

## Questions and Answers Related to the Proposed Creation of a Housing Authority

# Q&A

On November 4, voters will be asked to consider a referendum question on the creation of a public housing authority in Arlington. This Q&A addresses a number of questions that have been raised on a possible housing authority.

### On what will people be voting?

- Voters may vote “Yes” or “No” on the following question:

*“Is there a need for the redevelopment and housing authority to be activated in the County of Arlington?”*

### Why is the question worded this way?

- The Housing Authorities Law in the Code of Virginia requires this language.

### How did the question get on the ballot?

- The Housing Authorities Law provides for the question to be placed before the voters upon petition of 100 duly qualified, registered voters (there are over 140,000 registered voters in Arlington). With 104 verified petitioners, this requirement was met and the referendum was authorized by the Circuit Court. This is one of the few instances where State law permits a voter referendum.

### Has the County endorsed this proposal?

- The County government may provide neutral explanations and other materials about the referendum, but State law prohibits the County government from using public funds or resources to advocate passage or defeat of any referendum. Members of the County Board may issue personal statements and the County Board may adopt a formal position concerning the referendum.

### What is a housing authority?

- A housing authority is an **independent governmental unit** that is separate from the County government. It would have its own Board, consisting of between 5 and 9 members, appointed by the Arlington County Board. The County Board appoints the housing authority’s initial chairman, and the housing authority would choose its own chairman thereafter. It could have its own executive director and staff not responsible to the County Manager, as well as its own legal counsel.

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### **What is the purpose of a housing authority?**

- The State Housing Authorities Law sets forth the General Assembly's findings. It also requires that the need for a housing authority be established under specific criteria, which include "the elimination of blight and redevelopment of blighted areas," the prevention of further deterioration and blight," and the "promotion of the availability of affordable housing for all citizens of the Commonwealth and in particular to provide safe, decent, and sanitary housing for those citizens with low or moderate incomes."

### **How does Arlington County provide affordable housing today?**

- Arlington County has a Housing Division that is under the supervision of the County Manager. The County partners with a wide range of non-profit and for-profit housing developers and organizations to leverage public funds. Funds for affordable housing come from developers, local tax appropriations, federal and state grants, and below-market financing through Arlington's Industrial Development Authority.
- Affordable housing is developed across all areas of the County and is located mostly in mixed-income developments. The 13-member Housing Commission, which is appointed by the County Board, provides program oversight. The Housing Commission reviews all affordable housing projects in detail and makes independent recommendations to the County Board. The County Attorney provides legal counsel.

### **How much affordable housing does Arlington have?**

- Arlington has 6,610 committed affordable units, 6,001 of which are rental units. The rental committed affordable units form about **14.6 percent of all rental units**. Of these, 5,367 are built and 634 are in development. Arlington has an additional 609 committed units in homeownership.

### **Would a housing authority produce more affordable housing than the County can today?**

- No. A housing authority would only have access to the same tools and funding that the County currently uses.

### **Would a housing authority have access to new sources of revenue?**

- No. The County Board would still be the primary source of funding, which comes from local taxes. An authority could also compete for the same grants that support the current housing program.
- There is no new, dedicated source of funding for a housing authority. In an earlier era, the federal government provided substantial funding to housing authorities for the creation of public housing through the U.S. Department of Housing and Urban Development (HUD). HUD has provided no new funds since 1994.

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- The Arlington County Zoning Ordinance also requires affordable housing units (or funding) as part of private sector site plan development projects. The Zoning Ordinance would not be affected by a housing authority.

### **Could a housing authority access new forms of financing such as tax credits and bonds?**

- No. Arlington County government currently accesses all of these forms of financing through its existing affordable housing programs.

### **What new or additional power would a housing authority provide for the development and preservation of affordable housing in Arlington?**

- A housing authority could directly operate or manage rental housing, which the County government currently cannot do and, even if it had the authority, would likely not do.
- Arlington County contracts with non-profit and for-profit organizations whose primary business is management of rental housing. Arlington also contracts with non-profit providers for all of its supportive housing -- for people who are homeless or who have addictions, mental illness, or developmental disabilities.

### **Would a housing authority have more power than the County government currently has to use the power of eminent domain to condemn private property for affordable housing?**

- The difference in powers of condemnation between a housing authority and what the County government can do today is ambiguous. While the County cannot condemn property specifically for affordable housing, the County can condemn "blighted property" and thereafter re-sell the property for any permitted use including the provision of affordable housing. Property so acquired requires payment of fair market value to the owner.
- An authority could condemn property for housing, but only in limited circumstances. The County Board would first have to approve the creation by the housing authority of a "redevelopment" or "conservation" area, where "deteriorated" or "blighted" conditions are present.
- Similarly, a housing authority may condemn a single family and multi-family dwelling when the dwelling threatens the public health, safety and welfare and may contribute to the blighting or deterioration of the surrounding area. Property so acquired requires payment of fair market value to the owner.
- In all instances where condemnation is permitted, the housing authority would still need a **source of funding** to acquire the property. In addition, the County Board must approve the acquisition of property by a housing authority for the purpose of constructing additional housing in the County.



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### **How will property for affordable housing be acquired?**

- Land for affordable housing will continue to be acquired primarily as it is today -- through negotiation with private landowners. This is what the County did, for example, to save affordable housing in Buckingham Villages and is the same method that an authority would use.

### **What will happen if the referendum is approved by the voters?**

- If the referendum passes, the County Board would appoint members to the housing authority. Beyond this statutory responsibility, implementation plans for a housing authority are not specified by statute and have not been developed.
- Funding and staffing for the authority would have to be determined by the County Board as part of the budget process. Resources would have to come from a reallocation of current housing resources or an increase in tax resources by the County Board. There are a number of different ways to structure the work and support of a housing authority, none of which has been developed at this point.

Q&A developed by the Arlington County Manager

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