

## HELP GROWING COMMUNITIES CREATE HOUSING FOR ALL RESIDENTS

### SUPPORT SB 290 (McClellan) – Increasing flexibility for localities that need affordable housing

**The Problem** – High housing costs are forcing too many families in Virginia to forego important things like nutritious food and preventive health care. With Virginians paying a median monthly rent of \$1100<sup>1</sup>, it's easy to understand why over thirty per cent of them spend more than one third of their income on housing costs.<sup>2</sup>

**The Solution** – There are many different ways to meet the need to provide safe and stable housing for residents at all income levels. **One way a locality can help to ensure adequate housing for people across income levels is to enact affordable dwelling unit (ADU) ordinances.** ADU ordinances incentivize the creation of housing affordable to people at all income levels by providing a density bonus in exchange for creating a certain percentage of units available at below market rate. These units are then sold or rented to people who earn less than a certain amount of income.

Virginia law authorizes very limited use of ADU ordinances through a confusing and cumbersome statutory scheme that allows mandatory ADU ordinances only for residential development requesting an upzoning or special exemption.<sup>3</sup> However, a different Virginia law<sup>4</sup> allows a few localities (all but one in Northern Virginia) more freedom to craft ADU ordinances, including the freedom to pass ordinances that require all developers to create a certain number of affordable units in exchange for density bonuses. One of these localities is Fairfax County, which produced over 2400 units of affordable housing between 1992 and 2011.<sup>5</sup>

ADU ordinances work best in localities that are experiencing rapid growth, as Fairfax County has over the past several decades. But many of the localities currently experiencing rapid growth, such as Fredericksburg and Culpeper<sup>6</sup>, are limited by Virginia law and cannot pass the type of effective ADU ordinance Fairfax County used to create its affordable units. **These rapidly growing localities need the freedom to craft whatever type of ADU ordinance allows them to create housing for all their residents. SB290 GIVES LOCALITIES THAT FREEDOM BY BRINGING THEM ALL UNDER THE ENABLING LEGISLATION THAT NOW APPLIES ONLY TO THOSE FEW, MOSTLY NOVA, LOCALITIES.**

**The Virginia Municipal League, the Virginia Association of Counties, the Virginia Housing Alliance and Housing Opportunities Made Equal join the Virginia Poverty Law Center in supporting SB290.**

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<sup>1</sup> U.S. Census Bureau, Median Gross Rent 2012-2016, <https://www.census.gov/quickfacts/fact/chart/VA/HSG860216#viewtop>

<sup>2</sup> <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>

<sup>3</sup> Va. Code 15.2-2305 This section also allows localities to pass “voluntary” ADU ordinances through which developers can get a density bonus if they choose to create affordable units.

<sup>4</sup> Va. Code 15.2-2304 applies to Albemarle, Arlington, Fairfax County, Loudon, Alexandria, Fairfax City

<sup>5</sup> National Low Income Housing Coalition, <http://nlihc.org/article/case-study-long-term-programs-contributes-understanding-inclusionary-zoning>. Rent for affordable units in Fairfax County can be as low as \$804 for an efficiency.

<sup>6</sup> 10 Fastest Growing Cities in Virginia For 2018, <https://www.homesnacks.net/fastest-growing-cities-in-virginia-127107/>



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