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1200 U Street, NW
Washington, DC 20009
(202) 328-5500
www.legalclinic.org
@washlegalclinic

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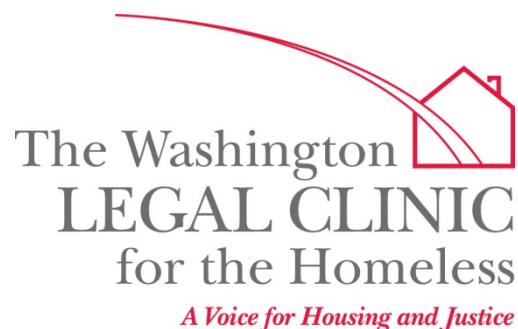
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Testimony for the Committee of the Whole on Bill 22-736, Comprehensive Plan Amendment Act of 2020

Thursday, November 12, 2020 (oral testimony)
Thursday, December 3, 2020 (written addendum)

Oral Testimony submitted November 12, 2020

Good afternoon. My name is Caitlin Cocilova. I am a staff attorney at the Washington Legal Clinic for the Homeless and a member of the DC Grassroots Planning Coalition Steering Committee. I am also a Ward 1 resident. The Legal Clinic envisions a just and inclusive community for all residents of DC, where housing is a human right and where every individual and family has equal access to the resources they need to thrive. We support the Housing Justice Priorities put forth by the Grassroots Planning Coalition and are against the passage of the Mayor's amendments to the Comprehensive Plan as proposed, as they will not stop displacement, expand and ensure affordability for people with the lowest incomes, or ensure community-led, inclusive, equitable development.

Particularly, we urge Council to:

1. Reject OP's position that the Comp Plan should be a flexible guide with weakened language;
2. Incorporate more language around specific housing asks; and
3. Require our planning agencies do analyses of needs and current housing stock, not just market demand.

Council has an opportunity to oversee and legislate provisions of the Comprehensive Plan, which, according to the Introduction, is meant to be a plan from which "all plans relating to the District's physical development should take their leads." (103.1, 103.2)¹ Rather than shifting power from the legislative to the executive by weakening its language, Council must

¹ OP is proposing to remove language that says agency heads "must bring other plans in line with it." (Introduction 109.2) Relatedly, "The Comprehensive Plan is not intended to be a substitute for more detailed plans nor dictate precisely what other plans must cover. Rather it is the one document that bridges all topics and is crosscutting in its focus. It is the Comprehensive Plan, alone, that looks at the "big picture" of how



continue in its efforts in accountability and decreased spending inefficiencies by maintaining stricter language.²

We know that lawsuits that are frequently referenced as a reason for justifying changes to the Comp Plan are actually the result of a Zoning Commission that has failed to comply with laws and regulations mandating that we actually do this accountability work. It should be noted that these same lawsuits, however, may be able to take credit for DC dropping from number one to number thirteen on the list of most intensely gentrifying cities in the U.S.

With the changes OP has proposed, it seems as though DC is clamoring to get back on top of that gentrification list by allowing for unfettered development with less definitive checks and balances. How else do we reconcile conversations about building more housing – 24,000 more luxury units – when there are already myriad housing units available and vacant units that are not being filled? Truly, who are these apartments being built for? It isn't our clients or the community members we organize with. Even with vouchers, they're nearly impossible to access. The community members we work with are rather subject to a new form of "Urban Renewal" by being kicked off their encampments, when new developments go up, to make room for people like me a few years ago – students who use their government loans to subsidize and afford the luxury units.

I would love to see, in practice, humility by those who have been responsible for planning in a way that pushed tens of thousands of Black and poor people out of the city, as these are not natural cycles and are actually the subject of pending litigation.³ As we continue to pontificate about things such as red lining, we must recognize the tactics that are being used today by our own planning agencies that will perpetuate the same cycles in a more hidden way.⁴ Until we start breaking planning down in terms of matching the actual demand, the actual need, to the units being produced, we will continue to build for the sake of building, for the sake of continuing and furthering a market that does not work for people with low incomes, for the sake of legacy and maintained political power. The results we see today, of people in high numbers doubled up, in shelters, on the street, and in temporary housing programs, are the consequences of planning that has failed to include their needs.

change will be managed now and in the years ahead." (Introduction 110.1, with minor proposed changes included)

² See, e.g., Economic Development Return on Investment Accountability Amendment Act of 2018 (Law 22-295). Inaugural report from 2019 available at:

<https://dmped.dc.gov/sites/default/files/dc/sites/dmped/publication/attachments/FY19%20ED%20Return%20on%20Investment%20Accountability%20Report.pdf>.

³ Jenna Wang, "Residents Sue Washington D.C. for Racist Gentrification Practices," *Forbes* (June 28, 2018), available at <https://www.forbes.com/sites/jennawang/2018/06/28/residents-sue-washington-d-c-over-1-billion-for-racist-gentrification-practices/?sh=176f62683e8f>.

⁴ The impact has been similar. The results of seemingly well-intentioned planning policies are often an after-thought. For example, at the 20 Years of Comprehensive Planning event on October 27, 2020 with five former planning directors, Harriet Tregoning raised how when she was director, they allowed ADUs across the city, but low- to moderate- income homeowners did not have the credit to take advantage of those opportunities. Policies implemented in this way allow wealthier, and usually whiter, residents to take advantage of wealth-building opportunities that increase the wealth gap, while other legislation and changes take time to catch up to mitigate the impact.

I have no doubt at the amount of work that went into producing the amended document before you today, but the result of that work, without adjustments, will not achieve the stated goals of racial equity and inclusivity, especially not across economic classes.

We will be submitting more detailed written testimony with specific recommendations on proposed provisions. Thank you for the opportunity to testify.

Written Addendum submitted December 3, 2020

We look forward to continued discussions with members of this Council on suggested changes to specific provisions and Elements of the Comprehensive Plan over the next couple of months. Below are a few items to consider, in addition to the DC Grassroots Planning Coalition Housing Justice Priorities, as you continue your examination of Bill 22-736.

Affordable Housing Definitions

Language on housing in the Comprehensive Plan must prioritize what is currently lacking in DC and what is less frequently produced by the private market, alone: affordable housing for those at 0 to 30 percent of the Median Family Income (MFI). Affordable housing is defined in the Comprehensive Plan Glossary (“Glossary”) as, “Housing that can be rented or purchased by a household with very low, low, or moderate income for less than 30 percent of that household’s gross monthly income.” Similarly, “mixed income” is defined as, “Generally refers to housing (or neighborhoods) that includes both affordable units and market-rate units, suitable for a mix of low, moderate, and above-moderate income households.” To understand what these definitions mean, look to the definitions of “very low income,” “low income,” and “moderate income”:

- Very-low income: Having an income that is less than 50 percent of the areawide median income.⁵
- Low income/lower income: Household income that is less than 80 percent of the area median. Low income thresholds vary depending on the number of persons in the household.
- Moderate income: Household earning between 81 and 120 percent of the areawide median income.

Accordingly, any section in the current version of the Comprehensive Plan and in the Bill before Council that discusses “affordable housing” is referring to housing of up to 120 percent of the Median Family Income. In fiscal year 2020, the HUD MFI for the DC area was \$126,000.⁶ A prioritization of “affordable housing,” under this current definition, is therefore for households of four making up to \$151,200 a year, an amount \$120,000 more than the \$31,200 a minimum wage worker earns after a year of full-time work.⁷ With “affordable housing” further defined as 30 percent of these incomes, this means:

⁵ Please note that HUD now uses Median Family Income (MFI) instead of Area Median Income (AMI). The terms are functionally the same.

⁶ HUD, “FY 2020 Income Limits Documentation System,” *available at* <https://www.huduser.gov/portal/datasets/il/il2020/2020MedCalc.odn> (last visited December 3, 2020).

⁷ Calculation for minimum wage workers’ salaries: \$15/hr x 40hrs/wk x 52 wks/yr = \$31,200/year

- Very-low income (< 50% MFI): < \$63,000; rent affordable at < \$1,575
- Low income/lower income (< 80% MFI): < \$100,800; rent affordable at < \$2,520
- Moderate income (80% to 120% MFI): \$100,800 to \$151,200; rent affordable at \$2,520 to \$3,780⁸

Neither the “affordable housing” nor “mixed use” definitions explicitly discuss people with “extremely low income,” defined in the Glossary as “income less than 30 percent of the areawide median.” Using the FY 2020 HUD standards, 30 percent of the MFI comes to \$37,800 a year, making the affordable monthly rent \$945 (compared to \$2,520 to \$3,780 for a moderate income household). \$37,800 is still well above the annual SSI income of \$9,528 for individuals,⁹ which was the primary source of income for 46 percent of unhoused adults receiving some form of income in 2020.¹⁰ \$37,800 also greatly exceeds the maximum \$21,216 a year for a family of four receiving TANF assistance,¹¹ which was the primary source of income in 2020 for over half of the unhoused families who received some form of income.¹² Affordable rent at 30 percent of these incomes is thus \$238 for an SSI holder and \$530 for a family of four on TANF.

The Glossary is “not a formally adopted part of the Comprehensive Plan” and is subsidiary to any conflicting formal, legal definition in other laws.¹³ It is therefore imperative that “affordable housing” is even more clearly defined in any Element as to the intended target population.

Furthermore, because the Land Use Element carries greater weight than the other Elements and can override competing or conflicting language in other chapters, Council should consider incorporating any specific housing policies related to affordability for residents with extremely low and very low incomes, and housing for larger families, into the Land Use Element. Useful language introduced by the Office of Planning in other Elements may not be implemented as readily without proper mandates in the Land Use Element. Take, for example, proposed language to Housing Element Section 500.19 (current)/ 500.28 (proposed), which states:

⁸ Compare these to the amount affordable for a minimum wage worker: \$31,200/yr x .3 (30% for rent) / 12 months/yr = \$780/month in rent. *See also* National Low Income Housing Coalition, “Out of Reach 2020: District of Columbia” (2020), <https://reports.nlihc.org/oor/district-columbia>.

⁹ Social Security Administration, “SSI Federal Payment Amounts for 2021,” <https://www.ssa.gov/oact/cola/SSI.html> (last visited December 3, 2020) (stating monthly income is \$794; when multiplied by 12 months, this equates to an \$9,528 annual income).

¹⁰ The Community Partnership for the Prevention of Homelessness, “2020 Point-in-Time Count” at 21 (June 10, 2020), available at <https://community-partnership.org/wp-content/uploads/2020/07/PointinTime2020.pdf>.

¹¹ DC Department of Human Services, “TANF for District Families,” <https://dhs.dc.gov/service/tanf-district-families> (last visited December 3, 2020). Please note that the \$21,216 amount includes the maximum \$11,568 annual income (\$964/month) that a family of four may earn to qualify for TANF. The TANF amount, alone, is \$804 a month for a family of four.

¹² The Community Partnership for the Prevention of Homelessness, “2020 Point-in-Time Count” at 21 (June 10, 2020), available at <https://community-partnership.org/wp-content/uploads/2020/07/PointinTime2020.pdf>.

¹³ DC Comprehensive Plan, “Glossary of Terms & Index” at G-1 (2020), available at https://planning.dc.gov/sites/default/files/dc/sites/op/publication/attachments/Vol%25203%2520glossary_index.pdf.

“Family households with children need larger housing units with more bedrooms. Of the existing housing stock, only 34 percent of the units have three bedrooms or more, which is a slight decline from 2006, when 35 percent of units had three or more bedrooms. Eighty-nine percent of recent new construction has been apartments, of which only two percent had three or more bedrooms. Of new condominium units built since 2006, less than 10 percent had three or more bedrooms. Because the vast majority of Washington, DC’s capacity for growth is in multi-family development, the District will need to look to apartment buildings to add larger family-sized units.” (citations omitted)

Compare this with proposed language to Section 306.4 (current)/307.4 (proposed) in the Land Use Element discussing principles for development around Metrorail stations:

“A preference for diverse housing types, including both market-rate and affordable units; a mix of unit sizes that can accommodate both smaller and larger households; and housing for older adults and persons with disabilities...”

Neither “smaller” nor “larger” household is defined in the Glossary nor in the Land Use Element, despite some language in the Housing Element identifying a unit size that may accommodate what could be considered a larger household (i.e. three or more bedrooms). If the Executive and this Council is serious about implementing housing strategies that align with the findings and recommendations from “An Assessment of the Need for Large Units in the District of Columbia” completed in June 2019, in addition to other feedback and knowledge from current and displaced residents, specific language around what constitutes a “larger” household must be added to the Land Use Element.¹⁴

Affordable Housing Language and Racial Equity

In 2018, the Black median household income in DC was \$45,200, compared to the \$142,500 annual income for white households.¹⁵ If development continues in the same fashion, more and more people from the same Black communities that are currently facing displacement pressures will be pushed out of DC and/or into DC’s already overcrowded homeless services system, of which approximately 90 percent is Black.¹⁶ One step to ensuring the changes to the Comprehensive Plan are racially equitable, in addition to the recommendations in the DC Grassroots Planning Coalition Housing

¹⁴ Peter A Tatian, Leah Hende, & Scott Bruton, “An Assessment of the Need for Large Units in the District of Columbia” (June 2019), *available at* https://dmped.dc.gov/sites/default/files/dc/sites/dmped/publication/attachments/Formatted%20FSU%20Study_FINAL%206-24_1.pdf.

¹⁵ DC Fiscal Policy Institute, “Black Workers Matter: How the District’s History of Exploitation and Discrimination Continues to Harm Black Workers” (January 28, 2020), <https://www.dcfpi.org/all/black-workers-matter/>.

¹⁶ The Community Partnership for the Prevention of Homelessness, “2020 Point-in-Time Count” at 14 (June 10, 2020), *available at* <https://community-partnership.org/wp-content/uploads/2020/07/PointinTime2020.pdf>.

Justice Priorities, is to have the changes undergo a REACH Act racial equity analysis prior to passage of the Bill.¹⁷

UpFLUMing and Homelessness

UpFLUMing and Access to Housing

In the same year that a revised Comprehensive Plan is on the table that would allow the private market to build much more than is currently allowed by right (i.e. upFLUMing), the Mayor and Council's approved FY2021 budget dramatically cut the amount of money going to permanent housing vouchers that could give individuals facing chronic homelessness possible access to any of these new units.¹⁸ Moreover, 40,000 households remain on the Housing Choice Voucher waitlist, with 27,000 and 23,000 households on the Public Housing and Mod/Rehab waitlists respectively¹⁹; shelters remain at, or almost at, full capacity;²⁰ hundreds of residents remain on the streets in encampments,²¹ and small apartments continue to be filled with people who are doubled up, unable to access the housing market independently.²² Homeward DC, the Interagency Council on Homelessness's (ICH) strategic plan for making homelessness in the District "rare, brief, and non-recurring" by this year, 2020, has yet to accomplish all of its goals: Even without a pandemic, the District was far from ending chronic homelessness among individuals and families by the end of 2017.²³

¹⁷ DC Council LIMS, "B23-0038 - Racial Equity Achieves Results Amendment Act of 2019 (now known as "Racial Equity Achieves Results (REACH) Amendment Act of 2020")," <https://lms.dccouncil.us/Legislation/B23-0038> (last visited December 3, 2020).

¹⁸ See Kate Coventry, "What's in the Approved Fiscal Year 2021 Budget for Homeless Services?" DC Fiscal Policy Institute (October 2, 2020), available at <https://www.dcfpi.org/wp-content/uploads/2020/10/Whats-In-the-Approved-Fiscal-Year-2021-Budget-for-Homeless-Services.pdf>. Admittedly access to luxury units using vouchers is only possible if the Neighborhood Payment Standard is even high enough for the voucher to sufficiently cover the rent and if other barriers to entry, such as criminal history or credit score, are not prohibitive impediments.

¹⁹ DCHA, "District of Columbia Housing Authority 2019 Oversight and Performance Hearing...Responses to Pre-Hearing Questions" at 16, available at <https://dccouncil.us/wp-content/uploads/2020/03/dcha.pdf>.

²⁰ See, e.g., The Community Partnership, "Daily Census 12-1-20" (December 1, 2020) (showing the daily numbers for people in singles' shelters throughout DC).

²¹ See, e.g., Washington Legal Clinic for the Homeless, "Our neighbors were displaced in the middle of winter. DC can and must do better." (January 31, 2020), <https://www.legalclinic.org/our-neighbors-were-displaced-in-the-middle-of-winter-dc-can-and-must-do-better/>; see also People for Fairness Coalition and Serve Your City, "Ask Yourself: Do all human beings deserve a safe place to live?" <https://syc-dc.org/campaigns/unhoused/> (last visited December 3, 2020).

²² See, e.g., Lilah Burke, "Seeing Double: DC drastically reduces the number of people in shelter as more double up," Street Sense Media (October 1, 2019), <https://www.streetsensedia.org/article/dc-homeless-family-prevention-program/#.X8kkG81Kg2w>.

²³ See, e.g., District of Columbia Interagency Council on Homelessness, "Homeward DC: ICH Strategic Plan 2015 - 2020," <https://ich.dc.gov/page/homeward-dc-ich-strategic-plan-2015-2020> (last visited December 3, 2020); The Community Partnership for the Prevention of Homelessness, "2020 Point-in-Time Count" at 10-11 (June 10, 2020), available at <https://community-partnership.org/wp-content/uploads/2020/07/PointinTime2020.pdf> (showing population of people experiencing homelessness in DC in 2020).

So how does additional unrestrained growth affect the individuals and families who are currently in our homeless services system? The way we have seen the growth of DC most intimately impact our clients has been by increased, sometimes permanent, encampment sweeps in gentrifying neighborhoods due to complaints on neighborhood listservs (ex. NoMa) and cases of clients discriminated against when attempting to access Class A apartments using vouchers. We have few cases of clients with vouchers, including rapid rehousing, who have been able to access any of the many new builds. Even if Council believes in supply and demand theory – the idea that building more housing to meet a growing demand will reduce housing costs and allow for people with lower incomes to access the housing market presumably without a voucher – how long do we wait for the tipping point to occur that causes housing costs to decline? How does new growth affect the immediate demand shown in the voucher waitlist and shelter numbers? We have seen some decreases in rental costs as a result of the pandemic,²⁴ but, in concrete numbers, at what level do we expect an influx of luxury Class A units to decrease the housing costs in DC? And what happens in the meantime? How long are unhoused residents supposed to wait until the market allows them in? Will the market ever let them in? It may be that “affordable housing” was never meant to be for those with the lowest incomes in DC; few people working in the DC area with salaries aligned with national median income levels (\$68,700²⁵) likely think of themselves as “low income,” though that is how it is defined in the Comprehensive Plan. Such definitions give young professionals access to the affordable units that one would think would be for those who really have no other option, those who cannot necessarily double up with roommates to foot the bill.²⁶

UpFLUMing Along the New York Avenue Corridor

Pay close attention to the proposed changes along the New York Avenue corridor, as any development decisions will have a major impact on that area, including several shelters, which we raised in DGS oversight testimony earlier this year:

On December 5, 2019, Bisnow held an event entitled, “Welcome to New York Avenue.”²⁷

The event focused on projects coming to the area between Union Market and the Maryland

²⁴ See, e.g., Jon Banister, “D.C.-Area Apartments Had the Biggest Rent Drop This Century in Q2” (July 23, 2020), Bisnow Washington, D.C., <https://www.bisnow.com/washington-dc/news/multifamily/dc-area-apartment-rents-fell-32-as-pandemic-impact-began-in-q2-105322>.

²⁵ Jessica Semega et al., “Income and Poverty in the United States: 2019,” United States Census (September 15, 2020), <https://www.census.gov/library/publications/2020/demo/p60-270.html#:~:text=Median%20household%20income%20was%20%2468%2C703.and%20Table%20A%2D1>.

²⁶ As stated in the 2019 study assessing the need for large housing units in DC, people with vouchers are also at a competitive disadvantage to accessing larger units, as non-voucher holders can combine two to four incomes to collectively pay for a unit, while voucher holders are restricted to the limits of the subsidy. Peter A Tatian, Leah Hendey, & Scott Bruton, “An Assessment of the Need for Large Units in the District of Columbia” at iv (June 2019), available at https://dmped.dc.gov/sites/default/files/dc/sites/dmped/publication/attachments/Formatted%20FSU%20Study_FINAL%206-24_1.pdf.

²⁷ Bisnow, “Welcome to New York Avenue: The Projects and People Building Up Northeast’s Biggest Artery” (December 5, 2019), <https://www.bisnow.com/events/washington-dc/welcome-to-new-york-avenue-2395>.

border, including a fireside chat on Doug Jemal’s “visionary” plans for a place he calls “New City” and discussions on making that corridor a flourishing gateway to the city. That same corridor currently houses hundreds of families in overflow motels²⁸ and hundreds of single men at the New York Ave and Adam’s Place Men’s Shelters. New York Ave Men’s Shelter is part of the ICH’s Low Barrier Shelter Capital Improvement Plan and is set to be renovated beginning this fall or soon after (the timeline may have been pushed back). On the whole, however, shelters won’t fit well into the new development picture. We recommend this Committee monitors DMPED and DGS collaborations around government-owned buildings and land in that area, particularly in areas in or near opportunity zones, to keep apprised of any potential shifts, closures, or displacement of shelter residents as a result of changes to the New York Avenue Corridor.²⁹

Amendment ID 9815 on the Future Land Use Map stretches an almost 3-mile section of New York Avenue NE – from Florida Ave NE to just before Dakota Ave NE – in one amendment.³⁰ The proposed change would shift the map designation from Production and Technical Equipment (PROTECH) to PROTECH + high density residential (RHD) + high density commercial (CHD). While the New York Avenue corridor is now designated a Future Planning Analysis Area in the Generalized Policy Map,³¹ allowing for increased by-right development through upFLUMing gives permission and authority to private property owners to build without any prior mandated community planning.³²

²⁸ While unhoused families are no longer staying in the overflow motels, at least one hotel along the corridor is currently being used as a PEP-V site during the COVID-19 pandemic for medically vulnerable community members. *See, e.g.*, Aoife Maher-Ryan, “As the number of people in quarantine dwindles, DHS expands its use of hotel rooms to protect the most vulnerable,” Street Sense Media (November 5, 2020), <https://www.streetsensemedia.org/article/covid-coronavirus-dhs-isolation-quarantine/#.X8kTHs1Kg2w>.

²⁹ Caitlin Cocilova, “Testimony before the DC Council Committee on Facilities and Procurement Performance Oversight Hearing on the DC Department of General Services,” Washington Legal Clinic for the Homeless (February 27, 2020), available at <https://www.legalclinic.org/wp-content/uploads/2020/03/DGS-Performance-Oversight-Testimony-with-attachments-WLCH-Feb.-2020.pdf>.

³⁰ DC Office of Planning, “Comprehensive Plan Future Land Use Map,” <https://dcgis.maps.arcgis.com/apps/webappviewer/index.html?id=a20689b0eacc48beb26164c6f3980a46> (last visited December 3, 2020).

³¹ DC Office of Planning, “Comprehensive Plan Policy Map,” <https://dcgis.maps.arcgis.com/apps/webappviewer/index.html?id=0b22abce1a244973aef45d6a6cba2b33> (last visited December 3, 2020).

³² During the DC Council hearing on this Bill on November 13, 2020, OP Director Andrew Trueblood testified that a land owner could in fact go to the Zoning Commission to request an alternate use for a property along New York Ave using the new FLUM designations right after they are passed, if approved, despite a planning analysis not yet happening; however, OP would not support the development, as doing so would contradict other Comp Plan policies (ex. Land Use Policy 1.1.1).

Access to Public Space and Amenities

Access to sidewalk space, libraries, and other public amenities is critical to the communities we work with, particularly those who are unhoused and rely on public spaces for survival. When reviewing the Parks, Recreation, and Open Space; Urban Design; and Community Services and Facilities Elements in particular; Council must analyze the language with this in mind.

Environmental protections must also be reviewed through the lens of those most consistently subject to inclement weather as the result of climate change, including people living in substandard housing and on the streets.

DC GRASSROOTS PLANNING COALITION

HOUSING JUSTICE PRIORITIES

FOR THE DC COMPREHENSIVE PLAN

In the midst of an ongoing housing crisis that has led to the displacement of tens of thousands of predominantly Black DC residents, the DC Grassroots Planning Coalition (DCGPC) and partner organizations call on the DC Council to strengthen the city's Comprehensive Plan by adding policies and actions that fortify existing affordable housing programs and require community-led equitable development strategies that further racial equity.

THE COMPREHENSIVE PLAN AMENDMENT PROCESS MUST BE CONDUCTED IN COMPLIANCE WITH DC LAW. The Comprehensive Plan is DC law and a 20-year planning document.[1] The Comp Plan requires the Mayor to submit reports to DC Council[2] at least once every 4 years on the District government's progress in implementing Elements of the Plan, the Plan's Action items, and the key projected implementation activities by land use policy over the succeeding 5 years.[3] Additionally, the Mayor shall submit amendments every 4 years for Council consideration and the amendments "shall be accompanied by an environmental assessment of the proposed amendments." [4] Notwithstanding the law, the Mayor initiated a full rewrite of the entire Plan with almost 1,000 pages of edits and substantial changes to the Future Land Use and Generalized Policy Maps, and did so without progress reports on the impact of current Elements, environmental assessment of proposed amendments, or in-depth community participation in every phase of the Plan's development.

Therefore, the Coalition asks that DC Council:

1. Ensure that all Ward level amendments as well as changes to the Future Land Use and Generalized Maps proposed by the Mayor's Office of Planning are examined and discussed with affected Ward-level residents at well-publicized, open and participatory roundtables led by the Ward Councilmembers;
2. Ensure that all proposed amendments to the Citywide Elements are examined and discussed at well-publicized, open and participatory Council roundtables held by the relevant Council Committee. (For example, the Housing Element should be reviewed at a public roundtable held by the Committee on Housing and Neighborhood Revitalization and the Committee on Human Services);
3. Ensure compliance with Comprehensive Plan law and regulations, as referenced above, before considering and voting on the substantial changes proposed by the Mayor. No Council vote should be taken without knowing in detail the impacts of the current Elements and their Action items on housing, land use, economic development, and all other facets of social, economic, and physical development influenced by the Comprehensive Plan.[5]

THE COMPREHENSIVE PLAN MUST PROACTIVELY ADDRESS DC'S HOUSING CRISIS BY STRENGTHENING THE FOLLOWING POLICIES:

RENT CONTROL:^[6] Rent control, also known as rent stabilization, is a popular affordable housing program. Rent control does not subsidize housing providers or tenants; rather, the program limits rent increases by tying them to increases in the Consumer Price Index (CPI).^[7] The Housing Element of the Comprehensive Plan must articulate the goals of: (1) expanding the number of rent-stabilized units, including extending coverage to buildings built after 1975; and (2) strengthening the law to close loopholes that have led to continuous erosion in the number of housing units and exorbitant rental increases in units subject to rent stabilization. Additionally, the Housing Element must mandate adherence by housing providers to DC's housing habitability laws. Finally, the Element should prohibit any District action that would siphon off rent-controlled inventory into other affordable housing programs, such as Section 8 voucher programs and Inclusionary Zoning, or use rent control as a substitute for preserving public housing.

PUBLIC HOUSING: The Comprehensive Plan, as amended, must continue the District's commitment to public housing. This means that Comp Plan amendments must require action on maintenance, preservation, and redevelopment of existing public housing and the building of additional public housing to accommodate the District's 51,000 extremely low-income renter households^[8] (31% of all renter households and at or below 30% MFI) who can afford at most just over \$900 monthly rent.^[9]

Accordingly, the Housing Element must include the following policies and goals: (1) fully fund repair and renovation of deteriorating public housing units; (2) require 1-for-1 replacement of public housing units and more when increasing site density, with no loss of family size multi-bedroom units; (3) ensure no new barriers to residents' return and true affordability based on the HUD standard of 30% of income for housing expenses; (4) use a mandatory build first model to prevent displacement, strengthen anti-discrimination enforcement during periods of relocation, and cover residents' relocation and return costs; (5) create an enforceable right of return of displaced public housing residents; (6) reinstate the goal to create a minimum of 1,000 new, additional public housing units over the next ten years;^[10] (7) retain public ownership and control of publicly owned housing and developments; (8) mandate that public housing resident-led organizations share decision making authority in all phases of redeveloping public housing; (9) incorporate community development strategies that improve the economic condition of residents such as equity for and home ownership by public housing residents, land trusts, cooperatives, and worker-owned businesses; and (10) remove barriers to the ability of returning citizens to live in public housing.

SUBSIDIZED HOUSING: Housing DC's low wage workers, seniors, people with disabilities and other low-income households must be recognized as those with the need for increasing housing capacity overall. To do so requires expanding the Local Rent Supplement Program (LRSP) -which provides ongoing rental subsidies to make housing affordable to extremely low-income families - with the aim of realizing the 2006 Comprehensive Housing Strategy Task Force goal

of 14,600 locally funded rental subsidies in the District by 2020.[11] Additionally, the District must purchase expiring Section 8 projects to maintain operating subsidies. Transfer of expiring Section 8 projects should be made only to developers who agree to lifetime affordability requirements. The District must continue real property tax abatements as an incentive to preserve expiring project-based Section 8 facilities. Funding must be increased for the Housing Production Trust Fund, the main source of funding for the Tenant Opportunity to Purchase Act (TOPA) and District Opportunity to Purchase Act (DOPA) programs, which must provide opportunities to tenants and tenant associations to own and manage their housing units. The District must adopt the policy that affordable housing created and preserved with public financing be protected by lifetime affordability restrictions and monitored to prevent transfer to non-qualifying households while still allowing residents to build equity which can result in concrete wealth growth.

ENDING HOUSING INSTABILITY AND SUPPORTING THE UNHOUSED: The Comprehensive Plan must combine policies and actions in the Housing, Land Use, and Economic Development Elements to end homelessness in the District. Additionally, the Comp Plan must contain specific, concrete goals to end homelessness and identify clear deadlines for accomplishing the goals.[12] This includes endorsing the housing production goals set by Homeward DC[13] targeted for the unhoused that called for the production of more than 4000 permanent supportive housing units for the chronically homeless and an additional 2000 units of permanent housing for households who experience temporary homelessness or are at risk of becoming homeless by 2020.[14] Moreover, given the impending eviction crisis due to COVID-19, the District must proactively prevent homelessness by increasing investment in the Emergency Rental Assistance Program (ERAP), negotiating with landlords to forgive rental arrearages, and identifying vacant residential units to immediately house people experiencing homelessness who are most susceptible to COVID-19 in congregant settings.[15]

COMMUNITY-LED EQUITABLE DEVELOPMENT: The amended Comprehensive Plan must expressly endorse community-led and racially equitable development and augment pending Council legislation titled Racial Equity Achieves Real Change Amendment Act[16] by advancing the creation of an office to guide community-led and racially equitable development, defining clear directives for implementing equitable development, and setting forth procedures for monitoring and enforcing desired outcomes.

Equitable development is defined as development in which low wealth Black and brown communities and other working class communities fully participate from the beginning to ensure that the infrastructure and services they determine to be needed for their communities to grow and prosper are foremost features of the development.[17] Community Economic Development (CED) recognizes that neighborhood investment begins with investing in the capacity of low income residents to own, manage, maintain, and ultimately replicate the development process, leading to a significant shift in economic condition and overall power. To date, the development projects receiving generous taxpayer subsidies and assistance have primarily benefited new and wealthier residents while failing to adequately respond to the basic human needs of existing

markets and residents with “the false promise of trickle-down benefits that justify orienting development around the needs of well-heeled populations.”[18]

Accordingly, the Comprehensive Plan must adopt a new Community-Led Equitable Development model that mandates full participation by long-term community members with a record of community involvement. The process must start with organizing residents around engagement in small area community development plans as a principal measure of expression of community preferences. The Comprehensive Plan must expressly endorse providing significant equity to existing community members, particularly public housing residents, allowing them to withstand displacement and improve their economic standing. To support racially equitable development, the Comprehensive Plan must endorse shared equity models of homeownership such as community land trusts, deed-restricted housing programs, and limited equity housing cooperatives as they balance preservation of affordability with wealth creation.[19]

As the guiding document for development in the city, it is critical that the amended Comprehensive Plan reflect the realities and priorities that we face in the District. The issues of racial inequity must be tackled head-on in specific, actionable Comprehensive Plan priorities.

These priorities are endorsed by:

Empower DC

Washington Legal Clinic for the Homeless

People Power Action

People for Fairness Coalition

DC Federation of Civic Associations

Federation of Citizens Associations of the District of Columbia

NCBL-DC Unhoused Collective

Plymouth Congregational UCC Board of Social Action

Committee of 100 on the Federal City

Us Helping Us, People Into Living

DC Statehood Green Party

Washington Teachers Union

National Lawyers Guild - DC Chapter

DC for Democracy

The Platform of Hope

Brookland Manor Coalition

Brookland Manor Brentwood Village Residents Association

SW DC Action

Southwest Voice: The People's Paper

Serve Your City/Ward 6 Mutual Aid

Save McMillan Action Coalition

Dupont East Civic Action Association

Dupont Circle Citizens Association

Ryan Linehan, Commissioner ANC 5D01

Ra Amin, Commissioner ANC 5B04
Janice Ferebee, Commissioner ANC 2F08
Tiffani Johnson, Commissioner ANC 4B06
Renee Bowser, Commissioner ANC 4Do2

[1] DC Code §1-306.01 (2020).

[2] DC Council shall schedule a public hearing on the Mayor's progress report and following review issue findings to the Mayor and a copy of the public testimony. Id. at §1-306.04(b).

[3] DC Code §1-306.04(b), (c) (2020).

[4] DC Code §1-306.04(d) (2020).

[5] DC Code §1-306.01(b) (2020).

[6] The Rental Housing Act of 1985, DC Code §§42-3501.01-3502.24 (2020) was enacted to cover 5-unit and larger residential properties whose permits to build issued by 1975. Yesim Taylor, History of Rent Control in the District of Columbia, D.C. Policy Center, April 1, 2020 at 2. Rent control was legislated to protect low- and moderate-income tenants from the erosion of their income from increased housing costs and protect the existing supply of rental housing from conversion to other uses. DC Code §42-3501.02(1), (3) (2020). Purposes.

[7] DC Code §42-3502.08 (2020) Increases above base rent.

[8] Housing Needs by State 2020/District of Columbia, National Low Income Housing Coalition, (<https://nlihc.org/housing-needs-by-state>)

[9] Out of Reach 2020, District of Columbia, National Low Income Housing Coalition, July, 2020, (<https://reports.nlihc.org/oor/district-columbia>)

[10] 506.17 Action H-1.4.E: Additional Public Housing in current Comprehensive Plan Housing Element is removed in Office of Planning's proposed April, 2020 amendments submitted to DC Council.

[11] Homes for an Inclusive City, A Comprehensive Housing Strategy for Washington, D.C., Executive Summary, DC Government-Brookings Institute, June 13, 2006 at 8. (https://www.brookings.edu/wp-content/uploads/2016/06/housingstrategy_fullreport.pdf) The 2006 Housing Strategy stated that DC "should directly assist an additional 14,600 extremely low-income renter households by adopting a local rent supplement program." The LRSP was set forth as a supplement to the goal of 55,000 additional units by 2020, including at least 19,000 affordable units. Id.

[12] Homelessness in Metropolitan Washington: Results and Analysis from the Annual Point in Time (PIT) Count of Homeless Persons, June 10, 2020, Metropolitan Washington Council of Governments, (<https://www.mwcog.org/documents/2020/06/10/homelessness-in-metropolitan-washington-results-and-a-analysis-from-the-annual-point-in-time-pit-count-of-homeless-persons-featured-publications-homelessness/>) There were 6380 residents identified as experiencing homelessness as of the January, 2020 point in time (PIT) street count.

[13] District of Columbia Interagency Council on Homelessness, Homeward DC Strategic Plan 2015-2020, DC, 2015.

[14] Id. at 31 and Table 11: System Conversion-Annual Projections for Single Adult System Inventory shows the change in inventory needed to get to a right-sized system. Given that Homeward DC earmarks production of 6000 housing units targeted specifically for the unhoused and those on the brink of homelessness and the 2006 Homes for An Inclusive City called for 19,000 affordable units by 2020, Homes for an Inclusive City A Comprehensive Housing Strategy for Washington D.C., Comprehensive Housing Strategy Task Force, 2006 at 3. (https://www.brookings.edu/wp-content/uploads/2016/06/housingstrategy_fullreport.pdf), the Mayor's goal to produce 12,000 affordable housing units (up to 80% MFI) by 2025, contained in DCHCD, DCOP, Housing Equity Report: Creating Goals for Areas of Our City, October, 2019, (https://housing.dc.gov/sites/default/files/dc/sites/housingdc/page_content/attachments/Housing%20Equity%20Report%2010-15-19.pdf), marks a significant reduction in previous affordable housing goals, is wholly inadequate, and must be increased.

[15] Office of Revenue Analysis, DC Economic and Revenue Trends: December, 2019 OCFO, Dec., 2019 at 9 (As of November 15, 2019, there were nearly 10,000 vacant residential units in DC). (https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/DC%20Economic%20and%20Revenue%20Trend%20Report_December%202019.pdf)

[16] B23-0038, March 11, 2020.

[17] See generally Carlton Eley, Planning for Equitable Development: Social Equity by Design, American Planning Association, March/April 2017. (<http://planning-org-uploaded-media.s3.amazonaws.com/document/PASMEMO-2017-03-04.pdf>)

[18] Id. at 2.

[19] Evidence Matters, Shared Equity Models Offer Sustainable Homeownership, PD&R, U.S. Dept. of HUD, Fall, 2012. (<https://www.huduser.gov/portal/periodicals/em/fall12/highlight3.html>)