

METROPOLITAN WASHINGTON REGIONAL FAIR HOUSING PLAN - DRAFT

Executive Summary

Prepared by the Lawyers' Committee for Civil Rights Under Law, the Urban Institute, and Ochoa Urban Collaborative in partnership with COG member governments

January 2023



Metropolitan Washington
Council of Governments

METROPOLITAN WASHINGTON REGIONAL FAIR HOUSING PLAN

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ABOUT COG

The Metropolitan Washington Council of Governments (COG) is an independent, nonprofit association that brings area leaders together to address major regional issues in the District of Columbia, suburban Maryland, and Northern Virginia. COG's membership is comprised of 300 elected officials from 24 local governments, the Maryland and Virginia state legislatures, and U.S. Congress.

PARTICIPATING LOCAL GOVERNMENTS

This fair housing plan was prepared in collaboration with eight COG member governments: City of Alexandria, VA; Arlington County, VA; District of Columbia; Fairfax County, VA; City of Gaithersburg, MD; Montgomery County, MD; Loudoun County, VA; and Prince William County, VA.

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COMMUNITY ADVISORY COMMITTEE

Regionally-focused organizations which work with residents directly impacted by fair housing choice provided guidance to the local governments. The organizations included: Action in the Community Through Service (ACTS); CASA; Catholic Charities Archdiocese of Washington and Catholic Charities of Arlington; ENDependence Center of Northern Virginia; Equal Rights Center; Friendship Place; Greater Washington Urban League; House of Ruth; Legal Services of Northern Virginia; NAACP Chapters of Arlington County, Fairfax County, Montgomery County, and Prince William County; Offender Aid Restoration; Pathways Homes; and Washington Legal Clinic for the Homeless.

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Metropolitan Washington Regional Fair Housing Plan Executive Summary

Peter Tatian and Diane Glauber

Introduction

Fair housing challenges

People choose to live in this region for many reasons – healthy neighborhoods, good schools, and access to jobs, to name a few. But many aren't treated equally when it comes to housing and other opportunities. This is especially true for residents of color, those with low incomes, and people with disabilities.

Areas with higher numbers of residents who are Black, Indigenous and People of Color (BIPOC) often have higher poverty rates and less access to good schools, healthy neighborhoods, transportation, and job opportunities.

Many local governments in our region have taken major steps to improve access to safe and affordable housing. They've:

- Increased funding
- Made zoning changes
- Added requirements for safe, affordable housing in new developments

At the same time, however, the region continues to attract investment in new commercial development that fuels displacement concerns due to increases in local housing prices and rents. Additionally, the high cost to acquire land for development and build in the metropolitan Washington region means that most new housing produced is unaffordable for many residents. These market forces are often compounded by community pushback, or a Not in My Backyard (NIMBY) sentiment from residents in response to attempts to develop more affordable housing or allow for increased density, all of which presents a challenge for the region.

The Regional Fair Housing Plan

State and local governments receiving funds from the U.S. Department of Housing and Urban Development (HUD) must submit a fair housing plan. Instead of creating separate plans, eight communities joined together and worked with Public Housing Authorities (PHAs) and others on a regional plan.

The result is the Metropolitan Washington Regional Analysis of Impediments to Fair Housing Choice. Each local government must approve it before it's sent to HUD.

It has been more than 25 years since Washington DC and the surrounding communities worked together on a regional plan. It covers 2022 through 2026, ensuring that we will continue to work together on these regional goals:

- Meet fair housing requirements
- Provide better access to safe, affordable housing
- Increase investment and resources in priority areas
- Improve access to these neighborhoods
- Overcome past and current segregation patterns

- Promote fair housing choice
- Create more inclusive communities

The Project Team

Project Team members included representatives from 8 of the 24 local governments that make up the Metropolitan Washington Council of Governments (“COG”):

- City of Alexandria, VA
- Arlington County, VA
- District of Columbia
- Fairfax County, VA
- City of Gaithersburg, MD
- Loudoun County, VA
- Montgomery County, MD
- Prince William County, VA

Also contributing to this report were:

- A Community Advisory Committee of local groups that work with residents affected by fair housing choice
- PHA partners from Fairfax County, VA, the District of Columbia, and the City of Alexandria, VA
- A consultant team which was responsible for much of the plan’s technical work, logistics, data analysis and synthesis, and writing. The team, led by the Lawyers’ Committee for Civil Rights Under Law, also included the Urban Institute, Ochoa Urban Collaborative, and HUD technical assistance partner Enterprise Community Partners.

Community Participation

The Project Team also made sure that residents and others affected by the plan were involved. The team relied on the 2015 Affirmatively Furthering Fair Housing rule, which provided guidance on ways to ensure that residents have a voice in local housing decisions.

To make sure our plan does the same for our residents of our region, we:

- Asked them and others interested to share their views and recommendations
- Used what we learned to confirm data findings and identify information gaps
- Included their ideas and opinions in plan decisions and outcomes
- Considered their voices as we shaped the plan’s final conclusions and recommendations

How stakeholders got involved

More than 1,200 agencies, groups, and individuals were part of the Regional Fair Housing Plan process between July 2021 and March 2022. The Project Team reached out to stakeholders who were identified by COG, local governments, and members of the Community Advisory Committee and posted public notices in newspapers, on websites, and on social media. A centralized website, www.mwcog.org/fairhousing provided information and links to fair housing information, plan documents, and meeting notices.

All these methods helped the public learn about the plan and provide their comments and opinions through:

- Regional focus groups. We held three sessions in July 2021 with Challenging Racism, a Virginia nonprofit. These sessions, attended by almost 400 people, included information and discussions on housing, transportation, education, environment, and race.
- Local focus groups and public meetings. We held focus groups and public meetings in all eight jurisdictions during the fourth quarter of 2021. Attendees heard presentations and took part in small discussion groups. Topics included the fair housing process, housing data, and related housing studies.
- Survey. Almost 3,000 residents across the region responded to a survey between July 2021 to February 2022. They shared their experiences with affordable housing and discrimination.
- Interviews. We interviewed about 50 people, including influential stakeholders and decision makers from fair housing and civil rights groups and the private housing industry. We also spoke with senior and elected public officials and nonprofit leaders.
- Other focus groups. After reviewing results from the activities above, we decided to collect more information from certain groups, particularly those from the Spanish-speaking, immigrant, and LGBTQ+ communities, seniors, and people with a disability. We worked with local groups that represent these residents and we conducted five more focus groups during March 2022.

Most meetings were virtual because of COVID-19. Any in-person events took place at government offices and met Federal requirements to ensure access for all:

- Meeting locations complied with the Americans With Disabilities Act.
- Websites and meetings complied with Section 508 of the Rehabilitation Act. It requires that electronic and information technology be accessible to those with disabilities. This includes visual or hearing issues.
- Spanish interpreters and other services for those who don't speak English also were available.

Box 1 includes some of our findings from these activities. For more, go to the Community Participation section of the plan at www.mwcog.org/fairhousing.

BOX 1

Summary of Findings from Community Engagement Activities

- 83.6% of those who completed the survey said safe, affordable housing was hard to find.
- 13% have faced discrimination; of them, 41% blamed landlords or property managers.
- Those attending local focus groups and public meetings said the top three barriers to fair housing are:
 - Lack of affordable housing
 - Government failure

- Racial discrimination
- Their top three solutions:
 - More programs and staff with cultural and language competency
 - Access to homes for people with disabilities
 - Access to housing grants
- More top solutions:
 - Spanish-speaking housing counselors and local government officials
 - Program information in languages such as Arabic, Amharic, and Chinese
 - Options and programs for seniors to remain in place
 - Landlords making the required reasonable accommodations
 - Programs and services for LGBTQ and trans youth to prevent homelessness

Assessing Past Goals

The Regional Fair Housing Plan also describes the progress the eight local governments have made toward goals set in previous fair housing plans or reports. Below are some examples. For more, see the Assessment of Past Goals section of the plan.

- **City of Alexandria.** The city and its non-profit partners created or preserved 774 housing units between January 2014 and June 2022. This included 151 affordable units in new housing developments. The city also changed zoning rules in 2019 to create a multifamily zone. Property owners and developers get incentives to create and preserve long-term, deeply affordable housing there.
- **Arlington County.** The county increased the supply of affordable housing for households who earned 60% or less of the area median income. They:
 - Changed the county's Affordable Housing Investment Fund
 - Created Housing Conservation Districts to prevent the loss of lower cost units without government subsidies
 - Used bonus density to allow developers to build more housing in exchange for creating more affordable units
- **District of Columbia.** The District's Department of Housing and Community Development (DHCD):
 - Made changes in 2017 and 2019 to its Qualified Allocation Plan (QAP) and Consolidated Request for Proposals (RFP). These changes let DHCD use federal and local affordable housing funds to help reduce existing segregation and avoid future segregation.
 - Considers where a property is located and how close it is to public transit when it makes funding decisions. This gives project sponsors an incentive to produce or

preserve affordable housing in high-opportunity neighborhoods. These are areas where crime and poverty are low. They also have better access to high-quality schools and jobs.

- **Fairfax County.** The county created a testing program to identify discriminatory practices in the housing market. The County contracted with the Equal Rights Center in 2019 to conduct the tests. They include email, phone, and in-person testing. The Center worked with County staff to analyze the results of the email, phone, and in-person tests. They also worked together on recommendations and a report on the:
 - 122 tests done from June 2019 to March 2021. 93 were rental tests, with 25 based on race, 55 on national origin and 13 on disability (hearing impaired). 15 were lending tests and 14 sales tests based on race and designed to test for steering
 - 119 tests in the rental, sales, and lending markets in August 2021

- **City of Gaithersburg.** The city improved its ability to serve people with limited English proficiency by:
 - Adding a language translation feature to every page on its website
 - Hiring bilingual staff in the Community Services Division
 - Requiring culturally sensitive, multilingual outreach for all Community Services grant contracts

- **Loudoun County.** The county added a full-time fair housing coordinator to its FY2023 budget. This person will:
 - Create a landlord outreach team of representatives from different departments. The team will share information, address issues, and improve opportunities for households which need extra support or services to find and keep their housing.
 - Lead a study to determine if the County needs and can create a Loudoun County Human Rights Commission or other enforcement group

- **Montgomery County.** The county changed and strengthened its inclusionary zoning (MPDU) program. The changes:
 - Increased incentives and requirements for developers of affordable residential units
 - Allowed more permits for accessory dwelling units and high-density and mixed-use development near public transit
 - Made it easier for businesses to get permits and work with the county's Department of Planning Services and the Planning Board during development

- **Prince William County.** The county used its federal Community Development Block Grant (CDBG) funds to:
 - Transport people experiencing homelessness. They got rides between shelters, medical clinics, detox facilities, public assistance offices and other local service providers. The program served 350 people each year for five years.
 - Pay for counseling for those who have or want to buy homes and classes on budgeting and financial management. Classes are in English and Spanish, as required by the County's First-Time Homebuyer Program.

Fair Housing Analysis

Demographics – about our region’s residents

The percentage of racial and ethnic groups in our region has shifted since 1990. The Hispanic and Asian or Pacific Islander populations have grown significantly. The Hispanic population has more than doubled while the percentage that is White has decreased.

Group	% In our region	% in the United States
White	45.5	60
Black	24.8	12
Hispanic	15.8	18
Native American	10	Less than 1
Asian American or Pacific Islander	About 10	6

About 9% of the region’s population has a disability. The most common are:

- Ambulatory – making it hard for people to walk or climb stairs
- Independent living – making it hard to do errands, shop or visit doctors alone
- Cognitive disabilities – making it hard to remember, concentrate or make decisions¹

The percentage of foreign-born residents in our region also has about doubled since 1990. They include:

- 200,000 born in El Salvador
- 100,000 born in India
- About 75,000 born in in China.
- Between 40,000 and 60,000 from Korea and Ethiopia

The growth in the regional population born in other countries has contributed to an increase in those with Limited English Proficiency (LEP). They’re limited in their ability to speak, read, or understand English. Across the whole region, Spanish is the most prevalent language spoken by the LEP population. The other top 10 LEP languages are, in order:

- Other Indo-European languages (excluding Spanish and French)
- Chinese (incl. Mandarin and Cantonese)
- Other and unspecified languages
- Korean
- Vietnamese
- Other Asian and Pacific Island languages
- French
- Haitian or Cajun
- Arabic
- Tagalog (including. Filipino).

¹ <https://www.census.gov/topics/health/disability/guidance/data-collection-acs.html>

Each local area in the plan and the entire region has about equal proportions of males and females. Across the region:

- The percentage of people 65 and older (12.7 percent) is slightly lower than the US (15.6 percent).²
- About 46.1 percent of family households (groups of two or more related people living together) have children under 18 years old.
- The 5-year American Community Study (by the U.S. Census Bureau) showed that the percentage of families with children remained fairly steady from 2010 until 2019. But it's now slightly less than the 1990 percentage.

For specific demographic analysis, go to the Demographic Summary section of the Regional Fair Housing Plan.

Segregation

Segregation is on the rise in our region. The “Dissimilarity Index” measures segregation in housing. In other words, it shows how unevenly distributed two different groups are within a city or metropolitan area. The higher the index, the more separate the two groups are.

We have high levels of segregation between Black and White residents. The difference between those who are Hispanic and White is moderate. The same is true for Pacific Islanders and Whites. But, for all groups, the Dissimilarity Index has risen since 2010.

The “Isolation Index” measures how much those in a certain group live close only to others in the same group.³ The index is high for White and Black residents. Each group is more likely to live near others in their group. But White residents have the highest regional Isolation Index value. Asian or Pacific Islander residents have the lowest.

The “Exposure Index” measures how much people live in communities with people from different racial and ethnic groups.⁴ When we measure residential segregation in our region, this index gives the same results as the Dissimilarity and Isolation indices. For example, White residents have relatively low exposure rates compared to all minority groups. This means they're less likely to live in communities with people of different races or ethnicities.

Where one lives has a major effect on mental and physical health, education, exposure to crime and economic opportunity. Residents who live in urban areas that are more segregated by race and income have fewer chances to move up economically. Many research studies have found that racial inequality is made worse by residential segregation. Higher poverty rates in an area may also lead to higher crime rates and worse health outcomes.

² <https://data.census.gov/cedsci/table?q=elderly%20population%20in%20us%20in%202019&d=ACS%205-Year%20Estimates%20Data%20Profiles>

³ <https://www.census.gov/topics/housing/housing-patterns/guidance/appendix-b.html>

⁴ <https://www.dartmouth.edu/~segregation/IndicesofSegregation.pdf>

However, these areas also may offer opportunities not found in other areas. Some individuals choose neighborhoods with Racially or Ethnically Concentrated Areas of Poverty (see Box 2). These R/ECAPs offer them:

- Job centers.
- Other members of their ethnic group. This is especially important for immigrants. A sense of community and support can help them adapt to life in the U.S.
- Businesses, social networks, and institutions that help preserve their cultural identities.
- Services they need to establish themselves in their new homes.

For a list of research studies on the harms of residential segregation, see the Appendix of the regional plan.

BOX 2

Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs)

HUD uses a formula to determine which areas qualify as R/ECAPs. They must have significant poverty levels and people of color. In the past, federal housing policies led to White flight from cities like the District of Columbia, thus creating segregated suburbs.

- Most of the R/ECAPs in our region are in the District and in primarily Black areas
- Black people make up one-quarter of the region's population but 80% of R/ECAP residents
- Over one-half of the families living there have children
- More than 5% of residents are from El Salvador and other Central American countries

Eastern Montgomery County, southeastern Fairfax County and eastern Prince William County also have racially and ethnically diverse areas with low-income populations. But the poverty level in these areas isn't low enough to meet HUD's standard for R/ECAPs.

Opportunity

The Regional Fair Housing Plan looks at whether some people have less opportunity than others because of their race, ethnicity, and where they live. Opportunity includes access to good schools, jobs, and transportation. It's also the chance to live in healthy, low-poverty areas.

Schools

- White residents across the region have the highest access to good schools,⁵ followed by Asian American residents.

⁵ Access to good schools is based on housing that is near schools with higher numbers of 4th graders who do well on state proficiency tests.

- Black and Hispanic residents have the least access to good schools, especially those living below the poverty line.
- Access to good schools also depends on where you live in our region:
 - More high performing schools are in suburban areas – particularly in Loudoun, Fairfax, and Montgomery counties. Residents there are mostly White or, to a lesser extent, Asian American.
 - Low performing schools are more likely to be in urban areas with larger numbers of Black and Hispanic residents. They include the District of Columbia and urban areas in Alexandria and Arlington.

Jobs

- Asian American and White residents are more likely to have a job or be actively looking for work than Black, Hispanic, and Native American residents.
- People who live in the District or neighboring counties are more likely to have jobs than those living in other areas. The reasons are more jobs and transportation options.

Transportation

- People living in the region have more access to low-cost transportation than people in the rest of the country.
- White residents – and especially those who are poor – have less access to low-cost transportation than others. One reason is that they are more likely to live in suburban areas. And these areas have fewer transportation options than the District.

Housing

- Disparities in access to low poverty neighborhoods is the same in the region and each of the areas within it.
- White residents are more likely to live in low poverty areas than other groups – particularly Blacks and Hispanics.
- Black residents have the least access to these areas in the District and Fairfax.
- Hispanic residents have the least access in all areas of our region.

Healthy environments (areas with less pollution)

- White residents have the most access to our region’s healthy places. This is compared to Native Americans, Asian Americans or Pacific Islanders and Hispanic and Black residents.
- This access is the same across all groups for those who live in poverty.
- The more suburban and rural areas of Loudoun and Prince William counties are the healthiest places to live in the region. Residents are mostly White.
- The District, Arlington and Alexandria have the lowest access.
- Access to healthy environments has improved dramatically for all residents since 2019. The reason is likely less pollution from the drop in commuters during the COVID-19 pandemic.

Race and ethnicity create marked disparities in residents’ access to opportunities in our region. See the summary in Box 3. Access is almost always lower for Black and Hispanic residents than for Whites.

This is also true for Asian Americans to a lesser extent. Native Americans often fall somewhere in between, with some exceptions. But these disparities are worse for those living below the poverty line.

BOX 3

Access to Opportunities by Race and Ethnicity

Groups with the most access are listed first after each opportunity. Those with the least access are listed last.

- **Schools:** White, Asian, Native American, Hispanic, Black.
- **Jobs:** Asian, White, Native American, Hispanic, Black.
- **Access to jobs:** Asian, White, Hispanic, Native American, Black.
- **Transit index:** (how frequent and friendly, distance between stops, connections): Hispanic, Asian, Black, Native American, White.
- **Transit costs:** roughly the same for all.
- **Low poverty neighborhoods:** White, Asian, Native American, Hispanic, Black.
- **Environment (pollution level):** White, Native American, Asian, Hispanic, Black.

Housing

Common problems

Of the region's more than two million households, one-third have one or more of these HUD-designated housing problems:

1. Incomplete kitchen facilities
2. Incomplete plumbing facilities
3. Overcrowding
4. High cost (paying 30% or more of income on housing costs).⁶

Households of color – and particularly Hispanic and Black households, are more likely to have housing problems. This is also true for nonfamily households (people living together who are not related) and families of five or more. See Table 1c for more information. Regionally, 25% of White households and one of every three households of color have housing problems.

This trend continues for households facing severe housing problems. See Table 1c. The problems include no kitchen or plumbing. More than one person per room or housing costs of 50% or more of the household's income also are considered severe problems.

⁶ HUSUER, CHAS: *Background*, https://www.huduser.gov/portal/datasets/cp/CHAS/bg_chas.html

Hispanic households are almost three times more likely to have severe housing problems than Whites in the region. Black households and Native Americans are more than twice as likely to face these problems.

Table 1c: Demographics of Households with Disproportionate Housing Needs, Region

Households experiencing any of 4 housing problems	# with problems	# households	% with problems
Race/Ethnicity			
White, Non-Hispanic	290,379	1,146,249	25.33%
Black, Non-Hispanic	228,930	547,575	41.81%
Hispanic	116,643	229,029	50.93%
Asian or Pacific Islander, Non-Hispanic	63,849	184,508	34.61%
Native American, Non-Hispanic	1,912	4,987	38.34%
Other, Non-Hispanic	18,138	48,608	37.31%
Total	719,855	2,160,990	33.31%
Household Type and Size			
Family households, <5 people	331,440	1,195,683	27.72%
Family households, 5+ people	95,644	230,517	41.49%
Non-family households	292,760	734,793	39.84%
Households experiencing any of 4 Severe Housing Problems	# with severe problems	# households	% with severe problems
Race/Ethnicity			
White, Non-Hispanic	125,471	1,146,249	10.95%
Black, Non-Hispanic	116,013	547,575	21.19%
Hispanic	68,070	229,029	29.72%
Asian or Pacific Islander, Non-Hispanic	33,791	184,508	18.31%
Native American, Non-Hispanic	1,040	4,987	20.85%
Other, Non-Hispanic	8,829	48,608	18.16%

Total	353,250	2,160,990	16.35%
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Housing Costs

The cost of housing harms many residents in our region. It:

- Impacts Black, Hispanic, and Native American households most severely (Table 1d)
- Affects large numbers of Asian or Pacific Islander households
- Impacts non-family households more than others
- Small family households have lower rates of housing cost burden

Table 1d: Demographics of Households with Severe Housing Cost Burden, Region

Race/Ethnicity	# with severe cost burden	# households	% with severe cost burden
White, Non-Hispanic	112,920	1,146,249	9.85%
Black, Non-Hispanic	100,254	547,575	18.31%
Hispanic	45,579	229,029	19.90%
Asian or Pacific Islander, Non-Hispanic	25,257	184,508	13.69%
Native American, Non-Hispanic	809	4,987	16.22%
Other, Non-Hispanic	7,588	48,608	15.61%
Total	292,407	2,160,990	13.53%
Household Type and Size			
Family households, <5 people	130,274	1,195,683	10.90%
Family households, 5+ people	25,636	230,517	11.12%
Non-family households	136,547	734,793	18.58%

Renters

Renters are more likely to experience severe housing problems than owners. Of the over one million owner-occupied households:

- More than 75% experience no severe housing problems
- Fewer than 1% have two, three, or four severe problems
- Slightly more than 50% have no severe housing problems
- Almost 4% have two, three, or four severe problems
- Renters in Alexandria, Arlington, and Loudoun Counties are least likely to experience severe housing problems

- Almost 50% of all renters in Gaithersburg, Montgomery, and Prince William counties have one or more severe housing problems

Most of the region's rental housing that is affordable to low-income households is located on the edges of the metropolitan area. These include rentals that are "subsidized" – the renter receives financial help to pay the rent. The affordable housing in central areas tend to be in R/ECAP areas.

Homeowners

At least 50% of households in the region own their homes. 73% of homeowners are White. Asian American households are second at 67%. Hispanic households have higher home ownership rates than Black households in several counties. But they have the lowest rate in the entire region.

Analysis of Publicly Supported Housing

There aren't enough publicly supported affordable housing units in the region to meet the need. This is especially true for families. Approximately 4% of households live in units assisted by federal tenant-based or project-based subsidies. In most areas, the Housing Choice Voucher program offers the largest supply of housing for families in need. But this program alone isn't enough.

Project-Based Section 8 units don't offer much – or sometimes any – housing opportunities for families. And it's likely that many developments are only for seniors. Public housing is another source of assisted housing. But most areas of our region don't have any public housing units.

Residents

Regional demographic data isn't available for the Housing Choice Voucher Program. But it is for some publicly supported programs. The data on public, project-based Section 8 and other multifamily housing tells us:

- Black households are the highest percentage of those living in these homes
- White households are the second highest
- Hispanic households are the third highest
- Asian or Pacific Islander households are least likely to occupy public housing

Location

Public housing is least likely to be in places with large White populations. These include the western and southern parts of our region. Instead, public housing is more likely to be in the eastern part of the region.

This puts the most public housing close to the District of Columbia, in or near areas with high percentages of Black residents. Housing Choice Voucher holders also tend to live in these areas. And residents there have less access to good schools, jobs, and healthy environments.

Disability and accessibility

The law

The Fair Housing Act protects people from discrimination when it comes to housing. In 1988, Congress extended the Act to include people with disabilities. This protects them against intentional discrimination and policies that affect them more because of their disability. The Act requires three things:

1. Reasonable accommodations when a person with a disability asks for and needs them to use and enjoy their home. Example: allowing someone with an anxiety disorder to have an emotional support dog despite a broad “no pets” policy.
2. Reasonable modifications when asked for and needed. Example: adding a ramp, widening a door frame or other changes the renter needs. Renters may have to pay for them.
3. Certain features to provide needed access in multifamily housing built since 1991.

The need

Many our region’s residents need accessible housing.

- 2.5 to 6.1% have ambulatory disabilities that make it hard to walk or climb stairs⁷
- 2 to 4% have vision disabilities
- 2 to 3% have hearing disabilities

Based on these numbers, we need between 100,000 and 300,000 accessible housing units. Many of them must also be affordable because people with disabilities may also have low incomes. Overall, the region is far from meeting these needs – this is especially true in outer suburban communities like Loudoun and Prince William counties which has very little or no multifamily or public housing.

Accessible housing requirements

Some housing projects funded with federal dollars must meet specific requirements to ensure access. For instance:

- 5% of units in federally funded housing developments must be accessible to individuals with mobility disabilities
- 2% must be accessible to individuals with hearing or vision disabilities

Projects subsidized by federal Low Income Housing Tax Credits also must meet minimal access standards. These standards are lower than for other types of housing supported by federal funds.

Accessible housing in our region

Since 2000, about 156,637 units have been built in buildings with five or more units. They must meet the Fair Housing Act’s design and construction standards to ensure access for those with a disability.

But some of the older units in our region may require changes to be fully accessible. 176,137 units were built between 1980 and 1999. We don’t know how many were built in or after 1991. This is when the Act’s standards took effect. We do know that some of these units received federal funds. They would have been held to higher standards for access.

Most public housing is in the District of Columbia. And public housing is more likely to have accessible units. But the District, Fairfax County, and Montgomery County are taking steps to build more diverse,

⁷ <https://www.census.gov/topics/health/disability/guidance/data-collection-acs.html>

integrated communities. This is starting to create more affordable and accessible housing regionally. Each housing development must set aside a percentage of new units that are affordable for those with low to moderate incomes.

Segregation of residents with intellectual, developmental, and psychiatric disabilities

Virginia, Maryland, the District of Columbia, and other governments housed people with these disabilities in large state-run institutions until the 1960s and 1970s. They had little independence and limited chances to meet people without disabilities. They also lacked access to education and employment.

This has changed for many because of the Americans with Disabilities Act in 1991 and a U.S. Supreme Court decision in 1999. State and local governments must now provide services to help people with intellectual and developmental disabilities live in the community.

The District closed its public institutions that served people with disabilities. Existing public and private facilities have no more than 15 adults. The District also gradually reduced how many individuals remain at St. Elizabeth's Hospital. The District supported efforts by Pathways to Housing DC to follow a Housing First model, which connects those with psychiatric disabilities to integrated housing. This includes 99 community residential facilities with 666 beds total. But permanent supportive housing and set-aside vouchers to help those who are experiencing homelessness don't meet the needs.

Maryland also moved many people with these disabilities from institutions. They support them now with community-based services. But two institutions – Holly Center in Salisbury and the Potomac Center in Hagerstown – remain. Although Maryland still has state hospitals for individuals with psychiatric disabilities, it doesn't appear to rely on them as much as Virginia does. In both Maryland and the District, a significantly higher percentage of residents with disabilities live in nursing homes than in Virginia.

In 2012, the Commonwealth of Virginia entered into a sweeping agreement with the U.S. Department of Justice in *U.S. v. Virginia*. The lawsuit challenged the alleged segregation of residents with intellectual and developmental disabilities in large institutions called training centers. The state closed the Northern Virginia Training Center in Fairfax in 2016. They have since closed all training centers, but they are still implementing the consent decree.⁸

The state continues to increase community integration for people with developmental and intellectual disabilities. But a lack of permanent housing and rental assistance limit options for people with disabilities to group homes and nursing homes. Virginia also still relies heavily on large-scale state-run psychiatric hospitals, such as the Northern Virginia Mental Health Institute in Falls Church. The state's high rate of incarceration also is a barrier to integrating those with disabilities who have had prolonged solitary confinement in state prisons.

Barriers for residents with disabilities

⁸ Donald J. Fletcher, *Report of The Independent Reviewer on Compliance with the Settlement Agreement United States v. Commonwealth of Virginia*, December 2021 <https://dbhds.virginia.gov/assets/doc/settlement/indreview/211213-final-19th-report-to-the-court.pdf>

Different types of public and private housing are available for residents with disabilities. But lack of compliance with accessibility standards or maintenance results in unequal treatment for those with disabilities. This will be increasingly important as the region's population ages. The factors contributing to disability and access issues are listed in box 4. Examples include:

- Poorly maintained sidewalks can impede access for those with mobility disabilities. They include people who need walkers or wheelchairs. Many sidewalks in the region are not up to standards set by the Americans with Disability Act.
- Elevators are the main way people with disabilities access Metrorail stations. Elevator problems limit transportation access for these riders. Metrorail elevators are deteriorating, which can trap patrons inside.⁹ At stations with multiple entrances, signs showing the way to elevators are often scarce, making them difficult to locate.¹⁰
- Prince William County's OmniRide,¹¹ Loudoun County Local Bus Service,¹² and the Fairfax County Connector¹³ and CUE buses are wheelchair accessible. But their websites don't say if bus operators must announce major intersections, landmarks, and transfer points.¹⁴ The Alexandria DASH bus system is wheelchair accessible, but the system website does not say whether the system takes other steps to help persons with disabilities.¹⁵
- WMATA runs MetroAccess, a regional door-to-door transportation service for people with disabilities. Alexandria, Arlington County, Loudoun County and MDOT offer similar services. But these services don't allow same day reservations. And fares can be expensive.¹⁶ WMATA used to offer a more expensive service, Abilities Ride, which provided same-day transportation to people eligible for MetroAccess. However, the program has been suspended because of COVID-19. The city of Rockville has a similar program for low-income residents over the age of 60.¹⁷

Barriers to homeownership

People with disabilities face at least two main barriers:

1. They tend to have lower incomes than those without disabilities. This limits which homes they can buy, especially given the high local prices.
2. Buyers most often choose single-family homes. But they aren't covered by the Fair Housing Act's design and construction standards. This makes them less likely to be accessible to those with mobility disabilities.

⁹ Wheelchair Travel, *Washington, D.C. Public Transportation*, <https://wheelchairtravel.org/washington-dc/public-transportation/>

¹⁰ *Id.*

¹¹ OmniRide, *Accessibility*, <https://omniride.com/about/accessibility/>

¹² Loudoun County Transit and Commuter Services, *Local Fixed Route Bus Service*, <https://www.loudoun.gov/3302/Local-Bus>

¹³ Fairfax County Connector, *Rider Guide*, <https://www.fairfaxcounty.gov/connector/new-rider>

¹⁴ Fairfax County CUE Bus System, *Transportation for Seniors and Persons with Disabilities*, <https://www.fairfaxva.gov/government/public-works/transportation-division/cue-bus-system/transportation-for-seniors-and-persons-with-disabilities>

¹⁵ Alexandria Transit Company DASH, *Accessibility*, <https://www.dashbus.com/node/52>

¹⁶ WMATA, *Customer Guide to MetroAccess*, <https://wmata.com/service/accessibility/metro-access/upload/MetroAccess-Customer-Guide-2021.pdf>

¹⁷ <https://www.infomontgomery.org/search-results/?id=59463344>

BOX 4

Summary of Factors that Contribute to Disability and Access Issues

See the Appendix of the plan for more information on fair housing enforcement, outreach capacity and resources.

- Access for people with disabilities to
 - Proficient schools
 - Publicly supported housing
 - Transportation
- Inaccessible
 - Government facilities or services
 - Public or private infrastructure
- Lack of
 - Access to opportunity due to high housing costs
 - Affordable in-home or community-based supportive services
 - Affordable, accessible housing in a range of unit sizes
 - Affordable, integrated housing for individuals who need supportive services
 - Help with housing access modifications
 - Help to transition from institutional settings to integrated housing
 - Local or regional cooperation
- Land use and zoning laws
- Lending discrimination
- Location of accessible housing
- Loss of affordable housing
- Occupancy codes and restrictions
- Regulatory barriers to providing housing and supportive services for persons with disabilities
- Source of income discrimination
- State or local laws, policies, or practices that discourage individuals with disabilities from living in apartments, family homes, supportive housing and other integrated settings

Fair Housing Enforcement, Outreach Capacity, and Resources

The District of Columbia, the State of Maryland, and the Commonwealth of Virginia all have their own fair housing laws. They add protections above those provided by federal law. This table indicates those added protections.

Groups Protected under Local Housing Discrimination Laws in the Region

	DC	Maryland	Virginia
Age (18 or older)	•		
Disability	•	•	•
Elderliness			•
Familial status	•	•	•
Family responsibilities	•		
Gender identity/expression	•	•	•
Marital status	•	•	
Matriculation in a college or university	•		
Military status			•
National origin	•	•	•
Personal appearance	•		
Place of residence or business	•		
Political affiliation	•		
Race or color	•	•	•
Religion	•	•	•
Sex	•	•	•
Sexual orientation	•	•	•
Source of funds/income	•	•	•
Status as victim of domestic violence	•		

The Maryland Human Relations Law also prohibits discrimination against people who seek public housing. They can't be denied housing based on:

- Race
- Color
- Religion
- Sex
- Familial status
- National origin
- Marital status
- Sexual orientation
- Gender identity
- Disability
- Source of income.

The Virginia Human Rights Act also prohibits discrimination against those seeking public housing. Their list is the same as Maryland, except they don't include familial status. Virginia also includes:

- Sexual orientation

- Pregnancy, childbirth, or related medical conditions
- Military status

In 2016, the District passed the Fair Criminal Screening for Housing Act. It includes requirements for rental housing providers who screen housing applicants for criminal backgrounds.

See Box 5 for the agencies in our region that provide fair housing information, outreach, and enforcement.

BOX 5

Agencies Providing Fair Housing Information, Outreach and Enforcement

- DC Office of Human Rights
- Equal Rights Center
- Fairfax County Office of Human Rights and Equity Programs
- Housing Opportunities Made Equal of Virginia
- Maryland Commission on Civil Rights
- Montgomery County Office of Human Rights
- Virginia Department of Professional and Occupational Regulation's Fair Housing Board
- Washington Lawyers' Committee for Civil Rights and Urban Affairs

Fair Housing Goals and Priorities

The eight local governments taking part in this plan have chosen shared regional goals and strategies. How we move forward as a region is based on the information gathered and summarized in these pages. This information includes extensive data, resident input, and guidance from:

- The local and federal governments
- Public forums
- Stakeholder engagements
- Individual interviews
- Surveys
- The Community Advisory Committee

By working together on these strategies, we can meet our goals to:

- Reduce housing discrimination
- Reverse patterns of racial segregation
- Improve access to opportunity for all current and future residents of the metropolitan Washington region

The goals and strategies

1. Increase the supply of affordable housing for families earning at or below 60% of the Area Median Income (AMI) for the region – especially where there hasn't been any.

There are several ways to achieve this goal:

- Explore policies and programs that increase the supply of housing for low- and moderate-income households. They include housing bonds, real estate transfer taxes and mandatory inclusionary housing where it is permitted.
- Create new rental housing for those with people earning at or below 60% of AMI – instead of 80%. Build units for those earning at 50% of AMI or below to address the chronic housing shortage for low- and very low-income families.
- Provide low-interest loans to homeowners who want to build affordable ADUs (Accessible Dwelling Units) on their property. (Example: an apartment over a garage).

2. Change zoning and land use policies to expand access to fair housing. Increase the development, geographic distribution, and supply of affordable housing.

Zoning for single-family homes in the region makes it hard to develop affordable housing. To change this, local leaders can:

- Revise zoning regulations to allow as-of-right Accessory Dwelling Units
- Increase inclusionary zoning incentives for more affordable housing units to be created in a new mixed income building or increase fees for developers to pay for someone else to build affordable housing in a different location sometime in the future
- Adopt zoning changes to make it easier to develop affordable housing
- Include a fair housing equity analysis when reviewing significant rezoning proposals and specific plans

3. Implement policies to preserve affordable housing and prevent displacement of residents. Keep the same number of existing affordable rental units in our region.

We've lost affordable housing during the past decade. One of our priorities must be to have a net zero change. In other words, we need to offset the loss by building new or preserving existing units. To do this, we must:

- Track and support existing affordable housing
- Establish a loan fund to help tenants, nonprofit groups, and local governments buy apartments and manufactured home parks that are for sale

4. Increase the number of homeowners in the region and reduce the unequal treatment and discriminatory practices that keep members of protected classes from buying a home.

We can increase opportunities for low- and moderate-income buyers to buy homes:

- Through cooperative homeownership models and community land trusts
- By allowing and encouraging higher density, smaller/accessory dwelling units and duplexes
- By setting aside some subsidized homes in new housing developments

We also can help current homeowners who are racial and ethnic minorities, people with disabilities, and seniors with:

- Programs and products that pay for home repair, rehabilitation, and renovation

- Programs that provide energy efficient improvements to lower utility costs
- Counseling and legal referrals to help them avoid foreclosure

Unfair homebuyer practices make the wealth gap between White households and those of color worse. We must take steps to:

- Reduce appraisal bias – valuing property based on who owns it
- Increase fair housing testing to identify discrimination
- Monitor lenders and real estate entities to ensure equal treatment of applicants

5. Protect the housing rights of individuals who are part of protected groups. For example, people of color, those with disabilities and seniors.

Evictions and rent increases force these residents to leave their homes. This happens most often to Black and Hispanic residents and people with disabilities. The pandemic has made things worse for renters and certain racial and ethnic groups. To help these residents keep their housing, we can:

- Expand local funding for housing vouchers. Make them valid across the region.
- Increase the scale and scope of housing mobility programs
- Reduce barriers to rental units by encouraging landlords to reduce, eliminate, or offset application fees for voucher holders
- Follow HUD's guidelines for criminal background checks in tenant screening
- Pilot a Right to Counsel Program. Tenants would get legal representation for disputes with their landlords.
- Increase support for fair housing outreach, education, training, testing and enforcement

6. Increase community integration and reduce housing barriers for people with disabilities.

Existing federal funding is not enough to create the housing needed by people with disabilities so more can live independently in our communities. The region can:

- Use other funding sources to increase the supply of permanent housing. They include affordable housing bonds, affordable housing trust funds, commercial linkage fees and real estate transfer taxes.
- Adopt design standards that require accessible units in new multifamily developments that receive public funds. 10% of all units must be accessible to people with mobility disabilities and at least 4% for those with hearing and/or vision disabilities.
- Provide more support and resources for rental assistance programs for people with disabilities
- Conduct fair housing testing to investigate barriers identified by case managers who assist persons with disabilities
- Provide education on applying the Fair Housing Act's reasonable accommodation duty in the context of criminal history screening
- Improve tracking and mapping of the location of affordable, accessible units. Include how accessible surrounding streets and sidewalks are.

7. Make public transit easier to access and afford for members of protected classes.

High housing costs in the region have forced many low- and moderate-income residents to move further away from their jobs and reliable public transportation. This includes members of protected classes. To address this, the region can:

- Identify resources to expand free or reduced-fare bus and other transportation to low-income households
- Study best practices and make recommendations to improve, expand and coordinate bus routes across borders in the region so these residents can access jobs in other areas

In addition to these regional goals, see the list of local fair housing goals in Box 6. For more information, see the section for each jurisdiction in the Regional Fair Housing Plan.

BOX 6

Fair Housing Goals and Strategies

In addition to regional goals, each local government has its own goals and strategies to affirmatively further fair housing in their communities. More details on these goals (listed below) and strategies for achieving them can be found in each jurisdiction's section of the Regional Fair Housing Plan.

City of Alexandria

- Prioritize public land for affordable housing.
- Provide partial tax abatements for homeowners who rent their ADUs to low-and moderate-income tenants.
- In accordance with Virginia Code § 15.2-2304. Affordable dwelling unit ordinances in certain localities, adopt an ordinance to institute mandatory inclusionary zoning city-wide and provide an array of incentives, such as density bonuses, special financing, expedited approval, fee waivers, and tax incentives.
- Reduce the 20,000 square foot minimum lot size in the R-20 zone or permit duplexes in this zone.

Arlington County

- Increase the Supply of Housing that is Affordable to Low- and Moderate- Income Families
- Reform Zoning and Land Use Policies to Expand Access to Fair Housing Choice by Increasing the Development, Geographic Distribution, and Supply of Affordable Housing
- Implement Policies Designed to Prevent Displacement
- Protect the Housing Rights of Individuals and Strengthen Fair Housing Education
- Increase Community Integration for Persons with Disabilities
- Increase Effectiveness of Existing Programs to Further Fair Housing

District of Columbia

- Offer down payment assistance and financing to build houses
- Convert shelters into permanent affordable housing
- Reform zoning and land use policies to expand access to fair housing choice. Increase the development, geographic distribution, and supply of affordable housing.
- Protect the housing rights of individuals in protected groups

Fairfax County

- Reform the county’s for-sale workforce dwelling unit policy by lowering income requirements and creating a separate policy for high-rise condominiums outside Tysons
- Protect the housing rights of individuals in protected groups

Gaithersburg

- Use the Housing Initiative Fund to build and preserve affordable and family-sized units
- Reform zoning and land use policies to expand fair housing choices
- Increase the development, geographic distribution, and supply of affordable housing

Loudoun County

- Expand current programs and initiatives.
- Implement strategies from the Unmet Housing Needs Strategic Plan
- Reform zoning and land use policies to expand access to fair housing choice. Increase the development, geographic distribution, and supply of affordable housing.
- Expand and increase support for fair housing outreach, education, and enforcement

Montgomery County

- Preserve and produce units dedicated to specific income levels with the Housing Initiative Fund, HOME, and CDBG loans
- Make it a priority to create these units on county-owned land. This will ensure that all eligible developments include Moderately Priced Dwelling Units (MPDUs) for first-time homebuyers with moderate household incomes.
- Leverage Community Reinvestment Act loans. These are investments banks make in their community – including low- and moderate-income neighborhoods.
- Reform zoning and land use policies to expand fair housing choices. Build more of these homes across the county.
- Protect the housing rights of individuals in protected groups.
- Expand access and make public transportation more affordable for them.

Prince William County

- Create a Housing Trust Fund. It provides grants to produce and preserve affordable housing for very low- and extremely low-income households.
- Reform zoning and land use policies to expand fair housing choices.

Contributing Factors

“Contributing factors” create, contribute to, perpetuate, or increase the severity of one or more fair housing issues. Goals in the Regional Fair Housing Plan are meant to overcome one or more contributing factors and related fair housing issues.

Fair housing issues in the region have been discussed in this summary. For more information, see chapter VII of the Regional Fair Housing Plan.

Conclusion

This Regional Fair Housing Plan is a milestone for the Washington region. For the first time since 1997, eight local governments joined forces to assess barriers to fair housing on a regional scale.

Every city and county in our region faces its own unique issues and challenges. Therefore, the Project Team had to be consistent in:

- How it involved community members
- Analyzed data
- Presented the plan's goals and priorities

This regional approach enabled us to identify common themes. For instance, how the region has a great need for:

- Housing that is affordable to households at 60% of area median income and below – especially for members of protected classes
- Accessible housing for people with disabilities
- Transportation that all residents can access and afford

We need local solutions to our challenges. But the region can benefit from shared visions and approaches. They aren't limited by city and county boundaries. The Washington region has many examples of effective policies and programs that can be adopted in more places. Inclusionary zoning and housing production trust funds are two of them.

Developing this Regional Fair Housing Plan was a joint effort, and it will help us continue to work together. By applying fair housing goals consistently across the region, we can create a more inclusive community for everyone who calls the region home.
