



# Affordable Housing Toolkit

*Ways in which local governments can support the development  
and preservation of affordable homes in their communities*

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## Section 2: Affordable Housing Tools



### Introduction

The Great Recession hit Oregon hard, and while we are slowly seeing the signs of recovery, many Oregon families are struggling to pay for food, health care and shelter. It is no secret that the federal government has steadily decreased funding for programs that serve low and moderate income families, and that the State of Oregon has very limited resources to fill the gap. More and more often local governments around the state are seeking innovative ways to help meet the needs of their citizens, and some have made good progress towards helping ease the burden on families and their communities.

Oregon Opportunity Network (Oregon ON) recognizes that in order to meet the needs of Oregonians local jurisdictions can make a difference by implementing one or two affordable housing tools in their communities. These tools don't necessarily cost money, but may simply change policies and codes to allow for lower costs for development and ownership. Working with our members, Oregon ON has embarked on an effort to promote affordable housing tools in communities across Oregon. As a first step, Oregon ON approached Portland State University's Community Development department for assistance compiling a handbook of affordable housing tools.

Between January and June of 2013, seven students from Portland State University's Community Development department worked with Oregon ON to compile this toolkit of programs which incentivize the implementation of affordable housing for cities, counties and other jurisdictions. **Considering that over 47% of Oregonians are paying more than 30% of their income to cover housing costs**, such programs are desperately needed, and the goal of this project was to create a resource for community staff and leadership to promote the implementation of affordable housing tools that could encourage the development and ownership of affordable housing.

This toolkit provides the findings of the students' research, as well as identifies the challenges encountered in the process and future work needed to build on the results. It should be recognized that this report and the attendant research are not the final word on the options for implementing affordable housing projects in Oregon. Instead, this research serves as a foundation for further exploration into the variety of ways in which Oregon jurisdictions and non-profits can create and preserve housing which is affordable to all Oregonians.

The following pages describe the affordable housing tools researched by the students. We have divided these tools into two sections, Administrative Tools and Funding Tools.

We consider this a "living document" and will continue to add content as discovered. You can find the "living" version on our website at [www.oregonon.org](http://www.oregonon.org).





### Administrative Tools

#### **Reduced Parking Permits:**

Local agencies permit affordable housing units to exercise discretionary reduction of parking requirements if an applicant can demonstrate that no more parking is needed.

**How:** Provides savings

**Who:** Developers of new construction

**Funding Source:** City level

**Eligibility:** Determined by agency

**Challenges:** Politically volatile in jurisdictions concerned about parking; may reduce parking revenue in jurisdictions where fee parking is in place

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#### **Density Bonus:**

Local legislators may grant developers additional height, an increased number of units, increased floor area ratios, and other density bonuses if the developer maintains a certain percentage of affordable housing units on site or donates to a local housing trust fund.

**How:** Provides savings

**Who:** Developers of new construction

**Funding Source:** County level

**Eligibility:** Determined by agency

**Challenges:** Can be politically volatile, parcels in districts with a high-density standard may not find this appealing

### **Public Land for Affordable Housing:**

Local governments can facilitate the development of affordable housing by making public land available for eligible projects (ex/ surplus or under-utilized properties, vacant, abandoned, and tax-delinquent private properties).

**How:** Provides savings

**Who:** Developers of new construction and rehabilitation

**Funding Source:** Local governments

**Eligibility:** N/A

**Challenges:** Often not a priority at the city level

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### **Accessory Dwelling Units:**

Small, self-contained residential units built on the same property as an existing home. These units are typically smaller than the existing home, and require a formal permitting process to be established. Once built, they provide rental money to the home-owner, while also increasing overall housing stock. They are frequently used to create space and support for elderly choosing to age in place.

**How:** Provides savings to the tenant as well as contributing to the rental income of the owner.

**Who:** Owners of single-family properties, elderly seeking to age in place, low-income renters.

**Funding source:** Household

**Eligibility:** ADUs are primarily permitted on existing single-family lots only.

**Challenges:** These developments are by definition small-scale; they cannot provide affordable housing options on a large scale

### **Expedited Permit Processing:**

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Fast track approval process for jurisdictions to use to incentivize affordable housing development. Portland has a streamlined permit approval process.

**How:** Provides a time incentive as opposed to savings or funds.

**Who:** Developers

**Funding source:** City level

**Eligibility:** Can be used by the city to incentivize any type of development, be that AH, green building or economic development

**Challenges:** Some jurisdictions do not offer

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### System Development / Fee waivers:

Costs associated with the development process, such as impact fees and building permit fees. They can be reduced or eliminated to encourage selected types of development. For example, jurisdictions may enact measures to reduce or waive such fees for projects that include a percentage or number of affordable housing units.

**How:** Provides savings

**Who:** Developer

**Funding source:** City and County level

**Eligibility:** Can be used to incentivize any type of development including housing; many rural areas use it to incentivize economic development

**Challenges:** Not used in most areas outside of Portland (possibly due to political reasons as well as lack of funds in the particular jurisdiction)

**Limited tax exemption program:**

Two programs offer a ten year tax exemption on affordable Multi-unit and homeowner developments through the Portland Housing Bureau.

**How:** Provides savings

**Who:** Developer of multi-unit affordable housing or to the homeowner

**Funding source:** City funded

**Eligibility:** Must comply with the Portland Housing Bureau's minimum threshold standard (these include development within particular boundary, energy efficiency and affordability covenants)

**Challenges:** Getting increasingly competitive as popularity grows

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**Credit Enhancement:**

This refers to the backing of a loan or bond for affordable housing development by an outside source, frequently local government. Frequently credit enhancement is done through a loan insurance program, which guarantees that the enhancing organization (often local government, but could also be a private foundation) will pay a certain percentage of the capital of the loan in the event of a default by the homeowner or developer. In many ways it is like having a cosigner on a loan, and has the effect of making an investment more attractive and reduces the interest rate of the loan. The program can be tied to financial education programs to reduce default rates.

**Who:** Developers and low-income home-buyers

**How:** Provides savings through a reduced interest rate and reduces risk to lenders

**Funding source:** N/A

**Eligibility:** Varies based on program goals and target population

**Challenges:** Requires a fund to back the guarantee as well as staff resources to manage applications; risk of defaults may create challenges in developing partnerships

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### Community Land Trusts:

A split-ownership model where a community organization owns the land and the resident owns the development on the land. By owning the land and leasing its use, the land trust reduces the purchase cost to the developer. Affordability covenants keep the resale values low, but because the land is valued separately from the developments on it, they do not result in the same level of limited profit as they would when tied to other incentives.

**How:** Provides savings

**Who:** Low- to moderate-income residents and potential homeowners

**Funding source:** Organization level

**Eligibility:** Determined by the Land Trust; must comply with affordability covenants

**Challenges:** Land acquisition can be difficult, especially when external funds are needed; care must be taken in creating leases

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### Upzones and Rezones:

Jurisdictions may increase capacity for residential development by allowing new development types, uses and densities as well as zone-specific inclusionary provisions to promote affordable housing.

**How:** Provide incentives and requirements

**Who:** Developers of new construction

**Funding Source:** City level

**Eligibility:** Determined by agency

**Challenges:** Can be politically volatile in jurisdictions with competing interests and requires extensive community involvement

### **Transfer of Development Rights:**

Allows transfers of development rights in protected, “sending” areas to targeted, “receiving” areas where development is actively promoted. Areas, such as agricultural land or existing affordable housing developments, are designated as protected, sending zones. Areas where development is being encouraged are designated as receiving areas. Development rights are separated from other property rights and sold by sending area property owners to developers in the receiving areas. The purchase of these development rights typically allows the owners to develop at a higher density than ordinarily permitted by the zoning.

**How:** Retains investment value

**Who:** Landowners in sending areas benefit from a potential revenue source; developers in receiving areas benefit from the ability to build at higher densities

**Funding source:** N/A

**Eligibility:** N/A

**Challenges:** Suitable sending areas and receiving areas with sufficient development demand must exist; can be technically complicated to implement

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### **Affordability Covenants:**

Legal constraints on the resale price or rental rate of a home, often incorporated into the deed or title. Income-based restrictions are written into the deed or title. These restrictions may be for a specified time period or in perpetuity, and can restrict both resale value or rental rate.

Affordability Covenants are often used in conjunction with development incentives to ensure that the incentives are supporting affordable housing. However they can be used on their own if amenable property owners choose to do so.

**How:** Provides restrictions

**Who:** Directly benefits low-income residents, particularly low-income home-buyers

**Funding source:** N/A

**Eligibility:** Varies based on crafting of the covenant

**Challenges:** Can limit equity for home-owners, making the property less attractive in boom years

## Section 2: Affordable Housing Tools



### Funding Tools

#### **HOME funds:**

A one-time grant which provides funds to finance activities that build, buy or rehabilitate affordable housing for rental or homeownership, or to provide direct rental assistance to low-income people.

**How:** HUD allocates to state agencies who then distribute the funds to jurisdictions based on population size

**Who:** For or non- profit developers seeking to build new construction or rehabilitation

**Funding source:** Federal level

**Eligibility:** Must comply with affordability restrictions. Not allowed to layer federal subsidies

**Challenges:** Allocated based on population size; Oregon allocated in districts (Metro, Eugene etc.); can be very competitive for rural areas as they are competing in a larger pool

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#### **Section 202 Supportive Housing for the Elderly:**

HUD provides grants or loans to finance the construction or rehabilitation of structures which will serve as housing for very low-income elderly persons. Section 202 also provides rent subsidies via Project Rental Assistance Contracts (PRACs) to any low-income household comprised of at least one person who is at least 62 years old at the time of initial occupancy.

**How:** Provides funds

**Who:** For- and non-profit developers

**Funding Source:** Federally through the U.S. Department of Housing and Urban Development

**Eligibility:** Developers and private non-profits which create housing for low-income persons 62 and older

**Challenges:** Federal process can get competitive

**Low Income Housing Tax Credit:**

A 4% or 9% federal tax credit allocated by the Dept. of Treasury to States to provide an incentive to invest in low income housing development. They are given to developers who then sell to investors to build equity into the project. In doing so, a 10 year limited partnership is formed with the investor. 90% of all affordable housing developments use the LIHTC.

**How:** Provides equity to the developer while providing savings to the investor

**Who:** Developer

**Funding source:** Federal funds allocated by Oregon Housing and Community Services once a year

**Eligibility:** Developments must set aside a minimum amount of units (20%) targeted at residents earning 50-60% or less of AMI; can be used on new construction or substantial rehabilitation projects; must comply with affordability regulations.

**Challenges:** The 9% credit is substantially more competitive than the 4% credit as it provides the most equity. The State puts out a NOFA for the 9% and allocates funding based on applications received. As this credit can make or break a project, developers will re-apply yearly in order to receive the credit. Possible equity issues regarding capacity of smaller firms.

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**Oregon Affordable Housing Tax Credit:**

State income tax credit given to reduce the interest rate of affordable housing loans by up to 4%. It is allocated to lenders through the Consolidated Funding Cycle.

**How:** Provides savings to the investor while providing equity to the developer

**Who:** Developers of new construction or rehabilitation projects

**Funding source:** Allocated at the State level through the Consolidated Funding Cycle

**Eligibility:** Must be used to reduce rent of residents for 20 years; residents must be less than 80% of AMI

**Challenges:** Non-competitive; must adhere to affordability covenants



## Section 2: Affordable Housing Tools



### **HELP Program:**

An ongoing program in which Oregon Housing and Community Services (OHCS) distributes HUD re-funding of existing bonds which were originally used to finance housing projects. Funds may be used for construction or rehabilitation of affordable housing to low income persons, people in recovery, homeless people, and for people with developmental disabilities and/or chronic mental illness.

**How:** Provides funding

**Who:** Developers and non-profits

**Funding Source:** Federally funded and allocated through the Oregon Housing and Community Services

**Eligibility:** Must serve specified population(s); maximum amount of funding per any one project is \$200,000; a Financing Adjustment Factor Savings Funds Use Agreement (FAF) must be executed before and sent to escrow for recording before funds can be disbursed; sponsors must certify tenant incomes upon initial tenant application, and annually thereafter for 10 years

**Challenges:** Can be difficult to attain in rural areas due to competitiveness

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### **Farmworker Housing Tax Credit:**

4% State income tax credit given to investors in agricultural workforce housing which is allocated through OHCS.

**How:** Provides investor savings and equity to the developer

**Who:** For profit developers or non-profit entities wishing to assign the credit to qualified investors

**Funding source:** The tax credit is for Oregon tax payers, and is approved by the State Legislature

**Eligibility:** Must be used to house agricultural workers either full time or seasonal

**Challenges:** Not as competitive as it is for a specific use

### **New Market Tax Credit Program:**

Federal tax credit given to individuals or corporations as an incentive to invest in business and real estate projects located in low income areas. While not used specifically for housing, developers of mixed use buildings can use it as long as 20% is commercial. A key example is Madrona Studios operated by Central City Concern. It provides residential housing as well as a detox center.

**How:** Provides a 39% tax liability reduction for investors and increases the equity of the developer

**Who:** Community Development Enterprise developer

**Funding source:** Federally allocated through the Dept. of Treasury

**Eligibility:** Must include at least 20% of commercial space and be located in a low income area

**Challenges:** Complicated and the application fees can be costly

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### **Low Income Weatherization Program:**

Provides weatherization and energy conservation services at no cost to households earning 60% or below of statewide median income.

**How:** Provides funds

**Who:** Households

**Funding source:** Primarily funded through the Department of Energy: state sourced and county allocated

**Eligibility:** Households must earn 60% or less of SMI; preference given to elderly individuals, people with disabilities and households with children under the age of 6

**Challenges:** Not competitive; easy to get

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### **Employer Assisted Housing:**

Housing programs including homeownership and rental, which are at least partially funded or materially supported by an employer. This can be employer owned housing, employer sponsored individual development account, an employer grant, or even an employer cosigning on a lease or loan. Jurisdictions may offer incentives such as tax credit programs to the employer to pass down to employees.

**How:** Various supports

**Who:** Both employer and employee

**Funding source:** Government and employer level

**Eligibility:** N/A

**Challenges:** Often used with large scale employers or anchoring businesses; not used as frequently as it should be in Portland; costs associated with permanent housing may not be justifiable for temporary workers

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### **Energy bonuses:**

Various programs to incentivize energy efficient development. This includes, expedited permit processing, fee waivers and cash incentives. Programs include Energy Trust of Oregon and Clean Energy Works. Energy efficiency requirements are often built into existing incentive programs.

**How:** Gives funds and provides savings

**Who:** Developer and residents

**Funding source:** City and State funded

**Eligibility:** Varies depending on program

**Challenges:** Does not yield a great amount of money up front, but energy improvements can help to decrease future operational costs

### **Commercial Development Fees:**

An impact fee assessed on new commercial developments to offset the costs of affordable housing. As part of their development application, new or expanding businesses are assessed a fee, which can vary depending on type of business and the type of employment opportunities the business or expansion will create (i.e. low-wage vs. high-wage). A portion of or all of the development fee may be earmarked for affordable housing efforts.

**How:** Provides funding

**Who:** The city or permitting jurisdiction receives the funding from fees

**Funding source:** City funded

**Eligibility:** Determined by agency

**Challenges:** This tool requires a strong commercial development market; it can act as a disincentive in attracting new businesses to a jurisdiction. It is also a one-time transfer on each new development, meaning that it is not well-suited for funding maintenance and other ongoing costs.

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### **Community Development Block Grant:**

A federal grant program created as part of the Housing and Community Development Act of 1974. The objective of the program is to develop healthy communities by providing economic and housing opportunities for low income households. The funds are allocated directly to local urban governments and distributed through an RFP process.

**How:** Provides funding

**Who:** Developers and jurisdictions for economic development

**Funding source:** Federally funded through HUD to entitlement areas, the State distributes to non-entitlement areas

**Eligibility:** At least 70% of the funds must be used to benefit low income households

**Challenges:** Outside of Portland, CDBG funds are generally used for economic development; can be competitive in non-entitlement (populations less than 50,000) areas

## Section 2: Affordable Housing Tools



### **Community Savings Programs:**

A funding pool created by low-income community members to loan out to individuals contributing to the fund. A group of community members each contributes a specified amount of money every week/month/quarter, and collectively decide how to distribute the funds collected. Often distribution is in the form of a loan, but could also be in the form of a grant, depending on the amount collected and the needs of the group. Timeframes may differ between savings and distribution.

**How:** Provides funding

**Who:** Members of the Community Savings Program

**Funding source:** Self-funded

**Eligibility:** Any group of motivated community members can organize, or a community organization can act as the organizing party and set eligibility requirements

**Challenges:** Ensuring equitable distribution can be problematic. Savings are often small at first, and may be best suited to broader affordability issues (weatherization, auto repairs, etc.). Unlikely to initially generate enough funding to create new affordable housing units, but can act as an organizing platform for creating political capacity within low-income communities.





### Additional Tools

In the course of the research additional tools came to light which were not included in the final toolkit as further investigation was required. Interviews with Oregon ON members, the Portland Housing Bureau, and Metro revealed at least eleven potential additions:

- Rural Development USDA 523
- RD 502
- 502 Guaranteed Program
- Individual Development Account/Valley Development Account
- HUD 811
- AMH (addiction and mental health) funds
- Federal Home Loan Banks funding
- Continuum of care grants cover capital costs
- Rural development funds used for administrative costs
- USDA 514/516
- Social investment bonds

Additional information about the technical details of how these tools work including how to apply, funding caps, and the specific challenges which can be expected when attempting to use these tools must be compiled.

### Member Feedback

Interviews revealed a number of challenges and concerns which Oregon ON members face when seeking the support of their local jurisdictions. A common thread throughout indicated that in some jurisdictions there are competing priorities and ideologies which prevent affordable housing from being a functional priority. This challenge was most apparent when discussing tools such as Public Land for Affordable Housing and System Development Fee Waivers which require jurisdictions to forego

revenue, and tools like New Market Tax Credits which can be used for other priorities including economic development.

Capacity limits were another recurring theme, especially in rural jurisdictions. Tools which have complicated and competitive application processes or require a critical mass of population or commercial activity are often difficult to implement in smaller jurisdictions with limited resources. This creates glaring inequities between rural and urban communities and can also create a competitive atmosphere which inhibits potential collaborations between organizations. Additional efforts are needed to identify approaches which mitigate these effects and help to balance the dynamics between urban and rural communities. The ability of a tool to be replicated in other jurisdictions is hugely dependent on the capacity of a jurisdiction.

Political volatility and overlapping jurisdictions were two other common elements to the interviews. Some local funding mechanisms would come and go based on the political environment at play - making it difficult for developers to commit to affordable housing developments. Other tools, such as Density Bonuses, could also be less than stable elements of a jurisdiction's policy - a challenge compounded by issues of overlapping jurisdictional boundaries. While a city may implement a tool, metropolitan, regional, or state-level decisions could void the effectiveness of that tool. Advocating for regional standards in goals for affordable housing as well as for things like density requirements could benefit the implementation of affordable housing tools in a larger number of jurisdictions. By contributing to a statewide sense of responsibility and overall urgency for the implementation of affordable housing, Oregon ON can create a climate in which affordable housing is a true priority.



# Appendix A: Oregon ON Member Survey



## Portland State University / Oregon Opportunity Network Affordable Housing Toolkit Survey

Please tell us a little about yourself...

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Organization \_\_\_\_\_

May we contact you later to follow up in more detail?

☐ Yes ☐ No

What population is most in need of affordable housing in your community? (elderly, veterans, families...)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What organizations are currently providing affordable housing in your community?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What are the barriers you see to your community adopting affordable housing policies or incentives?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Who in your local government would be most interested in learning about policies or incentives to promote affordable housing development or retention?

Name \_\_\_\_\_

Title/Position \_\_\_\_\_

Agency/Bureau/Department \_\_\_\_\_

Contact Phone (if known) \_\_\_\_\_

Contact Email (if known) \_\_\_\_\_

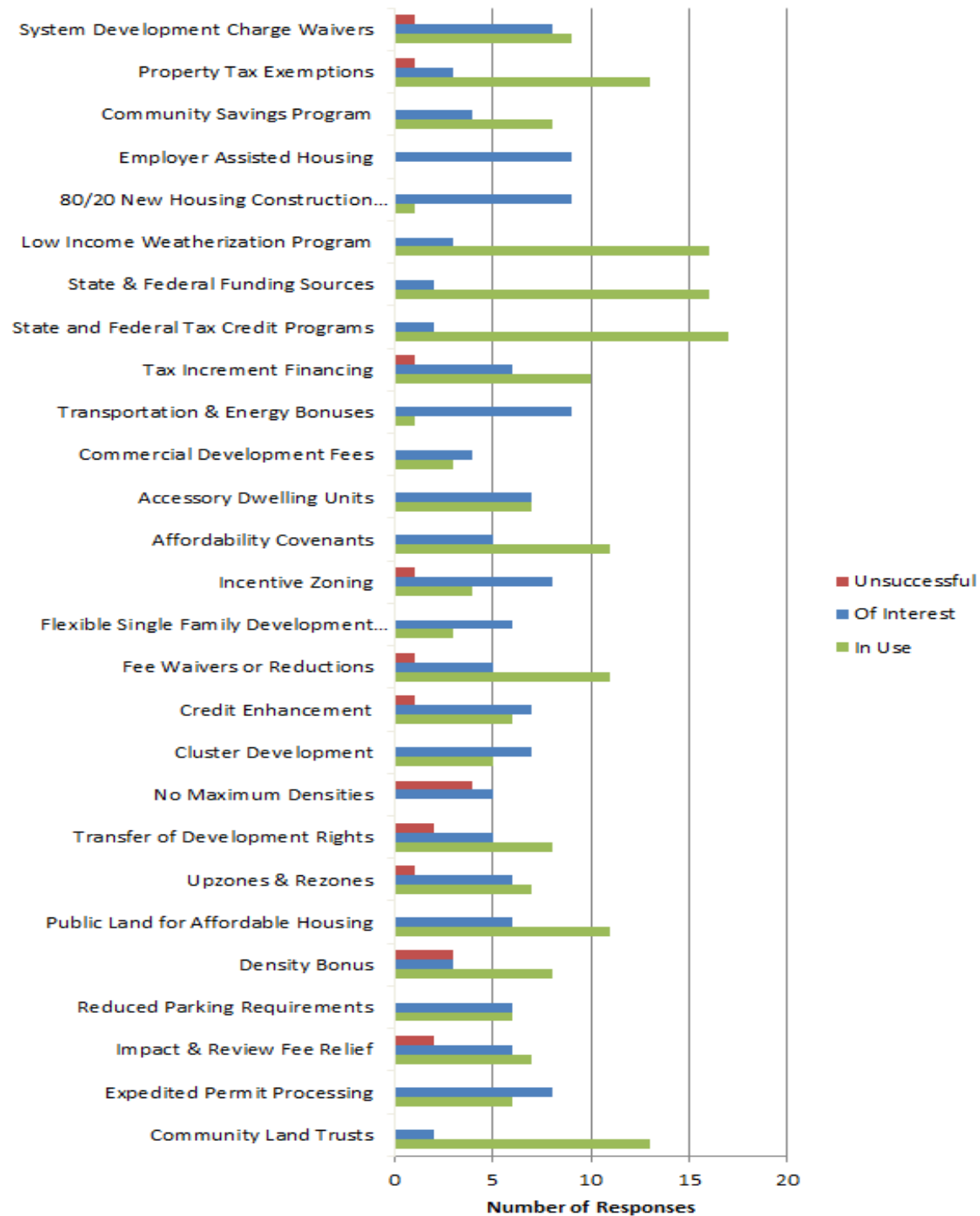
Would you be willing to introduce us to that person?

☐ Yes ☐ No

Please share your organizations experience with the following tools. Descriptions are available at the survey table and online at [bit.ly/ORONtools](https://bit.ly/ORONtools)

	This tool is currently in use in my community.	This tool has been tried unsuccessfully in my community.	This tool would be of interest to my community.
Community Land Trusts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Expedited Permit Processing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Impact & Review Fee Relief	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reduced Parking Requirements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Density Bonus	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public Land for Affordable Housing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Upzones & Rezones	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Transfer of Development Rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
No Maximum Densities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cluster Development	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Credit Enhancement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fee Waivers or Reductions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Property Tax Exemptions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
System Development Charge Waivers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Flexible Single Family Development Regulations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Incentive Zoning	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Affordability Covenants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Accessory Dwelling Units	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Commercial Development Fees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Transportation & Energy Bonuses	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tax Increment Financing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
State and Federal Tax Credit Programs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
State & Federal Funding Sources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Low Income Weatherization Program	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
80/20 New Housing Construction Program	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Employer Assisted Housing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Community Savings Program	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Overview of Survey Responses re: Affordable Housing Tools



[illegible]

