

**To:** House Committee on Housing and Homelessness  
**Re:** House Bills 2465 and 2466 - Limited Equity Cooperatives  
Public Hearing January 26, 2023  
**From:** Al Johnson, Eugene  
**Date:** January 23, 2023

Greetings, Chair Dexter and Committee Members:

Limited equity housing is a much-needed pathway to a sustainable form of affordable homeownership that protects public investment and provides lower-income households with an opportunity to build equity in an environment that is relatively insulated from disruption by market forces. In so doing, it addresses a major gap in meeting all of the needs called out 50 years ago with the adoption of Oregon's statewide housing goal. Those needs include the need for housing at prices, as well as rent levels, affordable to all Oregonians.

The Housing Goal is short and to the point. It provides as follows:

"Goal: To provide for the housing needs of citizens of the state.

"Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of housing units at **price ranges and rent levels** which are commensurate with the financial capabilities of Oregon households and allow for the flexibility of housing location, type, and density."

Shortly after Goal 10 was adopted, DLCD developed a guidebook, entitled **Housing Planning in Oregon**, which explained that

"The term flexibility," means that "choice should be available to all residents." With respect to housing types, "it implies a need for housing at various economic levels provided in a variety of modes. This could include such things as single family units, mobile homes, apartments, condominiums, shared-facilities housing, and so forth. In other words, the community should encourage **the widest possible range of options or alternatives for both housing purchasers and renters.**" p. 79.

This early DLCD handbook was an important resource to me as an LCDC hearings official in the 1970's and in later years as land use counsel for public and private housing providers and local governments.

Oregon has fallen far behind in providing housing of all kinds, both rental and owned, in its urban areas throughout the state. Unfortunately, Oregon has fallen furthest in addressing the need for affordable homeownership, which is widely recognized as having provided the path to financial security, access to opportunity, and stability for most of us and our families. Limited equity cooperatives are one of several keys needed to unlock the many gates excluding affordable homeownership opportunities from too many Oregon communities.

Anything you can do to help Oregon realize the promise of the most-neglected two words in Goal 10, "price ranges," will earn you the sustained gratitude of "all Oregonians."

The following "brief" is a general backgrounder on limited equity cooperatives from Local Housing Solutions

Thank you and keep up the good work.

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## Limited equity cooperatives

<https://localhousingsolutions.org/housing-policy-library/limited-equity-cooperatives>

### Overview

A limited equity cooperative (LEC) is a homeownership model in which residents purchase a share in a development (rather than an individual unit) and commit

to resell their share at a price determined by formula—an arrangement that maintains affordability at purchase and over the long term.

When the LEC is created, initial affordability is typically achieved with some form of government assistance, including construction subsidies and low-interest financing. The price restrictions built into the resale formula limit the equity that LEC residents can gain when they sell their ownership share; it is this feature that also helps to maintain affordability, especially in strengthening housing markets. Some limited equity cooperatives allow little or no build-up of equity by homeowners, while others adopt a shared equity approach, balancing the twin goals of long-term affordability and individual wealth creation.

While LECs are frequently found in multifamily buildings in urban areas, this tool can also be used in townhomes, single-family homes, and mobile home parks.

## Approach

Regardless of housing type, all LECs share the same fundamental structure: a self-governing group of residents (members) who each own a share in the stock of the cooperative and pay a monthly membership fee to cover common expenses such as maintenance and reserves. The LEC may be initiated by a nonprofit sponsor, who redevelops a property and sells shares to new members, or through the conversion of an existing rental property by current tenants.<sup>[1]</sup> Within this basic structure, a variety of characteristics and program guidelines can be tailored to the goals and preferences of the LEC sponsor and/or members.

Ongoing affordability is a primary reason for establishing an LEC, and the resale formula used to calculate the price of a share is the primary mechanism for keeping the costs of purchasing a share within reach of low- and moderate-income households into the future. Resale formulas are typically based on the initial share price at purchase, and may be adjusted by a flat interest rate (e.g., 1 to 3 percent), a rate pegged to the Consumer Price Index or another index, the change in area median income, or some other factor. The resale formula also determines the amount of equity that LEC members retain when they sell their share to the next family. When creating the LEC, founders need to design a resale formula that balances these goals. The LEC documents that establish the resale formula may also give the cooperative organization a right of first refusal when shares are available for purchase, a measure that helps to ensure resale to an eligible household at the price determined by the formula.

The LEC documents also specify how long resale controls remain in place. In some cases, the minimum affordability period is determined by the terms of the financing used to create the cooperative. For example, some early LECs used low-interest 30- or 40-year mortgages from HUD; once the mortgage was paid off, members of the LEC could vote to convert to a market-rate cooperative and eliminate any resale restrictions.<sup>[2]</sup> Many limited equity cooperatives include permanent affordability restrictions in order to maintain long-run affordability. Permanent affordability can be facilitated by establishing the LEC in partnership with a community land trust ([/housing-policy-library/community-land-trusts/](#)). For additional guidance on affordability periods, see the related brief, Determining the duration of required affordability for dedicated affordable housing.

LEC rules also need to specify residents' role in management of the community. Members may be responsible for aspects of the building upkeep, or for decision-making related to the management of the building. In larger properties, residents may choose to contract some or all of these responsibilities to a professional management organization. In some cases, LECs also include the sponsor organization or representatives of other third party organizations on the board, to help ensure the board acts in the best interests of all members and safeguard the long-term affordability of the cooperative.<sup>[3]</sup>

## Eligibility

Eligibility to buy into a limited equity cooperative is typically limited to households with incomes below a specified threshold at purchase, in keeping with the goal of promoting affordable homeownership. Target income levels vary by community, but there is a limit to how low incomes can be. Homeowners must have incomes high enough to qualify for a reasonably priced, fixed-rate mortgage to finance their share of the cooperative and to keep up with the monthly membership fee.

## The local role

Local jurisdictions are not typically directly involved in the creation of LECs, but they can create programs and policies that are supportive of this form of affordable homeownership. For example:

### Public financing

LECs are often established through the conversion of an existing apartment building. To keep share costs low, local housing departments or housing finance agencies can offer below-market financing (<http://www.localhousingsolutions.org/act/housing-policy-library/below-market-financing-of-affordable-housing-development-overview/>) in the form of a low- or no-interest loan or grant to offset some of the costs of purchasing the development. Construction subsidies can help cover the cost of needed renovations or rehabilitation in older buildings. Additional assistance can help to cover initial start-up costs. Depending on the income level(s) targeted by the LEC, assistance may also be needed to help individual households purchase membership shares. Some communities offer LEC share loans that help to make this form of affordable homeownership possible.

### Property tax breaks

To ensure the long-term sustainability and affordability of LECs, some jurisdictions establish a special property tax classification that enables these properties to pay reduced property taxes. Rather than assessing taxes on the basis of the market value of the property, the assessed value of the property is based on the estimated value of the interests of the association, a pre-determined share of the estimated market value (e.g., 70 percent), or another below-market value. This method more accurately reflects the actual use of the property, and the savings enable the LEC to keep member fees low.

### Rights of first refusal

Communities can lay the groundwork for LECs by adopting [right of first refusal](#) ([/housing-policy-library/rights-of-first-refusal/](#)) laws that give tenant associations and other stakeholder groups the opportunity to purchase subsidized rental properties when the owners decide to stop participating in the subsidy program. This approach will be particularly effective in communities where there is a strong nonprofit partner to work with tenant organizations interested in exercising this right.

### Support for nonprofit partners

Strong nonprofit partners play an important role in creating LECs and providing managerial support. The local department of housing can provide financial support to qualified nonprofit organizations, or enter into a formal contract or partnership that enables the organization to provide free or low-cost technical assistance and services.

LECs are one of several forms of shared equity homeownership. Communities considering supporting LECs may also want to consider [community land trusts](#) ([/housing-policy-library/community-land-trusts/](#)) and [deed-restricted homeownership](#) ([/housing-policy-library/deed-restricted-homeownership/](#)) - either in addition to LECs or in place of them. Communities should also examine [shared appreciation mortgages](#) ([/housing-policy-library/shared-appreciation-mortgages/](#)), which are sometimes considered a form of shared

equity homeownership.

## Other considerations

### Homeowner stability

Local or national nonprofit organizations that help in the establishment of the LEC often continue to provide some level of support once the LEC is up and running. This ongoing involvement can help to keep the board of directors on track and provide guidance on building maintenance best practices and other aspects of property management. A nonprofit partner can also provide assistance or help to make connections to community supports when individual owners experience financial challenges that threaten their ability to keep up with membership fees.

### Ensuring long-term affordability

While LECs can be a useful tool for preserving the long-term affordability of a property and fostering a sense of communal ownership and responsibility, share members often retain the right to vote to eliminate the affordability provisions, which can pose a threat to maintaining affordability over the long-term. This can be addressed by combining LECs with other affordability mechanisms, such as a community land trust or deed-restricted homeownership. Shared appreciation formulas that enable residents to build some level of wealth - in contrast to those which allow little or no equity build-up - may also help to maintain long-term affordability by reducing the frustration of share owners that could lead them to vote the LEC out of existence.