

City of Alexandria, Virginia

MEMORANDUM

DATE: FEBRUARY 21, 2012

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: RASHAD M. YOUNG, CITY MANAGER

SUBJECT: RESPONSE TO VICE MAYOR DONLEY RE: HOUSING POLICIES AND PRACTICE TO SUPPORT ALEXANDRIANS' AGING IN PLACE

Background

The draft Aging Strategic Plan was initially reviewed by City Council at a Council work session on December 13, 2011. At the January 10 City Council meeting, Council voted to accept the draft Aging Strategic Plan and to schedule a Public Hearing on the draft Plan for February 25. Vice Mayor Donley requested that staff provide additional information to Council prior to the public hearing addressing how the City might support seniors' "aging in place" or "aging in community" through adoption of policies related to accessible housing and accessory units. Staff from the Department of Community and Human Services (DCHS), the Office of Housing, Planning and Zoning, and Code Administration collaborated in responding to Vice Mayor Donley's request. This memo addresses 1) existing regulations, policies, programs, and proposals related to accessible housing and accessory dwelling units in the City; 2) information about approaches and strategies other local jurisdictions use to address residents aging in place/aging in community; 3) findings from the literature on best practices for communities that are attempting to support aging in community; and 4) recommendations about future steps that the City could consider to encourage opportunities for seniors to age in place.

Existing Regulations, Policies, Programs and Proposals Related to Accessible Housing and Accessory Dwelling Units*The Fair Housing Act*

The federal Fair Housing Act, as amended in 1988, prohibits housing discrimination on the basis of race, color, religion, sex, disability, familial status, and national origin. This Act pertains to private housing, housing that receives Federal financial assistance, and state and local government housing. The Fair Housing Act requires landlords to allow tenants with disabilities to make reasonable access-related modifications to their private living space, as well as to

common use spaces (the landlord is not required to pay for the changes.) The Act further requires that new multifamily housing with four or more units be designed and built to allow access for persons with disabilities. This includes accessible common use areas, doors that are wide enough for wheelchairs, kitchens and bathrooms that allow a person using a wheelchair to maneuver, and other adaptable features within the units. The issue of four or more units in a building being fully accessible is therefore covered under this Federal law.

Planning & Zoning Ordinances

The Alexandria zoning ordinance today permits a series of ways in which homes may be used to house older residents. Any home or apartment may provide housing for relatives. A house (or townhouse, apartment or condo) may include any number of related people together with their children as well as domestic servants, nurses, etc. and up to two roomers or boarders. If the occupants are not family members, then up to four unrelated people or two adults plus their children are allowed.

Current local zoning ordinance does not permit a second full dwelling unit on a single family lot. If a room, basement or accessory structure (other than a “granny pod”) is set up so that someone can live there separately (with a separate entrance, separate utilities and cooking facilities) then it will usually be considered a second living unit and will not be permissible. On the other hand, a certain degree of independent living, for either an elderly boarder or a relative, short of a separately functioning kitchen with stove, is already allowed in Alexandria.

Temporary living facilities, such as “granny pods” may be constructed on a single family lot if used for family members being cared for by the resident caregiver. Certain limitations apply and the structure must be removed within 30 days of the time the need for the structure ceases.

Virginia Code Requirements

Virginia Building Code requires a minimum percentage of multifamily construction to be built as “accessible” as well as a minimum percentage of such construction to be built in a way that units are considered “adaptable” to meet accessibility standards. While principles of “universal design” are increasingly discussed as a means to achieve more comprehensive accessibility, there are currently no such stipulations in State Code.

Programs/Proposals from the Alexandria Office of Housing

In the current Office of Housing draft Master Housing Plan the goal for *Elderly Persons and Persons with Disabilities* is to “Promote housing stability for elderly renters and homeowners and enable elderly persons to successfully age in place.” Current programs that facilitate this goal include:

Rental Accessibility Modification Program (RAMP): This is a program offered to seniors and disabled renters with incomes at or below HUD's moderate-income limits who are living in privately owned rental properties and require accessibility modifications. The City also offers a mini-grant component of the RAMP Program which provides grants of up to \$1,500 to assist renters with minor home modifications that are needed to improve accessibility. These grants are often paired with VHDA's Accessibility Grants program.

Home Rehabilitation Loans: This program enables owner-occupants who meet the HUD low income guidelines to correct code violations and structural problems and to enhance the value and livability of their attached or detached single-family homes.

Accessibility Grants Administered through Virginia Housing Development Authority (VHDA): Up to \$1,800 per rental unit is available to tenants with disabilities who earn 80% or less of the area median income (AMI). Depending upon the location, 80% of AMI in Virginia ranges from \$36,100 to \$57,500 for a family of four.

Rent Relief and Real Estate Tax Assistance: Together the Department of Community and Human Services, the Office of Housing, and the Department of Finance offer additional programs such as Rent Relief and Real Estate Tax Assistance which are important components of allowing seniors to age in the community.

In the *Accessory Dwelling Unit Policy of the Office Housing Draft Master Plan* (draft implementation tools), it is recommended that accessory dwellings be permitted under certain circumstance for the purpose of 1) the addition of affordable rental housing units to the housing stock; 2) rents that are generally lower than for comparably sized non-accessory apartments; 3) opportunity for older residents to age in place by supplementing fixed income; and 4) efficient use of existing housing stock and renewed up keep of older neighborhoods.

The draft policy recognizes the many challenges to the implementation and would anticipate significant community opposition, especially in established neighborhoods. Therefore, the draft plan details that the City could consider implementing an accessory dwelling unit policy for new construction within the new Coordinated Development Districts, as "this approach could facilitate the production of more affordable units in new planned developments while providing an opportunity for the City to assess benefits and impacts of a City-wide accessory dwelling unit program."

Other Local Jurisdictions' Approaches

City staff contacted Planning Directors in the other Northern Virginia jurisdictions to obtain information on their approaches to accessible housing and accessory dwelling units.

Fairfax County:

In Fairfax County, the County Board of Supervisors has adopted specific policies regarding accessibility and accessory dwelling units. In addition, the Policy Plan of the Fairfax County Comprehensive Plan contains language encouraging accessibility in housing design. Fairfax County implements the accessibility policy for new housing through re-zonings, where applicants may proffer to provide such housing in furtherance of County Policy. Accessory dwelling units may be approved by the Board of Zoning Appeals through a special permit. Since 1988, Fairfax County has approved 102 such special permit requests and denied a minimal number, if any. Details of Fairfax County's Zoning Ordinances and policies related to accessory structures and accessibility can be found at the following links:

<http://www.fairfaxcounty.gov/rha/accessibility.htm>

<http://www.fairfaxcounty.gov/dpz/zoningordinance/>

<http://www.fairfaxcounty.gov/dpz/zoningordinance/appendices/apx05.pdf>

Loudoun County:

Loudoun County's zoning ordinance allows accessory dwelling units in many of the zoning districts, but generally requires a minimum lot size and specifies limitations on the size of units as a percentage of the primary structure. Loudoun County currently does not have policies in place that encourage the development of accessible housing in new development.

Arlington County:

Beyond the minimum number of accessible units specified under State Building Code, Arlington County has Affordable Housing Requirements for Site Plan Projects, which require a portion of new residential units to be accessible. These requirements are written into a Condition of Approval for a Site Plan Project. In addition, the Arlington County website provides a considerable amount of information, including information about State tax credits, on accessible "Smart Choice" home design.

Since 2008 Arlington County's Zoning Ordinance has allowed (through application to the Zoning Office) accessory units in single-family homes. The County also permits non-relatives to live in family/caregiver suites in single-family homes. Arlington maintains strict requirements for accessory dwellings, including a cap that restricts the number of new accessory dwellings to no more than 28 per year. Accessory dwellings are subject to annual inspections by county Code Enforcement to ensure compliance with regulations, and the homeowner is required to file an annual affidavit of compliance with the Zoning Administrator. In the affidavit, the owner restates his or her agreement to cooperate with the Zoning Administrator in enforcing the conditions of the ordinance. More detailed information about accessible housing and accessory dwelling units in Arlington County is at:

<http://www.arlingtonva.us/departments/HumanServices/AgingDisability/page70248.aspx>

<http://www.arlingtonva.us/departments/CPHD/planning/zoning/page67288.aspx>

Affordable housing and local assisted living needs are also addressed in the Arlington County Manager's proposed FY2013 budget, with a proposal to restore \$514,622 in lost HOME federal funds and a proposed addition of \$.06 million for the Mary Marshall Assisted Living Residence, a 52-bed facility serving low-income seniors with serious mental illness, intellectual and physical disabilities. This residence, which opened in November 2011 has annual operating costs totaling \$2.4 million.

Best Practices

City staff is currently researching the literature for "best practices" for communities that are trying to support aging in place and aging in community and will provide Council the findings as soon as the information is available.

Recommendations

In regard to increasing accessible housing in new multifamily development, City staff from the DCHS Division of Aging, working with the Department of Planning and Zoning, can further analyze the need and appropriateness of accessible and/or adaptable dwelling units for aged and disabled individuals with the goal of arriving at desired numbers of and geographic locations for such units. This information could then be shared with applicants for new development. While seeking accessible and adaptable units in new development will mean a lower number of units, and may increase the cost of the development, Council could consider whether to pursue this as one of the community benefits sought through the development process.

As mentioned, current zoning regulations do allow now for the placement of "granny pods" with certain limitations. In addition, the current ordinance does allow some flexibility for caregivers and seniors alike to live somewhat independently as part of a single dwelling unit. Therefore, at this time, staff believes that existing language in the zoning ordinance is satisfactory in regard to accessory dwelling units.

- cc: Debra R. Collins, Assistant City Manager
- L. Michael Gilmore, Director, Department of Community and Human Services
- Faroll Hamer, Director, Department of Planning and Zoning
- John Catlett, Director, Department of Code Administration
- Mildrilyn Davis, Director, Office of Housing
- Carol Layer, Director, DCHS Center for Adult Services