

DC Housing Priorities

Comprehensive Plan Amendments

The District is a growing and attractive city, but housing is increasingly more expensive and the city can do more. The Comprehensive Plan needs to follow through on its commitment to inclusive growth.

The amendments attached partner two pillars of addressing DC's housing needs – increasing supply, especially where it is currently difficult/impossible to increase, and preservation, especially for the most vulnerable housing types. The current Comp Plan can do more to affirmatively further fair housing and fight patterns of segregation, to create enough homes for more people to live in this city, to preserve affordable housing, and to protect residents from displacement.

The amendments proposed here were crafted over a period of over 8 months with input from various housing and development stakeholders, including key leaders from for-profit and nonprofit developers, affordable housing policy organizations, faith groups, tenants' rights organizations, direct service providers and housing and development advocates. The collective expertise of the organizations below formed these recommendations, many of which have also submitted other outside amendments. The proposals are organized by theme and goal, and included a justification for why each change should be made.

The following groups gave input to these amendment proposals with hope for a Comp Plan that meets the needs of a growing and inclusive city.

All Souls Housing Corporation
Coalition for Nonprofit Housing and Economic Development
Coalition for Smarter Growth
DC Fiscal Policy Institute
Enterprise Community Partners
EYA
Greater Greater Washington
Latino Economic Development Center
Local Initiatives Support Corporation (LISC)
The Menkiti Group
MidAtlantic Realty Partners
Neighborhood Legal Services Program
Trammell Crow Company
United Planning Organization
Ward3Vision

These same organizations gave input to the following ten priorities, which have been endorsed by over 450 residents and 80 organizations, including 8 Advisory Neighborhood Commissions. All of the amendments enclosed below tie into one or more of the following principles:

- **Meet the housing demand.** Through the Comprehensive Plan, the District should forecast, plan for, and encourage the creation and preservation of a supply of housing (market-rate and subsidized affordable) to meet the demand at all income levels. The supply of housing should be sufficient to slow rising costs of rental and for-sale housing.
- **Equitably distribute housing.** Through the Comprehensive Plan, the District should fight against segregation, foster equitable access to opportunity, and comply with Affirmatively Furthering Fair Housing (AFFH) priorities. The District should require that every part of the city participate in adding housing to meet the need for all income levels, with an emphasis on transit and commercial corridors.
- **Best utilize areas near transit.** When redevelopment occurs on blocks surrounding Metrorail stations and priority transit corridors, the District should, through the Comprehensive Plan, permit and encourage mixed-use developments of medium to high density. To the extent feasible, redevelopments involving increased zoning should include affordable housing in excess of what is required by inclusionary zoning.
- **Include families.** The District should be a city that houses people of all income levels and of all household sizes, including families. Through the Comprehensive Plan, the District should promote the creation and preservation of 3+ bedroom units along with other housing types.
- **Prioritize affordable housing as a community benefit.** When rezoning or granting significant zoning relief, the District should affirm through the Comprehensive Plan that affordable housing (in addition to any underlying requirement) is the highest priority benefit and that other community benefits should be long-lasting.
- **Preserve existing affordable housing.** When redevelopment occurs on properties with housing made affordable through subsidy, covenant, or rent control, the District, Zoning Commission, and neighborhoods should work with landowners to create redevelopment plans that preserve such units or replace any lost ones with similar units either on-site or nearby. These entities should provide the necessary density and/or potential funding to ensure it is financially feasible to reinvest in the property with no net loss of affordable units.
- **Protect tenants.** Through the Comprehensive Plan, the District should ensure that when affordable housing is undergoing redevelopment, tenants have a relocation plan, are allowed to continue their tenancy with minimal disruption, and will have the right to return to their units or an equivalent replacement. Whenever feasible, redevelopment should observe build-first principles.
- **Support neighborhood commercial corridors.** Through the Comprehensive Plan, the District should encourage the success of neighborhood commercial corridors and locally

owned businesses, especially in disadvantaged communities. This includes increased housing density that supports businesses and providing equitable opportunities for locally owned businesses in mixed-use and commercial developments.

- **Clarify zoning authority.** Through the Comprehensive Plan, the District should affirm that the Zoning Commission has the purview to allow increased density for Planned Unit Developments that supersedes the levels in the Comprehensive Plan's maps in exchange for community benefits.
- **Improve data collection and transparency.** The District should provide the highest quality public data. It should standardize housing-related data collection across agencies, and release all data and forecast analyses to the public, to facilitate transparency and regular reporting on the status and progress of housing-related programs. Data should include a comprehensive housing database and demand-based forecasts alongside existing supply-based (pipeline) forecasts.

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Overview & process

The DC Office of Planning is currently working to amend the Comprehensive Plan. OP is currently holding a 60-day public call for amendments which closes on May 26. OP will then evaluate potential amendments to create its final proposal.

The proposal then goes to the DC Council, which can amend it in any way it desires and ultimately pass it as legislation.

The amendments below are grouped based on the objective of each “package.” A rationale for that package of proposed amendments appears first, followed by specific language revision suggestions. Proposed additions are in green underlined. Proposed deletions are in ~~red~~ ~~strikeout~~.

1 - Framework and Land Use Elements

Section 1 - Eliminate exclusionary, segregative language

In multiple places, language in the Comp Plan reinforces rather than challenges the existence of exclusionary parts of the city, accessible only to affluent residents. The District must strive to reduce segregation and affirmatively further fair housing¹, but efforts to do so (as one example, the District’s proposed Ward 3 homeless shelter) encounter opposition couched in the name of “protecting neighborhood character.” Desirable character-enhancing elements of neighborhoods are indeed of value, but preservation of them need not, and must not, mean that affluent areas can render themselves immune to any change, exempt from helping meet the District’s affordable housing needs, and generally off limits to those of lower incomes.

Proposed amendments

[Framework Element](#)

¹ As defined by HUD: “Taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a program participant’s activities and programs relating to housing and urban development.” <https://www.hudexchange.info/programs/affh/>

Amendment 1-1-1 - Framework Element 217.6: Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must respond to and enhance existing neighborhoods, ~~not compromise the integrity of stable neighborhoods and must be designed to~~ respect the broader community context, promote diversity of housing types, accommodate needed housing, particularly affordable housing, and affirmatively further fair housing. Adequate infrastructure capacity should be ensured as growth occurs.

The defensive language here is troubling and deeply problematic. A document that is supposed to guide the growth of the city should not be so antagonistic to growth. What is more, the defensive language can be misused to defend exclusionary neighborhoods and perpetuate patterns of segregation. The amendments above try to maintain the intent of the original language, but make them more intentionally inclusive.

Amendment 1-1-2 - Framework Element 218.1: The residential character of neighborhoods must be ~~protected~~, maintained and ~~improved~~ enhanced while ensuring they can include residents of many income levels and backgrounds, including extremely low income households. Many District neighborhoods possess social, economic, historic, and physical qualities that make them unique and desirable places in which to live. ~~These qualities can lead to~~ development and redevelopment must be managed through zoning, good architectural design, and other means to retain ~~pressures that threaten~~ the ~~very~~ qualities that make the neighborhoods attractive. ~~These pressures must be controlled through zoning and other means to~~, ensure that the best qualities of neighborhood character are is preserved and enhanced as the city guides growth and change, affirmatively furthers fair housing and reduces segregation, and satisfies the District's housing needs.

The defensive language here is troubling and deeply problematic. A document that is supposed to guide the growth of the city should not be so antagonistic to growth. What is more, the defensive language can be misused to defend exclusionary neighborhoods and perpetuate patterns of segregation. The amendments above try to maintain the intent of the original language, but make them more intentionally inclusive.

Amendment 1-1-3 - Framework Element 218.3: The recent housing boom is the consequence of rising demand. That demand has ~~triggered~~ ~~contributed to~~ a crisis of affordability in the city, creating a hardship for many District residents and changing the character of neighborhoods. The preservation of existing affordable housing and the production of new affordable housing both are essential to avoid a deepening of racial and economic divides in the city. Affordable renter- and owner-occupied housing production and preservation is central to the idea of growing more inclusively.

Additional explanation: The current text in 218.3 is erroneous. It suggests that the development has created an affordability crisis. In fact, development has followed rising housing prices,

because higher prices make development financially attractive. The affordability crisis is real, but the Comp Plan should assign the correct root causes. High demand has led to housing being unaffordable, and at the same time, new construction. It has also encouraged conversion of formerly affordable units into more expensive ones.

Amendment 1-1-4 - Framework Element 223.4: Neighborhood Conservation areas have very little vacant or underutilized land. They are primarily residential in character. Maintenance of existing land uses and community character is anticipated over the next 20 years while also allowing change as needed to be inclusive of residents of many income levels and backgrounds and affirmatively further fair housing. Where change occurs, it will be compatible ~~modest~~ in form and scale and will consist primarily of scattered site infill housing, public facilities, and institutional uses. Major changes ~~in density~~ over current (2005) conditions are not expected but some new development and reuse opportunities are anticipated.

This text suggests that Neighborhood Conservation Areas are to be exempted from change. Some degree of infill in such areas is appropriate. The Comprehensive Plan should reflect that a conservation area is not a ban on change; rather, being designated as such (as most of the city is) means that the change will be modest. Calling out density further suggests that no new housing should exceed the size of adjacent housing; this is inappropriate.

Amendment 1-1-5 - Framework Element 223.5: The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods while still ensuring they contribute to the District's inclusivity and accessibility to all and affirmatively further fair housing. Limited development and redevelopment opportunities do exist within these areas but they are small in scope ~~scale~~. The diversity of land uses and building types in these areas should be maintained while striving to increase diversity of household sizes, income levels, and resident backgrounds. ~~and n~~New development and alterations should be compatible with the existing ~~scale and~~ architectural character of each area (though compatible does not necessarily mean identical). Densities in Neighborhood Conservation Areas are guided by the ~~Future~~ Land Use Map.

- 1. As elsewhere, this phrasing suggests maintaining non-diverse areas as such. This policy should be modified to reflect a balance between maintaining existing qualities and increasing opportunities for diverse populations.*
- 2. The Comprehensive Plan should emphasize that a compatible density does not mean that a new building must be the same size or smaller than the smallest adjacent one. Compatibility is judged broadly. Otherwise, this phrase is used to prevent access to desirable areas for people of varying income levels and family sizes.)*

Land Use Element

Amendment 1-1-6 - Land Use Element 300.2: The critical land use issues facing the District of Columbia are addressed in this element. These include:

- Providing adequate housing, particularly affordable housing, and affirmatively furthering fair housing
- Promoting neighborhood conservation, accessibility, and diversity
- Creating and maintaining successful neighborhoods
- Strengthening Downtown
- Enhancing neighborhood commercial districts and centers
- Balancing competing demands for finite land resources
- Directing growth and new development to achieve economic vitality, revitalize underutilized sections of the District, and meet the District's housing and job needs while minimizing adverse impacts on residential areas and open space
- Fully utilize challenging land uses including, but not limited to; infrastructure, industrial (heavy & light), municipal, utility, and transportation (e.g. roads, bridges, rail-related, etc.) uses

Affordable housing is the most critical land use challenge facing the District today. Therefore, it should be explicitly mentioned in this list and even placed first.

Amendment 1-1-7 - Land Use Element 306.5: Beyond these core principles, station area development policies must respond to the unique needs of each community and the unique setting of each station. Some station areas ~~wrestle with concerns over too much development that are desirable for development have land use designations that do not recognize the importance of creating opportunities for higher-density, mixed-use housing, making housing there inaccessible to all but the wealthiest households~~, while others struggle to attract development. Moreover, the District's role in facilitating transit-oriented development must vary from station to station. ~~In s~~Some parts of the city, ~~weak demand~~ may require public investment and zoning incentives to catalyze development or achieve the desired mix of uses. In other areas, the strength of the private market provides leverage for the District to provide density bonuses in exchange for ~~require~~ public benefits (such as affordable housing, plazas, parks, and child care facilities) ~~when approval is requested~~.

As phrased, the final sentence sounds like the District has unlimited discretion to refuse approval of projects unless certain amenities are provided. It is more accurate to reflect that such things can be provided as benefits in exchange for desired zoning flexibility. Also, the lack of mixed use development or affordable housing is not due to weak demand, there is strong demand for both so such language should be amended.

Amendment 1-1-8 - Land Use Element 306.8: The “reach” of transit-oriented development around any given station or along a high volume transit corridor should vary depending on neighborhood context. ~~While~~ one quarter to one half mile is generally used across the country to define the walkable radius around each station, and therefore the area in which higher densities may accommodate growth without increased traffic congestion. ~~a~~Applying a uniform radius is not always appropriate ~~in the District~~. The established character and scale of the neighborhood surrounding the station should be considered, as should factors such as

topography, demographics, ~~and~~ the transportation system's ~~station's capacity~~ability to support new residents ~~transit riders~~, the degree to which market demand provides an opportunity to add affordable housing or other amenities, the availability of undeveloped or underdeveloped land, the area's inclusiveness or exclusivity, and the District's overall housing need. Many stations abut ~~historic or stable~~ low density neighborhoods. Similarly, many of the city's priority transit corridors transition to single family homes or row houses just one-half block or less off the street itself. On the other hand, many such areas are some of the District's least diverse and accessible to people of lower incomes, despite having some of the best access to jobs. Balancing these factors is important to maximize the value of transit service, particularly the very limited number of Metrorail station areas, while also enhancing the best qualities of surrounding neighborhoods.

As written, this section implies that safeguarding the "established character and scale of the neighborhood" is the utmost priority when applying the reach of transit oriented development. We fundamentally disagree. While it should be a priority, we believe a bigger priority is providing enough homes and affordable homes for District residents, in particular in areas of high opportunity and good transit. These amendments seek to balance these priorities, but clarify the overarching city-wide priority of creating homes and affordable homes that we must not lose sight of.

Amendment 1-1-9 - Land Use Element 306.9: To avoid adverse effects on low and moderate density neighborhoods, ~~most~~ the priority for transit-oriented development should be to accommodate as much as possible on commercially zoned land along major arterials, while also ensuring all neighborhoods help meet the District's housing needs, include residents of all incomes, and affirmatively further fair housing. Possible rezoning of such land in a manner that is consistent with the ~~Future~~ Land Use Map and related corridor plans should be considered. Current zoning already expresses a preference for the use of such land for housing by permitting more density for mixed use projects than for projects with commercial uses alone. At the same time, some of the existing zoning categories were drafted at a time when peak hour transit volumes ~~were lower~~ and regional congestion ~~was less severe~~ were different from today: transit-oriented development offers an opportunity to add housing and jobs with lower traffic impacts than elsewhere. Changes to the regulations may be needed to recognize the widespread desirability of transit use by those within walking distance, taking into consideration station- and system-wide capacity issues and the other factors listed above.

Entirely restricting TOD to commercial land ensures that some stations will get little or none. While it is true that each area is different, this should not be construed to give some stations a complete opt out or the ability to be exclusive against people of lower incomes, which is the real world effect of this policy in a number of station areas.

Amendment 1-1-10 - Land Use Element Policy LU-1.3.1: Station Areas as Neighborhood Centers: Encourage the development of Metro stations as anchors for economic and civic

development in locations that **may currently** lack adequate neighborhood shopping opportunities and employment. The establishment and growth of mixed use centers at Metrorail stations should be supported as a way to reduce automobile congestion, improve air quality, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities which the stations provide. This policy should not be interpreted to outweigh other land use policies which call for neighborhood conservation, but the need to accommodate residents of all incomes and affirmatively further fair housing should be given the highest priority. Each Metro station area is unique and must be treated as such in planning and development decisions. The **Future** Land Use Map and associated text in the Framework Element expresses the desired intensity and mix of uses around each station along with parameters for bonuses that can exceed the categories in the map itself, and the Area Elements (and in some cases Small Area Plans) provide more detailed direction for each station area.

Justification for the first sentence: While Metro stations that lack adequate opportunities today are good priorities for TOD, they are not the only priorities. All Metro station areas should be evaluated for how they can best support housing, affordable housing, and development, for all of the reasons listed in this section. In particular, they should be seen as opportunities to affirmatively further fair housing, as mixed-income housing near transit is a clear way to support inclusive growth in our region.

See the next major section for explanations of the changes to the last sentence.

Amendment 1-1-11 - Land Use Element Policy LU-1.3.2: Development Around Metrorail Stations: Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with **weak market demand**-a history of under-investment, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance, or where a station area is not currently inclusive of people of a variety of income levels and backgrounds. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use, **and** maximize transit ridership, meet the District's needs for housing, particularly affordable housing, and affirmatively further fair housing, while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas.

See the "fair share" amendment proposal, below, for an explanation of the changes here and in the other LU-1.3 policy statements that follow. Also, again there is strong demand for development near Metrorail stations and the lack of development near stations in neighborhoods suffering from a lack of investment is not due entirely to "weak market demand." Rather, the city should prioritize investment in such areas.

Amendment 1-1-12 - Land Use Element Policy LU-1.3.3: Housing Around Metrorail Stations: Recognize the opportunity to build senior housing, **and** more affordable "starter"

housing for first-time homebuyers, and permanently affordable rental and for-sale multifamily housing adjacent to Metrorail stations, given the reduced necessity of auto ownership (and related reduction in household expenses) in such locations.

Amendment 1-1-13 - Land Use Element Policy LU-1.3.5: Edge Conditions Around Transit Stations: Ensure that development adjacent to Metrorail stations is planned and designed to respect the character, scale, and integrity of adjacent neighborhoods while also ensuring inclusivity for residents of all income levels and backgrounds and affirmatively furthering fair housing. For stations that are located within or close to low density areas, building heights should transition and/or “step down” as needed and where possible while ensuring the neighborhood accommodates a mix of residents of all incomes, ~~to avoid dramatic contrasts in height and scale between the station area and nearby residential streets and yards.~~

See the “fair share” amendment proposal, below, for an explanation of the changes here and in the other LU-1.3 policy statements that follow. In regards to “step down,” “step down” is too limited a concept that doesn’t acknowledge a variety of ways that two different building types or densities can relate to each other in a compatible way.

Amendment 1-1-14 - Land Use Element Policy LU-1.3.7: TOD Boundaries: Tailor the reach of transit-oriented development (TOD) policies and associated development regulations to reflect the specific conditions at each Metrorail station and along each transit corridor. The presence of historic districts and conservation areas should be a significant consideration as these policies are applied, as should the degree to which the station area currently reflects the District’s diversity of income levels and backgrounds.

Again, the only priority should not be the preservation of historic districts and conservations areas. To focus solely on those priorities is to ignore the fact that the city is dramatically segregated, and the District is federally obligated to maintain a focus on affirmatively furthering fair housing.

Amendment 1-1-15 - Land Use Element Action LU-1.3.B: TOD Overlay Zone: ~~During the forthcoming revision to the zoning regulations,~~ develop zoning language in areas surrounding transit stations and stops and high-frequency surface transit corridors. The language should include provisions for mixed land uses, minimum and maximum densities (inclusive of density bonuses), parking maximums, and buffering and design standards that reflect the presence of transit facilities. Work with land owners, the Council of the District of Columbia, local ANCs, community organizations, WMATA, and the Zoning Commission to determine the stations where such a zone should be applied. The emphasis should be on stations that have the capacity to accommodate substantial increases in ridership, ~~and~~ the potential to become pedestrian-oriented urban villages, and the opportunity to add significant affordable housing and affirmatively further fair housing. Neighborhoods that meet these criteria ~~and that would welcome a TOD overlay,~~ or neighborhoods that have very low proportions of housing

(subsidized or market-rate affordable) accessible to residents of lower incomes. are the highest priority.

OP should revise this Action more substantially as the revision is no longer forthcoming and some things, like parking maximums, were dropped. However, the suggested language above only addresses any exclusionary language, not other considerations.

Section 2 - Rectify the Court of Appeals misinterpretation of the FLUM

The Future Land Use Map assigns a land use category to each piece of land in the District, but its accompanying text makes clear that the map should not be viewed on its own, as a zoning map, or as an absolute limit on what the Zoning Commission can approve through methods such as a PUD. Unfortunately, a panel of the DC Court of Appeals has misconstrued this map in recent decisions. Here are some suggested changes to rectify that.

- 1. Emphasize 226(c).** The Comprehensive Plan already has explicit language about not interpreting the FLUM too specifically. 226(c) reads: “It should be noted that the granting of density bonuses (for example, through Planned Unit Developments) may result in heights that exceed the ranges cited here.” The court seems to have missed this in recent cases. A potential approach would be to reiterate this or a similar sentence in the same section as the density categories or even in each one, including in the key on the map itself.
- 2. Remove numbers of stories.** The categories generally describe building typologies, not heights, setbacks, etc. However, a few use typical numbers of stories as an illustrative technique to distinguish building types, but the court misinterpreted the numbers as being specific limitations. We can reword the descriptions to explain what a certain density area might look like using terms that do not include specific numbers of stories, thereby achieving the intent of that section while also avoiding confusion.
- 3. Rename the map and rephrase its purpose.** The word “future” suggests that this map describes the singular vision for the future of the District. Much of the map is in fact simply a reflection of current conditions (for instance, commercial land use categories often very faithfully follow the precise uses and zones in place today, cutting out wholly residential buildings in commercial areas). In this way, it’s really a map showing the present along with some limited set of future changes rather than the future. The map name and other text could be modified to clarify the map’s role.

Proposed amendments

[Framework Element](#)

With all these suggestions, the map key (section 225, which is also printed on the map itself) could read as follows (this just shows the residential sections of the key):

Amendment 1-2-1 - Framework Element **Future Land Use Map and Categories (225)**

Purpose of the Land Use Map

The **Future** Land Use Map is part of the adopted Comprehensive Plan and carries the same legal weight as (but not more than) the Plan document itself. The Map uses color-coded categories to express public policy on future land uses across the city. Preparation of this map is explicitly required by DC Law; its purpose is to “represent the land use policies set forth in the proposed Land Use Element,” using “standardized colors for planning maps.” (1-246, D.C. Code). (225.1)

Recent court cases seem to have set a precedent that the FLUM carries more weight than the other parts of the Comp Plan. We seek to rectify that here. Also, much of the map is in fact simply a reflection of current conditions. The map name and other text could be modified to clarify the map’s role.

Amendment 1-2-2 - Framework Element *Definitions of Land Use Categories*

Residential Categories

Four residential categories appear on the **Future** Land Use Map, as follows: (225.2)

Low Density Residential: This designation is used to define ~~the District’s single family~~ neighborhoods where: ~~S~~single family detached and semi detached housing units with front, back, and side yards are the predominant uses. The Residential House (R)-1-A, R-1-B, and R-2 Zone Districts are generally consistent with the Low Density Residential land use category, although other zones may apply. Density bonuses (for example, through Planned Unit Developments) may result in building types that exceed those described here, especially when doing so advances important District priorities such as the provision of affordable housing and affirmatively furthering fair housing. (225.3)

Additional explanation: “Single-family” is a misnomer in many senses. A number of row house neighborhoods are also “single family” in that most houses are occupied by single families. Since moderate density is defined as a “row house neighborhood,” the low density classification should similarly define in terms of building typologies rather than occupancy.

The categories generally describe building typologies, not heights, setbacks, etc. However, a few use typical numbers of stories as an illustrative technique to distinguish building types, but these numbers have been misinterpreted as being specific limitations. We have reworded the descriptions to explain what a certain density area might look like using terms that do not include specific numbers of stories, thereby achieving the intent of that section while also

avoiding confusion. The Comprehensive Plan already has explicit language about not interpreting the FLUM too specifically. 226(c) reads: “It should be noted that the granting of density bonuses (for example, through Planned Unit Developments) may result in heights that exceed the ranges cited here.” We want to reiterate this or a similar sentence in the same section as the density categories, including in the key on the map itself.

Moderate Density Residential: This designation is used to define the District’s row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single family **detached** homes, 2-4 unit buildings, row houses, and low-rise apartment buildings. In some **of the older inner city** neighborhoods with this designation, there may also be existing multi-story apartments, ~~many built decades ago when the areas were zoned for more dense uses (or were not zoned at all)~~. The **Residential Flat (RF)R-3, R-4, R-5-A** Zone districts are generally consistent with the Moderate Density Residential category; the **Residential Apartment (RA)R-5-B** district and other zones may also apply in some locations. Density bonuses (for example, through Planned Unit Developments) may result in building types that exceed those described here, especially when doing so advances important District priorities such as the provision or preservation of affordable housing and affirmatively furthering fair housing. (225.4)

The deleted phrases in the 3rd sentence unnecessarily expound upon the provenance of non-conforming buildings in a way that suggests that any such buildings are nonconforming and that even building new housing of identical size as older housing may be inappropriate even if that fulfills important goals. This can be dropped without affecting the meaning of this section.

The categories generally describe building typologies, not heights, setbacks, etc. However, a few use typical numbers of stories as an illustrative technique to distinguish building types, but these numbers have been misinterpreted as being specific limitations. We have reworded the descriptions to explain what a certain density area might look like using terms that do not include specific numbers of stories, thereby achieving the intent of that section while also avoiding confusion. The Comprehensive Plan already has explicit language about not interpreting the FLUM too specifically. 226(c) reads: “It should be noted that the granting of density bonuses (for example, through Planned Unit Developments) may result in heights that exceed the ranges cited here.” We want to reiterate this or a similar sentence in the same section as the density categories, including in the key on the map itself.

Medium Density Residential: This designation is used to define neighborhoods or areas where mid-rise **(4-7 stories)** apartment buildings are the predominant use. Pockets of low and moderate density housing may exist within these areas. The Medium Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. **A subset of the Residential Apartment (RA)R-5-B and R-5-C** Zone districts are generally consistent with the Medium Density designation, although other zones may apply. Density bonuses (for example, through Planned Unit Developments) may result in building types that exceed those described here, especially when doing so advances important

District priorities such as the provision or preservation of affordable housing and affirmatively furthering fair housing. (225.5)

The categories generally describe building typologies, not heights, setbacks, etc. However, a few use typical numbers of stories as an illustrative technique to distinguish building types, but these numbers have been misinterpreted as being specific limitations. We have reworded the descriptions to explain what a certain density area might look like using terms that do not include specific numbers of stories, thereby achieving the intent of that section while also avoiding confusion. The Comprehensive Plan already has explicit language about not interpreting the FLUM too specifically. 226(c) reads: "It should be noted that the granting of density bonuses (for example, through Planned Unit Developments) may result in heights that exceed the ranges cited here." We want to reiterate this or a similar sentence in the same section as the density categories, including in the key on the map itself.

High Density Residential: This designation is used to define neighborhoods and corridors where high-rise (~~8 stories or more~~) apartment buildings are the predominant use. Pockets of less dense housing may exist within these areas. The corresponding Zone districts are generally a subset of Residential Apartment (RA) R-5-D and R-5-E, although other zones may apply. (225.6)

The categories generally describe building typologies, not heights, setbacks, etc. However, a few use typical numbers of stories as an illustrative technique to distinguish building types, but these numbers have been misinterpreted as being specific limitations. We have reworded the descriptions to explain what a certain density area might look like using terms that do not include specific numbers of stories, thereby achieving the intent of that section while also avoiding confusion. The Comprehensive Plan already has explicit language about not interpreting the FLUM too specifically. 226(c) reads: "It should be noted that the granting of density bonuses (for example, through Planned Unit Developments) may result in heights that exceed the ranges cited here." We want to reiterate this or a similar sentence in the same section as the density categories, including in the key on the map itself.

Land Use Element

Amendment 1-2-3 - Land Use Element Policy LU-1.3.1: Station Areas as Neighborhood Centers: ... Each Metro station area is unique and must be treated as such in planning and development decisions. The ~~Future~~ Land Use Map and associated text in the Framework Element expresses the desired intensity and mix of uses around each station along with parameters for bonuses that exceed the categories in the map itself, and the Area Elements (and in some cases Small Area Plans) provide more detailed direction for each station area.

This text oversimplifies the map by suggesting that the map itself represents the desired uses; the map has significant context and 226(c) in particular is a major exception to the map's base

interpretation; that should be reinforced here. In regards to deleting future, see earlier explanation.

Section 3 - Establish a housing equitable access policy

Affirmatively furthering fair housing requires taking deliberate steps to increase the provision of affordable housing and housing types in those areas which are lacking it today. We propose a new policy, similar to those in place elsewhere, where the District would set targets for the level of housing for certain level(s) of affordability, family sizes, homeownership levels, and/or other factors; in areas which do not exceed those targets, the District would seek to engage communities in planning to meet the identified needs, and in the absence of a plan, modified policies should apply to encourage the creation of housing to meet those needs.

Amendment 1-3-1 - Land Use Element Add: 309.4a: The varying economic conditions of different neighborhoods have created a city with significant income (and often racial and ethnic) stratification, where high demand in many “stable” neighborhoods has resulted in high prices, making such areas inaccessible to those with moderate or lower incomes, while much dedicated affordable housing has been built in transitional, emerging, or distressed neighborhoods, at times further concentrating poverty in certain parts of the city.

A 2017 Urban Institute study ranked Washington the 17th most economically segregated out of 100 large regions, the 34th most racially segregated between black and white, and the 49th most segregated between Latino and white. The study found that “more economically inclusive regions have higher black per capita and black median household income; more racially inclusive regions with lower levels of black-white segregation have higher black median household income, higher bachelor’s degree attainment for both blacks and whites, and lower homicide rates; and regions with lower levels of Latino-white segregation have higher overall life expectancy.”

A diversity of income levels, ethnic backgrounds, family sizes, homeownership status, and other characteristics is an asset to any neighborhood and a necessity for an inclusive city that affirmatively furthers fair housing. Just as the production and preservation of affordable housing is a citywide priority, so too should be the more equal distribution of that housing, in particular in neighborhoods that currently have little of it, as means of affirmatively furthering fair housing and reducing segregation.

To that end, the District should establish an anti-segregation and fair housing policy that incentivizes and facilitates the preservation and creation of housing that contributes to a neighborhood’s diversity and meets the District’s overall housing need; sets concrete goals against which neighborhood clusters are regularly measured; engages neighborhoods in a discussion of how to meet those goals; and includes automatic policy triggers for neighborhoods that are not on track to meet those goals.

Amendment 1-3-2 - Land Use Element Add a new **Policy**:

Reducing segregation and increasing economic opportunity by adding needed housing shall be paramount objectives of the District's land use policy. Future Small Area Plans or zoning regulations that establish housing policies aimed at reducing economic and racial segregation and meeting the District's housing needs should be encouraged.

Such programs may offer one or more of the following incentives without being inconsistent with this Plan: relief from fees; an expedited review timeline that still maintains robust public input; density bonuses exceeding levels in the Land Use Map by one land intensity category (for example, medium density in a moderate density area); a historic compatibility focus on architectural quality and neighborhood cohesion rather than matching heights of buildings in new construction; and higher priority and/or expedited review for public loans.

The District should also encourage the use of project- and sponsor-based Local Rent Supplement Program funding and project-based Housing Choice vouchers and other mechanisms to ensure that this policy helps to meet the needs at all income levels, including low and very low income households. Whenever offering any of the above incentives, the District should ensure that when affordable housing is undergoing redevelopment, tenants have a relocation plan, are allowed to continue their tenancy with minimal disruption, and will have the right to return to their units or an equivalent replacement. Whenever feasible, redevelopment should observe build-first principles. Resident return criteria should not be more restrictive than those of the affordable housing undergoing redevelopment.

Amendment 1-3-3 - Land Use Element Add a new **Action**:

Develop a housing equity policy that identifies a set of fair housing and segregation-reducing targets to be applied by neighborhood cluster (such as a set percentage of housing affordable to households in one or more income bands, family sizes, homeownership levels, overall housing creation, or other targets). These targets should respond to citywide housing needs and the particular housing needs of each community.

For neighborhood clusters that do not meet one (or more) of those targets, engage the relevant neighborhood clusters in discussions of ways to rectify this imbalance. If a neighborhood cluster has devised an achievable strategy for meeting targets and is on track to meet them, this strategy can replace the zoning changes listed below for that cluster and target(s).

Amend the zoning code to incentivize the creation and preservation of housing that would fill missing target(s) in the absence of a neighborhood-specific strategy. For housing creation that would meet one or more targets, allow exceeding levels in the Land Use Map by one land density category in exchange for significant percentages of housing needed to meet the target(s) (if for a target around set affordability levels, greater than what is required under the existing Inclusionary Zoning policy).

See also, above, the recommended amendments to 306.8, 306.9, and policies LU-1.3.1, LU-1.3.3, LU-1.3.5, LU-1.3.7, and LU-1.3.B.

The District is federally mandated to affirmatively further fair housing and actively plan against patterns of segregation. A letter from HUD dated November 14, 2016 stated that the District's Consolidated Plan did not sufficiently address the identified impediments to fair housing. In particular, that letter stated, "They key impediments all relate to the first impediment, an entrenched dual housing market within and around the District, which is responsible for high levels of segregation and racial/ethnic concentrations of poverty (R/ECAPs). ... [T]here are no specific activities identified to address these issues. ...

"The Department recommends a balanced approach to investment that allows a community to provide funding for the revitalization of areas that have long been neglected (resulting in the proliferation of R/ECAPs), while at the same time investing in affordable housing in areas that are not impacted by high concentrations of race/ethnicity and poverty, i.e., areas of high opportunity. Failing to specifically identify the geographic areas of investment makes it impossible to determine whether the District is taking a balanced approach to preserving and developing affordable housing."

The District needs to not only remove impediments to affirmatively furthering fair housing principles in its planning document, but should set a positive direction for how to create affordable housing options in high land value, high opportunity areas. This proposed policy, narrative and set of actions sets a direction for a proactive response to this impediment, one that draws inspiration from other state policies. It would provide land use incentives to leverage private capital to create affordable housing in areas of high opportunity and set a roadmap to address the "entrenched dual housing market" which is putting the District in violation of fair housing rules.

2 - Housing Element

Section 1 - Make it clear that the District needs to plan for all housing needs

The Office of Planning says in its vision statement: *"In an inclusive city, residents are able to make choices about where they live, how they earn a living, and how they get around—regardless of whether they have lived here for generations or moved here last week."*

In order to achieve its vision OP must forecast, and plan for, adequate diversified housing for the entire DC population, including market-rate and affordable housing. The amendments

proposed below make it clear that planning to meet the demand of the general housing market is inextricably linked to being able to meet affordable housing requirements.

Proposed amendments

Amendment 2-1-1 Page 5-1 addition to list

The critical housing issues facing the District of Columbia are addressed in this Element. These include:

- **Meet housing demand**

Since the Housing Element already acknowledges its role in directing expanded housing in section H 1-1, pg 5-8 it is reasonable to make it clear one of the issues that the Element lists as covering.

Amendment 2-1-2 Page 5-8

H-1.1 Expanding Housing Supply 503

Expanding the housing supply is a key part of the District's vision to create successful neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of historic resources, and improved design and identity, the production of housing is essential to the future of our neighborhoods. It is also a key to improving the city's fiscal health. The District will work to plan for and facilitate housing construction and rehabilitation through its planning, building, and housing programs, recognizing and responding to the needs of all segments of the community **in order to achieve adequate and diverse housing supply**. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs.

The supply of housing should grow sufficiently to slow rising market rate costs of rental and for-sale housing. Expanding supply alone will not fulfill all of the District's housing needs at lower income levels, but is one important element of the strategy to ensure unmet demand at higher price points does not further hasten the loss of market rate affordable housing. 503.1

As we have highlighted, the Housing element already accepts expanding general housing supply as one of the roles of the DC government. In paragraph 503 the link between adequate market rate housing supply and the supply of affordable housing should be made clear. There are many publications on this relationship but for evidence look at page 1 of

http://www.freddiemac.com/multifamily/pdf/mid_year_outlook_2016.pdf

discussing the slowing of the rate of rent increases as vacancy rate increased as supply increased in 2015/2016. Another article of interest describes how a lack of housing supply spurred an affordable housing crisis in Boston.

<http://www.bostonmagazine.com/news/blog/2015/11/13/boston-foundation-housing-report/>

Amendment 2-1-3, Page 5-7 and 5-8

One of the critical issues facing the city is how to retain and create more housing units that are large enough for families with children. As a percent of total households in the District, 21 percent are comprised of families with children. This percentage has been stable over several decades and is substantially lower than the 33 percent rate for both the region and the nation. Other cities such as San Francisco and Boston have similar rates to the District. New York's rate is 30 percent, which is closer to the national average. Family households with children need larger housing units with more bedrooms. Of the city's existing housing stock, only one-third of the units have three bedrooms or more. Eighty percent of recent new construction has been apartments, with fewer bedrooms.

Only about two percent of units in apartments built since 2000 have three or more bedrooms. Before 2000 the percentage of family sized units in newly constructed apartment buildings was over 3 percent and most of these are concentrated in Wards 7 and 8. Overall rental units with 4 and 5 bedrooms constitute only 8 and 4 percent of the rental market respectively. Larger apartment complexes are generally too expensive per square foot to provide affordable family rental housing. DC will need to look to accessory apartments, flats, and small apartment buildings in areas with single family homes to provide the needed family rentals, or to incorporate family-sized housing options as part of larger-site development plans. The zoning of some large lots which now have single family homes should be increased to allow for the development of townhouses and small apartment complexes with family sized units to allow for these family rentals.

The scarcity of family sized units, both subsidized and unsubsidized, has only gotten worse over the past few years.

<https://gqwash.org/view/62190/this-map-shows-that-in-dc-family-sized-rental-homes-are-very-scarce>

The District will need to look into incremental neighborhood level development to help meet this need, as a majority of our housing construction has only taken place in high rises, which are better suited towards smaller units.

<https://gqwash.org/view/42799/houston-took-this-winning-approach-to-adding-housing-could-dc-do-the-same>

Amendment 2-1-4, Policy H-1.3.1: Housing for Families

Provide a larger number of housing units for families with children by encouraging new and retaining existing **subsidized and unsubsidized** single family homes, duplexes, row houses, and three- and four-bedroom apartments. ^{05.6}

Preservation of affordable housing with 3 bedroom and larger units should be prioritized and if such housing is redeveloped it should be replaced by units of similar size and affordability levels in the re-development or developments close by.

Preservation is almost always cheaper than building new and this is especially true for the larger, family sized units. If we find family sized units amongst our existing affordable housing their preservation should be prioritized, especially given the trend of building smaller units in our new production.

Section 2 - Correct inconsistent commitment to inclusivity, and promote a wide distribution of affordable housing and Affirmatively Furthering Fair Housing principles

The Housing Element acknowledges the importance of residents of all income levels having access to housing in all parts of the city. This necessitates that affordable housing be widely distributed. The Element's opening statement links affordable housing and the District's vision of an inclusive city [500.3]. It warns that most affordable housing production "has occurred in the very neighborhoods where such housing was already concentrated." [500.14]

In Policy H-1.2.3 the Housing Element makes a clear policy statement on this topic: "Focus investment strategies and affordable housing programs to distribute mixed income housing more equitably across the entire city, taking steps to avoid further concentration of poverty within areas of the city that already have substantial affordable housing.[504.8]" In these sections the Housing Element is in keeping with the spirit the the Affirmatively Furthering Fair Housing Regulations (https://www.huduser.gov/portal/affht_pt.html) enacted after the latest version of the DC Comprehensive Plan was published.

However, language exists in the Housing Element that seems to contradict the OP's commitment to inclusivity in housing access. We suggest the following amendments to correct these contradictions.

Proposed amendments

Amendment 2-2-1 Page 5-9

Policy H-1.1.4: Mixed Use Development

Promote moderate to high density mixed use development, including housing and affordable housing, on commercially zoned land, particularly in neighborhood commercial centers, along ~~Main Street mixed use~~ main transit corridors, and around ~~appropriate~~ Metrorail stations. 503.5

As we explain in more detail in Amendment 2-4, housing with easy access to public transportation is always going to be in high demand and the wealthy will out-bid lower income families for these prized locations unless the District provides some affordable housing near public transport corridors. Given the general demand and the need for higher density buildings to support affordable units, it is necessary that the District promote moderate to high density development wherever possible if some low and moderate income workers are to benefit from the low transportation costs provided by living near public transit corridors.

Amendment 2-2-2 Page 5-10

Policy H-1.1.6: Housing in the Central City

~~Absorb a substantial component~~ Meet some of the demand for new high-density housing in Central Washington and along the Anacostia River. ~~Absorbing the demand for higher density units within these areas is an effective way to meet housing demands, create mixed-use areas, and conserve single-family residential neighborhoods throughout the city.~~ Mixed income, higher density downtown housing also provides the opportunity to create vibrant street life, and to support the restaurants, retail, entertainment, and other amenities that are desired and needed in the heart of the city. The District should also provide resources and incentives to ensure that this higher density housing include substantial levels of affordable units. 503.7

This section (unedited) suggested that high density construction be concentrated in the downtown and areas of Anacostia while shielding single-family residential neighborhoods from any requirement to absorb new housing because of increased demand. Allowing some higher density building across the entire city creates more housing opportunities for people of varying incomes everywhere, and fights the prevailing trend of exclusive neighborhoods that have been able to keep out new housing and affordable housing. For example, higher density housing opportunities around transit centers can offer market rate and affordable options to a range of incomes and create inclusive communities with better access to transportation. Some small upzoning in areas of single-family home areas could also provide affordable housing for families, as the city of Houston found.

(<https://ggwash.org/view/42799/houston-took-this-winning-approach-to-adding-housing-could-dc-do-the-same>)

Amendment 2-2-3 Page 5-9

Action H-1.1.A: Rezoning of Marginal Commercial Land

Perform an evaluation of commercially zoned land in the District, focusing on the “Great Streets” corridors, and other arterial streets, ~~and. s~~ Scattered small commercially-zoned pockets of land which no longer contain active commercial land uses should first be considered for rezoning to mixed use and united with larger mixed-use corridors by appropriate zoning. ~~The evaluation should consider the feasibility of rezoning some of these areas from commercial to residential districts,~~ If not feasible, then these areas should be rezoned from commercial to residential in order to ensure their future development with housing. 503.9

The edits to Section H-1.1.A recognize that for small enterprises to be commercially viable there must be sufficient population nearby to support them. Appropriate zoning or planned unit developments along commercial corridors may revive small businesses and create housing at the same time. Also areas of the District are experiencing high commercial vacancy rates, and while the city is experiencing this housing shortage the Comp Plan should create new opportunities for housing and mixed-use corridors out of these underutilized areas.

Amendment 2-2-4 Page 5-9

Add a new section

Policy H-1.1.8 : Best Use of Areas near Transit

Given the importance to the city's workforce and high demand for housing close to public transit, the city shall prioritize moderate to high density mixed use development near Metro stations and main transit corridors. Public funds should be invested in providing long term affordable housing to lower-income and extremely low-income households in these locations.

Housing near frequent and convenient public transit will continue to be in high demand. Households with moderate to lower incomes will likely be priced out of the market for these desirable locations unless the city takes action to counter this shut-out. Thus the city has to plan for the maximum housing possible in areas with attractive access to public transit, and make sure that housing is affordable to multiple income levels, in particular lower-income and extremely low-income households who are severely housing burdened and currently being forced to move farther and farther away from job centers in order to find affordable rents and home prices.

Amendment 2-2-5 Page 5-4, Page 5-5

Update Map 5.1 as Map 5.1a then redo Map 5.1 as Map 5.1b affordable housing mapped against race/ethnicity as in HUD map 5 (<https://egis.hud.gov/affht/#>)

Map 5.1a illustrates the location of affordable housing projects developed since 2000, overlaid on a map that characterizes neighborhoods as “stable”, “emerging”, “transitioning”, or “distressed” based on demographic and market factors. With the exception of a few projects, there has been very little new affordable housing built in Stable and Transitioning neighborhoods. The map also shows that recent market rate housing has been built almost entirely in Stable and Transitioning neighborhoods. If left unchecked, these patterns will continue to concentrate lower income residents in some neighborhoods and find them scarce in others. This spatial concentration by income fuels racial segregation since race and income are correlated in the District. Map 5.1b illustrates this segregation emphasizing the need for all neighborhoods to integrate affordable housing to achieve an inclusive city and fulfill the requirements of Affirmatively Furthering Fair Housing 500.15

The accompanying paragraph to map 5.1 makes it clear that the the Housing Element focuses concern on the concentration of affordable housing in certain parts of the city. We recommend that the Housing Element makes clear that this concentration promotes racial segregation in direct violation of the District's vision of inclusivity and the regulations of Affirmatively Furthering Fair Housing.

Amendment 2-2-6, Page 5-3 first paragraph

The tightening availability of ~~workforce~~ moderate income housing is hindering the District's ability to retain and attract moderate income households.

The use of the phrase “workforce” for moderate income families implies that those who are in lower income groups are not working, which is untrue. Many of our families in low income groups are working multiple minimum wage jobs.

Amendment 2-2-7, Policy H-1.1.7: New Neighborhoods

Accommodate a significant share of the District’s projected housing demand in “new neighborhoods” developed on large sites formerly used for government functions. In addition to housing, these neighborhoods must include well planned retail, public schools, attractive parks, open space and recreation, as well as needed supportive services. The new neighborhoods should include a variety of housing types, particularly housing affordable to lower-income and extremely low-income residents serving a variety of income levels. Areas of the city that should be considered “new neighborhoods” are (but not limited to): former Walter Reed Medical Center Campus, Old Soldier’s home, RFK stadium area, McMillan Sand Filtration Site. 503.8

The term “new neighborhoods” was previously undefined. It is important to be specific about these sites because the city has few undeveloped large-tracts of land left, and making specific plans for those areas is sorely needed, in particular as we consider the affordable housing and housing shortage the city is experiencing, and make sure housing opportunities are available at such sites throughout the city for people of all incomes, including low income households.

Amendment 2-2-8 - Policy H-1.2.7: Density Bonuses for Affordable Housing

Provide zoning incentives to developers proposing to build low- and moderate-income housing. Affordable housing shall be considered a the highest priority public benefit for the purposes of granting density bonuses when new development is proposed. Density bonuses should be granted in historic districts in a manner that only when the effect of such increased density enhances does not significantly undermine the character of the neighborhood and contributes to affirmatively furthering fair housing by creating additional affordable housing opportunities so households of all incomes can live in such districts. 504.14

Given the current housing and affordable housing shortage, all tools should be utilized to produce more housing to meet the demand at different income levels. This includes density bonuses that recapture a portion of the increased value and reinvest it into affordable housing. As worded, this section prioritizes the character of the neighborhood over the provision of affordable housing. These amendments attempt to clarify that affordable housing should be the highest priorities in density bonus deals, and further emphasizes the need to affirmatively further fair housing. These priorities do not exclude the need to respect neighborhood character, but it is problematic to prioritize neighborhood character above providing affordable housing and fighting patterns of segregation.

Section 3 - Protect residents from displacement

The current Housing Element prioritizes retaining affordable housing and calls for the 1:1 replacement of affordable units when public housing is redeveloped into mixed-income developments (Policy H 1.4.4). This is positive, but this emphasis on 1:1 exchange of units does not recognize the significant economic and social stress placed on the displaced residents whose homes in public housing undergoing redevelopment. Moreover, there is nothing in the current Housing Element to ensure that residents in public housing redevelopment have a right

to a similar affordable unit in the new mixed income complex replacing the public housing. A correction to this oversight will be welcome since many of the public housing households are members of the vulnerable groups (elderly, disabled, households with children) that the current Housing Element prioritizes for housing assistance.

Proposed amendments

Amendment 2-3-1, Page 5-18 Policy H-1.4.4: Public Housing Renovation & Redevelopment

Continue efforts to transform distressed public and assisted housing projects into viable mixed-income neighborhoods **utilizing build-first principles and other efforts that minimize displacement**, providing one-for-one replacement on-site or in the immediate surrounding area of any public housing units that are **removed or re-developed**. ~~Target such efforts to locations where private sector development interest can be leveraged to assist in revitalization.~~^{506.10}

Amendment 2-3-2, Action H-1.4.A: Renovation and Redevelopment of Public Housing

Continue federal and local programs to renovate, **rebuild and develop** the District's public housing units **in ways that minimize displacement and preserve and increase deeply subsidized units particularly for households at or below 30% of AMI**, including but not limited to the HOPE VI program, the Rental Assistance Demonstration Program, project-based Section 8 **conversion-type programs**, capital and modernization programs, the Community Development Block Grant program, and the District-sponsored New Communities program. **When redevelopment occurs on properties with housing made affordable through subsidy, covenant, or rent control, the District, Zoning Commission, and neighborhoods should work with landowners to create redevelopment plans that preserve such units or replace any lost ones with similar units either on-site or nearby. The District and the Zoning Commission should provide the necessary density and/or potential funding to ensure it is financially feasible to reinvest in the property with no net loss of affordable units. The District should ensure that when affordable housing is undergoing redevelopment, tenants have a relocation plan, are allowed to continue their tenancy with minimal disruption, and will have the right to return to their units or an equivalent replacement. Whenever feasible, redevelopment should observe build-first principles. Resident return criteria should not be more restrictive than those of the affordable housing undergoing redevelopment.** ^{506.13}

A paper by the DC Fiscal Policy Institute explains the importance of minimizing displacement of residents during public housing redevelopment. It states that a third of public housing households are headed by an elderly person and half of these elderly residents have a disability. An additional one fifth of publicly housed households are headed by a non-elderly person with a disability. Thirty-five percent public housing households have children. For all of these households the long period, often several years, between vacating the public housing and returning to housing in the new mixed-income development is problematic. The support of family, neighbors, faith communities and local service providers is of particular importance to low income families and may be seriously disrupted during relocation. As anyone who has

moved knows there are a number of incidental costs associated with moving and these put added strain on already inadequate incomes. There is always the danger too, that residents are unable to take up residence in the new development because numbers of units, type of units or new screening requirements block their return. This is not just. This is why we suggest the added language to amendments 3-1 and 3-2 to emphasize the need to minimize displacement and restrictive right of return criteria. We also want to ensure that adequate protections are in place for tenants who are experiencing redevelopment of their homes.

Amendment 2-3-3, Action H-1.4.C: DCHA Improvements

Continue ~~the positive momentum toward~~ improving the District's existing public housing and Housing Choice Voucher programs, including DCHA utilization of unspent Local Rent Supplement funds to ensure much-needed repairs and capital improvements, a higher voucher-utilization rate in Stable and Transitioning neighborhoods, and equitable public housing redevelopment that utilizes one-for-one unit replacement and minimizes displacement through build-first principles ~~including the effective training of public housing residents in home maintenance skills.. In addition, residents should be involved in management and maintenance and the effective renovation, inspection, and re-occupancy of vacant units.~~^{506.15}

Amendment 2-3-4, Page 5-22 Under H-2.1 Preservation of Subsidized Affordable Housing

Coupled with the loss of Section 8 units has been the demolition of 3,000 public housing units to make way for mixed income projects at East Capitol Gateway, Ellen Wilson, Henson Ridge, Wheeler Creek, and Arthur Capper Carrollsburg. Among these, only Ellen Wilson and Capper Carrollsburg include “one for one” replacement units for each subsidized unit removed. However, long construction timelines and financing limitations mean that even the “one for one” replacement units can take upwards of ten years to build. For example, over 200 Capper Carrollsburg replacement units have yet to be built almost 15 years after families were relocated for demolition. The District should ensure that when affordable housing is undergoing redevelopment, tenants have a relocation plan, are allowed to continue their tenancy with minimal disruption, and will have the right to return to their units or an equivalent replacement. Whenever feasible, redevelopment should observe build-first principles. Resident return criteria should not be more restrictive than those of the affordable housing undergoing redevelopment.^{509.3}

As explained in the justification to Amendment 3-1 and 3-2 the long wait times and the stress of relocation are not recognized in the current Housing Element. The amendments proposed here in 3-3 and 3-4 accentuate the difficulties involved in replacing public housing with new mixed income developments and the costs borne by the relocated families by highlighting a replacement development, mentioned in the 2006 Housing Element, that has yet to provide replacement units for 200 of the displaced households. In order to mitigate this, beyond

one-for-one replacement of units, redevelopments should use build first principles whenever possible.

Amendment 2-3-5, Page 5-22 Policy H-2.1.1: Protecting Affordable and Subsidized Rental Housing

Recognize the importance of preserving rental housing affordability, particularly subsidized housing, to the well-being of the District of Columbia and the diversity of its neighborhoods. Undertake programs to protect the supply of subsidized rental units and low-cost market rate units. When redevelopment occurs on properties with housing made affordable through subsidy, covenant, or rent control, the District, Zoning Commission, and neighborhoods should work with landowners to create redevelopment plans that preserve such units or replace any lost ones with similar units either on-site or nearby. The District and the Zoning Commission should provide the necessary density and/or potential funding to ensure it is financially feasible to reinvest in the property with no net loss of affordable units. The District should ensure that when affordable housing is undergoing redevelopment, tenants have a relocation plan, are allowed to continue their tenancy with minimal disruption, and will have the right to return to their units or an equivalent replacement. Whenever feasible, redevelopment should observe build-first principles. Resident return criteria should not be more restrictive than those of the affordable housing undergoing redevelopment. 509.5

Amendment 2-3-6, Page 5-22 Policy H-2.1.3: Avoiding Displacement

Maintain programs to minimize displacement resulting from the conversion or renovation of affordable and subsidized rental housing to more costly and/or mixed-income forms of housing. The District should ensure that when affordable housing is undergoing redevelopment, tenants have a relocation plan, are allowed to continue their tenancy with minimal disruption, and will have the right to return to their units or an equivalent replacement. Whenever feasible, redevelopment should observe build-first principles. Resident return criteria should not be more restrictive than those of the affordable housing undergoing redevelopment. These programs should include financial, technical, legal, and counseling assistance to lower income households and the strengthening of the rights of existing tenants purchase rental units, if they are being converted to ownership units. 509.7

Regrettably in some cases the redevelopment of public housing to mixed income complexes with affordable units has come with the creation of resident selection criteria that has been used to deny former public housing residents the opportunity to re-home in the new development replacing the public housing. The amendments 3-5 and 3-6 help to prevent this injustice. The Comprehensive Plan should ensure that tenants are provided the above protections and rights while their homes are being redeveloped.

Amendment 2-3-7, Page 5-28 H-3.2 Housing Access ⁵¹³

The District established its commitment to fair housing under the Human Rights Act of 1977 (DC

Law 2-38, DC Code Sec 2-1401 (2001 ed). This commitment is bolstered by federal regulations, including the Civil Rights Acts of 1964 and 1968, the Americans With Disabilities Act (ADA) of 1990, and the Age Discrimination Act of 1975. Together, these laws effectively prohibit housing discrimination on the basis of race, color, national origin, disability, sex, religion, sexual orientation, age, marital status, personal appearance, gender expression or identity, family responsibilities, political affiliation, family status, matriculation, source of income, place of residence or business, and status as a victim of an intrafamily offense. 513.1

This amendment strengthens the protection against housing discrimination by specifically naming some categories used in the past to exclude eligible tenants or home buyers.

Section 4 - Focus our housing goals and data collection on meeting the need, and improve data transparency and accountability.

It is good to recognize the achievements made by the cooperative efforts of the federal and District governments together with non-profit organizations in creating and preserving affordable housing in the District of Columbia. Set against Mayor Gray's modest goal of 10,000 units of affordable housing by 2020 the creation of 14,800³ affordable units between 2011 and 2020³ can be regarded as a win. However without taking away from the importance of these units, this affordable housing production has to be put in the context of meeting the housing need and the goals that the Office of Planning sets in the Housing Element.

In order to better measure the need for market rate and affordable housing and the progress towards these goals, government agencies and the public must have access to accurate, complete and timely data. The policy suggestions in the Housing Element related to data access can be improved.

Proposed amendments

Amendment 2-4-1 Page 5-5

On a neighborhood level, the recent housing boom has challenged the District's ability to grow a city of inclusive and racially and economically diverse communities. The District has ~~been relatively~~ successfully ~~in~~ develop~~ing~~ new affordable housing, ~~building or rehabilitating 17,700~~ with a projected increase of 11,200 units new or preserved (delivered, construction, or in pipeline) affordable units between 2015 and 2032 ~~in the last six years alone~~. However, most of this production has occurred in the very neighborhoods where such housing was already concentrated. 500.14

Unfortunately, this level of affordable housing production also bears little relationship to the need. The Urban Institute's Affordable Housing Needs Assessment for the District⁴ (2015, pg. 4) projects that by 2020 there will be a shortfall of 20 to 30 thousand units for

extremely-low-income households (0 to 30% AMI), and 4,500 to 11,700 units for very-low-income households (31 to 50% AMI). Urban Institute predicts there will be enough housing for low-income households (51 to 80% AMI), if present projections on affordable housing construction are correct.

The projected number of units for 2015-2032 comes from the following:

<http://open.dc.gov/economic-intelligence/affordable-production-preservation.html>

In 2015, there were 17,800 units added to multi-family developments according to Yardi-Matrix Washington DC Fall 2016. Using the numbers available on the DMPED affordable housing dashboard, there were 3,190 units of affordable housing built between 2015 and early 2017. This level of production fails to meet the target of Policy H-1.2.2 on Page 5-11 of having one third of new housing having some level of affordability, which, in this case, would be 5,874 units. Further examination of recently completed and under construction affordable housing data from DMPED shows that it is difficult to meet the targets of affordability for extremely-low-income households set in Figure 5.2 , page 5-13. Only 26% of these 3,190 units will be affordable to the extremely low income households (making less than 30% of AMI), while another 15% of the recent and under construction affordable housing will be affordable to households making 31-50% AMI. Households making slightly higher incomes between 50-60% AMI will be eligible for 42% of these units. The amendments proposed attempt to better align the language of the Comp Plan with the need of affordable housing at different income levels, as shown by the data presented.

Amendment 2-4-2 Page 5-11 Policy H-1.2.2: Production Targets

Consistent with the Comprehensive Housing Strategy, work toward a goal that one-third of the new housing built in the city over the next 20 years should be affordable to persons earning 80 percent or less of the areawide median income (AMI). Newly produced affordable units should be targeted towards low-income households in proportions roughly equivalent to the proportions shown in Figure 5.2. 504.7 *Currently, the projected number of new affordable housing units available by 2020 will likely fail to meet the target of one third of new housing built and the shortfall will be especially severe for units affordable to households with extremely low incomes (0 to 30% AMI). For this reason, particularly for extremely low and very low income households, policies and actions that increase affordable housing production should be strengthened.*

The statements added here are based on the same numbers as in the justification of Amendment 4-1. The Housing Element has its own target of one third of all new building being affordable at some level. Consider the 17,800 units built in DC in 2015 as reported by Yardi Matrix (<https://www.yardimatrix.com/media>). One third of this number would be 5,874 units; however, the DMPED affordable housing dashboard indicated 3,190 units of new affordable housing will be available between 2015 and 2020. Clearly, the District is not achieving the targets it set in 2006. The DMPED affordable housing dashboard shows 26% of the new affordable units will be affordable to extremely-low-income households versus the 40% target shown in Fig 5-2 on page 5-13 of the Housing Element.

Amendment 2-4-3 Page 5-9 Action H-1.1.B: Improve Data Collection and Access to Enable Annual Housing Reports and Monitoring Efforts

~~Consider development of~~ Monitoring efforts such as an Annual “State of DC Housing Report” which improves the quality of information on which to make housing policy decisions and/or a Housing Oversight Board comprised of residents, for profit, and non-profit developers that would reports each year on the effectiveness and outcomes of the District’s housing programs, require accurate, comprehensive and timely data on the total number of housing units vacant-non available, vacant available, and occupied and the proportions that are affordable to different levels of income. 503.10 To this end, the District, through the Office of Planning, should create and maintain open access databases, which should include a comprehensive listing of all residential units in the city with information on their level of subsidized affordability, if any, including rent control status. Data collected and made available should also include all information about housing units in the “pipeline,” including proposed developments, permitted buildings and units under construction

All programs and projects require monitoring and evaluation, which cannot be done without quality data. Quality data is not inexpensive to collect or maintain, but it is costlier to try and make decisions without it. The data should be curated and made accessible according to the guidelines formulated by the DC Open Government Working Group.

Amendment 2-4-4, Page 5-6

~~While the market for housing has been robust during the last five years, there is no guarantee this will continue indefinitely. The first six months of 2006 suggest softer demand due to high prices and rising interest rates. Measures to increase affordable housing must be mindful of market dynamics and the burden placed on the private sector so that forward momentum can be sustained. This may require additional bold steps by District government, such as the recent increase in the deed recordation and transfer taxes.~~ 500.17

While past market performance is never a guarantee of future performance, there are a number of fundamentals that indicate the demand for city housing will remain strong in the near future. These include a strong employment market and a walkable urban lifestyle that is attractive to millennials and other demographics. The District should leverage this demand to bring about the creation of more homes and more affordable homes.

See <https://www.yardimatrix.com/Institutional-Research> publications Winter 2017 and Fall 2016 for Washington DC. Given the indications that the real estate market is in a healthy position despite the growth in luxury apartments that has reduced the rate of rent increase in that sector to one percent year over year, the paragraph suggested for deletion above is overly cautious. There is currently no reason to be concerned that inclusionary zoning requirements are discouraging real estate investment or development.

Amendment 2-4-5, Page 5-21 Action H-1.5.D: Data Management

Maintain open-access electronic inventories on existing housing, building permits applied for

and granted, buildings under construction, vacant buildings, and potential development sites for the benefit of residents, developers, and policy makers. The affordability levels, including units under rent stabilization controls should be included in these inventories, wherever possible. These electronic inventories should include a registry of affordable housing, as well as rent-stabilized units. This information should be used to track housing development and, monitor compliance, and match units with qualifying households. High-quality, open-access data will promote better-informed choices regarding public investment and affordable housing preservation and development.

Without comprehensive data, the District cannot accurately track its progress, identify goals, and hold itself accountable. This data should include information that spans the breadth of the housing need, and should be accessible to both public and private interests at no charge.

Section 5 - Strengthen policy and action statements to increase affordable housing

In light of the shortfall in the production of affordable housing, we suggest the following amendments to strengthen the policy and action statements dealing with the production and preservation of affordable housing, especially housing for extremely-low-income households (0-30% AMI).

Proposed amendments

Amendment 2-5-1

New section

Policy: Prioritize Affordable Housing as a Community Benefit

For any development that is approved for increased density through the PUD process, rezoning or granting significant zoning relief, the District should affirm that affordable housing (in addition to any underlying requirement, such as what is required by Inclusionary Zoning) is the highest priority benefit and that other community benefits should be long-lasting.

As mentioned in other amendments, the District is not meeting its affordable housing goals. In order to best leverage private investment toward addressing our affordable housing needs, developments offered zoning relief of any form should prioritize providing affordable housing over any other community benefit; affordable housing is the greatest overall priority for the city and that should be reflected in our individual development decisions.

Amendment 2-5-2 Page 5-13 Policy H-1.2.4: Housing Affordability on Publicly Owned Sites

Publicly owned sites should be redeveloped first and foremost to meet the needs of District, in particular the need for affordable homes. As such, the District should require that a substantial percentage of the housing units built on publicly owned sites, including sites being transferred from federal to District jurisdiction, are reserved for affordable housing, as provided for in the

Disposition of Land for Affordable Housing Amendment Act of 2013, for both extremely low (0-30% AMI) and low (31-50% AMI) income households in rental units, and both low (31-50% AMI) and moderate (51-80% AMI) income households in ownership units. ~~low and moderate income households.~~ 504.11

While 77 percent of the District renters in need of affordable homes are extremely low-income, only 39 percent of subsidized apartments the city has assisted in recent years are within reach of these households. According to the DC Fiscal Policy Institute, 26,000 households both are extremely low income (under 30% of AMI) and are spending more than half their income on rent. Nearly one of every five children in the District faces such situations. These data include only those households who are actually leasing an apartment, not those that are doubled up. (<http://www.dcfpi.org/a-broken-foundation-affordable-housing-crisis-threatens-dcs-lowest-income-residents-2>) The District is in desperate need of more housing that is affordable to households who make less than 30% of AMI. Publicly owned sites are an important resource for siting such housing. This proposed language would bring the Comp Plan into alignment with current law.

Amendment 2-5-3 Page 5-14 Action H-1.2.A: Inclusionary Zoning

~~Adopt an~~ Continue the Inclusionary Zoning requirement, which would require the inclusion of affordable units for low-income households in new residential developments of 10 units or greater, with accompanying provisions for density bonuses and long-term affordability. Apply this requirement fairly and uniformly as possible ~~providing flexibility as necessary for sites where density bonuses cannot feasibly be provided.~~ Inclusionary Zoning requirements should be applied to any area that is rezoned to allow housing. 504.18

Action H-1.1.A of this plan calls for rezoning some commercial land to residential. Some of that land was exempted from IZ requirements because it was commercial at the time. Unless there is a compelling reason to exempt a particular property or area from IZ requirements, the requirements should apply uniformly.

All of this is to continue to address the need for lower cost housing in the District. The number of apartments in the District that rent for less than \$800 per month (adjusted for inflation) fell from 60,000 in 2002 to 33,000 in 2013. As of 2013, one-third of households making 31-50% of AMI were spending more than half their income on housing. In 2013, the typical middle-income renters earned \$46,000 a year, a gain of \$4,000 since 2002. However, this gain was outstripped by rents for moderate priced units, which rose almost \$5,000 per year, from \$900 to \$1,300 monthly.

<http://www.dcfpi.org/wp-content/uploads/2015/03/Going-Going-Gone-Rent-Burden-Final-3-6-15format-v2-3-10-15.pdf>

Amendment 2-5-4, Action H-1.2.G: Land Trusts

Support the formation of one or more community land trusts run by public, non-profit, or other community-based entities. The mission of the trust would be to acquire land while providing long-term leases to developers of rental and for-sale units. This approach helps ensure that the

units remain affordable indefinitely, affordability for the community is preserved, and that the community recaptures the benefits of increased land values over time. ^{504.24}

Land trusts are an important and underutilized tool in DC, and beyond helping to preserve affordability of both the unit and the neighborhood, they are an essential way to make sure that a significant portion of the positive economic value triggered by redevelopment can stay within the original community.

Amendment 2-5-5, Page 5-22 H-2.1

Looking to the future, the District will need new programs to preserve its affordable housing stock, particularly its subsidized rental units. Rental housing comprises almost 60 percent of the housing stock and is the main housing option for those just entering the workforce and those without the initial resources to purchase a home. Low-income renters are already more likely to spend more than half their incomes on housing than any other group. ~~A~~

~~proposal for a District-sponsored rent subsidy program (similar to Section 8) has been included in the city's Comprehensive Housing Strategy to offset the expiring federal subsidies and help other households who are cost-burdened. The proposal calls for direct rental assistance to 14,600 extremely low-income renters.~~ ^{509.4} The continuation and expansion of the District-sponsored Local Rent Supplement Program (LRSP) will be critical. The LRSP provides assistance to the severely housing-cost-burdened households who are often not served by other rent subsidy programs. The program stems from the District's 2006 Comprehensive Housing Strategy Task Force, which set a goal of 14,600 locally funded rental subsidies over 15 years. Unfortunately, the District is not on track to meet that goal. In 2016, the LRSP program served 3,300 families and individuals; however, the DC Fiscal Policy Institute estimates that the District would need 9,700 subsidies to be on track to meet the Comprehensive Housing Strategy Task Force's goal. Both project-based and tenant-based LRSP must be strengthened including a provision for meeting the cost of inflation.

Policy H-2.1.7: Direct Rental Assistance

~~Develop and fund programs that provide direct rental subsidies for extremely low-income households (earning less than 30% of areawide median income), including homeless individuals and families in need of permanent shelter. Continue support for federally funded rental assistance programs, including public housing, project-based Section 8, and the Housing Choice Voucher Program.~~ ^{509.14}

Action H-2.1.B: Local Rent Subsidy

~~Implement a local rent subsidy program targeted toward newly created public housing units, newly created extremely low-income housing units, and newly created units of housing for formerly homeless individuals and families.~~ ^{509.13}

Expand the Local Rent Supplement Program (LRSP), both project and tenant based, as a tool to achieve the equitable distribution of housing for extremely low-income households throughout the District and affirmatively furthering fair housing. This program is targeted at extremely-low-income households, including homeless individuals and families in need of permanent shelter, and should be paired with other housing production policies to ensure housing opportunities are available to extremely-low-income households throughout the city.

These sections have been updated to reflect the now implemented LRSP program, which has been instrumental in addressing affordability needs in the city, and which should continue to be funded and supported at even higher levels.

<http://www.dcfpi.org/wp-content/uploads/2016/04/16-04-LRSP-Brief.pdf> The program stems from the District's 2006 Comprehensive Housing Strategy Task Force goal of creating 14,600 locally funded rental subsidies in the District over 15 years.

Amendment 2-5-6, Page 5-23

Policy H-2.1.4: Conversion of At-Risk Rentals to Affordable Units

Support efforts to purchase affordable rental buildings that are at risk of being sold and converted to luxury apartments or condominiums, in order to retain the units as affordable. Consider a variety of programs to manage these units, such as land banks, DOPA, TOPA, and sale to non-profit housing organizations. 509.8

Policy H-2.1.5: Long-Term Affordability Restrictions

Ensure that affordable housing units that are created or preserved with public financing are protected by long-term affordability restrictions and are monitored to prevent their transfer to non-qualifying households. Except where precluded by federal programs, affordable rental units should have affordability covenants attached to the land that run in perpetuity remain affordable for the life of the building. ~~Except where precluded by federal programs, affordable ownership units should remain affordable long-term and have equity and asset build up opportunities. with equity and asset build up, opportunities can be provided for tenants to purchase the units~~ . 509.9

There are grave concerns about many of the affordable units in mixed-income developments that are replacing public housing. Many of these units have affordability protections that extend for only 40 years or less and it appears that the District is exchanging affordable units it clearly owned and controlled for units that it does not control and are only affordable for a generation or so. The above amendment seeks to avoid this poor deal for the District and the tenants it hopes to assist.

Amendment 2-5-7, page 5-23 Policy H-2.1.6: Rent Control

Maintain rent control as a tool for moderating the affordability of older rental properties and protecting long-term residents, especially the elderly and tenants with a disability. In considering future refinements to the rent control program, the District should be careful to determine whether the proposed changes improve effectiveness, fairness and affordability without discouraging maintenance and preservation of rental housing units.

Added the protected class of tenants with a disability, who have the same protections as elderly tenants under current rent control laws.

Amendment 2-5-8, page 5-23 Action H-2.1.A: Rehabilitation Grants

Enact the recommendation of the DC Preservation Strike Force to "Develop a Small Properties Preservation and Affordability Program within DHCD to assist properties with five to 50 units with funds for renovations and repairs." Such programs have been successful in preserving housing affordability in Montgomery County and in many other jurisdictions around the country. 509.12

<https://dhcd.dc.gov/sites/default/files/dc/sites/dhcd/publication/attachments/Strike%20Force%20Report%20Final%202011-9.pdf> See justification for Amendments 5-8 and 5-9 below.

**Amendment 2-5-9, Page 5-24 Action H-2.1.C: Purchase of ~~Expiring Section 8 Projects~~
Affordable Housing under Threat**

~~Consider legislation that would give the District the right to purchase assisted, multi-family properties (and to maintain operating subsidies) where contracts are being terminated by HUD or where owners are choosing to opt out of contracts. 509.14~~

Utilize both TOPA and DOPA to allow tenants or the District to buy properties (and to maintain operating subsidies) where HUD or other contracts are terminating or where there is any other threat to the continued existence of affordable housing. In regards to TOPA, the recommendations of the DC Preservation Strike Force should be enacted:

“Improve Preservation under TOPA (Tenant Opportunity to Purchase Act) and TOPA exemptions by providing financial incentives for preservation in TOPA transactions, including predevelopment work, legal services, third party reports, and acquisition bridge financing. This assistance also should be a mechanism for collecting accurate data about the outcomes of TOPA transactions.”

Equally, the Strike Force’s recommendations for DOPA should be followed to allow the District to purchase threatened affordable housing:

“Implement DOPA (District Opportunity to Purchase Act) by releasing draft regulations that will allow the District to transfer ownership of properties at risk of losing affordable apartments to pre-qualified developers who are committed to preserving affordability.”

<https://dhcd.dc.gov/sites/default/files/dc/sites/dhcd/publication/attachments/Strike%20Force%20Report%20Final%202011-9.pdf>

Since the Housing Element was last amended (2006), Mayor Bowser has directly commissioned a strike force to make recommendations on the preservation of affordable housing. The Strike Force members included five city cabinet members, three leaders in independent agencies, two members from the Council of the District of Columbia, and nine stakeholders with various backgrounds in real estate and affordable housing. Amendments 5-8 and 5-9 incorporate some of the recommendations of this strike force into the Housing Element. The third recommendation of the Strike Force is to “Develop a Small Properties Preservation and Affordability Program” which includes and develops the ideas in the current H-2.1.A section. Similarly the Strike Force’s recommendations 4 and 5 give suggestions for the implementation of the current Action H-2.1.C including the innovative idea to have developers pre-qualify for the redevelopment of at-risk housing.

Amendment 2-5-10, Page 5-25 Action H-2.2.A: Housing Code Enforcement

Improve the enforcement of housing codes, including the collection of fines, to prevent deteriorated, unsafe, and unhealthy housing conditions, especially in areas of the District with persistent code enforcement problems. Ensure that information on tenant rights, such as how to obtain inspections, use “repair and deduct,” contest housing provider petitions for substantial rehabilitation, purchase rental properties through the Tenant Opportunity to Purchase Act multi-family buildings, and vote in conversion elections, is provided to tenants. 510.7

Action H-2.2.B: Sale of Persistent Problem Properties

Address persistent housing code violations, or health or safety hazards (including mold), by using the District's authority to appoint receivers ~~through negotiated sales of problem properties~~. The District should encourage the negotiated sale of properties that it puts into receivership. In cases where a negotiated sale of a property in receivership occurs, tenants should be encouraged to exercise their TOPA rights to concerning the disposition of the property. If tenants fail or choose not to exercise their TOPA rights, and if the property qualifies under DOPA, the District should use DOPA to assign its right to purchase the property to a third party. Wherever possible, the District should identify alternative housing resources for persons who are displaced by major code enforcement activities and mitigate the impact of that displacement. 510.8

Having buildings with persistent housing code violations put into receivership has blocked tenants trying to exercise their TOPA rights in the the past. (consider the case of 220 Hamilton NW). In the case where a landlord refuses to maintain the property, the enabling of tenants to exercise TOPA rights seems a very desirable outcome. When a property containing affordable units is to be sold for taxes, the District should have first right of refusal under DOPA before the property is auctioned.

Amendment 2-5-11, Page 5-25 Action H-2.2.C: Low Income Homeowner Tax Credit

Revive and implement the ordinance passed by the District in 2002 to provide tax credits for long-term, low-income homeowners. 510.9

Programs that help low-income homeowners maintain their properties, at the very least, are not easily accessible. Online web hunts reveal the existence of the Homestead Housing Preservation Program - <https://otr.cfo.dc.gov/page/real-property-tax-relief-and-tax-credits>, which allows the District to buy deteriorated homes and refurbish them for purchase by low-income buyers. There is the Senior Citizens Home Repair and Improvement program, which gives loans to low- and moderate-income senior citizens to maintain their properties. Neither of these programs are well advertised.

Amendment 2-5-12, Action H-3.2.C: Lending Practices

Review private sector lending practices for their impact on the stability of neighborhoods. Work proactively with banks to collect and review aggregated data on homeownership lending to encourage fair treatment for all. F8

509.17

Expand the Office of Human Rights for Investigation and Enforcement to review aggregate data on homeownership lending and to act in individual cases of discrimination in lending practices.

<https://ohr.dc.gov/service/investigations-enforcement>

Ensuring and enforcing equal treatment for all homeowner loan applicants by banks cannot be done without access to the data on who applies and who is granted a loan. The best practice would be to work with the banks to forestall discriminatory lending by having the Office of Human Rights review current aggregate application and loan data with the assistance of the major banks. Nothing in this review would preclude the Office of Human Rights for Investigation

and Enforcement from acting on specific cases when these are brought to it.

Amendment 2-5-13, Pg 5-32 ~~Ex-Offenders~~ Returning Citizens and Supervised Offenders

Each year, the prison system in the District of Columbia releases approximately 9,400 people. Between 2,000 and 2,500 of these ~~ex-offenders~~ returning citizens return to the District, usually without the means to pay for market-rate housing and, in some cases, without the skills or means to find a decent job. Many return to neighborhoods of high crime and poverty, remain chronically unemployed, and find shelter in group homes or shared housing.

Unstable housing and a lack of employment undermine a ~~ex-offender~~ returning citizen's success and can perpetuate the cycle of poverty and violence in the District's poorest neighborhoods. The District of Columbia passed Fair Criminal Record Screening for Housing Act of 2016 commonly known as "ban the box" legislation in order help break this cycle. This legislation bans landlords from asking about an applicant's criminal record until a conditional offer has been made. The conditional offer can only be withdrawn under certain circumstances. Returning citizens should be made aware of their rights under this law.

<http://lirms.dccouncil.us/Download/35646/B21-0706-Introduction.pdf>

This section needed to be updated to reflect the recently passed "Fair Criminal Record Screening for Housing Act" Also the less prejudicial term "returning citizens" is preferred over ex-offenders.

Amendment 2-5-14, Policy H-4.2.6: Housing for ~~Ex-Offenders~~ Returning Citizens and Supervised Offenders

Create adequate housing plans for people exiting jail or prison so that they do not become homeless, including the removal of barriers for ~~returning offenders~~ returning citizens to live in public housing. Ensure that ~~ex-offenders~~ returning citizens are not concentrated into assisted housing projects but can find housing throughout the District. Ensure that housing providers comply with Fair Criminal Record Screening for Housing Act of 2016, which prevents the discrimination against returning citizens in rental housing.

Again, as in Amendment 5-11 we would like this policy section to reflect the new regulations under the "Fair Criminal Record Screening for Housing Act."

Amendment 2-5-15 - Action H-1.5.B: Changes to the Zoning Regulations:

~~Explore changes which would facilitate development of accessory apartments (also called "granny flats" or in-law units), English basements, and single room occupancy housing units. Any changes to existing regulations should be structured to ensure minimal impacts on surrounding uses and neighborhoods. 507.7~~

Act to spur development of accessory apartments, carriage houses and alley lots by clarifying zoning regulations, creating financial tools, and assisting homeowners. The District should support making these small, infill dwelling units a meaningful part of the city's housing supply and provide access to high-opportunity neighborhoods. The District should also support making these units more affordable, while benefiting homeowners.

The DC Zoning Commission adopted more permissive regulations for accessory apartments in the 2016 zoning update in part because these units are typically more affordable; they can help to make owning a house more affordable to a broader range of people by enabling homeowners to offset their mortgage; and they can allow older folks to age in place. See: <https://zoningdc.org/2015/08/20/attainable-accessory-apartments/> Now that the new regulations are in effect, the city needs to reduce barriers to realizing the many benefits of the new housing opportunities from creating accessory units.

3 - Economic Development Element

Section 1 - Providing additional support for small businesses, neighborhood stakeholders and the local workforce

Proposed Amendments

Amendment 3-1-1 Policy ED-1.1.4: Competitive Edge

Maintain and enhance the District's competitive edge relative to the Metropolitan Washington region and United States markets in such industry sectors as federal government, professional services, education, health care, post-secondary education, creative economy, real estate and construction, technology, retail, health and life sciences, media and communications, and hospitality and tourism . This will require continued government support and incentives for economic development programs, government participation in local economic development projects and initiatives, and strengthened capacity among local economic development organizations, community development corporations, and workforce development groups. 703.12

Add Action: Provide concrete ways to strengthen capacity of local stakeholders to ensure the District has a "competitive edge."

The District government needs to commit resources to enable small businesses and local stakeholders to build capacity. It is essential that we increase our competitive edge because "...federal jobs are expected to decline over the coming years as federal government works to shrink the size of its non-military workforce" as stated in the District's Economic Strategy.

Amendment 3-1-2 Policy ED-1.1.5: Use of Large Sites

Plan strategically for the District's remaining large development sites to ensure that their economic development potential is fully realized. These sites should be viewed as assets that can be used to revitalize neighborhoods and diversify the District economy over the long term. Sites with Metrorail access, planned light rail access, and highway access should be viewed as

opportunities for new jobs and location of local small businesses and not exclusively as housing sites. 703.13

Add Action: Strongly encourage or require large development sites that include create or revitalize commercial corridors to provide funding to support corridor management.

The benefits generated by new developments should be used, among other priorities, to provide a stream of income to the Main Streets organizations, which are authorized by District-government to promote, revitalize and maintain corridors.

Add Action: Ensure that the large development sites provide sufficient lead-time to create a pipeline of employment and up-skilling opportunities for District residents completing workforce, vocational training and apprenticeship programs.

This ensures that the District fulfills its commitment to increase employment opportunities local workforce development support organization the necessary lead-time to prepare for upcoming employment.

Amendment 3-1-3 Policy ED-2.2.1: Expanding the Retail Sector

Pursue a mix of retail targeted strategies that will allow the District to fully capitalize on the spending power of residents, workers and visitors, and that will meet the retail needs of underserved areas. 708.4

Policy ED-2.2.4: Destination Retailing Continue to encourage “destination” retail districts that specialize in unique goods and services, such as furniture districts, arts and cultural districts, high-end specialty shopping districts, and wholesale markets. Support the creative efforts of local entrepreneurs who seek to enhance the District’s destination retailing base. 708.8

Add: Develop a criteria for the promotion of the District’s neighborhoods as “destination” places such as Adams Morgan, Rhode Island Ave and Shaw.

It is important ensure that the District’s neighborhood have an opportunity to share in the economic benefits of tourism, and for the District to view our neighborhoods as assets.

Amendment 3-1-4 Policy ED-2.2.9: Clustered Retail at Transit

Cluster retail around areas of high-foot traffic, including Metrorail exits, bike trails, repurposed public space (11th Street Bridge Park), future streetcar stops, and other multi-modal meeting points. Create strong nodes of character to effectively link retail and transit. 708.11b

Action ED-2.2.A: Retail Action Agenda Prepare and implement a citywide Retail Action Agenda. The Agenda should include an evaluation of the current and projected amount of market supportable retail, strategies for overcoming retail development barriers, neighborhood-specific evaluations, and recommendations for new retail development and assistance programs. 708.12

Add Policy: Integrate or augment where feasible the proposed recommendations from the Retail in Action Agenda within existing small business and commercial corridor programs such the District's Great Streets or Main Streets program.

The Retail Action Agenda sometimes excludes the participation of small local businesses, which results in the displacement of small businesses when large development occurs.

Amendment 3-1-5 Action ED-2.3.C: Ballpark Economic Strategy

Develop a strategic plan to capitalize on the economic opportunities of the new Major League Baseball park, including the development of additional restaurants, entertainment, and hospitality services in the ballpark vicinity **and set aside opportunities for local small businesses.** 709.16

It is essential that we ensure small business participation by requiring a set-aside.

Amendment 3-1-6 Policy ED-3.1.1: Neighborhood Commercial Vitality

Promote the vitality and diversity of Washington's neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents. 713.5

Add Action: Develop a District-wide plan to promote the vitality and diversity of Washington's neighborhood commercial corridors specifically heritage and cultural tours, festivals and other events.

Local neighborhoods share in the economic benefit of tourism.

Amendment 3-1-7 Policy ED-3.1.3: Commercial District Associations

Encourage business improvement districts, merchant associations, Main Street organizations, and other commercial associations that enhance economic development and commercial revitalization efforts, particularly in underserved and/or rapidly gentrifying neighborhoods. 713.7

Add Action: Determine the feasibility of activating a District-wide Main Street organizations and/or support commercial district associations, especially in areas where the density is too low to justify the formation of a business improvement district.

With the growing demand and interest in Main Street organizations it would facilitate the formation of Main Street organizations particularly in underserved areas that need corridor management. It also ensures the District government has an organized group with which to partners for outreach and communications.

Amendment 3-1-8 Policy ED-3.1.4: Assistance for CDCs

Encourage a network of active and effective community development corporations (CDCs) and similar neighborhood-based economic development groups. The District should assist CDCs and similar organizations in acquiring the necessary technical and financial skills to participate in neighborhood revitalization projects. It should integrate the work of such groups into the city's overall planning and economic development initiatives. 713.8

Add Action: Provide support for and mandate inclusion of active CDCs for technical assistance to enable them to participate in the early stages of neighborhood revitalization.

Without support from the District, CDCs and similar organizations they will not be sustainable.

Amendment 3-1-9 Policy ED-3.1.7: Community Equity Investment

Provide opportunities for community equity investment in local economic development projects. This may include methods of business financing that provide District residents with greater opportunities for equity shares in new development. 713.11

Add Action: Require that any banks or financial institutions which do business with the District of Columbia provide community equity investment in local economic development projects, especially in underserved areas.

Without a requirement, financial institutions will have scant incentive to invest in underserved areas; such an investment will spur organic revitalizations by new and existing local stakeholders.

Section 2 - Updating the Comp Plan to reflect our changed economic interests and sectors

Proposed Amendments

Amendment 3-2-1

The overarching goal for economic development in the District is:

Strengthen the District's economy by sustaining its core industries, attracting new and diverse industries, accommodating future job growth, fostering the success of small businesses, revitalizing **and sustaining** neighborhood commercial centers, improving resident job skills, and helping a greater number of District residents find and keep jobs in the Washington regional economy. 701.1

Amendment 3-2-2 ED-1 Defining Our Economic Future

The District economy is underpinned by a handful of "core" industries, including government (particularly federal government), **post-secondary** education, professional services, administrative support, membership associations, tourism, and health care. These seven sectors account for three-quarters of the jobs in the city and distinguish the District's economy from the more diverse economies of the surrounding region and nation. Economic development strategies must explore ways to sustain these industries while leveraging them to attract new businesses and jobs. Diversifying the economic base can expand job opportunities for residents and can help the District fare better during economic downturns. 702.1

OP should update and expand the core industries or sectors such as creative economy, technology and retail to reflect the District's new Economic Strategy.

Amendment 3-2-3

Table 7.1 shows the District's top 20 private industry sectors in 2004 using 3-digit NAICS codes. These 20 industries represent 57 percent of all jobs in the city, and 87 percent of the private sector jobs. 702.3

OP should update the top 20 private industry sectors and statistics.

Amendment 3-2-4 Policy ED-1.1.1: Core Industries

Continue to support and grow the District's core industries, particularly the federal government, professional and technical services, membership associations, **post-secondary** education, hospitality, health care **and life sciences**, and administrative support services. **Add: Creative economy, technology, retail, real estate and construction and media and communications.** 703.9

Amendment 3-2-5 Policy ED-1.1.2: Economic Linkages

Leverage the potential of core industries to provide new employment, **vocational training and apprenticeship** opportunities, particularly the growth of businesses that supply essential goods and services to the government, universities, hospitals, law firms, hotels, non-profits, and other major employers in the city. 703.10

Amendment 3-2-6 Action ED-1.2.B: Technical Assistance

Provide local firms with technical assistance in bidding on federal **and local anchor institution (i.e. universities and hospitals)** procurement contracts so that the District's companies and workers may capture a larger share of this economic activity. Periodically evaluate the success of local technical assistance programs, and make adjustments as needed to achieve higher rates of success. 704.14 Action

Amendment 3-2-7

Rounding out the "knowledge economy" **and "creative economy" clusters** are the cutting-edge arts, design, media, information, Internet, and entertainment industries. For example, the District already has the nation's second largest video game design industry in the country. The District should do more to capitalize on its potential as a global information, research, and data center. As the generator of much of the nation's news, the District should also take advantage of the success of established broadcast media such as CNN, BET, and XM Satellite Radio and accommodate not only radio and television, but also production and post-production facilities. The District already has a wealth of technology firms, but lags in the creative side of new media such as web design and video production. Similarly, the District should continue to foster design-driven industries, along with creative destinations that rely on cutting-edge technology such as the Spy Museum and Newseum. 705.4

Amendment 3-2-8 Policy ED-1.3.2: University Partnerships

Enhance partnerships with universities, **hospitals** and other institutions to generate business and employment growth in the research and development sectors, and to continue technology transfer programs for District businesses and entrepreneurs. 705.6

Amendment 3-2-9 ED-2 The Spatial Impacts of the Job Market 706

The addition of 125,000 jobs during the next 20 years will create the demand for office, retail, hospitality, institutional, and industrial space. Estimates of floor space needs for the 20-year period vary from around 35 million to 65 million square feet, depending on the mix of jobs and space utilization trends. Several hundred acres of land will be required to sustain this development, in a variety of settings with a variety of building types. Accommodating this growth will pose a challenge for the District, given that it is a mature city with fixed boundaries. 706.1

Add Policy: Develop proactive strategies on how to minimize the flow of office tenants outside the District (JLL Study).

Amendment 3-2-10 ED-2.1 The Office Economy 707

The District has one of the largest inventories of office space in the nation, with over 112 million square feet. Among American cities, only Midtown Manhattan, Lower Manhattan, and Downtown Chicago boast a greater concentration of office buildings. By most indicators, the District's office market is performing well. Its vacancy rate is just 6.7 percent, the lowest of any major U.S. market. The average asking rent remains above \$45 per square foot—second only to Midtown Manhattan. 707.1

Office of Planning needs to refresh office space projections to reflect current concerns as referenced in the JLL Study.

Amendment 3-2-11

Central Washington includes a number of sub-markets, each providing different amenities and locational advantages. The largest of these sub-markets are Downtown, traditionally defined as the area east of 16th Street and south of Massachusetts Avenue; and the Golden Triangle, extending from 16th Street west to Foggy Bottom and north to Dupont Circle. Smaller office districts exist in Georgetown, on Capitol Hill, along the avenues of Upper Northwest Washington, around L'Enfant Plaza, and in the Southeast Federal Center and North Capitol Street areas. The large geographic expanse of the city's office market has been driven at least partially by height limits and the sizeable area dedicated to federal uses and open space in the heart of the city. 707.2

Office of Planning will need to include newly created sub-markets being created near the Waterfront and Wharf.

Section 3 - Encourage better coordination of economic development efforts and create better accountability measures

Proposed Amendments

Amendment 3-3-1 Action ED-1.1.A: Economic Development Strategic Plan

Prepare **and integrate the District's new** Economic Development Strategic Plan that lays out in greater detail the steps the District must pursue to maintain, grow **and make** its economy **more inclusive**. This plan should cover all economic sectors, evaluate competitiveness, and include strategies for workforce development and business attraction and retention. It should be developed **and implemented with** broad input from **and in collaboration with** stakeholders, including resident **and small business**, industry and education interests. 703.14

Add Action: Conduct an annual or bi-annual review or report card on the status of goals outlined in District's Economic Strategy that is available to the public.

Amendment 3-3-2 Action ED-1.1.B: Data Tracking

Maintain and regularly update statistical data on employment in core sectors, wages and salaries, forecasts by sector, and opportunities for future employment growth. 703.15 Action

Add Action: Integrate a similar report tracking data on creation of new small business and its impact on employment, wages and salaries.

Amendment 3-3-3 ED-1.1.C: Business Support Structures

Streamline processes, **make continuous enhancements** and create a more centralized system to assist businesses to meet regulatory requirements quickly and efficiently, with a particular focus on serving small businesses. Centralize information and assistance to small and local businesses on starting a new business, the business permitting processes, zoning, fees and regulations, incentives, financing, unique programs, and opportunities. Create a fasttrack permits and approvals system for businesses interested in opening or expanding in priority, under-served neighborhoods. 703.16

Add Action: Conduct quarterly customer satisfaction surveys to assess areas where further improvements are needed and for quality control.

Amendment 3-3-4 Action ED-2.3.A: Assessment of Supply Industries

Conduct an assessment of the industries that provide goods and services to the District hotels and restaurants, such as caterers, laundries, and janitorial services. Based on the findings of the assessment, consider incentives and regulatory tools which might help the District capture a larger share of these businesses, along with possible locations for such uses within the city. 709.14

Add Action: Develop a report to provide recommendations on specific supply industry opportunities for local small businesses.