

Zoning Case: 20-14

Re: Oct. 1, 2020 hearing

My spirit, and push for social justice were both hurt and catalyzed by Commissioner's May's comments and stance during the hearing on October 1st.

Commissioner May's refusal to address a dire and critical social issue because of a perceived rule limitation was not only deeply disappointing, but reminiscent of when decision and policymakers were not willing to challenge racist laws because they didn't want to break the rules. Law and ethics are not always the same. The depth of the housing emergency requires immediate and bold action. To chose now, not to act is simply recreant. Just to note for the record, we are in a decades-long affordable housing crisis that has disproportionately harmed Black Washingtonians; there are thousands who are already experiencing homeless, and thousands more are on the verge of eviction. Oh, and we're in the middle of a global pandemic. If now is not the time to potentially run afoul of the law in pursuit of human decency and justice, when is?

It brings me no joy in typing this, but the Zoning Commission has not met the affordable housing challenge in any kind of way that has been substantive. Commissioner May said that "the Zoning Commission is a strong champion for affordable housing," and that the Commission is, ". . . always fighting for affordable housing" (well, except in this case, where the applicant is offering less than 2% "affordable" units). This is inaccurate. Consider the chart below, captured from the [Department of Housing and Community Development's Inclusionary Zoning Page](#) on October 2, 2020:

IZ Units (by Bedroom Count & Affordability Level)

Income Set Aside	<i>empty</i>	30% AMI	50% AMI	60% AMI	80% AMI	Other MFI	Totals
Bedrooms	Number of Units	Number of Units	Number of Units	Number of Units	Number of Units	Number of Units	Number of Units
<i>(empty)</i>	<u>2</u>	-	-	<u>1</u>	-	-	<u>3</u>
<u>0</u>	<u>3</u>	<u>12</u>	<u>176</u>	<u>206</u>	<u>326</u>	-	<u>723</u>
<u>1</u>	<u>60</u>	<u>10</u>	<u>168</u>	<u>197</u>	<u>458</u>	<u>1</u>	<u>894</u>
<u>2</u>	<u>16</u>	<u>8</u>	<u>151</u>	<u>169</u>	<u>316</u>	-	<u>660</u>
<u>3</u>	<u>1</u>	-	<u>40</u>	<u>12</u>	<u>43</u>	-	<u>96</u>
<u>4</u>	-	-	<u>8</u>	<u>3</u>	<u>11</u>	-	<u>22</u>
Totals (25 groups)	82	30	543	588	1154	1	2398

The Inclusionary Zoning program, which began in 2009, has produced 2,398 total units, which averages to a little over 200 “affordable” units a year, many of which are not actually affordable, nor suitable for families. Instead of “affordable” units, non-affluent neighborhoods have been flooded with market-rate units, averaging over \$2,600 a month in rent. DHCD’s Housing Equity report, released in 2019, found that most new units have been geared towards households earning more than 120% M.F.I. (which equals an annual income of over \$100,000 a year, more than double what the median household income is for Black Washingtonians). Even as recent as the third quarter of 2019, the number of Class A apartment units rose 13%.

The imbalance of market-rate:affordable units is widening, and as it widens, it is making the crisis worse. Please refer to Exhibit 18 for why relying on market-rate units to make housing affordable is flawed logic. The answer is to demand that projects boasts one-third deeply affordable, one-third workforce, and one-third market rate. Otherwise, we are simply delaying justice, which equates to denying it.

But that is all in the past. The present brings a new opportunity for change and justice. So let’s pursue that.

The SW small area plan specifically states that residents wanted the neighborhood to be “an exemplary model of equity and inclusion.” What deserves more weight: the desire of Southwest residents or a self-imposed limitation of power?

I will conclude with one last question: is the Zoning Commission committed to be an antiracist institution? Dr. Ibram X. Kendi, the author of How To Be An Antiracist writes:

A racist policy is any measure that produces or sustains racial inequity between racial groups. An antiracist policy is any measure that produces or sustains racial equity between racial groups. By policy, I mean written and unwritten laws, rules, procedures, processes, regulations, and guidelines that govern people.

Given that market-rate units are priced above what the average Black Washingtonian can afford, and our city has a history of racially discriminatory housing policy and practices, what is the Zoning Commission going to do to correct this injustice right now?

Thank you for your time and consideration.

Coy McKinney