



# **Arlington County Housing Commission 2023 Annual Report**

**January 11, 2024**

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# A Message from the Chair

2023 was a big year for housing policy in Arlington County and for the Housing Commission. In March, the County Board approved the Expanded Housing Option (EHO) zoning amendments following the Missing Middle Housing Study. This policy change, supported unanimously by the Housing Commission, is historic and undoes decades of exclusionary zoning policy in the county. This highly contested zoning change will be watched as new expanded housing types receive permits over the coming years and its impact on Arlington's single-family home neighborhoods unfolds.

The County Board approved the Langston Boulevard Area Plan in November 2023 establishing new incentives to redevelop much of the Langston Boulevard corridor to better meet the needs of existing and new Arlington residents. This plan, over a decade in the making, is likely to lead to an increase in affordable housing in North Arlington and reshape many of the surrounding neighborhoods in the decades to come.

In July, the County Board approved the Regional Fair Housing Plan. This historic plan which includes shared goals for Arlington County as well as four other Northern Virginia localities, the District of Columbia, and two Maryland localities, sets ambitious targets around affordable housing, zoning reform, and fair housing education and enforcement. Its implementation over the next five years has the potential to significantly improve housing equity in Arlington County and the metropolitan region.

The Housing Commission made historic changes of its own with the adoption by the County Board in June of a revised charter. The commission's name was officially changed from the Citizen's Advisory Commission on Housing to the more ubiquitous Housing Commission. The charter update also included several revisions to better represent the current operations and needs of the commission. Also significant, the commission adopted an Equity Framework in June and worked with county staff to better incorporate equity considerations into commission discussions and decision-making.

In 2024, the Housing Commission has an opportunity to build on the successes of 2023 while addressing new challenges facing the county including rising costs of new housing development, strained county finances, and increasing housing unaffordability for low-income residents. I'm looking forward to working with my fellow commissioners, partners, staff, and County Board members to advance affordable and fair housing in the new year!

Sincerely,

Kellen MacBeth  
Chair, Housing Commission

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# Purpose

The Housing Commission serves as the chief advisory commission to the County Board on housing issues in Arlington County. The Commission will serve a variety of functions aimed at advising the County Board on County housing conditions, trends and needs, and developing policy recommendations. The Housing Commission submits this annual report to inform the County Board and the public of its work and accomplishments in 2023.

# Membership

- Kellen MacBeth, Chair
- Eric Berkey (departed May 2023)
- Nikki Blake
- Paul Browne (departed December 2023)
- Laura Saul Edwards (departed November 2023)
- Elizabeth Escovar (joined April 2023)
- Michael Hemminger
- Eric Lee (departed May 2023)
- Zackary Linick (joined November 2023)
- Margaret McGilvray
- Anika Montgomery
- Haley Norris
- Sara Rubalcava
- Karen Serfis
- Katie Wenger (joined June 2023)

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## Areas of Focus

In the Housing Commission's 2023 Workplan, the Commission identified four main objectives for its work during the year: (a) Oversight of Affordable Housing Properties and Reviewing Programs and Policies to Support Affordable Housing Residents; (b) Maintaining and Strengthening role as chief advisor to County Board on housing issues; (c) identifying policy areas where the Housing Commission can provide its knowledge and experience to provide a positive impact upon the policy process; and (d) continue its collaboration with a variety of stakeholders in 2023, all with the goal of better integrating adjacent concerns and issues into housing discussions and better informing the Commission's recommendations to the County Board.

### Oversight of affordable housing properties and reviewing programs and policies to support affordable housing residents

After the release of the Joint Subcommittee on the Status of Aging Properties (JSSAP)'s [Serrano Report](#) in 2022 in collaboration with the Tenant-Landlord Commission, the Housing Commission received an update from county staff on the implementation status of many of the recommendations and strategies to ensure that issues, like those at Serrano, do not occur again. Staff shared the report, [CAF Strategies April 2023 Report](#), and answered questions for commissioners about the implementation status of key strategies in May.

Additionally, the Housing Commission invited AHC Inc. and tenant advocates to its meeting in March to discuss improvements at the affordable housing property and ongoing concerns. This was in response to tenant advocate concerns raised at the Commission meeting in January. The Commission noted the progress AHC Inc. has made addressing tenant issues and encouraged AHC Inc. to continue working to improve communication with residents and strengthen trust.

The Commission continued to monitor the implementation of its recommendations to the CPHD Housing Division and the status of action items from the Long-term Strategies for Improved Oversight and Tenant Support at Aging CAF Properties released in 2022.

### Strengthening the Commission's role as Chief Advisor to the County Board on Housing Issues

The Housing Commission continued to build upon the progress made in 2022 to strengthen its role as Chief Advisor to the County Board regarding housing matters, again most notably ensuring that the Commission was represented at nearly every regular County Board meeting in 2023, especially those where items upon which the Commission made a formal recommendation were up for action before the Board. Chair MacBeth also kept in regular contact with the Housing Director (Anne Venezia), the

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Housing Commission Liaison (Member Matt De Ferranti), representatives from the Planning Commission, Tenant-Landlord Commission, and Commission on Aging, and various county officials, stakeholders, and community members. The Commission also added three new Commission members (Elizabeth Escovar, Zackary Linick, and Katie Wenger) to better reflect Arlington’s diverse communities with respect to backgrounds, experiences, and perspectives.

The Commission also worked with county staff and board members to update its charter in June: officially changing the name from the Citizen’s Advisory Commission on Housing to the Housing Commission, incorporating equity and fair housing language, streamlining language and adding clarification to the document to reflect current operating needs.

In June, the Commission adopted an Equity Framework to guide commissioners’ decision-making and ensure that commissioners consider whether historically marginalized residents have been consulted in the development of housing plans and policies and how they may be impacted. The Commission continued to work with county staff to ensure that equity related information is collected and available for the Commission to consider before making recommendations to the County Board.

## Identifying and Engaging with Stakeholders on Critical Housing Policy Issues

### Homeownership Subcommittee

The Homeownership Subcommittee, responsible for collaborating with county staff to provide input and feedback to shape Arlington’s Homeownership Study, met in February, May, July, and October. The subcommittee’s work included a discussion of the barriers to homeownership through an equity lens, developing a draft vision statement and supporting goals for the study, and providing feedback that would shape county staff’s [Homeownership Study Phase 2 Report](#) released in September. The subcommittee was chaired by Commissioner Serfis. The study’s final recommendations are expected in 2024.

The Homeownership Study’s vision is that Arlington’s homeownership programs serve as a catalyst to preserve and expand affordable homeownership opportunities. The goals include:

- To reduce racial homeownership gaps
- To support existing homeowners in maintaining housing in the community
- To increase the production of homeownership housing supply
- To create pathways to homeownership for renters

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## Joyce Motors Site Plan

At its February 9, 2023, hybrid public hearing, the Commission voted 11-0 to advise the County Board to approve the Joyce Motors site plan project and supports the addition of new housing units on the site. The Commission was also pleased with the inclusion of five family-sized CAFs, including two 3-bedroom CAFs. However, there was concern about the total number of CAFs being committed at the site. The Commission would like to see a larger share of the total units committed as CAFs. There was also concern about the market rate unit mix and size of market rate units. The Commission would like to see larger unit sizes and more family sized units to support market rate renters with families.

## Missing Middle Housing / Expanded Housing Option Development Zoning Amendments

At its February 16, 2023, virtual public hearing, the Citizens Advisory Commission on Housing considered the Missing Middle Housing (MMH) / Expanded Housing Option Development (EHO) zoning amendments. Commissioners view the MMH/EHO proposal within the context of Arlington's Affordable Housing Master Plan (AHMP) goals, the County Board's 2019 Equity Resolution, and our county's duty to affirmatively further fair housing.

The Housing Commission received briefings on the Missing Middle Housing Study throughout the process, including: January 16, 2020 (scope of work); October 8, 2020 (update on progress); October 7, 2021 (Phase 1 Report); May 5, 2022 (Phase 2 Report); and a presentation and discussion during the Commission's Tools and Trends Subcommittee on May 31, 2022. The Commission made a series of recommendations during its July 7, 2022, public hearing following the release of the preliminary Missing Middle framework by County staff. Between October and December 2022, Commissioner Berkey represented the Commission at a series of meetings under the purview of the Planning Commission.

We appreciate the hard work of county staff over the last three years to conduct a thorough study and extensive public engagement process to develop the MMH/EHO proposal before the County Board. While the process has not been perfect, both the level of engagement with the public over the last five months and depth of the equity analysis is to be lauded. After review of the staff analysis and consideration of the public comment and stakeholder group positions, it is clear to the Commission that only the most expansive MMH/EHO options will begin to advance racial equity in Arlington and open up neighborhoods long closed to many residents. The exclusionary housing practices of our past and present, rooted in racial discrimination and animosity, have been perpetuated by a growing wealth gap between residents of color and White residents. We strongly recommend that the County Board embrace this once in a generation opportunity to open our neighborhoods to new and diverse residents. In order to do so, we recommend that the County Board adopt the most robust zoning options that would permit more housing types in the 75% of our county's residential land that has been closed off to residents who can't afford to live in a detached, single-family home. While the Commission

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recognizes that no single policy or County action can address all of our community's housing challenges, and these zoning amendments are no exception, they are nevertheless vital because they provide an opportunity for our neighborhoods to become more diverse and attainable for many families without any direct financial obligations from the County government.

The Commission voted unanimously on the motion, 9-0, to recommend that the County Board adopt the options outlined below:

- **Option 1 (Units per site):** Housing Commission recommends Option 1A  
The Commission recommends that the County allow all unit types proposed by the Request to Advertise (RTA) up to and including six-plex buildings. The Commission would like to note its grave disappointment in a majority vote of the County Board to remove seven and eight-plex buildings from the RTA before the community and Commission had an opportunity to fully provide input on the unit sizes. A consistent theme of the Commission's discussion was the desire among commissioners that the County pursue the broadest housing types contemplated by not just the RTA, but the original staff framework, to maintain the possibility of the most financially attainable units being built and available in the Arlington housing market. To this end, the Commission proposes that the County study whether seven and eight-plex buildings with affordability provisions can be built using a streamlined planning process to better meet Arlington's affordable housing goals in existing low-density neighborhoods.
- **Option 2 (Minimum Site Area and Transit Proximity):** Housing Commission recommends Option 2A  
The Commission recommends that the County maintain the current area site standards for each zoning district and make no distinction between MMH/EHOs and detached, single family homes. Restricting the construction of five- and six-plex units to certain lot sizes or areas within the county will negate many of the benefits of the zoning change. Some of the other options like 2B and 2E add very restrictive site standards for five- and six-plexes that would lead to large parts of the county being unable to benefit from smaller, denser and more attainable MMH/EHO units. Commissioners agreed that while Option 2A is the optimal solution for minimum site area standards, Option 2D is the second most expansive and beneficial option for the county.
- **Option 3 (Sites Larger Than One Acre):** Housing Commission recommends Option 3A  
The Commission recommends that the County allow the development of MMH/EHOs on sites larger than one acre through the use permit process. While it may be ideal to develop even denser housing on sites this large, the Commission agreed it was important to provide the option for site owners to develop MMH/EHO through the simpler use permit process since detached, single family homes can be developed on these sites by-right, instead of requiring MMH/EHOs to go through the site plan process as is currently required and will remain required for denser, taller developments on the sites. There was some discussion that the lots larger than one acre are less likely to consist of existing single-family homes and many have a church or other structure on them. For some commissioners, this raised questions about whether there



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should be more community engagement required through the site planning process before MMH/EHOs are developed on the site.

- **Option 4 (Lot Coverage Allowances):** Housing Commission recommends Option 4B  
The Commission recommends that the County reallocate the 5% rear, detached garage additional lot coverage allowance in place for single, detached single family homes to an additional 5% base coverage allowance for MMH/EHO. While MMH/EHOs would still have the option to build a garage on the property, the reallocation of the 5% additional lot coverage to base coverage provides one of the only incentives for owners to develop MMH/EHO on their property by expanding the lot coverage available for living space. This option also retains the 3% additional lot coverage allowance for front porches currently in place.
- **Option 5 (Parking Requirements):** Housing Commission recommends Options 5C and 5E  
The Commission recommends that the County not have a minimum parking requirement for transit-proximate sites while still requiring a minimum of one parking spot per unit on non-transit proximate and cul-de-sac sites. The Commission also recommends that the County not eliminate the opportunity to reduce the number of spaces required per unit through a parking study for non-transit proximate and cul-de-sac sites. Additionally, the Commission recommends that the County have no minimum parking requirement if a new/expanded curb cut would result in the loss of the equivalent number of on-street parking spaces. Minimum parking requirements are a costly regulation that can limit the financial viability of developing MMH/EHO and undermine the goals of opening up new neighborhoods to denser, more attainable housing for diverse residents. Commissioners agree that it would be unwise to put minimum parking requirements in place that drive up costs and reduce the number of MMH/EHO units built when alternative transportation options exist.
- **Option 6 (Tree Requirements):** Housing Commission did not take a position  
The Commission discussed the options for requiring a certain number of shade trees for two-through four-plexes and five- and six-plexes but it did not make a formal recommendation for the County Board. Instead, the commissioners agreed that the County Board should select the option that best balances the environmental benefits of increased tree canopy and shade trees with meeting the housing needs of our community.
- **Option 7 (Annual Development Cap):** Housing Commission recommends Option 7B  
The Commission recommends that the County not set an annual cap on the number of MMH/EHOs permits issued each year. County staff estimate that approximately 19-20 MMH/EHO projects totaling 100 units per year are likely to be built following approval of the zoning amendments. This falls well under the proposed caps in Options 7A and 7C. Additionally, the commissioners did not see a compelling reason to place limits on the development of MMH/EHO units given the potential benefits in opening up many residential neighborhoods to denser, more attainable housing. If the County Board chooses not to adopt Option 7B, the Commission agreed that it should choose the next least restrictive option, Option 7C, which places a sunset on the permitting cap after 2028 and that there should be no permitting restrictions by zoning district.

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- Option 8 (Conversion of Nonconforming Dwellings to Condominium/Cooperative): Housing Commission did not take a position  
The Commission briefly discussed Options 8A and 8B to allow conversion of non-conforming dwellings to condo/co-op by-right or to continue to require a use permit for conversions of non-conforming dwellings to condo/co-op, respectively, and decided not to make a recommendation to the County Board.
  - Option 9 (Duplex Definition): Housing Commission recommends Option 9B  
The Commission recommends that the County adopt a more expansive definition of a duplex to include two front entrances and remove the requirement that duplexes have “all external characteristics of a one family attached dwelling.”
  - Option 10 (Applicability in Zoning Districts): Housing Commission recommends Option 10B  
The Commission recommends that the County allow MMH/EHO development in GLUP-designated planning districts including Columbia Pike Revitalization District, Cherrydale Revitalization District, and East Falls Church Neighborhood Center District. The MMH/EHO planning process has been county-wide and should also apply to the approximately 136 properties within the GLUP-designated planning districts.
  - Option 11 (Gross Floor Area): Housing Commission recommends Option 11B  
The Commission recommends that the County limit restrictions on the gross floor area for MMH/EHO units. Specifically, the Commission recommends that the County set a maximum interior square footage for all floors in the main building for duplexes at 5,000 square feet and 7,500 square feet for tri-plexes. A majority of the commissioners expressed their disappointment that the County Board voted to remove Option 11C from the RTA which would have placed no limits on the gross floor area of MMH/EHO units.
  - Option 12 (Accessory Dwellings): Housing Commission recommends Option 12B  
The Commission recommends that the County allow accessory dwelling units within townhomes or semi-detached dwellings and where a pre-existing accessory dwelling unit has been permitted, allow the main building to be converted to a MMH/EHO building. The Commission agreed that the County should not place restrictions on the placement of accessory dwelling units within MMH/EHO sites that conflict with the goal of expanding attainable housing options.
  - GLUP Amendments: Housing Commission supports the amendments  
The Commission recommends that the County adopt the amendments to the GLUP Booklet Amendment – Missing Middle Housing Study.

Commissioners discussed the relevance of the Fair Housing Act of 1968 and implications for housing with more than four units for residents with a disability. The Commission would like the County to use the tools at its disposal to ensure full compliance with the Fair Housing Act of 1968 and take every opportunity to ensure that MMH/EHO units are accessible to residents with disabilities.

The Housing Commission recognizes the importance of reforming Arlington’s residential land use policy to open up low-density neighborhoods, long closed to low- and moderate-income residents and many

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residents of color, and to expand housing choice. The proposed MMH/EHO zoning amendments will help ready our community to begin meeting existing and future housing needs, breaking with the exclusionary zoning practices of the past. We urge the County Board to adopt the recommendations outlined above and thank the Board for its consideration.

### FY2024 County Budget Recommendations

At its March 9, 2023, hybrid public hearing, the Commission discussed the proposed Fiscal Year (FY) 2024 Budget as it pertains to housing policy and programs in the county. The Commission discussed its concern that overall, the proposed budget represents a significant decrease in funding for programs to house low-income residents mainly due to proposed cuts to the Affordable Housing Investment Fund (AHIF). It also walks back previous commitments the county has made to increase oversight of aging committed affordable (CAF) units by omitting one-time funds to inspect additional CAF units that were added to the FY 2023 budget. The Commission is also concerned that the Department of Planning, Housing and Development (CPHD) Housing Division lacks the resources to fully meet the commitments made in the Long-term Strategies for Improved Oversight and Tenant Support at Aging CAF Properties report even as we've seen the need for enhanced tenant support and CAF oversight continue to be an urgent issue in our community.

The Commission voted 9-0 to advise the County Board to include the following in the FY2024 Budget:

- Increase AHIF funding to FY23 levels (\$18.7M) to ensure that the county has additional funds in upcoming fiscal years to contribute to increases in CAF supply. A significant portion of AHIF funding in the proposed budget is set aside for debt service commitments for the Barcroft line of credit and Buckingham Village 3. The remaining funds will likely be allocated to the Crystal House infill project. This will leave almost no funding for new projects in future years at a time when the average AHIF commitment is close to \$20M a project. There are several upcoming (re)development projects for CAFs that are at risk, including the Serrano Apartments rehabilitation/redevelopment, of not having AHIF funding at a time when construction costs and interest rates are making affordable housing development more expensive. A lack of AHIF funding has also led to the cancellation of the Notice of Funding Availability (NOFA) for the last two years even though multiple affordable housing projects went unfunded the last time the county went through the NOFA process. It also contributes to uncertainty among our affordable housing development partners about their development pipeline. If Arlington is to have any chance of meeting its commitments for new CAF units in the Affordable Housing Master Plan, it must invest in additional AHIF funding.
- Provide adequate funding for the implementation of the Long-term Strategies for Improved Oversight and Tenant Support at Aging CAF Properties issued in April 2022 and the recommendations from the Joint Subcommittee on the Status of Aging Properties Serrano Report issued in October 2022. County staff have done an admirable job implementing the commitments made to CAF residents following the Serrano crisis in 2019-2021 even while

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lacking the resources in staff or consultant support to fully implement the strategies. The Commission continues to receive reports from advocates and residents of poor conditions within CAF units and CAF tenants feeling unsupported. The Commission recommends that at a minimum, the county:

- Increase staffing for CPHD Housing Division to include a Deputy Director position.
- Include \$150,000 in additional funding for CAF inspections for FY2024 consistent with FY2023 funding levels.
- Provide adequate funding for the implementation of Regional Fair Housing Plan (County Board will consider for approval in Summer 2023) goals and strategies. County staff, Chair Dorsey, and Arlington fair housing advocates worked hard with the Metropolitan Washington Council of Governments (MWCOG) to develop a robust Arlington Fair Housing Plan that addresses many of the fair housing challenges facing county residents. These include that 13% of area residents who participated in MWCOG’s survey reported that they have faced housing discrimination and, alarmingly, that 75% of those residents did not report it because they didn’t think it would help, didn’t know how, or reporting requirements were too onerous. Additionally, MWCOG found that Spanish-speaking residents reported significant fears of retaliation from landlords when considering reporting substandard housing conditions and that the top types of housing discrimination facing area residents are related to income level, race or ethnicity, and source of income. However, the proposed budget does not include any additional funding to begin implementation of many of the recommendations that are urgently needed to improve Arlington’s fair housing enforcement, education, and policies. The proposed budget does not provide the Office of Human Rights any new funding to prepare for the significant changes required to implement the recommendations even as they have had to reduce the fair housing cases investigated because of resource constraints. The Commission recommends that, at a minimum, the County:
  - Provide additional funding for the Office of Human Rights to do expanded Fair Housing Testing in FY2024 to include additional protected categories beyond race/ethnicity and national origin.
- Provide adequate funding for the implementation of the county’s strategic plan to functionally end homelessness in the next four years. The Commission is excited to see the Department of Human Services’ efforts to develop a strategy to functionally end homelessness in Arlington. This critical effort will need more resources to bring it to fruition and the county should begin investing now in ensuring that none of our residents become or remain homeless.
- Provide adequate funding for regular equity analyses for all housing and planning projects. The County Board committed to prioritizing equity across the county government in its 2019 Equity Resolution. The county has taken some steps to integrate an equity lens into its housing programs, namely through the extensive racial equity analysis conducted for the Missing Middle Housing zoning proposal. However, the county has not conducted an equity analysis for historically marginalized residents or residents with protected characteristics under Virginia’s Fair Housing Law (race, national origin, color, marital status, sex, gender identity, religion, age, disability, sexual orientation, familial status (being pregnant or having children under age 18)),

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or source of funds or military status) for any other planning proposal or housing policy/program. Both the Housing and Planning Commissions have requested that equity analysis be included in all materials coming before the commissions but staff has lacked the resources to begin doing this analysis. If equity is truly a priority, the CPHD Housing and Planning Divisions need the resources to incorporate equity analysis into all of their work.

### Americana Hotel Site Plan

At its April 13, 2023, hybrid public meeting, the Commission voted 9-1 to advise the County Board to approve the Americana Hotel site plan project. The Applicant has agreed to meet the base affordable housing requirement and make an additional contribution of \$7,531,620 to earn additional bonus density. The Commission discussed their desire to have more on-site committed affordable units through site plan projects, which are not part of this affordable housing contribution. However, they did acknowledge the ability to leverage more units for longer affordability periods off-site, as well as the current budgetary pressures on the Affordable Housing Investment Fund (AHIF). The Commission agreed that AHIF funding levels need to be raised so that the County doesn't substitute developer site plan contributions for county funding with no increase in the number of CAF units added to the county's portfolio.

### Park Shirlington AHIF Allocation

At its April 13, 2023, hybrid public meeting, the Commission voted 9-0 to advise the County Board to approve an additional Affordable Housing Investment Fund (AHIF) allocation to the Park Shirlington project. The allocation would be up to an additional \$3,000,000 in unallocated AHIF funds to help finance the project and up to an additional \$181,640 to the Tenant Assistance Fund. These additional allocations would bring the total AHIF loan to \$34,891,000. This additional allocation was due primarily to rising interest rates among other factors. The Commission was pleased to hear that the units will be renovated and affordable for 75 years. There was also some discussion about the project being a missed opportunity to add density on the site, but the Commission acknowledged the constraints related to the zoning and planning timeline for the site. The Commission also discussed the importance of providing wrap-around services (i.e., eviction prevention, referrals for food assistance, etc.) for low-income residents which would typically be provided by non-profit affordable housing providers but are not currently included in the for-profit applicant's plan for the site.

### Regional Fair Housing Plan

At its April 13, 2023, hybrid public hearing, the Commission voted 9-0 to advise the County Board to adopt the Regional Fair Housing Plan and incorporate the recommendations listed below. The Commission applauds the efforts of county staff, the Metropolitan Washington Council of Governments, and other stakeholders who contributed to the creation of a comprehensive and

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meaningful Regional Fair Housing Plan. The Commission also appreciates the degree to which county staff considered the feedback from commissions, advocates, and the public when developing the Arlington-specific goals and strategies within the Fair Housing Plan. Both the regional and Arlington-specific goals and strategies have the potential to significantly enhance Arlington's commitment to affirmatively furthering fair housing through improved enforcement, education, and policy-making.

While the public comment period for the Regional Fair Housing Plan ended prior to the presentation before the Commission, the Commission has a number of recommendations to enhance the Arlington-specific fair housing goals and strategies which it hopes the Board and staff will take into consideration when finalizing the plan this summer:

1. Include fair housing education/outreach to Arlington Public School students. The Commission discussed the importance of reaching Arlington residents who may not understand their fair housing rights by educating students, and by extension, their families.
2. Add specificity around goals and strategies where possible. Increasing the specificity of some of the fair housing goals, and especially the strategies, will improve transparency and accountability as Arlington works to implement the plan following approval from the Board this year.
3. Enhance strategies around incentivizing or supporting the creation of more accessible units for residents with disabilities. Arlington has a shortage of accessible units and the Fair Housing Plan is an excellent opportunity to identify additional incentives or policies to support the development of more units accessible to residents with disabilities.
4. Expand partnerships with Arlington religious organizations to develop affordable housing. Arlington's past efforts to partner with churches or religious organizations to develop affordable housing have been very successful. Establishing one or more strategies to expand the county's partnerships with religious organizations to develop affordable housing will further support the Fair Housing Plan's affordable housing goal.
5. Collaborate with Arlington Public Schools to address disparities in access to high performing schools by race. The neighborhood in which Arlington residents live should not determine whether or not they have access to high performing schools. The county should develop a goal to work with Arlington Public Schools to address the ongoing disparities in access to high performing schools that racial residential segregation has contributed to.
6. Expand fair housing testing to more protected classes. The Commission appreciates that the draft plan includes a goal to expand fair housing testing to include disability within the next five years. However, there are 11 protected classes under the Virginia Fair Housing Law and it is critical that Arlington conduct testing to ensure compliance with the law. For the last 10 years, Arlington has only conducted testing for two protected classes: race and national origin. Establishing a rotating testing schedule that includes all 11 protected classes would help improve the robustness of Arlington's fair housing enforcement.
7. Develop a goal/strategy to address residents' fear of retaliation. The draft plan states that Spanish-speaking residents reported "fear of reprisal as a major issue in reporting housing discrimination or substandard housing conditions." This is consistent with statements from a

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- multitude of tenants within CAF and market-rate apartments to the Commission. The plan should include steps that the county will take to address the fear of retaliation among tenants which leads them to not report violations of their fair housing rights and housing discrimination.
8. Develop a goal/strategy to address Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning (LGBTQ+) residents' housing needs. The draft plan states that LGBTQ+ youth face higher rates of homelessness, LGBTQ+ seniors have unmet housing needs, Arlington does not conduct fair housing testing based on sexual orientation or gender identity, and many Northern Virginia localities are sending LGBTQ+ youth to D.C. for housing support because they lack specialized programs, including Arlington. The plan should include steps that the county will take to address the housing needs of LGBTQ+ residents, especially youth and seniors.
  9. Explore incentives or policies to add onsite affordable housing in new residential developments. Ensuring that affordable housing is not concentrated in lower income or impoverished parts of the county is important to advance our fair housing goals. To aid in achieving this goal, the county should explore incentives or policies which increase the number of onsite affordable housing units in new residential developments.
  10. Add Source of Funds as a protected class within Arlington's Human Rights Ordinance. Virginia added Source of Funds and Military Status as new protected classes in 2020 but Arlington has yet to amend its Human Rights Ordinance to be consistent with the Virginia Fair Housing Law. It is critically important that Arlington's Office of Human Rights begin enforcing the Source of Funds protected class to ensure residents with Housing Choice Vouchers, Housing Grants, and other subsidized income are not illegally denied housing.

### Crystal Towers 3 Site Plan

At its June 1, 2023, hybrid public meeting, the Commission voted 5-4 to advise the County Board to approve the Crystal Towers 3 site plan project. The Applicant has agreed to meet the base affordable housing requirement and make an additional contribution of \$1,421,380 to earn additional bonus density. The Commission expressed their strong desire to have on-site committed affordable units through site plan projects, which are not part of this affordable housing contribution. Commissioners expressed disappointment that the AHIF contribution will be used to develop CAFs that the county has already committed to and that this project will not result in any additional CAF units being built. However, commissioners acknowledged the ability to leverage more units for longer affordability periods off-site, as well as the budgetary pressures on the Affordable Housing Investment Fund (AHIF) because of lower than needed amounts of dedicated county funding and prior affordable housing commitments. The Commission agreed that AHIF funding levels need to be raised so that the County doesn't need to rely on developer site plan contributions to fund AHIF projects to which the County has already committed.

### The Arva Site Plan

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At its June 1, 2023, hybrid public meeting, voted 10-0 to advise the County Board to approve The Arva site plan project. The Applicant has agreed to meet the base affordable housing requirement and make an additional contribution of seven on-site Committed Affordable Units (CAFs) to satisfy the General Land Use Plan (GLUP) Amendment. The seven on-site CAFs include five family sized units and will be affordable up to 60% Area Median Income (AMI) for a term of 30 years. The Commission expressed their support of the on-site CAF units, particularly the inclusion of five family-sized units. The Commission was also pleased to be adding 3-bedroom CAFs to the County's affordable housing stock. The Commission recommended that the Developer also meet the base Affordable Housing Ordinance through on-site units as opposed to the cash contribution.

### Bingham/Silver Diner Site Plan

At its September 14, 2023, hybrid public meeting, the Commission voted 8-0 to advise the County Board to approve the Bingham/Silver Diner site plan project. The Applicant has agreed to meet the base affordable housing requirement and make an additional contribution of 15 on-site Committed Affordable Units (CAFs) to earn additional bonus density. There was discussion about increasing the amount of Type A accessible units at both the residential building and the hotel. The Commission was also interested in hearing how staff valued the on-site CAFs in exchange for additional density.

### Langston Boulevard Area Plan

The Commission considered the Langston Boulevard Area Plan at its September and November meetings. At its September 14, 2023, hybrid public meeting, the Commission voted 9-0 to advise the County Board to make the following changes to the Langston Boulevard Area Plan:

- The Commission urges the County Board to revisit the East Falls Church and Cherrydale plans to take a holistic and comprehensive look at all of Langston Boulevard and its housing needs and opportunities.
- The Commission would like more incentives to make residential and community spaces along the corridor more accessible to residents with disabilities.
- The Commission would like staff to clarify language around Area Median Income (AMI) levels to ensure housing for residents with income levels below 60% of AMI is being considered in PLB.
- The Commission recommends strengthening commitments to preserving legacy businesses and resources along Langston Boulevard.
- The Commission recommends incentivizing affordable senior housing development and preservation in the corridor.
- The Commission recommends incentivizing co-location of affordable housing with public land/facilities and consolidating lots to enable more affordable housing development.



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It is imperative that the Langston Boulevard Area Plan allows for density and heights that will enable the County to reach the 2,500 CAF goal in the Affordable Housing Master Plan (AHMP) by the year 2040. It is unacceptable for the county to plan not to meet the AHMP goals for the corridor and to extend the planning period to over 50 years for the CAFs they do hope are created. Arlington needs more affordable housing today and Langston Boulevard is a critical transit corridor along which to incentivize more affordable housing in North Arlington.

At its November 2, 2023, hybrid public meeting, the Commission voted unanimously to recommend adoption of the Plan with the following additional recommendations for Board consideration:

- Prioritize the review and update of the East Falls Church and Cherrydale Plans to occur in the short term. Updating these plans, especially East Falls Church, to include additional heights and density, represents one of the best remaining opportunities to meet the AHMP goals along Langston Boulevard.
- Prioritize the study of additional tools and strategies for achieving affordable units Countywide. The focus of the county's current planning process on the desires of existing residents within the planning area combined with the lack of tools outside of increased height/density will make it challenging to meet AHMP goals and the needs of low-income residents in many parts of the county. Additional tools to incentivize the development or maintenance of affordable housing units are needed to ensure we have a fighting chance to meet AHMP targets by 2040.
- Evaluate the affordable housing goal along Langston Boulevard as part of the next Housing Needs Analysis to confirm or update the 2,500 unit projection.
- Track the construction of accessible and family-sized CAF units along the corridor to measure the plan's success in meeting related AHMP goals.
- Incentivize the use of the Low Income Housing Tax Credit (LIHTC) 9% competitive tax credit program, which includes an enforceable requirement to build 10% of the total number of units in new projects as fully accessible, to increase the number of fully accessible units available to the public along Langston Boulevard.

The Commission also discussed their general agreement with the recommendations adopted by the Planning Commission including the development of new tools to incentivize affordable housing and to develop incentives to repurpose existing buildings for benefits of sustainability and resiliency.

The Commission appreciates the 10+ years that county staff and community members have spent developing the Langston Boulevard Area Plan. It is an important and needed visioning document that will help expand housing options and long overdue improvements along the Langston Boulevard corridor. However, the Commission is disappointed that the Langston Boulevard Area Plan does not include sufficient tools and incentives needed to meet the Affordable Housing Master Plan's (AHMP) goal of attaining 2,500 affordable housing units along Langston Boulevard. Our affordable housing crisis is ongoing, and Arlington is destined to fail to address it when planning efforts prioritize other considerations over the needs of low-income residents.

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The Commission discussed the need to reform the county’s planning process to move away from a singular focus on the desires of homeowners living in the immediate planning area to a more comprehensive focus on the needs of the whole county and especially historically marginalized populations. While we applaud county staff’s efforts to engage with renters and broader populations during the PLB engagement process, we believe that the plan would better meet the needs of residents across Arlington if staff had adopted a focus on engaging the broader community from the start. While the needs and desires of homeowners currently living in the planning area are important, these plans will outlive current residents and must be designed to meet the evolving needs of the broader community. While PLB is projected to expand both market-rate and committed affordable housing along Langston Boulevard, we are disappointed that the needs of low-income renters who urgently need more affordable housing options did not become a higher priority in the final plan.

### 2024 General Assembly Legislative Priorities

At its September 14, 2023, hybrid public meeting, the Commission voted 8-0 to recommend that the County Board consider adopting the following legislative priorities within its legislative package for the next General Assembly session:

1. Grant authority to Virginia localities to enforce tenant rights and protections under the Virginia Residential Landlord and Tenant Act (VRLTA), especially concerning health and safety conditions.
  - The County Board has included this item in its legislative priorities since 2021 and the Commission believes it should continue to be a priority for the county. Although Delegate Price patroned legislation (HB802) aligned with this legislative priority in 2022, the bill was vetoed after being passed by the Virginia House and Senate.
2. Increase the required percentage of accessible units (Type A) for new development in the Virginia Building Code.
  - The Housing Commission received testimony from disability advocates who recommended that the required percentage in the Virginia Building Code Section 1107.6.2.2.1 for Type A units in new construction be increased from 2% to 10%. These advocates noted that there is a shortage of accessible units in Arlington.
3. Enhance anti-retaliation protections for tenants who form a tenant association, seek to enforce their rights under the Fair Housing Law, VRLTA, and Virginia Uniform Statewide Building Code, or raise grievances to their property manager or landlord.
  - The Housing Commission has heard directly from tenants, especially low-income tenants, that they have hesitated to or not reported violations of their rights as tenants because they fear retaliation. Additionally, the Regional Fair Housing Plan adopted by the County Board in July 2023 notes that that Spanish-speaking residents reported “fear of reprisal as a major issue in reporting housing discrimination or substandard housing

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conditions.” This is a problem affecting tenants across the county across income levels and current law places the burden of proving a landlord’s intent to retaliate on the tenant. In 2022, Delegate Lopez patroned HB840 which would presume that a landlord is retaliating against a tenant if they increase their rent or evict them within 6 months after the tenant brings up complaints. The bill failed to advance in the General Assembly.

4. Establish a Virginia mold remediation fund and provide free mold testing to Virginia residents. Require that landlords reimburse Virginia for mold testing and remediation if they do not address any unsafe mold issues identified through state testing within 20 days. If the landlord fails to remediate the mold, the state will carry out remediation for the tenant.
  - o The Housing Commission noted in the Serrano Report (2022) that potentially dangerous mold continues to be a problem for low-income tenants in Arlington. The Housing Commission has heard complaints from residents of mold infestations and the unwillingness of their landlords to remediate the mold as required under the VRLTA. The proposed legislative priority would provide Virginia residents with new tools to economically identify dangerous mold and new authority for the commonwealth to improve tenant’s health and safety conditions when landlords refuse to meet their duty under the VRLTA.

### Barcroft Affordability and Financing Plan

At its December 7, 2023, virtual public meeting, the Commission voted 9-0 to advise the County Board to approve the Barcroft Apartments Affordability and Financing Plan. The Commission thanks both Jair Lynch Real Estate Partners and county staff for bringing forward a proposal that provides sitewide affordability and achieves many Affordable Housing Master Plan (AHMP) goals, such as increasing the amount of family sized units, increasing the amount of units affordable to persons at very-low incomes, providing Permanent Supportive Housing, among others.

Commission discussion focused primarily on asking both the developer and county to include a written aspirational goal in the Master Financing and Development Plan (MFDP) of achieving 255 committed affordable units (CAFs) up to 30% of the Area Median Income (AMI) at the site. The current proposal commits to a minimum of 134 units up to 30% AMI.

The Housing Commission voted 5-4 to approve a motion recommending that the County Board include an aspirational goal of achieving 255 committed affordable units (CAFs) up to 30% of the Area Median Income (AMI) at the site within the plan. The Commissioners in favor of the aspirational goal to house 255 households at or below 30% AMI on the Barcroft site view it as an important part of the county’s commitment to preserving Arlington’s economic diversity. Documenting this aspirational goal within the MFDP is an important guiding element of the land use planning for the Barcroft site and may become more achievable over time when/if the financial environment for the site improves. The Commissioners who voted against the motion felt that the developer has already committed to

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significant affordability at the site, and did not want to create unrealistic expectations or burden for the developer. Although the need to protect the financial viability of the project was a priority for all Commissioners, the Commissioners in favor of the documented aspirational goal believe the 255 goal can ultimately be accomplished over time using a combination of financing, income averaging, 9% tax credits, and land use tools.

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## **Housing Commission**

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