

Affordable Housing Study Working Group

Focus Meetings Summaries October-December 2014

October 30

Code Enforcement: Safe Housing

Public comment: Susan Korfanty advocated for changes to the State of Virginia statute that places the burden of proof on tenants for an eviction in retaliation for reporting complaints to code enforcement. It was proposed that statute should be modified such that “Any Eviction following a good faith lawful action shall be presumed to be retaliatory unless clear and convincing evidence of a lawful reason for the eviction is presented.”

Public Comment: Jim Shea recommended that a study and recommendations that the Alliance for Housing Solutions prepared a few years ago be taken into consideration. The Affordable Housing Study has been strong on quantifying housing need but has not addressed the quality of housing. The quality of housing should be more prominent in the Study and phrasing should underscore safe and affordable housing.

County Staff outlined the proposed objective and policy that supports safe housing conditions and code enforcement; and outlined the actions taken by code enforcement to ensure safe housing in the County, including proactive inspections and inspections in response to complaints within 3 to 5 days of the complaint. Code enforcement no longer conducts full code inspections as defined in the current affordable housing goals as code enforcement lacks the legal authority to carry out these inspections. Common area inspections are still undertaken.

Code enforcement committed to reporting on the following:

- Common area inspections

- Tracking of complaints received

 - Valid/not valid

 - Rental complaints as a percentage of all complaints received

 - Average number of days for compliance for rental complaints

 - Percent of rental complaints requiring court appearances.

Health code also needs to be addressed under this objective in addition to the building code and property maintenance code.

The condition of committed affordable housing should be specifically addressed in a policy statement.

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Committed affordable rental production

Agreement that the policy adopted by the County for the Columbia Pike Neighborhoods Area Plan – to preserve all affordable housing (MARKs up to 80% AMI and CAFs) – should hold for the whole county. Translated into a percentage of rental stock this would be 23%.

However this should be the bottom threshold for housing production as it does not provide for the increase in population and merely maintains what currently exists. We should strive to meet the actual need. Translated into a percentage of rental stock this would be 36%.

Level of Affordability

The actual and forecasted needs indicate a mismatch of housing affordability and household income. More CAF units at affordability levels below 60% AMI should be sought. Deeper affordability will mean deeper subsidy and a balanced approach needs to be taken to ensure that projects are financially feasible. A percentage of new CAF development should be affordable at 50% AMI (or lower). Staff needs to take a deeper look to determine an appropriate percentage to aim for.

November 12

Family-sized Units

40% of CAFs should be family-sized and 25% of these (or 10% overall) should be 3+ bedrooms. *Given that the greater share of CAFs come from MARKs we need to look at the actual unit size of the MARK stock to assess feasibility.*

Affordability Periods

AHIF assisted CAF units should be affordable for terms of 60 years. The measure for this should be the average affordability period in terms of years for all AHIF assisted CAFs.

Homeownership: Production

The tools for producing affordable ownership housing are not in place yet. As those tools are worked out production objectives should be worked out. The working group members present thought that it would be premature to set a numeric production goal prior to working out the means to produce ownership housing.

There was consensus that the production of affordable homeownership units should be directed at lower middle income households, below 100% AMI.

Homeownership: Homebuyer Assistance

The recommendation that a production target for homebuyer assistance should be tiered off of the number of home sales in the previous year that were affordable to households under 80%AMI was not accepted. Given the trajectory of real estate with the example of MARKs the members had doubts that there would be inventory under the 80% AMI threshold in the future.

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There was consensus that there should not be a target for homebuyer assistance in light of past performance and future prospects.

November 20

Affordable Housing Ordinance

Developers have largely used the in lieu payment option rather than building on-site affordable units since the adoption of the zoning code provisions commonly called the Affordable Housing Ordinance. Due to lengthier affordability requirements on the housing units built through developer contributions to AHIF, contributions yield roughly 3.2 units of affordability (as measured in unit years of affordability) over on-site units.

Given that the formula for developer contributions is established in the Code of Virginia and is not under the authority of the County to alter, and that alterations to the Code could place the benefits that the County receives at risk, and in light of the actual benefit obtained through the ordinance through the in-lieu fees the Working Group members present were in agreement that the changes to the Ordinance should not be sought at this time.

Bonus Density

Members maintained that bonus density has been a very effective means to achieve more affordable units built on-site. There was agreement with the recommendation to remove the 25% cap on bonus density. The proposed aim, that 20 percent of CAFs be produced through land use policies, was not accepted by the working group because of the relational nature of the goal (the goal could be achieved by producing less AHIF financed units rather than increases in actual land use policy produced units). Recommendation was to set a goal *to increase the number of CAFs produced through planning and land use tools by "x" percent.*

Flexibility in Single Family Zoning

Members present were in agreement that enabling greater flexibility in single family neighborhoods is necessary. It was highlighted that these options would be particularly beneficial for persons with disabilities and older population making housing more financially manageable and conducive to extended family arrangements.

Much of the discussion was about how to achieve flexibility in housing types that would allow for more than one dwelling unit on parcels with in single family zoned areas. Possibilities included; relaxing some of the requirements in the accessory dwelling unit ordinance; special overlay districts, form-based code for single family areas, rewriting single family zoning provisions in the zoning ordinance.

A member raised the need to have greater flexibility in the definition of family within the zoning code. The need for group homes of more than four unrelated persons for special populations was raised. There was consensus among the group that the definition of family needed to be adjusted to be less restrictive.

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Accessibility

Staff proposed to change the language of the policy from reference to “universal design” which refers to a set of principles) to “accessible” (as defined by the International Code Council International Building Code, Type A accessible and/or the Uniform Federal Accessibility Standards). Members present agreed to change the policy to the following: “Maintain a sufficient supply of committed affordable housing that are accessible for persons with physical and sensory disabilities.”

Based on information from the needs analysis it was agreed that, as a target, by 2040 10% of all CAFs should be accessible to and occupied by person with disabilities.

Aging

The group looked at the likely impacts on housing programs of the forecasted increase in households headed by a person over 65 years of age. Both Housing Grants and the Real Estate Tax Relief Programs could see increased demand and costs.

Lower Income Households: Housing Grants

Projections for the housing Grants program were analyzed and the relationship between rental assistance programs and CAF units. Buying down affordability below 60% AMI to 50% AMI would be a cost effective way to contain costs of the Housing Grant program. This strengthens and supports the recommendation regarding affordability level of CAFs (November 5); to establish a target for the production of a share of CAFs at 50% AMI

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Displacement

The recommendations of the TAF task force that was charged with developing recommendations for addressing the impacts to tenants of “by right” development were presented.

Recommendations included; systematically sharing information regarding demolition permits with tenant organizations; providing housing locator services; and providing a one-time payment to affected low-income tenants to offset relocation costs.

The policy statement in the Affordable Housing Plan was looked at to assess if it encompassed the recommendations and was modified by the removal of the word technical. The recommendations themselves are more operational and will be incorporated into the implementation framework. The policy reads as follows: “For private projects, encourage owners/developers to provide assistance to displaced tenants and provide County assistance to affected tenants.”

Homelessness

The target for homelessness to eliminate homelessness. Eliminating homelessness needs to be defined in terms of “functional homelessness.” David Liebson and County staff agreed to work on developing a clear definition on functional homelessness that involves having no more persons entering homelessness in a given period of time than the number of formerly homeless persons housed in the same time period.

The group amended the first homelessness policy was “Proactively pursue access to affordable housing for homeless individuals and families using an approach that centers on providing housing quickly. When temporary shelter is necessary as an interim step, provide individual housing-oriented services to move homeless persons to permanent housing as quickly as possible.”

Transit

Concern that the phrase used in the second policy statement “high levels of access” may have a more specific meaning among transportation planners and that if that is the case a different way of saying that might be preferable if the definition does not match the definition for affordable housing purposes.

A proposal that an aim be established for 90 percent of all CAFs to be located within ½ mile of Metrorail stations or ¼ mile of bustops along primary transit corridors was not supported. Members wanted to know how the current supply of CAFs measure up to this standard and were concerned that the aim might be too restrictive.

Staff needs to work with transportation staff to better delineate what access to transportation options means; levels of service, distance to access points, etc.