

**DRAFT METROPOLITAN  
WASHINGTON REGIONAL  
FAIR HOUSING PLAN**

**FAIRFAX COUNTY**



July 25, 2023

# **METROPOLITAN WASHINGTON REGIONAL FAIR HOUSING PLAN**

## **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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## **I. Executive Summary**

The executive summary is published as a separate document and can be found on the same web page as this document at [www.mwcog.org/fairhousingplan](http://www.mwcog.org/fairhousingplan). Hard copies are available upon request.

## **II. Community Participation**

Meaningful community engagement is an important value in the development of the regional Analysis of Impediments to Fair Housing Choice (AI, or Regional Fair Housing Plan) for the metropolitan Washington region and the eight jurisdictions participating in the plan—the District of Columbia; the City of Alexandria, Arlington County, Fairfax County, Loudoun County, and Prince William County in Virginia; and the City of Gaithersburg and Montgomery County in Maryland.

Although there is no current US Department of Housing and Urban Development (HUD) rule or guidance on community engagement, the project team took its cues from the 2015 Affirmatively Furthering Fair Housing rule. Under this rule, community engagement means “a solicitation of views and recommendations from members of the community and other interested parties, a consideration of the views and recommendations received, and a process for incorporating such views and recommendations into decisions and outcomes.” The project team took seriously its role in ensuring that community voices inform the plan. These voices are important to help confirm data findings, identify gaps in information, or reshape biases or uninformed viewpoints.

The Regional Fair Housing Plan is an important step that should inform each grantee’s Consolidated Plan, which defines how communities will utilize HUD grant funds, specifically Community Development Block Grant (CDBG), HOME Investment Partnership, and Emergency Solutions Grants (ESG) monies. In principle, the Fair Housing Act of 1968, which calls for all federal programs to “affirmatively further fair housing,” should prioritize the use of limited HUD funding and resources for “protected classes” or individuals, groups, and communities that have been most impacted by past discriminatory practices that have affected resources and land patterns to this day. Enshrined in the Fair Housing Act, these protected classes encompass race, color, sex, national origin, religion, familial status, and disability.

The project team leaned on its experience in community engagement with over 20 AIs from across the country in a variety of geographies including large cities, urban counties, and suburban jurisdictions, such as Kansas City, Los Angeles County, Prince George’s County (Maryland), and Orange County (California). The project team was also advised by Jarrod Elwell of Enterprise Community Partners, who was assigned by HUD to provide best practices and guidance to the Council of Governments (COG) and the regional effort.

An important anchor in the work was the regional coordination for community engagement led by Hilary Chapman, housing program manager at the Metropolitan Washington COG. She coordinated meetings with the regional AI project team and the regional Fair Housing Community Advisory Committee as well as internally with COG communications staff. The regional AI project team included senior staff and housing directors from every jurisdiction, and the regional Fair Housing Community Advisory Committee was composed of a wide variety of community organizations representing HUD-defined protected classes, such as civil rights groups, disability advocates, advocates for housing for seniors and immigrant groups, and service organizations from throughout the region.

The regional AI project team met monthly, while the regional Fair Housing Community Advisory Committee met every other month. This is in addition to countless meetings with staff from each jurisdiction and various organization leaders who served on the committee.

Although limited in number due to the COVID-19 pandemic, public meetings were held in government facilities that were accessible and met the requirements of the Americans with Disabilities Act. The project team also tried to ensure that websites and virtual meetings met Section 508 requirements, endeavored to use descriptive language when making presentations, and provided Spanish interpreters. Every meeting invitation offered services for the visually and hearing impaired as well as interpretation in various additional languages through multilingual services contracted and offered by various jurisdictions.

As mentioned, one of the challenges of conducting community engagement was the COVID-19 pandemic. A handful of meetings and presentations were conducted in person in the fall of 2021 during a lull in the pandemic. For the most part, however, the meetings were held virtually using the Zoom application. The project team experimented with different days of the week and times of day to encourage as much participation as possible. The project team also grappled with “Zoom fatigue,” a real phenomenon and challenge because of the amount of time participants were spending on work calls as well as connecting with family, friends, and social groups, especially during the height of the pandemic. The project team worked closely with expert facilitators, who were able to adapt community engagement techniques for a virtual platform by adjusting presentations and using short videos, recorded testimonials, and breakout groups to allow as much audience participation as possible.

To guide the work, the project team developed a Regional Community Engagement Plan in May 2021 for review and comment by COG and the participating jurisdictions. This game plan laid out how the project team would seek information from community stakeholders to inform the Regional Fair Housing Plan. The Community Engagement Plan included the following elements: outreach events and marketing, a regionwide survey, regional meetings, local jurisdiction meetings, interviews, focus groups, and social media engagement. The following sections provide more detailed information on the various elements of the plan as well as findings from the survey, focus groups, and community meetings.

### Outreach Events

The first step in community engagement was to inform as many stakeholders as possible that the Regional Fair Housing Plan process had begun. This involved outreach to local organizations, fair housing agencies, civil rights organizations, and service organizations that work with protected classes. In addition, the project team worked with each jurisdiction to conduct an internal awareness campaign inside its own local government to ensure that all related agencies were aware of the Regional Fair Housing Plan. This included social service, homeless service, planning and zoning, human relations, and human rights agencies, as well as area advisory boards or other officially constituted advisory boards from each jurisdiction, such as regional service centers in Montgomery County or magisterial districts in Prince William County.

The project team worked with each jurisdiction to prepare an outreach list and a Google calendar. Jurisdictional project leads worked closely with the project team to obtain invitations to regularly scheduled advisory board, city, or county meetings. We began to informally call these “familiarization tours” because in most cases, individuals or groups were not familiar with fair housing or a fair housing plan. Overall, it was helpful to present information on the Fair Housing Act, why the Fair Housing Act was created, and how the process would roll out. In this way, individuals were prepared to participate in future meetings or interviews as well as more willing to assist in sharing information about future meetings.

Primarily from April to June 2021, the project team developed a list of over 1,235 agencies, organizations, and individuals interested in engaging more deeply in the Regional Fair Housing Plan process. A list of all outreach meetings and events can be found in the Community Engagement Appendix.

### Media Strategy

The project team coordinated with Housing Program Manager Hilary Chapman and COG's communication staff as well as each jurisdiction's COG project team leads. Each jurisdiction, in turn, helped to coordinate and communicate with its public information office.

The project team created event announcements and flyers that were sent out to interested individuals and organizations via MailChimp, but much larger outreach was done in coordination with COG's communications staff and each jurisdiction's public information office or internal departmental lists. Each jurisdiction has internal mailing lists that can reach thousands of citizens. Coordination was key to ensure messages were sent in a timely manner given that the project team depended on cooperation with each jurisdiction to reach as wide an audience as possible.

Each jurisdiction was also responsible for following its own internal requirements for posting public notices in newspapers of general circulation, posting on departmental websites, or posting messages on social media. This also included posting messages or announcements in multiple languages, including Arabic, Amharic, Spanish, and other languages spoken in each jurisdiction. The project team provided materials in Spanish and English for all flyers and major announcements, as required.

The project team worked with COG to create a social media tool kit that included sample tweets and Facebook posts encouraging participation in the Regional Fair Housing Plan as well as posts encouraging participation in the regional survey. A sampling of the contents from COG's Social Media Tool Kit can be found in the Community Engagement Appendix.

The project team also worked with COG's communications team to create an easy-to-find project web page at [www.mwcog.org/fairhousing](http://www.mwcog.org/fairhousing) that includes information about the draft Fair Housing Plan, upcoming events, and a short eight-minute presentation on the Regional Fair Housing Plan. Members of COG's board and elected leaders from throughout the region recorded a short video<sup>4</sup>—a call to action—encouraging participation in the process.

### Regional Focus Groups

As part of its community engagement strategy, regionalism is an important theme of the Regional Fair Housing Plan. Understanding that housing affordability, the need for units accessible to persons with disabilities, and discrimination in housing, among other issues, don't stop at jurisdictional lines, the community engagement plan included regional focus groups. To that end, the project team wanted to engage with residents from across the region to share barriers to affordable housing and talk about equity and discrimination in housing. The project team partnered with Challenging Racism, a nonprofit organization headquartered in Arlington, Virginia, with a mission to "educate people about the prevalence and inequities of institutional and systemic racism, giving them knowledge and tools they need to challenge racism where they encounter it."

Challenging Racism helped the project team design an interactive session that combined education and dialogues at the intersection of housing, transportation, education, environment, and race. Each session was two and a half hours long and included educational sessions on redlining in the Washington region and some background on the federal government's role in housing inequality based on Richard Rothstein's book *The Color of Law*. The format included presentations by storytellers from a variety of backgrounds and small group discussions. The sessions were held on Thursday, July 14;

Friday, July 22; and Sunday, July 31, at different times, to attract as diverse an audience of possible. Local jurisdictions also played an important role in promoting this event. Due to the COVID-19 pandemic, all sessions were hosted online on Zoom. These sessions attracted over 388 registrants.

### Survey

From July 2021 to February 2022, the project team conducted a survey of residents from throughout the Washington region, targeting the eight jurisdictions that are part of the Regional Fair Housing Plan. The project team used Alchemer, an online survey tool, to easily reach residents, advocates, and organizations. The survey was simplified by plain language experts provided by the government of the District of Columbia to achieve a more readable format for the general public and thereby increase the response rate. The survey was also translated and distributed in Spanish.

A soft launch of the survey was first included as part of the post-meeting materials of the Challenging Racism regional workshops. The project team worked with Metropolitan Washington COG and the eight jurisdictions to post the survey on COG's fair housing web page as well as each jurisdiction's departmental website. The project team also posted the survey and sent it with follow-up emails after each focus group meeting. Initial survey responses were low given that participants were being asked to complete a survey after having just participated in an hour and a half-long meeting. A more concerted campaign was made in the fall of 2021 and the spring of 2022 using social media. The project team developed a social media tool kit that included information and messages about the survey for each jurisdiction. The joint effort greatly increased the response rate, rapidly increasing the number of participants. All told, 2,825 surveys were collected from the eight jurisdictions.

Some of the top findings include these:

- Safe, affordable housing in acceptable condition is difficult to find, according to 83.6 percent of respondents. The top three reasons given were that the respondent didn't earn enough money (58.9 percent), the housing available was in bad condition or unsafe (30.5 percent), and the respondent was not able to save for a security deposit or down payment (29.9 percent). Other reasons included that the respondent had too much debt, mortgage interest or fees were too expensive, and the homebuying process was too confusing or complicated.
- About 13 percent of respondents reported that they personally had faced discrimination, and an additional 3.6 percent reported that not only had they experienced discrimination but they also knew someone else who had experienced discrimination. An additional 9.2 percent reported that they personally had not experienced discrimination but knew someone who had.
- The top three reasons reported for discrimination were income level, race or ethnicity, or source of income.
- Of the respondents who reported discrimination, 41.3 percent said the landlord or property manager was the perpetrator.
- Almost 75 percent of survey respondents did not report their discrimination complaint. The primary reasons respondents did not report discrimination were that they did not believe it would make a difference (39 percent) or that it was too much of a hassle (11 percent), but about 17 percent did not know how to report a case.

The following is a profile of the survey participants:

- The jurisdictions with the most respondents were the District of Columbia (57.2 percent), Loudoun County (16.2 percent), and the City of Alexandria (8.2 percent).
- The participants primarily worked in the District of Columbia (59.3 percent), Loudoun County (12.4 percent), and Fairfax County (11.7 percent).
- Almost half (47.4 percent) of respondents lived in multifamily buildings, evenly split between small buildings (with fewer than 20 units) and larger buildings (with 20 or more units).
- Those who lived in single-family dwellings were 18.1 percent of respondents.

- Homeless or unsheltered people were 4.2 percent of respondents.
- Of all respondents, 18.7 percent paid a mortgage, while 60.1 percent paid rent, with 33.4 percent of rent payers paying rent to a private landlord.
- Racially, 58.7 percent of respondents identified as Black or African American, 26.1 percent as White, 6.4 percent as multiracial, and 8.8 percent as Hispanic or Latino.

The survey results were a useful tool for comparing housing barriers and potential goals and actions collected from focus groups and public meetings. But the survey also served as another form of outreach by collecting data from interested members of the public who did not have time to participate in a public meeting. A complete summary of the survey results is available in the Community Engagement Appendix.

#### Jurisdictional Focus Groups and Public Meetings

In the fourth quarter of 2021, the project team conducted a focus group and a public meeting for each jurisdiction, reaching over 700 participants. The participating jurisdictions included the District of Columbia; Arlington, Fairfax, Loudoun, and Prince William Counties and the City of Alexandria in Virginia; and (in a joint meeting) the City of Gaithersburg and Montgomery County in Maryland. Meetings were scheduled from October to early December to accommodate each jurisdiction's existing schedule of events and previously scheduled public meetings.

Extensive consultation and outreach were conducted with each jurisdiction to develop a list of stakeholders for a smaller focus group of approximately 30 participants in addition to a larger meeting open to the public. The project team sent individual invitations via MailChimp and sent follow-up emails and made phone calls. The project team worked closely with jurisdictional liaisons to do outreach, develop the agenda, and create the presentations.

Each meeting included an overview of the fair housing process, preliminary data findings for each jurisdiction from the Urban Institute, short presentations on related housing studies by each jurisdiction, and breakouts for small group discussion. For the smaller focus groups, the project team utilized a Jamboard, a virtual whiteboard on Google, that allowed participants to share barriers and solutions to housing on virtual sticky notes. The small group discussion provided rich and valuable information that helped the project team better understand the barriers that renters, homeowners, and the unhoused face across the region.

The notes and Jamboard were analyzed by Lorraine Hopkins, Tayanna Teel, and Aaron Turner, a team of graduate students in the Masters of Public Administration and Policy program in the School of Public Administration at American University. The students used NVivo, word analysis software that helps social scientists look for patterns and commonalities. This analysis was helpful in summarizing all 14 meetings across the region.

The NVivo study found the following problems to be the top 10 barriers to fair housing in the region, in rank order:

1. lack of affordability
2. government failure (government inability to address the issue)
3. racial discrimination
4. lack of housing stock
5. lack of Americans with Disabilities Act (ADA) accessibility, including not enough housing for persons with disabilities or seniors, discrimination against persons with a disability, and noncompliance with existing laws and regulations
6. system navigation difficulties (program requirements, waiting lists, etc.)
7. subtle practices that support segregated housing and neighborhoods

8. bad landlords or property managers
9. lack of awareness of fair housing rights
10. planning and zoning regulations

These were the top 10 solutions identified in the meetings:

1. more programs and staff with culture and language competency
2. creation of accessible housing for persons with disabilities
3. creation of accessible housing grants
4. improved building code, zoning, and planning regulations
5. more navigation support (i.e., housing counseling)
6. better-trained real estate professionals
7. more rental assistance programs that are easier to navigate
8. materials in multiple languages, including plain language
9. programs for returning citizens (those formerly incarcerated)
10. greater tenant rights

### Interviews

After considering the findings of the jurisdictional focus groups and public meetings, the project team consulted with each jurisdiction's project team to develop a list of 8–10 key people to interview in each jurisdiction. The project team conducted 36 interviews in January, February, and early March. In several cases, the interviews included a small group of elected or senior officials. Overall, the project team interviewed approximately 50 individuals. The interviews also provided the project team the opportunity to discuss recent housing needs studies and fair housing plans. For example, both the District of Columbia and Arlington County already had draft AIs.

The interviews included a number of influential stakeholders and decisionmakers:

- fair housing and civil rights organizations, including each jurisdiction's civil rights, fair housing, or human relations agency, such as the NAACP
- private housing industry stakeholders (e.g., developers, lenders, Realtors, mortgage companies, real estate brokers, insurance companies, home inspectors, appraisers, management companies, etc., and their trade groups, such as the Northern Virginia Board of Realtors)
- senior officials from offices and agencies of housing and community development, public housing authorities, and social services agencies
- planning directors and staff with oversight of land use and zoning
- elected government officials—city council members or county commissioners
- nonprofit leaders (from, e.g., community-based organizations, community development corporations, housing counseling groups, legal services agencies, immigrant rights advocacy groups)

These interviews took place in addition to dozens of informal conversations with area leaders in the civil rights, housing, and community development fields. For a full list of interviews, see Community Engagement Appendix.

### Topical Focus Groups

Although the project team was pleased with the participation in the jurisdictional focus groups and public meetings, there were gaps noted in certain groups representative of the protected classes in the Fair Housing Act. Despite outreach attempts, representatives of certain groups were not able to attend the meetings at the scheduled times due to conflicts or other demands. To remediate these gaps, the project team analyzed for missing groups and consulted the jurisdictional liaisons and the regional Fair Housing Community Advisory Committee.

The project team found that more information was needed from representatives of Spanish-speaking and immigrant communities, the LGBTQ+ community, seniors, and persons with disabilities. Beginning in January 2022, targeted outreach was provided to representative organizations to schedule focus groups for convenient days and times during the month of March. Over 100 participants participated in five meetings. Although the meetings included short presentations, they were meant to be small to encourage conversation and exchange rather than adherence to a tightly scripted agenda.

Here are some selected top barriers and solutions identified in each topical focus group:

#### *Spanish-Speaking Community*

- need for more Spanish-speaking housing counselors as well as local government staff
- multiple issues with housing conditions and code enforcement
- fear of reprisal as a major issue in reporting housing discrimination or substandard housing conditions
- need for more outreach and education on fair housing rights

#### *Immigrant Communities*

- not enough program information available in languages such as Amharic, Arabic, Chinese, and others
- lack of familiarity with local government housing programs
- many cases of source-of-income discrimination
- lack of affordability as the biggest obstacle to homeownership
- subtle forms of discrimination due to religion, national origin, and language that are hard to prove; need for more fair housing testing

#### *Seniors*

- few options and programs for seniors to remain in place
- limited number of affordable rental housing choices for seniors
- need for more options for multigenerational dwellings
- need for more housing for seniors who also have a disability
- need for more housing counseling for seniors, especially for foreclosure prevention and reverse mortgage fraud

#### *Persons with Disabilities*

- landlords often not abiding by reasonable accommodation regulations
- low-income persons with disabilities facing limited choices because of credit, deposit, and other requirements
- not enough fair housing testing for persons with disabilities
- need for access to affordable professionals who can make necessary modifications
- need for more universal design standards in all buildings, across the board

#### *LGBTQ+ Community*

- LGBTQ+ youth facing additional challenges because of limited programs and services, leading to higher incidence of homeless youth
- need for more LGBTQ+ fair housing testing
- need for better cross-jurisdiction coordination of services for LGBTQ+ youth; many jurisdictions sending youth to D.C.
- greater need to address housing needs for senior LGBTQ+ individuals

### Public Comment

In January 2023, the draft plan was published on COG's and each jurisdiction's website for a 30-day public comment period. Each jurisdiction was responsible for posting a message notifying the public. The project team prepared a flyer for circulation by each jurisdiction and also sent a message to the project team's internal mailing list. Public comments were collected through COG's fair housing project page (by email to [fairhousing@mwkog.org](mailto:fairhousing@mwkog.org)) as well as each jurisdiction's general project mailbox, depending on the agency responsible for the jurisdiction's fair housing plan.

### Conclusion

Community engagement requires not just one format or type of outreach and input but multiple modes to reach different groups. People are challenged not just by work and family pressures but by multiple public meetings and surveys, compounded by the COVID-19 pandemic. The project team understood that a survey might be the only input provided by an interested member of the public. Outreach requires careful planning and multiple channels and reminders, but most important of all is the invitation from a colleague or friend that makes a difference on whether someone may or may not attend a public meeting.

As the project team has had some time to reflect on all of our outreach efforts, some takeaways from the Regional Fair Housing community engagement plan include the following:

1. Public engagement officers should be included from the planning stages and throughout the effort. Their mailing list and social media reach is much larger than what the program team could ever muster.
2. Finding community engagement champions among stakeholder groups is key to get more citizen voices involved. Community leaders have more credibility than the project team could ever have on the neighborhood or local level.
3. A multilingual effort is necessary but requires more investment and time from local government agencies as a consistent effort throughout the entire process.
4. Funding outreach efforts by community-based organizations led by Latinos, immigrants, the disability community, seniors, and LGBTQ+ individuals could result in better turnout for community engagement efforts.
5. Getting eight local governments to agree on a multipronged approach takes a lot of compromise and effort, but the results are worthwhile.

Our efforts were successful primarily because of the coordinated efforts of the Metropolitan Washington COG, jurisdictional liaisons, housing directors, and the project team working together in concert with the many advisors, colleagues, and friends in the housing and community development field that kept pushing the ball forward.

Now that all the information is gathered and the draft plan has been reviewed and adopted by each jurisdiction, the next step is for senior officials and elected officials to implement the goals and recommendations so that the Regional Fair Housing Plan becomes action rather than just words. Some progress will be rapid, building upon the many existing efforts across the region, and some may be incremental and take more time. Ultimately, it will also take a dedicated public staying engaged and continued advocacy efforts by stakeholders to keep track of progress not just over a year but for the next several years to come.



### III. Assessment of Past Goals

#### Fairfax County

##### **1.a. Discuss what progress has been made toward their achievement.**

1. To achieve lasting, stable racial integration, the Fairfax County Board of Supervisors needs to commit to the goal of transforming the dual housing market into a single, unitary housing market. It has taken an important first step toward this commitment with the One Fairfax resolution it and the Fairfax County School Board adopted in July 2016. Carrying out the recommendations of this analysis of impediments will provide many of the tools the county needs to fully implement its One Fairfax resolution, in large part by promoting the expansion of housing choice throughout the county and metropolitan area. Many of the impediments noted in this chapter helped create and maintain the dual housing market. Many of the recommendations proffered in this chapter address the causes of the dual housing market. Implementing them will help transform the distorted dual housing market into a unitary free housing market in which all residents participate and compete for the housing they can afford. While it will take many decades to fully accomplish this goal, it can be achieved only if the county publicly commits to achieving this goal and assigns the resources needed while the opportunity exists.

*On November 21, 2017, the Fairfax County Board of Supervisors publicly published the One Fairfax plan with the goal of considering equity in decisionmaking and in the development and delivery of future policies, program, and services. Among the goals of One Fairfax is a commitment to implement housing policies that encourage all who want to live in Fairfax to be able to do so and the provision of a full spectrum of housing opportunities across the county, most notably those in mixed-use areas that are accessible to multiple modes of transport. In order to accomplish this goal, all organizations and departments within Fairfax County government are required to conduct analyses, devise plans, set goals, and take actions through specific practices, policies, and initiatives within their purview. In addition, all agency plans must incorporate data and performance measures that can be analyzed, quantified, and disaggregated to evaluate the extent to which systems are achieving goals identified through racial and social equity action planning. Beginning in fiscal year (FY) 2022, individual agency plans will be shared publicly to ensure accountability.*

2. Fairfax County's highest priority should be to work to expand the housing choices of existing and potential new residents beyond the neighborhoods dominated by their own race or ethnicity. It needs to make African Americans aware that housing is available to them throughout Fairfax County. It needs to make Asians and Hispanics aware that housing is available to them outside enclaves in which concentrations have developed. It needs to expand the housing choices of Caucasians to include racially integrated neighborhoods. If White households do not continue to move into integrated neighborhoods, these neighborhoods inevitably resegregate.

*Office of Human Rights and Equity Programs (OHREP) staff worked with producers at Channel 16, the county's local TV station, to produce a video for viewership by residents. The focus of the campaign is to highlight various neighborhoods and amenities offered in the county, introducing viewers to and encouraging viewers to visit those areas, and in the process providing them with a wider range of housing options and neighborhoods to consider when seeking housing. As a result of the collaboration, a video titled "My Neighborhood," featuring Reston, Virginia, has been produced and is available for viewing on video on demand on Channel 16 and via the county's Facebook and YouTube channels. The agency is considering engaging in future efforts to profile*

*and promote other communities in the county, with a goal of eventual viewership in the Washington metro area.*

*In response to reports that predatory lending targeting communities of color was again becoming an issue, the agency collaborated with Channel 16 to produce the video “Predatory Lending: A Conversation with John Relman”; Relman is a prominent civil rights lawyer with experience representing victims of predatory lending. The video is available for viewing on video on demand and via the agency’s website. The agency is continuing to work with Channel 16 to produce two additional videos about fair lending issues: one featuring an interview with the senior policy counsel at Americans for Financial Reform Education Fund and the second, an interview with the president and CEO of the National Fair Housing Alliance. Both interviews are currently in production.*

*In addition to the above as well as various other presentations/webinars, videos, TV segments, and interviews OHREP has conducted as part of its outreach efforts to educate the public, OHREP has particularly targeted minority audiences to provide information about fair housing rights. OHREP launched a 12-week transit-oriented campaign using the Fairfax County Transit System and the Washington Metro Area Transit Authority that was designed to direct targeted audiences to its website and resource materials. The campaign, conducted in both English and Spanish, included advertising panels at targeted county bus shelters and Metro stations. The campaign also featured ads on the sides and backs of county and Metro buses and ads on the inside of all county buses. In addition, 250,000 mobile ads designed to direct viewers to the agency’s website and materials were delivered in both English and Spanish to selected zip codes serving the African American and Latino communities.*

3. Expanding where people look for housing requires an ongoing, long-term publicity campaign to make everybody, especially African Americans, well aware that they can move anywhere in Fairfax County and its metropolitan area that they can afford. Such a campaign to expand housing choices can include the use of billboards, newspaper stories, display ads, radio and television public service announcements, social media, the internet, and the websites of Fairfax County and neighboring counties and suburbs (assuming they can be persuaded to participate). Print publications serving the District of Columbia, Prince George’s County, and Charles County should be targeted. Fairfax County should rent billboards with models of all races and ethnicities to advertise that housing in Fairfax County is available to all and that all are welcome in Fairfax County. Similar small display ads could be run in the real estate advertising sections of newspapers in the region that have substantial African American readership. Recognizing that this is a regional as well as a county issue, the advertising might identify the predominantly White area suburbs by name to encourage African Americans in particular to include them in their housing search. An effort should be made to persuade local newspapers and websites to include a prominent notice with their real estate ads that promote expanding housing choices to include the surrounding jurisdictions. Fairfax County also could use its website to remind users that they can live anywhere they can afford and specifically name many of suburbs that have unnaturally low proportions of African American residents. The idea is to change the mindset, especially among the region’s Black population, to consider housing throughout the metropolitan area, particularly housing closer to their jobs, rather than limiting their search to integrated and predominantly African American neighborhoods in Fairfax County and nearby jurisdictions within the region. And it is critical to change the mindset among White households to include integrated neighborhoods among their housing choices.

*See responses above and reference to Housing Services Center (HSC) below.*

4. In addition to fostering racial and ethnic integration among households that can afford the county's existing housing, Fairfax County recognizes that it has a growing shortage of dwellings that are affordable to households with modest incomes. The differences in median household income by race and Latino ethnicity result in larger proportions of African American and Hispanic households of any race needing this affordable housing—whether they now live in Fairfax County or elsewhere in the metropolitan area. The county should vigorously implement the recommendations under “Affordable Housing Essential to Expanding Fair Housing Choice” to include more affordable units in new construction and preserve existing housing that is affordable to households with modest incomes.
5. As the previous recommendations suggest, Fairfax County cannot establish a unitary housing market within the county and the entire metropolitan area all by itself. It needs to get the leaders of the real estate industry—both rental and ownership—as well as nearby counties and cities to buy into the concept of transforming the dual housing market into a unitary free housing market throughout the metropolitan area. Once the county has committed itself to this transformation, it needs to establish communication with the county and city governments throughout the metropolitan area to bring them into a coalition focused on bringing an end to the discriminatory practices that maintain the dual housing market. After establishing the HSC discussed earlier, Fairfax County needs to work with other jurisdictions to establish HSCs throughout the metropolitan area to expand housing choices that will foster economic, racial, and ethnic integration—not just diversity—throughout the metropolitan region.

*At the suggestion of the previous contractor, staff contacted the past director of the Oak Park HSC, considered one of the premier model HSCs in the country, to discuss the challenges involved in creating an HSC. Oak Park is a relatively small community, and the HSC is primarily funded and run privately, which he thought was important. The process was difficult and required bringing together a coalition of leaders in the private sector who were both committed to the objective and willing to fund and support the program long term. Given the size and diversity of the jurisdictions in the D.C. metro area and costs involved, the challenge would likely be much greater, even with public-sector funding. One suggestion offered was to identify and bring together community leaders and others in the region to discuss the issue, identify the level of interest, consider feasibility, and generate ideas about how best to proceed.*

*Staff also spoke with staff in the housing departments of some area jurisdictions in the region to discuss their experiences. Like the county, some offer in-house housing counseling and locator services, though for housing located in their specific jurisdictions. Fairfax County has a Housing Locator's Network that brings together housing counselors from the government and nonprofit and public sectors to discuss challenges; however, this currently is only an intracounty network. There does not appear to have been any consideration given to efforts to coordinate services across the region, private or public. In addition, some of the programs/funds are limited for housing in that particular jurisdiction. The current collaboration on a regional analysis of impediments (AI) could perhaps provide an opportunity for future discussions among jurisdictions regarding a more collaborative approach.*

6. Fairfax County should expand its real estate testing efforts to establish an ongoing, systematic, and thorough testing program to identify any discriminatory practices in rental and for-sale housing, particularly racial steering. Tests should be conducted according to standards that would make their findings admissible in court proceedings. It is crucial that the county follow up when testing uncovers discriminatory practices or policies to bring an end to such practices.

*The county has embarked on an ongoing testing program to identify discriminatory practices in the rental, sales, and lending markets. As part of that effort, in 2019, Fairfax County entered into a contract with the Equal Rights Center to provide email, phone, and in-person testing services in the rental, lending, and sales housing markets, some designed to identify steering practices. The Equal Rights Center has a long history with as well as extensive knowledge of and experience in conducting fair housing/lending testing and investigations. Throughout the course of the contract (June 2019 to March 2021), 122 tests were conducted, including 93 rental tests: 25 based on race, 55 on national origin, and 13 on disability (hearing impaired). In addition, 15 lending tests and 14 sales tests, both based on race and designed to test for steering, were conducted. Test results were carefully analyzed and reviewed in consultation with county staff; recommendations were provided, and a report was released.*

*To continue its testing program, in August 2021, the county entered into a contract to conduct 119 tests in the rental, sales, and lending markets. The project is ongoing. Tests conducted will include 105 tests in the rental market: 65 based on source of funds, 20 on disability (requests for reasonable accommodations), 10 on race, and 10 on national origin. In addition, 6 sales and 8 lending tests based on race will be conducted. All provided test results and recommendations will be analyzed and reviewed in consultation with county staff.*

7. The ongoing disparity in mortgage loan approval rates suggests a substantial need to provide financial counseling to African Americans; lower-income households; to a lesser extent, Latinos of any race; and Asians seeking government-backed loans in an effort to better prepare applicants before they submit mortgage loan applications. Such counseling should include educating potential homebuyers to recognize what they can actually afford to purchase, avoiding the use of high-cost and high-risk mortgages, budgeting monthly ownership costs, building a reserve fund for normal and emergency repairs, recognizing racial steering by real estate agents to high-cost lenders, and encouraging consideration of the full range of housing choices available. Fairfax County should establish this function internally or explore a relationship with a certified housing counseling agency. While this impediment is not unique to Fairfax County, the absence of an effective national effort to overcome this discrimination warrants local action.

*Currently in the First-Time Homebuyers (FTHB) program, lenders are providing conventional loans. Most of Fairfax County's FTHB program participants are minority low- and moderate-income homebuyers. FTHB program applicants may work with any lender and are provided a list of lenders who are familiar with FTHB program restrictions and who regularly work with FTHB income-eligible families.*

*The US Department of Housing and Urban Development (HUD) has an online resource of HUD-approved housing counselors. The Department of Housing and Community Development (HCD) provides a list of HUD-approved counselors in the area at orientation sessions to those interested in the Fairfax County FTHB program.*

*All participants in the county's FTHB program are required to attend a Virginia Housing education class and obtain a certificate of completion. As part of the class, the lender's role, financial products, and how to shop for a product are covered.*

*Some HUD-approved housing counselors provide Virginia Housing homebuyer education courses when they can do so in person. During the COVID-19 pandemic, Virginia Housing homebuyer education classes have been available only online. Applicants interested in the FTHB program must attend a one-on-one financial counseling session with a HUD-approved housing counseling agency to be approved for the down payment assistance available to help with home purchase.*

*That counseling has been provided over the phone, through online virtual meetings, and in some cases in person by the HUD counseling agencies.*

*Upon request, HCD provides language interpreters and document translation services for FTHB program activities.*

8. Because it is the federal government and the Commonwealth of Virginia that regulate mortgage lending and enforce lending discrimination laws, Fairfax County is limited in what it can do to alter the behavior of lenders that engage in discriminatory practices. The county can, however, commit to depositing its cash reserves and operating funds at financial institutions that do not discriminate and withhold such deposits from institutions that do. The county should adopt and implement a policy of banking and doing business only with financial institutions that do not engage in these discriminatory practices. Such a policy and practice would give lenders a strong incentive to discontinue their discriminatory practices. To implement this policy, the county will need to examine Home Mortgage Disclosure Act and Community Reinvestment Act data on the lending practices of specific local institutions to identify those lenders that have not engaged in discriminatory lending practices.

*The agency has procedures in place to notify the Department of Management and Budget of any fair lending investigations with findings of discrimination.*

9. Fairfax County should establish a comprehensive fair lending testing and enforcement program and initiate enforcement actions in appropriate instances. It should also conduct systemic research using Home Mortgage Disclosure Act data to identify lenders with high rates of loan denials involving members of protected classes and utilize the Community Reinvestment Act to influence lender conduct.

*See responses above regarding lending testing.*

10. Fairfax County should set aside resources for foreclosure counseling and advising African American and Latino households, in particular, about the range of alternatives to foreclosure. The county also should coordinate an annual roundtable of area lenders and mortgage brokers to discuss ways to increase access to credit for minority households.

*The county's affordable dwelling unit ordinance requires lenders on the program to provide the Fairfax County Redevelopment and Housing Authority (FCRHA) with 90 days' notice before proceeding to foreclosure. When HCD becomes aware that one of its homebuyers is in default on his or her mortgage loan or for nonpayment of homeowner association dues and fees, it provides the owner with a list of available resources, including but not limited to foreclosure mitigation agencies, HUD-approved housing counseling agencies, local nonprofits, and county resources to assist them. HCD also works with FTHB unit owners to provide the option to sell the home rather than lose it to foreclosure.*

11. Working closely with organizations of local real estate professionals as well as with the offices of local real estate firms, developers, landlords, apartment managers, and rental agents, Fairfax County should seek to convince these private-sector entities to increase their efforts to recruit African Americans, Hispanics, and Asians of various national origins as residential real estate agents, leasing agents, and property managers. Training seminars conducted by the county or a fair housing organization offer one way to convey this information. Another strategy is to produce and distribute a fair housing guidebook customized for Fairfax County real estate practitioners rather than using a generic fair housing guidebook.

*OHREP staff members continue to emphasize the importance of increasing minority representation in the real estate industry as part of its education and outreach efforts and presentations to members of the profession and others and continue to raise awareness of the issue with members of the Human Rights Commission's fair housing task force. The task force includes real estate professionals including representatives of the Northern Virginia Association of Realtors, a representative of a large areawide management company, a member of the housing committee of a local chapter of the NAACP, the vice president of a local bank, and others operating in the profession. Since discussions began, the Northern Virginia Association of Realtors has consistently promoted its commitment to diversity on its website; partnered with local and national professional groups; and recently has hosted a conversation among industry leaders including members of the Black Real Estate Association on diversity, leadership, and equity relating to Black home ownership and the need for Black representatives in the industry's leadership ranks. The agency continues to work with industry representatives and others to encourage continuation of those efforts and to solicit input about how to address the issue more effectively. The topic remains on the agency's radar.*

12. Fairfax County should work closely with local real estate firms, developers, rental management companies, and landlords to get them to include people of all races as well as Hispanics in their display advertising, brochures, and websites. The county should seriously consider filing fair housing complaints against those developers and landlords who fail to use racially/ethnically diverse models in their display advertising campaigns, brochures, and websites. Training seminars conducted by a fair housing organization are one way to convey this information. Another strategy is to produce and distribute a guidebook customized for Fairfax County rather than using a generic fair housing guidebook.

*In interactions with and fair housing presentations to members of the real estate community and others, staff consistently emphasize the importance of depicting a diverse array of residents in all aspects of their advertising campaigns. The Northern Virginia Association of Realtors has developed and is currently revising a brochure specific to the profession; advertising will be among the topics addressed. Since members of the real estate community are more likely to respond to information provided by others in the industry, OHREP staff have discussed the issue with Northern Virginia Association of Realtors representatives and plan to provide a link to the publication on the OHREP website. In addition, staff will reference the brochure in presentations to members of the real estate profession and others and, when appropriate, include it in conciliation agreements.*

13. Fairfax County should continue its extensive outreach and education programs on fair housing issues that focus on disabilities and reasonable accommodation and modification requirements, both within the disabilities community and within the real estate industry. The county should expand the distribution of its Disability Tool Kit and Fact Sheet to all the landlords and leasing agents it can identify and to condominium and homeowner associations as well as offer in-person training. The county should continue the full panoply of activities that address all bases of housing discrimination.

*The agency emphasizes fair housing requirements related to disability issues in its resource materials, presentations, and outreach efforts, including webinars and videos. Information about reasonable accommodations and modifications is promoted widely to members of the disabilities community and real estate industry, and links to the website and resource materials are provided. The agency's 2022 fair housing month webinar addressed reasonable accommodation requests in detail and emphasized that requests for accommodations are the most often cited fair housing*

complaint. The webinar also addressed reasonable accommodation requests involving criminal background issues. A wide range of viewers viewed the webinar, including members of both the real estate and disabilities communities. The webinar will be available for future viewing. In addition, the agency's Disability Tool Kit and Fact Sheet have been updated and are available on the website. Once in-person resource fairs reopen, the brochures will be distributed at those and other in-person events as well as digitally.

14. The county should seek changes in Virginia law (1) to remove restrictions on the ability of local jurisdictions to foster the inclusion of affordable housing in new developments and (2) to authorize the use of mandatory inclusionary zoning and other effective regulatory tools and practices that require inclusion of housing affordable to households of modest incomes in new developments.

*The county has expended considerable effort to investigate and identify new opportunities for high-density residential development. From 2010 to 2017, the Comprehensive Plan identified the development potential of 93,000 additional residential units; when developed, these units will be subject to the county's affordable/workforce housing policies. These efforts are continuing as the county seeks to promote high-density residential development where appropriate. Comprehensive Plan updates to activity centers including certain community business centers, transit station areas, and suburban centers are ongoing and have included approval of additional residential development potential. Recent amendments to the Comprehensive Plan include additional residential development potential for the McLean Community Business Center, West Falls Church Transit Station Area, and Fairfax Center Area. The county is currently reviewing Comprehensive Plan recommendations in Lorton and the Fairfax Center Area and continues to review site-specific plan amendments and board-authorized plan amendments, the majority of which propose housing.*

*Fairfax County utilizes the Workforce Dwelling Unit (WDU) Program to produce WDUs in new residential construction serving households earning between 60 and 120 percent of the area median income (AMI). In particular, the WDU Rental Program has produced more than 1,600 units at below-market rents in high-density areas near transit stations and employment opportunities. In conjunction with HCD as part of the Communitywide Housing Strategic Plan (item B1) adopted by the Board of Supervisors, during 2019 and 2020, the WDU Task Force comprising staff, industry stakeholders, and housing experts conducted an analysis of the existing WDU rental program to consider necessary changes to ensure the program continued to be effective into the future. On July 14, 2020, the board directed staff to prepare revisions to the Board of Supervisors' WDU Policy Administrative Guidelines and Tysons Corner Urban Center WDU Policy Administrative Guidelines to be consistent with the WDU Policy Task Force recommendations, which, among other things, recommend lowering the existing income tiers for rental WDUs to include a percentage of units serving incomes at 60 and 70 percent of AMI and eliminating units at 100 and 120 percent AMI. The board approved revisions to these policies on February 23, 2021. The staff report and adopted text for the plan amendment can be viewed here: [Plan Amendment 2020-CW-2CP; Adopted Amendment 2017-30 & 2017 P-11 | Planning Development \(fairfaxcounty.gov\)](#).*

*The county also has taken steps to develop a strategy for preserving existing subsidized and "market affordable" housing as recommended in the Communitywide Housing Strategic Plan (item B3). The Board of Supervisors appointed an Affordable Housing Preservation Task Force, which met in 2020–2021 and developed a set of recommendations for the preservation of multifamily rental properties serving those at 60 percent and below of AMI pertaining to housing finance, land use policy, stakeholder outreach and engagement, and manufactured/mobile homes. These recommendations were endorsed by the board in April 2021, and a Comprehensive Plan amendment for an affordable housing preservation policy is currently under way. Information*

about this effort can be viewed here: [Plan Amendment 2021-CW-1CP | Planning Development \(fairfaxcounty.gov\)](https://www.fairfaxcounty.gov/planning-development/plan-amendment-2021-cw-1cp).

15. The county has amended the zoning code to classify manufactured or modular homes—as distinguished from mobile homes—as a permitted use in all residential zoning districts.

*With the adoption of the new zoning ordinance, effective July 1, 2021, new definitions of “[manufactured home](#)” and “[manufactured home park](#)” have been added that incorporate and update the previous definitions of “mobile home” and “mobile home park.” “[Modular dwelling unit](#)” has been defined, and modular dwelling units are allowed in all zoning districts that permit single-family detached dwellings. Manufactured homes continue to be permitted only in manufactured home parks.*

16. Fairfax County should conduct a review of its off-street parking requirements in the zoning code’s section 11-103.4 to tailor them to meet the actual need for off-street parking generated by different types of residential uses more in accord with the current standards of the Institute of Transportation Engineers.

*With the adoption of the new zoning ordinance, effective July 1, 2021, parking regulations are contained in article 6. A review of parking rates is currently under way as part of the Parking Reimagined project. This project is anticipated to be completed by late 2022 or early 2023. Parking rates for residential uses will be evaluated as part of this analysis.*

17. Currently proposed developments must include 50 or more dwelling units to be subject to the mandatory provisions of the Affordable Dwelling Unit Program. Fairfax County should lower this threshold to 10 units to be more consistent with the county’s policy on affordable housing production.

*See response to item 14. County efforts have been focused on analysis of and recommendations for improvements to the county’s WDU Policy to make it more effective. The Board of Supervisors adopted amendments to the WDU Policy and Administrative Guidelines in February 2021.*

18. The county should review the complex exemptions to the Affordable Dwelling Program in sections 2-803 and 2-804 of the zoning code to identify those that effectively excuse multiple developments from Affordable Dwelling Unit Program requirements. The county should identify how many affordable dwelling units have not been built due to each exemption and modify the exceptions to minimize them while maintaining fairness.

*With the adoption of the new zoning ordinance, effective July 1, 2021, the Affordable Dwelling Unit Program is now contained in subsection 5101 of article 5, Development Standards. The regulations were reorganized and put into plain language but not substantively revised. This recommendation would require an amendment to the zoning ordinance and may require changes to the state code provisions to expand the enabling authority given to localities. As stated above, county efforts are focused on obtaining WDUs.*

*This recommendation was added as a Priority 2 Item to the 2018 Zoning Ordinance Work Program (ZOWP) (see item 221) for future prioritization by the Board of Supervisors and has been carried over to the current FY 2022–2023 Priority 2 ZOWP.*

19. Fairfax County should have an independent evaluation of the Affordable Dwelling Unit Program conducted that includes interviews with Affordable Dwelling Unit Program builders and developers



as well as others familiar with the program (including critics of it) to determine how it is functioning and how it could be made more effective. The evaluation should consider redrafting the affordable dwelling unit ordinance into plain English that developers and county staff, not to mention the general public, can easily understand.

*With the adoption of the new zoning ordinance, effective July 1, 2021, the Affordable Dwelling Unit Program is now contained in subsection 5101 of article 5, Development Standards. The regulations were reorganized and put into plain language but not substantively revised.*

20. Fairfax County should evaluate the definitions of “affordable housing” and “affordable dwelling unit development” in article 20, part 3 of its zoning code to determine whether the income thresholds currently specified are appropriate or should be modified along the lines of the definitions of low and moderate incomes that HUD employs.

*This recommendation was added as a Priority 2 Item to the 2018 Priority 2 ZOWP for future prioritization by the Board of Supervisors and has been carried over to the current FY 2022–2023 Priority 2 ZOWP (item 22J).*

21. To enable Fairfax County and other local governments to use the tools needed to affirmatively further fair housing, local governments in Virginia should seek to amend the constitution of the Commonwealth of Virginia to make it a home rule state.

*See response to item 22.*

22. When there is a question about whether the Dillon Rule would effectively prohibit Fairfax County from implementing a recommendation in this analysis of impediments, Fairfax County’s legal staff should determine whether the recommendation can be implemented under the Dillon Rule and, if not, what changes in state law would be needed to enable the county to implement the recommendation.

*The county, as a practice, reviews all proposed recommendations in the Analysis of Impediments to identify any issues or conflicts with current laws or the Dillon Rule.*

23. In accord with its One Fairfax resolution, Fairfax County should amend its Comprehensive Plan and other planning policy documents to establish clear goals, objectives, policies, and implementation strategies to achieve stable, racially integrated neighborhoods throughout the county that can be adapted to the metropolitan area since, in the long run, the ability to maintain such neighborhoods is significantly dependent on establishing a unitary housing market in the metropolitan area as well as in Fairfax County. The county should look into including data on racial and economic stratification in its annual demographic reports. The county should update the Free Market Analysis™ in chapter 3 of this study every five years to measure progress and identify possible new areas that require attention.

*The Department of Planning and Development is in the process of hiring an equity planner to manage the department’s Equity Plan, which includes evaluating the county’s Comprehensive Plan related to One Fairfax goals. It is anticipated that this analysis will result in suggested amendments to the Comprehensive Plan for the board’s consideration.*

*The demographic reports include internally created population, housing, and household estimates as well as forecasts. While not intended to provide detailed summaries of Census Bureau*

*race/ethnicity and economic data, other vehicles for summarizing census data are provided. No further action is anticipated as the data are available.*

24. For the developer or landlord, compliance with fair housing laws involves taking positive steps to promote traffic from particular racial or ethnic groups otherwise unlikely to look at their housing in addition to building in accordance with the accessibility standards promulgated in the Americans with Disabilities Act and Fair Housing Act. As much as is permitted by Virginia law, the county should amend its codes for building permits and zoning approval to require the following: The developer must agree that its print and internet advertising target the racial or ethnic groups whose actual proportion in the proposed housing's census tract is identified in the Free Market Analysis™ as significantly lower than would be expected in a free housing market not distorted by discrimination. This includes placing advertisements in available foreign-language newspapers and magazines. Photographs and videos of models portraying residents or potential residents should reflect the full diversity of Fairfax County to show that all are welcome to move to the advertised building or development.

*OHREP continues to include in its education and outreach efforts information about all advertising and marketing efforts' promoting housing opportunities—regardless of the types of property available (rental, for sale, housing in new developments) or marketing tools used (print, digital, social media)—to broad and diverse audiences and recommends incorporating fair housing information into those efforts.*

25. The developer must agree that any billboard advertising that includes models will include models portraying residents or potential residents who reflect the full diversity of Fairfax County to show that all are welcome to move to the advertised building or development, especially those of a race or ethnicity whose actual proportion in the census tract is identified in the Free Market Analysis™ as significantly lower than would be expected in a free housing market not distorted by discrimination.

*See response to item 24.*

26. The developer must agree to give every potential client who comes to look at rental or ownership housing a brochure that clearly identifies illegal discriminatory practices and provides clear contact information for filing a housing discrimination complaint with the county. Fairfax County should consider producing this brochure and providing a pdf file to each developer, real estate firm, landlord, and rental management firm to print. It is possible that some of the fair housing brochures the county has already produced could be used. Foreign-language versions, especially Spanish versions, should be available at each site.

*See response to item 24.*

27. The developer must agree to include in all print display advertising, online advertising, and printed brochures the Fair Housing logo and/or the phrase “Equal Opportunity Housing” as well as contact information for filing a housing discrimination complaint. The county also should seek to get the newspapers and magazines that publish real estate advertising to routinely publish a notice in nonbureaucratic language about how to recognize housing discrimination and how to file a complaint with the county.

*See response to item 24.*

28. The buildings in the proposed development must fully comply with the accessibility standards of the Americans with Disabilities Act and Fair Housing Act to receive a building permit.

*It is unclear whether enabling legislation exists that would authorize the county to change building permit requirements. The Uniform Statewide Building Code governs accessibility provisions, and localities are not permitted to require construction features that exceed the Uniform Statewide Building Code. This issue should be referred to the building official.*

29. Fairfax County's zoning treatment of community residences for people with disabilities has been a mixed bag. To its considerable credit, the county goes beyond the scope of the Commonwealth of Virginia's statewide zoning regulation of community residences for up to eight people with "mental illness, intellectual disability, [or] developmental disabilities" as well as "aged, infirm or disabled persons" to include recovery communities and sober living homes not licensed through the Department of Social Services or the Department of Behavioral Health and Developmental Services as specified in the state law. There is no need to change how the county treats community residences for eight or fewer people with disabilities.

*The zoning ordinance complies with the state code regarding the treatment of community residences for people with disabilities. Group residential facilities are a permitted use in all residential districts. Increasing the number of residents permitted in a group residential facility will require an amendment to the zoning ordinance. The item was added to the 2018 Priority 2 ZOWP for future prioritization by the Board of Supervisors and has been carried forward to the FY 2022–2023 Priority 2 ZOWP (item 22B).*

30. The county should eliminate the distinction of community residences for people with disabilities into "group housekeeping units" for 9 or 10 occupants and "congregate living facilities" for more than 10 residents. Instead, the county should distinguish community residences for more than 8 people with disabilities based on whether they provide a relatively permanent home (no limit on length of residency) or a temporary home (residency limited to weeks or months but not unlimited). In all zoning districts where residential uses are allowed as of right, the county should allow community residences for people with disabilities that offer relatively permanent residency as a permitted use subject at most to a rationally based spacing distance and possession or eligibility of an appropriate license from the state, certification, or recognition by Congress. In all zoning districts where multifamily residential uses are allowed as of right, the county should allow community residences that provide a temporary living environment as a permitted use subject at most to a rationally based spacing distance and possession or eligibility of an appropriate license from the state, certification, or recognition by Congress. Also, the county should allow them as a special permit use in all residential districts where multifamily housing is not allowed. Any community residence for more than 8 people with disabilities that does not meet both standards should be allowed to seek a special permit use.

*The new zoning ordinance, effective July 1, 2021, does not change the definition of a group residential facility or increase the cap on residents from 8 to 12. This item was added to the list of proposed amendments maintained for future prioritization by the board in 2018 and has been carried forward to the FY 2022–2023 Priority 2 ZOWP (item 22B).*

*Further, the new zoning ordinance, effective July 1, 2021, made significant changes to the accessory dwelling unit provisions including allowing administrative approval of accessory dwelling units (which have been renamed "accessory living units") located within the principal dwelling unit rather than by special permit approval. The limitation that a unit must be occupied by someone who is 55 or older or disabled also has been removed. See [subsection 4102.7.B](#) for*

*the adopted regulations. A follow-on motion adopted by the board directs HCD to establish a voluntary process to connect homeowners looking for potential tenants for their accessory living units with participants in the Housing Choice Voucher (HCV) program and directs the Department of Family Services to establish a voluntary process to connect homeowners looking for potential tenants for their accessory living units with older adults and people with disabilities.*

31. In the definition of “community residence for people with disabilities” or another term the county chooses to use, the county should establish a cap of 12 residents. Community residences are intended to emulate biological families, which is one of the key reasons the courts treated them as residential uses even before disability became a protected class in 1989. As discussed in chapter 4, it becomes increasingly difficult to emulate a biological family when the number of residents in a community residence exceeds a dozen.

*See responses to items 29 and 30.*

32. The county should establish a simple, low-cost, administrative “reasonable accommodation” procedure for the operator of proposed community residences to seek approval to house more than 12 people with disabilities. The procedure used in Prescott, Arizona, is a good model on which to customize a “reasonable accommodation” procedure for Fairfax County.

*The eight-person limit is itself a reasonable accommodation, and any increase above that would have to be considered on a case-by-case basis under applicable law.*

33. The maximum number of people who can live in a community residence should continue to be set by the Virginia Maintenance Code rather than Fairfax County’s zoning ordinance as explained in chapter 4. Under well-settled fair housing law, a jurisdiction’s maintenance or building code formula for determining how many people can live in a dwelling unit applies to community residences just as it does to any other residential use.

*See responses to items 29 and 30.*

34. While the county considers these recommended changes to its zoning treatment of community residences for more than eight people with disabilities, it should codify an administrative “reasonable accommodation” process to grossly reduce the application fees for special permit uses and special exception uses from their respective \$1,100 and \$16,375 levels—perhaps to something along the lines of \$500. Currently, the county supervisor in whose district a proposed community residence for more than eight people with disabilities would be located can move to waive the application fees for “just and reasonable cause.” To better ensure consistency and both actual fairness and the appearance of fairness, this procedure should be replaced with a codified procedure along the lines of that suggested here.

*There is no fee for a group residential facility, and the special exception fee for congregate living facilities was reduced from \$16,375 to \$8,180 as part of the adoption of the new zoning ordinance. The special permit fee for group household and religious group living is \$1,100.*

35. Fairfax County should excise the above-referenced legally unenforceable zoning policy regarding community residences from its Comprehensive Plan.

*Health and Human Services staff have begun initial research that will be used to inform an update of the entire Human Services element of the Policy Plan component of the county's Comprehensive Plan, where this policy is found. When a work program and timeline are completed for this effort,*

*authorization will be requested from the Board of Supervisors to begin the plan amendment process.*

36. "Housing Discrimination" should be fully integrated into the county's home page as a subtopic of "Housing" under "Topics." This "Housing Discrimination" link should take viewers directly to the home page of OHREP, as of this writing located at <http://www.fairfaxcounty.gov/ohrep>. That page should have a clear "Housing Discrimination" link that takes viewers to the county's pages where housing discrimination is explained and users can file housing discrimination complaints online in English or Spanish. The phone number of OHREP should be clearly posted along with instructions to call the office for more information, for counseling, or as an alternative to filing the complaint online. Within the office's pages, the index should include "Housing Discrimination" to facilitate reaching the proper web pages.

*Viewers of the county's home page conducting searches for "Housing" are directed to a website that lists "housing discrimination" as a subtopic with a link to "Housing Discrimination/Office of Human Rights." The site includes information about fair housing protections, including links to how to file a fair housing complaint, contact information, and an index to facilitate reaching the appropriate web pages.*

*An intake supervisor, one investigator, and OHREP's front desk administrator are fluent in Spanish, both written and spoken, and are able to administer all aspects of the complaint process initiated in Spanish whether online, by telephone, or in person. The agency also has access to translation services in all languages, including Spanish.*

37. The county's complaint page—"Complaints and Concerns" at <http://www.fairfaxcounty.gov/complaints> should include a direct link to the county's pages where housing discrimination is explained and users can file housing discrimination complaints online in English or Spanish. Given how highly Fairfax County values curtailing housing discrimination, the "Housing Discrimination" link should be the first link under "Homes and Properties." Under "General County," the parenthetical description of the "Discrimination Complaint Forms" link should include the types of discrimination—housing, employment, public accommodation, and so forth—instead of, or in addition to, the classes protected.

*The county's complaints site no longer exists; it has been replaced with <https://www.fairfaxcounty.gov/humanrights/housing-discrimination/file-complaint>. That specific page is found on the housing discrimination website, which is the first result when searching "housing discrimination." It also can be found from the home page, under "Residents"; under "Property and Housing," housing discrimination is listed as one of the main topics. (Also, see response to item 36.)*

38. Fairfax County should routinely train its operators/receptionists to refer all calls involving possible discrimination in housing to OHREP. These staff members should be trained to recognize when a caller is inquiring about housing discrimination. If these operators/receptionists rely on a computer database to identify the proper county office, that database should be updated to identify OHREP as the place to go when a caller thinks she may have encountered housing discrimination.

*With respect to phone numbers and callers, the Office of Public Affairs staffs the front desk/information desk at the Government Center, which acts as a call center for the entire county. Staff receive hundreds of calls and walk-ups daily and use a software program called CRM, implemented by the Department of Information Technology, to search for keywords, topics, and agencies to patch callers through to the correct departments. As indicated above, the link*

also can be found from the Fairfax County home page, under “Residents”; under “Property and Housing,” housing discrimination is listed as one of the main topics. Searching “complaints” displays OHREP’s webpage among the top-10 results.

39. FCRHA should adopt policies and practices that foster racial and Hispanic integration in public housing developments to nurture and maintain integration in the surrounding neighborhoods. Its policies and practices should seek to allocate public housing units in a manner that promotes integrative moves within the context of the surrounding neighborhoods as well as the specific developments.

*In FY 2017 and FY 2018, FCRHA converted access to all public housing units to Rental Assistance Demonstration (RAD)–Project-Based Vouchers. Since this time, when RAD–Project-Based Vouchers and HCV program waiting lists are reopened, outreach is conducted to ensure that all races and ethnicities have knowledge of the opening and access to apply. In June 2021, FCRHA accepted new tenant applications for selection to the RAD–Project-Based Vouchers program waiting list. To ensure they reached a diversified population, notifications were advertised in advance of the opening and through multiple media outlets including general press releases in the Washington Times, El Tiempo Latino (Spanish), and Hoa Thinh Don Viet Bao (Vietnamese) newspapers. Information about the opening of the waiting list was widely publicized on Fairfax County’s webpage, the webpage for FCRHA, and social media.*

*In May 2021, FCRHA was awarded 169 Emergency Housing Vouchers made available through the American Rescue Plan Act. To efficiently and effectively utilize the Emergency Housing Vouchers, FCRHA has implemented policies to serve applicants, some of which are different from the HCV program’s policies. Successes and outcome information from the Emergency Housing Vouchers program will play an important role in informing ways to expand choice and serve the broader HCV community. Important to note, all Emergency Housing Vouchers program participants have access to both housing locators and financial assistance to facilitate securing housing that meets the needs of their families. Housing locators build relationships with property owners across the county. They develop housing opportunities that meet voucher standards and whose tenant selection criteria are not a barrier to voucher recipients. Financial assistance for program participants has been critical in overcoming barriers to accessing housing in the rental market by paying for application fees, administrative or holding fees, security deposits, and renters insurance. The cumulative effect of the additional services expands residential mobility and promotes long-term stability.*

40. FCRHA should establish policies and practices that encourage users of HCVs to make integrative moves to areas with higher opportunities and facilitate their doing so. Voucher users should receive the assistance they need to expand their choices and look at rentals outside their own racial or ethnic enclaves throughout the county as well as in nearby jurisdictions that might be closer to work. This policy can be implemented through counseling and other assistance that would be available at the HSC that was recommended earlier in this chapter. If the county does not establish an HSC, FCRHA should create its own.

*HCD is currently evaluating the Fairfax County rental market to determine how payments made under the HCV program can promote positive residential mobility. The analysis is focused on developing submarket payment standards for the HCV program. Submarket payment standards are expected to create equity opportunities for program participants by allowing residential mobility to areas of Fairfax County that have higher rents, currently not as affordable with existing payment standards. HCD anticipates implementing submarket payment standards in FY 2023. In addition to the submarket payment standards, Virginia law now prohibits discrimination based on*

a household's source of funds. It is anticipated that this protection under state law will help to increase the ability of HCV households to rent in various areas of Fairfax County.

41. FCRHA should affirmatively market dwellings in the FTHB program to expand the choices of households that would foster racial and ethnic integration of the housing and neighborhood.

*In addition to the website and agency Facebook accounts, the FTHB program markets the program through county podcasts and resources designed to reach ethnically and racially diverse communities. The program will explore how to reach additional families, encouraging them to participate in the program that will continue to foster racial and ethnic integration, such as educational opportunities like the annual Housing Expo.*

*All FTHB materials have been translated into multiple languages. HCD supports language access needs by providing interpreters at FTHB briefings and other events. Staff periodically attend homeownership events in the county.*

42. Fairfax County should establish policies and practices requiring housing built with Low-Income Housing Tax Credit (LIHTC) to be located where it will have a long-term integrative impact on the surrounding neighborhoods and requiring affirmative marketing of each development to promote integrated developments and stable, integrated neighborhoods.

*The federal LIHTC program, sponsored by the US Department of the Treasury, is administered by Virginia Housing. Therefore, local authorities have little control over LIHTC policies and practices. However, Fairfax County uses local dollars for gap financing, which is often used in conjunction with tax credits when affordable housing is developed. Currently, staff at HCD are evaluating ways to incorporate an equity perspective in the use of local funds, which are often used in conjunction with federal tax credits. Staff are currently reviewing options under locally funded loans (known as Housing Blueprint funds) that would include additional scoring points to developers of color and/or additional scoring points to developments located in areas of opportunity. These strategies will potentially be implemented after additional review and analysis.*

*Although it is not tax credit policy or practice, Fairfax County has incorporated an equity perspective when awarding federal Community Development Block Grant/HOME Investment Partnership funds. This is being done to help promote the integration of affordable housing units in stable, integrated neighborhoods. Requests for proposals for Community Development Block Grant/HOME Investment Partnership funds provide application points if a project proposal is close to public transportation and active retail and recreation; if a project includes tenant supportive services and case management; and if an applicant is knowledgeable about housing in proposed project area(s)/neighborhoods, including the extent of concentration of low-income residents and concentration of affordable housing. These criteria are being incorporated into the request for proposals process to promote the equitable use of resources in the acquisition and development of affordable housing units.*

- 1.b. Discuss how you have been successful in achieving past goals, and/or how you have fallen short of achieving those goals (including potentially harmful unintended consequences).**

*The county has continued to increase homeownership opportunities for low-income households, particularly through the FTHB program. In FY 2021, FCRHA provided 44 second-trust loans to homebuyers in the program, which were forgivable after five years of living in the FTHB unit. In addition, in FY 2021, FCRHA sponsored more than \$15 million in Virginia Housing Sponsoring Partnerships and Revitalizing Communities funds, which provided 47 low- and moderate-income*

families with loans for homeownership. Participants in the FTHB program continue to reflect the racial and ethnic diversity of the county, with 68 percent of FTHB purchasers' being of racial and/or ethnic minorities in FY 2021.

FCRHA has continued to expand housing opportunities for residents who receive federal rental assistance. Households participating in the RAD program have access to a "choice mobility" option, allowing households to request a tenant-based voucher to rent in the private market. Currently, 75 percent of turnover HCVs are annually allocated to RAD households to help participants move to neighborhoods of their choice. In addition, FCRHA is currently redeveloping one RAD property to expand housing opportunities. The property is being redeveloped from 46 townhouses to 240 units that will house families, seniors, and students, thus expanding affordable housing opportunities in an area that previously had limited housing opportunities for low- and moderate-income families.

FCRHA originally anticipated the implementation of the submarket payment standards within the HCV program in FY 2020. However, this was delayed due to the economic effects of the COVID-19 pandemic on the rental market. FCRHA is currently analyzing information about the private rental market and collecting baseline data; it anticipates establishing submarket payment standards in FY 2023 to support housing choice and mobility.

**1.c. Discuss any additional policies, actions, or steps that you could take to achieve past goals, or mitigate the problems you have experienced.**

FCRHA plans to conduct landlord outreach activities in the near future. The purpose of these activities will be to increase the number and geographic locations of landlords who participate in the voucher program. Due to the COVID-19 pandemic and staffing shortages, these efforts have not yet launched as intended. Increasing the number and locations of landlords who participate in the voucher program will be critical to helping increase housing choices for individuals and support integrated neighborhoods.



## IV. Fair Housing Analysis

### A. Demographic Summary

This demographic summary provides an overview of data concerning race and ethnicity, sex, familial status, disability status, limited English proficiency (LEP), national origin, and age. The data included reflect the composition of the region.

1. Describe demographic patterns in the jurisdiction and region, and describe trends over time (since 1990).

**Table 1: Demographics, Race and Ethnicity**

	Non-Hispanic Black/ African American		Non-Hispanic White		Hispanic/Latino		Non-Hispanic Asian, Native Hawaiian, or other Pacific Islander		Non-Hispanic American Indian/Alaska Native		Total
	#	%	#	%	#	%	#	%	#	%	
Fairfax County	108,685	9.5	581,418	50.7	187,610	16.3	219,168	19.2	1,487	0.1	1,145,862
Regional	1,535,282	24.8	2,819,732	45.5	976,666	15.8	622,938	10.1	12,753	0.2	6,196,585

Note: All percentages represent a share of the total population within the jurisdiction or region.

Data sources: Decennial Census, American Community Survey.

#### Fairfax County

Fairfax County is 50.7 percent White, making it slightly more heavily White than the region as a whole. The county has a disproportionately low number of Black residents. Black residents make up 9.5 percent of the population. With an Asian or Pacific Islander population of 19.1 percent, Fairfax County has a significantly higher proportion of Asian or Pacific Islander residents than does the broader region.

#### Region

The region is 45.5 percent White, 24.8 percent Black, 15.8 percent Latino, about 10 percent Asian American or Pacific Islander, and about 0.2 percent Native American. Comparatively, the US as a whole is about 60 percent White, 12 percent Black, 18 percent Latino, 6 percent Asian, Hawaiian or Pacific Islander, and less than 1 percent Native American.

**Table 2: Demographics, Disability Status and Type**

	With a disability		With a hearing difficulty		With a vision difficulty		With a cognitive difficulty		With an ambulatory difficulty		With a self-care difficulty		With an independent living difficulty		Total civilian noninstitutionalized population
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#
Fairfax County	81,935	7.2	23,665	2.1	13,828	1.2	28,581	2.7	37,204	3.5	16,746	1.6	30,219	3.5	1,131,851
Region	530,902	8.7	137,130	2.2	96,668	1.6	191,985	3.4	259,195	4.5	101,366	1.8	185,326	3.9	6,121,354

Note: All disability characteristics are based on the civilian noninstitutionalized population. All percentages represent a share of the total population within the jurisdiction or region.

Fairfax County

In general, the percentage of the population with disabilities is lower in Fairfax County than in the region.

Region

About 9 percent of the region’s population has a disability. The most common types of disabilities in the region are ambulatory, independent living, and cognitive disabilities.

**Table 3: Demographics, Country of Origin for Non-Native Born Residents**

	#1 country of origin	#2 country of origin	#3 country of origin	#4 country of origin	#5 country of origin	#6 country of origin	#7 country of origin	#8 country of origin	#9 country of origin	#10 country of origin	Total Population
Fairfax County	El Salvador	India	Korea	Vietnam	China	Bolivia	Ethiopia	Philippines	Pakistan	Peru	
	36,156	35,833	30,538	23,112	16,499	13,019	12,644	12,298	11,156	11,121	358,824
Regional	El Salvador	India	China	Korea	Ethiopia	Guatemala	Vietnam	Philippines	Mexico	Honduras	
	194,468	103,755	75,287	59,430	53,699	51,108	48,953	48,806	47,427	41,226	1,412,074

Note: The 10 most often reported places of birth and languages at the jurisdiction level may not be the same as at the region level, and are thus labeled separately. China does not include Hong Kong and Taiwan.

Data source: 2015–2019 American Community Survey

Fairfax County

Among non-US-born residents of Fairfax County, El Salvador is the most common country of origin, followed by India, Korea, Vietnam, and China.

Region

Of non-US-born residents across the region, El Salvador is the most common country of origin, followed by India, China, Korea, and Ethiopia. There are about 200,000 residents of the region who were born in El Salvador, about 100,000 who were born in India, and about 75,000 who were born in China. From each of the other most common countries of origin, there are between about 40,000 and 60,000 residents.

**Table 4: Demographics, Language Spoken at Home for Those Who Speak English “Less Than Very Well”**

	#1 LEP Language	#2 LEP Language	#3 LEP Language	#4 LEP Language	#5 LEP Language	#6 LEP Language	#7 LEP Language	#8 LEP Language	#9 LEP Language	#10 LEP Language	Total population
Fairfax County	Spanish	Korean	Vietnamese	Chinese (incl. Mandarin, Cantonese)	Arabic	African Languages	Persian	Other Indic Language	Urdu	Other Asian Language	Total population
	60,979	19,324	14,514	9,525	6,383	6,155	5,430	4,893	4,672	3,539	159,554
Regional	Spanish	Other Indo-European languages	Chinese (incl. Mandarin, Cantonese)	Other and unspecified languages	Korean	Vietnamese	Other Asian and Pacific Island languages	French, Haitian, or Cajun	Arabic	Tagalog (incl. Filipino)	Total population
	343,586	58,581	40,202	39,678	32,625	27,986	27,381	18,821	14,682	9,701	5,793,981

Note: China does not include Hong Kong and Taiwan. The 10 most often reported places of birth and languages at the jurisdiction level may not be the same as at the region level, and are thus labeled separately.

Data source: 2015–2019 American Community Survey

Fairfax County

In Fairfax County, Spanish is the most prevalently spoken language for people with LEP. The other top languages (or language groups) in the county are as follows, in order of prevalence: Korean, Vietnamese, Chinese (including Mandarin and Cantonese), Arabic, African languages, Persian, other Indic languages, Urdu, and other Asian and Pacific Islander languages. From 2015 to 2019, Fairfax County’s population with LEP grew 20 percent.

Region

Across the whole region, Spanish is the most prevalently spoken language for people with LEP. The remainder of the top 10 LEP languages (or language groups) in the region are as follows, in order: other Indo-European languages; Chinese (including Mandarin and Cantonese); other and unspecified languages; Korean; Vietnamese; other Asian or Pacific Islander languages; French, Haitian, or Cajun; Arabic; and Tagalog (including Filipino).

**Table 5: Demographics, Growth in LEP Population**

Population Growth for Persons with LEP, Washington Region, 2015-2019	
Jurisdiction	Percentage
Fairfax County	1513%

Data source: 2015–2019 American Community Survey five-year estimates

**Table 6: Demographics, Sex**

	Total Population	Male population		Female population	
		#	%	#	%
Fairfax County	1,145,862	568,173	49.6	577,689	50.4
Region	6,196,585	3,028,975	48.9	3,167,610	51.1

Note: All percentages represent a share of the total population within the jurisdiction or region.  
 Data source: 2015–2019 American Community Survey five-year estimates

Each of the jurisdictions and the region have about equal proportions of males and females.

**Table 7: Demographics, Age**

	Total Population	Population under 18 Years of Age		Population 18–64 Years of Age		Population 65 and Over	
		#	%	#	%	#	%
Fairfax County	1,145,862	270,215	23.6	725,724	63.3	149,923	13.1
Region	6,196,585	1,427,108	23.0	3,983,449	64.3	786,028	12.7

Note: All percentages represent a share of the total population within the jurisdiction or region.  
 Data source: 2015–2019 American Community Survey five-year estimates

Fairfax County

Fairfax County has very similar percentages of youth younger than 18, 18- to 64-year-olds, and adults 65 or older to the region as a whole.

Region

The region as a whole has a slightly lower percentage of people 65 and older (12.7 percent) than the country (15.6 percent).<sup>2</sup>

**Table 8: Demographics, Family Status**

	Families with Children	
	#	%
Fairfax County, Virginia	134,708	47.5
Region	673,495	46.1

Note: All percentages represent a share of the total family households in the jurisdiction or region.  
 Data source: 2015–2019 American Community Survey five-year estimates

Fairfax County

Slightly less than half of Fairfax County’s family households are households with children, a percentage similar to that in the region as a whole.

Region

About 46.1 percent of the region’s family households are families with children. Family households are those with two or more people living together, at least one of whom is related to the head of household by marriage, birth or adoption.

**Table 9: Demographic Trends, Fairfax County, VA**

Race/Ethnicity	1990 Trend		2000 Trend		2010 Trend		Current	
	#	%	#	%	#	%	#	%
White, Non-Hispanic	650,008	77.5	638,599	64.4	604,471	54.7	581,418	50.7
Black, Non-Hispanic	62,806	7.5	88,430	8.9	105,907	9.6	108,685	9.5
Hispanic	52,926	6.3	109,796	11.1	172,038	15.6	187,610	16.3
Asian or Pacific Islander, Non-Hispanic	69,398	8.3	141,525	14.3	213,223	19.3	219,168	19.2
Native American, Non-Hispanic	1,747	0.2	3,928	0.4	4,483	0.4	1,487	0.1
National Origin								
Foreign-born	17,972	16.2	32,603	25.4	32,101	22.9	42,936	27.2
LEP								
Limited English Proficiency	9,886	8.9	17,163	13.4	15,477	11.1	159,544	14.9
Sex								
Male	52,643	47.4	61,957	48.3	67,262	48.1	568,173	49.6
Female	58,475	52.6	66,363	51.7	72,704	51.9	577,689	50.4
Age								
Under 18	16,963	15.3	21,915	17.1	23,970	17.1	270,215	23.6
18-64	82,767	74.5	95,010	74.0	103,190	73.7	725,724	63.3

<b>65+</b>	<b>11,387</b>	<b>10.3</b>	<b>11,395</b>	<b>8.9</b>	<b>12,806</b>	<b>9.2</b>	<b>149,923</b>	<b>13.1</b>
<b>Family Type</b>								
<b>Families with children</b>	<b>9,306</b>	<b>38.1</b>	<b>9,330</b>	<b>42.6</b>	<b>12,919</b>	<b>41.7</b>	<b>15,734</b>	<b>52.1</b>

Note: All percentages represent a share of the total population within the jurisdiction, except family type, which is out of total family households.

Data sources: Decennial Census, American Community Survey

The racial and ethnic demographics of Fairfax County have shifted since 1990. Most notably, the Hispanic and Asian or Pacific Islander populations have grown significantly, and the percentage of the population that is White has decreased. In addition, the percentage of foreign-born residents has about doubled since 1990. The percentage of families with children in the county has increased since 1990.

**Table 10: Demographic Trends, Region**

Race/Ethnicity	1990 Trend		2000 Trend		2010 Trend		Current	
	#	%	#	%	#	%	#	%
White, Non-Hispanic	2,671,370	64.1	2,696,495	55.6	2,762,787	48.9	2,819,732	45.5
Black, Non-Hispanic	1,053,952	25.3	1,306,715	26.9	1,486,865	26.3	1,535,282	24.8
Hispanic	227,064	5.5	430,297	8.9	775,416	13.7	976,666	15.8
Asian or Pacific Islander, Non-Hispanic	198,835	4.8	364,525	7.5	580,476	10.3	622,938	10.1
Native American, Non-Hispanic	9,894	0.2	21,648	0.5	25,389	0.5	12,753	0.2
National Origin								
Foreign-born	489,041	11.7	830,998	17.1	1,140,681	20.2	1,412,074	22.8
LEP								
Limited English Proficiency	228,633	5.5	409,098	8.4	519,697	9.2	624,410	10.8

Sex								
Male	2,030,838	48.7	2,357,615	48.6	2,750,340	48.7	3,028,975	48.9
Female	2,138,525	51.3	2,492,433	51.4	2,899,200	51.3	3,167,610	51.1
Age								
Under 18	985,397	23.6	1,254,069	25.9	1,348,790	23.9	1,427,108	23
18-64	2,823,736	67.7	3,160,017	65.2	3,733,524	66.1	3,983,449	64.3
65+	360,230	8.6	435,962	9.0	567,226	10.0	786,028	12.7
Family Type								
Families with children	510,562	48.8	388,450	49.7	657,872	48.1	673,495	46.1

Note: All percentages represent a share of the total population within the region, except family type, which is out of total family households.

Data sources: Decennial Census, American Community Survey

The racial and ethnic demographics of the region have shifted since 1990. Most notably, the Hispanic and Asian or Pacific Islander populations have grown significantly, and the percentage of the population that is White has decreased. Specifically, the proportion of the population that is Hispanic has more than doubled. The percentage of foreign-born residents has also about doubled since 1990. The percentage of families with children grew from 1990 to 2000 but dipped slightly from 2000 to 2010. From 2010 until the 2019 five-year American Community Survey (ACS), the percentage of families with children grew and surpassed the 1990 percentage.

## B. General Issues

### i. Segregation/Integration

**1.a. Describe and compare segregation levels in the jurisdiction and region. Identify the racial/ethnic groups that experience the highest levels of segregation.**

**1.b Explain how these segregation levels have changed over time (since 1990).**

Dissimilarity Index Value (0-100)	Level of Segregation
0-40	Low
41-54	Moderate
55-100	High

The Dissimilarity Index measures the percentage of a certain group's population that would have to move to a different census tract in order to be evenly distributed within a city or metropolitan area in relation to another group. The higher the Dissimilarity Index value, the higher the extent of the segregation.

**Table 11: Dissimilarity Index Values by Race and Ethnicity**

Racial/Ethnic Dissimilarity Index				
Fairfax County, VA	1990 Trend	2000 Trend	2010 Trend	Current
Non-White/White	26.84	28.55	30.52	34.74
Black/White	41.25	38.70	40.56	45.54
Hispanic/White	32.57	39.05	41.14	44.78
Asian or Pacific Islander/White	21.43	22.82	26.26	30.74
Region	1990 Trend	2000 Trend	2010 Trend	Current
Non-White/White	52.16	49.33	46.78	50.34
Black/White	64.99	62.69	60.80	64.06
Hispanic/White	41.91	47.62	48.36	50.75
Asian or Pacific Islander/White	34.97	37.79	37.46	42.08

Data source: HUD tables based on 2011–2015 American Community Survey data

Fairfax County

Overall, Fairfax County experiences low levels of segregation between Asian or Pacific Islander and White populations. Fairfax County experiences moderate levels of segregation between Black and White populations and between Hispanic and White populations. The Dissimilarity Index values for Black and White, Hispanic and White, and Pacific Islander and White populations are all lower in Fairfax County than in the region as whole. The Dissimilarity Index values across all racial and ethnic categories have increased since 1990.

Region

Overall, the region experiences high levels of segregation between Black and White populations. The region also experiences moderate levels of segregation between Hispanic and White and between Pacific Islander and White populations. The Dissimilarity Index values across all racial and ethnic categories have increased since 2010.

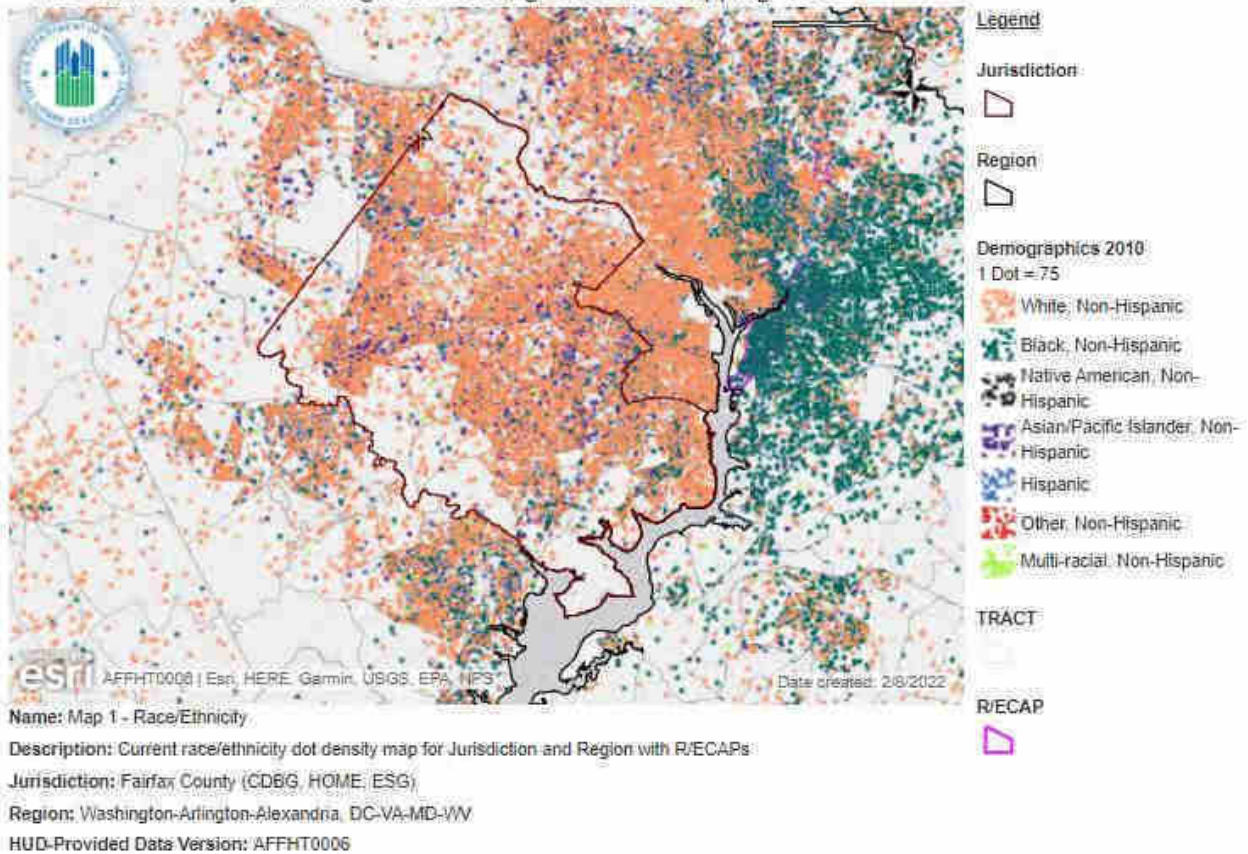
**1.c. Identify areas in the jurisdiction and region with relatively high segregation and integration by race/ethnicity, national origin, or LEP group, and indicate the predominant groups living in each area.**

**1.d. Consider and describe the location of owner- and renter-occupied housing in the jurisdiction and region, including whether such housing is located in segregated or integrated areas, and describe trends over time.**



# Map 1: Race/Ethnicity, Fairfax County, VA

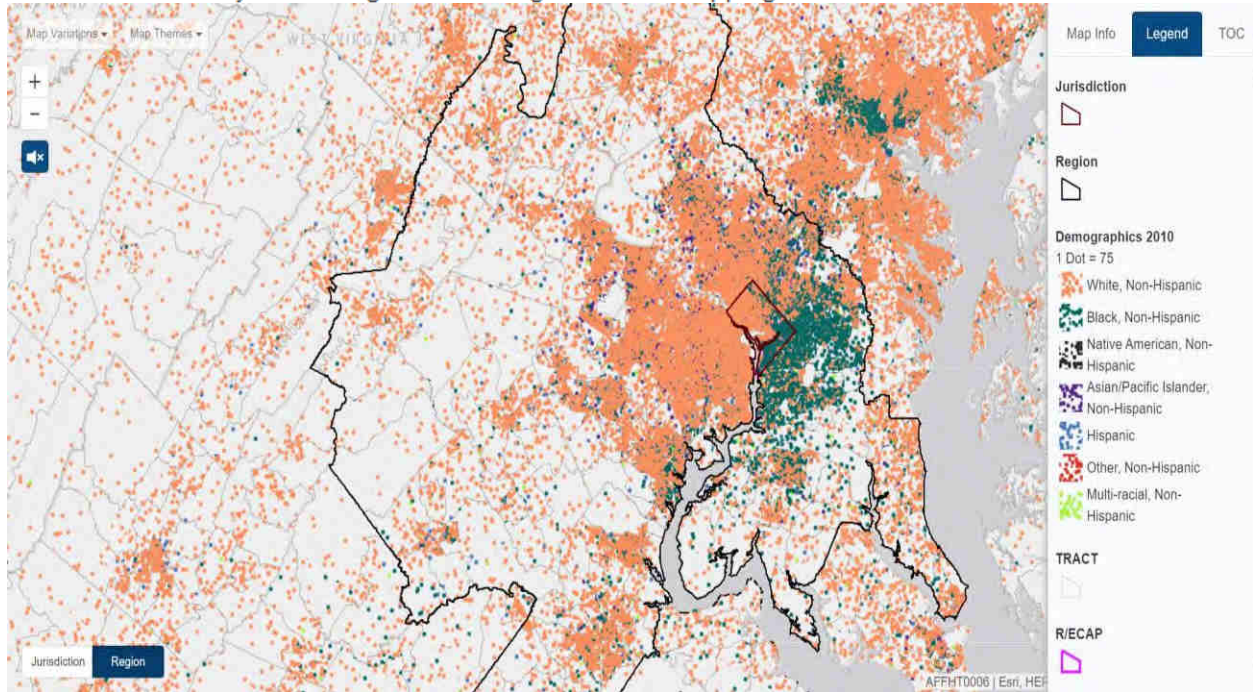
HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



In Fairfax County, a majority of the residents are White, followed in number by Asian or Pacific Islander residents. There is a large population of Black and Hispanic residents in the eastern part of the county. There is a large population of White and Asian or Pacific Islander residents in the western portion of the county.

## Map 2: Race/Ethnicity, Region

### HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 1 - Race/Ethnicity

**Description:** Current race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs

**Jurisdiction:** District Of Columbia (CDBG)

**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV

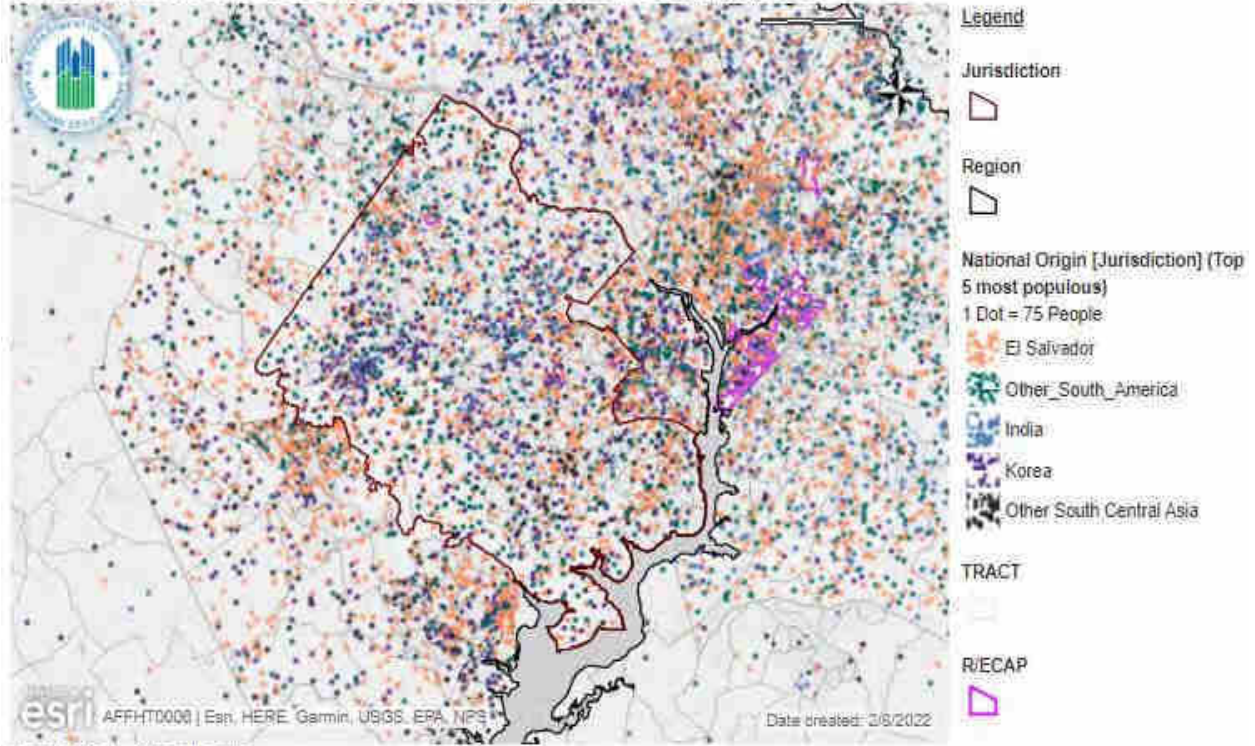
**HUD-Provided Data Version:** AFFHT0006

Regionally, a majority of the residents are White; the second-most-populous group is Black. The eastern portion of the region has the most diversity among racial and ethnic groups. The western portion of the region is predominantly White. The racially or ethnically concentrated areas of poverty (R/ECAPs) are also predominantly seen in the eastern portion of the region.



### Map 3: National Origin, Fairfax County, VA

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 3 - National Origin

Description: Current national origin (5 most populous) dot density map for Jurisdiction and Region with R/ECAPs

Jurisdiction: Fairfax County (CD6G, HOME, ESG)

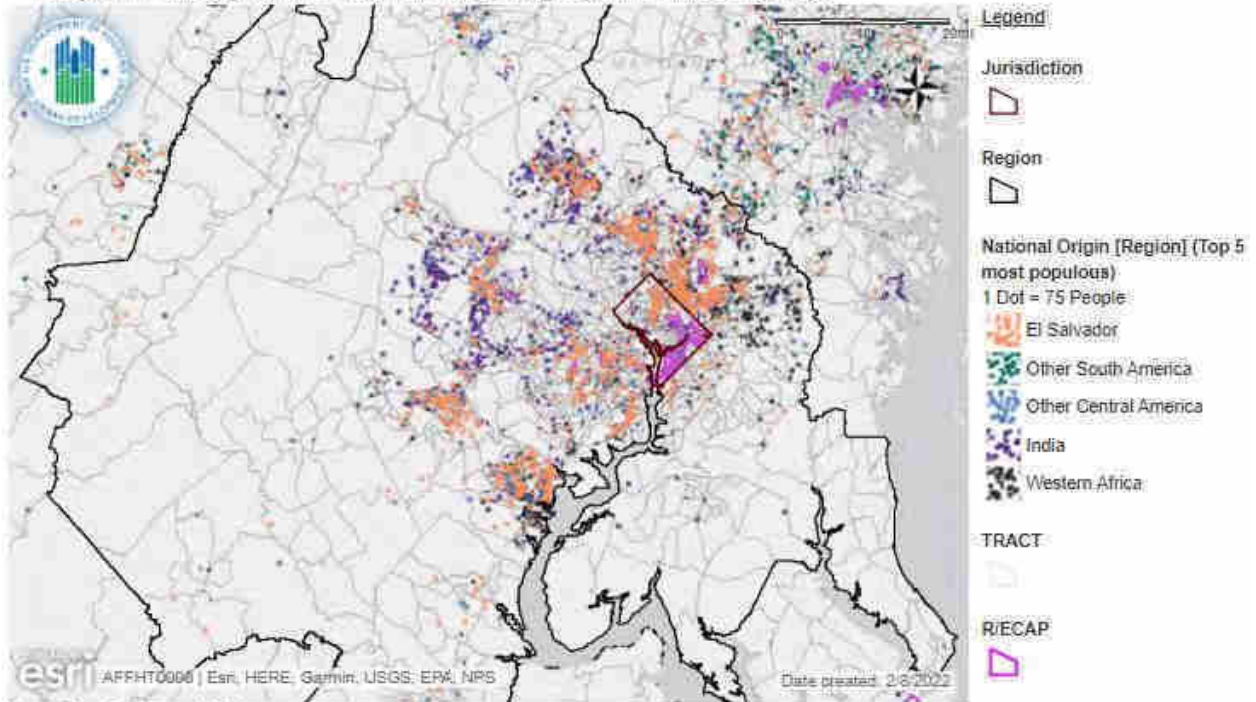
Region: Washington-Arlington-Alexandria, DC-VA-MD-WV

HUD-Provided Data Version: AFFHT0006

In Fairfax County, the most common type of non-native-born residents are Salvadoran residents. The second-most-common type are Indians, followed by Koreans. Salvadoran residents live throughout the county, but the largest cluster of Salvadoran residents is in the eastern portion of the county. There are also large clusters of Indian and South American residents in the southwest corner of the county.

## Map 4: National Origin, Region

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map-3 - National Origin

Description: Current national origin (5 most populous) dot density map for Jurisdiction and Region with R/ECAPs

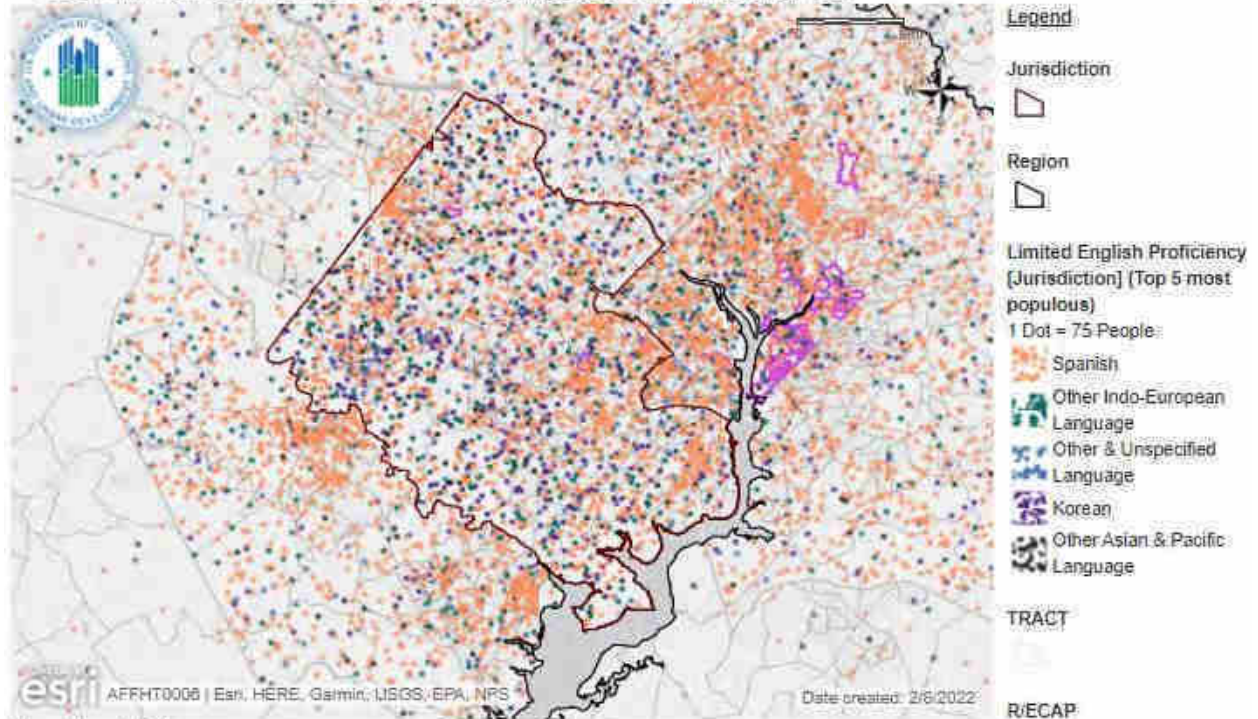
Jurisdiction: District Of Columbia (CDBG)

Region: Washington-Arlington-Alexandria, DC-VA-MD-WV

HUD-Provided Data Version: AFFHT0006

Regionally, the most common nationality of non-native-born residents is Salvadoran. The second-most-common nationality is Indian, followed by Chinese. Non-native-born residents are most prevalent in the eastern portion of the region. Comparatively, there are very few non-native-born residents in the western portion of the region.

**Map 5: Limited English Proficiency, Fairfax County, VA**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 4 - LEP

Description: LEP persons (5 most commonly used languages) for Jurisdiction and Region with R/ECAPs

Jurisdiction: Fairfax County (CDBG, HOME, ESG)

Region: Washington-Arlington-Alexandria, DC-VA-MD-WV

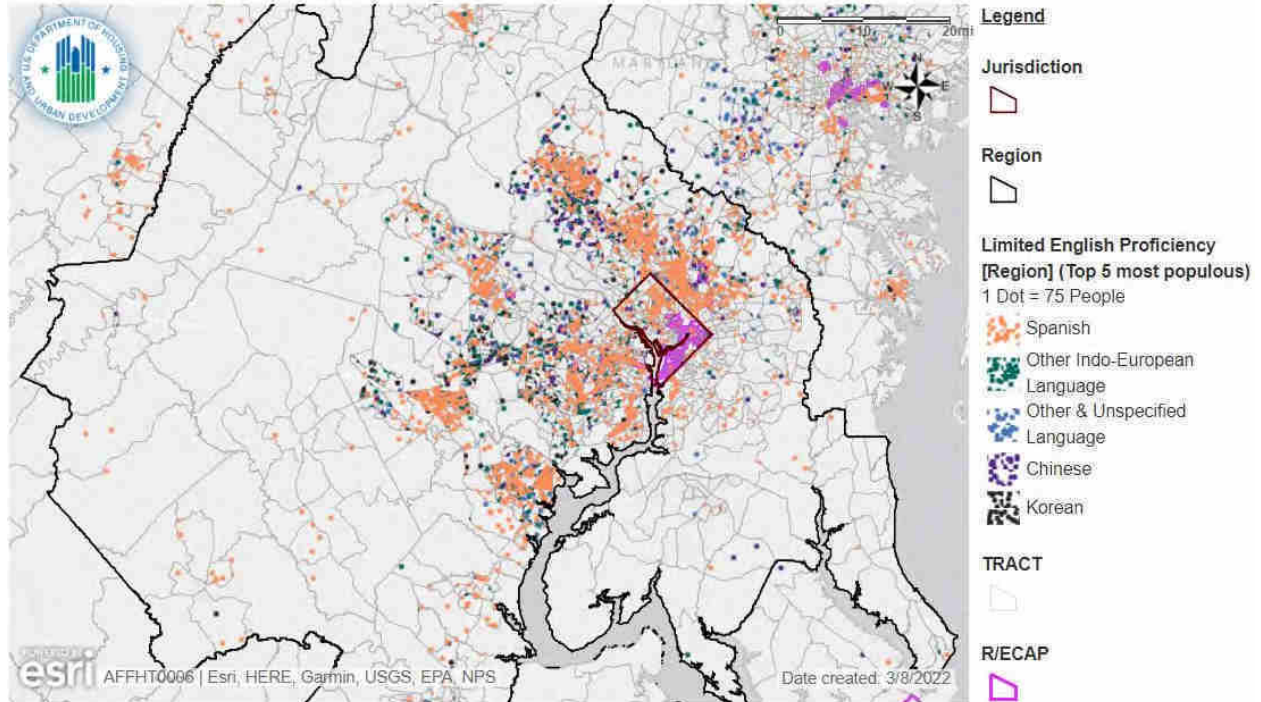
HUD-Provided Data Version: AFFHT0006

In Fairfax County, slightly more than 14 percent of the population speaks with LEP. The top foreign languages spoken by those with LEP are Spanish, other Indo-European languages, Korean, and Vietnamese. Since 2015, the persons with LEP population has grown by 20 percent. The Spanish LEP population is evenly dispersed throughout the county; however, there are large pockets of Spanish LEP residents in the eastern part of the county near the District. Large clusters of the Korean LEP population reside in the southwest portion of the county.



## Map 6: Limited English Proficiency, Region

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 4 - LEP

**Description:** LEP persons (5 most commonly used languages) for Jurisdiction and Region with R/ECAPs

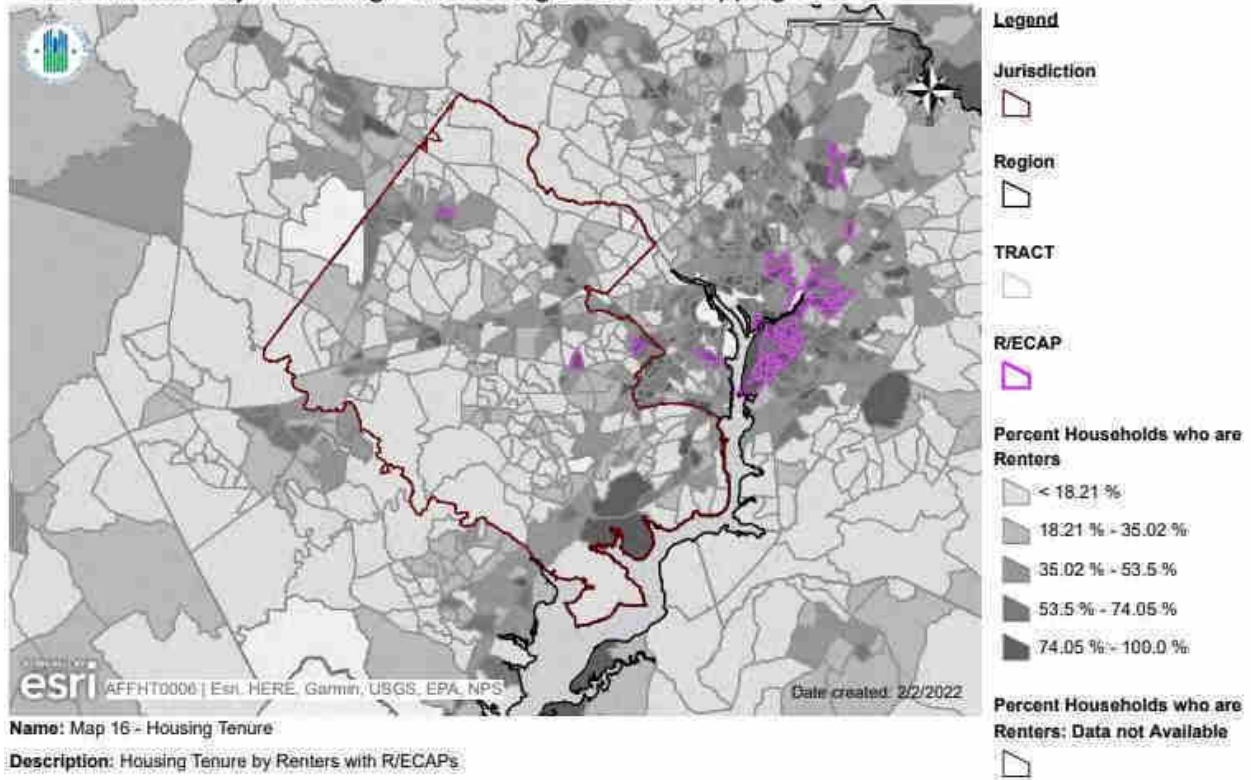
**Jurisdiction:** District Of Columbia (CDBG)

**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV

**HUD-Provided Data Version:** AFFHT0006

Regionally, almost 10 percent of the population has limited proficiency in English. The top languages spoken by those with LEP are Spanish, other Indo-European languages, and unspecified languages. The majority of LEP residents reside in the eastern portion of the region, with very few in the western portion of the region.

**Map 7: Percentage of Renter-Occupied Households, Fairfax County, VA  
HUD Affirmatively Furthering Fair Housing Data and Mapping Tool**



**Name:** Map 16 - Housing Tenure

**Description:** Housing Tenure by Renters with R/ECAPs

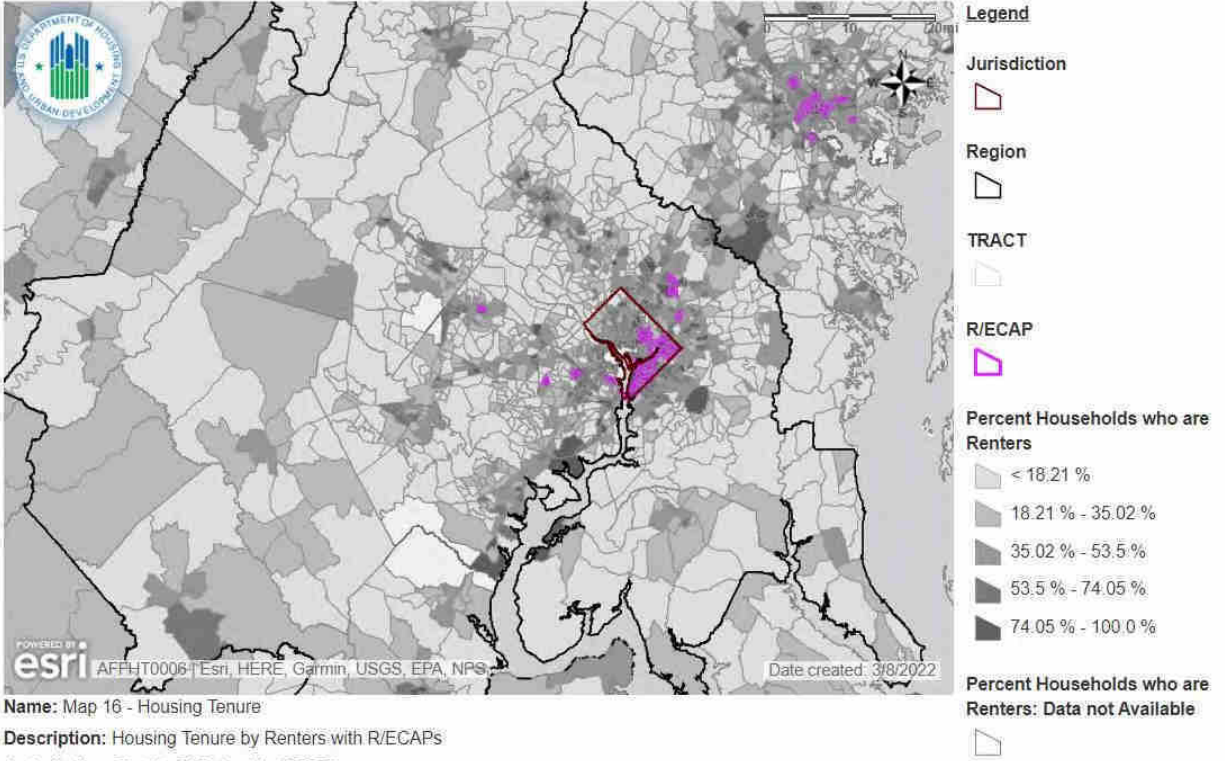
**Jurisdiction:** Fairfax County (CDBG, HOME, ESG)

**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV

**HUD-Provided Data Version:** AFFHT0006

In Fairfax County, the location of renters largely correlates with aforementioned patterns of racial and ethnic segregation. There are large concentrations of renters in the eastern portion of the county. The southwestern portion of the county has the lowest level of renters in the county. The majority of renters live in Fairfax's R/ECAP areas.

**Map 8: Percentage of Renter-Occupied Households, Region**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



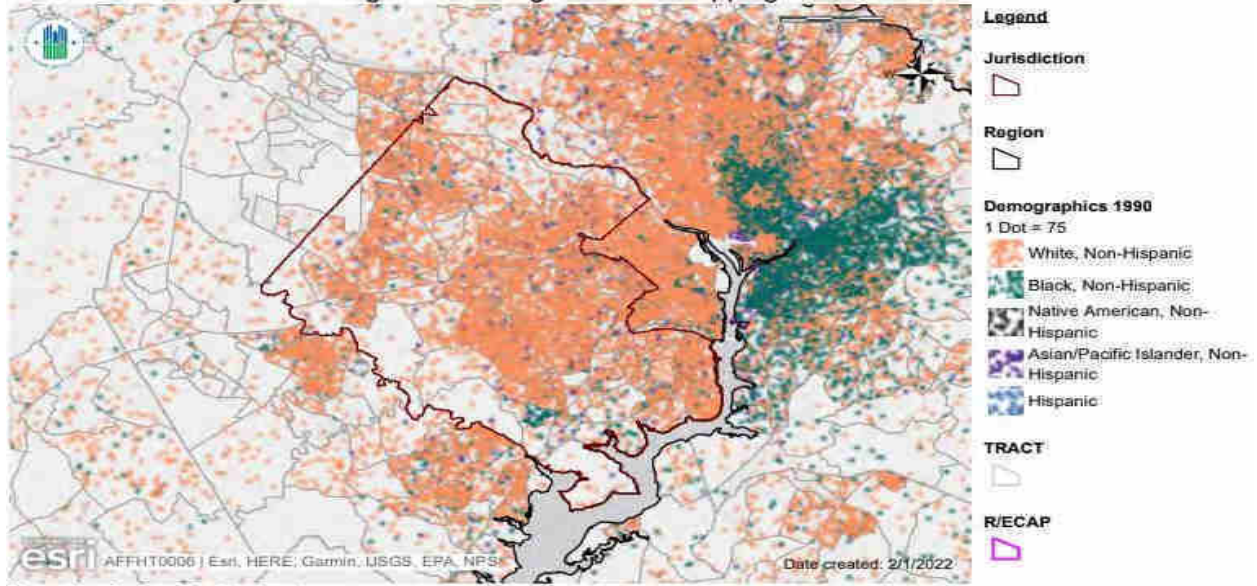
**Name:** Map 16 - Housing Tenure  
**Description:** Housing Tenure by Renters with R/ECAPs  
**Jurisdiction:** District Of Columbia (CDBG)  
**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV  
**HUD-Provided Data Version:** AFFHT0006

Regionally, the location of renters largely correlates with aforementioned patterns of racial and ethnic segregation. The percentage of renter-occupied households increases near the more urban areas of the region, a spatial pattern that also often times correlates with a larger percentage of minority residents.



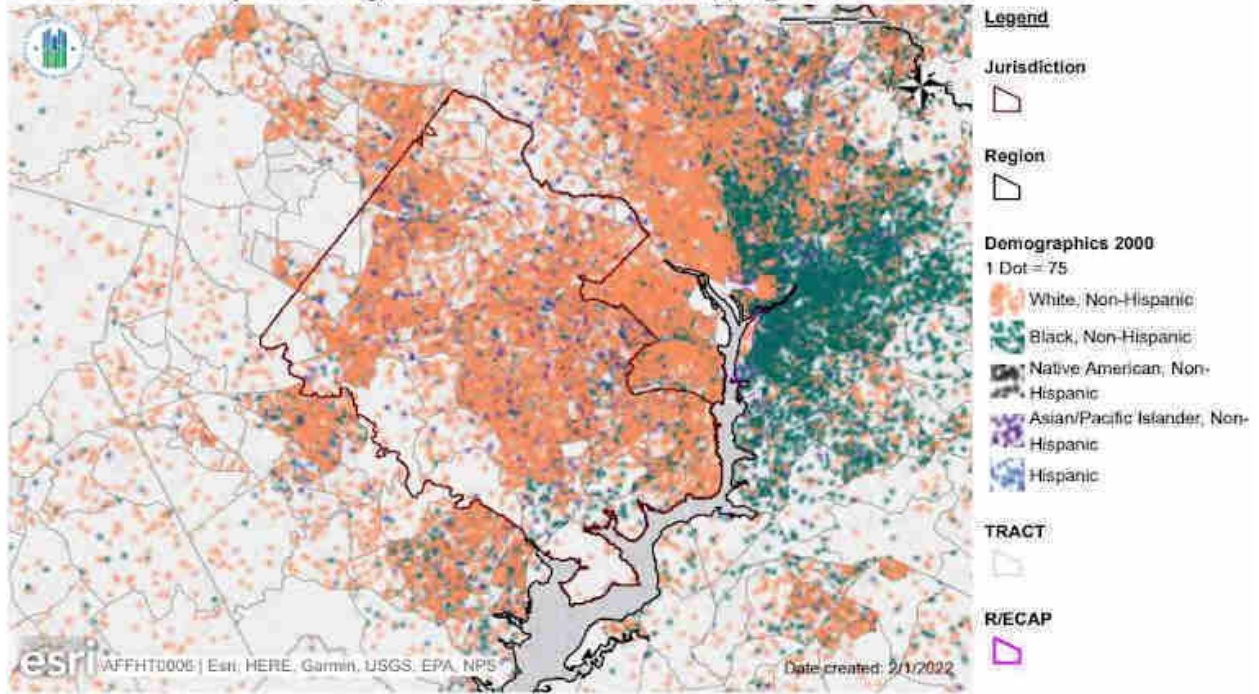
1.e. Discuss how patterns of segregation have changed over time (since 1990).

Map 9: Racial Demographics in 1990, Fairfax County, VA  
HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



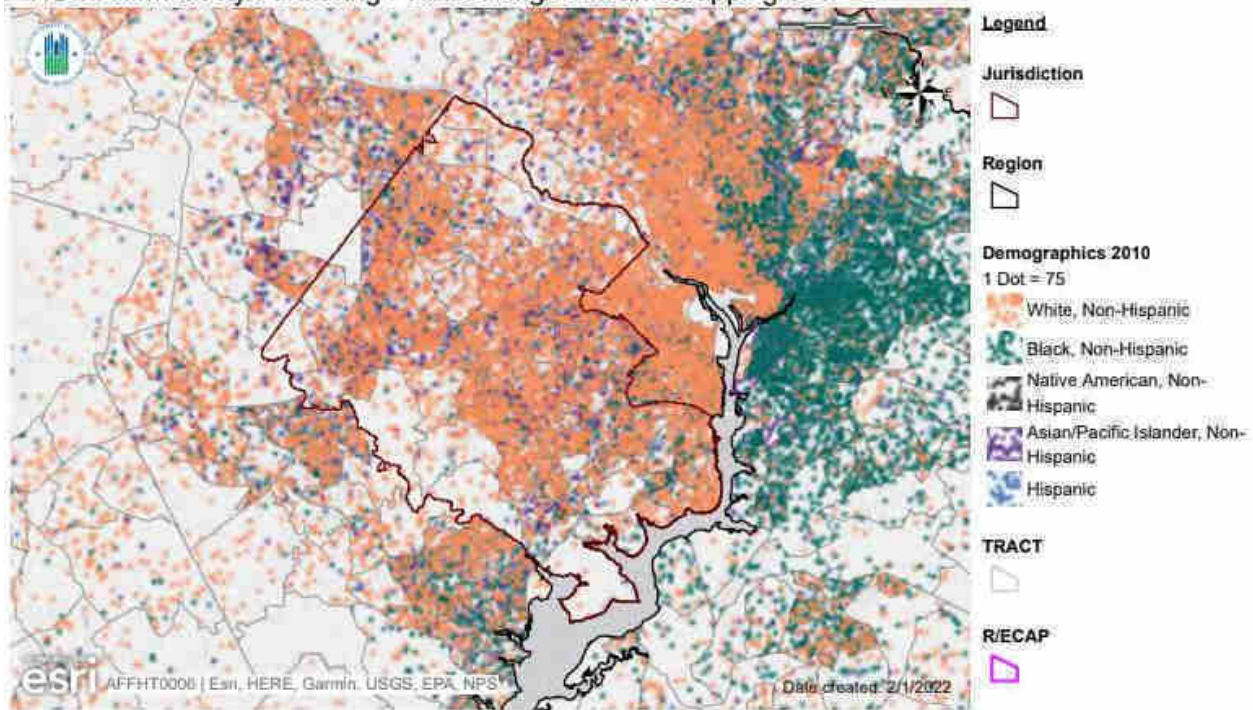
**Name:** Map 2- Race/Ethnicity Trends  
**Description:** Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs  
**Jurisdiction:** Fairfax County (CDBG, HOME, ESG)  
**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV  
**HUD-Provided Data Version:** AFFHT0006

**Map 10: Racial Demographics in 2000, Fairfax County**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 2 - Race/Ethnicity Trends  
**Description:** Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs  
**Jurisdiction:** Fairfax County (CDBG, HOME, ESG)  
**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV  
**HUD-Provided Data Version:** AFFHTD006

**Map 11: Racial Demographics in 2010, Fairfax County**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 2 - Race/Ethnicity Trends  
**Description:** Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs  
**Jurisdiction:** Fairfax County (CDBG, HOME, ESG)  
**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV  
**HUD-Provided Data Version:** AFFHT0006

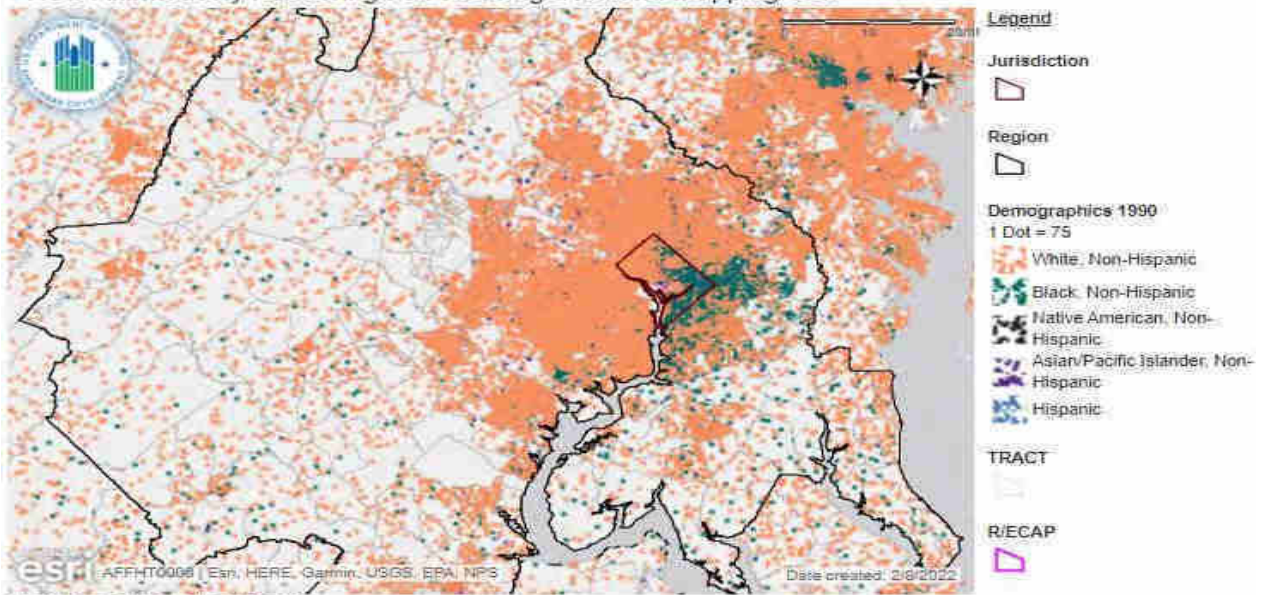
Fairfax County

Segregation in Fairfax County has increased overall since 1990. The Dissimilarity Index values for non-White and White, Black and White, Hispanic and White, and Asian or Pacific Islander and White have all increased since 1990 (table 1, page 27). In 1990, these groups all experienced low levels of segregation based on the Dissimilarity Index with the exception of Black and White, which experienced medium levels of segregation. The current Dissimilarity Index values for non-White and White and Asian or Pacific Islander and White both correspond with low levels of segregation. The Black and White and Hispanic and White current values both correspond to medium levels of segregation.



### Map 12: Racial Demographics in 1990, Region

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 2 - Race/Ethnicity Trends

Description: Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs

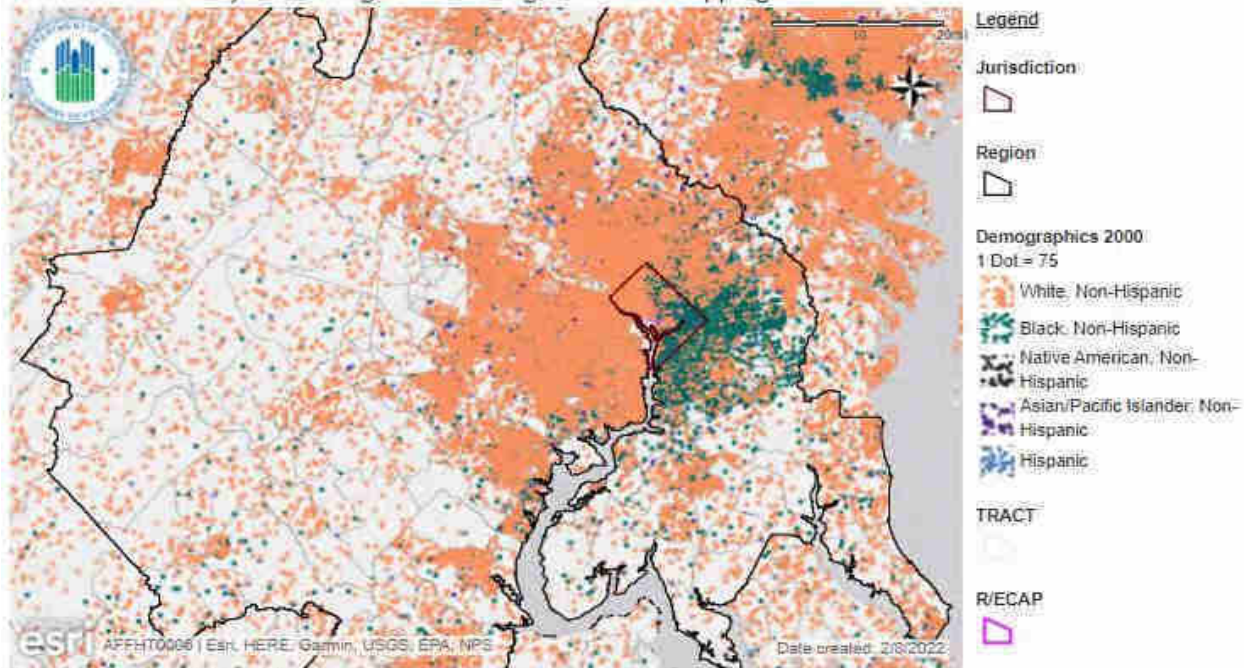
Jurisdiction: District Of Columbia (CDBG)

Region: Washington-Arlington-Alexandria, DC-VA-MD-WV

HUD-Provided Data Version: AFFHT0006

### Map 13: Racial Demographics in 2000, Region

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 2 - Race/Ethnicity Trends

Description: Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs

Jurisdiction: District Of Columbia (CDBG)

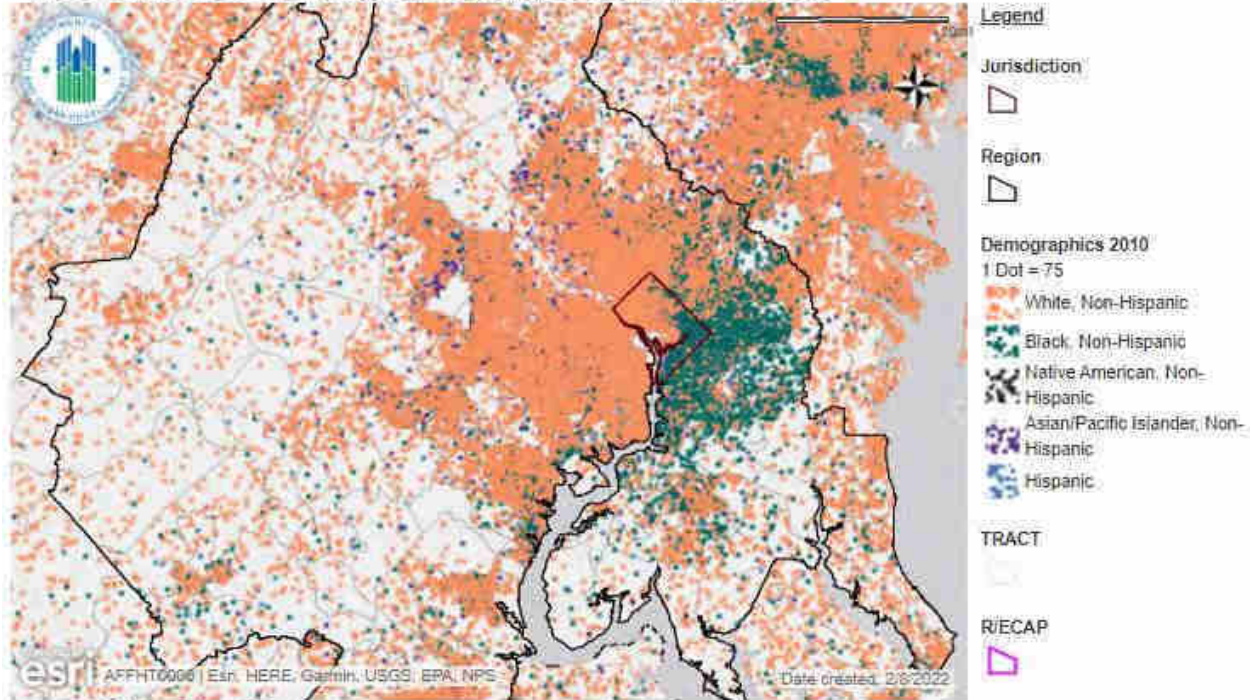
Region: Washington-Arlington-Alexandria, DC-VA-MD-WV

HUD-Provided Data Version: AFFHT0006



## Map 14: Racial Demographics in 2010, Region

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



### Region

Regionally, segregation is on the rise. Dissimilarity Index values for Non-White/White and Black/White are nearly identical to the 1990 values. These values dipped slightly in 2010 and then rose again between 2010 and the present. Since 1990, the Dissimilarity Index values have increased for Hispanic/White and Asian or Pacific Islander/White. The Dissimilarity Index values for Non-White/White, Hispanic/White, and Asian or Pacific Islander/White all correspond to medium levels of segregation. The Dissimilarity Index value for Black/White corresponds to a high level of segregation. The Exposure Index values across all ethnic groups in relation to White residents have also decreased since 1990. Exposure Index values of minority groups in relation to other minority groups have increased since 1990. These values, taken together with the Dissimilarity Index values, indicate that while minority populations are becoming more segregated from White populations, minorities are becoming less isolated with respect to other minorities.

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

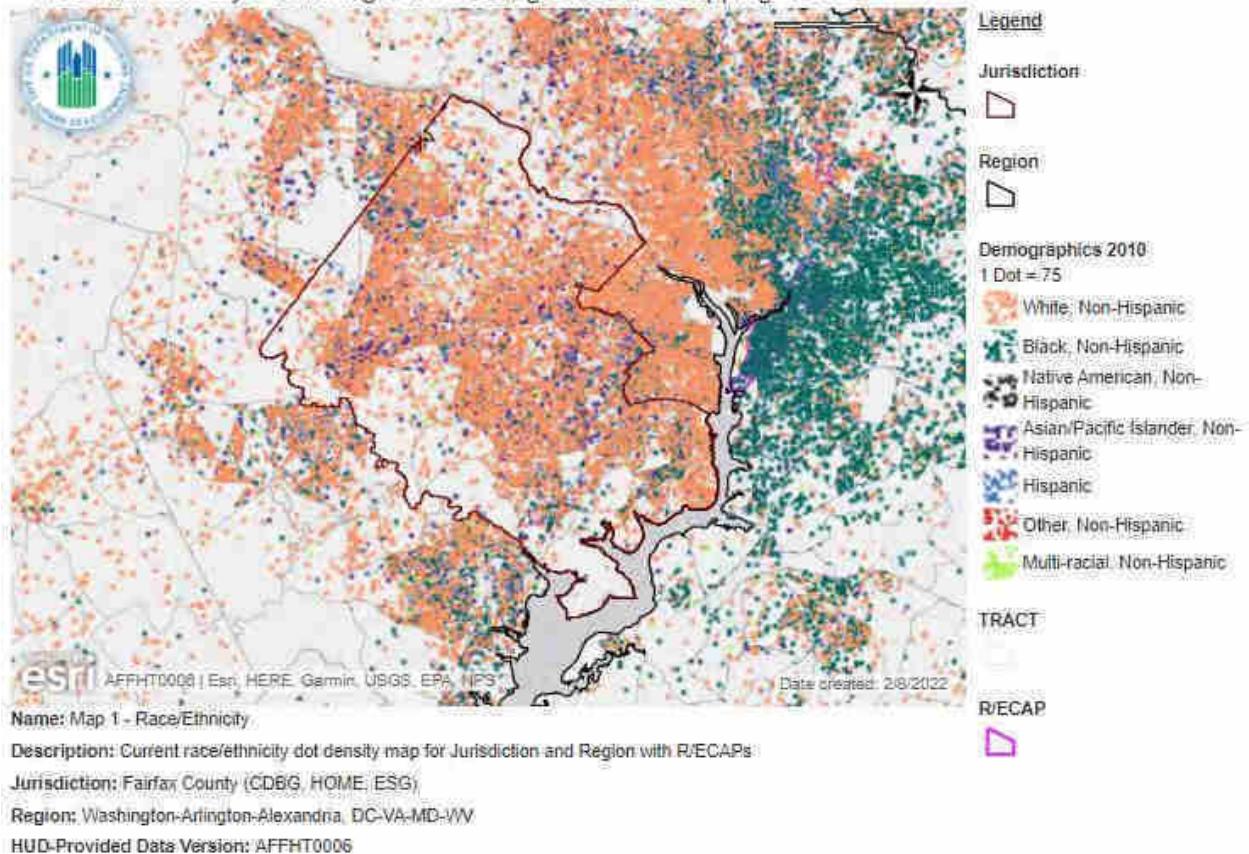
R/ECAPs are geographic areas with significant concentrations of poverty and populations of people of color. HUD has developed a census-tract based definition of R/ECAPs. In terms of racial or ethnic concentration, R/ECAPs are areas with a non-White population of 50 percent or more. With regard to poverty, R/ECAPs are census tracts in which 40 percent or more of individuals are living at or below the poverty line or that have a poverty rate three times the average poverty rate for the metropolitan area, whichever threshold is lower. In the region, which has a significantly lower rate of poverty than the nation as a whole, the latter of these two thresholds is used.

Where one lives has a substantial effect on mental and physical health, education, exposure to crime, and economic opportunity. Urban areas that are more residentially segregated by race and income tend to have lower levels of upward economic mobility than other areas. Research has found that racial inequality is thus amplified by residential segregation. Concentrated poverty is also associated with higher crime rates and worse health outcomes. However, these areas may also offer some opportunities as well. Individuals may actively choose to settle in neighborhoods containing R/ECAPs due to proximity to job centers. Ethnic enclaves may help immigrants build a sense of community and adapt to life in the United States. The businesses, social networks, and institutions in ethnic enclaves may help immigrants preserve their cultural identities while providing a variety of services that allow them to establish themselves in their new homes. Overall, identifying R/ECAPs facilitates understanding of entrenched patterns of segregation and poverty.

Data note: Some of the tables and maps in this section are sourced from the HUD tool, which used 2011–2015 five-year ACS data. These maps and tables are accessible to all and can be used by anyone to numerically and spatially analyze their jurisdictions or communities of interest. Other tables and maps that the Urban Institute created are based off of 2015–2019 five-year ACS data. Due to this, some of the maps identify different census tracts as R/ECAPs and reflect slightly different demographic data.

**1.a. Identify any R/ECAPs or groupings of R/ECAP tracts within the jurisdiction and region.**

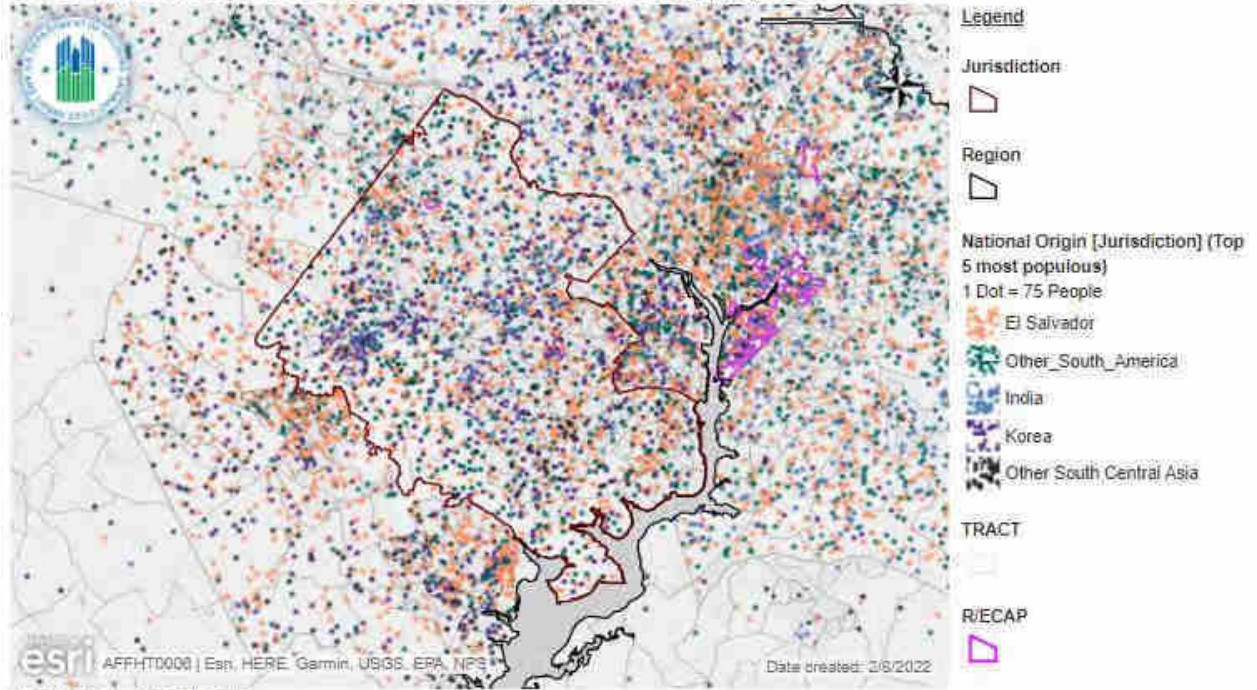
**Map 15: R/ECAPs in Jurisdiction with Race/Ethnicity, Fairfax County, VA**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool





There are three R/ECAPS within Fairfax County: one in Lincolnia, one in Reston, and one in Seven Corners. All have large numbers of Hispanic residents and a significant population of Asian American residents as well.

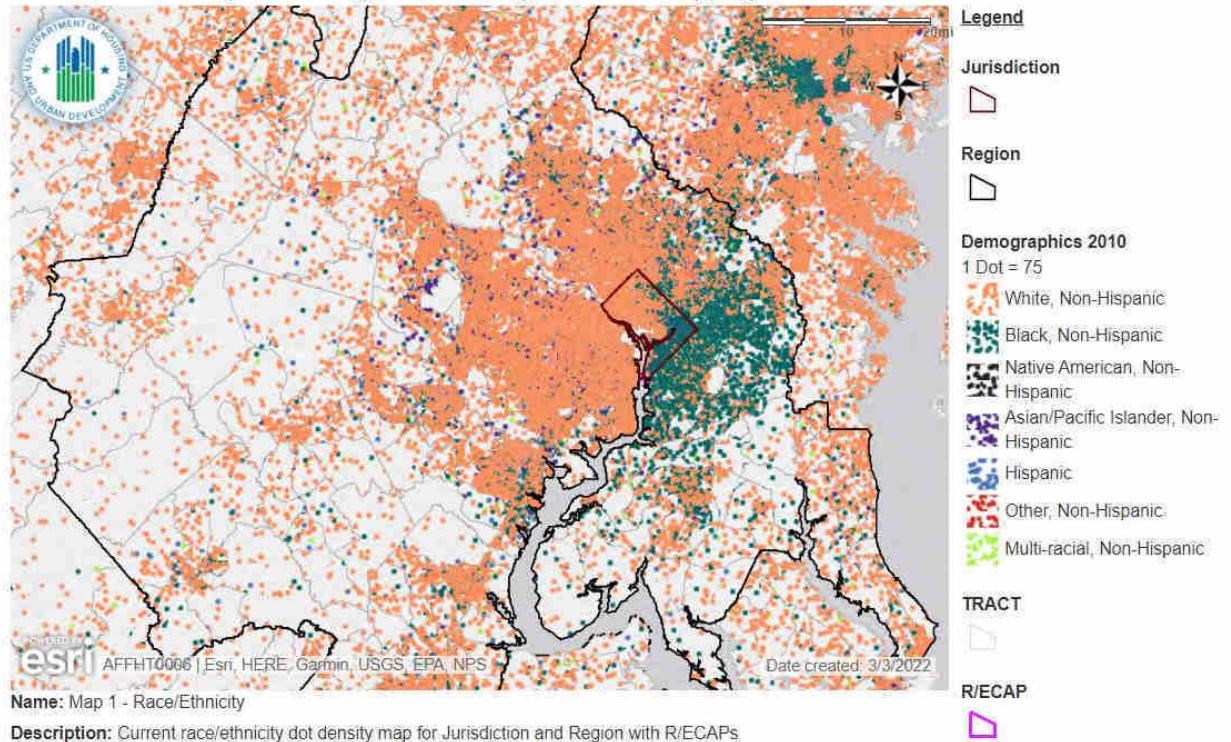
**Map 16: R/ECAPS in Jurisdiction with National Origin, Fairfax County, VA**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 3 - National Origin  
**Description:** Current national origin (5 most populous) dot density map for Jurisdiction and Region with R/ECAPS  
**Jurisdiction:** Fairfax County (CDBG, HOME, ESG)  
**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV  
**HUD-Provided Data Version:** AFFHT0006

There are three R/ECAPS in Fairfax County. The R/ECAP in Seven Corners has a high number of Salvadoran residents, while the R/ECAP in Lincolnia has large populations of both Korean and Salvadoran residents. The R/ECAP in Reston appears to have a significant population of Asian Indian origin.

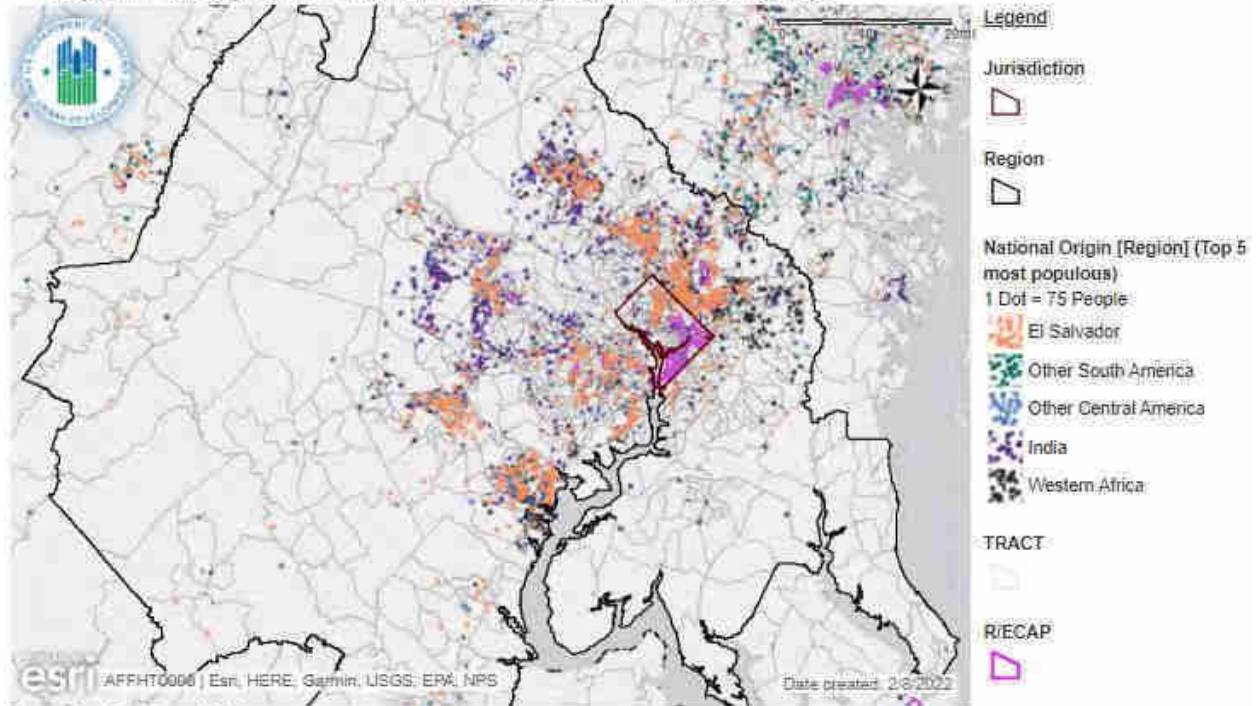
**Map 17: R/ECAPs in Jurisdiction with Race/Ethnicity, Region**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Within the region, most of the R/ECAPs are within the District and in primarily Black areas. Historically, federal housing policies bolstered White flight from cities like the District, creating segregated suburbs.<sup>3</sup> Even with the lower poverty rate threshold for R/ECAP status in effect, the relative economic prosperity of the region results in some racially and ethnically diverse areas with low-income populations—in eastern Montgomery County, southeastern Fairfax County, and eastern Prince William County—not being classified as R/ECAPs.



**Map 18: R/ECAPs in Jurisdiction with National Origin, Region**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 3 - National Origin

Description: Current national origin (5 most populous) dot density map for Jurisdiction and Region with R/ECAPs

Jurisdiction: District Of Columbia (CDBG)

Region: Washington-Arlington-Alexandria, DC-VA-MD-WV

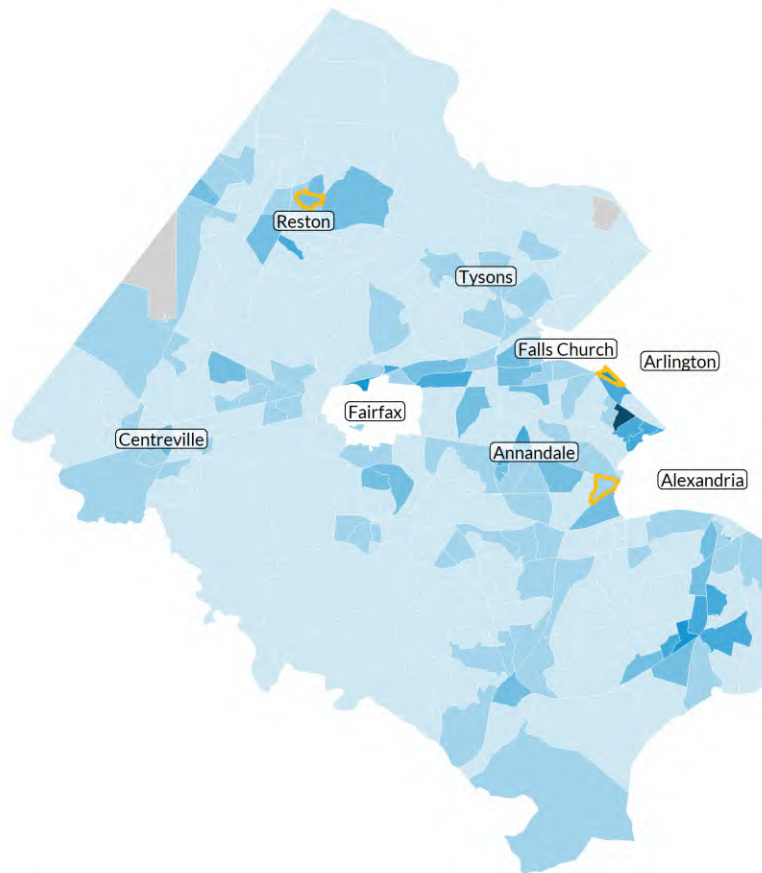
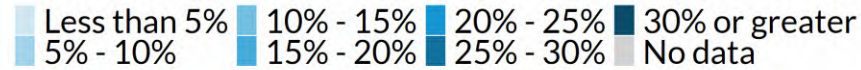
HUD-Provided Data Version: AFFHT0006

Across the region, Salvadoran and other Central Americans are the most prevalent foreign-born residents to live in R/ECAPs. Within R/ECAPs, Salvadorans make up just under 3.0 percent and other Central Americans make up 2.5 percent of residents.<sup>4</sup>

Map 19: R/ECAPs in Jurisdiction with Poverty Rates, Fairfax County, VA

## Poverty Rates by Census Tract in Fairfax County, Virginia

R/ECAPs Highlighted in Yellow



Source: American Community Survey 5-Year Estimates, 2015-2019

In Fairfax County, there are three R/ECAPs, each with poverty rates of 10 to 20 percent. The R/ECAPs in Fairfax County are in Lincolnia, Reston, and Seven Corners. Hispanic residents are the most significant group of people of color in each of the three R/ECAPs.

**1.b. Describe and identify the predominant protected classes residing in R/ECAPs in the jurisdiction and region. How do these demographics of the R/ECAPs compare with the demographics of the jurisdiction and region?**

Table 12: R/ECAP Demographics

	Fairfax County		Region	
R/ECAP Race/ Ethnicity	#	%	#	%
Total Population in R/ECAPs	12,560	-	150,440	-
White, Non-Hispanic	2,568	20.45%	8,904	5.92%
Black, Non-Hispanic	891	7.09%	119,872	79.68%
Hispanic	7,366	58.65%	16,312	10.84%
Asian or Pacific Islander, Non-Hispanic	1,435	11.43%	2,646	1.76%
Native American, Non-Hispanic	23	0.18%	325	0.22%
Other, Non-Hispanic	40	0.32%	225	0.15%
R/ECAP Family Type				
Total Families in R/ECAPs	2,616	-	32,565	-
Families with children	1,402	53.59%	17,062	52.39%

Table 13: R/ECAP Demographics

	Fairfax County, VA			Region		
	Country of origin	#	%	Country of origin	#	%
#1	Other Central America	2,077	16.54%	El Salvador	4,484	2.98%
#2	El Salvador	1,831	14.58%	Other Central America	3,757	2.50%
#3	Other South America	819	6.52%	Other South America	1,314	0.87%
#4	Mexico	544	4.33%	Mexico	1,219	0.81%
#5	Other South Central Asia	440	3.50%	Eastern Africa	1,020	0.68%

#6	Vietnam	239	1.90%	Western Africa	899	0.60%
#7	Northern Africa	173	1.38%	Other Caribbean	809	0.54%
#8	India	154	1.23%	Other South Central Asia	722	0.48%
#9	Other Western Asia	102	0.81%	China excl. Taiwan	496	0.33%
#10	Eastern Africa	100	0.80%	India	484	0.32%

Fairfax County

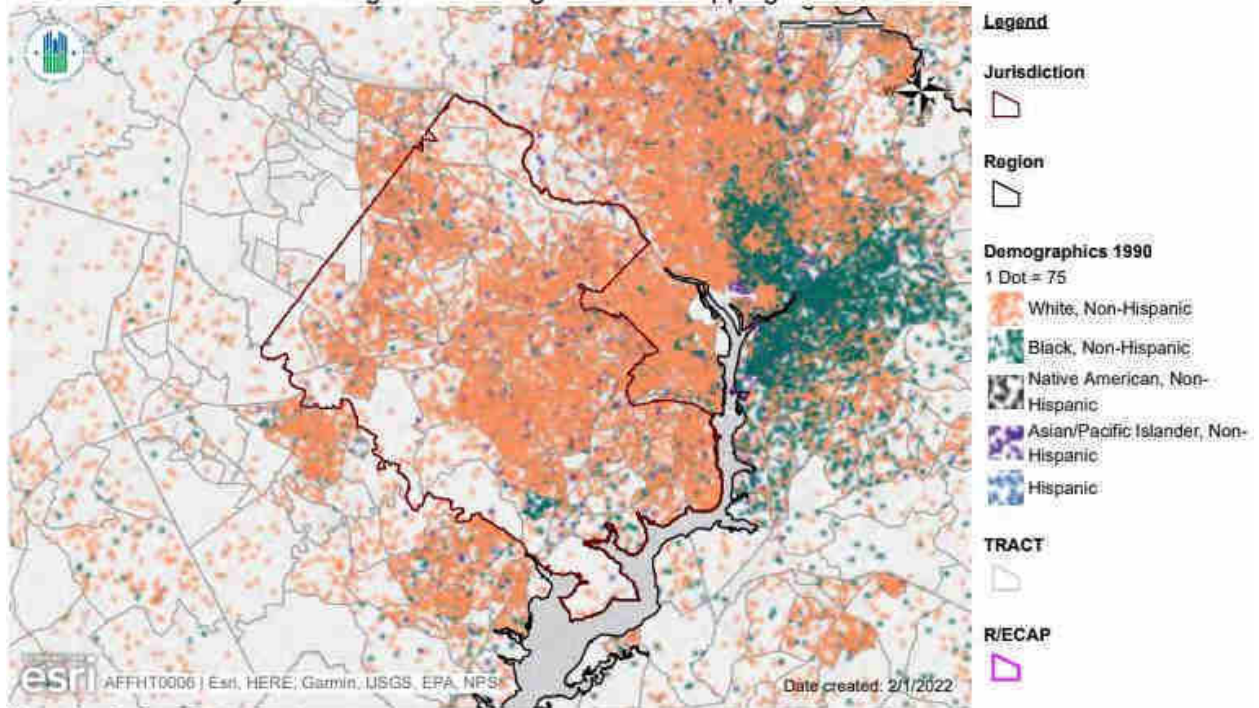
In Fairfax County, residents of R/ECAPs are nearly 60 percent Hispanic, 20 percent White, 11 percent Asian or Pacific Islander, and 7 percent Black. Of families living in R/ECAPs in the region, 54 percent are families with children. Around 30 percent of R/ECAP residents in the county are originally from El Salvador and other Central American countries. Hispanic individuals are most disproportionately residents of R/ECAPs as they make up 14 percent of the population of the whole county but 60 percent of the population of R/ECAPs in the county. Suburban R/ECAPs in the region, like those in Fairfax County, tend to be more heavily Hispanic than those in DC.

Region

In the region, 80 percent of residents of R/ECAPs are Black and 11 percent are Hispanic. Over one-half of families living in R/ECAPs in the region are families with children. Over 5 percent of R/ECAP residents in the region are originally from El Salvador and other Central American countries. Black individuals are most disproportionately residents of R/ECAPs as they make up one-quarter of the population of the whole region but 80 percent of the population of R/ECAPs in the region. The demographics of R/ECAPs in the region are heavily driven by the demographics of R/ECAPs in the District, which is home to a large majority of the region’s R/ECAPs. Suburban R/ECAPs tend to be more heavily Hispanic than those in the District

***1.c. Describe how R/ECAPs have changed over time in the jurisdiction and region (since 1990).***

**Map 20: R/ECAPs and Racial Demographics in 1990, Fairfax County, VA**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

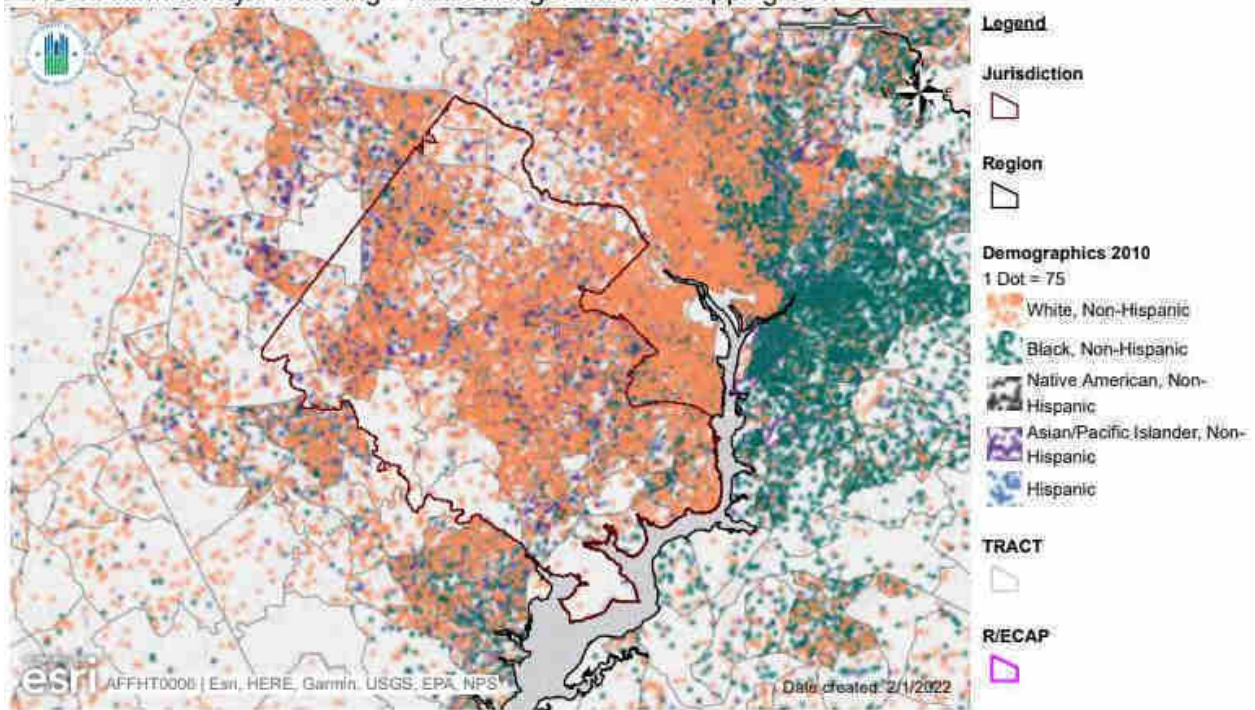


**Name:** Map 2- Race/Ethnicity Trends  
**Description:** Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs  
**Jurisdiction:** Fairfax County (CDBG, HOME, ESG)  
**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV  
**HUD-Provided Data Version:** AFFHT0006

There was one R/ECAP in Fairfax County in 1990, which was located in Seven Corners in an area that was plurality Hispanic. There were no R/ECAPs in Fairfax County in 2000.



**Map 21: R/ECAPs and Racial Demographics in 2010, Fairfax County, VA**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 2 - Race/Ethnicity Trends

**Description:** Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs

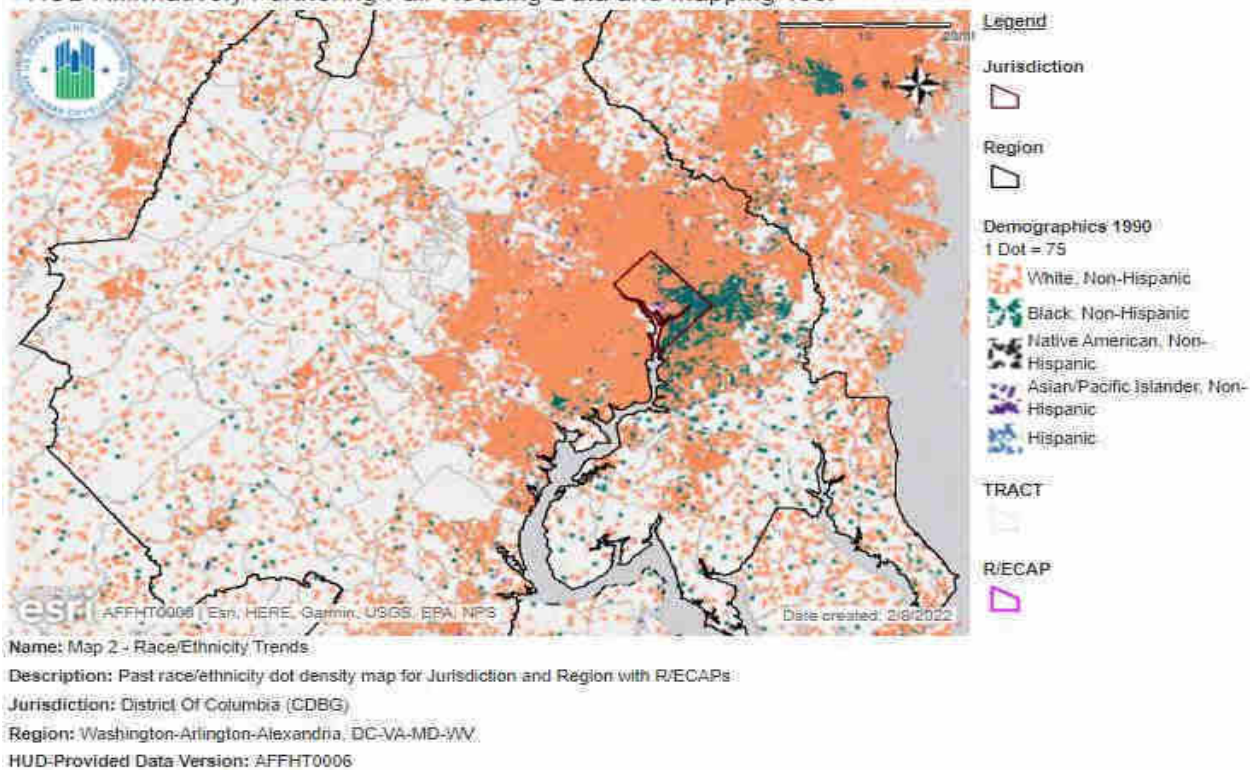
**Jurisdiction:** Fairfax County (CDBG, HOME, ESG)

**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV

**HUD-Provided Data Version:** AFFHT0006

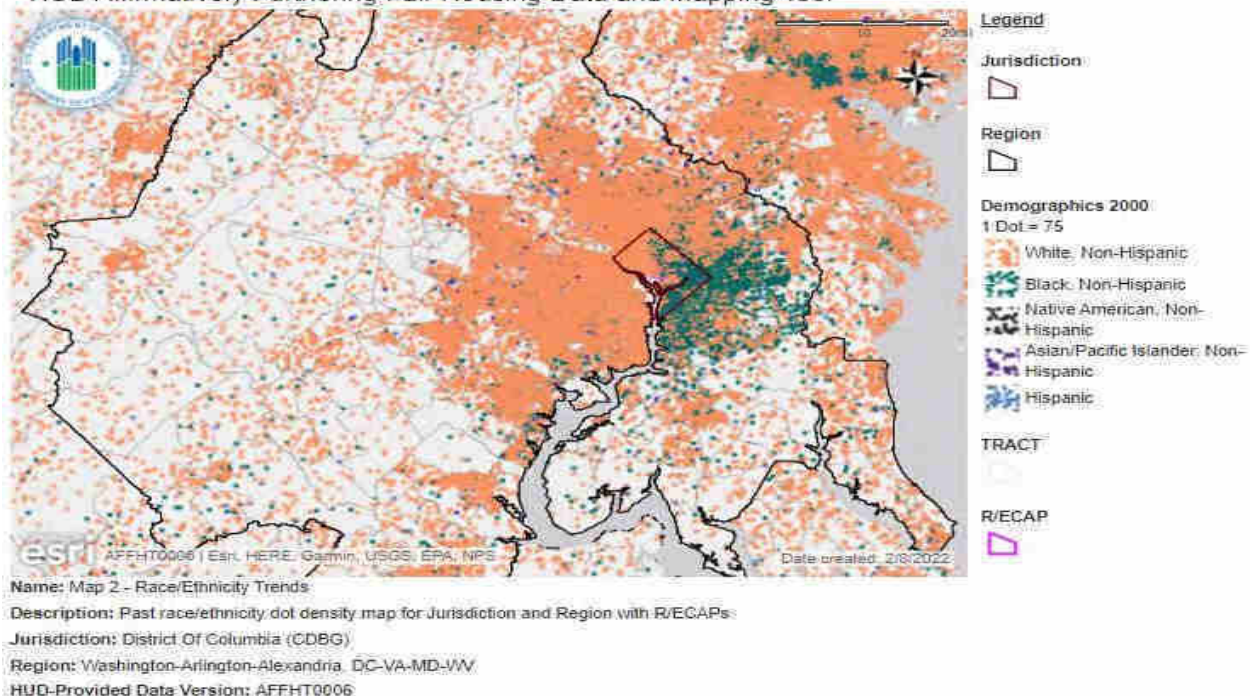
Currently, there are three R/ECAPS within Fairfax County: one in Lincolnia, one in Reston, and one in Seven Corners. All have large numbers of Hispanic residents and a significant population of Asian American residents as well.

**Map 22: R/ECAPs and Racial Demographics in 1990, Region**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



In 1990, the R/ECAPs in the Washington region were located primarily in the District and were predominantly located in majority Black neighborhoods.

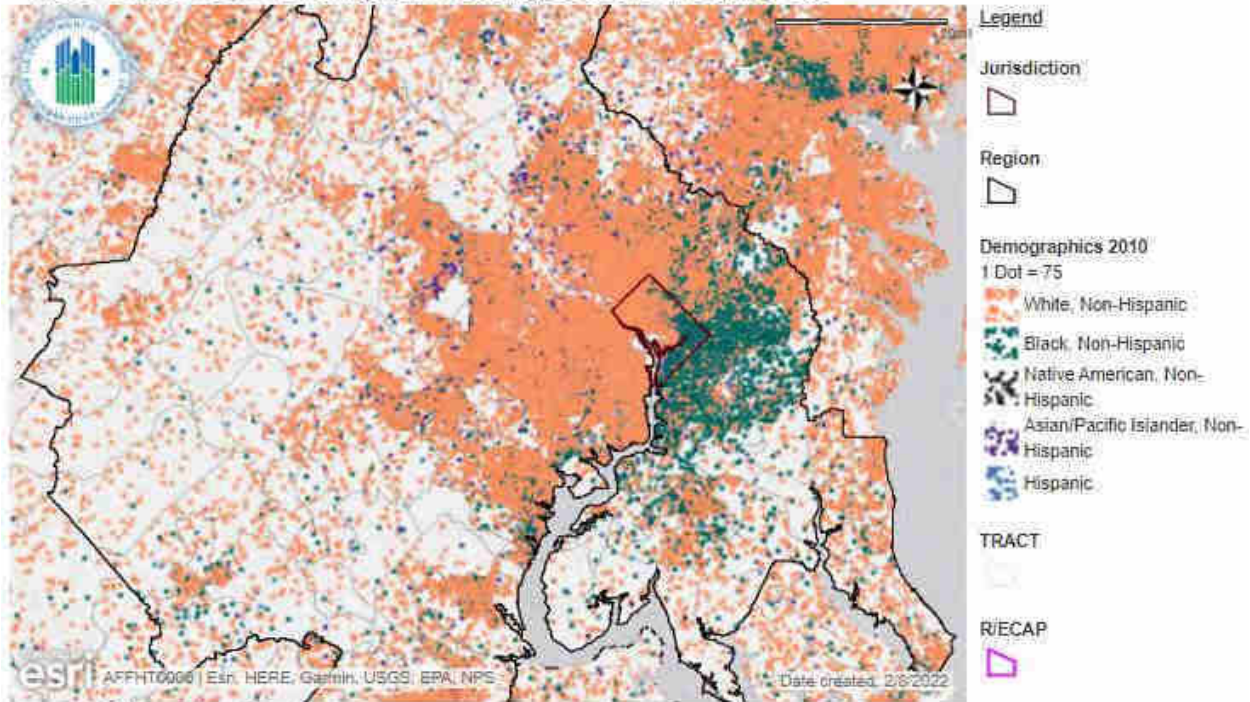
**Map 23: R/ECAPs and Racial Demographics in 2000, Region**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool





In 2000, most of the R/ECAPs in the region were in predominantly Black neighborhoods in the southeast and northeast areas of D.C.

**Map 24: R/ECAPs and Racial Demographics in 2010, Region**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 2 - Race/Ethnicity Trends  
 Description: Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs  
 Jurisdiction: District Of Columbia (CDBG)  
 Region: Washington-Arlington-Alexandria, DC-VA-MD-WV  
 HUD-Provided Data Version: AFFHT0006

In 2010, most of the R/ECAPs in the region were in the southeast and northeast areas of D.C.

### iii. Disparities in Access to Opportunity

#### a. Disparities in Access to Opportunity—Education

*i. Describe any disparities in access to proficient schools in the jurisdiction and region.*

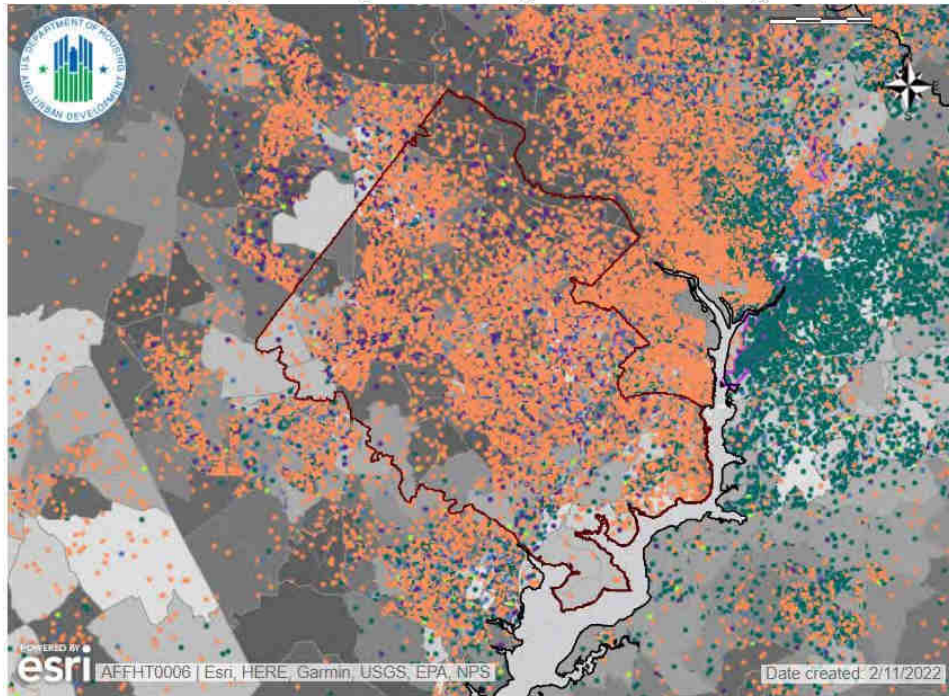
**Table 14: School Proficiency Index for Washington-Arlington-Alexandria, DC-VA-MD-WV Metropolitan Statistical Area**

	Fairfax County	Region
Total Population		
White, Non-Hispanic	57.05	60.67
Black, Non-Hispanic	37.80	38.14



Hispanic	36.12	43.36
Asian or Pacific Islander, Non-Hispanic	52.93	58.09
Native American, Non-Hispanic	47.28	48.69
Population below federal poverty line		
White, Non-Hispanic	48.68	54.12
Black, Non-Hispanic	33.27	34.15
Hispanic	31.28	39.28
Asian or Pacific Islander, Non-Hispanic	47.24	53.01
Native American, Non-Hispanic	27.09	40.50

**Map 25: Race/Ethnicity and School Proficiency, Fairfax County, VA**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Legend**

**Jurisdiction**

**Region**

**Demographics 2010**  
 1 Dot = 75

- White, Non-Hispanic
- Black, Non-Hispanic
- Native American, Non-Hispanic
- Asian/Pacific Islander, Non-Hispanic
- Hispanic
- Other, Non-Hispanic
- Multi-racial, Non-Hispanic

**TRACT**

**R/ECAP**

**School Proficiency Index**

- 0 - 10
- 10.1 - 20
- 20.1 - 30
- 30.1 - 40
- 40.1 - 50
- 50.1 - 60
- 60.1 - 70
- 70.1 - 80
- 80.1 - 90
- 90.1 - 100

**School Proficiency Index: Data not Available**

**Name:** Map 7 - Demographics and School Proficiency

**Description:** School Proficiency Index for Jurisdiction and Region with race/ethnicity, national origin, family status, and R/ECAPs

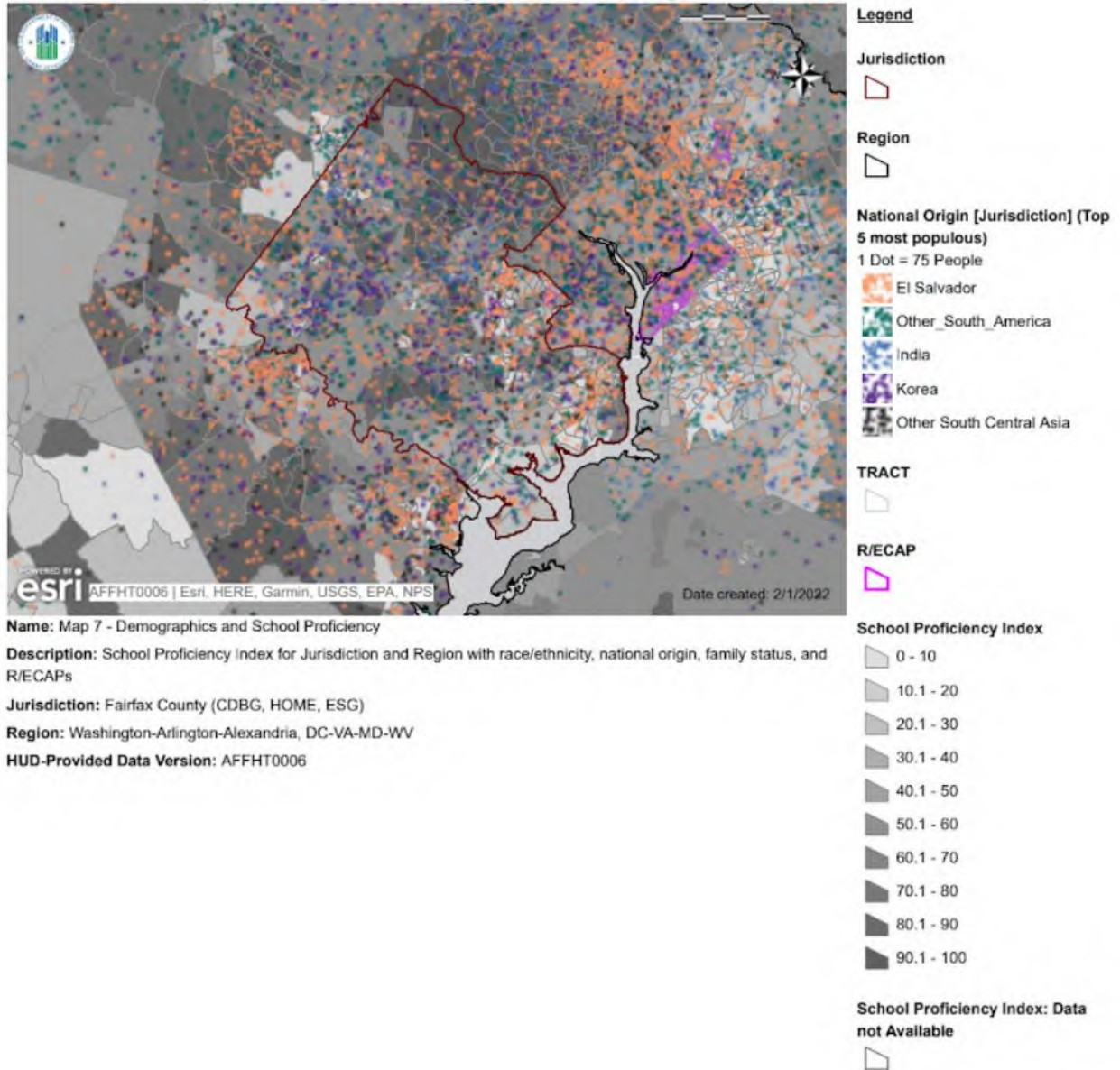
**Jurisdiction:** Fairfax County (CDBG; HOME; ESG)

**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV

**HUD-Provided Data Version:** AFFHT0006

**Map 26: National Origin and School Proficiency, Fairfax County, VA**

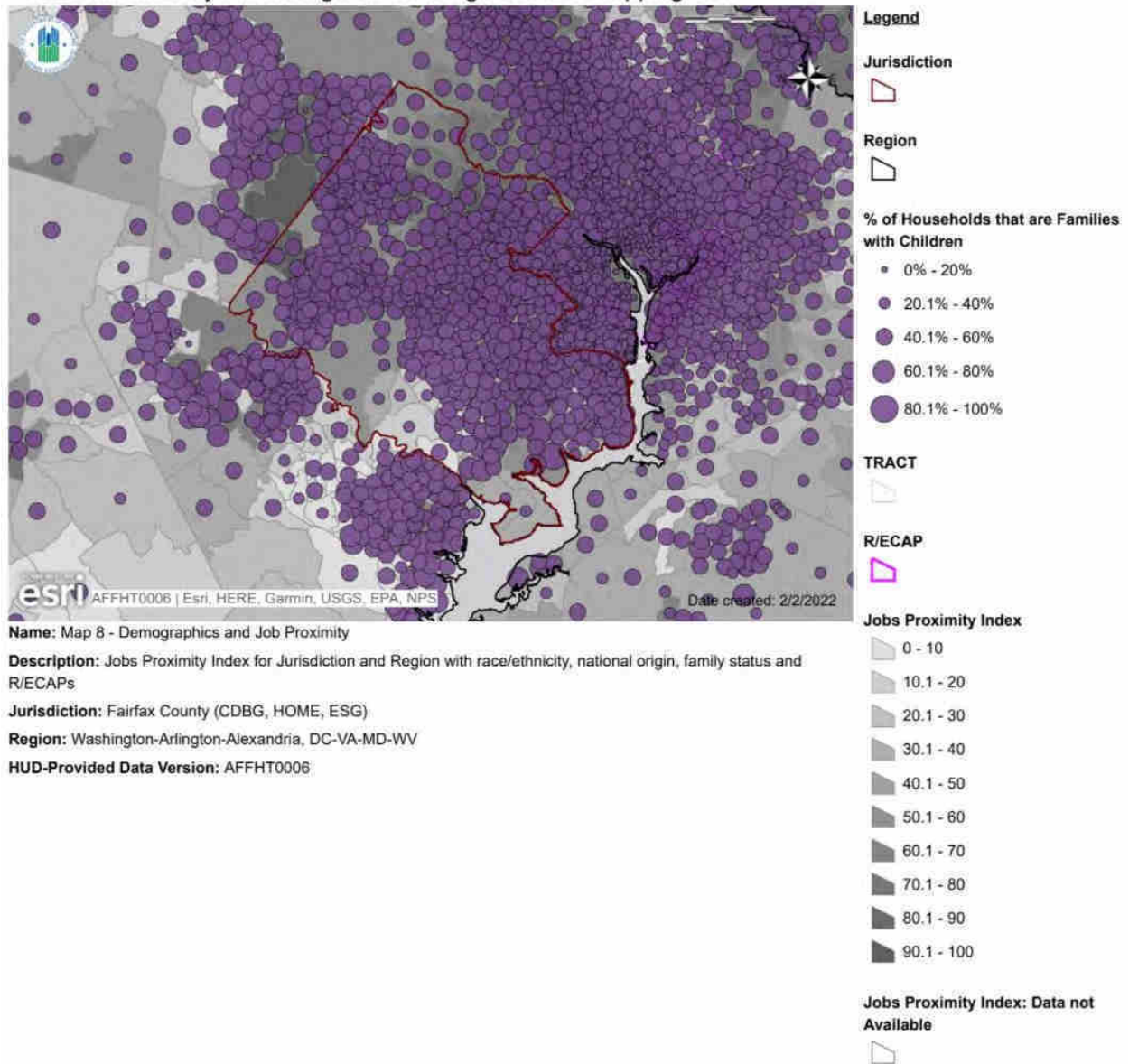
HUD Affirmatively Furthering Fair Housing Data and Mapping Tool





## Map 27: Familial Status and School Proficiency, Fairfax County, VA

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

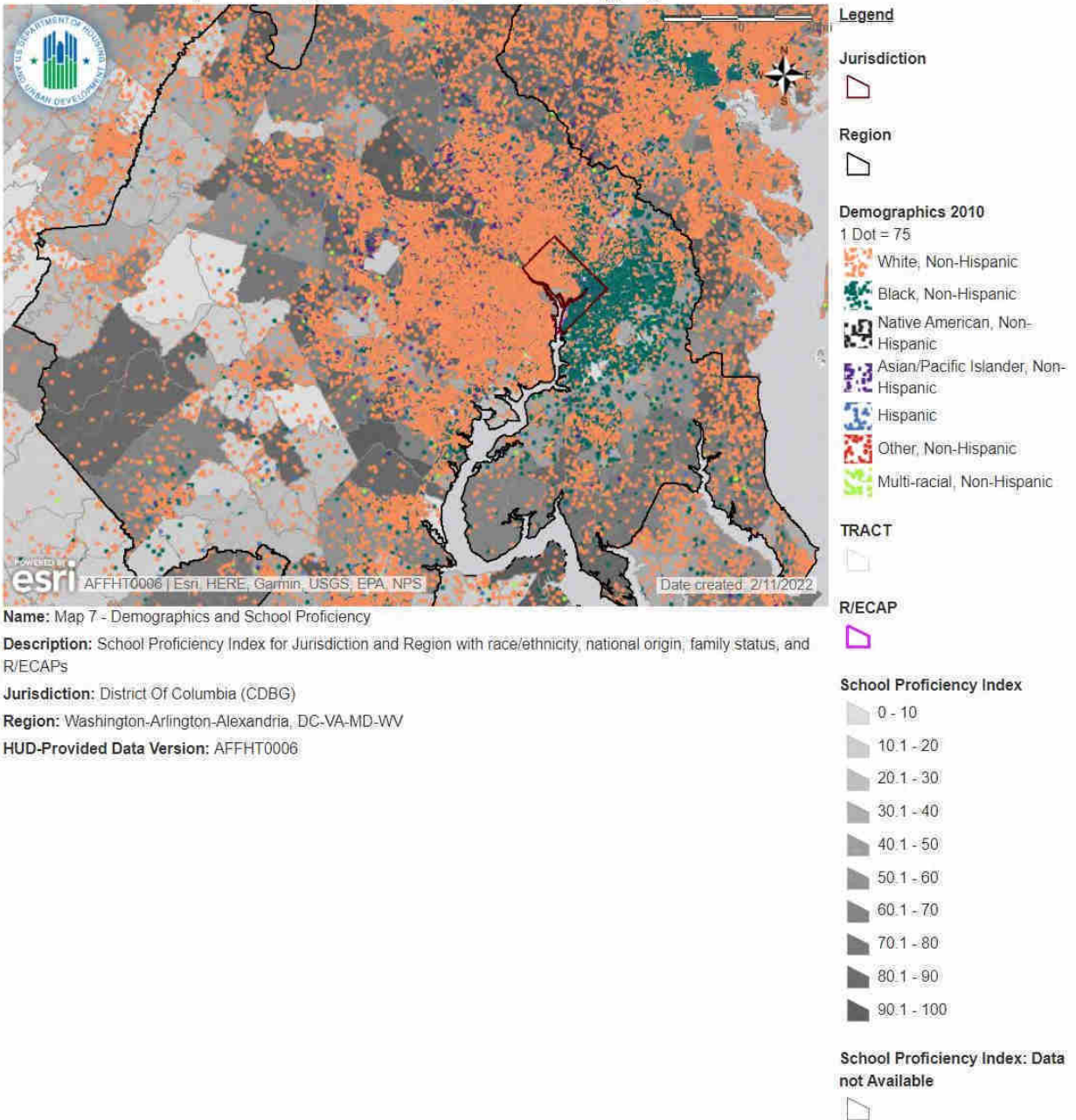


### Fairfax County

Access to proficient schools varies dramatically among racial and ethnic groups. Black and Hispanic residents have the lowest access to proficient schools, and this disparity is even more extreme when looking at just Black and Hispanic residents who live below the poverty line. In looking at the total population, Native American residents have middling levels of access, but access drops dramatically among Native American residents living below the poverty line. White and Asian residents, including those living below the poverty line, have relatively high access to proficient schools, though it is much lower than access in neighboring Loudoun County.

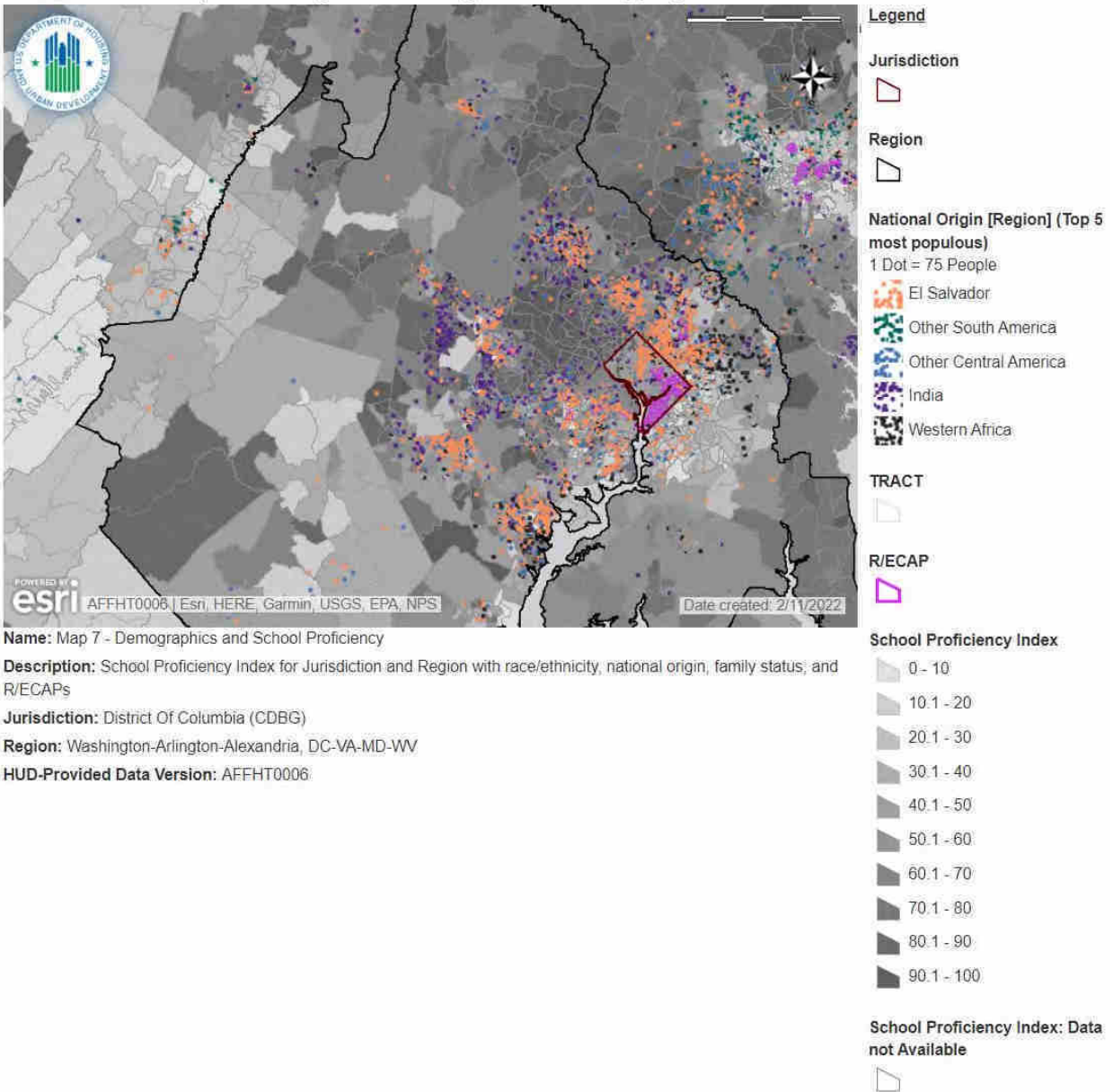
## Map 28: Race/Ethnicity and School Proficiency, Region

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



## Map 29: National Origin and School Proficiency, Region

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 7 - Demographics and School Proficiency

**Description:** School Proficiency Index for Jurisdiction and Region with race/ethnicity, national origin, family status, and R/ECAPs

**Jurisdiction:** District Of Columbia (CDBG)

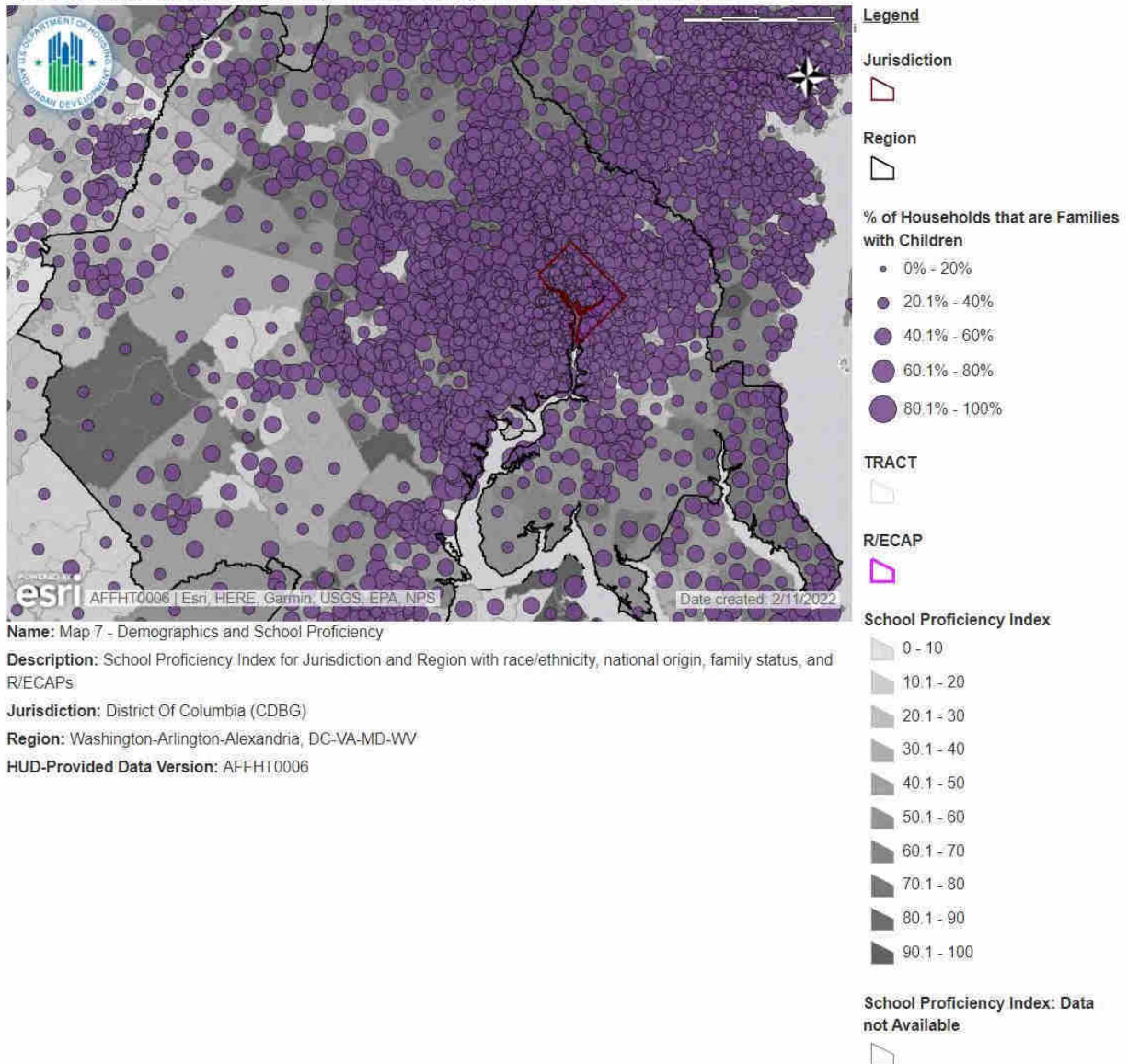
**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV

**HUD-Provided Data Version:** AFFHT0006



### Map 30: Familial Status and School Proficiency, Region

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



In general, White residents across the region have the most access to proficient schools, followed by Asian American residents. This is true to a slightly lesser extent for exclusively the population below the poverty line. Native American residents across the region have a moderate level of access to proficient schools, though it decreases for Native Americans living under the poverty line. Black and Hispanic residents throughout the region have the least access to proficient schools, especially those living below the poverty line.

*ii. Describe how the disparities in access to proficient schools relate to residential living patterns in the jurisdiction and region.*

#### Fairfax County

Residential patterns are undoubtedly correlated with access to school proficiency in Fairfax, as the areas with the least access to proficient schools, like Groveton, Woodlawn, and Annandale, are

consistently home to a higher number of Black and Hispanic residents, particularly of Central American descent, compared to the rest of the county. Moreover, the suburban areas of the county to the northwest, like McLean and Great Falls, consistently have the most access to proficient schools. These areas are predominantly White and Asian American. Family sizes are slightly smaller toward the river, but among the tracts that are near the river, there does not appear to be any correlation between family size and proficient school access values.

### Region

Disparities in access to proficient education correlate with residential living patterns in the region. Access to proficient schools is much higher in suburban areas, particularly in Loudoun, Fairfax, and Montgomery counties. These areas are disproportionately White, and to a lesser extent, Asian American. In contrast, urban areas with low levels of access to proficient schools are consistently home to larger numbers of Black and Hispanic residents. This includes the District of Columbia, and the urban portions of Alexandria and Arlington. But even within these urban areas, where people of color comprise a majority of the population, access to proficient schools is heavily correlated with race and ethnicity.

***iii. Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss programs, policies, or funding mechanisms that affect disparities in access to proficient schools.***

### Fairfax County

In 2017, the Fairfax County Board of Supervisors and School Board adopted a joint social and racial equity policy called One Fairfax. The School Board adopted the One Fairfax policy at its meeting on November 20, 2017. The policy calls for the Board of Supervisors and School Board to consider equity in decisionmaking and in the development and delivery of future policies, programs, and services.

Despite these efforts, systemic barriers remain in place. Namely, localities still rely on property taxes to fund public schools, such that historical and persistent racial inequalities in housing lead to disparate funding and, as a result, disparate performances. One study by Education Trust showed that Virginia divisions serving the highest share of students of color in 2015 had 8 percent less total state and local funding per pupil than divisions serving the lowest share of students of color.

## **b. Disparities in Access to Opportunity—Employment**

Access to employment at a livable wage is an integral component of broader access to opportunity. Where one lives can affect one's access to and the quality of employment opportunities. This can happen both through proximity of residential areas to places with high concentrations (or low concentrations) of jobs and through barriers to residents of particular neighborhoods accessing jobs, even when they are close by. The analysis in this section is based on a review of two data indicators for each jurisdiction: the Labor Market Index and the Jobs Proximity Index. The Labor Market Index measures, by census tract in a jurisdiction, the level of engagement residents within that tract have in the labor force. Values range from 0 to 100. The higher the score, the higher the rates of employment in that particular area. The Jobs Proximity Index measures, by census tract, the accessibility of employment opportunities for that tract's residents. Values range from 0 to 100. The higher the score, the more access residents from that area have to employment opportunities.

***i. Describe any disparities in access to jobs and labor markets by protected class groups in the jurisdiction and region.***



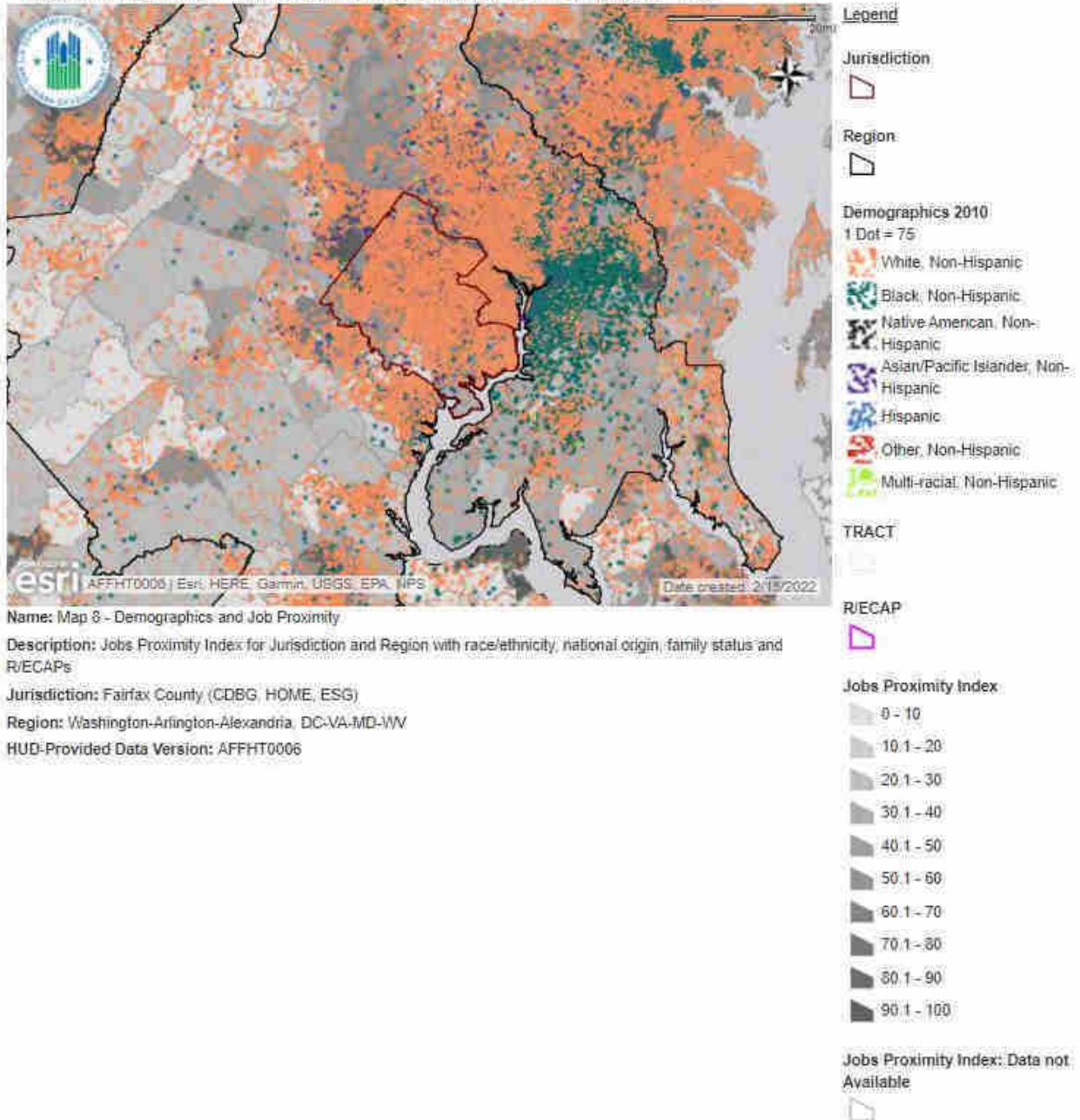
Table 15: Labor Market and Jobs Proximity Indices

Labor Market Index	Fairfax County	Region
Total Population		
White, Non-Hispanic	86.50	82.91
Black, Non-Hispanic	76.83	62.67
Hispanic	73.45	74.49
Asian or Pacific Islander, Non-Hispanic	83.89	86.47
Native American, Non-Hispanic	76.72	72.84
Population below federal poverty line		
White, Non-Hispanic	87.23	76.55
Black, Non-Hispanic	79.67	51.91
Hispanic	78.29	69.89
Asian or Pacific Islander, Non-Hispanic	87.14	83.78
Native American, Non-Hispanic	83.19	75.77
Job Proximity Index	Fairfax County	Region
Total Population		
White, Non-Hispanic	58.55	48.26
Black, Non-Hispanic	51.07	42.42
Hispanic	56.72	46.50
Asian or Pacific Islander, Non-Hispanic	60.91	53.37
Native American, Non-Hispanic	57.64	44.20
Population below federal poverty line		
White, Non-Hispanic	59.49	50.51
Black, Non-Hispanic	52.92	50.96
Hispanic	55.41	46.40

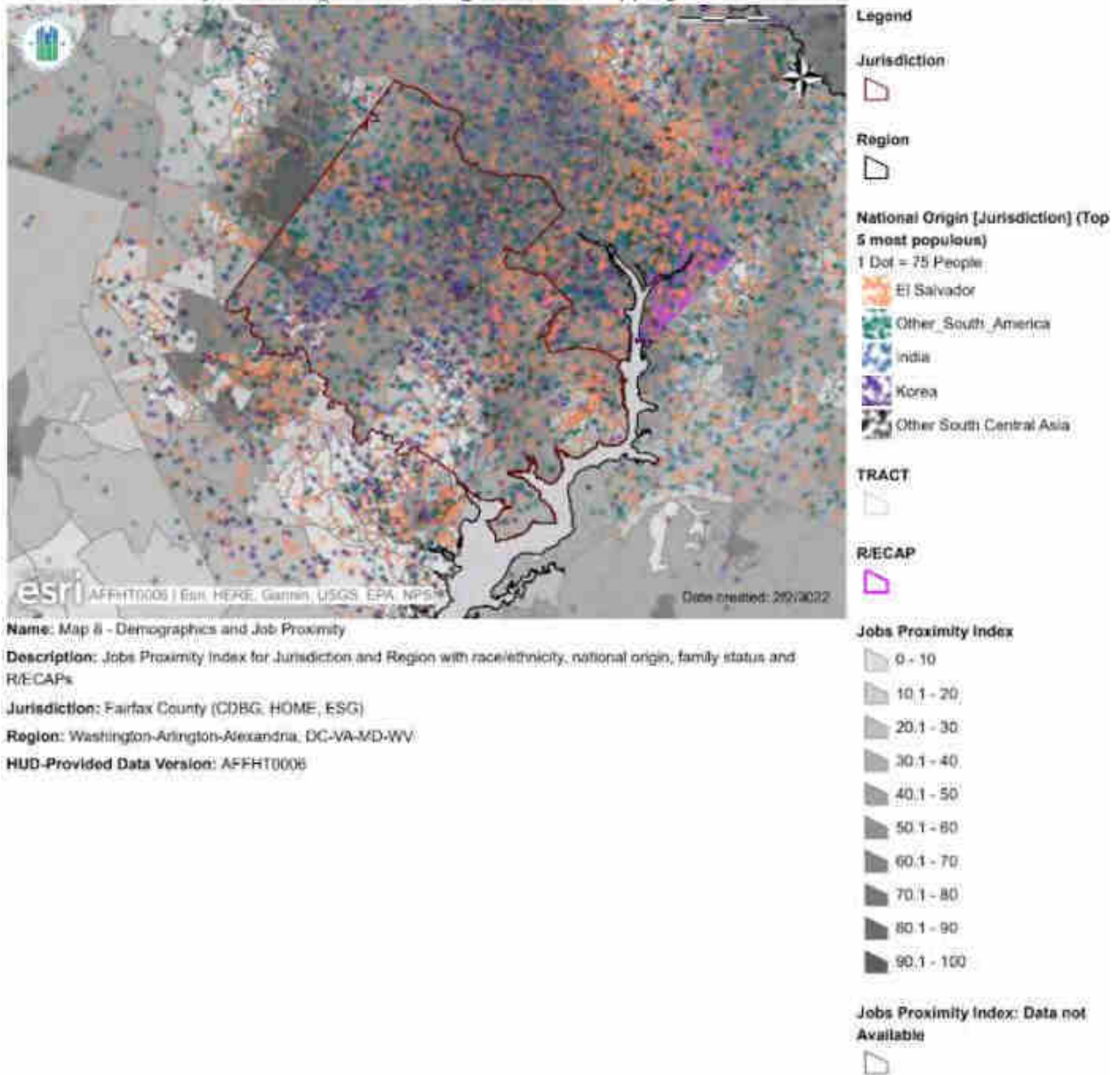
Asian or Pacific Islander, Non-Hispanic	58.75	58.27
Native American, Non-Hispanic	50.38	55.30

**Map 31: Demographics and Job Proximity (Race/Ethnicity), Fairfax County, VA**

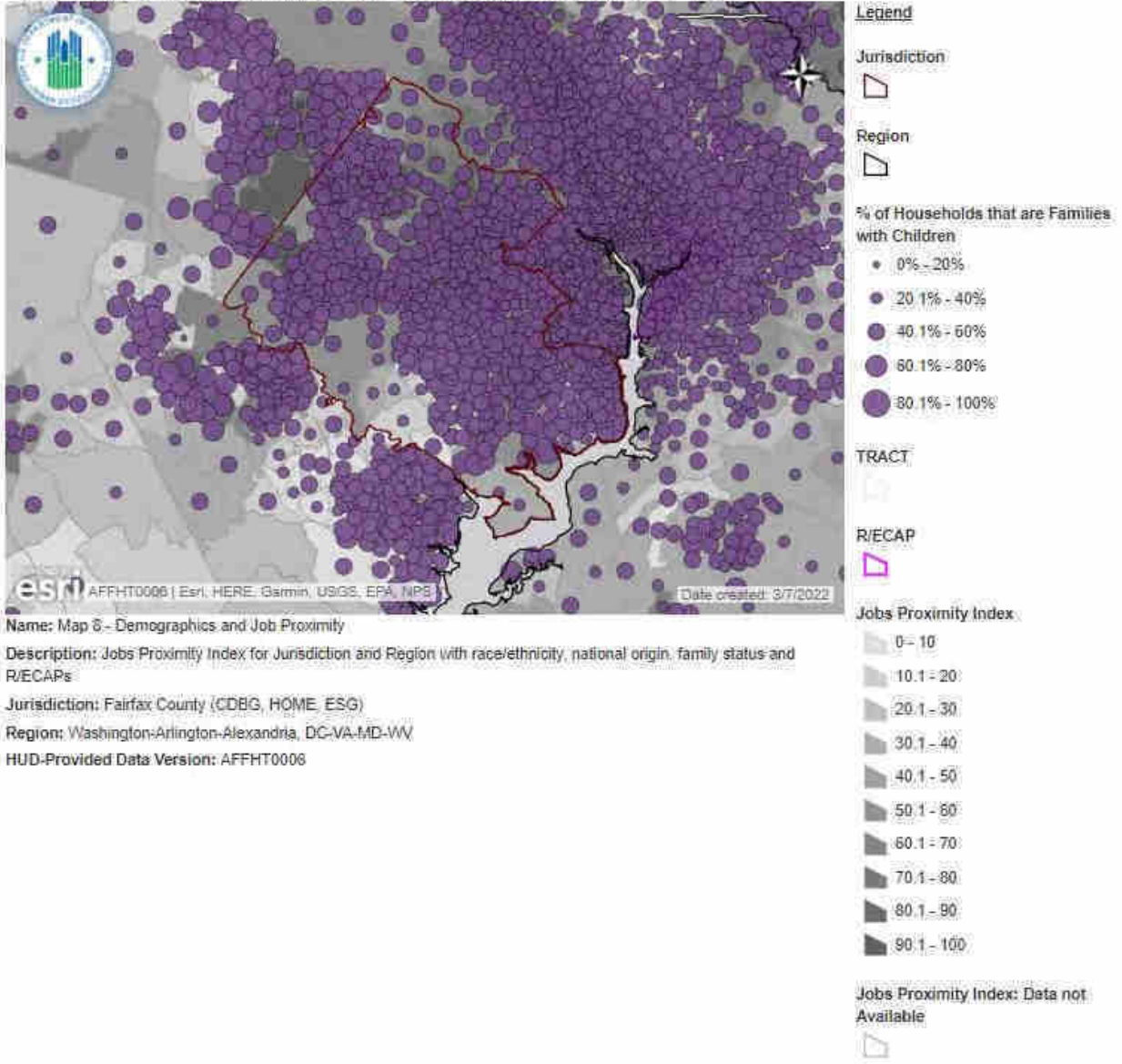
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**Map 32: Demographics and Job Proximity (National Origin), Fairfax County, VA**  
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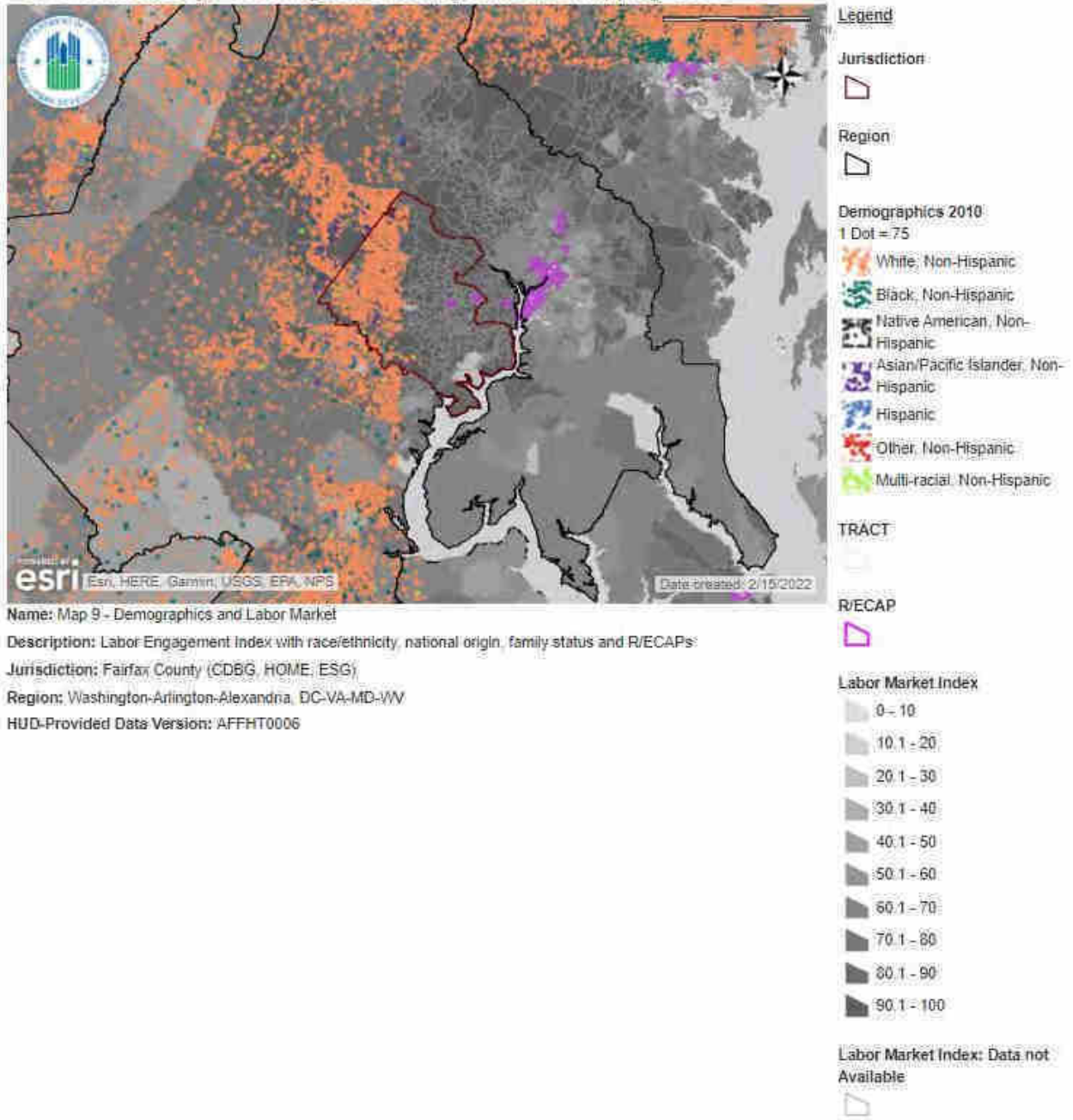


**Map 33: Demographics and Job Proximity (Familial Status), Fairfax County, VA**  
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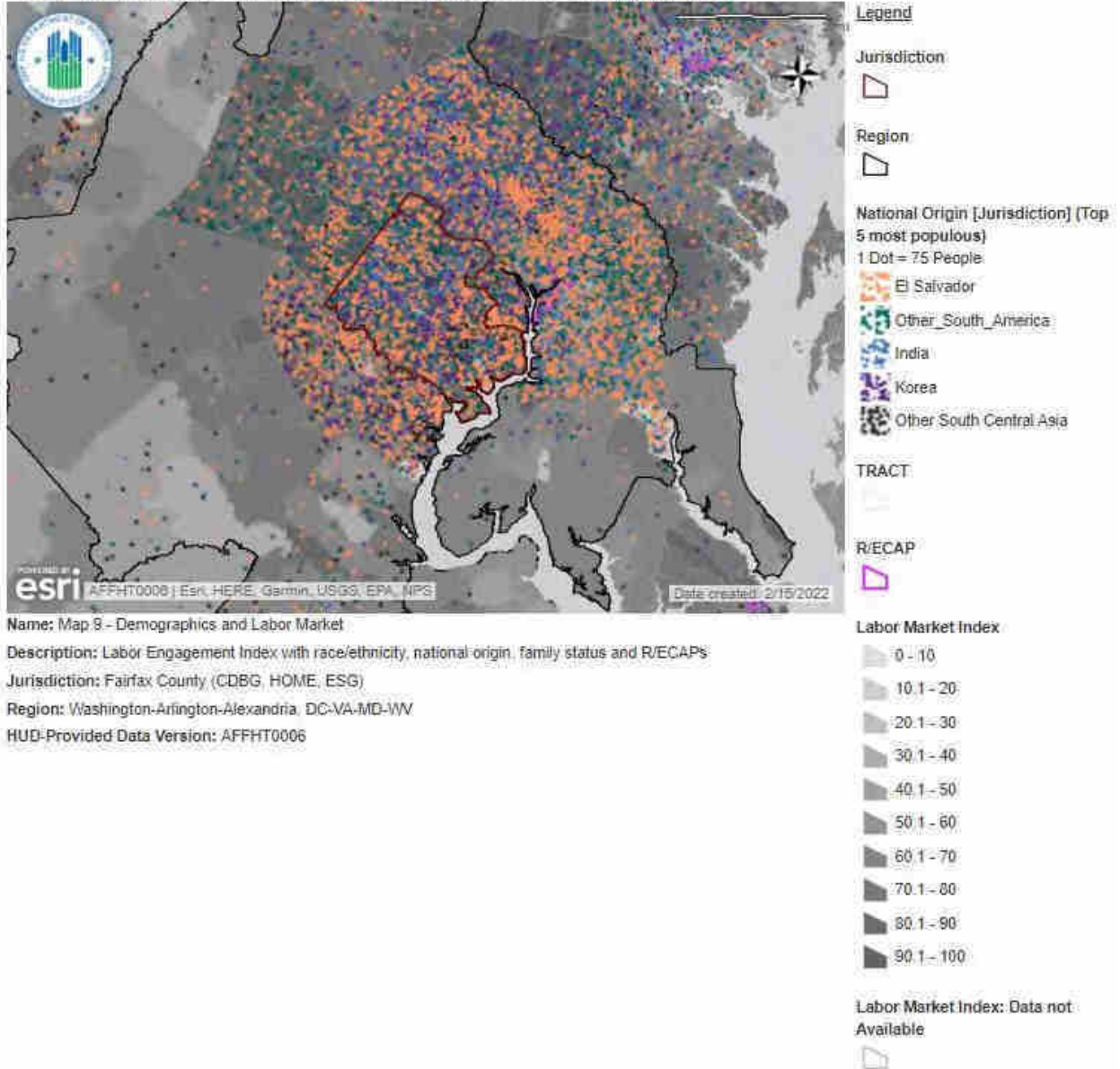




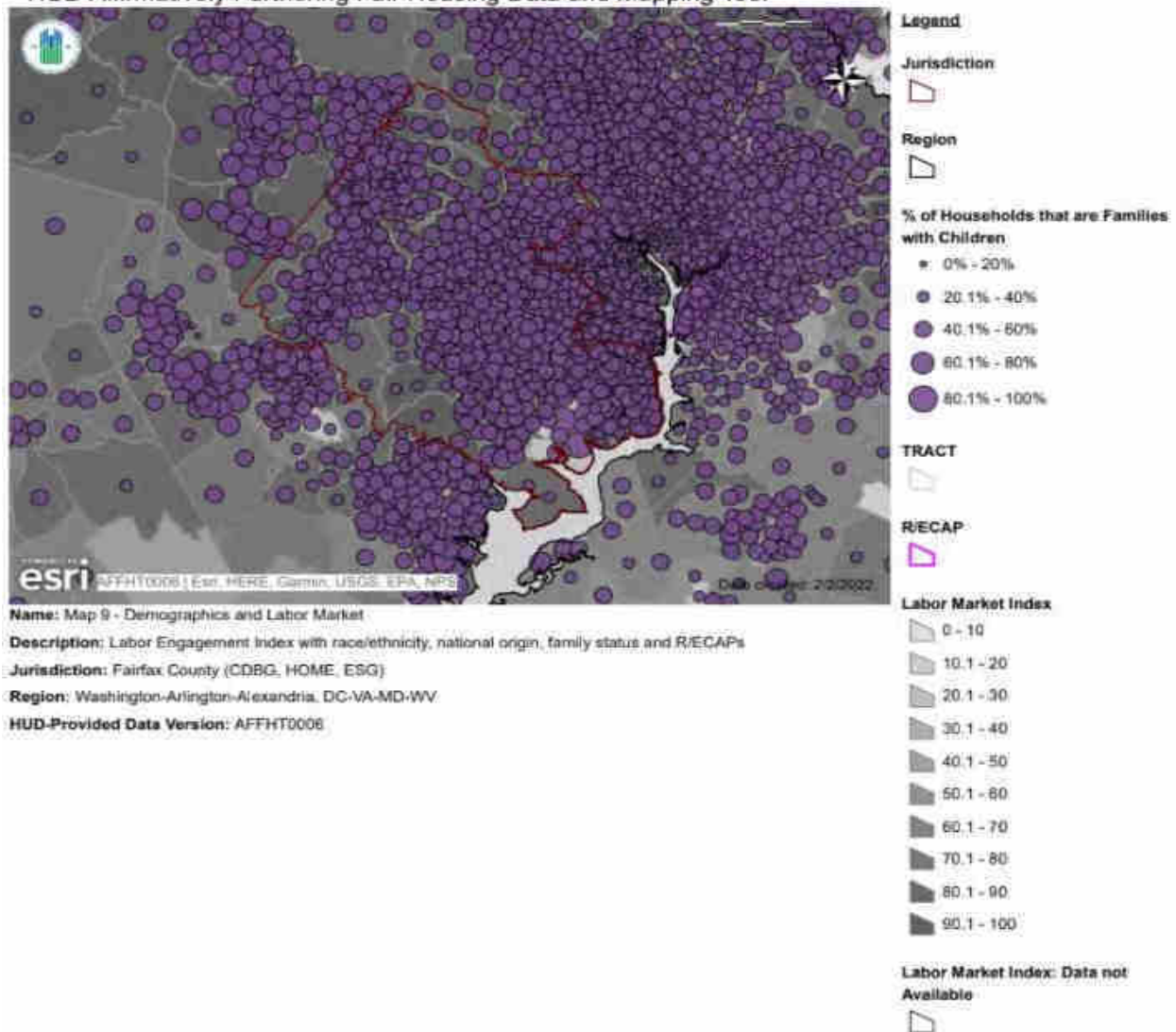
**Map 34: Demographics and Labor Market (Race/Ethnicity), Fairfax County, VA**  
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**Map 35: Demographics and Labor Market (National Origin), Fairfax County, VA**  
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**Map 36: Demographics and Labor Market (Familial Status), Fairfax County, VA**  
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Fairfax County

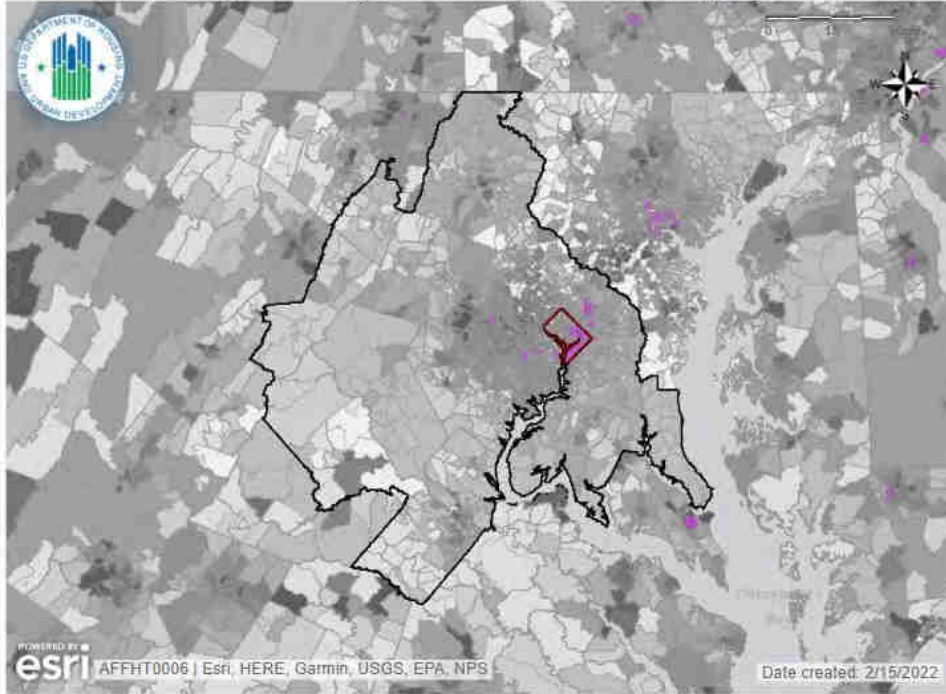
Although there is some degree of disparity in job engagement between racial and ethnic groups, the difference in index values is somewhat moderate. Index values for all groups are high, ranging from 91.5 to 82.74. White residents have the highest level of engagement, and Hispanic residents have the lowest rate, about seven points lower than White residents'. For residents living under the federal poverty line, the pattern differs from the above jurisdictions. While in other jurisdictions, some residents below the poverty line live in areas with higher Labor Market Index values than the group as a whole, here, there is a marginal decline in job engagement in low-income areas. Unlike the high Labor Market Index values, the Jobs Proximity Index values are more moderate, but as is the case for Jobs Proximity Index values, slight though different racial disparities in index values exist for Jobs Proximity Index values as well. The disparity between racial groups' index values departs from the pattern identified for labor engagement. The index value for Asian American residents, not White residents, is highest, while the index value for Black residents, instead of Hispanic residents, is lowest. Jobs proximity for individuals under the poverty line, for the most part, deviates very little from the values for the entire racial group; however, there is a slight decline of seven points for Native American residents.



**Map 37: Demographics and Job Proximity (Race/Ethnicity), Region**  
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**Map 38: Demographics and Job Proximity (National Origin), Region**  
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**Legend**

**Jurisdiction**

**Region**

**National Origin [Region] (Top 5 most populous)**  
 1 Dot = 75 People

- El Salvador
- Other South America
- Other Central America
- India
- Western Africa

**TRACT**

**R/ECAP**

**Jobs Proximity Index**

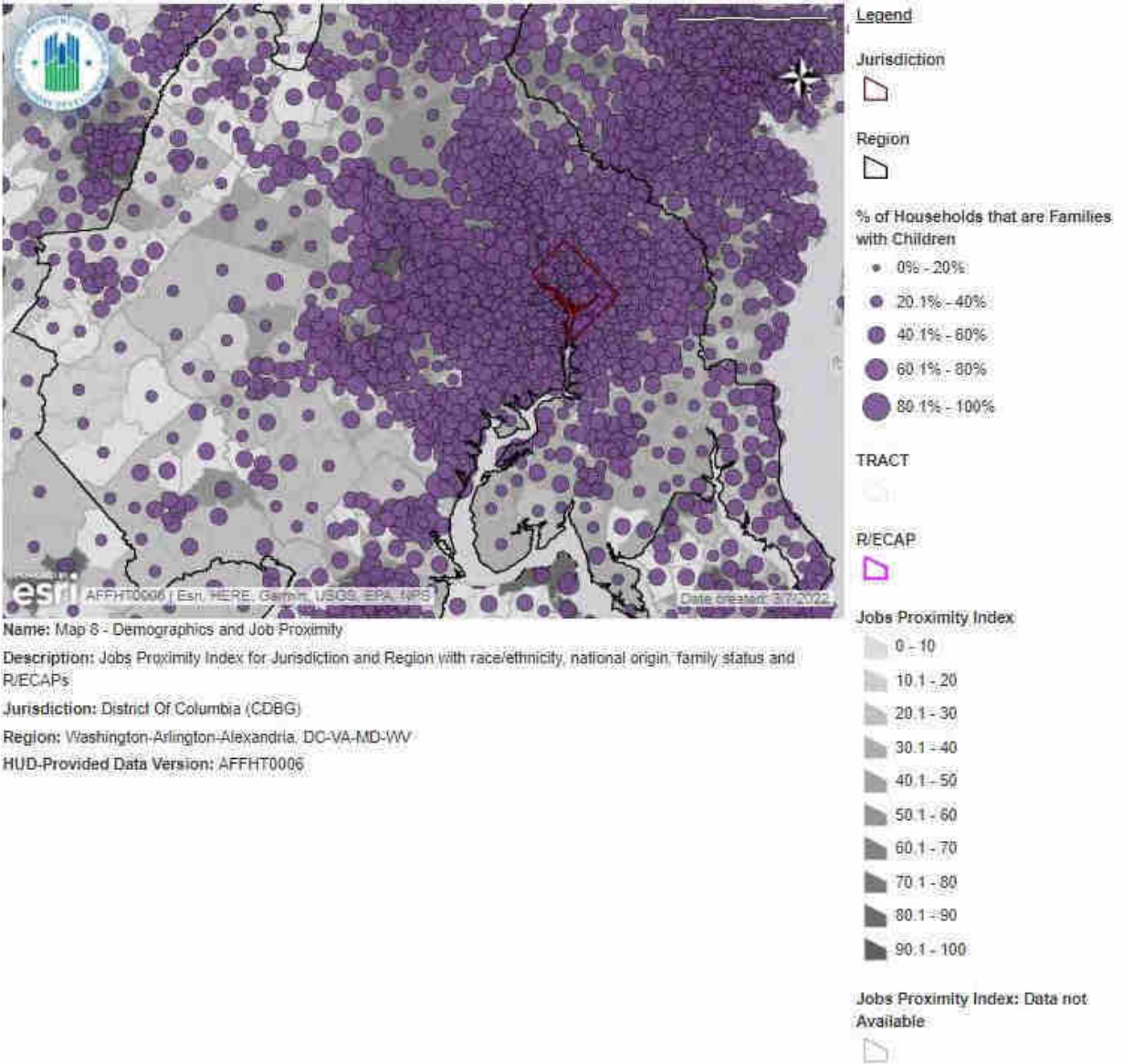
- 0 - 10
- 10.1 - 20
- 20.1 - 30
- 30.1 - 40
- 40.1 - 50
- 50.1 - 60
- 60.1 - 70
- 70.1 - 80
- 80.1 - 90
- 90.1 - 100

**Jobs Proximity Index: Data not Available**

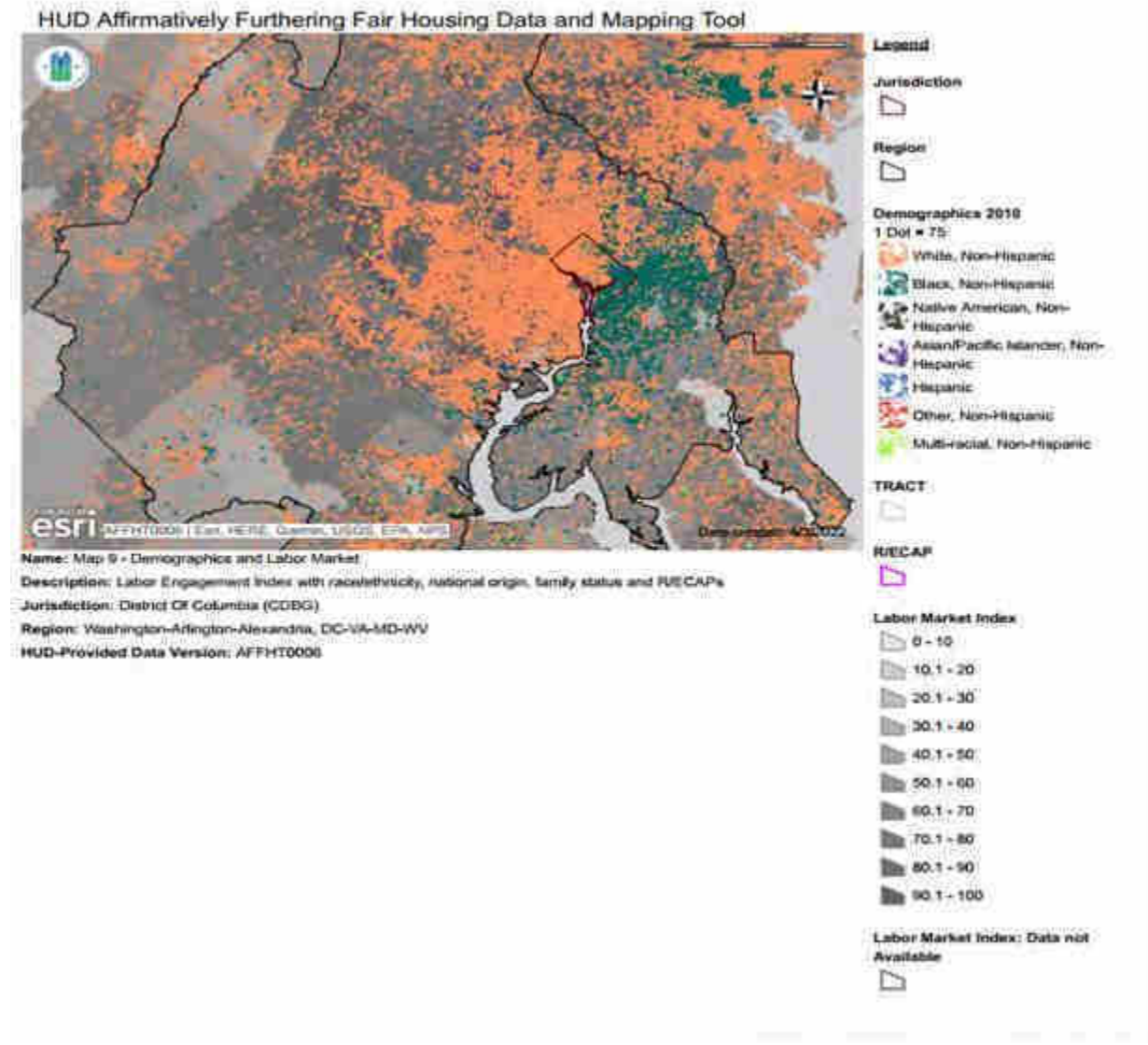
**Name:** Map 8 - Demographics and Job Proximity  
**Description:** Jobs Proximity Index for Jurisdiction and Region with race/ethnicity, national origin, family status and R/ECAPs  
**Jurisdiction:** District Of Columbia (CDBG)  
**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV  
**HUD-Provided Data Version:** AFFHT0006

**Map 39: Demographics and Job Proximity (Familial Status), Region**

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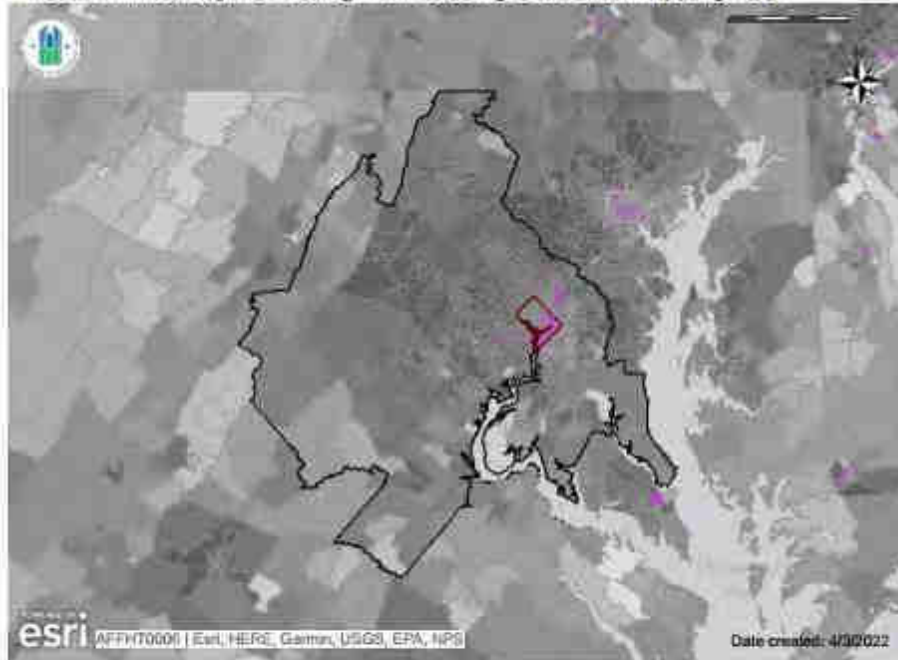
# Map 40: Demographics and Labor Market (Race/Ethnicity), Region





**Map 41: Demographics and Labor Market (National Origin), Region**


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**Legend**

**Jurisdiction**  




**Region**  


**National Origin (Region) (Top 5 most populous)**  
 1 Dot = 75 People  
 El Salvador  
 Other South America  
 Other Central America  
 India  
 Western Africa

**TRACT**  


**R/ECAP**  


**Labor Market Index**

-  0 - 10
-  10.1 - 20
-  20.1 - 30
-  30.1 - 40
-  40.1 - 50
-  50.1 - 60
-  60.1 - 70
-  70.1 - 80
-  80.1 - 90
-  90.1 - 100

**Labor Market Index: Data not Available**  


Name: Map 9 - Demographics and Labor Market

Description: Labor Engagement Index with race/ethnicity, national origin, family status and R/ECAPs

Jurisdiction: District Of Columbia (CDBG)

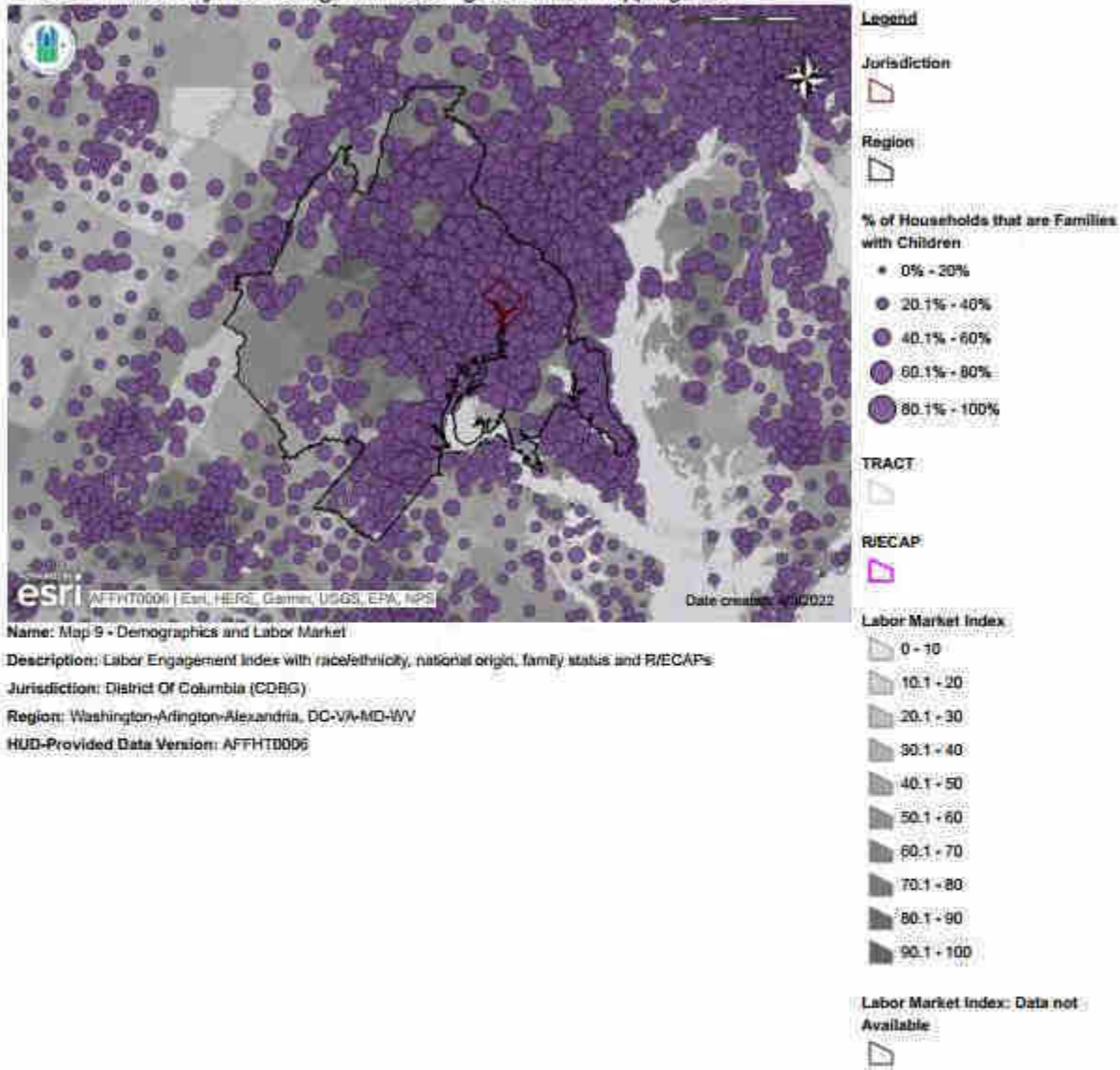
Region: Washington-Arlington-Alexandria, DC-VA-MD-WV

HUD-Provided Data Version: AFFHT0006



**Map 42: Demographics and Labor Market (Family Status), Region**

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### Region

The region as a whole has fairly high job engagement values across all racial groups, however, clear racial disparities in job engagement are present. This pattern is consistent with the jurisdictional trends in the area. Regionally, the Labor Market Index values are much higher for Asian American and White residents than for Black, Hispanic, and Native American residents. When economic status is considered, there is some slight variation in these disparities. Labor engagement values continue to be comparatively lower for Black and Hispanic residents, while they are higher for White, Asian American, and Native American residents. When the Labor Market Index value for Asian American residents is compared with the value for Black residents, the disparity is stark—a difference of approximately 20 points. This regional value difference is much more pronounced than the differences in index values within the smaller jurisdictions. Job proximity values for the region are moderate but veer toward the lower end of the index range. The index values tend to be higher for residents who live in the District or in counties adjacent than for those further away. In part, this can be attributed to the geographic distance of jurisdictions from the hub of labor activity. Additionally, there are more transportation options toward the center of D.C. than there are in the outer regions of the area. Jobs proximity values for residents below the poverty line change very little and, in some instances, the values increase for certain racial and ethnic groups.

***ii. For the protected class groups HUD has provided data, describe how disparities in access to employment relate to residential living patterns in the jurisdiction and region.***

### Fairfax County

Employment opportunities are relatively evenly distributed throughout the jurisdiction. Black residents tend to be located primarily in the southeast section of Fairfax on the east side of I-95. This area has lower labor market engagement than do the White majority tracts adjacent to it. Immigrant populations are dispersed throughout the area, but most reside in segregated concentrations. A large population of Indian residents lives in the northwest part of Fairfax, in close proximity to Centreville. There are two large populations of Salvadoran residents, one in the northwest and one in the southeast. Korean residents, in contrast, are fairly dispersed throughout the west and central portions of Fairfax. Residential patterns do not appear to correlate with labor engagement for Asian immigrants; however, Salvadoran residents tend to live in areas with lower labor engagement values. Jobs Proximity Index values are significantly higher in the north and begin to decline as one moves south. Jobs Proximity Index value differences do not appear to be correlated with race. There is a fairly even distribution of residents regardless of race in areas with differing Jobs Proximity Index values. National origin patterns for job proximity are consistent with the patterns for labor engagement.

### Region

Job engagement is higher in the jurisdictions that border the District as well as the more outlying jurisdictions. In contrast, the District has lower Labor Market Index values. The trend for jobs proximity data is the inverse. As previously noted, because D.C. has the most extensive transportation system, job proximity values are higher simply because commuter times are shorter for those living closer to D.C. There is also a small pocket in Prince William County on the southern border, near a major military installation, with higher proximity values than the rest of the region. The residential patterns do not show a correlation between job proximity values and race. In the D.C. area and its borders, White residents are primarily located in the north and on the western side, and a larger proportion of Black residents reside in southeast D.C. and adjoining Prince George's County, but the job proximity values are roughly the same.

***iii. Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss programs, policies, or funding mechanisms that affect disparities in access to employment.***

Fairfax County has an unemployment rate of 2.5 percent—one of the lowest rates in Virginia.<sup>5</sup> However, unemployment rates differ according to race, with White and Asian populations having the lowest unemployment rates. The unemployment rate for the White population is 3.6 percent, and the rate for the Asian population is comparably low at 3.3 percent.<sup>6</sup> In contrast, Black and Hispanic populations have slightly higher rates of unemployment: 5.6 percent for the Black population and 4.2 percent for the Hispanic population.<sup>7</sup> Similarly, Native American and Pacific Islanders populations have higher rates of unemployment, 6.5 percent and 16.0 percent, respectively.<sup>8</sup>

Job-sector data indicate there are disparities in employment opportunities based on race. In Fairfax County, 58.7 percent of the population work in the management category, 15.9 percent work in the service category, 14.9 percent work in the sales and office category, 5.2 percent work in the natural resources category, and 5.3 percent work in the production category.<sup>9</sup> Of White employees, 63.1 percent work in management, while only 46.8 percent of Black employees do.<sup>10</sup> The Asian population has the highest percentage of employees in the management category at 64.1 percent.<sup>11</sup> Hispanic employees make up 25.6 percent of management, exhibiting the lowest percentage of employees in this job-sector category of any racial group.<sup>12</sup> In contrast, only 14.4 percent of White employees work in service compared to 20.4 percent of Black employees and 37.8 percent of Hispanic employees.<sup>13</sup> The same trend holds for the production category, with 9.3 percent of Black employees in this category compared to 4.0 percent of White employees in this category.<sup>14</sup>

These racial disparities in occupations translate to inequities in earnings. In Fairfax County, earnings for high-wage workers increased by more than the combined rates for medium- and low-wage workers, and these disparities are more pronounced when race is considered.<sup>15</sup> Although the median household income for the county is \$124,831, the median income for White households is \$136,448, and for Black households, the median income is \$91,014.<sup>16</sup> Asian households also have a disproportionately higher median income than do Black residents at \$120,492.<sup>17</sup> Hispanic households, on the other hand, have the lowest median income of any group: \$82,362.<sup>18</sup>

In 2020, Virginia passed its Ban the Box statute limiting the use of criminal record information for employment purposes (Va. Code of Crim. Procedure Chp. 23 § 19.2-389.3[B]). Under the law, employers may not require an applicant to disclose arrests, charges, or convictions except in certain limited circumstances. This law will reduce employment barriers for individuals with criminal records who tend to be disproportionately people of color in Fairfax County.

Fairfax County provides a range of employment services through the Department of Family Services. The Fairfax Employment Resource Center is a one-stop center that provides job training and job search resources.<sup>19</sup> For residents in receipt of public assistance, Fairfax offers the Bridge to Success program, which provides one-on-one counseling to job seekers.<sup>20</sup> In addition, there is a program for seniors, Employment Services for Mature Workers, that places elderly job seekers in a temporary community service training and provides them a stipend for their work.<sup>21</sup> While a fair amount of resources are offered, the county should provide more resources that target LEP residents and formerly incarcerated individuals to ensure these two groups secure employment because these two populations are disproportionately Latinx and/or Black: two communities that have disproportionately lower incomes and higher unemployment rates in Fairfax County.

c. Disparities in Access to Opportunity—Transportation

i. Describe any disparities in access to transportation in the jurisdiction and region.

The Low Transportation Cost Index and Transit Trips Index are used to measure access to transportation within a location. The Low Transportation Cost Index measures access to low-cost transportation services, and the Transit Trips Index measures how often residents take transit trips. The Index scores range from 0–100. A higher score correlates to greater transportation access.

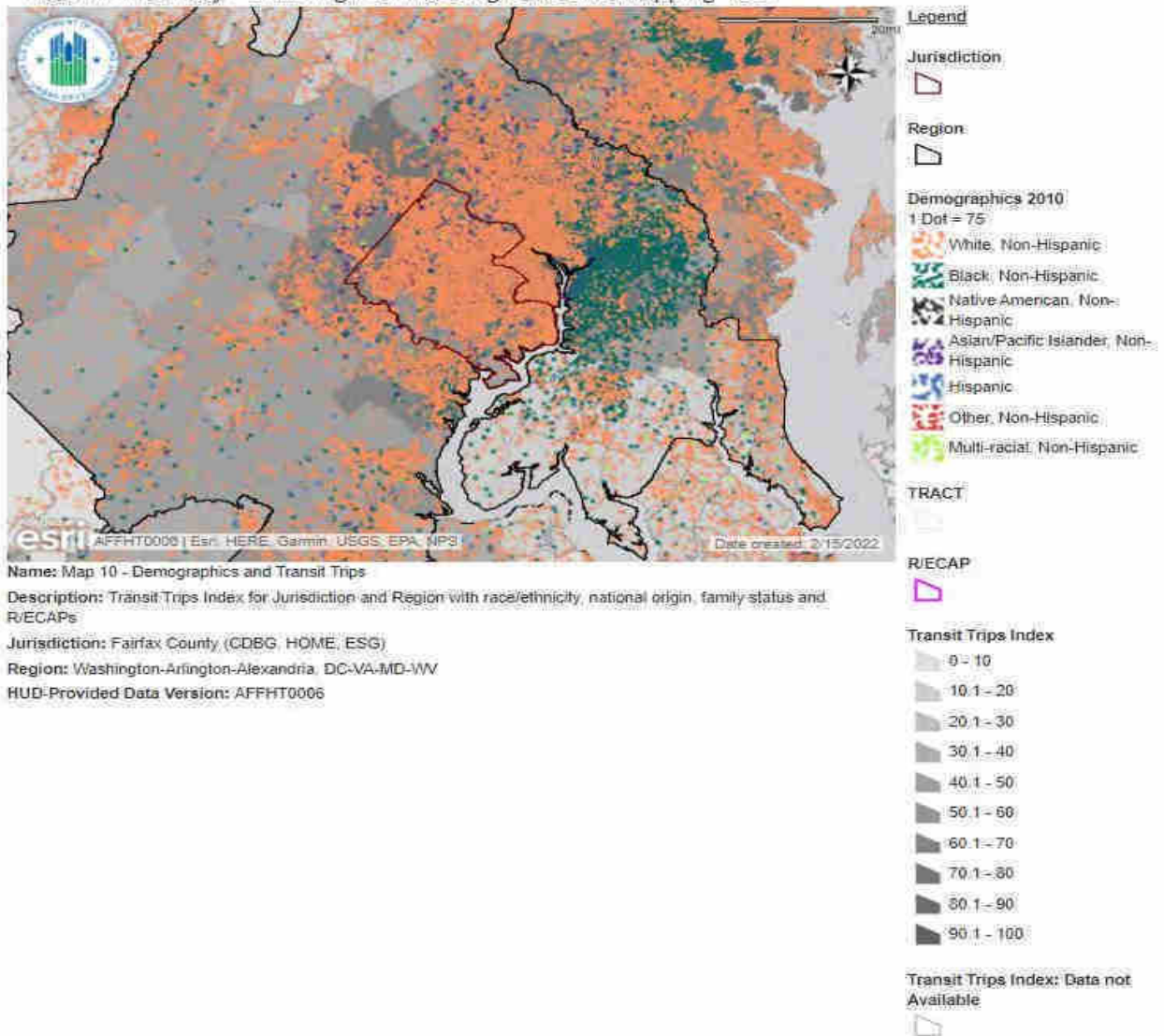
**Table 16: Transit Trips and Low Transportation Cost Indices**

Transit Trips Index	Fairfax County	Region
Total Population		
White, Non-Hispanic	75.16	64.69
Black, Non-Hispanic	77.23	72.81
Hispanic	78.50	74.25
Asian or Pacific Islander, Non-Hispanic	77.34	73.66
Native American, Non-Hispanic	76.82	65.28
Population below federal poverty line		
White, Non-Hispanic	77.48	64.97
Black, Non-Hispanic	78.62	80.43
Hispanic	78.97	77.28
Asian or Pacific Islander, Non-Hispanic	78.25	77.63
Native American, Non-Hispanic	82.10	75.29
Low Transportation Cost Index	Fairfax County	Region
Total Population		
White, Non-Hispanic	88.27	87.43
Black, Non-Hispanic	91.65	91.18
Hispanic	91.73	91.47
Asian or Pacific Islander, Non-Hispanic	90.41	89.94
Native American, Non-Hispanic	90.44	88.87

Population below federal poverty line		
White, Non-Hispanic	90.99	88.80
Black, Non-Hispanic	92.99	94.08
Hispanic	92.49	92.91
Asian or Pacific Islander, Non-Hispanic	91.88	89.94
Native American, Non-Hispanic	93.04	88.87

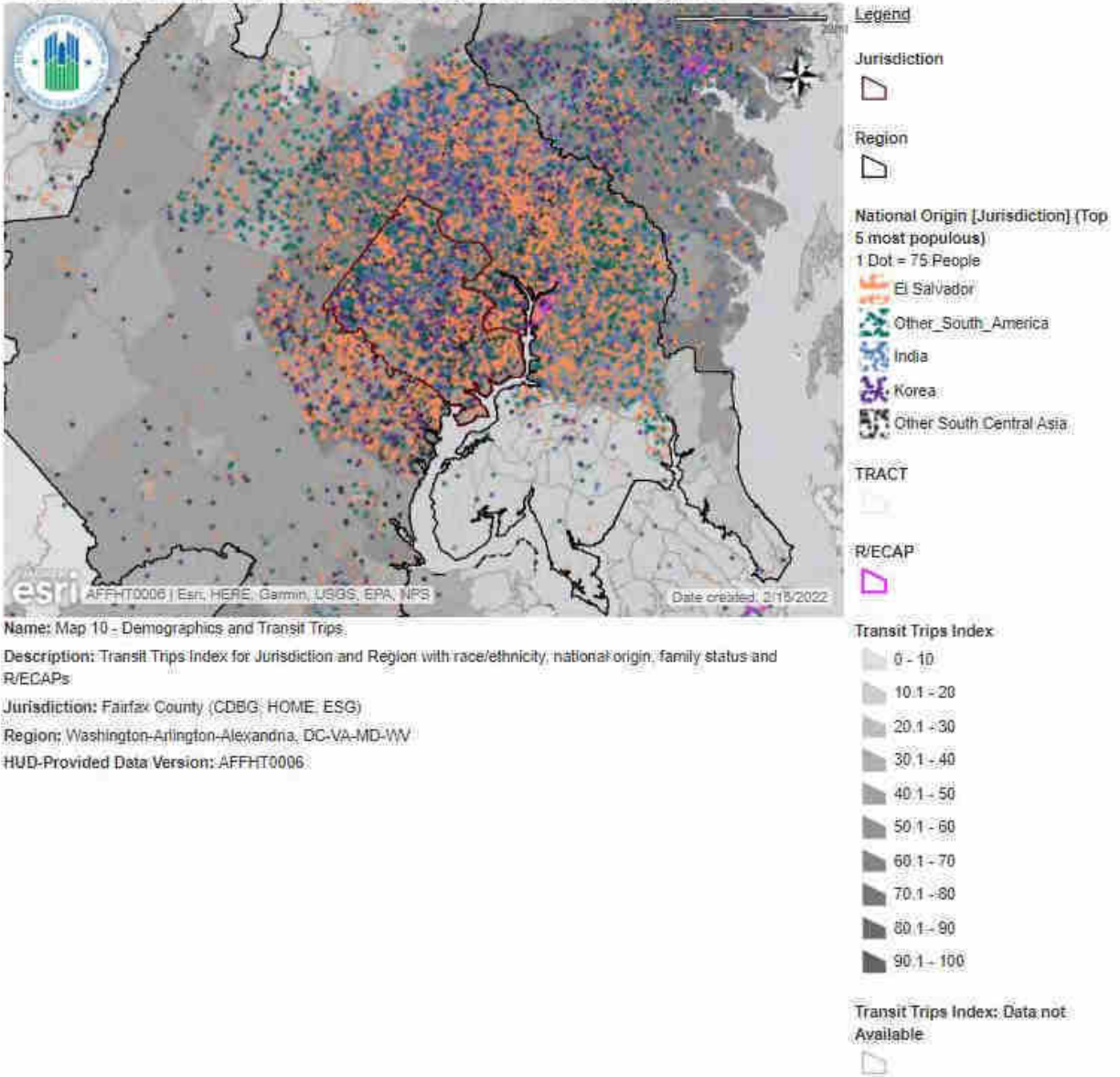
Map 43: Demographics and Transit Trips (Race/Ethnicity), Fairfax County, VA

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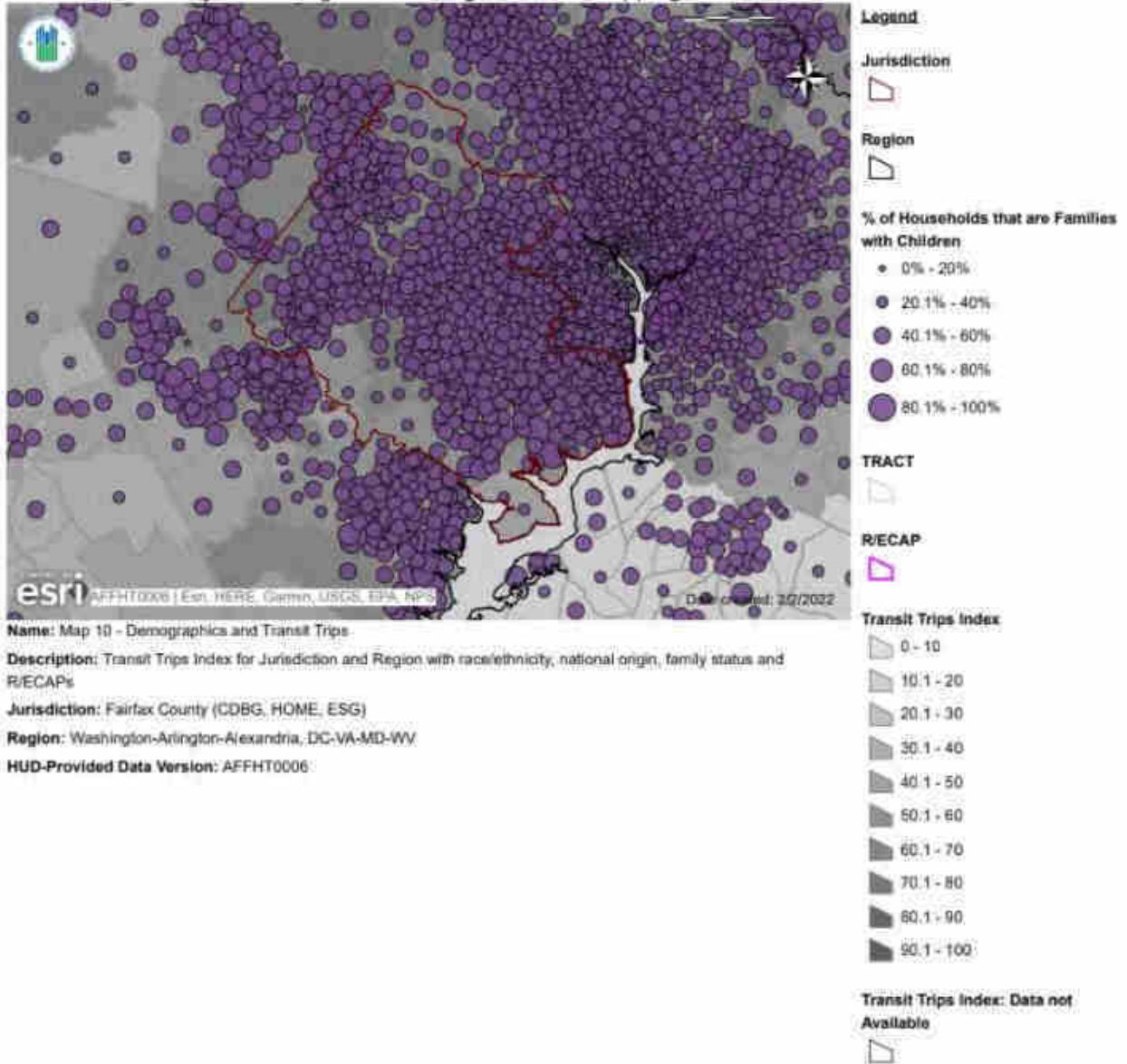


**Map 44: Demographics and Transit Trips (National Origin), Fairfax County, VA**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

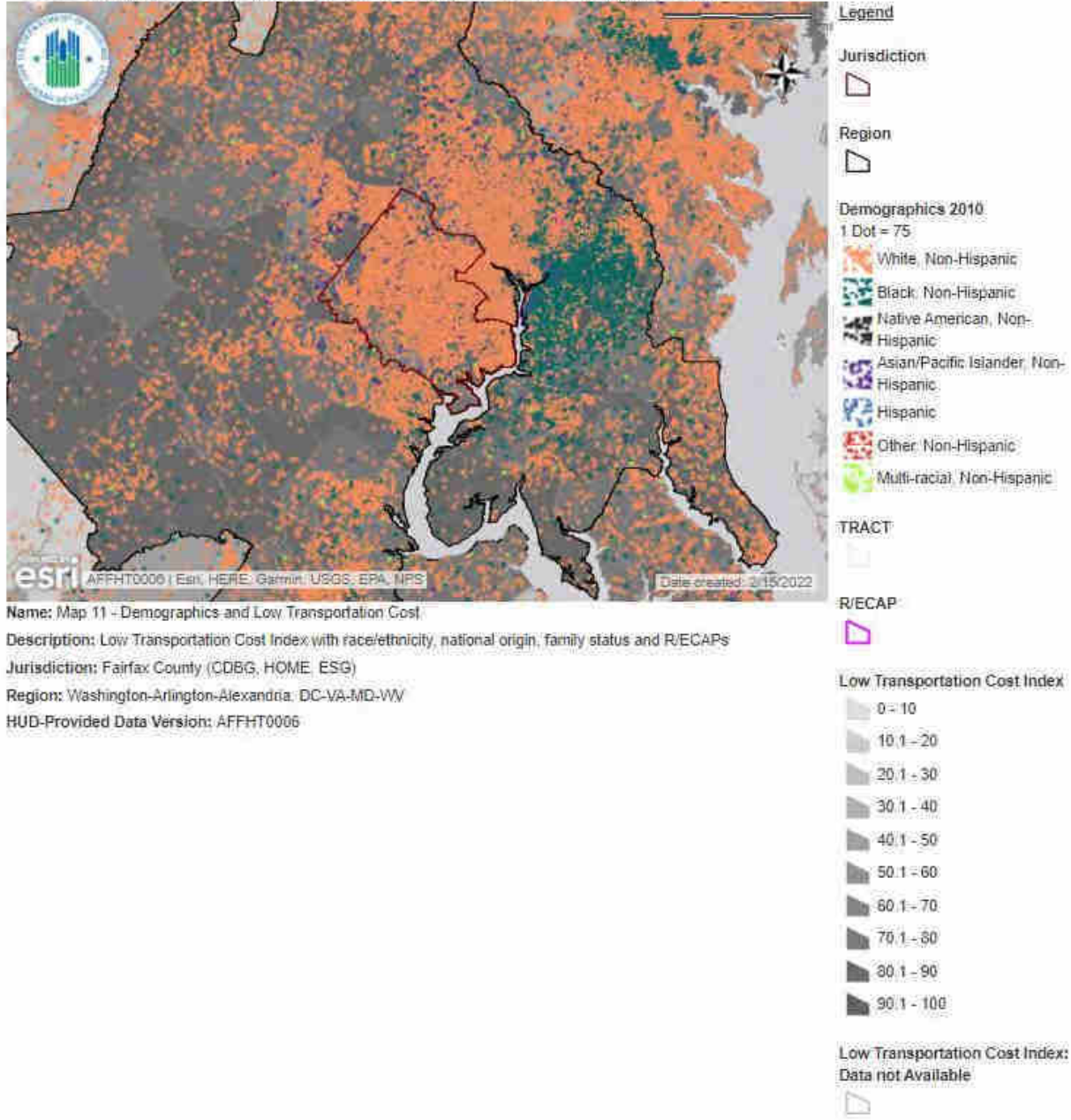


Name: Map 10 - Demographics and Transit Trips  
 Description: Transit Trips Index for Jurisdiction and Region with race/ethnicity, national origin, family status and R/ECAPs  
 Jurisdiction: Fairfax County (CDBG, HOME, ESG)  
 Region: Washington-Arlington-Alexandria, DC-VA-MD-WV  
 HUD-Provided Data Version: AFFHT0006

Map 45: Demographics and Transit Trips (Family Status), Fairfax County, VA  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

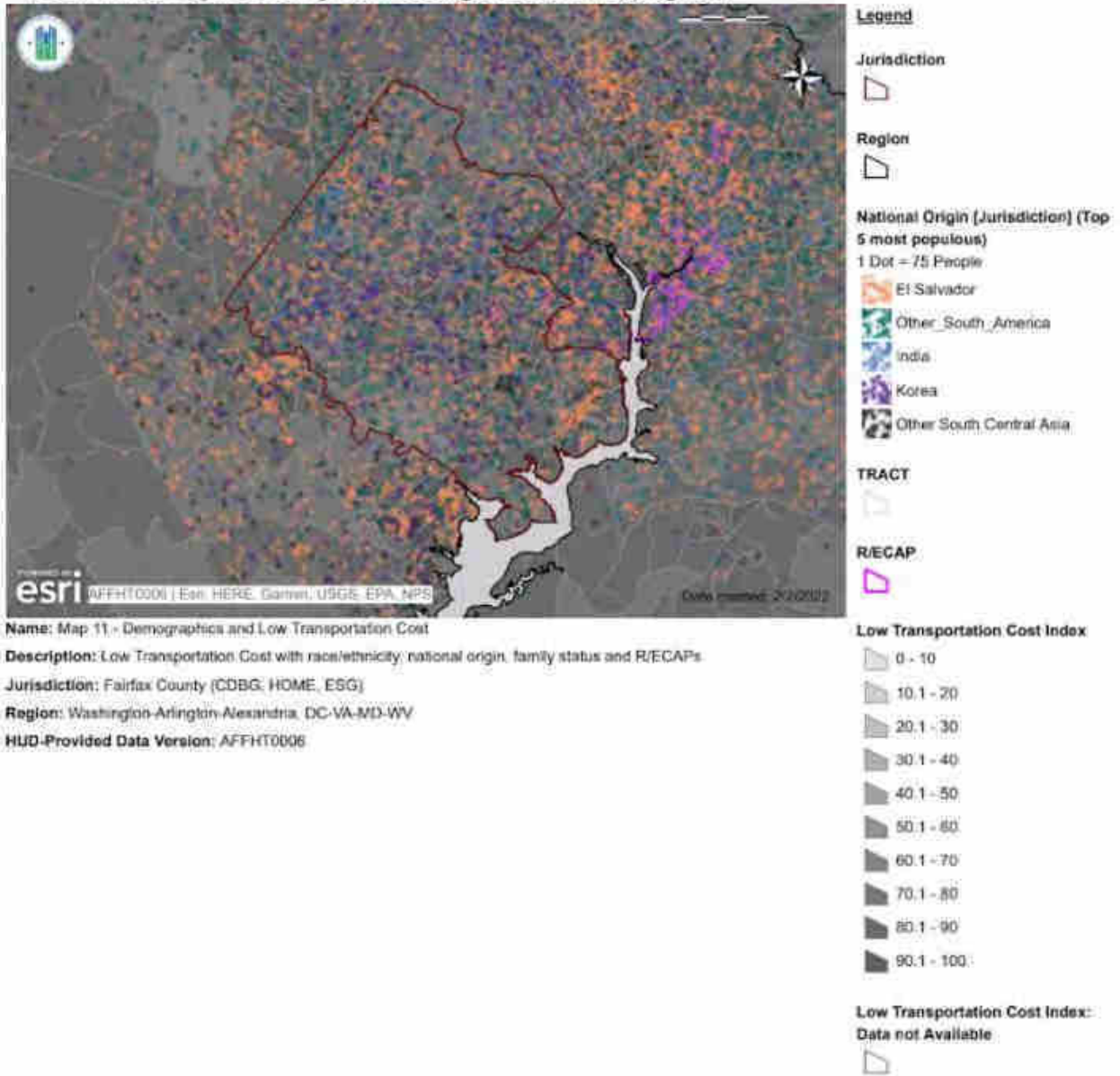


**Map 46: Demographics and Low Transportation Cost (Race/Ethnicity), Fairfax County**  
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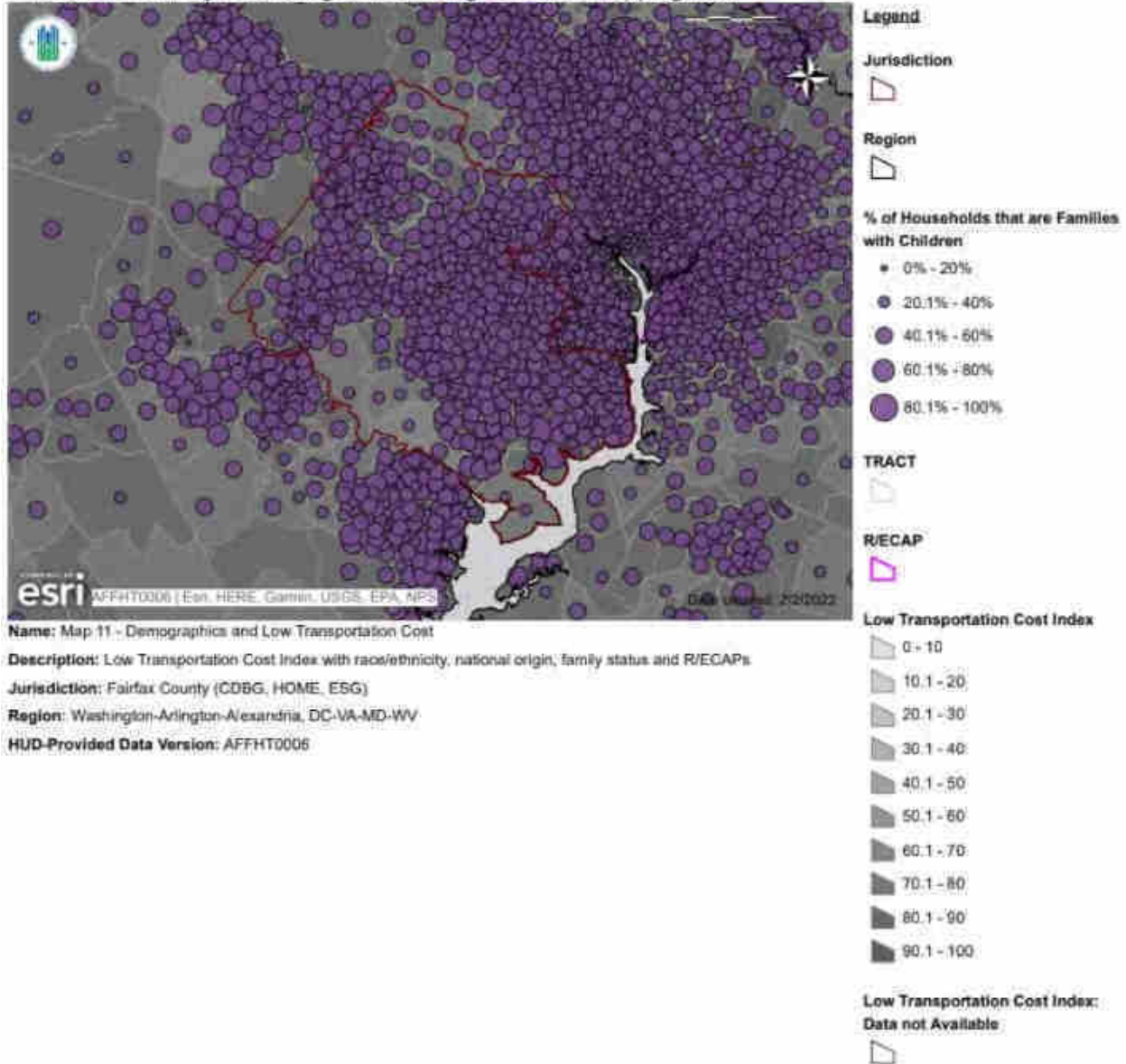
**Map 47: Demographics and Low Transportation Cost (National Origin), Fairfax County**  
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## Map 48: Demographics and Low Transportation Cost (Familial Status), Fairfax County

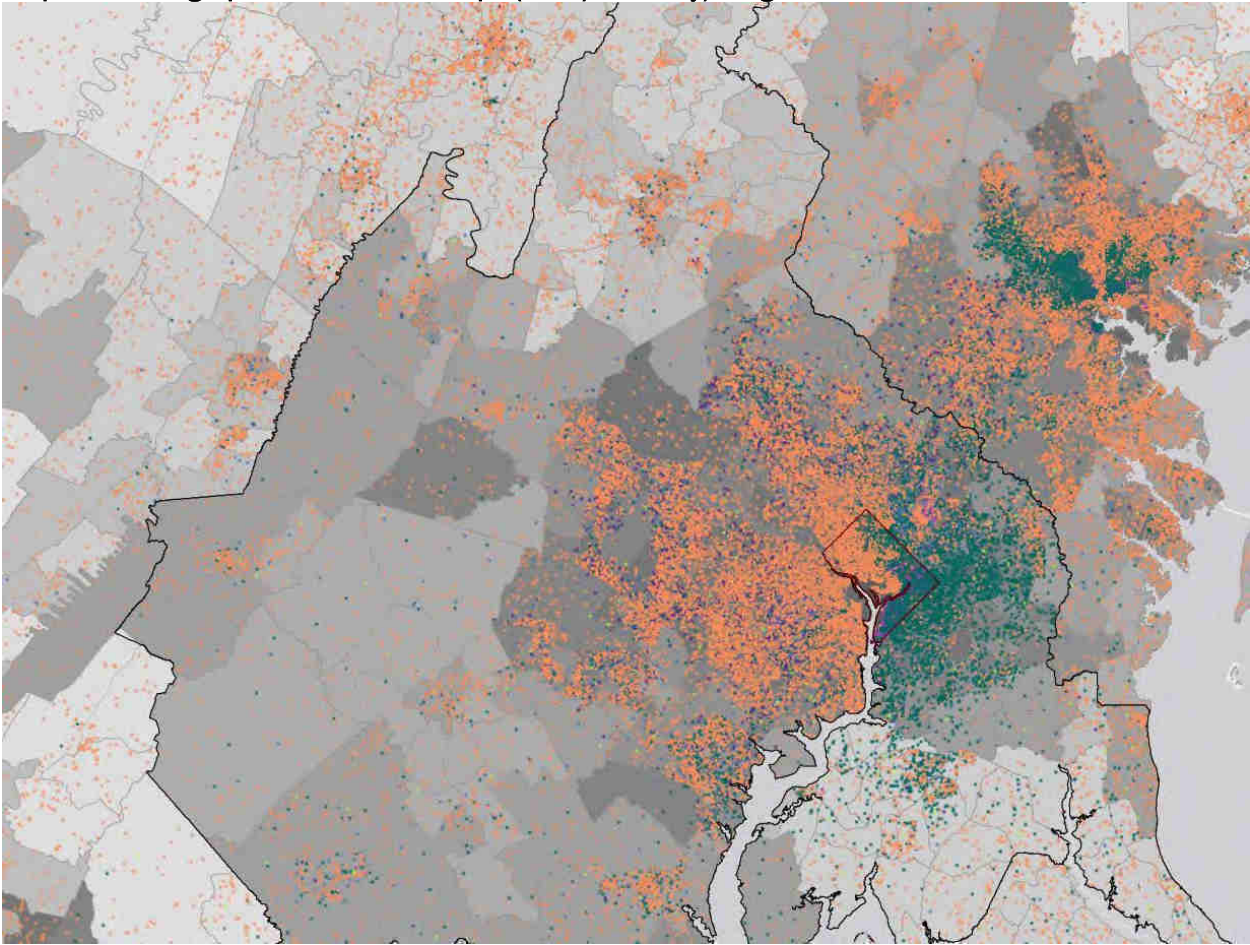
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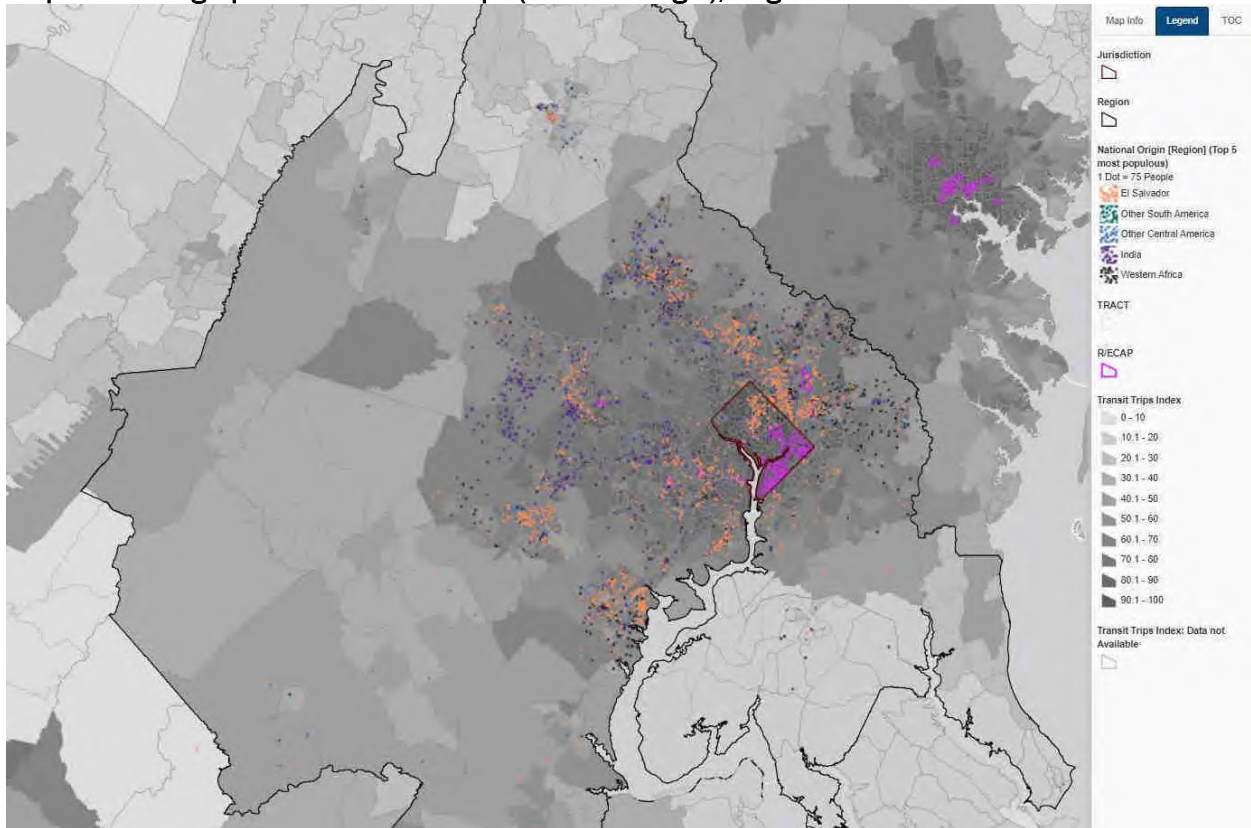
### Fairfax County

Fairfax County's Transit Trip and Low Transportation Cost Indexes are substantially lower than those of Arlington, Alexandria, and DC proper, but they are still high compared to those of the country as a whole. There are no meaningful disparities based on race or ethnicity, with all values within a three-point range. However, the Transit Trip and Low Transportation Cost Index values for those living below the poverty line were slightly better. This is likely due to the fact that the population of people living in suburban areas with lower transportation index values is much lower.

Map 49: Demographics and Transit Trips (Race/Ethnicity), Region

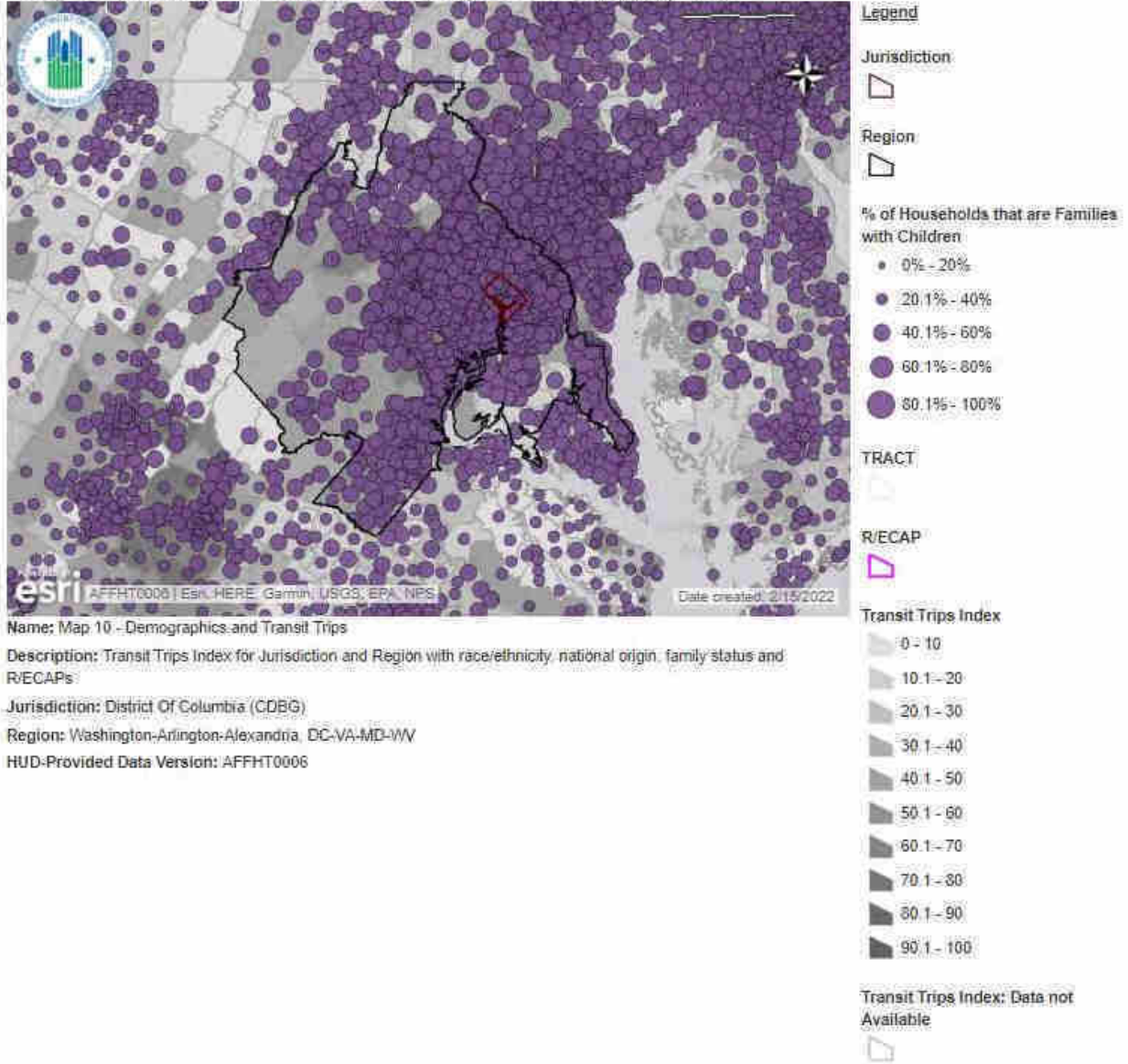


Map 50: Demographics and Transit Trips (National Origin), Region

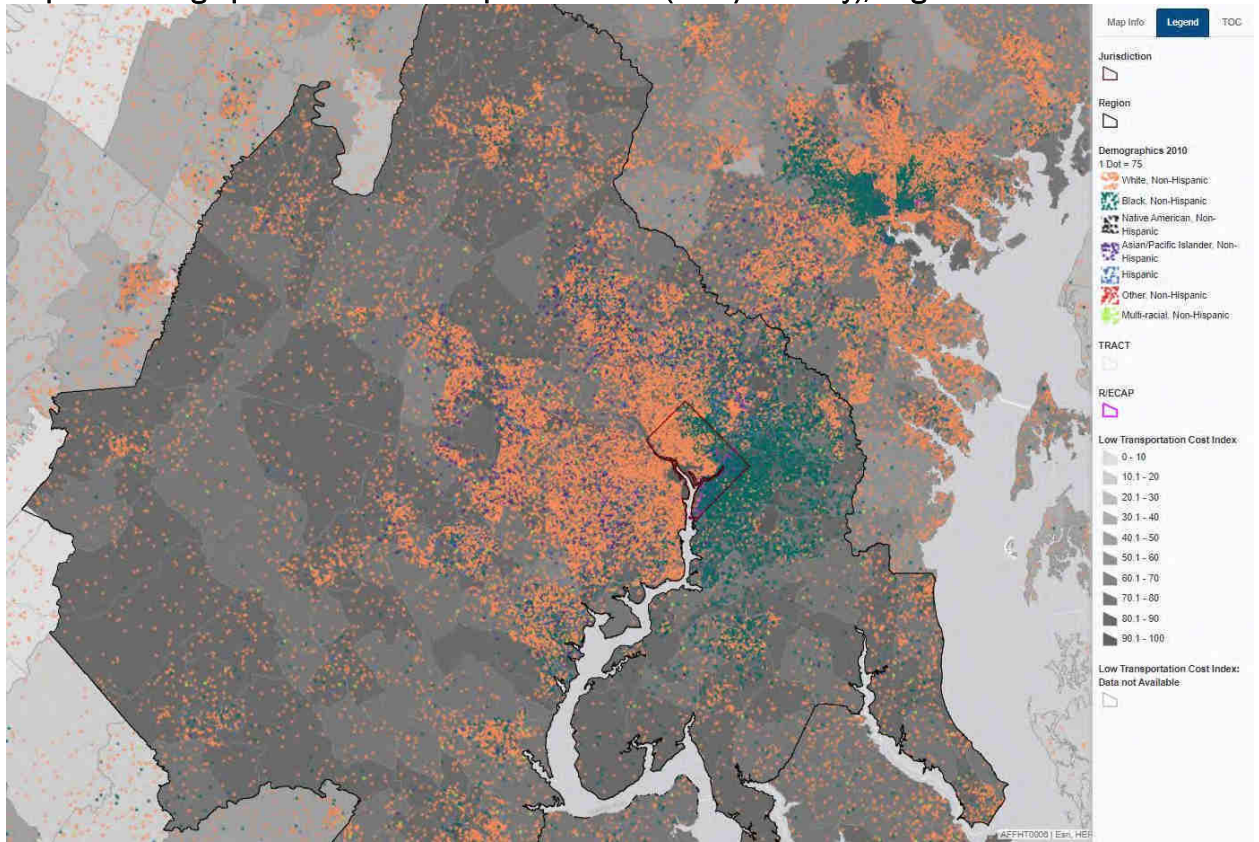




**Map 51: Demographics and Transit Trips (Familial Status), Region**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

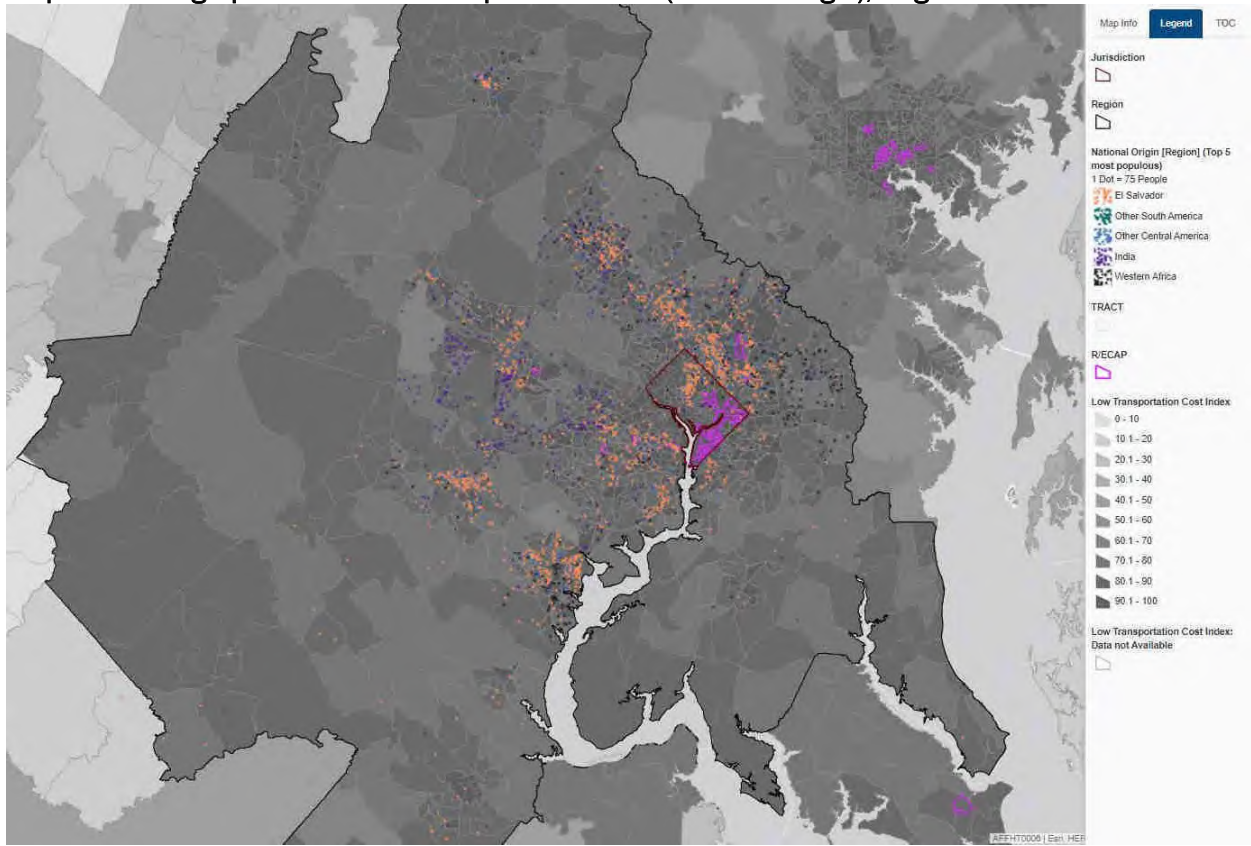


Map 52: Demographics and Low Transportation Cost (Race/Ethnicity), Region

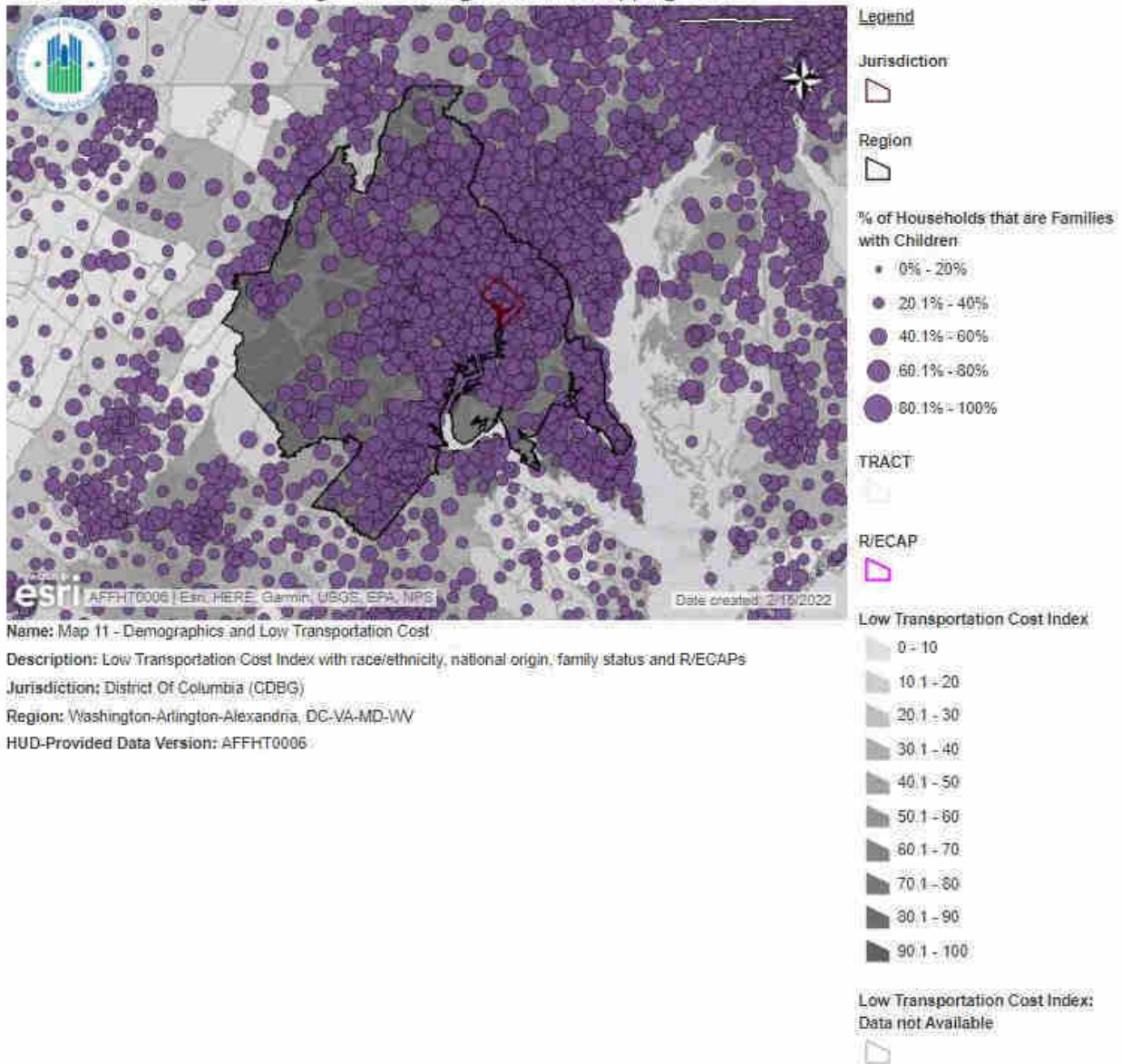




Map 53: Demographics and Low Transportation Cost (National Origin), Region



**Map 54: Demographics and Low Transportation Cost (Familial Status), Region**  
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**Region**

Throughout the region, access to low-cost transportation is relatively high compared with the rest of the country. To the extent that there are disparities based on race and ethnicity, the lowest Transit Index values are for White residents, at a regional level of 64.69 for the total population, compared with Black residents at 72.18, Hispanic residents at 74.25, Asian or Pacific Islander residents at 73.66, and Native American residents at 65.28. This distribution is even more pronounced for individuals living below the poverty line, with the value for White residents at 64.97, Black residents at 80.43, Hispanic residents at 77.28, Asian or Pacific Islander residents at 77.63, and Native American residents at 75.29. The Low Transportation Cost Index follows a similar, though less pronounced, distribution with values ranging from 87.43 to 91.47 for the total population. Once again, the lowest values are for White residents, and they are highest for Hispanic residents, followed closely by Black residents at 91.18, Asian or Pacific Islander residents at 89.94, and Native American residents at 88.87. For those living below the poverty line, Low Transportation Cost Index values range from 88.8 to 94.80, with the worst transportation values for White residents living below the poverty

line, and the highest for Black residents. The second-highest value is for Hispanic residents, at 92.19, followed closely by Asian or Pacific Islander residents at 92.6 and Native American Residents at 92.25. These statistics, however, are slightly misleading in that they do not control for the population density and are skewed by the lack of public transit in suburban areas that are disproportionately White. It remains true that a higher percentage of Black and Hispanic residents are reliant on public transit, such that these numbers do not fully reflect existing inequities in transportation.

***ii. For the protected class groups HUD has provided data, describe how disparities in access to transportation related to residential living patterns in the jurisdiction and region.***

#### Fairfax County

Fairfax County is far more suburban than Alexandria and Arlington, so Fairfax County's transit scores are lower overall than the scores for the other two areas. For the most part, the scores are lowest in Farr's Corner, near Clifton, which is sparsely populated and, to a lesser extent, in the northwest portion of the county, in the suburbs of Shady Oak and Great Falls. All of these areas have populations that are disproportionately White compared to the rest of Fairfax. Though the values vary only minimally by race, the fact that Transit Trip Index and Low Transportation Cost Index values for White residents are lowest is likely due to their being disproportionately located in suburban areas, which are further from low-cost transit.

#### Region

To the extent that there are disparities in access to transportation, they do correlate with residential living patterns. White residents are more likely to live in more suburban areas in further from D.C. that have less access to transportation. Indeed, the lack of public transit in these areas may explain why they are disproportionately White, as Black and Hispanic residents are more likely to rely on public transit. In contrast, areas of the region that are home to more Black and Hispanic residents, like D.C. proper, have greater access to transportation.

***iii. Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss programs, policies, or funding mechanisms that affect disparities in access to transportation.***

#### Fairfax County

Fairfax's One Fairfax racial equity policy explicitly includes equal access to transportation as one of its areas of focus. While this requires county officials to approach problems with a racial justice lens, it is not yet clear how this will tangibly reduce racial disparities in access to transportation. Moreover, focus groups revealed concerns about existing transportation options and how they contribute to lack of affordable housing.

### **d. Disparities in Access to Opportunity—Access to Low-Poverty Neighborhoods**

***i. Describe any disparities in access to low poverty neighborhoods in the jurisdiction and region.***

Disparities in access to low-poverty neighborhoods is measured by the Low Poverty Index. The Low Poverty Index is a HUD calculation using both family poverty rates and public assistance receipt in the form of cash welfare (such as Temporary Assistance for Needy Families). This is calculated at the census tract level. The higher the score, the less exposure to poverty in the neighborhood.

Data note: Some of the tables and maps in this section are sourced from the HUD tool, which used 2011–2015 five-year ACS data. These maps and tables are accessible to all and can be used by anyone to numerically and spatially analyze their jurisdictions or communities of interest. Other tables

and maps that the Urban Institute created are based off of 2015–2019 five-year ACS estimated data. Due to this, some of the maps identify different census tracts as R/ECAPs and reflect slightly different demographic data.

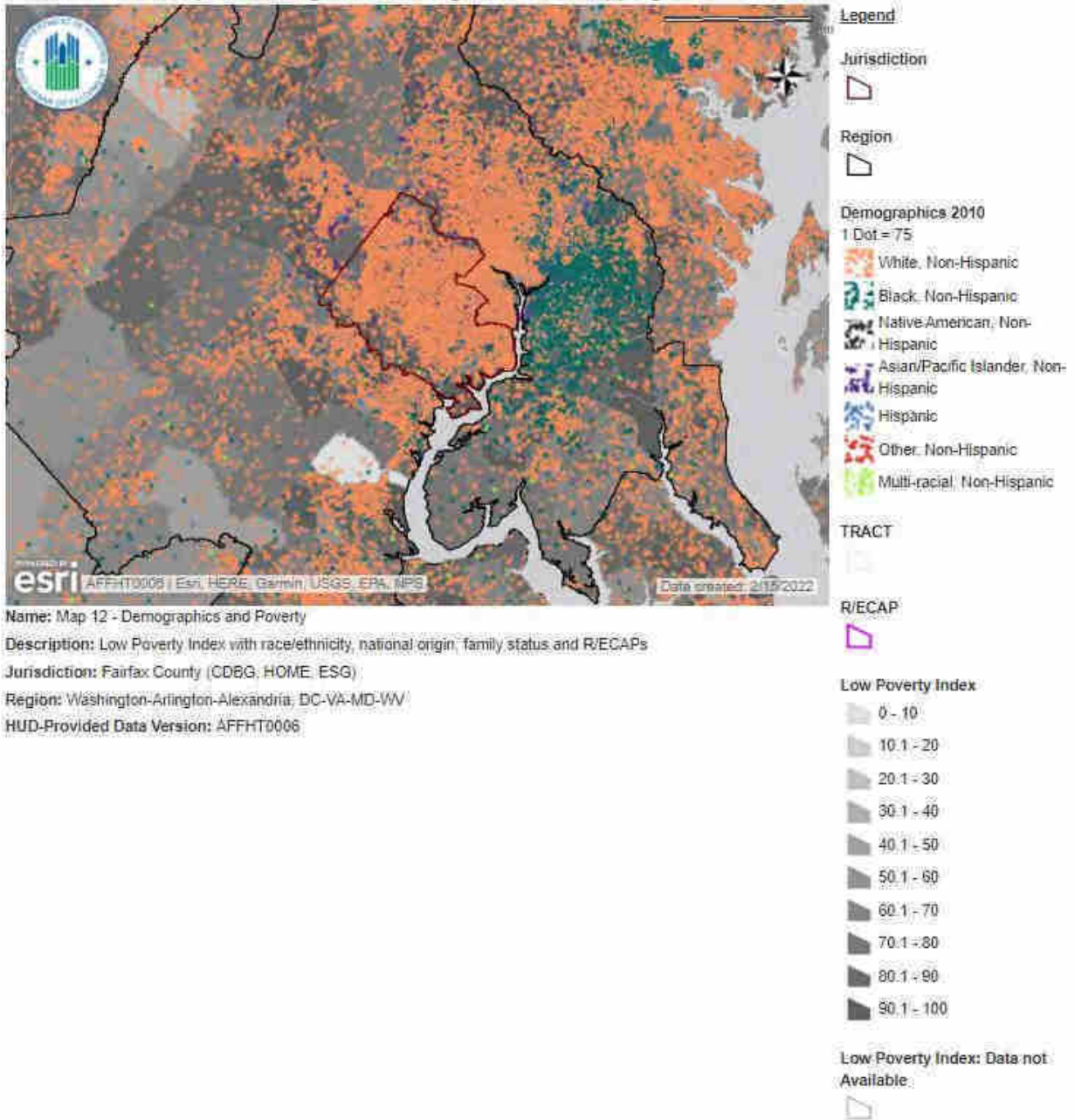
**Table 17: Low Poverty Index**

Low Poverty Index	Fairfax County	Region
Total Population		
White, Non-Hispanic	85.15	79.93
Black, Non-Hispanic	74.26	61.71
Hispanic	70.27	65.57
Asian or Pacific Islander, Non-Hispanic	81.11	78.68
Native American, Non-Hispanic	79.14	70.77
Population below federal poverty line		
White, Non-Hispanic	75.71	71.36
Black, Non-Hispanic	59.99	45.68
Hispanic	61.54	56.92
Asian or Pacific Islander, Non-Hispanic	71.19	68.99
Native American, Non-Hispanic	60.51	64.66



**Map 55: Demographics and Low Poverty Neighborhoods (Race/Ethnicity), Fairfax County, VA**

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Map 56: Demographics and Low Poverty Neighborhoods (National Origin), Fairfax County, VA

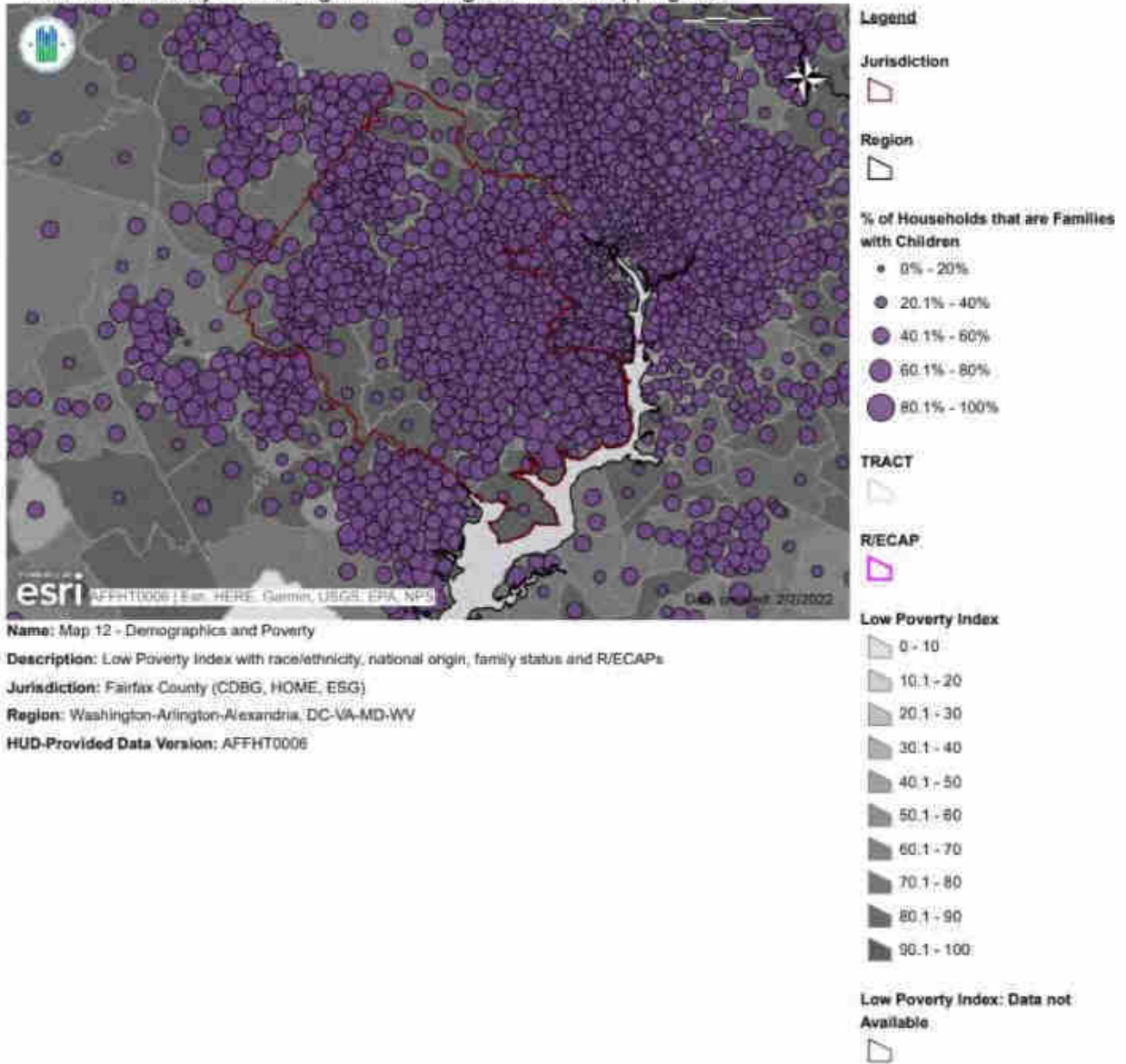
HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 12 - Demographics and Poverty  
**Description:** Low Poverty Index with race/ethnicity, national origin, family status and R/ECAPs  
**Jurisdiction:** Fairfax County (COBG, HOME, ESG)  
**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV  
**HUD-Provided Data Version:** AFFHT0008

Map 57: Demographics and Low Poverty Neighborhoods (Familial Status), Fairfax County, VA

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

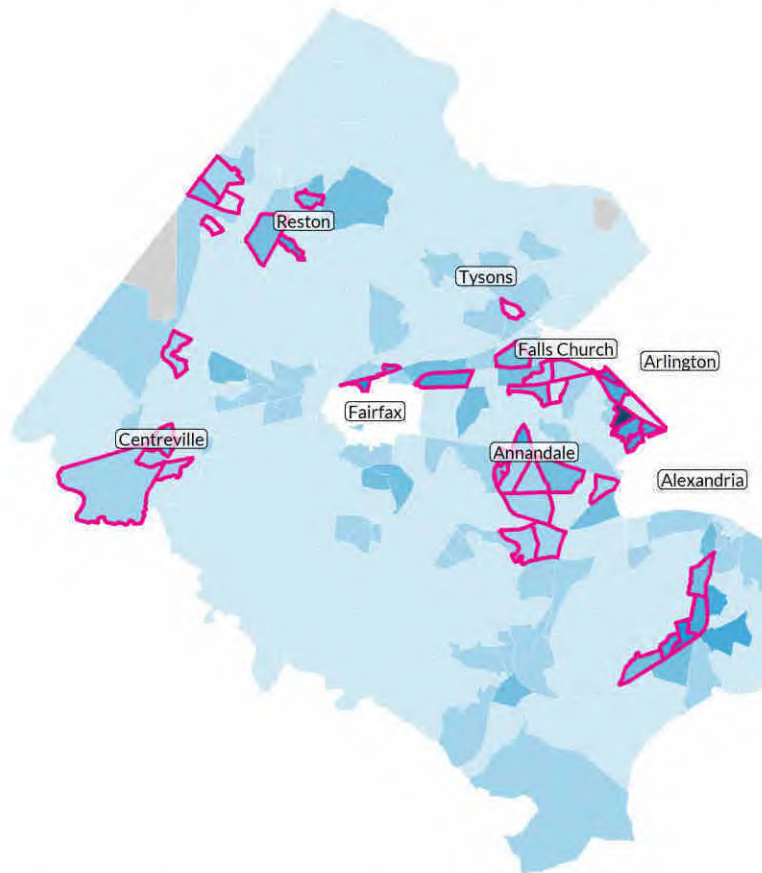




Map 58: Jurisdictional Poverty Rates by Census Tract with COG Opportunity Areas, Fairfax County, VA

## Poverty Rates by Census Tract in Fairfax County, Virginia

COG Equity Emphasis Area Highlighted in Magenta



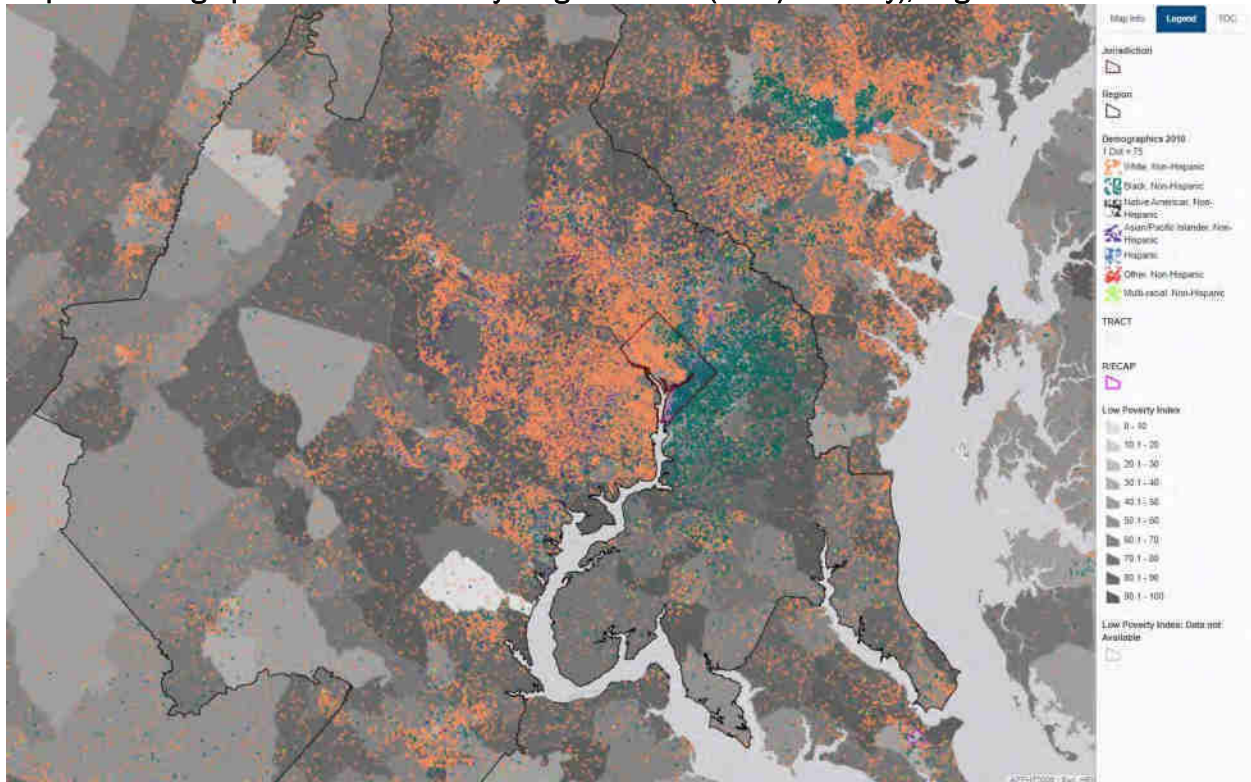
Source: American Community Survey 5-Year Estimates, 2015-2019

### Fairfax County

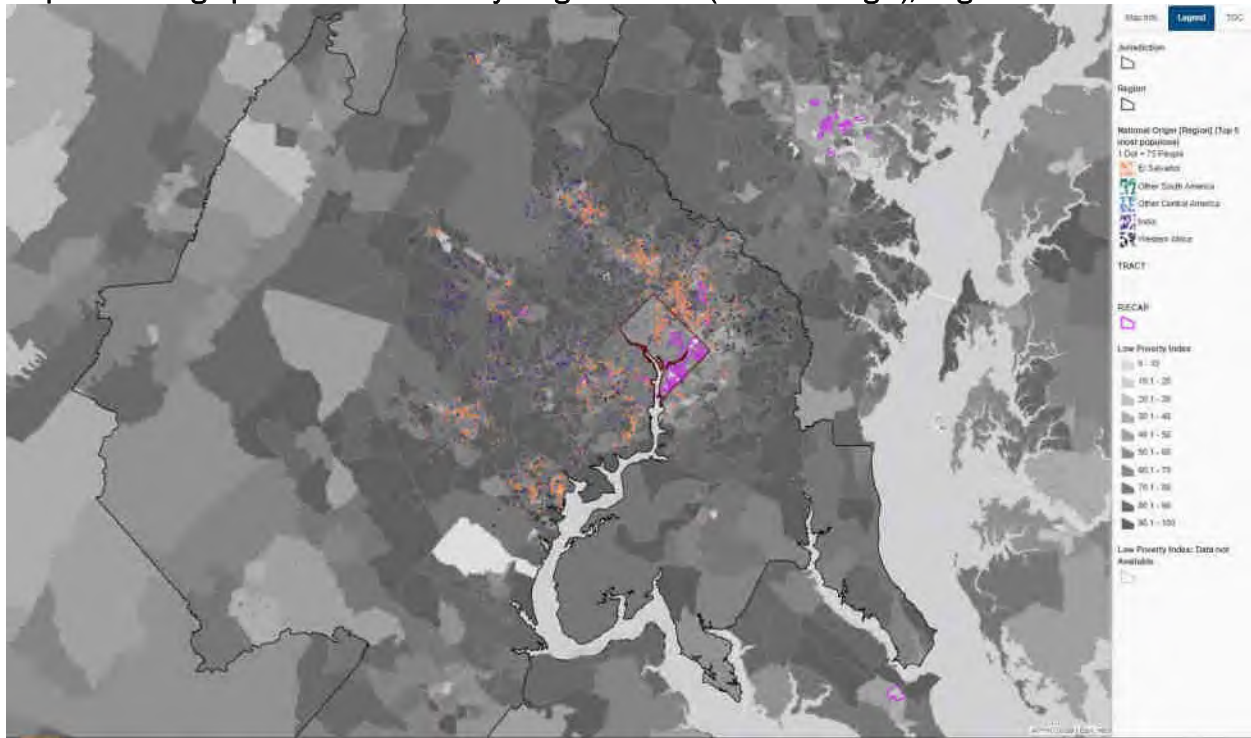
In comparison to other jurisdictions, Fairfax has considerable access to low-poverty areas. Still, racial and ethnic disparities in access are present, though not to the extent in other jurisdictions. As is the general trend among jurisdictions, White residents live in neighborhoods with higher Low Poverty Index values. The index value for White residents is 85, while Hispanic and Black residents fare worse. The index value for Hispanic residents is 70, and the value for Black residents 74, meaning these residents have the highest exposure to poverty in their neighborhoods. All residents below the poverty line have reduced access to low-poverty neighborhoods when compared to the general population, but as in the overall population, racial disparities are present; for residents below the poverty line, Black and Native American residents experience the largest drop in index values.



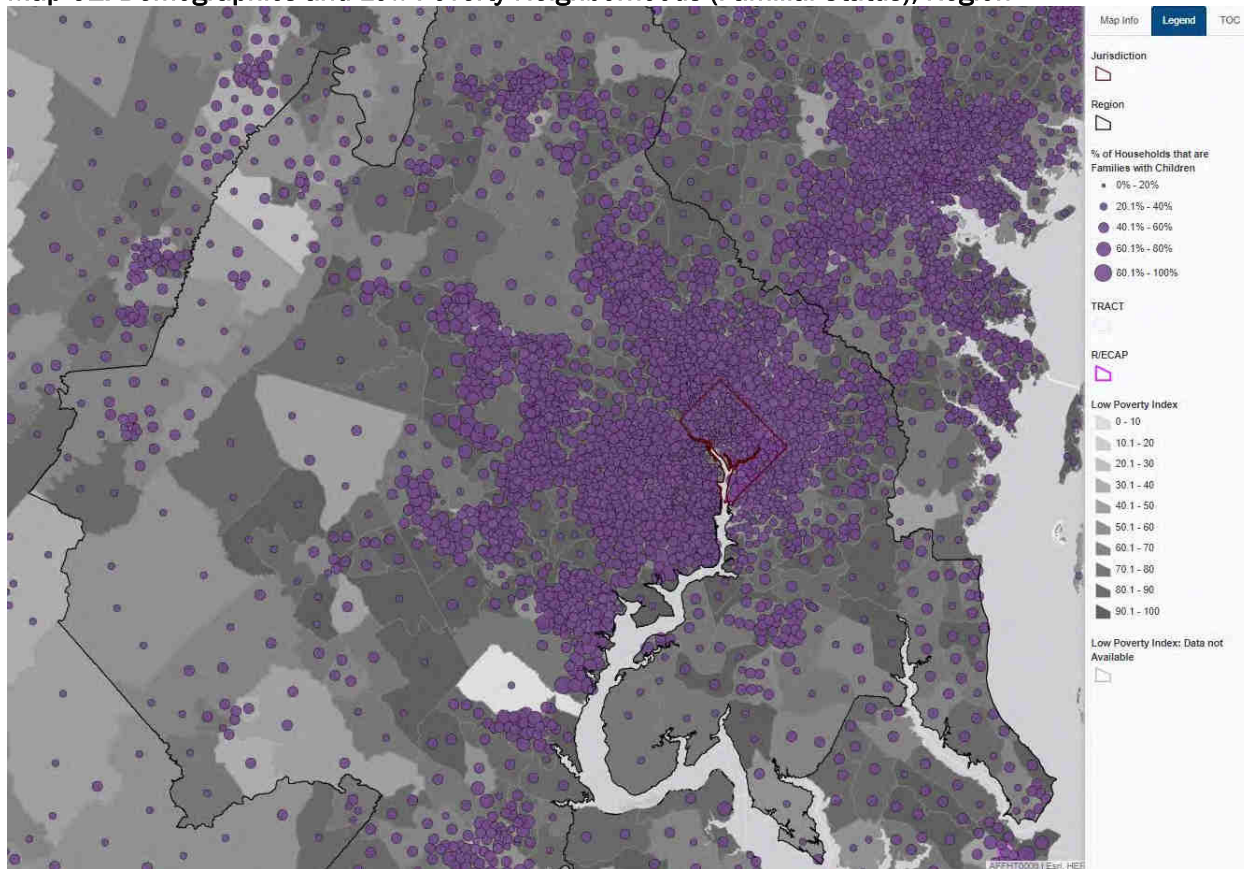
Map 59: Demographics and Low Poverty Neighborhoods (Race/Ethnicity), Region



Map 60: Demographics and Low Poverty Neighborhoods (National Origin), Region



Map 61: Demographics and Low Poverty Neighborhoods (Familial Status), Region



**Region:**

The regional trend for racial disparities follows a similar pattern as the jurisdictional trends. As is the case for all jurisdictions, White residents are more likely than other groups to reside in areas with low-poverty neighborhoods. While the index value for White residents is 79, the values for Hispanic and Black residents are much lower: 65 and 61. The regional trend most closely aligns with the District of Columbia and Fairfax County because in these jurisdictions, Black residents face higher incidences of restricted access to low-poverty neighborhoods than any other group. In the majority of jurisdictions, Hispanic residents have the least access to low-poverty neighborhoods. As displayed throughout the individual jurisdictions, poverty levels also have a significant negative impact on index values for all groups, but the comparative index value losses by racial group do show a racial and ethnic disparity in reduced access as well.

- i. ***For the protected class groups HUD has provided data, describe how disparities in access to low poverty neighborhoods relate to residential living patterns in the jurisdiction and region.***

**Fairfax County**

Fairfax County has a fairly balanced distribution of low-poverty neighborhoods. Even in areas with large populations of residents of color, White residents are present at comparable rates. There does not appear to be a strong correlation between residential patterns and racial groups' access to low-poverty neighborhoods. Groups are more concentrated by national origin than by race or ethnicity. Indian and Korean residents tend to live in the northern part of the county, but this does not display a pattern related to access to low-poverty neighborhoods. In contrast, Salvadorans form three distinct clusters—one in the northeast part of the county and two closer to the southeast part of the county. Unlike other immigrant communities, these residents tend to be in neighborhoods with lower index values, and

therefore their residential patterns correspond to areas with little access to low-poverty neighborhoods.

### Region

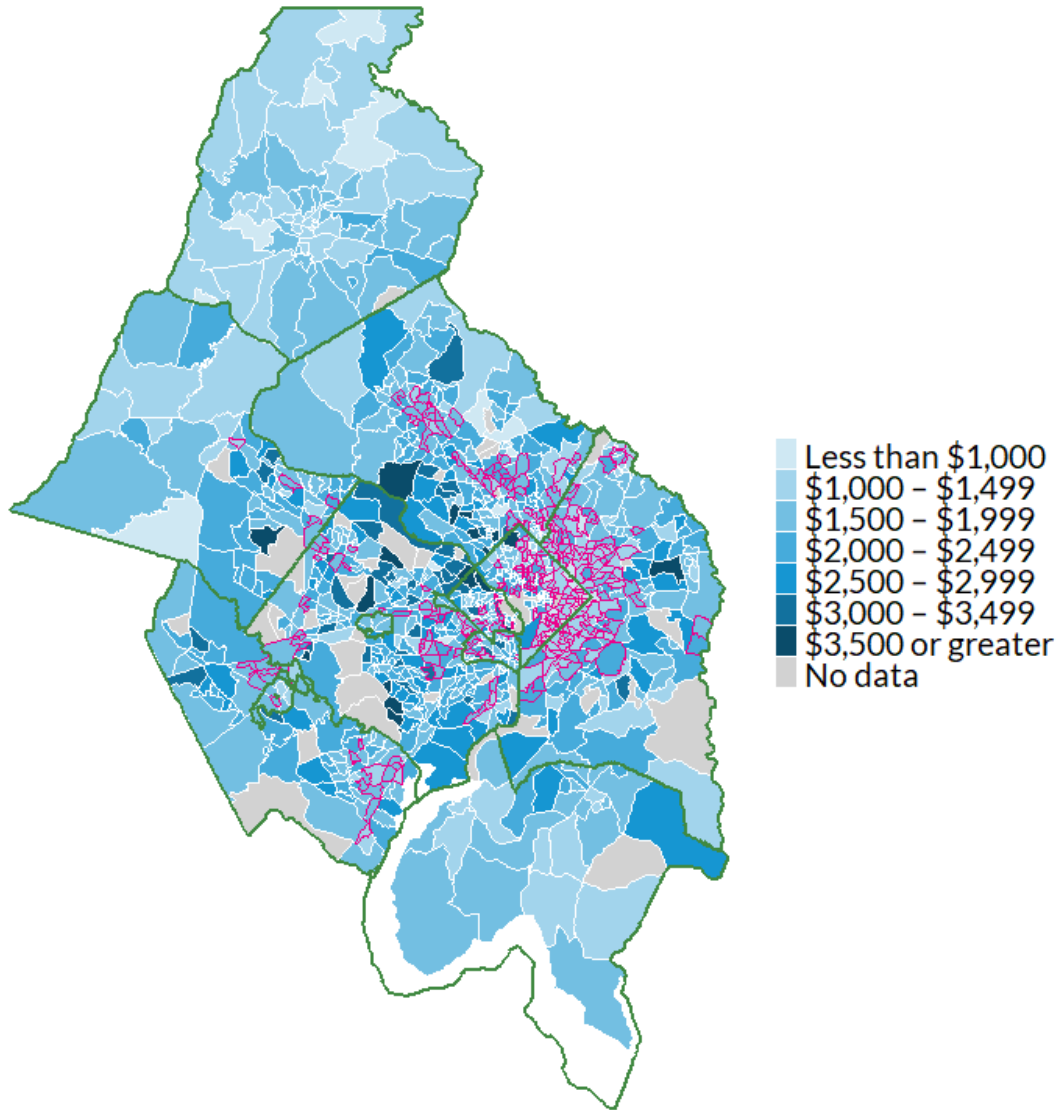
In general, disparities in access to low-poverty neighborhoods correlate with residential living patterns in the region. Access to low-poverty neighborhoods is much higher in suburban areas, particularly in Loudoun, Fairfax, and Montgomery Counties. These areas are disproportionately White, and to a lesser extent, Asian American. In contrast, urban areas with low levels of access to low-poverty neighborhoods are consistently home to larger numbers of Black and Hispanic residents. This includes the District of Columbia and the urban portions of Alexandria and Arlington. But even within these urban areas, where people of color comprise a majority of the population, access to low-poverty neighborhoods is heavily correlated with race and ethnicity.

***iii. Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss programs, policies, or funding mechanisms that affect disparities in access to low poverty neighborhoods***

Map 62: Median Rental Rates, Region

## Median Gross Rent by Census Tract in Washington Region

COG Equity Emphasis Area Highlighted in Magenta



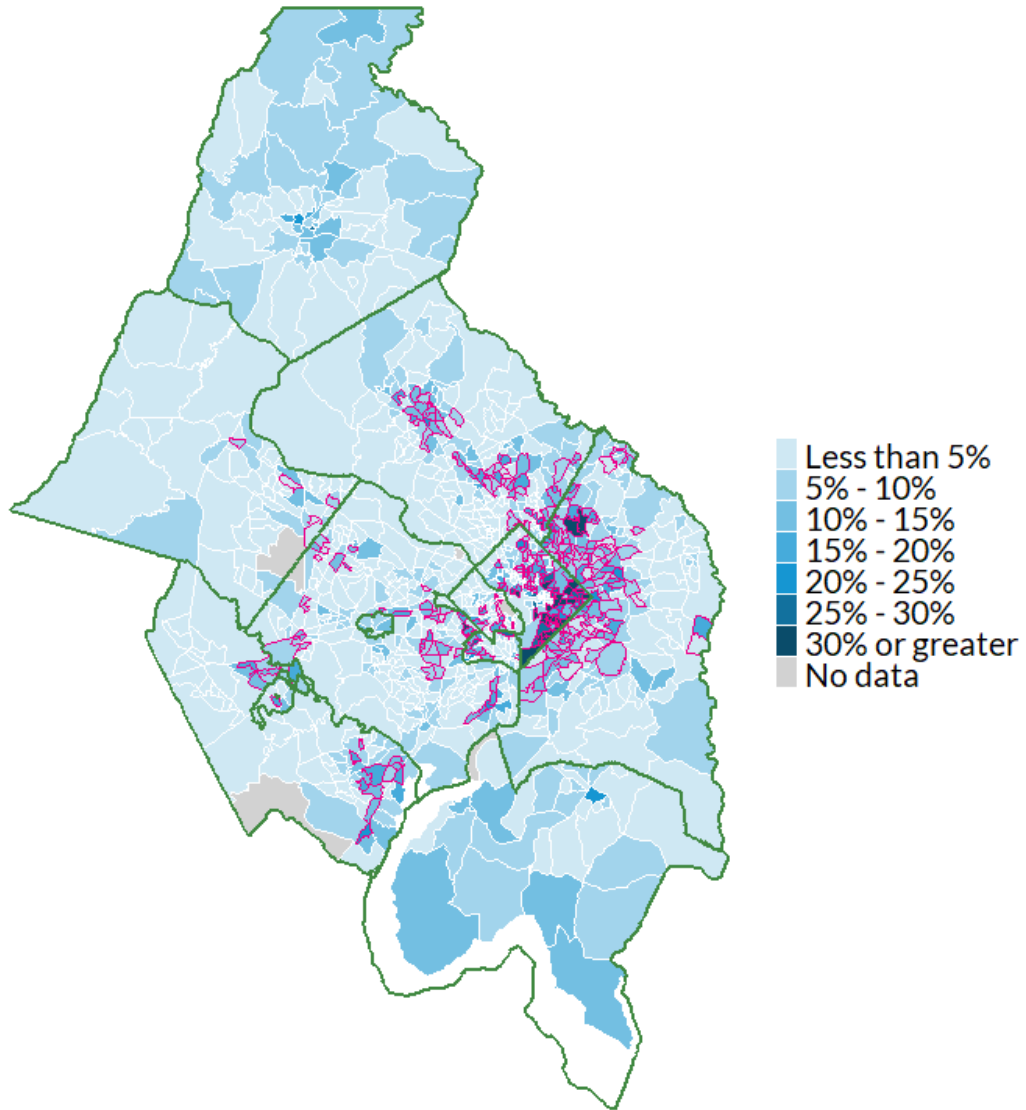
Source: American Community Survey 5-Year Estimates, 2015-2019



Map 63: Poverty Rates, Region

## Poverty Rates by Census Tract in Washington Region

COG Equity Emphasis Area Highlighted in Magenta

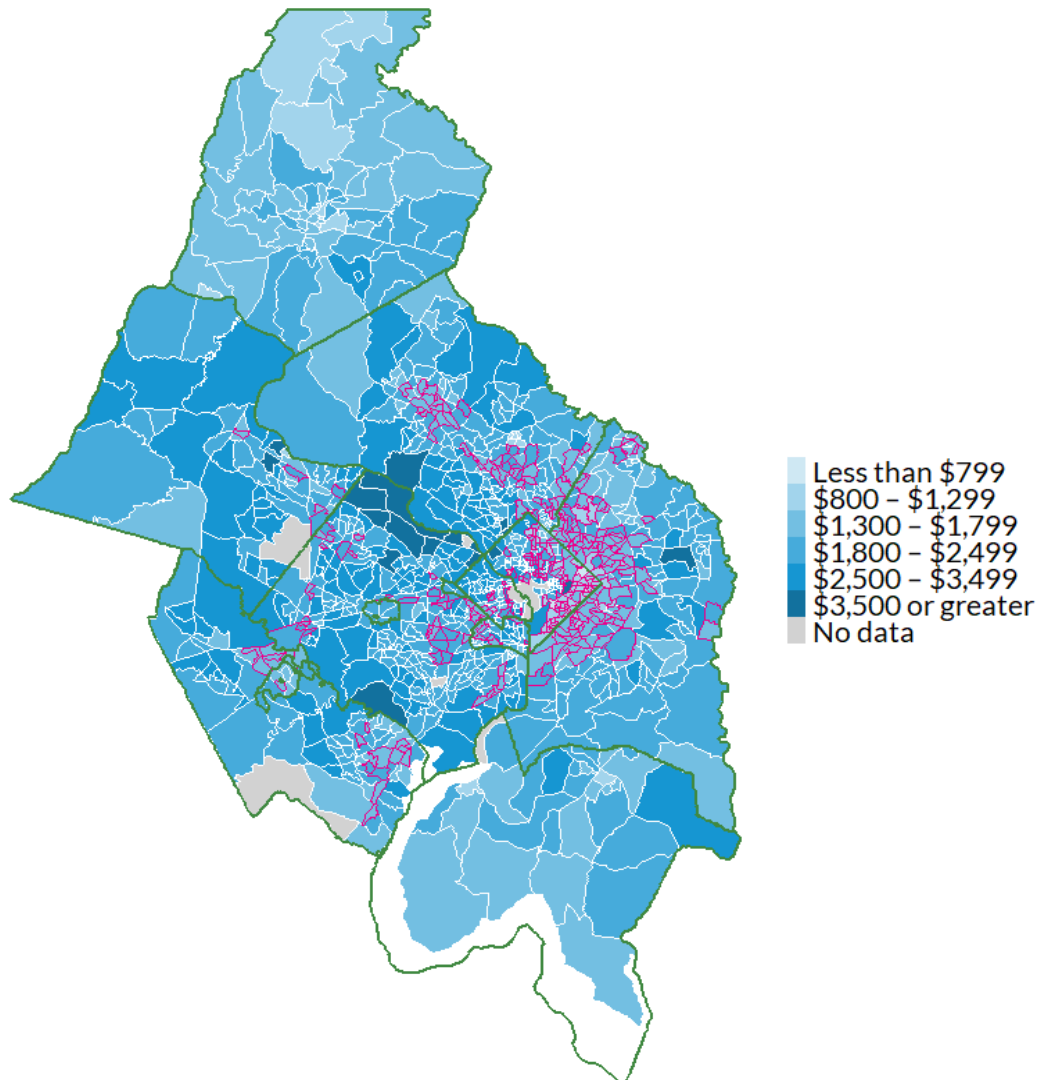


Source: American Community Survey 5-Year Estimates, 2015-2019

## Map 64: Median Housing Costs, Region

### Median Monthly Housing Cost by Census Tract in Washington Region

COG Equity Emphasis Area Highlighted in Magenta



Source: American Community Survey 5-Year Estimates, 2015-2019

#### Region

These policies are mostly addressed in Contributing Factors, particularly the section Impediments to Mobility. Other contributing factors also explain disparities in access to low-poverty neighborhoods, such as (1) lack of investment in specific neighborhoods, (2) lack of resources for fair housing agencies and organizations, (3) lack of affordable accessible housing a range of unit sizes, (4) practices and decisions for publicly supported housing, (5) occupancy codes and restrictions, (6) land use and zoning laws, (7) location and type of affordable housing, and (8) lack of community revitalization strategies, among others. Ultimately, all of the contributing factors either directly or indirectly impact access to low-poverty housing.

One of the policies with the largest impact on access to low-poverty neighborhoods is inclusionary zoning, which jurisdictions in the region have implemented, though with varying levels of stringency. In 2020, Virginia implemented legislation that encouraged localities to implement more aggressive inclusive zoning. The District of Columbia in particular has focused on upzoning the Rock Creek West area. Another policy that has notable impacts on access to low-poverty neighborhoods throughout the region is the improvement of payment standards, which Montgomery County, D.C., and Prince William County have all implemented.

**e. Disparities in Access to Opportunity—Access to Environmentally Healthy Neighborhoods**

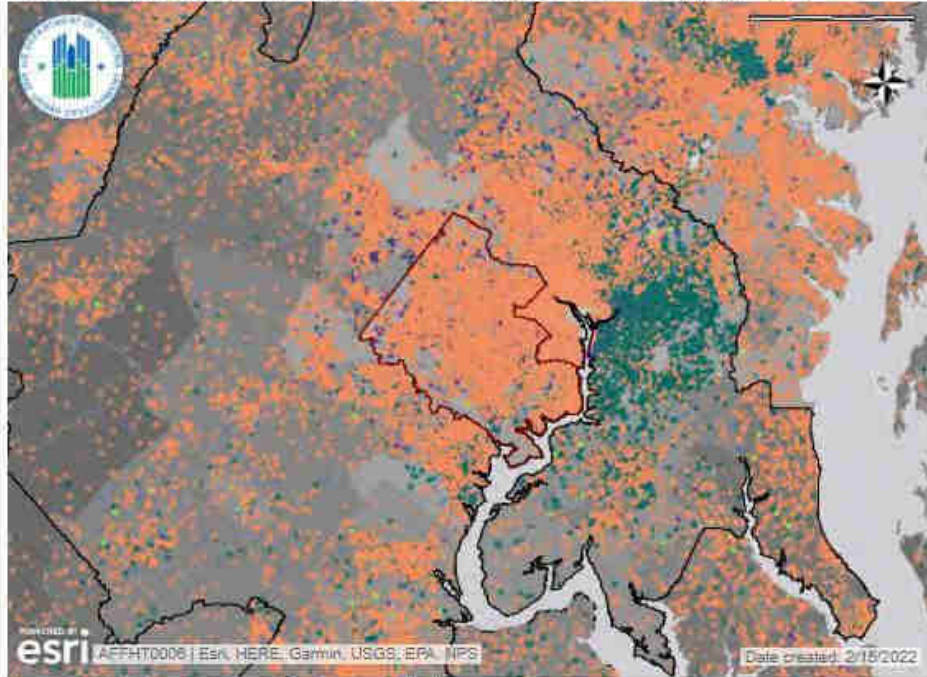
**i. Describe any disparities in access to environmentally healthy neighborhoods in the jurisdiction and region.**

The Environmental Health Index provided by HUD measures exposure to harmful airborne toxins. The index is based on standardized Environmental Protection Agency estimates of carcinogenic, respiratory, and neurological hazards in air. The index does not consider other environmental issues such as water quality or soil contamination, meaning it is a limited measure of overall environmental health. However, it can still provide useful insight into environmental conditions in jurisdictions. Index values range from 0 to 100, with higher values indicating better conditions and less exposure to environmental hazards that can harm human health. Generally, urban areas tend to have lower air quality as these areas have more emission sources and thus more exposure to hazards.

**Table 18: Environmental Health Index**

Low Poverty Index	Fairfax County	Region
Total Population		
White, Non-Hispanic	39.50	44.24
Black, Non-Hispanic	37.74	35.39
Hispanic	36.76	36.59
Asian or Pacific Islander, Non-Hispanic	37.98	38.50
Native American, Non-Hispanic	38.54	42.19
Population below federal poverty line		
White, Non-Hispanic	38.06	42.92
Black, Non-Hispanic	36.87	29.66
Hispanic	36.13	34.45
Asian or Pacific Islander, Non-Hispanic	37.38	34.19
Native American, Non-Hispanic	35.60	35.99

**Map 65: Demographics and Environmental Health (Race/Ethnicity), Fairfax County, VA**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Legend**

**Jurisdiction**

**Region**

**Demographics 2010**  
 1 Dot = 75

- White, Non-Hispanic
- Black, Non-Hispanic
- Native American, Non-Hispanic
- Asian/Pacific Islander, Non-Hispanic
- Hispanic
- Other, Non-Hispanic
- Multi-racial, Non-Hispanic

**TRACT**

**R/ECAP**

**Environmental Health Index**

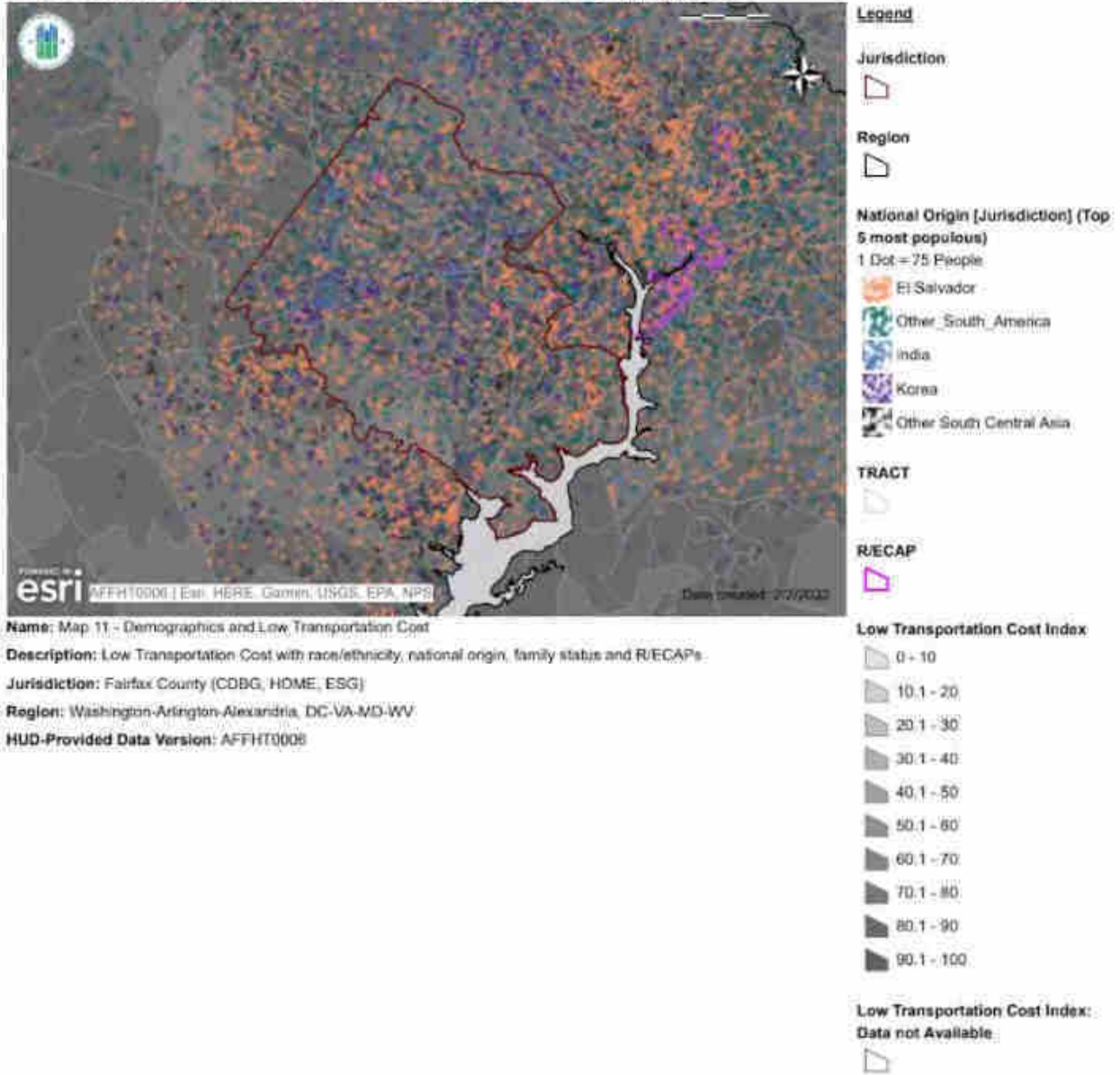
- 0 - 10
- 10.1 - 20
- 20.1 - 30
- 30.1 - 40
- 40.1 - 50
- 50.1 - 60
- 60.1 - 70
- 70.1 - 80
- 80.1 - 90
- 90.1 - 100

**Environmental Health Index: Data not Available**

**Name:** Map.13 - Demographics and Environmental Health  
**Description:** Environmental Health Index with race/ethnicity, national origin, family status and R/ECAPs  
**Jurisdiction:** Fairfax County (CDBG, HOME, ESG)  
**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV  
**HUD-Provided Data Version:** AFFHT0006



Map 66: Demographics and Environmental Health (National Origin), Fairfax County, VA  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 11 - Demographics and Low Transportation Cost

**Description:** Low Transportation Cost with race/ethnicity, national origin, family status and R/ECAP's

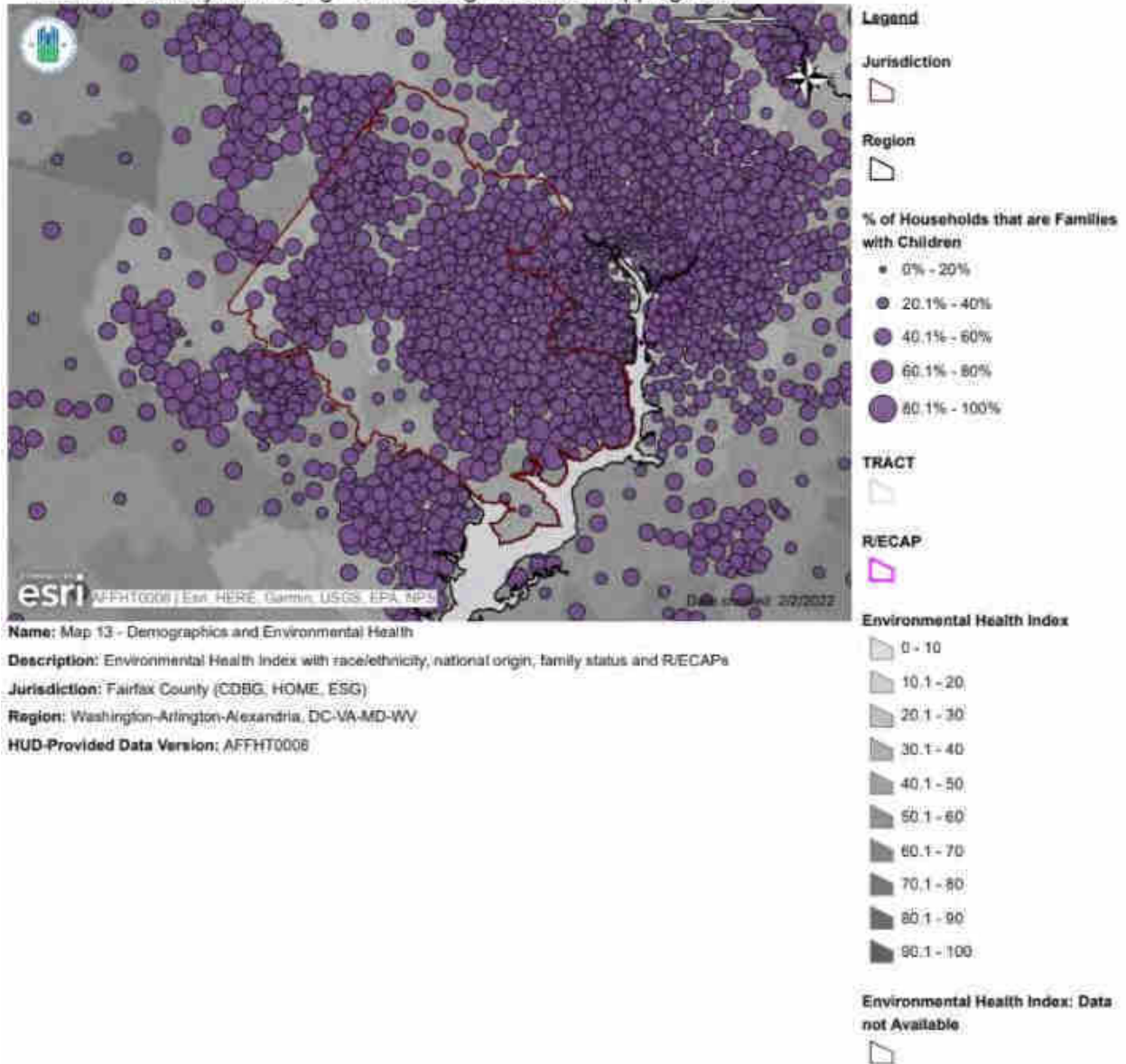
**Jurisdiction:** Fairfax County (COBG, HOME, ESG)

**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV

**HUD-Provided Data Version:** AFFHT0008

## Map 67: Demographics and Environmental Health (Familial Status), Fairfax County, VA

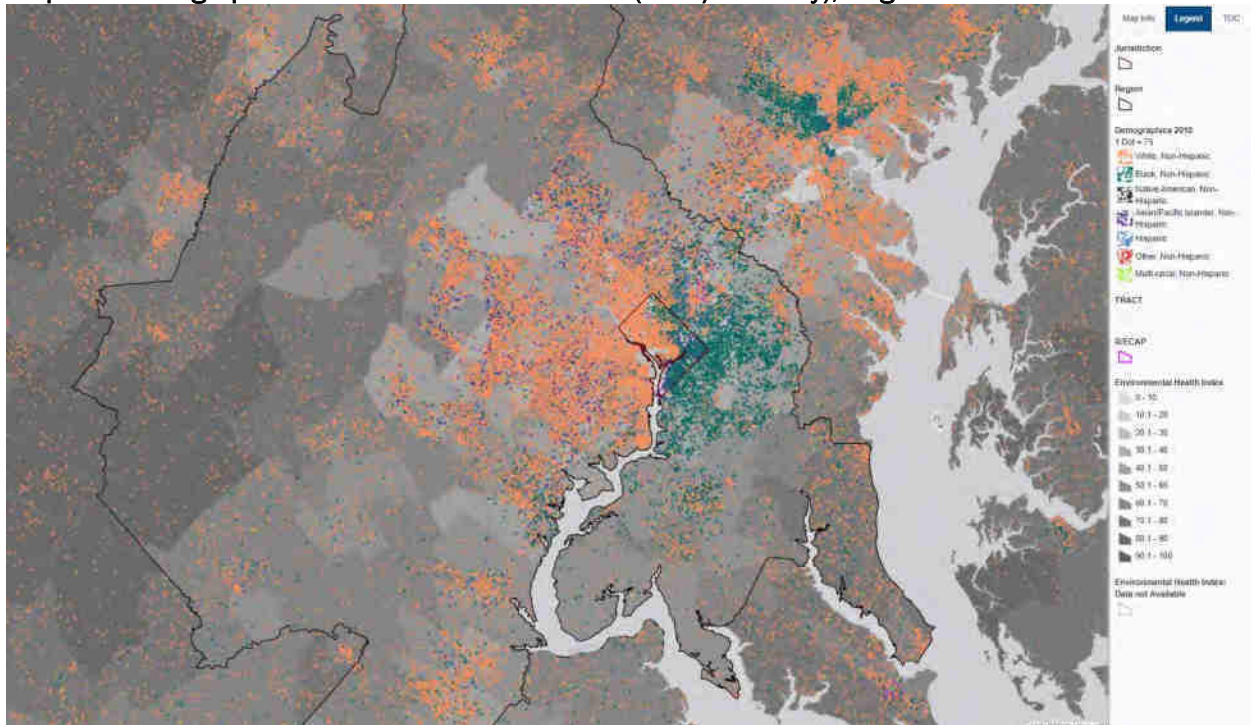
HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



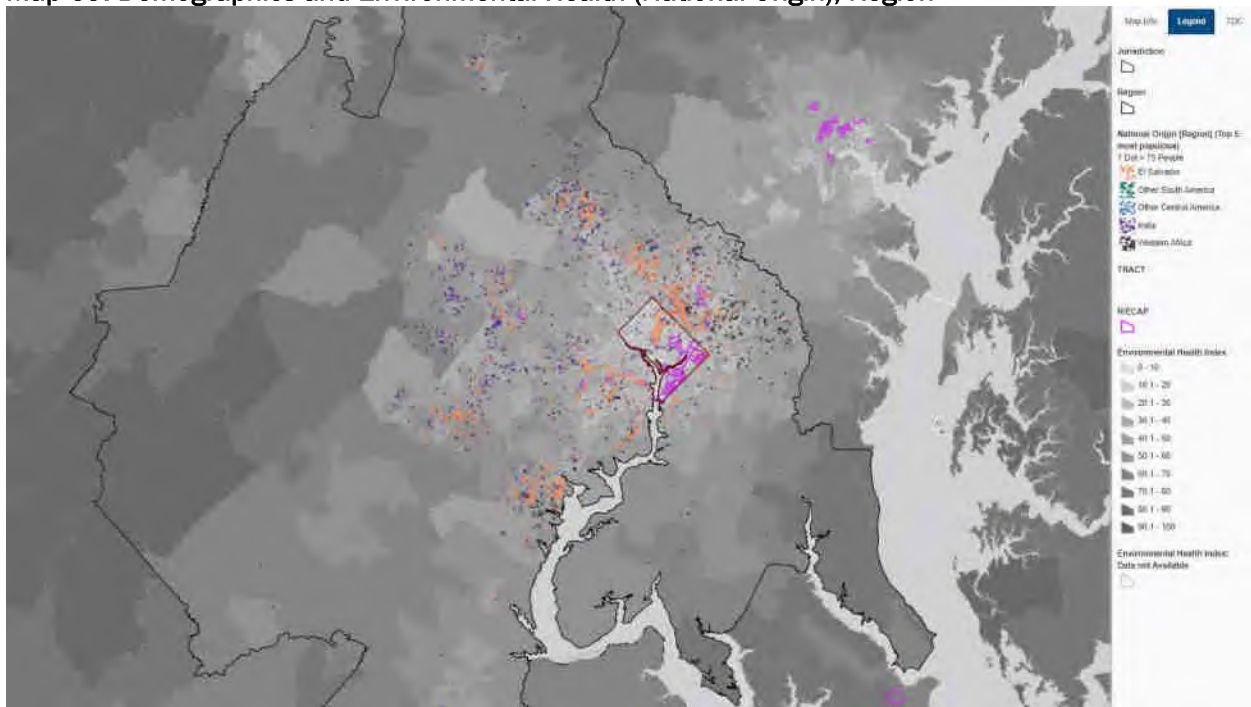
### Fairfax County

Rates of access to environmentally healthy neighborhoods are substantially higher for all racial and ethnic groups in Fairfax County than in the more urban areas of DC proper, Alexandria, and Arlington, though they lag behind national averages. Rates in Fairfax vary slightly based on race, with Hispanic residents' having the lowest rate of access at 36.67 and White residents' having the highest at 39.50. For those living below the poverty line, Native American residents have the lowest access rate at 35.60, while White residents below the poverty line have a rate of 38.06. These racial disparities are likely due to the greater number of White residents in suburban areas.

Map 68: Demographics and Environmental Health (Race/Ethnicity), Region



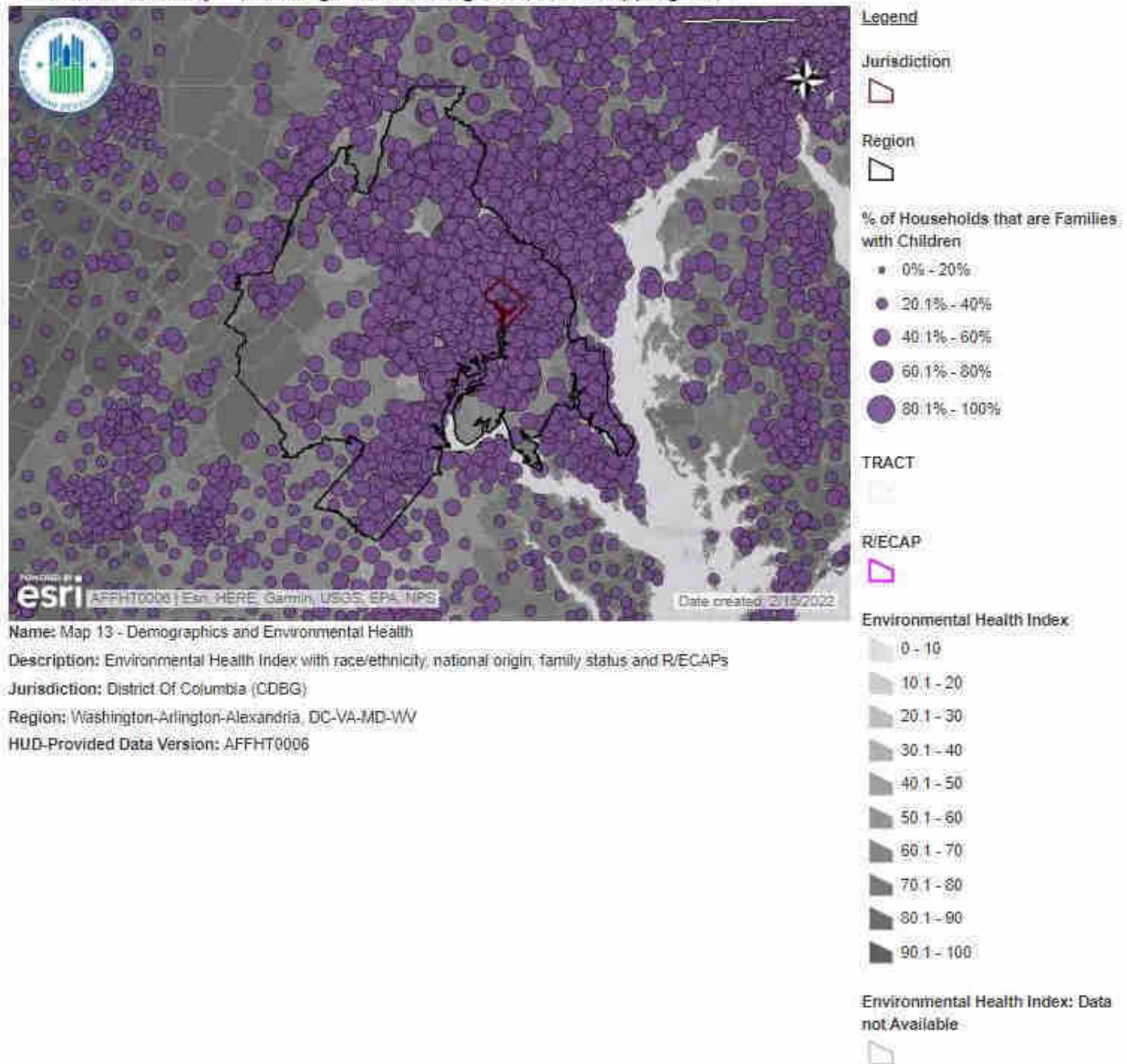
Map 69: Demographics and Environmental Health (National Origin), Region





## Map 70: Demographics and Environmental Health (Familial Status), Region

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



### Region

Racial differences are more pronounced at the regional level, with an Environmental Health Index value of 44.24 for White residents versus 35.39 for Black residents, 36.59 for Hispanic residents, 38.50 for Asian or Pacific Islander residents, and 42.1 for Native American residents. Regionally, residents living below the poverty line experience similar environmental health conditions, with index values of 42.92 for White residents, 29.96 for Black residents, 34.45 for Hispanic residents, 34.19 for Asian or Pacific Islander residents, and 35.99 for Native American residents.

For all populations, the index values have improved dramatically since 2019. This is likely in part to a reduced number of commuters resulting from the COVID-19 pandemic.



- ii. For the protected class groups HUD has provided data, describe how disparities in access to environmentally healthy neighborhoods relate to residential living patterns in the jurisdiction and region.**

As explained above, disparities in Environmental Health Index values are most pronounced at the regional level. The more suburban and rural areas of Loudoun and Prince William Counties—which are also disproportionately White—have the highest access to environmentally healthy neighborhoods. Washington, D.C., followed closely by Arlington and Alexandria, have much larger populations of non-White residents and have the lowest access to environmentally healthy neighborhoods. Regional values, incorporating suburban and rural areas, are about three times as high as those in urban areas.

#### Fairfax County

Fairfax County's Environmental Health Index scores vary somewhat more dramatically than more urban parts of the jurisdiction, with its lowest values (ranging from 20 to 30) in the areas immediately abutting Alexandria and Arlington. These include Jefferson, Baileys, Lincolnia, and Rose Hill, along with the areas extending into Annandale and Springfield. Within these areas, environmental health does not seem to vary significantly by racial and ethnic group concentration. That said, this collection of regions with low values has a population of Black and Hispanic residents that is disproportionately high compared to the population in the county as a whole. Salvadoran immigrants also are overrepresented in this region. Fairfax's areas of highest values, from 50 to 60, are census tracts in Bull Run, Pohick, and Lower Potomac, all of which are home to a disproportionate number of White residents compared to the population in the county as a whole. Most census tracts with index values greater than 50 are more than 80 percent White, compared to just 50 percent of the county as a whole. There is also a significant population of Asian or Pacific Islander residents on the border between Bull Run and Pohick, which has values that are equivalent to or even higher than the surrounding areas. This is also where individuals born in India and Korea are predominantly located.

#### Region

Overall, Environmental Health Index values are significantly higher in suburban and rural areas, like Loudoun, Prince William, Fairfax, and Montgomery Counties, which are disproportionately White and, to a lesser extent, Asian or Pacific Islander. More urban areas, specifically D.C. proper, have much higher percentages of Black and Hispanic residents and lower access to environmentally healthy neighborhoods. Within these urban areas, however, it does not appear that index values are correlated with race.

- iii. Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss programs, policies, or funding mechanisms that affect disparities in access to environmentally healthy neighborhoods.**

#### Fairfax County

Though Fairfax has a Division of Environmental Health within its Department of Environment and Energy, there is nothing on its website that indicates it has explicitly addressed race-based environmental inequality. Apart from the county government's actions, local nonprofit Faith Alliance for Climate Solutions has committed itself to environmental justice, starting with its weatherization program.

#### Region

Although the Environmental Health Index does not reflect significant disparities in access to environmentally healthy neighborhoods within the District of Columbia, there are several significant environmental problems within the city that affect vulnerable populations. The region has consistently ranked in the top 10 worst cities in terms of air pollution. According to the 2022 American Lung

Association *State of the Air* report, the District of Columbia received an “F” grade for high ozone (smog) days.<sup>22</sup>

The Anacostia and Potomac Rivers are also severely polluted. A goal of achieving a swimmable and fishable Anacostia River has been set for the year 2025.<sup>23</sup> However, some residents of Ward 8 (Anacostia) have expressed concerns that as the river is targeted for cleanup, housing prices will rise and gentrification pressures will push out low-income communities of color.<sup>24</sup>

#### f. Disparities in Access to Opportunity—Patterns in Disparities in Access to Opportunity

*i. Describe any disparities in access to opportunity in the jurisdiction and the region, including any overarching patterns of access or exposure to adverse community factors. Include how these patterns compare to patterns of segregation, integration, and R/ECAPs.*

Throughout the metropolitan Washington region, there are marked disparities in access to opportunity based on race and ethnicity. For almost all indexes, regional values are lower for Black and Hispanic residents than they are for White residents, and to a lesser extent, Asian American residents. Native American residents often fall somewhere between these groups, with some exceptions. And these disparities are only exacerbated for the population living below the poverty line.

Black residents throughout the region have the lowest levels of access to education, jobs, low-poverty neighborhoods, and environmentally healthy neighborhoods. With few exceptions, this is only worse for Black residents living below the poverty line. The notable exception to this is transit, for which Black residents have the highest levels of access. But this, of course, is a function of needing transit to reach school and work, as Black residents are less likely to live in low-poverty or environmentally healthy neighborhoods, which are further from the District and tend to be inhabited by those with cars. This general pattern, though to a slightly lesser extent, applies to Hispanic residents throughout the region as well.

White residents, and to a lesser extent, Asian American residents, consistently scored the highest on all metrics. White residents had the most access to proficient schools, low-poverty neighborhoods, and environmentally healthy neighborhoods. In job-related indexes, White residents closely followed Asian American residents in levels of access to jobs and the labor market. For schools and low-poverty neighborhoods, Asian Americans had second-best access, and third-best access to environmentally friendly neighborhoods. Asian American residents had the highest job index-related values, but in other metrics were consistently second to White residents.

The level of access for each racial group, from most to least, to each of the opportunity indicators is as follows:

- Schools: White, Asian, Native American, Hispanic, Black (same below poverty line)
- Labor market: Asian, White, Native American, Hispanic, Black (same below poverty line)
- Job proximity: Asian, White, Hispanic, Native American, Black (below poverty line, Hispanic and White drop to lowest)
- Transit trips index: Hispanic, Asian, Black, Native American, White (same below poverty line, but Black moves to highest)
- Transit costs: roughly the same for all
- Low-poverty neighborhoods: White, Asian, Native American, Hispanic, Black (same below poverty line)
- Environmentally friendly neighborhoods: White, Native American, Asian, Hispanic, Black

**ii. Based on these opportunity indicators, identify areas that experience (1) high access and (2) low access across multiple indicators.**

To answer this question, it is helpful to separate these indicators into two groups, the first group including indexes correlating positively with urban areas, and the second with those correlating with suburban areas. The first group includes both of the transportation indexes and job proximity. It also includes labor markets, though to a slightly lesser extent. Even within these urban jurisdictions, however, job-related metrics are still lower for Black and Hispanic residents. As explained, the high access to transportation is a function of necessity, not convenience. On these measures, the District of Columbia typically scores the highest and Loudoun County the lowest.

The second group includes indexes on which suburban counties fare well, like access to proficient schools, environmentally healthy neighborhoods, and low-poverty neighborhoods. Here, suburban counties like Loudoun, and to a lesser extent, Montgomery and Fairfax, have high index values. Loudoun County has lower values for the indexes that correlate to more urban environments. Conversely, District residents, particularly Black residents, consistently have the least access to proficient schools, environmentally healthy neighborhoods, and low-poverty neighborhoods.

**iv. Disproportionate Housing Needs**

**1.a. Which groups (by race/ethnicity and familial status) experience higher rates of housing cost burden, overcrowding, or substandard housing compared with other groups? Which groups also experience higher rates of severe housing burdens compared with other groups?**

Across the metropolitan Washington region, many residents face high rates of housing problems, severe housing problems, and severe housing cost burden. The four HUD-designated housing problems include (1) lacking complete kitchen facilities, (2) lacking complete plumbing facilities, (3) overcrowding, and (4) experiencing housing cost burden.<sup>25</sup> Households are considered to have a housing problem if they experience at least one of the above. This analysis also considers what HUD designates as severe housing problems, which include lacking a kitchen or plumbing, housing more than one person per room, or experiencing severe cost burden, defined as housing cost of greater than 50 percent of household income.

**Table 19: Demographics of Households with Disproportionate Housing Needs, Fairfax County, VA**

Households Experiencing Any of the Four Housing Problems	Households with Problems #	Total Households #	Households with Problems %
Race/Ethnicity			
White, Non-Hispanic	55,826	243,573	22.92%
Black, Non-Hispanic	14,895	36,751	40.53%
Hispanic	22,543	46,177	48.82%
Asian or Pacific Islander, Non-Hispanic	21,878	64,896	33.71%
Native American, Non-Hispanic	334	681	49.05%
Other, Non-Hispanic	3,378	9,457	35.72%

Total	119,025	401,789	29.62%
<b>Household Type and Size</b>			
Family households, <5 people	61,141	242,180	25.25%
Family households, 5+ people	17,927	44,354	40.42%
Non-family households	39,927	115,153	34.67%
<b>Households Experiencing Any of the Four Severe Housing Problems</b>	<b>Households with Severe Problems #</b>	<b>Total Households #</b>	<b>Households with Severe Problems %</b>
<b>Race/Ethnicity</b>			
White, Non-Hispanic	23,098	243,573	9.48%
Black, Non-Hispanic	7,574	36,751	20.61%
Hispanic	12,759	46,177	27.63%
Asian or Pacific Islander, Non-Hispanic	11,472	64,896	17.68%
Native American, Non-Hispanic	171	681	25.11%
Other, Non-Hispanic	1,539	9,457	16.27%
Total	56,802	401,789	14.14%

Clear racial disparities are present in the distribution of households with housing problems in Fairfax County. Almost one-half of Hispanic and Native American households face housing problems, as do 40 percent of Black households. Families with five or more members and nonfamily households have disproportionately higher rates of housing problems of 40 and 35 percent, respectively, compared to one-quarter of families with five or fewer members. The racial breakdown in disparities identified above closely aligns with the trend for severe housing problems, with more than one-quarter of Hispanic and Native American households and one-fifth of Black households experiencing severe housing problems. In contrast, less than 10 percent of White households experience severe housing problems.

**Table 20: Demographics of Households with Severe Housing Cost Burden, Fairfax County**

Race/Ethnicity	Households with Severe Cost Burden #	Total Households #	Households with Severe Cost Burden %
White, Non-Hispanic	20,653	243,573	8.48%
Black, Non-Hispanic	6,305	36,751	17.16%



Hispanic	8,480	46,177	18.36%
Asian or Pacific Islander, Non-Hispanic	8,294	64,896	12.78%
Native American, Non-Hispanic	67	681	9.84%
Other, Non-Hispanic	1,292	9,457	13.66%
Total	45,091	401,789	11.22%
<b>Household Type and Size</b>			
Family, <5 people	22,926	242,180	9.47%
Family, 5+ people	4,991	44,354	11.25%
Non-family	17,034	115,153	14.79%

In Fairfax County, there is also a racial disparity in the percentage of households experiencing severe cost burden. Hispanic and Black households are more than twice as likely to be severely cost burdened than are White households. Nonfamily households have a slightly higher rate of severe housing cost burden than do family households.

**Table 21: Demographics of Households with Disproportionate Housing Needs, Region**

Households Experiencing Any of the Four Housing Problems	Households with Problems #	Total Households #	Households with Problems %
<b>Race/Ethnicity</b>			
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%
<b>Household Type and Size</b>			
Family, <5 people	331,440	1,195,683	27.72%
Family, 5+ people	95,644	230,517	41.49%

Non-family	292,760	734,793	39.84%
Households Experiencing Any of the Four Severe Housing Problems	Households with Severe Problems #	Total Households #	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%

Table 22: Demographics of Households with Severe Housing Cost Burden, Region

Race/Ethnicity	Households with Severe Cost Burden #	Total Households #	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, <5 people	130,274	1,195,683	10.90%
Family, 5+ people	25,636	230,517	11.12%
Non-family	136,547	734,793	18.58%

The metropolitan Washington region includes slightly more than 2 million households. Overall, one-third of these households have housing problems. When evaluated by race and familial status, housing needs are disproportionately borne by households of color, particularly Hispanic and Black households, as well as non-family households and families with five or more members. As is the case in every regional jurisdiction except for Fairfax County, Hispanic households have the most disproportionate rate of housing problems compared with White households. Black households also face similar disparities throughout the region. The highest rate of Hispanic households with housing problems is in Gaithersburg, where more than 60 percent have housing problems. Another group vulnerable to housing problems are families with five or more members. This disparity is most pronounced in Alexandria, where over 63 percent of these households have housing problems.

Regionally, while one-quarter of White households have housing problems, at least one out of every three households of color have them. Among some racial and ethnic groups, the proportion of households experiencing housing problems is even more pronounced: for example, 50 percent of Hispanic households and 40 percent of Black households have housing problems. Asian American, Native American, and other groups also have higher rates of housing problems than White households. Approximately 40 percent of households with five or more members and non-family households also face housing problems.

This trend is the same for households facing severe housing problems. Hispanic households are almost three times more likely to have severe housing problems than White households, and Black households and Native American households are more than twice as likely to have severe housing problems.

There is also a pattern of racially imbalanced housing cost burdens on the regional level that parallels the jurisdictional trends. In most jurisdictions, Hispanic households have the highest rates of cost burden, although in the District of Columbia and Loudoun County, Native Americans shoulder the highest cost burden while comprising a very small share of the population. White households have the lowest cost burden, with fewer than 10 percent burdened. Housing cost burden predominantly harms Black, Hispanic, and Native American households. The jurisdiction with highest rate of severe cost burdens for residents is the District of Columbia. Fairfax and Montgomery Counties also have high rates of households burdened with severe housing costs. Non-family households are also disproportionately impacted by housing cost burden while small family households have lower rates of housing cost burden.

### Overcrowding

**Table 23: Percentage of Overcrowded Households by Race or Ethnicity**

	Non-Hispanic White Households		Black Households		Native American Households		Asian or Pacific Islander Households		Hispanic Households	
	#	%	#	%	#	%	#	%	#	%
<b>Fairfax County</b>	1,498	0.61	1,554	4.42	65	6.12	2,752	4.66	4,683	10.85
<b>Region</b>	<b>7,385</b>	<b>0.66</b>	<b>13,321</b>	<b>2.49</b>	<b>273</b>	<b>3.60</b>	<b>7,094</b>	<b>4.26</b>	<b>22,597</b>	<b>11.37</b>

### Fairfax County

Hispanic and Native American households have higher rates of overcrowding than do other populations. While less than 1 percent of White households live in overcrowded conditions, almost 10 percent of Hispanic households and 6 percent of Native American households do. This indicates racial and ethnic disparities in households facing overcrowding.

### Region

Regionally, regardless of race and ethnicity, most households have fairly low rates of overcrowding. Still, a disparity exists in the proportion of White households with overcrowding compared with other groups. This is particularly true for Hispanic households, which have disproportionate rates of overcrowding in every single jurisdiction. At least 11 percent of Hispanic households live in overcrowded housing, more than 10 percentage points higher than White households. The issue of overcrowding is most pronounced in D.C., where at least 15 percent of Hispanic households live in overcrowded housing.

**Table 24: Substandard Conditions by Housing Tenure**

Jurisdiction	Owner-Occupied One Condition	Owner-Occupied Two Conditions	Owner-Occupied Three Conditions	Owner-Occupied Four Conditions	Owner-Occupied No Conditions	Total
Fairfax County	56,272	1,427	66	0	211,763	269,528
Regional	254,458	5,207	333	7	865,348	1,125,353

Jurisdiction	Renter-Occupied One Condition	Renter-Occupied Two Conditions	Renter-Occupied Three Conditions	Renter-Occupied Four Conditions	Renter-Occupied No Conditions	Total
Fairfax County	53,552	5,873	145	0	67,403	126,973
Regional	312,493	26,163	746	70	378,231	717,703

Jurisdiction	One Condition	Two Conditions	Three Conditions	Four Conditions	No Conditions	Total
Fairfax County	109,824	7,300	211	0	279,166	396,501
Regional	566,951	31,370	1,079	77	1,243,579	1,843,056

In the region, renters are more likely to experience substandard conditions than owners. Of the more than 1 million owner-occupied households, over three-quarters experience no substandard conditions and fewer than 1 percent have two, three, or four substandard conditions. Slightly more than one-half of all renter households have no substandard conditions, and almost 4 percent have two, three, or four substandard conditions. Renter-occupied households in Alexandria and Arlington and Loudoun Counties are least likely to experience substandard housing conditions.

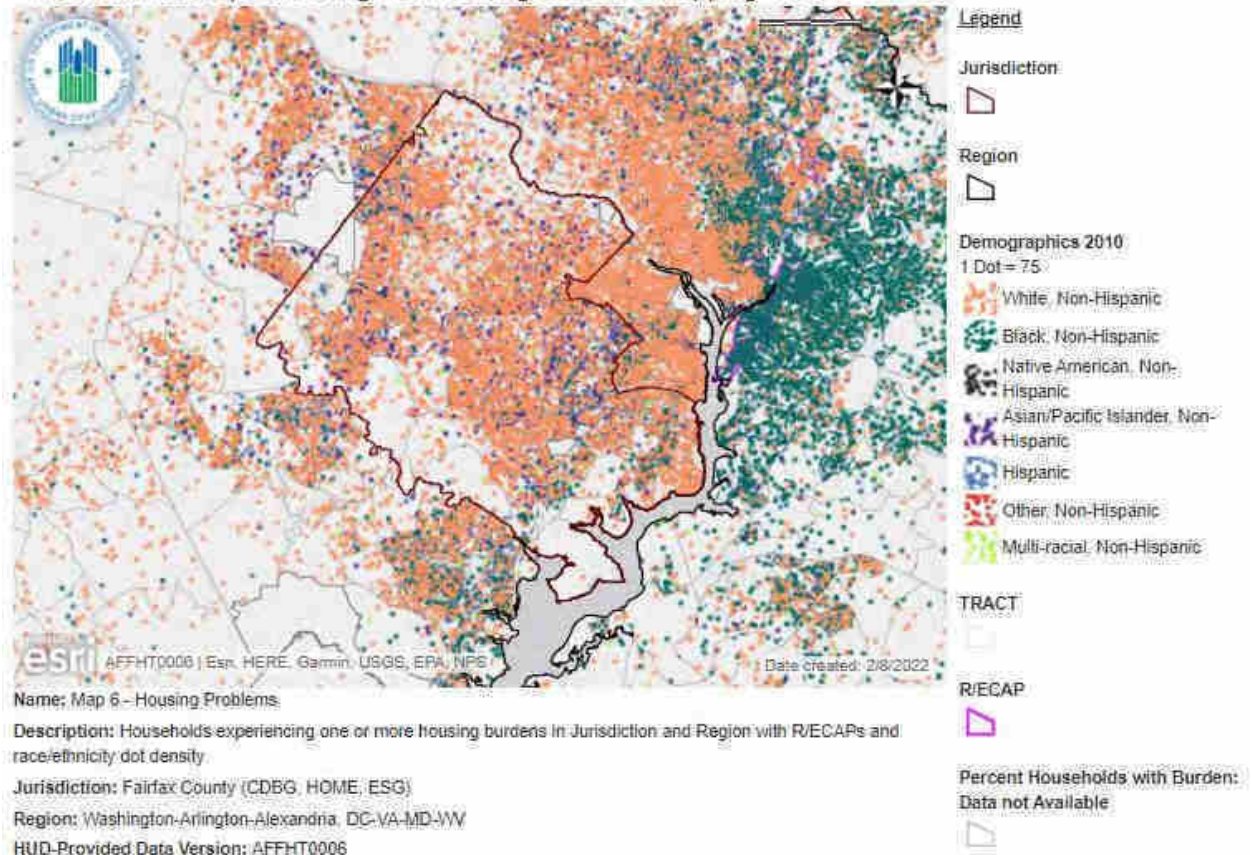


All jurisdictions have a similarly low rate of substandard housing conditions for owner-occupied households, ranging from the lowest in Arlington and Loudoun Counties at under one-fifth to the highest in Gaithersburg and Prince William County, where approximately one-quarter of owner-occupied households have one or more substandard conditions.

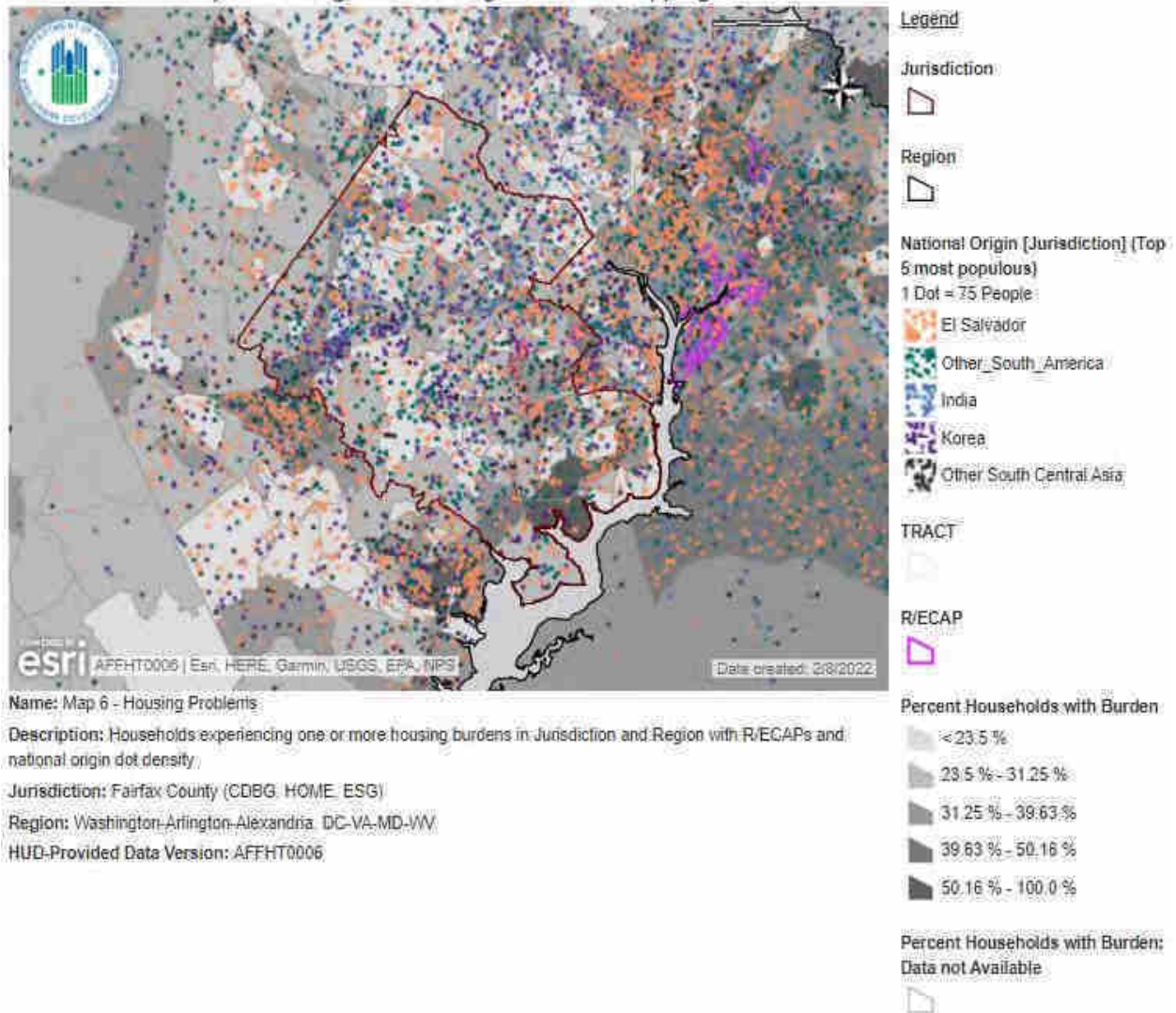
Among renter-occupied households, almost one-half have one or more substandard housing condition in Gaithersburg, Montgomery County, and Prince William County. Renter-occupied households in Alexandria, Arlington and Loudoun Counties are least likely to experience substandard housing conditions.

**1.b. Which areas in the jurisdiction and the region experience the greatest housing burdens? Which of these areas align with segregated areas, integrated areas, or R/ECAPs and what are the predominant race/ethnicity or national origin groups in such areas?**

**Map 71: Households with Any of the Four Housing Problems (Race/Ethnicity), Fairfax County, VA**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Map 72: Households with Any of the Four Housing Problems (National Origin), Fairfax County**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

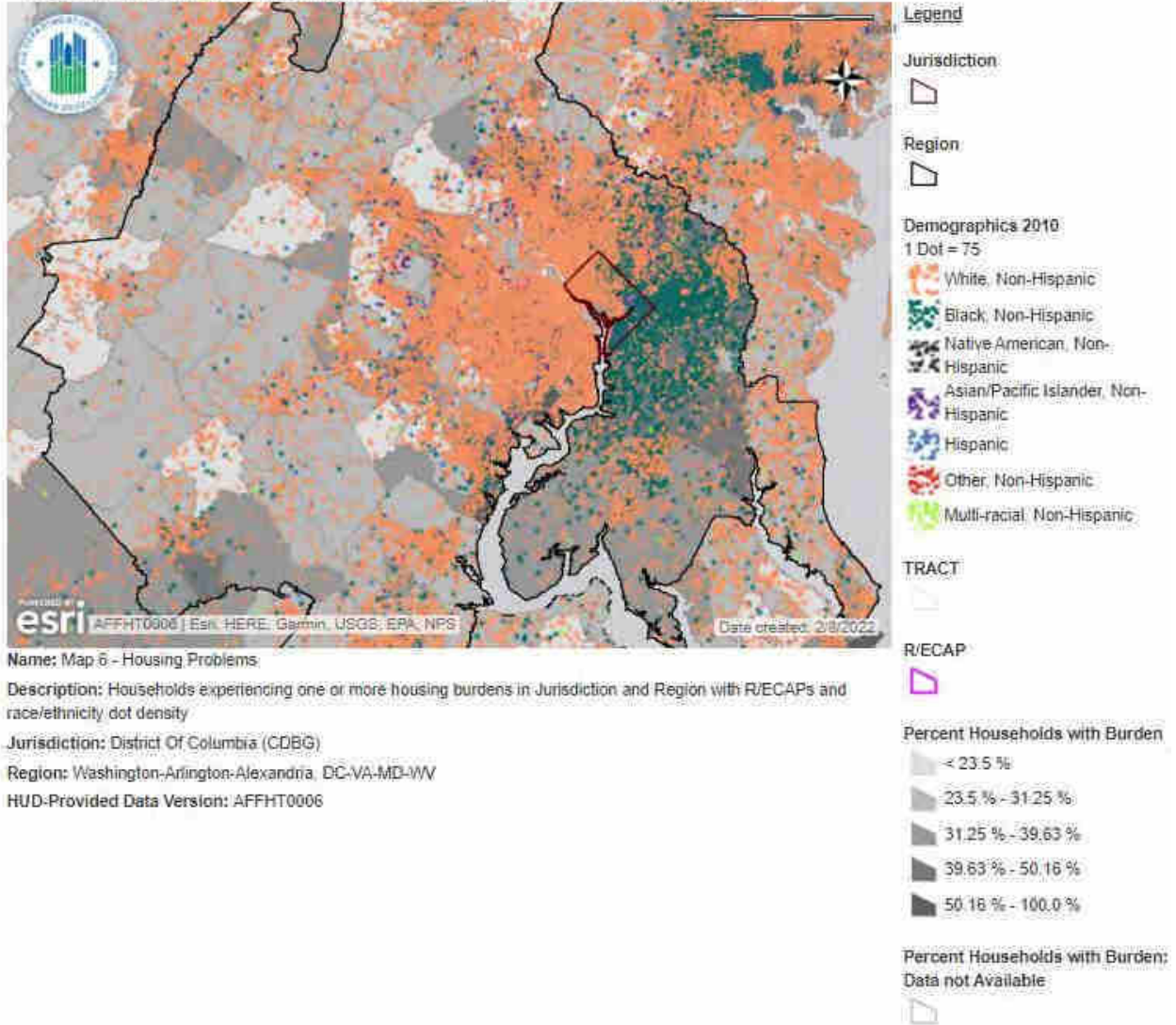


Name: Map 6 - Housing Problems  
 Description: Households experiencing one or more housing burdens in Jurisdiction and Region with R/ECAPs and national origin dot density.  
 Jurisdiction: Fairfax County (CDBG, HOME, ESG)  
 Region: Washington-Arlington-Alexandria, DC-VA-MD-WV  
 HUD-Provided Data Version: AFFHT0005

In Fairfax County, White households with housing problems are fairly evenly dispersed within the region, but this is not the case for Black and Hispanic households. Hispanic households are predominantly located both in the northeastern edge of Fairfax and on the western border where several scattered clusters of Hispanic households reside. Groups by national origin with housing problems are fairly dispersed throughout the region, with Koreans, Indians, and Salvadorans constituting the households residing in areas with the highest concentrations of housing problems. Korean households tend to be clustered in the western and central portions of the county. Indian households most commonly reside in the northern portion, while Salvadorans have several clusters dispersed throughout the jurisdiction, with the highest concentration in the central to eastern portion of the county. These households tend to be segregated by national origin, with high numbers of households with problems concentrated in their respective areas.

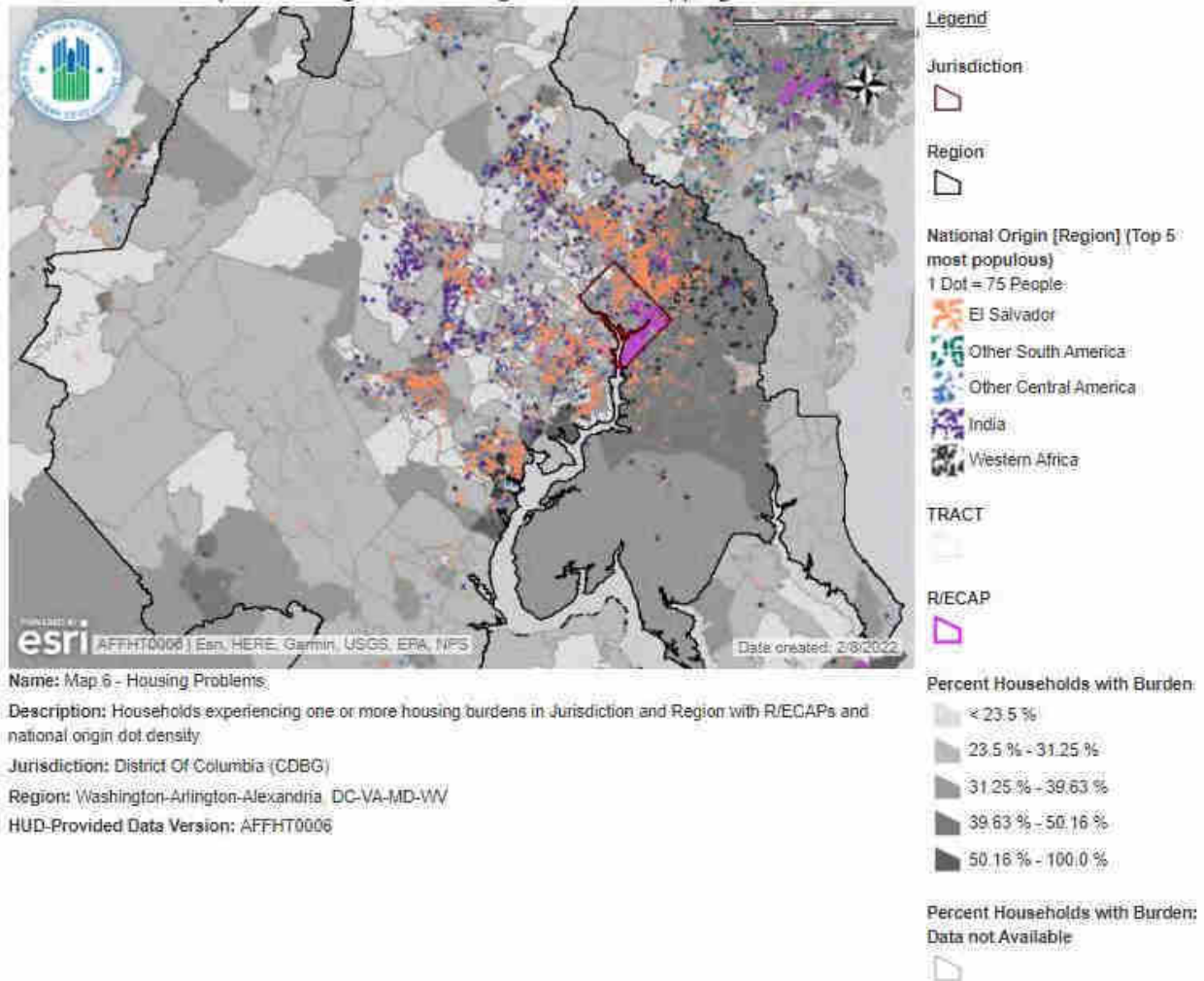


**Map 73: Households with Any of the Four Housing Problems (Race/Ethnicity), Region**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 6 - Housing Problems  
**Description:** Households experiencing one or more housing burdens in Jurisdiction and Region with R/ECAPs and race/ethnicity dot density  
**Jurisdiction:** District Of Columbia (CDBG)  
**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV  
**HUD-Provided Data Version:** AFFHT0006

**Map 74: Households with Any of the Four Housing Problems (National Origin), Region**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



There is a regional split in the racial distribution of housing problems that reflects the region’s overall demographics. Households with housing problems tend to be concentrated in the east and southeast portions of the region, which are overwhelmingly Black. Toward the center of the region, the number of households with problems becomes increasingly concentrated. This uneven distribution may in part be explained by the fact that these more centralized jurisdictions have higher populations and older housing stock. This regional pattern closely resembles the jurisdictional patterns because, for the most part, the distribution of households with housing problems is concentrated in certain parts of the area rather than forming an evenly distributed pattern. Overall, while White households in all of the jurisdictions except for the District of Columbia form the plurality racial or ethnic group and constitute 53 percent of the total regional population, households of color are disproportionately represented when their relative population size is accounted for. National origin groups, which are dominated by Indians and Salvadorans, tend to be distributed toward the eastern half of the region. The high proportion of Salvadoran households closely follows the patterns for each jurisdiction, but prevalence of Indian households appears to be most prominent in Loudoun County.



1.c. Compare the needs of families with children for housing units with two, and three or more bedrooms with the available existing housing stock in each category of publicly supported housing for the jurisdiction and region.

Table 25: Publicly Supported Housing by Program Category: Units by Number of Bedrooms and Number of Children

Fairfax County, VA	Households in 0-1 Bedroom Units		Households in 2 Bedroom Units		Households in 3+ Bedroom Units		Households with Children	
	#	%	#	%	#	%	#	%
Public Housing	0	0.00%	0	0.00%	0	0.00%	N/A	N/A
Project-Based Section 8	1,365	48.1%	888	31.3%	566	20%	821	28.9%
Other Multifamily	23	39%	9	15.3%	0	0.00%	3	5.1%
HCV Program	1,342	27.4%	1,753	35.8%	1,799	36.8%	2,110	43.1%

Fairfax County

Fairfax County has no public housing units and only 23 other multifamily assisted housing units. Households with families have lower cost burdens compared to single-resident households. Most families with children, particular those of larger sizes, utilize the HCV program, with the remainder living in project-based Section 8 units. Note that all public housing in Fairfax County was converted to RAD-Project-Based Vouchers.

Region

There are not enough publicly supported housing units in the region, resulting in a lack of sufficient affordable housing, particularly for families. In most jurisdictions, HCVs offer the most adequate publicly supported housing for families in need. In contrast, project-based Section 8 units do not offer much—or sometimes any—housing opportunity for families, and it is likely that many developments are restricted to seniors. There is a clear need for more affordable housing units for families instead of HCVs alone.

1.d. Describe the differences in rates of renter and owner-occupied housing by race/ethnicity in the jurisdiction and Region.

**Table 26: Housing Tenure by Race**

			Fairfax County	Region
White, Non- Hispanic	Owner- Occupied	#	187,405	820,608
		%	76.9	73.3
	Renter-Occupied	#	56,261	299,248
		%	23.1	26.7
Hispanic	Owner- Occupied	#	21,970	99,296
		%	50.9	50
	Renter-Occupied	#	21,200	99,442
		%	49.1	50
Black	Owner- Occupied	#	16,268	277,586
		%	46.3	51.8
	Renter-Occupied	#	18,892	257,980
		%	53.7	48.2
Native American	Owner- Occupied	#	624	4,269
		%	58.8	56.3
	Renter-Occupied	#	438	3,311
		%	41.2	43.7
Asian or Pacific Islander	Owner- Occupied	#	40,728	112,704
		%	68.9	67.7
	Renter-Occupied	#	18,420	53,821
		%	31.1	32.3

**Table 27: Population Growth by Housing Type**

Jurisdiction	Owner-occupied	Renter-Occupied
Fairfax County	-2%	16%

### Fairfax County

Fairfax has a high homeownership rate. More than three-quarters of White households own their own homes, and almost 70 percent of Asian Americans are homeowners. The majority of Hispanic households are homeowners, and 46 percent of Blacks are homeowners. For Native American households, the rate of owner-occupied homes is even greater than for Black and Hispanic households, with more than 58 percent of households living in owner-occupied housing.

### Region

Throughout the region, at least 50 percent of all households, irrespective of race, live in owner-occupied housing. White residents have the highest rate of owner-occupied households at 73 percent, and Asian American have the second highest at 67 percent. Although in several counties Hispanic households have higher rates of home ownership than Black households, in the region as a whole, they have the lowest rate of homeownership. As is the general trend on a jurisdiction-by-jurisdiction basis, White households have much higher rates of homeownership than households of color, particularly Hispanic and Black households.

### **Additional Information**

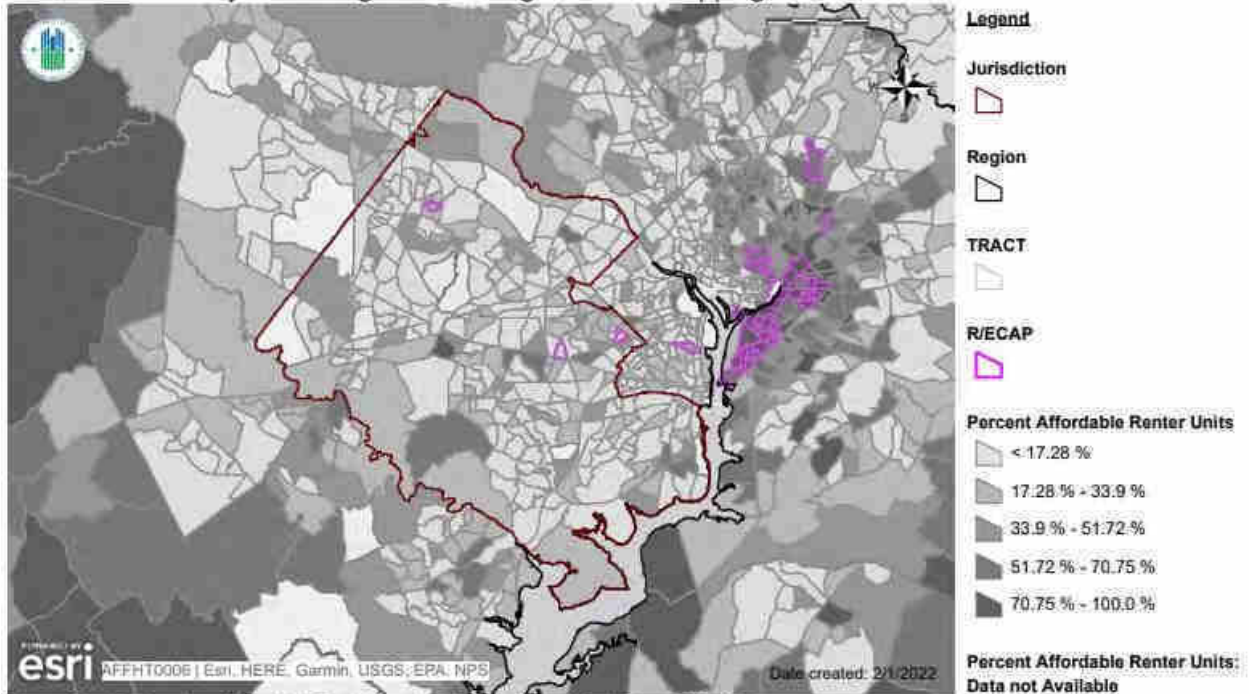
***2.a. Beyond the HUD-provided data, provide additional relevant information, if any, about disproportionate housing needs in the jurisdiction and the region affecting groups with other protected characteristics.***

### **Spatial Distribution and Availability of Affordable Housing**

Affordable rental housing is defined as a unit renting at or less than 30 percent of household income for a household with income at 50 percent of the AMI.

## Map 75: Location of Affordable Rental Housing, Fairfax County, VA

### HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 17 - Location of Affordable Rental Housing (% Rental Units Affordable to 50% AMI)

**Description:** Map of percent of rental units affordable, defined as units renting at or less than 30% of household income for a household with income at 50% of AMI.

**Jurisdiction:** Fairfax County (CDBG, HOME, ESG)

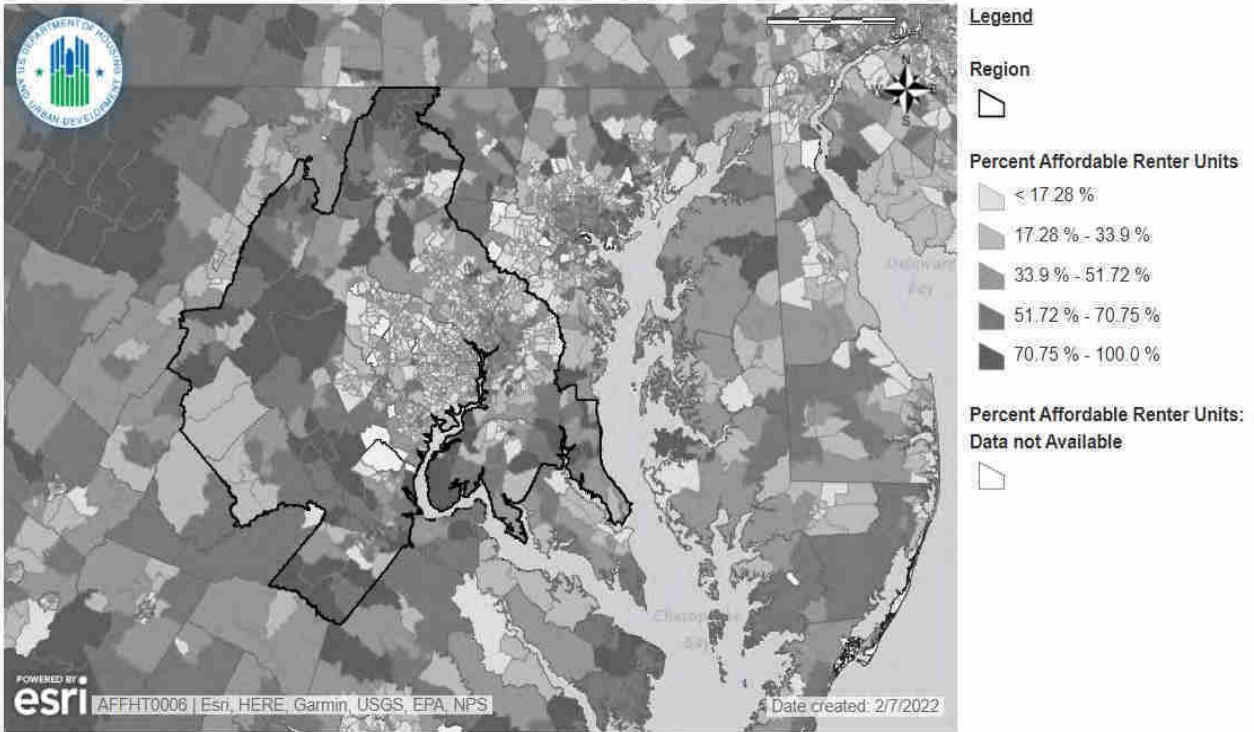
**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV

**HUD-Provided Data Version:** AFFHT0006

There is an uneven distribution of affordable housing in Fairfax County. Less than one-third of housing is affordable in most tracts. The southwest area has a higher concentration of affordable housing than do other areas in the jurisdiction.



**Map 76: Location of Affordable Rental Housing, Region**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 17 - Location of Affordable Rental Housing (% Rental Units Affordable to 50% AMI)

**Description:** Map of percent of rental units affordable, defined as units renting at or less than 30% of household income for a household with income at 50% of AMI.

**Jurisdiction:** District Of Columbia (CDBG)

**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV

**HUD-Provided Data Version:** AFFHT0006

The region’s rental housing stock that is affordable to low-income households—regardless of subsidy status—is concentrated on the edges of the metropolitan area. Some affordable rental units exist in the center of some jurisdictions, although the centers of the District of Columbia and Fairfax and Montgomery Counties have a greater concentration of households with housing cost burdens. Affordable housing that is available in this central area tends to be concentrated in R/ECAP areas. Otherwise, the largest supply of affordable housing is located on the periphery.

## C. Publicly Supported Housing Analysis

Data note: Some of the tables and maps in this section are sourced from the HUD tool, which used 2011–2015 five-year ACS data. These maps and tables are accessible to all and can be used by anyone to numerically and spatially analyze their jurisdictions or communities of interest. Other tables and maps that the Urban Institute created are based off of 2015–2019 five-year ACS estimated data. Due to this, some of the maps identify different census tracts as R/ECAPs and reflect slightly different demographic data.

### 1. Publicly supported housing demographics

**Table 28: Publicly Supported Housing Units by Program Category**

Fairfax County, VA	#	%
Total housing units	416,678	-
Public Housing	N/a	0%
Project-Based Section 8	3,046	1.63%
Other Multifamily	64	N/a
HCV Program	5,055	2.60%

#### Fairfax County

In Fairfax County, there are project-based Section 8 units, other multifamily assisted housing units, and HCV units. Overall, 1.96 percent of households reside in units assisted with federal tenant-based or project-based subsidies. HCVs are the most prominent source of publicly supported housing units in Fairfax County, followed by project-based Section 8 housing. There are no public housing units in Fairfax County.

#### Region

Across the jurisdictions, approximately 4 percent of households reside in units assisted with federal tenant-based or project-based subsidies. In every jurisdiction, HCVs are the most prominent source of publicly supported housing, followed by project-based Section 8 housing. A majority of the jurisdictions have no public housing units at all. It is clear from these data that while progress is being made, there is still a need for more publicly supported housing in the region.

**1.a. Are certain racial/ethnic groups more likely to be residing in one program category of publicly supported housing than other program categories (public housing, Project-Based Section 8, Other Multifamily Assisted developments, and Housing Choice Voucher (HCV) in the jurisdiction?**

Table 29: Publicly Supported Housing Demographics

Fairfax County, VA	White		Black		Hispanic		Asian or Pacific Islander	
Housing Type	#	%	#	%	#	%	#	%
Public Housing	N/a	N/a	0	0.00%	N/a	N/a	N/a	N/a
Project-Based Section 8	924	32.78%	834	29.58%	173	6.14%	847	30.05%
Other Multifamily	20	62.50%	7	21.88%	0	0.00%	5	15.63%
HCV Program	1,199	24.50%	2,482	50.72%	432	8.83%	765	15.63%
Total Households	243,573	60.62%	36,751	9.15%	46,177	11.49%	64,896	16.15%
0-30% AMI	14,371	40.43%	6,008	16.90%	6,785	19.09%	7,247	20.39%
0-50% AMI	27,397	40.27%	10,130	14.89%	15,101	22.20%	13,121	19.29%
0-80% AMI	37,453	41.79%	12,834	14.32%	19,392	21.64%	17,047	19.02%
Region	White		Black		Hispanic		Asian or Pacific Islander	
Housing Type	#	%	#	%	#	%	#	%
Public Housing	503	6.71%	6,532	87.15%	315	4.20%	128	1.71%
Project-Based Section 8	3,501	17.17%	13,201	64.76%	1,182	5.80%	2,408	11.81%
Other Multifamily	449	26.35%	969	56.87%	100	5.87%	181	10.62%
HCV Program	N/a	N/a		N/a	N/a	N/a	N/a	N/a

Total Households	1,146,249	53.04%	547,575	25.34%	229,029	10.60%	184,508	8.54%
0-30% AMI	90,665	33.26%	112,341	41.21%	40,008	14.68%	21,717	7.97%
0-50% AMI	175,960	34.84%	190,389	37.70%	85,426	16.92%	39,408	7.80%
0-80% AMI	244,055	36.68%	240,579	36.15%	111,238	16.72%	51,826	7.79%
Note: Numbers presented are numbers of households, not individuals. Data sources: Decennial Census; APSH; CHAS								

Fairfax County

In Fairfax County, Black households represent the highest percentage of households that use HCVs, accounting for more than 50 percent of HCV users. Black households using publicly supported housing are most likely to use HCVs. The second-most-common option for Black households is project-based Section 8 housing. Hispanic households represent the smallest percentage of use of project-based Section 8 housing, other multifamily assisted housing, and HCV units. Hispanic households using publicly supported housing are most likely to use HCVs. The second-most-common option for Hispanic households is project-based Section 8 housing. White households represent the highest percentage of households that occupy project-based Section 8 housing and other multifamily assisted housing. White households using publicly supported housing are most likely to use HCVs. The second-most-common option for White households is project-based Section 8 housing. Asian or Pacific Islander households represent the second-highest percentage of households that occupy project-based Section 8 housing. Asian or Pacific Islander households using publicly supported housing are most likely to reside in project-based Section 8 housing. The second-most-common option for Asian or Pacific Islander households is usage of HCVs. Overall, in Fairfax County, Black households are most likely to occupy publicly supported housing by a large margin, while Hispanic households are least likely to occupy publicly supported housing.

Region:

Regionally, the vast majority of households living in publicly supported housing are Black households, despite only accounting for one-quarter of the region’s total population. Black households represent the highest percentage of households living in public housing, project-based Section 8 housing, and other multifamily housing. The second-highest number of households living in publicly supported housing are White households, despite accounting for more than half of the region’s total population. White households represent the second-highest percentage of households living in public housing, project-based Section 8 housing, and other multifamily housing. The third-highest number of households living in publicly supported housing are Hispanic households, and Asian or Pacific Islander households are least likely to occupy publicly supported housing. Regionally, HCVs are most used type of publicly supported housing assistance in every jurisdiction, often by a large margin.

***1.b. Compare the racial/ethnic demographics of each program category of publicly supported housing for the jurisdiction to the demographics of the same program category in the region.***

Regional data are not available concerning the demographics of HCV users but are available for other types of publicly supported housing.

Fairfax County

In Fairfax County, there is a higher percentage of White, Hispanic, and Asian or Pacific Islander households living in project-based Section 8 housing developments than across the region. There is a



lower percentage of Black households living in project-based Section 8 housing developments than regionwide. There is a higher percentage of White and Asian or Pacific Islander households living in other multifamily assisted housing developments than across the region. There is a lower percentage of Black and Hispanic households living in other multifamily assisted housing developments than across the region. In Fairfax County, there are no public housing developments.

***1.c. Compare the demographics, in terms of protected class, of residents of each program category of publicly supported housing (public housing, project-based Section 8, other multifamily assisted developments, and HCVs) to the population in general and to those who meet the income eligibility requirements for the relevant program category of publicly supported housing in the jurisdiction and the region. Include in the comparison a description of whether there is a higher or lower proportion of groups based on protected class.***

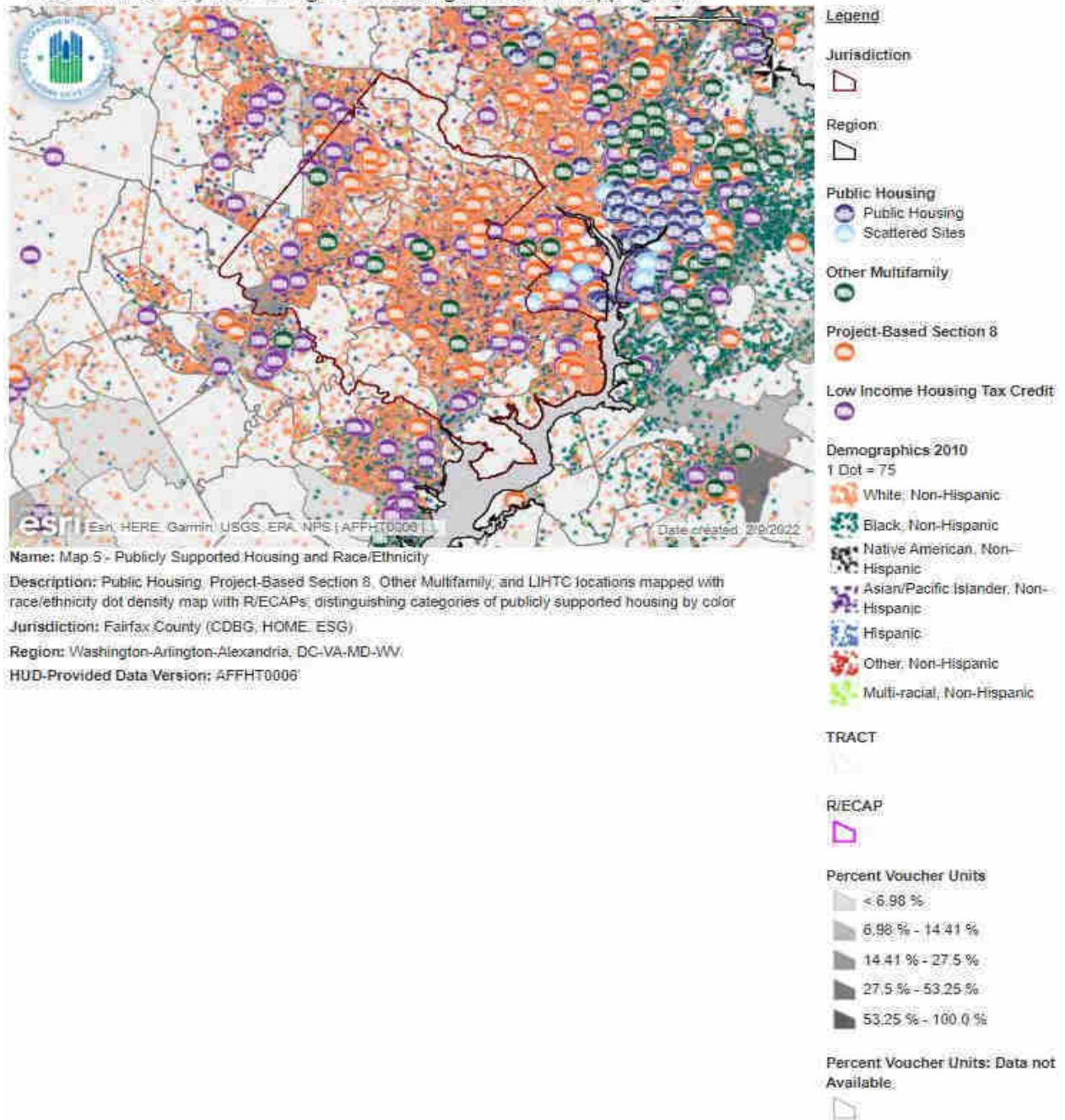
#### Fairfax County

In Fairfax County, there is a higher proportion of Black households using HCVs, residing in project-based Section 8 housing, and residing in other multifamily assisted housing when compared to the total number of Black households. There is also a higher proportion of White households residing in other multifamily assisted housing and a higher proportion of Asian or Pacific Islander households residing in project-based Section 8 housing when compared to the total number of households in those groups. Correspondingly, there is a lower proportion of White households using HCVs and residing in project-based Section 8 housing. There is also a lower proportion of Hispanic households using HCVs, residing in project-based Section 8 housing, and residing in other multifamily assisted housing. Finally, there is a lower percentage of Asian or Pacific Islander households using HCVs and residing in other multifamily assisted housing compared to the total number of Asian or Pacific Islander households.

## **2. Publicly Supported Housing Location and Occupancy**

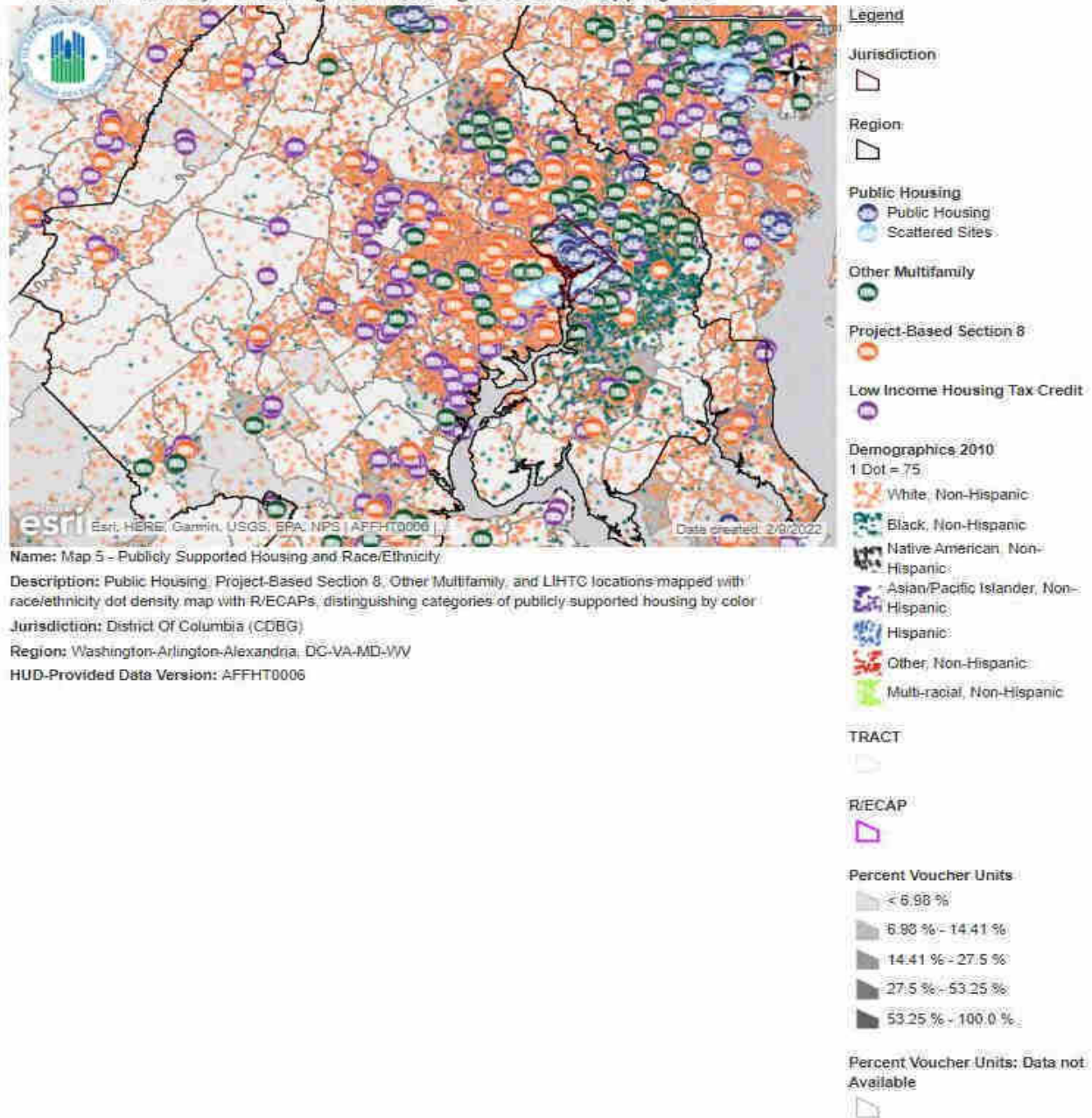
***2.a. Describe patterns in the geographic location of publicly supported housing by program category (public housing, project-based Section 8, other multifamily assisted developments, HCVs, and LIHTC) in relation to previously discussed segregated areas and R/ECAPs in the jurisdiction and the region.***

**Map 77: Publicly Supported Housing and Race/Ethnicity, Fairfax County, VA**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



In Fairfax County, the majority of publicly supported housing units, specifically units for which tenants use HCVs, are located near the eastern portion of the county, where there is a large proportion of Black residents. The publicly supported housing units in the northern and western parts of the county are predominantly project-based Section 8 units and LIHTC units. Those areas have a larger proportion of White and Asian or Pacific Islander residents.

**Map 78: Publicly Supported Housing and Race/Ethnicity, Region**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Regionally, much of the publicly supported housing is concentrated near areas with high proportions of Black residents. Publicly supported housing is least likely to be located in areas with high proportions of White residents. The areas with the highest percentage of HCV users also tend to be areas in higher percentages of Black residents. There is much more publicly supported housing in the eastern portion of the region that is closest to D.C. There is a lack of publicly supported housing in the western and southern portions of the region.

**2.b. Describe patterns in the geographic location of publicly supported housing that primarily serves families with children, elderly persons, or persons with disabilities in relation to previously**

*discussed segregated areas or R/ECAPs in the jurisdiction and the region.*

Fairfax County

In Fairfax County, project-based Section 8 housing serves the highest percentage of elderly residents and families with children when compared to other types of publicly supported housing. Project-based Section 8 developments are more evenly dispersed throughout the county than other types of publicly supported housing. Other multifamily assisted housing serves the highest percentage of residents with disabilities. There are not many other multifamily assisted housing units in Fairfax County, but a majority of these units are in areas with predominantly White populations. HCV program units are most likely to be in areas with large Black populations.

**2.c. How does the demographic composition of occupants of publicly supported housing in R/ECAPS compare to the demographic composition of occupants of publicly supported housing outside of R/ECAPs in the jurisdiction and the region?**

Fairfax County

In Fairfax County, there are both project-based Section 8 developments and HCV units in R/ECAPs. White residents account for the majority of residents in project-based Section 8 developments and of HCV voucher users in R/ECAPs. The percentage of White residents in these developments in R/ECAPs is much higher than the percentage of White residents in these developments outside of R/ECAPs.

**Table 30: Publicly Supported Housing Demographics by R/ECAP and Non R/ECAP Tracts**

Fairfax County	Total Units (Occupied) #	White %	Black %	Hispanic %	Asian or Pacific Islander %	Families with Children %	Elderly %	With a Disability %
<b>Public Housing</b>								
R/ECAP tracts	N/a	N/a	0.00%	N/a	N/a	N/a	N/a	N/a
Non-R/ECAP tracts	N/a	N/a	0.00%	N/a	N/a	N/a	N/a	N/a
<b>Project-Based Section 8</b>								
R/ECAP tracts	97	90.10%	7.92%	0.00%	1.98%	60.40%	25.74%	2.63%
Non-R/ECAP tracts	2,649	29.79%	30.82%	6.29%	31.77%	27.24%	60.35%	8.48%
<b>Other Multifamily</b>								
R/ECAP tracts	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a
Non-R/ECAP tracts	32	62.50%	21.88%	0.00%	15.63%	5.08%	13.56%	42.80%



HCV Program								
R/ECAP tracts	41	43.18%	29.55%	6.82%	20.45%	29.55%	47.73%	27.37%
Non R/ECAP tracts	4,529	24.33%	50.90%	8.85%	15.59%	43.23%	34.13%	21.42%
Note: Disability information is often reported for heads of household or spouse/co-head only. Here, the data reflect information on all members of the household.								
Data source: APSH								

*2.d. Do any developments of public housing, properties converted under the RAD, and LIHTC developments have a significantly different demographic composition, in terms of protected class than other developments of the same category for the jurisdiction? Describe how these developments differ.*

**Table 31: Project-Based Section 8 Publicly Supported Housing Demographics**

Fairfax County									
Type	Development Name	PHA Code	PHA Name	Units #	White %	Black %	Hispanic %	Asian %	Households with Children %
Project-Based Section 8	CEDAR RIDGE	N/a	N/a	195	77.98	14.29	4.76	2.98	60.12
Project-Based Section 8	ISLAND WALK COOPERATIVE	N/a	N/a	101	90.1	7.92	0	1.98	60.4
Project-Based Section 8	OAKVIEW GARDENS II	N/a	N/a	158	11.76	66.18	19.12	2.94	51.47
Project-Based Section 8	TYSONS TOWERS	N/a	N/a	274	31.33	6.83	2.81	59.04	N/a
Project-Based Section 8	MINERVA FISHER HALL GROUP HOME	N/a	N/a	12	N/a	N/a	N/a	N/a	N/a
Project-Based Section 8	YORKVILLE COOPERATIVE	N/a	N/a	236	32.51	23.15	5.91	38.42	36.95

Project-Based Section 8	THE LEWINSVILLE	N/a	N/a	143	40.28	3.47	7.64	48.61	0.69
Project-Based Section 8	TYSONS LANDING	N/a	N/a	40	29.73	51.35	8.11	8.11	35.14
Project-Based Section 8	HARTWOOD PLACE	N/a	N/a	12	83.33	8.33	0	8.33	N/a
Project-Based Section 8	WEXFORD MANOR	N/a	N/a	14	21.43	42.86	14.29	14.29	50
Project-Based Section 8	STONEGATE VILLAGE APTS. L.P.1	N/a	N/a	46	15.22	52.17	19.57	13.04	56.52
Project-Based Section 8	LAKE ANNE FELLOWSHIP HOUSE II	N/a	N/a	91	42.22	3.33	2.22	52.22	N/a
Project-Based Section 8	LAKE ANNE FELLOWSHIP HOUSE I	N/a	N/a	27	66.67	14.81	0	18.52	N/a
Project-Based Section 8	HUNTERS WOODS FELLOWSHIP	N/a	N/a	222	25.48	1.44	2.4	70.19	N/a
Project-Based Section 8	CHANTILLY MEWS	N/a	N/a	50	22.45	57.14	6.12	10.2	63.27
Project-Based Section 8	HARTWOOD GROUP HOMES	N/a	N/a	14	100	N/a	0	N/a	N/a
Project-Based Section 8	MOUNT VERNON HOUSE	N/a	N/a	130	29.46	30.23	14.73	25.58	N/a
Project-Based Section 8	SPRING GARDEN APARTMENTS	N/a	N/a	207	6.34	85.37	4.88	3.41	50.24
Project-Based Section 8	WESTMINSTER OAKS	N/a	N/a	50	29.17	31.25	0	12.5	43.75

Project-Based Section 8	PATHWAYS HOMES, INC.	N/a	N/a	18	100	N/a	0	N/a	N/a
Project-Based Section 8	STONY BROOK	N/a	N/a	40	5.41	72.97	2.7	5.41	48.65
Project-Based Section 8	HUNTING CREEK	N/a	N/a	35	8.57	85.71	0	2.86	74.29
Project-Based Section 8	OAKVIEW GARDENS SEC I	N/a	N/a	165	9.52	70.07	15.65	4.76	63.27
Project-Based Section 8	WEST WOOD OAKS	N/a	N/a	10	N/a	N/a	N/a	N/a	N/a
Project-Based Section 8	SUMMIT OAKS	N/a	N/a	50	51.02	16.33	6.12	26.53	32.65
Project-Based Section 8	BURKE LAKE GARDENS	N/a	N/a	99	20.2	1.01	2.02	76.77	N/a
Project-Based Section 8	GREENE HILLS ESTATES	N/a	N/a	100	61.11	27.78	2.22	8.89	55.56
Project-Based Section 8	EVERGREEN HOUSE	N/a	N/a	243	28.05	0.45	0.9	70.59	N/a
Project-Based Section 8	STRAWBRIDGE SQUARE ASSOCIATES	N/a	N/a	128	2.5	81.67	5	1.67	48.33
Project-Based Section 8	EDSALL STATION APTS	N/a	N/a	135	7.5	87.5	0.83	4.17	35
Other Multifamily Assisted Housing	WESLEY HOUSING @ COPPERMINE PLACE I	N/a	N/a	21	76.19	4.76	0	19.05	4.76
Other Multifamily Assisted	PATHWAY OPTIONS, INC.	N/a	N/a	3	N/a	N/a	N/a	N/a	N/a

Housing									
Other Multifamily Assisted Housing	CLA HOMES II, CORP.	N/a	N/a	7	N/a	N/a	N/a	N/a	N/a
Other Multifamily Assisted Housing	PATHWAY VISIONS, INC.	N/a	N/a	8	N/a	N/a	N/a	N/a	N/a
Other Multifamily Assisted Housing	WESLEY AGAPE HOUSE, INC.	N/a	N/a	12	36.36	54.55	0	9.09	18.18
Other Multifamily Assisted Housing	HARTWOOD TERRACE	N/a	N/a	4	N/a	N/a	N/a	N/a	N/a
Other Multifamily Assisted Housing	CLA HOMES I, CORP.	N/a	N/a	9	N/a	N/a	N/a	N/a	N/a

Fairfax County

In Fairfax County, among project-based Section 8 developments, Cedar Ridge Island Walk Cooperative, Hartwood Place, Hartwood Gardens, and Pathway Homes have significantly higher percentages of White residents. Oakwood Gardens II, Spring Garden Apartments, Hunting Creek, and Strawbridge Square Associates have significantly higher percentages of Black residents. Hunter Woods Fellowship has a significantly higher percentage of Asian or Pacific Islander residents.

**2.e. Provide additional relevant information, if any, about occupancy, by protected class, in other types of publicly supported housing for the jurisdiction and the region.**

**2.f. Compare the demographics of occupants of developments in the jurisdiction, for each category of publicly supported housing (public housing, project-based Section 8, other multifamily assisted developments, properties converted under RAD, and LIHTC) to the demographic composition of the areas in which they are located. For the jurisdiction, describe whether developments that are primarily occupied by one race/ethnicity are located in areas occupied largely by the same race/ethnicity. Describe any differences for housing that primarily serves families with children, elderly persons, or persons with disabilities.**



**Table 32: Publicly Supported Housing Demographics and Surrounding Census Tract Demographics, Fairfax County, VA**

Type	Development Name	PHA Code	PHA Name	Units #		White %		Black %		Hispanic %		Asian %		Households with Children %		Poverty Level %
				Devel opme nt	Tract	Devel opme nt	Tract	Devel opme nt	Tract	Devel opme nt	Tract	Devel opme nt	Tract	Devel opme nt	Tract	Tract
S8	CEDAR RIDGE	N/a	N/a	195	2,332	78.0	61.2	14.3	13.2	4.8	7	3.0	17.6	60.1	30.9	10
S8	ISLAND WALK COOPERATIVE	N/a	N/a	101	1,127	90.1	64.2	7.9	19.8	0.0	26.2	2.0	13.2	60.4	25.7	14.6
S8	OAKVIEW GARDENS II	N/a	N/a	158	2,003	11.8	22.9	66.2	25.2	19.1	33.6	2.9	16	51.5	39.7	17.3
S8	TYSONS TOWERS	N/a	N/a	274	2,068	31.3	56.4	6.8	5.3	2.8	6.2	59.0	26.2	N/a	36.2	7.1
S8	MINERVA FISHER HALL GROUP HOME	N/a	N/a	12	1,337	N/a	66.2	N/a	4.1	N/a	5.5	N/a	17.4	N/a	40	0.7
S8	YORKVILLE COOPERATIVE	N/a	N/a	236	1,373	32.5	40	23.2	14.5	5.9	17	38.4	27.3	37.0	33.4	9.7
S8	THE LEWINSVILLE	N/a	N/a	143	2,746	40.3	77.6	3.5	0.7	7.6	2	48.6	16.2	0.7	24	2.2
S8	TYSONS LANDING	N/a	N/a	40	1,659	29.7	37.1	51.4	7	8.1	7.6	8.1	43.3	35.1	28.5	5
S8	HARTWOOD PLACE	N/a	N/a	12	1,388	83.3	58.5	8.3	4.9	0.0	20.1	8.3	11.2	N/a	36	5.2
S8	WEXFORD MANOR	N/a	N/a	14	1,233	21.4	48.3	42.9	12.5	14.3	19.8	14.3	15.6	50.0	35.6	14.2
S8	STONEGATE VILLAGE APTS. L.P.1	N/a	N/a	46	2,045	15.2	32.8	52.2	21	19.6	33.9	13.0	9.1	56.5	42	10.2
S8	LAKE ANNE FELLOWSHIP HOUSE II	N/a	N/a	91	2,534	42.2	70	3.3	10	2.2	6.5	52.2	11.1	N/a	15.2	7
S8	LAKE ANNE FELLOWSHIP HOUSE I	N/a	N/a	27	2,534	66.7	70	14.8	10	0.0	6.5	18.5	11.1	N/a	15.2	7
S8	HUNTERS WOODS FELLOWSHIP	N/a	N/a	222	1,813	25.5	36.8	1.4	25.3	2.4	25.4	70.2	9.5	N/a	45.5	15.2
S8	CHANTILLY MEWS	N/a	N/a	50	1,660	22.5	33.4	57.1	2.8	6.1	22.3	10.2	37.3	63.3	48.7	5.9
S8	HARTWOOD GROUP HOMES	N/a	N/a	14	1,388	100.0	58.5	N/a	4.9	0.0	20.1	N/a	11.2	N/a	36	5.2
S8	MOUNT VERNON	N/a	N/a	130	2,264	29.5	63.5	30.2	21.6	14.7	7.1	25.6	2.9	N/a	46	15.5

	HOUSE															
S8	SPRING GARDEN APARTMENTS	N/a	N/a	207	2,264	6.3	63.5	85.4	21.6	4.9	7.1	3.4	2.9	50.2	46	15.5
S8	WESTMINSTER OAKS	N/a	N/a	50	1,753	29.2	51	31.3	13	0.0	16.6	12.5	15	43.8	37.3	5.9
S8	PATHWAYS HOMES, INC.	N/a	N/a	18		100.0	63.1	N/a	0.9	0.0	18.8	N/a	12.2	N/a	36.3	7.9
S8	MURRAYGATE VILLAGE APARTMENTS	N/a	N/a	40	2,422	6.5	17.6	51.6	27.7	29.0	45.4	12.9	8.2	35.5	51	18.2
S8	STONY BROOK	N/a	N/a	40	2,340	5.4	7.1	73.0	30.9	2.7	43.6	5.4	11.4	48.7	45.6	21.8
S8	HUNTING CREEK	N/a	N/a	35	2,264	8.6	63.5	85.7	21.6	0.0	7.1	2.9	2.9	74.3	46	15.5
S8	OAKVIEW GARDENS SEC I	N/a	N/a	165	2,003	9.5	22.9	70.1	25.2	15.7	33.6	4.8	16	63.3	39.7	17.3
S8	WEST WOOD OAKS	N/a	N/a	10		N/a	57.5	N/a	6.8	N/a	19.2	N/a	14.5	N/a	32.6	12
S8	SUMMIT OAKS	N/a	N/a	50	1,124	51.0	51.1	16.3	14	6.1	13.2	26.5	17.6	32.7	50.4	9.3
S8	BURKE LAKE GARDENS	N/a	N/a	99	1,702	20.2	61.5	1.0	10	2.0	10.4	76.8	15	N/a	36	4.7
S8	GREENE HILLS ESTATES	N/a	N/a	100	760	61.1	46.3	27.8	18.4	2.2	9.7	8.9	12.9	55.6	41.2	6.6
S8	EVERGREEN HOUSE	N/a	N/a	243	1,062	28.1	40.9	0.5	14	0.9	17.5	70.6	23	N/a	32.4	6.7
S8	STRAWBRIDGE SQUARE ASSOCIATES	N/a	N/a	128	1,647	2.5	14.3	81.7	38.5	5.0	30.1	1.7	15.6	48.3	42.3	9.9
S8	EDSALL STATION APTS	N/a	N/a	135	4,146	7.5	32.8	87.5	34.8	0.8	19.7	4.2	8.3	35.0	23.9	22.3
OM	WESLEY HOUSING @ COPPERMINE PLACE I	N/a	N/a	21	1,168	76.2	30.2	4.8	8.8	0.0	2.7	19.1	49.7	4.8	47.7	2.1
OM	PATHWAY OPTIONS, INC.	N/a	N/a	3		N/a	40	N/a	14.5	N/a	17	N/a	27.3	N/a	33.4	5.9
OM	CLA HOMES II, CORP.	N/a	N/a	7	2651	N/a	35.1	N/a	5.5	N/a	15.8	N/a	39.4	N/a	35	15.4
OM	PATHWAY VISIONS, INC.	N/a	N/a	8		N/a	53.2	N/a	3.2	N/a	16	N/a	21.1	N/a	43.8	3
OM	WESLEY AGAPE HOUSE, INC.	N/a	N/a	12	952	36.4	51.2	54.6	2.1	0.0	19.3	9.1	19.1	18.2	47.2	5

OM	HARTWOOD TERRACE	N/a	N/a	4	2,306	N/a	53.1	N/a	4.6	N/a	16.3	N/a	21.4	N/a	43.8	3
OM	CLA HOMES I, CORP.	N/a	N/a	9	2,476	N/a	35.1	N/a	5.5	N/a	15.8	N/a	39.4	N/a	35	15.4

Note: Housing types are P = public housing, S8 = project-based Section 8, and OM = other multifamily assisted housing

Fairfax County

In Fairfax County, the residents of publicly supported housing developments that serve a large percentage of families with children and elderly persons tend to be much more heavily Black than the populations of the census tracts in which they are located. Developments that serve a large percentage of persons with disabilities tend to have lower Asian or Pacific Islander populations than the census tracts in which they are located.

**3. Disparities in Access to Opportunity**

**3.a. Describe any disparities in access to opportunity for residents of publicly supported housing in the jurisdiction and the region, including within different program categories (public housing, project-based Section 8, other multifamily assisted developments, HCVs, and LIHTC) and between types (housing primarily serving families with children, elderly persons, and persons with disabilities) of publicly supported housing.**

Fairfax County

In Fairfax County, HCV users have lower access to proficient schools when compared to residents of project-based Section 8 developments and LIHTC developments. There is a large population of HCV users in the eastern portion of the county, which has lower access to proficient schools. Publicly supported housing developments in the northern and western parts of the county are predominantly project-based Section 8 developments and LIHTC developments. In Fairfax County, transportation costs are high across all types of publicly supported housing. There are no meaningful differences in engagement in the labor market and access to environmentally healthy neighborhoods across the different types of publicly supported housing. Jobs Proximity Index values are higher in the northern portion of the county, where there are project-based Section 8 developments and LIHTC developments.

Region

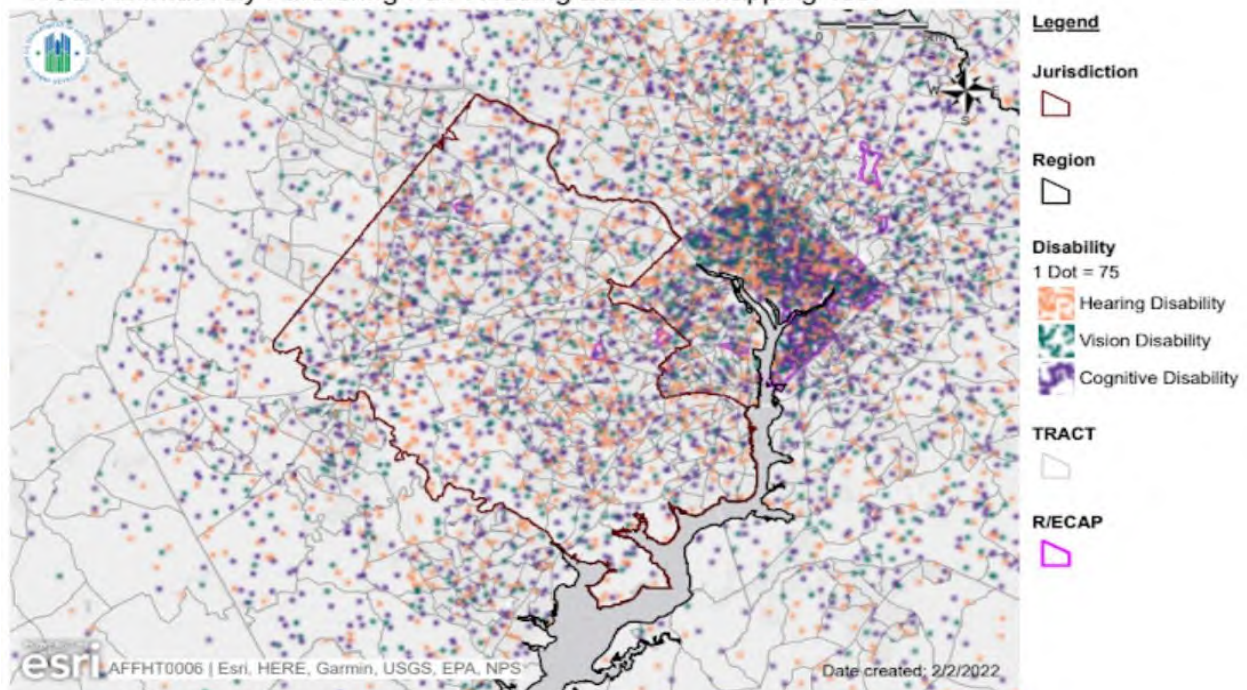
Regionally, public housing residents and HCV users tend to live in areas with low access to proficient schools, low labor market engagement, and low access to environmentally healthy neighborhoods. Proximity to transit centers is less consistent across areas with higher proportions of public housing residents and HCV users.

## D. Disability and Access Analysis

In 1988, Congress extended the Fair Housing Act's protections against housing discrimination to persons with disabilities. In addition to protection against intentional discrimination and unjustified policies that have disproportionate effects, the Fair Housing Act includes three provisions that are unique to persons with disabilities. First, it prohibits the denial of reasonable accommodation requests for persons with disabilities if the accommodations are necessary to afford an individual equal opportunity to use and enjoy a dwelling. Reasonable accommodations are departures from facially neutral policies and are generally available, so long as granting the accommodation request would not place an undue burden on the party providing the accommodation or result in a direct threat to the health or safety of others. Permitting an individual with an anxiety disorder to have a dog in their rental unit as an emotional support animal despite a broad "no pets" policy is an example of a reasonable accommodation. Second, it prohibits the denial of reasonable modification requests. Modifications involve physical alterations to a unit, such as the construction of a ramp or the widening of a door frame, and must be paid for by the person requesting the accommodation unless the unit receives federal financial assistance and is subject to Section 504 of the Rehabilitation Act. Third, it includes a design and construction provision that requires most multifamily housing constructed since 1991 to have certain accessibility features. This section of the Fair Housing Analysis looks at the housing barriers faced by persons with disabilities, including those that result in the segregation of persons with disabilities in institutions and other congregate settings.

### 1. Population Profile

**Map 79: Disability by Type (Hearing, Vision, Cognitive), Fairfax County, VA**  
HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 14 - Disability by Type

**Description:** Dot density map of the population of persons with disabilities by persons with vision, hearing, cognitive, ambulatory, self-care, and independent living difficulties with R/ECAPs for Jurisdiction and Region

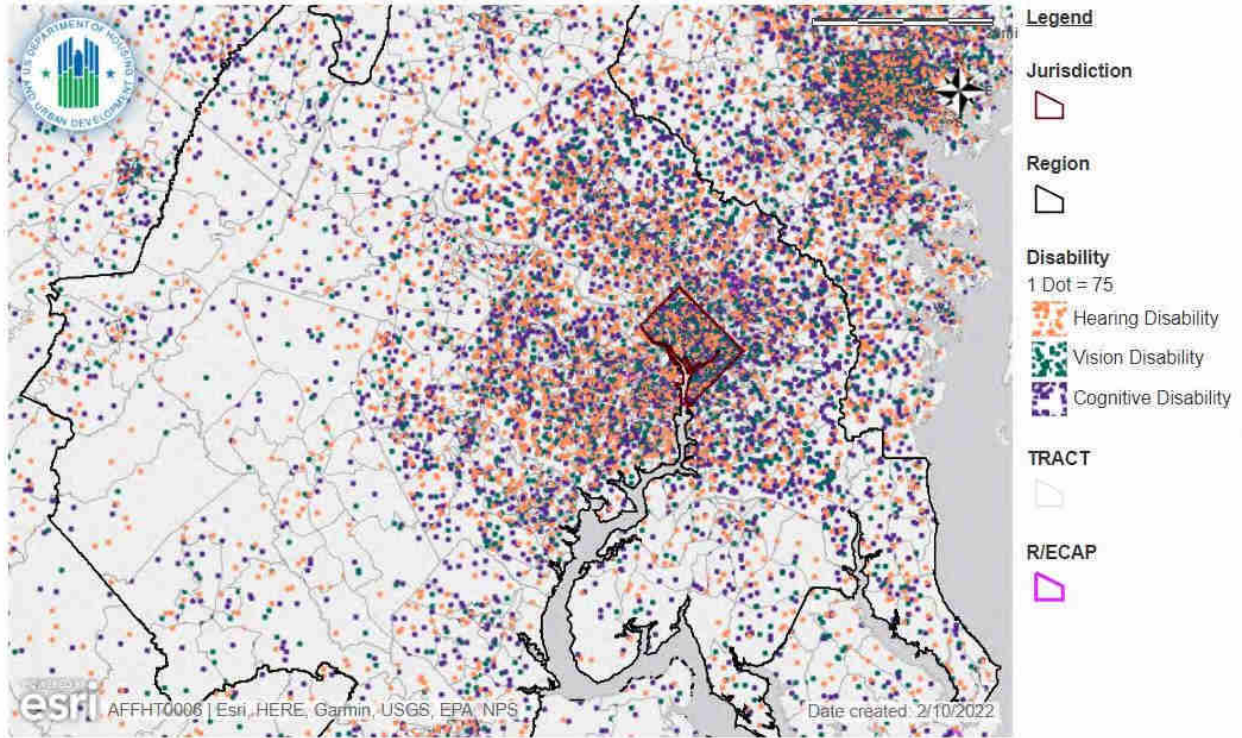
**Jurisdiction:** Fairfax County (CDBG, HOME, ESG)

**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV

**HUD-Provided Data Version:** AFFHT0006



**Map 80: Disability by Type (Hearing, Vision, Cognitive), Region**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 14 - Disability by Type

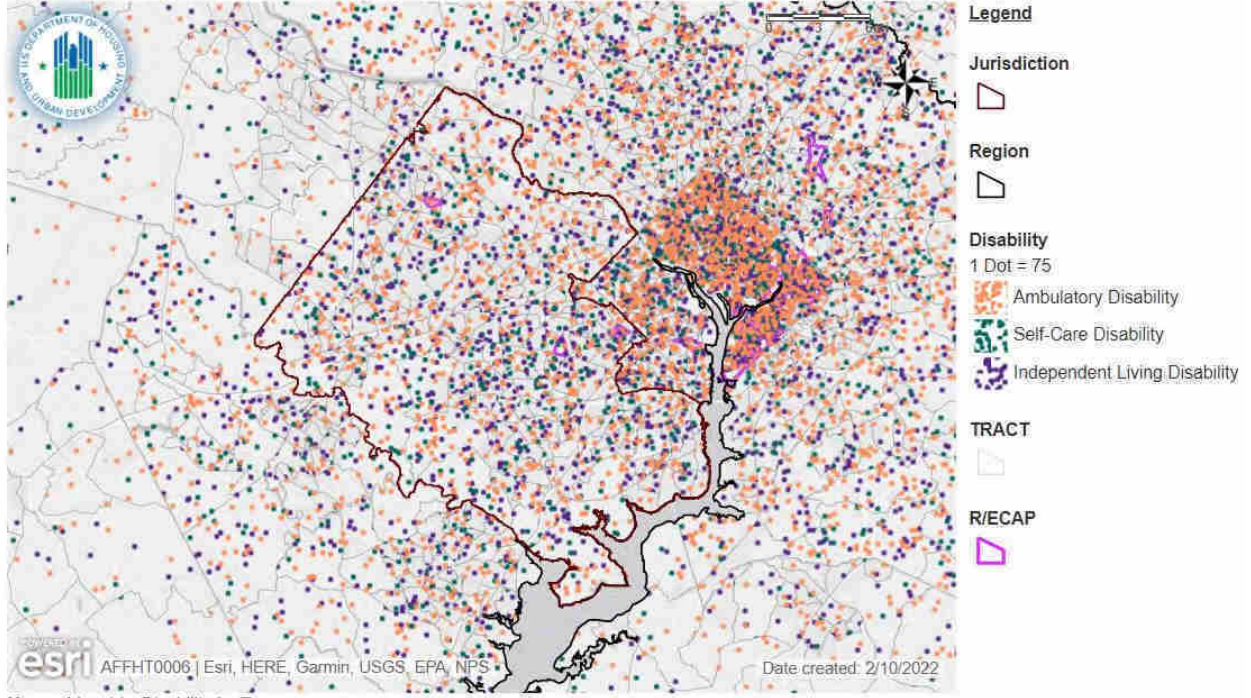
**Description:** Dot density map of the population of persons with disabilities by persons with vision, hearing, cognitive, ambulatory, self-care, and independent living difficulties with R/ECAPs for Jurisdiction and Region

**Jurisdiction:** District Of Columbia (CDBG)

**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV

**HUD-Provided Data Version:** AFFHT0006

**Map 81: Disability by Type (Ambulatory, Self-Care, Independent Living), Fairfax County, VA**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 14 - Disability by Type

**Description:** Dot density map of the population of persons with disabilities by persons with vision, hearing, cognitive, ambulatory, self-care, and independent living difficulties with R/ECAPs for Jurisdiction and Region

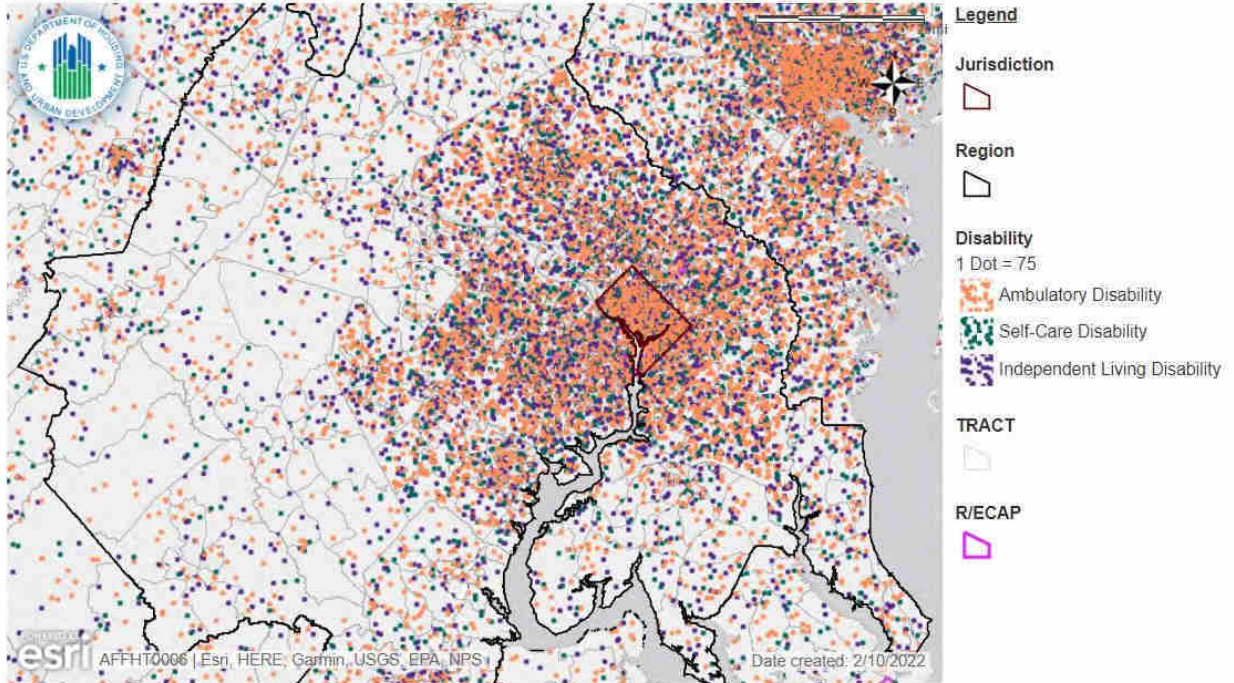
**Jurisdiction:** Fairfax County (CDBG, HOME, ESG)

**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV

**HUD-Provided Data Version:** AFFHT0006



**Map 82: Disability by Type (Ambulatory, Self-Care, Independent Living), Region**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 14 - Disability by Type

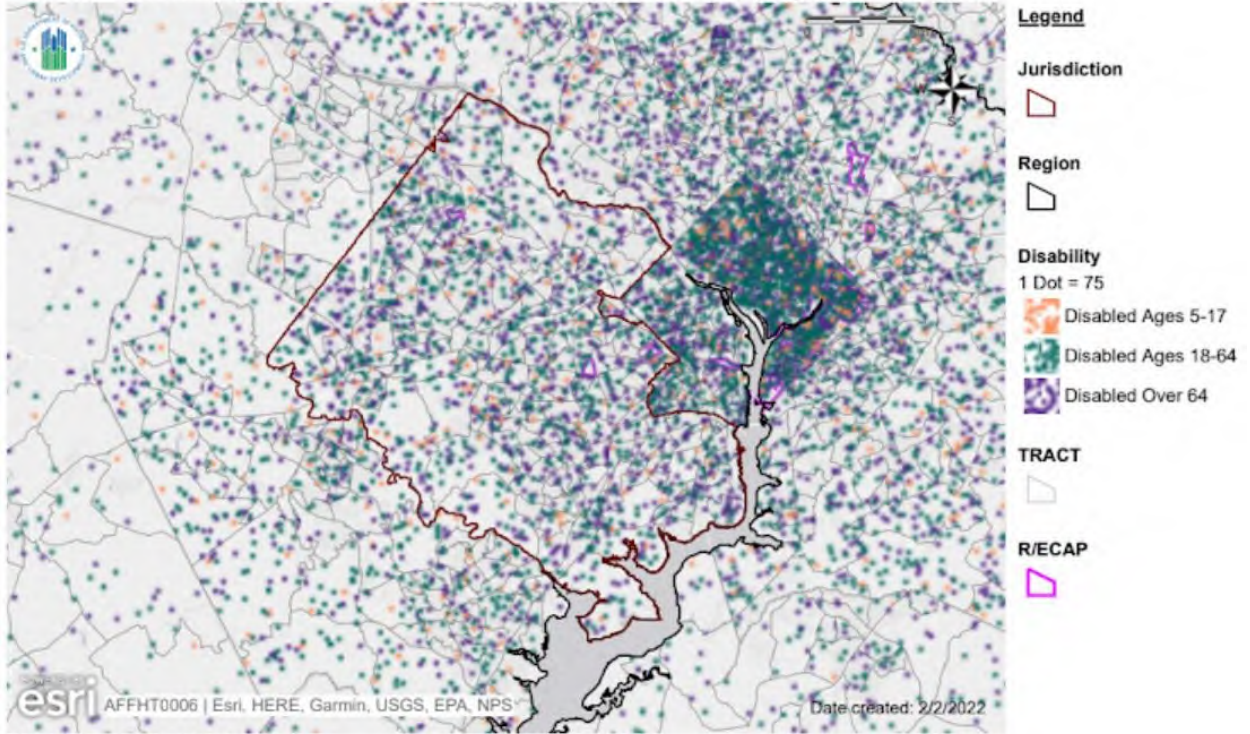
**Description:** Dot density map of the population of persons with disabilities by persons with vision, hearing, cognitive, ambulatory, self-care, and independent living difficulties with R/ECAPs for Jurisdiction and Region

**Jurisdiction:** District Of Columbia (CDBG)

**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV

**HUD-Provided Data Version:** AFFHT0006

**Map 83: Disability by Age, Fairfax County, VA**  
**HUD Affirmatively Furthering Fair Housing Data and Mapping Tool**



**Name:** Map 15 - Disability by Age Group

**Description:** All persons with disabilities by age range (5-17)(18-64)(65+) with R/ECAPs

**Jurisdiction:** Fairfax County (CDBG, HOME, ESG)

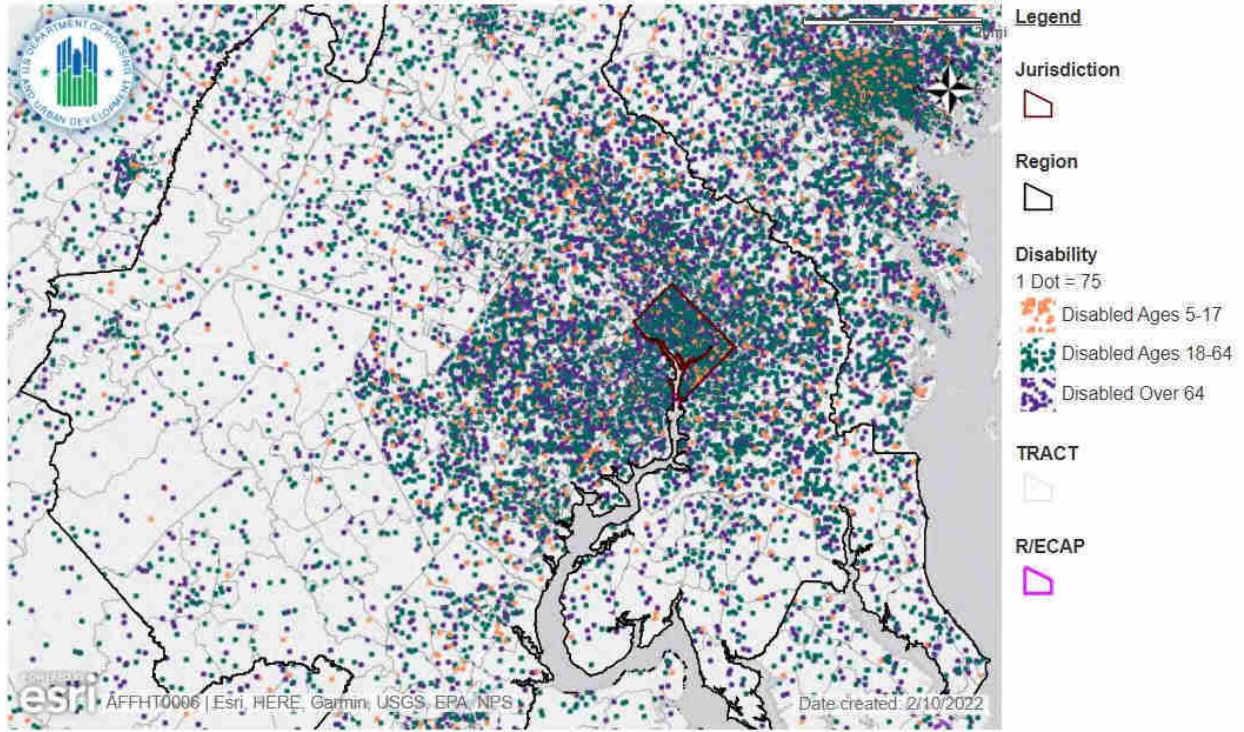
**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV

**HUD-Provided Data Version:** AFFHT0006



### Map 84: Disability by Age, Region

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 15 - Disability by Age Group

**Description:** All persons with disabilities by age range (5-17)(18-64)(65+) with R/ECAPs

**Jurisdiction:** District Of Columbia (CDBG)

**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV

**HUD-Provided Data Version:** AFFHT0006

**Table 33: Disability by Type**

Jurisdiction	Disability status	Hearing difficulty	Vision difficulty	Cognitive difficulty	Ambulatory difficulty	Self-care difficulty	Independent living difficulty
Fairfax County	7%	3%	3%	2%	3.2%	1%	3.5%
Region	8.7%	2.2%	1.6%	3.4%	4.5%	1.8%	3.9%

Note: All disability characteristics are based on the civilian noninstitutionalized population.  
Data source: 2015–2019 American Community Survey five-year estimates

**1.a. How are people with disabilities geographically dispersed or concentrated in the jurisdiction and region, including within R/ECAPs and other segregated areas identified in previous sections?**

Fairfax County

In Fairfax County, persons with disabilities are disproportionately located in some of the most racially and ethnically diverse areas of the county, including along the route 1 corridor in the Fairfax County portion of Alexandria, in the central portions of Springfield nearest to I-95, in Annandale, and in Bailey’s Crossroads. Although the western and northern portions of the county have fewer areas with large populations of persons with disabilities, there are more isolated census tracts with high proportions of persons with disabilities in Reston and a portion of McLean that includes The Lewinsville, a senior housing development subsidized through the federal Section 202 program. There are three R/ECAPs in Fairfax County. Although the county’s R/ECAPs are located near some areas with large populations of persons with disabilities, none of the R/ECAPs has significant populations of persons with disabilities.

**1.b. Describe whether these geographic patterns vary for people with each type of disability or for people with disabilities in different age ranges for the jurisdiction and the region.**

Fairfax County

Patterns of disproportionate populations of persons with disabilities do not vary significantly by type of disability in Fairfax County, though numbers of persons with hearing and vision disabilities are somewhat lower overall (though largely in the same places) than numbers of persons with other types of disabilities. Adults with disabilities are generally located in the same parts of the county as persons with disabilities overall, the exception being that younger adults with disabilities are not significantly represented in the census tract in McLean that includes The Lewinsville. Of the areas that have large populations of persons with disabilities overall, children with disabilities are located primarily in the route 1 corridor. Secondly, there are some census tracts with elevated populations of persons with disabilities in the far southwestern portion of the county in Centreville and Chantilly.

**2. Housing Accessibility**

**2.a. Describe whether the jurisdiction and the region have sufficient affordable, accessible housing in a range of unit sizes.**

As the data show, between 2.5 percent and 6.1 percent of individuals have ambulatory disabilities, depending on the jurisdiction. Similarly, 2–3 percent of individuals and 2–4 percent of individuals, respectively, have hearing or vision disabilities. Given the large size of the region, this implies a likely estimated total need for between 100,000 and 300,000 accessible housing units. Given the low income levels of persons with disabilities, it is critical that a significant share of these units be affordable for them to be truly useful.

### **Accessibility Requirement for Federally Funded Housing**

HUD's implementation of Section 504 of the Rehabilitation Act of 1973 (24 CFR Part 8) requires that publicly supported federal housing developments make (1) 5 percent of total units accessible to individuals with mobility disabilities and (2) an additional 2 percent of total units accessible to individuals with sensory disabilities. It requires that each property, including site and common areas, meet the Uniform Federal Accessibility Standards (UFAS) or HUD's alternative accessibility standard. Public housing and project-based Section 8 units are both considered to be publicly supported housing. The Publicly Supported Housing Analysis section describes, jurisdiction by jurisdiction, the number of units that exist through the public housing and project-based Section 8 programs, as well as programs like Section 202 and Section 811 that fall under the umbrella of other multifamily housing. Collectively, these units account for a significant share of units subject to Section 504, though that law's accessibility requirements apply to HUD programs like HOME and CDBG as well. Unfortunately, housing through the programs discussed in the Publicly Supported Housing Analysis section account for tens rather than hundreds of thousands of units, and, as described above, the accessibility requirements that apply to those units only require that 5 percent of units be accessible to persons with mobility disabilities and 2 percent to individuals with sensory disabilities. As publicly supported housing is generally concentrated in the District and is least present in outer suburban communities like Loudoun and Prince William Counties, the distribution of accessible units may follow that pattern to an extent. However, as discussed below, a portion of older public housing units in the District may require retrofits in order to be fully accessible, thus slightly undermining that conclusion.

### **Low-Income Housing Tax Credit Units**

There is legal ambiguity regarding whether LIHTC units are subject to Section 504, but the program contributes an important supply of affordable, accessible housing regardless. That is primarily because the Fair Housing Act's design and construction requirements, which took effect in 1991, have been in place for the vast majority of the life of the LIHTC program. There are tens of thousands of LIHTC units across the jurisdictions, including 23,631 low-income LIHTC units in the District. It is likely that a somewhat higher number of LIHTC units meet some kind of accessibility standard than do other types of publicly supported housing units, but the accessibility standard that those LIHTC units do meet is a lesser one.

### **Fair Housing Act Units**

In the region, there are 156,637 units in structures with five or more units that have been built from 2000 to the present and a further 176,137 units in structures with five or more units that were built from 1980 through 1999. It is not possible to determine what portion of that latter number was constructed between the date in 1991 when the Fair Housing Act's design and construction standards took effect and the close of 1999. This may appear to be a significant number of potentially accessible units, but it is important to keep a few factors in mind. First, the data above include publicly supported housing units, particularly LIHTC units, built in the relevant timeframe. Thus, totals from this subsection cannot be added to figures from the preceding subsections. Second, many households that do not include individuals with disabilities who have accessibility needs reside in this housing, too. Indeed, from the standpoint of community integration, it would not be a desirable outcome for people who do not have disabilities to vacate this housing en masse in order for it to be made available to persons with disabilities. Third, compliance with the Fair Housing Act's accessibility requirements can be uneven at times. These ACS data do not provide a basis for concluding that the developers of this housing followed the law.

### **Summary**

Overall, there appear to be significant unmet needs for affordable, accessible housing in the region. It is likely that these are most acutely felt in outer suburban communities like Loudoun and Prince William Counties that lack both multifamily housing, in general, and publicly supported housing, in

particular, in comparison with the jurisdictions at the core of the region. It is also likely that funding for accessibility retrofits will be essential to ensuring that older sources of publicly supported housing, like D.C.'s large public housing stock, are accessible to persons with disabilities. Lastly, inclusionary zoning, as practiced in the District, Fairfax County, and Montgomery County, has begun to create better balance in the location of affordable, accessible housing regionally.

**2.b. Describe the areas where affordable, accessible housing units are located in the jurisdiction and the region. Do they align with R/ECAPs or other areas that are segregated?**

The Publicly Supported Housing Analysis section contains a granular discussion of the location of affordable housing in each jurisdiction and in the region. There is no basis for concluding that there are significant differences between where affordable housing is located and where affordable, accessible housing is located. There may, however, be some minor nuances. For instance, the affordable housing that is least likely to be accessible consists of older developments, principally public housing, that were developed prior to the passage of accessibility laws. By a wide margin, the District is home to the largest share of such housing. Thus, while the District still likely has more affordable, accessible housing than any jurisdiction, it is also likely that a meaningful amount of D.C.'s public housing is not accessible. At the same time, because public housing is subject to Section 504, public housing residents may be entitled to have the D.C. Housing Authority pay for accessibility retrofits as reasonable modifications. The other important nuance is in regard to affordable but not publicly supported housing produced through inclusionary zoning programs. The District, Fairfax County, and Montgomery County all have robust inclusionary zoning programs that result in the development of affordable units, most frequently in large new multifamily developments. The locations of where such developments occur is often quite different from the distribution of affordable, accessible housing that exists through publicly supported housing programs. In Fairfax County, the most significant areas of growth through inclusionary requirements are in the Silver Line corridor in western Fairfax County. In D.C., areas of growth include The Wharf, Navy Yard, NoMa, Shaw, Columbia Heights, and Petworth. In Montgomery County, Bethesda and Rockville are areas of significant inclusionary development.

**2.c. To what extent are people with different disabilities able to access and live in the different categories of publicly supported housing in the jurisdiction and region?**

**Table 34: Disability by Publicly Supported Housing Program Category**

	Persons with a Disability	
	#	%
Fairfax County		
Public Housing	N/a	N/a
Project-Based Section 8	236	8.33%
Other Multifamily	25	42.80%
HCV Program	1,051	21.47%

Fairfax County

In Fairfax County, persons with disabilities are underrepresented in project-based Section 8 housing and appear to be overrepresented in other multifamily assisted housing. Persons with disabilities appear to have relatively equal opportunity to live in public housing or to obtain HCVs. Some other



multifamily assisted housing consists of housing dedicated solely to persons with disabilities—namely, older HUD-subsidized Section 811 developments—which may explain the apparent overrepresentation in that category.

### 3. Integration of People with Disabilities Living in Institutions and Other Segregated Settings

#### **3.a. To what extent do people with disabilities in or from the jurisdiction or region reside in segregated or integrated settings?**

Up until a wave of policy reforms and court decisions in the 1960s and 1970s, governments at all levels, including in Virginia, Maryland, and the District of Columbia, primarily housed persons with intellectual and developmental disabilities and individuals with psychiatric disabilities in large state-run institutions. Within these institutions, persons with disabilities have had few opportunities for meaningful interaction with individuals without disabilities, limited access to education and employment, and a lack of individual autonomy. The transition away from housing persons with disabilities in institutional settings and toward providing housing and services in home and community-based settings accelerated with the passage of the Americans with Disabilities Act (ADA) in 1991 and the U.S. Supreme Court's landmark decision in *Olmstead v. L. C.* in 1999. In *Olmstead*, the Supreme Court held that, under the regulations of the U.S. Department of Justice implementing Title II of the ADA, if a state or local government provides supportive services to persons with disabilities, it must do so in the most integrated setting appropriate to the needs of a person with a disability and consistent with their informed choice. This obligation is not absolute and is subject to the ADA defense that providing services in a more integrated setting would constitute a fundamental alteration of the state or local government's programs.

The transition from widespread institutionalization to community integration has not always been linear, and concepts about what comprises a home and community-based setting have evolved over time. Although it is clear that developmental centers and state hospitals are segregated settings and that an individual's own house or apartment in a development where the vast majority of residents are individuals without disabilities is an integrated setting, significant ambiguities remain. Nursing homes and intermediate care facilities are clearly segregated, though not to the same degree as state institutions. Group homes fall somewhere between truly integrated supported housing and segregated settings, and the degree of integration present in group homes often corresponds to their size.

The following section includes detailed information about the degree to which persons with intellectual and developmental disabilities and individuals with psychiatric disabilities reside in integrated or segregated settings. The selection of these two areas of focus does not mean that persons with other types of disabilities are never subject to segregation. The discussion below includes some jurisdiction-level analysis but is primarily organized by state. State governments are primarily responsible for implementation of the *Olmstead* mandate, and, as a result, there are often significant commonalities across jurisdictions within the same states.

#### Virginia

In 2012, Virginia entered into a sweeping consent decree in *United States v. Commonwealth of Virginia*, a lawsuit brought by the U.S. Department of Justice to challenge the alleged segregation of Virginians with intellectual and developmental disabilities in large institutions called training centers. The former Northern Virginia Training Center, which was located in Fairfax, closed in 2016. As of 2022, Virginia has closed all of its training centers, but the process of implementing the consent decree is not complete.<sup>26</sup> Policy changes in Virginia, at times supplemented at the local government level, have increased community integration for persons with developmental and intellectual disabilities by creating new integrated housing options, increasing the supply of home- and community-based

services (HCBS) waivers, and changing waiver rules to facilitate independent living. Nonetheless, undersupply of permanent supportive housing and tenant-based rental assistance have pushed many individuals with intellectual and developmental disabilities to live in congregate settings like group homes and nursing homes. Although the Census Bureau does not disaggregate these data by type of disability, the 2015–2019 American Community Survey shows that the 242,548 residents of group quarters in the District were over twice as likely—24.0 percent compared with 11.4 percent—to have disabilities as individuals not living in group quarters. Residents of institutionalized group quarters—45.3 percent—were especially likely to have disabilities. That Virginia’s group quarters population is both disproportionately larger than Maryland’s and consists of a lower proportion of persons with disabilities (including among those in institutionalized group quarters) is reflective of Virginia’s significantly higher incarceration rate.

Despite its apparent yet incomplete progress made toward advancing community integration for persons with intellectual and developmental disabilities, Virginia continues to rely heavily on large-scale state-run psychiatric hospitals to house persons with psychiatric disabilities. The Northern Virginia Mental Health Institute in Falls Church is one such institution. In addition to the overreliance on psychiatric hospitals, Virginia’s high rate of incarceration is a barrier to community integration for persons with psychiatric disabilities who have been subjected to prolonged solitary confinement in state prisons.

***3.b. Describe the range of options for people with disabilities to access affordable housing and supportive services in the jurisdiction and the region.***

**Supportive Services**

Across jurisdictions, supportive services are provided through similar Medicaid-funded programs, including variations on HCBS waivers. These programs, at their best, enable individuals with disabilities, including those with the most intensive services and supports needs, to live in integrated, community-based settings. The exact names of available waivers, the processes for applying, the length of wait (if any) to start receiving waiver services, and what services are covered under the waiver (and at what billing rates) vary from jurisdiction to jurisdiction.

In Virginia, the two primary waivers are the Developmental Disabilities and Intellectual Disabilities waivers, and mental health services are provided through the community services boards for Alexandria, Arlington County, Fairfax-Falls Church, Loudoun County, and Prince William County. Available mental health services include the Program of Assertive Community Treatment, which is an intensive level of community-based mental health services that can enable individuals with the most severe and persistent psychiatric disabilities to live in integrated, community-based settings. There is a waiting list for waiver services in Virginia, and, as a result, some individuals with intellectual and developmental disabilities are not able to access the level of community-based supportive services that they need.

**Permanent Supportive Housing**

The provision of permanent supportive housing across jurisdictions in the region is far more disparate. Through its Department of Human Services, the District of Columbia provides locally funded tenant-based rental assistance on a large scale as its primary means of creating integrated housing opportunities. The assistance can be accessed through the Coordinated Assessment and Housing Placement system. One limitation of this program is that payment standards for rental assistance are lower than those of the District of Columbia Housing Authority. As a result, persons with disabilities may have limited choice of neighborhoods and sometimes resort to housing that is outside of D.C. entirely. Montgomery County, Maryland, serves over 1,500 individuals annually through its permanent supportive housing, with at least 90 percent retaining permanent housing on an annual basis. In

Virginia, multiple local governments support nonprofits like NewHope Housing, PathForward, and the Good Shepherd Housing Foundation that provide supportive housing through a number of different approaches, including site-based permanent supportive housing development and master leasing of units in existing apartment complexes. Tenant-based rental assistance for persons with disabilities is much less available in Virginia than it is in the District and permanent supportive housing programs are much more established and operate at a larger scale in Alexandria, Arlington County, and Fairfax County than they do in Loudoun and Prince William Counties. There is a clear need for the capacity of these outer suburban counties to provide permanent supportive housing to keep pace with their more rapid population growth.

#### **4. Disparities in Access to Opportunity**

##### ***4.a. To what extent are people with disabilities able to access—and what major barriers do they face in accessing—the following services, accommodations, and opportunities in the jurisdiction and the region?***

###### **i. Government Services and Facilities**

Although a variety of public facilities and services have reasonable accommodation policies for persons with disabilities, many facilities and services require additional outreach or efforts by the person with a disability to request accommodations themselves, usually with several days' notice, rather than having these services consistently embedded into their administration. As a result, individuals with disabilities must be proactive to obtain necessary accommodations.

In the region, some counties provide a range of accessibility services. Montgomery County has an ADA Compliance Team and provides training and technical assistance for county staff on ADA compliance and other disability needs. Similarly, Fairfax County provides ADA services through its government offices, including enforcing building codes that require ADA compliance and handling ADA complaints. In the District of Columbia, any facility or part of a facility that is constructed by a state or local government entity after January 26, 1992 must be built in strict compliance with the ADA. The District is not necessarily required to make every pre-ADA facility fully compliant with current accessibility codes, however, all District services, programs, or activities must be accessible to and usable by persons with disabilities when viewed in their entirety. This is called “overall program access.”<sup>27</sup> Nonetheless, this loophole means accessibility problems may remain where persons with disabilities face greater barriers in accessing government facilities or services. The same principles apply to other governments in the region.

Web accessibility reveals similar dualities, where governments have attempted to comply with Section 508 referring to website accessibility standards. However, this compliance is only implemented “whenever possible,” and certain elements remain poorly accessible.

###### **ii. Public Infrastructure**

Although accommodations are available in a range of public and private infrastructure (e.g., sidewalks, pedestrian crossings, and pedestrian signals), lack of compliance or maintenance results in inequitable treatment for persons with disabilities. Inadequate maintenance of sidewalks can impede accessibility for persons with mobility-related disabilities, including persons who require wheelchairs for transportation. Recent public efforts, such as the crowdsourced Project Sidewalk, endeavor to map sidewalk accessibility by noting curb ramp conditions, lack of sidewalks, and other common issues impeding mobility in the District. Many sidewalks in the District metropolitan area are not up to ADA standards; in many cases, this is because construction projects have left large cracks that serve as impediments to persons in wheelchairs. The governments of the District of Columbia, Virginia, and Maryland have all put out ADA Transition Plans for Public Rights-of-Way, which provide a detailed

review of sidewalks, crosswalks, bus stops, curb ramps, and accessible pedestrian signals. However, the Transition Plans for D.C., published in 2016, and Maryland, published in 2009, have not been updated in quite some time, and inaccessible infrastructure problems persist. Additionally, since COVID-19 has caused restaurants to use more public space for outdoor dining, the pandemic has created new accessibility challenges. Moreover, parking of electric scooters and bicycles has also resulted in impassable sidewalks, particularly in downtown D.C.

### iii. Transportation

In Virginia, the elderly population is predicted to increase to 20 percent of residents by 2030,<sup>28</sup> the largest population increase of any demographic. The state recognizes that as the elderly population increases, the demand for public transportation will increase as well, but as it admits in its 2018 *Assessment of Disability Services in Virginia* study, there is insufficient transportation of this type to accommodate rising demand.<sup>29</sup> The outpaced demand for transportation also disproportionately impacts individuals with disabilities, who also tend to rely on public transportation to travel. Similarly, although Maryland has more extensive public transportation modes for individuals with disabilities, less extensive infrastructure in suburban areas reduces access for individuals with disabilities.

#### Bus and Rail

The Washington Metropolitan Area Transit Authority (WMATA) serves the entire region and explicitly outlines on its website the measures taken to enhance access to its rail and bus systems for persons with disabilities. Fare vending machines have accessibility features, including instructions in Braille with raised alphabets and a button for audio instructions. All stations have at least one extra-wide fare gate for wheelchair access, and all stations except Arlington Cemetery use bumpy tiles to alert customers with low vision that they are nearing the edge of a platform. Railcars also provide priority seating for persons with disabilities and gap reducers have been installed on all railcars to make it easier for an individual with a mobility support to enter and exit the car safely. For Metrobus, all buses are wheelchair accessible and have both audio and visual stop announcements. If the automated announcement system fails to work, bus operators are supposed to announce major intersections, landmarks, and transfer points. There are a variety of other measures in place as well.<sup>30</sup>

One notable concern with the WMATA Metrorail system is the operating quality of elevators. They are deteriorating and result in patrons being trapped in the elevator.<sup>31</sup> Also, at stations with multiple entrances, signage directing people to elevators can often be scarce, making it difficult to locate them.<sup>32</sup> Because elevators are a primary access point to the Metro station for individuals with disabilities, these dysfunctional elevator features are likely to disproportionately limit transportation access for transit riders with disabilities. This trend may change due to an influx of federal dollars allocated to target elevator repairs.

Virginia Railway Express,<sup>33</sup> the Maryland Transit Administration,<sup>34</sup> the D.C. Circulator,<sup>35</sup> ART buses,<sup>36</sup> and Montgomery County Ride On buses use similar measures to Metrorail and Metrobus.<sup>37</sup> Prince William County's OmniRide,<sup>38</sup> Loudoun County Local Bus Service,<sup>39</sup> and the Fairfax County Connector<sup>40</sup> and CUE buses are wheelchair accessible; however, their website does not specify if bus operators are instructed to announce major intersections, landmarks, and transfer points.<sup>41</sup> The Alexandria DASH bus system is wheelchair accessible, provides bus service within the city, and connects with Metrobus, Metrorail, Virginia Railway Express, and other local bus systems. However, the DASH bus system website does not elaborate on what, if any, other measures are taken to make the system accessible to persons with disabilities.<sup>42</sup> The fare is typically \$2 but individuals with disabilities may ride for free if they have a valid MetroAccess or Alexandria DOT paratransit card.<sup>43</sup> DASH has been fare-free since September 2021.<sup>44</sup>

#### Paratransit



WMATA also runs MetroAccess, a door-to-door paratransit program throughout the entire region. Some MetroAccess customers are entitled to free rides on Metrorail and Metrobus. However, MetroAccess unfortunately does not provide same-day trip service. Fares can also be expensive and cost a maximum of \$6.50 per trip.<sup>45</sup> WMATA also offers an even more costly service called Abilities Ride. Although this service has been suspended because of COVID-19, Abilities Ride allows individuals who are eligible for MetroAccess to receive same-day transportation services through a local taxi company provided the trip begins or ends in Maryland. The individual pays for the first \$5 of the trip, WMATA pays for the next \$15, and then the rider is responsible for paying any amount over \$20.<sup>46</sup> The City of Rockville offers a similar program that provides low-income residents over the age of 60 a subsidy of \$34 a month for taxicab services.<sup>47</sup>

The Alexandria DOT offers a paratransit program similar to MetroAccess seven days a week for residents of Alexandria who are unable to use public transportation. Similar to MetroAccess, trips must be scheduled a minimum of one day in advance. Trips inside the city and within five miles of the city cost \$4 each way, and trips to areas more than five miles outside the city cost \$6 each way. Availability of the paratransit program may also be limited to high-priority trips, depending on the status of the COVID-19 pandemic.<sup>48</sup> Arlington County,<sup>49</sup> Loudoun County,<sup>50</sup> and MDOT<sup>51</sup> also offer similar paratransit programs that do not take same-day reservations.

#### iv. Proficient schools and educational programs

##### Fairfax County

The most recent Individuals with Disabilities Education Act report from 2019 found that although Fairfax students with disabilities participate and perform well in academic assessments compared to state targets, access to educational infrastructure remains inadequate. Only 54 percent of Fairfax students with Individualized Education Programs are included in regular classroom instruction for at least 80 percent of the day, compared to the state target of 70 percent, and 46 percent of children age 3 through 5 continue to attend separate educational facilities when the state target is 17 percent.<sup>52</sup> Nonetheless, timely development of adequate Individualized Education Programs in Fairfax is strong, and representation among children with disabilities is commensurate with the demographics of the district as a whole.

#### v. Jobs

As the table below shows, persons with disabilities are employed at extremely low rates across all jurisdictions participating in this analysis. The problem is most extreme in the District and least pervasive in Fairfax County, Gaithersburg, and Loudoun County, which are all also suburban areas with low unemployment and high labor force participation generally. As jurisdictions undertake efforts to increase access to employment for persons with disabilities, it is critical that the opportunities created be truly integrated and pay a decent wage. Under Maryland Code Health-Gen. § 7-207, sheltered workshops that pay below the minimum wage may not receive state funding in Maryland. By contrast, sheltered workshops that fail to pay minimum wage are still present in Virginia.

**Table 35: Percentage of Population with a Disability That Is Employed, Ages 18–64**

Jurisdiction	Population with a Disability That Is Employed, Ages 18–64 %
Alexandria	50.2%
Arlington County	50.2%
District of Columbia	32.5%
Fairfax County	58.6%
Gaithersburg	61.3%
Loudoun County	58.4%

Montgomery County	51.6%
Prince William County	54.2%

Source: 2019 American Community Survey one-year Estimates

**4.b. Describe existing processes in the jurisdiction and the region for people with disabilities to request and obtain reasonable accommodations and accessibility modifications to address the barriers discussed above.**

**i. Government Services and Facilities**

Jurisdictions in the region vary in the extent to which they clearly and publicly share information about reasonable accommodation processes and accessibility on local government websites. Three jurisdictions—Fairfax County, Loudoun County, and Montgomery County—have robust, well-organized accessibility pages on their sites that are directly accessed from the main page. The District of Columbia also links to its accessibility page from its main page, but the information presented there is not as comprehensive. Alexandria and Arlington County do not link to their accessibility pages from their main pages but do have accessibility pages that present useful information. Gaithersburg and Prince William County have extremely sparse information about accessibility on their websites.

**ii. Public Infrastructure**

Arlington County, the District of Columbia, Fairfax County, and Montgomery have dedicated portals for residents to make sidewalk-related requests on their websites, including accessibility requests, rather than routing individuals through more general accessibility request processes.

**iii. Transportation**

Major transportation providers in the region, including WMATA and Virginia Railway Express, include information about how to request reasonable accommodations on their websites.

**iv. Proficient Schools and Educational Programs**

School districts in the region generally have information about requesting accommodations posted on their websites.

**v. Jobs**

This analysis did not reveal specific information regarding reasonable accommodations policies for private employers. The description of website accessibility information for government services and facilities above has significant implications for access to public-sector employment.

**4.c. Describe any difficulties in achieving homeownership experienced by people with disabilities and by people with different types of disabilities in the jurisdiction and the region.**

Persons with disabilities face at least two significant barriers to accessing homeownership in the region. First, as discussed at great length above, persons with disabilities have lower income levels than individuals who do not have disabilities. Given the higher cost of homeownership in comparison with renting in an area with expensive housing costs, homeownership is often out of reach. Second, single-family homes, which are not covered by the Fair Housing Act’s design and construction standards, are the most significant source of owner-occupied units in the region. Multifamily units, by contrast, are comparatively more likely to be rental units. Single-family units may not be accessible to persons with mobility disabilities, in particular.

## 5. Disproportionate Housing Needs

### ***5.a. Describe any disproportionate housing needs experienced by people with disabilities and by people with certain types of disabilities in the jurisdiction and the region.***

As with homeownership, the comparatively low-income levels of persons with disabilities fuel disproportionate levels of cost burden.

#### Factors Contributing to Disability and Access Issues

*Please see the Contributing Factors section for the following Contributing Factors to Disability and Access Issues:*

- access for persons with disabilities to proficient schools
- access to publicly supported housing for persons with disabilities
- access to transportation for persons with disabilities
- inaccessible government facilities or services
- inaccessible public or private infrastructure
- lack of access to opportunity due to high housing costs
- lack of affordable in-home or community-based supportive services
- lack of affordable, accessible housing in a range of unit sizes
- lack of affordable, integrated housing for individuals who need supportive services
- lack of assistance for housing accessibility modifications
- lack of assistance for transitioning from institutional settings to integrated housing
- lack of 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

## V. Fair Housing Enforcement, Outreach Capacity, and Resources

### 1. List and summarize any of the following that have not been resolved:

- a charge or letter of finding from HUD concerning a violation of a civil rights–related law
- a cause determination from a substantially equivalent state or local fair housing agency concerning a violation of a state or local fair housing law
- any voluntary compliance agreements, conciliation agreements, or settlement agreements entered into with HUD or the Department of Justice
- a letter of findings issued by or lawsuit filed or joined by the Department of Justice alleging a pattern or practice or systemic violation of a fair housing or civil rights law
- a claim under the False Claims Act related to fair housing, nondiscrimination, or civil rights generally, including an alleged failure to affirmatively further fair housing
- pending administrative complaints or lawsuits against the locality alleging fair housing violations or discrimination

There were no unresolved findings, compliance/conciliation/settlement agreements, claims, complaints, or lawsuits regarding fair housing and civil rights laws in the D.C. metropolitan region.

### 2. Describe any state or local fair housing laws. What characteristics are protected under each law?

#### Virginia Laws

The Virginia Department of Professional and Occupational Regulation's Fair Housing Board enforces Virginia laws that provide protection and monetary relief to victims of unlawful housing practices. Virginia's Fair Housing Law (Virginia Code § 36-96.1, et seq.) prohibits discriminatory housing practices and harassment in the following:

- advertising
- application and selection process
- representation by Realtor
- terms and conditions of tenancy
- privileges of occupancy
- mortgage loans and insurance
- public and private land use practices
- unlawful restrictive covenants

The following categories are protected by the Virginia Fair Housing Law:

- race
- color
- religion
- national origin
- sex
- elderliness
- familial status
- disability
- source of funds
- sexual orientation
- gender identity
- military status
- disability

Additionally, the Virginia Fair Housing Law contains similar reasonable accommodations, reasonable modifications, and accessibility provisions as the Federal Fair Housing Amendments Act.



The Virginia Human Rights Act (Virginia Code § 2.2-3900-03) prohibits discrimination in seeking public accommodations on the basis of race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth, or related medical conditions including lactation, age, military status, disability, or national origin.

**3. Identify any local and regional agencies and organizations that provide fair housing information, outreach, and enforcement, including their capacity and the resources available to them.**

Virginia Department of Professional and Occupational Regulation's Fair Housing Board

The Virginia Department of Professional and Occupational Regulation's Fair Housing Board investigates fair housing complaints and enforces the Virginia Fair Housing Law. The Fair Housing Board conducts educational campaigns and trainings on fair housing law in Virginia. Additionally, the Fair Housing Board issues guidance documents on housing discrimination, reasonable accommodations, and other fair housing issues. The Virginia Department of Professional and Occupational Regulation's Fair Housing Office is also a HUD Fair Housing Assistance Program (FHAP) agency and receives funding from HUD to enforce fair housing laws.

Housing Opportunities Made Equal of Virginia

Housing Opportunities Made Equal (HOME) is a 501(c)3 nonprofit corporation and also a HUD-approved housing counseling agency. Additionally, HOME is a grantee under HUD's Fair Housing Initiatives Program (FHIP). HOME works to provide equal access to housing and protect the housing rights of Virginia residents. HOME investigates instances of housing discrimination and uses both the courts and administrative processes to enforce fair housing laws. HOME also works closely with politicians and policy advocates to support stronger housing policies in Virginia. Finally, HOME provides educational outreach and housing counseling for Virginia residents.

Equal Rights Center

The Equal Rights Center (ERC) is a private civil rights organization located in Washington, D.C., that identifies and seeks to eliminate unlawful and unfair discrimination in housing in the greater Washington area and nationwide. The ERC's core strategy for identifying housing discrimination is civil rights testing. The ERC conducts tests and trains civil rights testers. The ERC also conducts fair housing trainings to educate the public, engages in policy advocacy, and takes action to enforce fair housing laws. In addition, the ERC conducts research and releases publications on fair housing.

Washington Lawyers' Committee for Civil Rights and Urban Affairs

Based in Washington, D.C., the Washington Lawyers' Committee for Civil Rights and Urban Affairs uses litigation, public education, and policy advocacy to fight housing discrimination. The Housing Justice Project at the organization handles a wide variety of issues, including predatory lending, discriminatory real estate advertising, insurance discrimination, exclusionary zoning, discrimination against families with children, and discrimination against low-income families who use housing subsidies.

**Fair Housing Enforcement, Outreach Capacity, and Resources Contributing Factors**

*Please see the Contributing Factors section for the following Contributing Factors to Fair Housing Enforcement, Outreach Capacity, and Resources:*

- Lack of local private fair housing outreach and enforcement
- Lack of local public fair housing enforcement
- Lack of resources for fair housing agencies and organizations
- Lack of state or local fair housing laws
- Unresolved violations of fair housing or civil rights law

## VI. Fair Housing Goals and Priorities

The participating jurisdictions thoroughly considered input from many sources as they developed the fair housing goals and strategies below. Beyond local and federal data, these sources included public forums, stakeholder engagements, individual interviews, surveys, and guidance from the Community Advisory Committee.

The participating jurisdictions have chosen these shared goals and strategies as the ones that will be most impactful in reducing housing discrimination, reversing patterns of racial segregation, and improving access to opportunity for all current and future residents of the metropolitan Washington region.

### A. Regional Goals

#### 1. Increase the supply of housing that is affordable to low- and moderate-income families in the region, particularly in areas that have historically lacked such housing.

The metropolitan Washington region has high and ever-increasing housing costs, along with an unequal distribution of committed affordable housing, or housing restricted to those with low to moderate incomes, across its communities. For example, home values jumped over 11 percent last year in Prince William County, and the median home value in Arlington rose to almost \$800,000. As a result, there are significant fair housing challenges for members of protected classes in the region. Data indicates that among the most impacted groups in the region, Hispanic residents, Black residents, and persons with disabilities experience housing affordability and housing instability problems most acutely.

Many households are rent burdened, and racial and ethnic minorities face severe housing burdens at higher rates. For example, 25 percent of renters in the District of Columbia pay over 50 percent of their income on rent. In the region, 57 percent of severely burdened households were non-White, and 47 percent were immigrant households.

- a. *Use best practices from other jurisdictions and explore policies and programs that increase the supply of housing affordable to lower- and moderate-income households, such as housing bonds, real estate transfer taxes, mandatory inclusionary housing where permitted, as-of-right accessory dwelling units (ADUs), public land set aside for affordable housing, community land trusts, expedited permitting and review, and relaxation of parking requirements for affordable housing developments.*

The above policies and practices have resulted in an increase in affordable housing in jurisdictions throughout the country. In the region, there has been an increase in the supply of subsidized affordable housing in jurisdictions that have adopted these best practices.

- b. *Lower the income targeting of new rental housing affordable to people with incomes of 80 percent of the area median income (AMI) to 60 percent and below, with specific targeting of units affordable at 50 percent of the AMI or below in order to address the chronic housing shortage for low-income individuals and families.*

A number of jurisdictions require developers that utilize inclusionary zoning incentives to set aside affordable housing units for households with incomes of up to 80 percent of the AMI. Jurisdictions should target newly constructed affordable units for households with incomes at

or below 60 percent of the AMI through a combination of increasing incentives and lowering the number of set-aside units to make deeper affordability financially feasible.

- c. *Provide low-interest loans to develop ADUs with affordability restrictions on the property.*

ADUs (also known as accessory living units, or ALUs, in Fairfax County) are now allowed in all participating jurisdictions, with varying restrictions. Local governments should consider providing financial assistance or tax benefits to incentivize homeowners to make their ADUs affordable to HCV users. Because it can be difficult for homeowners to access bank financing to build ADUs, there may be a need to offer incentives. As a condition of receiving assistance, jurisdictions should also require homeowners to attend fair housing training and to maintain records that facilitate audits of their compliance with nondiscrimination laws. The need to educate individual homeowners who do not have experience as landlords and knowledge of the law may prevent unintentional and intentional violations of fair housing laws.

## **2. Reform zoning and land use policies to expand access to fair housing choice by increasing the development, geographic distribution, and supply of affordable housing.**

The prevalence of single-family residential zoning in the region makes it challenging to develop committed affordable housing that could offer housing opportunities to members of protected classes. Many cities across the country are allowing greater zoning density to meet the demand for housing, resulting in lower development costs per unit and new condo and cooperative homeownership models.

- a. *Revise zoning regulations to allow as-of-right ADUs.*

Currently, the District of Columbia, Arlington County, Fairfax County, Loudoun County, and Montgomery County allow ADUs in most of their residential zones. ADUs have the potential to expand affordable housing options without expanding land development. This is particularly relevant in the region, where the preponderance of land is zoned for single-family housing.

- b. *Increase inclusionary zoning incentives for creating on-site affordable housing and increase fees in lieu of providing on-site affordable housing.*

Inclusionary housing programs often lack enough financial incentives for providing on-site affordable housing. Increasing these incentives along with increasing fees for developers who choose alternative compliance options will increase the likelihood of creating additional committed affordable housing units in high opportunity areas.

- c. *Adopt zoning changes that facilitate the development of affordable housing as of right.*

Multifamily housing remains the most effective way of producing deeply affordable housing that is critically necessary to meet the needs of Black and Hispanic households and persons with disabilities in the region. Zoning that allows affordable multifamily housing developments as of right in designated areas such as the Council of Government's "Activity Centers,"<sup>53</sup>—denser, mixed-use housing and job centers—can reduce the cost of affordable housing development, thereby increasing the number of units that are able to be developed from year to year. Overlay districts are a way of achieving this goal while avoiding the opportunity cost of predominantly market-rate multifamily development and, particularly, development that yields few family-sized units and monopolizes desirable sites.

- d. *Incorporate a fair housing equity analysis into the review of significant rezoning proposals and specific plans.*

Several large new developments in the region have not sufficiently addressed the needs of members of protected classes who have been displaced or priced out of the area. Incorporating a fair housing analysis in the review process for these plans, similar to what the City of Boston recently implemented, could reduce displacement and other negative impacts for members of protected classes.<sup>54</sup>

- 3. Implement policies designed to preserve affordable housing and prevent displacement with a goal of no net loss of existing affordable rental units.**

The region lost a significant number of affordable housing units during the past decade due to the compounding impacts of reduced housing production, decreased federal investment in deeply affordable housing, and a lack of local resources to acquire and preserve housing affordable to lower-income households. In the region, there was a loss of more than 85,000 rental units with monthly rents under \$1,500 and an increase of more than 40,000 rental units with monthly rents \$2,500 and above. The region must prioritize the preservation of its existing affordable stock as a necessary complement to increasing its supply of affordable housing.

- a. *Preserve affordable subsidized and market-rate housing, including manufactured housing, by tracking and supporting existing affordable housing and establishing an acquisition loan fund for tenants, nonprofit organizations, and local governments to purchase for-sale apartments and manufactured home parks.*

There are a significant number of committed affordable housing developments that are coming to the end of their affordability requirements. There is little incentive for these owners to renew subsidy contracts in higher opportunity areas or in areas that are experiencing rapid gentrification, which is the majority of the region. It is generally more cost-effective to preserve existing affordable housing than it is to build new affordable housing, particularly in areas with high land costs. Accordingly, jurisdictions should track affordable housing developments, particularly those in higher opportunity or rapidly gentrifying areas, and work with nonprofit housing developers to provide financial support for property acquisition and rehabilitation. Additionally, all for-profit developers of proposed affordable housing projects, including those funded through the LIHTC program, should be required to provide a right of first refusal to tenants, nonprofit organizations, and local governments seeking to maintain affordability after rent restrictions are lifted. For manufactured home parks—one of the most important sources of unsubsidized affordable housing in the region, particularly in its more rural areas—homeowners should be provided an opportunity to purchase their communities with technical assistance from nonprofit organizations such as ROC USA.

- 4. Increase the number of homeowners in the region and reduce inequities and discriminatory practices that limit homeownership opportunities for members of protected classes.**

The greater metropolitan Washington region has been facing an affordability crisis in homeownership as well as in rental housing. In the past year alone, housing prices rose almost 11 percent, making homeownership out of reach for the majority of residents, particularly members of protected classes.

- a. *Increase homeownership opportunities for low- and moderate-income members of protected classes through the following strategies:*



- Support innovative approaches specifically designed to increase homeownership opportunities, such as cooperative homeownership models and community land trusts.
  - Support policies and practices that will increase the supply of affordable homeownership housing units, such as allowing and encouraging higher-density, smaller units/ADUs and duplexes.
  - Ensure that affordable housing set-asides in new housing developments include subsidized home ownership opportunities in addition to subsidized rental opportunities.
  - Increase housing affordability through mortgage write-downs, down payment and closing cost assistance, special purpose credit programs, and other affordable homeownership subsidies.
  - Support first-time homebuyers by expanding financial literacy programs, homeownership counseling, and homebuyer education.
- b. *Support current homeowners with protected characteristics, including racial and ethnic minorities, persons with disabilities, and seniors, through the following strategies:*
- Increase funding for repair, rehabilitation, and renovation programs and products.
  - Expand programs that provide energy efficient improvements to lower utility costs.
  - Provide comprehensive foreclosure prevention counseling and legal referrals.
- c. *Reduce inequities and discriminatory practices that exacerbate the wealth gap between White households and households of color by addressing issues of appraisal bias and by increasing fair housing testing and monitoring for lenders and real estate entities. Use local and regional Community Development Financial Institutions (CDFIs) to target members of protected classes to reduce inequities in mortgage lending.*

## 5. **Protect the housing rights of individuals with protected characteristics.**

Evictions and significant rent increases contribute to the displacement of protected class members, particularly Black and Hispanic residents and persons with disabilities. The pandemic has highlighted the vulnerability of renters and its racial and ethnic disparities.

- a. *Expand locally funded housing voucher programs, increase the scale and scope of housing mobility programs, and improve the portability of vouchers across jurisdictions in the region.*

Housing mobility is an important tool to address high segregation levels in the HCV program. In many places in the region, voucher families have been limited in where they can live. Additional local resources, along with increased mobility strategies and better coordination throughout the region, will give families a broader range of housing options.

- b. *Reduce barriers to accessing rental housing by encouraging landlords to reduce, eliminate, or offset application fees for voucher users and follow HUD's guidance on the use of criminal backgrounds in screening tenants.*

Stakeholders reported that high application fees for rental housing are a significant barrier for voucher holders. Additionally, some landlords continue to refuse rental housing to prospective tenants based on criminal background checks revealing decades-old criminal histories or minor misdemeanors.

- c. *Pilot a Right to Counsel program to ensure legal representation for tenants in landlord-tenant proceedings.*

Thousands of residents in the region are displaced annually due to evictions. According to local legal services and fair housing organizations, many evictions occur because tenants do not understand their rights and/or their obligations. It is estimated that only a small percentage of tenants facing eviction have legal representation, and those without representation almost always are evicted, regardless of a viable defense. In 2021, Maryland passed a Right to Counsel bill that would provide access to counsel for low-income tenants facing eviction, but it is inadequately funded. There are several legal providers in the region that are well positioned to serve low-income tenants, including undocumented tenants. Although there would be an up-front investment, legal representation is less costly than serving families experiencing homelessness.

- d. *Expand and increase support for fair housing outreach, education and training, testing, and enforcement.*

Support organizations that provide fair housing outreach, education, and enforcement and expand the number of protected classes tested annually. Although Virginia, Maryland, and the District of Columbia require landlords to accept HCVs, tenants report that some landlords continue to refuse vouchers. Landlords have also refused to participate in the Emergency Rental Assistance Program, preferring to file for eviction instead. Tenants facing eviction reported difficulties in accessing these emergency rental assistance funds, and victims of housing discrimination did not know where to get help. Some jurisdictions reported that there was limited fair housing testing and no testing for discrimination against persons with disabilities.

The metropolitan Washington region recognizes 12 protected classes in common; 7 are federal, with the balance designated by the District of Columbia, Maryland, and Virginia. Beyond the federal classes, fair housing protections in the two states and the District of Columbia include marital status, age, elderliness (age 55 or older), sexual orientation, gender identity or expression, and source of income. Expanding testing beyond race and ethnicity on an annual basis could identify and address discriminatory practices and reduce harm to residents.

Fair housing organizations and legal services providers play a critical role in fair housing enforcement, education, and outreach but struggle to meet the full needs of victims of discrimination due to limited financial and staff capacity. By supporting these organizations, jurisdictions can help ensure that these organizations can address existing and critical emerging issues, like source-of-income discrimination and emergency rental assistance.

## **6. Increase community integration and reduce housing barriers for persons with disabilities.**

- a. *Increase the supply of permanent supportive housing units by utilizing innovative funding streams, like affordable housing bonds, affordable housing trust funds, commercial linkage fees, and real estate transfer taxes.*

Federal funding sources such as CDBG and HOME and inclusionary zoning are not sufficient to meet the total need for permanent supportive housing for persons with disabilities. Additionally, some program rules for federal housing programs may disproportionately exclude persons with disabilities generally or persons with specific types of disabilities on the basis of criminal history and directly exclude undocumented persons with disabilities based on immigration status. Deeply affordable housing utilizing the above funding mechanisms could help increase the supply of such housing. In designing incentives, jurisdictions could utilize

existing priorities for permanent supportive housing in Qualified Allocation Plans (QAPs) to encourage permanent supportive housing set-asides in new developments. Additionally, jurisdictions should prioritize using that funding to support developments that would be eligible for the Section 811 Project Rental Assistance Program.

- b. *Advocate for the adoption of design standards that require at least 10 percent of total units in new multifamily developments receiving public funds to be accessible to persons with mobility disabilities and at least 4 percent for persons with hearing and/or vision disabilities.*

Persons with disabilities, including seniors, have expressed difficulty in finding accessible housing. Some jurisdictions in the region have adopted this higher standard to increase housing options for persons with disabilities, and the higher standard should become uniform throughout the region.

- c. *Increase support for rental assistance programs for persons with disabilities and advocate for additional resources.*

Programs like Virginia's State Rental Assistance Program (SRAP) provide much-needed rental assistance to persons with disabilities. Increasing this assistance will provide options for persons with disabilities who are leaving institutions or are at risk of institutionalization and who are at high risk of becoming homeless.

- d. *Support fair housing testing that investigates barriers identified by case managers who assist persons with disabilities in finding integrated housing.*

Fair housing testing is most effective as a civil rights tool when it targets structural barriers that play a significant role in perpetuating segregation. Case managers who assist persons with disabilities, particularly those exiting institutions, homelessness, or incarceration, with securing housing are uniquely positioned to be able to identify patterns across large landlords that make it harder for persons with disabilities to find homes and maintain stable tenancy.

- e. *Support education regarding the application of the Fair Housing Act's reasonable accommodation duty in the context of criminal history screening.*

Persons with disabilities are disproportionately likely to have contact with the criminal justice system and also to be the victims of crime. Some contact with the criminal justice system has a causal connection to individuals' disabilities and law enforcement's inadequate training and capacity to deescalate difficult situations. In many instances, persons with disabilities may be entitled to reasonable accommodations that allow them to qualify for units for which they might otherwise be ineligible due to landlords' criminal history screening policies. Focused education for landlords on this point would help ensure that accommodation requests in this context are responded to appropriately.

- f. *Improve the tracking and mapping of the locations of affordable, accessible restricted units and the accessibility of surrounding streets and sidewalks.*

Tenants expressed frustration with the absence of a database with ADA-accessible housing units. Identify ways to develop and maintain this list, make it available on the jurisdiction's website, and distribute it to organizations serving persons with disabilities. Additionally, it is important to ensure that the surrounding streets and sidewalks are also accessible.

## **7. Expand access and affordability of public transportation for members of protected classes.**

High housing costs in the region have forced many low- and moderate-income residents, including members of protected classes, to move further away from their jobs and reliable public transportation. This, in turn, can exacerbate disparities in employment and can also burden employers who cannot find local residents to hire.

- a. *Identify resources to expand free or reduced-fare bus and paratransit transportation to low-income households.*

Transportation barriers for members of protected classes increase with rising displacement. Data shows that low-income households are much more likely to utilize bus services. Providing free bus transportation to lower-income households would help facilitate access to jobs and services.

- b. *Study and make recommendations to improve, expand, and coordinate bus routes across jurisdictions to ensure that members of protected classes can access jobs in employment centers.*

As members of protected classes are forced to live further from their jobs as a result of displacement due to soaring housing costs, public transportation options become less viable. Bus routes should be expanded or rerouted to ensure that there is a match between where low- and moderate-income members of protected classes—who are more likely to use public transportation—live and work.<sup>55</sup> Additional funding may be required to accomplish this.

## **B. Fairfax County Goals**

Fairfax County recognizes the importance of dynamically adjusting and adapting its local goals throughout the five-year plan in response to data identifying the changing needs of residents, and to reflect ongoing dialogue and feedback from the community and service providers.

### **1. Increase the supply of housing that is affordable to low- and moderate-income families through the following strategies:**

- a. *Revise the County's For-Sale Workforce Dwelling Unit (WDU) Policy by lowering the current AMI categories and/or percentages applicable to the program to facilitate more homeownership opportunities and consider creating a separate policy for WDUs in high-rise condominiums outside of Tysons.*
- b. *Adopt tiered payment standards to align with market rents in order to increase access to higher opportunity areas for voucher holders.*
- c. *Facilitate delivery of Affordable Housing by encouraging co-location with other County Facilities on County-owned sites, through partnerships with faith-based organizations and by encouraging private development on undeveloped/underutilized commercial land. This is anticipated to be achieved both in County administered development and via public-private partnerships.*

### **2. Implement policies designed to preserve affordable housing and prevent displacement with a goal of no net loss of existing affordable rental units.**

- a. *Adopt amendments to the Fairfax County Comprehensive Plan that provide for tools and incentives for the preservation of both existing "market affordable" multifamily units and manufactured housing communities.*



3. **Increase the number of homeowners in the region and reduce inequities and discriminatory practices that limit homeownership opportunities for members of protected classes.**
  - a. *Increase awareness of existing and upcoming affordable homeownership and rental opportunities in communities of color and other vulnerable communities.*
4. **Protect the housing rights of individuals with protected characteristics.**
  - a. *Increase community awareness of Fair Housing rights by developing and providing new Fair Housing training and outreach activities.*
    - i. *Utilize fair housing complaint demographics data to identify underrepresented groups and populations.*
    - ii. *Target trainings to service providers to ensure equal access for underrepresented groups and populations, including professionals in the mortgage and lending industry, real estate appraisal industry, and realtor associations.*
    - iii. *Identify new community relationships with organizations providing services in various languages such as places of worship.*
    - iv. *Produce new media content on fair housing rights, and work to expand the reach of existing content to underserved populations through media channels directed towards these populations.*
    - v. *Partner with taskforces and community groups to create opportunity for community input and feedback.*
  - b. *Enforce the Fairfax County Human Rights Ordinance through testing-initiated complaints that identify areas of concern.*
    - i. *Make data-informed decisions regarding the types of testing to be conducted by utilizing complaint demographics data for the most frequent filing basis, recommendations made by FHIP partners based on previous testing results, and following HUD directives as to the types of testing permitted.*
  - c. *Increase the accessibility of fair housing services for individuals with disabilities and for whom English is not their first language.*
    - i. *Improve videoconference services provided to clients.*
    - ii. *Individuals requesting intake appointments will be offered access to reasonable accommodations and/or language services upon initial contact to ensure that these options are available to the individual throughout the complaint process.*

## VII. Contributing Factors

### Access for Students with Disabilities to Proficient Schools

#### Alexandria

In the most recent IDEA report from 2019, the City of Alexandria performed near state targets on most indicators, but obstacles remain in others. For example, 65 percent of Alexandria students with Individualized Education Programs (IEPs) are included in regular classroom instruction for at least 80 percent of the day, compared with the state target of 70 percent. However, 36 percent of children ages 3–5 continue to attend separate educational facilities when the state target is 17 percent.<sup>56</sup> Timely development of adequate IEPs in Alexandria is strong, and representation among children with disabilities is commensurate with the demographics of the district as a whole.

#### Arlington County

Of Arlington County's 27,000 students, 14.3 percent receive special education services. Arlington County schools consistently rank among the highest-performing in Virginia and in the nation, but barriers remain in access to opportunities for individuals with disabilities. The demographic disparities between students referred for IEPs and the overall population of Arlington Public Schools are small. However, there are racial, class, and language disparities among students referred for supplementary aids and services provided under Section 504 of the Rehabilitation Act that are significant: White students are overrepresented (66 percent of Section 504 referrals vs. 45 percent of the APS population), and economically disadvantaged students (8 percent vs. 32 percent) and English learners (6 percent vs. 30 percent) are underrepresented.<sup>57</sup>

APS has routinely fallen short of the state target for the percentage of early childhood students with disabilities who spend the majority of their time in regular early childhood programs; in 2016–2017, this was 27 percent for APS, while the state target was 33 percent.<sup>58</sup> However, APS exceeded state targets in preparing students with disabilities for the postsecondary transition, with 60 percent of such students enrolling in higher education within one year of leaving high school, compared with the state target of 35 percent.<sup>59</sup>

### District of Columbia

Students with disabilities comprise nearly 20 percent of all students in the District. The Office of the State Superintendent of Education (OSSE) has implemented a variety of initiatives to attempt to increase access to proficient schools for these students, but significant barriers remain. Nearly 25 percent of the 3,253 students with disabilities who are transported by OSSE to school spend two hours or more on the bus to school each day.<sup>60</sup>

Accessibility in schools is evaluated using the Individuals with Disabilities Education Act, which requires all states and the District of Columbia to annually assess accessibility standards in public schools. In the District's latest report, from 2019, the percentage of children with IEPs who spent 80 percent or more of the school day inside regular classrooms (57 percent) fell well short of the target (64 percent).<sup>61</sup> This discrepancy begins in preschool education and continues through high school. Moreover, of the 1,770 students with disabilities, over 66 percent exited special education by dropping out of the school system.<sup>62</sup>

Although there appears to be no overrepresentation of particular racial or ethnic groups or particular disabilities among the District's population of students with disabilities, the identification of these students and the implementation of IEPs continues to be inadequate. Only 86 percent of children whose parents had consented to an IEP evaluation received one within 60 days.<sup>63</sup> And though IEP development for early childhood is close to the target, the same is not true for the secondary education level. Only 76 percent of students ages 16 and above have an adequate IEP that accounts for postsecondary goals.<sup>64</sup> As a result of these discrepancies, the achievement gap between students with and without disabilities is growing in the District.

### Fairfax County

The most recent IDEA report from 2019 found that although Fairfax students with disabilities participate and perform well in academic assessments compared with state targets, access to educational infrastructure remains inadequate. Only 54 percent of Fairfax students with IEPs are included in regular classroom instruction for at least 80 percent of the day, compared with the state target of 70 percent, and 46 percent of children ages 3–5 continue to attend separate educational facilities when the state target is 17 percent.<sup>65</sup> Nonetheless, timely development of adequate IEPs in Fairfax is strong, and representation among children with disabilities is commensurate with the demographics of the district as a whole.

### Gaithersburg

See Montgomery County.

### Loudoun County

In Loudoun County, fewer impediments to educational access for students with disabilities exist in comparison to other jurisdictions. Fewer than 0.5 percent of students with disabilities drop out, and 79 percent graduate from high school with a regular diploma. However, 68 percent of students with disabilities are including in regular classroom instruction for at least 80 percent of the day, below the state target.<sup>66</sup> Additionally, 27 percent of children ages 3–5 attend separate educational facilities, above the state target of 17 percent.<sup>67</sup>

### Montgomery County

Montgomery County does not appear to have released aggregated data on educational outcomes for students with disabilities. As of October 2018, there were 19,848 students with disabilities enrolled in special education, 12 percent of the total enrollment.<sup>68</sup> Hispanic and Black students with disabilities are overrepresented at 35 percent and 26 percent, respectively.<sup>69</sup>

### Prince William County

Prince William County's 2018 IDEA report shows a graduation rate for students with IEPs of 64 percent, which is higher than the state target rate of 56 percent.<sup>70</sup> The county has a dropout rate of 1.5 percent, which is slightly higher than the state target rate. The report also identified a significant discrepancy in the rate of suspensions and expulsions for children with IEPs. The rate of students included in regular classrooms 80 percent or more of the day is 65 percent, which is below the state target rate of 70 percent.<sup>71</sup> Among children ages 3–5 with IEPs, the rate of children in separate educational facilities is 30 percent, significantly higher than the state target of 17 percent.<sup>72</sup>

## **Access to Financial Services**

### Region

Access to financial services is a contributing factor to fair housing issues in the District of Columbia, but is not a significant factor to fair housing issues in surrounding municipalities. Residents of the District of Columbia are unbanked at a far higher percentage than surrounding municipalities. According to 2022 Prosperity Now Scorecard, all municipalities with data had a higher percentage of unbanked people of color than White/Non-Hispanic.<sup>73</sup> The District of Columbia had the greatest unbanked discrepancy, with 1.1 percent of White/Non-Hispanic households unbanked compared with 12.7 percent of people of color.<sup>74</sup>

**Table 36: Access to Financial Services**

Municipality	Population Estimate July 1, 2019 <sup>75</sup>	Minority Population <sup>1</sup> %	Unbanked <sup>2</sup> %	FDIC-Regulated Institutions <sup>76</sup>	FDIC-Regulated Full-Service Brick and Mortar Branches <sup>77</sup>	FDIC-Regulated Non-Brick and Mortar Branches <sup>78</sup>
City of Alexandria	159,428	33.3%	4.0%	15	32	2
Arlington County	8,535,519	25.0%	2.5%	24	58	3

District of Columbia	705,749	54.0%	8.0%	32	197	15
Fairfax County	1,147,532	35.3%	2.4%	39	273	19
Loudoun County	413,538	33.0%	1.6%	23	85	7
Montgomery County	1,050,688	40.0%	2.8%	28	252	19
Prince William County	470,335	37.6%	3.2%	16	65	4

There are a significant number of financial institutions and physical banking locations available to residents in the metropolitan D.C. area. However, mere physical access to financial institutions does not preclude the possibility of predatory lending practices nor does it assure access to banking institutions (see Lending Discrimination Contributing Factor).

### **Access to Publicly Supported Housing for Persons with Disabilities**

In the region, housing choice vouchers (HCVs) are the primary form of publicly supported housing support for persons with disabilities; project-based Section 8 provides a disproportionately lower rate of housing for individuals with disabilities than other programs.

In Maryland, residents with disabilities tend to have low incomes; therefore, there is a significant need for affordable housing, including publicly supported housing. Based on a study performed by the Maryland Department of Health services, at least half of all residents who have a disability had a household income of less than \$15,000.<sup>79</sup> Additionally, the population of elderly residents is expected to increase to over 20 percent of the total population, and currently almost 195,000 elderly residents are cost burdened.<sup>80</sup> Similarly, Virginia has a high rate of individuals with disabilities who live in poverty: an estimated 20 percent.<sup>81</sup> Additionally, as in Maryland, the population of elderly residents is also predicted to substantially increase in the next 10 years. Consequently, there is significant demand among individuals with disabilities for access to publicly supported housing and this need is likely to increase in the coming years.

Data from HUD shows that, across jurisdictions, persons with disabilities are underrepresented in project-based Section 8 developments in relation to their proportion of the income-eligible population. Because local governments in the area do not play a direct role in the administration of project-based Section 8 developments, support for fair housing organizations to engage in testing of these developments may be the most effective way to address this underrepresentation. Although the data do not show similar disparities for other types of publicly supported housing, low-income persons with disabilities may also have limited access to Low Income Housing Tax Credit (LIHTC) units due to the way rents are set in those developments. In LIHTC developments, affordability is generally targeted at households making 50 percent or 60 percent of the area median income (AMI). Because over half of residents with disabilities in Maryland have household incomes under 30 percent of the AMI, many do not meet the AMI requirements for LIHTC development.

In the region, most residents with a disability rely on HCVs, although the proportion of multifamily dwellings and project-based housing in some jurisdictions provides additional housing options. Despite the prevalence of HCVs, those with ambulatory disabilities lack sufficient accessible housing due to the lack of accessibility features.

Regionally, HCVs provide the primary form of publicly supported housing support. A much higher percentage of residents of other multifamily housing in the region have disabilities than do most jurisdictions. Included in other multifamily developments are Section 811 developments, which target persons with disabilities, and Section 202, which target elderly individuals, who are disproportionately persons with disabilities. Additionally, although the proportion of residents with disabilities in other multifamily housing is high compared with other programs in several jurisdictions, the total amount of available multifamily housing is significantly lower than the amount of housing available through the HCV program. Although HUD does not provide regional data reflecting the percentage of HCV users with disabilities, it provides these data by jurisdiction for other CDBG recipients.

**Table 37: Housing Choice Voucher Users with Disabilities by Jurisdiction**

Jurisdiction	Persons with Disabilities #	Persons with Disabilities %
Alexandria	214	15.82%
Arlington County	318	21.98%
District of Columbia	2,994	24.75%
Fairfax County	705	17.75%
Gaithersburg	101	17.32%
Loudoun County	140	24.14%
Montgomery County	1,141	16.78%
Prince William County	442	19.95%

In the District, where almost 12 percent of the population report having a disability, persons with disabilities appear to be able to access public housing and HCVs at rates that are at least commensurate with the portion of the income-eligible population that has disabilities. The same is not true with respect to project-based Section 8 units, in which the percentage of residents with disabilities is lower than the percentage of all District residents with disabilities and is presumably much lower than the percentage of the income-eligible population that has disabilities. The reason for this disparity is not clear. Because the other multifamily housing category includes several programs with very different purposes and because there are relatively few other multifamily developments in the District, it is not clear whether persons with disabilities face structural barriers to accessing that housing.

The District also administers tenant-based rental assistance programs and other supportive housing assistance that specifically targets persons with particular types of disabilities. Within these programs, there is no underrepresentation of persons with disabilities. The Department of Mental Health's *Supportive Housing Strategic Plan, 2012–2017* reported that there were 675 Home First tenant-based vouchers available for persons with psychiatric disabilities, in addition to those provided through the HCV program, and that the District had funded project-based rental assistance for 121 units of permanent supportive housing for the same population. The Department of Disability Services also provides rental assistance to persons with developmental disabilities, though data on the number of individuals served is not available. Family members of individuals with developmental disabilities have reported difficulties in finding housing within the District for their loved ones with this assistance because payment standards are not as generous as they are for the HCV program. As a result, some individuals with developmental disabilities who are from the District reside outside the regional parameters in Montgomery County, Maryland, while receiving services funded by the District.

Of the other jurisdictions in the region, only Loudoun County has a greater proportional representation of persons with disabilities among its voucher holders than the District does. Additionally, this jurisdiction is among the smallest in terms of the total number of vouchers in use. This suggests that suburban public housing authorities may not be doing as much as the District of Columbia Housing Authority to prioritize serving persons with disabilities. At the same time, it should be noted that the



overall share of persons with disabilities, at approximately 9 percent, is significantly lower regionwide than it is in the District.

Montgomery County has the second-largest population of persons with disabilities in the region. As is the case in other jurisdictions, a much lower proportion of individuals with disabilities use project-based Section 8 housing compared with other programs like HCVs and other multifamily housing, both of which offer a significantly larger proportion of available affordable units. While multifamily dwellings in Montgomery County do have a higher proportion of residents with disabilities than HCV units do, the latter provides the largest number of publicly supported housing units throughout the county. But, as noted above, HCVs may offer limited accessibility for individuals with ambulatory impairments.

### **Access to Transportation for Persons with Disabilities**

Access to transportation for persons with disabilities is a significant contributing factor. In Virginia, the elderly population is predicted to increase to 20 percent of residents by 2030,<sup>82</sup> the largest population increase of any demographic. The state recognizes that as the elderly population increases, the demand for public transportation will increase as well, but as it admits in its 2018 *Assessment of Disability Services in Virginia* study, there is insufficient transportation of this type to accommodate rising demand.<sup>83</sup> The outpaced demand for transportation also disproportionately impacts individuals with disabilities, who also tend to rely on public transportation to travel. Similarly, although Maryland has more extensive public transportation modes for individuals with disabilities, less extensive infrastructure in suburban areas reduces access for individuals with disabilities.

### **Admissions and Occupancy Policies and Procedures, Including Preferences in Publicly Supported Housing**

#### District of Columbia

The D.C. Housing Authority exercises a series of preferences on its public housing waiting list. Elderly families and families with a household member with a disability receive preference, as well as working families and unhoused people.<sup>84</sup> The D.C. Housing Authority may deny access to public housing to individuals who have been convicted of a violent crime or who have been documented as participants in one (regardless of their conviction), though enforcing this preference is not required.<sup>85</sup>

Overall, however, the shortage of public housing in the District is due less to preferences in allocation of such housing; the waiting list has been closed since 2013. Additionally, within the past two years, the District has allocated only 56 percent of its housing vouchers reserved for individuals and an even more meager 37 percent of those reserved for families.<sup>86</sup> This has exacerbated the District's housing problem and prevented large numbers of individuals from gaining admission to affordable housing.

#### Virginia

Most governments in the region do not provide explicit information about their preferences for publicly supported housing or other housing-related services. Alexandria is unique in its maintenance of separate lists for different housing programs, including a priority list for unhoused individuals and individuals in supported housing, as well as a list for elderly people and persons with disabilities.<sup>87</sup> Other jurisdictions in the region, such as Fairfax County, have large numbers of individuals and families on third-party waiting lists, many of which may also be subject to preferences.<sup>88</sup> Overall, however, preferences and other admissions policies appear to be a less significant barrier than other impediments examined in this analysis.

#### Maryland

Montgomery County Housing Opportunities Commission's HCV waiting list operates on a system of preferences for those displaced by government action; those who live, work, or have been hired to work in Montgomery County; persons with disabilities; veterans; and those with a history of homelessness.<sup>89</sup> Though preferences for the county's other housing programs, including public housing, are not explicitly stated, they are likely similar.

### **Availability of Affordable Units in a Range of Sizes**

As discussed in Location and Type of Affordable Housing (page XX), affordable housing in the region is available in a range of unit sizes. However, this availability may not necessarily meet the demand for specific unit sizes, and not every local government lists unit size in its housing directory. Thus, affordable units in appropriate sizes may not always be accessible to those who need them. The shortage of available housing units for larger families is particularly acute, and most large families rely on HCVs for suitable units rather than public housing and other types of publicly supported multifamily housing.

### **Availability, Type, Frequency, and Reliability of Public Transportation**

Availability, type, frequency, and reliability of public transportation is a significant contributing factor to impediments to fair housing. Metropolitan Washington is served chiefly by Metrorail and Metrobus services operated by WMATA, which has a reputation for delays, unreliability, and inaccessibility. WMATA's latest performance report, from the second quarter of 2021, shows that Metrobus and Metrorail are both performing near or above targets in almost all safety and quality indicators.<sup>90</sup> However, because ridership remains significantly depressed due to COVID-19, it is more instructive to look at the last pre-pandemic performance report, from fiscal year 2019. This report shows significant improvement on previous years, which have been marked by numerous delays, breakdowns, and even death due to fire, but also shows room for further improvement. The bus fleet, which is more accessible and widespread than rail, remains somewhat unreliable. Buses, on average, traveled just over 6,300 miles between service interruption and experienced approximately 67 bus collisions per 1 million miles driven.<sup>1</sup> There was no on-time bus performance reported because of data quality errors.<sup>2</sup> MetroAccess, the door-to-door paratransit service, showed an on-time performance rate of 90 percent.<sup>92</sup>

WMATA operates 6 lines serving 91 rail stations in the District, Maryland, and Virginia.<sup>93</sup> However, stations are frequently far away from each other, so riders may need to take buses to transfer from one station to another or to reach their destination from a rail station. In addition to bus, rail, and MetroAccess, WMATA operates parking spaces at 44 Metrorail stations, costing approximately \$5 per day.<sup>94</sup>

Metropolitan Washington is also served by Capital Bikeshare, which is owned by Lyft and offers 4,500 bikes across over 500 stations in the District, Maryland, and Virginia. A single trip costs \$1.00 to unlock plus \$0.15/minute, while annual membership costs approximately \$8.00 per month.<sup>95</sup> Bikes are concentrated in downtown D.C., although stations are spread throughout the region, including in lower-income areas in southeast D.C., Virginia, and Maryland.<sup>96</sup> Bike shares are widely used, with over 254,000 trips taking place in May 2021 alone.<sup>97</sup>

Nonetheless, the District's truly public transport options, bus and rail, remain subject to significant quality defects. Though public transport is available, its frequency and reliability is subject to variation,

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<sup>1</sup> WMATA, *FY19 Metro Performance Report*, <https://www.wmata.com/about/records/scorecard/upload/Q4FY19-Metro-Performance-Report.pdf>.

<sup>2</sup> *Ibid.*

and the variety of options available is also limited, especially for persons with disabilities and for those who live outside downtown D.C.

## **Community Opposition**

### District of Columbia

Although the District is known as a Democratic stronghold with progressive leanings in the realm of social justice, this image has often failed to hold true when it comes to support for affordable housing. Of particular importance has been the geographically inscribed gap between the District's White population and its residents of color, which mirrors the divide between its wealthiest and lowest-income communities. Efforts by the government of Mayor Muriel Bowser to build affordable housing, including in wealthier neighborhoods, have faced opposition due to fears of congestion and altering the character of communities in undesirable ways.<sup>98</sup> Although most District residents believe the current housing situation is unfair, many have also been slow to support efforts to expand affordable housing outside its geographically concentrated current presence.<sup>99</sup> However, within the past year, District residents have become increasingly aware of segregative housing issues, and many have begun to speak up against exclusionary zoning and similar problems.

### Virginia

Earlier this year, Virginia became the third state in the nation to implement legislation barring the denial of building permits to housing developments on the grounds that those developments will contain affordable housing units.<sup>100</sup> This law, which attempts to combat the NIMBY (not in my backyard) perspective and the desire of wealthy communities to maintain their self-segregation, paves the way for more equitable housing in northern Virginia and reflects a trend away from community opposition to fair housing. It offers a contrast to the opposition to affordable housing that influenced many planning decisions in the early 2010s. Nonetheless, community opposition remains a problem, especially in rural areas.<sup>101</sup> Earlier this year, for example, Loudoun County scrapped plans for a mixed-income housing development due to neighborhood protests.<sup>102</sup> Local governments in northern Virginia, like their counterparts in the District, are beginning to critically examine exclusionary zoning policies.<sup>103</sup> However, mere policy changes may not be enough to dismantle opposition to the creation of more affordable housing in the region.

## Maryland

Montgomery County has often been a site of controversy regarding affordable housing, even as it has sought to increase housing inclusion and affordability in recent years. The 2022 county executive campaign has brought the issue of affordable housing to the forefront, with a discourse centering on the need for affordable housing versus economic development.<sup>104</sup> There has also been community opposition to the proposed Thrive Montgomery plan, which would allow duplexes and triplexes in some single-family neighborhoods.<sup>105</sup> Thus, it appears that community opposition to affordable housing not only exists in Montgomery County, but also manifests within the county's government and political discourse.

## **Deteriorated and Abandoned Properties**

Though the District of Columbia has gentrified significantly in recent years, rapid development of new housing has not kept properties from falling into disrepair. The D.C. Department of Housing and Community Development's Property Acquisition and Disposition Division (PADD) maintains a portfolio of vacant and abandoned properties, nearly two-thirds of which are located in Wards 7 and 8, the lowest-income wards in the city.<sup>106</sup> PADD attempts to repair these properties into livable homes, but its work only addresses a small fraction of the deteriorated and abandoned properties in the District. As of 2016, the Department of Consumer and Regulatory Affairs' Vacant and Blighted Enforcement Unit maintained a list of around 1,200 vacant properties, but loopholes and inadequate reporting mean that this number is also likely to be a significant underestimate.<sup>107</sup> A 2017 auditor's report revealed that the number is likely closer to 2,000 properties.<sup>108</sup>

The problem appears to be less significant in surrounding areas of metropolitan Washington, D.C., especially as house prices have increased rapidly throughout 2020 and 2021. Deteriorated and abandoned properties tend to be concentrated in the District and do not appear to have been extensively catalogued elsewhere.

## **Displacement of and/or Lack of Housing Support for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

### District of Columbia

One in three women experiencing homelessness in the District cites domestic violence as the cause of her housing instability.<sup>109</sup> The District is home to a number of domestic violence shelters and emergency shelters (not specific to domestic violence), as well as the District Alliance for Safe Housing, which provides housing services and an emergency fund for victims of domestic violence. The Domestic Violence Housing Continuum was founded in 2016 to encourage dialogue and collaboration in the realm of housing for victims of domestic violence. Despite the existence of these services, DASH identified a one-to-five ratio of survivors placed in housing versus those turned away due to no housing options.<sup>110</sup>

### Virginia

Several northern Virginia counties offer support services for those displaced by domestic violence, including shelters and support for housing and utilities. Nonetheless, domestic violence affects approximately 25 percent of households in northern Virginia.<sup>111</sup> Low-income, immigrant, and refugee families are particularly vulnerable.<sup>112</sup> Shelters specifically dedicated to domestic violence remain few within any given locality; for example, Doorways' Domestic Violence Safehouse, which serves 60–80 people per year, is the only domestic violence shelter in Arlington County, and those who stay at the safehouse remain only for short periods.<sup>113</sup>

## Maryland

The Betty Ann Krahnke Center (BAK) of Family Services, Inc., is the only emergency domestic violence shelter for women and their children in Montgomery County. BAK is a 60-bed, short-term crisis shelter.<sup>114</sup> Various other shelters exist for men, women, and families, and Montgomery County also runs an Abused Persons Program, but admission to the latter is by application.<sup>115</sup>

## **Displacement of Residents Due to Economic Factors**

### Region

High housing costs and a lack of affordable housing options place significant pressure on longtime District residents. As a result, many residents, particularly low-income residents of color, relocate to the edges of the metropolitan region or relocate out of the region altogether.<sup>116</sup> The City of Alexandria, Arlington County, the District of Columbia, Fairfax County, Loudoun County, Montgomery County, and Prince William County all have households vulnerable to displacement.

Households earning less than 200 percent of the federal poverty line in Arlington, Loudoun, Fairfax, and Prince William Counties in northern Virginia have the highest rate in the country of spending more than 50 percent of their income on housing.<sup>117</sup> The high cost of housing was especially burdensome to low- and moderate-income households closer to the District of Columbia.<sup>118</sup>

Increasing financial pressure due to the COVID-19 pandemic has affected many households' ability to pay their rent or mortgages. Eviction moratoriums have delayed many evictions but high housing costs in the region will likely force households to move further away from the region's center.

### Alexandria

Business investment in the area around the City of Alexandria, particularly the selection of Arlington as Amazon's second headquarters, "HQ2," has increased housing costs and will make it more difficult for low-income residents to remain. There is particular concern that Amazon will displace residents of the Arlandria-Chirilagua neighborhood, which is one of the last sections in Alexandria that has some market-rate affordable housing.<sup>119</sup>

### Arlington County

Similar to the City of Alexandria, Arlington County housing costs are increasing due to economic development and growing income inequality.<sup>120</sup> Increasing business development, including the construction and opening of Amazon's HQ2, will likely accelerate the displacement of longtime residents.<sup>121</sup> Residents in southern Arlington County, where more than half of residents rent, face higher risk of displacement than residents of northern Arlington County.<sup>122</sup> Increasing economic inequality, intensified due to the COVID-19 pandemic, make Black and Hispanic renters particularly vulnerable.

### District of Columbia

The District of Columbia has high levels of displacement of low-income residents, who are disproportionately likely to be Black,<sup>123</sup> due to increasing economic requirements for housing.<sup>124</sup> A study by the Institute on Metropolitan Opportunity concluded that the District of Columbia had the most widespread displacement of low-income residents of any major city between 2000 and 2016.<sup>125</sup> In the wake of low-income resident exodus, wealthier households are moving in. This creates a feedback cycle where less affordable housing is created and makes it harder for low-income households to remain in the District. The high cost of housing has collateral effects on other industries. With new, increasingly wealthier residents moving in, the prices for services like child care also increase and place financial pressure on households.<sup>126</sup>



### Fairfax County

Fairfax County faces a significant threat of resident displacement in the metropolitan D.C. region.<sup>127</sup> Housing prices are increasing rapidly. Fairfax County has a large number of established low- and moderate-income households who are likely to face significant increases in housing costs in the future.<sup>128</sup>

### Loudoun County

In 2020, 62 percent of Loudoun County households spent more than one-third of their income on housing.<sup>129</sup> A 2021 draft of Loudoun County's *Unmet Housing Needs Strategic Plan* highlighted that people who work in Loudoun County are unable to afford to live there and are forced to live outside the county.<sup>130</sup> Furthermore, Loudoun County lacks housing options with practical access to transit, forcing households to use roads that are overburdened by workers commuting from adjacent counties.<sup>131</sup>

### Montgomery County

Montgomery County has a lack of housing across all income levels. Although the region faces competition for low- and moderate-income housing, Montgomery County's spiraling housing costs force even middle-income households to move further away from the metropolitan center. Housing prices in the county are 57 percent above the statewide average and 74 percent above neighboring Prince George's County average.<sup>132</sup>

### Prince William County

Prince William County faces similar problems to other municipalities in the region. High housing costs and lack of housing stock, particularly low- and moderate-income housing, makes it difficult to live in the county. Furthermore, increasing income inequality drives up the cost of living across the board, forcing even homeowners to consider moving toward more financially viable areas.

**Table 38: Impediments to Mobility**

Municipality	HCV Waiting List Status	HCV Payment Standard for 2 Bedrooms	HCV Lease-Up Time	Source-of-Income Protection Law
Alexandria <sup>133</sup>	Closed to new applicants	\$1,941	Not locally specified; HUD minimum voucher term is 60 days	Statewide: yes Locally: no
Arlington County <sup>134</sup>	Closed to new applicants; average voucher wait is approximately 5 years	\$1,941	120 days	Statewide: yes Locally: no
District of Columbia <sup>135</sup>	Closed to new applicants; estimated 1–10 years to get to the top of the waiting list	Based on zip code, ranges from \$1,160 to \$2,650	180 days	Yes
Fairfax County <sup>136</sup>	Closed to new applicants	\$1,941	60 days with automatic 60-day extension upon request	Statewide: yes Locally: no

Loudoun County <sup>137</sup>	Closed to new applicants	\$1,941	60 days; 30-day extensions are available	Statewide: yes Locally: no
Montgomery County <sup>138</sup>	Open to new applicants	Based on zip code, ranges from \$1,160 to \$2,650	90 days; extensions up to 60 days are available	Statewide: yes Locally: yes
Prince William County <sup>139</sup>	Closed to new applicants	\$1,941	60 days; generous extensions available	Statewide: yes Locally: no

The biggest impediment to mobility in the D.C. metropolitan region is the lack of affordable housing available beyond the existing housing system. A range of impediments reduce access to housing. First, the majority of HCV programs have suspended applications for the program through waiting list closures. As a result, individuals in need of affordable housing who are not on the existing waiting list cannot even apply for the program, which limits the expansion of affordable housing stock. Montgomery County is the only municipality with an open waiting list for HCVs. The expected waiting time in markets where the waiting list is closed is either unavailable or is estimated to be several years.

State and local laws in the District and Montgomery County prohibit source-of-income discrimination. Although the District has protected source of income in housing for years, a study in 2018 by the Urban Institute found that 15 percent of District landlords did not accept vouchers.<sup>140</sup> In response, the D.C. Council strengthened the source-of-income protections,<sup>141</sup> notably requiring landlords to affirm in all advertisements they will not refuse to rent to a person paying through a voucher for rental housing assistance.<sup>142</sup> Maryland enacted source-of-discrimination protection statewide in 2020.<sup>143</sup> However, Montgomery County has had source-of-income protections for far longer. Like Maryland, Virginia’s statewide source-of-income protections are recent, taking effect on July 1, 2020.<sup>144</sup> Similar to Maryland’s statute, but unlike the Montgomery County ordinance, Virginia’s law exempts “small landlords, landlords that own four or fewer units, or when the entity providing the payment for rent takes more than 15 days to approve the lease” from source-of-income protections.<sup>145</sup>

All jurisdictions in the region except for Fairfax County use HUD’s small area fair market rent calculation for HUD vouchers. By using a zip code–based calculation, these jurisdictions provide increased mobility because the voucher amount is tailored to costs in a more discrete area—instead of using a one-size fits all model—thereby expanding the potential housing stock an individual can access. In contrast, Fairfax County has one payment standard for the entire county, effectively limiting HCV users to the areas of town where rent is below the standard rate.<sup>146</sup>

The voucher lease-up time in some jurisdictions also impedes mobility. Once a voucher lease time expires, an individual loses the voucher, and given that the waiting lists are closed for the most part, an expired lease time limit can disqualify otherwise eligible voucher participants from securing affordable housing for many years. In the majority of Virginia’s jurisdictions in the region, the public housing agency imposes a lease-up time of 60 days. Although extensions are available, the standard wait time is insufficient to allow residents to find eligible housing because of the extensive housing search necessary (in addition standard employment and family care obligations) and, often, a lack of familiarity with qualifying housing. Landlord prejudice about accepting vouchers, despite the legal protection, as well as the onerous housing application process are also significant barriers that may cause a lease time to expire before an individual can secure housing.

## **Inaccessible Government Facilities or Services**

Inaccessible government facilities or services contribute to disparities in access to opportunity for persons with disabilities. Although a variety of public facilities and services have reasonable accommodation policies for persons with disabilities, many facilities and services require additional outreach or efforts by the person with a disability to request accommodations themselves, usually with several days' notice, rather than having these services consistently embedded into their administration. As a result, individuals with disabilities must be proactive to obtain necessary accommodations.

In the region, some counties provide a range of accessibility services. Montgomery County has an ADA Compliance Team and provides training and technical assistance for county staff on ADA compliance and other disability needs. Similarly, Fairfax County provides ADA services through its government offices, including enforcing building codes that require ADA compliance and handling ADA complaints. In the District of Columbia, any facility or part of a facility that is constructed by a state or local government entity after January 26, 1992 must be built in strict compliance with the ADA. The District is not necessarily required to make every pre-ADA facility fully compliant with current accessibility codes, however, all District services, programs, or activities must be accessible to and usable by persons with disabilities when viewed in their entirety. This is called "overall program access."<sup>147</sup> Nonetheless, this loophole means accessibility problems may remain where persons with disabilities face greater barriers in accessing government facilities or services. The same principles apply to other governments in the region.

Web accessibility reveals similar dualities, where governments have attempted to comply with Section 508 referring to website accessibility standards. However, this compliance is only implemented "whenever possible", and certain elements remain poorly accessible.

## **Inaccessible Public or Private Infrastructure**

Inaccessible public or private infrastructure contributes to disparate access for persons with disabilities in the Washington, D.C. metropolitan area. Although accommodations are available in a range of public and private infrastructure, lack of compliance or maintenance results in inequitable treatment for persons with disabilities. Inadequate maintenance of sidewalks can impede accessibility for persons with mobility-related disabilities, including persons who require wheelchairs for transportation. Recent public efforts, such as the crowdsourced Project Sidewalk, endeavor to map sidewalk accessibility by noting curb ramp conditions, lack of sidewalks, and other common issues impeding mobility in the District.<sup>148</sup> Many sidewalks in the D.C. metropolitan area are not up to Americans with Disabilities Act (ADA) standards; in many cases, this is because construction projects have left large cracks that serve as impediments to persons in wheelchairs.<sup>149</sup> The governments of the District of Columbia,<sup>150</sup> Virginia,<sup>151</sup> and Maryland<sup>152</sup> have all put out ADA Transition Plans for Public Rights-of-Way, which provide a detailed review of sidewalks, crosswalks, bus stops, curb ramps, and accessible pedestrian signals. However, the Transition Plans for the District, published in 2016, and Maryland, published in 2009, have not been updated in quite some time, and inaccessible infrastructure problems persist. Additionally, since COVID-19 has caused restaurants to use more public space for outdoor dining, the pandemic has created new accessibility challenges.<sup>153</sup> Moreover, parking of electric scooters and bicycles has also resulted in impassable sidewalks, particularly in downtown D.C.

## **Lack of Access to Opportunity Due to High Housing Costs**

The extent to which high housing costs contribute to a lack of access to opportunity is a serious concern throughout the region. Median home values vary depending on location. The median home value in Prince William County is approximately \$450,000,<sup>154</sup> whereas the median home value in Arlington is almost \$800,000.<sup>155</sup> Home values dramatically increased this past year across the board. Home values have increased the least in the District, by over 3 percent,<sup>156</sup> and the most in Prince William County, by almost 12 percent.<sup>157</sup>

While home values vary depending on location, low-income households throughout the region are burdened by the cost of housing. According to a study from the Community Foundation for Northern Virginia, when compared to the 50 largest metro areas, northern Virginia has the highest percentage of low-income households who are severely burdened by the cost of housing. Northern Virginia also has the sixth-highest rate of housing burden among moderate-income households. Racial and ethnic minorities face severe housing burdens at higher rates: 57 percent of severely burdened households were non-White, and 47 percent were immigrants.<sup>158</sup> In addition, non-family households have the highest cost burden throughout the region compared with family households. Consequently, individuals with disabilities that live alone, and who are likely to live on a fixed income like SSI, are likely to face more barriers to opportunity due to high housing costs.

In the District, nearly 60 percent of households rented housing in 2018. Of those households, one in four spent over 50 percent of their income on rent, and another one-fifth spent between 31 and 50 percent of their income on rent. People of color are also more likely to face housing cost burdens in the District; 30 percent of Black renters spend over half their income on rent.<sup>159</sup> Similarly, in Montgomery County, 50 percent of renters spend more than 30 percent of their income on housing, and a quarter of renters spend over 50 percent of their income.<sup>160</sup> Since there is such a shortage of affordable housing throughout the region, low-income workers may need to live farther away from employers and transportation. For workers who are disabled, transit distances are likely to impede job access as well.

## **Lack of Affordable In-Home or Community-Based Supportive Services**

### District of Columbia

D.C.'s Department of Behavioral Health (DBH) maintains a list of over 30 DBH-certified in-home and community-based providers of supportive services, many of which also provide services to children and youth.<sup>161</sup> Though these services vary in their affordability and accessibility, they are located throughout the city (there is only one in southwest D.C., but the rest are not concentrated in any one of the other three quadrants). The D.C. Department on Disability Services also funds some supportive services.<sup>162</sup> Though supply still fails to meet demand when it comes to affordable supportive services in the District, the framework for adequate supportive services nonetheless exists.

### Virginia

Virginia Housing and Supportive Services, a community engagement initiative of the Virginia government that serves northern Virginia, maintains a database of programs and resources for individuals with developmental disabilities and others who may benefit from such services.<sup>163</sup> These include programs that assist with accessibility modifications, emergency rent, financial counseling, food, and other potential needs. These services are currently used by over 700 people in the region with developmental disabilities who live independently.

## Maryland

The Montgomery County government provides personal assistance, medical assistance, and other supportive services to individuals who meet the county's medical level of care.<sup>164</sup> Such individuals must also qualify for Medicaid. The county does not provide access to or information about more general services. Nonprofit groups serving the rest of the region fill some of these gaps, but Montgomery County remains an area of need with regards to supportive services.

### **Lack of Affordable, Integrated Housing for People Who Need Supportive Services**

#### Region

The lack of affordable, integrated housing for people who need supportive services is a significant contributing factor to segregation, homelessness, and inadequate housing for persons with disabilities in the D.C. metropolitan area. Although the municipalities have prioritized integrated housing for people who need supportive services, the high housing costs and the lack of affordable housing, in general, limit the effectiveness of targeted programs.

**Table 39: Population, Supportive Housing, and Rental Housing Characteristics**

Municipality	2019 Census Population Estimate	Permanent Supportive Housing Year-Round Beds <sup>1</sup>	Total Rental Units	Rental Units with 30% or More of Household Income as Gross Rent	Rental Vacancy Rates	Median Gross Rent
Alexandria <sup>165</sup>	159,428	47	38,804	15,084 (38.9%)	4.2%	\$1,781
Arlington County <sup>166</sup>	236,842	278	61,245	23,144 (37.8%)	3.3%	\$1,993
District of Columbia <sup>167</sup>	705,749	9,958	162,199	69,304 (42.7%)	7.0%	\$1,603
Fairfax County <sup>168</sup>	1,147,532	627	126,768	57,431 (45.3%)	2.6%	\$1,900
Loudoun County <sup>169</sup>	413,538	24	28,713	11,617 (40.4%)	7.1%	\$1,876
Montgomery County <sup>170</sup>	1,050,688	2,155	125,266	63,923 (51.0%)	4.9%	\$1,788

#### Alexandria

The City of Alexandria acknowledges that there is a lack of supportive housing and aims to increase affordable housing and supportive housing through its efforts to end homelessness.<sup>171</sup>

#### Arlington County

Arlington County has increased its capacity to support individuals needing permanent supportive housing, but many applicants remain on the waiting list for services for more than one year.<sup>172</sup>

#### District of Columbia

The District of Columbia prioritizes funding permanent supportive housing to address homelessness.<sup>173</sup> HUD's Continuum of Care *Housing Inventory Count Report* indicated that the District of Columbia provides the highest number of supportive housing beds per capita in the region. Although the District is a leader in the region, there is still an overall lack of supportive housing.



### Fairfax County

Fairfax County acknowledges the need to create more affordable and supportive housing, and there is a waiting list.<sup>174</sup> However, short-term plans to supportive housing stock are seemingly modest.<sup>175</sup>

### Loudoun County

Loudoun County has the fewest number of permanent supportive housing beds per capita in the region, according to HUD's Continuum of Care *Housing Inventory Count Report*.<sup>176</sup> The county acknowledges that it needs increased capacity to provide permanent supportive housing, homelessness prevention, and intensive case management.<sup>177</sup>

### Montgomery County

Montgomery County's Interagency Commission on Homelessness (ICH) prioritizes creating housing and services for homeless persons, including emergency and transitional shelter, rapid rehousing, and permanent supportive housing.<sup>178</sup> ICH, which began in 2015, has worked with the county to revise its structure to deliver supportive housing.<sup>179</sup> The ICH's 2020 annual report acknowledges that the lack of affordable housing for families at or below 30 percent of the AMI and lack of supportive housing services hurt their overall effort.<sup>180</sup>

## **Lack of Affordable, Accessible Housing in a Range of Unit Sizes**

HUD's implementation of Section 504 of the Rehabilitation Act of 1973 (24 CFR Part 8) requires that publicly supported federal housing developments make 5 percent of total units accessible to individuals with mobility disabilities and an additional 2 percent of total units accessible to individuals with sensory disabilities. Public housing and project-based Section 8 units are both considered to be publicly supported housing subject to this mandate. Based on these requirements, every jurisdiction except for Gaithersburg, Maryland, meets the above legal criteria.

As discussed in Location and Type of Affordable Housing, affordable housing in the region is available in a range of unit sizes. These include accessible housing options such as assisted living facilities, independent living units, and congregate care facilities. However, the supply of affordable, accessible housing continues to fall well short of demand in the D.C. area, as a report by the D.C. Affordable Housing Alliance makes clear.<sup>181</sup> Virginia and Maryland also acknowledge the mismatch between the supply of affordable accessible housing and the growing need for such housing.<sup>182</sup> Despite a range of sizes, disparities in unit size allocations produce disparities in access to affordable accessible housing. As discussed in depth in the Disparities in Housing Needs section, there is a disproportionately lower percentage of publicly supported housing for larger families, meaning individuals with disabilities who live with their families are less likely to have access to affordable housing. Additionally, there appears to be an outsized proportion of housing stock reserved for one-bedroom units, which also limits access to affordable and accessible housing because in some circumstances a resident may need a live-in attendant but cannot due to occupancy limits. Additionally, many individuals with disabilities live on a fixed income. Those who rely on SSI as their primary income and live alone are unable to afford most units due to their significantly limited income. Further development of accessible affordable housing units is needed to ensure availability to a larger proportion of those who need it.

## **Lack of Assistance for Housing Accessibility Modifications**

In the District of Columbia, the Single-Family Residential Rehabilitation Program (SFRRP) administers grants for modification to eliminate barriers to accessibility for persons with disabilities.<sup>183</sup> The District's public housing program also prioritizes persons with disabilities and allows for reasonable accommodations for those with disabilities.<sup>184</sup> Rebuilding Together Arlington/Fairfax/Falls Church provides home repair services to make homes accessible at no cost to persons with disabilities. The

Housing Modifications for the Disabled and Elderly Program assists low-income individuals and families with housing modifications to their home to allow for greater mobility.<sup>185</sup> The City of Alexandria's Rental Accessibility Modification Program (RAMP) provides grant funds to modify rental housing to make the units more accessible for low- and moderate-income tenants with physical disabilities.<sup>186</sup> In Maryland, much of this work is done by a group of nonprofits known as the Centers for Independent Living, but these organizations do not provide explicit support for housing accessibility modifications, nor does the government of Montgomery County appear to do so.

In general, housing accessibility and accessibility modifications remain a major concern, including in discriminatory renting. A 2019 report revealed that housing in the D.C. region is frequently inaccessible and that affordable housing programs frequently steer persons with disabilities toward already modified housing, which is a violation of the Fair Housing Act.<sup>187</sup>

### **Lack of Assistance for Transitioning from Institutional Settings to Integrated Housing**

Lack of assistance for transitioning from institutional settings to integrated housing is a slight contributing factor to the segregation of persons with disabilities in D.C. and the broader region. In the past decade, Maryland and Virginia have significantly reduced the proportion of individuals with disabilities who live in institutional settings, but this alone does not prove that any provided assistance to transitioning to integrated housing has been successful. Stakeholders indicated that transition services for persons with psychiatric disabilities lag behind those available for persons with intellectual and developmental disabilities, with less stable housing tenure in integrated settings being the result. Additionally, there is a large population of individuals with psychiatric disabilities living in group homes, including some large group homes, that may not meet the regulatory definition for an institution but in practice are virtually the same.

There is a need to have more proactive case management with respect to individuals living in group homes that informs them of more integrated housing opportunities. In the broader region, although the Commonwealth of Virginia has increased the transition services offered to persons with intellectual and developmental disabilities, such services for persons with psychiatric disabilities are not as adequate.

Nevertheless, there are several agencies in the region who work with clients to assist with this transition. In the District, the main organization that assists with transitions from institutional settings to integrated housing is Pathways to Housing D.C., which has helped over 900 people move into its permanent housing program since 2004.<sup>188</sup> Pathways to Housing D.C. works exclusively with those who are overcoming mental illness, substance abuse, or severe health challenges. Given that Pathways to Housing D.C. is the only organization primarily dedicated to providing assistance in the transition to integrated housing in the District, there is room for expansion in this field.

Virginia Housing and Supportive Services has also worked to increase access to information about transitioning to integrated housing, though it does not run its own programs, but rather contracts with community partners to facilitate transitions.<sup>189</sup> No Wrong Door is its primary program to expand access to integrated settings but it predominantly does so by connecting individuals with private entities.<sup>190</sup>

In Maryland, the Maryland Developmental Disabilities Administration assists with similar services and has an online portal, Maryland Access Point, where people can identify available resources in their area.<sup>191</sup> Virginia and Maryland provide a range of Medicaid waivers for individuals with disabilities to assist them with the transition to integrated housing. However, in Maryland, wait times for these services are considerably long, taking more than a year in most cases.<sup>192</sup> Nonetheless, in this past

year, Maryland increased its waiver rates, which indicates that service providers may be able to expand and improve the overall services reduce wait times.<sup>193</sup>

### **Lack of Community Revitalization Strategies**

All of the jurisdictions within the Washington, D.C. metropolitan region dedicate significant time and funds to community revitalization. All make use of the federal government's Opportunity Zone program to incentivize developers to build within economically disadvantaged neighborhoods. In addition to this federal initiative, they have also instituted a variety of other programs as well.

Virginia has a variety of community revitalization strategies and jurisdiction-based strategies that promote community revitalization. Prince William County offers financial assistance to households to improve owner-occupied housing and increase energy efficiency, with priority given to households making below 50 percent of the AMI.<sup>194</sup> Loudoun County offers a similar program.<sup>195</sup> Arlington County offers community development grants to community groups to improve the quality of life for low-income residents.<sup>196</sup> There is also the Eligible Areas Small Grants Program, which provides small grants for community activities.<sup>197</sup> In 2020, Loudoun County designated an area of land outside Leesburg as a Virginia Housing Development Authority revitalization area.<sup>198</sup> Fairfax County created the Economic Incentive Program to encourage redevelopment in certain areas.<sup>199</sup>

Maryland has also developed a host of programs to advance community revitalization. Under its Sustainable Community Act, the state provides funding to designated localities to invest in community development activities, including local economic development, historic landmark preservation, affordable and sustainable housing development, and growth and development practices that target the improvement of the natural and built environment.<sup>200</sup> One important initiative to achieve this goal is the Community Legacy Program, which provides funding to local governments, community groups, and groups of local governments to support the following:

- mixed-use development consisting of residential, commercial and/or open space
- business retention, expansion, and attraction initiatives
- streetscape improvements
- increased homeownership and home rehabilitation among residents
- residential and commercial facade improvement programs
- real estate acquisition, including land banking, and strategic demolition<sup>201</sup>

Montgomery County is designated as an eligible recipient for these funds and has developed several initiatives to implement this program. Montgomery County offers a Focused Neighborhood Assistance program for public land improvement, home improvement, commercial property improvement, neighborhood cleanup, murals, and community events.<sup>202</sup>

### **Lack of Local Private Fair Housing Outreach and Enforcement**

Lack of local private fair housing outreach and enforcement is not a contributing factor to the segregation and various kinds of fair housing issues in the District of Columbia's metropolitan region. There are more than 30 private organizations across the metropolitan region that offer legal advice and representation to low-income individuals experiencing housing issues, with several organizations restricting their clientele to low-income seniors and other special populations. The Equal Rights Center (ERC), Maryland Legal Aid, Legal Services of Northern Virginia, Housing Opportunities Made Equal of Virginia, Greater Washington Urban League, and Northern Virginia Urban League are among the private organizations offering housing outreach and enforcement services to residents in the larger metropolitan region.

In the District, there is an even more robust network of private organizations offering fair housing legal aid services. Organizations like Bread for the City, Legal Counsel for the Elderly, Legal Aid, Neighborhood Legal Services Program, and D.C. Bar Pro Bono Center offer legal services to low-income residents experiencing fair housing issues in the District, with several organizations forming partnerships to coordinate and bolster the fair housing services they offer individuals. These partnerships include the D.C. Right to Housing Initiative, Housing Right to Counsel, and Landlord-Tenant Court-Based Legal Services Project.<sup>203</sup>

Nevertheless, there is still a need for private fair housing outreach and enforcement services to be expanded in the area, particularly for metropolitan residents who have disabilities. The Disability Rights D.C. program at University Legal Services offers legal services to District residents with disabilities and many of the organizations listed above routinely offer legal services to low-income disabled residents who come to them with fair housing needs.<sup>204</sup> Yet, it can be difficult for individuals with disabilities that are not income eligible to acquire legal representation or advice regarding their reasonable accommodation. Therefore, people who do not qualify for low-income legal aid but nonetheless require legal services to resolve housing issues may find it difficult to obtain these services within the District and wider metropolitan region.

### **Lack of Local Public Fair Housing Outreach and Enforcement**

Lack of transparency into local public fair housing outreach and policy enforcement is a significant impediment to fair housing in the region. For the most part, Virginia provides educational materials regarding fair housing rights targeting both housing seekers and partners like real estate agencies. This includes information on changes to the state fair housing laws regarding the expanded protected classes and new source-of-income discrimination protections. Virginia does not provide public information on the amount or type of fair housing complaints electronically so it is difficult to assess the quality of enforcement mechanisms. When it comes to fair housing testing, residents rely on nonprofits to investigate fair housing violations because public fair housing agencies typically don't provide testing services.

There is also a lack of local enforcement activities as well as limited resources. Three local municipalities—the District of Columbia, Fairfax County, and Montgomery County—have locally certified substantially equivalent agencies that are eligible to investigate fair housing complaints under their jurisdiction.<sup>205</sup> Other municipalities have complaints in their regions made directly to HUD or the state's subagency in charge of enforcing the Fair Housing Act. As a result, it is difficult to determine the total number of public fair housing complaints and resolutions in the region due to the fragmented enforcement mechanisms available and the lack of transparency related to fair housing complaint information. Additionally, Virginia has recently reduced the number of attorneys in the state's Office of Civil Rights who are charged with investigating fair housing complaints.

### **Lack of Meaningful Language Access for Individuals with Limited English Proficiency**

A lack of meaningful language access for individuals with LEP is a contributing factor to unequal access to opportunity in the District of Columbia's metropolitan region.

#### District of Columbia

While the D.C. Language Access Act of 2004 requires all District government agencies, public-facing contractors, and grantees to ensure that limited and non-English proficient (LEP/NEP) individuals have access to the full range of government services, studies show that the city's housing organizations provide insufficient translation and interpretation services to LEP/NEP individuals. In fact, the District's

inadequate access to translation and interpretation services is widely known among proponents of equal language access. Advocacy groups like the D.C. Language Access Coalition<sup>206</sup> and the Council for Court Excellence<sup>207</sup> have frequently pointed out the insufficiency of meaningful language access for LEP/NEP individuals in the District, especially with regard to the city's housing agencies and rental assistance programs.

The D.C. Office of Human Rights' (OHR) Language Access Program monitors and evaluates all 38 covered entities each year. The District's housing-related agencies are designated as Covered Entities with Major Public Contact under this Act.

The OHR's latest report revealed the D.C. Housing Authority to have one of the lowest interpretation rates among D.C. agencies, with interpretation services being provided to only 31 percent of the test calls and visits.<sup>208</sup> The Housing Authority scored a 31 percent on the OHR evaluation of the organization's compliance with the Language Access Program, one of the lowest scores.<sup>209</sup> In 2019, the D.C. Housing Authority faced two inquiries alleging that they had violated the Language Access Act.

The most frequently encountered languages for these agencies were Spanish, Amharic, Vietnamese, Mandarin, Arabic, French, and Korean.<sup>210</sup>

### Virginia

Arlington County requires all county departments to provide interpretation and translation services to residents with LEP. In fact, the Arlington County HCV program is specifically required to offer LEP residents oral interpretation and written translation services free of charge.<sup>211</sup> Housing information that is available on the county's website is almost always written on the web page itself, therefore allowing the materials to be translated by the page-translating service that is located at the top of the web page.

In Fairfax County, more than a third of residents speak a language other than English at home. However, while the county utilizes interpreters from Language Line Services in order to provide language services to those calling 911, the county does not seem to require their departments to offer translation and interpretation services to non-English speakers seeking help with housing issues.<sup>212</sup> The county's website provides several housing resources that are only available in English. The *Fairfax County Affordable Housing Guide* and "Family Self-Sufficiency Interest Form,"<sup>213</sup> for instance, are both only available in PDF form, making it difficult to translate with an automatic web service. The county does, however, allow for their web pages to be translated by Google Translate and videos regarding the Covid-19 Emergency Rental Assistance Program were filmed in both English and Spanish.<sup>214</sup>

Slightly more than one-third of all Alexandria residents speak a language other than English at home.<sup>215</sup> However, despite hosting the April 2022 Virginia Language Access Conference, Alexandria does not appear to abide by any long-term language access programs itself. If language access is provided to residents, translation and interpretation services are limited primarily to Spanish-speaking LEP individuals. For instance, the City of Alexandria's Office of Housing provides special assistance to Spanish speakers seeking housing-related mediation.<sup>216</sup> The Alexandria Redevelopment and Housing Authority (ARHA) offers interpretation and translation services to Spanish-speaking LEP individuals as well, recommending that someone bring an interpreter to their office so that they can complete Section 8 applications with ARHA's aid.<sup>217</sup> This is an issue, as an estimated 19.1 percent of all Alexandria residents speak neither English nor Spanish at home.<sup>218</sup> Nevertheless, it should be noted that both the websites of the City of Alexandria and ARHA can be translated into any other language via Google Translate, and both websites do a relatively good job of ensuring that PDFs are available in a variety of languages if they are published on the web page. Alexandria's 2021 Housing Guide, for instance, is available in English, Spanish, Arabic, Urdu, and Amharic.<sup>219</sup>



In Loudoun County, 31.5 percent of the county’s residents speak a language other than English at home, and 9.8 percent speak English “less than very well.” Contrary to other county governments in the D.C. metropolitan region, however, Loudoun County does have in place a long-term language access policy that requires its departments and personnel to take “reasonable steps to provide LEP persons with timely and meaningful access to services and benefits.” Specifically, Loudoun County provides translation and interpretation services to residents who speak Spanish, Arabic, Farsi, Urdu, Mandarin, Cantonese, Korean, Vietnamese, French, Hindi, Turkish, and Somali via foreign language phone interpretation, face-to-face interpretation, and written translation contract vendors. In 2020 alone, the county provided interpretation services to over 10,000 phone calls, of which 80 percent were from Spanish-speaking residents.<sup>220</sup> Loudoun County’s website can also be translated by a Google Translate button that is located in the bottom right corner of each page. The vast majority of resources on housing are located on the web page itself and can thus be translated by the Google Translate tool, though several resources are only available in English on a PDF. These resources—the ADU Self-Screening Questionnaire and the document “Financial Education and Credit Counseling Resources,”<sup>221</sup> for example—cannot be translated by the Google Translate tool, thus making it difficult for LEP residents to access these resources.<sup>222</sup>

### Maryland

Like Loudoun County, Montgomery County offers LEP residents written translation and oral interpretation services to help them communicate with county staff members. When present in person, a resident is able to select the language they primarily speak on a Language ID Board so that they can receive interpretation services. These services may be provided by someone who is a part of a database of bilingual county employees or the Language Bank, a searchable online database made up of community volunteers.<sup>223</sup> On Montgomery County’s website, an archive of all translated resources are found in a single place, making it easy for LEP individuals to find the information they both need and understand. Notably, however, the housing resources were available primarily in English and Spanish.<sup>224</sup>

### **Lack of Private Investment in Specific Neighborhoods**

#### Alexandria

Alexandria provides a list of affordable housing projects that are proposed or recently completed, as well as a list of market-rate projects that will contain affordable housing units. Current nonprofit affordable housing projects include The Lineage, which will redevelop 15 public housing units into a four-story building that will include 15 replacement units for households that earn up to 30 percent of the AMI, and 37 units for those that earn up to 50 percent and 60 percent of the AMI. There are also two other projects that will serve those earning between 40 and 60 percent of the AMI. None of the market-rate projects provide for more than a handful of affordable units. One project will provide for 4 affordable units in a 370-unit mixed-use development. Rather than provide more units, the developer appears to have elected to provide a contribution of \$1 million to the city’s housing trust fund.<sup>225</sup>

There has been a good amount of development in the Opportunity Zones within Alexandria.<sup>226</sup> The Alexandria Housing Development Corp. is asking for a loan to start work on a project that will result in hundreds of affordable units in Arlandria. As many as 530 units could be constructed. <sup>227</sup> In Arlandria, the poverty rate is over 15 percent and more than 10 percent of households experience overcrowding.<sup>228</sup>

There are also several new developments in Alexandria West, including a townhouse development starting at \$800,000. Several office buildings in the area are being converted into multifamily residential units. In another development, 24 units of garden-style apartments will be torn down and

replaced with a 383-unit building.<sup>229</sup> The project was approved over the objections of two council members, who were concerned about the relatively low number of affordable units within the building.<sup>230</sup>

#### Arlington County

This past year, Arlington County approved a 77-unit affordable housing project in the Columbia Pike Corridor. Construction also started on a 160-unit building with 6,750 square feet of other space on Washington Boulevard. Another affordable housing complex on South Glebe Road was completed.<sup>231</sup>

The Columbia Pike Corridor is the location of one of the designated Opportunity Zones within Arlington County.<sup>232</sup> Certain tracts within the corridor are also listed as disadvantaged by the Northern Virginia Health Foundation.<sup>233</sup> Arlington County has committed \$150 million in loans to preserve Barcroft Apartment near Columbia Pike, aiming to keep more than 1,300 units affordable for middle- and low-income residents.<sup>234</sup>

#### District of Columbia

There are 25 census tracts considered Opportunity Zones within the District, most of which are in Wards 7 and 8. Opportunity Zone investments offer a federal tax incentive, but District taxpayers can also realize District-level tax benefits for certain qualifying investments approved by the mayor.<sup>235</sup> There are currently 15 such investments. There are several mixed-use housing developments listed as qualifying investments, as well as urban farms, a brewery, and a commercial development in downtown Anacostia that will provide over 34,000 square feet of retail space, among others.<sup>236</sup>

#### Fairfax County

The Opportunity Zones in Fairfax County are located in Herndon and Reston, as well as the area around Groveton and Mount Vernon Woods.<sup>237</sup> However, according to a study from the Northern Virginia Health Foundation, there are some isolated, economically distressed census tracts in several other locations in Fairfax County. These tracts can be found in Centreville and Chantilly, Fair Oaks and Oakton, Springfield and Annandale, and Seven Corners and Bailey's Crossroads.<sup>238</sup>

There appear to be a few new mixed-use developments in Herndon. However, none of these appear to be within the Opportunity Zone.<sup>239</sup> There are several proposed mixed-use developments in Reston, including the redevelopment of the Lake Anne Fellowship House, which provides affordable housing for seniors. However, the new development will merely replace existing housing, not add to the number of units.

There is also discussion about converting Fair Oaks Mall into a mixed-use development with over 2,000 units. However, while a new transit center is being constructed near the mall, the existing roadways are not conducive to biking and walking.<sup>240</sup> This seems to be a trend in the county, as the Springfield Mall is being converted into a mixed-use development, but the need for a pedestrian-friendly experience to reach the mall from the Metro station has also interfered with plans.<sup>241</sup>

Fairfax County has also launched an economic incentive program to spur development in several "commercial revitalization districts." These districts include parts of Springfield, Annandale, Bailey's Crossroads and Seven Corners, and Richmond Highway, which includes Groveton. The county will offer a 10-year real estate tax abatement for new commercial, industrial, or multifamily residential developments located within these areas.<sup>242</sup>

### Gaithersburg

There are a number of new commercial and residential developments planned in Gaithersburg, including the proposed Stevenson-Metgrove mixed residential community, and the Novavax Campus, containing over 600,000 square feet of offices, light manufacturing, and open space. The recently closed Lake Forest Mall will also provide a range of mixed-uses, including a range of housing opportunities. Several of the developments already in the pipeline will include affordable homes through the City's MPDU/WFHU program (both rental and ownership options). All told, the City would add more than 1,500 residential units if the already submitted plans become fully realized.

### Loudoun County

The Loudoun County Department of Economic Development has extensive information for developers on its website encouraging them to develop a project in an Opportunity Zone.<sup>243</sup> The two Opportunity Zones in Loudoun county are located in Oak Grove and Sterling.<sup>244</sup> Loudoun County has a list of recently constructed mixed-use developments, four of which are near Oak Grove and along Phase 2 of the Silver line Metro extension. There are several other mixed-use developments in and around Sterling, most notably Dulles Town Center.<sup>245</sup>

However, one area, Leesburg, is not classified as an Opportunity Zone. In that area, there are census tracts where more than 10 percent of households experience overcrowding. More than 25 percent are uninsured. In one tract in Leesburg, only 56 percent of adults graduated high school. By comparison, 92 percent of adults age 25 and older in northern Virginia graduated high school. <sup>246</sup> Over 2 million square feet of office, retail, and commercial space is under development in the town.<sup>247</sup> While some of the proposed uses include mixed-use developments, others are fast-food restaurants and storage units.<sup>248</sup>

### Montgomery County

There are 13 Opportunity Zones in Montgomery County.<sup>249</sup> In the Opportunity Zones around Germantown and Gaithersburg, one development proposed in the past few years is a 137-unit residential building.<sup>250</sup> It appears to be designed for students, given its proximity to the Germantown Campus of Montgomery College and that the application name for the development is called College View Campus.<sup>251</sup> There was also a proposal for a development with 450 townhomes, 32 single-family detached homes, and 6 duplex units<sup>252</sup> and for a development with 49 townhomes, a four-story apartment building with 72 units, and retail space.<sup>253</sup>

### Prince William County

There are six Opportunity Zones within Prince William County, most of which are near the border of Fairfax County along I-95.<sup>254</sup> The Northern Virginia Health Foundation identifies not only those areas as disadvantaged, but also three census tracts in Dumfries.<sup>255</sup> Riverside Station, a large mixed-use development containing 930 multifamily residential units and 145,000 square feet of retail, is planned for North Woodbridge across from the Woodbridge Virginia Railway Express station.<sup>256</sup>

## **Lack of Public Investment in Specific Neighborhoods**

### District of Columbia

The Tax Cuts and Jobs Act of 2017 implemented Opportunity Zones in the District.<sup>257</sup> Opportunity Zones are designated zones in a federal program that provides tax incentives for investments in new businesses and commercial projects in low-income communities. Currently, 25 census tracts in the District are designated as Opportunity Zones, with the majority located in Wards 7 and 8. The Office of the Deputy Mayor for Planning and Economic Development also maintains a map and list of its own projects, affordable housing projects, industrial revenue bond projects, vacant properties, and Great Streets awardees and corridors.<sup>258</sup> The majority of these public investment projects are located in

Wards 4–8, with Ward 8 containing the highest number, followed by Ward 6. There are currently 112 projects listed in the database, including projects in development, under construction, and completed since 2011.

### Virginia

In recent years, northern Virginia has seen a rise in private investment, including well-known projects such as the second Amazon headquarters in Arlington. Nonetheless, the region has seen an uptick in public investment in transportation infrastructure in recent years. For example, in 2020, the Northern Virginia Transportation Authority pledged over \$500 million in funding for 21 projects throughout the region.<sup>259</sup> City and county governments have each undertaken public projects within their jurisdictions. However, these projects do not match the scale of projects in D.C., nor do they take a similarly pointed approach to neighborhoods with a particular need for such investments.

### Maryland

The Montgomery County government maintains a list and map of economic development projects that receive public funding.<sup>260</sup> The map currently contains nine projects, which include transportation, residential development, a science research complex, and a hotel project. These are concentrated in the southeastern part of the county, especially around Bethesda and Silver Spring. All are located in Districts 1, 3, 4, and/or 5. District 2 and the western portion of District 1, which encompass the western and northwestern portions of the county, receive minimal amounts of public investment.

## **Lack of Regional and Local Cooperation**

Lack of regional and local cooperation is not a contributing factor to fair housing issues in the District of Columbia’s metropolitan region. The metropolitan region’s primary cooperative body is the Metropolitan Washington Council of Governments (COG), which is composed of more than 300 elected officials from 24 local governments, the Maryland and Virginia legislatures, and U.S. Congress. Since the COG established the need for accessible and affordable housing in its 2010 regional plan,<sup>261</sup> members of the COG have recognized the centrality of fair and affordable housing issues in securing a vibrant and equitable future for the metropolitan area. In September 2019, the COG Board of Directors adopted the Regional Housing Initiative. The initiative establishes three regional housing targets that are intended to “address the region’s housing needs from an economic competitiveness and transportation infrastructure standpoint.” Specifically, as part of this Regional Housing Initiative, the COG aspires to work alongside nonprofit, private, and philanthropic partners to create an additional 320,000 housing units, with three-quarters of all new housing affordable to low- and middle-income families and in activity centers or near high-capacity transit.<sup>262</sup> The COG also established a committee dedicated to helping local jurisdictions meet fair housing requirements. This Regional Fair Housing project team meets monthly and is composed of a core group of jurisdictions and their Public Housing Authority partners.<sup>263</sup>

## **Lack of Resources for Fair Housing Agencies and Organizations**

Lack of resources for fair housing agencies and organizations is a moderate contributing factor to the housing issues in the region. Multiple fair housing agencies and organizations in the metropolitan region receive or have received Fair Housing Initiatives Program (FHIP) funds from HUD, including the ERC, National Coalition for Asian Pacific American Community Development, National Community Reinvestment Coalition, and the National Fair Housing Alliance.<sup>264</sup> Community Development Block Grants (CDBG) also provide funding to fair housing organizations across the metropolitan region. It is important to note, however, that each of the organizations that have recently received FHIP funds are based in the District and thus primarily work within the city—not the larger metropolitan region—to help residents resolve housing issues. In fact, the ERC was the only private fair housing organization of

those that received FHIP funds in 2020 that was dedicated to serving the housing needs of the greater Washington, D.C. region.<sup>265</sup> Resources for fair housing organizations are thus concentrated within the District itself, with fewer resources being allocated to the larger metropolitan region.

It should also be noted that many organizations that provide fair housing services to the District's residents are not devoted solely to remedying fair housing issues in the region. Many organizations, including the ERC, Maryland Legal Aid, Legal Services of Northern Virginia, and the D.C. Bar Pro Bono Center, have broad missions, with specific projects devoted to alleviating specific housing issues in their region. Therefore, these organization's resources are often divided among a variety of projects. For instance, the D.C. Office of Human Rights, the body tasked with investigating claims of housing discrimination in the District, has also been reported to lack sufficient resources to properly handle claims and investigate cases.<sup>266</sup>

### **Lack of State or Local Fair Housing Laws**

Lack of state or local fair housing laws is not a significant contributing factor. The D.C. Human Rights Act protects against housing discrimination based on a variety of traits, including race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial responsibilities, political affiliation, disability, matriculation, familial status, source of income, place of residence or business, and status as a victim of an intrafamily offense.<sup>267</sup> While not as broad as the District's, Virginia and Maryland's fair housing laws also prohibit discrimination based on several traits. In Virginia, it is illegal to discriminate in housing on the basis of race, color, religion, national origin, sex, elderliness, familial status, disability, source of funds, sexual orientation, gender identity, and veteran status.<sup>268</sup> Maryland similarly prohibits discrimination on the basis of race, color, religion, sex, familial status, national origin, marital status, sexual orientation, gender identity, disability, or source of income.<sup>269</sup>

Montgomery County expands on Maryland's law by prohibiting discrimination on the basis of ancestry, presence of children, family responsibilities, and age.<sup>270</sup> Arlington County differs slightly from Virginia law in that it protects both marital status and familial status, and makes sure to clearly specify both physical and mental disabilities are protected.<sup>271</sup> Alexandria likewise considers marital and familial status, as well as age and transgender status, to be protected traits.<sup>272</sup> Prince William County also prohibits discrimination based on both marital and familial status, as well as age in addition to elderliness.<sup>273</sup>

The Loudoun County website has been updated to reflect the changes to Virginia's Fair Housing Law prohibiting discrimination on the basis of sexual orientation and gender identity.<sup>274</sup>

### **Land Use and Zoning Laws**

Land use and zoning laws play a significant role in a variety of fair housing issues. Specifically, overly restrictive zoning that suppresses the production of affordable housing in particular and housing more generally leads to disproportionately high rates of housing cost burden and overcrowding for some racial and ethnic groups as well as for persons with disabilities. Additionally, more restrictive zoning in communities that are predominantly White and have disproportionately higher income levels compared with other parts of their respective cities or regions can exacerbate patterns of residential racial segregation. Conversely, inadequate zoning and land use controls to buffer low-income communities of color from heavily polluting industrial land uses can contribute to racial disparities in health outcomes. An analysis of the fair housing ramifications of land use and zoning laws in each of the participating jurisdictions follows.



### Region

The majority of the land in the District of Columbia is developed.<sup>275</sup> Arlington County, the City of Alexandria, and Fairfax County have similar land development profiles as the District of Columbia.<sup>276</sup> Montgomery County contains the highest percentage of undeveloped land in the region.<sup>277</sup>

### Alexandria

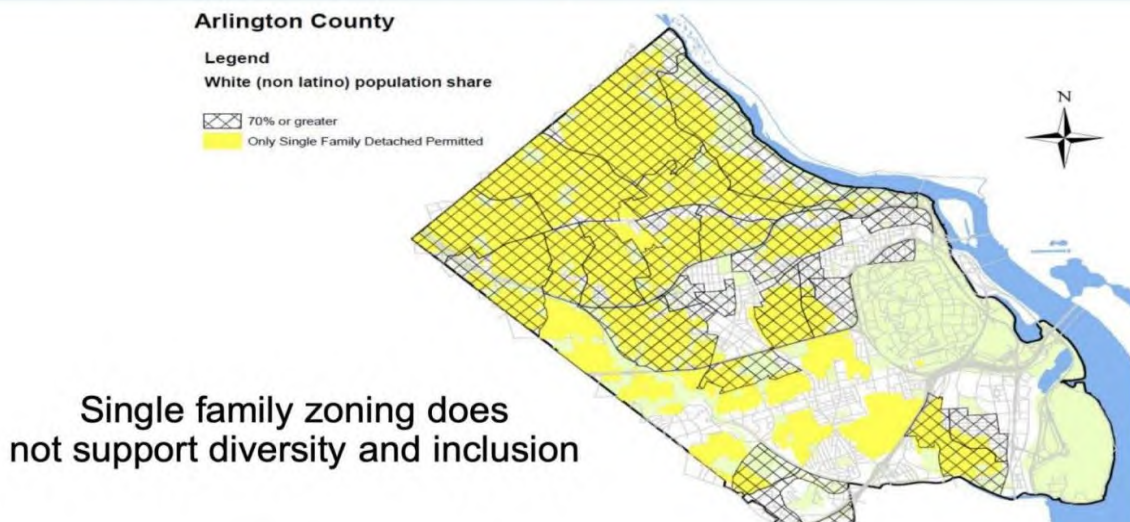
The City of Alexandria has a large amount of single-family housing.<sup>278</sup> The high number of historic areas in the city make it difficult to build multifamily housing.<sup>279</sup> As a result, affordable housing is only viable on the edges of the municipality.<sup>280</sup> The Alexandria City Council approved accessory dwelling units (ADUs) in 2021.<sup>281</sup>

### Arlington County

Arlington County is currently undertaking a study to address the “missing middle”:<sup>282</sup> the lack of multiunit housing that fits between single-family housing and large residential developments.<sup>283</sup> Arlington County’s zoning laws heavily favor single-family housing and have impeded the creation of multiunit affordable housing.

## Map 85: Impacts of the Housing Gap

### Impacts of the Housing Gap



Source: Angela Woolsey, “Arlington Missing Middle Housing Study Sets October Kick-Off,” *ARLnow*, September 29, 2020, <https://www.arlnow.com/2020/09/29/arlington-missing-middle-housing-study-sets-october-kick-off/>.

Between 2010 and 2018, Arlington County added significant housing stock that contained 20 or more units and had modest increases in single-detached and single-attached housing and housing with 2–4 units.<sup>284</sup> However, Arlington County lost housing stock that contained 5–19 units.<sup>285</sup>

### District of Columbia

Affordable housing is unevenly distributed in the District. Ward 8 has significantly more affordable housing than other wards. In contrast, Wards 2 and 3 have significantly less affordable housing than other wards. Single-family homes account for 80 percent of residential buildings in the District.<sup>286</sup>

**Table 40: D.C. Affordable Housing by Ward**

Ward	2019 Median Household Income	2018–2019 Households Below the Poverty Line%	Total Affordable Housing Units	Affordable Housing Units at 0%–30% of AMI	Affordable Housing Units at 31%–50% of AMI	Affordable Housing Units at 51%–60% of AMI	Affordable Housing Units at 61%–80% of AMI	Affordable Housing Units above 81% of AMI
Ward 1	\$94,810	9.5%	1,530	486	347	445	252	0
Ward 2	\$128,670	7.6%	774	94	81	438	158	3
Ward 3	\$71,782	15.7%	135	0	11	80	44	0
Ward 4	\$102,822	12.2%	2,463	393	846	866	355	3
Ward 5	\$111,064	14.0%	2,972	780	432	1,043	717	0
Ward 6	\$45,318	26.3%	4,843	981	1,301	1,295	975	291
Ward 7	\$114,363	12.0%	3,634	704	872	1,743	266	49
Ward 8	\$35,245	32.9%	6,375	1,300	2,299	2,413	340	23

Data sources: Open Data D.C. (interactive maps), “Economic Characteristics of D.C. Wards,” <https://opendata.dc.gov/apps/economic-characteristics-of-dc-wards/explore> and “Affordable Housing,” [https://opendata.dc.gov/datasets/34ae3d3c9752434a8c03aca5deb550eb\\_62/explore?location=38.893664%2C-77.019147%2C11.70](https://opendata.dc.gov/datasets/34ae3d3c9752434a8c03aca5deb550eb_62/explore?location=38.893664%2C-77.019147%2C11.70).

Additionally, the District has a large amount of land that cannot be used for housing due to historical designation or governmental use. The District requires most new residential developments to include affordable housing through the Inclusionary Zoning (IZ) program.<sup>287</sup> From 2011 to 2019, the IZ program created 989 affordable housing units.<sup>288</sup> The District allows ADUs but requires them to be owner occupied, limiting their usefulness for adding additional housing stock.<sup>289</sup>

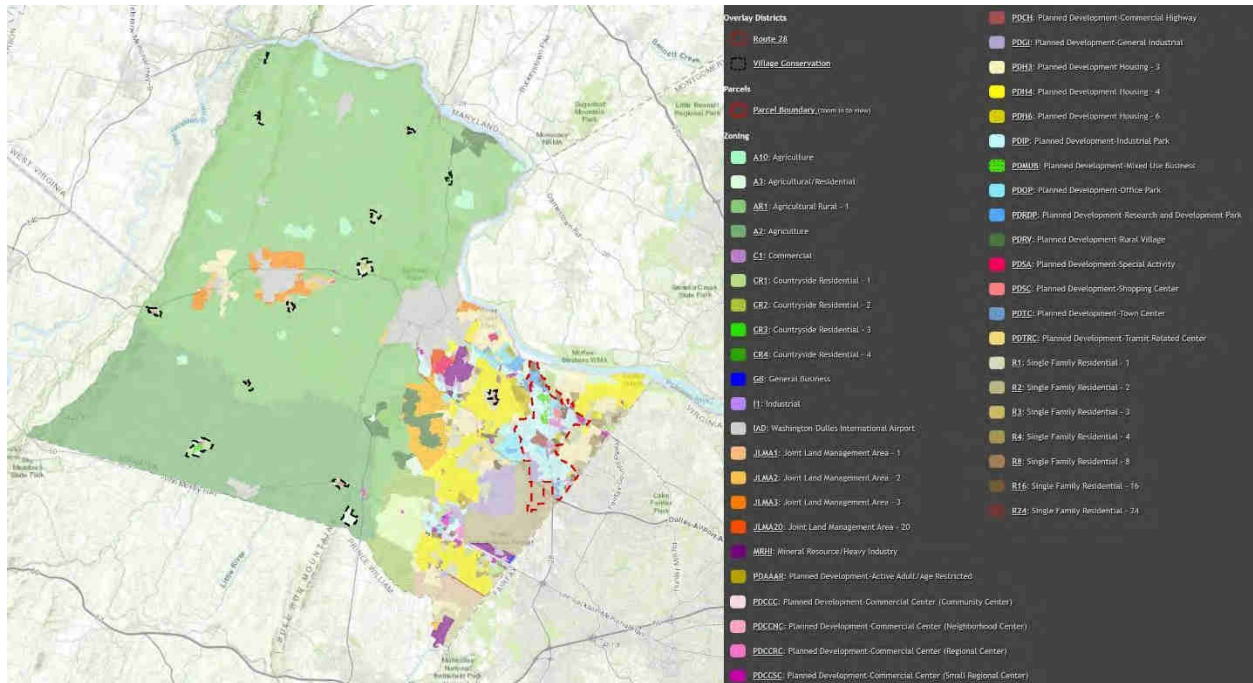
#### Fairfax County

Fairfax County is almost entirely zoned for single-family housing.<sup>290</sup> Fairfax County began allowing ADUs in 2021 to enable homeowners to add smaller rental units onto their homes.<sup>291</sup>

#### Loudoun County

Loudoun County is the most rural jurisdiction in this analysis. The eastern part of the county, closest to the District of Columbia, contains more development. Moving westward, the county is less developed and less dense.<sup>292</sup> Historically, Loudoun County’s land use policies and zoning laws have actively discouraged the type of development most conducive to affordable housing. Instead, Loudoun County has promoted low-density land uses.<sup>293</sup>

## Map 86: Zoning Patterns, Virginia Jurisdictions



Source: Angela Woolsey, “Arlington Missing Middle Housing Study Sets October Kick-Off,” *ARLnow*, September 29, 2020, <https://www.arlnow.com/2020/09/29/arlington-missing-middle-housing-study-sets-october-kick-off/>.

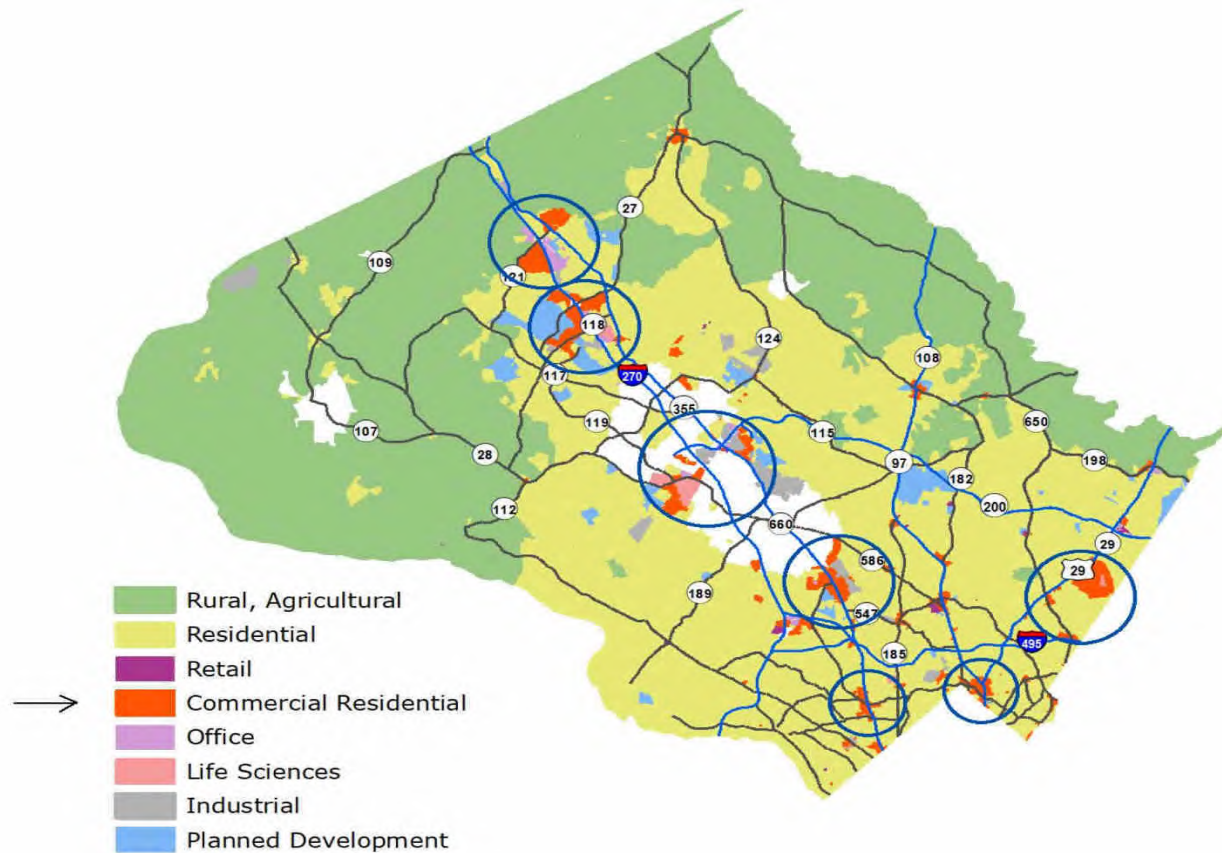
Loudoun County’s 2019 General Plan acknowledged the need for increased density land uses and created two “urban policy areas” near future train stations on the D.C. Metro’s Silver line.<sup>294</sup> The urban policy areas aim to offer “a diversity of housing” and “offer flexible land use policies to allow for innovation and changing market demands.”<sup>295</sup> In addition, the 2019 General Plan promotes policies to increase density, such as the addition of residential units on existing housing single-family housing properties, more dwelling units per acre than currently are allowed, and mixed-use development.<sup>296</sup> These policies are often prerequisites for developing low- and moderate-income housing.

Loudoun County is currently rewriting its zoning ordinance to implement the 2019 General Plan.<sup>297</sup> The zoning ordinance was last comprehensively rewritten in 1993, so most of the use categories and policies are not conducive to affordable housing development. The current zoning ordinance has only two use types amenable to multifamily development: R-16 and R-24.<sup>298</sup> These use types make up a relatively small proportion of county land. Areas that are zoned for multifamily development are concentrated on the county’s east side, closest to the District of Columbia.

### Montgomery County

Montgomery County’s zoning laws are a significant impediment to fair housing. Zoning laws allow apartments on less than 2 percent of county land and more than one-third of the county is restricted to single family homes.<sup>299</sup>

## Map 87: Zoning Patterns, Montgomery County



Source: The Maryland-National Capital Park and Planning Commission, *Thrive Montgomery 2050*, April 2021, [https://montgomeryplanning.org/wp-content/uploads/2021/02/THRIVE-Planning-Board-Draft-2021-Pages\\_web.pdf](https://montgomeryplanning.org/wp-content/uploads/2021/02/THRIVE-Planning-Board-Draft-2021-Pages_web.pdf)

Montgomery County attempted to relax zoning restricts to allow low- and moderate-income housing in 2010 by introducing a new zoning designation: commercial/residential.<sup>300</sup> Areas designated as commercial/residential can have increased density and building height. However, areas zoned as commercial/residential are a relatively tiny percentage of the county. In 1980, Montgomery County set aside 93,000 acres along the northwest edge of the county, which is almost one-third of the county, as an agricultural reserve. The accompanying zoning ordinances severely limited housing development by requiring at least 25 acres per dwelling.<sup>301</sup>

Montgomery County published a new General Plan in 2020, the first update since 1993.<sup>302</sup> Montgomery County's original General Plan used "wedges and corridors" to promote development along major thoroughfares and promote open spaces in other parts of the county.<sup>303</sup> The General Plan published in 2020 acknowledges that the "wedges and corridors" unintentionally promoted unequal development and restricted housing construction.<sup>304</sup> The updated General Plan encourages zoning reform to integrate "varied uses, building types, and lot sizes."<sup>305</sup> Montgomery County launched a "missing middle" housing program to increase the supply of affordable housing.<sup>306</sup>

### Gaithersburg

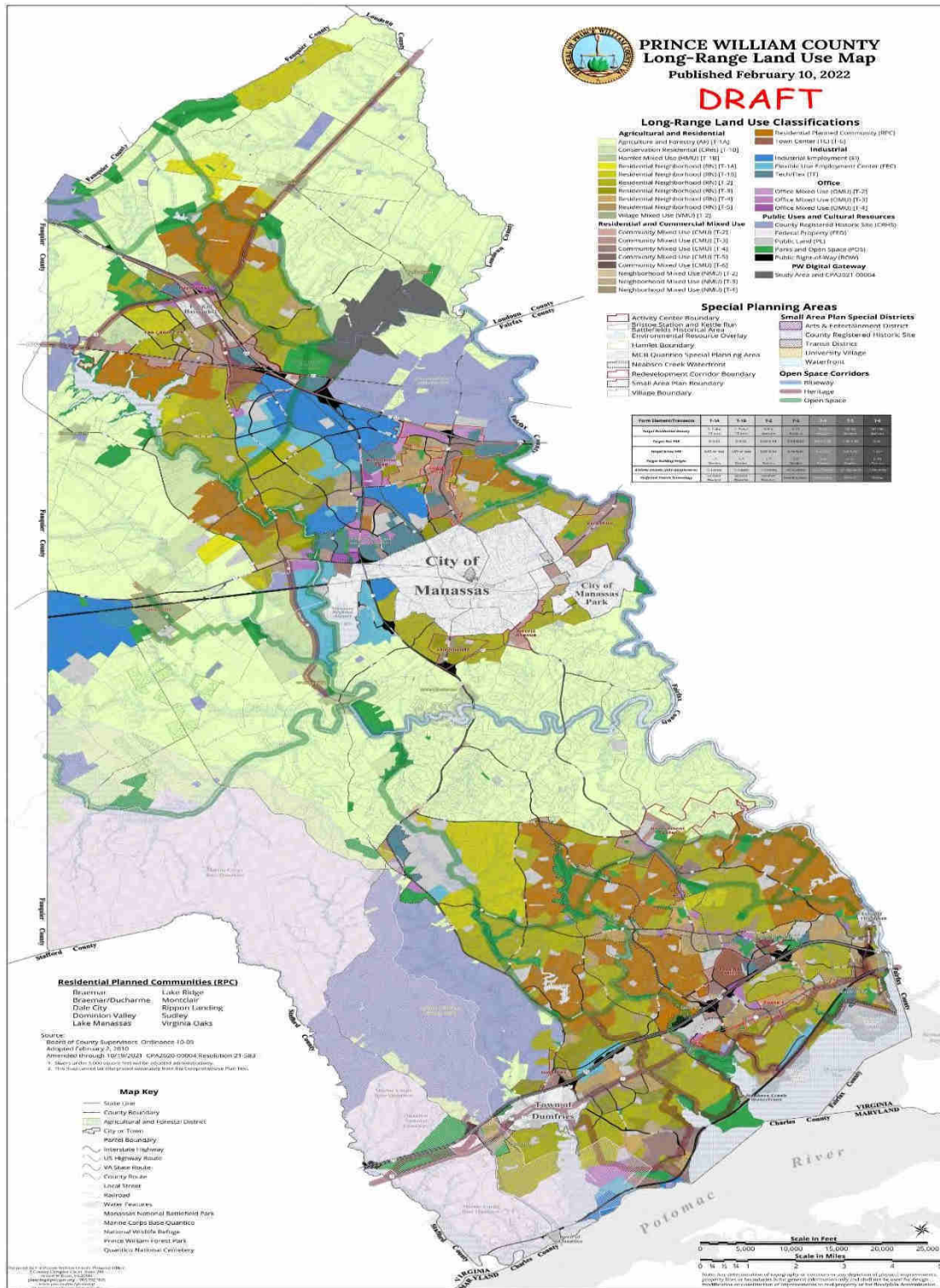
The City has launched [Retool Gaithersburg](#), a comprehensive initiative to update the City's Zoning Code. The update aims to modernize the zoning ordinance to better reflect the needs of the community today and ensure that zoning regulations accommodate and implement the City's vision & goals of a vibrant & innovative Gaithersburg (including its residential areas and future needs). The City anticipates this effort to be completed in 2024.<sup>307</sup>

### Prince William County

Over 75 percent of housing in Prince William County is single-family housing.<sup>308</sup> Prince William County has issued a draft of the land use chapter of its Comprehensive Plan update, along with a long-range land use map.<sup>309</sup> The plan contemplates changes to allow for a variety of housing types rather than single-family zoning and the relaxation of the rural area's zoning from one house per 10 acres to one house per 5 acres.<sup>310</sup> The county has no ADU ordinance, voluntary inclusionary zoning, or affordable housing trust fund, making zoning a barrier to creating affordable housing.



Map 88: Long-Range Land Use Map, Prince William



Source: Prince William County Long-Range Land Use Map, February 10, 2022, [https://www.pwcva.gov/assets/2022-02/DRAFT\\_LRLU\\_3000\\_36x66%2020220201.pdf](https://www.pwcva.gov/assets/2022-02/DRAFT_LRLU_3000_36x66%2020220201.pdf).

### Lender Discrimination

The data on interest rates and mortgage applications demonstrate that people of color in the region face discrimination in lending.

**Table 41: Interest Rates for Mortgage Applications in 2019**

Municipality	2019 Median / Average Loan Interest Rate for White Borrower	2019 Median / Average Loan Interest Rate for Black or African American Borrower	2019 Median / Average Loan Interest Rate for Asian Borrower	2019 Median / Average Loan Interest Rate for American Indian or Alaska Native Borrower	2019 Median / Average Loan Interest Rate for Native Hawaiian or Other Pacific Islander Borrower
Alexandria	3.99% / 4.18%	4.00% / 4.30%	4.00% / 4.19%	3.94% / 5.42%	3.75% / 3.65%
Arlington County	3.99% / 4.20%	4.00% / 4.44%	3.88% / 4.06%	4.00% / 5.29%	4.17% / 4.07%
District of Columbia	3.98% / 4.20%	4.34% / 4.56%	3.88% / 4.03%	4.00% / 4.21%	3.99% / 4.74%
Fairfax County	3.99% / 4.22%	4.00% / 4.29%	3.88% / 4.13%	4.00% / 4.65%	3.99% / 4.56%
Loudoun County	3.99% / 4.25%	4.00% / 4.32%	3.88% / 4.05%	4.06% / 4.37%	4.13% / 4.98%
Montgomery County	3.99% / 4.21%	4.00% / 5.29%	3.88% / 4.08%	4.00% / 4.24%	4.31% / 4.85%
Prince William County	4.00% / 4.29%	4.00% / 4.21%	4.00% / 4.26%	4.19% / 4.48%	4.13% / 4.80%

Source: HMDA Data Browser, Federal Financial Institutions Examination Council (FFIEC) Home Mortgage Disclosure Act (HMDA) (website), <https://ffiec.cfbp.gov/data-browser/data/2019?category=counties>.

Data provided via the Home Mortgage Disclosure Act disclosed widely varying interest rates for reported races related to all mortgage applications in 2019. The data showed that in several municipalities, including the District, Fairfax County, and Montgomery County, which have the largest populations, Black or African American mortgage applicants faced significantly higher average interest rates than White or Asian applicants.

The median interest rate for municipalities in the region was stable, with the District having a significantly higher median interest rate for Black or African American applicants. There were also troubling variations in interest rates for Native Hawaiians or other Pacific Islanders, but much less information was available for that demographic.

The trend of higher mean interest rates for Black or African American applicants compared with White applicants indicates that there is a higher occurrence of predatory high interest rate mortgages for Black applicants.

**Table 42: Originated or Purchased Mortgage Applications**

Municipality	White Applicants	Black or African American Applicants	Asian Applicants	American Indian or Alaska Native Applicants	Native Hawaiian or Other Pacific Islander Applicants
Alexandria	71.9%	55.5%	66.6%	52.2%	40.0%
Arlington County	72.9%	57.3%	66.0%	67.9%	56.2%
District of Columbia	72.5%	50.3%	67.8%	47.8%	50.0%
Fairfax County	69.3%	56.8%	61.7%	51.9%	53.8%
Loudoun County	70.3%	60.7%	63.8%	48.9%	58.8%
Montgomery County	67.6%	55.6%	61.8%	54.8%	42.9%
Prince William County	66.5%	57.2%	59.6%	47.8%	47.4%

Source: Federal Financial Institutions Examination Council (FFIEC) Home Mortgage Disclosure Act (HMDA), *HMDA Filing Platform*, <https://ffiec.cfpb.gov/data-browser/data/2019?category=counties>.

Similar to the interest rate data, the data on rate of mortgage applications that resulted in an issued or sold mortgage demonstrates that it is harder for non-White applicants to receive a mortgage. White applicants in all municipalities were significantly more likely to receive a mortgage upon application than other races.

### Location and Type of Affordable Housing

#### District of Columbia

D.C. Open Data, a project of the District government, maintains data on affordable housing sites in the District, as well as a map of such units.<sup>311</sup> The dataset contains 577 affordable housing sites, but only 513 of these currently contain 1 or more affordable housing units. These units are located across Wards 1, 4, 5, 6, 7, and 8, which have substantially larger low-income populations than Wards 2 and 3. Sites with more units (tens or hundreds, with the largest containing 668 units) appear more often in Wards 6, 7, and 8. Units also vary in affordability with respect to the AMI.

#### Virginia

Alexandria, Arlington County, Fairfax County, and Loudoun County all maintain lists of affordable housing units within their jurisdictions.<sup>312</sup> Prince William County no longer maintains such a list. Among the four jurisdictions that do, affordable housing appears to be available in a range of locations and types. Publicly and privately-owned housing options exist, including market-rate housing with affordable units. Housing is also distributed across a variety of neighborhoods, with complexes containing anywhere from fewer than 10 units to over 200 units.

#### Maryland

Montgomery County's Moderately Priced Dwelling Unit (MPDU) Program offers access to affordable units in apartment complexes throughout the county. The list includes 71 sites, most with at least 20

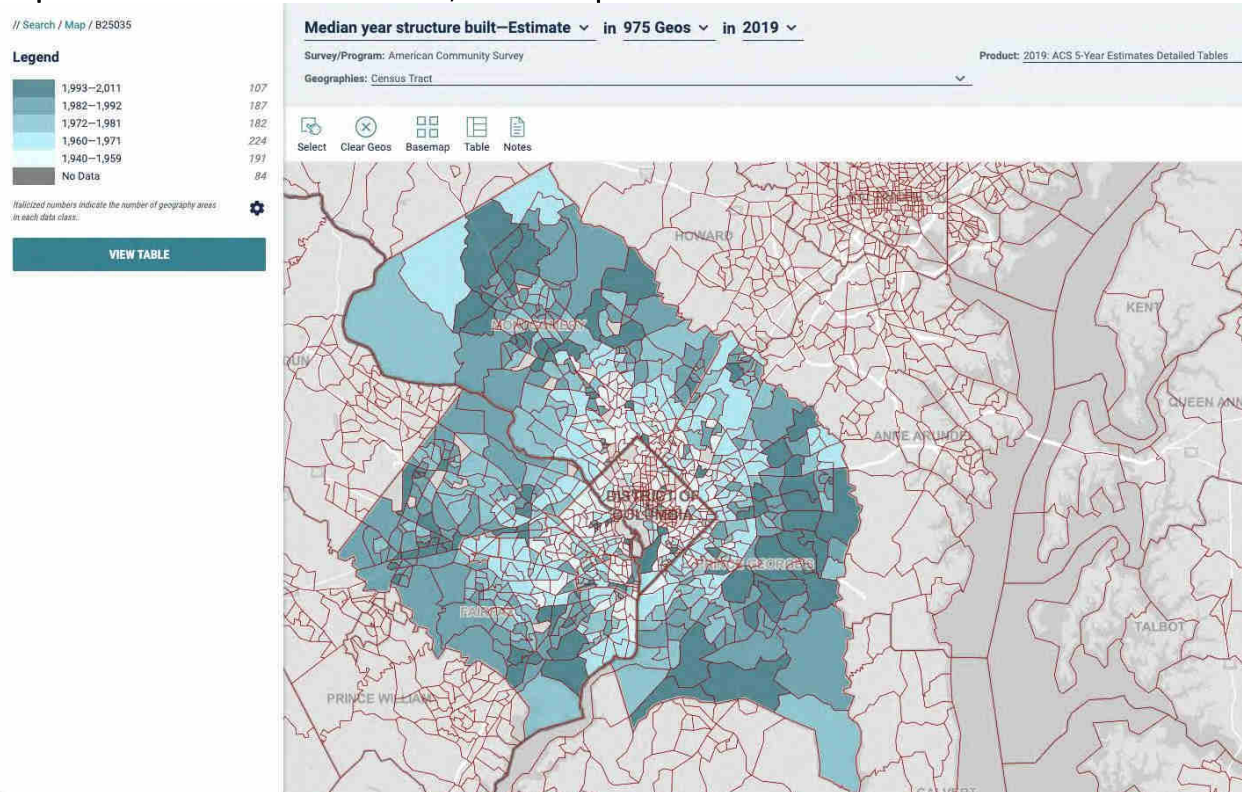


units in a range of sizes, from efficiencies to three-bedroom units.<sup>313</sup> The sites, which include both high-rise and garden-style apartments, encompass all major municipalities within the county and have rents starting from \$1,133.

### Location of Accessible Housing

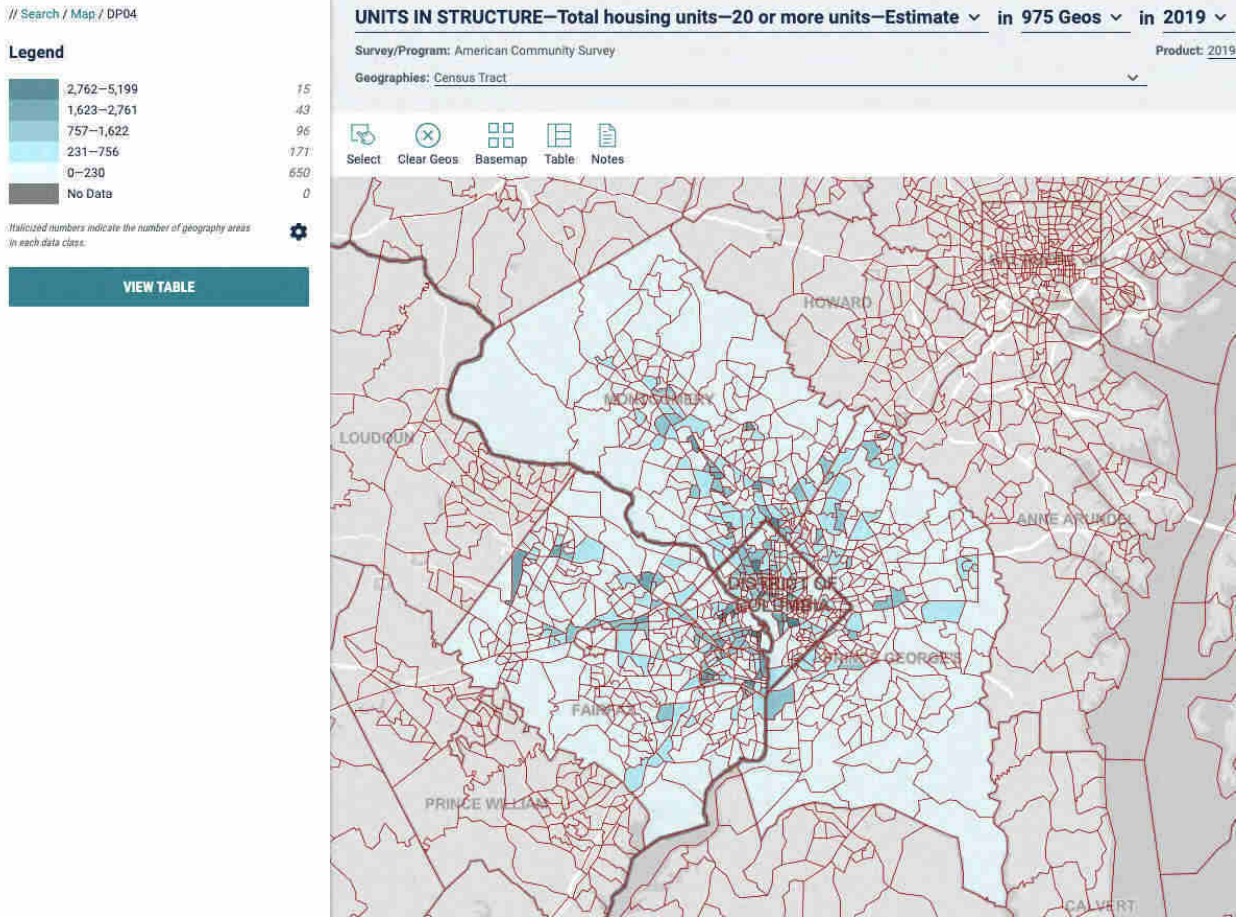
The location of accessible housing is not a significant contributing factor to fair housing issues in the Washington, D.C., metropolitan area. Although it is not possible to precisely map the location of accessible housing in the area, it tends to exist where there are concentrations of new multifamily housing and where there are concentrations of publicly supported housing. These two dimensions cut in somewhat contradictory directions. The American Community Survey does not facilitate the disaggregation of housing units by the number of units in a structure and year a structure was built together, but it does allow a look at those two data points separately. As the following maps reflect, there is some overlap. For example, both newer and denser housing is clustered in parts of Arlington and Fairfax Counties. There are concentrations of new predominantly single-family homes in the northern part of Montgomery County, the western part of Fairfax County, and the center of the District of Columbia. There are concentrations of older multifamily housing in and surrounding the District of Columbia. The parts of the county with more new multifamily housing offer high access to opportunity in an area-wide perspective.

**Map 89: Median Year Structure Built, D.C. Metropolitan Area**



Source: ACS 2019 5-Year Estimates, Table [B25035](#).

## Map 90: Units in Structure (20+), D.C. Metropolitan Area

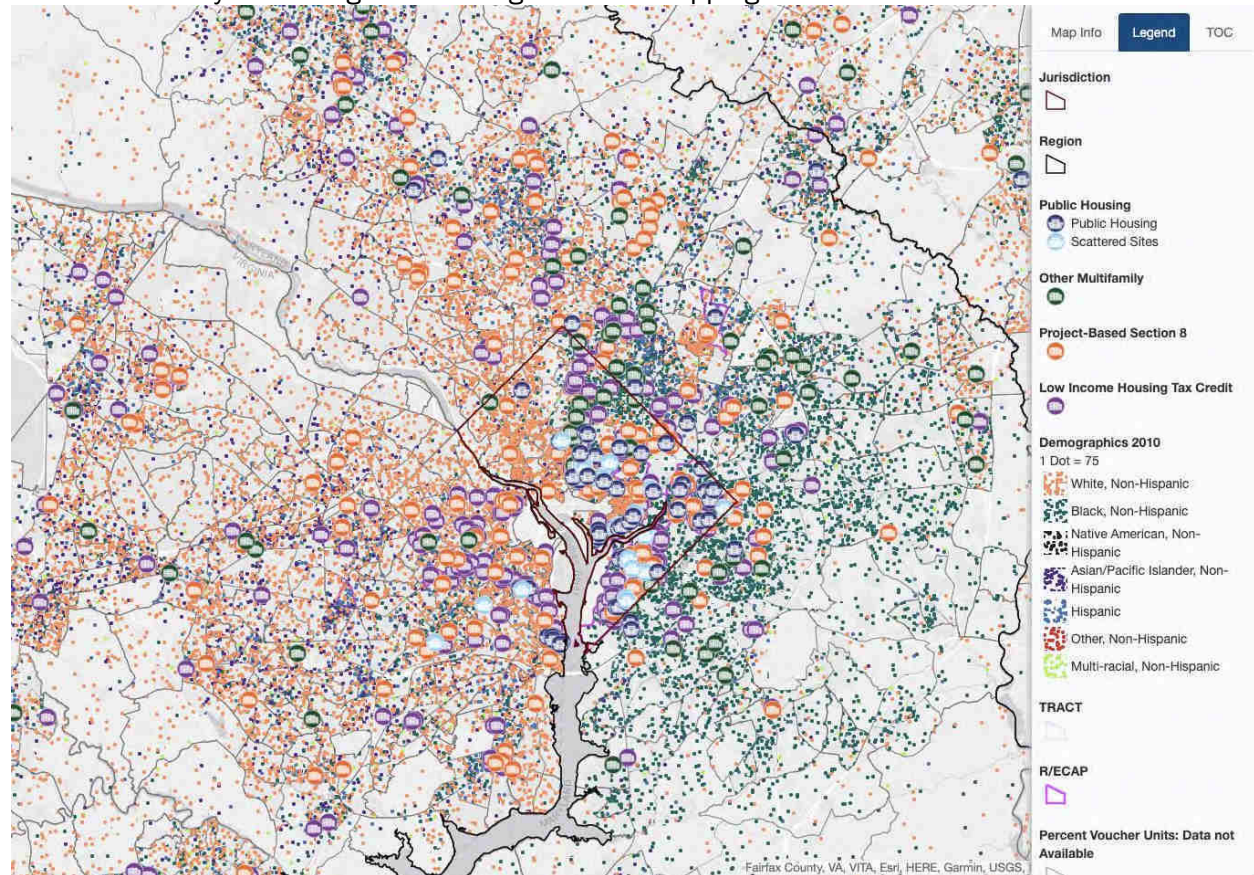


Source: ACS 2019 5-Year Estimates, [Table DP04](#).

By contrast, publicly supported housing, as reflected in Map 3, is much more concentrated in the areas on the edges of and immediately surrounding the District of Columbia, places that do not have concentrations of new multifamily development. The upshot is that it is likely that, between the two categories of housing that are comparatively more likely to be accessible, there is wide dispersion across the metropolitan area. Across the area, places with accessible housing include high opportunity areas. When affordability is not factored into consideration, the location of accessible housing does not appear to significantly contribute to fair housing issues.



**Map 91: Publicly Supported Housing, Region**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Source: [HUD, Affirmatively Furthering Fair Housing Tool, D.C. Metropolitan Area](#)

**Location of Employers**

Region

The location of employers is a contributing factor to disparities in access to opportunity in the District of Columbia’s metropolitan region. The highest paying jobs are primarily located in downtown D.C., where employers occupy office buildings in the most expensive part of the region. These employers provide jobs to hundreds of thousands of people who reside outside of the District, indicating that expensive housing costs have forced at least some individuals who would otherwise live in the District of Columbia to reside further from the city center in the greater metropolitan region.

The long commute times of District employees are evidence of how high housing costs have pushed people to reside farther away from their employers in the larger metropolitan region. District employees face some of the longest commute times in the nation: census estimates indicate that the average person travels 43 minutes to work each day. This is almost twice the length of the commute of the average American, who spends approximately 27 minutes traveling to work each day. The metropolitan D.C. region has consistently been ranked as one of the most expensive housing markets in the nation, and these census findings echo a study conducted by the Brookings Institution that concluded that commutes tend to be longer in metropolitan areas where housing is the priciest.<sup>314</sup>

A spatial mismatch in jobs and affordable housing often places a significant burden on workers. Long commutes cut into time that could otherwise be spent with family members or friends or pursuing interests unrelated to work. Traveling to and from work—enduring traffic jams, unforeseen

circumstances, and bad weather—are additional stressors. Numerous studies have shown that individuals with long commutes suffer from psychosomatic disorders at a much higher rate than those with short trips to work.<sup>315</sup> The psychological, physical, and financial burdens that coincide with long commutes all play a factor in hindering the access to equal opportunity of residents of the metropolitan D.C. region.

#### Alexandria

Despite being home to many large employers—the US Department of Defense, US Trademark and Patent Office, Salvation Army, and Society for Human Resource Management among them—people who both live and work in Alexandria are by far the city’s minority. Approximately 16 percent of Alexandria residents live and work in Alexandria, while 84 percent of the city’s residents commute out of Alexandria each day. Alexandria residents spend slightly more time than the average American commuting to work each day (30.1 minutes) and are primarily traveling to employers in the District and Fairfax County.<sup>316</sup> These individuals have access to public transportation via bus and Metro.

#### Arlington County

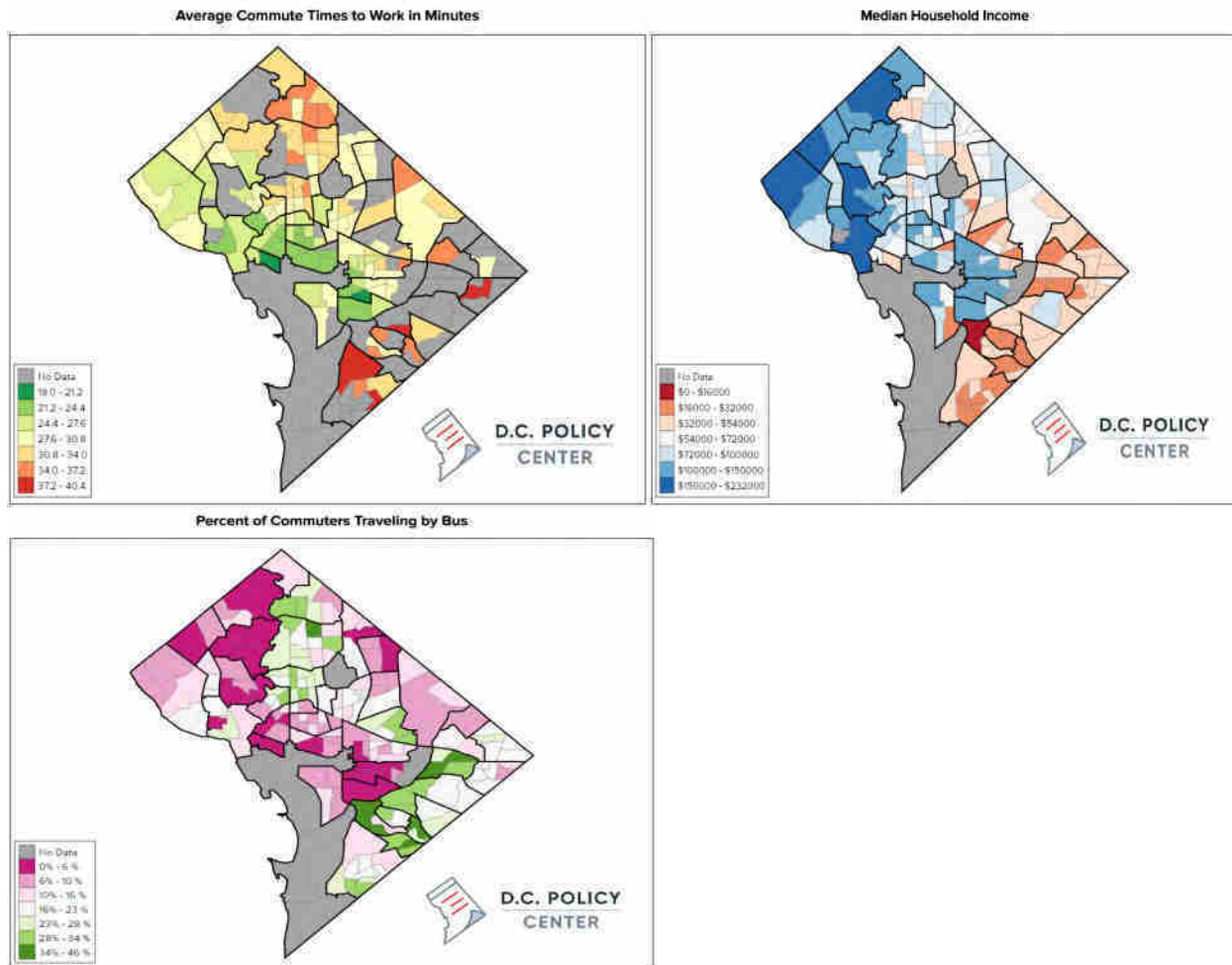
While it is estimated that only 19.86 percent of Arlington County residents work within the county, residents’ commute times mirror those of the average American; the average Arlington County resident spends 27.2 minutes traveling to and from work each day.<sup>317</sup> Those commuting out of the county are traveling primarily to the District, with approximately 70 percent traveling by car or train. The county’s biggest employers are Accenture, Deloitte, the Virginia Hospital Center, Booz Allen Hamilton, and Garter, and approximately 50,000 residents of the larger metropolitan region commute to Arlington County each day to work for these companies, among others.

#### District of Columbia

District residents spend slightly more time than the average American commuting to work each day, with the average District resident traveling just under 29 minutes to get to work. Approximately 9 percent of all District residents, however, endure “super commutes” and spend more than an hour getting to work each day.<sup>318</sup>

A 2017 study conducted by the D.C. Policy Center suggests that the time it takes a District resident to commute to work is strongly linked to their income. People who live in the Georgetown and Capitol Hill neighborhoods, where residents’ average median income is highest, have the shortest average commutes; it often takes residents of these neighborhoods just less than 24.4 minutes to get to work each day. Meanwhile, those who live in neighborhoods like Brightwood, Petworth, and Anacostia have longer commute times than the overall city average. The southeastern quadrant of the District endures the longest commute times of them all, with Marshall Heights residents traveling almost 40 minutes on average in order to get to work each day. The percentage of commuters traveling by bus is also highest in the southeastern quadrant of the District, where incomes are lowest and there are no Metro stops.<sup>319</sup> These results indicate that low-income people residing within the District must both travel further to access employment and utilize less reliable means of transportation in order to do so.

## Map 92: Commute Times, Household Income, and Commuters Traveling by Bus, District of Columbia



Source: Randy Smith, DC Policy Center, Commute times for District residents are linked to income and method of transportation, March 23, 2017, <https://www.dcpolicycenter.org/publications/commute-times-for-district-residents-are-linked-to-income-and-method-of-transportation/>

### Fairfax County

Unlike other individuals residing in the District's metropolitan region, most Fairfax County residents live and work within the county. Approximately 60 percent of Fairfax County residents commute to work within the county, while only 15 percent commute to the District and 12 percent commute to Arlington County or Alexandria for work.<sup>320</sup> The average commute for Fairfax County residents is 30.2 minutes, slightly above the national average.<sup>321</sup> Those who live and work within Fairfax County, however, earn lower incomes on average than those traveling out of the county for work. The largest employers in the county are Booz Allen Hamilton, Inova Health System, Federal Home Loan Mortgage Corp., and Lockheed Martin.<sup>322</sup> Commuters have access to public transportation via the Metro, Metrobuses, and local buses.

Unlike in other parts of the region, there are significant data detailing the demographics, incomes, and jobs of those commuting to the District to work. An estimated 40 percent of those commuting to D.C. are employed by the government, and these in-commuters make more money, on average, than those who live and work in the place they reside.<sup>323</sup> These findings strike contrary to the trend for District residents, with low-income residents—not high-income earners—enduring the longest commute times on average.

### Loudoun County

Of the 177,432 working residents of Loudoun County, an estimated 70 percent commute out of the county for work each day, traveling primarily to Fairfax County and the District. Meanwhile, only 30 percent of Loudoun County residents both live and work within the county.<sup>324</sup> At least some of these individuals are likely working for the county's largest employers: the Loudoun County Public School System, local government, Verizon, Northrop Grumman, and United Airlines, among others.<sup>325</sup> The average commute time for Loudoun County residents is 32 minutes—5 minutes longer than the national average.<sup>326</sup>

### Montgomery County

Despite being home to the National Institute of Health, US Food and Drug Administration, Naval Support Academy Bethesda, Marriott International, Lockheed Martin, and other large employers,<sup>327</sup> more than one-half of Montgomery County residents commute out of the county for work each day. The average Montgomery County resident travels 32.7 minutes to work, and more than 3 percent of all employed residents have “super commutes” in excess of 90 minutes. Montgomery County residents spend more time, on average, commuting to work than any other residents of the metropolitan region.

### Prince William County

In Prince William County, a larger proportion of residents commute outside of the county for work than anywhere else in the District metropolitan region. Only one-quarter of all Prince William County residents work within county lines. Meanwhile, approximately three-quarters of all county residents are commuting out of the county for work, traveling primarily to Fairfax County and the District. Almost one-half of out-commuters leave for work before 7:00 a.m.<sup>328</sup>

## **Location of Environmental Health Hazards**

### District of Columbia

In an Environmental Protection Agency ranking of the severity of environmental pollution in metropolitan areas in the United States, the District of Columbia ranks 576 out of 2,357 localities.<sup>329</sup> A study by the D.C. Policy Center found that Wards 4, 5, and 6 are disproportionately exposed to chemicals in the soil, air, and water from sources outside of daily activity. Sources of such exposure include soil contamination from leaking underground storage tanks (Ward 4 has the largest number of active tanks, with 36; it is followed by Wards 4 and 6, with 17 each), brownfields, and superfund sites. Air pollution is also a major concern; Ward 1 has the highest concentration of ozone, largely driven by vehicle exhaust, and Ward 7 has the highest levels of particulate matter. Water pollution is a further concern; Ward 6 and the southeastern portion of the city are particularly exposed to sewer overflows. In general, the northeast and southeast quadrants of the city are most susceptible to environmental health hazards. These are also the areas where affordable housing is most needed and most prevalent.

### Virginia

A March 2021 report by the Environmental Working Group found per- and polyfluoroalkyl substances (PFAS) levels in water samples taken from northern Virginia to be some of the highest in the country. The most severely polluted samples were taken from areas closest to D.C., though Prince William County water also has high levels of the toxins.<sup>330</sup> Northern Virginia is also known for its polluted air—the Environment Virginia Research and Policy Center reported 84 dirty air days in 2016.<sup>331</sup>

### Maryland

Montgomery County is home to 30 superfund sites. Of these, 10 are active non-NPL (sites not on the national priority list in terms of threatened releases of hazardous substances) and 20 are archived;

none are active NPL sites.<sup>332</sup> Gaithersburg ranks in the 90th and 80th percentile, respectively, for residents in close proximity to these sites. Air pollution in Montgomery County occasionally exceeded the regulatory standard in the 2000s, but this has become rarer in recent years.<sup>333</sup> Gaithersburg has several air quality risks that pose hazards to human health. The environmental justice indexes show that Gaithersburg nationally ranks in the highest percentile for concentrations of diesel particulate matter, air toxics cancer risk, and air toxics respiratory hazard.<sup>334</sup> The western part of the area also ranks in the 90th percentile for traffic proximity, meaning that nearby residents have higher exposure to mobile sources of air pollutants.<sup>335</sup>

## **Location of Proficient Schools and School Assignment Policies**

### District of Columbia

D.C.'s School Transparency and Reporting (STAR) Framework has consistently confirmed the existence of deep inequities in school quality in the District.<sup>336</sup> A map in the 2018-2019 school year report shows that Wards 7 and 8, and, to a lesser extent, Ward 6, are more likely to have schools with lower STAR ratings, which denote lower student achievement, student growth, college and career readiness, and graduation rates as well as poorer school environments characterized by poorer attendance, inconsistent enrollment, and poorer safety and discipline standards.<sup>337</sup> These inequalities stem from the historic failure to desegregate D.C. schools as well as the tendency for wealthier families, especially in Wards 2 and 3, to send their children to private schools.<sup>338</sup>

### Virginia

Northern Virginia is known to have some of the state's highest-performing school districts, and academic achievement in public schools in Arlington County is particularly high.<sup>339</sup> However, inequalities continue to pose a challenge in the region. For example, while most high schools in Loudoun County have dropout rates below 1 percent, some schools in Fairfax County have dropout rates well above 15 percent. Similar disparities exist for measures like chronic absenteeism and accreditation rates as well as with numeric measures of student achievement.

### Maryland

Montgomery County Public Schools (MCPS) are among the most well-resourced and highest-achieving schools in Maryland. However, there are many areas in which MCPS continues to fall short of targets. In particular, academic achievement of Black students, Hispanic students, students with disabilities, and English learners continues to be inadequate. Though the school district continues to improve in its provisions, these improvements have not extended to all demographics of students; in particular, Hispanic and English-learner students have not seen improvements in academic achievement or graduation rates in the past several years.<sup>340</sup>

## **Loss of Affordable Housing**

### Region

The loss of affordable housing in the region contributes to segregation and the creation of R/ECAPS throughout the metropolitan area.

Broadly, constrained housing supply and the explosive growth of the region have contributed significantly to the loss of affordable housing in the area. These affordable housing losses are primarily concentrated in the District, Alexandria, and Arlington County, which, at one time, were home to a sizable population of affordable housing units. Alexandria, in particular, has eliminated almost ninety percent of the city's affordable housing stock in just two decades. Almost every member of the District of Columbia's metropolitan region has coordinated efforts to expand affordable housing in their area,



though many will not create the number of housing units that are needed to make up for the market's substantial losses.

### Alexandria

Wage stagnation, gentrification, and the growing popularity of the city itself have driven up Alexandria's housing prices and created a crisis for those who rely upon affordable housing to live. The latest American Community Survey approximates that 14,500 renter households earning less than \$75,000 are burdened by Alexandria's housing costs and unable to properly invest in other necessities. The situation is even more dire for the city's 6,600 renter households earning less than \$50,000, who spend 50 percent or more of their monthly earnings on housing-related costs.<sup>341</sup>

These burdens are at least partly due to the loss of affordable housing in Alexandria. Between 2000 and 2017, the City of Alexandria lost 90 percent of its affordable housing. Alexandria, which once offered more than 18,000 units of affordable housing, now has only 1,749 affordable housing units in the city. These affordable units are unsubsidized, privately-owned units that cater to low-income renter households. Very few of these units, however, can accommodate larger families who earn 60 percent of the AMI or less. Two-thirds of the affordable units in the city are studio or single-bedroom units, 27 percent are two-bedroom units, and just 7 percent are three-bedroom units.<sup>342</sup> Thus, with few housing options in the first place, at least some Alexandria residents must crowd their families into the first affordable housing unit that becomes available to them.

In May of 2021, the City of Alexandria announced a plan to build 480 affordable units in the next three years on the site of the old Safeway on West Glebe Road.<sup>343</sup> One-quarter of these units are to be deemed "deeply affordable," and thus set aside for families making 40 percent of the AMI.<sup>344</sup> While these housing units will likely ease the housing burden of at least some low-income Alexandria residents, they will be unable to make up for the significant loss of affordable housing units that has occurred over the past two decades.

### Arlington County

In Arlington, the loss of affordable housing has been spurred by the increasing popularity of the city, which has driven up the cost of living and, consequently, the cost of housing as well. There are only 9,500 apartments for rent that are affordable to the approximately 17,000 renter households with incomes below 60 percent of the AMI. Older apartments and homes that were at one time affordable to those with incomes below 60 percent of the AMI have been renovated or replaced, with these improved units boasting higher rents than the original ones.<sup>345</sup> From 2000 to 2013, Arlington County lost 13,500 affordable housing units from 2000 to 2013, many of which were naturally occurring, market-affordable housing units.<sup>346</sup>

Because of the continual loss of naturally occurring, market-affordable housing units, Arlington's affordable housing program has announced that it is primarily focusing on both preserving and increasing the number of committed affordable rental units. By 2040, Arlington County aims for 17.7 percent of the county's housing stock to be affordable to residents with incomes at or below 60 percent of the AMI. They have not given up on naturally occurring affordable housing, however, and have committed to preserving 60–80 percent of the current naturally occurring affordable housing stock as well.<sup>347</sup>

### District of Columbia

In the District, declining housing construction, rising demand, and market pressures have all spurred the loss of the city's affordable housing units. In fact, the District now has half as many affordable units as it reported in 2002. Adjusted for inflation, the number of District apartments with rents under \$800 fell from almost 60,000 in 2002 to 33,000 in 2013.<sup>348</sup> Meanwhile, the number of properties for

rent between \$1,300 and \$2,500 has skyrocketed, making subsidized housing effectively the only source of affordable housing in the city.<sup>349</sup> Among residents earning 30–50 percent of the AMI, 31 percent are considered severely burdened by housing costs.<sup>350</sup>

In May 2019, D.C. Mayor Muriel Bowser signed *The Housing Framework for Equity and Growth*, which called upon local agencies to create and preserve affordable housing units in the city. In order to do this, District agencies are tasked with creating an additional 36,000 housing units, with at least 12,000 units designated as affordable housing for low-income residents. The District hopes to preserve at least 6,000 existing affordable housing units by funding the maintenance, inspection, and repair of old units and allowing vulnerable populations to “age in place.”<sup>351</sup>

### Fairfax County

While it is unclear whether Fairfax County has lost affordable housing units in recent years, there is—at the very least—a need for *more* affordable housing in the area. In Fairfax County, one in five renters spends more than half of their monthly earnings on housing costs.<sup>352</sup>

In an attempt to subsidize affordable housing units in Fairfax County, in 2019, county lawmakers announced their commitment to produce and preserve affordable housing in the area. The county has adopted the goal of constructing a minimum of 5,000 new rental homes over the next 15 years for residents earning 60 percent of the AMI or less. In order to preserve existing affordable housing units, the county has partnered with private and public entities to create “committed affordable homes” that are required to keep rent affordable for a specific period of time. Today, most of the county’s committed affordable homes for residents earning 60 percent of the AMI or less are located within the Parkwood, Murraysgate, Landing I, and Landing II housing projects. There are 628 units, with 640 more “in the pipeline” to be created at the Little River Glen, New Lake Anne House, One University, and Stonegate Village housing projects.<sup>353</sup>

### Loudoun County

Unfortunately, there are not sufficient data documenting either the loss or growth of Loudoun County affordable housing units over time. Nevertheless, the need for more affordable housing units in the area is evident. In 2017, approximately 81 percent of Loudoun County households earning 30–50 percent of the AMI reported being cost burdened and approximately 39 percent reported being severely cost burdened.<sup>354</sup> The county additionally reports that, of the 168 LIHTC units that are affordable to households earning 60 percent of the AMI, none are expected to be income restricted after 2028.<sup>355</sup>

In June 2021, the Loudoun County Board of Directors announced that they had adopted the *Unmet Housing Needs Strategic Plan*, which is intended to help the county and its partners improve housing access, quality, and affordability for all families in the area. By 2040, the county aims to construct 16,000 new housing units, of which 20 percent—or 8,200 units—are to be designated affordable housing for those who make at or below 100 percent of the AMI.<sup>356</sup>

### Montgomery County

In Montgomery County, there is a large gap in the demand and availability of housing units to those making below 100 percent of the AMI. While there are an estimated 25,081 units available to Montgomery County households that earn less than 50 percent of the AMI, 49,675 are needed, resulting in an affordability gap of 24,590 units.<sup>357</sup> This affordability gap shows no signs of shrinking, as the rise of Montgomery County’s median gross rent continues to outpace the growth of the area’s median income.<sup>358</sup> The *Montgomery County Housing Needs Assessment* published in 2020 pointed to “significant pricing pressure” as a leading cause for the loss of affordable housing in several of its

jurisdictions, including Gaithersburg, which experienced a net loss of 246 units of affordable housing from 2010 to 2018.<sup>359</sup>

Since county officials set out to preserve deed-restricted housing units in 2000, Montgomery County has created deed-restricted housing units at a faster rate than it has lost them. Unfortunately, however, the same cannot be said for the county's naturally occurring affordable housing units, which account for 80 percent of all affordable housing units in the area. In two decades, Montgomery County has lost more than 19,000 naturally occurring affordable housing units. Current projections estimate that the county is slated to lose an additional 7,000–11,000 more units by 2030. If these estimations are accurate, then the county will have fewer than 20,000 naturally occurring affordable housing units in less than 10 years.<sup>360</sup>

Like Fairfax County, Montgomery County has committed to ensuring that there is no net loss of affordable housing units in the coming years. In 2019, county lawmakers announced that they intended to add 41,000 new housing units by 2030, with most of them affordable to low- and medium-income residents.<sup>361</sup> Montgomery County has also begun to incentivize housing developers to build naturally occurring independent housing units. The county will exempt developers from paying development impact taxes, for instance, if they construct a new housing complex and designate at least one-fourth of these new units as affordable housing.<sup>362</sup> To ensure that there is no net loss of affordable housing units in Montgomery County, local lawmakers have also passed a series of initiatives aimed at preserving existing affordable housing units. Among these initiatives are the requirement that all rental units undergo annual inspections and the adoption of stricter penalties for housing code violations. The county also allows tenants and municipalities to purchase properties before landlords offer them to outside buyers. Currently, Montgomery County, Prince George County, and the District are the only jurisdictions in the country that allow such a practice, and it has shown significant success in preventing the loss of additional affordable housing units in these areas.<sup>363</sup>

#### Prince William County

There are insufficient data regarding the amount of affordable housing in Prince William County over time. Nevertheless, the severe lack of affordable housing in the area is evident. An estimated 51,938 households in the county, about a third of the total, have one or more housing problems, which include affordability, lack of complete kitchen or plumbing facilities, and overcrowding. About 1 in 5 households (19 percent) had a cost burden and 13 percent had a severe cost burden. These shares were higher for renter households, with 27 percent being cost burdened and 23 percent severely cost burdened. In fact, Prince William County's affordable housing market is so overwhelmed that the county's HCV program is currently closed due to the sheer number of residents on the waiting list.<sup>364</sup>

There is no local funding source to incentivize the construction of affordable housing units in Prince William County, and the county currently has no plan to do so. The Prince William County Planning Commission proposed a series of affordable housing policies in July 2021, though county officials have yet to come to a decision about the best path forward. In May 2021, however, the Prince William County Board voted five to three to approve an affordable housing development in the county's "Rural Crescent."<sup>365</sup>

#### **Occupancy Codes and Restrictions**

All municipalities in the D.C. metropolitan region use International Code Council (ICC) standards as the foundation for their construction codes and International Building Codes (IBC) as the foundation for their building codes. How the region's municipalities and counties define *family* varies, but none of the definitions are so restrictive that they negatively affect access to housing.

Loudoun County, Prince William County, Arlington County, and Alexandria all have similar definitions of family, with each ordinance defining a family as including any number of people “related by blood or marriage together with any number of natural, foster, step, or adopted children.” However, they sometimes differ from one another with regard to how many unrelated individuals can live together to constitute a family. Arlington County, Alexandria, and Loudoun County all cap the number of unrelated individuals living together to four, or two unrelated adults plus their children.<sup>366</sup> Prince William County’s zoning ordinance caps a family at three unrelated individuals, or two unrelated adults plus their children.<sup>367</sup> While each of these counties and municipalities should increase the cap of unrelated individuals that can live together in a household, this is especially true for Prince William County, which has the lowest number of allowed unrelated persons in a household of the entire metropolitan region.

Both the District and Montgomery County utilize the term *household* instead of family in their zoning ordinances. The District’s definition of household is the broadest in the metropolitan region. Not only is a household defined as “any number of people related by blood, marriage, adoption, or guardianship,” but it also considers six unrelated people and “two unrelated people and any children, parents, siblings, or other persons related to either of them by blood, adoption, or guardianship” to be a household as well.<sup>368</sup> Montgomery County’s definition of a household is identical to the District’s, though they cap the number of unrelated people living in a particular place at five individuals instead of six.<sup>369</sup>

## **Private Discrimination**

### District of Columbia

The D.C. Office of Human Rights has not released a detailed annual report since 2018. That report described continued increases in cases filed regarding fair housing and public accommodations (53 and 57 cases, respectively, as opposed to 42 and 47 the previous year).<sup>370</sup> Of the fair housing cases, 22 cited source-of-income discrimination, 16 cited discrimination based on disability status, and 4 cited race discrimination. The public accommodation cases included 14 cases of sex discrimination, 13 cases of discrimination based on disability status, and 9 cases of race discrimination. The report does not specify how many cases within these categories were mediated or settled.

### Virginia

Fairfax County Human Rights Commission’s annual report from FY2019–2020<sup>371</sup> states that in 2018, 20 fair housing cases were filed involving the county. In 2019, this number was 22; in 2020, it increased to 35, or one-third of the total cases filed (105). Of the 2020 cases, 24 involved disability-related discrimination (the most significant factor), followed by race (11 cases), national origin (5 cases), and sex (4 cases). Twenty cases were resolved in 2020, though it is unclear if these cases were also filed in 2020. Fairfax County and Prince William County have also seen several private discrimination lawsuits in recent years, including one alleging discrimination based on family structure and another alleging discrimination based on disability.

### Maryland

After D.C., Montgomery County has seen the largest number of private discrimination lawsuits of any jurisdiction in the county between 2020 and 2022. These suits include allegations of discrimination based on age, source of income, and disability and involve several property management companies that operate in Montgomery County and elsewhere in the region. Thus, it appears that private discrimination by management companies, private landlords, and community members, such as neighbors, continues to contribute significantly to impediments to fair housing in the region.

## Quality of Affordable Housing Information Program

### District of Columbia

Department of Housing and Community Development Community-Based Non-Profit Organizations (CBOs) provide housing counseling services and training to potential homeowners, current homeowners, and tenants, focusing on low- to-moderate income residents and neighborhoods.<sup>372</sup> Services are provided to assist tenants in understanding their rights and responsibilities, including issues such as potential displacement, rental/eviction counseling, and apartment locating. Though all of these CBOs are based in the District, some serve the greater Washington, D.C., region as a whole. However, only a few of these organizations are specifically dedicated to housing issues and the provision of mobility counseling. Others are more general economic empowerment and economic development organizations. HUD maintains a separate but overlapping list of HUD-approved housing counseling agencies in the District that has similar characteristics.<sup>373</sup> Thus, more specifically designated general-eligibility mobility counseling in the District is needed.

### Virginia

HUD maintains a list of HUD-approved housing counseling agencies in Virginia.<sup>374</sup> Only a handful of these are based in northern Virginia, and most of those agencies serve prospective homebuyers rather than tenants, suggesting a serious lack of support for low-income communities and residents. Virginia Housing, for example, offers a free homebuyer class for those who are purchasing a house for the first time.<sup>375</sup> There are two counseling agencies that are both located in the District metropolitan region and provide rental counseling to residents: Money Management International in Alexandria and Northern Virginia Family Services and Cornerstones Inc. in Fairfax County.<sup>376</sup> Considering the significant number of residents who need renter-oriented affordable housing information programs, there are simply not enough programs available to keep up with the demand rising throughout northern Virginia.

### Maryland

HUD's list of HUD-approved housing counseling agencies in Maryland includes four organizations based in Montgomery County, most of which provide rental housing counseling.<sup>377</sup> However, there is a clear gap between supply and demand for such counseling services, given the large population of Montgomery County and the small number of existing agencies. The county government does not appear to run or support mobility counseling programs—a fact that further exacerbates this gap. Housing counseling agencies that offer assistance to both renters and potential homeowners include the Housing Initiative Partnership, Inc., Homefree-USA of the Washington, D.C., metropolitan area, Greater Washington Urban League, and Centro de Apoyo Familiar.<sup>378</sup>

## Regulatory Barriers to Providing Housing and Supportive Services for Persons with Disabilities

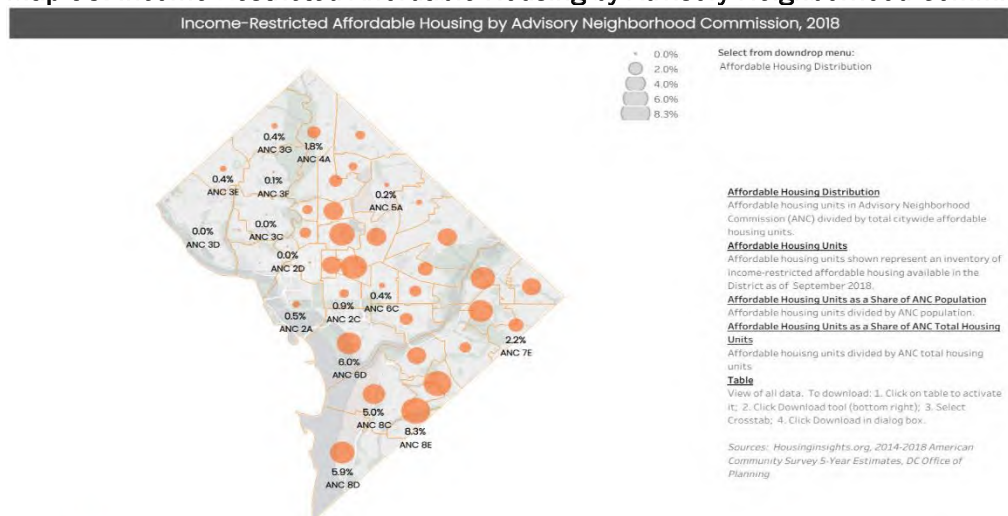
Regulatory barriers are not a significant contributing factor to fair housing issues for persons with disabilities in the Washington, D.C., metropolitan region. There are no specific examples of regulations that make the provision of supportive services difficult. Some policies have been put in place that support housing for persons with disabilities. For example, Fairfax<sup>379</sup> and Arlington<sup>380</sup> Counties require property owners who desire to convert a building from multifamily rental housing to a condominium or cooperative to allow tenants with disabilities a three-year extension on their leases. Moreover, both Maryland and Virginia expand the scope of protected classes beyond those recognized in federal law to include the prohibition of source-of-income discrimination as well as directives to prevent blanket bans on individuals based on their criminal records.



## Siting Selection Policies, Practices, and Decisions for Publicly Supported Housing

Siting selection policies, practices, and decisions for publicly supported housing, including discretionary aspects of Qualified Action Plans (QAPs) and other programs, are significant contributing factors to the segregation of public housing units. Throughout the greater Washington, D.C., metropolitan region, affordable housing units are located primarily in low- and middle-income areas. For instance, while 6E (Shaw) and 8E (Congress Heights, etc.) together make up 15 percent of the total affordable housing units in the District, there are no income-restricted housing units in the upper-income, predominantly White 2D (Kalorama), 2E (Georgetown/Burleith), 3C (Woodley Park/Cleveland Park), and 3D (Spring Valley/AU Park) neighborhoods.<sup>381</sup> The low-income, minority-majority neighborhoods in which affordable housing is predominantly located are often far from transit, contributing to disproportionately long commutes and high transportation costs for the neighborhood's residents.<sup>382</sup>

### Map 93: Income-Restricted Affordable Housing by Advisory Neighborhood Commission, 2018

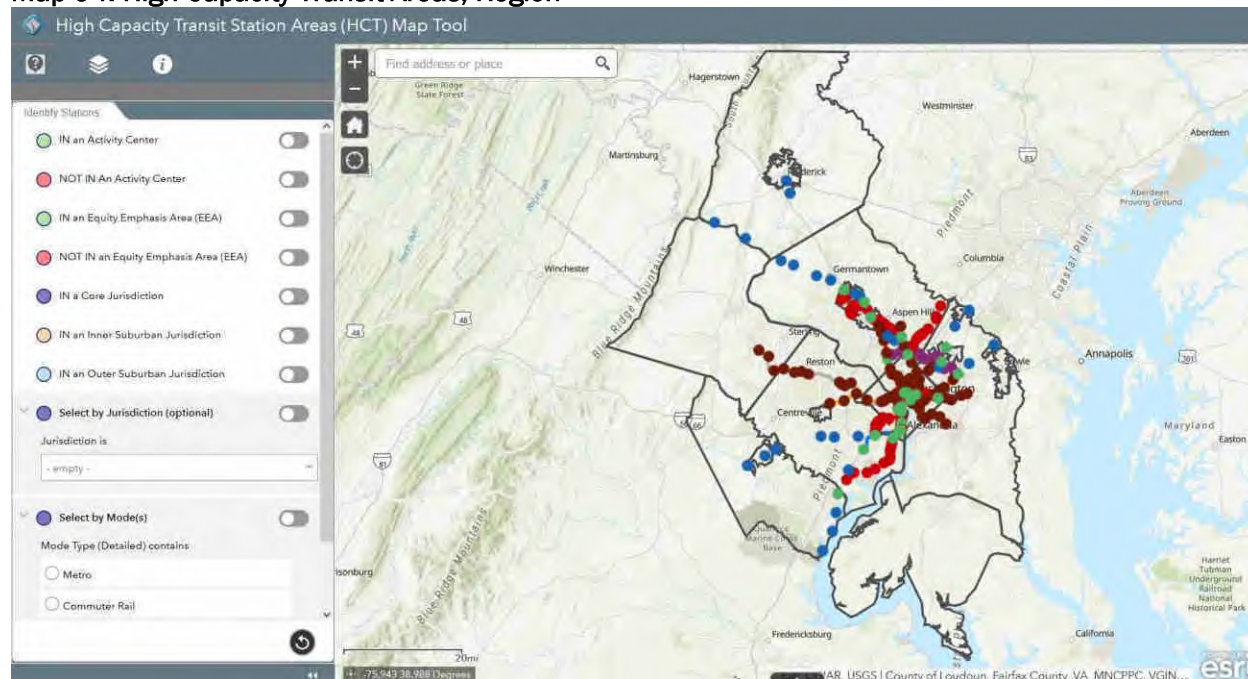


Source: D.C. Office of Planning—State Data Center, “District of Columbia, Income-Restricted Affordable Housing by ANC, 2018,” May 23, 2019 (updated August 21, 2020), <https://public.tableau.com/app/profile/travis.pate/viz/DistrictofColumbiaIncome-RestrictedAffordableHousingbyANC/AffordableHousingANC>.

Nevertheless, the area’s site-selection policies have shown improvement, especially with regard to ensuring that more affordable housing units are located near transit. Arlington County has been particularly successful in this regard. Since 2000, 75 percent of all new residential units built in Arlington County were within the Rosslyn-Ballston and Jefferson Davis Metro corridors and only 6 percent were single-family detached homes or townhouses.<sup>383</sup> Additionally, the Metropolitan Washington Council of Governments (COG) has emphasized the need to build affordable housing units near public transit in the region as a whole. The Regional Housing Initiative, which was passed by the COG in 2019, calls for at least 75 percent of the proposed 320,000 affordable housing units to be located in activity centers or near high-capacity transit. You can find the high-capacity transit areas anticipated in the region by 2030 below in Map XX.<sup>384</sup> These efforts, combined with D.C. Mayor Muriel Bowser’s initiative to create 12,000 affordable units that are dispersed throughout all eight wards,<sup>385</sup> represent positive steps to making the region’s site-selection policies more equitable. However, until every part of the metropolitan area prioritizes the need to locate affordable housing in neighborhoods

with ample access to transit and opportunity, these efforts will likely fall short in ultimately achieving their intended effect.

**Map 94: High Capacity Transit Areas, Region**



As for other programs, however, only the District offers housing construction incentives by way of a QAP. Presently, the District's Department of Housing and Development offers new construction and rehabilitation projects a 9 percent fixed tax credit if they are placed in service after July 30, 2008, and a 4 percent fixed tax credit if they are financed with tax exempt bonds under Internal Revenue Code Section 103 or involve the acquisition of existing buildings. Developers can earn a boost of up to 30 percent if their project is located in an area with residents earning 60 percent of the AMI or that has a poverty rate of at least 25 percent.<sup>386</sup> As noted previously, however, neither Virginia nor Maryland incentivize developers with financial credits laid out in QAPs.

### Source-of-Income Discrimination

The District of Columbia, Maryland, and Virginia all have districtwide/statewide statutes prohibiting source-of-income discrimination.<sup>387</sup> Montgomery County also has local laws prohibiting source-of-income discrimination, while Virginia provides statewide incentives (in the form of tax credits) to promote acceptance of HCVs.

Nonetheless, source-of-income discrimination remains a significant problem in the metropolitan Washington region, as demonstrated by several recent lawsuits. For example, *Lundregan v. Housing Opportunities Commission*, a 2020 case brought before the US District Court of Maryland, alleged that the Montgomery County Housing Opportunities Commission, a government-supported affordable housing agency, housing finance agency, and housing developer, discriminated against the plaintiff because she uses housing vouchers. Similarly, in 2021, the ERC and a local renter filed a suit in the US District Court for the District of Columbia against Vaughan Place Apartments for the latter's refusal to accept housing vouchers as a source of income to pay the renter's rent.<sup>388</sup> Many other cases have alleged discriminatory acts by landlords, property management companies, and government agencies against tenants who use housing vouchers, even if such discrimination may not be solely or primarily

due to the housing vouchers. Such cases reveal the continued prevalence of source-of-income discrimination in the metropolitan Washington region despite its de facto illegality.

### **State or Local Laws, Policies, or Practices That Discourage Individuals with Disabilities from Living in Apartments, Family Homes, Supportive Housing, and other Integrated Settings**

State or local laws, policies, or practices that discourage individuals with disabilities from living in apartments, family homes, supportive housing, shared housing, and other integrated settings are a significant contributing factor to fair housing issues for persons with disabilities.

The D.C. Human Rights Act of 1977 explicitly protects individuals with disabilities from experiencing housing discrimination,<sup>389</sup> yet individuals with disabilities continue to face housing obstacles in the District in a myriad of ways.

The ERC conducted a civil rights investigation in 2019 with the goal of capturing “the potential barriers that person with disabilities face when seeking housing both in person and online.” Of the 23 District properties that were examined by the ERC, 16 were found to violate the standards set in the Fair Housing Design Manual, and 51 violations were reported in total. Violations included inaccessible public and common use areas (25), unusable kitchens and bathrooms (19), inaccessible entrances on accessible routes (4), unusable doors (1), inaccessible routes into and through covered units (1), and unreinforced walls in bathrooms for later installation of grab bars (1). An analysis of property websites and online applications also revealed several ways in which individuals with disabilities face barriers when attempting to find affordable, accessible housing online. Of the 25 websites that were examined on a desktop computer, 21 posed accessibility issues to individuals with disabilities. In these instances, mandatory fields involving interactive calendars, combo boxes, and drop-down menus could not be accessed by screen readers, thus making it impossible for visually impaired users to determine how many units were available, filter results, and find other information. Screen readers could also not access 13 of the 16 online renter applications, with the biggest accessibility issues arising from inclusion of CAPTCHA requirements or mandatory fields that could not be understood by screen readers. As more and more rental properties come to rely on online applications, virtual walkthroughs, and their websites as a whole in order to find potential renters, it is crucial that these websites are accessible to all individuals with disabilities.<sup>390</sup>

Though the ERC’s investigation only examined rental properties in the District, similar barriers can no doubt be found at properties across the region. To date, neither the District, Virginia, nor Maryland have passed policies requiring property websites to be accessible to individuals with disabilities. In order to eliminate the barriers that these individuals may face, the region must do a better job of ensuring that properties both follow ADA and Federal Housing Administration guidelines and build accessible websites for those who need them.

In Maryland, a 21,000-person waiting list for Medicaid waivers that help individuals afford at-home care also discourages individuals with disabilities from living in apartments, family homes, supportive housing, and other integrated settings. This waiting list, among the longest in the country, means that many persons with disabilities will never have the opportunity to receive care that would allow them to continue to reside at home or with family members. If one does get off this waiting list, it often takes years. A family from Towson, Maryland, for instance, received news that their son had gotten off the waiting list nine years after they signed up for the waiver program. The length of the waiting list poses a significant burden to the family members of individuals with disabilities, who often forgo wages in order to care for their loved ones, as well as individuals with disabilities themselves. Individuals who cannot afford at-home care are thus moved out of their apartments and family homes into retirement homes, often without much choice.<sup>391</sup>

## Unresolved Violations of Fair Housing or Civil Rights Law

Unresolved violations of fair housing law are not a significant contributing factor in the region. In September, the District filed three lawsuits alleging housing discrimination against seven real estate companies and individuals operating in the District.<sup>392</sup> In February, D.C. Attorney General Karl Racine announced a lawsuit was filed against a Virginia-based moving company for rejecting reservations for rental moving boxes from applicants living in Wards 7 and 8. He also announced a settlement with a Maryland home-improvement company that refused to operate east of the Anacostia.<sup>393</sup>

Outside the District, the Virginia Office of Attorney General recently resolved an investigation into Loudoun County Public Schools (LCPS). The NAACP filed a complaint with the office in 2019 alleging that the school system failed to admit Black students to the school district's advanced STEM program on the basis of race. After concluding the school district's policies and practices do discriminate against Black and Latino students, LCPS agreed to revise its outreach and recruitment plans and its admissions criteria for the advanced programs. LCPS also agreed to revise its nondiscrimination policies, annually review its protocol for handling hate speech, and hire a consultant approved by the Office of Civil Rights.<sup>394</sup>

## VIII. Public Comments





March 31, 2023

The Honorable Kate Stewart  
Metropolitan Washington Council of Governments  
777 N Capitol Street, NE, Suite 300  
Washington, DC 20002

Dear Chair Stewart:

Adherence to fair housing law is a cornerstone of ensuring equitable access for all in the community, and the apartment industry is committed to working with localities and other constituencies across the region to deliver equitable housing access and to reduce and eliminate fair housing violations. The Apartment and Office Building Association of Metropolitan Washington (AOBA) supports the regional and local goals in the draft Metropolitan Washington Regional Fair Housing Plan to increase housing attainment and to reverse historical patterns of segregation in our region. We further offer our expertise, drawn from our members' daily work providing housing across the region, to help shape strategies to ensure that they produce the desired outcome of a fairer and more equitable housing market throughout Metropolitan Washington.

As you know, AOBA is the premier non-profit organization representing owners and managers of more than 435,000 apartment units and approximately 169 million square feet of office space in the District of Columbia, Maryland, and Virginia. Our members play a critical role in building and operating the commercial and residential buildings that will accommodate the economy and workforce of the future. As such, our member companies consider themselves part of the Metropolitan Washington community and maintain a vested stake in the long-term sustainability and well-being of the region and each of the eight jurisdictions in the Regional Fair Housing Plan. Our member companies take pride in providing safe and sanitary, professionally managed homes for their residents, and we look forward to working with the region's governing bodies to achieve our shared goals.

**Goals # 1 and 2: Increase the supply of affordable housing for families earning at or below 60% of the Area Median Income and change zoning and land use policies to expand access to fair housing**

The region's ability to lower housing costs will be directly tied to its ability to increase the overall supply of housing units. By contrast, policies which restrict housing construction preclude some households from living affordably in the community. AOBA supports applying best practices to increase the supply of housing attainable for lower and moderate-income households and to provide diverse housing options. However, we caution not to overlook potential negative impacts of targeting specific populations and income brackets – e.g., potentially discouraging investment in housing for households with incomes at or below 80% of the area median income (AMI) in an effort to target incomes below 60% AMI. Moreover, we should remain cognizant that even the creation of housing at higher price points benefits lower-income households because the market is interconnected across types, sizes, and costs; constructing any housing reduces competition for otherwise limited supply, lowering prices as a result.

**Goal # 3: Implement policies to preserve affordable housing and to prevent displacement of residents**

We share the goal of developing and maintaining market rate and committed affordable housing units, but it comes at a cost, which is often borne by the balance of the rental market if restrictions are not accompanied by funding. Financial incentives and flexibility for additional residential densities are ways to deliver affordable units without creating excessive upward pressure on overall market rents. By contrast, indefinite extensions of affordability commitments, requirements to replace market-rate affordable units, or a right of first refusal for tenant purchases could inhibit the delivery of this much-needed affordable housing by increasing the cost and uncertainty of providing these units.



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**Goal # 5: Protect the housing rights of individuals who are part of protected groups**

Rental assistance programs with local or state funding and modeled after the federal housing choice voucher program with expanded eligibility, flexibility, and increased efficiencies could assist residents who are chronically rent-burdened, without passing costs onto housing providers or other tenants. A means-test and housing sustainability measurement could assess the needs of the applicant and what housing can be made available with the programs awarding a supplementary payment to bridge the gap between 30% of an applicant's pre-tax income and their periodic rent. Such programs could be scaled to assist the desired number of potential voucher recipients across the region.

Tenant screening reports provide housing providers solely with a recommendation regarding the tenant based on the criteria provided (*i.e.*, tenant qualified to rent, tenant does not qualify to rent). These reports specifically exclude personal information to remove subjectivity from such determinations and eliminate the prospect for fair housing violations or discriminatory actions. Restricting housing providers from charging fees to applicants precludes providers from being reimbursed for staff time and expenses, such as fees charged by screening agencies, related to processing the application. Such restrictions could raise barriers to housing and drive up rents by passing these costs onto other tenants.

Conceptually, AOBA does not oppose right to counsel programs to ensure legal representation for tenants in landlord-tenant proceedings. However, it is important that the cost for tenants' counsel not be passed to the housing provider, as property managers have only one source of income: the rental payments from their tenants. As such, a "landlord-paid" counsel would become a cost for other tenants, raising the cost of housing, and diluting the impact to assist tenants. By contrast, providing funding from the state or local general fund would provide the service without raising the cost of housing for residents who can least afford the extra burden. Additionally, care should be taken that such programs do not result in an extension of the court process, as delays can have the effect of digging a deeper financial hole for the very tenants they are intended to assist.

Each jurisdiction and the region as a whole have made progress toward achieving a more equitable housing market, as noted in the draft Regional Fair Housing Plan. We celebrate these successes and look to build on them in pursuing the regional and local goals and priorities. We look forward to collaborating to expand housing access and to reduce and ultimately to eliminate fair housing violations across our region. We hope that the Metropolitan Washington Council of Governments and each of its participating localities will look to us as partners as you move forward to finalize and then to implement the Metropolitan Washington Regional Fair Housing Plan.

Sincerely,



Katalin Peter, Esq.  
Vice President of Government Affairs,  
District of Columbia-Residential  
Apartment and Office Building Association of Metropolitan Washington (AOBA)



Brian Anleu  
Vice President of Government Affairs,  
Maryland  
Apartment and Office Building Association of Metropolitan Washington (AOBA)



Scott E. Pedowitz  
Director of Government Affairs,  
Virginia

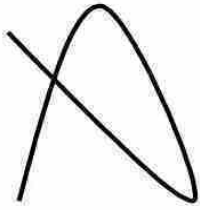
cc: Metropolitan Washington Council of Governments Board of Directors; Metropolitan Washington Council of Governments Executive Director Clark Mercer; Alexandria City Council; Arlington County Board; District of Columbia Council; Fairfax County Board of Supervisors; Gaithersburg City Council; Loudoun County Board of Supervisors; Montgomery County Council; Prince William Board of County Supervisors



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# Alliance for Regional Cooperation

*"Keeping it Regional"*

Metro Washington COG,  
Fair Housing Plan participating governments and  
Community Advisory Committee;  
***fairhousing@mwcog.org***  
31 March 2023

Distinguished Metropolitan Leaders & Housing Advocates,

Jim Schulman, Exec. Director  
631 E St. NE, WDC 20002  
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**Steven Shaff, Com. Vision Partners**  
**Michael Shuman, Neigh. Assoc. Corp.**  
**Eddie Tuvin, FSC First**  
**Peter Whitehead, SMC Concrete**

My name is Jim Schulman & The Alliance for Regional Cooperation (ARC), which I lead is a non-profit organization focused on sustainable regional economic development. I am also an Architect.

ARC promotes self-reliant approaches to metropolitan planning and development, addressing the region's ability to meet residents' basic needs for food, shelter, clothing, education, health care, water, and energy. These are human needs that can best be met through governmental policies that stress equity and regional self-reliance so that residents can become more self-sufficient & competitive in the global economy. Housing is widely acknowledged to be a regional policy issue that heavily impacts other sectors.

ARC is not opposed to the greater provision of a variety of housing types, mixed-use or mixed-income neighborhoods, the adoption of alternatives to auto-dominated land-uses nor housing equity policies that will actually serve those with great financial need. **We strongly agree with comments Suzanne Smith Sundburg from Arlington has submitted critiquing the draft report.**

Washington Metro area jurisdictions appear to be missing opportunities to improve the affordability of housing by:

- **fostering partial equity housing cooperatives as are common in DC, NYC, and Madison, WI**
- **establishing Community Housing Land Trusts**
- **reforming property appraisal methodology so that it does not continue to favor and encourage the unnecessary inflation of land values - which currently discriminates against people of color**

*Many area governments also appear to be missing opportunities to:*

- **incentivize the conversion of vacant luxury housing and vacant commercial property into affordable housing**
- **establish a program of reparations via housing policy, featuring down-payment assistance to former priced-out residents as Rochester, NY and Evanston, IL are piloting**

We thank you for this opportunity to share our concerns.

Sincerely,

ARC, Executive Director

## ENDependence Center of Northern Virginia (ECNV)

Comments on

### The Metropolitan Washington Council of Governments (MWCOG) Regional Fair Housing Plan

The ENDependence Center of Northern Virginia (ECNV) thanks the Metropolitan Washington Council of Governments (MWCOG) for the opportunity to review and comment on the Draft Regional Fair Housing Plan prior to its submission to the U.S. Department of Housing and Urban Development (HUD). ECNV applauds the MWCOG for its leadership in facilitating the first collaborative regional effort on fair housing in more than 25 years. Based on our review of the Plan, and comments we heard during recent listening sessions held in the Northern Virginia community, we offer our comments for your consideration.

#### About ECNV

ECNV is a community resource center run by and for people with disabilities who live and work in the Virginia Suburbs of Washington, D.C. Our service area includes Arlington, Fairfax and Loudoun Counties and the Independent Cities of Alexandria, Fairfax and Falls Church. For more than 40 years, ECNV has provided peer-based, self-help services to people of all ages who have all types of disabilities. Our core services include peer counseling and support, independent living skills training, information about programs and services that promote community living and prevent institutionalization, and individual and systems advocacy aimed at ensuring that the community is accessible and citizens with disabilities can fully participate in all aspects of society.

One primary focus of our advocacy and public education efforts has been housing. As individuals with disabilities ourselves, we know firsthand how important finding accessible, affordable and integrated housing is to being able to live, work, and fully participate in community life without fear of being forced into nursing homes or other institutions, isolated and segregated with every aspect of one's daily existence regulated by others, including when you get out of bed, when and what you eat, what you do with your time, who can visit you, and when you retire to bed for the night.

We are part of a network of more than 500 centers for independent living (CILs) in the United States, and among 17 such centers in the Commonwealth of Virginia. Among our colleagues in the Metropolitan Washington Region are the District of Columbia Center for Independent Living (DCCIL) and Independence NOW which serves Montgomery and Prince Georges Counties in Maryland. Together with our colleagues nationwide we worked for the enactment of disability rights protections, including the Americans with Disabilities Act (ADA) and the Fair Housing Act Amendments of 1988.

In June 1999, we heralded the U.S. Supreme Court Olmstead Decision. In that Decision, the Court, in applying the Most Integrated Setting provision of the ADA, said that people with disabilities have the right to choose to live and receive services in the most integrated setting and not be forced into nursing homes and other institutional placement. One of the key ingredients to be able to exercise one's ADA and Olmstead rights is 1) protection from discrimination on the basis of disability and 2) the availability of affordable, accessible and integrated housing in the community.

Consequently, we work diligently to help people with disabilities to secure housing that meets their needs, and we educate them about their rights to live in integrated settings in the community without facing prejudice or discrimination due to having a disability.

#### COMMENTS ON DRAFT PLAN

The Draft MWCOC Regional Fair Housing Plan was/is an ambitious and comprehensive analysis of challenges and efforts to address impediments to advancing fair housing undertaken by eight (8) local jurisdictions that receive federal funds to assist them with increasing the stock of affordable housing options in the Metropolitan Washington Region and addressing barriers to fair housing that include systemic racism and discrimination based on race, national origin, ethnicity, disability, marital and familial status, and other factors.

#### DEMOGRAPHICS

The Plan's Executive Summary describes the collaborative efforts undertaken by the 8 localities with overall coordination by MWCOC staff and consultants to provide for a regional analysis of the impediments to fair housing. The regional assessment presents demographic information that documents the increase in population from diverse racial and ethnic backgrounds, many of whom are not native English speakers and have limited English proficiency. It also includes information on the prevalence of individuals with disabilities residing in the region.

According to the Draft Plan, 9% of area residents are persons with disabilities. This data appears to come from the American Community Survey (ACS). The ACS has been the traditional source of information about the prevalence of disabilities used by most jurisdictions when preparing their Five Year Consolidated Plans. According to the Draft Fair Housing Plan, 9% of the region's population are persons with disabilities.

Our concern is that the ACS is a random sampling of a limited number of people with disabilities from which the Census Bureau derives an estimate of the percentage of the population that has disabilities. Data about other population groups is taken directly from the decennial Census and is clearly a more accurate count. Unfortunately, there is no question on the Census about whether there are persons with disabilities in a household and what types of disabilities they have.

Thus, given our familiarity with the disability community in the Metropolitan Washington Region, we believe that the prevalence of individuals who have disabilities is far higher than that cited in the Draft Plan. Many federal government and national disability advocacy groups estimate the prevalence of disability in the U.S. population at 20% to 25% of the total population. According to the American Association of People with Disabilities the number of individuals with disabilities in the United States is 56 million.

It should be noted that ACS and CHAS data used to prepare Consolidated Plans segregates data on the number of persons with disabilities from data about the number of seniors in the population despite the fact that many seniors have physical, sensory and cognitive disabilities.

It should also be noted that the definitions used to document the types of various disabilities in the community are inconsistent and appear to be based on subjective assessments of whether the people being surveyed have functional limitations in performing certain tasks, such as seeing, hearing,



independent living or transportation, which can result in inaccurate or duplicative or overlapping counts. Consequently, given the lack of a definitive source of data on the prevalence of disability, we would recommend an analysis of data on disability from a variety of sources.

Additionally, many people with disabilities migrate to the Washington Metropolitan Area from other parts of the country seeking educational and job opportunities here. They also come because, as a major metropolitan area our region has more community amenities which are accessible than most communities. Consequently, we are convinced that the prevalence of disability in this metropolitan area is likely to be higher than documented in the Draft Plan. We fear that the amount of resources allocated to address the housing needs of people with disabilities may be unfairly limited due to an undercount. We are also concerned that it is possible that the needs of persons with disabilities from other marginalized populations, especially immigrants, are not well documented.

#### HOUSING PROBLEMS AND LACK OF ACCESSIBLE UNITS

The Draft Plan looks at the lack of accessible housing in the Region. It cites the requirement of the Fair Housing Act as well as Section 504 requirement that apply to federal assisted housing. However, it does not clearly explain the limits of these requirement to produce a significant number of fully accessible housing units.

For example, FHAA requirements apply to all newly constructed, multi-family residential units built since 1991. However, the accessibility standards for residential units as opposed to common areas are fairly minimal, dealing with elements in the built environment such as door and hallway widths and height of environmental controls. Bathroom must include loadbearing walls to accommodate the installation of grab bars and bathroom and kitchen cabinets must be able to be modified so that a person with a disability using a wheelchair can roll under them and use them.

However, the analysis does not address some of the limitations of the Fair Housing Act requirements. For example, although all units in elevators buildings must comply with the Accessibility Standards of the FHAA, only ground floor units must comply in garden style developments. The impact is that the potential number of new developments with units that are covered by the FHAA is significantly reduced. Furthermore, a individual with a significant physical disability who needs accessibility features beyond to FHAA requirements will face the potential of having to pay to make accessibility modifications. This can present an extra financial burden on a renter with a disability that goes beyond the burden that other low- and extremely low income renters face due to rising rent costs.

The Section 504 accessibility standards, i.e., the federal Uniform Federal Accessibility Standards (UFAS) apply to federally assisted housing units, such as those constructed with CDBG or HOME funds. These units meet the standards for fully accessible units that provide for maximum independence for individuals with disabilities. However, the number of these units is extremely limited and once they are occupied their occupants tend to remain in them for years. We feel that it is important to document the limitations and restrictions that negatively impact the availability of accessible and usable units to meet the housing needs of persons with disabilities.

The Draft Plan also mentions that localities are using Low Income Housing Tax Credits to finance new affordable housing. However, the plan says that these units only have to meet minimum accessibility requirements. This may be true when using non-competitive 4% tax credits, but in Virginia, developers

seeking 9% tax credits are required to make at least 10% of the units fully accessible (Type A) units. This presents an opportunity to increase the number of fully accessible units, and it has been used by Northern Virginia jurisdictions, in part, as an incentive to building more accessible units. We believe that the analysis in the Draft Plan is deficient since it is not sharing information about this type of solution to the lack of accessible housing in our communities.

We also note that the analysis does not mention that most state building codes have some requirement with respect to the percentage of newly constructed units that are Type A fully accessible in any new residential project. This percentage is 2% of the total number of units in Virginia. The problem is that the percentage is so low that it is not adequate to address the demand. However, in our opinion, not pointing this out does not adequately educate the elected officials reading the Plan about a potential long term solution to the problem of the lack of accessible housing. A policy change advocating an increase in the state building code to require 10% of all newly constructed residential units to be accessible Type A units could over time bring the number of accessible units closer to meeting the need.

Furthermore, it would begin to increase the number of units that a person with a disability could occupy using a housing choice, Mainstream or other housing voucher. Similarly, it will help to increase the stock of housing available to seniors who want to age in place in the community.

#### ADDRESSING SEGREGATION OF PERSONS WITH DISABILITIES

We are concerned that the regional analysis specifically calls out the Olmstead Decision, but it appears to imply that that Decision only applies to people with intellectual, developmental or mental health disabilities. Many people with physical and sensory disabilities, including seniors are trapped in nursing homes due to the lack of fully accessible housing as well as personal assistance services and other long term supports and services. The Olmstead Decision obligates ADA Title II entities, including local governments to ensure the rights of all people with disabilities to live in the community.

#### Regional Goals and Objectives

Finally, we would like you to consider changing the wording of the objective under the Goal of addressing the needs of persons with disabilities to ask localities to increase the percentage of multi-family units in new construction to 10% of the total number of units to remove the reference to public funded units only. If that wording is used it will severely limit the number of units that could be added to the stock of accessible housing.

In summary, we great appreciate the collaborative efforts, time and energy that went into this Regional Plan and look forward to its successful implementation. Thank you for the opportunity to comment.

Respectfully Submitted,

Doris M. Ray



The Equal Rights Center (ERC) is a civil rights organization that identifies and seeks to eliminate unlawful and unfair discrimination in housing, employment, and public accommodations in its home community of Greater Washington, D.C. and nationwide. For many years, the ERC has conducted intakes with individuals in the Washington, D.C. metropolitan region who believe they may have experienced housing discrimination, investigated individual claims and systemic forms of housing discrimination, pursued enforcement of the Fair Housing Act and state and local fair housing laws as needed, and conducted education and outreach about fair housing protections and requirements. We were also honored to serve on the community advisory committee as part of the regional analysis of impediments effort. We have reviewed the draft Metropolitan Washington Regional Fair Housing Plan and appreciate the opportunity to offer the following comments to be taken into consideration in the crafting of the final regional fair housing plan.

Overall, we appreciate the novel regional approach taken for this fair housing plan, which MWCOC and participating jurisdictions were not required to undertake, and which we understand likely demanded additional resources compared to if individual jurisdictions in the region had proceed independently. We hope the regional approach serves as a national model for other metropolitan regions. Previous fair housing plans in the region have been individually prepared by local jurisdictions, for example by the District of Columbia or Fairfax County, which can make it challenging to identify the broader regional trends and solutions necessary to address a regional housing market. The ERC commends the Metropolitan Washington Council of Governments (COG) and the participating local jurisdictions for this more collaborative approach.<sup>1</sup>

We also appreciate the coalition’s effort to engage the community in crafting the plan. It is crucial that the area’s residents – especially members of groups that have historically been devalued and left out of planning and decision-making processes – have a say in shaping the region’s fair housing priorities.

Of course, no effort that is simultaneously so expansive but also detailed in nature can be perfect, but we remain invested in ensuring that the final plan is as good as it possibly can be. In that spirit, we offer the following comments, concerns, and suggestions, targeted at ensuring there are actionable strategies and accompanying commitments to ensure the region achieves the plan’s goals:

***To Stem the Tide of Increasing Neighborhood Segregation, the Plan Must Include Broader Commitments to Building & Preserving Deeply Affordable Housing***

The ERC appreciates the plan’s focus on increasing affordable housing to combat the tide of increasing segregation in the region. Throughout the United States, historical racism and its ongoing legacy have not only impacted people’s access to housing, but also their access to employment and their ability to

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<sup>1</sup> The participating jurisdictions include the 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.

accumulate wealth. As a result, class and race are deeply intertwined. The most recent DC<sup>2</sup> and Fairfax County<sup>3</sup> AIs found that a lack of affordable housing played a significant role in worsening neighborhood segregation. This trend holds true across the region.

However, the affordable housing crisis is not new. For the past several years, the ERC has been ringing the alarm about the affordable housing crisis in our region, particularly in the District. The *District of Columbia Analysis of Impediments to Fair Housing Choice 2006–2011* identified that most housing in DC was unaffordable to most DC residents.<sup>4</sup> Efforts over the last decade have proven inadequate to stop the worsening problem of housing unaffordability. The scope of the affordable housing crisis facing the region is now massive, and will require local jurisdictions to mount equally massive, thoughtful, and immediate investments in response.

For this reason, we were relieved to see the plan’s stated goals to not only build affordable housing, but also preserve it. Given the pace of growth in our region, affordable housing established under temporary contracts only temporarily delays the displacement of the region’s low-income residents. Affordable housing must be made permanent to have a real impact.

We were also heartened to read the plan’s stated goal to create new rental housing for people earning at or below 60 percent of the Area Median Income (AMI) instead of 80 percent, as had been proposed previously. This change will help ensure that lower-income residents will be able to find and maintain housing.

However, this goal alone is insufficient, as many developers have historically and likely will continue to build housing for people at the higher end of that range. As such, the region’s lowest-income residents will remain most vulnerable to displacement. The region should prioritize the construction and preservation of deeply affordable units for residents earning at or below 30 percent AMI in order to avoid escalating this crisis. The ERC recommends including in the plan a goal that sets a minimum percentage of affordable housing for residents at or below 30 percent AMI.

### ***Jurisdictions Need to Commit to Robust, Systemic Investigation and Enforcement of Fair Housing Violations***

In order to adequately address the extent of the fair housing concerns detailed in the plan, jurisdictions must proactively and systemically enforce federal, state, and local fair housing laws. It would be ideal if

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<sup>2</sup> “Draft for Public Comment: Analysis of Impediments to Fair Housing Choice Washington, D.C.” (2019). DC Department of Housing and Community Development, the Lawyers’ Committee for Civil Rights Under Law, and the Poverty and Race Research Action Council (PRRAC).

<https://dhcd.dc.gov/sites/default/files/dc/sites/dhcd/publication/attachments/D.C.%20Draft%20Analysis%20of%20Impediments%20to%20Fair%20Housing%20Choice%209.27.2019%20%281%29.pdf>

<sup>3</sup> “Fairfax County, Virginia Analysis of Impediments to Fair Housing Choice 2016-2020” (2017). Fairfax County, Department of Housing and Community Development and Fairfax County Office of Human Rights and Equity Programs, Human Rights Division.

<https://www.fairfaxcounty.gov/humanrights/sites/humanrights/files/migration/docs/ai-2016-2020.pdf>

<sup>4</sup> “District of Columbia Analysis of Impediments to Fair Housing Choice 2006–2011” (2012). District of Columbia Department of Housing and Community Development.

<https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/DC%20AI%202012%20-%20FINAL.pdf>



participating jurisdictions would make public commitments to doing so as part of their plan adoption efforts.

While victims of discrimination can individually defend their fair housing rights through litigation or the administrative complaint process, they must not be made to bear the burden of ensuring the region is free from housing discrimination. For many, litigation is not an accessible option. The administrative complaint process, meanwhile, can be a years-long, sometimes re-traumatizing endeavor. As their complaints progress through the process, individual complainants are required to repeatedly relive the discrimination they experienced. Some former ERC clients have found the administrative complaint process to be even more traumatic than the initial discrimination they experienced. Jurisdictions should conduct testing and other systemic investigations and aggressively pursue enforcement of fair housing violations in order to lift this undue burden off of individual victims. The region's residents deserve to be treated with fairness and respect at the leasing office, mortgage lender, and beyond.

The ERC also recommends that the plan set specific goals for civil rights testing, which is arguably the most effective tool for uncovering and pinpointing systemic barriers to fair housing. At Community Advisory Committee meetings, the ERC was excited to hear that the local governments had committed to conducting testing across the metropolitan area. These commitments should be included in the final plan. Testing serves as a critical tool for identifying more subtle forms of discrimination, such as in the sales and lending market. The report places a significant emphasis on increasing homeownership, but these goals will fail to reduce the racial homeownership gap unless they include a robust campaign to confront sales and lending discrimination against people of color, especially Black homebuyers. The plan should stipulate that participating jurisdictions fund fair housing testing and commit to following through on test results.

### ***The Plan Needs an Implementation Roadmap***

One of the greatest disappointments with previous AIs has been the lack of full implementation. Local jurisdictions have devoted significant time and resources into creating this report and identifying goals and strategies for reducing housing discrimination. This commitment cannot end once the report is published, but instead participating entities must double down on effective implementation. To facilitate that, the plan should at least include a roadmap for the further work jurisdictions will need to engage in.

### ***Conclusion***

The Regional Fair Housing Plan's purpose – to eliminate housing discrimination and promote affordable, integrated communities throughout the region – is an essential one. This draft is a valuable first step. The ERC commends the report's collaborative, regional approach and emphasis on affordable housing; however, we also urge that the final plan include:

- Goals related to building and preserving deeply affordable housing for the region's lowest income residents, at or below 30 percent AMI.
- Commitments from the jurisdictions involved to conduct fair housing testing and other systemic investigations as part of enforcement efforts to proactively root out barriers to fair housing and ensure that the burden of combatting discrimination across the region does not fall on individual complainants.



- An implementation roadmap to ensure that the time and resources spent and the collaborative framework established in the plan's creation do not fall apart after it is published. The plan is only meaningful if each jurisdiction involved implements it effectively.

With these changes made, the plan will offer the jurisdictions involved a real opportunity to replace patterns of discrimination and segregation with fair, affordable, and integrated housing throughout the region.



March 29, 2023

The Fairfax County Commission for Women would like to take a moment to thank the Metropolitan Washington Council on Governments and all included stakeholders for your thoughtful, inclusive, and forward-leaning ideas and close watch over the issue of affordable housing.

In this open letter, the Commission would like to take this opportunity to reflect on the Fair Housing proposal and make several recommendations for the Council's consideration.

The lack of affordable housing is something that disproportionately affects women. Women are more likely to be employed in underpaying jobs, more likely to be single parents, and more likely to carry the burden of childcare costs; all of which has been exacerbated by the fallout of the COVID-19 pandemic and is concentrated in areas throughout Fairfax County.

Additionally, it's been well-researched that Virginia is home to five out of the top ten cities in the country with the highest eviction rates. While this problem is concentrated in the southern half of the state, it has worrisome implications for the Metropolitan area as poverty continues to suburbanize.

Understanding this, the Fairfax County Commission for Women would like to urge Fairfax County to consider including the following elements in the Regional Fair Housing plan.

Recommendations:

- Establish programs and outreach to make it easier for single women and women of color to purchase homes and apply for rental assistance.
- Direct more targeted funding towards housing and rental assistance for those who are at the extreme margins – making 30% of the AMI.
- Identify pathways in the local or state code structure to establish minimum affordable housing requirements for apartment complexes over 12 units and ensure that designated affordable housing units stay affordable over the long-term.

We thank you for your consideration and for including women and girls in equitable practices throughout the region.

The Fairfax County Commission for Women

March 13, 2023

Executive Director Clark Mercer  
Metropolitan Washington Council of Governments  
777 North Capitol Street NE, Suite 300  
Washington, DC 20002

**Re: Regional Fair Housing Plan**

Dear Executive Director Mercer,

The Greater Washington Partnership ("the Partnership") commends you and your team for the draft of the Regional Fair Housing Plan, an important planning document to increase access to safe and affordable housing and create more inclusive communities throughout the Washington area.

The Partnership is a first-of-its-kind nonprofit alliance of the region's most influential and leading employers in Maryland, Virginia and Washington, DC. Together, we leverage our collective experiences, resources, and assets to identify shared challenges and offer real solutions to the region's most critical issues including skills and talent, regional mobility, infrastructure, and inclusive growth. Affordable housing, in thriving communities that are well-connected to the region's job, educational, and recreational centers, are key components of our [Blueprint for Regional Mobility](#) and [Regional Blueprint for Inclusive Growth](#).

I appreciate the opportunity to comment on the draft plan and offer the following comments and recommendations for how the Metropolitan Washington Council of Governments (COG) could advance our shared goals to enhance our region's economic competitiveness and collaboration, ensure inclusive growth, and expand access to moderate and affordable housing.

**The Partnership commends the draft's focus on:**

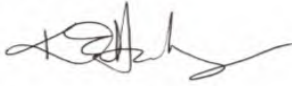
- The supply of affordable housing for families earning at or below 60% of the Area Median Income (AMI), a segment of the regional workforce that is currently underserved and overburdened by housing costs according to the Partnership's [Inclusive Growth Dashboard](#).
- Pro-growth zoning and land use policies to expand the supply of housing, a key solution supported by the Partnership's [Housing Pillar](#) of our Regional Blueprint for Inclusive Growth.

**To strengthen the final draft plan, the Partnership recommends:**

- A bolder goal for affordable rental units in the region. The draft only calls for preserving the same number of existing affordable rental units. The region needs even more affordable rental units in the future to address the pressing affordability challenges and prevent displacement.
- A stronger focus on more housing, especially affordable housing, near high-quality transit. While the draft calls for making public transit easier to access and more affordable, the final plan could include a stronger focus on transit-oriented zoning and land use policies to increase the supply of affordable housing near affordable transportation options.

I thank you for your review and consideration of the Partnership's comments intended to support our shared goal of making this region the best place to live, work, and build a business.

Sincerely,



Kathy Hollinger  
CEO

CC: Francesca Ioffreda, Vice President of Inclusive Growth & Talent Initiatives, Greater Washington Partnership  
John Hillegass, Director, Regional Mobility & Infrastructure, Greater Washington Partnership





## Housing Opportunities Made Equal of Virginia

Ensuring equal access to housing for all people.

Metropolitan Washington Council of Governments  
Attn: Fair Housing Plan  
777 North Capitol Street NE, Suite 300  
Washington, DC 20002  
[fairhousing@mwkog.org](mailto:fairhousing@mwkog.org)

Thank you for the opportunity to comment on the Regional Fair Housing Plan. We at Housing Opportunities Made Equal (HOME) of Virginia commend the jurisdictions in Northern Virginia for their efforts to expand access to quality affordable housing and address the impact of housing inequities. We applaud MWCOC for bringing together the many localities in the region for the first time in 25 years to collaborate on these critical goals. Housing inequities transcend the borders of jurisdiction. As such, the most effective remedies require participation from residents, advocates, and government officials in all neighboring localities. We recognize that so much more is possible through this regional coalition, and thus, we have high hopes for the implementation of this plan.

Specifically, we appreciate the plan's emphasis on housing for those with incomes below 60% AMI and for those from disadvantaged protected classes, with particular focus on accessibility. HOME is very supportive of the inclusion of fair housing analyses in significant rezoning efforts. We believe strongly that any changes to zoning ordinances must consider the potential for displacement and tenant instability. We also want to highlight the goal to establish a right of first refusal for manufactured home park residents. Thank you for including this vital provision in the plan to protect these residents and the affordability of manufactured homes. Furthermore, HOME commends the jurisdictions in Northern Virginia for their commitment to more fair tenant screening practices regarding criminal history. While we are supportive of the many goals outlined in the plan, we are aware that much work is still required to make these goals a reality. HOME believes that clear accountability and transparency measures will be necessary to ensure that this plan is implemented in a timely and comprehensive manner.

Thank you for your important work in Northern Virginia. If you have questions about our comments or would like to learn more about HOME's fair housing work across the state, please reach out to our Executive Director, Thomas Okuda Fitzpatrick, at [TFitzpatrick@homeofva.org](mailto:TFitzpatrick@homeofva.org).

**About HOME:** Housing Opportunities Made Equal of Virginia (HOME) is a civil rights fair housing organization with a mission to ensure equal access to housing for all people. Founded in 1971, we exist to address housing-related systemic inequities that perpetuate segregation, concentrations of poverty, and wealth inequality. HOME enacts its mission through fair housing enforcement and advocacy, housing research and policy, and HUD-approved housing counseling and education direct services. At a time when unequal access to housing and credit contributes most to the United States' growing wealth gap, HOME's multifaceted approach is a powerful catalyst toward furthering fair housing. You can learn more about HOME and all its services at [www.HOMEofVA.org](http://www.HOMEofVA.org).



**Metropolitan Washington  
Regional Fair Housing Plan**

**Draft of January, 2023**

**Comments & Recommendations**

**March 31, 2023**

## **INTRODUCTION:**

The draft Regional Fair Housing Plan (Draft Plan), published in January 2023 by the Metropolitan Washington Council of Governments (MWCOCG) provides important information and laudable goals. Unfortunately, the policies and programs offered are not sufficient to address the magnitude of the problem.

The number one problem identified in the Draft Plan is the lack of affordable housing. In particular, many households are paying more than 30% of their income for housing costs. The Draft Plan does not explain why there is a lack of affordable housing. Many of the recommended policies and programs fall short because they do not address the root causes of this problem.

In some cases, there might be sufficient housing supply, but some people might lack "effective demand." In other words, they lack the income to pay housing costs. For example, in Rust Belt cities in the United States, housing prices are often very low. Large homes can be purchased more cheaply than one-bedroom condos in New York City. But, if you're unemployed in a Rust Belt city (as many are), even a cheap home can be unaffordable.

In other cases, there might not be sufficient supply. For example, in Silicon Valley in California, many households are affluent (making six-figure incomes). Yet, many of these households have difficulty finding decent affordable housing.

Policies that might be effective in increasing effective demand (housing vouchers or other subsidies to households) might be ineffective if the problem is constrained supply. In such a case, housing subsidies would simply exacerbate inflation in housing prices. On the other hand, increasing housing supply in a place that has ample supply (including many vacant homes) might be ineffective if the problem is unemployment and a lack of income.

## **GOVERNMENT BARRIER TO AFFORDABLE HOUSING: THE UPSIDE-DOWN TAX**

Landowners who construct or improve housing are punished with higher property taxes. A 1% or 2% property tax might not seem like much. However, unlike a sales tax that is only paid once (at the time of sale), a property tax is paid each and every year that an improvement adds value to a property. For long-lived assets (like buildings and building components) this stream of tax payments can be substantial. **Thus, a 1% or 2% property tax can have the economic impact of a 10% to 20% sales tax on construction labor and materials.**

Meanwhile, **owners who allow buildings to deteriorate are rewarded with lower taxes.** And the owners of vacant lots typically pay much less tax than their neighbors with buildings, even though it costs the local government about the same to maintain streets, sidewalks and sewers in front of similar-sized properties regardless of whether they are vacant or developed.

## **A REMEDY**

Fortunately, some communities have turned these upside-down incentives right-side up. They have transformed their property tax into an infrastructure access fee. This is accomplished by **reducing** the tax rate applied to privately-created building values while **increasing** the tax rate applied to publicly-created land values. The lower rate on buildings makes them cheaper to

construct, improve and maintain. This lowers space costs for residents and businesses alike. Surprisingly, the higher rate applied to land values helps keep land prices more affordable by reducing profits from land speculation. As a bonus, the higher rate on land encourages development of high-value sites -- typically infill sites near existing urban infrastructure amenities. Increasing infill development reduces development pressure at the urban fringe, reducing sprawl.

This policy, combining lower rates of tax on building values with higher rates of tax on land values, increases housing supply. And, by reducing space costs and encouraging construction, improvement and maintenance activities, it stimulates employment, increasing incomes as well. Thus, **without new spending or any loss of revenue, this “tax shift” can make both buildings and land more affordable, increase employment and reduce urban sprawl.** In other words, this policy addresses both supply side and demand side problems.

### **LOWER-INCOME HOUSEHOLDS**

If this tax reform reduced the market price of housing by 10% or more, some might complain that it would not help very low income households. Certainly, vouchers will be necessary for some households. But because vouchers typically fill the gap between 30% of income and the market price, the ability of the tax shift to reduce market prices will reduce the gap and allow a given amount of voucher subsidies to assist more households.

### **DENSITY**

Why is housing so much cheaper in Rust Belt cities than in the Metropolitan Washington Region? It's not because the price of labor or materials is that much less there than here. Instead, it's primarily because land prices are so much higher here. A high demand for commercial and residential space in our Region causes high land prices.

It would seem obvious that if we could get more households to share the same parcel of land, the cost of land per household could be reduced and housing could be made more affordable. This is the rationale behind recommendations for zoning reforms that would increase allowable densities.

Unfortunately, if the allowable density for a parcel is increased, the potential income from the parcel increases and so does its price. Thus, increasing allowable density leads to even higher land prices – and this reduces or eliminates the ability of density increases to reduce the cost of land per household.

However, if the tax shift were implemented, publicly-created land values (as a result of higher density zoning) would be returned to the community instead of becoming windfall profits for landowners. This would minimize land price increases due to zoning reform, thereby making zoning reform a more effective policy than it is under the traditional property tax system.

### **TRANSIT ACCESS**

Today, transit access is a double-edged sword. It can be very helpful for low-income individuals by providing them with better access to education, jobs, shopping and recreation. But, because

transit service is so valuable, proximity to high-quality transit typically increases land prices and rents, thereby displacing the households that need it most.

However, if the tax shift were implemented, transit-created land values would be returned to the community instead of becoming windfall profits for landowners. In this way, transit could become financially self-sustaining to a greater degree because transit created land value could be returned to the transit agencies instead of being given away to landowners. (Hong Kong's transit system is profitable because it owns land around and air rights above its transit stations. Thus, transit-created land values are returned to the transit agency in the form of rent.)

#### **CONCLUSION:**

Transforming the traditional property tax into a public infrastructure access fee has been implemented successfully in both urban and rural communities. This tax shift is not the only policy or program required to improve housing affordability. However, if it is not implemented, many of the other important policies and programs are less effective or even counter-productive.

For more information, see <https://www.shareable.net/land-value-return-and-building-a-more-equitable-economy/>.

See also, “**Invisible Role of Taxes in US Housing Shortage**” (Wall Street Journal) 2023-03-06 <https://www.wsj.com/video/series/wsj-explains/the-invisible-role-taxes-play-in-americas-housing-shortage/3B6959A8-71A5-4943-94C6-DE52E3AB8DD0>

Thank you for considering my comments. Please let me know if I can provide any assistance regarding the design or implementation of this tax reform.

Sincerely,

A handwritten signature in cursive script that reads "Rick Rybeck".

Rick Rybeck  
Director





March 28, 2023

RE: MWCOC Attn: Fair Housing Plan

To Whom it May Concern:

The National Community Reinvestment Coalition (NCRC) appreciates the opportunity to comment on the Metropolitan Washington Regional Fair Housing Plan. The region is to be commended for developing the first regional plan in 25 years. The plan provides an important opportunity for local jurisdictions to collaborate in promoting integration and access to affordable housing, job opportunities and improved quality of life for people of color.

NCRC is an association of over 600 community-based organizations around the country and in the District-Maryland-Virginia (DMV) area whose mission is to increase access to credit and capital for revitalizing communities of color and modest income neighborhoods. We are thus excited about this regional plan and hope opportunities present themselves to help you achieve the objectives described in the plan. This comment will focus on the regional housing plan and those of Montgomery County and the District of Columbia.

The regional plan and those of the participating jurisdictions have several commendable aspects, programs and approaches for achieving fair housing objectives. The programs and approaches of the various jurisdictions are innovative and long standing. At the same time, NCRC encourages you to describe more specific actions, commit to reporting outcomes of the actions and to use the Community Reinvestment Act (CRA) as a means to promoting affordable housing and fair lending.

In addition, the region should consider some region-wide approaches to achieving fair housing and improved quality of life for people of color. One such approach could be working with banks to establish regional Special Purpose Credit Programs (SPCP) and enlisting banks to partner with regionwide first time homeownership programs and rental housing development and preservation. Although we are commenting on fair housing plans, we also encourage the jurisdictions to work with banks to create small business lending programs targeted to women- and minority-owned small businesses that provide employment opportunities and basic necessities (including quality food, child care and health care) for people of color residing in economically disadvantaged neighborhoods.

In a region that is less than 50% White, segregation has been increasing. Your plan documented that the more segregated a region is, the fewer opportunities people of color have to advance economically. Segregation also increases racial inequality.<sup>1</sup> In the DMV, African Americans were one quarter of the population but 80% of the residents of racially or ethnically impoverished neighborhoods.<sup>2</sup> Over 50% of African Americans and almost 42% of Hispanics

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<sup>1</sup> Metropolitan Washington Fair Housing Plan, Executive Summary, Draft, January 2023, p. 7, [https://www.mwcog.org/assets/1/6/Executive\\_Summary\\_Fair\\_Hsg\\_English\\_with\\_cover4.pdf](https://www.mwcog.org/assets/1/6/Executive_Summary_Fair_Hsg_English_with_cover4.pdf)

<sup>2</sup> Metro Fair Housing Plan, p. 8.



confronted housing problems (physically inadequate housing or cost burden) compared to 25% of whites.<sup>3</sup>

In response to barriers experienced by people of color, the regional plan outlined sensible policy approaches. If they are implemented in an aggressive fashion, they could lessen the disparities the plan identified. Among the policies and approaches the plan listed were these<sup>4</sup>:

- Create new rental units to focus on lower income tenants at 60% of area median income (AMI) instead of 80% of AMI.
- Provide low-interest loans to homeowners that want to build accessory dwelling units (ADUs) that can offer opportunities for modest income renters to reside in less segregated neighborhoods.
- Increase inclusionary zoning initiatives. Local suburban jurisdictions should follow Arlington County's lead in creating multi-unit zoning.
- Establish a loan fund to help tenants, nonprofit organizations and local government agencies to buy apartments and manufactured home parks for sale in an attempt to preserve affordable housing.
- Expand resources for low fare or free bus service (following the District of Columbia's anticipated program of free bus service) in order to improve access to jobs in the DMV.
- Expand local resources for housing vouchers.
- Reduce appraisal bias and increase resources for housing testing.
- Engage in housing equity analyses when considering changes in zoning.
- Increase allowable density and provide affordable housing units in new developments.

NCRC supports each of these proposals and urges the region to document progress. We hope that HUD's forthcoming Affirmatively Furthering Fair Housing (AFFH) rule will require annual reporting (as currently proposed) and in that case recommend that the region and its component jurisdictions publicly report annually on progress toward concrete metrics. The 2022-2026 plan should record how many new units for tenants at or below 60% of AMI are created. The next plan should then commit to a realistic yet aggressive increase in that number. Further, the region should set metrics for unit location and should document where the units are located and whether they are in less segregated neighborhoods. In addition, any publicly subsidized loan program to support ADUs should provide similar documentation.

Federal agencies including the Department of Housing and Urban Development have clarified that the Fair Housing Act allows for SPCP programs as ways to narrow racial inequities in lending. If a bank documents with data analysis that a group of borrowers or neighborhoods are underserved, the bank can design a SPCP that targets people of color including a home purchase

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<sup>3</sup> Metro Fair Housing Plan, p. 11.

<sup>4</sup> Metro Fair Housing Plan, pp. 20-21.





program or a program to lend to small businesses.<sup>5</sup> The jurisdictions should work with banks to develop SPCP programs and then document their progress.

The jurisdictions should employ the Community Reinvestment Act (CRA) to offer loans to people of color and traditionally underserved communities.<sup>6</sup> Montgomery County mentions CRA in its fair housing plan but in a cursory manner. While we commend this mention of CRA, the plan for the DMV region as a whole and for individual jurisdictions should elaborate on using CRA to increase access to credit. CRA requires federal bank agencies to measure and rate bank lending, investing and service to low- and moderate-income (LMI) borrowers and communities. Within the LMI community, there is a significant segment of people of color that CRA can directly benefit.

A regional program featuring downpayment assistance and home purchase loans to modest income first time homebuyers is likely to also serve considerable numbers of people of color. The DMV region should establish this type of program either jointly or the individual jurisdictions ought to establish similar programs. Documentation of program outcomes should include income levels of borrowers and their race/ethnicity and gender. Documentation should also include neighborhoods in which the borrowers reside and whether the program is promoting choice and increasing integration at a neighborhood level.

### **Recommendations for Montgomery County's Plan**

A major component of the county's plan is employing its Moderately Priced Dwelling Unit Program (MPDU) program. Under the MPDU program, developers of 20 or more units of housing must include affordable housing. As one of the first of its kind in the country, Montgomery County has operated the MPDU program for decades. This program has a statutory objective of assisting minority households, young families, older adults and female-headed households. A report in 2004 documented that over 30 years, the county provided 11,000 MPDU rental and homeownership units.<sup>7</sup>

Because segregation is increasing in Montgomery County, the county should build on its MPDU experience to develop or expand methods for marketing the program in an affirmative manner to people of color and to increase neighborhood-level integration.<sup>8</sup> The county should commit to

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<sup>5</sup> Memorandum from Demetria L. McCain, Principal Deputy Assistant Secretary for Fair Housing & Equal Opportunity, *FHEO's Statement by HUD's Office of Fair Housing and Equal Opportunity on Special Purpose Credit Programs as a Remedy for Disparities in Access to Homeownership*, December 7, 2021, [https://www.hud.gov/sites/dfiles/FHEO/documents/FHEO\\_Statement\\_on\\_Fair\\_Housing\\_and\\_Special\\_Purpose\\_Programs\\_FINAL.pdf](https://www.hud.gov/sites/dfiles/FHEO/documents/FHEO_Statement_on_Fair_Housing_and_Special_Purpose_Programs_FINAL.pdf)

<sup>6</sup> For more on CRA, see <https://ncrc.org/> or <https://www.ffiec.gov/cra/default.htm>

<sup>7</sup> Aron Trombka and Michael Faden, February 2004, *Strengthening the Moderately Priced Dwelling Unit Program: A 30 Year Review, A Report to the Montgomery County Council*, [https://www.montgomerycountymd.gov/DHCA/Resources/Files/housing/singlefamily/mpdu/report\\_mpdu30yearreview.pdf](https://www.montgomerycountymd.gov/DHCA/Resources/Files/housing/singlefamily/mpdu/report_mpdu30yearreview.pdf), pp. 1-2.

<sup>8</sup> Draft Washington Regional Fair Housing Plan, Montgomery County, January 2023, p. 28, [https://www.mwcog.org/assets/1/6/Montgomery\\_County\\_Clean\\_web.pdf](https://www.mwcog.org/assets/1/6/Montgomery_County_Clean_web.pdf)



reporting data on the demographics of MPDU occupants, including race and ethnicity, and should report on the demographics of neighborhoods in which MPDU occupants reside. A report issued in 2004 on the 30-year history of MPDU reported unit production by town such as Bethesda-Chevy Chase, suggesting that a county-maintained database could accommodate census tract reporting or at least reporting by town and indicating the demographics of the town. Furthermore, a county website indicates that annual MPDU data collection includes “demographic information which will assist staff to assess the program’s racial equity going forward.”<sup>9</sup>

The draft plan reported that concentrations of renters correlate with racially segregated areas. The county should work on providing more rental MPDU opportunities in less segregated areas and affirmatively marketing these units to people of color.<sup>10</sup>

If results are not up to expectations, the county should increase its affirmative marketing and other actions to promote fair housing. The county should list the community organizations that help market the MPDU program, including how many and which organizations are controlled by people of color. The county should also document other means of affirmative marketing such as the use of minority-owned media.

Other policies and programs that Montgomery has committed to include in its plan include:

- Eviction prevention – The County’s plan mentioned partnerships with nonprofit organizations to provide counseling and eviction prevention services. The state recently passed a law to fund the right to counsel for tenants facing eviction. The state, county, and nonprofit organizations should partner to collect data on tenants receiving counseling and those represented by a lawyer in court. The demographics of clients and outcomes such as eviction prevention or moving to alternative affordable housing should be recorded and presented in annual updates to the fair housing plan.<sup>11</sup>
- Identifying landlords with inclusive screening procedures – The draft plan stated that the county would identify landlords that waive customary screening procedures regarding criminal and credit history. The county should maintain a publicly available list of these landlords.<sup>12</sup>
- Lowering income targeting to 60% of AMI in new affordable rental developments and expand locally funded housing voucher programs<sup>13</sup> - About 20% of African American and Hispanic residents face severe cost burden as opposed to 10% of white residents in

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<sup>9</sup> Memo from Aseem K. Nigam Director, Department of Housing and Community Affairs to Gabe Albornoz, Council President, *Annual Report on the Moderately Priced Dwelling Unit (MPDU) and Workforce Housing Programs Covering Calendar Year 2021*, p. 6, [https://www.montgomerycountymd.gov/DHCA/Resources/Files/housing/affordable/publications/mpdu/annual\\_report\\_mpdu\\_2021.pdf](https://www.montgomerycountymd.gov/DHCA/Resources/Files/housing/affordable/publications/mpdu/annual_report_mpdu_2021.pdf)

<sup>10</sup> Draft Montgomery County Plan, p. 32.

<sup>11</sup> Draft Montgomery County Plan, pp. 14 and 155.

<sup>12</sup> Draft Montgomery County Plan, p. 14.

<sup>13</sup> Draft Montgomery County Plan, pp. 152 and 159.



the County.<sup>14</sup> Overall more than 50% of Hispanic households and 45% of African American households experience housing problems (physical inadequacy or cost burden) compared to 25% of white households in the County.<sup>15</sup> Affirmative marketing should include aggressive outreach to African Americans and Hispanics regarding new affordable rental developments and any additional vouchers funded by local governments. Montgomery County should commit to reporting on the demographic characteristics of households served by new rental units and vouchers to determine whether racial disparities are being narrowed.

- Expand access to low fare or free bus service<sup>16</sup> – The draft plan described a desire for additional funding for discounted fares. It also mentioned that Hispanics overall tend to have lower access to jobs in the county. In addition, Asians and African Americans below the poverty line fare poorly in terms of job access.<sup>17</sup> The county should explore free or reduced fares for bus routes serving neighborhoods with concentrations of these populations and then conduct follow-up surveys to see if access to jobs has improved.

Lastly, Montgomery County’s draft plan presented lending disparities by race but then did not indicate what policies or programs could reduce these disparities. The draft plan documented that the average interest rates for Whites and African American borrowers were 4.21% and 5.29%, respectively.<sup>18</sup> Over the life of the loan, these price disparities can cost borrowers several thousands of dollars. African American borrowers start out with much lower wealth, on average than whites. The price disparities only exacerbate the wealth disparities by making it harder for African American borrowers to accumulate as much equity as Whites.

In addition, African American applicants experienced considerably lower origination rates than whites. About 68% of White applicants received loans in contrast to 55.6% of African American applicants according to Montgomery County’s plan.<sup>19</sup>

Together, the higher interest rates and lower origination rates for African Americans suggest that Montgomery County should work with lending institutions to create SPCP programs for African Americans that would help lower their interest rates and increase their origination rates. Further analysis can also document neighborhoods where these disparities are particularly high. As part of SPCP programs, marketing and homeownership counseling can be targeted to the neighborhoods with high disparities.

Finally, the county should work with banks to create CRA home purchase lending programs focusing on LMI people of color that increase their homeownership rates. These programs can also increase the affordability and physical adequacy of their housing via home improvement

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<sup>14</sup> Draft Montgomery County Plan, p. 104

<sup>15</sup> Ibid., p. 102.

<sup>16</sup> Ibid., p. 162.

<sup>17</sup> Ibid., p. 59.

<sup>18</sup> Ibid., p. 191.

<sup>19</sup> Ibid., p. 192





loans that can finance repair and energy efficiency upgrades. It is rare that CRA exams document this type of collaboration between public jurisdictions and banks. If Montgomery County pursues these recommendations, it would be lessening income and racial disparities and also helping banks score better on their CRA exams.

### **Recommendations for the District of Columbia's Plan**

The District of Columbia (the District) described commendable programs for remediating racial disparities and providing affordable housing in its draft plan. In order to determine if the programs and approaches are commensurate with the housing shortage in the city, the District of Columbia should commit to robust data collection and dissemination regarding the demographics of program recipients.

Between 2000 and 2010, an astounding one third of the District's rental stock was lost. Such a dramatic loss of housing stock contributed to 25% of the District's residents paying more than 50% of their monthly income on rent, a proportion that is not sustainable because it leaves too little for other basic necessities.<sup>20</sup> In response, the Mayor announced a program that would add 36,000 housing units, 12,000 of which would be affordable for LMI populations, by 2025. The District also announced that it allocated about \$100 million annually to a housing production trust fund and that this initiative produced 1,000 units in FY 2021.

A major District homeownership program is the Home Purchase Assistance Program (HPAP) which features a second lien loan of up to \$200,000. Loan repayments are modest for moderate-income households and are deferred for low-income households.<sup>21</sup> In FY 2021 according to the District, the HPAP program assisted 328 households become homeowners, all of which were first-time homeowners.<sup>22</sup>

Data collection and dissemination are essential if the District is to achieve its equity goals for these programs. Data on the race, ethnicity, gender and income levels of the households assisted make it possible for the District and stakeholders to determine if these programs are reducing inequalities. Moreover, data regarding the neighborhoods in which these households reside will help determine if the programs are achieving goals of integration and moving to opportunities.

In the District, about 23% of African Americans and Hispanics experienced severe cost housing cost burdens (paying more than 50% of monthly income for housing) compared to about 11% for Whites.<sup>23</sup> In addition, the homeownership rate for African American households in the City was

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<sup>20</sup> Draft Washington Regional Fair Housing Plan, District of Columbia, January 2023, p. 13.

[https://www.mwcog.org/assets/1/6/District\\_of\\_Columbia\\_Clean\\_web.pdf](https://www.mwcog.org/assets/1/6/District_of_Columbia_Clean_web.pdf)

<sup>21</sup> District of Columbia, Department of Housing and Community Development, Home Purchase Assistance Program (HPAP) – Eligibility, How to Apply and Program Details, <https://dhcd.dc.gov/page/hpap-eligibility-how-apply-and-program-details>

<sup>22</sup> District of Columbia Plan, p. 11.

<sup>23</sup> *Ibid.*, p. 114.



34% compared to 49% for White households.<sup>24</sup> The only way to know if the fair housing programs have a realistic chance of reducing these disparities is if the District collects and reports demographic data on the program's clients.

The City should use the Community Reinvestment Act (CRA) as an encouragement for banks to participate in the housing programs. The fair housing plan refers to City financing of these programs but does not describe bank or other private sector financing of them. The final plan should include data on bank financing and indications of whether banks will increase their financing in future years. Moreover, it is our understanding that banks are not regular partners in the HPAP programs. HPAP data should include information on which institutions are making first lien loans under the program. Banks should be encouraged to report HPAP data to their CRA examiners in order to boost their ratings on CRA exams.

In addition to creating affordable housing (in particular in highly resourced areas), the City should invest in creating opportunities for residents of currently disinvested areas and communities. For example, the City should target job training and workforce development to the Southeast section of the City. While African Americans were about 50% of the City's population, 95% of the residents residing in racially and ethnically concentrated areas of poverty (R/ECAPs) were African Americans.<sup>25</sup> While 6.8% of District residents were impoverished, the R/ECAPs in the District experienced poverty rates above 10%, many of which were confronted with poverty rates above 30%, especially in Wards 6, 7, and 8.<sup>26</sup>

The District should target and market workforce development to African Americans and other people of color in R/ECAPs. The District should conduct an inventory of nonprofit organizations and other entities that provide workforce development and determine if there is a sufficient quantity of these organizations in the wards 6 through 8 or whether capacity needs to be expanded. The City should also determine if housing developers and commercial developers have apprenticeship programs that would employ and mentor residents of Southeast Washington. The District and the region's other jurisdictions should also explore implementing and/or expanding on small business lending programs with banks that provide financing to women- and minority-owned small businesses with an additional objective of providing jobs and workforce development for residents of R/ECPAs. Finally, the District has embarked on an innovative transit initiative to provide free or reduced fares on buses operated by the Washington Metropolitan Transit Authority (WMATA); it is also important that the District ensure adequate and equitable quality of transit service, in particular for communities that are reliant on public transportation.

The District's report also discussed racial disparities in access to banking and credit in a section called "Contributing Factors" that highlighted barriers exacerbating inequalities and segregation.

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<sup>24</sup> District of Columbia, Office of the Deputy Mayor for Planning and Economic Development, Homeownership, <https://dmped.dc.gov/page/homeownership>

<sup>25</sup> District of Columbia Fair Housing Plan, p. 44.

<sup>26</sup> *Ibid.*, p. 48.



However, the plan did not include programs or initiatives that addressed several of these contributing factors such as unequal access to banking. For example, the plan noted that the District had higher racial disparities in access to banking than other local jurisdictions. It found that just 1.1% of White residents were unbanked compared to 12.7% of people of color.<sup>27</sup> Perhaps the City could set aside some municipal deposits for a bank that would be willing to establish a branch in a community of color that experiences a lack of branches (NCRC has helped jurisdictions and community-based organizations identify banking deserts that have a population density which can support a branch).

The District's plan highlighted racial disparities in the cost of loans and approval rates. For instance, Whites had a median interest rate of 3.98% while African Americans had a median rate of 4.34% during 2019.<sup>28</sup> This difference of a third of a percentage point can equate to several thousands of dollars of additional payments over the term of a mortgage, draining equity from African American households and communities. Moreover, lenders approved White applicants 70% of the time whereas African Americans were approved just 50% of the time.<sup>29</sup> In response, the plan should have committed to increased financial and housing counseling to African Americans and African American communities and should have indicated a plan to collect demographic data about the clients of counseling. SPCP programs can also address these disparities.

### **Conclusion**

Our comment has focused on the need to commit to comprehensive and publicly available data on the fair housing programs and initiatives committed to by the jurisdictions in our region. We hope the programs and initiatives can reduce segregation. Powerful market forces and the legacy of discrimination are formidable barriers. In order to correct for this systemic discrimination, the jurisdictions must undertake aggressive and coordinated initiatives that are long lasting and are improved upon over the decades.

The private and public sectors created, enforced and exacerbated redlining and segregation spanning centuries. Long term and concerted initiatives on several fronts are necessary to counteract segregation including zoning reforms, more affordable housing production, fair lending and targeted workforce development and economic development. Central to these efforts is data collection and dissemination so that the jurisdictions and stakeholders can ensure that the programs and initiatives are benefiting people of color and modest income residents in an equitable manner.

The draft plans did not identify a core of programs and initiatives that would be offered on a regional basis. The advantages of regional programs are that the chances of using them to bolster integration increase due to a wider choice of neighborhoods that can be served by the programs.

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<sup>27</sup> Ibid., p. 183.

<sup>28</sup> Ibid., p. 213.

<sup>29</sup> Ibid., p. 214.



Possibilities include first time homeownership programs, affordable housing production or improved coordination of Section 8 programs.

Lastly and critically important is our recommendation to better coordinate fair housing planning with the Community Reinvestment Act (CRA) and SPCPs. In our experience, fair housing planning rarely incorporates consideration of CRA. We have reviewed numerous fair housing plans and only rarely see CRA mentioned or partnerships with banks identified, let alone any data reported from bank special affordable lending programs (home or small business loans). This is a major missed opportunity and means that a significant set of strategies to promote equity are being overlooked. We appreciate the mention of CRA in the draft Montgomery County plan but the brief mention in that plan should be elaborated upon in the manner suggested in this comment letter.

The federal bank agencies have recently proposed reforms to the CRA regulations that seek to increase coordination among banks and local jurisdictions. This could make for a powerful combination that could exponentially increase the effectiveness of public and private financing for affordable and integrative housing. Moreover, the federal agencies are seeking to elevate the attention CRA exams place on SPCP programs. The time is right for our regional jurisdictions to reach out to banks of all sizes and see which ones would be willing to engage on efforts to increase the sustainability, affordability and integration of single- and multifamily housing.

Thank you for the opportunity to comment on these draft plans and their important mission. We are happy to answer any questions you may have. You can email me on [jvantol@ncrc.org](mailto:jvantol@ncrc.org). Or you can consult with Megan Haberle, Senior Director of Policy, on [mhaberle@ncrc.org](mailto:mhaberle@ncrc.org) or Josh Silver, Senior Fellow, on [jsilver97@gmail.com](mailto:jsilver97@gmail.com).

Sincerely,

A handwritten signature in black ink that reads "Jesse Van Tol". The signature is written in a cursive, slightly slanted style.

Jesse Van Tol  
President and CEO



March 29, 2022



To Whom It May Concern:

Tenants and Workers United (TWU) is a registered 501(c)(3) nonprofit organization that has worked with low-income communities of color in Northern Virginia for over 35 years. We serve people with intersectional identities: people of color, women, Hispanics/Latinos, LGBTQIA+, immigrants with varying immigration statuses, elderly, and people with disabilities. Most of the people we serve have low-wage jobs, limited education, limited literacy skills, lack of access to quality and affordable health care, and face marginalization and systemic oppression and discrimination. We appreciate we have been given an opportunity to provide feedback on the Regional Fair Housing Plan

Overall the regional fair housing plan acknowledged that Black and Brown communities have the hardest time accessing affordable housing and have the most housing issues compared to their counterparts. While the plan outlined many different strategies to provide additional affordable housing and rights to residents, most notable of which include 1) Building rental units for people making less than 50% of the AMI, 2) establishing a loan fund to help tenants and nonprofits buy apartments and manufactured home parks for sale, 3) Expanding local funding for housing vouchers, and 4) Establishing a pilot Right to Counsel Program so that tenants can get free legal representation in cases against landlords.

Some areas where this plan could improve is recognizing that the groups that the plan acknowledged are having the hardest time accessing affordable, fair housing (Black and Hispanic communities) are more likely to be making 0-40% of AMI. So you should be focusing a large portion of its resources on creating more affordable housing options for these extremely low-income and working class folks. For example, in your goal #1, you could make a larger effort to build more affordable housing for people making less than 40% of the AMI (instead of below 60% AMI), as these are the families in most need of affordable units, and these are the families that are more likely to be cost burdened and at risk of eviction. Additionally, when expanding local housing vouchers, it is important to make sure these housing vouchers are accessible to undocumented and immigrant communities; this was not noted in the plan and is very important, especially since you acknowledged the growing immigrant community in the region.

The plan recognized that rent is increasing drastically, especially for Black and Brown communities during the pandemic, however you did not acknowledge rent stabilization as a way to curb the increase in rents in the region. We recognize the state has not allowed the localities this power yet, but we think it is still important for the region to acknowledge this method of mitigating rent increases for communities and become united to push for this policy.



**Individual Localities**  
**Alexandria City**

We understand that the City has the following goals, based on this plan:

1. City is in the process of hiring a language access coordinator to improve its communication with households having limited English proficiency
2. Increase the Supply of housing that is affordable to low-and moderate income families
  - a. Prioritize public land for affordable housing
  - b. Provide tax abatements for homeowners who rent accessory dwelling units to low-and moderate-income tenants
3. Reform zoning and land use policies to expand access to fair housing choice by increasing the development, geographic distribution, and supply of affordable housing
  - a. Adopt mandatory inclusionary zoning citywide
  - b. Permit duplexes in R-20 zone

There is a mention of [voluntary rent guidelines](#) that the city has, where they recommend that landlords increase rent by no more than 5% year-over-year, but they acknowledge that they have no real power to enforce this. **The city could go a step further and recognize that merely a recommendation does not do anything to curb severe rent increases for tenants. The city could explicitly state the importance of and their support of mandatory rent stabilization.**

Although the City has their mandatory inclusionary zoning goal that would mandate that in most new apartments built, a specific percentage of the new units have to be made affordable. This is a good policy, but **the City needs to ensure the units should be at 40% or less AMI.** Other strategies the city can use in order to fulfill their goals are:

1. The city should establish a **local fund voucher program that will allow units to be at the 40% of AMI for the diverse residents that live across the city, regardless of immigration status.** The city needs to be more proactive in having innovative tools to ensure the preservation of the existing working class families living in the City.
2. Another tool the City of Alexandria should also use in order to create affordability and sustainability are **supporting in creating Community land trusts and housing co-ops** which are alternative forms of homeownership
3. We emphasize that none of the goals will be achieved, unless **the City secures funding and should be a priority.**

## Prince William County

We understand that the County has the following goals, based on this plan:

1. Increase the Supply of housing that is affordable to low-and moderate income families by establishing a housing trust fund to subsidize the development of affordable housing
2. Reform zoning and land use policies to expand access to fair housing choice by increasing the development, geographic distribution, and supply of affordable housing
  - a. Implement voluntary inclusionary zoning that would incentivize the development of affordable housing in exchange for greater density
  - b. Upzone the Rural Crescent area
  - c. Permit as-of-right duplexes and ADUs throughout county

We believe the County should also:

1. Make a goal for inclusionary zoning to be mandatory, similar to Alexandria City's goal. And use density as an equitable tool for the increase in housing low income working class families of color.
2. Create a housing trust fund and continuously invest in it, in order to prioritize housing for families earning 40% of the AMI and below
3. They should also ensure that they are prioritizing subsidizing housing development affordable for the lowest incomes, 40% of the AMI and below and allow those residents, regardless of immigration status, to have the access into these affordable housing units.
4. Lastly, Prince William County should create a property maintenance report system that will allow tenants from the County to report out any concerns. This will give the County the opportunity to investigate landlords who may be violating state codes, such as the Virginia Landlord Tenant Act

## Fairfax

We understand that Fairfax County has the following goals, based on this plan:

1. Increase the Supply of housing that is affordable to low-and moderate income families
  - a. Revise the county's for-sale workforce development housing (WDU) policy by lowering the current AMI categories and/or percentages applicable to the program to facilitate more homeownership opportunities, and consider creating a separate policy for WDUs in high-rise condominiums outside of Tysons.
2. Protect the housing rights of individuals with protected characteristics.
  - a. Adopt tiered payment standards that are aligned to market rents to increase access to higher opportunity areas for voucher users.

Although Fairfax County's goal #2 is a provision for the housing voucher program so that voucher holders are able to find voucher-eligible housing in higher opportunity areas. But again, the county should be equitable and make sure people are able to receive a local voucher regardless of immigration status.

We also want to emphasize that Fairfax County should continue increasing funds for deeply affordable housing in order to preserve the existing housing and create new affordable housing.

As a community organization, and on behalf of our community members, we appreciate being given the opportunity to provide feedback on this plan. We acknowledge the plan is enormous, yet very complex. Which is why we emphasize to you on sharing your internal process and plan for creating and publishing clear, measurable, and specific objectives. What are the results you aim to achieve? How will you measure progress toward those results? How will you analyze progress and evolve your plan as needed, and how will you carry out modifications to the plan? How will you hold yourselves accountable? What is your timeline? How will your plan impact those at the lowest income levels of 40% area median income (AMI) and below? We hope you take our feedback and our questions into consideration as you continue working on the outcomes of this plan to ensure the needs of our working class families of color when it comes to accessibility and affordability of housing.

We look forward to hearing from you.

Sincerely,

Tenants and Workers United



**Metropolitan Washington Regional Fair Housing Plan Comment by the Washington Lawyers' Committee for Civil Rights and Urban Affairs**

**I. Introduction:**

The Washington Lawyers' Committee for Civil Rights and Urban Affairs (the "Committee")<sup>1</sup> submit this Comment is to ensure the goals and priorities outlined draft Metropolitan Washington Regional Fair Housing Plan (the Plan) promote housing choice in the most robust ways possible. In order to have a truly equitable city and region, Black and other DC residents of color must have the same choices about where to live as white residents. That means they must have the ability to choose to live in areas where people of color have not typically lived, to remain in gentrifying areas or to remain in areas where the majority of residents are not white without making compromises about their health or safety. They should also have the opportunity to own and control the homes that they live in to the same extent as white people.

The statutory duty to affirmatively further fair housing is explicitly set forth in the Fair Housing Act (FHA), 42 U.S.C. §§ 3608(d) and 3608(e)(5), and arises from the recognition that housing segregation across the country has been fostered and maintained through decades of exclusionary policies at the federal, state, and local levels. It further recognizes that remediation of the consequences of this pervasively harmful legacy requires active and equally intentional efforts to secure meaningful housing choice.

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<sup>1</sup> The Washington Lawyers' Committee for Civil Rights and Urban Affairs was founded in 1968 to address civil rights violations, racial injustice and to fight poverty in our community through litigation and advocacy, including mobilizing the pro bono resources of the private bar. One of the areas on which the Committee focuses is fair and equal housing opportunity.

Local and federal government policy before and after the passage of the Fair Housing Act (“FHA”) has denied Black and other DC residents of color the same menu of housing options white DC residents enjoy.<sup>2</sup> This has limited not only where they can live, but also household wealth and economic mobility for Black and other DC residents of color.<sup>3</sup>

As the District and other nearby jurisdictions attempt to address housing segregation, they should be careful to do so in a way that increases housing choice for Black and other DC residents of color. Too often governments attempt to address the problem of segregated neighborhoods by developing housing and amenities in those areas that will attract new, wealthier and racially diverse residents.<sup>4</sup> For a time, these neighborhoods may appear to be integrating, but eventually, they lose most of their low-income residents of color and thereafter become off limits to people of color because of rising rents.<sup>5</sup> Thus, these efforts actually restrict rather than expand housing choice and can create new segregated areas.

The comments below examine five of the seven Fair Housing Goals and Priorities and suggest ways they could be amended or expanded to ensure that they: 1) create housing opportunities for Black and other DC residents of color to move out of

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<sup>2</sup> Zickur, Kathryn, [Discriminatory Housing Practices in the District; A brief history](#), D.C. Policy Center, October 23, 2018; Schoenfeld, Sarah, [Mapping Segregation in D.C.](#), D.C. Policy Center, April 23, 2019.

<sup>3</sup> [Mapping Segregation in D.C.; Discriminatory Housing Practices in the District.](#)

<sup>4</sup> [Discriminatory Housing Practices in the District; Gentrification and Neighborhood Revitalization; What is the Difference](#), National Low Income Housing Coalition, April 2019.

<sup>5</sup> Lauber, Daniel, [District of Columbia Analysis of Impediments to Fair Housing Choice 2006-2012](#), District of Columbia Department of Housing and Community Development, April 2012, at pg. 2; Richardson, Jason et. al., [Shifting Neighborhoods; Gentrification and cultural displacement in American cities](#), National Community Reinvestment Coalition, Executive Summary, 2019, <https://ncrc.org/gentrification/Gentrification-and-Neighborhood-Revitalization-What-is-the-Difference>, <https://nlihc.org/resource/gentrification-and-neighborhood-revitalization-whats-difference>.



economically and racially segregated areas, 2) create housing opportunities for low and moderate income people to build wealth, and/or 3) encourage development focused on improving disparities in access to opportunities<sup>6</sup> for existing residents of racially and economically segregated areas.

## II. DC's History of Housing Discrimination and its Legacy

Before Congress passed the FHA, restrictive covenants, lending discrimination, and government-sponsored urban renewal efforts restricted where Black residents lived and denied them access to government-subsidized home ownership opportunities.<sup>7</sup> Those homeownership opportunities were a critical foundation for what has become generational wealth for most middle-income white households.<sup>8</sup> Because of this long-standing and pervasive housing discrimination, most Black DC residents are renters.<sup>9</sup> Those that do own homes, own them in parts of the city that have not appreciated as quickly as white neighborhoods.<sup>10</sup> This has contributed to an enormous racial wealth gap. In DC, white households have 81 times the wealth of Black households and 22 times the wealth of Latinx households.<sup>11</sup> That means white homebuyers are able to choose from

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<sup>6</sup> Draft Metropolitan Washington Regional Fair Housing Plan, Disparities in Access to Opportunity, at page 6, January 2023.

<sup>7</sup> Mapping Segregation in D.C.

<sup>8</sup> Mapping Segregation; Discriminatory Housing Practices in the District; Mineo, Liz, Racial Wealth Gap may be the Key to other Inequities, Harvard Gazette, June 3, 2021.

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67% of homes for sale while Black homebuyers are limited to 9.3% and Latinx buyers to 29%.<sup>12</sup>

Discrimination's legacy is not the only factor limiting housing choice for Black DC residents today. After the FHA went into effect, most of the housing that the government subsidized a generation earlier was no longer affordable, which meant that Black households were not necessarily able to move from segregated areas to integrated ones.<sup>13</sup> Further, the District's zoning and land use policies kept areas like majority white Ward 3 comprised of single-family homes while concentrating apartment buildings in low-income areas like Ward 8.<sup>14</sup> These policies worked well to preserve segregation. Today, very low-income renters can afford 67% of the units east of the Anacostia River and only 7% of those that are west of Rock Creek Park.<sup>15</sup> In this way, income and wealth inequality along racial lines and the rising cost of housing have solidified as intractable barriers to both Black housing choice and economic mobility. Economic development driven by an influx of high earning, mostly white, professionals in recent years has further limited housing choice for Black residents as developers have replaced low cost apartments with high cost units, displacing residents from the District entirely or to neighborhoods that are more economically and racially segregated.<sup>16</sup>

<sup>12</sup> Hendey, Leah, Somala Diby, *A Vision for an Equitable D.C.*, Urban Institute, December 12, 2016.

<sup>13</sup> [Discriminatory Housing Practices in the District](#).

<sup>14</sup> [Discriminatory Housing Practices](#); Ward 3, zoned almost exclusively for single-family use, is over 80% white with a median household income of over \$150,000, Summary Data for Ward 3, DC Health Matters, <https://www.dchealthmatters.org/>; Ward 8 where the city's largest concentration of multifamily housing is concentrated, is over 90% Black with a median household income is less than 42K, Summary Data for Ward 8, DC Health Matter, <https://www.dchealthmatters.org/demographicdata?id=131495>.

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<sup>16</sup> Rivers, Wes, [Going, Going, Gone: D.C.'s Vanishing Affordable Housing](#), D.C. Fiscal Policy Institute, March 12, 2015; Lang, Marissa J., [Gentrification in D.C. means widespread displacement, study finds](#), Washington Post, April 26, 2019.

The goals and priorities outlined in the Plan are meant to undo the legacy of discrimination and segregation. In order for those goals and priorities to be successful policymakers must take special care to ensure the remedies they pursue expand rather than further restrict housing options for Black other DC residents of color and attempt to close the racial wealth gap that plays a significant role in perpetuating segregation. The following comments suggest amendments or modifications to the Plan's goals that are in line with these principals.

**III. 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 has not been any.**

Increasing the supply of affordable housing for families earning at or below 60% of AMI where there has not been any is critical to disrupting existing patterns of segregation, but does little to address the disparities in income and wealth along racial lines. That wealth gap persistently undermines efforts to foster racial integration because the wealth gap fuels income inequality that greatly restricts where Black residents can live.<sup>17</sup> For the most part the priorities for achieving this goal relate to creating rental housing. DC and other jurisdictions should consider creating down payment assistance programs specifically for families earning less than 60% of AMI that currently live in racially and economically segregated areas that would allow them to buy a home outside of those areas.<sup>18</sup> In addition to addressing the problem of racial segregation, such policies would also begin to alleviate the racial wealth gap by allowing the recipients of that down

<sup>17</sup> DC's Extreme Wealth Concentration Exacerbates Racial Inequality, Limits Economic Opportunity; [District of Columbia Analysis of Impediments to Fair Housing Choice 2006-2012](#).

<sup>18</sup> Stegman, Michael, Mike Loftin, [An Essential Role for Down Payment Assistance in Closing America's Racial and Homeownership Wealth Gaps](#), Urban Institute, April 2021.

payment assistance to begin building home equity. That wealth gap is not only a legacy of discrimination and segregation, but also a driver of racial disparities in other areas like health, income and education.<sup>19</sup> As the Plan outlines in the Disparities in Access to Opportunities section, many Black DC residents live in racially and economically isolated parts of the city where they do not have the same level of access to education and employment as people living in less isolated parts of the city.<sup>20</sup> That lack of access to education and employment opportunities creates income disparities leading to a cycle of disparate access to opportunity.<sup>21</sup>

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

This goal argues that zoning for single-family housing makes it hard to develop affordable housing in many areas and calls on local leaders to make changes that will make it easier to develop affordable housing. The priorities that the Plan suggests should be strengthened and priorities that create affordable housing outside racially and economically segregated areas and allow for the creation of wealth by residents should also be considered.

First, one of the priorities proposed is to increase fees for developers to build affordable housing required by inclusionary zoning in different locations. The Plan should recommend that jurisdictions eliminate those incentives and require developers to

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<sup>19</sup> [DC's Extreme Wealth Concentration Exacerbates Racial Inequality, Limits Economic Opportunity; Racial Wealth Gap may be the Key to other Inequities.](#)

<sup>20</sup> [Draft Metropolitan Washington Regional Fair Housing Plan](#), Disparities in Access to Opportunity.

<sup>21</sup> [Racial Wealth Gap may be the Key to other Inequities.](#)

build the affordable housing first or simultaneously with market rate housing at the same location.

Second, the Plan calls for jurisdictions to adopt zoning regulations that make it easier to develop affordable housing generally. The Plan should propose that jurisdictions adopt zoning regulations that make it easier to develop affordable housing outside of racially and economically segregated areas specifically. That will ensure that more affordable housing is built outside of racially and economically segregated areas. If zoning regulations are only changed to make it easier to build affordable housing generally the result could be more affordable housing being built in racially and economically segregated areas and little or none being built outside those areas.

Finally, the District and other jurisdictions should consider acquiring single-family homes in areas zoned only for single-family homes and reselling those homes as affordable owner-occupied housing to households that earn below 60% of AMI and are moving out of racially and economically segregated areas. This would allow jurisdictions to create some opportunities for residents of racially and economically segregated areas to move out of those areas without changing zoning regulations and allows for the recipients of this housing to build wealth.

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

Preventing displacement and preserving existing affordable housing is critical to ensuring housing choice for people with protected traits. The Plan calls on jurisdictions to tracking exist affordable housing and establish funds to aid tenants seeking to purchase



properties.<sup>22</sup> The District should also revise zoning regulations to require developers seeking zoning approval for projects to build replacement affordable housing first where new development will demolish existing affordable housing. The development process can take years, and when residents are relocated for the duration of construction, they rarely find their way back to the new property for a variety of reasons.<sup>23</sup> Requiring developers to build replacement housing first would reduce this risk of displacement.

**VI. 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.**

Efforts to increase the number of homeowners in the region and reduce unequal treatment and discriminatory practices that keep members of protected classes from buying a home are likely to have a moderate impact on the racial wealth gap, but little impact on segregation because of income inequality. The average Black homebuyer is only able to afford about 9% of homes in the DC market and those homes are in the areas with the lowest housing costs, which are also in racially and economically segregated areas.<sup>24</sup> The District and other local governments could increase homeownership and disrupt patterns of segregation by increasing down payment assistance to households earning below 80% of AMI such that those households would be able to choose from a percentage of homes on the market closer to the level of choice enjoyed by the average

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<sup>22</sup> Where a public housing authority seeks to demolish and redevelop and or sell a public housing property they are required to consider allowing the tenants or a nonprofit to purchase the property. 24 CFR 970.11. DC law also requires any property owner seeking to sell a rental property to all the tenants the opportunity to purchase. Tenant Opportunity to Purchase Act (TOPA), § 42-3404. This strategy suggests that jurisdictions create funds to assist tenants seeking to purchase the housing they live in.

<sup>23</sup> Zipple, Claire, DC's Public Housing; An important resource at risk, DC Fiscal Policy Institute, fn. 15, January 27, 2016, [https://www.dcfpi.org/all/dcs-public-housing-an-important-resource-at-risk/#\\_ednref15](https://www.dcfpi.org/all/dcs-public-housing-an-important-resource-at-risk/#_ednref15)

<sup>24</sup> A Vision for an Equitable DC.

white household.<sup>25</sup> That would allow those households to choose to live outside of racially and economically segregated areas.<sup>26</sup>

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

Protecting the housing rights of individuals who are part of protected groups is critical to expanding housing choice for those groups and generally because if those rights are not protected housing choice will be further restricted.<sup>27</sup> The priorities suggested here are well suited to accomplish this purpose, but they fall short of actually preventing evictions, which the goal recognizes as a mechanism that disproportionately displaces Black and other residents of color from their homes. Increasing funding for emergency rental assistance can prevent evictions and avoid displacement by helping tenants catch up on delinquent rental payments.<sup>28</sup>

**VIII. Conclusion**

Congress created the duty to affirmatively further fair housing in recognition that in order to create true housing choice and foster integrated communities, policy makers must take deliberate steps aimed at disrupting patterns of segregation and the attendant inequitable distribution of wealth. In order to do that, policy makers must pursue

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<sup>25</sup> An Essential Role for Down Payment Assistance in Closing America's Racial and Homeownership Wealth Gaps;

<sup>26</sup> A Vision for an Equitable DC.

<sup>27</sup> Draft Metropolitan Washington Regional Fair Housing Plan, Lack of Local Fair Housing Outreach and Enforcement (describing the need to expand fair housing outreach and enforcement services); District of Columbia Analysis of Impediments to Fair Housing Choice 2006-2012, Fair Housing Complaints and Studies.

<sup>28</sup> Abraham, Noah et al., A Collaborative Framework for Eviction Prevention in DC, Urban Institute, Access to Emergency Financial Resources, February 2023; Airgood-Obrycki, Whitney, Short Term Benefits of Emergency Rental Assistance Extend Beyond Housing, June 14, 2022, <https://www.jchs.harvard.edu/blog/short-term-benefits-emergency-rental-assistance-extend-beyond-housing>.

priorities that subsidize homeownership outside of racially and economically segregated areas as vigorously as policies seeking to create rental housing. Similarly, where investments are made in racially and economically segregated areas, they should focus on improving the material circumstances of and increasing access to opportunities for the people already living there instead of focusing on attracting racially and economically diverse newcomers. By keeping these principles in mind, the District and surrounding jurisdictions can undo much of the legacy of discrimination and segregation.



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Crises demand bold action. The solutions recommended in this Draft should go further to relieve the housing burden face by residents of the region. All jurisdictions should:

1. Increase the supply of homes at all levels of affordability to dampen housing cost growth for everyone;
2. Encourage construction of deeply affordable homes through financial and regulatory incentives for homebuilders; and
3. Rewrite or strike zoning regulations that make housing of all kinds illegal or cost prohibitive. Legalize multifamily buildings on all residential land, reduce or eliminate parking and lot size mandates that increase housing costs, examine the impact of FAR limits on home costs, etc.

Alexandria should go far beyond its own local recommendations to also strengthen eviction protections and tenant rights, eliminate all minimum lot sizes above 2,500 square feet, legalize multifamily homes citywide, and support conversion of existing single-family homes into co-living or multifamily homes.

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## IX. Endnotes

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