

Unlocking Home

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Three Keys to Affordable Communities

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Sightline Institute

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Contents

Closed Doors

Key 1: Legalizing Rooming Houses

Key 2: Decriminalizing Roommates

Key 3: Welcoming In-law Apartments and Backyard Cottages

Claiming the Keys to Our Cities

Acknowledgments

Sources

About the Author

Closed Doors

A few years ago, I attended a block meeting up the street from my house in Seattle. The evening buzzed along congenially, as a woman updated us on a new local sustainability initiative. I nodded in agreement as neighbors lauded recent progress in expanding the farmers market, installing rain gardens, developing renewable energy projects, and planning better transit service. I listened quietly, happy to hear their enthusiasm.

Then something happened that reminded me how far we still have to go. Asked what the goal of the initiative was, the presenter replied, half jesting, “To stop the end of the world.”

The questioner persisted, “End of the world from what?”

A loud voice behind me interjected, “Condos!” I assumed he was joking, but the group did not.

The growth of midrise condo buildings is a key part of making my neighborhood, which is called Ballard, a complete, compact, vibrant, low-carbon community. Fitting more people into our neighborhood is more important by far to sustainability than anything we’d previously discussed. The dense concentration of residences, offices, and shops allows extreme levels of energy efficiency, frees people from cars for many trips, and—in conjunction with renewable sources of energy—pushes greenhouse-gas emissions down toward sustainable levels. Such communities, if built right, would allow us to live entirely on the quantities of energy that we can harvest from clean, renewable sources and, therefore, avoid a future of catastrophic Frankenstorms, heat waves, and massive human—and natural—dislocation.

But the room erupted in revulsion, as if condo builders were mining tar sands from local parks, rather than building walkable, low-emissions housing for our future neighbors. No other topic that evening generated the vociferous intensity that condos did. My green-minded compatriots regaled each other with declarations and oaths about how much they hated the condo buildings rising near the neighborhood shopping street, half a mile from our sedate block.

This anti-density attitude remains, sad to say, the political reality in most single-family zones, and it yields a sort of collective pathology: Cities pledge themselves to green leadership, then vigorously and earnestly set about doing the wrong things. Cities sworn to aggressive climate-action plans and bound by comprehensive plans that elevate sustainability to the stature of municipal grail—even, in Vancouver, BC’s case, committing to become the “greenest city in the world”—nevertheless expend most of their public effort trying to induce lower-impact changes: recycling, school-based solar cells, expensive new rail transit projects, and local food. At the same time, though, they treat as sacrosanct the thicket of laws and regulations in land use, or zoning, codes that ban from many close-in neighborhoods the tall buildings that would bring about sweeping reductions in energy consumption and greenhouse-gas emissions per capita.

It is tragic. It is also sadly human. In time, the diverse benefits of compact cities will become apparent to enough people, and North American cities will evolve toward more European forms, with less residential

land held in low-density districts than at present. Indeed, this evolution has been underway for some time in the Northwest, if only in neighborhoods not legally reserved for single-family houses.

In the meantime, a few other doors to more-compact, affordable housing are more easily opened. This book focuses on unlocking them: on advancing toward complete, compact communities by enacting less controversial reforms than wholesale upzoning—changes in land-use rules to allow bigger buildings in low-rise zones. I take my neighbors' feelings seriously. Their minds and the neighborhood's doors are closed to condos and other tall buildings, so I detail three keys to unlocking homes for all that my neighbors might accept:

Key 1: Legalizing rooming houses

Key 2: Decriminalizing roommates

Key 3: Welcoming in-law apartments and backyard cottages

Each of these strategies has the potential to win political acceptance soon in cities far and wide. Each costs cities basically nothing to implement. Each requires no public spending, just that the city clerk use the delete key on various lines of municipal code. Each would step up residential concentration organically, without big changes in architectural character. Each would also create new income-generating opportunities for property owners, especially in popular, sought-after urban neighborhoods. Each would alleviate the outward pressure of sprawl on forest and farmland. Each would bring some of the benefits of density for local prosperity, vibrancy, and sustainability, in addition to more customers to support local businesses, more eyes on the street for safety, more riders for transit, and shrunken carbon footprints.

Above all else, each of these strategies could unlock homes for people who need them. They could generate thousands and thousands of units of inexpensive housing dispersed across entire metropolitan areas—in the form of new and converted boardinghouses, empty bedrooms rented out for the first time, and basement apartments and newfangled garden huts tucked among the detached houses that make up the overwhelming majority of Northwest residences. In fact, these strategies might generate far more units of inexpensive housing than public subsidies currently supply, though the housing likely would not serve the poorest and neediest.

This book focuses on the Northwest, or Cascadia—the region encompassing British Columbia, Idaho, Oregon, and Washington—as a case study for all of North America. The patterns found in this region are likely to extend across most of the continent, and the keys to unlocking housing here will likely work elsewhere as well. This region is a hotbed of environmental conservation, smart-growth urbanism, and innovative housing programs. It serves as a natural laboratory for innovation, and lessons learned here apply widely. If the Northwest leads, others will follow.

The three keys—legalizing rooming houses, decriminalizing roommates, and welcoming in-law apartments and backyard cottages—are not without political challenges, of course. If they were, this book would be unnecessary. The challenges are surmountable, but they are real.

At root, the problem is the too-powerful classist impulse for better-off people to exclude renters, people of pinched means, recent immigrants, students, and others who cannot afford to buy single-family homes. This impulse manifests itself in complicated and even subconscious ways. Sometimes it is even expressed as a form of concern for vulnerable people. This theme will recur throughout the book. For now, an analogy will suffice.

Poor and working-class people tend to wear inexpensive shoes. They buy their kicks at places like Payless or Goodwill, not Nordstrom. Payless and Goodwill shoes are known for their low prices, not their sturdiness or fashion. Still, they do their job. To improve footwear among those without funds, banning the sale of inexpensive pairs would do no good. Sending shoe inspectors to Payless to confiscate “substandard” clogs and Oxfords would eliminate them from stores, it’s true. But it would do nothing to make good shoes affordable to people who do not have much money. Sure, some low-income people would buy nicer shoes, by spending extra on shoes and less on other things. Others would buy cheap shoes on the black market. Still others wouldn’t buy footwear at all: they would go shoeless.

This scenario is essentially what housing policy does in North America. It sets rules, mostly in local land-use codes, against “substandard” housing, banning the types of residential arrangements that once housed most of the North American working class: rooms that were safe and passable but small and bare-bones. Consequently, in most of Cascadia as elsewhere, with few exceptions, dwelling units are required by law not only to satisfy legitimate safety criteria, such as fire-resistant construction, but also to meet a standard of accommodations aligned with society’s current middle-class norms.

At present, these norms include private kitchens and bathrooms, off-street parking spaces, single-family households, and a maximum number of occupants. Building inspectors close residences that do not comply with these rules. In effect, our rules have purged the Payless and Goodwill rental units from the market. We’ve mandated Nordstrom.

And the consequences? Some poor and working-class people spend more on housing, while scrimping on food or heat or something else. Others live in black-market housing, illegally subletting, squatting, or doubling up. Still others go homeless, living in their cars, in shelters, or on the streets.

For many leaders and voters, the impulse behind such rules is altruistic: we want everyone to have a decent place to live. We believe that setting standards will force landlords to do right by their tenants. We know that some landlords are greedy and dishonest, and we believe that mandating decent housing will force these weasels to provide dwellings that meet our sense of what everyone ought to have. For other voters and leaders, and for many political donors, the impulse is less admirable: they want to protect the value of their houses and other real estate by pushing from the neighborhood all “undesirables” (read: poor people). And what better way to do that than to march under the banner of “decent housing for all”?

Whatever the motives, though, one effect of these rules is to force everyone, whether rich, middle-class, or poor, to pay more for living quarters. Other side effects include deadened neighborhood business districts; increased energy use for heating and cooling; increased driving; worsened urban traffic congestion; decreased walking, cycling, and transit ridership; and boosted greenhouse-gas emissions.

If everyone knew that a major purpose of city land-use laws—also called zoning—was to choke off the bottom end of the private housing market so that middle- and upper-class people would not have to live near renters, recent immigrants, and other working-class citizens, we might do better. We might rise up and throw off these unjust rules. But, unfortunately, almost no one understands how land-use laws work. Their meaning and impacts are shrouded in a dense fog of professional jargon, legal precedents, and obfuscation through planning-department procedure. Citizen activists untrained in land-use law and the dark arts of planning are routinely overcome by this fog, numbed to a stupor by the sheer complexity of local codes. Reform-minded planners, meanwhile, understand the code, but they find themselves isolated and without political backing when they try to remove unwarranted housing restrictions. The immodest goal of this book is to lift the fog off the legal doors to common-sense, green housing solutions. Enabling reformers to find these doors is the first step toward unlocking them.

Key 1: Legalizing Rooming Houses

Nowadays, in the Northwest as across North America, most people live in houses or apartments that they own or rent. But a century ago, other, less expensive choices were just as common: renting space in families' homes, for example, or living in residential hotels, which once ranged from live-in palace hotels for the business elite to bunkhouses for day laborers.

Working-class rooming houses, with small private bedrooms and shared bathrooms down the hall, were particularly numerous, forming the foundation of affordable housing in North American cities. This housing type has fresh relevance today, especially for those who are young, single, or on the lower rungs of our increasingly unequal society. As University of California professor Paul Groth writes, in his encyclopedic book *Living Downtown: The History of Residential Hotels in the United States*:

[A] good hotel room of 150 square feet—dry space, perhaps with a bath or a room sink, cold and sometimes hot water, enough electric service to run a [light] bulb and a television, central heat, and access to telephones and other services—constitutes a living unit mechanically more luxuriant than those lived in by a third to a half of the population of the earth.¹

But a tightening net of ordinances and codes has helped squeeze rooming houses nearly to extinction.

Origins

In the 1800s, boarding with families was commonplace for people of all ages. As many as half of urban Americans spent part of their lives either as boarders in others' homes or as hosts of boarders in their own.

As the 1800s turned to the 1900s and North America urbanized, other options proliferated. For the working class, an abundance of rooming houses opened. Some offered boarding as well, with a kitchen and dining hall in the basement or on the ground floor. For the poor, cheap lodging houses provided basic accommodations for low prices. Some had small private rooms. Others had grids of open-top cubicles. Still others offered bunk rooms or rows of hard-slab "flops." In San Francisco a century ago, five-sixths of hotel dwellers were either working class or poor, and a passable room might cost 35 cents a night (\$8 in today's currency).

Concentrated near downtowns, rooming houses and other forms of residential hotels provided quintessentially urban living. The dense mixture of accommodations with affordable eateries, laundries, billiard halls, saloons, and other retail establishments made life convenient on foot and on slim budgets. "The surrounding sidewalks and stores functioned as parts of each resident's home," writes Groth.

The past century of rising affluence is one reason for the decline of the rooming house. With higher incomes, we bought more space and privacy. Young, upwardly mobile, enterprising residents moved out of hotels, depriving hotel districts of their best customers. Those left behind were harder to employ, poorer, on the wrong side of the law, or simply eccentric.

This trend accelerated in the 1960s and 1970s, when authorities deinstitutionalized many people with mental illnesses and began sheltering them in rooming houses and other cheap hotels. In most cases, mental health authorities intended such arrangements to be temporary. Some planned to build and support constellations of small, neighborhood-based care facilities, for example, but NIMBY politics intervened. The care facilities never got built, and some of society's most vulnerable were stranded in rooming houses, which by then had come to be known as single-room occupancy hotels (SROs).

The Coalition of the Self-interested and the Well-meaning

Another major reason for residential hotels' disappearance is legal. Successive generations of laws made residential hotels more expensive to operate. Other rules simply made them illegal outside of historic downtowns: as cities expanded outward, rooming houses could not spread to the new neighborhoods.

The rules were not accidents. For a century starting in the 1880s, real-estate owners eager to minimize risk and maximize property values worked to keep housing for poor people away from their investments. Sometimes they worked hand in glove with well-meaning reformers who were intent on ensuring decent housing for all. Decent housing, in practice, meant housing that not only provided physical safety and hygiene but also approximated what middle-class families expected.

This coalition of the self-interested and the well-meaning effectively boxed in and shut down rooming houses and cheap lodging houses, and it erected barriers to in-home boarding, too. Over more than a century, it acted through federal, state, and local rules in ways that sounded reasonable at the time: occupancy limits; limits on renting out in-law apartments; and requirements for private bathrooms, kitchens, and parking spaces. The net effect, however, was to essentially ban affordable private-sector urban housing for those at the bottom of the pay scale.

During the subsequent hundred-plus years, as affluence and rules squelched simple housing options in the private market, publicly supported low-income housing has emerged and grown to fill some of the void. Unfortunately, supplies of subsidized housing have never approached adequate levels. It may never fill the gap, in fact. Building housing is expensive, and no city, state, or province in North America has ever demonstrated the political will to build enough of it to meet all the need. Subsidized housing can address the needs of certain populations well, including those in personal crises, in dire poverty, or with special needs. Particularly promising is the community land trust model, which neatly severs home ownership from the key driver of rising real-estate prices: land-value appreciation. But the private housing market could do much more to provide living spaces affordably if we discarded those requirements that merely protect others' property values by outlawing rooming houses and other simple housing options.

Uses and Abuses of Land Use

The legitimate purpose of building and land-use codes is not to further favor the already favored but to correct market failures. One such failure consists of information gaps. Buyers and renters cannot readily know, for example, whether a building's structural beams were properly engineered. They cannot easily check the wiring and plumbing: Will the wiring start a fire? Will the sewage back up and contaminate the

drinking water? Just so, they cannot readily verify that fire resistance was designed into the building or ensure that mold is not growing in the walls. Another market failure in housing is when owners shunt costs onto others, for example, by installing polluting devices that foul local air.

From the late 1800s onward, rules tightened on residential hotels. Some of the rules corrected market failures; others imposed middle-class standards that were beyond the means of the working class. In the late nineteenth century, for example, California—the West’s trendsetter in housing law—began enforcing a rule ostensibly intended to slow the spread of disease. It dictated a minimum quantity of indoor space per person, on the assumption that living in close quarters is a major determinant of disease. (This assumption is dubious, it turns out, as discussed in the next chapter.)

Under the California standard, you might expect sweeping changes in many kinds of crowded residential buildings: military barracks, college dormitories, summer camps, prisons, single-family homes with many children, lumber camps, and crew quarters aboard ships. But the rule did not apply to these categories of housing. It applied only in neighborhoods where Chinese immigrants lived. Wearing the mask of public health, the policy raised the cost of housing for Chinese families and pushed them farther from California’s whites. It was racism in public-health garb.

In 1909, San Francisco banned most cubicle-style hotels, which were a common form of cheap lodging for itinerant workers and others on exceptionally tight budgets. The city rationalized the policy as a fire-safety precaution. Had fire safety actually been the goal, the city would have demanded fire escapes, fire-slowing walls at certain intervals, and fire doors. Cubicles remained perfectly legal for offices and workshops across the city, but for sleeping? That became a code violation.

In the following decade, California began regulating rooming houses and other hotels, setting standards for bathrooms (one per 10 bedrooms), window area per room, floor space per room, and more. Again, some of these rules may have had health benefits, and the rules’ proponents certainly thought they were helping. Yet they knocked the cheapest rooms off the market without providing substitutes. Over time, building and health codes demanded ever larger rooms and more bathrooms. They, like codes for other types of housing, also mandated legitimate safety standards such as more exits, better fire-protection features, and ratproof food storage in kitchens. Northwest jurisdictions followed California’s lead.

In the 1920s came zoning, and a more aggressive phase of the assault on inexpensive housing began. Zoning gave city leaders a whole new weapon for separating the laboring class from the “better classes.” After a US Supreme Court ruling in 1926 recognized states’ power to authorize local land-use planning, city planners quickly trapped residential hotels in the oldest parts of town—the parts built before zoning separated shops, restaurants, and bars from dwellings. Sometimes they banned rooming houses and other hotels outright in apartment districts; other times, they simply made them impractical by forbidding the dense mixture of retail establishments necessary to support their residents. And by setting aside vast areas of every city for single-family houses on private lots, they drastically curtailed the land available for all forms of less expensive multi-unit residences, whether apartments or residential hotels.

Over the next three decades, codes and federal lending programs increasingly discriminated against residential hotels by defining a housing unit as necessarily possessing both a private bath and a kitchen.

They also hogtied hotel districts: often, racially discriminatory redlining prevented investment even where zoning didn't prevent operation.

Mandatory off-street parking rules added insult to injury beginning around midcentury. These land-use rules, which typically required at least one parking space per unit, made multi-unit housing radically more expensive to build and operate. Rooming-house units were typically no larger than parking spaces to begin with, so a new rooming house might be required to provide as much floor space for cars as it did for residents, even though many rooming-house dwellers did not own cars.

In the 1960s, "urban renewal" became the watchword of North American policy on cities. On the ground, it commonly meant leveling residential hotels and the mixed districts that surrounded them, then constructing single-use neighborhoods of one- and two-bedroom apartments. It was housing, but it was too big and expensive for members of the class that had made rooming houses their homes.

Two deadly fires at SROs in the early 1970s motivated the City of Seattle to tighten fire and housing rules for multi-story buildings, requiring expensive upgrades to stairways, doors, and walls, among other things. As Reuben McKnight writes in *Preservation Seattle*, federal funds were available to help apartment-building owners make the retrofits, but rooming houses did not qualify. Lacking private kitchens and baths, they did not fit the middle-class norm written into federal law. In a matter of months, owners shuttered more than 5,000 inexpensive units of housing in Seattle's close-in neighborhoods.²

In other Northwest cities, the process was less sudden than in Seattle, but it advanced along the same path. Vancouver, BC, for example, kept more of its rooming houses for longer than other Northwest cities, eschewing urban renewal (and urban freeways). Journalist Monte Paulson has unearthed, in a series of articles for the *Tyee*, the history of the east side of downtown Vancouver.³

In 1970, Vancouver's Downtown Eastside—then dominated by retired workers from the timber, fishing, and mining industries—still had some 10,000 inexpensive hotel rooms, almost all of them privately owned and operated. Then came deinstitutionalized psychiatric patients; waves of troubled, younger residents; and addicts of cocaine, crack, and crystal meth. By 2005, the number of SRO units was down to 5,000, and "Downtown Eastside" was a synonym for Canadian urban poverty—a hard-bitten place of drug addiction, HIV infection, and mental illness.

"Paradoxically," writes Paulson, "the Downtown Eastside has—until recently—boasted an unusually low rate of homelessness for a population so riddled with social problems. Why? Because the neighbourhood was also home to Canada's largest concentration of residential hotels."⁴ The rooms were small and shabby. When surveyed in the mid-2000s, many had bedbugs or roaches, and most were not in complete compliance with code. They were Goodwill, not Nordstrom, and they were therefore cheap, averaging just Can\$12 a night, not much more (adjusted for inflation) than a rooming house cost a century ago.

Unfortunately, Vancouver's real-estate boom has caught up with many SROs. Real-estate investors snapped up dozens of the Downtown Eastside's rooming houses in the latter half of the '00s, converting them to other uses. An SRO-buying spree took hold. In one 12-month period in 2006 and 2007, for

example, 22 buildings with more than 1,000 rooms traded hands. The provincial government then intervened and bought a slew of the old hotels to keep them available as inexpensive housing.

Such steps have become common. Some cities have even made it illegal to tear down existing rooming houses, which is historically ironic, considering how hard cities worked for decades to extinguish them or at least sequester them in the oldest neighborhoods. Efforts to protect the few remaining SROs are laudable, but they're like closing the barn door after the horses have fled.

How Small Can You Get?

Legal scholar Philip Howard writes in *The Death of Common Sense*, "The law now prohibits the demolition of any SROs that remain, while building codes make it impossible to build any new ones."⁵ Howard exaggerates only a little. Building and land-use codes do not make new rooming houses impossible to build, just excruciatingly difficult.

A few brave developers have been trying on a small scale, though, by building neo-SROs and micro-apartments in a few Northwest neighborhoods. They're responding to the strong demand, especially among millennials, for small, inexpensive units in popular, pedestrian-oriented neighborhoods such as Seattle's Capitol Hill and Portland's Pearl District.

First, though, to stretch the imagination about the possible varieties of affordable private-sector housing, an illustration: Historically, the bottom of the scale for inexpensive housing was not the rooming house but the flophouse—essentially a hall of bunks or sleeping slabs. Aside from homeless shelters, North America no longer has flophouses. A century of regulation shut them down. But in Japan, they live on in modern form in "capsule hotels," which rent enclosed sleeping spaces by the hour or the night. In one \$30-a-night Tokyo hotel,⁶ the sleeping capsules are stacked in pairs and are just big enough for a single mattress. Yet they each offer air conditioning, a radio and mini-TV, a reading light, and a privacy screen. Guests share bathrooms, showers, and a lounge, restaurant, and bar.

In the Northwest, such twenty-first-century flophouses would be illegal on any number of grounds. The "rooms" are much too small: habitable rooms may not be smaller than seven by seven feet in Seattle, for example; sleeping rooms must be bigger still. And Seattle has one of the more permissive housing codes in Cascadia. The hotels do not provide off-street parking for each room, and some do not have enough bathrooms to satisfy Northwest codes, which typically require one bathroom per eight units. The "rooms" themselves—the capsules—are code enforcers' nightmares: among other things, they lack the windows, fire-safe doors, smoke detectors, and closets required of each legal bedroom in most Northwest cities. If regulated as dormitories (bunkhouses) rather than as separate bedrooms, meanwhile, they would violate other rules: they lack the requisite unencumbered floor space, for example.

Yet Japan has many such hotels, and its fire-safety record is better than that of the United States.⁷ Throngs of travelers and city workers stay in the capsule hotels, appreciating the low prices and clean, safe, convenient accommodations. They are cheap, too, at least by Japan's stratospheric real-estate standards. Even in the Northwest, a bed for \$30 a night would be cheaper than a taxi home for some

Saturday night pub crawlers. And capsule hotels operate at a profit, without public subsidy, filling one of many niches in Japan's housing market.

Rooming Renaissance?

Now imagine a continuum of such choices, extending downward from today's studio apartments. Along this continuum, we'd have complete studios smaller than those currently permitted, followed by tiny units with private baths but without full kitchens, then updated rooming houses with shared baths and kitchens, then capsule hotels. Developers in Cascadia and beyond have begun building some of these options, threading their way through the regulatory tangles that make small units impossible in many neighborhoods and difficult in others.

They do so in a context in which most old rooming-house units, plus a smattering of new ones, stay open thanks only to public or charitable support. Since the 1980s, for example, Portland has been a leader in protecting SROs. Through collaboration between city government, redevelopment agencies, and nonprofits, Portland has bought many SROs, fixed them up, and kept them running. At last count in 2008, central Portland had about 2,100 SRO rooms, virtually all of them in subsidized buildings, according to the Portland Housing Bureau. In Vancouver, BC, too, many of the remaining SROs are owned by the provincial government.

In both cities, as across the Northwest, the number of cheap rooms for rent is a fraction of what it once was. In downtown Portland, the number of units available to rent for the amount that a minimum-wage worker can afford (\$458 per month in 2012) fell from 4,500 in 1994 to 3,200 in 2012, according to the Northwest Pilot Project, a housing provider for seniors. These quarters are almost all subsidized and often have long waiting lists.

Privately owned rooming houses are scarce; new ones are exceptionally rare. In *The Death of Common Sense*, Philip Howard illustrates why.

In 1986, Chris Mortenson, a San Diego developer, realized you could build profitable SROs if you ignored the building code, and commissioned an architect to see what he could come up with. The result was a four-story building with ten-by-twelve-foot units, about half the size required by the building code. Each had a microwave, a sink, and a toilet (partitioned but not separated). Communal showers were at the end of each hall. Rule after rule in the building code was broken. After extensive negotiations, San Diego waived the building code. The building was built for less than \$15,000 per unit, and immediately reached 100 percent occupancy. Housing was thereby made available to people who could afford fifty dollars per week but not a hundred.⁸

Howard speaks perhaps too quickly of waiving "the building code." What San Diego likely waived were certain code provisions. I doubt it ignored requirements for compliance with plumbing, electrical, and structural standards, for example. But the city did allow small rooms, shared showers, and no parking spaces, and it allowed construction of what code writers call congregate housing, or housing with some shared facilities. Congregate housing comes in for special scrutiny and restriction in most cities. In Seattle, for example, it usually triggers a process known as design review, which one developer (who

requested anonymity) described as “two years of getting beat up by neighbors and maybe not being able to complete the project at all or not on budget.” Not surprisingly, most developers craft their projects to avoid design review if possible.

Nonetheless, a few developers have begun building new rooming houses and micro-apartments, sometimes without subsidy. A major Cascadian example is the aPodment, a product of Calhoun Properties of Seattle. These buildings are updated rooming houses. Each unit is lightly furnished and has a microwave and a mini-fridge plus a petite bathroom, compactly arranged in 150 to 200 square feet. Off-street parking is minimal and is rented separately, but the buildings have shared kitchens and laundry facilities. In early 2013, rents commonly began around \$550 per month, including Internet and all utilities. At about \$18 per night, aPodments rent for roughly double what San Francisco rooming houses cost a century ago, adjusted for inflation. Moreover, unlike their historic antecedents, aPodments have private baths and kitchenettes.

In five years, Calhoun and its partners have built more than 400 units at 12 sites on Seattle’s Capitol Hill and in the University District. Occupancy is reportedly near 100 percent, because the price is far below that of studio apartments nearby.⁹ For many of these projects, Calhoun has avoided design review and other regulations on congregate housing by keeping the developments small and, legally speaking, townhouses rather than rooming houses. In these projects, each townhouse has eight or fewer bedrooms, to fit inside Seattle’s eight-person-per-dwelling-unit occupancy limit.¹⁰ And Seattle’s parking requirement for a single townhouse is one off-street slot, so the parking burden is light.

Calhoun isn’t the only developer shrinking its ambitions to the dimensions of what the English call “bedsits.” In the six years before 2013, the city of Seattle permitted 48 micro-housing buildings, with some 2,100 diminutive apartments between them.¹¹ That’s a bigger number than at any time in decades, but it’s still a small share of residential development.

Many neighbors are supportive; many are not. Supporters speak for more housing choice for entry-level workers and call opponents elitists or NIMBYs. Opponents fear that “sketchy people” will live in such small units.¹² They also complain about the extra cars they believe will compete for curb parking.¹³ Because of the controversy, the city’s planning department has offered reforms that will moderately dampen microhousing development. As of this writing, the city council has yet to act.¹⁴

APodments appear to be the smallest and least expensive micro-units in development in Cascadia. To the north, in Vancouver, BC, a micro-loft project has renovated an old SRO into 30 carefully designed studios averaging 250 square feet each and renting for about Can\$850 a month, including utilities.¹⁵ And to the south, in Portland, one new building offers 150 units of about 300 square feet each in the trendy and spendy Pearl District, at around \$850 a month. Demand for very small units has been strong in Portland, pushing up rents for studio apartments by about 30 percent over the past two years.¹⁶ Outside of the Northwest, New York is considering reducing its minimum-square-footage rules to allow micro-studios.¹⁷ Similarly, San Francisco recently authorized a trial run of up to 375 new apartments as small as 220 square feet.¹⁸

In part, developers' interest in small units is a response to the demographics of renters, many of whom are millennials, a generation with modest incomes and decidedly urban tastes. More than previous generations, they are delaying marriage and childbearing and prefer compact, walkable, culturally interesting places with European-style "café cultures." That's the analysis of Seattle urbanist Mark Hinshaw and his coauthor, Brianna Holan. In the American Planning Association's journal, they argue that small, centrally located apartments priced under \$850 a month are exactly what many millennials want.¹⁹

Will new mini-studios at \$850 per month help people who can afford only half that amount? Actually, they may. In the short run, new units free up older units, which helps to free up still older units, and so on down the economic ladder in a process that housing economists call "filtering."²⁰ In the long run, new housing turns into used housing. Just as people with less money drive older cars, they also live in older buildings. So new units occupied by baristas and graduate students today may become old units occupied by immigrant dishwashers in a couple of decades. Old-school rooming houses served both upwardly mobile young people and middle-aged working-class singles. The new generation of this housing can, too.

These nascent efforts show that housing forms of the past hold potential for our future. In fact, they may be one of the biggest opportunities that cities have to advance sustainability, housing affordability, and community economic vitality. Updated to current technology, for example, rooming houses are a promising solution for the era we are entering. They can offer clean, safe, functional, and efficient quarters for a price in reach of many.

Seizing the opportunity of the rooming-house revival, however, requires action. In most of the Northwest, aPodments and mini-studios—to say nothing of capsule hotels—are against the law. To allow them to spread, we must shed outdated rules, in particular the following:

- laws requiring developers to provide extensive off-street parking
- policies that discriminate against congregate housing
- bans on room dimensions derived from outmoded middle-class tastes

To raise support for these changes, we need to inform our communities that these and many other laws serve only to drive up housing costs without enhancing health or safety.

A future unfettered by such rules would see the reemergence of inexpensive choices, including rooming houses and other old residential forms. Such units will not satisfy those of greater means and the expectations that accompany them. They would not try to. But they can meet an urgent need of young people, some seniors, and working-class people of all ages.

Key 2: Decriminalizing Roommates

A friend of mine lives in a nine-bedroom, century-old house tucked among the wooden mansions of Seattle's north Capitol Hill neighborhood. In some ways, it's the quintessential home of the fortunate and green-minded in the urban Northwest: it has a hybrid car, an electric car, bicycles in the driveway, and chickens in the yard. In another way, it's unusual. The dwelling's 5,000 square feet of indoor space are home to nine people: my friend and her husband, their two daughters, and five housemates. This living arrangement is in flagrant violation of city code.

Under the law in Seattle, as in almost every city in Cascadia and beyond, the number of people who may share a house or apartment is strictly limited, regardless of the dwelling's size, unless all occupants are members of the same family. In Seattle, the limit is eight people. With nine (and in the past up to 11) people occupying her house, my friend is a lawbreaker. A city housing inspector could fine her and kick someone out.²¹

Another friend of mine, Allen Hancock, owns a similarly spacious house near the University of Oregon in Eugene. A Christian college built the house in 1926 as a home for a dozen or more "wayward girls." By the time Allen moved in, in 1990, someone had divided the 4,400-square-foot structure into six apartments and let it run down. He restored, remodeled, and retrofitted the house. Today, it has 10 bedrooms plus a guest room and, usually, nine residents. Allen has personally devoted two decades of labor to turning Duma, as he calls the house, into a model of green living, with reused building materials throughout, extreme insulation and energy-efficiency upgrades, photovoltaics on the roof, edible landscaping, and a rainwater catchment system, all located on one of Eugene's main bicycle routes.

Eugene's occupancy limit for unrelated people is five. So Allen is a lawbreaker, like my Capitol Hill friend. Or he would be if he had not proved to city planners that Duma has been in continuous use for group living since before the city started zoning in the late 1920s. Duma is grandfathered in; otherwise, the city could fine him and evict four of his roommates.

These two stories hint at what turns out to be an opportunity hiding in plain sight. Across Cascadia, or the Northwest, occupancy limits constrain access to the cheapest, most profitable, most abundant, and most sustainable housing option currently available: bedrooms in existing buildings. They criminalize the simplest and perhaps the oldest solution to housing affordability: roommates. They retard the process of adapting aging homes constructed for big, nuclear families to the family structures of today: more singles, young and old; more small families; and more bi-nuclear, blended, and otherwise complicated households. They crimp developers' options, preventing them from building houses with many bedrooms. They are deeply elitist, enforcing class privilege and discriminating against low-income households, young people, and immigrants, although they typically hide their elitism behind righteous-sounding slogans about health and "decency." They are also just dumb policies: badly written, internally contradictory, illogical, and difficult to enforce. They serve no legitimate public-policy purpose, at least none that is not—or would not be—better served by other rules.

Consequently, North America can and should simply delete occupancy limits from its law books—abolish them, as a few Cascadian cities have already done. Or, if we lack the will to do that, we can raise the limits, so that they become moot in all but the rarest cases. Already, Northwest cities set limits that range from two to 10 people per dwelling, illustrating both the arbitrariness of current policy and the possibility for reform.

The opportunities checked by occupancy limits are not just in big houses, like my friends' homes in Seattle and Eugene. Occupancy limits constrain more typical structures as well. To understand how they work, it helps to step back and look at the context of housing in the Northwest.

Unlocking Spare Bedrooms

Most Northwesterners are well provided with housing. In fact, Northwesterners near or above the median income are among the best-housed people of all time: we have a lot of private indoor space.

Consider bedrooms, for example. Through most of history, most people shared bedrooms. Many even shared beds. I'm not just talking about couples. When Abraham Lincoln was a lawyer riding the circuit in Illinois, he routinely shared a bed with others in his business. The future president of the United States did not think twice about crawling into bed at the end of the day with a fellow attorney. That's how people lived.

When I spent three months in Central America in 1986, I lived with the family of a shoemaker. The whole family—mom, dad, and eight kids—shared one sleeping room, and they were better off than many families in their town. In fact, their living standard was, statistically speaking, right around that of the midpoint of the world population at the time. Generations of North Americans raised their families in little houses and apartments. My grandmother's family, with six kids, lived in a small apartment in New York after they arrived in the New World from Poland.

Or consider my own living situation as an illustration. When I first moved my family into my current house in 2000, we had three bedrooms for five people. We remodeled the house so each of my three kids would have a bedroom. That's the normal expectation of middle-class North American families nowadays: one bedroom for each couple and one bedroom for each other family member. A few decades ago, the expectation was that kids would share bedrooms. But private bedrooms are a good way to live, affording privacy and independence along with conviviality in shared spaces. I consider myself, and my kids, fortunate to have been able to afford them.

When my wife and I divorced six years ago, she moved to a nearby three-bedroom apartment, and I stayed in the house. Three of the four bedrooms of my house began sitting empty during the weeks when my kids were at their mom's. Thus, instead of four bedrooms for five people, we had seven bedrooms. Later, my eldest left the nest and my younger two started college. Counting dorm rooms, my eldest's apartment, my ex's apartment, and my house, the bedroom tally for the five of us has risen to nine, triple what it was in 2000.

Regionwide housing statistics show that my surfeit of sleeping quarters is not atypical. If at lights-out this evening all 12 million residents of the Northwest states of Idaho, Oregon, and Washington retired into bedrooms, one person per room, some 2 million bedrooms would remain empty. The Northwest has fully 15 percent more bedrooms than people. Even this comparison understates the region's bounty of bedrooms, though, because most couples and some children share rooms. On conservative assumptions, more than 5 million Northwest bedrooms (36 percent) are unoccupied on any given night. State by state, the figures are 35 percent in Washington, 36 percent in Oregon, and 40 percent in Idaho.²² In the city of Seattle, the most densely settled part of the Northwest states—with the most apartments, singles, and small households—the figure is still around 27 percent.

Comparable data are harder to come by for British Columbia, but the situation appears to be similar. A decade ago, the demographic research group Urban Futures estimated that 29 percent of homes in greater Vancouver held at least one unoccupied bedroom. That translates into more than 220,000 empty rooms in the Cascadian city most vexed by astronomical housing prices.

Furthermore, these tallies cover only the region's houses and apartments. They exclude hundreds of thousands of hotel rooms, college dormitories, hospital suites, prison cells, military barracks, and other institutional quarters. Again: Cascadia, like the rest of North America, has a surfeit of private, indoor living space.

Most of the people who own these extra bedrooms may be happy to have them empty. They use them as guest rooms or studies. Or the rooms are in second homes. Or, like me, the owners have children who keep rooms at both parents' homes. Or, also like me, they are keeping their kids' rooms available during the extended modern process of fledging. That's their right. But public policies should get out of the way of those who want to rent out those bedrooms. Among the more than 5 million Cascadian bedrooms in which no one is sleeping, there are certainly thousands or tens of thousands—and there may be hundreds of thousands—that would already be occupied if local regulations did not criminalize roommates. More would emerge over time, as builders adjusted to a pro-roommate housing economy.

One use for Cascadia's 5-million-plus extra rooms, Sightline's Chris LaRoche argued in 2012, is as informal bed-and-breakfast space, made possible through sharing-economy websites such as Airbnb and Couchsurfing.²³ A second use is to convert idle bedrooms to accessory dwelling units, commonly known as mother-in-law apartments. Several outdated regulations block such units, and I address them in the next chapter. A final use for the one-third of Northwest bedrooms that are unoccupied, explored in the rest of this chapter, is to lease them out to tenants.

Roommate Caps

When *The Real World (TRW)* filmed its 2013 season near downtown Portland in 2012, it did so in apparent violation of city law, which forbids more than six unrelated people from sharing a dwelling. *TRW* puts seven to eight young adults with outsized personalities together in a house and films the resulting train wrecks for television.

It's not just Portland. In fact, Seattle is the only big Cascadian city where *TRW* could have filmed without breaking local laws on roommates. (*TRW* did film its 1998 season in Seattle.) Everywhere else, *TRW* would break the law, as it did when it filmed in New York (occupancy limit for unrelated roommates: three).²⁴

Meanwhile, not a single big Northwest city's code would allow *Big Brother* to film. In *Big Brother*, members of an even larger cast of scheming competitors try to sidestep personal eviction from a shared house. Seattle allows eight, and Spokane seven, unrelated people to share a dwelling unit. Surrey—the Vancouver, BC, suburb that's the fourth-largest city in Cascadia—has no limit on long-term residents but limits short-termers to two people.

Reality TV is a frivolity and its legal status a mere curiosity. I bring it up only to underline the arbitrary and irrational nature of Cascadia's occupancy limits, which affect not only the purveyors of TV but also millions of regular Northwest households. These limits constitute perhaps the most easily erased obstacles to inexpensive housing in the region.

Occupancy limits are written differently in almost every city, and each city's rules are curious in their own way. Still, two things are true everywhere. First, in every city, families are exempt. A family, including distant relations, can crowd into an apartment or house according to its tastes or needs. For example, as far as the occupancy codes (though not all parts of the housing and land-use codes) in Langley, BC, are concerned, an infinite number of family members may share a house, but only four unrelated people may do so. Second, occupancy limits are unrelated to the size of the dwelling. The limits are the same for micro-apartments and palatial estates. Ten unrelated people in Meridian, Idaho, can share either a 20-bedroom mansion or a studio apartment, but 11 unrelated people may not live in either.

The dizzying variability of occupancy rules accentuates their arbitrariness and absurdity. Cities offer different treatment to temporary boarders, mixed groups of families and unrelated roommates, children, foster children, and even servants. Cities also vary in their policies concerning group homes for people with disabilities, victims of domestic violence, and other special populations.

I examined closely the occupancy limits for unrelated adults in 31 Cascadian cities (and summarized them in a table you can find on the Sightline Institute website).²⁵ Medford, Oregon, says no more than two unrelated roommates may share housing. Nampa, Idaho, limits occupancy to three; nearby Meridian, to ten. Other cities fall all along the line between these endpoints: Everett, Washington, and Langley, BC, at four; Salem, Oregon, and Yakima, Washington, at five; Richmond, BC, and Tacoma, Washington, at six; Spokane and Vancouver, Washington, at seven; and Seattle at eight.

Five cities have no limits on unrelated roommates. Surrey and Victoria, BC; Bend, Oregon; and Idaho Falls and Sandpoint, Idaho, have dispensed entirely with occupancy limits, showing the way for other cities. Surrey, however, has limits on short-term boarders (noted above) that undo some of the liberality of its policies.

Seattle is more generous than all but a few cities, with a cap of eight unrelated roommates. It also has one of the simplest policies. If any member of the household is not a family member, the occupancy limit

kicks in. Some cities employ more complicated formulas. These cities have no hard cap on occupants. Instead, their occupancy limits float with family size.

Portland, for example, allows “family plus five”—a family of any size plus up to five unrelated people—to share a dwelling unit. For a group of entirely unrelated people, this works out to a group of six: a family of one plus five unrelated people. That’s too few for *The Real World*, and it’s lower than Seattle’s limit of eight. On the other hand, a Portland family of four could have five unrelated housemates, in which case Portland’s limit (nine) would be higher than Seattle’s (eight).

Vancouver, BC, is much less generous than Portland. It’s a “family plus two” city. To further complicate matters, though, Vancouver allows any three unrelated people who share housing to count as a family. Consequently, its occupancy limit for unrelated people is functionally five: three as part of a “family” plus two extras as lodgers. Many in Vancouver take advantage of this rule: 8 percent of in-city households include members who are not part of the family.²⁶ (Vancouver also has generous occupancy policies for accessory dwelling units in houses, which are discussed in the next chapter.)

“Family-plus” rules, like all forms of occupancy limits, are complicated and vary among cities, with no apparent relationship to anything else. Words such as “capricious” and “random” come to mind when comparing them. Why “plus two” in Vancouver, BC, but “plus six” in Vancouver, Washington? What could possibly be so different about these two cities that it would justify a threefold difference in occupancy? The answer, as I’ll discuss below, is “nothing.” The numbers are outcomes of political compromises made, in most cases, long ago and, in every case, without any grounding in evidence of what the public interest actually is. (And, as I will argue, there is no logically consistent and intellectually coherent rationale for occupancy limits such as the ones currently in force.)

City codes do allow exceptions, providing processes and procedures for getting rules waived. Unfortunately, the procedures for unlocking spare bedrooms are so onerous that few pursue them. The process in Medford, Oregon, is illustrative: If you own and live in a house and rent rooms to boarders, the limit on roommates can rise from two to five, but you need a special permit from the city planning commission. Getting it requires running an expensive gauntlet. Your application must include the following, among other things:

- 20 copies of a site plan, drawn to scale, that indicates “all existing & proposed buildings, parking, drives, vegetation or landscaping, and adjacent development”
- a stormwater management plan
- findings of fact that address the city’s criteria for approval of such units
- mailing labels for every property owner within 200 feet of the house
- a “signed statement regarding posting public hearing signs”
- a \$950 fee

Remember, all of this is just to rent out a third or fourth bedroom. Having spent thousands of dollars to complete these steps, you still have to go before the planning commission and defend your proposal. Your neighbors, or anyone else, would be welcome to come and object. They might request, for example, that you install more off-street parking. The planning commission might side with them, requiring that you

construct more parking spaces on your property before you fill spare bedrooms with renters. According to a Medford city planner, only one person has completed this process in the past five years. No surprise! Better just to leave the rooms empty or take your chances by renting them illegally.

After all, the black-market option is attractive to some. Occupancy limits are enforced only unevenly. (*The Real World* seems to have gotten away with ignoring the rules in both Portland and New York.) Many code officers turn a blind eye, because the limits are so hard to enforce. How can the small corps of housing inspectors in each Northwest city police the number of people living in each of their cities' thousands—or hundreds of thousands—of dwellings? How are they supposed to distinguish family from nonfamily residents? To separate boarders from residents? Permanent residents from temporary ones? One big-city planning director told me, “We will not be doing bed counts, that’s for sure!” Still, in each of Cascadia’s big cities each year, complaints come in from neighbors about too many people in a dwelling, and code enforcers investigate and take action.

The limits themselves and the enforcement, even if patchy, keep bedrooms unoccupied. Occupancy limits affect the design and permitting of new houses, too. Builders eager to avoid close scrutiny of their projects color inside the lines established by occupancy limits when deciding how many and what size of bedrooms to install and how to remodel old structures. Seattle is the only Northwest city where developers have built aPodments, for example, because Seattle has an occupancy limit high enough to make them profitable. Between these three effects, many bedrooms stay empty of roommates. The exact number is unknowable, but even if it’s only 1 percent of all unoccupied quarters in Cascadia, that’s still more than 50,000 rooms. If it’s 5 percent, that’s 250,000 rooms. If it’s 10 percent, that’s half a million rooms.

Roommate caps are more likely to constrain rentals in large houses than in small ones. And, as it happens, the Northwest has huge numbers of large houses. The American Community Survey (ACS) counts more than 827,000 dwelling units with four bedrooms in Idaho, Oregon, and Washington. The ACS counts almost 240,000 additional houses with five or more bedrooms.

Why not do as Surrey and Victoria, BC, and Sandpoint and Idaho Falls, Idaho, have done, and strike occupancy limits from the code? Is there any other policy change in the Northwest—or wave of policy changes in the region’s cities—that could instantly make tens or hundreds of thousands of inexpensive housing units available? Units that are already built, heated, provided with kitchen and bathroom access and, in many cases, furnished? Units that could provide welcome revenue to homeowners and affordable housing to struggling singles and families?

No alternatives promise so much housing for so little cost.

Servants Welcome, Roommates Barred

Scraped clean of rationalizations, roommate caps are simple. They are tools that privileged people use to exclude from their neighborhoods people without much money, such as immigrants and students. To reveal this elitist reality fully will require some explaining, but one example shines a bright light on part of it: how land-use codes treat servants.

At least six Cascadian cities specifically exempt live-in servants from the residential caps they impose on everyone else. For example, in the region's fifth-largest city, Burnaby, BC, a house may hold only five unrelated people. As everywhere in the region, families may pack as many members as they like into their residences, but for unrelated people, Burnaby allows no more than five dwellers each in its tens of thousands of single-family homes, condos, and apartments. Regardless of the size of the home, no extras may move in: no friends in need, no additional roommates to help cover the rent.

But if you can afford servants? Well, by all means, invite them! All the butlers, housekeepers, gardeners, cooks, chauffeurs, and nannies you can afford are welcome to share your roof in Burnaby. The same is true in the region's 7th-largest city, Boise; its 10th-largest, Yakima; and in Gresham (the 18th largest), Hillsboro (21st), and Beaverton (23rd), Oregon.²⁷ Between them, these cities hold nearly 900,000 people, all governed by a housing rule that is more *Downton Abbey* than *Portlandia*.

Favoring the Rich and Propertied

Roommate caps have sailed under many colors over the years. A parade of rationales, each tuned to the times, is evident in the minutes of political bodies and in court decisions. The late University of Oregon planning professor Marsha Ritzdorf documented this procession of excuses.²⁸ Proponents have argued for limiting occupancy to protect singles' virtue by curbing promiscuity, safeguard the young from unsavory influences, limit noise and filth and polluted air, stop crowding, prevent disease, preserve neighborhood character, temper overflow parking, ensure safety and sanitation, defend vulnerable renters from exploitation by slumlords, and more.

Any policy that stands immutable while its purpose shifts merits suspicion, and many of the historic arguments are no longer mentioned. But some survive, including preventing crowding and its health effects, preserving neighborhood character, stemming noise and parking conflicts, and defending vulnerable renters. Let's take the modern arguments for occupancy limits in turn; none is even close to compelling. By teasing them apart—reverse-engineering them—we can discern the true purpose of occupancy limits.

Crowding

You might suppose that roommate caps are intended to prevent too many people from crowding into a dwelling. That's a logical guess, but it's wrong. Policies designed to prevent crowding would limit the number of people who can occupy a given amount of space, but occupancy limits have no connection to the size of dwellings. Throughout Cascadia, these limits allow families of any size to share a dwelling of any size; the only people restricted are those not related to the family (and not employed by the family as servants). Thirty distant cousins may share a Vancouver, BC, apartment, as far as the city's land-use code is concerned, but three family members plus three friends may not inhabit a mansion. Occupancy limits control not *people* but *certain kinds of people*.

What's more, every housing code I've reviewed includes a separate provision that regulates crowding as a ratio of people per square foot of floor area. That's right: occupancy limits are not crowding rules, but

cities do have crowding rules. In Seattle, for example, the “floor area” section of the housing and building code says that two people may not share a room of less than 150 square feet and that for each additional resident, another 50 square feet are required.²⁹ That means, for example, that in a 400-square-foot studio apartment, Seattle allows two people in the first 150 square feet, and one additional person in each additional 50 square feet. That comes to seven people. Unlike occupancy limits, these floor-area rules apply to family members. British Columbia’s provincial building code employs a simpler, and more restrictive, crowding rule: two people per bedroom or sleeping area.

Crowding rules, furthermore, are usually minimal and rarely breached. Seven people in a 400-square-foot apartment is crowded, by contemporary standards in the Northwest (though not perhaps by the standards of Coast Salish longhouses or pioneer cabins). Yet Seattle’s crowding rule is aligned with the 1986 recommendations of the US Centers for Disease Control and Prevention.³⁰ It’s also aligned with the 1997 Uniform Housing Code, a product of the International Conference of Building Officials (since merged into the International Code Council).³¹ This official suggestion, widely followed across North America, employs a formula of minimum floor area per person for sleeping quarters that, if simplified and averaged, comes out to about 50 square feet. Strikingly similar standards are on the books in many other places, including faraway locales such as the United Kingdom and New Zealand.³²

One might ask: do occupancy limits—or even the less-demanding floor-area standards on the books across the Northwest—flow from a body of research that reveals a threshold at which crowding becomes unhealthy? Far from it. To my initial surprise, no such threshold is evident in the research literature. In fact, experts have been searching for decades for crowding’s fingerprints in causing disease and other harm. They have met with little success. For example, researcher Alison Gray, who studied this question in New Zealand, summarized her extensive global literature review.

The debate about the relationship between crowding and health is long standing and inconclusive. The complexity of relationships makes it difficult to separate the effects of crowding from confounding variables such as the physical condition and type of housing, socio-economic factors and lifestyle choices. Issues of measurement and other methodological difficulties limit the ability to establish causality. Many researchers are left concluding that in practice it is not possible to move beyond the level of statistical association.³³

I have reviewed almost a dozen summary reports from public-health and housing experts in the United States and abroad.³⁴ They all echo Gray’s words. A UK report, for example, finds an abundance of weak statistical associations between crowding and various health problems but no conclusive evidence of crowding as a root problem.³⁵ A World Health Organization study from Europe made a rigorous estimate of the role of crowding in spreading diseases such as tuberculosis but acknowledged that in affluent countries such as the United States and Canada, researchers have found hardly any correlation between crowded housing and infection.³⁶

The challenge for researchers is that people who live in crowded dwellings almost always do so because they have little money or are otherwise disadvantaged. When crowded people improve their financial status, they move into larger accommodations. Poverty and disadvantage are a root cause of illness,

chronic health conditions, depression, and other mental-health challenges, including family stress that leads to violence. The effects of poverty are so big that they tend to obscure any independent effect from crowding.

Statistically speaking, searching for the fingerprints of crowding on human health is like looking for the effects on soldiers' health of the stress they experience when they are under fire. Residual effects of trauma and stress will almost certainly take a toll on soldiers who survive the battle, but the immediate health threat is the bullets. And it is bullets that cause the stress, in any case. So it probably makes more sense to focus on the bullets rather than the stress.

Researchers do find an abundance of correlations between crowding and health problems. They assume that some of those associations reflect causation, and they have guesstimated guidelines on how much space people need. Those guesstimates are reflected in housing codes as floor-area rules and bedroom head counts, but no one really knows if they are right. And everyone knows that poverty and disadvantage—the bullets—are the main problem.

As a result, setting crowding standards is risky. Banning close-quarters living forces people to spend more money on housing, which leaves them less for everything else. It impoverishes them further: more bullets. In Cascadia, however, most floor-area requirements are so minimal that they are unlikely to constrain inexpensive housing. Fifty square feet per person isn't much: it's about the footprint of a king-size bed. One community with a more burdensome floor-space standard is Salem, Oregon. It requires 200 square feet per resident in short-term dwellings such as rooming houses, where migrant workers might live, but not in apartments and houses.³⁷ Another is Tacoma, Washington, which has an egregiously restrictive crowding rule: 300 square feet per person.

Most cities' occupancy limits, however, do constrain inexpensive housing. They close off the market for empty bedrooms in large houses and apartments and make neo-rooming houses such as Seattle's eight-person aPodments illegal in most of the region.

Ultimately, crowding, like beauty, is in the eye of the beholder. Professor Dowell Myers of the University of Southern California and his coauthors wrote in 1996, "After a century of debate it is still in question whether so-called overcrowding is harmful to the people affected, or merely socially distasteful to outsiders who observe its presence."³⁸ Alison Gray, the New Zealand policy researcher, writes: "Standards generally reflect the values of dominant or decision-making groups and do not necessarily incorporate the views of householders or minority groups."³⁹

Those dominant group values, moreover, are not static. They rise with the middle-class housing norm. In the United States, official government surveys of housing in the early 1940s counted any dwelling with more than two people per room (all rooms, not just bedrooms) as crowded. By 1950, officials had lowered the threshold to 1.5 people per room and, by 1960, to one person. Residential space was expanding far faster than population throughout this period, so the norm changed. Nowadays, in Cascadia, average occupancy is less than 0.5 people per room.

Even as crowding diminished, many cities tightened or created their first occupancy limits for unrelated roommates. The 1970s were the peak period for adopting these limits, which effectively banned shared living arrangements—renting out multiple rooms or doubling up in houses—that had been normal in previous generations.

All evidence and logic suggest, then, that crowding is not the problem that occupancy limits are actually designed to prevent. Occupancy limits exempt families and do not control crowding. Even if they did, crowding is socially defined. Health research provides little reason for regulating crowding, and in any event, Cascadian cities already have separate crowding rules.

What about other rationales for occupancy limits?

“Neighborhood Character”

Occupancy limits cap roommates, not families. That’s been especially true since the mid-1970s, when two key decisions from the US Supreme Court created precedents under which occupancy limits persist. In the first, the court upheld a New York town’s authority to stop a property owner from renting a single-family house to a group of six college students. Justice William O. Douglas, a Northwesterner, wrote for the court, “A quiet place where yards are wide, people few, and motor vehicles restricted are legitimate guidelines in a land use project addressed to family needs. . . . The police power is . . . ample to lay out zones where family values, youth values and the blessings of quiet seclusion and clean air make the area a sanctuary for people.”⁴⁰

It sounds good, but it’s a curious argument: Aren’t students people? Aren’t they youth? It’s a dated argument: we know now that suppressing population density makes for more traffic and air pollution, not less. And it’s a classist argument, focused on the idyll of fortunate families raising children among other fortunate families amid “the blessings of quiet seclusion” where “yards are wide” (in other words, expensive). The ruling affirms that localities may write land-use rules to exclude people who cannot afford to live in a single-family neighborhood unless they double up with roommates. That’s not exactly “family values” or “youth values” so much as it is class values.

A year later, the Supreme Court extended its own distinction between family members and roommates. It ruled that a community could not restrict members of an extended family from sharing housing.⁴¹ Cities across the United States revised their occupancy limits to eliminate bans on extended family members. Canadian land-use rules now reflect the same principle.

The pro-family bias of these decisions may have reflected mainstream views in the mid-1970s; it is now an anachronism. Household structures have changed dramatically in the intervening years, with high divorce rates, delayed marriage and childbearing, extended lifespans, and the proliferation of cohabitation, melded households, same-sex partnerships, and shared housing. US housing laws now make it illegal to discriminate against potential tenants or buyers on the basis of their family status, yet land-use codes persist in precisely this kind of discrimination.⁴² State courts in jurisdictions including California, Michigan, and New Jersey have since thrown out roommate caps entirely. Cascadian courts have not yet followed their example.

Noisy Neighbors

Occupancy limits are sometimes rationalized as dampers on nuisances such as noise. Consider the implicit reasoning: Family members are welcomed in infinite numbers, but roommates are strictly limited. If occupancy limits are effective ways to ensure quiet, then unrelated roommates must, even in modest numbers, be much noisier than family members. But no actual evidence has ever been adduced to support this proposition. This rationale trades in sweeping stereotyping.

In any event, if the concern is noise, the appropriate response is a noise rule. Such ordinances are simple to adopt and easy to enforce. Neighbors call police; police knock on the door; residents hush. Regulating the number of roommates as a noise-control measure is like trying to stem litter by capping the size of groups of friends who may walk together on the sidewalks: it's an insane, or at least inane, policy. Why not just put out some trash cans and fine litterbugs?

The Parking Problem

More roommates may bring more cars, which may clog on-street parking spaces, inconveniencing neighbors. Roommates may share cars less often than do family members, justifying limiting roommates more than family members. This argument is, morally speaking, inverted: it prioritizes ample space for cars over affordable housing for people. It is also economically inverted; if airlines operated by the same logic, they would not limit or charge for luggage and would fly with empty seats to avoid overfilling the overhead bins and cargo bay. Refusing affordable housing in unoccupied bedrooms to perhaps tens of thousands of people across the Northwest because they may make on-street parking harder to find for current residents in some places some of the time is a perversion of our better values. Still, the parking argument is at least plausible, unlike others I've examined, and managing on-street parking is a legitimate goal for public policy.

The logic of the parking argument, however, holds only in places where on-street parking is a free-for-all, an unregulated commons. The argument's validity evaporates in neighborhoods that use the emerging kit of technologies and policies for solving on-street parking problems documented in exquisite detail by UCLA professor Donald Shoup in *The High Cost of Free Parking*.⁴³ A revolution in urban parking is within Cascadia's reach, and it will bring big benefits for housing affordability, local economies, and neighborhood improvement. Rather than capping roommates in hopes of alleviating parking pressures—a morally dubious proposition—cities can resolve their parking woes head on, by pricing parking in congested areas and returning the meter proceeds to those neighborhoods as public investments. When extra parkers translate into local improvements such as new street trees, underground electrical wiring, and better sidewalks, neighbors' parking concerns can melt away.

Defending Vulnerable Renters

A planner in a Canadian city told me, "We need occupancy limits, or we'll have Chinese immigrants packed in, sleeping in shifts." He didn't indicate what the problem was, exactly, with sleeping in shifts, or why his city government had any legitimate role in determining how people slept, whether Chinese or not. He seemed to think it obvious. But rather than simply writing off his comment as racist, I am going to

assume he was giving voice to a final, common argument for occupancy limits: that they prevent unscrupulous slumlords from exploiting vulnerable tenants by packing them into unsafe housing.

It is a frustratingly vague argument. Does it mean that, absent occupancy limits, landlords would crowd tenants beyond what they would choose for themselves? If that's what it means, it's nonsense. As I've explained, occupancy limits are no good at preventing crowding. That's a job for square-footage limits. And besides, crowding is one tactic that people use to cope with poverty—meaning that occupancy limits don't expand the housing options of the impoverished, they constrain them.

Perhaps, then, people think that high-occupancy housing is simply unsafe. But the real safety problem lies in housing that's dilapidated or that violates code. Unscrupulous landlords feel no particular need to maintain their housing or to follow city codes, subjecting their tenants (crowded or not) to safety and health hazards: lack of fire exits, fire doors, and smoke detectors; faulty ventilation and inadequate heating; unstable floors and railings; compromised electrical and plumbing systems; moist walls that grow black mold; radon seeping up from the ground; and more.

Yet occupancy limits do absolutely nothing to end such code violations; in fact, they encourage them. By excluding many empty bedrooms in existing homes from use as rentals, occupancy limits eliminate slumlords' competition. Roommate caps enhance landlords' market power and leave them less eager to maintain their rental properties. Removing occupancy limits, conversely, could bring new housing options onto the market, loosening slumlords' grip on their tenants by giving those tenants new alternatives.

The way to prevent exploitation of vulnerable tenants is to enforce safety rules and to cultivate competition at the bottom of the rental market. Occupancy limits, because they tighten rental markets, make exploitation more likely, not less.

Erasing Roommate Caps

Crowding, disease, noise, parking spillover, exploitation of renters—none of these ills is a reason for occupancy limits (or, for that matter, the other two obstacles to affordable housing discussed in this book). Cities have tools for addressing these problems, and some of these tools, such as safety codes and floor-area provisions, are already in force almost everywhere in North America. Assuming that occupancy limits are not an epidemic of insanity but are crafted for a purpose, perhaps unspoken, that purpose must be something other than these rationalizations.

The real purpose must be the one thing that they actually do. They exclude from neighborhoods the kinds of people who would need to share housing with more roommates in order to afford the rent. Defenders of occupancy limits raise a variety of objections, but they are mostly code. Crowding, neighborhood character, noise, parking, vulnerable tenants—those are the words. But their meaning? They are polite ways for the privileged residents who tend to dominate city politics to exclude people not like them—people who are not members of middle- and upper-class families; people who are students; people who have recently immigrated and are still climbing up from the bottom of the wage ladder; people who, for whatever other reason, lack money.

This urge to exclude is likely motivated by a powerful blend of self-interest (protecting property values by making neighborhoods more uniformly affluent), stereotyping (of renters as noisy, for example), and racism or classism (“packed in, sleeping in shifts”). It’s precisely this mixture that explains the mockery of Northwest values that I mentioned above: the fact that elected leaders in cities that are home to almost 900,000 Cascadians have left untouched in their law books provisions that cap roommate numbers while welcoming all live-in servants.

This analysis leads inescapably to one and only one conclusion: occupancy limits deserve elimination. That’s the recommendation of Professor David Ormandy of the University of Warwick in Coventry, England, perhaps the world’s leading expert on housing, crowding, and health. He argues for “decriminalizing” inexpensive housing by eliminating all occupancy standards. Instead, he suggests that authorities employ a rating tool to inform housing inspectors’ professional judgments about safe and healthy housing.⁴⁴ The rating tool does not completely ignore crowding but puts it in context and focuses on the real issues—the bullets.

For city clerks, revoking occupancy limits would be a few seconds’ work. The limits mostly live in the complicated definitions of “family” or “household” that cities have adopted to specify who can live in a dwelling. All that cities need to do to remove occupancy limits is to replace their family definitions with the single sentence employed by Surrey, BC, Cascadia’s fourth-largest city: “Family means 1 or more persons occupying a dwelling unit and living as a single non-profit housekeeping unit.”⁴⁵

Or, if they prefer, they could use that of Victoria, BC: “Family means one person or a group of persons who through marriage, blood relationship or other circumstances normally live together.”⁴⁶ Or they can do what Bend, Oregon, has done: entirely eliminate the definition of “family” and references to it.⁴⁷

Adopting either definition, or no definition, in all Northwest cities could unfetter thousands—or perhaps tens or even hundreds of thousands—of unoccupied bedrooms for rental: rental to anyone the owner chooses to house. They would also be available for live-in servants. A no-limits policy would not discriminate, even against the propertied and privileged.

In short, only a single legal change is needed to provide housing for many thousands of people in Cascadia: erase caps on roommates.

Key 3: Welcoming In-law Apartments and Backyard Cottages

Vancouver, BC's Kitsilano is as quintessential-looking a low-rise neighborhood as any you can imagine. Other cities and towns in Cascadia, or the Northwest, have similar neighborhoods: old streetcar zones, boasting walkable streets with leafy canopies and arts-and-crafts homes. Nearby are low-rise shopping streets with banks and dry cleaners, restaurants and coffee shops, all following the historic routes of trolleys. In Seattle, a roughly equivalent area might be Capitol Hill; in Portland, perhaps Irvington or the Northwest District. Kitsilano is, like other streetcar-era neighborhoods across Cascadia, among the most sought-after places to live in its city. Prices are high, and residents are protective of their neighborhood's quality of life and character.

Yet whatever it may look like, Kitsilano is anything but typical. In fact, Kitsilano—like the rest of Vancouver but unlike most other Cascadian cities—embodies something dramatically different and unusual: the enormous potential, both for housing and for sustainability, of allowing homeowners to blend small apartments and cottages into and among their houses. In brief, Kitsilano is riddled with what planners call accessory dwelling units (ADUs).

Patrick Condon, a professor in the University of British Columbia School of Architecture and Landscape Architecture, has studied the area around West Seventh Avenue and Blenheim Street in Kitsilano. Homebuilders developed the zone in the 1920s with two- and three-bedroom, one-bath bungalows on small lots, about 6.5 of them per acre. By the time Condon surveyed the area in the late 1990s, homeowners had tucked so many daylight-basement flats, attic apartments, and stand-alone cottages into the neighborhood that the density had more than doubled to 13.4 dwellings per acre.⁴⁸ At that density, neighborhood stores can thrive, transit can run full and frequently, and car ownership and driving both dip much lower than in regular single-family neighborhoods. The architectural feel of the neighborhood, however, hardly budged.

Commonplace, Common-sense, and Criminal

The story of Kitsilano shows the degree to which land-use rules are stymieing the development of hundreds of thousands of inexpensive housing units across Cascadia. ADUs are higher up on the price scale than residential hotels and roommate-sharing arrangements, but they are similar in that their potential for increasing urban density is thwarted by irrational laws. ADUs are conventional housing units by modern standards, but they are usually small, making them less expensive than most residences in the single-family neighborhoods where they are found. (Their size also makes them much, much gentler on the environment in their construction and operation than larger units. In fact, intriguing research from the Oregon Department of Environmental Quality in Portland shows that building small is the single most important way to build green.⁴⁹)

My finding, however, is the same as that in previous chapters: among the biggest opportunities that Cascadian cities have within their own legal power for advancing sustainability, local prosperity, and

affordability is to repeal a raft of land-use regulations that criminalize the bottom end of the private-sector housing market. Such rules drive up costs, penalize families on tight budgets, and reduce population density to levels that will not allow us to create a post-carbon economy and way of life.

ADUs fall into two categories: attached ADUs (sometimes called AADUs) and detached ADUs (DADUs). Attached ADUs may sometimes be called mother-in-law apartments, in-home apartments, granny flats, basement apartments, secondary suites, family suites, mortgage helpers, and so on.⁵⁰ DADUs are known as laneway houses in Vancouver, BC, and backyard cottages in Seattle. Elsewhere, they are guest houses, garden houses, carriage or coach houses, casitas, and more.

While the nomenclature of ADUs is anything but standard, the housing type is old and commonplace. For decades, seniors and young couples, working-class singles, and fledgling adults have rented affordable spaces in neighborhoods of detached houses. The pattern is so normal that if you think for a moment, you'll likely be able to remember several experiences with them yourself. In my mid-20s, I rented a garden apartment below a Washington, DC, townhouse. I loved it: so convenient and cozy. In my 30s, I employed a nanny for my kids who lived in a similar unit in Seattle; she never could have afforded such a great neighborhood otherwise. Even the Fonz, on TV's *Happy Days*, lived in an ADU—an apartment above the Cunninghams' garage.

As unremarkable as they are, however, ADUs were illegal in most Northwest cities until relatively recently, and their legalization has progressed only slowly, haltingly, and partially. Legal barriers remain ubiquitous and pernicious, and ADUs are far less prevalent than they ought to be, considering all they offer in affordability, sustainability, and flexibility for homeowners and tenants.

Suites of Vancouver

Vancouver, BC, lights the way for the rest of the Northwest in its tolerant ADU policies. These can be traced to the 1980s, when the city's official growth strategy was to channel its burgeoning population into dense new neighborhoods on vacant industrial land. At the same time, the housing market was responding to growth on its own. Illegal basement apartments were proliferating, often rented to students in the tonier western part of town near the University of British Columbia and to immigrants in the lower-rent eastern part. Using data from the electric utility BC Hydro, Nathan Edelson, then a planner for the city assigned to work on ADUs, estimated that Vancouver held tens of thousands of illegal secondary suites, as attached ADUs are popularly known there. Perhaps as many as one-fourth of single-family houses in the city had such suites tucked inside them by the late 1980s, Edelson concluded.

The rapid change in neighborhoods fomented controversy, which spilled out in community meetings about the new SkyTrain stations the city was building. Neighbors raised all the concerns that still surface to this day whenever renters appear in single-family zones: parking, noise, "loss of character," crowding, and safety. But others, including many owners of suites, wanted to legalize them, according to Edelson.

Embroiled in the controversy, the city council did two things. First, it legalized "family suites" citywide: an owner could build a complete in-law apartment for a parent, adult child, or other member of the family. The council also decided to conduct community discussions and votes, in one neighborhood after

another, on whether to legalize attached ADUs. The process was contentious and harrowing for planners such as Edelson. Over a period of years, it produced a patchwork of zones where ADUs were variously allowed or banned. Whatever the legalities, however, secondary suites continued to sprout. Housing prices in Vancouver were high and rising. Owners needed income, and renters clamored for affordable flats.

By 2004, when the council revisited the issue in its entirety, the controversy had run out of steam. So many people owned suites or lived in them, and the years of debate had so thoroughly exorcised the ghosts of neighborhood opposition, that when the city council held hearings, scarcely 10 citizens showed up to voice concerns, recalls Edelson. The council enacted a sweeping citywide legalization of attached ADUs. It also relaxed rules about ceiling heights and sprinkler systems, which had impeded construction of legal basement apartments. It set minimum and maximum size limits for attached ADUs that were more generous than those of most cities: a Vancouver secondary suite can be just as big as the primary unit, making the entire structure almost like a duplex.

The story of ADUs in Vancouver did not end there. Next came detached ADUs (DADUs) or, as they're called in Vancouver, laneway houses. Detached units were legalized by the city council in 2009 on 90 percent of the city's single-family lots: about 70,000 lots could now hold not just one but two accessory units, one inside and one out back.⁵¹ The council allowed DADUs to be fairly large, compared with their counterparts in many cities. Vancouver city planner Patricia St. Michel says that over 800 laneway houses have been approved. In 2012, the city issued more than 350 permits.⁵²

Next, Vancouver legalized secondary suites *inside* condos and revised its rules to allow them to be as small as 200 square feet. That's right: if you own a condo that can accommodate a separate entrance, bathroom, and kitchen and still satisfy the rest of the building code, you are welcome to install an apartment and rent it out.

What Vancouver did not do is as significant as what it did. Unlike most Cascadian cities, Vancouver has never required that property owners live on the same lots as their ADUs. It did not require that DADUs match the design of the primary house, so developers have been able to standardize and begin prefabricating them. Nor did it require that the owner provide off-street parking for each accessory unit.

Vancouver also did not require that ADUs share the occupancy quotas of their primary units, as many cities do. In Portland, for example, no more than six unrelated people may live on a single-family lot, whether it holds only a shotgun shack or both a six-bedroom mansion and a two-bedroom laneway house. Vancouver's five-person occupancy limit for unrelated residents is lower than Seattle or Portland's, yet it awards a new occupancy quota to each ADU. A Vancouver single-family lot with a main house, secondary suite, and laneway house could legally shelter 15 unrelated people—five each in the main house, suite, and laneway house.

In today's Vancouver, ADUs keep marching forward. As of this writing, the city is preparing to legalize laneway houses on another 6 percent of single-family lots, on top of the 90 percent already allowed.⁵³ Policy debate has moved on from legalization to whether the city should encourage or require all new houses to be "suite ready"—designed so that future owners can easily convert parts of their homes to

ADUs. Suite-readiness is intended to give cities more flexibility to respond to shifting demographics and big changes that are approaching, such as climate change and carbon pricing. The city of Coquitlam, BC, already encourages suite-readiness, and a housing task force chaired by Vancouver mayor Gregor Robertson has urged the city council to do the same.⁵⁴

Nothing ADU-ing

Other Cascadian cities trail behind Vancouver, BC, in the ADU leagues. In British Columbia, the cities of Abbotsford and Kelowna, among others, have embraced ADUs with at least a portion of Vancouver's conviction. The mid-sized city of New Westminster stands out in particular: it already had more than 2,400 ADUs a decade ago.⁵⁵

In the Northwest states, however, ADUs remain rare. Consider Portland, widely regarded as a US hotspot of miniature houses (so much so that there's even a *Portlandia*-style spoof circulating online).⁵⁶ Martin Brown, a small-house pioneer in Portland who has studied the city's real-estate values and maintains the field-leading website AccessoryDwellings.org, surveyed his city's records a few years ago.⁵⁷ He looked for permitted accessory units and found, among 148,000 lots in eligible zones, just 431 actual secondary dwellings. That's 0.3 percent of houses. The count, he guesses, may have risen to 500 or 600 by now, and he has elsewhere estimated that Portland has 2.5 times as many unpermitted as permitted ADUs.⁵⁸ Still, all together, little more than 1 percent of all single-family houses in Portland likely have ADUs.

In Olympia, Washington, graduate student Travis Skinner emulated Brown's methods for his thesis.⁵⁹ He reported that homeowners got permits for just 53 ADUs in that city in the entire 15-year period starting in 1995, when Olympia liberalized rules on secondary dwellings. As in Portland, Olympia's unpermitted ADUs appear to outnumber permitted units by more than two to one, and as in Portland, Olympia likely has ADUs on about 1 percent of its single-family lots. Olympia is similar in population to New Westminster, yet it appears to have fewer than one-tenth as many ADUs.

Few other tallies are available, even for Seattle and other big Northwest cities with large, professional planning departments. But experts and planners across the region tend to view Portland as the leader in the Northwest states. That tells you something: in the Northwest, where ADUs are concerned, we've got a whole lot of nothing.

Not only are ADUs dramatically more numerous in Vancouver, BC, than in other Cascadian cities, but they are also multiplying more quickly. In Portland before 2010, the city was issuing permits for about 35 ADUs a year. By 2012, after the city waived ADU development fees and expanded the maximum legal size of units, the number had risen to around 150, according to Portland cottage developer Eli Spevak.⁶⁰ Rebecca Esau of Portland's Bureau of Development Services reports that by late 2010, ADUs accounted for 6 percent of all new residences, a sixfold jump over previous years. (Of course, some of these units weren't newly built but just newly permitted: some illegal ADUs came in from the cold during the fee waiver.) Still, even 150 isn't much compared with Vancouver's 350 laneway house permits per year plus its more-numerous secondary suites.

Seattle's ADU-building pace is similar to Portland's. Mike Podowski, land-use policy manager for the Seattle Department of Planning and Development, says the city has been permitting between 100 and 175 attached ADUs per year, along with about 50 backyard cottages. In smaller cities, the pace is slower. It's not even proportional to population. City planners in Bend and Eugene, Oregon, estimate that they issue 10 ADU permits per year; Gresham and Springfield, Oregon, issue about one per year. Yakima, Washington, wrote ADU rules more than three years ago, and not a single ADU application has yet arrived at city hall. These are not giant cities, of course, but they do have tens of thousands of residents. Even minuscule Whistler, BC, with fewer than 10,000 residents, was already building about 75 ADUs per year at last tally.

In Portland and Seattle, a year's worth of new ADUs add up to an apartment building or two—a paltry sum. Elsewhere, ADUs amount to rounding errors in the housing column. What's the holdup? It's not the potential number of sites.

The Scale of the Opportunity

The potential of ADU construction in Cascadia is hard to overstate. Including British Columbia, Idaho, Oregon, and Washington, the region has 7 million houses, apartments, and other dwelling units, according to data from BC Stats and the US Census Bureau. Some 60 percent are detached single-family homes on their own lots. Another 5 percent are row houses and other attached single-family residences. Together, these single-family units make up nearly two-thirds of the region's housing supply. Building one ADU each in half of these 4.6 million homes would increase the region's supply of dwellings by fully one-third. Adding both secondary suites and laneway houses, as some Vancouver owners are doing, would boost the fraction higher.

Is that a preposterous proposition? No. In many Vancouver neighborhoods, more than half of the houses have an ADU. Remember, Kitsilano's density of dwelling units has doubled. Furthermore, because 36 percent of bedrooms in the Northwest states sit empty on any given night, many homeowners might be open to installing in-law apartments.

Detached single-family houses are the dominant type of residence in every part of Cascadia. They make up 72 percent of dwellings in Idaho, 64 percent in Oregon, 63 percent in Washington, and 48 percent in British Columbia. The next-largest category is apartments, and only north of the 49th parallel do they even come close to matching houses in number.

Just so, single-family houses take up the overwhelming majority of Cascadian cities' land that is zoned. In Seattle, for example, some 65 percent of all zoned land—not just residential land—is reserved for single-family houses. Much the same is true in Portland: more of the Rose City is used for single-family houses than for parks and open space or for industry or for office and shopping districts, according to data from the city's Bureau of Planning and Sustainability. Single-family zones cover twice as much of the city as do all other kinds of residential zones combined, from duplexes to high-rise condo towers. And Seattle and Portland are as urban and apartment-filled as any cities in the Northwest states; many suburban cities devote much more of their land to single-family lots.

The number of ADUs all that land could hold is hard to fathom, unless you think again about Kitsilano, which has achieved a density of 13.4 dwellings per acre, thanks to all of its daylight-basement flats, attic apartments, and stand-alone cottages. The city of Seattle has a smaller share of its housing in single-family residences than almost any other city in the Northwest states. The city's roughly 150,000 single-family houses make up fewer than half of all dwellings. If, over the decades ahead, homeowners put in enough ADUs to double the number of dwellings per acre in single-family neighborhoods, they would effectively double the city's apartment supply and expand the number of residences by half, according to data in Seattle's comprehensive plan.⁶¹ They would do so, furthermore, without upzoning—without changing the architectural feel of single-family neighborhoods.

ADUs and Don'ts

Why are accessory apartments and cottages so rare? One reason, no doubt, is that many homeowners just do not want to host an ADU. That's their prerogative. But a more pernicious reason is that winning approval to rent out an ADU in most cities requires running a harrowing gauntlet of rules. For every decision that Vancouver, BC, has made to welcome secondary suites and laneway houses, other cities have made the opposite decision.

To map the restrictions on ADUs, I assembled a table of ADU rules called "The ADU Gauntlet," which you can find on Sightline's website.⁶² Collaborators at the Oregon Department of Environmental Quality's Green Building Team (DEQ) and I evaluated how welcoming cities are to ADUs. The cities we studied include the 30 most populous municipalities in Cascadia, from Vancouver, BC, with more than 600,000 residents, to Idaho Falls, with almost 60,000. DEQ also gathered information from 16 smaller cities in Oregon, ranging from Corvallis, with more than 50,000 residents, to Damascus, with only 10,000. Together, these 46 cities hold 5.9 million Northwesterners, a large share of the region's metropolitan dwellers.

For each city, we attempted to answer questions about seven legal barriers to ADUs:

- How many ADUs are allowed per lot?
- How many additional off-street parking spaces does the city require for each ADU?
- Does the city mandate that the owner of an ADU live on the lot where it is located, either in the house or in the ADU?
- How many people may live in an ADU, in its accompanying house, or in both combined (that is, how do occupancy limits affect ADUs)?
- How big may ADUs be?
- In how much of the city may owners install ADUs?
- Must ADUs match the exterior design of the house they accompany?⁶³

Case in Point: Tacoma

No city is typical because rules vary widely, but the city of Tacoma sits in the middle of the pack in many respects and therefore exemplifies as well as any city the gauntlet that ADU proposals must pass through.

In Tacoma, ADUs are legal—either one AADU or one DADU per residential building lot. Tacoma mandates one separate off-street parking space per ADU. Typically, a parking space plus the driveway to get to it gobble about 300 square feet of surface area. The owner of the primary house must live on site, either in the house or in the ADU, and no more than four people may live in the ADU. Also, the ADU must have at least 300 square feet of floor area per resident, which means that the minimum size of an ADU is 300 square feet.

Meanwhile, Tacoma caps ADU size at 1,000 square feet. (Notice that this maximum size actually reduces the legal number of residents from the officially stated four to three, because of the 300-square-feet-per-person rule. To house four people, you'd need 1,200 square feet.) Furthermore, the 1,000-square-foot maximum notwithstanding, a Tacoma ADU may never be larger than 40 percent of the size of the ADU and house combined. So, for example, a 1,200-square-foot house may have an ADU no larger than 800 square feet ($1,200 + 800 = 2,000$, of which 800 is 40 percent). At 800 square feet, an ADU may no longer house more than two people, because of the city's 300-square-feet-per-person rule. What's more, an ADU may not exceed 10 percent of the size of the lot it is on: on a standard 5,000-square-foot lot (common in many Northwest cities), Tacoma therefore caps ADUs at 500 square feet. At 500 square feet, occupancy may not exceed one person, because of the 300-square-feet-per-person rule.

Tacoma's code allows ADUs on residential lots that exceed minimum sizes set by zone. In "R-2," a single-family zone that covers substantial areas of the city, for example, the lot has to be at least 5,000 square feet. Many older lots in Northwest cities, including Tacoma, are smaller than that. Furthermore, Tacoma specifies that an ADU must be on a lot that has a detached single-family house on it. The code is ambiguous, but it's possible that the city means to ban installation of ADUs during construction of new single-family houses. Many cities do this: Bellevue, Washington, for example, mandates a delay of three years between the completion of a house and the permitting of an ADU. But simultaneous construction is the smart, economical way to add ADUs, and it's commonplace in some Cascadian communities, such as Whistler, BC. There, as many as 75 percent of new single-family houses go on the market with ADUs already in them. In Tacoma, that pattern may be illegal.

Finally, Tacoma requires that the exterior design of ADUs match the houses they accompany—a harmless-sounding provision that turns out to be especially pernicious to ADUs' affordability, as explained below.

Tacoma's tale is not too different from the stories of most Cascadian cities: ADUs are legal but restricted to within an inch of their lives.

Case in Point: Seattle v. Vancouver, BC

In Seattle, which is much more welcoming to ADUs than Tacoma, the barriers still pile up. Seattle lags behind Vancouver, BC, for example, in four main ways:

First, Vancouver allows both an attached ADU and a detached ADU at almost every single-family house in the city. Seattle allows one or the other and only on lots—and in houses—that meet certain conditions. When Vancouver legalized DADUs citywide in 2009, it increased the city's theoretical capacity for housing by 70,000 units. When Seattle legalized DADUs, it offered them as an alternative to in-law units.

Second, Vancouver does not require an additional off-street parking space for each ADU. Seattle does. An off-street parking space is often impossible or expensive to provide, especially in the dense, expensive, close-in neighborhoods where people most want to live.

Third, Vancouver does not require the property owner to live on site (either in an ADU or in the primary unit). Seattle does. This requirement complicates financing and appraisals for ADUs, as explained below.

Fourth, Vancouver treats each ADU as a regular “dwelling unit” under code, meaning that each ADU gets its own separate occupancy quota. Seattle requires ADUs and primary units to share a single occupancy quota. In Seattle, a big house with an ADU can never have more than eight residents if any of them is unrelated to the others. In Vancouver, a house with an attached ADU and a DADU could theoretically have a total of 15 unrelated residents—five per unit.

You can construct the story for your city by studying the ADU Gauntlet on Sightline’s website.⁶⁴ Another way to understand the gauntlet is to review the seven questions below, which reflect the main regulatory barriers to ADUs.

How Many ADUs Are Allowed per Lot?

Until the 1980s and 1990s, many communities across Cascadia banned ADUs outright. Only Idaho Falls and Salem, Oregon, still do that, but Burnaby, BC, comes close: it allows secondary suites only for family members. The other 43 cities we reviewed allow ADUs, although seven of them—including Langley, BC, and Everett, Washington—permit in-law apartments but not detached units. Vancouver and Richmond, BC, lead the pack by allowing two ADUs per single-family house: an attached ADU indoors and a detached unit in the backyard. The suburban city of Nampa, Idaho, goes further still: it does not restrict the number of attached ADUs a house may hold, and it allows two detached units in addition. Yet Nampa undoes all the benefits of this policy with a separate rule, which says that all ADUs on a site must be rented to the same party. How many households want to rent multiple units on the same site?

Across the region, the trend toward legalizing ADUs continues to inch ahead. Vancouver, BC, legalized in-law units in stages starting in the 1980s and finished the job in 2004, then allowed laneway houses in 2009. Most Washington cities legalized ADUs in the 1990s to comply with the state’s growth management act. Seattle did so in 1994, legalizing detached units in 2009, initially only in limited numbers and later without limits. Portland unlocked the door to ADUs in 1981, but it didn’t open the door until reforms in 1998.

How Many Off-street Parking Spaces Are Required per ADU?

Off-street parking requirements are nearly ubiquitous in municipal land-use codes. They’re a colossal impediment to compact communities. They’re mostly counterproductive, if politically entrenched.⁶⁵ One way a city can legalize ADUs but pinch their number is to require a complete, additional off-street parking space for every in-law apartment or backyard cottage. At many houses, especially those in dense, in-city districts where the demand for housing is strongest, installing another off-street parking space is expensive if not physically impossible. Think of an urban neighborhood you know well, pick a house, and

try to figure out where you would put a pad of pavement at least 8 feet wide and 20 feet long, plus connections to the street by a curb cut and driveway. What's more, you cannot just put this pad anywhere. Many cities specify that all parking be beside or behind the house, not in front of it. Eli Spevak, a Portland mini-house developer, says, "Excessive parking requirements are the most common 'poison pill' included in many communities' ADU regulations."

Of the 46 Cascadian cities we reviewed, 36 require at least one additional off-street parking space per ADU in most or all cases. This sea of parking-pushing cities makes those few municipalities that break the pattern stand out like islands. This archipelago of sanity includes six: Vancouver and Victoria, BC; Portland and Corvallis, Oregon; and Nampa and Meridian, Idaho. These places trust citizens to decide for themselves whether they want parking spaces with their accessory housing.

Must the Property Owner Live on the Site?

Another poison pill that many localities drop into ADU rules is a requirement of owner occupancy: property owners must live on ADU sites, in either the primary or secondary unit. This rule gives bankers the jitters, a fact that prevents many homeowners from securing home loans to finance ADU construction. Owner occupancy sharply limits the value appraisers can assign to a house and ADU and makes the property less valuable as loan collateral.⁶⁶ If a bank forecloses on a house and suite covered by an owner-occupancy rule, it cannot rent out both units.

Portland repealed its owner-occupancy provision in 1998, but most other communities retain the rule. Some 30 of the 46 cities reviewed require owner occupancy, and Burnaby's family-only rule is similarly restrictive. Only eight cities, which have only one-third of the combined population of all the cities, have no such restriction: Vancouver, Richmond, and Victoria, BC; Portland, Bend, and Ashland, Oregon; Yakima, Washington; and Nampa, Idaho.

How Many People May Live on the Lot?

Occupancy limits, discussed in the previous chapter, are a third impediment to ADUs. Five cities in our review of 46 have rejected them entirely: Surrey and Victoria, BC; and Bend, Milwaukie, and Tigard, Oregon. The others blend ADUs into the already corrupt stew of occupancy limits.

The normal legal home of occupancy limits is in cities' official definitions of the terms "household" (or "family") and "dwelling unit." A household is either an unlimited number of related people, or a certain number of unrelated people, who share a dwelling unit. A dwelling unit is usually described as a set of one or more rooms with a private entrance, a place for sleeping, a kitchen, and a bathroom. By these definitions, all ADUs qualify as dwelling units, and therefore, in the absence of other rules, each ADU could hold a household. In 11 Cascadian cities—including Vancouver, BC; Eugene, Oregon; and Kent, Washington—each ADU is just a dwelling unit: it gets its own occupancy quota. In 14 cities, though—including Portland, Seattle, and Spokane—it must share the primary house's occupancy quota or remain within another tight occupancy constraint. (In another 14 cities, our review did not reveal clear occupancy rules. Many of these cities likely have so few ADUs that the issue may never have come up.)

How Big May ADUs Be?

Size limitations are complicated and varied, and complexity breeds creativity among developers. They stay within the letter of the law while still building what people will pay for. Vancouver, BC, bans laneway houses larger than 500 square feet but allows an additional 220-square-foot garage. Consequently, most laneway developers construct 720-square-foot units with “garages” that are actually living spaces—living spaces with heat-leaking garage doors.

Such unintended consequences are not the main problem with size caps, though. The main problem is that they block many ADUs from ever getting installed. For years, for example, Portland capped accessory units at the lesser of 800 square feet or one-third the floor space of the primary dwelling. In a 900-square-foot house (a little smaller than the average house built in the United States in 1950), for example, an ADU could not exceed 300 square feet. The rule helped keep ADU development at a trickle. Portland bumped the fraction up to three-fourths in 2009: a 900-square-foot house could now host a 675-square-foot cottage. For this reason, and because of some other reforms, ADU development more than quadrupled.⁶⁷

Portland, like many cities, also restricts cottages’ footprint. DADUs combined with other accessory structures on a lot, such as detached garages, may cover no more than 12.5 percent of the site. On a 5,000-square-foot lot with a 280-square-foot one-car garage and a 45-square-foot potting shed, a cottage would be limited to a meager 300-square-foot footprint.

Many communities tamp down ADUs by enforcing size caps such as the one that Portland discarded. In 13 Cascadian cities—including Kent and Vancouver, Washington; Victoria and Surrey, BC; and Bend and Springfield, Oregon—ADUs may not exceed 40 percent (and in some cases 33 percent) of the floor area of the primary unit. In fact, the only city we surveyed that leaves size unregulated is Burnaby, BC, and why would Burnaby bother? It bans DADUs completely and allows attached units only for family members.

Where in the City Are ADUs Allowed?

All cities that allow ADUs constrain them by restricting what types of lots and buildings may hold or accompany them. Some cities are only mildly restrictive; others seem almost paranoid about secondary dwellings. Vancouver, BC, is among the most open. It welcomes secondary suites in houses and condominiums citywide, wherever layout permits. It allows laneway houses on 90 percent of single-family lots. Portland allows them not only at detached single-family houses but also at attached and manufactured homes.

On the other end of the scale are Yakima, Washington, and Ashland, Oregon. Yakima allows accessory units only on lots that spread over at least 10,890 square feet—a full quarter acre. No other city demands even close to that much land. Ashland, meanwhile, requires that every ADU get a conditional-use permit—a process that is typically so expensive and time consuming that many developers blanch and flee at the mention of the term.

Must DADUs Match the House in Exterior Design?

Most cities require that the exterior appearance of backyard cottages and other DADUs match that of the primary house. Some 27 of the 37 cities that allow DADUs for which Sightline found data require that the smaller unit be a scale model of the house's appearance in at least some of these ways: finish, roof pitch and materials, window proportions, color, trim, and siding. Only nine Cascadian cities, including Vancouver, BC; Seattle and Kent, Washington; Eugene, Oregon; and Nampa, Idaho, have no design standards. These nine cities hold only one-third of the population of the 46 cities we surveyed.

Are design standards truly a weighty problem? They may sound like common-sense safeguards against tacky cottages, but they are not. For starters, some homes aren't worth matching. As Portland developer Eli Spevak puts it, with design standards, "Ugly house -> ugly ADU." More insidiously, to make cottages that match the houses they sit behind, builders have to custom-craft each one. That's expensive, like buying your clothes from a tailor. Vancouver, BC's freedom from design standards has allowed laneway-house developers to control costs by standardizing and prefabricating building components.

Adding Up

Beyond the seven categories of restrictions just reviewed, city land-use codes have still more requirements: where an ADU may be in a house, on a lot, or in relation to the house, garage, or lot lines; how tall it can be; where the door can be; how much of the front wall must be windows; whether it must have its own porch; the ratio of any second floor to the first floor; and more. Much more. Cities also charge fees to ADU builders, some amounting to thousands of dollars.

The rules in all their complexity add up to one thing: the reason ADUs are so rare in most of Cascadia and beyond. Removing them should be a first-order priority for cities. The overwhelming majority of residential land in metropolitan areas is restricted by city zoning codes for single-family homes and nothing else. These rules are among the urban laws that do the most to keep housing prices unaffordable, cities sprawling, and carbon emissions voluminous.

To reap the immense financial and social advantages of ADUs, other cities can follow the example of Vancouver, BC:

- Legalize in-law apartments in homes and condos.
- Permit backyard cottages throughout the city.
- Relax or delete rules designed to keep in-law apartments and backyard cottages rare, including regulations governing parking, owner residency on site, occupancy limits, size, location, and exterior appearance.

Not only would these changes provide housing to a vast number of people and a new way to earn income to homeowners, but they would also help adapt the 4.6 million single-family houses already built across Cascadia to shrinking households and aging populations.

Claiming the Keys to Our Cities

If cities freed their urban land markets of height and density restrictions, we'd likely see a wholesale recentralization of cities. Close-in neighborhoods would stretch upward. High-rise and midrise neighborhoods would leap skyward around our downtowns and spread outward to replace many single-family zones. The centrifugal sprawl of recent decades would slow or stop, as real-estate demand rushed inward to the places where people actually prefer to live, work, shop, and play.

Cities and nations would benefit greatly, as would personal prosperity and climate stability, if cities would allow this centripetal growth to happen.⁶⁸ The problem with this vision of dramatically upzoned—or deregulated—urban land use is not economic. Sure, there are legitimate arguments for some height and design rules, to protect some key view corridors, for example. But the real problem with this argument is political. The process of permitting increased density is advancing in the Northwest, in Cascadia, but it is advancing slowly, step by step. Progress is slow because the opposition of homeowners in low-density areas can be fierce, as my neighbors' hatred of condos made apparent.

This opposition, however, need not block all change. The Northwest, like the rest of North America, has legislated itself into both sprawl and expensive housing. We can legislate ourselves out, too. We can cultivate a rooming-house revival. We can stop limiting roommates. We can disassemble the ADU gauntlet and welcome Fonz-like secondary units in all our neighborhoods.

During World War II, tens of thousands of workers migrated to Northwest cities for jobs aiding the war effort, making ships, airplanes, and other supplies. To accommodate them, cities allowed the subdivision of houses from Portland to Vancouver, BC. Neighborhoods full of one-household-per-lot dwellings became neighborhoods full of dwellings split among two or three households. War mobilization swept aside local opposition. After the war, many of these neighborhoods and houses reverted to their single-family norm, although some wartime duplexes and triplexes persist.

The threats facing Northwest cities from climate change—Frankenstorms, wildfires, heat waves, rising seas, and severe economic disruption—rise toward the perils of wartime. (In fact, they dwarf anything that Northwest cities have faced in wartime, because the Northwest has never endured a modern war.) As residents become increasingly aware of these challenges, the potential for legal changes to support high-density housing will grow. The gathering trends of neo-rooming houses, tiny apartments, ADU legalization and development—and soon, let us hope, the repeal of occupancy limits—could bring back the density-promoting laws and practices of that brief wartime period. All it will take is to overcome the politics of reforming local land-use laws—the zoning codes that are home to most of the restrictions discussed in this book.

Zoning politics are doubly hamstrung. First, classist attitudes and financial self-interest have long fueled a potent coalition against renters in single-family zones. There's a quote passed around among planners, often repeated with a smirk: "In India, they have the caste system. In England, they have the class system. Here, we have zoning." It's an exaggeration, but it's not a lie. That's why Kitsilano, with its success in incorporating enough daylight-basement flats, attic apartments, and stand-alone cottages to

double its density, is such an important example. The housing is there, but it's mostly invisible, hidden in a landscape of classic Northwest bungalows. Renting extra bedrooms and ADUs provides density that does not trigger class opposition in the same way that the term "duplex" or "apartment building" does.

Second, and as important, local land-use regulations are arcane, technical, and bewilderingly complicated. They seem mundane, boring, and unlikely to matter much in the grand scheme of things. Yet their ultimate implications are momentous: the trajectory of urban carbon emissions is in the balance, as are housing market chains of cause and effect that can lead toward prosperous cities or worsening homelessness. In fact, ADU restrictions, roommate caps, and rooming-house bans offer a small instance of what Hannah Arendt famously called the banality of evil.

In the stilted prose and arcane definitions of our land-use laws lie the shackles that restrain us from the future we deserve. We have the keys to these shackles. We can unlock them. We can allow the rebirth of rooming houses, the private market's time-honored form of inexpensive urban housing. We can do it by allowing rooming houses to exist and by erasing the sentences of city code that keep them rare: extra steps of review for congregate housing, for example, and mandated parking for each bedroom. Seattle is already leading the way, using this first key to affordable communities.

We can decriminalize roommates, by striking out household and family definitions that arbitrarily limit unrelated people from sharing homes. No single policy change has the potential to make so much affordable housing available so cheaply and quickly: more than one-third of bedrooms in the Northwest stand empty on a typical night, and occupancy limits make it illegal to rent many of them. Cities such as Victoria, BC; Bend, Oregon; and Sandpoint, Idaho, have already used this second key. They've junked occupancy caps, freeing their citizens to decide for themselves how many roommates they want.

We can unlock the shackles on in-law apartments and backyard cottages, too. We can dismantle the ADU gauntlet: size and placement restrictions, exclusion of ADUs from certain zones and on certain sizes of lots, one-ADU-per-lot limits, off-street parking mandates, owner-occupancy rules, and match-the-house design guidelines. Just as Vancouver, BC, has done, all our cities can stop hamstringing owners of houses who want to build and offer secondary suites and laneway houses to prospective new neighbors.

Perhaps we will find that all of Cascadia—perhaps all of North America—is ready to accept Kitsilano-like development through backyard cottages and other accessory dwellings. Perhaps many places will become like Vancouver, BC, in 2004, when the city council proposed to legalize ADUs citywide, and hardly anyone even showed up for the hearing. Perhaps the day is fast approaching when we will again accept three key common-sense, affordable, and time-honored ways to live: the rooming house, the roommate, and the in-law apartment.

Perhaps the day will soon come when I attend a neighborhood meeting and hear enthusiastic updates about housemates moving in to share the old structures on my block that no longer match the small size of today's families. Perhaps I'll hear about neo-rooming houses going up nearby, allowing my neighbors' young-adult children to stay in walkable, close-in Ballard when they finish high school or come home from college. Maybe I'll hear about the backyard cottages that others are building and the basements and attics they're converting to in-law suites.

Maybe, just maybe, by then, we will not be far from the time when a voice booms out “condos” as a sign of the coming apocalypse, and everyone in the room just laughs.

Acknowledgments

“Researching restrictions on accessory dwelling units in Northwest cities is like being a character in a Franz Kafka novel,” I posted on Facebook one day while working on that part of this project. “Writing them was, too,” replied former Seattle mayor Greg Nickels. I share credit with a number of people who helped me map the Kafkaesque labyrinths of municipal rules in this book: Sightline staffer Mieko Van Kirk and Sightline Writing Fellow Alyse Nelson; in Portland, Eli Spevak of OrangeSpot; Martin Brown of AccessoryDwellings.org; Jordan Palmeri and his collaborators at the Oregon Department of Environmental Quality’s Green Building Team; and perhaps two dozen city planners in Northwest cities who patiently explained their rules to us. Sightline’s Pam MacRae ably inserted most of the endnotes, while Shelley Minden and Sherri Schultz edited the book. Christine Winckler, former Sightline webmaster and still our chief hacker, designed the cover and e-book-ized the text. Other Sightline staff members, directors, trustees, fellows, and interns provided helpful feedback, suggestions, and research leads. Remaining errors are my own responsibility.

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