



## *Affordable Housing Principles*

11-13-18

### **MISSION of C100 HOUSING SUBCOMMITTEE**

The mission of the C100 Housing Subcommittee, in close alignment with the District's Comprehensive Plan, is to promote an inclusive city with strong and stable communities by advocating for policies that will guarantee housing affordability and fair housing compliance<sup>1</sup> throughout all wards; and an adequate number and variety of units to meet DC's housing needs, with particular concern for the housing needs of extremely low, very low, low and moderate income families at rents they can afford.<sup>2</sup>

### **PRINCIPLES**

1. The DC Comprehensive Plan Framework, Land Use, and Housing Elements must spell out policies to ensure that *all low income DC residents have a decent home in a safe community*. The DC Council is responsible for holding city and quasi-independent agencies (such as the Housing Authority<sup>3</sup>) accountable for implementing these Elements through vigorous oversight and, where necessary, enacting enabling and budget legislation.
  - Ensure that no individual or family in publicly subsidized housing pays more than 30% of its gross income for housing (including rent and utilities).<sup>4</sup>
  - Give highest funding priority to affordable housing for families, seniors and people with disabilities earning from 0-30% Median Family Income (MFI) and 30-50% MFI.
  - Fulfill the city's statutory requirement to affirmatively further fair housing regarding race, disability and other factors; and ensure that people in need of affordable housing are not displaced through redevelopment, onsite or within the neighborhood of redevelopment.
  - Build vibrant communities, not just housing units. Ensure that publicly assisted housing has good access to transportation, stores, schools, supportive services, parks and recreation facilities.
2. Preserve the city's existing stock of affordable housing<sup>5</sup>, especially family-sized units of 2-3+ bedrooms, as the city's top housing priority for the most vulnerable residents.
  - Invest city and federal funds in programs consistent with best practices in neighborhood preservation and environmental sustainability.
  - Maintain existing units in livable condition through quarterly inspections and rapid enforcement, holding landlords and District agencies subject to fines and legal action when they don't inspect and maintain properties in proper conditions; and withhold all public benefits, including zoning approvals, for new projects sought by non-compliant landlords until they have demonstrated "clean hands" in their housing responsibilities.
  - Renovate older residential buildings to meet current codes.
  - Aggressively assist vulnerable communities in exercising their tenant rights:

- the right to a safe and clean dwelling;
  - the right to acquire an ownership stake when when subsidies for their buildings expire and these buildings are slated for sale or redevelopment; and,
  - in the case of demolition, the right to remain in their current homes until replacement housing is built, or to receive adequate public assistance to help residents relocate if they choose to do so.
3. New affordable housing
- Use vacant District-owned land and buildings to create subsidized housing and community facilities rather than market-rate housing or other private development.
  - Under no circumstances, displace current residents of affordable units with new housing without prior written and enforceable guarantees by developers to build first before relocation, and to provide in excess of one-to-one replacement<sup>6</sup> of affordable units.
  - For all development projects receiving public subsidies in land, funding, bonus density or other public assets, require complete financial and ownership transparency.
  - For all development projects receiving public subsidies in land, funding, bonus density or other public assets, require provision of community benefits equal to the value of the subsidy.
  - Give preference in city funding and bonus density to non-market based housing that is permanently affordable.<sup>7</sup>

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## ENDNOTES

<sup>1</sup> The Fair Housing Act was enacted as Title VIII of the Civil Rights Act of 1968. It is intended to protect the buyer or renter of a dwelling from seller or landlord discrimination. The goal is a unitary housing market in which a person's background (as opposed to financial resources) does not arbitrarily restrict access. The legislation was the culmination of a civil rights campaign against housing discrimination in the U.S. In recent years, the Washington Lawyers' Committee for Civil Rights and Urban Affairs has testified before the DC Council (3/20/18) that "...impediments to fair housing that exist in the District, including the affordable housing crisis, the displacement of African Americans from the city, particularly in gentrifying areas, and ensuing patterns of racial segregation are becoming further entrenched. These impediments to fair housing arise, in great part, as a result of unchecked development that the Zoning Commission is help facilitate...."

<sup>2</sup> In July 2018, for a family of four in the District, income limits for a family of four at three different income levels, [based on Housing Production Trust Fund or HPTF](#) figures (dated July, 2018) for the DC area, is: 0-30% of MFI is \$35,150; 31-50% of MFI is \$58,600; 51-80% of MFI is \$93,750. For these purposes, [extremely low income is 30% of MFI, very low income is 50% of MFI, low income is 80% of MFI](#). MFI for the Washington, D.C. area, the figure we use, is currently [\\$117,200](#). But **District housing programs NOT using federal funds are NOT restricted to using HUD's MFI figures**. MFI figures for the District only, excluding surrounding jurisdictions included in the area MFI, are believed to be considerably lower, perhaps only half of the area MFI.

<sup>3</sup> Over 42,000 families have placed themselves on the District of Columbia's Housing Authority's waiting list for assistance and nearly 7,500 homeless families and individuals were tallied in the most recent count. (From the *DC Housing Preservation Strike Force Report of 2016*.)

<sup>4</sup> The [1981 Housing and Community Development Amendments to Public Law 97-35](#) restricts persons participating in federal housing programs to spending no more than 30% of their income on housing.

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Eligibility for housing program assistance is based on the HUD Median Family Income or MFI (also referred to as Area Median Income or AMI).

<sup>5</sup> The *DC Housing Preservation Strike Force Report of 2016* lists six recommendations for addressing affordable housing preservation:

- Establish a **“Preservation Unit”** located within a designated District agency that is tasked with being the District’s central resource to: (a) preserve existing assisted affordable housing in the city; (b) identify opportunities to place “naturally affordable,” unassisted units under covenant or to otherwise preserve their affordability; and (c) collect and maintain comprehensive data on all affordable housing in the city.
- Provide seed funding to a **Public-Private Preservation Fund** to facilitate early investments while leveraging greater amounts of private capital to preserve affordable housing.
- Develop a **Small Properties Preservation and Affordability Program** within DHCD to assist properties with five to 50 units with funds for renovations and repairs.
- 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.
- **Improve Preservation under TOPA** (Tenant Opportunity to Purchase Act) and TOPA exemptions by providing nancial 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.
- Establish Programs to **Facilitate Low Income Seniors Aging in Place**. Examples include tenant-based vouchers or other rental assistance to seniors on fixed incomes or funds for renovation of buildings and individual apartments and single family homes to create appropriate housing options for seniors to age in place.

<sup>6</sup> One-to-one replacement means that a unit of equivalent size or larger should be built for every unit demolished or converted to higher priced housing.

<sup>7</sup> Creative solutions to housing must include community land trusts, limited equity co-ops, and other methods that can both defray the cost of the land, build limited equity for the owners/occupants, and preserve the long-term affordability of units produced under such mechanisms.