

November 15, 2022

Chairman Jeffrey C. McKay
Legislative Committee Chair James Walkinshaw
Housing Committee Chair John Foust
Members, Fairfax County Board of Supervisors
12000 Government Center Parkway
Fairfax, VA 22035

RE: **Affordable Housing Advisory Council Statement on the *Draft 2023 Fairfax County Legislative Program and Human Services Issue Paper***

Dear Chairman McKay, Supervisor Walkinshaw, Supervisor Foust, and Members, Fairfax County Board of Supervisors:

The Fairfax County Affordable Housing Advisory Council (AHAC) Executive Committee offers this statement on the *draft 2023 Legislative Program and Human Services Issue Paper*. We respectfully request your consideration of our specific recommendations relative to your affordable housing priority.

The Board of Supervisors rechartered AHAC in June 2021, appointing a much more diverse group of stakeholders to monitor county progress against the community-wide housing strategic plan, and recommend additional Board actions to advance equitable affordable housing policy. This charge includes resource and policy requirements for new housing production, strategies to preserve and enhance existing affordable units and neighborhoods, increasing internal capacity, and promoting inter-departmental coordination around related issues of homelessness, and fair housing, among other policies.

AHAC commends the Board's demonstrated commitment to these goals, through:

- Our county's proactive and community-informed response to the pandemic that saved lives and prioritized strategies for housing stability and other investments to address food insecurity, health access and preventing learning loss critical to the full recovery and sustainability of families in our community.
- Approval of more than 2,200 new units of affordable housing through projects in development or pre-planning with county commitments through bond and blueprint financing, contribution of Project based vouchers, county-owned land and other commitments to leverage state, federal and private financing.
- The Board's action, led by Chairman McKay and Supervisor Foust in March 2022, to double the minimum goal for new homes affordable to people at 60% AMI to 10,000 units by 2034.
- Ongoing consideration and support for preservation strategies to include commitments to strengthen protections for residents living in manufactured homes, among others.

However, our progress is tenuous, and requires continued strategic investments statewide, stronger community engagement (especially with neighbors experiencing homelessness and others at risk of losing their homes) and a commensurate commitment from the commonwealth. Please consider,

- All Board-approved FY2022 and FY2023 funding has been committed to projects currently in the pipeline; sustaining our momentum towards even the minimum housing goal needed will require a regular, sustained and increased investment of state and county resources.
- COVID variants continue to harm health and economic security of residents of the Commonwealth and our county. Soaring rents and inflated food, transportation and other costs most hurt those on fixed incomes and vulnerable members of the community who were struggling even before the pandemic.
- Added economic distress due to the war in Europe and global supply-chain failures and inflation afflicts our housing market and overall recovery in every sector of the economy.

AHAC encourages your efforts towards a stronger partnership with the Commonwealth of Virginia to leverage better housing strategies and resources that better invest state surplus to fully meet our commitment to core services and housing priorities. We commend the county's inclusion of required governance improvements, local flexibility and other identified budget priorities in the *draft* 2023 Legislative Program to enable the county to fully leverage its own commitments to accelerate the well-being and opportunity of its residents and our county as a whole.

AHAC offers the following additional recommendations on the *draft* 2023 Human Services Issues paper for your consideration.

1. AHAC endorses the **Needs Statement on Affordable Housing and commends its placement as the top priority** in the Human Services Issues Paper. This section is a powerful statement of the investments that will be required for some time to ensure the health and recovery of our residents, communities and county, and to meet the affordable housing goals established and endorsed by the Board of Supervisors. Please consider these recommendations:
 - a. **Specify Affordable Housing Needs:** We encourage you to associate the specific identified gaps and future needs for affordable housing in Fairfax County with the total specified in the Joint Legislative and Audit Review Commission (JLARC) report on affordable housing needs in the Commonwealth. Identifying Fairfax County's existing gap of 31,000 units, plus 15,000 new affordable units required through 2034 and 9,000 units targeted for preservation – is a critical reminder to the state of investments needed today.
 - b. **Affirm One Fairfax Connection to Affordable Housing:** Include an unequivocal statement in this section that associates affordable housing for essential and low-income workers, their families and dependents, as quintessentially defining our commitment to the "One Fairfax" policy.

2. AHAC offers its **full support** for identified priorities in the section on Affordable Housing, and asks that you consider our additional recommendations to strengthen housing-related commitments from the Commonwealth of Virginia in this section.

a. Virginia Housing Trust Fund (VHTF)

AHAC Recommends: Expand and Sustain the Trust Fund to \$300 million over the Biennium

As stated in the Issues Paper, the Fund is essential to housing and homelessness prevention efforts and economic competitiveness of the Northern Virginia region. Increasing and sustaining the Trust Fund and increasing the cap for each individual project is essential. In its latest round the Virginia Housing Trust Fund awarded \$27 million for 34 projects creating or preserving 2,000 homes for our lowest-income neighbors across Virginia. There were 61 total applications for \$73 million in that same round, demonstrating that need substantially exceeds the current allocation. VHTF awards are leveraged locally to create new homes and jobs and generate new tax revenue for localities. The referenced “state surplus” should be invested in the highest priority needs and infrastructure, and we strongly urge Fairfax County to include a specific budget guidance to emphasize this goal.

b. Legal Assistance for Tenants Facing Eviction / Prevention

AHAC highlighted this issue in 2021 as a new issue not previously included in the Human Services Issues paper, citing the county’s partnership with nonprofits to increase landlord and tenant communications to avoid evictions. We commend its inclusion as a priority in 2023.

Fairfax County has measured a significant increase in evictions since the moratorium was lifted and writs of eviction jumped in October 2022 to the highest level since June. (See Eviction Dashboard: <https://www.arcgis.com/apps/dashboards/018b187a160d48879647194133044f34>) Consider these specific recommendations for state action:

- Allocate sufficient funding to the Virginia Rent and Mortgage Relief Program (RMRP) and build the commonwealth’s ARPA eviction prevention program so that all Virginia residents who cannot pay their rent due to COVID-19 and additional economic stress outside of their control can access resources.
- Build upon and extend COVID-era protections for tenants to increase permanently the number of days for a “pay or quit” and incorporate other opportunities for repayment plans or rights of redemption to allow tenants, government and private providers to intervene to prevent the trauma and systems cost for preventable evictions.
- Prioritize continued commitments of funding for the Legal Services Corporation of Virginia, to ensure proportional distribution for the nine regional Legal Aid programs across the state and right to counsel for families facing eviction.

c. Expand Homeownership Opportunities

AHAC has consistently supported this recommendation. Inflationary pressures have driven up mortgage rates, putting homeownership on pause and out of reach for many. State efforts to enhance new homeownership opportunities is a priority identified in the Housing Strategic Plan and imperative in meeting One Fairfax goals. End and redress racial and other structural barriers to enable new opportunities to create wealth and build assets that lift families out of poverty. Abundant evidence proves that past federal, state and local policies denied home ownership to persons of color, adversely impacting our current situation.

d. Enhance and create more state-funded rental assistance programs for individuals with disabilities and people experiencing homelessness.

AHAC has consistently supported this recommendation. State rental subsidy programs, including Livable Homes vouchers, SRAP, VHSP and Housing Choice Vouchers are essential tools to addressing housing for people with special needs and to supplement resources available in Fairfax County today. AHAC offered recommendations in the Housing Strategic Plan to address the “housing + services” needs of special populations – some of the most vulnerable people in our community who experience higher barriers to long-term housing stability. State programs that support the costs for case management services and rental assistance are imperative and should be integrated with Medicaid waivers for additional services for people with intellectual and developmental disabilities (ID/DD), people with physical disabilities, and those who need mental health services and substance abuse programs.

e. Increase funding for permanent supportive housing units for individuals with severe mental illness, substance use disorder, and developmental disabilities.

AHAC and the Fairfax County Continuum of Care have consistently advanced this recommendation as a top priority. The Board of Supervisors in 2022 approved separate Board matters prioritizing the review of housing and services available to people experiencing chronic homelessness, and/or people with disabilities who would be eligible for permanent supportive housing. This is a top-level priority in the community-wide housing strategic plan and in “unfinished business” in the Fairfax-Falls Church Partnership to Prevent and End Homelessness “Retrospective” at the end of the 10-Year Plan.

- **Need:** The Fairfax County 2022 Point In Time Count reported 626 single adults experiencing homelessness, with 273 of them being chronically homeless with disabling conditions including serious mental illness, substance use disorder, co-occurring disorder, physical disability and chronic health condition. Over half of these individuals were over the age of 45 with 20% being 62 or older. Further, 49% of the individuals identified as Black, African American or African. At the same time, the Housing Inventory Count reported 669 Permanent Supportive Housing units currently occupied – **a shortage of 273 units for those identified in the PIT as eligible and in need of PSH.**

- **Impact:** PSH is an evidence-based practice that helps break the cycle that many people in our communities' face when experiencing homelessness. People living in supportive housing are able to remain stably housed and access more appropriate healthcare services to improve their well-being. PSH also benefits public safety and healthcare by mitigating costs to those systems when resources are not readily available.

f. Protections for residents of mobile home parks.

AHAC highlighted this issue in 2021 as a new issue not previously included in the Human Services Issues paper, as consistent with the work and recommendations of the Affordable Housing Preservation Task Force and Manufactured Housing Task Force currently review in Fairfax County.

AHAC reviewed recommendations of these bodies at meetings this year. As a result of robust discussion and review of the recommendations, in consultation with members of the Task Force, we are recommending the inclusion of these specific recommendations related to resident protections, relocation, expanded notification and timelines in the *draft 2023 Human Services Issues Paper*.

1. Require community owners to notify the locality concurrent with notification of the Virginia Department of Housing and Community Development and residents of manufactured housing communities when:
 - The park owner intends to offer the park for sale, and
 - The park owner receives an offer to purchase prior to entering into a contract.
2. Require resident notification to be written in plain language, and when necessary, translated to languages that promote resident understanding.
3. Require community owners to send all notifications to recipients certified receipt and to submit the receipts with a signed affidavit that attests to compliance with the applicable notification provisions of the State Code to the Virginia Department of Housing and Community Development.
4. Increase the timeframe for residents to submit a counteroffer to purchase a community to 120 days.
5. Require disclosure of contract terms and conditions sufficient for residents to craft a credible counteroffer.
6. Add provisions that give the locality a clear right of first refusal to make a community purchase offer, that is assignable.
7. Provide localities with the flexibility to determine relocation costs based upon local market conditions.

3. Additional Recommendations for Consideration by the BOS Legislative Committee

a. Student Housing and Homelessness.

Speaking at the 2021 Fairfax County Housing Symposium, Dr. Anne Kress, President of Northern Virginia Community College, declared that 15% of their 90,000 young adult students experience homelessness, indicating that additional state policy and funding is needed to stem our local crisis in homelessness among this demographic whose better educated future defines our economy. Fairfax County modeled this with the development of affordable student housing at One University adjacent to the George Mason University campus. Knowing that this need exists across the Commonwealth, AHAC recommends Fairfax County encourage the state to prioritize new models of on-campus and off-campus affordable housing for students in college settings.

b. Affordable Housing Development, Fair Housing and Zoning Modernization.

Chairman McKay in 2020 convened and charged the Chairman's Task Force on Equity and Opportunity to develop specific recommendations to advance equity goals for "a Fairfax County that works for everyone." Building on the One Fairfax resolution and policy, AHAC and a number of its representative member organizations have highlighted the particular challenges of "equity" in affordable housing and the need to adopt progressive policies to advance fair housing, address the legacy dual housing market, and overcome and prevent future housing discrimination by race and income.

Fairfax County has actively participated in the Metropolitan Council of Governments (COG) Regional Fair Housing Team which will formally present its report and recommendations at the Fairfax County Housing Committee on November 22nd. AHAC strongly encourages the Board's prompt review and adoption of policies that will continue to advance Fair Housing, and the inclusion of recommendations at the state level that build on progress made in this area at the state level in recent years. AHAC looks forward to working with the Board of Supervisors in evaluating and advancing these issues.

Thank you for the opportunity to provide input into the Affordable Housing priorities presented to the Governor and Virginia General Assembly for 2023, and for your continued service on behalf of all residents and communities in Fairfax County. AHAC welcomes additional recommendations from the BOS, your staff and the county's staff on how to ensure our timely and strategic engagement with the development of future Legislative Plans.

These recommendations are presented on behalf of the Executive Committee of the Affordable Housing Advisory Council, with special thanks to AHAC's Legislative and Policy Committee co-chairs, Gerald Poje and Shelley Murphy, and Council members who contributed to this review.

Please feel free to contact me, or other members of the Affordable Housing Advisory Council for more information. I can be reached at Kerrie.wilson@cornerstonesva.org or 571-323-9571 or 703-628-4876.

Sincerely,

Kerrie B. Wilson, Co-Chair, Fairfax County Affordable Housing Advisory Council
Gerald Poje, Co-Chair AHAC Legislative and Policy Committee

Cc: Richard Sullivan, Co-Chair, Affordable Housing Advisory Council
Members, Affordable Housing Advisory Council
Bryan Hill, County Executive
Chris Leonard, Deputy County Executive, Human Services
Tom Fleetwood, Director, Department of Housing and Community Development