

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
July 25, 2023**

**AGENDA**

- 9:30 Presentations
- 9:30 Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
- 10:00 Matters Presented by Board Members
- 10:00 Items Presented by the County Executive

**ADMINISTRATIVE  
ITEMS**

- 1 Authorization to Advertise a Public Hearing on the County and Schools' FY 2023 Carryover Review to Amend the Appropriation Level in the FY 2024 Revised Budget Plan
- 2 Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Merrifield Capacity Sewer Upgrade (Providence District)
- 3 Authorization for the Department of Public Works and Environmental Services to Apply for and Accept Grant Funding from U.S. Department of Defense – Defense Community Infrastructure Pilot Program Grant
- 4 Extension of Review Period for 2232 Applications for Temporary and Permanent Facilities for the West Annandale Fire Station # 23 (Mason District)
- 5 Extension of Review Period for 2232 Application James Lee Community Center Athletic Field (Mason District)

**ACTION ITEMS**

- 1 Approval of a Board of Supervisors' Draft Regular Meeting Schedule for Calendar Year 2024
- 2 Approval of a Parking Reduction for the Converge Development (Dranesville District)
- 3 Approval of a Parking Reduction for 8110 Gatehouse Road and 2990 Telestar Court (Providence District)
- 4 Approval of the Metropolitan Washington Regional Fair Housing Plan

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
July 25, 2023**

**ACTION ITEMS  
(Continued)**

- 5 Approval of a Plain Language Explanation for the 2023 Bond Referendum for Improvements to Public Schools
- 6 Approval of a Resolution to Support the Abandonment of a Portion of Hooes Road, Route 636 (Franconia District)
- 7 Authorization for the Fairfax County Redevelopment and Housing Authority to Utilize Up To \$8.0 Million of the County’s American Rescue Plan Act, Coronavirus State and Local Fiscal Recovery Funds Allocation for the Acquisition of the Telestar Court Redevelopment (Providence District)
- 8 Adoption of a Resolution Approving the Issuance of Fairfax County Economic Development Authority Residential Care Facility Revenue Refunding Bonds Series 2023 for the Vinson Hall Retirement Community (Dranesville District)
- 9 Approval of Revisions to Fairfax County’s Road Fund Guidelines (Braddock, Dranesville, Hunter Mill, Providence, Springfield, and Sully Districts)
- 10 Adoption of a Resolution for the McLean Volunteer Fire Department Fire and Rescue Equipment Financing (Dranesville District)
- 11 Board Approval of Fairfax County’s Title VI Program for the Federal Transit Administration (FTA)
- 12 Approval of a Resolution Endorsing Projects Being Submitted to the Northern Virginia Transportation Authority for Fiscal Year 2024 to Fiscal Year 2029 Regional Funding

**CLOSED SESSION**

Closed Session

**PUBLIC  
HEARINGS**

- 3:00 Public Hearing to Lease County-Owned Properties for the Purpose of Installing Solar Facilities (Franconia, Mason, and Braddock Districts)

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
July 25, 2023**

**PUBLIC  
HEARINGS  
(Continued)**

- 3:00 Public Hearing to Convey Board-Owned Property on Columbia Pike to the Fairfax County Redevelopment and Housing Authority (Mason District)
- 3:00 Public Hearing on Proposed Plan Amendment 2021-IV-S2, Villa Park Road, Located South of Villa Park Road and West of the Ramp Between Backlick Road and Westbound Franconia-Springfield Parkway (Franconia District)
- 3:00 Public Hearing on SE 2022-MA-00032 (The Kingdom of Children LLC d/b/a The Kingdom of Children Bilingual Preschool) to Permit a Child Care Center (Mason District)
- 3:30 Public Hearing on PCA/CDPA 2010-PR-014E (RZPA 2022-PR-00051) (GCC 28 Owner, LLC) (Providence District)
- 3:30 **To be deferred to 9/26 at 3:30 p.m.** Public Hearing on PCA 2004-LE-012-02/CDPA 2004-LE-012 (RZPA 2022-LE-00055) (RH Senior Housing LLC, A Virginia Limited Liability Corporation) (Franconia District)
- 3:30 Public Hearing on PCA/CDPA 2016-HM-035-02 (RZPA 2022-HM-00085) (Comstock Reston Station Holdings, LC) (Hunter Mill District) (Concurrent with PCA 2009-HM-019-03 (RZPA 2022-HM-00084)
- and
- Public Hearing on PCA 2009-HM-019-03 (RZPA 2022-HM-00084) (Comstock Reston Station Holdings, LC) (Hunter Mill District) (Concurrent with PCA/CDPA 2016-HM-035-02 (RZPA 2022-HM-00085))

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
July 25, 2023**

**PUBLIC  
HEARINGS  
(Continued)**

- 3:30 Public Hearing on Proposed Plan Amendment 2023-II-M1 (West Falls Church TSA, Sub-Unit A-2) (Dranesville District)
- And
- Public Hearing on RZ 2022-DR-00018 (Converge West Falls, LLC) to Rezone from C-3 and HC to PRM and HC to Permit Mixed-Use Development (Dranesville District) (Concurrent with Plan Amendment 2023-II-M1)
- 4:00 Public Hearing on PA 2021-CW-T1, Rt 7 Bus Rapid Transit (BRT) (Providence, Dranesville, and Hunter Mill Districts)
- 4:00 Public Hearing to Establish Parking Restrictions on Boston Boulevard, Corporate Court, and Research Way (Mount Vernon District)
- 4:00 Public Hearing to Establish Parking Restrictions on Boone Boulevard (Providence District)
- 4:30 Public Hearing to Establish Parking Restrictions on Pender Drive (Springfield District)
- 4:30 Public Hearing on a Proposed Amendment to Appendix Q (Land Development Services Fee Schedule) of *The Code of the County of Fairfax, Virginia* (County Code) Re: Site Inspection Fees for Bond Agreement Extensions
- 4:30 Public Hearing on a Proposal to Prohibit Through Truck Traffic on Lorton Market Street and Gunston Cove Road (Mount Vernon District)
- 4:30 Public Comment



*Fairfax County, Virginia*  
**BOARD OF SUPERVISORS**  
**AGENDA**

**Tuesday**  
**July 25, 2023**

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9:30 a.m.

**PRESENTATIONS**

- RESOLUTION — To recognize the McLean High School Scholastic Bowl Team for their “It’s Academic” championship. Requested by Supervisor Foust.
- PROCLAMATION — To designate July 2023 as Disability Pride Month. Requested by Supervisor Foust.
- RESOLUTION — To recognize the organizers of Pride Month events around the county. Requested by Chairman McKay.
- PROCLAMATION — To designate July 2023 as Parks and Recreation Month. Requested by Chairman McKay.

**STAFF:**

Tony Castrilli, Director, Office of Public Affairs  
Jeremy Lasich, Office of Public Affairs

Board Agenda Item  
July 25, 2023

9:30 a.m.

Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard July 25, 2023

STAFF:

Jill G. Cooper, Clerk for the Board of Supervisors

**NOTE: A revised list will be distributed immediately prior to the Board meeting.**

**APPOINTMENTS TO BE HEARD JULY 25, 2023  
(ENCOMPASSING VACANCIES PROJECTED THROUGH **AUGUST 31, 2023**)  
(Unless otherwise noted, members are eligible for reappointment)**

**A. HEATH ONTHANK MEMORIAL AWARD  
SELECTION COMMITTEE (1-year term)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Clifford L. Fields; 2/09-1/20 by Bulova) Term exp. 1/21 <i>Resigned</i>	At-Large Chairman's Representative		McKay	At-Large Chairman's

**ADVISORY SOCIAL SERVICES BOARD  
(4-year terms – limited to 2 full terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by David T. S. Jonas; appointed 10/19 by Bulova; 9/20 by McKay) Term exp. 9/24 <i>Resigned</i>	At-Large Chairman's Representative		McKay	At-Large Chairman's
VACANT (Formerly held by Amrita Banerjee; appointed 9/16-9/20 by Herrity) Term exp. 9/24 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

**AFFORDABLE DWELLING UNIT ADVISORY BOARD (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Richard N. Rose (Appointed 7/97-4/01 by Hanley; 9/05-5/09 by Connolly; 6/13- 6/17 by Bulova) Term exp. 5/21	Builder (Multi-Family) Representative		By Any Supervisor	At-Large
James H. Scanlon (Appointed 6/93-5/17 by Bulova) Term exp. 5/21	Engineer/Architect/ Planner #1 Representative		By Any Supervisor	At-Large
Mark Drake (Appointed 2/09-5/12 by McKay) Term exp. 5/16	Engineer/Architect/ Planner #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by James Francis Carey; appointed 5/06 by Connolly) Term exp. 5/10 <i>Resigned</i>	Lending Institution Representative		By Any Supervisor	At-Large
Francis C. Steinbauer (Appointed 8/02-5/18 by Hudgins) Term exp. 5/22	Non-Profit Housing Representative		By Any Supervisor	At-Large



**AFFORDABLE HOUSING ADVISORY COUNCIL (AHAC) (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by RJ Narang; appointed 7/21-6/22 by Foust) Term exp. 6/24 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville
Sardar A. Zaman (Appointed 10/21 by Smith) Term exp. 6/23	Sully District Representative		Smith	Sully

**CONFIRMATIONS NEEDED:**

- Mr. Josh Shumaker as the Human Rights Commission Representative

**AIRPORTS ADVISORY COMMITTEE (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Robert K. Ackerman; appointed 1/08-1/20 by Foust) Term exp. 1/23 <i>Resigned</i>	Dranesville Business Representative		Foust	Dranesville
VACANT (Formerly held by Kristi Stolzenberg; appointed 6/21 by Gross) Term exp. 1/23 <i>Resigned</i>	Mason District Representative		Gross	Mason

**ALCOHOL SAFETY ACTION PROGRAM LOCAL  
POLICY BOARD (ASAP) (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Grant J. Nelson Appointed 10/95-5/01 by Hanley; 6/04-9/07 by Connolly; 6/10- 9/19 by Bulova) Term exp. 6/22	At-Large #2 Representative		By Any Supervisor	At-Large
Darren Dickens (Appointed 11/96- 5/01 by Hanley; 6/04- 10/07 by Connolly; 6/10-9/19 by Bulova) Term exp. 6/22	At-Large #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Jayant Reddy; appointed 1/16-7/18 by Bulova) Term exp. 8/21 <i>Resigned</i>	At-Large #4 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Richard Bolger; appointed 1/21 by McKay) Term exp. 10/23 <i>Resigned</i>	At-Large #5 Representative		By Any Supervisor	At-Large

**ATHLETIC COUNCIL (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Gregory Beckwith (Appointed 7/13-6/21 by Foust) Term exp. 3/23	Dranesville District Principal Representative		Foust	Dranesville

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**ATHLETIC COUNCIL (2-year terms)**  
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Brian Luwis (Appointed 7/19-6/21 by Foust) Term exp. 3/23	Dranesville District Alternate Representative		Foust	Dranesville
VACANT (Formerly held by Terry Adams; appointed 11/11-7/13 by Gross) Term exp. 6/15 <i>Resigned</i>	Mason District Alternate Representative		Gross	Mason
VACANT (Formerly held by Mark E. Abbott: appointed 4/03-3/05 by Frey; 5/17-3/21 by Smith) Term exp. 3/23 <i>Resigned</i>	Sully District Alternate Representative		Smith	Sully

**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE (1-year term)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Ken Balbuena (Appointed 7/20-8/22 by McKay) Term exp. 6/23	At-Large Chairman's Representative		McKay	At-Large Chairman's
VACANT (Formerly held by Raymond Smith; appointed 7/20-6/22 by Walkinshaw) Term exp. 6/23 <i>Resigned</i>	Braddock District Representative		Walkinshaw	Braddock

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**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE (1-year term)**

Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Barbara Glakas; appointed 1/12-6/19) Term exp. 6/21 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville
Saud Hasan Shah (Appointed 5/21-6/22 by Lusk) Term exp. 6/23	Franconia District Representative		Lusk	Franconia
Abby Block (Appointed 7/21-6/22 by Gross) Term exp. 6/23	Mason District Representative		Gross	Mason
Debbie Kilpatrick (Appointed 6/18-6/22 by Smith) Term exp. 6/23	Sully District Representative		Smith	Sully

**BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS (4-year terms)**

NOTE: No official, technical assistant, inspector or other employee of the Department of Public Works and Environmental Services, Department of Planning and Development, or Fire and Rescue Department shall serve as a member on this Board.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Wayne Bryan; appointed 6/13-2/17 by Bulova) Term exp. 2/21 <i>Resigned</i>	Alternate #1 Representative		By Any Supervisor	At-Large

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**BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS (4-year terms)**  
Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Thomas J. Schroeder; appointed 06/92-2/17 by Bulova) Term exp. 2/21 <i>Resigned</i>	Design Professional #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Wayne Bryan; Appointed 3/21 by McKay) Term exp. 2/25 <i>Resigned</i>	Design Professional #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Daren Shumate; appointed 2/16-7/20 by Gross) Term exp. 2/24 <i>Resigned</i>	Design Professional #5 Representative		By Any Supervisor	At-Large

**BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE) (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Maria Dolores Quintela; appointed 2/20-11/21 by McKay) Term exp. 12/23 <i>Resigned</i>	Professional #1 Representative		By Any Supervisor	At-Large

**CATHY HUDGINS COMMUNITY CENTER ADVISORY COUNCIL (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Nahom Sewenet; appointed 10/22 by Alcorn) Term exp. 4/24 <i>Resigned</i>	Fairfax County #9 Representative		By Any Supervisor	At-Large

**CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Anne Kanter; appointed 12/03 by Hanley; 9/07 by Connolly; 9/11-10/18 by Bulova) Term exp. 9/23 <i>Resigned</i>	At-Large #1 Representative		McKay	At-Large Chairman's

**CIVIL SERVICE COMMISSION (2-year terms)**  
NOTE: The Commission shall include at least 3 members who are male, 3 members who are female, and 3 members who are from a minority group.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Deborah A. Woolen (Appointed 7/19 by McKay; 12/20 by Lusk) Term exp. 12/22	At-Large #2 Representative		By Any Supervisor	At-Large

**COMMISSION FOR WOMEN (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
New Position	Lesbian-Gay-Bisexual-Queer-Intersex-Asexual ("LGBQIA+") Representative		McKay	At-Large Chairman's

**CONFIRMATION NEEDED:**

- Ms. Liz Hernandez Ramirez as the Student Representative

**COMMUNITY ACTION ADVISORY BOARD (CAAB) (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Jim Edwards-Hewitt (Appointed 10/05-2/20 by Gross) Term exp. 2/23	Mason District Representative		Gross	Mason

**CONFIRMATIONS NEEDED:**

- Mr. Hari Kurup as the Fairfax County Council of PTAs Representative
- Mr. Nermin AbdelWahab as the Fairfax Bar Association Representative

**CONSUMER PROTECTION COMMISSION (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by John Theodore Fee; appointed 7/97-9/16 by Bulova; 7/21 by McKay) Term exp. 7/24 <i>Resigned</i>	Fairfax County Resident #10 Representative		By Any Supervisor	At-Large

**CRIMINAL JUSTICE ADVISORY BOARD (CJAB) (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Jay Monroe; appointed 5/21 by Alcorn) Term exp. 2/24 <i>Resigned</i>	Hunter Mill District Representative		Alcorn	Hunter Mill
VACANT (Formerly held by Derrick Robinson; appointed 7/21-9/22 by Storck) Term exp. 8/25 <i>Resigned</i>	Mount Vernon District Representative		Storck	Mount Vernon
VACANT (Formerly held by Jennifer Chronis; appointed 12/16-7/18 by Herrity) Term exp. 8/21 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

**DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE I (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Michael J. Cooper; appointed 3/04-7/18 by Smyth) Term exp. 3/22 <i>Resigned</i>	At-Large #6 Representative		By Any Supervisor	At-Large



**ECONOMIC ADVISORY COMMISSION (3-year terms)**

**CONFIRMATION NEEDED:**

- Mr. Samuel Wiggins as the Northern Virginia Black Chamber of Commerce Representative

**ECONOMIC DEVELOPMENT AUTHORITY (EDA) (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Roderick Mitchell (Appointed 10/20 by McKay) Term exp. 7/22	At-Large #3 Citizen Representative		By Any Supervisor	At-Large

**ENGINEERING STANDARDS REVIEW COMMITTEE (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Howard J. Guba; appointed 6/18 by Bulova) Term exp. 3/21 <i>Resigned</i>	Citizen #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Maya Huber; appointed 12/09-1/14 by Confirmation; 5/18 by Bulova) Term exp. 3/21 <i>Resigned</i>	Citizen #4 Representative		By Any Supervisor	At-Large

**CONFIRMATION NEEDED:**

- Mr. Don Lacquement as the Northern Virginia Soil and Water Conservation District Representative

**ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Juana Elisa Meara: Appointed 5/22 by Palchik) Term exp. 1/25 <i>Resigned</i>	Providence District Representative		Palchik	Providence

**FAIRFAX AREA DISABILITY SERVICES BOARD  
(3-year terms - limited to 2 full terms)**

NOTE: Members may be reappointed after being off the Board for three years. State Code requires that the membership in the local disabilities board include at least 30 percent representation by individuals who have physical, visual, or hearing disabilities or their family members. For this 15-member board, the minimum number for this representation would be five members.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Deborah K. Hammer (Appointed 3/16-1/20 by Storck) Term exp. 11/22 <i>Not eligible for reappointment</i>	Mount Vernon District Representative		Storck	Mount Vernon
VACANT (Formerly held by Erika James-Jackson; appointed 8/22 by Smith) Term exp. 11/24 <i>Resigned</i>	Sully District Representative		Smith	Sully

**FAIRFAX COMMUNITY LONG TERM CARE  
COORDINATING COUNCIL (2-year terms)**

**CONFIRMATION NEEDED:**

- Ms. Eileen M. Spinella as the Long Term Care Providers #12 Representative
- Mr. Michael Ritter as the Disability Services Board Representative

**FAIRFAX COUNTY 250TH COMMISSION (6-year terms)**

<b><u>Incumbent History</u></b>	<b><u>Requirement</u></b>	<b><u>Nominee</u></b>	<b><u>Supervisor</u></b>	<b><u>District</u></b>
VACANT (Formerly held by Donald Hakenson; appointed 12/21 by Lusk) Term exp. 6/27 <i>Resigned</i>	Franconia District Representative		Lusk	Franconia

**FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD  
(3-year terms - limited to 2 full terms)**

<b><u>Incumbent History</u></b>	<b><u>Requirement</u></b>	<b><u>Nominee</u></b>	<b><u>Supervisor</u></b>	<b><u>District</u></b>
VACANT (Formerly held by Robert H. Maurer; appointed 6/20 by Palchik) Term exp. 6/23 <i>Resigned</i>	Providence District Representative		Palchik	Providence

**FAIRFAX COUNTY EMPLOYEES' RETIREMENT  
SYSTEM BOARD OF TRUSTEES (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Anthony H. Griffin (Appointed 9/20 by Gross) Term exp. 6/23	At-Large #2 Representative		By Any Supervisor	At-Large

**FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD  
(3-year terms – limited to 3 full terms)**

NOTE: In accordance with *Virginia Code* Section 37.2-501, "prior to making appointments, the governing body shall disclose the names of those persons being considered for appointment." Members can be reappointed after 1 year break from initial 3 full terms, VA Code 37.2-502.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Jennifer Adeli (Appointed 6/17-7/20 by Foust) Term exp. 6/23	Dranesville District Representative		Foust	Dranesville

**HEALTH CARE ADVISORY BOARD (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Timothy Yarboro (Appointed 6/11-7/19 by Bulova) Term exp. 6/23	At-Large Representative		McKay	At-Large Chairman's

**HEALTH SYSTEMS AGENCY BOARD (3-year terms - limited to 2 full terms)**  
 NOTE: Members may be reappointed after 1 year break

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Maria Zlotnick; appointed 6/20 by Alcorn) Term exp. 6/22 <i>Resigned</i>	Provider #4 Representative		By Any Supervisor	At-Large

**HISTORY COMMISSION (3-year terms)**  
 NOTE: The Commission shall include at least one member who is a resident from each District.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Robert Beach; appointed 11/21 by McKay) Term exp. 12/24 <i>Resigned</i>	Architect Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Carole Herrick; appointed 6/06 by DuBois; 6/09-7/21 by Foust) Term exp. 6/24 <i>Resigned</i>	At-Large #1 Representative		By Any Supervisor	At-Large

**HUMAN RIGHTS COMMISSION (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Emanuel Solon (Appointed 9/95-7/01 by Connolly; 9/04-9/19 by Smyth) Term exp. 9/22	At-Large #5 Representative		By Any Supervisor	At-Large

**HUMAN SERVICES COUNCIL (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Kevin Bell (Appointed 1/12-7/19 by Bulova) Term exp. 7/23	At-Large #1 Chairman's Representative		McKay	At-Large #1 Chairman's
Patrice M. Winter (Appointed 5/16-7/19 by Cook) Term exp. 7/23	Braddock District #2 Representative		Walkinshaw	Braddock
Steven Bloom (Appointed 11/11-7/19 by Foust) Term exp. 7/23	Dranesville District #1 Representative		Foust	Dranesville
VACANT (Formerly held by Fatima Mirza; appointed 12/16-9/20 by Foust) Term exp. 7/24 <i>Resigned</i>	Dranesville District #2 Representative		Foust	Dranesville
Michele Menapace (Appointed 7/15-7/19 by McKay) Term exp. 7/23	Franconia District #1 Representative		Lusk	Franconia
VACANT (Formerly held by Tianja Grant; appointed 1/20-7/21 by Palchik) Term exp. 7/25 <i>Resigned</i>	Providence District #2 Representative		Palchik	Providence

**JUVENILE AND DOMESTIC RELATIONS COURT  
CITIZENS ADVISORY COUNCIL (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Chris M. Jones (Appointed 3/21 by McKay) Term exp. 1/23	At-Large Chairman's Representative		McKay	At-Large Chairman's

**LIBRARY BOARD (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Kripa Patwardhan (Appointed 8/22 by McKay) Term exp. 7/23	At-Large Chairman's Representative		McKay	At-Large Chairman's

**POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Brendan D. Harold (Appointed 5/05-11/14 by Hyland; 12/18 by Storck) Term exp. 12/22	Citizen At-Large #2 Representative		By Any Supervisor	At-Large

**SMALL BUSINESS COMMISSION (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Gigi Thompson Jarvis; appointed 12/20 by Foust) Term exp. 12/23 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Gwyn Whittaker; 11/20 by Alcorn) Term exp. 12/23 <i>Resigned</i>	Hunter Mill District Representative		Alcorn	Hunter Mill
VACANT (Formerly held by Daren Shumate; appointed 10/19-12/21 by Gross) Term exp. 12/24 <i>Resigned</i>	Mason District Representative		Gross	Mason

TENANT-LANDLORD COMMISSION (3-year terms)				
<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Kenneth Reid; appointed 10/25 by Herrity) Term exp. 1/23 <i>Resigned</i>	Citizen Member #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Eric Fielding; appointed 6/15-1/19 by Bulova) Term exp. 12/21 <i>Resigned</i>	Citizen Member #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Shahana Begum Islam; appointed 6/20 by Palchik) Term exp. 1/23 <i>Resigned</i>	Condo Owner Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Karen Geier-Smith; appointed 6/06-12/12 by Bulova; 2/16-2/22 by McKay) Term exp. 12/24 <i>Resigned</i>	Landlord Member #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Christopher Lee Kocsis; appointed 3/99-11/00 by Hanley; 1/04-12/06 by Connolly; 12/09-1/16 by Bulova) Term exp. 12/18 <i>Deceased</i>	Landlord Member #2 Representative		By Any Supervisor	At-Large

Continued on next page



**TENANT-LANDLORD COMMISSION (3-year terms)**  
Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Paula Park; appointed 2/14-1/20 by Foust) Term exp. 1/23 <i>Resigned</i>	Landlord Member #3 Representative		By Any Supervisor	At-Large
Perez Otonde (Appointed 5/21 by McKay) Term exp. 1/23	Tenant Member #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Jade Harberg; appointed 7/17 by Bulova; 1/20 by McKay) Term exp. 1/23 <i>Resigned</i>	Tenant Member #3 Representative		By Any Supervisor	At-Large

**TRANSPORTATION ADVISORY COMMISSION (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Linda Sperling; appointed 12/17-8/18 by Bulova; 6/20-8/22 by McKay) Term exp. 6/24 <i>Resigned</i>	At-Large Representative		By Any Supervisor	At-Large

**TRESPASS TOWING ADVISORY BOARD (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by John Theodore Fee; appointed 6/06-9/07 by Connolly; 9/10-0/19 by Bulova) Term exp. 9/22 <i>Resigned</i>	Citizen Representative		By Any Supervisor	At-Large

**TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Barry Mark; appointed 3/15-2/17 by Bulova) Term exp. 2/19 <i>Resigned</i>	Commercial or Retail Ownership #3 Representative		By Any Supervisor	At-Large

**UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Maria Teresa Valenzuela; appointed 7/16-11/17 by Bulova) Term exp. 10/21 <i>Resigned</i>	Citizen Appointed by BOS #4 Representative		By Any Supervisor	At-Large

NEW BOARD

**CONTINUUM OF CARE BOARD (CoC) (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
NEW POSITION	At-Large Chairman’s Representative		McKay	At-Large Chairman’s
NEW POSITION	Braddock District Representative		Walkinshaw	Braddock
NEW POSITION	Dranesville District Representative		Foust	Dranesville
NEW POSITION	Franconia District Representative		Lusk	Franconia
NEW POSITION	Hunter Mill District Representative	<b>Pamela Powers</b>	Alcorn	Hunter Mill
NEW POSITION	Mason District Representative		Gross	Mason
NEW POSITION	Mount Vernon District Representative		Storek	Mount Vernon
NEW POSITION	Providence District Representative		Palchik	Providence
NEW POSITION	Springfield District Representative		Herrity	Springfield
NEW POSITION	Sully District Representative		Smith	Sully

**CONFIRMATIONS NEEDED:**

- Fairfax County Public Schools Representative
- City of Fairfax Representative
- City of Falls Church Representative
- Cornerstones (ESG) Representative

Continued on next page

**CONFIRMATIONS NEEDED:**

- FACETS (CoC & ESG) Representative
- Northern Virginia Family Service (ESG) Representative
- Pathway Homes (CoC) Representative
- Second Story (CoC) Representative
- Shelter House (CoC & ESG) Representative
- Community Services Board Representative
- Health Department Representative
- Department of Family Services Representative
- Department of Neighborhood and Community Services Representative

Board Agenda Item  
July 25, 2023

10:00 a.m.

Matters Presented by Board Members

Board Agenda Item  
July 25, 2023

10:00 a.m.

Items Presented by the County Executive

Board Agenda Item  
July 25, 2023

ADMINISTRATIVE – 1

Authorization to Advertise a Public Hearing on the County and Schools' FY 2023 Carryover Review to Amend the Appropriation Level in the FY 2024 Revised Budget Plan

ISSUE:

Board approval of an advertisement to increase the FY 2024 appropriation level. The advertisement encompasses both the County and the Schools' *FY 2023 Carryover Reviews*. Section 15.2-2507 of the Code of Virginia requires that a public hearing be held prior to Board Action.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to publish the advertisement for a public hearing to be held on September 26, 2023, at 10:30 a.m.

TIMING:

Board action is requested on September 26, 2023.

BACKGROUND:

As the *FY 2023 Carryover Review* includes potential increases in appropriation greater than 1 percent, a public hearing is required prior to Board action. In addition, the Code of Virginia requires that a synopsis of proposed changes be included in the advertisement for a public hearing.

Details of the proposed changes shown in the advertisement are provided to the Board in the enclosed *FY 2023 Carryover Review* documents.

The School Board funding adjustments included in the advertisement are based on staff's recommendations to the School Board, which were presented to the School Board on July 13, 2023, with action expected to be taken by the School Board on August 31, 2023. Any changes by the School Board to staff recommendations made at this time will be incorporated into the Carryover advertisement for the public hearing on September 26, 2023.

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ENCLOSED DOCUMENTS:

*These attachments will be available online on Monday, July 24, 2023:*

<https://www.fairfaxcounty.gov/budget/fy-2023-carryover-budget-package>

Attachment A: Proposed advertisement for public hearing

Attachment B: July 24, 2023, Memorandum to the Board of Supervisors from Bryan J. Hill, County Executive, with attachments, transmitting the County's *FY 2023 Carryover Review* with appropriate resolutions

Attachment C: Fairfax County School Recommended FY 2023 Final Budget Review and Appropriation Resolutions

STAFF:

Bryan J. Hill, County Executive

Christina Jackson, Chief Financial Officer

Philip Hagen, Director, Department of Management and Budget



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July 25, 2023

ADMINISTRATIVE – 2

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Merrifield Capacity Sewer Upgrade (Providence District)

ISSUE:

Board authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of the Merrifield Capacity Sewer Upgrade in Project WW-000032-009, Gravity Sewer Capacity Improvements, Fund 69300, Sewer Construction Improvements.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for September 12, 2023, at 4:00 p.m.

TIMING:

Board action is requested on July 25, 2023, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:

This project consists of construction of a new 20-inch PVC DR 14 gravity sewer pipe via micro tunneling with a 30-inch steel casing to provide approximately 563 linear feet of upgraded sewer as well as new manholes 058A, 059A, and 060A in the Merrifield area between the U.S. Postal Service Facility and Eskridge Road. The existing 12-inch line from manhole 058 to 060 or 563 linear feet shall be abandoned, and existing laterals will be connected to the new gravity sewer.

Land rights for these improvements are required on seven properties, one of which has been acquired by the Land Acquisition Division (LAD). The construction of this project requires the acquisition of Sanitary Sewer Easements, Temporary Access Easements, and Grading Agreement and Temporary Construction Easements.

Negotiations are in progress with the affected property owners; however, because resolution of these acquisitions is not imminent, it may be necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on

Board Agenda Item  
July 25, 2023

schedule. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1903 through 15.2-1905 (as amended). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

EQUITY IMPACT:

The Merrifield Gravity Sewer Capacity Upgrades project originated due to Wastewater Planning and Monitoring Division's identification that a series of pipes were at risk for Sanitary Sewer Overflows (SSOs) into nearby buildings and the environment due to the current average daily flows and the current pipe size. The goal of the project is to alleviate this public health risk concern and provide additional capacity to account for the growing population size upstream of the pipes in the Merrifield area.

The project area is located in a Low Vulnerability Index block, with a vulnerability index of 2.13, where 9.92 percent of the renter population is severely burdened, and 16.57 percent of the population is in a low-income occupation. The project aligns with multiple focus areas of the One Fairfax Policy. Construction of the proposed sanitary sewer capacity upgrade supports focus area 6, safely protecting the health of residents from sanitary sewer overflows into buildings and the environment that are currently at risk due to the current average daily flows in the existing pipes. Improved sanitary sewer capacity ensures that focus area 10's goal is furthered by improving the quality of life for everyone in the neighborhood by providing a safe, well-maintained sanitary sewer system serving the neighborhood. The overall goal of the project aligns with focus area 11's guidance to protect the environment and accommodate the anticipated growth in population that will result in higher sanitary sewer flows and thereby allow economic and social development, while maintaining the protection of the environment, private property and public health from sanitary sewer overflows. The incorporation of additional capacity in the project, that allows for additional development ensures meeting Focus area 11's prosperity goals of Fairfax County and provides access for development that is based on the principles associated with sustainability, and protecting community health. Finally, the project promotes focus area 12's goal of providing a healthy and quality environment to live and work in for current and future generations.

The LAD's project locations are chosen by other departments, resulting in the Division's necessity to focus on equity of process. The equity impact of the LAD process is positive, with the focus of cost evaluation, offer, and negotiation being on tax assessment and comparable land sales rather than on the owner of record. LAD staff engage property owners in their preferred method of communication and at times that are agreeable to the owner. As a result of both the risk to public health and the

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environment, project location and design, as well as the process to obtain land rights, the overall impact of this action provides a positive equity impact.

FISCAL IMPACT:

Funding is available for the construction of the Merrifield Capacity Sewer Upgrade in Project WW-000032-009, Gravity Sewer Capacity Improvements, Fund 69300, Sewer Capacity Improvements. This project is included in the FY 2024 – FY 2028 Adopted Capital Improvement Program (With Future Fiscal Years to FY 2033). No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:

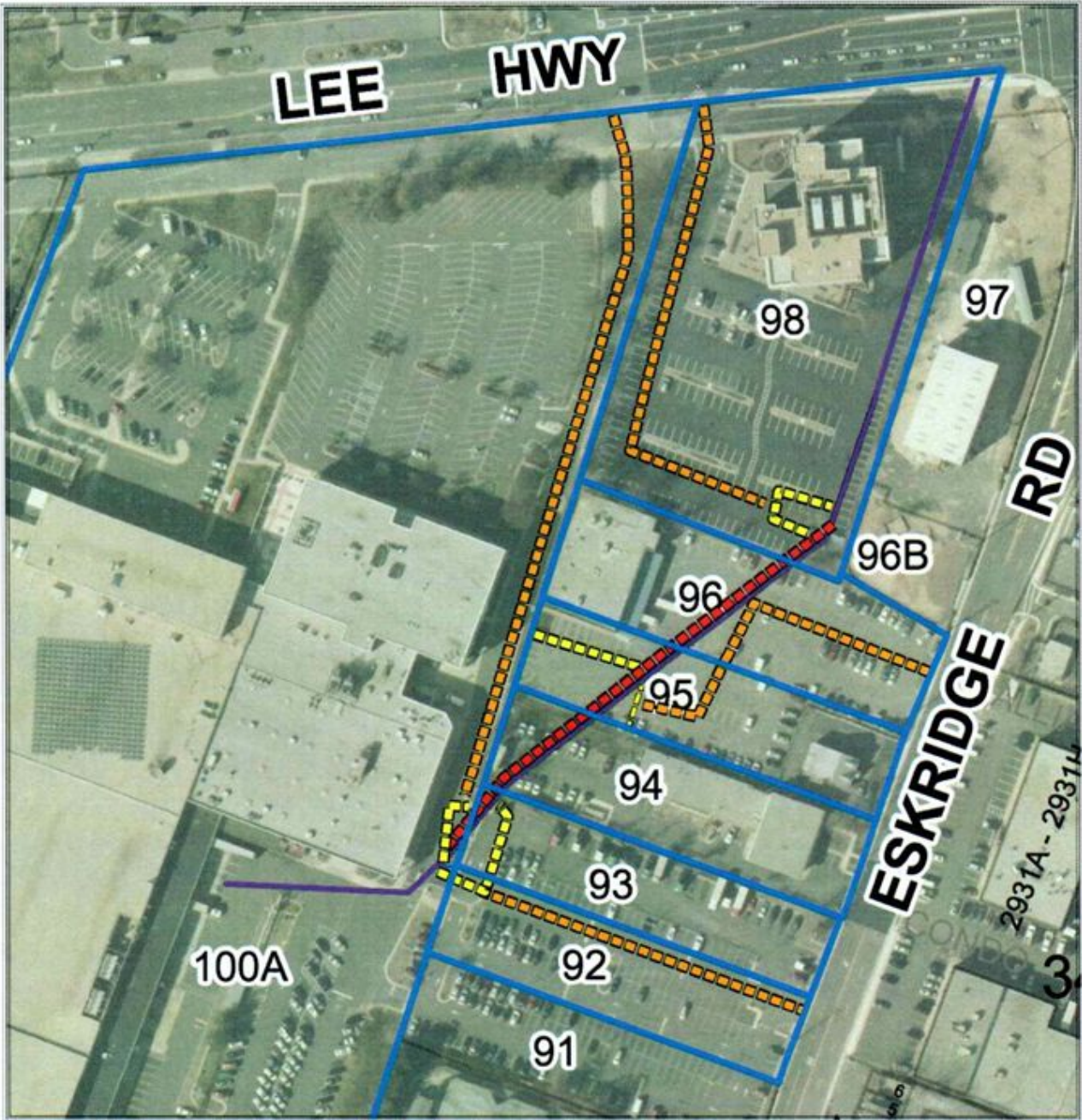
Attachment A - Project Location Map  
Attachment B - Listing of Affected Properties

STAFF:

Rachel Flynn, Deputy County Executive  
Chris Herrington, Director, Department of Public Works and Environmental Services (DPWES)  
Carey Needham, Deputy Director, DPWES, Capital Facilities  
Magdi Imbabi, Director, Wastewater Design & Construction Division

ASSIGNED COUNSEL:

Randall Greehan, Assistant County Attorney, Office of the County Attorney



**MERRIFIELD CAPACITY UPGRADE**

Project: WW-00032-009

Providence District

Tax Map: 049-3

Affected Properties:

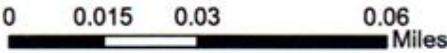
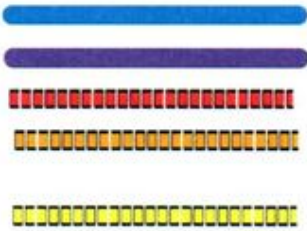
Existing Sewer:

Proposed Sewer Easement:

Temporary Access Easement:

Grading Agreement &

Temp Const. Easement:



LISTING OF AFFECTED PROPERTIES  
Project WW-000032-009  
Merrifield Capacity Sewer Upgrade  
(Providence District)

PROPERTY OWNER(S)

- 1. ROV Eskridge Rd LLC 049-3-01-0095  
SOT Eskridge Rd LLC  
WRO Eskridge Rd LLC  
JMO Eskridge Rd LLC

Address:  
2926 Eskridge Rd Fairfax, VA 22031

- 2. ROV Eskridge Rd LLC 049-3-01-0096  
SOT Eskridge Rd LLC  
WRO Eskridge Rd LLC  
JMO Eskridge Rd LLC

Address:  
2920 Eskridge Rd Fairfax, VA 22031

- 3. CJC Associates 049-3-01-0098  
Address:  
8315 Lee Hwy Fairfax, VA 22031

ADMINISTRATIVE – 3

Authorization for the Department of Public Works and Environmental Services to Apply for and Accept Grant Funding from U.S. Department of Defense – Defense Community Infrastructure Pilot Program Grant

ISSUE:

Board of Supervisors (Board) authorization is requested for the Department of Public Works and Environmental Services (DPWES) to apply for and accept grant funding, if received, from the U.S. Department of Defense (DOD) – Defense Community Infrastructure Pilot (DCIP) Program in the amount of \$24.0 million, including \$7.2 million in Local Cash Match. Funds from this grant will be used to support the rehabilitation of the Accotink wastewater pump station and its force main that is currently serving the southeast portion of the Fairfax County (County) and the entire developed portion of Fort Belvoir. The grant period is October 1, 2023, through September 30, 2029, which includes one year for permitting and five years for construction. The 30 percent Local Cash Match requirement of \$7.2 million is available in Fund 69300, Sewer Construction Improvements; therefore, no new General Fund resources are required. Board authorization is also requested for the Chairman of the Board, the County Executive, and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

RECOMMENDATION:

The County Executive recommends that the Board authorize DPWES to apply for and accept grant funding, if awarded, from the DOD – DCIP Program in the amount of \$24.0 million, including \$7.2 million in Local Cash Match, to rehabilitate the Accotink wastewater pump station and its force main. There are no positions associated with this funding and the required 30 percent Local Cash Match is available in Fund 69300, Sewer Construction Improvements. The County Executive also recommends the Board authorize the Chairman of the Board, the County Executive, and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, on behalf of the County.

TIMING:

Board action is requested on July 25, 2023. Due to the application deadline of June 23, 2023, the application was submitted pending Board approval. If the Board does not approve this request, the application will be immediately withdrawn. The Board was also notified via email on June 15, 2023, of the department's intent to apply for this grant prior to the application due date.

**BACKGROUND:**

The Accotink Pump Station is one of the major wastewater pump stations in the County’s wastewater collection system. Its operation in current and future state is critical in maintaining the County’s award-winning wastewater management program which protects public health and the environment. The pump station has not had a major upgrade since the 1980s. The pumps, pipes, and valves along with many other mechanical, electrical, and instrumentation components are planned to be replaced. A replacement force main serving the pump station is planned to mitigate the overall system risk. Additionally with the growth in the area, the current system is reaching its point of failure and capacity limitations.

The project will be ready for construction in the next six months. The Total Project Estimate (TPE) is \$77.0 million and is already available in Fund 69300, Sewer Construction Improvements, project number WW-000001-013, Accotink Pump Station Rehab. If grant funding is awarded for this project, it will offset the funding already identified. Additionally, the state has committed \$0.25 million. Therefore, if grant funding is received, funding for this project will be as follows:

<b>Funding Source</b>	<b>Amount</b>
Fund 69300, WW-000001-013	\$60.00 million
Federal Grant Award*	\$16.75 million
State Funding	\$0.25 million
<b>Total</b>	<b>\$77.00 million</b>

\* The grant application totals \$24.0 million which includes \$16.75 million in federal funding and \$7.21 million in required Local Cash Match. The Local Cash Match is included in the Accotink Pump Station Rehab project (WW-000001-013) noted on line one in the table.

**EQUITY IMPACT:**

The Accotink Pump Station Rehabilitation project has no equity impact. Untreated wastewater has severe adverse human health and environmental impacts, and this project is an essential part of the County's wastewater infrastructure capital renewal program to minimize the release of untreated sewage. The additional grant funding provides a benefit to all Fairfax County wastewater ratepayers.

Any inaction or delay on this project could result in frequent untreated wastewater discharge events. Untreated wastewater causes diseases to proliferate, including hepatitis, tetanus, typhoid, cholera, enterovirus, and others, that thrive in untreated human sewage. Untreated wastewater also ruins water quality and kills aquatic life. The United States Environmental Protection Agency (EPA) has identified inequitable nationwide trends where communities “allow continued discharges of raw sewage into waters used for drinking, recreation, and/or ecological habitat—depending on the ability of a wastewater system and its customers to pay for necessary infrastructure upgrades.” (<https://www.nrdc.org/media/2023/230201-0>).

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The County DPWES administers an integrated sewer system, with a focus on capital improvements Countywide. The County also surpasses the EPA national average for good control of its sewer system by controlling sanitary sewer overflows with aggressive cleaning of sewers Countywide ([https://www.fairfaxcounty.gov/publicworks/sites/publicworks/files/assets/documents/sewer\\_certification\\_report\\_1.pdf](https://www.fairfaxcounty.gov/publicworks/sites/publicworks/files/assets/documents/sewer_certification_report_1.pdf)).

Attachment 1 shows the County's Approved Sewer Service Area (ASSA) in comparison to the Vulnerability Index scores. It also shows the location of the Accotink Pump Station, which is to be rehabilitated.

FISCAL IMPACT:

Grant funding in the amount of \$24.0 million, including \$7.2 million in Local Cash Match, is being requested from the DOD – DCIP Program to upgrade the Accotink wastewater pump station and force main. The 30 percent Local Cash Match requirement of \$7.2 million is available in Fund 69300, Sewer Construction Improvements, project number WW-000001-013, Accotink Pump Station Rehab. No new General Fund resources are required. This grant does not allow the recovery of indirect costs. If funding is awarded, formal budget appropriation will be requested at a quarterly review once the grant agreement has been fully executed.

CREATION OF POSITIONS:

There will be no new positions created with this grant funding.

ENCLOSED DOCUMENTS:

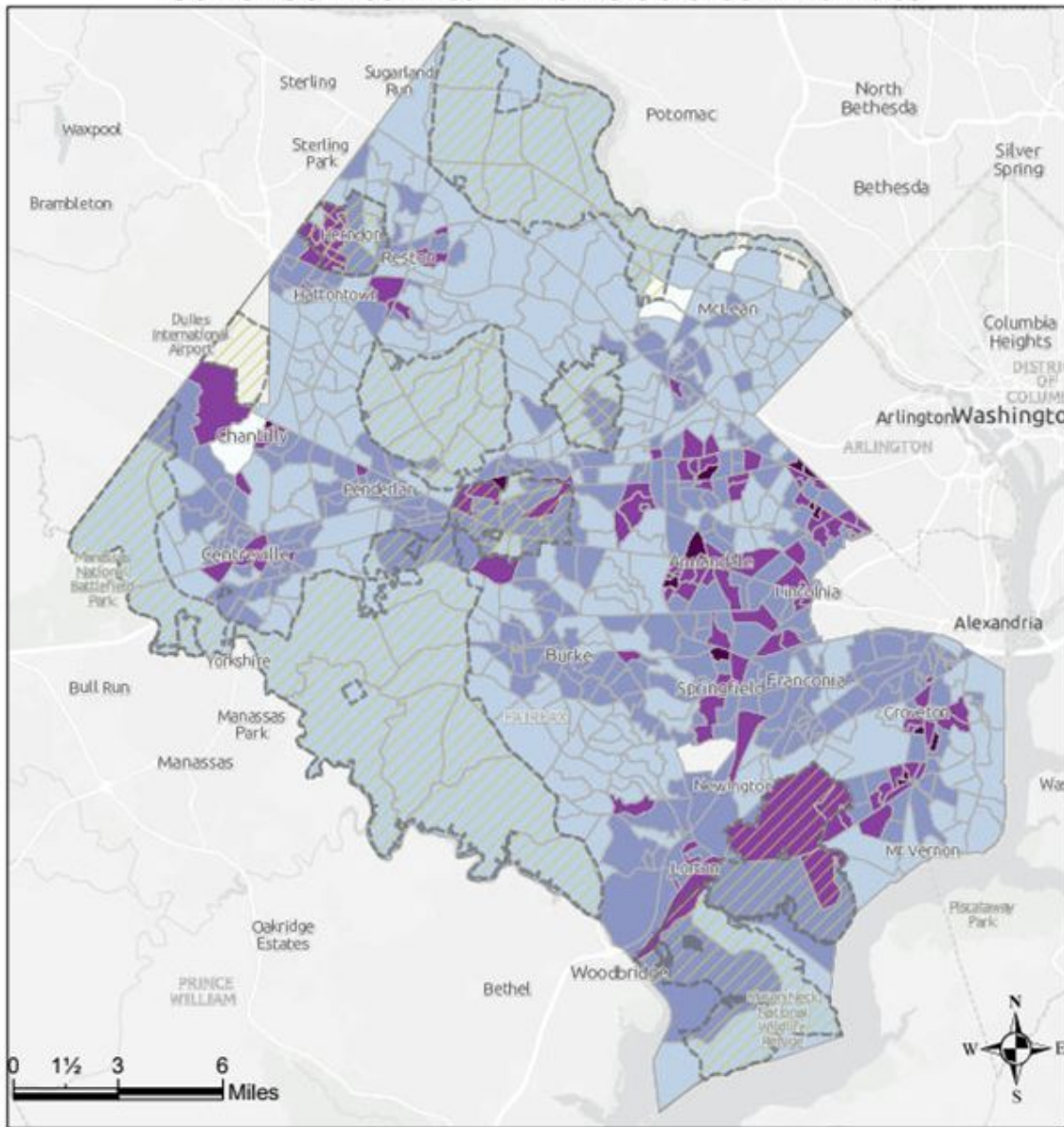
Attachment 1 – Sewer Service Area in Vulnerable Communities  
Attachment 2 – Summary of Proposed Grant Funding

STAFF:

Rachel Flynn, Deputy County Executive  
Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)  
Eleanor Ku Coddling, Deputy Director, DPWES, Stormwater and Wastewater Management Divisions  
Shwan Fatah, Director, DPWES, Wastewater Collection Division



### Sewer Service Area in Vulnerable Communities



**Legend**

 Outside ASSA

Vulnerability Index	# of households inside the ASSA	# of households outside of the ASSA	Total # of households
0 - 1	1,501	181	1,682
1 - 2	133,782	21,021	154,803
2 - 3	133,687	5,299	138,986
3 - 4	34,169	4,684	38,853
4 - 5	2,037	0	2,037
<b>Total</b>	<b>305,176</b>	<b>31,185</b>	<b>336,361</b>



Date: 3/3/2023

**DEPARTMENT OF DEFENSE - DEFENSE COMMUNITY INFRASTRUCTURE PILOT PROGRAM  
SUMMARY OF PROPOSED GRANT FUNDING**

<b>Grant Title:</b>	Defense Community Infrastructure Pilot Program (DCIP) - Accotink Pump Station
<b>Funding Agency:</b>	United States Department of Defense – Office of Local Defense Community Cooperation
<b>Applicant:</b>	Department of Public Works and Environmental Services, Wastewater Management – Wastewater Collections Division
<b>Partners:</b>	US Army Garrison Fort Belvoir Commonwealth of Virginia Northern Virginia Regional Commission
<b>Purpose of Grant:</b>	To help State and Local Governments in addressing deficiencies in community infrastructure supporting of a military installation.
<b>Funding Amount:</b>	Total funding of \$24.0 million which includes a 30 percent Local Cash Match requirement of \$7.2 million.
<b>Proposed Use of Funds:</b>	The funds will be used to rehabilitate Accotink Pump Station which is one of the major wastewater pump stations in the County’s wastewater collection system. The pumps, pipes, and valves along with many other mechanical, electrical and instrumentation components will be replaced, along with a new parallel forcemain serving the pump station.
<b>Target Population:</b>	Fort Belvoir Military Installation and surrounding communities that have a medium to high score on the Fairfax County Vulnerability Index
<b>Performance Measures:</b>	The success of this project will be based on the: <ul style="list-style-type: none"><li>• Number of critical asset failures at Pump Station and</li><li>• Number of Sanitary Sewer Overflows because of the failure.</li></ul>
<b>Grant Period:</b>	October 1, 2023 through September 30, 2029.

ADMINISTRATIVE - 4

Extension of Review Period for 2232 Applications for Temporary and Permanent Facilities for the West Annandale Fire Station # 23 (Mason District)

ISSUE:

Extension of review period for 2232 applications to ensure compliance with review requirements of Section 15.2-2232 of the *Code of Virginia*.

PROJECT DESCRIPTION:

The Department of Public Works and Environmental Services (DPWES) submitted two 2232 applications for the proposed permanent and temporary facilities for the West Annandale Fire Station # 23. The applications were accepted on February 25, 2022, and extended to July 25, 2022, October 31, 2022, and July 31, 2023. The applicant has requested additional time to prepare a concurrent Special Exception Amendment (SEA) application for a telecommunications facility on the site of the West Annandale Fire Station # 23.

The review period for the following applications should be extended:

- |                    |   |
|--------------------|---|
| 2232-2022-MA-00002 | Fairfax County Department of Public Works and Environmental Services (DPWES)<br>West Annandale Fire Station # 23 (Permanent Station)<br>Tax Map 58-4 ((1)) 62<br>8914 Little River Turnpike, Fairfax, VA 22031<br>Mason District<br>Accepted February 25, 2022<br>Extended to July 25, 2022<br>Extended to October 31, 2022<br>Extended to July 31, 2023<br>Request Extension to March 31, 2024 |
| 2232-2022-MA-00003 | Fairfax County Department of Public Works and Environmental Services (DPWES)<br>West Annandale Fire Station # 23 (Temporary Station)<br>Tax Map 59-3 ((1)) 7<br>8724 Little River Turnpike, Fairfax, VA 22031<br>Mason District<br>Accepted February 25, 2022   |

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Extended to July 25, 2022  
Extended to October 31, 2022  
Extended to July 31, 2023  
Request Extension to March 31, 2024

RECOMMENDATION:

The County Executive recommends that the Board extend the review period for the following applications: 2232-2022-MA-00002 and 2232-2022-MA-00003

TIMING:

Board action is requested on July 25, 2023, to extend the review period to March 31, 2024, prior to the expiration of the applications of July 31, 2023.

BACKGROUND:

Subsection B of Section 15.2-2232 of the *Code of Virginia* states: "Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval." The full length of an extension period may not be necessary and any extension is not intended to set a date for final action.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

None.

STAFF:

Rachel Flynn, Deputy County Executive  
Tracy Strunk, Director, Department of Planning and Development (DPD)  
Salem Bush, Branch Chief, Public Facilities and Plan Development Branch, Planning Division (PD), DPD  
David Stinson, Planner III, Public Facilities and Plan Development Branch, PD, DPD

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ADMINISTRATIVE - 5

Extension of Review Period for 2232 Application James Lee Community Center Athletic Field (Mason District)

ISSUE:

Extension of review period for 2232 application to ensure compliance with review requirements of Section 15.2-2232 of the *Code of Virginia*.

PROJECT DESCRIPTION:

The Fairfax County Park Authority is requesting to make improvements at the James Lee Community Center Athletic Field 1. The proposed improvements include the relocation and upgrade of field lighting and the installation of field netting, covered dugouts, and a scoreboard. The extension request is to allow the applicant sufficient time to address any issues which may be raised during the 2232 review.

The review period for the following application should be extended:

2232-2023-MA-00014      Fairfax County Park Authority  
Tax Map No. 50-4 ((1)) 50A  
2855 Annandale Road, Falls Church, VA 22042  
Mason District  
Accepted May 26, 2023  
Extended to April 25, 2024

RECOMMENDATION:

The County Executive recommends that the Board extend the review period for the following application: 2232-2023-MA-00014.

TIMING:

Board action is requested on July 25, 2023, to extend the review period for the application to April 25, 2024, prior to expiration of the initial 60-day period on July 25, 2023.

Board Agenda Item  
July 25, 2023

BACKGROUND:

Subsection B of Section 15.2-2232 of the *Code of Virginia* states: "Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval." The full length of an extension period may not be necessary, and any extension is not intended to set a date for final action.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

None.

STAFF:

Rachel Flynn, Deputy County Executive

Tracy Strunk, Director, Department of Planning and Development (DPD)

Salem Bush, Branch Chief, Public Facilities and Plan Development Branch, Planning Division, DPD

Kazi Mohaimin, Planner II, Public Facilities and Plan Development Branch, Planning Division, DPD

Board Agenda Item  
July 25, 2023

ACTION - 1

Approval of a Board of Supervisors' Draft Regular Meeting Schedule for Calendar Year 2024

ISSUE:

Board approval of a draft regular meeting schedule for January through December 2024.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the draft regular meeting schedule for January through December 2024.

TIMING:

The Board should take action on July 25, 2023, in order that accommodations to implement this calendar can proceed in advance of January.

BACKGROUND:

The *Code of Virginia*, Section 15.2-1416, requires a governing body to establish the days, times and places of its regular meetings at the annual meeting, which is the first meeting of the year. Therefore, the draft schedule for the 2024 calendar is presented for Board approval. The section further states that "meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year."

Scheduled meetings may be adjourned and reconvened but not beyond the time fixed for the next regular meeting. The Board may schedule additional meetings or adjust the schedule of meetings approved at the annual meeting by following the procedures established in the statute cited above, which include the provision of adequate notice of all such meetings.

At the first meeting of the Board of Supervisors in January, staff will present the January-December 2024 Draft Schedule to the Board for formal adoption.

ENCLOSED DOCUMENTS:

Attachment 1: January-December 2024 Draft Schedule for Board of Supervisors' Regular Meetings and Potential 2024 Tuesday dates for Board Committee Meetings

STAFF:

Jill G. Cooper, Clerk for the Board of Supervisors

# **DRAFT**

## **2024 Board of Supervisors Meeting Schedule**

January 23, 2024	May 21, 2024
February 6, 2024	June 11, 2024
February 20, 2024	June 25, 2024
March 5, 2024	July 16, 2024
March 19, 2024	July 30, 2024
April 16, 2024	September 10, 2024
• 9:30 to 4:00 p.m. Board Meeting	September 24, 2024
• 4:00 p.m. Budget Public Hearing	
April 17 and April 18, 2024	October 8, 2024
• 3:00 p.m. – Budget Public Hearings	October 22, 2024
April 30, 2024 (Budget Mark-up)	November 19, 2024
May 7, 2024	December 3, 2024

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### **Potential 2024 Tuesday Dates for Board Committee Meetings**

(Listed below are Tuesday dates that would be available for scheduling  
of Board Committee meetings in 2024)

January 9	July 9
January 30	July 23
February 13	September 17
February 27	October 1
March 12	October 15
May 14	October 29
June 4	November 26
June 18	December 10

The Budget pre-Mark-up meeting is scheduled on Friday, April 26, 2024.



Board Agenda Item  
July 25, 2023

ACTION - 2

Approval of a Parking Reduction for the Converge Development (Dranesville District)

ISSUE:

Board of Supervisors' (Board) approval of an overall 8 percent reduction for the redevelopment proposal located on 2023 Tax Map Number 040-3 ((1)) 92 and 92A, Dranesville District.

RECOMMENDATION:

The County Executive recommends that the Board approve a parking reduction, pursuant to the Fairfax County Zoning Ordinance allowing a reduction for transit proximity, based on an analysis as demonstrated in the parking study #PKS-2022-00011, subject to the conditions in Attachment I.

TIMING:

Board action is requested on July 25, 2023.

BACKGROUND:

The proposed parking reduction is associated with the anticipated redevelopment of Virginia Tech Northern Virginia Center adjacent to the West Falls Church Metrorail station. The site is the subject of a Fairfax County Comprehensive Plan amendment and a subsequent rezoning proposal (RZ-2022-DR-00018) to designate this area as Transit Oriented Development (TOD) district and allow redevelopment in conformance with the planned densities for the site.

The applicant is requesting a 16% reduction in parking for multifamily development with an overall reduction of 8% for the entire development. The chart below details reductions for individual uses within the development.

The primary reasons for supporting this reduction include:

1. Proximity to Metrorail

- The proposed development is within 1/8 mile of the station entrance, thereby providing convenient access to residents and employees to walk and bike to use rail transport.
- Metrobus serves the rail station providing transit connectivity to other areas of the county and the City of Falls Church.
- With access to rail transit and pedestrian, bicycle, and transit connectivity to local businesses and activities, this allows people to own less or no autos, diminishing parking demand.

The proposed parking supply is appropriately sized for a development that is immediately adjacent to Metrorail. The intent of commuter rail is a reduction of auto trips and parking demand. Fairfax County has invested heavily in rail and rail development. Providing excessive parking is an inducement to auto travel and defeats the benefits and opportunities to be gained with rail-related development.

2. Local Parking Impacts

- Parking is controlled by fees at the Metro site adjacent to the proposed development.
- The adjacent Pavilion apartment/condominium site has a vehicle towing policy to control parking.
- The single-family development communities near the Metro station site have a permit parking district to control overflow parking. If significant spillover parking occurs overnight, the restriction times can be amended.

Given the individual and community site parking controls in place, the proposed parking reduction is not expected to impact the surrounding area. However, if problems arise, the approval conditions provide a remedy by requiring a parking utilization study and corrective actions for identified problems.

Table 1. Comparison of Ordinance Required and Proposed Parking for the Converge Site

Use	No. of Units	Rate Required by Ordinance	Ordinance Required Parking	Proposed Parking Rate	Proposed Minimum Number of Spaces	Proposed Reduction
Multifamily Apartments	257 1-bedroom units	1.3 spaces/unit	335 spaces	1.17 spaces/unit	515 spaces	16%
	153 2-bedroom units	1.5 spaces/unit	230 spaces			
	30 3-bedroom units	1.6 spaces/unit	48 spaces			
College or University	10 employees/ 80 students	1 space/ employee plus adequate spaces for students/visitors	90 spaces	1 space/ employee plus adequate spaces for students/visitors	90 spaces	0%
Office	230,000 GSF	2.0 spaces/1,000 GSF	460 spaces	2.0 spaces/1,000 GSF	460 spaces	0%
Retail	18,000 GSF	3.44 spaces/1,000 GSF	62 spaces	3.33 spaces/1,000 GSF	60 spaces	3%
<b>Totals</b>			<b>1,225 spaces</b>		<b>1,125 spaces</b>	<b>8%</b>

This recommendation reflects a coordinated review by the Department of Planning and Development, Office of the County Attorney and Land Development Services (LDS).

**EQUITY IMPACT STATEMENT:**

The proposed reduction supports a quality-built environment that accommodates anticipated growth and change in an economically, socially, and environmentally sustainable and equitable manner. This includes mixes of land use that protects existing stable neighborhoods and green spaces, supports sustainability, supports a high quality of life, and promotes employment opportunities, housing, amenities, and services for all people. It also promotes a healthy and quality environment to live and work in that acknowledges the need to breathe clean air and to drink clean water now and for future generations. Further, it is consistent with a multi-modal transportation system that supports the economic growth, health, congestion

Board Agenda Item  
July 25, 2023

mitigation, and prosperity goals of Fairfax County and provides accessible mobility solutions that are based on the principles associated with sustainability, diversity, and community health.

The proposed reduction addresses these values by being a component of an effort to reduce auto travel and enhance environmental benefits by de-emphasizing ample, free parking. Providing parking utilizes land resources that could be better used to provide more compact, walkable development. When walkable locales are provided, behavioral changes occur that support use of non-auto travel modes such as walking and micromobility devices, examples include bicycles and scooters. Reducing incentives to drive because parking is freely available reduces emissions, which is the primary source of pollution in our region.

At this site, rail transit facilities will be available within walking distance. Also, retail, dining, employment, and entertainment options are available within one-half mile of the subject site. These options reduce the need for auto ownership and the impacts additional driving can cause to the environment. Further, portions of the site are being constructed on an existing surface parking lot, which repurposes impervious surface and creates opportunities for better management of stormwater runoff.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Parking reduction conditions dated April 24, 2023

Attachment II – Parking reduction study (PKS-2023-00011) from Gorove Slade dated April 18, 2023

STAFF:

Rachel Flynn, Deputy County Executive

William D. Hicks, P.E., Director, Land Development Services (LDS)

Matthew Hansen, P.E., Chief, Site Development and Inspection Division (SDID),  
LDS

Jeff Vish, P.E., Central Branch Chief, SDID, LDS

Michael Davis, Parking Program Manager, SDID, LDS

ASSIGNED COUNSEL:

Patrick V. Foltz, Assistant County Attorney

## PARKING REDUCTION CONDITIONS April 24, 2023

1. These conditions apply to the owner and their successors and assigns (hereinafter 'owner') for parcels identified on 2023 Tax Map 040-3 ((1)) 92 and 92A.
2. Off-street parking for the following uses must be provided at the following minimum parking rates:
  - Multifamily – 1.17 spaces per dwelling unit
  - College and University – a minimum of 90 spaces
  - Office – 2.0 spaces per 1,000 square feet of gross floor area (GFA)
  - Retail - 3.33 spaces per 1,000 square feet of GFA
3. Parking for any uses not listed in Condition #2 must be provided at no less than the minimum rates required by the Zoning Ordinance (Ordinance).
4. The applicant may, at their discretion, utilize rates required by the Ordinance in effect at the time the uses are constructed or established.
5. A minimum of 1 space per 1,000 square feet of non-residential GFA will be provided as shared parking and a maximum of 1 space per 5,000 square feet of non-residential GFA may be made available for reserved parking.
6. The conditions of approval of this parking reduction must be incorporated into any related site plan submitted to the Director of Land Development Services (Director) for approval.
7. The applicant must submit a parking space utilization study for review and approval by the Director promptly upon request by the Zoning Administrator or the Director at any time in the future. Following review of that study, or if a study is not submitted within 90 days after its request, the Director may require alternative measures to satisfy the on-site parking needs of the property. Such measures may include, but are not limited to, compliance with the full parking requirements specified in the Ordinance.
8. All parking utilization studies prepared in response to a request by the Zoning Administrator or the Director must be based on applicable requirements of The Code of the County of Fairfax, Virginia, and the Ordinance in effect at the time of the study's submission.
9. All parking provided must comply with the applicable requirements of the Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act and the Virginia Uniform Statewide Building Code.
10. These conditions of approval are binding on the Owners and must be recorded in the Fairfax County Land Records in a form acceptable to the County Attorney.

## Parking Reduction Study

# Converge

Fairfax County, Virginia

**April 18, 2023**

**Prepared for:**

Rushmark Properties LLC  
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Falls Church, VA 22042

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## Introduction

The proposed Converge redevelopment is requesting a parking reduction. This study provides justification for a parking reduction based on the site's **proximity to mass transit** and Section 6100.6.B of the Fairfax County Zoning Ordinance. The site is located north of Mustang Alley, south of Falls Church Drive, and west of Haycock Road in the Dranesville Supervisor District of Fairfax County, Virginia. The site is located in the Pimmit Community Planning Sector of the McLean Planning District, and the West Falls Church Transit Station Area. The site is adjacent to the West Falls Church Metro Station as shown in Figure 1.

The existing site is currently occupied by the Virginia Tech Northern Virginia Center totaling 101,460 SF that is to be removed. The proposed redevelopment includes up to 230,000 SF of office, 40,000 SF of institutional use (up to 90 faculty/staff/students), 18,000 SF of retail, and 440 multifamily residential units. Site access is planned to be provided via Falls Church Drive, Mustang Alley, and Haycock Road, as shown on the development plan in Figure 2.



Figure 1: Site Location

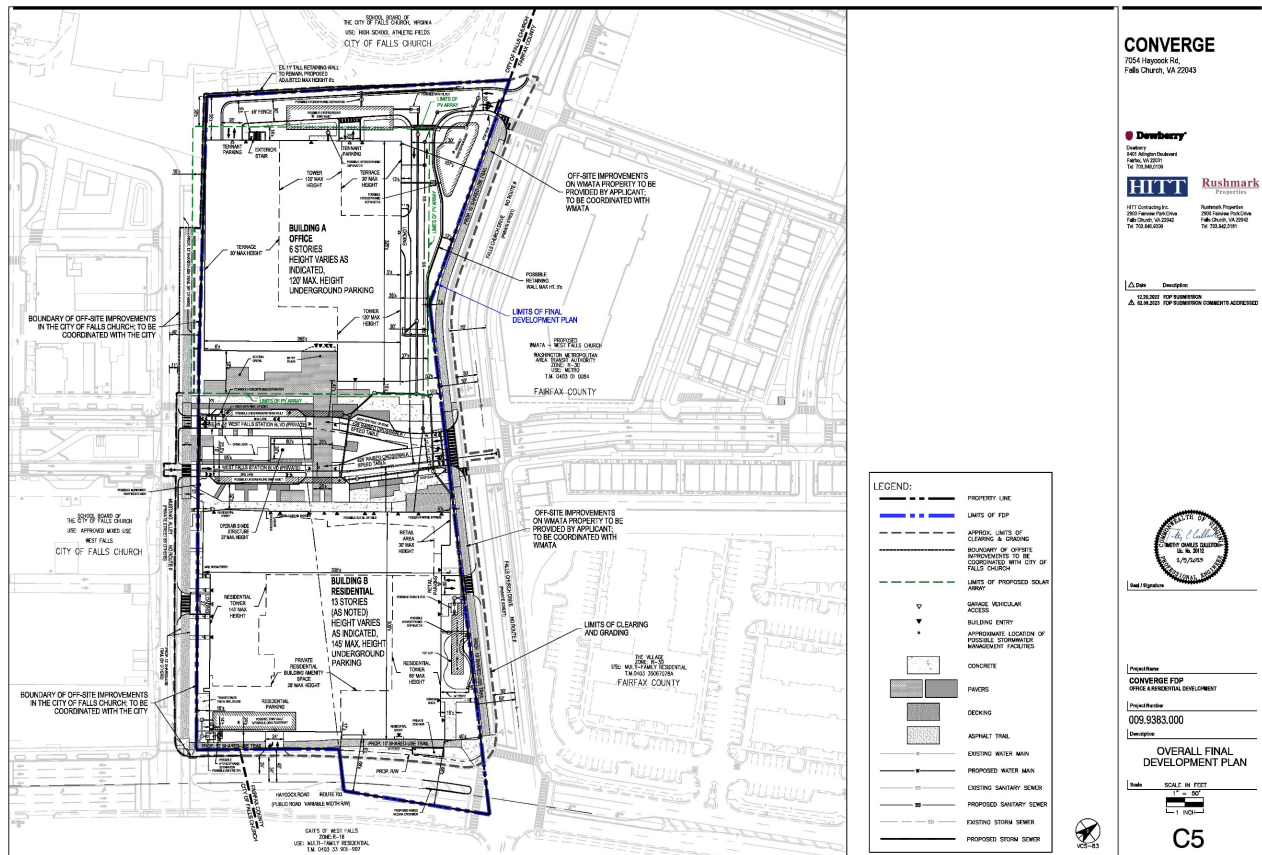


Figure 2: Development Plan (prepared by Dewberry)

### Proximity to Mass Transit

The Converge redevelopment requests a parking reduction based on the site's proximity to mass transit and Section 6100.6.B of the Fairfax County Zoning Ordinance. A mode shift from single-occupancy vehicle (SOV) travel to transit can be expected for developments that are close to mass transit. Section 6100.6.B of the Zoning Ordinance states the following:

- “1. The Board may reduce the number of required off-street parking spaces, subject to appropriate conditions, when a proposed development is within:
  - A. Reasonable walking distance to a mass transit station that either exists or is programmed for completion within the same time frame as the completion of the subject development;
  - B. An area designated in the Comprehensive Plan as a Transit Station Area;
  - C. Reasonable walking distance to an existing transportation facility consisting of a streetcar, bus rapid transit, or express bus service or such a facility that is programmed for completion within the same timeframe as the completion of the subject development and will provide high-frequency service; or
  - D. Reasonable walking distance to a bus stop(s) when service to this stop(s) consists of more than three routes and at least one route serves a mass transit station or transportation facility and provides high-frequency service.”

The site is adjacent to the existing West Falls Church Metro Station on the Orange Line and the site is within the West Falls Church Transit Station Area.

The site is also served by two (2) bus routes with five (5) bus stops within a quarter mile. A bus loop is located on the south side of the West Falls Church Metro Station. The existing transit facilities in the vicinity of the site are shown in Figure 3.

The existing transit services serving the site satisfy the conditions required for a parking reduction, as per Section 6100.6.B of the Fairfax County Zoning Ordinance. The future on-site parking demand can be accommodated by fewer than the Ordinance-required parking spaces because of the site's proximity to the West Falls Church Metro Station.

A parking reduction would not adversely affect the site or the adjacent area. Supporting justification for the proposed parking reduction is provided in subsequent sections of this study.



Figure 3: Existing Transit Facilities

## Existing Parking Supply

The existing Converge site is currently occupied by the Virginia Tech Northern Virginia Center totaling 101,460 SF that is to be removed. The existing site also includes two (2) surface parking lots that are to be removed.

## Future Parking Supply

The proposed Converge redevelopment includes up to 230,000 SF of office, 40,000 SF of institutional use (up to 90 faculty/staff/students), 18,000 SF of retail, and 440 multifamily residential units. The office and institutional uses will be in Building A and the residential and retail uses will be in Building B. Total site build-out is planned for the year 2025. The County’s required parking ratios and the site’s proposed parking ratios are shown in Table 1. No reductions will be made to the required number of ADA spaces. The office building (Building A) and the multifamily residential building (Building B) will each have an underground parking garage.

The proposed parking supply ratios are detailed below:

- The proposed parking supply ratio for the office is 2.0 spaces per 1,000 SF; therefore, 460 parking spaces will be provided for the future office.
- The proposed parking supply ratio for the institutional use is 1.0 spaces per faculty/staff/student; therefore, 90 parking spaces will be provided for the future institutional use.
- The proposed parking supply ratio for the multifamily units is 1.17 spaces per unit; therefore, up to 514 parking spaces will be provided for the future multifamily units.
- The proposed parking supply ratio for the retail is 3.33 spaces per 1,000 SF; therefore, 60 parking spaces will be provided for the future retail.

The final parking supply will fluctuate based on the final development program, not to exceed the maximums described herein, but the parking ratios will be constant. The proposed parking supply is shown in Table 1 and the proposed parking layout is shown in Figure 4.

**Table 1: Proposed Parking Supply**

Land Use	Development Size	Zoning Ordinance		ADA Requirement	Proposed Parking			Difference from ZO	
		Required Minimum Ratio	Required Spaces		Proposed Minimum Ratio	Proposed Spaces	Proposed Standard Spaces		Proposed Accessible Spaces
Office	230,000 SF	2.0 /1,000 SF	460	-	2.0 /1,000 SF	460	-	-	0%
College or University	90 faculty/staff/students	1.0 /faculty/staff/student	90	-	1.0 /faculty/staff/student	90	-	-	0%
<b>Building A Total</b>			<b>550</b>	<b>11</b>		<b>550</b>	<b>539</b>	<b>11</b>	<b>0%</b>
Dwelling, Multifamily <sup>1</sup>	440 DU								
0 or 1 bedroom	257 DU	1.3 /DU	334	-	1.17 /DU	300	-	-	-10.2%
2 bedrooms	153 DU	1.5 /DU	230	-	1.17 /DU	179	-	-	-22.2%
3 or more bedrooms	30 DU	1.6 /DU	48	-	1.17 /DU	35	-	-	-27.1%
Retail	18,000 SF	3.44 /1,000 SF	62	-	3.33 /1,000 SF	60*	-	-	-3.2%
<b>Building B Total</b>			<b>674</b>	<b>14</b>		<b>574</b>	<b>560</b>	<b>14</b>	<b>-14.8%</b>
<b>Converge Total</b>			<b>1,224</b>	<b>25</b>		<b>1,124</b>	<b>1,099</b>	<b>25</b>	<b>-8.2%</b>

<sup>1</sup> Final residential unit mix and space allocation to be determined at Site Plan.

\*Six spaces will be signed as "Future Tenant Parking Only"; the effective retail parking ratio is then 3.0 spaces/1,000 SF

It should be noted that 32 tandem spaces will also be provided in the Building B garage, therefore the total number of parking spaces provided in the Building B garage is 606 spaces.

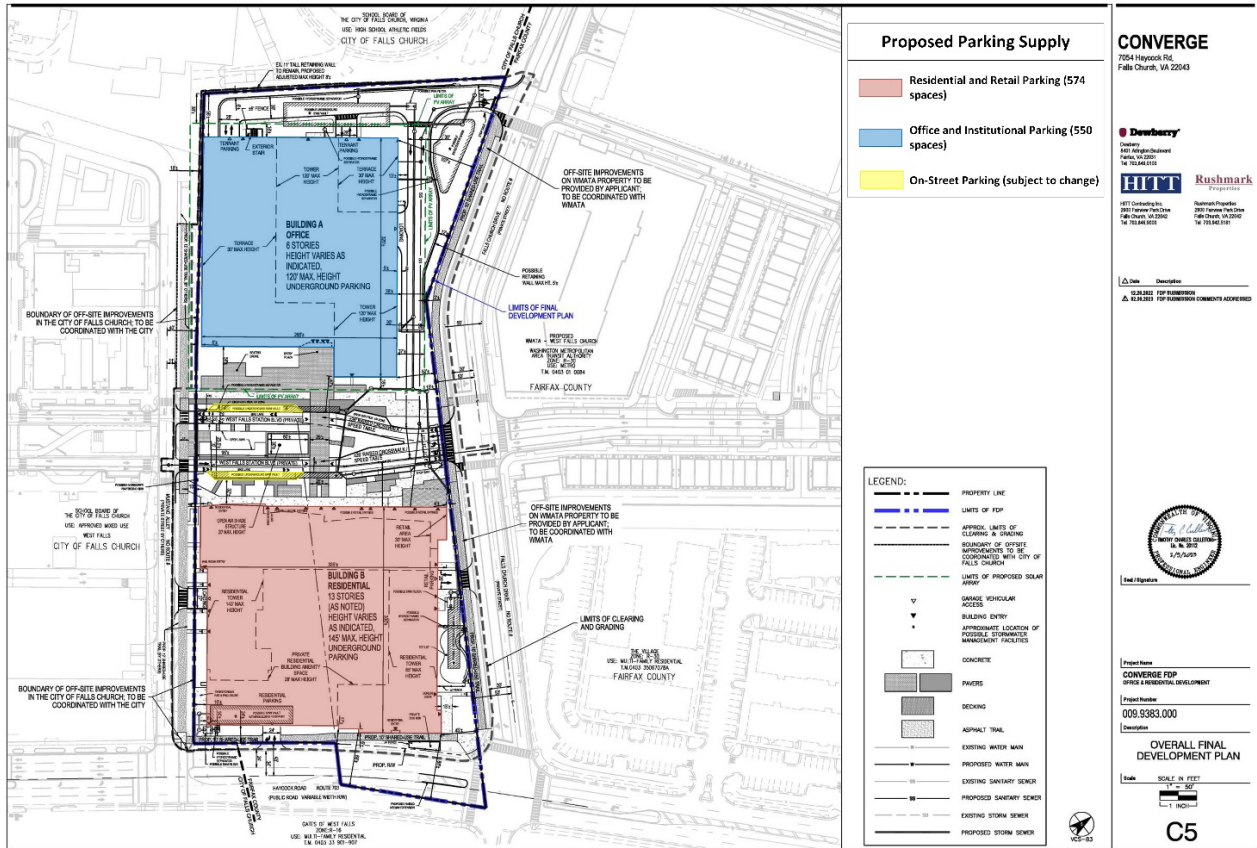


Figure 4: Proposed Parking Layout

## Parking Reduction Request

### **Office**

Fairfax County's Zoning Ordinance requires a minimum rate of 2.0 spaces per 1,000 SF for office located less than 0.25 miles from a metro station entrance along an accessible route.

**No reduction is requested for the office parking.**

### **Institutional**

Fairfax County's Zoning Ordinance requires a minimum rate of 1.0 spaces per faculty/staff/student.

**No reduction is requested for the institutional parking.**

### **Residential**

Fairfax County's Zoning Ordinance requires a minimum rate of 1.3 spaces per 0 or 1 bedroom residential unit, 1.5 spaces per 2 bedroom residential unit, and 1.6 spaces per 3 or more bedroom residential unit.

**A 16.0 percent reduction to a ratio of 1.17 spaces per multifamily dwelling unit is requested for the required residential parking based on the site's proximity to mass transit (Zoning Ordinance Section 6100.6.B).**

### **Retail**

Fairfax County's Zoning Ordinance requires a minimum of 3.44 spaces per 1,000 SF (80 percent of the parking rate established in Table 6100.2).

**A 3.2 percent reduction to a ratio of 3.33 spaces per 1,000 SF is requested for the required retail parking based on the site's proximity to mass transit (Zoning Ordinance Section 6100.6.B).**

## Supporting Justification

### **Nearby Services and Destinations**

There are numerous services and destinations within the vicinity of the site that are easily accessible via walking, biking, or public transit. These destinations include the following:

- Grocery
  - Giant Food (0.3 miles)
  - Future grocer at the corner of Haycock Road and Leesburg Pike
  - Transit accessible (will reach destination in less than 15 minutes via 28A Metrobus) – Whole Foods Market, Trader Joe's, Harris Teeter
- Fitness
  - Recreational facilities will be provided for residents on-site
  - Meridian High School (0.2 miles) – Amenities include a track, tennis courts, and outdoor fields that are open to the public outside of school hours
  - Transit accessible (will reach destination in less than 15 minutes via 28A Metrobus) – Orangetheory Fitness, Burn Boot Camp, Capstone Performance Training, CorePower Yoga, CYCLEBAR
- Health and Pharmacy
  - Dental Care: Falls Church Modern Dentistry and Falls Church Dental Care (0.5 miles)

- Medical Care: Family medicine (0.4 miles)
- Emergency Room (3.3 miles west on Leesburg Pike)
- Pharmacy: Giant Pharmacy (0.3 miles) and CVS Pharmacy (0.4 miles)
- Beauty salon (0.5 miles) and barber (0.7 miles)
- Transit accessible (will reach destination in less than 15 minutes via 28A Metrobus) – Patient First Primary and Urgent Care
- Shopping and Entertainment
  - New music/entertainment space in City’s West Falls Development
  - Transit accessible (will reach destination in less than 15 minutes via 28A Metrobus) – Tysons Corner Shopping Center (stores, restaurants, movie theater), Bowl America
  - Metro Orange line accessible (destinations that will not require transferring lines)
    - Ballston (2 stops to shops, restaurants, movie theater)
    - Clarendon (4 stops to restaurants and bars)
    - Smithsonian museums, Capital One Arena
  - The State Theater (1.8 miles)
  - Capital One Hall and The Perch (3.9 miles)
- Restaurants
  - Countless restaurants of all cuisines and price ranges easily accessible via walking, bicycling, bus, or Metro
- Churches
  - More than 10 churches within a 2-mile radius
- Mail/Shipping
  - UPS Store (0.7 miles)
  - USPS (1.1 miles)

### ***Existing WMATA Parking Garage***

WMATA’s existing parking garage at the West Falls Church Metrorail Station is located adjacent to the redevelopment site. Parking spaces in this garage are available to the public for a fee during weekdays and at no cost on weekends and federal holidays.

It should be noted that Fairfax County’s *Parking Reimagined* initiative proposes to add a parking reduction mechanism by which on-site parking can be reduced when “commercial public off-street parking is located within 1,000 feet walking distance of the site.” This language is included in the Recommended Zoning Ordinance Section 6100.6.E(3).

### ***Existing Parking Restrictions in Nearby Neighborhoods***

Due to existing provisions in place to prevent overflow parking in adjacent neighborhoods, residents and visitors are discouraged from parking off-site as it would result in being ticketed or towed. Existing provisions exist for the adjacent neighborhoods and include the following:

1. The Villages and Pavilion – resident parking only signs with towing notices
2. Falls Plaza Condos – resident parking only signs with towing notices
3. Gates at West Falls Condos – resident parking only signs with towing notices



4. Existing Fairfax County Residential Permit Parking Districts (RPPDs) Restricted Streets

- a. Permits required 9:00 AM to 5:00 PM Monday through Friday on the following roads: Grove Avenue, Birch Street, Highland Avenue, Mount Daniel Drive, Willow Street, Sycamore Street, Grayson Place, Westwood Place
- b. Permits required 8:00 AM to 3:30 PM School Days on Gordons Road

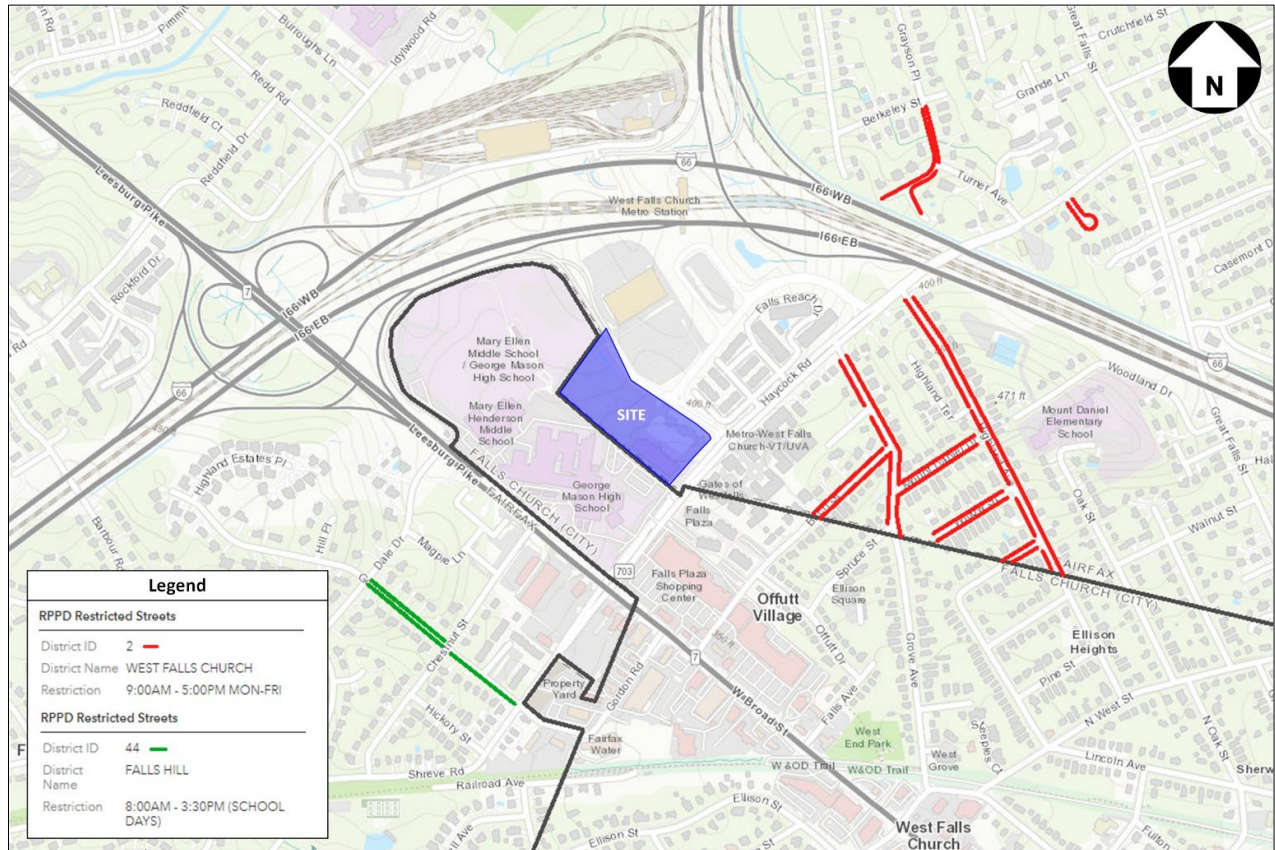


Figure 5: Existing Fairfax County RPPDs

**Similar Use Data**

There are a number of residential developments in the area that have requested and/or had parking reductions approved. Other developments have conducted parking utilization studies to determine the actual parking demand observed. Some comparable developments and their parking ratios are described below:

1. The Somos site is located at 1750 Old Meadow Road and is planned to consist of up to 460 affordable housing units. The site is located approximately 0.4 miles from the McLean Metro Station. Staff recommends approval of the request for 0.9 spaces per unit that is being proposed in the parking reduction study that is currently under review. This site is approximately twice the distance from the metro compared to the proposed multifamily buildings in this application.
2. The Bartlett site is located at 520 12<sup>th</sup> Street South in Arlington County and consists of 699 multifamily residential units. The site is located approximately 0.2 miles from the Pentagon City Metro Station and less than a mile from single-family residential neighborhoods. Based on counts collected September 2017, the observed residential parking demand ratio is 0.76 spaces per unit.

3. The 301 W. Broad Street site is located in the City of Falls Church and consists of a 60,000 SF grocery store, 3,470 SF of retail, and 285 multifamily residential units. The site is located approximately 1.6 miles from the West Falls Church Metro Station, 1.2 miles from the East Falls Church Metro Station, and is adjacent to a townhome community. The site was approved at a parking rate of 1.0 spaces per 310 SF for the retail use and 1.3 spaces per unit for the residential use, which is an overall reduction of 21 percent from the City of Falls Church Zoning Ordinance requirements. Based on current occupancy data, the 301 W. Broad Street development has 224 residential parkers who pay for 285 units, which is a 0.79 spaces/unit ratio. There are 393 bedrooms in the building, which equates to a 0.57 spaces/bedroom ratio.
4. Background Study: *Parking and Trip Generation in Multifamily Residential Developments in Fairfax County, VA*, September 2016, prepared by Nelson\Nygaard.
  - a. The average number of occupied parking spaces per bedroom was 0.73 based on parking utilization data collected at four (4) different residential buildings within Fairfax County located approximately 0.5 miles or less from a metro station.
  - b. It should be noted that approximately 60 percent of the units from the Nelson\Nygaard study were two (2) bedrooms or more, whereas 58 percent of the units in the Converge development will be one (1) bedroom or less.
  - c. Three of the four buildings in this study provided free parking to residents, whereas residents will have to pay for a parking space in the proposed multifamily units thereby disincentivizing parking demand.

### ***Transportation Demand Management***

This parking reduction request is **not** based on Transportation Demand Management (TDM) measures; however, a TDM program will be included with the Proffers for this site and further justifies the request for a parking reduction. The strategies included in the TDM Plan will work together to provide transportation options to residents, employees, and visitors of the development, and the proposed development will benefit from the elements of the TDM Plan as outlined below.

### ***Recommended TDM Goals***

The Comprehensive Plan Amendment for the West Falls Church Transit Station Area (TSA), adopted July 13, 2021, states the following:

*“Road improvements, public transit improvements and Transportation Demand Management (TDM) goals at the high end of the trip reduction range or beyond are recommended for the [Transit Development Area]. Careful planning and implementation efforts are required to successfully reduce peak hour vehicle trips. Reductions in traffic volumes contribute to improved livability, walkability, and bikeability through more efficient use of the multi-modal transportation system. Development proposals should commit to reduce vehicle trips during peak travel times through the use of TDM strategies per the Fairfax County Comprehensive Plan, Transportation Policy Element and Fairfax County TDM Guidelines. Trip reductions for commercial and residential developments within the TSA should meet or exceed the higher end of the range as outlined in the Fairfax County TDM Guidelines. These TDM efforts include (but are not limited to) ridesharing programs; bus transit planning and promotion; parking management programs; alternative work schedules and teleworking; and non-motorized connections.”*

Given the site’s proximity to the West Falls Church Metro Station, the Applicant will commit to a TDM program to reduce the number of single-occupant vehicle trips by 45 percent. The Applicant will work with staff during the application process to identify strategies to meet the Comprehensive Plan’s Transportation Development Review Performance Objectives.

### Walkability

Developments located in areas with significant, high-quality pedestrian and bicycle infrastructure are likely to have a higher rate of non-motorized travel than developments in areas lacking this infrastructure.

The existing site is primarily surface parking, with pedestrian connections to and from the West Falls Church Metro Station. The overall pedestrian network surrounding the project site is established, with sidewalks on both sides of Haycock Road and a portion of Falls Church Drive, and crosswalks at signalized intersections along Haycock Road as shown in Figure 6.

Future build-out of the Converge redevelopment will increase the pedestrian and bicycle connectivity in and around the site and increase pedestrian and bicycle accessibility to and from the West Falls Church Metro Station as shown in Figure 7.

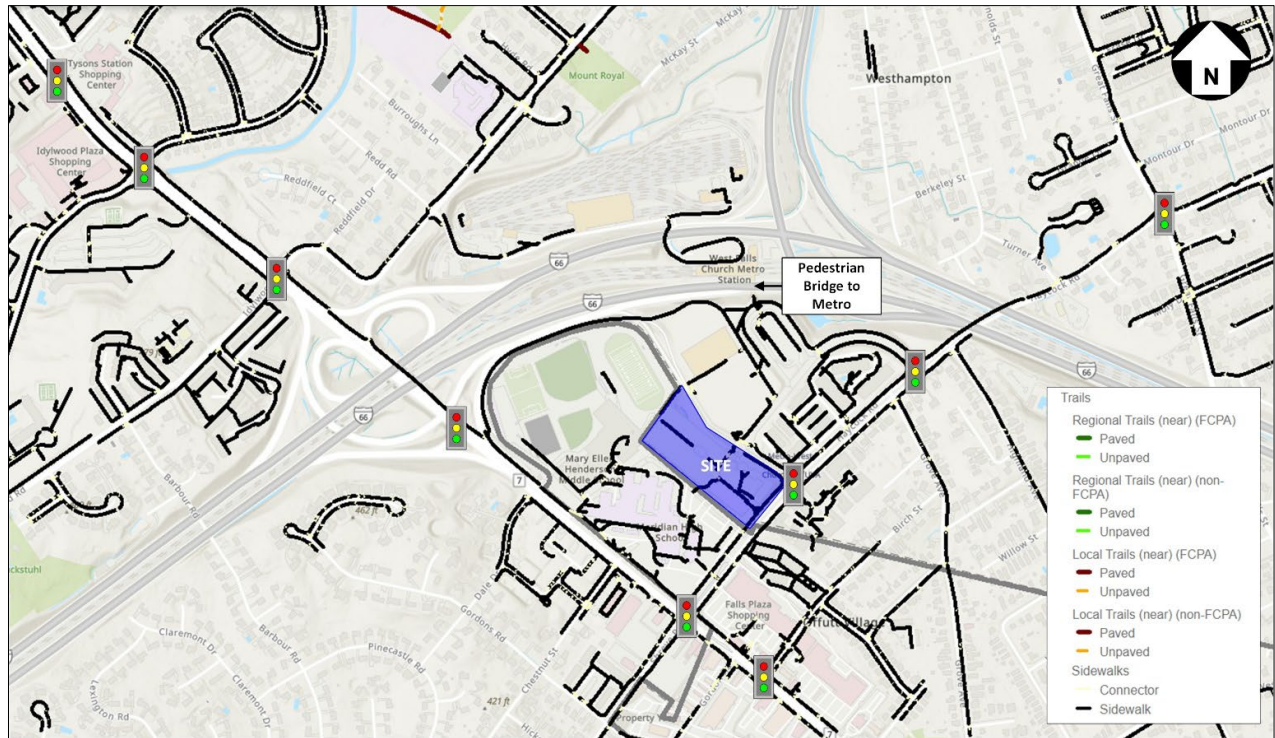


Figure 6: Existing Pedestrian Connectivity (Source: Bike Fairfax)

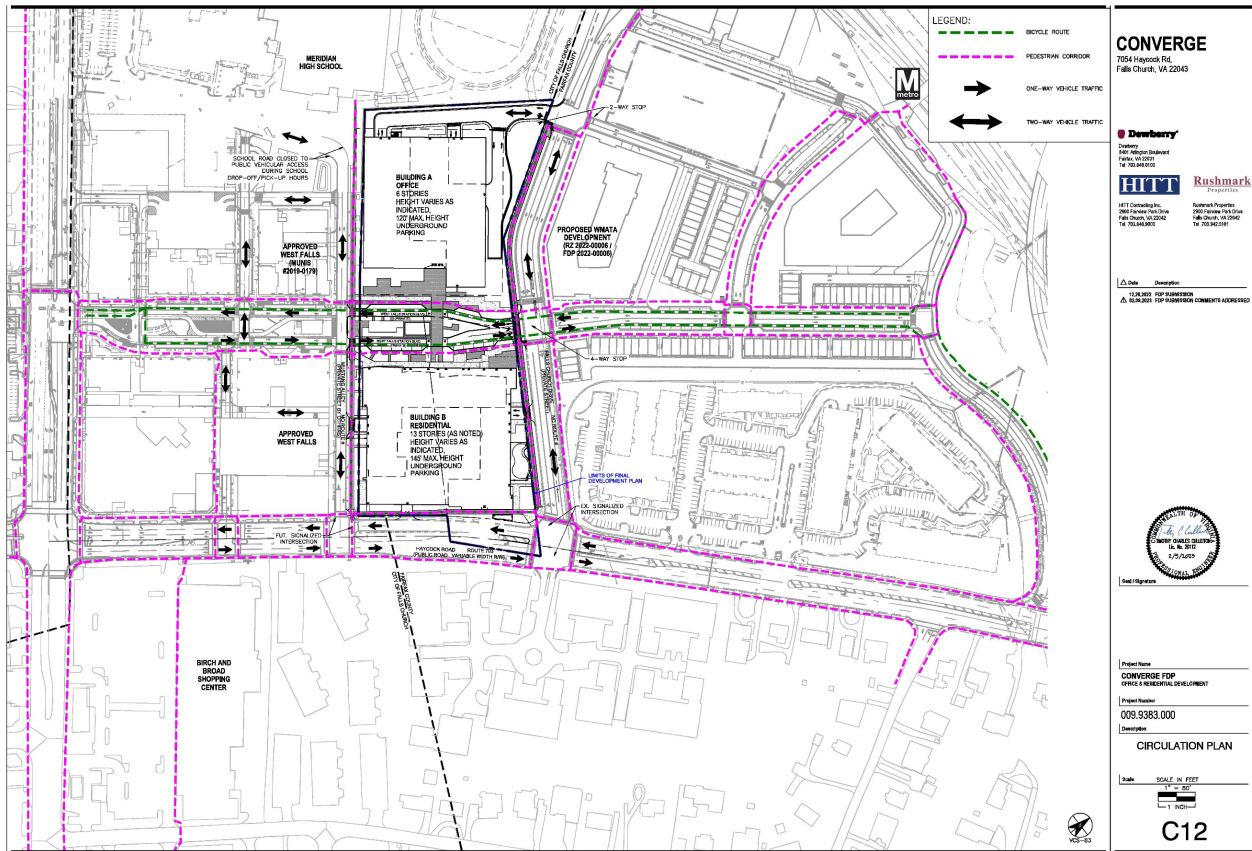


Figure 7: Proposed Pedestrian and Bicycle Circulation Plan

**Bikeability**

Falls Church Drive and Metro Access Road are currently described as “Most Comfortable” bicycling routes according to the Fairfax County Bike Map as shown in Figure 8. There is also a shared use path connecting Leesburg Pike to the West Falls Church Metro Station, and the site is approximately 0.5 miles away from the existing W & OD Trail.

The Fairfax County *Countywide Bicycle Master Plan*, approved in October 2014, provides additional detail for the bicycle facilities planned for the area and makes recommendations similar to those in the Comprehensive Plan. The *Countywide Bicycle Master Plan* shows that a shared use path is recommended on Falls Church Drive and a shared roadway is recommended on Metro Access Road. The *West Falls Church Metrorail Active Transportation Study*, prepared for FCDOT, and dated November 2022, recommends a shared use path along Shreve Road in order to provide an improved connection between the W & OD Trail and the West Falls Church Metro Station. The County’s Recommended Bicycle Network for the study area is shown in Figure 9.

The proposed redevelopment will accommodate secure, long-term bike parking for residents of the multifamily building as well as short-term bicycle parking throughout the site for visitors. Additionally, the proposed redevelopment will have bicycle lanes throughout the site as shown previously in Figure 7. These improvements connect to the greater, planned bicycle network shown in Figure 9.

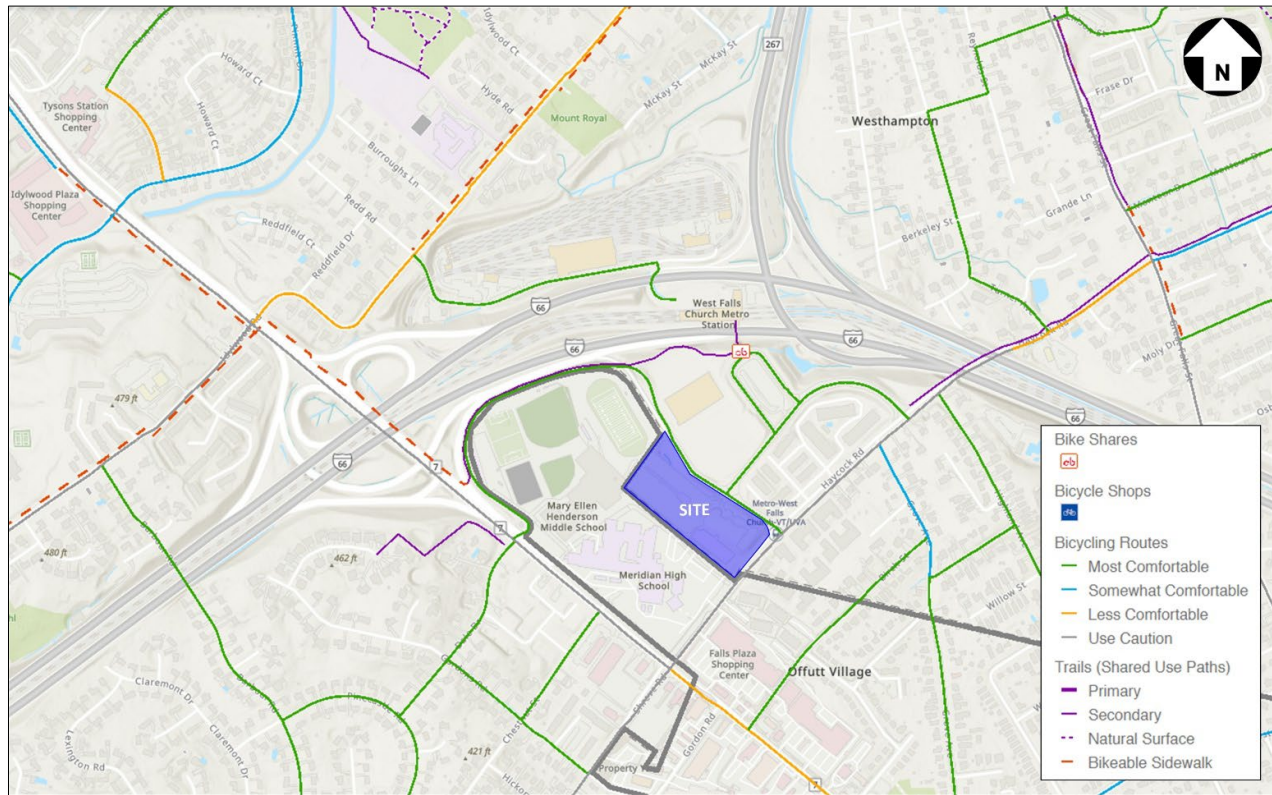


Figure 8: Existing Bicycle Facilities (Source: Bike Fairfax)

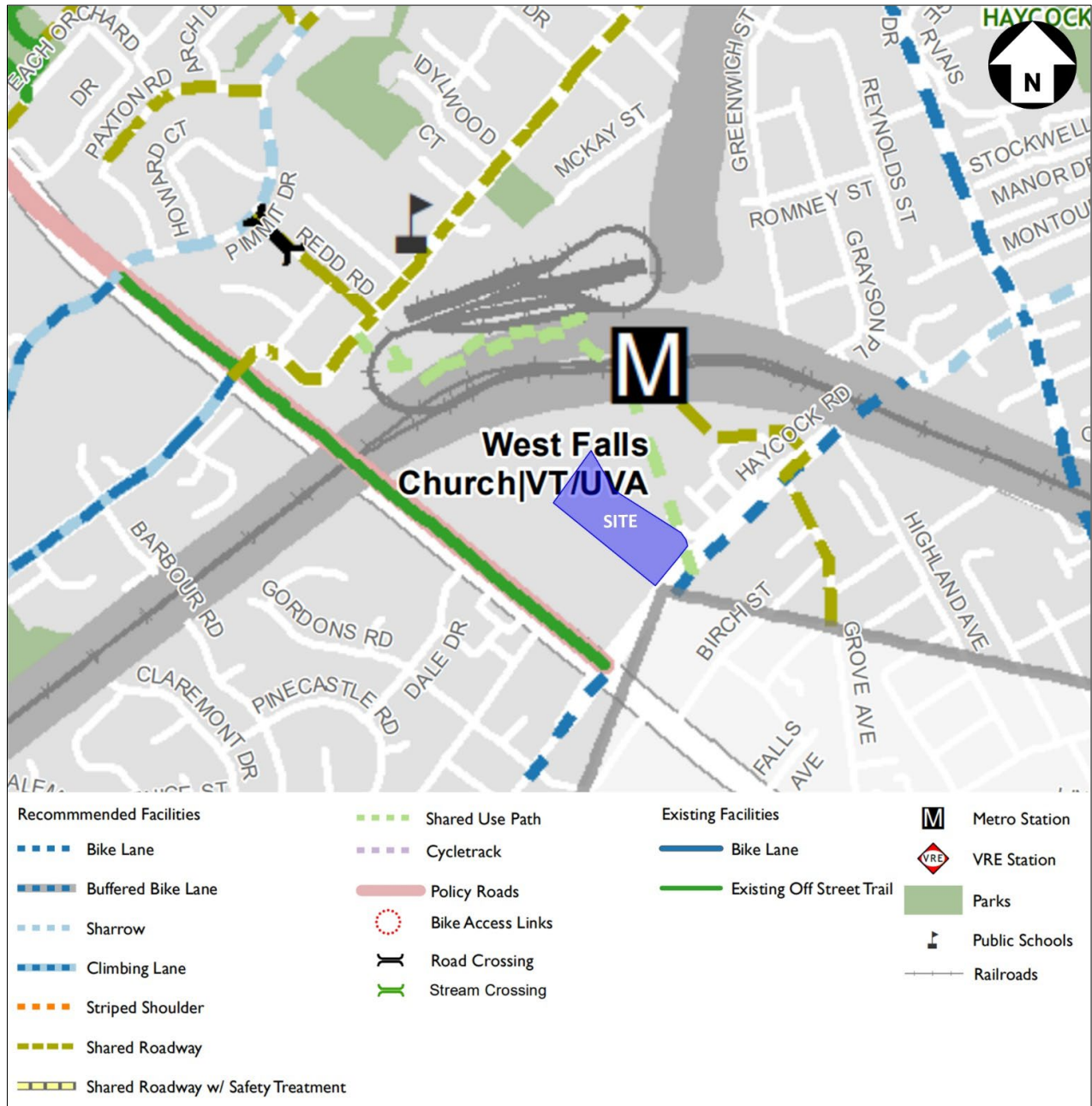


Figure 9: Countywide Bicycle Master Plan (Source: Fairfax County)

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***Shared Micromobility (Bikeshare and Scootershare)***

Shared micromobility options are increasing in the area including traditional and electric bikesharing and electric scooter sharing. According to Bird Rides, Inc that offers electric scooter sharing, “one traditional car parking spot can fit 10 scooters.”

Capital Bikeshare is the District Department of Transportation (DDOT)'s bikesharing program in partnership with multiple jurisdictions in the Washington, DC, metro region and operated by Lyft. Capital Bikeshare allows for users to rent a bike at any time for a single trip and return the bike to any station once finished. Capital Bikeshare is a quick and affordable mode of transportation to commute or run errands. Currently the closest Capital Bikeshare docking station to the site is located at the West Falls Church Metro Station with many other close-by stations located throughout the City of Falls Church. It is noted that the Applicant will provide space for a potential bikeshare station on the Converge site.

Capital Bikeshare statistics collected in the 2022 Lyft Multimodal Report are shown in Figure 10. As can be seen by the statistics below, over half of bikeshare users do not own or lease a personal vehicle. Additionally, over half of users use the service to complete errands, and almost half of the users also utilize public transit on a weekly basis.

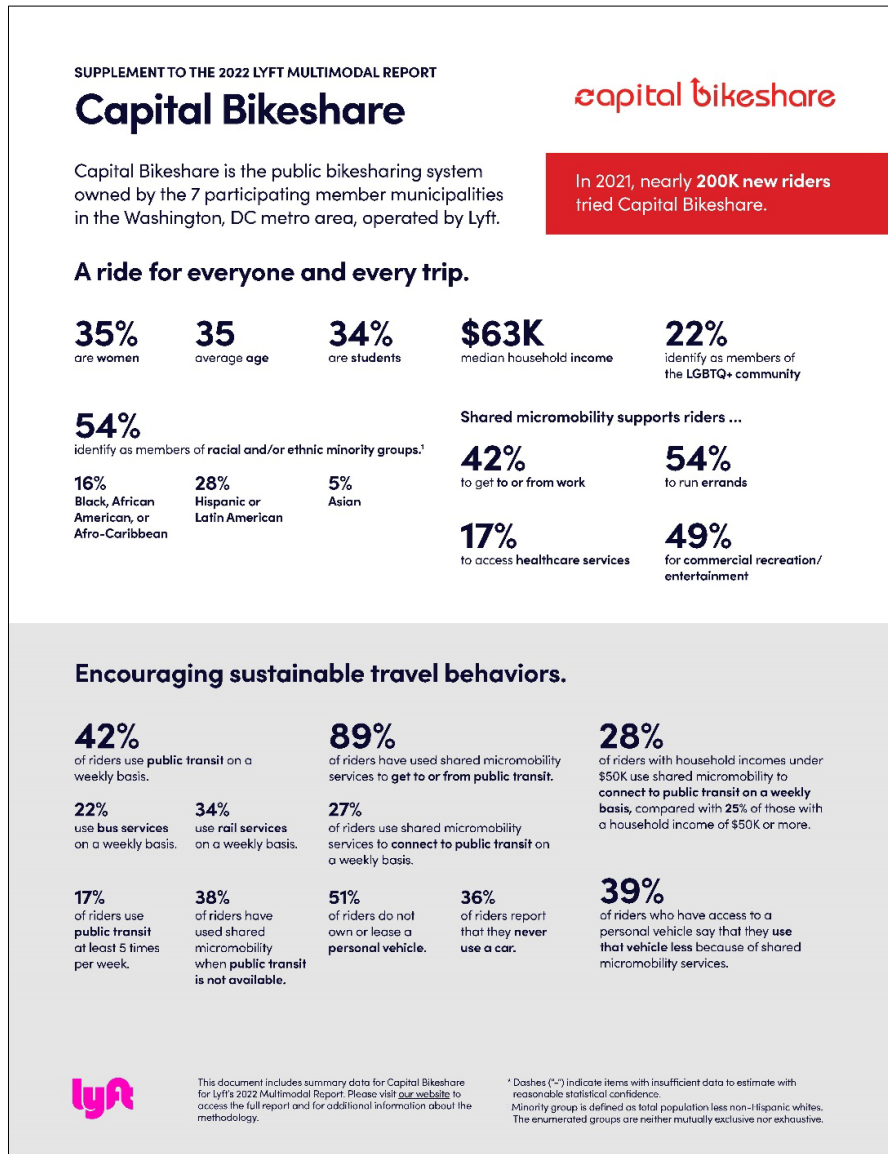


Figure 10: Capital Bikeshare Data from Lyft's 2022 Multimodal Report

**Carsharing**

Carsharing services allow members access to vehicles without the need to purchase and maintain their own. As part of the proposed redevelopment, spaces may be made available for carsharing, contingent upon an agreement with a carsharing service. According to *Parking Management Best Practices* (ITE Journal Online, 2008), carsharing can reduce residential requirements 5 to 10 percent if a carsharing service is located nearby.

An example of a local jurisdiction using carsharing to reduce the need for multiple vehicle ownership, or in some cases the need for vehicle ownership at all, is the City of Alexandria's Braddock Road Metro Neighborhood Plan. The Plan recommends that a parking reduction of five (5) spaces for each on-site carsharing space should be allowed within the Braddock Area, not to exceed 20 percent of the total required spaces.



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### ***Transit-Oriented Development Car Ownership***

According to *Effects of TOD on Housing, Parking, and Travel* (Transit Cooperative Research Program, 2008), transit-oriented development (TOD) households typically own fewer cars because they have smaller households, and because they may forgo “extra” cars due to transit’s proximity. TOD households are almost twice as likely to not own any car and own almost half the number of cars of other households.

According to 2021 US Census data, 7.3 percent of households in the Idylwood Census Designated Place (CDP) do not own a car. It is noted that almost all Idylwood CDP households are not within a quarter mile of a Metro Station; therefore, it could be expected that vehicle ownership decreases as people live closer to mass transit. In addition, people living and working in TODs walk more, use transit more and own fewer cars than the rest of their region. Hence, the reduced car ownership for residents of the Converge site further supports the proposed parking reduction on site.

### ***Ridesharing***

Uber, Lyft, and other similar companies are a form of on-demand ridesharing where users of the app can request a ride and a nearby driver will take you where you need to go. Ridesharing is a convenient and accessible way for riders to request a ride at any time of the day for a multitude of reasons such as commuting to work, going to a vaccine or healthcare appointment, to access entertainment, or to visit family and friends.

The 2022 Rider Economic Impact Report conducted by Lyft for the state of Virginia is shown in Figure 11. As can be seen in this report summary, 36 percent of Lyft users do not own or lease a personal vehicle.

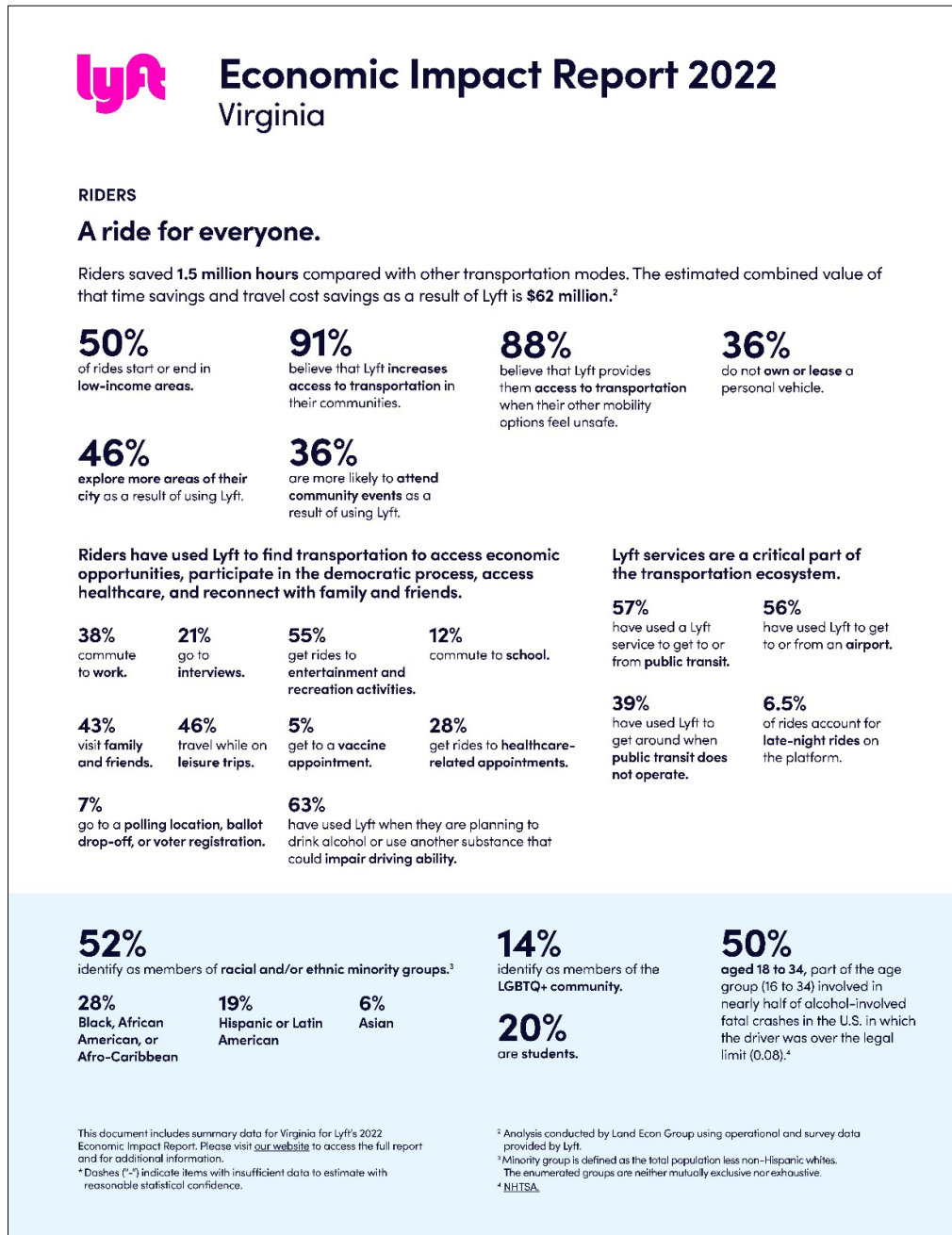


Figure 11: Ridesharing: Lyft's Economic Report 2022, Virginia

**Idylwood CDP Commuter and Vehicle Ownership Transportation Data**

According to 2021 US Census data, 39.7 percent of workers in the Idylwood Census Designated Place (CDP) either work from home or use a mode of transportation other than driving alone to commute to work. 12.8 percent of workers in the Idylwood CDP use public transportation to commute to work. The 2021 US Census data is presented in Table 2.

**Table 2: 2021 Commuter Transportation Data – Idylwood CDP (Source: Census Bureau)**

	Percent
Drove Alone	60.3%
Carpooled	10.3%
Public Transit	12.8%
Worked At Home	14.0%
Walked	0.7%
Bicycle	0.3%
Taxi, Motorcycle, or Other	1.6%

According to 2021 US Census data, 49.3 percent of housing units in the Idylwood CDP own one (1) vehicle or less. **Furthermore, 11.0 percent of renter occupied units in the Idylwood CDP have no vehicle available and 48.7 percent of renter occupied units have one (1) vehicle available.**

**MWCOG Commuter Transportation Data**

According to the *2022 State of the Commute Survey* from the Metropolitan Washington Region, telework replaced nearly half of daily commute trips in 2022. On a typical workday in 2022, nearly 1.5 million regional workers teleworked, which eliminated 2.9 million daily commuting trips. The survey also notes that 34 percent of commuters who drove alone pre-pandemic shifted to telework as their primary mode in 2022.

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## Conclusion

This study provides justification for a parking reduction for the proposed Converge redevelopment based on the site's proximity to mass transit (West Falls Church Metro Station) and Section 6100.6.B of the Fairfax County Zoning Ordinance.

- The Zoning Ordinance allows parking reductions for sites that are proximate to mass transit. The Converge site is adjacent to the West Falls Church Metro Station and is served by two (2) bus routes with stops at the West Falls Church Metro Station bus bays and along Haycock Road.
- No parking reduction will be applied to the required number of accessible spaces.
- The following parking supply rates are proposed based on the site's proximity to the West Falls Church Metro Station:
  - Office: **2.0 spaces per 1,000 SF** (no reduction)
  - Institutional: **1.0 spaces per faculty/staff/student** (no reduction)
  - Multifamily Residential: **1.17 spaces per unit** (16.0 percent reduction)
  - Retail: **3.33 spaces per 1,000 SF** (3.2 percent reduction)
- The requested parking reduction will not adversely affect the site or the adjacent area.
- There are numerous destinations within the vicinity of the site that are easily accessible via walking, biking, or public transit.
- There are existing provisions in place in nearby neighborhoods to prevent overflow parking.
- Comparable developments show reduced parking ratios and parking demand from the Zoning Ordinance.
  - A study conducted by Nelson\Nygaard shows an average demand of 0.73 occupied parking spaces per bedroom for TOD sites in Fairfax County.
- Given the Property's proximity to the West Falls Church Metro Station, the Applicant will commit to a TDM program to reduce the number of single-occupant vehicle trips by 45 percent.
- Future build-out of the Converge redevelopment will increase the pedestrian and bicycle connectivity in and around the site and increase pedestrian and bicycle accessibility to and from the West Falls Church Metro Station.
- There are increasing micromobility and ridesharing options in the area to reduce single-occupant vehicle trips.
- 2021 US Census data shows the following for the Idylwood CDP:
  - 7.3 percent of Idylwood CDP households do not own a car.
  - 39.7 percent of Idylwood CDP workers either work from home or use a mode of transportation other than driving alone to commute to work.
  - 11.0 percent of renter occupied units in the Idylwood CDP have no vehicle available.
- According to the 2022 State of the Commute Survey from the Metropolitan Washington Region, telework replaced nearly half of daily commute trips in 2022.

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ACTION - 3

Approval of a Parking Reduction for 8110 Gatehouse Road and 2990 Telestar Court  
(Providence District)

ISSUE:

Board of Supervisors' (Board) approval of a 21 percent reduction for the affordable residential component of a multifamily site development proposal located on 2023 Tax Map Number 49-4 ((1)) 28B.

RECOMMENDATION:

The County Executive recommends that the Board approve a parking reduction, pursuant to provisions in the Zoning Ordinance (Ordinance), based on the unique characteristics of the use as demonstrated in the parking study #PKS-2023-00001, subject to the conditions in Attachment I.

TIMING:

Board action is requested on July 25, 2023.

BACKGROUND:

The proposed parking reduction is associated with anticipated redevelopment of two office buildings, located at 8110 Gatehouse Road and 2990 Telestar Court, converting one building to live/work residential units and the second to affordable rental units. The site was the subject of a rezoning (RZ/FDP 2022-PR-00017) to allow this redevelopment. This rezoning was approved by the Board on June 6, 2023, and anticipated the proposed reduction.

The applicant requests an overall parking reduction of 21%, detailed in Table 1. The reduction is proposed for the affordable multifamily component on 2990 Telestar Court. A live/work development is also proposed on the 8110 Gatehouse Road site. An existing parking garage for live/work building has adequate capacity to allow overflow parking from the affordable site. The developer of the live/work project will allow shared parking within that garage.

This request is based on the unique characteristics of the multifamily residential use. As detailed in the national parking data from Parking Generation, 5<sup>th</sup> Edition, published by the Institute of Transportation Engineers, affordable housing uses have a lower parking

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demand than market rate multifamily development. Other nearby jurisdictions and national urban areas have provided for a standard parking reduction for affordable housing uses ranging from 30-50% from the standard market rate requirements depending on the level of affordability.

Further, a local affordable multifamily housing developer completed a parking study in 2018 covering a portfolio of 1,157 units throughout Arlington County ranging in distance from Metrorail. The occupancy data was collected between 12:00 AM and 3:00 AM to capture peak occupancy of each residential development. The data indicated approximately 0.55 occupied parking spaces per unit. The buildings only utilized approximately 70% of the parking supply.

Table 1. Comparison of Ordinance Required and Proposed Parking for 2990 Telestar Court and 8110 Gatehouse Road

<b>Use</b>	<b>No. of Units</b>	<b>Required Parking Rate</b>	<b>Ordinance Required Spaces</b>	<b>Proposed Parking Rate</b>	<b>Proposed Minimum Number of Spaces</b>	<b>Proposed Reduction</b>
Multifamily Residential – 2990 Telestar Court	82 units	1.6 spaces/unit	131 spaces	1.25 spaces/unit	103	21%
Live/Work – 8110 Gatehouse Road	245,000 square feet of GFA (SF of GFA)	2.6 spaces/SF of GFA	637 spaces	2.72 spaces/SF of GFA	667 spaces	0%

This recommendation reflects a coordinated review by the Department of Planning and Development, Office of the County Attorney and Land Development Services (LDS).

**EQUITY IMPACT STATEMENT:**

The proposed reduction supports a quality-built environment that accommodates anticipated growth and change in an economically, socially, and environmentally sustainable and equitable manner. This includes mixes of land use that protects existing stable neighborhoods and green spaces, supports sustainability, supports a high quality of life, and promotes employment opportunities, housing, amenities, and services for all people. It also promotes a healthy and quality environment to live and work in that acknowledges the need to breathe clean air and to drink clean water now and for future generations. Further, it is consistent with a multi-modal transportation system that

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supports the economic growth, health, congestion mitigation, and prosperity goals of Fairfax County and provides accessible mobility solutions that are based on the principles associated with sustainability, diversity, and community health.

The proposed reduction addresses these values by being a component of an effort to reduce auto travel and enhance environmental benefits by de-emphasizing ample, free parking. Providing this parking utilizes land resources that could be better used to provide more compact, walkable development. When walkable locales are provided, behavioral changes occur that support use of non-auto travel modes such as walking and micromobility devices, examples include bicycles and scooters. Reducing incentives to drive because parking is freely available reduces emissions, which is the primary source of pollution in our region.

At this site, transit facilities that serve the Dunn Loring Metro station will be available within walking distance of the subject buildings. Also, retail, dining, employment, and entertainment options are available within one-half mile of the subject site. The live/work residential option encourages telework. These options reduce the need for auto ownership and the impacts additional driving can cause to the environment. Further, the subject building is proposing to repurpose a portion of an existing surface parking lot for landscaping/open space, which will remove impervious surface, lowering heat island effects and creating opportunities for better management of stormwater runoff.

In addition, the provision of less parking enhances affordability, creating more equitable opportunities for housing. The cost of providing parking can be a barrier to entry for both providers and residents. This is particularly true in high density areas of the County where land and parking construction costs are much higher. These costs must be incorporated into the value of the property, pushing higher rents and other housing costs. If parking requirements are reduced or eliminated, the cost to provide parking can be minimized which allows lower residential rental or purchase costs. It also allows affordable projects to meet financial criteria for their construction.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Parking reduction conditions dated May 19, 2023

Attachment II – Parking reduction study (PKS-2023-00001) from Gorove Slade dated January 12, 2023, and revised June 14, 2023

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STAFF:

Rachel Flynn, Deputy County Executive

William D. Hicks, P.E., Director, Land Development Services (LDS)

Matthew Hansen, P.E., Chief, Site Development and Inspection Division (SDID), LDS

Jeff Vish, P.E., Central Branch Chief, SDID, LDS

Michael Davis, Parking Program Manager, SDID, LDS

ASSIGNED COUNSEL:

Patrick V. Foltz, Assistant County Attorney



## PARKING REDUCTION CONDITIONS May 19, 2023

1. These conditions apply to the current owner, their successors and assigns (hereinafter "owner") of the parcels identified on 2023 Tax Map 49-4 ((1)) 28B.
2. Off-street parking for residential multifamily uses at 2990 Telestar Court must be provided at a minimum of 1.25 spaces per dwelling unit.
3. Parking for any uses not listed in Condition #2 must be provided at no less than the minimum rates required by the Zoning Ordinance (Ordinance).
4. The developers of either site may, at their discretion, utilize parking rates required by the Ordinance in effect at the time the uses at 2900 Telestar Court and 8110 Gatehouse Road are constructed.
5. If the site is developed in substantial conformance with the approved development plan and associated rezoning application, then this parking reduction will remain in effect. With any amendments to the rezoning, a revision to this parking reduction may be required and be subject to approval by the Board.
6. The conditions of approval of this parking reduction must be incorporated into any site plan or site plan revision submitted to the Director of Land Development Services (Director) for approval.
7. The owner must submit a parking space utilization study for review and approval by the Director promptly upon request by the Zoning Administrator or the Director at any time in the future. Following review of that study, or if a study is not submitted within 90 days after its request, the Director may require alternative measures to satisfy the on-site parking needs of the property. Such measures may include, but are not limited to, compliance with the full parking requirements specified in the Ordinance.
8. All parking utilization studies prepared in response to a request by the Zoning Administrator or the Director must be based on applicable requirements of The Code of the County of Fairfax, Virginia, and the Ordinance in effect at the time of the study's submission.
9. All parking provided must comply with the applicable requirements of the Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act and the Virginia Uniform Statewide Building Code.
10. These conditions of approval are binding on the Owners and must be recorded in the Fairfax County Land Records in a form acceptable to the County Attorney.

Parking Reduction Study

**8110 Gatehouse Road & 2990  
Telestar Court**

Fairfax County, Virginia

January 12, 2023

**Revised: June 14, 2023**

**Prepared for:**

Madison Highland Live/Work Loft Services, LLC  
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Washington, DC 20024

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## Introduction

The proposed 8110 Gatehouse Road & 2990 Telestar Court application (RZ-2022-PR-00017 & FDP-2022-PR-00017) is requesting a parking reduction. This study provides justification for a parking reduction due to the **unique characteristics of the proposed use** and Section 6100.6.G of the Fairfax County Zoning Ordinance. The site is located north of Gatehouse Road, south of Porter Road, east of Gallows Road, and west of Telestar Court in Fairfax County, VA. The site is located in the Merrifield Suburban Center and the Merrifield Commercial Revitalization Area (CRA). The site location is shown in Figure 1.

The existing site is currently occupied by two (2) office buildings totaling 334,000 SF that are to remain and be repurposed as affordable multifamily residential units and live/work space. The existing site also currently includes two (2) surface parking lots and 5-story parking garage. The site is planned to be reestablished as a mixed-use development including 82 affordable multifamily residential units and 245,000 SF of live/work space. The residential units are proposed to be affordable housing units at 60% AMI. Hence, many of the tenants are not anticipated to own more than one vehicle and therefore a parking reduction is being requested for the residential units.

Site access will be provided via Telestar Court and Gatehouse Road as shown on the plan in Figure 2.



**Figure 1: Site Location**

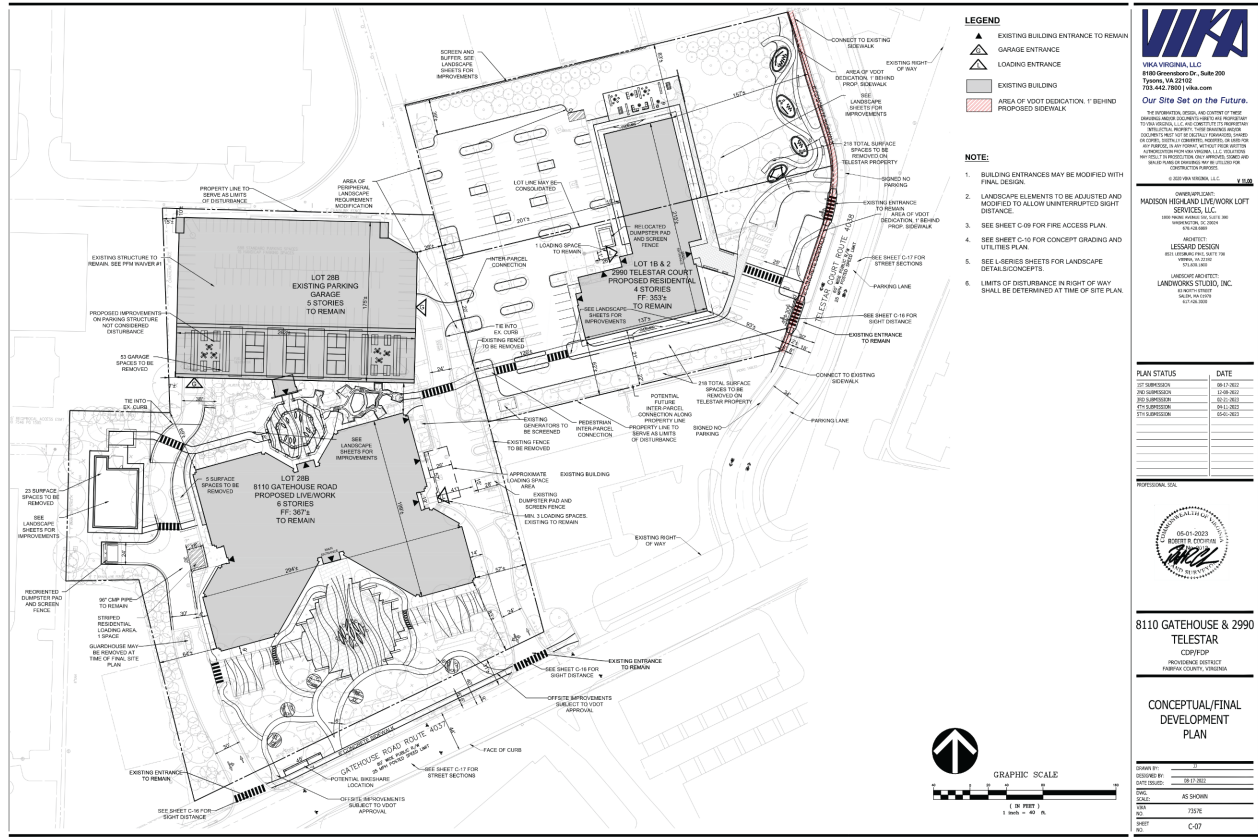


Figure 2: Conceptual/Final Development Plan (Prepared by VIKI)

## Unique Characteristics

The 8110 Gatehouse Road & 2990 Telestar Court site requests a parking reduction due to the unique characteristics of the proposed use and Section 6100.6.G of the Fairfax County Zoning Ordinance. Section 6100.6.G of the Zoning Ordinance states the following:

*“For reductions that are not eligible for consideration under other provisions of this Ordinance, the Board may, subject to appropriate, reduce the total number of parking spaces required when the applicant has demonstrated to the Board’s satisfaction that, due to the unique characteristics of the proposed use(s), the spaces proposed to be eliminated for the site are unnecessary and such reduction in parking spaces will not adversely affect the site or the adjacent area.”*

The proposed use is 82 affordable multifamily residential units and 245,000 SF of live/work space. Tenants in affordable housing units are expected to have lower vehicle ownership numbers than in traditional multifamily housing units and are anticipated to use alternate modes of transportation other than single occupancy vehicles. Therefore, the parking demand for the residential units is not anticipated to be as great as under traditional housing circumstances. The Applicant is proposing to reduce the provided residential parking by 28 spaces to 1.25 spaces per unit but is also proposing to provide more parking spaces for the live/work space than required by the Zoning Ordinance. Therefore, the overall proposed future supply is anticipated to be sufficient for the proposed use.

### Proximity to Mass Transit

This parking reduction request is **not** based on proximity to mass transit; however, it is noted that the site is approximately 1.3 miles from the Dunn Loring Metro Station, and there are four (4) bus stops served by three (3) bus lines within a quarter mile of the site. The existing transit facilities in the vicinity of the site are shown in Figure 3.

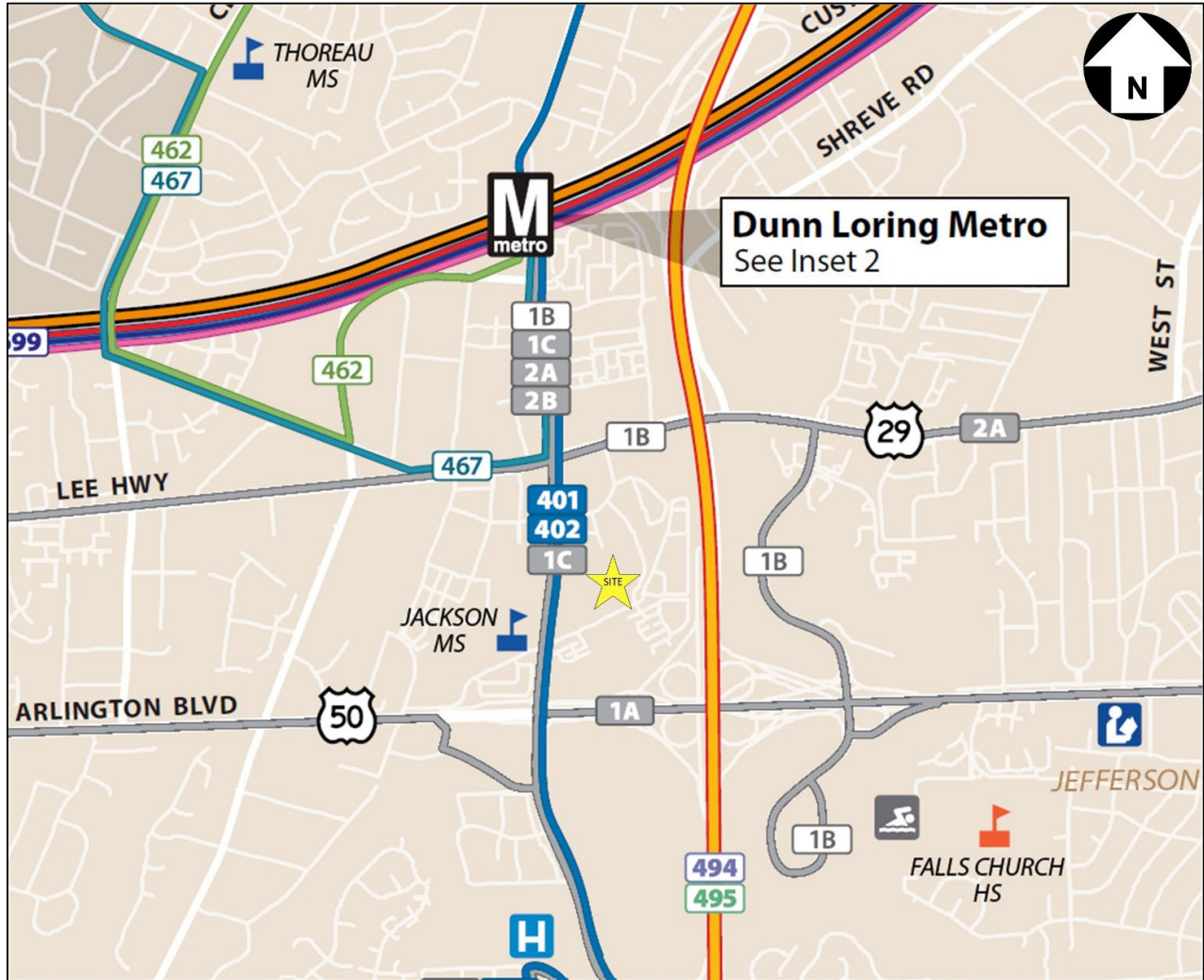


Figure 3: Existing Transit Facilities

**Transportation Demand Management Measures**

This parking reduction request is **not** based on Transportation Demand Management (TDM) measures; however, a TDM program will be included with the proffers for this site and further justifies the request for a parking reduction. The strategies included in the TDM plan will work together to provide transportation options to residents and employees of the development, and the proposed development will benefit from the elements of a TDM plan as outlined below.

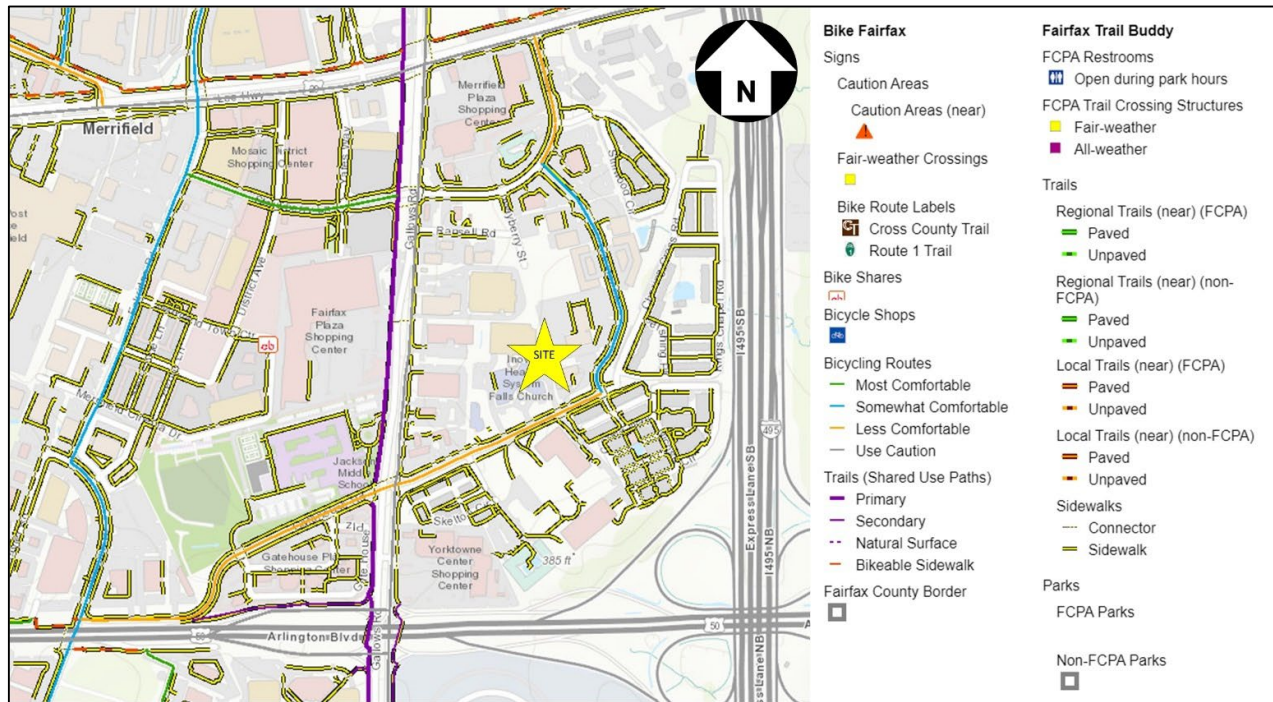
**Recommended TDM Goals**

The TDM Guidelines for Non-Tysons TOD Locations recommends a goal of reducing single occupant vehicle trips by 15 to 25 percent for residential uses more than half a mile from a metro station.

**Walkability**

Developments located in areas with significant, high-quality pedestrian and bicycle infrastructure are likely to have a higher rate of non-motorized travel than developments in areas lacking this infrastructure.

The overall pedestrian network surrounding the project site is well established, with sidewalks on nearly all roadway segments and crosswalks at signalized intersections as shown in Figure 4.



**Figure 4: Existing Bike and Pedestrian Facilities (Source: Bike Fairfax)**

**Future Bicycle Improvements**

The Countywide Bicycle Master Plan, approved in October 2014, provides additional detail for the bicycle facilities in the area as shown in Figure 5.



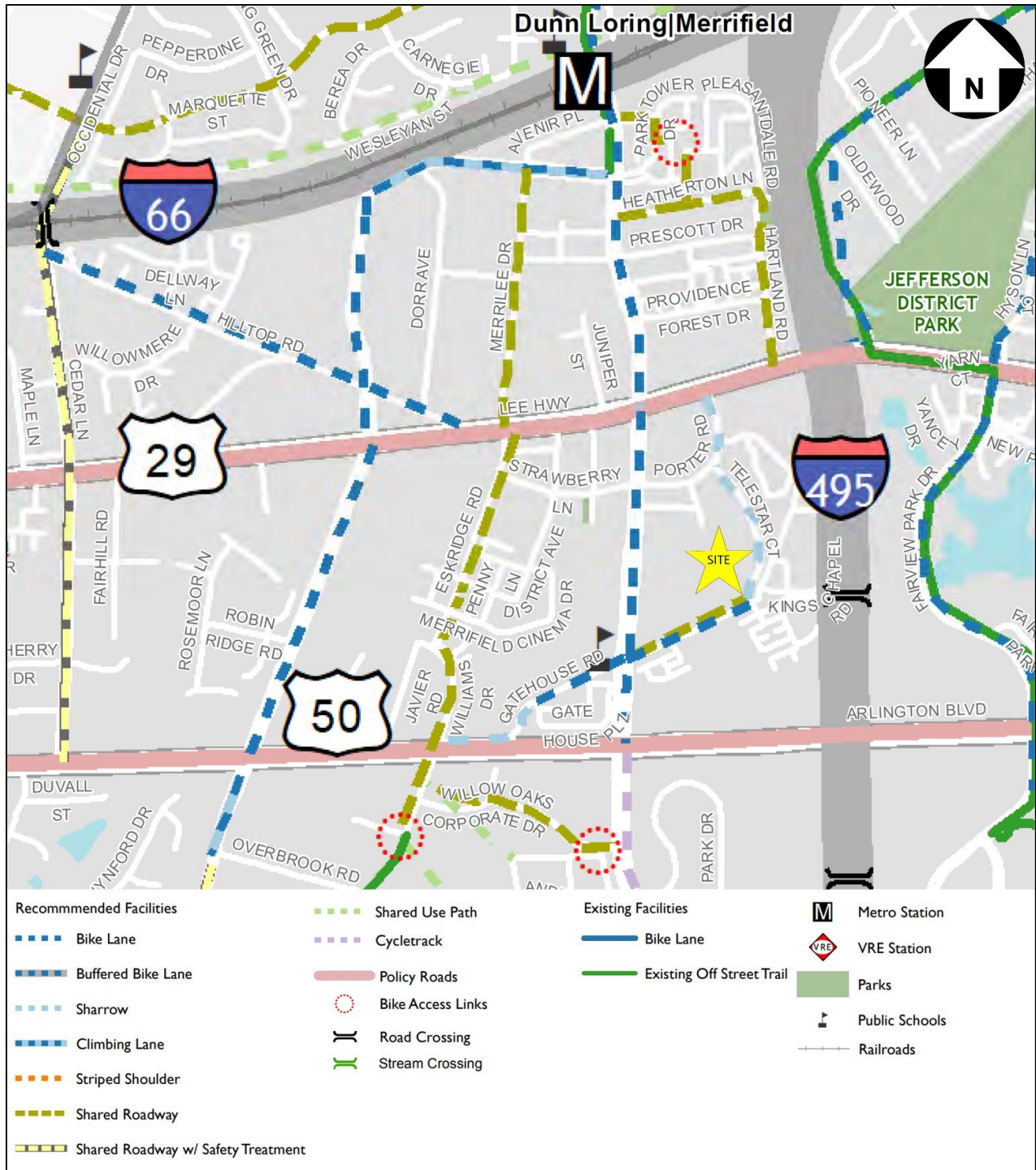


Figure 5: Countywide Bicycle Master Plan (Source: Fairfax County)

**Census Designated Place (CDP) Commute to Work Data**

According to 2019 US Census data, approximately 35 percent of workers in Merrifield, Virginia either work from home or use a mode of transportation other than a single-occupancy vehicle to commute to work. Approximately 17 percent of workers in the Merrifield area use public transportation to commute to work which is higher than the national average. The 2019 US Census data is presented in Table 1. Accessible transit in the area allows for transportation without a vehicle and supports less car ownership.

**Table 1: 2019 US Census Commute to Work Data**

	Percent	
	USA	Merrifield, VA
Drove Alone	75.9%	65.0%
Carpooled	8.9%	6.3%
Public Transit	5.0%	17.0%
Worked At Home	5.7%	5.2%
Walked	2.7%	3.1%
Other	1.0%	1.5%
Taxi	0.2%	0.0%
Bicycle	0.5%	1.6%
Motorcycle	0.1%	0.5%

The 2019 US Census data also reports that the largest share of households in Merrifield, VA have one (1) car. With households not anticipated to own more than one (1) vehicle, this data supports the request for a parking reduction for the residential units.

## Existing Parking Supply

The existing site is currently occupied by two (2) office buildings totaling 334,000 SF that are to remain and be repurposed as affordable multifamily residential units and live/work space. The existing site also currently includes two (2) surface parking lots and 5-story parking garage. There are 1,076 total parking spaces (including 40 accessible space) on site between both the surface lots and the parking garage.

## Future Parking Supply

The future parking supply and parking ratios described in the subsequent sections are discussed in terms of the proposed number of parking spaces based on the CDP for the development.

The proposed 8110 Gatehouse Road & 2990 Telestar Court development includes the following:

- 82 affordable multifamily housing units
- 245,000 SF of live/work space

The County's required parking ratios and the site's proposed parking supply are shown in Table 2. Since the live/work units can be used as 100% office, the applicable parking demand must be accommodated. The supply ratio for the live/work units exceeds the required minimum ratio in the Zoning Ordinance; therefore, a parking reduction request pertains only to the affordable multifamily residential units. No reductions will be made to the required number of accessible spaces.

**Table 2: Proposed Parking Supply**

Land Use	Development Size	Zoning Ordinance		ADA Requirement	Proposed Parking				Difference from ZO
		Required Minimum Ratio	Required Spaces	Required Accessible Spaces	Proposed Minimum Ratio	Proposed Spaces	Proposed Standard Spaces	Proposed Accessible Spaces	
Dwelling, Multifamily	82 Units	1.6 /Unit	131	-	1.25 /Unit	103			-21.4%
Live/Work Development	245,000 SF	2.6 /kSF	637	-	2.71 /kSF	665			4.4%
<b>Total</b>			<b>768</b>	<b>16</b>		<b>768</b>	<b>752</b>	<b>16</b>	<b>0.0%</b>

## Parking Reduction

### Zoning Ordinance Comparison

Fairfax County’s Zoning Ordinance requires a minimum rate of 1.6 spaces per unit for multifamily dwelling units. These residential units are proposed to be affordable units, where tenants are not anticipated to own more than one vehicle. With fewer tenants assumed to own cars than traditional multifamily units, there will be a lower demand for residential parking. The Applicant is proposing to reduce the provided residential parking by 28 spaces to 1.25 spaces per unit but is also proposing to provide more parking spaces for the live/work space than required by the Zoning Ordinance. Therefore, the overall proposed future supply is anticipated to be sufficient for the proposed use.

**A 21.4 percent reduction from 131 to 103 parking spaces is requested for the required residential parking due to the unique characteristics of the proposed use (Zoning Ordinance Section 6100.6.G).**

**No reduction is requested for the live/work units.**

---

## Conclusion

This study provides the justification for a parking reduction due to the **unique characteristics of the proposed use** and Section 6100.6.G of the Fairfax County Zoning Ordinance.

- The existing site is currently occupied by two (2) office buildings totaling 334,000 SF. The site is planned to be redeveloped with 82 affordable multifamily residential units and 245,000 SF of live/work space.
- The Zoning Ordinance allows parking reductions for sites with unique characteristics. Compared to other residential units, many tenants of affordable housing units are not anticipated to own more than one vehicle. Therefore, there would be a lower demand for residential parking.
- This parking reduction request is **not** based on proximity to mass transit; however, it is noted that the site is approximately 1.3 miles from the Dunn Loring Metro Station, and there are four (4) bus stops served by three (3) bus lines within a quarter mile of the site.
- 2019 US Census data shows the following for Merrifield, Virginia:
  - Approximately 35 percent of workers in Merrifield either work from home or use a mode of transportation other than a single-occupancy vehicle to commute to work.
  - The largest share of households in Merrifield, VA have one (1) car.
  - Accessible transit in the area allows for transportation without a vehicle and supports less car ownership.
- The following parking supply rates are proposed based on unique characteristics of the proposed use:
  - Dwelling, Multifamily: **1.25 spaces per unit** (21.4 percent reduction)
  - Live/Work Development: **2.71 spaces per 1,000 square feet** (4.4 percent increase)
  - **No overall parking reduction**
- No reduction will be applied to the required number of accessible spaces.
- The requested parking reduction will not adversely impact the surrounding area.

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ACTION - 4

Approval of the Metropolitan Washington Regional Fair Housing Plan

ISSUE:

Board of Supervisors' approval of the Metropolitan Washington Regional Fair Housing Plan ("Regional Plan").

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors acts to approve the Metropolitan Washington Regional Fair Housing Plan, and that the document be forwarded to the Fairfax County Office of Human Rights and Equity Programs, Human Rights Division (OHREP), Department of Housing and Community Development (DHCD), Department of Planning and Development (DPD), and Department of Transportation (DOT), in conjunction with other affected departments and agencies, to pursue and ensure progress regarding the recommendations contained in the Regional Plan.

TIMING:

Action is requested at the Board's July 25, 2023, meeting to meet the requested deadline for jurisdictional action prior to submission to the Department of Housing & Urban Development (HUD), established by the Metropolitan Washington Council of Governments ("MWCOCG"), the third-party contractor responsible for drafting the plan.

BACKGROUND:

In lieu of completing an independent Fairfax County Housing Equity Plan, Fairfax County elected to participate in a regional planning process to address barriers to fair housing across jurisdictions. MWCOCG was selected by participating regional jurisdictions; including: the City of Alexandria, Arlington County, the District of Columbia, Fairfax County, the City of Gaithersburg, Loudoun County, Montgomery County, and Prince William County; to conduct a regional analysis of impediments fair housing choice, and to prepare a Regional Plan with goals and strategies to affirmatively further fair housing.

The process included an analysis of impediments to fair housing such as, laws, regulations, administrative policies, procedures, and practices; together with an assessment of how these affect the location, availability, and accessibility of housing.

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As a result the 5-year Regional Plan has been developed and is included for approval to identify meaningful actions that participating local governments can take including seven (7) overarching recommendations of goals and strategies for all participating jurisdictions, as well as eight (8) additional Fairfax County specific goals and strategies to affirmatively further fair housing.

The Regional Plan was circulated for public comment from February 16, 2023, through March 31, 2023. During the public comment period the OHREP held two community listening sessions at the James Lee Community Center and Gerry Hyland Government Center, presenting additional proposed local goals for community feedback, and widely disseminated the draft Regional Plan and local goals through a variety of relevant networks, county agencies, boards, and partnership organizations in the community. Feedback from the community listening sessions and public comment period was incorporated into the Regional Plan, and the Plan was presented to the Board of Supervisors' Housing Committee on May 16, 2023. The final Regional Plan is enclosed for review.

FISCAL IMPACT:

Fairfax County has committed to meaningfully taking affirmative action to further fair housing. Formal approval of the Regional Plan by the Board and undertaking the actions outlined therein is one way to satisfy this commitment. In the event additional funding is needed to undertake actions outlined in the Regional Plan, agencies will submit requests as part of the normal budget process, which includes Board review and approval.

EQUITY IMPACT:

Participation in the Regional Fair Housing Plan is significant as barriers to fair housing do not follow strict jurisdictional boundaries and residents are mobile throughout the region. Therefore, a coordinated and systemic approach is needed to address issues. Board approval of the Regional Plan will ensure that Fairfax County's fair housing initiatives are consistent, innovative, and more likely to be effective.

The goals and strategies outlined in the Regional Plan are aligned with the County's One Fairfax Policy to affirmatively further fair housing by actively investigating the roots and trends of inequity and deconstructing structural barriers to opportunity that have been produced by policies, systems, and practices and have led to inequitable outcomes across geographies and racial and social population categories. Specifically, the Regional Plan aligns with One Fairfax Policy recommendations; including the creation of "(h)ousing policies that encourage all who want to live in Fairfax to be able to do so, and the provision of a full spectrum of housing opportunities across the county,

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most notably those in mixed-use areas that are accessible to multiple modes of transport,” “[a] quality built and natural environment that accommodates anticipated growth and change in an economically, socially, and environmentally sustainable and equitable manner that includes mixes of land use that protects existing stable neighborhoods and green spaces,” and prioritizes “[p]olicies that prohibit all forms of discrimination under Federal and State law.”

ENCLOSED DOCUMENTS:

Attachment 1: Metropolitan Washington Regional Fair Housing Plan (Parts I-III)

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**DRAFT METROPOLITAN  
WASHINGTON REGIONAL  
FAIR HOUSING PLAN**

**FAIRFAX COUNTY**



**May 2023**



# **METROPOLITAN WASHINGTON REGIONAL FAIR HOUSING PLAN**

## **ABOUT COG**

The Metropolitan Washington Council of Governments (COG) is an independent, nonprofit association that brings area leaders together to address major regional issues in the District of Columbia, suburban Maryland, and Northern Virginia. COG's membership is comprised of 300 elected officials from 24 local governments, the Maryland and Virginia state legislatures, and U.S. Congress.

## **PARTICIPATING LOCAL GOVERNMENTS**

This fair housing plan was prepared in collaboration with eight COG member governments: City of Alexandria, VA; Arlington County, VA; District of Columbia; Fairfax County, VA; City of Gaithersburg, MD; Montgomery County, MD; Loudoun County, VA; and Prince William County; VA.

Key government staff for this collaboration included: City of Alexandria: Kim Cadena and Melodie Seau; Arlington County: Joel Franklin, Jennifer Daniels, and Rolda Nedd; District of Columbia: Lesley Edmond; Fairfax County: Linda Hoffman, Vin Rogers, Amanda Schlener, Kenneth Saunders, and Margot Squires; Loudoun County: Brian Reagan, Eileen Barnhard, Rebekah King, and Christine Hillock; City of Gaithersburg: David Cristeal; Montgomery County: Katherine Canales, Cathy Mahmud, and Frank Demarais; Prince William County: Joan Duckett.

## **CREDITS**

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## **ACKNOWLEDGEMENTS**

The U.S. Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity provided technical assistance to the participating governments to support effective regional collaboration. Ronaldlyn Latham from HUD and Jarrod Elwell from Enterprise Community Partners were key partners in this effort. The local governments wish to acknowledge support from the District of Columbia and Lesley Edmond for providing a Plain Language editorial review and translation of this executive summary and related materials.

## **COMMUNITY ADVISORY COMMITTEE**

Regionally-focused organizations which work with residents directly impacted by fair housing choice provided guidance to the local governments. The organizations included: Action in the Community Through Service (ACTS); CASA; Catholic Charities Archdiocese of Washington and Catholic Charities of Arlington; ENDependence Center of Northern Virginia; Equal Rights Center; Friendship Place; Greater Washington Urban League; House of Ruth; Legal Services of Northern Virginia; NAACP Chapters of Arlington County, Fairfax County, Montgomery County, and Prince William County; Offender Aid Restoration; Pathways Homes; and Washington Legal Clinic for the Homeless.

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## I. Executive Summary

The executive summary is published as a separate document and can be found on the same web page as this document at [www.mwcog.org/fairhousingplan](http://www.mwcog.org/fairhousingplan). Hard copies are available upon request.

## II. Community Participation

Meaningful community engagement is an important value in the development of the regional Analysis of Impediments to Fair Housing Choice (AI, or Regional Fair Housing Plan) for the metropolitan Washington region and the eight jurisdictions participating in the plan—the District of Columbia; the City of Alexandria, Arlington County, Fairfax County, Loudoun County, and Prince William County in Virginia; and the City of Gaithersburg and Montgomery County in Maryland.

Although there is no current US Department of Housing and Urban Development (HUD) rule or guidance on community engagement, the project team took its cues from the 2015 Affirmatively Furthering Fair Housing rule. Under this rule, community engagement means “a solicitation of views and recommendations from members of the community and other interested parties, a consideration of the views and recommendations received, and a process for incorporating such views and recommendations into decisions and outcomes.” The project team took seriously its role in ensuring that community voices inform the plan. These voices are important to help confirm data findings, identify gaps in information, or reshape biases or uninformed viewpoints.

The Regional Fair Housing Plan is an important step that should inform each grantee’s Consolidated Plan, which defines how communities will utilize HUD grant funds, specifically Community Development Block Grant (CDBG), HOME Investment Partnership, and Emergency Solutions Grants (ESG) monies. In principle, the Fair Housing Act of 1968, which calls for all federal programs to “affirmatively further fair housing,” should prioritize the use of limited HUD funding and resources for “protected classes” or individuals, groups, and communities that have been most impacted by past discriminatory practices that have affected resources and land patterns to this day. Enshrined in the Fair Housing Act, these protected classes encompass race, color, sex, national origin, religion, familial status, and disability.

The project team leaned on its experience in community engagement with over 20 AIs from across the country in a variety of geographies including large cities, urban counties, and suburban jurisdictions, such as Kansas City, Los Angeles County, Prince George’s County (Maryland), and Orange County (California). The project team was also advised by Jarrod Elwell of Enterprise Community Partners, who was assigned by HUD to provide best practices and guidance to the Council of Governments (COG) and the regional effort.

An important anchor in the work was the regional coordination for community engagement led by Hilary Chapman, housing program manager at the Metropolitan Washington COG. She coordinated meetings with the regional AI project team and the regional Fair Housing Community Advisory Committee as well as internally with COG communications staff. The regional AI project team included senior staff and housing directors from every jurisdiction, and the regional Fair Housing Community Advisory Committee was composed of a wide variety of community organizations representing HUD-defined protected classes, such as civil rights groups, disability advocates, advocates for housing for seniors and immigrant groups, and service organizations from throughout the region.

The regional AI project team met monthly, while the regional Fair Housing Community Advisory Committee met every other month. This is in addition to countless meetings with staff from each jurisdiction and various organization leaders who served on the committee.

Although limited in number due to the COVID-19 pandemic, public meetings were held in government facilities that were accessible and met the requirements of the Americans with Disabilities Act. The project team also tried to ensure that websites and virtual meetings met Section 508 requirements, endeavored to use descriptive language when making presentations, and provided Spanish interpreters. Every meeting invitation offered services for the visually and hearing impaired as well as interpretation in various additional languages through multilingual services contracted and offered by various jurisdictions.

As mentioned, one of the challenges of conducting community engagement was the COVID-19 pandemic. A handful of meetings and presentations were conducted in person in the fall of 2021 during a lull in the pandemic. For the most part, however, the meetings were held virtually using the Zoom application. The project team experimented with different days of the week and times of day to encourage as much participation as possible. The project team also grappled with “Zoom fatigue,” a real phenomenon and challenge because of the amount of time participants were spending on work calls as well as connecting with family, friends, and social groups, especially during the height of the pandemic. The project team worked closely with expert facilitators, who were able to adapt community engagement techniques for a virtual platform by adjusting presentations and using short videos, recorded testimonials, and breakout groups to allow as much audience participation as possible.

To guide the work, the project team developed a Regional Community Engagement Plan in May 2021 for review and comment by COG and the participating jurisdictions. This game plan laid out how the project team would seek information from community stakeholders to inform the Regional Fair Housing Plan. The Community Engagement Plan included the following elements: outreach events and marketing, a regionwide survey, regional meetings, local jurisdiction meetings, interviews, focus groups, and social media engagement. The following sections provide more detailed information on the various elements of the plan as well as findings from the survey, focus groups, and community meetings.

### Outreach Events

The first step in community engagement was to inform as many stakeholders as possible that the Regional Fair Housing Plan process had begun. This involved outreach to local organizations, fair housing agencies, civil rights organizations, and service organizations that work with protected classes. In addition, the project team worked with each jurisdiction to conduct an internal awareness campaign inside its own local government to ensure that all related agencies were aware of the Regional Fair Housing Plan. This included social service, homeless service, planning and zoning, human relations, and human rights agencies, as well as area advisory boards or other officially constituted advisory boards from each jurisdiction, such as regional service centers in Montgomery County or magisterial districts in Prince William County.

The project team worked with each jurisdiction to prepare an outreach list and a Google calendar. Jurisdictional project leads worked closely with the project team to obtain invitations to regularly scheduled advisory board, city, or county meetings. We began to informally call these “familiarization tours” because in most cases, individuals or groups were not familiar with fair housing or a fair housing plan. Overall, it was helpful to present information on the Fair Housing Act, why the Fair Housing Act was created, and how the process would roll out. In this way, individuals were prepared to participate in future meetings or interviews as well as more willing to assist in sharing information about future meetings.

Primarily from April to June 2021, the project team developed a list of over 1,235 agencies, organizations, and individuals interested in engaging more deeply in the Regional Fair Housing Plan process. A list of all outreach meetings and events can be found in the Community Engagement Appendix.

#### Media Strategy

The project team coordinated with Housing Program Manager Hilary Chapman and COG's communication staff as well as each jurisdiction's COG project team leads. Each jurisdiction, in turn, helped to coordinate and communicate with its public information office.

The project team created event announcements and flyers that were sent out to interested individuals and organizations via MailChimp, but much larger outreach was done in coordination with COG's communications staff and each jurisdiction's public information office or internal departmental lists. Each jurisdiction has internal mailing lists that can reach thousands of citizens. Coordination was key to ensure messages were sent in a timely manner given that the project team depended on cooperation with each jurisdiction to reach as wide an audience as possible.

Each jurisdiction was also responsible for following its own internal requirements for posting public notices in newspapers of general circulation, posting on departmental websites, or posting messages on social media. This also included posting messages or announcements in multiple languages, including Arabic, Amharic, Spanish, and other languages spoken in each jurisdiction. The project team provided materials in Spanish and English for all flyers and major announcements, as required.

The project team worked with COG to create a social media tool kit that included sample tweets and Facebook posts encouraging participation in the Regional Fair Housing Plan as well as posts encouraging participation in the regional survey. A sampling of the contents from COG's Social Media Tool Kit can be found in the Community Engagement Appendix.

The project team also worked with COG's communications team to create an easy-to-find project web page at [www.mwcog.org/fairhousing](http://www.mwcog.org/fairhousing) that includes information about the draft Fair Housing Plan, upcoming events, and a short eight-minute presentation on the Regional Fair Housing Plan. Members of COG's board and elected leaders from throughout the region recorded a short video<sup>1</sup>—a call to action—encouraging participation in the process.

#### Regional Focus Groups

As part of its community engagement strategy, regionalism is an important theme of the Regional Fair Housing Plan. Understanding that housing affordability, the need for units accessible to persons with disabilities, and discrimination in housing, among other issues, don't stop at jurisdictional lines, the community engagement plan included regional focus groups. To that end, the project team wanted to engage with residents from across the region to share barriers to affordable housing and talk about equity and discrimination in housing. The project team partnered with Challenging Racism, a nonprofit organization headquartered in Arlington, Virginia, with a mission to "educate people about the prevalence and inequities of institutional and systemic racism, giving them knowledge and tools they need to challenge racism where they encounter it."

Challenging Racism helped the project team design an interactive session that combined education and dialogues at the intersection of housing, transportation, education, environment, and race. Each session was two and a half hours long and included educational sessions on redlining in the Washington region and some background on the federal government's role in housing inequality based on Richard Rothstein's book *The Color of Law*. The format included presentations by storytellers from a variety of backgrounds and small group discussions. The sessions were held on Thursday, July 14;

Friday, July 22; and Sunday, July 31, at different times, to attract as diverse an audience of possible. Local jurisdictions also played an important role in promoting this event. Due to the COVID-19 pandemic, all sessions were hosted online on Zoom. These sessions attracted over 388 registrants.

### Survey

From July 2021 to February 2022, the project team conducted a survey of residents from throughout the Washington region, targeting the eight jurisdictions that are part of the Regional Fair Housing Plan. The project team used Alchemer, an online survey tool, to easily reach residents, advocates, and organizations. The survey was simplified by plain language experts provided by the government of the District of Columbia to achieve a more readable format for the general public and thereby increase the response rate. The survey was also translated and distributed in Spanish.

A soft launch of the survey was first included as part of the post-meeting materials of the Challenging Racism regional workshops. The project team worked with Metropolitan Washington COG and the eight jurisdictions to post the survey on COG's fair housing web page as well as each jurisdiction's departmental website. The project team also posted the survey and sent it with follow-up emails after each focus group meeting. Initial survey responses were low given that participants were being asked to complete a survey after having just participated in an hour and a half-long meeting. A more concerted campaign was made in the fall of 2021 and the spring of 2022 using social media. The project team developed a social media tool kit that included information and messages about the survey for each jurisdiction. The joint effort greatly increased the response rate, rapidly increasing the number of participants. All told, 2,825 surveys were collected from the eight jurisdictions.

Some of the top findings include these:

- Safe, affordable housing in acceptable condition is difficult to find, according to 83.6 percent of respondents. The top three reasons given were that the respondent didn't earn enough money (58.9 percent), the housing available was in bad condition or unsafe (30.5 percent), and the respondent was not able to save for a security deposit or down payment (29.9 percent). Other reasons included that the respondent had too much debt, mortgage interest or fees were too expensive, and the homebuying process was too confusing or complicated.
- About 13 percent of respondents reported that they personally had faced discrimination, and an additional 3.6 percent reported that not only had they experienced discrimination but they also knew someone else who had experienced discrimination. An additional 9.2 percent reported that they personally had not experienced discrimination but knew someone who had.
- The top three reasons reported for discrimination were income level, race or ethnicity, or source of income.
- Of the respondents who reported discrimination, 41.3 percent said the landlord or property manager was the perpetrator.
- Almost 75 percent of survey respondents did not report their discrimination complaint. The primary reasons respondents did not report discrimination were that they did not believe it would make a difference (39 percent) or that it was too much of a hassle (11 percent), but about 17 percent did not know how to report a case.

The following is a profile of the survey participants:

- The jurisdictions with the most respondents were the District of Columbia (57.2 percent), Loudoun County (16.2 percent), and the City of Alexandria (8.2 percent).
- The participants primarily worked in the District of Columbia (59.3 percent), Loudoun County (12.4 percent), and Fairfax County (11.7 percent).
- Almost half (47.4 percent) of respondents lived in multifamily buildings, evenly split between small buildings (with fewer than 20 units) and larger buildings (with 20 or more units).
- Those who lived in single-family dwellings were 18.1 percent of respondents.

- Homeless or unsheltered people were 4.2 percent of respondents.
- Of all respondents, 18.7 percent paid a mortgage, while 60.1 percent paid rent, with 33.4 percent of rent payers paying rent to a private landlord.
- Racially, 58.7 percent of respondents identified as Black or African American, 26.1 percent as White, 6.4 percent as multiracial, and 8.8 percent as Hispanic or Latino.

The survey results were a useful tool for comparing housing barriers and potential goals and actions collected from focus groups and public meetings. But the survey also served as another form of outreach by collecting data from interested members of the public who did not have time to participate in a public meeting. A complete summary of the survey results is available in the Community Engagement Appendix.

#### Jurisdictional Focus Groups and Public Meetings

In the fourth quarter of 2021, the project team conducted a focus group and a public meeting for each jurisdiction, reaching over 700 participants. The participating jurisdictions included the District of Columbia; Arlington, Fairfax, Loudoun, and Prince William Counties and the City of Alexandria in Virginia; and (in a joint meeting) the City of Gaithersburg and Montgomery County in Maryland. Meetings were scheduled from October to early December to accommodate each jurisdiction's existing schedule of events and previously scheduled public meetings.

Extensive consultation and outreach were conducted with each jurisdiction to develop a list of stakeholders for a smaller focus group of approximately 30 participants in addition to a larger meeting open to the public. The project team sent individual invitations via MailChimp and sent follow-up emails and made phone calls. The project team worked closely with jurisdictional liaisons to do outreach, develop the agenda, and create the presentations.

Each meeting included an overview of the fair housing process, preliminary data findings for each jurisdiction from the Urban Institute, short presentations on related housing studies by each jurisdiction, and breakouts for small group discussion. For the smaller focus groups, the project team utilized a Jamboard, a virtual whiteboard on Google, that allowed participants to share barriers and solutions to housing on virtual sticky notes. The small group discussion provided rich and valuable information that helped the project team better understand the barriers that renters, homeowners, and the unhoused face across the region.

The notes and Jamboard were analyzed by Lorraine Hopkins, Tayanna Teel, and Aaron Turner, a team of graduate students in the Masters of Public Administration and Policy program in the School of Public Administration at American University. The students used NVivo, word analysis software that helps social scientists look for patterns and commonalities. This analysis was helpful in summarizing all 14 meetings across the region.

The NVivo study found the following problems to be the top 10 barriers to fair housing in the region, in rank order:

1. lack of affordability
2. government failure (government inability to address the issue)
3. racial discrimination
4. lack of housing stock
5. lack of Americans with Disabilities Act (ADA) accessibility, including not enough housing for persons with disabilities or seniors, discrimination against persons with a disability, and noncompliance with existing laws and regulations
6. system navigation difficulties (program requirements, waiting lists, etc.)
7. subtle practices that support segregated housing and neighborhoods



8. bad landlords or property managers
9. lack of awareness of fair housing rights
10. planning and zoning regulations

These were the top 10 solutions identified in the meetings:

1. more programs and staff with culture and language competency
2. creation of accessible housing for persons with disabilities
3. creation of accessible housing grants
4. improved building code, zoning, and planning regulations
5. more navigation support (i.e., housing counseling)
6. better-trained real estate professionals
7. more rental assistance programs that are easier to navigate
8. materials in multiple languages, including plain language
9. programs for returning citizens (those formerly incarcerated)
10. greater tenant rights

### Interviews

After considering the findings of the jurisdictional focus groups and public meetings, the project team consulted with each jurisdiction's project team to develop a list of 8–10 key people to interview in each jurisdiction. The project team conducted 36 interviews in January, February, and early March. In several cases, the interviews included a small group of elected or senior officials. Overall, the project team interviewed approximately 50 individuals. The interviews also provided the project team the opportunity to discuss recent housing needs studies and fair housing plans. For example, both the District of Columbia and Arlington County already had draft AIs.

The interviews included a number of influential stakeholders and decisionmakers:

- fair housing and civil rights organizations, including each jurisdiction's civil rights, fair housing, or human relations agency, such as the NAACP
- private housing industry stakeholders (e.g., developers, lenders, Realtors, mortgage companies, real estate brokers, insurance companies, home inspectors, appraisers, management companies, etc., and their trade groups, such as the Northern Virginia Board of Realtors)
- senior officials from offices and agencies of housing and community development, public housing authorities, and social services agencies
- planning directors and staff with oversight of land use and zoning
- elected government officials—city council members or county commissioners
- nonprofit leaders (from, e.g., community-based organizations, community development corporations, housing counseling groups, legal services agencies, immigrant rights advocacy groups)

These interviews took place in addition to dozens of informal conversations with area leaders in the civil rights, housing, and community development fields. For a full list of interviews, see Community Engagement Appendix.

### Topical Focus Groups

Although the project team was pleased with the participation in the jurisdictional focus groups and public meetings, there were gaps noted in certain groups representative of the protected classes in the Fair Housing Act. Despite outreach attempts, representatives of certain groups were not able to attend the meetings at the scheduled times due to conflicts or other demands. To remediate these gaps, the project team analyzed for missing groups and consulted the jurisdictional liaisons and the regional Fair Housing Community Advisory Committee.

The project team found that more information was needed from representatives of Spanish-speaking and immigrant communities, the LGBTQ+ community, seniors, and persons with disabilities. Beginning in January 2022, targeted outreach was provided to representative organizations to schedule focus groups for convenient days and times during the month of March. Over 100 participants participated in five meetings. Although the meetings included short presentations, they were meant to be small to encourage conversation and exchange rather than adherence to a tightly scripted agenda.

Here are some selected top barriers and solutions identified in each topical focus group:

#### *Spanish-Speaking Community*

- need for more Spanish-speaking housing counselors as well as local government staff
- multiple issues with housing conditions and code enforcement
- fear of reprisal as a major issue in reporting housing discrimination or substandard housing conditions
- need for more outreach and education on fair housing rights

#### *Immigrant Communities*

- not enough program information available in languages such as Amharic, Arabic, Chinese, and others
- lack of familiarity with local government housing programs
- many cases of source-of-income discrimination
- lack of affordability as the biggest obstacle to homeownership
- subtle forms of discrimination due to religion, national origin, and language that are hard to prove; need for more fair housing testing

#### *Seniors*

- few options and programs for seniors to remain in place
- limited number of affordable rental housing choices for seniors
- need for more options for multigenerational dwellings
- need for more housing for seniors who also have a disability
- need for more housing counseling for seniors, especially for foreclosure prevention and reverse mortgage fraud

#### *Persons with Disabilities*

- landlords often not abiding by reasonable accommodation regulations
- low-income persons with disabilities facing limited choices because of credit, deposit, and other requirements
- not enough fair housing testing for persons with disabilities
- need for access to affordable professionals who can make necessary modifications
- need for more universal design standards in all buildings, across the board

#### *LGBTQ+ Community*

- LGBTQ+ youth facing additional challenges because of limited programs and services, leading to higher incidence of homeless youth
- need for more LGBTQ+ fair housing testing
- need for better cross-jurisdiction coordination of services for LGBTQ+ youth; many jurisdictions sending youth to D.C.
- greater need to address housing needs for senior LGBTQ+ individuals

### Public Comment

In January 2023, the draft plan was published on COG's and each jurisdiction's website for a 30-day public comment period. Each jurisdiction was responsible for posting a message notifying the public. The project team prepared a flyer for circulation by each jurisdiction and also sent a message to the project team's internal mailing list. Public comments were collected through COG's fair housing project page (by email to [fairhousing@mwkog.org](mailto:fairhousing@mwkog.org)) as well as each jurisdiction's general project mailbox, depending on the agency responsible for the jurisdiction's fair housing plan.

### Conclusion

Community engagement requires not just one format or type of outreach and input but multiple modes to reach different groups. People are challenged not just by work and family pressures but by multiple public meetings and surveys, compounded by the COVID-19 pandemic. The project team understood that a survey might be the only input provided by an interested member of the public. Outreach requires careful planning and multiple channels and reminders, but most important of all is the invitation from a colleague or friend that makes a difference on whether someone may or may not attend a public meeting.

As the project team has had some time to reflect on all of our outreach efforts, some takeaways from the Regional Fair Housing community engagement plan include the following:

1. Public engagement officers should be included from the planning stages and throughout the effort. Their mailing list and social media reach is much larger than what the program team could ever muster.
2. Finding community engagement champions among stakeholder groups is key to get more citizen voices involved. Community leaders have more credibility than the project team could ever have on the neighborhood or local level.
3. A multilingual effort is necessary but requires more investment and time from local government agencies as a consistent effort throughout the entire process.
4. Funding outreach efforts by community-based organizations led by Latinos, immigrants, the disability community, seniors, and LGBTQ+ individuals could result in better turnout for community engagement efforts.
5. Getting eight local governments to agree on a multipronged approach takes a lot of compromise and effort, but the results are worthwhile.

Our efforts were successful primarily because of the coordinated efforts of the Metropolitan Washington COG, jurisdictional liaisons, housing directors, and the project team working together in concert with the many advisors, colleagues, and friends in the housing and community development field that kept pushing the ball forward.

Now that all the information is gathered and the draft plan has been reviewed and adopted by each jurisdiction, the next step is for senior officials and elected officials to implement the goals and recommendations so that the Regional Fair Housing Plan becomes action rather than just words. Some progress will be rapid, building upon the many existing efforts across the region, and some may be incremental and take more time. Ultimately, it will also take a dedicated public staying engaged and continued advocacy efforts by stakeholders to keep track of progress not just over a year but for the next several years to come.

### III. Assessment of Past Goals

#### Fairfax County

##### **1.a. Discuss what progress has been made toward their achievement.**

1. To achieve lasting, stable racial integration, the Fairfax County Board of Supervisors needs to commit to the goal of transforming the dual housing market into a single, unitary housing market. It has taken an important first step toward this commitment with the One Fairfax resolution it and the Fairfax County School Board adopted in July 2016. Carrying out the recommendations of this analysis of impediments will provide many of the tools the county needs to fully implement its One Fairfax resolution, in large part by promoting the expansion of housing choice throughout the county and metropolitan area. Many of the impediments noted in this chapter helped create and maintain the dual housing market. Many of the recommendations proffered in this chapter address the causes of the dual housing market. Implementing them will help transform the distorted dual housing market into a unitary free housing market in which all residents participate and compete for the housing they can afford. While it will take many decades to fully accomplish this goal, it can be achieved only if the county publicly commits to achieving this goal and assigns the resources needed while the opportunity exists.

*On November 21, 2017, the Fairfax County Board of Supervisors publicly published the One Fairfax plan with the goal of considering equity in decisionmaking and in the development and delivery of future policies, program, and services. Among the goals of One Fairfax is a commitment to implement housing policies that encourage all who want to live in Fairfax to be able to do so and the provision of a full spectrum of housing opportunities across the county, most notably those in mixed-use areas that are accessible to multiple modes of transport. In order to accomplish this goal, all organizations and departments within Fairfax County government are required to conduct analyses, devise plans, set goals, and take actions through specific practices, policies, and initiatives within their purview. In addition, all agency plans must incorporate data and performance measures that can be analyzed, quantified, and disaggregated to evaluate the extent to which systems are achieving goals identified through racial and social equity action planning. Beginning in fiscal year (FY) 2022, individual agency plans will be shared publicly to ensure accountability.*

2. Fairfax County's highest priority should be to work to expand the housing choices of existing and potential new residents beyond the neighborhoods dominated by their own race or ethnicity. It needs to make African Americans aware that housing is available to them throughout Fairfax County. It needs to make Asians and Hispanics aware that housing is available to them outside enclaves in which concentrations have developed. It needs to expand the housing choices of Caucasians to include racially integrated neighborhoods. If White households do not continue to move into integrated neighborhoods, these neighborhoods inevitably resegregate.

*Office of Human Rights and Equity Programs (OHREP) staff worked with producers at Channel 16, the county's local TV station, to produce a video for viewership by residents. The focus of the campaign is to highlight various neighborhoods and amenities offered in the county, introducing viewers to and encouraging viewers to visit those areas, and in the process providing them with a wider range of housing options and neighborhoods to consider when seeking housing. As a result of the collaboration, a video titled "My Neighborhood," featuring Reston, Virginia, has been produced and is available for viewing on video on demand on Channel 16 and via the county's Facebook and YouTube channels. The agency is considering engaging in future efforts to profile*

*and promote other communities in the county, with a goal of eventual viewership in the Washington metro area.*

*In response to reports that predatory lending targeting communities of color was again becoming an issue, the agency collaborated with Channel 16 to produce the video "Predatory Lending: A Conversation with John Relman"; Relman is a prominent civil rights lawyer with experience representing victims of predatory lending. The video is available for viewing on video on demand and via the agency's website. The agency is continuing to work with Channel 16 to produce two additional videos about fair lending issues: one featuring an interview with the senior policy counsel at Americans for Financial Reform Education Fund and the second, an interview with the president and CEO of the National Fair Housing Alliance. Both interviews are currently in production.*

*In addition to the above as well as various other presentations/webinars, videos, TV segments, and interviews OHREP has conducted as part of its outreach efforts to educate the public, OHREP has particularly targeted minority audiences to provide information about fair housing rights. OHREP launched a 12-week transit-oriented campaign using the Fairfax County Transit System and the Washington Metro Area Transit Authority that was designed to direct targeted audiences to its website and resource materials. The campaign, conducted in both English and Spanish, included advertising panels at targeted county bus shelters and Metro stations. The campaign also featured ads on the sides and backs of county and Metro buses and ads on the inside of all county buses. In addition, 250,000 mobile ads designed to direct viewers to the agency's website and materials were delivered in both English and Spanish to selected zip codes serving the African American and Latino communities.*

3. Expanding where people look for housing requires an ongoing, long-term publicity campaign to make everybody, especially African Americans, well aware that they can move anywhere in Fairfax County and its metropolitan area that they can afford. Such a campaign to expand housing choices can include the use of billboards, newspaper stories, display ads, radio and television public service announcements, social media, the internet, and the websites of Fairfax County and neighboring counties and suburbs (assuming they can be persuaded to participate). Print publications serving the District of Columbia, Prince George's County, and Charles County should be targeted. Fairfax County should rent billboards with models of all races and ethnicities to advertise that housing in Fairfax County is available to all and that all are welcome in Fairfax County. Similar small display ads could be run in the real estate advertising sections of newspapers in the region that have substantial African American readership. Recognizing that this is a regional as well as a county issue, the advertising might identify the predominantly White area suburbs by name to encourage African Americans in particular to include them in their housing search. An effort should be made to persuade local newspapers and websites to include a prominent notice with their real estate ads that promote expanding housing choices to include the surrounding jurisdictions. Fairfax County also could use its website to remind users that they can live anywhere they can afford and specifically name many of suburbs that have unnaturally low proportions of African American residents. The idea is to change the mindset, especially among the region's Black population, to consider housing throughout the metropolitan area, particularly housing closer to their jobs, rather than limiting their search to integrated and predominantly African American neighborhoods in Fairfax County and nearby jurisdictions within the region. And it is critical to change the mindset among White households to include integrated neighborhoods among their housing choices.

*See responses above and reference to Housing Services Center (HSC) below.*

4. In addition to fostering racial and ethnic integration among households that can afford the county's existing housing, Fairfax County recognizes that it has a growing shortage of dwellings that are affordable to households with modest incomes. The differences in median household income by race and Latino ethnicity result in larger proportions of African American and Hispanic households of any race needing this affordable housing—whether they now live in Fairfax County or elsewhere in the metropolitan area. The county should vigorously implement the recommendations under “Affordable Housing Essential to Expanding Fair Housing Choice” to include more affordable units in new construction and preserve existing housing that is affordable to households with modest incomes.
5. As the previous recommendations suggest, Fairfax County cannot establish a unitary housing market within the county and the entire metropolitan area all by itself. It needs to get the leaders of the real estate industry—both rental and ownership—as well as nearby counties and cities to buy into the concept of transforming the dual housing market into a unitary free housing market throughout the metropolitan area. Once the county has committed itself to this transformation, it needs to establish communication with the county and city governments throughout the metropolitan area to bring them into a coalition focused on bringing an end to the discriminatory practices that maintain the dual housing market. After establishing the HSC discussed earlier, Fairfax County needs to work with other jurisdictions to establish HSCs throughout the metropolitan area to expand housing choices that will foster economic, racial, and ethnic integration—not just diversity—throughout the metropolitan region.

*At the suggestion of the previous contractor, staff contacted the past director of the Oak Park HSC, considered one of the premier model HSCs in the country, to discuss the challenges involved in creating an HSC. Oak Park is a relatively small community, and the HSC is primarily funded and run privately, which he thought was important. The process was difficult and required bringing together a coalition of leaders in the private sector who were both committed to the objective and willing to fund and support the program long term. Given the size and diversity of the jurisdictions in the D.C. metro area and costs involved, the challenge would likely be much greater, even with public-sector funding. One suggestion offered was to identify and bring together community leaders and others in the region to discuss the issue, identify the level of interest, consider feasibility, and generate ideas about how best to proceed.*

*Staff also spoke with staff in the housing departments of some area jurisdictions in the region to discuss their experiences. Like the county, some offer in-house housing counseling and locator services, though for housing located in their specific jurisdictions. Fairfax County has a Housing Locator's Network that brings together housing counselors from the government and nonprofit and public sectors to discuss challenges; however, this currently is only an intracounty network. There does not appear to have been any consideration given to efforts to coordinate services across the region, private or public. In addition, some of the programs/funds are limited for housing in that particular jurisdiction. The current collaboration on a regional analysis of impediments (AI) could perhaps provide an opportunity for future discussions among jurisdictions regarding a more collaborative approach.*

6. Fairfax County should expand its real estate testing efforts to establish an ongoing, systematic, and thorough testing program to identify any discriminatory practices in rental and for-sale housing, particularly racial steering. Tests should be conducted according to standards that would make their findings admissible in court proceedings. It is crucial that the county follow up when testing uncovers discriminatory practices or policies to bring an end to such practices.

*The county has embarked on an ongoing testing program to identify discriminatory practices in the rental, sales, and lending markets. As part of that effort, in 2019, Fairfax County entered into a contract with the Equal Rights Center to provide email, phone, and in-person testing services in the rental, lending, and sales housing markets, some designed to identify steering practices. The Equal Rights Center has a long history with as well as extensive knowledge of and experience in conducting fair housing/lending testing and investigations. Throughout the course of the contract (June 2019 to March 2021), 122 tests were conducted, including 93 rental tests: 25 based on race, 55 on national origin, and 13 on disability (hearing impaired). In addition, 15 lending tests and 14 sales tests, both based on race and designed to test for steering, were conducted. Test results were carefully analyzed and reviewed in consultation with county staff; recommendations were provided, and a report was released.*

*To continue its testing program, in August 2021, the county entered into a contract to conduct 119 tests in the rental, sales, and lending markets. The project is ongoing. Tests conducted will include 105 tests in the rental market: 65 based on source of funds, 20 on disability (requests for reasonable accommodations), 10 on race, and 10 on national origin. In addition, 6 sales and 8 lending tests based on race will be conducted. All provided test results and recommendations will be analyzed and reviewed in consultation with county staff.*

7. The ongoing disparity in mortgage loan approval rates suggests a substantial need to provide financial counseling to African Americans; lower-income households; to a lesser extent, Latinos of any race; and Asians seeking government-backed loans in an effort to better prepare applicants before they submit mortgage loan applications. Such counseling should include educating potential homebuyers to recognize what they can actually afford to purchase, avoiding the use of high-cost and high-risk mortgages, budgeting monthly ownership costs, building a reserve fund for normal and emergency repairs, recognizing racial steering by real estate agents to high-cost lenders, and encouraging consideration of the full range of housing choices available. Fairfax County should establish this function internally or explore a relationship with a certified housing counseling agency. While this impediment is not unique to Fairfax County, the absence of an effective national effort to overcome this discrimination warrants local action.

*Currently in the First-Time Homebuyers (FTHB) program, lenders are providing conventional loans. Most of Fairfax County's FTHB program participants are minority low- and moderate-income homebuyers. FTHB program applicants may work with any lender and are provided a list of lenders who are familiar with FTHB program restrictions and who regularly work with FTHB income-eligible families.*

*The US Department of Housing and Urban Development (HUD) has an online resource of HUD-approved housing counselors. The Department of Housing and Community Development (HCD) provides a list of HUD-approved counselors in the area at orientation sessions to those interested in the Fairfax County FTHB program.*

*All participants in the county's FTHB program are required to attend a Virginia Housing education class and obtain a certificate of completion. As part of the class, the lender's role, financial products, and how to shop for a product are covered.*

*Some HUD-approved housing counselors provide Virginia Housing homebuyer education courses when they can do so in person. During the COVID-19 pandemic, Virginia Housing homebuyer education classes have been available only online. Applicants interested in the FTHB program must attend a one-on-one financial counseling session with a HUD-approved housing counseling agency to be approved for the down payment assistance available to help with home purchase.*

*That counseling has been provided over the phone, through online virtual meetings, and in some cases in person by the HUD counseling agencies.*

*Upon request, HCD provides language interpreters and document translation services for FTHB program activities.*

8. Because it is the federal government and the Commonwealth of Virginia that regulate mortgage lending and enforce lending discrimination laws, Fairfax County is limited in what it can do to alter the behavior of lenders that engage in discriminatory practices. The county can, however, commit to depositing its cash reserves and operating funds at financial institutions that do not discriminate and withhold such deposits from institutions that do. The county should adopt and implement a policy of banking and doing business only with financial institutions that do not engage in these discriminatory practices. Such a policy and practice would give lenders a strong incentive to discontinue their discriminatory practices. To implement this policy, the county will need to examine Home Mortgage Disclosure Act and Community Reinvestment Act data on the lending practices of specific local institutions to identify those lenders that have not engaged in discriminatory lending practices.

*The agency has procedures in place to notify the Department of Management and Budget of any fair lending investigations with findings of discrimination.*

9. Fairfax County should establish a comprehensive fair lending testing and enforcement program and initiate enforcement actions in appropriate instances. It should also conduct systemic research using Home Mortgage Disclosure Act data to identify lenders with high rates of loan denials involving members of protected classes and utilize the Community Reinvestment Act to influence lender conduct.

*See responses above regarding lending testing.*

10. Fairfax County should set aside resources for foreclosure counseling and advising African American and Latino households, in particular, about the range of alternatives to foreclosure. The county also should coordinate an annual roundtable of area lenders and mortgage brokers to discuss ways to increase access to credit for minority households.

*The county's affordable dwelling unit ordinance requires lenders on the program to provide the Fairfax County Redevelopment and Housing Authority (FCRHA) with 90 days' notice before proceeding to foreclosure. When HCD becomes aware that one of its homebuyers is in default on his or her mortgage loan or for nonpayment of homeowner association dues and fees, it provides the owner with a list of available resources, including but not limited to foreclosure mitigation agencies, HUD-approved housing counseling agencies, local nonprofits, and county resources to assist them. HCD also works with FTHB unit owners to provide the option to sell the home rather than lose it to foreclosure.*

11. Working closely with organizations of local real estate professionals as well as with the offices of local real estate firms, developers, landlords, apartment managers, and rental agents, Fairfax County should seek to convince these private-sector entities to increase their efforts to recruit African Americans, Hispanics, and Asians of various national origins as residential real estate agents, leasing agents, and property managers. Training seminars conducted by the county or a fair housing organization offer one way to convey this information. Another strategy is to produce and distribute a fair housing guidebook customized for Fairfax County real estate practitioners rather than using a generic fair housing guidebook.



*OHREP staff members continue to emphasize the importance of increasing minority representation in the real estate industry as part of its education and outreach efforts and presentations to members of the profession and others and continue to raise awareness of the issue with members of the Human Rights Commission's fair housing task force. The task force includes real estate professionals including representatives of the Northern Virginia Association of Realtors, a representative of a large areawide management company, a member of the housing committee of a local chapter of the NAACP, the vice president of a local bank, and others operating in the profession. Since discussions began, the Northern Virginia Association of Realtors has consistently promoted its commitment to diversity on its website; partnered with local and national professional groups; and recently has hosted a conversation among industry leaders including members of the Black Real Estate Association on diversity, leadership, and equity relating to Black home ownership and the need for Black representatives in the industry's leadership ranks. The agency continues to work with industry representatives and others to encourage continuation of those efforts and to solicit input about how to address the issue more effectively. The topic remains on the agency's radar.*

12. Fairfax County should work closely with local real estate firms, developers, rental management companies, and landlords to get them to include people of all races as well as Hispanics in their display advertising, brochures, and websites. The county should seriously consider filing fair housing complaints against those developers and landlords who fail to use racially/ethnically diverse models in their display advertising campaigns, brochures, and websites. Training seminars conducted by a fair housing organization are one way to convey this information. Another strategy is to produce and distribute a guidebook customized for Fairfax County rather than using a generic fair housing guidebook.

*In interactions with and fair housing presentations to members of the real estate community and others, staff consistently emphasize the importance of depicting a diverse array of residents in all aspects of their advertising campaigns. The Northern Virginia Association of Realtors has developed and is currently revising a brochure specific to the profession; advertising will be among the topics addressed. Since members of the real estate community are more likely to respond to information provided by others in the industry, OHREP staff have discussed the issue with Northern Virginia Association of Realtors representatives and plan to provide a link to the publication on the OHREP website. In addition, staff will reference the brochure in presentations to members of the real estate profession and others and, when appropriate, include it in conciliation agreements.*

13. Fairfax County should continue its extensive outreach and education programs on fair housing issues that focus on disabilities and reasonable accommodation and modification requirements, both within the disabilities community and within the real estate industry. The county should expand the distribution of its Disability Tool Kit and Fact Sheet to all the landlords and leasing agents it can identify and to condominium and homeowner associations as well as offer in-person training. The county should continue the full panoply of activities that address all bases of housing discrimination.

*The agency emphasizes fair housing requirements related to disability issues in its resource materials, presentations, and outreach efforts, including webinars and videos. Information about reasonable accommodations and modifications is promoted widely to members of the disabilities community and real estate industry, and links to the website and resource materials are provided. The agency's 2022 fair housing month webinar addressed reasonable accommodation requests in detail and emphasized that requests for accommodations are the most often cited fair housing*

complaint. The webinar also addressed reasonable accommodation requests involving criminal background issues. A wide range of viewers viewed the webinar, including members of both the real estate and disabilities communities. The webinar will be available for future viewing. In addition, the agency's Disability Tool Kit and Fact Sheet have been updated and are available on the website. Once in-person resource fairs reopen, the brochures will be distributed at those and other in-person events as well as digitally.

14. The county should seek changes in Virginia law (1) to remove restrictions on the ability of local jurisdictions to foster the inclusion of affordable housing in new developments and (2) to authorize the use of mandatory inclusionary zoning and other effective regulatory tools and practices that require inclusion of housing affordable to households of modest incomes in new developments.

The county has expended considerable effort to investigate and identify new opportunities for high-density residential development. From 2010 to 2017, the Comprehensive Plan identified the development potential of 93,000 additional residential units; when developed, these units will be subject to the county's affordable/workforce housing policies. These efforts are continuing as the county seeks to promote high-density residential development where appropriate. Comprehensive Plan updates to activity centers including certain community business centers, transit station areas, and suburban centers are ongoing and have included approval of additional residential development potential. Recent amendments to the Comprehensive Plan include additional residential development potential for the McLean Community Business Center, West Falls Church Transit Station Area, and Fairfax Center Area. The county is currently reviewing Comprehensive Plan recommendations in Lorton and the Fairfax Center Area and continues to review site-specific plan amendments and board-authorized plan amendments, the majority of which propose housing.

Fairfax County utilizes the Workforce Dwelling Unit (WDU) Program to produce WDUs in new residential construction serving households earning between 60 and 120 percent of the area median income (AMI). In particular, the WDU Rental Program has produced more than 1,600 units at below-market rents in high-density areas near transit stations and employment opportunities. In conjunction with HCD as part of the Communitywide Housing Strategic Plan (item B1) adopted by the Board of Supervisors, during 2019 and 2020, the WDU Task Force comprising staff, industry stakeholders, and housing experts conducted an analysis of the existing WDU rental program to consider necessary changes to ensure the program continued to be effective into the future. On July 14, 2020, the board directed staff to prepare revisions to the Board of Supervisors' WDU Policy Administrative Guidelines and Tysons Corner Urban Center WDU Policy Administrative Guidelines to be consistent with the WDU Policy Task Force recommendations, which, among other things, recommend lowering the existing income tiers for rental WDUs to include a percentage of units serving incomes at 60 and 70 percent of AMI and eliminating units at 100 and 120 percent AMI. The board approved revisions to these policies on February 23, 2021. The staff report and adopted text for the plan amendment can be viewed here: [Plan Amendment 2020-CW-2CP; Adopted Amendment 2017-30 & 2017 P-11 | Planning Development \(fairfaxcounty.gov\)](#).

The county also has taken steps to develop a strategy for preserving existing subsidized and "market affordable" housing as recommended in the Communitywide Housing Strategic Plan (item B3). The Board of Supervisors appointed an Affordable Housing Preservation Task Force, which met in 2020–2021 and developed a set of recommendations for the preservation of multifamily rental properties serving those at 60 percent and below of AMI pertaining to housing finance, land use policy, stakeholder outreach and engagement, and manufactured/mobile homes. These recommendations were endorsed by the board in April 2021, and a Comprehensive Plan amendment for an affordable housing preservation policy is currently under way. Information

about this effort can be viewed here: [Plan Amendment 2021-CW-1CP | Planning Development \(fairfaxcounty.gov\)](#).

15. The county has amended the zoning code to classify manufactured or modular homes—as distinguished from mobile homes—as a permitted use in all residential zoning districts.

*With the adoption of the new zoning ordinance, effective July 1, 2021, new definitions of “[manufactured home](#)” and “[manufactured home park](#)” have been added that incorporate and update the previous definitions of “mobile home” and “mobile home park.” “[Modular dwelling unit](#)” has been defined, and modular dwelling units are allowed in all zoning districts that permit single-family detached dwellings. Manufactured homes continue to be permitted only in manufactured home parks.*

16. Fairfax County should conduct a review of its off-street parking requirements in the zoning code’s section 11-103.4 to tailor them to meet the actual need for off-street parking generated by different types of residential uses more in accord with the current standards of the Institute of Transportation Engineers.

*With the adoption of the new zoning ordinance, effective July 1, 2021, parking regulations are contained in article 6. A review of parking rates is currently under way as part of the Parking Reimagined project. This project is anticipated to be completed by late 2022 or early 2023. Parking rates for residential uses will be evaluated as part of this analysis.*

17. Currently proposed developments must include 50 or more dwelling units to be subject to the mandatory provisions of the Affordable Dwelling Unit Program. Fairfax County should lower this threshold to 10 units to be more consistent with the county’s policy on affordable housing production.

*See response to item 14. County efforts have been focused on analysis of and recommendations for improvements to the county’s WDU Policy to make it more effective. The Board of Supervisors adopted amendments to the WDU Policy and Administrative Guidelines in February 2021.*

18. The county should review the complex exemptions to the Affordable Dwelling Program in sections 2-803 and 2-804 of the zoning code to identify those that effectively excuse multiple developments from Affordable Dwelling Unit Program requirements. The county should identify how many affordable dwelling units have not been built due to each exemption and modify the exceptions to minimize them while maintaining fairness.

*With the adoption of the new zoning ordinance, effective July 1, 2021, the Affordable Dwelling Unit Program is now contained in subsection 5101 of article 5, Development Standards. The regulations were reorganized and put into plain language but not substantively revised. This recommendation would require an amendment to the zoning ordinance and may require changes to the state code provisions to expand the enabling authority given to localities. As stated above, county efforts are focused on obtaining WDUs.*

*This recommendation was added as a Priority 2 Item to the 2018 Zoning Ordinance Work Program (ZOWP) (see item 221) for future prioritization by the Board of Supervisors and has been carried over to the current FY 2022–2023 Priority 2 ZOWP.*

19. Fairfax County should have an independent evaluation of the Affordable Dwelling Unit Program conducted that includes interviews with Affordable Dwelling Unit Program builders and developers

as well as others familiar with the program (including critics of it) to determine how it is functioning and how it could be made more effective. The evaluation should consider redrafting the affordable dwelling unit ordinance into plain English that developers and county staff, not to mention the general public, can easily understand.

*With the adoption of the new zoning ordinance, effective July 1, 2021, the Affordable Dwelling Unit Program is now contained in subsection 5101 of article 5, Development Standards. The regulations were reorganized and put into plain language but not substantively revised.*

20. Fairfax County should evaluate the definitions of “affordable housing” and “affordable dwelling unit development” in article 20, part 3 of its zoning code to determine whether the income thresholds currently specified are appropriate or should be modified along the lines of the definitions of low and moderate incomes that HUD employs.

*This recommendation was added as a Priority 2 Item to the 2018 Priority 2 ZOWP for future prioritization by the Board of Supervisors and has been carried over to the current FY 2022–2023 Priority 2 ZOWP (item 22J).*

21. To enable Fairfax County and other local governments to use the tools needed to affirmatively further fair housing, local governments in Virginia should seek to amend the constitution of the Commonwealth of Virginia to make it a home rule state.

*See response to item 22.*

22. When there is a question about whether the Dillon Rule would effectively prohibit Fairfax County from implementing a recommendation in this analysis of impediments, Fairfax County’s legal staff should determine whether the recommendation can be implemented under the Dillon Rule and, if not, what changes in state law would be needed to enable the county to implement the recommendation.

*The county, as a practice, reviews all proposed recommendations in the Analysis of Impediments to identify any issues or conflicts with current laws or the Dillon Rule.*

23. In accord with its One Fairfax resolution, Fairfax County should amend its Comprehensive Plan and other planning policy documents to establish clear goals, objectives, policies, and implementation strategies to achieve stable, racially integrated neighborhoods throughout the county that can be adapted to the metropolitan area since, in the long run, the ability to maintain such neighborhoods is significantly dependent on establishing a unitary housing market in the metropolitan area as well as in Fairfax County. The county should look into including data on racial and economic stratification in its annual demographic reports. The county should update the Free Market Analysis™ in chapter 3 of this study every five years to measure progress and identify possible new areas that require attention.

*The Department of Planning and Development is in the process of hiring an equity planner to manage the department’s Equity Plan, which includes evaluating the county’s Comprehensive Plan related to One Fairfax goals. It is anticipated that this analysis will result in suggested amendments to the Comprehensive Plan for the board’s consideration.*

*The demographic reports include internally created population, housing, and household estimates as well as forecasts. While not intended to provide detailed summaries of Census Bureau*

*race/ethnicity and economic data, other vehicles for summarizing census data are provided. No further action is anticipated as the data are available.*

24. For the developer or landlord, compliance with fair housing laws involves taking positive steps to promote traffic from particular racial or ethnic groups otherwise unlikely to look at their housing in addition to building in accordance with the accessibility standards promulgated in the Americans with Disabilities Act and Fair Housing Act. As much as is permitted by Virginia law, the county should amend its codes for building permits and zoning approval to require the following: The developer must agree that its print and internet advertising target the racial or ethnic groups whose actual proportion in the proposed housing's census tract is identified in the Free Market Analysis™ as significantly lower than would be expected in a free housing market not distorted by discrimination. This includes placing advertisements in available foreign-language newspapers and magazines. Photographs and videos of models portraying residents or potential residents should reflect the full diversity of Fairfax County to show that all are welcome to move to the advertised building or development.

*OHREP continues to include in its education and outreach efforts information about all advertising and marketing efforts' promoting housing opportunities—regardless of the types of property available (rental, for sale, housing in new developments) or marketing tools used (print, digital, social media)—to broad and diverse audiences and recommends incorporating fair housing information into those efforts.*

25. The developer must agree that any billboard advertising that includes models will include models portraying residents or potential residents who reflect the full diversity of Fairfax County to show that all are welcome to move to the advertised building or development, especially those of a race or ethnicity whose actual proportion in the census tract is identified in the Free Market Analysis™ as significantly lower than would be expected in a free housing market not distorted by discrimination.

*See response to item 24.*

26. The developer must agree to give every potential client who comes to look at rental or ownership housing a brochure that clearly identifies illegal discriminatory practices and provides clear contact information for filing a housing discrimination complaint with the county. Fairfax County should consider producing this brochure and providing a pdf file to each developer, real estate firm, landlord, and rental management firm to print. It is possible that some of the fair housing brochures the county has already produced could be used. Foreign-language versions, especially Spanish versions, should be available at each site.

*See response to item 24.*

27. The developer must agree to include in all print display advertising, online advertising, and printed brochures the Fair Housing logo and/or the phrase "Equal Opportunity Housing" as well as contact information for filing a housing discrimination complaint. The county also should seek to get the newspapers and magazines that publish real estate advertising to routinely publish a notice in nonbureaucratic language about how to recognize housing discrimination and how to file a complaint with the county.

*See response to item 24.*

28. The buildings in the proposed development must fully comply with the accessibility standards of the Americans with Disabilities Act and Fair Housing Act to receive a building permit.

*It is unclear whether enabling legislation exists that would authorize the county to change building permit requirements. The Uniform Statewide Building Code governs accessibility provisions, and localities are not permitted to require construction features that exceed the Uniform Statewide Building Code. This issue should be referred to the building official.*

29. Fairfax County's zoning treatment of community residences for people with disabilities has been a mixed bag. To its considerable credit, the county goes beyond the scope of the Commonwealth of Virginia's statewide zoning regulation of community residences for up to eight people with "mental illness, intellectual disability, [or] developmental disabilities" as well as "aged, infirm or disabled persons" to include recovery communities and sober living homes not licensed through the Department of Social Services or the Department of Behavioral Health and Developmental Services as specified in the state law. There is no need to change how the county treats community residences for eight or fewer people with disabilities.

*The zoning ordinance complies with the state code regarding the treatment of community residences for people with disabilities. Group residential facilities are a permitted use in all residential districts. Increasing the number of residents permitted in a group residential facility will require an amendment to the zoning ordinance. The item was added to the 2018 Priority 2 ZOWP for future prioritization by the Board of Supervisors and has been carried forward to the FY 2022–2023 Priority 2 ZOWP (item 22B).*

30. The county should eliminate the distinction of community residences for people with disabilities into "group housekeeping units" for 9 or 10 occupants and "congregate living facilities" for more than 10 residents. Instead, the county should distinguish community residences for more than 8 people with disabilities based on whether they provide a relatively permanent home (no limit on length of residency) or a temporary home (residency limited to weeks or months but not unlimited). In all zoning districts where residential uses are allowed as of right, the county should allow community residences for people with disabilities that offer relatively permanent residency as a permitted use subject at most to a rationally based spacing distance and possession or eligibility of an appropriate license from the state, certification, or recognition by Congress. In all zoning districts where multifamily residential uses are allowed as of right, the county should allow community residences that provide a temporary living environment as a permitted use subject at most to a rationally based spacing distance and possession or eligibility of an appropriate license from the state, certification, or recognition by Congress. Also, the county should allow them as a special permit use in all residential districts where multifamily housing is not allowed. Any community residence for more than 8 people with disabilities that does not meet both standards should be allowed to seek a special permit use.

*The new zoning ordinance, effective July 1, 2021, does not change the definition of a group residential facility or increase the cap on residents from 8 to 12. This item was added to the list of proposed amendments maintained for future prioritization by the board in 2018 and has been carried forward to the FY 2022–2023 Priority 2 ZOWP (item 22B).*

*Further, the new zoning ordinance, effective July 1, 2021, made significant changes to the accessory dwelling unit provisions including allowing administrative approval of accessory dwelling units (which have been renamed "accessory living units") located within the principal dwelling unit rather than by special permit approval. The limitation that a unit must be occupied by someone who is 55 or older or disabled also has been removed. See [subsection 4102.7.B](#) for*

*the adopted regulations. A follow-on motion adopted by the board directs HCD to establish a voluntary process to connect homeowners looking for potential tenants for their accessory living units with participants in the Housing Choice Voucher (HCV) program and directs the Department of Family Services to establish a voluntary process to connect homeowners looking for potential tenants for their accessory living units with older adults and people with disabilities.*

31. In the definition of “community residence for people with disabilities” or another term the county chooses to use, the county should establish a cap of 12 residents. Community residences are intended to emulate biological families, which is one of the key reasons the courts treated them as residential uses even before disability became a protected class in 1989. As discussed in chapter 4, it becomes increasingly difficult to emulate a biological family when the number of residents in a community residence exceeds a dozen.

*See responses to items 29 and 30.*

32. The county should establish a simple, low-cost, administrative “reasonable accommodation” procedure for the operator of proposed community residences to seek approval to house more than 12 people with disabilities. The procedure used in Prescott, Arizona, is a good model on which to customize a “reasonable accommodation” procedure for Fairfax County.

*The eight-person limit is itself a reasonable accommodation, and any increase above that would have to be considered on a case-by-case basis under applicable law.*

33. The maximum number of people who can live in a community residence should continue to be set by the Virginia Maintenance Code rather than Fairfax County’s zoning ordinance as explained in chapter 4. Under well-settled fair housing law, a jurisdiction’s maintenance or building code formula for determining how many people can live in a dwelling unit applies to community residences just as it does to any other residential use.

*See responses to items 29 and 30.*

34. While the county considers these recommended changes to its zoning treatment of community residences for more than eight people with disabilities, it should codify an administrative “reasonable accommodation” process to grossly reduce the application fees for special permit uses and special exception uses from their respective \$1,100 and \$16,375 levels—perhaps to something along the lines of \$500. Currently, the county supervisor in whose district a proposed community residence for more than eight people with disabilities would be located can move to waive the application fees for “just and reasonable cause.” To better ensure consistency and both actual fairness and the appearance of fairness, this procedure should be replaced with a codified procedure along the lines of that suggested here.

*There is no fee for a group residential facility, and the special exception fee for congregate living facilities was reduced from \$16,375 to \$8,180 as part of the adoption of the new zoning ordinance. The special permit fee for group household and religious group living is \$1,100.*

35. Fairfax County should excise the above-referenced legally unenforceable zoning policy regarding community residences from its Comprehensive Plan.

*Health and Human Services staff have begun initial research that will be used to inform an update of the entire Human Services element of the Policy Plan component of the county's Comprehensive Plan, where this policy is found. When a work program and timeline are completed for this effort,*

*authorization will be requested from the Board of Supervisors to begin the plan amendment process.*

36. “Housing Discrimination” should be fully integrated into the county’s home page as a subtopic of “Housing” under “Topics.” This “Housing Discrimination” link should take viewers directly to the home page of OHREP, as of this writing located at <http://www.fairfaxcounty.gov/ohrep>. That page should have a clear “Housing Discrimination” link that takes viewers to the county’s pages where housing discrimination is explained and users can file housing discrimination complaints online in English or Spanish. The phone number of OHREP should be clearly posted along with instructions to call the office for more information, for counseling, or as an alternative to filing the complaint online. Within the office’s pages, the index should include “Housing Discrimination” to facilitate reaching the proper web pages.

*Viewers of the county’s home page conducting searches for “Housing” are directed to a website that lists “housing discrimination” as a subtopic with a link to “Housing Discrimination/Office of Human Rights.” The site includes information about fair housing protections, including links to how to file a fair housing complaint, contact information, and an index to facilitate reaching the appropriate web pages.*

*An intake supervisor, one investigator, and OHREP’s front desk administrator are fluent in Spanish, both written and spoken, and are able to administer all aspects of the complaint process initiated in Spanish whether online, by telephone, or in person. The agency also has access to translation services in all languages, including Spanish.*

37. The county’s complaint page— “Complaints and Concerns” at <http://www.fairfaxcounty.gov/complaints> should include a direct link to the county’s pages where housing discrimination is explained and users can file housing discrimination complaints online in English or Spanish. Given how highly Fairfax County values curtailing housing discrimination, the “Housing Discrimination” link should be the first link under “Homes and Properties.” Under “General County,” the parenthetical description of the “Discrimination Complaint Forms” link should include the types of discrimination—housing, employment, public accommodation, and so forth—instead of, or in addition to, the classes protected.

*The county’s complaints site no longer exists; it has been replaced with <https://www.fairfaxcounty.gov/humanrights/housing-discrimination/file-complaint>. That specific page is found on the housing discrimination website, which is the first result when searching “housing discrimination.” It also can be found from the home page, under “Residents”; under “Property and Housing,” housing discrimination is listed as one of the main topics. (Also, see response to item 36.)*

38. Fairfax County should routinely train its operators/receptionists to refer all calls involving possible discrimination in housing to OHREP. These staff members should be trained to recognize when a caller is inquiring about housing discrimination. If these operators/receptionists rely on a computer database to identify the proper county office, that database should be updated to identify OHREP as the place to go when a caller thinks she may have encountered housing discrimination.

*With respect to phone numbers and callers, the Office of Public Affairs staffs the front desk/information desk at the Government Center, which acts as a call center for the entire county. Staff receive hundreds of calls and walk-ups daily and use a software program called CRM, implemented by the Department of Information Technology, to search for keywords, topics, and agencies to patch callers through to the correct departments. As indicated above, the link*



also can be found from the Fairfax County home page, under “Residents”; under “Property and Housing,” housing discrimination is listed as one of the main topics. Searching “complaints” displays OHREP’s webpage among the top-10 results.

39. FCRHA should adopt policies and practices that foster racial and Hispanic integration in public housing developments to nurture and maintain integration in the surrounding neighborhoods. Its policies and practices should seek to allocate public housing units in a manner that promotes integrative moves within the context of the surrounding neighborhoods as well as the specific developments.

*In FY 2017 and FY 2018, FCRHA converted access to all public housing units to Rental Assistance Demonstration (RAD)–Project-Based Vouchers. Since this time, when RAD–Project-Based Vouchers and HCV program waiting lists are reopened, outreach is conducted to ensure that all races and ethnicities have knowledge of the opening and access to apply. In June 2021, FCRHA accepted new tenant applications for selection to the RAD–Project-Based Vouchers program waiting list. To ensure they reached a diversified population, notifications were advertised in advance of the opening and through multiple media outlets including general press releases in the Washington Times, El Tiempo Latino (Spanish), and Hoa Tinh Don Viet Bao (Vietnamese) newspapers. Information about the opening of the waiting list was widely publicized on Fairfax County’s webpage, the webpage for FCRHA, and social media.*

*In May 2021, FCRHA was awarded 169 Emergency Housing Vouchers made available through the American Rescue Plan Act. To efficiently and effectively utilize the Emergency Housing Vouchers, FCRHA has implemented policies to serve applicants, some of which are different from the HCV program’s policies. Successes and outcome information from the Emergency Housing Vouchers program will play an important role in informing ways to expand choice and serve the broader HCV community. Important to note, all Emergency Housing Vouchers program participants have access to both housing locators and financial assistance to facilitate securing housing that meets the needs of their families. Housing locators build relationships with property owners across the county. They develop housing opportunities that meet voucher standards and whose tenant selection criteria are not a barrier to voucher recipients. Financial assistance for program participants has been critical in overcoming barriers to accessing housing in the rental market by paying for application fees, administrative or holding fees, security deposits, and renters insurance. The cumulative effect of the additional services expands residential mobility and promotes long-term stability.*

40. FCRHA should establish policies and practices that encourage users of HCVs to make integrative moves to areas with higher opportunities and facilitate their doing so. Voucher users should receive the assistance they need to expand their choices and look at rentals outside their own racial or ethnic enclaves throughout the county as well as in nearby jurisdictions that might be closer to work. This policy can be implemented through counseling and other assistance that would be available at the HSC that was recommended earlier in this chapter. If the county does not establish an HSC, FCRHA should create its own.

*HCD is currently evaluating the Fairfax County rental market to determine how payments made under the HCV program can promote positive residential mobility. The analysis is focused on developing submarket payment standards for the HCV program. Submarket payment standards are expected to create equity opportunities for program participants by allowing residential mobility to areas of Fairfax County that have higher rents, currently not as affordable with existing payment standards. HCD anticipates implementing submarket payment standards in FY 2023. In addition to the submarket payment standards, Virginia law now prohibits discrimination based on*

*a household's source of funds. It is anticipated that this protection under state law will help to increase the ability of HCV households to rent in various areas of Fairfax County.*

41. FCRHA should affirmatively market dwellings in the FTHB program to expand the choices of households that would foster racial and ethnic integration of the housing and neighborhood.

*In addition to the website and agency Facebook accounts, the FTHB program markets the program through county podcasts and resources designed to reach ethnically and racially diverse communities. The program will explore how to reach additional families, encouraging them to participate in the program that will continue to foster racial and ethnic integration, such as educational opportunities like the annual Housing Expo.*

*All FTHB materials have been translated into multiple languages. HCD supports language access needs by providing interpreters at FTHB briefings and other events. Staff periodically attend homeownership events in the county.*

42. Fairfax County should establish policies and practices requiring housing built with Low-Income Housing Tax Credit (LIHTC) to be located where it will have a long-term integrative impact on the surrounding neighborhoods and requiring affirmative marketing of each development to promote integrated developments and stable, integrated neighborhoods.

*The federal LIHTC program, sponsored by the US Department of the Treasury, is administered by Virginia Housing. Therefore, local authorities have little control over LIHTC policies and practices. However, Fairfax County uses local dollars for gap financing, which is often used in conjunction with tax credits when affordable housing is developed. Currently, staff at HCD are evaluating ways to incorporate an equity perspective in the use of local funds, which are often used in conjunction with federal tax credits. Staff are currently reviewing options under locally funded loans (known as Housing Blueprint funds) that would include additional scoring points to developers of color and/or additional scoring points to developments located in areas of opportunity. These strategies will potentially be implemented after additional review and analysis.*

*Although it is not tax credit policy or practice, Fairfax County has incorporated an equity perspective when awarding federal Community Development Block Grant/HOME Investment Partnership funds. This is being done to help promote the integration of affordable housing units in stable, integrated neighborhoods. Requests for proposals for Community Development Block Grant/HOME Investment Partnership funds provide application points if a project proposal is close to public transportation and active retail and recreation; if a project includes tenant supportive services and case management; and if an applicant is knowledgeable about housing in proposed project area(s)/neighborhoods, including the extent of concentration of low-income residents and concentration of affordable housing. These criteria are being incorporated into the request for proposals process to promote the equitable use of resources in the acquisition and development of affordable housing units.*

- 1.b. Discuss how you have been successful in achieving past goals, and/or how you have fallen short of achieving those goals (including potentially harmful unintended consequences).**

*The county has continued to increase homeownership opportunities for low-income households, particularly through the FTHB program. In FY 2021, FCRHA provided 44 second-trust loans to homebuyers in the program, which were forgivable after five years of living in the FTHB unit. In addition, in FY 2021, FCRHA sponsored more than \$15 million in Virginia Housing Sponsoring Partnerships and Revitalizing Communities funds, which provided 47 low- and moderate-income*

families with loans for homeownership. Participants in the FTHB program continue to reflect the racial and ethnic diversity of the county, with 68 percent of FTHB purchasers' being of racial and/or ethnic minorities in FY 2021.

FCRHA has continued to expand housing opportunities for residents who receive federal rental assistance. Households participating in the RAD program have access to a "choice mobility" option, allowing households to request a tenant-based voucher to rent in the private market. Currently, 75 percent of turnover HCVs are annually allocated to RAD households to help participants move to neighborhoods of their choice. In addition, FCRHA is currently redeveloping one RAD property to expand housing opportunities. The property is being redeveloped from 46 townhouses to 240 units that will house families, seniors, and students, thus expanding affordable housing opportunities in an area that previously had limited housing opportunities for low- and moderate-income families.

FCRHA originally anticipated the implementation of the submarket payment standards within the HCV program in FY 2020. However, this was delayed due to the economic effects of the COVID-19 pandemic on the rental market. FCRHA is currently analyzing information about the private rental market and collecting baseline data; it anticipates establishing submarket payment standards in FY 2023 to support housing choice and mobility.

**1.c. Discuss any additional policies, actions, or steps that you could take to achieve past goals, or mitigate the problems you have experienced.**

FCRHA plans to conduct landlord outreach activities in the near future. The purpose of these activities will be to increase the number and geographic locations of landlords who participate in the voucher program. Due to the COVID-19 pandemic and staffing shortages, these efforts have not yet launched as intended. Increasing the number and locations of landlords who participate in the voucher program will be critical to helping increase housing choices for individuals and support integrated neighborhoods.

## IV. Fair Housing Analysis

### A. Demographic Summary

This demographic summary provides an overview of data concerning race and ethnicity, sex, familial status, disability status, limited English proficiency (LEP), national origin, and age. The data included reflect the composition of the region.

#### 1. Describe demographic patterns in the jurisdiction and region, and describe trends over time (since 1990).

**Table 1: Demographics, Race and Ethnicity**

	Non-Hispanic Black/ African American		Non-Hispanic White		Hispanic/Latino		Non-Hispanic Asian, Native Hawaiian, or other Pacific Islander		Non-Hispanic American Indian/Alaska Native		Total
	#	%	#	%	#	%	#	%	#	%	
Fairfax County	108,685	9.5	581,418	50.7	187,610	16.3	219,168	19.2	1,487	0.1	1,145,862
Regional	1,535,282	24.8	2,819,732	45.5	976,666	15.8	622,938	10.1	12,753	0.2	6,196,585

Note: All percentages represent a share of the total population within the jurisdiction or region.

Data sources: Decennial Census, American Community Survey.

#### Fairfax County

Fairfax County is 50.7 percent White, making it slightly more heavily White than the region as a whole. The county has a disproportionately low number of Black residents. Black residents make up 9.5 percent of the population. With an Asian or Pacific Islander population of 19.1 percent, Fairfax County has a significantly higher proportion of Asian or Pacific Islander residents than does the broader region.

#### Region

The region is 45.5 percent White, 24.8 percent Black, 15.8 percent Latino, about 10 percent Asian American or Pacific Islander, and about 0.2 percent Native American. Comparatively, the US as a whole is about 60 percent White, 12 percent Black, 18 percent Latino, 6 percent Asian, Hawaiian or Pacific Islander, and less than 1 percent Native American.

**Table 2: Demographics, Disability Status and Type**

	With a disability		With a hearing difficulty		With a vision difficulty		With a cognitive difficulty		With an ambulatory difficulty		With a self-care difficulty		With an independent living difficulty		Total civilian noninstitutionalized population
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#
Fairfax County	81,935	7.2	23,665	2.1	13,828	1.2	28,581	2.7	37,204	3.5	16,746	1.6	30,219	3.5	1,131,851
Region	530,902	8.7	137,130	2.2	96,668	1.6	191,985	3.4	259,195	4.5	101,366	1.8	185,326	3.9	6,121,354

Note: All disability characteristics are based on the civilian noninstitutionalized population. All percentages represent a share of the total population within the jurisdiction or region.

Fairfax County

In general, the percentage of the population with disabilities is lower in Fairfax County than in the region.

Region

About 9 percent of the region’s population has a disability. The most common types of disabilities in the region are ambulatory, independent living, and cognitive disabilities.

**Table 3: Demographics, Country of Origin for Non-Native Born Residents**

	#1 country of origin	#2 country of origin	#3 country of origin	#4 country of origin	#5 country of origin	#6 country of origin	#7 country of origin	#8 country of origin	#9 country of origin	#10 country of origin	Total Population
Fairfax County	El Salvador	India	Korea	Vietnam	China	Bolivia	Ethiopia	Philippines	Pakistan	Peru	
	36,156	35,833	30,538	23,112	16,499	13,019	12,644	12,298	11,156	11,121	358,824
Regional	El Salvador	India	China	Korea	Ethiopia	Guatemala	Vietnam	Philippines	Mexico	Honduras	
	194,468	103,755	75,287	59,430	53,699	51,108	48,953	48,806	47,427	41,226	1,412,074

Note: The 10 most often reported places of birth and languages at the jurisdiction level may not be the same as at the region level, and are thus labeled separately. China does not include Hong Kong and Taiwan.

Data source: 2015–2019 American Community Survey

Fairfax County

Among non-US-born residents of Fairfax County, El Salvador is the most common country of origin, followed by India, Korea, Vietnam, and China.

Region

Of non-US-born residents across the region, El Salvador is the most common country of origin, followed by India, China, Korea, and Ethiopia. There are about 200,000 residents of the region who were born in El Salvador, about 100,000 who were born in India, and about 75,000 who were born in China. From each of the other most common countries of origin, there are between about 40,000 and 60,000 residents.

**Table 4: Demographics, Language Spoken at Home for Those Who Speak English “Less Than Very Well”**

	#1 LEP Language	#2 LEP Language	#3 LEP Language	#4 LEP Language	#5 LEP Language	#6 LEP Language	#7 LEP Language	#8 LEP Language	#9 LEP Language	#10 LEP Language	Total population
Fairfax County	Spanish	Korean	Vietnamese	Chinese (incl. Mandarin, Cantonese)	Arabic	African Languages	Persian	Other Indic Language	Urdu	Other Asian Language	Total population
	60,979	19,324	14,514	9,525	6,383	6,155	5,430	4,893	4,672	3,539	159,554
Regional	Spanish	Other Indo-European languages	Chinese (incl. Mandarin, Cantonese)	Other and unspecified languages	Korean	Vietnamese	Other Asian and Pacific Islander languages	French, Haitian, or Cajun	Arabic	Tagalog (incl. Filipino)	Total population
	343,586	58,581	40,202	39,678	32,625	27,986	27,381	18,821	14,682	9,701	5,793,981

Note: China does not include Hong Kong and Taiwan. The 10 most often reported places of birth and languages at the jurisdiction level may not be the same as at the region level, and are thus labeled separately.  
Data source: 2015–2019 American Community Survey

Fairfax County

In Fairfax County, Spanish is the most prevalently spoken language for people with LEP. The other top languages (or language groups) in the county are as follows, in order of prevalence: Korean, Vietnamese, Chinese (including Mandarin and Cantonese), Arabic, African languages, Persian, other Indic languages, Urdu, and other Asian and Pacific Islander languages. From 2015 to 2019, Fairfax County’s population with LEP grew 20 percent.

Region

Across the whole region, Spanish is the most prevalently spoken language for people with LEP. The remainder of the top 10 LEP languages (or language groups) in the region are as follows, in order: other Indo-European languages; Chinese (including Mandarin and Cantonese); other and unspecified languages; Korean; Vietnamese; other Asian or Pacific Islander languages; French, Haitian, or Cajun; Arabic; and Tagalog (including Filipino).

**Table 5: Demographics, Growth in LEP Population**

Population Growth for Persons with LEP, Washington Region, 2015-2019	
Jurisdiction	Percentage
Fairfax County	1513%

Data source: 2015–2019 American Community Survey five-year estimates

**Table 6: Demographics, Sex**

	Total Population	Male population		Female population	
		#	%	#	%
Fairfax County	1,145,862	568,173	49.6	577,689	50.4
Region	6,196,585	3,028,975	48.9	3,167,610	51.1

Note: All percentages represent a share of the total population within the jurisdiction or region.  
Data source: 2015–2019 American Community Survey five-year estimates

Each of the jurisdictions and the region have about equal proportions of males and females.

**Table 7: Demographics, Age**

	Total Population	Population under 18 Years of Age		Population 18–64 Years of Age		Population 65 and Over	
		#	%	#	%	#	%
Fairfax County	1,145,862	270,215	23.6	725,724	63.3	149,923	13.1
Region	6,196,585	1,427,108	23.0	3,983,449	64.3	786,028	12.7

Note: All percentages represent a share of the total population within the jurisdiction or region.  
Data source: 2015–2019 American Community Survey five-year estimates

Fairfax County

Fairfax County has very similar percentages of youth younger than 18, 18- to 64-year-olds, and adults 65 or older to the region as a whole.

Region

The region as a whole has a slightly lower percentage of people 65 and older (12.7 percent) than the country (15.6 percent).<sup>2</sup>

**Table 8: Demographics, Family Status**

	Families with Children	
	#	%
Fairfax County, Virginia	134,708	47.5
Region	673,495	46.1

Note: All percentages represent a share of the total family households in the jurisdiction or region.  
Data source: 2015–2019 American Community Survey five-year estimates

Fairfax County

Slightly less than half of Fairfax County’s family households are households with children, a percentage similar to that in the region as a whole.

Region

About 46.1 percent of the region's family households are families with children. Family households are those with two or more people living together, at least one of whom is related to the head of household by marriage, birth or adoption.

**Table 9: Demographic Trends, Fairfax County, VA**

Race/Ethnicity	1990 Trend		2000 Trend		2010 Trend		Current	
	#	%	#	%	#	%	#	%
White, Non-Hispanic	650,008	77.5	638,599	64.4	604,471	54.7	581,418	50.7
Black, Non-Hispanic	62,806	7.5	88,430	8.9	105,907	9.6	108,685	9.5
Hispanic	52,926	6.3	109,796	11.1	172,038	15.6	187,610	16.3
Asian or Pacific Islander, Non-Hispanic	69,398	8.3	141,525	14.3	213,223	19.3	219,168	19.2
Native American, Non-Hispanic	1,747	0.2	3,928	0.4	4,483	0.4	1,487	0.1
National Origin								
Foreign-born	17,972	16.2	32,603	25.4	32,101	22.9	42,936	27.2
LEP								
Limited English Proficiency	9,886	8.9	17,163	13.4	15,477	11.1	159,544	14.9
Sex								
Male	52,643	47.4	61,957	48.3	67,262	48.1	568,173	49.6
Female	58,475	52.6	66,363	51.7	72,704	51.9	577,689	50.4
Age								
Under 18	16,963	15.3	21,915	17.1	23,970	17.1	270,215	23.6
18-64	82,767	74.5	95,010	74.0	103,190	73.7	725,724	63.3



65+	11,387	10.3	11,395	8.9	12,806	9.2	149,923	13.1
Family Type								
Families with children	9,306	38.1	9,330	42.6	12,919	41.7	15,734	52.1

Note: All percentages represent a share of the total population within the jurisdiction, except family type, which is out of total family households.

Data sources: Decennial Census, American Community Survey

The racial and ethnic demographics of Fairfax County have shifted since 1990. Most notably, the Hispanic and Asian or Pacific Islander populations have grown significantly, and the percentage of the population that is White has decreased. In addition, the percentage of foreign-born residents has about doubled since 1990. The percentage of families with children in the county has increased since 1990.

**Table 10: Demographic Trends, Region**

Race/Ethnicity	1990 Trend		2000 Trend		2010 Trend		Current	
	#	%	#	%	#	%	#	%
White, Non-Hispanic	2,671,370	64.1	2,696,495	55.6	2,762,787	48.9	2,819,732	45.5
Black, Non-Hispanic	1,053,952	25.3	1,306,715	26.9	1,486,865	26.3	1,535,282	24.8
Hispanic	227,064	5.5	430,297	8.9	775,416	13.7	976,666	15.8
Asian or Pacific Islander, Non-Hispanic	198,835	4.8	364,525	7.5	580,476	10.3	622,938	10.1
Native American, Non-Hispanic	9,894	0.2	21,648	0.5	25,389	0.5	12,753	0.2
National Origin								
Foreign-born	489,041	11.7	830,998	17.1	1,140,681	20.2	1,412,074	22.8
LEP								
Limited English Proficiency	228,633	5.5	409,098	8.4	519,697	9.2	624,410	10.8

Sex								
Male	2,030,838	48.7	2,357,615	48.6	2,750,340	48.7	3,028,975	48.9
Female	2,138,525	51.3	2,492,433	51.4	2,899,200	51.3	3,167,610	51.1
Age								
Under 18	985,397	23.6	1,254,069	25.9	1,348,790	23.9	1,427,108	23
18-64	2,823,736	67.7	3,160,017	65.2	3,733,524	66.1	3,983,449	64.3
65+	360,230	8.6	435,962	9.0	567,226	10.0	786,028	12.7
Family Type								
Families with children	510,562	48.8	388,450	49.7	657,872	48.1	673,495	46.1

Note: All percentages represent a share of the total population within the region, except family type, which is out of total family households.

Data sources: Decennial Census, American Community Survey

The racial and ethnic demographics of the region have shifted since 1990. Most notably, the Hispanic and Asian or Pacific Islander populations have grown significantly, and the percentage of the population that is White has decreased. Specifically, the proportion of the population that is Hispanic has more than doubled. The percentage of foreign-born residents has also about doubled since 1990. The percentage of families with children grew from 1990 to 2000 but dipped slightly from 2000 to 2010. From 2010 until the 2019 five-year American Community Survey (ACS), the percentage of families with children grew and surpassed the 1990 percentage.

**B. General Issues**

**i. Segregation/Integration**

**1.a. Describe and compare segregation levels in the jurisdiction and region. Identify the racial/ethnic groups that experience the highest levels of segregation.**

**1.b Explain how these segregation levels have changed over time (since 1990).**

Dissimilarity Index Value (0–100)	Level of Segregation
0-40	Low
41-54	Moderate
55-100	High

The Dissimilarity Index measures the percentage of a certain group’s population that would have to move to a different census tract in order to be evenly distributed within a city or metropolitan area in relation to another group. The higher the Dissimilarity Index value, the higher the extent of the segregation.

**Table 11: Dissimilarity Index Values by Race and Ethnicity**

Racial/Ethnic Dissimilarity Index				
Fairfax County, VA	1990 Trend	2000 Trend	2010 Trend	Current
Non-White/White	26.84	28.55	30.52	34.74
Black/White	41.25	38.70	40.56	45.54
Hispanic/White	32.57	39.05	41.14	44.78
Asian or Pacific Islander/White	21.43	22.82	26.26	30.74
Region	1990 Trend	2000 Trend	2010 Trend	Current
Non-White/White	52.16	49.33	46.78	50.34
Black/White	64.99	62.69	60.80	64.06
Hispanic/White	41.91	47.62	48.36	50.75
Asian or Pacific Islander/White	34.97	37.79	37.46	42.08

Data source: HUD tables based on 2011–2015 American Community Survey data

Fairfax County

Overall, Fairfax County experiences low levels of segregation between Asian or Pacific Islander and White populations. Fairfax County experiences moderate levels of segregation between Black and White populations and between Hispanic and White populations. The Dissimilarity Index values for Black and White, Hispanic and White, and Pacific Islander and White populations are all lower in Fairfax County than in the region as whole. The Dissimilarity Index values across all racial and ethnic categories have increased since 1990.

Region

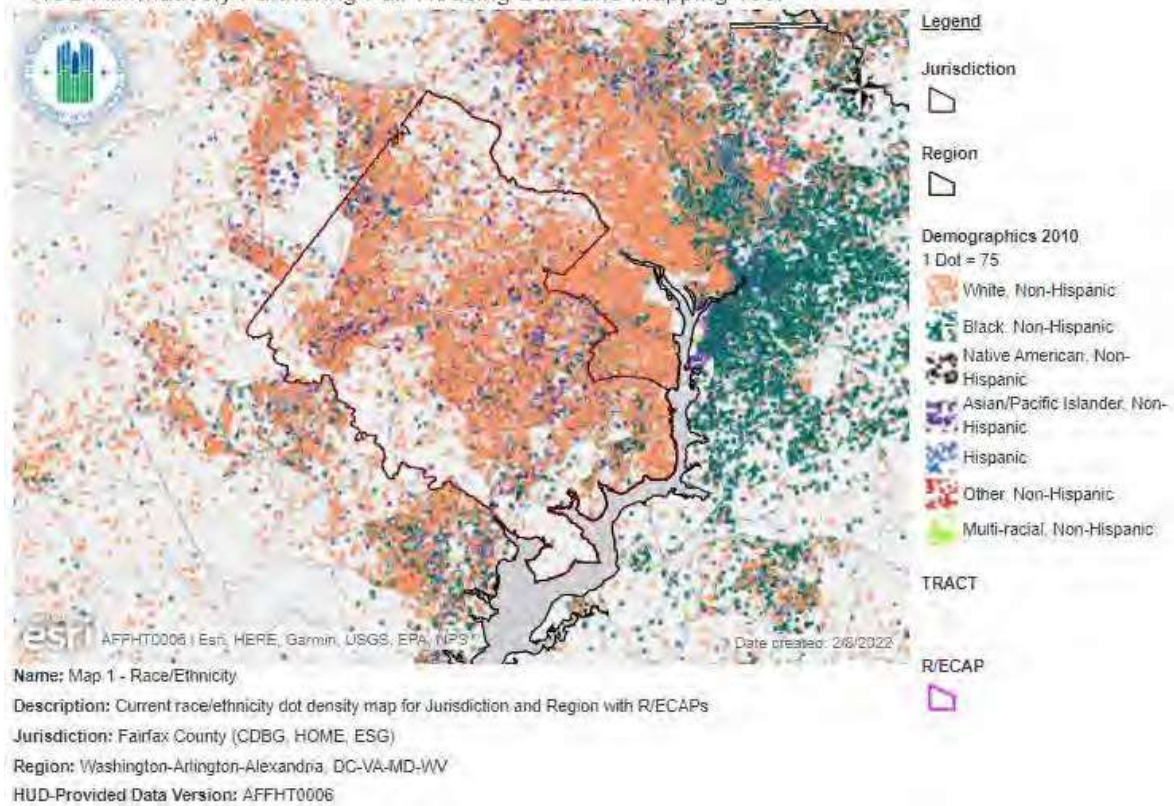
Overall, the region experiences high levels of segregation between Black and White populations. The region also experiences moderate levels of segregation between Hispanic and White and between Pacific Islander and White populations. The Dissimilarity Index values across all racial and ethnic categories have increased since 2010.

**1.c. Identify areas in the jurisdiction and region with relatively high segregation and integration by race/ethnicity, national origin, or LEP group, and indicate the predominant groups living in each area.**

**1.d. Consider and describe the location of owner- and renter-occupied housing in the jurisdiction and region, including whether such housing is located in segregated or integrated areas, and describe trends over time.**

### Map 1: Race/Ethnicity, Fairfax County, VA

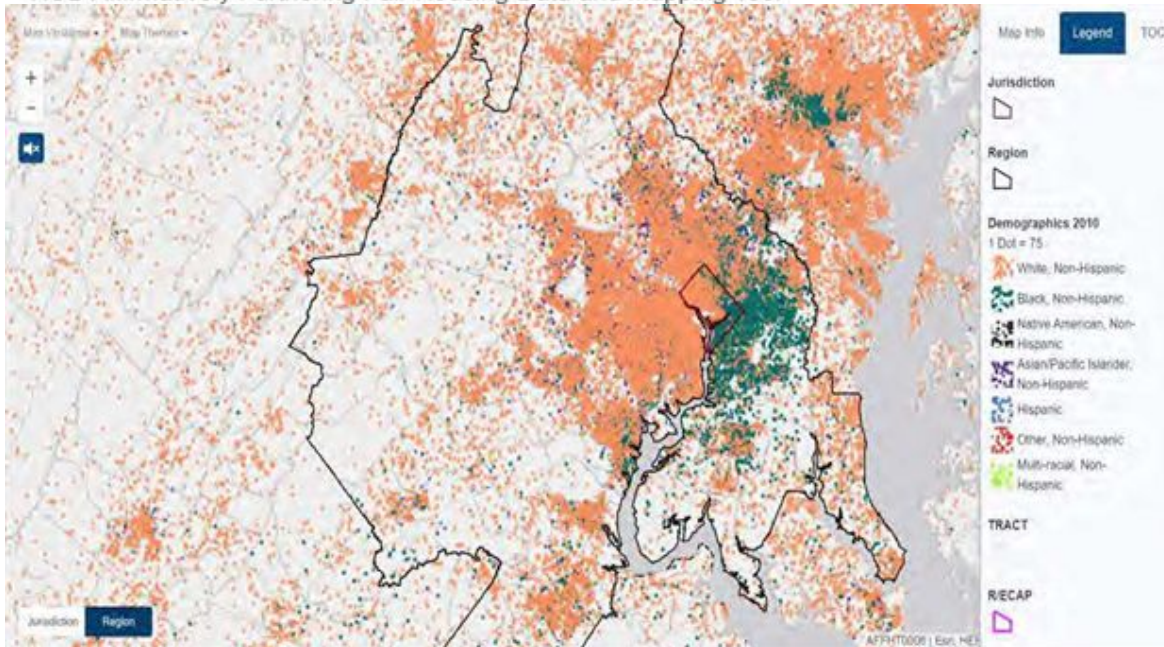
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In Fairfax County, a majority of the residents are White, followed in number by Asian or Pacific Islander residents. There is a large population of Black and Hispanic residents in the eastern part of the county. There is a large population of White and Asian or Pacific Islander residents in the western portion of the county.

## Map 2: Race/Ethnicity, Region

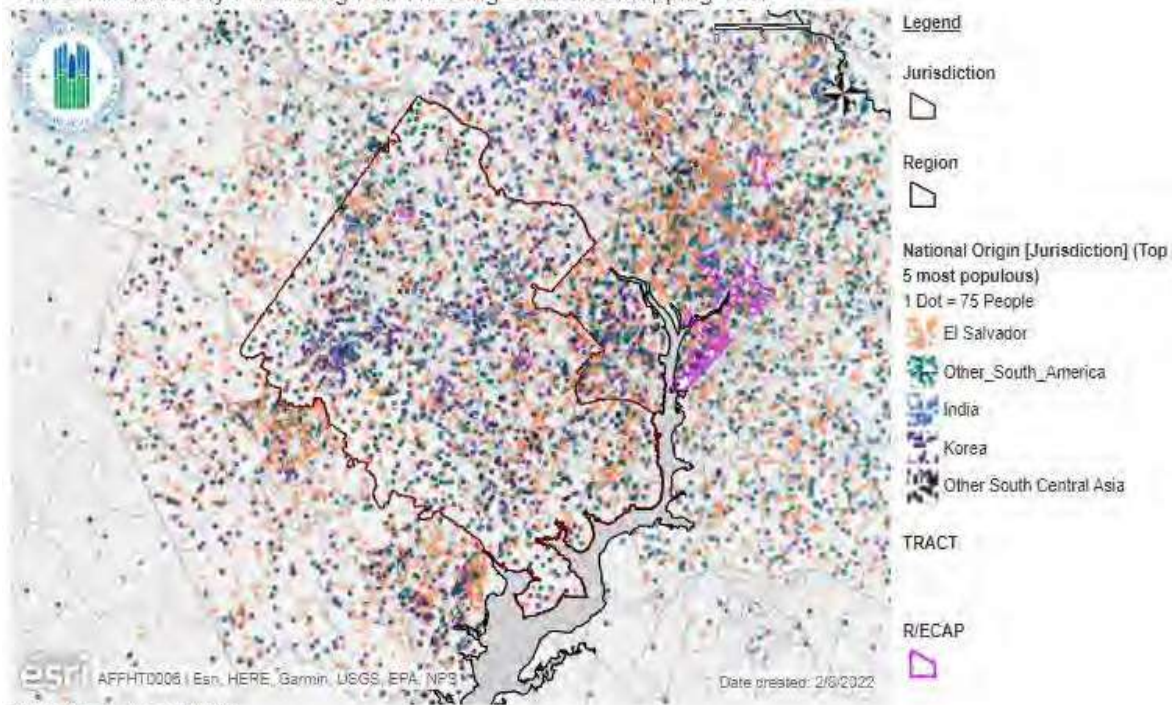
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Regionally, a majority of the residents are White; the second-most-populous group is Black. The eastern portion of the region has the most diversity among racial and ethnic groups. The western portion of the region is predominantly White. The racially or ethnically concentrated areas of poverty (R/ECAPs) are also predominantly seen in the eastern portion of the region.

### Map 3: National Origin, Fairfax County, VA

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Name: Map 3 - National Origin

Description: Current national origin (5 most populous) dot density map for Jurisdiction and Region with R/ECAPs

Jurisdiction: Fairfax County (CDBG, HOME, ESG)

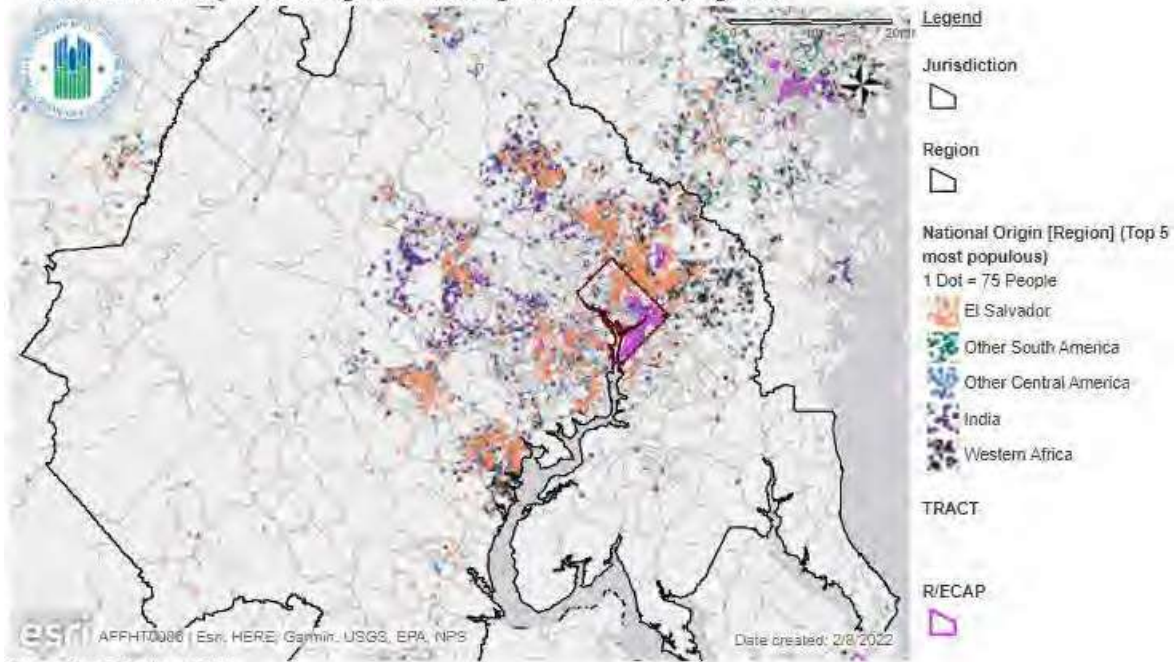
Region: Washington-Arlington-Alexandria, DC-VA-MD-WV

HUD-Provided Data Version: AFFHT0006

In Fairfax County, the most common type of non-native-born residents are Salvadoran residents. The second-most-common type are Indians, followed by Koreans. Salvadoran residents live throughout the county, but the largest cluster of Salvadoran residents is in the eastern portion of the county. There are also large clusters of Indian and South American residents in the southwest corner of the county.

### Map 4: National Origin, Region

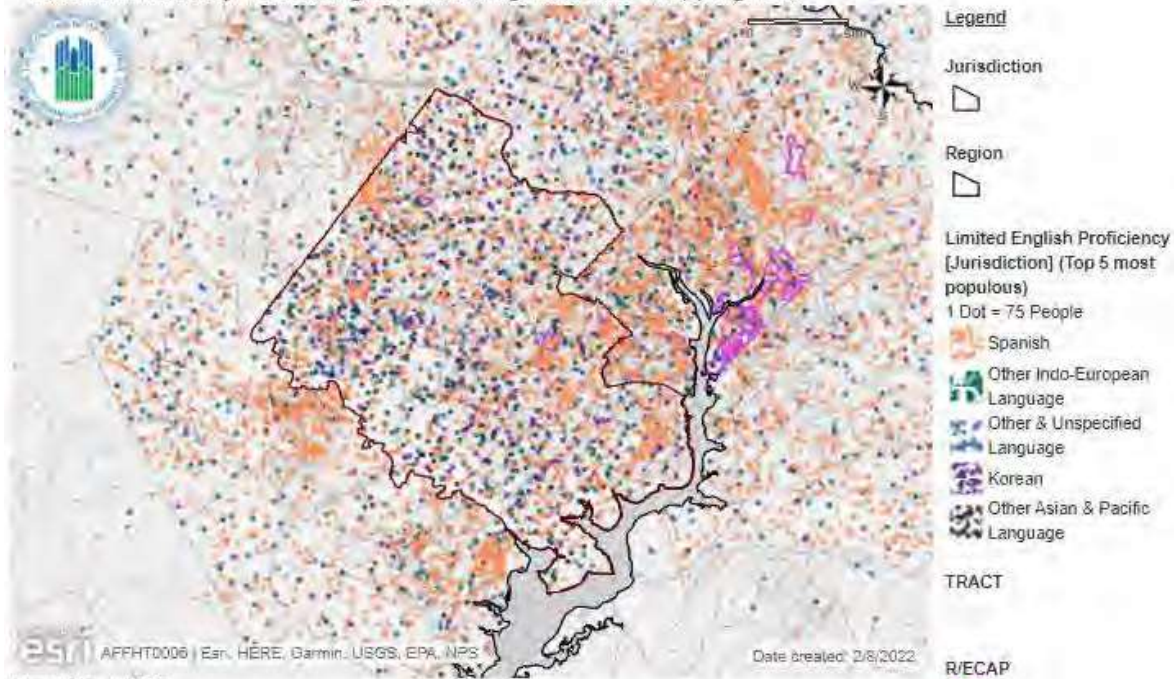
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Regionally, the most common nationality of non-native-born residents is Salvadoran. The second-most-common nationality is Indian, followed by Chinese. Non-native-born residents are most prevalent in the eastern portion of the region. Comparatively, there are very few non-native-born residents in the western portion of the region.

### Map 5: Limited English Proficiency, Fairfax County, VA

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Name: Map 4 - LEP

Description: LEP persons (5 most commonly used languages) for Jurisdiction and Region with R/ECAPs

Jurisdiction: Fairfax County (CDBG, HOME, ESG)

Region: Washington-Arlington-Alexandria, DC-VA-MD-WV

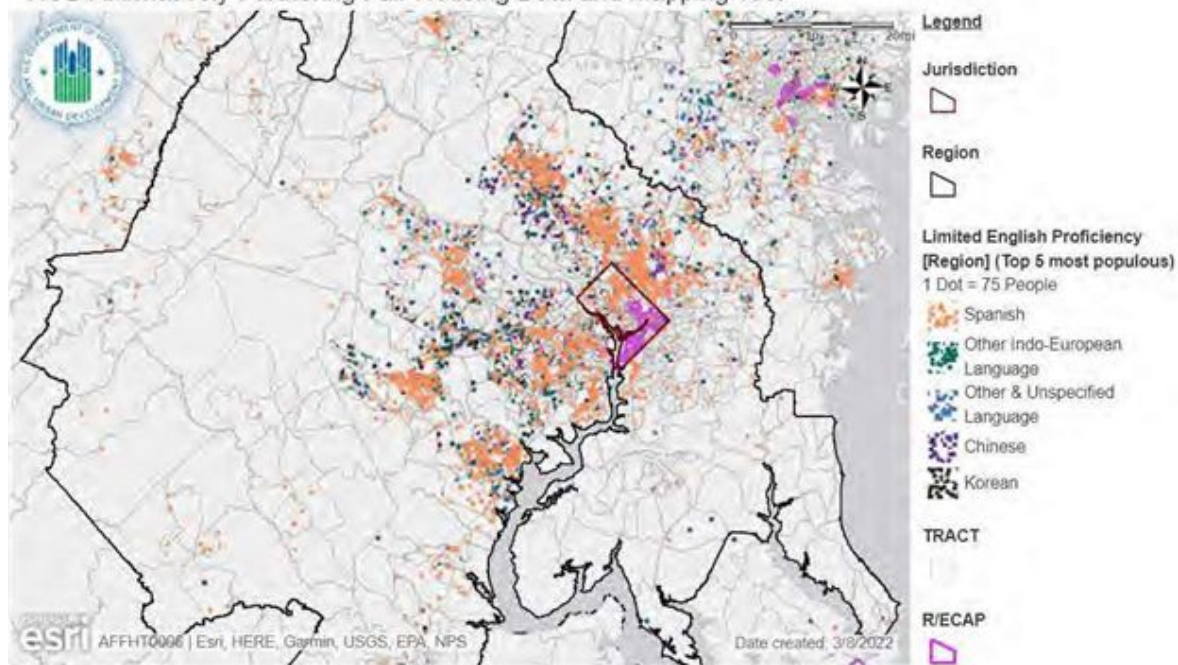
HUD-Provided Data Version: AFFHT0006

In Fairfax County, slightly more than 14 percent of the population speaks with LEP. The top foreign languages spoken by those with LEP are Spanish, other Indo-European languages, Korean, and Vietnamese. Since 2015, the persons with LEP population has grown by 20 percent. The Spanish LEP population is evenly dispersed throughout the county; however, there are large pockets of Spanish LEP residents in the eastern part of the county near the District. Large clusters of the Korean LEP population reside in the southwest portion of the county.



### Map 6: Limited English Proficiency, Region

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 4 - LEP

**Description:** LEP persons (5 most commonly used languages) for Jurisdiction and Region with R/ECAPs

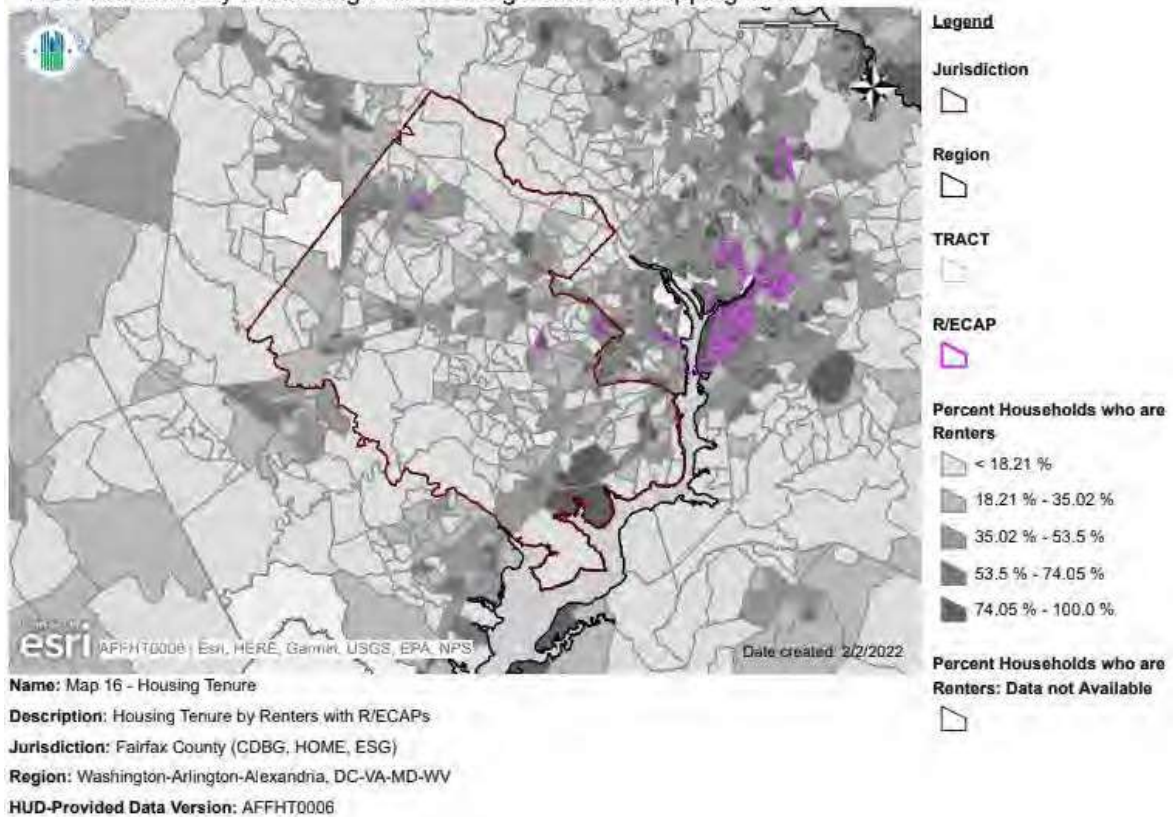
**Jurisdiction:** District Of Columbia (CDBG)

**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV

**HUD-Provided Data Version:** AFFHT0006

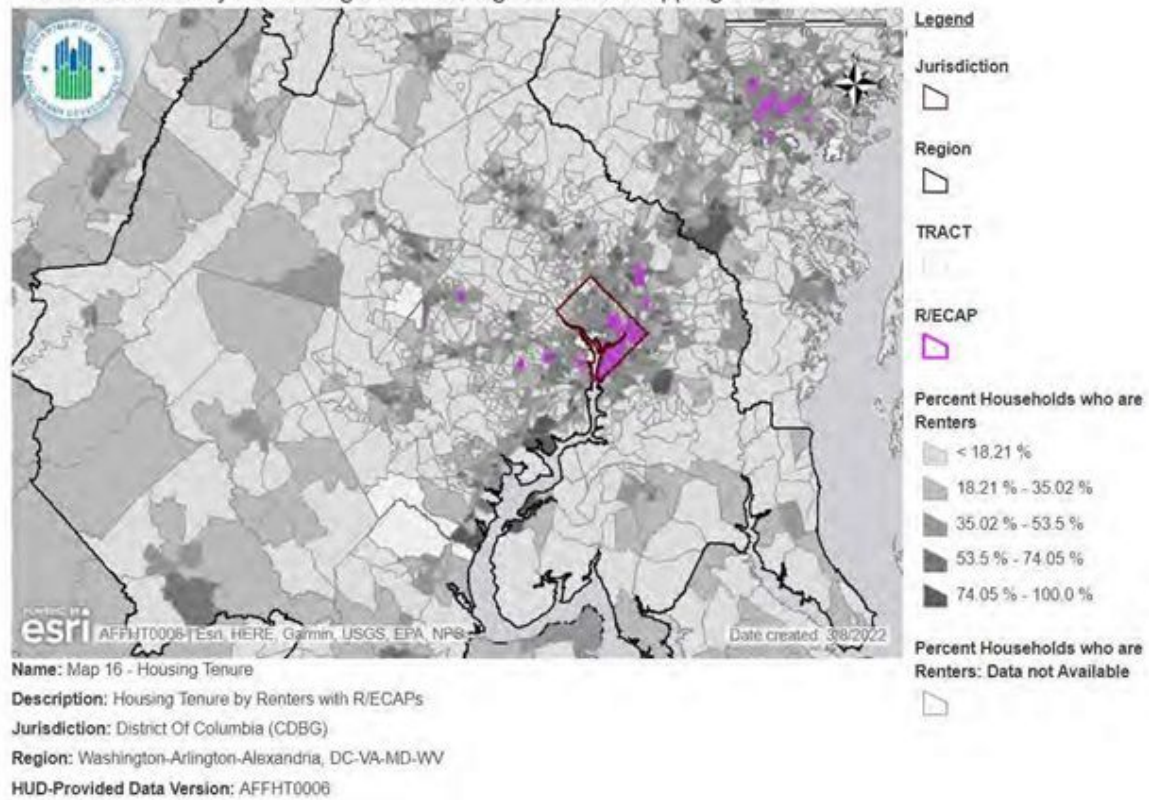
Regionally, almost 10 percent of the population has limited proficiency in English. The top languages spoken by those with LEP are Spanish, other Indo-European languages, and unspecified languages. The majority of LEP residents reside in the eastern portion of the region, with very few in the western portion of the region.

**Map 7: Percentage of Renter-Occupied Households, Fairfax County, VA**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



In Fairfax County, the location of renters largely correlates with aforementioned patterns of racial and ethnic segregation. There are large concentrations of renters in the eastern portion of the county. The southwestern portion of the county has the lowest level of renters in the county. The majority of renters live in Fairfax’s R/ECAP areas.

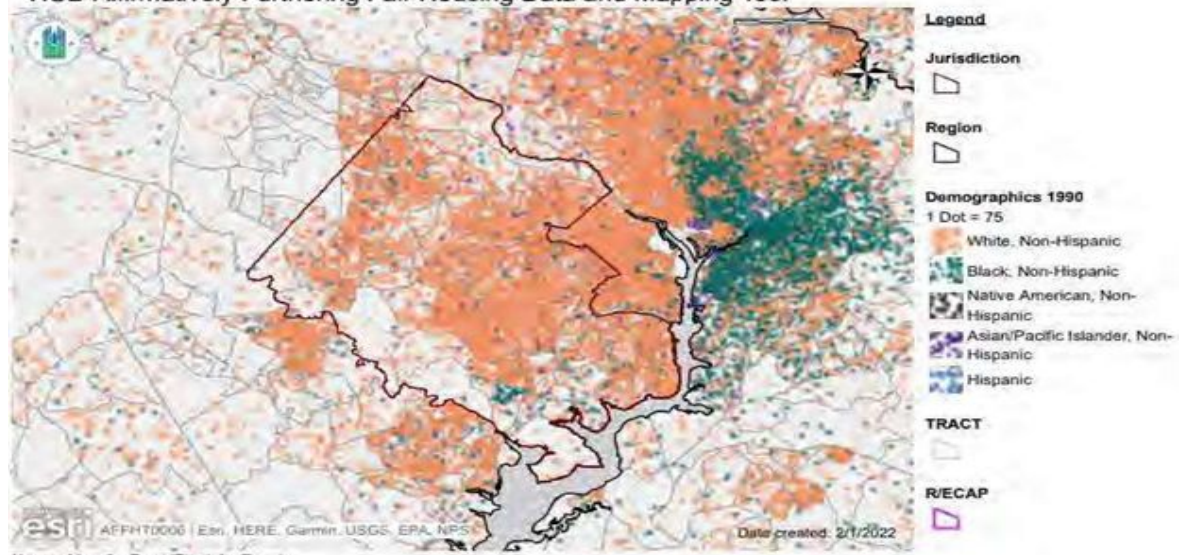
**Map 8: Percentage of Renter-Occupied Households, Region**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



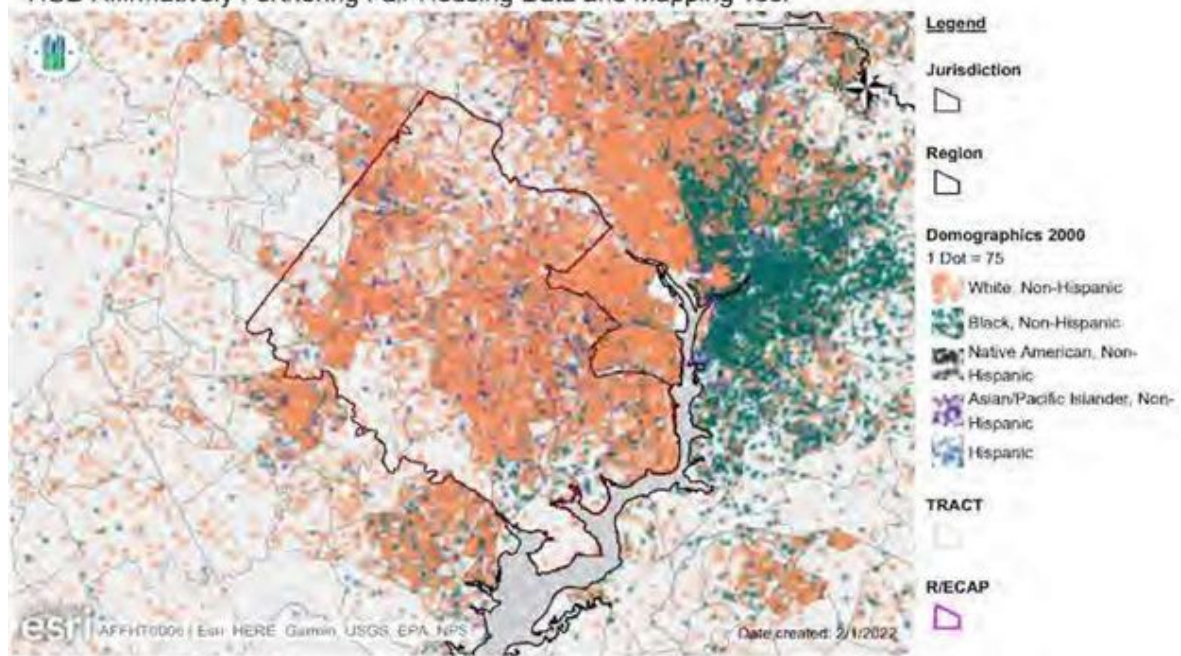
Regionally, the location of renters largely correlates with aforementioned patterns of racial and ethnic segregation. The percentage of renter-occupied households increases near the more urban areas of the region, a spatial pattern that also often times correlates with a larger percentage of minority residents.

1.e. Discuss how patterns of segregation have changed over time (since 1990).

Map 9: Racial Demographics in 1990, Fairfax County, VA  
HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

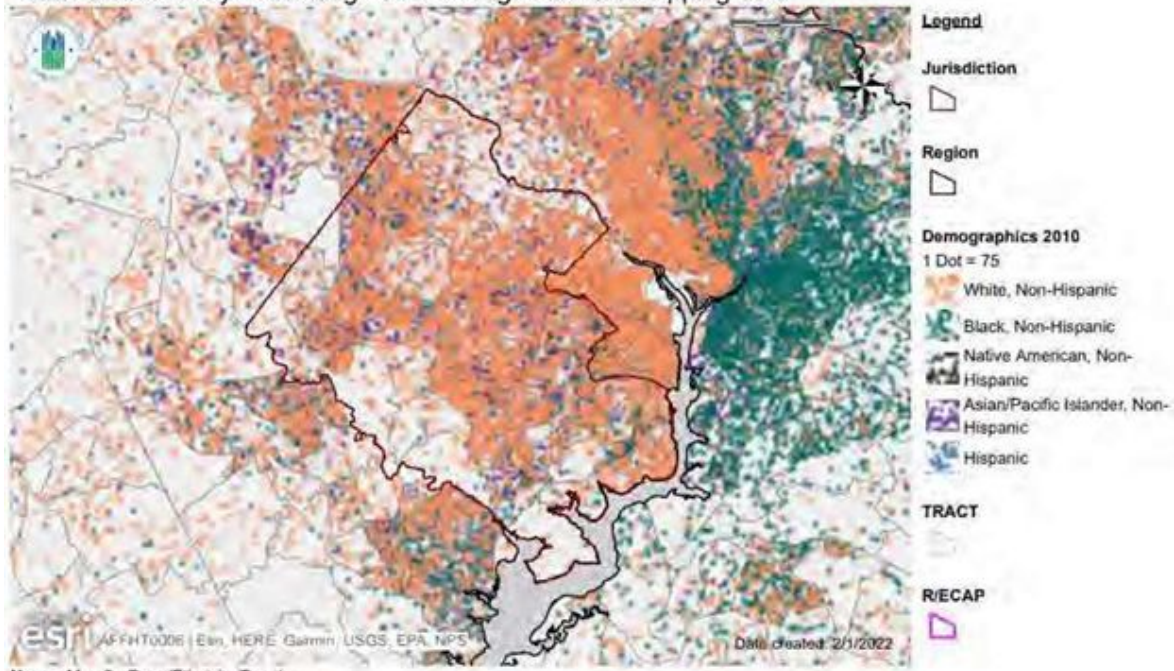


**Map 10: Racial Demographics in 2000, Fairfax County**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 2 - Race/Ethnicity Trends  
**Description:** Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs  
**Jurisdiction:** Fairfax County (CDBG, HOME, ESG)  
**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV  
**HUD-Provided Data Version:** AFFHT0006

**Map 11: Racial Demographics in 2010, Fairfax County**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



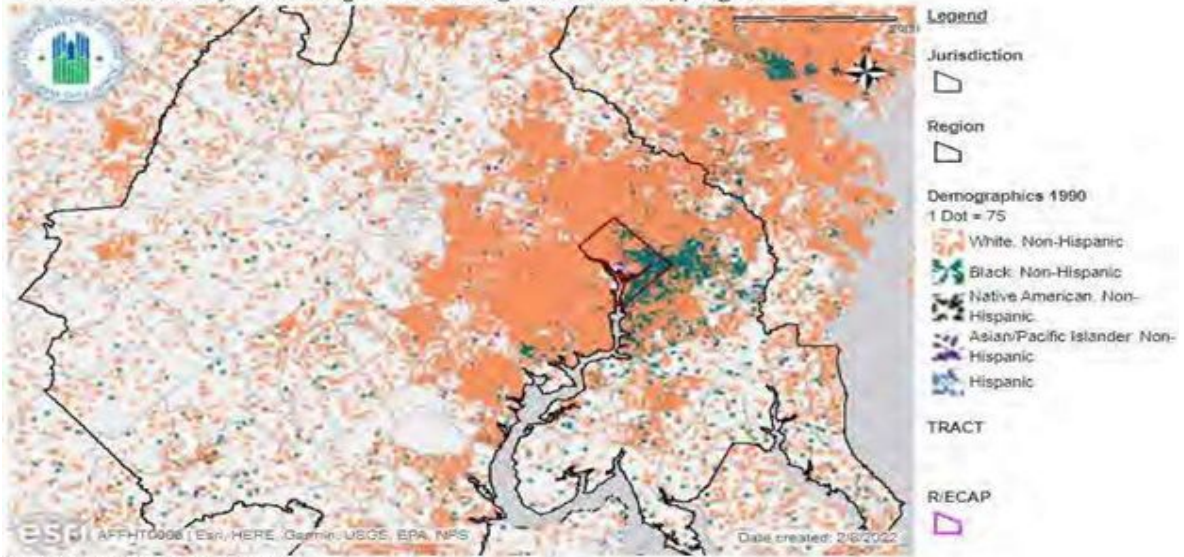
**Name:** Map 2 - Race/Ethnicity Trends  
**Description:** Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs  
**Jurisdiction:** Fairfax County (CDBG, HOME, ESG)  
**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV  
**HUD-Provided Data Version:** AFFHT0006

Fairfax County

Segregation in Fairfax County has increased overall since 1990. The Dissimilarity Index values for non-White and White, Black and White, Hispanic and White, and Asian or Pacific Islander and White have all increased since 1990 (table 1, page 27). In 1990, these groups all experienced low levels of segregation based on the Dissimilarity Index with the exception of Black and White, which experienced medium levels of segregation. The current Dissimilarity Index values for non-White and White and Asian or Pacific Islander and White both correspond with low levels of segregation. The Black and White and Hispanic and White current values both correspond to medium levels of segregation.

**Map 12: Racial Demographics in 1990, Region**

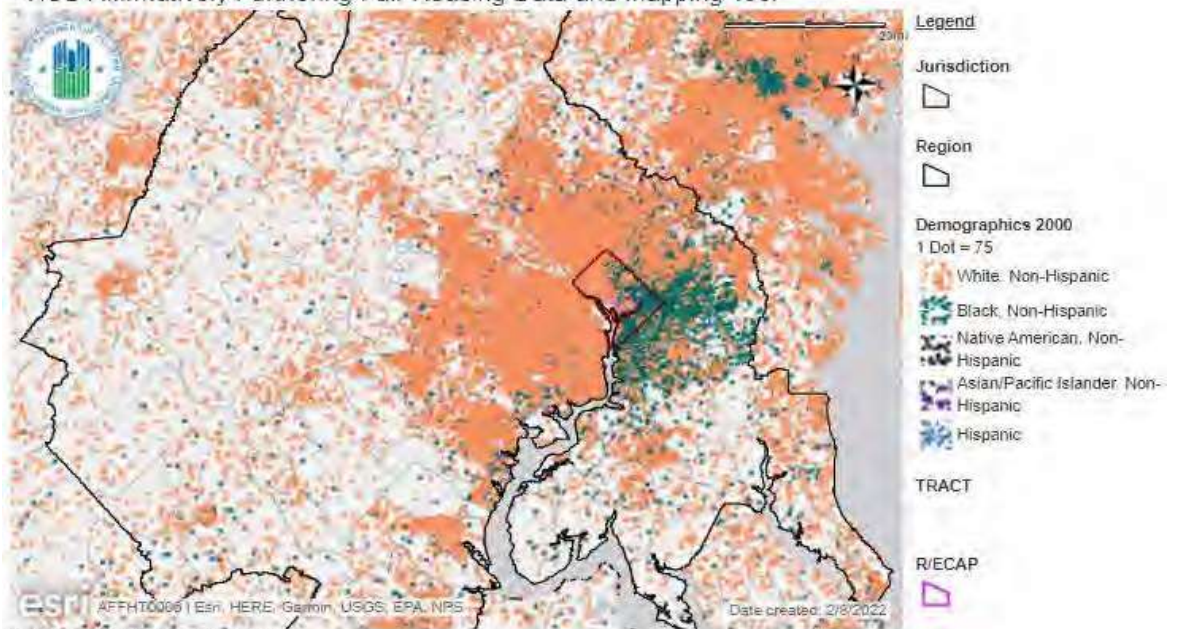
HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 2 - Race/Ethnicity Trends  
 Description: Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs  
 Jurisdiction: District Of Columbia (CDBG)  
 Region: Washington-Arlington-Alexandria, DC-VA-MD-WV  
 HUD-Provided Data Version: AFFHT0006

**Map 13: Racial Demographics in 2000, Region**

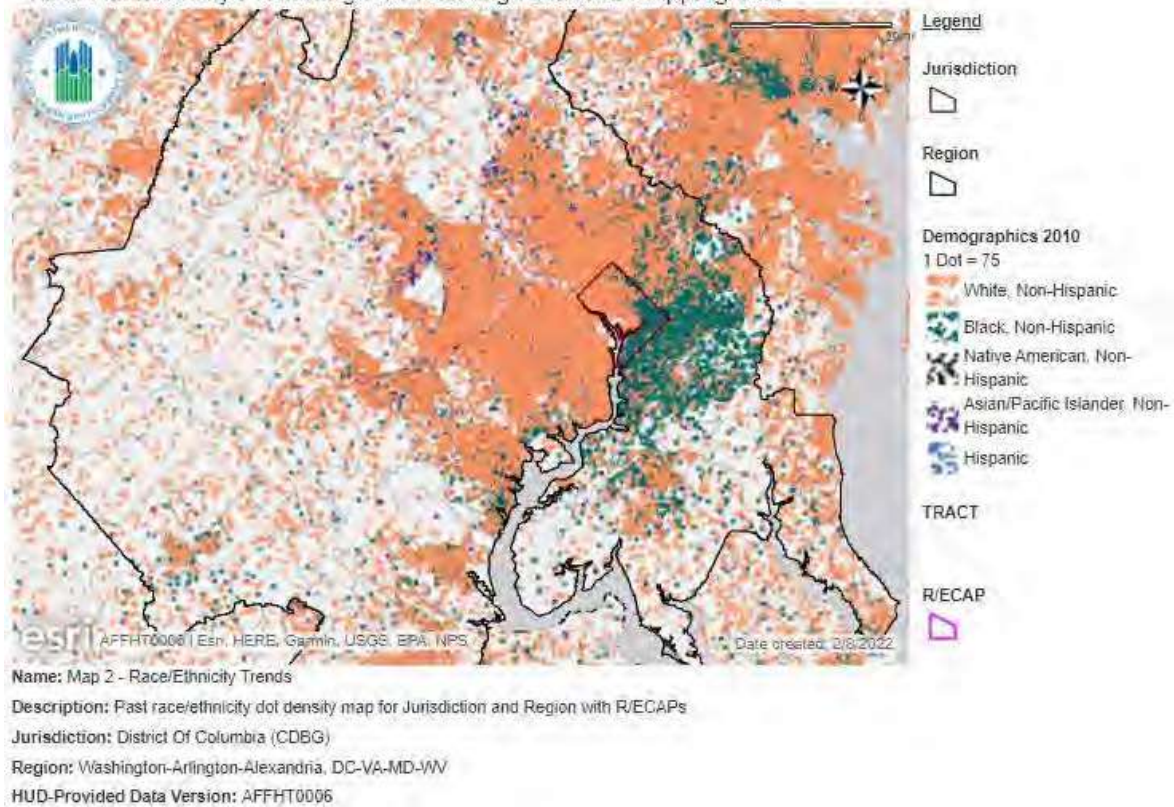
HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 2 - Race/Ethnicity Trends  
 Description: Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs  
 Jurisdiction: District Of Columbia (CDBG)  
 Region: Washington-Arlington-Alexandria, DC-VA-MD-WV  
 HUD-Provided Data Version: AFFHT0006

## Map 14: Racial Demographics in 2010, Region

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



### Region

Regionally, segregation is on the rise. Dissimilarity Index values for Non-White/White and Black/White are nearly identical to the 1990 values. These values dipped slightly in 2010 and then rose again between 2010 and the present. Since 1990, the Dissimilarity Index values have increased for Hispanic/White and Asian or Pacific Islander/White. The Dissimilarity Index values for Non-White/White, Hispanic/White, and Asian or Pacific Islander/White all correspond to medium levels of segregation. The Dissimilarity Index value for Black/White corresponds to a high level of segregation. The Exposure Index values across all ethnic groups in relation to White residents have also decreased since 1990. Exposure Index values of minority groups in relation to other minority groups have increased since 1990. These values, taken together with the Dissimilarity Index values, indicate that while minority populations are becoming more segregated from White populations, minorities are becoming less isolated with respect to other minorities.

### ii. Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs)

R/ECAPs are geographic areas with significant concentrations of poverty and populations of people of color. HUD has developed a census-tract based definition of R/ECAPs. In terms of racial or ethnic concentration, R/ECAPs are areas with a non-White population of 50 percent or more. With regard to poverty, R/ECAPs are census tracts in which 40 percent or more of individuals are living at or below the poverty line or that have a poverty rate three times the average poverty rate for the metropolitan area, whichever threshold is lower. In the region, which has a significantly lower rate of poverty than the nation as a whole, the latter of these two thresholds is used.



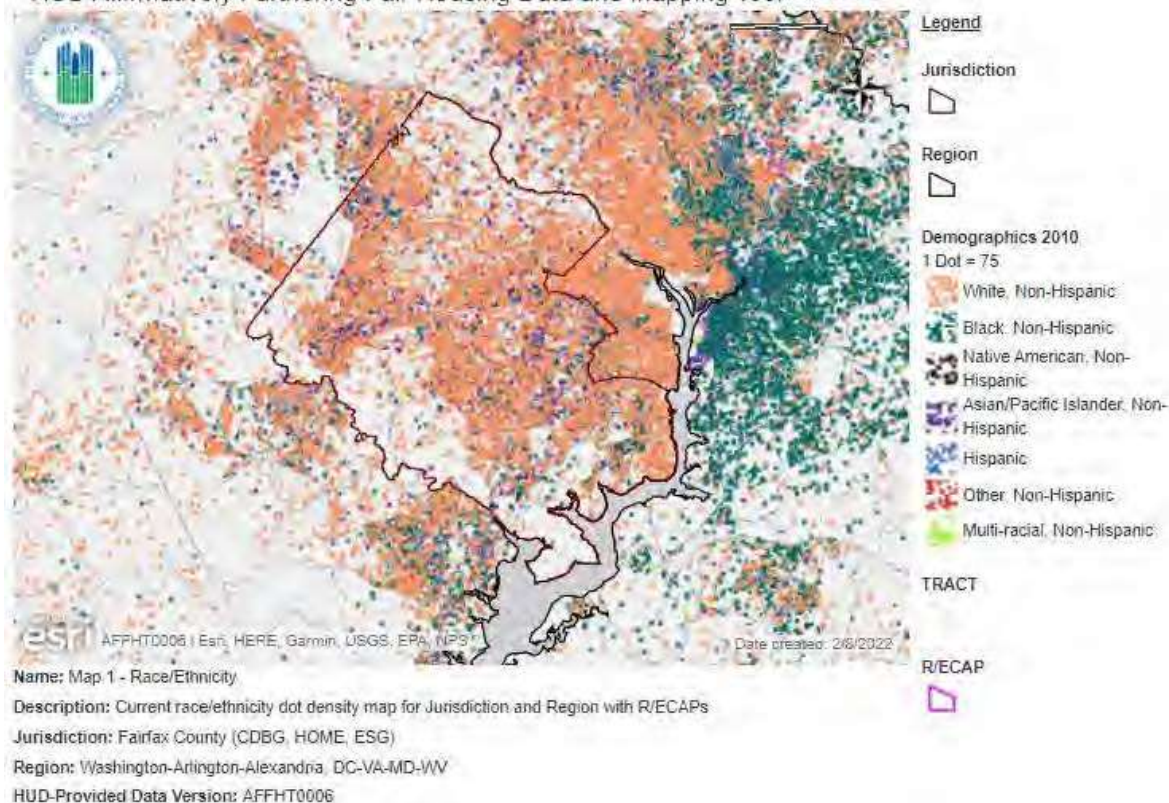
Where one lives has a substantial effect on mental and physical health, education, exposure to crime, and economic opportunity. Urban areas that are more residentially segregated by race and income tend to have lower levels of upward economic mobility than other areas. Research has found that racial inequality is thus amplified by residential segregation. Concentrated poverty is also associated with higher crime rates and worse health outcomes. However, these areas may also offer some opportunities as well. Individuals may actively choose to settle in neighborhoods containing R/ECAPs due to proximity to job centers. Ethnic enclaves may help immigrants build a sense of community and adapt to life in the United States. The businesses, social networks, and institutions in ethnic enclaves may help immigrants preserve their cultural identities while providing a variety of services that allow them to establish themselves in their new homes. Overall, identifying R/ECAPs facilitates understanding of entrenched patterns of segregation and poverty.

Data note: Some of the tables and maps in this section are sourced from the HUD tool, which used 2011–2015 five-year ACS data. These maps and tables are accessible to all and can be used by anyone to numerically and spatially analyze their jurisdictions or communities of interest. Other tables and maps that the Urban Institute created are based off of 2015–2019 five-year ACS data. Due to this, some of the maps identify different census tracts as R/ECAPs and reflect slightly different demographic data.

**1.a. Identify any R/ECAPs or groupings of R/ECAP tracts within the jurisdiction and region.**

**Map 15: R/ECAPs in Jurisdiction with Race/Ethnicity, Fairfax County, VA**

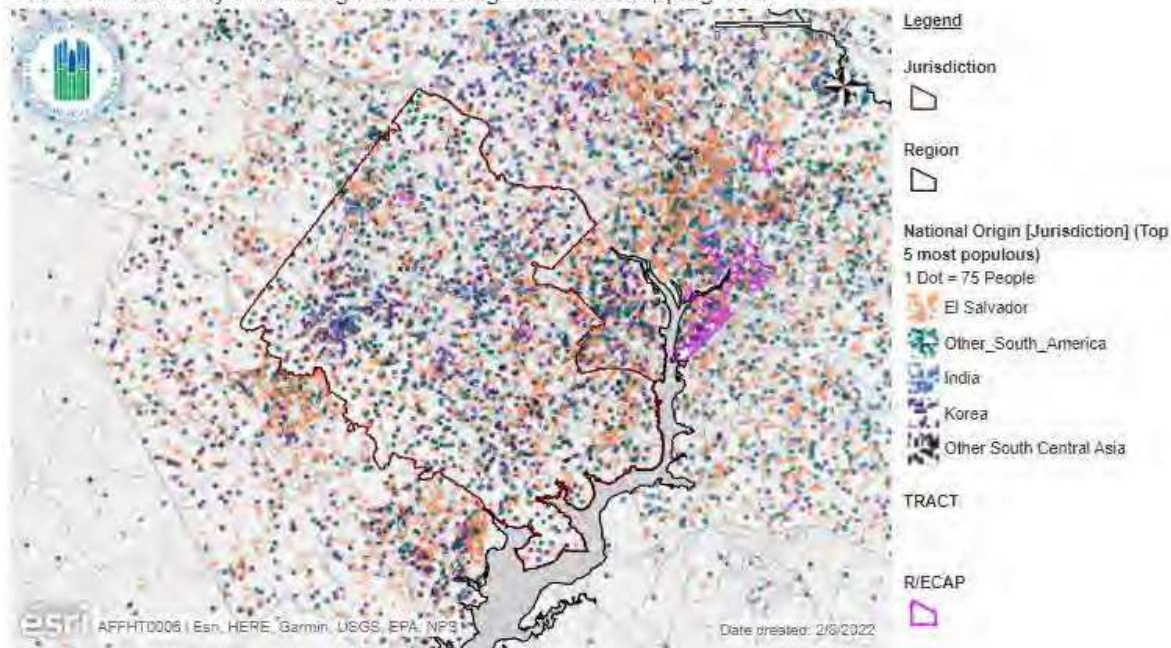
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There are three R/ECAPS within Fairfax County: one in Lincolnia, one in Reston, and one in Seven Corners. All have large numbers of Hispanic residents and a significant population of Asian American residents as well.

**Map 16: R/ECAPS in Jurisdiction with National Origin, Fairfax County, VA**

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 3 - National Origin

Description: Current national origin (5 most populous) dot density map for Jurisdiction and Region with R/ECAPs

Jurisdiction: Fairfax County (CDBG, HOME, ESG)

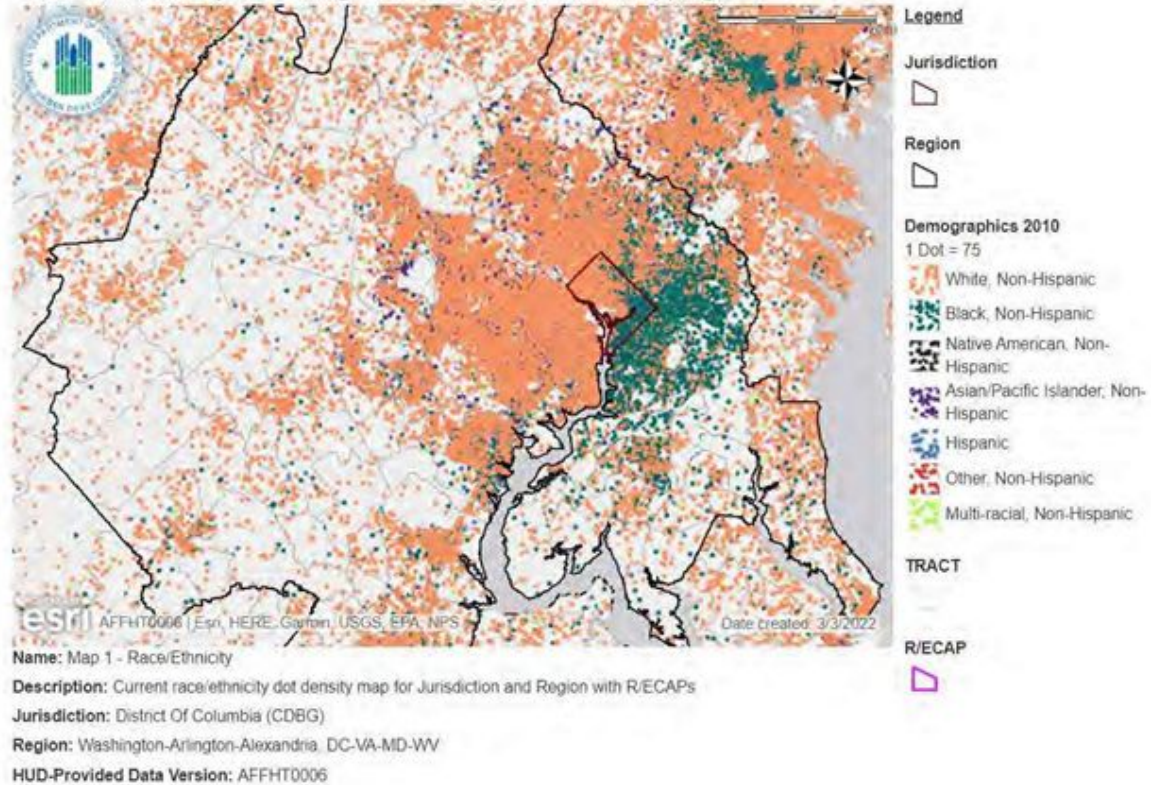
Region: Washington-Arlington-Alexandria, DC-VA-MD-WV

HUD-Provided Data Version: AFFHT0006

There are three R/ECAPS in Fairfax County. The R/ECAP in Seven Corners has a high number of Salvadoran residents, while the R/ECAP in Lincolnia has large populations of both Korean and Salvadoran residents. The R/ECAP in Reston appears to have a significant population of Asian Indian origin.

### Map 17: R/ECAPs in Jurisdiction with Race/Ethnicity, Region

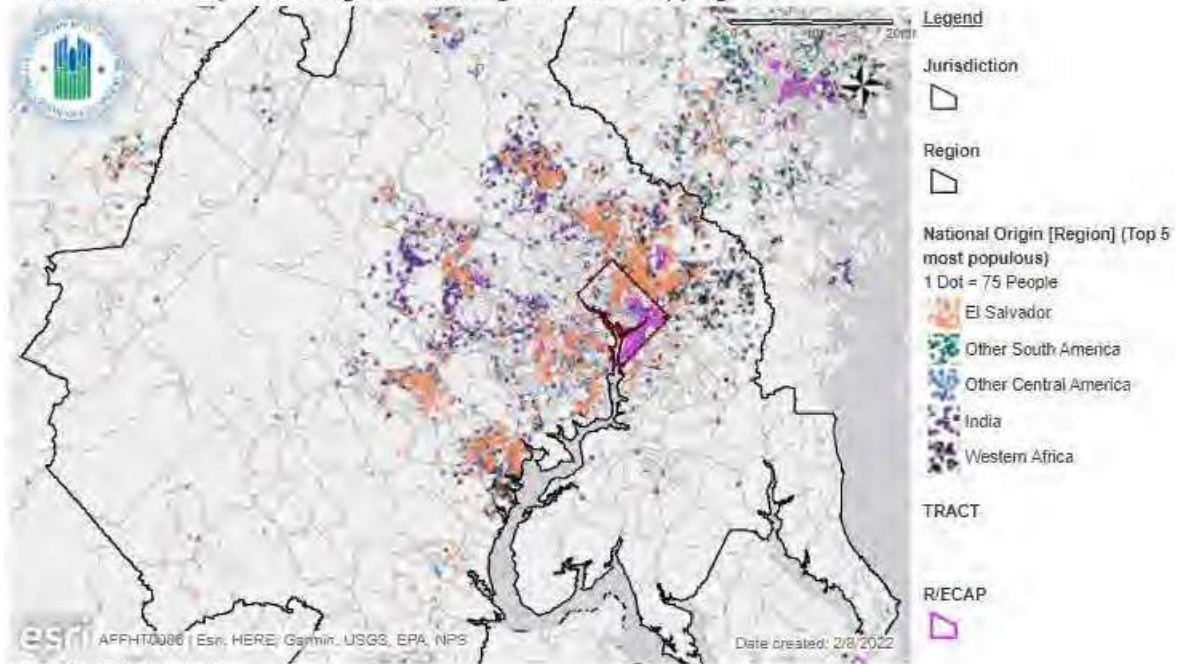
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Within the region, most of the R/ECAPs are within the District and in primarily Black areas. Historically, federal housing policies bolstered White flight from cities like the District, creating segregated suburbs.<sup>3</sup> Even with the lower poverty rate threshold for R/ECAP status in effect, the relative economic prosperity of the region results in some racially and ethnically diverse areas with low-income populations—in eastern Montgomery County, southeastern Fairfax County, and eastern Prince William County—not being classified as R/ECAPs.

### Map 18: R/ECAPs in Jurisdiction with National Origin, Region

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

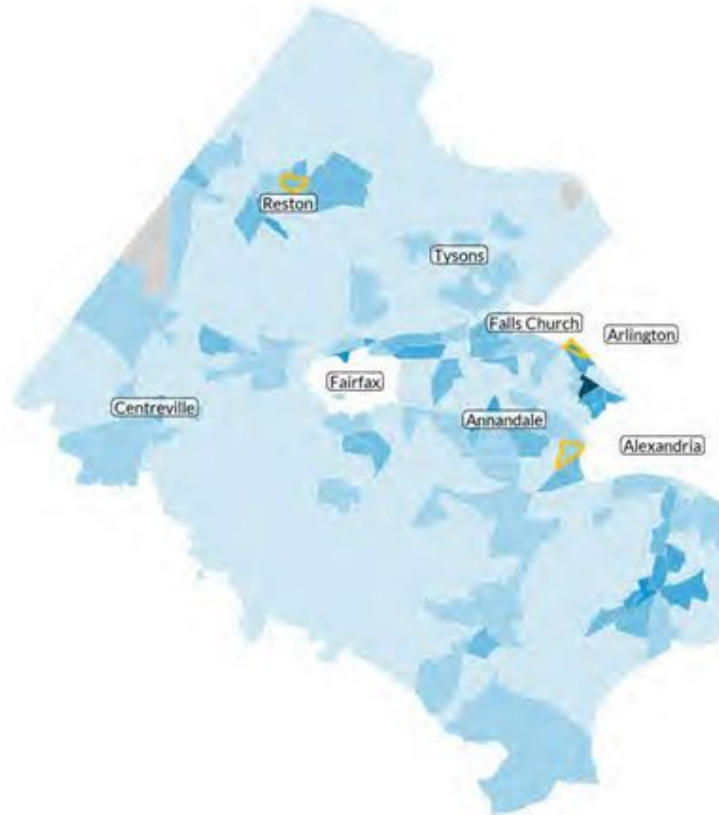


Across the region, Salvadoran and other Central Americans are the most prevalent foreign-born residents to live in R/ECAPs. Within R/ECAPs, Salvadorans make up just under 3.0 percent and other Central Americans make up 2.5 percent of residents.<sup>4</sup>

Map 19: R/ECAPs in Jurisdiction with Poverty Rates, Fairfax County, VA

## Poverty Rates by Census Tract in Fairfax County, Virginia

R/ECAPs Highlighted in Yellow



Source: American Community Survey 5-Year Estimates, 2015-2019

In Fairfax County, there are three R/ECAPs, each with poverty rates of 10 to 20 percent. The R/ECAPs in Fairfax County are in Lincolnia, Reston, and Seven Corners. Hispanic residents are the most significant group of people of color in each of the three R/ECAPs.

**1.b. Describe and identify the predominant protected classes residing in R/ECAPs in the jurisdiction and region. How do these demographics of the R/ECAPs compare with the demographics of the jurisdiction and region?**

Table 12: R/ECAP Demographics

	Fairfax County		Region	
R/ECAP Race/ Ethnicity	#	%	#	%
Total Population in R/ECAPs	12,560	-	150,440	-
White, Non-Hispanic	2,568	20.45%	8,904	5.92%
Black, Non-Hispanic	891	7.09%	119,872	79.68%
Hispanic	7,366	58.65%	16,312	10.84%
Asian or Pacific Islander, Non-Hispanic	1,435	11.43%	2,646	1.76%
Native American, Non-Hispanic	23	0.18%	325	0.22%
Other, Non-Hispanic	40	0.32%	225	0.15%
R/ECAP Family Type				
Total Families in R/ECAPs	2,616	-	32,565	-
Families with children	1,402	53.59%	17,062	52.39%

Table 13: R/ECAP Demographics

	Fairfax County, VA			Region		
	Country of origin	#	%	Country of origin	#	%
#1	Other Central America	2,077	16.54%	El Salvador	4,484	2.98%
#2	El Salvador	1,831	14.58%	Other Central America	3,757	2.50%
#3	Other South America	819	6.52%	Other South America	1,314	0.87%
#4	Mexico	544	4.33%	Mexico	1,219	0.81%
#5	Other South Central Asia	440	3.50%	Eastern Africa	1,020	0.68%

#6	Vietnam	239	1.90%	Western Africa	899	0.60%
#7	Northern Africa	173	1.38%	Other Caribbean	809	0.54%
#8	India	154	1.23%	Other South Central Asia	722	0.48%
#9	Other Western Asia	102	0.81%	China excl. Taiwan	496	0.33%
#10	Eastern Africa	100	0.80%	India	484	0.32%

Fairfax County

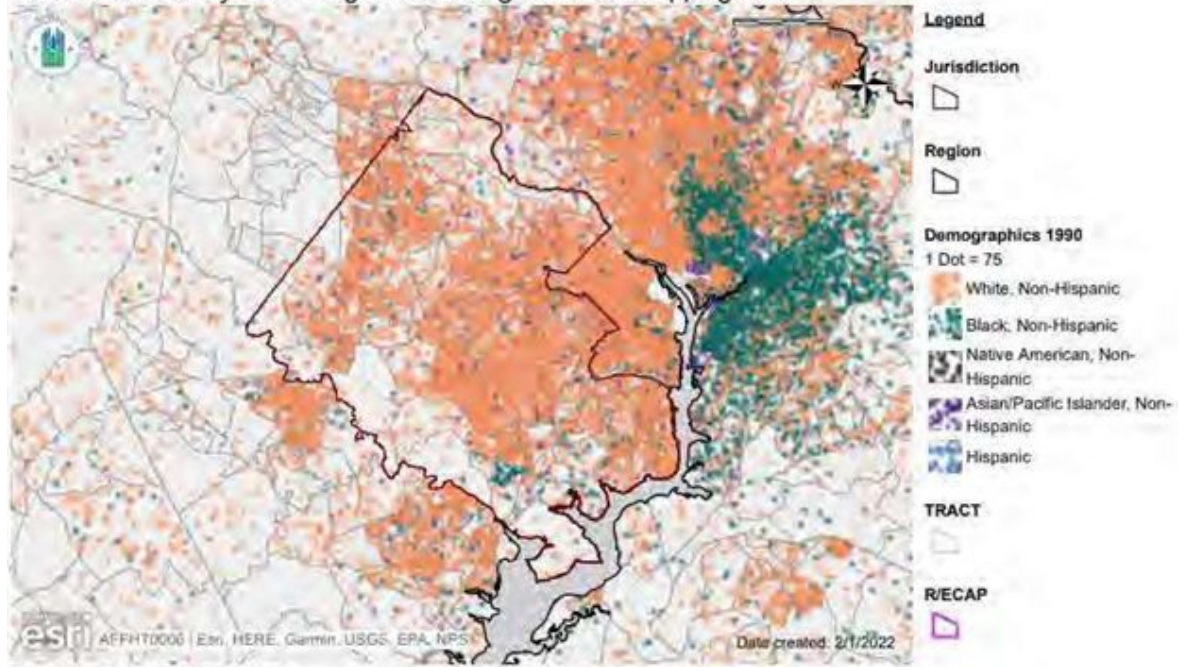
In Fairfax County, residents of R/ECAPs are nearly 60 percent Hispanic, 20 percent White, 11 percent Asian or Pacific Islander, and 7 percent Black. Of families living in R/ECAPs in the region, 54 percent are families with children. Around 30 percent of R/ECAP residents in the county are originally from El Salvador and other Central American countries. Hispanic individuals are most disproportionately residents of R/ECAPs as they make up 14 percent of the population of the whole county but 60 percent of the population of R/ECAPs in the county. Suburban R/ECAPs in the region, like those in Fairfax County, tend to be more heavily Hispanic than those in DC.

Region

In the region, 80 percent of residents of R/ECAPs are Black and 11 percent are Hispanic. Over one-half of families living in R/ECAPs in the region are families with children. Over 5 percent of R/ECAP residents in the region are originally from El Salvador and other Central American countries. Black individuals are most disproportionately residents of R/ECAPs as they make up one-quarter of the population of the whole region but 80 percent of the population of R/ECAPs in the region. The demographics of R/ECAPs in the region are heavily driven by the demographics of R/ECAPs in the District, which is home to a large majority of the region's R/ECAPs. Suburban R/ECAPs tend to be more heavily Hispanic than those in the District

***1.c. Describe how R/ECAPs have changed over time in the jurisdiction and region (since 1990).***

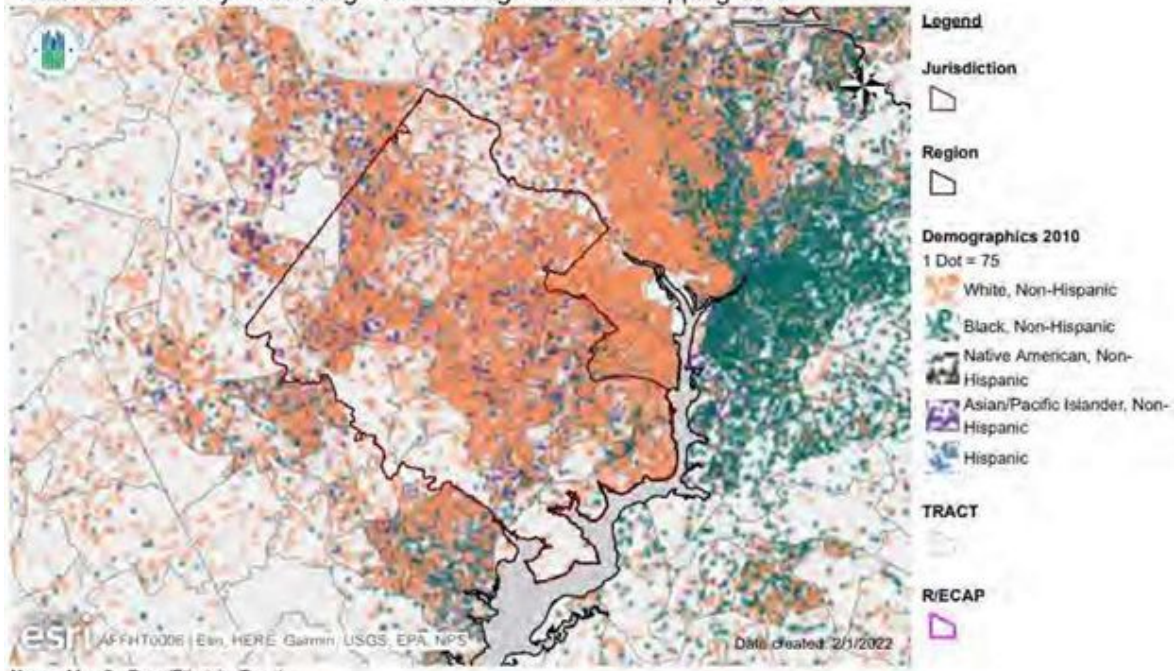
**Map 20: R/ECAPs and Racial Demographics in 1990, Fairfax County, VA**  
**HUD Affirmatively Furthering Fair Housing Data and Mapping Tool**



There was one R/ECAP in Fairfax County in 1990, which was located in Seven Corners in an area that was plurality Hispanic. There were no R/ECAPs in Fairfax County in 2000.



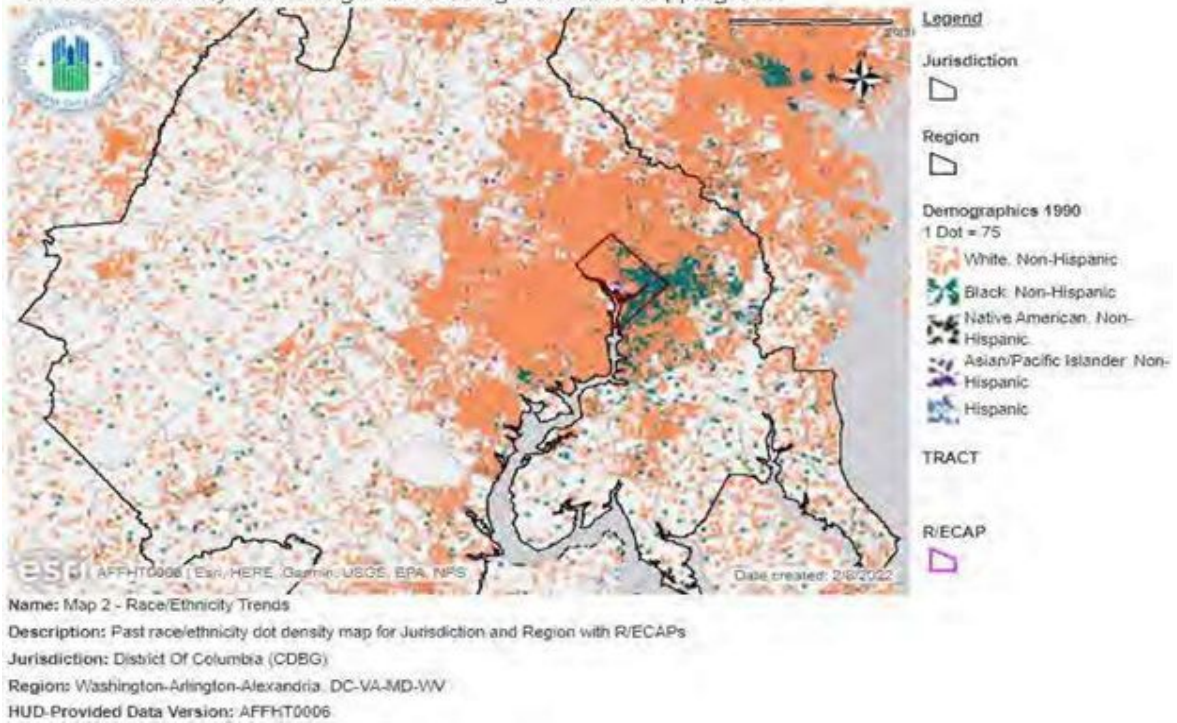
**Map 21: R/ECAPs and Racial Demographics in 2010, Fairfax County, VA**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 2 - Race/Ethnicity Trends  
**Description:** Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs  
**Jurisdiction:** Fairfax County (CDBG, HOME, ESG)  
**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV  
**HUD-Provided Data Version:** AFFHT0006

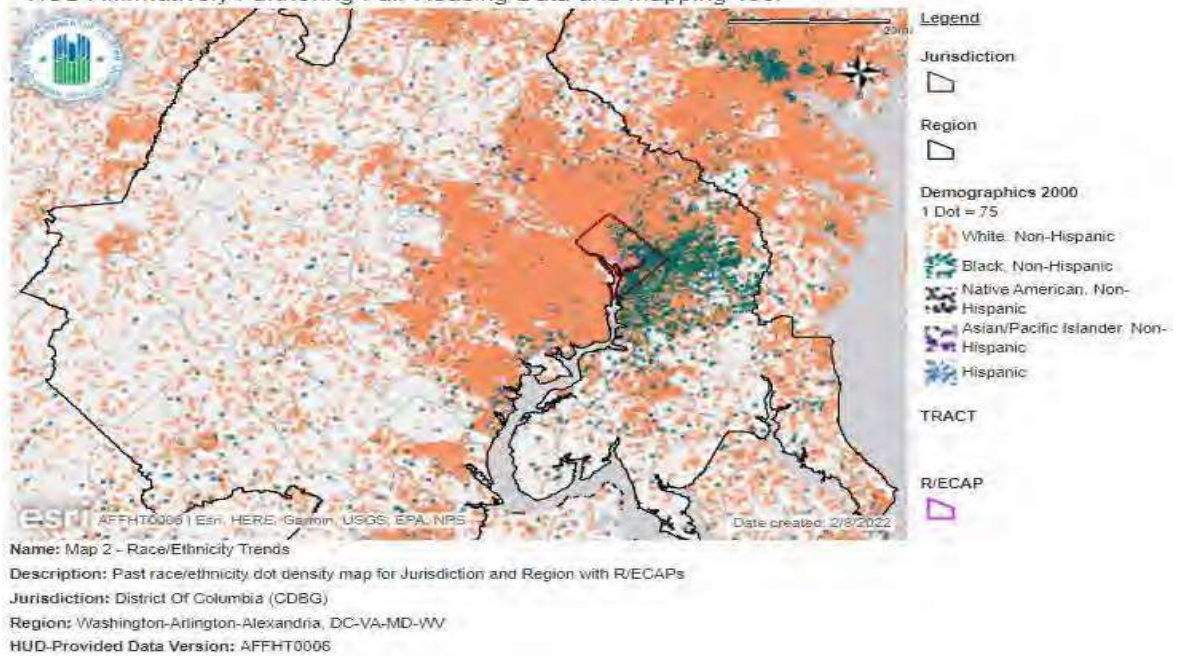
Currently, there are three R/ECAPS within Fairfax County: one in Lincolnia, one in Reston, and one in Seven Corners. All have large numbers of Hispanic residents and a significant population of Asian American residents as well.

**Map 22: R/ECAPs and Racial Demographics in 1990, Region**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



In 1990, the R/ECAPs in the Washington region were located primarily in the District and were predominantly located in majority Black neighborhoods.

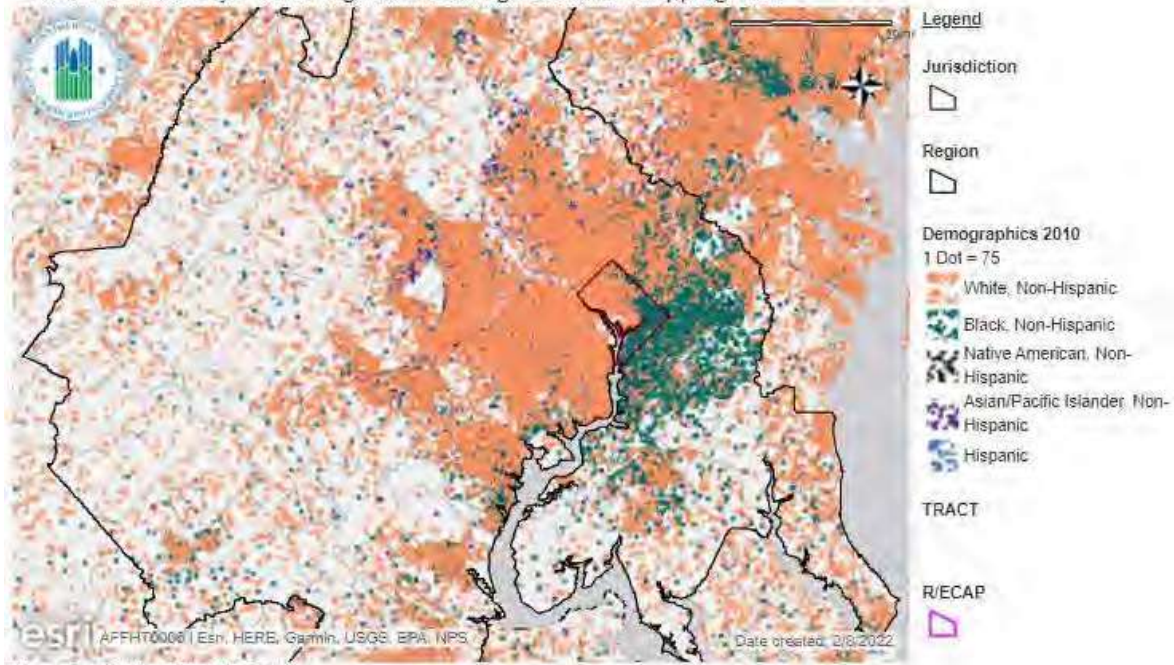
**Map 23: R/ECAPs and Racial Demographics in 2000, Region**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



In 2000, most of the R/ECAPs in the region were in predominantly Black neighborhoods in the southeast and northeast areas of D.C.

**Map 24: R/ECAPs and Racial Demographics in 2010, Region**

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Name: Map 2 - Race/Ethnicity Trends  
 Description: Past race/ethnicity dot density map for Jurisdiction and Region with R/ECAPs  
 Jurisdiction: District Of Columbia (CDBG)  
 Region: Washington-Arlington-Alexandria, DC-VA-MD-WV  
 HUD-Provided Data Version: AFFHT0006

In 2010, most of the R/ECAPs in the region were in the southeast and northeast areas of D.C.

iii. Disparities in Access to Opportunity

a. Disparities in Access to Opportunity—Education

*i. Describe any disparities in access to proficient schools in the jurisdiction and region.*

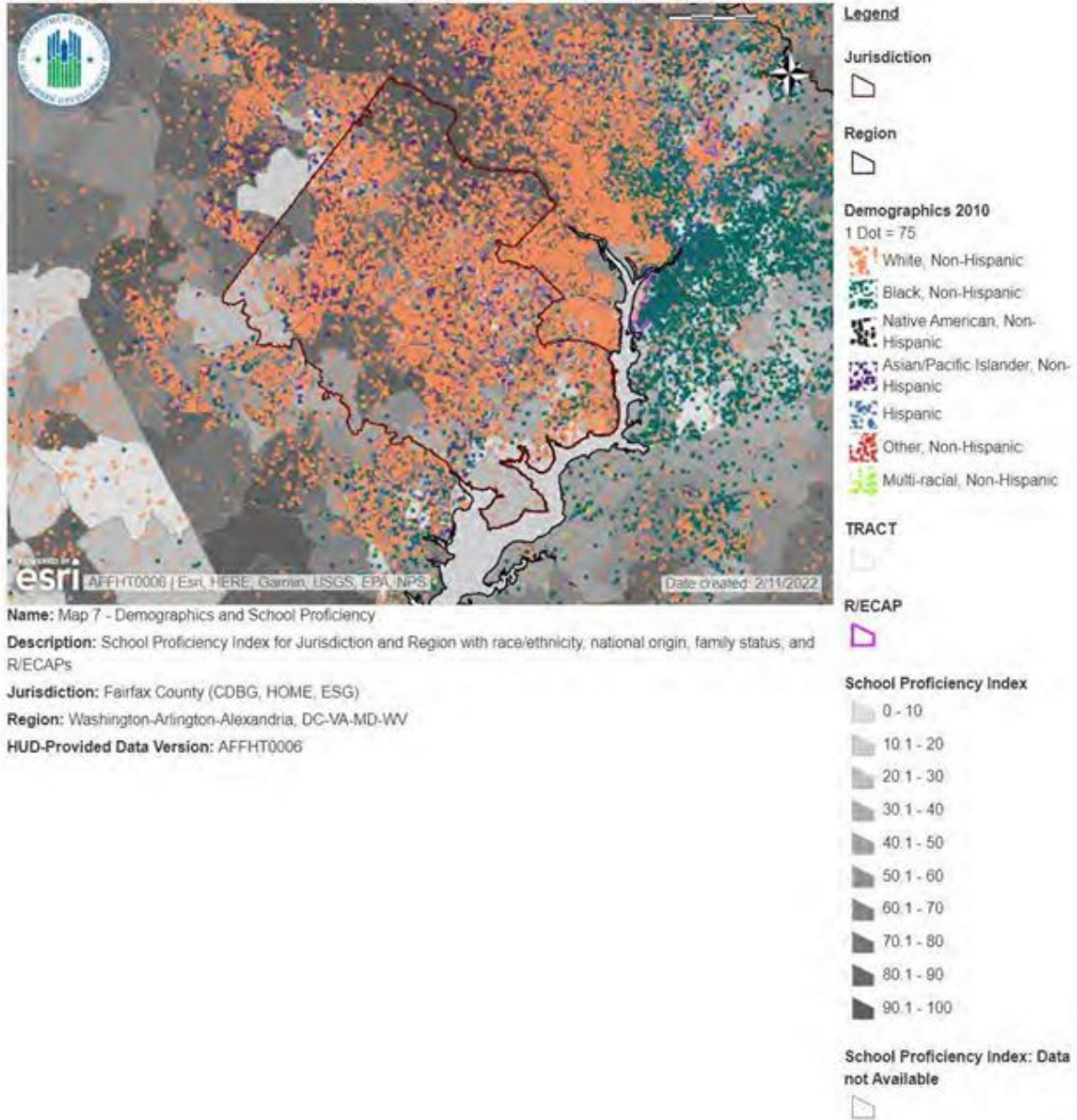
**Table 14: School Proficiency Index for Washington-Arlington-Alexandria, DC-VA-MD-WV Metropolitan Statistical Area**

	Fairfax County	Region
Total Population		
White, Non-Hispanic	57.05	60.67
Black, Non-Hispanic	37.80	38.14

Hispanic	36.12	43.36
Asian or Pacific Islander, Non-Hispanic	52.93	58.09
Native American, Non-Hispanic	47.28	48.69
Population below federal poverty line		
White, Non-Hispanic	48.68	54.12
Black, Non-Hispanic	33.27	34.15
Hispanic	31.28	39.28
Asian or Pacific Islander, Non-Hispanic	47.24	53.01
Native American, Non-Hispanic	27.09	40.50

**Map 25: Race/Ethnicity and School Proficiency, Fairfax County, VA**

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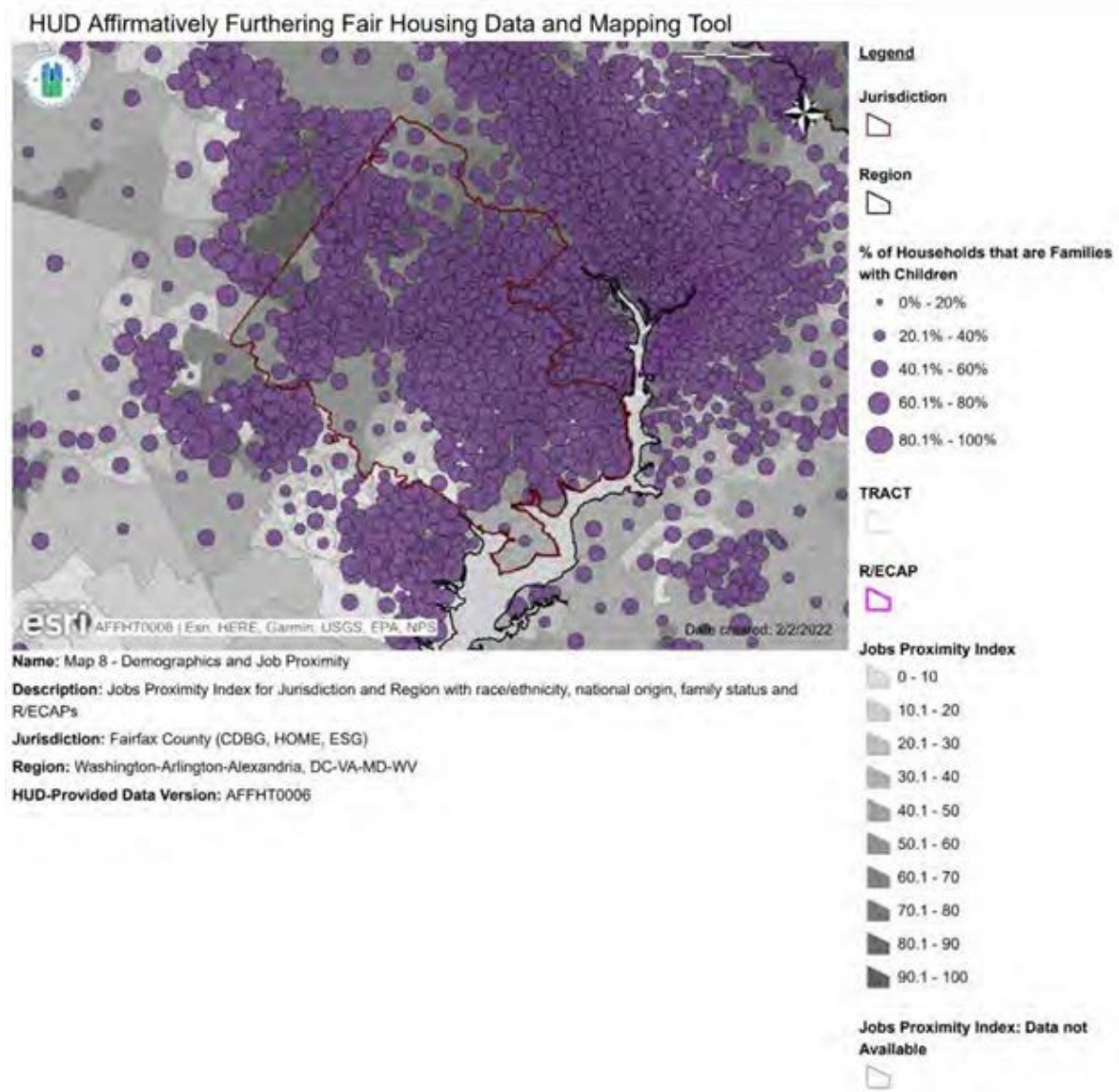


Map 26: National Origin and School Proficiency, Fairfax County, VA

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**Map 27: Familial Status and School Proficiency, Fairfax County, VA**

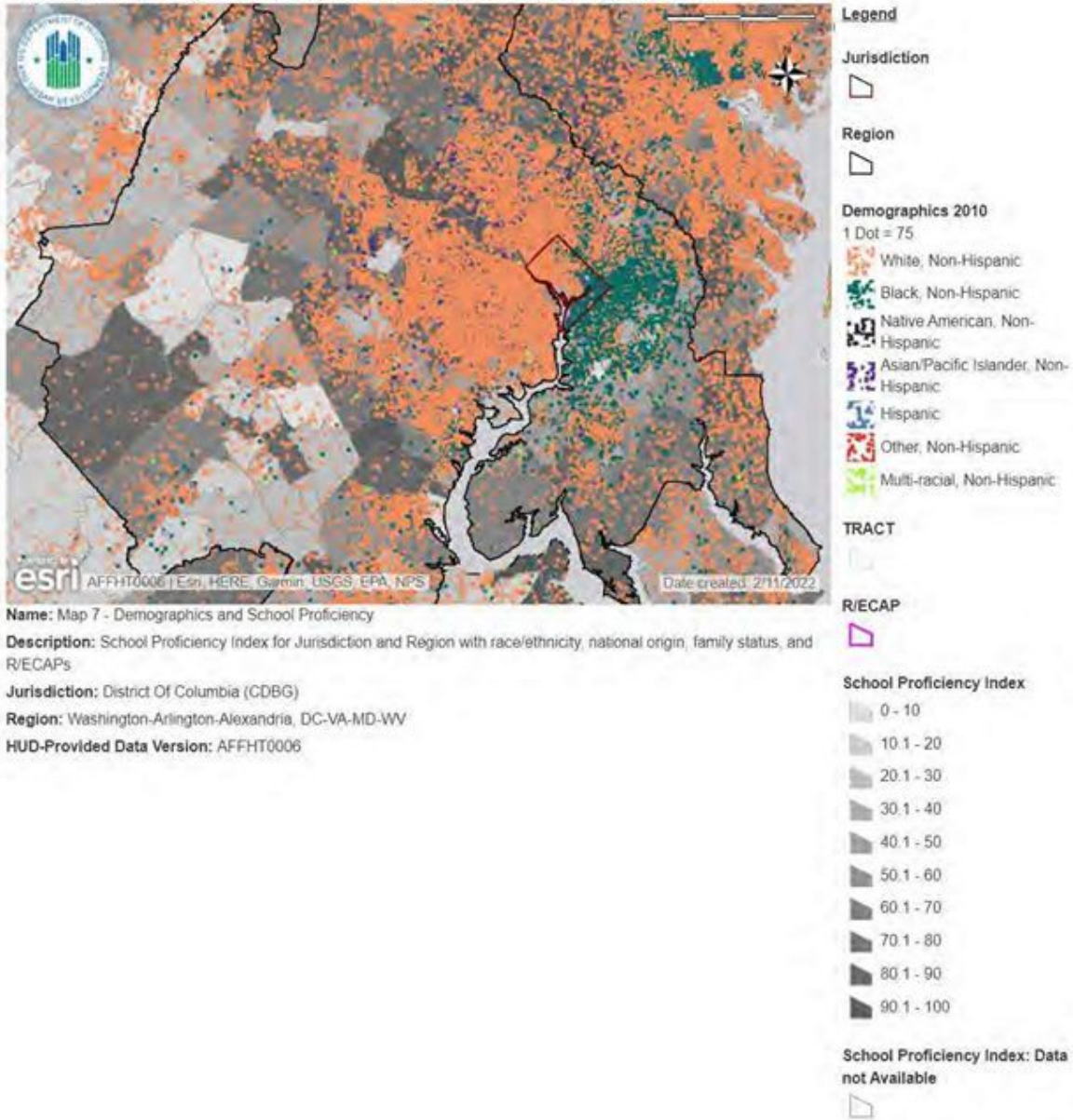


Fairfax County

Access to proficient schools varies dramatically among racial and ethnic groups. Black and Hispanic residents have the lowest access to proficient schools, and this disparity is even more extreme when looking at just Black and Hispanic residents who live below the poverty line. In looking at the total population, Native American residents have middling levels of access, but access drops dramatically among Native American residents living below the poverty line. White and Asian residents, including those living below the poverty line, have relatively high access to proficient schools, though it is much lower than access in neighboring Loudoun County.

## Map 28: Race/Ethnicity and School Proficiency, Region

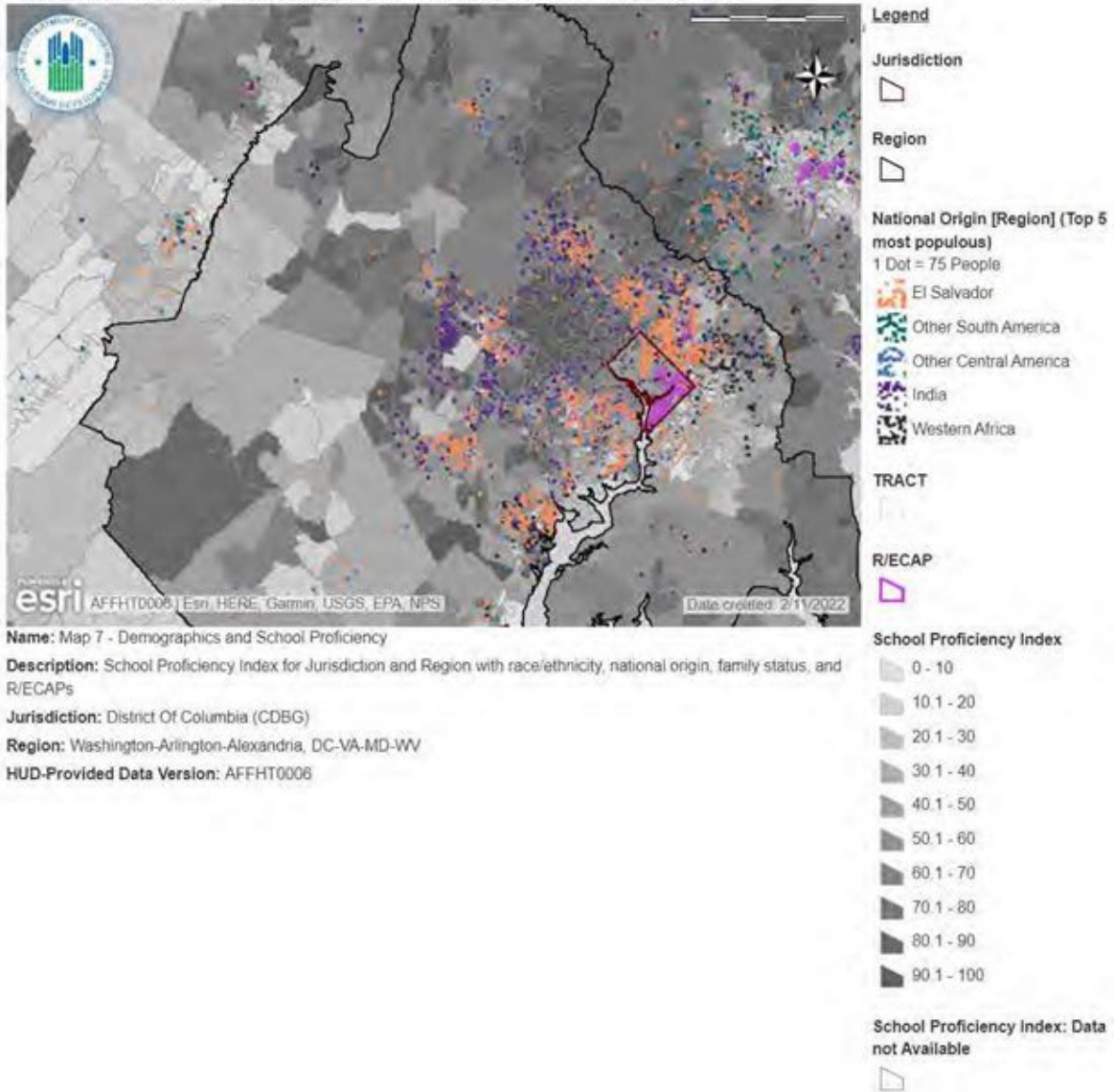
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## Map 29: National Origin and School Proficiency, Region

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**Name:** Map 7 - Demographics and School Proficiency

**Description:** School Proficiency Index for Jurisdiction and Region with race/ethnicity, national origin, family status, and R/ECAPs

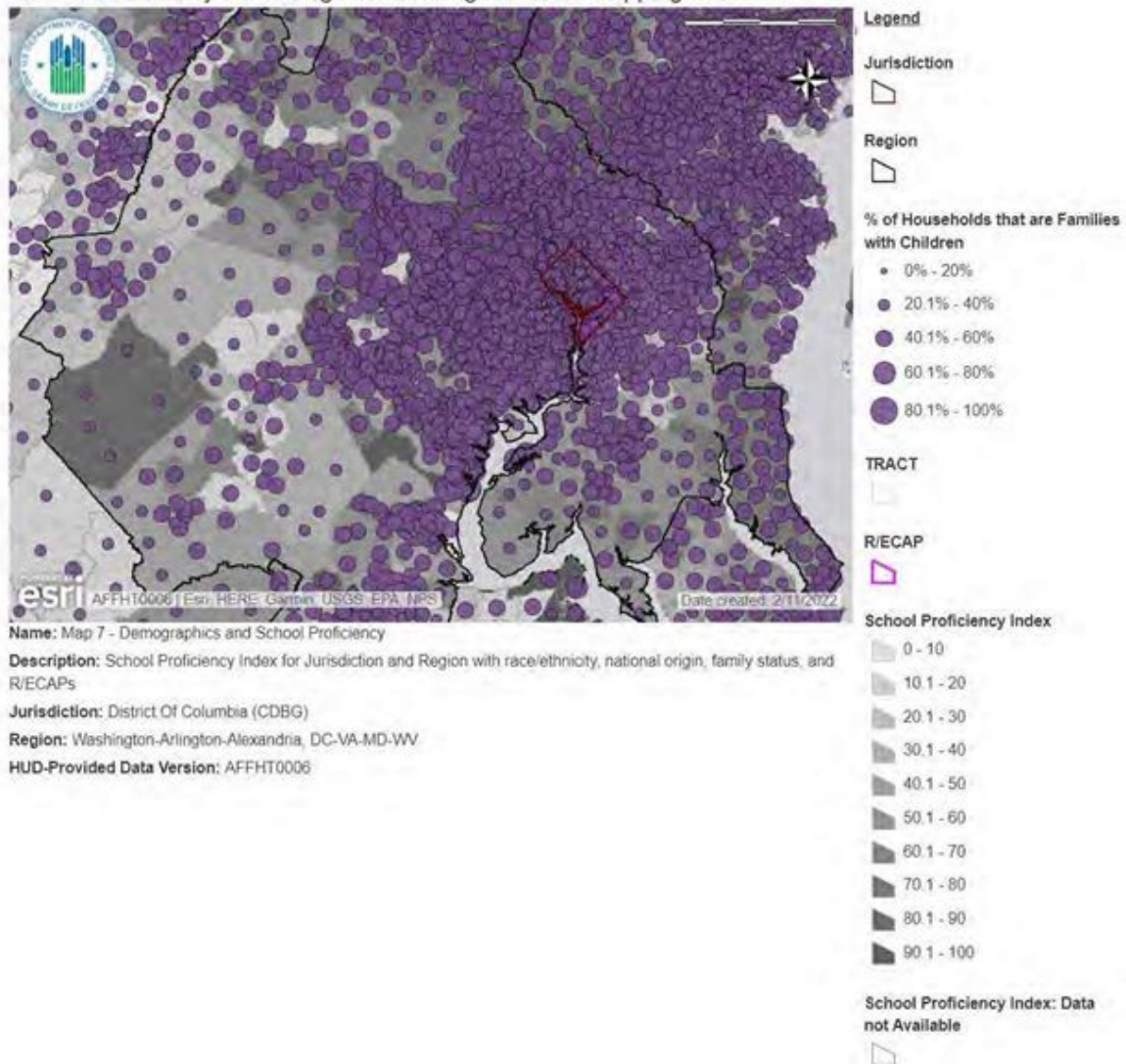
**Jurisdiction:** District Of Columbia (CDBG)

**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV

**HUD-Provided Data Version:** AFFHT0006

**Map 30: Familial Status and School Proficiency, Region**

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In general, White residents across the region have the most access to proficient schools, followed by Asian American residents. This is true to a slightly lesser extent for exclusively the population below the poverty line. Native American residents across the region have a moderate level of access to proficient schools, though it decreases for Native Americans living under the poverty line. Black and Hispanic residents throughout the region have the least access to proficient schools, especially those living below the poverty line.

**ii. Describe how the disparities in access to proficient schools relate to residential living patterns in the jurisdiction and region.**

Fairfax County

Residential patterns are undoubtedly correlated with access to school proficiency in Fairfax, as the areas with the least access to proficient schools, like Groveton, Woodlawn, and Annandale, are

consistently home to a higher number of Black and Hispanic residents, particularly of Central American descent, compared to the rest of the county. Moreover, the suburban areas of the county to the northwest, like McLean and Great Falls, consistently have the most access to proficient schools. These areas are predominantly White and Asian American. Family sizes are slightly smaller toward the river, but among the tracts that are near the river, there does not appear to be any correlation between family size and proficient school access values.

#### Region

Disparities in access to proficient education correlate with residential living patterns in the region. Access to proficient schools is much higher in suburban areas, particularly in Loudoun, Fairfax, and Montgomery counties. These areas are disproportionately White, and to a lesser extent, Asian American. In contrast, urban areas with low levels of access to proficient schools are consistently home to larger numbers of Black and Hispanic residents. This includes the District of Columbia, and the urban portions of Alexandria and Arlington. But even within these urban areas, where people of color comprise a majority of the population, access to proficient schools is heavily correlated with race and ethnicity.

***iii. Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss programs, policies, or funding mechanisms that affect disparities in access to proficient schools.***

#### Fairfax County

In 2017, the Fairfax County Board of Supervisors and School Board adopted a joint social and racial equity policy called One Fairfax. The School Board adopted the One Fairfax policy at its meeting on November 20, 2017. The policy calls for the Board of Supervisors and School Board to consider equity in decisionmaking and in the development and delivery of future policies, programs, and services.

Despite these efforts, systemic barriers remain in place. Namely, localities still rely on property taxes to fund public schools, such that historical and persistent racial inequalities in housing lead to disparate funding and, as a result, disparate performances. One study by Education Trust showed that Virginia divisions serving the highest share of students of color in 2015 had 8 percent less total state and local funding per pupil than divisions serving the lowest share of students of color.

### **b. Disparities in Access to Opportunity—Employment**

Access to employment at a livable wage is an integral component of broader access to opportunity. Where one lives can affect one's access to and the quality of employment opportunities. This can happen both through proximity of residential areas to places with high concentrations (or low concentrations) of jobs and through barriers to residents of particular neighborhoods accessing jobs, even when they are close by. The analysis in this section is based on a review of two data indicators for each jurisdiction: the Labor Market Index and the Jobs Proximity Index. The Labor Market Index measures, by census tract in a jurisdiction, the level of engagement residents within that tract have in the labor force. Values range from 0 to 100. The higher the score, the higher the rates of employment in that particular area. The Jobs Proximity Index measures, by census tract, the accessibility of employment opportunities for that tract's residents. Values range from 0 to 100. The higher the score, the more access residents from that area have to employment opportunities.

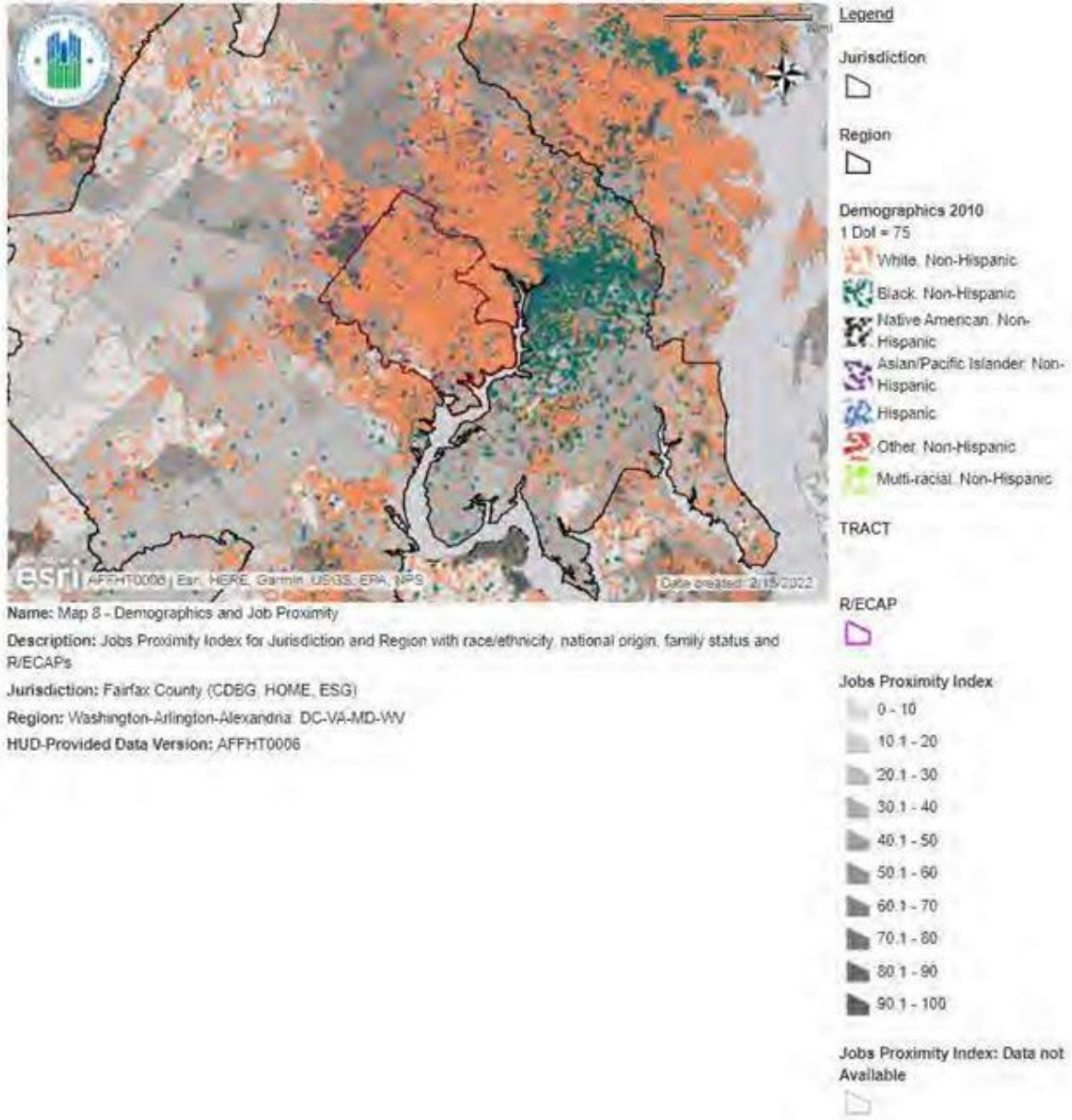
***i. Describe any disparities in access to jobs and labor markets by protected class groups in the jurisdiction and region.***

**Table 15: Labor Market and Jobs Proximity Indices**

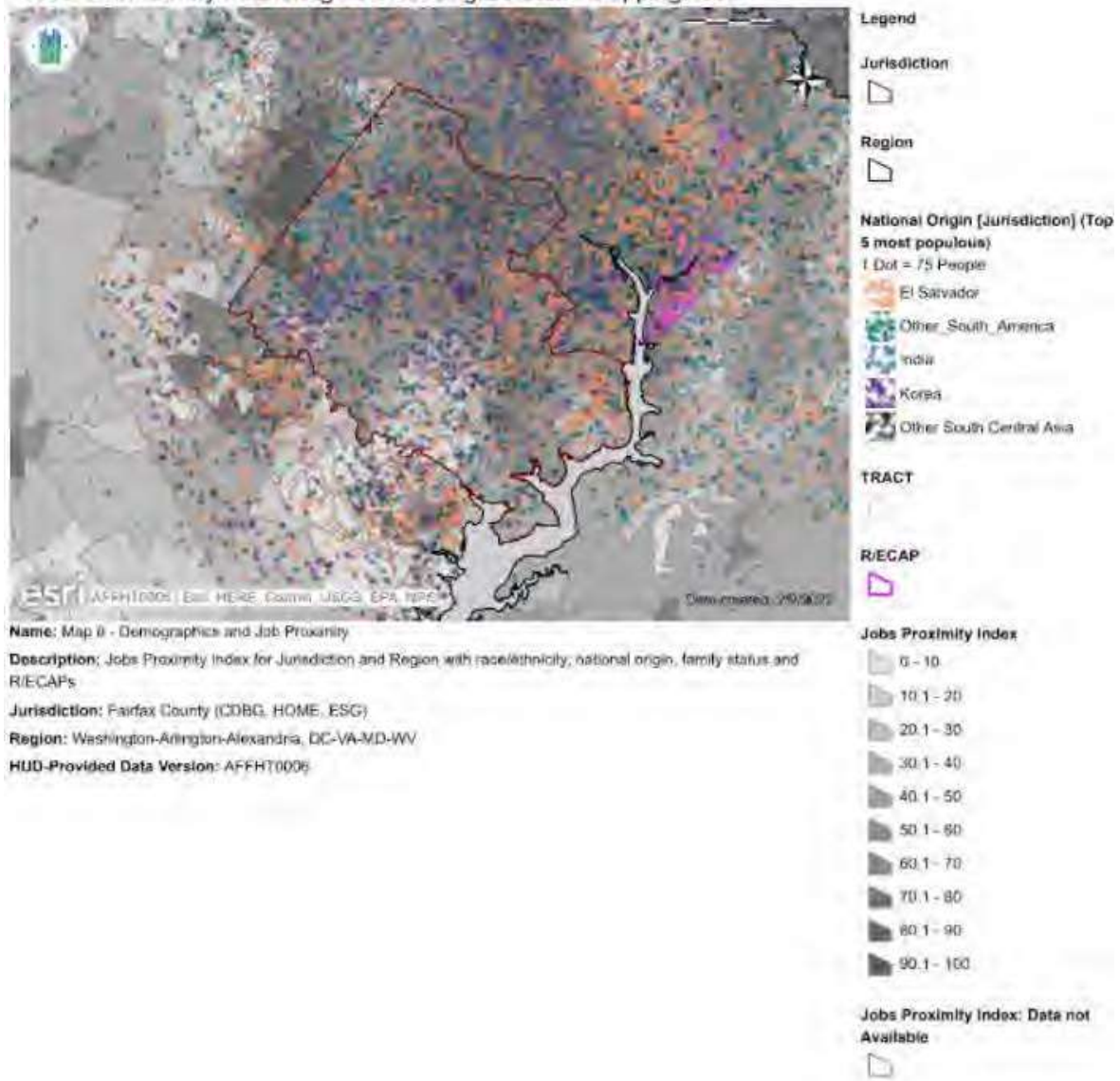
Labor Market Index	Fairfax County	Region
Total Population		
White, Non-Hispanic	86.50	82.91
Black, Non-Hispanic	76.83	62.67
Hispanic	73.45	74.49
Asian or Pacific Islander, Non-Hispanic	83.89	86.47
Native American, Non-Hispanic	76.72	72.84
Population below federal poverty line		
White, Non-Hispanic	87.23	76.55
Black, Non-Hispanic	79.67	51.91
Hispanic	78.29	69.89
Asian or Pacific Islander, Non-Hispanic	87.14	83.78
Native American, Non-Hispanic	83.19	75.77
Job Proximity Index	Fairfax County	Region
Total Population		
White, Non-Hispanic	58.55	48.26
Black, Non-Hispanic	51.07	42.42
Hispanic	56.72	46.50
Asian or Pacific Islander, Non-Hispanic	60.91	53.37
Native American, Non-Hispanic	57.64	44.20
Population below federal poverty line		
White, Non-Hispanic	59.49	50.51
Black, Non-Hispanic	52.92	50.96
Hispanic	55.41	46.40

Asian or Pacific Islander, Non-Hispanic	58.75	58.27
Native American, Non-Hispanic	50.38	55.30

**Map 31: Demographics and Job Proximity (Race/Ethnicity), Fairfax County, VA**  
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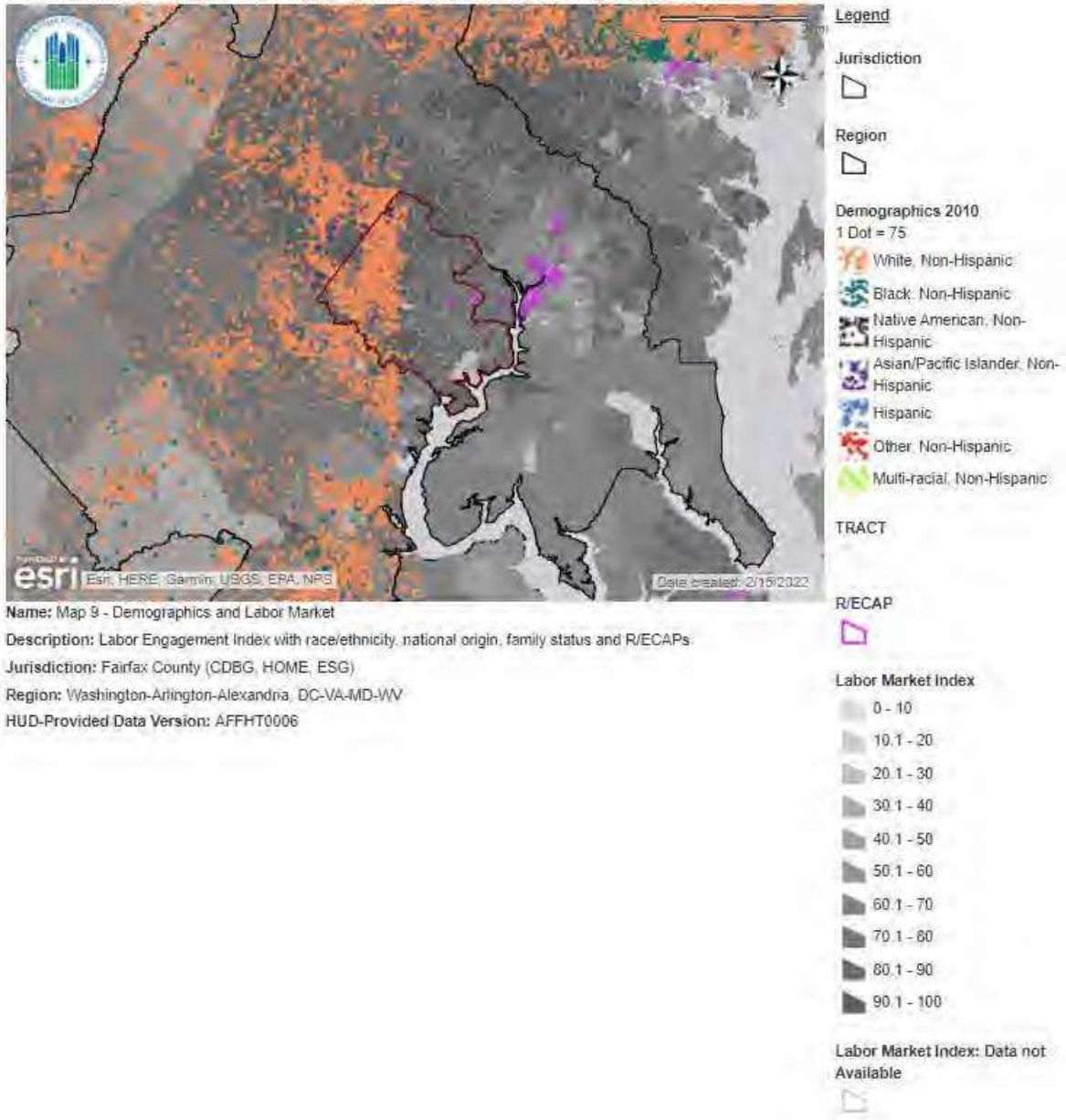
**Map 32: Demographics and Job Proximity (National Origin), Fairfax County, VA**  
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**Map 33: Demographics and Job Proximity (Familial Status), Fairfax County, VA**  
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**Map 34: Demographics and Labor Market (Race/Ethnicity), Fairfax County, VA**  
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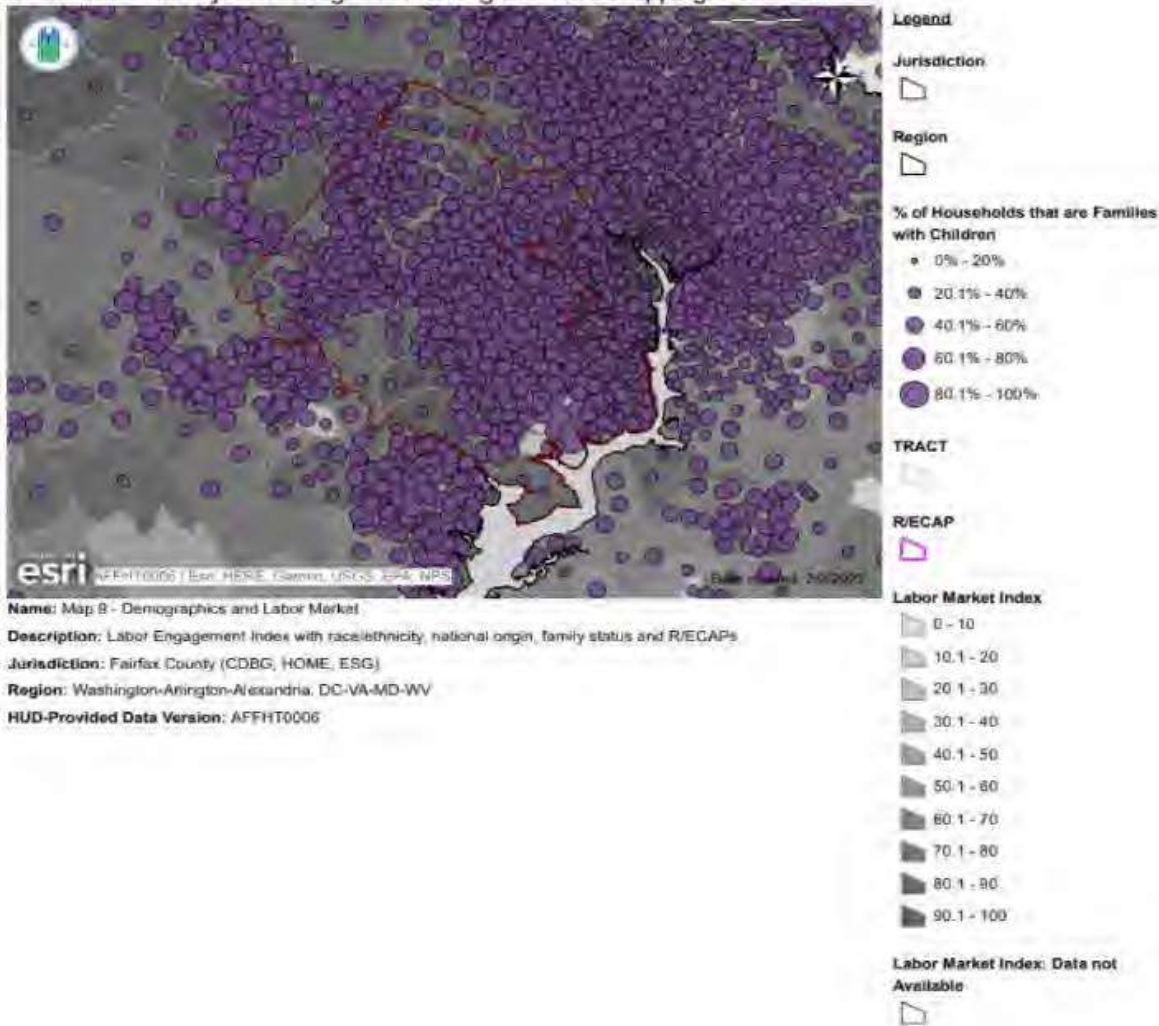


**Map 35: Demographics and Labor Market (National Origin), Fairfax County, VA**  
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**Map 36: Demographics and Labor Market (Familial Status), Fairfax County, VA**

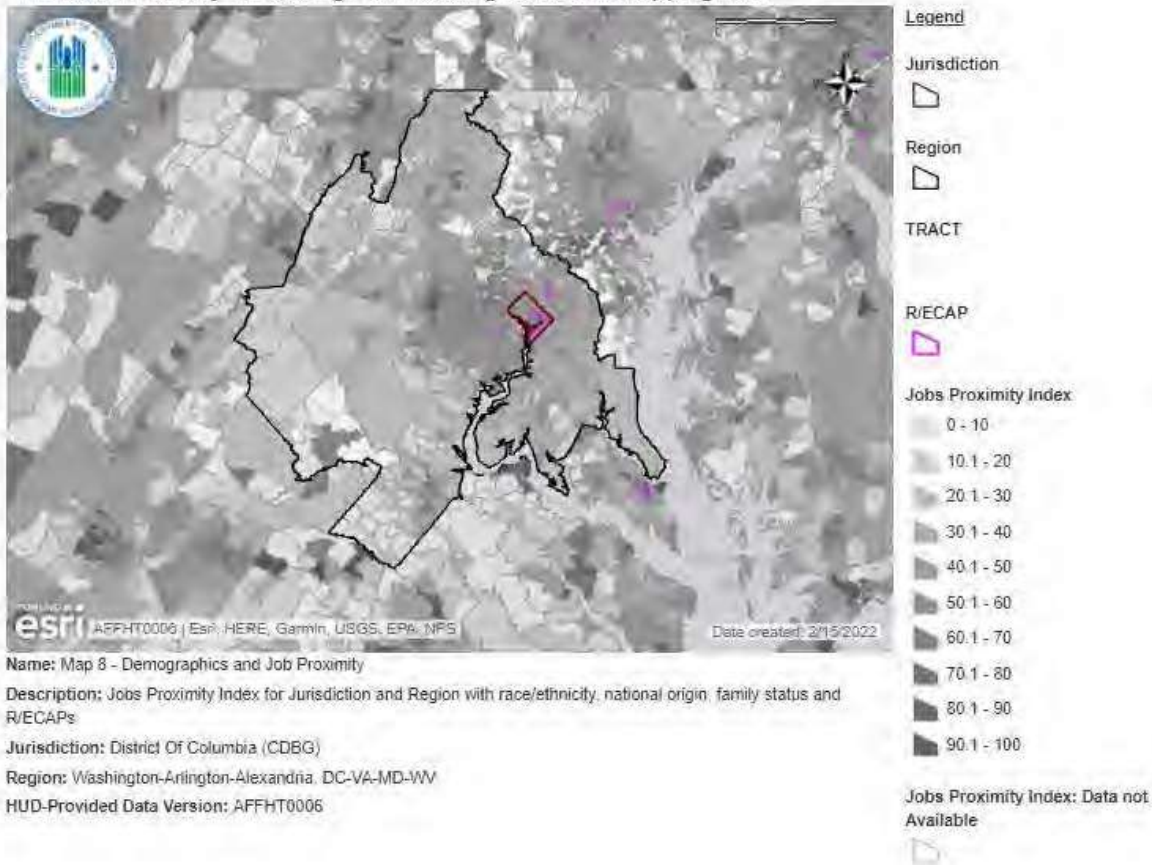
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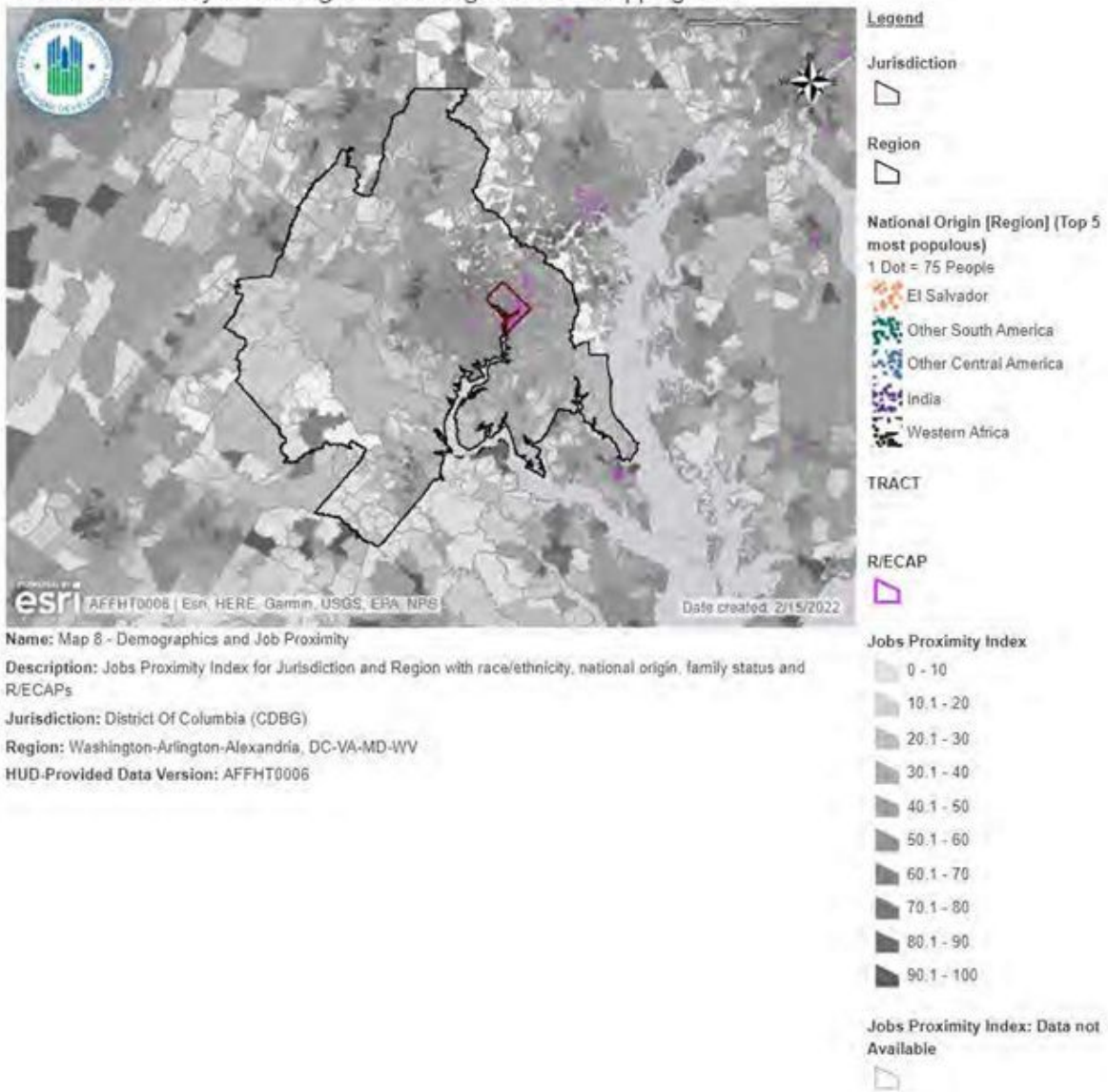
Fairfax County

Although there is some degree of disparity in job engagement between racial and ethnic groups, the difference in index values is somewhat moderate. Index values for all groups are high, ranging from 91.5 to 82.74. White residents have the highest level of engagement, and Hispanic residents have the lowest rate, about seven points lower than White residents'. For residents living under the federal poverty line, the pattern differs from the above jurisdictions. While in other jurisdictions, some residents below the poverty line live in areas with higher Labor Market Index values than the group as a whole, here, there is a marginal decline in job engagement in low-income areas. Unlike the high Labor Market Index values, the Jobs Proximity Index values are more moderate, but as is the case for Jobs Proximity Index values, slight though different racial disparities in index values exist for Jobs Proximity Index values as well. The disparity between racial groups' index values departs from the pattern identified for labor engagement. The index value for Asian American residents, not White residents, is highest, while the index value for Black residents, instead of Hispanic residents, is lowest. Jobs proximity for individuals under the poverty line, for the most part, deviates very little from the values for the entire racial group; however, there is a slight decline of seven points for Native American residents.

**Map 37: Demographics and Job Proximity (Race/Ethnicity), Region**  
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**Map 38: Demographics and Job Proximity (National Origin), Region**  
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Name: Map 8 - Demographics and Job Proximity

Description: Jobs Proximity Index for Jurisdiction and Region with race/ethnicity, national origin, family status and R/ECAPs

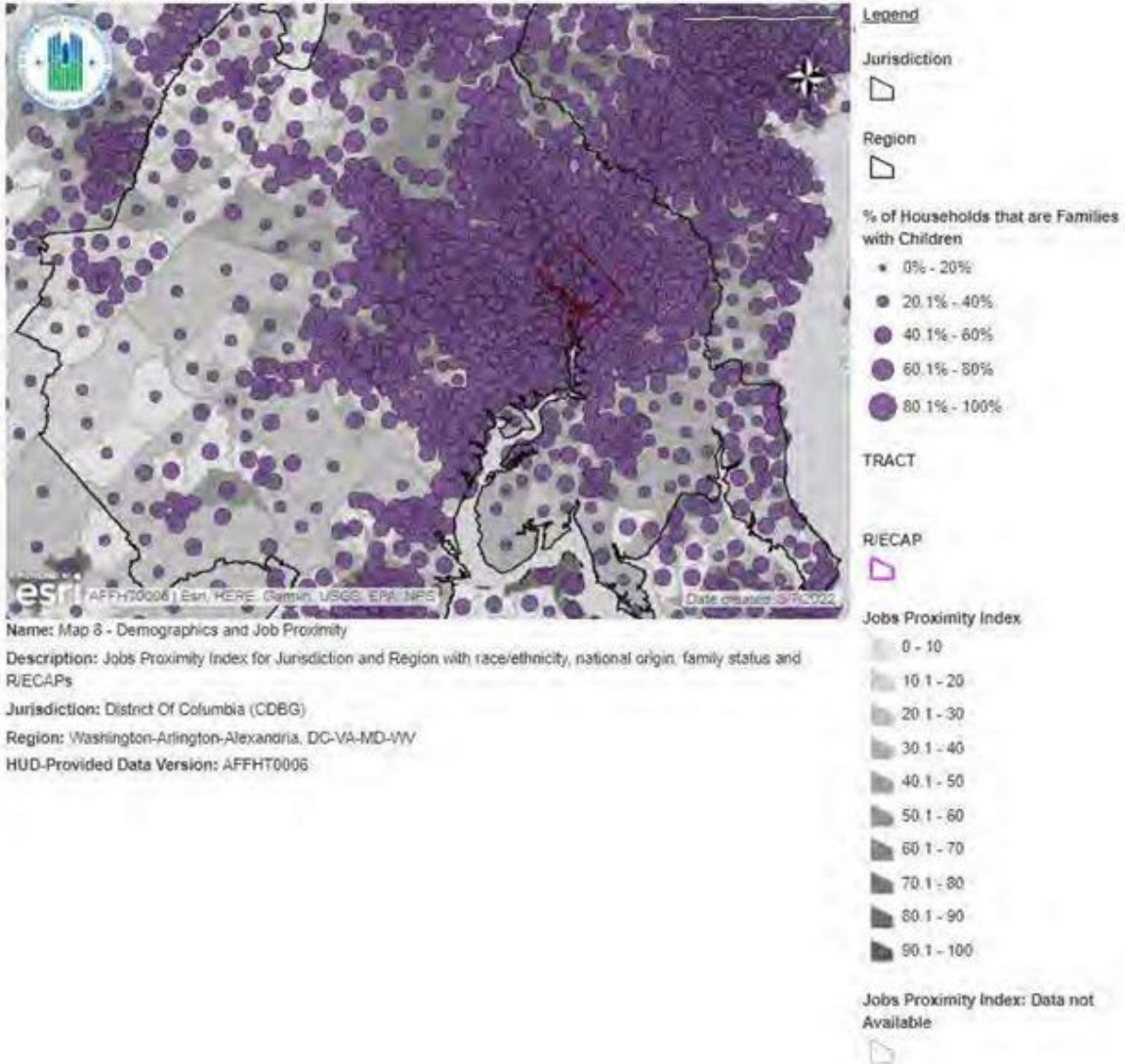
Jurisdiction: District Of Columbia (CDBG)

Region: Washington-Arlington-Alexandria, DC-VA-MD-WV

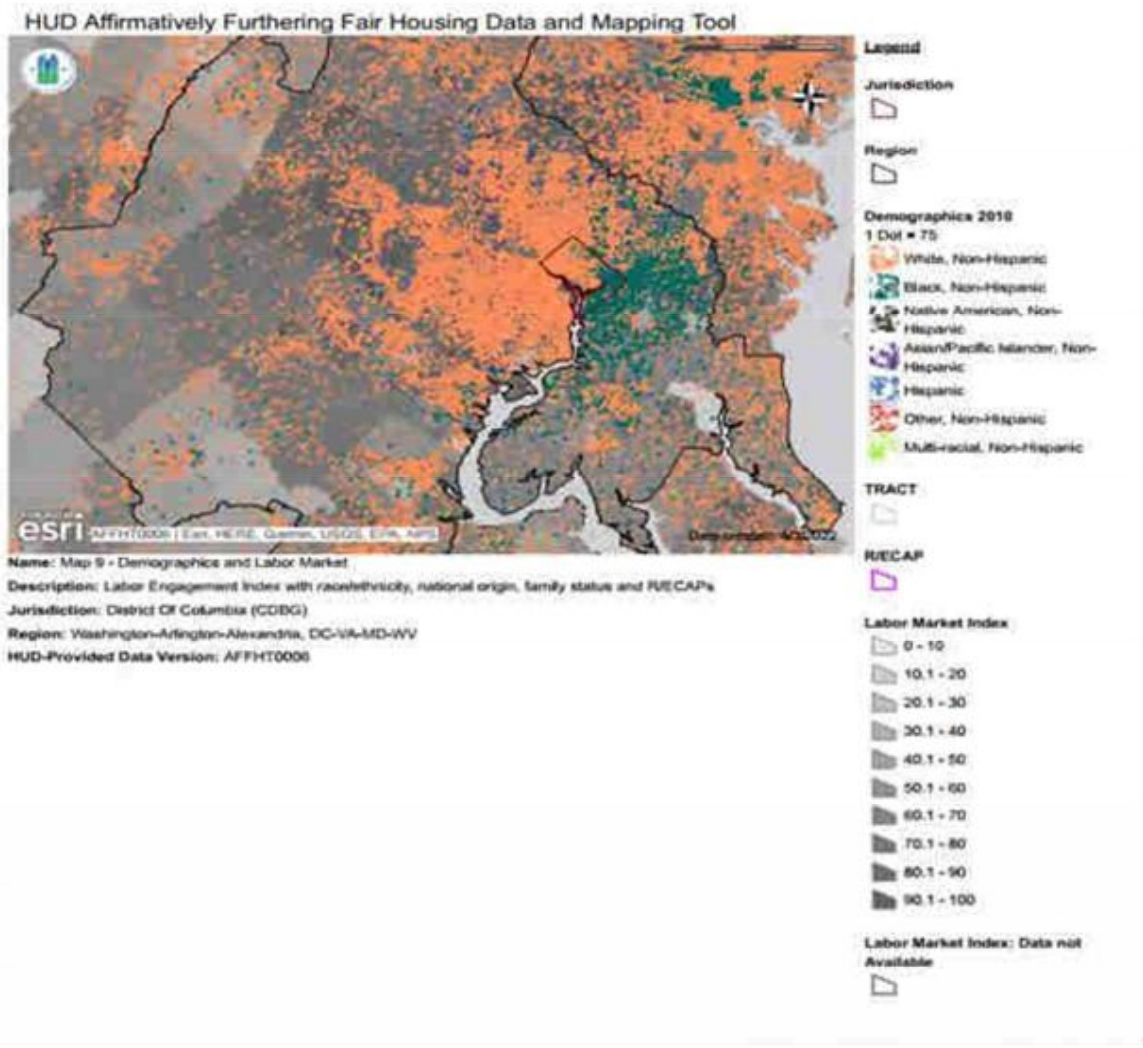
HUD-Provided Data Version: AFFHT0006

**Map 39: Demographics and Job Proximity (Familial Status), Region**

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**Map 40: Demographics and Labor Market (Race/Ethnicity), Region**



**Map 41: Demographics and Labor Market (National Origin), Region**

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- Legend**
- Jurisdiction
    -
  - Region
    -
  - National Origin [Region] (Top 5 most populous)
    - 1 DoI ■ 75 People
    - El Salvador
    - Other South America
    - Other Central America
    - India
    - Western Africa
  - TRACT
    -
  - R/ECAP
    -
  - Labor Market Index
    - 0 - 10
    - 10.1 - 20
    - 20.1 - 30
    - 30.1 - 40
    - 40.1 - 50
    - 50.1 - 60
    - 60.1 - 70
    - 70.1 - 80
    - 80.1 - 90
    - 90.1 - 100
  - Labor Market Index: Data not Available
    -

**Name:** Map 9 - Demographics and Labor Market

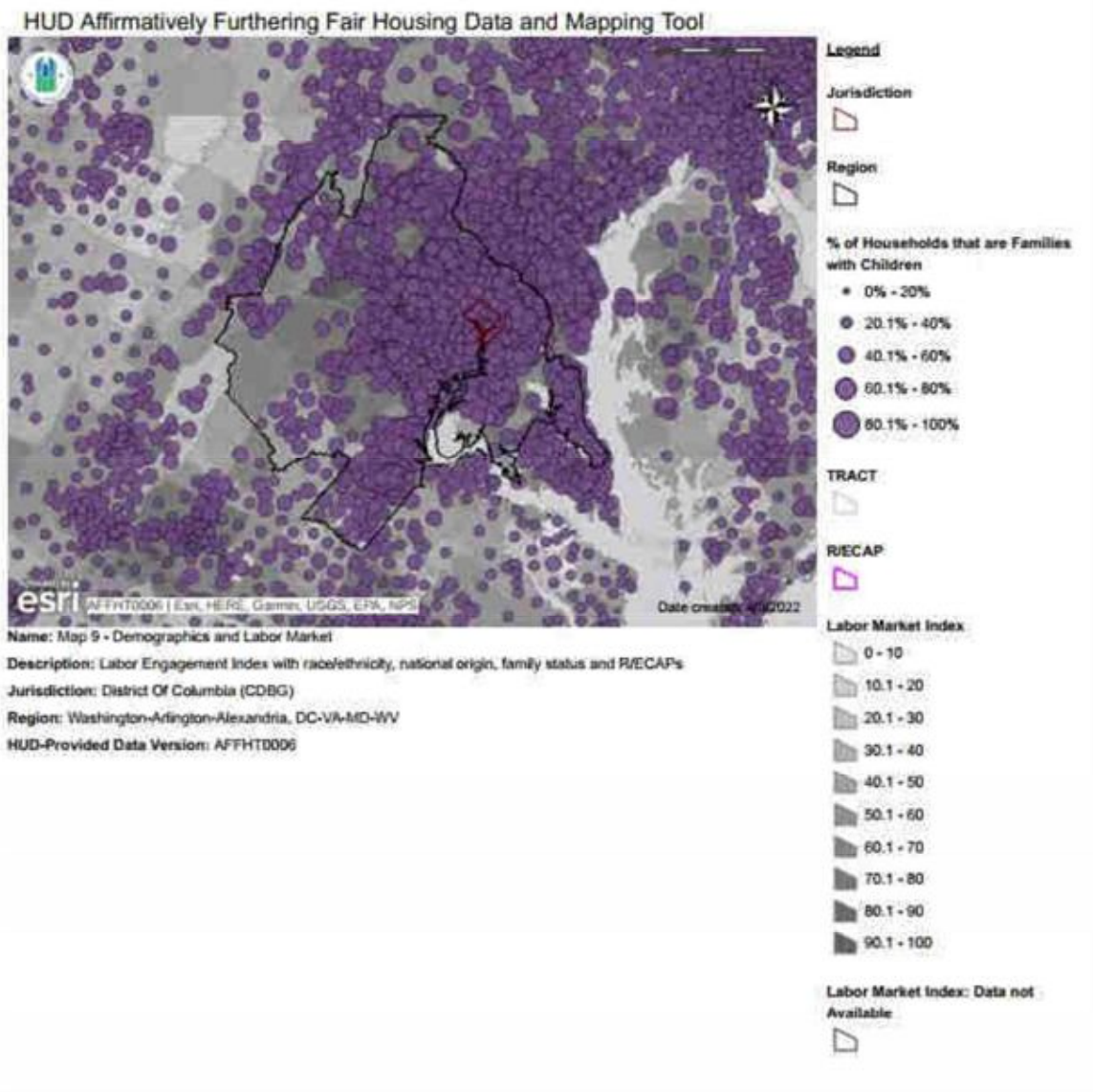
**Description:** Labor Engagement Index with race/ethnicity, national origin, family status and R/ECAPs

**Jurisdiction:** District Of Columbia (CDBG)

**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV

**HUD-Provided Data Version:** AFFHT0006

**Map 42: Demographics and Labor Market (Family Status), Region**





### Region

The region as a whole has fairly high job engagement values across all racial groups, however, clear racial disparities in job engagement are present. This pattern is consistent with the jurisdictional trends in the area. Regionally, the Labor Market Index values are much higher for Asian American and White residents than for Black, Hispanic, and Native American residents. When economic status is considered, there is some slight variation in these disparities. Labor engagement values continue to be comparatively lower for Black and Hispanic residents, while they are higher for White, Asian American, and Native American residents. When the Labor Market Index value for Asian American residents is compared with the value for Black residents, the disparity is stark—a difference of approximately 20 points. This regional value difference is much more pronounced than the differences in index values within the smaller jurisdictions. Job proximity values for the region are moderate but veer toward the lower end of the index range. The index values tend to be higher for residents who live in the District or in counties adjacent than for those further away. In part, this can be attributed to the geographic distance of jurisdictions from the hub of labor activity. Additionally, there are more transportation options toward the center of D.C. than there are in the outer regions of the area. Jobs proximity values for residents below the poverty line change very little and, in some instances, the values increase for certain racial and ethnic groups.

- ii. For the protected class groups HUD has provided data, describe how disparities in access to employment relate to residential living patterns in the jurisdiction and region.***

### Fairfax County

Employment opportunities are relatively evenly distributed throughout the jurisdiction. Black residents tend to be located primarily in the southeast section of Fairfax on the east side of I-95. This area has lower labor market engagement than do the White majority tracts adjacent to it. Immigrant populations are dispersed throughout the area, but most reside in segregated concentrations. A large population of Indian residents lives in the northwest part of Fairfax, in close proximity to Centreville. There are two large populations of Salvadoran residents, one in the northwest and one in the southeast. Korean residents, in contrast, are fairly dispersed throughout the west and central portions of Fairfax. Residential patterns do not appear to correlate with labor engagement for Asian immigrants; however, Salvadoran residents tend to live in areas with lower labor engagement values. Jobs Proximity Index values are significantly higher in the north and begin to decline as one moves south. Jobs Proximity Index value differences do not appear to be correlated with race. There is a fairly even distribution of residents regardless of race in areas with differing Jobs Proximity Index values. National origin patterns for job proximity are consistent with the patterns for labor engagement.

### Region

Job engagement is higher in the jurisdictions that border the District as well as the more outlying jurisdictions. In contrast, the District has lower Labor Market Index values. The trend for jobs proximity data is the inverse. As previously noted, because D.C. has the most extensive transportation system, job proximity values are higher simply because commuter times are shorter for those living closer to D.C. There is also a small pocket in Prince William County on the southern border, near a major military installation, with higher proximity values than the rest of the region. The residential patterns do not show a correlation between job proximity values and race. In the D.C. area and its borders, White residents are primarily located in the north and on the western side, and a larger proportion of Black residents reside in southeast D.C. and adjoining Prince George's County, but the job proximity values are roughly the same.

***iii. Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss programs, policies, or funding mechanisms that affect disparities in access to employment.***

Fairfax County has an unemployment rate of 2.5 percent—one of the lowest rates in Virginia.<sup>5</sup> However, unemployment rates differ according to race, with White and Asian populations having the lowest unemployment rates. The unemployment rate for the White population is 3.6 percent, and the rate for the Asian population is comparably low at 3.3 percent.<sup>6</sup> In contrast, Black and Hispanic populations have slightly higher rates of unemployment: 5.6 percent for the Black population and 4.2 percent for the Hispanic population.<sup>7</sup> Similarly, Native American and Pacific Islanders populations have higher rates of unemployment, 6.5 percent and 16.0 percent, respectively.<sup>8</sup>

Job-sector data indicate there are disparities in employment opportunities based on race. In Fairfax County, 58.7 percent of the population work in the management category, 15.9 percent work in the service category, 14.9 percent work in the sales and office category, 5.2 percent work in the natural resources category, and 5.3 percent work in the production category.<sup>9</sup> Of White employees, 63.1 percent work in management, while only 46.8 percent of Black employees do.<sup>10</sup> The Asian population has the highest percentage of employees in the management category at 64.1 percent.<sup>11</sup> Hispanic employees make up 25.6 percent of management, exhibiting the lowest percentage of employees in this job-sector category of any racial group.<sup>12</sup> In contrast, only 14.4 percent of White employees work in service compared to 20.4 percent of Black employees and 37.8 percent of Hispanic employees.<sup>13</sup> The same trend holds for the production category, with 9.3 percent of Black employees in this category compared to 4.0 percent of White employees in this category.<sup>14</sup>

These racial disparities in occupations translate to inequities in earnings. In Fairfax County, earnings for high-wage workers increased by more than the combined rates for medium- and low-wage workers, and these disparities are more pronounced when race is considered.<sup>15</sup> Although the median household income for the county is \$124,831, the median income for White households is \$136,448, and for Black households, the median income is \$91,014.<sup>16</sup> Asian households also have a disproportionately higher median income than do Black residents at \$120,492.<sup>17</sup> Hispanic households, on the other hand, have the lowest median income of any group: \$82,362.<sup>18</sup>

In 2020, Virginia passed its Ban the Box statute limiting the use of criminal record information for employment purposes (Va. Code of Crim. Procedure Chp. 23 § 19.2-389.3[B]). Under the law, employers may not require an applicant to disclose arrests, charges, or convictions except in certain limited circumstances. This law will reduce employment barriers for individuals with criminal records who tend to be disproportionately people of color in Fairfax County.

Fairfax County provides a range of employment services through the Department of Family Services. The Fairfax Employment Resource Center is a one-stop center that provides job training and job search resources.<sup>19</sup> For residents in receipt of public assistance, Fairfax offers the Bridge to Success program, which provides one-on-one counseling to job seekers.<sup>20</sup> In addition, there is a program for seniors, Employment Services for Mature Workers, that places elderly job seekers in a temporary community service training and provides them a stipend for their work.<sup>21</sup> While a fair amount of resources are offered, the county should provide more resources that target LEP residents and formerly incarcerated individuals to ensure these two groups secure employment because these two populations are disproportionately Latinx and/or Black: two communities that have disproportionately lower incomes and higher unemployment rates in Fairfax County.

c. Disparities in Access to Opportunity—Transportation

i. Describe any disparities in access to transportation in the jurisdiction and region.

The Low Transportation Cost Index and Transit Trips Index are used to measure access to transportation within a location. The Low Transportation Cost Index measures access to low-cost transportation services, and the Transit Trips Index measures how often residents take transit trips. The Index scores range from 0–100. A higher score correlates to greater transportation access.

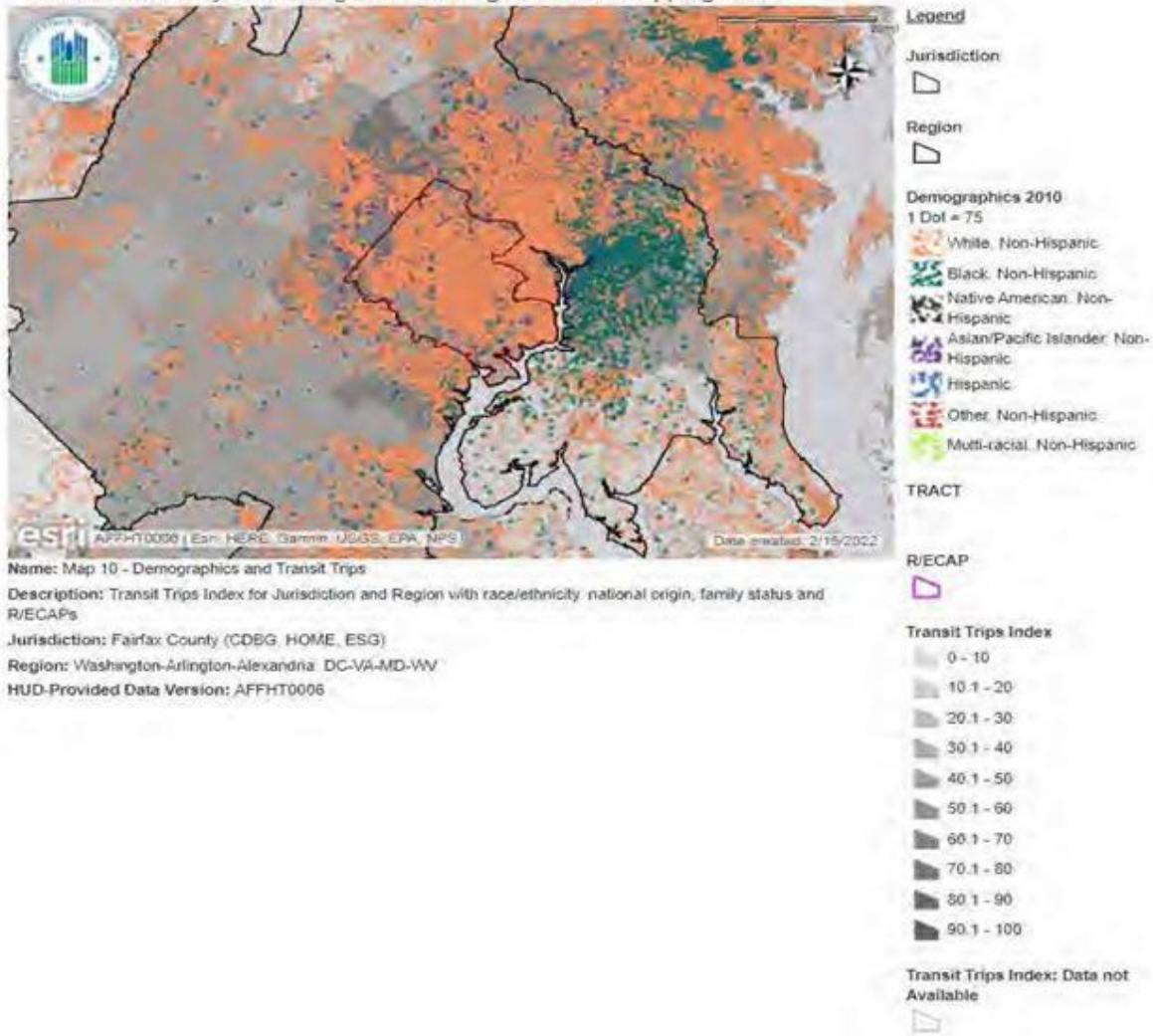
**Table 16: Transit Trips and Low Transportation Cost Indices**

Transit Trips Index	Fairfax County	Region
Total Population		
White, Non-Hispanic	75.16	64.69
Black, Non-Hispanic	77.23	72.81
Hispanic	78.50	74.25
Asian or Pacific Islander, Non-Hispanic	77.34	73.66
Native American, Non-Hispanic	76.82	65.28
Population below federal poverty line		
White, Non-Hispanic	77.48	64.97
Black, Non-Hispanic	78.62	80.43
Hispanic	78.97	77.28
Asian or Pacific Islander, Non-Hispanic	78.25	77.63
Native American, Non-Hispanic	82.10	75.29
Low Transportation Cost Index	Fairfax County	Region
Total Population		
White, Non-Hispanic	88.27	87.43
Black, Non-Hispanic	91.65	91.18
Hispanic	91.73	91.47
Asian or Pacific Islander, Non-Hispanic	90.41	89.94
Native American, Non-Hispanic	90.44	88.87

Population below federal poverty line		
White, Non-Hispanic	90.99	88.80
Black, Non-Hispanic	92.99	94.08
Hispanic	92.49	92.91
Asian or Pacific Islander, Non-Hispanic	91.88	89.94
Native American, Non-Hispanic	93.04	88.87

Map 43: Demographics and Transit Trips (Race/Ethnicity), Fairfax County, VA

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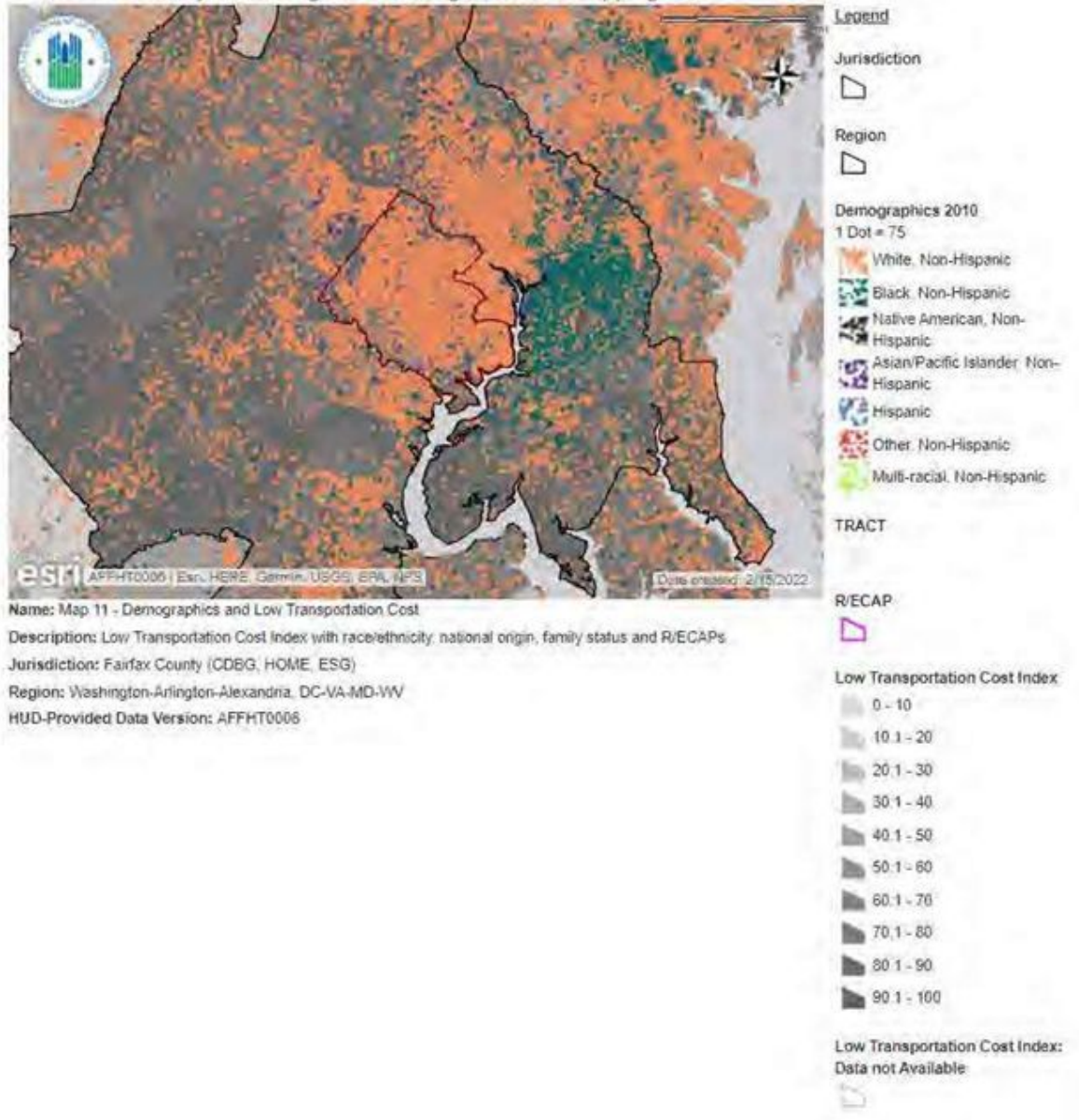
**Map 44: Demographics and Transit Trips (National Origin), Fairfax County, VA**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



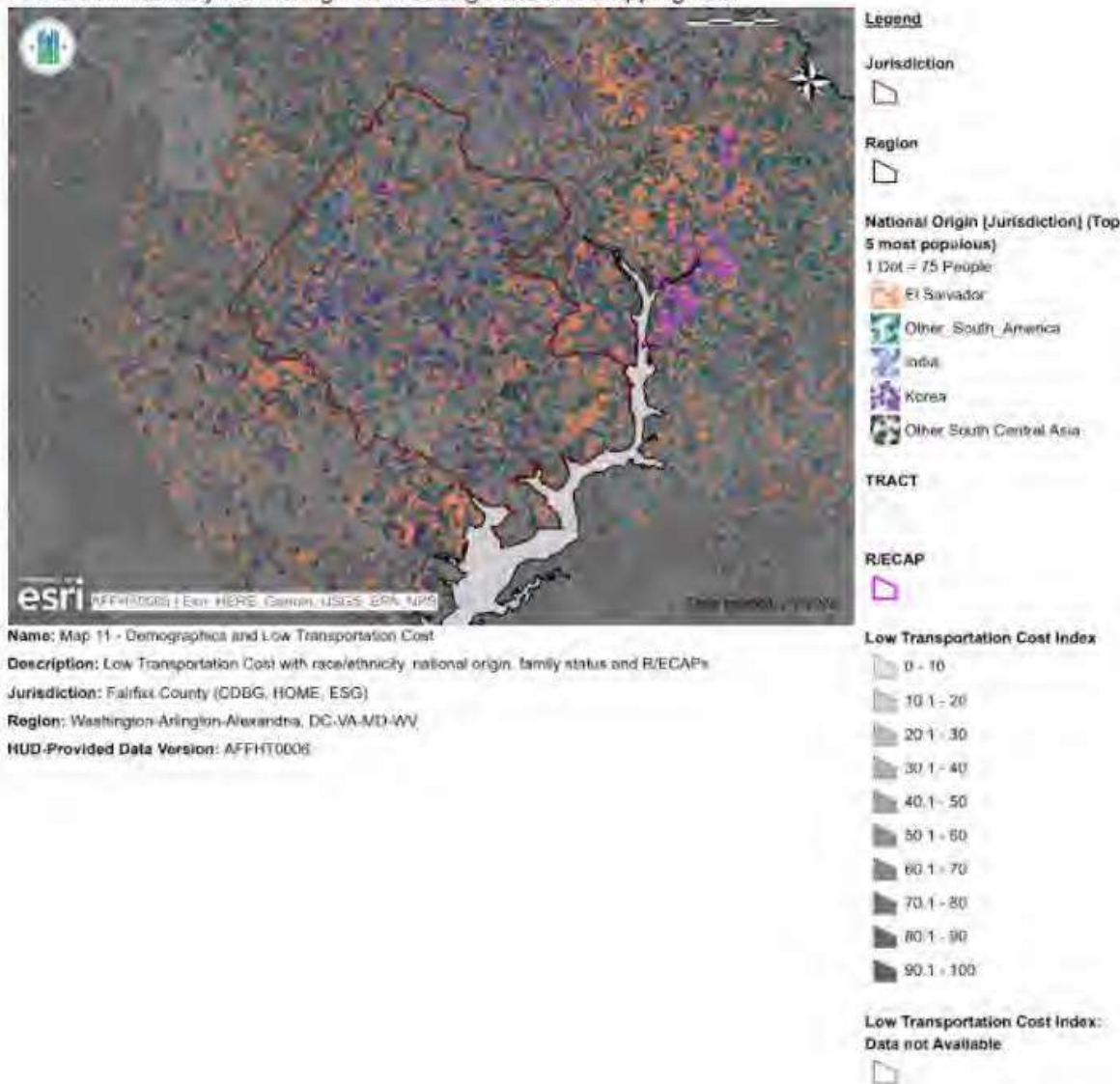
**Map 45: Demographics and Transit Trips (Family Status), Fairfax County, VA**  
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**Map 46: Demographics and Low Transportation Cost (Race/Ethnicity), Fairfax County**  
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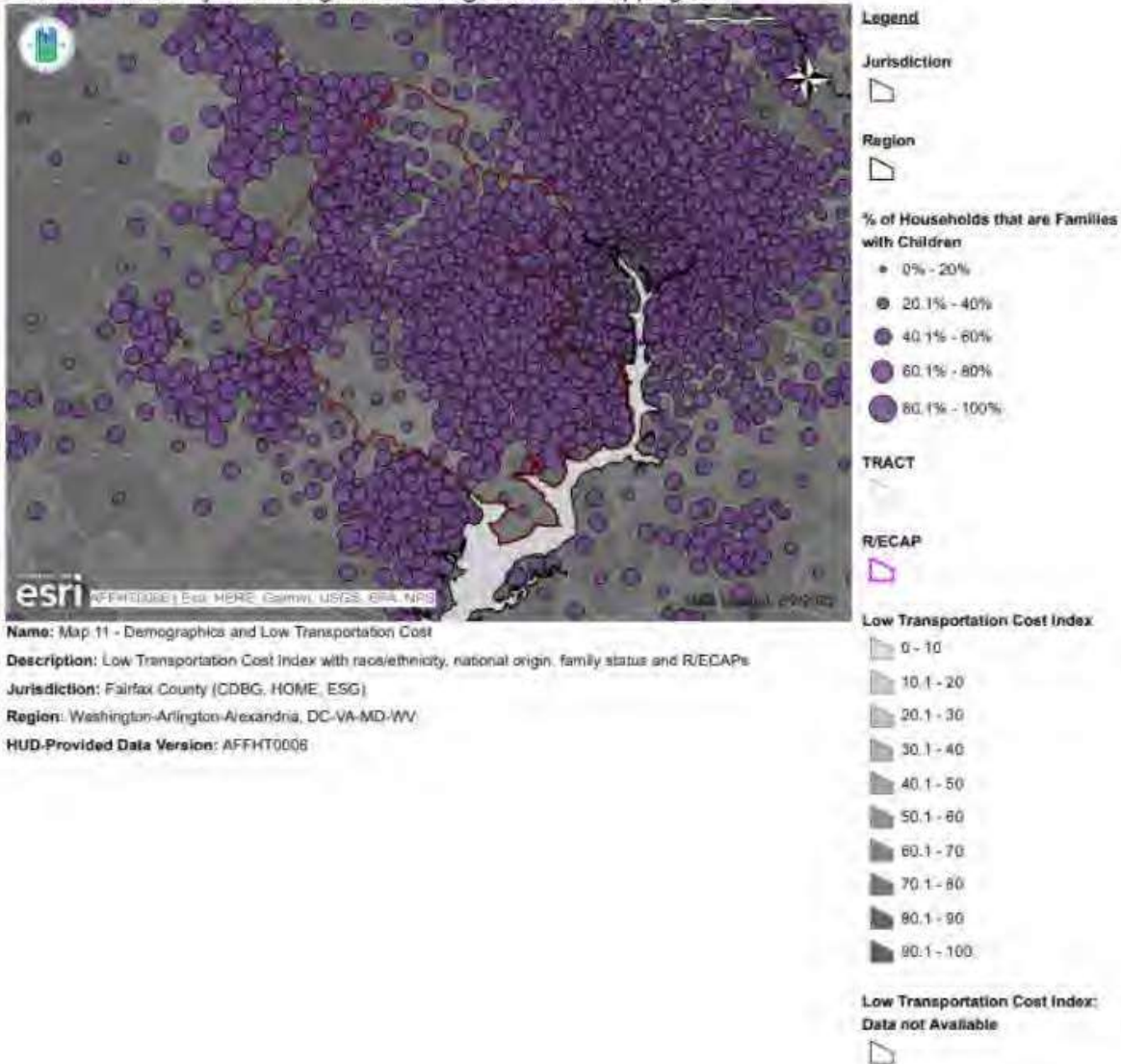
**Map 47: Demographics and Low Transportation Cost (National Origin), Fairfax County**  
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**Map 48: Demographics and Low Transportation Cost (Familial Status), Fairfax County**

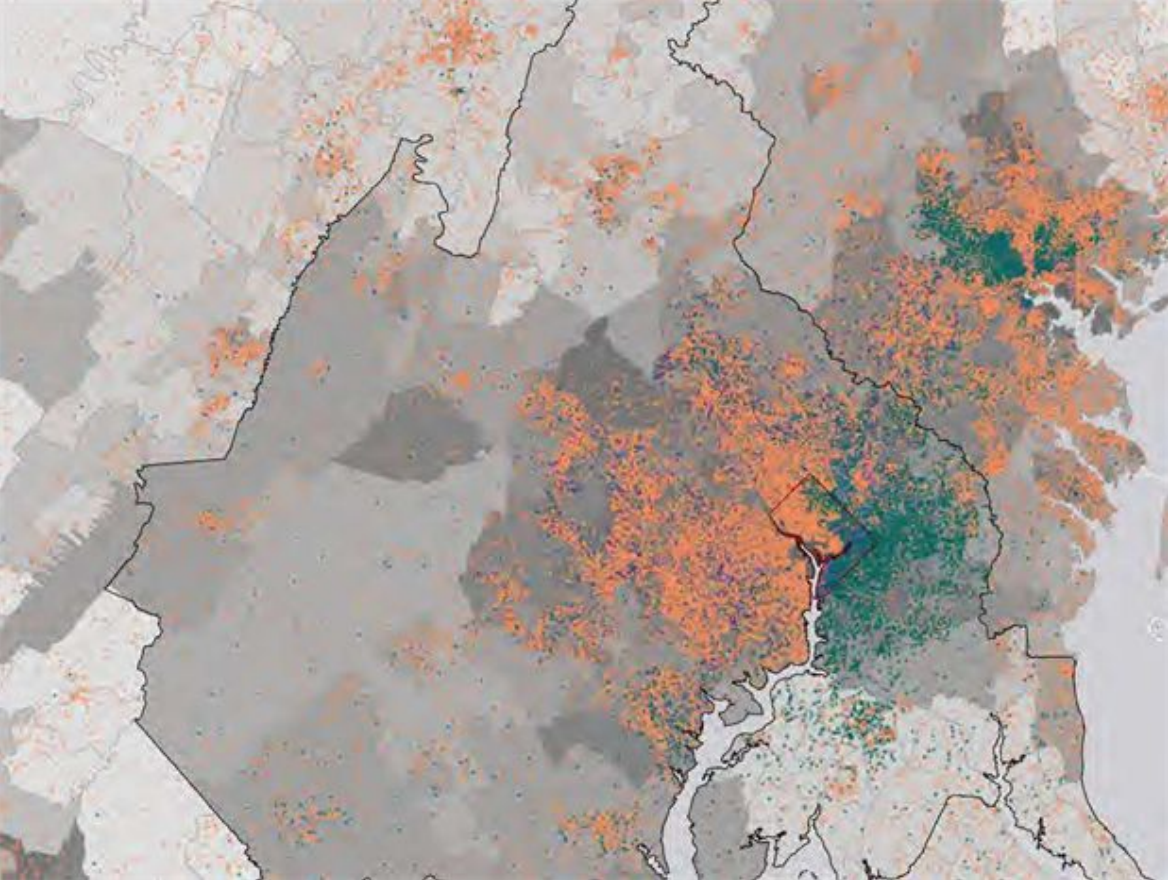
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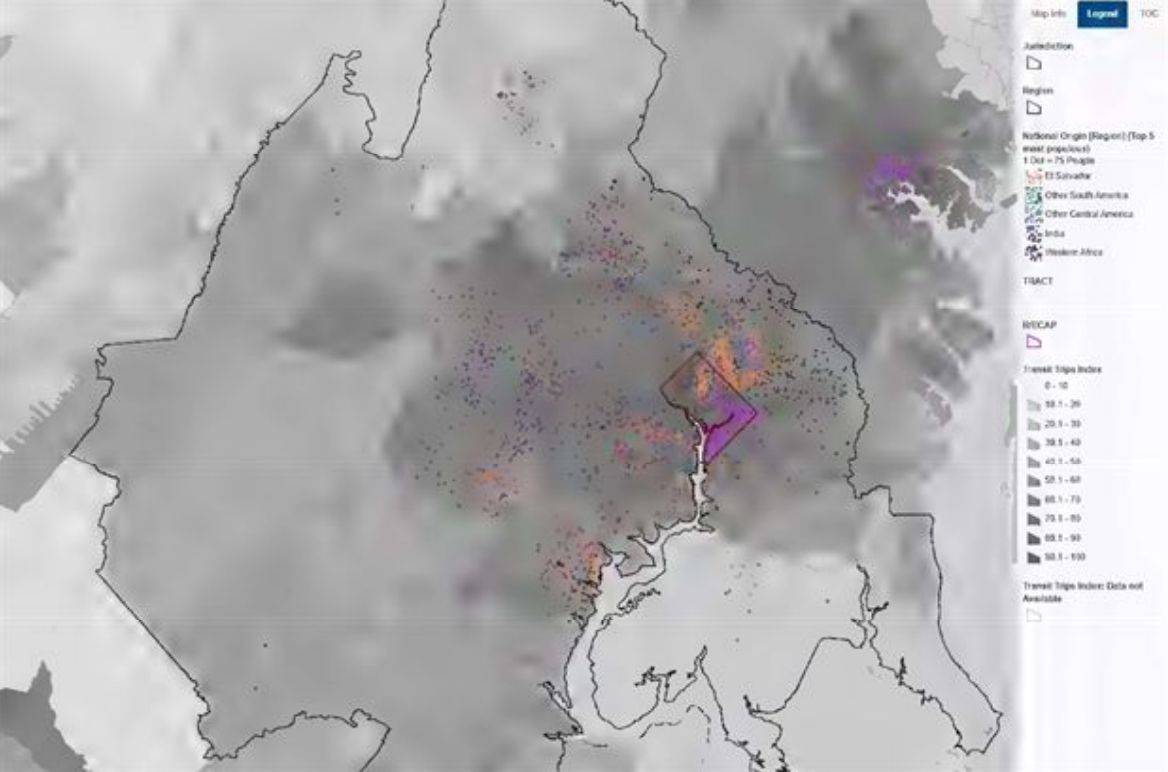
Fairfax County

Fairfax County's Transit Trip and Low Transportation Cost Indexes are substantially lower than those of Arlington, Alexandria, and DC proper, but they are still high compared to those of the country as a whole. There are no meaningful disparities based on race or ethnicity, with all values within a three-point range. However, the Transit Trip and Low Transportation Cost Index values for those living below the poverty line were slightly better. This is likely due to the fact that the population of people living in suburban areas with lower transportation index values is much lower.

Map 49: Demographics and Transit Trips (Race/Ethnicity), Region



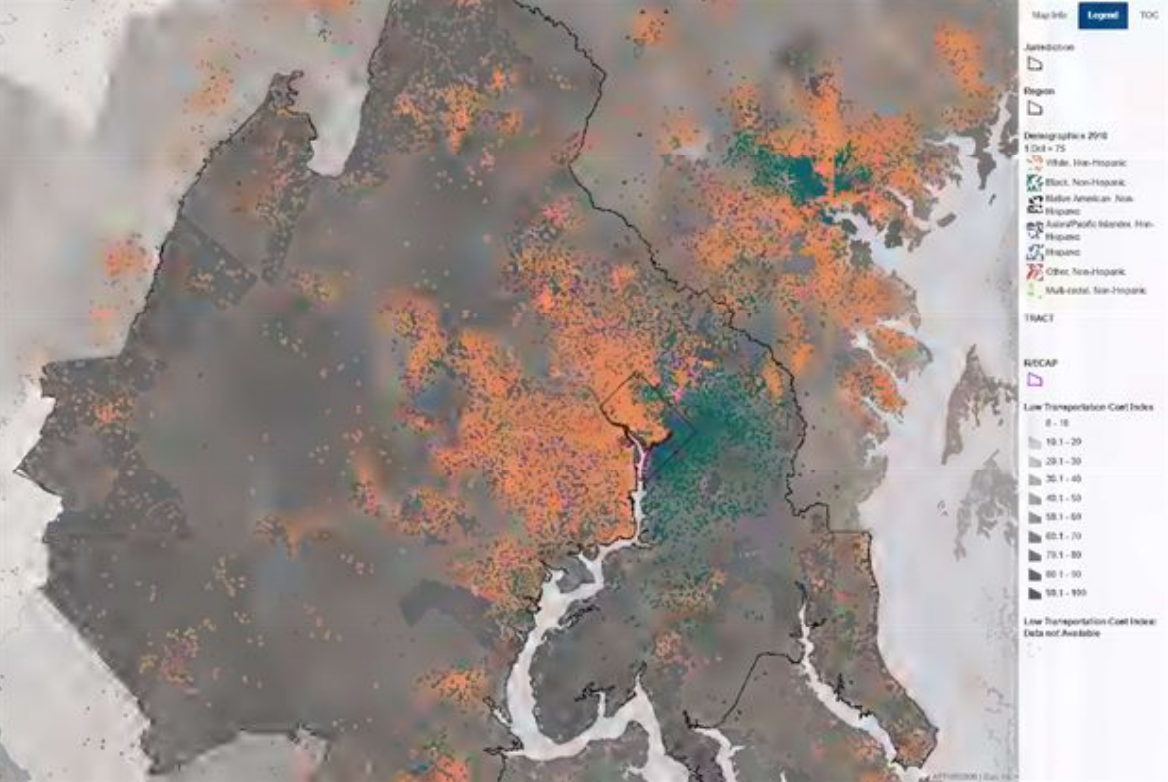
Map 50: Demographics and Transit Trips (National Origin), Region



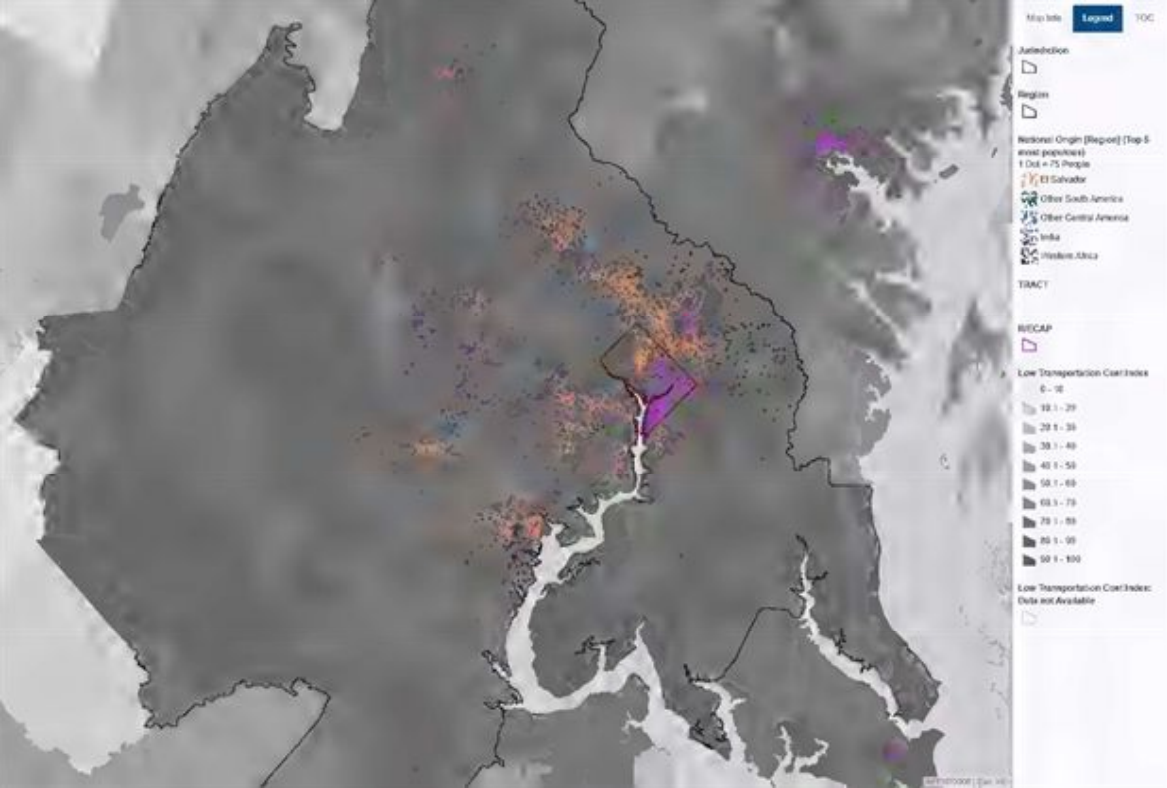
**Map 51: Demographics and Transit Trips (Familial Status), Region**  
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Map 52: Demographics and Low Transportation Cost (Race/Ethnicity), Region



Map 53: Demographics and Low Transportation Cost (National Origin), Region



**Map 54: Demographics and Low Transportation Cost (Familial Status), Region**  
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**Region**

Throughout the region, access to low-cost transportation is relatively high compared with the rest of the country. To the extent that there are disparities based on race and ethnicity, the lowest Transit Index values are for White residents, at a regional level of 64.69 for the total population, compared with Black residents at 72.18, Hispanic residents at 74.25, Asian or Pacific Islander residents at 73.66, and Native American residents at 65.28. This distribution is even more pronounced for individuals living below the poverty line, with the value for White residents at 64.97, Black residents at 80.43, Hispanic residents at 77.28, Asian or Pacific Islander residents at 77.63, and Native American residents at 75.29. The Low Transportation Cost Index follows a similar, though less pronounced, distribution with values ranging from 87.43 to 91.47 for the total population. Once again, the lowest values are for White residents, and they are highest for Hispanic residents, followed closely by Black residents at 91.18, Asian or Pacific Islander residents at 89.94, and Native American residents at 88.87. For those living below the poverty line, Low Transportation Cost Index values range from 88.8 to 94.80, with the worst transportation values for White residents living below the poverty

line, and the highest for Black residents. The second-highest value is for Hispanic residents, at 92.19, followed closely by Asian or Pacific Islander residents at 92.6 and Native American Residents at 92.25. These statistics, however, are slightly misleading in that they do not control for the population density and are skewed by the lack of public transit in suburban areas that are disproportionately White. It remains true that a higher percentage of Black and Hispanic residents are reliant on public transit, such that these numbers do not fully reflect existing inequities in transportation.

***ii. For the protected class groups HUD has provided data, describe how disparities in access to transportation related to residential living patterns in the jurisdiction and region.***

Fairfax County

Fairfax County is far more suburban than Alexandria and Arlington, so Fairfax County's transit scores are lower overall than the scores for the other two areas. For the most part, the scores are lowest in Farr's Corner, near Clifton, which is sparsely populated and, to a lesser extent, in the northwest portion of the county, in the suburbs of Shady Oak and Great Falls. All of these areas have populations that are disproportionately White compared to the rest of Fairfax. Though the values vary only minimally by race, the fact that Transit Trip Index and Low Transportation Cost Index values for White residents are lowest is likely due to their being disproportionately located in suburban areas, which are further from low-cost transit.

Region

To the extent that there are disparities in access to transportation, they do correlate with residential living patterns. White residents are more likely to live in more suburban areas in further from D.C. that have less access to transportation. Indeed, the lack of public transit in these areas may explain why they are disproportionately White, as Black and Hispanic residents are more likely to rely on public transit. In contrast, areas of the region that are home to more Black and Hispanic residents, like D.C. proper, have greater access to transportation.

***iii. Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss programs, policies, or funding mechanisms that affect disparities in access to transportation.***

Fairfax County

Fairfax's One Fairfax racial equity policy explicitly includes equal access to transportation as one of its areas of focus. While this requires county officials to approach problems with a racial justice lens, it is not yet clear how this will tangibly reduce racial disparities in access to transportation. Moreover, focus groups revealed concerns about existing transportation options and how they contribute to lack of affordable housing.

**d. Disparities in Access to Opportunity—Access to Low-Poverty Neighborhoods**

***i. Describe any disparities in access to low poverty neighborhoods in the jurisdiction and region.***

Disparities in access to low-poverty neighborhoods is measured by the Low Poverty Index. The Low Poverty Index is a HUD calculation using both family poverty rates and public assistance receipt in the form of cash welfare (such as Temporary Assistance for Needy Families). This is calculated at the census tract level. The higher the score, the less exposure to poverty in the neighborhood.

Data note: Some of the tables and maps in this section are sourced from the HUD tool, which used 2011–2015 five-year ACS data. These maps and tables are accessible to all and can be used by anyone to numerically and spatially analyze their jurisdictions or communities of interest. Other tables



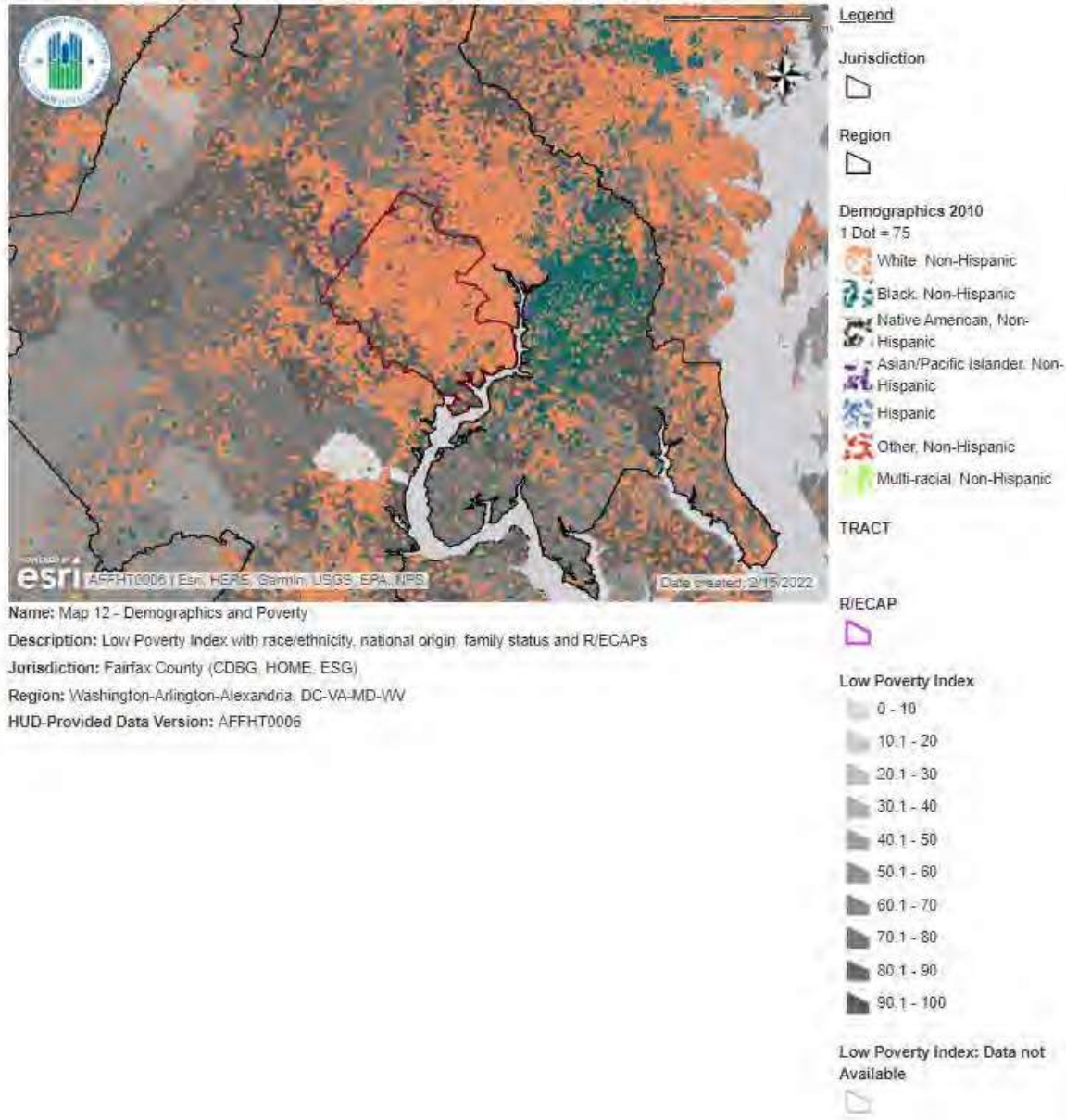
and maps that the Urban Institute created are based off of 2015–2019 five-year ACS estimated data. Due to this, some of the maps identify different census tracts as R/ECAPs and reflect slightly different demographic data.

**Table 17: Low Poverty Index**

Low Poverty Index	Fairfax County	Region
Total Population		
White, Non-Hispanic	85.15	79.93
Black, Non-Hispanic	74.26	61.71
Hispanic	70.27	65.57
Asian or Pacific Islander, Non-Hispanic	81.11	78.68
Native American, Non-Hispanic	79.14	70.77
Population below federal poverty line		
White, Non-Hispanic	75.71	71.36
Black, Non-Hispanic	59.99	45.68
Hispanic	61.54	56.92
Asian or Pacific Islander, Non-Hispanic	71.19	68.99
Native American, Non-Hispanic	60.51	64.66

**Map 55: Demographics and Low Poverty Neighborhoods (Race/Ethnicity), Fairfax County, VA**

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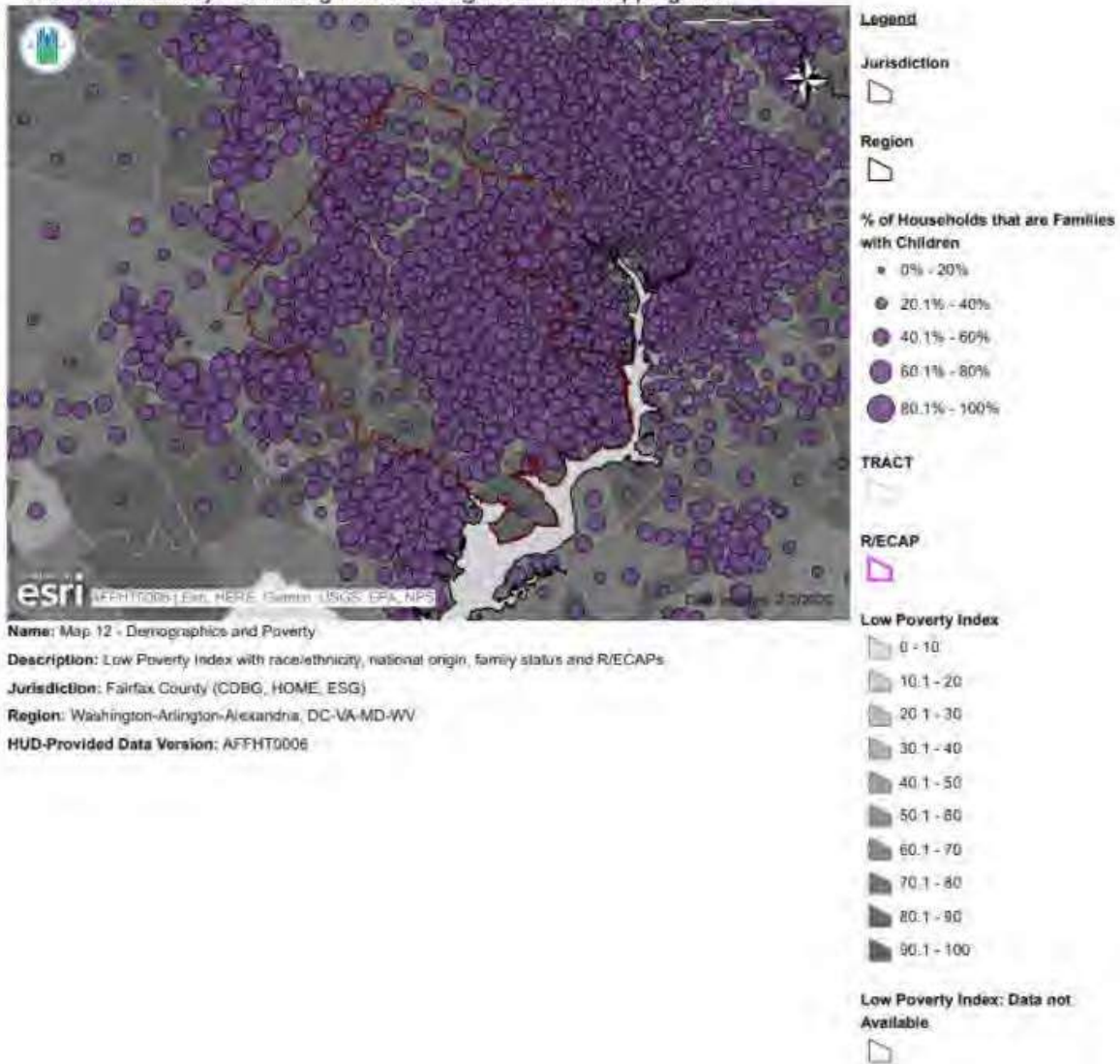
**Map 56: Demographics and Low Poverty Neighborhoods (National Origin), Fairfax County, VA**

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**Map 57: Demographics and Low Poverty Neighborhoods (Familial Status), Fairfax County, VA**

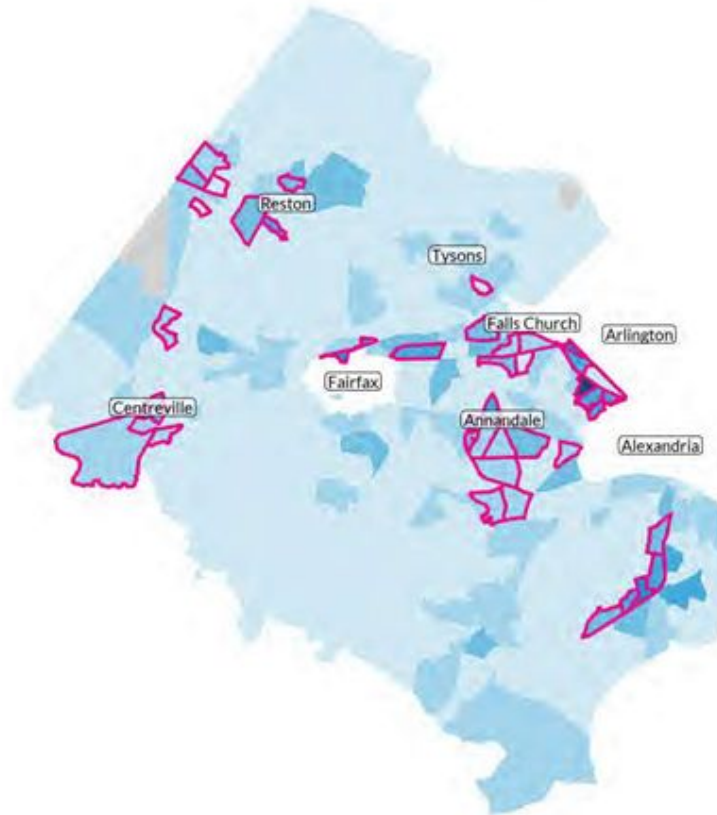
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Map 58: Jurisdictional Poverty Rates by Census Tract with COG Opportunity Areas, Fairfax County, VA

## Poverty Rates by Census Tract in Fairfax County, Virginia

COG Equity Emphasis Area Highlighted in Magenta

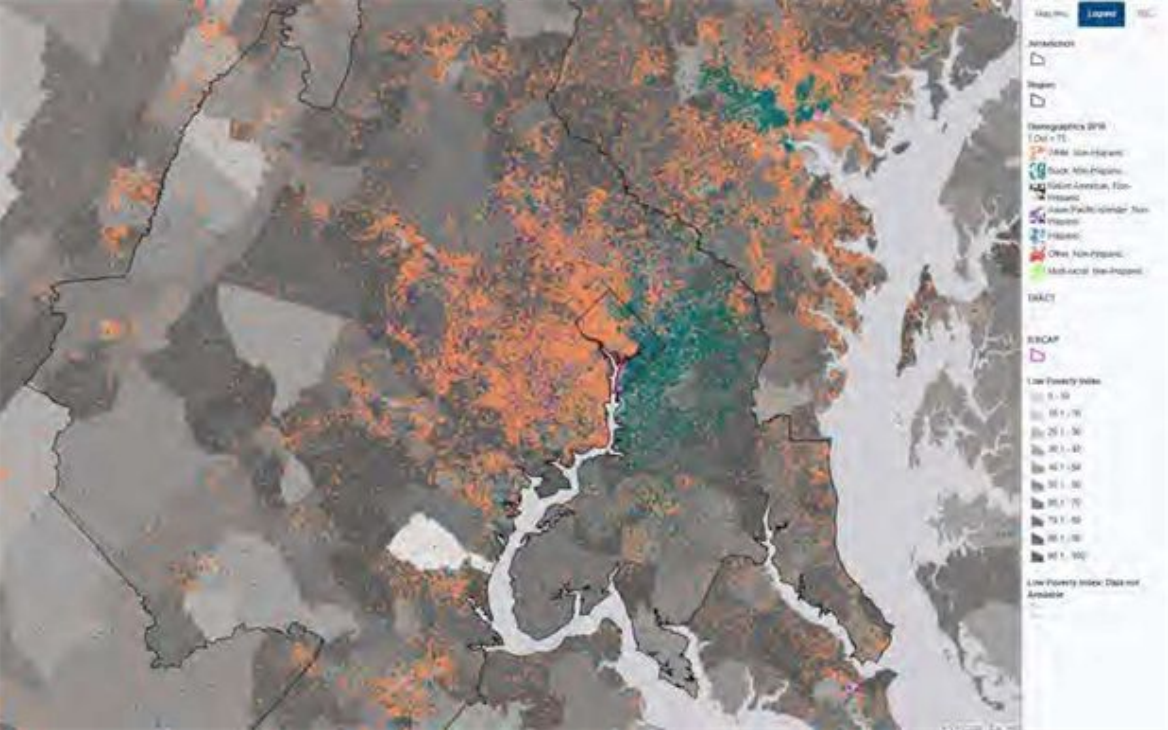


Source: American Community Survey 5-Year Estimates, 2015-2019

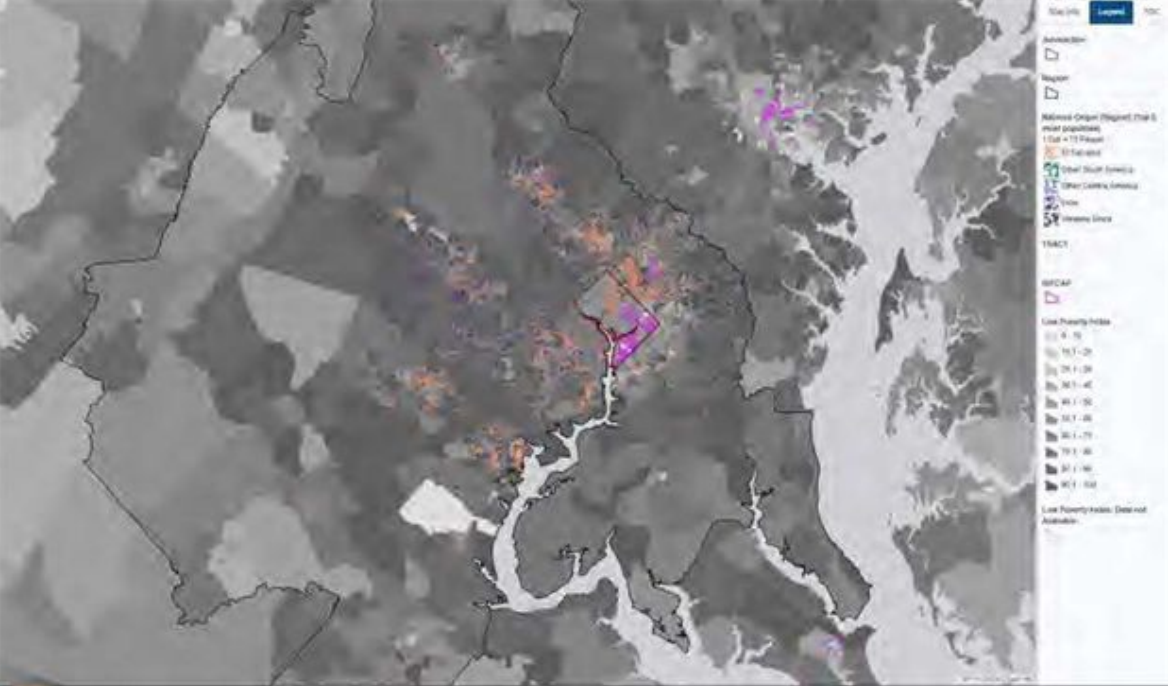
### Fairfax County

In comparison to other jurisdictions, Fairfax has considerable access to low-poverty areas. Still, racial and ethnic disparities in access are present, though not to the extent in other jurisdictions. As is the general trend among jurisdictions, White residents live in neighborhoods with higher Low Poverty Index values. The index value for White residents is 85, while Hispanic and Black residents fare worse. The index value for Hispanic residents is 70, and the value for Black residents 74, meaning these residents have the highest exposure to poverty in their neighborhoods. All residents below the poverty line have reduced access to low-poverty neighborhoods when compared to the general population, but as in the overall population, racial disparities are present; for residents below the poverty line, Black and Native American residents experience the largest drop in index values.

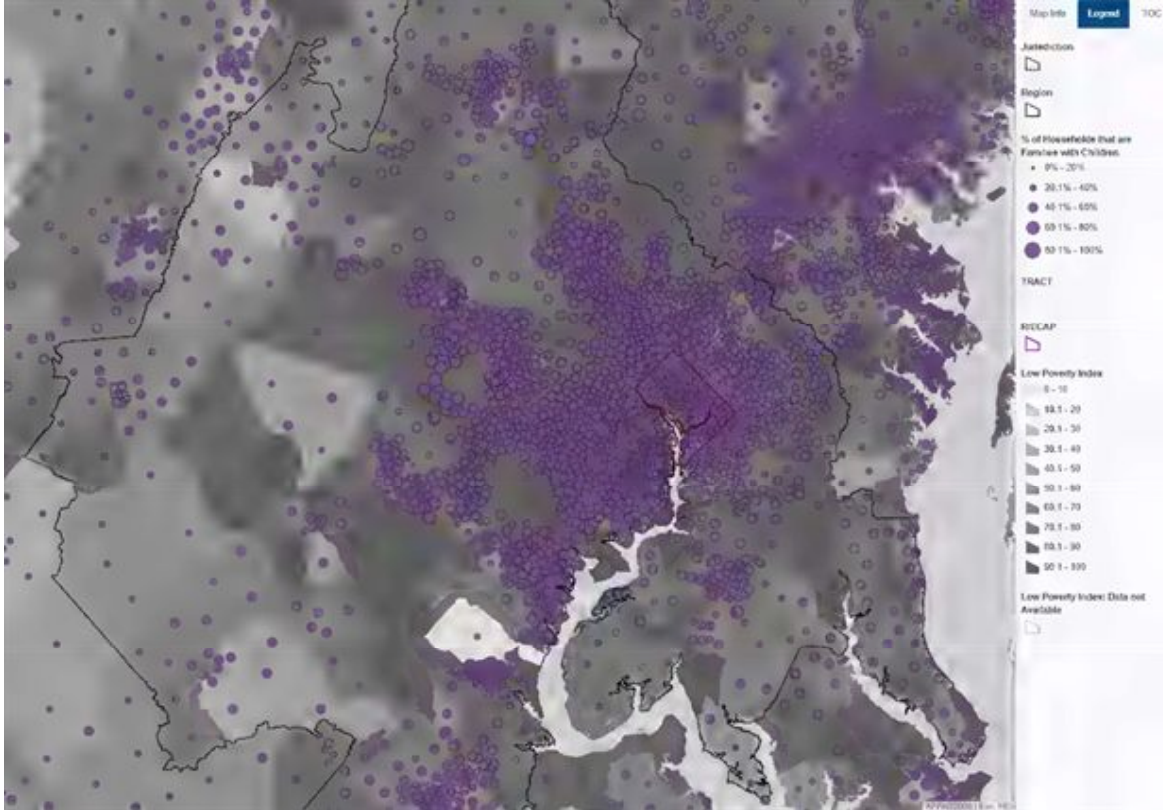
Map 59: Demographics and Low Poverty Neighborhoods (Race/Ethnicity), Region



Map 60: Demographics and Low Poverty Neighborhoods (National Origin), Region



**Map 61: Demographics and Low Poverty Neighborhoods (Familial Status), Region**



**Region:**

The regional trend for racial disparities follows a similar pattern as the jurisdictional trends. As is the case for all jurisdictions, White residents are more likely than other groups to reside in areas with low-poverty neighborhoods. While the index value for White residents is 79, the values for Hispanic and Black residents are much lower: 65 and 61. The regional trend most closely aligns with the District of Columbia and Fairfax County because in these jurisdictions, Black residents face higher incidences of restricted access to low-poverty neighborhoods than any other group. In the majority of jurisdictions, Hispanic residents have the least access to low-poverty neighborhoods. As displayed throughout the individual jurisdictions, poverty levels also have a significant negative impact on index values for all groups, but the comparative index value losses by racial group do show a racial and ethnic disparity in reduced access as well.

- i. For the protected class groups HUD has provided data, describe how disparities in access to low poverty neighborhoods relate to residential living patterns in the jurisdiction and region.**

**Fairfax County**

Fairfax County has a fairly balanced distribution of low-poverty neighborhoods. Even in areas with large populations of residents of color, White residents are present at comparable rates. There does not appear to be a strong correlation between residential patterns and racial groups' access to low-poverty neighborhoods. Groups are more concentrated by national origin than by race or ethnicity. Indian and Korean residents tend to live in the northern part of the county, but this does not display a pattern related to access to low-poverty neighborhoods. In contrast, Salvadorans form three distinct clusters—one in the northeast part of the county and two closer to the southeast part of the county. Unlike other immigrant communities, these residents tend to be in neighborhoods with lower index values, and

therefore their residential patterns correspond to areas with little access to low-poverty neighborhoods.

#### Region

In general, disparities in access to low-poverty neighborhoods correlate with residential living patterns in the region. Access to low-poverty neighborhoods is much higher in suburban areas, particularly in Loudoun, Fairfax, and Montgomery Counties. These areas are disproportionately White, and to a lesser extent, Asian American. In contrast, urban areas with low levels of access to low-poverty neighborhoods are consistently home to larger numbers of Black and Hispanic residents. This includes the District of Columbia and the urban portions of Alexandria and Arlington. But even within these urban areas, where people of color comprise a majority of the population, access to low-poverty neighborhoods is heavily correlated with race and ethnicity.

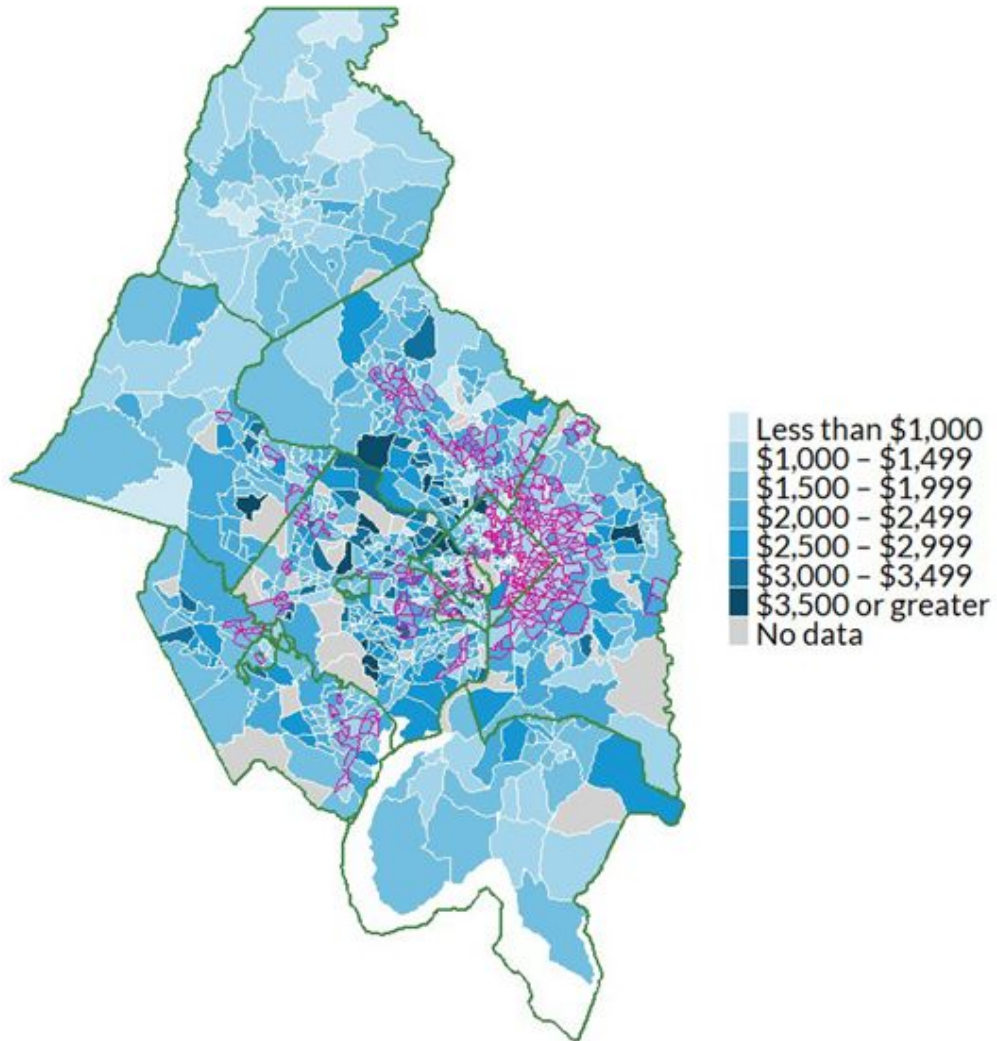
***iii. Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss programs, policies, or funding mechanisms that affect disparities in access to low poverty neighborhoods***



Map 62: Median Rental Rates, Region

## Median Gross Rent by Census Tract in Washington Region

COG Equity Emphasis Area Highlighted in Magenta

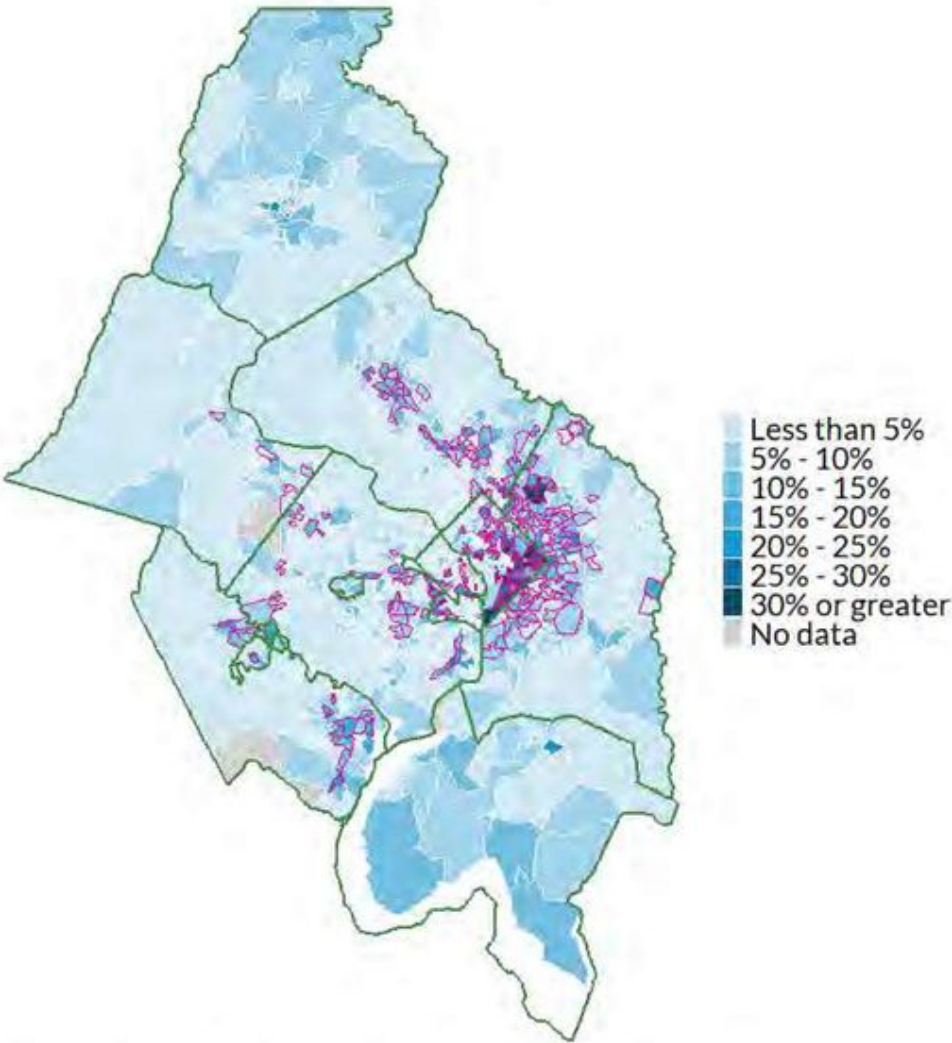


Source: American Community Survey 5-Year Estimates, 2015-2019

Map 63: Poverty Rates, Region

### Poverty Rates by Census Tract in Washington Region

COG Equity Emphasis Area Highlighted in Magenta

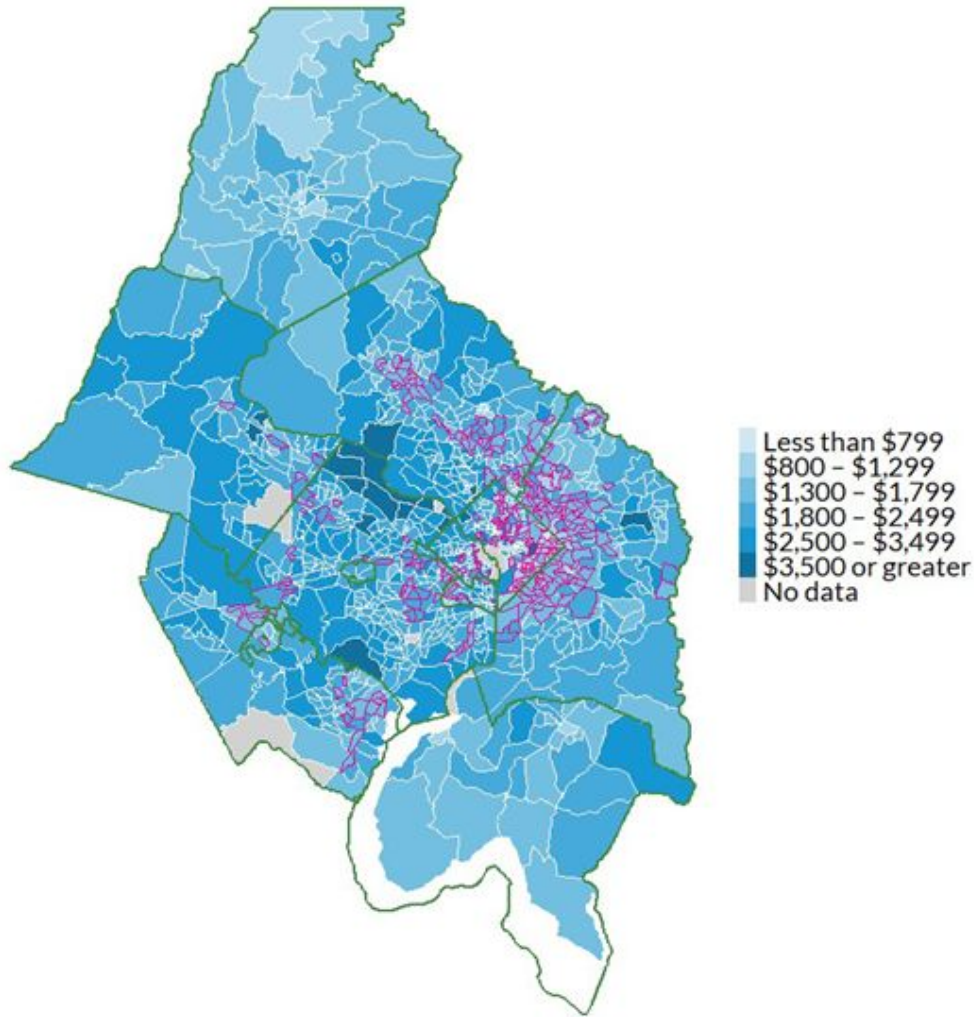


Source: American Community Survey 5-Year Estimates, 2015-2019

Map 64: Median Housing Costs, Region

Median Monthly Housing Cost by Census Tract in Washington Region

COG Equity Emphasis Area Highlighted in Magenta



Source: American Community Survey 5-Year Estimates, 2015-2019

Region

These policies are mostly addressed in Contributing Factors, particularly the section Impediments to Mobility. Other contributing factors also explain disparities in access to low-poverty neighborhoods, such as (1) lack of investment in specific neighborhoods, (2) lack of resources for fair housing agencies and organizations, (3) lack of affordable accessible housing a range of unit sizes, (4) practices and decisions for publicly supported housing, (5) occupancy codes and restrictions, (6) land use and zoning laws, (7) location and type of affordable housing, and (8) lack of community revitalization strategies, among others. Ultimately, all of the contributing factors either directly or indirectly impact access to low-poverty housing.

One of the policies with the largest impact on access to low-poverty neighborhoods is inclusionary zoning, which jurisdictions in the region have implemented, though with varying levels of stringency. In 2020, Virginia implemented legislation that encouraged localities to implement more aggressive inclusive zoning. The District of Columbia in particular has focused on upzoning the Rock Creek West area. Another policy that has notable impacts on access to low-poverty neighborhoods throughout the region is the improvement of payment standards, which Montgomery County, D.C., and Prince William County have all implemented.

**e. Disparities in Access to Opportunity—Access to Environmentally Healthy Neighborhoods**

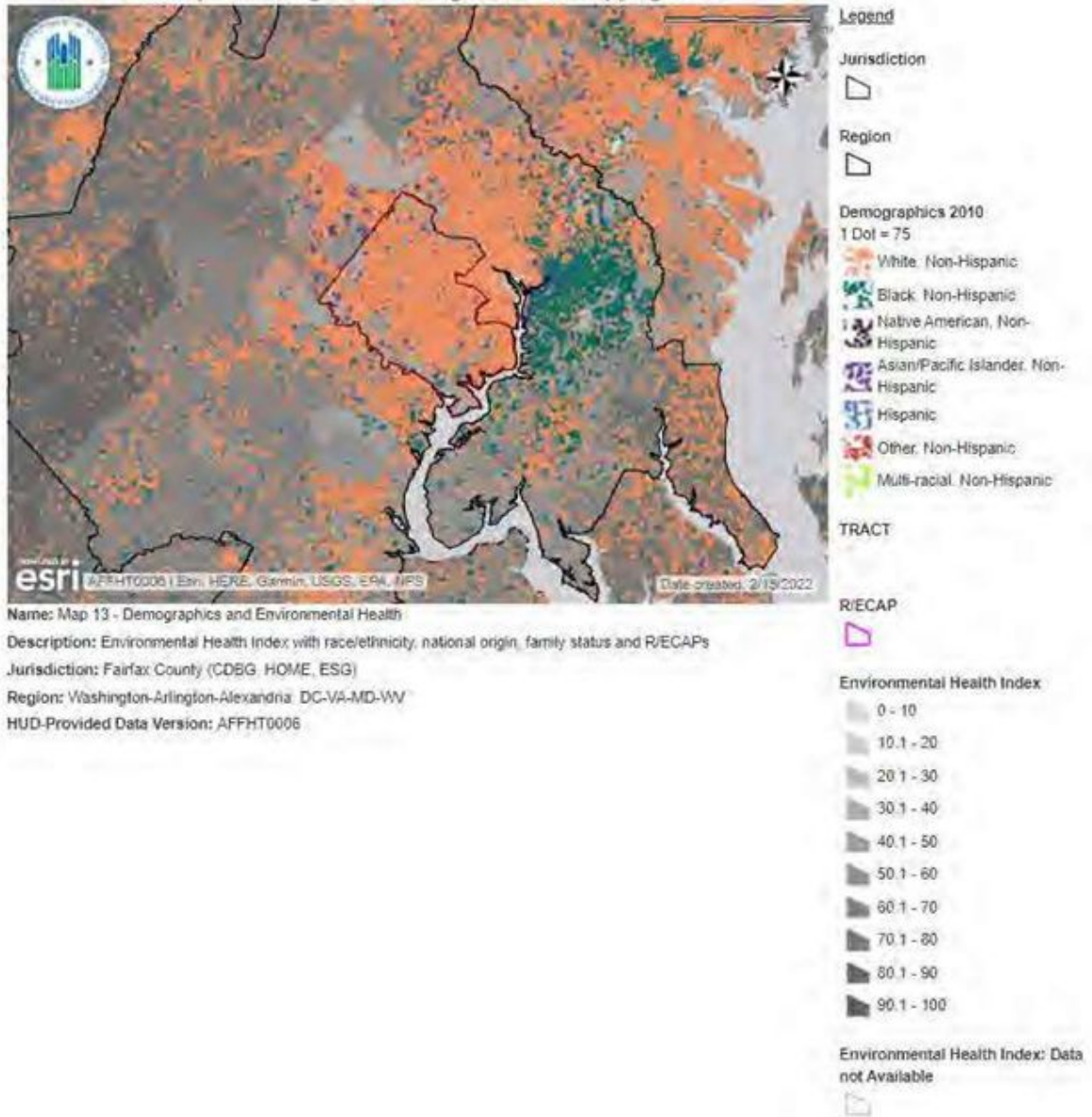
**i. Describe any disparities in access to environmentally healthy neighborhoods in the jurisdiction and region.**

The Environmental Health Index provided by HUD measures exposure to harmful airborne toxins. The index is based on standardized Environmental Protection Agency estimates of carcinogenic, respiratory, and neurological hazards in air. The index does not consider other environmental issues such as water quality or soil contamination, meaning it is a limited measure of overall environmental health. However, it can still provide useful insight into environmental conditions in jurisdictions. Index values range from 0 to 100, with higher values indicating better conditions and less exposure to environmental hazards that can harm human health. Generally, urban areas tend to have lower air quality as these areas have more emission sources and thus more exposure to hazards.

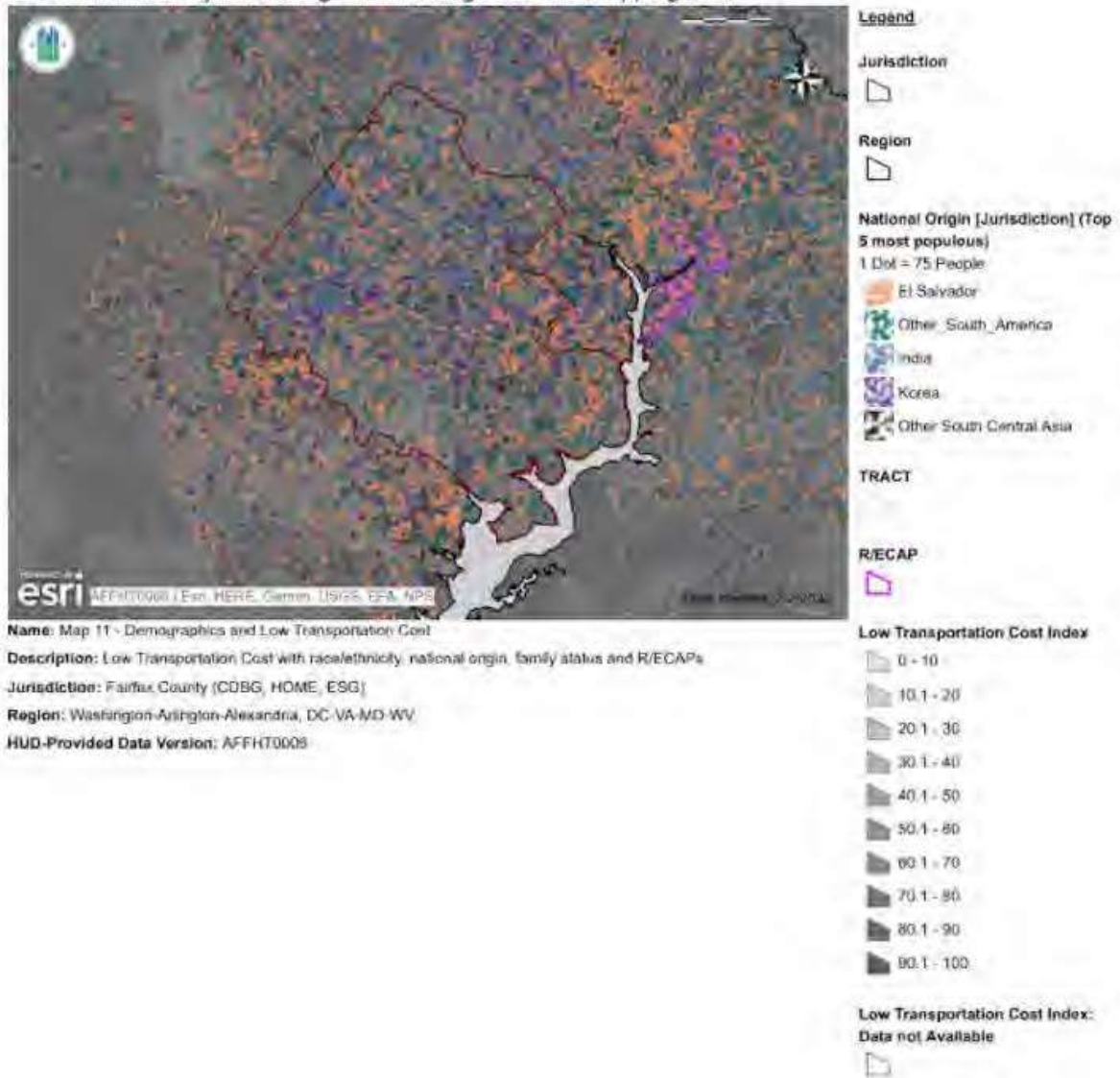
**Table 18: Environmental Health Index**

Low Poverty Index	Fairfax County	Region
Total Population		
White, Non-Hispanic	39.50	44.24
Black, Non-Hispanic	37.74	35.39
Hispanic	36.76	36.59
Asian or Pacific Islander, Non-Hispanic	37.98	38.50
Native American, Non-Hispanic	38.54	42.19
Population below federal poverty line		
White, Non-Hispanic	38.06	42.92
Black, Non-Hispanic	36.87	29.66
Hispanic	36.13	34.45
Asian or Pacific Islander, Non-Hispanic	37.38	34.19
Native American, Non-Hispanic	35.60	35.99

**Map 65: Demographics and Environmental Health (Race/Ethnicity), Fairfax County, VA**  
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**Map 66: Demographics and Environmental Health (National Origin), Fairfax County, VA**  
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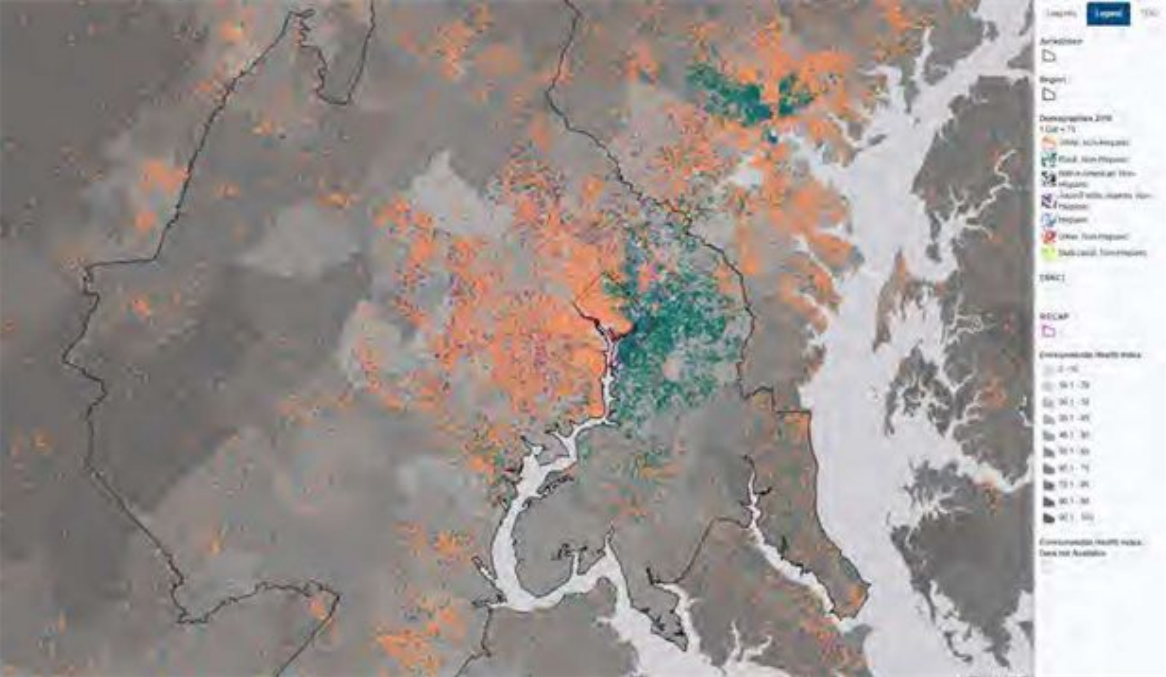
Map 67: Demographics and Environmental Health (Familial Status), Fairfax County, VA



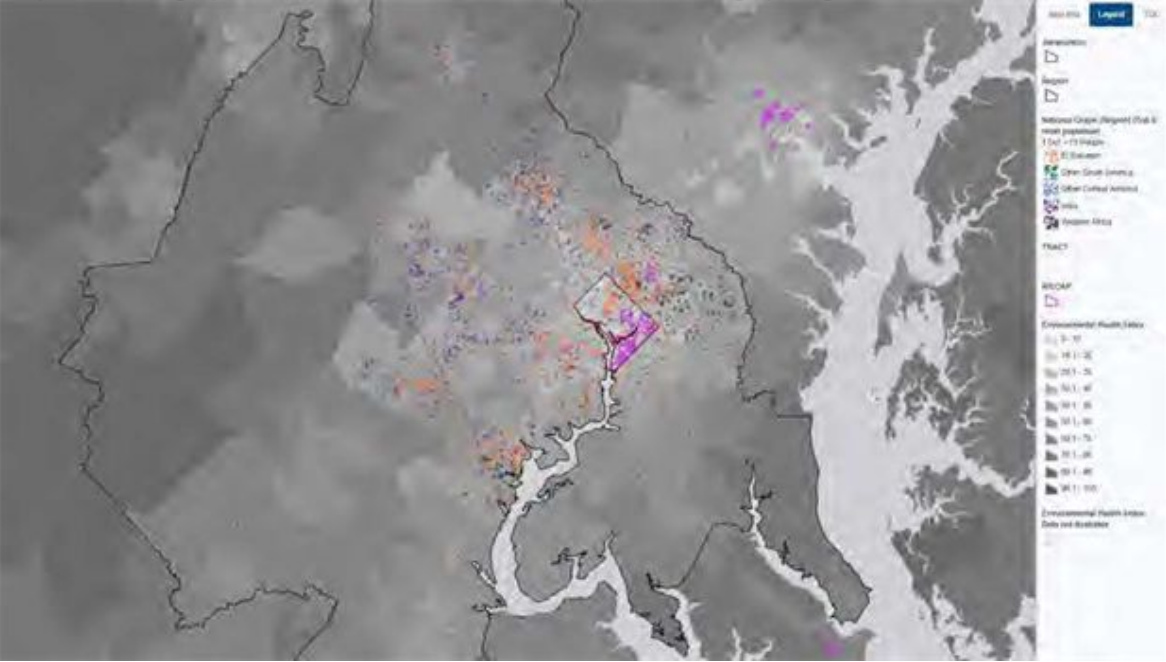
Fairfax County

Rates of access to environmentally healthy neighborhoods are substantially higher for all racial and ethnic groups in Fairfax County than in the more urban areas of DC proper, Alexandria, and Arlington, though they lag behind national averages. Rates in Fairfax vary slightly based on race, with Hispanic residents' having the lowest rate of access at 36.67 and White residents' having the highest at 39.50. For those living below the poverty line, Native American residents have the lowest access rate at 35.60, while White residents below the poverty line have a rate of 38.06. These racial disparities are likely due to the greater number of White residents in suburban areas.

Map 68: Demographics and Environmental Health (Race/Ethnicity), Region



Map 69: Demographics and Environmental Health (National Origin), Region





**Map 70: Demographics and Environmental Health (Familial Status), Region**

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**Region**

Racial differences are more pronounced at the regional level, with an Environmental Health Index value of 44.24 for White residents versus 35.39 for Black residents, 36.59 for Hispanic residents, 38.50 for Asian or Pacific Islander residents, and 42.1 for Native American residents. Regionally, residents living below the poverty line experience similar environmental health conditions, with index values of 42.92 for White residents, 29.96 for Black residents, 34.45 for Hispanic residents, 34.19 for Asian or Pacific Islander residents, and 35.99 for Native American residents.

For all populations, the index values have improved dramatically since 2019. This is likely in part to a reduced number of commuters resulting from the COVID-19 pandemic.

***ii. For the protected class groups HUD has provided data, describe how disparities in access to environmentally healthy neighborhoods relate to residential living patterns in the jurisdiction and region.***

As explained above, disparities in Environmental Health Index values are most pronounced at the regional level. The more suburban and rural areas of Loudoun and Prince William Counties—which are also disproportionately White—have the highest access to environmentally healthy neighborhoods. Washington, D.C., followed closely by Arlington and Alexandria, have much larger populations of non-White residents and have the lowest access to environmentally healthy neighborhoods. Regional values, incorporating suburban and rural areas, are about three times as high as those in urban areas.

Fairfax County

Fairfax County's Environmental Health Index scores vary somewhat more dramatically than more urban parts of the jurisdiction, with its lowest values (ranging from 20 to 30) in the areas immediately abutting Alexandria and Arlington. These include Jefferson, Baileys, Lincolnia, and Rose Hill, along with the areas extending into Annandale and Springfield. Within these areas, environmental health does not seem to vary significantly by racial and ethnic group concentration. That said, this collection of regions with low values has a population of Black and Hispanic residents that is disproportionately high compared to the population in the county as a whole. Salvadoran immigrants also are overrepresented in this region. Fairfax's areas of highest values, from 50 to 60, are census tracts in Bull Run, Pohick, and Lower Potomac, all of which are home to a disproportionate number of White residents compared to the population in the county as a whole. Most census tracts with index values greater than 50 are more than 80 percent White, compared to just 50 percent of the county as a whole. There is also a significant population of Asian or Pacific Islander residents on the border between Bull Run and Pohick, which has values that are equivalent to or even higher than the surrounding areas. This is also where individuals born in India and Korea are predominantly located.

Region

Overall, Environmental Health Index values are significantly higher in suburban and rural areas, like Loudoun, Prince William, Fairfax, and Montgomery Counties, which are disproportionately White and, to a lesser extent, Asian or Pacific Islander. More urban areas, specifically D.C. proper, have much higher percentages of Black and Hispanic residents and lower access to environmentally healthy neighborhoods. Within these urban areas, however, it does not appear that index values are correlated with race.

***iii. Informed by community participation, any consultation with other relevant government agencies, and the participant's own local data and local knowledge, discuss programs, policies, or funding mechanisms that affect disparities in access to environmentally healthy neighborhoods.***

Fairfax County

Though Fairfax has a Division of Environmental Health within its Department of Environment and Energy, there is nothing on its website that indicates it has explicitly addressed race-based environmental inequality. Apart from the county government's actions, local nonprofit Faith Alliance for Climate Solutions has committed itself to environmental justice, starting with its weatherization program.

Region

Although the Environmental Health Index does not reflect significant disparities in access to environmentally healthy neighborhoods within the District of Columbia, there are several significant environmental problems within the city that affect vulnerable populations. The region has consistently ranked in the top 10 worst cities in terms of air pollution. According to the 2022 American Lung

Association *State of the Air* report, the District of Columbia received an “F” grade for high ozone (smog) days.<sup>22</sup>

The Anacostia and Potomac Rivers are also severely polluted. A goal of achieving a swimmable and fishable Anacostia River has been set for the year 2025.<sup>23</sup> However, some residents of Ward 8 (Anacostia) have expressed concerns that as the river is targeted for cleanup, housing prices will rise and gentrification pressures will push out low-income communities of color.<sup>24</sup>

#### f. Disparities in Access to Opportunity—Patterns in Disparities in Access to Opportunity

- i. Describe any disparities in access to opportunity in the jurisdiction and the region, including any overarching patterns of access or exposure to adverse community factors. Include how these patterns compare to patterns of segregation, integration, and R/ECAPs.*

Throughout the metropolitan Washington region, there are marked disparities in access to opportunity based on race and ethnicity. For almost all indexes, regional values are lower for Black and Hispanic residents than they are for White residents, and to a lesser extent, Asian American residents. Native American residents often fall somewhere between these groups, with some exceptions. And these disparities are only exacerbated for the population living below the poverty line.

Black residents throughout the region have the lowest levels of access to education, jobs, low-poverty neighborhoods, and environmentally healthy neighborhoods. With few exceptions, this is only worse for Black residents living below the poverty line. The notable exception to this is transit, for which Black residents have the highest levels of access. But this, of course, is a function of needing transit to reach school and work, as Black residents are less likely to live in low-poverty or environmentally healthy neighborhoods, which are further from the District and tend to be inhabited by those with cars. This general pattern, though to a slightly lesser extent, applies to Hispanic residents throughout the region as well.

White residents, and to a lesser extent, Asian American residents, consistently scored the highest on all metrics. White residents had the most access to proficient schools, low-poverty neighborhoods, and environmentally healthy neighborhoods. In job-related indexes, White residents closely followed Asian American residents in levels of access to jobs and the labor market. For schools and low-poverty neighborhoods, Asian Americans had second-best access, and third-best access to environmentally friendly neighborhoods. Asian American residents had the highest job index–related values, but in other metrics were consistently second to White residents.

The level of access for each racial group, from most to least, to each of the opportunity indicators is as follows:

- Schools: White, Asian, Native American, Hispanic, Black (same below poverty line)
- Labor market: Asian, White, Native American, Hispanic, Black (same below poverty line)
- Job proximity: Asian, White, Hispanic, Native American, Black (below poverty line, Hispanic and White drop to lowest)
- Transit trips index: Hispanic, Asian, Black, Native American, White (same below poverty line, but Black moves to highest)
- Transit costs: roughly the same for all
- Low-poverty neighborhoods: White, Asian, Native American, Hispanic, Black (same below poverty line)
- Environmentally friendly neighborhoods: White, Native American, Asian, Hispanic, Black

**ii. Based on these opportunity indicators, identify areas that experience (1) high access and (2) low access across multiple indicators.**

To answer this question, it is helpful to separate these indicators into two groups, the first group including indexes correlating positively with urban areas, and the second with those correlating with suburban areas. The first group includes both of the transportation indexes and job proximity. It also includes labor markets, though to a slightly lesser extent. Even within these urban jurisdictions, however, job-related metrics are still lower for Black and Hispanic residents. As explained, the high access to transportation is a function of necessity, not convenience. On these measures, the District of Columbia typically scores the highest and Loudoun County the lowest.

The second group includes indexes on which suburban counties fare well, like access to proficient schools, environmentally healthy neighborhoods, and low-poverty neighborhoods. Here, suburban counties like Loudoun, and to a lesser extent, Montgomery and Fairfax, have high index values. Loudoun County has lower values for the indexes that correlate to more urban environments. Conversely, District residents, particularly Black residents, consistently have the least access to proficient schools, environmentally healthy neighborhoods, and low-poverty neighborhoods.

**iv. Disproportionate Housing Needs**

**1.a. Which groups (by race/ethnicity and familial status) experience higher rates of housing cost burden, overcrowding, or substandard housing compared with other groups? Which groups also experience higher rates of severe housing burdens compared with other groups?**

Across the metropolitan Washington region, many residents face high rates of housing problems, severe housing problems, and severe housing cost burden. The four HUD-designated housing problems include (1) lacking complete kitchen facilities, (2) lacking complete plumbing facilities, (3) overcrowding, and (4) experiencing housing cost burden.<sup>25</sup> Households are considered to have a housing problem if they experience at least one of the above. This analysis also considers what HUD designates as severe housing problems, which include lacking a kitchen or plumbing, housing more than one person per room, or experiencing severe cost burden, defined as housing cost of greater than 50 percent of household income.

**Table 19: Demographics of Households with Disproportionate Housing Needs, Fairfax County, VA**

Households Experiencing Any of the Four Housing Problems	Households with Problems #	Total Households #	Households with Problems %
Race/Ethnicity			
White, Non-Hispanic	55,826	243,573	22.92%
Black, Non-Hispanic	14,895	36,751	40.53%
Hispanic	22,543	46,177	48.82%
Asian or Pacific Islander, Non-Hispanic	21,878	64,896	33.71%
Native American, Non-Hispanic	334	681	49.05%
Other, Non-Hispanic	3,378	9,457	35.72%

Total	119,025	401,789	29.62%
Household Type and Size			
Family households, <5 people	61,141	242,180	25.25%
Family households, 5+ people	17,927	44,354	40.42%
Non-family households	39,927	115,153	34.67%
Households Experiencing Any of the Four Severe Housing Problems	Households with Severe Problems #	Total Households #	Households with Severe Problems %
Race/Ethnicity			
White, Non-Hispanic	23,098	243,573	9.48%
Black, Non-Hispanic	7,574	36,751	20.61%
Hispanic	12,759	46,177	27.63%
Asian or Pacific Islander, Non-Hispanic	11,472	64,896	17.68%
Native American, Non-Hispanic	171	681	25.11%
Other, Non-Hispanic	1,539	9,457	16.27%
Total	56,802	401,789	14.14%

Clear racial disparities are present in the distribution of households with housing problems in Fairfax County. Almost one-half of Hispanic and Native American households face housing problems, as do 40 percent of Black households. Families with five or more members and nonfamily households have disproportionately higher rates of housing problems of 40 and 35 percent, respectively, compared to one-quarter of families with five or fewer members. The racial breakdown in disparities identified above closely aligns with the trend for severe housing problems, with more than one-quarter of Hispanic and Native American households and one-fifth of Black households experiencing severe housing problems. In contrast, less than 10 percent of White households experience severe housing problems.

**Table 20: Demographics of Households with Severe Housing Cost Burden, Fairfax County**

Race/Ethnicity	Households with Severe Cost Burden #	Total Households #	Households with Severe Cost Burden %
White, Non-Hispanic	20,653	243,573	8.48%
Black, Non-Hispanic	6,305	36,751	17.16%

Hispanic	8,480	46,177	18.36%
Asian or Pacific Islander, Non-Hispanic	8,294	64,896	12.78%
Native American, Non-Hispanic	67	681	9.84%
Other, Non-Hispanic	1,292	9,457	13.66%
Total	45,091	401,789	11.22%
<b>Household Type and Size</b>			
Family, <5 people	22,926	242,180	9.47%
Family, 5+ people	4,991	44,354	11.25%
Non-family	17,034	115,153	14.79%

In Fairfax County, there is also a racial disparity in the percentage of households experiencing severe cost burden. Hispanic and Black households are more than twice as likely to be severely cost burdened than are White households. Nonfamily households have a slightly higher rate of severe housing cost burden than do family households.

**Table 21: Demographics of Households with Disproportionate Housing Needs, Region**

Households Experiencing Any of the Four Housing Problems	Households with Problems #	Total Households #	Households with Problems %
<b>Race/Ethnicity</b>			
White, Non-Hispanic	290,379	1,146,249	25.33%
Black, Non-Hispanic	228,930	547,575	41.81%
Hispanic	116,643	229,029	50.93%
Asian or Pacific Islander, Non-Hispanic	63,849	184,508	34.61%
Native American, Non-Hispanic	1,912	4,987	38.34%
Other, Non-Hispanic	18,138	48,608	37.31%
Total	719,855	2,160,990	33.31%
<b>Household Type and Size</b>			
Family, <5 people	331,440	1,195,683	27.72%
Family, 5+ people	95,644	230,517	41.49%

Non-family	292,760	734,793	39.84%
Households Experiencing Any of the Four Severe Housing Problems	Households with Severe Problems #	Total Households #	Households with Severe Problems %
Race/Ethnicity			
White, Non-Hispanic	125,471	1,146,249	10.95%
Black, Non-Hispanic	116,013	547,575	21.19%
Hispanic	68,070	229,029	29.72%
Asian or Pacific Islander, Non-Hispanic	33,791	184,508	18.31%
Native American, Non-Hispanic	1,040	4,987	20.85%
Other, Non-Hispanic	8,829	48,608	18.16%
Total	353,250	2,160,990	16.35%

Table 22: Demographics of Households with Severe Housing Cost Burden, Region

Race/Ethnicity	Households with Severe Cost Burden #	Total Households #	Households with Severe Cost Burden %
White, Non-Hispanic	112,920	1,146,249	9.85%
Black, Non-Hispanic	100,254	547,575	18.31%
Hispanic	45,579	229,029	19.90%
Asian or Pacific Islander, Non-Hispanic	25,257	184,508	13.69%
Native American, Non-Hispanic	809	4,987	16.22%
Other, Non-Hispanic	7,588	48,608	15.61%
Total	292,407	2,160,990	13.53%
Household Type and Size			
Family, <5 people	130,274	1,195,683	10.90%
Family, 5+ people	25,636	230,517	11.12%
Non-family	136,547	734,793	18.58%

The metropolitan Washington region includes slightly more than 2 million households. Overall, one-third of these households have housing problems. When evaluated by race and familial status, housing needs are disproportionately borne by households of color, particularly Hispanic and Black households, as well as non-family households and families with five or more members. As is the case in every regional jurisdiction except for Fairfax County, Hispanic households have the most disproportionate rate of housing problems compared with White households. Black households also face similar disparities throughout the region. The highest rate of Hispanic households with housing problems is in Gaithersburg, where more than 60 percent have housing problems. Another group vulnerable to housing problems are families with five or more members. This disparity is most pronounced in Alexandria, where over 63 percent of these households have housing problems.

Regionally, while one-quarter of White households have housing problems, at least one out of every three households of color have them. Among some racial and ethnic groups, the proportion of households experiencing housing problems is even more pronounced: for example, 50 percent of Hispanic households and 40 percent of Black households have housing problems. Asian American, Native American, and other groups also have higher rates of housing problems than White households. Approximately 40 percent of households with five or more members and non-family households also face housing problems.

This trend is the same for households facing severe housing problems. Hispanic households are almost three times more likely to have severe housing problems than White households, and Black households and Native American households are more than twice as likely to have severe housing problems.

There is also a pattern of racially imbalanced housing cost burdens on the regional level that parallels the jurisdictional trends. In most jurisdictions, Hispanic households have the highest rates of cost burden, although in the District of Columbia and Loudoun County, Native Americans shoulder the highest cost burden while comprising a very small share of the population. White households have the lowest cost burden, with fewer than 10 percent burdened. Housing cost burden predominantly harms Black, Hispanic, and Native American households. The jurisdiction with highest rate of severe cost burdens for residents is the District of Columbia. Fairfax and Montgomery Counties also have high rates of households burdened with severe housing costs. Non-family households are also disproportionately impacted by housing cost burden while small family households have lower rates of housing cost burden.

### Overcrowding

**Table 23: Percentage of Overcrowded Households by Race or Ethnicity**

	Non-Hispanic White Households		Black Households		Native American Households		Asian or Pacific Islander Households		Hispanic Households	
	#	%	#	%	#	%	#	%	#	%
<b>Fairfax County</b>	1,498	0.61	1,554	4.42	65	6.12	2,752	4.66	4,683	10.85
<b>Region</b>	<b>7,385</b>	<b>0.66</b>	<b>13,321</b>	<b>2.49</b>	<b>273</b>	<b>3.60</b>	<b>7,094</b>	<b>4.26</b>	<b>22,597</b>	<b>11.37</b>



Fairfax County

Hispanic and Native American households have higher rates of overcrowding than do other populations. While less than 1 percent of White households live in overcrowded conditions, almost 10 percent of Hispanic households and 6 percent of Native American households do. This indicates racial and ethnic disparities in households facing overcrowding.

Region

Regionally, regardless of race and ethnicity, most households have fairly low rates of overcrowding. Still, a disparity exists in the proportion of White households with overcrowding compared with other groups. This is particularly true for Hispanic households, which have disproportionate rates of overcrowding in every single jurisdiction. At least 11 percent of Hispanic households live in overcrowded housing, more than 10 percentage points higher than White households. The issue of overcrowding is most pronounced in D.C., where at least 15 percent of Hispanic households live in overcrowded housing.

**Table 24: Substandard Conditions by Housing Tenure**

Jurisdiction	Owner-Occupied One Condition	Owner-Occupied Two Conditions	Owner-Occupied Three Conditions	Owner-Occupied Four Conditions	Owner-Occupied No Conditions	Total
Fairfax County	56,272	1,427	66	0	211,763	269,528
Regional	254,458	5,207	333	7	865,348	1,125,353
Jurisdiction	Renter-Occupied One Condition	Renter-Occupied Two Conditions	Renter-Occupied Three Conditions	Renter-Occupied Four Conditions	Renter-Occupied No Conditions	Total
Fairfax County	53,552	5,873	145	0	67,403	126,973
Regional	312,493	26,163	746	70	378,231	717,703
Jurisdiction	One Condition	Two Conditions	Three Conditions	Four Conditions	No Conditions	Total
Fairfax County	109,824	7,300	211	0	279,166	396,501
Regional	566,951	31,370	1,079	77	1,243,579	1,843,056

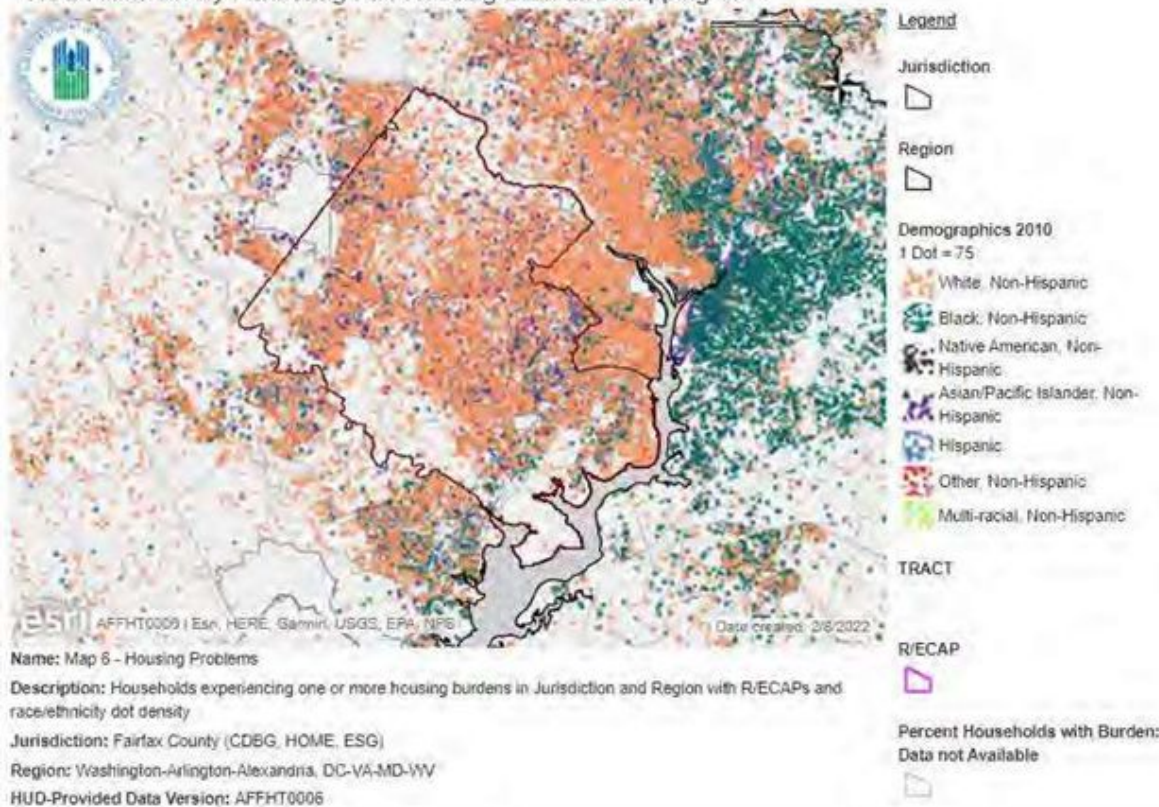
In the region, renters are more likely to experience substandard conditions than owners. Of the more than 1 million owner-occupied households, over three-quarters experience no substandard conditions and fewer than 1 percent have two, three, or four substandard conditions. Slightly more than one-half of all renter households have no substandard conditions, and almost 4 percent have two, three, or four substandard conditions. Renter-occupied households in Alexandria and Arlington and Loudoun Counties are least likely to experience substandard housing conditions.

All jurisdictions have a similarly low rate of substandard housing conditions for owner-occupied households, ranging from the lowest in Arlington and Loudoun Counties at under one-fifth to the highest in Gaithersburg and Prince William County, where approximately one-quarter of owner-occupied households have one or more substandard conditions.

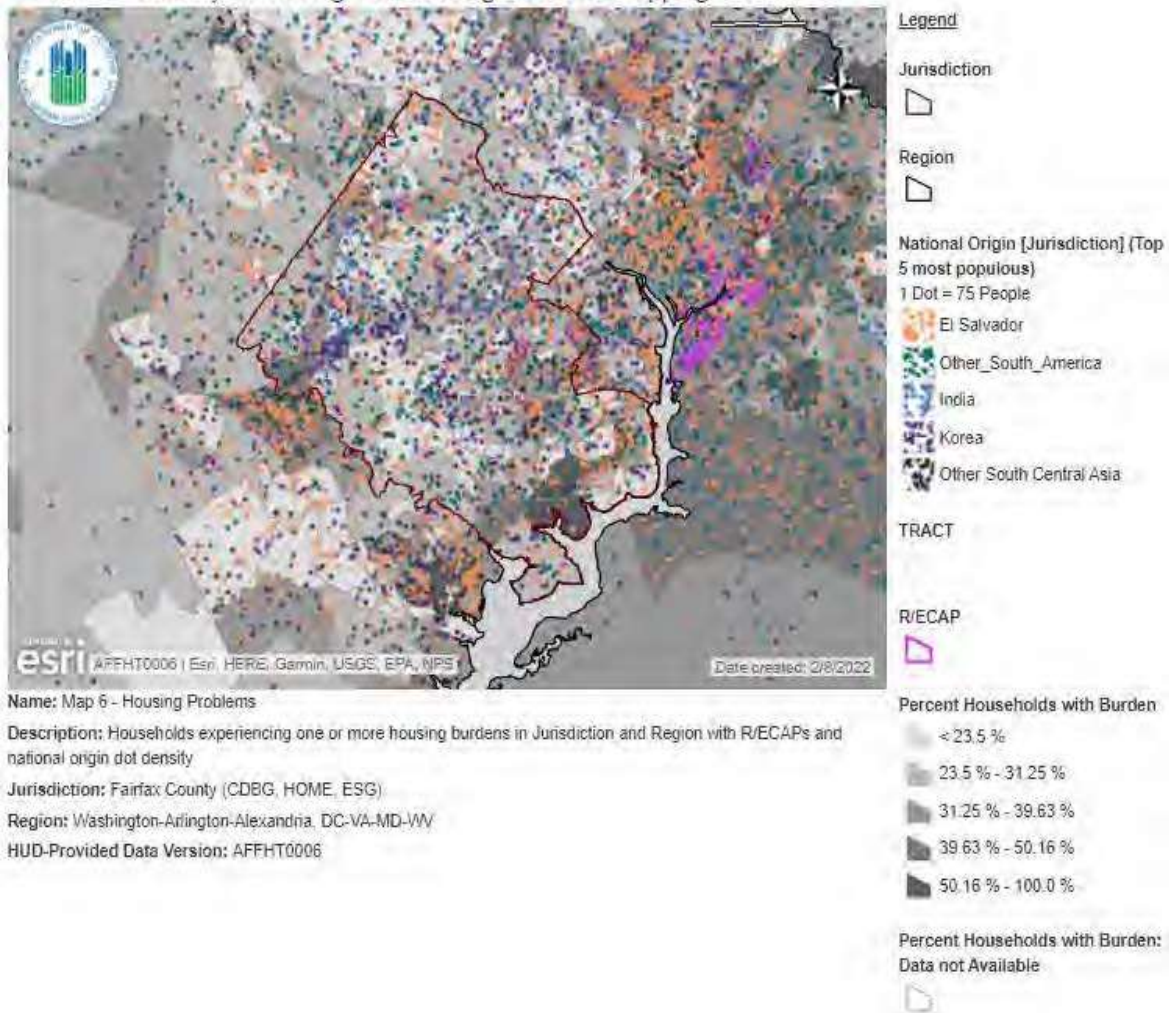
Among renter-occupied households, almost one-half have one or more substandard housing condition in Gaithersburg, Montgomery County, and Prince William County. Renter-occupied households in Alexandria, Arlington and Loudoun Counties are least likely to experience substandard housing conditions.

**1.b. Which areas in the jurisdiction and the region experience the greatest housing burdens? Which of these areas align with segregated areas, integrated areas, or R/ECAPs and what are the predominant race/ethnicity or national origin groups in such areas?**

**Map 71: Households with Any of the Four Housing Problems (Race/Ethnicity), Fairfax County, VA**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool

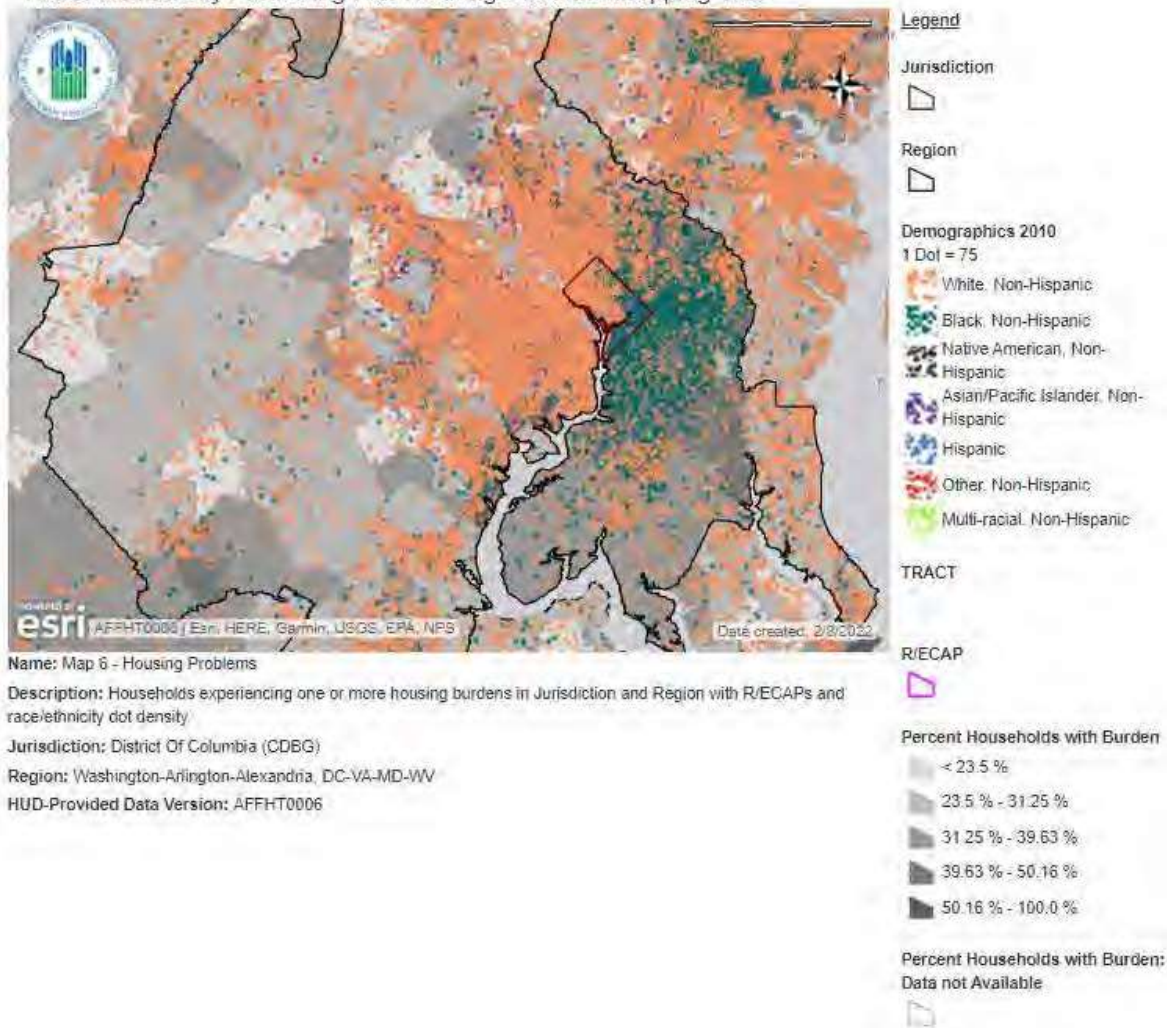


**Map 72: Households with Any of the Four Housing Problems (National Origin), Fairfax County**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



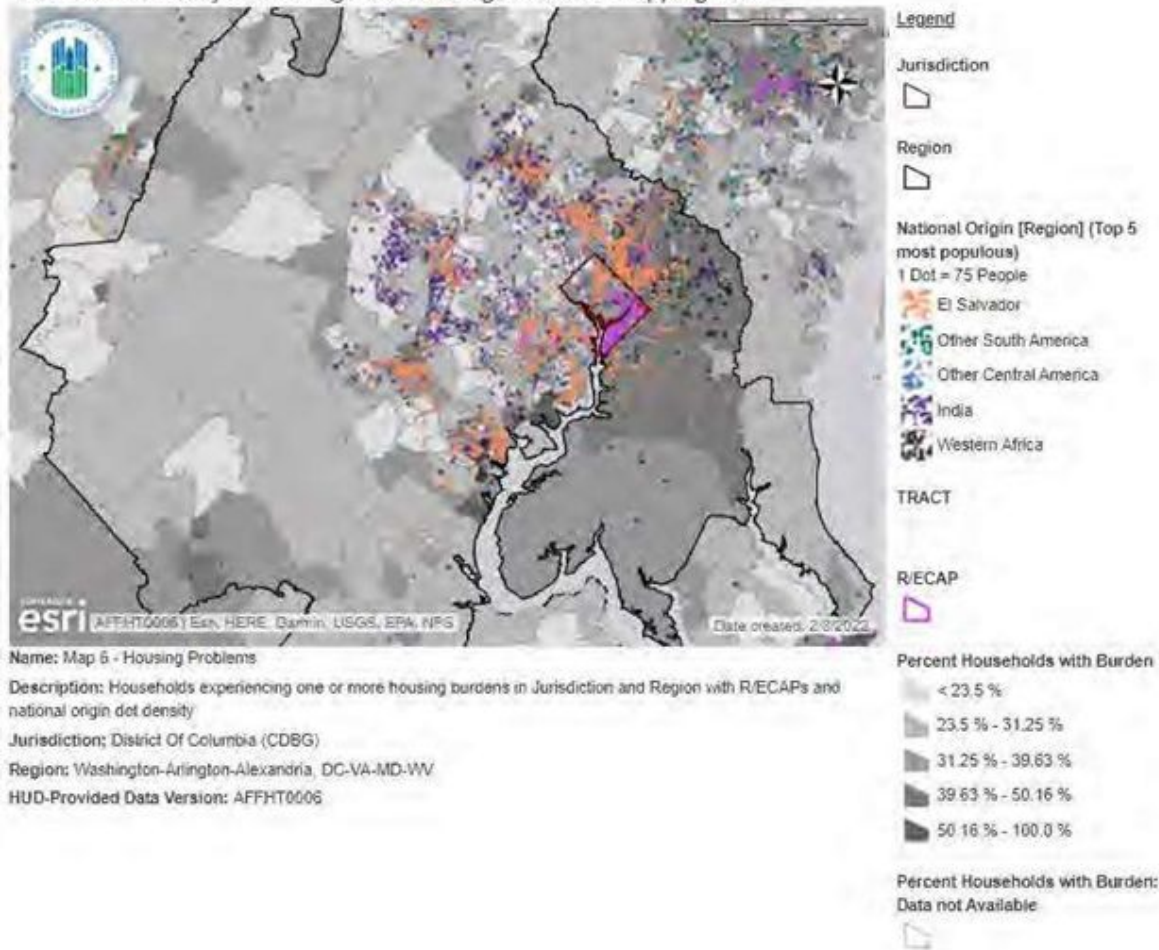
In Fairfax County, White households with housing problems are fairly evenly dispersed within the region, but this is not the case for Black and Hispanic households. Hispanic households are predominantly located both in the northeastern edge of Fairfax and on the western border where several scattered clusters of Hispanic households reside. Groups by national origin with housing problems are fairly dispersed throughout the region, with Koreans, Indians, and Salvadorans constituting the households residing in areas with the highest concentrations of housing problems. Korean households tend to be clustered in the western and central portions of the county. Indian households most commonly reside in the northern portion, while Salvadorans have several clusters dispersed throughout the jurisdiction, with the highest concentration in the central to eastern portion of the county. These households tend to be segregated by national origin, with high numbers of households with problems concentrated in their respective areas.

**Map 73: Households with Any of the Four Housing Problems (Race/Ethnicity), Region**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 6 - Housing Problems  
**Description:** Households experiencing one or more housing burdens in Jurisdiction and Region with R/ECAPs and race/ethnicity dot density  
**Jurisdiction:** District Of Columbia (CDBG)  
**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV  
**HUD-Provided Data Version:** AFFHT0006

**Map 74: Households with Any of the Four Housing Problems (National Origin), Region**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



There is a regional split in the racial distribution of housing problems that reflects the region’s overall demographics. Households with housing problems tend to be concentrated in the east and southeast portions of the region, which are overwhelmingly Black. Toward the center of the region, the number of households with problems becomes increasingly concentrated. This uneven distribution may in part be explained by the fact that these more centralized jurisdictions have higher populations and older housing stock. This regional pattern closely resembles the jurisdictional patterns because, for the most part, the distribution of households with housing problems is concentrated in certain parts of the area rather than forming an evenly distributed pattern. Overall, while White households in all of the jurisdictions except for the District of Columbia form the plurality racial or ethnic group and constitute 53 percent of the total regional population, households of color are disproportionately represented when their relative population size is accounted for. National origin groups, which are dominated by Indians and Salvadorans, tend to be distributed toward the eastern half of the region. The high proportion of Salvadoran households closely follows the patterns for each jurisdiction, but prevalence of Indian households appears to be most prominent in Loudoun County.

**1.c. Compare the needs of families with children for housing units with two, and three or more bedrooms with the available existing housing stock in each category of publicly supported housing for the jurisdiction and region.**

**Table 25: Publicly Supported Housing by Program Category: Units by Number of Bedrooms and Number of Children**

Fairfax County, VA	Households in 0-1 Bedroom Units		Households in 2 Bedroom Units		Households in 3+ Bedroom Units		Households with Children	
	#	%	#	%	#	%	#	%
Public Housing	0	0.00%	0	0.00%	0	0.00%	N/A	N/A
Project-Based Section 8	1,365	48.1%	888	31.3%	566	20%	821	28.9%
Other Multifamily	23	39%	9	15.3%	0	0.00%	3	5.1%
HCV Program	1,342	27.4%	1,753	35.8%	1,799	36.8%	2,110	43.1%

Fairfax County

Fairfax County has no public housing units and only 23 other multifamily assisted housing units. Households with families have lower cost burdens compared to single-resident households. Most families with children, particular those of larger sizes, utilize the HCV program, with the remainder living in project-based Section 8 units. Note that all public housing in Fairfax County was converted to RAD-Project-Based Vouchers.

Region

There are not enough publicly supported housing units in the region, resulting in a lack of sufficient affordable housing, particularly for families. In most jurisdictions, HCVs offer the most adequate publicly supported housing for families in need. In contrast, project-based Section 8 units do not offer much—or sometimes any—housing opportunity for families, and it is likely that many developments are restricted to seniors. There is a clear need for more affordable housing units for families instead of HCVs alone.

**1.d. Describe the differences in rates of renter and owner-occupied housing by race/ethnicity in the jurisdiction and Region.**

**Table 26: Housing Tenure by Race**

			Fairfax County	Region
White, Non- Hispanic	Owner- Occupied	#	187,405	820,608
		%	76.9	73.3
	Renter-Occupied	#	56,261	299,248
		%	23.1	26.7
Hispanic	Owner- Occupied	#	21,970	99,296
		%	50.9	50
	Renter-Occupied	#	21,200	99,442
		%	49.1	50
Black	Owner- Occupied	#	16,268	277,586
		%	46.3	51.8
	Renter-Occupied	#	18,892	257,980
		%	53.7	48.2
Native American	Owner- Occupied	#	624	4,269
		%	58.8	56.3
	Renter-Occupied	#	438	3,311
		%	41.2	43.7
Asian or Pacific Islander	Owner- Occupied	#	40,728	112,704
		%	68.9	67.7
	Renter-Occupied	#	18,420	53,821
		%	31.1	32.3

**Table 27: Population Growth by Housing Type**

Jurisdiction	Owner-occupied	Renter-Occupied
Fairfax County	-2%	16%

### Fairfax County

Fairfax has a high homeownership rate. More than three-quarters of White households own their own homes, and almost 70 percent of Asian Americans are homeowners. The majority of Hispanic households are homeowners, and 46 percent of Blacks are homeowners. For Native American households, the rate of owner-occupied homes is even greater than for Black and Hispanic households, with more than 58 percent of households living in owner-occupied housing.

### Region

Throughout the region, at least 50 percent of all households, irrespective of race, live in owner-occupied housing. White residents have the highest rate of owner-occupied households at 73 percent, and Asian American have the second highest at 67 percent. Although in several counties Hispanic households have higher rates of home ownership than Black households, in the region as a whole, they have the lowest rate of homeownership. As is the general trend on a jurisdiction-by-jurisdiction basis, White households have much higher rates of homeownership than households of color, particularly Hispanic and Black households.

### **Additional Information**

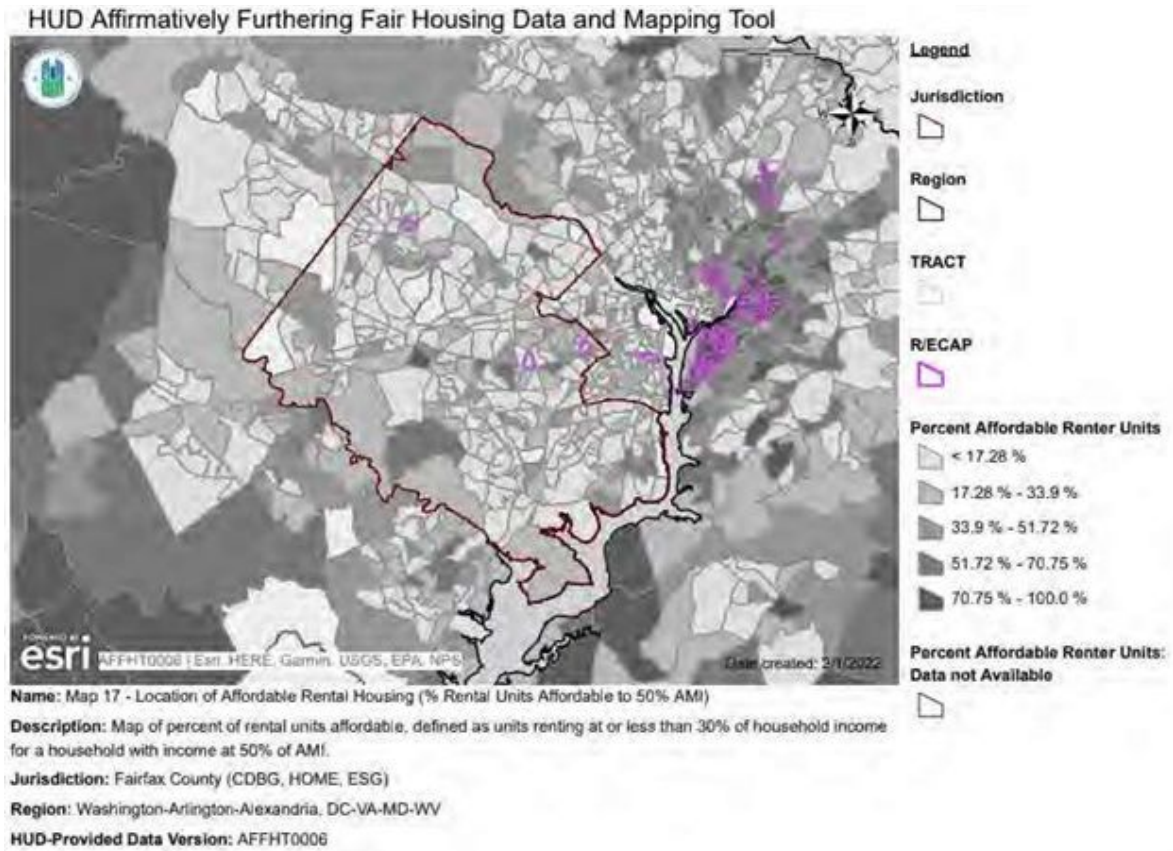
***2.a. Beyond the HUD-provided data, provide additional relevant information, if any, about disproportionate housing needs in the jurisdiction and the region affecting groups with other protected characteristics.***

### **Spatial Distribution and Availability of Affordable Housing**

Affordable rental housing is defined as a unit renting at or less than 30 percent of household income for a household with income at 50 percent of the AMI.



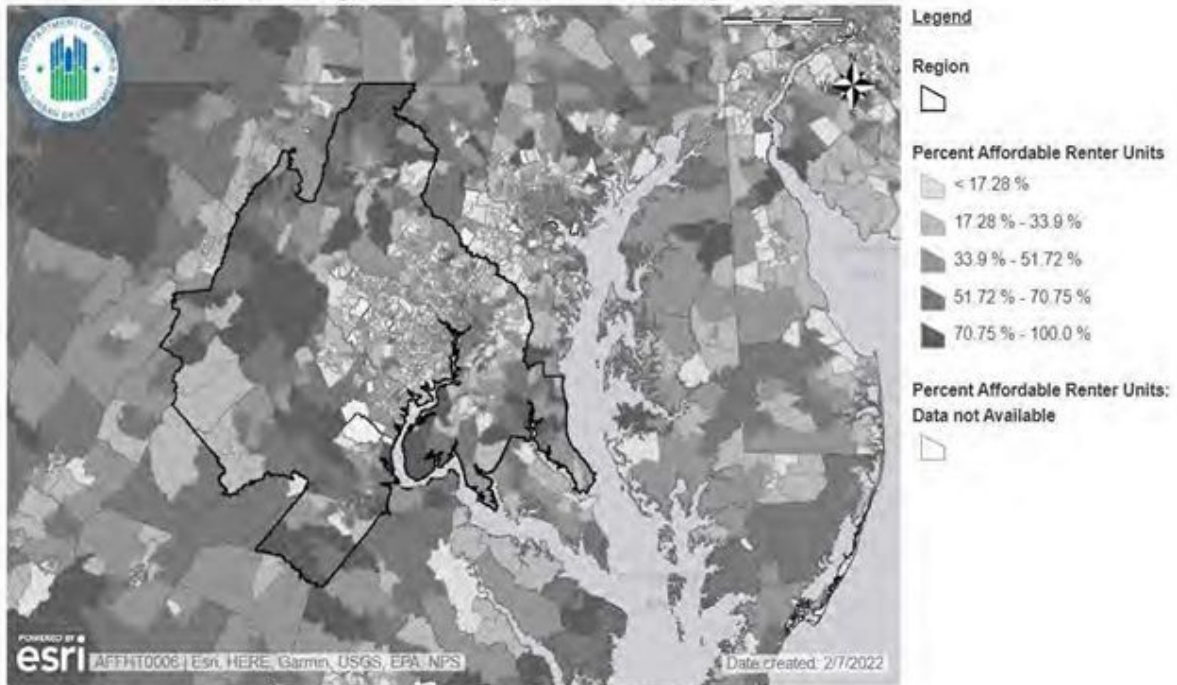
Map 75: Location of Affordable Rental Housing, Fairfax County, VA



There is an uneven distribution of affordable housing in Fairfax County. Less than one-third of housing is affordable in most tracts. The southwest area has a higher concentration of affordable housing than do other areas in the jurisdiction.

## Map 76: Location of Affordable Rental Housing, Region

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 17 - Location of Affordable Rental Housing (% Rental Units Affordable to 50% AMI)

**Description:** Map of percent of rental units affordable, defined as units renting at or less than 30% of household income for a household with income at 50% of AMI.

**Jurisdiction:** District Of Columbia (CDBG)

**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV

**HUD-Provided Data Version:** AFFHT0006

The region's rental housing stock that is affordable to low-income households—regardless of subsidy status—is concentrated on the edges of the metropolitan area. Some affordable rental units exist in the center of some jurisdictions, although the centers of the District of Columbia and Fairfax and Montgomery Counties have a greater concentration of households with housing cost burdens. Affordable housing that is available in this central area tends to be concentrated in R/ECAP areas. Otherwise, the largest supply of affordable housing is located on the periphery.

### C. Publicly Supported Housing Analysis

Data note: Some of the tables and maps in this section are sourced from the HUD tool, which used 2011–2015 five-year ACS data. These maps and tables are accessible to all and can be used by anyone to numerically and spatially analyze their jurisdictions or communities of interest. Other tables and maps that the Urban Institute created are based off of 2015–2019 five-year ACS estimated data. Due to this, some of the maps identify different census tracts as R/ECAPs and reflect slightly different demographic data.

#### 1. Publicly supported housing demographics

**Table 28: Publicly Supported Housing Units by Program Category**

Fairfax County, VA	#	%
Total housing units	416,678	-
Public Housing	N/a	0%
Project-Based Section 8	3,046	1.63%
Other Multifamily	64	N/a
HCV Program	5,055	2.60%

#### Fairfax County

In Fairfax County, there are project-based Section 8 units, other multifamily assisted housing units, and HCV units. Overall, 1.96 percent of households reside in units assisted with federal tenant-based or project-based subsidies. HCVs are the most prominent source of publicly supported housing units in Fairfax County, followed by project-based Section 8 housing. There are no public housing units in Fairfax County.

#### Region

Across the jurisdictions, approximately 4 percent of households reside in units assisted with federal tenant-based or project-based subsidies. In every jurisdiction, HCVs are the most prominent source of publicly supported housing, followed by project-based Section 8 housing. A majority of the jurisdictions have no public housing units at all. It is clear from these data that while progress is being made, there is still a need for more publicly supported housing in the region

**1.a. Are certain racial/ethnic groups more likely to be residing in one program category of publicly supported housing than other program categories (public housing, Project-Based Section 8, Other Multifamily Assisted developments, and Housing Choice Voucher (HCV) in the jurisdiction?**

**Table 29: Publicly Supported Housing Demographics**

Fairfax County, VA	White		Black		Hispanic		Asian or Pacific Islander	
	#	%	#	%	#	%	#	%
Public Housing	N/a	N/a	0	0.00%	N/a	N/a	N/a	N/a
Project-Based Section 8	924	32.78%	834	29.58%	173	6.14%	847	30.05%
Other Multifamily	20	62.50%	7	21.88%	0	0.00%	5	15.63%
HCV Program	1,199	24.50%	2,482	50.72%	432	8.83%	765	15.63%
Total Households	243,573	60.62%	36,751	9.15%	46,177	11.49%	64,896	16.15%
0-30% AMI	14,371	40.43%	6,008	16.90%	6,785	19.09%	7,247	20.39%
0-50% AMI	27,397	40.27%	10,130	14.89%	15,101	22.20%	13,121	19.29%
0-80% AMI	37,453	41.79%	12,834	14.32%	19,392	21.64%	17,047	19.02%
Region	White		Black		Hispanic		Asian or Pacific Islander	
	#	%	#	%	#	%	#	%
Public Housing	503	6.71%	6,532	87.15%	315	4.20%	128	1.71%
Project-Based Section 8	3,501	17.17%	13,201	64.76%	1,182	5.80%	2,408	11.81%
Other Multifamily	449	26.35%	969	56.87%	100	5.87%	181	10.62%
HCV Program	N/a	N/a		N/a	N/a	N/a	N/a	N/a

<b>Total Households</b>	<b>1,146,249</b>	<b>53.04%</b>	<b>547,575</b>	<b>25.34%</b>	<b>229,029</b>	<b>10.60%</b>	<b>184,508</b>	<b>8.54%</b>
<b>0–30% AMI</b>	<b>90,665</b>	<b>33.26%</b>	<b>112,341</b>	<b>41.21%</b>	<b>40,008</b>	<b>14.68%</b>	<b>21,717</b>	<b>7.97%</b>
<b>0–50% AMI</b>	<b>175,960</b>	<b>34.84%</b>	<b>190,389</b>	<b>37.70%</b>	<b>85,426</b>	<b>16.92%</b>	<b>39,408</b>	<b>7.80%</b>
<b>0–80% AMI</b>	<b>244,055</b>	<b>36.68%</b>	<b>240,579</b>	<b>36.15%</b>	<b>111,238</b>	<b>16.72%</b>	<b>51,826</b>	<b>7.79%</b>
Note: Numbers presented are numbers of households, not individuals. Data sources: Decennial Census; APSH; CHAS								

**Fairfax County**

In Fairfax County, Black households represent the highest percentage of households that use HCVs, accounting for more than 50 percent of HCV users. Black households using publicly supported housing are most likely to use HCVs. The second-most-common option for Black households is project-based Section 8 housing. Hispanic households represent the smallest percentage of use of project-based Section 8 housing, other multifamily assisted housing, and HCV units. Hispanic households using publicly supported housing are most likely to use HCVs. The second-most-common option for Hispanic households is project-based Section 8 housing. White households represent the highest percentage of households that occupy project-based Section 8 housing and other multifamily assisted housing. White households using publicly supported housing are most likely to use HCVs. The second-most-common option for White households is project-based Section 8 housing. Asian or Pacific Islander households represent the second-highest percentage of households that occupy project-based Section 8 housing. Asian or Pacific Islander households using publicly supported housing are most likely to reside in project-based Section 8 housing. The second-most-common option for Asian or Pacific Islander households is usage of HCVs. Overall, in Fairfax County, Black households are most likely to occupy publicly supported housing by a large margin, while Hispanic households are least likely to occupy publicly supported housing.

**Region:**

Regionally, the vast majority of households living in publicly supported housing are Black households, despite only accounting for one-quarter of the region’s total population. Black households represent the highest percentage of households living in public housing, project-based Section 8 housing, and other multifamily housing. The second-highest number of households living in publicly supported housing are White households, despite accounting for more than half of the region’s total population. White households represent the second-highest percentage of households living in public housing, project-based Section 8 housing, and other multifamily housing. The third-highest number of households living in publicly supported housing are Hispanic households, and Asian or Pacific Islander households are least likely to occupy publicly supported housing. Regionally, HCVs are most used type of publicly supported housing assistance in every jurisdiction, often by a large margin.

**1.b. Compare the racial/ethnic demographics of each program category of publicly supported housing for the jurisdiction to the demographics of the same program category in the region.**

Regional data are not available concerning the demographics of HCV users but are available for other types of publicly supported housing.

**Fairfax County**

In Fairfax County, there is a higher percentage of White, Hispanic, and Asian or Pacific Islander households living in project-based Section 8 housing developments than across the region. There is a

lower percentage of Black households living in project-based Section 8 housing developments than regionwide. There is a higher percentage of White and Asian or Pacific Islander households living in other multifamily assisted housing developments than across the region. There is a lower percentage of Black and Hispanic households living in other multifamily assisted housing developments than across the region. In Fairfax County, there are no public housing developments.

**1.c. Compare the demographics, in terms of protected class, of residents of each program category of publicly supported housing (public housing, project-based Section 8, other multifamily assisted developments, and HCVs) to the population in general and to those who meet the income eligibility requirements for the relevant program category of publicly supported housing in the jurisdiction and the region. Include in the comparison a description of whether there is a higher or lower proportion of groups based on protected class.**

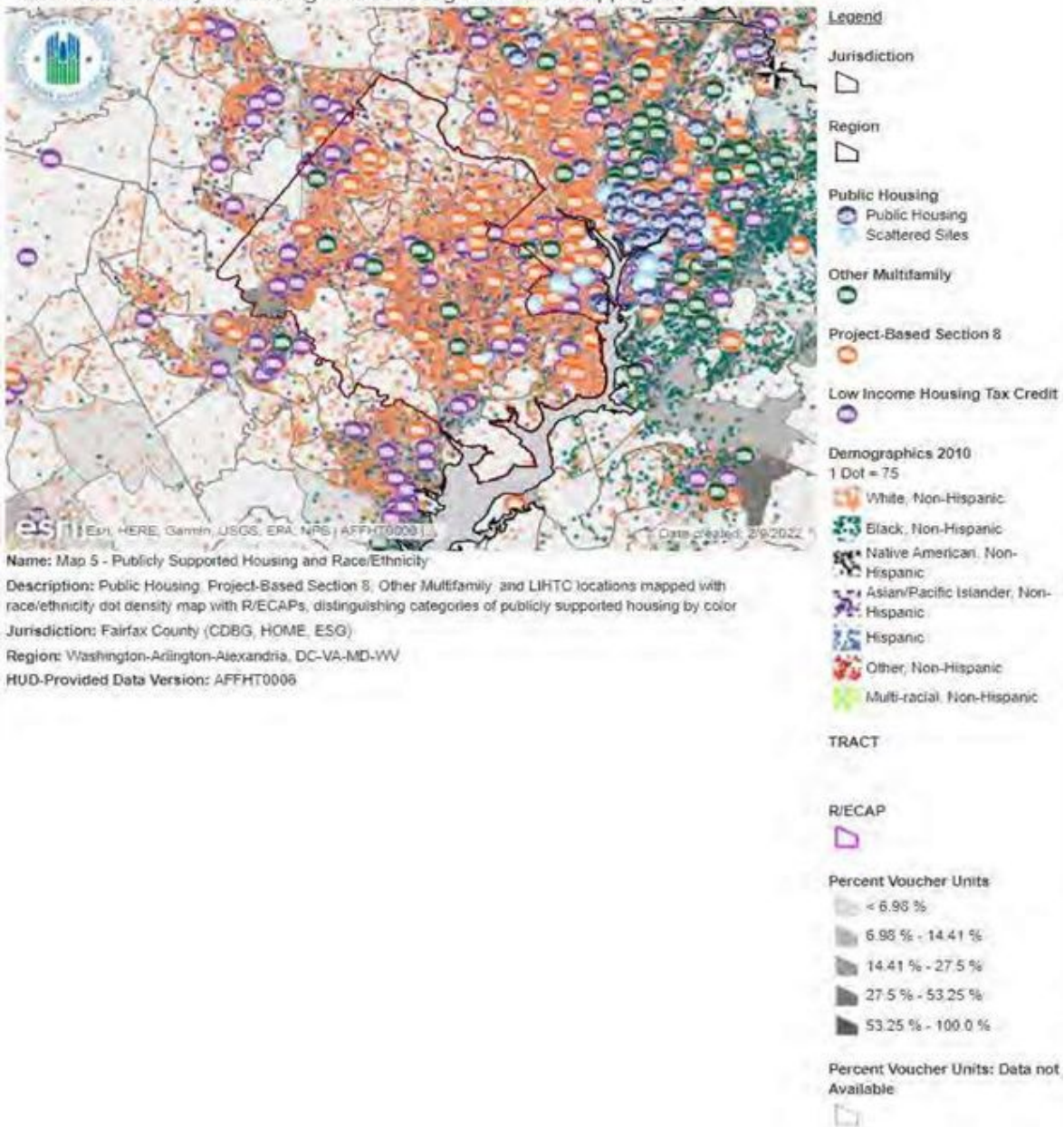
#### Fairfax County

In Fairfax County, there is a higher proportion of Black households using HCVs, residing in project-based Section 8 housing, and residing in other multifamily assisted housing when compared to the total number of Black households. There is also a higher proportion of White households residing in other multifamily assisted housing and a higher proportion of Asian or Pacific Islander households residing in project-based Section 8 housing when compared to the total number of households in those groups. Correspondingly, there is a lower proportion of White households using HCVs and residing in project-based Section 8 housing. There is also a lower proportion of Hispanic households using HCVs, residing in project-based Section 8 housing, and residing in other multifamily assisted housing. Finally, there is a lower percentage of Asian or Pacific Islander households using HCVs and residing in other multifamily assisted housing compared to the total number of Asian or Pacific Islander households.

## **2. Publicly Supported Housing Location and Occupancy**

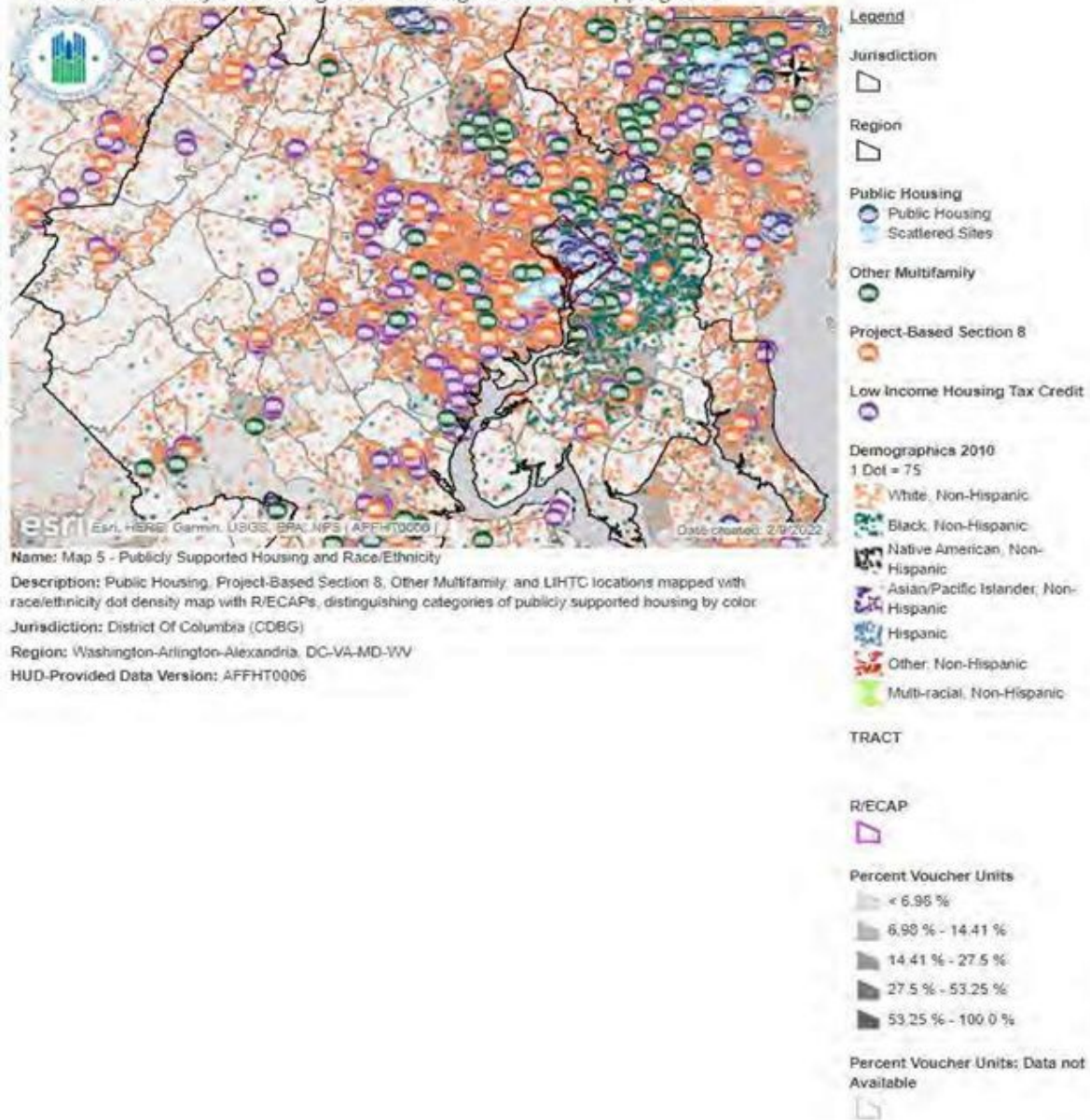
**2.a. Describe patterns in the geographic location of publicly supported housing by program category (public housing, project-based Section 8, other multifamily assisted developments, HCVs, and LIHTC) in relation to previously discussed segregated areas and R/ECAPs in the jurisdiction and the region.**

**Map 77: Publicly Supported Housing and Race/Ethnicity, Fairfax County, VA**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



In Fairfax County, the majority of publicly supported housing units, specifically units for which tenants use HCVs, are located near the eastern portion of the county, where there is a large proportion of Black residents. The publicly supported housing units in the northern and western parts of the county are predominantly project-based Section 8 units and LIHTC units. Those areas have a larger proportion of White and Asian or Pacific Islander residents.

**Map 78: Publicly Supported Housing and Race/Ethnicity, Region**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Regionally, much of the publicly supported housing is concentrated near areas with high proportions of Black residents. Publicly supported housing is least likely to be located in areas with high proportions of White residents. The areas with the highest percentage of HCV users also tend to be areas in higher percentages of Black residents. There is much more publicly supported housing in the eastern portion of the region that is closest to D.C. There is a lack of publicly supported housing in the western and southern portions of the region.

**2.b. Describe patterns in the geographic location of publicly supported housing that primarily serves families with children, elderly persons, or persons with disabilities in relation to previously**



*discussed segregated areas or R/ECAPs in the jurisdiction and the region.*

Fairfax County

In Fairfax County, project-based Section 8 housing serves the highest percentage of elderly residents and families with children when compared to other types of publicly supported housing. Project-based Section 8 developments are more evenly dispersed throughout the county than other types of publicly supported housing. Other multifamily assisted housing serves the highest percentage of residents with disabilities. There are not many other multifamily assisted housing units in Fairfax County, but a majority of these units are in areas with predominantly White populations. HCV program units are most likely to be in areas with large Black populations.

**2.c. How does the demographic composition of occupants of publicly supported housing in R/ECAPS compare to the demographic composition of occupants of publicly supported housing outside of R/ECAPs in the jurisdiction and the region?**

Fairfax County

In Fairfax County, there are both project-based Section 8 developments and HCV units in R/ECAPs. White residents account for the majority of residents in project-based Section 8 developments and of HCV voucher users in R/ECAPs. The percentage of White residents in these developments in R/ECAPs is much higher than the percentage of White residents in these developments outside of R/ECAPs.

**Table 30: Publicly Supported Housing Demographics by R/ECAP and Non R/ECAP Tracts**

Fairfax County	Total Units (Occupied) #	White %	Black %	Hispanic %	Asian or Pacific Islander %	Families with Children %	Elderly %	With a Disability %
<b>Public Housing</b>								
R/ECAP tracts	N/a	N/a	0.00%	N/a	N/a	N/a	N/a	N/a
Non-R/ECAP tracts	N/a	N/a	0.00%	N/a	N/a	N/a	N/a	N/a
<b>Project-Based Section 8</b>								
R/ECAP tracts	97	90.10%	7.92%	0.00%	1.98%	60.40%	25.74%	2.63%
Non-R/ECAP tracts	2,649	29.79%	30.82%	6.29%	31.77%	27.24%	60.35%	8.48%
<b>Other Multifamily</b>								
R/ECAP tracts	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a
Non-R/ECAP tracts	32	62.50%	21.88%	0.00%	15.63%	5.08%	13.56%	42.80%

HCV Program								
R/ECAP tracts	41	43.18%	29.55%	6.82%	20.45%	29.55%	47.73%	27.37%
Non R/ECAP tracts	4,529	24.33%	50.90%	8.85%	15.59%	43.23%	34.13%	21.42%
Note: Disability information is often reported for heads of household or spouse/co-head only. Here, the data reflect information on all members of the household.								
Data source: APSH								

*2.d. Do any developments of public housing, properties converted under the RAD, and LIHTC developments have a significantly different demographic composition, in terms of protected class than other developments of the same category for the jurisdiction? Describe how these developments differ.*

**Table 31: Project-Based Section 8 Publicly Supported Housing Demographics**

Fairfax County									
Type	Development Name	PHA Code	PHA Name	Units #	White %	Black %	Hispanic %	Asian %	Households with Children %
Project-Based Section 8	CEDAR RIDGE	N/a	N/a	195	77.98	14.29	4.76	2.98	60.12
Project-Based Section 8	ISLAND WALK COOPERATIVE	N/a	N/a	101	90.1	7.92	0	1.98	60.4
Project-Based Section 8	OAKVIEW GARDENS II	N/a	N/a	158	11.76	66.18	19.12	2.94	51.47
Project-Based Section 8	TYSONS TOWERS	N/a	N/a	274	31.33	6.83	2.81	59.04	N/a
Project-Based Section 8	MINERVA FISHER HALL GROUP HOME	N/a	N/a	12	N/a	N/a	N/a	N/a	N/a
Project-Based Section 8	YORKVILLE COOPERATIVE	N/a	N/a	236	32.51	23.15	5.91	38.42	36.95

Project-Based Section 8	THE LEWINSVILLE	N/a	N/a	143	40.28	3.47	7.64	48.61	0.69
Project-Based Section 8	TYSONS LANDING	N/a	N/a	40	29.73	51.35	8.11	8.11	35.14
Project-Based Section 8	HARTWOOD PLACE	N/a	N/a	12	83.33	8.33	0	8.33	N/a
Project-Based Section 8	WEXFORD MANOR	N/a	N/a	14	21.43	42.86	14.29	14.29	50
Project-Based Section 8	STONEGATE VILLAGE APTS. L.P.1	N/a	N/a	46	15.22	52.17	19.57	13.04	56.52
Project-Based Section 8	LAKE ANNE FELLOWSHIP HOUSE II	N/a	N/a	91	42.22	3.33	2.22	52.22	N/a
Project-Based Section 8	LAKE ANNE FELLOWSHIP HOUSE I	N/a	N/a	27	66.67	14.81	0	18.52	N/a
Project-Based Section 8	HUNTERS WOODS FELLOWSHIP	N/a	N/a	222	25.48	1.44	2.4	70.19	N/a
Project-Based Section 8	CHANTILLY MEWS	N/a	N/a	50	22.45	57.14	6.12	10.2	63.27
Project-Based Section 8	HARTWOOD GROUP HOMES	N/a	N/a	14	100	N/a	0	N/a	N/a
Project-Based Section 8	MOUNT VERNON HOUSE	N/a	N/a	130	29.46	30.23	14.73	25.58	N/a
Project-Based Section 8	SPRING GARDEN APARTMENTS	N/a	N/a	207	6.34	85.37	4.88	3.41	50.24
Project-Based Section 8	WESTMINSTER OAKS	N/a	N/a	50	29.17	31.25	0	12.5	43.75

Project-Based Section 8	PATHWAYS HOMES, INC.	N/a	N/a	18	100	N/a	0	N/a	N/a
Project-Based Section 8	STONY BROOK	N/a	N/a	40	5.41	72.97	2.7	5.41	48.65
Project-Based Section 8	HUNTING CREEK	N/a	N/a	35	8.57	85.71	0	2.86	74.29
Project-Based Section 8	OAKVIEW GARDENS SEC I	N/a	N/a	165	9.52	70.07	15.65	4.76	63.27
Project-Based Section 8	WEST WOOD OAKS	N/a	N/a	10	N/a	N/a	N/a	N/a	N/a
Project-Based Section 8	SUMMIT OAKS	N/a	N/a	50	51.02	16.33	6.12	26.53	32.65
Project-Based Section 8	BURKE LAKE GARDENS	N/a	N/a	99	20.2	1.01	2.02	76.77	N/a
Project-Based Section 8	GREENE HILLS ESTATES	N/a	N/a	100	61.11	27.78	2.22	8.89	55.56
Project-Based Section 8	EVERGREEN HOUSE	N/a	N/a	243	28.05	0.45	0.9	70.59	N/a
Project-Based Section 8	STRAWBRIDGE SQUARE ASSOCIATES	N/a	N/a	128	2.5	81.67	5	1.67	48.33
Project-Based Section 8	EDSALL STATION APTS	N/a	N/a	135	7.5	87.5	0.83	4.17	35
Other Multifamily Assisted Housing	WESLEY HOUSING @ COPPERMINE PLACE I	N/a	N/a	21	76.19	4.76	0	19.05	4.76
Other Multifamily Assisted	PATHWAY OPTIONS, INC.	N/a	N/a	3	N/a	N/a	N/a	N/a	N/a

Housing									
Other Multifamily Assisted Housing	CLA HOMES II, CORP.	N/a	N/a	7	N/a	N/a	N/a	N/a	N/a
Other Multifamily Assisted Housing	PATHWAY VISIONS, INC.	N/a	N/a	8	N/a	N/a	N/a	N/a	N/a
Other Multifamily Assisted Housing	WESLEY AGAPE HOUSE, INC.	N/a	N/a	12	36.36	54.55	0	9.09	18.18
Other Multifamily Assisted Housing	HARTWOOD TERRACE	N/a	N/a	4	N/a	N/a	N/a	N/a	N/a
Other Multifamily Assisted Housing	CLA HOMES I, CORP.	N/a	N/a	9	N/a	N/a	N/a	N/a	N/a

Fairfax County

In Fairfax County, among project-based Section 8 developments, Cedar Ridge Island Walk Cooperative, Hartwood Place, Hartwood Gardens, and Pathway Homes have significantly higher percentages of White residents. Oakwood Gardens II, Spring Garden Apartments, Hunting Creek, and Strawbridge Square Associates have significantly higher percentages of Black residents. Hunter Woods Fellowship has a significantly higher percentage of Asian or Pacific Islander residents.

**2.e. Provide additional relevant information, if any, about occupancy, by protected class, in other types of publicly supported housing for the jurisdiction and the region.**

**2.f. Compare the demographics of occupants of developments in the jurisdiction, for each category of publicly supported housing (public housing, project-based Section 8, other multifamily assisted developments, properties converted under RAD, and LIHTC) to the demographic composition of the areas in which they are located. For the jurisdiction, describe whether developments that are primarily occupied by one race/ethnicity are located in areas occupied largely by the same race/ethnicity. Describe any differences for housing that primarily serves families with children, elderly persons, or persons with disabilities.**

Table 32: Publicly Supported Housing Demographics and Surrounding Census Tract Demographics, Fairfax County, VA

Type	Development Name	PHA Code	PHA Name	Units #		White %		Black %		Hispanic %		Asian %		Households with Children %		Poverty Level %
				Devel opme nt	Tract	Devel opme nt	Tract	Devel opme nt	Tract	Devel opme nt	Tract	Devel opme nt	Tract	Devel opme nt	Tract	Tract
S8	CEDAR RIDGE	N/a	N/a	195	2,332	78.0	61.2	14.3	13.2	4.8	7	3.0	17.6	60.1	30.9	10
S8	ISLAND WALK COOPERATIVE	N/a	N/a	101	1,127	90.1	64.2	7.9	19.8	0.0	26.2	2.0	13.2	60.4	25.7	14.6
S8	OAKVIEW GARDENS II	N/a	N/a	158	2,003	11.8	22.9	66.2	25.2	19.1	33.6	2.9	16	51.5	39.7	17.3
S8	TYSONS TOWERS	N/a	N/a	274	2,068	31.3	56.4	6.8	5.3	2.8	6.2	59.0	26.2	N/a	36.2	7.1
S8	MINERVA FISHER HALL GROUP HOME	N/a	N/a	12	1,337	N/a	66.2	N/a	4.1	N/a	5.5	N/a	17.4	N/a	40	0.7
S8	YORKVILLE COOPERATIVE	N/a	N/a	236	1,373	32.5	40	23.2	14.5	5.9	17	38.4	27.3	37.0	33.4	9.7
S8	THE LEWINSVILLE	N/a	N/a	143	2,746	40.3	77.6	3.5	0.7	7.6	2	48.6	16.2	0.7	24	2.2
S8	TYSONS LANDING	N/a	N/a	40	1,659	29.7	37.1	51.4	7	8.1	7.6	8.1	43.3	35.1	28.5	5
S8	HARTWOOD PLACE	N/a	N/a	12	1,388	83.3	58.5	8.3	4.9	0.0	20.1	8.3	11.2	N/a	36	5.2
S8	WEXFORD MANOR	N/a	N/a	14	1,233	21.4	48.3	42.9	12.5	14.3	19.8	14.3	15.6	50.0	35.6	14.2
S8	STONEGATE VILLAGE APTS. L.P.1	N/a	N/a	46	2,045	15.2	32.8	52.2	21	19.6	33.9	13.0	9.1	56.5	42	10.2
S8	LAKE ANNE FELLOWSHIP HOUSE II	N/a	N/a	91	2,534	42.2	70	3.3	10	2.2	6.5	52.2	11.1	N/a	15.2	7
S8	LAKE ANNE FELLOWSHIP HOUSE I	N/a	N/a	27	2,534	66.7	70	14.8	10	0.0	6.5	18.5	11.1	N/a	15.2	7
S8	HUNTERS WOODS FELLOWSHIP	N/a	N/a	222	1,813	25.5	36.8	1.4	25.3	2.4	25.4	70.2	9.5	N/a	45.5	15.2
S8	CHANTILLY MEWS	N/a	N/a	50	1,660	22.5	33.4	57.1	2.8	6.1	22.3	10.2	37.3	63.3	48.7	5.9
S8	HARTWOOD GROUP HOMES	N/a	N/a	14	1,388	100.0	58.5	N/a	4.9	0.0	20.1	N/a	11.2	N/a	36	5.2
S8	MOUNT VERNON	N/a	N/a	130	2,264	29.5	63.5	30.2	21.6	14.7	7.1	25.6	2.9	N/a	46	15.5

	HOUSE															
S8	SPRING GARDEN APARTMENTS	N/a	N/a	207	2,264	6.3	63.5	85.4	21.6	4.9	7.1	3.4	2.9	50.2	46	15.5
S8	WESTMINSTER OAKS	N/a	N/a	50	1,753	29.2	51	31.3	13	0.0	16.6	12.5	15	43.8	37.3	5.9
S8	PATHWAYS HOMES, INC.	N/a	N/a	18		100.0	63.1	N/a	0.9	0.0	18.8	N/a	12.2	N/a	36.3	7.9
S8	MURRAYGATE VILLAGE APARTMENTS	N/a	N/a	40	2,422	6.5	17.6	51.6	27.7	29.0	45.4	12.9	8.2	35.5	51	18.2
S8	STONY BROOK	N/a	N/a	40	2,340	5.4	7.1	73.0	30.9	2.7	43.6	5.4	11.4	48.7	45.6	21.8
S8	HUNTING CREEK	N/a	N/a	35	2,264	8.6	63.5	85.7	21.6	0.0	7.1	2.9	2.9	74.3	46	15.5
S8	OAKVIEW GARDENS SEC I	N/a	N/a	165	2,003	9.5	22.9	70.1	25.2	15.7	33.6	4.8	16	63.3	39.7	17.3
S8	WEST WOOD OAKS	N/a	N/a	10		N/a	57.5	N/a	6.8	N/a	19.2	N/a	14.5	N/a	32.6	12
S8	SUMMIT OAKS	N/a	N/a	50	1,124	51.0	51.1	16.3	14	6.1	13.2	26.5	17.6	32.7	50.4	9.3
S8	BURKE LAKE GARDENS	N/a	N/a	99	1,702	20.2	61.5	1.0	10	2.0	10.4	76.8	15	N/a	36	4.7
S8	GREENE HILLS ESTATES	N/a	N/a	100	760	61.1	46.3	27.8	18.4	2.2	9.7	8.9	12.9	55.6	41.2	6.6
S8	EVERGREEN HOUSE	N/a	N/a	243	1,062	28.1	40.9	0.5	14	0.9	17.5	70.6	23	N/a	32.4	6.7
S8	STRAWBRIDGE SQUARE ASSOCIATES	N/a	N/a	128	1,647	2.5	14.3	81.7	38.5	5.0	30.1	1.7	15.6	48.3	42.3	9.9
S8	EDSALL STATION APTS	N/a	N/a	135	4,146	7.5	32.8	87.5	34.8	0.8	19.7	4.2	8.3	35.0	23.9	22.3
OM	WESLEY HOUSING @ COPPERMINE PLACE I	N/a	N/a	21	1,168	76.2	30.2	4.8	8.8	0.0	2.7	19.1	49.7	4.8	47.7	2.1
OM	PATHWAY OPTIONS, INC.	N/a	N/a	3		N/a	40	N/a	14.5	N/a	17	N/a	27.3	N/a	33.4	5.9
OM	CLA HOMES II, CORP.	N/a	N/a	7	2651	N/a	35.1	N/a	5.5	N/a	15.8	N/a	39.4	N/a	35	15.4
OM	PATHWAY VISIONS, INC.	N/a	N/a	8		N/a	53.2	N/a	3.2	N/a	16	N/a	21.1	N/a	43.8	3
OM	WESLEY AGAPE HOUSE, INC.	N/a	N/a	12	952	36.4	51.2	54.6	2.1	0.0	19.3	9.1	19.1	18.2	47.2	5

OM	HARTWOOD TERRACE	N/a	N/a	4	2,306	N/a	53.1	N/a	4.6	N/a	16.3	N/a	21.4	N/a	43.8	3
OM	CLA HOMES I, CORP.	N/a	N/a	9	2,476	N/a	35.1	N/a	5.5	N/a	15.8	N/a	39.4	N/a	35	15.4

Note: Housing types are P = public housing, S8 = project-based Section 8, and OM = other multifamily assisted housing

Fairfax County

In Fairfax County, the residents of publicly supported housing developments that serve a large percentage of families with children and elderly persons tend to be much more heavily Black than the populations of the census tracts in which they are located. Developments that serve a large percentage of persons with disabilities tend to have lower Asian or Pacific Islander populations than the census tracts in which they are located.

**3. Disparities in Access to Opportunity**

**3.a. Describe any disparities in access to opportunity for residents of publicly supported housing in the jurisdiction and the region, including within different program categories (public housing, project-based Section 8, other multifamily assisted developments, HCVs, and LIHTC) and between types (housing primarily serving families with children, elderly persons, and persons with disabilities) of publicly supported housing.**

Fairfax County

In Fairfax County, HCV users have lower access to proficient schools when compared to residents of project-based Section 8 developments and LIHTC developments. There is a large population of HCV users in the eastern portion of the county, which has lower access to proficient schools. Publicly supported housing developments in the northern and western parts of the county are predominantly project-based Section 8 developments and LIHTC developments. In Fairfax County, transportation costs are high across all types of publicly supported housing. There are no meaningful differences in engagement in the labor market and access to environmentally healthy neighborhoods across the different types of publicly supported housing. Jobs Proximity Index values are higher in the northern portion of the county, where there are project-based Section 8 developments and LIHTC developments.

Region

Regionally, public housing residents and HCV users tend to live in areas with low access to proficient schools, low labor market engagement, and low access to environmentally healthy neighborhoods. Proximity to transit centers is less consistent across areas with higher proportions of public housing residents and HCV users.



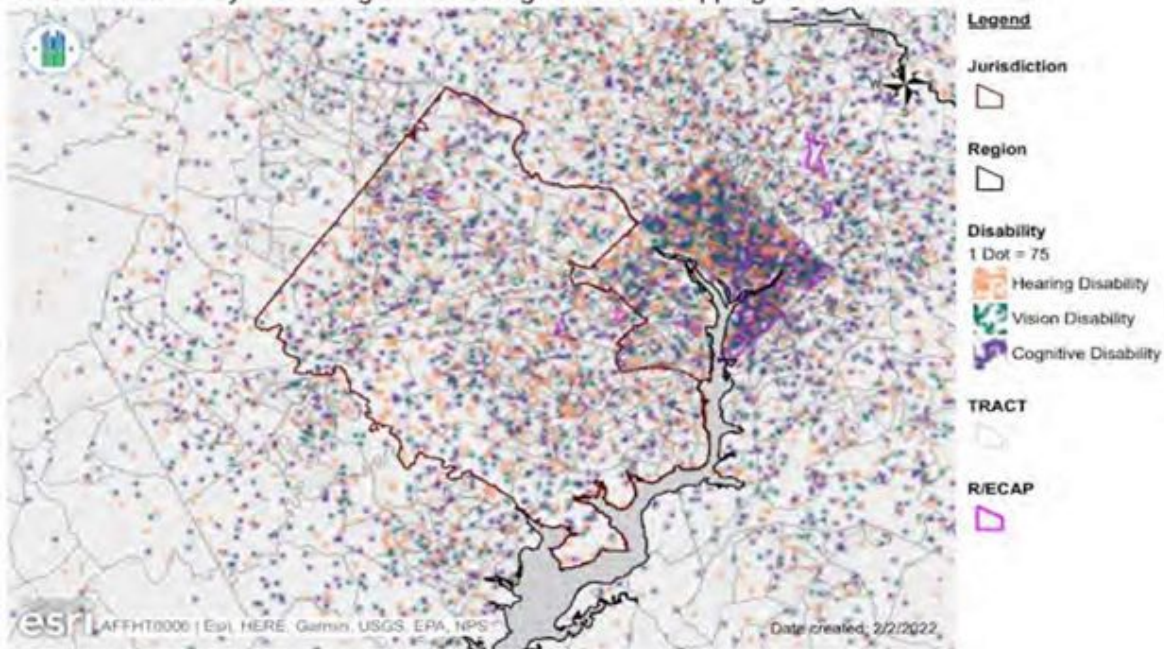
## D. Disability and Access Analysis

In 1988, Congress extended the Fair Housing Act's protections against housing discrimination to persons with disabilities. In addition to protection against intentional discrimination and unjustified policies that have disproportionate effects, the Fair Housing Act includes three provisions that are unique to persons with disabilities. First, it prohibits the denial of reasonable accommodation requests for persons with disabilities if the accommodations are necessary to afford an individual equal opportunity to use and enjoy a dwelling. Reasonable accommodations are departures from facially neutral policies and are generally available, so long as granting the accommodation request would not place an undue burden on the party providing the accommodation or result in a direct threat to the health or safety of others. Permitting an individual with an anxiety disorder to have a dog in their rental unit as an emotional support animal despite a broad "no pets" policy is an example of a reasonable accommodation. Second, it prohibits the denial of reasonable modification requests. Modifications involve physical alterations to a unit, such as the construction of a ramp or the widening of a door frame, and must be paid for by the person requesting the accommodation unless the unit receives federal financial assistance and is subject to Section 504 of the Rehabilitation Act. Third, it includes a design and construction provision that requires most multifamily housing constructed since 1991 to have certain accessibility features. This section of the Fair Housing Analysis looks at the housing barriers faced by persons with disabilities, including those that result in the segregation of persons with disabilities in institutions and other congregate settings.

### 1. Population Profile

#### Map 79: Disability by Type (Hearing, Vision, Cognitive), Fairfax County, VA

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 14 - Disability by Type

**Description:** Dot density map of the population of persons with disabilities by persons with vision, hearing, cognitive, ambulatory, self-care, and independent living difficulties with R/ECAPs for Jurisdiction and Region

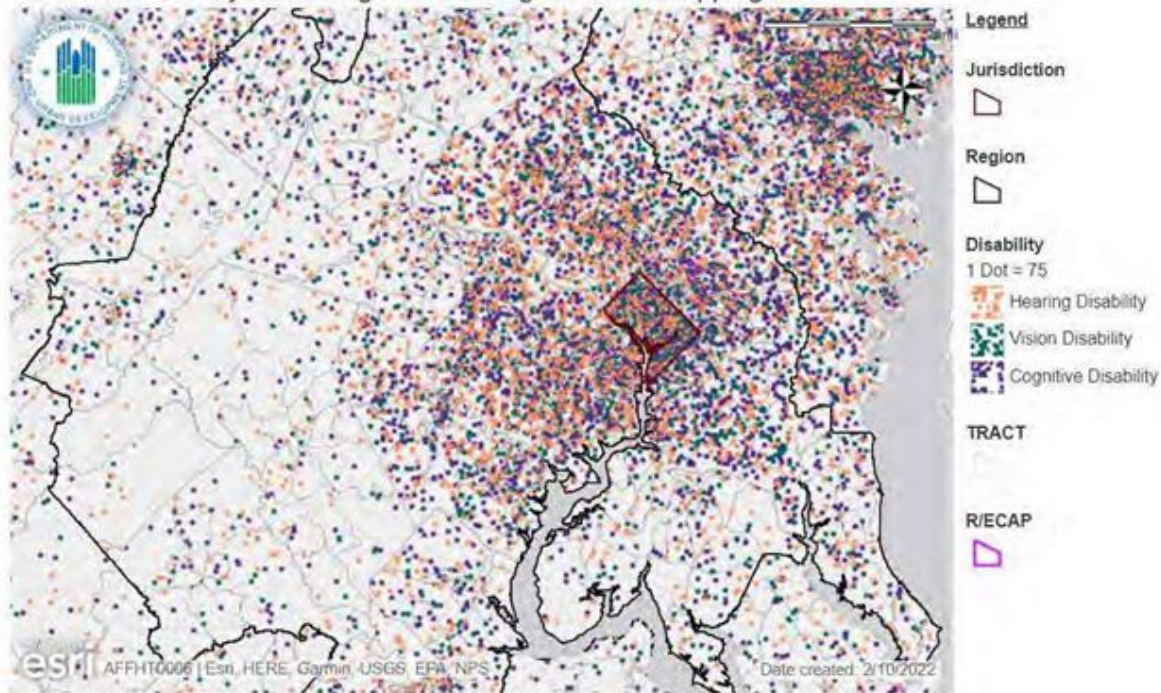
**Jurisdiction:** Fairfax County (CDBG, HOME, ESG)

**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV

**HUD-Provided Data Version:** AFFHT0006

### Map 80: Disability by Type (Hearing, Vision, Cognitive), Region

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Name: Map 14 - Disability by Type

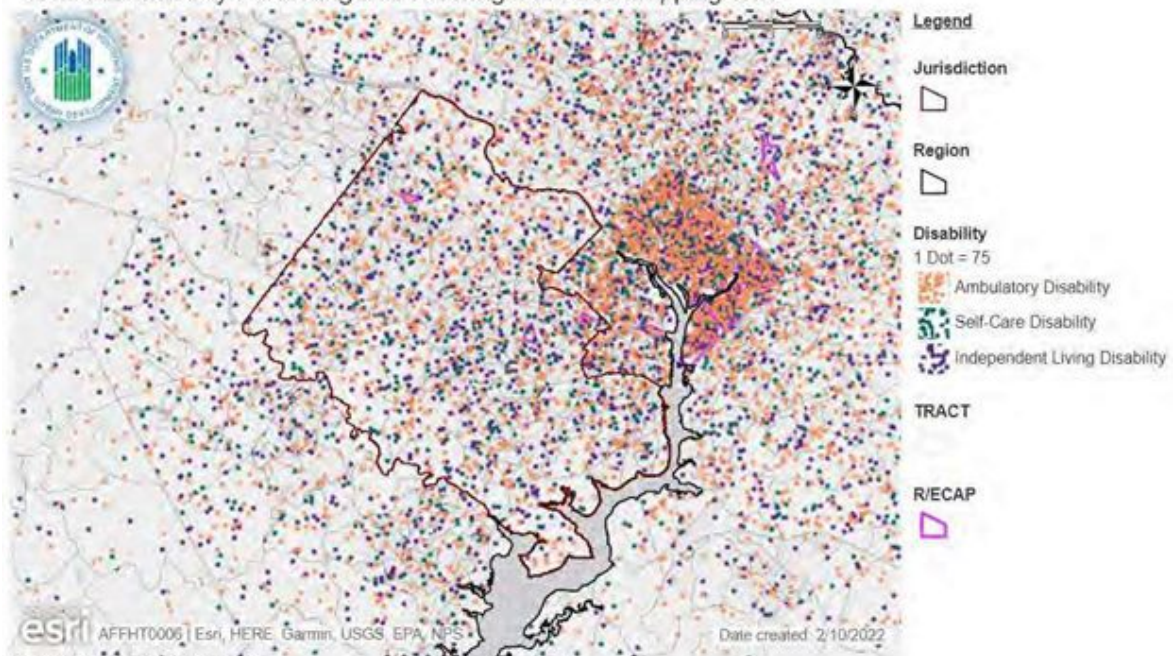
Description: Dot density map of the population of persons with disabilities by persons with vision, hearing, cognitive, ambulatory, self-care, and independent living difficulties with R/ECAPs for Junsdiction and Region

Jurisdiction: District Of Columbia (CDBG)

Region: Washington-Arlington-Alexandria, DC-VA-MD-WV

HUD-Provided Data Version: AFFHT0006

**Map 81: Disability by Type (Ambulatory, Self-Care, Independent Living), Fairfax County, VA**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 14 - Disability by Type

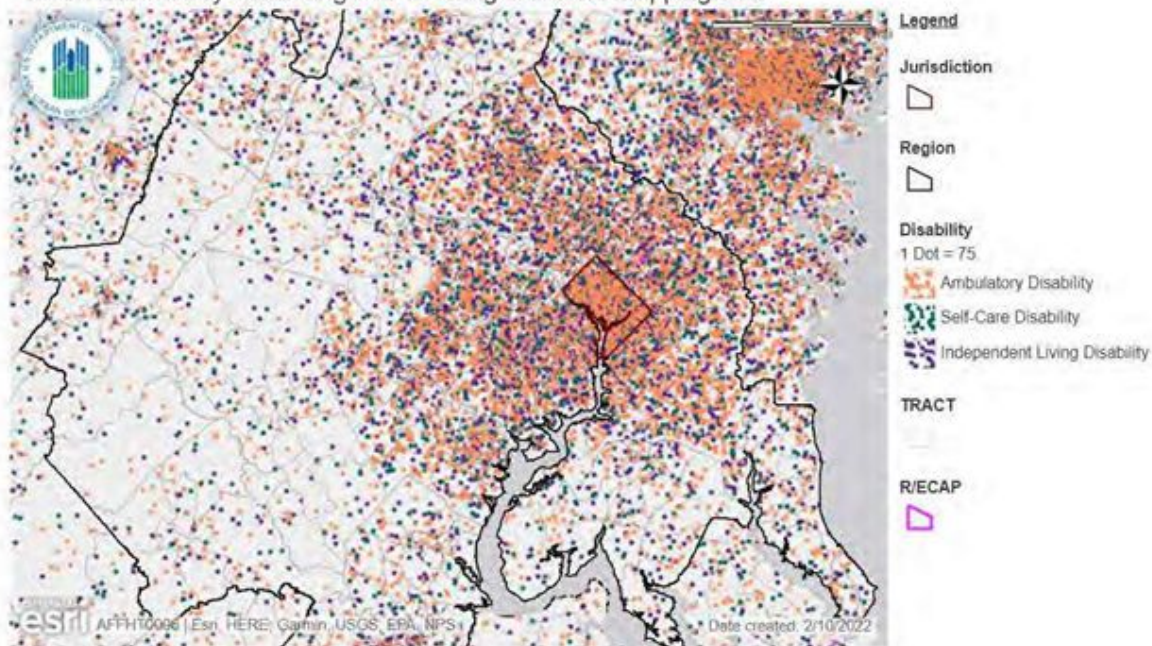
**Description:** Dot density map of the population of persons with disabilities by persons with vision, hearing, cognitive, ambulatory, self-care, and independent living difficulties with R/ECAPs for Jurisdiction and Region

**Jurisdiction:** Fairfax County (CDBG, HOME, ESG)

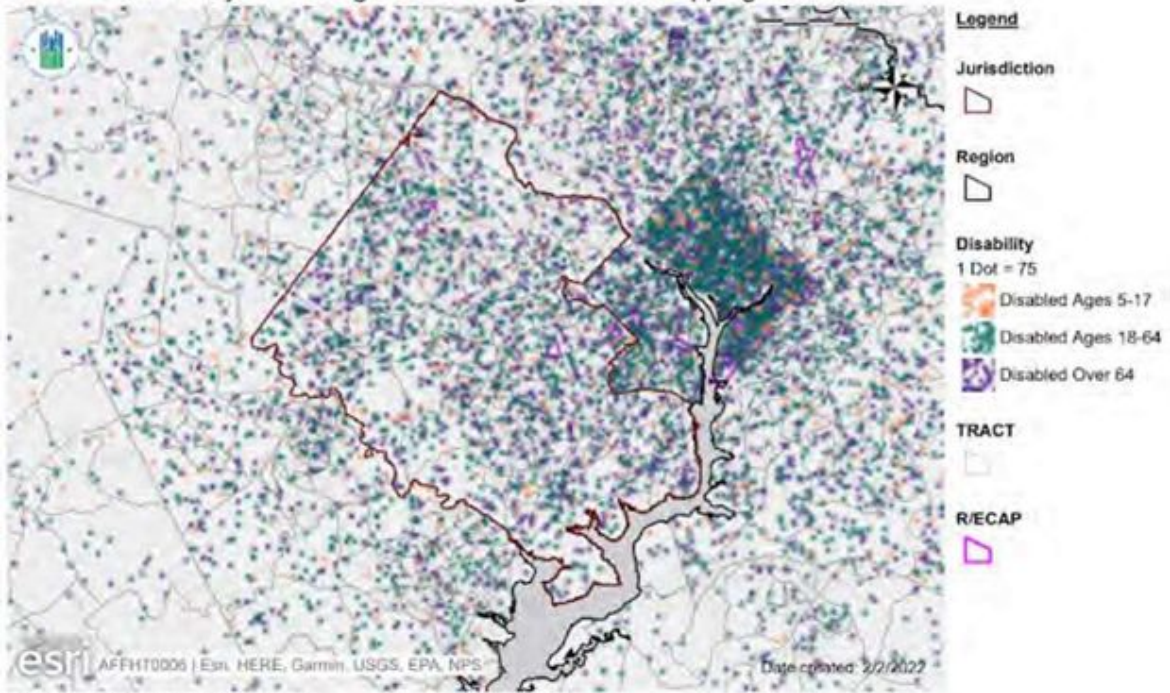
**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV

**HUD-Provided Data Version:** AFFHT0006

**Map 82: Disability by Type (Ambulatory, Self-Care, Independent Living), Region**  
 HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



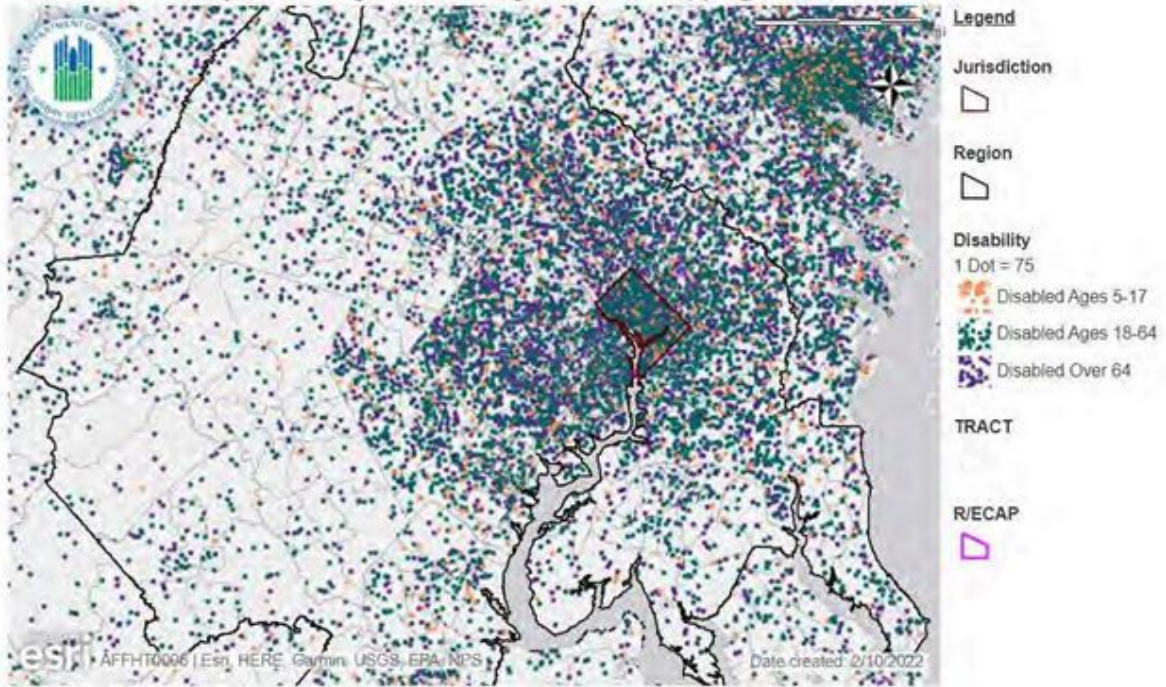
**Map 83: Disability by Age, Fairfax County, VA**  
**HUD Affirmatively Furthering Fair Housing Data and Mapping Tool**



**Name:** Map 15 - Disability by Age Group  
**Description:** All persons with disabilities by age range (5-17)(18-64)(65+) with R/ECAPs  
**Jurisdiction:** Fairfax County (CDBG, HOME, ESG)  
**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV  
**HUD-Provided Data Version:** AFFHT0006

### Map 84: Disability by Age, Region

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



**Name:** Map 15 - Disability by Age Group

**Description:** All persons with disabilities by age range (5-17)(18-64)(65+) with R/ECAPs

**Jurisdiction:** District Of Columbia (CDBG)

**Region:** Washington-Arlington-Alexandria, DC-VA-MD-WV

**HUD-Provided Data Version:** AFFHT0006

**Table 33: Disability by Type**

Jurisdiction	Disability status	Hearing difficulty	Vision difficulty	Cognitive difficulty	Ambulatory difficulty	Self-care difficulty	Independent living difficulty
Fairfax County	7%	3%	3%	2%	3.2%	1%	3.5%
Region	8.7%	2.2%	1.6%	3.4%	4.5%	1.8%	3.9%

Note: All disability characteristics are based on the civilian noninstitutionalized population.  
Data source: 2015–2019 American Community Survey five-year estimates

**1.a. How are people with disabilities geographically dispersed or concentrated in the jurisdiction and region, including within R/ECAPs and other segregated areas identified in previous sections?**

Fairfax County

In Fairfax County, persons with disabilities are disproportionately located in some of the most racially and ethnically diverse areas of the county, including along the route 1 corridor in the Fairfax County portion of Alexandria, in the central portions of Springfield nearest to I-95, in Annandale, and in Bailey’s Crossroads. Although the western and northern portions of the county have fewer areas with large populations of persons with disabilities, there are more isolated census tracts with high proportions of persons with disabilities in Reston and a portion of McLean that includes The Lewinsville, a senior housing development subsidized through the federal Section 202 program. There are three R/ECAPs in Fairfax County. Although the county’s R/ECAPs are located near some areas with large populations of persons with disabilities, none of the R/ECAPs has significant populations of persons with disabilities.

**1.b. Describe whether these geographic patterns vary for people with each type of disability or for people with disabilities in different age ranges for the jurisdiction and the region.**

Fairfax County

Patterns of disproportionate populations of persons with disabilities do not vary significantly by type of disability in Fairfax County, though numbers of persons with hearing and vision disabilities are somewhat lower overall (though largely in the same places) than numbers of persons with other types of disabilities. Adults with disabilities are generally located in the same parts of the county as persons with disabilities overall, the exception being that younger adults with disabilities are not significantly represented in the census tract in McLean that includes The Lewinsville. Of the areas that have large populations of persons with disabilities overall, children with disabilities are located primarily in the route 1 corridor. Secondly, there are some census tracts with elevated populations of persons with disabilities in the far southwestern portion of the county in Centreville and Chantilly.

**2. Housing Accessibility**

**2.a. Describe whether the jurisdiction and the region have sufficient affordable, accessible housing in a range of unit sizes.**

As the data show, between 2.5 percent and 6.1 percent of individuals have ambulatory disabilities, depending on the jurisdiction. Similarly, 2–3 percent of individuals and 2–4 percent of individuals, respectively, have hearing or vision disabilities. Given the large size of the region, this implies a likely estimated total need for between 100,000 and 300,000 accessible housing units. Given the low income levels of persons with disabilities, it is critical that a significant share of these units be affordable for them to be truly useful.

### **Accessibility Requirement for Federally Funded Housing**

HUD's implementation of Section 504 of the Rehabilitation Act of 1973 (24 CFR Part 8) requires that publicly supported federal housing developments make (1) 5 percent of total units accessible to individuals with mobility disabilities and (2) an additional 2 percent of total units accessible to individuals with sensory disabilities. It requires that each property, including site and common areas, meet the Uniform Federal Accessibility Standards (UFAS) or HUD's alternative accessibility standard. Public housing and project-based Section 8 units are both considered to be publicly supported housing. The Publicly Supported Housing Analysis section describes, jurisdiction by jurisdiction, the number of units that exist through the public housing and project-based Section 8 programs, as well as programs like Section 202 and Section 811 that fall under the umbrella of other multifamily housing. Collectively, these units account for a significant share of units subject to Section 504, though that law's accessibility requirements apply to HUD programs like HOME and CDBG as well. Unfortunately, housing through the programs discussed in the Publicly Supported Housing Analysis section account for tens rather than hundreds of thousands of units, and, as described above, the accessibility requirements that apply to those units only require that 5 percent of units be accessible to persons with mobility disabilities and 2 percent to individuals with sensory disabilities. As publicly supported housing is generally concentrated in the District and is least present in outer suburban communities like Loudoun and Prince William Counties, the distribution of accessible units may follow that pattern to an extent. However, as discussed below, a portion of older public housing units in the District may require retrofits in order to be fully accessible, thus slightly undermining that conclusion.

### **Low-Income Housing Tax Credit Units**

There is legal ambiguity regarding whether LIHTC units are subject to Section 504, but the program contributes an important supply of affordable, accessible housing regardless. That is primarily because the Fair Housing Act's design and construction requirements, which took effect in 1991, have been in place for the vast majority of the life of the LIHTC program. There are tens of thousands of LIHTC units across the jurisdictions, including 23,631 low-income LIHTC units in the District. It is likely that a somewhat higher number of LIHTC units meet some kind of accessibility standard than do other types of publicly supported housing units, but the accessibility standard that those LIHTC units do meet is a lesser one.

### **Fair Housing Act Units**

In the region, there are 156,637 units in structures with five or more units that have been built from 2000 to the present and a further 176,137 units in structures with five or more units that were built from 1980 through 1999. It is not possible to determine what portion of that latter number was constructed between the date in 1991 when the Fair Housing Act's design and construction standards took effect and the close of 1999. This may appear to be a significant number of potentially accessible units, but it is important to keep a few factors in mind. First, the data above include publicly supported housing units, particularly LIHTC units, built in the relevant timeframe. Thus, totals from this subsection cannot be added to figures from the preceding subsections. Second, many households that do not include individuals with disabilities who have accessibility needs reside in this housing, too. Indeed, from the standpoint of community integration, it would not be a desirable outcome for people who do not have disabilities to vacate this housing en masse in order for it to be made available to persons with disabilities. Third, compliance with the Fair Housing Act's accessibility requirements can be uneven at times. These ACS data do not provide a basis for concluding that the developers of this housing followed the law.

### **Summary**

Overall, there appear to be significant unmet needs for affordable, accessible housing in the region. It is likely that these are most acutely felt in outer suburban communities like Loudoun and Prince William Counties that lack both multifamily housing, in general, and publicly supported housing, in



particular, in comparison with the jurisdictions at the core of the region. It is also likely that funding for accessibility retrofits will be essential to ensuring that older sources of publicly supported housing, like D.C.'s large public housing stock, are accessible to persons with disabilities. Lastly, inclusionary zoning, as practiced in the District, Fairfax County, and Montgomery County, has begun to create better balance in the location of affordable, accessible housing regionally.

**2.b. Describe the areas where affordable, accessible housing units are located in the jurisdiction and the region. Do they align with R/ECAPs or other areas that are segregated?**

The Publicly Supported Housing Analysis section contains a granular discussion of the location of affordable housing in each jurisdiction and in the region. There is no basis for concluding that there are significant differences between where affordable housing is located and where affordable, accessible housing is located. There may, however, be some minor nuances. For instance, the affordable housing that is least likely to be accessible consists of older developments, principally public housing, that were developed prior to the passage of accessibility laws. By a wide margin, the District is home to the largest share of such housing. Thus, while the District still likely has more affordable, accessible housing than any jurisdiction, it is also likely that a meaningful amount of D.C.'s public housing is not accessible. At the same time, because public housing is subject to Section 504, public housing residents may be entitled to have the D.C. Housing Authority pay for accessibility retrofits as reasonable modifications. The other important nuance is in regard to affordable but not publicly supported housing produced through inclusionary zoning programs. The District, Fairfax County, and Montgomery County all have robust inclusionary zoning programs that result in the development of affordable units, most frequently in large new multifamily developments. The locations of where such developments occur is often quite different from the distribution of affordable, accessible housing that exists through publicly supported housing programs. In Fairfax County, the most significant areas of growth through inclusionary requirements are in the Silver Line corridor in western Fairfax County. In D.C., areas of growth include The Wharf, Navy Yard, NoMa, Shaw, Columbia Heights, and Petworth. In Montgomery County, Bethesda and Rockville are areas of significant inclusionary development.

**2.c. To what extent are people with different disabilities able to access and live in the different categories of publicly supported housing in the jurisdiction and region?**

**Table 34: Disability by Publicly Supported Housing Program Category**

Fairfax County	Persons with a Disability	
	#	%
Public Housing	N/a	N/a
Project-Based Section 8	236	8.33%
Other Multifamily	25	42.80%
HCV Program	1,051	21.47%

Fairfax County

In Fairfax County, persons with disabilities are underrepresented in project-based Section 8 housing and appear to be overrepresented in other multifamily assisted housing. Persons with disabilities appear to have relatively equal opportunity to live in public housing or to obtain HCVs. Some other

multifamily assisted housing consists of housing dedicated solely to persons with disabilities—namely, older HUD-subsidized Section 811 developments—which may explain the apparent overrepresentation in that category.

### **3. Integration of People with Disabilities Living in Institutions and Other Segregated Settings**

#### **3.a. To what extent do people with disabilities in or from the jurisdiction or region reside in segregated or integrated settings?**

Up until a wave of policy reforms and court decisions in the 1960s and 1970s, governments at all levels, including in Virginia, Maryland, and the District of Columbia, primarily housed persons with intellectual and developmental disabilities and individuals with psychiatric disabilities in large state-run institutions. Within these institutions, persons with disabilities have had few opportunities for meaningful interaction with individuals without disabilities, limited access to education and employment, and a lack of individual autonomy. The transition away from housing persons with disabilities in institutional settings and toward providing housing and services in home and community-based settings accelerated with the passage of the Americans with Disabilities Act (ADA) in 1991 and the U.S. Supreme Court's landmark decision in *Olmstead v. L. C.* in 1999. In *Olmstead*, the Supreme Court held that, under the regulations of the U.S. Department of Justice implementing Title II of the ADA, if a state or local government provides supportive services to persons with disabilities, it must do so in the most integrated setting appropriate to the needs of a person with a disability and consistent with their informed choice. This obligation is not absolute and is subject to the ADA defense that providing services in a more integrated setting would constitute a fundamental alteration of the state or local government's programs.

The transition from widespread institutionalization to community integration has not always been linear, and concepts about what comprises a home and community-based setting have evolved over time. Although it is clear that developmental centers and state hospitals are segregated settings and that an individual's own house or apartment in a development where the vast majority of residents are individuals without disabilities is an integrated setting, significant ambiguities remain. Nursing homes and intermediate care facilities are clearly segregated, though not to the same degree as state institutions. Group homes fall somewhere between truly integrated supported housing and segregated settings, and the degree of integration present in group homes often corresponds to their size.

The following section includes detailed information about the degree to which persons with intellectual and developmental disabilities and individuals with psychiatric disabilities reside in integrated or segregated settings. The selection of these two areas of focus does not mean that persons with other types of disabilities are never subject to segregation. The discussion below includes some jurisdiction-level analysis but is primarily organized by state. State governments are primarily responsible for implementation of the *Olmstead* mandate, and, as a result, there are often significant commonalities across jurisdictions within the same states.

#### Virginia

In 2012, Virginia entered into a sweeping consent decree in *United States v. Commonwealth of Virginia*, a lawsuit brought by the U.S. Department of Justice to challenge the alleged segregation of Virginians with intellectual and developmental disabilities in large institutions called training centers. The former Northern Virginia Training Center, which was located in Fairfax, closed in 2016. As of 2022, Virginia has closed all of its training centers, but the process of implementing the consent decree is not complete.<sup>26</sup> Policy changes in Virginia, at times supplemented at the local government level, have increased community integration for persons with developmental and intellectual disabilities by creating new integrated housing options, increasing the supply of home- and community-based

services (HCBS) waivers, and changing waiver rules to facilitate independent living. Nonetheless, undersupply of permanent supportive housing and tenant-based rental assistance have pushed many individuals with intellectual and developmental disabilities to live in congregate settings like group homes and nursing homes. Although the Census Bureau does not disaggregate these data by type of disability, the 2015–2019 American Community Survey shows that the 242,548 residents of group quarters in the District were over twice as likely—24.0 percent compared with 11.4 percent—to have disabilities as individuals not living in group quarters. Residents of institutionalized group quarters—45.3 percent—were especially likely to have disabilities. That Virginia’s group quarters population is both disproportionately larger than Maryland’s and consists of a lower proportion of persons with disabilities (including among those in institutionalized group quarters) is reflective of Virginia’s significantly higher incarceration rate.

Despite its apparent yet incomplete progress made toward advancing community integration for persons with intellectual and developmental disabilities, Virginia continues to rely heavily on large-scale state-run psychiatric hospitals to house persons with psychiatric disabilities. The Northern Virginia Mental Health Institute in Falls Church is one such institution. In addition to the overreliance on psychiatric hospitals, Virginia’s high rate of incarceration is a barrier to community integration for persons with psychiatric disabilities who have been subjected to prolonged solitary confinement in state prisons.

***3.b. Describe the range of options for people with disabilities to access affordable housing and supportive services in the jurisdiction and the region.***

**Supportive Services**

Across jurisdictions, supportive services are provided through similar Medicaid-funded programs, including variations on HCBS waivers. These programs, at their best, enable individuals with disabilities, including those with the most intensive services and supports needs, to live in integrated, community-based settings. The exact names of available waivers, the processes for applying, the length of wait (if any) to start receiving waiver services, and what services are covered under the waiver (and at what billing rates) vary from jurisdiction to jurisdiction.

In Virginia, the two primary waivers are the Developmental Disabilities and Intellectual Disabilities waivers, and mental health services are provided through the community services boards for Alexandria, Arlington County, Fairfax-Falls Church, Loudoun County, and Prince William County. Available mental health services include the Program of Assertive Community Treatment, which is an intensive level of community-based mental health services that can enable individuals with the most severe and persistent psychiatric disabilities to live in integrated, community-based settings. There is a waiting list for waiver services in Virginia, and, as a result, some individuals with intellectual and developmental disabilities are not able to access the level of community-based supportive services that they need.

**Permanent Supportive Housing**

The provision of permanent supportive housing across jurisdictions in the region is far more disparate. Through its Department of Human Services, the District of Columbia provides locally funded tenant-based rental assistance on a large scale as its primary means of creating integrated housing opportunities. The assistance can be accessed through the Coordinated Assessment and Housing Placement system. One limitation of this program is that payment standards for rental assistance are lower than those of the District of Columbia Housing Authority. As a result, persons with disabilities may have limited choice of neighborhoods and sometimes resort to housing that is outside of D.C. entirely. Montgomery County, Maryland, serves over 1,500 individuals annually through its permanent supportive housing, with at least 90 percent retaining permanent housing on an annual basis. In

Virginia, multiple local governments support nonprofits like NewHope Housing, PathForward, and the Good Shepherd Housing Foundation that provide supportive housing through a number of different approaches, including site-based permanent supportive housing development and master leasing of units in existing apartment complexes. Tenant-based rental assistance for persons with disabilities is much less available in Virginia than it is in the District and permanent supportive housing programs are much more established and operate at a larger scale in Alexandria, Arlington County, and Fairfax County than they do in Loudoun and Prince William Counties. There is a clear need for the capacity of these outer suburban counties to provide permanent supportive housing to keep pace with their more rapid population growth.

#### **4. Disparities in Access to Opportunity**

##### ***4.a. To what extent are people with disabilities able to access—and what major barriers do they face in accessing—the following services, accommodations, and opportunities in the jurisdiction and the region?***

###### **i. Government Services and Facilities**

Although a variety of public facilities and services have reasonable accommodation policies for persons with disabilities, many facilities and services require additional outreach or efforts by the person with a disability to request accommodations themselves, usually with several days' notice, rather than having these services consistently embedded into their administration. As a result, individuals with disabilities must be proactive to obtain necessary accommodations.

In the region, some counties provide a range of accessibility services. Montgomery County has an ADA Compliance Team and provides training and technical assistance for county staff on ADA compliance and other disability needs. Similarly, Fairfax County provides ADA services through its government offices, including enforcing building codes that require ADA compliance and handling ADA complaints. In the District of Columbia, any facility or part of a facility that is constructed by a state or local government entity after January 26, 1992 must be built in strict compliance with the ADA. The District is not necessarily required to make every pre-ADA facility fully compliant with current accessibility codes, however, all District services, programs, or activities must be accessible to and usable by persons with disabilities when viewed in their entirety. This is called “overall program access.”<sup>27</sup> Nonetheless, this loophole means accessibility problems may remain where persons with disabilities face greater barriers in accessing government facilities or services. The same principles apply to other governments in the region.

Web accessibility reveals similar dualities, where governments have attempted to comply with Section 508 referring to website accessibility standards. However, this compliance is only implemented “whenever possible,” and certain elements remain poorly accessible.

###### **ii. Public Infrastructure**

Although accommodations are available in a range of public and private infrastructure (e.g., sidewalks, pedestrian crossings, and pedestrian signals), lack of compliance or maintenance results in inequitable treatment for persons with disabilities. Inadequate maintenance of sidewalks can impede accessibility for persons with mobility-related disabilities, including persons who require wheelchairs for transportation. Recent public efforts, such as the crowdsourced Project Sidewalk, endeavor to map sidewalk accessibility by noting curb ramp conditions, lack of sidewalks, and other common issues impeding mobility in the District. Many sidewalks in the District metropolitan area are not up to ADA standards; in many cases, this is because construction projects have left large cracks that serve as impediments to persons in wheelchairs. The governments of the District of Columbia, Virginia, and Maryland have all put out ADA Transition Plans for Public Rights-of-Way, which provide a detailed

review of sidewalks, crosswalks, bus stops, curb ramps, and accessible pedestrian signals. However, the Transition Plans for D.C., published in 2016, and Maryland, published in 2009, have not been updated in quite some time, and inaccessible infrastructure problems persist. Additionally, since COVID-19 has caused restaurants to use more public space for outdoor dining, the pandemic has created new accessibility challenges. Moreover, parking of electric scooters and bicycles has also resulted in impassable sidewalks, particularly in downtown D.C.

### **iii. Transportation**

In Virginia, the elderly population is predicted to increase to 20 percent of residents by 2030,<sup>28</sup> the largest population increase of any demographic. The state recognizes that as the elderly population increases, the demand for public transportation will increase as well, but as it admits in its 2018 *Assessment of Disability Services in Virginia* study, there is insufficient transportation of this type to accommodate rising demand.<sup>29</sup> The outpaced demand for transportation also disproportionately impacts individuals with disabilities, who also tend to rely on public transportation to travel. Similarly, although Maryland has more extensive public transportation modes for individuals with disabilities, less extensive infrastructure in suburban areas reduces access for individuals with disabilities.

#### Bus and Rail

The Washington Metropolitan Area Transit Authority (WMATA) serves the entire region and explicitly outlines on its website the measures taken to enhance access to its rail and bus systems for persons with disabilities. Fare vending machines have accessibility features, including instructions in Braille with raised alphabets and a button for audio instructions. All stations have at least one extra-wide fare gate for wheelchair access, and all stations except Arlington Cemetery use bumpy tiles to alert customers with low vision that they are nearing the edge of a platform. Railcars also provide priority seating for persons with disabilities and gap reducers have been installed on all railcars to make it easier for an individual with a mobility support to enter and exit the car safely. For Metrobus, all buses are wheelchair accessible and have both audio and visual stop announcements. If the automated announcement system fails to work, bus operators are supposed to announce major intersections, landmarks, and transfer points. There are a variety of other measures in place as well.<sup>30</sup>

One notable concern with the WMATA Metrorail system is the operating quality of elevators. They are deteriorating and result in patrons being trapped in the elevator.<sup>31</sup> Also, at stations with multiple entrances, signage directing people to elevators can often be scarce, making it difficult to locate them.<sup>32</sup> Because elevators are a primary access point to the Metro station for individuals with disabilities, these dysfunctional elevator features are likely to disproportionately limit transportation access for transit riders with disabilities. This trend may change due to an influx of federal dollars allocated to target elevator repairs.

Virginia Railway Express,<sup>33</sup> the Maryland Transit Administration,<sup>34</sup> the D.C. Circulator,<sup>35</sup> ART buses,<sup>36</sup> and Montgomery County Ride On buses use similar measures to Metrorail and Metrobus.<sup>37</sup> Prince William County's OmniRide,<sup>38</sup> Loudoun County Local Bus Service,<sup>39</sup> and the Fairfax County Connector<sup>40</sup> and CUE buses are wheelchair accessible; however, their website does not specify if bus operators are instructed to announce major intersections, landmarks, and transfer points.<sup>41</sup> The Alexandria DASH bus system is wheelchair accessible, provides bus service within the city, and connects with Metrobus, Metrorail, Virginia Railway Express, and other local bus systems. However, the DASH bus system website does not elaborate on what, if any, other measures are taken to make the system accessible to persons with disabilities.<sup>42</sup> The fare is typically \$2 but individuals with disabilities may ride for free if they have a valid MetroAccess or Alexandria DOT paratransit card.<sup>43</sup> DASH has been fare-free since September 2021.<sup>44</sup>

#### Paratransit

WMATA also runs MetroAccess, a door-to-door paratransit program throughout the entire region. Some MetroAccess customers are entitled to free rides on Metrorail and Metrobus. However, MetroAccess unfortunately does not provide same-day trip service. Fares can also be expensive and cost a maximum of \$6.50 per trip.<sup>45</sup> WMATA also offers an even more costly service called Abilities Ride. Although this service has been suspended because of COVID-19, Abilities Ride allows individuals who are eligible for MetroAccess to receive same-day transportation services through a local taxi company provided the trip begins or ends in Maryland. The individual pays for the first \$5 of the trip, WMATA pays for the next \$15, and then the rider is responsible for paying any amount over \$20.<sup>46</sup> The City of Rockville offers a similar program that provides low-income residents over the age of 60 a subsidy of \$34 a month for taxicab services.<sup>47</sup>

The Alexandria DOT offers a paratransit program similar to MetroAccess seven days a week for residents of Alexandria who are unable to use public transportation. Similar to MetroAccess, trips must be scheduled a minimum of one day in advance. Trips inside the city and within five miles of the city cost \$4 each way, and trips to areas more than five miles outside the city cost \$6 each way. Availability of the paratransit program may also be limited to high-priority trips, depending on the status of the COVID-19 pandemic.<sup>48</sup> Arlington County,<sup>49</sup> Loudoun County,<sup>50</sup> and MDOT<sup>51</sup> also offer similar paratransit programs that do not take same-day reservations.

**iv. Proficient schools and educational programs**

Fairfax County

The most recent Individuals with Disabilities Education Act report from 2019 found that although Fairfax students with disabilities participate and perform well in academic assessments compared to state targets, access to educational infrastructure remains inadequate. Only 54 percent of Fairfax students with Individualized Education Programs are included in regular classroom instruction for at least 80 percent of the day, compared to the state target of 70 percent, and 46 percent of children age 3 through 5 continue to attend separate educational facilities when the state target is 17 percent.<sup>52</sup> Nonetheless, timely development of adequate Individualized Education Programs in Fairfax is strong, and representation among children with disabilities is commensurate with the demographics of the district as a whole.

**v. Jobs**

As the table below shows, persons with disabilities are employed at extremely low rates across all jurisdictions participating in this analysis. The problem is most extreme in the District and least pervasive in Fairfax County, Gaithersburg, and Loudoun County, which are all also suburban areas with low unemployment and high labor force participation generally. As jurisdictions undertake efforts to increase access to employment for persons with disabilities, it is critical that the opportunities created be truly integrated and pay a decent wage. Under Maryland Code Health-Gen. § 7-207, sheltered workshops that pay below the minimum wage may not receive state funding in Maryland. By contrast, sheltered workshops that fail to pay minimum wage are still present in Virginia.

**Table 35: Percentage of Population with a Disability That Is Employed, Ages 18–64**

Jurisdiction	Population with a Disability That Is Employed, Ages 18–64 %
Alexandria	50.2%
Arlington County	50.2%
District of Columbia	32.5%
Fairfax County	58.6%
Gaithersburg	61.3%
Loudoun County	58.4%

Montgomery County	51.6%
Prince William County	54.2%

Source: 2019 American Community Survey one-year Estimates

**4.b. Describe existing processes in the jurisdiction and the region for people with disabilities to request and obtain reasonable accommodations and accessibility modifications to address the barriers discussed above.**

**i. Government Services and Facilities**

Jurisdictions in the region vary in the extent to which they clearly and publicly share information about reasonable accommodation processes and accessibility on local government websites. Three jurisdictions—Fairfax County, Loudoun County, and Montgomery County—have robust, well-organized accessibility pages on their sites that are directly accessed from the main page. The District of Columbia also links to its accessibility page from its main page, but the information presented there is not as comprehensive. Alexandria and Arlington County do not link to their accessibility pages from their main pages but do have accessibility pages that present useful information. Gaithersburg and Prince William County have extremely sparse information about accessibility on their websites.

**ii. Public Infrastructure**

Arlington County, the District of Columbia, Fairfax County, and Montgomery have dedicated portals for residents to make sidewalk-related requests on their websites, including accessibility requests, rather than routing individuals through more general accessibility request processes.

**iii. Transportation**

Major transportation providers in the region, including WMATA and Virginia Railway Express, include information about how to request reasonable accommodations on their websites.

**iv. Proficient Schools and Educational Programs**

School districts in the region generally have information about requesting accommodations posted on their websites.

**v. Jobs**

This analysis did not reveal specific information regarding reasonable accommodations policies for private employers. The description of website accessibility information for government services and facilities above has significant implications for access to public-sector employment.

**4.c. Describe any difficulties in achieving homeownership experienced by people with disabilities and by people with different types of disabilities in the jurisdiction and the region.**

Persons with disabilities face at least two significant barriers to accessing homeownership in the region. First, as discussed at great length above, persons with disabilities have lower income levels than individuals who do not have disabilities. Given the higher cost of homeownership in comparison with renting in an area with expensive housing costs, homeownership is often out of reach. Second, single-family homes, which are not covered by the Fair Housing Act’s design and construction standards, are the most significant source of owner-occupied units in the region. Multifamily units, by contrast, are comparatively more likely to be rental units. Single-family units may not be accessible to persons with mobility disabilities, in particular.

## 5. Disproportionate Housing Needs

### ***5.a. Describe any disproportionate housing needs experienced by people with disabilities and by people with certain types of disabilities in the jurisdiction and the region.***

As with homeownership, the comparatively low-income levels of persons with disabilities fuel disproportionate levels of cost burden.

#### Factors Contributing to Disability and Access Issues

*Please see the Contributing Factors section for the following Contributing Factors to Disability and Access Issues:*

- access for persons with disabilities to proficient schools
- access to publicly supported housing for persons with disabilities
- access to transportation for persons with disabilities
- inaccessible government facilities or services
- inaccessible public or private infrastructure
- lack of access to opportunity due to high housing costs
- lack of affordable in-home or community-based supportive services
- lack of affordable, accessible housing in a range of unit sizes
- lack of affordable, integrated housing for individuals who need supportive services
- lack of assistance for housing accessibility modifications
- lack of assistance for transitioning from institutional settings to integrated housing
- lack of local or regional cooperation
- land use and zoning laws
- lending discrimination
- location of accessible housing
- loss of affordable housing
- occupancy codes and restrictions
- regulatory barriers to providing housing and supportive services for persons with disabilities
- source-of-income discrimination
- state or local laws, policies, or practices that discourage individuals with disabilities from living in apartments, family homes, supportive housing, and other integrated settings



## V. Fair Housing Enforcement, Outreach Capacity, and Resources

### 1. List and summarize any of the following that have not been resolved:

- a charge or letter of finding from HUD concerning a violation of a civil rights–related law
- a cause determination from a substantially equivalent state or local fair housing agency concerning a violation of a state or local fair housing law
- any voluntary compliance agreements, conciliation agreements, or settlement agreements entered into with HUD or the Department of Justice
- a letter of findings issued by or lawsuit filed or joined by the Department of Justice alleging a pattern or practice or systemic violation of a fair housing or civil rights law
- a claim under the False Claims Act related to fair housing, nondiscrimination, or civil rights generally, including an alleged failure to affirmatively further fair housing
- pending administrative complaints or lawsuits against the locality alleging fair housing violations or discrimination

There were no unresolved findings, compliance/conciliation/settlement agreements, claims, complaints, or lawsuits regarding fair housing and civil rights laws in the D.C. metropolitan region.

### 2. Describe any state or local fair housing laws. What characteristics are protected under each law?

#### Virginia Laws

The Virginia Department of Professional and Occupational Regulation’s Fair Housing Board enforces Virginia laws that provide protection and monetary relief to victims of unlawful housing practices. Virginia’s Fair Housing Law (Virginia Code § 36-96.1, et seq.) prohibits discriminatory housing practices and harassment in the following:

- advertising
- application and selection process
- representation by Realtor
- terms and conditions of tenancy
- privileges of occupancy
- mortgage loans and insurance
- public and private land use practices
- unlawful restrictive covenants

The following categories are protected by the Virginia Fair Housing Law:

- race
- color
- religion
- national origin
- sex
- elderliness
- familial status
- disability
- source of funds
- sexual orientation
- gender identity
- military status
- disability

Additionally, the Virginia Fair Housing Law contains similar reasonable accommodations, reasonable modifications, and accessibility provisions as the Federal Fair Housing Amendments Act.

The Virginia Human Rights Act (Virginia Code § 2.2-3900-03) prohibits discrimination in seeking public accommodations on the basis of race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth, or related medical conditions including lactation, age, military status, disability, or national origin.

**3. Identify any local and regional agencies and organizations that provide fair housing information, outreach, and enforcement, including their capacity and the resources available to them.**

Virginia Department of Professional and Occupational Regulation's Fair Housing Board

The Virginia Department of Professional and Occupational Regulation's Fair Housing Board investigates fair housing complaints and enforces the Virginia Fair Housing Law. The Fair Housing Board conducts educational campaigns and trainings on fair housing law in Virginia. Additionally, the Fair Housing Board issues guidance documents on housing discrimination, reasonable accommodations, and other fair housing issues. The Virginia Department of Professional and Occupational Regulation's Fair Housing Office is also a HUD Fair Housing Assistance Program (FHAP) agency and receives funding from HUD to enforce fair housing laws.

Housing Opportunities Made Equal of Virginia

Housing Opportunities Made Equal (HOME) is a 501(c)3 nonprofit corporation and also a HUD-approved housing counseling agency. Additionally, HOME is a grantee under HUD's Fair Housing Initiatives Program (FHIP). HOME works to provide equal access to housing and protect the housing rights of Virginia residents. HOME investigates instances of housing discrimination and uses both the courts and administrative processes to enforce fair housing laws. HOME also works closely with politicians and policy advocates to support stronger housing policies in Virginia. Finally, HOME provides educational outreach and housing counseling for Virginia residents.

Equal Rights Center

The Equal Rights Center (ERC) is a private civil rights organization located in Washington, D.C., that identifies and seeks to eliminate unlawful and unfair discrimination in housing in the greater Washington area and nationwide. The ERC's core strategy for identifying housing discrimination is civil rights testing. The ERC conducts tests and trains civil rights testers. The ERC also conducts fair housing trainings to educate the public, engages in policy advocacy, and takes action to enforce fair housing laws. In addition, the ERC conducts research and releases publications on fair housing.

Washington Lawyers' Committee for Civil Rights and Urban Affairs

Based in Washington, D.C., the Washington Lawyers' Committee for Civil Rights and Urban Affairs uses litigation, public education, and policy advocacy to fight housing discrimination. The Housing Justice Project at the organization handles a wide variety of issues, including predatory lending, discriminatory real estate advertising, insurance discrimination, exclusionary zoning, discrimination against families with children, and discrimination against low-income families who use housing subsidies.

**Fair Housing Enforcement, Outreach Capacity, and Resources Contributing Factors**

*Please see the Contributing Factors section for the following Contributing Factors to Fair Housing Enforcement, Outreach Capacity, and Resources:*

- Lack of local private fair housing outreach and enforcement
- Lack of local public fair housing enforcement
- Lack of resources for fair housing agencies and organizations
- Lack of state or local fair housing laws
- Unresolved violations of fair housing or civil rights law

## VI. Fair Housing Goals and Priorities

The participating jurisdictions thoroughly considered input from many sources as they developed the fair housing goals and strategies below. Beyond local and federal data, these sources included public forums, stakeholder engagements, individual interviews, surveys, and guidance from the Community Advisory Committee.

The participating jurisdictions have chosen these shared goals and strategies as the ones that will be most impactful in reducing housing discrimination, reversing patterns of racial segregation, and improving access to opportunity for all current and future residents of the metropolitan Washington region.

### A. Regional Goals

#### 1. Increase the supply of housing that is affordable to low- and moderate-income families in the region, particularly in areas that have historically lacked such housing.

The metropolitan Washington region has high and ever-increasing housing costs, along with an unequal distribution of committed affordable housing, or housing restricted to those with low to moderate incomes, across its communities. For example, home values jumped over 11 percent last year in Prince William County, and the median home value in Arlington rose to almost \$800,000. As a result, there are significant fair housing challenges for members of protected classes in the region. Data indicates that among the most impacted groups in the region, Hispanic residents, Black residents, and persons with disabilities experience housing affordability and housing instability problems most acutely.

Many households are rent burdened, and racial and ethnic minorities face severe housing burdens at higher rates. For example, 25 percent of renters in the District of Columbia pay over 50 percent of their income on rent. In the region, 57 percent of severely burdened households were non-White, and 47 percent were immigrant households.

- a. *Use best practices from other jurisdictions and explore policies and programs that increase the supply of housing affordable to lower- and moderate-income households, such as housing bonds, real estate transfer taxes, mandatory inclusionary housing where permitted, as-of-right accessory dwelling units (ADUs), public land set aside for affordable housing, community land trusts, expedited permitting and review, and relaxation of parking requirements for affordable housing developments.*

The above policies and practices have resulted in an increase in affordable housing in jurisdictions throughout the country. In the region, there has been an increase in the supply of subsidized affordable housing in jurisdictions that have adopted these best practices.

- b. *Lower the income targeting of new rental housing affordable to people with incomes of 80 percent of the area median income (AMI) to 60 percent and below, with specific targeting of units affordable at 50 percent of the AMI or below in order to address the chronic housing shortage for low-income individuals and families.*

A number of jurisdictions require developers that utilize inclusionary zoning incentives to set aside affordable housing units for households with incomes of up to 80 percent of the AMI. Jurisdictions should target newly constructed affordable units for households with incomes at

or below 60 percent of the AMI through a combination of increasing incentives and lowering the number of set-aside units to make deeper affordability financially feasible.

- c. *Provide low-interest loans to develop ADUs with affordability restrictions on the property.*

ADUs (also known as accessory living units, or ALUs, in Fairfax County) are now allowed in all participating jurisdictions, with varying restrictions. Local governments should consider providing financial assistance or tax benefits to incentivize homeowners to make their ADUs affordable to HCV users. Because it can be difficult for homeowners to access bank financing to build ADUs, there may be a need to offer incentives. As a condition of receiving assistance, jurisdictions should also require homeowners to attend fair housing training and to maintain records that facilitate audits of their compliance with nondiscrimination laws. The need to educate individual homeowners who do not have experience as landlords and knowledge of the law may prevent unintentional and intentional violations of fair housing laws.

## **2. Reform zoning and land use policies to expand access to fair housing choice by increasing the development, geographic distribution, and supply of affordable housing.**

The prevalence of single-family residential zoning in the region makes it challenging to develop committed affordable housing that could offer housing opportunities to members of protected classes. Many cities across the country are allowing greater zoning density to meet the demand for housing, resulting in lower development costs per unit and new condo and cooperative homeownership models.

- a. *Revise zoning regulations to allow as-of-right ADUs.*

Currently, the District of Columbia, Arlington County, Fairfax County, Loudoun County, and Montgomery County allow ADUs in most of their residential zones. ADUs have the potential to expand affordable housing options without expanding land development. This is particularly relevant in the region, where the preponderance of land is zoned for single-family housing.

- b. *Increase inclusionary zoning incentives for creating on-site affordable housing and increase fees in lieu of providing on-site affordable housing.*

Inclusionary housing programs often lack enough financial incentives for providing on-site affordable housing. Increasing these incentives along with increasing fees for developers who choose alternative compliance options will increase the likelihood of creating additional committed affordable housing units in high opportunity areas.

- c. *Adopt zoning changes that facilitate the development of affordable housing as of right.*

Multifamily housing remains the most effective way of producing deeply affordable housing that is critically necessary to meet the needs of Black and Hispanic households and persons with disabilities in the region. Zoning that allows affordable multifamily housing developments as of right in designated areas such as the Council of Government's "Activity Centers,"<sup>53</sup>—denser, mixed-use housing and job centers—can reduce the cost of affordable housing development, thereby increasing the number of units that are able to be developed from year to year. Overlay districts are a way of achieving this goal while avoiding the opportunity cost of predominantly market-rate multifamily development and, particularly, development that yields few family-sized units and monopolizes desirable sites.

- d. *Incorporate a fair housing equity analysis into the review of significant rezoning proposals and specific plans.*

Several large new developments in the region have not sufficiently addressed the needs of members of protected classes who have been displaced or priced out of the area. Incorporating a fair housing analysis in the review process for these plans, similar to what the City of Boston recently implemented, could reduce displacement and other negative impacts for members of protected classes.<sup>54</sup>

**3. Implement policies designed to preserve affordable housing and prevent displacement with a goal of no net loss of existing affordable rental units.**

The region lost a significant number of affordable housing units during the past decade due to the compounding impacts of reduced housing production, decreased federal investment in deeply affordable housing, and a lack of local resources to acquire and preserve housing affordable to lower-income households. In the region, there was a loss of more than 85,000 rental units with monthly rents under \$1,500 and an increase of more than 40,000 rental units with monthly rents \$2,500 and above. The region must prioritize the preservation of its existing affordable stock as a necessary complement to increasing its supply of affordable housing.

- a. *Preserve affordable subsidized and market-rate housing, including manufactured housing, by tracking and supporting existing affordable housing and establishing an acquisition loan fund for tenants, nonprofit organizations, and local governments to purchase for-sale apartments and manufactured home parks.*

There are a significant number of committed affordable housing developments that are coming to the end of their affordability requirements. There is little incentive for these owners to renew subsidy contracts in higher opportunity areas or in areas that are experiencing rapid gentrification, which is the majority of the region. It is generally more cost-effective to preserve existing affordable housing than it is to build new affordable housing, particularly in areas with high land costs. Accordingly, jurisdictions should track affordable housing developments, particularly those in higher opportunity or rapidly gentrifying areas, and work with nonprofit housing developers to provide financial support for property acquisition and rehabilitation. Additionally, all for-profit developers of proposed affordable housing projects, including those funded through the LIHTC program, should be required to provide a right of first refusal to tenants, nonprofit organizations, and local governments seeking to maintain affordability after rent restrictions are lifted. For manufactured home parks—one of the most important sources of unsubsidized affordable housing in the region, particularly in its more rural areas—homeowners should be provided an opportunity to purchase their communities with technical assistance from nonprofit organizations such as ROC USA.

**4. Increase the number of homeowners in the region and reduce inequities and discriminatory practices that limit homeownership opportunities for members of protected classes.**

The greater metropolitan Washington region has been facing an affordability crisis in homeownership as well as in rental housing. In the past year alone, housing prices rose almost 11 percent, making homeownership out of reach for the majority of residents, particularly members of protected classes.

- a. *Increase homeownership opportunities for low- and moderate-income members of protected classes through the following strategies:*

- Support innovative approaches specifically designed to increase homeownership opportunities, such as cooperative homeownership models and community land trusts.
  - Support policies and practices that will increase the supply of affordable homeownership housing units, such as allowing and encouraging higher-density, smaller units/ADUs and duplexes.
  - Ensure that affordable housing set-asides in new housing developments include subsidized home ownership opportunities in addition to subsidized rental opportunities.
  - Increase housing affordability through mortgage write-downs, down payment and closing cost assistance, special purpose credit programs, and other affordable homeownership subsidies.
  - Support first-time homebuyers by expanding financial literacy programs, homeownership counseling, and homebuyer education.
- b. *Support current homeowners with protected characteristics, including racial and ethnic minorities, persons with disabilities, and seniors, through the following strategies:*
- Increase funding for repair, rehabilitation, and renovation programs and products.
  - Expand programs that provide energy efficient improvements to lower utility costs.
  - Provide comprehensive foreclosure prevention counseling and legal referrals.
- c. *Reduce inequities and discriminatory practices that exacerbate the wealth gap between White households and households of color by addressing issues of appraisal bias and by increasing fair housing testing and monitoring for lenders and real estate entities. Use local and regional Community Development Financial Institutions (CDFIs) to target members of protected classes to reduce inequities in mortgage lending.*

**5. Protect the housing rights of individuals with protected characteristics.**

Evictions and significant rent increases contribute to the displacement of protected class members, particularly Black and Hispanic residents and persons with disabilities. The pandemic has highlighted the vulnerability of renters and its racial and ethnic disparities.

- a. *Expand locally funded housing voucher programs, increase the scale and scope of housing mobility programs, and improve the portability of vouchers across jurisdictions in the region.*

Housing mobility is an important tool to address high segregation levels in the HCV program. In many places in the region, voucher families have been limited in where they can live. Additional local resources, along with increased mobility strategies and better coordination throughout the region, will give families a broader range of housing options.

- b. *Reduce barriers to accessing rental housing by encouraging landlords to reduce, eliminate, or offset application fees for voucher users and follow HUD's guidance on the use of criminal backgrounds in screening tenants.*

Stakeholders reported that high application fees for rental housing are a significant barrier for voucher holders. Additionally, some landlords continue to refuse rental housing to prospective tenants based on criminal background checks revealing decades-old criminal histories or minor misdemeanors.

- c. *Pilot a Right to Counsel program to ensure legal representation for tenants in landlord-tenant proceedings.*

Thousands of residents in the region are displaced annually due to evictions. According to local legal services and fair housing organizations, many evictions occur because tenants do not understand their rights and/or their obligations. It is estimated that only a small percentage of tenants facing eviction have legal representation, and those without representation almost always are evicted, regardless of a viable defense. In 2021, Maryland passed a Right to Counsel bill that would provide access to counsel for low-income tenants facing eviction, but it is inadequately funded. There are several legal providers in the region that are well positioned to serve low-income tenants, including undocumented tenants. Although there would be an up-front investment, legal representation is less costly than serving families experiencing homelessness.

- d. *Expand and increase support for fair housing outreach, education and training, testing, and enforcement.*

Support organizations that provide fair housing outreach, education, and enforcement and expand the number of protected classes tested annually. Although Virginia, Maryland, and the District of Columbia require landlords to accept HCVs, tenants report that some landlords continue to refuse vouchers. Landlords have also refused to participate in the Emergency Rental Assistance Program, preferring to file for eviction instead. Tenants facing eviction reported difficulties in accessing these emergency rental assistance funds, and victims of housing discrimination did not know where to get help. Some jurisdictions reported that there was limited fair housing testing and no testing for discrimination against persons with disabilities.

The metropolitan Washington region recognizes 12 protected classes in common; 7 are federal, with the balance designated by the District of Columbia, Maryland, and Virginia. Beyond the federal classes, fair housing protections in the two states and the District of Columbia include marital status, age, elderliness (age 55 or older), sexual orientation, gender identity or expression, and source of income. Expanding testing beyond race and ethnicity on an annual basis could identify and address discriminatory practices and reduce harm to residents.

Fair housing organizations and legal services providers play a critical role in fair housing enforcement, education, and outreach but struggle to meet the full needs of victims of discrimination due to limited financial and staff capacity. By supporting these organizations, jurisdictions can help ensure that these organizations can address existing and critical emerging issues, like source-of-income discrimination and emergency rental assistance.

## **6. Increase community integration and reduce housing barriers for persons with disabilities.**

- a. *Increase the supply of permanent supportive housing units by utilizing innovative funding streams, like affordable housing bonds, affordable housing trust funds, commercial linkage fees, and real estate transfer taxes.*

Federal funding sources such as CDBG and HOME and inclusionary zoning are not sufficient to meet the total need for permanent supportive housing for persons with disabilities. Additionally, some program rules for federal housing programs may disproportionately exclude persons with disabilities generally or persons with specific types of disabilities on the basis of criminal history and directly exclude undocumented persons with disabilities based on immigration status. Deeply affordable housing utilizing the above funding mechanisms could help increase the supply of such housing. In designing incentives, jurisdictions could utilize

existing priorities for permanent supportive housing in Qualified Allocation Plans (QAPs) to encourage permanent supportive housing set-asides in new developments. Additionally, jurisdictions should prioritize using that funding to support developments that would be eligible for the Section 811 Project Rental Assistance Program.

- b. *Advocate for the adoption of design standards that require at least 10 percent of total units in new multifamily developments receiving public funds to be accessible to persons with mobility disabilities and at least 4 percent for persons with hearing and/or vision disabilities.*

Persons with disabilities, including seniors, have expressed difficulty in finding accessible housing. Some jurisdictions in the region have adopted this higher standard to increase housing options for persons with disabilities, and the higher standard should become uniform throughout the region.

- c. *Increase support for rental assistance programs for persons with disabilities and advocate for additional resources.*

Programs like Virginia's State Rental Assistance Program (SRAP) provide much-needed rental assistance to persons with disabilities. Increasing this assistance will provide options for persons with disabilities who are leaving institutions or are at risk of institutionalization and who are at high risk of becoming homeless.

- d. *Support fair housing testing that investigates barriers identified by case managers who assist persons with disabilities in finding integrated housing.*

Fair housing testing is most effective as a civil rights tool when it targets structural barriers that play a significant role in perpetuating segregation. Case managers who assist persons with disabilities, particularly those exiting institutions, homelessness, or incarceration, with securing housing are uniquely positioned to be able to identify patterns across large landlords that make it harder for persons with disabilities to find homes and maintain stable tenancy.

- e. *Support education regarding the application of the Fair Housing Act's reasonable accommodation duty in the context of criminal history screening.*

Persons with disabilities are disproportionately likely to have contact with the criminal justice system and also to be the victims of crime. Some contact with the criminal justice system has a causal connection to individuals' disabilities and law enforcement's inadequate training and capacity to deescalate difficult situations. In many instances, persons with disabilities may be entitled to reasonable accommodations that allow them to qualify for units for which they might otherwise be ineligible due to landlords' criminal history screening policies. Focused education for landlords on this point would help ensure that accommodation requests in this context are responded to appropriately.

- f. *Improve the tracking and mapping of the locations of affordable, accessible restricted units and the accessibility of surrounding streets and sidewalks.*

Tenants expressed frustration with the absence of a database with ADA-accessible housing units. Identify ways to develop and maintain this list, make it available on the jurisdiction's website, and distribute it to organizations serving persons with disabilities. Additionally, it is important to ensure that the surrounding streets and sidewalks are also accessible.



## **7. Expand access and affordability of public transportation for members of protected classes.**

High housing costs in the region have forced many low- and moderate-income residents, including members of protected classes, to move further away from their jobs and reliable public transportation. This, in turn, can exacerbate disparities in employment and can also burden employers who cannot find local residents to hire.

- a. *Identify resources to expand free or reduced-fare bus and paratransit transportation to low-income households.*

Transportation barriers for members of protected classes increase with rising displacement. Data shows that low-income households are much more likely to utilize bus services. Providing free bus transportation to lower-income households would help facilitate access to jobs and services.

- b. *Study and make recommendations to improve, expand, and coordinate bus routes across jurisdictions to ensure that members of protected classes can access jobs in employment centers.*

As members of protected classes are forced to live further from their jobs as a result of displacement due to soaring housing costs, public transportation options become less viable. Bus routes should be expanded or rerouted to ensure that there is a match between where low- and moderate-income members of protected classes—who are more likely to use public transportation—live and work.<sup>55</sup> Additional funding may be required to accomplish this.

## **B. Fairfax County Goals**

Fairfax County recognizes the importance of dynamically adjusting and adapting its local goals throughout the five-year plan in response to data identifying the changing needs of residents, and to reflect ongoing dialogue and feedback from the community and service providers.

### **1. Increase the supply of housing that is affordable to low- and moderate-income families through the following strategies:**

- a. *Revise the County's For-Sale Workforce Dwelling Unit (WDU) Policy by lowering the current AMI categories and/or percentages applicable to the program to facilitate more homeownership opportunities and consider creating a separate policy for WDUs in high-rise condominiums outside of Tysons.*
- b. *Adopt tiered payment standards to align with market rents in order to increase access to higher opportunity areas for voucher holders.*
- c. *Facilitate delivery of Affordable Housing by encouraging co-location with other County Facilities on County-owned sites, through partnerships with faith-based organizations and by encouraging private development on undeveloped/underutilized commercial land. This is anticipated to be achieved both in County administered development and via public-private partnerships.*

### **2. Implement policies designed to preserve affordable housing and prevent displacement with a goal of no net loss of existing affordable rental units.**

- a. *Adopt amendments to the Fairfax County Comprehensive Plan that provide for tools and incentives for the preservation of both existing "market affordable" multifamily units and manufactured housing communities.*

**3. Increase the number of homeowners in the region and reduce inequities and discriminatory practices that limit homeownership opportunities for members of protected classes.**

- a. *Increase awareness of existing and upcoming affordable homeownership and rental opportunities in communities of color and other vulnerable communities.*

**4. Protect the housing rights of individuals with protected characteristics.**

- a. *Increase community awareness of Fair Housing rights by developing and providing new Fair Housing training and outreach activities.*
  - i. *Utilize fair housing complaint demographics data to identify underrepresented groups and populations.*
  - ii. *Target trainings to service providers to ensure equal access for underrepresented groups and populations, including professionals in the mortgage and lending industry, real estate appraisal industry, and realtor associations.*
  - iii. *Identify new community relationships with organizations providing services in various languages such as places of worship.*
  - iv. *Produce new media content on fair housing rights, and work to expand the reach of existing content to underserved populations through media channels directed towards these populations.*
  - v. *Partner with taskforces and community groups to create opportunity for community input and feedback.*
- b. *Enforce the Fairfax County Human Rights Ordinance through testing-initiated complaints that identify areas of concern.*
  - i. *Make data-informed decisions regarding the types of testing to be conducted by utilizing complaint demographics data for the most frequent filing basis, recommendations made by FHIP partners based on previous testing results, and following HUD directives as to the types of testing permitted.*
- c. *Increase the accessibility of fair housing services for individuals with disabilities and for whom English is not their first language.*
  - i. *Improve videoconference services provided to clients.*
  - ii. *Individuals requesting intake appointments will be offered access to reasonable accommodations and/or language services upon initial contact to ensure that these options are available to the individual throughout the complaint process.*

## **VII. Contributing Factors**

### **Access for Students with Disabilities to Proficient Schools**

#### Alexandria

In the most recent IDEA report from 2019, the City of Alexandria performed near state targets on most indicators, but obstacles remain in others. For example, 65 percent of Alexandria students with Individualized Education Programs (IEPs) are included in regular classroom instruction for at least 80 percent of the day, compared with the state target of 70 percent. However, 36 percent of children ages 3–5 continue to attend separate educational facilities when the state target is 17 percent.<sup>56</sup> Timely development of adequate IEPs in Alexandria is strong, and representation among children with disabilities is commensurate with the demographics of the district as a whole.

#### Arlington County

Of Arlington County's 27,000 students, 14.3 percent receive special education services. Arlington County schools consistently rank among the highest-performing in Virginia and in the nation, but barriers remain in access to opportunities for individuals with disabilities. The demographic disparities between students referred for IEPs and the overall population of Arlington Public Schools are small. However, there are racial, class, and language disparities among students referred for supplementary aids and services provided under Section 504 of the Rehabilitation Act that are significant: White students are overrepresented (66 percent of Section 504 referrals vs. 45 percent of the APS population), and economically disadvantaged students (8 percent vs. 32 percent) and English learners (6 percent vs. 30 percent) are underrepresented.<sup>57</sup>

APS has routinely fallen short of the state target for the percentage of early childhood students with disabilities who spend the majority of their time in regular early childhood programs; in 2016–2017, this was 27 percent for APS, while the state target was 33 percent.<sup>58</sup> However, APS exceeded state targets in preparing students with disabilities for the postsecondary transition, with 60 percent of such students enrolling in higher education within one year of leaving high school, compared with the state target of 35 percent.<sup>59</sup>

#### District of Columbia

Students with disabilities comprise nearly 20 percent of all students in the District. The Office of the State Superintendent of Education (OSSE) has implemented a variety of initiatives to attempt to increase access to proficient schools for these students, but significant barriers remain. Nearly 25 percent of the 3,253 students with disabilities who are transported by OSSE to school spend two hours or more on the bus to school each day.<sup>60</sup>

Accessibility in schools is evaluated using the Individuals with Disabilities Education Act, which requires all states and the District of Columbia to annually assess accessibility standards in public schools. In the District's latest report, from 2019, the percentage of children with IEPs who spent 80 percent or more of the school day inside regular classrooms (57 percent) fell well short of the target (64 percent).<sup>61</sup> This discrepancy begins in preschool education and continues through high school. Moreover, of the 1,770 students with disabilities, over 66 percent exited special education by dropping out of the school system.<sup>62</sup>

Although there appears to be no overrepresentation of particular racial or ethnic groups or particular disabilities among the District's population of students with disabilities, the identification of these students and the implementation of IEPs continues to be inadequate. Only 86 percent of children whose parents had consented to an IEP evaluation received one within 60 days.<sup>63</sup> And though IEP development for early childhood is close to the target, the same is not true for the secondary education level. Only 76 percent of students ages 16 and above have an adequate IEP that accounts for postsecondary goals.<sup>64</sup> As a result of these discrepancies, the achievement gap between students with and without disabilities is growing in the District.

#### Fairfax County

The most recent IDEA report from 2019 found that although Fairfax students with disabilities participate and perform well in academic assessments compared with state targets, access to educational infrastructure remains inadequate. Only 54 percent of Fairfax students with IEPs are included in regular classroom instruction for at least 80 percent of the day, compared with the state target of 70 percent, and 46 percent of children ages 3–5 continue to attend separate educational facilities when the state target is 17 percent.<sup>65</sup> Nonetheless, timely development of adequate IEPs in Fairfax is strong, and representation among children with disabilities is commensurate with the demographics of the district as a whole.

### Gaithersburg

See Montgomery County.

### Loudoun County

In Loudoun County, fewer impediments to educational access for students with disabilities exist in comparison to other jurisdictions. Fewer than 0.5 percent of students with disabilities drop out, and 79 percent graduate from high school with a regular diploma. However, 68 percent of students with disabilities are including in regular classroom instruction for at least 80 percent of the day, below the state target.<sup>66</sup> Additionally, 27 percent of children ages 3–5 attend separate educational facilities, above the state target of 17 percent.<sup>67</sup>

### Montgomery County

Montgomery County does not appear to have released aggregated data on educational outcomes for students with disabilities. As of October 2018, there were 19,848 students with disabilities enrolled in special education, 12 percent of the total enrollment.<sup>68</sup> Hispanic and Black students with disabilities are overrepresented at 35 percent and 26 percent, respectively.<sup>69</sup>

### Prince William County

Prince William County's 2018 IDEA report shows a graduation rate for students with IEPs of 64 percent, which is higher than the state target rate of 56 percent.<sup>70</sup> The county has a dropout rate of 1.5 percent, which is slightly higher than the state target rate. The report also identified a significant discrepancy in the rate of suspensions and expulsions for children with IEPs. The rate of students included in regular classrooms 80 percent or more of the day is 65 percent, which is below the state target rate of 70 percent.<sup>71</sup> Among children ages 3–5 with IEPs, the rate of children in separate educational facilities is 30 percent, significantly higher than the state target of 17 percent.<sup>72</sup>

## **Access to Financial Services**

### Region

Access to financial services is a contributing factor to fair housing issues in the District of Columbia, but is not a significant factor to fair housing issues in surrounding municipalities. Residents of the District of Columbia are unbanked at a far higher percentage than surrounding municipalities. According to 2022 Prosperity Now Scorecard, all municipalities with data had a higher percentage of unbanked people of color than White/Non-Hispanic.<sup>73</sup> The District of Columbia had the greatest unbanked discrepancy, with 1.1 percent of White/Non-Hispanic households unbanked compared with 12.7 percent of people of color.<sup>74</sup>

**Table 36: Access to Financial Services**

Municipality	Population Estimate July 1, 2019 <sup>75</sup>	Minority Population <sup>1</sup> %	Unbanked <sup>2</sup> %	FDIC-Regulated Institutions <sup>76</sup>	FDIC-Regulated Full-Service Brick and Mortar Branches <sup>77</sup>	FDIC-Regulated Non-Brick and Mortar Branches <sup>78</sup>
City of Alexandria	159,428	33.3%	4.0%	15	32	2
Arlington County	8,535,519	25.0%	2.5%	24	58	3

District of Columbia	705,749	54.0%	8.0%	32	197	15
Fairfax County	1,147,532	35.3%	2.4%	39	273	19
Loudoun County	413,538	33.0%	1.6%	23	85	7
Montgomery County	1,050,688	40.0%	2.8%	28	252	19
Prince William County	470,335	37.6%	3.2%	16	65	4

There are a significant number of financial institutions and physical banking locations available to residents in the metropolitan D.C. area. However, mere physical access to financial institutions does not preclude the possibility of predatory lending practices nor does it assure access to banking institutions (see Lending Discrimination Contributing Factor).

#### **Access to Publicly Supported Housing for Persons with Disabilities**

In the region, housing choice vouchers (HCVs) are the primary form of publicly supported housing support for persons with disabilities; project-based Section 8 provides a disproportionately lower rate of housing for individuals with disabilities than other programs.

In Maryland, residents with disabilities tend to have low incomes; therefore, there is a significant need for affordable housing, including publicly supported housing. Based on a study performed by the Maryland Department of Health services, at least half of all residents who have a disability had a household income of less than \$15,000.<sup>79</sup> Additionally, the population of elderly residents is expected to increase to over 20 percent of the total population, and currently almost 195,000 elderly residents are cost burdened.<sup>80</sup> Similarly, Virginia has a high rate of individuals with disabilities who live in poverty: an estimated 20 percent.<sup>81</sup> Additionally, as in Maryland, the population of elderly residents is also predicted to substantially increase in the next 10 years. Consequently, there is significant demand among individuals with disabilities for access to publicly supported housing and this need is likely to increase in the coming years.

Data from HUD shows that, across jurisdictions, persons with disabilities are underrepresented in project-based Section 8 developments in relation to their proportion of the income-eligible population. Because local governments in the area do not play a direct role in the administration of project-based Section 8 developments, support for fair housing organizations to engage in testing of these developments may be the most effective way to address this underrepresentation. Although the data do not show similar disparities for other types of publicly supported housing, low-income persons with disabilities may also have limited access to Low Income Housing Tax Credit (LIHTC) units due to the way rents are set in those developments. In LIHTC developments, affordability is generally targeted at households making 50 percent or 60 percent of the area median income (AMI). Because over half of residents with disabilities in Maryland have household incomes under 30 percent of the AMI, many do not meet the AMI requirements for LIHTC development.

In the region, most residents with a disability rely on HCVs, although the proportion of multifamily dwellings and project-based housing in some jurisdictions provides additional housing options. Despite the prevalence of HCVs, those with ambulatory disabilities lack sufficient accessible housing due to the lack of accessibility features.

Regionally, HCVs provide the primary form of publicly supported housing support. A much higher percentage of residents of other multifamily housing in the region have disabilities than do most jurisdictions. Included in other multifamily developments are Section 811 developments, which target persons with disabilities, and Section 202, which target elderly individuals, who are disproportionately persons with disabilities. Additionally, although the proportion of residents with disabilities in other multifamily housing is high compared with other programs in several jurisdictions, the total amount of available multifamily housing is significantly lower than the amount of housing available through the HCV program. Although HUD does not provide regional data reflecting the percentage of HCV users with disabilities, it provides these data by jurisdiction for other CDBG recipients.

**Table 37: Housing Choice Voucher Users with Disabilities by Jurisdiction**

Jurisdiction	Persons with Disabilities #	Persons with Disabilities %
Alexandria	214	15.82%
Arlington County	318	21.98%
District of Columbia	2,994	24.75%
Fairfax County	705	17.75%
Gaithersburg	101	17.32%
Loudoun County	140	24.14%
Montgomery County	1,141	16.78%
Prince William County	442	19.95%

In the District, where almost 12 percent of the population report having a disability, persons with disabilities appear to be able to access public housing and HCVs at rates that are at least commensurate with the portion of the income-eligible population that has disabilities. The same is not true with respect to project-based Section 8 units, in which the percentage of residents with disabilities is lower than the percentage of all District residents with disabilities and is presumably much lower than the percentage of the income-eligible population that has disabilities. The reason for this disparity is not clear. Because the other multifamily housing category includes several programs with very different purposes and because there are relatively few other multifamily developments in the District, it is not clear whether persons with disabilities face structural barriers to accessing that housing. The District also administers tenant-based rental assistance programs and other supportive housing assistance that specifically targets persons with particular types of disabilities. Within these programs, there is no underrepresentation of persons with disabilities. The Department of Mental Health's *Supportive Housing Strategic Plan, 2012-2017* reported that there were 675 Home First tenant-based vouchers available for persons with psychiatric disabilities, in addition to those provided through the HCV program, and that the District had funded project-based rental assistance for 121 units of permanent supportive housing for the same population. The Department of Disability Services also provides rental assistance to persons with developmental disabilities, though data on the number of individuals served is not available. Family members of individuals with developmental disabilities have reported difficulties in finding housing within the District for their loved ones with this assistance because payment standards are not as generous as they are for the HCV program. As a result, some individuals with developmental disabilities who are from the District reside outside the regional parameters in Montgomery County, Maryland, while receiving services funded by the District.

Of the other jurisdictions in the region, only Loudoun County has a greater proportional representation of persons with disabilities among its voucher holders than the District does. Additionally, this jurisdiction is among the smallest in terms of the total number of vouchers in use. This suggests that suburban public housing authorities may not be doing as much as the District of Columbia Housing Authority to prioritize serving persons with disabilities. At the same time, it should be noted that the

overall share of persons with disabilities, at approximately 9 percent, is significantly lower regionwide than it is in the District.

Montgomery County has the second-largest population of persons with disabilities in the region. As is the case in other jurisdictions, a much lower proportion of individuals with disabilities use project-based Section 8 housing compared with other programs like HCVs and other multifamily housing, both of which offer a significantly larger proportion of available affordable units. While multifamily dwellings in Montgomery County do have a higher proportion of residents with disabilities than HCV units do, the latter provides the largest number of publicly supported housing units throughout the county. But, as noted above, HCVs may offer limited accessibility for individuals with ambulatory impairments.

### **Access to Transportation for Persons with Disabilities**

Access to transportation for persons with disabilities is a significant contributing factor. In Virginia, the elderly population is predicted to increase to 20 percent of residents by 2030,<sup>82</sup> the largest population increase of any demographic. The state recognizes that as the elderly population increases, the demand for public transportation will increase as well, but as it admits in its *2018 Assessment of Disability Services in Virginia* study, there is insufficient transportation of this type to accommodate rising demand.<sup>83</sup> The outpaced demand for transportation also disproportionately impacts individuals with disabilities, who also tend to rely on public transportation to travel. Similarly, although Maryland has more extensive public transportation modes for individuals with disabilities, less extensive infrastructure in suburban areas reduces access for individuals with disabilities.

### **Admissions and Occupancy Policies and Procedures, Including Preferences in Publicly Supported Housing**

#### District of Columbia

The D.C. Housing Authority exercises a series of preferences on its public housing waiting list. Elderly families and families with a household member with a disability receive preference, as well as working families and unhoused people.<sup>84</sup> The D.C. Housing Authority may deny access to public housing to individuals who have been convicted of a violent crime or who have been documented as participants in one (regardless of their conviction), though enforcing this preference is not required.<sup>85</sup>

Overall, however, the shortage of public housing in the District is due less to preferences in allocation of such housing; the waiting list has been closed since 2013. Additionally, within the past two years, the District has allocated only 56 percent of its housing vouchers reserved for individuals and an even more meager 37 percent of those reserved for families.<sup>86</sup> This has exacerbated the District's housing problem and prevented large numbers of individuals from gaining admission to affordable housing.

#### Virginia

Most governments in the region do not provide explicit information about their preferences for publicly supported housing or other housing-related services. Alexandria is unique in its maintenance of separate lists for different housing programs, including a priority list for unhoused individuals and individuals in supported housing, as well as a list for elderly people and persons with disabilities.<sup>87</sup> Other jurisdictions in the region, such as Fairfax County, have large numbers of individuals and families on third-party waiting lists, many of which may also be subject to preferences.<sup>88</sup> Overall, however, preferences and other admissions policies appear to be a less significant barrier than other impediments examined in this analysis.

#### Maryland

Montgomery County Housing Opportunities Commission's HCV waiting list operates on a system of preferences for those displaced by government action; those who live, work, or have been hired to work in Montgomery County; persons with disabilities; veterans; and those with a history of homelessness.<sup>89</sup> Though preferences for the county's other housing programs, including public housing, are not explicitly stated, they are likely similar.

### **Availability of Affordable Units in a Range of Sizes**

As discussed in Location and Type of Affordable Housing (page XX), affordable housing in the region is available in a range of unit sizes. However, this availability may not necessarily meet the demand for specific unit sizes, and not every local government lists unit size in its housing directory. Thus, affordable units in appropriate sizes may not always be accessible to those who need them. The shortage of available housing units for larger families is particularly acute, and most large families rely on HCVs for suitable units rather than public housing and other types of publicly supported multifamily housing.

### **Availability, Type, Frequency, and Reliability of Public Transportation**

Availability, type, frequency, and reliability of public transportation is a significant contributing factor to impediments to fair housing. Metropolitan Washington is served chiefly by Metrorail and Metrobus services operated by WMATA, which has a reputation for delays, unreliability, and inaccessibility. WMATA's latest performance report, from the second quarter of 2021, shows that Metrobus and Metrorail are both performing near or above targets in almost all safety and quality indicators.<sup>90</sup> However, because ridership remains significantly depressed due to COVID-19, it is more instructive to look at the last pre-pandemic performance report, from fiscal year 2019. This report shows significant improvement on previous years, which have been marked by numerous delays, breakdowns, and even death due to fire, but also shows room for further improvement. The bus fleet, which is more accessible and widespread than rail, remains somewhat unreliable. Buses, on average, traveled just over 6,300 miles between service interruption and experienced approximately 67 bus collisions per 1 million miles driven.<sup>1</sup> There was no on-time bus performance reported because of data quality errors.<sup>2</sup> MetroAccess, the door-to-door paratransit service, showed an on-time performance rate of 90 percent.<sup>92</sup>

WMATA operates 6 lines serving 91 rail stations in the District, Maryland, and Virginia.<sup>93</sup> However, stations are frequently far away from each other, so riders may need to take buses to transfer from one station to another or to reach their destination from a rail station. In addition to bus, rail, and MetroAccess, WMATA operates parking spaces at 44 Metrorail stations, costing approximately \$5 per day.<sup>94</sup>

Metropolitan Washington is also served by Capital Bikeshare, which is owned by Lyft and offers 4,500 bikes across over 500 stations in the District, Maryland, and Virginia. A single trip costs \$1.00 to unlock plus \$0.15/minute, while annual membership costs approximately \$8.00 per month.<sup>95</sup> Bikes are concentrated in downtown D.C., although stations are spread throughout the region, including in lower-income areas in southeast D.C., Virginia, and Maryland.<sup>96</sup> Bike shares are widely used, with over 254,000 trips taking place in May 2021 alone.<sup>97</sup>

Nonetheless, the District's truly public transport options, bus and rail, remain subject to significant quality defects. Though public transport is available, its frequency and reliability is subject to variation,

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<sup>1</sup> WMATA, *FY19 Metro Performance Report*, <https://www.wmata.com/about/records/scorecard/upload/Q4FY19-Metro-Performance-Report.pdf>.

<sup>2</sup> *Ibid.*



and the variety of options available is also limited, especially for persons with disabilities and for those who live outside downtown D.C.

## **Community Opposition**

### District of Columbia

Although the District is known as a Democratic stronghold with progressive leanings in the realm of social justice, this image has often failed to hold true when it comes to support for affordable housing. Of particular importance has been the geographically inscribed gap between the District's White population and its residents of color, which mirrors the divide between its wealthiest and lowest-income communities. Efforts by the government of Mayor Muriel Bowser to build affordable housing, including in wealthier neighborhoods, have faced opposition due to fears of congestion and altering the character of communities in undesirable ways.<sup>98</sup> Although most District residents believe the current housing situation is unfair, many have also been slow to support efforts to expand affordable housing outside its geographically concentrated current presence.<sup>99</sup> However, within the past year, District residents have become increasingly aware of segregative housing issues, and many have begun to speak up against exclusionary zoning and similar problems.

### Virginia

Earlier this year, Virginia became the third state in the nation to implement legislation barring the denial of building permits to housing developments on the grounds that those developments will contain affordable housing units.<sup>100</sup> This law, which attempts to combat the NIMBY (not in my backyard) perspective and the desire of wealthy communities to maintain their self-segregation, paves the way for more equitable housing in northern Virginia and reflects a trend away from community opposition to fair housing. It offers a contrast to the opposition to affordable housing that influenced many planning decisions in the early 2010s. Nonetheless, community opposition remains a problem, especially in rural areas.<sup>101</sup> Earlier this year, for example, Loudoun County scrapped plans for a mixed-income housing development due to neighborhood protests.<sup>102</sup> Local governments in northern Virginia, like their counterparts in the District, are beginning to critically examine exclusionary zoning policies.<sup>103</sup> However, mere policy changes may not be enough to dismantle opposition to the creation of more affordable housing in the region.

## Maryland

Montgomery County has often been a site of controversy regarding affordable housing, even as it has sought to increase housing inclusion and affordability in recent years. The 2022 county executive campaign has brought the issue of affordable housing to the forefront, with a discourse centering on the need for affordable housing versus economic development.<sup>104</sup> There has also been community opposition to the proposed Thrive Montgomery plan, which would allow duplexes and triplexes in some single-family neighborhoods.<sup>105</sup> Thus, it appears that community opposition to affordable housing not only exists in Montgomery County, but also manifests within the county's government and political discourse.

## **Deteriorated and Abandoned Properties**

Though the District of Columbia has gentrified significantly in recent years, rapid development of new housing has not kept properties from falling into disrepair. The D.C. Department of Housing and Community Development's Property Acquisition and Disposition Division (PADD) maintains a portfolio of vacant and abandoned properties, nearly two-thirds of which are located in Wards 7 and 8, the lowest-income wards in the city.<sup>106</sup> PADD attempts to repair these properties into livable homes, but its work only addresses a small fraction of the deteriorated and abandoned properties in the District. As of 2016, the Department of Consumer and Regulatory Affairs' Vacant and Blighted Enforcement Unit maintained a list of around 1,200 vacant properties, but loopholes and inadequate reporting mean that this number is also likely to be a significant underestimate.<sup>107</sup> A 2017 auditor's report revealed that the number is likely closer to 2,000 properties.<sup>108</sup>

The problem appears to be less significant in surrounding areas of metropolitan Washington, D.C., especially as house prices have increased rapidly throughout 2020 and 2021. Deteriorated and abandoned properties tend to be concentrated in the District and do not appear to have been extensively catalogued elsewhere.

## **Displacement of and/or Lack of Housing Support for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

### District of Columbia

One in three women experiencing homelessness in the District cites domestic violence as the cause of her housing instability.<sup>109</sup> The District is home to a number of domestic violence shelters and emergency shelters (not specific to domestic violence), as well as the District Alliance for Safe Housing, which provides housing services and an emergency fund for victims of domestic violence. The Domestic Violence Housing Continuum was founded in 2016 to encourage dialogue and collaboration in the realm of housing for victims of domestic violence. Despite the existence of these services, DASH identified a one-to-five ratio of survivors placed in housing versus those turned away due to no housing options.<sup>110</sup>

### Virginia

Several northern Virginia counties offer support services for those displaced by domestic violence, including shelters and support for housing and utilities. Nonetheless, domestic violence affects approximately 25 percent of households in northern Virginia.<sup>111</sup> Low-income, immigrant, and refugee families are particularly vulnerable.<sup>112</sup> Shelters specifically dedicated to domestic violence remain few within any given locality; for example, Doorways' Domestic Violence Safehouse, which serves 60–80 people per year, is the only domestic violence shelter in Arlington County, and those who stay at the safehouse remain only for short periods.<sup>113</sup>

## Maryland

The Betty Ann Krahnke Center (BAK) of Family Services, Inc., is the only emergency domestic violence shelter for women and their children in Montgomery County. BAK is a 60-bed, short-term crisis shelter.<sup>114</sup> Various other shelters exist for men, women, and families, and Montgomery County also runs an Abused Persons Program, but admission to the latter is by application.<sup>115</sup>

## **Displacement of Residents Due to Economic Factors**

### Region

High housing costs and a lack of affordable housing options place significant pressure on longtime District residents. As a result, many residents, particularly low-income residents of color, relocate to the edges of the metropolitan region or relocate out of the region altogether.<sup>116</sup> The City of Alexandria, Arlington County, the District of Columbia, Fairfax County, Loudoun County, Montgomery County, and Prince William County all have households vulnerable to displacement.

Households earning less than 200 percent of the federal poverty line in Arlington, Loudoun, Fairfax, and Prince William Counties in northern Virginia have the highest rate in the country of spending more than 50 percent of their income on housing.<sup>117</sup> The high cost of housing was especially burdensome to low- and moderate-income households closer to the District of Columbia.<sup>118</sup>

Increasing financial pressure due to the COVID-19 pandemic has affected many households' ability to pay their rent or mortgages. Eviction moratoriums have delayed many evictions but high housing costs in the region will likely force households to move further away from the region's center.

### Alexandria

Business investment in the area around the City of Alexandria, particularly the selection of Arlington as Amazon's second headquarters, "HQ2," has increased housing costs and will make it more difficult for low-income residents to remain. There is particular concern that Amazon will displace residents of the Arlandria-Chirilagua neighborhood, which is one of the last sections in Alexandria that has some market-rate affordable housing.<sup>119</sup>

### Arlington County

Similar to the City of Alexandria, Arlington County housing costs are increasing due to economic development and growing income inequality.<sup>120</sup> Increasing business development, including the construction and opening of Amazon's HQ2, will likely accelerate the displacement of longtime residents.<sup>121</sup> Residents in southern Arlington County, where more than half of residents rent, face higher risk of displacement than residents of northern Arlington County.<sup>122</sup> Increasing economic inequality, intensified due to the COVID-19 pandemic, make Black and Hispanic renters particularly vulnerable.

### District of Columbia

The District of Columbia has high levels of displacement of low-income residents, who are disproportionately likely to be Black,<sup>123</sup> due to increasing economic requirements for housing.<sup>124</sup> A study by the Institute on Metropolitan Opportunity concluded that the District of Columbia had the most widespread displacement of low-income residents of any major city between 2000 and 2016.<sup>125</sup> In the wake of low-income resident exodus, wealthier households are moving in. This creates a feedback cycle where less affordable housing is created and makes it harder for low-income households to remain in the District. The high cost of housing has collateral effects on other industries. With new, increasingly wealthier residents moving in, the prices for services like child care also increase and place financial pressure on households.<sup>126</sup>

### Fairfax County

Fairfax County faces a significant threat of resident displacement in the metropolitan D.C. region.<sup>127</sup> Housing prices are increasing rapidly. Fairfax County has a large number of established low- and moderate-income households who are likely to face significant increases in housing costs in the future.<sup>128</sup>

### Loudoun County

In 2020, 62 percent of Loudoun County households spent more than one-third of their income on housing.<sup>129</sup> A 2021 draft of Loudoun County's *Unmet Housing Needs Strategic Plan* highlighted that people who work in Loudoun County are unable to afford to live there and are forced to live outside the county.<sup>130</sup> Furthermore, Loudoun County lacks housing options with practical access to transit, forcing households to use roads that are overburdened by workers commuting from adjacent counties.<sup>131</sup>

### Montgomery County

Montgomery County has a lack of housing across all income levels. Although the region faces competition for low- and moderate-income housing, Montgomery County's spiraling housing costs force even middle-income households to move further away from the metropolitan center. Housing prices in the county are 57 percent above the statewide average and 74 percent above neighboring Prince George's County average.<sup>132</sup>

### Prince William County

Prince William County faces similar problems to other municipalities in the region. High housing costs and lack of housing stock, particularly low- and moderate-income housing, makes it difficult to live in the county. Furthermore, increasing income inequality drives up the cost of living across the board, forcing even homeowners to consider moving toward more financially viable areas.

**Table 38: Impediments to Mobility**

Municipality	HCV Waiting List Status	HCV Payment Standard for 2 Bedrooms	HCV Lease-Up Time	Source-of-Income Protection Law
Alexandria <sup>133</sup>	Closed to new applicants	\$1,941	Not locally specified; HUD minimum voucher term is 60 days	Statewide: yes Locally: no
Arlington County <sup>134</sup>	Closed to new applicants; average voucher wait is approximately 5 years	\$1,941	120 days	Statewide: yes Locally: no
District of Columbia <sup>135</sup>	Closed to new applicants; estimated 1–10 years to get to the top of the waiting list	Based on zip code, ranges from \$1,160 to \$2,650	180 days	Yes
Fairfax County <sup>136</sup>	Closed to new applicants	\$1,941	60 days with automatic 60-day extension upon request	Statewide: yes Locally: no

<b>Loudoun County</b> <sup>137</sup>	<b>Closed to new applicants</b>	<b>\$1,941</b>	<b>60 days; 30-day extensions are available</b>	<b>Statewide: yes Locally: no</b>
<b>Montgomery County</b> <sup>138</sup>	<b>Open to new applicants</b>	<b>Based on zip code, ranges from \$1,160 to \$2,650</b>	<b>90 days; extensions up to 60 days are available</b>	<b>Statewide: yes Locally: yes</b>
<b>Prince William County</b> <sup>139</sup>	<b>Closed to new applicants</b>	<b>\$1,941</b>	<b>60 days; generous extensions available</b>	<b>Statewide: yes Locally: no</b>

The biggest impediment to mobility in the D.C. metropolitan region is the lack of affordable housing available beyond the existing housing system. A range of impediments reduce access to housing. First, the majority of HCV programs have suspended applications for the program through waiting list closures. As a result, individuals in need of affordable housing who are not on the existing waiting list cannot even apply for the program, which limits the expansion of affordable housing stock. Montgomery County is the only municipality with an open waiting list for HCVs. The expected waiting time in markets where the waiting list is closed is either unavailable or is estimated to be several years.

State and local laws in the District and Montgomery County prohibit source-of-income discrimination. Although the District has protected source of income in housing for years, a study in 2018 by the Urban Institute found that 15 percent of District landlords did not accept vouchers.<sup>140</sup> In response, the D.C. Council strengthened the source-of-income protections,<sup>141</sup> notably requiring landlords to affirm in all advertisements they will not refuse to rent to a person paying through a voucher for rental housing assistance.<sup>142</sup> Maryland enacted source-of-discrimination protection statewide in 2020.<sup>143</sup> However, Montgomery County has had source-of-income protections for far longer. Like Maryland, Virginia’s statewide source-of-income protections are recent, taking effect on July 1, 2020.<sup>144</sup> Similar to Maryland’s statute, but unlike the Montgomery County ordinance, Virginia’s law exempts “small landlords, landlords that own four or fewer units, or when the entity providing the payment for rent takes more than 15 days to approve the lease” from source-of-income protections.<sup>145</sup>

All jurisdictions in the region except for Fairfax County use HUD’s small area fair market rent calculation for HUD vouchers. By using a zip code–based calculation, these jurisdictions provide increased mobility because the voucher amount is tailored to costs in a more discrete area—instead of using a one-size fits all model—thereby expanding the potential housing stock an individual can access. In contrast, Fairfax County has one payment standard for the entire county, effectively limiting HCV users to the areas of town where rent is below the standard rate.<sup>146</sup>

The voucher lease-up time in some jurisdictions also impedes mobility. Once a voucher lease time expires, an individual loses the voucher, and given that the waiting lists are closed for the most part, an expired lease time limit can disqualify otherwise eligible voucher participants from securing affordable housing for many years. In the majority of Virginia’s jurisdictions in the region, the public housing agency imposes a lease-up time of 60 days. Although extensions are available, the standard wait time is insufficient to allow residents to find eligible housing because of the extensive housing search necessary (in addition standard employment and family care obligations) and, often, a lack of familiarity with qualifying housing. Landlord prejudice about accepting vouchers, despite the legal protection, as well as the onerous housing application process are also significant barriers that may cause a lease time to expire before an individual can secure housing.

## **Inaccessible Government Facilities or Services**

Inaccessible government facilities or services contribute to disparities in access to opportunity for persons with disabilities. Although a variety of public facilities and services have reasonable accommodation policies for persons with disabilities, many facilities and services require additional outreach or efforts by the person with a disability to request accommodations themselves, usually with several days' notice, rather than having these services consistently embedded into their administration. As a result, individuals with disabilities must be proactive to obtain necessary accommodations.

In the region, some counties provide a range of accessibility services. Montgomery County has an ADA Compliance Team and provides training and technical assistance for county staff on ADA compliance and other disability needs. Similarly, Fairfax County provides ADA services through its government offices, including enforcing building codes that require ADA compliance and handling ADA complaints. In the District of Columbia, any facility or part of a facility that is constructed by a state or local government entity after January 26, 1992 must be built in strict compliance with the ADA. The District is not necessarily required to make every pre-ADA facility fully compliant with current accessibility codes, however, all District services, programs, or activities must be accessible to and usable by persons with disabilities when viewed in their entirety. This is called "overall program access."<sup>147</sup> Nonetheless, this loophole means accessibility problems may remain where persons with disabilities face greater barriers in accessing government facilities or services. The same principles apply to other governments in the region.

Web accessibility reveals similar dualities, where governments have attempted to comply with Section 508 referring to website accessibility standards. However, this compliance is only implemented "whenever possible", and certain elements remain poorly accessible.

## **Inaccessible Public or Private Infrastructure**

Inaccessible public or private infrastructure contributes to disparate access for persons with disabilities in the Washington, D.C. metropolitan area. Although accommodations are available in a range of public and private infrastructure, lack of compliance or maintenance results in inequitable treatment for persons with disabilities. Inadequate maintenance of sidewalks can impede accessibility for persons with mobility-related disabilities, including persons who require wheelchairs for transportation. Recent public efforts, such as the crowdsourced Project Sidewalk, endeavor to map sidewalk accessibility by noting curb ramp conditions, lack of sidewalks, and other common issues impeding mobility in the District.<sup>148</sup> Many sidewalks in the D.C. metropolitan area are not up to Americans with Disabilities Act (ADA) standards; in many cases, this is because construction projects have left large cracks that serve as impediments to persons in wheelchairs.<sup>149</sup> The governments of the District of Columbia,<sup>150</sup> Virginia,<sup>151</sup> and Maryland<sup>152</sup> have all put out ADA Transition Plans for Public Rights-of-Way, which provide a detailed review of sidewalks, crosswalks, bus stops, curb ramps, and accessible pedestrian signals. However, the Transition Plans for the District, published in 2016, and Maryland, published in 2009, have not been updated in quite some time, and inaccessible infrastructure problems persist. Additionally, since COVID-19 has caused restaurants to use more public space for outdoor dining, the pandemic has created new accessibility challenges.<sup>153</sup> Moreover, parking of electric scooters and bicycles has also resulted in impassable sidewalks, particularly in downtown D.C.

## **Lack of Access to Opportunity Due to High Housing Costs**

The extent to which high housing costs contribute to a lack of access to opportunity is a serious concern throughout the region. Median home values vary depending on location. The median home value in Prince William County is approximately \$450,000,<sup>154</sup> whereas the median home value in Arlington is almost \$800,000.<sup>155</sup> Home values dramatically increased this past year across the board. Home values have increased the least in the District, by over 3 percent,<sup>156</sup> and the most in Prince William County, by almost 12 percent.<sup>157</sup>

While home values vary depending on location, low-income households throughout the region are burdened by the cost of housing. According to a study from the Community Foundation for Northern Virginia, when compared to the 50 largest metro areas, northern Virginia has the highest percentage of low-income households who are severely burdened by the cost of housing. Northern Virginia also has the sixth-highest rate of housing burden among moderate-income households. Racial and ethnic minorities face severe housing burdens at higher rates: 57 percent of severely burdened households were non-White, and 47 percent were immigrants.<sup>158</sup> In addition, non-family households have the highest cost burden throughout the region compared with family households. Consequently, individuals with disabilities that live alone, and who are likely to live on a fixed income like SSI, are likely to face more barriers to opportunity due to high housing costs.

In the District, nearly 60 percent of households rented housing in 2018. Of those households, one in four spent over 50 percent of their income on rent, and another one-fifth spent between 31 and 50 percent of their income on rent. People of color are also more likely to face housing cost burdens in the District; 30 percent of Black renters spend over half their income on rent.<sup>159</sup> Similarly, in Montgomery County, 50 percent of renters spend more than 30 percent of their income on housing, and a quarter of renters spend over 50 percent of their income.<sup>160</sup> Since there is such a shortage of affordable housing throughout the region, low-income workers may need to live farther away from employers and transportation. For workers who are disabled, transit distances are likely to impede job access as well.

## **Lack of Affordable In-Home or Community-Based Supportive Services**

### District of Columbia

D.C.'s Department of Behavioral Health (DBH) maintains a list of over 30 DBH-certified in-home and community-based providers of supportive services, many of which also provide services to children and youth.<sup>161</sup> Though these services vary in their affordability and accessibility, they are located throughout the city (there is only one in southwest D.C., but the rest are not concentrated in any one of the other three quadrants). The D.C. Department on Disability Services also funds some supportive services.<sup>162</sup> Though supply still fails to meet demand when it comes to affordable supportive services in the District, the framework for adequate supportive services nonetheless exists.

### Virginia

Virginia Housing and Supportive Services, a community engagement initiative of the Virginia government that serves northern Virginia, maintains a database of programs and resources for individuals with developmental disabilities and others who may benefit from such services.<sup>163</sup> These include programs that assist with accessibility modifications, emergency rent, financial counseling, food, and other potential needs. These services are currently used by over 700 people in the region with developmental disabilities who live independently.

## Maryland

The Montgomery County government provides personal assistance, medical assistance, and other supportive services to individuals who meet the county's medical level of care.<sup>164</sup> Such individuals must also qualify for Medicaid. The county does not provide access to or information about more general services. Nonprofit groups serving the rest of the region fill some of these gaps, but Montgomery County remains an area of need with regards to supportive services.

### **Lack of Affordable, Integrated Housing for People Who Need Supportive Services**

#### Region

The lack of affordable, integrated housing for people who need supportive services is a significant contributing factor to segregation, homelessness, and inadequate housing for persons with disabilities in the D.C. metropolitan area. Although the municipalities have prioritized integrated housing for people who need supportive services, the high housing costs and the lack of affordable housing, in general, limit the effectiveness of targeted programs.

**Table 39: Population, Supportive Housing, and Rental Housing Characteristics**

Municipality	2019 Census Population Estimate	Permanent Supportive Housing Year-Round Beds <sup>1</sup>	Total Rental Units	Rental Units with 30% or More of Household Income as Gross Rent	Rental Vacancy Rates	Median Gross Rent
Alexandria <sup>165</sup>	159,428	47	38,804	15,084 (38.9%)	4.2%	\$1,781
Arlington County <sup>166</sup>	236,842	278	61,245	23,144 (37.8%)	3.3%	\$1,993
District of Columbia <sup>167</sup>	705,749	9,958	162,199	69,304 (42.7%)	7.0%	\$1,603
Fairfax County <sup>168</sup>	1,147,532	627	126,768	57,431 (45.3%)	2.6%	\$1,900
Loudoun County <sup>169</sup>	413,538	24	28,713	11,617 (40.4%)	7.1%	\$1,876
Montgomery County <sup>170</sup>	1,050,688	2,155	125,266	63,923 (51.0%)	4.9%	\$1,788

#### Alexandria

The City of Alexandria acknowledges that there is a lack of supportive housing and aims to increase affordable housing and supportive housing through its efforts to end homelessness.<sup>171</sup>

#### Arlington County

Arlington County has increased its capacity to support individuals needing permanent supportive housing, but many applicants remain on the waiting list for services for more than one year.<sup>172</sup>

#### District of Columbia

The District of Columbia prioritizes funding permanent supportive housing to address homelessness.<sup>173</sup> HUD's Continuum of Care *Housing Inventory Count Report* indicated that the District of Columbia provides the highest number of supportive housing beds per capita in the region. Although the District is a leader in the region, there is still an overall lack of supportive housing.



### Fairfax County

Fairfax County acknowledges the need to create more affordable and supportive housing, and there is a waiting list.<sup>174</sup> However, short-term plans to supportive housing stock are seemingly modest.<sup>175</sup>

### Loudoun County

Loudoun County has the fewest number of permanent supportive housing beds per capita in the region, according to HUD's Continuum of Care *Housing Inventory Count Report*.<sup>176</sup> The county acknowledges that it needs increased capacity to provide permanent supportive housing, homelessness prevention, and intensive case management.<sup>177</sup>

### Montgomery County

Montgomery County's Interagency Commission on Homelessness (ICH) prioritizes creating housing and services for homeless persons, including emergency and transitional shelter, rapid rehousing, and permanent supportive housing.<sup>178</sup> ICH, which began in 2015, has worked with the county to revise its structure to deliver supportive housing.<sup>179</sup> The ICH's 2020 annual report acknowledges that the lack of affordable housing for families at or below 30 percent of the AMI and lack of supportive housing services hurt their overall effort.<sup>180</sup>

## **Lack of Affordable, Accessible Housing in a Range of Unit Sizes**

HUD's implementation of Section 504 of the Rehabilitation Act of 1973 (24 CFR Part 8) requires that publicly supported federal housing developments make 5 percent of total units accessible to individuals with mobility disabilities and an additional 2 percent of total units accessible to individuals with sensory disabilities. Public housing and project-based Section 8 units are both considered to be publicly supported housing subject to this mandate. Based on these requirements, every jurisdiction except for Gaithersburg, Maryland, meets the above legal criteria.

As discussed in Location and Type of Affordable Housing, affordable housing in the region is available in a range of unit sizes. These include accessible housing options such as assisted living facilities, independent living units, and congregate care facilities. However, the supply of affordable, accessible housing continues to fall well short of demand in the D.C. area, as a report by the D.C. Affordable Housing Alliance makes clear.<sup>181</sup> Virginia and Maryland also acknowledge the mismatch between the supply of affordable accessible housing and the growing need for such housing.<sup>182</sup> Despite a range of sizes, disparities in unit size allocations produce disparities in access to affordable accessible housing. As discussed in depth in the Disparities in Housing Needs section, there is a disproportionately lower percentage of publicly supported housing for larger families, meaning individuals with disabilities who live with their families are less likely to have access to affordable housing. Additionally, there appears to be an outsized proportion of housing stock reserved for one-bedroom units, which also limits access to affordable and accessible housing because in some circumstances a resident may need a live-in attendant but cannot due to occupancy limits. Additionally, many individuals with disabilities live on a fixed income. Those who rely on SSI as their primary income and live alone are unable to afford most units due to their significantly limited income. Further development of accessible affordable housing units is needed to ensure availability to a larger proportion of those who need it.

## **Lack of Assistance for Housing Accessibility Modifications**

In the District of Columbia, the Single-Family Residential Rehabilitation Program (SFRRP) administers grants for modification to eliminate barriers to accessibility for persons with disabilities.<sup>183</sup> The District's public housing program also prioritizes persons with disabilities and allows for reasonable accommodations for those with disabilities.<sup>184</sup> Rebuilding Together Arlington/Fairfax/Falls Church provides home repair services to make homes accessible at no cost to persons with disabilities. The

Housing Modifications for the Disabled and Elderly Program assists low-income individuals and families with housing modifications to their home to allow for greater mobility.<sup>185</sup> The City of Alexandria's Rental Accessibility Modification Program (RAMP) provides grant funds to modify rental housing to make the units more accessible for low- and moderate-income tenants with physical disabilities.<sup>186</sup> In Maryland, much of this work is done by a group of nonprofits known as the Centers for Independent Living, but these organizations do not provide explicit support for housing accessibility modifications, nor does the government of Montgomery County appear to do so.

In general, housing accessibility and accessibility modifications remain a major concern, including in discriminatory renting. A 2019 report revealed that housing in the D.C. region is frequently inaccessible and that affordable housing programs frequently steer persons with disabilities toward already modified housing, which is a violation of the Fair Housing Act.<sup>187</sup>

### **Lack of Assistance for Transitioning from Institutional Settings to Integrated Housing**

Lack of assistance for transitioning from institutional settings to integrated housing is a slight contributing factor to the segregation of persons with disabilities in D.C. and the broader region. In the past decade, Maryland and Virginia have significantly reduced the proportion of individuals with disabilities who live in institutional settings, but this alone does not prove that any provided assistance to transitioning to integrated housing has been successful. Stakeholders indicated that transition services for persons with psychiatric disabilities lag behind those available for persons with intellectual and developmental disabilities, with less stable housing tenure in integrated settings being the result. Additionally, there is a large population of individuals with psychiatric disabilities living in group homes, including some large group homes, that may not meet the regulatory definition for an institution but in practice are virtually the same.

There is a need to have more proactive case management with respect to individuals living in group homes that informs them of more integrated housing opportunities. In the broader region, although the Commonwealth of Virginia has increased the transition services offered to persons with intellectual and developmental disabilities, such services for persons with psychiatric disabilities are not as adequate.

Nevertheless, there are several agencies in the region who work with clients to assist with this transition. In the District, the main organization that assists with transitions from institutional settings to integrated housing is Pathways to Housing D.C., which has helped over 900 people move into its permanent housing program since 2004.<sup>188</sup> Pathways to Housing D.C. works exclusively with those who are overcoming mental illness, substance abuse, or severe health challenges. Given that Pathways to Housing D.C. is the only organization primarily dedicated to providing assistance in the transition to integrated housing in the District, there is room for expansion in this field.

Virginia Housing and Supportive Services has also worked to increase access to information about transitioning to integrated housing, though it does not run its own programs, but rather contracts with community partners to facilitate transitions.<sup>189</sup> No Wrong Door is its primary program to expand access to integrated settings but it predominantly does so by connecting individuals with private entities.<sup>190</sup>

In Maryland, the Maryland Developmental Disabilities Administration assists with similar services and has an online portal, Maryland Access Point, where people can identify available resources in their area.<sup>191</sup> Virginia and Maryland provide a range of Medicaid waivers for individuals with disabilities to assist them with the transition to integrated housing. However, in Maryland, wait times for these services are considerably long, taking more than a year in most cases.<sup>192</sup> Nonetheless, in this past

year, Maryland increased its waiver rates, which indicates that service providers may be able to expand and improve the overall services reduce wait times.<sup>193</sup>

### **Lack of Community Revitalization Strategies**

All of the jurisdictions within the Washington, D.C. metropolitan region dedicate significant time and funds to community revitalization. All make use of the federal government's Opportunity Zone program to incentivize developers to build within economically disadvantaged neighborhoods. In addition to this federal initiative, they have also instituted a variety of other programs as well.

Virginia has a variety of community revitalization strategies and jurisdiction-based strategies that promote community revitalization. Prince William County offers financial assistance to households to improve owner-occupied housing and increase energy efficiency, with priority given to households making below 50 percent of the AMI.<sup>194</sup> Loudoun County offers a similar program.<sup>195</sup> Arlington County offers community development grants to community groups to improve the quality of life for low-income residents.<sup>196</sup> There is also the Eligible Areas Small Grants Program, which provides small grants for community activities.<sup>197</sup> In 2020, Loudoun County designated an area of land outside Leesburg as a Virginia Housing Development Authority revitalization area.<sup>198</sup> Fairfax County created the Economic Incentive Program to encourage redevelopment in certain areas.<sup>199</sup>

Maryland has also developed a host of programs to advance community revitalization. Under its Sustainable Community Act, the state provides funding to designated localities to invest in community development activities, including local economic development, historic landmark preservation, affordable and sustainable housing development, and growth and development practices that target the improvement of the natural and built environment.<sup>200</sup> One important initiative to achieve this goal is the Community Legacy Program, which provides funding to local governments, community groups, and groups of local governments to support the following:

- mixed-use development consisting of residential, commercial and/or open space
- business retention, expansion, and attraction initiatives
- streetscape improvements
- increased homeownership and home rehabilitation among residents
- residential and commercial facade improvement programs
- real estate acquisition, including land banking, and strategic demolition<sup>201</sup>

Montgomery County is designated as an eligible recipient for these funds and has developed several initiatives to implement this program. Montgomery County offers a Focused Neighborhood Assistance program for public land improvement, home improvement, commercial property improvement, neighborhood cleanup, murals, and community events.<sup>202</sup>

### **Lack of Local Private Fair Housing Outreach and Enforcement**

Lack of local private fair housing outreach and enforcement is not a contributing factor to the segregation and various kinds of fair housing issues in the District of Columbia's metropolitan region. There are more than 30 private organizations across the metropolitan region that offer legal advice and representation to low-income individuals experiencing housing issues, with several organizations restricting their clientele to low-income seniors and other special populations. The Equal Rights Center (ERC), Maryland Legal Aid, Legal Services of Northern Virginia, Housing Opportunities Made Equal of Virginia, Greater Washington Urban League, and Northern Virginia Urban League are among the private organizations offering housing outreach and enforcement services to residents in the larger metropolitan region.

In the District, there is an even more robust network of private organizations offering fair housing legal aid services. Organizations like Bread for the City, Legal Counsel for the Elderly, Legal Aid, Neighborhood Legal Services Program, and D.C. Bar Pro Bono Center offer legal services to low-income residents experiencing fair housing issues in the District, with several organizations forming partnerships to coordinate and bolster the fair housing services they offer individuals. These partnerships include the D.C. Right to Housing Initiative, Housing Right to Counsel, and Landlord-Tenant Court-Based Legal Services Project.<sup>203</sup>

Nevertheless, there is still a need for private fair housing outreach and enforcement services to be expanded in the area, particularly for metropolitan residents who have disabilities. The Disability Rights D.C. program at University Legal Services offers legal services to District residents with disabilities and many of the organizations listed above routinely offer legal services to low-income disabled residents who come to them with fair housing needs.<sup>204</sup> Yet, it can be difficult for individuals with disabilities that are not income eligible to acquire legal representation or advice regarding their reasonable accommodation. Therefore, people who do not qualify for low-income legal aid but nonetheless require legal services to resolve housing issues may find it difficult to obtain these services within the District and wider metropolitan region.

### **Lack of Local Public Fair Housing Outreach and Enforcement**

Lack of transparency into local public fair housing outreach and policy enforcement is a significant impediment to fair housing in the region. For the most part, Virginia provides educational materials regarding fair housing rights targeting both housing seekers and partners like real estate agencies. This includes information on changes to the state fair housing laws regarding the expanded protected classes and new source-of-income discrimination protections. Virginia does not provide public information on the amount or type of fair housing complaints electronically so it is difficult to assess the quality of enforcement mechanisms. When it comes to fair housing testing, residents rely on nonprofits to investigate fair housing violations because public fair housing agencies typically don't provide testing services.

There is also a lack of local enforcement activities as well as limited resources. Three local municipalities—the District of Columbia, Fairfax County, and Montgomery County—have locally certified substantially equivalent agencies that are eligible to investigate fair housing complaints under their jurisdiction.<sup>205</sup> Other municipalities have complaints in their regions made directly to HUD or the state's subagency in charge of enforcing the Fair Housing Act. As a result, it is difficult to determine the total number of public fair housing complaints and resolutions in the region due to the fragmented enforcement mechanisms available and the lack of transparency related to fair housing complaint information. Additionally, Virginia has recently reduced the number of attorneys in the state's Office of Civil Rights who are charged with investigating fair housing complaints.

### **Lack of Meaningful Language Access for Individuals with Limited English Proficiency**

A lack of meaningful language access for individuals with LEP is a contributing factor to unequal access to opportunity in the District of Columbia's metropolitan region.

#### District of Columbia

While the D.C. Language Access Act of 2004 requires all District government agencies, public-facing contractors, and grantees to ensure that limited and non-English proficient (LEP/NEP) individuals have access to the full range of government services, studies show that the city's housing organizations provide insufficient translation and interpretation services to LEP/NEP individuals. In fact, the District's

inadequate access to translation and interpretation services is widely known among proponents of equal language access. Advocacy groups like the D.C. Language Access Coalition<sup>206</sup> and the Council for Court Excellence<sup>207</sup> have frequently pointed out the insufficiency of meaningful language access for LEP/NEP individuals in the District, especially with regard to the city's housing agencies and rental assistance programs.

The D.C. Office of Human Rights' (OHR) Language Access Program monitors and evaluates all 38 covered entities each year. The District's housing-related agencies are designated as Covered Entities with Major Public Contact under this Act.

The OHR's latest report revealed the D.C. Housing Authority to have one of the lowest interpretation rates among D.C. agencies, with interpretation services being provided to only 31 percent of the test calls and visits.<sup>208</sup> The Housing Authority scored a 31 percent on the OHR evaluation of the organization's compliance with the Language Access Program, one of the lowest scores.<sup>209</sup> In 2019, the D.C. Housing Authority faced two inquiries alleging that they had violated the Language Access Act.

The most frequently encountered languages for these agencies were Spanish, Amharic, Vietnamese, Mandarin, Arabic, French, and Korean.<sup>210</sup>

### Virginia

Arlington County requires all county departments to provide interpretation and translation services to residents with LEP. In fact, the Arlington County HCV program is specifically required to offer LEP residents oral interpretation and written translation services free of charge.<sup>211</sup> Housing information that is available on the county's website is almost always written on the web page itself, therefore allowing the materials to be translated by the page-translating service that is located at the top of the web page.

In Fairfax County, more than a third of residents speak a language other than English at home. However, while the county utilizes interpreters from Language Line Services in order to provide language services to those calling 911, the county does not seem to require their departments to offer translation and interpretation services to non-English speakers seeking help with housing issues.<sup>212</sup> The county's website provides several housing resources that are only available in English. The *Fairfax County Affordable Housing Guide* and "Family Self-Sufficiency Interest Form,"<sup>213</sup> for instance, are both only available in PDF form, making it difficult to translate with an automatic web service. The county does, however, allow for their web pages to be translated by Google Translate and videos regarding the Covid-19 Emergency Rental Assistance Program were filmed in both English and Spanish.<sup>214</sup>

Slightly more than one-third of all Alexandria residents speak a language other than English at home.<sup>215</sup> However, despite hosting the April 2022 Virginia Language Access Conference, Alexandria does not appear to abide by any long-term language access programs itself. If language access is provided to residents, translation and interpretation services are limited primarily to Spanish-speaking LEP individuals. For instance, the City of Alexandria's Office of Housing provides special assistance to Spanish speakers seeking housing-related mediation.<sup>216</sup> The Alexandria Redevelopment and Housing Authority (ARHA) offers interpretation and translation services to Spanish-speaking LEP individuals as well, recommending that someone bring an interpreter to their office so that they can complete Section 8 applications with ARHA's aid.<sup>217</sup> This is an issue, as an estimated 19.1 percent of all Alexandria residents speak neither English nor Spanish at home.<sup>218</sup> Nevertheless, it should be noted that both the websites of the City of Alexandria and ARHA can be translated into any other language via Google Translate, and both websites do a relatively good job of ensuring that PDFs are available in a variety of languages if they are published on the web page. Alexandria's 2021 Housing Guide, for instance, is available in English, Spanish, Arabic, Urdu, and Amharic.<sup>219</sup>

In Loudoun County, 31.5 percent of the county's residents speak a language other than English at home, and 9.8 percent speak English "less than very well." Contrary to other county governments in the D.C. metropolitan region, however, Loudoun County does have in place a long-term language access policy that requires its departments and personnel to take "reasonable steps to provide LEP persons with timely and meaningful access to services and benefits." Specifically, Loudoun County provides translation and interpretation services to residents who speak Spanish, Arabic, Farsi, Urdu, Mandarin, Cantonese, Korean, Vietnamese, French, Hindi, Turkish, and Somali via foreign language phone interpretation, face-to-face interpretation, and written translation contract vendors. In 2020 alone, the county provided interpretation services to over 10,000 phone calls, of which 80 percent were from Spanish-speaking residents.<sup>220</sup> Loudoun County's website can also be translated by a Google Translate button that is located in the bottom right corner of each page. The vast majority of resources on housing are located on the web page itself and can thus be translated by the Google Translate tool, though several resources are only available in English on a PDF. These resources—the ADU Self-Screening Questionnaire and the document "Financial Education and Credit Counseling Resources,"<sup>221</sup> for example—cannot be translated by the Google Translate tool, thus making it difficult for LEP residents to access these resources.<sup>222</sup>

#### Maryland

Like Loudoun County, Montgomery County offers LEP residents written translation and oral interpretation services to help them communicate with county staff members. When present in person, a resident is able to select the language they primarily speak on a Language ID Board so that they can receive interpretation services. These services may be provided by someone who is a part of a database of bilingual county employees or the Language Bank, a searchable online database made up of community volunteers.<sup>223</sup> On Montgomery County's website, an archive of all translated resources are found in a single place, making it easy for LEP individuals to find the information they both need and understand. Notably, however, the housing resources were available primarily in English and Spanish.<sup>224</sup>

#### **Lack of Private Investment in Specific Neighborhoods**

##### Alexandria

Alexandria provides a list of affordable housing projects that are proposed or recently completed, as well as a list of market-rate projects that will contain affordable housing units. Current nonprofit affordable housing projects include The Lineage, which will redevelop 15 public housing units into a four-story building that will include 15 replacement units for households that earn up to 30 percent of the AMI, and 37 units for those that earn up to 50 percent and 60 percent of the AMI. There are also two other projects that will serve those earning between 40 and 60 percent of the AMI. None of the market-rate projects provide for more than a handful of affordable units. One project will provide for 4 affordable units in a 370-unit mixed-use development. Rather than provide more units, the developer appears to have elected to provide a contribution of \$1 million to the city's housing trust fund.<sup>225</sup>

There has been a good amount of development in the Opportunity Zones within Alexandria.<sup>226</sup> The Alexandria Housing Development Corp. is asking for a loan to start work on a project that will result in hundreds of affordable units in Arlandria. As many as 530 units could be constructed. <sup>227</sup> In Arlandria, the poverty rate is over 15 percent and more than 10 percent of households experience overcrowding.<sup>228</sup>

There are also several new developments in Alexandria West, including a townhouse development starting at \$800,000. Several office buildings in the area are being converted into multifamily residential units. In another development, 24 units of garden-style apartments will be torn down and

replaced with a 383-unit building.<sup>229</sup> The project was approved over the objections of two council members, who were concerned about the relatively low number of affordable units within the building.<sup>230</sup>

#### Arlington County

This past year, Arlington County approved a 77-unit affordable housing project in the Columbia Pike Corridor. Construction also started on a 160-unit building with 6,750 square feet of other space on Washington Boulevard. Another affordable housing complex on South Glebe Road was completed.<sup>231</sup>

The Columbia Pike Corridor is the location of one of the designated Opportunity Zones within Arlington County.<sup>232</sup> Certain tracts within the corridor are also listed as disadvantaged by the Northern Virginia Health Foundation.<sup>233</sup> Arlington County has committed \$150 million in loans to preserve Barcroft Apartment near Columbia Pike, aiming to keep more than 1,300 units affordable for middle- and low-income residents.<sup>234</sup>

#### District of Columbia

There are 25 census tracts considered Opportunity Zones within the District, most of which are in Wards 7 and 8. Opportunity Zone investments offer a federal tax incentive, but District taxpayers can also realize District-level tax benefits for certain qualifying investments approved by the mayor.<sup>235</sup> There are currently 15 such investments. There are several mixed-use housing developments listed as qualifying investments, as well as urban farms, a brewery, and a commercial development in downtown Anacostia that will provide over 34,000 square feet of retail space, among others.<sup>236</sup>

#### Fairfax County

The Opportunity Zones in Fairfax County are located in Herndon and Reston, as well as the area around Groveton and Mount Vernon Woods.<sup>237</sup> However, according to a study from the Northern Virginia Health Foundation, there are some isolated, economically distressed census tracts in several other locations in Fairfax County. These tracts can be found in Centreville and Chantilly, Fair Oaks and Oakton, Springfield and Annandale, and Seven Corners and Bailey's Crossroads.<sup>238</sup>

There appear to be a few new mixed-use developments in Herndon. However, none of these appear to be within the Opportunity Zone.<sup>239</sup> There are several proposed mixed-use developments in Reston, including the redevelopment of the Lake Anne Fellowship House, which provides affordable housing for seniors. However, the new development will merely replace existing housing, not add to the number of units.

There is also discussion about converting Fair Oaks Mall into a mixed-use development with over 2,000 units. However, while a new transit center is being constructed near the mall, the existing roadways are not conducive to biking and walking.<sup>240</sup> This seems to be a trend in the county, as the Springfield Mall is being converted into a mixed-use development, but the need for a pedestrian-friendly experience to reach the mall from the Metro station has also interfered with plans.<sup>241</sup>

Fairfax County has also launched an economic incentive program to spur development in several "commercial revitalization districts." These districts include parts of Springfield, Annandale, Bailey's Crossroads and Seven Corners, and Richmond Highway, which includes Groveton. The county will offer a 10-year real estate tax abatement for new commercial, industrial, or multifamily residential developments located within these areas.<sup>242</sup>

### Gaithersburg

There are a number of new commercial and residential developments planned in Gaithersburg, including the proposed Stevenson-Metgrove mixed residential community, and the Novavax Campus, containing over 600,000 square feet of offices, light manufacturing, and open space. The recently closed Lake Forest Mall will also provide a range of mixed-uses, including a range of housing opportunities. Several of the developments already in the pipeline will include affordable homes through the City's MPDU/WFHU program (both rental and ownership options). All told, the City would add more than 1,500 residential units if the already submitted plans become fully realized.

### Loudoun County

The Loudoun County Department of Economic Development has extensive information for developers on its website encouraging them to develop a project in an Opportunity Zone.<sup>243</sup> The two Opportunity Zones in Loudoun county are located in Oak Grove and Sterling.<sup>244</sup> Loudoun County has a list of recently constructed mixed-use developments, four of which are near Oak Grove and along Phase 2 of the Silver line Metro extension. There are several other mixed-use developments in and around Sterling, most notably Dulles Town Center.<sup>245</sup>

However, one area, Leesburg, is not classified as an Opportunity Zone. In that area, there are census tracts where more than 10 percent of households experience overcrowding. More than 25 percent are uninsured. In one tract in Leesburg, only 56 percent of adults graduated high school. By comparison, 92 percent of adults age 25 and older in northern Virginia graduated high school. <sup>246</sup> Over 2 million square feet of office, retail, and commercial space is under development in the town.<sup>247</sup> While some of the proposed uses include mixed-use developments, others are fast-food restaurants and storage units.<sup>248</sup>

### Montgomery County

There are 13 Opportunity Zones in Montgomery County.<sup>249</sup> In the Opportunity Zones around Germantown and Gaithersburg, one development proposed in the past few years is a 137-unit residential building.<sup>250</sup> It appears to be designed for students, given its proximity to the Germantown Campus of Montgomery College and that the application name for the development is called College View Campus.<sup>251</sup> There was also a proposal for a development with 450 townhomes, 32 single-family detached homes, and 6 duplex units<sup>252</sup> and for a development with 49 townhomes, a four-story apartment building with 72 units, and retail space.<sup>253</sup>

### Prince William County

There are six Opportunity Zones within Prince William County, most of which are near the border of Fairfax County along I-95.<sup>254</sup> The Northern Virginia Health Foundation identifies not only those areas as disadvantaged, but also three census tracts in Dumfries.<sup>255</sup> Riverside Station, a large mixed-use development containing 930 multifamily residential units and 145,000 square feet of retail, is planned for North Woodbridge across from the Woodbridge Virginia Railway Express station.<sup>256</sup>

## **Lack of Public Investment in Specific Neighborhoods**

### District of Columbia

The Tax Cuts and Jobs Act of 2017 implemented Opportunity Zones in the District.<sup>257</sup> Opportunity Zones are designated zones in a federal program that provides tax incentives for investments in new businesses and commercial projects in low-income communities. Currently, 25 census tracts in the District are designated as Opportunity Zones, with the majority located in Wards 7 and 8. The Office of the Deputy Mayor for Planning and Economic Development also maintains a map and list of its own projects, affordable housing projects, industrial revenue bond projects, vacant properties, and Great Streets awardees and corridors.<sup>258</sup> The majority of these public investment projects are located in



Wards 4–8, with Ward 8 containing the highest number, followed by Ward 6. There are currently 112 projects listed in the database, including projects in development, under construction, and completed since 2011.

### Virginia

In recent years, northern Virginia has seen a rise in private investment, including well-known projects such as the second Amazon headquarters in Arlington. Nonetheless, the region has seen an uptick in public investment in transportation infrastructure in recent years. For example, in 2020, the Northern Virginia Transportation Authority pledged over \$500 million in funding for 21 projects throughout the region.<sup>259</sup> City and county governments have each undertaken public projects within their jurisdictions. However, these projects do not match the scale of projects in D.C., nor do they take a similarly pointed approach to neighborhoods with a particular need for such investments.

### Maryland

The Montgomery County government maintains a list and map of economic development projects that receive public funding.<sup>260</sup> The map currently contains nine projects, which include transportation, residential development, a science research complex, and a hotel project. These are concentrated in the southeastern part of the county, especially around Bethesda and Silver Spring. All are located in Districts 1, 3, 4, and/or 5. District 2 and the western portion of District 1, which encompass the western and northwestern portions of the county, receive minimal amounts of public investment.

## **Lack of Regional and Local Cooperation**

Lack of regional and local cooperation is not a contributing factor to fair housing issues in the District of Columbia’s metropolitan region. The metropolitan region’s primary cooperative body is the Metropolitan Washington Council of Governments (COG), which is composed of more than 300 elected officials from 24 local governments, the Maryland and Virginia legislatures, and U.S. Congress. Since the COG established the need for accessible and affordable housing in its 2010 regional plan,<sup>261</sup> members of the COG have recognized the centrality of fair and affordable housing issues in securing a vibrant and equitable future for the metropolitan area. In September 2019, the COG Board of Directors adopted the Regional Housing Initiative. The initiative establishes three regional housing targets that are intended to “address the region’s housing needs from an economic competitiveness and transportation infrastructure standpoint.” Specifically, as part of this Regional Housing Initiative, the COG aspires to work alongside nonprofit, private, and philanthropic partners to create an additional 320,000 housing units, with three-quarters of all new housing affordable to low- and middle-income families and in activity centers or near high-capacity transit.<sup>262</sup> The COG also established a committee dedicated to helping local jurisdictions meet fair housing requirements. This Regional Fair Housing project team meets monthly and is composed of a core group of jurisdictions and their Public Housing Authority partners.<sup>263</sup>

## **Lack of Resources for Fair Housing Agencies and Organizations**

Lack of resources for fair housing agencies and organizations is a moderate contributing factor to the housing issues in the region. Multiple fair housing agencies and organizations in the metropolitan region receive or have received Fair Housing Initiatives Program (FHIP) funds from HUD, including the ERC, National Coalition for Asian Pacific American Community Development, National Community Reinvestment Coalition, and the National Fair Housing Alliance.<sup>264</sup> Community Development Block Grants (CDBG) also provide funding to fair housing organizations across the metropolitan region. It is important to note, however, that each of the organizations that have recently received FHIP funds are based in the District and thus primarily work within the city—not the larger metropolitan region—to help residents resolve housing issues. In fact, the ERC was the only private fair housing organization of

those that received FHIP funds in 2020 that was dedicated to serving the housing needs of the greater Washington, D.C. region.<sup>265</sup> Resources for fair housing organizations are thus concentrated within the District itself, with fewer resources being allocated to the larger metropolitan region.

It should also be noted that many organizations that provide fair housing services to the District's residents are not devoted solely to remedying fair housing issues in the region. Many organizations, including the ERC, Maryland Legal Aid, Legal Services of Northern Virginia, and the D.C. Bar Pro Bono Center, have broad missions, with specific projects devoted to alleviating specific housing issues in their region. Therefore, these organization's resources are often divided among a variety of projects. For instance, the D.C. Office of Human Rights, the body tasked with investigating claims of housing discrimination in the District, has also been reported to lack sufficient resources to properly handle claims and investigate cases.<sup>266</sup>

### **Lack of State or Local Fair Housing Laws**

Lack of state or local fair housing laws is not a significant contributing factor. The D.C. Human Rights Act protects against housing discrimination based on a variety of traits, including race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial responsibilities, political affiliation, disability, matriculation, familial status, source of income, place of residence or business, and status as a victim of an intrafamily offense.<sup>267</sup> While not as broad as the District's, Virginia and Maryland's fair housing laws also prohibit discrimination based on several traits. In Virginia, it is illegal to discriminate in housing on the basis of race, color, religion, national origin, sex, elderliness, familial status, disability, source of funds, sexual orientation, gender identity, and veteran status.<sup>268</sup> Maryland similarly prohibits discrimination on the basis of race, color, religion, sex, familial status, national origin, marital status, sexual orientation, gender identity, disability, or source of income.<sup>269</sup>

Montgomery County expands on Maryland's law by prohibiting discrimination on the basis of ancestry, presence of children, family responsibilities, and age.<sup>270</sup> Arlington County differs slightly from Virginia law in that it protects both marital status and familial status, and makes sure to clearly specify both physical and mental disabilities are protected.<sup>271</sup> Alexandria likewise considers marital and familial status, as well as age and transgender status, to be protected traits.<sup>272</sup> Prince William County also prohibits discrimination based on both marital and familial status, as well as age in addition to elderliness.<sup>273</sup>

The Loudoun County website has been updated to reflect the changes to Virginia's Fair Housing Law prohibiting discrimination on the basis of sexual orientation and gender identity.<sup>274</sup>

### **Land Use and Zoning Laws**

Land use and zoning laws play a significant role in a variety of fair housing issues. Specifically, overly restrictive zoning that suppresses the production of affordable housing in particular and housing more generally leads to disproportionately high rates of housing cost burden and overcrowding for some racial and ethnic groups as well as for persons with disabilities. Additionally, more restrictive zoning in communities that are predominantly White and have disproportionately higher income levels compared with other parts of their respective cities or regions can exacerbate patterns of residential racial segregation. Conversely, inadequate zoning and land use controls to buffer low-income communities of color from heavily polluting industrial land uses can contribute to racial disparities in health outcomes. An analysis of the fair housing ramifications of land use and zoning laws in each of the participating jurisdictions follows.

### Region

The majority of the land in the District of Columbia is developed.<sup>275</sup> Arlington County, the City of Alexandria, and Fairfax County have similar land development profiles as the District of Columbia.<sup>276</sup> Montgomery County contains the highest percentage of undeveloped land in the region.<sup>277</sup>

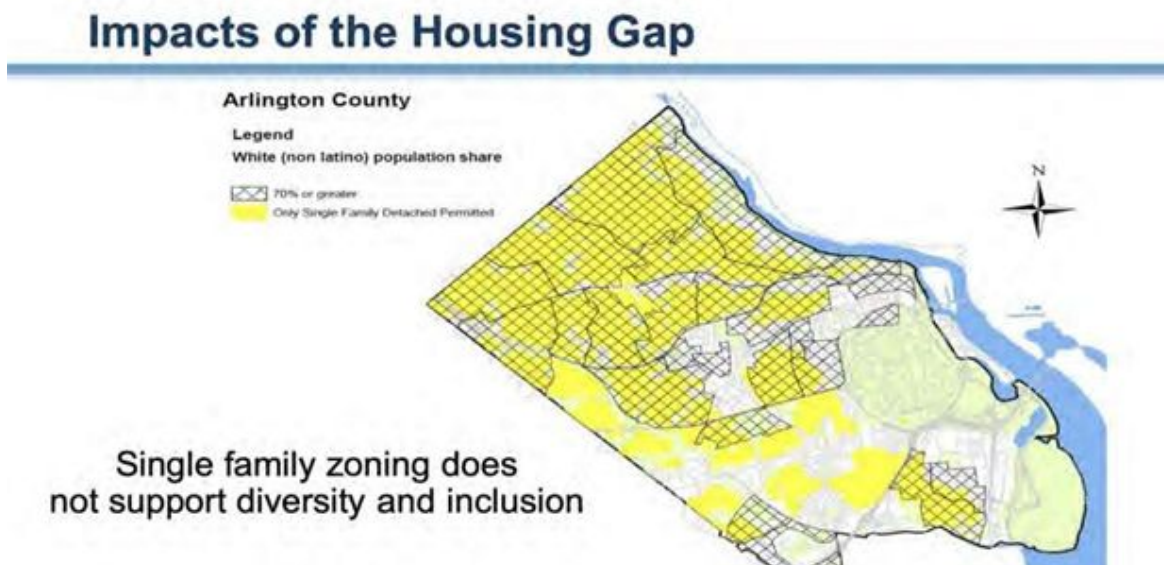
### Alexandria

The City of Alexandria has a large amount of single-family housing.<sup>278</sup> The high number of historic areas in the city make it difficult to build multifamily housing.<sup>279</sup> As a result, affordable housing is only viable on the edges of the municipality.<sup>280</sup> The Alexandria City Council approved accessory dwelling units (ADUs) in 2021.<sup>281</sup>

### Arlington County

Arlington County is currently undertaking a study to address the “missing middle”:<sup>282</sup> the lack of multiunit housing that fits between single-family housing and large residential developments.<sup>283</sup> Arlington County’s zoning laws heavily favor single-family housing and have impeded the creation of multiunit affordable housing.

### Map 85: Impacts of the Housing Gap



Source: Angela Woolsey, “Arlington Missing Middle Housing Study Sets October Kick-Off,” *ARLnow*, September 29, 2020, <https://www.arlnow.com/2020/09/29/arlington-missing-middle-housing-study-sets-october-kick-off/>.

Between 2010 and 2018, Arlington County added significant housing stock that contained 20 or more units and had modest increases in single-detached and single-attached housing and housing with 2–4 units.<sup>284</sup> However, Arlington County lost housing stock that contained 5–19 units.<sup>285</sup>

### District of Columbia

Affordable housing is unevenly distributed in the District. Ward 8 has significantly more affordable housing than other wards. In contrast, Wards 2 and 3 have significantly less affordable housing than other wards. Single-family homes account for 80 percent of residential buildings in the District.<sup>286</sup>

**Table 40: D.C. Affordable Housing by Ward**

Ward	2019 Median Household Income	2018–2019 Households Below the Poverty Line%	Total Affordable Housing Units	Affordable Housing Units at 0%–30% of AMI	Affordable Housing Units at 31%–50% of AMI	Affordable Housing Units at 51%–60% of AMI	Affordable Housing Units at 61%–80% of AMI	Affordable Housing Units above 81% of AMI
Ward 1	\$94,810	9.5%	1,530	486	347	445	252	0
Ward 2	\$128,670	7.6%	774	94	81	438	158	3
Ward 3	\$71,782	15.7%	135	0	11	80	44	0
Ward 4	\$102,822	12.2%	2,463	393	846	866	355	3
Ward 5	\$111,064	14.0%	2,972	780	432	1,043	717	0
Ward 6	\$45,318	26.3%	4,843	981	1,301	1,295	975	291
Ward 7	\$114,363	12.0%	3,634	704	872	1,743	266	49
Ward 8	\$35,245	32.9%	6,375	1,300	2,299	2,413	340	23

Data sources: Open Data D.C. (interactive maps), “Economic Characteristics of D.C. Wards,” <https://opendata.dc.gov/apps/economic-characteristics-of-dc-wards/explore> and “Affordable Housing,” [https://opendata.dc.gov/datasets/34ae3d3c9752434a8c03aca5deb550eb\\_62/explore?location=38.893664%2C-77.019147%2C11.70](https://opendata.dc.gov/datasets/34ae3d3c9752434a8c03aca5deb550eb_62/explore?location=38.893664%2C-77.019147%2C11.70).

Additionally, the District has a large amount of land that cannot be used for housing due to historical designation or governmental use. The District requires most new residential developments to include affordable housing through the Inclusionary Zoning (IZ) program.<sup>287</sup> From 2011 to 2019, the IZ program created 989 affordable housing units.<sup>288</sup> The District allows ADUs but requires them to be owner occupied, limiting their usefulness for adding additional housing stock.<sup>289</sup>

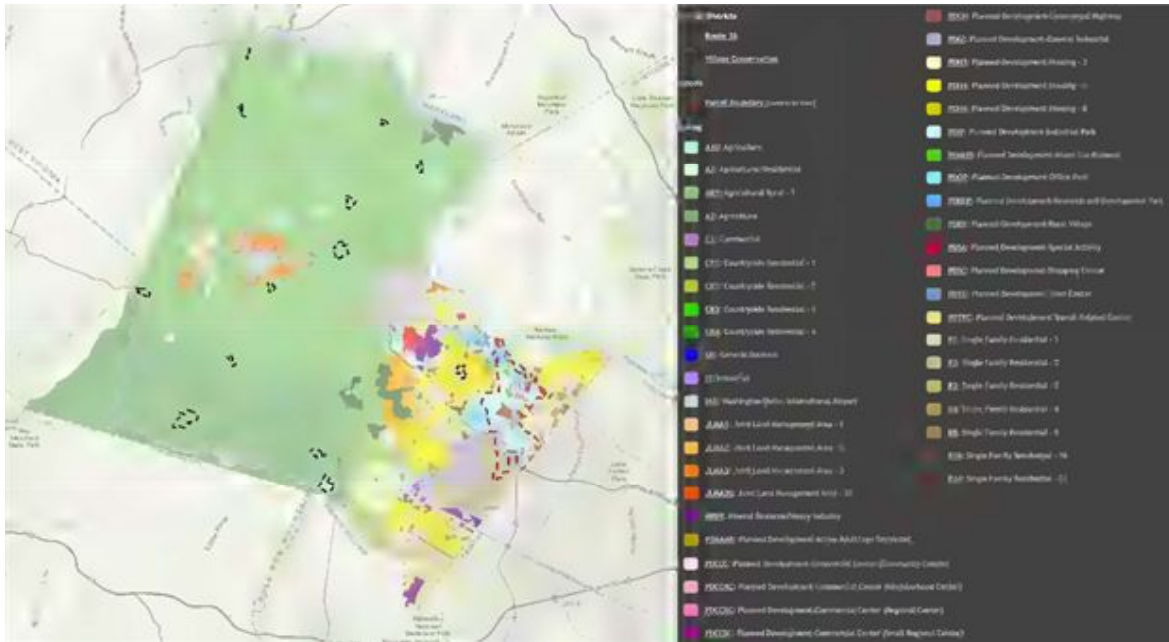
Fairfax County

Fairfax County is almost entirely zoned for single-family housing.<sup>290</sup> Fairfax County began allowing ADUs in 2021 to enable homeowners to add smaller rental units onto their homes.<sup>291</sup>

Loudoun County

Loudoun County is the most rural jurisdiction in this analysis. The eastern part of the county, closest to the District of Columbia, contains more development. Moving westward, the county is less developed and less dense.<sup>292</sup> Historically, Loudoun County’s land use policies and zoning laws have actively discouraged the type of development most conducive to affordable housing. Instead, Loudoun County has promoted low-density land uses.<sup>293</sup>

**Map 86: Zoning Patterns, Virginia Jurisdictions**



Source: Angela Woolsey, “Arlington Missing Middle Housing Study Sets October Kick-Off,” *ARLnow*, September 29, 2020, <https://www.arlnow.com/2020/09/29/arlington-missing-middle-housing-study-sets-october-kick-off/>.

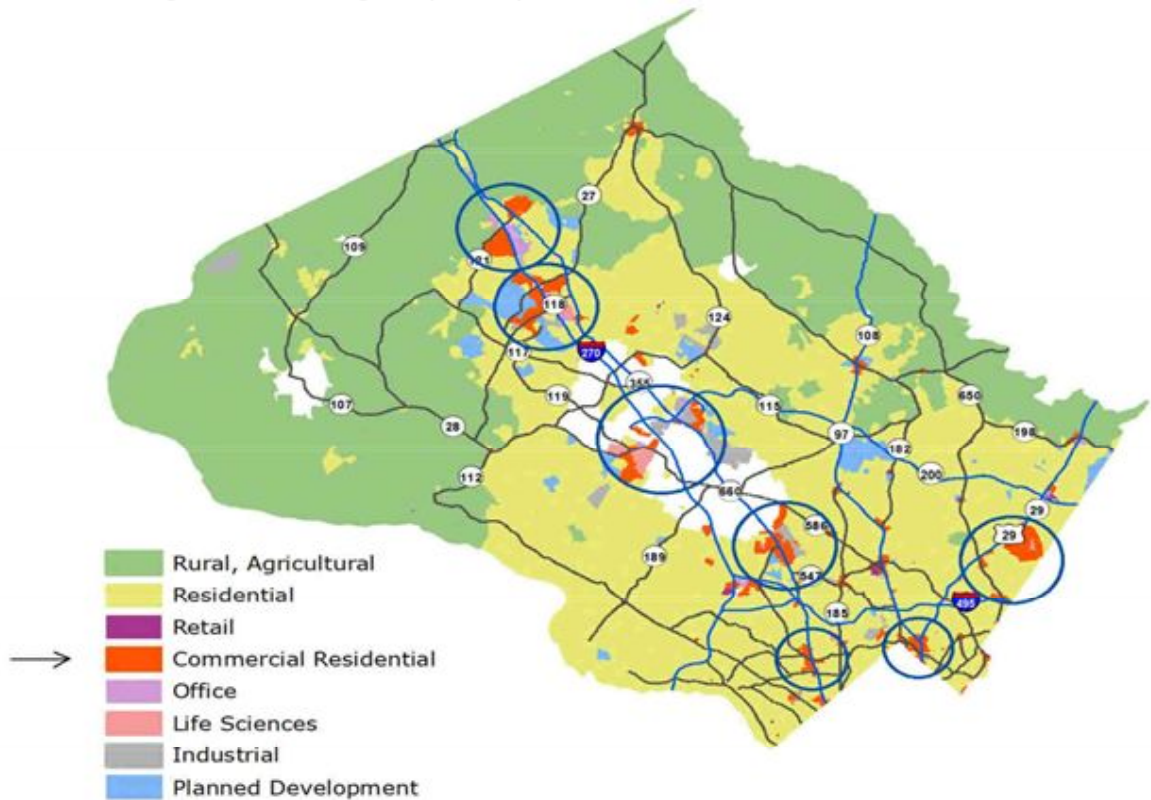
Loudoun County’s 2019 General Plan acknowledged the need for increased density land uses and created two “urban policy areas” near future train stations on the D.C. Metro’s Silver line.<sup>294</sup> The urban policy areas aim to offer “a diversity of housing” and “offer flexible land use policies to allow for innovation and changing market demands.”<sup>295</sup> In addition, the 2019 General Plan promotes policies to increase density, such as the addition of residential units on existing housing single-family housing properties, more dwelling units per acre than currently are allowed, and mixed-use development.<sup>296</sup> These policies are often prerequisites for developing low- and moderate-income housing.

Loudoun County is currently rewriting its zoning ordinance to implement the 2019 General Plan.<sup>297</sup> The zoning ordinance was last comprehensively rewritten in 1993, so most of the use categories and policies are not conducive to affordable housing development. The current zoning ordinance has only two use types amenable to multifamily development: R-16 and R-24.<sup>298</sup> These use types make up a relatively small proportion of county land. Areas that are zoned for multifamily development are concentrated on the county’s east side, closest to the District of Columbia.

**Montgomery County**

Montgomery County’s zoning laws are a significant impediment to fair housing. Zoning laws allow apartments on less than 2 percent of county land and more than one-third of the county is restricted to single family homes.<sup>299</sup>

Map 87: Zoning Patterns, Montgomery County



Source: The Maryland-National Capital Park and Planning Commission, *Thrive Montgomery 2050*, April 2021, [https://montgomeryplanning.org/wp-content/uploads/2021/02/THRIVE-Planning-Board-Draft-2021-Pages\\_web.pdf](https://montgomeryplanning.org/wp-content/uploads/2021/02/THRIVE-Planning-Board-Draft-2021-Pages_web.pdf)

Montgomery County attempted to relax zoning restricts to allow low- and moderate-income housing in 2010 by introducing a new zoning designation: commercial/residential.<sup>300</sup> Areas designated as commercial/residential can have increased density and building height. However, areas zoned as commercial/residential are a relatively tiny percentage of the county. In 1980, Montgomery County set aside 93,000 acres along the northwest edge of the county, which is almost one-third of the county, as an agricultural reserve. The accompanying zoning ordinances severely limited housing development by requiring at least 25 acres per dwelling.<sup>301</sup>

Montgomery County published a new General Plan in 2020, the first update since 1993.<sup>302</sup> Montgomery County's original General Plan used "wedges and corridors" to promote development along major thoroughfares and promote open spaces in other parts of the county.<sup>303</sup> The General Plan published in 2020 acknowledges that the "wedges and corridors" unintentionally promoted unequal development and restricted housing construction.<sup>304</sup> The updated General Plan encourages zoning reform to integrate "varied uses, building types, and lot sizes."<sup>305</sup> Montgomery County launched a "missing middle" housing program to increase the supply of affordable housing.<sup>306</sup>

#### Gaithersburg

The City has launched [Retool Gaithersburg](#), a comprehensive initiative to update the City's Zoning Code. The update aims to modernize the zoning ordinance to better reflect the needs of the community today and ensure that zoning regulations accommodate and implement the City's vision & goals of a vibrant & innovative Gaithersburg (including its residential areas and future needs). The City anticipates this effort to be completed in 2024.<sup>307</sup>

### Prince William County

Over 75 percent of housing in Prince William County is single-family housing.<sup>308</sup> Prince William County has issued a draft of the land use chapter of its Comprehensive Plan update, along with a long-range land use map.<sup>309</sup> The plan contemplates changes to allow for a variety of housing types rather than single-family zoning and the relaxation of the rural area's zoning from one house per 10 acres to one house per 5 acres.<sup>310</sup> The county has no ADU ordinance, voluntary inclusionary zoning, or affordable housing trust fund, making zoning a barrier to creating affordable housing.





### Lender Discrimination

The data on interest rates and mortgage applications demonstrate that people of color in the region face discrimination in lending.

**Table 41: Interest Rates for Mortgage Applications in 2019**

Municipality	2019 Median / Average Loan Interest Rate for White Borrower	2019 Median / Average Loan Interest Rate for Black or African American Borrower	2019 Median / Average Loan Interest Rate for Asian Borrower	2019 Median / Average Loan Interest Rate for American Indian or Alaska Native Borrower	2019 Median / Average Loan Interest Rate for Native Hawaiian or Other Pacific Islander Borrower
Alexandria	3.99% / 4.18%	4.00% / 4.30%	4.00% / 4.19%	3.94% / 5.42%	3.75% / 3.65%
Arlington County	3.99% / 4.20%	4.00% / 4.44%	3.88% / 4.06%	4.00% / 5.29%	4.17% / 4.07%
District of Columbia	3.98% / 4.20%	4.34% / 4.56%	3.88% / 4.03%	4.00% / 4.21%	3.99% / 4.74%
Fairfax County	3.99% / 4.22%	4.00% / 4.29%	3.88% / 4.13%	4.00% / 4.65%	3.99% / 4.56%
Loudoun County	3.99% / 4.25%	4.00% / 4.32%	3.88% / 4.05%	4.06% / 4.37%	4.13% / 4.98%
Montgomery County	3.99% / 4.21%	4.00% / 5.29%	3.88% / 4.08%	4.00% / 4.24%	4.31% / 4.85%
Prince William County	4.00% / 4.29%	4.00% / 4.21%	4.00% / 4.26%	4.19% / 4.48%	4.13% / 4.80%

Source: HMDA Data Browser, Federal Financial Institutions Examination Council (FFIEC) Home Mortgage Disclosure Act (HMDA) (website), <https://ffiec.cfbp.gov/data-browser/data/2019?category=counties>.

Data provided via the Home Mortgage Disclosure Act disclosed widely varying interest rates for reported races related to all mortgage applications in 2019. The data showed that in several municipalities, including the District, Fairfax County, and Montgomery County, which have the largest populations, Black or African American mortgage applicants faced significantly higher average interest rates than White or Asian applicants.

The median interest rate for municipalities in the region was stable, with the District having a significantly higher median interest rate for Black or African American applicants. There were also troubling variations in interest rates for Native Hawaiians or other Pacific Islanders, but much less information was available for that demographic.

The trend of higher mean interest rates for Black or African American applicants compared with White applicants indicates that there is a higher occurrence of predatory high interest rate mortgages for Black applicants.

**Table 42: Originated or Purchased Mortgage Applications**

Municipality	White Applicants	Black or African American Applicants	Asian Applicants	American Indian or Alaska Native Applicants	Native Hawaiian or Other Pacific Islander Applicants
Alexandria	71.9%	55.5%	66.6%	52.2%	40.0%
Arlington County	72.9%	57.3%	66.0%	67.9%	56.2%
District of Columbia	72.5%	50.3%	67.8%	47.8%	50.0%
Fairfax County	69.3%	56.8%	61.7%	51.9%	53.8%
Loudoun County	70.3%	60.7%	63.8%	48.9%	58.8%
Montgomery County	67.6%	55.6%	61.8%	54.8%	42.9%
Prince William County	66.5%	57.2%	59.6%	47.8%	47.4%

Source: Federal Financial Institutions Examination Council (FFIEC) Home Mortgage Disclosure Act (HMDA), *HMDA Filing Platform*, <https://ffiec.cfpb.gov/data-browser/data/2019?category=counties>.

Similar to the interest rate data, the data on rate of mortgage applications that resulted in an issued or sold mortgage demonstrates that it is harder for non-White applicants to receive a mortgage. White applicants in all municipalities were significantly more likely to receive a mortgage upon application than other races.

### Location and Type of Affordable Housing

#### District of Columbia

D.C. Open Data, a project of the District government, maintains data on affordable housing sites in the District, as well as a map of such units.<sup>311</sup> The dataset contains 577 affordable housing sites, but only 513 of these currently contain 1 or more affordable housing units. These units are located across Wards 1, 4, 5, 6, 7, and 8, which have substantially larger low-income populations than Wards 2 and 3. Sites with more units (tens or hundreds, with the largest containing 668 units) appear more often in Wards 6, 7, and 8. Units also vary in affordability with respect to the AMI.

#### Virginia

Alexandria, Arlington County, Fairfax County, and Loudoun County all maintain lists of affordable housing units within their jurisdictions.<sup>312</sup> Prince William County no longer maintains such a list. Among the four jurisdictions that do, affordable housing appears to be available in a range of locations and types. Publicly and privately-owned housing options exist, including market-rate housing with affordable units. Housing is also distributed across a variety of neighborhoods, with complexes containing anywhere from fewer than 10 units to over 200 units.

#### Maryland

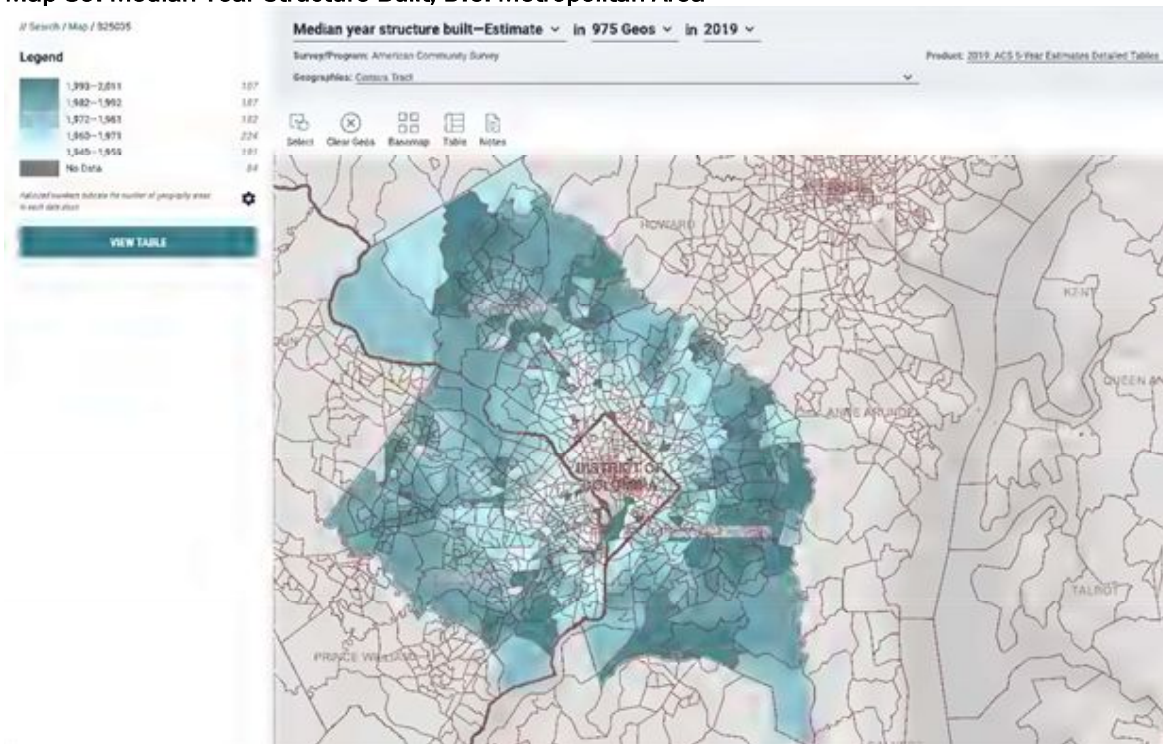
Montgomery County's Moderately Priced Dwelling Unit (MPDU) Program offers access to affordable units in apartment complexes throughout the county. The list includes 71 sites, most with at least 20

units in a range of sizes, from efficiencies to three-bedroom units.<sup>313</sup> The sites, which include both high-rise and garden-style apartments, encompass all major municipalities within the county and have rents starting from \$1,133.

### Location of Accessible Housing

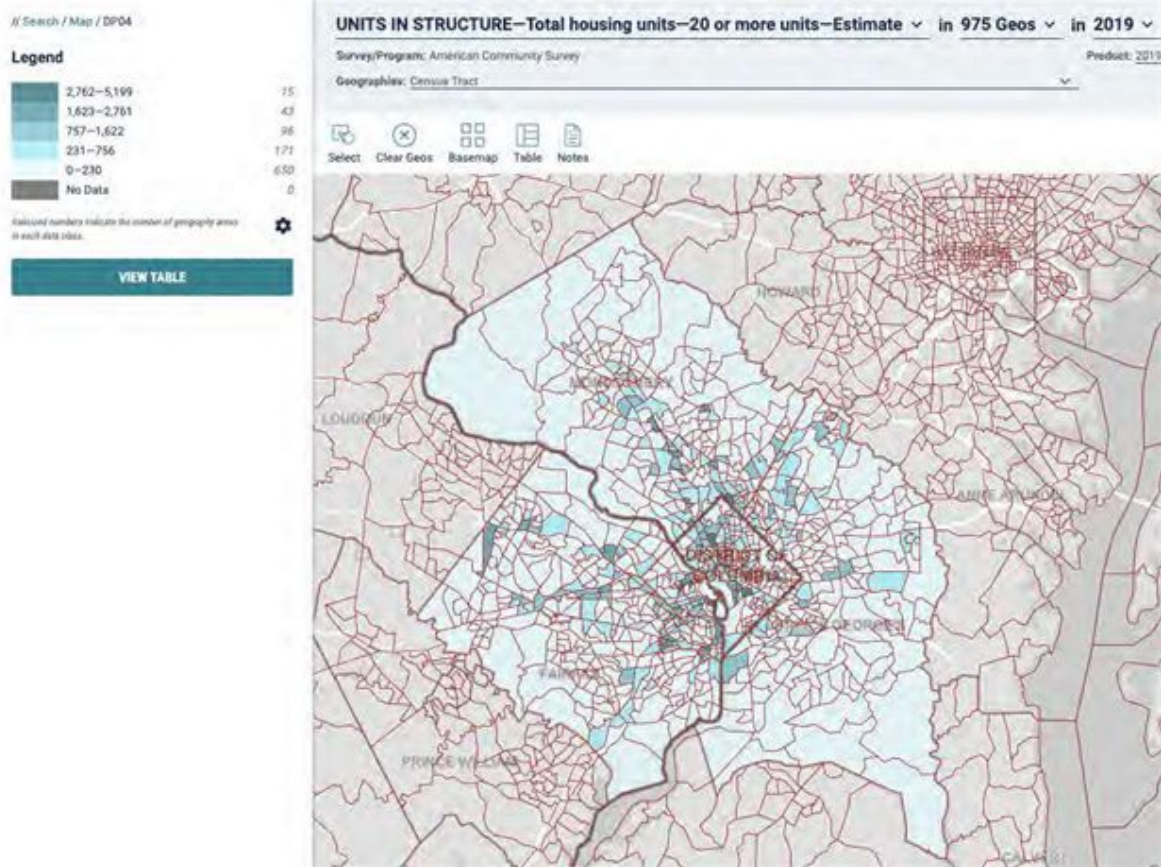
The location of accessible housing is not a significant contributing factor to fair housing issues in the Washington, D.C., metropolitan area. Although it is not possible to precisely map the location of accessible housing in the area, it tends to exist where there are concentrations of new multifamily housing and where there are concentrations of publicly supported housing. These two dimensions cut in somewhat contradictory directions. The American Community Survey does not facilitate the disaggregation of housing units by the number of units in a structure and year a structure was built together, but it does allow a look at those two data points separately. As the following maps reflect, there is some overlap. For example, both newer and denser housing is clustered in parts of Arlington and Fairfax Counties. There are concentrations of new predominantly single-family homes in the northern part of Montgomery County, the western part of Fairfax County, and the center of the District of Columbia. There are concentrations of older multifamily housing in and surrounding the District of Columbia. The parts of the county with more new multifamily housing offer high access to opportunity in an area-wide perspective.

**Map 89: Median Year Structure Built, D.C. Metropolitan Area**



Source: ACS 2019 5-Year Estimates, Table [B25035](#).

### Map 90: Units in Structure (20+), D.C. Metropolitan Area

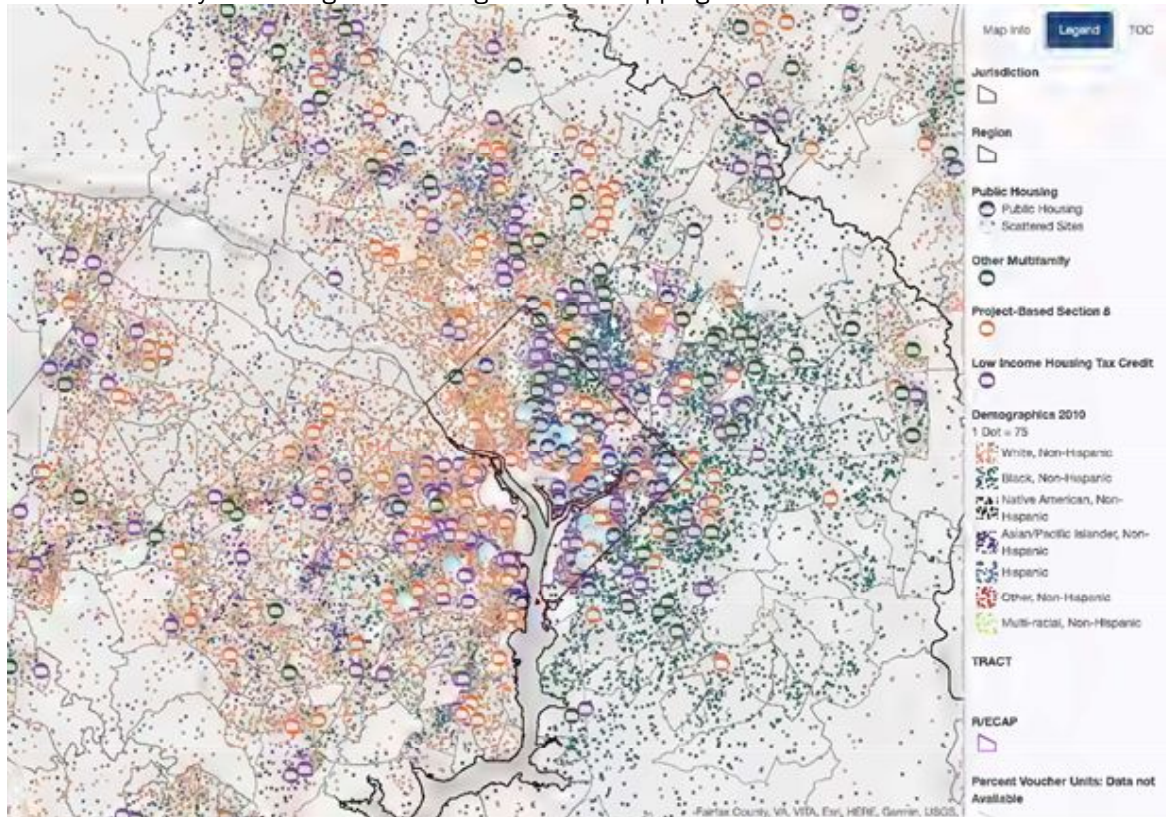


Source: ACS 2019 5-Year Estimates, [Table DP04](#).

By contrast, publicly supported housing, as reflected in Map 3, is much more concentrated in the areas on the edges of and immediately surrounding the District of Columbia, places that do not have concentrations of new multifamily development. The upshot is that it is likely that, between the two categories of housing that are comparatively more likely to be accessible, there is wide dispersion across the metropolitan area. Across the area, places with accessible housing include high opportunity areas. When affordability is not factored into consideration, the location of accessible housing does not appear to significantly contribute to fair housing issues.

## Map 91: Publicly Supported Housing, Region

HUD Affirmatively Furthering Fair Housing Data and Mapping Tool



Source: [HUD, Affirmatively Furthering Fair Housing Tool, D.C. Metropolitan Area](#)

### Location of Employers

#### Region

The location of employers is a contributing factor to disparities in access to opportunity in the District of Columbia's metropolitan region. The highest paying jobs are primarily located in downtown D.C., where employers occupy office buildings in the most expensive part of the region. These employers provide jobs to hundreds of thousands of people who reside outside of the District, indicating that expensive housing costs have forced at least some individuals who would otherwise live in the District of Columbia to reside further from the city center in the greater metropolitan region.

The long commute times of District employees are evidence of how high housing costs have pushed people to reside farther away from their employers in the larger metropolitan region. District employees face some of the longest commute times in the nation: census estimates indicate that the average person travels 43 minutes to work each day. This is almost twice the length of the commute of the average American, who spends approximately 27 minutes traveling to work each day. The metropolitan D.C. region has consistently been ranked as one of the most expensive housing markets in the nation, and these census findings echo a study conducted by the Brookings Institution that concluded that commutes tend to be longer in metropolitan areas where housing is the priciest.<sup>314</sup>

A spatial mismatch in jobs and affordable housing often places a significant burden on workers. Long commutes cut into time that could otherwise be spent with family members or friends or pursuing interests unrelated to work. Traveling to and from work—enduring traffic jams, unforeseen

circumstances, and bad weather—are additional stressors. Numerous studies have shown that individuals with long commutes suffer from psychosomatic disorders at a much higher rate than those with short trips to work.<sup>315</sup> The psychological, physical, and financial burdens that coincide with long commutes all play a factor in hindering the access to equal opportunity of residents of the metropolitan D.C. region.

#### Alexandria

Despite being home to many large employers—the US Department of Defense, US Trademark and Patent Office, Salvation Army, and Society for Human Resource Management among them—people who both live and work in Alexandria are by far the city’s minority. Approximately 16 percent of Alexandria residents live and work in Alexandria, while 84 percent of the city’s residents commute out of Alexandria each day. Alexandria residents spend slightly more time than the average American commuting to work each day (30.1 minutes) and are primarily traveling to employers in the District and Fairfax County.<sup>316</sup> These individuals have access to public transportation via bus and Metro.

#### Arlington County

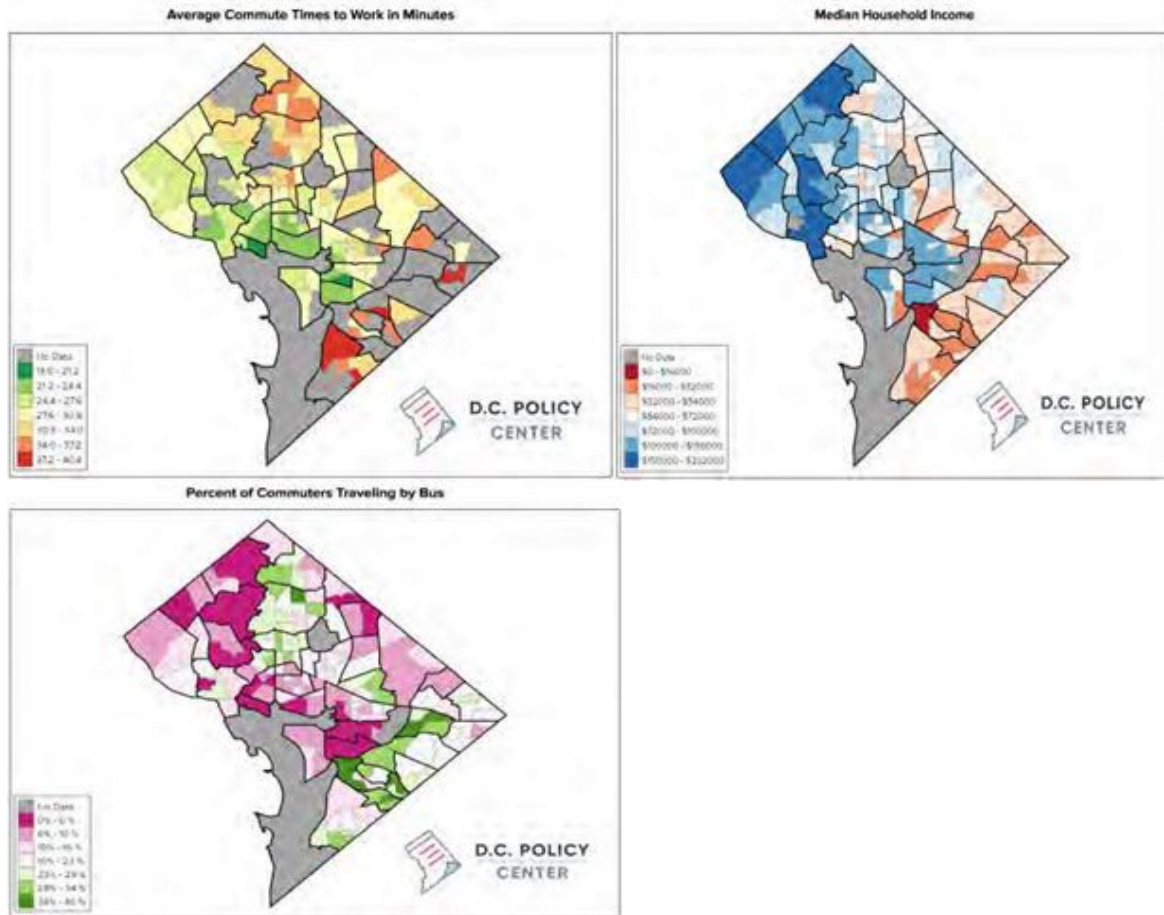
While it is estimated that only 19.86 percent of Arlington County residents work within the county, residents’ commute times mirror those of the average American; the average Arlington County resident spends 27.2 minutes traveling to and from work each day.<sup>317</sup> Those commuting out of the county are traveling primarily to the District, with approximately 70 percent traveling by car or train. The county’s biggest employers are Accenture, Deloitte, the Virginia Hospital Center, Booz Allen Hamilton, and Garter, and approximately 50,000 residents of the larger metropolitan region commute to Arlington County each day to work for these companies, among others.

#### District of Columbia

District residents spend slightly more time than the average American commuting to work each day, with the average District resident traveling just under 29 minutes to get to work. Approximately 9 percent of all District residents, however, endure “super commutes” and spend more than an hour getting to work each day.<sup>318</sup>

A 2017 study conducted by the D.C. Policy Center suggests that the time it takes a District resident to commute to work is strongly linked to their income. People who live in the Georgetown and Capitol Hill neighborhoods, where residents’ average median income is highest, have the shortest average commutes; it often takes residents of these neighborhoods just less than 24.4 minutes to get to work each day. Meanwhile, those who live in neighborhoods like Brightwood, Petworth, and Anacostia have longer commute times than the overall city average. The southeastern quadrant of the District endures the longest commute times of them all, with Marshall Heights residents traveling almost 40 minutes on average in order to get to work each day. The percentage of commuters traveling by bus is also highest in the southeastern quadrant of the District, where incomes are lowest and there are no Metro stops.<sup>319</sup> These results indicate that low-income people residing within the District must both travel further to access employment and utilize less reliable means of transportation in order to do so.

**Map 92: Commute Times, Household Income, and Commuters Traveling by Bus, District of Columbia**



Source: Randy Smith, DC Policy Center, Commute times for District residents are linked to income and method of transportation, March 23, 2017, <https://www.dcpolicycenter.org/publications/commute-times-for-district-residents-are-linked-to-income-and-method-of-transportation/>

### Fairfax County

Unlike other individuals residing in the District’s metropolitan region, most Fairfax County residents live and work within the county. Approximately 60 percent of Fairfax County residents commute to work within the county, while only 15 percent commute to the District and 12 percent commute to Arlington County or Alexandria for work.<sup>320</sup> The average commute for Fairfax County residents is 30.2 minutes, slightly above the national average.<sup>321</sup> Those who live and work within Fairfax County, however, earn lower incomes on average than those traveling out of the county for work. The largest employers in the county are Booz Allen Hamilton, Inova Health System, Federal Home Loan Mortgage Corp., and Lockheed Martin.<sup>322</sup> Commuters have access to public transportation via the Metro, Metrobuses, and local buses.

Unlike in other parts of the region, there are significant data detailing the demographics, incomes, and jobs of those commuting to the District to work. An estimated 40 percent of those commuting to D.C. are employed by the government, and these in-commuters make more money, on average, than those who live and work in the place they reside.<sup>323</sup> These findings strike contrary to the trend for District residents, with low-income residents—not high-income earners—enduring the longest commute times on average.

### Loudoun County

Of the 177,432 working residents of Loudoun County, an estimated 70 percent commute out of the county for work each day, traveling primarily to Fairfax County and the District. Meanwhile, only 30 percent of Loudoun County residents both live and work within the county.<sup>324</sup> At least some of these individuals are likely working for the county's largest employers: the Loudoun County Public School System, local government, Verizon, Northrop Grumman, and United Airlines, among others.<sup>325</sup> The average commute time for Loudoun County residents is 32 minutes—5 minutes longer than the national average.<sup>326</sup>

### Montgomery County

Despite being home to the National Institute of Health, US Food and Drug Administration, Naval Support Academy Bethesda, Marriott International, Lockheed Martin, and other large employers,<sup>327</sup> more than one-half of Montgomery County residents commute out of the county for work each day. The average Montgomery County resident travels 32.7 minutes to work, and more than 3 percent of all employed residents have “super commutes” in excess of 90 minutes. Montgomery County residents spend more time, on average, commuting to work than any other residents of the metropolitan region.

### Prince William County

In Prince William County, a larger proportion of residents commute outside of the county for work than anywhere else in the District metropolitan region. Only one-quarter of all Prince William County residents work within county lines. Meanwhile, approximately three-quarters of all county residents are commuting out of the county for work, traveling primarily to Fairfax County and the District. Almost one-half of out-commuters leave for work before 7:00 a.m.<sup>328</sup>

## **Location of Environmental Health Hazards**

### District of Columbia

In an Environmental Protection Agency ranking of the severity of environmental pollution in metropolitan areas in the United States, the District of Columbia ranks 576 out of 2,357 localities.<sup>329</sup> A study by the D.C. Policy Center found that Wards 4, 5, and 6 are disproportionately exposed to chemicals in the soil, air, and water from sources outside of daily activity. Sources of such exposure include soil contamination from leaking underground storage tanks (Ward 4 has the largest number of active tanks, with 36; it is followed by Wards 4 and 6, with 17 each), brownfields, and superfund sites. Air pollution is also a major concern; Ward 1 has the highest concentration of ozone, largely driven by vehicle exhaust, and Ward 7 has the highest levels of particulate matter. Water pollution is a further concern; Ward 6 and the southeastern portion of the city are particularly exposed to sewer overflows. In general, the northeast and southeast quadrants of the city are most susceptible to environmental health hazards. These are also the areas where affordable housing is most needed and most prevalent.

### Virginia

A March 2021 report by the Environmental Working Group found per- and polyfluoroalkyl substances (PFAS) levels in water samples taken from northern Virginia to be some of the highest in the country. The most severely polluted samples were taken from areas closest to D.C., though Prince William County water also has high levels of the toxins.<sup>330</sup> Northern Virginia is also known for its polluted air—the Environment Virginia Research and Policy Center reported 84 dirty air days in 2016.<sup>331</sup>

### Maryland

Montgomery County is home to 30 superfund sites. Of these, 10 are active non-NPL (sites not on the national priority list in terms of threatened releases of hazardous substances) and 20 are archived;



none are active NPL sites.<sup>332</sup> Gaithersburg ranks in the 90th and 80th percentile, respectively, for residents in close proximity to these sites. Air pollution in Montgomery County occasionally exceeded the regulatory standard in the 2000s, but this has become rarer in recent years.<sup>333</sup> Gaithersburg has several air quality risks that pose hazards to human health. The environmental justice indexes show that Gaithersburg nationally ranks in the highest percentile for concentrations of diesel particulate matter, air toxics cancer risk, and air toxics respiratory hazard.<sup>334</sup> The western part of the area also ranks in the 90th percentile for traffic proximity, meaning that nearby residents have higher exposure to mobile sources of air pollutants.<sup>335</sup>

## **Location of Proficient Schools and School Assignment Policies**

### District of Columbia

D.C.'s School Transparency and Reporting (STAR) Framework has consistently confirmed the existence of deep inequities in school quality in the District.<sup>336</sup> A map in the 2018-2019 school year report shows that Wards 7 and 8, and, to a lesser extent, Ward 6, are more likely to have schools with lower STAR ratings, which denote lower student achievement, student growth, college and career readiness, and graduation rates as well as poorer school environments characterized by poorer attendance, inconsistent enrollment, and poorer safety and discipline standards.<sup>337</sup> These inequalities stem from the historic failure to desegregate D.C. schools as well as the tendency for wealthier families, especially in Wards 2 and 3, to send their children to private schools.<sup>338</sup>

### Virginia

Northern Virginia is known to have some of the state's highest-performing school districts, and academic achievement in public schools in Arlington County is particularly high.<sup>339</sup> However, inequalities continue to pose a challenge in the region. For example, while most high schools in Loudoun County have dropout rates below 1 percent, some schools in Fairfax County have dropout rates well above 15 percent. Similar disparities exist for measures like chronic absenteeism and accreditation rates as well as with numeric measures of student achievement.

### Maryland

Montgomery County Public Schools (MCPS) are among the most well-resourced and highest-achieving schools in Maryland. However, there are many areas in which MCPS continues to fall short of targets. In particular, academic achievement of Black students, Hispanic students, students with disabilities, and English learners continues to be inadequate. Though the school district continues to improve in its provisions, these improvements have not extended to all demographics of students; in particular, Hispanic and English-learner students have not seen improvements in academic achievement or graduation rates in the past several years.<sup>340</sup>

## **Loss of Affordable Housing**

### Region

The loss of affordable housing in the region contributes to segregation and the creation of R/ECAPS throughout the metropolitan area.

Broadly, constrained housing supply and the explosive growth of the region have contributed significantly to the loss of affordable housing in the area. These affordable housing losses are primarily concentrated in the District, Alexandria, and Arlington County, which, at one time, were home to a sizable population of affordable housing units. Alexandria, in particular, has eliminated almost ninety percent of the city's affordable housing stock in just two decades. Almost every member of the District of Columbia's metropolitan region has coordinated efforts to expand affordable housing in their area,

though many will not create the number of housing units that are needed to make up for the market's substantial losses.

### Alexandria

Wage stagnation, gentrification, and the growing popularity of the city itself have driven up Alexandria's housing prices and created a crisis for those who rely upon affordable housing to live. The latest American Community Survey approximates that 14,500 renter households earning less than \$75,000 are burdened by Alexandria's housing costs and unable to properly invest in other necessities. The situation is even more dire for the city's 6,600 renter households earning less than \$50,000, who spend 50 percent or more of their monthly earnings on housing-related costs.<sup>341</sup>

These burdens are at least partly due to the loss of affordable housing in Alexandria. Between 2000 and 2017, the City of Alexandria lost 90 percent of its affordable housing. Alexandria, which once offered more than 18,000 units of affordable housing, now has only 1,749 affordable housing units in the city. These affordable units are unsubsidized, privately-owned units that cater to low-income renter households. Very few of these units, however, can accommodate larger families who earn 60 percent of the AMI or less. Two-thirds of the affordable units in the city are studio or single-bedroom units, 27 percent are two-bedroom units, and just 7 percent are three-bedroom units.<sup>342</sup> Thus, with few housing options in the first place, at least some Alexandria residents must crowd their families into the first affordable housing unit that becomes available to them.

In May of 2021, the City of Alexandria announced a plan to build 480 affordable units in the next three years on the site of the old Safeway on West Glebe Road.<sup>343</sup> One-quarter of these units are to be deemed "deeply affordable," and thus set aside for families making 40 percent of the AMI.<sup>344</sup> While these housing units will likely ease the housing burden of at least some low-income Alexandria residents, they will be unable to make up for the significant loss of affordable housing units that has occurred over the past two decades.

### Arlington County

In Arlington, the loss of affordable housing has been spurred by the increasing popularity of the city, which has driven up the cost of living and, consequently, the cost of housing as well. There are only 9,500 apartments for rent that are affordable to the approximately 17,000 renter households with incomes below 60 percent of the AMI. Older apartments and homes that were at one time affordable to those with incomes below 60 percent of the AMI have been renovated or replaced, with these improved units boasting higher rents than the original ones.<sup>345</sup> From 2000 to 2013, Arlington County lost 13,500 affordable housing units from 2000 to 2013, many of which were naturally occurring, market-affordable housing units.<sup>346</sup>

Because of the continual loss of naturally occurring, market-affordable housing units, Arlington's affordable housing program has announced that it is primarily focusing on both preserving and increasing the number of committed affordable rental units. By 2040, Arlington County aims for 17.7 percent of the county's housing stock to be affordable to residents with incomes at or below 60 percent of the AMI. They have not given up on naturally occurring affordable housing, however, and have committed to preserving 60–80 percent of the current naturally occurring affordable housing stock as well.<sup>347</sup>

### District of Columbia

In the District, declining housing construction, rising demand, and market pressures have all spurred the loss of the city's affordable housing units. In fact, the District now has half as many affordable units as it reported in 2002. Adjusted for inflation, the number of District apartments with rents under \$800 fell from almost 60,000 in 2002 to 33,000 in 2013.<sup>348</sup> Meanwhile, the number of properties for

rent between \$1,300 and \$2,500 has skyrocketed, making subsidized housing effectively the only source of affordable housing in the city.<sup>349</sup> Among residents earning 30–50 percent of the AMI, 31 percent are considered severely burdened by housing costs.<sup>350</sup>

In May 2019, D.C. Mayor Muriel Bowser signed *The Housing Framework for Equity and Growth*, which called upon local agencies to create and preserve affordable housing units in the city. In order to do this, District agencies are tasked with creating an additional 36,000 housing units, with at least 12,000 units designated as affordable housing for low-income residents. The District hopes to preserve at least 6,000 existing affordable housing units by funding the maintenance, inspection, and repair of old units and allowing vulnerable populations to “age in place.”<sup>351</sup>

#### Fairfax County

While it is unclear whether Fairfax County has lost affordable housing units in recent years, there is—at the very least—a need for *more* affordable housing in the area. In Fairfax County, one in five renters spends more than half of their monthly earnings on housing costs.<sup>352</sup>

In an attempt to subsidize affordable housing units in Fairfax County, in 2019, county lawmakers announced their commitment to produce and preserve affordable housing in the area. The county has adopted the goal of constructing a minimum of 5,000 new rental homes over the next 15 years for residents earning 60 percent of the AMI or less. In order to preserve existing affordable housing units, the county has partnered with private and public entities to create “committed affordable homes” that are required to keep rent affordable for a specific period of time. Today, most of the county’s committed affordable homes for residents earning 60 percent of the AMI or less are located within the Parkwood, Murraysgate, Landing I, and Landing II housing projects. There are 628 units, with 640 more “in the pipeline” to be created at the Little River Glen, New Lake Anne House, One University, and Stonegate Village housing projects.<sup>353</sup>

#### Loudoun County

Unfortunately, there are not sufficient data documenting either the loss or growth of Loudoun County affordable housing units over time. Nevertheless, the need for more affordable housing units in the area is evident. In 2017, approximately 81 percent of Loudoun County households earning 30–50 percent of the AMI reported being cost burdened and approximately 39 percent reported being severely cost burdened.<sup>354</sup> The county additionally reports that, of the 168 LIHTC units that are affordable to households earning 60 percent of the AMI, none are expected to be income restricted after 2028.<sup>355</sup>

In June 2021, the Loudoun County Board of Directors announced that they had adopted the *Unmet Housing Needs Strategic Plan*, which is intended to help the county and its partners improve housing access, quality, and affordability for all families in the area. By 2040, the county aims to construct 16,000 new housing units, of which 20 percent—or 8,200 units—are to be designated affordable housing for those who make at or below 100 percent of the AMI.<sup>356</sup>

#### Montgomery County

In Montgomery County, there is a large gap in the demand and availability of housing units to those making below 100 percent of the AMI. While there are an estimated 25,081 units available to Montgomery County households that earn less than 50 percent of the AMI, 49,675 are needed, resulting in an affordability gap of 24,590 units.<sup>357</sup> This affordability gap shows no signs of shrinking, as the rise of Montgomery County’s median gross rent continues to outpace the growth of the area’s median income.<sup>358</sup> The *Montgomery County Housing Needs Assessment* published in 2020 pointed to “significant pricing pressure” as a leading cause for the loss of affordable housing in several of its

jurisdictions, including Gaithersburg, which experienced a net loss of 246 units of affordable housing from 2010 to 2018.<sup>359</sup>

Since county officials set out to preserve deed-restricted housing units in 2000, Montgomery County has created deed-restricted housing units at a faster rate than it has lost them. Unfortunately, however, the same cannot be said for the county's naturally occurring affordable housing units, which account for 80 percent of all affordable housing units in the area. In two decades, Montgomery County has lost more than 19,000 naturally occurring affordable housing units. Current projections estimate that the county is slated to lose an additional 7,000–11,000 more units by 2030. If these estimations are accurate, then the county will have fewer than 20,000 naturally occurring affordable housing units in less than 10 years.<sup>360</sup>

Like Fairfax County, Montgomery County has committed to ensuring that there is no net loss of affordable housing units in the coming years. In 2019, county lawmakers announced that they intended to add 41,000 new housing units by 2030, with most of them affordable to low- and medium-income residents.<sup>361</sup> Montgomery County has also begun to incentivize housing developers to build naturally occurring independent housing units. The county will exempt developers from paying development impact taxes, for instance, if they construct a new housing complex and designate at least one-fourth of these new units as affordable housing.<sup>362</sup> To ensure that there is no net loss of affordable housing units in Montgomery County, local lawmakers have also passed a series of initiatives aimed at preserving existing affordable housing units. Among these initiatives are the requirement that all rental units undergo annual inspections and the adoption of stricter penalties for housing code violations. The county also allows tenants and municipalities to purchase properties before landlords offer them to outside buyers. Currently, Montgomery County, Prince George County, and the District are the only jurisdictions in the country that allow such a practice, and it has shown significant success in preventing the loss of additional affordable housing units in these areas.<sup>363</sup>

#### Prince William County

There are insufficient data regarding the amount of affordable housing in Prince William County over time. Nevertheless, the severe lack of affordable housing in the area is evident. An estimated 51,938 households in the county, about a third of the total, have one or more housing problems, which include affordability, lack of complete kitchen or plumbing facilities, and overcrowding. About 1 in 5 households (19 percent) had a cost burden and 13 percent had a severe cost burden. These shares were higher for renter households, with 27 percent being cost burdened and 23 percent severely cost burdened. In fact, Prince William County's affordable housing market is so overwhelmed that the county's HCV program is currently closed due to the sheer number of residents on the waiting list.<sup>364</sup>

There is no local funding source to incentivize the construction of affordable housing units in Prince William County, and the county currently has no plan to do so. The Prince William County Planning Commission proposed a series of affordable housing policies in July 2021, though county officials have yet to come to a decision about the best path forward. In May 2021, however, the Prince William County Board voted five to three to approve an affordable housing development in the county's "Rural Crescent."<sup>365</sup>

#### **Occupancy Codes and Restrictions**

All municipalities in the D.C. metropolitan region use International Code Council (ICC) standards as the foundation for their construction codes and International Building Codes (IBC) as the foundation for their building codes. How the region's municipalities and counties define *family* varies, but none of the definitions are so restrictive that they negatively affect access to housing.

Loudoun County, Prince William County, Arlington County, and Alexandria all have similar definitions of family, with each ordinance defining a family as including any number of people “related by blood or marriage together with any number of natural, foster, step, or adopted children.” However, they sometimes differ from one another with regard to how many unrelated individuals can live together to constitute a family. Arlington County, Alexandria, and Loudoun County all cap the number of unrelated individuals living together to four, or two unrelated adults plus their children.<sup>366</sup> Prince William County’s zoning ordinance caps a family at three unrelated individuals, or two unrelated adults plus their children.<sup>367</sup> While each of these counties and municipalities should increase the cap of unrelated individuals that can live together in a household, this is especially true for Prince William County, which has the lowest number of allowed unrelated persons in a household of the entire metropolitan region.

Both the District and Montgomery County utilize the term *household* instead of family in their zoning ordinances. The District’s definition of household is the broadest in the metropolitan region. Not only is a household defined as “any number of people related by blood, marriage, adoption, or guardianship,” but it also considers six unrelated people and “two unrelated people and any children, parents, siblings, or other persons related to either of them by blood, adoption, or guardianship” to be a household as well.<sup>368</sup> Montgomery County’s definition of a household is identical to the District’s, though they cap the number of unrelated people living in a particular place at five individuals instead of six.<sup>369</sup>

## **Private Discrimination**

### District of Columbia

The D.C. Office of Human Rights has not released a detailed annual report since 2018. That report described continued increases in cases filed regarding fair housing and public accommodations (53 and 57 cases, respectively, as opposed to 42 and 47 the previous year).<sup>370</sup> Of the fair housing cases, 22 cited source-of-income discrimination, 16 cited discrimination based on disability status, and 4 cited race discrimination. The public accommodation cases included 14 cases of sex discrimination, 13 cases of discrimination based on disability status, and 9 cases of race discrimination. The report does not specify how many cases within these categories were mediated or settled.

### Virginia

Fairfax County Human Rights Commission’s annual report from FY2019–2020<sup>371</sup> states that in 2018, 20 fair housing cases were filed involving the county. In 2019, this number was 22; in 2020, it increased to 35, or one-third of the total cases filed (105). Of the 2020 cases, 24 involved disability-related discrimination (the most significant factor), followed by race (11 cases), national origin (5 cases), and sex (4 cases). Twenty cases were resolved in 2020, though it is unclear if these cases were also filed in 2020. Fairfax County and Prince William County have also seen several private discrimination lawsuits in recent years, including one alleging discrimination based on family structure and another alleging discrimination based on disability.

### Maryland

After D.C., Montgomery County has seen the largest number of private discrimination lawsuits of any jurisdiction in the county between 2020 and 2022. These suits include allegations of discrimination based on age, source of income, and disability and involve several property management companies that operate in Montgomery County and elsewhere in the region. Thus, it appears that private discrimination by management companies, private landlords, and community members, such as neighbors, continues to contribute significantly to impediments to fair housing in the region.

## Quality of Affordable Housing Information Program

### District of Columbia

Department of Housing and Community Development Community-Based Non-Profit Organizations (CBOs) provide housing counseling services and training to potential homeowners, current homeowners, and tenants, focusing on low- to-moderate income residents and neighborhoods.<sup>372</sup> Services are provided to assist tenants in understanding their rights and responsibilities, including issues such as potential displacement, rental/eviction counseling, and apartment locating. Though all of these CBOs are based in the District, some serve the greater Washington, D.C., region as a whole. However, only a few of these organizations are specifically dedicated to housing issues and the provision of mobility counseling. Others are more general economic empowerment and economic development organizations. HUD maintains a separate but overlapping list of HUD-approved housing counseling agencies in the District that has similar characteristics.<sup>373</sup> Thus, more specifically designated general-eligibility mobility counseling in the District is needed.

### Virginia

HUD maintains a list of HUD-approved housing counseling agencies in Virginia.<sup>374</sup> Only a handful of these are based in northern Virginia, and most of those agencies serve prospective homebuyers rather than tenants, suggesting a serious lack of support for low-income communities and residents. Virginia Housing, for example, offers a free homebuyer class for those who are purchasing a house for the first time.<sup>375</sup> There are two counseling agencies that are both located in the District metropolitan region and provide rental counseling to residents: Money Management International in Alexandria and Northern Virginia Family Services and Cornerstones Inc. in Fairfax County.<sup>376</sup> Considering the significant number of residents who need renter-oriented affordable housing information programs, there are simply not enough programs available to keep up with the demand rising throughout northern Virginia.

### Maryland

HUD's list of HUD-approved housing counseling agencies in Maryland includes four organizations based in Montgomery County, most of which provide rental housing counseling.<sup>377</sup> However, there is a clear gap between supply and demand for such counseling services, given the large population of Montgomery County and the small number of existing agencies. The county government does not appear to run or support mobility counseling programs—a fact that further exacerbates this gap. Housing counseling agencies that offer assistance to both renters and potential homeowners include the Housing Initiative Partnership, Inc., Homefree-USA of the Washington, D.C., metropolitan area, Greater Washington Urban League, and Centro de Apoyo Familiar.<sup>378</sup>

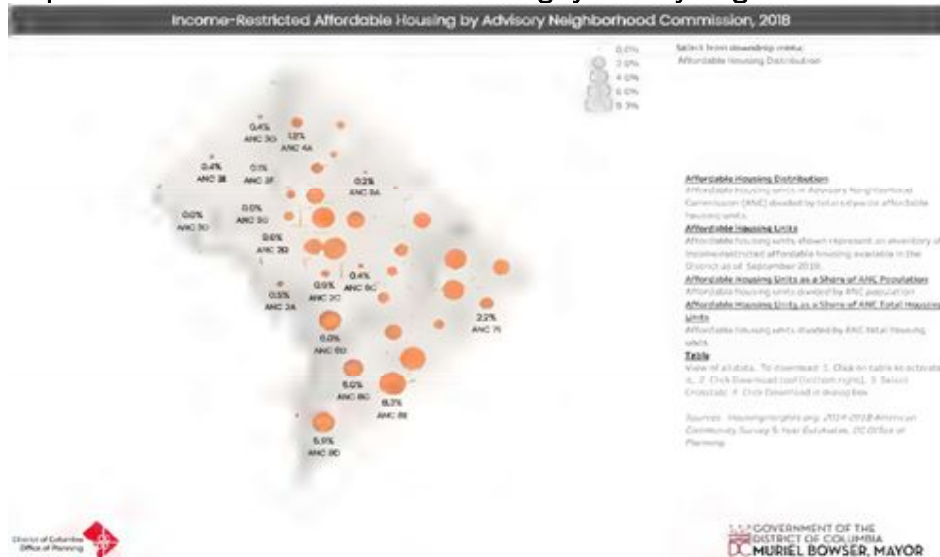
## Regulatory Barriers to Providing Housing and Supportive Services for Persons with Disabilities

Regulatory barriers are not a significant contributing factor to fair housing issues for persons with disabilities in the Washington, D.C., metropolitan region. There are no specific examples of regulations that make the provision of supportive services difficult. Some policies have been put in place that support housing for persons with disabilities. For example, Fairfax<sup>379</sup> and Arlington<sup>380</sup> Counties require property owners who desire to convert a building from multifamily rental housing to a condominium or cooperative to allow tenants with disabilities a three-year extension on their leases. Moreover, both Maryland and Virginia expand the scope of protected classes beyond those recognized in federal law to include the prohibition of source-of-income discrimination as well as directives to prevent blanket bans on individuals based on their criminal records.

## Siting Selection Policies, Practices, and Decisions for Publicly Supported Housing

Siting selection policies, practices, and decisions for publicly supported housing, including discretionary aspects of Qualified Action Plans (QAPs) and other programs, are significant contributing factors to the segregation of public housing units. Throughout the greater Washington, D.C., metropolitan region, affordable housing units are located primarily in low- and middle-income areas. For instance, while 6E (Shaw) and 8E (Congress Heights, etc.) together make up 15 percent of the total affordable housing units in the District, there are no income-restricted housing units in the upper-income, predominantly White 2D (Kalorama), 2E (Georgetown/Burleith), 3C (Woodley Park/Cleveland Park), and 3D (Spring Valley/AU Park) neighborhoods.<sup>381</sup> The low-income, minority-majority neighborhoods in which affordable housing is predominantly located are often far from transit, contributing to disproportionately long commutes and high transportation costs for the neighborhood's residents.<sup>382</sup>

**Map 93: Income-Restricted Affordable Housing by Advisory Neighborhood Commission, 2018**

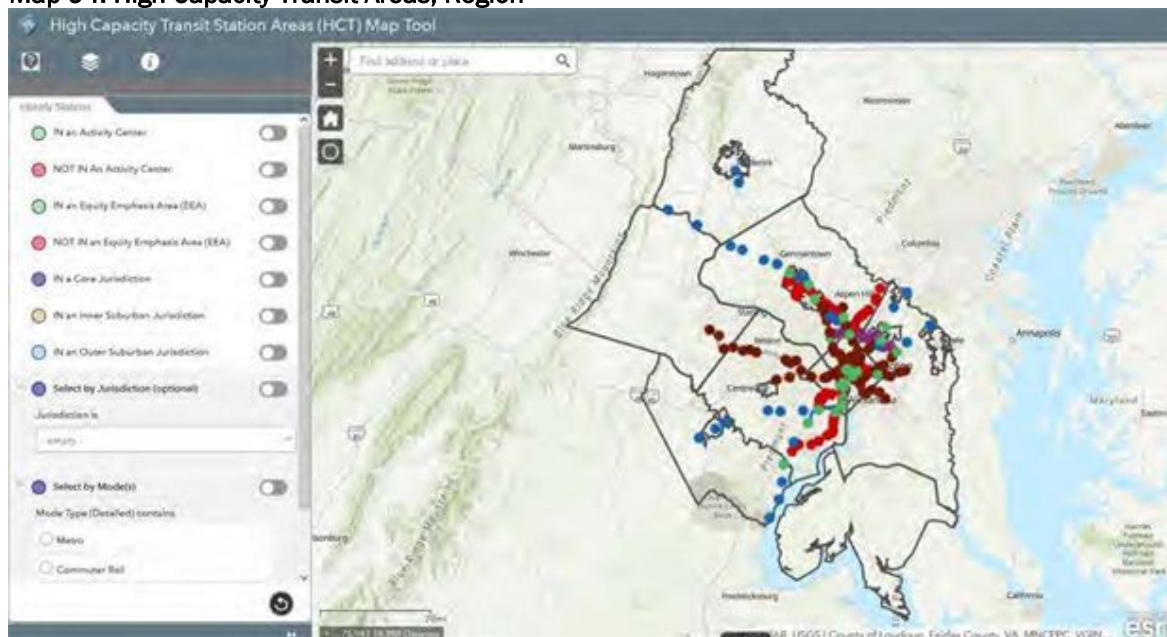


Source: D.C. Office of Planning—State Data Center, “District of Columbia, Income-Restricted Affordable Housing by ANC, 2018,” May 23, 2019 (updated August 21, 2020), <https://public.tableau.com/app/profile/travis.pate/viz/DistrictofColumbiaIncome-RestrictedAffordableHousingbyANC/AffordableHousingANC>.

Nevertheless, the area’s site-selection policies have shown improvement, especially with regard to ensuring that more affordable housing units are located near transit. Arlington County has been particularly successful in this regard. Since 2000, 75 percent of all new residential units built in Arlington County were within the Rosslyn-Ballston and Jefferson Davis Metro corridors and only 6 percent were single-family detached homes or townhouses.<sup>383</sup> Additionally, the Metropolitan Washington Council of Governments (COG) has emphasized the need to build affordable housing units near public transit in the region as a whole. The Regional Housing Initiative, which was passed by the COG in 2019, calls for at least 75 percent of the proposed 320,000 affordable housing units to be located in activity centers or near high-capacity transit. You can find the high-capacity transit areas anticipated in the region by 2030 below in Map XX.<sup>384</sup> These efforts, combined with D.C. Mayor Muriel Bowser’s initiative to create 12,000 affordable units that are dispersed throughout all eight wards,<sup>385</sup> represent positive steps to making the region’s site-selection policies more equitable. However, until every part of the metropolitan area prioritizes the need to locate affordable housing in neighborhoods

with ample access to transit and opportunity, these efforts will likely fall short in ultimately achieving their intended effect.

**Map 94: High Capacity Transit Areas, Region**



As for other programs, however, only the District offers housing construction incentives by way of a QAP. Presently, the District's Department of Housing and Development offers new construction and rehabilitation projects a 9 percent fixed tax credit if they are placed in service after July 30, 2008, and a 4 percent fixed tax credit if they are financed with tax exempt bonds under Internal Revenue Code Section 103 or involve the acquisition of existing buildings. Developers can earn a boost of up to 30 percent if their project is located in an area with residents earning 60 percent of the AMI or that has a poverty rate of at least 25 percent.<sup>386</sup> As noted previously, however, neither Virginia nor Maryland incentivize developers with financial credits laid out in QAPs.

### Source-of-Income Discrimination

The District of Columbia, Maryland, and Virginia all have districtwide/statewide statutes prohibiting source-of-income discrimination.<sup>387</sup> Montgomery County also has local laws prohibiting source-of-income discrimination, while Virginia provides statewide incentives (in the form of tax credits) to promote acceptance of HCVs.

Nonetheless, source-of-income discrimination remains a significant problem in the metropolitan Washington region, as demonstrated by several recent lawsuits. For example, *Lundregan v. Housing Opportunities Commission*, a 2020 case brought before the US District Court of Maryland, alleged that the Montgomery County Housing Opportunities Commission, a government-supported affordable housing agency, housing finance agency, and housing developer, discriminated against the plaintiff because she uses housing vouchers. Similarly, in 2021, the ERC and a local renter filed a suit in the US District Court for the District of Columbia against Vaughan Place Apartments for the latter's refusal to accept housing vouchers as a source of income to pay the renter's rent.<sup>388</sup> Many other cases have alleged discriminatory acts by landlords, property management companies, and government agencies against tenants who use housing vouchers, even if such discrimination may not be solely or primarily



due to the housing vouchers. Such cases reveal the continued prevalence of source-of-income discrimination in the metropolitan Washington region despite its de facto illegality.

### **State or Local Laws, Policies, or Practices That Discourage Individuals with Disabilities from Living in Apartments, Family Homes, Supportive Housing, and other Integrated Settings**

State or local laws, policies, or practices that discourage individuals with disabilities from living in apartments, family homes, supportive housing, shared housing, and other integrated settings are a significant contributing factor to fair housing issues for persons with disabilities.

The D.C. Human Rights Act of 1977 explicitly protects individuals with disabilities from experiencing housing discrimination,<sup>389</sup> yet individuals with disabilities continue to face housing obstacles in the District in a myriad of ways.

The ERC conducted a civil rights investigation in 2019 with the goal of capturing “the potential barriers that person with disabilities face when seeking housing both in person and online.” Of the 23 District properties that were examined by the ERC, 16 were found to violate the standards set in the Fair Housing Design Manual, and 51 violations were reported in total. Violations included inaccessible public and common use areas (25), unusable kitchens and bathrooms (19), inaccessible entrances on accessible routes (4), unusable doors (1), inaccessible routes into and through covered units (1), and unreinforced walls in bathrooms for later installation of grab bars (1). An analysis of property websites and online applications also revealed several ways in which individuals with disabilities face barriers when attempting to find affordable, accessible housing online. Of the 25 websites that were examined on a desktop computer, 21 posed accessibility issues to individuals with disabilities. In these instances, mandatory fields involving interactive calendars, combo boxes, and drop-down menus could not be accessed by screen readers, thus making it impossible for visually impaired users to determine how many units were available, filter results, and find other information. Screen readers could also not access 13 of the 16 online renter applications, with the biggest accessibility issues arising from inclusion of CAPTCHA requirements or mandatory fields that could not be understood by screen readers. As more and more rental properties come to rely on online applications, virtual walkthroughs, and their websites as a whole in order to find potential renters, it is crucial that these websites are accessible to all individuals with disabilities.<sup>390</sup>

Though the ERC’s investigation only examined rental properties in the District, similar barriers can no doubt be found at properties across the region. To date, neither the District, Virginia, nor Maryland have passed policies requiring property websites to be accessible to individuals with disabilities. In order to eliminate the barriers that these individuals may face, the region must do a better job of ensuring that properties both follow ADA and Federal Housing Administration guidelines and build accessible websites for those who need them.

In Maryland, a 21,000-person waiting list for Medicaid waivers that help individuals afford at-home care also discourages individuals with disabilities from living in apartments, family homes, supportive housing, and other integrated settings. This waiting list, among the longest in the country, means that many persons with disabilities will never have the opportunity to receive care that would allow them to continue to reside at home or with family members. If one does get off this waiting list, it often takes years. A family from Towson, Maryland, for instance, received news that their son had gotten off the waiting list nine years after they signed up for the waiver program. The length of the waiting list poses a significant burden to the family members of individuals with disabilities, who often forgo wages in order to care for their loved ones, as well as individuals with disabilities themselves. Individuals who cannot afford at-home care are thus moved out of their apartments and family homes into retirement homes, often without much choice.<sup>391</sup>

### **Unresolved Violations of Fair Housing or Civil Rights Law**

Unresolved violations of fair housing law are not a significant contributing factor in the region. In September, the District filed three lawsuits alleging housing discrimination against seven real estate companies and individuals operating in the District.<sup>392</sup> In February, D.C. Attorney General Karl Racine announced a lawsuit was filed against a Virginia-based moving company for rejecting reservations for rental moving boxes from applicants living in Wards 7 and 8. He also announced a settlement with a Maryland home-improvement company that refused to operate east of the Anacostia.<sup>393</sup>

Outside the District, the Virginia Office of Attorney General recently resolved an investigation into Loudoun County Public Schools (LCPS). The NAACP filed a complaint with the office in 2019 alleging that the school system failed to admit Black students to the school district's advanced STEM program on the basis of race. After concluding the school district's policies and practices do discriminate against Black and Latino students, LCPS agreed to revise its outreach and recruitment plans and its admissions criteria for the advanced programs. LCPS also agreed to revise its nondiscrimination policies, annually review its protocol for handling hate speech, and hire a consultant approved by the Office of Civil Rights.<sup>394</sup>

## VIII. Public Comments



March 31, 2023

The Honorable Kate Stewart  
Metropolitan Washington Council of Governments  
777 N Capitol Street, NE, Suite 300  
Washington, DC 20002

Dear Chair Stewart:

Adherence to fair housing law is a cornerstone of ensuring equitable access for all in the community, and the apartment industry is committed to working with localities and other constituencies across the region to deliver equitable housing access and to reduce and eliminate fair housing violations. The Apartment and Office Building Association of Metropolitan Washington (AOBA) supports the regional and local goals in the draft Metropolitan Washington Regional Fair Housing Plan to increase housing attainment and to reverse historical patterns of segregation in our region. We further offer our expertise, drawn from our members' daily work providing housing across the region, to help shape strategies to ensure that they produce the desired outcome of a fairer and more equitable housing market throughout Metropolitan Washington.

As you know, AOBA is the premier non-profit organization representing owners and managers of more than 435,000 apartment units and approximately 169 million square feet of office space in the District of Columbia, Maryland, and Virginia. Our members play a critical role in building and operating the commercial and residential buildings that will accommodate the economy and workforce of the future. As such, our member companies consider themselves part of the Metropolitan Washington community and maintain a vested stake in the long-term sustainability and well-being of the region and each of the eight jurisdictions in the Regional Fair Housing Plan. Our member companies take pride in providing safe and sanitary, professionally managed homes for their residents, and we look forward to working with the region's governing bodies to achieve our shared goals.

**Goals # 1 and 2: Increase the supply of affordable housing for families earning at or below 60% of the Area Median Income and change zoning and land use policies to expand access to fair housing**

The region's ability to lower housing costs will be directly tied to its ability to increase the overall supply of housing units. By contrast, policies which restrict housing construction preclude some households from living affordably in the community. AOBA supports applying best practices to increase the supply of housing attainable for lower and moderate-income households and to provide diverse housing options. However, we caution not to overlook potential negative impacts of targeting specific populations and income brackets – e.g., potentially discouraging investment in housing for households with incomes at or below 80% of the area median income (AMI) in an effort to target incomes below 60% AMI. Moreover, we should remain cognizant that even the creation of housing at higher price points benefits lower-income households because the market is interconnected across types, sizes, and costs; constructing any housing reduces competition for otherwise limited supply, lowering prices as a result.

**Goal # 3: Implement policies to preserve affordable housing and to prevent displacement of residents**

We share the goal of developing and maintaining market rate and committed affordable housing units, but it comes at a cost, which is often borne by the balance of the rental market if restrictions are not accompanied by funding. Financial incentives and flexibility for additional residential densities are ways to deliver affordable units without creating excessive upward pressure on overall market rents. By contrast, indefinite extensions of affordability commitments, requirements to replace market-rate affordable units, or a right of first refusal for tenant purchases could inhibit the delivery of this much-needed affordable housing by increasing the cost and uncertainty of providing these units.



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**Goal # 5: Protect the housing rights of individuals who are part of protected groups**

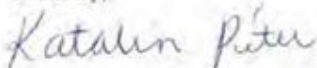
Rental assistance programs with local or state funding and modeled after the federal housing choice voucher program with expanded eligibility, flexibility, and increased efficiencies could assist residents who are chronically rent-burdened, without passing costs onto housing providers or other tenants. A means-test and housing sustainability measurement could assess the needs of the applicant and what housing can be made available with the programs awarding a supplementary payment to bridge the gap between 30% of an applicant's pre-tax income and their periodic rent. Such programs could be scaled to assist the desired number of potential voucher recipients across the region.

Tenant screening reports provide housing providers solely with a recommendation regarding the tenant based on the criteria provided (*i.e.*, tenant qualified to rent, tenant does not qualify to rent). These reports specifically exclude personal information to remove subjectivity from such determinations and eliminate the prospect for fair housing violations or discriminatory actions. Restricting housing providers from charging fees to applicants precludes providers from being reimbursed for staff time and expenses, such as fees charged by screening agencies, related to processing the application. Such restrictions could raise barriers to housing and drive up rents by passing these costs onto other tenants.

Conceptually, AOBA does not oppose right to counsel programs to ensure legal representation for tenants in landlord-tenant proceedings. However, it is important that the cost for tenants' counsel not be passed to the housing provider, as property managers have only one source of income: the rental payments from their tenants. As such, a "landlord-paid" counsel would become a cost for other tenants, raising the cost of housing, and diluting the impact to assist tenants. By contrast, providing funding from the state or local general fund would provide the service without raising the cost of housing for residents who can least afford the extra burden. Additionally, care should be taken that such programs do not result in an extension of the court process, as delays can have the effect of digging a deeper financial hole for the very tenants they are intended to assist.

Each jurisdiction and the region as a whole have made progress toward achieving a more equitable housing market, as noted in the draft Regional Fair Housing Plan. We celebrate these successes and look to build on them in pursuing the regional and local goals and priorities. We look forward to collaborating to expand housing access and to reduce and ultimately to eliminate fair housing violations across our region. We hope that the Metropolitan Washington Council of Governments and each of its participating localities will look to us as partners as you move forward to finalize and then to implement the Metropolitan Washington Regional Fair Housing Plan.

Sincerely,



Katalin Peter, Esq.  
Vice President of Government Affairs,  
District of Columbia-Residential  
Apartment and Office Building Association of Metropolitan Washington (AOBA)



Brian Anleu  
Vice President of Government Affairs,  
Maryland



Scott E. Pedowitz  
Director of Government Affairs,  
Virginia

cc: Metropolitan Washington Council of Governments Board of Directors; Metropolitan Washington Council of Governments Executive Director Clark Mercer; Alexandria City Council; Arlington County Board; District of Columbia Council; Fairfax County Board of Supervisors; Gaithersburg City Council; Loudoun County Board of Supervisors; Montgomery County Council; Prince William Board of County Supervisors



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**Alliance for  
Regional  
Cooperation**

*"Keeping it Regional"*

Metro Washington COG,  
Fair Housing Plan participating governments and  
Community Advisory Committee;  
***fairhousing@mwkog.org***  
31 March 2023

Distinguished Metropolitan Leaders & Housing Advocates,

Jim Schulman, Exec. Director  
631 E St. NE, WDC 20002  
jschulman@ARCdmv.org  
www.ARCdmv.org

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Eddie Tuvlin, FSC First  
Peter Whitehead, SMC Concrete

My name is Jim Schulman & The Alliance for Regional Cooperation (ARC), which I lead is a non-profit organization focused on sustainable regional economic development. I am also an Architect.

ARC promotes self-reliant approaches to metropolitan planning and development, addressing the region's ability to meet residents' basic needs for food, shelter, clothing, education, health care, water, and energy. These are human needs that can best be met through governmental policies that stress equity and regional self-reliance so that residents can become more self-sufficient & competitive in the global economy. Housing is widely acknowledged to be a regional policy issue that heavily impacts other sectors.

ARC is not opposed to the greater provision of a variety of housing types, mixed-use or mixed-income neighborhoods, the adoption of alternatives to auto-dominated land-uses nor housing equity policies that will actually serve those with great financial need. **We strongly agree with comments Suzanne Smith Sundburg from Arlington has submitted critiquing the draft report.**

Washington Metro area jurisdictions appear to be missing opportunities to improve the affordability of housing by:

- **fostering partial equity housing cooperatives as are common in DC, NYC, and Madison, WI**
- **establishing Community Housing Land Trusts**
- **reforming property appraisal methodology so that it does not continue to favor and encourage the unnecessary inflation of land values - which currently discriminates against people of color**

*Many area governments also appear to be missing opportunities to:*

- **incentivize the conversion of vacant luxury housing and vacant commercial property into affordable housing**
- **establish a program of reparations via housing policy, featuring down-payment assistance to former priced-out residents as Rochester, NY and Evanston, IL are piloting**

We thank you for this opportunity to share our concerns.

Sincerely,

ARC, Executive Director

## ENDependence Center of Northern Virginia (ECNV)

Comments on

### The Metropolitan Washington Council of Governments (MWCOC) Regional Fair Housing Plan

The ENDependence Center of Northern Virginia (ECNV) thanks the Metropolitan Washington Council of Governments (MWCOC) for the opportunity to review and comment on the Draft Regional Fair Housing Plan prior to its submission to the U.S. Department of Housing and Urban Development (HUD). ECVN applauds the MWCOC for its leadership in facilitating the first collaborative regional effort on fair housing in more than 25 years. Based on our review of the Plan, and comments we heard during recent listening sessions held in the Northern Virginia community, we offer our comments for your consideration.

#### About ECVN

ECNV is a community resource center run by and for people with disabilities who live and work in the Virginia Suburbs of Washington, D.C. Our service area includes Arlington, Fairfax and Loudoun Counties and the Independent Cities of Alexandria, Fairfax and Falls Church. For more than 40 years, ECVN has provided peer-based, self-help services to people of all ages who have all types of disabilities. Our core services include peer counseling and support, independent living skills training, information about programs and services that promote community living and prevent institutionalization, and individual and systems advocacy aimed at ensuring that the community is accessible and citizens with disabilities can fully participate in all aspects of society.

One primary focus of our advocacy and public education efforts has been housing. As individuals with disabilities ourselves, we know firsthand how important finding accessible, affordable and integrated housing is to being able to live, work, and fully participate in community life without fear of being forced into nursing homes or other institutions, isolated and segregated with every aspect of one's daily existence regulated by others, including when you get out of bed, when and what you eat, what your do with your time, who can visit you, and when you retire to bed for the night.

We are part of a network of more than 500 centers for independent living (CILs) in the United States, and among 17 such centers in the Commonwealth of Virginia. Among our colleagues in the Metropolitan Washington Region are the District of Columbia Center for Independent Living (DCCIL) and Independence NOW which serves Montgomery and Prince Georges Counties in Maryland. Together with our colleagues nationwide we worked for the enactment of disability rights protections, including the Americans with Disabilities Act (ADA) and the Fair housing Act Amendments of 1988.

In June 1999, we heralded the U.S. Supreme Court Olmstead Decision. In that Decision, the Court, in applying the Most Integrated Setting provision of the ADA, said that people with disabilities have the right to choose to live and receive services in the most integrated setting and not be forced into nursing homes and other institutional placement. One of the key ingredients to be able to exercise one's ADA and Olmstead rights is 1) protection from discrimination on the basis of disability and 2) the availability of affordable, accessible and integrated housing in the community.

Consequently, we work diligently to help people with disabilities to secure housing that meets their needs, and we educate them about their rights to live in integrated settings in the community without facing prejudice or discrimination due to having a disability.

#### COMMENTS ON DRAFT PLAN

The Draft MWCOG Regional Fair Housing Plan was/is an ambitious and comprehensive analysis of challenges and efforts to address impediments to advancing fair housing undertaken by eight (8) local jurisdictions that receive federal funds to assist them with increasing the stock of affordable housing options in the Metropolitan Washington Region and addressing barriers to fair housing that include systemic racism and discrimination based on race, national origin, ethnicity, disability, marital and familial status, and other factors.

#### DEMOGRAPHICS

The Plan's Executive Summary describes the collaborative efforts undertaken by the 8 localities with overall coordination by MWCOG staff and consultants to provide for a regional analysis of the impediments to fair housing. The regional assessment presents demographic information that documents the increase in population from diverse racial and ethnic backgrounds, many of whom are not native English speakers and have limited English proficiency. It also includes information on the prevalence of individuals with disabilities residing in the region.

According to the Draft Plan, 9% of area residents are persons with disabilities. This data appears to come from the American Community Survey (ACS). The ACS has been the traditional source of information about the prevalence of disabilities used by most jurisdictions when preparing their Five Year Consolidated Plans. According to the Draft Fair Housing Plan, 9% of the region's population are persons with disabilities.

Our concern is that the ACS is a random sampling of a limited number of people with disabilities from which the Census Bureau derives an estimate of the percentage of the population that has disabilities. Data about other population groups is taken directly from the decennial Census and is clearly a more accurate count. Unfortunately, there is no question on the Census about whether there are persons with disabilities in a household and what types of disabilities they have.

Thus, given our familiarity with the disability community in the Metropolitan Washington Region, we believe that the prevalence of individuals who have disabilities is far higher than that cited in the Draft Plan. Many federal government and national disability advocacy groups estimate the prevalence of disability in the U.S. population at 20% to 25% of the total population. According to the American Association of People with Disabilities the number of individuals with disabilities in the United States is 56 million.

It should be noted that ACS and CHAS data used to prepare Consolidated Plans segregates data on the number of persons with disabilities from data about the number of seniors in the population despite the fact that many seniors have physical, sensory and cognitive disabilities.

It should also be noted that the definitions used to document the types of various disabilities in the community are inconsistent and appear to be based on subjective assessments of whether the people being surveyed have functional limitations in performing certain tasks, such as seeing, hearing,



independent living or transportation, which can result in inaccurate or duplicative or overlapping counts. Consequently, given the lack of a definitive source of data on the prevalence of disability, we would recommend an analysis of data on disability from a variety of sources.

Additionally, many people with disabilities migrate to the Washington Metropolitan Area from other parts of the country seeking educational and job opportunities here. They also come because, as a major metropolitan area our region has more community amenities which are accessible than most communities. Consequently, we are convinced that the prevalence of disability in this metropolitan area is likely to be higher than documented in the Draft Plan. We fear that the amount of resources allocated to address the housing needs of people with disabilities may be unfairly limited due to an undercount. We are also concerned that it is possible that the needs of persons with disabilities from other marginalized populations, especially immigrants, are not well documented.

#### HOUSING PROBLEMS AND LACK OF ACCESSIBLE UNITS

The Draft Plan looks at the lack of accessible housing in the Region. It cites the requirement of the Fair Housing Act as well as Section 504 requirement that apply to federal assisted housing. However, it does not clearly explain the limits of these requirement to produce a significant number of fully accessible housing units.

For example, FHAA requirements apply to all newly constructed, multi-family residential units built since 1991. However, the accessibility standards for residential units as opposed to common areas are fairly minimal, dealing with elements in the built environment such as door and hallway widths and height of environmental controls. Bathroom must include loadbearing walls to accommodate the installation of grab bars and bathroom and kitchen cabinets must be able to be modified so that a person with a disability using a wheelchair can roll under them and use them.

However, the analysis does not address some of the limitations of the Fair Housing Act requirements. For example, although all units in elevators buildings must comply with the Accessibility Standards of the FHAA, only ground floor units must comply in garden style developments. The impact is that the potential number of new developments with units that are covered by the FHAA is significantly reduced. Furthermore, a individual with a significant physical disability who needs accessibility features beyond to FHAA requirements will face the potential of having to pay to make accessibility modifications. This can present an extra financial burden on a renter with a disability that goes beyond the burden that other low- and extremely low income renters face due to rising rent costs.

The Section 504 accessibility standards, i.e., the federal Uniform Federal Accessibility Standards (UFAS) apply to federally assisted housing units, such as those constructed with CDBG or HOME funds. These units meet the standards for fully accessible units that provide for maximum independence for individuals with disabilities. However, the number of these units is extremely limited and once they are occupied their occupants tend to remain in them for years. We feel that it is important to document the limitations and restrictions that negatively impact the availability of accessible and usable units to meet the housing needs of persons with disabilities.

The Draft Plan also mentions that localities are using Low Income Housing Tax Credits to finance new affordable housing. However, the plan says that these units only have to meet minimum accessibility requirements. This may be true when using non-competitive 4% tax credits, but in Virginia, developers

seeking 9% tax credits are required to make at least 10% of the units fully accessible (Type A) units. This presents an opportunity to increase the number of fully accessible units, and it has been used by Northern Virginia jurisdictions, in part, as an incentive to building more accessible units. We believe that the analysis in the Draft Plan is deficient since it is not sharing information about this type of solution to the lack of accessible housing in our communities.

We also note that the analysis does not mention that most state building codes have some requirement with respect to the percentage of newly constructed units that are Type A fully accessible in any new residential project. This percentage is 2% of the total number of units in Virginia. The problem is that the percentage is so low that it is not adequate to address the demand. However, in our opinion, not pointing this out does not adequately educate the elected officials reading the Plan about a potential long term solution to the problem of the lack of accessible housing. A policy change advocating an increase in the state building code to require 10% of all newly constructed residential units to be accessible Type A units could over time bring the number of accessible units closer to meeting the need.

Furthermore, it would begin to increase the number of units that a person with a disability could occupy using a housing choice, Mainstream or other housing voucher. Similarly, it will help to increase the stock of housing available to seniors who want to age in place in the community.

#### ADDRESSING SEGREGATION OF PERSONS WITH DISABILITIES

We are concerned that the regional analysis specifically calls out the Olmstead Decision, but it appears to imply that that Decision only applies to people with intellectual, developmental or mental health disabilities. Many people with physical and sensory disabilities, including seniors are trapped in nursing homes due to the lack of fully accessible housing as well as personal assistance services and other long term supports and services. The Olmstead Decision obligates ADA Title II entities, including local governments to ensure the rights of all people with disabilities to live in the community.

#### Regional Goals and Objectives

Finally, we would like you to consider changing the wording of the objective under the Goal of addressing the needs of persons with disabilities to ask localities to increase the percentage of multi-family units in new construction to 10% of the total number of units to remove the reference to public funded units only. If that wording is used it will severely limit the number of units that could be added to the stock of accessible housing.

In summary, we great appreciate the collaborative efforts, time and energy that went into this Regional Plan and look forward to its successful implementation. Thank you for the opportunity to comment.

Respectfully Submitted,

Doris M. Ray



The Equal Rights Center (ERC) is a civil rights organization that identifies and seeks to eliminate unlawful and unfair discrimination in housing, employment, and public accommodations in its home community of Greater Washington, D.C. and nationwide. For many years, the ERC has conducted intakes with individuals in the Washington, D.C. metropolitan region who believe they may have experienced housing discrimination, investigated individual claims and systemic forms of housing discrimination, pursued enforcement of the Fair Housing Act and state and local fair housing laws as needed, and conducted education and outreach about fair housing protections and requirements. We were also honored to serve on the community advisory committee as part of the regional analysis of impediments effort. We have reviewed the draft Metropolitan Washington Regional Fair Housing Plan and appreciate the opportunity to offer the following comments to be taken into consideration in the crafting of the final regional fair housing plan.

Overall, we appreciate the novel regional approach taken for this fair housing plan, which MWCOC and participating jurisdictions were not required to undertake, and which we understand likely demanded additional resources compared to if individual jurisdictions in the region had proceeded independently. We hope the regional approach serves as a national model for other metropolitan regions. Previous fair housing plans in the region have been individually prepared by local jurisdictions, for example by the District of Columbia or Fairfax County, which can make it challenging to identify the broader regional trends and solutions necessary to address a regional housing market. The ERC commends the Metropolitan Washington Council of Governments (COG) and the participating local jurisdictions for this more collaborative approach.<sup>1</sup>

We also appreciate the coalition's effort to engage the community in crafting the plan. It is crucial that the area's residents – especially members of groups that have historically been devalued and left out of planning and decision-making processes – have a say in shaping the region's fair housing priorities.

Of course, no effort that is simultaneously so expansive but also detailed in nature can be perfect, but we remain invested in ensuring that the final plan is as good as it possibly can be. In that spirit, we offer the following comments, concerns, and suggestions, targeted at ensuring there are actionable strategies and accompanying commitments to ensure the region achieves the plan's goals:

***To Stem the Tide of Increasing Neighborhood Segregation, the Plan Must Include Broader Commitments to Building & Preserving Deeply Affordable Housing***

The ERC appreciates the plan's focus on increasing affordable housing to combat the tide of increasing segregation in the region. Throughout the United States, historical racism and its ongoing legacy have not only impacted people's access to housing, but also their access to employment and their ability to

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<sup>1</sup> The participating jurisdictions include the City of Alexandria, VA; Arlington County, VA; District of Columbia; Fairfax County, VA; City of Gaithersburg, MD; Montgomery County, MD; Loudoun County, VA; and Prince William County, VA.

accumulate wealth. As a result, class and race are deeply intertwined. The most recent DC<sup>2</sup> and Fairfax County<sup>3</sup> AIs found that a lack of affordable housing played a significant role in worsening neighborhood segregation. This trend holds true across the region.

However, the affordable housing crisis is not new. For the past several years, the ERC has been ringing the alarm about the affordable housing crisis in our region, particularly in the District. The *District of Columbia Analysis of Impediments to Fair Housing Choice 2006–2011* identified that most housing in DC was unaffordable to most DC residents.<sup>4</sup> Efforts over the last decade have proven inadequate to stop the worsening problem of housing unaffordability. The scope of the affordable housing crisis facing the region is now massive, and will require local jurisdictions to mount equally massive, thoughtful, and immediate investments in response.

For this reason, we were relieved to see the plan's stated goals to not only build affordable housing, but also preserve it. Given the pace of growth in our region, affordable housing established under temporary contracts only temporarily delays the displacement of the region's low-income residents. Affordable housing must be made permanent to have a real impact.

We were also heartened to read the plan's stated goal to create new rental housing for people earning at or below 60 percent of the Area Median Income (AMI) instead of 80 percent, as had been proposed previously. This change will help ensure that lower-income residents will be able to find and maintain housing.

However, this goal alone is insufficient, as many developers have historically and likely will continue to build housing for people at the higher end of that range. As such, the region's lowest-income residents will remain most vulnerable to displacement. The region should prioritize the construction and preservation of deeply affordable units for residents earning at or below 30 percent AMI in order to avoid escalating this crisis. The ERC recommends including in the plan a goal that sets a minimum percentage of affordable housing for residents at or below 30 percent AMI.

#### ***Jurisdictions Need to Commit to Robust, Systemic Investigation and Enforcement of Fair Housing Violations***

In order to adequately address the extent of the fair housing concerns detailed in the plan, jurisdictions must proactively and systemically enforce federal, state, and local fair housing laws. It would be ideal if

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<sup>2</sup> "Draft for Public Comment: Analysis of Impediments to Fair Housing Choice Washington, D.C." (2019). DC Department of Housing and Community Development, the Lawyers' Committee for Civil Rights Under Law, and the Poverty and Race Research Action Council (PRRAC).

<https://dhcd.dc.gov/sites/default/files/dc/sites/dhcd/publication/attachments/D.C.%20Draft%20Analysis%20of%20Impediments%20to%20Fair%20Housing%20Choice%209.27.2019%20%281%29.pdf>

<sup>3</sup> "Fairfax County, Virginia Analysis of Impediments to Fair Housing Choice 2016-2020" (2017). Fairfax County, Department of Housing and Community Development and Fairfax County Office of Human Rights and Equity Programs, Human Rights Division.

<https://www.fairfaxcounty.gov/humanrights/sites/humanrights/files/migration/docs/ai-2016-2020.pdf>

<sup>4</sup> "District of Columbia Analysis of Impediments to Fair Housing Choice 2006–2011" (2012). District of Columbia Department of Housing and Community Development.

<https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/DC%20AI%202012%20-%20FINAL.pdf>

participating jurisdictions would make public commitments to doing so as part of their plan adoption efforts.

While victims of discrimination can individually defend their fair housing rights through litigation or the administrative complaint process, they must not be made to bear the burden of ensuring the region is free from housing discrimination. For many, litigation is not an accessible option. The administrative complaint process, meanwhile, can be a years-long, sometimes re-traumatizing endeavor. As their complaints progress through the process, individual complainants are required to repeatedly relive the discrimination they experienced. Some former ERC clients have found the administrative complaint process to be even more traumatic than the initial discrimination they experienced. Jurisdictions should conduct testing and other systemic investigations and aggressively pursue enforcement of fair housing violations in order to lift this undue burden off of individual victims. The region's residents deserve to be treated with fairness and respect at the leasing office, mortgage lender, and beyond.

The ERC also recommends that the plan set specific goals for civil rights testing, which is arguably the most effective tool for uncovering and pinpointing systemic barriers to fair housing. At Community Advisory Committee meetings, the ERC was excited to hear that the local governments had committed to conducting testing across the metropolitan area. These commitments should be included in the final plan. Testing serves as a critical tool for identifying more subtle forms of discrimination, such as in the sales and lending market. The report places a significant emphasis on increasing homeownership, but these goals will fail to reduce the racial homeownership gap unless they include a robust campaign to confront sales and lending discrimination against people of color, especially Black homebuyers. The plan should stipulate that participating jurisdictions fund fair housing testing and commit to following through on test results.

#### ***The Plan Needs an Implementation Roadmap***

One of the greatest disappointments with previous AIs has been the lack of full implementation. Local jurisdictions have devoted significant time and resources into creating this report and identifying goals and strategies for reducing housing discrimination. This commitment cannot end once the report is published, but instead participating entities must double down on effective implementation. To facilitate that, the plan should at least include a roadmap for the further work jurisdictions will need to engage in.

#### ***Conclusion***

The Regional Fair Housing Plan's purpose – to eliminate housing discrimination and promote affordable, integrated communities throughout the region – is an essential one. This draft is a valuable first step. The ERC commends the report's collaborative, regional approach and emphasis on affordable housing; however, we also urge that the final plan include:

- Goals related to building and preserving deeply affordable housing for the region's lowest income residents, at or below 30 percent AMI.
- Commitments from the jurisdictions involved to conduct fair housing testing and other systemic investigations as part of enforcement efforts to proactively root out barriers to fair housing and ensure that the burden of combatting discrimination across the region does not fall on individual complainants.

- An implementation roadmap to ensure that the time and resources spent and the collaborative framework established in the plan's creation do not fall apart after it is published. The plan is only meaningful if each jurisdiction involved implements it effectively.

With these changes made, the plan will offer the jurisdictions involved a real opportunity to replace patterns of discrimination and segregation with fair, affordable, and integrated housing throughout the region.



March 29, 2023

The Fairfax County Commission for Women would like to take a moment to thank the Metropolitan Washington Council on Governments and all included stakeholders for your thoughtful, inclusive, and forward-leaning ideas and close watch over the issue of affordable housing.

In this open letter, the Commission would like to take this opportunity to reflect on the Fair Housing proposal and make several recommendations for the Council's consideration.

The lack of affordable housing is something that disproportionately affects women. Women are more likely to be employed in underpaying jobs, more likely to be single parents, and more likely to carry the burden of childcare costs; all of which has been exacerbated by the fallout of the COVID-19 pandemic and is concentrated in areas throughout Fairfax County.

Additionally, it's been well-researched that Virginia is home to five out of the top ten cities in the country with the highest eviction rates. While this problem is concentrated in the southern half of the state, it has worrisome implications for the Metropolitan area as poverty continues to suburbanize.

Understanding this, the Fairfax County Commission for Women would like to urge Fairfax County to consider including the following elements in the Regional Fair Housing plan.

Recommendations:

- Establish programs and outreach to make it easier for single women and women of color to purchase homes and apply for rental assistance.
- Direct more targeted funding towards housing and rental assistance for those who are at the extreme margins – making 30% of the AMI.
- Identify pathways in the local or state code structure to establish minimum affordable housing requirements for apartment complexes over 12 units and ensure that designated affordable housing units stay affordable over the long-term.

We thank you for your consideration and for including women and girls in equitable practices throughout the region.

The Fairfax County Commission for Women



March 13, 2023

Executive Director Clark Mercer  
Metropolitan Washington Council of Governments  
777 North Capitol Street NE, Suite 300  
Washington, DC 20002

**Re: Regional Fair Housing Plan**

Dear Executive Director Mercer,

The Greater Washington Partnership ("the Partnership") commends you and your team for the draft of the Regional Fair Housing Plan, an important planning document to increase access to safe and affordable housing and create more inclusive communities throughout the Washington area.

The Partnership is a first-of-its-kind nonprofit alliance of the region's most influential and leading employers in Maryland, Virginia and Washington, DC. Together, we leverage our collective experiences, resources, and assets to identify shared challenges and offer real solutions to the region's most critical issues including skills and talent, regional mobility, infrastructure, and inclusive growth. Affordable housing, in thriving communities that are well-connected to the region's job, educational, and recreational centers, are key components of our [Blueprint for Regional Mobility](#) and [Regional Blueprint for Inclusive Growth](#).

I appreciate the opportunity to comment on the draft plan and offer the following comments and recommendations for how the Metropolitan Washington Council of Governments (COG) could advance our shared goals to enhance our region's economic competitiveness and collaboration, ensure inclusive growth, and expand access to moderate and affordable housing.

**The Partnership commends the draft's focus on:**

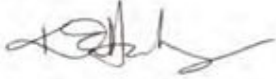
- The supply of affordable housing for families earning at or below 60% of the Area Median Income (AMI), a segment of the regional workforce that is currently underserved and overburdened by housing costs according to the Partnership's [Inclusive Growth Dashboard](#).
- Pro-growth zoning and land use policies to expand the supply of housing, a key solution supported by the Partnership's [Housing Pillar](#) of our Regional Blueprint for Inclusive Growth.

**To strengthen the final draft plan, the Partnership recommends:**

- A bolder goal for affordable rental units in the region. The draft only calls for preserving the same number of existing affordable rental units. The region needs even more affordable rental units in the future to address the pressing affordability challenges and prevent displacement.
- A stronger focus on more housing, especially affordable housing, near high-quality transit. While the draft calls for making public transit easier to access and more affordable, the final plan could include a stronger focus on transit-oriented zoning and land use policies to increase the supply of affordable housing near affordable transportation options.

I thank you for your review and consideration of the Partnership's comments intended to support our shared goal of making this region the best place to live, work, and build a business.

Sincerely,



Kathy Hollinger  
CEO

CC: Francesca Ioffreda, Vice President of Inclusive Growth & Talent Initiatives, Greater Washington Partnership  
John Hillegass, Director, Regional Mobility & Infrastructure, Greater Washington Partnership



## Housing Opportunities Made Equal of Virginia

Ensuring equal access to housing for all people.

Metropolitan Washington Council of Governments

Attn: Fair Housing Plan

777 North Capitol Street NE, Suite 300

Washington, DC 20002

[fairhousing@mwkog.org](mailto:fairhousing@mwkog.org)

Thank you for the opportunity to comment on the Regional Fair Housing Plan. We at Housing Opportunities Made Equal (HOME) of Virginia commend the jurisdictions in Northern Virginia for their efforts to expand access to quality affordable housing and address the impact of housing inequities. We applaud MWCOG for bringing together the many localities in the region for the first time in 25 years to collaborate on these critical goals. Housing inequities transcend the borders of jurisdiction. As such, the most effective remedies require participation from residents, advocates, and government officials in all neighboring localities. We recognize that so much more is possible through this regional coalition, and thus, we have high hopes for the implementation of this plan.

Specifically, we appreciate the plan's emphasis on housing for those with incomes below 60% AMI and for those from disadvantaged protected classes, with particular focus on accessibility. HOME is very supportive of the inclusion of fair housing analyses in significant rezoning efforts. We believe strongly that any changes to zoning ordinances must consider the potential for displacement and tenant instability. We also want to highlight the goal to establish a right of first refusal for manufactured home park residents. Thank you for including this vital provision in the plan to protect these residents and the affordability of manufactured homes. Furthermore, HOME commends the jurisdictions in Northern Virginia for their commitment to more fair tenant screening practices regarding criminal history. While we are supportive of the many goals outlined in the plan, we are aware that much work is still required to make these goals a reality. HOME believes that clear accountability and transparency measures will be necessary to ensure that this plan is implemented in a timely and comprehensive manner.

Thank you for your important work in Northern Virginia. If you have questions about our comments or would like to learn more about HOME's fair housing work across the state, please reach out to our Executive Director, Thomas Okuda Fitzpatrick, at [TFitzpatrick@homeofva.org](mailto:TFitzpatrick@homeofva.org).

**About HOME:** Housing Opportunities Made Equal of Virginia (HOME) is a civil rights fair housing organization with a mission to ensure equal access to housing for all people. Founded in 1971, we exist to address housing-related systemic inequities that perpetuate segregation, concentrations of poverty, and wealth inequality. HOME enacts its mission through fair housing enforcement and advocacy, housing research and policy, and HUD-approved housing counseling and education direct services. At a time when unequal access to housing and credit contributes most to the United States' growing wealth gap, HOME's multifaceted approach is a powerful catalyst toward furthering fair housing. You can learn more about HOME and all its services at [www.HOMEofVA.org](http://www.HOMEofVA.org).



**Metropolitan Washington  
Regional Fair Housing Plan**

**Draft of January, 2023**

**Comments & Recommendations**

**March 31, 2023**

## INTRODUCTION:

The draft Regional Fair Housing Plan (Draft Plan), published in January 2023 by the Metropolitan Washington Council of Governments (MWCOG) provides important information and laudable goals. Unfortunately, the policies and programs offered are not sufficient to address the magnitude of the problem.

The number one problem identified in the Draft Plan is the lack of affordable housing. In particular, many households are paying more than 30% of their income for housing costs. The Draft Plan does not explain why there is a lack of affordable housing. Many of the recommended policies and programs fall short because they do not address the root causes of this problem.

In some cases, there might be sufficient housing supply, but some people might lack "effective demand." In other words, they lack the income to pay housing costs. For example, in Rust Belt cities in the United States, housing prices are often very low. Large homes can be purchased more cheaply than one-bedroom condos in New York City. But, if you're unemployed in a Rust Belt city (as many are), even a cheap home can be unaffordable.

In other cases, there might not be sufficient supply. For example, in Silicon Valley in California, many households are affluent (making six-figure incomes). Yet, many of these households have difficulty finding decent affordable housing.

Policies that might be effective in increasing effective demand (housing vouchers or other subsidies to households) might be ineffective if the problem is constrained supply. In such a case, housing subsidies would simply exacerbate inflation in housing prices. On the other hand, increasing housing supply in a place that has ample supply (including many vacant homes) might be ineffective if the problem is unemployment and a lack of income.

## GOVERNMENT BARRIER TO AFFORDABLE HOUSING: THE UPSIDE-DOWN TAX

Landowners who construct or improve housing are punished with higher property taxes. A 1% or 2% property tax might not seem like much. However, unlike a sales tax that is only paid once (at the time of sale), a property tax is paid each and every year that an improvement adds value to a property. For long-lived assets (like buildings and building components) this stream of tax payments can be substantial. **Thus, a 1% or 2% property tax can have the economic impact of a 10% to 20% sales tax on construction labor and materials.**

Meanwhile, **owners who allow buildings to deteriorate are rewarded with lower taxes.** And the owners of vacant lots typically pay much less tax than their neighbors with buildings, even though it costs the local government about the same to maintain streets, sidewalks and sewers in front of similar-sized properties regardless of whether they are vacant or developed.

## A REMEDY

Fortunately, some communities have turned these upside-down incentives right-side up. They have transformed their property tax into an infrastructure access fee. This is accomplished by **reducing** the tax rate applied to privately-created building values while **increasing** the tax rate applied to publicly-created land values. The lower rate on buildings makes them cheaper to

construct, improve and maintain. This lowers space costs for residents and businesses alike. Surprisingly, the higher rate applied to land values helps keep land prices more affordable by reducing profits from land speculation. As a bonus, the higher rate on land encourages development of high-value sites -- typically infill sites near existing urban infrastructure amenities. Increasing infill development reduces development pressure at the urban fringe, reducing sprawl.

This policy, combining lower rates of tax on building values with higher rates of tax on land values, increases housing supply. And, by reducing space costs and encouraging construction, improvement and maintenance activities, it stimulates employment, increasing incomes as well. Thus, **without new spending or any loss of revenue, this "tax shift" can make both buildings and land more affordable, increase employment and reduce urban sprawl.** In other words, this policy addresses both supply side and demand side problems.

### **LOWER-INCOME HOUSEHOLDS**

If this tax reform reduced the market price of housing by 10% or more, some might complain that it would not help very low income households. Certainly, vouchers will be necessary for some households. But because vouchers typically fill the gap between 30% of income and the market price, the ability of the tax shift to reduce market prices will reduce the gap and allow a given amount of voucher subsidies to assist more households.

### **DENSITY**

Why is housing so much cheaper in Rust Belt cities than in the Metropolitan Washington Region? It's not because the price of labor or materials is that much less there than here. Instead, it's primarily because land prices are so much higher here. A high demand for commercial and residential space in our Region causes high land prices.

It would seem obvious that if we could get more households to share the same parcel of land, the cost of land per household could be reduced and housing could be made more affordable. This is the rationale behind recommendations for zoning reforms that would increase allowable densities.

Unfortunately, if the allowable density for a parcel is increased, the potential income from the parcel increases and so does its price. Thus, increasing allowable density leads to even higher land prices -- and this reduces or eliminates the ability of density increases to reduce the cost of land per household.

However, if the tax shift were implemented, publicly-created land values (as a result of higher density zoning) would be returned to the community instead of becoming windfall profits for landowners. This would minimize land price increases due to zoning reform, thereby making zoning reform a more effective policy than it is under the traditional property tax system.

### **TRANSIT ACCESS**

Today, transit access is a double-edged sword. It can be very helpful for low-income individuals by providing them with better access to education, jobs, shopping and recreation. But, because

transit service is so valuable, proximity to high-quality transit typically increases land prices and rents, thereby displacing the households that need it most.

However, if the tax shift were implemented, transit-created land values would be returned to the community instead of becoming windfall profits for landowners. In this way, transit could become financially self-sustaining to a greater degree because transit created land value could be returned to the transit agencies instead of being given away to landowners. (Hong Kong's transit system is profitable because it owns land around and air rights above its transit stations. Thus, transit-created land values are returned to the transit agency in the form of rent.)

#### **CONCLUSION:**

Transforming the traditional property tax into a public infrastructure access fee has been implemented successfully in both urban and rural communities. This tax shift is not the only policy or program required to improve housing affordability. However, if it is not implemented, many of the other important policies and programs are less effective or even counter-productive.

For more information, see <https://www.shareable.net/land-value-return-and-building-a-more-equitable-economy/> .

See also, "**Invisible Role of Taxes in US Housing Shortage**" (Wall Street Journal) 2023-03-06 <https://www.wsj.com/video/series/wsj-explains/the-invisible-role-taxes-play-in-americas-housing-shortage/3B6959A8-71A5-4943-94C6-DE52E3AB8DD0>

Thank you for considering my comments. Please let me know if I can provide any assistance regarding the design or implementation of this tax reform.

Sincerely,



Rick Rybeck  
Director



March 28, 2023

RE: MWCOG Attn: Fair Housing Plan

To Whom it May Concern:

The National Community Reinvestment Coalition (NCRC) appreciates the opportunity to comment on the Metropolitan Washington Regional Fair Housing Plan. The region is to be commended for developing the first regional plan in 25 years. The plan provides an important opportunity for local jurisdictions to collaborate in promoting integration and access to affordable housing, job opportunities and improved quality of life for people of color.

NCRC is an association of over 600 community-based organizations around the country and in the District-Maryland-Virginia (DMV) area whose mission is to increase access to credit and capital for revitalizing communities of color and modest income neighborhoods. We are thus excited about this regional plan and hope opportunities present themselves to help you achieve the objectives described in the plan. This comment will focus on the regional housing plan and those of Montgomery County and the District of Columbia.

The regional plan and those of the participating jurisdictions have several commendable aspects, programs and approaches for achieving fair housing objectives. The programs and approaches of the various jurisdictions are innovative and long standing. At the same time, NCRC encourages you to describe more specific actions, commit to reporting outcomes of the actions and to use the Community Reinvestment Act (CRA) as a means to promoting affordable housing and fair lending.

In addition, the region should consider some region-wide approaches to achieving fair housing and improved quality of life for people of color. One such approach could be working with banks to establish regional Special Purpose Credit Programs (SPCP) and enlisting banks to partner with regionwide first time homeownership programs and rental housing development and preservation. Although we are commenting on fair housing plans, we also encourage the jurisdictions to work with banks to create small business lending programs targeted to women- and minority-owned small businesses that provide employment opportunities and basic necessities (including quality food, child care and health care) for people of color residing in economically disadvantaged neighborhoods.

In a region that is less than 50% White, segregation has been increasing. Your plan documented that the more segregated a region is, the fewer opportunities people of color have to advance economically. Segregation also increases racial inequality.<sup>1</sup> In the DMV, African Americans were one quarter of the population but 80% of the residents of racially or ethnically impoverished neighborhoods.<sup>2</sup> Over 50% of African Americans and almost 42% of Hispanics

<sup>1</sup> Metropolitan Washington Fair Housing Plan, Executive Summary, Draft, January 2023, p. 7, [https://www.mwcog.org/assets/1/6/Executive\\_Summary\\_Fair\\_Hsg\\_English\\_with\\_cover4.pdf](https://www.mwcog.org/assets/1/6/Executive_Summary_Fair_Hsg_English_with_cover4.pdf)

<sup>2</sup> Metro Fair Housing Plan, p. 8.





confronted housing problems (physically inadequate housing or cost burden) compared to 25% of whites.<sup>3</sup>

In response to barriers experienced by people of color, the regional plan outlined sensible policy approaches. If they are implemented in an aggressive fashion, they could lessen the disparities the plan identified. Among the policies and approaches the plan listed were these<sup>4</sup>:

- Create new rental units to focus on lower income tenants at 60% of area median income (AMI) instead of 80% of AMI.
- Provide low-interest loans to homeowners that want to build accessory dwelling units (ADUs) that can offer opportunities for modest income renters to reside in less segregated neighborhoods.
- Increase inclusionary zoning initiatives. Local suburban jurisdictions should follow Arlington County's lead in creating multi-unit zoning.
- Establish a loan fund to help tenants, nonprofit organizations and local government agencies to buy apartments and manufactured home parks for sale in an attempt to preserve affordable housing.
- Expand resources for low fare or free bus service (following the District of Columbia's anticipated program of free bus service) in order to improve access to jobs in the DMV.
- Expand local resources for housing vouchers.
- Reduce appraisal bias and increase resources for housing testing.
- Engage in housing equity analyses when considering changes in zoning.
- Increase allowable density and provide affordable housing units in new developments.

NCRC supports each of these proposals and urges the region to document progress. We hope that HUD's forthcoming Affirmatively Furthering Fair Housing (AFFH) rule will require annual reporting (as currently proposed) and in that case recommend that the region and its component jurisdictions publicly report annually on progress toward concrete metrics. The 2022-2026 plan should record how many new units for tenants at or below 60% of AMI are created. The next plan should then commit to a realistic yet aggressive increase in that number. Further, the region should set metrics for unit location and should document where the units are located and whether they are in less segregated neighborhoods. In addition, any publicly subsidized loan program to support ADUs should provide similar documentation.

Federal agencies including the Department of Housing and Urban Development have clarified that the Fair Housing Act allows for SPCP programs as ways to narrow racial inequities in lending. If a bank documents with data analysis that a group of borrowers or neighborhoods are underserved, the bank can design a SPCP that targets people of color including a home purchase

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<sup>3</sup> Metro Fair Housing Plan, p. 11.

<sup>4</sup> Metro Fair Housing Plan, pp. 20-21.



program or a program to lend to small businesses.<sup>5</sup> The jurisdictions should work with banks to develop SPCP programs and then document their progress.

The jurisdictions should employ the Community Reinvestment Act (CRA) to offer loans to people of color and traditionally underserved communities.<sup>6</sup> Montgomery County mentions CRA in its fair housing plan but in a cursory manner. While we commend this mention of CRA, the plan for the DMV region as a whole and for individual jurisdictions should elaborate on using CRA to increase access to credit. CRA requires federal bank agencies to measure and rate bank lending, investing and service to low- and moderate-income (LMI) borrowers and communities. Within the LMI community, there is a significant segment of people of color that CRA can directly benefit.

A regional program featuring downpayment assistance and home purchase loans to modest income first time homebuyers is likely to also serve considerable numbers of people of color. The DMV region should establish this type of program either jointly or the individual jurisdictions ought to establish similar programs. Documentation of program outcomes should include income levels of borrowers and their race/ethnicity and gender. Documentation should also include neighborhoods in which the borrowers reside and whether the program is promoting choice and increasing integration at a neighborhood level.

#### **Recommendations for Montgomery County's Plan**

A major component of the county's plan is employing its Moderately Priced Dwelling Unit Program (MPDU) program. Under the MPDU program, developers of 20 or more units of housing must include affordable housing. As one of the first of its kind in the country, Montgomery County has operated the MPDU program for decades. This program has a statutory objective of assisting minority households, young families, older adults and female-headed households. A report in 2004 documented that over 30 years, the county provided 11,000 MPDU rental and homeownership units.<sup>7</sup>

Because segregation is increasing in Montgomery County, the county should build on its MPDU experience to develop or expand methods for marketing the program in an affirmative manner to people of color and to increase neighborhood-level integration.<sup>8</sup> The county should commit to

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<sup>5</sup> Memorandum from Demetria L. McCain, Principal Deputy Assistant Secretary for Fair Housing & Equal Opportunity, *FHEO's Statement by HUD's Office of Fair Housing and Equal Opportunity on Special Purpose Credit Programs as a Remedy for Disparities in Access to Homeownership*, December 7, 2021, [https://www.hud.gov/sites/dfiles/FHEO/documents/FHEO\\_Statement\\_on\\_Fair\\_Housing\\_and\\_Special\\_Purpose\\_Programs\\_FINAL.pdf](https://www.hud.gov/sites/dfiles/FHEO/documents/FHEO_Statement_on_Fair_Housing_and_Special_Purpose_Programs_FINAL.pdf)

<sup>6</sup> For more on CRA, see <https://ncrc.org/> or <https://www.ffiec.gov/cra/default.htm>

<sup>7</sup> Aron Trombka and Michael Faden, February 2004, *Strengthening the Moderately Priced Dwelling Unit Program: A 30 Year Review, A Report to the Montgomery County Council*, [https://www.montgomerycountymd.gov/DHCA/Resources/Files/housing/singlefamily/mpdu/report\\_mpdu30yearreview.pdf](https://www.montgomerycountymd.gov/DHCA/Resources/Files/housing/singlefamily/mpdu/report_mpdu30yearreview.pdf), pp. 1-2.

<sup>8</sup> Draft Washington Regional Fair Housing Plan, Montgomery County, January 2023, p. 28, [https://www.mwcog.org/assets/1/6/Montgomery\\_County\\_Clean\\_web.pdf](https://www.mwcog.org/assets/1/6/Montgomery_County_Clean_web.pdf)



reporting data on the demographics of MPDU occupants, including race and ethnicity, and should report on the demographics of neighborhoods in which MPDU occupants reside. A report issued in 2004 on the 30-year history of MPDU reported unit production by town such as Bethesda-Chevy Chase, suggesting that a county-maintained database could accommodate census tract reporting or at least reporting by town and indicating the demographics of the town. Furthermore, a county website indicates that annual MPDU data collection includes “demographic information which will assist staff to assess the program’s racial equity going forward.”<sup>9</sup>

The draft plan reported that concentrations of renters correlate with racially segregated areas. The county should work on providing more rental MPDU opportunities in less segregated areas and affirmatively marketing these units to people of color.<sup>10</sup>

If results are not up to expectations, the county should increase its affirmative marketing and other actions to promote fair housing. The county should list the community organizations that help market the MPDU program, including how many and which organizations are controlled by people of color. The county should also document other means of affirmative marketing such as the use of minority-owned media.

Other policies and programs that Montgomery has committed to include in its plan include:

- Eviction prevention – The County’s plan mentioned partnerships with nonprofit organizations to provide counseling and eviction prevention services. The state recently passed a law to fund the right to counsel for tenants facing eviction. The state, county, and nonprofit organizations should partner to collect data on tenants receiving counseling and those represented by a lawyer in court. The demographics of clients and outcomes such as eviction prevention or moving to alternative affordable housing should be recorded and presented in annual updates to the fair housing plan.<sup>11</sup>
- Identifying landlords with inclusive screening procedures – The draft plan stated that the county would identify landlords that waive customary screening procedures regarding criminal and credit history. The county should maintain a publicly available list of these landlords.<sup>12</sup>
- Lowering income targeting to 60% of AMI in new affordable rental developments and expand locally funded housing voucher programs<sup>13</sup> - About 20% of African American and Hispanic residents face severe cost burden as opposed to 10% of white residents in

<sup>9</sup> Memo from Aseem K. Nigam Director, Department of Housing and Community Affairs to Gabe Albornoz, Council President, *Annual Report on the Moderately Priced Dwelling Unit (MPDU) and Workforce Housing Programs Covering Calendar Year 2021*, p. 6.  
[https://www.montgomerycountymd.gov/DHCA/Resources/Files/housing/affordable/publications/mpdu/annual\\_report\\_mpdu\\_2021.pdf](https://www.montgomerycountymd.gov/DHCA/Resources/Files/housing/affordable/publications/mpdu/annual_report_mpdu_2021.pdf)

<sup>10</sup> Draft Montgomery County Plan, p. 32.

<sup>11</sup> Draft Montgomery County Plan, pp. 14 and 155.

<sup>12</sup> Draft Montgomery County Plan, p. 14

<sup>13</sup> Draft Montgomery County Plan, pp. 152 and 159.

the County.<sup>14</sup> Overall more than 50% of Hispanic households and 45% of African American households experience housing problems (physical inadequacy or cost burden) compared to 25% of white households in the County.<sup>15</sup> Affirmative marketing should include aggressive outreach to African Americans and Hispanics regarding new affordable rental developments and any additional vouchers funded by local governments. Montgomery County should commit to reporting on the demographic characteristics of households served by new rental units and vouchers to determine whether racial disparities are being narrowed.

- Expand access to low fare or free bus service<sup>16</sup> – The draft plan described a desire for additional funding for discounted fares. It also mentioned that Hispanics overall tend to have lower access to jobs in the county. In addition, Asians and African Americans below the poverty line fare poorly in terms of job access.<sup>17</sup> The county should explore free or reduced fares for bus routes serving neighborhoods with concentrations of these populations and then conduct follow-up surveys to see if access to jobs has improved.

Lastly, Montgomery County’s draft plan presented lending disparities by race but then did not indicate what policies or programs could reduce these disparities. The draft plan documented that the average interest rates for Whites and African American borrowers were 4.21% and 5.29%, respectively.<sup>18</sup> Over the life of the loan, these price disparities can cost borrowers several thousands of dollars. African American borrowers start out with much lower wealth, on average than whites. The price disparities only exacerbate the wealth disparities by making it harder for African American borrowers to accumulate as much equity as Whites.

In addition, African American applicants experienced considerably lower origination rates than whites. About 68% of White applicants received loans in contrast to 55.6% of African American applicants according to Montgomery County’s plan.<sup>19</sup>

Together, the higher interest rates and lower origination rates for African Americans suggest that Montgomery County should work with lending institutions to create SPCP programs for African Americans that would help lower their interest rates and increase their origination rates. Further analysis can also document neighborhoods where these disparities are particularly high. As part of SPCP programs, marketing and homeownership counseling can be targeted to the neighborhoods with high disparities.

Finally, the county should work with banks to create CRA home purchase lending programs focusing on LMI people of color that increase their homeownership rates. These programs can also increase the affordability and physical adequacy of their housing via home improvement

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<sup>14</sup> Draft Montgomery County Plan, p. 104

<sup>15</sup> Ibid., p. 102.

<sup>16</sup> Ibid., p. 162.

<sup>17</sup> Ibid., p. 59.

<sup>18</sup> Ibid., p. 191.

<sup>19</sup> Ibid., p. 192



loans that can finance repair and energy efficiency upgrades. It is rare that CRA exams document this type of collaboration between public jurisdictions and banks. If Montgomery County pursues these recommendations, it would be lessening income and racial disparities and also helping banks score better on their CRA exams.

### **Recommendations for the District of Columbia's Plan**

The District of Columbia (the District) described commendable programs for remediating racial disparities and providing affordable housing in its draft plan. In order to determine if the programs and approaches are commensurate with the housing shortage in the city, the District of Columbia should commit to robust data collection and dissemination regarding the demographics of program recipients.

Between 2000 and 2010, an astounding one third of the District's rental stock was lost. Such a dramatic loss of housing stock contributed to 25% of the District's residents paying more than 50% of their monthly income on rent, a proportion that is not sustainable because it leaves too little for other basic necessities.<sup>20</sup> In response, the Mayor announced a program that would add 36,000 housing units, 12,000 of which would be affordable for LMI populations, by 2025. The District also announced that it allocated about \$100 million annually to a housing production trust fund and that this initiative produced 1,000 units in FY 2021.

A major District homeownership program is the Home Purchase Assistance Program (HPAP) which features a second lien loan of up to \$200,000. Loan repayments are modest for moderate-income households and are deferred for low-income households.<sup>21</sup> In FY 2021 according to the District, the HPAP program assisted 328 households become homeowners, all of which were first-time homeowners.<sup>22</sup>

Data collection and dissemination are essential if the District is to achieve its equity goals for these programs. Data on the race, ethnicity, gender and income levels of the households assisted make it possible for the District and stakeholders to determine if these programs are reducing inequalities. Moreover, data regarding the neighborhoods in which these households reside will help determine if the programs are achieving goals of integration and moving to opportunities.

In the District, about 23% of African Americans and Hispanics experienced severe cost housing cost burdens (paying more than 50% of monthly income for housing) compared to about 11% for Whites.<sup>23</sup> In addition, the homeownership rate for African American households in the City was

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<sup>20</sup> Draft Washington Regional Fair Housing Plan, District of Columbia, January 2023, p. 13.

[https://www.mwcog.org/assets/1/6/District\\_of\\_Columbia\\_Clean\\_web.pdf](https://www.mwcog.org/assets/1/6/District_of_Columbia_Clean_web.pdf)

<sup>21</sup> District of Columbia, Department of Housing and Community Development, Home Purchase Assistance Program (HPAP) – Eligibility, How to Apply and Program Details, <https://dhcd.dc.gov/page/hpap-eligibility-how-apply-and-program-details>

<sup>22</sup> District of Columbia Plan, p. 11.

<sup>23</sup> *Ibid.*, p. 114.



34% compared to 49% for White households.<sup>24</sup> The only way to know if the fair housing programs have a realistic chance of reducing these disparities is if the District collects and reports demographic data on the program's clients.

The City should use the Community Reinvestment Act (CRA) as an encouragement for banks to participate in the housing programs. The fair housing plan refers to City financing of these programs but does not describe bank or other private sector financing of them. The final plan should include data on bank financing and indications of whether banks will increase their financing in future years. Moreover, it is our understanding that banks are not regular partners in the HPAP programs. HPAP data should include information on which institutions are making first lien loans under the program. Banks should be encouraged to report HPAP data to their CRA examiners in order to boost their ratings on CRA exams.

In addition to creating affordable housing (in particular in highly resourced areas), the City should invest in creating opportunities for residents of currently disinvested areas and communities. For example, the City should target job training and workforce development to the Southeast section of the City. While African Americans were about 50% of the City's population, 95% of the residents residing in racially and ethnically concentrated areas of poverty (R/ECAPs) were African Americans.<sup>25</sup> While 6.8% of District residents were impoverished, the R/ECAPs in the District experienced poverty rates above 10%, many of which were confronted with poverty rates above 30%, especially in Wards 6, 7, and 8.<sup>26</sup>

The District should target and market workforce development to African Americans and other people of color in R/ECAPs. The District should conduct an inventory of nonprofit organizations and other entities that provide workforce development and determine if there is a sufficient quantity of these organizations in the wards 6 through 8 or whether capacity needs to be expanded. The City should also determine if housing developers and commercial developers have apprenticeship programs that would employ and mentor residents of Southeast Washington. The District and the region's other jurisdictions should also explore implementing and/or expanding on small business lending programs with banks that provide financing to women- and minority-owned small businesses with an additional objective of providing jobs and workforce development for residents of R/ECAPs. Finally, the District has embarked on an innovative transit initiative to provide free or reduced fares on buses operated by the Washington Metropolitan Transit Authority (WMATA); it is also important that the District ensure adequate and equitable quality of transit service, in particular for communities that are reliant on public transportation.

The District's report also discussed racial disparities in access to banking and credit in a section called "Contributing Factors" that highlighted barriers exacerbating inequalities and segregation.

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<sup>24</sup> District of Columbia, Office of the Deputy Mayor for Planning and Economic Development, Homeownership, <https://dmped.dc.gov/page/homeownership>

<sup>25</sup> District of Columbia Fair Housing Plan, p. 44.

<sup>26</sup> *Ibid.*, p. 48.



However, the plan did not include programs or initiatives that addressed several of these contributing factors such as unequal access to banking. For example, the plan noted that the District had higher racial disparities in access to banking than other local jurisdictions. It found that just 1.1% of White residents were unbanked compared to 12.7% of people of color.<sup>27</sup> Perhaps the City could set aside some municipal deposits for a bank that would be willing to establish a branch in a community of color that experiences a lack of branches (NCRC has helped jurisdictions and community-based organizations identify banking deserts that have a population density which can support a branch).

The District's plan highlighted racial disparities in the cost of loans and approval rates. For instance, Whites had a median interest rate of 3.98% while African Americans had a median rate of 4.34% during 2019.<sup>28</sup> This difference of a third of a percentage point can equate to several thousands of dollars of additional payments over the term of a mortgage, draining equity from African American households and communities. Moreover, lenders approved White applicants 70% of the time whereas African Americans were approved just 50% of the time.<sup>29</sup> In response, the plan should have committed to increased financial and housing counseling to African Americans and African American communities and should have indicated a plan to collect demographic data about the clients of counseling. SPCP programs can also address these disparities.

### **Conclusion**

Our comment has focused on the need to commit to comprehensive and publicly available data on the fair housing programs and initiatives committed to by the jurisdictions in our region. We hope the programs and initiatives can reduce segregation. Powerful market forces and the legacy of discrimination are formidable barriers. In order to correct for this systemic discrimination, the jurisdictions must undertake aggressive and coordinated initiatives that are long lasting and are improved upon over the decades.

The private and public sectors created, enforced and exacerbated redlining and segregation spanning centuries. Long term and concerted initiatives on several fronts are necessary to counteract segregation including zoning reforms, more affordable housing production, fair lending and targeted workforce development and economic development. Central to these efforts is data collection and dissemination so that the jurisdictions and stakeholders can ensure that the programs and initiatives are benefiting people of color and modest income residents in an equitable manner.

The draft plans did not identify a core of programs and initiatives that would be offered on a regional basis. The advantages of regional programs are that the chances of using them to bolster integration increase due to a wider choice of neighborhoods that can be served by the programs.

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<sup>27</sup> Ibid., p. 183.

<sup>28</sup> Ibid., p. 213.

<sup>29</sup> Ibid., p. 214.



Possibilities include first time homeownership programs, affordable housing production or improved coordination of Section 8 programs.

Lastly and critically important is our recommendation to better coordinate fair housing planning with the Community Reinvestment Act (CRA) and SPCPs. In our experience, fair housing planning rarely incorporates consideration of CRA. We have reviewed numerous fair housing plans and only rarely see CRA mentioned or partnerships with banks identified, let alone any data reported from bank special affordable lending programs (home or small business loans). This is a major missed opportunity and means that a significant set of strategies to promote equity are being overlooked. We appreciate the mention of CRA in the draft Montgomery County plan but the brief mention in that plan should be elaborated upon in the manner suggested in this comment letter.

The federal bank agencies have recently proposed reforms to the CRA regulations that seek to increase coordination among banks and local jurisdictions. This could make for a powerful combination that could exponentially increase the effectiveness of public and private financing for affordable and integrative housing. Moreover, the federal agencies are seeking to elevate the attention CRA exams place on SPCP programs. The time is right for our regional jurisdictions to reach out to banks of all sizes and see which ones would be willing to engage on efforts to increase the sustainability, affordability and integration of single- and multifamily housing.

Thank you for the opportunity to comment on these draft plans and their important mission. We are happy to answer any questions you may have. You can email me on [jvantol@ncrc.org](mailto:jvantol@ncrc.org). Or you can consult with Megan Haberle, Senior Director of Policy, on [mhaberle@ncrc.org](mailto:mhaberle@ncrc.org) or Josh Silver, Senior Fellow, on [jsilver97@gmail.com](mailto:jsilver97@gmail.com).

Sincerely,

A handwritten signature in black ink that reads "Jesse Van Tol".

Jesse Van Tol  
President and CEO



March 29, 2022



To Whom It May Concern:

Tenants and Workers United (TWU) is a registered 501(c)(3) nonprofit organization that has worked with low-income communities of color in Northern Virginia for over 35 years. We serve people with intersectional identities: people of color, women, Hispanics/Latinos, LGBTQIA+, immigrants with varying immigration statuses, elderly, and people with disabilities. Most of the people we serve have low-wage jobs, limited education, limited literacy skills, lack of access to quality and affordable health care, and face marginalization and systemic oppression and discrimination. We appreciate we have been given an opportunity to provide feedback on the Regional Fair Housing Plan

Overall the regional fair housing plan acknowledged that Black and Brown communities have the hardest time accessing affordable housing and have the most housing issues compared to their counterparts. While the plan outlined many different strategies to provide additional affordable housing and rights to residents, most notable of which include 1) Building rental units for people making less than 50% of the AMI, 2) establishing a loan fund to help tenants and nonprofits buy apartments and manufactured home parks for sale, 3) Expanding local funding for housing vouchers, and 4) Establishing a pilot Right to Counsel Program so that tenants can get free legal representation in cases against landlords.

Some areas where this plan could improve is recognizing that the groups that the plan acknowledged are having the hardest time accessing affordable, fair housing (Black and Hispanic communities) are more likely to be making 0-40% of AMI. So you should be focusing a large portion of its resources on creating more affordable housing options for these extremely low-income and working class folks. For example, in your goal #1, you could make a larger effort to build more affordable housing for people making less than 40% of the AMI (instead of below 60% AMI), as these are the families in most need of affordable units, and these are the families that are more likely to be cost burdened and at risk of eviction. Additionally, when expanding local housing vouchers, it is important to make sure these housing vouchers are accessible to undocumented and immigrant communities; this was not noted in the plan and is very important, especially since you acknowledged the growing immigrant community in the region.

The plan recognized that rent is increasing drastically, especially for Black and Brown communities during the pandemic, however you did not acknowledge rent stabilization as a way to curb the increase in rents in the region. We recognize the state has not allowed the localities this power yet, but we think it is still important for the region to acknowledge this method of mitigating rent increases for communities and become united to push for this policy.

**Individual Localities**  
**Alexandria City**

We understand that the City has the following goals, based on this plan:

1. City is in the process of hiring a language access coordinator to improve its communication with households having limited English proficiency
2. Increase the Supply of housing that is affordable to low-and moderate income families
  - a. Prioritize public land for affordable housing
  - b. Provide tax abatements for homeowners who rent accessory dwelling units to low-and moderate-income tenants
3. Reform zoning and land use policies to expand access to fair housing choice by increasing the development, geographic distribution, and supply of affordable housing
  - a. Adopt mandatory inclusionary zoning citywide
  - b. Permit duplexes in R-20 zone

There is a mention of [voluntary rent guidelines](#) that the city has, where they recommend that landlords increase rent by no more than 5% year-over-year, but they acknowledge that they have no real power to enforce this. **The city could go a step further and recognize that merely a recommendation does not do anything to curb severe rent increases for tenants. The city could explicitly state the importance of and their support of mandatory rent stabilization.**

Although the City has their mandatory inclusionary zoning goal that would mandate that in most new apartments built, a specific percentage of the new units have to be made affordable. This is a good policy, but **the City needs to ensure the units should be at 40% or less AMI.** Other strategies the city can use in order to fulfill their goals are:

1. The city should establish a **local fund voucher program that will allow units to be at the 40% of AMI for the diverse residents that live across the city, regardless of immigration status.** The city needs to be more proactive in having innovative tools to ensure the preservation of the existing working class families living in the City.
2. Another tool the City of Alexandria should also use in order to create affordability and sustainability are **supporting in creating Community land trusts and housing co-ops** which are alternative forms of homeownership
3. We emphasize that none of the goals will be achieved, unless **the City secures funding and should be a priority.**

### Prince William County

We understand that the County has the following goals, based on this plan:

1. Increase the Supply of housing that is affordable to low-and moderate income families by establishing a housing trust fund to subsidize the development of affordable housing
2. Reform zoning and land use policies to expand access to fair housing choice by increasing the development, geographic distribution, and supply of affordable housing
  - a. Implement voluntary inclusionary zoning that would incentivize the development of affordable housing in exchange for greater density
  - b. Upzone the Rural Crescent area
  - c. Permit as-of-right duplexes and ADUs throughout county

We believe the County should also:

1. Make a goal for inclusionary zoning to be mandatory, similar to Alexandria City's goal. And use density as an equitable tool for the increase in housing low income working class families of color.
2. Create a housing trust fund and continuously invest in it, in order to prioritize housing for families earning 40% of the AMI and below
3. They should also ensure that they are prioritizing subsidizing housing development affordable for the lowest incomes, 40% of the AMI and below and allow those residents, regardless of immigration status, to have the access into these affordable housing units.
4. Lastly, Prince William County should create a property maintenance report system that will allow tenants from the County to report out any concerns. This will give the County the opportunity to investigate landlords who may be violating state codes, such as the Virginia Landlord Tenant Act

### Fairfax

We understand that Fairfax County has the following goals, based on this plan:

1. Increase the Supply of housing that is affordable to low-and moderate income families
  - a. Revise the county's for-sale workforce development housing (WDU) policy by lowering the current AMI categories and/or percentages applicable to the program to facilitate more homeownership opportunities, and consider creating a separate policy for WDUs in high-rise condominiums outside of Tysons.
2. Protect the housing rights of individuals with protected characteristics.
  - a. Adopt tiered payment standards that are aligned to market rents to increase access to higher opportunity areas for voucher users.

Although Fairfax County's goal #2 is a provision for the housing voucher program so that voucher holders are able to find voucher-eligible housing in higher opportunity areas. But again, the county should be equitable and make sure people are able to receive a local voucher regardless of immigration status.

We also want to emphasize that Fairfax County should continue increasing funds for deeply affordable housing in order to preserve the existing housing and create new affordable housing.

As a community organization, and on behalf of our community members, we appreciate being given the opportunity to provide feedback on this plan. We acknowledge the plan is enormous, yet very complex. Which is why we emphasize to you on sharing your internal process and plan for creating and publishing clear, measurable, and specific objectives. What are the results you aim to achieve? How will you measure progress toward those results? How will you analyze progress and evolve your plan as needed, and how will you carry out modifications to the plan? How will you hold yourselves accountable? What is your timeline? How will your plan impact those at the lowest income levels of 40% area median income (AMI) and below? We hope you take our feedback and our questions into consideration as you continue working on the outcomes of this plan to ensure the needs of our working class families of color when it comes to accessibility and affordability of housing.

We look forward to hearing from you.

Sincerely,

Tenants and Workers United

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Tenants and Workers United ♦ Inquilinos y Trabajadores Unidos  
3801 Mount Vernon Avenue, Alexandria, VA 22305 phone 703.684.5697 fax 703.684.5714 www.twsc.org

**Metropolitan Washington Regional Fair Housing Plan Comment by the Washington Lawyers' Committee for Civil Rights and Urban Affairs**

**I. Introduction:**

The Washington Lawyers' Committee for Civil Rights and Urban Affairs (the "Committee")<sup>1</sup> submit this Comment is to ensure the goals and priorities outlined draft Metropolitan Washington Regional Fair Housing Plan (the Plan) promote housing choice in the most robust ways possible. In order to have a truly equitable city and region, Black and other DC residents of color must have the same choices about where to live as white residents. That means they must have the ability to choose to live in areas where people of color have not typically lived, to remain in gentrifying areas or to remain in areas where the majority of residents are not white without making compromises about their health or safety. They should also have the opportunity to own and control the homes that they live in to the same extent as white people.

The statutory duty to affirmatively further fair housing is explicitly set forth in the Fair Housing Act (FHA), 42 U.S.C. §§ 3608(d) and 3608(e)(5), and arises from the recognition that housing segregation across the country has been fostered and maintained through decades of exclusionary policies at the federal, state, and local levels. It further recognizes that remediation of the consequences of this pervasively harmful legacy requires active and equally intentional efforts to secure meaningful housing choice.

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<sup>1</sup> The Washington Lawyers' Committee for Civil Rights and Urban Affairs was founded in 1968 to address civil rights violations, racial injustice and to fight poverty in our community through litigation and advocacy, including mobilizing the pro bono resources of the private bar. One of the areas on which the Committee focuses is fair and equal housing opportunity.

Local and federal government policy before and after the passage of the Fair Housing Act (“FHA”) has denied Black and other DC residents of color the same menu of housing options white DC residents enjoy.<sup>2</sup> This has limited not only where they can live, but also household wealth and economic mobility for Black and other DC residents of color.<sup>3</sup>

As the District and other nearby jurisdictions attempt to address housing segregation, they should be careful to do so in a way that increases housing choice for Black and other DC residents of color. Too often governments attempt to address the problem of segregated neighborhoods by developing housing and amenities in those areas that will attract new, wealthier and racially diverse residents.<sup>4</sup> For a time, these neighborhoods may appear to be integrating, but eventually, they lose most of their low-income residents of color and thereafter become off limits to people of color because of rising rents.<sup>5</sup> Thus, these efforts actually restrict rather than expand housing choice and can create new segregated areas.

The comments below examine five of the seven Fair Housing Goals and Priorities and suggest ways they could be amended or expanded to ensure that they: 1) create housing opportunities for Black and other DC residents of color to move out of

<sup>2</sup> Zickur, Kathryn, [Discriminatory Housing Practices in the District; A brief history](#), D.C. Policy Center, October 23, 2018; Schoenfeld, Sarah, [Mapping Segregation in D.C.](#), D.C. Policy Center, April 23, 2019.

<sup>3</sup> [Mapping Segregation in D.C.; Discriminatory Housing Practices in the District](#).

<sup>4</sup> [Discriminatory Housing Practices in the District; Gentrification and Neighborhood Revitalization; What is the Difference](#), National Low Income Housing Coalition, April 2019.

<sup>5</sup> Lauber, Daniel, [District of Columbia Analysis of Impediments to Fair Housing Choice 2006-2012](#), District of Columbia Department of Housing and Community Development, April 2012, at pg. 2; Richardson, Jason et. al., [Shifting Neighborhoods; Gentrification and cultural displacement in American cities](#), National Community Reinvestment Coalition, Executive Summary, 2019, <https://nccrc.org/gentrification/>; <https://nlihc.org/resource/gentrification-and-neighborhood-revitalization-whats-difference>.

economically and racially segregated areas, 2) create housing opportunities for low and moderate income people to build wealth, and/or 3) encourage development focused on improving disparities in access to opportunities<sup>6</sup> for existing residents of racially and economically segregated areas.

## II. DC's History of Housing Discrimination and its Legacy

Before Congress passed the FHA, restrictive covenants, lending discrimination, and government-sponsored urban renewal efforts restricted where Black residents lived and denied them access to government-subsidized home ownership opportunities.<sup>7</sup> Those homeownership opportunities were a critical foundation for what has become generational wealth for most middle-income white households.<sup>8</sup> Because of this long-standing and pervasive housing discrimination, most Black DC residents are renters.<sup>9</sup> Those that do own homes, own them in parts of the city that have not appreciated as quickly as white neighborhoods.<sup>10</sup> This has contributed to an enormous racial wealth gap. In DC, white households have 81 times the wealth of Black households and 22 times the wealth of Latinx households.<sup>11</sup> That means white homebuyers are able to choose from

<sup>6</sup> Draft Metropolitan Washington Regional Fair Housing Plan, Disparities in Access to Opportunity, at page 6, January 2023.

<sup>7</sup> Mapping Segregation in D.C.

<sup>8</sup> Mapping Segregation; Discriminatory Housing Practices in the District; Mineo, Liz, Racial Wealth Gap may be the Key to other Inequities, Harvard Gazette, June 3, 2021.

<sup>9</sup> Black Homeownership Strike Force, Homeownership, Office of the Deputy Mayor for Planning and Economic Development, <https://dmped.dc.gov/page/homeownership>.

<sup>10</sup> Lederer, Anneliese, Tracy McCracken, The Many Effects of Housing Discrimination on African Americans, National Community Reinvestment Coalition, April 28, 2021.

<sup>11</sup> Williams, Erica, DC's Extreme Wealth Concentration Exacerbates Racial Inequality, Limits Economic Opportunity, D.C. Fiscal Policy Institute, October 20, 2022.

67% of homes for sale while Black homebuyers are limited to 9.3% and Latinx buyers to 29%.<sup>12</sup>

Discrimination's legacy is not the only factor limiting housing choice for Black DC residents today. After the FHA went into effect, most of the housing that the government subsidized a generation earlier was no longer affordable, which meant that Black households were not necessarily able to move from segregated areas to integrated ones.<sup>13</sup> Further, the District's zoning and land use policies kept areas like majority white Ward 3 comprised of single-family homes while concentrating apartment buildings in low-income areas like Ward 8.<sup>14</sup> These policies worked well to preserve segregation. Today, very low-income renters can afford 67% of the units east of the Anacostia River and only 7% of those that are west of Rock Creek Park.<sup>15</sup> In this way, income and wealth inequality along racial lines and the rising cost of housing have solidified as intractable barriers to both Black housing choice and economic mobility. Economic development driven by an influx of high earning, mostly white, professionals in recent years has further limited housing choice for Black residents as developers have replaced low cost apartments with high cost units, displacing residents from the District entirely or to neighborhoods that are more economically and racially segregated.<sup>16</sup>

<sup>12</sup> Hendey, Leah, Somala Diby, [A Vision for an Equitable D.C.](#), Urban Institute, December 12, 2016.

<sup>13</sup> [Discriminatory Housing Practices in the District.](#)

<sup>14</sup> [Discriminatory Housing Practices](#); Ward 3, zoned almost exclusively for single-family use, is over 80% white with a median household income of over \$150,000, Summary Data for Ward 3, DC Health Matters, <https://www.dchealthmatters.org/>; Ward 8 where the city's largest concentration of multifamily housing is concentrated, is over 90% Black with a median household income is less than 42K, Summary Data for Ward 8, DC Health Matter, <https://www.dchealthmatters.org/demographicdata?id=131495>.

<sup>15</sup> [A Vision for an Equitable D.C.](#)

<sup>16</sup> Rivers, Wes, [Going, Going, Gone: D.C.'s Vanishing Affordable Housing](#), D.C. Fiscal Policy Institute, March 12, 2015; Lang, Marissa J., [Gentrification in D.C. means widespread displacement, study finds](#), Washington Post, April 26, 2019.



The goals and priorities outlined in the Plan are meant to undo the legacy of discrimination and segregation. In order for those goals and priorities to be successful policymakers must take special care to ensure the remedies they pursue expand rather than further restrict housing options for Black other DC residents of color and attempt to close the racial wealth gap that plays a significant role in perpetuating segregation. The following comments suggest amendments or modifications to the Plan's goals that are in line with these principals.

**III. Increase the supply of affordable housing for families earning at or below 60% of the Area Median Income (AMI) for the region – especially where there has not been any.**

Increasing the supply of affordable housing for families earning at or below 60% of AMI where there has not been any is critical to disrupting existing patterns of segregation, but does little to address the disparities in income and wealth along racial lines. That wealth gap persistently undermines efforts to foster racial integration because the wealth gap fuels income inequality that greatly restricts where Black residents can live.<sup>17</sup> For the most part the priorities for achieving this goal relate to creating rental housing. DC and other jurisdictions should consider creating down payment assistance programs specifically for families earning less than 60% of AMI that currently live in racially and economically segregated areas that would allow them to buy a home outside of those areas.<sup>18</sup> In addition to addressing the problem of racial segregation, such policies would also begin to alleviate the racial wealth gap by allowing the recipients of that down

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<sup>17</sup> DC's Extreme Wealth Concentration Exacerbates Racial Inequality, Limits Economic Opportunity; [District of Columbia Analysis of Impediments to Fair Housing Choice 2006-2012](#).

<sup>18</sup> Stegman, Michael, Mike Loftin, [An Essential Role for Down Payment Assistance in Closing America's Racial and Homeownership Wealth Gaps](#), Urban Institute, April 2021.

payment assistance to begin building home equity. That wealth gap is not only a legacy of discrimination and segregation, but also a driver of racial disparities in other areas like health, income and education.<sup>19</sup> As the Plan outlines in the Disparities in Access to Opportunities section, many Black DC residents live in racially and economically isolated parts of the city where they do not have the same level of access to education and employment as people living in less isolated parts of the city.<sup>20</sup> That lack of access to education and employment opportunities creates income disparities leading to a cycle of disparate access to opportunity.<sup>21</sup>

**IV. Change zoning and land use policies to expand access to fair housing. Increase the development, geographic distribution, and supply of affordable housing.**

This goal argues that zoning for single-family housing makes it hard to develop affordable housing in many areas and calls on local leaders to make changes that will make it easier to develop affordable housing. The priorities that the Plan suggests should be strengthened and priorities that create affordable housing outside racially and economically segregated areas and allow for the creation of wealth by residents should also be considered.

First, one of the priorities proposed is to increase fees for developers to build affordable housing required by inclusionary zoning in different locations. The Plan should recommend that jurisdictions eliminate those incentives and require developers to

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<sup>19</sup> DC's Extreme Wealth Concentration Exacerbates Racial Inequality, Limits Economic Opportunity: Racial Wealth Gap may be the Key to other Inequities.

<sup>20</sup> Draft Metropolitan Washington Regional Fair Housing Plan, Disparities in Access to Opportunity.

<sup>21</sup> Racial Wealth Gap may be the Key to other Inequities.

build the affordable housing first or simultaneously with market rate housing at the same location.

Second, the Plan calls for jurisdictions to adopt zoning regulations that make it easier to develop affordable housing generally. The Plan should propose that jurisdictions adopt zoning regulations that make it easier to develop affordable housing outside of racially and economically segregated areas specifically. That will ensure that more affordable housing is built outside of racially and economically segregated areas. If zoning regulations are only changed to make it easier to build affordable housing generally the result could be more affordable housing being built in racially and economically segregated areas and little or none being built outside those areas.

Finally, the District and other jurisdictions should consider acquiring single-family homes in areas zoned only for single-family homes and reselling those homes as affordable owner-occupied housing to households that earn below 60% of AMI and are moving out of racially and economically segregated areas. This would allow jurisdictions to create some opportunities for residents of racially and economically segregated areas to move out of those areas without changing zoning regulations and allows for the recipients of this housing to build wealth.

**V. Implement policies to preserve affordable housing and prevent displacement of residents. Keep the same number of existing affordable rental units in our region.**

Preventing displacement and preserving existing affordable housing is critical to ensuring housing choice for people with protected traits. The Plan calls on jurisdictions to tracking exist affordable housing and establish funds to aid tenants seeking to purchase

properties.<sup>22</sup> The District should also revise zoning regulations to require developers seeking zoning approval for projects to build replacement affordable housing first where new development will demolish existing affordable housing. The development process can take years, and when residents are relocated for the duration of construction, they rarely find their way back to the new property for a variety of reasons.<sup>23</sup> Requiring developers to build replacement housing first would reduce this risk of displacement.

**VI. Increase the number of homeowners in the region and reduce the unequal treatment and discriminatory practices that keep members of protected classes from buying a home.**

Efforts to increase the number of homeowners in the region and reduce unequal treatment and discriminatory practices that keep members of protected classes from buying a home are likely to have a moderate impact on the racial wealth gap, but little impact on segregation because of income inequality. The average Black homebuyer is only able to afford about 9% of homes in the DC market and those homes are in the areas with the lowest housing costs, which are also in racially and economically segregated areas.<sup>24</sup> The District and other local governments could increase homeownership and disrupt patterns of segregation by increasing down payment assistance to households earning below 80% of AMI such that those households would be able to choose from a percentage of homes on the market closer to the level of choice enjoyed by the average

<sup>22</sup> Where a public housing authority seeks to demolish and redevelop and or sell a public housing property they are required to consider allowing the tenants or a nonprofit to purchase the property. 24 CFR 970.11. DC law also requires any property owner seeking to sell a rental property to all the tenants the opportunity to purchase. Tenant Opportunity to Purchase Act (TOPA), § 42-3404. This strategy suggests that jurisdictions create funds to assist tenants seeking to purchase the housing they live in.

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<sup>24</sup> *A Vision for an Equitable DC*.

white household.<sup>25</sup> That would allow those households to choose to live outside of racially and economically segregated areas.<sup>26</sup>

**VII. Protect the housing rights of individuals who are part of protected groups. For example, people of color, those with disabilities and seniors.**

Protecting the housing rights of individuals who are part of protected groups is critical to expanding housing choice for those groups and generally because if those rights are not protected housing choice will be further restricted.<sup>27</sup> The priorities suggested here are well suited to accomplish this purpose, but they fall short of actually preventing evictions, which the goal recognizes as a mechanism that disproportionately displaces Black and other residents of color from their homes. Increasing funding for emergency rental assistance can prevent evictions and avoid displacement by helping tenants catch up on delinquent rental payments.<sup>28</sup>

**VIII. Conclusion**

Congress created the duty to affirmatively further fair housing in recognition that in order to create true housing choice and foster integrated communities, policy makers must take deliberate steps aimed at disrupting patterns of segregation and the attendant inequitable distribution of wealth. In order to do that, policy makers must pursue

<sup>25</sup> [An Essential Role for Down Payment Assistance in Closing America's Racial and Homeownership Wealth Gaps](#);

<sup>26</sup> [A Vision for an Equitable DC](#).

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priorities that subsidize homeownership outside of racially and economically segregated areas as vigorously as policies seeking to create rental housing. Similarly, where investments are made in racially and economically segregated areas, they should focus on improving the material circumstances of and increasing access to opportunities for the people already living there instead of focusing on attracting racially and economically diverse newcomers. By keeping these principles in mind, the District and surrounding jurisdictions can undo much of the legacy of discrimination and segregation.



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Crises demand bold action. The solutions recommended in this Draft should go further to relieve the housing burden face by residents of the region. All jurisdictions should:

1. Increase the supply of homes at all levels of affordability to dampen housing cost growth for everyone;
2. Encourage construction of deeply affordable homes through financial and regulatory incentives for homebuilders; and
3. Rewrite or strike zoning regulations that make housing of all kinds illegal or cost prohibitive. Legalize multifamily buildings on all residential land, reduce or eliminate parking and lot size mandates that increase housing costs, examine the impact of FAR limits on home costs, etc.

Alexandria should go far beyond its own local recommendations to also strengthen eviction protections and tenant rights, eliminate all minimum lot sizes above 2,500 square feet, legalize multifamily homes citywide, and support conversion of existing single-family homes into co-living or multifamily homes.

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<sup>364</sup> *Prince William Area 2020-2024 Consolidated Plan*, Prince William County, VA, [https://www.pwcva.gov/assets/2021-04/pwc\\_cp\\_fnl\\_42220\\_1.pdf](https://www.pwcva.gov/assets/2021-04/pwc_cp_fnl_42220_1.pdf).

<sup>365</sup> Jared Foretek, “Prince William Board Approves Housing Development in ‘Rural Crescent,’” *Inside NOVA* (website), January 20, 2021, [https://www.insidenova.com/headlines/prince-william-board-approves-housing-development-in-rural-crescent/article\\_747e5584-5b18-11eb-9211-4fd40e1cb356.html](https://www.insidenova.com/headlines/prince-william-board-approves-housing-development-in-rural-crescent/article_747e5584-5b18-11eb-9211-4fd40e1cb356.html).

<sup>366</sup> City of Alexandria Municipal Code, 2-143—Family, [https://library.municode.com/va/alexandria/codes/zoning?nodeId=ARTIIDE\\_2-143FA](https://library.municode.com/va/alexandria/codes/zoning?nodeId=ARTIIDE_2-143FA); Arlington County Zoning Ordinance 2022, [https://www.arlingtonva.us/files/sharedassets/public/building/documents/codes-and-ordinances/aczo\\_effective\\_01\\_12\\_2022.pdf](https://www.arlingtonva.us/files/sharedassets/public/building/documents/codes-and-ordinances/aczo_effective_01_12_2022.pdf); Loudoun County Code, Article 10—Definitions, <https://www.Loudoun.Gov/Documentcenter/View/9957/Article-10--Definitions>.

<sup>367</sup> Prince William County Code, Part 100.—Definitions, [https://library.municode.com/va/prince\\_william\\_county/codes/code\\_of\\_ordinances?nodeId=CH3220\\_ARTITEDE](https://library.municode.com/va/prince_william_county/codes/code_of_ordinances?nodeId=CH3220_ARTITEDE).

<sup>368</sup> DC Municipal Code, Title 11, Zoning, <https://dcoz.dc.gov/sites/default/files/dc/sites/dcoz/publication/attachments/SubtitleB.pdf>.

<sup>369</sup> Linda McMillan, “Single Family Rental Licensing and Code Enforcement” (memorandum), Montgomery County Planning, Housing, and Economic Development Committee, November 27, 2019, [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191202/20191202\\_PHED3PM.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20191202/20191202_PHED3PM.pdf).

<sup>370</sup> DC Office of Human Rights, *2018 Annual Report*, [https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/OHR\\_AR18\\_062619\\_FINAL.pdf](https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/OHR_AR18_062619_FINAL.pdf).

<sup>371</sup> Fairfax County Office of Human Rights & Equity Programs, *Fiscal Year 2020 Annual Report*, <https://www.fairfaxcounty.gov/humanrights/sites/humanrights/files/assets/documents/pdf/ohrep%20fy2020%20annual%20report.pdf>.

<sup>372</sup> “Housing Counseling Services CBOs,” DC Department of Housing and Community Development, <https://dhcd.dc.gov/node/702332>.

<sup>373</sup> “Housing Counseling Services,” U.S. Department of Housing and Urban Development, <https://apps.hud.gov/offices/hsg/sfh/hcc/hcs.cfm?webListAction=search&searchstate=DC>.

<sup>374</sup> *Ibid.*

<sup>375</sup> “Homebuyer Education,” Virginia Housing, <https://www.vhda.com/Homebuyers/HomeownershipEdu/Pages/HomeownershipEdu.aspx#.WSM8Sevys-N>.

<sup>376</sup> “Housing Counseling Services,” HUD.

<sup>377</sup> *Ibid.*

<sup>378</sup> *Ibid.*

<sup>379</sup> Fairfax County Code, Article 4.—Condominium and Cooperative Conversions, Section 12-4-3.—Lease extensions, [https://library.municode.com/va/fairfax\\_county/codes/code\\_of\\_ordinances?nodeId=FACOCO\\_CH12TEANRE\\_ART4COCOC\\_O\\_S12-4-3LEEX](https://library.municode.com/va/fairfax_county/codes/code_of_ordinances?nodeId=FACOCO_CH12TEANRE_ART4COCOC_O_S12-4-3LEEX).

<sup>380</sup> Arlington County Code, Chapter 45 Inoperative Statutes and Condominium Conversion, September 2011, [https://www.arlingtonva.us/files/sharedassets/public/county-board/documents/code/ch45\\_inoperativestatutesandcondominiumconversion.pdf](https://www.arlingtonva.us/files/sharedassets/public/county-board/documents/code/ch45_inoperativestatutesandcondominiumconversion.pdf).

<sup>381</sup> DC Office of Planning—State Data Center, “District of Columbia, Income-Restricted Affordable Housing by ANC, 2018,” May 23, 2019 (updated August 21, 2020), <https://public.tableau.com/app/profile/travis.pate/viz/DistrictofColumbiaIncome-RestrictedAffordableHousingbyANC/AffordableHousingANC>.

<sup>382</sup> DC’s Economic Strategy, *Prepared Residents: Average Commute Times for Residents, by Ward*, 2017.

<sup>383</sup> *Affordable Housing Master Plan*, Arlington County, VA, August 2015, <https://www.arlingtonva.us/files/sharedassets/public/Housing/Documents/Clean-AHMP-8.0.pdf>.

<sup>384</sup> Metropolitan Washington Council of Governments, “High-Capacity Transit Station Areas (HCTs),” ArcGIS Online, <https://hct-eea-mwcohub.arcgis.com/pages/hct-main>.

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<sup>385</sup> “Bowser Administration Breaks Ground on 24 New Affordable Homes at 8th and O Streets NW,” District of Columbia Advisory Neighborhood Commissions (website), April 13, 2021, <https://mayor.dc.gov/release/bowser-administration-breaks-ground-24-new-affordable-homes-8th-and-o-streets-nw>.

<sup>386</sup> DC Department of Housing and Community Development, *2021 Low Income Housing Tax Credit: Qualified Allocation Plan*, 2021, <https://dhcd.dc.gov/sites/default/files/dc/sites/dhcd/publication/attachments/DHCD%20Qualified%20Allocation%20Plan%20signed.pdf>.

<sup>387</sup> Poverty & Race Research Action Council (PRRAC), “Appendix B: State, Local, and Federal Laws Barring Source-of-Income Discrimination,” *Expanding Choice: Practical Strategies for Building a Successful Housing Mobility Program*, 2022, <https://www.prrac.org/pdf/AppendixB.pdf>.

<sup>388</sup> “ERC and Local Renter File Federal Lawsuit Alleging Source of Income and Race Discrimination at Northwest DC Apartment Building” (press release), The DC Line (website), June 17, 2021, <https://thedcline.org/2021/06/17/press-release-erc-and-local-renter-file-federal-lawsuit-alleging-source-of-income-and-race-discrimination-at-northwest-dc-apartment-building/>.

<sup>389</sup> “Protected Traits in DC,” District of Columbia Office of Human Rights, <https://ohr.dc.gov/protectedtraits>.

<sup>390</sup> *From Click to Visit: A Civil Rights Testing Investigation*, Equal Rights Center, Washington, DC, <https://equalrightscenter.org/wp-content/uploads/click-to-visit-report-final.pdf>.

<sup>391</sup> Rebecca Tan, “She’s Desperate to Get Home Care for Her Mom. In Maryland, 21,000 Are on the Wait List,” *Washington Post*, October 9, 2021, [https://www.washingtonpost.com/local/maryland-covid-medicaid-waitlist/2021/10/07/37dfc41e-2214-11ec-b3d6-8cdebe60d3e2\\_story.html](https://www.washingtonpost.com/local/maryland-covid-medicaid-waitlist/2021/10/07/37dfc41e-2214-11ec-b3d6-8cdebe60d3e2_story.html).

<sup>392</sup> “Seven D.C. RE Firms and Professionals Accused of Housing Discrimination,” Fair Housing Coach, September 21, 2020, <https://www.fairhousingcoach.com/article/seven-dc-re-firms-and-professionals-accused-housing-discrimination>.

<sup>393</sup> “AG Racine Announces Two Actions to Stop Discrimination Against District Residents Living East of the River,” Office of the Attorney General for the District of Columbia, February 22, 2021, <https://oag.dc.gov/release/ag-racine-announces-two-actions-stop>; Consent order, DC v. Design Build Inc., February 1, 2021, [https://oag.dc.gov/sites/default/files/2021-02/Design-Builders-consent-order\\_2.1.21.pdf](https://oag.dc.gov/sites/default/files/2021-02/Design-Builders-consent-order_2.1.21.pdf).

<sup>394</sup> Resolution Agreement in re: Loudoun Public Schools, Virginia OCR Case No. 19-2652, Loudoun County Public Schools and Virginia Office of Civil Rights, <https://www.oag.state.va.us/files/2021/RESOLUTION-AGREEMENT-In-Re-LCPS-2021-02-18-Fully-Endorsed.pdf>.

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ACTION - 5

Approval of a Plain Language Explanation for the 2023 Bond Referendum for Improvements to Public Schools

ISSUE:

Board approval of an explanatory statement for the school bond referendum planned to be held in conjunction with the November general election.

RECOMMENDATION:

The County Executive recommends that the Board approve the plain language explanation and authorize staff to translate it, post it online, and print sufficient copies to make it available at County absentee voting sites and polling places.

TIMING:

Board action is recommended on July 25, 2023, so that staff can translate the explanation, post it on the County's website as soon as possible, and have it printed and available when absentee voting begins on September 23, 2023.

BACKGROUND:

At its meeting on June 27, 2023, the Board adopted a resolution asking the Fairfax County Circuit Court to order a referendum on November 7, 2023, on the question of whether the County should be authorized to issue general obligation bonds for public school improvements. The County Attorney filed the resolution with a Petition asking the Circuit Court to order the election, and the Court entered the order on July 5, 2023.

State law requires localities to provide for the preparation and printing of an explanation for each referendum question that involves the issuance of bonds by the locality. The statement must include the ballot question and a neutral explanation of not more than 500 words prepared by the locality's attorney. The Board approved the wording of the ballot question when it adopted the Resolution, and the Circuit Court has ordered that the ballot question be stated as approved by the Board. This Action Item presents only the explanation portion of the proposed statement for the Board's approval.

These plain language explanatory statements are frequently referred to as "plain English" statements, because State law requires them to be written in "plain English." The law defines "plain English" to mean "written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and

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phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession.”

Under Section 203 of the federal Voting Rights Act (VRA), and Section 24.2-128 of the Virginia Rights of Voters Act (VRVA), Fairfax County is required to provide voting and voter information materials in Spanish and Vietnamese. The Electoral Board has also provided ballots and other election-related materials in Korean since 2017, because the 2015 and subsequent American Community Service Survey results showed that the number of Korean speakers almost met the thresholds for translation of election materials under the VRA and VRVA. As a result, the County will provide these statements in English, Spanish, Vietnamese, and Korean.

FISCAL IMPACT:

Expenses associated with printing and translating the explanation will be paid out of existing appropriations in Fund 20000, Consolidated County and Schools Debt Service.

ENCLOSED DOCUMENTS:

Attachment 1 – Virginia Code § 24.2-687

Attachment 2 – Draft Explanation for 2023 School Bond Referendum

STAFF:

Christina Jackson, Chief Financial Officer

Philip Hagen, Director, Department of Management and Budget

Joseph LaHait, Deputy Director, Department of Management and Budget

ASSIGNED COUNSEL:

Elizabeth D. Teare, County Attorney

Martin Desjardins, Assistant County Attorney

John A. Dorsey, Assistant County Attorney

Code of Virginia  
Title 24.2. Elections  
Chapter 6. The Election  
Article 5. Special Elections

## § 24.2-687. Authorization for distribution of information on referendum elections

A. The governing body of any county, city or town may provide for the preparation and printing of an explanation for each referendum question to be submitted to the voters of the county, city or town to be distributed at the polling places on the day of the referendum election. The governing body may have the explanation published by paid advertisement in a newspaper with general circulation in the county, city or town one or more times preceding the referendum.

The explanation shall contain the ballot question and a statement of not more than 500 words on the proposed question. The explanation shall be presented in plain English, shall be limited to a neutral explanation, and shall not present arguments by either proponents or opponents of the proposal. The attorney for the county, city or town or, if there is no county, city or town attorney, the attorney for the Commonwealth shall prepare the explanation. "Plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession.

If the referendum question involves the issuance of bonds by a locality, the locality shall provide for such printed explanation. The explanation shall (i) state the estimated maximum amount of the bonds proposed to be issued, and (ii) state the proposed use of the bond proceeds, and if there is more than one use, state the proposed uses for which more than 10 percent of the total bond proceeds is expected to be used.

B. Nothing in this section shall be construed to limit a county, city or town from disseminating other neutral materials or advertisements concerning issues of public concern that are the subject of a referendum; however, the materials or advertisements shall not advocate the passage or defeat of the referendum question.

C. This section shall not be applicable to statewide referenda.

D. Any failure to comply with the provisions of this section shall not affect the validity of the referendum.

1996, c. 297;2004, cc. 21, 399;2006, c. 302;2011, c. 590.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.



## **PUBLIC SCHOOL BONDS EXPLANATION**

### **Ballot Question**

#### **PUBLIC SCHOOL BONDS**

Shall Fairfax County, Virginia, contract a debt, borrow money, and issue capital improvement bonds in the maximum aggregate principal amount of \$435,000,000 for the purposes of providing funds, in addition to funds from school bonds previously authorized, to finance, including reimbursement to the County for temporary financing for, the costs of school improvements, including acquiring, building, expanding, and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system?

### **Explanation**

This referendum asks Fairfax County voters whether the County government should be authorized to contract a debt and issue bonds in the maximum aggregate principal amount of \$435,000,000 for improvements to the County's public schools. If a majority of voters approves this referendum, then the County would be allowed to issue bonds to fund school improvements as described in the ballot question. The bonds can only be issued for purposes described in the ballot question.

Virginia law permits the County government to borrow money to acquire land, plan, design, and construct projects by issuing general obligation bonds, which are sold to investors and repaid over time with County revenues. However, before the County may incur a general obligation debt, County voters must authorize the County to borrow those funds. Bond proceeds are used as a source of funding for many County and public school facilities. Bond financing allows the cost of a facility to be spread over a number of years so that each generation of taxpayers contributes a proportionate share toward these long-term assets. Bonds authorized by a referendum may be issued up to eight years after the date of the referendum, a period that may be extended for two additional years by order of the circuit court.

The County plans for the proceeds of bonds authorized by this referendum to be used to fund school improvements in accordance with the School Board's Capital Improvement Program (CIP) as updated and amended annually. Each year's CIP reviews student membership and facilities data and identifies future needs for capital improvements, renovations, capacity enhancements, new construction, and potential site acquisitions. Using that information, the CIP describes a five-year program of school improvement projects and site acquisitions intended to meet present and projected infrastructure needs. The School Board's current CIP

identifies the projects to be funded in FY 2024-28 and also includes a Ten-Year Capital Improvement Program Forecast for FY 2024-33.

The FY 2024-28 CIP anticipates using the bond funds to renovate seven elementary schools, plan and design renovations of eight elementary schools and one middle school, complete three modular relocations, and install school security vestibules at more than twenty-five schools. Land acquisition, project planning, and actual construction are usually completed in phases over a period of years. The phases are typically paid from sequential bond issues to allow timely implementation of the projects without issuing bonds for construction costs earlier than necessary.

Renovation projects are generally intended to upgrade the life safety, environmental, electrical, security, and telecommunications systems of school buildings, and bring aging school facilities into full compliance with legal requirements such as the Americans with Disabilities Act and federal and state storm water quality and quantity requirements. The improvements provide updated site features including, where practicable, additional parking, recreational fields, accessibility, site lighting, and improved traffic patterns. Upgrades also seek to increase energy efficiency and overall environmental sustainability of school facilities.

**This explanation was prepared, printed, and made available at  
election polling places in accordance with Virginia Code § 24.2-687**

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ACTION - 6

Approval of a Resolution to Support the Abandonment of a Portion of Hooes Road,  
Route 636 (Franconia District)

ISSUE:

Board adoption of the attached resolution supporting abandonment of a portion of Hooes Road (Route 636).

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution (Attachment I) supporting the abandonment of the designated portion of Hooes Road (Route 636).

TIMING:

The Board should take action on July 25, 2023, so that the Virginia Department of Transportation (VDOT) has the support of the Board to finalize the abandonment and update the State maintenance inventory.

BACKGROUND:

The Fairfax County Department of Transportation (FCDOT) received a request from VDOT to support the abandonment of a portion of Route 636 along the segment of Franconia-Springfield Parkway (see Attachments II and III). The subject portion of Hooes Road was removed due to the construction of the new Franconia-Springfield Parkway (Springfield Bypass), VDOT Project Number R000-029-249, C518 and Project Number 0095-029-114, C505.

VDOT has requested the support of the County by a Board Resolution, pursuant to Section 33.2-912 of the Code of Virginia, to abandon this portion of Hooes Road (Route 636). VDOT is pursuing this request to remove the associated mileage of Route 636 from the Virginia Highway System. Along the subject portion of Hooes Road, there exists a shared-use path that VDOT will continue to maintain after abandonment.

FISCAL IMPACT:

None.

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EQUITY IMPACT:

An Equity Impact Assessment was not required for this item as this is a statutory process following Section 33.2-912 of the Code of Virginia.

ENCLOSED DOCUMENTS:

Attachment I: Resolution  
Attachment II: VDOT Aerial Exhibits  
Attachment III: Vicinity Map

STAFF:

Rachel Flynn, Deputy County Executive  
Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)  
Jeff Hermann, Division Chief, FCDOT-Site Analysis & Transportation Planning Division  
Gregory Fuller, Jr., Section Chief, FCDOT-Site Analysis Section (SAS)  
Jeffrey Edmondson, Transportation Planner III, FCDOT-SAS  
Will Steinhilber, Transportation Planner II, FCDOT-SAS

ASSIGNED COUNSEL:

Randall T. Greehan, Assistant County Attorney

**RESOLUTION**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, July 25, 2023, at which meeting a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, the completion of the Franconia-Springfield Parkway (Springfield Bypass), VDOT Project #R000-029-249, C518 and Project #0095-029-114, C505, caused the elimination of a portion of Hooes Road (Route 636) that is located in the Franconia District on Tax Map 90-2, as shown on Attachments II and III of the Board’s Agenda Item; and

**WHEREAS**, the subject portion of Route 636 no longer exists and it must be removed from the Virginia Department of Transportation’s System of Highways; and

**WHEREAS**, the Virginia Department of Transportation will abandon the subject portion of Route 636 pursuant to §33.2-912 of the Code of Virginia;

**NOW THEREFORE, BE IT RESOLVED**, that this Board supports the abandonment of this portion of Hooes Road (Route 636).

A Copy Teste:

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Jill G. Cooper  
Clerk for the Board of Supervisors

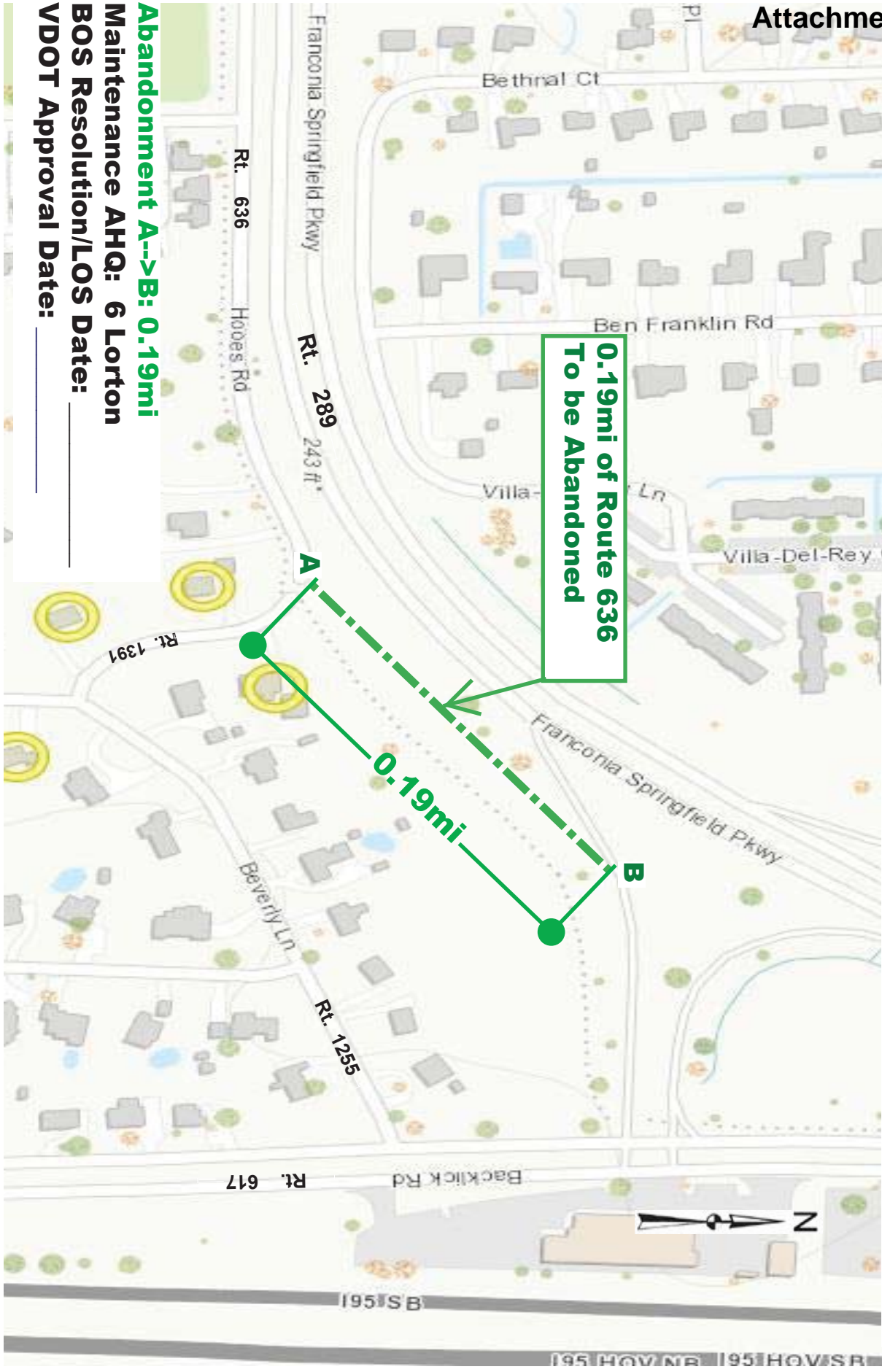
**R000-029-249, C518 & 0095-029-114, C505  
Hooes Road, Route 636 Abandonment (Portion of)  
Fairfax County - Franconia District  
Tax Map: 90-2**

**0.19mi of Route 636  
To be Abandoned**

**0.19mi**

**A**

**B**



**Abandonment A-->B: 0.19mi  
Maintenance AHQ: 6 Lorton  
BOS Resolution/LOS Date: \_\_\_\_\_  
VDOT Approval Date: \_\_\_\_\_**

# Attachment II



By	Date
Designed	4/7/95
Drawn	4/7/95
Checked	4/7/95
Approved	4/7/95

**LEGEND:**

	NEW PAVEMENT
	OVERLAY PAVEMENT
	FALL PAINT STRIPES 6 IN. ON CENTER
	NEW SHOULDER

NOTE FOR MOBILE SEE SHEET 15C

SCALE  
 0 50 100  
 FEET

COMMONWEALTH OF VIRGINIA  
 DEPARTMENT OF TRANSPORTATION

Extension of I-95 HOV Lanes  
 Springfield Bypass Spur Interchange  
**GRADING, DRAINAGE & PAVEMENT  
 PLAN**  
 STA. 1570+50 TO STA. 1570+92

DESIGNED BY: [Name]  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]

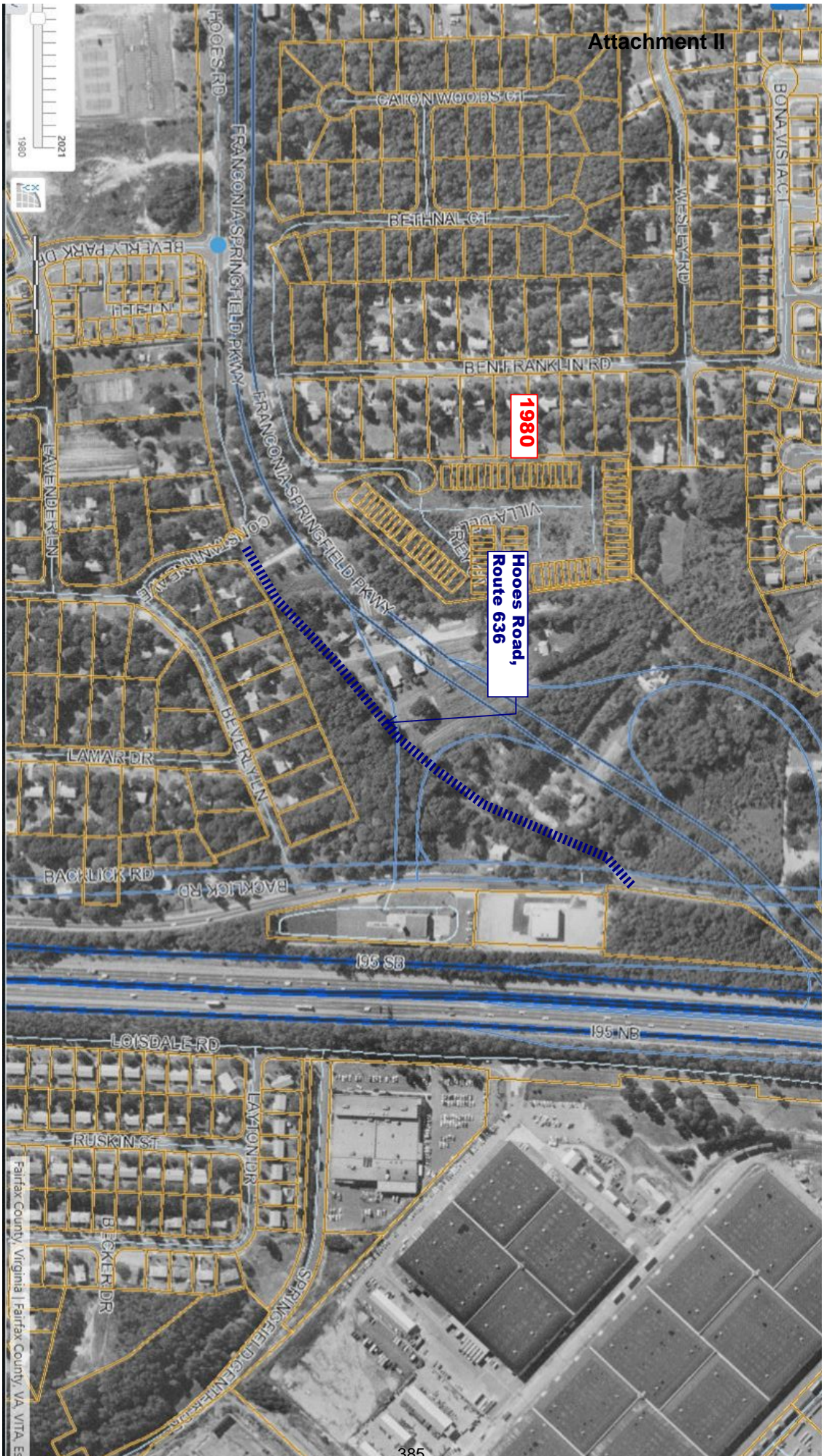
Scale: 1" = 50'  
 Date: 5-88  
 Sheet: 15C

DESIGN MATERIALS RELATING TO CONSTRUCTION OF THIS PROJECT ARE SUBJECT TO REGULATION AND CONTROL OF TRAFFIC AND BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE ENGINEER.

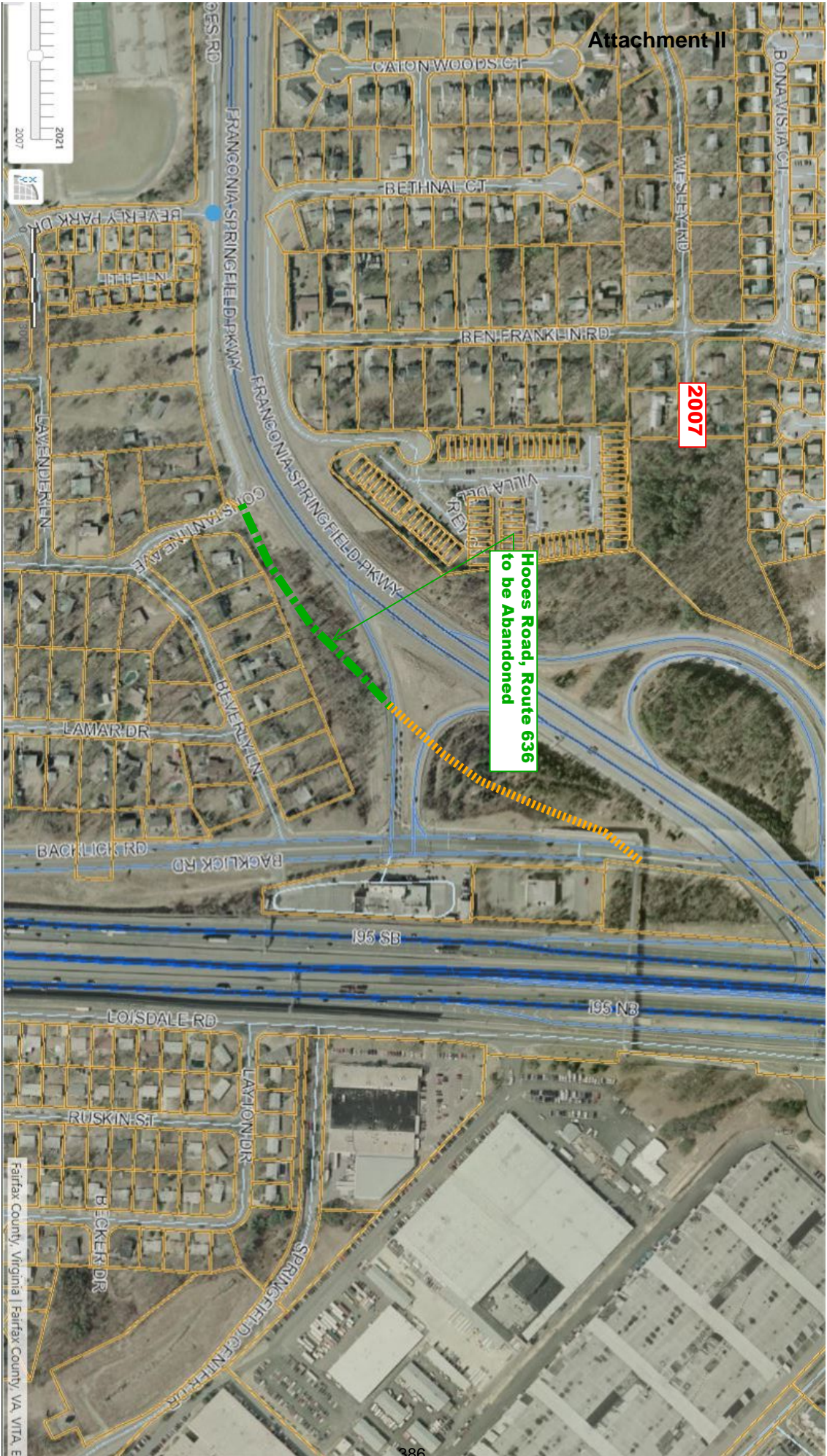
PROJECT NO.	1570-158	DATE	5/15/95
DATE	5/15/95	SCALE	1" = 50'
NO.	3	STATE	VA.
SECTION	95	PROJECT	I-95 HOV LANE EXTENSION
DATE	5/15/95	PROJECT	SPRINGFIELD BYPASS SPUR INTERCHANGE
SCALE	1" = 50'	PROJECT	SPRINGFIELD BYPASS SPUR INTERCHANGE
DATE	5/15/95	PROJECT	SPRINGFIELD BYPASS SPUR INTERCHANGE
SCALE	1" = 50'	PROJECT	SPRINGFIELD BYPASS SPUR INTERCHANGE
DATE	5/15/95	PROJECT	SPRINGFIELD BYPASS SPUR INTERCHANGE







Fairfax County, Virginia | Fairfax County, VA VITA ES

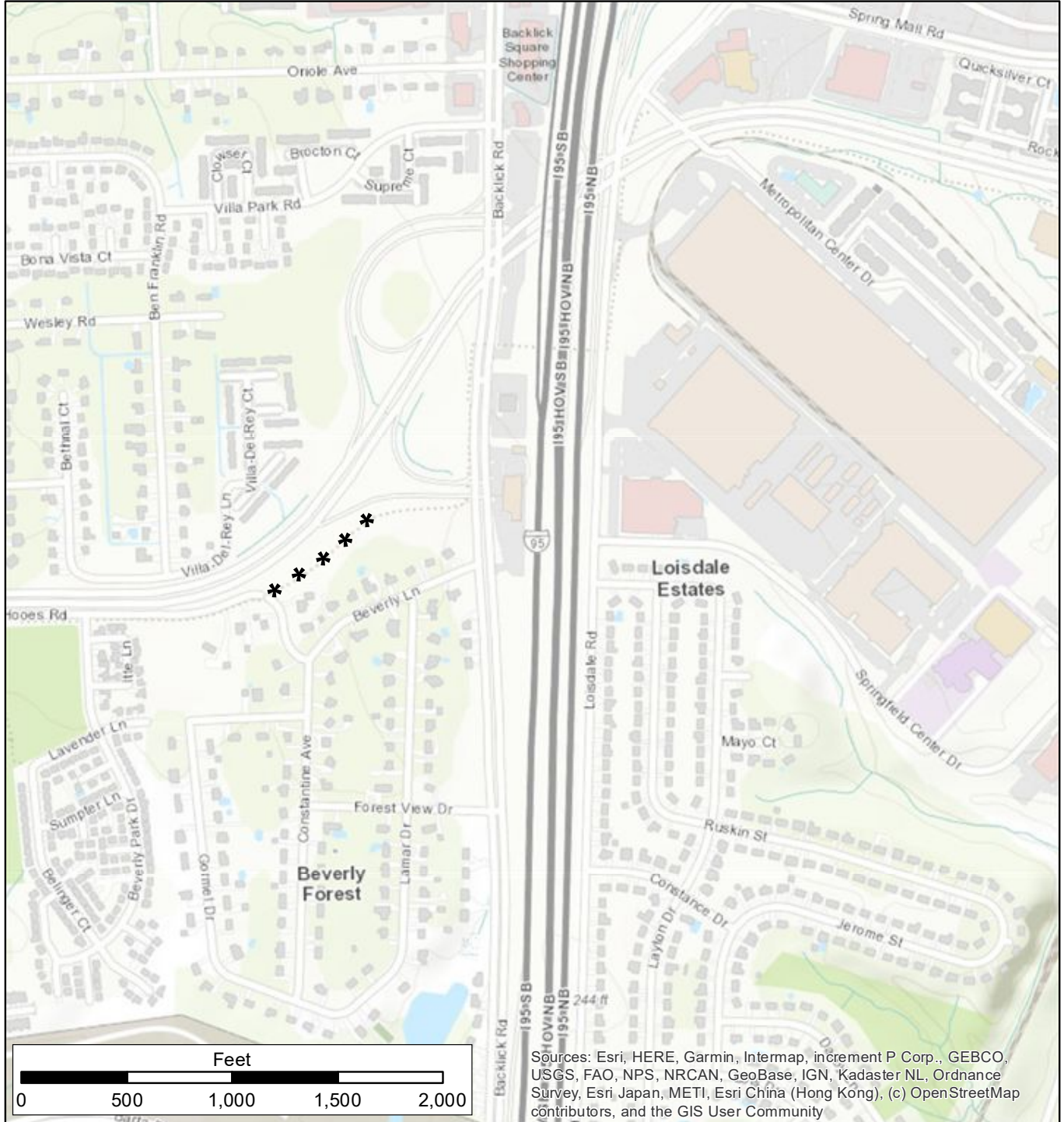


2007

Hooes Road, Route 636  
to be Abandoned

# Abandonment of a Portion of Hooes Road (Route 636) Franconia District

Attachment III



Tax Maps 90-1 & 90-2

\* Symbol Denotes Area to be Abandoned

ACTION – 7

Authorization for the Fairfax County Redevelopment and Housing Authority to Utilize Up To \$8.0 Million of the County’s American Rescue Plan Act, Coronavirus State and Local Fiscal Recovery Funds Allocation for the Acquisition of the Telestar Court Redevelopment (Providence District)

ISSUE:

Board of Supervisors (Board) authorization for the Fairfax County Redevelopment and Housing Authority (FCRHA) to utilize up to \$8.0 million of the County’s American Rescue Plan Act (ARPA), Coronavirus State and Local Fiscal Recovery Funds (SLFRF) allocation for the acquisition of 2990 Telestar Court in Falls Church, VA (Telestar Court) in the Providence District, in connection with the redevelopment of the property as affordable housing (Project) by Merrifield Housing, LLC (Tenant), a joint venture between Conifer Realty, LLC, and Joseph Browne Development Associates. The Telestar Court property will be repurposed from office space to 80 multi-family affordable housing units.

RECOMMENDATION:

The County Executive recommends the Board authorize the FCRHA to utilize up to \$8.0 million from the County’s ARPA, SLFRF allocation to acquire the land and improvements at Telestar Court so the Tenant may repurpose the former office building into 80 units of affordable multi-family housing.

TIMING:

Board action is requested on July 25, 2023 as the Tenant must be able to demonstrate commitment of the funds in order to make their Housing Opportunity Tax Credit (HOTC) application to Virginia Housing (VH) more competitive. The deadline for the HOTC application is July 27, 2023.

BACKGROUND:

*Developers:*

Conifer Realty, LLC (Conifer) founded in 1975, is a full-service real estate company headquartered in Rochester, New York specializing in the development, construction,

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management, and ownership of affordable housing communities. Conifer currently owns and manages 15,930 multi-family apartments representing 234 communities in the Northeast.

Joseph Browne Development Associates (JBDA), founded in 2018, is a real estate development and consulting company based in Washington, D.C. that specializes in developing affordable rental and for sale housing. JBDA's principals possess significant experience in affordable housing development in Virginia. Examples of previous projects overseen by JBDA principals include: Falstead at Lewinsville Center, an 82-unit senior independent living community on County-owned land in McLean, VA, and the Arden, a 126-unit multifamily residential community in Alexandria, VA.

Conifer and JBDA will be co-managing members of the developer entity. Conifer, while well established in other parts of the country, is new to the Virginia market and has partnered with JBDA due to the latter's local experience. The developer entity for the Project is Merrifield Housing, LLC.

*Project Description:*

The Tenant is proposing an adaptive reuse development located at 2990 Telestar Court, Falls Church, VA, Fairfax County Tax Map # 49-4 ((4)), parcels 1B and 2 (the Telestar Site). The Project is proposed to convert an existing four-story vacant office building on the Telestar Site into an 80-unit affordable housing community. Construction is expected to commence in 1<sup>st</sup> Quarter 2024 and will take approximately 14 months to complete. Notable Project features include:

- a) 80 units of affordable multifamily housing in the high-cost Mosaic/Merrifield area of the Providence District.
- b) Approximate Unit mix (subject to minor adjustments) are provided as follows:

Unit Type	30% AMI	50% AMI	60% AMI	80% AMI	Total
One Bedroom	7	13	12	4	36
Two Bedroom	10	14	15	5	44
<b>Grand Total</b>	<b>17</b>	<b>27</b>	<b>27</b>	<b>9</b>	<b>80</b>

- c) Property amenities include a gym, laundry rooms, management and maintenance offices, and community space for events and gatherings.

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- d) 131 parking spaces (number subject to final approval of development plan).
- e) A significant portion of the frontage of the site to be repurposed into public park space.
- f) Location is walkable to many amenities, has easy access to multiple bus routes, and is about a mile from Dunn Loring Metro Station.
- g) Affordability for a period of 99 years per Ground Lease.
- h) EarthCraft Gold or equivalent Certification and Universal Design in all units.
- i) 8 Americans with Disabilities Act (ADA) compliant units.
- j) Up to 27 Project-Based Vouchers (PBVs) will be requested.

The Telestar Site is currently owned by Inova Health Care Services (Inova). Inova is currently under contract to sell both the Telestar Site, Fairfax County Tax Map 49-4 ((4)) parcel 1B and 2, as well as an adjacent parcel, 49-4 ((4)) 28B, to Madison Investment Portfolio, LLC (Madison). Madison, in turn, has an agreement with Conifer, pursuant to which Conifer would acquire and develop the Telestar Site but not the Adjacent Parcel. Conifer proposes that the FCRHA acquire the Telestar Site pursuant to these agreements and then ground lease the Telestar Site to the Tenant. Tenant, in turn, would redevelop and operate the Project. Inova requires that closing occur on the Telestar Site and on the Adjacent Parcel at the same time. Further, additional agreements with Inova, Madison, and Tenant remain to be negotiated prior to closing, both in connection with the conveyance of the Telestar Site to the FCRHA and with the future development operation of the Telestar Site and the Adjacent Property.

The site may be able to support future additional development. The FCRHA will be the fee owner of the underlying land and will conduct due diligence to determine what, if anything, may be built. Any additional development will need to be reviewed and approved through a future zoning process. (see Attachment 4). Department of Housing and Community Development (HCD) staff will continue to explore this possibility, and if staff determines that it remains feasible, staff will require that necessary actions – e.g., subdivision or other demarcation of the Telestar Site – be taken prior to closing on the Project as a condition of the disbursement of the funds. As part of the Project, the FCRHA would commit to first negotiating any additional development opportunity at the Telestar Site with Conifer for a period of six months before negotiating with any third party.

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FINANCING:

*Anticipated Project Financing:*

The Project financing plan is further described in Attachment 2. It is anticipated to use non-competitive four percent Low-Income Housing Tax Credit (LIHTC) and competitive Housing Opportunity Tax Credit (HOTC) equity, FCRHA tax-exempt bonds, senior/first-position debt, the \$8 million of Funds from the FCRHA, and a subordinate loan from the Virginia Department of Housing and Community Development (VADHCD) Affordable and Special Needs Housing Funds (ASNH) to fully fund the Project.

The ARPA, SLFRF funds will be used to cover \$8.0 million of the \$12.0 million total purchase price for the Telestar Site to be paid to Inova; the Tenant will pay the remaining \$4.0 million. Closing on the conveyance of the Telestar Site and the disbursement of the funds will be conditioned on the concurrent closing by the Tenant on the additional funding necessary to redevelop the Project. The ground lease will require the Tenant to operate the Project as affordable housing.

ARPA regulations and guidance will require some additional unique terms. Most importantly, ARPA funds must be obligated by December 31, 2024, and disbursed by December 31, 2026. If the Tenant does not obtain an award for VH HOTC in 2023, then the FCRHA will have the right to terminate the funds commitment during the month of March 2024, to allow Tenant time to attempt to restructure their financing. Please see the Funding Term Sheet in Attachment 3 for more details regarding the terms of the funds.

*Appraised Value:*

The independent appraiser, CBRE, Inc., provided an appraisal with an acquisition value for the property that is currently being used in the Conifer budget. The as-is value provided in the appraisal confirmed the acquisition value is \$12.0 million. The Fairfax County Department of Tax Administration has reviewed the appraisal for approved values as well as the methodology used to determine those values, and has found the methodology to be appropriate and the values to be reasonable.

*Ground Lease, Proposed Rents, and Financing Plan*

Please see Attachment 2.

*Closing:*

Assuming an HOTC award in 2023, the Project is anticipated to close in the first half of 2024, with an outside closing date for the funds of June 30, 2024, subject to extension

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on mutual agreement. Requirements for the closing include, but are not limited to, completion of the following:

1. Approval of first mortgage loan, other subordinate sources of financing, and tax-exempt bonds
2. Commitment and disbursement from tax credit investor
3. Final underwriting by Department of Housing and Community Development (HCD) staff
4. Satisfactory appraisal of the property
5. Receipt and approval of all third-party reports by HCD staff
6. Other factors as deemed necessary to protect the interest of the FCRHA and Fairfax County

FISCAL IMPACT:

The FCRHA will utilize up to \$8.0 million of the County's ARPA, SLFRF allocation. A total of \$45.0 million of the County's ARPA, SLFRF allocation has been allocated for affordable housing projects. With this allocation, a total of \$38.0 million has been utilized leaving a balance of \$7.0 million.

EQUITY IMPACT:

The 80 affordable rental units at Telestar Court will help achieve the Board's goal of increasing the supply of affordable housing with a minimum of 10,000 new units by 2034 to meet the needs of working families. With Fairfax County's 2023 Area Median Income at \$152,100 (for a family of four), the delivery of Telestar Court will provide crucial housing for families earning a range of incomes between 30 and 80 percent of the Area Median Income. Further, the location of the proposed units aligns with the One Fairfax Policy, which recommends, in part, (i) the implementation of housing policies and practices that encourage all who want to live in Fairfax to be able to do so, and (ii) the providing of a full spectrum of housing opportunities across the county, most notably those in mixed-use areas that are accessible to multiple modes of transport. The Telestar Court project will promote opportunities for everyone to fully participate in the region's economic vitality, contribute to its readiness for the future, and connect to its assets and resources.



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ENCLOSED DOCUMENTS:

Attachment 1 – Location Map

Attachment 2 – Ground Lease, Proposed Rents, and Financing Plan

Attachment 3 – ARPA Funding Term Sheet

STAFF:

Christopher A. Leonard, Deputy County Executive

Thomas Fleetwood, Director, Housing and Community Development (HCD)

Anna Shapiro, Deputy Director, Real Estate, Finance and Development, HCD

Debashish Chakravarty, Associate Director, Real Estate Finance (REF), HCD

Julie Chen, Senior Real Estate Finance Manager, REF, HCD

ASSIGNED COUNSEL:

Ryan Wolf, Assistant County Attorney



# Attachment 1 - 2990 Telestar Court Location Map



### Legend

□ Parcels

### Notes:

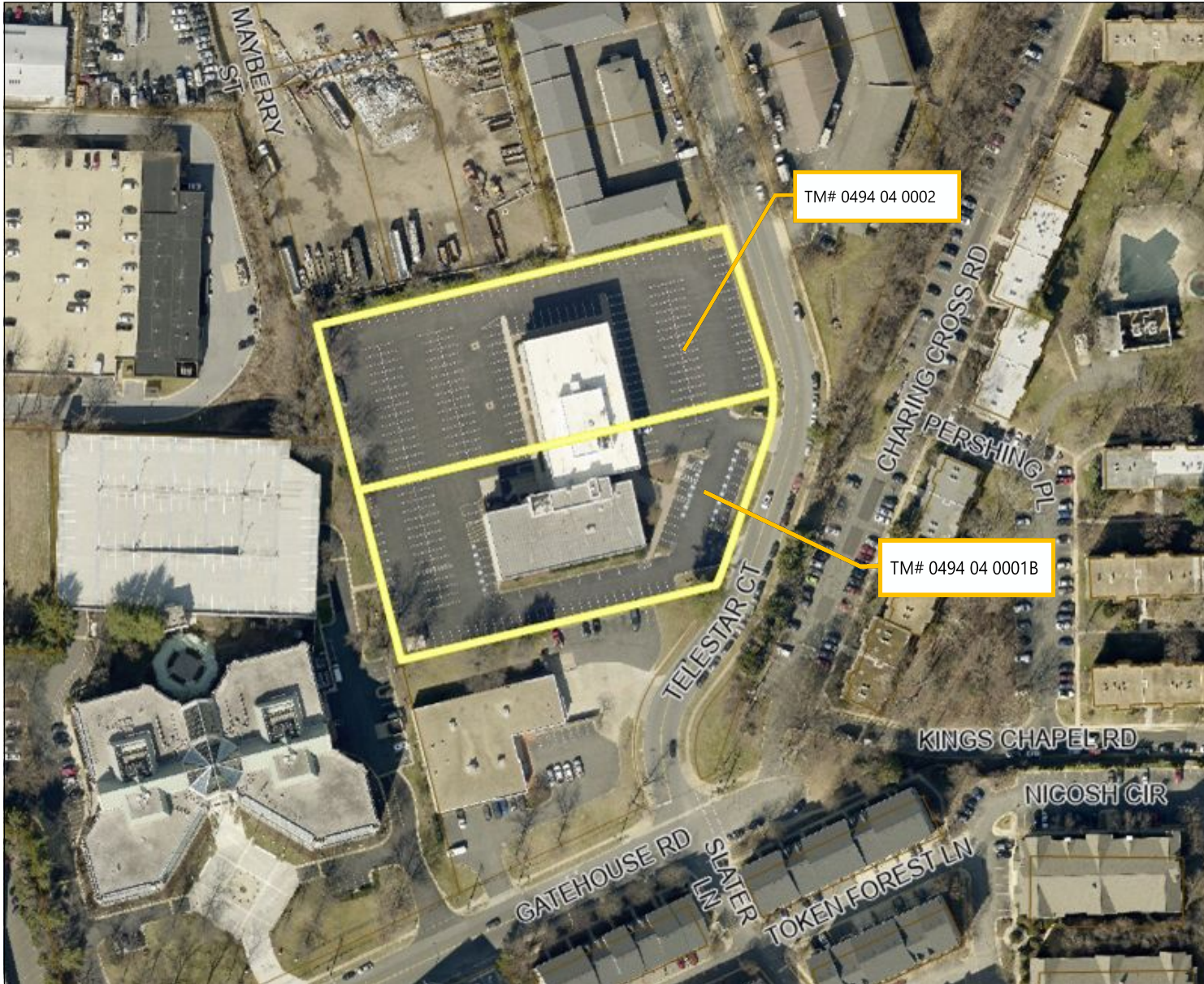
2990 Telestar Court, Falls Church, Virginia 22042

Map produced: 6/27/2023

This map is intended for reference purposes only. Fairfax County does not provide any guarantee of the accuracy or completeness regarding the map information.



# Attachment 1 - 2990 Telestar Court Location Map



### Legend

- Parcels
- Major Roadways**
  - Interstates; Toll Roads
  - Parkways; Major Arterials

### Notes:

2990 Telestar Court, Falls Church, Virginia 22042

Map produced: 6/27/2023

0 0.07 0.1 Miles

This map is intended for reference purposes only. Fairfax County does not provide any guarantee of the accuracy or completeness regarding the map information.

**REVISED**Ground Lease, Proposed Rents, and Financing Plan:Ground Lease

Merrifield Housing, LLC (Tenant), a joint venture of Conifer Realty, LLC (Conifer) and Joseph Browne Development Associates, will enter into a Ground Lease with the FCRHA for the Project for a term of 99 years. A ground lease rent of \$50,000 per year, will commence on the first year after full repayment of the deferred developer fee.

Proposed Rents

The Project contains two rent rate structures: Low-Income Housing Tax Credits (LIHTC) rents set by Virginia Housing and Project-Based Voucher (PBV) rents established by the FCRHA, using a U.S. Department of Housing and Urban Development (HUD) regulatory structure. The regulatory structure dictates the gross rent that a landlord can receive when using a project-based voucher. When the voucher is applied to each unit, the tenant's portion of the rent will not exceed the maximum LIHTC (non-PBV) rents.

For reference, the estimated rents for the property, as of the date of this item, are listed below. Any adjustment to the Utility Allowance would need to be requested from HUD.

**Rent and Unit Breakdown:**

<b><u>30% AMI Units</u></b>	<b><u># Units</u></b>	<b><u>Gross Rent</u></b>	<b><u>Utility Allowance</u></b>	<b><u>Net Rent</u></b>
<b><u>One Bedroom</u></b>	<b><u>4</u></b>	<b><u>\$847</u></b>	<b><u>\$74</u></b>	<b><u>\$773</u></b>
<b><u>Two Bedroom</u></b>	<b><u>4</u></b>	<b><u>\$1,017</u></b>	<b><u>\$90</u></b>	<b><u>\$927</u></b>
<b><u>Total/Average</u></b>	<b><u>8</u></b>	<b><u>\$932</u></b>	<b><u>\$82</u></b>	<b><u>\$850</u></b>

<b><u>50% AMI Units</u></b>	<b><u># Units</u></b>	<b><u>Gross Rent</u></b>	<b><u>Utility Allowance</u></b>	<b><u>Net Rent</u></b>
<b><u>One Bedroom</u></b>	<b><u>3</u></b>	<b><u>\$1,413</u></b>	<b><u>\$74</u></b>	<b><u>\$1,339</u></b>
<b><u>Two Bedroom</u></b>	<b><u>6</u></b>	<b><u>\$1,696</u></b>	<b><u>\$90</u></b>	<b><u>\$1,606</u></b>
<b><u>Total/Average</u></b>	<b><u>9</u></b>	<b><u>\$1,602</u></b>	<b><u>\$85</u></b>	<b><u>\$1,517</u></b>

<b><u>60% AMI Units</u></b>	<b><u># Units</u></b>	<b><u>Gross Rent</u></b>	<b><u>Utility Allowance</u></b>	<b><u>Net Rent</u></b>
<b><u>One Bedroom</u></b>	<b><u>12</u></b>	<b><u>\$1,695</u></b>	<b><u>\$74</u></b>	<b><u>\$1,621</u></b>
<b><u>Two Bedroom</u></b>	<b><u>15</u></b>	<b><u>\$2,035</u></b>	<b><u>\$90</u></b>	<b><u>\$1,945</u></b>
<b><u>Total/Average</u></b>	<b><u>27</u></b>	<b><u>\$1,884</u></b>	<b><u>\$83</u></b>	<b><u>\$1,801</u></b>

80% AMI Units	# Units	Gross Rent	Utility Allowance	Net Rent
One Bedroom	4	\$2,261	\$74	\$2,187
Two Bedroom	5	\$2,714	\$90	\$2,624
Total/Average	9	\$2,513	\$83	\$2,430

**PBV Units**

30% AMI Units	# Units	Gross Rent	Utility Allowance	Net Rent
One Bedroom	<u>3</u>	\$1,760	\$84	\$1,676
Two Bedroom	<u>6</u>	\$2,000	\$110	\$1,890
Total/Average	<u>9</u>	<u>\$1,920</u>	<u>\$101</u>	<u>\$1,819</u>

50% AMI Units	# Units	Gross Rent	Utility Allowance	Net Rent
One Bedroom	<u>10</u>	\$1,760	\$84	\$1,676
Two Bedroom	<u>8</u>	\$2,000	\$110	\$1,890
Total/Average	<u>18</u>	<u>\$1,867</u>	<u>\$96</u>	<u>\$1,771</u>
<b>TOTAL UNITS</b>	<b>80</b>			

**Financing Plan:**

Tenant is proposing to leverage the Sources of funding and financing below to acquire, renovate and deliver the affordable housing project.

**Sources and Uses:**

Permanent Phase Sources	Sources
First Mortgage Loan	\$ 10,340,000
4% Tax Credit Equity	\$ 12,166,396
4% Housing Opportunity Credit	\$ 7,080,971
FCRHA Acquisition Funding	\$ 8,000,000
Virginia DHCD ASNH Subordinate Loan	\$ 2,100,000
Deferred Developer Fee	\$ 1,502,184
<b>Total Permanent</b>	<b>\$ 41,189,551</b>
Summarized Uses	Uses
Acquisition Costs	\$ 12,000,000
Construction Costs	\$ 16,580,160

Hard Cost Contingency	\$ 1,001,682
Soft Costs	\$ 3,972,393
Financing/Interest	\$ 3,251,113
Soft Cost Contingency	\$ 359,471
Reserves	\$ 1,024,731
Developer Fee	\$ 3,000,000
<b>Total Uses</b>	<b>\$ 41,189,551</b>

Telestar - Funding Term Sheet:

Tenant: Merrifield Housing, LLC, a subsidiary of Developer

Developer: Conifer Realty, LLC & Joseph Browne Development Associates

Project Address: 2990 Telestar Court, Falls Church; Fairfax County Tax Map # 49-4 ((4)), 1B and 2

Amount: A total of up to \$8,000,000 using American Rescue Plan Act (ARPA) funds. FCRHA reserves the right to provide funds from a source other than ARPA.

Use of Funds: A portion of the purchase price for the Project site.

Affordability: Tenant will rent approximately 17 units to households with an initial household income of no more than 30 percent of the area median income (AMI); approximately 27 units to households with an initial household income of no more than 50 percent of AMI, approximately 27 units to households with an initial household income of no more than 60 percent of AMI, and approximately 9 units to households with an initial household income of no more than 80 percent of AMI.

After initial qualification and occupancy, a household's income may not exceed 140% of the imputed maximum income restriction on that unit in accordance with LIHTC program regulations.

Tenant may not charge rent of more than one-twelfth of 30 percent of the applicable AMI tier for the average household size for the applicable unit type. If tenants will pay their own utilities, then (i) for PBV units, the FCRHA's standard utility allowance amount for the applicable unit type, and (ii) for the other units, a utility allowance based on Tenant's utility allowance study, subject to the reasonable approval of the FCRHA, should be deducted from the maximum rent. Notwithstanding the foregoing, for so long as the Project is subject to low-income housing tax credit (LIHTC) restrictions, Tenant may charge rents and use utility allowances as permitted under the LIHTC program.

Affordability restrictions will be memorialized in the ground lease and recorded in the land records for the property and will run with the land for the term of the ground lease.

**First Rights:** The ground lease will contain a right of first offer in favor of the FCRHA in accordance with the FCRHA's standard practice. At Tenant's request, Tenant may provide FCRHA with additional right of first refusal in a separate agreement.

Subject to procurement requirements, if any, if the FCRHA seeks to pursue future affordable housing development on the Project site in addition to the Project, then the FCRHA will first negotiate in good faith with the Developer for a period of 6 months before engaging in any material discussions with any third party developers regarding such development opportunity.

**Developer Fee:** Tenant may pay a developer fee to Developer, the total and deferred amounts of which are subject to the reasonable approval of the FCRHA. Developer may recoup its deferred developer fee in full before making ground lease rent payments. Tenant will make no other payments to Developer (or affiliates of Developer) without the prior consent of the FCRHA or as otherwise set forth in Tenant's operating agreement, any such provisions in the operating agreement being subject to the FCRHA's reasonable approval.

**Ground Lease:** Form of unsubordinated ground lease between FCRHA, as landlord, and Tenant, as tenant, must be acceptable to the FCRHA and include the following terms: (i) 99 year ground lease term; (ii) affordability requirements that survive foreclosure; (iii) ground rent of \$50,000 per year, starting the first calendar year after full repayment of deferred developer fee; and (iv) capital reserves of \$300 per unit per year (which capital reserve shall be held in accordance with the senior loan documents for the term of the senior loan). The FCRHA, at Tenant's request, will engage in good faith discussions with Tenant's senior lender regarding the ground lease.

**Transfers:** Tenant may not transfer its leasehold interest in the property, in whole or in part, by operation of law or otherwise, without the prior approval of the FCRHA, not to be unreasonably withheld. Tenant



may, however, transfer the property to an affiliate, provided that Tenant must notify the FCRHA in advance.

No interests in the Tenant may be transferred without the prior approval of the FCRHA, not to be unreasonably withheld, except (i) for cause, as set forth in Tenant's partnership/operating agreement or (ii) for transfers of the investor's interests to the Tenant to Tenant's general partner/managing member (or to a commonly controlled affiliate) after the end of the LIHTC compliance period, and (iii) for transfers of general partner/managing member interests to a commonly controlled affiliate of Developer, so long as Developer's principal(s) remains the same.

Senior Loan: The first position loan must have a fixed interest rate, provided FCRHA may approve a variable rate senior construction loan in its reasonable discretion (including management of the risk of variable rates); upon conversion to permanent financing, the first position loan must amortize.

Other Loans: Tenant may not subject its leasehold interest in the property to any deed of trust or other lien without the prior, reasonable approval of the FCRHA.

Tenant may not obtain any unsecured loans without the prior approval of the FCRHA, except for an unsecured loan that is cash flow dependent and the repayment of which would come after payment of the ground lease rent in priority of payment from net cash flow.

Refinancing: Tenant may not refinance senior debt without FCRHA's reasonable consent.

FCRHA Termination Right: If Tenant does not obtain an award of Virginia Housing Opportunity Tax Credits (HOTC) in the 2023 award cycle, the FCRHA will have the right to terminate the funding commitment, exercisable during the month of March 2024. The FCRHA may, but is not obligated to, source its funds from a source other than ARPA; if the FCRHA elects to do so, this termination right will automatically expire.

ARPA Terms: Tenant must waive its right to a qualified contract under the LIHTC program.

Tenant will provide such information as reasonably requested by FCRHA in connection with ARPA reporting obligations.

Tenant will comply with the following elements of the LIHTC program (or such other federal housing program as the FCRHA may later reasonably approve): (i) resident income restrictions, (ii) the period of affordability and related covenant requirements for assisted units, (iii) tenant protections, and (iv) housing quality standards.

Tenant will comply with all applicable ARPA regulations.

Closing & Funding: Subject to certain conditions, Tenant will execute FCRHA funding documents concurrently with closing on its construction loan documents and the conveyance of the Project site (Closing).

Closing Conditions: Closing must occur on or before June 30, 2024, subject to extension upon mutual agreement.

Fully executed construction loan documents and construction contract.

Fully executed partnership/operating agreement of Tenant, with admission of investor.

Fully executed loan commitment for permanent loan, and all necessary approvals for any other permanent and/or ongoing funding sources.

A satisfactory, as-is appraisal, dated no earlier than six months before Closing.

Owner's title insurance policy for the benefit of the FCRHA, from a title company acceptable to the FCRHA.

Environmental report reasonably satisfactory to FCRHA, with any identified issues addressed to the reasonable satisfaction of the FCRHA.

If not already provided as part of Tenant's funding application, the following items, as the FCRHA may reasonably deem necessary: zoning letter from Fairfax County Department of Planning and Zoning, site plan, building permits, description of significant litigation, Tenant organizational documents (including good standing certificate and authorizing resolutions), ALTA survey reasonably satisfactory to the FCRHA, and legal opinion of Tenant's counsel.

Form of ground lease must be acceptable to the FCRHA.

Forms of site control documents (including assignment of Project site purchase contract to FCRHA) and documents relating to potential additional development on Project site must be acceptable to FCRHA.

Final underwriting acceptable to the FCRHA, including sources and uses, development budget, annual operating expenses, 15-year cash flow analysis, development schedule.

Such other items and information as the FCRHA may reasonably require.

Use of Insurance Proceeds After Casualty:	After a casualty event, Tenant must restore so long as restoration is reasonably practicable. Tenant's first-position lender may not have unilateral ability to repay itself from casualty insurance proceeds after all casualty events.
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The FCRHA may permit full or partial exceptions to any provision in this term sheet in its sole discretion. In the event of any conflict between this term sheet and any fully executed FCRHA document, the terms of the FCRHA document will control. Except for Virginia Housing in connection with Tenant's HOTC application, no third party may rely on the contents of this term sheet.

**FCRHA:**

By: \_\_\_\_\_  
Name:  
Title:

**DEVELOPER – MERRIFIELD HOUSING, LLC:**

By: \_\_\_\_\_  
Name:  
Title:

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ACTION - 8

Adoption of a Resolution Approving the Issuance of Fairfax County Economic Development Authority Residential Care Facility Revenue Refunding Bonds Series 2023 for the Vinson Hall Retirement Community (Dranesville District)

ISSUE:

Approval of the issuance of Fairfax County Economic Development Authority (EDA) Residential Care Facility Revenue Refunding bonds up to \$75,000,000 for the benefit of the Vinson Hall Retirement Community.

RECOMMENDATION:

The County Executive recommends that the Board approve issuance of the Fairfax County EDA residential care facility revenue refunding bonds and adopt the attached resolution.

TIMING:

Board action is requested on July 25, 2023.

BACKGROUND:

The Fairfax County EDA has received a request from the Vinson Hall Retirement Community, located at 6251 Old Dominion Drive McLean, Virginia, 22101 to issue up to \$75,000,000 of residential care facility revenue refunding bonds. Bond proceeds will refund all or a portion of the Authority's Taxable Residential Care Facility Revenue Refunding Bond (Vinson Hall Project), Series 2021 (the "Series 2021 Bond"), the proceeds of which were loaned to the Borrowers (a) to refund the outstanding portion of the Residential Care Facility Revenue Bonds (Vinson Hall, LLC), Series 2013A (the "Series 2013A Bonds"), the proceeds of which were used to assist the Borrowers in (i) financing and refinancing the costs of the Borrowers' community, known as Vinson Hall Retirement Community, (ii) funding a debt service reserve fund for the Series 2013A Bonds and (iii) paying the costs of issuance incurred in connection with the issuance of the Series 2013A Bonds; and (b) to finance, costs of issuance related to the issuance of the Series 2021 Bond and other related costs. A public hearing was held on July 10, 2023, by the Fairfax County EDA, and was then followed by approval of the bond resolution from the EDA board on the same date.

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FISCAL IMPACT:

The Fiscal Impact Statement is reflected as Attachment 3. This action does not constitute a debt obligation of the County or the Board and therefore there is no impact on the County's financial statements. The Bonds will be entirely supported by the revenues of the Vinson Hall Retirement Community.

ENCLOSED DOCUMENTS:

Attachment 1: Resolution of the Board of Supervisors

Attachment 2: Resolution of the Fairfax County Economic Development Authority

Attachment 3: Fiscal Impact Statement

STAFF:

Christina Jackson, Chief Financial Officer

Philip Hagen, Director, Department of Management and Budget (DMB)

Joseph LaHait, Deputy Director, DMB

Michael Graff, Bond Counsel to Fairfax County Economic Development Authority

**RESOLUTION OF THE BOARD OF SUPERVISORS  
OF FAIRFAX COUNTY, VIRGINIA**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on July 25, 2023, at which meeting a quorum was present and voting, the following resolution was adopted.

WHEREAS, the Fairfax Economic Development Authority (the "Authority") has approved the request of Vinson Hall, LLC and Navy Marine Coast Guard Residence Foundation (the "Borrowers") for the Authority to issue up to \$75,000,000 of its revenue bonds from time to time and in one or more series (the "Bonds") to assist the Borrowers with refinancing the following project:

(1) the refunding of all or a portion of the Authority's Taxable Residential Care Facility Revenue Refunding Bond (Vinson Hall Project), Series 2021 (the "Series 2021 Bond"), the proceeds of which were loaned to the Borrowers (a) to refund the outstanding portion of the Residential Care Facility Revenue Bonds (Vinson Hall, LLC), Series 2013A (the "Series 2013A Bonds"), the proceeds of which were used to assist the Borrowers in (i) financing and refinancing the costs of the Borrowers' retirement community, known as Vinson Hall Retirement Community, (ii) funding a debt service reserve fund for the Series 2013A Bonds and (iii) paying the costs of issuance incurred in connection with the issuance of the Series 2013A Bonds; and (b) to finance, costs of issuance related to the issuance of the Series 2021 Bond and other related costs; and

(2) the financing of, if and as needed, capitalized interest on the Bonds, a debt service reserve fund for the Bonds, costs of issuance related to the issuance of the Bonds, working capital, routine capital expenditures at Vinson Hall Retirement Community and other related costs (collectively (1) through (2), the "Plan of Refunding");

WHEREAS, following notice given as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), the Authority held a public hearing on July 10, 2023, regarding the Plan of Refunding and issuance of the Bonds as required by Section 147(f) of the Code;

WHEREAS, Section 147(f) of the Code provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds and Section 15.2-4906 of the Code of Virginia of 1950, as amended, sets forth the procedure for such approval;

WHEREAS, the Authority issues its bonds on behalf of Fairfax County, Virginia (the "County"), and the facilities to be financed with the proceeds of the Bonds are located in the County and the Board of Supervisors of Fairfax County, Virginia (the "Board"), constitutes the highest elected governmental unit of the County;

WHEREAS, the Authority has recommended that the Board approve the Plan of Refunding and the issuance of the Bonds, solely to the extent required by Section 147(f) of the Code; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA** as follows:

1. Subject to paragraph (2) below, the Board hereby approves the issuance of the Bonds, in an aggregate principal amount up to \$75,000,000, by the Authority for the benefit of the Borrowers, solely to the extent required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended, to permit the Authority to assist in accomplishing the Plan of Refunding.

2. The approval of the issuance of the Bonds by the Board does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Plan of Refunding or the Borrowers, the economic viability of the facilities to be financed as a part of the Plan of Refunding, or any other matters relating to the Bonds, the facilities to be financed with the proceeds of the Bonds, or the Plan of Refunding. The Bonds shall not constitute a debt, liability or obligation of the County. In accordance with Virginia law, the Bonds shall not be deemed to constitute a debt or a pledge of the faith and credit or taxing power of the Commonwealth of Virginia or any political subdivision thereof, including the Authority and the County. The Bonds shall provide that neither the Commonwealth of Virginia, nor any political subdivision thereof, including the County and the Authority, shall be obligated to pay the principal of or interest on the Bonds or other costs incident thereto except from the revenues and moneys pledged therefor by the Borrowers.

3. This resolution shall take effect immediately upon its adoption.

ATTEST:

Jill G. Cooper  
Clerk for the Board of Supervisors



**Fairfax County Economic Development Authority  
Approval of Proposed Revenue Bond Financing  
for Vinson Hall, LLC and Navy Marine Coast Guard Residence Foundation**

Vinson Hall, LLC, a Virginia limited liability company, and Navy Marine Coast Guard Residence Foundation, a Virginia nonstock corporation (the "Borrowers"), whose principal place of business is 6251 Old Dominion Dr, McLean, Virginia 22101, has requested that the Fairfax County Economic Development Authority (the "Authority") issue up to \$75,000,000 of the Authority's revenue bonds, in one or more series at one time or from time to time (the "Bonds"), and for the Authority to loan the proceeds of the Bonds to the Borrowers to refinance the following project:

(1) the refunding of all or a portion of the Authority's Taxable Residential Care Facility Revenue Refunding Bond (Vinson Hall Project), Series 2021 (the "Series 2021 Bond"), the proceeds of which were loaned to the Borrowers (a) to refund the outstanding portion of the Residential Care Facility Revenue Bonds (Vinson Hall, LLC), Series 2013A (the "Series 2013A Bonds"), the proceeds of which were used to assist the Borrowers in (i) financing and refinancing the costs of the Borrowers' community, known as Vinson Hall Retirement Community, (ii) funding a debt service reserve fund for the Series 2013A Bonds and (iii) paying the costs of issuance incurred in connection with the issuance of the Series 2013A Bonds; and (b) to finance, costs of issuance related to the issuance of the Series 2021 Bond and other related costs; and

(2) the financing of, if and as needed, capitalized interest on the Bonds, a debt service reserve fund for the Bonds, costs of issuance related to the issuance of the Bonds, working capital, routine capital expenditures at Vinson Hall Retirement Community and other related costs (collectively (1) through (2), the "Plan of Refunding").

As set forth in the resolution of the Authority attached hereto (the "Resolution"), the Authority has provided approval of the Bonds. The Authority has conducted a public hearing on the Plan of Refunding and has recommended that you approve the Plan of Refunding and the issuance of the Bonds by the Authority as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code").

Attached hereto is (1) a certificate evidencing (A) the conduct of the public hearing, and (B) the resolution adopted by the Authority regarding the Plan of Refunding, (2) the Fiscal Impact Statement required pursuant to Section 15.2-4907 of the Virginia Code and (3) the form of resolution suggested to evidence your approval.

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Secretary, Fairfax County Economic  
Development Authority

**FISCAL IMPACT STATEMENT  
FOR PROPOSED BOND FINANCING**

Date: July 10, 2023

To the Board of Supervisors of Fairfax County, Virginia Fairfax, Virginia

**Applicant** Vinson Hall, LLC, and Navy Marine Coast Guard Residence Foundation (the "Borrowers")

**Facility/  
Plan of  
Finance:** Refinancing of the Authority's Taxable Residential Care Facility Revenue Refunding Bond (Vinson Hall Project), Series 2021

1. Maximum amount of financing sought	\$75,000,000
2. Estimated taxable value of the facility's real property to be constructed in the locality.	\$0 <sup>(1)</sup>
3. Estimated real property tax per year using present tax rates.	\$0 <sup>(1)</sup>
4. Estimated personal property tax per year using present tax rates.	\$0 <sup>(1)</sup>
5. Estimated merchants' capital tax per year using present tax rates.	\$0 <sup>(1)</sup>
6. (a) Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality	\$4,400,000
(b) Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality	\$1,200,000
(c) Estimated dollar value per year of services that will be purchased from Virginia companies within the locality	\$2,200,000
(d) Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality	\$1,000,000
7. Estimated number of regular employees on year-round basis.	250 <sup>(2)</sup>
8. Average annual salary per employee.	\$55,000

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Chair, Fairfax County Economic Development  
Authority

- (1) This transaction is a refunding, there are not expected to be any new structures as part of this project.
- (2) Includes all of Vinson Hall employees not any particular project or component.

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ACTION - 9

Approval of Revisions to Fairfax County's Road Fund Guidelines (Braddock, Dranesville, Hunter Mill, Providence, Springfield, and Sully Districts)

ISSUE:

Approval of revisions to Fairfax Center Area, Centreville Area, Tysons, Tysons-wide, Tysons Grid of Streets, and Reston Road Fund guidelines.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve road fund guideline revision documents, substantially in the form of Attachment 1. Attachment 1 contains all currently approved road fund guidelines with recommended revisions shown in the content.

TIMING:

Board action is requested on July 25, 2023, so these updated guidelines can take effect immediately.

BACKGROUND:

One of the principles of the Comprehensive Plan for each of the road fund areas is that development above the baseline level established in the plan may be approved if the developer mitigates the impact of such increased density or intensity by contributing to a fund for the provision of off-site road improvements. All road funds function in this manner.

The guideline documents are used to describe each fund's purpose and to direct the implementation and operation of each fund. There are currently six road funds administered by the County: Fairfax Center Area, Centreville Area, Tysons, Tysons-wide, Tysons Grid of Streets, and Reston. The Board adopted the most recent revisions of these guidelines (and adopted the Centreville Area guidelines) in March 2019. The 2019 updates corrected typographical errors, ensured that fund policies comply with current proffer legislation, and provided clarifications that reflect the actual intent and historical administration of each fund.

On August 2, 2022, the Board of Supervisors directed staff to provide the Board with revised guidelines that account for previous contributions to road funds and, when

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applicable, lower trip generation of new uses of the redevelopment (Attachment 2). In response, staff proposes that the language below be included in each of the road fund guidelines:

“When a site is subject to proffers, a contribution has been made to this Road Fund (Previous Road Fund Contribution) in accordance with those proffers, and an application has been made to redevelop the site, staff will calculate current Road Fund contribution amounts as follows:

1. Staff will calculate the road fund contribution for the proposed development as outlined in the current road fund guidelines (“current assessment”).
2. If in-kind contributions against prior assessments toward this road fund were made through an approved proffer for this site, the applicant may request credit against the “current assessment” for any structure(s) slated for demolition and redevelopment as part of this application. In-kind improvements must be within publicly owned right-of-way and operational for public use. To request credits, the applicant must provide:
  - a. A letter documenting any in-kind improvements made in lieu of contributions for these structures, including the value of these improvements at time of construction and the year they were open for use, and record of dedication.
  - b. A graphic and narrative demonstrating that demolition of the existing structure was necessary to accomplish proposed site redevelopment.
3. Staff will review this request and determine eligibility for credits. Total creditable in-kind contributions may not exceed the total amount of the previous road fund assessment for the structures to be demolished.
4. If staff finds that credits are available, the total eligible credit amount will be inflated to current value per the Consumer Price Index for Urban Consumers (CPI-U). This output is the “eligible credit”.
5. Staff will then assess the new development road fund contributions as follows:
  - a. If the “current assessment” exceeds the “eligible credit”, the “eligible credit” shall be subtracted from the “current assessment” and the difference will constitute the assessed contribution to this road fund with this development.
  - b. If the “eligible credit” exceeds the “current assessment”, the assessed contribution to this road fund with this development will be \$0.00. As

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the credits are only eligible on a site basis, the developer may not bank “eligible credits” that exceed the “current assessment.”

The proposed revision allows for the escalation, to present day dollars, of previous in-kind contributions made toward previous road fund contributions. Appendix A to each set of guidelines, a guide to calculating contributions, will also be revised to account for the process described above.

County staff has presented the proposed revised language to the development and builders’ communities. There were no concerns raised during these discussions and meeting participants were generally supportive of the proposed changes.

EQUITY IMPACT:

On August 2, 2022, the Board of Supervisors directed staff to provide the Board with revised guidelines that account for previous contributions to road funds and, when applicable, lower trip generation of new uses of the redevelopment. In response, staff proposes that road fund guidelines be revised to allow developers to escalate previously made in-kind contributions to present day dollars and use the present value as credit toward road fund obligations resulting from a current rezoning.

Staff conducted an Equity Impact Assessment and concluded that this action may negatively impact at-risk populations. While there is a realized benefit of allowing developers to reduce their development derived contribution toward County road funds, that benefit comes at the expense of reduced transportation funding. Although the at-risk populations in most road fund areas are primarily within the low to average vulnerability index, the Centreville area has populations that falls within the high to very high vulnerability index. Reduced funding in all areas, especially Centreville, may result in reduced transportation services for populations in need of additional accessibility and transportation options.

FISCAL IMPACT:

The proposed revisions to the road funds may result in reduced developer funds received for transportation projects. The reduction in contribution will only be realized if the developer meets the qualifying criteria outlined above. There is no impact to the General Fund.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Updates to Existing Guidelines  
Attachment 2: Board Matter August 2, 2022

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STAFF:

Rachel Flynn, Deputy County Executive

Gregg Steverson, Acting Director, Fairfax County Department of Transportation  
(FCDOT)

Jeff Hermann, Chief, Site Analysis and Transportation Planning Division (STP), FCDOT

Noelle Dominguez, Chief, Coordination and Funding Division (CFD), FCDOT

Ray Johnson, Chief, Funding Section, CFD, FCDOT

Greg Fuller, Chief, Site Analysis Section, STP, FCDOT

Smitha Chellappa, Senior Transportation Planner, FCDOT

ASSIGNED COUNSEL:

Laura S. Gori, Senior Assistant County Attorney

**GUIDELINES FOR THE CENTREVILLE AREA ROAD FUND, Adopted March 19, 2019, Amended through [Approval Date Pending]**

The following guidelines ~~shall~~ are to be used to establish, implement, and operate the Centreville Area Road Fund. Nothing in these guidelines is to be construed as a suggestion, request, or requirement for any proffer that may be deemed unreasonable under Va. Code § 15.2-2303.4, as amended.

The fund is intended to collect monies in conjunction with an application for residential development that is within the Centreville Area and exempt from or otherwise not subject to the provisions of Va. Code § 15.2-2303.4 (“exempt residential development”) and to collect monies in conjunction with non-residential development of property within the Centreville Area. The boundaries of the Centreville Area are defined in the Fairfax County Comprehensive Plan, 2017 Edition, Area III - Centreville Area and Suburban Center, as amended (and as shown in the attached map).

The collection of money for the fund may occur, when permitted by law, as part of any rezoning, proffered condition amendment, Special Exception, or Special Permit application (collectively “Land Use Actions”) in this area that proposes a change in use, a change in zoning district, or an increase in intensity (amount of building square footage), and in limited circumstances an increase in density (number of dwelling units/acre).

The fund will be used to construct roadway improvements that cannot otherwise be built through private development in the Centreville Area. These improvements are considered off-site improvements. Projects constructed under the fund are expected to result in improvements that will enhance overall transportation capacity and functionality within the Centreville Area. The road improvements constructed using Centreville Area Road Fund monies will accommodate pedestrian and bicycle facilities in their design. The improvements will also accommodate transit use and facilities.

The Transportation Section of the Centreville Area and Suburban Center Plan includes roadway improvements within the planning boundary where these funds can be applied to improvement projects. These improvements, described within the Comprehensive Plan, are needed to provide convenient connections within the Centreville Area, distribute multi-modal traffic efficiently, and enhance the quality of the network for all modes of transportation. The Comprehensive Plan for the Centreville Area and Suburban Center recommends that the private sector be responsible for construction of roadway improvements that are within and immediately adjacent to properties to be redeveloped and also provide contributions to the Centreville Area Road Fund.

These guidelines were originally adopted by the Board of Supervisors on March 19, 2019.

**ROADWAY CONTRIBUTION FORMULA REVIEW PROCESS**

The cash contribution rate for the Centreville Area Road Fund is reviewed and adjusted annually by the annual rate of inflation, as calculated by referring to the Consumer Price Index For All Urban Consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, or Bureau of Labor Statistics. The adjusted rate is submitted to the Board of Supervisors for approval.

Changes to these guidelines, as appropriate, may be submitted with the annual adjustment.

## CONTRIBUTION FORMULA

The Contribution Formula is designed to represent the participation of the private sector in the funding and implementation of 'off-site' roadway projects and provision of land and facilities for 'transit-related' purposes to mitigate the impact of development above the baseline level established in the Comprehensive Plan. Off-site roadway projects are defined for the purposes of this document as construction of roadway improvements that cannot otherwise be built through private development in the Centreville Area and include projects such as the following:

- Those projects which include major improvements to non-interstate primary facilities such as Routes 29 and 28.
- Improvements to secondary roadways functioning as arterial roadways, including Braddock Road, New Braddock Road, and Stone Road.
- Bridges and interchanges on interstate and primary roadways.
- Traffic signals that are not otherwise required within the boundaries of or adjacent to sites subject to development.
- Those portions of roads internal to the Centreville Area which are not within the boundaries of or adjacent to sites subject to development.
- Dedication of land or right-of-way from the applicable site for road projects specifically that are not for site access and otherwise are not required to directly address the impact of site generated traffic.

This formula does not relate to the dedication of right-of-way for, or the construction of, local and collector roads traversing the Centreville Area where such roads lie within or adjacent to sites being developed. In addition, this formula does not apply to those improvements necessary for site access (i.e., turn lanes, traffic signals or service drives)<sup>1</sup>. It is expected that these improvements will be provided solely by the owner/developer of the site. These improvements are referred to as 'on-site' projects.

Transit-related purposes are defined as the following:

- Rail stations and facilities peripheral to their function.
- Park-n-ride lots.
- Bus transit transfer stations and facilities peripheral to their function.

The formula does not apply to facilities or activities designed to address site-specific needs to reduce the number of single-occupant vehicle (SOV) trips, such as construction of bus shelters and implementation of TDM programs.

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<sup>1</sup> Turning lanes and traffic signals provided on major arterials non-interstate primary facilities are considered to be off-site improvements.



The recommended contribution formula and associated rates approved by the Board of Supervisors at the initial adoption of these guidelines ~~is was~~ as follows<sup>2</sup>:

- For any application requesting a level of development above the baseline, the contribution will be \$6.80 per gross square foot (GSF) of building structure of the total proposed non-residential space and \$2,687 per dwelling unit of the total proposed exempt residential development.
- Up to one-third of the total recommended contribution can be credited by the dedication of right-of-way for off-site roadway projects or transit-related projects, if no density credits have been granted for the same right-of-way.
- The total recommended contribution can be provided in part or in total by the construction of major portions of off-site roadway projects or transit-related projects.

~~To interpret these guidelines, development “above the baseline” means any uses that generate peak-hour traffic volumes higher than those generated by baseline development levels, regardless of the type of Land Use Action (rezoning, Special Exception, or other). For the purpose of interpreting these guidelines, development “above the baseline” shall is be construed to mean any uses that generate peak-hour traffic volumes higher than those generated by baseline development levels, regardless of the type of Land Use Action.~~

The contribution formula does not apply to GSF of public facilities.

The need for a contribution for each application will be identified prior to development approval. The contribution rate at the time of development approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission will be used to identify the total recommended contribution. The total contribution will then be adjusted to reflect the deduction of any applicable credit and/or ‘in-kind’ contribution (collectively Creditable Improvements). In-kind contributions are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of off-site roadways, or transit-related purposes as defined previously.

Credit for land dedicated for the described purposes will be based upon the property's existing County assessment in effect at the time of site plan submission or final subdivision plan submission. The applicant will have the opportunity to receive credit, based upon right-of-way dedication, for either density of development or partial satisfaction of the total recommended contribution. Prior to development approval, the applicant should indicate its intent with regard to the credit opportunities for land dedicated in accordance with these guidelines. Dedication of land for site access improvements will not be eligible for consideration as Creditable Improvements.

If an applicant elects to construct or provide sufficient funds to construct a portion or portions of off-site roadway projects and/or transit-related projects, a cost estimate will be

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<sup>2</sup> Contribution amounts to the fund have subsequently been modified. ~~– The rate adjustment history is attached as Appendix C. Rates applied before these Road Fund Guidelines were adopted in 2019 were based on the rates under the Fairfax Center Area guidelines. A track of previous revisions since 2013 is provided at the end of the document.~~

provided by the applicant and reviewed by the Department of Land Development Services (LDS) consistent with bonding practice prior to plan or subdivision plat approval. These costs, once verified and accepted by LDS, will be applied against the applicant's total contribution with any applicable land credits as illustrated in Appendix A of these Guidelines. The roadway construction projects will be completed before the respective off-site roadway or transit-related project construction bonds are released.

For non-residential development, the applicant will be asked to contribute 10 percent of the total recommended financial contribution, less any Creditable Improvements, to be paid before or at the time of site plan approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is the subject of a rezoning, unless the applicant has proffered to make an earlier payment. The applicant will be asked to contribute the remaining 90 percent of the total financial contribution less applicable credits, to be paid before issuance of occupancy permits, subject to applicable provisions in the Virginia Code. This contribution approach is intended to facilitate the construction of Centreville Area transportation improvements.

For exempt residential development, when applicable, the applicant will be asked to contribute 100 percent of the total recommended financial contribution, less Creditable Improvements, to be paid before issuance of Residential Use Permits, subject to the provisions in Virginia Code § 15.2-2303.1:1 as it relates to cash proffers that are made on a per-dwelling-unit or per-home basis.

If the value of the Creditable Improvements is less than the total recommended contribution, the applicant will pay 10 percent of the difference before or at the time of site plan or subdivision plat approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is subject of a rezoning, unless the applicant has proffered to make an earlier payment. If the value of the Creditable Improvements meets or exceeds the projected contribution, then the applicant's commitment to the Centreville Area Road Fund has been met.

Right-of-way dedications or monetary contributions will not be conditioned on a specific roadway project or the completion of a project by a specified date.

When a site is subject to proffers, a contribution has been made to this Road Fund (Previous Road Fund Contribution) in accordance with those proffers, and an application has been made to redevelop the site, staff will calculate current Road Fund contribution amounts as follows:

1. Staff will calculate the road fund contribution for the proposed development as outlined in the current road fund guidelines ("current assessment").
2. If in-kind contributions against assessments toward this road fund were made through an approved proffer for this site, the applicant may request credit against the "current assessment" for any structure(s) slated for demolition and redevelopment as part of this application. In-kind improvements must be within publicly owned right-of-way and operational for public use. To request credits, the applicant must provide:
  - a. A letter documenting any in-kind improvements made in lieu of contributions for these structures, including the value of these improvements at time of construction and the year they were open for use, and record of dedication.
  - b. A graphic and narrative demonstrating that demolition of the existing structure was necessary to accomplish proposed site redevelopment.

3. Staff will review this request and determine eligibility for credits. Total creditable in-kind contributions may not exceed the total amount of the previous road fund assessment for the structures to be demolished.
4. If staff finds that credits are available, the total eligible credit amount will be inflated to current value per the Consumer Price Index for Urban Consumers (CPI-U). This output is the “eligible credit”.
5. Staff will then assess the new development road fund contributions as follows:
  - a. If the “current assessment” exceeds the “eligible credit”, the “eligible credit” will be subtracted from the “current assessment” and the difference will constitute the assessed contribution to this road fund with this development.
  - b. If the “eligible credit” exceeds the “current assessment”, the assessed contribution to this road fund with this development will be \$0.00. As the credits are only eligible on a site basis, the developer may not bank “eligible credits” that exceed the “current assessment”.

#### **CENTREVILLE AREA ROAD FUND ACCOUNT**

A road fund account will be established and maintained by the County. Monies received for the Centreville Area Road Fund will be placed in the account. Interest on monies in the account will accrue to the account at the prevailing interest rate earned by the County less one-half of one percent for administration.

The monies in this account will be used to help fund and implement roadway projects in the Centreville Area.

Any monies from previous proffers and specified for off-site roadway improvements will go into the road fund account unless otherwise designated in the proffers.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE CENTREVILLE AREA ROAD FUND IN ACCORDANCE WITH THE GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON MARCH 19, 2019, AS AMENDED

STEP 1: Total Recommended Contribution:

# gsf (or # dwelling units) multiplied by the appropriate rate = total recommended contribution amount.

STEP 2: Anticipated Land Credits (If Applicable):

# sq. feet of land dedicated for off-site and/or transit-related projects multiplied by the per foot assessed value of the land at time of site plan submission or final subdivision plan submission\*.

STEP 3: Anticipated In-Kind Contributions:

Cost to construct a portion or portions of off-site roadway and/or transit-related projects consistent with bonding practices and verified and accepted by DPWES prior to plan or subdivision plat approval.

STEP 4: Previous Road Fund Contributions (If Applicable)

- o Such credits will be available only upon demolition of the structure(s) slated for redevelopment for which a previous contribution was made and will be eligible only when directly related to site redevelopment and when other conditions set forth in these guidelines have been met. will will

STEP ~~5~~4: Total Recommended Contribution less Creditable Improvements

~~Dollar value in Step 1 minus the sum of Creditable Improvements (Steps 2, 3, and 4) will result in the net contribution due the Fairfax Center Area Road Fund. (Note: if the sum of Creditable Improvements and Previous Road Fund Contributions meets or exceeds the value of Step 1, then the commitment to the fund is met. If the sum of Creditable Improvements and Previous Road Fund Contributions does not meet or exceed the current contribution, the balance owed is the current contribution less the sum of Creditable Improvements and Previous Road Fund Contributions.)~~  
~~Dollar value in Step 1 minus the sum of Creditable Improvements (Steps 2 + 3) will result in the net contribution due the Centreville Area Road Fund. (Note: if the sum of Creditable Improvements meets or exceeds the value of Step 1, then the commitment to the fund is met with dedication of right-of way and in-kind construction.)~~

\*NOTE: This value cannot exceed one-third of the total contribution calculated in Step 1 and cannot include land for which density credits have been granted.

## APPENDIX B

### A GUIDE TO APPLY FOR A REFUND/CREDIT FOR CREDITABLE IMPROVEMENTS

It is recommended that developers adhere to the following guidance to seek a credit or refund of road fund contributions for Creditable Improvement expenses. Upon completion of Creditable Improvement projects approved by FCDOT and LDS, the developer may submit documentation for reimbursement or credit of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved Creditable Improvement project should be submitted. If construction is done simultaneously with other parts of the development, then the applicant must provide a separate accounting of the portion that applies to the Creditable Improvement project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved Land Use Action case with approved Creditable Improvement project cost estimates and exhibits depicting the Creditable Improvement(s).
- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed, and approved by the department director or his designee, the applicant will receive notification in writing. The applicant will be notified of the appropriate credit or receive the refund shortly after approval.

APPENDIX C

CENTREVILLE ROAD FUND RATE ADJUSTMENT HISTORY\*

Effective Date	Percent Increase	Non-Residential Rate per Square Foot	Exempt Residential Rate per Dwelling Unit
January 1, 2013	2.88%	\$6.10	\$2,414
February 1, 2014	1.98%	\$6.22	\$2,462
February 1, 2015	2.18%	\$6.36	\$2,516
February 3, 2016	0.25%	\$6.38	\$2,522
March 1, 2017	2.04%	\$6.51	\$2,573
March 1, 2018	2.50%	\$6.67	\$2,637
April 1, 2019	1.90%	\$6.80	\$2,687
<u>April 1, 2020</u>	<u>2.50%</u>	<u>\$6.97</u>	<u>\$2,754</u>
<u>April 1, 2021</u>	<u>1.40%</u>	<u>\$7.07</u>	<u>\$2,793</u>
<u>April 1, 2022</u>	<u>7.50%</u>	<u>\$7.60</u>	<u>\$3,002</u>
<u>April 1, 2023</u>	<u>6.40%</u>	<u>\$8.09</u>	<u>\$3,194</u>

\*For rates effective before January 1, 2013, please contact the Department of Transportation.

**GUIDELINES FOR THE FAIRFAX CENTER AREA ROAD FUND, Adopted November 22, 1982,  
Amended through ~~Approval Date Pending~~ ~~March 19, 2019~~**

**ANNUAL REVIEW PROCESS FOR THE FAIRFAX CENTER AREA**

The following guidelines ~~are to will~~ be used to establish, implement, and operate the Fairfax Center Area Road Fund. These procedures were adopted by the Board of Supervisors on November 22, 1982, and have been revised periodically since their adoption. Guidelines for the monitoring of development in the Area as well as a procedure for reviewing the roadway contribution formula are included herein. Nothing in these guidelines is to be construed as a suggestion, request, or requirement for a proffer that may be deemed unreasonable under Va. Code § 15.2-2303.4, as amended.

**A. MAINTENANCE / REVIEW OF LAND USE DATA**

It is the intent of the Board of Supervisors that the target or goal for development intensity of the Fairfax Center Area be Level B, as recommended by the Planning Commission. The annual review process will be utilized to assure the achievement of this goal. In addition, the Department of Planning and Development Zoning and the Department of Land Development Services will collect and maintain the following information with respect to land use development in the Fairfax Center Area:

- the development status of parcels, land development units and unit groups (including acreage, existing zoning, existing land use, planned land use, number and type of dwelling units, and amount and type of non-residential floor area); and
- the identification of activity in the development pipeline for each parcel, land development unit and unit group (including the following stages of development: rezonings pending, rezonings granted, site plans submitted, site plans approved, building permits issued, and projects under construction).

Staff will prepare an annual summary document of this information ~~for presentation to~~ present to the Board of Supervisors.

**B. ROADWAY CONTRIBUTION FORMULA REVIEW PROCESS**

The following excerpt from the Comprehensive Plan identifies the intention of the Board of Supervisors to review the method by which the private sector contributes to funding of roadway improvements in the Fairfax Center Area:

The proportional share of the transportation improvements provided by the private sector will be established by the Board of Supervisors and reviewed periodically through an established public process such as the Annual Plan Review.

The paragraphs that follow specify the review process to be undertaken by the Board and County staff. Clarification on the Contribution Formula, Roadway Improvements Prioritization, and the Road Fund Account are also provided.

An appraisal of funding and implementation of roadway improvements in the Fairfax Center Area will be made annually and presented to the Board. The appraisal will include but not be limited to the following items:

- identification of total funds contributed by the private sector and the funds contributed over the previous year(s);
- review of trends in roadway construction costs reflecting inflation (or deflation) rates;
- listing of right-of-way dedications, roadway construction, and other commitments/contributions provided in previous year(s);
- examination of the development pipeline toward re-assessment of programming of roadway projects; and
- discussion regarding the ability of current funding mechanisms to satisfactorily provide for necessary roadway improvements.

This annual appraisal will not be conducted as a full-scale traffic analysis and roadway needs study. Rather, it will evaluate the suitability of roadway project implementation with respect to specific site developments and the overall Fairfax Center Area development. In addition to these items, staff will make recommendations with respect to the prioritization of roadway projects. An examination of the funding formula will also be presented for reconsideration by the Board.

### C. CONTRIBUTION FORMULA

The Contribution Formula is designed to represent the participation of the private sector in the funding and implementation of ‘off-site’ roadway projects and provision of land and facilities for ‘transit-related’ purposes [to mitigate the impact of development above the baseline level established in the Comprehensive Plan](#). Off-site roadway projects are defined for the purposes of this document as:

- Those projects which include major improvements to non-interstate primary facilities such as Routes 29 and 50.
- Improvements to secondary roadways functioning as arterial roadways, including Fairfax County Parkway, Waples Mill Road, Shirley Gate Road, West Ox Road, Stringfellow Road, and Clifton Road.
- Bridges and interchanges on interstate and primary roadways.
- Traffic signals that are not otherwise required within the boundaries of or adjacent to sites subject to development.
- Those portions of roads internal to the Fairfax Center Area that are not within the boundaries of or adjacent to sites subject to development.

These off-site roadway improvements are identified in the next section titled "Prioritization of Roadway Improvements."

This formula does not relate to the dedication of right-of-way for, or the construction of, local and collector roads traversing the Fairfax Center Area where such roads lie within or adjacent to sites being developed. In addition, this formula does not apply to those



improvements necessary for site access (i.e., turn lanes, traffic signals or service drives)<sup>1</sup>. It is expected that these improvements will be provided solely by the owner/developer of the site. These improvements are referred to as 'on-site' projects.

Transit-related purposes are defined as the following:

- Rail stations and facilities peripheral to their function.
- Park-n-ride lots.
- Bus transit transfer stations and facilities peripheral to their function.

The formula does not apply to facilities or activities designed to address site-specific needs to reduce the number of single-occupant vehicle (SOV) trips, such as construction of bus shelters and implementation of TDM programs.

The recommended contribution formula [and associated rates](#) approved by the Board of Supervisors at the initial adoption of these guidelines is as follows<sup>2</sup>:

- For any application requesting a level of development above the baseline, the contribution will be \$2.50 per gross square foot (GSF) of building structure of the total proposed non-residential space and \$577 per dwelling unit of the total proposed residential uses.
- Up to one-third of the total recommended contribution can be credited by the dedication of right-of-way for off-site roadway projects or transit-related projects, if no density credits have been granted for the same right-of-way.
- The total recommended contribution can be provided in part or in total by the construction of major portions of off-site roadway projects or transit-related projects.

~~To interpret these guidelines, development "above the baseline" means any uses that generate peak-hour traffic volumes higher than those generated by baseline development levels, regardless of the type of Land Use Action (rezoning, Special Exception, or other). For the purpose of interpreting these guidelines, development 'above the baseline' shall be construed to mean any uses that generate peak-hour traffic volumes higher than those generated by baseline development levels, regardless of the type of Land Use Action (rezoning, Special Exception, or other).~~

The contribution formula does not apply to GSF of public facilities.

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<sup>1</sup> Turning lanes and traffic signals provided on non-interstate primary facilities (e.g. Route 29) are considered to be off-site improvements.

<sup>2</sup> ~~Contribution amounts to the fund have subsequently been modified. See Appendix C for the Fairfax Center Area rate adjustment history. Contribution amounts to the fund have subsequently been modified. A track record of previous revisions is provided at the end of the document.~~

The need for a contribution for each application will be identified prior to development approval. The contribution rate at the time of development approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission will be used to identify the total recommended contribution. The total contribution will then be adjusted to reflect the deduction of any applicable credit and/or 'in-kind' contribution (collectively Creditable Improvements). In-kind contributions are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of off-site roadways, or transit-related purposes as defined previously.

Credit for land dedicated for the described purposes will be based upon the property's existing County assessment in effect at the time of site plan submission or final subdivision plan submission. The applicant will have the opportunity to receive credit, based upon right-of-way dedication, for either density of development or partial satisfaction of the total recommended contribution. Prior to development approval, the applicant, should indicate its intent with regard to the credit opportunities for land dedicated in accordance with these guidelines. Dedication of land for site access improvements will not be eligible for consideration as Creditable Improvements.

If an applicant elects to construct or provide sufficient funds to construct a portion or portions of off-site roadway projects and/or transit-related projects, a cost estimate will be provided by the applicant and reviewed by the Department of Land Development Services (LDS) consistent with bonding practice prior to plan or subdivision plat approval. These costs, once verified and accepted by the LDS, will be applied against the applicant's total contribution with any applicable land credits as illustrated in Appendix A of these Guidelines. The roadway construction projects will be completed before the respective off-site roadway or transit-related project construction bonds are released.

For non-residential development, the applicant will be asked to contribute 10 percent of the total recommended financial contribution, less any Creditable Improvements, to be paid before or at the time of site plan approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is the subject of a rezoning, unless the applicant has proffered to make an earlier payment. The applicant will be asked to contribute the remaining 90 percent of the total financial contribution less applicable credits, to be paid before issuance of occupancy permits. This contribution approach is intended to facilitate the construction of Fairfax Center Area transportation improvements.

For residential development, the applicant will be asked to contribute 100 percent of the total recommended financial contribution, less Creditable Improvements, to be paid before issuance of Residential Use Permits, subject to the provisions in Virginia Code §15.2-2303.1:1 as it relates to cash proffers that are made on a per-dwelling-unit or per-home basis.

If the value of the Creditable Improvements is less than the total recommended contribution, the applicant will pay 10 percent of the difference before or at the time of site plan or subdivision plat approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is subject of a rezoning, unless the applicant has proffered to make an earlier payment. If the value of the Creditable Improvements meets or exceeds the projected contribution, then the applicant's commitment to the Fairfax Center Area Road Fund has been met.

As the Fairfax Center Area develops, a schedule of roadway improvements will be established. However, rights-of-way dedications or monetary contributions will not be conditioned on a specific roadway project or the completion of a project by a specified date.

When a site is subject to proffers, a contribution has been made to this Road Fund (Previous Road Fund Contribution) in accordance with those proffers, and an application has been made to redevelop the site-, staff will calculate current Road Fund contribution amounts as follows:

- 1) Staff will calculate the road fund contribution for the proposed development as outlined in the current road fund guidelines (“current assessment”).
- 2) If in-kind contributions against assessments toward this road fund were made through an approved proffer for this site, the applicant may request credit against the “current assessment” for any structure(s) slated for demolition and redevelopment as part of this application. In-kind improvements must be within publicly -owned right-of-way and operational for public use. To request credits, the applicant must provide:
  - a. A letter documenting any in-kind improvements made in lieu of contributions for these structures, including the value of these improvements at time of construction and the year they were open for use, and record of dedication.
  - b. A graphic and narrative demonstrating that demolition of the existing structure was necessary to accomplish proposed site redevelopment.
- 3) Staff will review this request and determine eligibility for credits. Total creditable in-kind contributions may not exceed the total amount of the previous road fund assessment for the structures to be demolished.
- 4) If staff finds that credits are available, the total eligible credit amount will be inflated to current value per the Consumer Price Index for Urban Consumers (CPI-U). This output is the “eligible credit”.
- 5) Staff will then assess the new development road fund contributions as follows:
  - a. If the “current assessment” exceeds the “eligible credit”, the “eligible credit” will be subtracted from the “current assessment” and the difference will constitute the assessed contribution to this road fund with this development.
  - b. If the “eligible credit” exceeds the “current assessment”, the assessed contribution to this road fund with this development will be \$0.00. As the credits are only eligible on a site basis, the developer may not bank “eligible credits” that exceed the “current assessment”.

#### **D. PRIORITIZATION OF ROADWAY IMPROVEMENTS**

The timing of the roadway improvements is crucial to the manner in which the Fairfax Center Area develops. The following improvements are considered as high priority and should be scheduled for implementation as closely as possible to the order in which they are listed. Physical, fiscal, and developmental constraints may shift the priorities of the projects as

identified through the annual analysis of road improvement needs. The improvement priorities were adopted by the Board of Supervisors on January 9, 2001. (Note: strikethrough indicates completed project.)

- Advanced right-of-way acquisition for:
  - ~~\_\_\_\_\_ Monument Drive west of Fields Brigade Road~~
  - ~~\_\_\_\_\_ Stringfellow Road relocation~~
- At-grade improvements/construction:
  - ~~\_\_\_\_\_ West Ox Road / Route 29 at-grade improvements~~
  - ~~\_\_\_\_\_ Completion of Monument Drive west of Fields Brigade Road~~
  - ~~\_\_\_\_\_ Stringfellow Road widening between Fair Lakes Parkway to Route 29~~
  - ~~\_\_\_\_\_ Widen Route 50 to 6 lanes east of Stringfellow Road~~
  - ~~\_\_\_\_\_ Waples Mill Road / Route 50 at-grade improvements~~
  - ~~\_\_\_\_\_ Widening of Waples Mill Road to six lanes between Route 50 and Route 29~~
  - ~~\_\_\_\_\_ Widening of Rugby Road to four lanes between Fairfax County Parkway and Route 50~~
  - Widening of Route 50 to 8 lanes between Waples Mill Road and I-66
  - Construction of local and collector roads internal to the Fairfax Center Area which are not within the boundaries of or adjacent to sites under development
- Interchanges:
  - ~~\_\_\_\_\_ Fairfax County Parkway / Route 29 / West Ox Road~~
  - ~~\_\_\_\_\_ Fairfax County Parkway / Route 50~~
  - Waples Mill Road / Route 50
  - ~~\_\_\_\_\_ Fairfax County Parkway / Fair Lakes Parkway / Monument Drive with widening of the Parkway to 6 lanes between I-66 and Route 50~~
- Route 29 reconstruction:
  - East of West Ox Road, including interchanges at Shirley Gate Road Monument Drive, and Legato Road
  - West of West Ox Road, including an interchange at Clifton Road/Stringfellow Road
- Fairfax County Parkway widening:
  - ~~\_\_\_\_\_ Construction of 4 lanes between Route 29 and Braddock Road~~
  - ~~\_\_\_\_\_ Widening to 6 lanes between I-66 and Route 50 in conjunction with the construction of an interchange at Fair Lakes Parkway / Monument Drive~~
  - Construction of 6 through lanes between I-66 and Route 29

This priority listing will change due to development and financial considerations. It is important that development not occur without the availability of sufficient roadway access and capacity. This is especially important in the development of those parcels that would utilize the sub-connectors traversing or adjoining their property.

Roadway construction and/or right-of-way dedication by either the private or public sector will not necessarily follow the aforementioned priority listing. However, construction of development projects by the private sector may be predicated upon the completion of adjacent roadways in order that the roadway system can satisfactorily accommodate the change in travel patterns resulting from additional development.

**E. ROAD FUND ACCOUNT**

A road fund account will be established and maintained by the County. Monies received for the Fairfax Center Area Road Fund, will be placed in the account. Interest on monies in the account will accrue to the account at the prevailing interest rate earned by the County less one-half of one percent for administration.

The monies in this account will be utilized to help fund and implement roadway projects in the Fairfax Center Area as closely as possible to the order in the aforementioned priority list. The widening of I-66 and the construction of sub-connector roads (unless included in the listing of priorities) will not be funded from this account.

Any monies from previous proffers and specified for off-site roadway improvements will go into the road fund account unless otherwise designated in the proffers.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE FAIRFAX CENTER AREA ROAD FUND IN ACCORDANCE WITH THE GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON NOVEMBER 22, 1982, AS AMENDED

STEP 1: Total Recommended Contribution:

# gsf (or # dwelling units) multiplied by the appropriate rate = total recommended contribution amount.

STEP 2: Anticipated Land Credits (If Applicable):

# sq. feet of land dedicated for off-site and/or transit-related projects multiplied by the per foot assessed value of the land at time of site plan submission or final subdivision plan submission\*.

STEP 3: Anticipated In-Kind Contributions:

Cost to construct a portion or portions of off-site roadway and/or transit-related projects consistent with bonding practices and verified and accepted by DPWES prior to plan or subdivision plat approval.

STEP 4: Previous Road Fund Contributions (If Applicable)

Such credits will be available only upon demolition of the structure(s) slated for redevelopment for which a previous contribution was made and will be eligible only when directly related to site redevelopment and when other conditions set forth in these guidelines have been met.

STEP ~~5~~4: Total Contribution less Approved Creditable Improvements

Dollar value in Step 1 minus the sum of Creditable Improvements (Steps 2, 3, and 4) will result in the net contribution due the Fairfax Center Area Road Fund. (Note: if the sum of Creditable Improvements and Previous Road Fund Contributions meets or exceeds the value of Step 1, then the commitment to the fund is met. If the sum of Creditable Improvements and Previous Road Fund Contributions does not meet or exceed the current contribution, the balance owed is the current contribution less the sum of Creditable Improvements and Previous Road Fund Contributions.) Dollar value in Step 1 minus the sum of Creditable Improvements (Steps 2 + 3) will result in the net contribution due the Fairfax Center Area Road Fund. (Note: if the sum of Creditable Improvements meets or exceeds the value of Step 1, then the commitment to the fund is met with dedication of right-of-way and in-kind construction.)

\*NOTE: This value cannot exceed one-third of the total contribution calculated in Step 1 and cannot include land for which density credits have been granted.

## APPENDIX B

### A GUIDE TO APPLY FOR A REFUND/CREDIT FOR CREDITABLE IMPROVEMENTS

It is recommended that developers adhere to the following guidance to seek a credit or refund of road fund contributions for Creditable Improvement expenses. Upon completion of Creditable Improvement projects approved by FCDOT and LDS, the developer may submit documentation for reimbursement or credit of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved Creditable Improvement project should be submitted. If construction is done simultaneously with other parts of the development, then the applicant must provide a separate accounting of the portion that applies to the Creditable Improvement project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved Land Use Action case with approved Creditable Improvement project cost estimates and exhibits depicting the Creditable Improvement(s).
- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed, and approved by the department director or his designee, the applicant will receive notification in writing. The applicant will be notified of the appropriate credit or receive the refund shortly after approval.

APPENDIX C

FAIRFAX CENTER AREA RATE ADJUSTMENT HISTORY

Effective Date	Percent Increase	Non-Residential Rate per square foot	Residential Rate per unit
January 27, 1992	0	\$3.97	\$883
March 1, 1993	1.75	\$4.04	\$898
March 1, 1994	0.5	\$4.06	\$902
April 1, 1995	0.5	\$4.08	\$906
June 28, 1999	0	\$4.08	\$906
January 8, 2001	2.5	\$4.18	\$928
March 18, 2002	2	\$4.26	\$946
March 24, 2003	3	\$4.39	\$974
March 15, 2004	2	\$4.48	\$993
February 28, 2005	6	\$4.75	\$1,053
September 24, 2007	3.2	\$5.07	\$1,124
October 1, 2008	3.6	\$5.25	\$1,164
December 1, 2010	1.3	\$5.32	\$1,179
January 1, 2012	3.89	\$5.53	\$1,225
January 1, 2013	2.88	\$5.69	\$1,260
February 1, 2014	1.98	\$5.80	\$1,285
February 1, 2015	2.18	\$5.93	\$1,313
February 3, 2016	0.25	\$5.94	\$1,316
March 1, 2017	2.04	\$6.06	\$1,342
March 1, 2018	2.50	\$6.21	\$1,376
April 1, 2019	1.90	\$6.33	\$1,402
<u>April 1, 2020</u>	<u>2.50%</u>	<u>\$6.49</u>	<u>\$1,437</u>
<u>April 1, 2021</u>	<u>1.40%</u>	<u>\$6.58</u>	<u>\$1,457</u>
<u>April 1, 2022</u>	<u>7.50%</u>	<u>\$7.07</u>	<u>\$1,566</u>
<u>April 1, 2023</u>	<u>6.40%</u>	<u>\$7.52</u>	<u>\$1,666</u>



**GUIDELINES FOR THE RESTON ROAD FUND, Adopted February 28, 2017, Amended through ~~[Approval Date Pending] March 19, 2019~~**

The following guidelines ~~will~~**are to** be used to establish, implement, and operate the Reston Road Fund. Nothing in these guidelines is to be construed as a suggestion, request, or requirement for any proffer that may be deemed unreasonable under Va. Code § 15.2-2303.4, as amended.

The Reston Road Fund is intended to collect monies in conjunction with residential and non-residential development of property within the Reston Transit Station Areas pursuant to any rezoning, proffered condition amendment, Special Exception, or Special Permit applications (collectively “Land Use Actions”) in these areas that proposes a change in use, or zoning district, or an increase in density (number of dwelling units) and/or intensity (amount of building square footage). The boundaries of the Reston TSAs are defined in the Fairfax County Comprehensive Plan, ~~2013 Edition~~, Area III - Reston, as Amended. Any Land Use Action that is subject to the provisions of Va. Code § 15.2-2303.4, as amended, must be dealt with on a case-by-case basis and not under these guidelines.

The funds will be used to construct sections of streets that cannot otherwise be built through private development in Reston. Projects constructed under the Reston Road Fund are expected to be street links that will enhance overall transportation capacity and functionality within Reston. The street sections constructed utilizing Reston Road Fund monies will accommodate pedestrian and bicycle facilities and include on-street parking in their design. The street sections will also accommodate transit use and facilities. Illustrations of the expected cross-sections for the Grid of Streets (“Grid”) are included with the Comprehensive Plan text and are further defined by Appendix B2 of the VDOT Road Design Manual and VDOT approved design standards for each of the Reston TSA areas.

The Grid described within the Comprehensive Plan is needed to provide convenient connections within Reston, distribute multi-modal traffic efficiently, and enhance the quality of the network through the implementation of a “complete streets” design. The Grid is generally comprised of the street network that provides site access and circulation within Reston. The Comprehensive Plan for the TSAs and the Reston Transportation Funding Plan recommend that the private sector be responsible for construction of the portions of the Grid network and intersection improvements that are within and immediately adjacent to properties to be redeveloped as well as for contributions to the Reston Road Fund to support the construction of off-site portions of the Grid.

These guidelines were originally adopted by the Board of Supervisors on February 28, 2017.

**RESTON ROAD FUND CONTRIBUTION FORMULA REVIEW PROCESS CRITERIA**

The cash contribution rate for the Reston Road Fund provided by the private sector has been established by the Board of Supervisors and will be reviewed and adjusted annually by the annual rate of inflation, as calculated by referring to the Consumer Price Index For All Urban Consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, or Bureau of Labor Statistics.<sup>1</sup> The paragraphs that follow discuss the process to be undertaken to administer the Fund.

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<sup>1</sup> [See Appendix C for the Reston Road Fund Rate Adjustment History.](#)

## CONTRIBUTION FORMULA

The recommended cash contribution rate approved by the Board of Supervisors at the initial adoption of these guidelines ~~in order to~~ fulfill the objectives of the Reston Transportation Funding Plan is as follows:

For any Land Use Action application proposing a change in use, change in zoning district, or increases in density and/or intensity, the contribution will be \$9.56 per gross square foot (“GSF”) of building structure of the total proposed new non-residential space and \$2,090 per unit of the proposed new residential uses.

The amount of the recommended financial contribution for each Land Use Action application will be identified prior to its approval. The contribution rate at the time of Land Use Action approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission, will be used to identify the total recommended contribution. Prior to approval of a Land Use Action or an approval of a site plan for the approved Land Use Action, the total financial contribution may be adjusted to reflect the deduction of any applicable credit and/or applicable “in-kind” contribution. Creditable improvements will be applicable to the entire Land Use Action application. In-kind contributions are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of “off-site” Grid projects as defined below.

An applicant may elect at Land Use Action to construct or to provide sufficient funds to construct a portion(s) of a qualifying off-site Grid transportation project(s). An applicant’s election is subject to approval by FCDOT and the approving authority for the land use action. If this is approved and the applicant requests credit against the contribution, the applicant will provide a cost estimate to FCDOT and Land Development Services (LDS) for review and comment consistent with bonding practice prior to site plan approval.

For non-residential development, the applicant will be asked to contribute 25% of the total recommended financial contribution, less applicable credits, to be paid prior to or upon site plan approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is the subject of a rezoning, unless the applicant has proffered to make an earlier payment. The applicant will be asked to contribute the remaining 75% of the total financial contribution, less applicable credits, to be paid before issuance of occupancy permits. This contribution approach is intended to facilitate the construction of the Reston Grid network before occupancy of the new development.

For residential development, the applicant will be asked to contribute 100% of the total recommended financial contribution, less applicable credits, to be paid before issuance of Residential Use Permits, subject to the provisions in Virginia Code §15.2-2303.1:1 as it relates to cash proffers that are made on a per-dwelling-unit or per-home basis.

To interpret these guidelines, development “above the baseline” means any uses that generate peak-hour traffic volumes higher than those generated by baseline development levels, regardless of the type of Land Use Action (rezoning, Special Exception, or other). The contribution formula does not apply to public use facilities.

Applicants for Land Use Action in the Reston TSAs may receive credit against their contribution to the Reston Road Fund under specific circumstances (Creditable Improvements). Creditable Improvements will apply to the entire Land Use Action application. Creditable Improvements are defined as:

- Those portions of streets identified for construction in the Reston Comprehensive Plan, approved by the Board of Supervisors on February 11, 2014, as amended, internal to the Reston TSAs that are off-site from, not within or immediately adjacent to the boundaries of the development site.
- Construction of capacity and/or operational improvements to the Grid and/or intersection improvements that are not otherwise required to address the impact of site-generated traffic, as determined by a site-specific Traffic Impact Analysis (TIA) completed at the time of the Land Use Action AND are not within or immediately adjacent to the boundaries of the development site.
- Traffic signals for Grid intersections that are not otherwise required to address the impact of site generated traffic as determined by a site-specific TIA data at the time of the Land Use Action AND are not within the boundaries of or directly adjacent to the development site.
- Advanced Off-site land acquisition for construction of Grid and intersection improvements.
- Construction of on-site Grid sections in the first phase of a multi-phase development which are not necessary for first phase development access or traffic mitigation as approved by FCDOT prior to approval of a Lan Use Action.
- Dedication of land or right-of-way for off-site Grid projects for which density credit has not been granted for the land to be dedicated. Right-of-way will be valued based on the current County assessment. Alternatively, the applicant may elect to provide an appraisal in place of the assessment. In this circumstance the applicant must procure, at its own expense, a County approved, Virginia state board licensed MAI or SRA American Institute designated general appraiser.

Unless otherwise approved by the Board of Supervisors at the time of Land Use Action approval, several criteria, such as those above, are used to determine credit eligibility. Any single criterion or multiple criteria may apply to a development project and will be considered individually with each development proposal. Eligible Creditable Improvements may receive credits up to equal the value of the development’s contribution to the fund.

When a site is subject to proffers, a contribution has been made to this Road Fund (Previous Road Fund Contribution) in accordance with those proffers, and an application has been made to redevelop the site, staff will calculate current Road Fund contribution amounts as follows:

1. Staff will calculate the road fund contribution for the proposed development as outlined in the current road fund guidelines (“current assessment”).
2. If in-kind contributions against assessments toward this road fund were made through an approved proffer for this site, the applicant may request credit against the “current assessment” for any structure(s) slated for demolition and redevelopment as part of this application. In-kind improvements must be within publicly owned right-of-way and operational for public use. To request credits, the applicant must provide:
  - a. A letter documenting any in-kind improvements made in lieu of contributions for these structures, including the value of these improvements at time of construction and the year they were open for use, and record of dedication.

- b. A graphic and narrative demonstrating that demolition of the existing structure was necessary to accomplish proposed site redevelopment.
3. Staff will review this request and determine eligibility for credits. Total creditable in-kind contributions may not exceed the total amount of the previous road fund assessment for the structures to be demolished.
4. If staff finds that credits are available, the total eligible credit amount will be inflated to current value per the Consumer Price Index for Urban Consumers (CPI-U). This output is the "eligible credit".
5. Staff will then assess the new development road fund contributions as follows:
  - a. If the "current assessment" exceeds the "eligible credit", the "eligible credit" will be subtracted from the "current assessment" and the difference will constitute the assessed contribution to this road fund with this development.
  - b. If the "eligible credit" exceeds the "current assessment", the assessed contribution to this road fund with this development will be \$0.00. As the credits are only eligible on a site basis, the developer may not bank "eligible credits" that exceed the "current assessment".

### **RESTON ROAD FUND ACCOUNT**

A road fund account will be established and maintained by the County. All monies received will be placed in the account. Interest on monies in the account will accrue to the account at the prevailing interest rate earned by the County, less up to one-half of one percent for administration. If accrued, any interest expended from the fund for administration will be reported annually to the Reston Service District Advisory Board (created April 4, 2017). The monies in this account will be used to help fund and implement Grid and intersection improvement projects in the Reston Transit Station Areas.

#### **Annual Review**

An annual review shall be conducted by the Department of Transportation and submitted to the Reston Service District Advisory Board for review of the Reston Road Fund, the Grid and intersection improvement projects, and the contribution rates subject to the following:

Review the pace and location of residential and commercial development within Reston, as well as the construction schedule, funding status, and the funding mechanisms for Reston's transportation improvements, in concurrence with other road fund area review processes, to ensure a sustainable balance between development and transportation infrastructure.

This review may result in adjustments to ensure that: the estimated funding levels for such improvements are coordinated with the anticipated construction spending and the timing of construction; the funding is being spent in an appropriate and efficient manner; and the pace of the transportation improvements and the pace of residential and non-residential development are proceeding substantially in tandem, as set forth in the Comprehensive Plan.

This review should be based on the most current data and information available at the time of the review, including whether the assumptions upon which the proposed funding mechanisms projects were based are still valid or whether they should be changed. The review should include a process that incorporates participation from all stakeholders.

Changes to these guidelines, as appropriate, may be submitted with the annual assessment.

**Sunset Provision**

The Reston Road Fund will be discontinued upon completion of construction of all Grid and intersection improvements identified in the Reston Phase I Comprehensive Plan Amendment approved by the Fairfax County Board of Supervisors on February 11, 2014.

## APPENDIX A

### A GUIDE TO CALCULATING CONTRIBUTIONS TO THE RESTON ROAD FUND IN ACCORDANCE WITH THE GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON February 28, 2017, AS AMENDED

**STEP 1:** Total Recommended Contribution:

Amount of Gross Square Footage (and/or # dwelling units) multiplied by the current Reston Road Fund rate = total recommended contribution amount.

**STEP 2:** Anticipated Creditable Improvements:

Cost to construct a portion or portions of off-site grid and intersection improvement projects, or costs associated with other Creditable Improvements as described in the Guidelines, consistent with bonding practices and verified and approved by FCDOT prior to site plan approval.

**STEP 3:** Previous Road Fund Contributions (If Applicable)

Such credits will be available only upon demolition of the structure(s) slated for redevelopment for which a previous contribution was made and will be eligible only when directly related to site redevelopment and when other conditions set forth in these guidelines have been met.

**STEP ~~43~~ 4:** Total Recommended Contribution Less Creditable Improvements

Dollar value in Step 1 minus the sum of Creditable Improvements (Steps 2, 3, and 4) will result in the net contribution due the Fairfax Center Area Road Fund. (Note: if the sum of Creditable Improvements and Previous Road Fund Contributions meets or exceeds the value of Step 1, then the commitment to the fund is met. If the sum of Creditable Improvements and Previous Road Fund Contributions does not meet or exceed the current contribution, the balance owed is the current contribution less the sum of Creditable Improvements and Previous Road Fund Contributions.)

**STEP ~~54~~ 5:** Reconciliation of the Reston Road Fund Contribution and Actual Creditable Improvement Costs Associated with the Construction of Reston Road Projects

Upon completion of Reston Creditable Improvement projects, an applicant shall follow the Creditable Improvement Guide, contained in Appendix B, for final reconciliation of the Reston Road Fund Contribution (or applicable refund) and actual Creditable Improvement costs.

## APPENDIX B

### A GUIDE TO APPLY FOR A REFUND/CREDIT FOR CREDITABLE IMPROVEMENTS

It is recommended that developers adhere to the following guidance to seek a credit or refund of road fund contributions for Creditable Improvements expenses. Upon completion of Creditable Improvement projects approved by FCDOT and LDS, the developer may submit documentation for reimbursement or credit of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved Creditable Improvement project should be submitted. If construction is done simultaneously with other parts of the development, then the applicant must provide a separate accounting of the portion that applies to the Creditable Improvement project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved Land Use Action case with approved Creditable Improvement project cost estimates and exhibits depicting the Creditable Improvement(s).
- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed, and approved by the department director or his designee, the applicant will receive notification in writing. The applicant will be notified of the appropriate credit or receive the refund shortly after approval.

APPENDIX C

**Reston Road Fund Rate Adjustment History**

Effective Date	Percent Increase	Non-Residential Rate per Square Foot	Residential Rate per Dwelling Unit
March 1, 2017	Initial Rate	\$9.56	\$2,090
March 1, 2018	2.50%	\$9.80	\$2,142
April 1, 2019	1.90%	\$9.99	\$2,183
<u>April 1, 2020</u>	<u>2.50%</u>	<u>\$10.24</u>	<u>\$2,237</u>
<u>April 1, 2021</u>	<u>1.40%</u>	<u>\$10.38</u>	<u>\$2,268</u>
<u>April 1, 2022</u>	<u>7.50%</u>	<u>\$11.16</u>	<u>\$2,438</u>
<u>April 1, 2023</u>	<u>6.40%</u>	<u>\$11.87</u>	<u>\$2,594</u>



**GUIDELINES FOR THE TYSONS GRID OF STREETS ROAD FUND (THE TYSONS GRID FUND),**  
Adopted January 8, 2013, Amended through [\[Approval Date Pending\]March 29, 2019](#)

The following guidelines ~~are to shall~~ be used to establish, implement and operate the Tysons Grid of Streets Road Fund. Nothing in these guidelines is to be construed as a suggestion, request, or requirement for any proffer that may be deemed unreasonable under Va. Code § 15.2-2303.4, as amended.

The Tysons Grid of Streets Road Fund is intended to collect monies in conjunction with residential and non-residential development of property within the Tysons Corner Urban Center pursuant to any Planned Tysons Corner Urban District (PTC) rezoning action in this area. In addition to such rezonings, this will also include Special Exception and Special Permit applications (collectively “Land Use Actions”) that result in an increase in building square footage. The boundary of the Tysons Corner Urban Center is defined in Area II of the 2010 Edition of the Tysons Corner Urban Center Comprehensive Plan (TCP), as amended.

The funds will be used to construct sections of streets that cannot otherwise be built through private development in Tysons. Projects constructed using these funds are expected to be street links that will enhance transportation service within Tysons. The street sections constructed utilizing Tysons Grid Fund monies will include pedestrian, bicycle, and on-street facilities in their design as recommended in the TCP.

Illustrations of the expected cross-sections for grid streets are available in the following documents:

- The Fairfax County Comprehensive Plan text;
- The Memorandum of Agreement between the Board of Supervisors of Fairfax County, Virginia and the Commonwealth of Virginia, Department of Transportation for Design Standards and Related Responsibilities for Maintenance of Streets as outlined in the Transportation Design Standards for Tysons Corner Urban Center signed September 13, 2011, as amended;
- The Tysons Corner Urban Design Guidelines endorsed by the Board of Supervisors on January 24, 2012, as amended.

These guidelines were originally adopted by the Board of Supervisors on January 8, 2013.

**TYSONS GRID OF STREETS ROAD FUND CONTRIBUTION [FORMULA REVIEW PROCESSCRITERIA](#)**

The cash contribution rate for the Tysons Grid of Streets Road Fund provided by the private sector has been established by the Board of Supervisors and will be reviewed and adjusted annually by the annual rate of inflation, as calculated by referring to the Consumer Price Index For All Urban Consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, or Bureau of Labor Statistics, in conformance with Virginia Code Section 15.2-2303.3, Subsection B. The paragraphs that follow discuss the process to be undertaken to administer the fund.<sup>1</sup>

**CONTRIBUTION FORMULA**

The recommended cash contribution rate approved by the Board of Supervisors at the initial adoption of these guidelines is as follows:

For any zoning application proposing reconstruction of an improved site, construction on an unimproved site, or additional construction on an improved site, the contribution will be

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<sup>1</sup> [See Appendix C for the Tysons Grid of Streets Road Fund rate adjustment history.](#)

\$6.44 per gross square foot (“GSF”) of building structure of the total proposed new non-residential space and \$1,000 per unit of the proposed new residential uses. The contribution formula does not apply to the GSF for public use facilities.

The Grid of Streets described within the TCP is needed to provide convenient connections within Tysons, distribute multi-modal traffic efficiently, and enhance the quality of the network through the use of ‘complete streets’. The grid of streets is generally comprised of the street network that provides site access and circulation within Tysons. The TCP recommends that the private sector be responsible for on-site improvements, including construction of on-site portions of the grid, as well as for contributions to the Tysons Grid Fund to support the construction of off-site portions of the grid. The Tysons Grid Fund does not include the dedication of right-of-way for, or the construction of, streets traversing the Tysons Corner Urban Center when such roads lie within the site being developed.

The amount of the financial contribution for each application will be estimated before the Land Use Action approval. The contribution rate at the time of Land Use Action approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission, will be used to identify the total contribution amount. Site Traffic Impact Analysis, Consolidated Traffic Impact Analysis, and/or traffic operational analysis data will be used at the time of Land Use Action to determine if an improvement is eligible for credit and the amount of credit (in whole or in part based on the Applicant’s proportional impact on said improvement) as applicable. At site plan submittal, the total financial contribution will be adjusted to reflect the deduction of any applicable credit and/or in-kind contribution. In-kind Creditable Improvement contributions (Creditable Improvements) are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of off-site grid. Creditable improvements will be applicable to the entire rezoning application.

If an applicant elects at Land Use Action to construct or provide sufficient funds to construct a portion or portions of off-site Grid of Streets transportation project(s), and is requesting credit against the contribution, a cost estimate will be provided by the applicant and must be reviewed by FCDOT consistent with bonding practice prior to site plan approval. Copies of these documents shall also be submitted to Land Development Services (LDS) for review and comment at the time of site plan approval.

For non-residential development, the applicant will contribute 25 percent of the total recommended contribution amount based on the actual GSF, minus any approved applicable credits, to be paid before or at time of site plan approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is the subject of a rezoning, unless the applicant has proffered to make an earlier payment. The remaining 75 percent, less any further approved applicable credits, will be paid before occupancy permits are issued and will be assessed at the then current rate. This contribution approach is intended to facilitate the construction of Tysons Grid of Streets improvements prior to the occupancy of the new development.

For residential development, the applicant will contribute 100% of the total recommended contribution based on the actual number of units in each building, less applicable credits, to be paid before issuance of Residential Use Permits, subject to the provisions in Virginia Code §15.2-2303.1:1 as it relates to cash proffers that are made on a per-dwelling-unit or per-home basis.

Applicants seeking Land Use Action approvals in the Tysons Urban Center may receive credit against their contribution to the Tysons Grid of Streets Road Fund under one or more specific

circumstances (Creditable Improvements). Creditable improvements will apply to the entire rezoning application and include the following off-site street grid projects:

- Those portions of streets identified for construction in the TCP internal to the Tysons Corner Urban Center which are not within or adjacent to the boundaries of the area subject to the proposed development.
- Construction of capacity and/or operational improvements to grid streets which are not otherwise required to directly address the impact of site generated traffic, and are not within the boundaries of or adjacent to sites subject to the proposed development.
- Traffic signals for grid street connections which are not otherwise required to directly address the impact of site generated traffic, and are not within the boundaries of or adjacent to sites subject to the proposed development.
- Advance off-site land acquisition for construction of grid streets.
- Construction of on-site grid of streets sections in advance of the development timelines negotiated and approved by FCDOT.
- Dedication of land or right-of-way for off-site Grid of Streets projects, in which density credit has not been granted for the land to be dedicated. Right-of-way will be valued at the current County assessment. Alternatively, the applicant may elect to provide an appraisal in place of the assessment. In this circumstance the applicant must procure, at its own expense, a County approved Virginia State Board licensed, MAI or SRA American Institute designated general appraiser who uses standard appraisal techniques in preparing the appraisal.

Unless otherwise approved by the Board of Supervisors at the time of Land Use Action approval, several criteria, such as the above, are used to determine credit eligibility. Any single criterion or multiple criteria may apply to a development project and will be considered individually with each development proposal. Eligible Creditable Improvements may receive credits up to equal the value of the development's contribution to the fund.

When a site is subject to proffers, a contribution has been made to this Road Fund (Previous Road Fund Contribution) in accordance with those proffers, and an application has been made to redevelop the site, staff will calculate current Road Fund contribution amounts as follows:

1. Staff will calculate the road fund contribution for the proposed development as outlined in the current road fund guidelines ("current assessment").
2. If in-kind contributions against assessments toward this road fund were made through an approved proffer for this site, the applicant may request credit against the "current assessment" for any structure(s) slated for demolition and redevelopment as part of this application. In-kind improvements must be within publicly owned right-of-way and operational for public use. To request credits, the applicant must provide:
  - a. A letter documenting any in-kind improvements made in lieu of contributions for these structures, including the value of these improvements at time of construction and the year they were open for use, and record of dedication.

- b. A graphic and narrative demonstrating that demolition of the existing structure was necessary to accomplish proposed site redevelopment.
3. Staff will review this request and determine eligibility for credits. Total creditable in-kind contributions may not exceed the total amount of the previous road fund assessment for the structures to be demolished.
4. If staff finds that credits are available, the total eligible credit amount will be inflated to current value per the Consumer Price Index for Urban Consumers (CPI-U). This output is the "eligible credit".
5. Staff will then assess the new development road fund contributions as follows:
  - a. If the "current assessment" exceeds the "eligible credit", the "eligible credit" will be subtracted from the "current assessment" and the difference will constitute the assessed contribution to this road fund with this development.
  - b. If the "eligible credit" exceeds the "current assessment", the assessed contribution to this road fund with this development will be \$0.00. As the credits are only eligible on a site basis, the developer may not bank "eligible credits" that exceed the "current assessment".

#### **TYSONS GRID OF STREETS ROAD FUND ACCOUNT**

A transportation fund account will be established and maintained by the County. All monies received will be placed in the account. Interest on monies in the account will accrue to the account and not the General Fund at the prevailing interest rate earned by the County, less up to one-half of one percent for administration. Any interest expended from the fund for administration will be reported annually to the Tysons Service District Advisory Board (created January, 8 2013). The monies in this account will be used to help fund and implement grid roadway projects in the Tysons Urban Center.

#### **Annual Review**

An annual review will be conducted by the Department of Transportation and submitted to the Tysons Service District Advisory Board for review of the Tysons Grid of Streets Fund, the Grid of Streets projects and the contribution rates subject to the following:

Review the pace and location of residential and commercial development within Tysons, as well as the construction schedule, funding status, and the funding mechanisms for Tysons' transportation improvements, in concurrence with other road fund area review processes, to ensure a sustainable balance between development and transportation infrastructure.

This review may result in adjustments to ensure that the estimated funding levels for such improvements are coordinated with the anticipated construction spending and the timing of construction; that the funding is being spent in an appropriate and efficient manner; and, that the pace of the transportation improvements and the pace of residential and non-residential development are proceeding substantially in tandem, as set forth in the Comprehensive Plan.

This review should be based on the most current data and information available at the time of the review, including whether the assumptions upon which the proposed funding

mechanisms projects were based are still valid or whether they should be changed. The review should include a process that incorporates participation from all stakeholders. This review will also consider any new funding sources (such as parking fees) that have been established.

Changes to these guidelines, as appropriate, may be submitted with the annual review to the Board of Supervisors.

## APPENDIX A

### A GUIDE TO CALCULATING CONTRIBUTIONS TO THE TYSONS GRID OF STREETS ROAD FUND IN ACCORDANCE WITH THE GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON JANUARY 8, 2013, AS AMENDED

**STEP 1:** Total Recommended Contribution:

Amount of GSF (and/or # dwelling units) multiplied by the current Tysons Grid of Streets Road Fund rate = total recommended contribution amount.

**STEP 2:** Anticipated Creditable Improvements:

Cost to construct a portion or portions of off-site grid street projects, or costs associated with other Creditable Improvements as described in the Guidelines, consistent with bonding practices and verified and approved by FCDOT prior to site plan approval.

**STEP 3:** Previous Road Fund Contributions (If Applicable)

Such credits will be available only upon demolition of the structure(s) slated for redevelopment for which a previous contribution was made and will be eligible only when directly related to site redevelopment and when other conditions set forth in these guidelines have been met.

**STEP 4:** Total Recommended Contribution Less Creditable Improvements

Dollar value in Step 1 minus the sum of Creditable Improvements (Steps 2, 3, and 4) will result in the net contribution due the Fairfax Center Area Road Fund. (Note: if the sum of Creditable Improvements and Previous Road Fund Contributions meets or exceeds the value of Step 1, then the commitment to the fund is met. If the sum of Creditable Improvements and Previous Road Fund Contributions does not meet or exceed the current contribution, the balance owed is the current contribution less the sum of Creditable Improvements and Previous Road Fund Contributions.)

**STEP 5:** Reconciliation of the Tysons Grid of Streets Road Fund Contribution and Actual Creditable Improvement Costs Associated with the Construction of Tysons Grid of Streets Road Projects.

Dollar value in Step 1 minus the sum of Step 2 will result in the net contribution due the Tysons Grid of Streets Road Fund. (Note: if the sum of Step 2 is greater than the value of Step 1 then any additional credits may be applied to future Tysons Grid of Streets Road Fund obligations.)

**STEP 4:** Reconciliation of the Tysons Grid of Streets Road Fund Contribution and Actual Creditable Improvement Costs Associated with the Construction of Tysons Grid of Streets Projects

Upon completion of Grid of Streets Creditable Improvement projects, an applicant shall follow the Creditable Improvement Guide, contained herein, for final reconciliation of the Tysons Grid of Streets Road Fund Contribution (or applicable refund) and actual Creditable Improvement costs.

## APPENDIX B

### A GUIDE TO APPLY FOR A REFUND/CREDIT FOR CREDITABLE IMPROVEMENTS

It is recommended that developers adhere to the following guidance to seek a credit or refund of road fund contributions for Creditable Improvement expenses. Upon completion of Creditable Improvement projects approved by FCDOT and LDS, the developer may submit documentation for reimbursement or credit of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved Creditable Improvement project should be submitted. If construction is done simultaneously with other parts of the development, then the applicant must provide a separate accounting of the portion that applies to the Creditable Improvement project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved Land Use Action case with approved Creditable Improvement project cost estimates and exhibits depicting the Creditable Improvement(s).
- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed, and approved by the department director or his designee, the applicant will receive notification in writing. The applicant will be notified of the appropriate credit or receive the refund shortly after approval.

Appendix C

TYSONS GRID OF STREETS ROAD FUND RATE ADJUSTMENT HISTORY

Effective Date	Percent Increase	Non-Residential Rate per Square Foot	Residential Rate per Dwelling Unit
January 8, 2013	Initial Rate	\$6.44	\$1,000
February 1, 2014	1.98%	\$6.57	\$1,020
February 1, 2015	2.18%	\$6.71	\$1,042
February 3, 2016	0.25%	\$6.73	\$1,045
March 1, 2017	2.04%	\$6.87	\$1,066
March 1, 2018	2.5%	\$7.04	\$1,093
April 1, 2019	1.9%	\$7.17	\$1,114
<u>April 1, 2020</u>	<u>2.50%</u>	<u>\$7.35</u>	<u>\$1,141</u>
<u>April 1, 2021</u>	<u>1.40%</u>	<u>\$7.45</u>	<u>\$1,157</u>
<u>April 1, 2022</u>	<u>7.50%</u>	<u>\$8.01</u>	<u>\$1,244</u>
<u>April 1, 2023</u>	<u>6.40%</u>	<u>\$8.52</u>	<u>\$1,324</u>



**GUIDELINES FOR THE TYSONS ROAD FUND, Adopted March 19, 2019, Amended through [Approval Date Pending]**

The following guidelines will be used to establish, implement, and operate the Tysons Road Fund. Nothing in these guidelines is to be construed as a suggestion, request, or requirement for any proffer that may be deemed unreasonable under Va. Code § 15.2-2303.4, as amended.

The fund is intended to collect monies in conjunction with residential and non-residential development of property within the Tysons Corner Urban Center Area. The boundaries of the Tysons Corner Urban Center are defined in the Fairfax County Comprehensive Plan, 2017 Edition, Area II - Tysons Corner Urban Center, as amended.

The collection of money for the fund may occur, when permitted by law, as part of any zoning application approved prior to the creation of the Planned Tysons Corner Urban District (PTC) on June 22, 2010, or any proffered condition amendment, Special Exception, or Special Permit application (collectively “Land Use Actions”) involving non-PTC zoned property that proposes an increase in density (number of dwelling units) and/or intensity (amount of building square footage).

The fund will be used to construct or implement road improvements, as described below, in the Tysons Corner Urban Center that cannot otherwise be built through private development in Tysons. These improvements are considered off-site improvements. Projects constructed under the fund are expected to be street links that will enhance transportation service within Tysons.

Road improvement projects constructed using Tysons Road Fund monies will include pedestrian, bicycle, and on-street parking facilities in their design as recommended in the Tysons Comprehensive Plan (TCP).

Illustrations of the expected cross-sections for road improvements and grid streets are available in the following documents:

- The Fairfax County Comprehensive Plan;
- The Memorandum of Agreement between the Board of Supervisors of Fairfax County, Virginia and the Commonwealth of Virginia, Department of Transportation for Design Standards and Related Responsibilities for Maintenance of Streets in the Tysons Corner Urban Center, executed September 13, 2011, as amended;
- The Tysons Urban Design Guidelines endorsed by the Board of Supervisors on January 24, 2012, as amended.

These guidelines were originally adopted by the Board of Supervisors on March 19, 2019.

**ROADWAY CONTRIBUTION FORMULA REVIEW PROCESS**

The cash contribution rate for the Tysons Road Fund is reviewed and adjusted annually by the annual rate of inflation, as calculated by referring to the Consumer Price Index For All Urban Consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States

Department of Labor, or Bureau of Labor Statistics. The adjusted rate is submitted to the Board of Supervisors for approval.

Changes to these guidelines, as appropriate, may be submitted with the annual adjustment.

### **CONTRIBUTION FORMULA**

The Contribution Formula is designed to represent the participation of the private sector in the funding and implementation of 'off-site' roadway projects and provision of land and facilities for 'transit-related' purposes. Off-site roadway projects are defined for the purposes of this document as construction of roadway improvements that cannot otherwise be built through private development in the Tysons Corner Urban Center and include projects such as the following:

- o Those projects which include major improvements to interstate and non-interstate primary facilities.
- o Improvements to secondary roadways functioning as arterial roadways.
- o Bridges and interchanges on interstate and primary roadways.
- o Traffic signals that are not otherwise required within the boundaries of or adjacent to sites subject to development.
- o Those portions of roads identified for construction in the Tysons Comprehensive Plan internal to the Tysons Corner Urban Center that are not within the boundaries of or adjacent to sites subject to development.
- o Dedication of land or right-of-way from the applicable site for road projects specifically that are not for site access or otherwise are not required to directly address the impact of site generated traffic.

This formula does not relate to the dedication of right-of-way for, or the construction of, local and collector roads traversing the Tysons Corner Urban Center where such roads lie within or adjacent to sites being developed. In addition, this formula does not apply to those improvements necessary for site access (i.e., turn lanes, traffic signals or service drives)<sup>1</sup>. It is expected that these improvements will be provided solely by the owner/developer of the site. These improvements are referred to as 'on-site' projects.

Transit-related purposes are defined as the following:

- o Rail stations and facilities peripheral to their function.
- o Park-n-ride lots.
- o Bus transit transfer stations and facilities peripheral to their function.

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<sup>1</sup> Turning lanes and traffic signals provided on major arterials are considered to be off-site improvements.

The formula does not apply to facilities or activities designed to address site-specific needs to reduce the number of single-occupant vehicle (SOV) trips, such as construction of bus shelters and implementation of TDM programs.

The recommended contribution formula approved by the Board of Supervisors at the initial adoption of these guidelines was as follows<sup>2</sup>:

- o For any application requesting a level of development above the baseline, the contribution will be \$4.66 per gross square foot of building structure of the total proposed non-residential space and \$1,033 per unit of the total proposed residential uses.
- o Up to one-third of the total contribution required can be credited by the dedication of right-of-way for off-site roadway projects or transit-related projects provided no density credits have been granted for the same right-of-way.
- o The total contribution requirement can be provided in part or in total by the construction of major portions of off-site roadway projects or transit-related projects.

~~To interpret these guidelines, development “above the baseline” means any uses that generate peak-hour traffic volumes higher than those generated by baseline development levels, regardless of the type of Land Use Action (rezoning, Special Exception, or other). For the purpose of interpreting these guidelines, development ‘above the baseline’ shall be construed to mean any uses that generate peak-hour traffic volumes higher than those generated by baseline development levels, regardless of the type of Land Use Action.~~

The contribution formula does not apply to GSF of public facilities.

The need for a contribution for each application will be identified prior to development approval. The contribution rate at the time of development approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission will be used to identify the total recommended contribution. The total contribution will then be adjusted to reflect the deduction of any applicable credit and/or ‘in-kind’ contribution (collectively Creditable Improvements). In-kind contributions are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of off-site roadways, or transit-related purposes as defined previously.

Credit for land dedicated for the described purposes will be based upon the property's existing County assessment in effect at the time of site plan submission or final subdivision plan submission. The applicant will have the opportunity to receive credit, based upon right-of-way dedication, for either density of development or partial satisfaction of the total recommended contribution. Prior to development approval, the applicant should indicate its intent with regard to the credit opportunities for land dedicated in accordance with these guidelines. Dedication of land for site access improvements will not be eligible for consideration as Creditable Improvements.

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<sup>2</sup> Contribution amounts to the fund have subsequently been modified. A track of previous revisions since 2013 is provided at the end of the document.

If an applicant elects to construct or provide sufficient funds to construct a portion or portions of off-site roadway projects and/or transit-related projects, a cost estimate will be provided by the applicant and reviewed by the Department of Land Development Services (LDS) consistent with bonding practice prior to plan or subdivision plat approval. These costs, once verified and accepted by LDS, will be applied against the applicant's total contribution with any applicable land credits as illustrated in Appendix A of these Guidelines. The roadway construction projects will be completed before the respective off-site roadway or transit-related project construction bonds are released.

For non-residential development, the applicant will be asked to contribute 10 percent of the total recommended financial contribution, less any Creditable Improvements, to be paid before or at the time of site plan approval. No payments must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is the subject of a rezoning, unless the applicant has proffered to make an earlier payment. The applicant will be asked to contribute the remaining 90 percent of the total financial contribution less applicable credits, to be paid before issuance of occupancy permits. This contribution approach is intended to facilitate the construction of the Tysons transportation improvements prior to occupancy of the new development.

For residential development, the applicant will be asked to contribute 100 percent of the total recommended financial contribution, less Creditable Improvements, to be paid before issuance of Residential Use Permits, subject to the provisions in Virginia Code §15.2-2303.1:1 as it relates to cash proffers that are made on a per-dwelling-unit or per-home basis.

If the value of the Creditable Improvements is less than the total recommended contribution, the applicant will pay 10 percent of the difference before or at the time of site plan or subdivision plat approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is subject of a rezoning, unless the applicant has proffered to make an earlier payment. If the value of the Creditable Improvements meets or exceeds the projected contribution, then the applicant's commitment to the Tysons Road Fund has been met.

Right-of-way dedications or monetary contributions will not be conditioned on a specific roadway project or the completion of a project by a specified date.

When a site is subject to proffers, a contribution has been made to this Road Fund (Previous Road Fund Contribution) in accordance with those proffers, and an application has been made to redevelop the site, staff will calculate current Road Fund contribution amounts as follows:

1. Staff will calculate the road fund contribution for the proposed development as outlined in the current road fund guidelines ("current assessment").
2. If in-kind contributions against assessments toward this road fund were made through an approved proffer for this site, the applicant may request credit against the "current assessment" for any structure(s) slated for demolition and redevelopment as part of this application. In-kind improvements must be within publicly owned right-of-way and operational for public use. To request credits, the applicant must provide:
  - a. A letter documenting any in-kind improvements made in lieu of contributions for these structures, including the value of these improvements at time of construction and the year they were open for use, and record of dedication.

- b. A graphic and narrative demonstrating that demolition of the existing structure was necessary to accomplish proposed site redevelopment.
3. Staff will review this request and determine eligibility for credits. Total creditable in-kind contributions may not exceed the total amount of the previous road fund assessment for the structures to be demolished.
4. If staff finds that credits are available, the total eligible credit amount will be inflated to current value per the Consumer Price Index for Urban Consumers (CPI-U). This output is the "eligible credit".
5. Staff will then assess the new development road fund contributions as follows:
  - a. If the "current assessment" exceeds the "eligible credit," the "eligible credit" will be subtracted from the "current assessment" and the difference will constitute the assessed contribution to this road fund with this development.
  - b. If the "eligible credit" exceeds the "current assessment," the assessed contribution to this road fund with this development will be \$0.00. As the credits are only eligible on a site basis, the developer may not bank "eligible credits" that exceed the "current assessment."

#### **TYSONS ROAD FUND ACCOUNT**

A road fund account will be established and maintained by the County. Monies received for the Tysons Road Fund will be placed in the account. Interest on monies in the account will accrue to the account at the prevailing interest rate earned by the County less one-half of one percent for administration.

The monies in this account will be used to help fund and implement roadway projects in the Tysons Corner Urban Center.

Any monies from previous proffers and specified for off-site roadway improvements will go into the road fund account unless otherwise designated in the proffers.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE TYSONS ROAD FUND IN ACCORDANCE WITH THE GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON MARCH 19, 2019, AS AMENDED

STEP 1: Total Recommended Contribution:

# gsf (or # dwelling units) multiplied by the appropriate rate = total recommended contribution amount.

STEP 2: Anticipated Land Credits (If Applicable):

# sq. feet of land dedicated for off-site and/or transit-related projects multiplied by the per foot assessed value of the land at time of site plan submission or final subdivision plan submission\*.

STEP 3: Anticipated In-Kind Contributions:

Cost to construct a portion or portions of off-site roadway and/or transit-related projects consistent with bonding practices and verified and accepted by DPWES prior to plan or subdivision plat approval.

STEP 4: Previous Road Fund Contributions (If Applicable)

Such credits will be available only upon demolition of the structure(s) slated for redevelopment for which a previous contribution was made and will be eligible only when directly related to site redevelopment and when other conditions set forth in these guidelines have been met. ~~and when other conditions set forth in these guidelines have been met~~

STEP 5: Total Recommended Contribution less Creditable Improvements

Dollar value in Step 1 minus the sum of Creditable Improvements (Steps 2, 3, and 4) will result in the net contribution due the Fairfax Center Area Road Fund. (Note: if the sum of Creditable Improvements and Previous Road Fund Contributions meets or exceeds the value of Step 1, then the commitment to the fund is met. If the sum of Creditable Improvements and Previous Road Fund Contributions does not meet or exceed the current contribution, the balance owed is the current contribution less the sum of Creditable Improvements and Previous Road Fund Contributions.)

~~Dollar value in Step 1 minus the sum of Creditable Improvements (Steps 2 + 3) will result in the net contribution due the Tysons Road Fund. (Note: if the sum of Creditable Improvements meets or exceeds the value of Step 1, then the commitment to the fund is met with dedication of right-of way and in-kind construction.)~~

\*NOTE: This value cannot exceed one-third of the total contribution calculated in Step 1 and cannot include land for which density credits have been granted.



## APPENDIX B

### A GUIDE TO APPLY FOR A REFUND/CREDIT FOR CREDITABLE IMPROVEMENTS

It is recommended that developers adhere to the following guidance to seek a credit or refund of road fund contributions for Creditable Improvement expenditures. Upon completion of Creditable Improvement projects approved by FCDOT and LDS, the developer may submit documentation for reimbursement or credit for project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved Creditable Improvement project should be submitted. If construction is done simultaneously with other parts of the development, then the applicant must provide a separate accounting of the portion that applies to the Creditable Improvement project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved Land Use Action case with approved Creditable Improvement project cost estimates and exhibits depicting the Creditable Improvement(s).
- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed and approved by the department director or his designee, the applicant will receive notification in writing. The applicant will be notified of the appropriate credit or receive the refund shortly after approval.



APPENDIX C

TYSONS ROAD FUND RATE ADJUSTMENT HISTORY\*

Effective Date	Percent Increase	Non-Residential Rate per Square Foot	Residential Rate per Dwelling Unit
January 1, 2013	2.88%	\$4.19	\$929
February 1, 2014	1.98%	\$4.27	\$947
February 1, 2015	2.18%	\$4.36	\$968
February 3, 2016	0.25%	\$4.37	\$970
March 1, 2017	2.04%	\$4.46	\$989 <del>.00</del>
March 1, 2018	2.50%	\$4.57	\$1,014
April 1, 2019	1.90%	\$4.66	\$1,033
<u>April 1, 2020</u>	<u>2.50%</u>	<u>\$4.77</u>	<u>\$1,059</u>
<u>April 1, 2021</u>	<u>1.40%</u>	<u>\$4.84</u>	<u>\$1,073</u>
<u>April 1, 2022</u>	<u>7.50%</u>	<u>\$5.20</u>	<u>\$1,154</u>
<u>April 1, 2023</u>	<u>6.40%</u>	<u>\$5.54</u>	<u>\$1,228</u>

\*For rates effective before January 1, 2013, please contact the Department of Transportation.

**GUIDELINES FOR THE TYSONS-WIDE ROAD FUND (THE TYSONS-WIDE FUND), Adopted January 8, 2013, Amended through ~~Approval Date Pending~~ ~~March 19, 2019~~**

The following guidelines ~~are to shall~~ be used to establish, implement, and operate a fund for Tysons-wide road improvements listed in Table 7 of the Comprehensive Plan. Nothing in these guidelines is to be construed as a suggestion, request, or requirement for any proffer that may be deemed unreasonable under Va. Code § 15.2-2303.4, as amended.

The Tysons-wide Road Fund is intended to collect monies in conjunction with residential and non-residential development of property within the Tysons Corner Urban Center pursuant to any Planned Tysons Corner Urban District (PTC) rezoning action in this area. In addition to such rezonings, this will also include Special Exception and Special Permit applications (collectively with rezonings, “Land Use Actions”) that result in an increase in building square footage. The boundary of the Tysons Corner Urban Center is defined in Area II of the 2010 Edition of the Tysons Corner Urban Center Comprehensive Plan (TCP), as amended.

Commitments to provide monetary contributions to the fund are anticipated from Land Use Actions for land use changes that propose construction of new building square footage. The funds will be used to construct or implement transportation projects identified as “Tysons-wide” in Table 7.

The street sections constructed using Tysons-wide Road Fund monies will include pedestrian and bicycle facilities in their design as recommended in the TCP.

Illustrations of the expected cross-sections for road improvements are available in the following documents:

- The Fairfax County Comprehensive Plan text;
- The Memorandum of Agreement between the Board of Supervisors of Fairfax County, Virginia, and Commonwealth of Virginia, Department of Transportation for design standards and related responsibilities for maintenance of streets as outlined in the Transportation Design Standards for Tysons Corner Urban Center signed September 13, 2011, as amended;
- The Tysons Corner Urban Design Guidelines endorsed by the Board of Supervisors on January 24, 2012, as amended.

These guidelines were originally adopted by the Board of Supervisors on January 8, 2013.

A number of improvements to the existing roadway and transportation infrastructure are necessary to improve access to, and within, the Tysons Corner Urban Center. These improvements are identified as “Tysons-wide Road Improvements” in Table 7 of the Comprehensive Plan and are listed in Appendix C of these guidelines. These projects include, but are not limited to, new access points from the Dulles Toll Road, and expanded capacity to interstate and arterial roads. The Tysons-wide Road Fund represents part of the private sector’s participation in the funding and implementation of road projects that serve a broader public transportation function.

**TYSONS-WIDE ROAD FUND CONTRIBUTION REVIEW PROCESS CRITERIA**

The cash contribution rate for the Tysons-wide Road Fund improvements, provided by the private sector, has been established by the Board of Supervisors and will be reviewed and adjusted annually by the annual rate of inflation, as calculated by referring to the Consumer Price Index For All Urban Consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, or Bureau of Labor Statistics, in

conformance with Virginia Code Section 15.2-2303.3, Subsection B. The paragraphs that follow discuss the process to administer the fund.

~~A number of improvements to the existing roadway and transportation infrastructure are necessary to improve access to, and within, the Tysons Corner Urban Center. These improvements are identified as “Tysons-wide Road Improvements” in Table 7 of the Comprehensive Plan and are listed in Appendix C of these guidelines. These projects include, but are not limited to, new access points from the Dulles Toll Road, and expanded capacity to interstate and arterial roads. The Tysons-wide Road Fund represents part of the private sector’s participation in the funding and implementation of road projects that serve a broader public transportation function.~~

### **CONTRIBUTION FORMULA**

The recommended cash contribution rate approved by the Board of Supervisors at the initial adoption of these guidelines is as follows:

For any zoning application proposing reconstruction of an improved site, construction on an unimproved site, or additional construction on an improved site, the contribution will be \$5.63 per gross square foot (“GSF”) of building structure of the total proposed new non-residential space and \$1,000 per unit of the proposed new residential uses. The contribution formula does not apply to the GSF for public use facilities.

The amount of the financial contribution anticipated from each Land Use Action application will be estimated prior to the Land Use Action approval. The contribution rate at the time of approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission, will be used to identify the total contribution amount. Site Traffic Impact Analysis, Consolidated Traffic Impact Analysis, and/or traffic operational analysis data will be used at the time of Land Use Action to determine if an improvement is eligible for credit and the amount of credit (in whole or in part based on the Applicant’s proportional impact on said improvement) as applicable. At site plan submittal, the total financial contribution will be adjusted to reflect the deduction of any applicable credit and/or in-kind contribution. In-kind Creditable Improvement contributions (Creditable Improvements) are defined as those commitments made by the private sector towards the provision, in part or in total, of the design and construction of qualifying Tysons-wide road projects.

Credit for land dedicated for the described purposes will be based upon the County’s assessed value in effect at the time of site plan submission, provided density credits have not been granted for the land to be dedicated. The applicant, prior to Land Use Action approval, must indicate its intent to either seek credit for a Tysons-wide dedication or density credit. Dedication of land for site access improvements (i.e., turn lanes at driveways) will not be eligible for credit toward the financial contribution.

If an applicant elects at Land Use Action approval to construct or provide sufficient funds to construct a portion or portions of Tysons-wide transportation project(s), beyond improvements identified and proffered in the zoning review as necessary to offset site-generated traffic, and is requesting credit against the contribution, a cost estimate will be provided by the applicant and will be reviewed and, if acceptable, approved by FCDOT consistent with bonding practice before site plan approval. Copies of these documents shall also be submitted to Land Development Services (LDS) for review and comment at the time of site plan approval.

The applicant will contribute 100 percent of the total recommended contribution amount for each building, less applicable credits, at the time non-residential use permits (Non-RUPs) or residential use permits (RUPs) are issued, based on the actual GSF and/or number of units in each building, subject to applicable provisions in the Virginia Code, including, without limitation, Virginia Code §15.2-2303.1:1 as it relates to cash proffers that are made on a per-dwelling-unit or per-home basis.

Applicants seeking Land Use Action approvals in the Tysons Urban Center may receive credit against their contribution to the Tysons-wide Road Fund under specific circumstances (Creditable Improvements). Creditable improvements will apply to the entire Land Use Action application and include the following:

- Construction of road projects specifically identified in Appendix C that are not otherwise required to address the impact of site generated traffic (construction credit)
- Dedication of land or right-of-way from the applicable site for road projects specifically identified in Appendix C (dedication credit) that are not for site access or otherwise are not required to address directly the impact of site generated traffic. Right-of-way will be based on the County's assessed value at the time of site plan submission. Alternatively, the applicant may elect to provide an appraisal in place of the assessment. In this circumstance the applicant must procure, at its own expense, a County approved Virginia state board licensed MAI or SRA American Institute designated general appraiser who uses standard appraisal techniques in preparing the appraisal
- Acquisition of off-site land for construction of road projects specifically identified in Appendix C. Land that receives acquisition credit is not eligible for dedication credit.
- Construction of road projects specifically identified in Appendix C in advance of the development timelines negotiated and approved by FCDOT.

Unless otherwise approved by the Board of Supervisors at the time of Land Use Action approval, several criteria, such as the above, are used for determining credit eligibility. Any single criterion or multiple criteria may apply to a development project and will be considered individually with each development proposal. Eligible Creditable Improvements may receive credits up to equal the value of the development's contribution to the fund.

When a site is subject to proffers, a contribution has been made to this Road Fund (Previous Road Fund Contribution) in accordance with those proffers, and an application has been made to redevelop the site, staff will calculate current Road Fund contribution amounts as follows:

1. Staff will calculate the road fund contribution for the proposed development as outlined in the current road fund guidelines ("current assessment").
2. If in-kind contributions against assessments toward this road fund were made through an approved proffer for this site, the applicant may request credit against the "current assessment" for any structure(s) slated for demolition and redevelopment as part of this application. In-kind improvements must be within publicly owned right-of-way and operational for public use. To request credits, the applicant must provide:

- a. A letter documenting any in-kind improvements made in lieu of contributions for these structures, including the value of these improvements at time of construction and the year they were open for use, and record of dedication.
  - b. A graphic and narrative demonstrating that demolition of the existing structure was necessary to accomplish proposed site redevelopment.
3. Staff will review this request and determine eligibility for credits. Total creditable in-kind contributions may not exceed the total amount of the previous road fund assessment for the structures to be demolished.
4. If staff finds that credits are available, the total eligible credit amount will be inflated to current value per the Consumer Price Index for Urban Consumers (CPI-U). This output is the “eligible credit”.
5. Staff will then assess the new development road fund contributions as follows:
  - a. If the “current assessment” exceeds the “eligible credit”, the “eligible credit” will be subtracted from the “current assessment” and the difference will constitute the assessed contribution to this road fund with this development.
  - a-b. If the “eligible credit” exceeds the “current assessment”, the assessed contribution to this road fund with this development will be \$0.00. As the credits are only eligible on a site basis, the developer may not bank “eligible credits” that exceed the “current assessment”.

### **TYSONS-WIDE ROAD FUND ACCOUNT**

A road fund account will be established and maintained by the County. All monies received will be placed in the account. Interest on monies in the account will accrue to the account and not to the General Fund at the prevailing interest rate earned by the County, less up to one-half of one percent for administration. Any interest expended from the fund for administration will be reported annually to the Tysons Service District Advisory Board (created January 8, 2013). The monies in this account will be used to help fund and implement Tysons-wide projects in the Tysons Area.

### **Annual Review**

An annual review will be conducted by the Department of Transportation and submitted to the Tysons Service District Advisory Board for review of the Tysons-wide Road Fund, Tysons-wide projects, and the contribution rates subject to the following:

Review the pace and location of residential and commercial development within Tysons, as well as the construction schedule, funding status, and the funding mechanisms for Tysons' transportation improvements, in concurrence with other road fund area review processes, to ensure a sustainable balance between development and transportation infrastructure.

This review may result in adjustments to ensure that the estimated funding levels for such improvements are coordinated with the anticipated construction spending and the timing of construction; the funding is being spent in an appropriate and efficient manner; and, that the pace of the transportation improvements and the pace of residential and non-residential development are proceeding substantially in tandem, as set forth in the Comprehensive Plan.

This review should be based on the most current data and information available at the time of the review, including whether the assumptions upon which the proposed funding mechanisms and projects were based are still valid or whether they should be changed. The review should include a process that incorporates participation from all stakeholders. If improvements beyond those identified in Table 7 are needed before 2050, and such are considered to be more effective in addressing traffic congestion, consideration could be given to substituting those improvements for projects currently included in Table 7, provided that such adjustments are consistent with and sustain the integrity of the recommended policies and overall allocation of funding responsibilities. This review will consider any new funding sources (such as parking fees) that have been established.

Changes to these guidelines, as appropriate, may be submitted with the annual review to the Board of Supervisors.

## APPENDIX A

### A GUIDE TO CALCULATING CONTRIBUTIONS TO THE TYSONS-WIDE ROAD FUND IN ACCORDANCE WITH THE GUIDELINES ORIGINALLY ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON JANUARY 8, 2013, AS AMENDED

**STEP 1:** Total Recommended Contribution:

Amount of GSF (and/or # dwelling units) multiplied by the current Tysons-Wide Road Fund rate = total recommended contribution amount.

**STEP 2:** Anticipated Creditable Improvements:

The cost to construct a portion or portions of off-site Tysons-wide projects, or costs associated with other Creditable Improvements, as described in the Guidelines, consistent with bonding practices and verified and approved by FCDOT prior to site approval. Plus, if applicable, the value of right-of-way to be dedicated according to the procedures in the guidelines.

**STEP 3:** Previous Road Fund Contributions (If Applicable)

Such credits will be available only upon demolition of the structure(s) slated for redevelopment for which a previous contribution was made and will be eligible only when directly related to site redevelopment and when other conditions set forth in these guidelines have been met.

**STEP 4:** Total Recommended Contribution Less Creditable Improvements

Dollar value in Step 1 minus the sum of Creditable Improvements (Steps 2, 3, and 4) will result in the net contribution due the Fairfax Center Area Road Fund. (Note: if the sum of Creditable Improvements and Previous Road Fund Contributions meets or exceeds the value of Step 1, then the commitment to the fund is met. If the sum of Creditable Improvements and Previous Road Fund Contributions does not meet or exceed the current contribution, the balance owed is the current contribution less the sum of Creditable Improvements and Previous Road Fund Contributions.)

~~Dollar value in Step 1 minus the sum of Step 2 will result in the net contribution due the Tysons-wide Road Fund. (Note: if the sum of Step 2 is greater than the value of Step 1 then any additional credits may be applied to future Tysons-wide Road Fund obligations.)~~

**STEP 54:** Reconciliation of the Tysons-wide Road Fund Contribution and Actual Creditable Improvement Costs Associated with the Construction of Tysons-wide Road Projects

Upon completion of Tysons-wide Creditable Improvement projects, an applicant shall follow the Creditable Improvements Guide, contained herein, for final reconciliation of the Tysons-wide Road Fund Contribution (or applicable refund) and actual Creditable Improvement costs.

## APPENDIX B

### A GUIDE TO APPLY FOR A REFUND/CREDIT FOR CREDITABLE IMPROVEMENTS

It is recommended that developers adhere to the following guidance to seek a credit or refund of road fund contributions for Creditable Improvement expenses. Upon completion of Creditable Improvement projects approved by FCDOT and LDS, the developer may submit documentation for reimbursement or credit of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved Creditable Improvement project should be submitted. If construction is done simultaneously with other parts of the development, then the applicant must provide a separate accounting of the portion that applies to the Creditable Improvement project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved Land Use Action case with approved Creditable Improvement project cost estimates and exhibits depicting the Creditable Improvement(s).
- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed and approved by the department director or his designee, the applicant will receive notification in writing. The applicant will be notified of the appropriate credit or receive the refund shortly after approval.



APPENDIX C

TYSONS-WIDE TRANSPORTATION COSTS: 2012-2051 (DECEMBER 4, 2012 ESTIMATE)

	Project	Estimate (2012)
1	Rt.7 Widening from Rt.123 to 1-495	\$22,000,000
2	Boone Blvd Extension west from Rt.123 to Ashgrove Lane	\$126,000,000
3	Extension of Jones Branch Connection to inside 1-495 (Jones Branch Connector to Route 123)	\$41,000,000
4	Rt.7 Widening from the Dulles Toll Road to Reston Avenue	\$300,000,000
5	Greensboro Drive Extension west from Spring Hill Road to Rt.7	\$58,000,000
6	Dulles Toll Road Ramp to Greensboro Drive Extension	\$28,000,000
7	Dulles Toll Road Westbound Collector Distributor	\$124,000,000
8	Dulles Toll Road Eastbound Collector Distributor	\$62,000,000
9	Dulles Toll Road Ramp to Boone Blvd Extension	\$79,000,000
10	Rt.123 Widening from Rt.7 to 1-495	\$20,000,000
11	Rt.123 Widening from Old Courthouse Road to Rt.7	\$8,000,000
12	Rt.7 Widening between 1-495 and 1-66	\$71,000,000
13	Widen Magarity Road from Lisle/Rt.7 to Great Falls Street	\$63,000,000
14	1-495 Overpass at Tysons Corner Center	\$18,000,000
15	Widen Gallows Road from Rt.7 to Prosperity Ave.	\$94,000,000
16	1-495 Additional Lane (Outer Loop between Rt. 7 and 1-66)	\$74,000,000
17	Ramps Connecting Dulles Toll Road to Jones Branch Drive	\$38,000,000
	<b>Total for road projects</b>	<b>\$1,226,000,000</b>

APPENDIX D

TYSONS-WIDE ROAD FUND RATE ADJUSTMENT HISTORY

Effective Date	Percent Increase	Non-Residential Rate per Square Foot	Residential Rate per Dwelling Unit
January 8, 2013	Initial Rate	\$5.63	\$1,000
February 1, 2014	1.98%	\$5.74	\$1,020
February 1, 2015	2.18%	\$5.87	\$1,042
February 3, 2016	0.25%	\$5.90	\$1,045
March 1, 2017	2.04%	\$6.02	\$1,066
March 1, 2018	2.50%	\$6.17	\$1,093
April 1, 2019	1.90%	\$6.29	\$1,114
<u>April 1, 2020</u>	<u>2.50%</u>	<u>\$6.44</u>	<u>\$1,141</u>
<u>April 1, 2021</u>	<u>1.40%</u>	<u>\$6.53</u>	<u>\$1,157</u>
<u>April 1, 2022</u>	<u>7.50%</u>	<u>\$7.02</u>	<u>\$1,244</u>
<u>April 1, 2023</u>	<u>6.40%</u>	<u>\$7.47</u>	<u>\$1,324</u>



JEFFREY C. MCKAY  
CHAIRMAN

COMMONWEALTH OF VIRGINIA  
**COUNTY OF FAIRFAX**  
BOARD OF SUPERVISORS  
FAIRFAX, VIRGINIA 22035

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# Board Matter

## Chairman McKay

**August 2, 2022**

As the Board of Supervisors (Board) is aware, Fairfax County has adopted Road Funds for several areas of the County. These areas include the Fairfax Center Area, Centreville, and Tysons. These funds are used to collect a proportional share from the private sector to be used for construction of road improvements within those specific geographical areas. The Board has also adopted guidelines for the administration of the Road Funds. These guidelines are updated periodically to adjust the amounts and take into account dynamic inputs such as inflation.

Recently, the County has been experiencing various forms of redevelopment, including repurposing buildings for different uses and the redevelopment of sites with new developments where other buildings had been rendered obsolete and torn down. This redevelopment is vital in keeping the County economy competitive, as well as resilient.

Some of this redevelopment has occurred within areas that are subject and have paid into the Road Fund when they were first constructed. However, the adopted guidelines do not anticipate how to handle the new reality we are experiencing. For

example, a project in Fair Lakes where an obsolete office building paid into the Road Fund in the 1980s is being replaced by townhomes. The townhomes will generate a lower trip rate than the office building. As such, and absent guidelines on how to address these instances, County staff was only able to give the developer credit for the previous contribution. However, that contribution was at a much lower square foot rate since it was made 40-years ago. Staff did not have the latitude to consider the lower trip generation rate, or how much the rates have increased over time when evaluating the Road Fund contribution.

To address this and to provide guidance to staff in similar circumstances, I move that the Board direct the Fairfax County Department of Transportation to provide the Board with revised guidelines for the various Road Funds. These revised guidelines should take into account redevelopment and other factors or changes since these Road Funds were established. I further move that, in relation to the aforementioned example in Fair Lakes, staff take into account the previous payment to the Road Fund and the lower trip generation of its new use when setting the amount of the contribution for that project.

Board Agenda Item  
July 25, 2023

ACTION - 10

Adoption of a Resolution for the McLean Volunteer Fire Department Fire and Rescue Equipment Financing (Dranesville District)

ISSUE:

Adoption of a resolution as required by federal tax law to permit the McLean Volunteer Fire Department (MVFD) to borrow up to \$250,000 from a private lender on a tax-exempt interest rate for the purchase of fire and rescue equipment.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution as required by federal tax law to permit the MVFD to borrow up to \$250,000 from a private lender on a tax-exempt interest rate for the purchase of fire and rescue equipment.

TIMING:

Board action is requested on July 25, 2023, so MVFD can close on the equipment purchase at the most favorable rate offered by its private lender.

BACKGROUND:

MVFD proposes to borrow up to \$250,000 from a private lender to purchase fire and rescue equipment. Under the federal tax code, qualified volunteer fire departments like MVFD can borrow from private lenders at a lower, tax-exempt interest rate for fire and rescue equipment if the elected body of the locality in which the volunteer fire department provides service adopts a resolution approving the tax-exempt financing. As permitted by federal tax law, MVFD conducted a public hearing on July 24, 2023, at the MVFD at 1455 Laughlin Avenue, McLean, Virginia.

FISCAL IMPACT:

The MVFD loan will not constitute a debt obligation of the County or the Board and therefore there is no impact on the County's financial statements. The tax-exempt loan from the private lender will be payable solely by the MVFD.

ENCLOSED DOCUMENTS:

Attachment 1: Resolution of the Board of Supervisors

Attachment 2: Form of Certificate of MVFD Public Hearing (to be completed after the July 24, 2023, hearing)

Board Agenda Item  
July 25, 2023

STAFF:

Christina Jackson, Chief Financial Officer

Joseph LaHait, Deputy Director, Department of Management and Budget

Michael Graff, Bond Counsel to McLean Volunteer Fire Department

**RESOLUTION  
OF THE BOARD OF SUPERVISORS OF  
FAIRFAX COUNTY, VIRGINIA**

**RECITALS**

A. The Board of Supervisors of Fairfax County, Virginia (the "Board of Supervisors"), the governing body of Fairfax County, Virginia (the "County"), has considered the request of McLean Volunteer Fire Department, Inc., a Virginia nonstock, non-profit corporation (the "VFD"), to approve, for federal tax law purposes only, the incurrence by the VFD of a not to exceed \$250,000 tax-exempt loan from a private lender selected by the VFD (the "Loan") to finance the acquisition of a F-550 4x4 ultramedic rescue truck and additional configuration fire and rescue equipment (the "Project") to be based at the VFD's station house located at 1455 Laughlin Avenue, McLean, Virginia 22101 and to be used by the VFD in providing rescue and firefighting services to the McLean area of the County.

B. Section 150(e)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), treats any obligations of the VFD, the interest on which is intended to be exempt from federal income taxation, as private activity bonds requiring public approval in accordance with Section 147(f) of the Code.

C. Section 147(f) of the Code requires, as a condition to qualifying the interest on private activity bonds for federal tax exemption, the approval, following a public hearing, of the governmental unit having jurisdiction over the issuer of the private activity bonds and over the area in which any facility financed with the proceeds of the private activity bonds will be located.

D. The Project will be located in the County and the Board of Supervisors constitutes the elected legislative body of the County.

E. The Project and the Loan have been described to the Board of Supervisors, and the VFD has conducted a public hearing in connection therewith on July 24, 2023, as required by Section 147(f) of the Code. The VFD has provided to this meeting a certified report of the results of the public hearing with respect to the Loan to the Board of Supervisors.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS  
OF FAIRFAX COUNTY, VIRGINIA AS FOLLOWS:**

1. The Board of Supervisors approves, for the purpose of Section 147(f) of the Code only, the incurrence of the Loan to assist the VFD in financing the Project with the proceeds of tax-exempt obligations.

2. The approval of the Loan does not constitute an endorsement to the lender of the creditworthiness of the Project or the VFD.

3. The approval of the Loan in no way commits the County to expend any funds on the Project or to pay the debt service on the Loan. The Loan will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or any political subdivision thereof, including the County, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof, including the County, will be pledged to the payment of the Loan. The Loan will be payable solely by the VFD and the security pledged by the VFD to its private lender.

4. This Resolution will take effect immediately upon its adoption.

Adopted by the Board of Supervisors of Fairfax County, Virginia this 25<sup>th</sup> day of July, 2023.

---

Jill G. Cooper  
Clerk for the Board of Supervisors

(SEAL)



[Form of Certificate of Public Hearing]

July 24, 2023

Board of Supervisors of Fairfax County, Virginia  
12000 Government Center Parkway  
Fairfax, Virginia 22035

**Certificate of Public Hearing Regarding Proposed McLean Volunteer Fire Department, Inc. Tax-Exempt Financing**

McLean Volunteer Fire Department, Inc., a Virginia non-stock, non-profit corporation (the "VFD") and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), proposes to obtain a \$250,000 tax-exempt loan from a private lender to finance the purchase of fire and rescue equipment (the "Loan").

The VFD has conducted a public hearing (the "Public Hearing") on the proposed Loan and has requested that the Board of Supervisors approve the Loan as required by Section 147(f) of the Code.

The Public Hearing was held by the VFD on July 24, 2023, at 7:00 p.m. at the offices of the VFD at 1455 Laughlin Avenue, McLean, Virginia. The Public Hearing was open to the public. The time of the Public Hearing and the place at which the Public Hearing was held provided a reasonable opportunity for persons of differing views to appear and be heard.

Notice of the Public Hearing was published in a newspaper having general circulation in the County of Fairfax, Virginia (the "Notice") seven (7) days prior to the Public Hearing as required by Section 147(f) of the Code. A copy of the Notice is attached as Exhibit A.

Representatives of the VFD and McGuireWoods LLP, bond counsel, appeared at the Public Hearing. [No one appeared in opposition to the proposed Loan.] [Attached to this certificate is a summary of the comments received at the public hearing.]

MCLEAN VOLUNTEER FIRE DEPARTMENT, INC.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Board Agenda Item  
July 25, 2023

ACTION - 11

Board Approval of Fairfax County's Title VI Program for the Federal Transit Administration (FTA)

ISSUE:

Board approval of the proposed Fairfax County Title VI Program for FY 2024 – FY 2026 (Attachment 1).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the Fairfax County Title VI Program for FY 2024 – FY 2026, substantially in the form of Attachment 1.

TIMING:

The Board of Supervisors is requested to act on this item on July 25, 2023, so that the County can submit the proposed Title VI Program for FY 2024 – FY 2026, pursuant to FTA Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients." Contingent upon approval by the Board of Supervisors, the Fairfax County Department of Transportation anticipates submitting the Title VI Program renewal to FTA on or before August 1, 2023, to comply with FTA's policy to review proposed plans at least 60 days in advance of the October 1, 2023, program renewal date.

BACKGROUND:

All recipients of federal financial assistance (e.g., states, local governments, transit providers) are subject to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the United States Department of Transportation's (USDOT's) implementing regulations. To document compliance with Title VI, all recipients of federal financial assistance must maintain a valid Title VI Program that demonstrates how the recipient is complying with Title VI requirements, including prohibiting discrimination on the basis of race, color, or national origin. Although not directly prescribed by Title VI of the Civil Rights Act, Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," signed by President Clinton in 1994, prevents discrimination on the basis of economic status and is also an FTA requirement for a Title VI Program.

Board Agenda Item  
July 25, 2023

FTA's Circular 4702.1B delineates the requirements of Title VI Program updates, and mandates that they be submitted every three years. These policies help ensure that the needs of minority and low-income communities are fully and fairly evaluated when service or fare changes to Fairfax Connector are being considered. The Title VI Program examines how equitably transit services and amenities are provided by Fairfax Connector, how effectively FCDOT communicates with Title VI communities, and describes methods for incorporating their input.

FCDOT submitted Fairfax County's current Title VI Program to FTA on September 29, 2020. In preparation for this updated Title VI Program submission, which covers FY 2024 – FY 2026, the Board approved the Major Service Change, Disparate Impact, and Disproportionate Burden policies on July 11, 2023. Upon approval by the Board, the full Title VI Program Update will be submitted to FTA for review and approval.

EQUITY IMPACT:

An Equity Impact Assessment is not required for this item, as this is a statutory requirement of the Federal Transit Administration following Title VI of the Civil Rights Act of 1964.

FISCAL IMPACT:

Approval of the Title VI Program has no direct fiscal impact. Obtaining Title VI compliance is one of the requirements for Fairfax County to be eligible to receive future FTA grants and other USDOT funding, including possible New Starts funding to support the Richmond Highway Bus Rapid Transit Project.

ENCLOSED DOCUMENTS:

Attachment 1 – Fairfax County Title VI Program (FY 2024 – FY 2026)

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# FAIRFAX COUNTY TITLE VI PROGRAM (FY 2024 - FY 2026)

Attachment 1



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# 1. CHAPTER 1: INTRODUCTION

## 1.1. Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 prohibits discrimination against an individual or group, intentional or unintentional, on the basis of race, color, and national origin in any program or activity receiving Federal financial assistance. The County of Fairfax, Virginia, through the Department of Transportation (FCDOT), is a direct recipient of Federal Transit Administration (FTA) grant funds to support transit-related activities. Since the County receives these grant funds, it is required to conform to Title VI of the Civil Rights Act of 1964 and its amendments, as stipulated by FTA. The FTA Office of Civil Rights monitors FCDOT's Fairfax Connector (Connector) and Title VI programs and ensures their continued compliance.

Title VI requirements are delineated in FTA's Title VI Circular 4702.1B, *Title VI Requirements for Federal Transit Administration Recipients*. FTA's circular provides guidance to grantees on how to comply with Title VI regulations, as well as ensures grantees provide meaningful language access to persons with Limited English Proficiency (LEP). The circular provides specific compliance information for each type of grantee and provides comprehensive appendices, including additional guidance and examples to ensure recipients understand the requirements.

The FTA Title VI Circular 4702.1B also includes requirements that address Presidential Executive Order 12898 "Federal Actions to Address Environmental Justice in Minority and Low-Income Populations," and integrates requirements found in Presidential Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency," which addresses services to LEP individuals.

Fairfax County works to ensure that its transit services are provided in a nondiscriminatory manner and the opportunity for full and fair participation is offered to riders and others in the community. The County also meets the needs for services and materials for persons with limited English-speaking ability. As part of the County's provision of Title VI assurances that no person is excluded from participation in, or denied the benefits of, or subjected to discrimination in the receipt of any of the County's services on the basis of race, color or national origin, the contents of this program have been prepared in accordance with Section 601 of the Title VI of the Civil Rights Act of 1964 and Executive Order 13116.

## 1.2. Description of Service

Fairfax County is located in the Commonwealth of Virginia. It is Virginia's most populous county with an estimated population of 1,149,439 according to the American Community Survey's 5-Year Estimates for 2017-2021. Fairfax County provides transit service through Fairfax Connector, a locally owned and controlled fixed-route bus transit system operated by a third-party contractor. Since its inception in 1985, the Connector system has grown significantly and now has the third largest bus fleet in the Washington, DC, region, and has the largest public bus fleet in Virginia.<sup>1</sup> As of 2022, the Fairfax Connector system consists of 94 routes that provide over 840,428 revenue hours annually, representing an estimated 73 percent of the total bus service in the County.

In addition to Fairfax Connector services, the Washington Metropolitan Area Transit Authority (WMATA) provides approximately 27 percent of the total bus service revenue hours in the County through Metrobus.

<sup>1</sup> National Transit Database, 2018 Data.



Metrobus service is regionally focused, providing service across jurisdictional lines, while Connector service is non-regional in nature and operates largely within the County boundaries. The County initiated Fairfax Connector in September 1985 as a cost-effective alternative to the provision of non-regional fixed-route/fixed-schedule bus service by WMATA and has significantly expanded the system since then.

The County is also served by two rail systems: WMATA's Metrorail and the Virginia Railway Express (VRE) commuter rail. Metrorail operates four lines and 13 stations: the Orange Line along the I-66 corridor (three stations); the Blue Line from the Springfield area (one and a half stations); the Yellow Line (one station) from the Huntington area / Richmond Highway corridor; and the Silver Line (eight stations) through Tysons to Washington Dulles International Airport and Loudoun County. VRE provides service to the County on two lines. The Manassas Line connects three stations in the Burke area to Fairfax, Alexandria, and Washington DC, while the Fredericksburg Line connects two stations, in Lorton and Springfield, to those same locations.

## 1.3. FCDOT Title VI Division Updates

### 1.3.1. SUMMARY OF ACCOMPLISHMENTS AND IMPROVEMENT FOCUS AREAS

The Fairfax County Department of Transportation, in its commitment to Title VI adherence, conducted a survey of departmental staff in February 2023. The goal was to review FCDOT's outreach activities following the 2020 adoption of the Title VI Program by the Fairfax County Board of Supervisors, to identify accomplishments, issues, and to determine where or if any improvements could be made in terms of Title VI Program implementation. Questionnaires were sent to all FCDOT heads of all divisions including Transit Services, Site Analysis and Transportation Planning, Capital Projects and Traffic Engineering, Transportation Design, and Special Projects (including the Silver Line). The questionnaire is included as **Appendix A**.

The responses to the questionnaire demonstrate FCDOT's ongoing commitment to promoting inclusiveness. For example, due to the COVID-19 pandemic, many meetings during the past several years were held virtually to ensure public safety but still allow critical public input. When meetings reverted more often to in-person events, planners had a whole new set of tools to conduct hybrid meetings. Although the pandemic was largely past, planners discovered that many people with difficult schedules appreciated attending meetings virtually, if they could not be there in-person. Regardless of meeting format, meeting planners continued to consult language maps prior to public meetings to determine if interpreters would be needed. They also contacted relevant Supervisor offices and the Department of Neighborhood and Community Services (NCS) staff and community stakeholder organizations to seek information or gain awareness of any special language requirements or groups that would potentially need to be addressed. Language assistance and Americans with Disabilities Act (ADA) statements are always included when announcing public events through various media including newspaper, web advertisements, and mailings.

Implementing the questionnaire after the pandemic and the challenges associated with public outreach during those circumstances also made FCDOT staff more aware of how important data collection methods are. As a result, FCDOT staff have embarked on a process to create a public outreach checklist that helps guide outreach efforts and collects important outreach feedback. The forthcoming document will be utilized by all FCDOT staff engaged in public outreach activities. It provides staff resources for understanding the community in which a project is taking place. It identifies any gaps that need to be addressed or organizations that need to be involved to conduct outreach successfully. Equally important, the information gathered can serve as a valuable resource for future interactions in the same geographic area.





### 1.3.2. RECENT STUDIES AND ACTIVITIES

In addition to the questionnaire, the Transit Services Division (TSD) Service Planning Section undertook four route optimization studies that looked at travel demand and trip patterns in Fairfax County. These studies examined how the existing Fairfax Connector transit network could be restructured to better align with identified travel patterns and demand, particularly from Title VI communities.

The Reston-Herndon Route Optimization study was undertaken to determine how existing Fairfax Connector bus services in the northwest area of the county would need to be adjusted in response to the planned extension of Metrorail’s Silver Line to Dulles Airport and Loudoun County. The Franconia-Springfield Route Optimization Study evaluated potential changes to the Fairfax Connector bus network in the area centered around the Franconia-Springfield and Van Dorn Metrorail Stations. The Huntington Route Optimization Study analyzed service and proposed adjustments to bus routes around the southeastern portion of the county near the border with the City of Alexandria, centered around Huntington Metrorail Station. Finally, the Centreville-Chantilly-Vienna-Tysons (CCVT) Route Optimization Study was an evaluation and large service change proposal for the I-66 corridor between Centreville and Tysons.

### 1.3.3. NOTABLE UPDATES TO THE TITLE VI PROGRAM

The TSD Service Planning Section also undertook an update of portions of the County’s Title VI Program. This effort included reviewing the current methodologies used to evaluate Title VI impacts stemming from proposed Fairfax Connector service changes, and any proposed transit fare increases. This evaluation helped determine what, if any changes in methodology are needed with regard to Major Service Change, Disparate Impact, and Disproportionate Burden policies. The product of this planning effort is included in **Section 3.4: Major Service Change, Disparate Impact, and Disproportionate Burden Policies** of this Title VI Program.



# 2. CHAPTER 2: REQUIREMENTS AND GUIDELINES

## 2.1. Title VI Public Notice

The following language continues to be used to notify the public of their rights under Title VI for the Fairfax County Department of Transportation and Fairfax Connector:

### **Notifying the Public of Rights under Title VI**

#### **Fairfax County Department of Transportation and Fairfax Connector**

The Fairfax County Department of Transportation and Fairfax Connector operate programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Fairfax County Office of Human Rights and Equity Programs within 180 days of the date of the alleged discrimination. The Office of Human Rights and Equity Programs is located at 12000 Government Center Parkway, Fairfax, Virginia 22035. This office can also be reached by calling 703-324-2953, TTY 711, or Fax: 703-324-3570.

For more information on the Fairfax County Department of Transportation and Fairfax Connector civil rights program and the procedures to file a complaint, please contact: 703-339-7200 (703-339-1608 TTY), email [fairfaxconnector@fairfaxcounty.gov](mailto:fairfaxconnector@fairfaxcounty.gov); or visit the department's administrative office at 4050 Legato Road, 4th Floor, Fairfax, Virginia 22033. Information on the procedures to file a complaint or to file a complaint contact: 703-324-2953 (TTY 711) or <http://www.fairfaxcounty.gov/ohrep/epd/>. Complaints can be mailed to: Fairfax County Office of Human Rights and Equity Programs, 12000 Government Center Parkway, Suite 318, Fairfax, Virginia 22035.

A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

If information is needed in another language, please contact: 703-877-5600, TTY 711.



The English notice, as well as notices in other languages, are available at <https://www.fairfaxcounty.gov/connector/titlevi>. Title VI notices are available in the following languages: Spanish (**Figure 1**), Korean, Vietnamese, Chinese, Amharic,<sup>2</sup> Hindi,<sup>3</sup> Arabic, Urdu, Farsi, and Tagalog.<sup>4</sup>

Figure 1: Title VI Notice to the Public, Spanish Version




# Aviso público

## Departamento de transporte del Condado de Fairfax y Fairfax Connector

### Notificación al público sobre los derechos bajo el Título VI

El Departamento de transporte del Condado de Fairfax y Fairfax Connector dirigen programas y servicios sin importar raza, color ni nacionalidad en conformidad con el Título VI de la Ley de los derechos civiles. Cualquier individuo que considere que ha sido ofendido por alguna práctica ilícita discriminatoria puede presentar una queja bajo el Título VI ante la Oficina de derechos humanos y programas de equidad del Condado de Fairfax en un plazo de 180 días a partir de la fecha de la presunta acción discriminatoria. La Oficina de derechos humanos y programas de equidad se encuentra en 12000 Government Center Parkway, Fairfax, Virginia 22035.

También puede comunicarse a la oficina al 703-324-2953, usuarios de la línea TTY al 711 o por Fax: 703-324-3570. Para mayor información sobre el Departamento de transporte del Condado de Fairfax, el programa de derechos civiles de Fairfax Connector y los procedimientos para presentar una queja, llame al: 703-339-7200 (usuarios de la línea TTY al 703- 339-1608 TTY), envíe un correo electrónico a [fairfaxconnector@fairfaxcounty.gov](mailto:fairfaxconnector@fairfaxcounty.gov) o visite la oficina administrativa del departamento en 4050 Legato Road, 4th Floor, Fairfax, Virginia 22033.

Para mayor información sobre los procedimientos para presentar una queja o para presentar una queja llame al: 703-324-2953 (usuarios de la línea TTY al 711) o <http://www.fairfaxcounty.gov/ohrep/epd/>. Puede enviar su queja por correo a: Fairfax County Office of Human Rights and Equity Programs, 12000 Government Center Parkway, Suite 318, Fairfax, Virginia 22035.

Para presentar una queja directamente ante la Administración federal de tránsito, el demandante puede enviar su queja a Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

**Si requiere información en otro idioma, por favor llame al: 703-877-5600, usuarios de la línea TTY al 711.**



**¡Suscríbase hoy PARA RECIBIR NOTICIAS DEL CONDADO DE FAIRFAX**  
[fairfaxcounty.gov/news/subscribe](http://fairfaxcounty.gov/news/subscribe)



Para solicitar esta información en un formato alternativo, llame al Departamento de transporte, 703-877-5600, usuarios de la línea TTY al 711.



Condado de Fairfax, Virginia

**FCDOT Title VI Notice - Spanish -**

The languages above were selected based on the fact that prior to the last Title VI Program update they 1) constituted the ten most prevalent non-English languages spoken in Fairfax County, and 2) they correlated with the ten highest numbers of individuals who speak English “less than very well.” Together, speakers of the ten

<sup>2</sup> The U.S. Census simply lists “African languages” for all African languages. However, Amharic speakers, born in Ethiopia, make up the largest African immigrant population in Fairfax County. (U.S Census Bureau, American Community Survey, 2014-2018, five-year estimates)

<sup>3</sup> “Other Indic Languages” fell higher in the top ten languages (e.g. Telugu at 8) while Hindi was at 10 with individuals in all cases speaking English “less than very well”. For the reason that many speakers of other Indic languages may also speak or have knowledge of Hindi, it was included on this list. For this Title VI Program update, the category has a different name: “Hindi and other Indic”, which removes the category overlapping problem that previously existed.

<sup>4</sup> The ten languages listed here are the languages FCDOT has been translating the Title VI Public Notice into since the last Title VI Program Update in 2020. The top ten languages in Fairfax County have shifted in the past three years; **Table 20** in the Language Access Plan describes the differences in the languages between the last Title VI Program and the new Title VI Program.



languages selected for use on the Notice comprised 80 percent of all the speakers of languages other than English in Fairfax County before the last Title VI Program update.

The notice in **Figure 2** is displayed in Fairfax Connector vehicles.

Figure 2: Title VI Public Notice Displayed in Fairfax Connector Vehicles

**FCDOT** Serving Fairfax County Since 1977

# Public Notice

**Fairfax County Department of Transportation and Fairfax Connector**  
Notifying the Public of Rights Under Title VI

The Fairfax County Department of Transportation and Fairfax Connector operate programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Fairfax County Office of Human Rights and Equity Programs within 180 days of the date of the alleged discrimination. The Office of Human Rights and Equity Programs is located at 12000 Government Center Parkway, Fairfax, Virginia 22035. This office can also be reached by calling 703-324-2953, TTY 711, or Fax: 703-324-3570.

For more information on the Fairfax County Department of Transportation and Fairfax Connector civil rights program and the procedures to file a complaint, please contact: 703-339-7200 (703-339-1608 TTY), email [fairfaxconnector@fairfaxcounty.gov](mailto:fairfaxconnector@fairfaxcounty.gov); or visit the department's administrative office at 4050 Legato Road, 4th Floor, Fairfax, Virginia 22033. Information on the procedures to file a complaint or to file a complaint contact: 703-324-2953 (TTY 711) or <http://www.fairfaxcounty.gov/ohrep/epd/>. Complaints can be mailed to: Fairfax County Office of Human Rights and Equity Programs, 12000 Government Center Parkway, Suite 318, Fairfax, Virginia 22035.

A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

**If information is needed in another language, please contact: 703-324-2953, TTY 711.**

**Para solicitar esta información en un formato alternativo, llame al Departamento de transporte, 703-877-5600, usuarios de la línea TTY al 711.**

ይህ መረጃ በሌላ ቋንቋ ማግኘት ካስፈለገ ለባክዎ በስልክ ቁጥር 703-324-2953፣ TTY 711 ይደውሉ።

إذا كنت تحتاج إلى المعلومات بلغة أخرى، يمكن الاتصال بـ: 703-324-2953، خدمة الهاتف النصي 711.

اگر یہ اطلاعات بہ زبانی دیگر نیاز دارید، لطفاً یا شمارہ 703-324-2953، TTY 711 تماس بگیرید۔

यदि किसी अन्य भाषा में जानकारी की आवश्यकता हो तो कृपया अग्रलिखित पर सम्पर्क करें : 703-324-2953, TTY 711.

如果你需要用其它语言撰写的资料，请联络：703-324-2953，电传打字机TTY 711。

اگر کسی دیگر زبان میں معلومات کی ضرورت ہو تو برائے مہربانی رابطہ کریں: 703-324-2953، TTY 711

다른 언어로 해당 정보를 받아보고 싶으시다면 전화 703-324-2953, TTY 711 번으로 문의하십시오.

Kung kailangan ang impormasyong ito sa ibang wika, mangyaring makipag-ugnayan sa: 703-324-2953, TTY 711.

Nếu cần thông tin qua ngôn ngữ khác thì liên lạc: 703-324-2953, Máy điện văn (TTY) 711

Fairfax County Department of Transportation (FCDOT) ensures nondiscrimination in all programs and activities in accordance with Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act (ADA). If you need more information or reasonable accommodations for persons with disabilities or limited English proficiency, contact FCDOT at 703-877-5600, TTY 711. Requests for assistance must be received at least 7 business days in advance of the event.

The County’s Title VI Notice references both FCDOT and Fairfax Connector to ensure that it is understood that Title VI applies both to the Fairfax Connector service and to other FCDOT transit-related activities. The notice will be printed in each of the ten languages listed above and posted in the following places:

- FCDOT Administrative Offices at 4050 Legato Road, 4th Floor, Fairfax, Virginia 22033, at the front desk and reception area
- Fairfax Connector Webpage at: <http://www.fairfaxcounty.gov/connector>
- All Fairfax Connector Stores:
  - Franconia-Springfield Metrorail Station, 6880 Frontier Drive, Springfield, Virginia 22150
  - Herndon-Monroe Park-and-Ride, 12530 Sunrise Valley Drive, Herndon, Virginia 20171
  - Reston Town Center Transit Station, 12051 Bluemont Way, Reston, Virginia 20190
  - Stringfellow Park-and-Ride, 4920 Stringfellow Road, Centreville, Virginia 20120
  - Tysons West\*Park Transit Station, 8300 Jones Branch Drive, McLean, Virginia 22102
- All Fairfax Connector buses (English and Spanish only)
- At all Fairfax Connector and transit-related FCDOT public meetings



## 2.2. Title VI Complaint Procedures and Form

The Fairfax County Department of Transportation and Fairfax Connector Title VI Complaint Procedures and Complaint Form can be found at <https://www.fairfaxcounty.gov/connector/titlevi> in the ten languages noted in **Section 2.1**.

### 2.2.1. TITLE VI COMPLAINT PROCEDURES

Fairfax County's Title VI Complaint Procedures have been posted on Fairfax Connector's website at <https://www.fairfaxcounty.gov/connector/titlevi> and are available in Fairfax Connector Stores, park-and ride facilities, on Fairfax Connector buses, at major Fairfax Connector transit hubs, and at FCDOT's Administrative Offices.

The following text has been produced as part of FCDOT's Title VI Complaint Procedures:

Title VI of the Civil Rights Act of 1964 prohibits discrimination against an individual or group, intentional or unintentional, on the basis of race, color, and national origin in any program or activity receiving Federal assistance, including Fairfax Connector and Fairfax County Department of Transportation's transit operations and activities.

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by Fairfax Connector or Fairfax County Department of Transportation may file a Title VI complaint by completing and submitting the "Fairfax Connector" complaint form available on Fairfax County's Office of Human Rights and Equity Programs (OHREP) website at the following URL:

<http://www.fairfaxcounty.gov/ohrep/epd/>

A complaint form can also be obtained by writing the Office of Human Rights and Equity Programs, Equity Programs Division, 12000 Government Center Parkway, Fairfax, Virginia 22035 or by calling 703-324-2953, TTY 711, Fax: 703-324-3570.

Fairfax County investigates complaints received no more than 180 days after the alleged incident. Fairfax County can only process complaints that provide sufficient information to begin an investigation.

Within 48 hours of receiving a complaint, the Fairfax County Office of Human Rights and Equity Programs staff will contact the complainant and elicit all pertinent information with regard to the alleged discriminatory act(s) from the individual via an intake form. The complainant is required to cooperate with the intake process. Within 48 hours of completing an intake form, OHREP staff will use the information in the form to determine whether or not the complainant may establish a prima facie, or a clear case of possible discrimination.

If OHREP determines that there is a prima facie case of discrimination, an investigation will be initiated. Investigations may include, but shall not be limited to, on-site visits, interviews of witnesses and collection of documents. The accused party(ies) in the allegation(s) of discrimination will be interviewed and provided an opportunity to rebut the allegations and provide relevant information for investigation. Additionally, witnesses will be interviewed as deemed necessary. After an investigation is initiated all information obtained is confidential. Within seven work days of the initiation of an investigation all of the investigation documentation for the case must be completed. If additional time is necessary to prepare the documentation requested, the staff responsible for the investigation will request an extension from OHREP leadership.



After the completion of the investigation a report will be produced, and OHREP staff will submit a final recommendation to the OHREP Executive Director. The OHREP Executive Director will review the investigative file and make a final determination. OHREP will inform the complainant whether the allegations of discrimination were substantiated. Upon completion of the investigation and notification of the parties in the complaint, the file will be closed. All documentation, including audio tapes (if applicable), will be kept in the complaint file.

If OHREP determines that a prima facie case of discrimination has not occurred, no investigation will be initiated. However, OHREP's findings in the matter will be documented in a report. OHREP's findings fall under the purview of the Equity Programs Division and there is no right of appeal.

If probable cause is determined or misconduct by an employee is identified, OHREP will instruct FCDOT to consult with the Fairfax County Department of Human Resources regarding disciplinary action. If in the course of the investigation, the investigator has reason to believe that a criminal act or violation of law may have occurred, OHREP will contact the Fairfax County Police Department for appropriate action.

A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

## 2.2.2. TITLE VI COMPLAINT FORM FOR ALLEGATIONS OF DISCRIMINATION

Fairfax County has two complaint procedures providing for prompt resolution of complaints by individuals alleging discrimination prohibited by Federal, State, and local law or policy in the provision of services, activities, programs, or benefits.

This complaint form is to be utilized for filing complaints of discrimination on the basis of age, sex, sexual harassment, race, religion, creed, national origin, marital status, color, political affiliation or veteran's status.

A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

An individual wishing to file a complaint based on disability will need to use the complaint form identified in the Fairfax County Government Complaint Procedure under the Americans with Disabilities Act. You may obtain a copy of the complaint form by contacting staff at the Office of Human Rights and Equity Programs. To contact the Fairfax County Office of Human Rights and Equity Programs call 703-324-2953, TTY 711 on any Fairfax County workday between the hours of 8:00 a.m. and 4:30 p.m., or email [EPDEmailComplaints@FairfaxCounty.gov](mailto:EPDEmailComplaints@FairfaxCounty.gov).

**INSTRUCTIONS:** Complaints should be filed in writing within 60 workdays (180 calendar days for transit related complaints) from the day the alleged discriminatory act took place. The term "workday" shall mean any Monday through Friday that is not a county holiday. An investigation will follow the filing of the complaint. This form should be used in conjunction with the Fairfax County Policy and Procedure for Individuals Alleging Discrimination in County Programs and Services.



**Person Filing Complaint**

Name:

Telephone No.:

Home:

Work:

Mobile:

E-mail:

Address:

Street:

City:

State:

Zip Code:

**Person and Department Alleged to have Discriminated:**

Name:

Department:

Street:

City:

State:

Zip Code:

Phone:

**Basis (es) of Discrimination (check or circle all that apply):**

- Race \_\_\_\_\_ Veteran's Status \_\_\_\_\_ Political Affiliation \_\_\_\_\_
- Color \_\_\_\_\_ Retaliation \_\_\_\_\_ Age – Date of Birth: \_\_\_\_\_
- National Origin \_\_\_\_\_ Sex or Gender \_\_\_\_\_ Other: \_\_\_\_\_
- Religion \_\_\_\_\_ Sexual Harassment \_\_\_\_\_ Other: \_\_\_\_\_
- Creed \_\_\_\_\_ Marital Status \_\_\_\_\_ Other: \_\_\_\_\_

Date(s) Discrimination Occurred: \_\_\_\_\_

Summary of Complaint: (attach additional pages if necessary)

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**Action Requested:**

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I affirm that I have read the above complaint and that it is true to the best of my knowledge, information or belief.

\_\_\_\_\_/\_\_\_\_/\_\_\_\_  
Signature of Complainant Date

This form will be made available in an alternative format upon request. Direct your request to the Equity Programs Division of the Office of Human Rights and Equity Programs, 12000 Government Center Parkway, Suite 318, Fairfax, VA 22035; 703-324-2953, TTY 711 or 703-324-3305 (Fax).





## 2.3. Service Area Profile

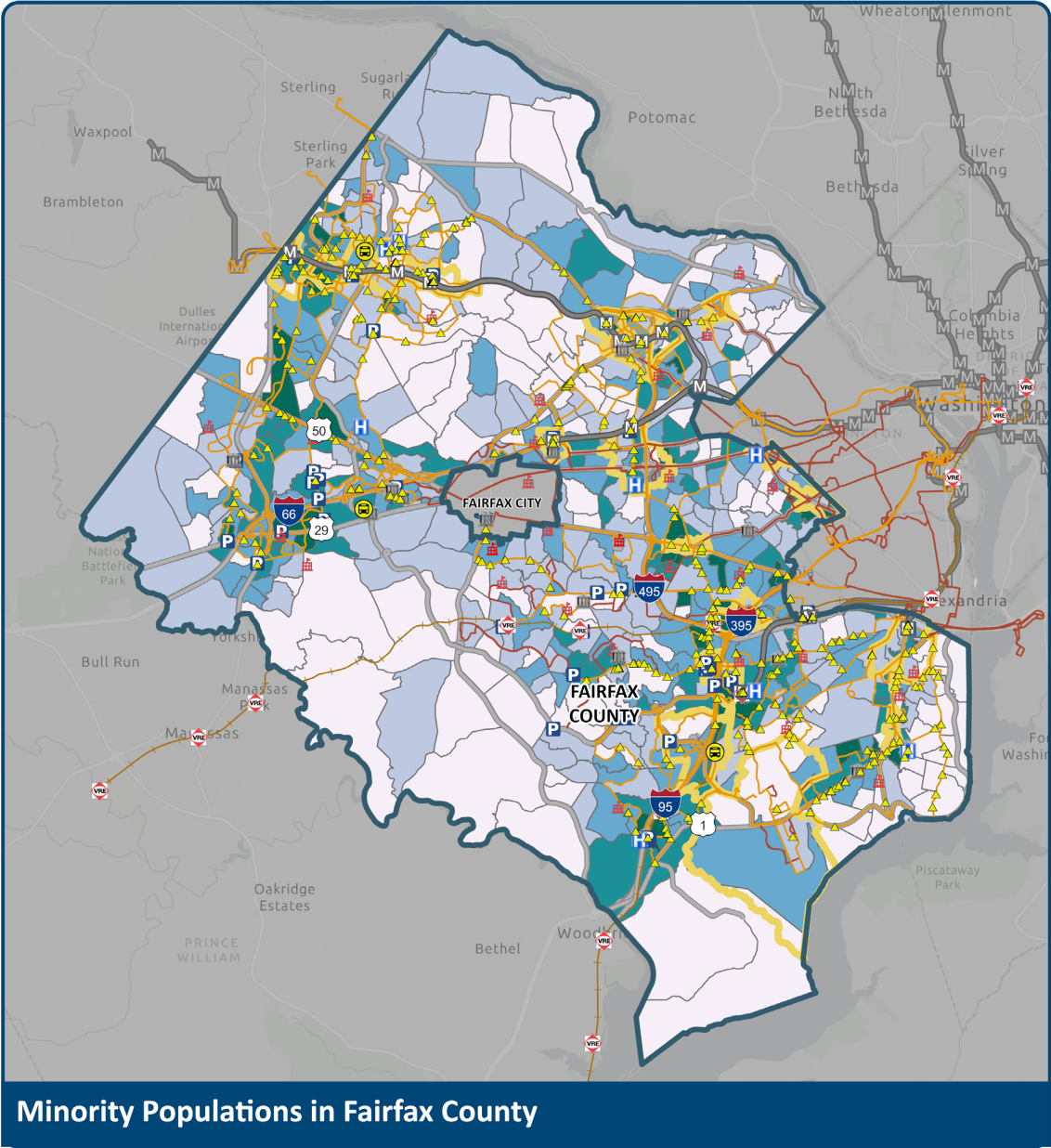
### 2.3.1. DEMOGRAPHIC AND SERVICE PROFILE MAPS AND CHARTS

The maps in **Figure 3** and **Figure 4** display the concentration and distribution of minority and populations residing in Fairfax County, along with the location of Fairfax Connector service and Washington Metropolitan Area Transit Authority’s (WMATA) Metrobus service. Metrobus generally provides “regional” public transportation service that serves multiple jurisdictions, while Fairfax Connector is focused on primarily providing local public transportation service. Together, Metrobus and Fairfax Connector services cover most of the areas of the County where concentrations of minority residents reside.

The minority populations in **Figure 3** and **Figure 4** are calculated from the United States Census Bureau’s 2017-2021 American Community Survey (ACS) Five-Year Estimates at the Block Group level, as the total population minus the non-Hispanic white population. Fairfax County’s population is 50.7 percent minority (all residents who identify as something other than non-Hispanic white). **Figure 3** depicts the percentages by block group of minority populations across Fairfax County. **Figure 4** focuses on block groups that fall above the County average percentage of minority residents.



Figure 3: Minority Population in Fairfax County by Block Group



**Minority Population (%)**

- 0% - 19%
- 20% - 33%
- 34% - 46%
- 47% - 62%
- 63% - 100%

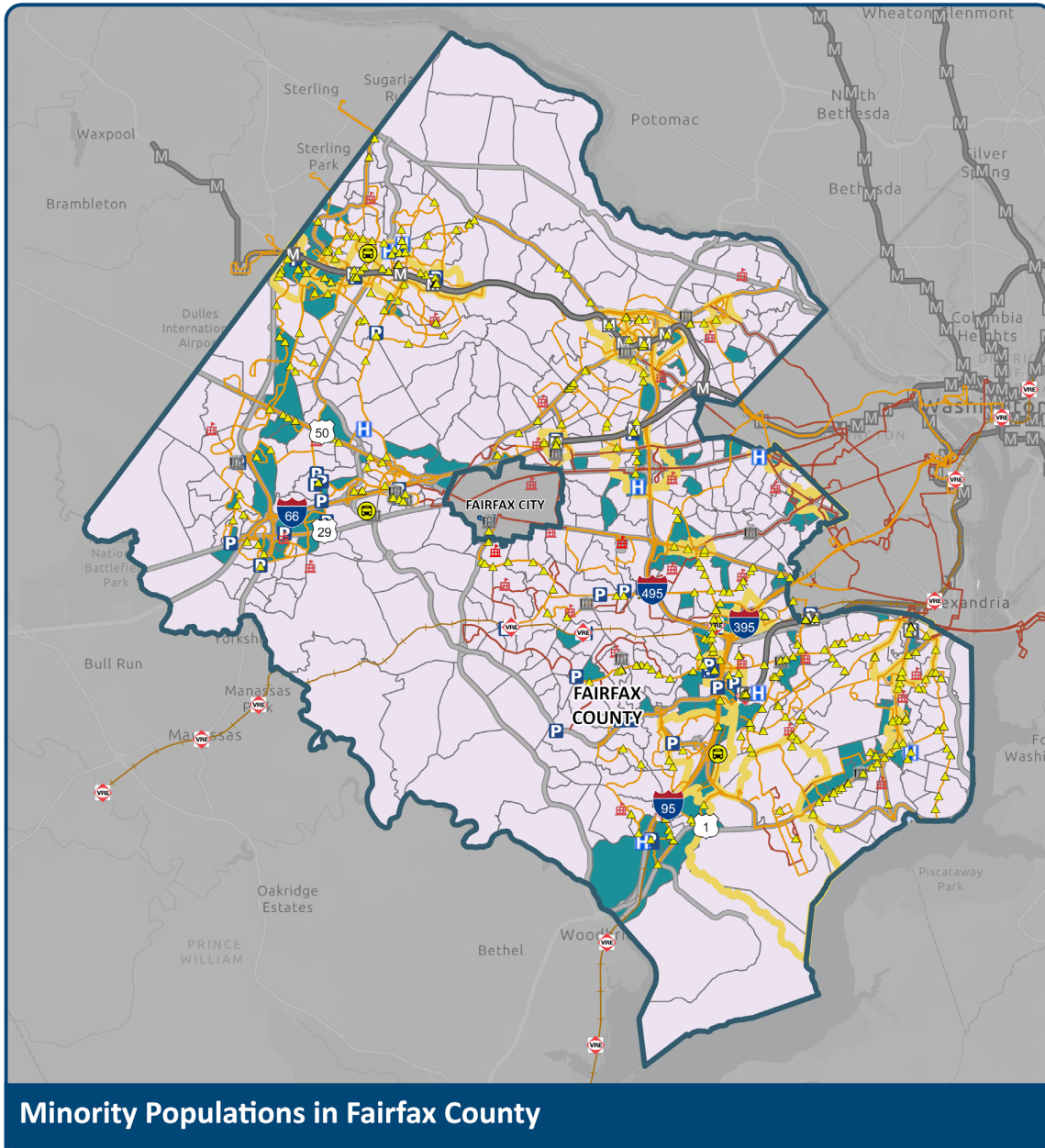
Virginia Railway Express (VRE)  
 Interstate, State Route, U.S. Route  
 Fairfax County Border  
M Metrorail Stations  
VRE VRE Stations  
P Park and Ride  
▲ Bus Shelter  
☺ Bus Depots  
 Hospitals  
 Government Centers  
 High School/Colleges  
 Activity Center

0 2.5 5 Miles

N



Figure 4: Block Groups with Minority Population Percentage Above County Average



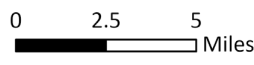
Minority Population (%)

County Average 50.7%

- Below Average (0% - 50.7%)
- Above Average (50.8% - 100%)

- Metrorail
- Fairfax Connector Service
- Metrobus Service

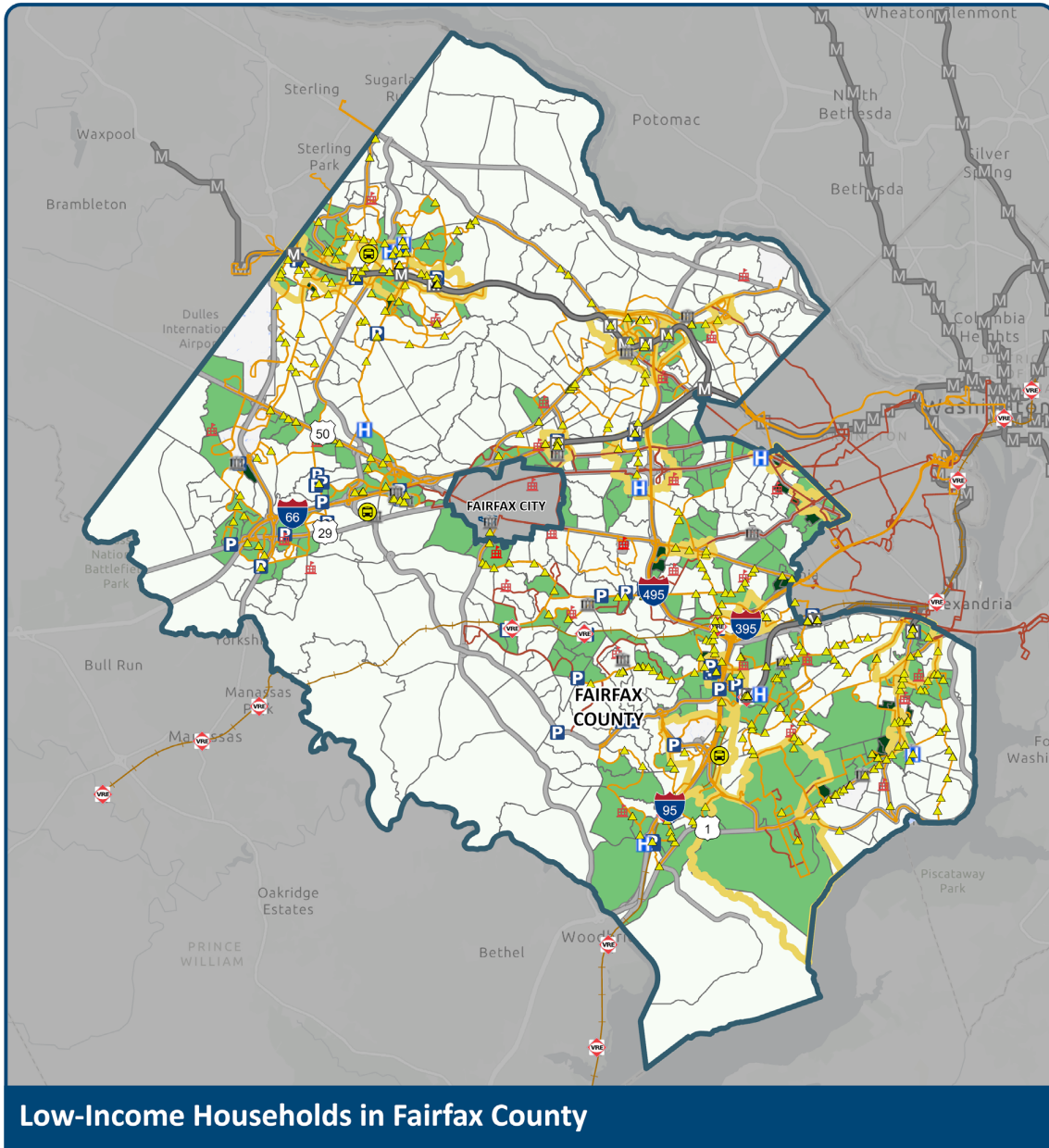
- Virginia Railway Express (VRE)
- Interstate, State Route, U.S. Route
- Fairfax County Border
- Metrorail Stations
- VRE Stations
- Park and Ride
- Bus Shelter
- Bus Depots
- Hospitals
- Government Centers
- High School/Colleges
- Activity Center



**Figure 5** displays the concentration and distribution of low-income households in Fairfax County, along with the location of Fairfax Connector service and WMATA’s Metrobus service. Fairfax County’s Department of Housing and Community Development defines low-income households as households where the total income is less than 50 percent of the Metropolitan Statistical Area (MSA) median household income, adjusted for family size. In keeping with that definition, FCDOT used the Federal Housing and Urban Development (HUD) Fair Market Rents (FMR) income limits to determine the area median income (AMI) for the Washington-Arlington-Alexandria Metro FMR Area, which includes Fairfax County. For FY 2021, the AMI in this area is \$129,000; 50 percent of that income is \$64,500. This number was rounded down to the closest break point of \$59,999 in ACS Data Table B19001, to use ACS data to analyze impacts on low-income riders. Income data was pulled from the 2017-2021 ACS Five-Year Estimates, at the block group level. Based on this analysis, Fairfax County’s households are 19.4 percent low-income.



Figure 5: Median Household Income by Block Group



**Low-Income Households**

Median Household Income

- Above Area Median Income (More than \$129,000)
- Below AMI (\$60,000 - \$129,000)
- Low-Income, 50% AMI and Below (Under \$60,000)

Metrorail  
 Fairfax Connector Service  
 Metrobus Service

Fairfax County Border  
M Metrorail Stations  
VRE VRE Stations  
P Park and Ride  
 Bus Shelter  
H Bus Depots

Virginia Railway Express (VRE)  
 Interstate, State Route, U.S. Route  
 Hospitals  
 Government Centers  
 High School/Colleges  
 Activity Center

0     2.5     5 Miles

N



## 2.3.2. DEMOGRAPHIC RIDERSHIP AND TRAVEL PATTERNS

### About the Fairfax Connector Origin Destination Survey

The *Fairfax Connector Origin Destination Survey*, an on-board customer survey administered to a random sample of Fairfax Connector bus riders, was completed in September 2019, and is being used here. The survey was conducted from March 30 - May 24, 2019. Surveys were conducted on a sampling of 25 percent of trips representing one weekday, one Saturday, and one Sunday of travel. Survey results were collected from 3,672 respondents, and the results were weighted to represent actual ridership.

The purpose of the 2019 On-Board Survey was three-fold:

- Collect information on the demographic characteristics and travel patterns of Fairfax Connector riders to comply with FTA Title VI reporting requirements and guidelines;
- Obtain information on Fairfax Connector passenger behavioral tendencies and preferences (e.g., fare payment methods, information sources used for travel decisions, etc.) to inform Fairfax Connector’s efforts to increase ridership and improve the customer experience; and
- Obtain origin & destination information for future planning purposes.

### Findings

Totals presented in this section may not add to 100 percent, due to rounding, and any numbers in italics total to the net number above them.

Sixty-seven percent of survey respondents identified as minorities (i.e., Black/African American, Hispanic or Latino, Asian, or other) (**Table 1**).

Table 1: Race / Ethnicity of Fairfax Connector Riders – 2019 O-D Survey

Race / Ethnicity <sup>5</sup>	Percent of Total Riders
White	33%
Minority	67%
<i>Black / African American</i>	35%
<i>Hispanic</i>	12%
<i>Asian</i>	14%
<i>Native American</i>	1%
<i>Other<sup>6</sup></i>	5%

The survey was available in English, Spanish, and Korean. Sixteen percent of all surveys were taken in Spanish and 14 percent of all surveys were taken in Korean (**Table 2**).

Table 2: Survey Questionnaire Administered in English, Spanish, and Korean – 2019 O-D Survey

Questionnaire Type	Percent of Total Surveys Administered
English	70%
Spanish	16%
Korean	14%

<sup>5</sup> Multiple responses accepted. For example, a respondent could respond by identifying as both white and Hispanic. The categories listed in Table 1 represent the top mentions from the survey responses.

<sup>6</sup> Percentages for all other languages were below one percent.



Sixty-six percent of all Fairfax Connector riders make a household income of \$60,000 or less and are considered low-income (**Table 3**).

Table 3: Fairfax Connector Riders Household Income – 2019 O-D Survey

Income	Percent of Total Riders
Low-Income	66%
\$10,000 or less	13%
\$10,001 to \$20,000	9%
\$20,001 to \$30,000	12%
\$30,001 to \$40,000	13%
\$40,001 to \$50,000	11%
\$50,001 to \$60,000	8%
Not Low-Income	35%
\$60,001 to \$70,000	5%
\$70,001 to \$80,000	5%
\$80,001 to \$100,000	7%
\$100,001 to \$125,000	6%
\$125,001 to \$150,000	5%
More than \$150,000	7%

In addition to demographic information above that provides a snapshot of the race/ethnicity and household income of Fairfax Connector riders, it also is important to understand general travel patterns. Private vehicle availability and usage, other modes of travel available (besides Fairfax Connector), reasons for using Fairfax Connector, frequency and purpose of Fairfax Connector use, trip origins and destinations, method of fare payment, number of transfers, and how riders access Fairfax Connector services, help paint a picture of why and how the system is used by riders. From these data, the County is better able to understand the needs of the Title VI community and how well Fairfax Connector meets those needs.

Based on the survey, 59 percent of all riders did not have access to a vehicle to make a trip on the day they were surveyed. Seventy-two percent of low-income riders and 64 percent of minority riders lacked access to a vehicle, respectively (**Table 4**). These figures are reflected in the proportion of Fairfax Connector riders who do not have a usable vehicle available in their household (**Table 5**). Twenty-five percent of riders would use a taxi or Transportation Network Company (TNC) if the Fairfax Connector bus were not available, a more costly trip than the bus (**Table 6**). Low-income riders would be even more likely to use taxis or TNCs in place of the bus, with 35 percent of low-income riders selecting this option.

Table 4: Availability of Usable Vehicle to Make the Trip Today – 2019 O-D Survey

Availability of Usable Vehicle to Make the Trip Today	Percent of Total Riders	Percent of Low-Income Riders	Percent of Minority Riders
Yes	38	26	32
No	59	72	64



Table 5: Fairfax Connector Riders Availability of Vehicles – 2019 O-D Survey

Number of Usable Cars, SUVs, Vans or Trucks in Household	Percent of Total Riders	Percent of Low-Income Riders	Percent of Minority Riders
None	47	62	51
One	33	28	32
Two	15	7	12
Three or More	3	2	2

Table 6: Use of Other Modes if Fairfax Connector Were Not Available – 2019 O-D Survey

Alternative Modes if Bus Not Available <sup>7</sup>	Percent of Total Riders	Percent of Low-Income Riders	Percent of Minority Riders
Drive	19	11	16
Get A Ride/Carpool	22	27	24
Taxi/TNC	25	35	28
Other Public Transportation	9	4	7
Walk	7	9	7
Bike	1	2	1
Would Not Go at All	6	5	6
Would Go Elsewhere by Bus	4	5	4
Other	1	<1	1

**Table 7** displays the main reasons respondents cited for using Fairfax Connector. Among all riders, 40 percent are transit-dependent, meaning that they do not have a car or a driver’s license. Among low-income riders this figure rises to 52 percent, while 45 percent of minority riders are transit dependent.

Table 7: Reasons for Using Fairfax Connector – 2019 O-D Survey

Reasons for Using the Bus	Percent of Total Riders	Percent of Low-Income Riders	Percent of Minority Riders
Have no alternative – no car	33	43	38
Have no alternative – no driver’s license	7	9	7
Economical	25	27	25
Prefer not to drive	8	5	6
Faster than driving	8	5	7
Parking is unavailable/expensive	5	2	4
Car/ride not available today	6	4	6
Better for environment	1	1	1
Other	4	2	3

Ninety-one percent of survey respondents are frequent Fairfax Connector riders who use the bus at least once a week to make the particular trip during which they were surveyed (**Table 8**). Sixty-six percent said they make

<sup>7</sup> Percentages do not equal 100 percent due to rounding.





that particular trip by bus five times per week or more. Low-income riders rely on the bus for their trip six or seven days a week more than the average rider does (25 percent compared to 17 percent).

Table 8: Frequency of Particular Trip by Bus – 2019 O-D Survey

Frequency of Particular Trip by Bus	Percent of Total Riders	Percent of Low-Income Riders	Percent of Minority Riders
Net: Weekly	91	93	92
7 days per week	6	9	8
6 days per week	11	14	12
5 days per week	49	42	47
3-4 days per week	17	17	18
1-2 days per week	8	10	8
Net: Less often	6	5	5
1-2 days per month	4	3	3
Less than one day per month	2	2	2
First time making this trip	3	2	2

The on-board survey found that most riders surveyed were traveling from either home or work, 49 percent and 35 percent respectively (**Table 9**). The survey also found that most trip destinations were either home or work, 41 percent, and 38 percent respectively (**Table 10**). Little difference exists between all riders and minority and low-income riders in trip origins or destinations.

Table 9: One-Way Fairfax Connector Trip Origins – 2019 O-D Survey

Origin	Percent of Total Riders	Percent of Low-Income Riders	Percent of Minority Riders
Home	49	44	50
Work	35	35	34
Shopping	4	5	4
Social/Recreation/Sightseeing	3	5	3
Personal Business	4	5	4
School	2	3	2
Job-related business	1	1	1
Other	2	2	2



Table 10: One-Way Fairfax Connector Trip Destinations – 2019 O-D Survey

Destination	Percent of Total Riders	Percent of Low-Income Riders	Percent of Minority Riders
Home	41	44	40
Work	38	31	39
Shopping	4	5	5
Personal Business	7	8	7
Social/Recreation/Sightseeing	4	5	4
School	2	3	2
Job-related business	2	2	2
Other	1	1	2

About half of the respondents rode at least two buses and/or trains when making their one-way trip (Table 11). Fifteen percent took three or more buses and/or train lines on their one-way trip. There was no discernable difference between the number of buses and trains used on a one-way trip between all riders and low-income and minority riders.

Table 11: Number of Buses/Trains Used on One-Way Trip

Number of Buses/Trains Used on One-Way Trip	Percent of Total Riders	Percent of Low-Income Riders	Percent of Minority Riders
This bus only	49	54	51
Two	36	30	34
Three	12	13	12
Four	2	2	2
Five or more	1	1	1

Eighty-one percent of respondents paid with a SmarTrip® card (without using a Senior or Disabled Fare) while 13 percent used cash (Table 12). Use of cash is slightly higher for low-income and minority riders, 18 and 15 percent respectively.

Table 12: Means of Payment for Bus Ride

Means of Payment for Bus Ride	Percent of Total Riders	Percent of Low-Income Riders	Percent of Minority Riders
SmarTrip® (Non-Senior/Disable Fare)	81	77	79
Cash	13	18	15
Senior/Disabled Fare (SmarTrip® or Cash)	3	2	2
Student Pass/Card	1	1	1
Other	2	2	2

Eighty-seven percent of all riders accessed Fairfax Connector service by walking or using a wheelchair (Table 13), and ninety percent of riders arrived at their final destinations by walking or using a wheelchair (Table 14). Little difference exists between the general rider population and low-income and minority riders in terms of modes of access and egress from the Fairfax Connector system.



Table 13: Fairfax Connector Mode of Access

Mode of Access	Percent of Total Riders	Percent of Low-Income Riders	Percent of Minority Riders
Walk or Wheelchair	87	92	89
Drove Self	6	1	4
Driven by Someone Else	4	4	4
Bicycle	1	<1	<1
Taxi or TNC	1	1	1
Other	1	1	1

Table 14: Fairfax Connector Mode of Egress

Mode of Egress	Percent of Total Riders	Percent of Low-Income Riders	Percent of Minority Riders
Walk or Wheelchair	90	93	92
Drive Self	4	1	3
Driven by Someone Else	3	3	3
Bicycle	<1	<1	<1
Taxi or TNC	1	1	1
Other	1	<1	<1

The rider survey results show that Fairfax Connector riders are 67 percent minority and 66 percent low-income. One out of two riders take trips that require at least one transfer, with approximately 73 percent of system trips being related to a work commute. Low-income and minority riders are slightly more likely to use cash to pay for their trip than the general rider population. Virtually no difference exists between trip patterns and frequency, modes of access and egress, and trip purpose between the general rider population and minority and low-income riders.



## 2.4. Minority Representation on Relevant Non-Elected Commissions, Committees, and Boards

Fairfax County currently has four non-elected committees, commissions, and boards that provide input on transit service: Transportation Advisory Commission, Fairfax Area Commission on Aging, Fairfax Area Disability Services Board, and Fairfax Area Long Term Care Coordinating Council. **Table 15** displays the current composition of these groups by race/ethnicity.

Table 15: Minority Representation on Relevant Non-Elected Commissions, Committees, and Boards

Body	Race/Ethnicity						
	Caucasian	African American	Asian American	Native American	Other	Total	Hispanic*
Fairfax County Population (2021 ACS 5-year)	56.6%	9.8%	20.0%	0.4%	13.1%	100%	16.4%
Transportation Advisory Commission	90%	10%	0%	0%	0%	100%	0%
Fairfax Area Commission on Aging	92%	8%	0%	0%	0%	100%	0%
Fairfax Area Disability Services Board	71%	21%	0%	0%	7%	100%	0%
Fairfax Area Long Term Care Coordinating Council	73%	15%	13%	0%	0%	100%	0%
<i>Including subcommittees</i>	58%	18%	20%	0%	0%	100%	5%

*\*Hispanic persons may be of any race.*

The **Transportation Advisory Commission (TAC)** advises the Fairfax County Board of Supervisors (Board) on major transportation issues, including, but not limited to transit service. The TAC meets once a month and provides the Board with information and comments regarding transportation improvements in the County. Meetings are open to the public. The TAC is comprised of 11 members who each serve two-year terms. The TAC includes one member from each magisterial district (of which there are nine); one at-large representative; and one Disability Services representative. All members are appointed by the Board. The TAC agenda is posted to its web page prior to every meeting. Minutes from every meeting also are posted on the TAC web page. The TAC website is available at: <https://www.fairfaxcountv.gov/transportation/tac>.

The **Fairfax Area Commission on Aging (COA)** advocates for the needs of older adults and works to tap their potential to enrich the community. The Federal Older Americans Act mandates that local area agencies on aging have community advisory committees. The Fairfax Area Commission on Aging (Commission) is the Fairfax Area Agency on Aging’s (Agency) community advisory committee. The Commission advises the Agency on developing and coordinating community services, policies, programs, and actions affecting older adults in the Fairfax area. The Commission includes 12 members who each serve two-year terms. Commission members include one representative from each magisterial district (of which there are nine); one at-large representative; one



representative from the City of Fairfax; and one representative from the City of Falls Church. The Commission meets monthly (except in August) and all meetings are open to the public. Meetings are advertised on Fairfax County’s website calendar, on the Fairfax Area Commission of Aging’s County webpage, and in the Golden Gazette, a free monthly newspaper covering news for older adults in the Fairfax area. The Commission’s website is available at: <https://www.fairfaxcounty.gov/familyservices/older-adults/fairfax-area-commission-on-aging>.

The **Fairfax Area Disability Services Board (FADSB)** provides the Fairfax County government with input, assistance, and advice on the service needs of persons with physical and sensory disabilities. The FADSB has 15 members who each serve three-year terms. Members can serve for up to three terms. The members of the FADSB include appointees from each magisterial district (of which there are nine); one at-large member; two at-large/Fairfax County Business Community representatives; one City of Fairfax local official; one City of Falls Church local official; and one at-large/Fairfax County local official. An alternate may be appointed from each of the cities, for a total of 17. State Code requires that membership in the local disabilities board include at least 30 percent representation by individuals with physical, visual, or hearing disabilities or their family members; a local official (person elected or appointed to or employed by a board commission or agency from the jurisdiction making the appointment to the disability services board) from each participating jurisdiction; and at least two representatives from the business community. The FADSB meets once a month and meetings are open to the public. Meetings are advertised on Fairfax County’s Disability Services email listserv and on Fairfax County’s website calendar. Information about the boards’ meetings is also available through a toll-free number. The FADSB website is available at: <https://www.fairfaxcounty.gov/familyservices/disabilities/fairfax-area-disability-services-board>.

The **Fairfax Area Long Term Care Coordinating Council (LTCCC)** was chartered by the Board of Supervisors to collaborate and create solutions for older adults and adults with disabilities and advise/advocate. The LTCCC has 40 members. Solutions for identified needs are often operationalized through LTCCC subcommittee work projects or through community-based organizations, many of which are LTCCC member organizations. The LTCCC writes letters and reports, gives public testimony, and meets with members of the Fairfax County Board of Supervisors to advocate so that County residents have a foundation to remain in their own community as they age or live with their disability and be able to participate in community life to the fullest. LTCCC meetings and subcommittees are open to the public and advertised on Fairfax County’s website calendar. The LTCCC website is available at: <https://www.fairfaxcounty.gov/neighborhood-community-services/long-term-care>.

## 2.5. Summary of Title VI Complaints, Investigations, and Lawsuits

Fairfax County did not have any Title VI investigations or lawsuits or receive any Title VI complaints involving Fairfax Connector service or other Fairfax County Department of Transportation transit-related activities between 2020 and 2022.

## 2.6. Land Acquisition for Purposes of Facility Construction

Fairfax County has not constructed any facilities included under FTA Circular 4702.1B, Chapter III, Section 13, including any vehicle storage facilities, maintenance facilities, operations centers, or other similar facilities, which required land acquisition and the displacement of persons from their residences and businesses during the reporting period of 2020-2022.

## 2.7. Sub-Recipients of Federal Transit Administration Funding

Fairfax County does not have any sub-recipients of FTA funds.



## 2.8. Public Participation Plan

### 2.8.1. INTRODUCTION AND GOALS

FCDOT strives to provide accessible and relevant public information and involvement opportunities to obtain input on transit service and planning from members of the public. FCDOT's Public Participation Plan (PPP) delineates a set of public participation strategies that facilitate greater involvement by minorities (as defined by race, color, or national origin), Limited English Proficiency (LEP) populations, and low-income populations in the transit planning and decision-making process.

Three goals guide FCDOT's PPP:

1. Ensure that minority, LEP, and low-income individuals are provided with *meaningful* and *accessible* opportunities to provide input into Fairfax County's transit decision-making process.
2. Build relationships that facilitate *open* and *frequent* communication with key stakeholder groups representing and working with minority, LEP, and low-income communities.
3. Obtain information and feedback that Fairfax Connector can use to inform the provision of transit service that meets the specific transportation needs of minority, LEP, and low-income populations.

These goals reflect FCDOT's intent to provide relevant information, and opportunities to provide input on all transit projects in a manner that is accessible to Title VI protected and low-income populations throughout Fairfax County. FCDOT continually works to strengthen relationships with minority, LEP, and low-income populations, as well as relevant community groups and other stakeholders to create a culture that promotes a high-level of trust and facilitates continuous engagement.

### 2.8.2. PUBLIC OUTREACH STRATEGIES

FCDOT has continued to refine its public outreach strategies and with the proliferation of digital platforms that provide tools for targeted outreach and enhanced internal and external collaboration efforts with key community stakeholders. FCDOT's communications team is reaching more people than ever before. As part of these efforts, FCDOT has incorporated best practices and federal guidance, including FTA Circular 4703.1, into its outreach planning efforts. These resources along with available outreach platforms and partnerships continue to support and inform the strategies developed for this Public Participation Plan.

FCDOT creates individual public participation plans for each transit planning process or project, tailored to the type of plan or service under consideration and the scope of changes or geographic impact of the project. Strategies identified in this Title VI program will be used *selectively* by FCDOT on a case-by-case basis and incorporated into project-level public participation plans. At the outset of a project planning process, service change, fare change, or other transit project, FCDOT's communication staff will review the strategies in this program and select those that are appropriate based on the type of project, the demographics of the individuals that would be impacted by the location of the project, and the resources available.

- **Understanding Our Community** – At the outset of any transit project requiring public outreach, FCDOT identifies the local areas impacted and develops an understanding of the populations living in the areas. Demographic data and previous experience, as well as feedback from local community organizations, houses of worship, human services agencies, and staff from the magisterial district offices provide both a quantitative and qualitative understanding of the local areas. Based on this information, FCDOT develops a targeted approach to ensure inclusive public participation by all members of the local community, including identifying the need for interpretation services and the types of public outreach that are likely to be effective with the populations present in the local community.



- **Inclusive Public Meetings** – FCDOT uses public meetings to generate feedback about proposed service changes and other transit projects. FCDOT aims to notify the public 30 days prior to the meeting through a variety of print and non-print advertising methods. Meetings are held in transit accessible locations and in a variety of location types (e.g., schools, community centers, senior centers, apartment complexes, shopping malls, and libraries). Meetings are also held at locations within walking distance of residential areas when possible. FCDOT schedules meetings at traditional and non-traditional times, including during the morning, daytime, and on the weekends. Interpretation services are made available at all meetings upon request and may be provided without request at meetings in areas with high concentrations of LEP populations and targeted to the languages spoken. When appropriate, the format of the meetings will include an open-house style to allow attendees to speak individually and provide verbal feedback to FCDOT staff. Materials in appropriate languages for locations may also be provided, depending on the impacted populations. FCDOT staff has access to the County’s “Language Line” if special, unforeseen communication needs arise. The Language Line is the County’s on-call, on-demand interpretation service. It provides interpretation services in more than 240 languages.
  
- **Pop-Up Events** – FCDOT holds “pop-Up” events at high-traffic places where Fairfax Connector riders and other residents are present in formats that allow for one-on-one interaction. Pop-up events may be held in locations such as transit centers and major transfer points, community centers, schools, senior centers, medical centers, houses of worship, and County-owned and other multifamily residential complexes. Pop-up events are also often employed during large festivals or cultural gatherings. When project resources allow, promotional materials may be provided to increase public participation. At these events, translators and members of local community organizations may accompany FCDOT staff to facilitate relationship building and communication with the local community. These events allow FCDOT to increase engagement with minority, low-income, and LEP populations especially.
  
- **Cross-agency Partnerships** – FCDOT works with other Fairfax County departments, including but not limited to NCS, OHREP, the Office of Public Affairs (OPA), Public Schools (FCPS), Public Works and Environmental Services (DPWES), Park Authority, Housing and Community Development (HCD), Family Services (DFS), Office to Prevent and End Homelessness (OPEH), Emergency Management (OEM), Health Department (HD), and Police Department (FCPD). These relationships enable use of connections with community and faith-based organizations, supplement translation resources, and assist at community events to distribute information about Fairfax Connector services and transit projects, plans, and initiatives. FCDOT also works with internal partners on “train-the-trainer” programs that familiarize other front-line staff with Fairfax Connector service and current transit projects and plans to allow staff to provide transit information to the general public.
  
- **Community Events** – FCDOT staff seek to meet people where they are by attending community events and festivals (e.g., Celebrate Fairfax, Pan-American Festival, Reston Multi-Cultural Festival) where minority, low-income, and LEPs may be present to distribute transit information and solicit feedback.
  
- **Partnerships with Community Based Organizations and Faith Based Institutions** – FCDOT continues to build and nurture relationships with community- and faith-based organizational partners, which is vital for disseminating information and soliciting feedback from diverse communities. FCDOT works with these organizations to distribute materials, co-sponsor meetings, or attend meetings to reach their constituents, clients, and members.
  
- **Stakeholder Groups** – Stakeholder groups consisting of leaders of relevant community organizations, and/or their members or constituents, are employed at times and locations convenient to attendees to solicit



feedback in a small group and informal setting from minority, LEP, and low-income populations.

- **Print Materials Distribution** – FCDOT develops flyers, brochures, and other print materials to inform the public of meetings and other opportunities to comment on projects and to convey vital transit system information. Print materials are distributed to community areas affected by proposed project or service changes and are translated into other languages as needed per the local demographics and the Language Access Plan. Where possible, printed materials incorporate pictures and use minimal text to facilitate their use by LEP and low-literacy individuals. FCDOT utilizes advertisements to promote public meetings and alert riders of service changes on buses and bus shelters, at park-and-ride lots, and at Fairfax Connector Stores. FCDOT also provides notices to other partners for distribution through their channels, including community-based organizations, local human services agencies, and houses of worship.
- **Online Engagement** - FCDOT makes extensive use of online platforms, including virtual meeting platforms, its website, social media accounts (e.g., Twitter and Facebook), and subscription-based email/text notifications via Fairfax Alerts to disseminate information about capital projects, service changes, and other important information. FCDOT also develops informative videos and other interactive visualization techniques which are important for reaching LEP and low literacy communities. These videos are produced for large-scale projects, for distribution online, and for use at public meetings.
- **Phone Line** – FCDOT maintains a call center service for transit information that is available 24-hours a day, as well as access to a language line service in the event a caller needs language assistance. The call center phone number is included on all project related materials.
- **Ethnic and Foreign Language Media** – FCDOT advertises public meetings in local ethnic and foreign language media outlets, which may include radio stations, TV stations, and newspapers. These outlets help reach Fairfax County’s diverse populations and by targeting specific minority communities.
- **Advisory Boards, Stakeholder Groups and Technical Advisory Groups** – Fairfax County has five advisory boards that provide advice on transportation-related matters: the Transportation Advisory Commission, the Commission on Aging, the Fairfax Area Disability Services Board, and the Mobility and Transportation Committee, a joint committee of the Fairfax Area Disability Services Board, the Fairfax Area Long Term Care Coordinating Council, and the Trails, Sidewalks, and Bikeways Committee. These advisory boards are comprised of members of the community who can provide information regarding outreach strategies for reaching targeted populations. FCDOT also establishes and facilitates community stakeholder groups and technical advisory groups for all large-scale transit planning efforts to inform decision making and bring more involvement from entities supporting Title VI protected populations. These groups meet periodically and are established in collaboration with Neighborhood and Community Services and are based on area impacted and populations served.

### **One Fairfax and Diversity, Equity, and Inclusion Manager (DEIM)**

In 2016, the Fairfax County Board of Supervisors adopted the One Fairfax policy for racial and social equity. The resolution commits the County to intentionally consider equity when making policies or delivering programs and services to county residents. It is a declaration that all residents deserve an equitable opportunity to succeed—regardless of their race, color, nationality, sex, gender identity, sexual orientation, religion, disability, income or where they live.

The One Fairfax Policy establishes shared definitions, focus areas, processes, and organizational structure to help County leaders to look intentionally, comprehensively, and systematically at barriers that may be creating





gaps in opportunity. The One Fairfax Policy includes a purpose, definitions, and areas of focus to promote equity, process, and roles.

To ensure that Fairfax County Department of Transportation (FCDOT) can meet the goals of One Fairfax, the County created a new position at FCDOT for a Diversity, Equity, and Inclusion Manager (DEIM). The DEIM will be consulted at every level for Fairfax Connector/FCDOT public engagement activities and outreach campaigns.

### 2.8.3. OUTCOMES EVALUATION PROCESS

The Fairfax County Department of Transportation routinely reviews its Public Participation Plan and the effectiveness of the strategies contained herein. This Public Participation Plan is a living document that FCDOT will refer to and update on an ongoing basis. Since the previous Title VI Program, FCDOT has engaged in a process to develop standard operating procedures for public participation activities, including a public outreach checklist that will help guide departmental staff as they incorporate community input into transportation planning decisions. Once completed, all these procedures will be incorporated in a revised staff handbook for FCDOT employees.

Following the completion of an individual planning process or initiative that includes public involvement, FCDOT reviews the overall effectiveness of the public outreach by addressing the following questions:

- Was there participation by Title VI protected populations throughout this public participation process? What was the level of participation by Title VI protected populations relative to the proportion of the populations that would be potentially impacted by the proposed plan, project, service change, or fare change?
- How many external events, meetings, and opportunities for one-on-one interaction were provided? Did these outreach activities target specific Title VI populations that would be impacted by the proposed transit plan project, service change, or fare change?
- Were materials translated into the appropriate language(s), printed, and distributed at places where minority, LEP, and low-income populations would have access to them?
- In the judgment of the project team, were the appropriate strategies employed to engender inclusive public participation? Which strategies worked the best, and which ones did not work as well as expected?

These questions are addressed by the FCDOT communications team and appropriate project staff and documented following each public participation campaign’s conclusion. This performance documentation allows FCDOT staff to continuously improve efforts to promote inclusive public participation.

### 2.8.4. SUMMARY OF OUTREACH EFFORTS SINCE THE LAST TITLE VI PROGRAM SUBMISSION

**Table 16** summarizes the community meetings held for Fairfax Connector service since the last Title VI Program submission. It includes details about the meeting name, date/time, how the meeting was held (in-person or virtually, and which platform if held virtually), and whether a recording is available on the FCDOT website.

Table 16: List of Community Meetings February 2020–June 2023 (Most Conducted on Virtual Platforms Due to COVID-19 Pandemic)

Community Meeting	Date/Time	Platform	Recording Posted on Website
May 2020 Service Changes Community Input Meeting - Eagle View Elementary School Cafeteria	Tues., February 18, 2020, 6:30 p.m.	In person	No
Briefing on FFX Connector Reston-Herndon Optimized Bus service - Reston Association Board	Thurs., June 25, 2020, 7 p.m.	Zoom	Yes



Community Meeting	Date/Time	Platform	Recording Posted on Website
Stakeholder Group Presentation (Round 3) on Reston-Herndon Service Enhancements (Silver Line Phase II)	Fri., June 26, 2020, 10:30 a.m.	Zoom	Yes
Fairfax Connector Silver Line Phase II Bus Service Plan Technical Workgroup	Fri., June 26, 2020, 2 p.m.	Zoom	Yes
Herndon-Reston Silver Line Bus Service Review Virtual Meeting with Supervisors Alcorn and Foust	Wed., July 8, 2020, 7 p.m.	Webex	Yes
Fairfax Connector Franconia Springfield Bus Service Review	Mon., September 28, 2020, 7 p.m.	Webex	Yes
Community Meeting - Fairfax Connector Bus Improvements in Centreville, Chantilly, Vienna-and Tysons	Tues., November 18, 2020, 7 p.m.	Webex	Yes
Community Meeting - Fairfax Connector Bus Improvements in Centreville, Chantilly, Vienna, and Tysons	Thurs., November 19, 2020, 7 p.m.	Webex	Yes
Fairfax Connector July 2021 Proposed Service Changes	Thurs., January 27, 2021, 7 p.m.	Webex	Yes
Transit Strategic Plan (TSP) Business Stakeholder Meeting (BC1)	Mon., January 11, 2021, 1 p.m.	Webex	Yes
FCDOT TSP 2021 Meeting 1	Tues., January 12, 2021, 7 p.m.	Webex	Yes
FCDOT TSP 2021 Meeting 2	Wed., January 13, 2021, 7 p.m.	Webex	Yes
Fairfax Connector Bus Route Optimization Technical Workgroup Online Meeting (Centreville-Chantilly-Vienna-Tysons)	Thurs., September 9, 2021, 2 p.m.	Webex	Yes
Town Hall Meeting #1: Centreville, Chantilly, Vienna & Tysons (CCVT) Bus Service Improvement Plan	Thurs., September 30, 2021, 7 p.m.	Webex	Yes
Town Hall Meeting #2 Centreville, Chantilly, Vienna, Tysons (CCVT) Bus Service Improvement Plan	Thurs., October 7, 2021, 7 p.m.	Webex	Yes
Metro Monday - presented by Silver Line Committee of the Dulles Chamber	Mon., March 28, 2022, at 3 p.m.	Zoom	Yes
Fairfax Connector Transit Strategic Plan Community Information Meeting	Thurs., March 31, 2022, 7 p.m.	Teams	Yes
FCDOT Transit Strategic Plan (Technical Advisory Group) Meeting #2	Fri., April 15, 2022, 1:30 p.m.	Teams	Yes
Fairfax Connector October 2022 Proposed Service Changes Meeting	Wed., April 20, 2022, 7 p.m.	Teams	Yes
Fairfax Connector January 2023 Service Change (Public Meeting)	Wed., June 15, 2022, 7 p.m.	Teams	Yes
Dulles Chamber of Commerce Meeting - Silver Line-Fairfax Connector Bus Service	Mon., October 24, 2022, 5 p.m.	In Person	No
Proposed Youth Fare Policy Change - Ages 5-11 (Free Fare with Paying Adult)	Thurs., February 23, 2023, 7 p.m.	Teams	Yes
Fairfax Connector Proposed Service Change: Centreville, Chantilly, Vienna, Tysons + Franconia Springfield	Mon., May 22, 2023, 6:30 p.m.	In person	No



Community Meeting	Date/Time	Platform	Recording Posted on Website
Fairfax Connector Proposed Service Change: Centreville, Chantilly, Vienna, Tysons + Franconia Springfield	Tues., May 23, 2023, 7 p.m.	Teams	Yes
Fairfax Connector Proposed Service Change: Centreville, Chantilly, Vienna, Tysons + Franconia Springfield	Thurs., May 25, 2023, 7 p.m.	Teams	Yes

## 2.8.5. PROJECT EXAMPLES

### Service Change Notifications Public Outreach Process

FCDOT conducts outreach to inform and seek input from Fairfax Connector riders about proposed service changes that will impact their routes and communities. Service change outreach efforts are targeted around the geographic areas that are directly impacted by planned service changes, although meetings are advertised throughout the system. Typically, Fairfax County conducts outreach to impacted riders and communities by posting notices of the planned changes and opportunities for public comment at public meetings on buses, at bus shelters, and by directly distributing print notices of meetings to riders. Information is also posted to Fairfax Connector’s website and social media accounts. Interpretation services are available upon request at all public meetings. Fairfax County translates print notices into Spanish and other languages as needed upon reviewing the demographics of the impacted riders and neighborhoods. By providing information directly to passengers with interpretation into the appropriate languages, FCDOT seeks to ensure that all riders and impacted community members are aware of and have the opportunity to provide comment on service changes that impact their lives.

The following are examples of public outreach strategies related to typical service change notifications and major projects.

#### Example 1: Fairfax Connector Service Reviews (Route Optimizations) – 2018 - Ongoing

In 2018, FCDOT began a new process of a systemic review of Fairfax Connector bus service with a goal of increased on-time performance, reliability, and improved service for the greatest number of riders as effectively as possible. To date, these route optimization efforts have been initiated in the following areas of Fairfax County: Franconia-Springfield, Reston-Herndon, and Vienna-Tysons along the I-66 corridor (including Chantilly and Centreville). The Huntington area of the County is being reviewed as part of the Richmond Highway Bus Rapid Transit (BRT) project.

Engagement with the community continued into 2020-2023 on the route optimizations. One route optimization has been completed--Reston-Herndon Bus Service Review—and two route optimizations are currently in the final rounds of engagement and implementation.

One of the key components of these route optimization efforts is public engagement and solicitation of community feedback. For each route optimization effort, two to three rounds of community and stakeholder outreach have been or will be conducted, and the public feedback will be incorporated into the preferred and final service plans for each area. To engage the Title VI populations for these efforts, the following activities have been conducted, among others:

- Flyers informing the public of the process and the various ways to engage and provide feedback were printed in both English and Spanish and were posted on buses and at bus shelters. These flyers were also distributed to a wide network of community groups, HOAs, businesses, and human services agencies serving



and advocating for Title VI populations. Geo-targeted online advertisements and community newsletters were also used to promote the various ways of engagement and providing feedback.

- A community stakeholder group was formed for each area and engaged during the two to three rounds of community outreach to provide feedback for each effort. These groups included but were not limited to community organizations, business entities, human services agencies, and transit partners.
- Pop-up events at high foot traffic areas in the impacted areas were conducted and information was provided in English and Spanish. Palm cards with engagement opportunities highlighted were available and distributed. Some of the locations used for these efforts included transit stations, grocery stores, community centers, and human services facilities.
- Multiple public meetings were held in transit accessible locations within the service areas. During the coronavirus pandemic, virtual community meetings were offered and for those with access, a call-in option was provided. Interpretation services were available in Spanish and Korean at the physical public meetings and the Spanish interpretation services were used. Additional translation services were made available, per request, but none were requested.
- During the coronavirus pandemic, video presentations were also posted on YouTube and linked on the Fairfax Connector website. These presentations are automatically translated into five languages, namely Spanish / Español, Vietnamese / Tiếng Việt, Korean / 한국어, Chinese / 中文, Urdu / اردو, and Farsi / فارسی by YouTube, and FCDOT has received positive feedback on some of the translations.
- Online surveys were conducted for each public outreach round. The surveys were offered in English and Spanish, and translation of the survey to other languages was provided as an option. Print copies of the survey were also made available.
- Information on the service plan alternatives, the preferred plans, and ultimately the final changes that will go into effect are made available on Fairfax Connector's website (in English and with the ability to use translation service to other languages); through the Fairfax Connector Telephone information Center (both in English and Spanish); on social media platforms (both Fairfax Connector, FCDOT, and Fairfax County Office of Public Affairs channels); via traditional media outlets (radio, TV, and online, with special emphasis on ethnic media outlets); and through email and text alerts (by subscription).
- Once the service changes go into effect, outreach will be done via all above platforms to individuals, community stakeholders, the business community, and human services agencies.

#### **Example 2: COVID-19 Fairfax Connector Service Modifications – March 2020 - ongoing**

For unplanned and significant service modifications (usually during a crisis like severe inclement weather), FCDOT uses a robust public notification process aimed at reaching all Fairfax Connector passengers as quickly as possible. The most recent example of this involves the impacts of the global coronavirus pandemic (COVID-19) which disrupted much of the regular daily operations of Fairfax County beginning in mid-March 2020.

Upon the arrival of COVID-19 to the National Capital Region, FCDOT executed a pandemic mitigation plan that included public notifications of local bus service impacts. While most of the region shut down 90+ percent of public transit, FCDOT maintained approximately 70 percent of the Fairfax Connector service to support customers who are transit dependent. Fares were also suspended on all Fairfax Connector routes.



Communication and notification efforts for the COVID-19 service modifications were specifically aimed to reach the underserved and disenfranchised populations: minorities, LEP individuals, persons with disabilities, older adults, and individuals and families living within lower income brackets. As the crisis evolved, the communications also included new safety protocols (social distancing and requirements to wear a face covering) and procedures for boarding and alighting (rear door entry and exit). Examples of some of the notification activities targeting the Title VI populations included but were not limited to:

- Printed materials in the top 10 languages were posted in buses as flyers and car cards with applicable graphics (such as mandatory face coverings, rear door entry/exit, social distancing, free fares). Fairfax Connector staff also was on-hand to provide information at transit stations and other high-traffic locations. These flyers were also distributed to a wide network of community groups, HOAs, businesses, and human services agencies serving and advocating for Title VI populations.
- Text and email alerts to all registered customers were also distributed, and information on the service impacts were posted online with the capability to translate to dozens of languages in real-time.
- FCDOT worked closely with NCS to distribute the information within Title VI populations. FCDOT also used other existing partnerships with multiple Fairfax County agencies and elected leadership to communicate with the hard-to-reach populations. Some of the agencies providing assistance included the Community Services Board, the Economic Development Authority, OPA, and FCPS.
- Proactive media outreach via direct-to-press messaging developed earned media exposure. Messaging was provided to an extensive list of ethnic-focused media outlets: these outlets generally prefer to receive information in English as they translate it to their respective languages.
- Paid social media advertising increased reach. The Fairfax Connector/FCDOT customer service telephone line was widely publicized, and the customer service staff's ability to speak multiple languages was highlighted. Use of social media to reach out to geo-targeted areas was one of the most successful methods in reaching large numbers of customers. These ads use visual impact approach and can be very helpful in reaching hard to reach customers via written word. Radio advertising also was used.
- Fairfax Connector information was also distributed, and updates were sent through the Fairfax County Joint Information Center (JIC) as part of the Incident Command System (ICS). Information was also provided via the COVID-19 Hot Line staffed by the Fairfax County Health Department and Office of Emergency Management.

## 2.9. Language Access Plan

### 2.9.1. INTRODUCTION

The Fairfax County Department of Transportation (FCDOT) Language Access Plan (LAP) helps determine what types of language assistance to provide, how Limited English Proficiency (LEP) persons will be informed about the availability of language assistance, processes for evaluating and updating the plan, and the types of training provided to all FCDOT transit employees and contractors to ensure awareness of the importance of timely and reasonable language assistance.

FCDOT's LAP was prepared in compliance with FTA Circular 4702.1B and other Federal regulations and guidance related to language assistance. This plan includes:



- The results of the Four Factor Analysis, described below
- A detailed set of strategies that FCDOT will employ to provide language assistance services by language
- A description of how FCDOT will notify LEP persons about the availability of language assistance

The LAP also describes how FCDOT monitors, evaluates, and updates the plan. FCDOT staff who are responsible for Title VI compliance are also responsible for all LAP related tasks, including:

- Ensuring that all staff are trained to provide timely and reasonable language assistance to LEP populations
- Ongoing monitoring of the language assistance strategies' implementation and materials that comprise the LAP
- Evaluating the efficacy of the strategies and materials
- Updating the plan as needed

## 2.9.2. FOUR FACTOR ANALYSIS METHODOLOGY

The U.S. Department of Justice (DOJ) developed the Four Factor Analysis to provide a clear framework through which recipients of Federal funding can determine the extent of their obligation to provide LEP services. Recipients of Federal funding are required to take reasonable actions to ensure access to their programs and activities, and the Four Factor Analysis helps to develop an individualized determination of the extent of the needs of LEP populations and how they are best and most feasibly served.

FTA's Title VI Circular 4702.1B instructs FTA funding recipients to use the Four Factor Analysis and refer to DOJ's LEP guidance, as needed, to prepare the LAP. In accordance with these guidelines, FCDOT conducted a Four Factor Analysis to help ensure meaningful access to programs and activities, and to determine the specific language services that are appropriate to provide. Broadly speaking, this analysis helps to determine how well Fairfax County communicates with the LEP communities it serves and how it can communicate with them in the future through language access planning. The Four Factor Analysis examines the following, as described in FTA Circular 4702.1B:

**Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the recipient.** This population is program specific. In addition to the number or proportion of LEP persons served, the analysis, at a minimum, identifies:

- How LEP persons interact with the recipient's agency—in this case, FCDOT
- LEP communities by language. Assesses the number or proportion of LEP persons from each language group to determine the appropriate language services to provide for each language group
- The literacy skills of LEP populations in their native languages to determine whether translation of documents will be effective
- Whether LEP persons are underserved by FCDOT due to language barriers

**Factor 2: The frequency with which LEP persons come into contact with the program.** Recipients should survey key program areas and assess major points of contact with the public, such as:

- Use of bus and rail service.
- Purchase of passes and tickets through vending machines, outlets, websites, and over-the-phone
- Participation in public meetings
- Customer service interactions
- Ridership surveys
- Operator surveys



**Factor 3: The nature and importance of the program, activity, or service provided by the program to people’s lives.** The provision of public transportation is a vital service, especially for people without access to personal vehicles. For example, a county’s regional planning activities potentially impact every person within the county. Development of a coordinated plan to meet the specific transportation needs of seniors and people with disabilities will also often meet the needs of LEP persons. An LEP individual may have a disability that prevents them from using fixed route service, thus making them eligible for ADA complementary paratransit. Transit providers, States, and MPOs must assess their programs, activities, and services to ensure they are providing meaningful access to LEP persons. Facilitated meetings with LEP persons are one method to inform the recipient on what the local LEP population considers to be an essential service, as well as the most effective means to provide language assistance.

**Factor 4: The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.** Resource and cost issues can often be reduced by technological advances, reasonable business practices, and the sharing of language assistance materials and services among and between recipients, advocacy groups, LEP populations, and Federal agencies. Large entities and those entities serving a significant number of LEP persons should ensure that their resource limitations are well substantiated before using this factor as a reason to limit language assistance.

**Table 17** provides a summary of each factor along with the measures and data sources used for the analysis.

Table 17: Four Factor Analysis Methodology

Factor	Measures	Data Sources
<b>Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.</b>	<ul style="list-style-type: none"> <li>■ Presence of LEP populations in Fairfax County</li> <li>■ Use of public transportation services by LEP populations in Fairfax County</li> </ul>	<ul style="list-style-type: none"> <li>■ American Community Survey (ACS) Estimates: This analysis uses 2017-2021, 5-year estimates and 2021 1-year estimates</li> <li>■ Fairfax County Public Schools Youth Survey</li> </ul>
<b>Factor 2: The frequency with which LEP persons encounter the program.</b>	<ul style="list-style-type: none"> <li>■ Frequency with which LEP persons use Fairfax Connector</li> </ul>	<ul style="list-style-type: none"> <li>■ Interviews with County Staff</li> <li>■ Fairfax Connector Bus Rider Survey: FCDOT surveyed riders on all Fairfax Connector bus routes from March 30 - May 24, 2019</li> </ul>
<b>Factor 3: The nature and importance of the program, activity, or service provided by the program to people’s lives.</b>	<ul style="list-style-type: none"> <li>■ Qualitative research on the role of Fairfax Connector service in the lives of LEP persons in Fairfax County</li> <li>■ Ability to make trip if Fairfax Connector were not available</li> <li>■ Access to a vehicle for LEP Fairfax Connector riders</li> <li>■ Trip purpose for LEP Fairfax Connector riders</li> </ul>	<ul style="list-style-type: none"> <li>■ Interviews with County Staff.</li> <li>■ Fairfax Connector Bus Rider Survey: FCDOT surveyed riders on all Fairfax Connector bus routes from March 30 - May 24, 2019</li> </ul>
<b>Factor 4: The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.</b>	<ul style="list-style-type: none"> <li>■ Description of existing Language Access Resources and associated costs</li> </ul>	<ul style="list-style-type: none"> <li>■ Program information and data. Records on the description of existing language access resources and their costs are maintained by the FCDOT Civil Rights Officer</li> </ul>

### Interviews with County Staff

Fairfax County provides vital public transportation services, especially for people without access to personal vehicles, through operation of the Fairfax Connector. LEP persons, for instance, interact with FCDOT by riding



the bus, interacting with bus operators, looking online for service information, visiting a Fairfax Connector store, participating in a FCDOT public meeting, or calling FCDOT for service information or to submit a complaint. To understand the frequency with which each of these interactions occurs, as well as the importance of Fairfax Connector service to LEP populations, the methodology for Factors 2 and 3 included interviews with nine County government, Fairfax Connector, and social service providers that serve LEP populations across Fairfax County. These interviews focused on identifying where LEP populations reside in Fairfax County, the languages spoken by LEP populations across Fairfax County, and how they use public transportation.

The interviews help illustrate both how often LEP persons use Fairfax Connector and other public transportation services in Fairfax County, and what services they use most frequently (Factor 2); the interviews also revealed the nature and importance of public transportation to the lives of LEP persons (Factor 3). **Table 18** lists the Fairfax County departments and staff that participated in the interviews. **Figure 6** shows the Neighborhood and Community Services regions. The remainder of this section summarizes each interview and relevant findings to this Language Access Plan.

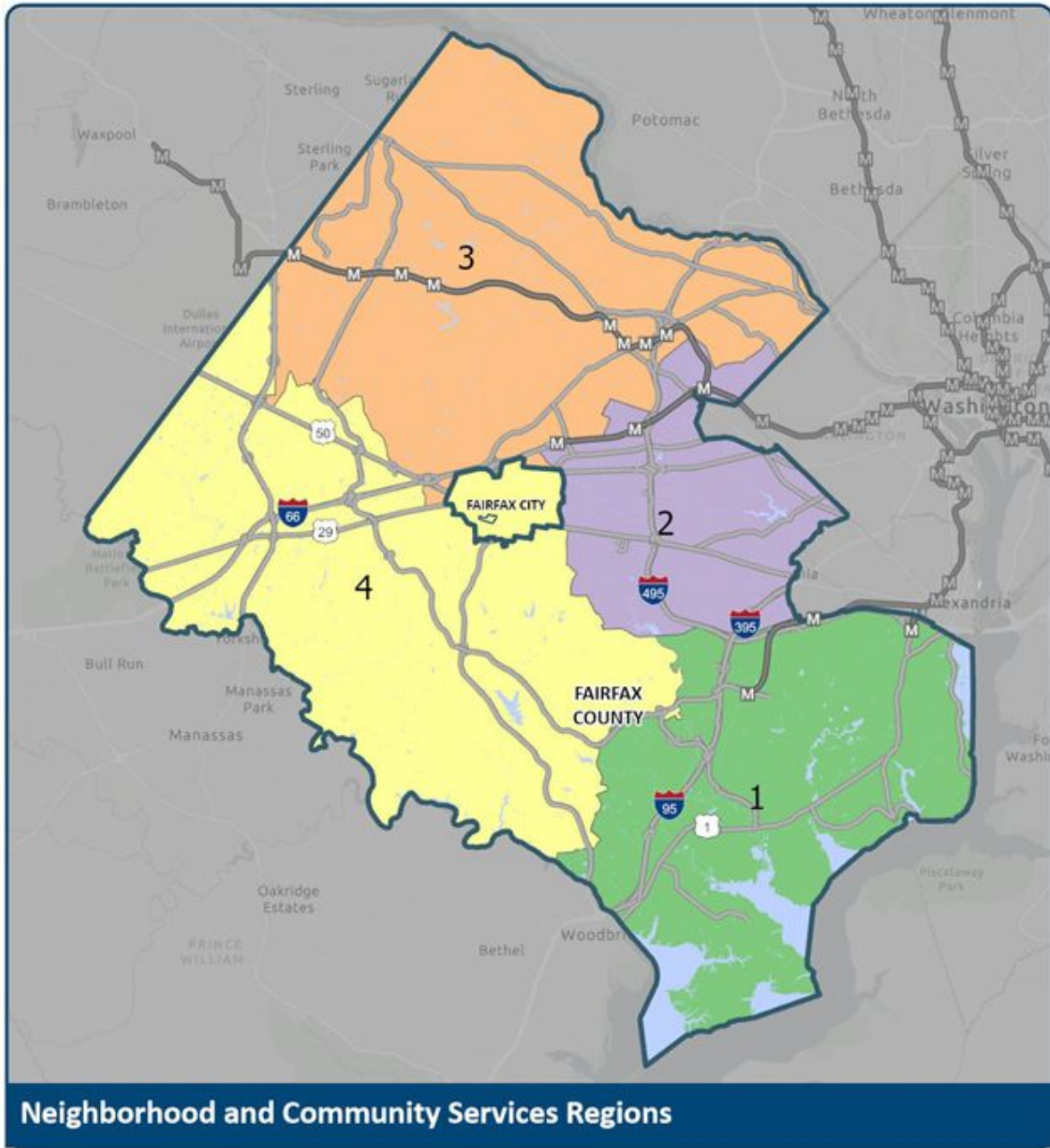
Table 18: Interviews Conducted for the Language Access Plan

Fairfax County Department or Office	Individual Participants	Interview Date
Customer Service, Herndon Division	Sanata Hedgepeth, Customer Service Manager	January 24, 2023
Customer Service, Huntington Division	William Thomas Bell III, Customer Service Manager	February 2, 2023
Customer Service, West Ox Division	Devera Ross, Customer Service Manager	February 6, 2023
Neighborhood and Community Services	Chris Scales, Division Director	February 1, 2023
Neighborhood and Community Services – Region 1	LaTishma Walters, Assistant Division Director	February 1, 2023
Neighborhood and Community Services – Region 2	Theresa Brown, Assistant Division Director	February 1, 2023
Neighborhood and Community Services – Region 3	Karen De Mijango, Assistant Division Director	January 24, 2023
Neighborhood and Community Services – Region 4	Keesha Gill, Assistant Division Director	February 1, 2023
Office of Public Affairs	Katie Han, Language Access Program Director	January 31, 2023





Figure 6: Fairfax County Neighborhood and Community Services Regions



**Neighborhood and Community Services Regions**

- |                   |                                     |
|-------------------|-------------------------------------|
| <b>NCS Region</b> | <b>M</b> Metrorail Stations         |
| 1                 | Metrorail                           |
| 2                 | Interstate, State Route, U.S. Route |
| 3                 | Water                               |
| 4                 | Parks                               |
|                   | Fairfax County Border               |

0 2.5 5 Miles

N



### **Sanata Hedgepeth, Customer Service Manager, Herndon**

As Customer Service Manager for the Herndon Division in Fairfax County, Sanata receives and responds to customer complaints, lost and found requests, and fare concerns from bus riders and bus operators. In this role, Sanata speaks to LEP individuals daily, the large majority of whom speak Spanish. Since many of these individuals have a low level of literacy in English, Sanata discussed the importance of speaking clearly to ensure comprehension. To further assist these interactions, they use the County's third-party translation service, which connects callers to a live interpreter who then translates verbally for the interaction with the LEP person.

Staff have identified Route 950, which operates between Herndon and Reston, as having high ridership among LEP individuals.

While most communication with passengers is verbal, written information occasionally requires translation. Sanata explained that they periodically require documents be translated into Spanish, but this not very common. If passengers are having trouble understanding a document, calling the customer service line for interpretation provides satisfactory results. This situation occurs most frequently with elderly individuals, as they often have greater difficulty understanding the public transit system. However, Sanata noted that most passengers do not struggle to use transit services, especially with resources such as the website and smartphone application that provide navigation assistance and bus arrival times. For those who ride transit, Sanata explained that their trip purposes are often for work, school, or going to the grocery store.

### **William Thomas Bell III, Customer Service Manager, Huntington**

William manages customer service interactions with bus riders for the Huntington Division. In this role, they receive and respond to customer complaints, lost-and-found requests, and fare concerns. William explained that they speak to LEP individuals a couple of times per month with the following language groups:

- Spanish – Richmond Highway Corridor, Blake Lane Corridor near Annandale
- Asian languages – Annandale, Columbia Pike Corridor, Gallows Road Corridor

Most of these interactions are with Spanish-speaking individuals, whom William noted tend to have a lower level of verbal proficiency (and potentially literacy) in English. Therefore, customer service has access to a third-party language access line that provides passengers with an interpreter when needed. Bus operators are also trained to connect passengers with this call center when they need translation services. In some cases, an operator may be able to assist passengers directly, as William estimated that about ten of the division's 220 operators (about 5 percent) are able to speak Spanish. William noted that other Spanish-speaking passengers on the bus are often willing to translate when language barrier situations arise with operators.

William described how LEP individuals of all ages benefit from the transit system. Middle school and high school students use it to get to school, working age individuals use it to get to work, and the elderly population uses it for grocery shopping and other daily needs rather than driving their own vehicles. William highlighted the following Fairfax Connector routes as having high ridership among LEP populations:

- Route 401
- Route 402
- Route 321
- Route 322
- Route 171
- Route 151
- Route 152



- Route 161
- Route 162
- Route 310

LEP passengers on these routes often speak Spanish, and many are frequent riders. William discussed that the most common complaints among these passengers refer to on-time performance and navigation assistance. While the call center typically receives the on-time performance complaints (e.g., being late to an appointment or to work), navigation concerns are typically communicated directly to operators in the field. Given the current languages encountered in the field and FCDOT employee success in interacting with LEP individuals and addressing concerns through bilingual communication tools like translation services, William does not see a need to provide information in additional languages or enhance their processes at this time. They pointed out that operators freely request assistance when they need it, and operators are not asking for additional language support.

**Devera Ross, Customer Service Manager, West Ox**

Devera provides customer service to bus riders for the West Ox Division. They interact with LEP individuals daily as they receive and respond to customer complaints, lost-and-found requests, and fare concerns. Devera identified the following two language groups as being the most prevalent for the West Ox division:

- Spanish – Reston, Herndon, Fairfax City
- Hindi – Reston, Herndon, Fairfax City

During interactions with LEP individuals, many Spanish-speaking individuals require translation. While some individuals will use their smartphone for translation via Google Translate, customer service staff use several other resources to provide language support:

- Bilingual staff to assist in Spanish interpretation
- Third-party language access phone line
- English and Spanish bus schedules

Devera said that the bilingual bus schedules are especially helpful, as the primary transit barrier for LEP individuals is making bus-to-bus connections. Therefore, having access to Spanish bus schedules enhances their understanding of when and where the bus will arrive. While challenges remain, Devera explained that LEP individuals of all ages use transit for a variety of purposes, including work, school, and leisure. Devera identified Route 310, which operates between Springfield and Huntington, as having high ridership among LEP individuals.

When asked about best practices, Devera suggested it would improve communication to put more information at the bus stops in Spanish. Operators often receive questions about where the bus is going and which bus route riders need to use to reach a destination. While operators can direct riders to the customer service call center if needed, more signage in Spanish would help passengers confirm that they are in the right location without needing additional assistance.

**Chris Scales, Division Director, Neighborhood and Community Services**

As Director of the Cultural Recreation and Community Connections (CRCC) division of Neighborhood and Community Services (NCS), Chris oversees the School Age Child Care (SACC) program in addition to community centers, senior centers, and teen centers. Through engagement with the community, the following languages were identified as the most frequently interacted with:



- Spanish
- Mandarin
- Urdu

While documents are generally always translated into Spanish, Chris explained that languages other than Spanish have been increasing recently, specifically noting a large increase in dialects from Afghanistan. To assess language needs in the County, NCS utilizes their data team to create community profiles. These profiles provide sociodemographic information, including languages spoken, by census tract. Schools throughout the County also provide information on languages spoken, ethnicities, and age. While data provides a baseline for determining language needs, Chris noted that they learn the most from engaging with the community firsthand. During engagement, NCS offers the following language-related services:

- Live interpreters at engagement events
- Third-party translation services for over-the-phone interpretation
- QR codes on printed materials. Once on the website, individuals can choose their own language

When providing translation, Chris emphasized that considering the level of literacy is important. Many LEP individuals have a low level of literacy in both English and their native language. When NCS encounters these individuals, they often refer them to the English Empowerment Center, which offers English classes at several community centers throughout the County. These courses require a small fee to cover materials, but the fee is waived for students who cannot pay. Low literacy levels are also a large barrier to transit use. Many LEP individuals have a difficult time navigating the bus system due to language constraints, but often lean on members of their own community for assistance.

Chris cautioned that there is not a one-size fits all solution to outreach. Rather, it is important to have various strategies for approaching outreach as each community and individual will engage differently. While some interactions may come easily, others may struggle due to a distrust of government among some LEP communities. This can be navigated through relationship building and finding trusted community leaders to assist in outreach. Chris also discussed the importance of having community meetings at various times of day to accommodate work schedules, as well as providing childcare and food at events. These efforts help boost engagement and bring a wider variety of individuals to events for more diverse perspectives.

**LaTishma Walters, Region 1 Assistant Division Director, Neighborhood and Community Services**

NCS Region 1 provides social services for the southern part of Fairfax County along the U.S. Route 1 Corridor and parts of the Springfield area. The following language groups are located throughout Region 1 of Fairfax County:

- Spanish - located throughout central Springfield
- Twi - Gum Springs, Woodley Hills
- Urdu - Lorton
- Amharic
- Farsi
- Korean
- Vietnamese

LaTishma explained that Spanish remains the largest community of non-native English speakers but noted a recent increase in Twi. Given that the large majority of the LEP population is Spanish speaking, LaTishma has observed that Spanish speakers comprise the largest LEP community using transit, often out of necessity to travel to work or social services. Frequency of transit use among LEP individuals often depends on their overall comfort level with using the system. One potential barrier is that literacy levels remain low for many LEP individuals in both English and their native language, especially among Spanish speakers. Therefore, LaTishma



emphasized the usefulness of using universal symbols and limiting government lingo when interacting with LEP communities. To further assist in clear communication, NCS Region 1 provides the following language-related services:

- Multilingual staff for internal translation
- Third-party translation services for flyers and other documentation
- Spanish interpretation services
- Family Liaisons and Neighborhood Ambassadors to provide trusted communication to LEP populations

Most translation in NCS Region 1 is from English to Spanish, with nearly all written documents translated to Spanish. LaTishma also noted that documents are occasionally translated to Twi and Korean as needed. When third-party translation services are needed, it typically requires three days' notice. Therefore, LaTishma explained that they sometimes rely on internal staff for quicker turnaround times.

When interacting with LEP communities, it is important to consider their communication preferences. LaTishma prefers the following practices when engaging in outreach:

- Involve a trusted person or leader within the community that can provide a safe and familiar space for LEP individuals.
- Make use of community centers to spread information, both written and word of mouth.
- Utilize neighborhood social media, such as Nextdoor, to spread information throughout the community.
- Take advantage of smartphone technology, such as QR codes.

#### **Theresa Brown, Region 2 Assistant Division Director, Neighborhood and Community Services**

NCS Region 2 provides social services to the Annandale and Falls Church areas in Fairfax County. The frontline staff at NCS interact with LEP communities, including individuals from the following language groups:

- Spanish - throughout the region, including Bailey's and Falls Church areas
- Farsi
- Arabic
- Urdu
- Korean - Falls Church, Annandale
- Vietnamese - Falls Church, Annandale

While Spanish speakers remain the most prevalent LEP population, Theresa noted that non-Spanish languages seem to be trending upward. This includes an increase in the prevalence of Asian languages, especially at the Lincolnia Community Center. To provide effective communication with these communities, the NCS Region 2 offers the following language-related services:

- Third-party service to provide translation and interpretation over the phone
- Spanish interpreters and headset interpretation at in-person outreach events
- Marketing fliers with a phone number to interpretation call center

Given the large proportion of Spanish speakers in the region, documents are automatically translated to Spanish. Similarly, Theresa explained that Spanish interpretation is available at every event, and other languages are available by request. However, smaller language groups are more likely to utilize over-the-phone interpretation services, rather than request an interpreter on site.

When planning outreach events, it is important to consider how LEP populations prefer to interact with the County. Theresa suggested that many LEP individuals feel the most comfortable interacting with parent liaisons and neighborhood ambassadors—community members who act as liaisons between the County and their



neighbors—because they are trusted by other community members. Neighborhood ambassadors are often present at community meetings as well as informal gatherings, providing a less formal way for LEP communities to receive information and interact with an individual that can speak their language. Paid and managed through a contract with the Opportunity Neighborhood Initiative, neighborhood ambassadors help ensure that LEP communities are aware of the resources available to them.

The County also operates Neighborhood Initiative Program resource centers. These centers are located in areas where the County has identified a need for expanded access to County services. Staffed in partnership with community organizations, thirteen centers throughout the County provide the community with assistance, programming, and education including:

- Before and after school activities
- English as a second language classes
- Legal assistance
- Employment assistance
- Job and skills training for youth and adults

Among LEP populations in NCS Region 2, transit use varies based on the neighborhood and community center, but many riders use the service out of necessity. This is especially true for elderly individuals who may need transportation between community centers and grocery stores or pharmacies. While many transit trips are out of necessity, Theresa explained that some LEP individuals also use transit for recreational purposes, noting a recent community trip to the Kennedy Center.

To increase awareness of County services, Theresa provided the following tips:

- Community centers are the best way to get information out to the public, as the staff interacts with LEP persons daily
- Non-profit partners with the Opportunity Neighborhood Initiative and the Neighborhood Initiative Program are great resources to engage LEP communities

### **Karen De Mijango, Region 3 Assistant Division Director, Neighborhood and Community Services**

As Assistant Division Director, Karen De Mijango oversees extensive community engagement, including in recreational settings such as youth centers and other community centers. Their team at NCS Region 3 provides community assistance throughout the northern part of Fairfax County, including the Reston and Herndon areas. NCS staff interact with LEP populations daily, with the following language groups located throughout Region 3 of Fairfax County:

- Spanish – located throughout the area in Herndon, Reston, and McLean
- Arabic – Reston
- Farsi – Reston
- Mandarin – located throughout the area, especially near Falls Church and McLean senior centers

In recent years, LEP populations have grown in the Herndon area. While Spanish remains the largest LEP population, Mandarin has become a close second.

Given that NCS provides their own transportation services, Karen suggested that fewer people come to community centers using public transit such as the Fairfax Connector. Karen explained that most transit riders their staff interact with utilize NCS-provided transportation services. These riders tend to be older adults or residents of affordable housing complexes throughout the Reston area. Karen suggested that additional



information on the available transportation options would be beneficial in raising awareness about the Fairfax Connector among these communities.

Karen emphasized that clear communication is a critical component of coordinating outreach efforts and highlighted the importance of translation services. When engaging with LEP individuals, NCS Region 3 provides the following language-related services:

- A multilingual staff
- Sharing staff members between centers for over-the-phone translation
- Third-party translation services if staff members are unable to translate
- Coordination among community centers, regional staff, and non-profits to identify languages of outreach materials

Karen explained that, in their experience, literacy levels are basic among LEP individuals who can speak or understand English. Therefore, it is important to remove terminology and administrative complexity from written communication materials when engaging in community outreach. While there is no formal process for simplifying outreach materials, NCS frequently provides this kind of assistance to other parts of the organization. For written materials, community center staff request translation based on the most frequently used languages and those they expect to encounter in the context of the project or materials; when NCS submits the documents to their third-party translation service, they revise the language appropriately and provide inflection notes to ensure the translated materials are most effective.

When asked about best practices for FCDOT outreach with LEP communities, Karen provided the following suggestions:

- Consider the regional dialectical differences of languages, e.g., Central American Spanish versus Mexican Spanish.
- Regular ongoing outreach is better than sudden specific outreach to build a trusting relationship with the community
- More concise informational bulletins would be helpful to inform the community and NCS staff on available transportation services
- There may be a misunderstanding between community members, especially LEP individuals, and County staff on the distinction between “transportation” and “transit.” Community members frequently understand the two to be synonymous, i.e., that “transportation” specifically means bus or rail transit. Providing clarification on what “transit” refers to would be helpful in community engagement related to all kinds of transportation planning

#### **Keesha Gill, Region 4 Assistant Division Director, Neighborhood and Community Services**

NCS Region 4 provides community assistance to a large suburban area in Western Fairfax County, including Centreville, Chantilly, Burke, Fairfax City, and West Springfield. Region 4 includes the following language groups:

- Spanish - located throughout the County, including a large community in Chantilly
- Korean - located near Sully Community Center and Korean churches throughout Chantilly and Centreville
- Farsi
- Hindi – includes a large community of George Mason University students in Fairfax City.

Since NCS staff interact with LEP individuals daily, their first approach is to translate as many of their materials to as many common languages as possible. Keesha explained the importance of understanding their language needs in order to better target outreach. English literacy levels are generally low among Spanish and Korean



populations, emphasizing the need for effective translation. Currently, the region provides the following language-related services:

- Multilingual staff for internal translations
- Third-party translation services for documents and over-the-phone interpretation
- Headset equipment for translation at engagement events

While translation and interpretation are often provided for Spanish and Korean speakers, it is important to determine whether translation needs extend beyond those two languages. Typically, translation is “by insight” rather than “by request”: Keesha explained that they often learn about community language needs from community members directly, determining which languages need to be included in translation efforts.

Keesha also related that NCS Region 4 is working on improving their email translations. While they have contracted vendors to translate fliers and other written documentation, these services often require at least three days’ notice. For quick turnarounds such as emails, they rely on internal staff for translation. Keesha suggested that employee training programs to improve language translation skills would be a beneficial effort.

While many LEP individuals utilize NCS-provided transportation services to travel to community centers, Keesha noted that LEP ridership on the Fairfax Connector seems limited throughout Region 4. Keesha also noted that language is a barrier to transit use, especially among older individuals who may be unable to communicate health-related concerns to operators.

To help improve these barriers, Keesha offered the following best practices when engaging in outreach:

- Have an “in” with the community to help spread information. It is often helpful to go through a church or a trusted community-based organization
- Educate yourself on the community’s social patterns and physical geography to engage in more intentional outreach
- Let communities set the terms of the conversation and engage in a way that suits them best

#### **Katie Han, Language Access Program Director, Fairfax County Office of Public Affairs**

Katie is the Language Access Program Director, a new position created by the County to help centralize the translation processes and improve communication with LEP populations. Katie identified the following languages as the most prevalent in the County:

- Spanish – Alexandria, Mount Vernon, Herndon, Reston, Falls Church, South Lakes, West Potomac
- Arabic – Falls Church, Annandale
- Korean – Chantilly, Fairfax, Centreville, Annandale
- Amharic – Alexandria

Katie noted that the Amharic-speaking population is growing, and that the Farsi-speaking population has decreased significantly. Due to these trends, the County is no longer automatically providing Farsi translations. To assess language needs, the Office of Public Affairs regularly surveys County agencies on how often they interact with LEP individuals. This helps ensure that their strategies and services are aligned with the community’s needs. The County currently offers the following language-related services:

- Third-party translation service for documents and over-the-phone translation
- “I speak” posters located throughout different agencies (**Figure 7**). Individuals can point to the language they speak and are connected to someone who speaks their language
- Social media posts and informational videos translated to Spanish, with subtitles available in additional languages





- Headset equipment to communicate live interpretation at engagement events

Katie noted that translation skills go beyond linguistic proficiency and explained that the County is creating assessments to test their bilingual employees’ ability to translate and interpret other languages. This will identify an internal cadre of staff who can provide in-house translation services at a proficient level. However, when providing language services to the community, Katie noted the importance of understanding the level of literacy among LEP populations. Katie cautioned that the County may sometimes offer services that cannot be used because of low literacy levels, especially for those with low literacy in their native language. Therefore, it is important that documents and translations use plain language and limit government jargon.

Figure 7: Example Portion of a Fairfax County "I Speak" Poster



Additionally, Katie emphasized that outreach must be tailored to the needs and concerns of LEP communities to ensure they feel safe and comfortable interacting with the County. Many LEP individuals generally do not trust governments for any number of reasons, which may limit engagement levels. Katie indicated that, in their experience, LEP individuals are more receptive and trusting of school staff than staff for other governmental services. Katie suggested that County officials from other departments could use school events for outreach on other topics to encourage more engagement from LEP communities.

### 2.9.3. FOUR FACTOR ANALYSIS RESULTS

**Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the recipient.**

Analysis for Factor 1 relied primarily on two data sources: the US Census Bureau’s American Community Survey (ACS), and Fairfax County Public Schools’ surveys of languages students speak at home. Together, these illustrate the languages spoken throughout the County and therefore are likely spoken by Fairfax Connector riders.

#### FINDINGS FROM THE AMERICAN COMMUNITY SURVEY (ACS)

FTA defines LEP persons as individuals for whom English is not their primary language and who have limited ability to read, write, speak, or understand English. The US Census Bureau includes questions in the American Community Survey (ACS) to assess English proficiency and other language use among residents of the United States. Accordingly, Fairfax County residents who reported in the ACS that they speak English “less than very well” are considered to have limited English proficiency for purposes of this Four Factor Analysis. Maps displaying the distribution of LEP populations in Fairfax County are found in **Appendix B**.

**Table 19** shows the County’s overall LEP population by language group for the population five years and older. In total, 14 percent of the population in Fairfax County, or just over 149,000 people, are limited English proficient.



Table 19: English Proficiency in Fairfax County by Language Group, Population Five Years and Older<sup>8</sup>

Language Spoken at Home <sup>9</sup>	Population Five Years and over by Specified Language Group	Percent of Population by Specified Language Group	Speak English “Less than Very Well” by Specified Language Group	Percent of Specified Language Group Speakers that Speaks English “Less than Very Well”
Spanish	144,216	13.4%	59,810	41.5%
Asian or Pacific Islander	129,071	12.0%	53,120	41.2%
Indo-European	91,764	8.5%	21,610	23.5%
Other Languages	51,225	4.8%	14,662	28.6%
<b>Total Non-English Languages</b>	<b>416,276</b>	<b>39%</b>	<b>149,202</b>	<b>36%</b>
<b>Total English-only</b>	<b>659,040</b>	<b>61%</b>	<b>-</b>	<b>-</b>
<b>Total Population – Fairfax County</b>	<b>1,075,316</b>			

**Table 20** shows details on the top ten languages spoken by LEP households in Fairfax County, comparing results from 2014-2018 (submitted in the 2020 Title VI Program) to the most recent data available for 2021. This analysis uses single-year estimates from the ACS because the US Census Bureau currently only provides five-year estimates for 2015 and earlier.<sup>10</sup> Since the ACS uses a sample rather than a census of each geography, single-year estimates have larger margins of error than five-year estimates. For example, small nominal increases or decreases may in fact be untrue.

With these limitations in mind, the top ten languages have changed slightly in the past three years, with multiple languages increasing or decreasing and others moving off the list entirely. Hindi and other Indic languages and Urdu saw notable decreases in the size of their LEP populations, with 38 percent and 41 percent decreases, respectively. Arabic shifted to fifth and Farsi shifted to eighth. Additionally, Bengali replaced Tagalog as the tenth most populous LEP community. For the top four languages, Spanish and Korean saw decreases in the size of their limited English proficient populations, but Vietnamese and Chinese saw an increase. Except for Bengali, the growth has been modest for linguistic communities whose LEP populations have increased.

<sup>8</sup> U.S. Census Bureau, American Community Survey, 2017-2021, five-year estimates, Table S1601: Language Spoken at Home.

<sup>9</sup> The US Census Bureau collapses 382 language categories into four major groups: Spanish, Asian or Pacific Island Languages, Indo-European Languages, and Other Languages.

<sup>10</sup> The 2014-2018 five-year estimates used in the 2020 Title VI Program were not available for this analysis.



Table 20: LEP Populations in Fairfax County, Population Five Years and Older - Top 10 Languages

2020 Rank	Top 10 Languages (2020 Title VI Program)	2014-2018 <sup>11</sup> Population	2023 Rank	Top 10 Languages (2023 Title VI Program)	2021 <sup>12</sup> Population	Percent Change
1	Spanish or Spanish Creole	61,146	1	Spanish or Spanish Creole	55,752	-8.8%
2	Korean	17,893	2	Korean	17,577	-1.8%
3	Vietnamese	12,775	3	Vietnamese	13,980	9.4%
4	Chinese	9,112	4	Chinese	9,350	2.6%
5	Hindi and other Indic languages <sup>13</sup>	8,644	5	Arabic	6,351	3.2%
6	African Languages	8,598	6	Amharic	5,786	*
7	Arabic	6,155	7	Hindi and other Indic languages	5,330	-38.3%
8	Urdu	5,685	8	Persian (including Farsi, Dari)	4,775	-12.1%
9	Farsi	5,430	9	Urdu	3,346	-41.1%
10	Tagalog	3,051	10	Bengali	3,099	65.2% <sup>14</sup>

\* The previous Title VI program did not distinguish between different African languages. However, the latest ACS includes several different African languages, and because there are large populations of Amharic speakers in Fairfax County, this table includes the greatest detail possible. However, the percent change has been omitted in this case, since “African languages” in the 2018 data are not directly comparable to the 2021 Amharic data, even if it did consist of mostly Amharic speakers.

**Table 21** shows the distribution of commute mode based on ability to speak English. The dataset provided a detailed breakdown of commute mode among English and Spanish speakers but collapses all other language groups into a single additional category. Therefore, Spanish is the only LEP population broken out in the table below. Spanish-speaking LEP persons who work in Fairfax County are more dependent on public transportation as their primary commute mode than the general population, LEP workers who speak languages other than English, and Spanish-speaking LEP persons who also speak English very well. LEP persons who speak Spanish and work in Fairfax County are also more likely to carpool, walk, or use a motorcycle, bicycle, or taxi to travel to work, while they are far less likely to work at home compared to all other populations.

<sup>11</sup> U.S. Census Bureau, American Community Survey, 2014-2018, five-year estimates, Table B16001: Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over

<sup>12</sup> U.S. Census Bureau, American Community Survey, 2021, one-year estimates, Table B16001: Language Spoken at Home by Ability to Speak English for the Population 5 years and over. The U.S. Census Bureau currently only provides five-year estimates for 2015 and earlier, so 2021 one-year estimates were used to provide the most recent data available.

<sup>13</sup> Speakers of other Indic languages may also speak Hindi, so Hindi and other Indic languages will be combined in analyses of LEP populations in Fairfax County. In the 2014-2018 ACS data there are 7,144 speakers of “other Indic languages” and 1,500 speakers of Hindi that speak English “less than very well.” In the 2021 ACS data there are 3,417 speakers of “other Indic languages” and 1,913 speakers of Hindi that speak English less than very well.

<sup>14</sup> The percentage change for Bengali speakers that speak English “less than very well” was calculated using the ACS 2018 one-year estimates. The 2014-2018 five-year estimates used in the 2020 Title VI Program were not available for this analysis.



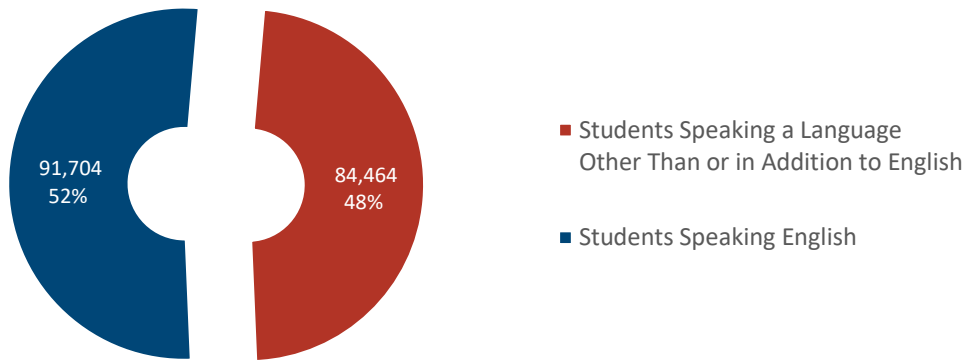
Table 21: Commute Mode Share for Working-age Population in Fairfax County by Language Spoken at Home and Ability to Speak English<sup>15</sup>

Commute Mode	Total Population	Speak Only English	Speak Spanish and Speak English Very Well	Speak Spanish and Speak English Less Than Very Well	Speak Languages Other Than English and Speak English Very Well	Speak Languages Other Than English and Speak English Less Than Very Well
Drove Alone	69.9%	72.2%	67.3%	59.3%	65.9%	67.9%
Carpooled	7.9%	5.9%	11.6%	23.3%	7.4%	11.7%
Public Transportation	2.9%	3%	3.7%	7.2%	2.2%	3.0%
Walked	1.6%	1.4%	1.8%	3.5%	1.7%	2.4%
Taxicab, motorcycle, bicycle, or other means	1.5%	1.4%	1.9%	2.7%	1.5%	1.5%
Worked at Home	16.2%	17%	13.6%	4.0%	21.3%	13.4%

**FINDINGS FROM THE FAIRFAX COUNTY PUBLIC SCHOOLS YOUTH SURVEY**

Fairfax County Public Schools (FCPS) regularly survey their students to help identify the languages students speak at home.<sup>16</sup> As of the start of the 2022 school year, just over 176,000 students attend FCPS schools (kindergarten through 12<sup>th</sup> grade). As shown in **Figure 8**, 84,464 (48 percent) students speak a language other than English at home. **Table 22** shows the most frequently spoken languages at home other than English among those students. Like the ACS results, Spanish is by far the most prevalent language other than English spoken at home among households where English is not the sole language spoken.

Figure 8: FCPS Students Speaking Languages Other Than English



<sup>15</sup> U.S. Census Bureau, American Community Survey, 2017-2021, five-year estimates, Table B08513: Means of Transportation to Work by Language Spoken at Home and Ability to Speak English for Workplace Geography – Universe: Workers 16 years and over.

<sup>16</sup> This section relies on data from the Fairfax County Public Schools Home Language Survey, provided by FCDOT and current as of September 30, 2022.



Table 22: Languages Other Than English Frequently Spoken at Home, 2022

Rank	Language	Number of Students	Percent of Total Speakers of a Language Other Than or in Addition to English	Percentage of all Students
1	Spanish	39,626	47%	22%
2	Arabic	5,392	6%	3%
3	Korean	4,009	5%	2%
4	Vietnamese	3,796	4%	2%
5	Chinese/Mandarin	3,424	4%	2%
6	Amharic	3,156	4%	2%
7	Urdu	2,640	3%	1%
8	Telugu	1,832	2%	1%
9	Farsi/Persian	1,548	2%	1%
10	Hindi	1,443	2%	1%
-	Other	17,598	21%	10%
Language Minority Students		84,464	100%	48%
Total Student Population		176,168	-	100%

**FACTOR 1 SUMMARY**

The Factor 1 analysis used two data sources recommended by FTA to describe the LEP population in the Fairfax Connector service area: the ACS and FCPS’ Home Language Survey. Together, the ACS and FCPS data identify the most common languages spoken by LEP persons in Fairfax County:

- Spanish
- Korean
- Vietnamese
- Chinese (Mandarin)
- Arabic
- Amharic
- Hindi and other Indic languages
- Persian (Including Farsi, Dari)
- Urdu
- Bengali
- Telugu

Spanish commandingly tops both lists. While a smaller share of the working age population speaks Arabic, a larger share of students in the grades surveyed by FCPS speak Arabic at home, suggesting that Arabic may become spoken more commonly in Fairfax County over time. Most other languages identified in the two lists appear in roughly the same order and proportion. However, Bengali does not appear in the FCPS list as a distinct group despite appearing in the ACS list, and Telugu appears in the FCPS list but not in the ACS list (though it may be collapsed into the “other Indic languages”).

The overall most spoken non-English languages have shifted slightly in the past three years, with Bengali replacing Tagalog as the tenth most populous LEP community. The top languages (Spanish, Korean, Vietnamese, and Chinese) have seen little change in population size, with Spanish remaining the largest LEP community in Fairfax County. However, significant decreases occurred in LEP populations for Hindi and other Indic languages and Urdu. There was also a slight decrease in Persian languages such as Farsi and Dari between the data



reported in the previous Title VI Program and the current Title VI Program. Furthermore, nearly half of FCPS students live in a home where a language other than English is spoken.

**Factor 2: The frequency with which LEP persons encounter the program.**

Fairfax County conducts surveys of key program areas and assesses major points of contact with the public, such as:

- Use of bus and rail service
- Purchase of passes and tickets through vending machines, outlets, websites, and over the phone
- Participation in public meetings
- Customer service interactions

**FINDINGS FROM THE 2019 ORIGIN AND DESTINATION SURVEY**

FCDOT’s 2019 on-board rider survey collected demographics, travel patterns, and use tendencies from nearly 3,700 Fairfax Connector riders across the system. The survey was administered in English, Spanish, and Korean, and samples were taken across routes and times of day. Results were weighted by route-level ridership to prevent overrepresentation.

The survey found that most riders take trips five days per week; home-based work trips comprise the majority of weekday trips; and most trips involving personal business (e.g., appointments and shopping) occur on weekends. The survey also found that an average of 20 percent of riders speak English “less than very well”. This includes around 11 percent of total riders that speak English “not well”, and nine percent of total riders that speak English “well.” The range among routes aggregated by geographic area (Vienna, Tysons, Huntington, and Franconia-Springfield) varied between 19-32 percent speaking English “less than very well.”

**FINDINGS FROM INTERVIEWS AND FACTOR 2 SUMMARY**

LEP individuals interact with the County **daily**, particularly through public transportation and customer service interactions. As detailed in the interviews with County staff, Fairfax County provides language services in a few ways. LEP individuals interact with bus operators directly, who often use digital translation services including those on smartphones, as well as other multilingual passengers, to assist with navigation queries. The County also has third-party real-time interpretation services that staff, including bus operators, can access by calling a support phone number. Outside of mid-trip situations, LEP persons regularly call the County’s customer service phone number with questions and concerns, and often attend community events. County staff do outreach in advance to determine for which languages they will need to provide interpretation support at meetings. County staff are generally prepared for frequent communication with LEP individuals.

**Factor 3: The nature and importance of the program, activity, or service provided by the program to people’s lives.**

**FINDINGS FROM THE 2019 ORIGIN AND DESTINATION SURVEY**

While much of the 2019 Origin and Destination survey was not specific to LEP persons, the results do describe the importance of Fairfax Connector to persons living in the County. The survey found that 47 percent of riders had no alternative to the bus when they were surveyed, 34 percent of which did not have a car to use at all. While these results were not specific to LEP populations, LEP persons would be greatly impacted were transit service not available. When asked how they would make the trip if Fairfax Connector service was not available, seven percent of all trips would not occur at all, and most trips (71 percent) would instead be made by car. Twenty-three percent of those would be carpools, 27 percent would use ridehailing services or taxis, and 21 percent would drive their own vehicle. Limited English proficiency and other related factors may prevent someone from obtaining a driver’s license, suggesting that Fairfax Connector is likely even more important to the LEP population subset than these numbers suggest.



## FINDINGS FROM INTERVIEWS

The interviews with County staff revealed that in general, transit riders are often older adults and those without access to a vehicle and that LEP persons use transit for many different purposes. Interviewees discussed how working adults commute to work by transit, as do both primary and secondary students to and from school. In addition, LEP residents use transit for non-work and non-school purposes, such as household errands, medical appointments, accessing social services and community centers, and for other recreation-focused trips.

## FACTOR 3 SUMMARY

Interviewees highlighted the following language access resources as most used among LEP persons:

- Language access line providing over-the-phone translation services in real-time
- Live interpretation at community events
- Translated documents, informational videos, and/or social media posts

The County employs several multilingual individuals who can and often do provide internal translation and interpretation services. However, some interviewees suggested that employee training programs to improve translation skills would improve outcomes. Additionally, it is important that translations limit government jargon and complex language as many LEP persons have a low level of literacy in both English and their native language.

Interviewees also discussed the importance of including trusted community members in outreach efforts. This can help build relationships with LEP persons and create a safe space for providing resources to LEP communities. Fairfax County currently utilizes parent liaisons and neighborhood ambassadors as trusted and familiar individuals at outreach events. County staff also recommended taking advantage of community centers and non-profit partners to disseminate information to the public.

Customer service managers from each Fairfax Connector division explained that LEP individuals of all ages use and benefit from the transit system. Due to high ridership among Spanish-speakers, customer service staff and operators interact with LEP persons daily. These interactions range from navigation assistance to complaints about on-time performance. **Table 23** provides a summary of the most frequently encountered languages at each Fairfax Connector Customer Service Division, as well as the bus routes identified during interviews as having the highest LEP ridership.

Table 23: Frequently Encountered Languages by Customer Service Division and Fairfax Connector Routes

Fairfax Connector Customer Service Division	Language Groups	Fairfax Connector Routes
Herndon	Spanish	Interviewee did not identify routes, although another interviewee identified Route 950
Huntington	Spanish, Korean, Vietnamese, Chinese	<ul style="list-style-type: none"> <li>■ 401                    ■ 152</li> <li>■ 402                    ■ 161</li> <li>■ 321                    ■ 162</li> <li>■ 322                    ■ 310</li> <li>■ 171</li> <li>■ 151</li> </ul>
West Ox	Spanish, Hindi	<ul style="list-style-type: none"> <li>■ 310</li> </ul>



**Factor 4: The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.**

FCDOT currently provides language access resources in multiple formats, including real-time interpretation, visual aids, and translated documents. FCDOT is committed to providing adequate language assistance resources, based on identified community needs, regardless of cost. Currently, FCDOT allocates an annual budget of \$321,000 to accomplish their language access strategies, including, but not limited to the following:

- Access to the Language Access Line for over-the-phone, real-time interpretation
- Provision of professional live interpretation at community outreach events, as needed
- Translation and printing of service information flyers
- Translation of social media posts and informational videos
- Participate in or hold community events to reach LEP populations.

In addition to these resources, FCDOT staff who speak languages other than English are identified within the department as being available to provide interpretation services. The list of staff who are available to provide interpretation services is periodically updated through a Foreign Language Resource Survey that is distributed to all full-time staff.

Fairfax County Procedural Memorandum 02-08 (April 30, 2004) stipulates that each department in the County must have an official Language Access Coordinator. Procedural Memorandum 02-08 lists the following responsibilities for the Language Access Coordinator:

1. Create a repository of resources and material related to language issues.
2. Develop a database of bilingual staff who are interested in participating in LINCUS, a program providing limited-service telephone interpretation.
3. Work with agencies to educate employees about language resources, accessibility of services and effective use of interpretation and translation services; as well as the available equipment and materials.
4. Work with agencies to ensure effective preparation and review of all translated materials, including the creation and training of Translation Verification Teams (TVTs).
5. Develop standards for translation of materials, including guidelines for documents requiring bidirectional writing formats.
6. Establish a county-wide coding system for all translated material.
7. Develop and distribute standard glossary of County agency names, titles and basic terminologies for use by translation vendors.
8. Work with Department of Information Technology (DIT) on the creation of a Language Access Webpage and the usability of existing technology and assist in developing process for upgrades.
9. Update agencies on any advances in software or on-line translation capabilities, as well as typing software available.
10. Evaluate organization-wide access to LEP information, resources and equipment.

FCDOT's Language Access Coordinator is the Title VI Officer. Procedural Memo 02-08 also stipulates that agency directors are responsible for disseminating the County's Language Access Policy to all employees, and for ensuring that all employees are aware of and have access to language information and available language resources. Each agency is required to assess current LEP service practices (including bilingual direct service capacity) at all levels within the agency and identify appropriate resources (language services, personnel, equipment, training, funding and partnerships) available to support the demand. Agencies must develop protocols to include resource utilization, language vendor selection, and identification of document-types eligible for translation.





Procedural Memo 02-08 also requires that each department provide the necessary resources, within the agency's budget, to support the County's language access policy and initiatives. As additional language access strategies are deemed to be need, FCDOT will allocate budget resources to meet these needs accordingly.

FCDOT will notify LEP persons about the availability of language assistance through advertising in bus schedules and public meeting notices and ensuring that translated materials are distributed and available throughout the system.

#### 2.9.4. MONITORING AND EVALUATION

Per Fairfax County Procedural Memo 02-08, FCDOT, and all other Fairfax County agencies, are responsible for developing a year-end report measuring and monitoring results of Language Access activities. This report must be provided to the county-wide Language Access Coordinator no later than July 31 each year. These reports are required to include a list of all translated materials and costs of all language services for the fiscal year.

To ensure ongoing monitoring and evaluation of the Language Access Plan, FCDOT's Title VI Officer/Language Access Coordinator will include the following information in the annual report, in addition to the list of all translated materials and costs of all language services for the fiscal year:

- Usage of the language line, including volume of calls by language and total costs expended on the language line for transit purposes
- Number of requests for interpretation, by event type, by language for transit-related events
- Any input received from FCDOT staff or contractors regarding language assistance needs they encountered at transit-related events
- Views of the Fairfax Connector webpages with translated materials and the use of Google Translate on the Fairfax Connector website
- Any additional language access resources provided for transit service or planning-related needs during the year due to demonstrated need or requests

In addition to the language access strategies that FCDOT currently pursues, **Table 24** delineates a budget for the Title VI Language Access Strategies that FCDOT will implement annually for this Title VI Program.



Table 24: Language Access Plan Strategies – Budget

Activities	Cost (estimated per fiscal year)	Assumption
<b>Materials and Notices Translations, Interpretation</b>		
<i>Activity 1:</i> Provide highly visual regional sector maps to bus operators/supervisors for use in the field.	FCDOT staff develop and update these as part of regular duties.	
<i>Activity 2:</i> Print and distribute Fares and Policies Brochure in the 10 languages identified in LAP.	Estimated total: \$5,000 <ul style="list-style-type: none"> <li>■ Translation: \$4,000</li> <li>■ Printing: \$1,000</li> </ul>	<i>Fares &amp; Policies Brochure (Source: FCDOT)</i> <ul style="list-style-type: none"> <li>■ Existing Spanish Translation: performed by internal approved translator as part of regular duties.</li> <li>■ Translation per language other than Spanish: \$500 - \$750</li> </ul>
<i>Activity 3:</i> Post Title VI Notice and Complaint forms in Fairfax County DOT offices in the 10 languages identified in LAP	Translation: \$4,000	
<i>Activity 4:</i> Print and post Title VI Notice bus cards in Spanish for every vehicle in the Fairfax Connector fleet	FCDOT staff develop these as part of regular duties. Printing: \$1,500	
<i>Activity 5:</i> Service Information Flyers and Online Surveys: FCDOT produces about 25 flyers and 8 surveys each year that will be translated the appropriate languages for the area impacted	Estimated total: \$40,500 <ul style="list-style-type: none"> <li>■ Translation: \$40,000</li> <li>■ Printing: \$500</li> </ul>	<i>Service Information Flyer (Source: FCDOT)</i> <ul style="list-style-type: none"> <li>■ Assumption: 8 surveys translated into Spanish</li> <li>■ Assumption: 4 surveys translated into Chinese, Korean, Amharic and Vietnamese</li> <li>■ Assumption: 25 flyers translated into Spanish</li> <li>■ Assumption: 5 flyers each in Chinese, Korean, Amharic and Vietnamese</li> </ul>
<i>Activity 6:</i> FCDOT will advertise in traditional local ethnic media in advance of service changes, along with targeted online and social media ads.	Estimated: \$250,000	Direct mail, in-person, radio, internet, and multi-channel TV advertising campaigns 4x/year
<i>Activity 7:</i> FCDOT sets up a Language Line phone number for 10 languages identified in the LAP.	Estimated: \$6,000	<i>Language Line (Source: FCDOT, Fairfax County OHREP, LanguageLine.com) currently Liberty Language Services</i> Costs on a per-use basis. Unit costs depend on language and length of call. Estimated \$50 per use.
<i>Activity 8:</i> Language Assistance Tear Sheets on Buses (10 languages)	FCDOT staff develop these as part of regular duties.	
<b>Training and Events</b>		
<i>Activity 9:</i> Pop-Up Events and Community Meetings	FCDOT staff prepare for and conduct these meetings as part of regular duties.	<ul style="list-style-type: none"> <li>■ Assumption: eight events per year</li> <li>■ Estimated costs reflect contracted staffing for events, and do not include FCDOT staff time.</li> </ul>



Activities	Cost (estimated per fiscal year)	Assumption
<i>Activity 10:</i> Title VI FCDOT Staff Training	Contracted staffing costs: \$4,000 Performed by Title VI Officer as part of regular duties.	The Title VI Officer is responsible for ensuring all FCDOT staff receive Title VI training and remain up to date.
<b>Monitoring and Evaluation</b>		
<i>Activity 11:</i> Monthly Data Collection	Performed by Title VI Officer as part of regular duties.	The Title VI Officer is responsible for all relevant data collection activities for the LAP.
<i>Activity 12:</i> Annual Data Collection	Performed by Title VI Officer as part of regular duties.	The Title VI Officer is responsible for all relevant data collection activities for the LAP.
<i>Activity 13:</i> Annual LAP Report, Updates to Language Access Plan	Performed by Title VI Officer as part of regular duties.	The Title VI Officer is responsible for compiling the annual LAP report and incorporating updates to the language access plan.
Contingency	\$10,000	The contingency will cover any additional costs incurred over the fiscal year that were not encompassed in this estimate.
<b>Total Estimated Annual Cost</b>		<b>\$321,000</b>



# 3. CHAPTER 3: SERVICE STANDARDS AND POLICIES

FCDOT has developed transit service standards and policies to guide the equitable provision of service and amenities in Fairfax County.

## 3.1. Transit Service Standards

The following service standards will be used for FCDOT’s Title VI service monitoring. The agency will use these metrics to evaluate routes and adjust service based on performance.

### 3.1.1. VEHICLE LOAD

Vehicle load is the level of passenger crowding that is acceptable for a safe and comfortable ride. Vehicle load is expressed as a ratio of the number of passengers on the vehicle to the number of seats on the vehicle averaged over the peak one-hour in the peak direction. FCDOT uses different vehicle load factors for its commuter and local services. The standard for commuter services is 1.00, representing one passenger per seat, because these services often operate on limited-access highways which would pose a safety hazard for standees. The load factor for local services is 1.25, as these services generally do not operate on limited-access highways and standees do not pose the same safety hazard. **Table 25** identifies the capacity and load factor for each type of service FCDOT offers.

Table 25: Maximum Acceptable Vehicle Loads

Service Type	Maximum Load Factor
Commuter Services	1.00
Local Services	1.25

### 3.1.2. VEHICLE HEADWAY

Vehicle headway represents the amount of time between two vehicles traveling in the same direction on a given route. **Table 26** summarizes the maximum acceptable headway for each type of route during different service periods.



Table 26: Maximum Acceptable Vehicle Headways

Type of Route	Maximum Peak Period Headway	Maximum Off-Peak Headway
Full-Day Routes		
Weekday	30 minutes	30 minutes (60 minutes after 9:00 PM)
Saturday	30 minutes (base <sup>17</sup> )	60 minutes (fringe <sup>18</sup> )
Sunday	60 minutes	60 minutes
Weekday Peak-Only Routes		
Morning	20 minutes (peak of the peak)	30 minutes (fringe of the peak)
Afternoon	20 minutes (peak of the peak)	30 minutes (fringe of the peak)

### 3.1.3. ON-TIME PERFORMANCE

FCDOT requires its operating contractor to maintain a minimum standard of “on-time bus trips” for each route of at least 85 percent. “On-time” is defined as between one minute early and six minutes late leaving scheduled time points as established in the bus route schedule to include the starting point of any scheduled trip.

### 3.1.4. SERVICE AVAILABILITY

Service availability is a measure of coverage, indicating how many residents in a service area have access to fixed-route transit. FCDOT sets a standard whereby at least 50 percent of the Fairfax County’s population are within a quarter mile walking distance of a local route alignment or express route stop.

## 3.2. Transit Service Policies

### 3.2.1. TRANSIT AMENITIES

Transit amenities refer to items of comfort, convenience, and safety that are available to customers. FCDOT has an established process for determining site selection for amenities, outlined in the *Fairfax County Bus Stop Guidelines* document. The County uses the standard operating procedures and policies outlined in this guide to ensure transit amenities are equitably distributed. The policies established in these guidelines include the following:

- **Bus shelters:** A bus shelter and pad may be installed at stops with an average of 50 or more boardings per day, at a transit center or park-and-ride-lot owned by Fairfax County, or if the stop is at a major activity center.
- **Benches:** Benches with pads may be installed if the stop is located at a transit center or park-and-ride lot or if the stop is a major activity center, generating 25 or more passenger boardings per day, or at stops located near significant populations of seniors, the disabled, students, or other special uses (e.g., tourist attractions).
- **Provision of information:**
  - Bus stop signs should be installed at all locations. These signs consist of two variations: local and regional (for stops jointly served by WMATA’s Metrobus) designs. Each bus stop has a unique bus stop ID that can be used for BusTracker real-time arrival and route information available via phone and internet applications.
  - Rider information guides (two to four-sided mounted display units) containing schedule and individual system maps should be installed at all transit stations and park-and-ride lots where Fairfax Connector bus service operates and has designed service bays.

<sup>17</sup> Saturday base is defined as 9:00 AM to 5:00 PM.

<sup>18</sup> Saturday fringe is defined as after 5:00 PM.



— Bus System Maps are available at:

- ❑ All Connector Store locations
- ❑ All supervisor offices
- ❑ All middle schools and high schools (Student Bus Pass)
- ❑ INOVA Fairfax Hospital
- ❑ Free-standing displays at all Fairfax County Metrorail stations
- ❑ All community centers
- ❑ Centreville Day Labor Center
- ❑ All Fairfax County libraries
- ❑ Business and hotels upon request
- ❑ Apartment complexes upon request.

- **Escalators and elevators:** Fairfax Connector does not generally provide or maintain escalators or elevators at any bus stops apart from the Wiehle-Reston East Metrorail station, Innovation Center Station garage, Herndon-Monroe garage, and Burke Centre garage.
- **Waste receptacles:** Waste receptacles are installed at all stops with a demonstrated issue with littering.

### 3.2.2. VEHICLE ASSIGNMENT

Vehicle assignment refers to the process by which transit vehicles are assigned to routes for revenue service. Fairfax Connector’s vehicles are assigned to three bus divisions: Herndon, West Ox, and Huntington. However, individual buses are generally not assigned to individual routes. Buses are deployed to individual routes based on fleet availability on the day of service, size of the bus, the capacity needed on the routes served, and the route’s roadway characteristics (i.e., buses that travel in residential neighborhoods with narrow streets must be smaller). Fairfax Connector tracks the individual buses used on routes via its intelligent transportation systems (ITS) capabilities.

Buses are replaced at the end of their useful life in accordance with Fairfax Connector’s fleet replacement plan. Fairfax Connector has a comprehensive preventive maintenance and component replacement program which ensures a high level of vehicle reliability. The oldest vehicles in the Fairfax Connector fleet date to 2007, while the average age of the fleet is 10.7 years. All vehicles in the Fairfax Connector fleet are low-floor, which is consistent with Fairfax Connector’s policy is to purchase only low-floor vehicles. **Table 27** is the Fairfax Connector fleet profile.

Table 27: Fairfax Connector Fleet Profile (As of April 24, 2023)

Year	Make	Size (Feet)	Number	Current Age (In 2023)
2007	New Flyer	40	4	16
2007	New Flyer	35	6	16
2008	Orion	30	25	15
2009	New Flyer	40	43	14
2010	New Flyer	40	3	13
2011	New Flyer	40	36	12
2011	New Flyer	40	31	12
2012	Orion	33	6	11
2012	New Flyer	40	20	11
2012	New Flyer	35	15	11
2013	New Flyer	40	19	10



Year	Make	Size (Feet)	Number	Current Age (In 2023)
2014	New Flyer	35	17	9
2015	New Flyer	40	5	8
2015	New Flyer	35	12	8
2017	New Flyer	40	10	6
2018	New Flyer	40	4	5
2018	New Flyer	35	10	5
2019	New Flyer	40	4	4
2020	New Flyer	40	11	3
2021	New Flyer	40	28	2
2022	New Flyer	40	20	1
2022	New Flyer	35	16	1

### 3.3. Transit Service Monitoring

The FTA defines a minority bus route as one where one third or more of the route’s revenue miles fall within a minority Census block group. A minority Census block group is defined as one in which the percentage minority population exceeds the percentage minority population in the service area. The minority population comprises 49.9 percent of the total population Fairfax County;<sup>19</sup> therefore any Census block group in which the minority population comprises 49.9 percent of the population or higher is considered to be a minority Census block group.

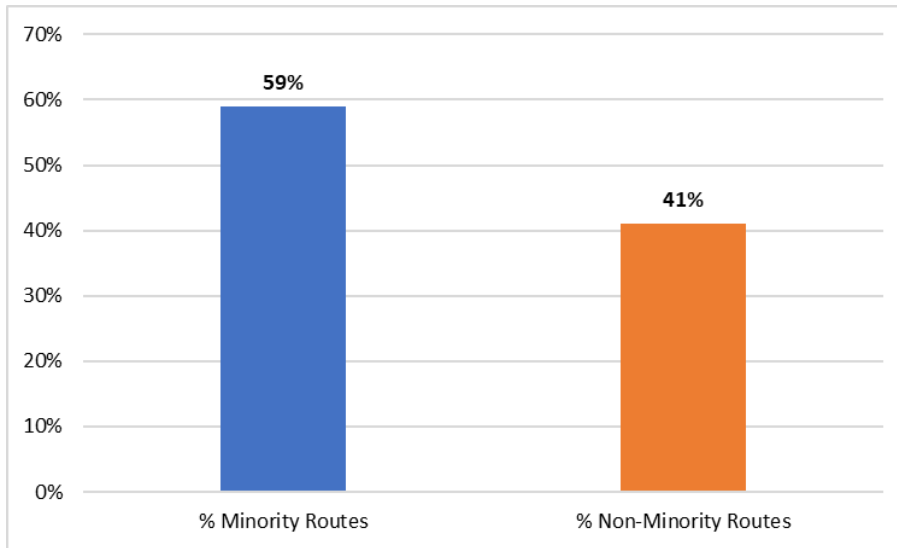
An initial GIS analysis identified minority routes by the percentage of each route’s revenue length that intersect minority Census block groups. This definition of minority routes was applied to all routes except those that run along a highway or have limited stops to the route destination. For commuter routes and express routes, due to the fact that they often run long distances and sometimes on limited access highways where boarding/alighting does not occur, a slightly modified methodology was required. The number of bus stops in minority block groups and in non-minority block groups was counted, and the route was designated as minority or non-minority classification based on whichever type of block group had the greater number of stops. If a route had an equal number of minority and non-minority stops, the route was designated as a minority route to be conservative.

Of Fairfax Connector’s 95 routes, 56 routes (59 percent) are considered minority routes and 39 routes (41 percent) are considered non-minority. The final classification distribution is depicted in **Figure 9**.

<sup>19</sup> Based on a calculation of block group population from the U.S. Census Bureau, American Community Survey, 2017-2021, five-year estimates. This number is slightly different from the total population calculation in Section 2.3 because for monitoring analysis purposes the calculations are done at the block group level.



Figure 9: Distribution of Minority Routes



**Section 3.7: Analysis of Transit Service Standards** and **Section 3.8: Analysis of Transit Service Policies** evaluate the performance of Fairfax Connector per the service standards and policies set forth in Fairfax County’s Title VI Program to ensure both transit service and transit amenities are equitably distributed across the service area, regardless of whether a route primarily serves minority or non-minority populations.

### 3.4. Major Service Change, Disparate Impact, and Disproportionate Burden Policies

#### 3.4.1. INTRODUCTION TO MAJOR SERVICE CHANGE, DISPARATE IMPACT, AND DISPROPORTIONATE BURDEN POLICIES

In accordance with the requirements of FTA Circular 4702.1B, Title VI Requirements for Federal Transit Administration Recipients, FCDOT must establish policies and thresholds for what constitutes a Major Service Change, Disparate Impact, and Disproportionate Burden for use in future service equity and fare equity analyses. According to the Circular, the County must revisit these policies every three years and make revisions as necessary. While a new analysis was completed to ensure these thresholds continue to meet FTA guidelines, the proposed policies and thresholds for FY 2024-2026 are unchanged.<sup>20</sup>

The use of these policies to evaluate proposed service and fare changes prior to implementation is designed to determine whether those changes will have a discriminatory impact based on race, color, or national origin.

A major service change is a numerical threshold that determines when changes are large enough in scale for the individual transit system to require a subsequent service equity analysis.

FTA C 4702.1B defines disparate impact and disproportionate burden as follows:

“The transit provider shall develop a policy for measuring **disparate impacts**. The policy shall establish a threshold for determining when adverse effects of service changes are borne disproportionately by minority populations. The disparate impact threshold defines statistically significant disparity and may

<sup>20</sup> The language of the Disparate Impact and Disproportionate Burden policies have been updated to provide clearer language for comprehension and application. The thresholds and their application remain unchanged.





be presented as a statistical percentage of impacts borne by minority populations compared to impacts borne by non-minority populations. The disparate impact threshold must be applied uniformly, regardless of mode, and cannot be altered until the next Title VI Program submission.” (FTA C 4702.1B, Chap. IV-13)

“The transit provider shall develop a policy for measuring **disproportionate burdens** on low-income populations. The policy shall establish a threshold for determining when adverse effects of service changes are borne disproportionately by low-income populations. The disproportionate burden threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by low-income populations as compared to impacts borne by non-low-income populations. The disproportionate burden threshold must be applied uniformly, regardless of mode.” (FTA C 4702.1B, Chap. IV-17).

FTA C 4702.1B requires that if a disparate impact on minority communities is found, Fairfax County must determine ways to avoid, minimize, or mitigate the impact. Fairfax County can only implement a proposed change that results in a disparate impact, if substantial legitimate justification exists, and there are no alternatives meeting the same legitimate objectives. FCDOT is committed to adequately addressing any adverse impacts that result in a disproportionate burden to low-income communities.

### 3.4.2. MAJOR SERVICE CHANGE, DISPARATE IMPACT, AND DISPROPORTIONATE BURDEN POLICIES

FCDOT’s current major service change, disparate impact, and disproportionate burden policies for Fairfax Connector FY 2024-2026 are as follows.

#### Major Service Change (MSC)

A major service change is defined as an increase or a decrease of 25 percent or more in either daily revenue service hours, revenue service miles, or both for the individual route being modified.

FCDOT Major Service Change Policy Key Definitions:

- Daily Revenue Service Hours: The number of hours a bus operates while carrying paying passengers
- Daily Revenue Service Miles: The number of miles a bus operates while carrying paying passengers

#### Disparate Impact (DI)

A disparate impact (DI) occurs under the following circumstances:

- For a proposed service increase or fare reduction, **calculate service area minority population percent minus route area minority population percent**. If the result is greater than or equal to +10%, then a DI has occurred.
- For a proposed service reduction or fare increase, **calculate route area minority population percent minus service area minority population percent**. If the result is greater than or equal to +10%, then a DI has occurred.

#### Disproportionate Burden (DB)

A disproportionate burden (DB) occurs under the following circumstances:

- For a proposed service increase or fare reduction, **calculate service area low-income population percent minus route area low-income population percent**. If the result is greater than or equal to +10%, then a DB has occurred.
- For a proposed service reduction or fare increase, **calculate route area low-income population percent**



minus service area low-income population percent. If the result is greater than or equal to +10%, then a DB has occurred.

### 3.4.3. MAJOR SERVICE CHANGE, DISPARATE IMPACT, AND DISPROPORTIONATE BURDEN POLICY DEVELOPMENT

To develop the recommendations for the Major Service Change, Disparate Impact, and Disproportionate Burden policies, FCDOT reviewed the policies and thresholds established in 2020 and the methodology used in their establishment. Staff held an internal work session to review. **Section 3.5** and **Section 3.6** describe the major service changes and major fare changes, respectively, that occurred over the previous three years using the previously established policies. By reviewing the previous analyses that occurred while utilizing the policies, staff were able to evaluate how the policies were utilized and their efficacy in evaluating the equitable distribution of service changes.

Staff also employed a variety of other informational items and data, including:

- Census data analysis on the demographic and socio-economic composition of the population living within a quarter mile of a Fairfax Connector route, which is the distance recommended by FTA
- Ridership survey data collected in 2019
- Policies in place at peer transit agencies in the Washington, D.C. metropolitan area and across the United States

#### Major Service Change Policy Development

FTA requires that agencies' Major Service Change policy address both service reductions and service increases for all fixed-route modes of service. FCDOT's current policy, which is the same as the new proposed Major Service Change policy, considers the potential addition to or reduction of daily revenue service miles and hours. Revenue service hours and revenue service miles were both included in the policy due to the different types of services offered by the Fairfax Connector—some Fairfax Connector routes run for short periods of time over long distances, while other routes run for many hours in revenue service but operate over a smaller geographic area.

FCDOT's service equity analyses of the past three years and public input confirmed that the current policy of 25 percent in either revenue service reductions or increases should continue as the threshold for constituting a Major Service Change. The 25 percent threshold triggered 46 major service changes in this time period. Of these changes, 10 involved the creation of a new route, 13 involved the elimination of a route, and 19 involved other changes, including changes to route alignments, span of service, or headway. This reporting period included a unique service change in preparation for the extension of the Metrorail Silver Line Phase 2, for which service changes within the Reston-Herndon area were comprehensive in nature, encompassing all routes and a re-envisioning of service (35 routes impacted out of the 46 during this reporting period). Route modifications below the 25 percent threshold impacted very few riders and did not cause significant negative public reaction.

#### Disparate Impact/Disproportionate Burden Policy Development

The Disparate Impact and Disproportionate Burden were evaluated by examining service equity analyses performed since the approval of the previous Title VI Program (**Section 3.5** and **Section 3.6** describe the major service changes and major fare changes, respectively, that occurred over the previous three years using the previously established policies). The minority and low-income percentages of the population living within a quarter mile of routes affected by major service changes were compared with the minority and low-income percentages of the population living within the entire Fairfax Connector service area. The service equity analyses showed that a 10 percent threshold for both disparate impact and disproportionate burden would again meet the goal of FTA Title VI Circular 4702.1B, in that it is not so low as to always identify an impact, nor so high as to



never identify an impact. Public input generally agreed with the proposed 10 percent threshold, although responses were mixed for the impacts found when adding service as opposed to removing service. FCDOT's policies must account for both reductions and additions to service.

#### 3.4.4. MAJOR SERVICE CHANGE, DISPARATE IMPACT, AND DISPROPORTIONATE BURDEN POLICY PUBLIC COMMENT AND STAKEHOLDER INPUT

A public comment period on the proposed Major Service Change and Disparate Impact/Disproportionate Burden policies was held from April 12 to May 8, 2023.<sup>21</sup> **Figure 10** shows FCDOT's press release initiating the public comment period. Members of the public and stakeholders were offered several different options for providing comment, including:

- An online survey
- Virtual stakeholder discussions for representatives of community organizations serving minority and low-income populations
- A webpage featuring both the proposed written policies as well as a recorded presentation video explaining the Major Service Change and Disparate Impact/Disproportionate Burden policies.

The online presentation, also used for the stakeholder discussion presentations, can be found in **Appendix C**. Detailed responses collected by FCDOT during the public comment period are contained in **Appendix D**.

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<sup>21</sup> The initial end date of the public comment period had been announced as May 5, 2023. It was extended during the comment period to last until May 8, 2023.



Figure 10: April 12, 2023, Press Release

The screenshot shows the Fairfax County website with a navigation bar at the top containing 'RESIDENTS', 'BUSINESS', 'GOVERNMENT', 'FAIRFAX COUNTY VIRGINIA', 'SERVICES', 'CONNECT', and 'SEARCH'. Below the navigation is a breadcrumb trail: 'Home > Connector > Fairfax Connector News > Provide Feedback on Title VI 2023 Update to Transit Service Change Policies'. The main header reads 'Fairfax Connector'. A contact information bar includes the phone number 703-339-7200, email fairfaxconnector@fairfaxcounty.gov, address 4050 Legato Road, Suite 400, Fairfax, VA 22033, and Dwayne Pelfrey, Chief. On the left, there is a 'DEPARTMENT RESOURCES' section with a 'Department Homepage' link. The main content area features the title 'Provide Feedback on Title VI 2023 Update to Transit Service Change Policies' with a green 'NEW' badge. Below the title is the text 'For Immediate Release' and the date 'April 14, 2023'. The body text invites the public to provide feedback on the proposed update of the Title VI program. It lists three categories of changes: Major Service Changes, Disparate Impact, and Disproportionate Burden. A section titled 'Proposed Major Service Change Policy' explains that a major service change is a numerical threshold in change of service that determines when changes are large enough to require a service equity analysis. Another section, 'Proposed Disparate Impact/Disproportionate Burden Policy', defines a threshold that determines when a 'major service change' impacts minority riders or burdens low-income riders at a rate greater than the non-minority or non-low-income riders. A link is provided to 'Learn more about the Title VI 2023 Update.' A section titled 'Ways to Provide Feedback Through Friday, May 5, 2023' invites the public to share thoughts through May 5, 2023, and lists a survey as the primary method. A table provides survey links in multiple languages: English, Amharic, Arabic, Chinese (simplified), Korean, Spanish, Urdu, and Vietnamese. Additional contact methods include email, phone, and mailing comments to the Department of Transportation. A note states that for questions or material in another language, contact FCDOT at 703-877-5600, TTY 711. A 'Stay Connected with Fairfax Connector' section lists ways to watch videos, receive notifications, sign up for alerts, follow on Twitter, and visit the website. A chat icon is visible in the bottom right corner.

**DEPARTMENT RESOURCES**  
Department Homepage

## Provide Feedback on Title VI 2023 Update to Transit Service Change Policies NEW

**For Immediate Release**  
April 14, 2023

Fairfax County Department of Transportation (FCDOT) invites you to provide feedback on the proposed update of its Title VI program. Title VI policies ensure equitable distribution of transit service changes and as part of the update process the public is encouraged to give input on:

- Major Service Changes are changes significant enough to require special analysis that ensure that the proposed changes will not have discriminatory effects on minority or low-income areas.
- Disparate Impact describes a service change that may have discriminatory effects on minority areas.
- Disproportionate Burden describes a service change that may have discriminatory effects on low-income areas.

**Proposed Major Service Change Policy**

A major service change is a numerical threshold in change of service that determines when changes are large enough in scale to require the individual transit system to perform a service equity analysis. FCDOT's proposed Major Service Change Policy is as follows: A major service change is defined as either an increase or a decrease of 25 percent or more in either daily revenue service hours, revenue service miles, or both for the individual route being modified.

**Proposed Disparate Impact/Disproportionate Burden Policy**

A Disparate Impact/Disproportionate Burden policy defines a numerical threshold that determines when a "major service change" impacts minority riders or burdens low-income riders at a rate greater than the non-minority or non-low-income riders.

Learn more about the Title VI 2023 Update.

**Ways to Provide Feedback Through Friday, May 5, 2023**

We invite you to share your thoughts on these important policies through May 5, 2023:

- Take a brief survey (available in the languages below):

Language	Survey Link
English	<a href="https://survey.alchemer.com/s3/7256454/fcdot-2023-title-vi-survey-english">https://survey.alchemer.com/s3/7256454/fcdot-2023-title-vi-survey-english</a>
Amharic	<a href="https://survey.alchemer.com/s3/7256454/amharic">https://survey.alchemer.com/s3/7256454/amharic</a>
Arabic	<a href="https://survey.alchemer.com/s3/7256454/arabic">https://survey.alchemer.com/s3/7256454/arabic</a>
Chinese (simplified)	<a href="https://survey.alchemer.com/s3/7256454/chinese">https://survey.alchemer.com/s3/7256454/chinese</a>
Korean	<a href="https://survey.alchemer.com/s3/7256454/korean">https://survey.alchemer.com/s3/7256454/korean</a>
Spanish	<a href="https://survey.alchemer.com/s3/7256454/spanish">https://survey.alchemer.com/s3/7256454/spanish</a>
Urdu	<a href="https://survey.alchemer.com/s3/7256454/urdu">https://survey.alchemer.com/s3/7256454/urdu</a>
Vietnamese	<a href="https://survey.alchemer.com/s3/7256454/vietnamese">https://survey.alchemer.com/s3/7256454/vietnamese</a>

- Email your comments to [fairfaxconnector@fairfaxcounty.gov](mailto:fairfaxconnector@fairfaxcounty.gov)
- Call 703-877-5600, TTY 711
- Mailing your comments to: Fairfax County Department of Transportation, Attention: Title VI Plan Update, 4050 Legato Road, Suite 400, Fairfax, VA 22033-2895

If you have additional questions or would like material in another language, please contact FCDOT at 703-877-5600, TTY 711.

**Stay Connected with Fairfax Connector**

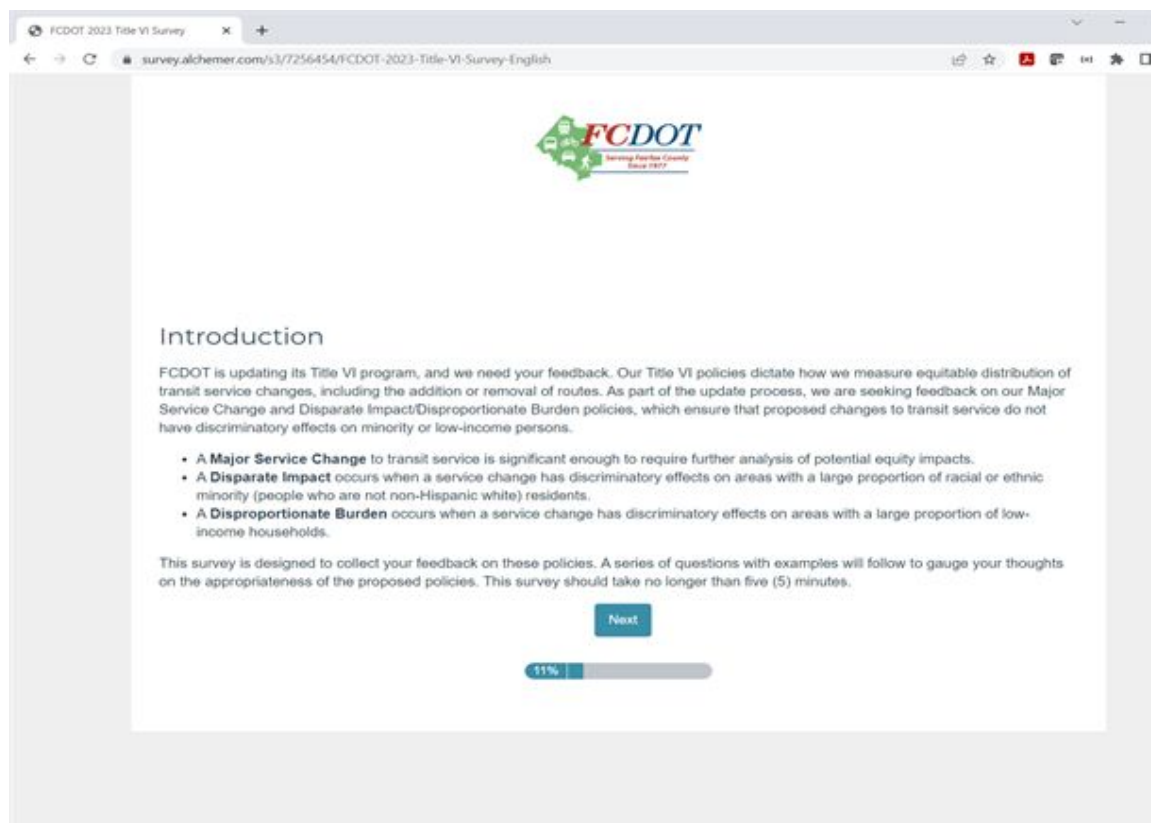
- Watch "How to Ride" Video: English and Español
- To receive notifications for your bus route, sign up for BusTracker email or text alerts
- For more information about Connector service, email [fairfaxconnector@fairfaxcounty.gov](mailto:fairfaxconnector@fairfaxcounty.gov), or call 703-339-7200, TTY 711
- Follow us on Twitter @ffxconnector or like us on Facebook
- Sign-up for alerts at [www.fairfaxcounty.gov/alerts](http://www.fairfaxcounty.gov/alerts)
- Visit <https://www.fairfaxcounty.gov/connector/news>



## Online Survey

To solicit feedback on the proposed policies, FCDOT offered an online survey in eight different languages: English, Amharic, Arabic, Chinese, Korean, Spanish, Urdu, and Vietnamese. The survey questions were identical in each language. Using examples to make the concepts more accessible, the survey described FCDOT’s proposed Major Service Change and Disparate Impact/Disproportionate Burden policies and asked respondents to provide their opinions about them through multiple-choice and open-ended questions. **Figure 11** is a screenshot of the first page of the survey. The survey questions are included in **Appendix E**.

Figure 11: Screenshot of First Page of FCDOT Title VI Policy Survey



## SUMMARY OF SURVEY RESULTS

Fifty-five responses to the online survey were received. Respondents were generally satisfied with the County’s major service change policy, with 75 percent agreeing with the 25 percent threshold for changes to revenue hours and 58 percent agreeing with the 25 percent threshold for changes to revenue miles. Comments on the major service change policy varied: some respondents believed the threshold should be lowered to place a greater emphasis on equity analyses, while others felt the threshold should be raised to give transit officials more flexibility to improve service.

Survey respondents expressed mixed opinions about FCDOT’s 10 percent threshold for disparate impacts and disproportionate burdens. Respondents were asked to evaluate service reductions and service additions for both disparate impact and disproportionate burden thresholds, based on existing populations of minorities and low-income individuals in Fairfax County. Comments addressing these policies stated that respondents did not think the policies should apply to service additions. While respondents noted that they believed service should be balanced equitably, they did not think service additions to non-low-income or non-minority areas should be restricted, especially if a route is serving areas of high density and high need. Commenters also felt that there



should be more consideration for seniors when implementing service changes, noting that changes can create accessibility challenges. Detailed online survey results are available in **Appendix E**.

### Stakeholder Discussions

FCDOT, with the assistance of the Fairfax County Office of Human Rights and Equity Programs (OHREP), organized two virtual stakeholder discussions for community-based organizations to solicit feedback directly from community stakeholders serving minority, low-income, and limited English proficient populations. FCDOT invited approximately 90 organizations to the stakeholder discussions. Representatives from three of the organizations and one self-advocate participated in the meetings. **Table 28** includes the logistics and attendees for the stakeholder discussions.

Each stakeholder discussion included a 45-minute presentation that provided an overview of FCDOT’s Title VI Program development process and explained the major service change, disparate impact, and disproportionate burden policies and how they would be applied. At key intervals during the presentation, the moderator paused to allow for discussion and comment. The rest of the hour was dedicated to question-and-answer and discussion time.

Table 28: Stakeholder Discussions – Logistics and Attendees

Date and Time	Location	Attendees
Wednesday, April 12, 2023 10:00 AM - 11:00 AM	Microsoft Teams Web Conference	Three attendees: <ul style="list-style-type: none"> <li>■ Waamiq Marshall-Washington, Cornerstones</li> <li>■ Ivana Escobar, United Community</li> <li>■ Katherine Montgomery, Self-advocate</li> </ul>
Thursday, April 13, 2023 11:00 AM - 12:00 PM	Microsoft Teams Web Conference	One attendee: <ul style="list-style-type: none"> <li>■ Carol Robinson Huntley, ACCA Child Development Center</li> </ul>

### SUMMARY OF STAKEHOLDER DISCUSSIONS

This section provides a summary of the stakeholder discussion meetings. The complete responses from the stakeholder discussions can be found in **Appendix D**.

Through the presentations, the participants gained an understanding of how FCDOT developed and will apply the major service change, disparate impact (DI), and disproportionate burden (DB) policies. Participants asked clarifying questions about the policies and voiced their opinions about the recommended thresholds for each policy. While participants generally agreed with the thresholds, one participant noted that the DI and DB policies seemed abstract and questioned if the thresholds would be sensitive enough to identify equity impacts. Other feedback included recommending FCDOT inform community members on how to give ongoing feedback about major service change impacts, even after public comment periods have closed, and to share historical effectiveness of the policy thresholds during outreach to help community members understand the real-world implications.

Participants also provided feedback regarding Fairfax Connector services more broadly and provided suggestions on how to ensure effective communication between FCDOT and community members in general. Additionally, bus stop safety and features were topics of conversation, as well as travel time on the bus.

### Public Comments Received via Email or US Postal Service

FCDOT received comments electronically via the online survey but did not receive any comments via email. FCDOT did not receive any comments via the US Postal Service.



### Overall Responses Received

FCDOT developed an outreach strategy that included a web page with a pre-recorded presentation detailing the proposed policies, an online survey, and stakeholder discussions. The public was guided to the website through an intensive social media outreach strategy that utilized multiple platforms.

For the 2020 Title VI Program update, and for the previous update, four individuals participated in the stakeholder discussions (they were previously referred to as focus groups). This time, four individuals also participated in the stakeholder discussions. For this update, FCDOT received 55 responses to the online survey, compared to 111 responses in 2020. Going forward, FCDOT will continue to be on the lookout for new strategies to increase the effectiveness of outreach.

## 3.5. Major Service Changes Implemented from FY 2021 to FY 2023

### 3.5.1. RELEVANT FAIRFAX COUNTY TITLE VI PROGRAM ELEMENTS

A service equity analysis may require the evaluation of as many as four items, depending on the nature of the route, the proposed changes to it, and the environment that it serves. The policies listed in this section are those contained in the County's previous Title VI Program, as approved by the Board of Supervisors on September 29, 2020. The Disparate Impact and Disproportionate Burden definitions were approved by Board of Supervisors on September 15, 2020.

Under the previous Title VI Program:

- A **major service change** is defined as either an increase or a decrease of 25 percent or more in either daily revenue service hours, revenue service miles, or both for the individual route being modified.
- A **disparate impact** occurs when the difference between minority riders and non-minority riders affected by a proposed fare or service change is 10 percent or greater.
- A **disproportionate burden** occurs when the difference between low-income riders and non-low-income riders affected by a proposed fare or service change is 10 percent or greater.

These policies were in place when the equity analyses over the last three years were completed.

### 3.5.2. SUMMARY OF MAJOR SERVICE CHANGES

The service changes proposed for implementation since the approval of Fairfax County's previous Title VI program in 2020 were reviewed as mandated in Circular 4702.1B, *Title VI Requirements and Guidelines for Federal Transit Administration Recipients*. Forty-six routes experienced a major service change in this time period. Of these changes, 10 involved the creation of a new route, 13 involved the elimination of a route, and 19 involved other changes, including changes to route alignments, span of service, or headway. The service changes are described in **Table 29**. This reporting period included a unique service change in preparation for the extension of the Metrorail Silver Line Phase 2, for which service changes within the Reston-Herndon area were comprehensive in nature, encompassing all routes and a re-envisioning of service (35 routes impacted out of the 46 during this reporting period).



Table 29: List of Major Service Changes, August 2020 to January 2023

Date of Change	Route	Proposed Service Change(s)	Percent Change in Weekday Revenue Hours	Percent Change in Weekday Revenue Miles
August 2020	722	New route providing express service between the McLean Metrorail Station and the CIA GBCI facility in Langley, VA.	100%	100%
January 2021	350	New route, replacing Metrobus Route S80. Service to the new TSA headquarters, Metro Park, Springfield Mall, and the Franconia–Springfield Metrorail Station.	100%	100%
January 2021	351	New route, replacing Metrobus Route S91. Express service between the Franconia–Springfield Metrorail Station and new TSA headquarters.	100%	100%
Metrorail Silver Line Phase 2 (November 2022)		The service changes proposed for implementation in 2022 were reviewed as mandated by the Circular. The planned service changes are cost-neutral and redistribute service from routes that were made redundant by the opening of Metrorail Silver Line Phase 2 service throughout the Reston-Herndon area of Fairfax County. As part of these changes, four routes were added (615, 901, 921, and 954), 12 routes were removed (505, 551, 554, 556, 559, 585, 926, 927, 929, 980, 981, and 985), and 19 routes experienced other changes including realignments, span of service, or headway (507, 552, 553, 557, 558, 574, 599, 605, 924, 937, 950, 951, 952, 983, RIBS 1, RIBS 2, RIBS 3, RIBS 4, and RIBS 5). The service changes within the Reston-Herndon area were comprehensive in nature, encompassing all routes and a re-envisioning of service. As a result, adverse effects were analyzed on a census block group basis instead of a route-by-route basis, and all proposed service changes were deemed major service changes.		
October 2022	334	Service reduced to weekday rush hour service and a midday round trip.	-37%	-35%
October 2022	350	Routes 350 and 351 were split and replaced by four routes:	-47%	-59%
October 2022	351	<ul style="list-style-type: none"> <li>■ 350: Franconia-Springfield Metrorail Station, Springfield Hilton, and Springfield Town Center</li> </ul>	46%	32%
October 2022	352	<ul style="list-style-type: none"> <li>■ 351: Transportation Security Administration (TSA) and Northern Virginia Community College (NVCC) Medical Campus</li> </ul>	100%	100%
October 2022	353	<ul style="list-style-type: none"> <li>■ 352: TSA and NVCC Medical Campus</li> <li>■ 353: Metro Park</li> </ul>	100%	100%
October 2022	495	Service reduced to rush hour and a midday round trip. Truncated to operate along Tysons Boulevard, International Drive, and Galleria Drive; will no longer serve the Tysons West Park Transit Station.	-61%	-52%
January 2023	644	Eliminated and replaced by the new Route 660.	-100%	-100%
January 2023	660	New route operating between the Stone Road Park-and-Ride Lot and Tysons, stopping at the Fairfax County Government Center and Vienna Fairfax-GMU Metrorail Station.	100%	100%

### 3.5.3. SUMMARY OF ANALYSIS RESULTS

**Table 30** and **Table 31** list the findings of disparate impact and disproportionate burden analyses, respectively, using the 10 percent threshold that the Board of Supervisors set in the County’s 2020 Title VI Program. **Table 32** lists the findings of the disparate impact and disproportionate burden analyses that were conducted at the block group level for the Reston-Herndon service changes proposed for implementation in 2022 for Metrorail Silver Line Phase 2 extension.

The results for the service equity analyses (SEA) conducted at the route level in the past three years demonstrate that none of the major service changes implemented by FCDOT constituted a disparate impact or disproportionate burden. Disparate impact and disproportionate burden findings were identified for the SEA that was conducted at the block group level for the Reston-Herndon service changes proposed for





implementation in 2022 for the Metrorail Silver Line Phase 2 extension. The Reston-Herndon service equity analysis identified changes in 18 census block groups resulting in a disparate impact and changes in 14 census block groups resulting in a disproportionate burden. Of the disparate impacts identified, a substantial legitimate justification was identified for the 18 census block groups. Of the disproportionate burdens identified, the impacts and rationale of the proposed changes in serving low-income passengers were explored and documented.

Importantly, most of the areas around routes with major service changes during this reporting period contain minority and low-income populations in proportions similar to, or higher than, those found in the entire Fairfax Connector service area (the entirety of Fairfax County). This means that if FCDOT were to adjust the 10 percent threshold to be lower in an attempt to create more potential future DI or DB findings for route-level SEAs, it may not in fact cause substantially more findings. For instance, halving the threshold, from 10 percent to five percent, would generate only two additional route-level findings of disparate impact (the October 2022 changes to Routes 334 and 350) and one additional route-level finding of disproportionate burden (the August 2020 change to Route 722). While FCDOT could reduce its thresholds to zero percent to produce more route-level findings of disparate impact and disproportionate burden (four and three findings, respectively), this would be out of touch with regional peer agencies, which have generally set thresholds between five percent and 15 percent.

Results of Fairfax Connector’s Service Equity Analysis for proposed Major Service Changes (May 2020) and the Fairfax County Board of Supervisors Approval (April 14, 2020) are included in **Appendix G**.<sup>22</sup>

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<sup>22</sup> The Fairfax County Board of Supervisors at the April 14, 2020 Board Meeting Approved Fairfax County Department of Transportation (FCDOT) Fairfax Connector May 2020 Major Service Changes with the needed Equity Analysis Results. The links below shows the Approval of Fairfax Connector Major Service Changes.

<https://www.fairfaxcounty.gov/boardofsupervisors/sites/boardofsupervisors/files/assets/meeting-materials/2020/board/april14-final-board-package.pdf>

<https://www.fairfaxcounty.gov/boardofsupervisors/sites/boardofsupervisors/files/assets/meeting-materials/2020/board/april14-board-summary.pdf>



Table 30: Summary of FCDOT Service Equity Analyses: Disparate Impact

Date of Service Change	Routes Affected	Add/Reduce Service	Route Area Population	Route Area Minority Population	Route Area Minority Population Percent (A)	Service Area Minority Population Percent (B)	Difference (A-B)	Threshold	Threshold Exceeded?
August 2020	722	Add	1,304	626	48%	47%	1%	-10%	No
January 2021	350	Add	9,329	5,211	56%	47%	9%	-10%	No
January 2021	351	Add	1,951	1,130	58%	47%	11%	-10%	No
October 2022	334	Reduce	8,582	4,941	57.6%	49.3%	8.3%	10%	No
October 2022	350	Modification (Reduce)	6,583	3,773	57.5%	49.3%	8.2%	10%	No
October 2022	351	Modification (Add)	2,024	1,172	57.9%	49.3%	8.6%	-10%	No
October 2022	352	Add	2,516	1,377	54.7%	49.3%	5.4%	-10%	No
October 2022	353	Add	3,889	2,265	58.2%	49.3%	8.9%	-10%	No
October 2022	495	Reduce	22,600	10,266	45.4%	49.3%	-3.9%	10%	No
January 2023	644	Reduce	146,499	72,349	49.4%	49.3%	0.1%	10%	No
January 2023	660	Add	279,365	134,885	48.3%	49.3%	-1.0%	-10%	No



Table 31: Summary of FCDOT Service Equity Analyses: Disproportionate Burden

Date of Service Change	Routes Affected	Add/Reduce Service	Route Area Households	Route Area Low-Income Households	Route Area Low-Income Households Percent (A)	Service Area Low-Income Households Percent (B)	Difference (A-B)	Threshold	Threshold Exceeded?
August 2020	722	Add	531	62	12%	18%	-6%	-10%	No
January 2021	350	Add	3,564	782	22%	18%	4%	-10%	No
January 2021	351	Add	661	141	21%	18%	3%	-10%	No
October 2022	334	Reduce	2,904	465	16.0%	16.7%	-0.7%	10%	No
October 2022	350	Modification (Reduce)	2,443	471	19.3%	16.7%	2.6%	10%	No
October 2022	351	Modification (Add)	695	141	20.3%	16.7%	3.6%	-10%	No
October 2022	352	Add	978	195	20.0%	16.7%	3.3%	-10%	No
October 2022	353	Add	1,436	275	19.2%	16.7%	2.5%	-10%	No
October 2022	495	Reduce	8,848	1,247	14.1%	16.7%	-2.6%	10%	No
January 2023	644	Reduce	50,867	7,951	15.6%	16.7%	-1.1%	10%	No
January 2023	660	Add	102,103	15,751	15.4%	16.7%	-1.3%	-10%	No



Table 32: Summary of SEA Findings by Block Group for Reston-Herndon Service Changes Proposed for Implementation in 2022 for Metrorail Silver Line Phase 2 Extension

	Number of Block Groups Meeting DI or DB Threshold
<b>Disparate Impact (DI)</b>	
Census Block Group Analysis for Discontinued or New Service	1
Census Block Group Analysis for Weekday Span of Service	4
Census Block Group Analysis for Saturday Span of Service	8
Census Block Group Analysis for Sunday Span of Service	8
Census Block Group Analysis for Weekday Peak Period Headway	4
Census Block Group Analysis for Weekday Midday Period Headway	12
Census Block Group Analysis for Saturday Core Period Headway	5
Census Block Group Analysis for Sunday Core Period Headway	6
<b>Disproportionate Burden (DB)</b>	
Census Block Group Analysis for Discontinued or New Service	2
Census Block Group Analysis for Weekday Span of Service	3
Census Block Group Analysis for Saturday Span of Service	6
Census Block Group Analysis for Sunday Span of Service	6
Census Block Group Analysis for Weekday Peak Period Headway	4
Census Block Group Analysis for Weekday Midday Period Headway	12
Census Block Group Analysis for Saturday Core Period Headway	7
Census Block Group Analysis for Sunday Core Period Headway	8



### 3.5.4. CONCLUSION

Based on these results, FCDOT proposes to change the language of the disparate impact and disproportionate burden policies so that their meaning and application is clearer; but the threshold and their use in practice are not proposed to change.

## 3.6. Major Fare Changes Implemented from FY 2021 to FY 2023

### 3.6.1. RELEVANT FAIRFAX COUNTY TITLE VI PROGRAM ELEMENTS

A fare equity analysis may require the evaluation of as many as four items, depending on the nature of the route, the proposed changes to it, and the environment that it serves. The policies listed in this section are those contained in the County’s previous Title VI Program, as approved by the Board of Supervisors on September 29, 2020. The Disparate Impact and Disproportionate Burden definitions were approved by Board of Supervisors on September 15, 2020.

Under the previous Title VI Program:

- A **disparate impact** occurs when the difference between minority riders and non-minority riders affected by a proposed fare or service change is 10 percent or greater.
- A **disproportionate burden** occurs when the difference between low-income riders and non-low-income riders affected by a proposed fare or service change is 10 percent or greater.

These policies were in place when the equity analyses over the last three years were completed.

### 3.6.2. SUMMARY OF MAJOR FARE CHANGES

The fare changes proposed for implementation since the approval of Fairfax County’s previous Title VI program in 2020 were reviewed as mandated in Circular 4702.1B, *Title VI Requirements and Guidelines for Federal Transit Administration Recipients*. One fare change occurred during this period, increasing the discount for bus to/from rail transfers from \$0.50 to \$2.00 to match this fare change by the Washington Metropolitan Area Transit Authority (WMATA). Fairfax Connector participates as a regional partner with WMATA in the use of the SmarTrip pre-paid fare card and proposed to match WMATA’s fare change in keeping with the Board’s past policy of matching regional fare changes and the County’s commitment to equity, exemplified by the belief that bus riders should pay the same fare for the same type of bus service without regard to the agency operating the service. The major proposed fare changes are summarized in **Table 33**.

Table 33: Major Proposed Fare Changes, June 2022

Fare Product	Fare Change
Bus to/from rail transfers	Increase discount from \$0.50 to \$2.00
7-day Regional Bus Pass	Reduce cost from \$15.00 to \$12.00
7-day Regional Senior/Disabled Bus Pass	Reduce cost from \$7.50 to \$6.00

### 3.6.3. SUMMARY OF ANALYSIS RESULTS

FCDOT staff performed a Title VI Fare Equity analysis based on adoption of WMATA’s proposed \$2.00 transfer discount. The analysis indicated that this proposed fare change will not result in a Disparate



Impact for minority riders or a Disproportionate Burden for low-income households, because it reduces costs for all riders systemwide.

### 3.6.4. CONCLUSION

Based on these results, FCDOT proposes to change the language of the disparate impact and disproportionate burden policies so that their meaning and application is clearer; but the threshold and their use in practice are not proposed to change.

## 3.7. Analysis of Transit Service Standards

FTA C 4702.1B requires FCDOT to evaluate its defined standards and policies to ensure service equity between minority and non-minority routes, which are described above. The following are the standards and policies that FCDOT has measured for each of its routes:

- Standards
  - Vehicle load
  - Vehicle headway
  - On-time performance
  - Service accessibility
- Policies
  - Vehicle assignment
  - Distribution of transit amenities

FCDOT's computer-aided dispatch and automatic vehicle locator (CAD-AVL) and automatic passenger count (APC) systems are used to monitor the performance of routes against these standards.

### 3.7.1. VEHICLE LOAD

The vehicle load metric is used to determine if a bus is overcrowded. A vehicle load is the average maximum number of people seated and standing during the peak period in the peak direction. Vehicle passenger load is measured by the ratio of passengers on a vehicle (load) to seated capacity (load/seat ratio). Through FCDOT's automatic passenger counter data, the maximum load for all routes for weekdays, Saturdays, and Sundays is available.

**Figure 12** displays the average daily maximum load factors for local routes on weekdays, Saturdays, and Sundays for the period of November 16, 2022, to January 31, 2023. **Figure 13** shows the same information for commuter routes.<sup>23</sup> For local routes, minority routes have higher average daily maximum load factors than non-minority routes. For commuter routes, minority routes have lower average daily maximum load factors than non-minority routes. No non-minority commuter routes operate on weekends.

The average maximum loads for minority and non-minority routes are well below the number of seats available on the bus and therefore are well below FCDOT's policy of a 1.25 maximum load factor for local routes and 1.00 for commuter routes. Overall, only three trips during this period had load factors that surpassed the policy: Route 396 in the weekday AM peak period one trip, Route 401 in the weekday

<sup>23</sup> Vehicle assignment and route performance data were unavailable for Routes 480 and 660.

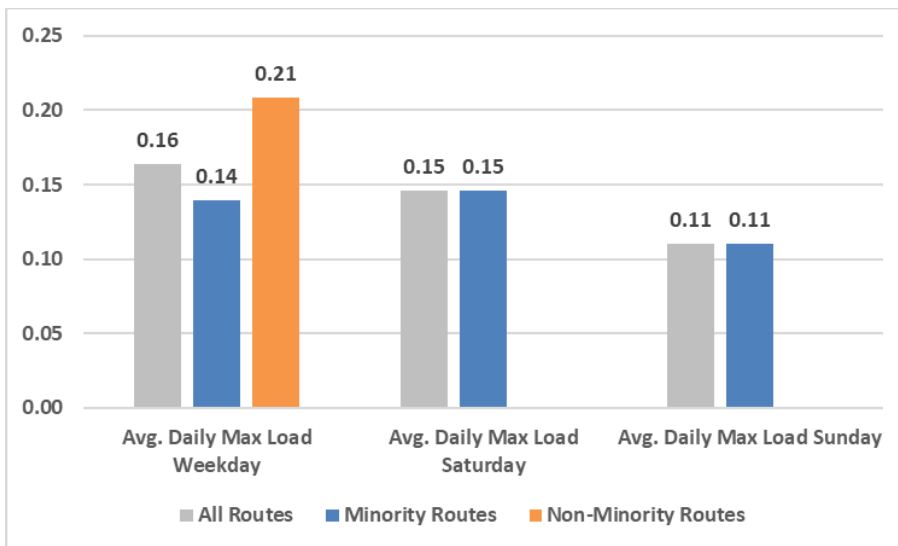


early period one trip, and RIBS 2 in the weekday AM peak period one trip. Route 396 is a non-minority commuter route, Route 401 is a minority local route, and RIBS 2 is a non-minority local route.

Figure 12: Local Route Average Daily Maximum Load Factors (November 16, 2022, to January 31, 2023)



Figure 13: Commuter Route Average Daily Maximum Load Factors (November 16, 2022, to January 31, 2023)



### 3.7.2. SERVICE HEADWAYS

Headway by time of day for both weekday and weekend service is a measure of the level of service of a bus route. **Figure 14** illustrates the variation in service headways by day of week and time of day for minority and non-minority routes as well as the standards for each time period. Route-level headway information was summarized by time period and averaged across minority and non-minority routes.



FCDOT has different headway standards for peak-only and all-day routes. To monitor this service, FCDOT compared the average headway for minority and non-minority routes in the weekday peak periods to the standard.

The difference in average headways between minority and non-minority routes was minimal across most time periods:

- For all-day routes, minority routes had average headways at least five minutes longer than non-minority routes during six periods: weekday PM peak (3:00 PM - 6:00 PM), weekday late night (11:00 PM or later), Saturdays during the core period (8:00 AM - 5:00 PM) and during the non-core period (all other times), and Sundays during the core period (8:00 AM - 5:00 PM) and during the non-core period (all other times).
- For all-day routes, non-minority routes had average headways at least five minutes longer than minority routes during just one period: weekday early (4:00 AM - 6:00 AM).
- For peak-only routes, minority and non-minority route headways did not differ by five minutes or more.

Minority and non-minority routes either met the headway standard together for each time period, or did not meet the standard together for each time period, with the exception of two time periods:

- In the weekday early period, non-minority route headways do not meet the 30-minute standard with 32-minute average headways, while minority routes do meet the standard with 27-minute average headways.
- In the weekday PM peak period for all-day routes, minority routes do not meet the 30-minute standard with 31-minute average headways, while non-minority routes do meet the standard with 24-minute average headways.

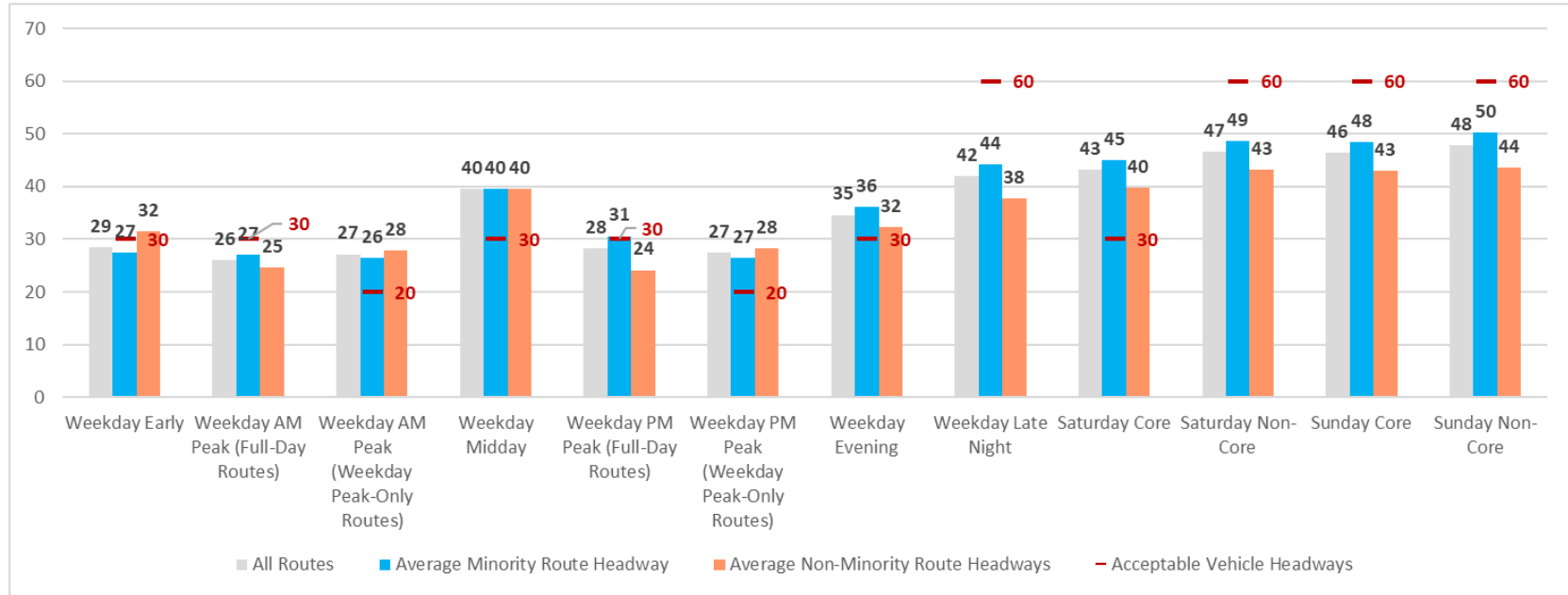
These discrepancies are attributable to several factors including route productivity, route availability and service span. Historically, routes with high ridership productivity as demonstrated by peak loads and dwell times, tend to have lower headways (i.e., more frequent service) to spread loads over more trips during high demand periods. Route availability factors into this where development patterns and densities may not support higher levels of transit service. This is also borne out by observed ridership levels/loads. Service span affects when a route is available and is a factor of available operational funding. When operating funds are constrained, longer spans will tend to be allocated to routes with higher demonstrated travel demand, with connections to more activity and employment centers served, especially job centers featuring shift work that requires travel outside the 9 to 5 work cycle.

To address future headway discrepancies, TSD staff will continue utilizing a multi-factor analysis as part of its route optimization studies that takes into account the requirements of Title VI. This analysis identifies high transit propensity populations (e.g., low income, minority, low/no car ownership) that will be served by the proposed transit network. This analysis not only looks at areas to be served, but also at levels of service (headway and span) to these areas. Along with analyzing Title VI impacts as part of these route optimization study efforts, Title VI is also considered as part of the analysis of individual service changes. With these efforts, TSD and the County are committed to ensuring equity in service availability, headway, and span.





Figure 14: Average Service Headway (Minutes)



### 3.7.3. ON-TIME PERFORMANCE

Average weekday, Saturday, and Sunday on-time performance was analyzed for all routes in the Fairfax Connector system from November 16, 2022, to January 31, 2023, using CAD-AVL data.<sup>24</sup>

- On weekdays during this period, buses across the entire system arrived on-time 82.8 percent of the time, with minority routes having an average on-time performance of 82.3 percent and non-minority routes having a slightly higher average on-time performance of 83.4 percent (**Figure 15**).
- On Saturdays during this period, buses across the entire system arrived on-time 79.9 percent of the time, with minority routes having an average on-time performance of 78.6 percent and non-minority routes having a slightly higher average on-time performance of 82.2 percent (**Figure 16**).
- On Sundays during this period, buses across the entire system arrived on-time 81.5 percent of the time, with minority routes having an average on-time performance of 80.2 percent and non-minority routes having a slightly higher average on-time performance of 83.7 percent (**Figure 17**).

All of these figures fall short of FCDOT’s 85.0 percent on-time performance goal. There is a small difference between minority and non-minority route on-time performance, which is more pronounced on the weekends. On weekdays, the difference between minority and non-minority routes has narrowed since the last Title VI Program update (2020) from a gap of 3.3 percent to 1.1 percent; specifically, the OTP for minority routes has improved from 79.9 percent to 82.3 percent. These improvements are likely due to differences made by the route optimization efforts. OTP for weekends was not reported in the last Title VI Program update.

Figure 15: Average Weekday On-Time Performance (November 16, 2022, to January 31, 2023)



<sup>24</sup> On-time performance data was unavailable for Route 480 or Route 660.



Figure 16: Average Saturday On-Time Performance (November 16, 2022, to January 31, 2023)

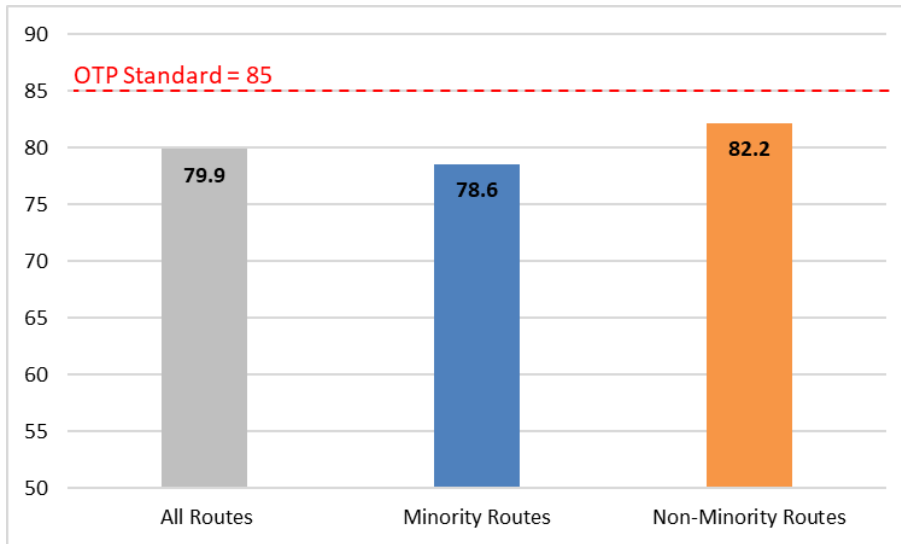
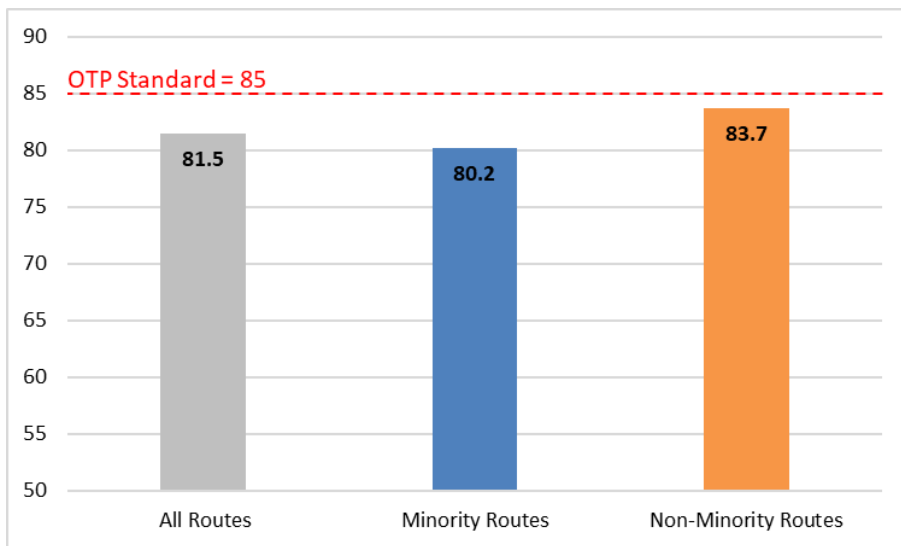


Figure 17: Average Sunday On-Time Performance (November 16, 2022, to January 31, 2023)



### 3.7.4. SERVICE AVAILABILITY

Service availability measures the percentage of the population within the County that is served by Fairfax Connector. As shown in **Table 34**, 59 percent of the minority population in the County lives within walking distance (one quarter of a mile) of a local Connector bus route’s alignment or walking distance (one quarter of a mile) of an express or commuter Connector bus route’s stops.<sup>25</sup> Fifty percent of the County’s non-minority population lives within walking distance of transit. Overall, the percentage of the minority population within walking distance to transit is higher than the percentage of the non-minority population.

<sup>25</sup> Source: American Community Survey (ACS) Estimates 2017-2021, 5-year estimates.



Fifty-five percent of all Fairfax County residents live within a quarter mile of a Fairfax Connector route. This exceeds FCDOT’s service availability standard of providing access to 50 percent of the County’s population to the Fairfax Connector system, as measured as population within a quarter mile of a local Connector bus route’s alignment or within one quarter of a mile of an express or commuter Connector bus route’s stops. In addition to Fairfax Connector services, WMATA’s Metrobus and Metrorail also serve the denser portions of the County. However, neither Metrobus nor Metrorail services are subject to the County’s Title VI analysis.

Table 34: Service Availability Monitoring for Fairfax Connector Routes

Minority			Non-Minority			Total Population		
Minority Population Served	Minority Population in County	% Minority Population Served	Non-Minority Population Served	Non-Minority Population in County	% Non-Minority Population Served	Total Population Served	Total County Population	% Total Population Served
341,238	574,679	59%	286,078	574,760	50%	627,316	1,149,439	55%

### 3.8. Analysis of Transit Service Policies

#### 3.8.1. TRANSIT AMENITIES

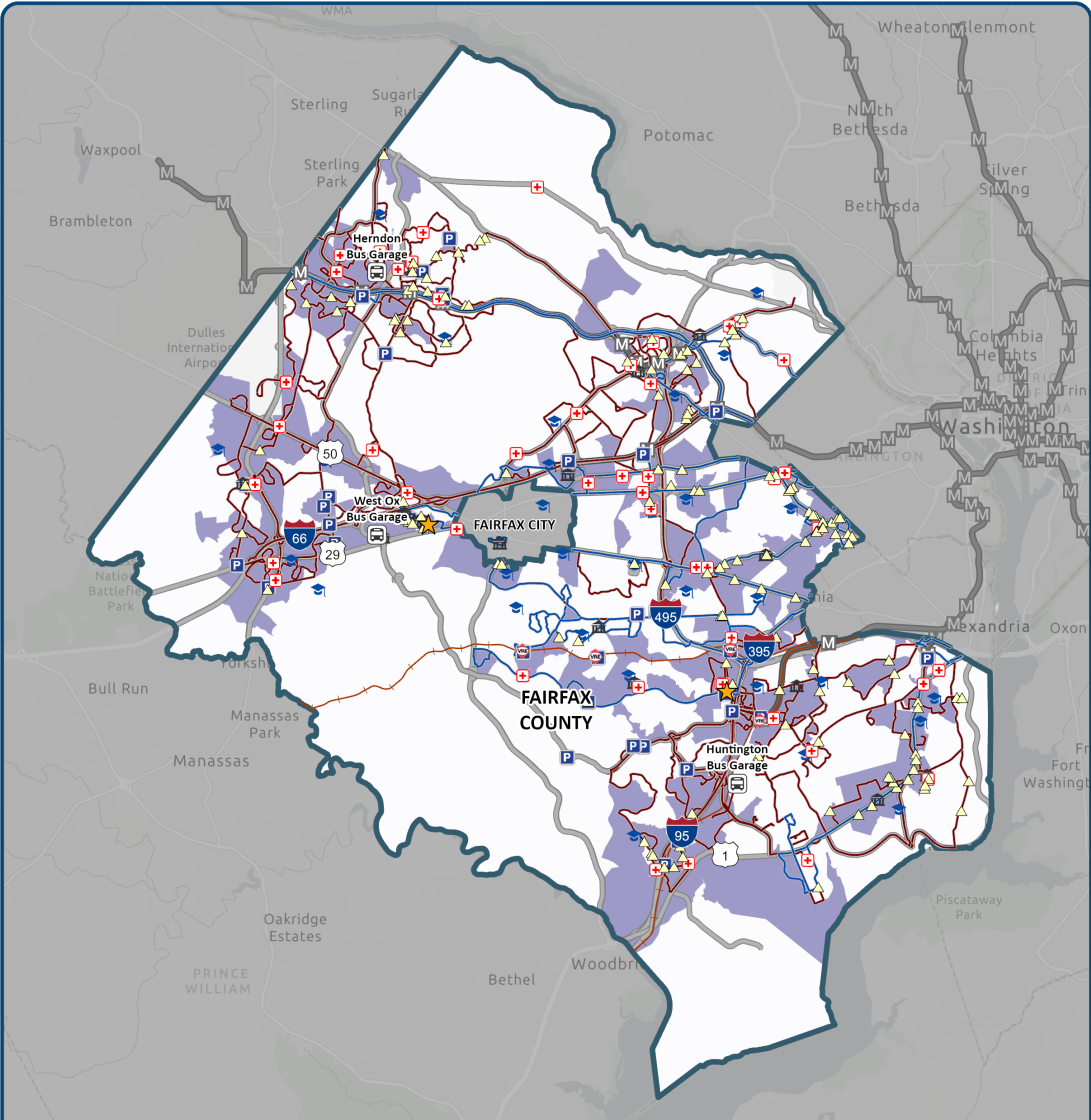
FCDOT tracks the locations of transit amenities, including shelters, benches, and trash receptacles, by stop throughout the service area. An in-depth monitoring analysis was conducted on the distribution of shelters, benches, and trash receptacles between minority and non-minority bus stops.

##### Shelter and Bench Analysis

The *Fairfax County Bus Stop Guidelines*, which were first adopted in 2004 and updated in 2017, delineates the policy for installing bus shelters and benches at bus stops. Within Fairfax County, three potential ways exist for a shelter to be installed: 1) directly through the County-funded shelter program, 2) by an advertising vendor that provides shelters, and 3) through developer proffers associated with development approvals. Among the shelters provided by the shelter advertising vendor, FCDOT has discretion to place 10 percent of the shelters procured through this contract. The remaining 90 percent of these shelters are located by the advertising vendor, on the basis of high ad-revenue locations. The advertising vendor is responsible for the maintenance and upkeep of all shelters that they install. County-owned shelters are maintained by the Stormwater Maintenance department as their funding allows. **Figure 18** shows the system-wide distribution of transit amenities.



Figure 18: Transit Amenities in Fairfax County



**Transit Amenities in Fairfax County**

Minority Population (%)

County Average 50.7%

Below Average (0% - 50.7%)

Above Average (50.7% - 100%)

- M Metrorail Stations
- VRE Stations
- Bus Garages
- Bus Shelters
- Park and Rides
- Hospitals/Urgent Care
- Government Centers
- High Schools/Colleges
- Future Multimodal Facilities
- Metrorail
- Fairfax Connector Service
- Metrobus Service
- Virginia Railway Express (VRE)
- Fairfax County Border
- Interstate, State Route, U.S. Route

0 2.5 5 Miles



It is Fairfax Connector’s practice that a bus shelter may be installed at a Fairfax Connector or Metrobus stop or station with an average of 50 or more boardings per day, and a bench may be installed at a stop or station with an average of 25 or more boardings per day. Fairfax County has 169 stops with shelters, 156 stops with benches, and 93 stops with trash containers served by either Fairfax Connector or WMATA Metrobus (**Table 35**). The results are broken down by minority and non-minority designation by stop. For the purposes of this analysis, a bus stop or station received a "minority" designation if it is located in a block group where the minority population is at or exceeds the proportion of minorities (50.7%) that comprise the total population of Fairfax County.

Table 35: Shelters and Benches at Fairfax County Bus Stops Served by Either Fairfax Connector or Metrobus

	Minority Stops/Stations with Amenity (%)	Non-Minority Stops/Stations with Amenity (%)	Total Stops/Stations with Amenity
Shelters	103 (61%)	66 (39%)	169
Benches (not part of a shelter)	96 (62%)	60 (38%)	156
Trash Containers	61 (66%)	32 (34%)	93

**Table 36** displays the number of shelters at Fairfax Connector and Metrobus stops which were deemed eligible for receiving a shelter, based on the criteria of the stop or station having 50 or more boardings per day. Based on ridership data, 202 stops and stations were deemed eligible for shelters, which is more than the 188 stops and stations that were eligible in 2020. Of the 202 transit stops and stations across Fairfax County that were eligible for a shelter, the distribution of shelters was approximately even across minority and non-minority stops and stations, with 25 percent of eligible minority stops receiving a shelter and 23 percent of eligible non-minority stops receiving a shelter. Overall, 25 percent of eligible stops/stations have shelters.

Table 36: Shelter Availability among Fairfax Connector and Metrobus Stops and Stations which are Eligible for a Shelter (50+ Daily Boardings)

	Minority Stops/Stations Eligible for Shelter	Non-Minority Stops/Stations Eligible for Shelter	Total Stops/Stations Eligible for Shelter
Total	146	56	202
<i>No Shelter</i>	109	43	152
<i>Shelter</i>	37	13	50
Percent of stops with a shelter	25%	23%	25%

**Table 37** displays the number of benches at Fairfax Connector and Metrobus stops were deemed eligible for receiving a bench, based on the criteria of the stop or station having between 25 and 49 boardings per day (stops with 50 or more boardings are eligible for a shelter, which includes a bench, and which are accounted for in the shelter analysis above). Of the 157 transit stops and stations across Fairfax County that were eligible for a bench, a larger proportion of eligible minority stops and stations have benches (15 percent) compared to eligible non-minority stops and stations (ten percent). Overall, 13 percent of eligible stops/stations have benches.



Table 37: Bench Availability among Fairfax Connector and Metrobus Stops and Stations that are Eligible for a Bench (25-49 Average Daily Boardings)

	Minority Stops/Stations Eligible for Bench	Non-Minority Stops/Stations Eligible for Bench	Total Stops/Stations Eligible for Bench
Total	96	61	157
<i>No Bench</i>	82	55	137
<i>Bench</i>	14	6	20
Percent of stops with a bench	15%	10%	13%

Other bus stops with shelters or benches not included in the above tables are not deemed eligible as described above. The County regards these as legacy amenities. These amenities were typically constructed prior to the adoption of the bus stop guidelines. It is also possible that ridership patterns can change over time, changing eligibility. As these legacy amenities reach the end of their useful lives, Fairfax Connector staff will re-evaluate whether to replace them, according to the adopted criteria. Currently, Fairfax County has 136 benches that are deemed ineligible and 119 shelters that are deemed ineligible for these amenities. The distribution of legacy amenities throughout the County is roughly even between minority and non-minority stops, with four percent of ineligible minority stops receiving a bench or shelter and two percent of ineligible non-minority stops receiving a bench or shelter (**Table 38**).

Table 38: Bench and Shelter Availability among Fairfax Connector and Metrobus Stops and Stations that are Ineligible for a Bench or Shelter (0-25 Average Daily Boardings)

	Ineligible Minority Stops/Stations with Amenities	Ineligible Non-Minority Stops/Stations with Amenities	Total Ineligible Stops/Stations with Amenities
Bench	82	54	136
<i>Percent of Total</i>	4%	2%	3%
Shelter	66	53	119
<i>Percent of Total</i>	4%	2%	3%

Many more stops and stations that are ineligible for amenities have these amenities, compared to the stops and stations which are actually eligible. In most cases, these amenities have been allocated to stops/stations below the ridership threshold. FCDOT will examine its amenity distribution at non-eligible stops to look for ways to allocate more amenities to eligible stops.

### Trash Receptacle Analysis

**Table 39** displays the trash receptacle inventory at Fairfax Connector and Metrobus stops in Fairfax County. Of the 93 transit stops and stations which have trash receptacles, the distribution of trash containers is roughly even between minority and non-minority stops, with three percent of minority stops receiving a trash receptacle and one percent of non-minority stops receiving a trash receptacle. Overall, two percent of stops/stations have trash receptacles.

Table 39: Trash Receptacle Availability among Fairfax Connector and Metrobus Stops and Stations

	Minority Stops/Stations	Non-Minority Stops/Stations	Total Stops/Stations
Total	1,979	2,451	4,430
<i>No Trash Receptacle</i>	1,918	2,419	4,337
<i>Trash Receptacle</i>	61	32	93
Percent of Total	3%	1%	2%

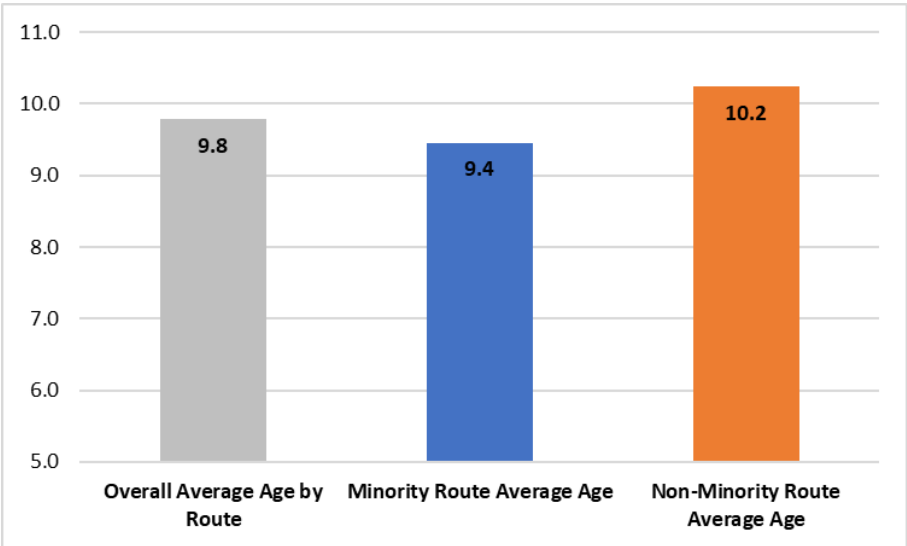


### 3.8.2. VEHICLE ASSIGNMENT

FCDOT generally assigns Fairfax Connector vehicles to routes from three operating divisions as follows: North County service area (Reston-Herndon Division), Central service area (West Ox Division), and South County service area (Huntington Division). Specific bus types and sizes from each operating division are assigned to routes based on the capacity needed for each route and road or service area geometry. For example, Fairfax Connector only uses 35-foot or smaller buses on RIBS routes in Reston. However, most routes will have several different makes, sizes, and ages of buses operating the route at any given time. This flexibility is needed due to the fact that different buses may be available on a daily basis based on maintenance schedules.

Since the introduction of FCDOT’s CAD-AVL system, records are maintained on which specific buses are used on which routes for every run. An analysis of all vehicles used on all routes from November 16, 2022, to January 31, 2023, was conducted to evaluate average vehicle age (**Figure 19**). The average age of all Fairfax Connector vehicles used by route during this time period was 9.8 years. Vehicles used on minority routes were slightly younger, averaging 9.4 years, while vehicles used on non-minority routes were slightly older, averaging 10.2 years.

Figure 19: Average Vehicle Age by Route Used on Trips Between November 16, 2022, to January 31, 2023





# 4. APPENDICES

## Appendix A: Fairfax County Title VI Accomplishments Questionnaire

### Fairfax County Title VI Accomplishments Questionnaire

*Prepared by:*

**Fairfax County Department of Transportation**

**Coordination and Funding Division**

Fairfax County's Title VI (Civil Rights) Program will be adopted by the Board of Supervisors and submitted to the Federal Transit Administration in August 2023. As part of the County's Title VI Program, the Fairfax County Department of Transportation (FCDOT) has committed to update its Language Access Plan (LAP), as well as monitor related activities that may have occurred. To create this update, Coordination and Funding Division staff collects data from FCDOT through the questionnaire below.

Each division is asked to identify **accomplishments, issues, and any corrective actions** that have occurred during the past year. If a question does not apply to your section or work, *there is no need to respond*.

Please return completed questionnaires to **Brent Riddle** ([Michael.Riddle@fairfaxcounty.gov](mailto:Michael.Riddle@fairfaxcounty.gov)) in Coordination and Funding by **April 21, 2023**.

### Accomplishments

#### Public Outreach/Communications

1. Public hearings and meetings:
  - a. How many public hearings or meetings were held in 2022? Please list the dates and times, locations, and purpose of the meetings (or attach documentation).
  - b. Describe efforts to ensure broad citizen participation in the hearings and meetings, particularly by minorities and women. Describe how effective these efforts were and how minorities and women participated in the public hearings and meetings.
  - c. Describe special language services provided. Note the professional language service provided including the name of the service, date provided, and the number of persons served, and any other relevant information during public hearing or meetings held.
  - d. Were Fairfax County Title VI policy statements available for use in these public meetings and hearings?
2. Please list any promotional materials created in 2022, including news releases, advertising, brochures, flyers on buses, etc.
3. What have proven to be the most effective ways to connect with current system users and to reach specific Title VI segments of the community within Fairfax County and the general public at large?



4. Describe coordination activities with other organizations such as social service agencies and schools to further the County's Title VI program.

### **Planning**

1. Describe any research, studies, or surveys conducted during the past year that collected data on minority persons, low-income neighborhoods, income levels, physical environments, and travel habits for the purposes of Title VI compliance. Please attach or include links.
2. Describe any strategies or actions taken to promote Title VI compliance with regard to planning activities, including monitoring and review processes, and their outcomes and status.

### **Problem Areas/Issues**

1. Over the past 12 months, describe any significant Title VI issues that have arisen, actions taken, and issues that still need to be addressed.
2. Provide a summary of any Title VI concerns and/or issues, if any, raised by representatives of minority communities during the past year.
3. How were you notified of those concerns/issues?
4. Were there any Title VI concerns or issues raised at public hearings?
5. Were any Title VI concerns or issues raised in relation to relocation assistance and/or payments?

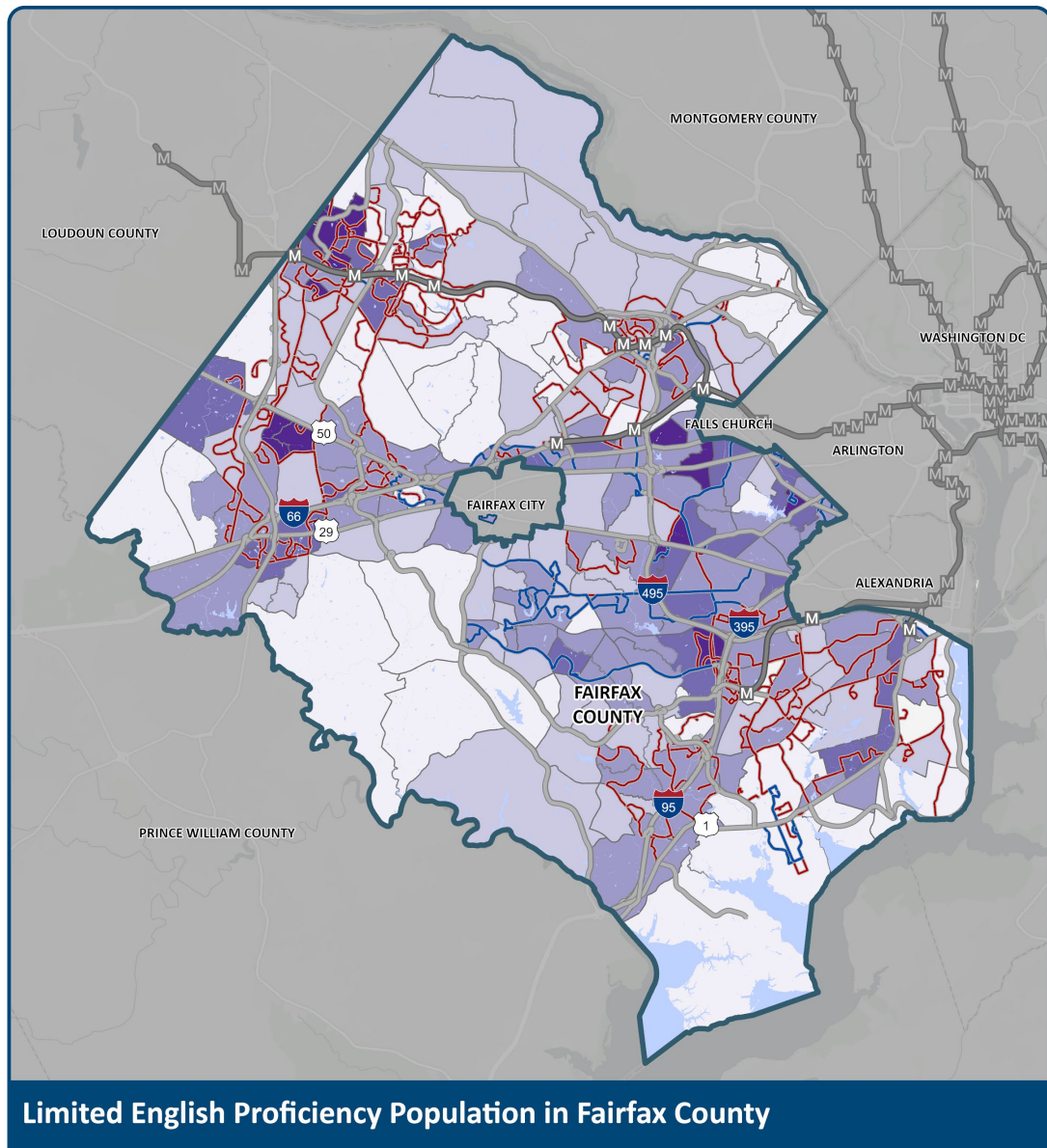
### **Corrective Actions**

1. Were any corrective actions initiated in the past year as a result of Title VI issues? If yes, please explain.
2. Describe actions taken by the division to facilitate and/or address any Title VI concerns (or potential concerns).



## Appendix B: Maps of LEP Populations in Fairfax County by Language<sup>26</sup>

Figure 20: Percent of Total Population in Fairfax County that speak English “Less than Very Well”



Percent of Total Population

- 0% - 5%
- 5% - 10%
- 10% - 20%
- 20% - 30%
- 30% - 50%

- Fairfax County Border
- Metrorail Stations
- Metrorail
- Interstate, State Route, U.S. Route
- Fairfax Connector Routes
- Metrobus Routes

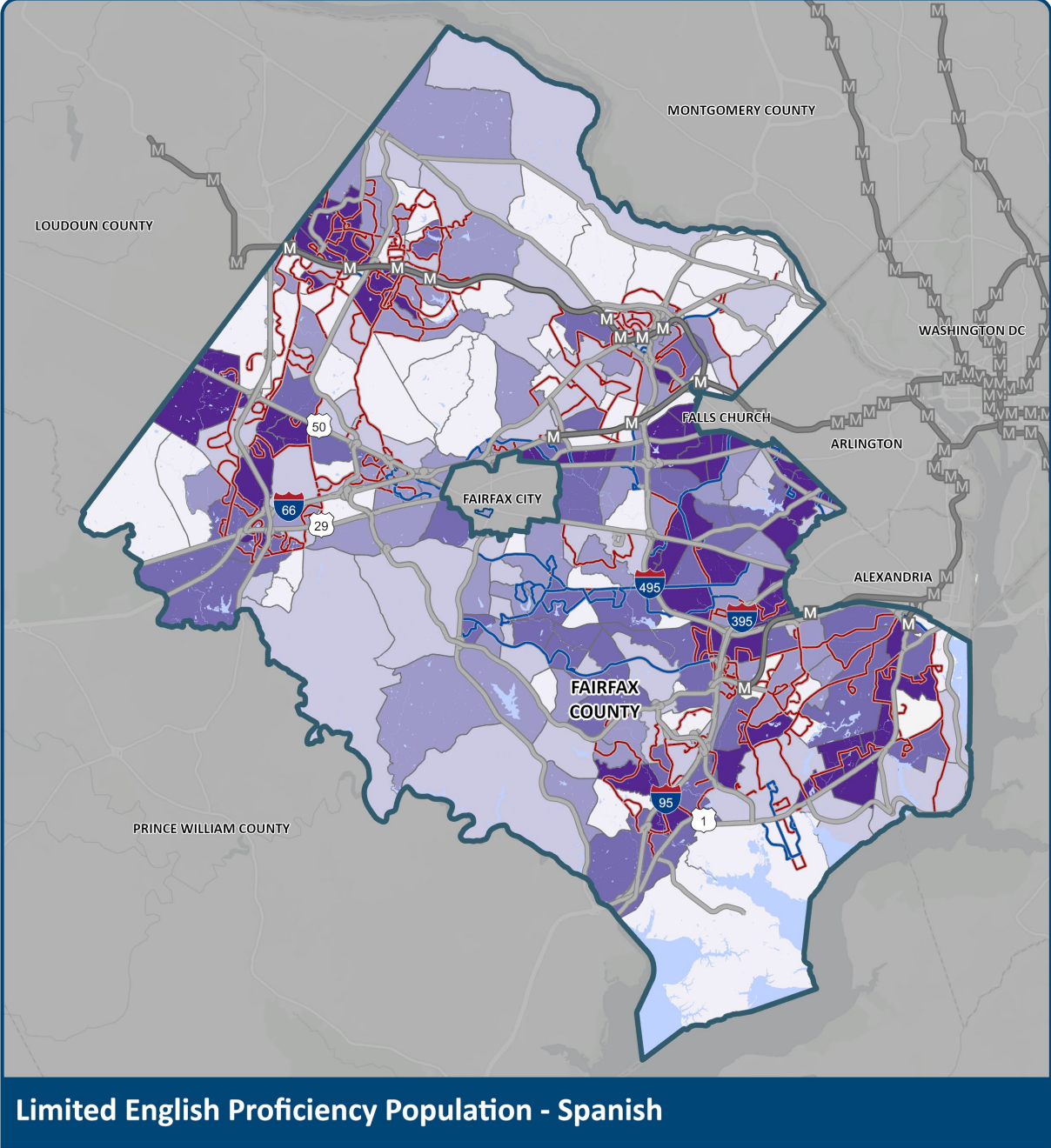
0 2.5 5 Miles



<sup>26</sup> U.S. Census Bureau, American Community Survey, 2017-2021, five-year estimates, Table C16001: Language Spoken at Home by Ability to Speak English for the Population 5 years and over. Table C160001 was used to provide the most recent data at the census tract level.



Figure 21: Spanish Speakers in Fairfax County that Speak English “Less than Very Well”



Number of People  
by Census Tract

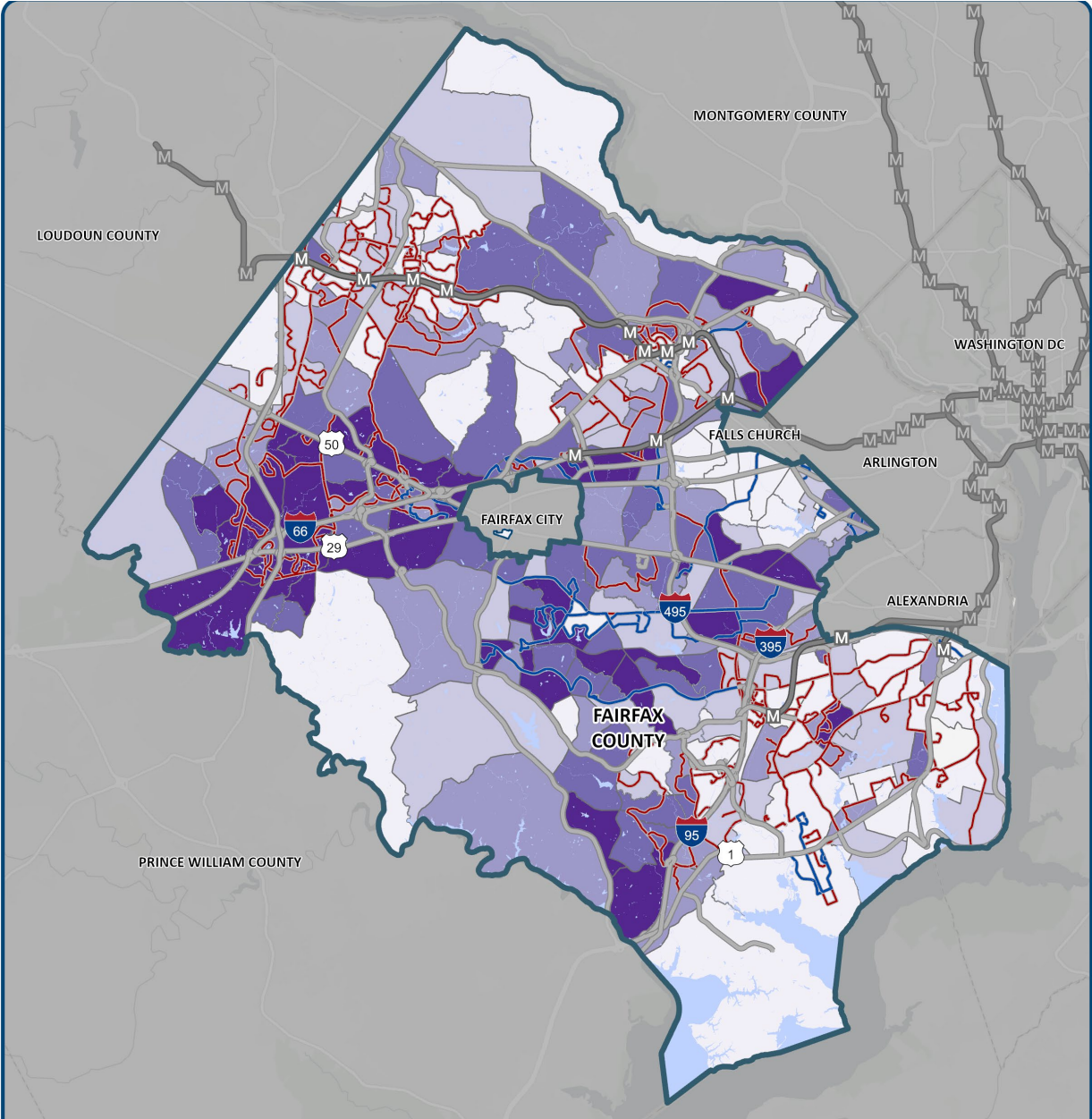
- 0 - 14
- 15 - 53
- 54 - 133
- 134 - 352
- 353 - 2,611

- Fairfax County Border
- M Metrorail Stations
- Metrorail
- Interstate, State Route, U.S. Route
- Fairfax Connector Routes
- Metrobus Routes

0 2.5 5 Miles



Figure 22: Korean Speakers in Fairfax County that Speak English “Less than Very Well”



**Limited English Proficiency Population - Korean**

Number of People  
by Census Tract

- 0
- 1 - 23
- 24 - 48
- 49 - 121
- 122 - 1,216

- Fairfax County Border
- Metro rail Stations
- Metro rail
- Interstate, State Route, U.S. Route
- Fairfax Connector Routes
- Metrobus Routes

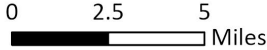
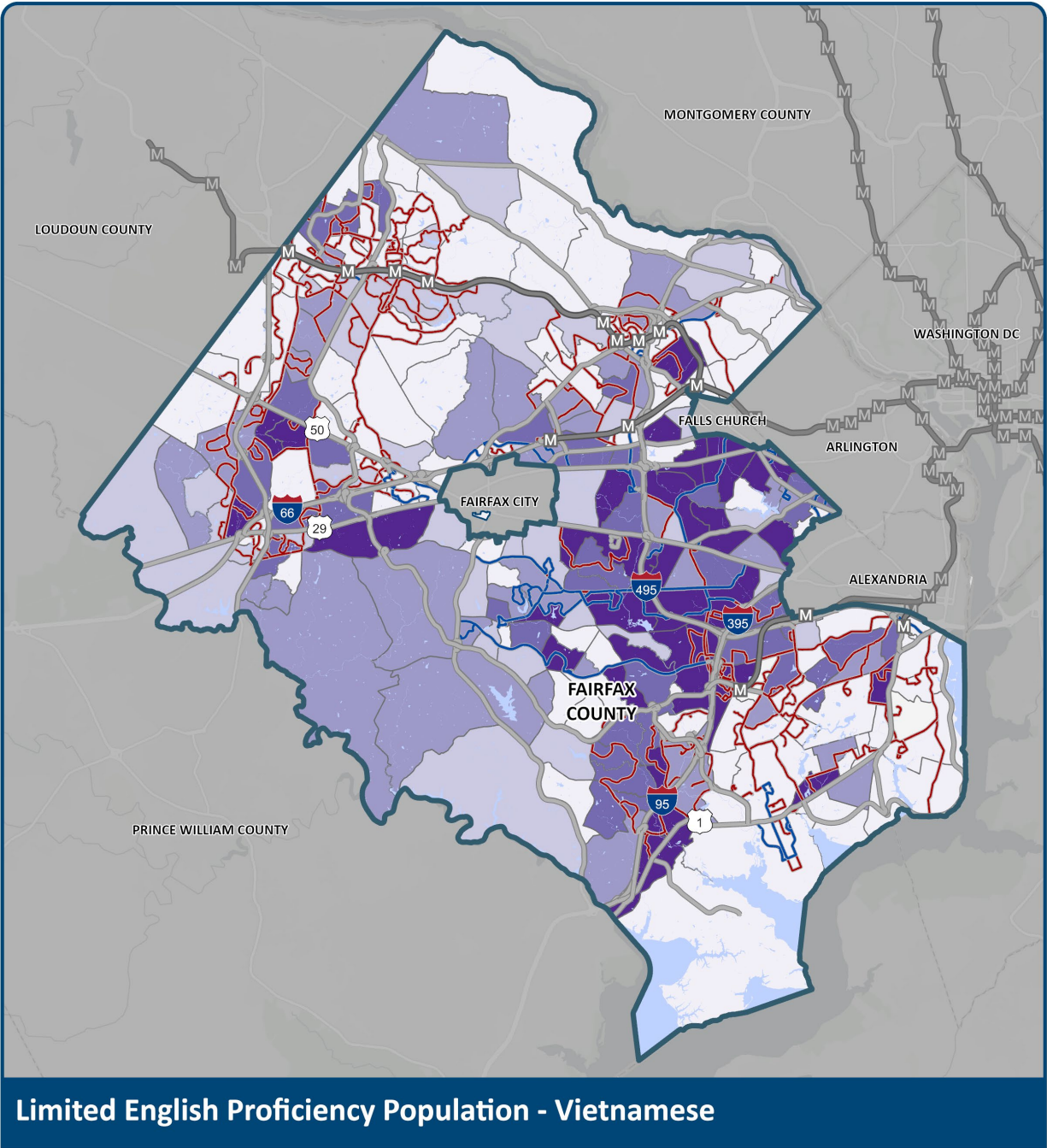


Figure 23: Vietnamese Speakers in Fairfax County that Speak English “Less than Very Well”



Number of People  
by Census Tract

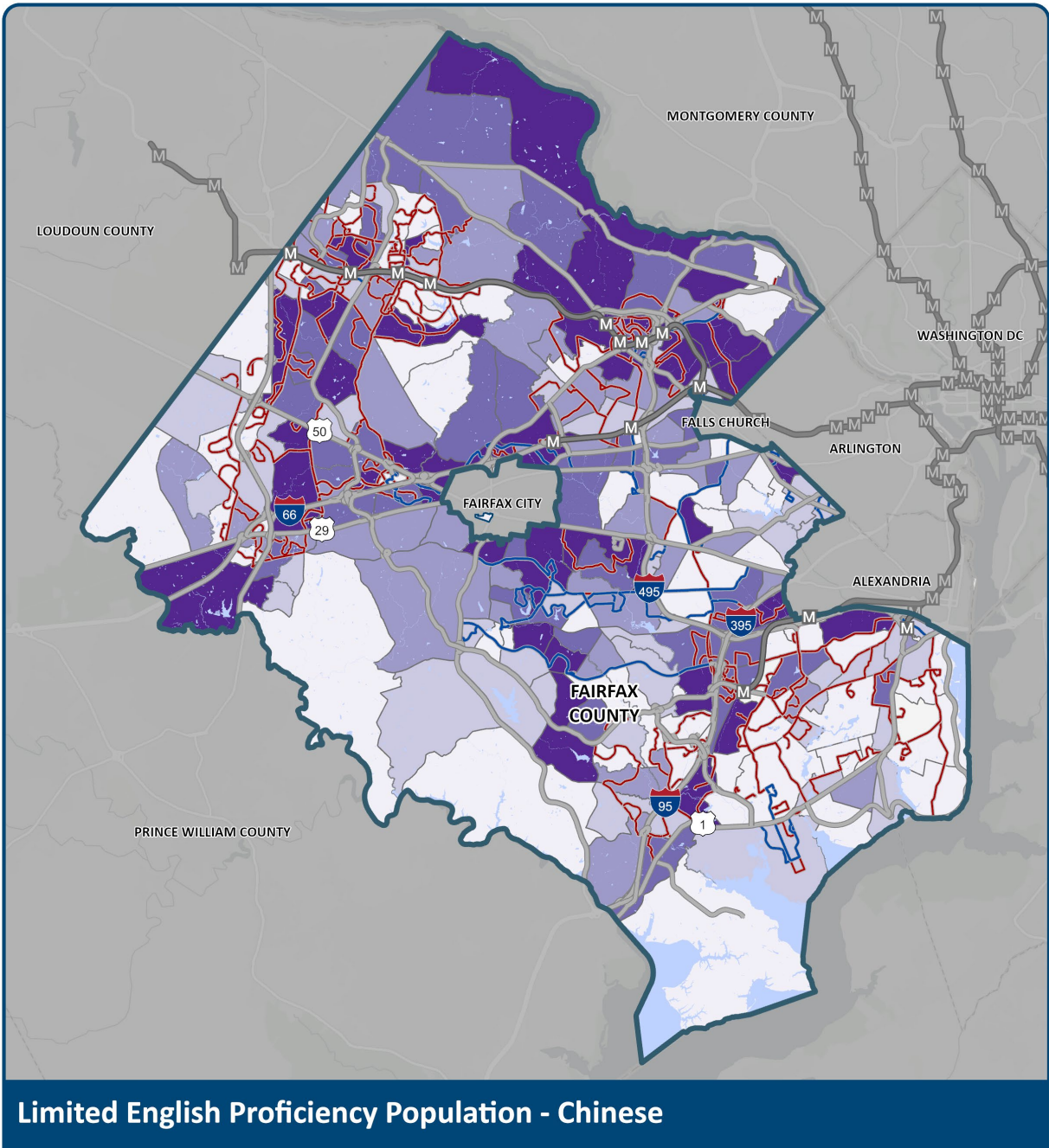
- 0
- 1 - 21
- 22 - 45
- 46 - 103
- 104 - 537

- Fairfax County Border
- M Metrorail Stations
- Metrorail
- Interstate, State Route, U.S. Route
- Fairfax Connector Routes
- Metrobus Routes

0 2.5 5 Miles



Figure 24: Chinese Speakers in Fairfax County that Speak English “Less than Very Well”



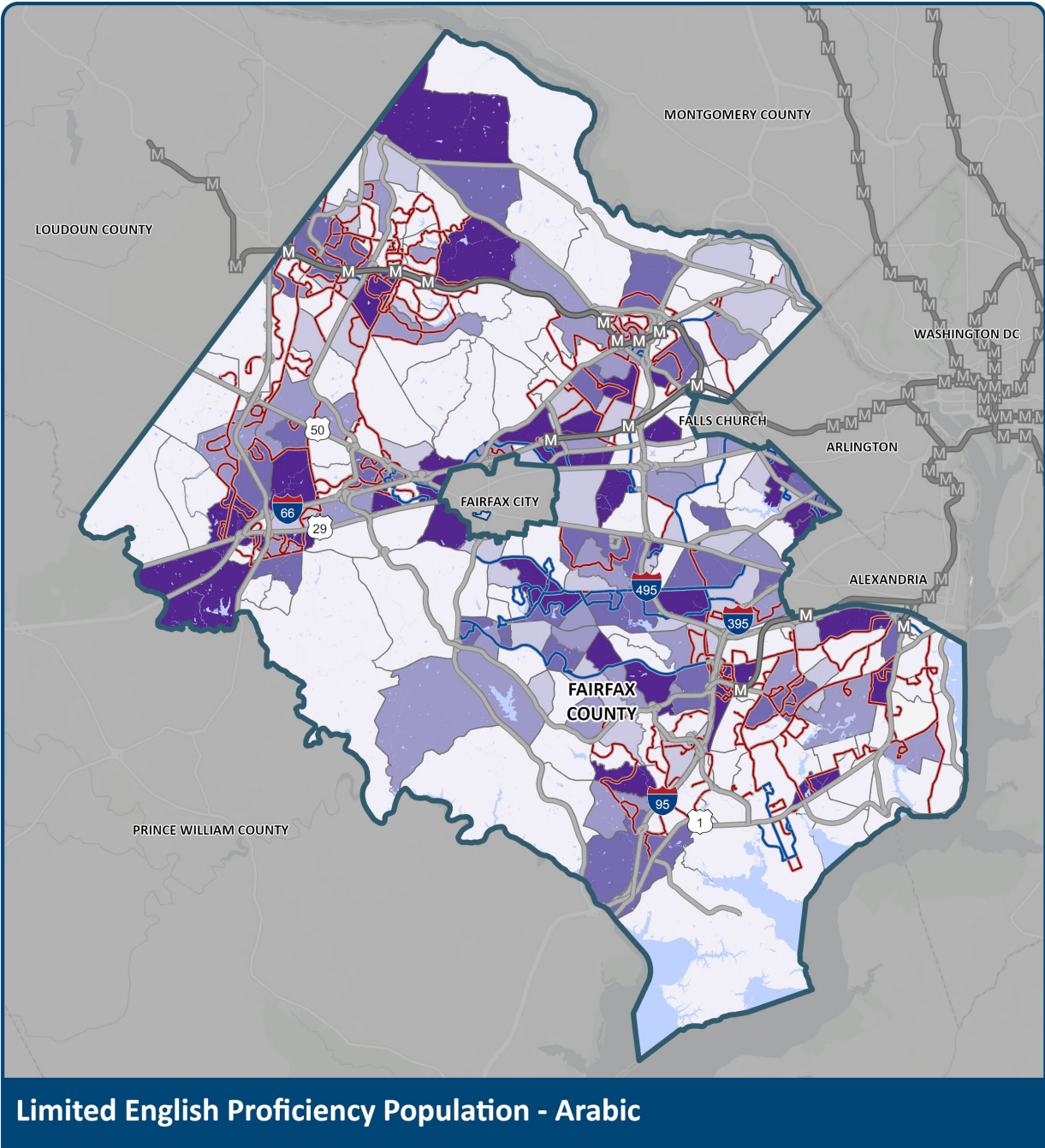
Number of People  
by Census Tract

- |          |                                       |
|----------|---------------------------------------|
| 0        | Fairfax County Border                 |
| 1 - 17   | M Metrorail Stations                  |
| 18 - 41  | — Metrorail                           |
| 42 - 87  | — Interstate, State Route, U.S. Route |
| 88 - 286 | — Fairfax Connector Routes            |
|          | — Metrobus Routes                     |

0 2.5 5 Miles



Figure 25: Arabic Speakers in Fairfax County that Speak English “Less than Very Well”



Number of People  
by Census Tract

- 0
- 1 - 13
- 14 - 27
- 28 - 53
- 54 - 381

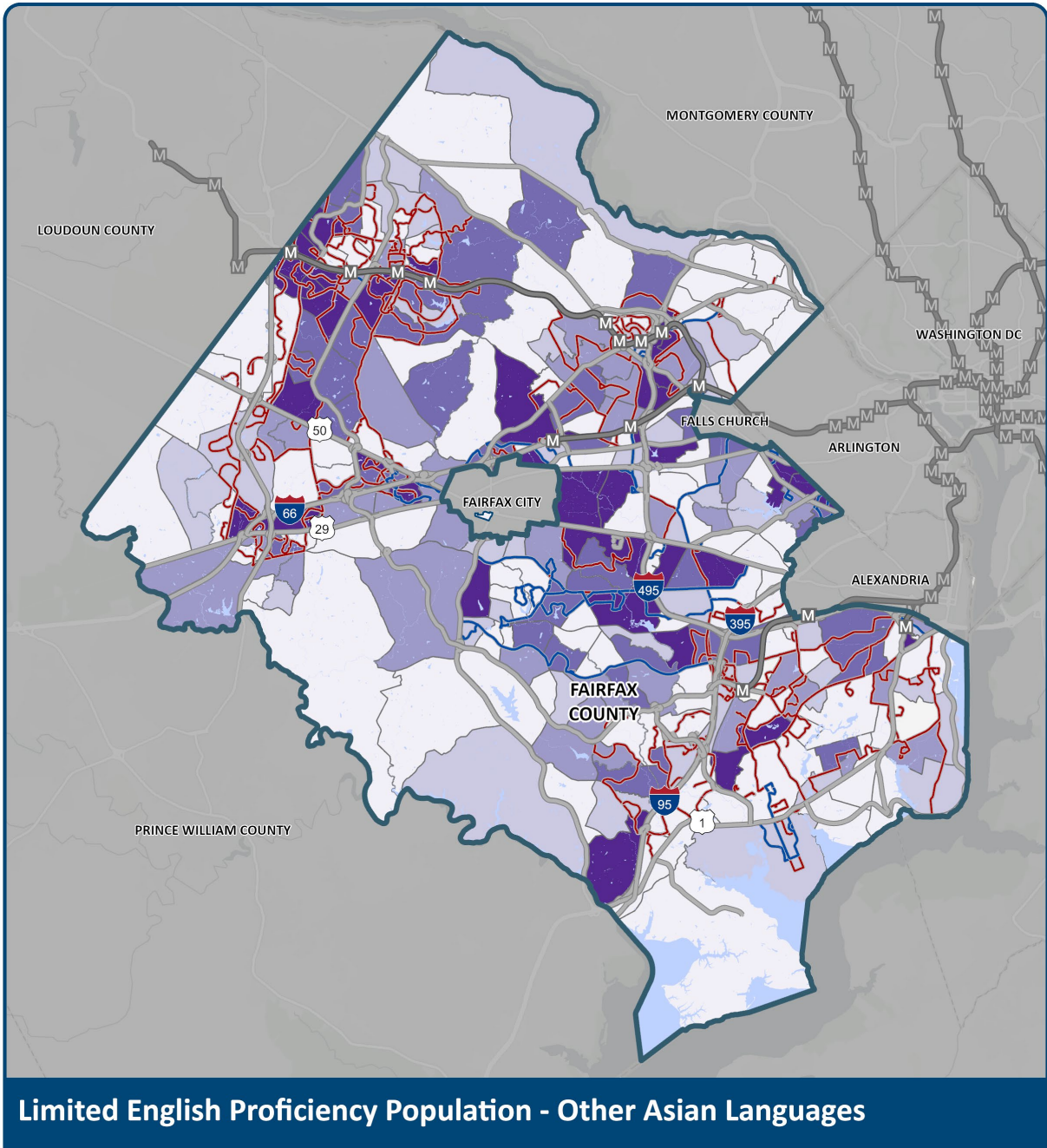
- Fairfax County Border
- Metrorail Stations
- Metrorail
- Interstate, State Route, U.S. Route
- Fairfax Connector Routes
- Metrobus Routes

0 2.5 5 Miles





Figure 26: People who Speak “Other Asian Languages” in Fairfax County that Speak English “Less than Very Well”



**Limited English Proficiency Population - Other Asian Languages**

Number of People  
by Census Tract

- 0
- 1 - 14
- 15 - 31
- 32 - 60
- 61 - 469

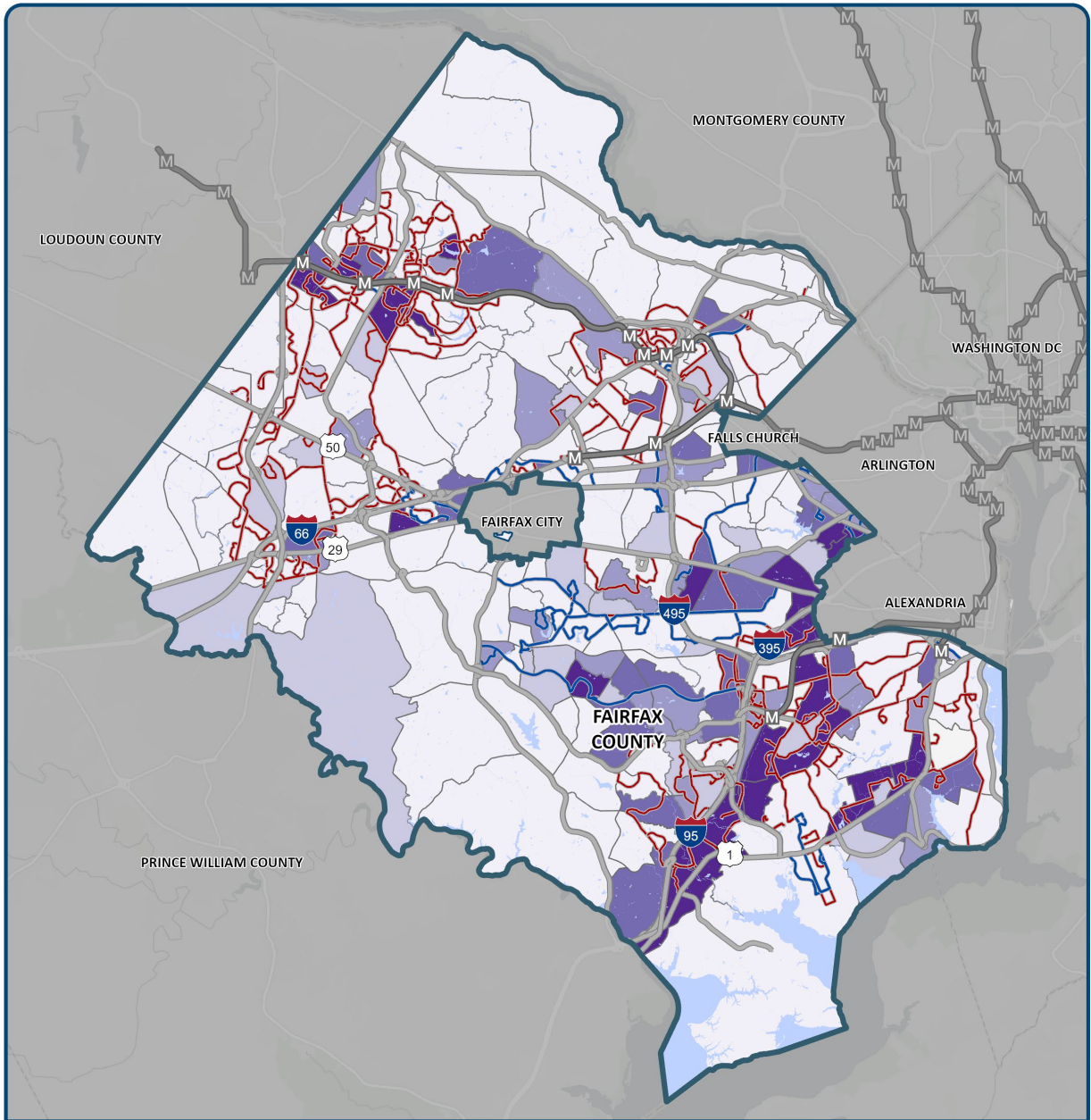
- Fairfax County Border
- Metrorail Stations
- Metrorail
- Interstate, State Route, U.S. Route
- Fairfax Connector Routes
- Metrobus Routes

Languages include Hmong, Khmer, Thai, Lao, other Tai-Kadai languages, Burmese, Karen, Turkish, and Uzbek.

0 2.5 5 Miles



Figure 27: People who Speak “Other Languages” in Fairfax County that Speak English “Less than Very Well”



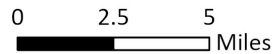
**Limited English Proficiency Population - Other Languages**

Number of People  
by Census Tract


- 0
- 1 - 17
- 18 - 37
- 38 - 114
- 115 - 473

- Fairfax County Border
- Metrorail Stations
- Metrorail
- Interstate, State Route, U.S. Route
- Fairfax Connector Routes
- Metrobus Routes

Languages include Navajo, other Native languages of North America, Hebrew, other languages of different regions in Africa, English Creoles, and Hungarian.



## Appendix C: Presentation of Major Service Change, Disparate Impact, and Disproportionate Burden Proposed Policies


 County of Fairfax, Virginia


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# Major Service Change and Disparate Impact/Disproportionate Burden Policies

Fairfax County Department of Transportation 2023 Title VI Program Update

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APRIL 2023 


 County of Fairfax, Virginia

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# Outline

- Purpose of Outreach Effort
- Overview of Title VI and Key Definitions
- What is a Major Service Change (MSC) Policy?
- FCDOT's MSC Policy
- What is a Disparate Impact/Disproportionate Burden (DI/DB) Policy?
- FCDOT's DI/DB Policy
- Conclusion

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APRIL 2023 





County of Fairfax, Virginia

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## PURPOSE OF OUTREACH EFFORT

APRIL 2023



County of Fairfax, Virginia

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## Purpose of Outreach Effort

To review and provide feedback on:

- Title VI equity analyses and how they work.
- Fairfax Connector’s service and fare equity policies.

APRIL 2023





## Public Survey

- Go to <https://www.fairfaxcounty.gov/connector/titlevi/2023-update> to share your thoughts about the policies that are proposed in this presentation



## CIVIL RIGHTS ACT & TITLE VI: OVERVIEW





# Title VI of the Civil Rights Act of 1964

*“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”*

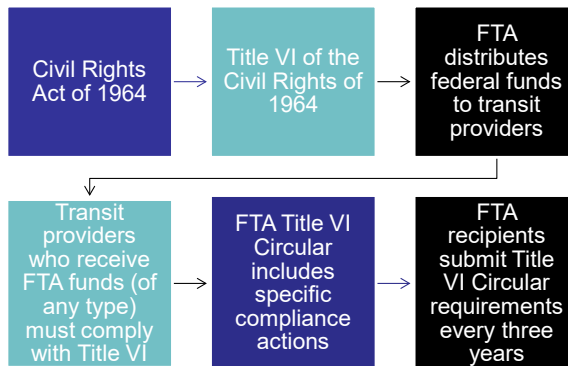
APRIL 2023



# History – Federal Civil Rights Laws

## Civil Rights Act Titles (or sections)

- Title I – Voting Rights
- Title II – Public Accommodation
- Title III – Public Facilities
- Title IV – Public Education
- Title V – Civil Rights Commission
- **Title VI – Federally Assisted Programs**
- Title VII – Equal Employment
- Title VIII – Voter Registration
- Title IX – Civil Rights Court Cases
- Title X – Community Relations
- Title XI - Miscellaneous



APRIL 2023





## What Does This Mean?

- Public transportation providers that receive federal funds are required to submit an updated Title VI Program to FTA **every three years**.
- Agencies must document that they are not discriminating on the basis of race, ethnicity, or national origin, and describe the proactive steps they are taking to ensure they do not discriminate in the future.

APRIL 2023



## Title VI Program Document

1. Introduction and Description of Service
2. Describing the Service Area and Planning for Title VI
  - Complaint and investigation procedures
  - Demographics and travel patterns
  - Public Participation Plan
  - Language Access Plan
3. Service Standards, Policies, and Monitoring
  - Service Standards and Monitoring
  - **Major Service Change Policy**
  - **Disparate Impact / Disproportionate Burden Policy**

APRIL 2023





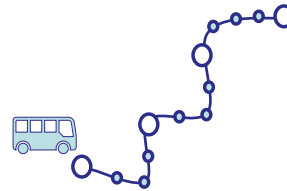
# Key Definitions

- **Revenue Service Hours:** The number of hours a bus operates while carrying paying passengers.

12 Hours



- **Revenue Service Miles:** The number of miles a bus operates while carrying paying passengers.

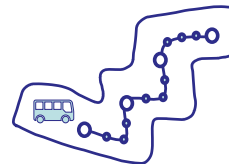


APRIL 2023

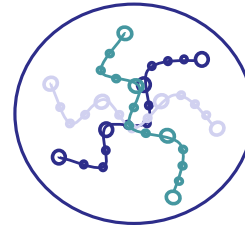


# Key Definitions

- **Route Area:** Geographic area impacted by proposed service changes



- **Service Area:** Geographic area served by the entire transit system



APRIL 2023







# Key Definitions

- **Minority population:** Population who are *not* non-Hispanic white
  - 50% of Fairfax County is minority
- **Low-income population:** Households making \$59,999 or less
  - 19% of Fairfax County is low-income



Overview and Description of FCDOT Policy

# MAJOR SERVICE CHANGE





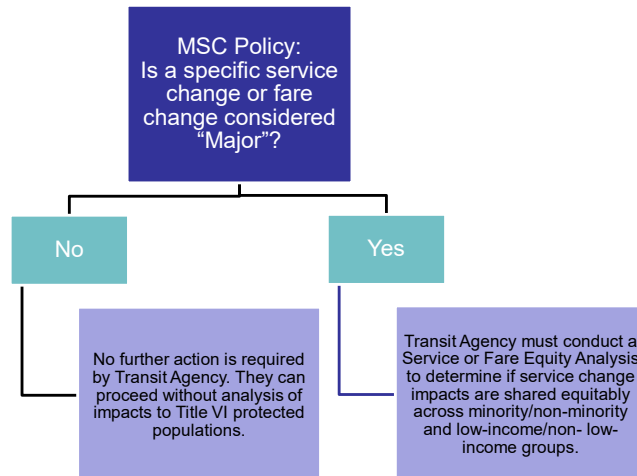
## What is a Major Service Change (MSC)?

- A **Major Service Change (MSC)** is a change that is significant or “major” enough to warrant further analysis.
- Transit agencies must define what changes qualify as MSC in a written policy.
- The further analysis is known as a **Service or Fare Equity Analysis**.

APRIL 2023



## Major Service Change (MSC) Flow Chart



APRIL 2023





## What is a Major Service Change (MSC)?

### Quick Facts:

- Agencies set their own MSC policies
- MSC policies often include mention of:
  - Service availability (span and/or service days)
  - Service quantity (frequency and/or revenue miles/hours)
  - Geographic alignments (areas or neighborhoods served)
  - Fares (any change)
- Major service changes can
  - Reduce or remove service
  - Expand or add service
- Agencies are required to revise and conduct outreach on policies with every Title VI Program update (i.e., every three years)

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## Major Service Change Exemptions

1. **Seasonal Service Changes:** Adding or removing a route or trips due to seasonal demand; must happen in cycles annually
2. **Pilots or Demonstration Routes:** Creation, modification, or discontinuation of a demonstration route within the first 12 months of operation
3. **Temporary Service Changes:** Diversions, frequency changes, or span modifications due to local events, construction, weather, and emergencies (of fewer than 12 months)



APRIL 2023





County of Fairfax, Virginia

## FCDOT Major Service Change Policy

“A major service change is defined as either an increase or a decrease of 25 percent or more in either daily revenue service hours, revenue service miles, or both for the individual route being modified.”

**FCDOT does not propose to change this policy from the last Title VI Program.**

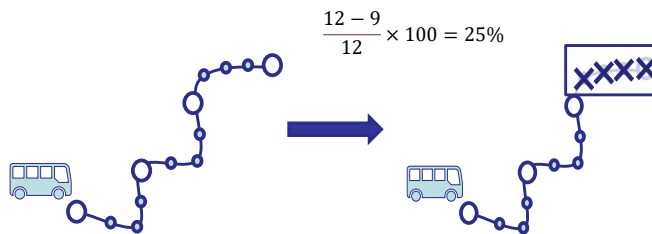
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County of Fairfax, Virginia

## FCDOT Major Service Change Policy

Example 1a: A bus that operated a 12-mile route is shortened, so the route is now only 9 miles.



This **would be** considered a major service change since revenue service miles are reduced by 25 percent.

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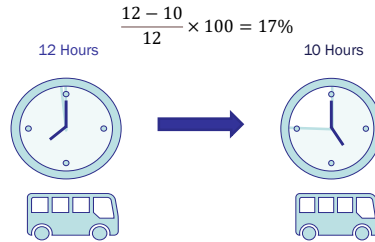






## FCDOT Major Service Change Policy

Example 2b: A bus route that operated from 8:00 AM to 8:00 PM with a single vehicle will now operate from 8:00 AM to 6:00 PM.



This **would not be** considered a major service change since revenue service hours are reduced by less than 25 percent.

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Overview and Description of FCDOT Policy

## DISPARATE IMPACT & DISPROPORTIONATE BURDEN (DI/DB) POLICIES

APRIL 2023





## Major Service Change Equity Evaluations

- Every Major Service Change requires a **Service Equity Analysis**
  - Service changes can have a **disparate impact (DI)** on minority riders
  - Service changes can have a **disproportionate burden (DB)** on low-income riders
- DI/DB policies help determine when a Major Service Change may result in inequities



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## Disparate Impacts and Disproportionate Burdens

- **Disparate Impact:** A policy that appears neutral but whose impacts *affect racial, ethnic, or national origin groups* in a substantially non-neutral way
- **Disproportionate Burden:** A policy that appears neutral but *impacts low-income populations* far more than non-low-income populations

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County of Fairfax, Virginia

## Disparate Impacts and Disproportionate Burdens

- Dis/DBs can occur when **service is removed or reduced**
- Service changes that can result in a DI/DB include:
  - Service changes that **remove service** disproportionately used by minority or low-income communities
  - **Fare/fare media changes** that disproportionately negatively impact minority or low-income communities

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County of Fairfax, Virginia

## Disparate Impacts and Disproportionate Burdens

- Dis/DBs can occur when **service is expanded or added**
- Service changes that can result in a DI/DB include:
  - Service changes that **add service** disproportionately used by non-minority or non-low-income communities
  - **Fare/fare media changes** that disproportionately benefit non-minority or non-low-income communities

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## Disparate Impacts and Disproportionate Burdens

Service Reduction or Removal	Service Expansion or Addition
<ul style="list-style-type: none"> <li>• Service changes that <b>remove service</b> disproportionately used by minority/low-income communities</li> <li>• <b>Fare/fare media changes</b> that disproportionately negatively impact minority/low-income communities</li> </ul>	<ul style="list-style-type: none"> <li>• Service changes that <b>add service</b> disproportionately used by non-minority/non-low-income communities</li> <li>• <b>Fare/fare media changes</b> that disproportionately benefit non-minority/non-low-income communities</li> </ul>

Both types of changes could have a DI or DB finding

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## How to Determine a DI or DB has Occurred?

- How much will a service change impact minority or low-income populations in the *route area* relative to minority or low-income populations in the *service area*?
- Percentage thresholds determine what counts as a disparate impact or disproportionate burden
  - Calculation is different based on whether a change adds or removes service
  - Federal guidance: transit provider thresholds should be “tripped” sometimes

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## What Happens When a DI or DB is Found?

- When a Service Equity Analysis determines that a proposed Major Service Change will create a Disparate Impact or Disproportionate Burden, it **does not** mean that a transit provider cannot make this change.
- The transit agency **can still make the change, if they meet two conditions:**
  - ☑ Show the “substantial legitimate justification” for the change
  - ☑ Prove that there are no alternatives that would reduce the harm to the affected community
- The transit provider must provide this documentation as part of its Service Equity Analysis

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## FCDOT's DI Policy

### Disparate Impact

A disparate impact (DI) occurs under the following circumstances:

- For a proposed service increase or fare reduction, calculate service area minority population percent minus route area minority population percent. If the result is greater than or equal to +10%, then a DI has occurred.
- For a proposed service reduction or fare increase, calculate route area minority population percent minus service area minority population percent. If the result is greater than or equal to +10%, then a DI has occurred.

**FCDOT is proposing this updated language for this policy.**

APRIL 2023





## DI Threshold: Examples

### Example 1: Service Reduction or Removal

- Service area is **50% minority**
- The transit agency wants to **eliminate** a route
- As long as fewer than  $50\% + 10\% = 60\%$  of people living in the area of the affected route are minority, the service change passes the service equity test

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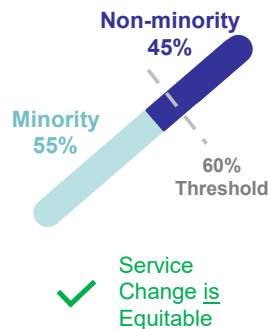
## DI Threshold: Examples

### Example 1a: Service Reduction or Removal

Route area under consideration:  
 Minority: 55%  
 Non-minority: 45%

- Service area is **50% minority**
- The transit agency wants to **eliminate** a route
- As long as fewer than  $50\% + 10\% = 60\%$  of people living in the area of the affected route are minority, the service change passes the service equity test

Route Area with a Service Reduction or Removal



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County of Fairfax, Virginia

## DI Threshold: Examples

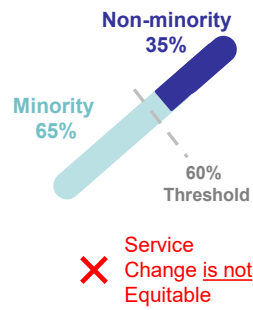
### Example 1b: Service Reduction or Removal

Route area under consideration:

Minority: 65%  
Non-minority: 35%

- Service area is **50% minority**
- The transit agency wants to **eliminate** a route
- As long as fewer than  $50\% + 10\% = 60\%$  of people living in the area of the affected route are minority, the service change passes the service equity test

Route Area with a Service Reduction or Removal



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County of Fairfax, Virginia

## DI Threshold: Examples

### Example 2: Service Expansion or Addition

- Service area is **50% minority**
- The transit agency wants to **add** a new route
- As long as more than  $50\% - 10\% = 40\%$  people living in the area of the affected route are minority, the service change passes the service equity test

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## DI Threshold: Examples

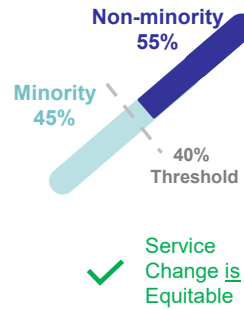
### Example 2a: Service Expansion or Addition

Route area under consideration:

Minority: 45%  
Non-minority: 55%

- Service area is **50% minority**
- The transit agency wants to **add** a new route
- As long as more than  $50\% - 10\% = 40\%$  of **people living in the area of the affected route** are minority, the service change passes the service equity test

Route Area with a Service Expansion or Addition



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## DI Threshold: Examples

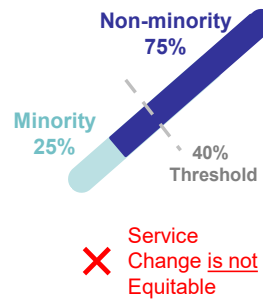
### Example 2b: Service Expansion or Addition

Route area under consideration:

Minority: 25%  
Non-minority: 75%

- Service area is **50% minority**
- The transit agency wants to **add** a new route
- As long as more than  $50\% - 10\% = 40\%$  of **people living in the area of the affected route** are minority, the service change passes the service equity test

Route Area with a Service Expansion or Addition



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# FCDOT's DB Policy

## Disproportionate Burden

A disproportionate burden (DB) occurs under the following circumstances:

- For a proposed service increase or fare reduction, calculate service area low-income population percent minus route area low-income population percent. If the result is greater than or equal to +10%, then a DB has occurred.
- For a proposed service reduction or fare increase, calculate route area low-income population percent minus service area low-income population percent. If the result is greater than or equal to +10%, then a DB has occurred.

**FCDOT is proposing this updated language for this policy.**

APRIL 2023



# DB Threshold: Examples

## Example 3: Service Reduction or Removal

- Service area is **19% low-income**
- The transit agency wants to **eliminate** a route
- As long as fewer than  $19\% + 10\% = 29\%$  of people **living in the area of the affected route** are low-income, the service change passes the service equity test

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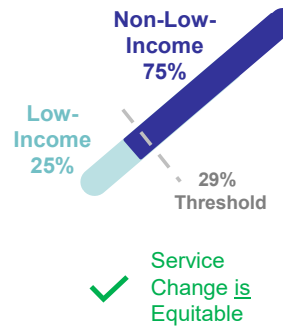
## DB Threshold: Examples

### Example 3a: Service Reduction or Removal

Route area under consideration:  
Low-Income: 25%  
Non-Low-Income: 75%

- Service area is **19% low-income**
- The transit agency wants to **eliminate** a route
- As long as fewer than  $19\% + 10\% = 29\%$  of people living in the area of the affected route are low-income, the service change passes the service equity test

Route Area with a Service Reduction or Removal



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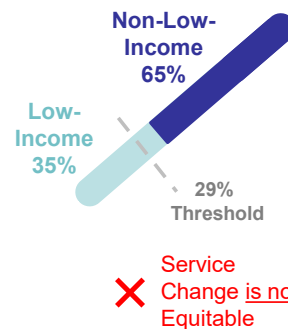
## DB Threshold: Examples

### Example 3b: Service Reduction or Removal

Route area under consideration:  
Low-Income: 35%  
Non-Low-Income: 65%

- Service area is **19% low-income**
- The transit agency wants to **eliminate** a route
- As long as fewer than  $19\% + 10\% = 29\%$  of people living in the area of the affected route are low-income, the service change passes the service equity test

Route Area with a Service Reduction or Removal



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## DB Threshold: Examples

### Example 4: Service Expansion or Addition

- Service area is **19% low-income**
- The transit agency wants to **add** a new route
- As long as more than  $19\% - 10\% = 9\%$  of **people living in the area of the affected route** are low-income, the service change passes the service equity test

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## DB Threshold: Examples

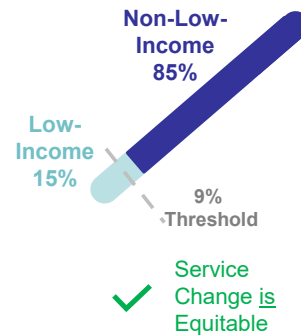
### Example 4a: Service Expansion or Addition

Route area under consideration:

Low-Income: 15%  
Non-Low-Income: 85%

- Service area is **19% low-income**
- The transit agency wants to **add** a new route
- As long as more than  $19\% - 10\% = 9\%$  of **people living in the area of the affected route** are low-income, the service change passes the service equity test

Route Area with a Service Expansion or Addition



APRIL 2023







## DB Threshold: Examples

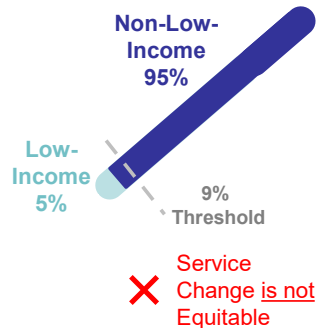
### Example 4b: Service Expansion or Addition

Route area under consideration:

Low-Income: 5%  
Non-Low-Income: 95%

- Service area is **19% low-income**
- The transit agency wants to **add** a new route
- As long as more than  $19\% - 10\% = 9\%$  of people living in the area of the affected route are low-income, the service change passes the service equity test

Route Area with a Service Expansion or Addition



APRIL 2023



## What Happens When a DI or DB is Found?

- When a Service Equity Analysis determines that a proposed Major Service Change will create a Disparate Impact or Disproportionate Burden, it **does not** mean that a transit provider cannot make this change.
- The transit agency **can still make the change, if they meet two conditions:**
  - Show the “substantial legitimate justification” for the change
  - Prove that there are no alternatives that would reduce the harm to the affected community
- The transit provider must provide this documentation as part of its Service Equity Analysis

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County of Fairfax, Virginia

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## CONCLUSION

APRIL 2023



County of Fairfax, Virginia

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## Public Survey

- Go to <https://www.fairfaxcounty.gov/connector/titl/evi/2023-update> to share your thoughts about these proposed policies

Thank you!

Department of Transportation

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## Appendix D: Major Service Change, Disparate Impact, and Disproportionate Burden Policies – Public Comments Received

A public comment period on the proposed Major Service Change and Disparate Impact/Disproportionate Burden policies was held from April 12 to May 8, 2023. Members of the public and stakeholders were offered several different options for providing comment, including:

- An online survey
- Virtual stakeholder discussions for representatives of community organizations serving minority and low-income populations
- A webpage featuring both the proposed written policies as well as a recorded presentation video explaining the Major Service Change and Disparate Impact/Disproportionate Burden policies.

**Appendix E** contains details about the survey questions and a summary of the survey results.

### Stakeholder Discussion Meeting Summaries

#### APRIL 12, 2023, 10:00-11:00 AM STAKEHOLDER MEETING

- Held virtually on Microsoft Teams
- Attendees:
  - Community members:
    - Katherine Montgomery, Self-advocate and Fairfax Connector rider with a disability (wheelchair user)
    - Waamiq Marshall-Washington, Director of Community Services at Cornerstones
    - Ivana Escobar, Director of Collective Impact at United Community
  - FCDOT staff:
    - Brent Riddle
    - Nicole Daly
    - Robin Geiger
    - Kyle Davis
    - Hejun Kang
  - Consultant team staff (Foursquare ITP):
    - Russell Pildes
    - Rachel Staley
    - Lori Zeller, AICP
- Meeting summary:
  - FCDOT welcomed participants.
  - The consultant team gave a PowerPoint presentation on the proposed Major Service Change, Disparate Impact, and Disproportionate Burden policies, and noted that the purpose of the meeting is to solicit input from the public about the proposed policies.
  - Major service change policy discussion
    - Waamiq asked if the threshold for the major service policy is set in comparison to known ridership or to the geographic area. Lori clarified that DI/DB policies focus on the impacts to communities, and the major service change policy is only focused on an individual route subject to a proposed change.
    - Ivana mentioned that when there is a service change, they hear from community members that it is



difficult to learn and adapt to the new routes, especially along Richmond Highway where signage does not notify which bus is coming. Ivana also noted that some community members do not speak English, so it can be difficult to understand if and how service might be changing. Additionally, community members have voiced that there are stops along Richmond Highway that do not have sidewalk access.

(1) In response, Brent explained that FCDOT is preparing to conduct major construction on Richmond Highway, including improvements to bus stop access. In addition, Hejun indicated that FCDOT expects users to track their buses using the online application rather than relying on the signs, and offered to have a subsequent conversation with Ivana to better understand the issues described.

- ❑ Waamiq asked what would happen if a community member is impacted by a service change but it does not break the 25% major service change threshold—would there still be a way for them to voice their concerns about a change even if it is not considered “major”? Is the feedback period only before a service change happens?

(1) Robin responded that with every service change, FCDOT notifies the public through social media, Fairfax Alert, Neighborhood and Community Services, and nonprofits as to when public meetings are occurring and other ways to provide input to increase participation. Robin clarified that while a lot of the outreach occurs before service changes are implemented, Fairfax Connector service is always evolving and they welcome comments from community members on an ongoing basis.

- ❑ Ivana asked community members if they had any questions or concerns through a WhatsApp group. Community members asked if shortening or increasing times during service changes considers peak times during rush hour.

(1) The team responded that the policy is in reference to the span of service, rather than the time spent on the bus, and that every hour is treated the same.

— Disparate impact/disproportionate burden policy discussion

- ❑ Ivana asked if there are focus groups to gather the riders’ perspectives.

(1) The team responded that outreach for these policies includes the stakeholder meetings and the public survey which is open through May 5, 2023.

- ❑ Waamiq mentioned that making the connection between the DI/DB policies and the actual service changes is abstract, and voiced concerns about if the thresholds are sensitive enough to pick up on equity impacts. Waamiq further explained that this disconnect could make it hard for the general public to understand and provide meaningful feedback without a real-world application.

(1) Brent responded that FCDOT has analyses on past service changes and the historical effectiveness of the thresholds. Brent noted that these records could be shared with the public. Lori added that the policy updates happen routinely, even if there are not actual service changes taking place. However, Lori reiterated that they do evaluate how well the policies have worked in the past. This evaluation includes how often service changes qualify as an MSC as well as how many MSCs triggered a DI or DB. They explained that these analyses will be included in the Title VI program update. Waamiq agreed that sharing the historical effectiveness would be helpful.

- ❑ Ivana noted that it is important to not use words that are too academic when engaging with community members, specifically explaining that many people they encounter do not know what “disproportionate” means, which may make it difficult to complete the survey.

#### APRIL 13, 2023, 11:00 AM-12:00 PM STAKEHOLDER MEETING

- Held virtually on Microsoft Teams
- Attendees:



- Community members:
  - ▣ Carol Robinson Huntley for Maria Isabel Ballivian, ACCA Child Development Center in Annandale
- FCDOT staff:
  - ▣ Brent Riddle
  - ▣ Kyle Davis
  - ▣ Hejun Kang
  - ▣ Kala Quintana
  - ▣ Michael Felschow
- Consultant team staff (Foursquare ITP):
  - ▣ Russell Pildes
  - ▣ Rachel Staley
  - ▣ Lori Zeller, AICP
- Meeting summary:
  - FCDOT welcomed participants.
  - The consultant team gave a PowerPoint presentation on the proposed Major Service Change, Disparate Impact, and Disproportionate Burden policies, and noted that the purpose of the meeting is to solicit input from the public about the proposed policies.
  - Carol did not have any questions or comments regarding the major service change policy or the disparate impact/disproportionate burden policies.
  - Brent explained that the public comment period will be open through May 5, 2023, and community members can leave their feedback through the survey or by email.

**Public Comments Received via Email or US Postal Service**

FCDOT received comments electronically via the online survey but did not receive any comments via email. FCDOT did not receive any comments via the US Postal Service.



## Appendix E: FCDOT Title VI Online Survey Results Overview

### Introduction

A public comment period on the proposed Major Service Change and Disparate Impact/Disproportionate Burden policies was held from April 12 to May 8, 2023. To solicit feedback on the proposed Major Service Change, Disparate Impact, and Disproportionate Burden policies, FCDOT offered an online survey in eight different languages: English, Amharic, Arabic, Chinese, Korean, Spanish, Urdu, and Vietnamese. The survey questions were identical in each language. Using examples to make the concepts more accessible, the survey described FCDOT's proposed Major Service Change and Disparate Impact/Disproportionate Burden policies and asked respondents to provide their opinions about them through multiple-choice and open-ended questions.

This appendix contains the survey questions followed by the survey results.

### Survey Questions

#### FCDOT 2023 Title VI Survey

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### Introduction

FCDOT is updating its Title VI program, and we need your feedback. Our Title VI policies dictate how we measure equitable distribution of transit service changes, including the addition or removal of routes. As part of the update process, we are seeking feedback on our Major Service Change and Disparate Impact/Disproportionate Burden policies, which ensure that proposed changes to transit service do not have discriminatory effects on minority or low-income persons.

- A **Major Service Change** to transit service is significant enough to require further analysis of potential equity impacts.
- A **Disparate Impact** occurs when a service change has discriminatory effects on areas with a large proportion of racial or ethnic minority (people who are not non-Hispanic white) residents.
- A **Disproportionate Burden** occurs when a service change has discriminatory effects on areas with a large proportion of low-income households.

This survey is designed to collect your feedback on these policies. A series of questions with examples will follow to gauge your thoughts on the appropriateness of the proposed policies. This survey should take no longer than five (5) minutes.

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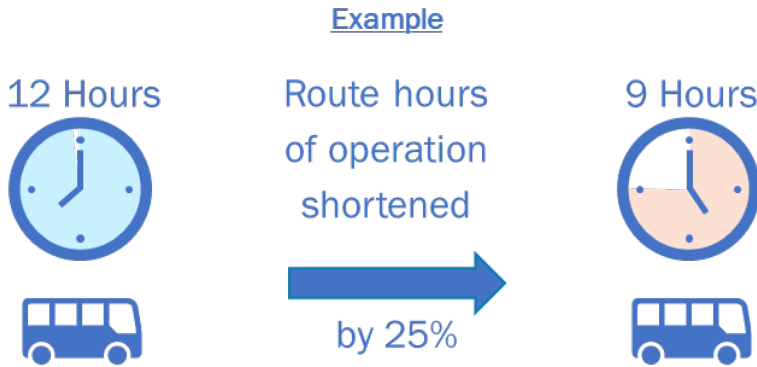
### Major Service Change

Major Service Changes are changes to transit routes that are significant enough to require further analysis on potential equity impacts. If there is a Major Service Change, Fairfax Connector must do further analysis to ensure that the proposed changes will not have discriminatory effects on minority or low-income areas.

The next questions will first describe the proposed major service change policy and give an example of how it would work, and then ask you whether you agree or disagree with the policy.



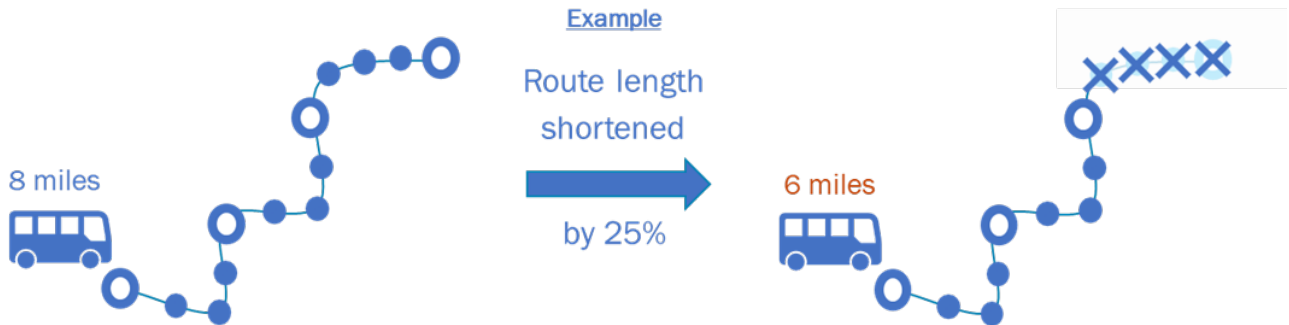
1. Under the proposed policy, a Major Service Change would occur if a Fairfax Connector route increases or decreases its hours of operation by 25 percent. With that in mind, consider the following example.



Let's say a bus route that had operated from 8:00 AM to 8:00 PM (12 hours of service per day) will now operate from 8:00 AM to 5:00 PM (9 hours of service per day). Should this be considered a Major Service Change (i.e., significant enough to require further analysis)?

- Yes
- No
- I'm Not Sure

2. Under the proposed policy, a Major Service Change would occur if a Fairfax Connector route increases or decreases in length by 25 percent. With that in mind, consider the following example.



Let's say an 8-mile route is shortened so the route is now only 6 miles long. Should this be considered a Major Service Change (i.e., significant enough to require further analysis)?

- Yes
- No
- I'm Not Sure



3. Do you have any other comments or thoughts about Fairfax Connector’s Major Service Change policy? For example, if you answered “No” above, do you think the 25 percent threshold should be lowered or raised, and by how much?

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**Disparate Impact/Disproportionate Burden**

A Disparate Impact occurs when a service change has discriminatory effects on racial or ethnic minority residents, meaning those who are not Hispanic or white. A Disproportionate Burden occurs when a service change has discriminatory effects on low-income households; in Fairfax County, these are households earning less than \$60,000 per year.

We determine if a Disparate Impact or Disproportionate Burden has occurred by comparing the minority and low-income populations in the area served by the transit system with the minority and low-income populations in the area impacted by the proposed changes. If a proposed change negatively impacts a higher proportion of minority or low-income people in the route area than are present in the service area, then a Disparate Impact or Disproportionate Burden may have occurred.

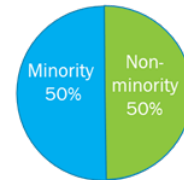
The next questions will first describe the proposed Disparate Impact and Disparate Burden policies and give an example of how they would work. As before, you will then respond whether you agree or disagree with the policy.

4. The Fairfax Connector service area is made up of about 50 percent minority residents. The proposed policy considers a 10 percent difference between the percentage of minority persons affected and the percentage of minority residents in the whole service area as significant. With that in mind, consider the following scenario.

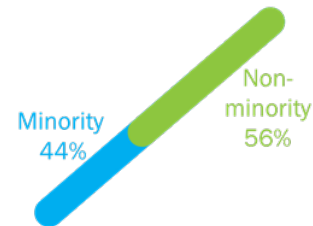
**Let us say that Fairfax Connector proposes to reduce service on a route where the proportion of minority residents is 44 percent. Under the proposed policy, this would not have a disparate impact because the difference between the route and service area minority percentages is 6, which is less than the proposed policy’s 10 percent threshold. Do you agree or disagree with this outcome?**

- ( ) Agree. This should not be a disparate impact.
- ( ) Disagree. This should be a disparate impact.
- ( ) Neither Agree nor Disagree.

System Service Area



Service Area for a Route with an Adverse Service Change (removing or reducing service)



✓ Service Change is Equitable



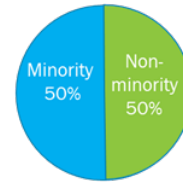


5. The Fairfax Connector service area is made up of about 50 percent minority residents. The proposed policy considers a ten percent difference between the percentage of minority persons affected and the percentage of minority residents in the whole service area as significant. With that in mind, consider the following scenario.

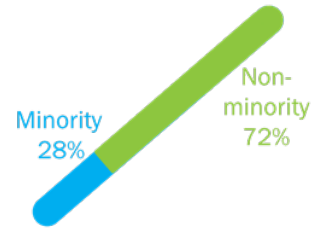
Let us say that Fairfax Connector proposes to add service on a route where the proportion of minority residents is 28 percent. Under the proposed policy, this would have a disparate impact because the difference between the route and service area minority percentages is 22, which is greater than the proposed policy's 10 percent threshold. Do you agree or disagree with this outcome?

- Agree. This should be a disparate impact.
- Disagree. This should not be a disparate impact.
- Neither Agree nor Disagree.

System Service Area



Service Area for a Route with a non-Adverse Service Change (adding or increasing service)



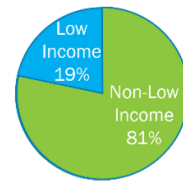
**X** Service Change is not Equitable

6. The Fairfax Connector service area is made up of about 19 percent low-income residents. The proposed policy considers a ten percent difference between the percentage of affected low-income households and low-income households in the whole service area as significant. With that in mind, consider the following scenarios.

Let's say Fairfax Connector proposes to reduce service on a route where the proportion of low-income households is 12 percent. Under the proposed policy, this would not be a disproportionate burden because the difference between the route and service area low-income percentages is 7, which is less than the proposed policy's 10 percent threshold. Do you agree or disagree with this outcome?

- Agree. This should not be a disproportionate burden.
- Disagree. This should be a disproportionate burden.
- Neither Agree nor Disagree.

System Service Area



Service Area for a Route with an Adverse Service Change (removing or reducing service)



**✓** Service Change is Equitable

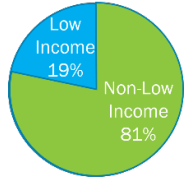


7. The Fairfax Connector service area is made up of about 19 percent low-income residents. The proposed policy considers a ten percent difference between the percentage of affected low-income households and low-income households in the whole service area as significant. With that in mind, consider the following scenarios.

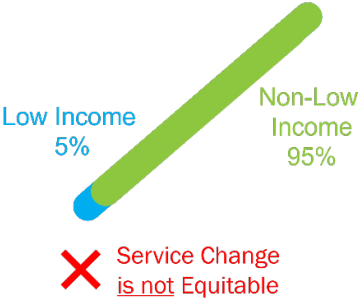
**Let's say Fairfax Connector proposes to add service on a route where the proportion of low-income households is 5 percent. Under the proposed policy, this would be a disproportionate burden because the difference between the route and service area low-income percentages is 14, which is greater than the proposed policy's 10 percent threshold. Do you agree or disagree with this outcome?**

- Agree. This should be a disproportionate burden.
- Disagree. This should not be a disproportionate burden.
- Neither Agree nor Disagree.

System Service Area



Service Area for a Route with a non-Adverse Service Change (adding or increasing service)



8. Do you have any other comments you would like to offer about Fairfax Connector's disparate impact or disproportionate burden policies? For example, if you answered "Disagree" to any of the above questions, do you think the threshold for a disparate impact or disproportionate burden should be raised or lowered, and by how much?

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**Thank You!**

Thank you for taking the survey! Your responses will help Fairfax County serve you better.

To learn more about the Title VI program and the policies covered in this survey, please visit the County's Title VI website: <https://www.fairfaxcounty.gov/connector/titlevi>



## Survey Results

### TOTAL RESPONSES

**Table 40** shows the number of survey responses received in each language, broken down by complete and partial responses. Complete responses include survey entries with all questions answered and partial responses include survey entries with at least one question answered. The survey received a total of 55 responses, with 39 complete responses and 16 partial responses. Nearly all responses, about 96 percent (53 responses), were completed in English. The remaining four percent of responses were completed in Spanish (two responses). No responses were received in the other six languages.

Table 40: Survey Response Tally by Language

Language	Complete	Partial	Total
English	38	15	53
Spanish	1	1	2
Chinese	0	0	0
Korean	0	0	0
Vietnamese	0	0	0
Arabic	0	0	0
Amharic	0	0	0
Urdu	0	0	0
<b>Total</b>	<b>39</b>	<b>16</b>	<b>55</b>

### MAJOR SERVICE CHANGE QUESTIONS

**Table 41** shows the responses to the Major Service Change policy multiple choice questions, which asked respondents their level of agreement with the proposed policy. In both service change scenarios, most respondents agreed that a 25 percent change should be considered a major service change. However, respondents were more likely to say that the 25 percent reduction in revenue service hours should be considered a major service change (75 percent of respondents) than a 25 percent reduction in revenue service miles (58 percent of respondents). In contrast, over 20 percent of respondents to each question disagreed with the current 25 percent threshold. The remaining respondents were either unsure or left the question blank, which made up a small fraction of the total responses.

Table 41: Q1 and Q2 Multiple Choice Responses - Major Service Change Policy

Q1: Should this example be considered a major service change? (Revenue Hour Reduction)		
Answer Choices	Count of Responses	Percentage
Yes	41	74.5%
No	11	20.0%
I'm Not Sure	1	1.8%
(blank)	2	3.6%
Q2: Should this example be considered a major service change? (Revenue mile reduction)		
Answer Choices	Count of Responses	Percentage
Yes	32	58.2%
No	13	23.6%
I'm Not Sure	7	12.7%
(blank)	3	5.5%



Question 3 asked respondents if they had any comments on the Major Service Change policy. Open-ended comments from respondents varied significantly. While several respondents believed the threshold should stay at 25 percent, others felt it should be lowered or raised. Suggestions ranged from lowering the threshold to 10 percent to raising the threshold to 50 percent. Respondents that suggested lowering the threshold felt that there should be more extensive analysis and rider input into service changes. Other respondents felt the threshold should be raised so that transit officials can alter service in a way that is the most economical. Additionally, many respondents commented on recent service reductions due to the Metrorail Silver Line opening; several riders explained that they have been negatively impacted by these changes and have had to adjust their work schedules as a result.

The full list of open-ended comments received on the Major Service Change policy question is below.

### Major Service Change Policy Comments

- It should be lowered to 10%.
- Raised.
- I think it should stay at 25%.
- The way the question was asked is misleading and should be changed. The question asked if I would consider a 25% reduction in operating hours to be a major service change, and I said yes. I would also consider a 10% reduction in operating hours to be a major service change, meaning I believe the threshold should be lowered. The question was not asked in such a way to elicit this answer.
- 25% is an acceptable threshold.
- Should be raised to approximately 40%.
- No estoy de acuerdo que se reduzca porque hay muchas personas que trabajando hasta tarde. (I do not agree that it should be reduced because there are many people who work late.)<sup>27</sup>
- I say no for the fact that before the recent route changes many routes had weird diversions and were not as concise as they are now. If new routes are formed or other routes are extended to cover a route shortening then no review is likely needed. However outright shortening a route at a significant distance such as 25% likely should.
- I haven't the slightest idea what it is you guys are trying to do. It would be really nice if you could explain it in English.
- The threshold should be raised to 50%. Transit officials in our suburban district should be able to alter service to be economical. Public transit should be a low priority here.
- As a frequent FC bus rider, any changes of 20% or more should require extensive analysis and rider input.
- You cannot change where you start, but the terminal 25% may be where you pick up most of the pax. Thus, a general rule for 25% may not work for all routes.
- 25% should be lowered and the number of changes? Are due to what?
- It should be raised to 30%.

### General Fairfax Connector Service Comments

- How about instead of Major Service reductions, we tried some major service enhancements? Especially with nighttime service, considering the fact that WMATA has expressed interest in running 24/7 service into the county to places such as fair oaks.
- As much as I would like to minimize the climate impact of choice riders by offering the best service to car-driving suburbanites, I know that the future of this county cannot leave anyone on the curb. Although it may slow down transit expansion, ensuring equitability is crucial to a healthy transportation network.
- Hi, if the bus is on time to their schedule it would be much appreciated thank you.

<sup>27</sup> Google Translate provided the translation of this comment.



## Silver Line Service Change Comments

- I think 558 should follow straight through the light and follow the same route that ribs for takes to go to town center.
- Please also consider Seniors and other non-income-based criteria in the analysis. Seniors are an important group that heavily relies on Fairfax Connector's services and are often left out of the equation. Recent changes when Silver Line Extension opened have negatively impacted customers, including canceling 927 and limiting 937 service. The 983 bus from Herndon-Monroe is still needed; the 952 bus isn't convenient. Metro service costs more. If you have a pass on your SmartTrip card, the discount doesn't apply when transferring from bus to Metro. It's in the fine print. More public meetings need to be held and communicated to current ridership before Major Service Changes are implemented. County planners need to be active in the community and be riders of the routes proposed for major changes. While proposals may look good on paper, implementation often produces less than desirable results. The last 951 leaves Innovation Station at 6:40 p.m., which is too early for someone that works later and has had to adjust a work schedule. There isn't any service that replaced the 927 loop or span of service. By providing more service to disadvantaged communities, you lose revenue from those that need bus service but have higher incomes. Equality should apply to all. Thank you for your consideration.
- I don't care for the current Silver Line changes. My prior bus schedule was perfect. And where is the Reston to Vienna bus line that was in discussion?
- El cambio que han hecho de rutas a partir de cuando empieza a operar el tren me arruina mi ida y regreso a el trabajo ahora debo caminar y otras personas tuvieron que renunciar a su part time lo que he escuchado ahora pago taxi ida y vuelta el transporte Lon acomodado en beneficio de los que tienen carro y los de la minoria nos toca agachar siempre la cabeza. (The change in routes they have made from when the train began to operate ruined my commute to and from work. Now I have to walk and other people had to give up their part time from what I have heard. Now I pay for a taxi there and back and transport is accommodated for the benefit of those who have a car and those of us in the minority have to always bow our heads.)<sup>28</sup>

## DISPARATE IMPACT/DISPROPORTIONATE BURDEN QUESTIONS

**Table 42** shows the responses to the Disparate Impact policy multiple choice questions, which asked respondents their level of agreement with the proposed policy. Responses to the Disparate Impact policy scenarios were relatively split. In the first scenario, which visualized service reductions, about 38 percent of respondents agreed with the policy and 18 percent disagreed. However, for the second scenario, which visualized an increase in service, responses were evenly split at 31 percent for both agree and disagree. This reveals that respondents were more likely to agree with the Disparate Impact threshold when there is a reduction in service rather than an increase in service. Furthermore, over a third of respondents in each scenario neither agreed nor disagreed with the policy or left the question blank. Overall, there was a higher percentage of respondents that agreed with the threshold than disagreed, but the difference was small.

<sup>28</sup> Google Translate provided the translation of this comment.



Table 42: Q4 and Q5 Multiple Choice Responses - Disparate Impact Policy

Q4: Do you agree or disagree that this would not be a disparate impact? (Service Reductions)		
Answer Choices	Count of Responses	Percentage
Agree	21	38.2%
Disagree	10	18.2%
Neither Agree nor Disagree	10	18.2%
(blank)	14	25.5%
Q5: Do you agree or disagree that should be a disparate impact? (Service Additions)		
Answer Choices	Count of Responses	Percentage
Agree	17	30.9%
Disagree	17	30.9%
Neither Agree nor Disagree	7	12.7%
(blank)	14	25.5%

**Table 43** shows the responses to the Disproportionate Burden policy multiple choice questions, which asked respondents their level of agreement with the proposed policy. The responses to the Disproportionate Burden policy were also relatively split among all answer choices. In the first scenario, which visualized a reduction in service, about 33 percent of respondents agreed with the threshold and 24 percent disagreed. However, in the second scenario, which visualized an increase in service, more respondents disagreed with the threshold (about 26 percent) than agreed (about 24 percent). Similar to the responses for the Disparate Impact questions, this reveals that respondents were more likely to agree with the threshold when there is a reduction in service rather than an increase in service. The disproportionate burden questions also received a greater proportion of ambivalent or blank responses compared to the Disparate Impact questions, with nearly one half of respondents neither agreeing nor disagreeing or not answering the question at all—this may have been due to survey fatigue as this was nearing the end of the survey. Despite the mixed responses, there were still slightly more respondents overall that agreed with the current Disproportionate Burden threshold than disagreed.

Table 43: Q6 and Q7 Multiple Choice Responses - Disproportionate Burden Policy

Q6: Do you agree or disagree that this would not be a disproportionate burden?		
Answer Choices	Count of Responses	Percentage
Agree	18	32.7%
Disagree	13	23.6%
Neither Agree nor Disagree	10	18.2%
(blank)	14	25.5%
Q7: Do you agree or disagree that should be a disproportionate burden?		
Answer Choices	Count of Responses	Percentage
Agree	13	23.6%
Disagree	14	25.5%
Neither Agree nor Disagree	11	20.0%
(blank)	17	30.9%

Question 8 asked respondents if they had any comments on the Disparate Impact and Disproportionate Burden policies. Open-ended comments on the DI/DB policies revealed no significant issues with the current 10 percent threshold, but some respondents had concerns about the overarching methodology. The most frequent response was that this analysis should only apply to service reductions and not service additions. Respondents



explained that they did not think the policy should prevent service additions to non-low-income or non-minority areas, especially if a route is serving areas of high density and high need. While respondents felt that service should be balanced equitably, they did not think service should be restricted to specific areas. Additionally, one respondent suggested evaluating where low-income and minority riders work to reveal additional areas with low-income and minority activity. Other respondents felt that there should be more consideration for seniors when implementing service changes, noting that changes can create accessibility challenges.

The full list of open-ended comments received on the Disparate Impact and Disproportionate Burden policies is below.

### **DI/DB Policy Comments**

- I think policies should consider more than income-based criteria. Too many riders are not paying their share, and this creates a burden for those who do pay. Instead of allowing children to ride for free, how about doing something for Senior citizens who are on fixed incomes? Service doesn't seem equitable when so many can ride for free and others are expected to pay. Seeing so many riding for free is a disincentive to pay. Bus service is important to the County. Citizens should pay for the service. Both my property taxes and fares support the bus service. I would like to have a free ride regardless of income or ability to pay.
- Lowered.
- Adding service should not be subjected to this analysis; only service cuts.
- Apparently, the people that make up this bus system have car so they have no idea what it's like to take the bus.
- I realize this data may not be available, but it would be better for these metrics to consider where people work, and not just where they live. For example, there may be a location that employs a lot of minority and low-income people, but doesn't have a lot of minority and low-income people living there. I also don't like the perception that increasing service in an area with fewer minority and low-income residents is a no-no. It should just be balanced out by also increasing service in areas with a higher proportion of minority and low-income residents. The bus needs to be available for everyone, including those who have other options.
- I think that the transit-dependent population is an important consideration when considering disproportionate burden. with a flat 10% difference, and a population of 20% low income, 80% non-low income, service could be cut in half without consideration to the non-choice riders. I believe the better metric would be to consider the transit riding population affected with respect to the service area demographic (affected population/demographic rather than affected population - demographic).
- I think adding routes (without shifting resources from other routes) should not be inherently disproportionate even if it benefits one group over another. One example would be bus routes in high density but high-income areas such as Reston or Tysons. It makes sense for more routes to be there due to their high density even if there are less low-income communities there. While busses are a main means of transportation for low-income communities, other priorities such as climate change and promotion of high-density development are also promoted by good bus routes. These may impact higher income communities more but have a good reason to exist even if not inherently helping low-income communities in a proportional way.
- I think the way these are phrased is hard to answer. Now if it proposed adding service to a non- low-income route instead of a low income that's need more service, then I think that's a problem. But just adding service to a non-low-income route because it needs it isn't bad.

### **General Fairfax Connector Service Comments**

- Where I live there are a lot of minorities and old people. As it is I still have to walk when I get off the bus to go where I have to go. I do not like these new changes because they are hard on senior citizens.
- Bueno si el 954 sustituye al 924 porque no tiene el mismo horario yo he estado a las 7:30 pm en la Herndon



Monroe park and ride y resulta que no hay ruta a esa hora hay quienes tenemos que transferir a otro bus. Deberían aumentar el horario de servicio. (If the 954 replaces the 924 because it does not have the same schedule, I have been at the Herndon Monroe Park and Ride at 7:30 pm and it turns out that there is no route at that time and some of us have to transfer to another bus. They should increase the hours of service).<sup>29</sup>

- On time for all the bus schedules so that the people don't worry.
- Please consider the low-income minority, who have no other means of transportation.

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<sup>29</sup> Google Translate provided the translation of this comment.





## Appendix F: Major Service Change, Disparate Impact, and Disproportionate Burden Policies – Fairfax County Board of Supervisors Approval

The Fairfax County Board of Supervisors met, considered, and approved the Fairfax County Department of Transportation (FCDOT) Major Service Change, Disparate Impact, and Disproportionate Burden Policies on July 11, 2023.



# Appendix G: FCDOT Service/Fare Equity Analysis Fairfax County Board of Supervisors Approvals

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
July 28, 2020**

<b>ACTION ITEMS (continued)</b>		
4	Approved	<a href="#">Approval of Changes to the Fairfax County Purchasing Resolution</a>
5	Approved	<a href="#">Authorization to: 1) Approve Issuance by the Fairfax County Redevelopment and Housing Authority (FCRHA) of Tax-Exempt Bonds in an Amount not to Exceed \$22,500,000; and 2) For FCRHA to Submit an Application to Virginia Department of Housing and Community Development for Tax-Exempt Bond Allocation for Ovation at Arrowbrook Apartments (Dranesville District)</a>
6	Approved	<a href="#">Approval of a Board of Supervisors' Draft Regular Meeting Schedule for Calendar Year 2021</a>
7	Approved	<a href="#">Approval of Memorandum of Agreement Between Fairfax County and Fairfax County Public Schools for the Free Student Bus Pass Program</a>
8	Approved	<a href="#">Approval of Memorandum of Agreement Between the Central Intelligence Agency and Fairfax County to Provide Fairfax Connector Bus Service to the Agency's Facility in Langley, Virginia (Dranesville District)</a>
9	Approved	<a href="#">Endorsement of the Residential Traffic Administration Program (RTAP) Revised Traffic Calming General Operating Procedures</a>
10	Approved	<a href="#">Approval of Fairfax Connector August 29, 2020, Service Changes (Dranesville, Lee, Mount Vernon, Providence, and Springfield Districts)</a>
11	Approved	<a href="#">Approval of a Resolution Endorsing Projects Being Submitted for State Funding Through the Commonwealth Transportation Board's FY2022-2027 Smart Scale Program</a>
12	Approved	<a href="#">Approval of the Master Agreement Between the Virginia Department of Rail and Public Transportation (DRPT) and Fairfax County for Use of Commonwealth Transportation Funds</a>
<b>PUBLIC HEARINGS</b>		
3:30	Deferred Decision Only to 9/15/20	<a href="#">Public Hearing on PCA-C-052-09/CDPA-C-052-02 (KIW SKYLINE 1, LLC, KIW SKYLINE 2, LLC and KIW SKYLINE 3, LLC) (Mason District)</a>



**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
October 20, 2020**

**AGENDA**

- |      |             |   |
|------|-------------|---|
| 2:00 | <b>Done</b> | <a href="#">Presentations</a>   |
| 2:00 | <b>Done</b> | <a href="#">Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups</a> |
| 2:00 | <b>Done</b> | <a href="#">Matters Presented by Board Members</a>  |
| 2:00 | <b>Done</b> | <a href="#">Items Presented by the County Executive</a>   |

**ACTION ITEMS**

- |   |                 |  |
|---|-----------------|--|
| 1 | <b>Approved</b> | <a href="#">Approval of the Final Disposition of the John Quincy Marr Monument, Two Dahlgren Howitzers, and the Virginia Department of Historic Resources (VDHR) Historical Marker #262 at the Fairfax County Judicial Complex (Providence District)</a> |
| 2 | <b>Approved</b> | <a href="#">Approval of Fairfax Connector's January 4, 2021, Service Changes (Lee and Springfield Districts)</a>   |
| 3 | <b>Approved</b> | <a href="#">Approval of a Resolution to Authorize the Extension of Time to Issue General Obligation Bonds for Public Safety Facilities</a>   |

**PUBLIC HEARINGS**

- |      |  |   |
|------|--|---|
| 3:30 | <b>Deferred Decision Only to 11/17/20 at 3:00 p.m.</b> | <a href="#">Decision Only on RZ 2019-HM-011 (Sakthivel Chinnasamy and Nandakumar Sreenivasan) (Hunter Mill District)</a>  |
| 3:30 | <b>Approved</b>  | <a href="#">Public Hearing on PCA/CDPA 2016-MA-022 (EYA Development LLC) (Mason District)</a>   |
| 3:30 | <b>Approved</b>  | <a href="#">Public Hearing to Consider Adoption of Amendments to an Uncodified Ordinance to Provide a Method to Assure Continuity in Fairfax County Government During the Novel Coronavirus Disease 2019 (COVID-19) Emergency by Temporarily Approving Outdoor Dining and Outdoor Fitness and Exercise Activities Subject to Certain Conditions, Thereby Suspending Any Requirement for Individualized Approvals of Such Activities</a> |
| 3:30 | <b>Approved</b>  | <a href="#">Public Hearing to Amend a Lease of County-Owned Property at 4600-A West Ox Road and 6140 Rolling Road with CoxCom LLC (Springfield District)</a>  |
| 3:30 | <b>Approved</b>  | <a href="#">Public Hearing to Amend a Lease of County-Owned Property at 2610 Reston Parkway with CoxCom LLC (Hunter Mill District)</a>  |



**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
February 22, 2022**

**ACTION ITEMS**

1	<b>Approved</b>	<a href="#"><u>Approval of the Reciprocal Agreement Between the Virginia Department of State Police and Fairfax County During the Police Unity Tour</u></a>
2	<b>Approved</b>	<a href="#"><u>Approval of the High Intensity Drug Trafficking Area (HIDTA) State and Local Task Force Agreement Between the Fairfax County Police Department (FCPD) and the United States Department of Justice Drug Enforcement Administration (DEA), Asset Removal Group (33) (Northern VA Financial Initiative Task Force)</u></a>
3	<b>Approved</b>	<a href="#"><u>Approval of the Program - Funded State and Local Task Force Agreement Between the Fairfax County Police Department (FCPD) and the United States Department of Justice Drug Enforcement Administration (DEA) for the High Intensity Drug Trafficking Area (HIDTA) Group 5 (12)</u></a>
4	<b>Approved</b>	<a href="#"><u>Approval of the High Intensity Drug Trafficking Area (HIDTA) State and Local Task Force Agreement Between the United States Department of Justice, Drug Enforcement Administration (DEA), and the Fairfax County Police Department (FCPD)</u></a>
5	<b>Approved</b>	<a href="#"><u>Approval of a Lease Agreement for Commuter Parking at Springfield Plaza (Lee District)</u></a>
6	<b>Approved</b>	<a href="#"><u>Approval of Fairfax Connector's Reston – Herndon Bus Plan Service Changes (Dranesville, Hunter Mill, and Sully Districts)</u></a>
7	<b>Approved</b>	<a href="#"><u>Approval of an Increase to the Maximum Annual Financing Authorized Under the Current Master Lease Agreement</u></a>
8	<b>Approved</b>	<a href="#"><u>Adoption of a Resolution of Support for the Abandonment of a Portion of Richmond Highway (U.S. Route 1) (Mount Vernon District)</u></a>
9	<b>Approved</b>	<a href="#"><u>Approval of a Memorandum of Agreement (MOA) Between the Washington Metropolitan Area Transit Authority (WMATA) and Fairfax County to Formalize the Process of Providing Emergency Bus Support During Metrorail Disruptions at Metrorail Stations in Fairfax and Loudoun Counties</u></a>
10	<b>Deferred to 3:30 p.m.; Approved</b>	<a href="#"><u>Consideration of Approval of the Economic Incentive Program Application of LMC Alexandria Crossing Holdings, LLC (Mount Vernon District)</u></a>



**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
June 7, 2022**

**ACTION ITEMS  
(continued)**

3	<b>Approved</b>	<a href="#"><u>Approval of Revisions to Chapters 2, 4 and 14 of the Personnel Regulations</u></a>
4	<b>Approved</b>	<a href="#"><u>Adoption of a Resolution Approving the Issuance of Fairfax County Economic Development Authority Revenue Refunding Bonds Series 2022 for the Benefit of Congressional School, Inc. (Mason District)</u></a>
5	<b>Approved</b>	<a href="#"><u>Board Approval of the Fairfax County Department of Transportation's (FCDOT) Fare Equity Analysis for Fairfax Connector Fare Changes</u></a>
6	<b>Approved</b>	<a href="#"><u>Approval of a Fourth Amendment to a Project Funding Agreement for County-Funded Roadway Improvements to Mulligan Road (Mount Vernon and Lee Districts)</u></a>
7	<b>Approved</b>	<a href="#"><u>Authorization to Enter Into a Memorandum of Understanding With the Dulles Area Transportation Association Related to Transportation Demand Management (Dranesville, Hunter Mill, and Sully Districts)</u></a>
8	<b>Approved</b>	<a href="#"><u>Approval of Project Agreements Between the Virginia Department of Rail and Public Transportation (DRPT) and Fairfax County for Fiscal Year (FY) 2022 Transit Capital Assistance Grant Funds</u></a>

**INFORMATION  
ITEMS  
Noted**

1	<b>Noted</b>	<a href="#"><u>Certification of Consistency - Fairfax County Redevelopment and Housing Authority Moving to Work Plan for Fiscal Year 2023 and Fairfax County Consolidated Plan</u></a>
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**CLOSED SESSION**

**Done**      [Closed Session](#)

**PUBLIC  
HEARINGS**

3:30	<b>Approved</b>	<a href="#"><u>Decision Only on SEA 84-V-035-03 (Huntwood, L.L.C.) (Mount Vernon District)</u></a>
3:30	<b>Approved</b>	<a href="#"><u>Public Hearing on RZ 2021-SU-013/PCA 2003-SU-040-02 (4700 Centreville, LLC) (Sully District)</u></a>



**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
August 2, 2022**

**ADMINISTRATIVE  
ITEMS  
(continued)**

- 10      **Approved**      [Authorization to Advertise a Public Hearing on the County and Schools' FY 2022 Carryover Review to Amend the Appropriation Level in the FY 2023 Revised Budget Plan](#)
- 11      **Approved**      [Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Bull Run Post Office Road \(Sully District\)](#)

**ACTION ITEMS**

- 1      **Approved**      [Establishment of Retail Fees for the Charging of Electric Vehicles at County-Owned Charging Stations](#)
- 2      **Approved**      [Authorization for the Fairfax County Redevelopment and Housing Authority to Provide Funding in the Amount of \\$33,306,290 to Finance the Development of Somos at McLean Metro, McLean, Virginia \(Providence District\)](#)
- 3      **Approved**      [Authorization to Establish THRIVE Small Business Recovery Technical Assistance Grant Program](#)
- 4      **Approved**      [Authorization for the Fairfax County Redevelopment and Housing Authority \(FCRHA\) to Issue a Housing Blueprint Loan to a Joint Venture of AHC Inc. and Insight Property Group in the Amount of \\$15,000,000 to Finance the Acquisition of Colvin Woods Apartments in Reston, Virginia \(Hunter Mill District\)](#)
- 5      **Approved**      [Approval of the FY 2022 and FY 2023 Community Services Performance Contract Amendment Between the Fairfax-Falls Church Community Services Board and the Virginia Department of Behavioral Health and Developmental Services](#)
- 6      **Approved**      [Approval of and Authorization to Execute a Standard Project Agreement with the Northern Virginia Transportation Authority for the Implementation of the Rock Hill Road Bridge/Davis Drive Extension-Dulles Toll Road Overpass \(Dranesville District\)](#)

7      **Approved**      [Approval of the Fairfax Connector's October 1, 2022, Service Changes \(Braddock, Dranesville, Hunter Mill, Lee, Mount Vernon, Providence, and Springfield Districts\)](#)



**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
September 13, 2022**

**ACTION ITEMS  
(continued)**

4	<b>Approved</b>	<a href="#"><u>Approval of a Project Agreement Between the Virginia Department of Rail and Public Transportation (DRPT) and Fairfax County for FY 2023 I-66 Outside the Beltway Toll Revenue for the Implementation and Operation of New Fairfax Connector Bus Service</u></a>
5	<b>Approved</b>	<a href="#"><u>Approval of Fairfax Connector January 14, 2023, Service Changes (Braddock, Dranesville, Hunter Mill, Providence, Springfield, and Sully Districts)</u></a>
6	<b>Approved</b>	<a href="#"><u>Authorization to Sign Standard Project Agreements for Distribution of I-66 Inside the Beltway Toll Revenues for Multi-modal Projects in the I-66 Corridor (Providence, Dranesville, and Hunter Mill Districts)</u></a>
7	<b>Approved</b>	<a href="#"><u>Endorsement of Locally Preferred Alternative for the Soapstone Connector Project from Sunrise Valley Drive to Sunset Hills Road (Hunter Mill District)</u></a>
8	<b>Approved</b>	<a href="#"><u>Approval of and Authorization to Execute a Memorandum of Agreement for the Soapstone Connector Project from Sunrise Valley Drive to Sunset Hills Road (Hunter Mill District)</u></a>
9	<b>Approved</b>	<a href="#"><u>Resolution of Support for Modifications of the Limited Access Line at the Intersection of Franconia-Springfield Parkway and Walker Lane to Provide Direct Vehicle and Pedestrian Access (Lee District)</u></a>
10	<b>Approved</b>	<a href="#"><u>Approval of a Resolution to Authorize the Extension of Time to Issue General Obligation Bonds for Transportation Improvements</u></a>
11	<b>Approved</b>	<a href="#"><u>Authorization to Execute a Project Agreement with the City of Fairfax for the Construction and Maintenance of CUE Bus Stops (Providence District)</u></a>
12	<b>Approved</b>	<a href="#"><u>Approval of Request to Rename Lee Highway as Route 29 and Lee-Jackson Memorial Highway as Route 50 (Braddock, Providence, Springfield, and Sully Districts)</u></a>
13	<b>Approved</b>	<a href="#"><u>Resolution of Support for Modifications to the Existing Limited Access Lines along Gallows Road in Merrifield (Providence District)</u></a>



## Appendix H: FCDOT Title VI Plan Fairfax County Board Approval

The Fairfax County Board of Supervisors met, considered, and approved the Fairfax County Department of Transportation (FCDOT) Title VI Program Update on **July 25, 2023**.





Board Agenda Item  
July 25, 2023

ACTION - 12

Approval of a Resolution Endorsing Projects Being Submitted to the Northern Virginia Transportation Authority for Fiscal Year 2024 to Fiscal Year 2029 Regional Funding

ISSUE:

Board approval of a resolution (Attachment 1) authorizing the Fairfax County Department of Transportation (FCDOT) to apply to the Northern Virginia Transportation Authority (NVTA) for FY 2024-2029 regional transportation funding. Projects submitted by Fairfax County are included in the Transportation Priorities Plan (TPP) adopted by the Board of Supervisors on December 3, 2019.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (1) approve a resolution (Attachment 1) endorsing Fairfax County's project submissions for NVTA's regional funding program; and (2) authorize FCDOT to submit the related applications.

TIMING:

Board action is requested on July 25, 2023, so that applications can be submitted by the July 28, 2023, application deadline. NVTA is expected to approve projects for its regional transportation funding in July 2024.

BACKGROUND:

At its meeting on March 9, 2023, NVTA approved its "Call for Regional Transportation Projects for the FY 2024–2029 Six Year Program (SYP) Update." The majority of regional funding provided for transportation projects, as allocated by NVTA, will be provided in the last two years of the program (FY 2028 and FY 2029), as the last SYP provided funding through FY 2027. Funding for these capital projects is provided by the 70 percent share of regional revenues that NVTA retains. Project applications are due to NVTA on July 28, 2023, with any supporting resolutions due by October 27, 2023.

All projects considered for regional revenues are subject to a regional evaluation process that uses multiple inputs, including:

- Eligibility: Projects must be included in TransAction (may be a subset) and must be wholly (or substantially) located in Northern Virginia.
- Quantitative Factors:
  - Congestion Reduction Relative to Cost (CRRC): As required by Virginia

Board Agenda Item  
July 25, 2023

- Code, NVTA must give priority to projects with the highest CRRC ratios.
- TransAction Rating: Technical analyses from TransAction, including measures such as duration of severe congestion, access to jobs, potential for safety and security improvements, and vehicle emissions.
    - Long Term Benefit (LTB): The Virginia Code provides that over time, each member locality's total long-term benefit must be approximately proportional to the revenues attributable to that jurisdiction. NVTA staff will apply principles approved by NVTA in 2014. The LTB analysis will complement, but not replace, the concept of 'geographic balance' that has been used as a qualitative consideration in previous funding programs.
  - Qualitative Considerations: Takes into account factors that cannot easily be considered in a formula, such as: geographic and modal balance, leveraging of other funding sources, project readiness, and past performance.
  - Public Comment: An NVTA Public Hearing/Open House will be held, with a period for public comment in spring 2024.

The total amount of NVTA regional funding expected to be available during this time is currently unknown. However, the amount allocated during the last SYP update was approximately \$625 million. Fairfax County's total request for FY 2024-2029 funding from NVTA is approximately \$838 million. While the County will be submitting applications through this program to fund the projects discussed below, staff will continue to also actively seek funding for these projects from other sources.

County staff recommends the following projects for submission to NVTA for regional funding consideration in an amount not to exceed the "Proposed Funding Request" shown below. The Proposed Funding Request reflects the current cost estimate, less the amount currently allocated for each project. Project summaries are included in Attachment 2. While each project is scored and ranked based on several criteria, NVTA has also requested that each applicant prioritize their requests. Staff's suggested priority is also reflected below.

**Table 1 – Prioritized List of Proposed Projects for NVTA Regional Funding**

<b>Project Title/TransAction ID</b>	<b>Current Cost Estimate In \$ Millions</b>	<b>Proposed Funding Request In \$ Millions (up to)</b>	<b>Priority</b>
Frontier Drive Extension / 84	224.0	165.0	1
Davis Drive Extension and Dulles Toll Road-Rock Hill Overpass / 19	272.0	245.0	2
Braddock Road Multimodal Improvements Phase II / 336	90.0	90.0	3
Route 7 Multimodal Improvements (I-495 – I-66) / 2; 31	245.0	210.0	4
Seven Corners Ring Road (Phase 1A/Segment 1A) / 18	137.0	128.0	5
<b>TOTAL MAXIMUM REQUEST</b>		<b>838.0</b>	

**EQUITY IMPACT:**

An Equity Impact Assessment is not required for this item, as the projects are included in the Board’s adopted Transportation Priorities Plan.

**FISCAL IMPACT:**

Requests for regional funding are shown by project in the table above. There is no local cash match associated with any of these revenues, and no impact to the General Fund. If the County is awarded funding, staff will submit items to execute Standard Project Agreements with NVTA.

**ENCLOSED DOCUMENTS:**

Attachment 1 –Project Endorsement Resolution for Projects Being Submitted to the Northern Virginia Transportation Authority for Regional Funding for FY 2024 – FY 2029  
Attachment 2 – List of Recommended Projects for Northern Virginia Transportation Authority (NVTA) Regional Funding Consideration (FY 2024-2029)

**STAFF:**

Rachel Flynn, Deputy County Executive  
Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)  
Noelle Dominguez, Chief, Coordination and Funding Division, FCDOT  
Ray Johnson, Section Chief, Coordination and Funding Division, FCDOT

## RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia, on Tuesday, July 25, 2023, at which meeting a quorum was present and voting, the following resolution was adopted.

### PROJECT ENDORSEMENT RESOLUTION

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Fairfax County, Virginia, hereby approves the submission to the Northern Virginia Transportation Authority (NVTA) requesting regional funding for FY 2024 – FY 2029 for the following projects, in amounts not to exceed:

- Frontier Drive Extension - \$165,000,000: TransAction ID 84 (Frontier Drive Extension and Intersection Improvements)
- Davis Drive Extension and Dulles Toll Road-Rock Hill Overpass - \$245,000,000: TransAction ID 19 (Davis Drive Extension and Dulles Toll Road-Rock Hill Overpass)
- Braddock Road Multimodal Improvements Phase II - \$90,000,000: TransAction ID: 336 (Braddock Road Intersection Improvements: Guinea Road to Ravensworth Road)
- Route 7 Multimodal Improvements (I-495 – I-66) - \$210,000,000: TransAction IDs 2 (Route 7 Widening: I-495 to I-66) and 31 (Route 7 Bus Rapid Transit: Tysons to Mark Center)
- Seven Corners Ring Road (Phase 1A/Segment 1A) - \$128,000,000: TransAction ID 18 (Seven Corners Ring Road Improvements)

**ADOPTED** this 25<sup>th</sup> day of July, 2023, Fairfax, Virginia.

A Copy Teste:

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Jill G. Cooper  
Clerk for the Board of Supervisors

**List of Recommended Projects for Northern Virginia Transportation Authority  
(NVTa) Regional Funding Consideration (FY 2024-2029)**

Project	Project Description
Frontier Drive Extension	The Frontier Drive Extension will extend Frontier Drive from its terminus south of the Franconia-Springfield Parkway to Loisdale Road, including improved access to the Franconia-Springfield Metrorail Station and braided ramps to and from the Franconia-Springfield Parkway. This project will provide on-street parking along Frontier Drive, as well as pedestrian and bicycle accommodations. The project will serve the Transportation Security Administration Headquarters (TSA).
Davis Drive Extension and Dulles Toll Road-Rock Hill Overpass	The project will provide a new roadway over the Dulles Toll / Access Road and Dulles Greenway, connecting Sunrise Valley Drive in Fairfax County to Innovation Avenue in Loudoun County, near the Washington Metropolitan Area Transit Authority (WMATA) Innovation Center Metrorail Station. The project is also intended to add an elevated and signalized "T" intersection and widen 0.4 miles of existing Sunrise Valley Drive in Fairfax County.
Braddock Road Multimodal Improvements Phase II	The project will provide multimodal improvements on Braddock Road between Humphries Drive and Southampton Drive, including access management and bike/pedestrian enhancements via intersection improvements, shared use paths and sidewalks, pedestrian overpass bridge(s), traffic signals, and bus stops.
Route 7 Multimodal Improvements	The project will widen approximately 1 mile of Route 7 between I-495 and I-66, shifting the existing travel lanes outward to provide a wider median to accommodate the proposed Route 7 bus rapid transit project. This project includes shared-used paths on both sides, along with various intersection improvements.
Seven Corners Ring Road (Phase 1A/Segment 1A)	The Board of Supervisors adopted an updated Comprehensive Plan for the Seven Corners area that includes a concept for a reconfigured Seven Corners interchange. This project will design and construct the first phase of the new interchange. This first phase consists of a new road that starts at Route 50 (on the western side of the existing Seven Corners interchange) and travels via a bridge over Route 50 around the interchange to connect to both Sleepy Hollow Road and to Route 7 on the eastern side of the interchange.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, as identified below, where discussion in an open session would adversely affect the negotiating or litigating posture of the public body, as well as consultation with legal counsel regarding specific legal matters listed below requiring the provision of legal advice by such counsel, all as permitted by Virginia Code § 2.2-3711(A) (7) and (8).
  - 1. *Federal Communications Commission Notice of Proposed Rulemaking Regarding All-In Pricing* (MB Docket No. 23-203)
  - 2. *Wesley Shifflett v. Bryan J. Hill and Fairfax County, Virginia*, Case No. CL-2023-0008048 (Fx. Co. Cir. Ct.)
  - 3. *Board of Supervisors of Fairfax County and William Hicks, Director of the Fairfax County Department of Land Development Services v. Richard E. Coppola and Fox Mill Homes Estates Association*, Case No. CL-2023-0009660 (Fx. Co. Cir. Ct.) (Hunter Mill District)
  - 4. *State Farm Mutual Automobile Insurance Company, as subrogee of Wilfredo Lopez v. Ezhaun Coleman*, Case No. GV23-008420 (Fx. Co. Gen. Dist. Ct.)
  - 5. *Leslie B. Johnson, Fairfax County Zoning Administrator and Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia, v. John M. Winbery*, Case No. CL-2023-0005556 (Fx. Co. Cir. Ct.) (Braddock District)
  - 6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Om P. Tschand and Rinouballa Tschand*, Case No. GV23-005107 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
  - 7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. James J. Weaver, Jr.*, Case No. CL-2022-0011588 (Fx. Co. Cir. Ct.) (Franconia District)
  - 8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Maria J. Cumba and Mario M. Cumba*, Case No. CL-2022-0015919 (Fx. Co. Cir. Ct.) (Franconia District)

9. *Jay Riat, Building Official for Fairfax County, Virginia v. Helen M. Teklay, Case No. GV23-003773 (Fx. Co. Gen. Dist. Ct.) (Franconia District)*
10. *Jay Riat, Building Official for Fairfax County, Virginia v. Roland S. Biser and Marcia A. Biser, Case No. GV23-005188 (Fx. Co. Gen. Dist. Ct.) (Franconia District)*
11. *Jay Riat, Building Official for Fairfax County, Virginia v. Debrekidussan Abune Aregawi and Abune Teklehaimonat Ethiopian Orthodox Tewahdo Church, Case No. CL-2022-0002546 (Fx. Co. Cir. Ct.) (Mason District)*
12. *Board of Supervisors of Fairfax County, Virginia and Leslie B. Johnson, Fairfax County Zoning Administrator v. Amanda Xiuya Zheng, Case No. CL-2022-0007410 (Fx. Co. Cir. Ct.) (Mason District)*
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Derege Zewdie, Co-Trustee of the Zewdie and Govani Family Living Trust and Marilu Govani, Co-Trustee of the Zewdie and Govani Family Living Trust, Case No. CL-2022-0013031 (Fx. Co. Cir. Ct.) (Mason District)*
14. *Jay Riat, Building Official for Fairfax County, Virginia v. Lilian G. Maldonado and Salvador Zelaya, Case No. CL-2022-0010571 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
15. *Jay Riat, Building Official for Fairfax County, Virginia v. Pathways Living, Inc., Case No. GV22-005082 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
16. *Jay Riat, Building Official for Fairfax County, Virginia v. Pathways Living, Inc., Case No. GV22-005086 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
17. *Jay Riat, Building Official for Fairfax County, Virginia v. Gerson O. Cruz, et al, Case No. GV23-005126 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
18. *Jay Riat, Building Official for Fairfax County, Virginia v. Obaidullah Bahich, Case No. GV23-004946 (Fx. Co. Gen. Dist. Ct.) (Providence District)*
19. *Jay Riat, Building Official for Fairfax County, Virginia v. Buddy Carl Stolze, Trustee of the Stolze Family Trust and Cathy Sue Stolze Trustee of the Stolze Family Trust, Case No. GV23-012301 (Fx. Co. Gen. Dist. Ct.) (Providence District)*
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Aurora Antonieta Rodas Vasquez and Brittany Kay Rodas Vasquez, Case No. CL-2022-0013030 (Fx. Co. Cir. Ct.) (Springfield District)*

21. *Gabriel M. Zakkak, Property Maintenance Code Official for Fairfax County, Virginia, and Leslie B. Johnson, Fairfax County Zoning Administrator v. Jennifer Souders Mayer, Gregory S. Souders, and Mildred K. Souders, Case No. CL-2021-0013670 (Fx. Co. Cir. Ct.) (Springfield District)*
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. The Matthew Godek Trust Dated November 6, 2003, c/o Matthew Godek, Trustee, Case No. GV22-018464 (Fx. Co. Gen. Dist. Ct.) (Springfield District)*
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Franconia 2 LLC, Case No. GV23-004145 (Fx. Co. Gen. Dist. Ct.) (Sully District)*



Board Agenda Item  
July 25, 2023

3:00 p.m.

Public Hearing to Lease County-Owned Properties for the Purpose of Installing Solar Facilities (Franconia, Mason, and Braddock Districts)

ISSUE:

Public hearing to lease County-owned property to Sun Tribe Solar, LLC for the installation, operation, and maintenance of solar photovoltaic panels for the purpose of on-site electric generation at the Police Operational Support Bureau under construction at 3911 Woodburn Road, the Franconia Governmental Center and Kingstowne Library (“Franconia Governmental Center”) under construction at 7130 and 7170 Silver Lake Boulevard, the Mason District Police Station addition which is in design at 6507 Columbia Pike, and the Stormwater and Wastewater Consolidation Facility under construction at 6000 Freds Oak Road.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to lease County-owned property at 3911 Woodburn Road, 7130 and 7170 Silver Lake Boulevard, 6507 Columbia Pike, and 6000 Freds Oak Road to Sun Tribe Solar, LLC.

TIMING:

On June 27, 2023, the Board authorized advertisement of a public hearing to lease County-owned property at 3911 Woodburn Road, 7130 and 7170 Silver Lake Boulevard, 6507 Columbia Pike, and 6000 Freds Oak Road to Sun Tribe Solar, LLC.

BACKGROUND:

The Board of Supervisors is the owner of the Police Operational Support Bureau facility, the Franconia Governmental Center, the Mason District Police Station, and the Stormwater and Wastewater Consolidation Facility. Maps of the properties are included in Attachments 1 – 4, and site-specific information is provided for each property below:

- Police Operational Support Bureau is being constructed at 3911 Woodburn Road on a County-owned parcel identified as Tax Map Parcel Identification Number 0593 01 0011B. Upon the expected substantial completion date of spring 2025, a 50,000 sq ft building will be located on the property.
- Franconia Governmental Center is being constructed at 7130 and 7170 Silver Lake Boulevard on a County-owned parcel identified as Tax Map Parcel

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Identification Number 0913 09 0008B. Upon the expected substantial completion date of spring 2025, a 90,000 sq ft building will be located on the property.

- Mason District Police Station is an existing facility at 6507 Columbia Pike on a County-owned parcel identified as Tax Map Parcel Identification Number 0613 01 0003. Upon the expected substantial completion of an addition to the existing building around spring 2026, a 30,000 sq ft building will be located on the property.
- Stormwater and Wastewater Consolidation Facility is being constructed at 6000 Freds Oak Road on a County-owned parcel identified as Tax Map Parcel Identification Number 0773 01 0013. Upon the expected substantial completion date of spring 2026, 170,000 sq ft of floor area across eight buildings will be located on the property; the leased areas will include the rooftops of Building 1, Building 2, and Building 6.

Sun Tribe Solar, LLC designs and installs solar photovoltaic panels and is a solar power purchase agreement (PPA) service provider. In December 2019, Fairfax County announced a contract with Sun Tribe Solar, LLC for rooftop solar PPA installations on buildings owned by Fairfax County Government, Fairfax County Public Schools, Fairfax County Park Authority, and Fairfax County Redevelopment and Housing Authority (collectively, the “Fairfax Entities”). Under the contract, Sun Tribe Solar, LLC will design, permit, install and operate rooftop solar panels at facilities that participate in the PPA program and sell the electricity generated by the solar panels to the participating facility at a fixed rate and over a fixed term (20, 25 or 30 years). The contract with Sun Tribe Solar, LLC allows Fairfax County to purchase on-site renewable energy with little or no upfront or operational costs. Participation in the solar PPA program is expected to reduce the County’s greenhouse gas emissions and electricity costs.

Sun Tribe Solar, LLC requires access to and use of rooftop space at the Police Operational Support Bureau, Franconia Governmental Center, Mason District Police Station, and the Stormwater and Wastewater Consolidation Facility to install, operate, and maintain solar photovoltaic panels over the course of the PPA program (an expected 25 year-term).

EQUITY IMPACT:

None.

FISCAL IMPACT:

Initially, Fairfax County would pay slightly more per kilowatt-hour (kWh) for electric power delivered by the fixed-price PPA versus utility-delivered power. However, as the cost of utility-delivered power is expected to increase, the PPAs would save more than

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\$35,000 in electricity costs over the 25-year contract term. Cost parity would be achieved about halfway through the contract term (around 2036). Any additional electricity costs would be absorbed within existing budgets.

ENCLOSED DOCUMENTS:

Attachment 1 – Location Map 0593 01 0011B  
Attachment 2 – Location Map 0913 09 0008B  
Attachment 3 – Location Map 0613 01 0003  
Attachment 4 – Location Map 0773 01 0013  
Attachment 5 – Draft Lease Agreement

STAFF:

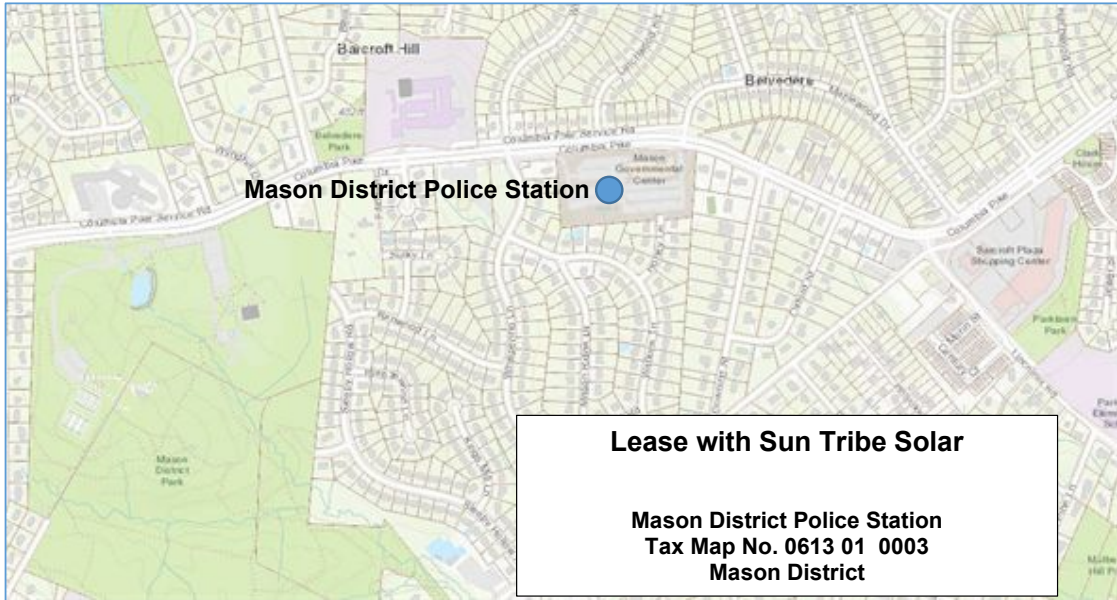
Rachel Flynn, Deputy County Executive  
Ellicia Seard-McCormick, Deputy County Executive  
John Morrill, Acting Director, Office of Environmental and Energy Coordination (OEEC)  
Kevin Smith, OEEC

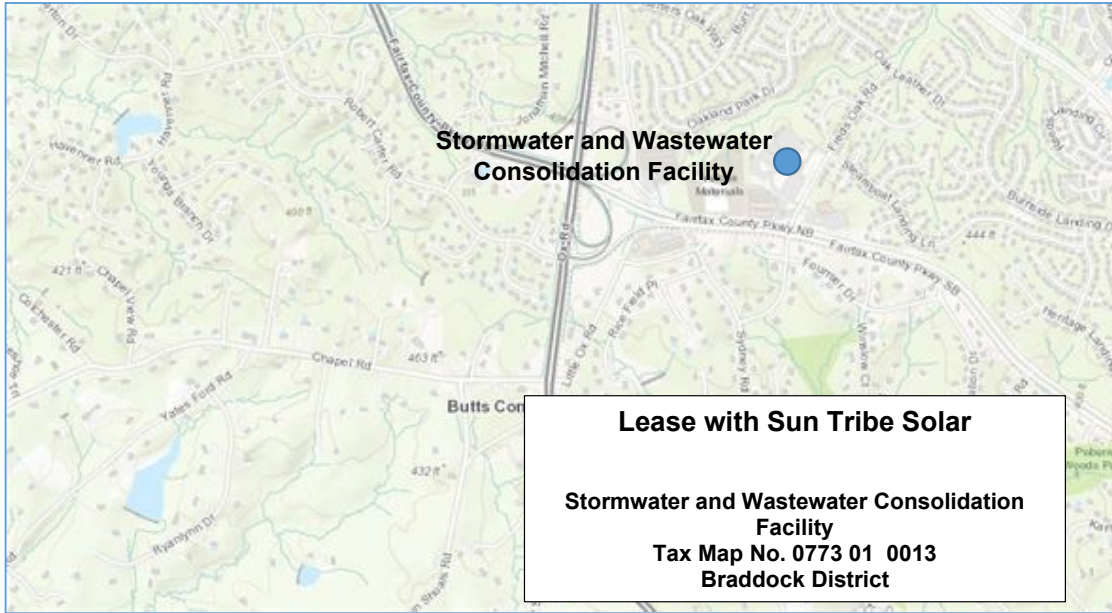
ASSIGNED COUNSEL:

Joanna Faust, Assistant County Attorney









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**DEED OF CANOPY LEASE AGREEMENT**  
**PROJECT SITE: \_\_\_\_\_ BY AND BETWEEN**

**[FAIRFAX ENTITY]**  
**("LESSOR")**

**AND**

**SUN TRIBE SOLAR, LLC**  
**("LESSEE")**

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## DEED OF CANOPY LEASE AGREEMENT

**THIS DEED OF CANOPY LEASE AGREEMENT** (this "*Lease*") dated as of \_\_\_\_\_ (the "Effective Date"), is made by and between **[FAIRFAX ENTITY]** ("Lessor"), and **SUN TRIBE SOLAR, LLC**, a Virginia limited liability company ("Lessee"). Lessor and Lessee may each be referred to herein as the "Party", or collectively as the "Parties", as the usage of such term may require.

### **RECITALS**

**WHEREAS**, Lessor is the owner of that certain real property specified on Exhibit A attached hereto and located at the address specified on Exhibit A attached hereto (the "Project Site");

**WHEREAS**, the Project Site includes an estimated [ $\bullet$ ] square feet of [parking lot] [parking garage] as more particularly depicted on Exhibit A attached hereto and incorporated herein by this reference (the "Demised Premises");

**WHEREAS**, pursuant to that certain Solar Power Purchase Agreement by and between Lessor and Lessee dated as of the date specified on Exhibit A attached hereto (as amended, modified, or supplemented from time to time, the "PPA"), Lessor has selected and engaged Lessee to design, install, own, operate, and finance a grid connected solar photovoltaic energy system consisting of solar canopy structures on the Demised Premises, as more particularly described in the PPA (the "System") and to sell the Output produced by such System to Lessor, all in accordance with the terms of the PPA;

**WHEREAS**, in connection with the foregoing, Lessee desires that Lessor lease, and Lessor desires to lease to Lessee, the Demised Premises, all in accordance with the terms and conditions set forth herein; and

**WHEREAS**, capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the PPA.

**NOW, THEREFORE**, in consideration of the foregoing and the mutual covenants and agreements herein contained, and intending to be legally bound hereby, Lessee and Lessor hereby agree as follows:

1. Lease of Demised Premises; Additional Property Rights.

(a) Demised Premises. Lessor hereby leases to Lessee, in accordance with the terms and conditions set forth herein, the Demised Premises for the installation, operation, maintenance, repair and, if necessary, replacement and decommissioning of the System, including, without limitation, solar panels, solar canopy structures, electrical power inverters, interconnection equipment, electrical wiring, underground conduit, collection lines, wire management systems, charging stations, electric meters, metering, switch cabinets, power distribution boxes, and racking systems.

(b) Lessee's Ancillary Rights. In connection with Lessor's leasing the Demised Premises to Lessee, Lessor hereby grants to Lessee, for a period co-terminus with this Lease, the non-exclusive right to use portions of access drives, parking lots, and other areas of the Project Site as shown on Exhibit B attached hereto and incorporated herein by this reference ("Facility Access"). Lessor may change the Facility Access at any time with reasonable prior Notice to Lessee, provided adequate access to the Demised Premises and adequate space for use of the Facility Access for the purposes set forth herein is available at all times during the Term (as hereinafter defined). The Facility Access is provided for the purpose of accessing the Demised Premises for installation, operation, maintenance, repair (including replacement, if necessary) and decommissioning of the System and to locate any auxiliary equipment necessary to install, operate, maintain or repair the System on the Demised Premises and for the purposes of interconnecting the System with the Project Site's mechanical and electrical systems as agreed by Lessor and Lessee in accordance with the PPA. For avoidance of doubt, Lessor acknowledges and agrees that Lessee may use portions of the Facility Access to be mutually agreed upon by the Parties as a staging area during the periods that Lessee is undertaking the installation and decommissioning of the System or any major repairs to the System. Lessee shall not install any improvements within the Facility Access that would prevent access to or prevent use of the Project Site, or prevent any holders of easements across the Project Site or any governmental or public utility personnel (e.g., fire, police, public utility providers, etc.) or other similar parties from exercising their rights with respect to the Project Site. Furthermore, Lessee shall utilize the Facility Access in a manner as to not unreasonably interfere with the use of the Project Site by Lessor.

(c) Signage. Lessee shall not place any signage on or at the Project Site (other than as required by Applicable Law) unless approved in advance in writing by Lessor. Notwithstanding the foregoing, Lessee may, without the prior approval of Lessor, place signage on or at the Project Site identifying the existence of the System and any required safety notices relating thereto.

## 2. Term.

(a) Term. The term of this Lease shall commence on the Effective Date and shall terminate as provided in Section 2.1 of the PPA (the "Term"). The Term may be extended pursuant to Section 2.2 of the PPA.

(b) Termination. Notwithstanding anything contained herein to the contrary, this Lease shall automatically terminate if the PPA is terminated for any reason whatsoever.

(c) Access After Termination. Notwithstanding the foregoing, upon the expiration or earlier termination of this Lease (unless Lessor has executed its option to purchase the System in accordance with Section 7.4 of the PPA), Lessee shall have the right to access the Demised Premises for the purpose of decommissioning and removing the System in accordance with Section 8.1 of the PPA, which work shall be completed within sixty (60) days after the expiration of this Lease or within one hundred twenty (120) days after any earlier termination of this Lease, as applicable. The provisions of this Section 2(c) will survive the expiration or termination of this Lease.

3. Utilities. During the Term, Lessor shall have no obligation to provide any utilities to Lessee for Lessee's use in connection with the installation, operation, maintenance and repair of the System on the Demised Premises. To the extent that, during the Term, Lessee requires any utilities in connection with the installation, operation, maintenance and repair of the System on the Demised Premises, Lessee further acknowledges and agrees that Lessee shall be responsible, at its sole cost and expense, for providing or obtaining such utilities and that Lessee's inability to provide or obtain any such utilities shall not relieve Lessee from the performance of Lessee's obligations under this Lease or the PPA.

4. Annual Rent. Commencing on the Effective Date and continuing thereafter for the remainder of the Term, Lessee shall pay to Lessor annual rent for the Demised Premises in the amount of One and No/100 Dollars (\$1.00) per year ("Annual Rent"). The Annual Rent for the first year of the Term shall be due and payable by Lessee to Lessor within ten (10) Business Days of the Effective Date, and Annual Rent for each succeeding year of the Term shall be due and payable by Lessee to Lessor, without notice or demand, on or before each anniversary of the Effective Date during the Term. The Annual Rent shall be payable by Lessee to Lessor at the address for the Lessor set forth in the PPA or at such other address as shall be designated in writing by Lessor. At Lessee's option, Lessee may elect to prepay the Annual Rent for the entire Term on the Effective Date.

5. System Installation. The System shall be installed in accordance with Section 5 of the PPA.

6. Liens. To the extent permitted by Applicable Law, all of Lessee's contracts with Subcontractors shall provide that no Lien shall attach to or be claimed against the Demised Premises or any interest therein by Lessee or its Subcontractors as a result of supplying goods or services pertaining to the Demised Premises, and Lessee shall use reasonable efforts to cause all subcontracts let thereunder to contain the same provision.

Lessee shall indemnify and hold Lessor, the Board and Lessor's agents, officers, subcontractors, employees, invitees, and contractors harmless from, and defend against (with legal counsel reasonably acceptable to Lessor) all Losses of every kind, nature, and description which may arise out of or in any way be connected with such work. Lessee shall not permit the Demised Premises to become subject to any mechanics', laborers', or materialmen's lien on account of labor, material, or services furnished to Lessee or claimed to have been furnished to Lessee (either directly or through Subcontractors) in connection with work of any character performed or claimed to have been performed for the Demised Premises by, or at the direction or sufferance of Lessee, and if any such Liens are filed against the Demised Premises, Lessee shall promptly and at its cost and expense discharge the same following Lessee's receipt of written notice of such filing; provided, however, that Lessee shall have the right to contest, in good faith and with reasonable diligence, the validity of any such lien or claimed lien if Lessee shall give to Lessor, within fifteen (15) Business Days after demand, such security as may be reasonably satisfactory to Lessor to assure payment thereof and to prevent any sale, foreclosure, or forfeiture of Lessor's interest in the Demised Premises by reason of non-payment thereof; provided, further, that on final determination of the Lien or claim for Lien, Lessee shall immediately pay

any judgment rendered, with all proper costs and charges, and shall have the lien released and any judgment satisfied. If Lessee fails to post such security or does not diligently contest such lien, Lessor may, without investigation of the validity of the lien claim, after ten (10) Days' Notice to Lessee, discharge such Lien and Lessee shall reimburse Lessor upon demand for all costs and expenses incurred in connection therewith, which expenses shall include any reasonable attorneys' fees and any and all other costs associated therewith, including litigation through all trial and appellate levels and any costs in posting bond to effect a discharge or release of the lien.

Nothing contained in this Lease shall be construed as a consent on the part of Lessor to subject the Demised Premises to liability under any lien law now or hereafter existing.

7. System Operation. Ownership. Use, and Removal.

(a) Operation, Maintenance, and Removal of System. Lessee shall operate, maintain, repair, decommission, and remove the System in accordance with Section 6 of the PPA and in accordance with all Applicable Laws and in such a manner as will not unreasonably interfere with Lessor's or, if there are any other occupants of the Project Site, such occupants' operation or maintenance of the Project Site.

(b) Ownership of System. Lessor acknowledges and agrees that (i) notwithstanding that the System may be a fixture under Applicable Laws, as between the Parties, the System shall be deemed to be personal property, and (ii) Lessee is the exclusive owner and operator of the System. In furtherance of the foregoing, Lessor hereby expressly waives all statutory and common law liens or claims that it might otherwise have in or to the System or any portion thereof and agrees not to distraint or levy upon the System or assert any lien, right of distraint or other claim against the System.

(c) Ownership of Energy Output. Lessor acknowledges and agrees that, subject to the terms of the PPA, Lessee is the sole and exclusive owner of all electricity generated by the operation of the System.

(d) Use of Demised Premises. Lessee shall use the Demised Premises solely for the installation, operation, maintenance, repair and decommissioning of the System, but for no other uses. In connection therewith, Lessor acknowledges and agrees that, during the Term, Lessor shall not use the Project Site in a manner that would interfere with the installation, operation, maintenance, repair and decommissioning of the System or materially and adversely affect the System's exposure to sunlight.

8. Access to Demised Premises.

Subject to the notice and security requirements set forth in Section 9 below, Lessor shall provide Lessee with access to the Demised Premises as reasonably necessary to allow Lessee to perform the Services, including ingress and egress rights across the Project Site within the Facility Access.

Lessor shall at all times have access to and the right to observe the Services, including without limitation, installation of the System, subject to Lessor's compliance with Lessee's reasonable safety and security requirements.

During all activities involving the System or the Demised Premises, including but not limited to installation, maintenance, repairs, decommissioning and removal of the System, Lessor's property manager for the Project Site ("Property Manager") or his/her designee must be present onsite at all times. On or prior to the Effective Date, Lessor shall provide Lessee with name and contact information for the Property Manager and his/her designee and, thereafter, Lessor shall advise Lessee in the event of any changes in such information. Lessee shall coordinate its access to the Demised Premises with the Property Manager or his/her designee in accordance with the terms of this Section 8.

Lessee shall have access to the Demised Premises under the following conditions:

(i) During normal business hours (Monday through Friday 8:00 a.m. - 5:00 p.m.) for the installation and routine maintenance of the System, provided that Lessee shall give the Property Manager at least seventy-two (72) hours' prior notice of the need for such access.

(ii) Outside normal business hours and in the event of an emergency, Lessee shall contact the emergency contact specified on Exhibit A

and Lessee shall provide: (a) the name and contact information for the individual(s) responding on the Lessee's behalf, and (b) their estimated time of arrival. Upon arrival to the Demised Premises, Lessee shall again call both emergency contacts to signal arrival. The Property Manager's emergency contact will provide access to the Demised Premises upon the Lessee's arrival. If the Property Manager or his/her emergency contact fails to provide Lessee with access to the Demised Premises upon Lessee's arrival to address such emergency and the System is damaged or destroyed as a result of such delay to the extent that Lessee is unable to satisfy its obligation under the PPA to sell and deliver to Lessor the Output generated by the System, Lessee shall be relieved of such obligation until such time as the System is repaired and operational. Furthermore, Lessee shall not be liable for any damage or destruction to any property resulting from the Property Manager or his/her emergency contact's failure to provide timely access to the Demised Premises.

All of Lessee's employees, contractors, or agents must park their vehicles in the areas designated by Lessor.

#### 9. Identification, Security, and Access Requirements.

(a) Identification. All of Lessee's employees and Subcontractors shall display Lessor-issued identification badges above the waist at all times that such individuals are on the Project Site. Any employee, contractor, or Subcontractor of Lessee who arrives at the Project Site without required identification will be dismissed from the Project Site. All such employees,

contractors, and Subcontractors must pass to the satisfaction of Lessor a Fairfax County Criminal History Check. Notwithstanding the foregoing, Lessor disclaims any liability with respect to the accuracy or completeness of the Criminal History Checks. Lessee shall be solely responsible for all costs associated with such identification badges and Criminal History Checks.

(b) Inspection. All supplies, materials, and equipment for use at the Project Site are subject to security inspection by Lessor.

(c) Additional Security and Access Requirements. Lessee shall, and shall cause all of its Subcontractors to, at all times comply with the identification, security, and other access requirements set forth on Exhibit C attached hereto.

(d) Amendments to Security and Access Procedures. Lessor reserves the right to amend and/or update its security and access requirements or procedures relative to the Project Site, including Exhibit C, from time to time upon at least three (3) Business Days' Notice to Lessee.

10. Insurance. Lessee covenants and agrees, from and after the Effective Date, to carry and maintain, at its sole cost and expense, the insurance required under Section 9 of the PPA.

11. Taxes. Lessee shall pay, on or before the due date thereof, all personal property taxes, business, and license taxes and fees, service payments in lieu of such taxes or fees, annual and periodic license and use fees, excises, assessments, bonds, levies, fees, and charges of any kind which are assessed, levied, charged, confirmed, or imposed by any Governmental Authority due to Lessee's occupancy and use of the Demised Premises (or any portion or component thereof) or the ownership and use of the System thereon, including but not limited to any real property taxes and assessments attributable to the System improvements on the Project Site. Notwithstanding the foregoing, however, Lessee shall have the right to contest such taxes and/or fees in accordance with the applicable procedures of the Governmental Authority imposing such taxes and/or fees.

12. Indemnification.

(a) Indemnification. Lessee shall indemnify, defend, and hold harmless Purchaser Indemnified Parties from and against any liability for violations or alleged violation of any Applicable Law and Losses (including claims for property damage and claims for injury to or death of persons, including any claim or amounts recovered under "workers compensation laws" or any other Applicable Laws) arising in connection with, or out of, or resulting from (i) the negligent acts or omissions or willful misconduct of Lessee, its agents, officers, directors, employees, Subcontractors, or contractors; or (ii) the breach by Lessee of any of its obligations under this Lease. The obligation to indemnify shall extend to and encompass all costs incurred by Lessor and any Lessor Indemnitee in defending such claims, demands, lawsuits, or actions, including, but not limited to, reasonable attorneys' fees, witness and expert witness fees, and any other litigation related expenses. Notwithstanding the foregoing, Lessee shall not be required to defend or indemnify Purchaser Indemnified Parties for a Loss to the extent any such Loss results

from the negligence or willful misconduct of a Purchaser Indemnified Party or to the extent any such Loss involves any damage or destruction to property for which Lessee is released from liability pursuant to the terms of Section 8 above. The provisions of this Section 12(a) will survive the expiration or termination of this Lease.

(b) Exclusion of Certain Damages. EXCEPT FOR LIABILITY IN RESPECT OF (A) LESSEE'S INTENTIONAL OR WILLFUL MISCONDUCT OR FRAUD OR (B) CLAIMS FOR BODILY INJURY, INCLUDING DEATH AND DAMAGE TO REAL PROPERTY OR TANGIBLE PERSONAL PROPERTY RESULTING FROM THE NEGLIGENCE OF LESSEE OR ANY AGENT OR EMPLOYEE OF LESSEE, NEITHER PARTY WILL BE LIABLE TO THE OTHER PARTY, IN CONTRACT OR IN TORT (INCLUDING NEGLIGENCE), OR UNDER ANY OTHER LEGAL THEORY (INCLUDING STRICT LIABILITY), FOR ANY INDIRECT, SPECIAL, INCIDENTAL, PUNITIVE, EXEMPLARY, CONSEQUENTIAL OR SIMILAR DAMAGES, INCLUDING DAMAGES FOR LOST PROFITS, LOST REVENUES, LOST TAX BENEFITS, OR ENERGY CREDITS, OR INTERRUPTION OF BUSINESS, ARISING OUT OF OR IN CONNECTION WITH THIS LEASE, EVEN IF SUCH PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH CLAIMS OR DAMAGES.

13. Lessee Default.

The occurrence of any one or more of the following shall constitute an event of default of Lessee (a "Lessee Default"):

(i) The failure of Lessee to pay the Annual Rent or other sums due hereunder that is not cured within [ten (10)] Business Days after Notice thereof to Lessee;

(ii) Any representation or warranty of Lessee hereunder provides to be false or misleading in any material respect;

(iii) The inability, failure, or refusal of Lessee to perform timely any material obligations under this Lease, unless such failure or refusal is caused by a Force Majeure Event, a Lessor Default or Purchaser Event of Default; provided, however, such failure continues for thirty (30) Days after Lessor shall have given Notice demanding that such failure to perform be cured (or if such failure cannot reasonably be cured within such 30 Day period, Lessee shall not be in default hereunder if Lessee commences efforts to cure such failure within such 30 Day period and, thereafter, diligently pursues those efforts to completion); or

(iv) A Seller Event of Default under Section 12 of the PPA, which default continues beyond any applicable notice and cure period contained in the PPA.

Upon the occurrence of a Lessee Default, Lessor shall have the following rights: (i) to terminate this Lease by Notice to Lessee, and (ii) to pursue any other remedy under the PPA or now or hereafter existing at law or in equity. No termination of this Lease resulting from a Lessee Default shall relieve Lessee of its liability and obligations under this Lease, and such

liability and obligations shall survive any such termination.

14. Lessor Default.

The occurrence of the following shall constitute an event of default of Lessor (a "Lessor Default"):

(i) The failure of Lessor to perform any material obligations under this Lease, unless such failure is caused by a Force Majeure Event, a Lessee Default or Seller Event of Default; provided, however, such failure continues for thirty (30) Days after Lessee shall have given Notice demanding that such failure to perform to be cured (or if such failure cannot reasonably be cured within such 30 Day period, Lessor shall not be in default hereunder if Lessor commences efforts to cure such failure within such 30 Day period and, thereafter, diligently pursues those efforts to completion); or

(ii) A Purchaser Event of Default under Section 12 of the PPA, which default continues beyond any applicable notice and cure period contained in the PPA.

Upon the occurrence of a Lessor Default, Lessee may pursue any remedies it may have under the terms of Section 12 of the PPA.

15. Fee Mortgages. To the extent there are any mortgages, deeds of trust, or other indentures encumbering the Project Site as of the Effective Date (each, a "Fee Mortgage"), Lessor shall, on or before the Effective Date, obtain from the holder of each such Fee Mortgage a non-disturbance and attornment agreement, in a form acceptable to Lessee (each, an "SNDA"), pursuant to which the holder of each such Fee Mortgage shall agree that, upon it or its successors and assigns obtaining title to the Project Site (whether through a foreclosure proceeding or through acceptance of a deed in lieu of foreclosure) following an event of default by the Lessor under such Fee Mortgage, the holder of such Fee Mortgage or the purchaser of the Project Site at any foreclosure proceeding shall continue to recognize Lessee's leasehold interest in the Demised Premises for the balance of the term of this Lease, so long as Lessee is not then in default hereunder beyond any applicable notice and cure periods provided for herein. Promptly following the Effective Date, each SNDA shall be recorded in the Clerk's Office at Lessee's sole cost and expense, and, within ten (10) Business Days of Lessee's receipt of a written statement from Lessor setting forth all out-of-pocket costs incurred by Lessor in obtaining each such SNDA, together with such supporting documentation as Lessee may reasonably require, Lessee shall reimburse Lessor for such costs.

16. Casualty. Notwithstanding anything to the contrary contained herein, in the event of a casualty or condemnation to all or any portion of the Project Site, Lessor shall have no duty or liability to Lessee to restore the Project Site. If Lessor elects not to restore the Project Site, it shall give Lessee Notice of such election within thirty (30) Days after the occurrence of such casualty or condemnation, and, upon its receipt of such Notice, Lessee may, at its option, elect to terminate this Lease upon Notice to Lessor. Lessor shall be entitled to receive the entire award paid by the condemning authority for the Project Site, without deduction therefrom for any estate vested in Lessee by this Lease, and Lessee shall receive no part of such award (provided,



however, Lessee shall receive any award attributable to the System).

17. Miscellaneous.

(a) Governing Law. The law of the Commonwealth of Virginia shall govern the validity, interpretation, construction, and performance of this Lease, including the Parties' obligation under this Lease, the performance due from each Party under it and the remedies available to each Party for breach of it. Any jurisdiction's choice of law, conflict of laws, rules, or provisions, including those of the State that would cause the application of any laws other than those of the Commonwealth of Virginia shall not apply.

(b) Assignment. Lessee shall not have the right to assign this Lease, or any of its rights, duties, or obligations hereunder, except in accordance with Section 14.2 of the PPA.

(c) Authority of Purchasing Agent. Lessee acknowledges and agrees that County's Purchasing Agent or his or her duly authorized representative or agent has the sole responsibility and authority to execute this Lease and any amendment or modification hereto on behalf of Lessor. Any execution, amendment, or modification of this Lease by a Person other than the Lessor or his or her duly authorized representative or agent shall be null and void and of no force and effect.

(d) Dispute Resolution.

(i) County Purchasing Resolution. All claims, disputes, controversies, causes of action and other matters involving a question of fact between the Parties arising out of or relating to this Lease (collectively or individually, the "Dispute") which is not disposed of by the applicable terms of this Lease shall be decided by the County Purchasing Agent, who shall reduce his or her decision to writing and mail or otherwise forward a copy thereof to Lessee within ninety (90) Days. The decision of the County Purchasing Agent shall be final and conclusive unless Lessee appeals within six (6) months of the date of the final written decision by instituting legal action as provided in the Code of Virginia. Lessee may not institute legal action prior to receipt of the County Purchasing Agent's decision on the Dispute, unless the County Purchasing Agent fails to render such decision within the time specified. Lessee shall not institute any legal action until all statutory requirements have been met.

(ii) Venue. Any and all Disputes arising out of or in connection with this Lease or any performance hereunder, shall be brought in the Circuit Court of Fairfax County, Virginia or in the United States District Court, Eastern District of Virginia, Alexandria Division.

(e) Due Authorization. Each Party represents and warrants to the other Party that it (i) has been duly authorized to enter into this Lease by all necessary action, and (ii) the execution and delivery of this Lease and the performance by such Party of its obligations hereunder will not result in a default under any agreement to which it is a party.

(f) Notices. Notices shall be given in accordance with Section 14.6 of the PPA.

(g) Successors and Permitted Assignees. This Lease is binding on and inures to the benefit of successors and permitted assignees.

(h) Survivability. Any term, condition, covenant, or obligation that requires performance by a Party subsequent to termination or expiration of this Lease, whether specifically identified herein or not, shall remain enforceable against such Party subsequent to such termination or expiration.

(i) Negotiated Terms. The Parties agree that the terms and conditions of this Lease are the result of negotiations between the Parties and that this Lease shall not be construed in favor of or against any Party by reason of the extent to which any Party or its professional advisors participated in the preparation of this Lease.

(j) Further Assurances. Each Party agrees to, and shall use all reasonable efforts to, provide such information, execute, and deliver any instruments and documents and take such action as may be reasonably necessary or reasonably requested by the other Party that are not inconsistent with the provisions of this Lease and which do not involve the assumption of obligations other than those provided for in this Lease in order to give full effect to this Lease and to carry out the intent of this Lease.

(k) Waivers. No delay in exercising or failure to exercise any right or remedy accruing to or in favor of either Party shall impair any such right or remedy or constitute a waiver thereof. Every right and remedy given hereunder or by Applicable Law may be exercised from time-to-time and as often as may be deemed expedient by the Parties. Neither this Lease nor any provision hereof may be changed, modified, amended, or waived except by a written instrument signed by a duly authorized officer of the Party against whom enforcement of such change, modification, amendment, or waiver is sought. If any representation, warranty, or covenant contained in this Lease is breached by either Party and thereafter waived by the other Party, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other breach under this Lease.

(l) Relationship of the Parties. Nothing in this Lease shall be deemed to constitute either Party a partner, agent, employee, or legal representative of the other Party or to create any fiduciary relationship between the Parties. In addition, nothing in this Lease shall be deemed or construed as creating any contractual relationship between any Subcontractor and Lessor. The Parties agree that Lessee shall be fully responsible for the acts and omissions of any Subcontractor.

(m) Entire Agreement. This Lease, the recitals herein, together with the Exhibits attached to this Lease and the PPA, constitutes the entire and complete agreement and commitment of the Parties with respect to this Lease. All prior or contemporaneous understandings, arrangements, negotiations, or commitments, or any or all of the foregoing with

respect to this Lease, whether oral or written, have been superseded by this Lease and the PPA.

(n) Amendments. No amendment, modification, or change to this Lease shall be effective unless the same shall be in writing and duly executed by an authorized person of each Party, which, in the case of Lessor, shall be by [County Purchasing Agent], or his or her duly authorized representative or agent, consistent with Section 17(c).

(o) No Third-Party Beneficiaries. Except as otherwise expressly provided herein, this Lease and all rights hereunder are intended for the sole benefit of the Parties hereto, and the Financing Parties to the extent provided in the PPA or in any other agreement between a Financing Party and Lessee or Lessor, and do not imply or create any rights on the part of, or obligations to, any other Person.

(p) Headings. Captions and headings in this Lease are for convenience of reference only and do not constitute a part of this Lease.

(q) Counterparts and Signatures. This Lease may be executed in more than one counterpart, each of which shall be deemed an original, and all of which shall constitute one and the same agreement. The delivery of an executed counterpart of this Lease by electronic transmission shall be deemed to be valid delivery thereof. Scanned or digital signatures shall be deemed valid as original as related to this Agreement.

(r) Severability. If any provision, portion, or application of this Lease is, for any reason, held to be invalid, illegal, or unenforceable in any respect by any court of competent jurisdiction, the Parties shall negotiate in good faith and agree to such amendments, modifications, or supplements of or to this Lease or such other appropriate actions as shall, to the maximum extent practicable, in light of such determination, implement, and give effect to the intentions of the Parties as reflected herein, and the other terms of this Lease, as so amended, modified, supplemented, or otherwise affected by such action, shall remain in full force and effect.

(s) Liability of Officers and Employees. No member of the Board nor any director, officer, agent, consultant, representative, or employee of either Party shall be charged personally by the other or held contractually liable thereto under any term or provision of this Lease, because of either Party's execution or attempted execution of this Lease or because of any breach or alleged breach thereof: provided, however, that all Persons remain responsible for any of their own criminal actions.

(t) No Conflict of Interest. Lessee shall not enter into any agreements that would conflict with Lessee's performance of its obligations under this Lease, or the other transactions contemplated herein, without receiving prior written authorization from Lessor.

(u) Authorization to Conduct Business in the State. At all times during the Term, Lessee shall be authorized to transact business in the State as a domestic or foreign business entity if so required by Title 13.1 or Title 50 of the Code of Virginia, as amended, or as otherwise required by law. Lessee shall not allow its existence to lapse or its certificate of authority or registration to transact business in the State, if so required under Title 13.1 or Title

50 of the Code of Virginia, as amended, to be revoked or cancelled at any time during the Term.

(v) Immigration Reform and Control Act. Lessee represents and warrants to Lessor that it does not, and Lessee covenants that it shall not during the performance of the Lease, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

(w) Estoppel Certificates. Lessor and Lessee shall execute and deliver to each other, within fifteen (15) Business Days after receipt of a written request therefore, a certificate evidencing whether or not (i) this Lease is in full force and effect; (ii) this Lease has been modified or amended in any respect and describing such modifications or amendments, if any; and (iii) there are any existing defaults thereunder to the knowledge of the party executing the certificate, and specifying the nature of such defaults, if any. If either Party shall fail to deliver said certificate within fifteen (15) business days from request therefor it shall be concluded that this Lease is in full force and effect, unmodified and without default.

(x) Remedies Cumulative. No remedy herein conferred upon or reserved to Lessee or Lessor shall exclude any other remedy herein or by law provided, but each shall be cumulative and in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute.

(y) Attorneys' Fees. Lessee shall bear its own attorneys' fees, costs, and expenses in connection with negotiating and/or reviewing this Lease, including any amendments, and any additional documents relating to the System.

(z) Brokers. Each Party represents and warrants to the other Party that it has not engaged or had any conversations or negotiations with any broker, finder, or other third party concerning the leasing of the Demised Premises to Lessee who would be entitled to any commission or fee based on the execution of this Lease.

(aa) Time is of the Essence. Time is of the essence of this Lease.

(bb) Memorandum. Lessor and Lessee agree that at the request of either, each will execute a short form memorandum, substantially similar to the form in Exhibit D, of this Lease in form satisfactory for recording in the Clerk's Office that shall be recorded on or promptly following the Effective Date at the cost of the Party seeking to record the same. Upon the expiration or earlier termination of this Lease, the Parties shall promptly execute any release or termination that may be required to release such memorandum of record.

(cc) Deed of Lease. The Parties intend for this Lease to be deemed a deed of lease and a conveyance of a leasehold interest real property by a sealed writing pursuant to Virginia Code Sections 55-2 and 11-3.

(dd) Lessor Responsibility. Lessor shall have the responsibility to pay Lessee for the actual and reasonable costs and expenses associated with any repairs, damage to, or loss of the System resulting from the acts or omissions of Lessor or any of its officers, employees,

agents, or contractors.

(ee) Quiet Enjoyment. So long as there does not exist a Lessee Default, Lessor agrees that, subject to the terms and conditions of this Lease, Lessee shall have the right to quietly use and enjoy the Demised Premises for the Term, without hinderance or molestation by Lessor or those claiming by, through or under Lessor.

[Signature Page Follows]

**PROJECT SITE:** \_\_\_\_\_

**IN WITNESS WHEREOF**, the Parties have executed this Lease on the day and year first above written.

**LESSOR:**  
[FAIRFAX ENTITY]

By: \_\_\_\_\_(SEAL)  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**LESSEE:**  
SUN TRIBE SOLAR, LLC  
a Virginia limited liability company

By: \_\_\_\_\_(SEAL)  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

[Signature Page to Deed of Lease Agreement (PROJECT SITE - CANOPY)]

**EXHIBIT A**

**BUILDING; PROJECT SITE;**  
**SURVEY DEPICTING DEMISED PREMISES**

SOLAR POWER PURCHASE AGREEMENT DATE: \_\_\_\_\_, 202\_\_

BUILDING NAME (if applicable): \_\_\_\_\_

PROJECT SITE ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

The Property Manager's primary 24/7 emergency contact:

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Or, in the event of non-response by the primary contact, the Property Manager's secondary 24/7 emergency contact:

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

[SURVEY DEPICTING PREMISES ATTACHED]

**EXHIBIT B**  
**DEPICTION OF FACILITY ACCESS**  
[ATTACHED]



**EXHIBIT C**  
**ADDITIONAL SECURITY/ACCESS REQUIREMENTS**

**FOR PUBLIC SAFETY AND JUDICIAL FACILITIES:** Security Requirements for Public Safety and Judicial Facilities. The following additional security requirements shall apply for access to the Demised Premises:

All of Lessee's employees, contractors, and Subcontractors must pass to the satisfaction of Lessor an additional criminal history check, which will be processed by the Fairfax County Police Department of Fairfax County Sheriff's Department ("Sheriff's Department").

Lessee must be accompanied by a representative of Lessor; however, Lessee must be accompanied by personnel from the Sheriff's Department if passage through a secured area of the Project Site is necessary.

If the Sheriff's Department places the Project Site under lockdown as a result of a security threat, Lessee shall not have access to the Demised Premises and any of Lessee's agents or contractors within the Demised Premises may be asked to immediately leave without gathering any equipment or personal belongings.

**FOR PUBLIC SCHOOLS:** Security Requirements for Public Schools:

(i) Lessee certifies to Lessor as follows:

No employee, contractor, or Subcontractor of Lessee who will have direct contact with students has been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child; and

Unless prior Notice has been given to Lessor, no employee, contractor, or Subcontractor of Lessee who has been convicted of a crime of moral turpitude will have direct contact with students.

(ii) The foregoing certifications shall be binding on Lessee throughout the Term, and Lessee hereby covenants and agrees to provide Lessor and Fairfax County Public Schools ("FCPS") with immediate Notice of any event or circumstance that renders such certification untrue. Lessee hereby covenants and agrees that it will require this certification to be included in all contracts or subcontracts that Lessee enters into related to the Project Site in order that the provisions contained herein shall be binding on each contractor and Subcontractor.

(iii) Lessee will ensure that no employees, contractors, or Subcontractors shall perform any work as prescribed under this Lease or the PPA in occupied areas of the Project Site during school hours unless FCPS has previously agreed to such work in writing and proper safety precautions have been exercised to isolate the area of any such work.

(iv) All of Lessee's employees, contractors, and Subcontractors shall check in and out

at the main office for the Project Site each day and shall wear any additional identification badges as may be required. All such employees, contractors, and Subcontractors are required to present photo identification upon request. Lessee shall also provide all such employees, contractors, and Subcontractors with a form of identification reflecting their employment status with Lessee, and displaying such individual's name and photograph.

(v) Alcoholic beverages, illegal drugs, and weapons are prohibited at the Project Site and shall constitute ground for immediate removal from the Project Site. The Lessee shall ensure that neither its employees, nor those of any contractor or Subcontractor, shall fraternize in any manner with any student of FCPS at the site of the Project. Lessor shall have the right to remove from the Project Site any person whose presence Lessor deems detrimental to the best interests of the FCPS. Any individual who is removed from the Project Site pursuant to this Section may not return to the Project Site or any other FCPS site without prior written permission from FCPS.

**EXHIBIT D**

This document prepared by and after recording return to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tax Parcel No.: \_\_\_\_\_

**MEMORANDUM OF LEASE**

THIS MEMORANDUM OF LEASE (this "Memorandum") is dated as of \_\_\_\_\_ (the "Effective Date") by and between [Lessor] ("Lessor"), having an address of \_\_\_\_\_, and SUN TRIBE SOLAR, LLC), a Virginia limited liability company ("Lessee"), having an address of \_\_\_\_\_, with reference to the following recitals:

WHEREAS, Lessee and Lessor (together, the "Parties" and each a "Party") have entered into that certain unrecorded Deed of Lease Agreement dated of even date herewith (the "Lease"), which affects the Demised Premises (hereinafter defined); and

WHEREAS, the Parties entered into the Lease in conjunction with that certain Solar Power Purchase Agreement (the "PPA"), between Lessor and Lessee dated of even date herewith; and

WHEREAS, the Parties desire to enter into this Memorandum for recordation in the land records of the Clerk's Office of the Circuit Court of the County of Fairfax, Virginia (the "Land Records");

NOW, THEREFORE, the parties hereto do hereby certify and agree as follows:

**1.1. Demised Premises.** The premises leased by Lessor to Lessee pursuant to the Lease are [described][depicted] on "Exhibit A" attached hereto and made a part hereof (the "Demised Premises"). Lessee may use, and have access at all times to, the Demised Premises for the installation, operation, maintenance, repair and, if necessary, replacement and decommissioning of a solar photovoltaic energy system, and activities necessary or related thereto. The Demised Premises are located on the Project Site, which is more particular described in the Lease. Pursuant to the Lease, Lessor has granted Lessee certain ancillary rights to use portions of the Project Site.

**1.2. Term and Consideration.** The initial term of the Lease commenced on the Effective Date and shall terminate on the date which is the thirtieth (30<sup>th</sup>) anniversary of the Actual Commercial Operation Date at a rate of one dollar (\$1.00) per year. Upon the expiration of the initial term of the Lease, the Parties may agree to extend the Lease for up to five (5) years in accordance with the terms of the PPA.

**1.3. Execution.** This Memorandum may be executed with counterpart signature pages and in duplicate originals, each of which shall be deemed an original, and all of which shall collectively constitute a single instrument.

**1.4. Applicable Law.** This Memorandum and the Lease shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

**1.5. Purpose of Memorandum of Lease.** This Memorandum, when recorded in the Land Records, is intended to serve as public notice of the existence of the Lease and to incorporate and reference all of its promises, covenants, and agreements to the same extent as if the Lease were fully set forth herein. This Memorandum does not describe or refer to all the terms or conditions contained in the Lease, nor does it intend to modify, amend or vary any of the terms or conditions set forth in the Lease.

**1.6. Relationship to Lease.** Any capitalized terms used in this Memorandum and not otherwise defined shall the meanings set forth in the Lease or PPA.

**[REST OF PAGE LEFT BLANK; SIGNATURES ON SEPARATE SHEET]**

**IN WITNESS WHEREOF**, the Parties have caused this Memorandum to be executed on their behalf as of the Effective Date:

Lessor: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

*ACKNOWLEDGEMENT*

COMMONWEALTH OF VIRGINIA

COUNTY/CITY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me, the undersigned Notary Public, on this \_\_\_ day of \_\_\_\_\_, 2020 by \_\_\_\_\_ (Lessor signatory).

*NOTARIAL SEAL*

\_\_\_\_\_  
Notary Public (signature)

Lessee: Sun Tribe Solar, LLC  
Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ACKNOWLEDGEMENT

COMMONWEALTH OF VIRGINIA  
CITY OF CHARLOTTESVILLE

The foregoing instrument was acknowledged before me, the undersigned Notary Public, on this \_\_\_ day of \_\_\_\_\_, 2020 by \_\_\_\_\_ (Lessee signatory).

*NOTARIAL SEAL*

\_\_\_\_\_  
Notary Public (signature)



Board Agenda Item  
July 25, 2023

3:00 p.m.

Public Hearing to Convey Board-Owned Property on Columbia Pike to the Fairfax County Redevelopment and Housing Authority (Mason District)

ISSUE:

Public hearing regarding the conveyance of Board-owned property located at 5827 Columbia Pike to the Fairfax County Redevelopment and Housing Authority (FCRHA).

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to convey certain Board-owned property to the FCRHA.

TIMING:

On June 27, 2023, the Board authorized the advertisement of a public hearing to convey certain Board-owned property located at 5827 Columbia Pike to the FCRHA.

BACKGROUND:

The Board of Supervisors is the owner of an approximately three-acre parcel of land located near the intersection of Columbia Pike and Leesburg Pike and identified as Tax Map No. 0612 01 0113E (the Property). The Property is currently vacant except for a small portion of the area next to Columbia Pike which has been temporarily repurposed as Crossroads Interim Park. The Fairfax County Park Authority is the lead agency in charge of maintaining the park amenities, which include a plaza, outdoor seating and sail shades.

Situated directly to the southwest of the Property is the future site of the Alta Crossing redevelopment project, a five-story, 361-unit apartment complex that is currently under construction and is scheduled to be completed in 2025. Twelve percent of the units at Alta Crossing will be affordable dwelling units made available to households with incomes ranging between 70 and 120 percent of the area median income.

To leverage the vacant Property to expand the County's own affordable housing portfolio, the FCRHA is evaluating measures to partner with a private developer pursuant to the terms of the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA), or through other development means, to build a multi-unit structure on the Property. The creation of a new housing development for individuals with low to moderate incomes (the Project) as well as the construction of a potential onsite childcare center may require an amendment to the Comprehensive Plan and a rezoning of the site to allow for multifamily residential development at the site. A portion of the Property will also be dedicated as right-of-way for the extension of Seminary Road.

Board Agenda Item  
July 25, 2023

If a rezoning and/or Comprehensive Plan Amendment are required for the Project, the entitlement applications will be evaluated by County staff and reviewed at public hearings by both the Planning Commission and the Board. The public will be afforded several opportunities as part of the PPEA process to comment on the design of the Project and its possible impacts on the surrounding communities. Crossroads Interim Park will remain in place until the Project has received all zoning and site approvals and the developer is ready to proceed with construction.

Staff recommends that the conveyance of the Property to the FCRHA be subject to the condition that the parcels must be used in connection with the Project. In the event the FCHRA no longer pursues the Project, the FCHRA will transfer ownership of the properties back to the Board. Staff recommends that any public utilities located on the property that are owned and maintained by County agencies, such as sanitary sewers and stormwater management facilities and structures, continue to be owned and maintained by the County.

EQUITY IMPACT:  
None.

FISCAL IMPACT:  
None.

ENCLOSED DOCUMENTS:  
Attachment 1 – Location Map  
Attachment 2 – Resolution

STAFF:  
Ellicia L. Seard-McCormick, Deputy County Executive  
Christopher A. Leonard, Deputy County Executive  
Jai Cole, Executive Director, Fairfax County Park Authority  
Thomas E. Fleetwood, Director, Housing and Community Development (HCD)  
Anna Shapiro, Deputy Director, Real Estate Finance and Development, HCD  
Mark Buenavista, Division Director, Design, Development, and Construction, HCD  
José A. Comayagua, Director, Facilities Management Department (FMD)  
Mike Lambert, Assistant Director, Facilities Management Department

ASSIGNED COUNSEL:  
Susan Timoner, Assistant County Attorney  
F. Hayden Codding, Assistant County Attorney





**RESOLUTION**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, July 25, 2023, at which a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, the Board of Supervisors owns land in Mason District located at 5827 Columbia Pike and identified as Tax Map Parcel No. 0612 01 0113E (the Property),

**WHEREAS**, Fairfax County Redevelopment and Housing Authority (FCRHA) has requested that the Board of Supervisors transfer the Property to the FCRHA for incorporation into an affordable housing development, and

**WHEREAS**, the Board finds that it would be in the best interest of the residents of Fairfax County to convey the Property to the FCRHA.

**NOW, THEREFORE**, upon public hearing duly advertised according to law, it is **RESOLVED** that the County Executive is hereby authorized to execute all necessary documents to convey the Property to the FCRHA.

A Copy Teste:

---

Jill G. Cooper  
Clerk for the Board of Supervisors

Board Agenda Item  
July 25, 2023

3:00 p.m.

Public Hearing on Proposed Plan Amendment 2021-IV-S2, Villa Park Road, Located South of Villa Park Road and West of the Ramp Between Backlick Road and Westbound Franconia-Springfield Parkway (Franconia District)

ISSUE:

Plan Amendment (PA) 2021-IV-S2 [PLUS number PA-2021-00013] considers an amendment to Recommendation Area #3 of the S4 Springvale Community Planning Sector of the Comprehensive Plan for Tax Map Parcels 90-2 ((4)) 19 and 20. The property is currently planned for residential uses at a density of 4-5 dwelling units per acre (du/ac) and is currently undeveloped. The amendment considers residential uses at a density of 5-8 du/ac to facilitate development of the site with up to 46 townhouses.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing on this amendment on May 10, 2023, and voted to defer the decision until May 24, 2023. On May 24, 2023, the Planning Commission voted 12-0 to recommend to the Board of Supervisors the adoption of PA 2021-IV-S2.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:

The public hearing was deferred from June 6, 2023, to June 27, 2023. On June 27, 2023, the Board once again deferred this public hearing to July 25, 2023 at 3:00 p.m.

BACKGROUND:

On March 23, 2021, the Board of Supervisors (Board) authorized Plan Amendment (PA) 2021-IV-S21 for Tax Map Parcels 90-2 ((4)) 19 and 20, to consider an option for residential use up to an overall density of 8.5 dwelling units per acre (du/ac), consisting of townhouse residential units. Through the review of the Plan amendment, staff determined that a planned density of 5-8 du/ac is more appropriate for the site in order to meet tree preservation and open space goals. The amendment includes specific considerations for vehicular access, site layout, pedestrian circulation, noise mitigation,

Board Agenda Item  
July 25, 2023

usable open space, tree preservation, topography constraints, and the compatibility with the adjacent communities.

The review of the Plan amendment is concurrent with rezoning application RZ 2021-LE-00019, Towns at Villa Park. The concurrent application proposes to rezone the property from R-1 to R-8 to accommodate up to 42 dwelling units at a density of 7.2 du/ac. Public hearings for the concurrent zoning application have not been scheduled at this time. Any recommendation for the subject Plan amendment should not be construed as a favorable recommendation by the Board, the Planning Commission, or staff on the proposed zoning application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, and adopted standards. Staff supports adoption of the proposed Plan amendment.

EQUITY IMPACT:

The Plan amendment supports One Fairfax policy initiative #2 “Housing policies that encourage all who want to live in Fairfax to be able to do so, and the provision of a full spectrum of housing opportunities across the county...” by providing the option for a new townhouse community. The Plan amendment was reviewed by the community at two community meetings, which were well attended and provided opportunities for residents and neighbors to engage in the land use process.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

The Planning Commission Meetings Video Archive is available online at:  
[https://video.fairfaxcounty.gov/ViewPublisher.php?view\\_id=10](https://video.fairfaxcounty.gov/ViewPublisher.php?view_id=10)

The Staff Report dated March 29, 2023, has been previously furnished and is available online at:

<https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/compplanamend/villa-park-rd/2021-iv-s2-staff-report.pdf>

STAFF:

Tracy Strunk, Director, Department of Planning and Development (DPD)  
Leanna O'Donnell, Director, Planning Division (PD), DPD  
Graham Owen, Branch Chief, Policy and Plan Development Branch, PD, DPD  
Sophia Fisher, Planner II, Environment and Development Review Branch, PD, DPD

Board Agenda Item  
July 25, 2023

3:00 p.m.

Public Hearing on SE 2022-MA-00032 (The Kingdom of Children LLC d/b/a The Kingdom of Children Bilingual Preschool) to Permit a Child Care Center with up to 36 Children and Increase in Fence Height, Located on Approximately 13,450 Square Feet of Land (Mason District)

This property is located at 6481 Little River Tpke., Alexandria, 22312. Tax Map 72-1 ((9)) (A) 1.

PLANNING COMMISSION RECOMMENDATION:

On June 7, 2023, the Planning Commission voted 10-0 (Commissioners Murphy and Cortina were absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of SE 2022-MA-00032, subject to the proposed development conditions dated June 6, 2023; and
- Approval of a modification of a transitional screening requirement for the south lot line, in favor of that shown on the SE Plat.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)  
Emma Estes, Planner, DPD

Board Agenda Item  
July 25, 2023

3:30 p.m.

Public Hearing on PCA/CDPA 2010-PR-014E (RZPA 2022-PR-00051) (GCC 28 Owner, LLC) to Amend the Proffers and Conceptual Development Plan for RZ 2010-PR-014E, Previously Approved for a Mixed-Use Development, to Permit Residential Use in Building E3, Modifications to Footprints of Buildings E3 and E5, and Associated Modifications to Proffers and Site Design at a 3.41 Floor Area Ratio, Located on Approximately 2.92 Acres of Land (Providence District)

This property is located in the S.E. quadrant of the intersection of Spring Hill Rd. and Broad St., within one-quarter mile of the Spring Hill Metro Station. Tax Map 29-3 ((1)) 63C(pt.).

PLANNING COMMISSION RECOMMENDATION:

On July 12, 2023, the Planning Commission voted 12-0 to recommend to the Board of Supervisors the following actions:

- Approval of PCA 2010-PR-014E and the associated Conceptual Development Plan Amendment, subject to the execution of proffered conditions consistent with those dated July 11, 2023;
- Reaffirmation of the waiver/modification of subsection 8100.7.E of the Zoning Ordinance of all trails and bike trails as shown on the Comprehensive Trails Plan in favor of the streetscape and on-road bike lane system shown on the CDPA, and as proffered;
- Reaffirmation of the waiver of subsection 8100.7.E of the Zoning Ordinance requiring additional interparcel access to adjoining parcels, other than those shown on the CDPA, and as proffered;
- Reaffirmation of the waiver of subsection 8100.7.E(4) of the Zoning Ordinance requiring any further dedication and construction of widening for existing roads beyond that which is indicated on the CDPA, and as proffered;
- Reaffirmation of the waiver of subsection 2105.6.B(1) of the Zoning Ordinance requiring a minimum district size of 10 acres in the PTC District;
- Reaffirmation of the waiver of subsection 5107.3.A(3) of the Zoning Ordinance to allow a private street to exceed 600 feet in length, as shown on the CDPA;

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- Reaffirmation of the modification of PFM Section 7-0602.6 to allow for the projection of structural columns into parking stall (no more than 4 percent of the stall area);
- Reaffirmation of the modification of PFM Section 12-0310.4E (6) to permit the reduction of the minimum planter opening area for trees used to satisfy the tree cover requirement, in favor of that shown on the Plans, and as proffered;
- Reaffirmation of the waiver of subsection 5100.2.C(5) of the Zoning Ordinance to allow for a parapet wall, cornice or similar projection to extend more than three feet above the roof, when shown on an approved FDP;
- Reaffirmation of the modification of subsection 6101.2.C of the Zoning Ordinance requiring a minimum distance of 40 feet of a loading space from a drive aisle when shown on an approved FDP; and
- Reaffirmation of the modification of PFM Section 7-0600 to allow the use of tandem/valet parking spaces with valet service to be counted as required parking (as permitted by the PTC District regulations), as described in the proffers.

In a related action, the Planning Commission voted 12-0 to approve FDP 2010-PR-014E.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Sunny Yang, Planner, DPD

**To be Deferred to  
September 26, 2023  
at 3:30 p.m.**

Board Agenda Item  
July 25, 2023

3:30 p.m.

Public Hearing on PCA 2004-LE-012-02/CDPA 2004-LE-012 (RZPA 2022-LE-00055) (RH Senior Housing LLC, A Virginia Limited Liability Corporation) to Amend the Proffers and Conceptual Development Plan, for RZ/FDP 2004-LE-012, Previously Approved for a Mixed Use Development, to Permit an Independent Living Facility and Associated Modifications to Proffers and Site Design at an Intensity of 2.03 Floor Area Ratio, Located on Approximately 27,516 Square Feet of Land (Franconia District)

This property is located in the N.W. quadrant of the intersection of Richmond Hwy. and Groveton St. Tax Map 93-1 ((1)) 98A.

PLANNING COMMISSION RECOMMENDATION:

On July 12, 2023, the Planning Commission voted 11-0-1 (Commissioner Bennett abstained from the vote) to defer the public hearing on PCA/FDPA 2004-LE-012-02 and CDPA 2004-LE-012 to a date certain of September 13, 2023.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Curtis Rowlette, Planner, DPD



Board Agenda Item  
July 25, 2023

3:30 p.m.

Public Hearing on PCA/CDPA 2016-HM-035-02 (RZPA 2022-HM-00085) (Comstock Reston Station Holdings, LC) to Amend the Proffers and Conceptual Development Plan, for RZ 2016-HM-035, Previously Approved for a Mixed Use Development, to Permit Modifications to Proffers and Site Design at a 4.44 Floor Area Ratio Inclusive of Bonus Density, Located on Approximately 7.64 Acres of Land (Hunter Mill District) (Concurrent with PCA 2009-HM-019-03 (RZPA 2022-HM-00084))

and

Public Hearing on PCA 2009-HM-019-03 (RZPA 2022-HM-00084) (Comstock Reston Station Holdings, LC) to Amend the Proffers for RZ 2009-HM-019, Previously Approved for a Mixed Use Development with a Gross Floor Area at a 3.01 Floor Area Ratio Inclusive of Bonus Density, Located on Approximately 9.91 Acres of Land (Hunter Mill District) (Concurrent with PCA/CDPA 2016-HM-035-02 (RZPA 2022-HM-00085))

This property is located on the S. side of Sunset Hills Rd., W. side of Wiehle Ave. and N. side of Reston Station Blvd. Tax Map 17-4 ((1)) 20A.

This property is located on the S. side of Sunset Hills Rd., W. side of Wiehle Ave. and N. side of the Dulles Airport Access Rd. Tax Map 17-4 ((24)) 3 and 17-4 ((1)) 17E, 17L1, 17L2, 17L3, 17L4, 17L5, 17L6, 17L7.

PLANNING COMMISSION RECOMMENDATION:

On June 28, 2023, the Planning Commission voted 8-0 (Commissioners Murphy, Clarke, Bennett, and Ulfelder were absent from the meeting) to recommend to the Board of Supervisors the following:

- Approval of PCA 2009-HM-019-03, subject to the execution of proffered conditions consistent with those dated June 21, 2023;
- Approval of PCA 2016-HM-035-02, subject to the execution of proffered conditions consistent with those dated June 21, 2023;
- Approval of CDPA 2016-HM-035-02;
- Approval of a modification of subsection 2105.4(C)1(a)1 to permit the gross floor area of residential uses to exceed 50 percent of the gross floor area of principal uses (office) in the PDC District for PCA/CDPA/FDPA 2016-HM-035-02;

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- Reaffirmation of a modification of subsection 5100.2.D.4.c of the Zoning Ordinance on the Use Limitations on Corner Lots to permit the proposed buildings, landscaping, and sign locations within sight triangles formed by streets along the corner lot as shown on the CDPA/FDPA and as proffered;
- Reaffirmation of a modification of subsection 5108.6 of the Zoning Ordinance for the transitional screening and barrier requirements in favor of the landscaping shown on the CDPA/FDPA;
- Reaffirmation of a modification of subsection 6101 of the Zoning Ordinance for the loading space requirement in favor of the loading spaces depicted on the CDPA/FDPA;
- Reaffirmation of a modification of subsection 8100.7.E (4) of the Zoning Ordinance for the widening of Sunset Hills Road in favor of that shown on the CDPA/FDPA and in the proffers;
- Reaffirmation of a modification of Public Facility Manual Standards 0310.4E(5) to permit a reduction of the minimum eight-foot planting width requirement as shown on the CDPA/FDPA and as proffered;
- Reaffirmation of a waiver of the 75-foot setback requirement for non-residential uses abutting principal arterial highways as required by subsection 5100.2.D(8)(a) of the Zoning Ordinance;
- Reaffirmation of a modification of subsection 6101 of the Zoning Ordinance for the loading space requirement in favor of the loading spaces depicted on CDPA/FDPA 2009-HM-019;
- Reaffirmation of a modification of subsection 5108.6 of the Zoning Ordinance for the transitional screening and barrier requirements in favor of the landscaping shown on the CDPA/FDPA 2009-HM-019; and
- Reaffirmation of a modification of subsection 8100.7.E(4) of the Zoning Ordinance for the widening of Sunset Hills Road in favor of that shown on CDPA/FDPA 2009-HM-019 and in the proffers.

In a related action, the Planning Commission voted 8-0 (Commissioners Murphy, Clarke, Bennett, and Ulfelder were absent from the meeting) to approve FDPA 2016-HM-035-02, subject to the development conditions dated June 13, 2023.

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ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Katie Quinn, Planner, DPD

Board Agenda Item  
July 25, 2023

3:30 p.m.

Public Hearing on Proposed Plan Amendment 2023-II-M1 (West Falls Church TSA, Sub-Unit A-2), 7054 Haycock Rd, Falls Church VA 22043 (Dranesville District)

and

Public Hearing on RZ 2022-DR-00018 (Converge West Falls, LLC) to Rezone from C-3 and HC to PRM and HC to Permit Mixed-Use Development with an Overall Floor Area Ratio of 2.5, Located on Approximately 7.53 Acres of Land (Dranesville District) (Concurrent with Plan Amendment 2023-II-M1)

This property is located on the W. side of Haycock Rd., N. of Leesburg Pike. Tax Map 40-3 ((1)) 92 and 92A.

ISSUE:

Plan Amendment (PA) 2023-II-M1 considers an amendment to Plan guidance for the West Falls Church Transit Station Area (TSA) for Tax Map Parcels 40-3((1)) 92 and 92A to shift some planned institutional use to office use. The Plan amendment proposes a decrease from planned institutional use by 120,000 square feet and an increase in planned general office use by approximately 62,000 square feet. This change does not propose to increase the planned Floor Area Ratio or overall planned limits of development in the Transit Station Area.

A rezoning application and final development plan (RZ-2022-DR-00018) was reviewed concurrently with this Plan amendment.

There will be one public hearing for both the Plan Amendment and the Rezoning.

PLANNING COMMISSION RECOMMENDATION:

On July 12, 2023, the Planning Commission voted 11-0 (Commissioner Murphy was not present for the vote) to recommend to the Board of Supervisors the following actions:

- Adoption of PA 2023-II-M1, as shown in Appendix 4 of the staff report;
- Approval of RZ 2022-DR-00018 and its associated Conceptual Development Plan (CDP), subject to the execution of proffered conditions consistent with those dated July 10, 2023; and

Board Agenda Item  
July 25, 2023

- Approval of a modification of the loading space requirement to that shown on the CDP.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:

Planning Commission public hearing – July 12, 2023

Board of Supervisors public hearing – July 25, 2023

BACKGROUND:

On March 21, 2023, the Board of Supervisors authorized the consideration of a Comprehensive Plan amendment for West Falls Church TSA, Sub-Unit A-2 (Tax Map 40-3((1)) 92 and 92A) in the McLean Planning District.

The adopted Plan for this area recommends mixed-use development up to an intensity of 2.5 FAR, inclusive of bonus intensity, with a maximum of 440 multifamily residential units, approximately 18,000 square feet of retail use, up to 181,000 square feet of office use, and up to 160,000 square feet of institutional use. The 440 units are inclusive of affordable and workforce dwelling units and associated bonus units. This proposed Plan amendment considers a shift from the planned institutional use to general office use. The proposed change decreases planned institutional use by 120,000 square feet and increases general office use by approximately 62,000 square feet. This change does not propose to increase the planned Floor Area Ratio or overall planned limits of development in the Transit Station Area. This plan amendment was reviewed concurrently with rezoning application RZ-2022-DR-00018.

FISCAL IMPACT:

None

EQUITY IMPACT:

None. The proposed Plan amendment is not anticipated to have an equity impact.

ENCLOSED DOCUMENTS:

The Planning Commission Meetings Video Archive available online at:

Board Agenda Item  
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<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

The Staff Report for PA 2023-II-M1 and RZ 2022-DR-00018 has been previously furnished and is available online at:

<https://www.fairfaxcounty.gov/planning-development/plan-amendments/staff-reports>

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Department of Planning and Zoning (DPD)

Leanna O'Donnell, Director, Planning Division (PD), DPD

Clara Johnson, Branch Chief, Monitoring & Plan Development Branch, PD, DPD

David Huaman, Planner, Monitoring & Plan Development Branch, PD, DPD

Suzanne L. Wright, Director, Zoning Evaluation Division (ZED), (DPD)

Daniel Creed, Planner, ZED, DPD

Board Agenda Item  
July 25, 2023

4:00 p.m.

Public Hearing on Proposed Plan Amendment 2021-CW-T1, Route 7 Bus Rapid Transit (Providence, Dranesville, and Hunter Mill Districts)

ISSUE:

Plan Amendment (PA) 2021-CW-T1 considers amending the Comprehensive Plan to include recommendations for the preferred alignment and associated potential station locations for the County's Route 7 Bus Rapid Transit (BRT) Study, between the West Falls Church and Spring Hill Metrorail Stations. The proposed Plan amendment would incorporate the recommendations into the Transportation Plan Map and Area Plan Transportation maps, with Plan text modifications, as necessary.

PLANNING COMMISSION RECOMMENDATION:

On June 21, 2023, the Planning Commission voted 10-0 (Commissioners Murphy and Ulfelder were absent from the meeting) to recommend to the Board of Supervisors adoption of staff's recommendation for PA 2021-CW-T1, as detailed in the staff report dated May 31, 2023.

RECOMMENDATION:

The County Executive recommends that the Board adopt the Planning Commission recommendation.

TIMING:

Board Action is requested on July 25, 2023.

BACKGROUND:

On July 27, 2021, the Board of Supervisors (Board) endorsed the recommendations from the County's Route 7 BRT Study, which considered long-range multimodal transportation recommendations for the Route 7 (Leesburg Pike) Corridor. The Board endorsed the preferred project alternative, which includes route alignment and station locations, between the West Falls Church and Spring Hill Metrorail Stations, in the Providence, Dranesville, and Hunter Mill Districts. Concurrently, the Board authorized PA 2021-CW-T1 to consider incorporating the recommendations from the preferred alternative into the Comprehensive Plan. The recommendations included: (a) Defining the two additional lanes along Route 7 recommended in the current Comprehensive Plan (from I-66 to International Drive) for exclusive use by median-running BRT; (b)

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Repurposing two existing lanes along International Drive (from Route 7 to Lincoln Circle) for exclusive median-running BRT; (c) Defining the BRT route from the West Falls Church Metrorail Station to Tysons along Route 7 (from 1-66) to Spring Hill Metrorail Station (via International Drive); (d) Determining potential station locations along this segment of the BRT route; (e) Setting an interim alignment to the West Falls Church Metrorail Station; and (f) Planning transit and turn lanes along Spring Hill Road and Tyco Road.

FISCAL IMPACT:  
None

EQUITY IMPACT:  
The Plan amendment supports One Fairfax policy initiative #14: “A multi-modal transportation system that supports the economic growth, health, congestion mitigation, and prosperity goals of Fairfax County and provides accessible mobility solutions...” by providing more access to different modes of transportation from West Falls Church to Tysons.

ENCLOSED DOCUMENTS:  
The Planning Commission Meetings Video Archive is available online at:  
<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

Attachment I: Staff Report for PA 2021-CW-T1, dated May 31, 2023, which is available online at:  
<https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/Assets/documents/CompPlanAmend/route-7-brt/2021-CW-T1-Staff-Report.pdf>

STAFF:  
Tracy Strunk, Director, Department of Planning and Development (DPD)  
Gregg Steverson, Acting Director, Department of Transportation (DOT)  
Leanna H. O'Donnell, Director, Planning Division (PD), DPD  
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## PROPOSED COMPREHENSIVE PLAN AMENDMENT

**ITEM: PA 2021-CW-T1**  
May 31, 2023

**GENERAL LOCATION:** Portions of Route 7 (Tysons to West Falls Church), Spring Hill Road, Tyco Road, and International Drive.

**SUPERVISOR DISTRICT:** Providence, Dranesville, Hunter Mill

**PLANNING AREAS:** I and II

**PLANNING DISTRICTS:** McLean, Vienna, Jefferson

**SUB-DISTRICT DESIGNATION:** Multiple


**PARCEL LOCATION:** Multiple

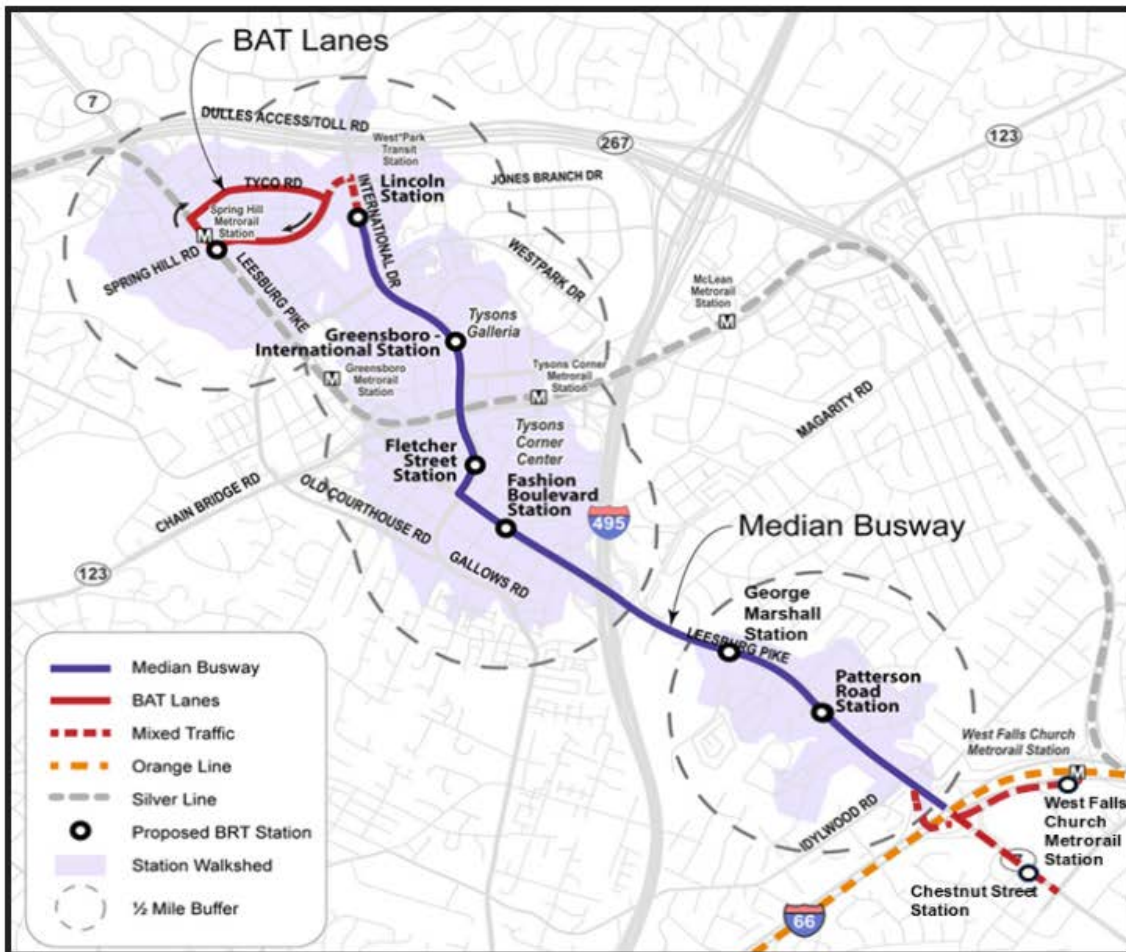
Route 7 Bus Rapid Transit  
For additional information about this amendment call (703) 877-5600.

**PLANNING COMMISSION PUBLIC HEARING:**  
Wednesday, June 21, 2023 @ 7:30 PM

**BOARD OF SUPERVISORS PUBLIC HEARING:**  
Tuesday, July 25, 2023 @ 4:00 PM

**PLANNING STAFF DOES RECOMMEND  
THIS ITEM FOR PLAN AMENDMENT**

 Reasonable accommodation is available upon 48 hours notice. For additional information about accommodation call the Planning Commission office at (703) 324-2865, or the Board of Supervisors office at (703) 324-3151.



**STAFF REPORT FOR PLAN AMENDMENT 2021-CW-T1**

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## BACKGROUND

On July 27, 2021, the Board of Supervisors (Board) endorsed the recommendations from the County's Route 7 Bus Rapid Transit (BRT) Study, which considered long-range multimodal transportation recommendations for the Route 7 (Leesburg Pike) Corridor. The Board endorsed the preferred project alternative, which includes route alignment and station locations, between the West Falls Church and Spring Hill Metrorail Stations. Concurrently, the Board authorized Plan Amendment (PA) 2021-CW-T1 to consider incorporating the recommendations from the preferred alternative into the Comprehensive Plan. The Plan Amendment authorization directed staff to consider:

“[...] an amendment to the Comprehensive Plan to include recommendations of the preferred alignment and associated potential stations of the Route 7 BRT Study. The plan amendment will include: (a) Defining the two additional lanes along Route 7 recommended in the current Comprehensive Plan (from I-66 to International Drive) for exclusive use by median-running BRT; (b) Repurposing two existing lanes along International Drive (from Route 7 to Lincoln Circle) for exclusive median-running BRT; (c) Defining the BRT route from the West Falls Church Metrorail Station to Tysons along Route 7 (from I-66) to Spring Hill Metrorail Station (via International Drive); and (d) potential station locations along this segment of the BRT route.”

The current Comprehensive Plan recommends six (6) travel lanes on Route 7, between I-66 and I-495, and eight (8) lanes, between I-495 and the Dulles Toll Road. This would require widening the roadway in both cases. Recommendations from the County's BRT Study include re-allocating the additional planned lanes, from I-66 to International Drive, to be exclusive, median-running BRT.

Study recommendations also include the re-purposing of two (2) existing lanes on International Drive, from Route 7 to Lincoln Circle, for exclusive, median-running BRT. The recommended BRT route accesses the Spring Hill Metrorail Station via mixed traffic on Spring Hill Road and returns to International Drive via Business Access and Transit (BAT) lanes on Tyco Road.

The above recommendations define the Route 7 BRT routing, from the West Falls Metrorail Station to the Spring Hill Metrorail Station. This route alignment can be viewed, along with recommended BRT station locations, in **Figure 1**. Certain features of **Figure 1**, such as the addition of the George Marshall Station and the two potential alignments to West Falls Church Metrorail Station were added later to the map, so no walksheds are shown for those stations, but the walksheds would be expected to be similar to those shown (about a half-mile). The Plan Amendment proposed to update the Fairfax County Transportation Plan Map, including the BRT alignment and cross sections within the Tysons section of the Comprehensive Plan.

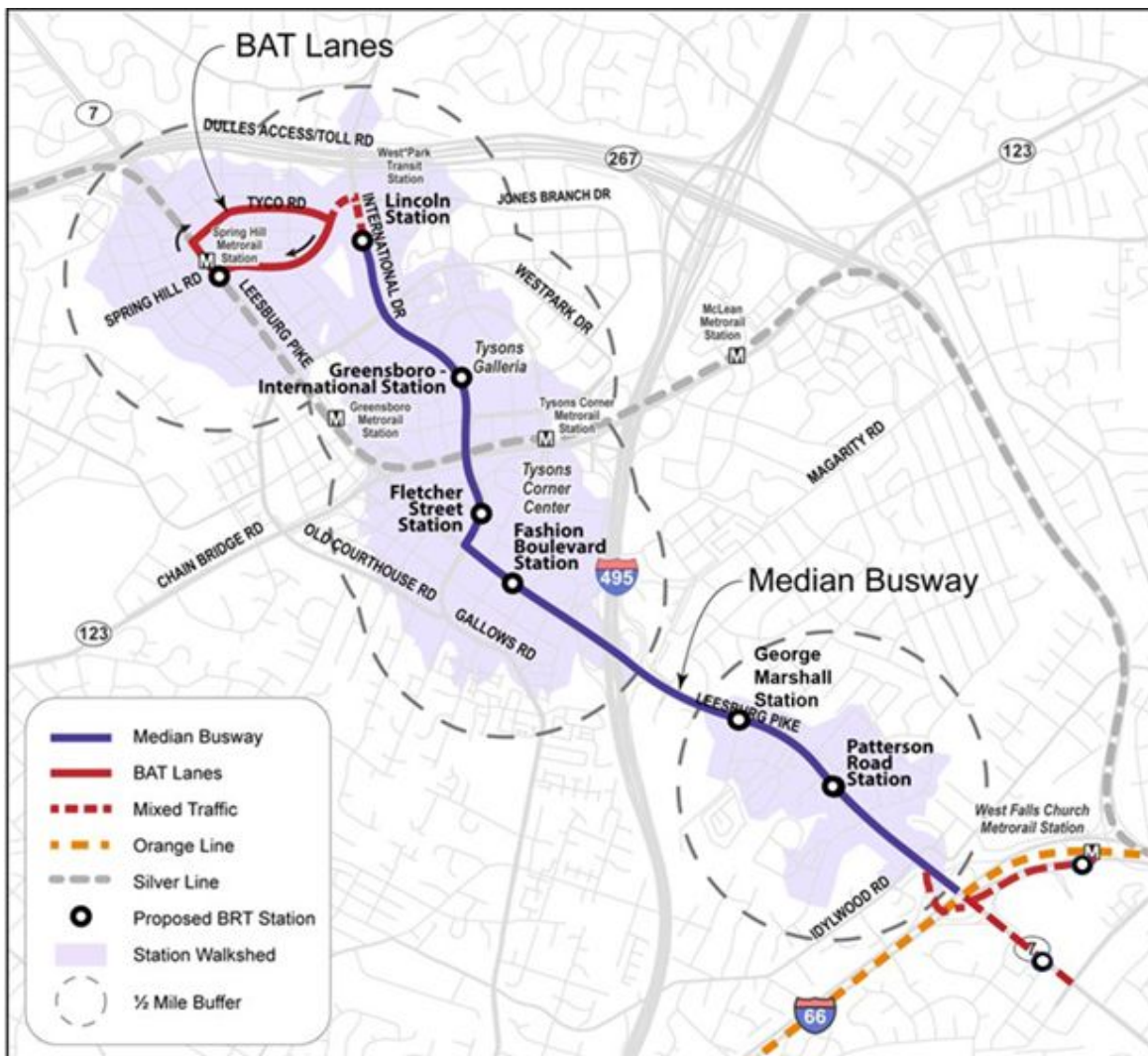


Figure 1: Route 7 BRT preferred route alignment and proposed stations

**PLANNING HISTORY**

In 2013, the Northern Virginia Transportation Commission (NVTC) commenced Envision Route 7, a multimodal study of the Route 7 (Leesburg Pike) corridor from the Mark Center in the City of Alexandria, through Baileys Crossroads, Seven Corners, the City of Falls Church, and Arlington County, to the Tysons Urban Center.

The purpose of the NVTC study was to evaluate how transit improvements within the Route 7 corridor would help alleviate transportation issues, by improving mobility, reducing vehicle and transit congestion, and providing greater access to existing and planned activity centers both

inside and in the vicinity of the study corridor. The Envision Route 7 study has been conducted in phases, each of which is summarized below:

Phase I of the NVTC Envision Route 7 Study (Fall 2012 – Fall 2013) assessed existing issues and identified the potential transit opportunities that could be leveraged to improve mobility and accessibility within the Route 7 corridor.

Phase II (Winter 2015 – Spring 2016) found that BRT along Route 7, from the Mark Center to Tysons, via the East Falls Church Metrorail Station, would be a viable transit solution for the corridor, providing added connectivity and multimodal choices. The key activities of Phase II included estimating the potential demand and ridership, determining possible funding mechanisms and strategies, and providing high-level estimates for both capital and operating costs. BRT was found to potentially upgrade transit quality, connect major job centers, connect multiple Metrorail Stations, along the Orange and Silver Line corridors, reduce greenhouse gas emissions compared to other modes, increase pedestrian access to transit, and potentially serve more than 7,500 transit-dependent riders each weekday along the corridor.

Phase III (Summer 2018 – Fall 2019) included a conceptual engineering study to help refine the project costs, identify potential areas of concern, develop a potential staging strategy, and provide guidance on preserving the required rights-of-way. Rights-of-way that could be utilized by the BRT were identified and the affected jurisdictions were provided guidance in each of their subareas and sector planning.

Following completion of Phase III, Fairfax County initiated its Route 7 - Tysons BRT Study in 2018 (completed in Fall 2021) to determine how to best integrate the BRT within the northern portion of the corridor, from the West Falls Church Metrorail Station through the Tysons Urban Center to the Spring Hill Metrorail Station.

Phase IV of the NVTC Envision Route 7 Study (ongoing) will evaluate and determine the mobility benefits and impacts resulting from the proposed BRT, from I-66 south to Seven Corners. Fairfax County's Route 7 BRT Study already completed transportation analysis and recommendations from I-66 north to the Spring Hill Metrorail Station and were incorporated into this phase. Future analysis (Phase IV-Part 2) will examine the segment from Seven Corners to the Mark Center (timeframe to be determined). A comprehensive plan amendment may be needed in the future to identify the mode and stop locations from Seven Corners to the Mark Center.

Additional information on the NVTC study is available at:  
<https://novatransit.org/programs/route7/>.

The County's Route 7 – Tysons BRT Study developed a series of alternatives that were evaluated to assess BRT routing, alignment, station locations, and platform configurations, while also evaluating lane usage and cross sections. After obtaining public feedback in a series of community meetings throughout the study, a preferred alternative was ultimately selected as previously shown in **Figure 1**.

Key feedback that was received at the public meetings included the need for frequent bus headways, that the proposed BRT stops should be at highly desired destinations (such as Tysons Corner Mall and Tysons Galleria), that most would use the BRT for getting to/from work and leisure, and that Alternative 1 (preferred alternative) was the most appealing choice for the BRT system within Tysons.

The Board-endorsed preferred alternative was established through an extensive study of the Route 7 BRT in Tysons, which included several rounds of public outreach in Spring 2021 and an associated online survey. Participants in the outreach, which included a significant number of existing bus riders, prioritized bus frequency, speed, and reliability, each of which would be improved with BRT. Feedback received also supported a BRT alignment and stations along International Drive, and approximately half of the participants indicated that they might change their travel behaviors if BRT along Route 7 and International Drive was implemented.

Based on this public input, an updated set of long-term transportation recommendations was developed, representing the preferred alternative, along with current transportation models, tools, and data. FCDOT has also scheduled two virtual community meetings for this June (June 7, 2023, and June 8, 2023), prior to public hearings, to gather additional input from the public and to reaffirm the Board-endorsed recommendations.

The County's Route 7 BRT Study recommended that the preferred alternative for BRT along the studied segment of Route 7 be implemented in designated, median-running BRT lanes from I-66 to just south of the International Drive and Spring Hill Road intersection. The BRT would then use Business Access and Transit (BAT) lanes along the northern portion of Spring Hill Road to Route 7 and continue in BAT lanes along the southern portion of Tyco Road to Spring Hill Road. BRT station locations along the corridor were selected based on proximity to population, households, employment centers, and other attractions along the preferred alignment, and based on the 2045 land use forecast. Considerations for proposed stations included ease of transfer to other existing and future bus routes, as well as existing and future planned development along the corridor. The George Marshall station was included at the request of Providence District Supervisor Palchik when the preferred BRT alternative was presented to the Board of Supervisors and ultimately endorsed. The inclusion was due to the proximity of the George Marshall High School and planned development of townhouses and apartments within the area.

Information about the County's Route 7 BRT Study can be found at:

<https://www.fairfaxcounty.gov/transportation/study/route7-brt>.

## **CHARACTER OF THE CORRIDORS AND AREA**

Route 7 is a principal arterial roadway which extends across the county, from the City of Alexandria to the east to Loudoun County to the west. The portion of Route 7 that pertains to this plan amendment is the section between its interchange with I-66 and International Drive. As previously described, the selected BRT route also includes portions of International Drive, Spring Hill Road, and Tyco Road. For the purpose of describing the existing and planned character of the corridor, the overall route will be divided into individual segments.

**Segment 1** consists of Route 7 between Haycock Road and I-66, which traverses a mix of townhouses and business complexes on the southern side and the redevelopment of the Meridian Hill High School which is planned for high density mixed-use development.

This portion of roadway, as shown in **Figure 2**, currently consists of four lanes, with additional turn and merge lanes where necessary. The surrounding area is planned and developed with medium intensity residential uses, with a variety of neighborhood-serving commercial, office, and institutional uses, including West Metro Plaza, the planned West Falls Church redevelopment site (planned for high density mixed-use) and Mary Ellen Henderson Middle School.



**Figure 2: Route 7 (four lanes), between Haycock Road and I-66 Interchange**

**Segment 2** consists of Route 7 between I-66 and I-495, which traverses stable suburban neighborhood areas including Pimmit Hills. This section of Route 7 is the boundary between the J10 Jefferson North Planning Sector of the Jefferson Planning District to the south, and the Pimmit M2 Planning Sector of the McLean Planning District to the north and enters the Tysons Urban Center at its western end.

This portion of roadway, as shown in **Figure 3**, currently consists of four lanes, with additional turn and merge lanes where necessary. The surrounding area is planned and developed with low to medium intensity residential uses, with a variety of neighborhood-serving commercial, office, and institutional uses, including Idylwood Plaza, Tysons Station shopping center and George Marshall High School.



**Figure 3: Route 7 (four lanes), between Patterson Road and Dominion Drive**

**Segment 3** consists of Route 7 from I-495 to International Drive, which is located within the southern portion of the Tysons Urban Center. This section of Route 7 forms the boundary between the Tysons Central 123 District to the north, which is planned for higher-intensity, high-rise transit-oriented development (TOD), and the Old Courthouse District to the south, which is planned for lower-intensity non-TOD development serving as a transition to neighboring communities. Route 7 is ultimately planned as a pedestrian-friendly, tree-lined boulevard with connectivity between the two districts.

This portion of the roadway, as shown in **Figure 4**, is currently six-lanes in width, with additional turn and merge lanes and service drives in many locations. Existing uses along the corridor primarily consist of older commercial, office, retail, and hotel use.



**Figure 4: Route 7 (six lanes), west of I-495 to Route 7 off-ramp**

**Segment 4** includes International Drive, from Route 7 to Spring Hill Road, which is an arterial roadway that runs north-south through Tysons. It traverses the Tysons Central 123 and Tysons Central 7 Districts, which are planned for high-intensity TOD, and the North Central District, which is a Non-TOD district planned for office uses and mixed-use residential neighborhoods.

The existing roadway, as shown in **Figure 5**, consists of four to six lanes, with additional turn lanes. Current uses along the corridor consist of commercial, retail, and some mixed-use (residential and retail) uses, including Tysons Corner Center, Tysons Galleria, and Tysons Square.





**Figure 5: International Drive (six lanes), northbound at the Tysons One Place intersection**

**Segment 5** consists of Spring Hill Road, which is an arterial roadway that runs east-west from International Drive back to Route 7. It is located within the Tysons West District of the Tysons Urban Center, which is planned for high-intensity TOD associated with a pedestrian-oriented arts and entertainment district around the Spring Hill Metrorail Station.

The existing roadway, as shown in **Figure 6**, consists of four lanes, with additional turn lanes. Current uses include a variety of office, commercial, retail, and residential uses. There is a retaining wall on the right to protect from erosion.



**Figure 6: Spring Hill Road (four lanes), eastbound to International Drive**

**Segment 6** consists of Tyco Road, which is also a four-lane arterial roadway located in the Tysons West District, running east-west from Spring Hill Road to Route 7.

The existing roadway, as shown in **Figure 7**, consists of four lanes with surrounding office, commercial, retail, and residential uses.



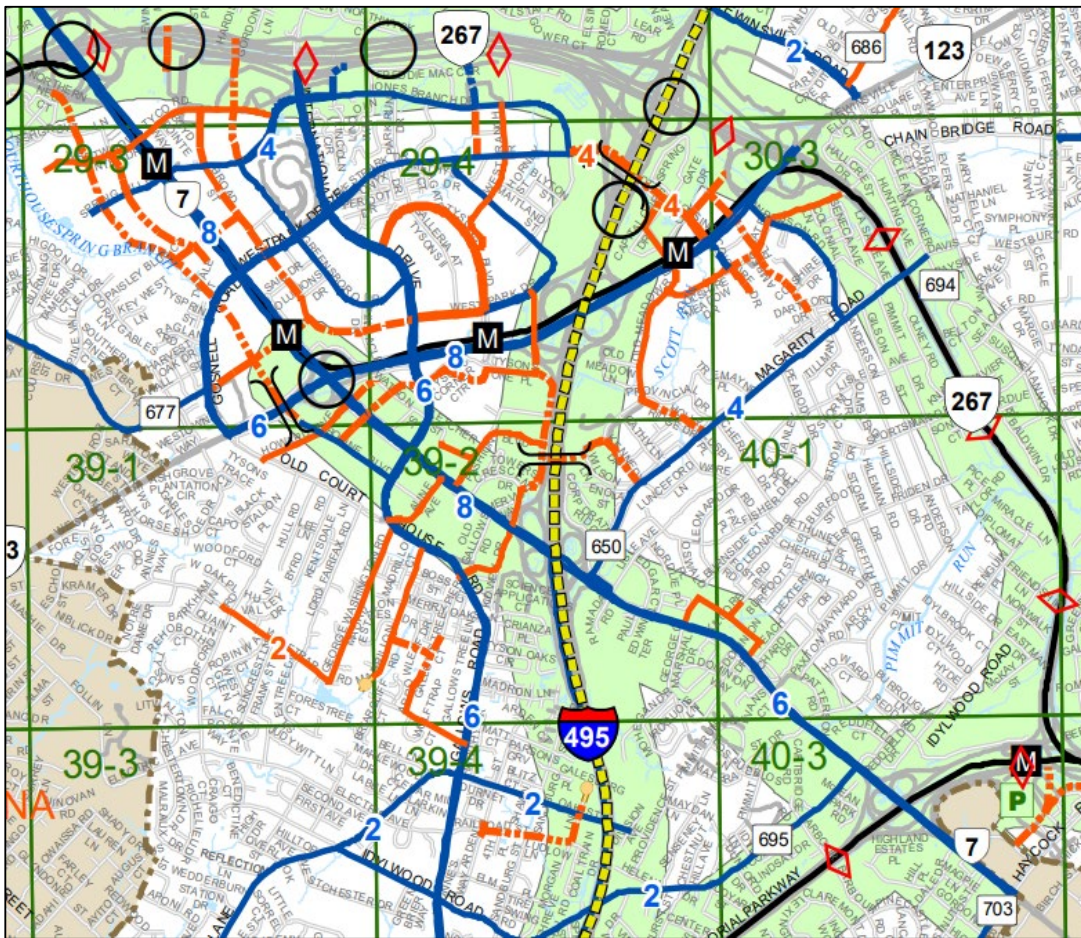
**Figure 7: Tyco Road (four lanes), eastbound to Spring Hill Road**

#### **ADOPTED COMPREHENSIVE PLAN**

The Fairfax County Comprehensive Plan Transportation Plan Map depicts long term transportation recommendations within Fairfax County. Planned transportation infrastructure recommendations are also reflected in the detail maps included in the Comprehensive Plan's Area Plan volumes.

The Fairfax County Comprehensive Plan Transportation Plan map for this area are shown below in **Figure 8** and can be referenced when reviewing Transportation Plan map figures within the following sections of this Staff Report. For the legend and notes, the full Transportation Plan Map can be found here:

[https://www.fairfaxcounty.gov/transportation/sites/transportation/files/assets/documents/transportation\\_plan\\_map.pdf](https://www.fairfaxcounty.gov/transportation/sites/transportation/files/assets/documents/transportation_plan_map.pdf)



**Figure 8: Fairfax County Comprehensive Plan Transportation Plan Map**

Fairfax County’s adopted Comprehensive Plan includes recommendations for increased capacity on Route 7, from the Tysons Urban Center to the City of Falls Church, including up to 8 lanes west of I-495, and 6 lanes east of I-495. In addition, the Plan designates this section of Route 7 as an Enhanced Public Transportation Corridor (EPTC), indicating a major public transportation facility should be provided following appropriate outreach and analysis of alternatives. The County’s BRT Study looked to balance the need for additional capacity with the benefits of making the corridor more multimodal.

Route 7 (West Falls Church Metrorail Station to I-495)

As shown in **Figure 8**, the current Comprehensive Plan Transportation Plan Map includes the following long term transportation recommendations for Route 7, from West Falls Church Metrorail Station to I-495:

Recommendations:

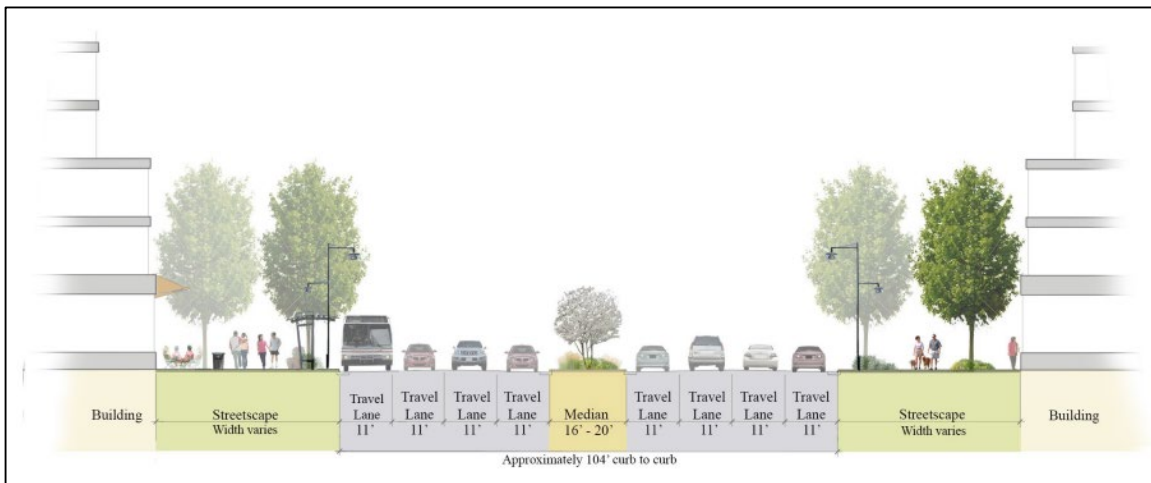
- Enhanced Public Transportation Corridor designation
- Widen to 6 lanes, from I-66 to I-495

Route 7 (I-495 to International Drive)

As shown in **Figure 8**, the current Comprehensive Plan Transportation Plan Map includes the following long-term transportation recommendations for Route 7, from I-495 to International Drive. **Figure 9** shows the adopted Comprehensive Plan cross-section for a Boulevard.

Recommendations:

- Enhanced Public Transportation Corridor designation
- Widen to 8 lanes, from I-495 to International Drive



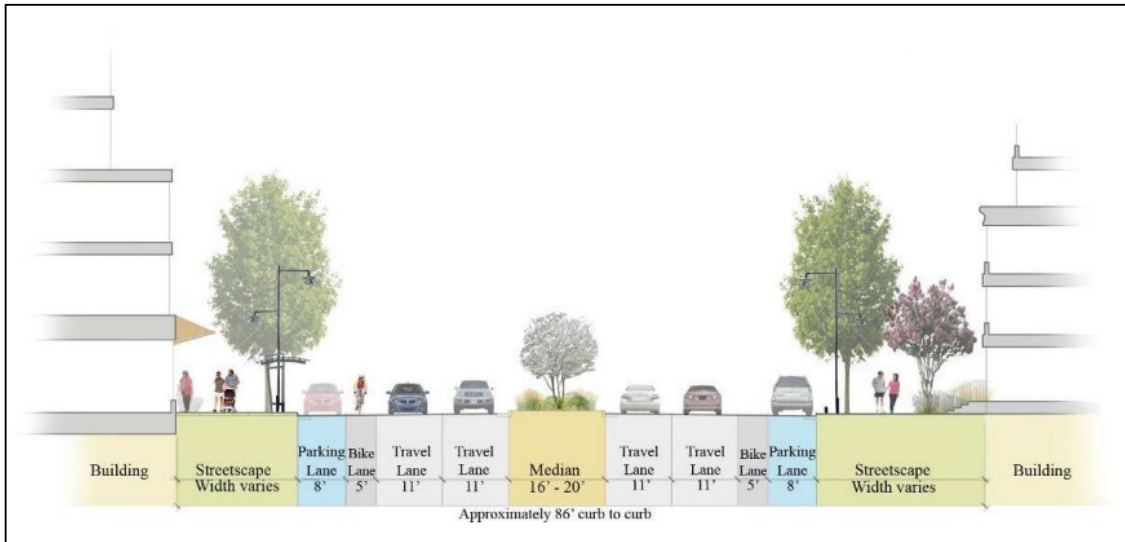
**Figure 9: Boulevard Section with landscaped Median**

International Drive (Route 7 to Spring Hill Road)

As shown in **Figure 8**, the current Comprehensive Plan Transportation Plan Map includes the following long-term transportation recommendations for International Drive, from Route 7 to Spring Hill Road. **Figure 10** shows the adopted Comprehensive Plan cross-section for an Avenue.

Recommendations:

- Widen to 6 lanes, from Route 7 to Route 123
- No improvements from Route 123 to Spring Hill Road



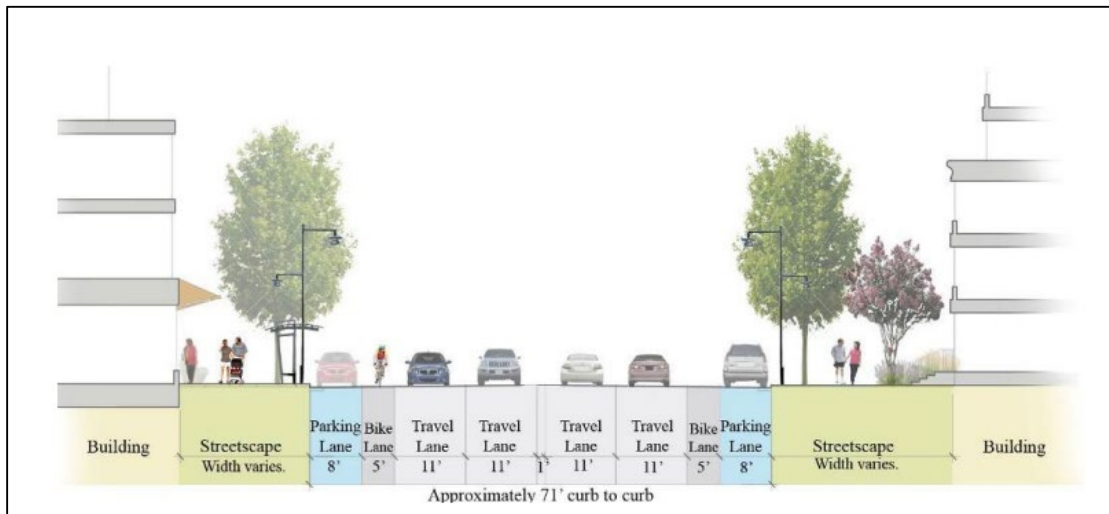
**Figure 10: Avenue section with landscaped median**

Spring Hill Road (International Drive to Route 7)

As shown in **Figure 8**, the current Comprehensive Plan Transportation Plan map includes the below long-term transportation recommendations for Spring Hill Road, from International Drive to Route 7. **Figure 11** shows the adopted Comprehensive Plan cross-section for a Collector.

Recommendations:

- Widen to 4 lanes, from International Drive to Route 7



**Figure 11: Collector Street section with two travel lanes in each direction and no median**

Tyco Road (Route 7 to Spring Hill Road)

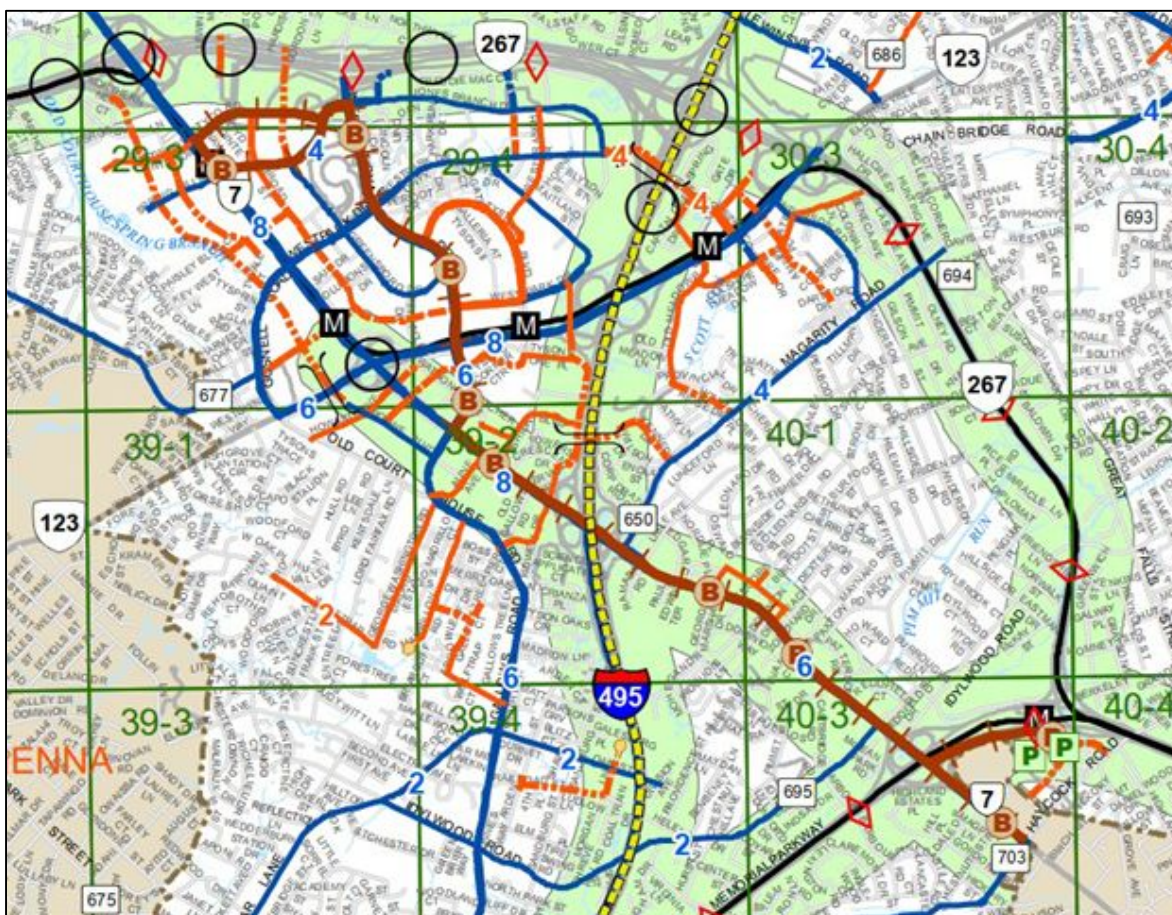
As shown in **Figure 8**, the current Comprehensive Plan Transportation Plan map shows that there are currently no transportation improvement plans for Tyco Road.

**PROPOSED PLAN AMENDMENT**

The proposed Plan amendment would incorporate the Board-endorsed recommendations for BRT from the preferred alternative described in the Route 7 – Tysons BRT study, between the West Falls Church and Spring Hill Metrorail Stations, into the Transportation Plan Map and Area Plan Transportation maps, with Plan text modifications, as necessary. The recommendations section provides details on the specific plan changes.

These recommendations are summarized below and shown in **Figure 12**.

- Maintain Enhanced Public Transit Corridor designation
- Widen Route 7 (from I-66 to I-495) from 4 lanes to 6 lanes, with lane 5 and 6 designated for exclusive BRT
- Widen Route 7 (from I-495 to International Drive) from 6 lanes to 8 lanes with lane 7 and 8 designated for exclusive BRT
- Repurpose International Drive (from Route 7 to Lincoln Circle Drive) from 6 lanes to 4 lanes with 2 existing lanes for exclusive BRT
- Build Business Access and Transit lane on Spring Hill Road (from Tyco Road to Route 7) on northern side
- Build Business Access and Transit lane on Tyco Road (from Route 7 to Spring Hill Road) lane on southern side
- Add locations of proposed BRT station locations along BRT corridor in the general locations as depicted in the maps below.
- Include an interim/optional BRT alignment connecting Route 7 to, and terminating at, West Falls Church Metrorail Station. The interim alignment would be implemented until the southern section of the Route 7 BRT system (south of West Falls Church to the Mark Center in Alexandria) is completed, allowing the northern section to operate independently in the time being.



**Figure 12: Proposed Transportation Plan Map Improvements for Route 7 BRT**

This Plan Amendment is only considering changes to the Comprehensive Plan regarding BRT in the northern section of the Route 7 BRT system. Fairfax County will ultimately evaluate the Route 7 BRT system in the Seven Corners and Baileys Crossroads section of the County at a later date in coordination with NVTC, VDOT, other local jurisdictions, and ultimately the public

## ANALYSIS

### Transportation

Fairfax County Department of Transportation (FCDOT) initiated the Route 7 - Tysons BRT Study in 2018 to develop and evaluate BRT alternatives on Route 7 in Tysons. The study was built on work conducted by the Northern Virginia Transportation Commission (NVTC), which explored transit alternatives on Route 7 between Mark Center in Alexandria and Tysons. The Route 7 BRT study follows up on that Envision Route 7 study by reviewing route alignment and street cross-section alternatives as well as station locations and platform configurations. The study area encompasses the Tysons Urban Center with its four Washington Metropolitan Area Transit Authority (WMATA) Silver Line Metrorail stations and stretches southeast on Route 7 to the I-66 interchange.

Staff undertook a multi-step, data-driven process to ensure that the BRT alternatives considered and selected fit within the project goals. The process began by determining goals and objectives for the Study, utilizing a review of previous studies, and working with stakeholders to develop accompanying measures of effectiveness (MOEs) for both transit and roadway users.

The Goals and Objectives were determined to be:

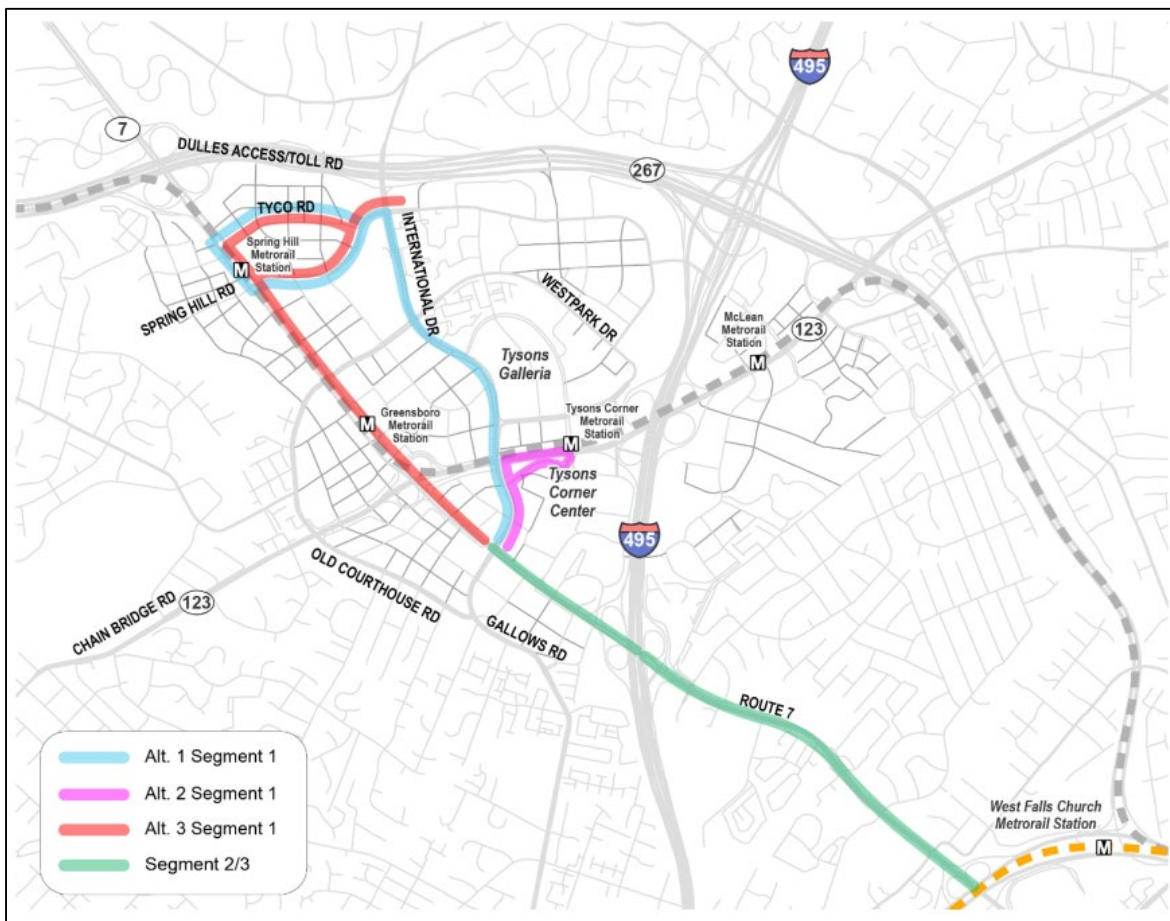
- **Access and Mobility:** Provide choices through accessible transit service
- **Mode Share/Efficiency:** Increase transit usage and reduce Single Occupancy Vehicle (SOV) usage to ensure efficient movement of people and goods
- **Land Use/Economic Vitality:** Support economic development and land use goals
- **Equity:** Meet the needs of all users- residents, workers, visitors, and disadvantaged populations
- **Safety:** Improve safety for all users and the public
- **Environmental Concerns:** Minimize environmental impacts and improve air quality
- **Financial Feasibility:** Make sustainable, cost-effective investments in transit

Measures of effectiveness were used to evaluate potential alignments and station location options, and included but were not limited to:

- Population and employment (within ½ mile)
- Bus ridership, travel speed, and reliability
- Number of new transit riders
- Pedestrian delay and crossing times at key intersections
- Vehicle miles traveled (VMT)
- Area of land required (property impact)
- Automobile travel time, intersection level of service
- Project cost

The project team, comprised of FCDOT and VDOT staff, developed nine alternatives in the assessment phase which stakeholders qualitatively reduced to three final alternatives, as shown in **Figure 13**. All three alternatives include BRT on Route 7, from West Falls Church Metrorail Station to International Drive. The alternatives differ within Tysons with Alternative 1 utilizing International Drive, Spring Hill Road and Tyco Road to connect with the West Park Transit Station and Spring Hill Metrorail Station. Alternative 2 utilizes International Drive and Chain Bridge Road to connect with the Tysons Corner Center Metrorail Station. Alternative 3 keeps the BRT on Route 7 all the way to Spring Hill Metrorail Station, with an additional connection to the West Park Transit Station.





**Figure 13: County BRT Study – Alternatives**

In the evaluation phase, the project team and stakeholders quantitatively examined these three final alternatives and a no-build baseline scenario, utilizing demographic analysis and modeling tools. This analysis highlighted advantages, disadvantages, and trade-offs for each alternative.

FCDOT assessed the final three alternatives, based on the established Study goals and objectives, and refined them for evaluation, which included detailed transit and traffic operations analysis in coordination with stakeholders and other agencies, including the Virginia Department of Transportation (VDOT) and NVTC. The study team collected data, such as traffic counts for the corridor, and conducted the existing and future no-build conditions baseline analysis. Finally, the refined alternatives were evaluated for 2045 conditions. The project team, based upon the comparative analysis of the alternatives with the input of stakeholders and the public, selected Alternative 1 (Spring Hill Metro to I-66, via International Drive) and the Board endorsed Alternative 1 on July 27, 2021. Alternative 1 was preferred since it serviced the most households, employment centers, and population in general. It also traversed the center of Tysons which would help to expand the transit network within Tysons connecting to two Metrorail Stations (West Falls Church and Spring Hill) as well as having a station in close proximity to the West\*Park Transit Station for transfer to local bus service routes in the County. The route also had the least impact on traffic congestion within Tysons in the future forecast year (2045) and on

pedestrian crossing times along the route (due to its being in a median runningway and offering pedestrian refuge areas at proposed BRT station locations).

FCDOT is currently evaluating the right-of-way impacts the proposed changes would have along the corridor. Bicycle and pedestrian facilities, as recommended and outlined in the Tysons Design Guide, are being evaluated and included with this effort.

### **Land Use**

There are no proposed changes to planned land uses with this proposed Plan amendment; however, integrating the specifics of the BRT planning into the adopted Comprehensive Plan enables further implementation of adopted land use recommendations. The Tysons Plan links the phasing of its land use recommendations to the provision of transportation infrastructure, encouraging an integrated transportation and land-use concept that attracts mixed-use TOD and private investment to the transit connection locations. The adopted recommendations for the West Falls Church TSA also expect a high-quality transit system along the Route 7 corridor, relying on an integrated multi-modal transit system to enable increased access to the Metrorail station. The recommended amendments to the Plan provide the essential details regarding BRT routing, design, and station locations that are necessary to facilitate further development and investment in support of the system and overall land use goals for those areas.

The Metropolitan Washington Council of Governments Cooperative Land Use Forecast, Round 9.1, which includes population, household, and employment forecasts through the year 2045, was applied universally for all scenarios and alternatives evaluated to derive the proposed station locations along the route where demand was shown to be highest. The recommendations in the currently adopted Comprehensive Plan were included, including the widening of Route 7 from the I-66 interchange to International Drive as well as the designation of Route 7 as an Enhanced Public Transit Corridor (EPTC).

### **Water Quality and Stormwater Management**

The Department of Public Works and Environmental Services (DPWES) provided preliminary comments for the proposed BRT alignment during the review of the Route 7 BRT Study, with the understanding that storm water management would be analyzed later in the design phase of the Route 7 BRT project. Their comments stated at a high level that the potential road widening of Route 7 from I-66 to International Drive to accommodate the median busway would impact some existing RPAs and floodplains. RPAs and/or floodplains are currently mapped at the Pimmit Drive intersection and at 7854 Leesburg Pike. A floodplain is also present on Westpark Drive, approximately 130 feet east from its intersection with International Drive. Any proposed disturbance (direct or upstream) along these roadways should be identified and minimized to the greatest extent feasible, and restoration of these areas completed in accordance with Chapter 118, if applicable.

## **Heritage Resources**

The Department of Planning and Development Heritage Resources staff found that there were no County Historic Overlay Districts, County Inventory of Historic Sites, or historic cemeteries potentially affected by the proposed project. According to Virginia Department of Historic Resources (SHPO) records, Tyson's Corner Mall, located at 1961 Chain Bridge Road, was recommended eligible for the National Register of Historic Places under Criteria A and B by a consultant in a 2019 Phase I/Reconnaissance level survey. It has not been evaluated by staff.

## **CONCLUSION**

Based on the results of the outreach and alternatives analysis, as part of the Route 7 BRT Study, a new, updated set of long-term transportation recommendations was developed and endorsed by the Board on July 27, 2021. The following recommendations are planned to be incorporated into the Comprehensive Plan.

**RECOMMENDATION**

Staff recommends the Comprehensive Plan be modified as shown below. Text proposed to be added is shown as underlined and text proposed to be deleted is shown with a ~~strike through~~. Text shown to be replaced is noted as such.

**MODIFY:** Fairfax County Comprehensive Plan, 2017 Edition, Area II, Tysons Urban Center, Amended through 2-23-2021, Areawide Recommendations: Transportation, Page 42:

“Alternatives to automobile travel, especially transit, will become increasingly important to maintain a balance between land use and transportation, ensure tolerable levels of congestion are not exceeded for long periods of time, limit negative impacts to economic activities, and create a healthier, more sustainable environment. For these reasons, alternatives to automobile travel should meet increasingly higher targets over time. To achieve this, it is essential to implement the following strategies:

- Provision of the necessary transit infrastructure and services to increase transit use over time including Bus Rapid Transit.
- Achievement of higher vehicle trip reduction levels over time through transportation demand management (TDM) programs including an increase in carpooling, telework, the application of variable working hours, and reducing the ratio of parking spaces to commercial floor area”

**MODIFY:** Fairfax County Comprehensive Plan, 2017 Edition, Area II, Tysons Urban Center, Amended through 2-23-2021 Areawide Recommendations: Transportation Page 50:

- “As development occurs, street network planning should be refined and updated to define alignments and establish the role of streets as more detailed planning and development occurs.
- Street networks should provide a high level of connectivity so that drivers, pedestrians and transit users can choose the most direct routes and access urban properties. Connectivity should support the desired development patterns. Street networks should provide intermodal connectivity to easily transfer between modes.
- Street network capacity, including alternative paths, and redundancy should be provided through a dense, connected network (a grid) rather than through an emphasis on high levels of vehicle capacity on individual arterial facilities. This approach ensures that the street network can support other objectives such as pedestrian activity, multimodal safety, Bus Rapid Transit, access to rail stations, and support for adjacent development.”

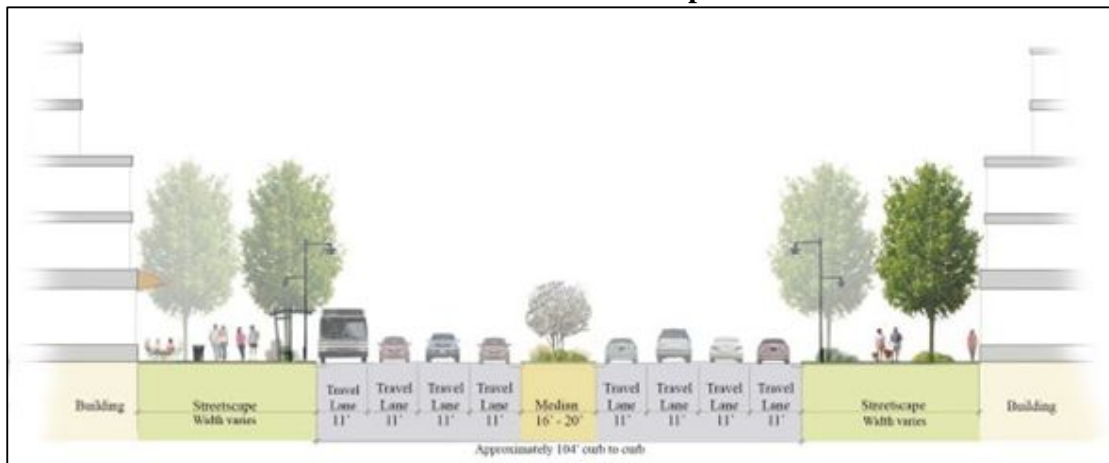
**MODIFY:** Fairfax County Comprehensive Plan, 2017 Edition, Area II, Tysons Urban Center, Amended through 2-23-2021 Areawide Recommendations: Transportation Pages 54-59:

*“Boulevards (Principal Arterials)*

Route 7 and Route 123 are both boulevards (principal arterials). Boulevards will be the most important multi-modal connectors and thoroughfares within Tysons. In addition to carrying the largest volume of automobile traffic, they also have the ability to accommodate the Metrorail, circulator, bus, bicycle, and pedestrian modes within their rights-of-way.

Boulevards may have three to four travel lanes in each direction. Medians are necessary to provide a pedestrian refuge, rights-of-way for turn lanes and/or to accommodate Metrorail or bus rapid transit (BRT) on portions of Leesburg Pike and Chain Bridge Road/Dolley Madison Boulevard. In addition, boulevards will have wide sidewalks with street trees on each side. Some portions of boulevards may include shared or dedicated lanes for the Circulator System.

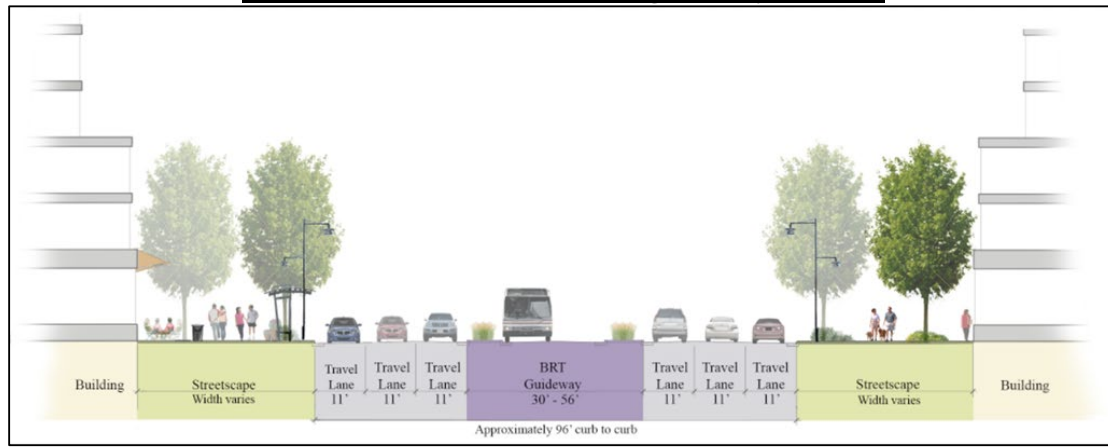
**Figure 1**  
**Boulevard section with landscaped median**



**ADD:** Fairfax County Comprehensive Plan, 2017 Edition Area II Tysons Urban Center,  
Amended through 2-23-2021 Area-wide Recommendations: Transportation Page 55:

**“Figure 1B**

**Boulevard section with median guideway for BRT**



Boulevard cross section dimensions:

- The desirable width of the median is 20 feet to allow safe pedestrian refuge.
- 3 to 4 lanes per direction (11 feet for each lane), including BRT lanes, where shown on the Transportation Plan Map.
- The lower range of the BRT guideway is assumed where there are no intersections, and the higher end is anticipated at intersection/station locations.
- The BRT guideway and travel lanes should be accommodated within the approximate curb-to-curb measurement”
- Refer to the Urban Design Recommendations for guidance on the streetscape.

Typical street cross sections are depicted above. Although dimensions are noted, final street design will require accommodation of all applicable road design infrastructure. Additionally, final street designs may vary as necessary to address other design and engineering goals and requirements such as Bus Rapid Transit on select corridors.

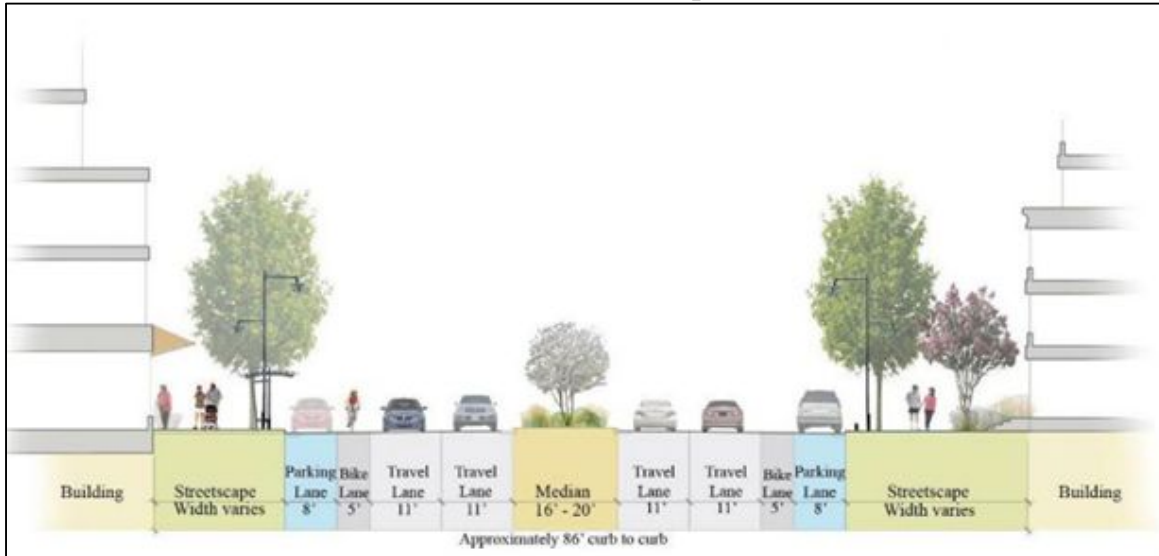
*Avenues (Minor Arterials)*

Boone Boulevard, Greensboro Drive, and Westpark Drive are examples of avenues. Avenues support Boulevards by providing alternative paths and diverting vehicular traffic away from them. Portions of avenues may also accommodate circulators and provide desirable addresses to new business and residential development. These streets may generally have two travel lanes in each direction, on-street parking, wide sidewalks, and bike lanes. Medians are not preferred but may be necessary depending on design, safety, operation, and capacity considerations.

Additionally, avenues extend into the interior of Tysons, connecting residential and employment

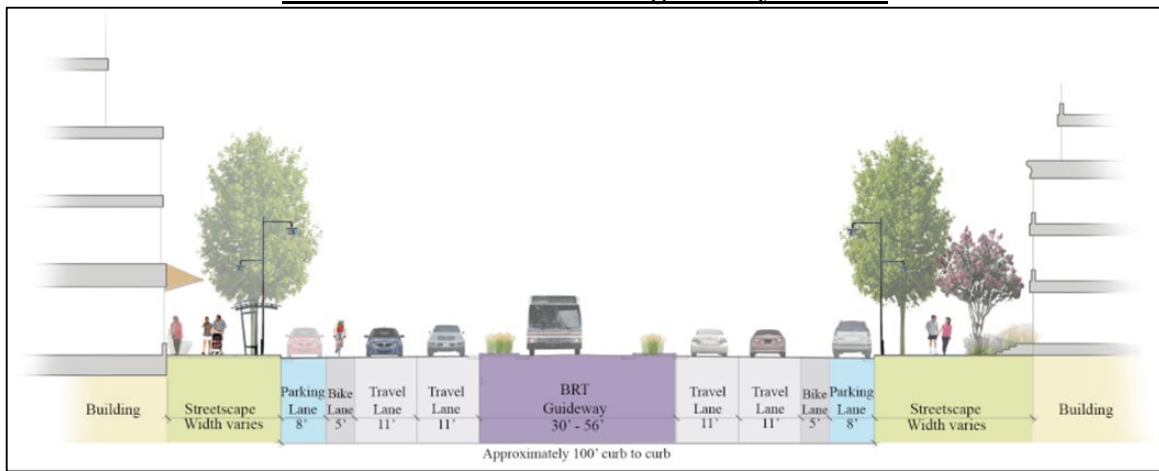
areas. Uses and character of avenues will range from transit oriented mixed use with street level retail within the station areas, to neighborhood residential within non-station areas like East Side and North Central. Many portions of the avenues could also accommodate circulators or Bus Rapid Transit on shared or dedicated lanes.

**Figure 2**  
**Avenue Section with landscaped median”**



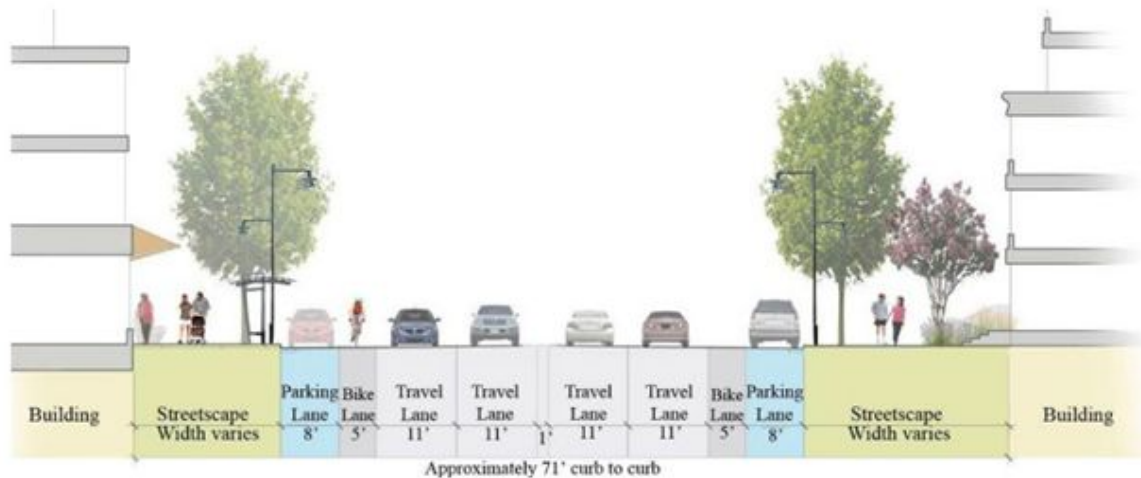
**ADD:** Fairfax County Comprehensive Plan, 2017 Edition Area II Tysons Urban Center, Amended through 2-23-2021 Areawide Recommendations: Transportation Page 56:

**Figure 2B**  
**Avenue section with median guideway for BRT**





**Figure 3**  
**Avenue section with no median**



Avenue cross-section dimensions:

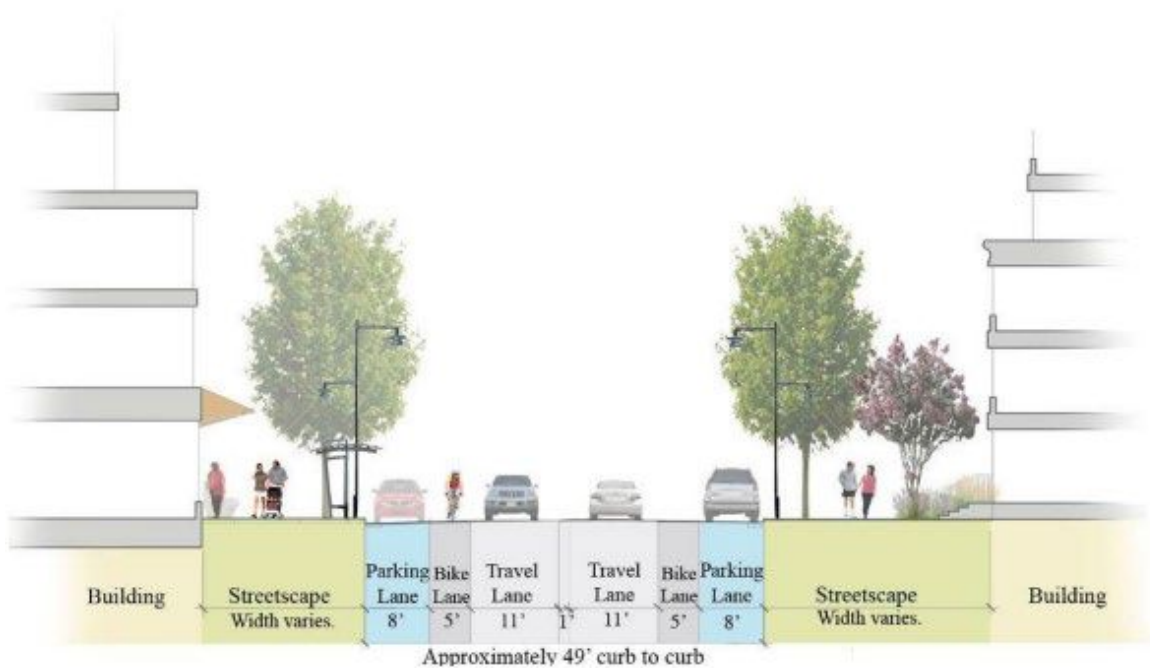
- Accommodate Circulator, as identified in the Tysons Circulator Study, or as Tysons Circulator Study may be amended in the future.
- 2 or 3 travel lanes per direction (11 feet for each lane, 10 feet for streets that are residential in character), including BRT lanes, where shown on the Transportation Plan Map.
- The lower range of the BRT guideway is assumed where there are no intersections, and the higher end is anticipated at intersection/station locations.
- The BRT guideway and travel lanes should be accommodated within the approximate curb-to-curb measurement
- Accommodate Bus Rapid Transit, as shown on the Transportation Plan Map.
- On-street parallel parking is recommended. This parking may be prohibited during peak periods to address traffic capacity needs on some streets.
- 8 feet for on-street parallel parking per direction.
- 5 foot on-road dedicated bike lane per direction.
- The desirable width of the median, if provided, is 20 feet to allow safe pedestrian refuge.
- Refer to the Urban Design Recommendations for guidance on the streetscape.

Typical street cross sections are depicted. Although dimensions are noted, final street design will require accommodation of all applicable road design infrastructure. Additionally, final street designs may vary as necessary to address other design and engineering goals and requirements. For example, a parking lane and a bicycle lane may be combined to operate as a travel lane during peak periods in some locations.

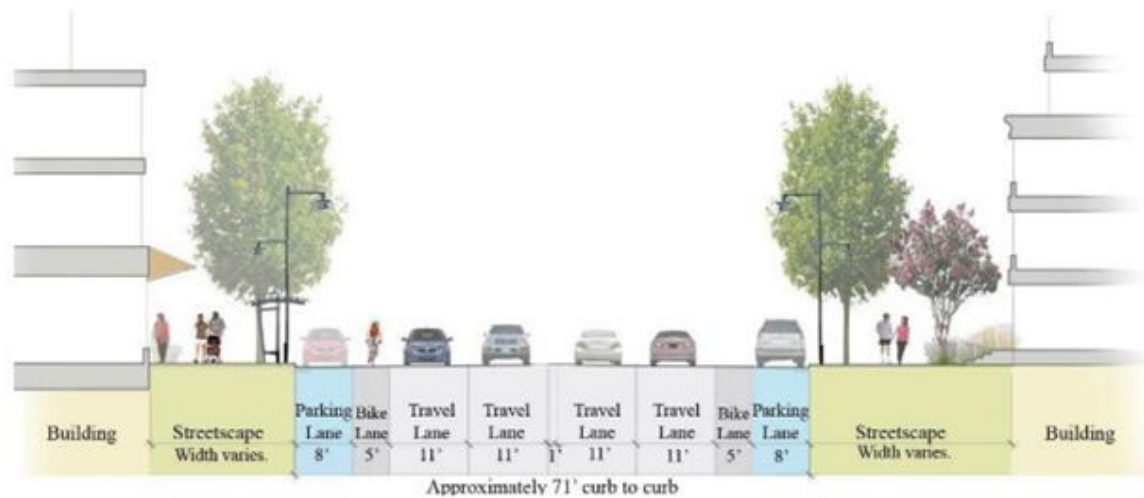
*Collector Streets (Collector)*

Collector streets within Tysons will connect local streets, with slow-moving traffic, to higher speed facilities like avenues and boulevards. Collector streets typically have one or two travel lanes in each direction. They are slow-moving lanes with traffic calming elements such as bulb-outs at intersections, frequent pedestrian crossings, parallel on-street parking, bike lanes and wide sidewalks to maximize walkability. Medians are not preferred but may be necessary to provide pedestrian refuge or turn lanes.

**Figure 4**  
**Collector street section with one travel lane in each direction and no median**



**Figure 5**  
**Collector street section with two travel lanes in each direction and no median**



Collector Street cross-section dimensions:

- Accommodate Circulator, as identified in the Tysons Circulator Study, or as Tysons Circulator Study may be amended in the future.
- 1 to 2 travel lanes per direction (11 feet minimum for each lane, 10 feet for streets that are residential in character).
- 8 feet for on-street parallel parking per direction.
- 5 foot on-road dedicated bike lane per direction.
- The desirable width of the median, if provided, is 4 to 8 feet to allow safe pedestrian refuge.
- Refer to the Urban Design Recommendations for guidance on the streetscape.
- Accommodate Bus Rapid Transit, in mixed traffic, as shown on the Transportation Plan Map.

Typical street cross sections are depicted. Although dimensions are noted, final street design will require accommodation of all applicable road design infrastructure. Additionally, final street designs may vary as necessary to address other design and engineering goals and requirements, such as Bus Rapid Transit as well as individual development proposals.”

**MODIFY:** Fairfax County Comprehensive Plan, 2017 Edition, Area II, Tysons Urban Center, Amended through 2-23-2021 Areawide Recommendations: Transportation Page 73:

“Table 7  
Transportation Infrastructure, Programs, and Services, As They Relate to the Level of  
Development in Tysons

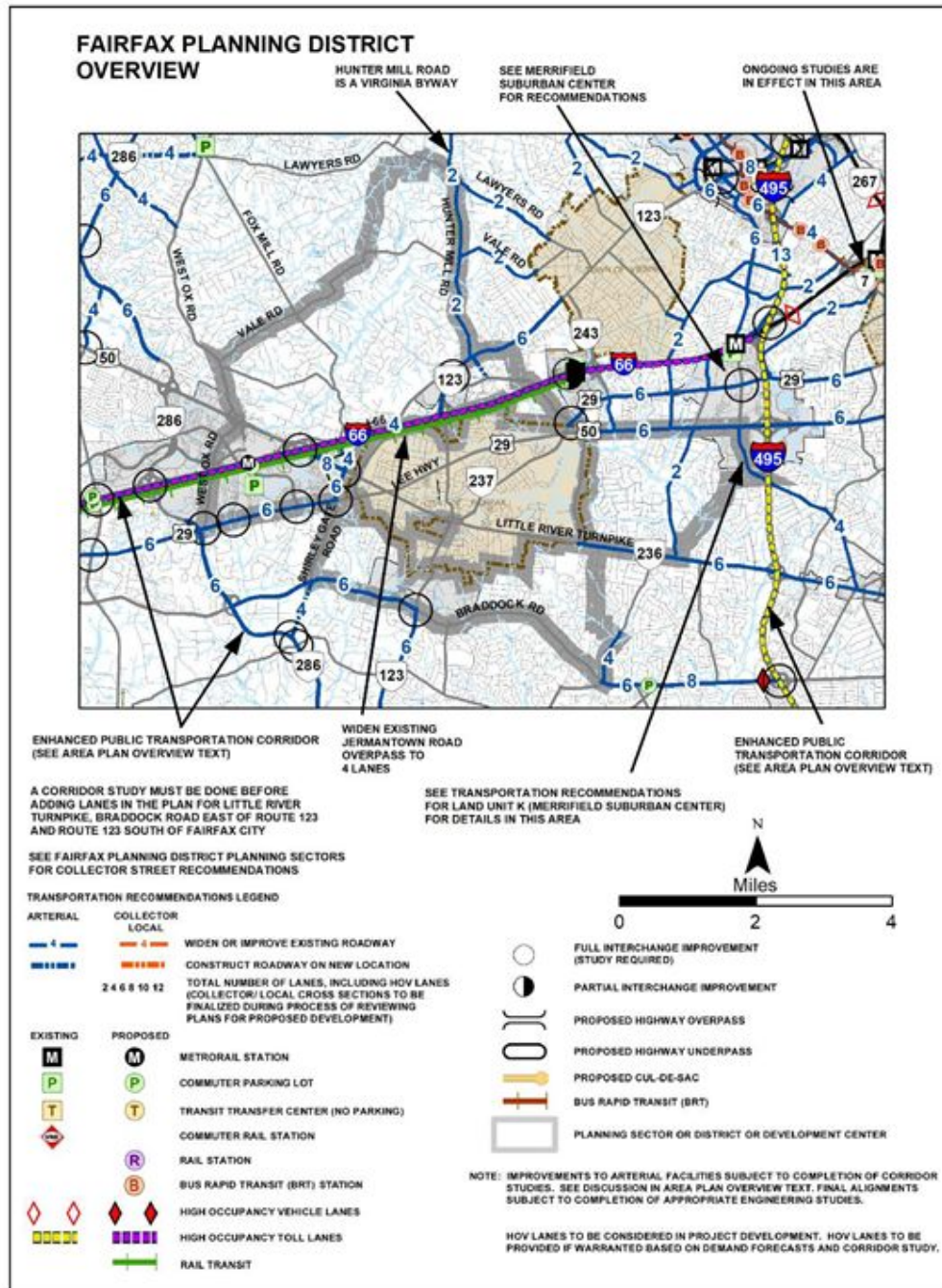
Type of Transportation Program or Infrastructure Project	Description of Transportation Program or Infrastructure Project	Area Served by Improvement
<b>I. Transportation Improvements Completed</b>		
<b>A. Transit and Pedestrian Improvements</b>		
Rail Transit Routes	Phase I of Metrorail Silver Line Phase I	Tysons-wide/ Countywide
Bus transit routes	Neighborhood bus routes; circulator bus routes serving Metrorail stations; express bus routes on I-95/I-495	Tysons-wide/ Countywide
Sidewalks	Sidewalks to provide connections to developments within walking distance of rail stations (TMSAMS and others)	District
<b>B. Tysons-wide Road Improvements</b>		
Roads – Arterial Widening	Complete widening of Leesburg Pike to 8 lanes between the DAAR and Chain Bridge Road	Tysons-wide
Roads – Freeway Widening	Widen I-495 from 8 to 12 lanes to provide 4 Express Lanes between the Springfield Interchange and the American Legion Bridge	Tysons-wide/ Countywide
Roads – Freeway Ramp	Express Lane ramp connecting to Jones Branch Drive	Tysons-wide
Roads – Freeway Ramp	Express Lane ramp connecting to the Westpark Drive Bridge	Tysons-wide
Roads – Freeway Ramp	Express Lane ramp connecting to Leesburg Pike	Tysons-wide
<b>C. TDM Measures</b>		
TDM	Application of aggressive TDM measures (e.g. 45% reduction in vehicle trips for an office development within 1/8 mile of a Metrorail station)	District
<b>II. Required Additional Transportation Improvements to Accommodate 60 Million sq. ft. of Development</b>		
<b>A. Transit Improvements</b>		
Rail Transit Routes	Completion of Phase II of Metrorail Silver Line (from the Wiehle/Reston East Metrorail Station to west of Dulles Airport with three stations in Fairfax County)	Tysons-wide/ Countywide
Bus Transit Routes	Further improvements to neighborhood bus routes; circulator bus routes and <b>Bus Rapid Transit</b> serving Metrorail stations; express bus routes I-95/I-495 and additional express bus service on I-66.	Tysons-wide/ Countywide
<b>B. Tysons-wide Road Improvements</b>		
Roads – Arterial Widening	Widen Chain Bridge Road to 8 lanes between Leesburg Pike and I-495	Tysons-wide
Roads – Arterial Widening	Widen Chain Bridge Road, from 4 to 6 lanes, between Leesburg Pike and Old Courthouse Road	Tysons-wide
Roads – Arterial Widening	Widen Leesburg Pike, from 4 to 6 lanes, between I-495 and I-66 <b>to accommodate 2 exclusive BRT lanes</b>	Tysons-wide
Roads – Arterial Widening	Widen Leesburg Pike, from 6 to 8 lanes, between Chain Bridge Road and I495 <b>to accommodate 2 exclusive BRT lanes</b>	Tysons-wide
Roads – Connecting Bridge	Bridge connecting Jones Branch Drive to Scotts Crossing Road	Tysons-wide
Roads – Arterial Widening	Widen Leesburg Pike, from 4 to 6 lanes, between the DAAR and Reston Avenue	Tysons-wide
<b>C. Grid of Streets</b>		
Roads – Grid of Streets	Grid west of Westpark Drive	District
Roads – Grid of Streets	Grid bounded by Gosnell Rd., Leesburg Pike, and Chain Bridge Road	District
Roads – Grid of Streets	Grid connections to Greensboro Drive	District
Roads – Grid of Streets	Grid of streets east of I-495	District
<b>D. TDM Measures</b>		
TDM	Application of aggressive TDM measures (e.g. 45% reduction in vehicle trips for an office development within 1/8 mile of a Metrorail station)	District
<b>E. Misc. Improvements</b>		
Bicycle Access Points	Bicycle connections into and out of Tysons	Tysons-wide
Roads and Intersection Spot Improvements	Intersection improvements outside of Tysons as identified in the Neighborhood Traffic Impact Study and other studies	Tysons-wide
Metrorail Station Access	Access improvements as identified in the Tysons Metrorail Station Access Management Study	Tysons-wide

Type of Transportation Program or Infrastructure Project	Description of Transportation Program or Infrastructure Project	Area Served by Improvement
<b>III. Required Additional Transportation Improvements to Accommodate 84 Million sq. ft. of Development</b>		
<b>A. Transit Improvements</b>		
Bus Transit Routes	Further improvements to neighborhood bus routes; circulator bus routes <b>and Bus Rapid Transit</b> serving Metrorail stations; BRT routes on I-66 and I-95/I-495	Tysons-wide/ Countywide
<b>B. Tysons-wide Road Improvements</b>		
Roads – Arterial Extension	Extend Boone Boulevard between Boone Boulevard and Northern Neck Drive	Tysons-wide
Roads – Arterial Extension	Extend Greensboro Drive between Spring Hill Road and Tyco Road	District
Roads – Freeway Ramp	Ramp connecting Greensboro Drive extension to westbound DAAR	Tysons-wide
Roads – Freeway Ramp	Ramp connecting Boone Boulevard extension to westbound DAAR and eastbound DAAR to Boone Boulevard extension	Tysons-wide
Roads – Freeway Widening	Collector – distributor roads along the DAAR from Greensboro Drive extension to Hunter Mill Road	Tysons-wide
Roads – Avenue Widening	Widen Magarity Road from 2 to 4 lanes between Great Falls Street to Leesburg Pike	Tysons-wide
Roads – Arterial Widening	Widen Gallows Road from 4 to 6 lanes between Leesburg Pike and I-495	Tysons-wide
Roads – Connecting Road	I-495 crossing connecting the Tysons Corner Center area to Old Meadow (limited to transit, pedestrians, and bicyclists)	Tysons-wide
<b>C. Grid of Streets</b>		
Roads – Grid of Streets	Substantial sections of the grid of streets	District
<b>D. TDM Measures</b>		
TDM	Application of aggressive TDM measures (e.g. 55% reduction in vehicle trips for an office development within 1/8 mile of a Metrorail station)	District
<b>E. Road Safety Improvements</b>		
Roads – Collector Safety Improvement	Improve and enhance the safety of Old Courthouse Road from the Town of Vienna to Gosnell Road	District
<b>F. Misc. Improvements</b>		
Bicycle Access Points	Bicycle connections into and out of Tysons	Tysons-wide
Roads and Intersection Spot Improvements	Intersection improvements outside of Tysons as identified in the Neighborhood Traffic Impact Study and other studies	Tysons-wide
Metrorail Station Access	Access improvements as identified in the Tysons Metrorail Station Access Management Study	Tysons-wide
<b>IV. Required Additional Transportation Improvements to Accommodate 113 Million sq. ft. of Development</b>		
<b>A. Transit Improvements</b>		
Improved Transit	Additional BRT routes, other supporting services including park-and-ride, feeder bus routes to rail stations	Tysons-wide/ Countywide
Urban Transit Corridors	At least two additional urban transit corridors with substantial TOD development: Orange Line Metrorail extension and an additional rail extension	Tysons-wide/ Countywide
<b>B. Tysons-wide Road Improvements</b>		
Roads – Freeway Widening	Widen I-495 (Outer Loop) between Leesburg Pike and I-66 by one lane	Tysons-wide
Roads – Freeway Ramps	Ramps connecting Jones Branch Drive to westbound DAAR and eastbound DAAR to Jones Branch Drive.	Tysons-wide
<b>C. Grid of Streets</b>		
Roads – Grid of Streets	Completion of the grid of streets	District
<b>D. TDM Measures</b>		
TDM	Application of more aggressive TDM measures (e.g. 65% reduction in vehicle trips for an office development within 1/8 mile of a Metrorail station)	District

“

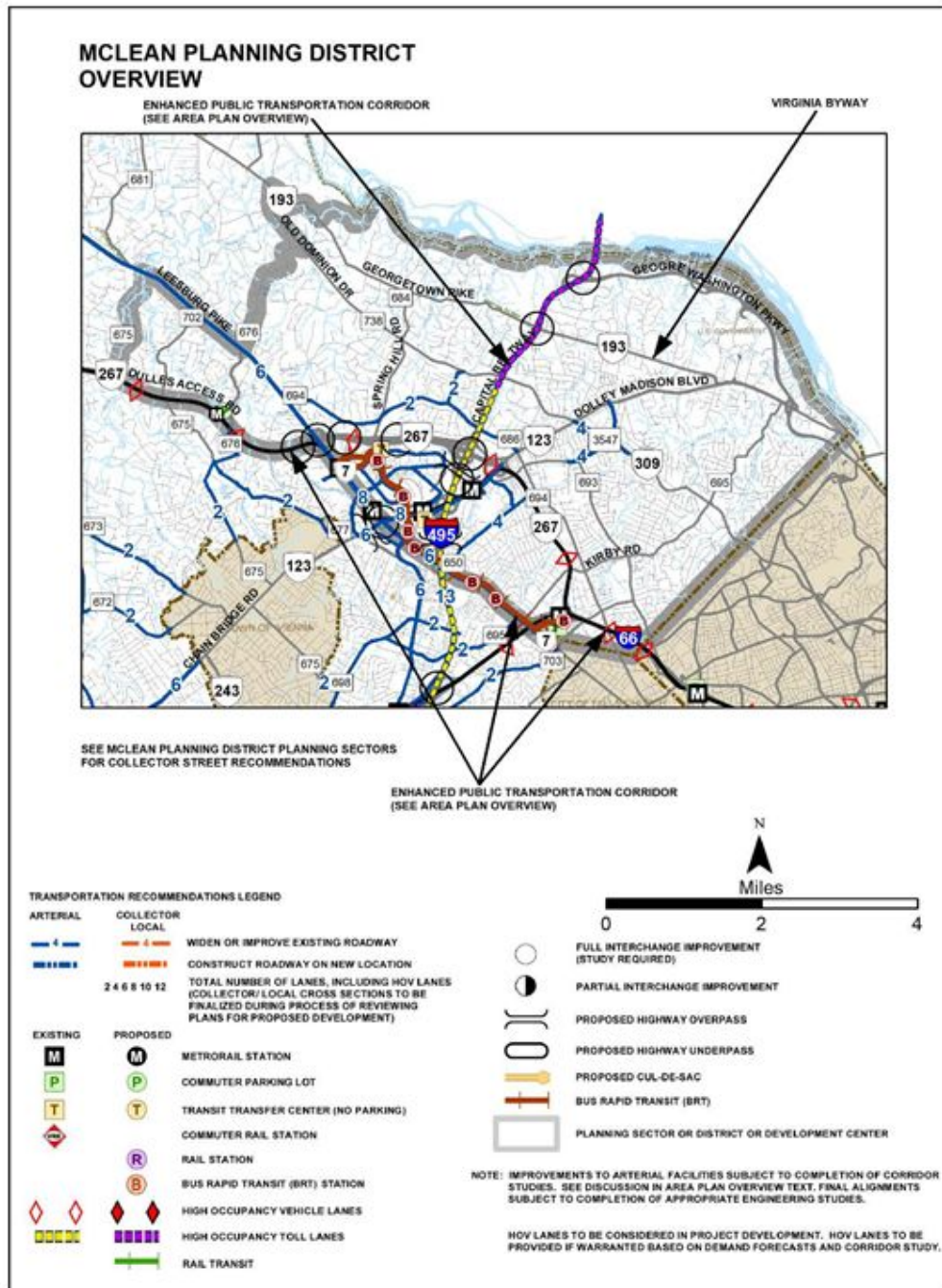
**MODIFY FIGURE:**

Fairfax County Comprehensive Plan, 2017 Edition, Area II, Fairfax Planning District, as amended through February 23, 2021, Overview, Figure 2, "Countywide Transportation Recommendations, Fairfax Planning District," page 5, to incorporate updates to the corridor recommendations within the figure as shown below:



**MODIFY FIGURE:**

Fairfax County Comprehensive Plan, 2017 Edition, Area II, McLean Planning District, as amended through October 19, 2021, Overview, Figure 2, “Countywide Transportation Recommendations, McLean Planning District,” page 4, to incorporate updates to the corridor recommendations within the figure as shown below.







**MODIFY:**

Fairfax County Comprehensive Plan, 2017 Edition, Area II McLean Planning District, Amended through 10-19-2021 West Falls Church Transit Station Area Page 91:

**“Transportation**

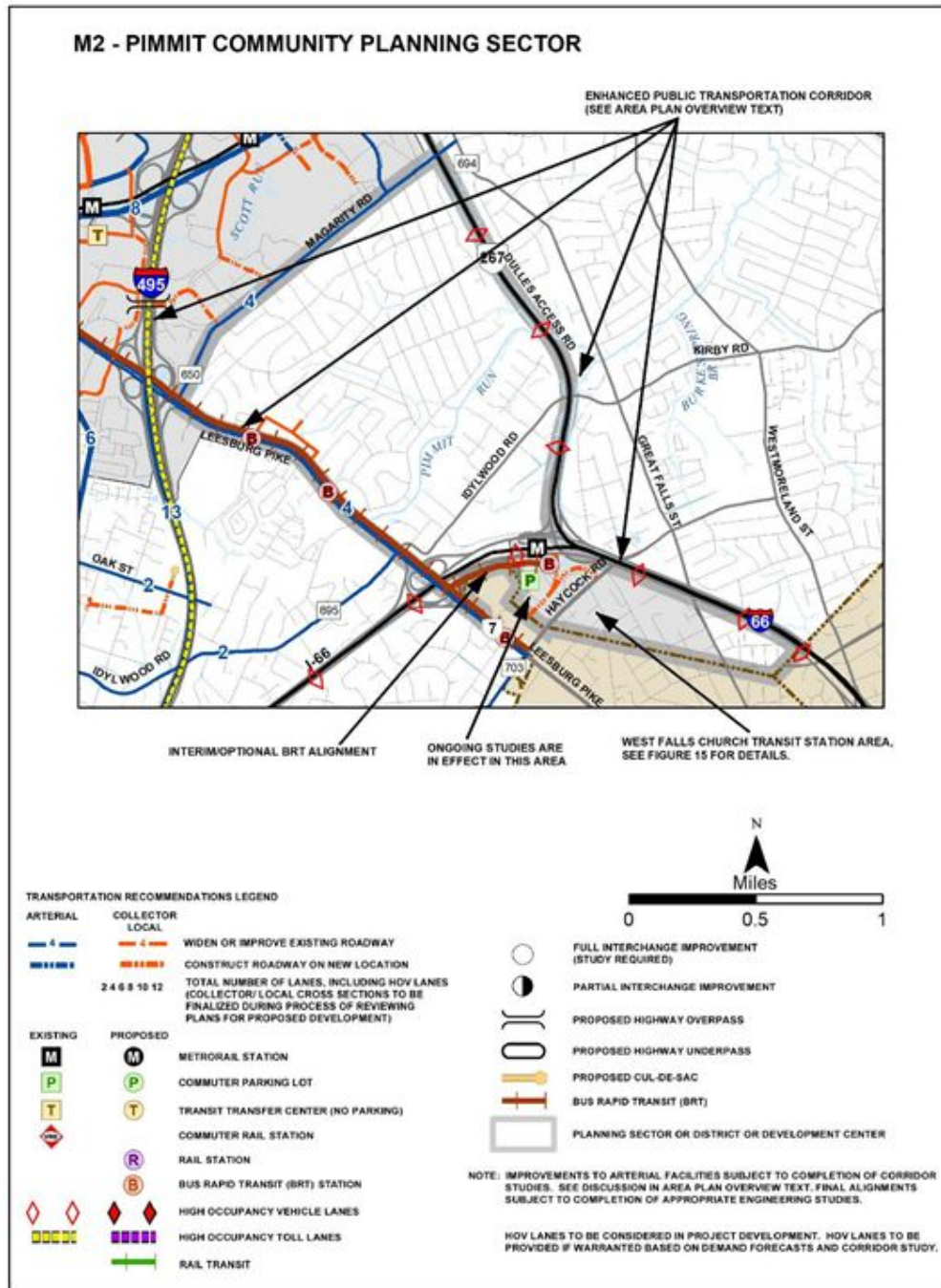
Planned roadway improvements in the vicinity of the West Falls Church TSA are shown on Figure 35.

**Recommended Public Transit Improvements**

A ~~high-quality transit~~ Bus Rapid Transit system is expected along the Route 7 corridor. Provisions for this transit system, such as appropriately sized bus bays and shelters, should be accommodated along Route 7 and adjacent to the WMATA Metrorail station entrance. Standards for transit-serving infrastructure should be reviewed with FCDOT’s Transit Services Division during the entitlement process for individual developments.”

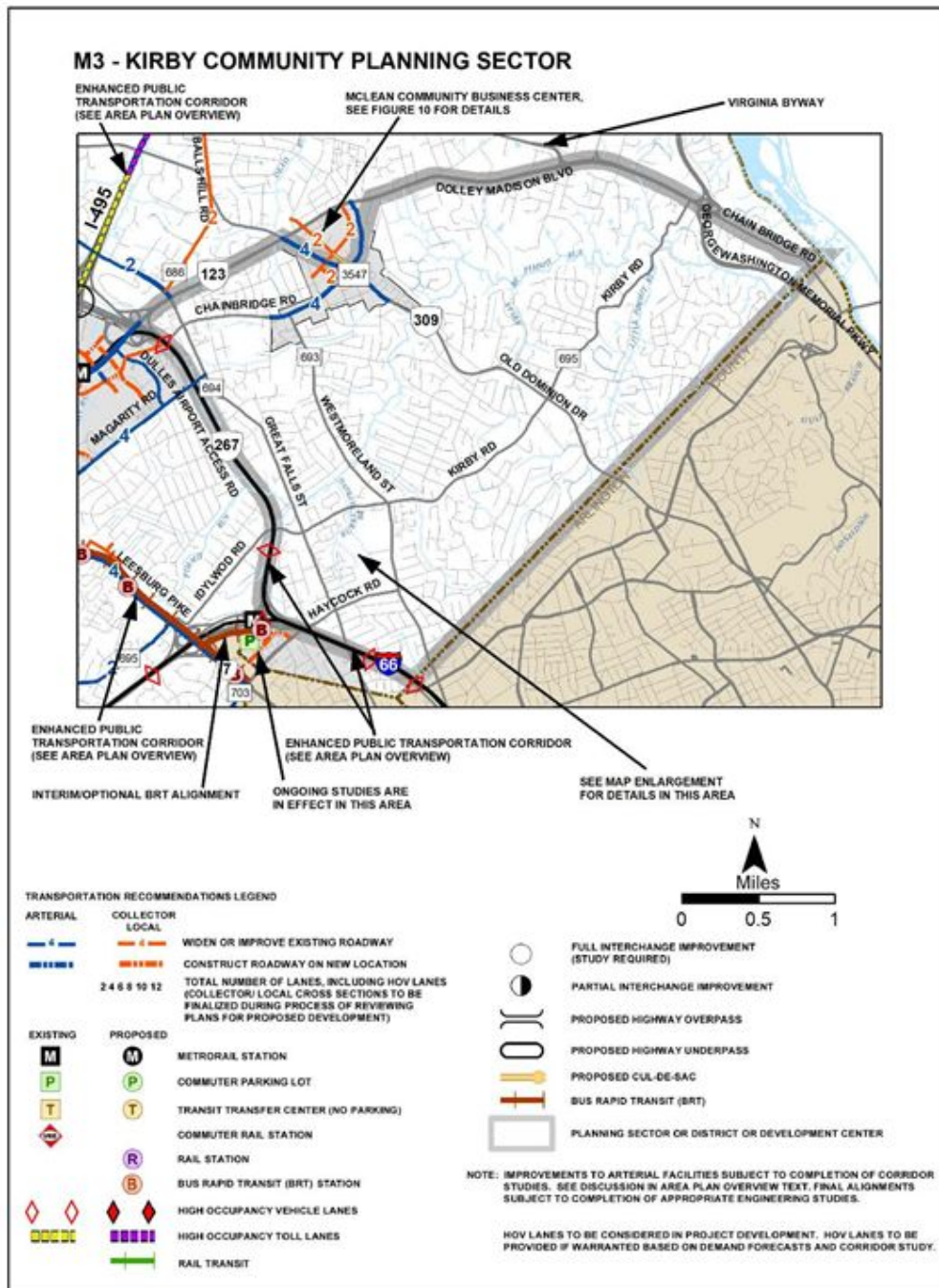
**MODIFY FIGURE:**

Fairfax County Comprehensive Plan, 2017 Edition, Area II, McLean Planning District, as amended through October 19, 2021, M2-Pimmit Community Planning Sector, Figure 42, "Transportation Recommendations," page 114, to incorporate updates to the corridor recommendations within the figure as shown below.



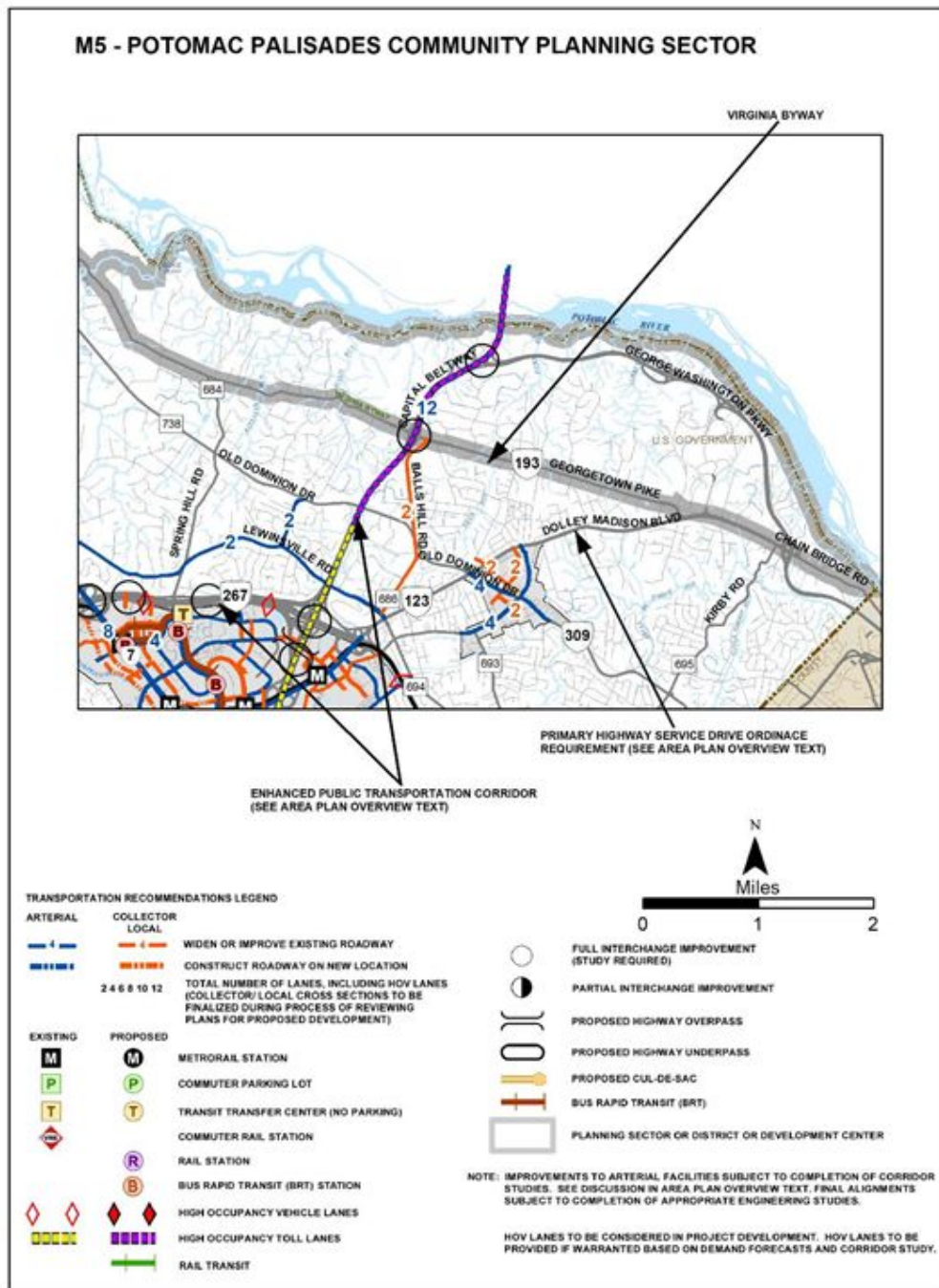
**MODIFY FIGURE:**

Fairfax County Comprehensive Plan, 2017 Edition, Area II, McLean Planning District, as amended through October 19, 2021, M3-Kirby Community Planning Sector, Figure 45, "Transportation Recommendations," page 122, to incorporate updates to the corridor recommendations within the figure as shown below.



**MODIFY FIGURE:**

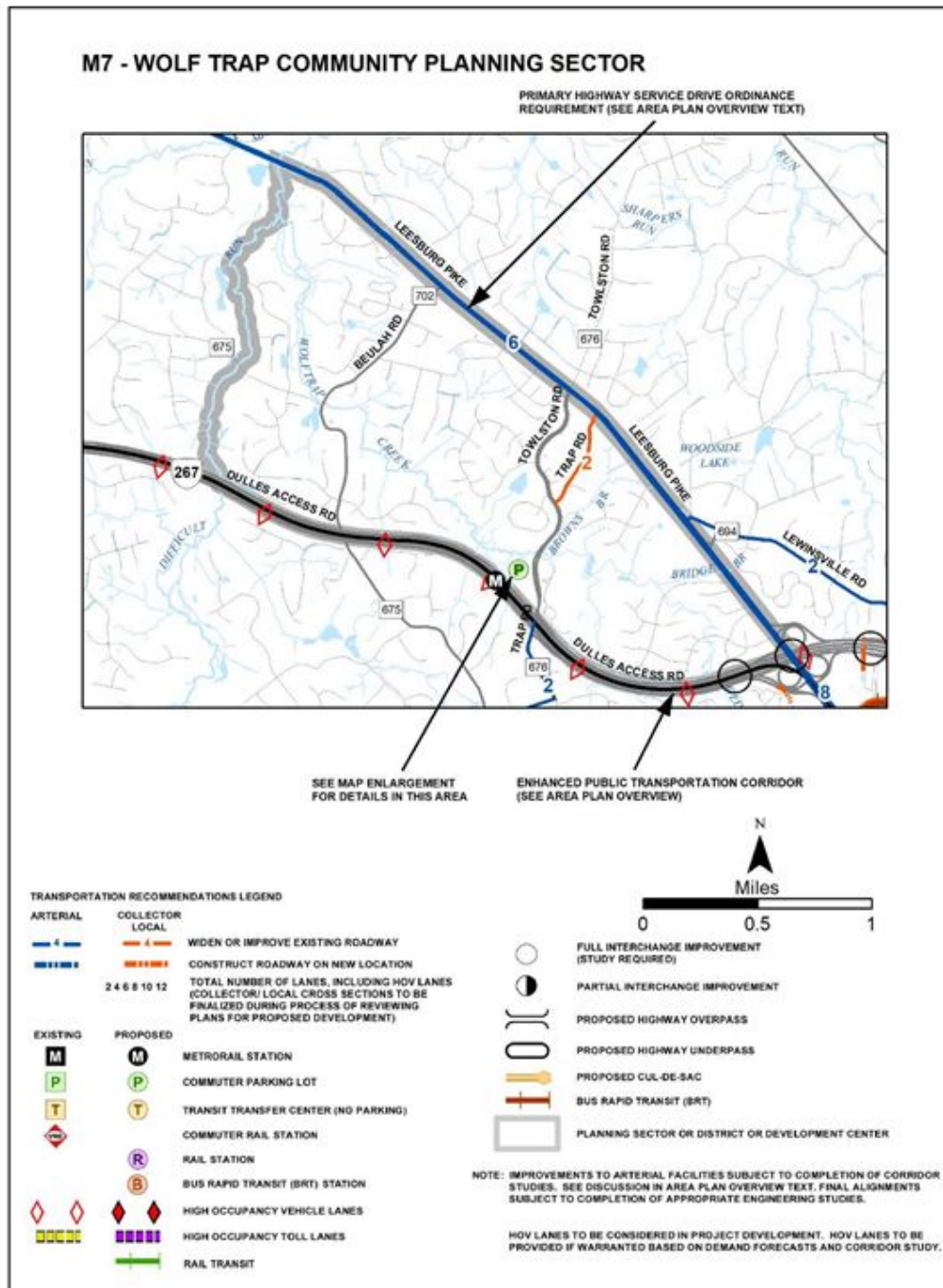
Fairfax County Comprehensive Plan, 2017 Edition, Area II, McLean Planning District, as amended through October 19, 2021, M5-Potomac Palisades Community Planning Sector, Figure 52, "Transportation Recommendations," page 135, to incorporate updates to the corridor recommendations within the figure as shown below.





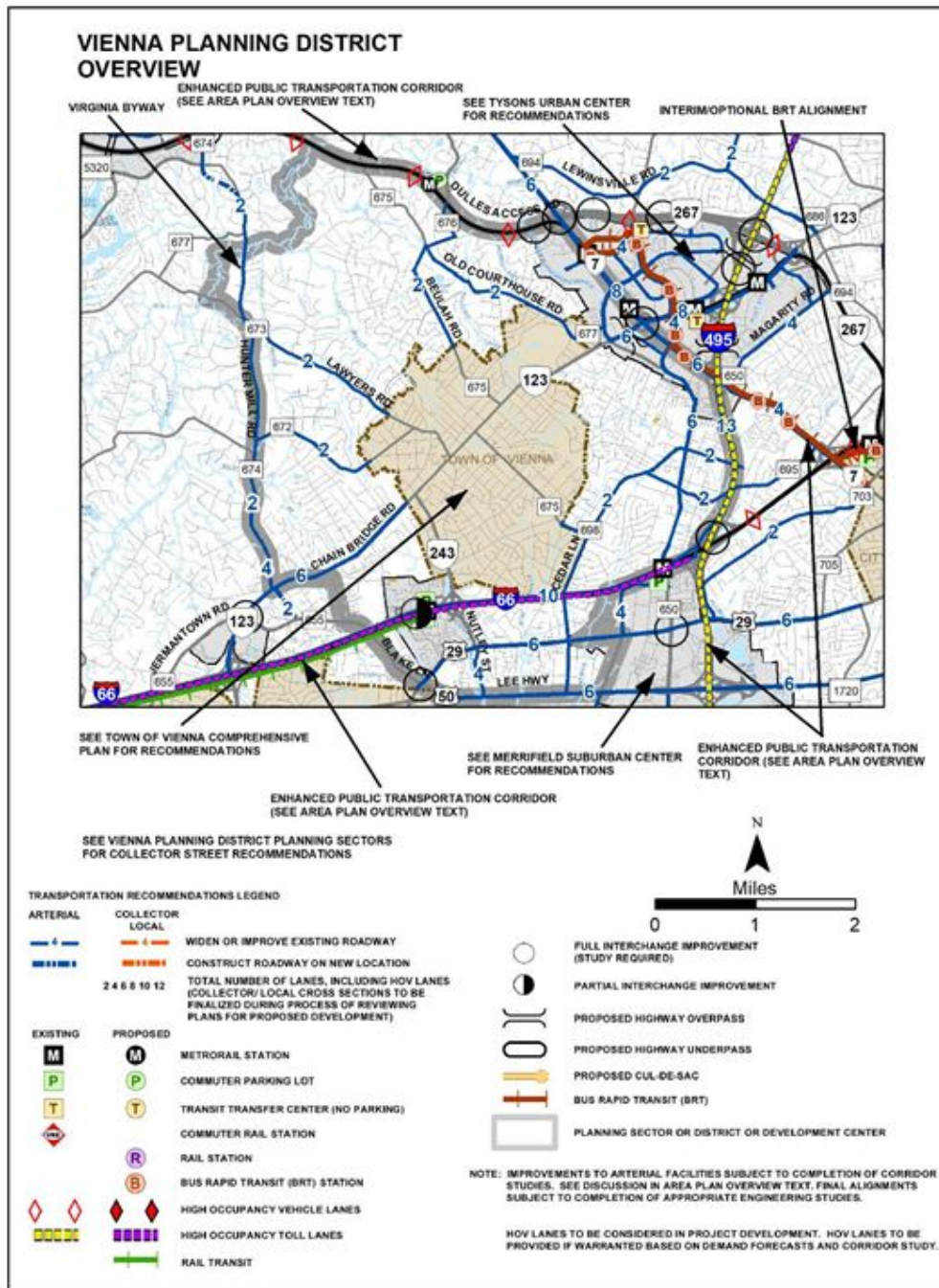
**MODIFY FIGURE:**

Fairfax County Comprehensive Plan, 2017 Edition, Area II, McLean Planning District, as amended through October 19, 2021, M7-Wolf Trap Community Planning Sector, Figure 58, "Transportation Recommendations," page 147, to incorporate updates to the corridor recommendations within the figure as shown below.



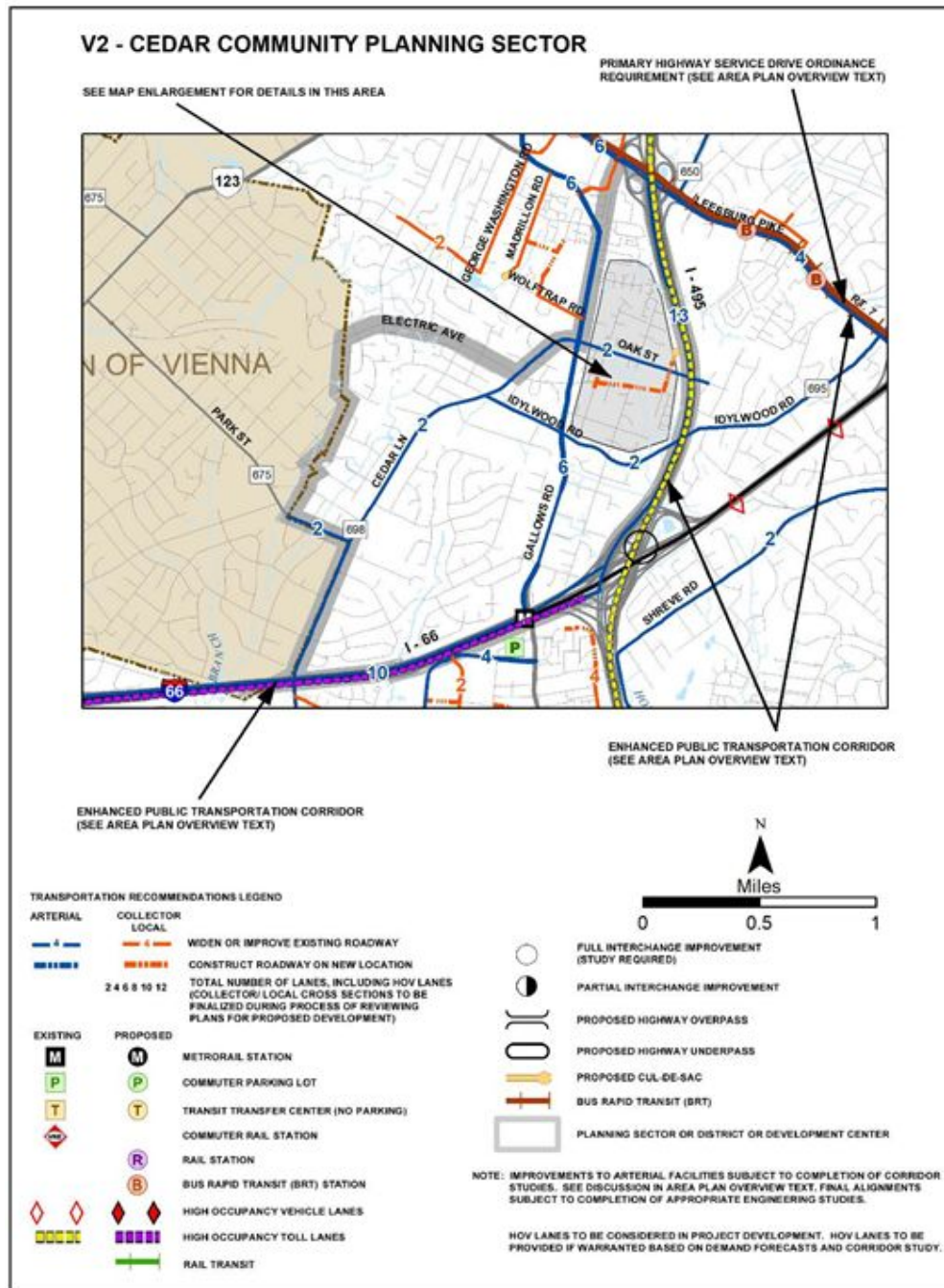
**MODIFY FIGURE:**

Fairfax County Comprehensive Plan, 2017 Edition, Area II, Vienna Planning District, as amended through February 23, 2021, Overview, Figure 2, “Countywide Transportation Recommendations, Vienna Planning District,” page 4 to incorporate updates to the corridor recommendations within the figure as shown below.



**MODIFY FIGURE:**

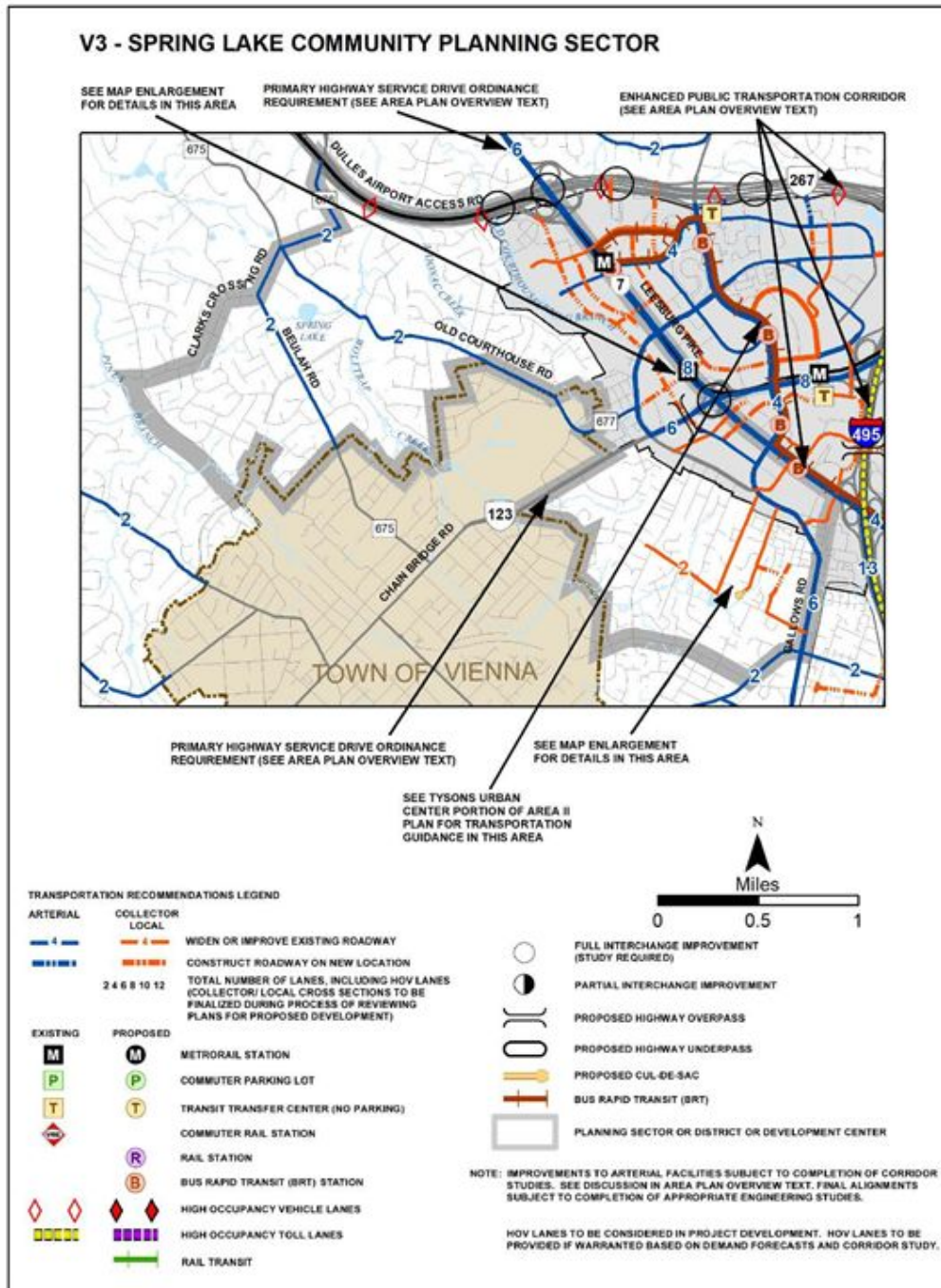
Fairfax County Comprehensive Plan, 2017 Edition, Area II, Vienna Planning District, as amended through February 23, 2021, V2-Cedar Community Planning Sector, Figure 20, "Transportation Recommendations," page 59, to incorporate updates to the corridor recommendations within the figure as shown below.





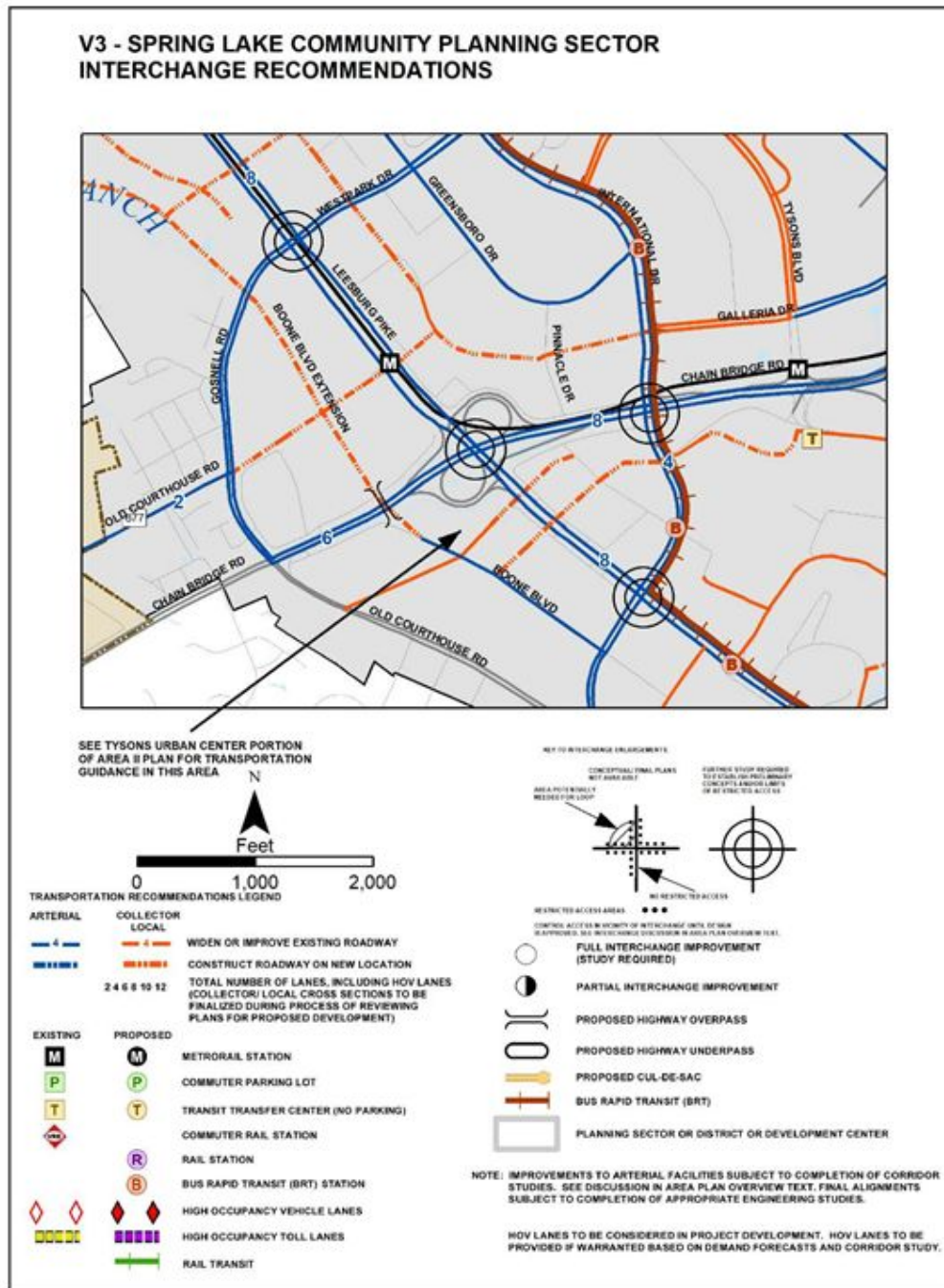
**MODIFY FIGURE:**

Fairfax County Comprehensive Plan, 2017 Edition, Area II, Vienna Planning District, as amended through February 23, 2021, V3-Spring Lake Community Planning Sector, Figure 24, "Transportation Recommendations," page 69, to incorporate updates to the corridor recommendations within the figure as shown below.



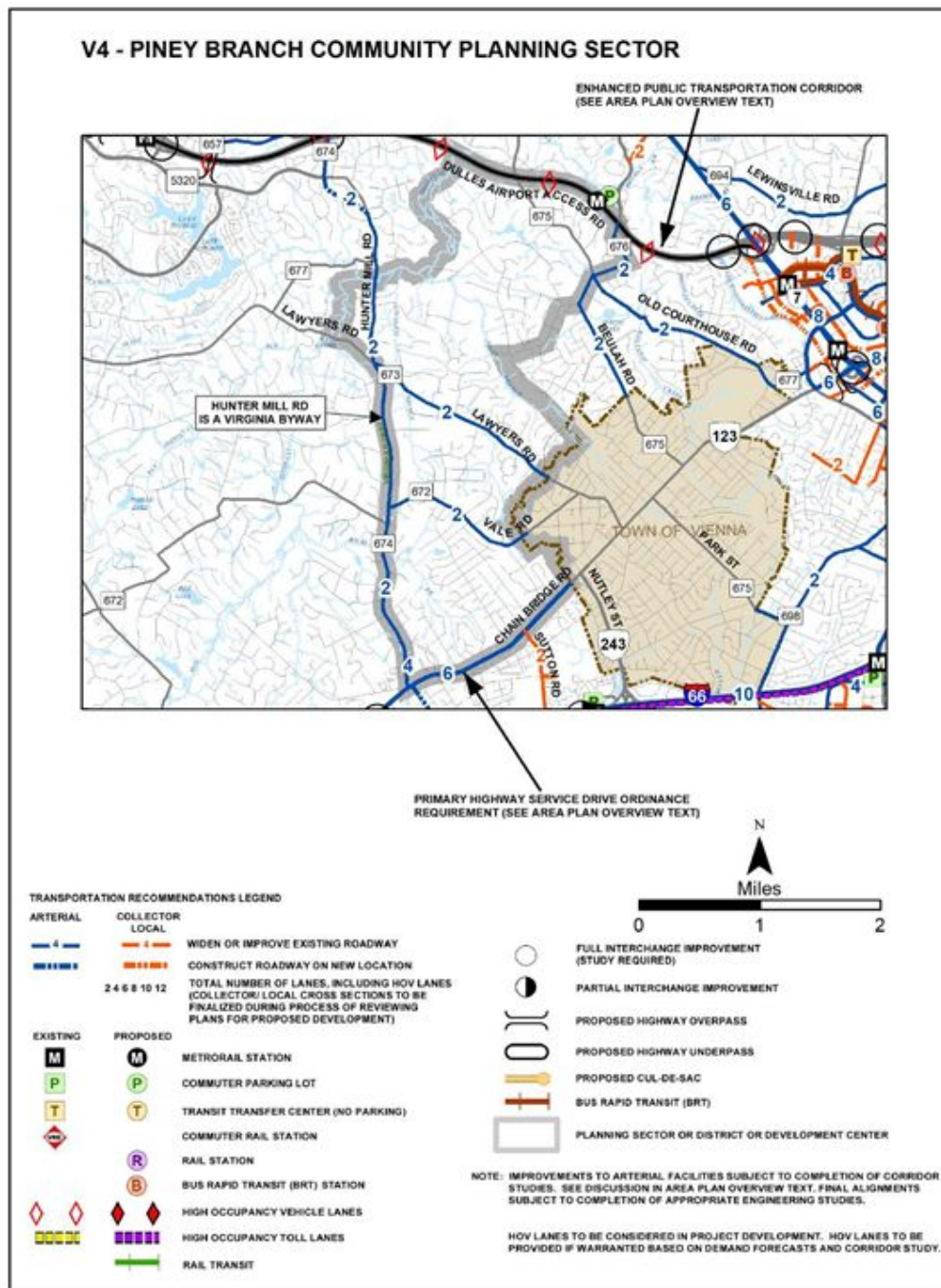
**MODIFY FIGURE:**

Fairfax County Comprehensive Plan, 2017 Edition, Area II, Vienna Planning District, as amended through February 23, 2021, V3-Spring Lake Community Planning Sector, Figure 26, “Interchange Recommendations,” page 71, to incorporate updates to the corridor recommendations within the figure as shown below.



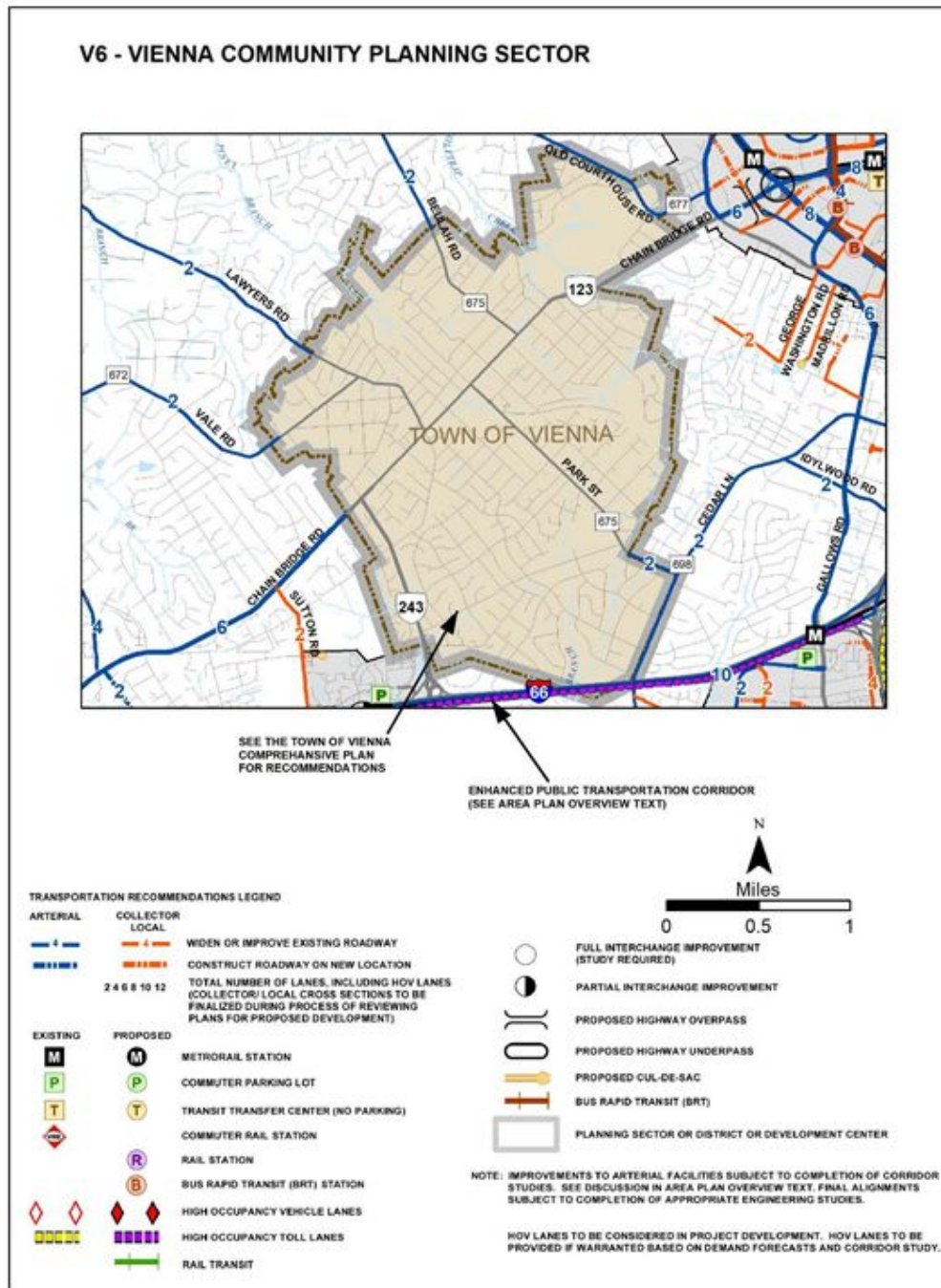
**MODIFY FIGURE:**

Fairfax County Comprehensive Plan, 2017 Edition, Area II, Vienna Planning District, as amended through February 23, 2021, V4-Piney Branch Community Planning Sector, Figure 29, "Transportation Recommendations," page 77, to incorporate updates to the corridor recommendations within the figure as shown below.



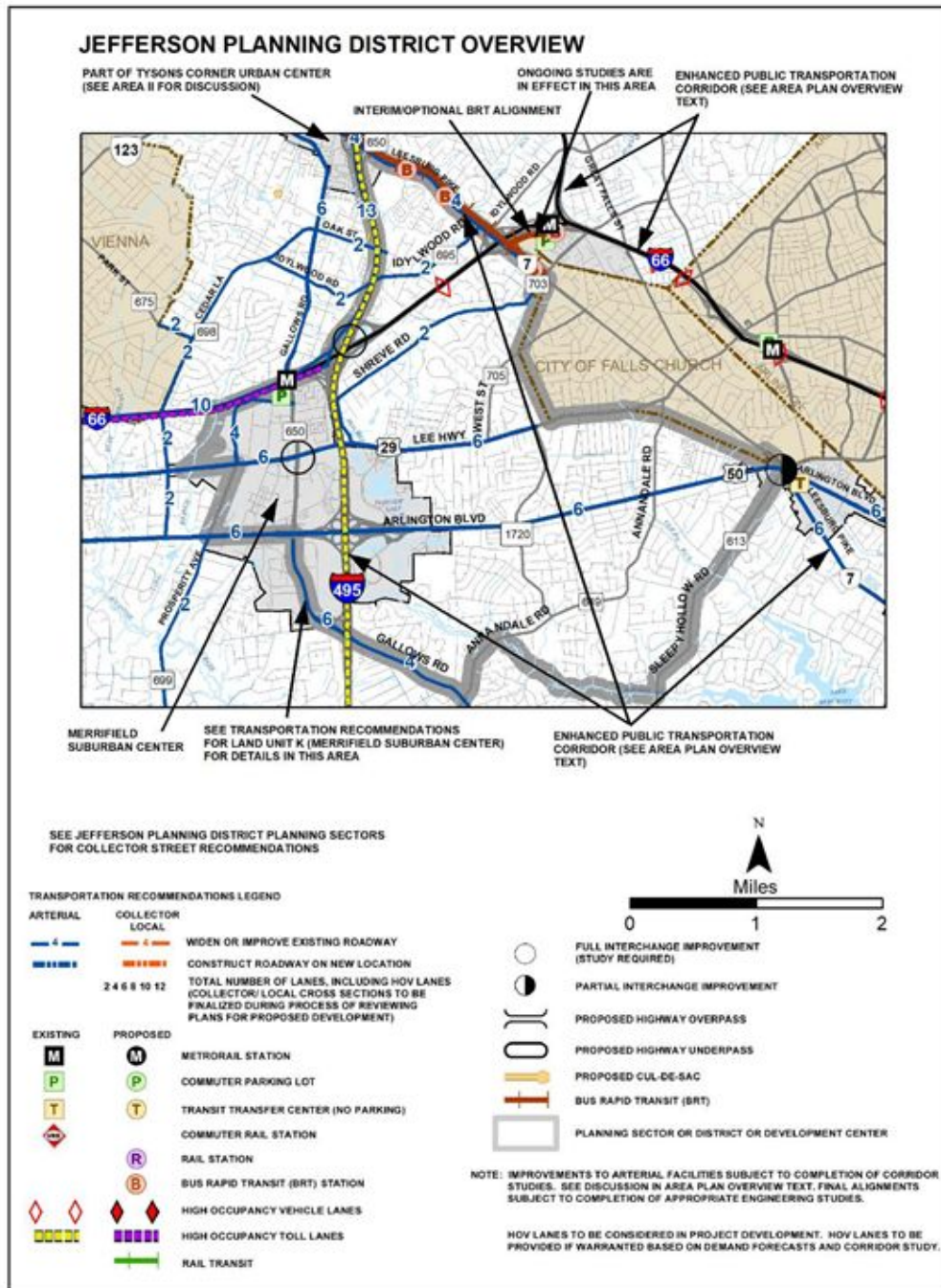
**MODIFY FIGURE:**

Fairfax County Comprehensive Plan, 2017 Edition, Area II, Vienna Planning District, as amended through February 23, 2021, V6-Vienna Community Planning Sector, Figure 29, "Transportation Recommendations," page 77, to incorporate updates to the corridor recommendations within the figure as shown below.



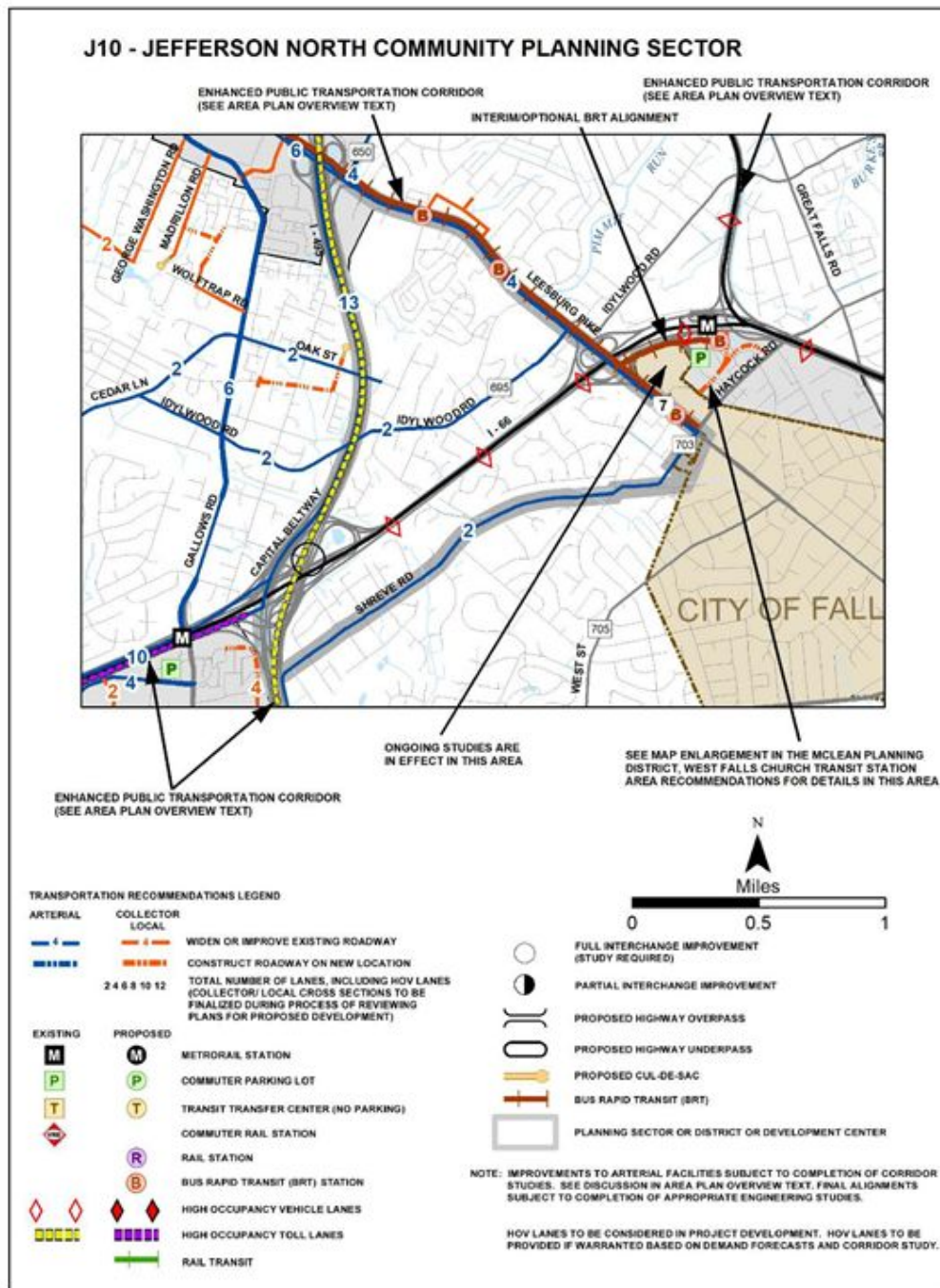
**MODIFY FIGURE:**

Fairfax County Comprehensive Plan, 2017 Edition, Area I, Jefferson Planning District, as amended through July 13, 2021, Overview, Figure 2, “Countywide Transportation Recommendations, Jefferson Planning District,” page 4, to incorporate updates to the corridor recommendations within the figure as shown below.



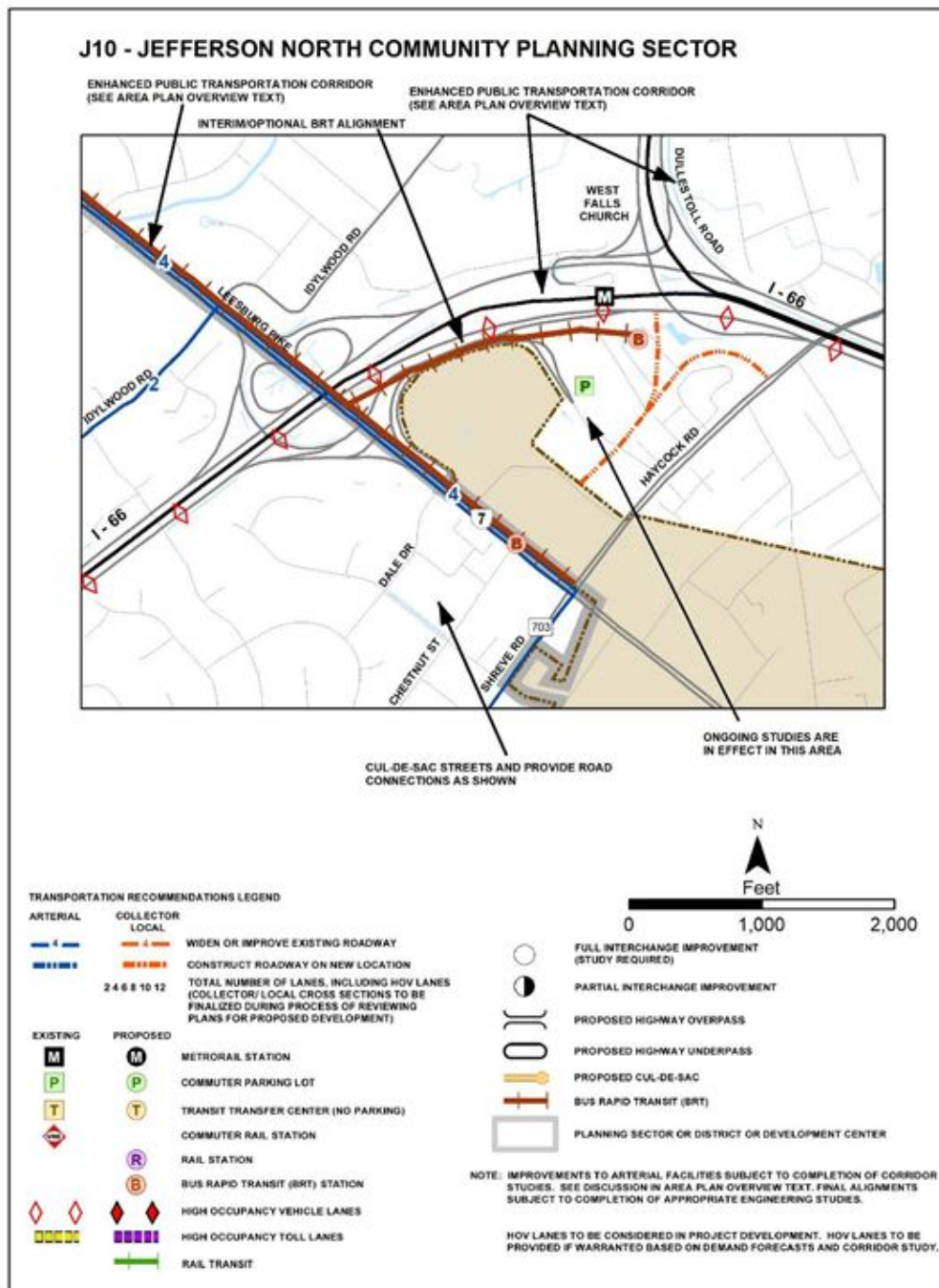
**MODIFY FIGURE:**

Fairfax County Comprehensive Plan, 2017 Edition, Area I, Jefferson Planning District, as amended through July 13, 2021, J10-Jefferson North Community Planning Sector, Figure 33, "Transportation Recommendations," page 70, to incorporate updates to the corridor recommendations within the figure as shown below.



**MODIFY FIGURE:**

Fairfax County Comprehensive Plan, 2017 Edition, Area I, Jefferson Planning District, as amended through July 13, 2021, J10-Jefferson North Community Planning Sector, Figure 34, "Transportation Recommendations," page 71, to incorporate updates to the corridor recommendations within the figure as shown below.







Board Agenda Item  
July 25, 2023

4:00 p.m.

Public Hearing to Establish Parking Restrictions on Boston Boulevard, Corporate Court, and Research Way (Mount Vernon District)

ISSUE:

Public hearing to consider a proposed amendment to Appendix R of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish parking restrictions on Boston Boulevard, Corporate Court, and Research Way in the Mount Vernon District.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment to Appendix R of the Fairfax County Code (Attachment I). This amendment will prohibit commercial vehicles, recreational vehicles (watercraft, boat trailers, motor homes, or camping trailers), and any trailer or semitrailer, as defined, respectively, in Fairfax County Code §§ 82-5-7, 82-5B-1 and 82-1-2(a), from parking on the following roadway segments between 9 a.m. and 5 p.m., Monday through Friday:

- Boston Boulevard, from Fullerton Road to the cul-de-sac, inclusive
- Corporate Court, from Boston Boulevard to the cul-de-sac, inclusive
- Research Way, from Boston Boulevard to the cul-de-sac, inclusive

TIMING:

On June 27, 2023, the Board authorized advertisement of a public hearing to consider the proposed amendment to Appendix R of the Fairfax County Code to take place on July 25, 2023, at 4:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5-37(5) authorizes the Board of Supervisors to designate restricted parking in non-residential areas where long term parking of vehicles diminishes the capacity of on-street parking for other uses.

The owners of industrial parcels along Boston Boulevard, Corporate Court, and Research Way contacted the Mount Vernon District office seeking assistance to restrict commercial vehicles, recreational vehicles, and trailers from parking on the full length of the referenced streets.

Board Agenda Item  
July 25, 2023

Boston Boulevard, Corporate Court, and Research Way have been reviewed multiple times by FCDOT staff over a period of 30 days. Staff has verified that long-term parking of commercial vehicles is occurring, thereby diminishing the capacity of on-street parking for other uses. Staff recommends a parking restriction for all commercial vehicles, recreational vehicles, and trailers along Boston Boulevard, from Fullerton Road to the cul-de-sac, inclusive; Corporate Court, from Boston Boulevard to the cul-de-sac, inclusive; and Research Way, from Boston Boulevard to the cul-de-sac, inclusive; between 9 a.m. and 5 p.m., Monday through Friday.

EQUITY IMPACT

An Equity Impact Assessment is not required for this item, as it is part of an established program to restrict parking in commercial and industrial zoning districts.

FISCAL IMPACT:

Funding in the amount of approximately \$1,200 is required for signage and installation. Funds are currently available in Fairfax County Department of Transportation Fund 100-C10001, General Fund.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to the Fairfax County Code, Appendix R (General Parking Restrictions)

Attachment II: Area Map of Proposed Parking Restriction

STAFF:

Rachel Flynn, Deputy County Executive

Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)

Lisa Witt, Chief, Administrative Services, FCDOT

Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Henri Stein McCartney, Sr. Transportation Planner, FCDOT

ASSIGNED COUNSEL:

Patrick Foltz, Assistant County Attorney

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA  
APPENDIX R

Amend *The Code of the County of Fairfax, Virginia*, by adding the following to Appendix R, in accordance with Section 82-5-37:

*Boston Boulevard (Route 6800)*

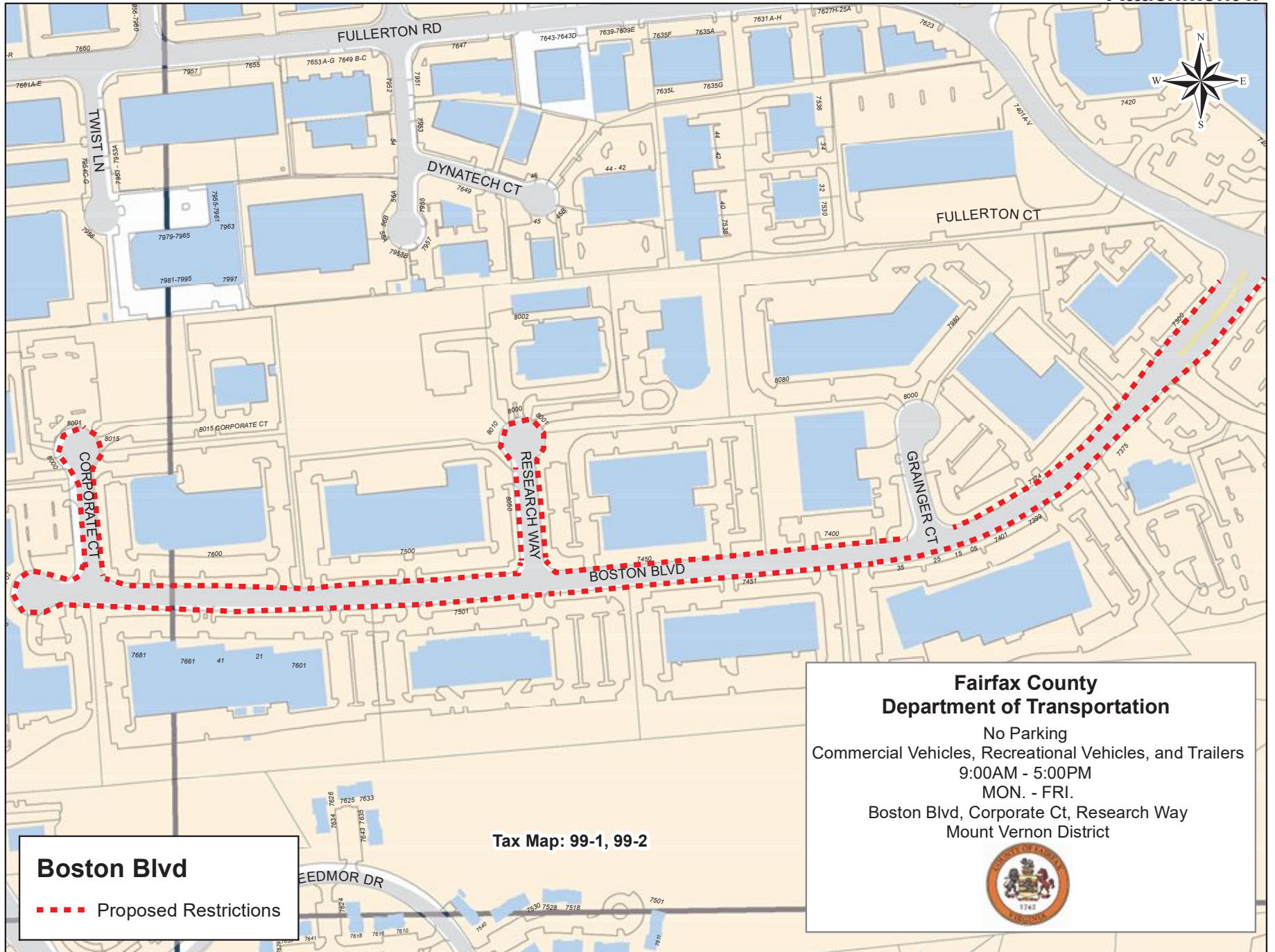
Commercial vehicles, recreational vehicles (watercraft, boat trailers, motor homes, or camping trailers), or any other trailer or semitrailer, as defined, respectively, in Fairfax County Code §§ 82-5-7, 82-5B-1 and 82-1-2(a), are restricted from parking on Boston Boulevard, from Fullerton Road to the cul-de-sac, inclusive, from 9 a.m. to 5 p.m., Monday through Friday.

*Corporate Court (Route 7317)*

Commercial vehicles, recreational vehicles (watercraft, boat trailers, motor homes, or camping trailers), or any other trailer or semitrailer, as defined, respectively, in Fairfax County Code §§ 82-5-7, 82-5B-1 and 82-1-2(a), are restricted from parking on Corporate Court, from Boston Boulevard to the cul-de-sac, inclusive, from 9 a.m. to 5 p.m., Monday through Friday.

*Research Way (Route 7316)*

Commercial vehicles, recreational vehicles (watercraft, boat trailers, motor homes, or camping trailers), or any other trailer or semitrailer, as defined, respectively, in Fairfax County Code §§ 82-5-7, 82-5B-1 and 82-1-2(a), are restricted from parking on Research Way, from Boston Boulevard to the cul-de-sac, inclusive, from 9 a.m. to 5 p.m., Monday through Friday.




Tax Map: 99-1, 99-2

**Fairfax County  
Department of Transportation**

No Parking  
Commercial Vehicles, Recreational Vehicles, and Trailers  
9:00AM - 5:00PM  
MON. - FRI.

Boston Blvd, Corporate Ct, Research Way  
Mount Vernon District



**Boston Blvd**

--- Proposed Restrictions

Board Agenda Item  
July 25, 2023

4:00 p.m.

Public Hearing to Establish Parking Restrictions on Boone Boulevard (Providence District)

ISSUE:

Public hearing to consider a proposed amendment to Appendix R of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish parking restrictions on Boone Boulevard in the Providence District.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment to Appendix R of the Fairfax County Code (Attachment I) to prohibit commercial vehicles, recreational vehicles (watercraft, boat trailers, motor homes, or camping trailers), and any trailer or semitrailer, as defined, respectively, in Fairfax County Code §§ 82-5-7, 82-5B-1 and 82-1-2(a), from parking on the north side of Boone Boulevard, from Howard Avenue to the southeastern property line of 8230 Boone Boulevard, twenty-four hours per day, seven days a week.

TIMING:

On June 27, 2023, the Board authorized advertisement of a public hearing to consider the proposed amendment to Appendix R of the Fairfax County Code to take place on July 25, 2023, at 4:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5-37(5) authorizes the Board of Supervisors to designate restricted parking in non-residential areas where long term parking of vehicles diminishes the capacity of on-street parking for other uses.

The owner of the commercial parcels located at 8230 and 8246 Boone Boulevard contacted the Providence District office seeking assistance to restrict commercial vehicles, recreational vehicles, and trailers from parking on the unrestricted block of Boone Boulevard along their properties.

This block of Boone Boulevard was studied multiple times over a 30-day period and staff found that long-term parking of commercial vehicles is occurring, thereby diminishing the capacity of on-street parking for other uses. Staff recommends a parking restriction for all commercial vehicles, recreational vehicles, and trailers along the north side of Boone Boulevard, from Howard Avenue to the southeastern property line of 8230 Boone Boulevard, twenty-four hours per day, seven days a week.

Board Agenda Item  
July 25, 2023

EQUITY IMPACT

An Equity Impact Assessment is not required for this item, as it is part of an established program to restrict parking in commercial and industrial zoning districts.

FISCAL IMPACT:

Funding in the amount of approximately \$700 is required for signage and installation. Funds are currently available in Fairfax County Department of Transportation Fund 100-C10001, General Fund.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to the Fairfax County Code, Appendix R (General Parking Restrictions)

Attachment II: Area Map of Proposed Parking Restriction

STAFF:

Rachel Flynn, Deputy County Executive

Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)

Lisa Witt, Chief, Administrative Services, FCDOT

Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Henri Stein McCartney, Sr. Transportation Planner, FCDOT

ASSIGNED COUNSEL:

Patrick Foltz, Assistant County Attorney

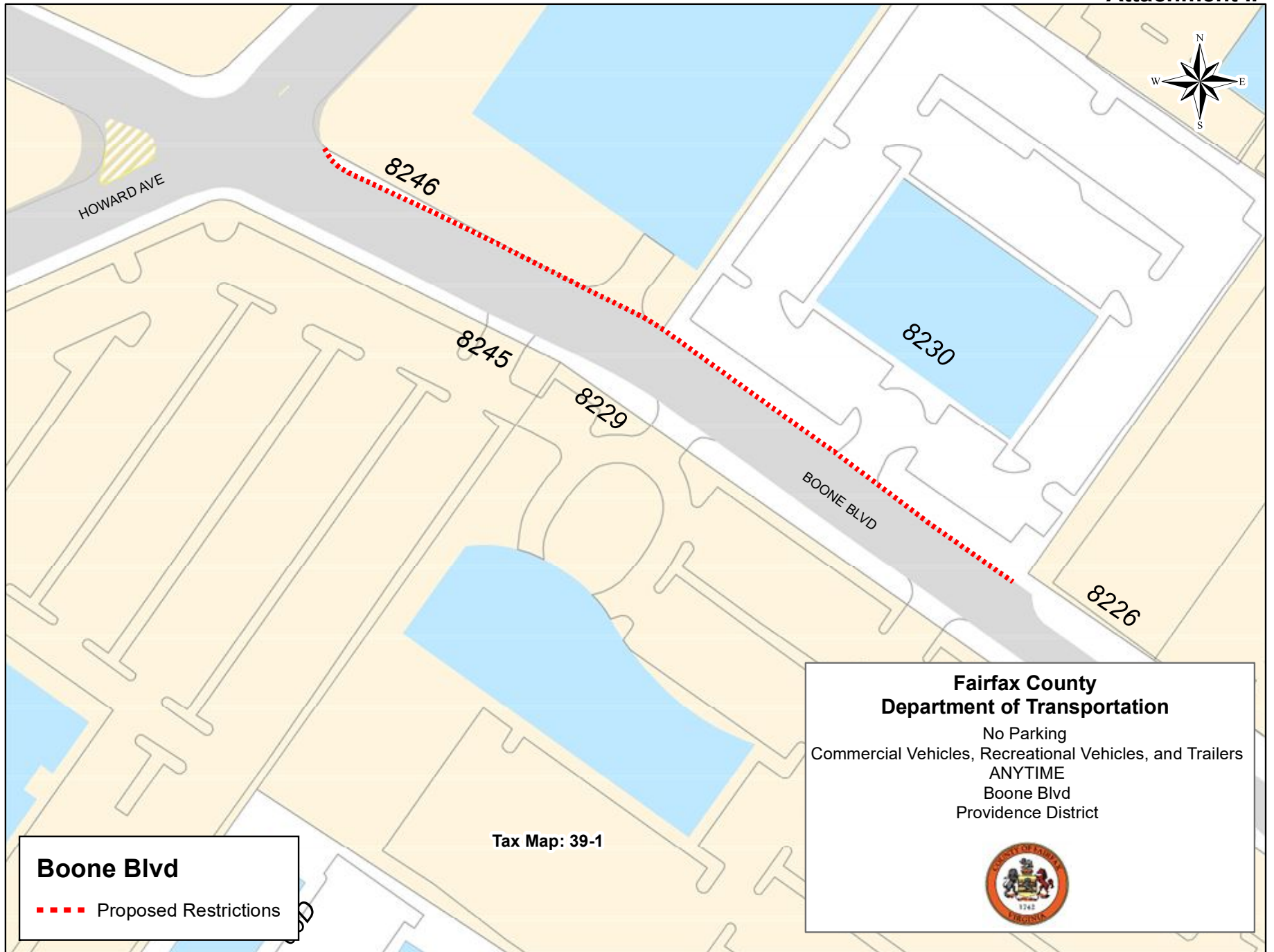
PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA  
APPENDIX R

Amend *The Code of the County of Fairfax, Virginia*, by adding the following to Appendix R, in accordance with Section 82-5-37:

*Boone Boulevard (Route 786)*

Commercial vehicles, recreational vehicles (watercraft, boat trailers, motor homes, or camping trailers), and any trailer or semitrailer, as defined, respectively, in Fairfax County Code §§ 82-5-7, 82-5B-1 and 82-1-2(a), are restricted from parking on the north side of Boone Boulevard, from Howard Avenue to the southeastern property line of 8230 Boone Boulevard, twenty-four hours per day, seven days a week.



**Boone Blvd**

----- Proposed Restrictions

**Fairfax County  
Department of Transportation**

No Parking  
Commercial Vehicles, Recreational Vehicles, and Trailers  
ANYTIME  
Boone Blvd  
Providence District





Board Agenda Item  
July 25, 2023

4:30 p.m.

Public Hearing to Establish Parking Restrictions on Pender Drive (Springfield District)

ISSUE:

Public hearing to consider a proposed amendment to Appendix R of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish parking restrictions on Pender Drive in the Springfield District.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment to Appendix R of the Fairfax County Code (Attachment I). This amendment will prohibit commercial vehicles, recreational vehicles (watercraft, boat trailers, motor homes, or camping trailers), and any trailer or semi-trailer, as defined, respectively, in Fairfax County Code §§ 82-5-7, 82-5B-1 and 82-1-2(a), from parking on Pender Drive from Waples Mill Road to the cul-de-sac, inclusive, twenty-four hours per day, seven days a week.

TIMING:

On June 27, 2023, the Board authorized advertisement of a public hearing to consider the proposed amendment to Appendix R of the Fairfax County Code to take place on July 25, 2023, at 4:30 p.m.

BACKGROUND:

Fairfax County Code Section 82-5-37(5) authorizes the Board of Supervisors to designate restricted parking in non-residential areas where long term parking of vehicles diminishes the capacity of on-street parking for other uses.

The owners of commercial and industrial parcels along Pender Drive contacted the Springfield District office seeking assistance to restrict commercial vehicles, recreational vehicles, and trailers from parking along the full length of the referenced street.

Pender Drive has been reviewed multiple times by FCDOT staff over a period of 30 days. Staff has verified that long-term parking of commercial vehicles is occurring, thereby diminishing the capacity of on-street parking for other uses. Staff recommends a parking restriction for all commercial vehicles, recreational vehicles, and trailers along Pender Drive from Waples Mill Road to the cul-de-sac, inclusive, twenty-four hours per day, seven days a week.

Board Agenda Item  
July 25, 2023

EQUITY IMPACT

An Equity Impact Assessment is not required for this item, as it is part of an established program to restrict parking in commercial and industrial zoning districts.

FISCAL IMPACT:

Funding in the amount of approximately \$1,100 is required for signage and installation. Funds are currently available in Fairfax County Department of Transportation Fund 100-C10001, General Fund.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to the Fairfax County Code, Appendix R (General Parking Restrictions)

Attachment II: Area Map of Proposed Parking Restriction

STAFF:

Rachel Flynn, Deputy County Executive

Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)

Lisa Witt, Chief, Administrative Services, FCDOT

Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Henri Stein McCartney, Sr. Transportation Planner, FCDOT

ASSIGNED COUNSEL:

Patrick Foltz, Assistant County Attorney

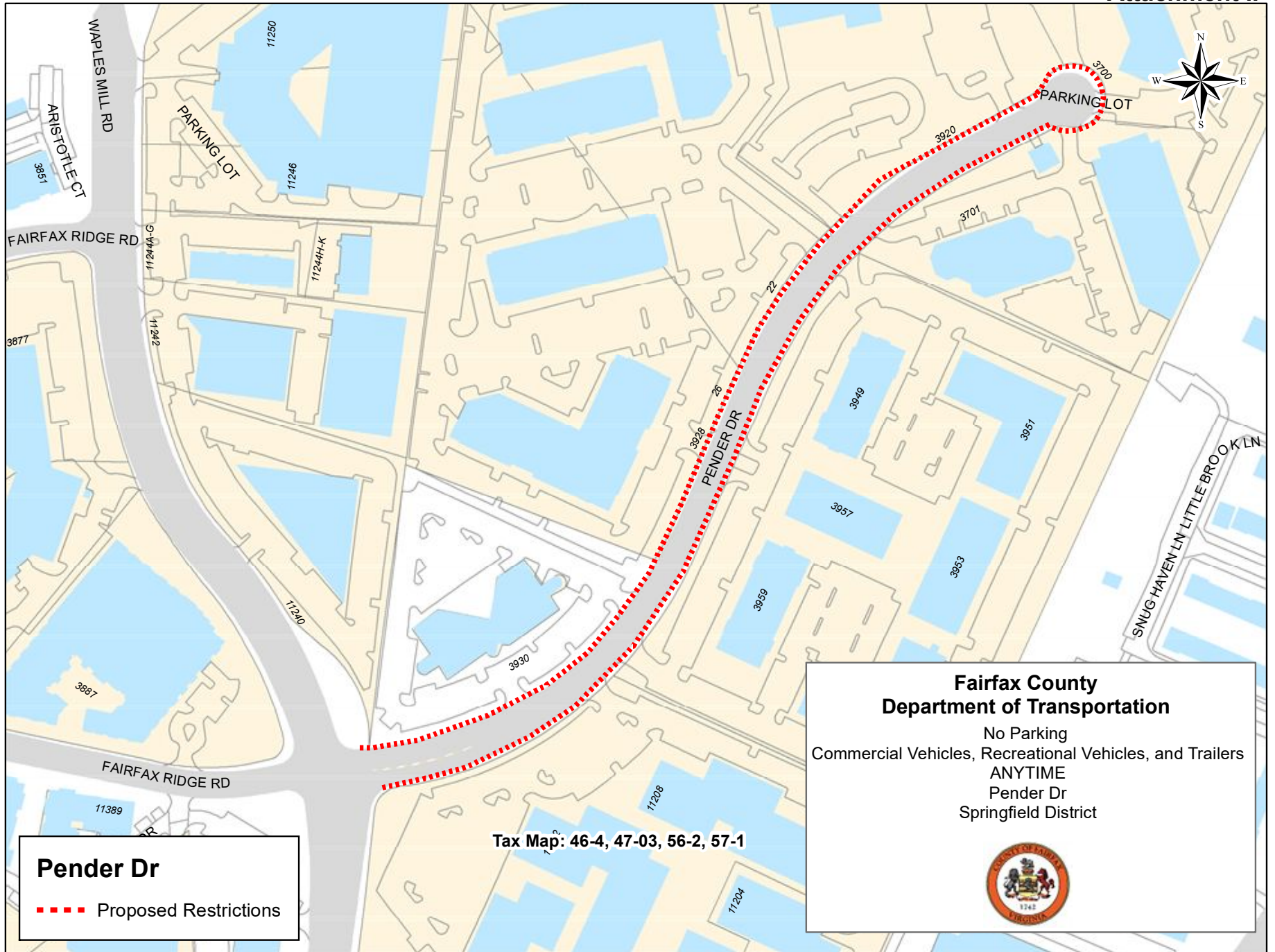
PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA  
APPENDIX R

Amend *The Code of the County of Fairfax, Virginia*, by adding the following to Appendix R, in accordance with Section 82-5-37:

*Pender Drive (Route 5975)*

Commercial vehicles, recreational vehicles (watercraft, boat trailers, motor homes, or camping trailers), and any trailer or semitrailer, as defined, respectively, in Fairfax County Code §§ 82-5-7, 82-5B-1 and 82-1-2(a), are restricted from parking on Pender Drive from Waples Mill Road to the cul-de-sac, inclusive, twenty-four hours per day, seven days a week.



**Pender Dr**

----- Proposed Restrictions

**Fairfax County  
Department of Transportation**

No Parking  
Commercial Vehicles, Recreational Vehicles, and Trailers  
ANYTIME  
Pender Dr  
Springfield District



Tax Map: 46-4, 47-03, 56-2, 57-1

Board Agenda Item  
July 25, 2023

4:30 p.m.

Public Hearing on a Proposed Amendment to Appendix Q (Land Development Services Fee Schedule) of *The Code of the County of Fairfax, Virginia* (County Code) Re: Site Inspection Fees for Bond Agreement Extensions

ISSUE:

Board of Supervisors (Board) approval of a proposed amendment to Appendix Q (Land Development Services Fee Schedule) of the County Code that addresses site inspection fees for bond agreement extensions.

PLANNING COMMISSION RECOMMENDATION:

On June 28, 2023, the Planning Commission voted 8-0 (Commissioners Murphy, Clarke, Bennett, and Ulfelder were absent from the meeting) to recommend to the Board of Supervisors adoption of the Proposed Amendment to Appendix Q (Land Development Services Fee Schedule) of the Code of the County of Fairfax, Virginia, as set forth in the staff report dated June 6, 2023 (Attachment I).

RECOMMENDATION:

The County Executive recommends that the Board approve the proposed amendment as set forth in the Staff Report dated June 6, 2023.

The proposed amendment has been prepared by Land Development Services (LDS) in coordination with the Office of the County Attorney and the Department of Management and Budget.

TIMING:

Board action is requested on July 25, 2023. The Board authorized advertisement of public hearings on June 6, 2023. The Planning Commission held a public hearing on June 28, 2023. If adopted by the Board, the amendment will become effective at 12:01 a.m. on July 26, 2023.

BACKGROUND:

On December 7, 2021, the Board adopted amendments to the Land Development Services Fee Schedule with the amendments related to Vertical Transportation and Elevators effective on December 8, 2021, and the other amendments, including site inspection fees, effective upon launch of the Planning and Land Use System (PLUS) on October 31, 2022. After implementing the new fees for 6 months, LDS recommend

Board Agenda Item  
July 25, 2023

reverting to the previous Inspection Fee for Agreement Extensions pending further study and future changes.

The current fee for site inspections for site plans, subdivision plans, and public improvement plans is based on a percentage (either 3% or 4% depending on plan type) of the dollar value of bonded improvements. To simplify the computation of inspection fees and the associated administrative burden on staff and customers, the costs for inspecting erosion and sediment (E&S) controls are included in the computation of inspection fees based on the bonded improvements. If there are no bonded improvements, the owner pays the minimum fee for that plan type to cover E&S control inspections and determine compliance with the approved plan. Inspection fees are paid at or before permit issuance for the duration of the chosen agreement period and the owner posts a bond with the County for completion of the public improvements.

When agreements must be extended because projects are not yet completed, additional inspections for the added project duration are required. A fee is charged to cover the cost of these additional inspections. The inspection fee for agreement extensions was modified with a new calculation method effective in the 2022 fee changes. The inspection fee for agreement extensions is currently 75% of the original inspection fee converted to a monthly value based on the length of the original agreement which is then multiplied by the length of the extension in months.

Prior to adoption of the current fee schedule, inspection fees for site-related plans were calculated based on both the number of disturbed acres and specific bonded improvements. Inspection fees for agreement extensions were calculated based on the number of disturbed acres without considering the bonded improvements, which is a method that only accounts for the continuing inspection of E&S controls.

LDS has received 50 requests for agreement extension since the fee change became effective. Of those 50 requests, 49 have a higher inspection fee while one is lower than the fee that would have resulted from the prior method. Cumulative inspection fees assessed are 339% higher than under the previous method. The average inspection fee for an agreement extension is equivalent to \$188.17 per disturbed acre per month versus the previous fee of \$46.26 per disturbed acre per month. Because the current method is based on the value of bonded items, smaller projects have seen proportionally greater fees per acre of project.

After six months of implementing this new fee schedule, LDS believes the inspection fee formula warrants further review and modelling to ensure it accurately reflects the inspection costs for agreement extensions. LDS has engaged a consultant to review LDS fees in Appendix Q and associated costs for delivery of services. The review is expected to be completed within twelve months and will inform a comprehensive fee

Board Agenda Item  
July 25, 2023

schedule update. To address immediate concerns with the current inspection fee for agreement extensions, the proposed amendment will reinstate the fee that existed prior to adoption of the current fee schedule. No change to the current inspection fee for the original agreement is proposed.

As explained in more detail in the Fiscal Impact section, this change will, on average, reduce fees for customers and have a negative impact on the LDS budget.

PROPOSED AMENDMENT:

The proposed amendment to Appendix Q of the County Code computes the inspection fees for an agreement extension as follows:

- \$46.26 per disturbed acre per month.
- A one-time fifty-percent reduction of the extension inspection fee may be permitted (This allowance is in both the existing and prior provisions and is being retained with the proposed amendment.).

The proposed amendment is attached to the Staff Report.

EQUITY IMPACT STATEMENT:

The proposed amendment supports a quality built and natural environment that accommodates anticipated growth and change in an economically, socially, and environmentally sustainable and equitable manner that includes mixes of land use that protects existing stable neighborhoods and green spaces, supports sustainability, supports a high quality of life, and promotes employment opportunities, housing, amenities and services for all people. Industry has indicated to LDS that the new pricing calculation for agreement extensions that went into effect on October 31, 2022, is a burden to their projects. The current agreement extension costs are significantly higher than the prior calculations. Projects that are funded by nonprofits and community groups with modest budgets tend to use smaller contractors who may not be familiar with Fairfax County's policies and practices. If those projects require multiple extensions, a greater cost will be incurred, which can be untenable to the project. Coupled with increased materials costs and general inflation, these new costs have the potential to exceed project budgets.

Reverting to the prior calculation provides consistency and predictability in uncertain financial times to the projects underway in the County. This benefits those community-serving projects with tighter funding as they proceed through construction. It is expected that the results of the LDS consultant's fee analysis will provide a more equitable fee

Board Agenda Item  
July 25, 2023

schedule for all customers while providing sufficient revenue for LDS to provide its services. This proposed change has the potential to advance equity throughout the County by reducing the costs associated with the construction of public infrastructure including sidewalks, trails, streetlights, and stormwater management facilities.

**REGULATORY IMPACT:**

The proposed change to the inspection fee for agreement extensions will reduce the costs for agreement extensions paid by customers. This will impact approximately 100 plans per year.

**FISCAL IMPACT:**

An analysis of the proposed change to the inspection fee for agreement extensions indicates that the change will have a negative impact on LDS revenue in Fund 40200. Staff reviewed inspection fees charged for 50 agreement extension requests submitted in the six-month period immediately following the effective date of the current fee schedule and determined what the fee would be under the proposed change. Table 1 below reflects the projected change in annual revenue assuming 100 agreement extension requests per year. LDS projects a 77% reduction in annual revenue for agreement extensions. The dollar amount of the loss for FY2024 will be slightly smaller because the change in fees will only be in effect for approximately eleven months. While the loss in revenue seems substantial, this proposed change corrects the calculation for inspection fees for agreement extensions in a way that benefits customers and allows LDS to continue providing services. County staff will continue to monitor the status of this fund and provide updates, if necessary, as part of future quarterly budget reviews.

**Table 1: Projected Annual Revenue**

<b>Fee</b>	<b>Current Fee Schedule</b>	<b>Proposed Fee Schedule</b>	<b>Change</b>
Inspection Fee for Agreement Extensions	\$1,814,000	\$413,400	(\$1,400,600)

**ENCLOSED DOCUMENTS:**

Attachment I – Land Development Services Staff Report dated June 6, 2023: Proposed Amendment to Appendix Q (Land Development Services Fee Schedule) of The Code of the County of Fairfax, Virginia (County Code) Re: Site Inspection Fees for Bond Agreement Extensions



Board Agenda Item  
July 25, 2023

**STAFF:**

Rachel Flynn, Deputy County Executive

William D. Hicks, P.E., Director, Land Development Services (LDS)

Jodi Florentine, Revenue Manager, Financial Management Branch, LDS

**ASSIGNED COUNSEL:**

Patrick V. Foltz, Assistant County Attorney

LAND DEVELOPMENT SERVICES  
June 6, 2023

# STAFF REPORT

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- PROPOSED COUNTY CODE AMENDMENT
- PROPOSED PFM AMENDMENT
- PROPOSED ZONING ORDINANCE AMENDMENT
- APPEAL OF DECISION
- WAIVER REQUEST

Proposed Amendment to Appendix Q (Land Development Services Fee Schedule) of *The Code of the County of Fairfax, Virginia* (County Code)  
Re: Site Inspection Fees for Bond Agreement Extensions

## PUBLIC HEARING DATES

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Authorization to Advertise: June 6, 2023  
Planning Commission Hearing: June 28, 2023 at 7:30 p.m.  
Board of Supervisors' Hearing: July 25, 2023 at 4:30 p.m.

Prepared By: John Friedman  
Site Code Research and Development Branch  
Land Development Services  
(703) 324-1848

## **STAFF REPORT**

### **STAFF RECOMMENDATION**

Staff recommends that the Board of Supervisors (Board) adopt the proposed amendment to Appendix Q (Land Development Fee Schedule) of the County Code. Edits are shown by underlining for added text and strikethrough for deleted text.

### **DISCUSSION**

On December 7, 2021, the Board adopted amendments to the Land Development Services Fee Schedule with the amendments related to Vertical Transportation and Elevators effective on December 8, 2021, and the other amendments, including site inspection fees, effective upon launch of the Planning and Land Use System (PLUS) on October 31, 2022. After implementing the new fees for 6 months, LDS recommends reverting to the previous Inspection Fee for Agreement Extensions pending further study and future changes.

The current fee for site inspections for site plans, subdivision plans, and public improvement plans is based on a percentage (either 3% or 4% depending on plan type) of the dollar value of bonded improvements. To simplify the computation of inspection fees and the associated administrative burden on staff and customers, the costs for inspecting erosion and sediment (E&S) controls are included in the computation of inspection fees based on the bonded improvements. If there are no bonded improvements, the owner pays the minimum fee for that plan type to cover E&S control inspections and determine compliance with the approved plan. Inspection fees are paid at or before permit issuance for the duration of the chosen agreement period and the owner posts a bond with the County for completion of the public improvements.

When agreements must be extended because projects are not yet completed, additional inspections for the added project duration are required. A fee is charged to cover the cost of these additional inspections. The inspection fee for agreement extensions was modified with a new calculation method effective in the 2022 fee changes. The inspection fee for agreement extensions is currently 75% of the original inspection fee converted to a monthly value based on the length of the original agreement which is then multiplied by the length of the extension in months.

Prior to adoption of the current fee schedule, inspection fees for site-related plans were calculated based on both the number of disturbed acres and specific bonded improvements. Inspection fees for agreement extensions were calculated based on the number of disturbed acres without considering the bonded improvements, which is a method that only accounts for the continuing inspection of E&S controls.

LDS has received 50 requests for agreement extension since the fee change became effective. Of those 50 requests, 49 have a higher inspection fee while one is lower than the fee that would have resulted from the prior method. Cumulative inspection fees assessed are 339% higher than under the previous method. The average inspection fee for an agreement extension is equivalent to \$188.17 per disturbed acre per month versus the previous fee of \$46.26 per disturbed acre per month. Because the current method is based on the value of bonded items, smaller projects have seen proportionally greater fees per acre of project.

After six months of implementing this new fee schedule, LDS believes the inspection fee formula warrants further review and modelling to ensure it accurately reflects the inspection costs for agreement extensions. LDS will engage a consultant to review LDS fees in Appendix Q and associated costs for delivery of services. The review is expected to be completed within twelve months and will inform a comprehensive fee schedule update. To address immediate concerns with the current inspection fee for agreement extensions, the proposed amendment will reinstate the fee that existed prior to adoption of the current fee schedule. No change to the current inspection fee for the original agreement is proposed.

As explained in more detail in the Fiscal Impact section, this change will, on average, reduce fees for customers and have a negative impact on the LDS budget.

### **PROPOSED AMENDMENT**

The proposed amendment to Appendix Q of the County Code computes the inspection fees for an agreement extension as follows:

- \$46.26 per disturbed acre per month.
- A one-time fifty-percent reduction of the extension inspection fee may be permitted (This allowance is in both the existing and prior provisions and is being retained with the proposed amendment.).

The proposed amendment is attached to this report.

### **EQUITY IMPACT**

The proposed amendment supports a quality built and natural environment that accommodates anticipated growth and change in an economically, socially, and environmentally sustainable and equitable manner that includes mixes of land use that protects existing stable neighborhoods and green spaces, supports sustainability, supports a high quality of life, and promotes employment opportunities, housing, amenities and services for all people. Industry has indicated to LDS that the new pricing calculation for agreement extensions that went into effect on October 31, 2022, is a burden to their projects. The current agreement extension costs are significantly higher than the prior calculations. Projects that are funded by nonprofits and community groups with modest budgets tend to use smaller contractors who may not be familiar with

Fairfax County’s policies and practices. If those projects require multiple extensions, a greater cost will be incurred, which can be untenable to the project. Coupled with increased materials costs and general inflation, these new costs have the potential to exceed project budgets.

Reverting to the prior calculation provides consistency and predictability in uncertain financial times to the projects underway in the County. This benefits those community-serving projects with tighter funding as they proceed through construction. It is expected that the results of the LDS consultant’s fee analysis will provide a more equitable fee schedule for all customers while providing sufficient revenue for LDS to provide its services. This proposed change has the potential to advance equity throughout the County by reducing the costs associated with the construction of public infrastructure including sidewalks, trails, street lights, and stormwater management facilities.

**REGULATORY IMPACT**

The proposed change to the inspection fee for agreement extensions will reduce the costs for agreement extensions paid by customers. This will impact approximately 100 plans per year.

**FISCAL IMPACT**

An analysis of the proposed change to the inspection fee for agreement extensions indicates that the change will have a negative impact on LDS revenue in Fund 40200. Staff reviewed inspection fees charged for 50 agreement extension requests submitted in the six-month period immediately following the effective date of the current fee schedule and determined what the fee would be under the proposed change. Table 1 below reflects the projected change in annual revenue assuming 100 agreement extension requests per year. LDS projects a 77% reduction in annual revenue for agreement extensions. The dollar amount of the loss for FY2024 will be slightly smaller because the change in fees will only be in effect for approximately eleven months. While the loss in revenue seems substantial, this proposed change corrects the calculation for inspection fees for agreement extensions in a way that benefits customers and allows LDS to continue providing services. County staff will continue to monitor the status of this fund and provide updates, if necessary, as part of future quarterly budget reviews.

**Table 1: Projected Annual Revenue**

<b>Fee</b>	<b>Current Fee Schedule</b>	<b>Proposed Fee Schedule</b>	<b>Change</b>
Inspection Fee for Agreement Extensions	\$1,814,900	\$413,400	(\$1,400,600)

**ATTACHED DOCUMENTS**

Attachment A – Amendment to Appendix Q (LDS Fee Schedule)

**Proposed Amendment to  
Appendix Q (Land Development Services Fee Schedule) of  
The Code of the County of Fairfax, Virginia**

**Amend Part II (Site Development Fees), Section C (Site Inspection Fees), where insertions are underlined and deletions are struck, to read as follows:**

<b>C. SITE INSPECTION FEES</b>		
Unless otherwise noted, the following fees shall be paid at the time of bonding, or prior to issuance of a construction permit for land disturbing activity, whichever occurs first. The Fire Prevention inspection fees are listed in Part D.		
<i>(A) Base Fee for Projects with Bonded Improvements including agreement only plans: Fee is based on a percentage of the bonded amount</i>		
	• Major Site Plans	4.0%
	◦ With a minimum of	\$7,500
	◦ With a maximum of	\$230,000
	• Subdivision Plans	3.0%
	◦ With a minimum of	\$20,000
	◦ With a maximum of	\$150,000
	• Public Improvement Plans	4.0%
	◦ With a minimum of	\$5,500
	◦ With a maximum of	\$35,000
<i>(B) Inspection Fee for Agreement Extensions: <del>75% of the base inspection fee for the now expired bond agreement period divided by the number of months in the preceding bond agreement period, then multiplied by the number of months in the extension. Per disturbed acre, per agreement month. A one-time fifty-percent reduction of the extension inspection fee may be permitted.</del></i>		<u>\$46.26</u>

ATTACHMENT A

<i>(C) Inspection following a stop work order: each, payable at next bonding action</i>	\$740.00
<i>(D) Inspection following a violation: each inspection, payable at next bonding action</i>	\$370.00



Board Agenda Item  
July 25, 2023

4:30 pm

Public Hearing on a Proposal to Prohibit Through Truck Traffic on Lorton Market Street and Gunston Cove Road (Mount Vernon District)

ISSUE:

Public hearing for the purpose of endorsing the following road(s) to be included in the Residential Traffic Administration Program (RTAP) for a through truck traffic restriction:

- Lorton Market Street and Gunston Cove Road between Lorton Road and Richmond Highway (Route 1)

RECOMMENDATION:

The County Executive recommends that the Board approve the attached resolution (Attachment II) endorsing Lorton Market Street and Gunston Cove Road, between Lorton Road and Richmond Highway (Route 1), to be included in the RTAP for a through truck traffic restriction, following the aforementioned public hearing.

TIMING:

On June 27, 2023, the Board authorized advertisement of a public hearing scheduled for July 25, 2023, at 4:30 p.m.

BACKGROUND:

On April 20, 2023, the Mount Vernon District Supervisor's Office requested that staff work with the Virginia Department of Transportation (VDOT) to implement a through truck traffic restriction on Lorton Market Street and Gunston Cove Road between Lorton Road and Richmond Highway (Route 1). The request stemmed from safety concerns of residents in the area related to increased truck traffic utilizing these roadway segments as a shortcut between Lorton Road and Richmond Highway (Route 1). A possible alternate route has been identified (Attachment I) that would start at Lorton Market Street and Lorton Road, travel along Lorton Road to the intersection of Lorton Road and Richmond Highway (Route 1), then continue on Richmond Highway (Route 1) to the intersection of Richmond Highway (Route 1) and Gunston Cove Road.

Section 46.2-809 of the *Code of Virginia* requires a local jurisdiction to hold a duly advertised public hearing on any proposal to restrict through truck traffic on a primary or secondary road. Further, a resolution pertaining to prohibiting through truck traffic on these roads (Attachment II) has been prepared for adoption and transmittal to VDOT, which will conduct the formal engineering study of the through truck restriction request.

Board Agenda Item  
July 25, 2023

FISCAL IMPACT:

None.

EQUITY IMPACT:

An Equity Impact Assessment is not required for this item as it is part of the Residential Traffic Administration Program already approved by the Board of Supervisors.

ENCLOSED DOCUMENTS:

Attachment I: Area Map of Proposed Through Truck Traffic Restriction

Attachment II: Proposed Resolution to Restrict Through Truck Traffic on Lorton Market Street and Gunston Cove Road

STAFF:

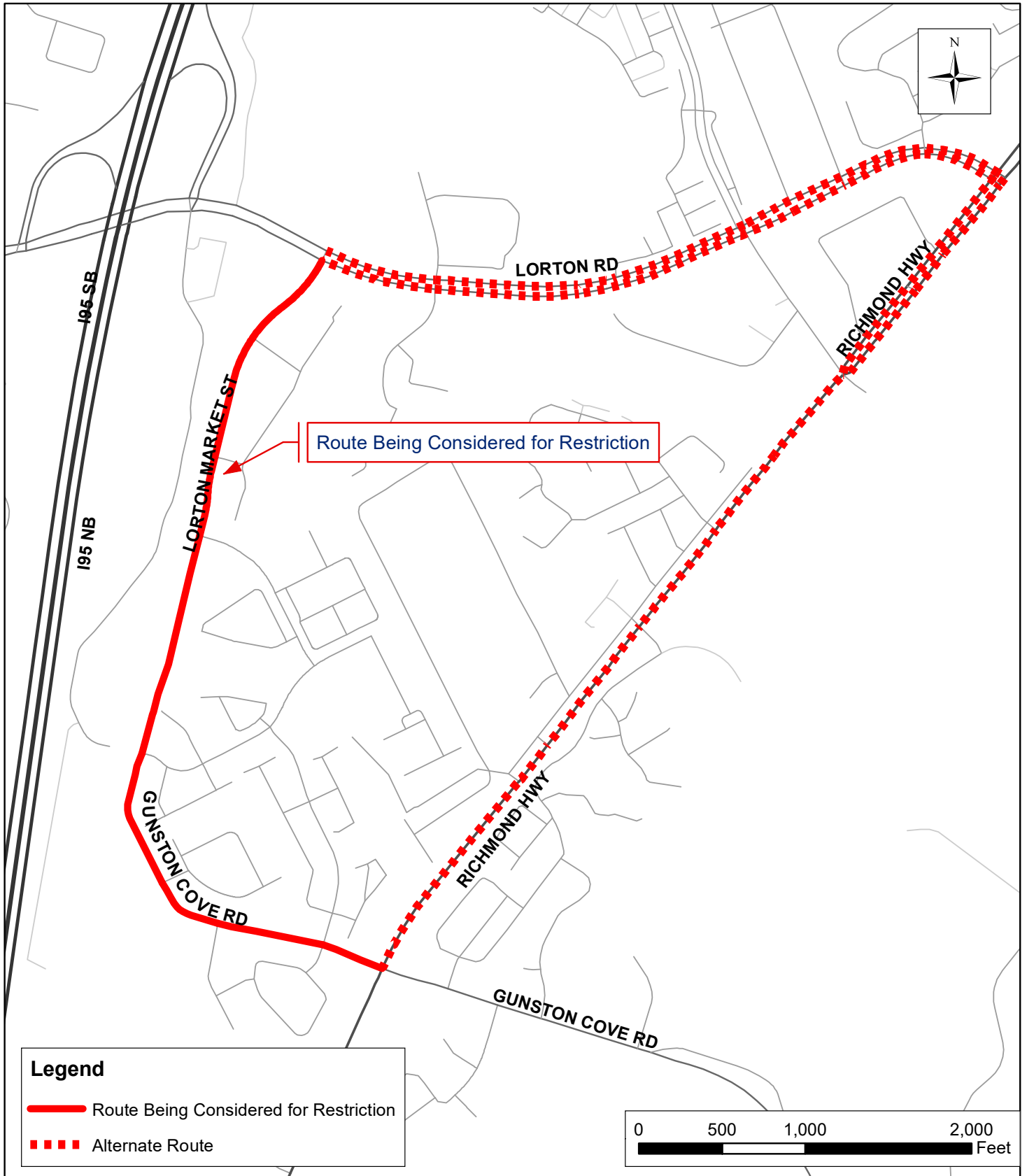
Rachel Flynn, Deputy County Executive

Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)

Eric M. Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

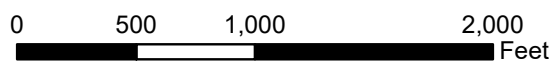
Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Steven K. Knudsen, Transportation Planner, FCDOT



**Legend**

- Route Being Considered for Restriction
- - - Alternate Route



Tax Map: 107-2, 107-4, 108-1, 108-3, 113-2, 114-1

**Fairfax County Department of Transportation  
 Residential Traffic Administration Program  
 Through Truck Restriction Map  
 Lorton Market Street & Gunston Cove Road  
 Mount Vernon District**

May 2023



**RESOLUTION**

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION  
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)  
THROUGH TRUCK TRAFFIC RESTRICTION  
LORTON MARKET STREET AND GUNSTON COVE ROAD  
MOUNT VERNON DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, July 25, 2023, at which meeting a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, the residents who live along Lorton Market Street and Gunston Cove Road, between Lorton Road and Richmond Highway (Route 1), have expressed concerns regarding the negative impacts associated with through truck traffic on this road; and

**WHEREAS**, a reasonable alternate route has been identified for Lorton Market Street and Gunston Cove Road starting at Lorton Market Street and Lorton Road, traveling along Lorton Road to the intersection of Lorton Road and Richmond Highway (Route 1), continuing on Richmond Highway (Route 1) to the intersection of Richmond Highway (Route 1) and Gunston Cove Road; and

**WHEREAS**, it is the intent of the Fairfax County Board of Supervisors to ensure that the proposed through truck restriction be enforced by the Fairfax County Police Department; and

**WHEREAS**, a public hearing was held pursuant to Section 46.2-809 of the *Code of Virginia*;

**NOW THEREFORE BE IT RESOLVED**, that the Board of Supervisors of Fairfax County, Virginia, has determined that in order to promote the health, safety, and general welfare of the citizens of Fairfax County, it is beneficial to prohibit through truck traffic on Lorton Market Street and Gunston Cove Road, between Lorton Road and Richmond Highway (Route 1), as part of the County's Residential Traffic Administration Program (RTAP).

**FURTHER BE IT RESOLVED**, that the Commonwealth Transportation Board is hereby formally requested to take necessary steps to enact this prohibition.

**ADOPTED** this 25th day of July, 2023.

A Copy Teste:

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Jill G. Cooper  
Clerk for the Board of Supervisors

Board Agenda Item  
July 25, 2023

4:30 p.m.

Public Comment on Issues of Concern