

2010 Legislative Outcomes Report



**Shaping Public
Policy in Virginia**

Legislative Outcomes Report 2010 Virginia General Assembly



Together, we can work to assure that ALL Virginians have equal access to safe, decent, and affordable housing in diverse and inclusive communities.

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Ensuring equal access to housing...

Center for Housing Leadership
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Dear Housing Advocate,

The 2010 Virginia General Assembly session has come to an end. The body adjourned “sine die” (or without assigning a day for any further meetings) on Sunday, March 14th – only one day past schedule.

This session marked a record budget shortfall, which created a fairly pessimistic backdrop for all legislative proceedings. However, having two new statewide officeholders – Governor McDonnell and Attorney General Cuccinelli – made for some fresh and lively goings-on.

HOME’s track record this session is definitely something to be proud of! Of our top four bills, we managed to get one passed, one in a posture to continue the conversation, and another all the way to the end (where it met a last minute demise). We were also successful in killing a very dangerous, anti-fair housing bill.

The following pages contain behind the scenes details about both positive and negative fates of housing-related legislation in the 2010 session. As in previous years, we’ve organized the report by our major priority areas: fair housing and affordable housing (no key fair lending bills this session). Note our key partnerships with the Virginia Housing Coalition and the Virginia Coalition to End Homelessness on some of the latter bills.

Be sure to take note of the “next steps” sections to continue participating in HOME’s policy efforts. We still need your help to move the ball forward next year! And as always, it’s important to steward relationships with legislators throughout the year. Take some time to visit them in their district, and drop thank you notes to those policy leaders who voted favorably on our priority bills.

Although we still have a long way to go in ensuring equal access to housing for everyone, I believe our progress was considerable this session. As a HOME supporter, you are definitely on a winning team! And our prize is far more than just pride – we are actually making wide-sweeping policy changes that will improve the lives of our own families, neighbors, and fellow Virginians.

Together, we can work to assure that ALL Virginians have equal access to safe, decent, and affordable housing in diverse and inclusive communities.

Sincerely,



A handwritten signature in blue ink, appearing to read 'Helen'.

Helen M. O'Beirne, MSW
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Communities of Opportunity Tax Credit

House Bill 764: Delegate Jennifer McClellan (D-Richmond)

Senate Bill 458: Senator Donald McEachin (D-Richmond)

Bill Summary

This set of bills is a repeat from last session, with a few changes. The Communities of Opportunity Tax Credit is designed to deconcentrate poverty by incentivizing landlords in good neighborhoods (low-poverty) to rent to Housing Choice Voucher holders (HCV – formerly Section 8). The proposed pilot program, administered by the Department of Housing and Community Development in the Richmond metro area, would offer landlords an income tax credit (10% of the rent amount that year) for each tenant they accepted who pays with a HCV.

This pilot program will utilize existing and unused tax credits (\$500,000) from the state Low Income Housing Tax Credit program. There is little to no competition for those credits (unlike the Neighborhood Assistance Act which we tried to access last year), so this helped eliminate opposition. Because of the decrease in tax credits, we decided to focus on the Richmond region to test the program.

Why HOME supports this policy solution

Housing Choice Voucher holders are often turned away from safe, decent, affordable housing in neighborhoods with good schools and quality jobs. Accordingly, they usually end up back in neighborhoods with high poverty rates - more than 50% of the voucher holders in the Richmond region reside in areas with greater than 20% poverty rates. A recent series of housing audits administered by HOME found that Housing Choice Voucher holders seeking rental units were either refused or discouraged more than 80% of the time. This takes the “choice” out of Housing Choice Voucher.

The Communities of Opportunity Tax Credit program will deconcentrate poverty and strengthen the rental market across Virginia. This “win-win” situation expands private market housing options for HCV holders in areas of economic growth and opportunity by providing tax savings for property owners. This tax credit will compensate housing providers who often complain of the administrative burden born by those who try to accept HCVs.

Process

You will remember from the 2009 session that this bill passed the full Senate unanimously but ran into trouble in the House Finance committee, where chairman Delegate Purkey never allowed the bill to be heard. Our patrons were determined to try again this session. Early on, we visited with Delegate Purkey, who informed us that almost all tax credit proposals would be dead on arrival. We became even more worried when the House version of the bill got referred to Subcommittee #3 of the House Finance Committee, a subcommittee often referred to as “the killing committee.”

To the rescue came Delegate Peace (R-Hanover). He is very knowledgeable and interested in affordable housing issues. As chair of Subcommittee #3, he was certainly a key player. When he offered to chief co-patron the House version, we knew the bill had a much better chance in the House. Another key Republican housing advocate, Bob Sledd, Senior Advisor to the Governor, helped shepherd the bill through the House as well. He took the Communities of Opportunity bills to the Governor and urged his support. Governor McDonnell agreed and endorsed the legislation.

Senator McEachin successfully championed the bill in the Senate, where it passed unanimously again. And Delegate McClellan worked diligently to assure passage in the House. After a few small technical changes about the funding portion of the bill, both versions passed both chambers.

There were also budget amendments in both chambers. They were necessary to translate the \$500,000 in Low Income Housing Tax Credits into \$450,000 Communities of Opportunity Tax Credits and a \$50,000 appropriation to DHCD to help administer the program. So in addition to having to lobby members of the House and Senate Finance Committees, we also had to convince members of the House Appropriations Committee and all budget conferees that this was a wise investment.



Fair Housing Priorities

Communities of Opportunity Tax Credit
House Bill 764: Delegate Jennifer McClellan (D-Richmond)
Senate Bill 458: Senator Donald McEachin (D-Richmond)

Outcome: Both bills passed both chambers, and both budget amendments were retained in the final budget. Now it's up to Governor McDonnell to sign them into law.

Celebrate! This is an important victory, especially for the Richmond region. Housing providers therein will have access to \$450,000 worth of tax credits if they accept tenants with Housing Choice Vouchers.

Next Steps

It will be up to us to partner with the Department of Housing and Community Development (which is administering the program), the Richmond Redevelopment and Housing Authority (which administers vouchers in Richmond), and housing providers to help get the word out about this exciting new pilot program.

The following legislators did not support the Communities of Opportunity Tax Credit at one or more points along its legislative journey. We should continue to educate them about the importance of mixed-income communities.

Date of Vote	Meeting	Bill	E-mail	Member
Delegate Carrico	2/16	House Floor	HB 764	DelCCarrico@house.virginia.gov
	3/3	House Floor	HB 764	
Delegate Hugo	2/10	House Finance	HB 764	DelTHugo@house.virginia.gov
	2/16	House Finance	HB 764	
Delegate Landes	2/16	House Floor	HB 764	DelSLandes@house.virginia.gov
	3/3	House Floor	HB 764	
	2/26	House Floor	SB 458	
Delegate Lingamfelter	2/16	House Floor	HB 764	DelSLingamfelter@house.virginia.gov
Delegate Cole	2/22	House Finance	SB 458	DelMCole@house.virginia.gov
Delegate Orrock	2/10	House Finance	HB 764	DelBORrock@house.virginia.gov
Delegate Byron	2/10	House Finance	HB 764	DelKByron@house.virginia.gov
Delegate Garrett	2/10	House Finance	HB 764	DelSGarrett@house.virginia.gov

...[W]e embrace the limitless future opportunities stretching out far before us.

And now it is here, in this place, that we pledge to work together to create "A Commonwealth of Opportunity" for all Virginians, and to add our steps to Virginia's journey...

...It is right to help one another.

It is right to work together to get results and solve problems.

It is right to provide opportunities for all...

**Virginia Governor Bob McDonnell,
Inaugural Address, January 17, 2010**

Who will this program help in the Richmond Area?

Profile of Voucher Holders:

Average Income:	\$13,140
Percent Female Headed Households with Children:	61%
Percent Elderly:	10%
Percent Disabled:	36%
Percent African American:	88%

Source: Resident Characteristic Report, HUD. March 2010



Weakening the Fair Housing Law

House Bill 735: Delegate David Albo (R-Fairfax)

Bill Summary

In original form, HB735 would have prevented victims of housing discrimination from recovering damages of any sort in state court cases. A substitute was eventually introduced by the patron. In that form, HB735 would have barred fair housing and civil rights organizations from obtaining recovery in direct court actions alleging discriminatory statements or advertisements when the property in question involved shared living space.



You can watch the House Floor debate on HB735 on HOME's Facebook page. See Delegates Englin and Morrissey give great speeches about the importance of fair housing.

Why HOME opposed this policy solution

Advertising cases are some of the worst forms of housing discrimination – and they are rampant on the internet. HB735 would have limited the ability of fair housing and civil rights organizations to challenge these types of cases, and they would have continued to proliferate.

Fair housing organizations in Virginia and across the country are the only ones challenging these advertisements. These groups need to retain the right to recover damages in these cases. Moreover, without the possibility of having to pay damages, there is no incentive for housing providers to stop running them.

Perhaps most importantly, this bill would have cost the state hundreds of thousands of dollars, as well as multiple jobs. The Virginia Fair Housing Office receives money from HUD to enforce fair housing cases because and only because Virginia state law has been deemed by HUD to be substantially equivalent to the federal Fair Housing Act. The proposed change under HB735 would have risked this status, and therefore, federal funding.

Process

The patron, Delegate Albo, introduced the bill after two constituents of his were complained about for housing discrimination. He is a very good story-teller, so his presentation was very effective in the House. The bill passed the Housing Subcommittee of House General Laws Committee, the full committee, and the House floor on virtually a party line vote, with most Republicans voting for the bill, and most Democrats voting against it. Delegate Englin made a great effort on the floor of the House when he moved to re-refer the bill to the House Appropriations Committee. That committee handles all bills that cost money, and since the fiscal impact statement indicted the cost to the Virginia Fair Housing Office, we agreed it was appropriate for Appropriations to hear the bill. They are usually much tougher on bills, especially those that cost money. Unfortunately, that motion died on almost a party line vote as well.

Votes worth noting where delegates broke from their party

Delegate Oder (R) – He

voted for the bill in subcommittee, but voiced his opposition in full committee when he found out this would cost the state money. He was the only Republican to vote against the bill in General Laws on 2/9, though he did vote to pass it on the House floor on 2/15.

Delegate Carrico (R) – He voted to pass the bill in the initial stages, including in the Housing Subcommittee and the House General Laws Committee. However, he seemed to have a change of heart once the bill got to the floor. There, he voted YES to re-refer the bill to Appropriations and NO to pass the bill.

Delegates Joannou and Ebbin (both Democrats) – these gentlemen were the only Democrats to vote NO on the motion to re-refer the bill to Appropriations as well as YES to pass the bill.

Delegate P. Miller (D) – She voted YES to pass the bill.

Next

Check to see how your delegate voted on this bill. If they casted a favorable vote, you should congratulate them for their support of fair housing rights. If they voted to pass this dangerous bill, you should let them know you noticed, and encourage them to learn more about how and why fair housing laws, and fair housing organizations' right to help enforce them, are vital in the Commonwealth.

Outcome: Fortunately, the Senate never heard the bill. HB735 was referred to the Senate General Laws Committee, but chairperson Sen. Locke never placed the bill on the docket. Therefore, it died in the bosom of the committee.



Fair Housing Priorities

Weakening the Fair Housing Law **House Bill 735: Delegate David Albo (R-Fairfax)**

*Helen O’Beirne’s testimony to the House General Laws Committee
asking them to vote NO on HB735*

I wish there was no need for HOME. But housing discrimination is alive and well. And some of the internet advertising for housing is the worst discrimination out there. These are the types of cases that HOME and other organizations investigate that would be affected by this bill.

[Shared examples of housing discrimination on Craigslist].

This type of discrimination necessitates the work of HOME and others. HB735 would prevent fair housing and civil rights organizations from taking enforcement action in these cases. And quite frankly, these groups are the only ones doing it. By limiting their ability to ensure compliance with the Fair Housing Law, these blatantly discriminatory ads will proliferate, and our friends, family, and thousands more Virginians, including your constituents, will see discrimination in their housing searches and assume this kind of behavior is perfectly legal. To be sure, the continuing prevalence of discriminatory advertisements encourage housing providers and home-seekers to believe that discrimination is the accepted norm, despite the clear ban on such practices.

But this bill will also drain the resources of a very important state agency – the Virginia Fair Housing Office. The Virginia Fair Housing Office receives money from HUD to enforce fair housing cases *because and only because* Virginia state law has been deemed by HUD to be substantially equivalent to the federal Fair Housing Act. This proposed change would risk that status, and therefore, federal funding. This fiscal impact is to the tune of \$400,000 per year and the layoff of 6 state employees.

Finally, you should understand that this bill was proposed as a result of enforcement actions brought by two fair housing organizations against owners of single-family homes publishing discriminatory ads. Fair housing rights should NOT be restricted just because they have been exercised. This principle is embodied in the Virginia Fair Housing Law when it prohibits interference with any person for having exercised rights granted under that law.

Ultimately, this bill undermines the policy goals of the Virginia Fair Housing Law, threatens valuable state resources, and undercuts fair housing and civil rights organizations mission to eliminate housing discrimination.

Please don’t chip away at the policy of this Commonwealth to “provide for fair housing throughout the Commonwealth, to all its citizens, regardless of race, color, religion, national origin, sex, elderliness, familial status, or handicap.” Vote NO on HB735.

Groups that helped HOME put a stop to HB735: Virginia Association of Centers for Independent Living, Virginia Organization Project, AARP, Virginia Interfaith Center for Public Policy, and Virginia Poverty Law Center. The Virginia Fair Housing Board also voted unanimously to send a letter to Governor McDonnell urging his opposition.



Fair Housing Priorities

Remove Single Family Exemption from the Fair Housing Law

House Bill 103: Delegate Manoli Loupassi (R-Richmond)

Bill Summary

Currently, property owners who own three or less single-family homes are exempt from most of the anti-discrimination provisions of the Virginia Fair Housing Law (except discriminatory advertising / statements and restrictive covenants – no one is exempt from those). That means they can currently **legally discriminate**. This bill would remove that single-family exemption and bring those property owners under the protections of the Fair Housing Law.

Why HOME supported this policy solution

It is the policy of the Commonwealth that every Virginian be guaranteed equal access to housing under the law. However, when Congress first passed the Fair Housing Act in 1968, they made a political compromise to exempt small landlords and property owners from being held accountable for discrimination. And when Virginia passed its state Fair Housing Law in 1972, it echoed the same sentiment – the Commonwealth would continue to tolerate housing discrimination by some providers.

The coverage of Virginia's Fair Housing Law, therefore, is incomplete. Our state still tolerates housing discrimination based on race, color, national origin, religion, sex, familial status, disability, and elderliness. We should not support discrimination based on criteria that have nothing to do with whether a person will be a good tenant.

Nearly 40 years have passed since these laws were passed, and the assertion that permitting discrimination is “politically necessary” is no longer reasonable. It is both unfair and irrational to allow landlords with a small number of properties to discriminate in ways that are illegal for larger property owners. Moreover, the thresholds for exemption are arbitrary. Why should someone who owns three homes be able to discriminate when someone who owns four legally cannot?

Process

Del. Loupassi, who does legal work in the fair housing arena, immediately agreed that we should do something to close the single-family exemption loophole. He stated his intention to file and carry HB103. Unfortunately, once the bill appeared online, several groups began to express their opposition. Both small business and real-estate lobbyists met with HOME staff and Delegate Loupassi, urging us to strike (kill) the bill because of the unintended consequences they claimed it would cause. Their basic argument is that the bill would open up unnecessary liability for smaller-scale landlords who didn't know the Fair Housing Law. We retorted by noting that 1) this is the fastest growing and largest part of the rental market, 2) the exemption is an obsolete leftover from a political compromise in the 1960s, and especially 3) ALL homeseekers in Virginia should be afforded the same protections against discrimination.

Outcome:

Left in House General Laws.

Next Steps

Delegate Loupassi is committed to revisiting this issue. As quoted in a Style Weekly article on the bill (February 3, 2010 by Chris Dovi): He says he's working on language to make the bill less objectionable. “The intent for us is good, [but] I've got to find a way to make sure we don't have unintended consequences,” Loupassi says. “That's a delicate balance.”

Take a moment to tell Delegate Loupassi that you're proud of his leadership on this important policy issue. You can write him at DelMLoupassi@house.virginia.gov or send a note to his district address: PO Box 17384, Richmond, VA 23226. His district phone number is 804-440-6222.



Fair Housing Priorities



AFFORDABLE HOUSING POLICY PARTNERS

Our partners at the **Virginia Housing Coalition** are the leaders on affordable housing issues. This session, we joined them in advocacy efforts on the following bills.



Also, our friends at the **Virginia Coalition to End Homelessness** similarly represent the voice of anti-homelessness advocates. It is both a pleasure and strategic to be able to work alongside these other housing groups at the General Assembly.

Enabling Legislation for Local and Regional Trust Funds

House Bill 960: Delegate Riley Ingram (R-Hopewell)

Bill Summary

This legislation would have created clear authority for cities, counties and towns to establish local housing trust funds that would be funded and administered at the local or regional level. Virginia does not have any uniform enabling legislation that clearly grants localities the power to create such funds and which enumerates how these may be funded and what activities they may engage in. This has contributed to uncertainty in some localities and has hindered local housing advocacy.

Why HOME supported this policy solution

Local trust funds encourage local involvement and commitment to addressing housing issues. Local governments are closest to the problem and may be in the best position to design creative solutions. While there are 39 other states in the US that have state housing trusts funds, there are hundreds of funds that have been created at the city, county or regional level. These funds make up the vast majority of all housing trust funds in the US.

The bill would have allowed for assistance to housing developers and housing organizations to carry out a wide range of activities that would facilitate the development of affordable, owner-occupied and rental housing – including the acquisition and rehabilitation of existing housing as well as the construction of new housing. Assistance would also have been provided directly to low to moderate income families to help them afford homeownership or rental housing.

Moreover, this bill would not have done any harm to existing local housing trust funds. In Virginia, there are a handful of funds that are already operating – Albemarle, Arlington, Alexandria, Charlottesville, Richmond, Norfolk, Fairfax, and other localities each have different mechanisms for replenishing their funds. HB960 specified that locally administered housing fund adopted prior to July 1, 2010, would have continued in full force and effect.

Process

One of the most significant challenges on this bill was getting it drafted. Many weeks went by, including the first few of session, without a hard draft from Legislative Services. But once we had a correct version, broad advocacy began. As chairman of the House Counties, Cities, and Towns Committee, Delegate Ingram helped shepherd HB960 easily through the House.

However, once on the Senate side, some last minute amendments requested by the Home Builders and Bankers ultimately sidetracked the bill. The Home Builders wanted to be sure that local housing trust funds wouldn't be another mechanism to collect cash proffers from developers. And lobbyists from localities in the Northern Virginia region weren't completely assured that the bill held their existing funds harmless. When that compromise was finally worked out in the closing weeks of session, the Bankers came with a request just a few hours before the final meeting of the Senate Local Government Committee. They complained about the section of the bill that would have allowed localities to make *loans* from their housing trust funds, and wanted language that showed preference to local banks to do such lending. As with the week before,

Outcome:

Passed the House, but was referred to the Virginia Housing Commission by the Senate Local Government Committee.

representatives from the Northern Virginia contingent were worried that the Bankers' request would adversely affect their existing funds. Ultimately, Delegate Ingram asked for the bill to be referred to the Housing Commission.

Next Steps

It is imperative that we help work out some of the unexpected wrinkles that arose last minute with this bill. That means we'll have to actively participate in the Housing Commission, as well as continue to reach out to stakeholders around the state.



Anti-NIMBY Legislation

House Bill 1280: Delegate Jennifer McClellan (D-Richmond)

Bill Summary

The “Not in My Back Yard” or NIMBY syndrome is found in just about every community. NIMBYs come out in full force at local zoning hearings, and quite frequently they are successful in persuading government officials to deny new developments just because they intend to include affordable housing. This bill would help local governments overcome this fierce NIMBYism by outlawing discrimination against affordable housing. This bill adds a ninth protected class to Virginia Fair Housing law – affordable housing (defined as “intended for occupancy by families or individuals with incomes at or below eighty percent of the area median income”).

Why HOME supported this policy solution

Families at all income levels deserve a safe, decent, affordable place to call home in a community that offers quality-of-life-enhancing opportunities like good schools, healthy food, jobs, and transportation. Unfortunately, however, there is a notable lack of such affordable housing choices around Virginia. And too often, NIMBYism drives the debate over whether and where to build affordable housing units.

Process

The idea for this bill came to us late in the game, so we had to hustle to find a patron before the filing deadline. After session started, Delegate McClellan (D-Richmond), a long time supporter of affordable housing, agreed to carry the bill.

We highlighted HB1280 at the 3rd annual Housing Advocacy Day, where about 75 advocates got training on the issue and talked to their legislators to urge support. Moreover, our keynote speaker at Advocacy Day, Bob Sledd, Senior Advisor to the Governor on Economic Development, noted the severe challenge of NIMBYs in trying to overcome some of the most significant housing problems in the Commonwealth. We were on a roll!

Sample AMIs around Virginia	Area Median Income	80% of AMI
Richmond MSA	\$73,200	\$58,560
Washington DC MSA	\$102,700	\$82,160
Virginia Beach MSA	\$67,900	\$54,320
Roanoke MSA	\$61,900	\$49,520
Danville MSA	\$49,900	\$39,920

Source: Federal Housing Finance Agency, 2009.

As the weeks of session passed, HB1280 was just sitting in the House General Laws Committee. In other words, it was NOT being referred to one of the four subcommittees, including the Housing Subcommittee, which was the natural fit. At first, we believed because the bill dropped so late, it was just taking extra time to work its way through the process. But several weeks before crossover, we became very worried. If the bill didn’t get vetted in a subcommittee, it was highly unlikely that the full House General Laws Committee would hear it. Advocates, partner lobbyists, and the patron all went to ask Delegate C. Jones, chair of House General Laws, about the holdup.

Delegate C. Jones generally agreed to go ahead and refer the Anti-NIMBY bill to the Housing Subcommittee. But then when we started asking the chairman of the subcommittee, Delegate Oder, when it was going to be heard, he wasn’t able to say for sure. Finally, we got to the last Wednesday before crossover – the very last day on which the bill could be heard. We were desperate and re-contacted Bob Sledd to see if he had any advice. Apparently, after Housing Advocacy Day, he had presented several of HOME’s priority bills to the Governor’s policy team, and the one that gave them the most pause was HB1280. So it seems heartburn in the Administration is ultimately what held the bill up.

Outcome:

Referred to the Housing Commission.

There are a variety of tools, including mainstream research*, that you can use to help demonstrate to decision makers that affordable housing is a POSITIVE thing for sustainable communities; that it creates healthy economic development; and that it is visually appealing.

Next Steps

Continue to educate legislators on the need for, and importance of, affordable housing.

*See the Center for Housing Policy’s *Insights* article, “**Don’t Put it Here! Does Affordable Housing Cause Nearby Property Values to Decline?**” for a summary of research.



Affordable Housing and Real Property Tax Assessments

House Bill 430: Delegate Morgan Griffith (R-Salem)

House Bill 233: Delegate Roslyn Dance (D-Petersburg)

Senate Bill 273: Senator Mary Margaret Whipple (D-Arlington)

Bill Summary

All three of these bills establish clear and fair standards that all assessors must follow when assessing affordable housing, which will guarantee a fair tax bill for property owners. Moreover, HB430 contains additional protections for all property owners that helps level the playing field and create clearer recourse when assessments might be unfairly inflated.

Why HOME supports this policy solution

The existing special real estate assessment procedures for affordable housing with long-term use restrictions are not handled uniformly by local assessors in Virginia. Accordingly, assessments vary widely from locality to locality. In many cases, assessors aren't taking the rent and income restrictions of affordable housing units into consideration, and are sending property owners a larger tax bill than appropriate. This threatens existing affordable housing stock. One owner of 18 affordable housing units in the Jackson Ward neighborhood of Richmond noted that his tax bill went from \$256,000 in 2004 all the way up to \$2,000,000+ in 2009. He has proclaimed that his company will never build affordable housing in Richmond again.

Process

This set of bills went through many hours of negotiations between multiple local government representatives, and both for-profit and non-profit housing developers and providers. SB273 and HB233 were both endorsed pre-session by the Virginia Housing Commission. However, one of the most important components of those bills was removed from the version that passed. We supported the provision that extended protections to less than four-unit properties, known as "scattered site." Successful deconcentration of poverty requires that affordable units are mixed in with market rate units. This leads to some developments where only one or several units are affordable. Under current law, those units are not required to be assessed as affordable housing. HB233 and SB273 sought to change this, but ultimately were rebuffed by an erroneous argument about property classification (single family v. multi-family).

HB430, with its six additional provisions (plus the requirement to assess affordable housing appropriately), was met with fiercer opposition from local governments. Because this was expected, several stakeholder meetings were convened early, and all parties were able to work out a compromise.

Outcome: All three bills passed both chambers almost unanimously and are on their way to the Governor's desk for his signature. The only nay votes were from Senator Watkins (R-Chesterfield) and Senator Smith (R-Roanoke).

Next Steps

Because the scattered site protection was dropped, we will be back next year in yet another attempt to correct that problem. But we should also celebrate this very significant victory! You can help spread the word to owners of affordable housing that they can now expect a fair property assessment and demand it through the clarified state law.



Affordable Housing in Urban Development Areas (UDAs)

House Bill 1071: Delegate Clifford L. Athey, Jr. (R-Front Royal)

Senate Bill 420: Senator Jill Vogel (R-Winchester)

Bill Summary

Urban Development Areas are the designated growth areas that certain fast growing localities must designate and plan for as a result of the comprehensive transportation act passed during the 2007 legislative session. Since then, some localities have asked the General Assembly for additional clarification. So for the past three sessions, members of the Joint Subcommittee Studying Development and Land Use Tools (see below) have worked on bills that provided more specific details about UDAs. The Virginia Housing Coalition wanted a provision about affordable housing included to the effect of: “The urban development areas shall provide for mixed-use neighborhoods, including a mix of residential housing types with affordable housing to meet the projected family income distributions of future residential growth.”

Why HOME supports this policy solution

Housing, transportation and employment are directly connected. Our planning processes in Virginia need to recognize this reality. Future development in Virginia should ensure that all employees (including lower wage earners) have opportunities to live close to work. Better planning that includes workforce housing will prevent sprawl and traffic congestion while reducing infrastructure costs and improving quality of life. Families should not have to face the choice of affordable housing or a long commute to work. Requiring the creation of affordable housing in the highest-growth areas will assure equal access to these parts of the state.

Process

These complicated bills went through much iteration over the course of the year after close scrutiny by a group of about 15 stakeholders. At the beginning of session, multiple amendments were requested from various groups. VHC leadership requested that UDAs **shall** provide for a mix of housing types, including affordable housing. Representatives from VACo, VML, and the Home Builders all agreed to sign off on the amendment. Senator Vogel, who carried a bill last session to do just this, wanted to be sure that the House version, carried by her friend Delegate Athey, mirrored her Senate version.

The day before her bill was set to be heard in the Senate Local Government committee, Loudoun County and the High Growth Coalition indicated that despite VACo's previous support, the affordable housing requirement would generate significant opposition, though they did not explain the expected source of such opposition. At that point, the Home Builders claimed they “were building affordable housing anyway,” and so the amendment was unnecessary. Delegate Athey was sufficiently worried and rejected our amendment request. Not wanting to put her bill at odds with Delegate Athey's, Senator Vogel declined to include the affordable housing amendment.

Joint Subcommittee Studying Development and Land Use Tools

Senate Members

Jill Holtzman Vogel
L. Louise Lucas
Mark Herring

House Members

Clifford Athey Jr.
Robert Orrock Sr.
Glenn Oder
Paula Miller
David Toscano

Outcome: Both bills passed their respective chambers nearly unanimously and in identical form, which will avoid a conference committee. But the affordable housing requirement was never included.

HJ135 and SJ89, which passed unanimously, will continue this work. The Joint Subcommittee to Study Development and Land Use Tools received direction to meet for one more year to examine and monitor the transition to channeling development into Urban Development Areas, and determine if additional legislation is needed to help localities as they move to this model.

Next Steps

To the extent that some people, including legislators, saw the inclusion of affordable housing as a threat to the bill, it remains our responsibility to educate decision makers about the BENEFITS of affordable housing. Keep spreading the word that affordable housing is good for families, good for communities, and overall positive for economic development.



ACCESSIBLE HOUSING

House Bills 422: Delegate Patrick A. Hope (D-Arlington)

This bill would have required the Board of the Department of Housing and Community Development (DHCD) to adopt regulations establishing standards for new construction of single-family residential buildings to meet minimum standards for accessibility for persons with disabilities. Unfortunately, this bill didn't stand a chance because both the Home Builders and DHCD noted to subcommittee members that there was no precedent to legislate the building code – rather, that's done through regulations. HB422 died in the Housing Subcommittee of House General Laws. However, we should expect to see something similar next year. Delegate Hope is a freshman legislator and very dedicated to housing and homelessness issues.

ACCESSIBLE HOUSING

Senate Bill 262: Senator Mary Margaret Whipple (D-Arlington)

Similar to HB422, this bill requires the Department for the Aging to publicize guidelines on universal design and visitability features to make structures and dwellings accessible for older Virginians and people who develop mobility impairments. The guidelines are also required to be disseminated to the public and posted on the Department's website. Instead of actually requiring accessible housing (a difficult feat), this bill helps promote the issue and some obvious solutions. It passed both chambers with only 4 no votes: Senators Obenshain (R-Harrisonburg), McWaters (R-Virginia Beach), and Smith (R-Roanoke) and Delegate Carrico (R-Galax).

RENTAL ASSISTANCE PILOT PROGRAM

House Bills 451: Delegate Charniele Herring (D-Alexandria)

Senate Bills 616: Senator Mamie Locke (D-Hampton)

This is the fourth session this bill has appeared. It would have required the Department of Housing and Community Development to establish a three-year rental assistance pilot project and to report its findings and recommendations to the Governor and the Housing Commission. The purpose of the pilot project was to fill the gap between family income and the cost of housing for very low income working families, with priority given to recipients of assistance under Temporary Assistance for Needy Families (TANF). The pilot project would have been funded by TANF. While it passed the Senate with only 5 no votes, it met its demise in the Housing Subcommittee of House General Laws along a party line vote.

No votes:

Senators Hurt (R-Chatham), Obenshain (R-Harrisonburg), Ruff (R-Southside VA), Smith (R-Roanoke),
Stuart (R-Northern Neck to Stafford)

Delegates Oder (R-Newport News), Cosgrove (R-Chesapeake), Peace (R-Hanover), Comstock (R-Fairfax)

REALTORS LICENSE PLATE TO FUND HOUSING TRUST FUND

Senate Bill 170: Senator Edward Houck (D-Spotsylvania)

Notes: Unfortunately, this bill died because of some internal conflict, but we were happy to see it hit the system. It would have made license plates issued to members of the Association of Realtors a \$25 revenue-sharing special plate, \$15 of which will go to the Virginia Housing Trust Fund to support affordable housing options in Virginia. Thank Senator Houck for his support of this important endeavor: district17@senate.virginia.gov or 540-786-2782.



Other Housing Priorities



The 7 Stepping Stones to Equality

Eliminate the racial and ethnic disparities in homeownership

Eliminate housing discrimination and unfair practices

Decrease the concentration of poverty

Lower the mortgage default rate

Desegregate housing patterns

Help more people become homeowners

Increase the availability of affordable housing



Ensuring equal access to housing for all people.

Key Decision Makers on Housing Policy

2009 Housing Commission

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Senator Locke	district02@senate.virginia.gov	757-825-5880

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Delegate Marshall, III	DelDMarshall@house.virginia.gov	434-797-5861
Delegate Dance	DelRDance@house.virginia.gov	804-862-2922

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