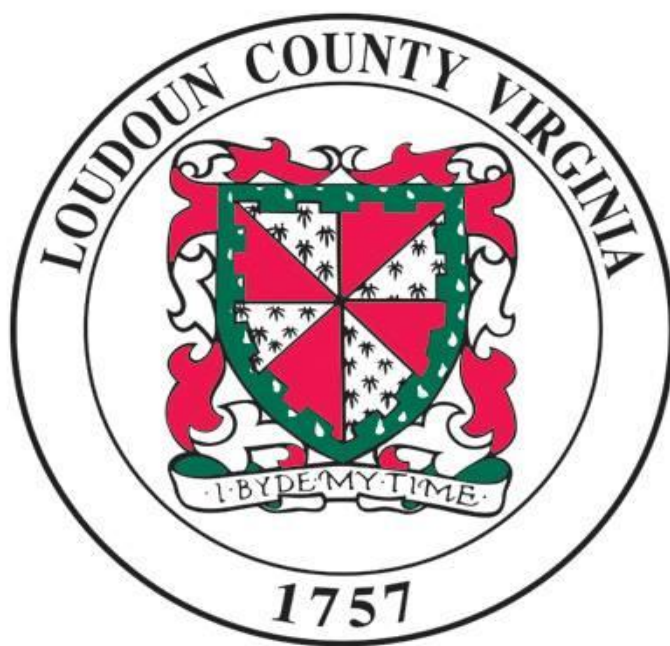


DRAFT METROPOLITAN WASHINGTON REGIONAL FAIR HOUSING PLAN

LOUDOUN COUNTY



May 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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ACKNOWLEDGEMENTS

The U.S. Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity provided technical assistance to the participating governments to support effective regional collaboration. Ronaldlyn Latham from HUD and Jarrod Elwell from Enterprise Community Partners were key partners in this effort. The local governments wish to acknowledge support from the District of Columbia and Lesley Edmond for providing a Plain Language editorial review and translation of this executive summary and related materials.

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. 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 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 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 video¹—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 the 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 60-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) 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 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

Loudoun County²

1. *The County should establish a working group within the government that would include relevant agencies and others to study the feasibility of establishing a Human Rights Commission or other enforcement entity to further fair housing in the County. The County government becomes the natural first response entity and must be equipped to receive and to respond to those concerns. The working group can further examine how the creation of an enforcement entity can benefit County services and the County's ability to be responsive to inquiries concerning perceived housing discrimination. A Human Rights Commission or other enforcement entity would have the power to receive and investigate complaints of housing discrimination. The working committee would make recommendations about the establishment of a Human Rights Commission or other enforcement entity within the County. The working group can examine other Northern Virginia enforcement agencies. Such an examination could assist the County in establishing an enforcement framework to investigate housing discrimination complaints and to seek their resolution by conciliation or by other methods.*

The Office of Equity and Inclusion was established in the summer of 2021 and is part of the Office of the County Administrator. The Office of Equity and Inclusion works collaboratively with the county's workforce, residents, businesses, and visitors to make Loudoun County a more inclusive place for people from all backgrounds, identities, experiences, and viewpoints to feel free to live, work, learn, and play.

2. *Establish a centralized office staffed by a full- or part-time staff person and/or telephone information line within the county government where residents can obtain information about how to file a complaint with the Virginia Fair Housing Office (VFHO). Notify county residents of this service through community outreach, including but not limited to public service announcements, county website postings, and informational notices posted at libraries, social service offices, and other governmental agencies and offices. Inform both residents and home seekers about how the VFHO can assist them if they encounter perceived housing discrimination. Affirmatively further fair housing by responding to these inquiries and making referrals to the VFHO. Fair housing is advanced when outside agencies can be utilized by the county for the benefit of its citizens and for those who seek to reside in the county. The recommended timeline is four years (2014–2018) for the implementation of a centralized office staffed by a full- or part-time staff person and/or telephone line for information about the VFHO and for establishing a working group to study creating a human rights commission or other enforcement entity and making recommendations to the county.*

The approved Loudoun County Budget for FY2023 includes the introduction of a full-time fair housing coordinator in the Department of Housing and Community Development. The coordinator will create an interdepartmental landlord-outreach team that includes staff from multiple departments in order to share information, address issues, and improve opportunities for higher-barrier households. The coordinator also will spearhead efforts to study the need for and feasibility of creating a Loudoun County human rights commission or other enforcement entity and will make recommendations to the county.

3. *Establish a working group to study the development and implementation of a fair housing ordinance and to study the feasibility of pursuing substantial equivalency certification with HUD. The recommended ordinance would achieve two critical objectives: (1) it would allow assessment*

of housing discrimination issues by local officials, and (2) it would ensure compliance with fair housing guidelines. The recommended timeline is four years (2014–2018).

The county plans to establish a Housing/Equity Task Force and the Office of Equity and Inclusion has been established, and resources regarding fair housing are available on the county's website.³

4. *Provide and promote information about the fair housing rights of home seekers and the fair housing responsibilities of housing providers, particularly information related to reasonable accommodations and modifications and design and construction requirements under federal and state fair housing laws. Continue to provide and expand distribution of the VFHO's "Virginia's Fair Housing Law" brochure.*

Loudoun County provides information on fair housing rights and works with local and regional fair housing organizations to provide education on topics such as federal and state fair housing protections and landlord and tenant rights. Additionally, the Loudoun County Fair Housing web page launched on March 25, 2022, to provide information and resources.

5. *Explore ways to sponsor fair housing training seminars for housing providers, their employees, and related associations. Explore ways to make fair housing training an annual event in April, which has been designated by the federal government as Fair Housing Month.*

Events take place every April to celebrate Fair Housing Month to promote education and awareness about fair housing. The Department of Housing and Community Development hosted the following webinar events in April 2022 with training provided by the VFHO, Legal Services of Northern Virginia, Housing Opportunities Made Equal (HOME) of Virginia, and the Equal Rights Center.⁴

- "Fair Housing for People with Disabilities" provided an overview of federal and state fair housing protections for people with disabilities.
- "Overview of the Virginia Residential Landlord and Tenant Act and Eviction Laws in Virginia" provided information on the VRLTA and current eviction laws in Virginia, including changes expected in July 2022.
- "Updates on Federal, State, and Local Fair Housing Protections" provided an overview of federal and state fair housing protections and an update from the Loudoun County Office of Equity and Inclusion.

Loudoun County hosted several fair housing trainings and workshops in collaboration with community partners over the past several years. These included:

- Fair Housing Education and Input Session – July 2017
 - Free Training on Fair Housing – February 2018
 - Open House for Landlords and Realtors – April 2018
 - Fair Housing Training Course – November 2019
 - Fair Housing Act Protections Overview – June 2021
6. *Continue to explore ways to raise awareness of fair housing in the community through public service announcements, fair housing facts and updates on the county website, fair housing poster contests in schools, and outreach to citizens groups.*

Efforts to develop higher awareness are underway with the launch of the Department of Housing and Community Development Fair Housing web page, the creation of the Office of Equity and Inclusion, and the addition of new positions to further awareness about fair housing. These

positions include a fair housing coordinator, interdepartmental housing coordinator, UHNSP implementation project manager, community development project manager, assistant director, and housing accountant.

7. *Continue monitoring compliance with fair housing laws through the county's fair housing testing program. A comprehensive testing program combined with enforcement efforts provides a powerful incentive for local housing providers to comply with fair housing laws. Continue to conduct testing studies to uncover housing discrimination in the county, particularly issues related to reasonable accommodations and modifications and design and construction requirements under fair housing laws. It is projected that the source of the funds will be from Community Development Block Grant (CDBG) funds. Costs for testing will be based on the number and type of tests. Conduct the following testing over a four-year period: rental tests for disability in year 1 (2015); rental tests for accessibility in year 2 (2016); rental tests for race and national origin in year 3 (2017); and rental tests for family status and housing choice vouchers (HCVs) in year 4 (2018). The recommended timeline is four years, beginning in 2015, with annual testing based on the above or a similar schedule.*

Housing testing has been ongoing in coordination with an interjurisdictional contract to test within the communities of participating jurisdictions. Rental tests included accessibility, race and national origin, family status, and HCVs.

Through a regional contract with the Northern Virginia Regional Commission, Loudoun County conducted fair housing testing during 2014 – 2018 to include tests at more than 40 rental communities for the protected classes of race, national origin, disability/accessibility, and familial status. Tests also were conducted for use of Housing Choice Vouchers and Affordable Dwelling Unit rental certificates. The tests highlighted the need for more education related to reasonable accommodations, source of funds protections, and county housing programs.

8. *Continue to ensure compliance with fair housing design and construction requirements and develop ways to strengthen contacts between architects, developers, and county building inspectors. Provide information about HUD's Fair Housing Accessibility FIRST initiative on the county website for housing industry professionals.*

Through the implementation of the UHNSP over the next five years, the county will create an interdepartmental landlord-outreach team, including staff from multiple departments, to share information, address issues, and improve opportunities for higher-barrier households as well as regularly meet with renters, renter advocates, and landlords. Additionally, the Loudoun County 2019 General Plan called for universal design features in all communities, prompting a review of land development applications for universal design features.

9. *Develop ways to provide education and outreach services to members and representatives of the disabled community regarding their rights with respect to design and construction requirements, including various legal options that are available if violations are encountered.*

The Department of Housing and Community Development will continue to collaborate with the county's accessibility services manager, disability services board, community services board, and nonprofit partners, such as The Arc of Loudoun, to provide fair housing education and outreach to individuals with disabilities.

10. *Consider developing preconstruction mechanisms such as a checklist (setting forth design and construction requirements), permit review, and inspection process, and post this information on*

the county website. Disseminating this information to the housing industry might circumvent any potential fair housing violations prior to plan review by the Loudoun County Building Department.

The Department of Housing and Community Development is working to “create a regular educational program for affordable developers new to the county to familiarize them with the development and permitting review process and staff to include a web page with information regarding key departments, key contacts, and process outline.”⁵

11. *Emphasize the business advantages of complying with fair housing laws in efforts to provide education and outreach to industry professionals involved in the design and construction of multifamily buildings. Demand for accessible units is not limited to members of the disabled community; increases in the costs of single-family homes and the growth of the older population will also increase demand for multifamily housing in the future. The more accessible units a property has, the more likely it is to hold a competitive advantage in the marketplace.*

Loudoun County’s 2019 General Plan calls for universal design features in all communities. The county will continue to fund its Emergency Home Repair and Accessibility Grant Program. This program offers grants to homeowners who are at least 62 years old and/or have a household member with a disability for making repairs and modifications related to accessibility and/or addressing emergency needs. The county acts as agent for Virginia Housing’s Rental Unit Accessibility Modification Grant Program and Granting Freedom Program and has a priority in its Affordable Multi-family Rental Housing Loan Program for the provision of funding for apartment projects that include universal design and fully accessible apartments in loan proposals.

12. *Continue to monitor compliance with design and construction requirements through testing as part of the comprehensive testing program discussed above. The timeline is ongoing for the next five years, beginning in 2014.*

The Department of Housing and Community Development has added the community development project manager position to provide increased construction expertise to the staff in order to review and advocate for accessible design in residential development projects and county housing programs. The county will continue to fund its Emergency Home Repair and Accessibility Grant Program and act as agent for Virginia Housing’s Rental Unit Accessibility Modification Grant Program and Granting Freedom Program as well as its priority in the Affordable Multi-family Rental Housing Loan Program.

13. *Maintain and increase the stock of affordable housing through the ongoing and diverse affordable housing programs mentioned. Persist in efforts to strengthen the cooperative relationships with nonprofit service providers and the business community to initiate and maintain effective housing and community development efforts. Continue to identify affordable housing opportunities and programs in the Consolidated Plan. Neighboring jurisdictions, for example, have initiated funding programs that dedicate one penny of the real estate tax rate to the preservation and production of affordable housing. Review and study the creation of innovative programs as well as other options to help alleviate the shortfall of affordable housing stock—this is especially relevant in light of federal funding cuts.*

The UHNSP sets annual goals for attainable housing of 20 percent or 8,200 units of the total forecasted new homes (40,950) by 2040 and affordable access to an additional 7,800 for a total of 16,000 attainable housing opportunities. The county has annual goals of 250 units for 2021 and 500 units for 2022. Those units will be provided through new construction and access. The Department of Housing and Community Development will report quarterly on its progress.

The county has been implementing an Affordable Multi-family Rental Housing Loan Program since 2017 that has provided over \$25 million in gap financing to support seven Low-Income Housing Tax Credit (LIHTC) rental communities. The Loudoun County Board of Supervisors has also committed to providing an amount equal to one-half penny of the real property tax rate to support affordable housing in the county, or approximately \$6 million.⁶

14. *Continue outreach efforts to landlords about the benefits of participating in the Housing Choice Voucher (HCV) program. Provide assistance and education to guide landlords through the requirements of the voucher program.*

The HCV program provides ongoing, individualized education and support to current and prospective landlords. Outreach to landlords (both regarding the HCV program and regarding other housing initiatives) will be expanded through the development of the landlord outreach team proposed in the UHNSP.

15. *Test housing providers to determine at what level vouchers are being accepted in the county.*

The fair housing coordinator (a new position approved for FY2023) will oversee fair housing testing and will work with the HCV program to respond to fair housing complaints, including those related to sources of funds.

16. *Continue to ensure that the enforcement of overcrowding in violation of zoning and health and safety laws is enforced uniformly by local governments to avoid fair housing issues. Continue to enforce code requirements on a countywide basis.*

The county continues to respond to all code complaints. As it is a complaint-driven process, allegations of violations are investigated as reported. To ease the process, the county has a dedicated telephone line to accept zoning complaints through the Department of Planning and Zoning. Wholesale revision of the zoning ordinance is underway to address issues as well as to implement the 2019 General Plan. The fair housing coordinator also will work proactively with tenants and tenant advocates to connect residents to resources to address code violations and ensure the health and safety of rental units.

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

The Board of Supervisors adopted the UHNSP on September 8, 2021.⁷ The UHNSP has five objectives to help achieve Loudoun County's overarching housing goal of ensuring that county residents can access housing that they can afford:

1. Establish a coordinated, collaborative, and integrated housing network.
2. Secure land resources needed to address unmet housing needs.
3. Obtain viable funding sources.
4. Provide incentives, establish priorities, and increase access to affordable housing.
5. Implement policy changes to support affordable housing production and preservation.

Other significant, related efforts include the establishment and creation of

- an Office of Equity and Inclusion (July 2021),
- an independent Department of Housing and Community Development (April 2022), and
- a fair housing coordinator position (funding approved in July 2022 for FY2023 budget).

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).*

One of the most significant past impediments to fair housing in Loudoun County was the lack of sufficient affordable and attainable housing. In addition to existing programs (such as the Affordable Dwelling Unit program, HCV program, and Emergency Home Repair and Accessibility Grant Program), several new housing programs have been established in Loudoun County since 2014 to address this impediment. The following new programs have added affordable units and/or increased access to rental or homeownership opportunities.

- Affordable Multi-family Rental Housing Loan Program
The program provides gap financing to developers of affordable rental housing to encourage private investment to address Loudoun County's housing needs.
- Rental Housing Acquisition and Preservation Loan Program
The program provides gap financing for the acquisition and preservation of existing multifamily rental housing developments within Loudoun County.
- Rental Unit Accessibility Modification Grant Program and Granting Freedom Program
On behalf of Virginia Housing, these programs provide, respectively, grants to repair and improve accessibility of rental units and home and rental unit modifications for Virginia veterans and servicemembers who sustained a line-of-duty injury resulting in a service-connected disability.
- Down Payment and Closing Cost Assistance Program
For first-time homebuyers, the program offers loans of up to 10 percent of the sales price or \$25,000, whichever is less; applicants must live or work in Loudoun County for at least six months prior to applying.
- Public Employee Grants for Homeownership Program
The program offers forgivable loans of up to \$10,000 to purchase a home in Loudoun County for Loudoun County employees working in government offices, public schools, courts, and constitutional offices.
- Sponsoring Partnerships and Revitalizing Communities
Through an allocation from Virginia Housing, the program offers reduced interest rates for home loans in Loudoun County.
- State Rental Assistance Program
This rental assistance program serves individuals with disabilities who want to live independently in their own rental housing; it is offered through a partnership with the Department of Behavioral Health and Developmental Services.

The UHNSP provides specific goals and steps to address housing issues and pathways to implement necessary mechanisms for fair housing goals to be realized. It sets annual goals for attainable housing of 20 percent or 8,200 units of the total forecasted new homes (40,950) by 2040 and affordable access to an additional 7,800 for a total of 16,000 attainable housing opportunities. The county has annual goals of 250 units for 2021 and 500 units for 2022. Those units will be provided through new construction and access. The Department of Housing and Community Development will report quarterly on its progress.

The plan also calls for the development of new programs, pursuit of new funding streams (such as House Opportunities Made Equal [HOME] of Virginia and the federal Section 108 Loan Guarantee Program), and establishment of a Housing/Equity Task Force comprised of relevant stakeholders to examine the connection and relationship between determinants of health and housing. Shortfalls in

the achievement of goals on fair housing issues are being evaluated by the Department of Housing and Community Development.

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

Loudoun County is undergoing a wholesale zoning ordinance update in order to implement its 2019 General Plan. This effort may have large-scale impacts to overall development patterns and requirements; it may also benefit affordable housing. One piece of the zoning ordinance rewrite aims to improve and strengthen the county's inclusionary zoning program as well as to make other changes that could encourage more affordable and attainable housing.

Several new positions have been created to support the goals of the UHNSP. These positions also will support achievement of fair housing goals. The positions include a fair housing coordinator, interdepartmental housing coordinator, UHNSP project manager, and community development project manager (with a focus on home repair and community revitalization projects).

Proposed duties of the fair housing coordinator (approved for FY2023) include working with a consultant to review and streamline current program application materials to reduce barriers; addressing issues and improving opportunities for high-barrier households; meeting with renters, renter advocates, and landlords to devise local protocols to address issues such as rent increases, tenancy terminations, and installment plans for security deposits; and partnering with financial planning and credit counseling agencies. The fair housing coordinator will continue to expand fair housing training offerings and will oversee ongoing fair housing testing. The UHNSP also calls for the creation of an interdepartmental landlord-outreach team including staff from multiple departments to share information, address issues, and improve opportunities for higher-barrier households.

Finally, Department of Housing and Community Development staff will continue to work closely with the county's accessibility services manager and the newly established Office of Equity and Inclusion to affirmatively further fair housing and equity initiatives throughout the county. Collaborative efforts in 2022 included creating a new Loudoun County Fair Housing web page (www.loudoun.gov/fairhousing) and offering three trainings for Fair Housing Month. These trainings were held in April 2022 in partnership with the Office of Equity and Inclusion, Virginia Fair Housing Office, Equal Rights Center, HOME of Virginia, and Legal Services of Northern Virginia.

1.d. Discuss how the experience of program participant(s) with past goals has influenced the selection of current goals.

The Loudoun County Board of Supervisors has made a commitment to address the needs of the community with the adoption of the UHNSP on September 8, 2021. The UHNSP provides specific fair housing goals and outlines the steps and pathways necessary to address housing issues to realize those goals.

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 reflects 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
	#	%	#	%	#	%	#	%	#	%	
Loudoun County	28,667	7.3	221,708	56.1	53,812	13.6	73,241	18.5	882	0.2	395,134
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.

Loudoun County

Loudoun County has proportionally higher White and Asian populations than the region as a whole. White residents make up 56.1 percent of the population. Asian or Pacific Islander residents make up 18.5 percent of the county's population. By contrast, Black residents make up only 7.3 percent of the population, less than one-third of the percentage of the region. Loudoun County is slightly less heavily Hispanic than 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 10 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
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#
Loudoun County	22,751	5.8	7,373	1.9	3,810	1	7,223	2	9,594	2.6	3,840	1.1	6,756	2.4	39,2980

Region	530,902	8.7	137,130	2.2	96,668	1.6	191,985	3.4	259,195	4.5	10,1366	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.															
Data source: 2015–2019 American Community Survey five-year estimates															

Loudoun County

In general, a lower percentage of Loudoun County's population has a disability than the region's population.

Region

About 9 percent of the region's population has a disability. The most common types of disability 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
Loudou n County	India	El Salvador	Philippin es	Pakistan	Peru	Vietnam	Korea	China	Honduras	Mexico	
	22,906	8,716	4,031	3,953	3,879	3,699	3,694	3,627	2,933	2,491	96,782
Region	El Salvador	India	China	Korea	Ethiopia	Guatem ala	Vietnam	Philippi nes	Mexico	Hondur as	
	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											

Loudoun County

Of non-U.S.-born residents of Loudoun County, India is the most common country of origin, followed by El Salvador.

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
Loudoun County	Spanish	Other Indo-European languages	Other Asian and Pacific Island languages	Vietnamese	Chinese (incl. Mandarin, Cantonese)	Korean	Arabic	Tagalog (incl. Filipino)	Russian, Polish, or other Slavic languages	Other and unspecified languages	Total population
	16,440	5,676	3,776	2,240	1,807	1,511	1,445	1,059	812	746	366,827
Region	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.

Loudoun County

In Loudoun County, Spanish is the most prevalently spoken language for people with limited English proficiency (LEP). From 2015 to 2019, Loudoun County’s population with LEP has grown by 55 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
Loudoun County	55%

Data: 2015-2019 American Community Survey 5-year estimates

Table 6: Demographics, Sex

	Total Population	Male population		Female population	
		#	%	#	%

Loudoun 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	
		#	%	#	%	#	%
Loudoun County	395,134	112,621	28.5	246,898	62.5	35,615	9
Region	6,196,585	1,427,108	23	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

Loudoun County

Loudoun County's population is skewed younger than that of the region as a whole. The county has a higher percentage of youth under 18 years of age than the region as whole—28.5 percent of the population of the county is under 18, compared with 23.0 percent in the region.

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).⁸

Table 8: Demographics, Family Status

	Families with Children	
	#	%
Loudoun County	61,035	47.4
Region	740,724	33.4

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

Loudoun County

Loudoun County has a notably higher percentage of families with children than 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, Loudoun County, Virginia

	1990 Trend		2000 Trend		2010 Trend		Current	
Race/Ethnicity	#	%	#	%	#	%	#	%
White, Non-Hispanic	75,477	87.7	134,872	79.6	194,845	62.4	256,660	57.2
Black, Non-Hispanic	6,096	7.1	12,563	7.4	25,000	8.0	29,906	6.7
Hispanic	2,123	2.5	10,049	5.9	38,576	12.4	53,812	12.0
Asian or Pacific Islander	2,021	2.4	10,357	6.1	51,588	16.5	73,798	16.4
Native American, Non-Hispanic	143	0.2	635	0.4	1,291	0.4	505	0.2
National Origin								
Foreign-born	4,872	5.7	19,094	11.3	63,426	20.3	96,782	24.5
LEP								
Limited English Proficiency	2,050	2.4	8,762	5.2	28,721	9.2	36,011	9.8
Sex								
Male	42,782	49.7	83,739	49.4	154,078	49.3	195,769	49.5
Female	43,293	50.3	85,761	50.6	158,233	50.7	199,365	50.5
Age								
Under 18	23,235	27.0	51,274	30.3	95,434	30.6	112,621	28.5
18-64	57,655	67.0	108,886	64.2	196,452	62.9	246,898	62.5
65+	5,185	6.0	9,341	5.5	20,425	6.5	35,615	9.0
Family Type								

Families with children	12,327	52.3	17,386	59.3	48,182	59.9	61,035	47.4
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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 Loudoun 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 1990, Hispanic and Asian or Pacific Islander residents made up 2.5 and 2.4 percent of the population, respectively. Now, Hispanic residents make up 12.0 percent of the population and Asian or Pacific Islander residents make up 16.4 percent of the population. Additionally, the percentage of foreign-born residents has quadrupled since 1990.

Table 10: Demographic Trends, Region

	1990 Trend		2000 Trend		2010 Trend		Current	
Race/Ethnicity	#	%	#	%	#	%	#	%
White, Non-Hispanic	2,671,370	64.1	2,696,495	55.6	2,762,787	49	2,278,106	41.8
Black, Non-Hispanic	1,053,952	25.3	1,306,715	26.9	1,486,865	26	1,290,907	23.7
Hispanic	227,064	5.5	430,297	8.9	775,416	14	778,484	14.3
Asian or Pacific Islander, Non-Hispanic	198,835	4.8	364,525	7.5	580,476	10	558,174	10.2
Native American, Non-Hispanic	9,894	0.2	21,648	0.5	25,389	0	11,970	0.2
National Origin								
Foreign-born	489,041	11.7	830,998	17.1	1,140,681	20	1,412,074	22.8
LEP								
Limited English Proficiency	228,633	5.5	409,098	8.4	519,697	9	624,410	10.8

Sex								
Male	2,030,838	48.7	2,357,615	48.6	2,750,340	49	3,028,975	48.9
Female	2,138,525	51.3	2,492,433	51.4	2,899,200	51	3,167,610	51.1
Age								
Under 18	985,397	23.6	1,254,069	25.9	1,348,790	24	1,427,108	23
18-64	2,823,736	67.7	3,160,017	65.2	3,733,524	66	3,983,449	64.3
65+	360,230	8.6	435,962	9.0	567,226	10	786,028	12.7
Family Type								
Families with children	510,562	48.8	388,450	49.7	657,872	48	740,724	33.

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				
Loudoun County	1990 Trend	2000 Trend	2010 Trend	Current
Non-White/White	20.11	22.86	29.37	32.53
Black/White	22.38	21.00	23.01	27.96
Hispanic/White	23.78	29.52	37.90	40.09
Asian or Pacific Islander/White	35.34	30.29	33.89	38.67
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

Loudoun County

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

Region

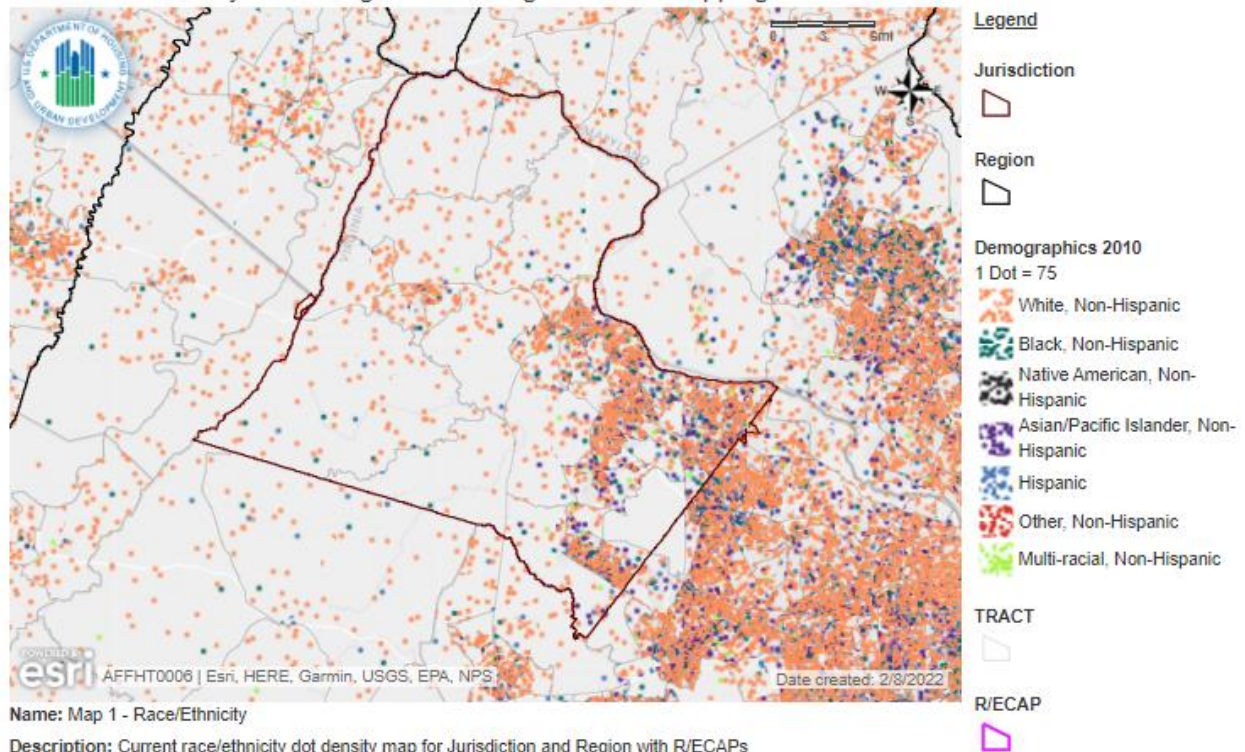
Overall, the region experiences high levels of segregation between Black and White populations. The region also experiences moderate levels of segregation between Hispanic and White and between Pacific Islander and White populations. The Dissimilarity Index values across all racial and ethnic categories 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 in determining whether such housing is located in segregated or integrated areas, and describe trends over time.

Map 1: Race/Ethnicity, Loudoun County, Virginia

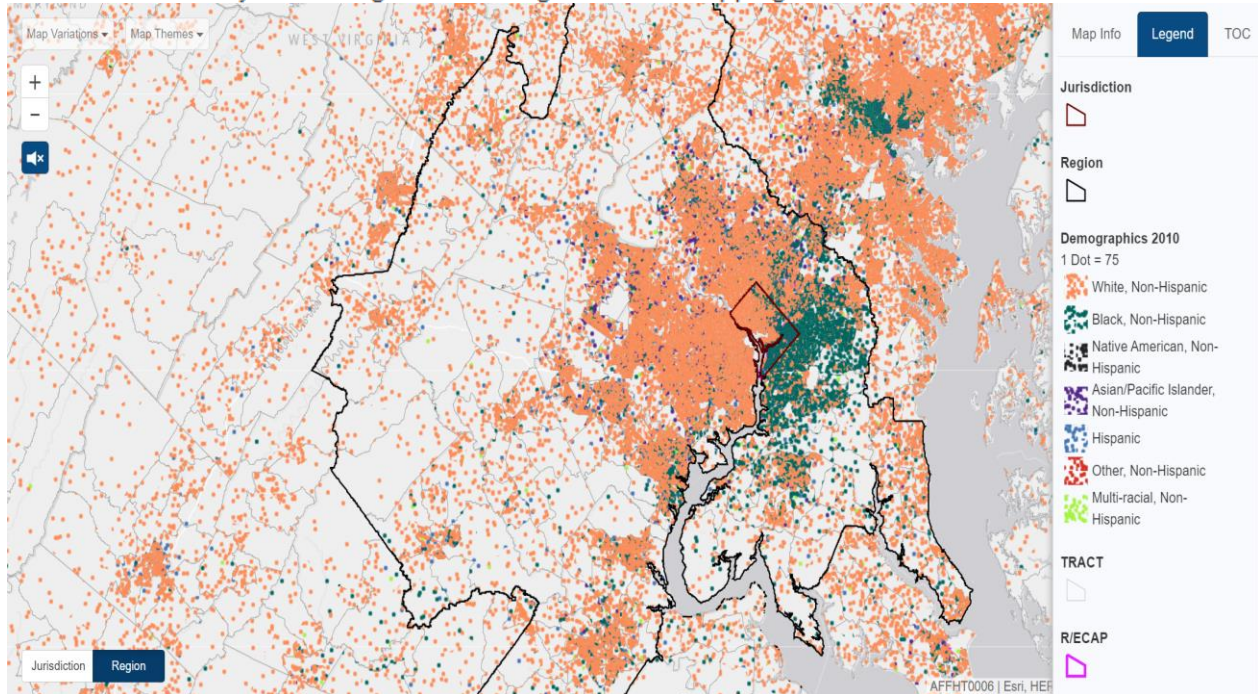
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In Loudoun County, a majority of the residents are White; the second-most-populous group is Hispanic. The western portion of the county has predominately White residents. There are higher numbers of Asian or Pacific Islander and Hispanic households near and around the cities of Leesburg and Sterling.

Map 2: Race/Ethnicity, Region

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Name: Map 1 - Race/Ethnicity

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

Jurisdiction: District Of Columbia (CDBG)

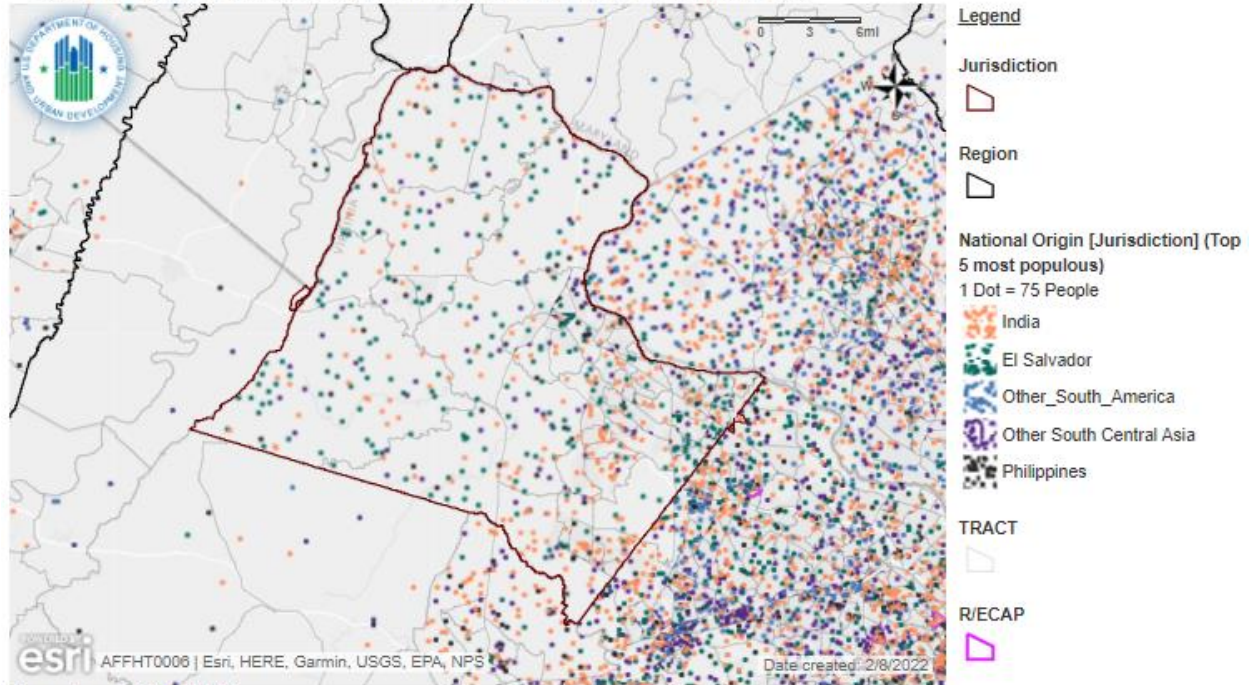
Region: Washington-Arlington-Alexandria, DC-VA-MD-WV

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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, Loudoun County, Virginia

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Name: Map 3 - National Origin

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

Jurisdiction: Loudoun County (CDBG)

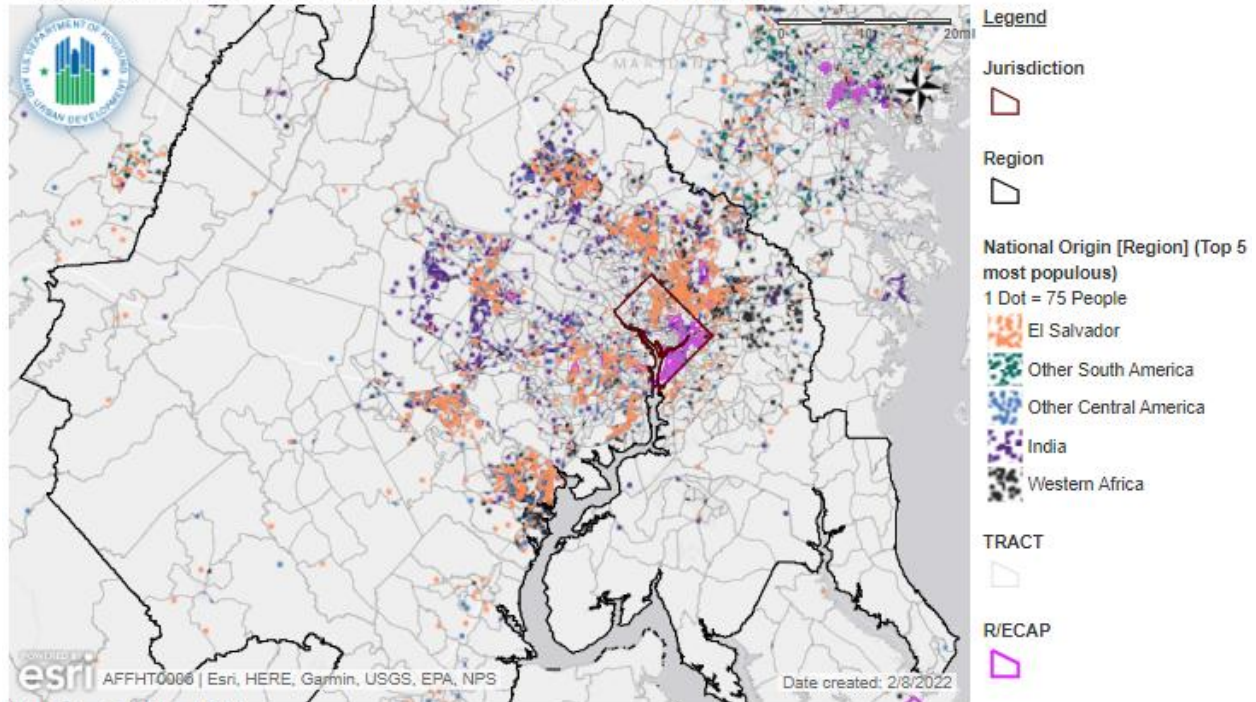
Region: Washington-Arlington-Alexandria, DC-VA-MD-WV

HUD-Provided Data Version: AFFHT0006

In Loudoun County, the most common nationality of non-native-born residents is Indian. The second-most-common nationality is Salvadoran, followed by Filipino. Non-native-born residents live throughout the county, but a large cluster live in the eastern portion of the county. The western portion of Loudoun County has the least amount of non-native-born residents.

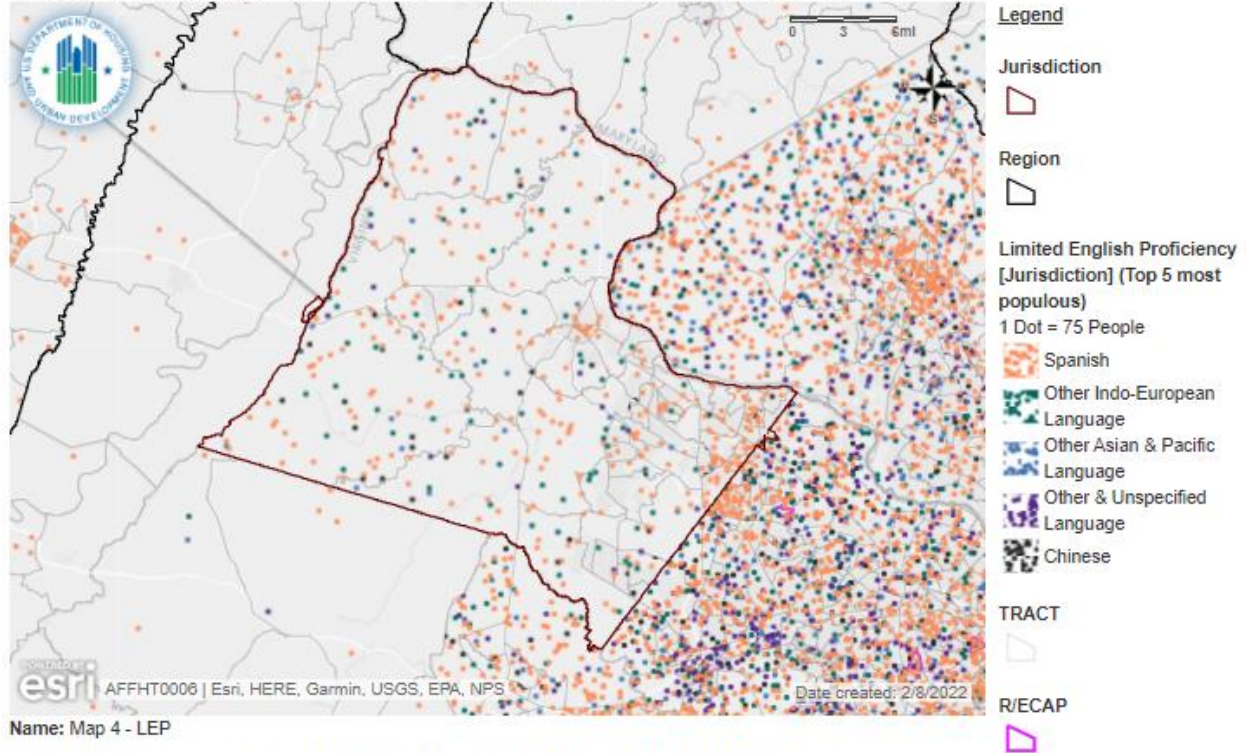
Map 4: National Origin, Region

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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.

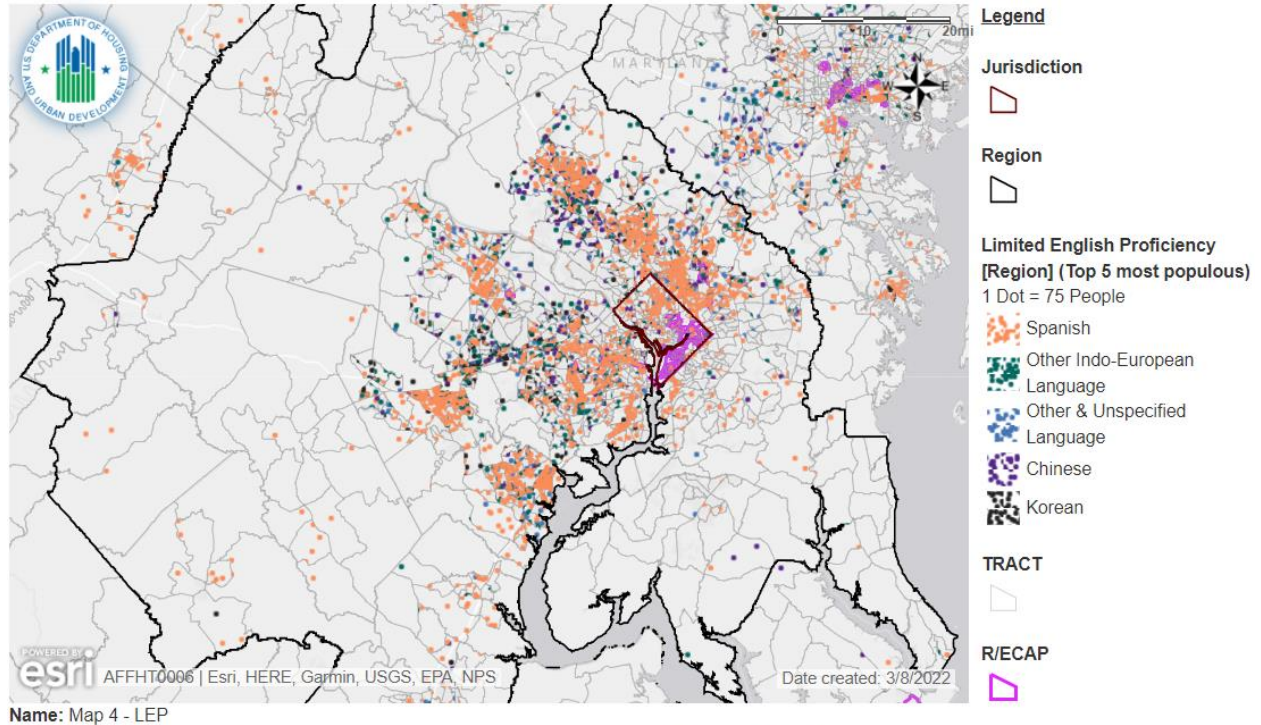
Map 5: Limited English Proficiency, Loudoun County, Virginia
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In Loudoun County, approximately 10 percent of the population speaks with LEP. The top foreign languages spoken by those with LEP are Spanish, other Indo-European languages, other Asian or Pacific Islander languages, and Vietnamese. Since 2015, the population with LEP has grown by 55 percent. There are larger populations of Spanish LEP residents around the cities of Leesburg and Sterling.

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

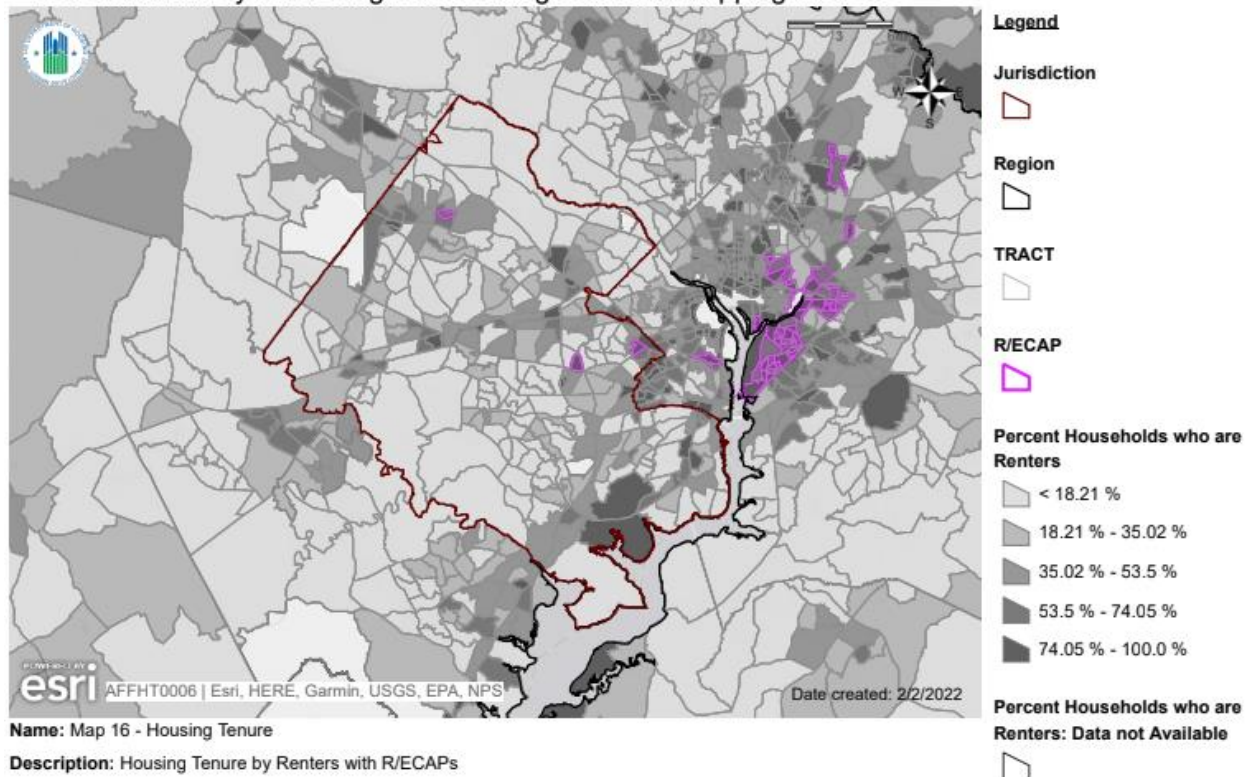
Jurisdiction: District Of Columbia (CDBG)

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

HUD-Provided Data Version: AFFHT0006

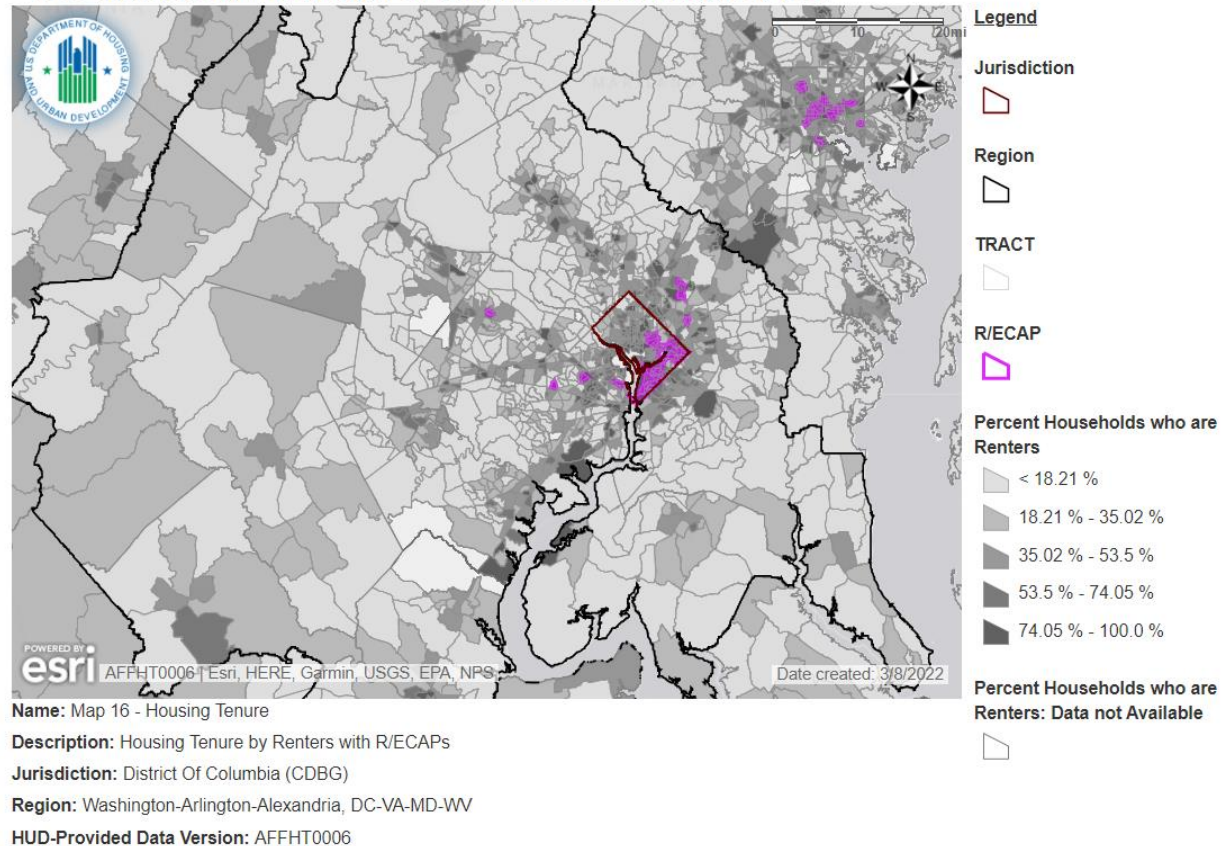
Regionally, almost 10 percent of the population has limited proficiency in English. The top languages spoken by those with LEP are Spanish, other Indo-European languages, and unspecified languages. The majority of LEP residents reside in the eastern portion of the region, with very few in the western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

Map 7: Percentage of Renter-Occupied Households, Loudoun County, Virginia
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In Loudoun County, the location of renters largely correlates with aforementioned patterns of racial and ethnic segregation. There are also higher percentages of renters near the more urban areas of the county. In particular, the areas with the highest percentages of renters are near the cities of Leesburg and Sterling.

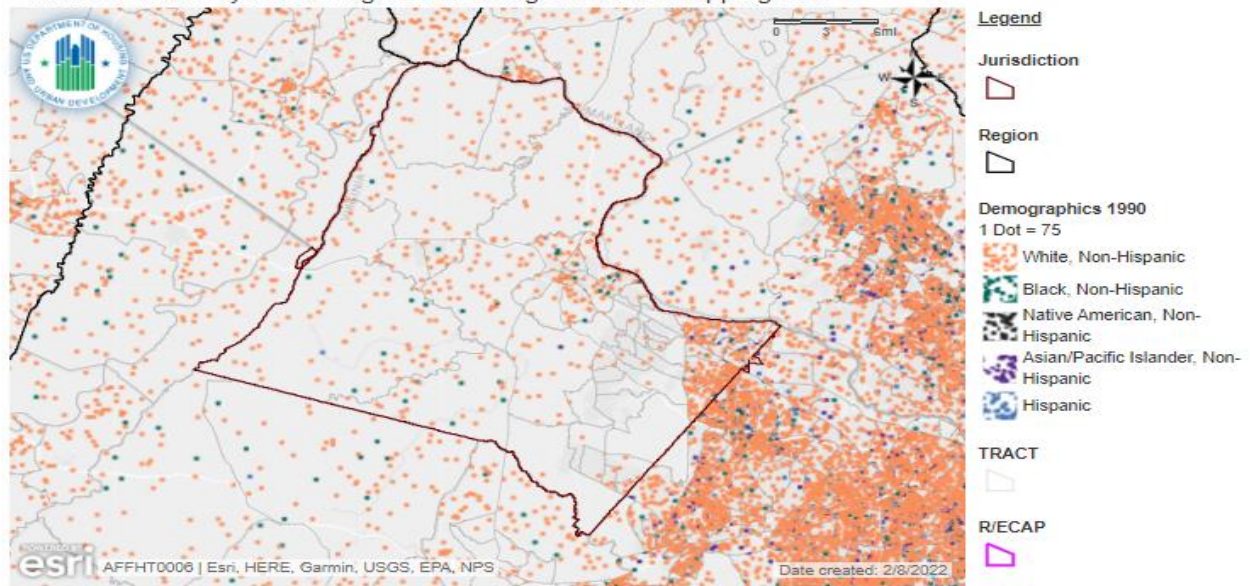
Map 8: Percentage of Renter-Occupied Households, Region
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



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 correlates with the areas with a larger percentage of minority residents.

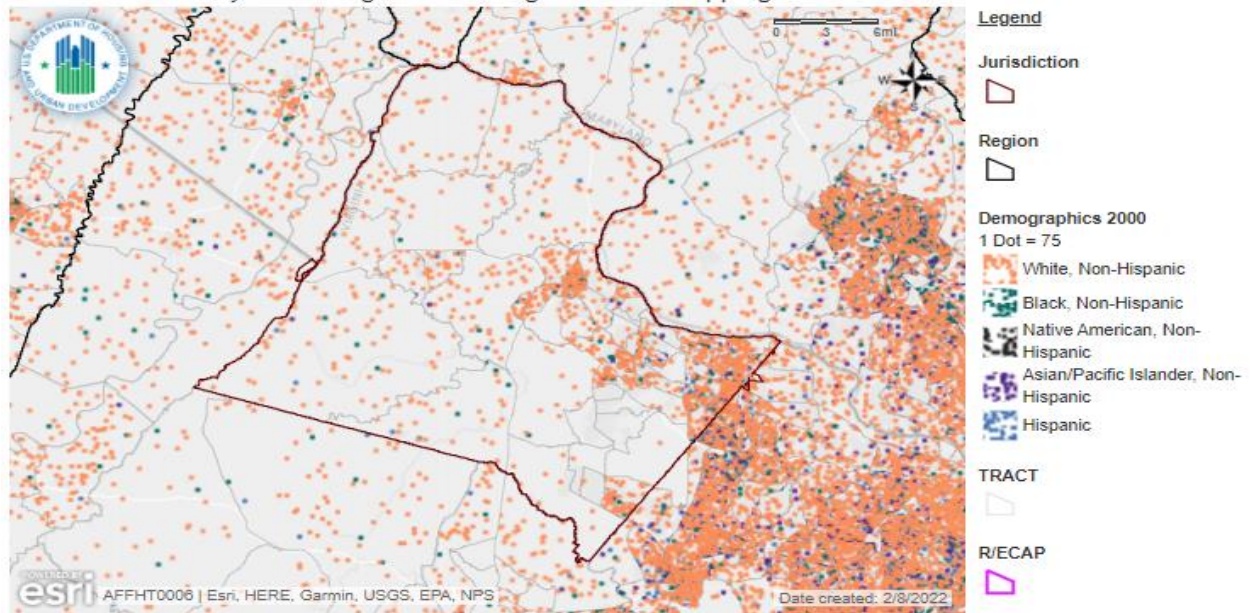
1.e. Discuss how patterns of segregation have changed over time (since 1990).

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



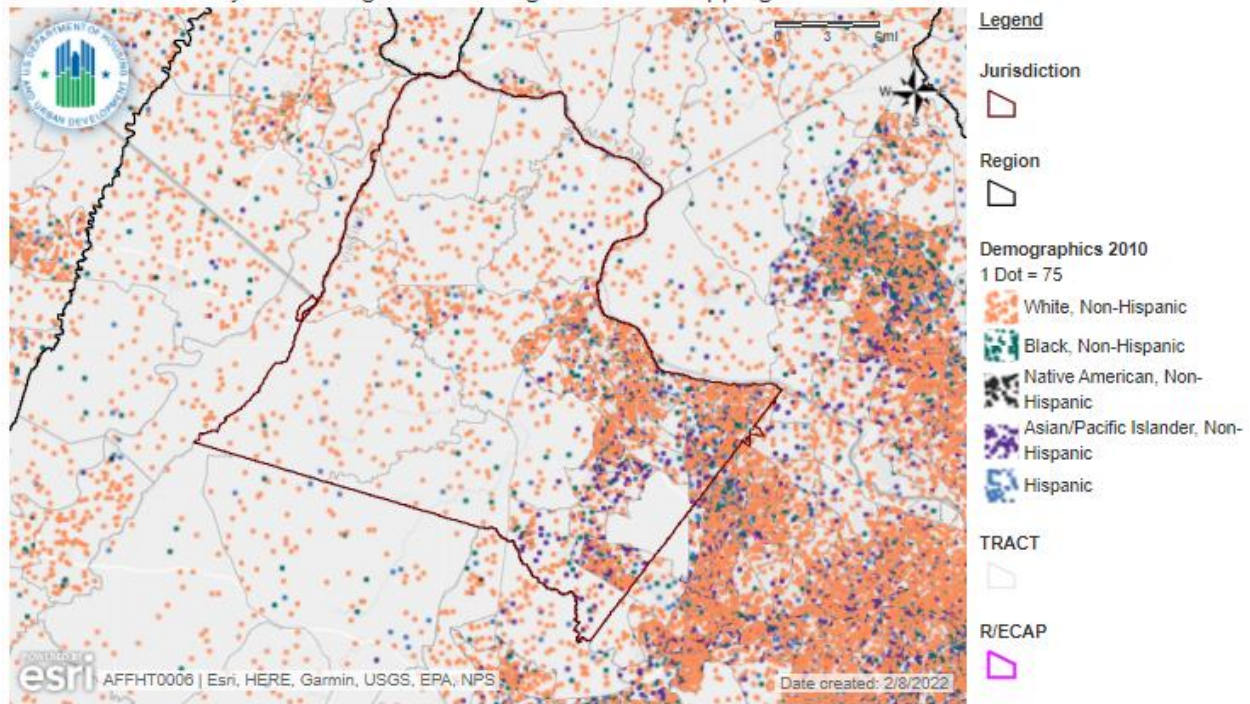
Name: Map 2 - Race/Ethnicity Trends
Description: Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs
Jurisdiction: Loudoun County (CDBG)
Region: Washington-Arlington-Alexandria, DC-VA-MD-WV
HUD-Provided Data Version: AFFHT0006

Map 10: Racial Demographics in 2000 Loudoun County, Virginia
 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: Loudoun County (CDBG)
Region: Washington-Arlington-Alexandria, DC-VA-MD-WV
HUD-Provided Data Version: AFFHT0006

Map 11: Racial Demographics in 2010, Loudoun County, Virginia
 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: Loudoun County (CDBG)

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

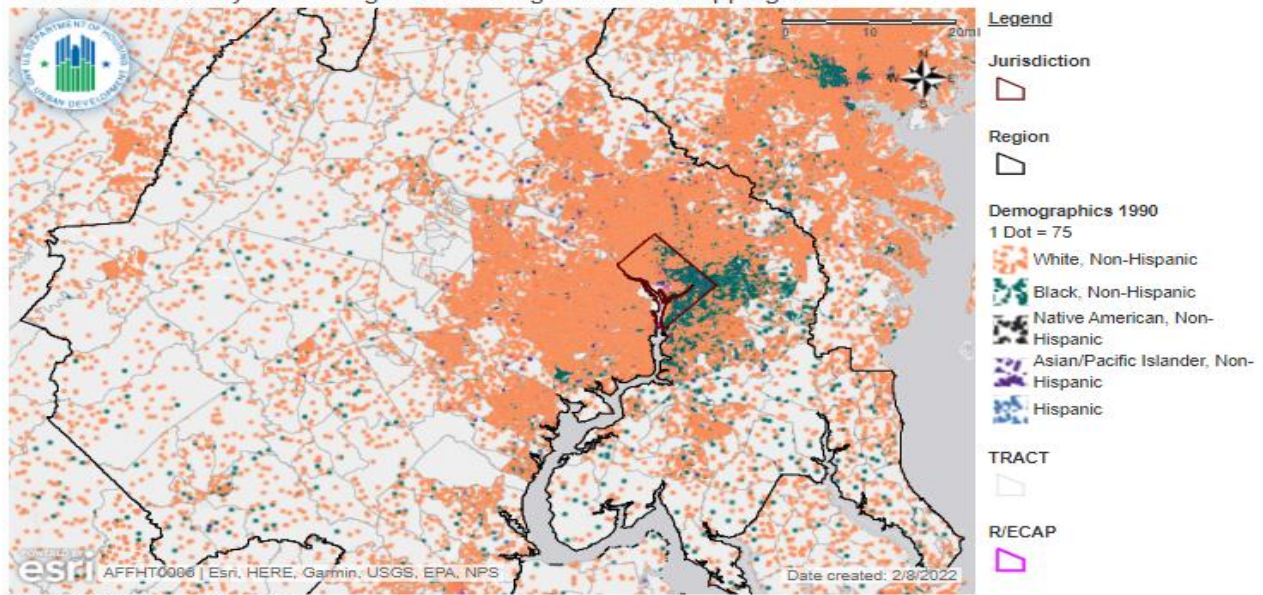
HUD-Provided Data Version: AFFHT0006

Loudoun County

Segregation in Loudoun County has increased since 1990. Since 1990, the Dissimilarity Index values across all racial and ethnic minorities have increased (table 1, page 18). In 1990, the Dissimilarity Index values all corresponded with low levels of segregation. Although higher, the current index values all still correspond with low levels of segregation, with the exception of the value for Hispanic/White, which is barely in the medium range.

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

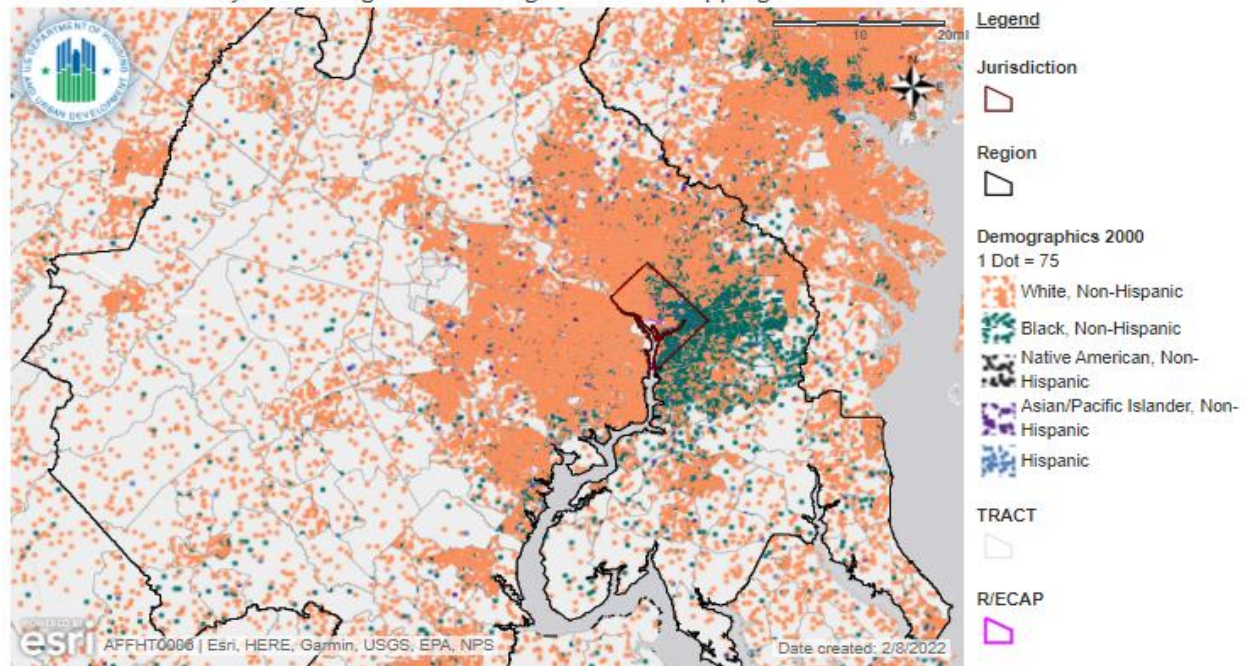
Jurisdiction: District Of Columbia (CDBG)

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

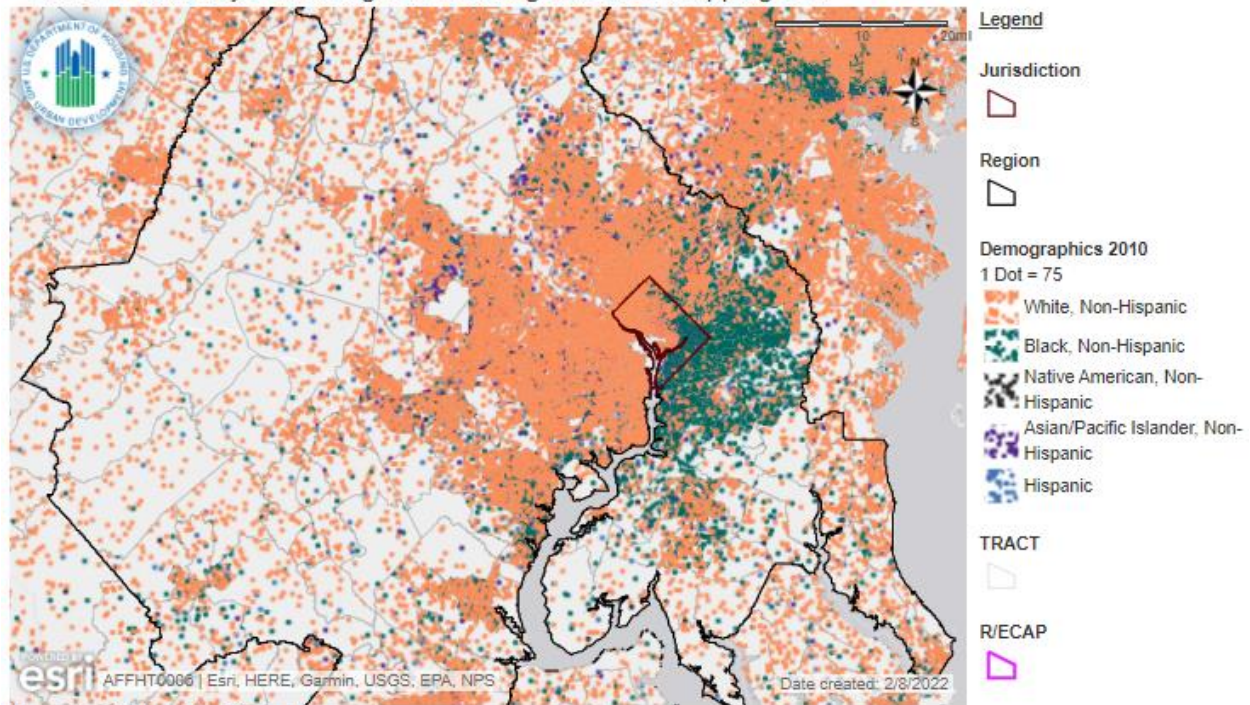
Jurisdiction: District Of Columbia (CDBG)

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



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

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.

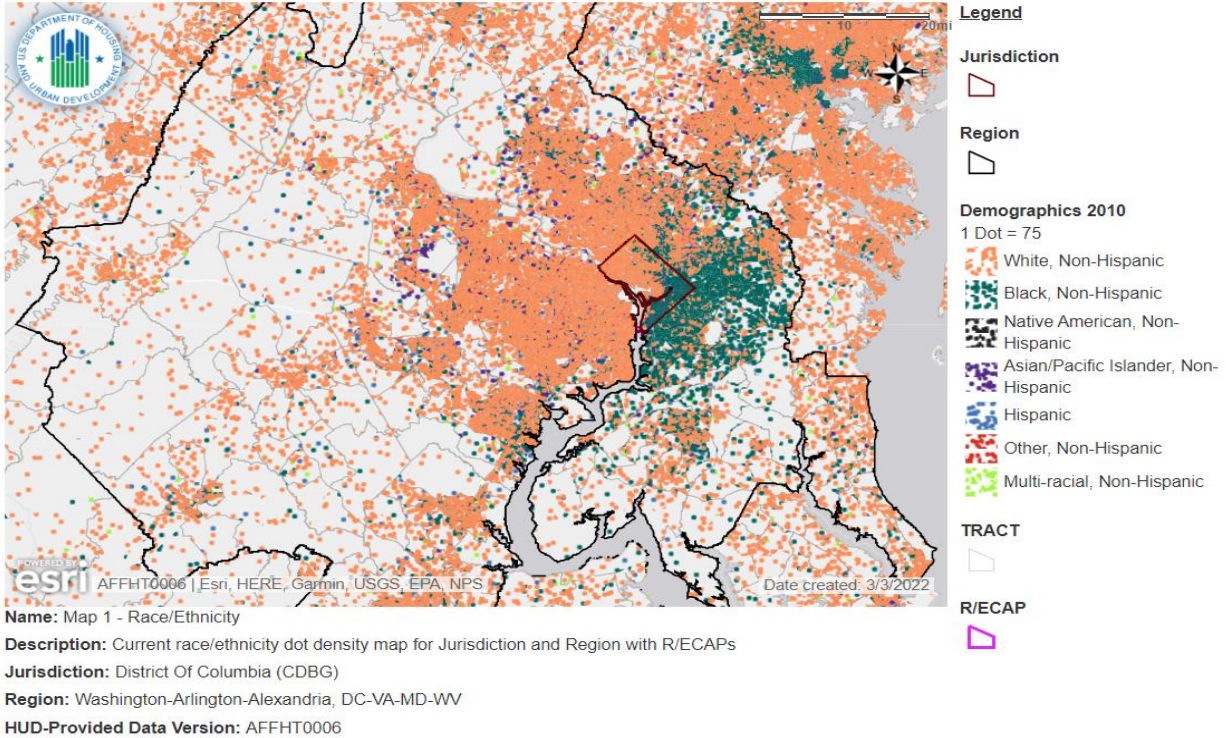
Data note: Some of the tables and maps in this section are sourced from the HUD tool, which used 2011–2015 five-year ACS data. These maps and tables are accessible to all and can be used by anyone to numerically and spatially analyze their jurisdictions or communities of interest. Other tables and maps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

There are no R/ECAPs within Loudoun County, so the county is excluded from this analysis.

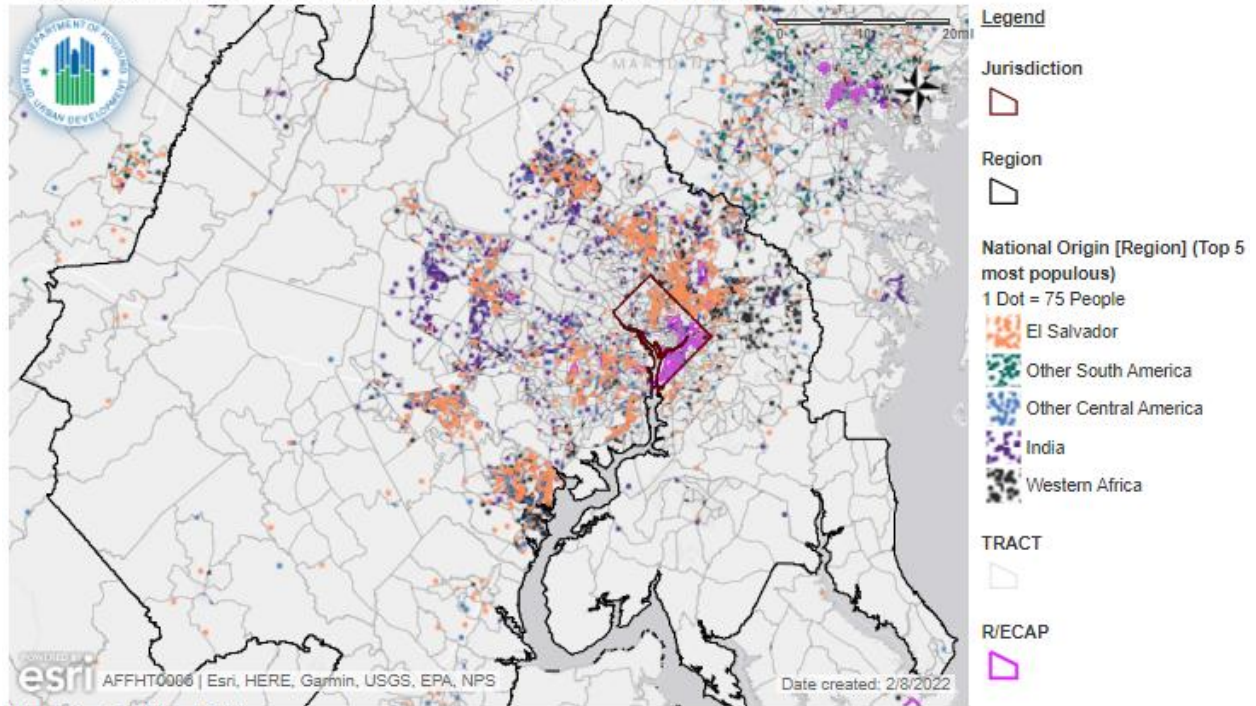
Map 15: R/ECAPs in Jurisdiction with Race/Ethnicity, Region

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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.⁹ 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 16: R/ECAPs in Jurisdiction with National Origin, Region
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

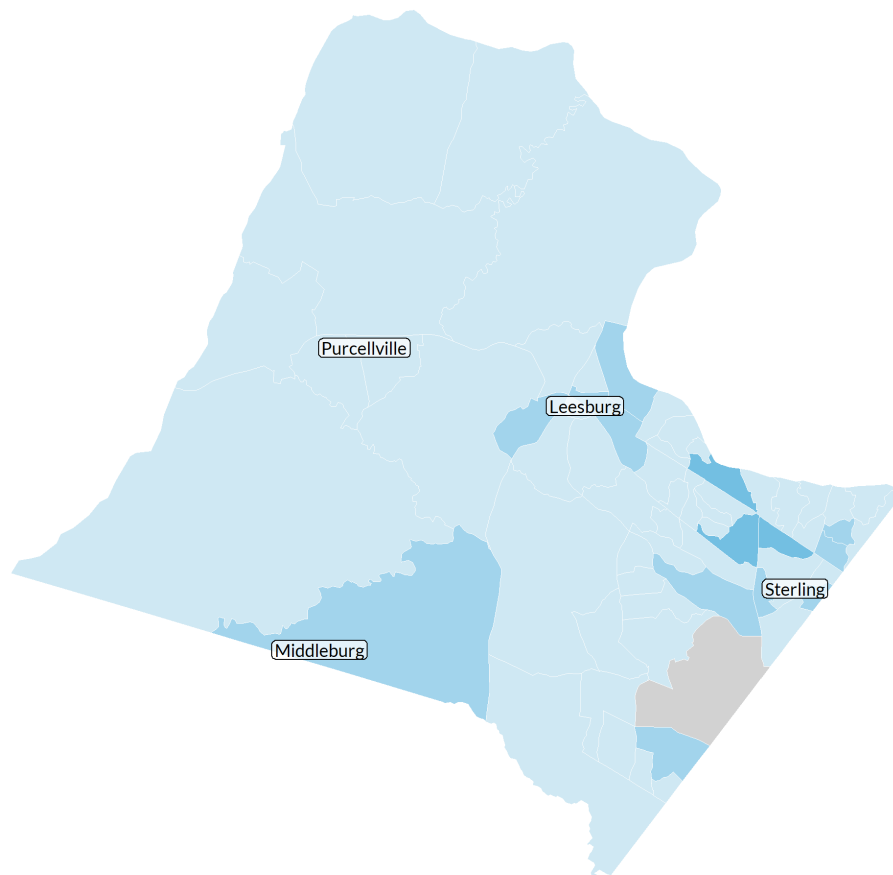
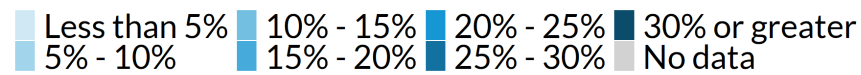


Across the region, Salvadorans and other Central Americans are the most prevalent foreign-born residents to live in R/ECAPs. Within R/ECAPs, Salvadorans make up just under 3.0 percent and other Central Americans make up 2.5 percent of residents.¹⁰

Map 17: R/ECAPs in Jurisdiction with Poverty Rates, Loudoun County, Virginia

Poverty Rates by Census Tract in Loudoun County, Virginia

R/ECAPs Highlighted in Yellow



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

There are no R/ECAPs in Loudoun County.

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

	Region	
R/ECAP Race/Ethnicity	#	%
Total Population in R/ECAPs	150,440	-
White, Non-Hispanic	8,904	5.92%
Black, Non-Hispanic	119,872	79.68%
Hispanic	16,312	10.84%
Asian or Pacific Islander, Non-Hispanic	2,646	1.76%
Native American, Non-Hispanic	325	0.22%
Other, Non-Hispanic	225	0.15%
R/ECAP Family Type		
Total Families in R/ECAPs	32,565	-
Families with children	17,062	52.39%

Table 13: R/ECAP Demographics

	Region		
	Country of origin	#	%
#1	El Salvador	4,484	2.98%
#2	Other Central America	3,757	2.50%
#3	Other South America	1,314	0.87%
#4	Mexico	1,219	0.81%
#5	Eastern Africa	1,020	0.68%
#6	Western Africa	899	0.60%
#7	Other Caribbean	809	0.54%
#8	Other South Central Asia	722	0.48%

#9	China excl. Taiwan	496	0.33%
#10	India	484	0.32%

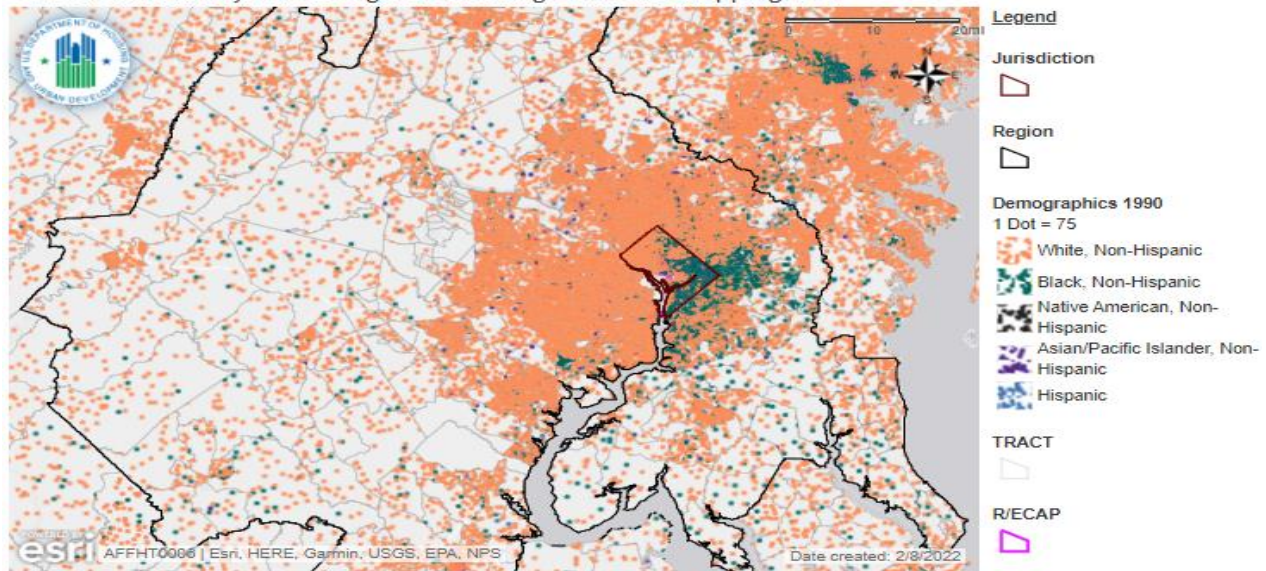
Region

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 18: R/ECAPs and Racial Demographics in 1990, Region

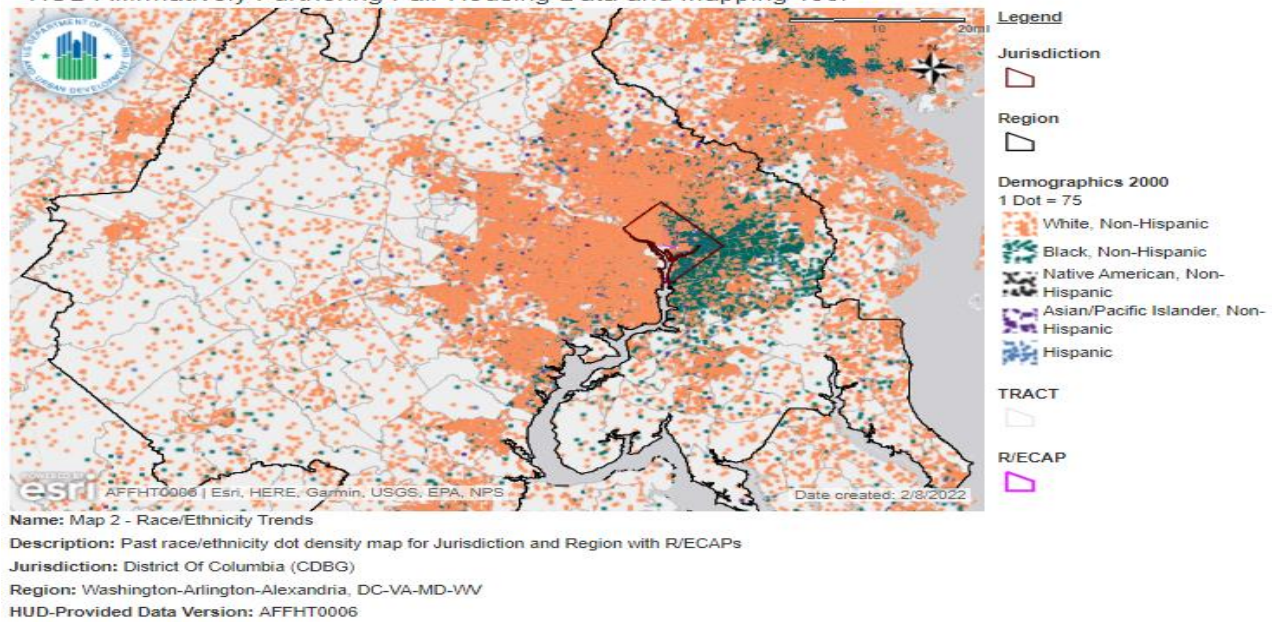
HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



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

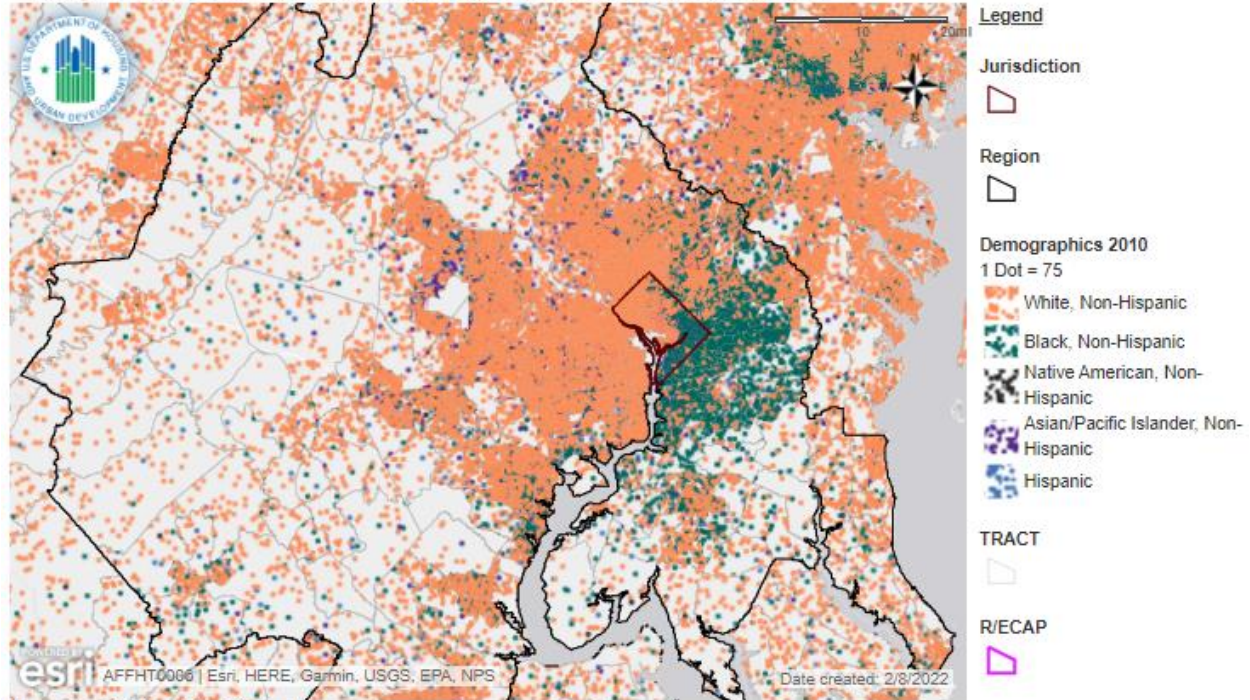
In 1990, the R/ECAPs were located primarily in the District and were predominantly located in majority Black neighborhoods.

Map 19: R/ECAPs and Racial Demographics in 2000, Region
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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 20: R/ECAPs and Racial Demographics in 2010, Region
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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

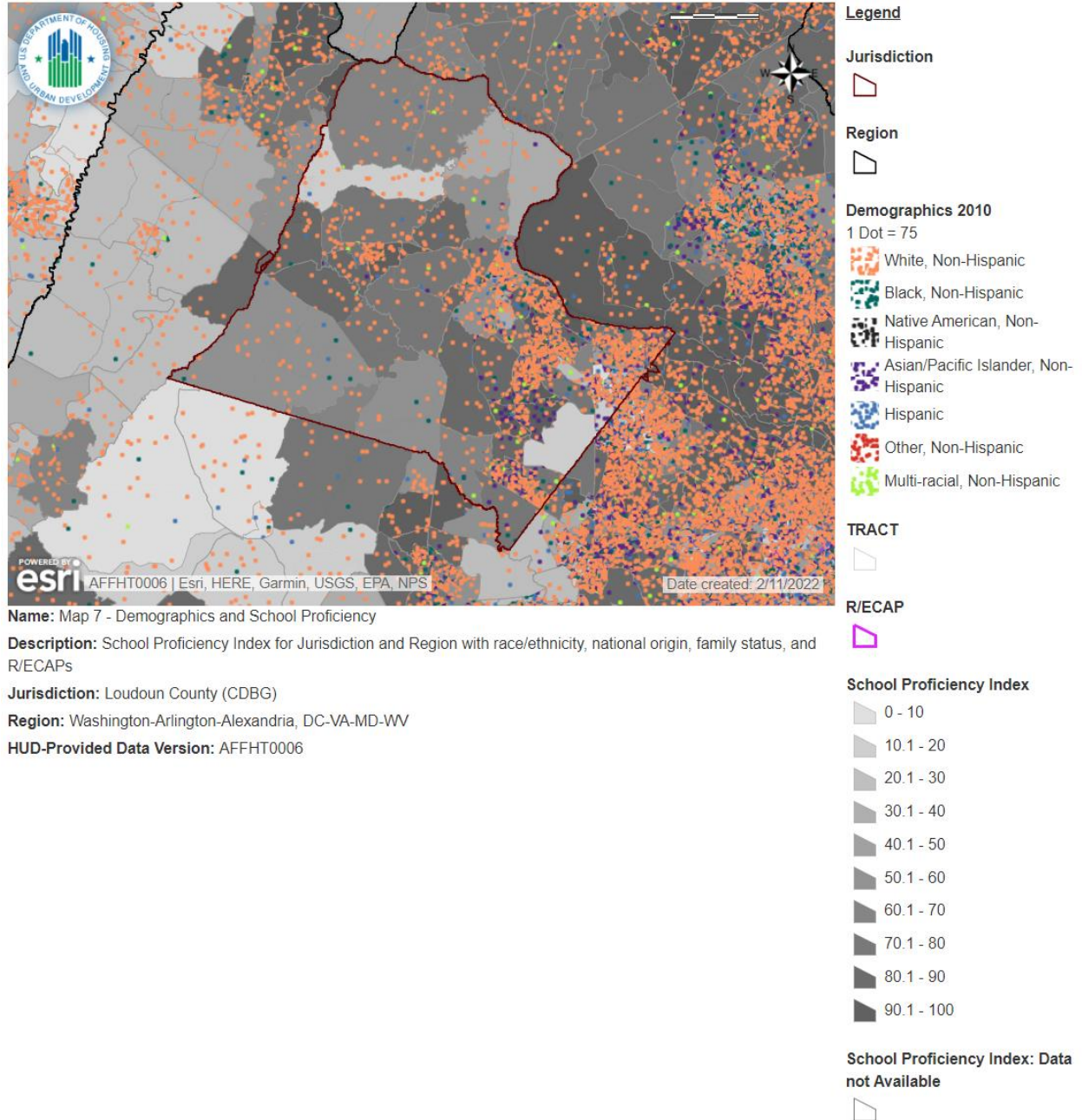
a. Disparities in Access to Opportunity – Education

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

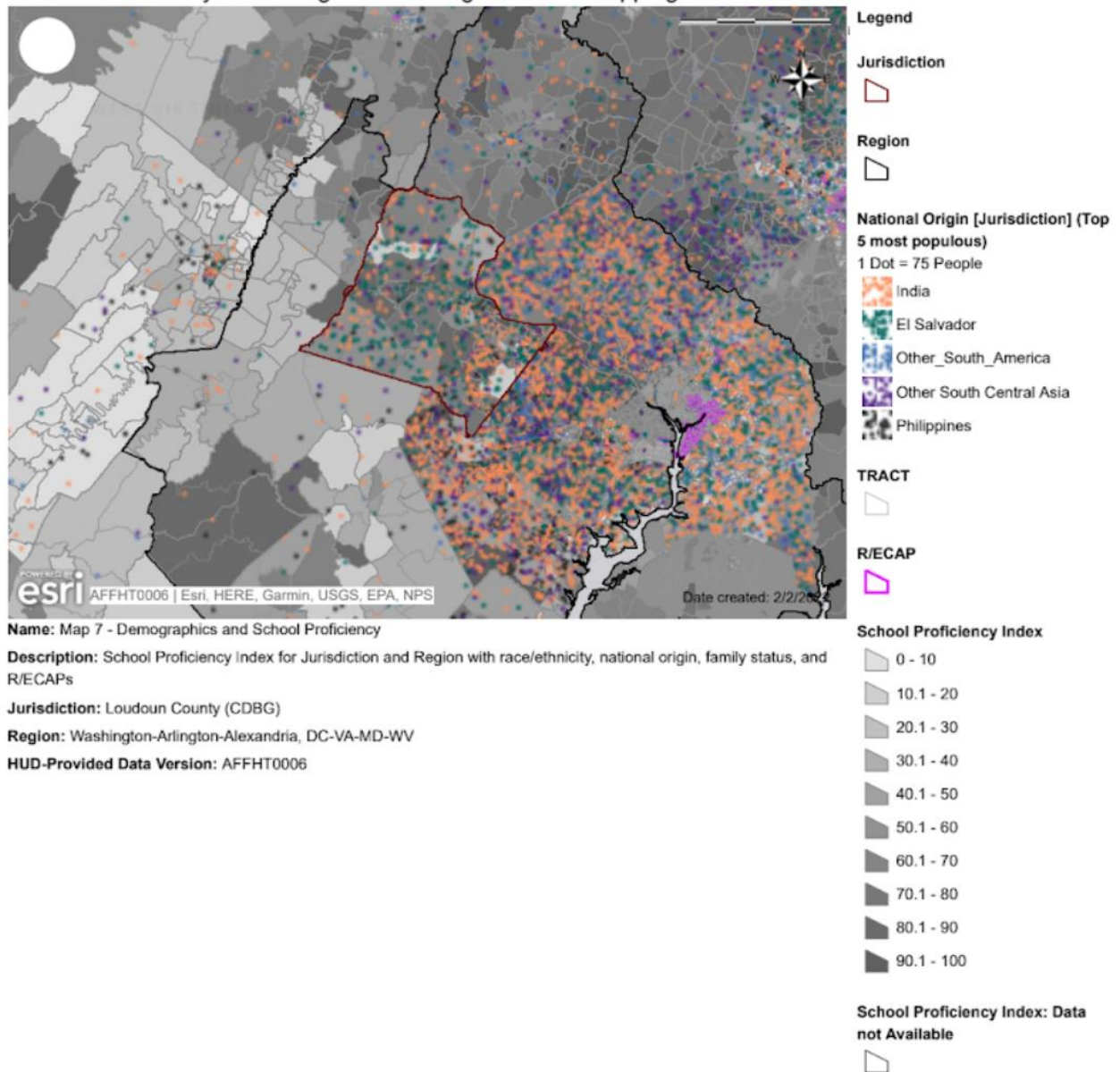
	Loudoun County	Region
Total Population		
White, Non-Hispanic	70.25	60.67
Black, Non-Hispanic	65.14	38.14
Hispanic	53.28	43.36
Asian or Pacific Islander, Non-Hispanic	70.88	58.09
Native American, Non-Hispanic	67.15	48.69
Population below federal poverty line		
White, Non-Hispanic	61.82	54.12
Black, Non-Hispanic	54.44	34.15
Hispanic	52.16	39.28
Asian or Pacific Islander, Non-Hispanic	61.13	53.01
Native American, Non-Hispanic	71.66	40.50

Map 21: Race/Ethnicity and School Proficiency, Loudoun County, Virginia HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Map 22: National Origin and School Proficiency, Loudoun County, Virginia

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Map 23: Familial Status and School Proficiency, Loudoun County, Virginia

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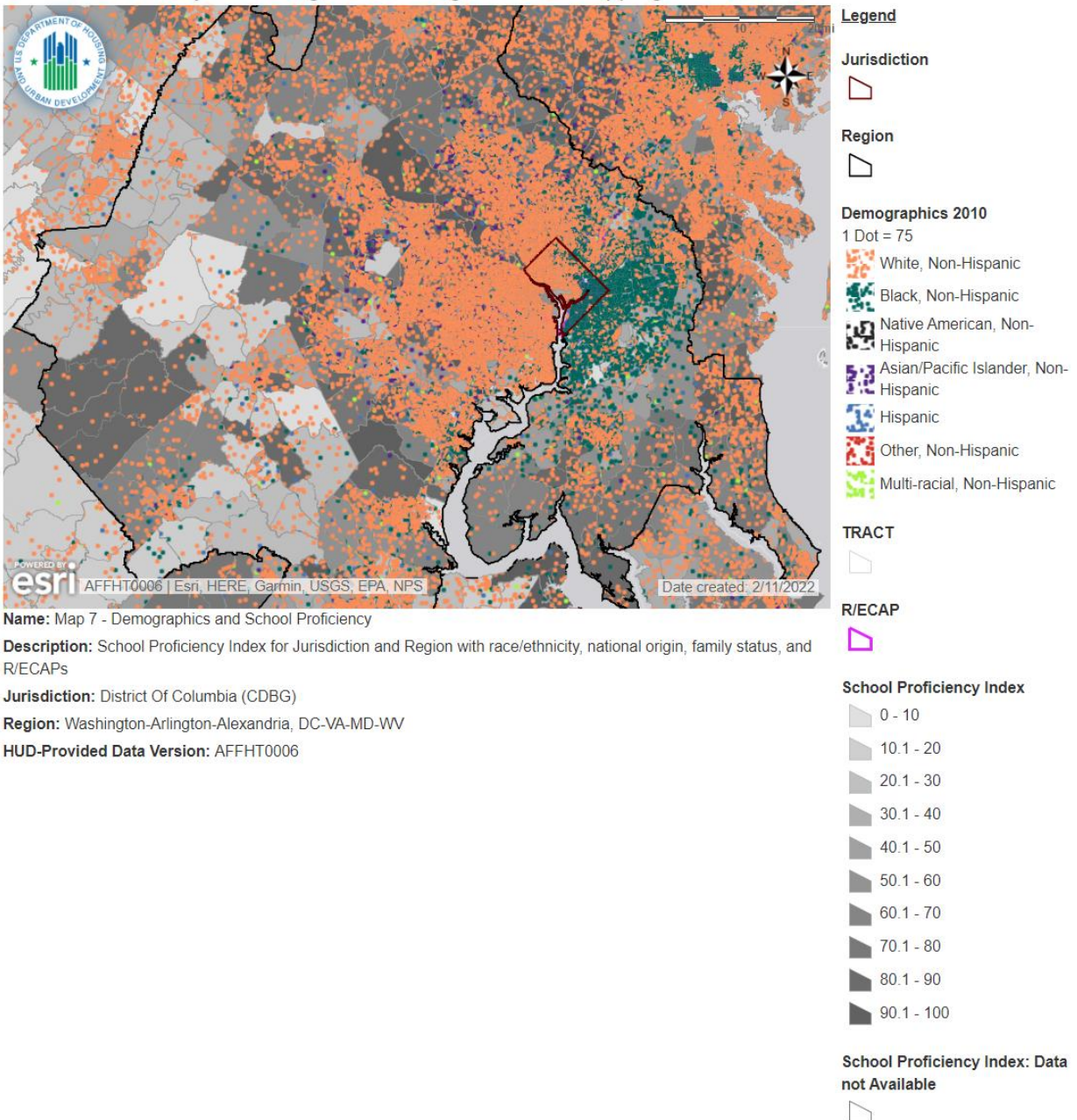


Loudoun County

Residents of Loudoun County have relatively high access to proficient schools, though the extent to which this is true varies dramatically by race and ethnicity. In general, Asian and White residents have the highest School Proficiency Index values, though these values drop by nearly 10 points for White and Asian residents living below the poverty line. In general, Black and Native American residents in Loudoun have middling levels of access to proficient schools compared with White residents. Compared to the region, however, access for Black and Native American residents in Loudoun is quite high. For Black residents below the poverty line, access decreases somewhat substantially. For Native American residents below the poverty line, however, rates of access actually increase compared with the total Native American population. Hispanic residents have, by a fairly substantial margin, the least access to proficient schools in Loudoun, though still substantially more access than those in neighboring Fairfax. Interestingly, the rate of access stays the same for Native American residents living below the poverty line.

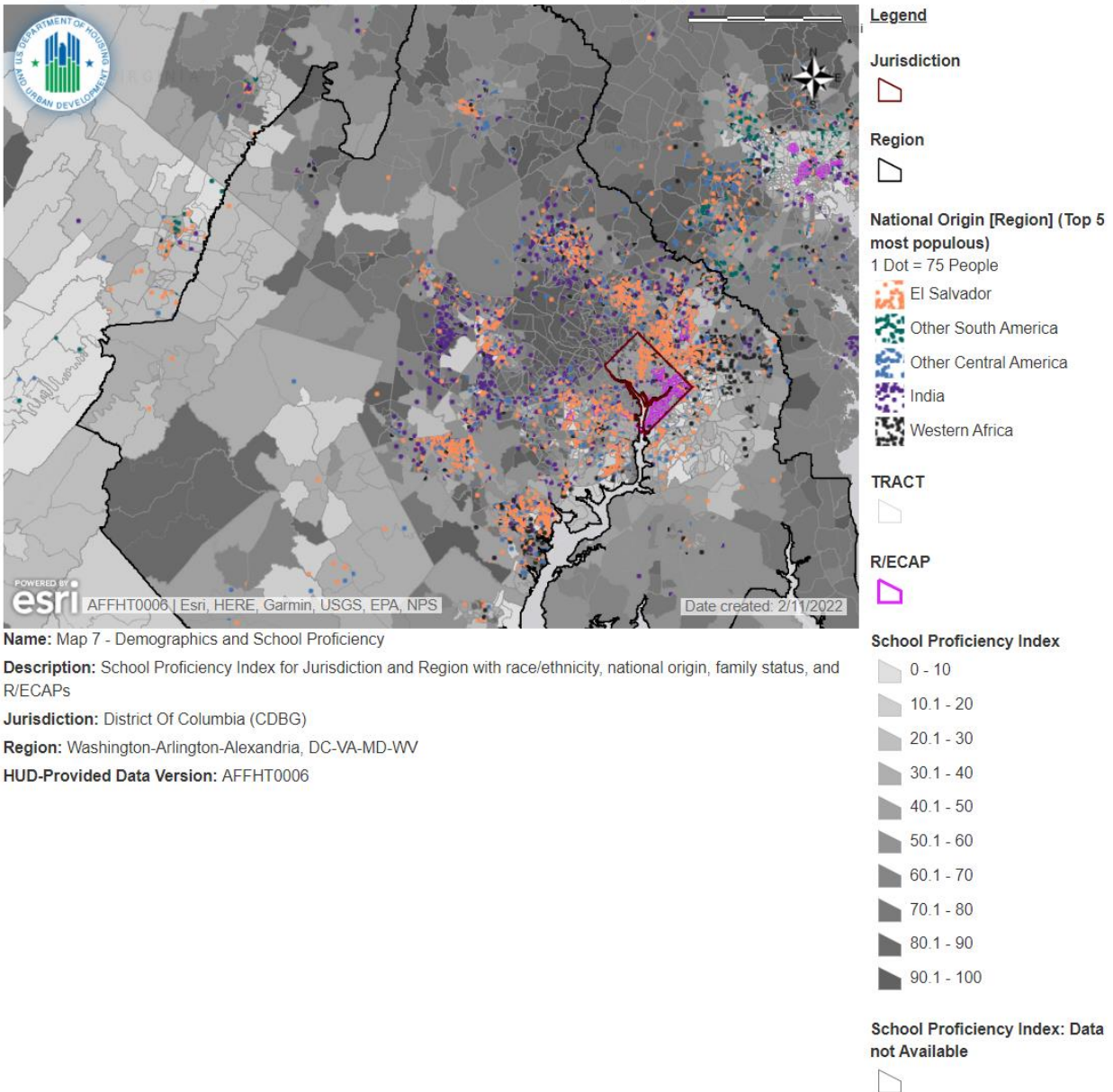
Map 24: Race/Ethnicity and School Proficiency, Region

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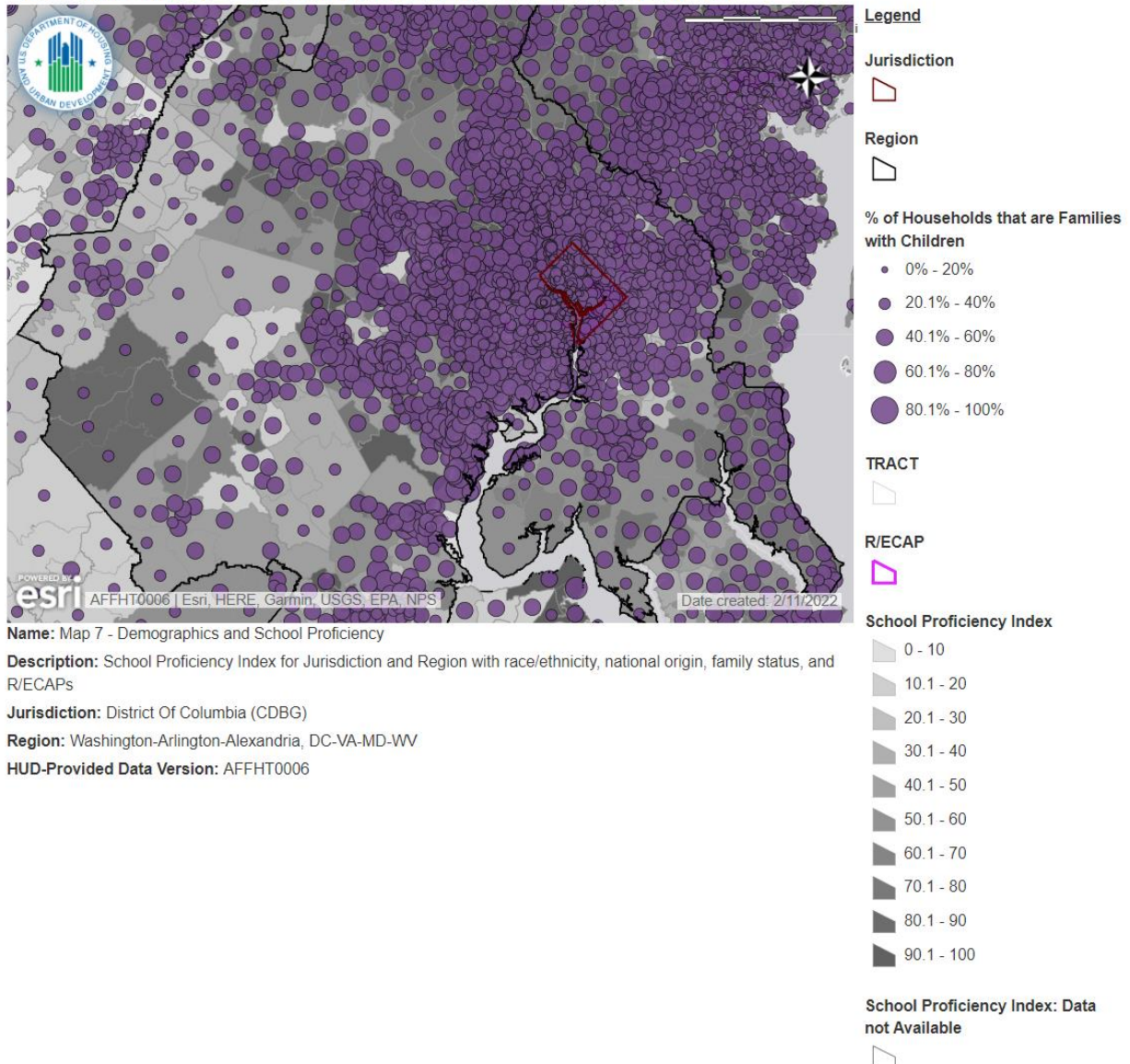
Map 25: National Origin and School Proficiency, Region

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Map 26: Familial Status and School Proficiency, Region

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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.

Loudoun County

Access to proficient schools aligns with racial residential patterns in Loudoun County. For example, Ashburn, Brambleton, and Southend, which are affluent areas that are predominantly White and Asian

American, have School Proficiency Index values that are, for the most part, above 90. Potomac Falls, an area with a population that is predominantly White and Asian, also has high school proficiency values, ranging from 70 to 90. Compared to the county as a whole, Indian immigrants account for a proportionally higher share of the population in both these areas. The western part of the county, which is far more rural and White and is home to far fewer immigrants than the eastern portion of the county, has a high level of access to proficient schools, with some notable exceptions near Mechanicsville and Lovettsville, where rates drop to 10 to 40. There do not appear to be any discernible patterns based on family size.

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.

Loudoun County

Loudoun County Public Schools has published a “Comprehensive Equity Plan” that aims to create more inclusive learning environments and reduce opportunity gaps. Efforts to create more diverse schools, however, have generated significant pushback. For example, it has also implemented curriculum to address systemic racism and in response, some families sued the county in hopes of blocking the curriculum.

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 school 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.

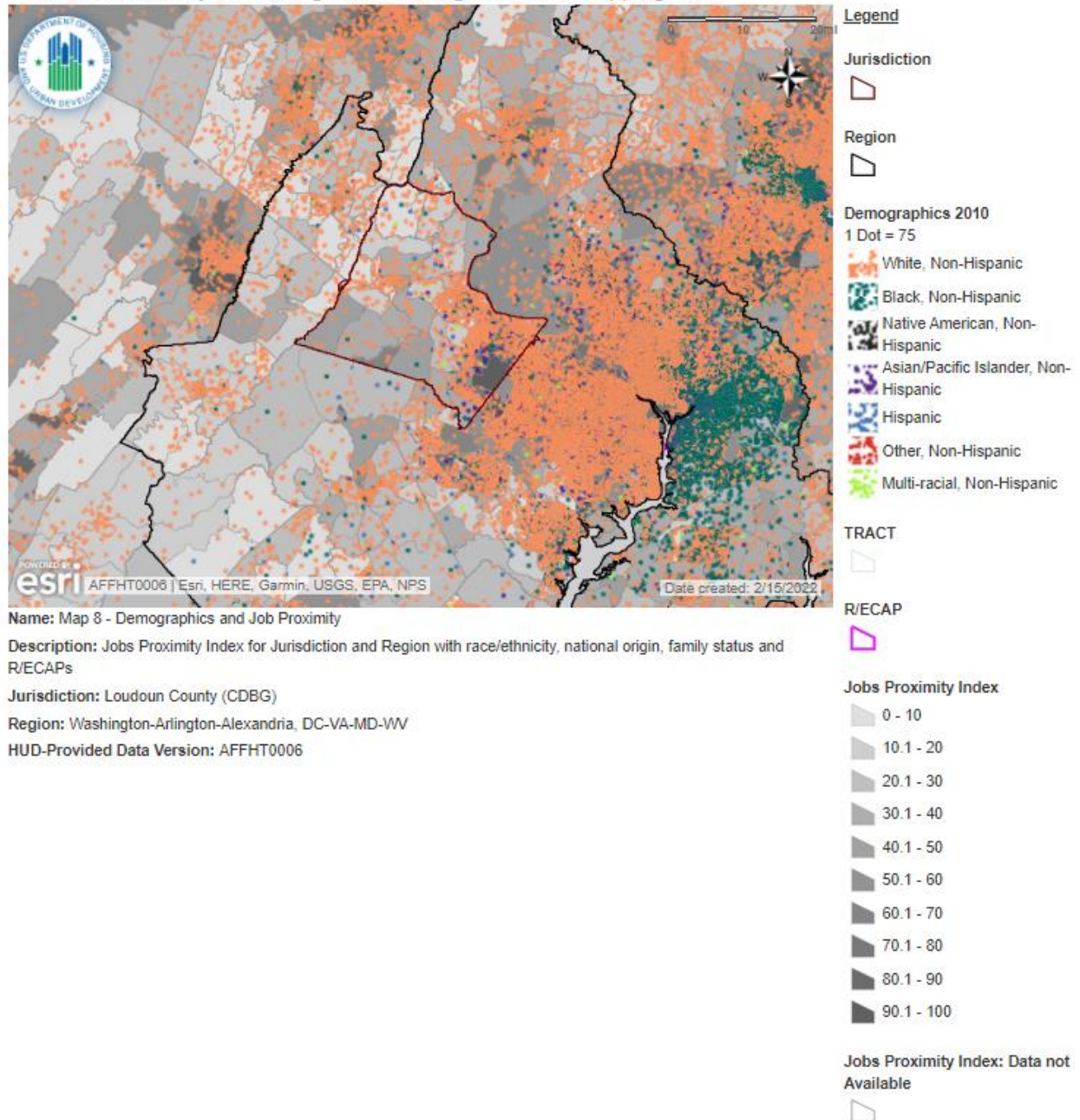
Table 15: Labor Market and Jobs Proximity Indexes

Labor Market Index	Loudoun County	Region
Total Population		
White, Non-Hispanic	91.54	82.91
Black, Non-Hispanic	90.58	62.67
Hispanic	86.31	74.49
Asian or Pacific Islander, Non-Hispanic	93.04	86.47
Native American, Non-Hispanic	90.66	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	Loudoun County	Region
Total Population		
White, Non-Hispanic	29.15	48.26
Black, Non-Hispanic	35.08	42.42
Hispanic	38.74	46.50
Asian or Pacific Islander, Non-Hispanic	37.21	53.37
Native American, Non-Hispanic	32.57	44.20
Population below federal poverty line		
White, Non-Hispanic	32.98	50.51
Black, Non-Hispanic	33.46	50.96

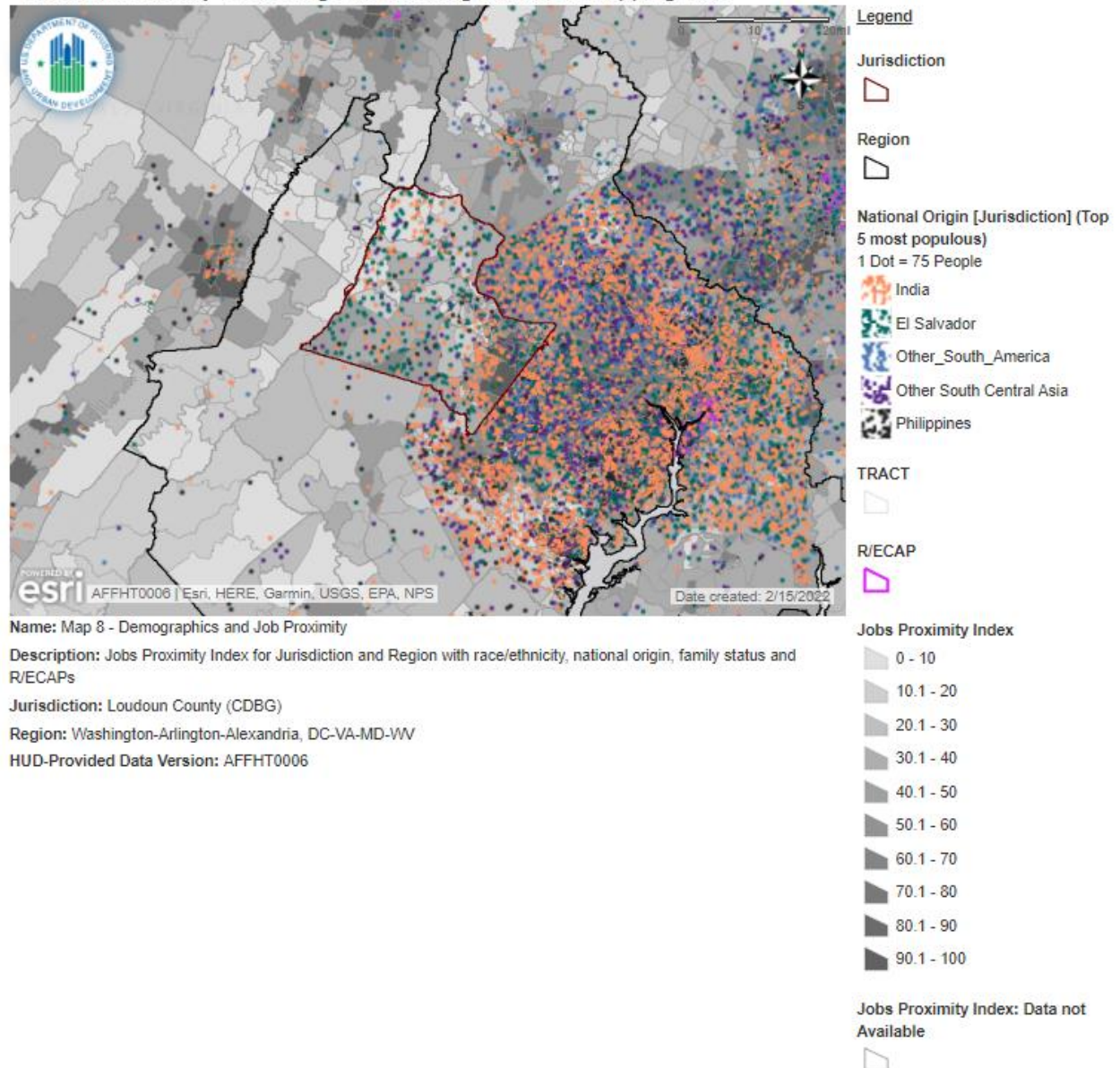
Hispanic	40.29	46.40
Asian or Pacific Islander, Non-Hispanic	38.67	58.27
Native American, Non-Hispanic	41.08	55.30

Map 27: Demographics and Job Proximity (Race/Ethnicity), Loudoun County, Virginia

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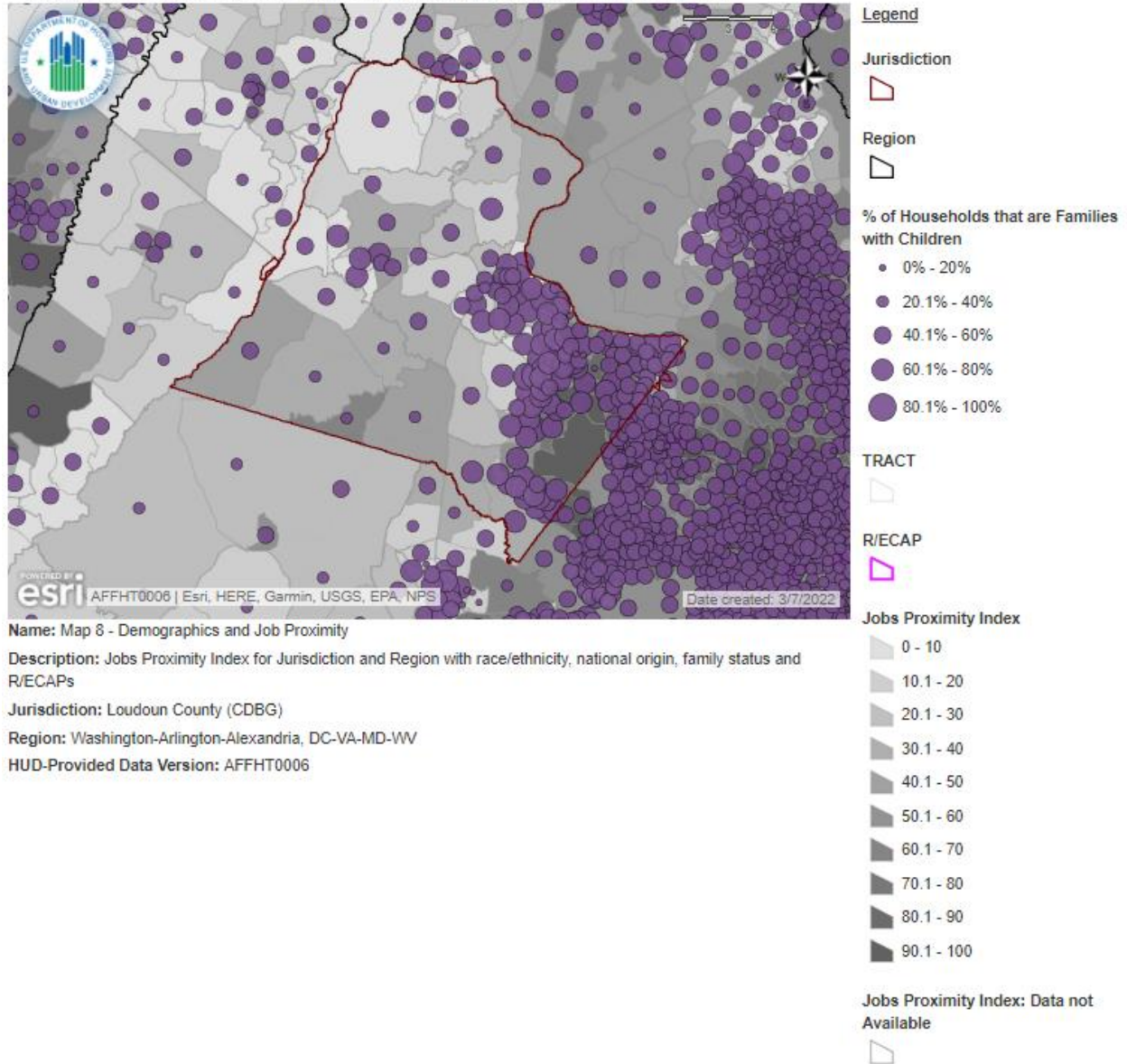


Map 28: Demographics and Job Proximity (National Origin), Loudoun County, Virginia
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

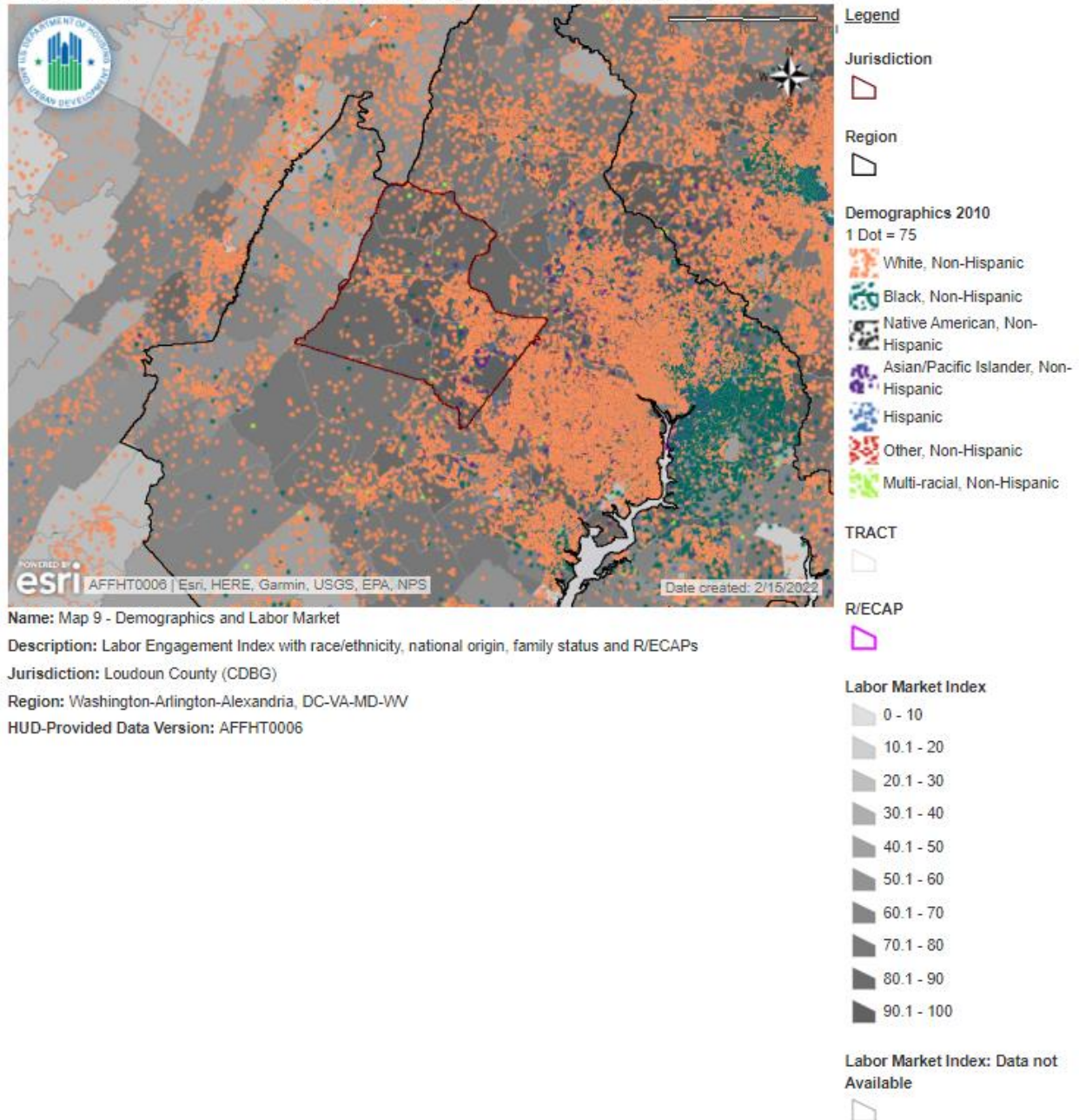


Map 29: Demographics and Job Proximity (Familial Status), Loudoun County, Virginia

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

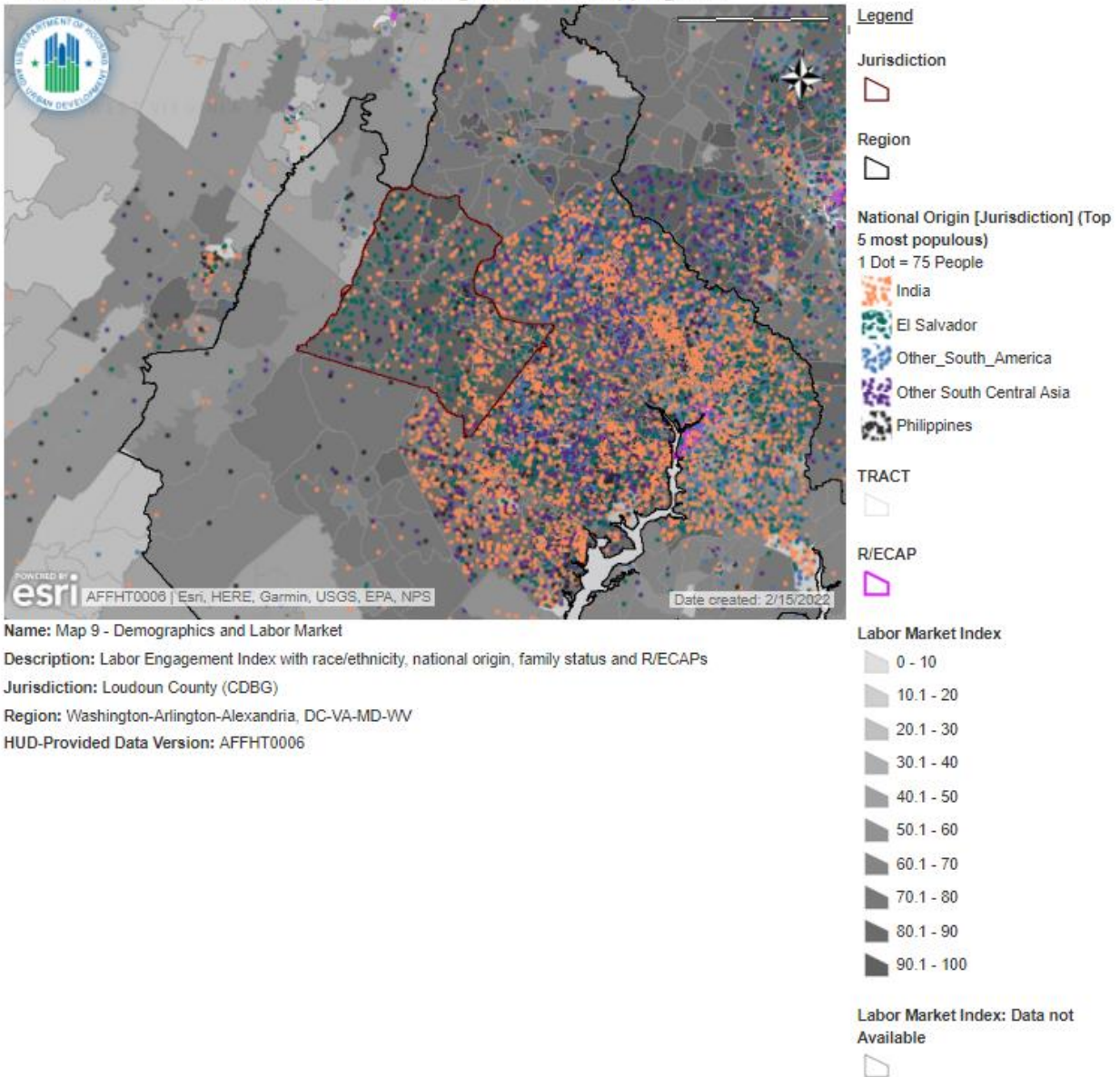


Map 30: Demographics and Labor Market (Race/Ethnicity), Loudoun County, Virginia
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

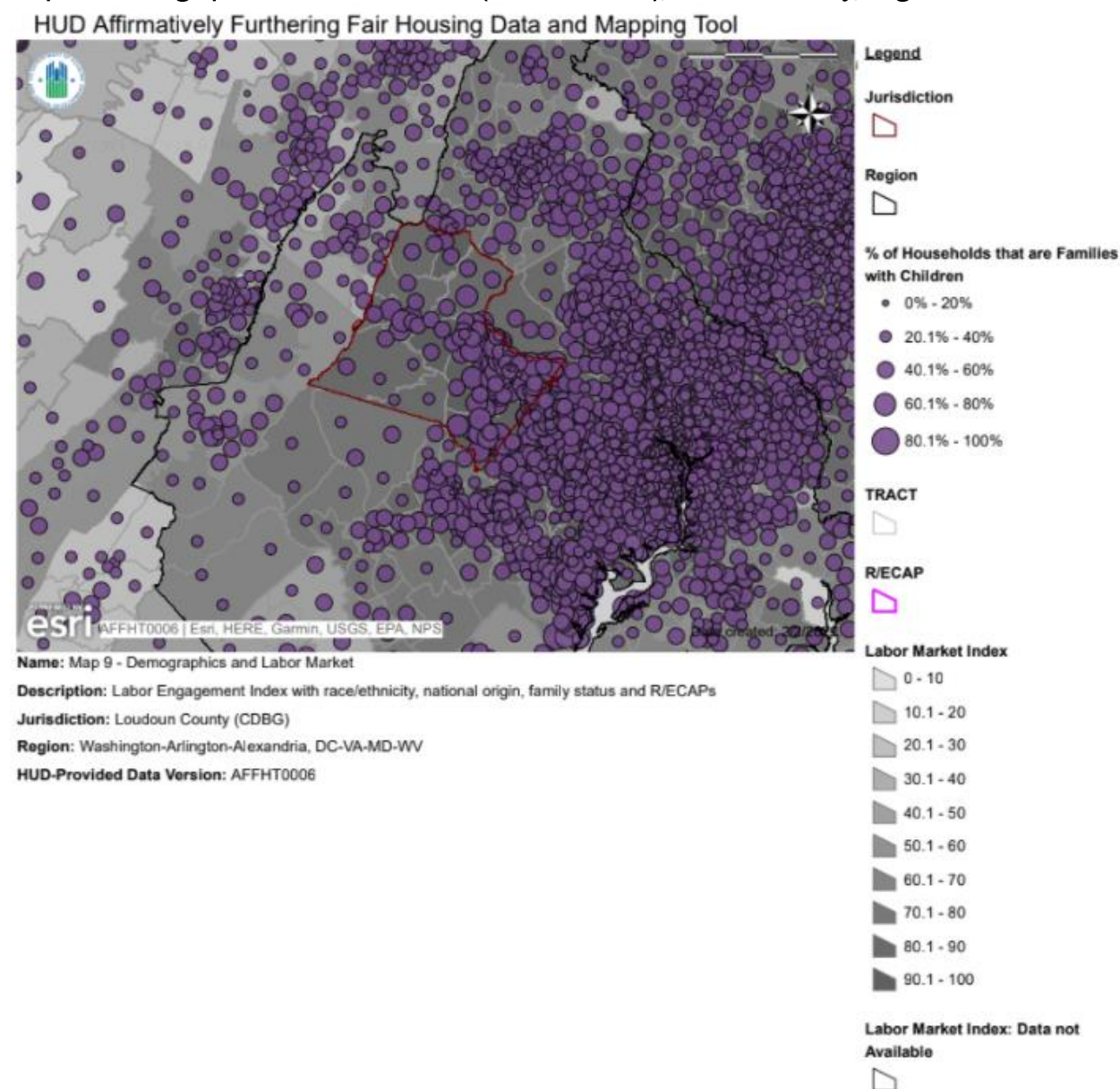


Map 31: Demographics and Labor Market (National Origin), Loudoun County, Virginia

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Map 32: Demographics and Labor Market (Familial Status), Loudoun County, Virginia



Loudoun County

Loudoun County's Labor Market Engagement Index value is significantly higher than most jurisdictions. Among racial groups, there is only a slight disparity in values. Small racial disparities exist between groups, but departing from the regional trend, the index value is highest for Asian American residents (93), with White residents close behind. As is the general trend throughout the region, the lowest job engagement value (86) is for Hispanic residents. For residents below the poverty line, the comparative index values vary little from the disparity pattern identified above. In fact, there is a reduction in the degree of disparity among groups when economic status is included in the analysis. Still Native American and Asian American residents under the poverty line do experience less job engagement than their groups as a whole with a decline of roughly ten points in job engagement. As opposed to job engagement values, which are quite high, job proximity values are very low, ranging from 38 for Hispanic residents to 29 for White residents. This disparity is an aberration when compared with other jurisdictions because the job engagement value is the lowest for White residents in Loudoun County.

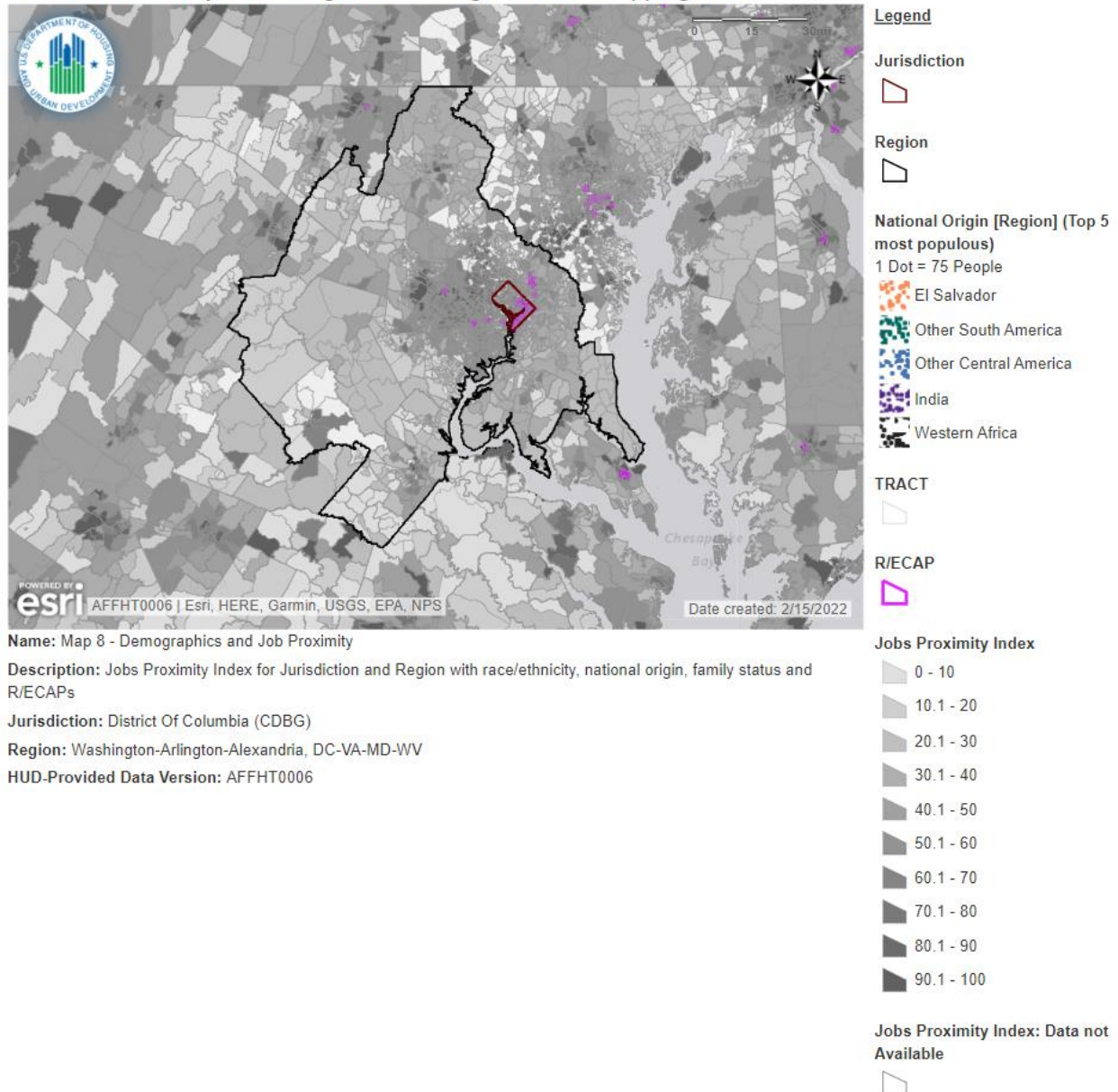
compared with any other group and the highest for Hispanic residents. The trend for groups below the poverty line is mostly consistent with the pattern identified above, but the overall values increase. Although some moderate disparity exists between racial groups when narrowed down to economic status, the difference between groups' index values is less than for the general population.

Map 33: Demographics and Job Proximity (Race/Ethnicity), Region

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

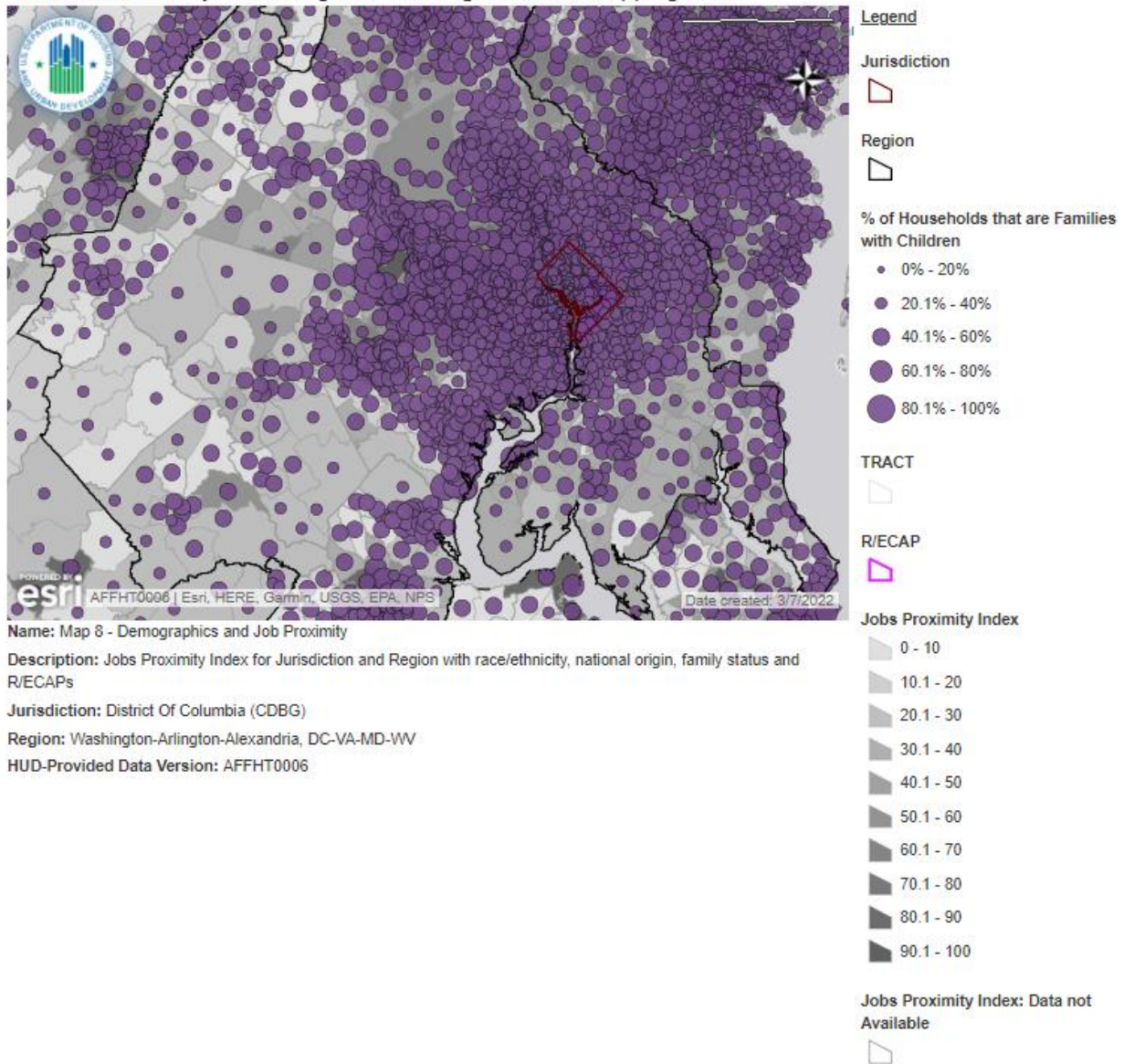


Map 34: Demographics and Job Proximity (National Origin), Region
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

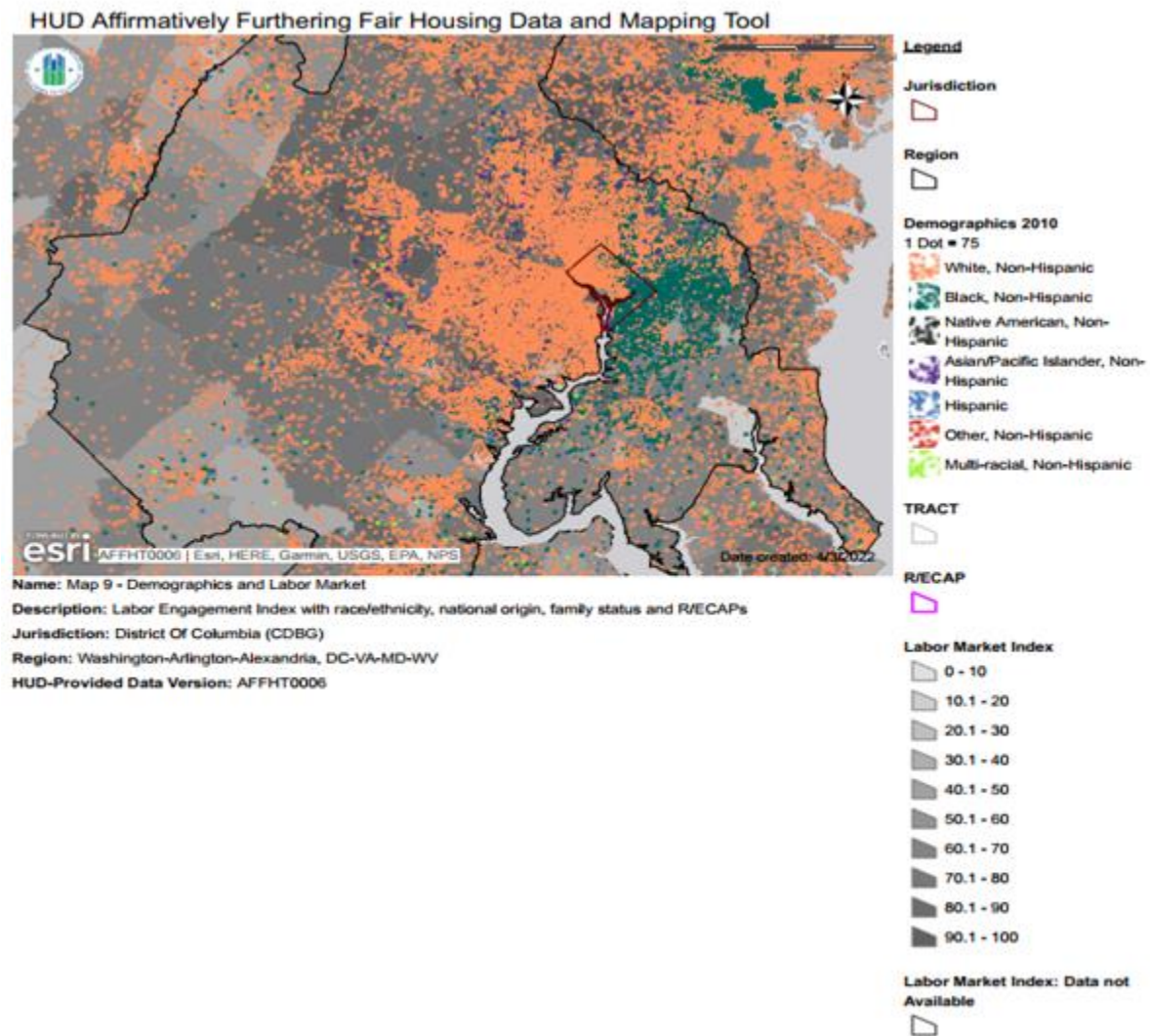


Map 35: Demographics and Job Proximity (Familial Status), Region

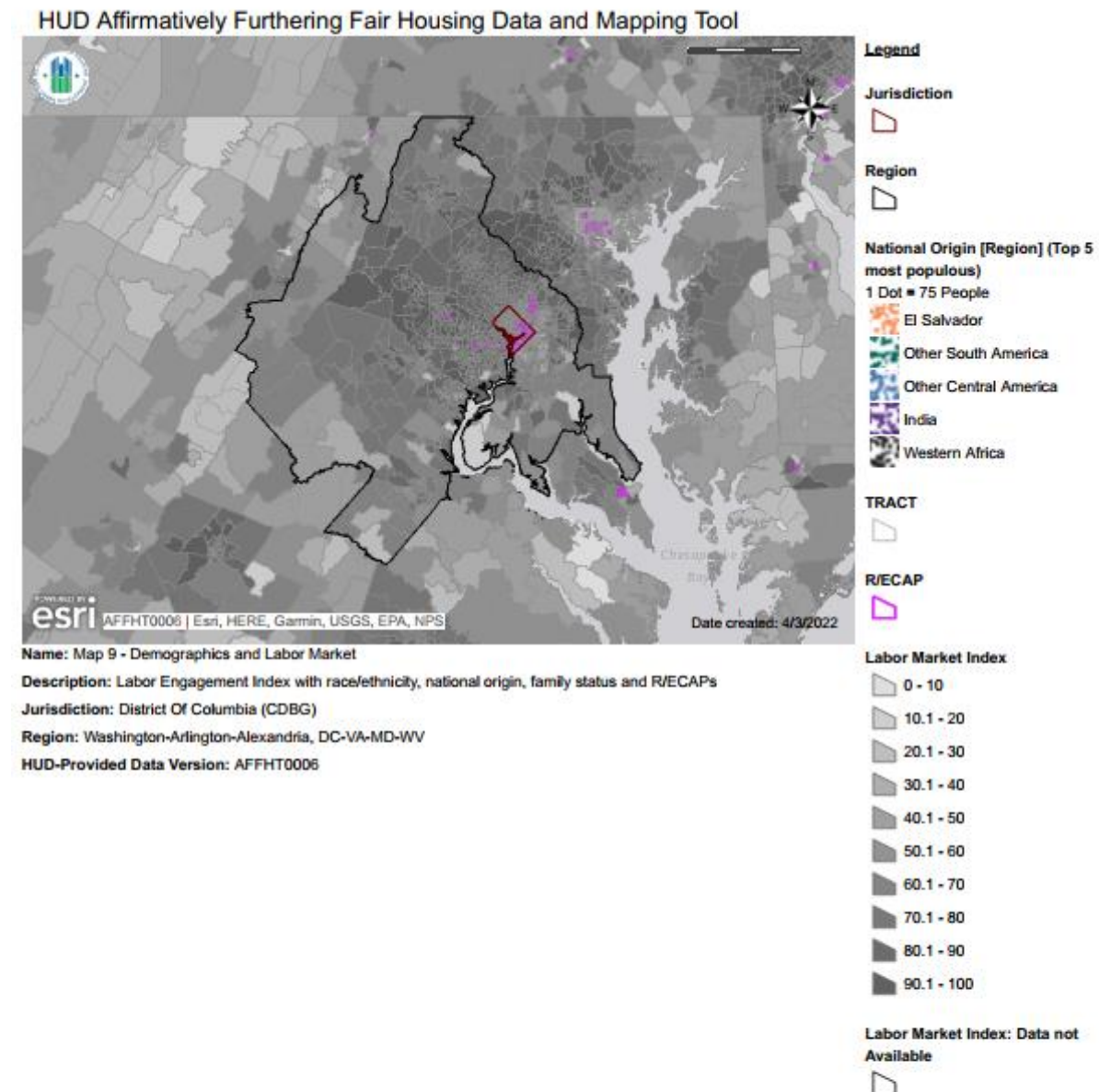
HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



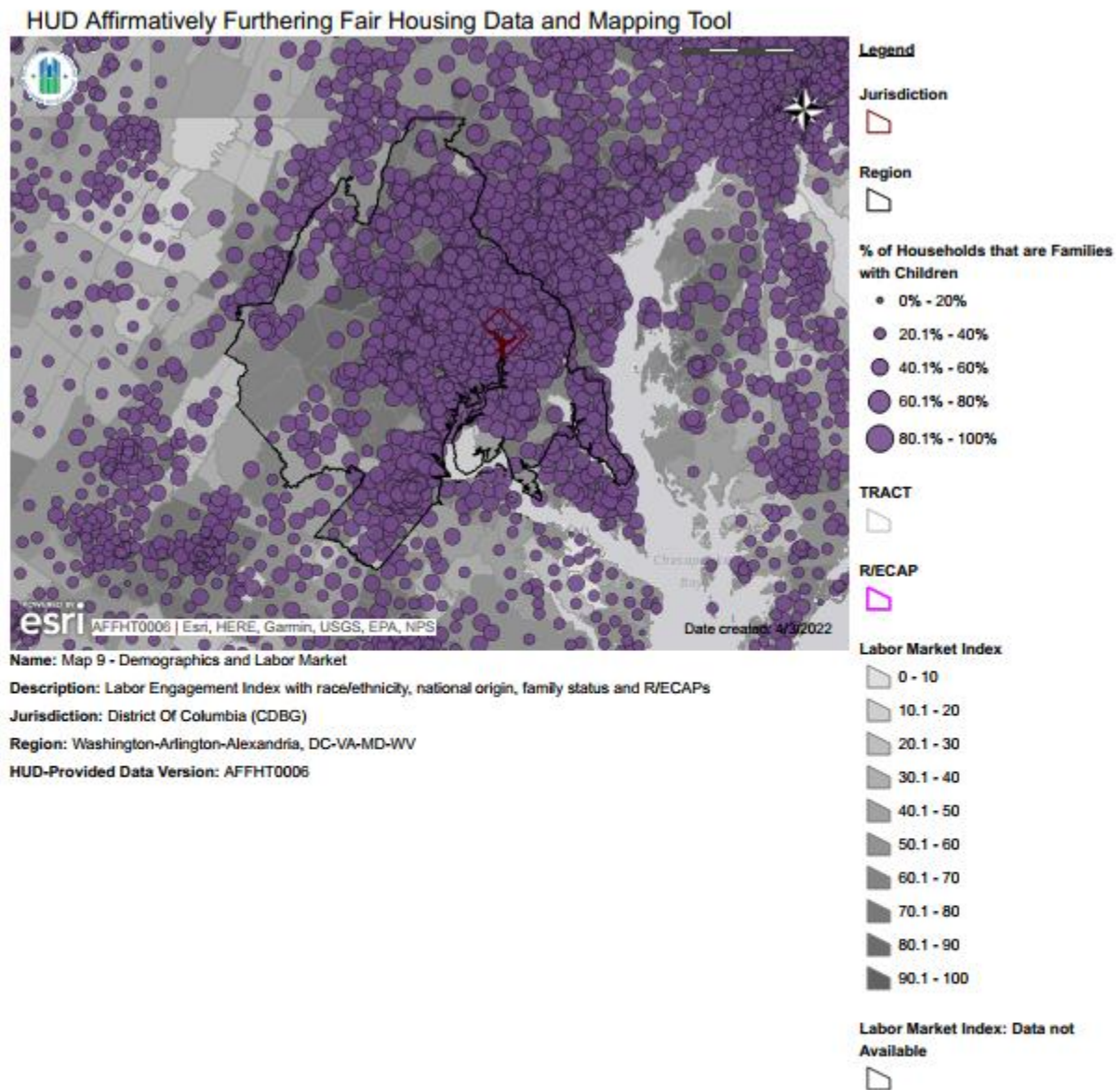
Map 36: Demographics and Labor Market (Race/Ethnicity), Region



Map 37: Demographics and Labor Market (National Origin), Region



Map 38: Demographics and Labor Market (Family Status), Region



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.

Loudoun County

Loudoun County's job engagement values are fairly consistent throughout the region. The eastern portion of the jurisdiction does have a larger proportion of higher-value tracts. Most populations, irrespective of race, reside in the eastern portion of the county, but White residents tend to also have a significant presence in the western side of the county, unlike other groups. Little distinction exists between racial and ethnic groups and their respective labor engagement values in a particular area. As is the case across races, residents grouped by national origin tend to be clustered in the eastern portion of the jurisdiction, areas with large communities of Indian and Salvadoran residents. The pattern for job proximity is inconsistent with the pattern for job engagement. Job proximity values are quite low in the northern part of the jurisdiction. The southern part of the jurisdiction has higher job proximity values but these pale in comparison to the high job proximity values in the eastern part of the jurisdiction. Racial disparities in job proximity are not reflected in residential patterns because all groups tend to cluster in the area with higher job proximity values. Similar to the national origin pattern identified above, large populations of Salvadoran and Indian residents also live in the area with higher job proximity values.

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.

Loudoun County has a strong local employment climate compared with the rest of the state. As of February 2022, according to the US Bureau of Labor Statistics (BLS), the county's unemployment rate was 2.3 percent,¹¹ compared with 3.2 percent in the state of Virginia,¹² 2.8 percent in neighboring Prince William County¹³ and 2.5 percent in neighboring Fairfax County.¹⁴ As of 2015–2019 (capturing worse employment conditions than currently present and subject to significant margins of error), the ACS reported unemployment rates of 3.1 percent for White workers, 4.4 percent for Black workers, 3.0 percent for Asian workers, and 4.1 percent for Hispanic workers in Loudoun County.¹⁵ These unemployment rates are all lower than the ACS national unemployment data, which reported unemployment rates of 4.5 percent for White workers, 9.5 percent for Black workers, 4.2 percent for Asian American workers, and 6.2 percent for Hispanic workers.¹⁶

A variety of programs operating in Loudoun County seek to connect low-income workers of racial and ethnic minority groups with opportunities for employment and professional advancement. The Loudoun County Workforce Resource Center provides no-cost resources and equipment to both job seekers and businesses. Their mission is to connect businesses and job seekers to achieve their employment goals.¹⁷ The Workforce Resource Center offers adult and youth versions of the Workforce Innovation and Opportunity Act (WIOA) Training Program, which provides job skills training for low-income residents, veterans, and residents that receive public assistance.¹⁸

c. Disparities in Access to Opportunity – Transportation

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

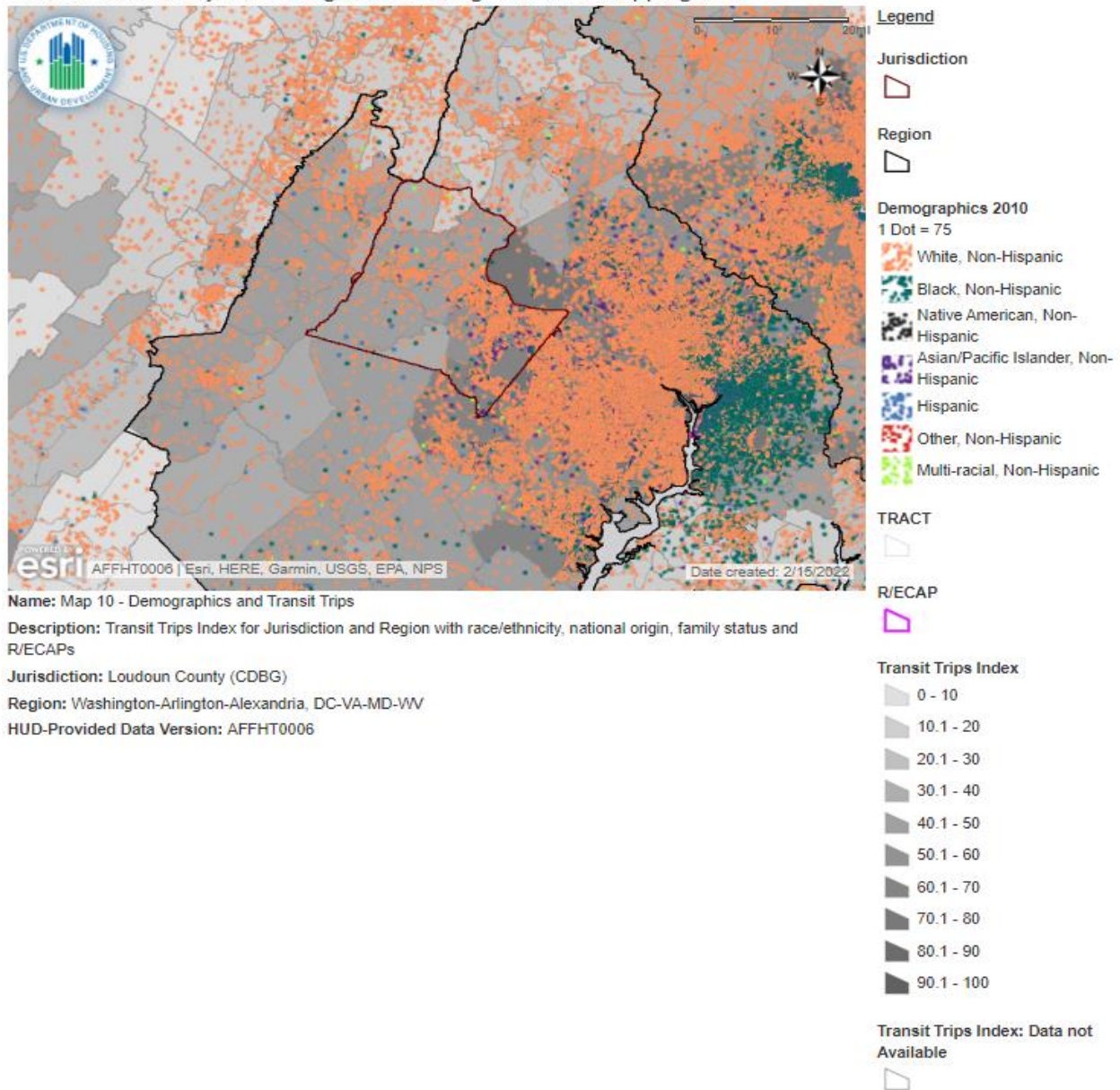
The Low Transportation Cost Index and Transit Trips Index are used to measure access to transportation within a location. The Low Transportation Cost Index measures access to low-cost transportation services, and the Transit Trips Index measures how often residents take transit trips. The Index scores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

Table 16: Transit Trips and Low Transportation Cost Indices

Transit Trips Index	Loudoun County	Region
Total Population		
White, Non-Hispanic	62.82	64.69
Black, Non-Hispanic	66.22	72.81
Hispanic	67.63	74.25
Asian or Pacific Islander, Non-Hispanic	68.86	73.66
Native American, Non-Hispanic	63.87	65.28
Population below federal poverty line		
White, Non-Hispanic	64.23	64.97

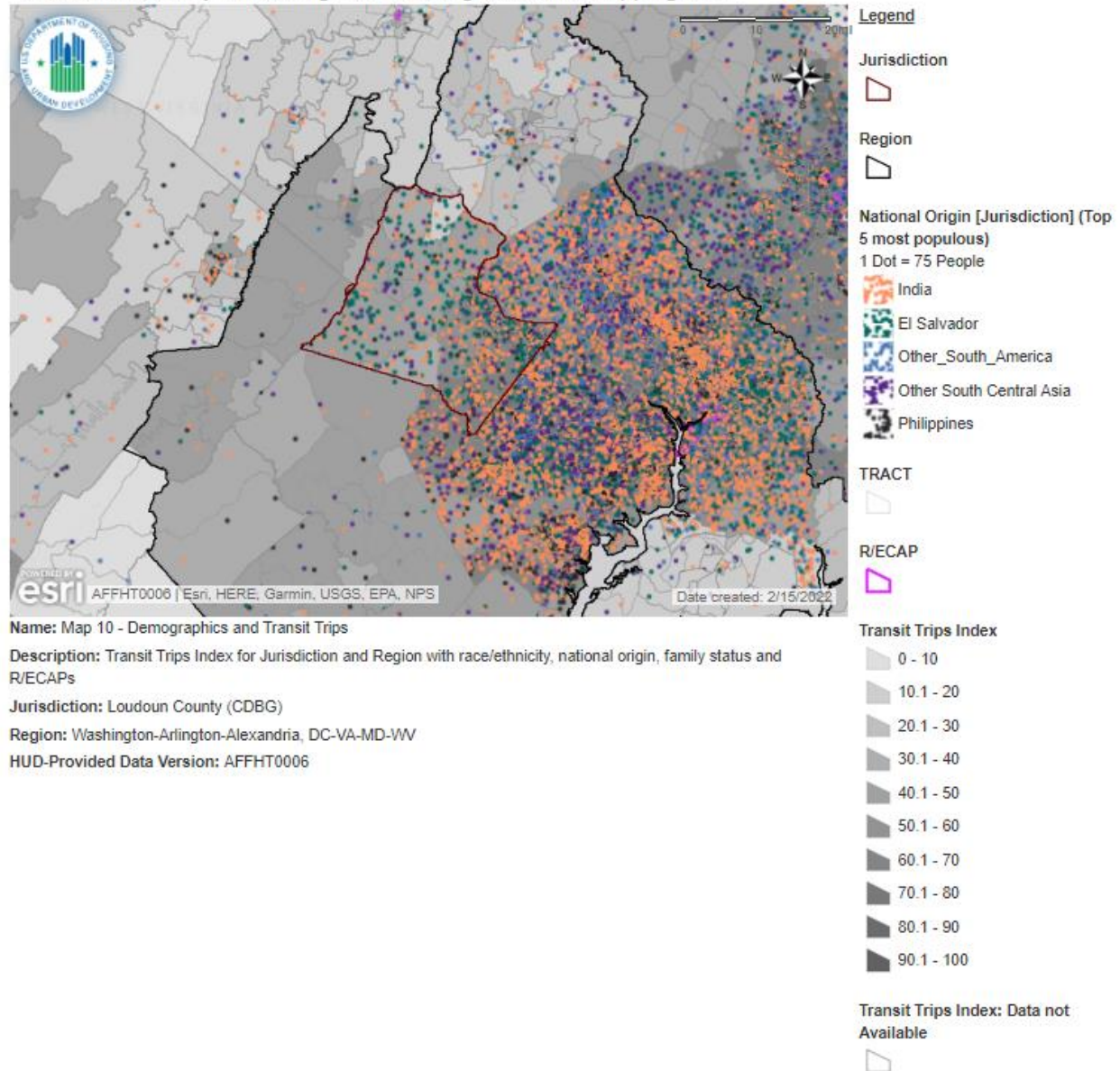
Black, Non-Hispanic	65.88	80.43
Hispanic	67.21	77.28
Asian or Pacific Islander, Non-Hispanic	67.42	77.63
Native American, Non-Hispanic	52.14	75.29
Low Transportation Cost Index	Loudoun County	Region
Total Population		
White, Non-Hispanic	85.09	87.43
Black, Non-Hispanic	87.35	91.18
Hispanic	88.66	91.47
Asian or Pacific Islander, Non-Hispanic	86.66	89.94
Native American, Non-Hispanic	85.38	88.87
Population below federal poverty line		
White, Non-Hispanic	86.68	88.80
Black, Non-Hispanic	90.70	94.08
Hispanic	89.80	92.91
Asian or Pacific Islander, Non-Hispanic	88.57	89.94
Native American, Non-Hispanic	88.73	88.87

Map 39: Demographics and Transit Trips (Race/Ethnicity), Loudoun County, Virginia
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Map 40: Demographics and Transit Trips (National Origin), Loudoun County, Virginia

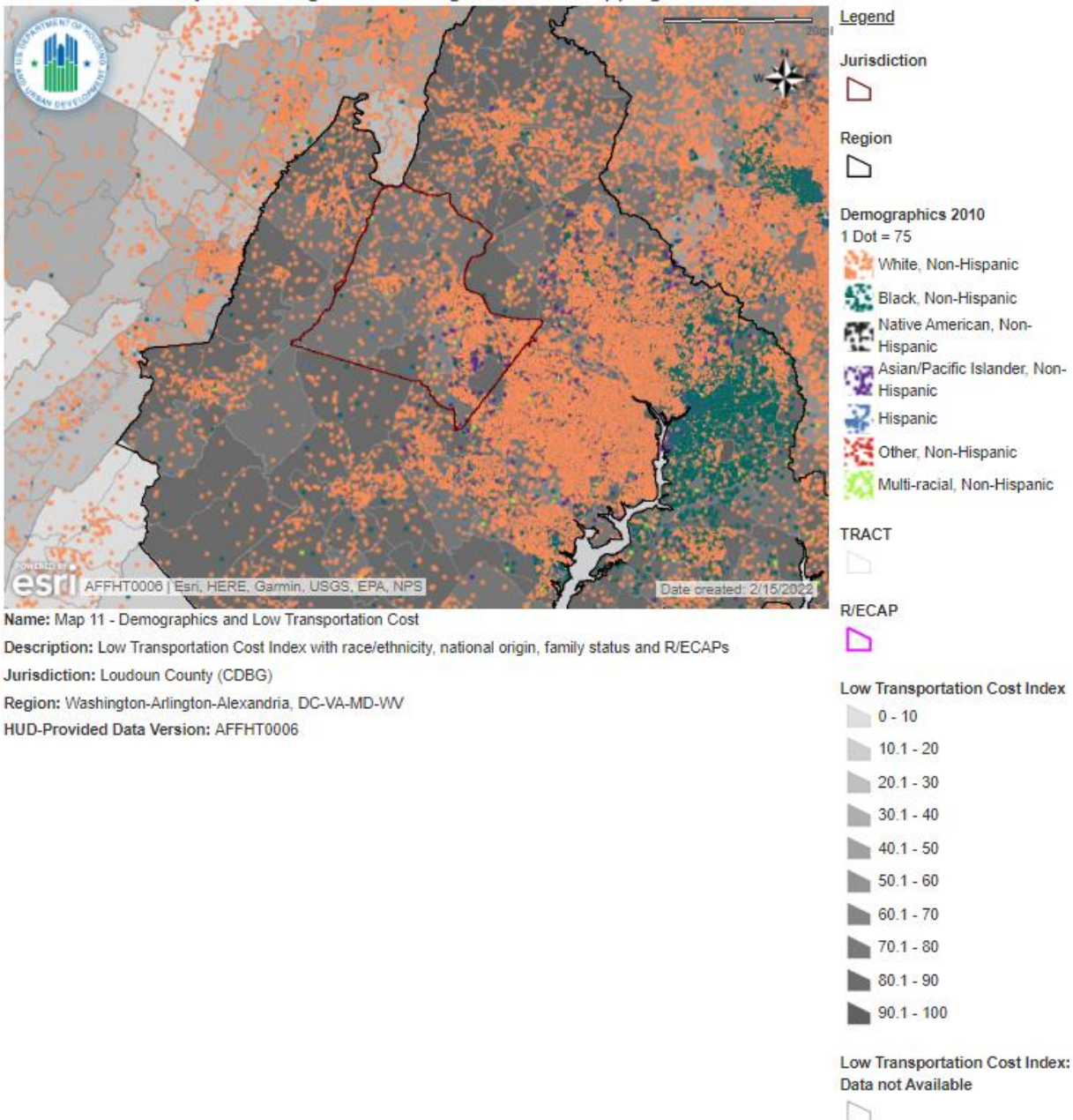
HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



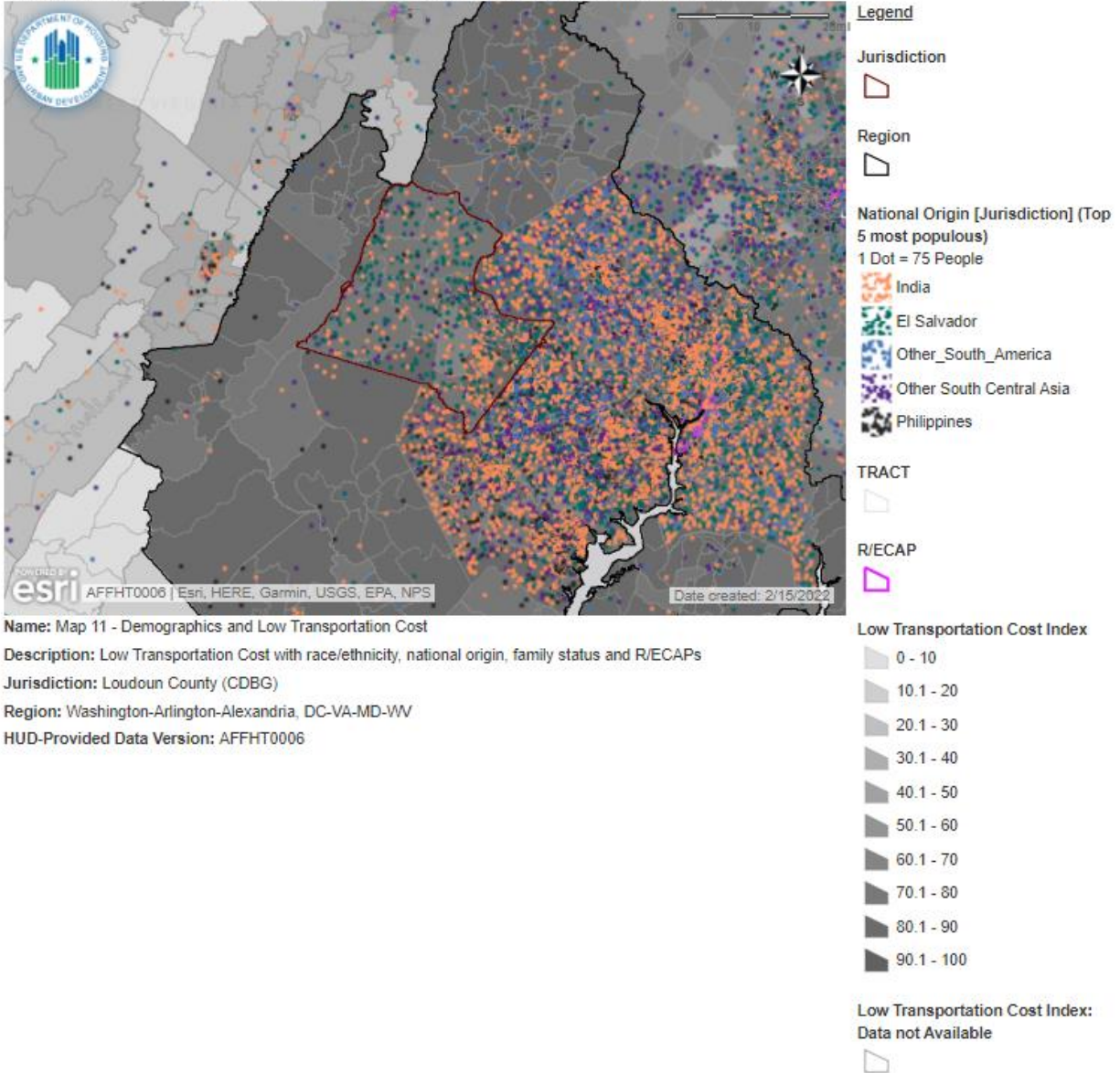
Map 41: Demographics and Transit Trips (Familial Status), Loudoun County, Virginia



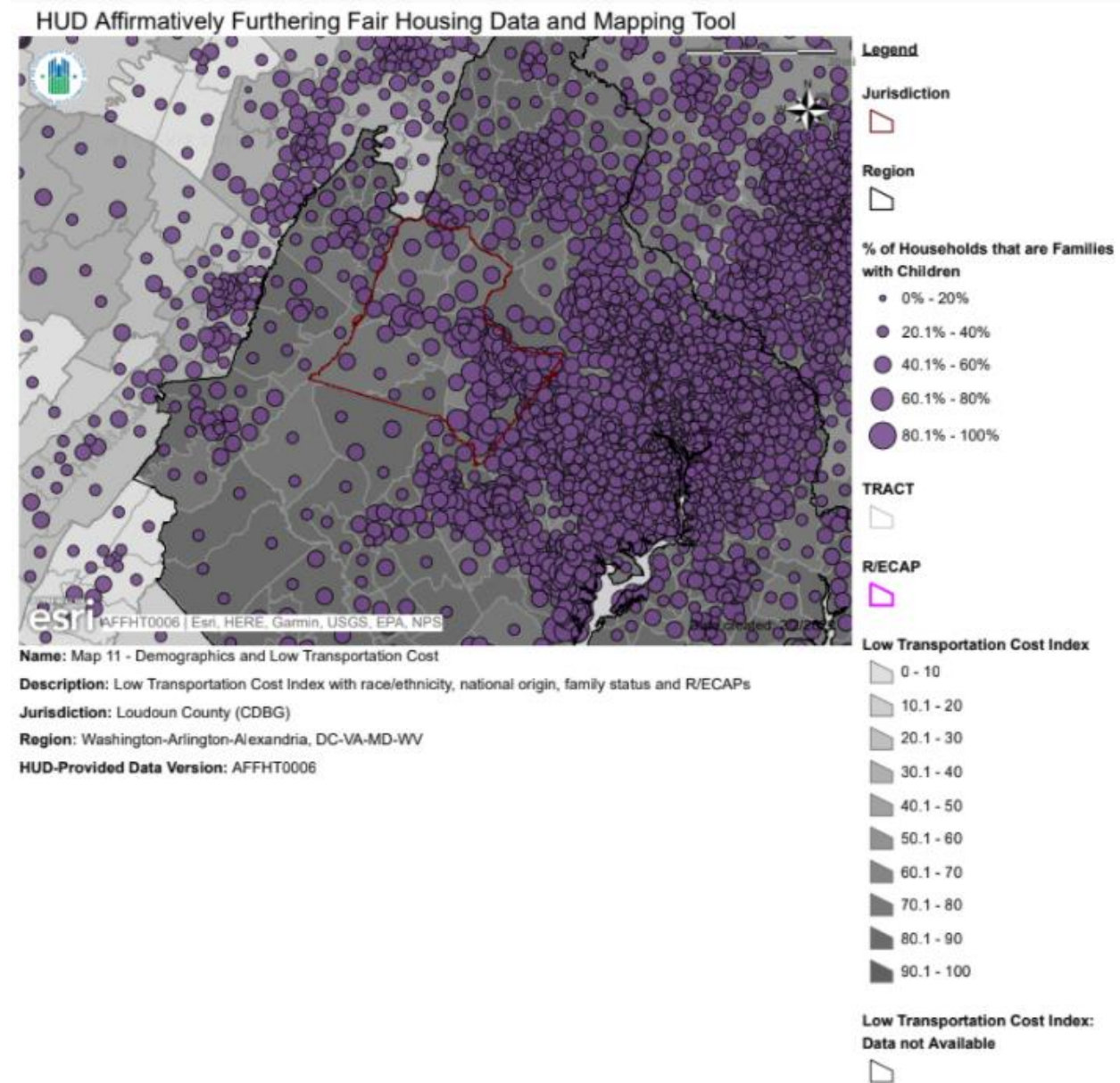
Map 42: Demographics and Low Transportation Cost (Race/Ethnicity), Loudoun County, Virginia
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Map 43: Demographics and Low Transportation Cost (National Origin), Loudoun County, Virginia HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



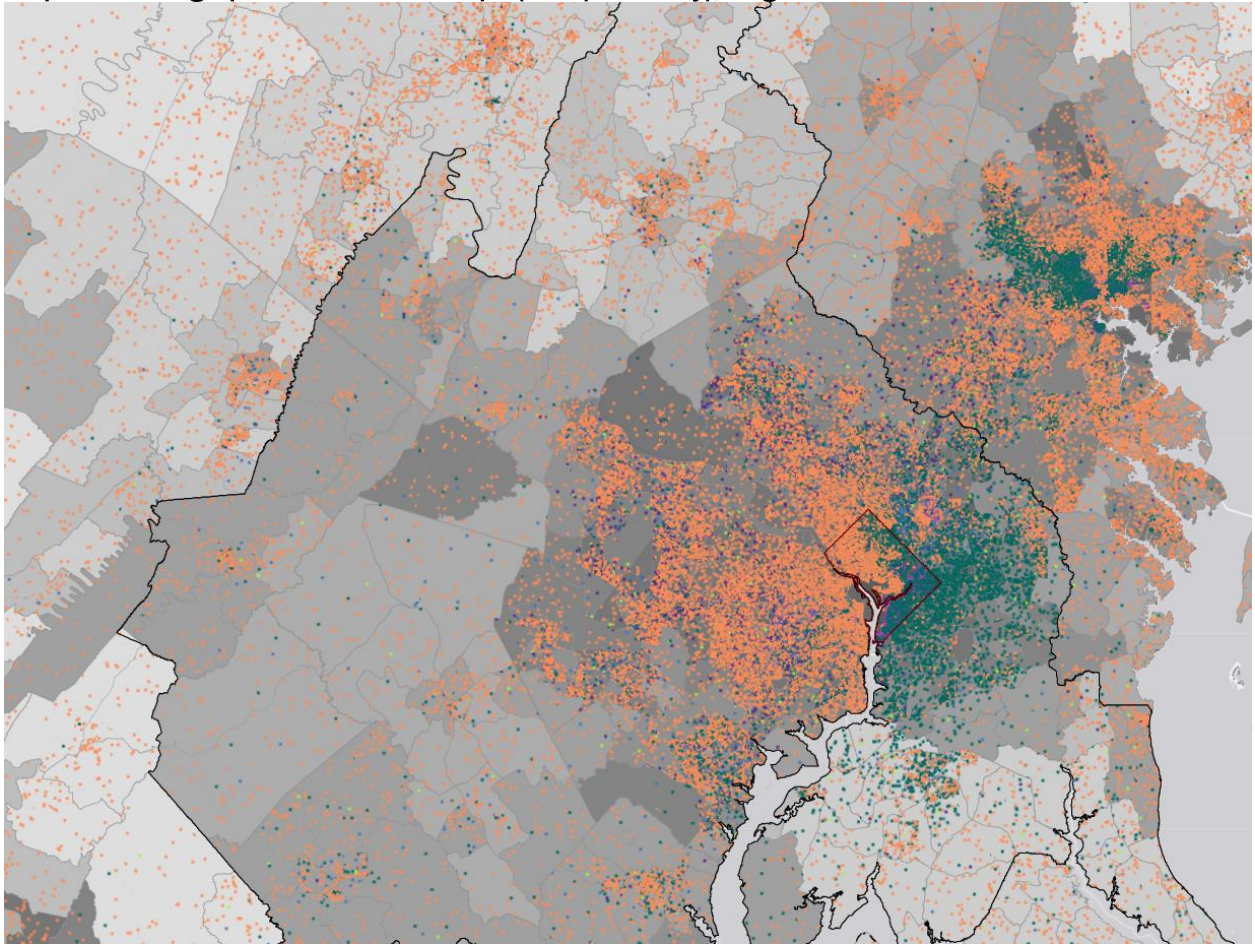
Map 44: Demographics and Low Transportation Cost (Familial Status), Loudoun County, Virginia



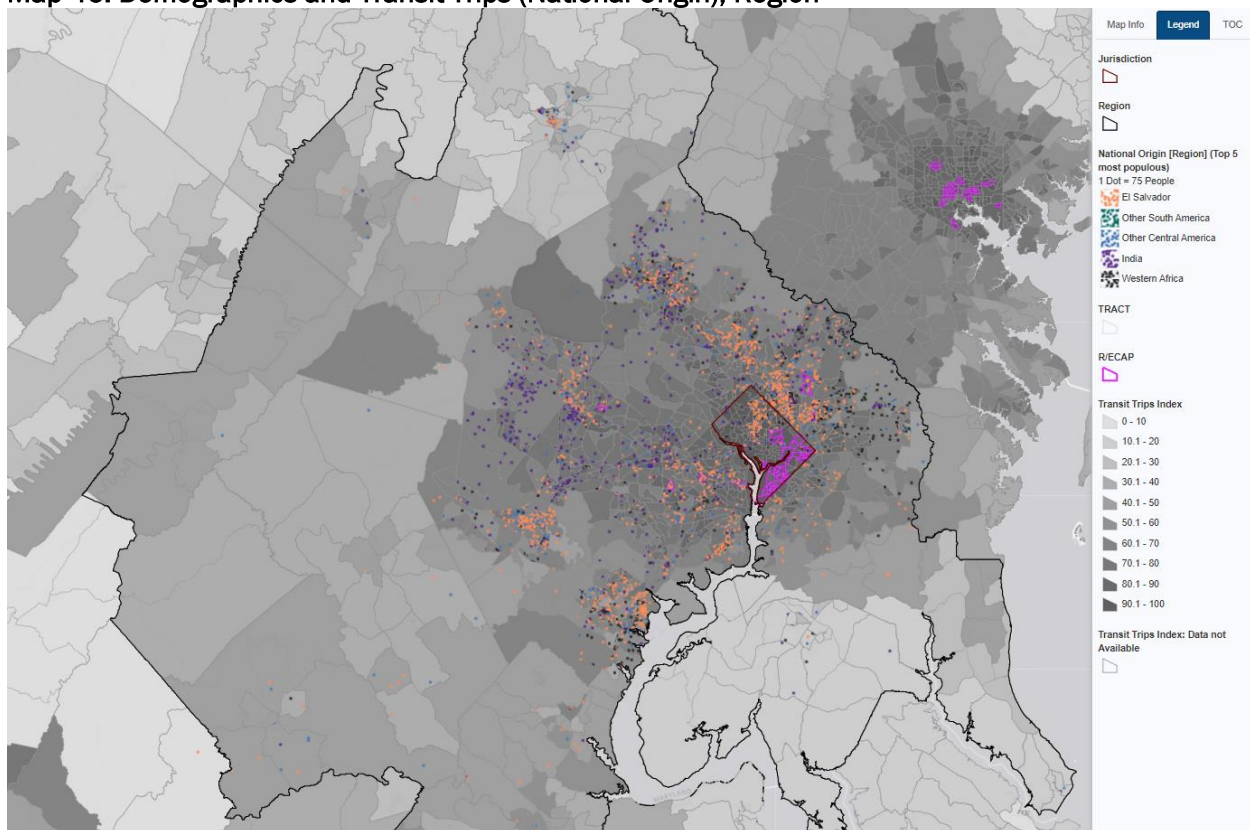
Loudoun County

Transit Trip Index values varied slightly more by race in Loudoun County than they did elsewhere in the region. Within the total population, the lowest transit trip value was for White residents, while the highest was for Asian or Pacific Islander residents. For the population living below the poverty line, the value was again highest for Asian or Pacific Islander residents. But the lowest transit trip value—by a fairly pronounced margin—was for Native American residents. There were no meaningful disparities in low transportation cost scores among racial and ethnic groups.

Map 45: Demographics and Transit Trips (Race/Ethnicity), Region



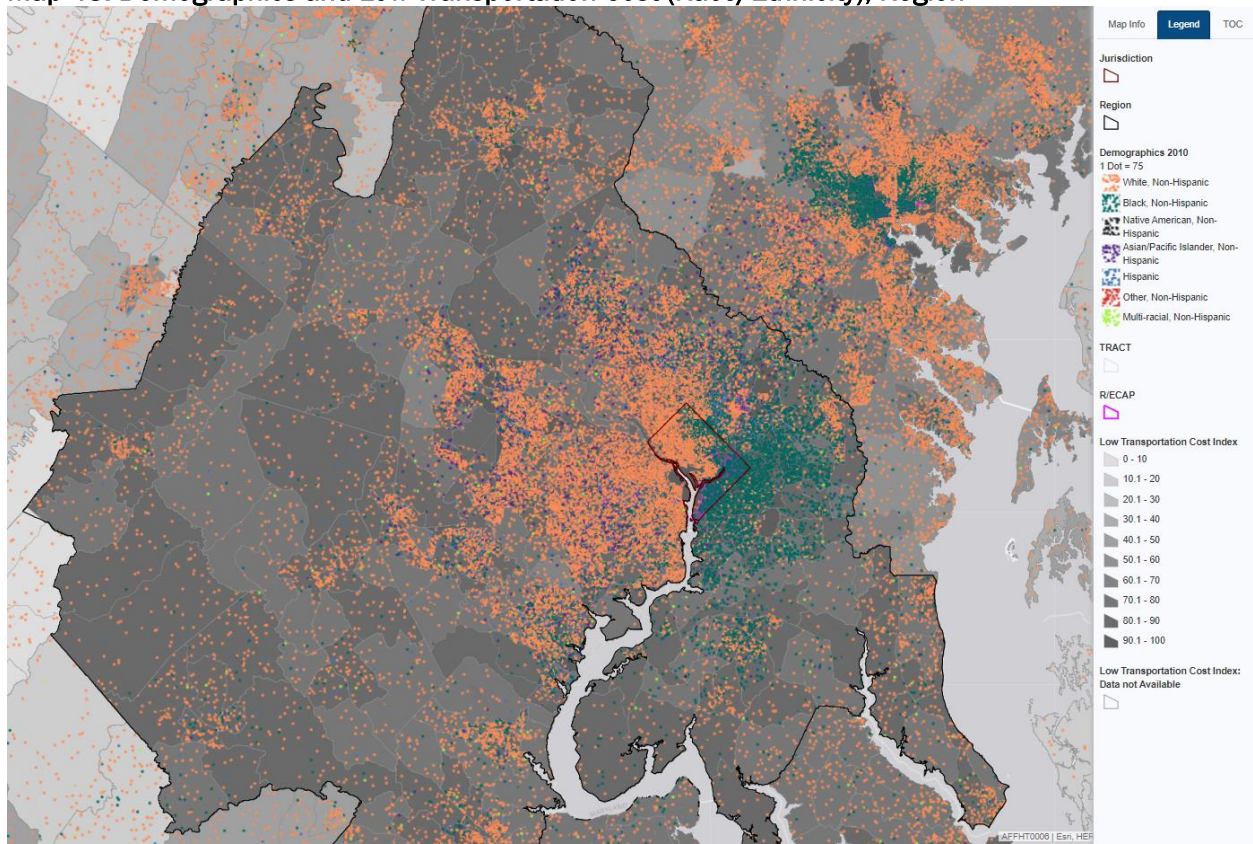
Map 46: Demographics and Transit Trips (National Origin), Region



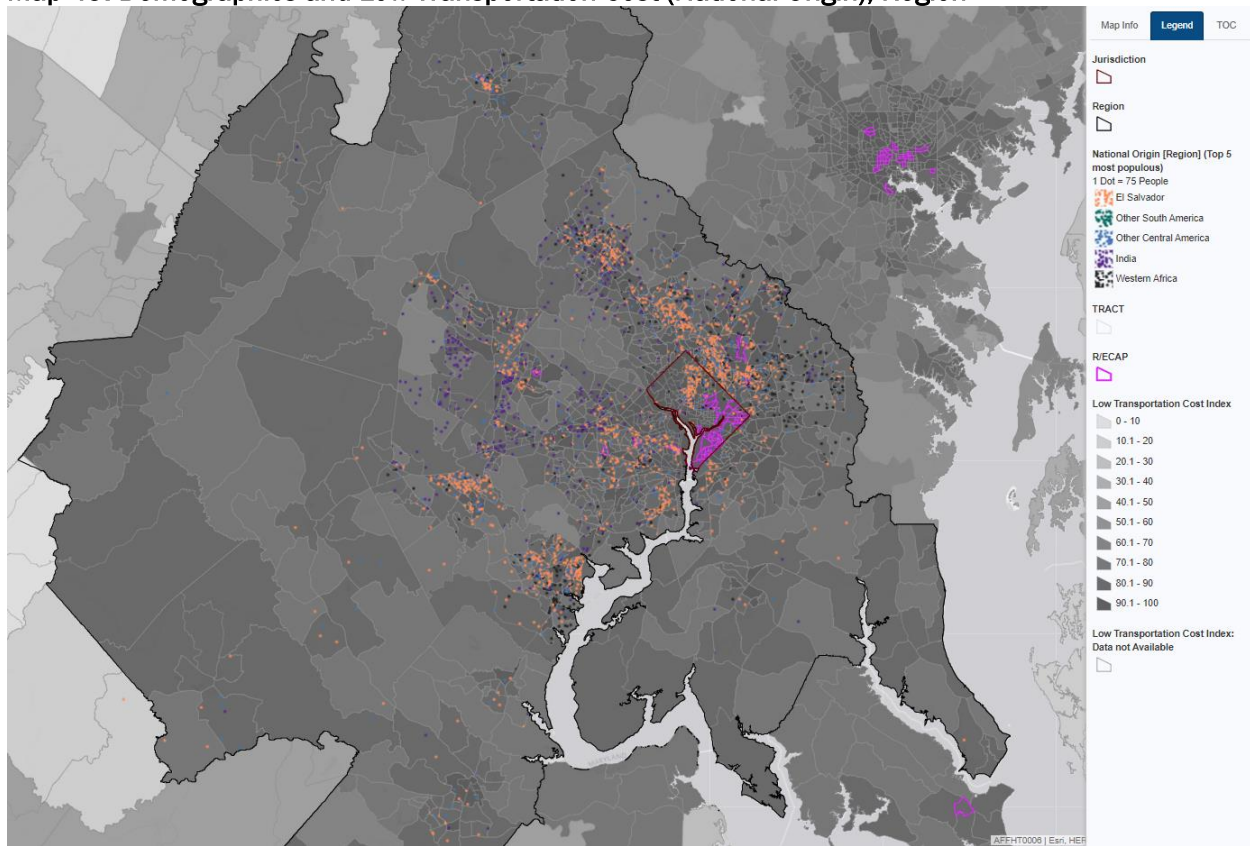
Map 47: Demographics and Transit Trips (Familial Status), Region HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



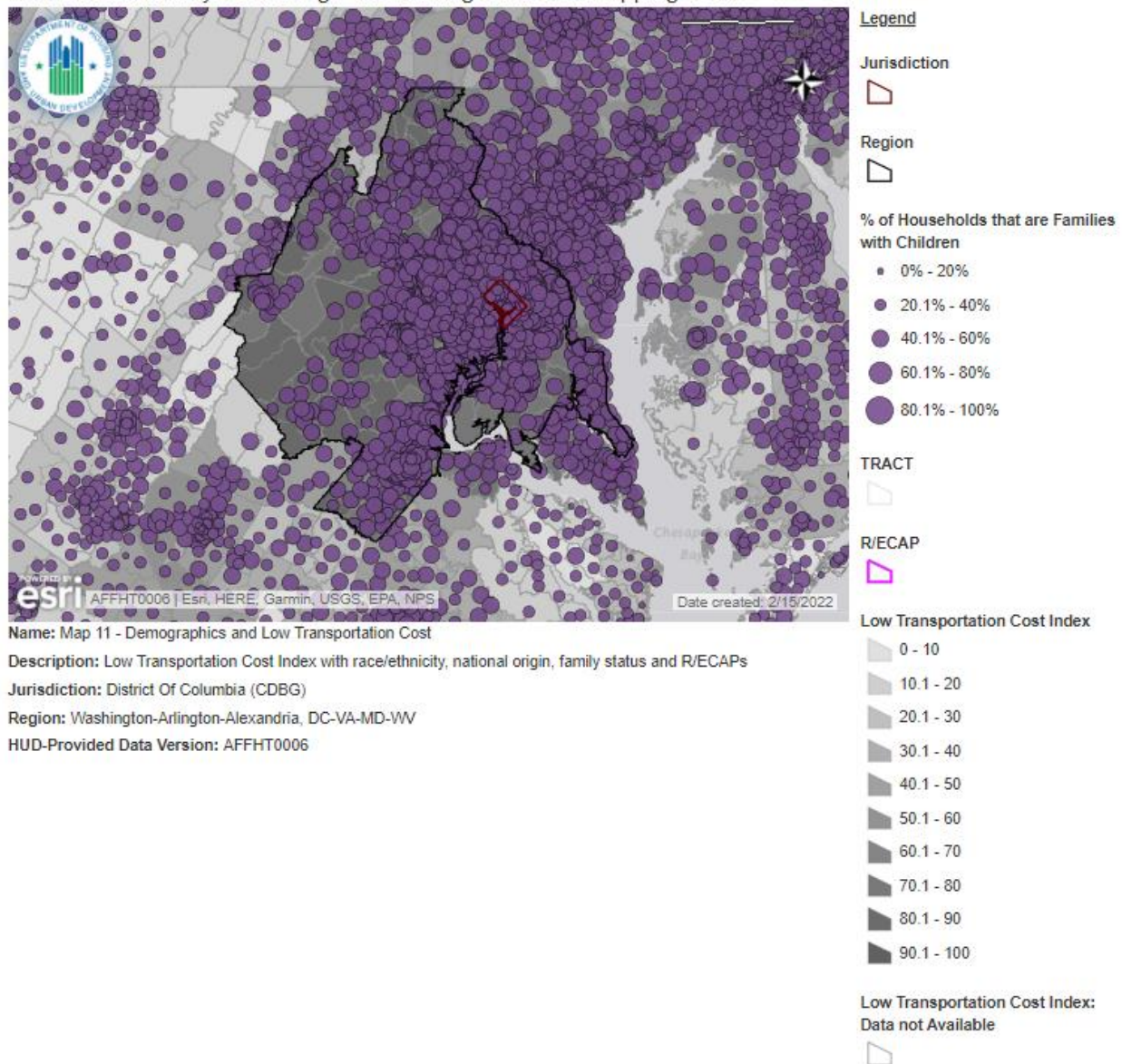
Map 48: Demographics and Low Transportation Cost (Race/Ethnicity), Region



Map 49: Demographics and Low Transportation Cost (National Origin), Region



Map 50: Demographics and Low Transportation Cost (Familial Status), Region
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



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.

Loudoun County

Both indices for transportation are significantly lower for Loudoun County than for other areas in the region. For the most part, the values decrease toward the west, where the county becomes more rural. These areas are also disproportionately White. This explains the minimally lower transit values for White residents. The lowest access to transportation is in the northwestern portion of the county, near Lovettsville. In the eastern part of the county, however, there are some pockets with lower low transportation cost scores, near Watson and Aldie, despite their relatively high population density. These areas have more Black and Hispanic residents than the western part of the country, but not more than other more densely populated areas in the eastern part of the county. The eastern part of the county, with better access to transit, is also home to much of the immigrant population of Loudoun County.

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.

Loudoun County

Loudoun County does not appear to have any programs geared toward reducing racial disparities in transit. As part of its compliance with regulations under Title VI of the Civil Rights Act of 1964, Loudoun County underwent an analysis to ensure that its planned changes to transit routes did not have a disparate impact on protected communities, but it did not appear to be affirmatively working to reduce disparities.

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.

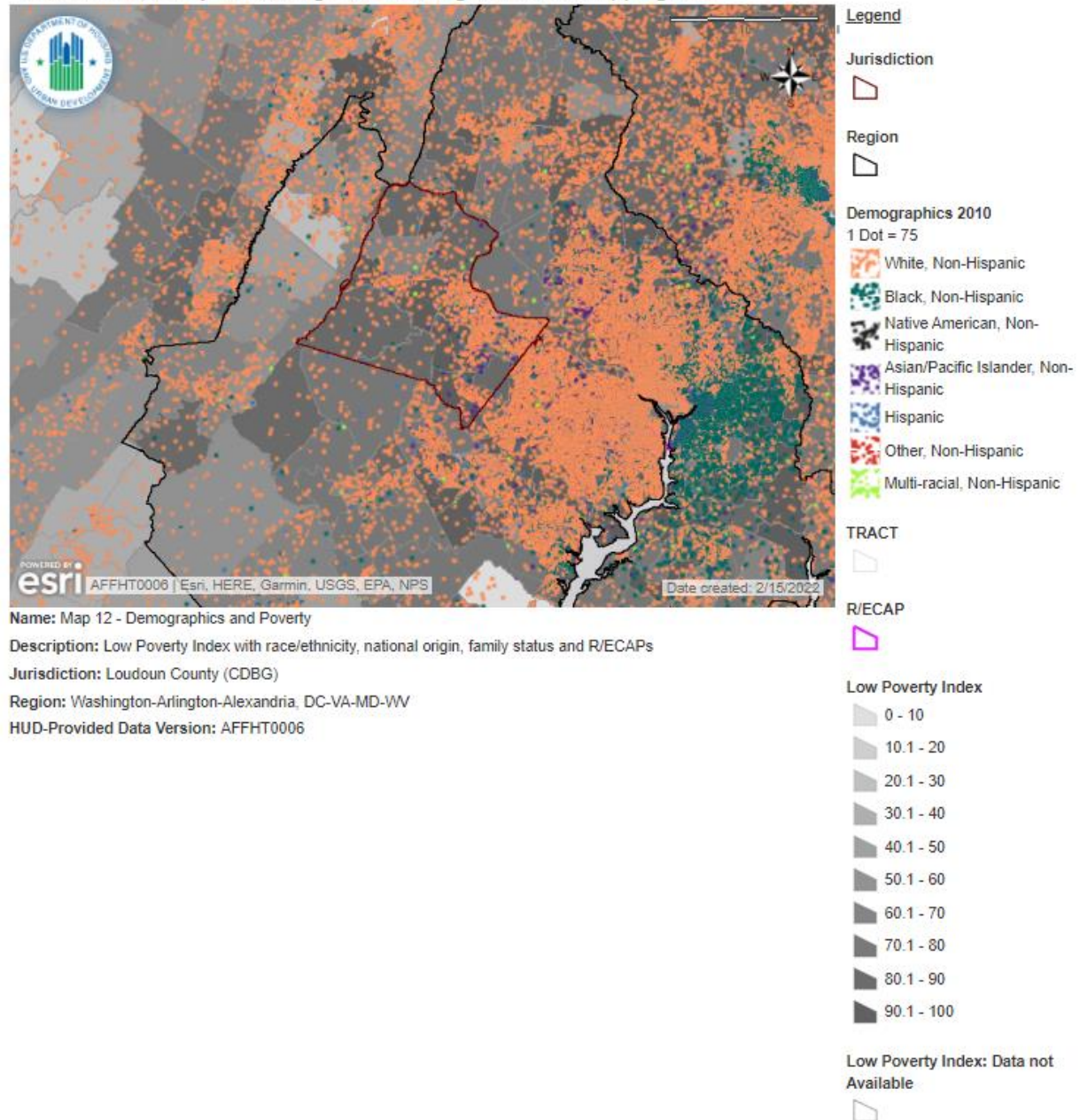
Disparities in access to low-poverty neighborhoods is measured by the Low Poverty Index. The Low Poverty Index is a HUD calculation using both family poverty rates and public assistance receipt in the form of cash welfare (such as Temporary Assistance for Needy Families). This is calculated at the census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

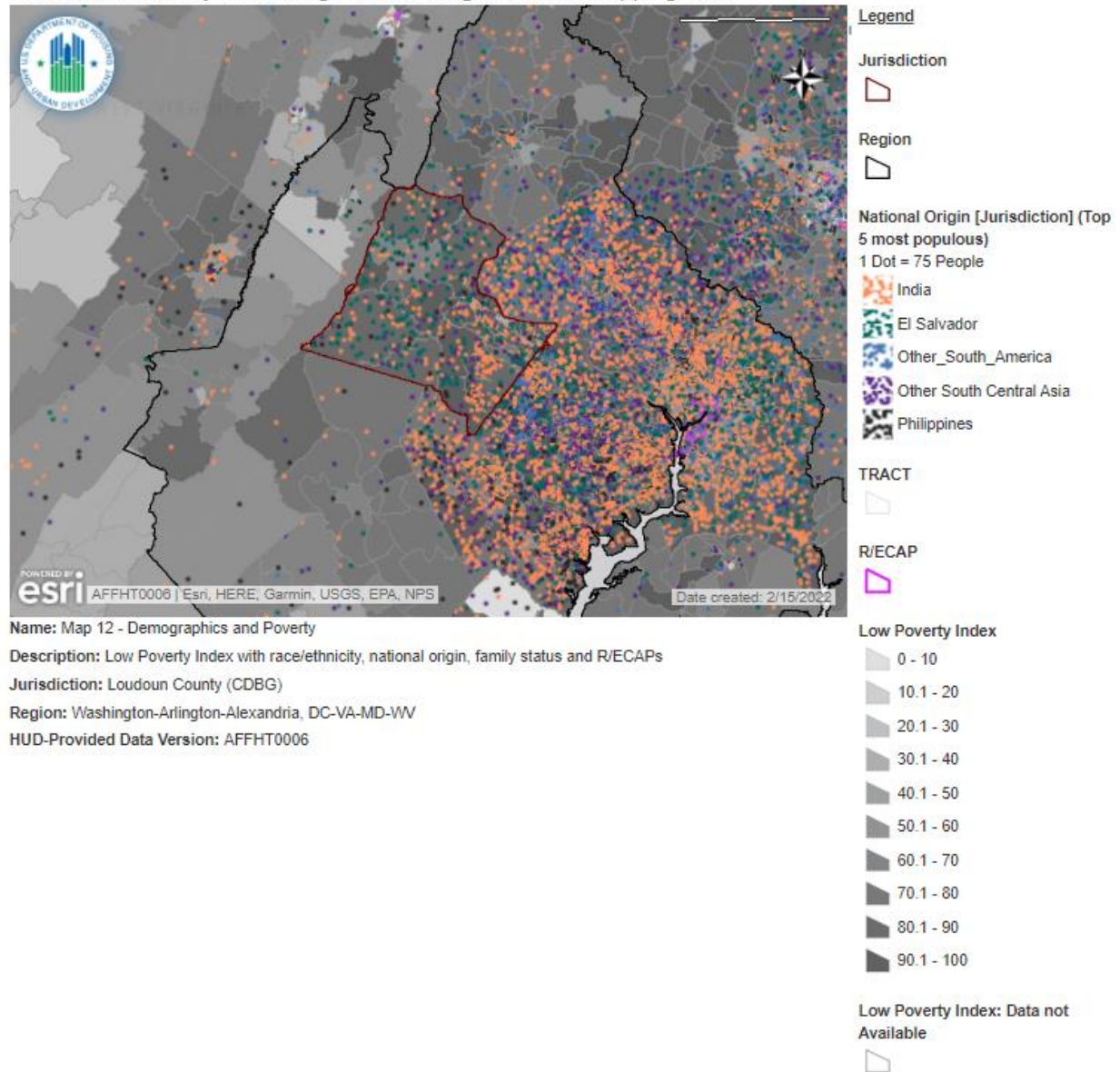
Table 17: Low Poverty Index

Low Poverty Index	Loudoun County	Region
Total Population		
White, Non-Hispanic	88.83	79.93
Black, Non-Hispanic	84.65	61.71
Hispanic	81.00	65.57
Asian or Pacific Islander, Non-Hispanic	88.22	78.68
Native American, Non-Hispanic	87.68	70.77
Population below federal poverty line		
White, Non-Hispanic	84.45	71.36
Black, Non-Hispanic	74.02	45.68
Hispanic	71.32	56.92
Asian or Pacific Islander, Non-Hispanic	77.36	68.99
Native American, Non-Hispanic	78.91	64.66

Map 51: Demographics and Low Poverty Neighborhoods (Race/Ethnicity), Loudoun County, Virginia
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Map 52: Demographics and Low Poverty Neighborhoods (National Origin), Loudoun County, Virginia
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Map 53: Demographics and Low Poverty Neighborhoods (Familial Status), Loudoun County, Virginia

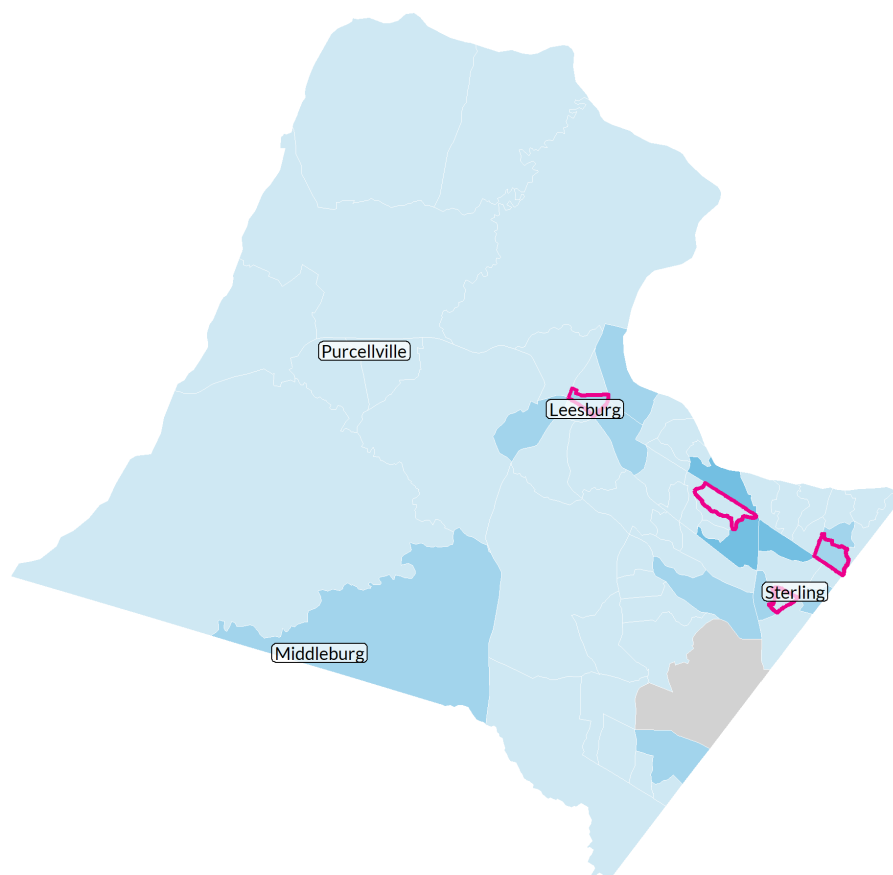
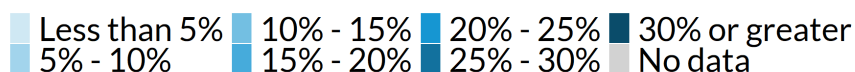
HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Map 54: Jurisdictional Poverty Rates by Census Tract with Council of Governments (COG) Opportunity Equity Emphasis Areas, Loudoun County, Virginia

Poverty Rates by Census Tract in Loudoun County, Virginia

COG Equity Emphasis Area Highlighted in Magenta



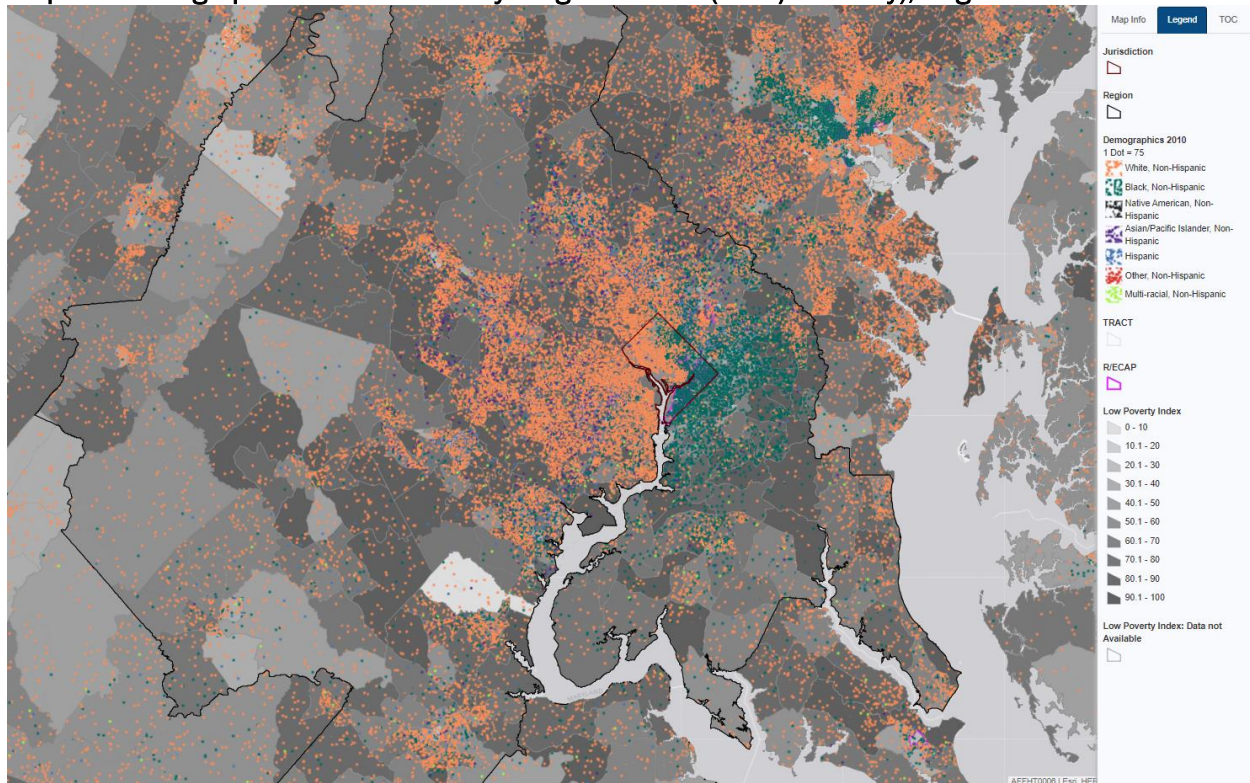
Source: American Community Survey 5-Year Estimates, 2015-2019

Loudoun County

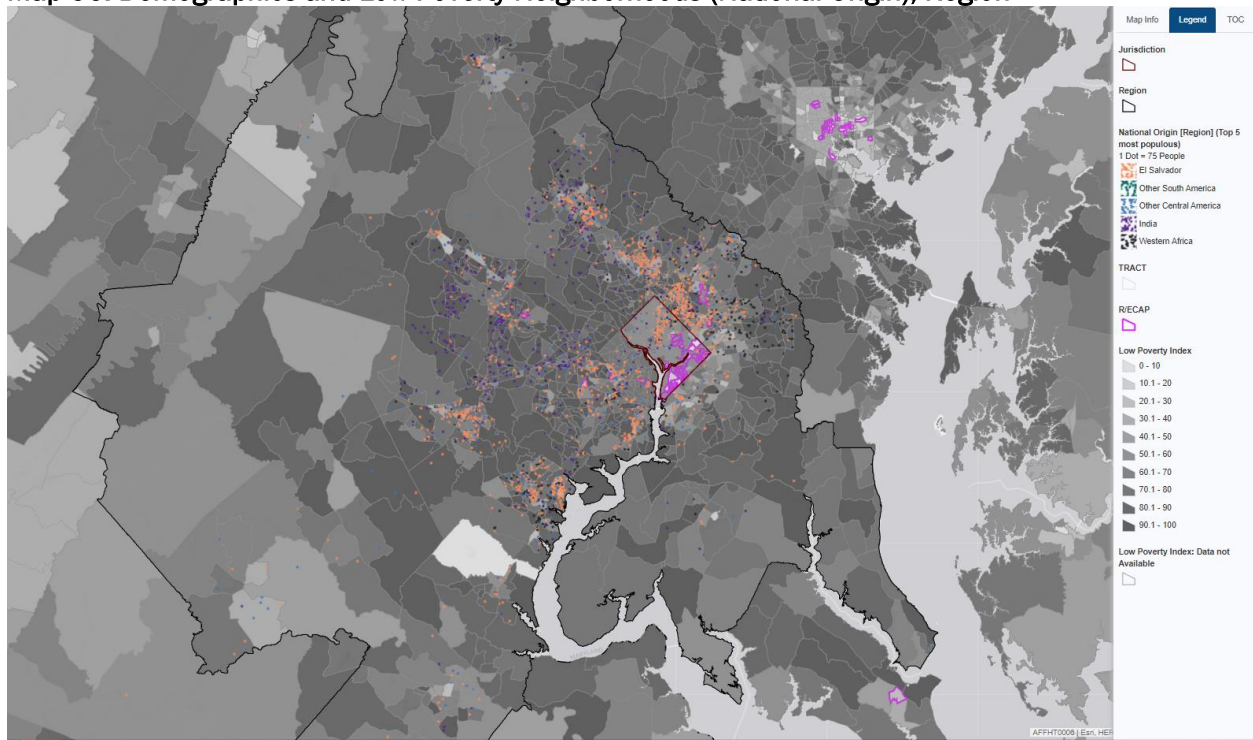
Access to low-poverty neighborhoods is very high for all racial and ethnic groups in Loudoun County, with only minimal race- or ethnicity-based disparities that are slightly more pronounced for the population below the poverty line. White, Asian American, and Native American residents have the highest access to low-poverty neighborhoods, though this is less true for Asian American and Native American residents living below the poverty line. Black residents of Loudoun County have fairly high levels of access to low-poverty neighborhoods, though slightly lower than other racial and ethnic groups. Black residents living below the poverty line have slightly diminished access. Hispanic residents have the least access to low-poverty neighborhoods in Loudoun County, though compared

with the region, it is still relatively high. For Hispanic residents living below the poverty line, access to low-poverty neighborhoods decreases.

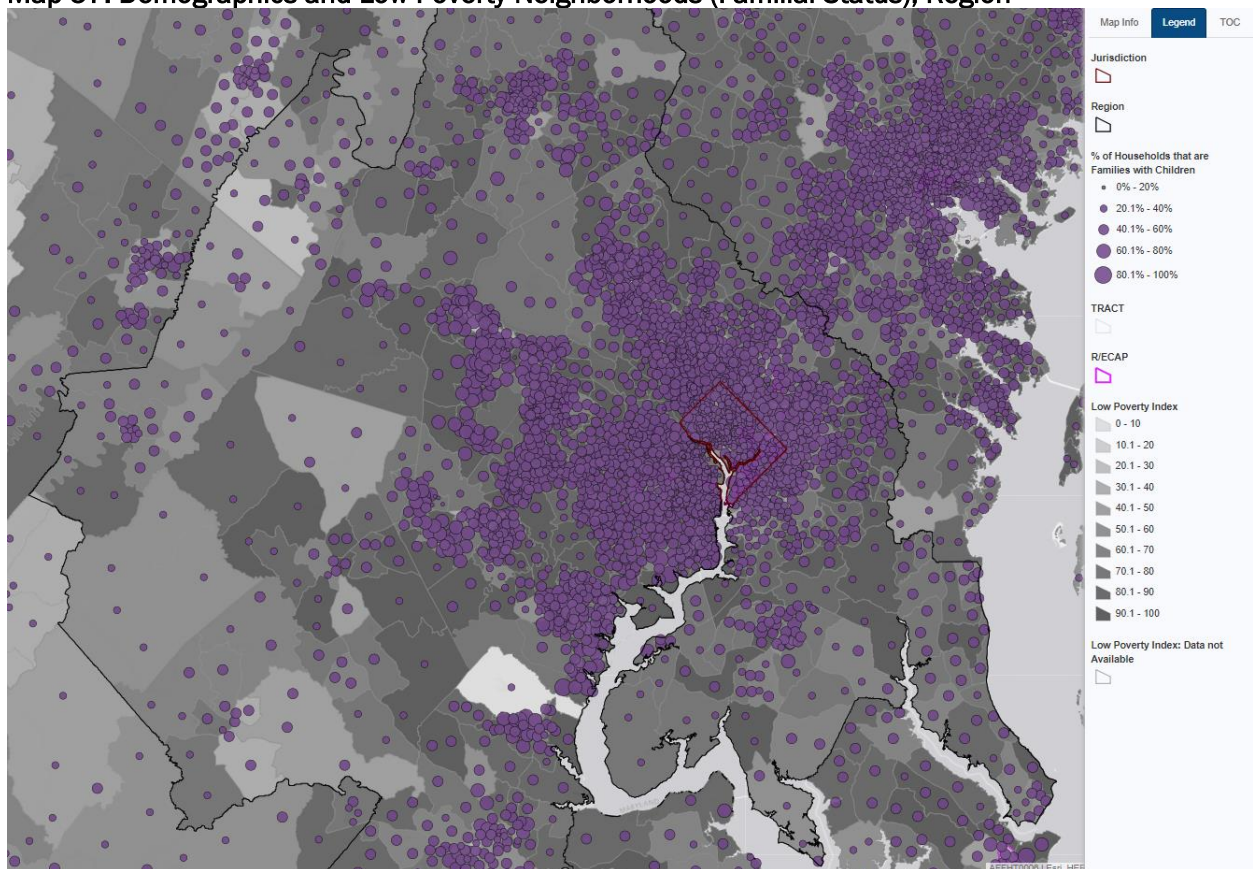
Map 55: Demographics and Low Poverty Neighborhoods (Race/Ethnicity), Region



Map 56: Demographics and Low Poverty Neighborhoods (National Origin), Region



Map 57: 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.

ii. 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.

Loudoun County

Access to low-poverty neighborhoods correlates with racial residential patterns in Loudoun County, though, overall, virtually the entire county has high access to low-poverty neighborhoods. The part of the county closest to D.C. (essentially everything east of and including Leesburg) has very high levels of access to low-poverty neighborhoods. There are a few notable exceptions to this, such as a small pocket of Leesburg between Tuscarora Creek Trail and Fort Evans Road Northeast, where the low-poverty access value drops to 30, and the area north of Harry Byrd Highway, between Landsdowne Parkway and Broad Run, where the low-poverty access value drops to 40. This is also true of the area immediately surrounding Dulles Town Center. All of these areas are home to a high percentage of Hispanic and Black residents. The western part of the county, which is far more rural and White and home to far fewer immigrants than the eastern portion of the county, has high levels of access to low-poverty neighborhoods. There do not appear to be any discernible patterns based on family size.

Region

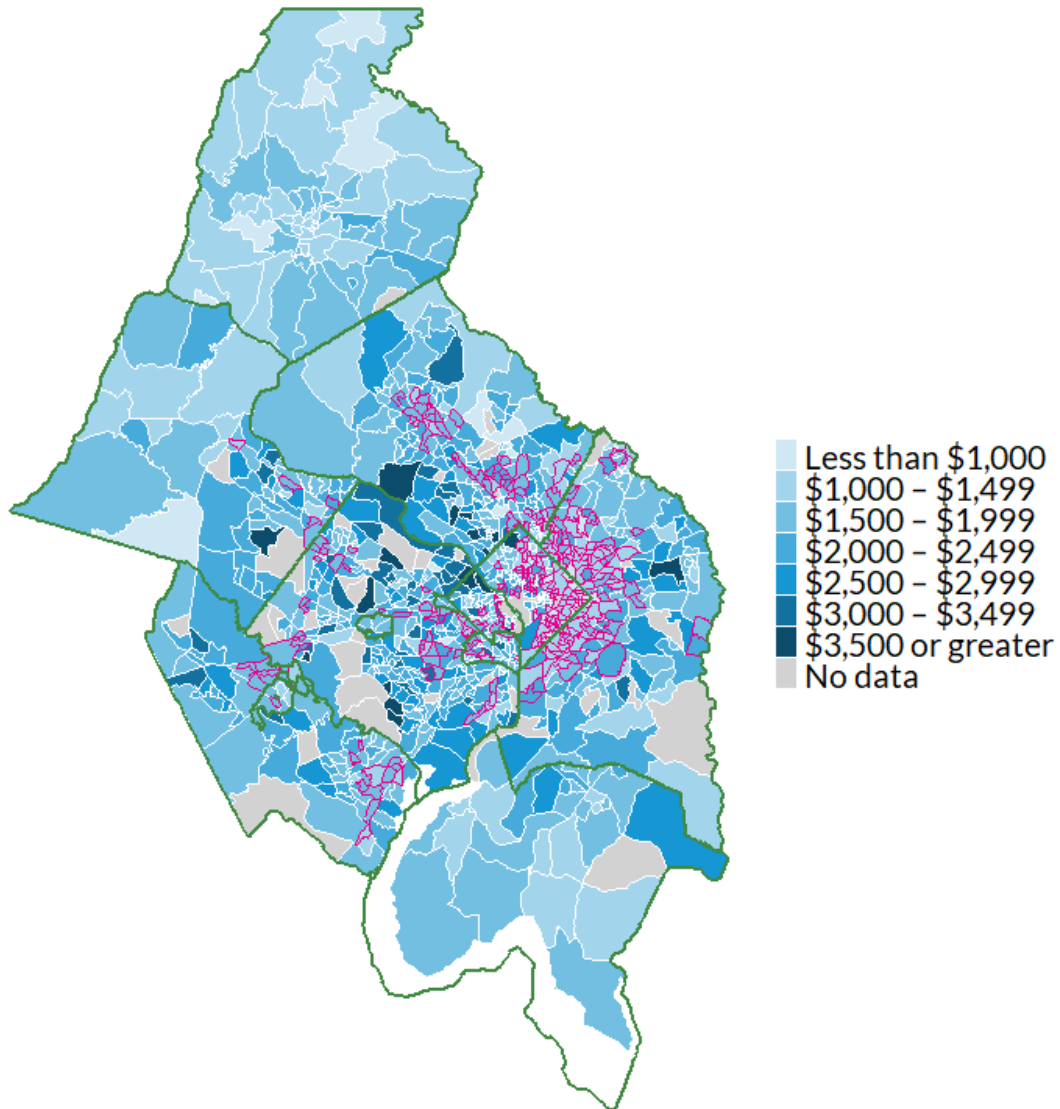
In general, disparities in access to low-poverty neighborhoods correlate with residential living patterns in the region. Access to low-poverty neighborhoods is much higher in suburban areas, particularly in Loudoun, Fairfax, and Montgomery Counties. These areas are disproportionately White, and to a 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 58: Median Rental Rates, Region

Median Gross Rent by Census Tract in Washington Region

COG Equity Emphasis Area Highlighted in Magenta

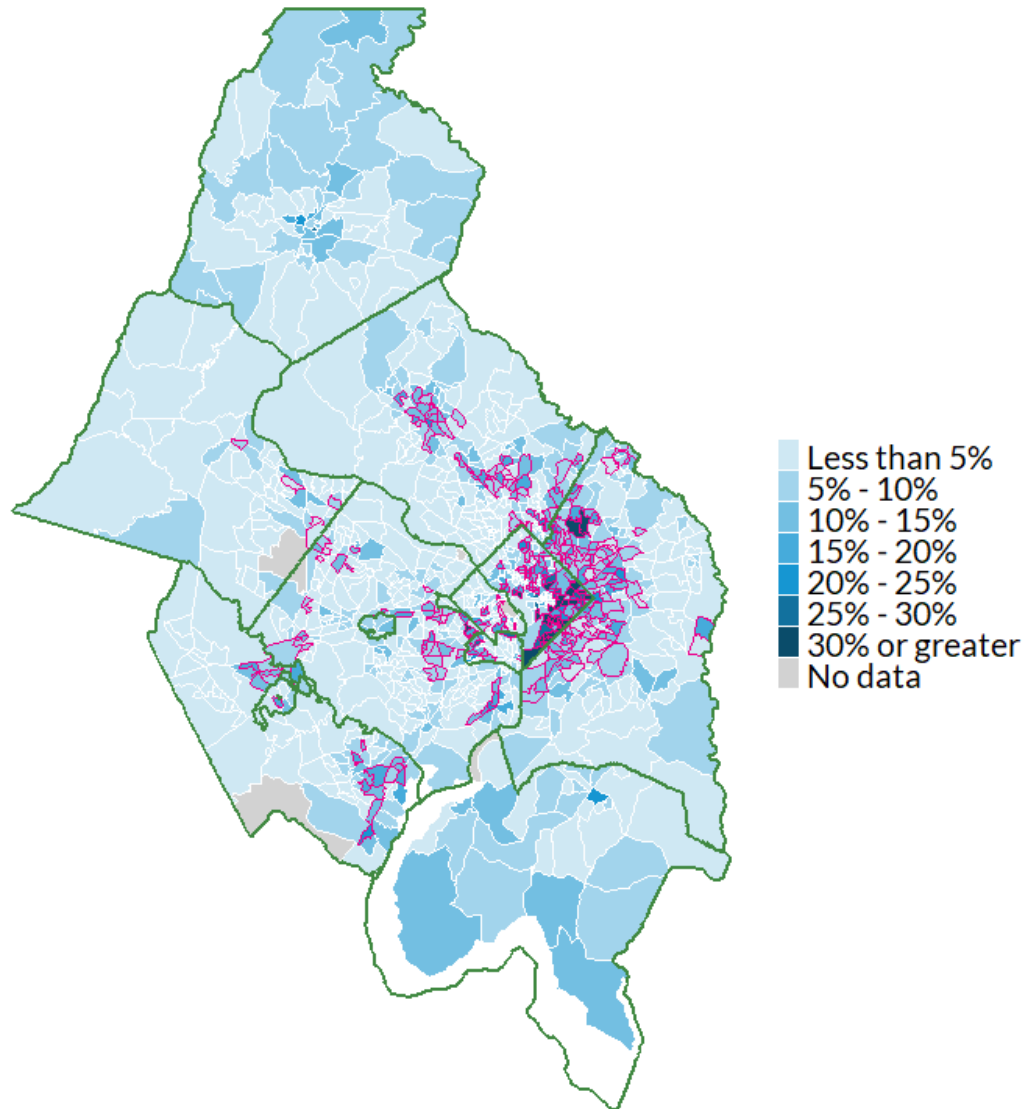


Source: American Community Survey 5-Year Estimates, 2015-2019

Map 59: Poverty Rates, Region

Poverty Rates by Census Tract in Washington Region

COG Equity Emphasis Area Highlighted in Magenta

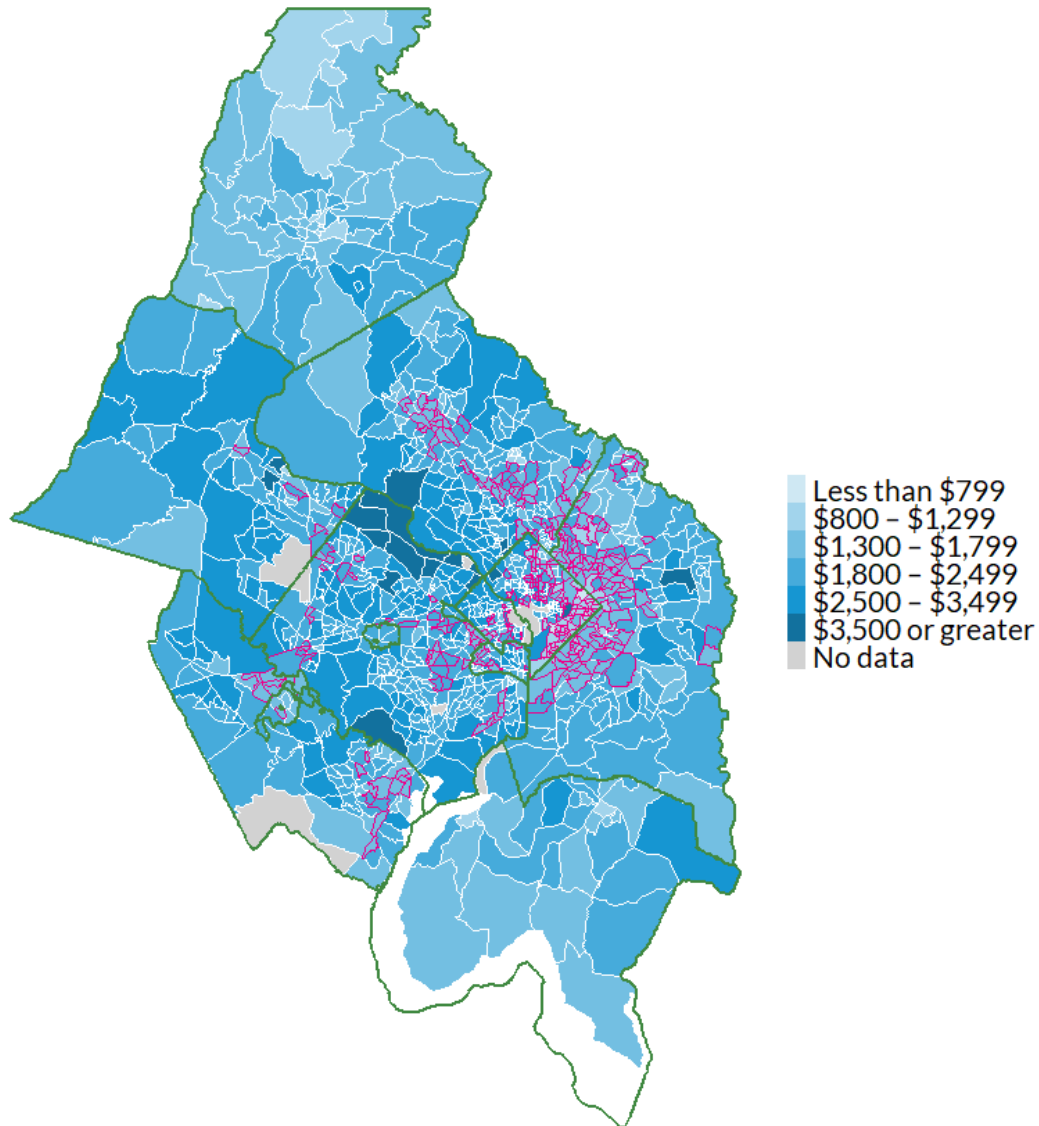


Source: American Community Survey 5-Year Estimates, 2015-2019

Map 60: 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 (see page XX). 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.

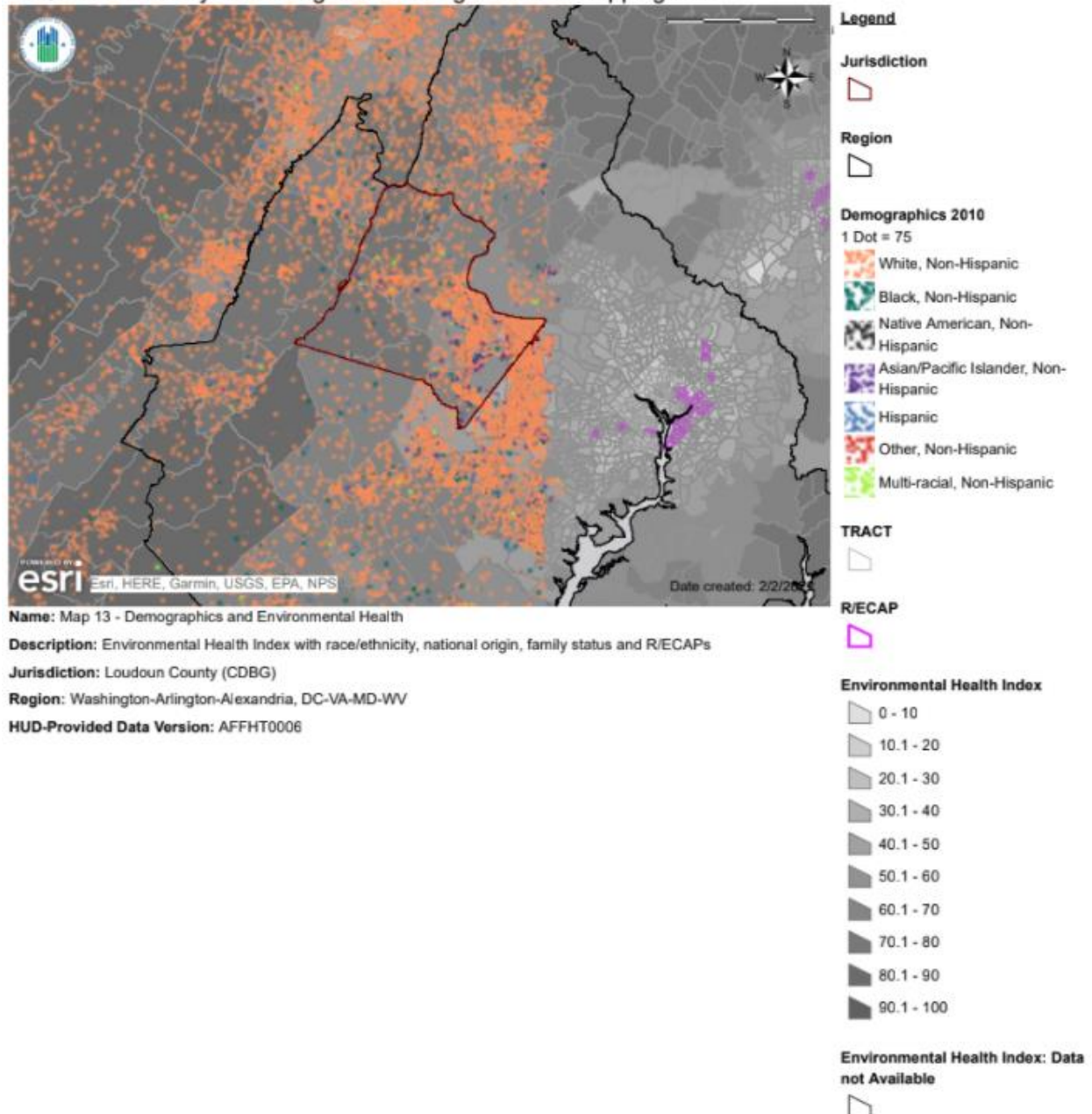
The Environmental Health Index provided by HUD measures exposure to harmful airborne toxins. The index is based on standardized Environmental Protection Agency estimates of carcinogenic, respiratory, and neurological hazards in air. The index does not consider other environmental issues such as water 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

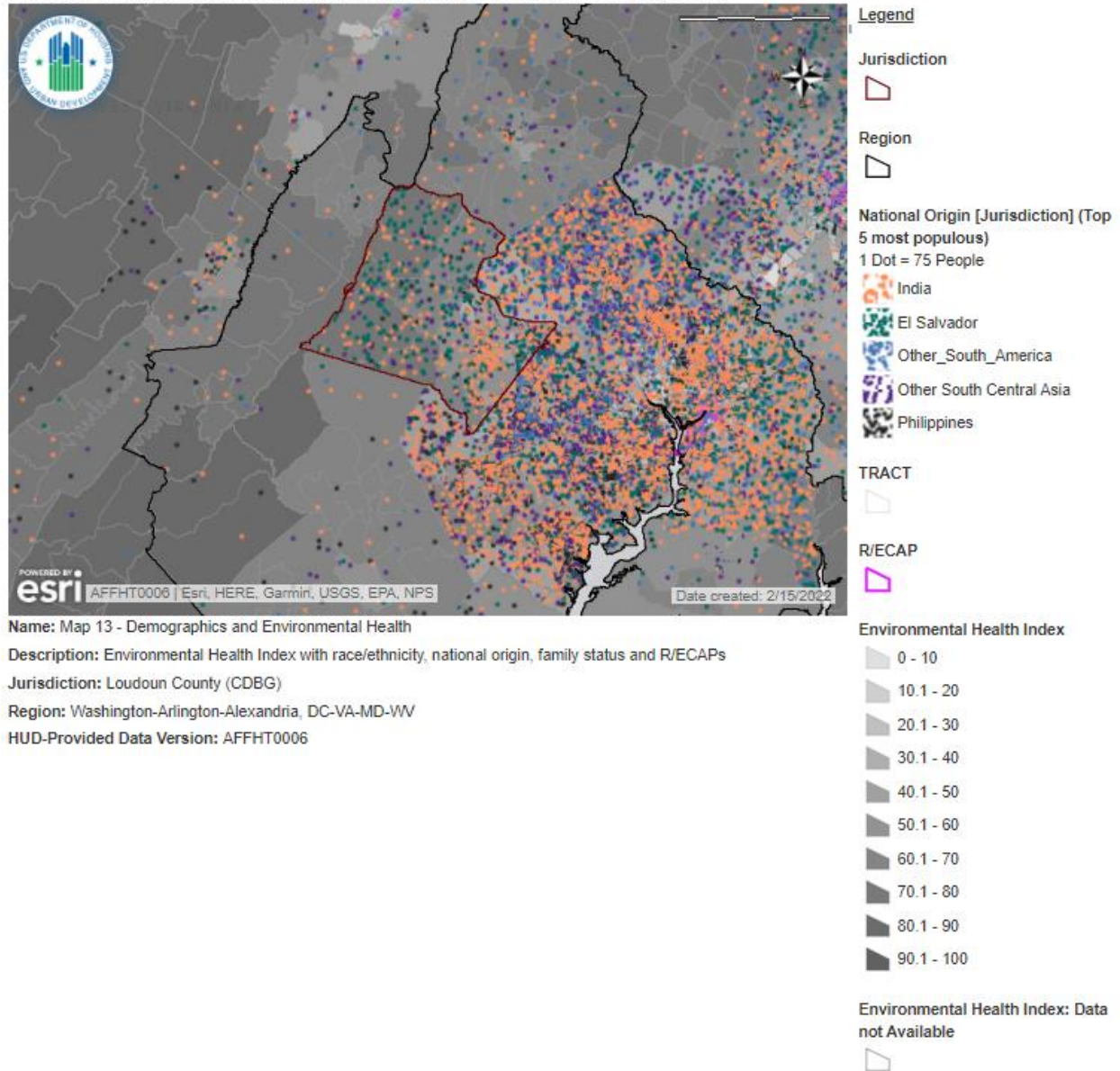
Low Poverty Index	Loudoun County	Region
Total Population		
White, Non-Hispanic	53.36	44.24
Black, Non-Hispanic	49.83	35.39
Hispanic	48.18	36.59
Asian or Pacific Islander, Non-Hispanic	48.63	38.50
Native American, Non-Hispanic	52.29	42.19
Population below federal poverty line		
White, Non-Hispanic	52.24	42.92
Black, Non-Hispanic	49.44	29.66
Hispanic	47.46	34.45

Asian or Pacific Islander, Non-Hispanic	48.61	34.19
Native American, Non-Hispanic	63.48	35.99

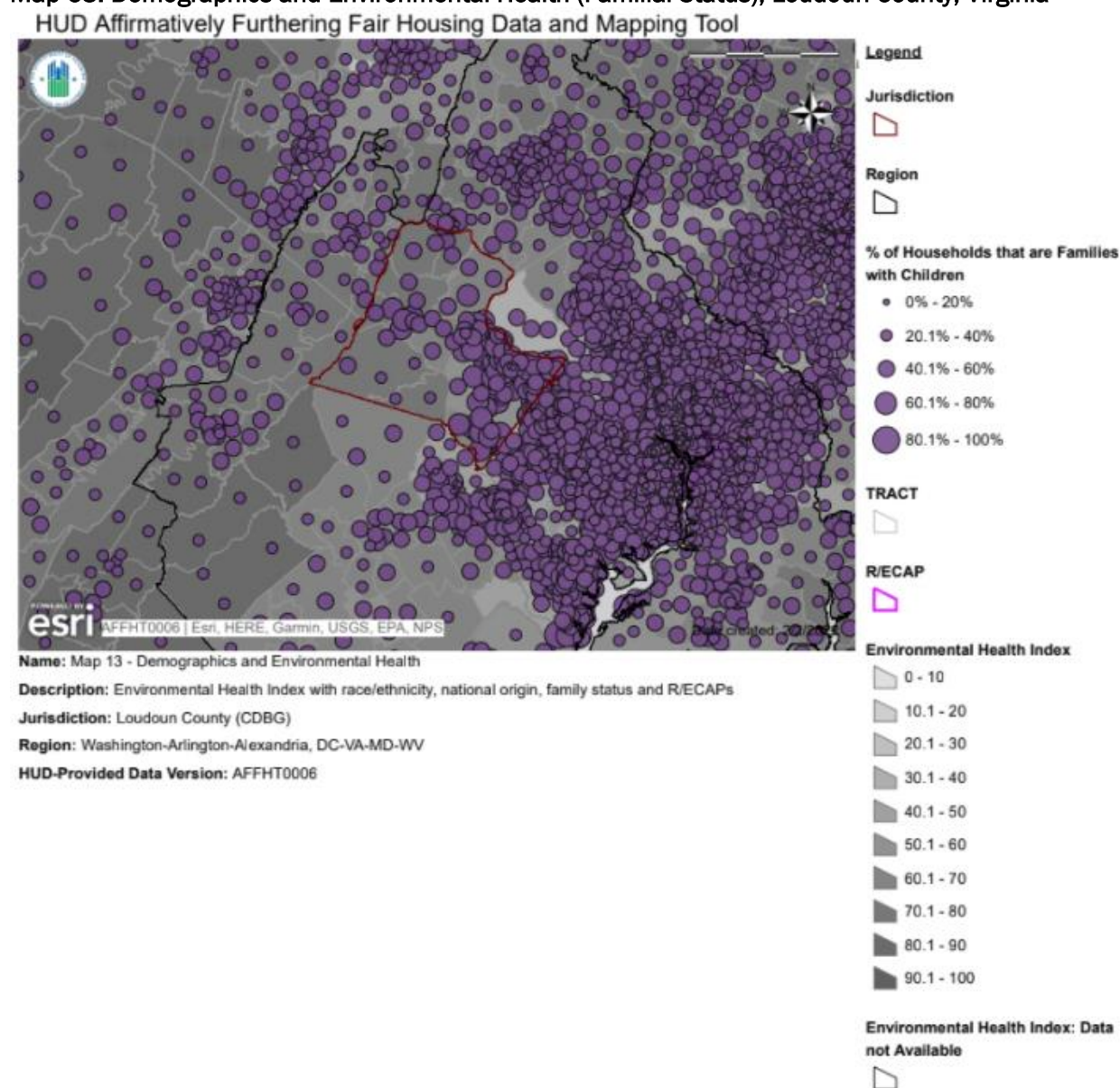
Map 61: Demographics and Environmental Health (Race/Ethnicity), Loudoun County, Virginia
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Map 62: Demographics and Environmental Health (National Origin), Loudoun County, Virginia HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



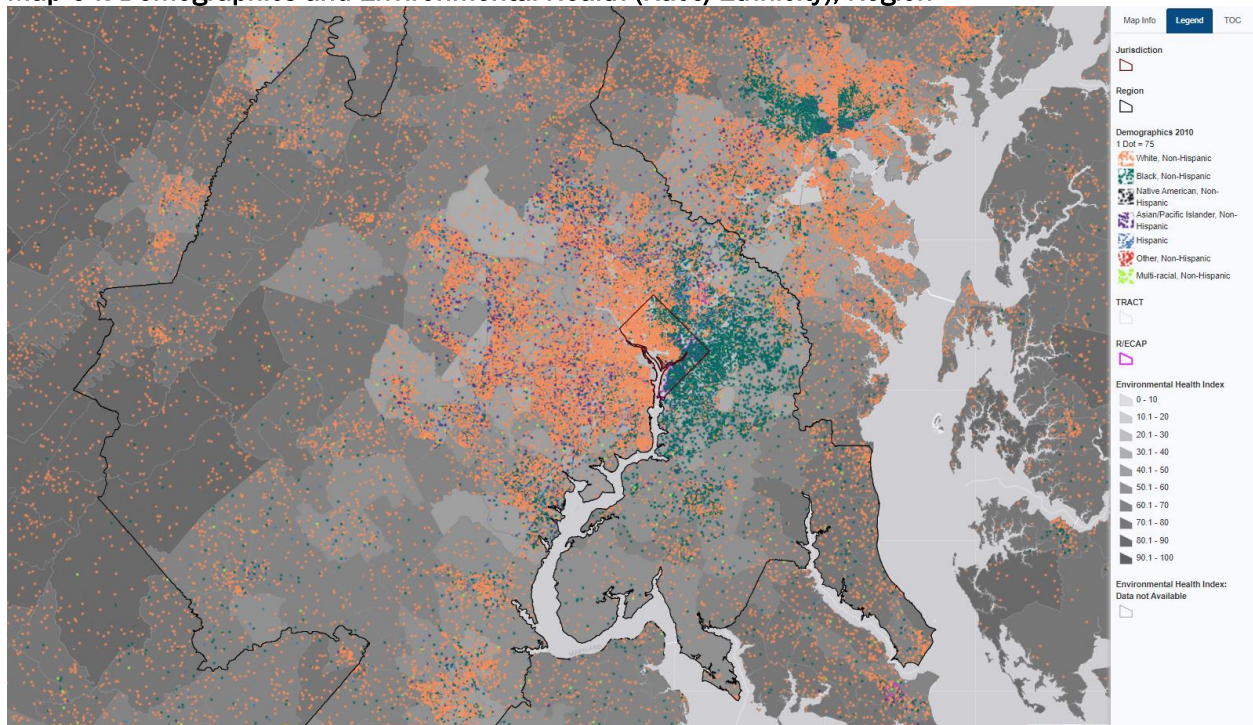
Map 63: Demographics and Environmental Health (Familial Status), Loudoun County, Virginia



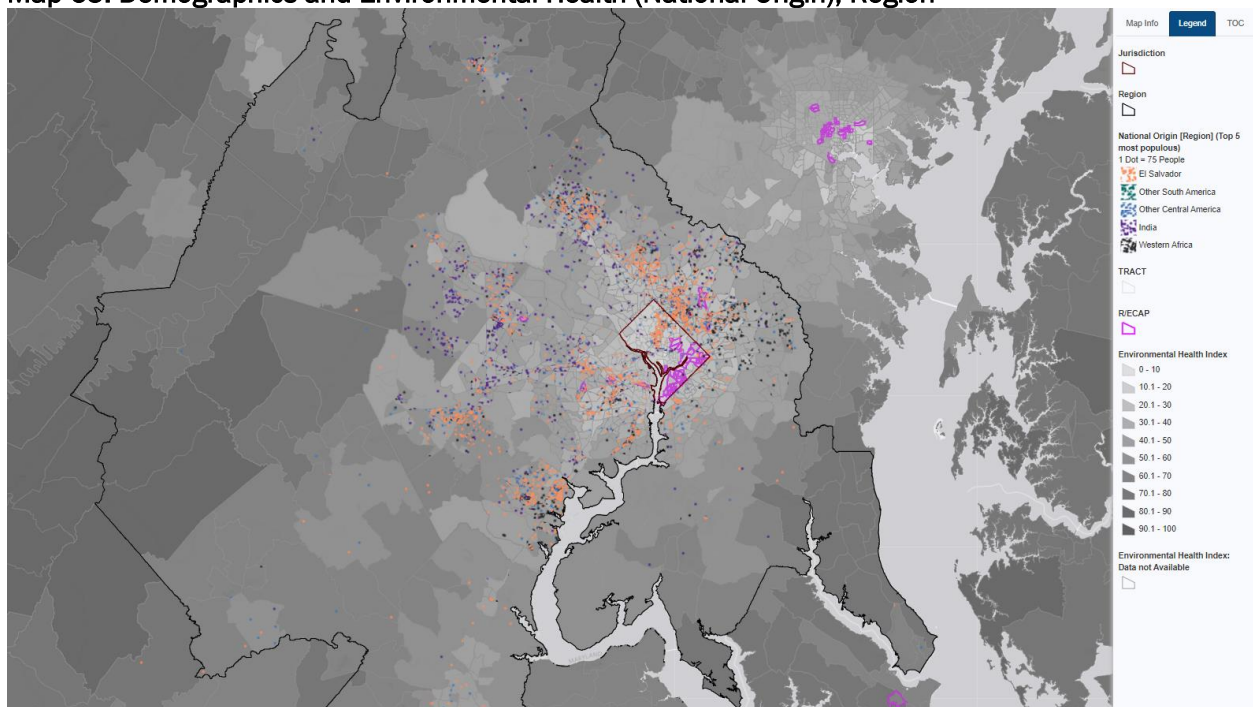
Loudoun County

Loudoun County scores the highest in the region on access to environmentally healthy neighborhoods, with somewhat more variation among racial and ethnic groups than other parts of the jurisdiction. The Environmental Health Index value for White residents of Loudoun County is 53.36 versus 49.83 for Black residents, 48.18 for Hispanic residents, 48.63 for Asian or Pacific Islander residents, and 52.29 for Native American residents. For the most part, this distribution holds below the poverty line, with a value of 52.24 for White residents, 49.44 for Black residents, 47.46 for Hispanic residents, and 48.61 for Asian or Pacific Islander residents. Notably, the value for Native Americans living under the poverty line, at 63.47, is substantially higher than that of the total population of Native American residents. Indeed, Native Americans under the poverty line living in Loudoun County have the highest environmental health value of any racial, ethnic, or economic group in the entirety of the D.C. metropolitan area.

Map 64: Demographics and Environmental Health (Race/Ethnicity), Region

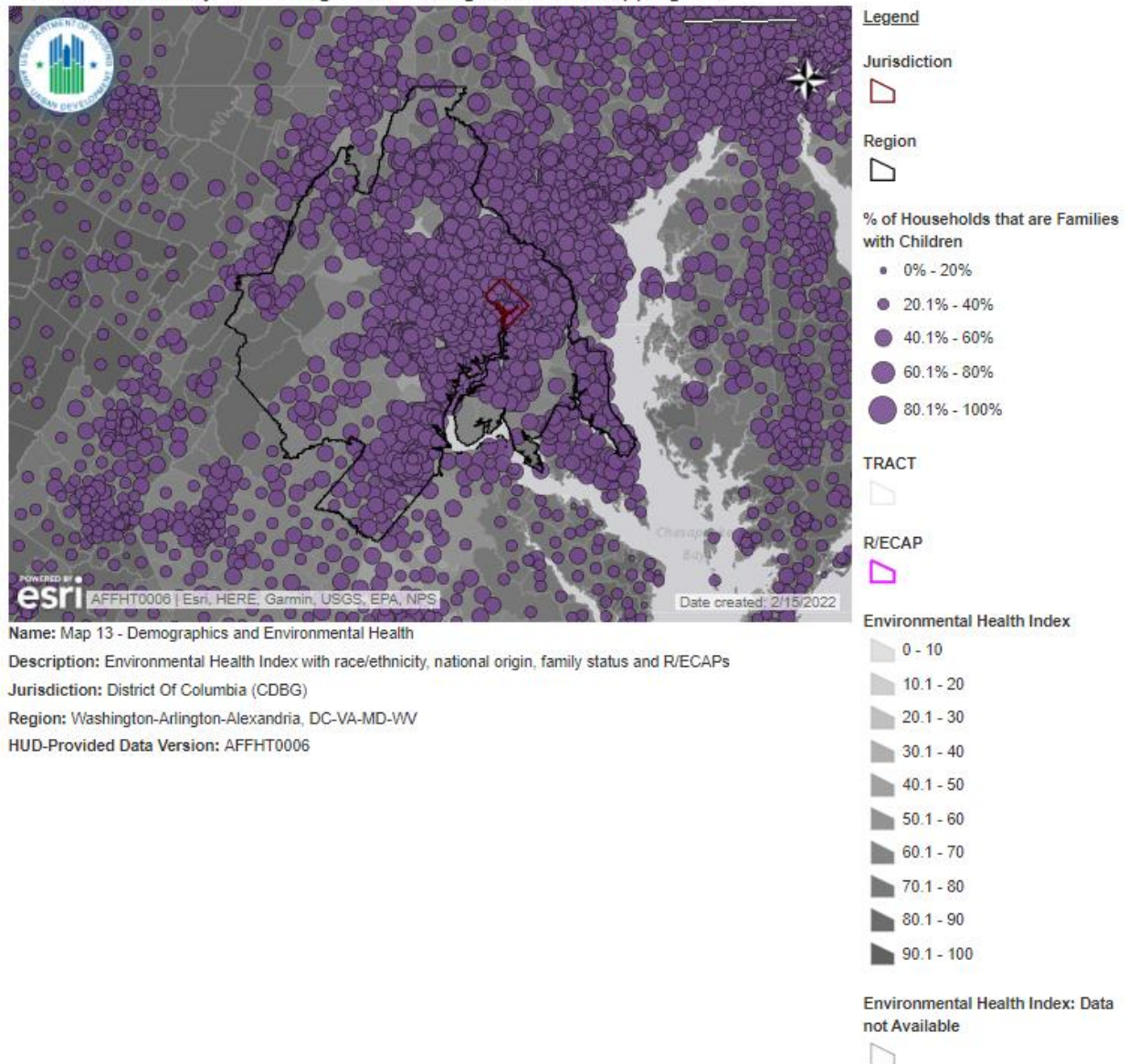


Map 65: Demographics and Environmental Health (National Origin), Region



Map 66: Demographics and Environmental Health (Familial Status), Region

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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.

Loudoun County

Loudoun County's Environmental Health Index values vary by geography, with the highest value (near 80) for the western part of the county, where the population is roughly 80 percent White and predominantly living in rural areas. This includes areas such as Middleburg, Hillsboro, Roundhille, Purcellville, and Lovettsville. Environmental health values decrease slightly to the east and hover around 70 for areas like Hamilton, Beacons Hill, Lucketts, and Waterford, which are also predominantly White (roughly 80 percent), sparsely populated, and rural. Environmental health values continue to decrease as the population density increases eastward and becomes increasingly suburban and diverse in areas like Sterling, Brambleton, and South Riding, which have substantially more Black, Asian, and Hispanic residents than the western portion of the county. This area is also home to the majority of non-U.S.-born residents, particularly those from India and El Salvador. Within these suburban areas, it does not appear that the environmental health of census tracts varies significantly by race and ethnicity, as most have values hovering between 40 and 50, with some census tracts falling into the 30s. The areas with lower values, however, are roughly equivalent to the environmentally healthy suburban areas in terms of racial makeup.

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 whether there are programs, policies, or funding mechanisms that affect disparities in access to environmentally healthy neighborhoods.

Loudoun County

Loudoun County has an environmental services department, which includes programs for energy management, environmental health, and recycling and trash, as well as the environmental commission. However, it does not appear that these entities have specifically addressed disparities based on race or national origin related to the environment.

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.¹⁹

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 2025.²⁰ 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.²¹

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.²² 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, Loudoun County, Virginia

Households Experiencing Any of the Four Housing Problems	Households with Problems #	Total Households #	Households with Problems %
Race/Ethnicity			
White, Non-Hispanic	18,403	76,516	24.05%
Black, Non-Hispanic	2,851	8,528	33.43%
Hispanic	5,780	12,221	47.30%
Asian or Pacific Islander, Non-Hispanic	4,350	16,649	26.13%

Native American, Non-Hispanic	86	297	28.96%
Other, Non-Hispanic	814	2,835	28.71%
Total	32,259	117,043	27.56%
Household Type and Size			
Family, <5 people	17,678	74,626	23.69%
Family, 5+ people	5,208	16,798	31.00%
Non-family	9,387	25,681	36.55%
Households Experiencing Any of the Four Severe Housing Problems	Households with Severe Problems #	Total Households #	Households with Severe Problems %
Race/Ethnicity			
White, Non-Hispanic	7,413	76,516	9.69%
Black, Non-Hispanic	1,154	8,528	13.53%
Hispanic	2,376	12,221	19.44%
Asian or Pacific Islander, Non-Hispanic	1,728	16,649	10.38%
Native American, Non-Hispanic	52	297	17.51%
Other, Non-Hispanic	438	2,835	15.45%
Total	13,197	117,043	11.28%

Clear disparities exist regarding which racial groups are disproportionately harmed by housing problems in Loudoun County. Hispanic households experience the highest rates of disproportionate housing needs with over 47 percent of households classified as such. Approximately one-third of Black households, approximately 29 percent of Native American households, and one-quarter of White and Asian households experience housing problems. Almost 37 percent of households with five or more residents and 31 percent of non-family households experience housing problems, compared with 24 percent of families with fewer than five people. Similar to the trend in disparate housing problems described above, disparities for Hispanic households with severe housing conditions are significant as well; severe housing problems affect 19 percent of Hispanic households but only 10 percent of White and Asian American households.

Table 20: Demographics of Households with Severe Housing Cost Burden, Loudoun County, Virginia

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%
Household Type and Size			
Family, <5 people	6,217	74,626	8.33%
Family, 5+ people	924	16,798	5.50%
Non-family	3,943	25,681	15.35%

Overall, Loudoun County has lower rates of housing cost burden compared with the region as a whole, but, as is the general trend in the region, racial and ethnic disparities among households living with severe housing costs are present in this area. Native Americans and Hispanics have the highest cost burden; approximately 15 percent of Native American households and 11 percent of Black households experience severe cost burdens. White and Asian American households have the lowest housing cost burden, with only 8 percent experiencing severe cost burdens. Single households disproportionately bear an unequal portion of the housing cost burden with over 15 percent experiencing severe cost burdens. One idiosyncrasy unique to this jurisdiction is that small family households have higher cost burdens than larger families, a data point that does not conform with the overall pattern of the region.

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 %
Race/Ethnicity			
White, Non-Hispanic	290,379	1,146,249	25.33%
Black, Non-Hispanic	228,930	547,575	41.81%

Hispanic	116,643	229,029	50.93%
Asian or Pacific Islander, Non-Hispanic	63,849	184,508	34.61%
Native American, Non-Hispanic	1,912	4,987	38.34%
Other, Non-Hispanic	18,138	48,608	37.31%
Total	719,855	2,160,990	33.31%
Household Type and Size			
Family, <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	
	#	%	#	%	#	%	#	%	#	%
Loudoun County	345	0.48	236	2.93	0	0.00	365	2.71	689	7.35
Region	7,385	0.66	13,321	2.49	273	3.60	7,094	4.26	22,597	11.37

Loudoun County

In comparison with the region as a whole, Loudoun County has the lowest rate of overcrowding with a peak rate of 7.4 percent for any racial or ethnic group. Although its highest overcrowding rate for any group is lower than that of other jurisdictions, the same racial and ethnic disparities in overcrowding hold true in the county. As in other jurisdictions and the region, the Hispanic population is most affected by overcrowding with 7.4 percent of its total population in overcrowded conditions, while the White population continues to have the lowest rate of 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
Loudoun County	18,521	415	45	7	81,412	100,400

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
Loudoun County	11,286	1,082	21	0	15,848	28,237
Regional	312,493	26,163	746	70	378,231	717,703
Jurisdiction	One Condition	Two Conditions	Three Conditions	Four Conditions	No Conditions	Total
Loudoun County	29,807	1,497	66	7	97,260	128,637
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.

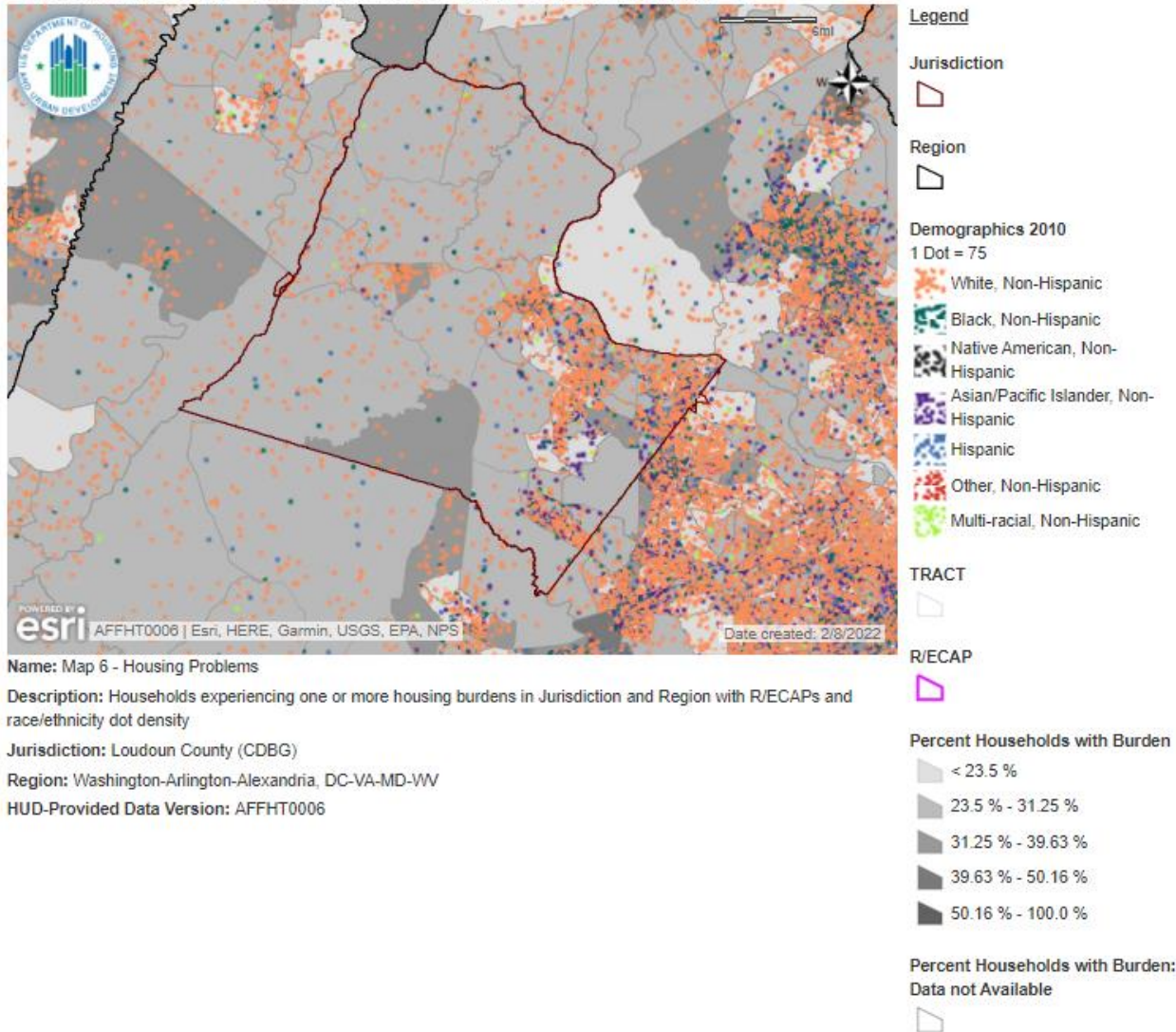
All jurisdictions have a similarly low rate of substandard housing conditions for owner-occupied households, ranging from the lowest in Arlington and Loudoun Counties at under one-fifth to the highest in Gaithersburg and Prince William County, where approximately one-quarter of owner-occupied households 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 67: Households with Any of the Four Housing Problems (Race/Ethnicity), Loudoun County, Virginia

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 6 - Housing Problems

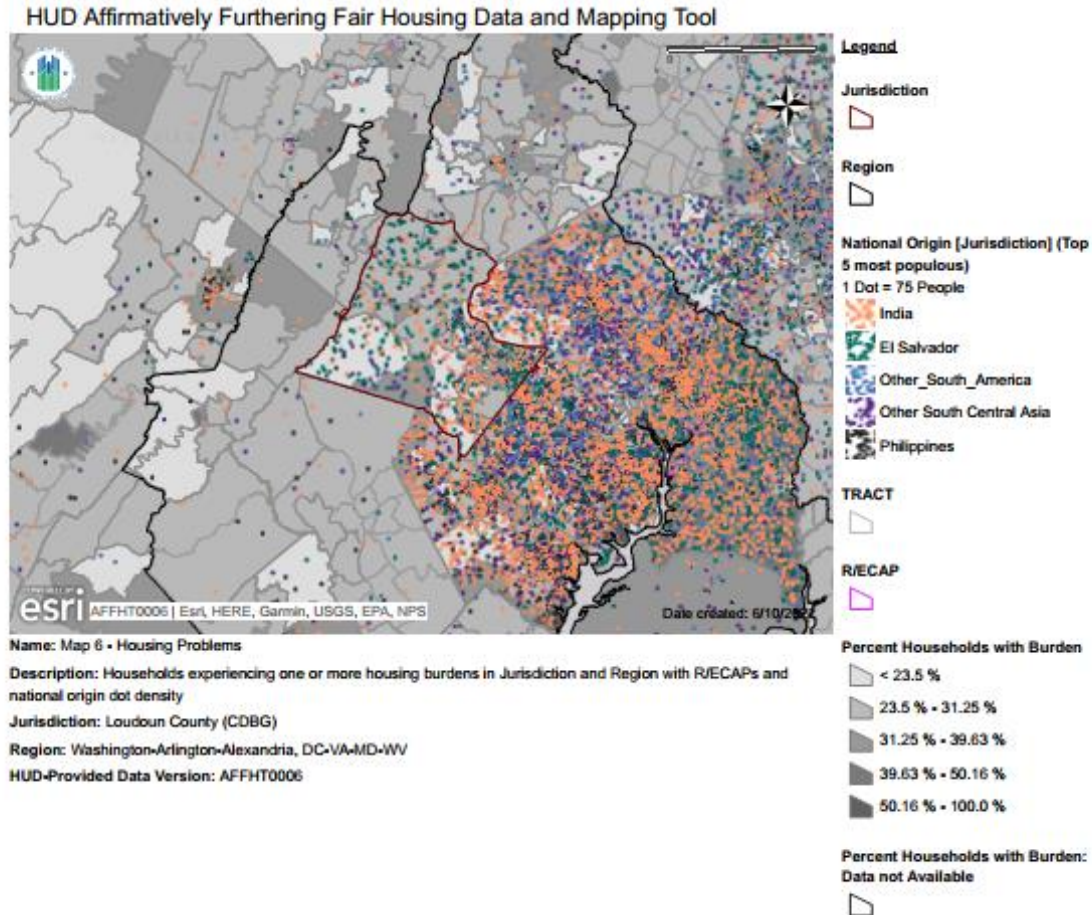
Description: Households experiencing one or more housing burdens in Jurisdiction and Region with R/ECAPs and race/ethnicity dot density

Jurisdiction: Loudoun County (CDBG)

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

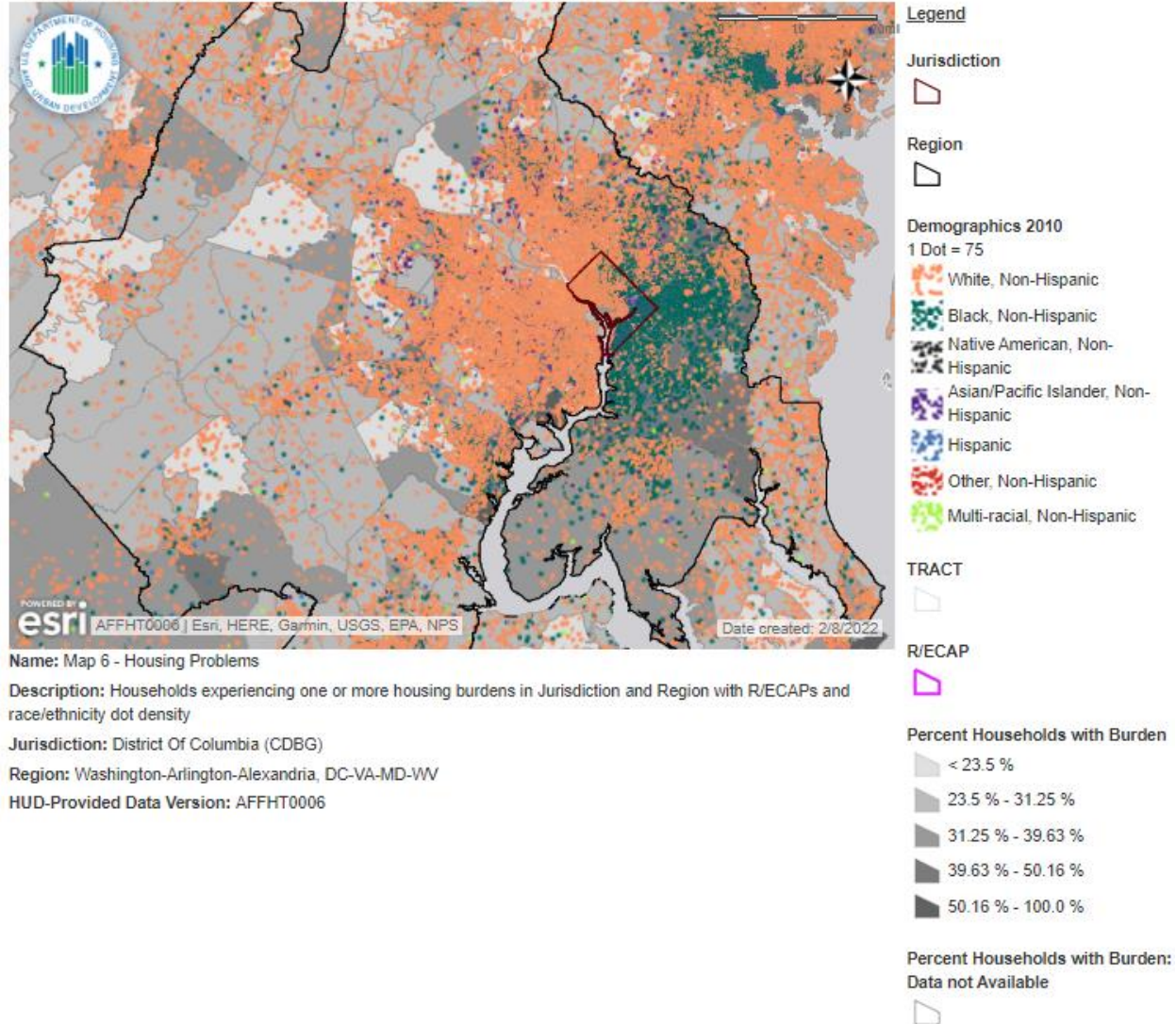
HUD-Provided Data Version: AFFHT0006

Map 68: Households with Any of the Four Housing Problems (National Origin), Loudoun County, Virginia

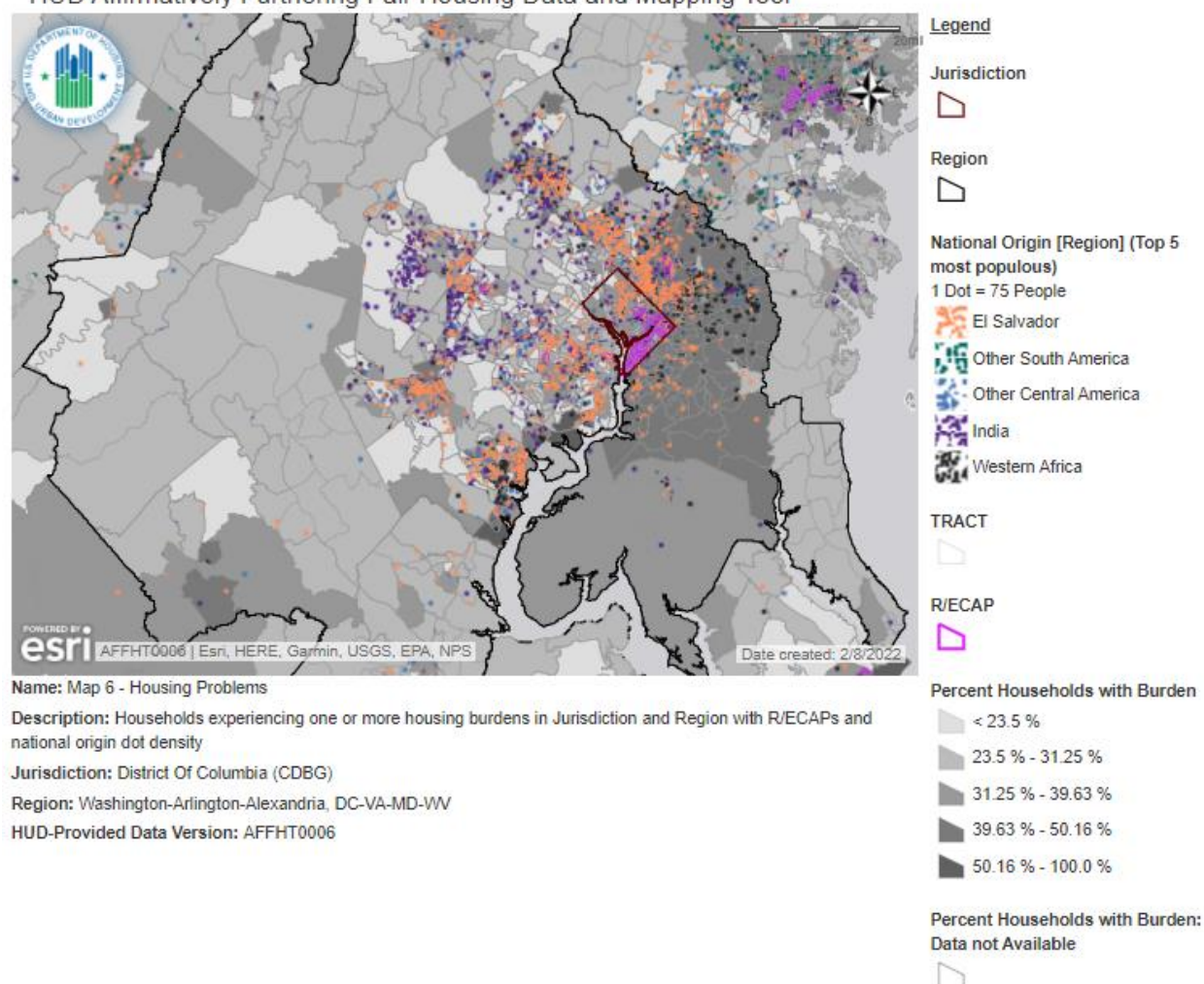


In Loudoun County, there is a clearly uneven spatial distribution of housing problems. A significantly higher percentage of households with housing problems reside in the eastern side of the county. These households break down into three distinct clusters: two on the northeastern edge of the county and one in the southern section. Although these three clusters are primarily composed of White households, Asian American and Black households account for a higher share of the population in these areas given their relative populations. In contrast to the clustered spatial distribution of these households' problems, Hispanic households with housing problems are more scattered throughout the county with small pockets of households with problems present in both the eastern and western portions. Therefore, Hispanic households with household problems are not as spatially clustered as households of other racial groups. Indians and Salvadorans have the highest rates of housing problems. Indian households are present in the highest numbers in eastern side of the county where housing problems are more common, while Salvadoran households are more dispersed throughout the county.

Map 69: Households with Any of the Four Housing Problems (Race/Ethnicity), Region
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Map 70: 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

Loudoun County	Households in 0–1 Bedroom Units		Households in 2 Bedroom Units		Households in 3+ Bedroom Units		Households with Children	
Housing Type	#	%	#	%	#	%	#	%
Public Housing	0	0.00%	0	0.00%	0	0.00%	N/A	N/A
Project-Based Section 8	186	96.9%	6	3.1%	0	0.00%	N/A	N/A
Other Multifamily	0	0.00%	0	0.00%	0	0.00%	N/A	N/A
HCV Program	94	17.2%	240	44%	212	38.8%	199	36.5%

Loudoun County

Loudoun County has no public housing or other multifamily developments and only 186 project-based Section 8 units. The only option for families with children is the HCV program; there are no units for families with children in the project-based Section 8 units.

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 the region.

Table 26: Housing Tenure by Race

			Loudoun County	Region
White, Non- Hispanic	Owner- Occupied	#	58,603	820,608
		%	81.7	73.3
	Renter-Occupied	#	13,107	299,248
		%	18.3	26.7
Hispanic	Owner- Occupied	#	4,875	99,296
		%	52	50
	Renter-Occupied	#	4,494	99,442
		%	48	50
Black	Owner- Occupied	#	5,090	277,586
		%	63.2	51.8
	Renter-Occupied	#	2,968	257,980
		%	36.8	48.2
Native American	Owner- Occupied	#	357	4,269
		%	73.2	56.3
	Renter-Occupied	#	131	3,311
		%	26.8	43.7
Asian or Pacific Islander	Owner- Occupied	#	11,545	112,704
		%	85.9	67.7
	Renter-Occupied	#	1,890	53,821
		%	14.1	32.3

Table 27: Population Growth by Housing Type

Jurisdiction	Owner-occupied	Renter-Occupied
Loudoun County	30%	16%

Loudoun County

In comparison with other jurisdictions, Loudoun County has the highest proportion of owner-occupied households by race. Every group has a homeownership rate of over 50 percent, ranging from White households at almost 82 percent to Hispanic households, with the lowest rate, at 52 percent.

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.

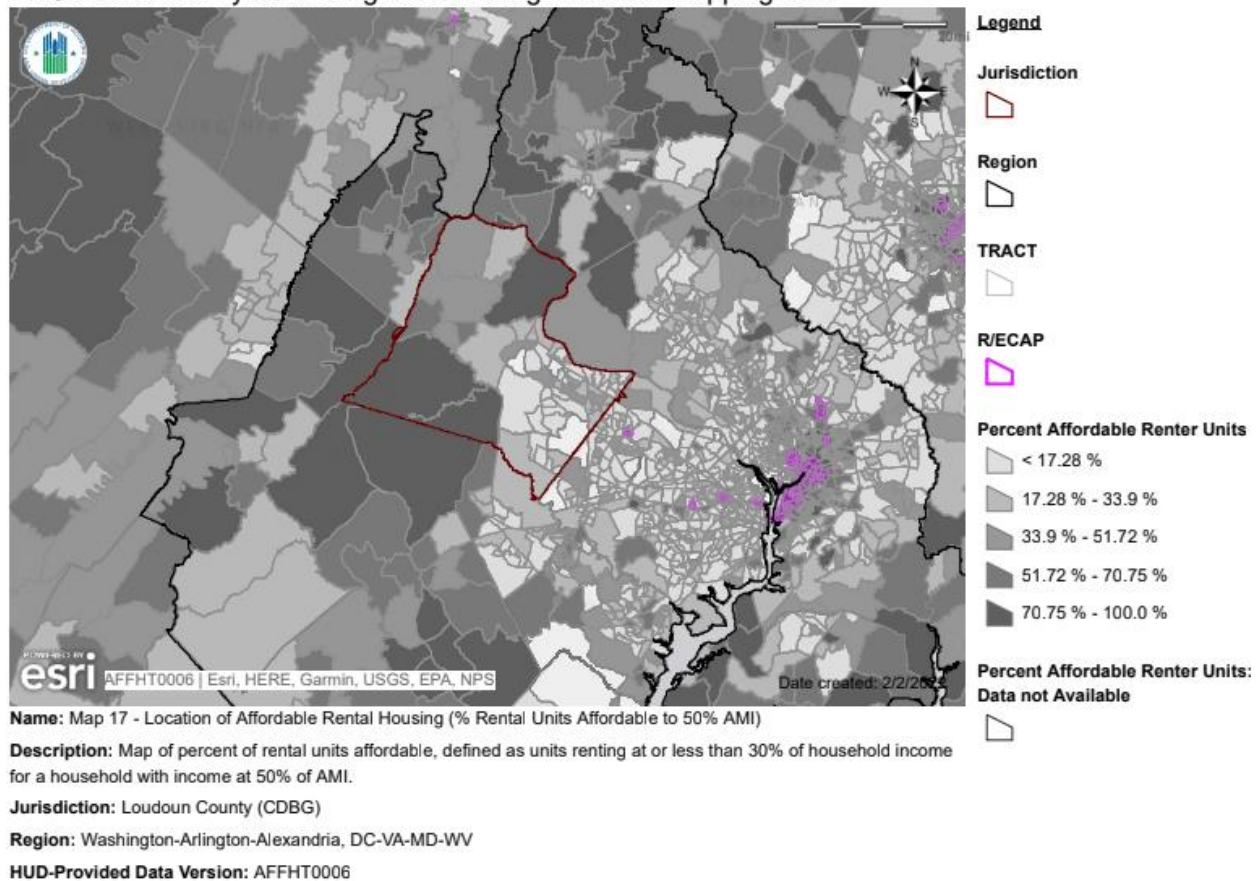
Additional Information

2.a Beyond the HUD-provided data, provide additional relevant information, if any, about disproportionate housing needs in the jurisdiction and 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.

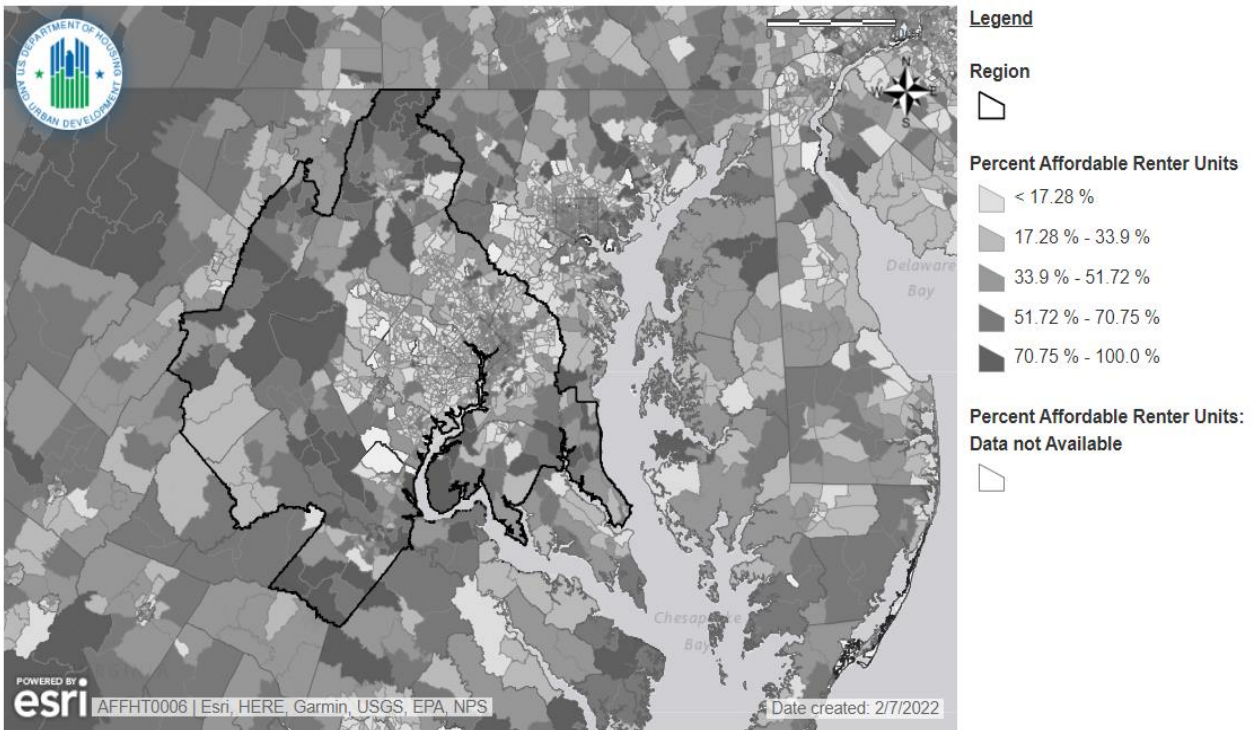
Map 71: Location of Affordable Rental Housing, Loudoun County, Virginia
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Loudoun County's distribution of affordable housing is significantly imbalanced. A large proportion of affordable housing is located on the western side of the jurisdiction, mostly concentrated on the northern and southern borders. This data may also be misleading because these areas have few rental units overall. On the eastern side of the jurisdiction, there are far fewer tracts containing affordable housing.

Map 72: 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

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.

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 5-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 5-Year ACS Estimates 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

Loudoun County	#	%
Total housing units	109,442	-
Public Housing	N/a	N/a
Project-Based Section 8	190	0.17%
Other Multifamily	N/a	N/a
HCV Program	757	0.69%

Loudoun County

In Loudoun County, residents relying on publicly supported housing include those living in project-based Section 8 units and HCV users. Overall, less than 1 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 support in Loudoun County, followed by project-based Section 8 housing. There are no public housing or other multifamily units in Loudoun 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 HCV) in the jurisdiction?

Table 29: Publicly Supported Housing Demographics

Loudoun County	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	108	56.25%	22	11.46%	36	18.75%	19	9.90%
Other Multifamily	N/a	N/a	0	0.00%	N/a	N/a	N/a	N/a
HCV Program	204	37.36%	250	45.79%	46	8.42%	46	8.42%
Total Households	76,516	65.37%	8,528	7.29%	12,221	10.44%	16,649	14.22%
0-30% AMI	4,051	52.25%	1,049	13.53%	1,529	19.72%	839	10.82%
0-50% AMI	8,464	52.03%	1,809	11.12%	3,702	22.76%	1,685	10.36%
0-80% AMI	12,130	53.10%	2,323	10.17%	5,088	22.27%	2,498	10.94%
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.								

Loudoun County

In Loudoun County, Black households represent the highest percentage of households that use HCVs. Black households using publicly supported housing are also most likely to use HCVs. White households represent the highest percentage of households that occupy project-based Section 8 housing. White households using publicly supported housing are most likely to use HCVs. Hispanic households represent the lowest percentage of households that use HCVs (tied with Asian or Pacific Islander households). Hispanic households using publicly supported housing are most likely to use HCVs. Asian or Pacific Islander households represent the smallest percentage of households occupying project-based Section 8 housing. Asian or Pacific Islander households using publicly supported housing are also most likely to use HCVs. Overall, in Loudoun County, White households are most likely to occupy publicly supported housing, and Asian or Pacific Islander 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.

Loudoun County

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

Loudoun County

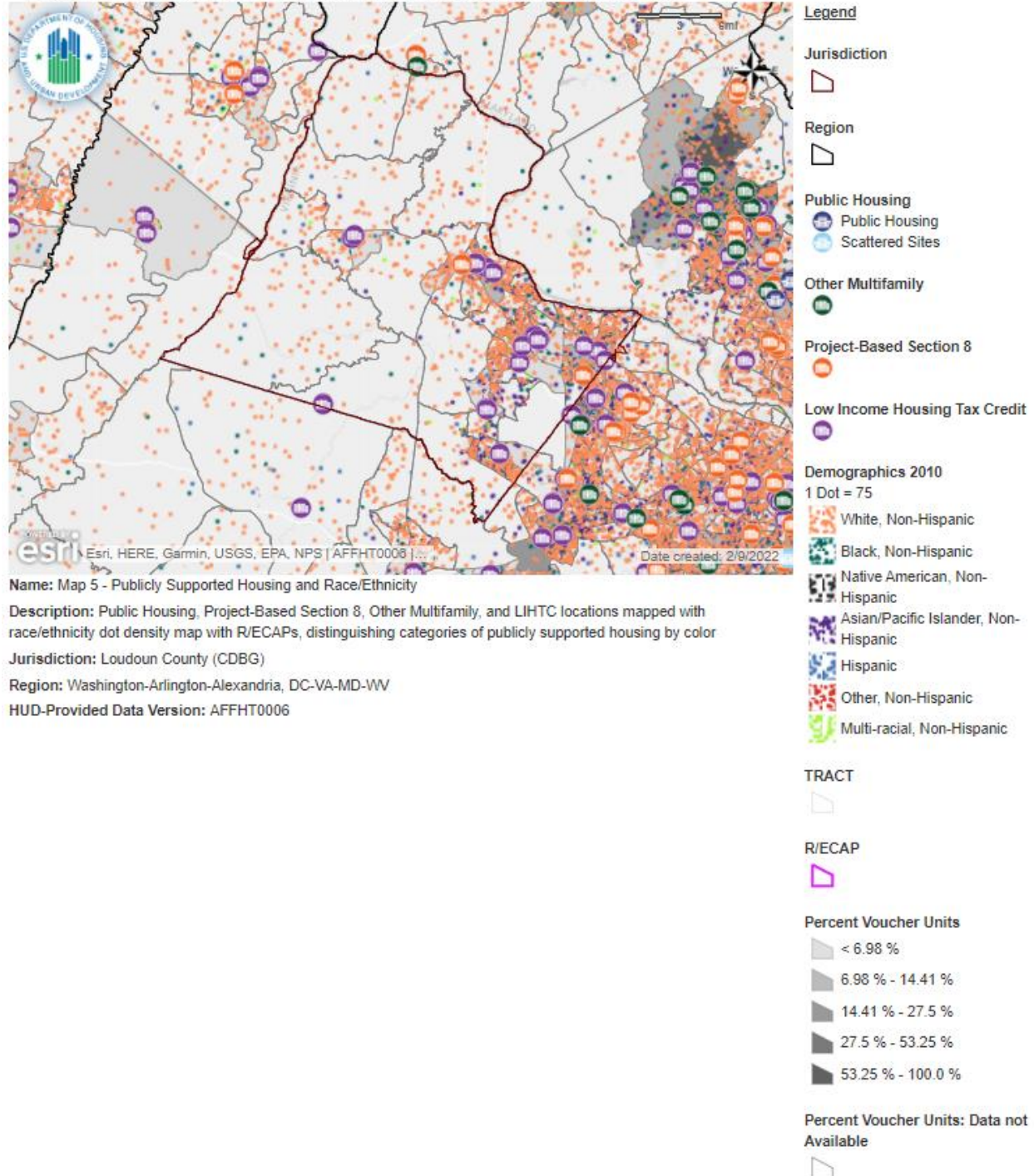
In Loudoun County, there is a higher proportion of Black households using HCVs and residing in project-based Section 8 housing compared with the total number of Black households. There is also a higher proportion of Hispanic households residing in project-based Section 8 housing, but a lower proportion of Hispanic households using HCVs. There is also a lower proportion of White households using HCVs or residing in project-based Section 8 housing compared with the total number of White households. Finally, Asian or Pacific Islander households also have a lower proportion of HCV usage and occupancy in project-based Section 8 housing compared with 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.

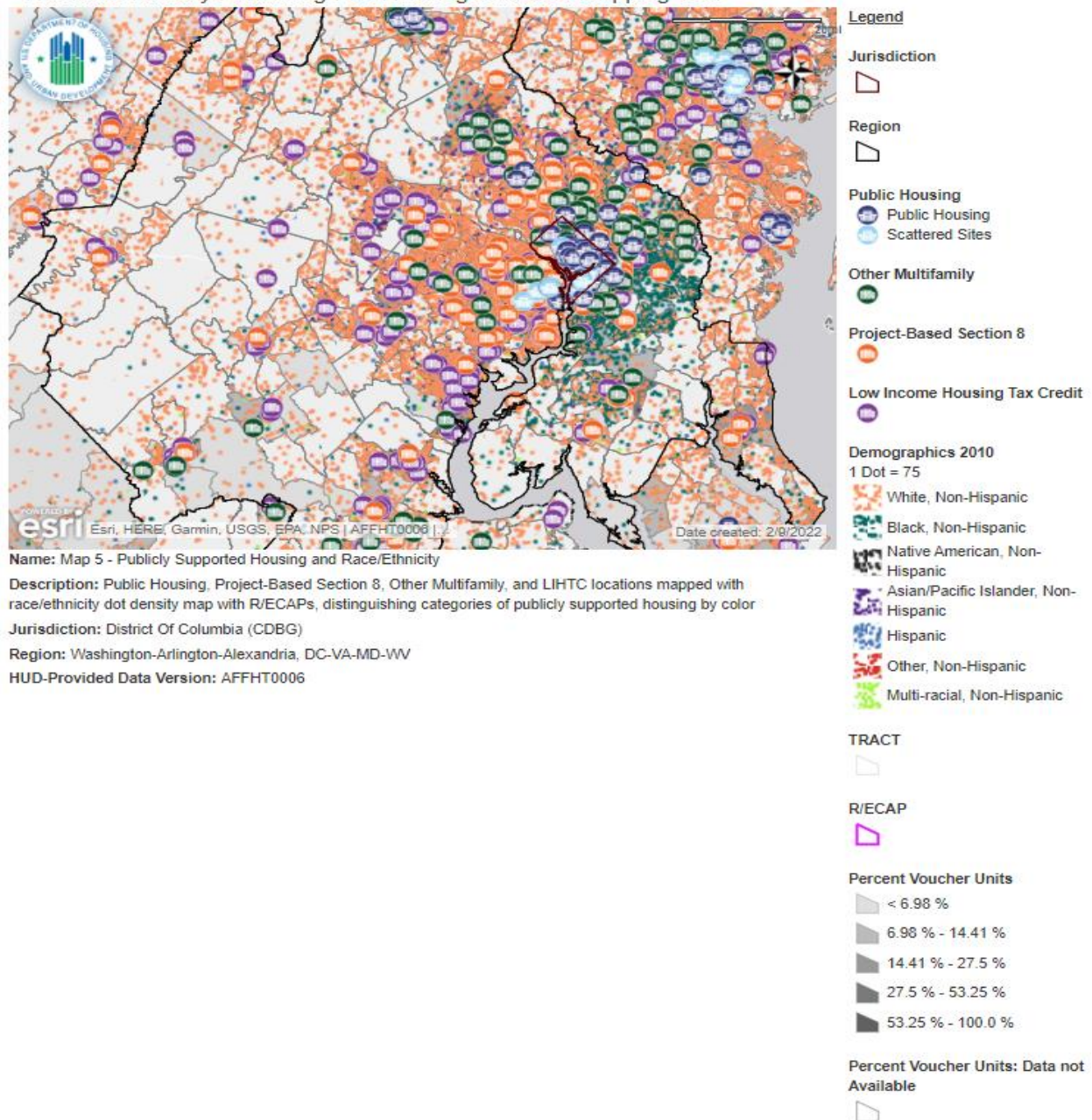
Map 73: Publicly Supported Housing and Race/Ethnicity, Loudoun County, Virginia

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Within Loudoun County, most of the publicly supported housing is located near the southeast portion of the county. There is very little publicly supported housing in the western and northern portions of the county. A majority of HCV holders reside near or in the communities of Leesburg and Sterling.

Map 74: 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 with 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.

Loudoun County

In Loudoun County, project-based Section 8 housing serves the highest percentage of elderly residents when compared with other types of publicly supported housing. These developments are most likely to be located in areas with a high percentage of White residents. Families with children and persons with a disability residing in publicly supported housing are most likely to be HCV users.

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?

Loudoun County

In Loudoun County, there is no publicly supported housing in R/ECAPs.

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

Loudoun County	Total Units (Occupied) #	White %	Black %	Hispanic %	Asian or Pacific Islander %	Families with Children %	Elderly %	With a Disability %
Public Housing								
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
Project-Based Section 8								
R/ECAP tracts	N/a	N/a	0.00%	N/a	N/a	N/a	N/a	N/a
Non-R/ECAP tracts	187	56.25 %	11.46%	18.75%	9.90%	N/a	90.63%	15.25%
Other Multifamily								
R/ECAP tracts	N/a	N/a	N/a	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	0.00%	N/a
HCV Program								
R/ECAP tracts	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a

Non R/ECAP tracts	417	37.50 %	45.59%	8.46%	8.46%	36.40%	37.50%	30.22%
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

Loudoun County									
Type	Development Name	PHA Code	PHA Name	Units #	White %	Black %	Hispanic %	Asian %	Households with Children %
Project-Based Section 8	WILLIAM WATTERS HOUSE	N/a	N/a	90	48.31	8.99	25.84	11.24	N/a
Project-Based Section 8	MADISON HOUSE	N/a	N/a	100	63.11	13.59	12.62	8.74	N/a

Loudoun County

In Loudoun County, there are two project-based Section 8 developments: William Watters House and Madison House. Madison House has a higher percentage of White residents, and William Watters House has twice the percentage of Hispanic residents as Madison House.

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

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	WILLIAM WATERS HOUSE	N/a	N/a	90	2,379	48.3	33.2	9.0	6.9	25.8	34	11.2	25.2	N/a	40.9	2.6
S8	MADISON HOUSE	N/a	N/a	100	1,545	63.1	59.1	13.6	14.9	12.6	15.1	8.7	9.4	N/a	26.7	3.5

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

Loudoun County

In Loudoun County, the residents of publicly supported housing developments that serve families with children, persons with disabilities, and elderly persons tend to be more heavily White than the populations of 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.

Loudoun County

In Loudoun County, there are no meaningful differences across publicly supported housing in access to proficient schools, engagement in the labor market, job proximity, access to transportation costs, and access to environmentally healthy neighborhoods. This is likely due to the fact that a vast majority of the publicly supported housing in Loudoun County is clustered together in the eastern portion of the county.

Region

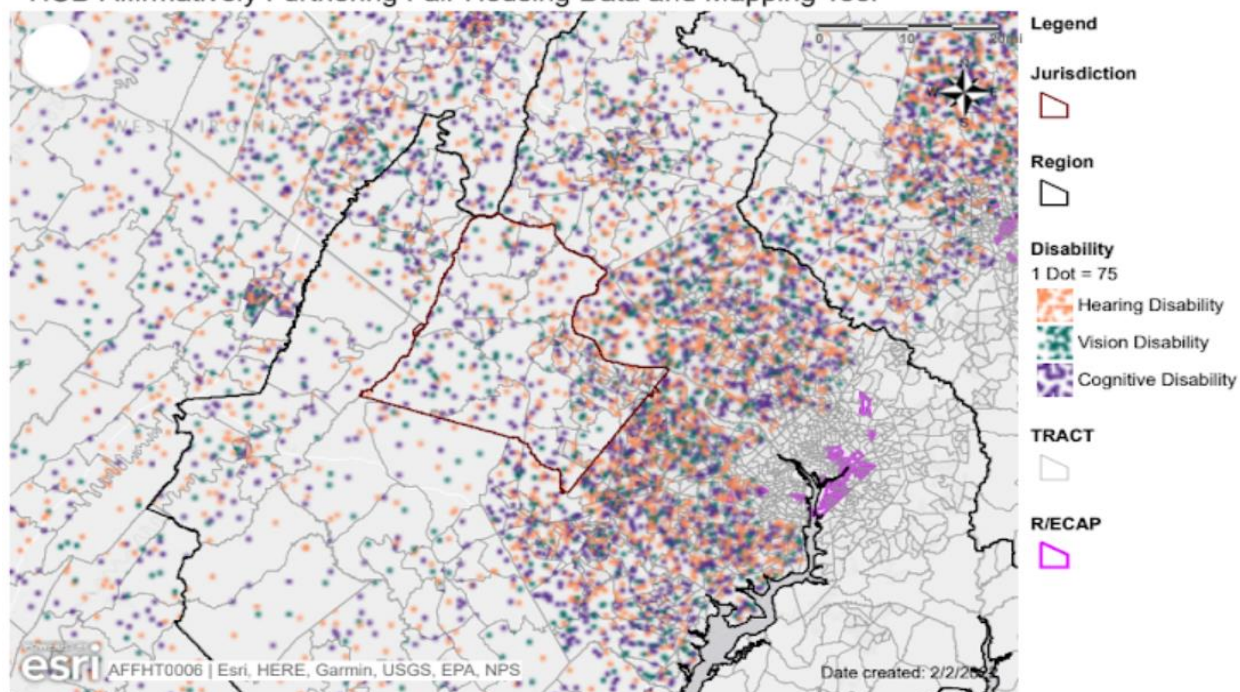
Regionally, public housing residents and HCV users tend to live in areas with low access to proficient schools, low labor market engagement, and low access to environmentally healthy neighborhoods. Proximity to transit centers is less consistent across areas with higher proportions of public housing 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 75: Disability by Type (Hearing, Vision, Cognitive), Loudoun County, Virginia
HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 14 - Disability by Type

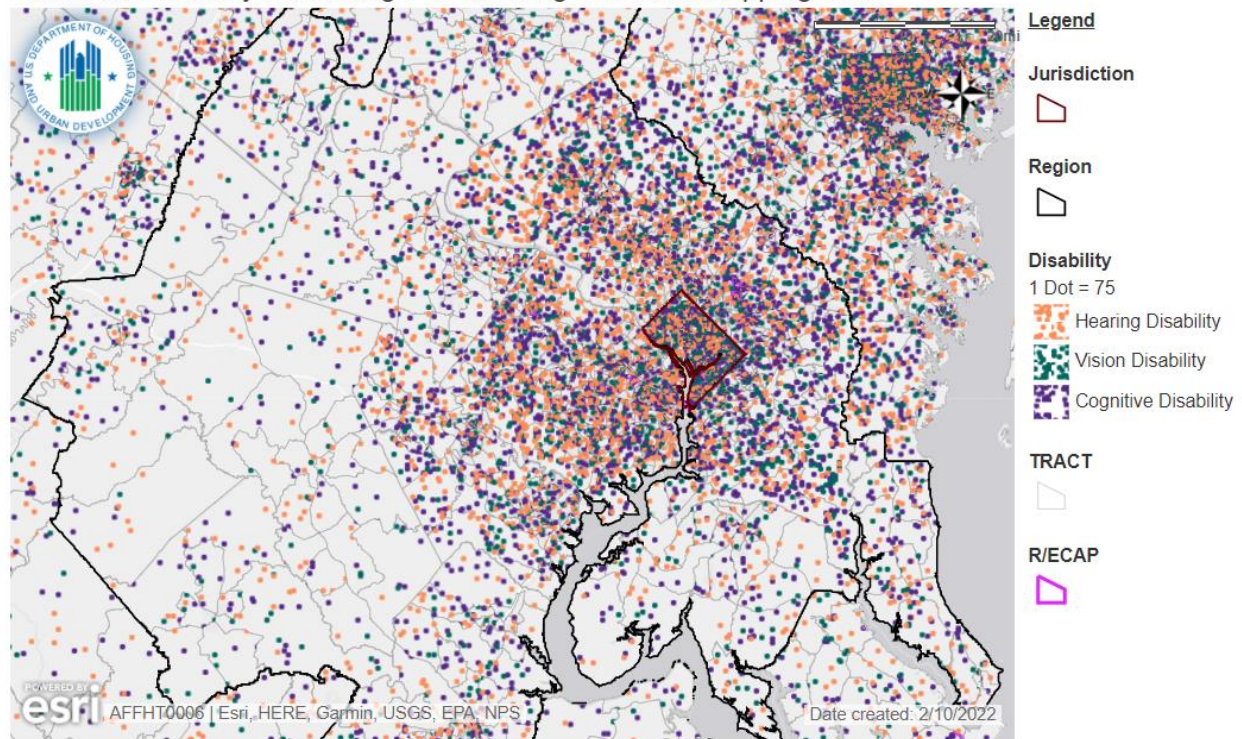
Description: Dot density map of the population of persons with disabilities by persons with vision, hearing, cognitive, ambulatory, self-care, and independent living difficulties with R/ECAPs for Jurisdiction and Region

Jurisdiction: Loudoun County (CDBG)

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

HUD-Provided Data Version: AFFHT0006

Map 76: Disability by Type (Hearing, Vision, Cognitive), Region
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 14 - Disability by Type

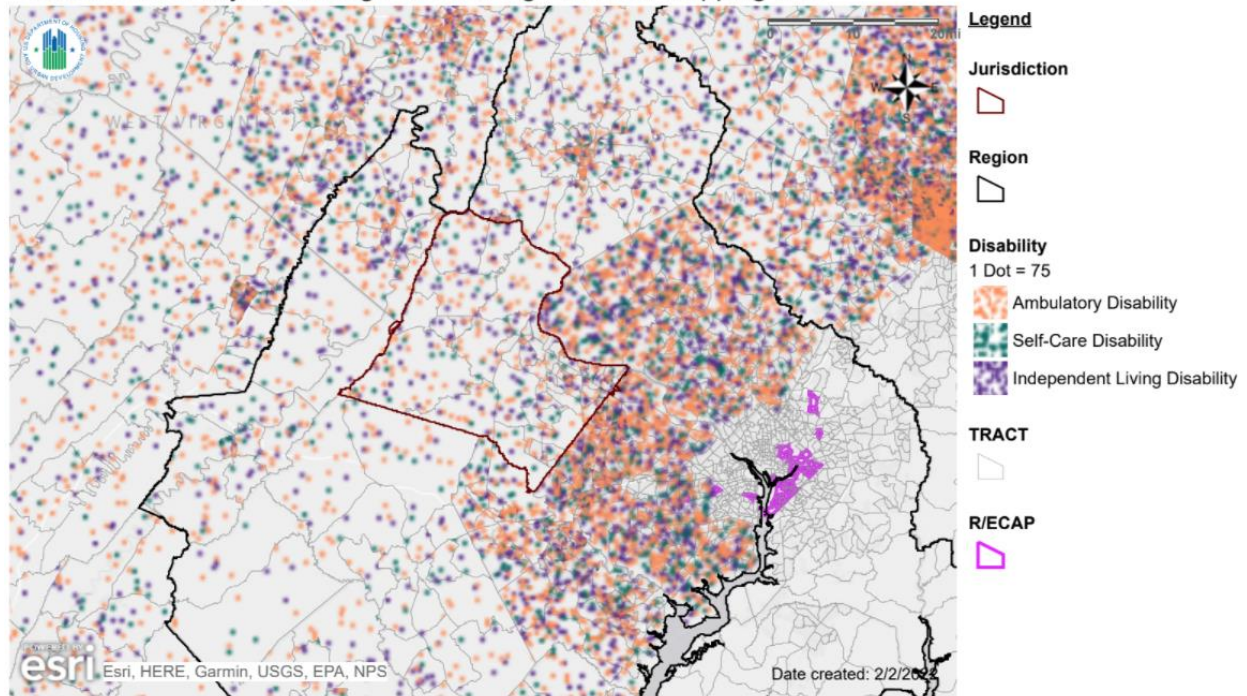
Description: Dot density map of the population of persons with disabilities by persons with vision, hearing, cognitive, ambulatory, self-care, and independent living difficulties with R/ECAPs for Jurisdiction and Region

Jurisdiction: District Of Columbia (CDBG)

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

HUD-Provided Data Version: AFFHT0006

Map 77: Disability by Type (Ambulatory, Self-Care, Independent Living), Loudoun County, Virginia
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 14 - Disability by Type

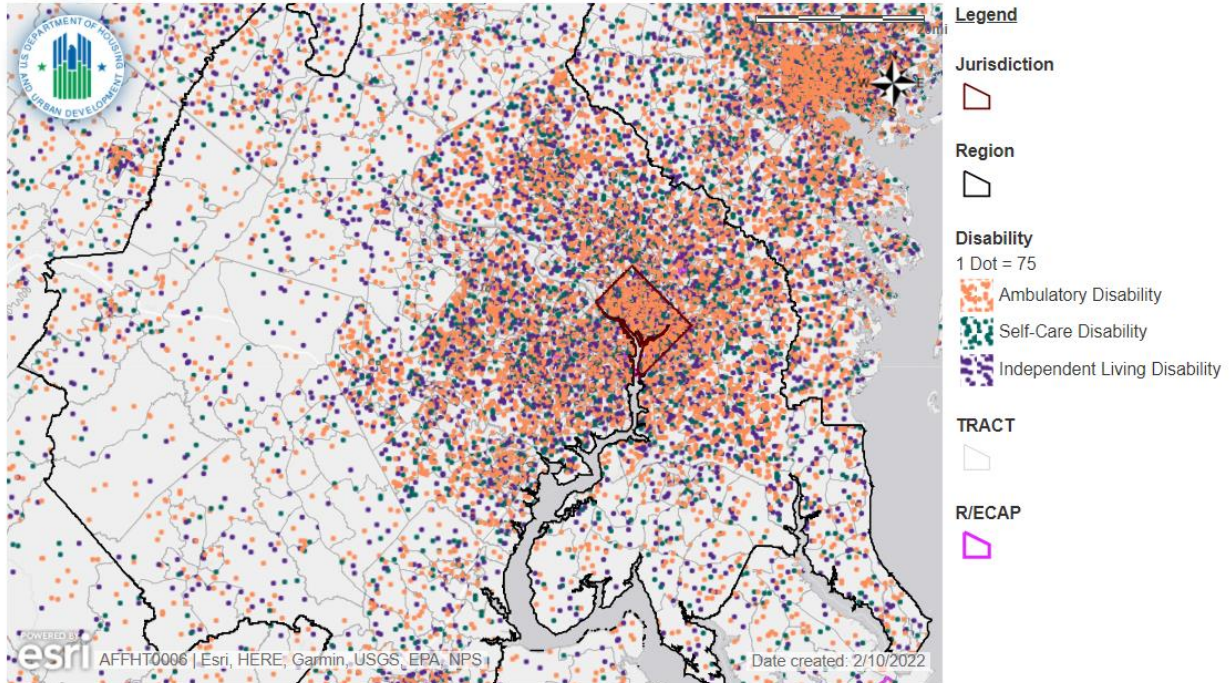
Description: Dot density map of the population of persons with disabilities by persons with vision, hearing, cognitive, ambulatory, self-care, and independent living difficulties with R/ECAPs for Jurisdiction and Region

Jurisdiction: Loudoun County (CDBG)

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

HUD-Provided Data Version: AFFHT0006

Map 78: 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

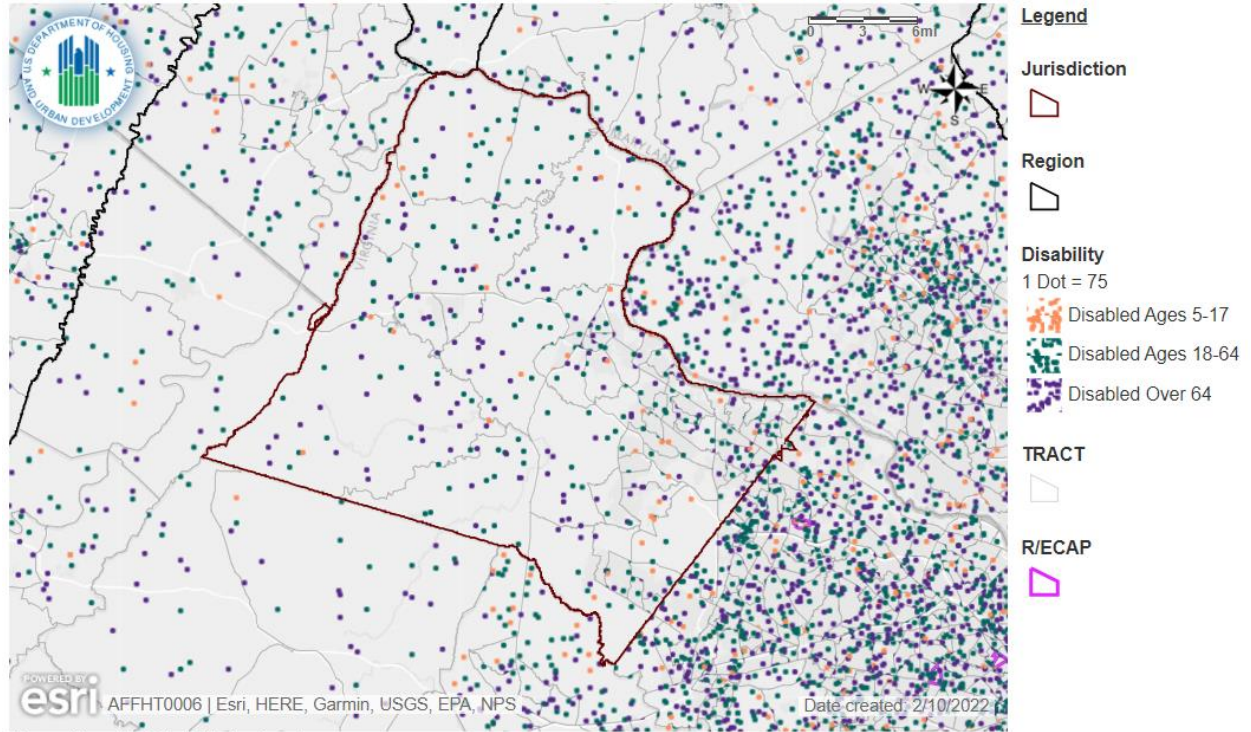
Jurisdiction: District Of Columbia (CDBG)

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

HUD-Provided Data Version: AFFHT0006

Map 79: Disability by Age, Loudoun County, Virginia

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: Loudoun County (CDBG)

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

HUD-Provided Data Version: AFFHT0006

Map 80: Disability by Age, Region

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

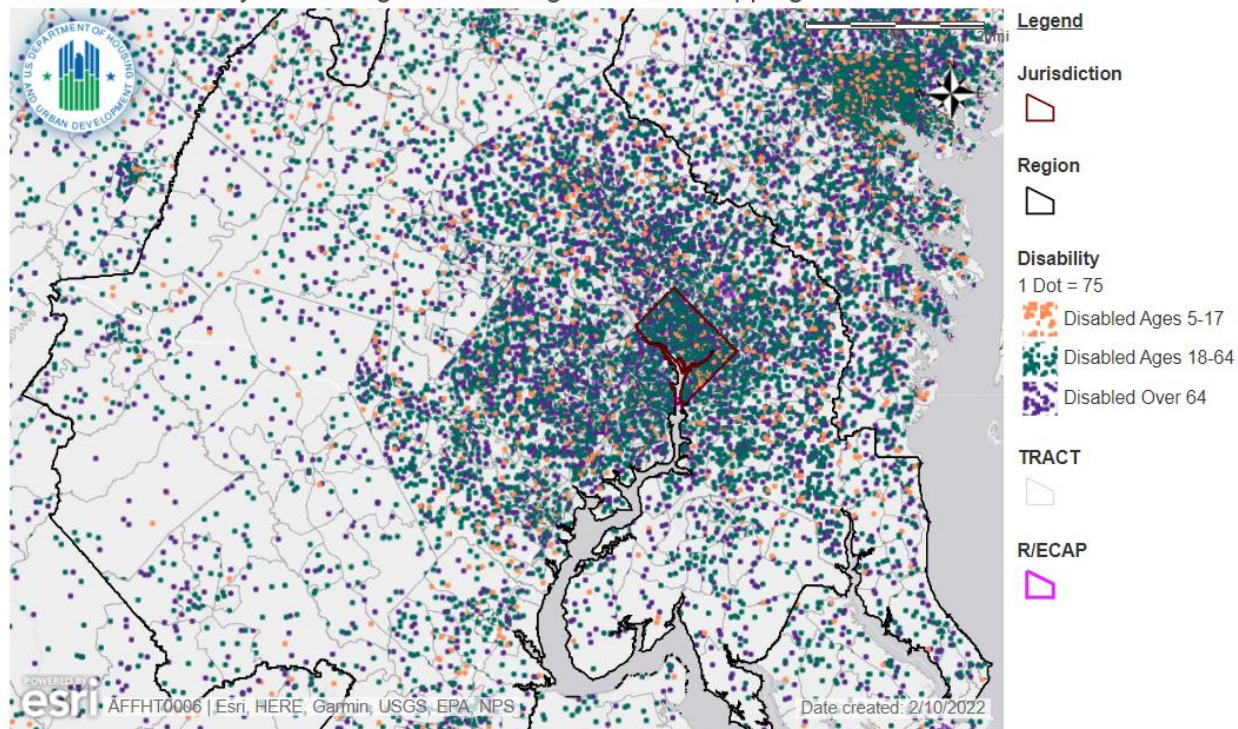


Table 33: Disability by Type

Jurisdiction	Disability status	Hearing difficulty	Vision difficulty	Cognitive difficulty	Ambulatory difficulty	Self-care difficulty	Independent living difficulty
Loudoun County	6%	2%	2%	2%	2.4%	1%	2.4%
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 R/ECAPs and other segregated areas identified in previous sections?

Loudoun County

Persons with disabilities are relatively evenly distributed throughout Loudoun County, with two notable exceptions that do not coincide with areas that have high percentages of people of color. The two census tracts that have much more significant concentrations of persons with disabilities contain large senior living communities: Lansdowne Woods and Ashby Ponds. There are no R/ECAPs in Loudoun County.

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 region.

Loudoun County

The distribution patterns for persons with disabilities hold true for most types of disabilities with limited exceptions. For cognitive disabilities, there are a handful of additional census tracts that include higher rates of persons with such disabilities, primarily in the more racially and ethnically diverse northeastern portion of the county but also in one more rural tract that includes Middleburg. There is also one additional census tract with a larger population of individuals with self-care disabilities in the southwestern portion of Leesburg (and adjoining rural areas). The geographic patterns for older adults with disabilities are largely the same as for persons with disabilities more generally, while younger adults with disabilities are more likely to reside in or near Leesburg. Children with disabilities are not spatially concentrated in any particular part of the county.

1. 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 (see page XX) 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 CDBGs 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 accessibility 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 (see page XX) 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

	People with a Disability	
Loudoun County	#	%
Public Housing	N/a	N/a
Project-Based Section 8	29	15.25%
Other Multifamily	N/a	N/a
HCV Program	165	30.16%

Loudoun County

In Loudoun County, persons with disabilities are slightly underrepresented in project-based Section 8 housing relative to their share of the income-eligible population but appear to have relatively equal opportunity to obtain HCVs.

2. 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.²³ 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.

3. 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.”²⁴ 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 2030,²⁵ 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.²⁶ 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.²⁷

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.²⁸ Also, at stations with multiple entrances, signage directing people to elevators can often be scarce, making it difficult to locate them.²⁹ 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,³⁰ the Maryland Transit Administration,³¹ the D.C. Circulator,³² ART buses,³³ and Montgomery County Ride On buses use similar measures to Metrorail and Metrobus.³⁴ Prince William County's OmniRide,³⁵ Loudoun County Local Bus Service,³⁶ and the Fairfax County Connector³⁷ 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.³⁸ 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.³⁹ The fare is typically \$2 but individuals with disabilities may ride for free if they have a valid MetroAccess or Alexandria DOT paratransit card.⁴⁰

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.⁴¹ 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 \$20.⁴² 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.⁴³

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.⁴⁴ Arlington County,⁴⁵ Loudoun County,⁴⁶ and MDOT⁴⁷ also offer similar paratransit programs that do not take same-day reservations.

iv. Proficient schools and educational programs

Loudoun County

In Loudoun County, fewer impediments to educational access for students with disabilities exist in comparison to other jurisdictions. Fewer than .5% of students with disabilities drop out, and 79% graduate from high school. However, 68% of students with disabilities are including in regular classroom instruction for at least 80% of the day, below the state target.⁴⁸ Additionally, 27% of children aged three through five attend separate educational facilities, below the state target.⁴⁹

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.

4. 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,"⁵⁰—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.⁵¹

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 CDBGs 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.⁵² Additional funding may be required to accomplish this.

B. Loudoun County Goals

1. Increase the supply of housing that is affordable to low- and moderate-income families.

- a. Continue to expand current programs and initiatives, including rental and homeownership programs, the Affordable Multi-family Rental Housing Loan Program, and the Rental Housing Acquisition and Preservation Loan Program.
- b. Implement the following strategies from the UHNSP:
 - i. Use public land and facilities for housing (Strategy 2.1).
 - ii. Establish a land bank (Strategy 2.2).
 - iii. Establish/partner with a community land trust (Strategy 2.3).
 - iv. Improve housing stability and access to homeownership and rental housing (Strategy 4.3).

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 the following action items from the 2019 General Plan:
 - i. Develop zoning regulations and design standards that remove barriers and incentivize the development of housing affordable to households at or below 100 percent AMI in all residential and mixed-use development (Chapter 4, Action 3.1C).
 - ii. Strengthen affordable dwelling unit regulations in the Zoning Ordinance and Codified Ordinances of Loudoun County, to the greatest extent that the Code of Virginia allows, to increase the development of housing that helps address the county's unmet housing needs in all residential and mixed-use development (Chapter 4, Action 3.1G).
 - iii. Amend zoning regulations and design standards to incorporate density bonuses and other incentives into appropriate zoning districts to encourage the provision of housing to address the county's unmet housing needs in areas currently served by or planned for mass transit (Chapter 4, Action 1.2A).

- b. Implement the following strategies from the UHNSP:
 - i. Consider the use of road abandonment and associated right-of-way conveyance requests to address unmet housing needs (Strategy 2.4).
 - ii. Enact other policies to support affordable housing as a valuable public use (Strategy 2.5).
 - iii. Remove regulatory barriers to affordability in the zoning ordinance and consider barriers during the zoning ordinance rewrite project (Strategy 5.3).
3. **Expand and increase support for fair housing outreach, education, and enforcement.**
- a. Hire a fair housing coordinator (approved in the FY2023 budget) to work with landlord and tenant groups and undertake more fair housing outreach and education.
 - b. Establish a dedicated phone line and email address to accept and respond to Loudoun County-specific fair housing questions and complaints.
 - c. Implement the following strategies from the UHNSP:
 - i. Identify the services and program gaps within the housing continuum and support households in improving housing stability and affordability (Strategy 1.1).
 - ii. Establish a Housing/Equity Task Force (Strategy 1.2, Key Action D).
 - iii. Convene a regular housing summit (Strategy 1.4, Key Action D).
 - iv. Create an interdepartmental landlord-outreach team (Strategy 4.3, Key Action A to Increase Access to Rental Housing).

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.⁵³ 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.⁵⁴

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.⁵⁵ 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.⁵⁶

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.⁵⁷

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).⁵⁸ 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.⁵⁹

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.⁶⁰ 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.⁶¹ 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.⁶² 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.⁶³ Additionally, 27 percent of children ages 3–5 attend separate educational facilities, above the state target of 17 percent.⁶⁴

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.⁶⁵ Hispanic and Black students with disabilities are overrepresented at 35 percent and 26 percent, respectively.⁶⁶

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.⁶⁷ 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.⁶⁸ 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.⁶⁹

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.⁷⁰ 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.⁷¹

Table 36: Access to Financial Services

Municipality	Population Estimate July 1, 2019 ⁷²	Minority Population ¹ %	Unbanked ² %	FDIC- Regulated Institutions ⁷³	FDIC- Regulated Full- Service Brick and Mortar Branches ⁷⁴	FDIC- Regulated Non- Brick and Mortar Branches ⁷⁵
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 \$15,000.⁷⁶ 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.⁷⁷ Similarly, Virginia has a high rate of individuals with disabilities who live in poverty: an estimated 20 percent.⁷⁸ 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 2030,⁷⁹ 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.⁸⁰ 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

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 faregate 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. Rail cars also provide priority seating for persons with disabilities and gap reducers have been installed on all rail cars 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 as well.⁸¹

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.⁸² Also, at stations with multiple entrances, signage directing people to elevators can often be scarce, making it difficult to locate the elevator.⁸³ 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,⁸⁴ the Maryland Transit Administration,⁸⁵ the DC Circulator,⁸⁶ ART buses,⁸⁷ and Montgomery County Ride On buses use similar measures to Metrorail and Metrobus.⁸⁸ Prince William County's OmniRide,⁸⁹ Loudoun County Local Bus Service,⁹⁰ and the Fairfax County Connector⁹¹ 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.⁹² 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.⁹³ The fare is typically two dollars but individuals with disabilities may ride for free if they have a valid MetroAccess or Alexandria DOT Paratransit card.⁹⁴ DASH has been fare-free since September 2021.⁹⁵

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 does not provide same day trip service. Fares can also be expensive, and cost up to \$6.50 per trip.⁹⁶ WMATA also offers an even more costly service called Abilities Ride, which provides eligible individuals to receive same-day transportation services through a local taxi company. The individual pays for the first five dollars of the cost of the trip, WMATA pays for the next fifteen dollars, and then the rider is responsible for paying the amount exceeding twenty dollars.

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 four dollars each way, and trips to areas more than miles outside the city cost six dollars each way. Availability of the para-transit program may also be limited to high priority trips depending on the status of the COVID-19 pandemic.⁹⁷ Arlington,⁹⁸ Loudoun County,⁹⁹ and MDOT¹⁰⁰ also offer similar paratransit programs that do not take same day reservations.

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.¹⁰¹ 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.¹⁰²

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.¹⁰³ 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.¹⁰⁴ 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.¹⁰⁵ 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.¹⁰⁶ 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.¹⁰⁷ 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.¹⁰⁸ There was no on-time bus performance reported because of data quality errors.¹⁰⁹ MetroAccess, the door-to-door paratransit service, showed an on-time performance rate of 90 percent.¹¹⁰

WMATA operates 6 lines serving 91 rail stations in the District, Maryland, and Virginia.¹¹¹ 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.¹¹²

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.¹¹³ 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.¹¹⁴ Bike shares are widely used, with over 254,000 trips taking place in May 2021 alone.¹¹⁵

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, 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.¹¹⁶ 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.¹¹⁷ 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.¹¹⁸ 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.¹¹⁹ Earlier this year, for example, Loudoun County scrapped plans for a mixed-income housing development due to neighborhood protests.¹²⁰ Local governments in northern Virginia, like their counterparts in the District, are beginning to critically examine exclusionary zoning policies.¹²¹ 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.¹²² There has also been community opposition to the proposed Thrive Montgomery plan, which would allow duplexes and triplexes in some single-family neighborhoods.¹²³ 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.¹²⁴ 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.¹²⁵ A 2017 auditor's report revealed that the number is likely closer to 2,000 properties.¹²⁶

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.¹²⁷ 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.¹²⁸

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.¹²⁹ Low-income, immigrant, and refugee families are particularly vulnerable.¹³⁰ 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.¹³¹

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.¹³² 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.¹³³

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.¹³⁴ 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.¹³⁵ The high cost of housing was especially burdensome to low- and moderate-income households closer to the District of Columbia.¹³⁶

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.¹³⁷

Arlington County

Similar to the City of Alexandria, Arlington County housing costs are increasing due to economic development and growing income inequality.¹³⁸ Increasing business development, including the construction and opening of Amazon's HQ2, will likely accelerate the displacement of longtime residents.¹³⁹ Residents in southern Arlington County, where more than half of residents rent, face higher risk of displacement than residents of northern Arlington County.¹⁴⁰ 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,¹⁴¹ due to increasing economic requirements for housing.¹⁴² 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 2016.¹⁴³ 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.¹⁴⁴

Fairfax County

Fairfax County faces a significant threat of resident displacement in the metropolitan D.C. region.¹⁴⁵ 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.¹⁴⁶

Loudoun County

In 2020, 62 percent of Loudoun County households spent more than one-third of their income on housing.¹⁴⁷ 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.¹⁴⁸ 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.¹⁴⁹

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.¹⁵⁰

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 ¹⁵¹	Closed to new applicants	\$1,941	Not locally specified; HUD minimum voucher term is 60 days	Statewide: yes Locally: no
Arlington County ¹⁵²	Closed to new applicants; average voucher wait is approximately 5 years	\$1,941	120 days	Statewide: yes Locally: no
District of Columbia ¹⁵³	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 ¹⁵⁴	Closed to new applicants	\$1,941	60 days with automatic 60-day extension upon request	Statewide: yes Locally: no
Loudoun County ¹⁵⁵	Closed to new applicants	\$1,941	60 days; 30-day extensions are available	Statewide: yes Locally: no

Montgomery County ¹⁵⁶	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 ¹⁵⁷	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.¹⁵⁸ In response, the D.C. Council strengthened the source-of-income protections,¹⁵⁹ 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.¹⁶⁰ Maryland enacted source-of-discrimination protection statewide in 2020.¹⁶¹ 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, 2020.¹⁶² 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.¹⁶³

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.¹⁶⁴

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."¹⁶⁵ 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.¹⁶⁶ 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.¹⁶⁷ The governments of the District of Columbia,¹⁶⁸ Virginia,¹⁶⁹ and Maryland¹⁷⁰ 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.¹⁷¹ 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 \$450,000,¹⁷² whereas the median home value in Arlington is almost \$800,000.¹⁷³ Home values dramatically increased this past year across the board. Home values have increased the least in the District, by over 3 percent,¹⁷⁴ and the most in Prince William County, by almost 12 percent.¹⁷⁵

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.¹⁷⁶ 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.¹⁷⁷ 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.¹⁷⁸ 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.¹⁷⁹ 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.¹⁸⁰ 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.¹⁸¹ 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.¹⁸² 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 ¹	Total Rental Units	Rental Units with 30% or More of Household Income as Gross Rent	Rental Vacancy Rates	Median Gross Rent
Alexandria ¹⁸³	159,428	47	38,804	15,084 (38.9%)	4.2%	\$1,781
Arlington County ¹⁸⁴	236,842	278	61,245	23,144 (37.8%)	3.3%	\$1,993
District of Columbia ¹⁸⁵	705,749	9,958	162,199	69,304 (42.7%)	7.0%	\$1,603
Fairfax County ¹⁸⁶	1,147,532	627	126,768	57,431 (45.3%)	2.6%	\$1,900
Loudoun County ¹⁸⁷	413,538	24	28,713	11,617 (40.4%)	7.1%	\$1,876
Montgomery County ¹⁸⁸	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.¹⁸⁹

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.¹⁹⁰

District of Columbia

The District of Columbia prioritizes funding permanent supportive housing to address homelessness.¹⁹¹ 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.¹⁹² However, short-term plans to supportive housing stock are seemingly modest.¹⁹³

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*.¹⁹⁴ The county acknowledges that it needs increased capacity to provide permanent supportive housing, homelessness prevention, and intensive case management.¹⁹⁵

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.¹⁹⁶ ICH, which began in 2015, has worked with the county to revise its structure to deliver supportive housing.¹⁹⁷ 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.¹⁹⁸

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 (see page XX), 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.¹⁹⁹ Virginia and Maryland also acknowledge the mismatch between the supply of affordable accessible housing and the growing need for such housing.²⁰⁰ 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.²⁰¹ The District's public housing program also prioritizes persons with disabilities and allows for reasonable accommodations for those with disabilities.²⁰² 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.²⁰³ 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.²⁰⁴ 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.²⁰⁵

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 2004.²⁰⁶ 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.²⁰⁷ No Wrong Door is its primary program to expand access to integrated settings but it predominantly does so by connecting individuals with private entities.²⁰⁸

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.²⁰⁹ 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.²¹⁰ 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.²¹¹

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.²¹² Loudoun County offers a similar program.²¹³ Arlington County offers community development grants to community groups to improve the quality of life for low-income residents.²¹⁴ There is also the Eligible Areas Small Grants Program, which provides small grants for community activities.²¹⁵ In 2020, Loudoun County designated an area of land outside Leesburg as a Virginia Housing Development Authority revitalization area.²¹⁶ Fairfax County created the Economic Incentive Program to encourage redevelopment in certain areas.²¹⁷

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.²¹⁸ 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 demolition²¹⁹

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.²²⁰

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.²²¹

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.²²² 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.²²³ 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 Coalition²²⁴ and the Council for Court Excellence²²⁵ 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.²²⁶ 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.²²⁷ 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.²²⁸

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.²²⁹ 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.²³⁰ 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,"²³¹ 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.²³²

Slightly more than one-third of all Alexandria residents speak a language other than English at home.²³³ 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.²³⁴ 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.²³⁵ This is an issue, as an estimated 19.1 percent of all Alexandria residents speak neither English nor Spanish at home.²³⁶ 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.²³⁷

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.²³⁸ 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,”²³⁹ for example—cannot be translated by the Google Translate tool, thus making it difficult for LEP residents to access these resources.²⁴⁰

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.²⁴¹ 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.²⁴²

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.²⁴³

There has been a good amount of development in the Opportunity Zones within Alexandria.²⁴⁴ 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.²⁴⁵ In Arlandria, the poverty rate is over 15 percent and more than 10 percent of households experience overcrowding.²⁴⁶

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.²⁴⁷ 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.²⁴⁸

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.²⁴⁹

The Columbia Pike Corridor is the location of one of the designated Opportunity Zones within Arlington County.²⁵⁰ Certain tracts within the corridor are also listed as disadvantaged by the Northern Virginia Health Foundation.²⁵¹ Although not far from Columbia Pike, there appears to be little to no recent development within Douglass Park, another distressed area within Arlington County.

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.²⁵² 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.²⁵³

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.²⁵⁴ 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.²⁵⁵

There appear to be a few new mixed-use developments in Herndon. However, none of these appear to be within the Opportunity Zone.²⁵⁶ 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.²⁵⁷ 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.²⁵⁸

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.²⁵⁹

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.

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.²⁶⁰ The two Opportunity

Zones in Loudoun county are located in Oak Grove and Sterling.²⁶¹ 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.²⁶²

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. ²⁶³ Over 2 million square feet of office, retail, and commercial space is under development in the town.²⁶⁴ While some of the proposed uses include mixed-use developments, others are fast-food restaurants and storage units.²⁶⁵

Montgomery County

There are 13 Opportunity Zones in Montgomery County.²⁶⁶ In the Opportunity Zones around Germantown and Gaithersburg, one development proposed in the past few years is a 137-unit residential building.²⁶⁷ 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.²⁶⁸ There was also a proposal for a development with 450 townhomes, 32 single-family detached homes, and 6 duplex units²⁶⁹ and for a development with 49 townhomes, a four-story apartment building with 72 units, and retail space.²⁷⁰

Prince William County

There are six Opportunity Zones within Prince William County, most of which are near the border of Fairfax County along I-95.²⁷¹ The Northern Virginia Health Foundation identifies not only those areas as disadvantaged, but also three census tracts in Dumfries.²⁷² 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.²⁷³

Lack of Public Investment in Specific Neighborhoods

District of Columbia

The Tax Cuts and Jobs Act of 2017 implemented Opportunity Zones in the District.²⁷⁴ 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.²⁷⁵ 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.²⁷⁶ 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.²⁷⁷ 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,²⁷⁸ 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.²⁷⁹ 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.²⁸⁰

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.²⁸¹ Community Development Block Grants (CDBGs) 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.²⁸² 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.²⁸³

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.²⁸⁴ 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.²⁸⁵ 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.²⁸⁶

Montgomery County expands on Maryland's law by prohibiting discrimination on the basis of ancestry, presence of children, family responsibilities, and age.²⁸⁷ 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.²⁸⁸ Alexandria likewise considers marital and familial status, as well as age and transgender status, to be protected traits.²⁸⁹ Prince William County also prohibits discrimination based on both marital and familial status, as well as age in addition to elderliness.²⁹⁰

The Loudoun County fair housing website has been updated to reflect that sexual orientation and gender identity are now protected classes since the changes to Virginia's Fair Housing Law prohibiting discrimination on the basis of sexual orientation and gender identity.²⁹¹

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.²⁹² Arlington County, the City of Alexandria, and Fairfax County have similar land development profiles as the District of Columbia.²⁹³ Montgomery County contains the highest percentage of undeveloped land in the region.²⁹⁴

Alexandria

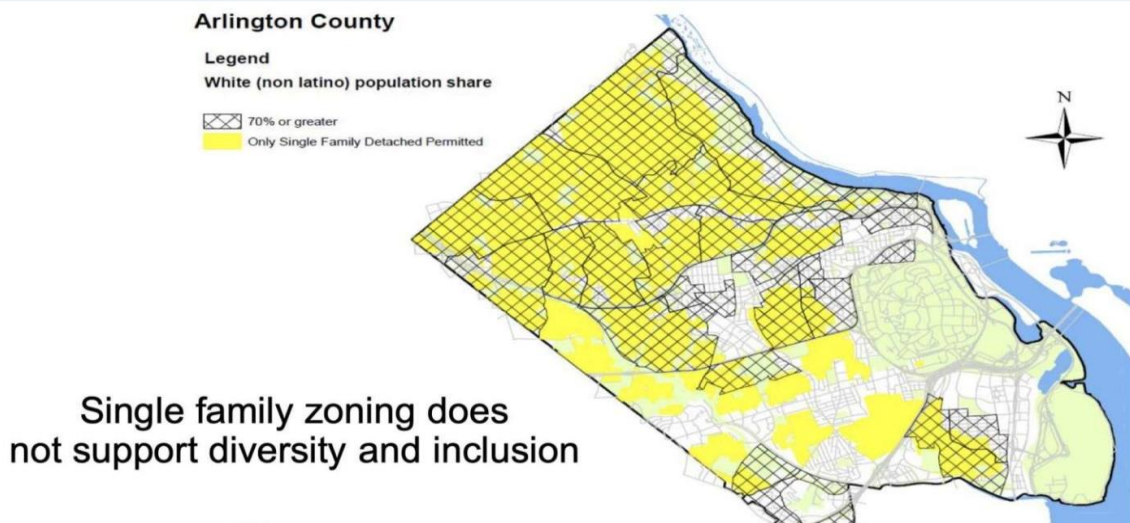
The City of Alexandria has a large amount of single-family housing.²⁹⁵ The high number of historic areas in the city make it difficult to build multifamily housing.²⁹⁶ As a result, affordable housing is only viable on the edges of the municipality.²⁹⁷ The Alexandria City Council approved accessory dwelling units (ADUs) in 2021.²⁹⁸

Arlington County

Arlington County is currently undertaking a study to address the “missing middle”:²⁹⁹ the lack of multiunit housing that fits between single-family housing and large residential developments.³⁰⁰ Arlington County’s zoning laws heavily favor single-family housing and have impeded the creation of multiunit affordable housing.

Map 81: 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.³⁰¹ However, Arlington County lost housing stock that contained 5–19 units.³⁰²

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.³⁰³

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.

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.³⁰⁴ From 2011 to 2019, the IZ program created 989 affordable housing units.³⁰⁵ The District allows ADUs but requires them to be owner occupied, limiting their usefulness for adding additional housing stock.³⁰⁶

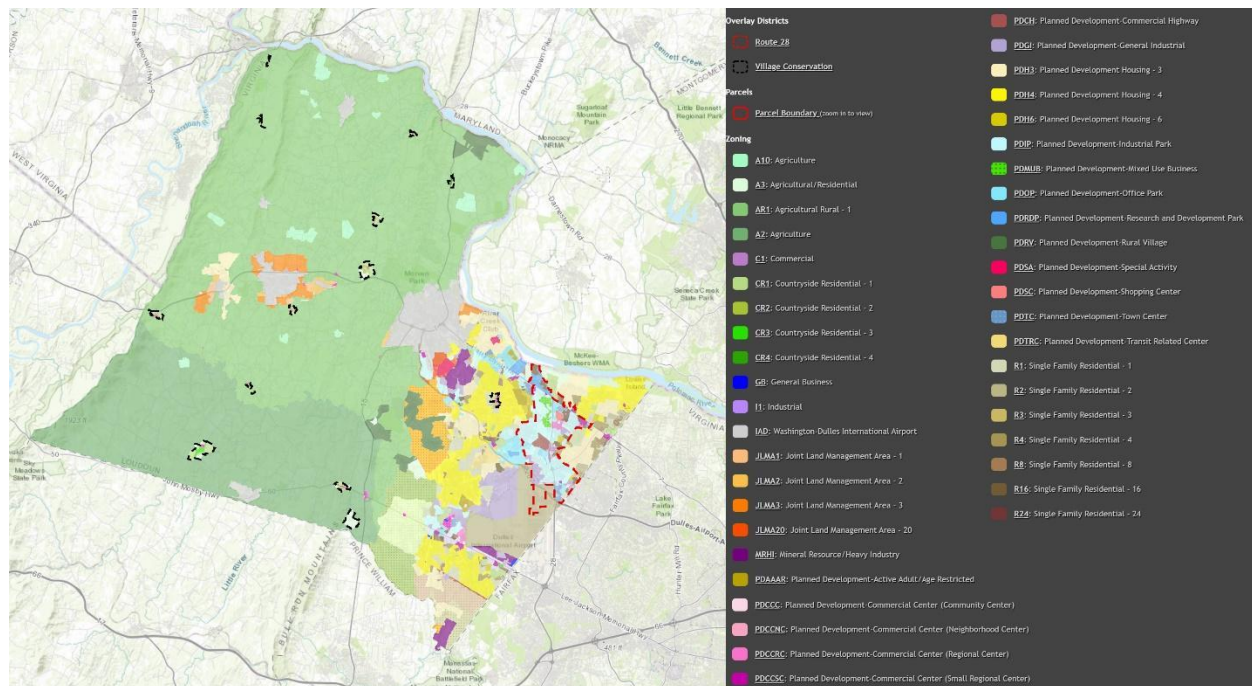
Fairfax County

Fairfax County is almost entirely zoned for single-family housing.³⁰⁷ Fairfax County began allowing ADUs in 2021 to enable homeowners to add smaller rental units onto their homes.³⁰⁸

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.³⁰⁹ 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.³¹⁰

Map 82: 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/>.

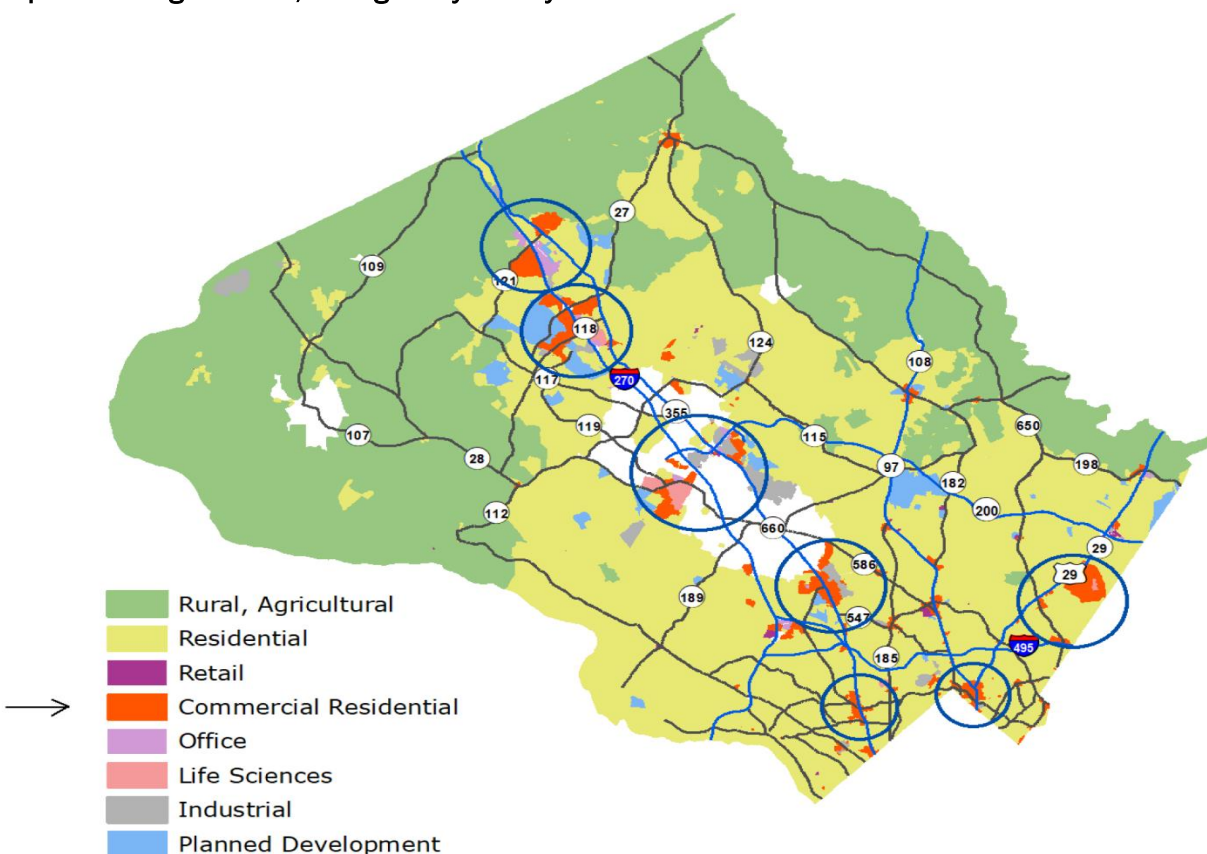
Loudoun County’s 2019 General Plan acknowledged the need for increased density land uses and created two “urban policy areas” near future train stations on the D.C. Metro’s Silver line.³¹¹ The urban policy areas aim to offer “a diversity of housing” and “offer flexible land use policies to allow for innovation and changing market demands.”³¹² 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.³¹³ 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.³¹⁴ 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-24.³¹⁵ 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.³¹⁶

Map 83: 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

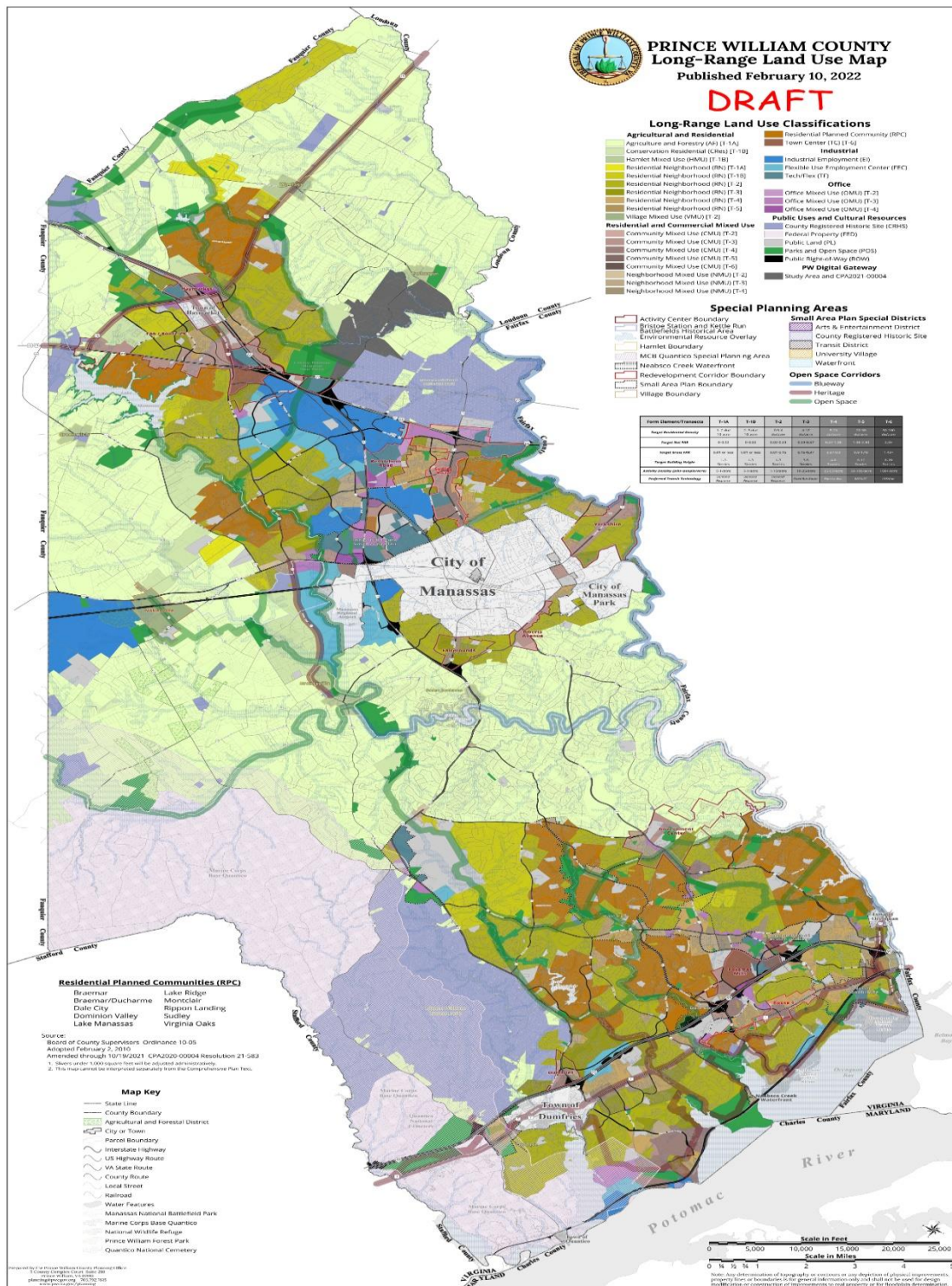
Montgomery County attempted to relax zoning restricts to allow low- and moderate-income housing in 2010 by introducing a new zoning designation: commercial/residential.³¹⁷ Areas designated as commercial/residential can have increased density and building height. However, areas zoned as commercial/residential 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.³¹⁸

Montgomery County published a new General Plan in 2020, the first update since 1993.³¹⁹ 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.³²⁰ The General Plan published in 2020 acknowledges that the "wedges and corridors" unintentionally promoted unequal development and restricted housing construction.³²¹ The updated General Plan encourages zoning reform to integrate "varied uses, building types, and lot sizes."³²² Montgomery County launched a "missing middle" housing program to increase the supply of affordable housing.³²³

Prince William County

Over 75 percent of housing in Prince William County is single-family housing.³²⁴ 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.³²⁵ 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

Map 84: 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.

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.cfpb.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.³²⁷ 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.³²⁸ 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

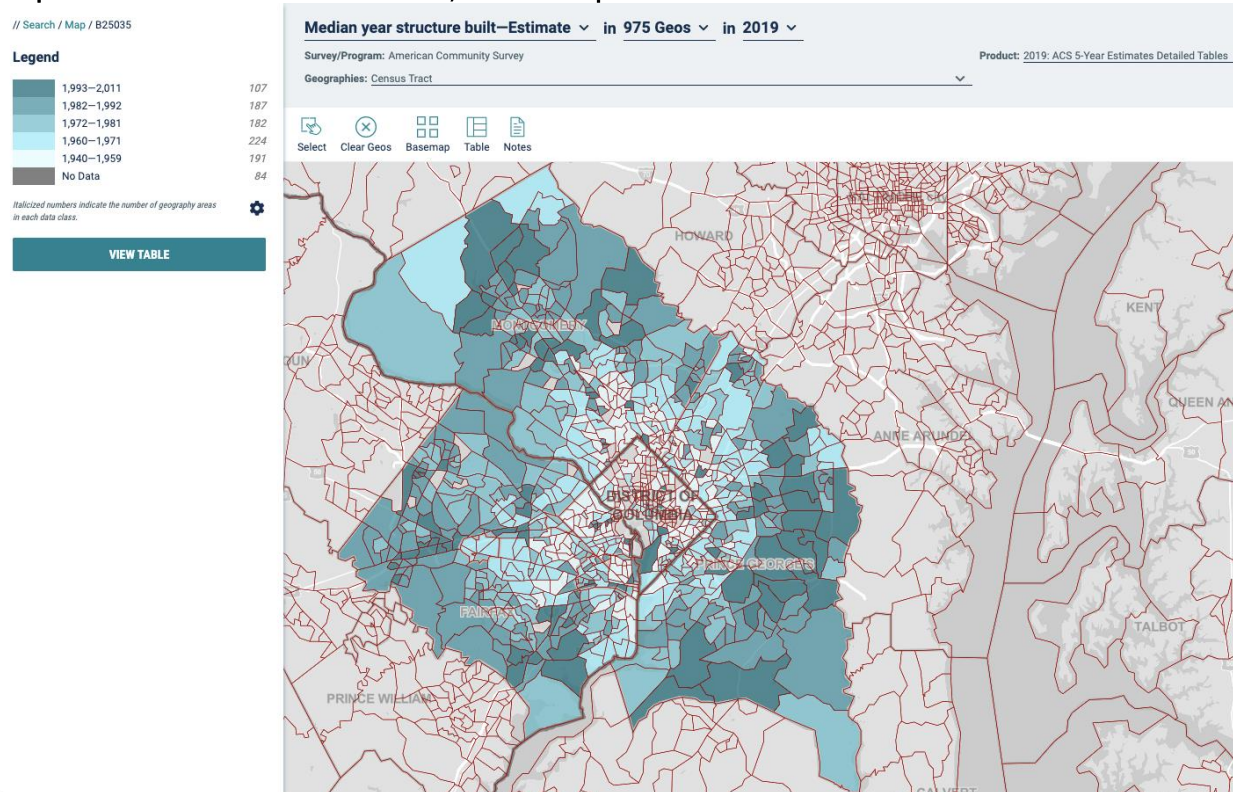
Montgomery County's Moderately Priced Dwelling Unit (MPDU) Program offers access to affordable units in apartment complexes throughout the county. The list includes 71 sites, most with at least 20

units in a range of sizes, from efficiencies to three-bedroom units.³²⁹ 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

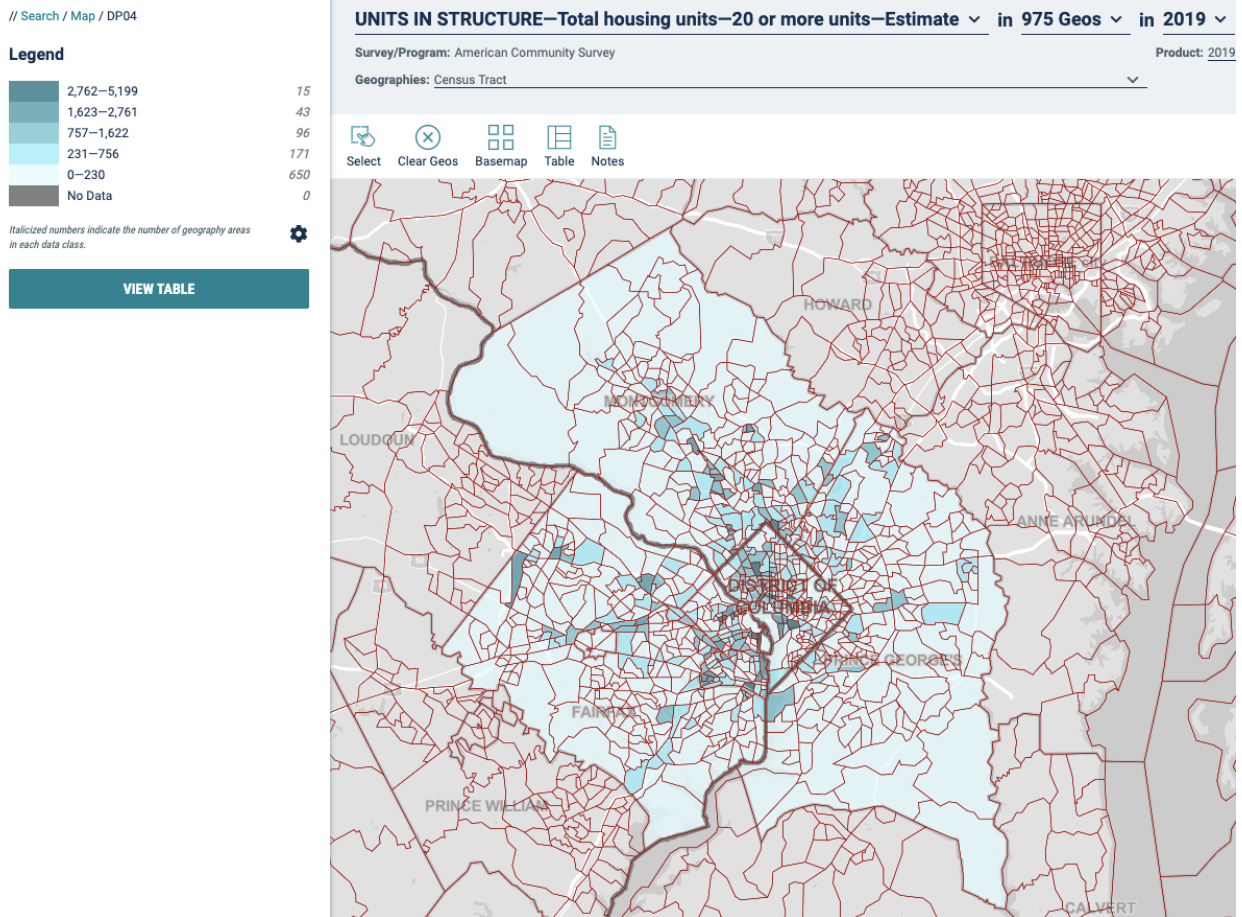
The location of accessible housing is not a significant contributing factor to fair housing issues in the Washington, D.C., metropolitan area. Although it is not possible to precisely map the location of accessible housing in the area, it tends to exist where there are concentrations of new multifamily 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 85: Median Year Structure Built, D.C. Metropolitan Area



Source: ACS 2019 5-Year Estimates, Table [B25035](#).

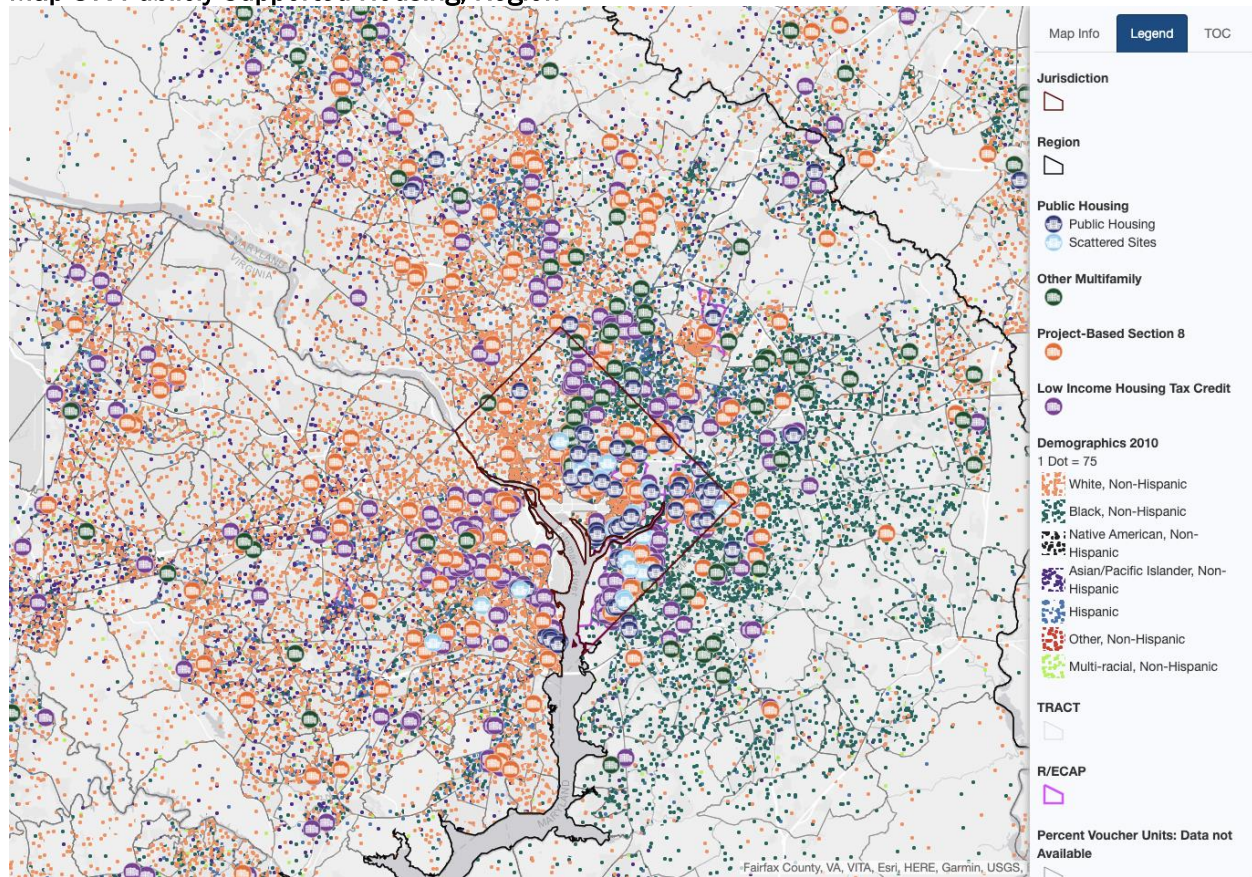
Map 86: Units in Structure (20+), D.C. Metropolitan Area



Source: ACS 2019 5-Year Estimates, [Table DP04](#).

By contrast, publicly supported housing 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 87: Publicly Supported Housing, Region



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.³³⁰

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.³³¹ 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.³³² These individuals have access to public transportation via bus and Metro.

Arlington County

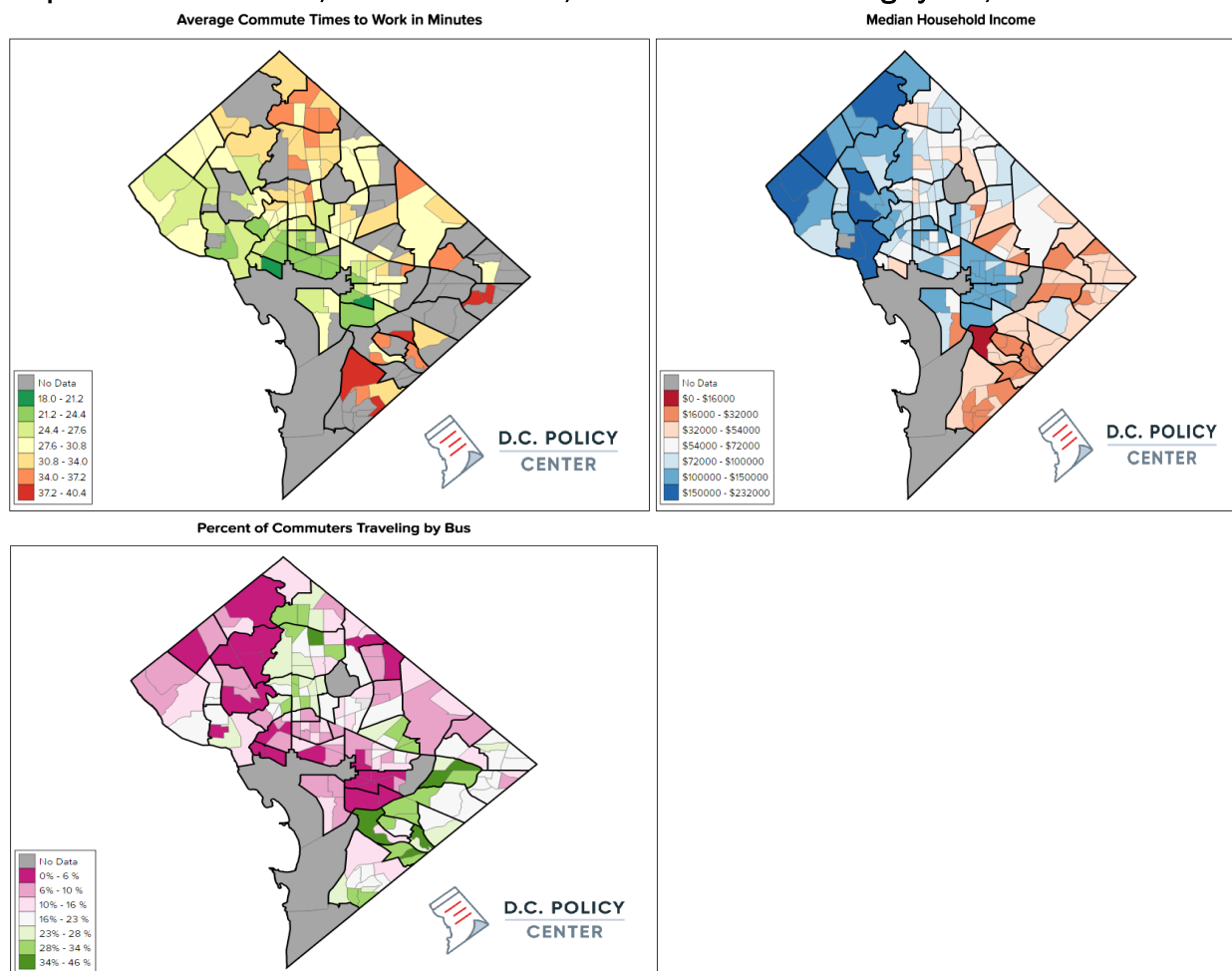
While it is estimated that only 19.86 percent of Arlington County residents work within the county, residents’ commute times mirror those of the average American; the average Arlington County resident spends 27.2 minutes traveling to and from work each day.³³³ Those commuting out of the county are traveling 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.³³⁴

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.³³⁵ 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 88: 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.³³⁶ The average commute for Fairfax County residents is 30.2 minutes, slightly above the national average.³³⁷ 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.³³⁸ 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.³³⁹ 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.³⁴⁰ 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.³⁴¹ The average commute time for Loudoun County residents is 32 minutes—5 minutes longer than the national average.³⁴²

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,³⁴³ 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.³⁴⁴

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.³⁴⁵ 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.³⁴⁶ Northern Virginia is also known for its polluted air—the Environment Virginia Research and Policy Center reported 84 dirty air days in 2016.³⁴⁷

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.³⁴⁸ 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.³⁴⁹ 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.³⁵⁰ 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.³⁵¹

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.³⁵² 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.³⁵³ 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.³⁵⁴

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.³⁵⁵ 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.³⁵⁶

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.³⁵⁷

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.³⁵⁸ 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.³⁵⁹ One-quarter of these units are to be deemed "deeply affordable," and thus set aside for families making 40 percent of the AMI.³⁶⁰ 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.³⁶¹ 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.³⁶²

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.³⁶³

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 2013.³⁶⁴ 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.³⁶⁵ Among residents earning 30–50 percent of the AMI, 31 percent are considered severely burdened by housing costs.³⁶⁶

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.”³⁶⁷

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.³⁶⁸

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.³⁶⁹

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.³⁷⁰ 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 2028.³⁷¹

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.³⁷²

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.³⁷³ 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.³⁷⁴ 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 2018.³⁷⁵

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.³⁷⁶

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.³⁷⁷ 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.³⁷⁸ 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.³⁷⁹

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.³⁸⁰

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."³⁸¹

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.³⁸² Prince William County's zoning ordinance caps a family at three unrelated individuals, or two unrelated adults plus their children.³⁸³ 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.³⁸⁴ 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.³⁸⁵

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).³⁸⁶ 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 FY2019–2020³⁸⁷ 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.³⁸⁸ 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.³⁸⁹ 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.³⁹⁰ 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.³⁹¹ 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.³⁹² 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.³⁹³ 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.³⁹⁴

Regulatory Barriers to Providing Housing and Supportive Services for Persons with Disabilities

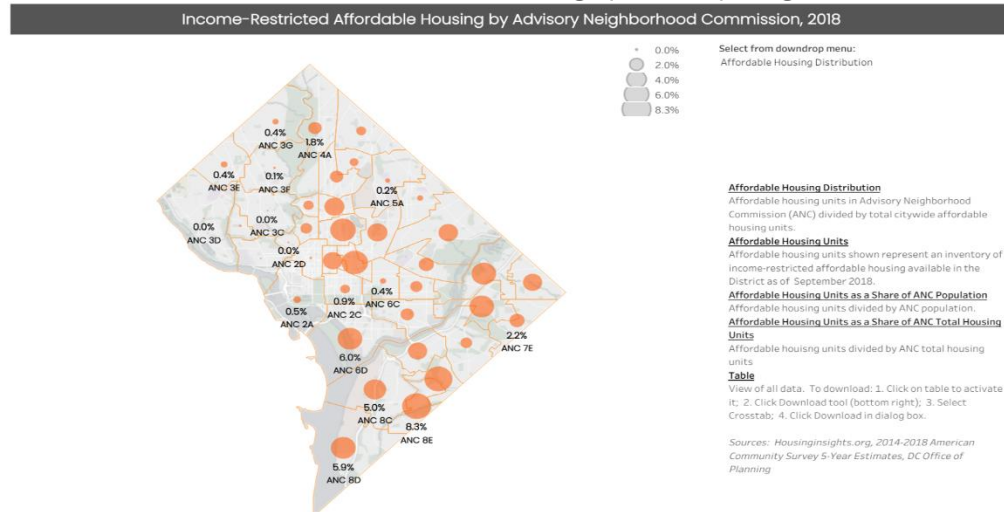
Regulatory barriers are not a significant contributing factor to fair housing issues for persons with disabilities in the Washington, D.C., metropolitan region. There are no specific examples of regulations that make the provision of supportive services difficult. Some policies have been put in place that support housing for persons with disabilities. For example, Fairfax³⁹⁵ and Arlington³⁹⁶ 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.³⁹⁷ 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.³⁹⁸

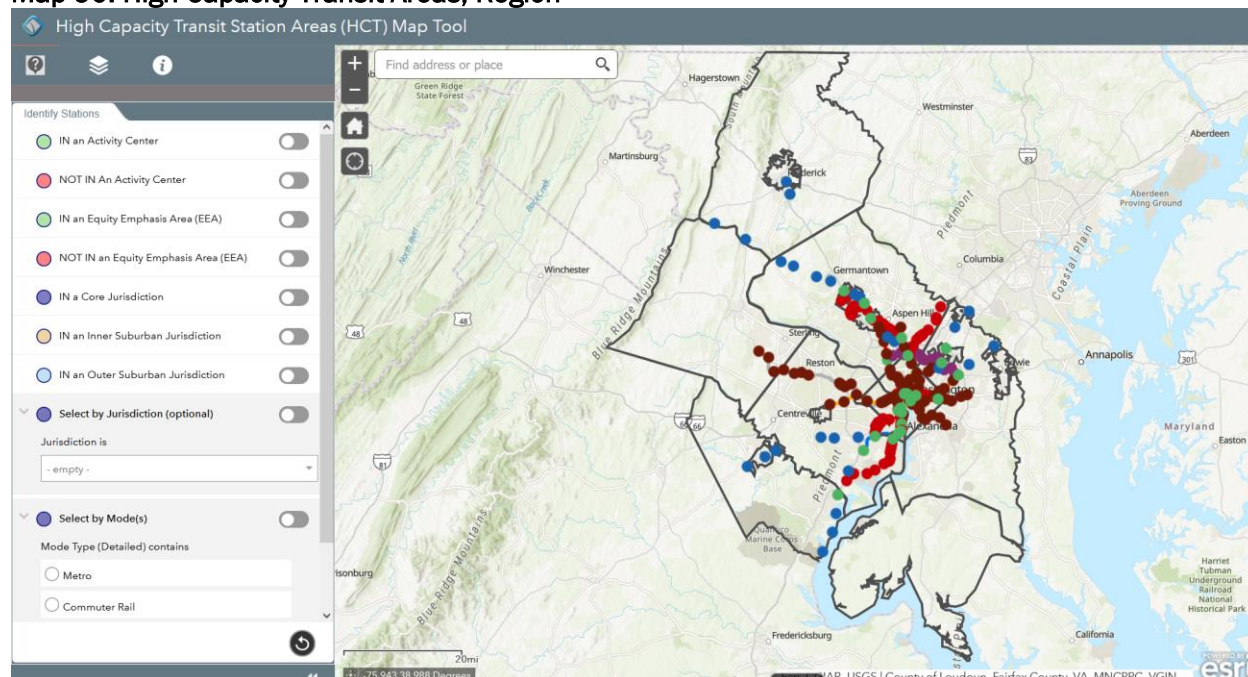
Map 89: Income-Restricted Affordable Housing by Advisory Neighborhood Commission, 2018



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.³⁹⁹ 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.⁴⁰⁰ These efforts, combined with D.C. Mayor Muriel Bowser's initiative to create 12,000 affordable units that are dispersed throughout all eight wards,⁴⁰¹ 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 90: 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.⁴⁰² 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.⁴⁰³ 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.⁴⁰⁴ 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,⁴⁰⁵ 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.⁴⁰⁶

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.⁴⁰⁷

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.⁴⁰⁸ 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.⁴⁰⁹

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.⁴¹⁰

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



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@mwkog.org
31 March 2023

Distinguished Metropolitan Leaders & Housing Advocates,

Jim Schulman, Exec. Director

631 E St. NE, WDC 20002
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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 (MWCOC) Regional Fair Housing Plan

The ENDependence Center of Northern Virginia (ECNV) thanks the Metropolitan Washington Council of Governments (MWCOC) 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). ECVN applauds the MWCOC 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 ECVN

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, ECVN 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 MWCOG 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 MWCOG 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.¹

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

¹ 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 DC² and Fairfax County³ Als 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.⁴ 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

² “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>

³ “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>

⁴ “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 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

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.

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.

626 East Broad Street, Suite 400, Richmond, Virginia 23219

804-354-0641 | VA Relay: 711 | Fax: 804-354-0690 | www.HOMEofVA.org | help@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 (MWCOC) 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 black ink that reads "Rick Rybeck". The signature is written in a cursive, flowing style.

Rick Rybeck
Director



Testimony before Loudoun DHCD

March 8, 2023

Loudoun County Department of Housing and Community Development
106 Catoctin Circle SE

RE: Loudoun Regional Fair Housing Plan.

Good evening, my name is Theo Stamatis, and I am the Government Relations Manager for the Loudoun Chamber of Commerce.

It is a privilege to address you this evening on behalf of the more than 1,000 businesses and other employers that comprise the Loudoun Chamber's membership.

I am here this evening to support the County's efforts to develop Loudoun's regional fair housing plan, in coordination with the Metropolitan Washington Council of Governments (COG).

The Chamber supports DHCD's continued efforts in expanding its existing housing initiatives and creating new loan programs to help develop more attainable housing for Loudoun's workforce.

Loudoun is clearly facing a housing shortage and a crisis of affordability. This crisis is devastating to our most vulnerable citizens and is imposing substantial quality of life and economic burdens on our small businesses, nonprofits, government partners, and their employees.

Loudoun needs housing, particularly greater diversity of workforce housing options, particularly for those who earn at or below Loudoun's average median income. These includes many small business owners, teachers, first responders, homecare workers and retail and hospitality employees.

The Chamber has long advocated for Loudoun County to have more skin in the game to support its own stated housing priorities.

We now applaud the County for taking the step, first in the current fiscal year and proposed in the budget for the next, to dedicate funds equivalent to one-half of a penny on the tax rate to help tackle Loudoun's persistent crisis of housing affordability.

These funds can be used, in part, to support innovative public-private partnerships to increase the inventory of attainable housing in Loudoun. This is important, because the scale of this

crisis is such that neither the public nor private sector can address it alone.

The Chamber also appreciates that the County has declared, that it believes, as does the Chamber, that those who work in Loudoun, should be able to live in Loudoun.

Still, more work needs to be done to ensure our workforce can also live in our community.

Chief among these needs are more flexible land-use policies and zoning ordinances that remove barriers to our workforce housing priorities. Restrictive land-use policies will only make it harder, more expensive and more time-consuming to build new homes.

The Loudoun business community has spoken, and continues to speak, loud and clear on this matter of eliminating restrictive zoning ordinances.

We implore you to listen to the perspective of the business community and the public, on how the County can develop a fair housing plan that will create a more equitable, inclusive approach to attainable housing in Loudoun.

Thank you for allowing me to express the Loudoun Chamber's perspective on our community's future.



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.¹ In the DMV, African Americans were one quarter of the population but 80% of the residents of racially or ethnically impoverished neighborhoods.² Over 50% of African Americans and almost 42% of Hispanics

¹ 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

² Metro Fair Housing Plan, p. 8.



confronted housing problems (physically inadequate housing or cost burden) compared to 25% of whites.³

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 these⁴:

- 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

³ Metro Fair Housing Plan, p. 11.

⁴ Metro Fair Housing Plan, pp. 20-21.



program or a program to lend to small businesses.⁵ 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.⁶ 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.⁷

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.⁸ The county should commit to

⁵ 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

⁶ For more on CRA, see <https://ncrc.org/> or <https://www.ffiec.gov/cra/default.htm>

⁷ 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, pp. 1-2.

⁸ Draft Washington Regional Fair Housing Plan, Montgomery County, January 2023, p. 28, 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.”⁹

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.¹⁰

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.¹¹
- 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.¹²
- Lowering income targeting to 60% of AMI in new affordable rental developments and expand locally funded housing voucher programs¹³ – About 20% of African American and Hispanic residents face severe cost burden as opposed to 10% of white residents in

⁹ Memo from Aseem K. Nigam Director, Department of Housing and Community Affairs to Gabe Alborno, 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

¹⁰ Draft Montgomery County Plan, p. 32.

¹¹ Draft Montgomery County Plan, pp. 14 and 155.

¹² Draft Montgomery County Plan, p. 14

¹³ Draft Montgomery County Plan, pp. 152 and 159.

the County.¹⁴ 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.¹⁵ 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 service¹⁶ – 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.¹⁷ 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.¹⁸ 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.¹⁹

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

¹⁴ Draft Montgomery County Plan, p. 104

¹⁵ Ibid., p. 102.

¹⁶ Ibid., p. 162.

¹⁷ Ibid., p. 59.

¹⁸ Ibid., p. 191.

¹⁹ 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.²⁰ 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.²¹ In FY 2021 according to the District, the HPAP program assisted 328 households become homeowners, all of which were first-time homeowners.²²

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.²³ In addition, the homeownership rate for African American households in the City was

²⁰ 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

²¹ 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>

²² District of Columbia Plan, p. 11.

²³ Ibid., p. 114.



34% compared to 49% for White households.²⁴ 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.²⁵ 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 8.²⁶

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/ECAPs. 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.

²⁴ District of Columbia, Office of the Deputy Mayor for Planning and Economic Development, Homeownership, <https://dmped.dc.gov/page/homeownership>

²⁵ District of Columbia Fair Housing Plan, p. 44.

²⁶ 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.²⁷ 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 2019.²⁸ 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.²⁹ 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.

²⁷ Ibid., p. 183.

²⁸ Ibid., p. 213.

²⁹ 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. Or you can consult with Megan Haberle, Senior Director of Policy, on mhaberle@ncrc.org or Josh Silver, Senior Fellow, on jsilver97@gmail.com.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jesse Van Tol".

Jesse Van Tol
President and CEO

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")¹ 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.

¹ 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.² This has limited not only where they can live, but also household wealth and economic mobility for Black and other DC residents of color.³

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.⁴ 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.⁵ 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

² 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.

³ *Mapping Segregation in D.C.; Discriminatory Housing Practices in the District*.

⁴ *Discriminatory Housing Practices in the District; Gentrification and Neighborhood Revitalization; What is the Difference*, National Low Income Housing Coalition, April 2019.

⁵ 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 opportunities⁶ 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.⁷ Those homeownership opportunities were a critical foundation for what has become generational wealth for most middle-income white households.⁸ Because of this long-standing and pervasive housing discrimination, most Black DC residents are renters.⁹ Those that do own homes, own them in parts of the city that have not appreciated as quickly as white neighborhoods.¹⁰ 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.¹¹ That means white homebuyers are able to choose from

⁶ Draft Metropolitan Washington Regional Fair Housing Plan, Disparities in Access to Opportunity, at page 6, January 2023.

⁷ Mapping Segregation in D.C.

⁸ 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.

⁹ Black Homeownership Strike Force, Homeownership, Office of the Deputy Mayor for Planning and Economic Development, <https://dmped.dc.gov/page/homeownership>.

¹⁰ Lederer, Anneliese, Tracy McCracken, The Many Effects of Housing Discrimination on African Americans, National Community Reinvestment Coalition, April 28, 2021.

¹¹ Williams, Erica, DC's Extreme Wealth Concentration Exacerbates Racial Inequality, Limits Economic Opportunity, D.C. Fiscal Policy Institute, October 20, 2022.

67% of homes for sale while Black homebuyers are limited to 9.3% and Latinx buyers to 29%.¹²

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.¹³ 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 8.¹⁴ 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.¹⁵ 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.¹⁶

¹² Hendey, Leah, Somala Diby, *A Vision for an Equitable D.C.*, Urban Institute, December 12, 2016.

¹³ *Discriminatory Housing Practices in the District*.

¹⁴ *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>.

¹⁵ *A Vision for an Equitable D.C.*

¹⁶ 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.¹⁷ 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.¹⁸ 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

¹⁷ DC's Extreme Wealth Concentration Exacerbates Racial Inequality, Limits Economic Opportunity; District of Columbia Analysis of Impediments to Fair Housing Choice 2006-2012.

¹⁸ 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.¹⁹ 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.²⁰ That lack of access to education and employment opportunities creates income disparities leading to a cycle of disparate access to opportunity.²¹

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

¹⁹ DC's Extreme Wealth Concentration Exacerbates Racial Inequality, Limits Economic Opportunity; Racial Wealth Gap may be the Key to other Inequities.

²⁰ Draft Metropolitan Washington Regional Fair Housing Plan, Disparities in Access to Opportunity.

²¹ 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.²² 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.²³ 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.²⁴ 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

²² 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.

²³ 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

²⁴ *A Vision for an Equitable DC*.

white household.²⁵ That would allow those households to choose to live outside of racially and economically segregated areas.²⁶

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.²⁷ 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.²⁸

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

²⁵ An Essential Role for Down Payment Assistance in Closing America's Racial and Homeownership Wealth Gaps;

²⁶ A Vision for an Equitable DC.

²⁷ 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.

²⁸ 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.



26 March 2023

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.

YIMBYs of Northern Virginia

IX. Endnotes

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- ¹ “Five Things to Know about the Regional Housing Equity Plan,” Metropolitan Washington Council of Governments, news release, June 9, 2021, <https://www.mwcog.org/newsroom/2021/06/09/five-things-to-know-about-the-regional-housing-equity-plan/>.
- ² *Loudoun County Five Year Fair Housing Plan with Analysis of Impediments for the 2014–2018 Consolidated Plan*, April 2, 2014, Fair Housing Management Consultants and Department of Family Services, <https://www.loudoun.gov/DocumentCenter/View/103063/Fair-Housing-AI-ConPlan?bidId>.
- ³ “Fair Housing,” Loudoun County, Virginia (website), <https://www.loudoun.gov/fairhousing>.
- ⁴ “Fair Housing for People with Disabilities,” “Overview of the Virginia Residential Landlord and Tenant Act and Eviction Laws in Virginia,” and “Updates on Federal, State, and Local Fair Housing Protections,” webinar presentations, April 2022, Loudoun County, Virginia (website), <https://www.loudoun.gov/fairhousing>.
- ⁵ “Strategy 4.1: Evaluate and Improve Existing Programs,” *Loudoun County, Virginia Unmet Housing Needs Strategic Plan*, September 8, 2021, Loudoun County Board of Supervisors, Action F, 37, <https://www.loudoun.gov/DocumentCenter/View/167024/Unmet-Housing-Needs-Strategic-Plan-Approved-9821-with-Appendices>.
- ⁶ Loudoun County Board of Supervisors, *FY 2023 Proposed Budget*, E-17, note 1, <https://www.loudoun.gov/DocumentCenter/View/168928/FY-2023-Proposed-Budget--Volume-1#page=28>.
- ⁷ The UHNSP and related documents are available online at www.loudoun.gov/housingneeds.
- ⁸ American Community Survey, ACS Data Table S0101, *Age and Sex: 2019 ACS 5-Year Estimates Subject Tables (United States)*, U.S. Census Bureau, <https://data.census.gov/table?q=United+States&d=ACS+5-Year+Estimates+Subject+Tables&tid=ACST5Y2019.S0101>.
- ⁹ Kathryn Zickuhr, “Discriminatory Housing Practices in the District: A Brief History,” D.C. Policy Center, October 2018, <https://www.dcpolicycenter.org/publications/discriminatory-housing-practices-in-the-district-a-brief-history/>.
- ¹⁰ Data from HUD online tool table downloads, based on 2011–2015 American Community Survey data.
- ¹¹ “Unemployment Rate: Loudoun County, VA,” US Bureau of Labor Statistics (BLS) Data Viewer, <https://beta.bls.gov/dataViewer/view/timeseries/LAUCN511070000000003>.
- ¹² “Unemployment Rate: Virginia (S),” BLS Data Viewer, <https://beta.bls.gov/dataViewer/view/timeseries/LASST510000000000003>.
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