Comments to the Zoning Commission
Zoning Regulation Review
Case No. 08-06A
Inclusionary Zoning Program (Subtitle C)
November 19, 2013

The District's Inclusionary Zoning Program has enlightened purposes. Representative of them is:

> (e) To provide for a full range of housing choices throughout the District for households of all incomes, sizes, and age ranges to preserve diversity and to ensure the benefits of economic integration for the residents of the District

Last April, the District closed a waiting list of more than 70,000 names for housing assistance.[1] To reach these residents, who are severely impacted by burgeoning market-rate residential development, the IZ Program must be expanded.

First, Redefine Low-Income and Moderate-Income

Using the federal government's 2012 metropolitan AMI of $107,500, which takes into account Virginia and Maryland households, and the Zoning Commission's percentages to define moderate- and low-income households, results in a moderate-income household that realizes income between $54,825 and $86,000. The so-called low-income household would be one that earns $53,750 or less.

The Commission's definitions of "moderate" and "low" incomes do not mesh with the populations that most need assistance.[2] An income defined as "**moderate**" by Zoning regs corresponds at its lower end to the average income of the **middle quintile** of the District's earners ($38,000-$62,000; average: $50,200); and at its upper end, to the average income of the **fourth quintile** ($62,000-$105,000; average: $80,200).[3] An income of $53,750, the cap for Zoning's **low-income** households, corresponds to the

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[1] Jessica Schulberg: "Built to replace Ellen Wilson housing project, townhouses are a mixed-income model." *Washington Post* (11/3/2013) http://www.washingtonpost.com/local/built-to-replace-ellen-wilson-housing-project-townhomes-are-a-mixed-income-model/2013/11/03/d7b1be8c-3200-11e3-9c68-1cf643210300_story.html
[2] *See* 11 DCMR §2601.1
[3] Institute on Taxation and Economic Policy: *Who Pays?* (4th ed., January 2013), pg. 41 (http://www.itep.org/pdf/whopaysreport.pdf)

average income in the **middle quintile** ($50,200) of D.C. earners and far exceeds the average incomes earned by the working poor, in the second ($28,800) and first ($12,600) quintiles.

The Commission must bring the definitions of "moderate" and "low" incomes into alignment with conditions on the ground. Central to realizing this goal is using the **Area Median Income *for the District alone* (DMI) as the basis for defining moderate- and low-income households.** In 2012, the DMI was only $66,583.

Then reduce the percentages applied to the area median income. Define "Low-income households" as those with incomes "equal to or less than 30 percent (30%) of the District's median income," or $19,975. This would place qualified low-income households squarely within the District's first quintile (less than $22,000; average: $12,600). By shifting the qualifications to favor a lower set of incomes, the ZC would recognize and mitigate the poverty and housing problems that actually exist.

Second, Raise the Set-Asides for IZ

I propose that the Commission increase the set-asides for IZ units in residential developments from 10 percent (10%) and 8 percent (8%), to 20 percent (20%) and 18 percent (18%), respectively, in order for developers to qualify for bonus development density. The Townhomes on Capitol Hill, a model mixed-income housing development, devotes 50 percent of its units to affordable housing: of its 134 units, 34 are dedicated to moderate-income housing, and 33 units provide housing to low-income residents. The city must stop tinkering at the edges of the problem and strengthen inclusionary zoning to realize its salutary goals for citizens of the District of Columbia.

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