Affordability Campaign 2015 :: Rulemaking to Address DC's Housing Crisis

---

The issue: Housing in DC, "Affordable" for who?

The definition of "affordable housing" vis-a-vis the DC Municipal Regulations, and governing DC Code, is significantly askew, the results of which benefit only a fraction of DC's longtime families and residents who need affordable housing, and who need it now. [1]

First, the term "affordable" must be uniformly defined across all applicable DC regulations, including the zoning regulations. [2]

The Definition of Affordability is Currently Based on the Area Median Income (AMI) Metric

Planning officials in the District believe that funding, particularly Federal HUD funding for DC's "affordable" housing must use an Area Median Income (AMI) metric (which includes Fairfax and Montgomery Counties), versus using the DC “State” Median Income metric.

DC4RD cannot find a citation showing that DC must use the AMI, and not the DC-only income metric. Neither the Zoning Commission nor the Office of Planning staffers have offered any citations demonstrating that DC's applicable income metric for IZ and affordable units must be the Area-Media Income metric. And, at least one zoning commissioner has declared it unfair, [3]

So just for the sake of argument only, assuming that HUD funding requires DC's housing to be tied to an AMI metric, we can offer solutions in regulatory changes which will provide impact assistance for our most vulnerable residents in the District.

---

1 **DC Department of Housing and Community Development (DHCD),** Inclusionary Zoning Program, Webpage >> www.dcaffordability.com

2 **The DC office of Planning** has stated their staff has been working on the Zoning Regulations Rewrite (ZRR) for more than six years, during which the crisis in housing was rising dramatically in the District. Despite the housing alarm bells going off, is is surprising that of the 1000+ pages of changes being proposed in the ZRR by OP, none of the changes directly contend with "affordability' and production of IZ units. and have chosen not yet to redefine the definition of "affordable" unit. This signals a complete and utter failure of current planning officials to contend with the number one crisis in the District right now, the lack of affordable housing.

3 **Zoning Commission Case #08-06a (ZRR)** Transcript dated, November 19, 2013, page 148 to 149. ZONING COMMISSIONER MARCIE COHEN -- "... the issue of using a metropolitan statistical area for housing income levels, it's a federal issue," an issue which "...discriminate[s] against inner cities." In response to the Ms. Cohen, ANC Commissioner and Ward 4 candidate, Ms. Renee Bowser emphasized how, "... important [it is] to really reduce the 50 and 80 percent [AMI levels]," so that the City gives, "...subsidies to a working-class person that really needs it, someone that makes -- for example -- the minimum wage." Cohen told Bowser, "I don't disagree with you."

All applicable DC affordable housing regulations must change to reflect much higher required levels of affordable housing production, and ensure units are sized for families, and available for all residents living at incomes across a spectrum of affordability.

Production of More Affordable Units Needed

In DC, developers are currently required to include 8% to 10% of the just the residential gross floor area in new buildings, not calculating any of the commercial space, must be "affordable" units. SEE 11-DCMR-2600. As a added bonus, the City allows the developer to build taller and denser buildings with even more “market-rate” units.

We want to truly create more deeply affordable housing units for many more DC residents, thus DC planning officials must move the bar up on required affordability levels in order to meaningfully contend with our local severe affordable housing crisis.

Also, consider this, as of right now an individual making more than $60,000/yr can qualify for a developer's new "affordable" studio/one-bedroom unit, set at about $1500 a month in rent.

Given DC's current regulations and definitions regarding "affordability," one can better understand why average DC rents nearly match that of NYC, with absolutely no units available in the market for less than $800 a month. [4]

It is DC's Office of Planning (OP) who has decided set the bar so low for affordability production and income levels in our City, and thus OP's planners have set a tone for the future of housing, and who gets to live in our City.

The tone has been sour and derisive as seen in the results of failed development concepts, like New Communities or Hope VI, which have permanently displaced thousands of low-income DC families and longtime residents. [5]

4 **Washington Post,** DC Politics Section, dated March 12, 2015, by Aaron C. Davis, "*Study: No inexpensive housing is left on open market in D.C.*" -- The report concludes that, “... the nation’s capital has almost no apartments left on the open market that rent for less than $800 a month. The number of such units nearly matches the city’s stock of public and heavily subsidized housing, the institute found, meaning that, in effect, only those receiving public assistance are renting for less than $800 a month."

5 **Washington City Paper,** Housing Complex, dated September 9, 2014, by Aaron Weiner, "*Report: D.C. Should Redevelop Public Housing Without Replacing Units First*" -- The failed New Communities program has only produced, "... 1,070 housing units that are either complete or under construction," however, "...a quarter of these are market-rate units and half are affordable units for moderately low-income households, rather than the heavily subsidized units intended to replace the public housing being demolished."

We are connecting the dots that displacement of large tracts of affordable housing is demonstrated in the surging levels of homelessness.

Case Study in Bad Planning & Displacement: Barry Farm, Ward 8

The City's bad planning continues to uproot our peoples. Take for instance, the Barry Farm community in Ward 8.

Recently, OP's officials, expressed strong support for DC Housing Authority's (DCHA) application to the DC Zoning Commission to tear down the existing community at Barry Farm.[6]

Barry Farm is public housing serving 400+ families with three-, four-, and six-bedroom truly affordable housing units. DCHA is using a lack of on-going maintenance, of this public property, as an excuse to demolish all of it.

Barry Farm is land directly relevant to the oppression and freedom represented by enslavement of humanity in the United States of America.[7] It cannot simply be discarded at the whims of unaccountable "planners" and commissioners.

DCHA's says that in as many as five or more years, a new humongous suburban-style mixed-use projecting is proposed to be built at Barry Farm, largely consisting of market-rate studio & one-bedroom units and some mixed-use commercial left to be discussed publicly in a collaborative way. And, 20+ acres of public land would be privatized, giving away our land for almost no money and challenging our Constitutional rights, among other problems.

What all of this means, is that if a BF family is displaced from the many current three-, four, and six-bedroom units now at Barry Farm, they won't be able to move back to the smaller sized new "affordable" units after the proposed multi-year construction project is complete.

This would seem to suggest a fundamental planning miscalculation, whereby planning officials are not prioritizing the future of the people who live here now. Instead these planning officials are threatening our neighbors and longtime District families with permanent displacement from their home, an historic site for African-Americans that live there and otherwise.

This is gross malfeasance on its face across all City agencies involved in the project -- OP, DMPED, DCHA, DHCD, in that order.

---

6 **See DC Zoning Case #14-02** >> http://app.dcoz.dc.gov/content/search/Search.aspx

7 **YouTube** video documentary by Tendani Mpulbusi dated June, 2010, "*Barry Farm, Past and Present*" >> https://www.youtube.com/watch?v=vp8mOTJKq9M

So after reading all this, do you think DC's current rules and definitions of "affordability" actually helps the people we are struggling to help? If the answer for you is no, please consider the solutions on the following pages.

(rest of this page intentionally left blank)

:: Fresh Start Solutions for the DC Housing Crisis ::
REDEFINING "AFFORDABILITY" & MORE PRODUCTION

In order to assist hundreds of families and residents who need housing right now, we can redefine the term "Affordability" across all applicable DC Regulations, including -- DC's Zoning Regulations, DC's Housing Production Trust Fund Regulations, DHCD's IZ Implementation Regulations, as well as DC Code.

I) We Must Guarantee a Spectrum of Affordability in All New and Renovated Buildings

If "affordability" in DC absolutely cannot seen be based on the DC's State Median Income metric, and we must use the inflated AMI metric, then the definitions of income levels and affordability can simply be revised as follows.

Strike the current definitions of income levels across all applicable regulations and amend all regulations as following:

- 0% to 10% AMI = "*Extremely Low-Income*" *housing*
- 10% to 20% AMI = "*Very Low-Income*" *housing*
- 20% to 30% AMI = "*Low Income*" *housing*
- 40% to 50% AMI = "*Moderate Income*" *housing*
- 50% to 80% AMI = "*Workforce Income*" *housing*

An "affordable unit" *(housing or commercial) means that the occupant(s) pay no more than* ***one-quarter*** *of their annual income or annual gross sales receipts on their housing or commercial costs, either as in rent, or as a housing mortgage and other ownership fees.*

AFFORDABILTY: TABLE (1)

Redefining the terms about "affordability" as shown above ensures housing is built with a genuine mix of incomes and diversity, purposely planned as part of each new construction or renovation project in every neighborhood around the City.

Developers will have to simply calculate the citizens rightful demand to build an inclusive City that emphasizes the importance of diversity, as part of the the price to pay for developing in the District of Columbia.

II) We Must Increase “Affordable” Housing Production for Families

(a) Increase Production of “Affordable” Units

(b) Build “Affordability” Across a Spectrum of Incomes

(c) Build “Affordable” Units to be Inclusive of Families

(II)(a) Increase Production of Affordable Units

In the midst of an affordable housing crisis, DC's "inclusionary housing" production is rather poor, with only 8% to 10% of the gross floor area of residential space required to be "affordable" in new buildings, depending on the construction type (stick vs. steel frame).
See 12-DCMR-2603, Set Aside Requirements.

Also, right now all affordable housing requirements are waived for projects located in “Downtown” DC. *See 12-DCMR-2602.3.*

To increase production of affordable units, we must revise the rules that regulate “affordability” production, as follows:

For any new construction project, or renovation of a property that results in the creation of six (6) or less housing units, then the following rule applies:

- At least one “affordable” unit consisting of at least two bedrooms, shall be constructed and made available to residents, or families with incomes set at 30% AMI or below (aka “Low Income” housing as defined above).

For any new construction project, or renovation of a property that results in the creation of seven (7) or more housing units, then the following rules apply:

- At least __25___ % of the residential gross floor area shall be considered “affordable” in order for the developer to receive an added development bonus density at the rates currently offered in the regulations;
- Or, developers can choose to dedicate a minimum of __20__% of the residential gross floor area as "affordable,” but then may not receive any development bonus density.
- And, at least 25% of commercial gross floor area space shall be considered “affordable” and reserved for local small business operators who make, or expect to make less than $250,000 in gross annual sales receipts.

All of the affordability production requirements slated above shall be applied equally to all zoning districts across the entire City, including Downtown DC;

And, all the gfa dedicated to "affordable" units produced by the requirements above will remain permanently affordable for the life of the project.

AFFORDABILTY: TABLE (2)

(II)(b) Build Affordable Units Across a Spectrum of Incomes

Right now, DC's regulations allow developers to choose to market their "affordable" units to people making the 80% AMI income of $60,000 a year.

As such, this means a developer can rent/sell their "affordable" studio/one-bedrooms to wealthy singles who are comfortable forking over $1,500 a month for their housing costs, either as rent or as a mortgage & fees.

This is why DC's regulations, as currently written, are not serving to mitigate our severe housing crisis which has been in full-on displacement mode.

Revisions to the DC Municipal regulations must require the developer to ensure that their "affordable" housing units are available across a spectrum of incomes and bedroom-sizes.

Using the re-definitions demonstrated above in Table (1) above, we can revise all relevant affordability regulations as follows:

- At least 20% of the residential gross floor area (gfa) of a new project must be dedicated as "extremely low income" housing;
- At least 20% of the residential gfa must be dedicated to "very low income" housing or for incomes below;
- At least 20% of the gfa must be dedicated to "low income" housing or for incomes below;
- At maximum, 20% of the gfa may be dedicated to moderate income;
- And, at maximum, 20% of the gfa may be dedicated to workforce income housing;

AFFORDABILTY: TABLE (3)

(II)(c) Build Affordable Units to be inclusive of Families

Right now, DC regulations force a developer to build "affordable" unit sizes at the same ratio of bedroom sizes as that of the market-rate units. *See 11-DCMR-2605.02, Development Standards – The proportion of studio, efficiency, and one-bedroom inclusionary units to all inclusionary units shall not exceed the proportion of market-rate studio, efficiency, and one-bedroom units to all market-rate units.*

That is to say, if most of the market rate units are studios/one-bedrooms, which most developers target to build in new buildings, then the affordable units can ***only be*** studios/one-bedrooms.

Hence, there are no new "affordable" units being built for families in DC right now, nary an "affordable" unit with two-bedrooms.

DC must revise the regulations across the board to guarantee family sized "affordable" units are incorporated in all new projects and renovations, as follows:

- At maximum, 10% of the "affordable" residential gross floor area (gfa) may consist of studio/one-bedroom units;
- At maximum, 20% of the "affordable" gfa may consist of two-bedroom units;
- At maximum, 25% of the "affordable"gfa may consist of three-bedroom units;
- And, at minimum, 45% of the "affordable" gfa shall consist of four-bedroom units or bigger; afford

Further, if the development density bonus is being sought for the project, then at least one (1), five or six-bedroom unit shall be incorporated into the "affordable" residential mix (for extended families) no matter the gfa ratio.

AFFORDABILTY: TABLE (4)

The revisions found in the aforementioned Table (1), Table (2), Table (3), and Table (4), taken together would ensure that when politicians and developers tout how much affordable housing they are building, we know they are talking about truly affordable housing across a spectrum of income levels.

Conclusion

The above suggested amendments and re-definitions of "affordability" would immediately open up access to many family-sized housing units which would be truly affordable, and mitigate parts of DC's troubling housing crisis and if adopted would represent immediate assistance to thousands of DC longtime residents who are struggling to keep pace with DC's soaring housing costs.