflected on the initial in-lieu fee:

> This whole program [UNO] worked because it involved everybody at the table. And we went to the development community and were constantly running numbers, what works? Not, what do we want? And then we'll try to make it work. We followed the golden rule. Those with the gold make the rules. So, what are the banks, what are the lenders? What are the construction industry? What makes it work? And so we went with we settled on 50 cents, could we have pushed it 30 cents more, 50 cents more, what it resulted in? I mean, we could have had a great program, it will do it at $10 a square foot. And you could look at this list over here and there wouldn't be any projects. So, the key is to make sure that your program, your project, and your idea of your incentive based program will work in the marketplace.

From the beginning, this policy seems to have had the developers in mind more than the affordable housing prospects that could come out of it. Affordable housing, as noted by Robinson's statement in the previous section, is arguably a byproduct or bargaining tool for this type of upzoning to happen, ultimately contingent upon developers being able to make profitable developments. There is a contradiction between the City of Austin's plan for increasing affordable housing while also allowing for maximized profits for developers. Despite ostensibly following the "golden rule" when determining the in-lieu fee, developers still believed the $0.50 per square foot in-lieu fee was too burdensome. A developer with Allen & O'Hara, Rhonda Johannsen (2010), wrote a letter to the City of Austin Planning commissions in October 2010 (four years before the in-lieu fee increase) alleging that the in-lieu fees were "unusually cumbersome and costly" which in turn prevented the Allen & O'Hara Development Co., LLC from being able to provide affordable housing units. Others at the time felt that UNO was doing its job and that increasing in-lieu fees was not necessary (Johannesen 2010).

The debates surrounding in-lieu fees' effectiveness and usefulness are as old as the policies themselves (Porter 2004). These debates are not only seen in the UNO district but also in other parts of Austin. In fact, one density bonus program in Austin created a minor uproar in the city when local news station, KVUE, reported that the "Austin City Council members agree the fees developers are paying are not enough and it's a problem the city needs to address" (Gruca 2020). This report was made in 2020, but the UNO policy was adopted in 2004. Thus, for the better part of two decades the City of Austin has not managed to understand what a meaningful in-lieu fee is for the city. The West Campus real estate expert reported on the discrepancies in establishing an in-lieu fee:

> In 2014, certain council members, because they had passed an ordinance making it $10 a square foot somewhere else [in the city], thought that that was what we should do here [West Campus]. What they didn't understand is we [West Campus] have a closed market. We [West Campus] are specialty student built housing. The students, we've got to compete with only student housing. We don't have a market where we can sell it to the multi-millionaires. I mean, there are multi-millionaire students, but vast majority aren't. What? 80% of the student body at UT is receiving some sort of financial aid?

As noted from the quote, the City Council's notion of affordability might be more progressive than that of developers in the West Campus neighborhood, but this statement also suggest a critical point about the City of Austin: if the in-lieu fee can only be implemented in places that make luxury condos that sell to multi-millionaires, and the developers are not making enough affordable units, it seems that developers may be using the in-lieu fees to exclude low-income and middle-income peoples from having access to the downtown areas of Austin. Furthermore, claiming that in-lieu fees would kill development because West Campus could not compete with multi-millionaire projects in downtown seems incongruent with the fact that development since the in-lieu fee was raised in 2014 (six years: 2014-2020) has produced more living units than the previous ten years (2004-2014) of development before the 2014 in-lieu fee increase.[20] Also, the Austin developers have argued that when they contribute to in-lieu fees there is potential for more (in a quantitative sense) housing to be built elsewhere due to decreased land prices and larger lot spaces. As developer Perry Lorenz puts it, "If you're moving someone into a unit at $500 a square foot, it's a working-class family, it's a three-bedroom, they've got four kids. Do you want to put them in a million-and-a-half-dollar unit in a high rise downtown? Or do you want to go buy four or five times as many units in a neighborhood…? That's why I think most developers end up contributing to the trust fund rather than building it on site. It gets you more housing and it's just easier" (Quoted in Gruca 2020). As the City of Austin becomes increasingly more difficult to live in as housing prices increase, people are displaced, and housing becomes less available (Way, Mueller, and Wegmann 2018), more affordable units are the end goal, but to make sure that they are spread in a more equitable manner is paramount when considering every person should have access and a right to the amenities and community downtown sectors can foster (Harvey 2003).

[20] See Table 4

When it comes to UNO, though, an important stipulation to the trust fund is that the money has to be used within the confines of the UNO district. This means that in some ways, the arguments against in-lieu fees (or lack of radical in-lieu fees) do not apply to the in-lieu fees that are found in UNO because the closed West Campus market is where the funds have to be used. In other overlay zones, the in-lieu fees can be used to produce housing in spaces where the purchasing power is higher. Furthermore, since the in-lieu trust fund money must be used in West Campus, the exclusionary claims made by developers in other parts of the city do not apply to UNO. Furthermore, as production of developments has increased since the 2014 in-lieu fee update, it does not seem that the threshold for stable development has been reached yet. If the in-lieu fees were in fact too burdensome on developers, then a decrease in market-rate and affordable housing seemingly would have coincided (Porter 2004).

As opposed to other parts of Austin where affordable housing production is either decreasing or heading in the wrong direction (Gruca 2020; City of Austin 2017, 79), the 2014 update to the UNO policy has increased the amount of affordable units available in the West Campus area by a noticeable amount and in a shorter time frame (six years vs. ten years) (Table 3) and the amount of money paid in-lieu was exceeded in six years since 2014 as opposed to ten years from 2004 to 2014 by over $100,000 (Table 1).

Table 1. Amount of Money Paid into UNO Trust Pre/Post 2014[21]

Pre/Post 2014 Update	Amount Paid to Trust Fund
Pre 2014	$1,551,910.00*
Post 2014	$1,683,314.00 *

*This does not mean there is this much money in the trust at this time Source: City of Austin Open Data Portal
Source: City of Austin Open Data Portal. March 2020

Table 2. Total Number of Developments Pre/Post 2014

Pre/Post 2014	Number of Developments
Pre 2014 (10 years)	39 Developments (completed)
Post 2014 (6 years)	28 Developments (completed or in process of completion)

Source: City of Austin Open Data Portal. March 2020

Table 3. Total Number of Affordable Units Pre/Post 2014

Pre/Post 2014	Number of Affordable Units
Pre 2014 Affordable Units (10 years)	526 Affordable Units
Post 2014 Affordable Units (6 years)	951 Affordable Units (created or in process of creation)

Source: City of Austin Open Data Portal. March 2020

As shown in the tables above, the 2014 update to the UNO policy created not only more money in the Trust Fund but it also created more affordable units and more units at the 50% MFI and 60% MFI rate[22], a point I return to below. This goes against the trends that were detailed in Gruca's (2020) piece about the density bonus programs around the

[21] Data on UNO is accurate as of Austin Open Data Portal's March 2020 reports
[22] See Table 4. on page 61

City of Austin and the City of Austin's (2017) *Imagine Austin Year 5 Progress Report* that claimed affordable housing production was decreasing. Thus, while the UNO trust has its problems which I explore below, it certainly is having a progressive impact on the number of affordable units in West Campus.

When the in-lieu fee was raised from the $0.50 to $1.00, it was set to be adjusted with the consumer price index (CPI) on a yearly basis. Using CPI does not mean that the in-lieu fee reached a new level of equitability. The overall median income of Austin is increasing at a faster rate than inflation. The overall median household income[23] for the City of Austin in 2017 was $67,755. This is a 29% increase from the 2012 median of $52,433. The inflation rate of Austin pales in comparison to the overall growth rate of median household income. Over the same time period as the 26% increase in median household income, 2012 to 2017, inflation rose seven percent (Root Policy Research 2020). This means that the UNO in-lieu fee set to be adjusted based off CPI on a yearly basis has not kept up with the increased median household incomes in the City of Austin. The City of Austin Comprehensive Housing Market Analysis (2020) also notes that an increased median household income does not equate to overall income growth for the City of Austin. A rise in median income more likely alludes to an increase in earnings from the top bracket of income earners in conjunction with lower income earners being displaced. Thus, while there has been an increased amount of money going into the trust fund, this increase has less meaning in the face growing wealth disparities and purchasing power in the City of Austin.

[23] It is important to note that median household income is lower than MFI as median household income accounts for individual earners and earners with roommates

Despite the problems with implementation of the in-lieu fee and the implications these fees have in the broader context of the city, the UNO update has created *more* money for spaces to be claimed as non-profit or HC commons. But to what extent has the in-lieu fee allowed this? From the 2004 conception of the UNO policy to the 2014 update of the UNO policy, 39 developments were built in the West Campus neighborhood. From 2014 (when the in-lieu fee was adjusted) to the present, approximately 28 developments have been completed or are in the process of getting completed. This means that more money has gone into the UNO fund in the last six years than the previous 10 years of the UNO policy, but have the HCs necessarily benefitted more from the update to the policy? Has the increase in funds equated to more affordable units? The in-lieu fees, UNO or non-UNO, in the City of Austin are a prime example of picking and choosing what type of calculations to incorporate into policy that may not encompass the whole arguments and needs of every actor in affordable housing provision or urban development. As stated previously, the in-lieu fee was changed at the last second and the original fee was as low as 15, 30, or 40 cents per square foot. The bump to 50 cents per square foot came just before the policy was passed. Quickly after the policy was passed, councilmembers and other housing advocates believed the 50 cents was too low all the while developers felt it too cumbersome even at the pre-2014 rate. These dissonant qualms spurred discussions that created the 2014 update. All of this is to say that the varied in-lieu fees around the city and the seeming lack of cohesion between the city, developers, and housing advocates about what the "sweet spot" for these in-lieu fees is, shows the muddled nature of providing affordable housing through market-rate production. In the case of UNO, it seems that the in-lieu fee could probably be raised because of not only the increased wealth gap in the city but also because development does not hint at stabilizing or slowing by any means due to the fact that more units have been made in the last six years than the first ten years of UNO's history. The muddled nature of these policies does not stop at the in-lieu fee, though. Another significant tenet of the UNO policy that has been used in conjunction with the in-lieu fees is the MFI and affordability tenure affordable units. Coinciding with the in-lieu fee adjustment, the 2014 policy update also saw discourse surrounding tenure and MFI that did not seem to be at the forefront of discussion when the policy was implemented.

Median Family Income: SMART Housing Vs. HC Housing

MFI is established in the City of Austin based on the Austin MSA. This means that the household incomes upon which West Campus bases their affordability rates are higher than the MFI of the entire state of Texas. Thus, if affordability measures are in place for UNO, it may not equitably establish affordability rates for the units created because of the competitively wealth burdened Austin MSA. Importantly, the first 10 years of UNO created little to no affordable units due to the high 80% MFI affordability clause. This section aims to provide an overview of how the MFI rates do not equitably establish affordability in West Campus, and how few affordable housing units were produced in the first ten years of UNO because of its MFI structure. Lastly, this section shows how affordable housing production was provided most meaningfully by CH's Super Coop during the first ten years of the UNO policy.

MFI has influenced how affordable housing has been perceived and implemented. In 2020, the Austin-Round Rock MSA has a four person median family income that is higher than any other largely populated MSA in the state of Texas (HUD 2020). A problem with the design of affordable housing in the West Campus neighborhood is that UT Austin students come from all over the state, country, and world, not just the Austin MSA. Upon first reading of UNO, one student made the astute observation that the affordability provisions discussed for UNO would not be affordable when it came to students from other parts of the state and out-of-state. This student also noted that the 80% MFI[24] that was floated around at the time as a possible percentage to use for affordability stipulations would not provide affordable housing to students that could only work part-time jobs. Since Austin calculates affordability based off of Austin MSA income breakdowns (City of Austin 2014), this means a neighborhood designed for UT students that come from around the state and world, the affordability is designed based only on Austin's MSA. Thus, students coming from areas such as the El Paso MSA, McAllen MSA, or Houston MSA are burdened with the increased living expenses of Austin even when searching for affordable housing. The argument could be made that since MFI is higher in Austin it actually increases the net of people that can attain affordable housing. But, the other side of this argument is that making affordable housing available to more people also increases the competition for limited affordable housing resources. In other words, basing affordability measures off of Austin's MSA standards

[24] 80% MFI was the amount eventually decided upon, but this number is dissected further in the MFI section.

could possibly be considered too wide of a net considering the breadth of peoples and incomes that attend UT Austin.

The 80% MFI threshold is where this becomes the most pertinent. As almost all of the affordable units that were created before 2014 were at the 80% MFI rate, it seems that many students that needed affordable housing the most may not have been able to attain it, especially in the first 10 years of UNO. The 80% MFI was not easily regulated when the UNO policy was first put in place. Former ICC executive director Brian Donovan, current ICC membership coordinator Billy Thogersen, and the West Campus real estate expert reflected on how affordable units were first divvied out to those in need of affordable units. In the West Campus real estate expert's words,

> Immediately, we ran into a glitch people were fudging on their 10%. All my buddies at the fraternity: here's our income statements there… So, what we did is we went back and went to UT. And we got UT to cooperating with the need based financial aid letters. And that eliminates so much of the hassle for the management companies that have to qualify people. They say no, we got 10 units here for affordability and your need base, you have the need based financial aid letter good, you're qualified because you have been screened and all your records are with UT.

As suggested here, before there was any regulation on who could apply for the affordable units, people) would vaguely imply their income by providing income statements from part-time jobs or summer jobs to qualify themselves for the affordable units. This happened until FAFSA was used to establish student's eligibility for income restricted units.

Despite making the vetting process more equitable by using FAFSA, the 80% MFI rate West Campus did not provide affordable housing. I will make the argument here that until the 2014 UNO update, a remarkably few actually affordable units were made in in UNO until the 2014 update, and CH's newly built Super Coop provided more affordable housing during this time period.

The 80% MFI rate offered rents that were no less than almost market-rate and were also compact efficiency apartments that did not provide equitable affordable housing for those that needed it. The 80% MFI rental rates were created in a way that maximized the income for the developers. This means that unless one was making exactly 80% MFI, then they would likely be rent burdened. Current ICC membership coordinator, Billy Thogersen noted this about the 80% affordable units.

> The original affordability standards were not, I think, crafted to get away with anything, but I think as soon as they were in place, the people who did the financial planning at these, these for profit developments were like… what do we need to do? And then they basically just did what they were supposed to do, which is maximize the profit. It turns out that… when you design your building… the way to maximize your profit is to build the smallest possible efficiency apartments you can, the few of the fewest number of those and to rent them out to people making exactly 80% median family income and not to anybody making one penny less. And so that's what they did. And you know, rents on those efficiency apartments were $1100 dollars like back in the day like $1100 dollars for an apartment. It might it may have been like a little bit tiny bit cheaper, but it was not cheap. So, so basically, they essentially got away. I mean, they were losing a little bit of money, but they weren't providing any affordable housing. And it was, like it was several, like five or six years later that people are like this. This isn't working. And we got together and the community came up with the rules that we've got now.

Not only did the affordable units that were created after 2004 end up not affordable, the units were almost market-rate which was certainly not affordable for students from not only within Austin but external to Austin. In one story told at the City Council (February 13, 2014) meeting that ended up passing the update to the 2014 policy, the West Campus real estate expert had received a call from Councilmember Kathie Tovo. Tovo, the representative for the council district of UNO, asked the West Campus real estate expert what the most affordable option could be for a student moving into the West Campus neighborhood that was aging out of foster care. The West Campus expert then told Tovo that the most affordable units that came out of the original UNO policy were $950 per month. Tovo realized that the price was egregious for such a student and that SMART housing -generally- in UNO was too high. These realizations spurred the 2014 update to the policy and also validate the claim that little to no actual affordable units were created by the first UNO policy that was adopted. As Table 3 shows, before 2014 only 140 total units were made at the 60% MFI or below mark and 386 units were made at the 80% MFI mark. By contrast, the Super Coop developed by CH opened its doors shortly after the 2004 UNO adoption, offering units for over 170 students at the affordably priced HC rates[25]. This means that in the first 10 years of UNO, proportionately and quantitatively, the HCs singlehandedly provided more affordable housing than the ensuing increase in development UNO caused. As the 80% MFI threshold for affordability has already been established as not truly an affordable standard, the only organization in the West Campus neighborhood that made any real substantial increase, to affordable housing in West Campus were the HCs.

[25] HC rates in West Campus go for around $850 with food and utilities included. According to the Austin Cooperative Business Association, rent sans food and utilities puts the West Campus HCs at less than the 50% MFI rent range in UNO which is $663/month (City of Austin 2019)

Image 4. **The Super Coop**. **Source: Collegehouses.org**

Table 4. Total Number of Units Produced per MFI Pre/Post 2014

MFI Serviced Pre/Post 2014	Number of Units Created
Pre 2014 50% MFI	69 Units
Post 2014 50% MFI	141 Units
Pre 2014 60% MFI	71 Units
Post 2014 60% MFI	812 Units
Pre 2014 80% MFI	386 Units
Post 2014 80% MFI	0 Units
Pre 2014 Market Rate	4,013 Units
Post 2014 Market Rate	7,182Units

Source: City of Austin Open Data Portal. March 2020

Furthermore, concerns were raised during the discussion about unit affordability when updating the policy in 2014. It was not just one side (affordable housing proponents) of the development equation that sought the changes to the UNO affordable housing policy. According to the stakeholders group that arranged the amendments to the 2014 UNO policy update, everyone from developers, student government representatives, homeowners, HC reps, and more were present in the group that lobbied for the changes to the UNO policy. Testimony in the February 13, 2014 council meeting shows that everyone knew that there were affordability problems within the UNO policy (especially in regards to 80% MFI) and that it had to be addressed.

Final Affordability Changes to UNO in 2014

Two main forces converged during the 2014 UNO policy update when it came to rearranging the affordability structure of UNO. The first was the Neighborhood Housing and Community Development (NHCD) for the City of Austin and the second was a collection of stakeholders in the UNO area that consisted of UT student government reps, HCs, developers and others associated with UNO. During the February 13 Austin City Council Meeting, it did not seem that either side *opposed* affordable housing expansion in the UNO district. At issue, instead, was the best path to expand affordable housing. This section shows how the UNO policy found its final form (to date) in regards to affordable housing.

The affordable units built before 2014, were given the option to “opt-in” to the new affordable development clauses in UNO that were proposed and subsequently adopted on February 13, 2014. To get to this point, however, required fixing the definition of a development unit. In the 2014 UNO update, the affordable units changed from a full unit to a by-the-bed scenario. Previously, the units that were affordable were made out to be small efficiency apartments that were designed to fulfill the affordability requirements while maximizing profits for developers. When the 2014 policy amendments were proposed, the unit definition was changed to allow for a lease by-the-bedroom structure to grant students affordable *bedrooms* in developments as opposed to affordable units. This meant that instead of creating the most inexpensive efficiency and renting it out at just a hair below market-rate at 80% MFI, the developers could now transfer their affordability to a four bedroom unit and get four affordable bedrooms out of the unit by having each bed count as a piece to the affordability percentage. The new policy accounted for the percentages by counting every bed in a development as part of a whole and the percentage was now percentage of total beds instead of whole units.

According to the NHCD, this by-the-bed opt-in provision proposed for the 2014 amendments would give the developers the option to opt in to the new UNO amendments, and dissolve the previous "affordable" efficiency units into market-rate apartments while absorbing the new affordable bedrooms into four or five bedroom units. This meant that the previously "affordable" efficiency apartments could be charged rents of upwards of $1500 per month at market-rate. After the efficiency units were converted to market-rate, the developers had the potential to actually make more profit off of the new opt-in structure because the conversion of efficiency units to market-rate units would exceed the losses brought on by creating the new affordable standards by-the-bedroom. This suggests a different dynamic to the update of the UNO policy because the potential revenue gain may have actually benefitted the developers in a way that could have influenced their potential to use the new opt-in structure.

While the developers have already been shown to follow the "golden rule" during this process in creating affordable units, what would a few extra dollars in the developers hands actually suggest if there were to be more affordable units because of the new opt-in provision? After all, to opt-in, the new developments would also have to provide at a lower MFI and the 80% MFI would no longer be so rampant in the affordable housing availability. The alternative that the NHCD proposed was to not have any opt-in language which would decrease the potential number of units that would seek the new structure of UNO. If the City of Austin is concerned with the money that developers make off of their UNO properties, then making these concerns more visible in the earlier parts of UNO discussions, quickly after the adoption of UNO, or in other parts of the city seems pertinent. The NHCD in particular was vocally against the new opt-in provisions because of the increased revenue they foresaw the developers accruing. The city's concern for developer profits, suddenly, now seemed to be one of the main reasons to not adopt the new UNO affordability structure. However, already present was a top-down, incentive--based program premised on producing affordable units through market-rate, neoliberal governance. Instead of worrying about profits at this point in the UNO policy proceedings, it would be more fitting to get back to SMART housing principles and make the necessary adjustments to create more affordable bedrooms. To turn back on this market-based program ten years later or have a different perspective on the UNO ordinance would need a complete overhaul and new structure in order to create an atmosphere based around non-commodified, non-market production of affordable housing.

The stakeholders group had an understanding of the new opt-in clause that it would create more affordable units and there would actually be a loss for the developers' revenue. From the stakeholders' perspective, as the new definition of affordable units changed from a unit to a by-the-bed structure, the total percentage of by-the-bed affordability would cause a financial loss when the new by-the-bedroom structure was opted for. According to the scribe of the stakeholders group, there would be approximately 800 affordable units created by the developments if they opted in to the new structure of UNO as opposed to only 400 affordable units from pre-2014 if the opt-in option was not adopted. While it is unknown to what extent the new opt-in structure has created money for developers or increased the amount of affordable units, an important factor that was not considered in the update to the 2014 policy was making the developers pay more money in-lieu in the conversion of the old unit to by-the-bedroom structure. This means that there could have been potential for increased money into the trust fund that does not seem to have been addressed at the time of the 2014 UNO update. Furthermore, the stakeholders group and the NHCD did consider the affordability tenure at the time of the 2014 update, but included no opt-in provisions for developments made before 2014 to provide affordable housing for a longer tenure. In the February 13, 2014 council meeting, it was noted that it was not financially viable for any of the pre-2014 developments to opt-in to a longer affordability tenure even though all developments made after February 13, 2014 had to provide, at a minimum, 40 years of affordability.

When UNO was enacted, the affordability tenure was at only 15 years. Although, according to former Council Member Alvarez, this affordability tenure was an aggressive affordability period for the City of Austin's SMART housing policies in 2004, it means that well over half of the units that have been established in UNO since 2004 will be expiring over the next 10 years. When asked about the tenure of all of the units that were created before 2014 that would expire over the coming years, the West Campus real estate expert noted how over time the units would depreciate in value and would remain affordable after conversion to market-rate due to supply-and-demand.

> The market is real stable. And if you're in a 15 year old building, you're on the low end, and your rates have got to stay low. Our problem now is what we have happening. The affordability. Because the rest of Austin hasn't been building like we have, and they're building more high-end units. This 60% and 50%. MSA price is higher than our [UNO] market price. So, we've got projects over here that are advertising units at $695 or $675 a bedroom. That's lower than market. So that's happening. And as these older projects come on, lose their affordability. That's what's happening.

While the above statements regarding aging properties in UNO do show that the market might be stabilizing in some regards due to the prices that these aged buildings create, this begs the question of what affordability means? In the context above, it seems that as a building ages and becomes supposedly less desirable then the rent prices drop. Does this mean that low-income students and potential low-income dwellers deserve aging infrastructure just because of their economic status? Does this mean that as buildings age out of UNO, the building's aging will guide the rent prices based on how nice it is to live in a building? Or, will the rent-gap that is provided by these aging structures call for redevelopment to increase the prices that can be asked for rent (Smith 1979)? The affordable nature of the aging buildings gives insight into how the future of UNO may unfold; the city must address how it plans to accommodate its low-income folks in the future by answering the aforementioned questions.

As one response to the problems noted above regarding aging stock of housing, former ICC executive director, Brian Donovan had this to say:

> …I do think the building staying older means that, you know, maybe the price is a little bit lower. But I suspect that that just means that they're going to have to do renovations on them and then you know, you have your next loan, that you have to cover your costs for. Generally speaking, I don't think aging stock means people charge less money. But like I was saying those 1970s apartments, they jacked up their prices when the market went up [when UNO was implemented]. And they [the apartments] filled right up.

While the buildings may not be able to increase their prices in the same way the previous 2004 upzoning caused, the sentiment remains that upzoning has already done its job. If the aging stock of UNO keeps being bombarded with adjustments to the UNO policy like the increased height and density adoptions that took place in late 2019, then the potential for increased revenue will continue to incentivize developers to tear down older housing stock to make larger developments and possibly charge higher prices.[26] These considerations must impact the way that UNO moves forward to create an equitable neighborhood for the future of its residents.

Furthermore, as Donovan notes, when buildings age out of the affordability periods, the developers have no obligation to rent to people that need it the most. Thus, even if the older building stock does become more affordable with age, there is also

[26] The new developments would also have to provide the new affordability requirements.

increased competition within those aged “affordable” units and bedrooms because the developers do not have to seek out and set aside those units to people at the certain percentage of MFI deemed as affordable.

The affordability provisions that UNO brought to the West Campus developments seem to be a step in the right direction when comparing its affordability tenure and in-lieu fees as more stringent than other Austin neighborhoods. But understanding how the HCs in West Campus have used the trust fund shows that the fund may not be wholly conducive to providing and expanding affordable cooperative housing.

HCs’ Use of UNO

In October of 1987, three University of Texas at Austin students were sitting on a balcony at the 21st Street Coop in when the balcony collapsed. The three students survived the collapse, but one student ended up with a fractured skull, and hearing and vision loss. Subsequently, in the summer of 1991 after an insurance settlement with CH, and a successful lawsuit against the City of Austin, the student who suffered life--altering injuries due to the collapse of the balcony received fiscal compensation to mark a close, on paper at least, to a tragic story of negligence by the City of Austin (Phillips 1991). The balcony that collapsed in the late 1980s has just recently (fall 2019) seen the structural maladies of the 21st Street Coop repaired, partially, from UNO funds. This story alludes to the dynamic and complex relationships between West Campus HCs and the City of Austin. This story also sets the stage for an analysis of how the HCs have used the UNO trust fund. The HCs have been able to increase the amount of affordable HC living space in West Campus, but significant hurdles to maximizing HC expansion, such as land procurement and the City of Austin, have not allowed for the trust fund to be used explicitly for expanding HCs.

At this point in UNO's history, the only organizations that have used the UNO trust fund are the democratically run cooperative housing organizations in the West Campus neighborhood.[27] This is notable given that any developer that provides 30% of their units at 50% or below the Austin MFI can apply for and receive the UNO funds. The HCs have used the money on three separate projects since UNO was enacted. The first was for the Super Cooperative, as discussed in conjunction with MFI. After that, the only other projects that have used UNO funds have been ICC's Ruth Schulze Coop and CH's 21st Street balconies and walkways. Through using UNO funds, the HCs of West Campus have been able to maintain portions of their affordable housing stock and have quantitatively increased the amount of cooperatively affordable living space in the West Campus neighborhood. The nuances within these three uses of the trust fund will be expounded upon below. Furthermore, the state of UNO's trust fund future will close out the section to show how future increased development may antagonize the HC's goals to expand and provide affordable housing.

First and foremost, once CH and ICC became aware that UNO was going to be adopted, they changed their development goals. Both organizations decided that expansion through the new overlay and its attached trust fund must be at the forefront of planning. Both former executive directors of CH and ICC and the current membership

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As of writing this thesis, no other developers have tapped into UNO funds. This is subject to change.

coordinator of ICC made comments on how the new overlay altered the planning discussions within both organizations. Brian Donovan was in the midst of being hired by ICC as their executive director as the UNO policy was being implemented. He noted:

> The reality of what [UNO] was going to turn into was not apparent. And when I was interviewed, I met with several of the board officers in that process, and they were saying, you know, we really want to expand. You know, our plan is to expand with this new zoning and it's going to mean there might be some funding there for us now.

Alan Robinson explicated how UNO altered the discourse surrounding development and the CH's future goals.

> So, there was that initial discussion of strategically of, "What are we going to do?", I would say at that point, it [decision to develop] wasn't at the house level. Once UNO passed and it was reality, I think that's then where… I think those discussions [to develop] started. And like Kim [Penna] talks about, like sitting in the, you know, back porch at 21st Street sort of talking about all, all this [expansion/development] stuff. So, you know, I think if we were a traditional developer, we would have moved [to develop] within six months or a year versus three years. Three years because you need to create consensus, you can't […] do it on your own.

Both of these quotes bring out the democratic decisions made by the HCs to develop in the aftermath of UNO's adoption. In Donovan's statement he notes that in the hiring process, the ICC board engaged with him on development discussion, and Robinson notes that the discourse on development had to start at the house level before action could be made. This provided the consensus needed in order to develop more HC living space in West Campus. But since HCs run through democratic decision between members, action could not be taken as fast as other developers in the market-rate development sector. Initially, an example of discourse that emerged around using the UNO trust funds that may have never happened without UNO was seen in ICC remodeling their Eden House. Current membership coordinator of ICC Billy Thogersen reflects on these discussions.

> So, with the Eden house… that thing is a shambles. And so it was recognized at that time that something needs to be done. We need to fix it... And so within the context of the University Neighborhood Overlay, we spent a year as an organization going, 'What should we do?'

Even though ICC has still not been able to restore the Eden house, the new urban imaginaries that ICC as an organization were able to realize are important to note in the context of UNO. The new zoning also was the catalyst for new possibilities in CH as seen in the Super Coop. Without the new overlay, these types of discussions would not be possible at least in the sense of bringing more people into cooperative living in West Campus. Former CH executive director, Alan Robinson, notes how the zoning change allowed for more HC living space.

> If the zoning changed, then that meant we could put more co-oppers on land we owned. Because the truth was, before UNO, like, say if we had torn down, say Pearl Street [120 person cooperative in West Campus].,… we couldn't have put as many students back on that piece of property because, you know, the zoning change between when it was built… and so suddenly, that meant we could put more people on a piece of land.

The way that both organizations started to imagine their expansion and maintenance options changed during the years that followed UNO. Since, as previously shown, very few actually affordable units were created before 2014, this made the HCs mission that much more important during this time. The potential for new development and increased funds for both organizations was an important piece to the HC's organization development strategies and enabled the HCs a way forward in developing that has secured their presence in West Campus for the foreseeable future.

Finally, after establishing the goal of redeveloping properties, CH took the first plunge into the new urban milieu created by UNO. CH created the Super Coop in part due to the new zoning that allowed for the height, and also partly due to UNO trust fund money. CH was able to use $837,500[28] worth of UNO trust funds as a final push to get the new development completed. The Super Coop has now stood in West Campus for over a decade and now is a bastion of "decentralized governance within the overall umbrella of College Houses" (Jones 2013). Although, UNO did allow for this development to occur, there are other things that need to be considered with the Super Co-op development and the trust funds that were used.

First, the example of the Super Coop's use of trust fund money does not mean that the UNO trust funds are wholly necessary to all cooperative organizational development. In fact, the proponents of the Super Coop project, were initially hesitant to use the funds. The project took many leaps and turns, but at the last second, the Super Coop decided to use funds from the trust. As former executive director to CH, Alan Robinson, notes:

> I think initially there was some hesitancy [to use UNO trust funds] because […] in some form, we're going to be more regulated by the city, they're going to force some rules. Like anybody that's going to give you money is going to try to impose as many rules as they can. And so I think then after, you know, doing enough research and talking to […] the

[28] The total cost of the project was ~ $15 million

> city, it was clear, like, all they cared about is, is this affordable.

After initial hesitancy, the seal on the UNO trust funds was broken fairly soon after the trust fund was established. Robinson also stated that in an opposite reaction to the initial hesitancy to the trust fund, the UNO trust fund *improved* the relationship with the city once the HCs realized there were no hidden caveats to using the funds. Robinson noted, “Like if a city is giving the coops this money, then the banks say, ‘Oh, they trust the coops.’ Yeah. And it's a sort of a psychological sort of thing.” In other words, the City of Austin’s stamp of approval of the HCs for providing affordable housing and aligning with the city’s stated goals of SMART housing and increasing the portfolio of affordable housing options in the city gave banks a reason to see the HCs as a viable entity within the highly commodified neighborhood of West Campus. The menagerie of financial funding through the city, banks, and saved cash money all went into making the Super Coop a reality. This was the first successful expansion for any of the West Campus HCs for decades (Jones 2013). While UNO provided critical tools for the Super Coop expansion, Robinson notes that the UNO trust was *not* necessary to maintaining the buildings or keeping the structure of the HCs in-tact in the West Campus neighborhood.

> If UNO didn't and the trust fund didn't exist, it would slow down how quickly we could redevelop. I think even without it [UNO] we'd be able to maintain the current buildings, current number of people. But if we would want to redevelop [] any of the current co-ops then that would definitely, essentially, then that sort of extra 10 to 15% we're going to need to save up for it or we need to borrow it from a from a bank. Because if you think about when we built the Super Co-op, it was a $15 million. We got $800 something thousand dollars.

Robinson shows that HCs could have most likely maintained their properties without the UNO trust. But, to continue the goal of the City of Austin to expand upon its arsenal of affordable housing options, the UNO trust seemingly needed to be established so that the HCs could utilize the funds in order to develop more affordable units. In fact, the current ICC executive director, Ashleigh Lassiter notes that the most recent expansion of either College Houses or ICC would not have been possible, at least possible in the immediate future, without UNO funds:

> We have been able to access about $1.4 million from the trust fund to be able to build our newest house [Ruth Schulze]. I think without the availability of that money, this project would have been not doable for ICC. Or, it would have been a number of years before we really would have been able to [build a new coop] on our own completely.

Although the UNO trust fund did allow for ICC Austin to build a new HC in a timelier fashion, it is important to note that Lassiter mentions that the UNO funds sped up the process of expanding as opposed to being the only way they could expand. As Robinson notes as well, it would have been a matter of saving money over a longer time period that would allow for the HCs to expand without the UNO trust fund money. Again, the Super Coop cost some $15 million dollars, and the UNO trust only supplied a type of bona fide down payment that made CH more relevant in the context of securing bank loans and looking as an honest investment by contractors. The statements above illuminate the absolute importance of the UNO trust in HC expansion that has taken place over the last 15 years in West Campus, but it can also be seen that the trust has only been a piece to the funding puzzle while the upzoning that came with UNO is what allowed for the denser HC development.

Image 5. **Ruth Schulze Coop**. **Source: iccaustin.coop**

The UNO trust funds have not only been used to help in providing affordable living space in West Campus but have also been used in maintaining their urban commons. The 21st Street walkways and balconies were the subject of a major use of UNO trust funds. After the settlement for the physical damage on the young man who was on the balcony that collapsed was settled, the 21st Street Coop took on patchwork fixings and never fully restored or completely fixed the walkways or balconies until the end of 2019. As current executive director, Kim Penna, and former executive director, Alan Robinson, note when asked about the state of the 21st St. balconies and how their story unfolded after the 1987 incident:

> Robinson: I think the assumption is that if the balcony design and construction would have met the building code it wouldn't have collapsed. Therefore, the City failed to enforce its building codes. Heightened attention was paid to

> the walkways and balconies in subsequent years and minor to major repairs were made each year. At least a couple of times we had a professional analyze the structural integrity of the balconies and walkways and made suggested repairs. – Alan Robinson via email correspondence
>
> Penna: I came across documents from this incident when I was organizing the office last year [2019]. I believe there was a lack of inspectors in the city, which is why they didn't catch the design and construction issues. The main thing that changed for the room balconies was added support beams (footing, piers?). The balconies were originally cantilevered, and the supports that were added at the time of the incident remained with the balconies until they were replaced over the summer [of 2019] –Kim Penna via email correspondence

Thus, given the long history of the HCs in the West Campus neighborhood, it is certainly apropos that one of the most defining physical structures of the West Campus neighborhood (Jones 2013) would get a structural makeover. Negligence from the City of Austin building inspectors lies at the root[29] of something that literally became life or death and raises a level of frustration when one considers that the only way that CH could get the 21st Street balconies and walkways completely fixed was through funds that are intended to be utilized to increase the amount affordable living space in West Campus. Instead of using UNO trust funds to secure more affordable and HC living space, CH had to use them in order to *maintain* their cooperatively run commons. While maintaining the urban commons is an important and necessary task, it was not the intended purpose of the UNO trust fund. Thus, the 21st St. walkways are the first example of how the West

[29] College Houses was also at fault for this mishap through negligence from their contractors. College Houses settled the tragedy through insurance with the victim of the collapse. But, if original inspection of the walkways had produced results that showed that the walkways were not structurally sound, then CH could have potentially fixed the problem and avoided the tragedy all together.

Campus HCs have not been able to use the trust fund for its intended purpose of expanding affordable housing.

Image 6. **The 21st Street Coop**. **Source: collegehouses.org**

The money that CH had to use in order to maintain the 21st Street Coop was used for just that: maintenance. If the city of Austin had inspected the 21st Street Coop when it was built in the 1970s to the standards that it should have as opposed to delivering a negligent inspection status to the CG then CH could have addressed the 21st St. walkways when it originally opened its doors in the 1970s. Instead, a student was horribly injured, and CH had to make patchwork fixings to the balconies for over three decades only for the circulation of capital delivered from the developers into the trust fund intended for affordable housing production going right back to contractors that then completed the walkway project without any new (in a quantitative sense) amount of affordable living space in West Campus

The UNO trust funds have been caught up in city bureaucracy as well. The Ruth Schulze HC had an initial amount of funding that was deemed responsible and acceptable to produce more HC units on the generously priced land that they received, but after construction began, it was found out that City of Austin building necessities had to be taken care of before Ruth Schulze could be completed. Thogersen describes the situation below.

> First, Austin Energy required ICC Austin to fully build out the underground electric infrastructure instead of what was approved on the site plan, and in addition, the neighboring project which had agreed to pay for the Austin Energy electrical work reneged on their commitment. Second, excavation revealed several as-built issues under the street that made the city-approved water plan unworkable. The cost for the needed changes was approximately $500,000, and ICC Austin applied to the UNO fund to cover $400,000 of that.

Thus, just as seen in the 21st Street Coop walkways, the ICC was stuck footing the bill and using up valuable trust fund money in their project for things ultimately out of the organization's control. This diminished ICC's ability to provide more affordable cooperative housing. Since ICC was the first development on that portion of the electric grid, ICC got roped in to having to pay extra costs that Austin Energy ostensibly "reneged" on. Furthermore, the city approved water plan proved to be another issue that added hurdles for ICC to build and use up the valuable UNO funds. Thus, many of the UNO funds have not been used to attain more affordable HC living space in the West Campus neighborhood, instead, two out of the three projects have had to use hundreds of thousands of dollars to either maintain their properties (21st Street Coop) or fortified the city infrastructure necessary to develop a building (Austin Energy and City of Austin approved water-plan not actually being usable). Thus, the misunderstandings between the City of Austin and HC development have come at a great cost to the HC and the intended goals of the UNO trust.

The UNO trust is intended to increase affordable housing in the neighborhood, and while it has done this, the capital flows that the trust has created has, in some instance, ended up going straight back to the city that enacted the UNO policy in the first place instead of strictly expanding the available HCs. Thus, the trust has not been able to completely hold up its end of the bargain to the HCs because the HCs have had to spend hundreds of thousands of dollars on mandatory City of Austin codes and compliances when if the City of Austin had been more thorough or had more understanding of their underlying city infrastructure, the costs that both CH and ICC have incurred seemingly due to City of Austin negligence would not have gone back on agreed upon plans (Ruth Schulze) or created a long-term burden (21^{st} Coop) to either organization and the money in the trust could have been used for its intended purpose of making affordable (cooperative) living space.

This does not mean that the City of Austin's codes, water infrastructure, or energy infrastructure, is necessarily doing a sub-par job or that they have a vendetta against the HCs in. This observation only suggests that for a city that has time and time again put affordable housing at the top of its priorities, some of the financial hurdles posed by city infrastructure and shoddy regulatory enforcement have been financially burdensome to both CH and ICC.

Outside of the physical burdens that HCs have had to deal with in regards to the trust the bookkeeping for the trust at the Rental Housing Development Assisting (RHDA) has brought stress to the HCs. Neither CH or ICC know the exact amount of money that is in the trust fund. After finishing a meeting with the current executive director of CH, Kim Penna and the RHDA, there was no definitive answer as to how much money was in the UNO trust fund at the end of the meeting. This lacuna was not the fault of meeting's participants or specific personnel within the city government; rather, the layers of red-tape that seemed to be involved with getting the definite numbers on the fund were more than any one person knew how to navigate. As Kim Penna noted, "One of the concerns is that the process for getting the funds into the fund is unclear. And we never know exactly where it [the fund] is. It would be really nice if we could use that [the fund amount] as a planning tool." Ashleigh Lassiter, the current executive director of ICC also voiced concern with the lack of communication the City has in regards to UNO trust funds.

> It really seemed like they just weren't sure, the city neighborhood housing and development, really just wasn't sure how to manage this trust fund. Like we got lumped into the city of Austin grant, for Proposition A in I guess 2018. UNO allocated a large amount of money to go towards affordable housing, and then the city opened up this application process for those funds. And we had to be part of that process, even though we weren't applying for the taxpayer money. We were applying for the trust fund money, but we had to go through the same application process [as other affordable developments]. When we went to the review panel, they seemed really confused about why they were reviewing us if the money was designated. […] it was the bureaucratic piece of the UNO trust fund… in my opinion was over burdensome considering that trust fund is designated money… And at one point, the city office was like, well, this is taxpayer money and it was like no, this isn't. Even the neighborhood housing was confused. And at some point, it was like, 'No, this is I want to be clear; we're not applying for the tax money.'

Such uncertainties surrounding the fund make it challenging for the HCs to plan to develop or maintain their buildings. As new development takes years to plan and process, having direct knowledge of the funds would inform both organizations on what their available options are for attainable projects in the future. Furthermore, as Lassiter notes, with the passing of Prop A in 2018 (an affordable housing bond that transferred the management of UNO trust funds to the RHDA) the HCs found more confusion as to the exact status of the funds.

As a thought experiment, it is worth asking, what would HC development look like if the trust had never been implemented or if UNO had never been implemented? Studies show that the type of upzoning that commenced due to the UNO policy implementation are congruent with exorbitant land value hikes and a narrow margin of actual affordable units that get built (Stein 2019). Thus, as important as the UNO trust is to the development of HCs, the HCs had shown that they were able to expand and procure land through the previous economic cycles West Campus had gone through in the preexisting market before UNO. If the UNO policy had not allowed for the increased development of luxury apartments and student living, the potential for HCs to expand may have been greater if real estate prices had not drastically increased in the area due to overlay upzonings. Furthermore, it is important to reiterate that Ruth Schulze, the new ICC HC was built on land purchased *significantly below* market-rate because of the former owner's affinity to HCs in West Campus. The argument could be made that if this generous person had not sold the land at less than market-rate, the trust fund would not have mattered in expanding affordable cooperative housing options because the prices would have been too high for ICC Austin to purchase the land. This means that circumstances external to UNO have been a catalyst to ICC Austin reclaiming HC commons space in West Campus. Similarly, in the case of the Super Coop, CH did not have to purchase new land in order to build the structure. Instead, CH had to sell off a HC property (Halstead House) and demolish a previously existing HC (Laurel House) in order to finance the new construction to replace the previously existing Laurel House with the Super Coop. Thus, the amount of actual land that has been acquired through UNO trust funds is zero when considering that Ruth Schulze was sold dramatically below market-rate and CH actually had to downsize their land portfolio in order to build Super Coop.

As upzonings have knowingly created a real estate boom in the West Campus neighborhood and market rate rental units have increased significantly since the implementation of the policy, I argue that if the policy had never been implemented West Campus could have provided more opportunity for HCs to buy in a less competitive market. Former ICC executive director Brian Donovan explains what the West Campus neighborhood housing market turned into after the UNO upzoning:

> In 2004, ICC was not that different from rental units, which were largely, you know, big houses like what we [the coops] had or small apartment buildings, some of which are still around, but their prices were comparable. So, it was a big change that the new development the prices were way more because it cost the construction was just so much higher. And then the fact that ICC and College Houses had 100% property tax exemption, meant that even though these properties were going for, like 10 times the last time they sold, which is raising taxable value on every single property in the area but that didn't impact ICC or College Houses because they were 100% property tax exempt. So, immediately when UNO went into effect, it amplified the difference between the affordable levels of the units that

were in the new development compared to ICC or College Houses.

Donovan reiterates a point made above, that the land values took a major jump after the overlay upzoned the whole of the West Campus neighborhood. This shows that despite what some researches have shown in prices stabilizing through increased affordable housing stock (Been, Ellen and O'Regan 2019), the potential for increased development as seen in the time right before UNO created a system that commodified the land in West Campus at a rate, that even with more affordable housing production, it would have to compensate for the increase in land value in West Campus. In sum, the increased land value and market-rate production of housing has impacted the ability for ICC and CH to be able to expand as much as they may have wanted to in the past. This is partly due to the egregious price of land in West Campus. All of the aforementioned factors have led to CH and ICC not using the UNO trust for its intended manner which is to get more affordable housing in West Campus.

In the future, as HC organizations aim to compete with the ever--increasing competition in the West Campus neighborhood, it is paramount for the City of Austin to be more transparent with the HC organizations as to how much is in the trust fund balance. Furthermore, knowing if development will continue at the current pace is crucial for understanding where the future of the trust lies. After all, the trust fund needs to get used, and if no one knows how much is in the trust or how much money will replenish the fund from increased development, then no one can plan to use it to provide more affordable housing. In regards to the future of the trust fund, ICC membership coordinator Billy Thogersen believes there will be an influx of around $1,000,000 more dollars replenishing the funds with the current wave of development that is happening in West Campus. Also, the West Campus real estate expert reports that a significant increase in development is to come in the future. The dollar amount in the trust fund seems like it will increase in the coming years due to this. As outside development investors continue to finance large-scale luxury developments under the new increased (as of December 2019) height requirements in UNO, taller developments mean more units which means more money that gets paid into the trust fund. West Campus real estate expert noted on the future of the trust and UNO development and how the community is on the brink of becoming lost in a stew of outside investment and increased capital. The West Campus expert states:

> UNO is changing and has changed. What has happened is when it started, […]it was the entrepreneurial local developer. And local banks. local money. No longer that way… People from the outside. China, Arab Emirates, Bahrain… They are the financing [for UNO developments]. Yeah, insurance companies… pension funds. These are the people that own these buildings now, and it's hard to keep a coherent neighborhood with that kind of interest with those kinds of owners because they don't share [community vision] their goal is to maximize and protect their investment. And sometimes that does not work with long term community vision.

The future of the UNO trust fund looks like it will grow in wealth over the coming years, but there are two points to be made clear with the type of investments that are predicted to grow the UNO trust in the future. The first questions raised in Thogersen’s remarks is that while the future holds increased development, the trust fund and UNO are dependent on waves of development in order for funds to replenish. There is no certainty on when the last wave of development will occur. Furthermore, scholars have shown that outside investors plunging money into local real estate economies can significantly increase rent prices and degrade the welfare of a neighborhood's residents (Favilukis and Nieuwerburgh 2018). Coinciding with the West Campus expert's statement that community vision can be eschewed in regards to outside investors, this also means that the HCs may be at the mercy of investors that do not understand the HC's integral history to the neighborhood. As outside investment floods West Campus, the potential for HC's to be put to the wayside is certainly a possibility. The combination of ambiguity on how much longer the trust fund will last and who will soon have control over the neighborhood development shows that the neoliberal top-down construction of affordable housing and provisions of developer funds is a volatile and instable way to produce affordable housing going into the future. The uncertainty of UNO's developer in-lieu fees does not seem nor look like a permanent fix to allowing HC development in West Campus. At best, it seems that the UNO trust fund has given a raft to keep the HCs afloat as the neighborhood is flooded with capital. It is far from clear how long this raft will allow the HCs, even with their histories of resilience, to survive the flood.

This section has shown that while some more HC units have been produced in West Campus with UNO trust funds, the actual land procurement needed in order to build more has not been made possible by UNO funds. Instead, City of Austin building inspector negligence created a long-term problem for CH made CH use UNO funds to fix the 21st Street balconies. Also, city infrastructure has been a burden to ICC in developing the Ruth Schulze HC and has caused ICC to use funds in order to pay back the city for infrastructure work that was reneged. In sum, the UNO trust has been a piece to HC expansion and maintenance puzzle, but has not provided a wholly meaningful contribution to HC expansion. Lastly, the future of the trust seems to be accumulating wealth, but that wealth can only go so far when considering that a threshold for future development will eventually be reached and that increased capital investment will create a market that may leave the HCs burdened beyond their capabilities.

VI. DISCUSSION AND CONCLUSION

Discussion

The UNO trust has contributed to an increase in affordable units in developments through the mandated affordability requirements and in a limited sense has increased HCs ability to provide affordable living. But the varied uses of the trust between maintenance (21st Street walkways) and generous land sale prices (Ruth Schulze) have led to a seemingly small increase in amount of HC living space when considering that the average rents for students in the neighborhood easily exceed $1500 per month and the amount of people living in West Campus grew by 77% from 2000 to 2015 (Isenberg 2018). As this policy continues to create affordable units and potentially grow the trust, keeping a close eye on how the funds get used in comparison to the surplus value created by luxury development is crucial in order to understand the discourse that surrounds equity and affordable housing in West Campus as well as the long-term viability of HCs in the face of additional massive infusions of capital to the area. In conjunction with this, using density as a panacea to mitigate egregious housing costs in Austin must be understood as a development fallacy. In fact, density may be exacerbating housing inequalities in the city due to density's association with luxury development. Without stringent, market independent, affordable housing planning measures to accommodate for increased luxury development and market-rate development, housing supply alone will not lead to greater affordability (Rodrigues-Pose and Storper 2020)

Even though future developments will have to pay into the UNO trust fund, will it matter if the neighborhood is overrun by outside developers with little to no knowledge of the context and history of the City of Austin, UT, or the HC culture that has existed in

Austin since the 1930s? Although, the HCs have been a stable part of the West Campus milieu for decades, will they be able to compete with the outside developers and investors that seemingly continue to maximize profit potential? It seems that the future could bring a large amount of money into the trust fund, but will the in-lieu fees allow for the HCs to compete with the skyrocketing land prices in West Campus and the rest of Austin? The HC's use UNO has already shown that the trust does not exclusively give HCs the opportunity to expand in a way that is wholly about producing more HC living space.

While increasing the amount of housing in West Campus may eventually lead to some form of market stabilization, it seems that the only way that will happen is if the new production of housing is given the opportunities necessary to provide affordable housing through stringent planning measures by the city (Been, Gould, and O'Regan 2019). Furthermore, the case I have presented rejects any claim that the upzoning that accompanied UNO did not significantly increase land value and rent prices. As the housing stock in West Campus ages, city officials and other relevant actors must ask themselves if it is equitable for less affluent people to have to inhabit aging infrastructure that is not as resourced and comfortable as the surrounding luxury developments.

Furthermore, as the City of Austin grows, it must decide if the West Campus neighborhood should remain a place for students or if it should allow for non-students to become a part of its inner-city fabric. The West Campus real estate expert claims that he expects a return of an older generation to the neighborhood trying to possibly reconnect with their past college life. While this may or may not actually happen, the sentiment that West Campus should look to providing for more than just the students of UT is an important one to consider. This leads to point that separates this case study from other neoliberal governance narratives that show how upzonings and IZ policies can displace residents (Marom and Carmon 2014; Stein 2019). Since the West Campus neighborhood has focused its efforts on consolidating students in the neighborhood, it does not seem that displacement of residents is as central to this research as can be found in other cases of neoliberal governance strategies used to create affordable housing and upzonings. In fact, the ephemeral nature of living in West Campus may be one of its most critical flaws when accounting for the call for a democratically controlled urban commons resource in the neighborhood. As urban commoning is a relational process of caring for the HC spaces found in West Campus , tenured social cohesion in the act of commoning, while present in some ways during a cooperators residency, may not be extensive and cohesive enough to see the overarching impacts that effective commoning practices can produce (see Gibson-Graham, Cameron, and Healy 2016). In other words, the ephemeral nature of being a student living in West Campus might be a key issue to look at when attempting to expand HC urban commons in West Campus. The ephemeral democratic control that takes place within the West Campus HCs commons seems to call into questions notions of HCs as avenues for cultivating imaginaries and praxis beyond governance. However, we might argue that the trust fund has produced a partial bridge in funding to accommodate for the HC's high turnover and lack of tenured commoning strategies. If the HCs aim to see a future liberated from the confines of neoliberal urban policy, they must somehow ban together to collectively manage their resources in a way that recognizes the neoliberal forces encompassing the West Campus market and aim for provisions that strengthen equitable housing planning measures but also creates pressure to expand funding independent of the market-rate production of wealthy developments.

To secure a cohesive future, West Campus HCs must free themselves from the neoliberal governance that has manipulated some of the ways they have been able to proceed and strengthen more robustly democratic, bottom-up governance strategies.

Conclusion

This study has shed light on the story of UNO and the West Campus HCs. It relates to not only how the HCs have used the UNO policy and trust fund, but also how the discourse surrounding affordability and development has unfolded in West Campus over the last five decades.

Austin's comprehensive planning measures, while seemingly *bona fide,* were feeble attempts at creating policies that would grow consistently and equitably with the city. This can be seen though the numerous re-writes of comprehensive planning over the last 100 years in Austin and it can also be seen quite recently in the dissent surrounding codeNEXT. Nonetheless, the 1984 LDC, which has not been comprehensively updated, but is instead a patchwork of focused updates resulted in development stagnation in West Campus that created a rent gap while UT students emigrated to Riverside Drive and other areas of the city to live. An economic downturn, increased vacancy rates, and over-zealous development prior to the 1984 LDC added to the recipe for development stagnation.

For West Campus to deal with its growing rent gap, though, policies required changes that would allow for denser and taller construction. Once developers learned the intricacies of the 1984 LDC, new understandings of the LDC provided avenues for increased development. As explicated by the West Campus real estate expert, this is evident in the two early developments that predated the early 2000s development boom. More importantly, the two early developments paved the way for the Villas on Guadalupe that was a SMART housing project that appealed to the broader City of Austin goals of providing affordable housing while also consolidating students closer to campus to open up space for other Austin residents to live where students had previously lived. Upon approval of the Villas on Guadalupe, developers now had a paradigmatic expression of how neoliberal SMART housing policy could be used to the advantage of student housing development in West Campus. This allowed for the implementation and development of UNO.

The affordability requirements in UNO were significantly more relaxed during the initial phase of the policy's discussion at Austin City Council meetings than when it finally was passed in September 2004. The in-lieu fee, MFI, and affordability tenure discourse did not stop after the initial policy was implemented, though. Immediately, some actors in the West Campus HC and development scene conceded to the in-lieu fee being too low, MFI too high, and affordability tenure too low. This created the dialogue that caused the 2014 policy adaptations that created a more stringent in-lieu fee at $1.00 per livable square foot, lowered MFI to 60%, and mandated a longer affordability tenure of 40 years. All of these variables within the UNO policy are commonly argued about not only in UNO, but in other areas of Austin where similar policies have been implemented. In particular, the in-lieu fees are a hotly contested policy framework that in many people's vision does not do enough to provide affordable housing. In the case of West Campus all of the funds created by in-lieu fees have to be used within the UNO district.

This stipulation has allowed for the HCs in West Campus to be the only affordable housing organizations to access these funds. Despite the money and dwelling units created for the UNO residents, the developers through the whole process of UNO have followed the 'golden rule' and have kept their financial interests at the top of their priorities. This can be seen in the fact that very few developers have developed both tiers of affordability in their developments. Instead, almost every developer has opted to pay the in-lieu fee as opposed to providing the additional 10% of affordable units in their developments. With the in-lieu fees, the HCs have had access to the UNO trust funds.

The HCs in West Campus have been able to maintain their cooperatively run urban commons in a space of saturated neoliberal capital accumulation through the neoliberal generated UNO trust funds, but this does not mean that the trust fund has wholly expanded HC living space. The intended purpose of the UNO trust funds is to create more affordable housing in West Campus. The trust funds have been a piece to the funding puzzle for HCs, but the funds have been a final push in funding requirements as opposed to a necessity to development. Alternatively, CH had to give up land and demolish a building in order to build the Super Coop even with UNO funds while ICC would not have been able to afford their newest property without a sympathetic seller. All of this is to say that while the neoliberal UNO policy has created some avenues for affordable housing production, it simply does not match the unprecedented growth and accumulation of wealth that has increased rents and land values significantly since 2004.

Finally, this study of neoliberal governance structures and post-capitalist urban commons in the West Campus neighborhood have three areas. The first is housing market stabilization in West Campus. The elasticity of the housing market in West Campus came into question time and time again throughout this genealogical research, raising questions about whether rents are stabilizing or if there are underlying nuances within this claim. These questions must be explored to make the supposed efficacy of neoliberal policy transparent. Furthermore, there has been no hedonic price modelling of rents in the West Campus neighborhood. Gathering quantitative data on affordability, ostensible rent stabilization and development saturation is paramount to wholly understanding how the neoliberal structures put in place by UNO have impacted West Campus. Secondly, additional wok is needed to place student HCs within studies of post-capitalist subjectivities. Huron (2018) shows a plethora of benefits that HCs bring to affordable housing dialogue; similar studies must also be conducted with student HCs. The present study has used student HCs under the umbrella of de-commodified HCs, but an examination of how student HC living impacts residents themselves and their worldviews exceeded the scope of this project. Thirdly, research on the affordable units turning to market-rate, the people that gain access to UNO's affordable units, and vacancy rates in the West Campus area would provide answers that this research touched on but was not able to wholly analyze.

Cities like Austin that position themselves as progressive "SMART" cities must grapple with the fact that providing affordable housing will displace some and may not allow others to access urban areas. This reduces avenues for people to establish equitable urban commons space. Although the West Campus dwellers are, for the most part, only in the neighborhood for an ephemeral time frame, the access that West Campus must foster to give students equitable living accommodations while in college still must consider the repercussions that neoliberal housing policies tend to produce. The HCs are a viable and proven way to secure access for students to gain access to the highly commodified area of West Campus. As such, the HCs should be considered for structural support independent of the market and divorced from the gilded neoliberal policies that currently run West Campus.

APPENDIX SECTION

APPENDIX A: SEMI STRUCUTRED INTERVIEW QUESTIONS

Three semi-structured questions for Group 1 (current employees) interviewees were used to guide conversation as follows:

1. What value, if any, has the UNO policy given to College Houses and ICC Austin, and has the cooperative mission been furthered, maintained, or detracted from through this policy?
    a. Is there any tokenism that surrounds the UNO trust?
2. What concerns do you have regarding the UNO policy for the future? Is the policy relevant in the future of West Campus cooperatives?
    a. Should developers have to pay more money into the trust fund when their affordability term expires? (15-year affordability developments)
3. Does development or maintenance of cooperatives in the West Campus neighborhood depend on the UNO policy, and what would you change about the current UNO policy?
    a. Would you get rid of the UNO trust?
    b. How did the 2014 alteration of the policy alter its perception and use?
    c. How did the policy get changed? Who were the key players?
    d. How has the UNO trust impacted the organization's actions towards social equitability?

The second type of interviewees focused on the intent of the policy at its conception. The reason for this is that the people interviewed in this second matter were involved with the policy when it was implemented and know how the state of the cooperatives worked before the policy was enacted in 2004. The four questions used to guide conversation for the second group are below:

1. How did the UNO policy come into being originally? Who were the key players involved during this time?
    a. How did the policy get updated in 2014?
    b. Who and what were the key players in getting the policy changed in 2014?
    c. Should developers that only had to comply with 15-year affordability periods have to pay into the trust once the affordability period ends?
2. What issues regarding West Campus affordable housing were UNO intended to address, and were there other options besides the UNO policy during this time?
3. Was the policy designed to directly help the cooperatives in West Campus?
4. How have your feelings for UNO changed regarding its impacts on cooperatives, and what would you like to see happen with UNO?

The third type of questions used to guide conversation were designed for people from the City of Austin. The following questions guided the conversation:

1. What is the intent of the UNO trust fund plan from the city's perspective?

2. Is this policy intended to create significant/equitable growth of affordable housing?

3. What was the process at the city level like to get this policy implemented?

    a. What was it like getting the policy updated in 2014?

    b. How should the 15-year affordable units be handled?

APPENDIX B: LIST OF INTERVIEWEES

Name of Interviewee	Type of interview questions/Position
Kim Penna	Executive Director of College Houses (Question group 1)
Ashleigh Lassiter	Executive Director of ICC Austin (Questions Group 1)
Alan Robinson	Former Director of College Houses through periodically through the 1990s and 2000s (Questions Group 2)
Brian Donovan	Former ICC Executive Director 2005 - 2013 (Question Group 2)
West Campus Real Estate Expert	Has developed, owned, consulted for West Campus developments since the 1970s (Question Group 2)
Billy Thogersen	ICC Membership Director; former Executive Director; Employed by ICC since 200 and involved with cooperatives since 2000 (Question Group 1& 2)
Raul Alvarez	City of Austin Councilmember 2000-2006 (Question Group 3 & 2)

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